TITLE: FEDERAL REGISTER.

REEL NO: 7 OF 7

VOLUME: 52 ISSUES: 238-251

DATE: December 11 - December 31, 1987

PUBLICATION NO: 2575

NOTES: Includes:

- JUNE - DECEMBER 1987 LSA

The paper and ink used in the original material affect the quality of the micro-edition. This reproduction is made from the best copy available.

THIS PERIODICAL MAY BE COPYRIGHTED, IN WHICH CASE THE CONTENTS REMAIN THE PROPERTY OF THE COPYRIGHT OWNER. THE MICROFORM EDITION IS REPRODUCED BY AGREEMENT WITH THE PUBLISHER. DUPLICATION OR RESALE WITHOUT PERMISSION IS PROHIBITED.

UNIVERSITY MICROFILMS INTERNATIONAL, ANN ARBOR, MICHIGAN

VOL
52
ISS
238
DE
11
1987
UMI

12-11-87
Vol. 52 No. 238

federal register

Friday
December 11, 1987

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
52
ISS
238
DE
11
1987
UMI

12-11-87
Vol. 52 No. 238
Pages 46983-47364

federal register

Friday
December 11, 1987

BEST COPY AVAILABLE

VOL 52 ISS 238 DEC 11 1987 UMI

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $188.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	275–3328
Problems with public subscriptions	275–3054

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	275–3328
Problems with public single copies	275–3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5240
Magnetic tapes	275–3328
Problems with Federal agency subscriptions	523–5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 52, No. 238
Friday, December 11, 1987

African Development Foundation
PROPOSED RULES
Acquisition regulations, 47033

Agricultural Marketing Service
See also Packers and Stockyards Administration
RULES
Lemons grown in California and Arizona, 46984
Oranges (navel) grown in Arizona and California, 46983

Agricultural Stabilization and Conservation Service
PROPOSED RULES
Warehouse regulations:
Cotton warehouses; definitions, financial requirements, warehouse bonds, etc., 47009

Agriculture Department
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Cooperative State Research Service; Farmers Home Administration; Forest Service; Packers and Stockyards Administration

Air Force Department
NOTICES
Meetings:
Scientific Advisory Board, 47037, 47038
(3 documents)

Animal and Plant Health Inspection Service
PROPOSED RULES
Poultry improvement:
National Poultry Improvement Plan General Conference Committee; meeting, 47014

Commerce Department
See National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission
PROPOSED RULES
Hybrid and related instruments, 47022
NOTICES
Contract market proposals:
Chicago Board of Trade—
Four- to six-year Treasury Note, 47036

Consumer Product Safety Commission
NOTICES
Meetings; Sunshine Act, 47095
(2 documents)

Cooperative State Research Service
NOTICES
Grants; availability, etc.:
Rangeland research program, 47363

Defense Department
See also Air Force Department
RULES
Acquisition regulations:
Contract financing; provisional delivery payments, 47005
Personnel:
Enlisted administrative separations, 46997
PROPOSED RULES
Civilian health and medical program of uniformed services (CHAMPUS):
Custodial care, 47029
NOTICES
Meetings:
Strategic Defense Initiative Advisory Committee, 47037
(2 documents)

Economic Regulatory Administration
NOTICES
Electricity export and import authorizations, permits, etc.:
Washington Water Power Co., 47038

Employment and Training Administration
NOTICES
Adjustment assistance:
Ames Oil & Gas Corp., 47061
Continental Can Co., 47061
Craddock-Terry Shoe Corp., 47062
General Electric Co., 47062
General Motors Corp., 47063
National Standard, 47063
Tru-Weld Grating, Inc., 47064

Employment Standards Administration
NOTICES
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 47060

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission

Environmental Protection Agency
PROPOSED RULES
Air pollution control; fuel and fuel additives and new motor vehicles and engines, etc.:
Gasoline and alcohol blends volatility, evaporative emissions, and refueling emissions, 47032
Air pollution; standards of performance for new stationary sources:
Volatile organic compounds (VOC) emissions—
Polypropylene, polyethylene, polystyrene, and poly(ethylene terephthalate) manufacturing industry, 47032
NOTICES
Clean Water Act:
Class II administrative penalty assessments, 47047
Environmental statements; availability, etc.:
Agency statements—
Comment availability, 47048
Weekly receipts, 47048
Water pollution control:
Disposal site determinations—
Hackensack Meadowlands, Carlstadt, NJ, 47050

Executive Office of the President
See Trade Representative, Office of United States

VOL 52 ISS 238 DE 11 1987 UMI

Farmers Home Administration
RULES
Program regulations:
Fire and rescue loans
Correction, 47097

Federal Aviation Administration
RULES
Airport radar service areas, 47304, 47308
(2 documents)
Airworthiness directives:
Aerospatiale, 46985
Boeing, 46986
British Aerospace, 46987–46989
(3 documents)
Fokker, 46990
Messerschmitt-Bolkow-Blohm GmbH, 46991
Short Brothers Ltd., 46995
Transition areas, 46995, 46996
(2 documents)
VOR Federal airways, 46997
PROPOSED RULES
Airworthiness directives:
British Aerospace, 47015
Fokker, 47016
Control zones and transition areas, 47017
Restricted areas, 47021
Transition areas, 47018, 47019
(2 documents)
VOR Federal airways, 47020

Federal Communications Commission
RULES
Radio stations; table of assignments:
California, 47004
Missouri, 47004
Television stations; table of assignments:
Ohio, 47004
PROPOSED RULES
Radio stations; table of assignments:
Montana, 47032
Television stations; table of assignments:
Florida, 47033
NOTICES
Common carrier services:
Cellular markets applications filing information (Cumberland, MD-WV, and Hagerstown, MD), 47050
Meetings:
Radio Broadcasting Advisory Committee, 47051
Applications, hearings, determinations, etc.:
Madlock, Darryl, et al., 47052
Seraphim Corp., 47052

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Arkansas Power & Light Co. et al., 47038
Small power production and cogeneration facilities; qualifying status:
Inland Steel Co. et al., 47039
Applications, hearings, determinations, etc.:
Algonquin Gas Transmission Co., 47040
ANR Pipeline Co., 47040, 47041
(2 documents)
Cook Inlet Pipe Line Co., 47041
El Paso Natural Gas Co., 47041
Midwestern Gas Transmission Co., 47042
Mississippi River Transmission Corp., 47042
Northern Natural Gas Co., 47043
Northwest Pipeline Corp., 47043
Pacific Gas Transmission Co., 47043
Panhandle Eastern Pipe Line Co., 47044
South Georgia Natural Gas Co., 47044
Texas Eastern Transmission Corp., 47044
Texas Gas Transmission Corp., 47045
Transcontinental Gas Pipe Line Corp., 47045
Transwestern Pipeline Co., 47046
United Gas Pipe Line Co., 47047
Williston Basin Interstate Pipeline Co., 47047

Federal Highway Administration
PROPOSED RULES
Motor carrier safety regulations:
Commercial driver testing and licensing standards, 47326

Federal Home Loan Bank Board
NOTICES
Meetings; Sunshine Act, 47095
(2 documents)

Federal Maritime Commission
NOTICES
Agreements filed, etc., 47052
Meetings; Sunshine Act, 47095

Federal Reserve System
RULES
Membership of State banking institutions (Regulation H):
Competitive Equality Banking Act; implementation—
Agricultural loan loss amortization, 46984
PROPOSED RULES
Availability of funds and collection of checks, etc. (Regulations CC and J):
Expedited Funds Availability Act; implementation, 47112
NOTICES
Expedited Funds Availability Act; implementation:
Check collection system; long-term improvements, 47176
Federal Reserve bank services for check collection and return, 47171

Food and Drug Administration
RULES
Human drugs:
Antibiotic drugs—
Topical antimicrobial drug products (OTC); final monograph, 47312
NOTICES
Human drugs:
Current good manufacturing practices—
Compressed medical gases; compliance policy guide availability, 47056

Forest Service
NOTICES
Soil quality monitoring guidelines; availability, 47036

General Services Administration
RULES
Acquisition regulations:
Prompt payment discounts, 47005
Supplies and services order form (GSA Form 300), 47006

Health and Human Services Department
See also Food and Drug Administration; Health Care Financing Administration; Human Development Services Office; National Institutes of Health

NOTICES
Agency information collection activities under OMB review, 47052
Organization, functions, and authority delegations:
Public Health Service, 47053

Health Care Financing Administration
RULES
Medicaid and medicare:
Peer review organizations (PRO), utilization and quality control—
Risk-basis health maintenance organizations and competitive medical plans; quality of care; correction, 47003
Medicare:
Health maintenance organizations; Federal requirements; rules redesignated from PHS
Correction, 47003

Human Development Services Office
NOTICES
Grants; availability, etc.:
Social services block grant program; Federal allotments to States, 47056

Indian Affairs Bureau
NOTICES
Land transfers:
White Earth Reservation, MN, 47057

Interior Department
See also Indian Affairs Bureau; Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office
RULES
Hearings and appeals procedures:
Appellate and other review proceedings; power of Secretary and Director
Correction, 47097

Interstate Commerce Commission
NOTICES
Agreements under sections 5a and 5b; applications for approval, etc.:
Intermountain Tariff Bureau, Inc., 47059
Midwest Motor Carriers Association, 47059
Motor carriers:
Compensated intercorporate hauling operations, 47060

Justice Department
NOTICES
Privacy Act; systems of records, 47182

Labor Department
See Employment and Training Administration; Employment Standards Administration; Occupational Safety and Health Administration

Land Management Bureau
NOTICES
Land use plans:
Idaho, 47058

Legal Services Corporation
NOTICES
Meetings; Sunshine Act, 47095

National Credit Union Administration
PROPOSED RULES
Federal credit unions:
Other applications, 47014

National Institutes of Health
NOTICES
Meetings:
National Cancer Institute, 47057

National Labor Relations Board
PROPOSED RULES
Health care industry; collective-bargaining units, 47029

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Atlantic surf clam and ocean quahog, 47008
PROPOSED RULES
Fishery conservation and management:
Atlantic mackerel, squid, and butterfish, 47034

National Park Service
NOTICES
Meetings:
Upper Delaware Citizens Advisory Council, 47058

Nuclear Regulatory Commission
NOTICES
Applications, hearings, determinations, etc.:
Cleveland Electric Illuminating Co. et al., 47064
Tennessee Valley Authority, 47065

Occupational Safety and Health Administration
PROPOSED RULES
Safety and health standards:
Hepatitis B virus and human immunodeficiency virus (AIDS); occupational exposure
Correction, 47097

Office of United States Trade Representative
See Trade Representative, Office of United States

Packers and Stockyards Administration
NOTICES
Stockyards; posting and deposting:
Stegall's Livestock and Auction Barn, NC; correction, 47036

Postal Service
RULES
Organization and administration:
Miscellaneous organizational changes, 46998

Public Health Service
See Food and Drug Administration; National Institutes of Health

Research and Special Programs Administration
NOTICES
Hazardous materials:
Applications; exemptions, renewals, etc., 47089
(2 documents)

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 47096
Applications, hearings, determinations, etc.:
Prudential-Bache Capital Partners I, L.P., et al., 47066

Russell Insurance Funds, Inc., 47069

Small Business Administration
NOTICES
Disaster loan areas:
Texas, 47071

State Department
NOTICES
Meetings:
Oceans and International Environmental and Scientific Affairs Advisory Committee, 47071

Surface Mining Reclamation and Enforcement Office
RULES
Initial and permanent regulatory programs:
Fish and wildlife resources information and planning requirements, etc., 47352

Trade Representative, Office of United States
NOTICES
Brazil:
Informatics policy; unfair trade practices, 47071

Transportation Department
See also Federal Aviation Administration; Federal Highway Administration; Research and Special Programs Administration
RULES
Organization, functions, and authority delegations:
Commandant of the U.S. Coast Guard; superfund responsibilities, 47007
Federal Highway Administrator; Interstate H-3 construction, HI
Correction, 47097

Treasury Department
NOTICES
Agency information collection activities under OMB review, 47092
(3 documents)

United States Information Agency
PROPOSED RULES
Audiovisual materials; world-wide free flow (export-import)
Correction, 47029

Veterans Administration
NOTICES
Agency information collection activities under OMB review, 47093
Committees; establishment, renewals, terminations, etc.:
National Vietnam Veterans Readjustment Study Scientific Advisory Committee, 47093
Meetings:
Rehabilitation Research and Development Scientific Review and Evaluation Board, 47093
Reports, program evaluations; availability, etc.:
Memorial Affairs Department, 47094

Separate Parts in This Issue

Part II
Federal Reserve System, 47112

Part III
Department of Justice, 47182

Part IV
Department of Transportation, Federal Aviation Administration, 47304

Part V
Department of Transportation, Federal Aviation Administration, 47308

Part VI
Department of Health and Human Services, Food and Drug Administration, 47312

Part VII
Department of Transportation, Federal Highway Administration, 47326

Part VIII
Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 47352

Part IX
Department of Agriculture, Cooperative State Research Service, 47363

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
907 46983
910 46984
1942 47097
Proposed Rules:
735 47009

9 CFR
Proposed Rules:
145 47014
147 47014

12 CFR
208 46984
Proposed Rules:
210 47112
229 47112
701 47014

14 CFR
39 (8 documents) 46985–46995
71 (5 documents) 46995–46997, 47304, 47308
Proposed Rules:
39 (2 documents) 47015, 47016
71 (4 documents) 47017–47020
73 47021

17 CFR
Proposed Rules:
34 47022

21 CFR
333 47312
369 47312

22 CFR
Proposed Rules:
502 47029

29 CFR
Proposed Rules:
103 47029
1910 47097

30 CFR
779 47352
780 47352
783 47352
784 47352
816 47352
817 47352

32 CFR
41 46997
Proposed Rules:
199 47029

39 CFR
224 46998
225 46998
226 46998
227 46998
228 46998
229 46998

40 CFR
Proposed Rules:
60 47032
80 47032
86 47032
600 47032

42 CFR
417 47003
466 47003
476 47003

43 CFR
4 47097

47 CFR
73 (3 documents) 47004
Proposed Rules:
73 (2 documents) 47032, 47033

48 CFR
232 47005
532 47005
552 47005
553 47006
Proposed Rules:
5706 47033

49 CFR
1 (2 documents) 47007, 47097
Proposed Rules:
383 47326

50 CFR
652 47008
Proposed Rules:
655 47034

VOL 52 ISS 238 DEC 11 1987 UMI

VOL
52
ISS
238
DE
11
1987
UMI

Rules and Regulations

Federal Register
Vol. 52, No. 238
Friday, December 11, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 663]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 663 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period December 11 through December 17, 1987. Such action is needed to balance the supply of fresh navel oranges with the demand for such oranges during the period specified due to the marketing situation confronting the orange industry.

DATES: Regulation 663 (§ 907.963) is effective for the period December 11 through December 17, 1987.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2528–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5120.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order 907 (7 CFR Part 907), as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of the use of volume regulations on small entities as well as larger ones.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that the small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 123 handlers of California-Arizona navel oranges subject to regulation under the navel oranges marketing order, and approximately 4,065 producers in California and Arizona. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $100,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The great majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

This action is consistent with the marketing policy for 1987–88 adopted by the Navel Orange Administrative Committee (Committee). The Committee met publicly on December 8, 1987, in Visalia, California, to consider the current and prospective conditions of supply and demand and recommended, by a 6 to 4 vote, a quantity of navel oranges deemed advisable to be handled during the specified week. The Committee reports that the market for navel oranges is fair.

Based on consideration of supply and market conditions, and the evaluation of alternatives to the implementation of prorate regulations, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. To effectuate the declared purposes of the Act, it is necessary to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

For the reasons set forth in the preamble, 7 CFR Part 907 is amended as follows:

PART 907—[AMENDED]

1. The authority citation for 7 CFR Part 907 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 907.963 is added to read as follows:

§ 907.963 Navel Orange Regulation 663.

The quantity of navel oranges grown in California and Arizona which may be handled during the period December 11, 1987, through December 17, 1987, is established as follows:

(a) District 1: 1,656,000 cartons;
(b) District 2: 48,805 cartons;
(c) District 3: 108,000 cartons;
(d) District 4: 36,000 cartons.

Dated: December 9, 1987.

Robert C. Keeney,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87–28656 Filed 12–10–87; 8:45 am]
BILLING CODE 3410–02–M

VOL 52 ISS 238 DEC 11 1987 UMI

7 CFR Part 910

[Lemon Reg. 591]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 591 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 300,000 cartons during the period December 13 through December 19, 1987. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 591 (§ 910.891) is effective for the period December 13 through December 19, 1987.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 447-5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act", 7 U.S.C. 601-674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1987-88. The committee met publicly on December 8, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a 10 to 1 vote, a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the demand for lemons is good for smaller sizes, somewhat weaker for larger sizes.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 910.891 is added to read as follows:

§ 910.891 Lemon Regulation 591.

The quantity of lemons grown in California and Arizona which may be handled during the period December 13 through December 19, 1987, is established at 300,000 cartons.

Dated: December 9, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87-28655 Filed 12-10-87; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 208

[Regulation H; Docket No. R-0615]

Agricultural Loan Loss Amortization; Extension of Comment Period

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule with a provision for public comment; extension of comment period.

SUMMARY: The Board is extending from December 3, 1987, to January 8, 1988, the period for receipt of public comment on this rule which was published in the **Federal Register** at 52 FR 42087 (November 3, 1987). The regulation implements Title VIII of the Competitive Equality Banking Act of 1987 ("CEBA") which permits state member agricultural banks to amortize losses on qualified agricultural loans. Title VIII of CEBA requires regulations implementing Title VIII to be issued not less than 90 days after enactment, that is, by November 9, 1987. Therefore, the Board published the rule as a final rule effective November 9, 1987, for the Call Report for December 31, 1987, but allowed interested parties to comment through December 3, 1987. After receiving several requests for an extension of the comment period, the Board acting through authority delegated to its Secretary (12 CFR 265.2(a)(4)) has decided to extend the closing date to January 8, 1988.

DATE: Comments must be received by January 8, 1988.

ADDRESSES: All comments should refer to Docket No. R-0615 and should be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, or delivered to Room B-2223, 20th Street and Constitution Avenue, NW., Washington, DC, between 8:45 a.m. and 5:15 p.m. weekdays. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Rhoger H. Pugh, Manager (202) 728-5883, Stanley B. Rediger, Senior Financial Analyst (202) 452-2629, Division of Banking Supervision and Regulation (202) 728-5883; Helen Lewis (202) 452-3490, Economist, Financial Reports Section, Division of Research and Statistics; or John Harry Jorgenson, Senior Attorney (202) 452-3778, Legal Division; Board of Governors of the Federal Reserve System, Washington, DC 20551. For the hearing impaired ONLY, Telecommunications Device for the Deaf, Earnestine Hill or Dorothea Thompson, (202) 452-3544.

By order of the Board of Governors of the Federal Reserve System, December 7, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-28420 Filed 12-10-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-ASW-35; Amdt. 39-5796]

Airworthiness Directives; Aerospatiale (Societe Nationale Industrielle Aerospatiale) Model AS355 Series

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain Aerospatiale AS355 series helicopters by individual letters. The AD requires the installation of a placard on the instrument panel of these helicopters which sets forth new operating limitations associated with flight operations in certain atmospheric conditions. The AD also requires a revision to the corresponding helicopter flight manuals to specify the use of engine ice protection for operations in visible atmospheric moisture below +5 °C. The AD was needed to prevent engine failure and a subsequent emergency landing which could be hazardous.

DATES: *Effective Date:* January 27, 1988, as to all persons except those persons to whom it was made immediately effective by priority letter AD 86-24-02, issued November 21, 1986, which contained this amendment.

Compliance: Required within the next 10 hours' time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service bulletins may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (214) 641-0000, or may be examined in the Regional Rules Docket, Office of the Regional Counsel, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Wilbur F. Wells, FAA, Southwest Region, Aircraft Certification Division, Fort Worth, Texas 76193-0111, telephone (817) 624-5123.

SUPPLEMENTARY INFORMATION: On November 21, 1986, priority letter AD 86-24-02 was issued and made effective immediately as to all known U.S. owners and operators of all Aerospatiale Model AS355 series helicopters. The AD required the installation of a placard on the instrument panel to prohibit flight operations in certain ambient conditions where ice formation and subsequent ingestion into the engines may cause engine flameout. The AD also required a change to the Rotorcraft Flight Manual (RFM) Operating Limitations to specify that the engine ice protection system must be operated for flight in visible moisture when outside air temperature (OAT) is below +5 °C.

The AD was prompted by a report of nine aircraft incidents or accidents involving engine failures (flameouts) in certain atmospheric conditions which were conducive to engine inlet icing. On February 2, 1985, four flameout events occurred in the Gulf of Mexico in moisture conditions near 0 °C OAT. Two days later, two dual-engine flameouts occurred with helicopters of this type operating in the same region under similar ambient conditions. Additionally, three engine failure events (flameouts), one of which involved both engines, occurred in the United Kingdom while operating in precipitation at near 0 °C ambient temperature.

Since issuance of AD 86-24-02, Aerospatiale has developed an automatic engine reignition system which has been shown to accomplish almost instantaneous restart of the engine(s) and effective restoration of power in event of the moisture-induced flameout mode of engine failure, thus preventing the need for an emergency landing. This system is factory installed on all AS355 series helicopters beginning with Serial Number (S/N) 5362 and is eligible for retrofit in earlier helicopters if installed in accordance with modification AMS 07.1823 or corresponding Aerospatiale Service Bulletin No. 60.02 approved July 8, 1987. Accordingly, the applicability of the AD is revised to exempt these helicopters. Certain rotorcraft flight manual data are required with these systems. Certain other systems for assuring that hazardous loss of power will not occur during flight operations in these same atmospheric conditions have been approved specifically as alternate means of compliance with paragraph (a) of AD 86-24-02. These approvals, which involve continuous ignition devices, remain valid.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual priority letters issued November 21, 1986, to all known U.S. owners and operators of Aerospatiale Model AS355 series helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained from the Regional Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a); 1421, and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new AD:

VOL 52 ISS 238 DEC 11 1987 UMI

Aerospatiale (Societe Nationale Idustrielle Aerospatiale) Applies to Aerospatiale Model AS355 series helicopters constructed prior to S/N 5362, fitted with debris guards, Part Numbers (P/N) 355A58-0519-0201 and 355A58-0519-0301, and certified in any category except those helicopters equipped with an automatic engine reignition system installed in accordance with Modification AMS 07.1823 or with corresponding Aerospatiale Service Bulletin No. 80.02 approved July 8, 1987, and with basic flight manual revisions and instrument flight rules (IFR) flight manual supplements (if IFR equipped), or later FAA-approved flight manual revisions, as follows:

For the Model AS355E, basic rotorcraft flight manual, Revision 4, Code Date 87-10.

For the Model AS355F, basic rotorcraft flight manual, Revision 3, Code Date 87-10 and IFR rotorcraft flight manual supplement 11.4, Revision 3, Code Date 87-12.

For the Model AS355F1, basic rotorcraft flight manual, Revision 2, Code Date 87-10 and IFR rotorcraft flight manual supplement 11.4, Revision 1, Code Date 87-12.

Compliance is required within the next 10 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent ice accumulation in the engine inlets which could result in engine flameout, accomplish the following:

(a) Permanently attach a placard, stencil, or decal to the instrument panel in full view of the flightcrew which includes the following limitation statement: ALL FLIGHT OPERATIONS BELOW +5 °C IN ICE CRYSTALS, RAIN, MIST, DRIZZLE, CLOUDS, OR SLEET ARE PROHIBITED. FLIGHT OPERATIONS IN SNOW ABOVE −5 °C ARE PROHIBITED. IMC FLIGHTS BELOW +5 °C ARE PROHIBITED.

(b) Accomplish a pen-and-ink addition to the RFM Operating Limitations, Section 2.1, paragraph 1, to read as follows: ENGINE ANTI-ICE MUST BE OPERATED IN VISIBLE MOISTURE WHEN OAT IS BELOW +5 °C.

Upon request, an alternate means of compliance which provides an equivalent level of safety with the requirements of this AD may be used when approved by the Manager, FAA, Southwest Region, Aircraft Certification Division, ASW-100, Fort Worth, Texas 76193-0100.

This amendment becomes effective January 27, 1988, as to all persons except those persons to whom it was immediately effective by priority letter AD 86-24-02, issued November 21, 1987, which contained this amendment.

Issued in Fort Worth, Texas, on November 25, 1987.

Don P. Watson,

Acting Director, Southwest Region.

[FR Doc. 87-28447 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-NM-77-AD; Amdt. 39-5803]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Model 737 series airplanes, which requires certain modifications to improve the Instrument Landing System (ILS) immunity to electromagnetic interference (EMI). This amendment is prompted by reports of several airplane models in which EMI generated by various digital electronic equipment has been shown to be a source of false localizer signals, which can cause apparently normal operation of the localizer deviation bars when no ILS signal is present. This condition, if not corrected, could lead to erroneous ILS deviation displayed to the flight crew and abnormal operation of the autopilot.

EFFECTIVE DATE: February 1, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth J. Schroer, Aerospace Engineer, Systems and Equipment Branch, ANM-130S; telephone (206) 431-1943. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires the replacement of the weather radar receiver-transmitters, replacement of certain model VHF Navigation Receivers, and modification of the airplane wire bundle on certain Model 737 airplanes, was published in the **Federal Register** on July 2, 1987 (52 FR 25024).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter requested that the compliance period be extended from twelve months for total compliance to twelve months for aircraft modifications, and to twenty-four months for the required Line Replaceable Unit modifications. The commenter stated that this change would allow operators to maintain existing interchangeability of parts among an airline's entire fleet of aircraft and not just those affected by this AD. The FAA does not concur. The FAA appreciates the concern an operator may have in wanting to modify not only the airplanes affected by this AD action, but to modify affected spare parts and similar units installed on other airplane models in its fleet. However, the FAA has identified an unsafe condition affecting those Model 737 airplanes in service, listed in the applicability statement of this AD. The FAA has determined that 12 months is an adequate time to obtain required modification kits and accomplish the modification of the affected airplanes without compromising the safety of flight. Individual operators who decide to modify all the units to maintain interchangeability of parts in its fleet should first establish appropriate procedures to modify those planes affected by this AD within the 12-month compliance period; any further modification of its fleet or spares can be accomplished outside of this compliance period, if necessary.

In addition, the commenter pointed out that Boeing Service Bulletin 737-34A1208, Revision 1, describes the attenuator installation on non-EFIS equipped airplanes as optional. Therefore, the commenter requested that the FAA not include the installation of attenuators as part of the proposed rule for those aircraft in which such installation is listed as optional in the service bulletin. The FAA does not concur. The FAA has determined it is necessary to install a coaxial attenuator in the affected airplanes. Even thought the accomplishment instructions in the service bulletin do not reference the attenuator for each airplane group, the attenuator is part of each airplane installation. Boeing has been delivering these airplanes over a period of time in various states of modification while the final solution was being developed. Many of those airplanes were delivered with the attenuator already installed. The determination for the need for attenuators in all affected airplanes was the result of ground tests, which indicated the margin between detecting interference and being interference-free was minimal, and the confidence of interference-free operation under all possible conditions without attenuator installation was low.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 230 airplanes of U.S. registry will be affected by this AD. For 228 of the affected airplanes, it is estimated that an average of 4 manhours per airplane will be necessary to accomplish the required actions. For the remaining 2 affected airplanes, it is estimated that 74 manhours per airplane will be necessary to accomplish the required actions. The average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $42,400.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Boeing Model 737 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 737 series airplanes, specified in Boeing Service Bulletin 737-34A1208, Revision 1, dated May 14, 1987, certificated in any category. Compliance required within the next year after the effective date of this AD, unless previously accomplished.

To minimize the possibility of misleading localizer deviation indication to the flight crew caused by electromagnetic interference, accomplish the following:

A. Replace the existing weather radar receiver-transmitters with modified receiver-transmitters; install; 10 db attenuators in line with the localizer coaxial cables; if Benedix VHF navigation receivers are installed, replace with modified receivers; and, for Model 737-300 airplanes equipped with electronic flight instrument system (EFIS), modify specific wire bundles and their routing, in accordance with Boeing Service Bulletin 737-34A1208, Revision 1, dated May 14, 1987, or later FAA-approved revision.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modification required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 1, 1988.

Issued in Seattle, Washington, on November 30, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-28461 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-13-M

EFFECTIVE DATE: February 1, 1988.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Inc., Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Golder, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, which requires modification of the DC power distribution by deleting 2 wires and adding 3 wires to the auto cutout control on certain British Aerospace Model BAe-146 series airplanes, was published in the **Federal Register** on July 29, 1987 (52 FR 28276).

Interested parties have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the two comments received in response to the proposal.

Both commenters agreed with the proposal, but one stated that the compliance time should be shortened from 6 months, as proposed, to 30 days. The FAA disagrees, and has determined that a 6-month compliance time is appropriate when consideration is given to the nature and history of the unsafe condition and to orderly accomplishment of the modification.

Paragraph B of the final rule has been revised to require the concurrence of the FAA Principal Maintenance Inspector in requests by operators for use of alternate means of compliance. The FAA has determined that this change will not increase the economic burden on any operator, nor will it increase the scope of the AD.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed, with the change previously mentioned.

It is estimated that 15 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 manhour per airplane to accomplish the required actions, and that the average labor cost

14 CFR Part 39

[Docket No. 87-NM-86-AD; Amdt. 39-5804]

Airworthiness Directives; British Aerospace Model BAe-146 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe-146 series airplanes, which requires modification of the Direct Current (DC) electrical distribution control system. This amendment is prompted by reports of an unanticipated failure mode of the DC busbar system, which resulted in the discharge of the battery without warning, and subsequent loss of both the Essential DC and Emergency DC busbars.

VOL 52 ISS 238 DEC 11 1987 UMI

will be $40 per manhour. The estimated cost for parts is $75 per airplane. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $1,725.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because of the minimal cost of compliance per airplane ($115). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace (BAe): Applies to Model BAe-146 series airplanes listed in BAe Service Bulletin 24-30-00757A, Revision 1, dated September 5, 1986, certificated in any category. Compliance is required within 6 months after the effective date of this AD, unless previously accomplished.

To prevent battery depletion and subsequent loss of Essential DC and Emergency DC busbars accomplish the following:

A. Modify the DC power distribution in accordance with British Aerospace BAe-146 Aircraft Modification Service Bulletin 24-30-00757A, Revision 1, dated September 5, 1986.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service document from the manufacturer may obtain copies upon request to British Aerospace, Inc., Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment become effective February 1, 1988.

Issued in Seattle, Washington, on December 2, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-28460 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 87-NM-112-AD; Amdt. 39-5806]

Airworthiness Directives; British Aerospace Model H.S. 748 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model H.S. 748 airplanes, which requires initial and repetitive inspections for fatigue cracks of the hydraulic accumulators and for proper function. This amendment is prompted by reports of hydraulic accumulators cracking in service. This condition, if not corrected, could lead to structural damage to the airplane.

EFFECTIVE DATE: February 1, 1988.

ADDRESSES: The applicable service information may be obtained from British Aerospace Group, Weybridge Division Greengate, Middleton, Manchester M24 1SAf, England; and Dunlop Limited, Aviation Division, Dunlop House, Ryder Street, St. Jame's, London, SW1Y.6PX, England. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. David Herron, Systems and Equipment Branch, ANM-130S; telephone (206) 431-1949. Mailing address: Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, which requires initial and repetitive inspections for fatigue cracks of the hydraulic accumulators on British Aerospace Model H.S. 748 airplanes, was published in the **Federal Register** on September 23, 1987 (52 FR 35725).

Interested parties have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 2 airplanes of U.S. registry would be affected by this AD, that it would take approximately 1.25 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $100 a year. This figure applies to the visual and non-destructive test (NDT) inspections only.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because of the minimal cost of compliance per airplane ($50). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and, 1423; 49 U.S.C. 106(g) Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13. [Amended]

2. By adding the following new airworthiness directive:

British Aerospace (BAe): Applies to all Model H.S. 748 series airplanes, pre-modification 7205, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent structural damage to the airplane due to fatigue cracking of the hydraulic accumulators, accomplish the following:

A. Within 300 hours time-in-service after the effective date of this AD, conduct the inspections of the hydraulic brake accumulator, as specified in Paragraph 2.B(1) of BAe H.S. 748 Service Bulletin 29/42, dated February 10, 1986. Any discrepancies detected must be corrected prior to further flight.

B. Within 1,000 hours time-in-service or one year after the effective date of this AD, whichever occurs first, and thereafter at intervals not to exceed 1,000 hours time-in-service or one year, whichever occurs first, conduct the inspections of the hydraulic brake accumulator as specified in Paragraph 2.B(2) of BAe H.S. 748 Service Bulletin 29/42 dated February 10, 1986. Any system defects found must be corrected prior to further flight.

C. Within 2,500 hours time-in-service, or two years after the effective date of this AD, whichever comes first, and thereafter at intervals not to exceed 2,500 hours time-in-service or two years, whichever occurs first, conduct the inspections of the hydraulic accumulator as specified in Dunlop Service Bulletin 29/175, dated February 4, 1986. Replace, prior to further flight, any units that do not meet the limits specified in the service bulletin.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace Group, Weybridge Division Greengate, Middleton, Manchester M24 1SA, England; and Dunlop Limited, Aviation Division, Dunlop House, Ryder Street, St. James's, London SW1Y.6PX, England. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way, Seattle, Washington.

This amendment becomes effective February 1, 1988.

Issued in Seattle, Washington, on December 2, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-28458 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 87-NM-122-AD; Amdt. 39-5807]

Airworthiness Directives; British Aerospace Model H.S. 748 Series Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to British Aerospace (BAe) Model H.S. 748 series airplanes, which requires modifying the overwing escape hatch locking mechanism. This amendment is prompted by reports of hatches not being properly closed and locked or the hatch locking mechanisms being strained by mishandling. This condition, if not corrected, could lead to escape hatches opening and becoming detached from the airplane during flight.

EFFECTIVE DATE: February 1, 1988.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Inc., P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Golder, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, which requires modifying the overwing escape latch locking mechanism on British Aerospace Model H.S. 748 series airplanes, was published in the **Federal Register** on September 28, 1987 (52 FR 36275).

Interested parties have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

After careful review of the available date, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 2 airplanes of U.S. registry will be affected by this AD, that it will take approximately 33 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $2,640.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because of the minimal cost of compliance per airplane ($1,320). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to Model H.S. 748 series airplanes, as listed in British Aerospace Service Bulletin 52/127, dated May 29, 1985, certificated in any category. Compliance required within 5 months after the effective date of this AD, unless previously accomplished:

To prevent the loss of the overwing escape hatch during flight, due to improper locking, accomplish the following:

A. Replace the escape hatch locking mechanism with P/N 10D14062 locking mechanism assembly, in accordance with the instructions in British Aerospace Service Bulletin No. 52/127, dated May 29, 1985.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

VOL
52
ISS
238
DE
11
1987
UMI

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service document from the manufacturer may obtain copies upon request to British Aerospace, Inc., P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 1, 1988.

Issued in Seattle, Washington, on December 2, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-28457 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 87-NM-99-AD; Amdt. 39-5805]

Airworthiness Directives; Fokker B.V. Model F28 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Fokker B.V. Model F28 series airplanes, which requires inspection for cracks, and replacement, if necessary, of all cargo door fuselage mounted hinge lugs. This amendment is prompted by several reports that cracks have been discovered in the hinge lugs. This condition, if not corrected, could result in sudden decompression and loss of the cargo door.

EFFECTIVE DATE: February 1, 1988.

ADDRESSES: The applicable service information may be obtained from Fokker Aircraft, 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Golder, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, which requires an inspection, and replacement if necessary, of all cargo door fuselage mounted hinge lugs on Model Fokker F28 series airplanes, was published in the **Federal Register** on September 18, 1987 (52 FR 35273).

Interested parties have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter, the Air Transport Association (ATA) of America, stated that its one affected member operator had already inspected 45 airplanes and that, if the FAA can determine that the remaining 6 airplanes in the U.S. have been inspected in accordance with the Fokker service bulletin, the proposed rule should be withdrawn. The FAA does not concur. In the event that additional Model F-28 series airplanes are imported to the U.S. in the future, an AD is necessary to ensure that the required inspection will be accomplished.

Paragraph B of the final rule has been revised to require the concurrence of an FAA Principal Maintenance Inspector in requests by operators for use of alternate means of compliance. The FAA has determined that this change will not increase the economic burden on any operator, nor will it increase the scope of the AD.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed, with the change mentioned previously.

It is estimated that 51 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1.5 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $3,060.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because of the minimal cost of compliance per airplane ($60). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Fokker B.V.: Applies to Model F-28 series airplanes, as listed in Fokker B.V. Service Bulletin F28/52-a/100, Revision 1, dated June 19, 1987, certificated in any category. Compliance required within 120 flight hours after the effective date of this AD, unless previously accomplished.

To prevent sudden decompression of the airplane as a result of failure of a cargo hinge lug, accomplish the following:

A. Visually or dye penetrant inspect the cargo door hinge lugs for cracks, in accordance with Fokker Service Bulletin F28/52-a/100, Revision 1, dated June 19, 1987. Any lugs found to be cracked must be replaced with a serviceable part prior to further flight, in accordance with limitations set forth in the service bulletin.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service document from the manufacturer may obtain copies upon request to Fokker Aircraft, 1199 North Fairfax Street, Alexandria, Virginia 22314. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 1, 1988.

Issued in Seattle, Washington, on December 2, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-28459 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 87-ASW-39, Amdt. 39-5795]

Airworthiness Directives; Messerschmitt-Bolkow-Blohm GmbH (MBB) Model BO-105 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection and repair or replacement, as necessary, of main rotor pitch links on MBB Model BO-105 helicopters. The AD is prompted by a report of a structural fatigue crack which could cause main rotor pitch link failure and possible loss of control of the helicopter.

DATES: *Effective Date:* December 31, 1987. *Compliance:* As indicated in the body of the AD.

ADDRESSES: The applicable service information (Alert Service Bulletin No. ASB-BO-105-10-103) may be obtained from the MBB Helicopter Corporation, P.O. Box 2349, West Chester, Pennsylvania 19380. These documents may also be examined at the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, Room 158, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. John Varoli, Manager, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, APO NY 09667, telephone number 513.38.30; or R.T. Weaver, Rotorcraft Standards Staff, ASW-110, Federal Aviation Administration, Fort Worth, Texas 76193-0111, telephone (817) 624-5122.

SUPPLEMENTARY INFORMATION: The FAA has determined that there has been a report of fatigue cracking in a main rotor rotating control rod (pitch link) on an MBB Model BO-105 helicopter which could result in pitch link fatigue and cause loss of the helicopter. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires inspection of the main rotor pitch links for freedom of bearing operation and for cracks, and repair or replacement, as necessary, on MBB Model BO-105 series helicopters.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained from the Regional Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

PART 39—AIRWORTHINESS DIRECTIVE

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new AD:

Messerschmitt-Bolkow-Blohm (MBB): Applies to Model BO-105 series helicopters, certificated in any category, equipped with main rotor blade rotating control rod ends, P/N's 105-13141.01 and 105-13142.01.

Compliance is required as indicated unless already accomplished.

To detect and prevent fatigue cracks in the threads of the main rotor pitch links rod ends, accomplish the following:

(a) Before the first flight of each day after the effective date of this AD, check the main rotor control rods for binding of the spherical bearings as follows:

(1) Check the bearings on each control rod by rotating the rod about its longitudinal axis by hand.

(2) Inspect and rework control rods containing a binding bearing in accordance with paragraphs (b)(1) through (b)(7) before further use.

(b) Within the next 50 hours' time in service after the effective date of this AD, conduct the following main rotor control rod inspection for cracks and spherical bearing torque determination:

(1) Remove the control rods from the helicopter.

(2) Remove the rod ends from the control rods.

(3) Measure the force required to rotate the inner race of the rod end bearings in the circumferential direction around a bolt centerline (ref. figure No. 1).

(4) If the bearing torque (force X moment arm) required to rotate the bearing inner race is more than 1.5 NM (13.3 in-lbs), accomplish either of the following—

(i) Replace the affected bearing and repeat the step in paragraph (b)(3); or

(ii) Reduce the bearing friction by installing a bolt through the bearing inner race and tighten with a nut. Then, using a drill, spin the bearing at 60 to 100 RPM for 1- or 2-minute periods until friction torque is reduced to 1.5 NM (13.3 in-lbs) or below. Monitor temperature constantly to avoid overheating. (Bearing axial and radial play is not allowed.)

(5) Inspect the rod end threads as follows:

(i) Wrap the spherical bearing and rod in suitable adhesive tape to prevent cleaning solvent and wet developer from entering the bearing (ref. figure No. 2).

(ii) Remove residual sealing compound, grease, and dirt from the threaded area of the rod ends.

(iii) Visually inspect the threaded area of the rod ends for corrosion.

(iv) Inspect the threaded area of the rod ends for cracks by fluorescent magnetic particle or fluorescent dye penetrant inspection methods.

(6) Replace before further flight any rod ends found to be cracked or corroded. Install serviceable parts.

Note: Operators are asked to submit rod ends removed as a result of this AD to MBB, Department LV52, together with the helicopter serial number, flight hours, and service time, if known.

(7) Install serviceable main rotor control rods in accordance with the applicable maintenance manual instructions.

Note: MBB ASB No. BO-105-10-103 dated October 28, 1987, pertains to this inspection and rework.

(c) Repeat the inspections of paragraphs (b)(3) through (b)(6) after each rod end bearing replacement.

(d) Report pitch link cracks found by the inspections of paragraph (b) of this AD to the Manager, Aircraft Certification Division, Federal Aviation Administration, Fort Worth, Texas 76193-0100 within 10 days of the inspection. Provide aircraft serial numbers, total time, and time since the last pitch link rework, if any. [Reporting is approved by the

VOL 52 ISS 238 DEC 11 1987 UMI

Office of Management and Budget under OMB No. 2120–1156.]

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Manager, Aircraft Certification Division, Federal Aviation Administration, Southwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period if the request contains substantiating data to justify the increase for that operator.

(f) An alternate method of compliance which provides an equivalent level of safety with the requirements of this AD may be used when approved by the Manager, Aircraft Certification Division, Federal Aviation Administration, Fort Worth, Texas 76193–0100 or by the Manager, Aircraft Certification Staff, AEU–100, Federal Aviation Administration, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, APO NY 09667.

(g) In accordance with FAR 21.197 and 21.199, flight is permitted to a base where the inspections required by this AD may be accomplished.

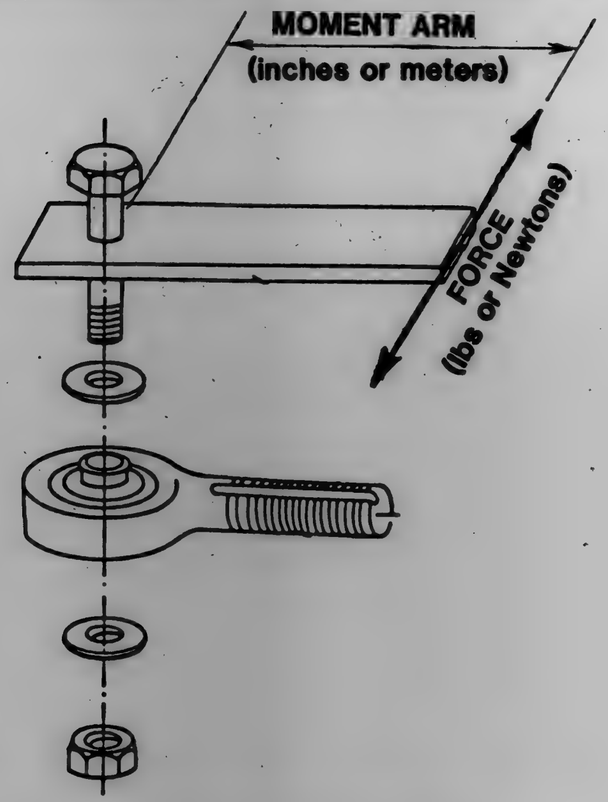
This amendment becomes effective December 31, 1987.

Issued in Fort Worth, Texas, on November 24, 1987.

Don P. Watson,

Acting Director, Southwest Region.

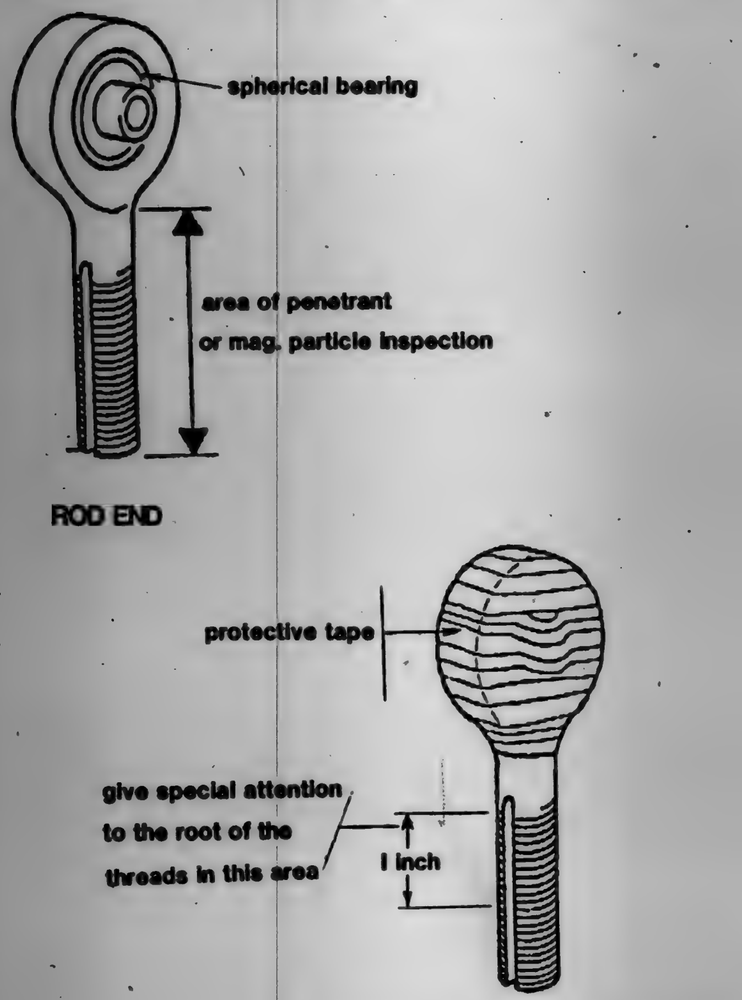
BILLING CODE 4910-13-M



BEARING FRICTION MEASUREMENT

FIGURE NO. 1

VOL
52
ISS
2
3
8
DE
11
1987
UMI



ROD END WITH BEARING TAPED

FIGURE NO. 2

[FR Doc. 87-28446 Filed 12-10-87; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 39

[Docket No. 87-NM-116-AD; Amdt. 39-5802]

Airworthiness Directives; Short Brothers LTD Model SD3-60 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD), applicable to the Short Brothers Model SD3-60 series airplanes, which currently requires an increase of the threshold temperatures from 4°C to 10°C for activation of the ice and rain protection systems. That action was prompted by reports of engine flameouts or uncommanded power reduction occurring in icing conditions. Since then, the manufacturer has determined that the incidents were caused by excessive water in the fuel, due to the configuration of the fuel low pressure (LP) booster in the forward and aft fuel collector tanks. A modification has been developed which will improve the system's ability to continuously purge water from the collector tanks without degradation of engine performance. This amendment requires installation of the modification and eliminates the requirement for the higher threshold temperature for activation of the ice and rain protection system.

EFFECTIVE DATE: February 1, 1988.

ADDRESSES: The applicable service information may be obtained from Short Aircraft, 1725 Jefferson Davis Highway, Suite 510, Arlington, Virginia 22202. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Golder, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, which requires modification of the fuel low pressure (LP) booster pumps in the forward and aft fuel collector tanks on Short Brothers LTD Model SD3-60 series airplanes, was published in the **Federal Register** on September 23, 1987 (52 FR 35726).

Interested parties have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

The final has been revised to update the format to conform with present formatting requirements. Paragraph B. has also been changed to reflect the correct contact point for submission of applications for alternate means of compliance. The FAA has determined that these changes are merely editorial in nature, and will not increase the scope of the AD or the economic burden on any operator.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 55 airplanes of U.S. registry will be affected by this AD, that it will take approximately 21 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $46,200.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is futher certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because of the minimal cost of compliance per airplane ($840). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By amending AD 84-24-52, Amendment 39-4992 (50 FR 3885; January 29, 1985), to add a new paragraph C., as follows:

Short Brothers, Ltd.: Applies to all Model SD3-60 airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To reduce the potential for engine flameouts, accomplish the following:

A. Before further flight, incorporate the following information into the Airplane Flight Manual and provide this information to flight crews. This may be accomplished by including a copy of this AD in the Airplane Flight Manual and Operating Manual:

"Increase the threshold temperatures from 4°C to 10°C on Page 37, Section 4, Systems Operation, Ice and Rain Protection Systems (as fitted)."

B. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

C. Within one year after the effective date of this amendment, modify the fuel low pressure booster pumps in accordance with Parts B and C of Short Brothers Service Bulletin SD350-28-17, dated November 1985. Accomplishment of these modifications constitute terminating action for the increased temperature threshold required by paragraph A., above.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Short Brothers Aircraft, 1725 Jefferson Davis Highway, Arlington, Virginia 22202. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 1, 1988.

Issued in Seattle, Washington, on November 30, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-28456 Filed 12-10-87; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-ANM-25]

Amendment of Transition Area; Eagle, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Eagle, Colorado, 1,200 foot transition are to provide controlled airspace for a new approach procedure and associated holding pattern at the Eagle County Airport.

BEST COPY AVAILABLE

VOL 52 ISS 238 DEC 11 1987 UMI

EFFECTIVE DATE: 0901 UTC, January 14, 1988.

FOR FURTHER INFORMATION CONTACT: Ted Melland, ANM-536, Federal Aviation Administration, Docket No. 87-ANM-25, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone: (206) 431-2536.

SUPPLEMENTARY INFORMATION:

History

On October 30, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Eagle, Colorado, transition area to provide controlled airspace for aircraft executing a new approach procedure to Eagle County Airport, Colorado (52 FR 41732).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations amends the Eagle, Colorado, 1,200 foot transition area. A new approach procedure required additional controlled airspace to encompass the new procedure.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Eagle, Colorado (Amended)

After lat. 40°21'00" N., long 106°42'00" W.; add the following: "to lat. 40°00'00" N., long. 106°42'00" W.; to lat. 40°00'00" N., long. 106°00'00" W.; to lat. 39°19'00" N., long. 106°42'00" W.; to the point of beginning excluding all controlled airspace which overlaps this airspace."

Issued in Seattle, Washington, on December 1, 1987.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 87-28448 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 87-ASW-29]

Amendment of Transition Area; Chickasha, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule will amend the transition area located at Chickasha, OK. The relocation of the Oklahoma City VORTAC and the subsequent cancellation of the VOR/DME RWY 17 Standard Instrument Approach Procedures (SIAP) to the Chickasha Municipal Airport necessitated this amendment. The intended effect of this amendment is to return that controlled airspace no longer required for the VOR/DME RWY 17 SIAP, due to its cancellation. A new VOR/DME-A SIAP, to the airport has been published, and this amendment will provide adequate controlled airspace for all SIAP's now serving the Chickasha Municipal Airport.

EFFECTIVE DATE: 0901 UTC, March 10, 1988.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, Telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On June 30, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amending the transition area located at Chickasha, OK (52 FR 27224).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C, dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will amend the transition area located at Chickasha, OK. The cancellation of the VOR/DME RWY 17 SIAP, to the Chickasha Municipal Airport due to the relocation of the Oklahoma City VORTAC has necessitated this amendment. The intended effect of this amendment will revise the existing 700-foot transition area by eliminating that area beyond 6.5 miles northeast of the airport. This amendment will provide adequate controlled airspace for all SIAP's now serving the Chickasha Municipal Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Chickasha, OK [Revised]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Chickasha Municipal Airport (latitude 35°05'47" N., longitude 97°56'06" W.), and within 2.5 miles each side of the 180° bearing from the airport extending from the 6.5-mile radius to 7.5 miles south of the airport.

Issued in Fort Worth, TX, on November 30, 1987.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 87-28444 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 87-AWA-18]

Alteration of VOR Federal Airways; Expanded East Coast Plan, Phase II

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects the description of Federal Airway V-374 as published in the **Federal Register** on November 4, 1987. The description of V-374 that was published inadvertently omitted the Deer Park 308° radial. This action corrects that mistake.

EFFECTIVE DATE: 0901 UTC, December 9, 1987.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

History

The correction to final rule was published in Docket 87-AWA-18 on November 4, 1987, to correct the description of V-374 as originally published. Inadvertently, the description of V-374 omitted the Deer Park 308° radial. This action corrects the description to include that portion.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal Airways.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, the correction to final rule published on November 4, 1987, page 42272 in the **Federal Register** is corrected to read as follows:

PART 71—[CORRECTED]

§ 71.123 [Amended]

V-374 [Amended]

By removing the words "Madison." and by substituting the words "to Madison. From Carmel, NY; INT Carmel 254° and Deer Park, NY, 308° radials; INT Deer Park 308° and Binghamton, NY, 119° radials; Binghamton."

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.)

Issued in Washington, DC, on December 2, 1987.

Sheldon Wugalter,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87-28449 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 41

[DoD Directive 1332.14]

Enlisted Administrative Separations

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule amendment.

SUMMARY: This amendment permits Services to dispense with summarized records of proceedings when Administrative Discharge Boards recommend retention. This applies only to that portion of the proceedings involving actual conduct of the board (i.e., summarized transcript of testimony). Commander's recommendation, convening orders, documentary evidence, allied papers, and verbatim findings and recommendations remain required in all cases. Individual Services may still require summarized records of proceedings. Summarized records will continue to be required in all cases when the Separation Authority forwards a case to the Secretary concerned recommending separation contrary to the Board's recommendation.

EFFECTIVE DATE: September 8, 1987.

FOR FURTHER INFORMATION CONTACT: Lt. Colonel S. Strobridge, Office of the Assistant Secretary of Defense (Force Management and Personnel), Pentagon, Washington, DC 20301, telephone (202) 695-6312.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 41

Armed forces reserves, Military personnel.

Accordingly, Title 32 CFR Part 41 is amended to read as follows:

PART 41—CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214/5 SERIES)—[AMENDED]

1. The authority citation for Part 41 continues to read as follows:

Authority: 10 U.S.C. 1162, 1163, 1169, 1170, 1172, and 1173.

2. Appendix A-Part 3, is amended by revising paragraph C.5.d. to read as follows:

PART 3—PROCEDURES FOR SEPARATION

C. * * *

5. * * *

d. *Record of proceedings.* In cases where the Board recommends separation, the record of the proceedings shall be kept in summarized form unless a verbatim record is required by the Secretary concerned. In cases where the Board recommends retention, a record of the proceedings is optional unless required by the Secretary concerned. However, a summarized or verbatim record shall be prepared in any cases where the board recommends retention and the Separation Authority elects to forward the matter to the Secretary concerned under subparagraph C.6.d.(2)(6). The Board reporter shall retain all materials necessary to prepare a transcript should the Separation Authority elect to forward the case to the Secretary. In

VOL 52 ISS 238 DEC 11 1987 UMI

all cases, the findings and recommendations of the Board shall be in verbatim form.

* * * * *

Linda M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.
December 8, 1987.
[FR Doc. 87-28530 Filed 12-10-87; 8:45 am]
BILLING CODE 3810-01-M

POSTAL SERVICE

39 CFR Parts 224, 225, 226, 227, 228, and 229

Miscellaneous Organizational Changes

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to revise the functional statements of the various Headquarters and field groups, divisions, and offices to reflect the reorganization and realignment of functions resulting from (1) the creation of a senior level position at Headquarters, that of Associate Postmaster General, and (2) a realigned management structure both at Headquarters and in the field.

EFFECTIVE DATE: December 11, 1987.

FOR FURTHER INFORMATION CONTACT: Richard W. Peterson, (202) 268-4183.

SUPPLEMENTARY INFORMATION:

List of Subjects in 39 CFR Parts 224, 225, 226, 227, 228, and 229

Organization and functions (Government agencies), Postal Service.

1. Part 224 is revised to read as follows:

PART 224—GROUPS AND DEPARTMENTS REPORTING DIRECTLY TO THE POSTMASTER GENERAL

Sec.
224.1 General.
224.2 Finance and Planning Group.
224.3 Inspection Service Department.
224.4 General Counsel.

Authority: 39 U.S.C. 203, 204, 401(2), 402, 403, 404, and 409.

§ 224.1 General.

The Postmaster General is the chief executive officer of the Postal Service and serves as a member of the Board of Governors.

§ 224.2 Finance and Planning Group.

(a) *General.* The Finance and Planning Group is headed by a Senior Assistant Postmaster General (SAPMG). The group consists of three departments, each headed by an Assistant Postmaster General, and the Office of the Treasurer, the USPS Records Officer, the Capital Investment Division, and the Management Analysis Division.

(b) *Planning Department.* The Planning Department is responsible for:

(1) Assisting departments and groups in developing and coordinating comprehensive, effective plans and programs.

(2) Identifying and forecasting economic, demographic, political, social, technical, and market trends and events affecting the Postal Service.

(3) Formulating alternative business strategies and projecting long-range business targets as a basis for setting goals and objectives.

(4) Management of the process to develop the five-year Strategic Plan.

(c) *Rates and Classification Department.* The Rates and Classification Department is responsible for:

(1) Designing and maintaining the rate and mail classification structure.

(2) Developing and administering standards and procedures related to cost analysis and attribution.

(3) Forecasting mail volume.

(4) Developing and litigating rate recommendations to the Postal Rate Commission.

(5) Developing policies, regulations, systems, and procedures for the management and control of the admissibility, classification, and application of rates and fees for domestic or international mail of all classes and the collection of revenue from bulk mailers and special service users.

(d) *Controller Department.* The Controller Department is responsible for:

(1) Developing financing policy and forecasting long-term financing, capital requirements, and borrowing needs.

(2) Establishing a comprehensive controllership program for financial management.

(3) Maintaining control of the financial activities.

(4) Developing accounting policy and procedures and operating the financial reporting programs and controls.

(5) Establishing budgeting, economic and cost benefit functions, payroll systems, policies, and procedures.

(6) Directing the formulation and presentation of a national budget to the Corporate Executive Committee, Board of Governors, Office of Management and Budget, and Congress.

(e) *Office of the Treasurer.* The Treasurer is responsible for:

(1) Operating a nationwide network of primary and concentration banks to gather revenue.

(2) Developing cash management initiatives to speed cash flow.

(3) Implementing debt management strategies to meet long-term capital and short-term borrowing needs.

(4) Planning investment strategies to ensure liquidity and to earn a competitive rate of return.

(5) Managing the investment of excess cash.

§ 224.3 Inspection Service Department.

(a) The Inspection Service Department is headed by the Chief Postal Inspector.

(b) The Inspection Service is responsible for:

(1) Protecting mail matter.

(2) Enforcing postal laws governing facilities and employees.

(3) Carrying out investigations and presenting evidence to the Department of Justice and U.S. Attorneys in investigations of a criminal nature.

(4) Performing internal audits of postal operations.

(5) Providing liaison with law enforcement agencies and all levels of government on all activities related to security and defense coordination.

§ 224.4 General Counsel.

(a) *General.* The General Counsel heads the Law Department; the Government Relations Department reports to the General Counsel.

(b) *Law Department.* The Law Department is responsible for:

(1) Serving as legal advisor to the entire Postal Service and interpreting laws as they relate to the Postal Service.

(2) Making rulings, giving advisory opinions, drafting or approving legal instruments, instituting and maintaining administrative proceedings, representing the Postal Service in administrative proceedings, and in judicial proceedings, as authorized.

(3) Preparing the legislative program of the Postal Service and publishing regulations in the Federal Register.

(4) Administering activities under the Tort Claims Act, and other personal injury and physical loss claims.

(5) Acting as agent for the receipt of legal process on behalf of the Postal Service and the Postmaster General and other officials resulting from the performance of their official functions.

(6) Administering the Ethical Conduct Program.

(c) *Government Relations Department.* The Government Relations Department is responsible for:

(1) Maintaining cooperative relationships among Congress, Federal agencies within the Executive Branch, the White House, and state and local government officials.

(2) Advising postal officials on legislative or other policy matters in public areas involving congressional committees or individual members of Congress.

(3) Maintaining liaison with members of Congress and their staffs to exchange information on specific legislation and Postal Service policies and operations.

2. Part 225 is revised to read as follows:

PART 225—GROUP REPORTING DIRECTLY TO THE DEPUTY POSTMASTER GENERAL

Sec.
225.1 General.
225.2 Operations Support Group.

Authority: 39 U.S.C. 203, 204, 401(2) 402, 403, 404, and 409.

§ 225.1 General.

The Deputy Postmaster General is the Chief Operating Officer of the Postal Service and serves as a member of the Board of Governors.

§ 225.2 Operations Support Group.

(a) *General.* The Operations Support Group is headed by an SAPMG. The group consists of three departments, each headed by an Assistant Postmaster General.

(b) *Delivery Service Department.* The Delivery Service Department is responsible for:

(1) Establishing policy and procedure for the delivery of mail by letter carriers or through post office boxes.

(2) Developing, testing and implementing all vehicle operations and maintenance programs and procedures.

(3) Developing policies and procedures for holding mail at the point of delivery.

(4) Developing, implementing, and evaluating policies and procedures relating to address changes and maintenance management.

(c) *Mail Processing Department.* The Mail Processing Department is responsible for:

(1) The distribution, processing and transportation of mail throughout the United States and to foreign countries.

(2) Planning and developing a national routing and transportation system and monitoring its performance.

(3) Controlling the inventory of equipment used to move mail between facilities.

(4) Managing all mail transportation contracting.

(5) Developing operating guidelines for the implementation of use of automated mail processing equipment.

(d) *Engineering and Technical Support Department.* The Engineering and Technical Support Department is responsible for:

(1) Planning and approving all operating requirements and standards for mechanized and automated facilities.

(2) Developing engineering and quality control policy, programs, and guidance to improve productivity, reduce costs, and determine distribution and delivery quality and performance.

(3) Developing and implementing mail processing, delivery services and retail methods improvements and production control systems and procedures.

(4) Establishing national policy and programs for the maintenance of facilities and mail processing, customer services, and delivery services related mechanization.

(5) Maintaining a technical and field support capacity for new and modified equipment and providing for the overhaul of major mail processing equipment.

3. Part 226 is revised to read as follows:

PART 226—GROUPS REPORTING DIRECTLY TO THE ASSOCIATE POSTMASTER GENERAL

Sec.
226.1 General.
226.2 Facilities and Supply Group.
226.3 Human Resources Group.
226.4 Management Information and Research Technology Group.
226.5 Marketing and Communications Group.

Authority: 39 U.S.C. 203, 204, 401(2), 402, 403, 404, and 409.

§ 226.1 General.

The Associate Postmaster General is responsible for managing four groups, headed by an SAPMG, which make up the support functions of the Postal Service.

§ 226.2 Facilities and Supply Group.

(a) *General.* The Facilities and Supply Group is headed by an SAPMG. The group consists of two Departments, each headed by an Assistant Postmaster General, and one office headed by the Judicial Officer.

(b) *Facilities Department.* The Facilities Department is responsible for:

(1) Designing, constructing, modifying, and repairing facilities.

(2) Leasing, purchasing, managing, and disposing of real estate.

(3) Developing policies, procedures, and new technology in support of facilities programs.

(4) Maximizing the use of real estate assets.

(c) *Procurement and Supply Department.* The Procurement and Supply Department is responsible for:

(1) Developing, implementing, and reviewing procurement and contracting policies and procedures.

(2) Developing, implementing, and reviewing warehousing and inventory of equipment and supplies.

(3) Directing the day-to-day maintenance and repair of the headquarters building.

(d) *Judicial Officer.*

(1) The Judicial Officer is responsible for:

(i) The performance of quasi-judicial duties and the issuance of final decisions and orders.

(ii) Serving as the agency for the purposes of the requirements of the Administrative Procedure Act.

(iii) Presiding at the reception of evidence as provided in rules of practice.

(iv) Revising or amending the rules governing eligibility to practice before the Postal Service, revising or amending Postal Service rules of practice governing proceedings conducted under the Administrative Procedure Act, and issuing and revising rules of practice for other proceedings.

(v) Serving as Chairman of the Board of Contract Appeals and performing the functions of the agency head under the Contract Disputes Act of 1978, as amended.

(vi) Administratively supervising Administrative Law Judges and hearing appeals from their decisions.

(2) Board of Contract Appeals is responsible for processing, hearing and issuing final agency decisions in connection with contract disputes.

(3) Office of Administrative Law Judges. Administrative Law Judges are responsible for presiding at administrative hearings as delegated by the Judicial Officer.

§ 226.3 Human Resources Group.

(a) *General.* The Human Resources Group is headed by an SAPMG. The group consists of three Departments, each headed by an Assistant Postmaster General.

(b) *Employee Relations Department.* The Employee Relations Department is responsible for:

(1) Managing programs and policies for new and revised organization structures, staffing patterns, and job descriptions.

(2) Establishing outside recruitment and selection and internal promotion procedures.

(3) Managing all employee compensation and benefits programs and policies.

VOL 52 ISS 238 DEC 11 1987 UMI

(4) Administering all equal employment opportunity and affirmative action programs.

(5) Managing medical, safety, and injury compensation programs and policies.

(c) *Labor Relations Department.* The Labor Relations Department is responsible for:

(1) Negotiating and interpreting collective bargaining agreements.

(2) Coordinating programs that affect bargaining unit employees.

(3) Developing policies and procedures for administering the national grievance and arbitration programs.

(d) *Training and Development Department.* The Training and Development Department is responsible for:

(1) Developing all course materials for craft, supervisory, and management employees training.

(2) Providing training for employees at the Technical Training Center and the William F. Bolger Management Academy, and at other training centers.

(3) Designing in-service employee development programs.

§ 226.4 Management Information and Research Technology Group.

(a) *General.* The Management Information and Research Technology Group is headed by an SAPMG. The group consists of two departments, each headed by an Assistant Postmaster General.

(b) *Information Resource Management Department.* The Information Resource Management Department is responsible for:

(1) Providing data processing support services including systems analysis and programming.

(2) Establishing policy and procedures on the use of computers and telecommunications.

(3) Guiding the development of information systems.

(4) Managing a national data and voice communications system.

(5) Providing payroll processing and distribution services and general accounting services.

(6) Providing technical solutions to information requirements.

(c) *Technology Resource Department.* The Technology Resource Department is responsible for:

(1) Developing long-term technology development plans to meet changing technological trends and developments.

(2) Managing applies research and development directed to the application of new concepts to Postal Service functions.

(3) Monitoring the technological interaction between the Postal Service and the outside environment.

§ 226.5 Marketing and Communications Group.

(a) *General.* The Marketing and Communications Group is headed by an SAPMG. The group consists of four Departments, each headed by an Assistant Postmaster General.

(b) *Marketing Department.* The Marketing Department is responsible for:

(1) Market research, market analysis, customer feedback, and marketing management information system support.

(2) Product analysis, planning, development, and program management activities, including the development of advertising and sales promotion support.

(3) Development and management of sales and sales promotion programs that support implementation by the field marketing organization of programs designed for principal customer segments of national, key, major, and local accounts.

(c) *Communications Department.* The Communications Department is responsible for:

(1) Planning, approving, and managing public affairs programs.

(2) Providing information to employees through in-house publication of newsletters, posters, films, videotapes, and other periodicals.

(3) Providing senior management with assistance in the development and production of presentations and speeches.

(d) *International Postal Affairs Department.* The International Postal Affairs Department is responsible for:

(1) Representing the United States in the Universal Postal Union (UPU) and the Postal Union of the Americas and Spain (PUAS).

(2) Providing liasion with all foreign postal administrations.

(3) Negotiating bilaterial and multilateral postal treaties and agreements with foreign governments.

(4) Providing policy guidance on all aspects of international postal affairs.

(e) *Philatelic and Retail Services Department.*

(1) The Philatelic and Retail Services Department is responsible for:

(i) Designing, manufacturing, and distributing postage stamps and stationery items.

(ii) Establishing and implementing philatelic marketing programs.

(iii) Managing mail order services for philatelic products.

(iv) Resolving issues affecting the individual consumer.

(v) Managing special programs to promote philately and philatelic products and services.

(vi) Establishing policy, business strategy, and procedures for the retail sale of postal services, products, and postage and the acceptance of mail at retail outlets.

(2) Consumer Advocate. The Consumer Advocate is responsible for:

(i) Responding to customer inquiries and complaints regarding postal products and services.

(ii) Developing, with the Communications Department, programs to inform the public on mailing programs, procedures, and policies.

(iii) Tracking service problems and identifying trends to resolve operating programs.

4. Part 227 is added as follows:

PART 227—ADMINISTRATIVE SUPPORT FACILITIES

Sec.
227.1 General.
227.2 Inspection Service.
227.3 Procurement and Supply Department.
227.4 Engineering and Technical Support Department.
227.5 Human Resources Group.
227.6 Information Resource Management Department.

Authority: 39 U.S.C. 401, 402, 403, and 404.

§ 227.1 General.

Administrative Support Facilities are typically single function organizations that report directly to Headquarters and serve the entire Postal Service.

§ 227.2 Inspection Service.

(a) *General.* The Inspection Service is divided into regional and divisional entities. The region is headed by a Regional Chief Postal Inspector who reports to the Chief Postal Inspector and the divisions are headed by Inspectors in Charge who report to Regional Chief Postal Inspectors.

(b) *Inspection Service—Region.* The Inspection Service at the regional level is responsible for:

(1) Protecting the mails, enforcement of Postal laws, facility and employee security, and internal auditing.

(2) Managing the accomplishment of national programs and policies.

(3) Coordinating with other law enforcement organizations on security, audit, and other law enforcement matters.

(c) *Inspection Service—Division.* The Inspection Service at the division level is responsible for all inspection and investigation activities within the division area served.

§ 227.3 Procurement and Supply Department.

(a) *Area Supply Centers.*

(1) Area supply centers are headed by Field Directors who report to the Director, Office of Materiel Management, at Headquarters. There are two area supply centers, the Eastern Area Supply Center (EASC) in Somerville, New Jersey, and the Western Area Supply Center (WESC) in Topeka, Kansas.

(2) Area Supply Centers are responsible for:

(i) Procuring, storing, and issuing basic supplies for use in all postal facilities.

(ii) Arranging for the transportation of supplies to facilities.

(iii) Printing and issuing pressure-sensitive labels used in postal facilities.

(b) *Mail Equipment Shop.*

(1) The Mail Equipment Shop is located in Washington, DC, and is headed by a Field Manager who reports to the Director, Office of Materiel Management, at Headquarters.

(2) The Mail Equipment Shop is responsible for:

(i) Manufacturing mail bags, sacks, and pouches.

(ii) Manufacturing locks and keys.

(iii) Manufacturing hardware items used for mail security and for customer service lobby equipment.

§ 227.4 Engineering and Technical Support Department.

(a) *Maintenance Technical Support Center (MTSC).* The Maintenance Technical Support Center is located in Norman, OK, and is headed by a Field Director who reports to the Director, Office of Maintenance Management.

(b) *Responsibilities.* The Maintenance Technical Support Center is responsible for:

(1) Developing policies, programs, methods, and standards for the maintenance of mail processing equipment.

§ 227.5 Human Resources Group.

(a) *National Test Administration Center (NTAC).*

(1) The National Test Administration Center, located in Alexandria, VA, is headed by a Field Manager who reports to the Director, Office of Selection and Evaluation.

(2) The National Test Administration Center is responsible for:

(i) Receipt and processing of requests to give examinations.

(ii) Preparing and distributing registers of eligible applicants and notices of ratings.

(b) *Technical Training Center.*

(1) The Technical Training Center, located in Norman, OK, is headed by a Field Director and reports to the Director, Office of Training and Development.

(2) The Technical Training Center is responsible for:

(i) Developing training materials for craft employees in maintenance and related crafts.

(ii) Performing training for technical employees.

(c) *William F. Bolger Management Academy.*

(1) The William F. Bolger Management Academy, located in Potomac, MD, is headed by a Field Director who reports to the Director, Office of Training and Development.

(2) The William F. Bolger Management Academy is responsible for:

(i) Developing training materials for supervisors, postmasters and other managerial employees.

(ii) Performing training for managerial employees.

§ 227.6 Information Resource Management Department.

(a) *National Information Systems Development Center.* (1) The National Information Systems Development Center, located in Raleigh, NC, is headed by a Field Director who reports to the Director, Office of Data Processing, Information Resources Management Department.

(2) The National Information Systems Development Center is responsible for:

(i) Designing new large-scale automated systems and writing the supporting program code.

(ii) Managing the nationwide voice and data communications system.

(b) *Postal Data Centers.* (1) The Postal Data Centers located in Minneapolis, MN; New York, NY; St. Louis, MO; San Mateo, CA; and Wilkes-Barre, PA, are headed by Field Directors who report to the Director, Office of Data Processing, at Headquarters.

(2) Postal Data Centers are responsible for:

(i) Systems analysis, computer programming, and other systems development activities.

(ii) Accounting, accounts payable, payroll, money order disbursing, claims and loss settlement, and other financial services.

(iii) Data processing and related computer services.

5. Part 228 is added as follows:

PART 228—SERVICE CENTERS

Sec.
228.1 General.
228.2 Engineering and Technical Support Department—Maintenance Overhaul Centers.
228.3 Mail Processing Department—Transportation Management Service Centers (TMSC).
228.4 Facilities Department—Facilities Services Centers.
228.5 Procurement and Supply Department—Procurement and Materiel Management Service Centers.

Authority: 39 U.S.C. 401, 402, 403, and 404.

§ 228.1 General.

Service Centers typically serve a regional area only and report to headquarters, providing technical guidance and support to field division employees and carrying out the day-to-day responsibilities of a function.

§ 228.2 Engineering and Technical Support Department—Maintenance Overhaul Centers.

(a) Maintenance Overhaul Centers are headed by General Managers who report to the Director, Office of Maintenance Management.

(b) Maintenance Overhaul Centers are responsible for:

(1) Refurbishing mail processing equipment such as letter sorting machines, facer cancellers, and related equipment.

(2) Providing technical advice and guidance to field maintenance employees on procedures and practices to follow.

§ 228.3 Mail Processing Department—Transportation Management Service Centers (TMSC).

(a) Transportation Management Service Centers are headed by managers who report to the General Manager, Transportation Administration and Procurement Division, at Headquarters. There are 23 TMSCs located across the country.

(b) Transportation Management Service Centers are responsible for:

(1) Procuring mail transportation services between mail processing centers.

(2) Controlling the inventory of empty mail equipment.

(3) Coordinating the movement of mail between mail processing centers, bulk mail centers (BMCs), Management Sectional Center (MSCs), and Divisions.

§ 228.4 Facilities Department—Facilities Service Centers.

(a) Facilities Service Centers are headed by a Director, who reports to the Assistant Postmaster General, Facilities Department.

(b) Facilities Service Centers are responsible for:

(1) Developing functional design specifications for new or altered facilities.

VOL 52 ISS 238 DEC 11 1987 UMI

(2) Investigating and evaluating sites for proposed postal facilities.

(3) Purchasing, leasing, disposing of, and managing real estate and facilities.

(4) Contracting for the design and construction of facilities.

§ 228.5 Procurement and Supply Department—Procurement and Material Management Service Centers.

(a) There are five Procurement and Materiel Management Service Centers, each headed by a Director who reports to the APMG, Procurement and Supply Department.

(b) Procurement and Materiel Management Service Centers are responsible for:

(1) Contracting for supplies, services and equipment;

(2) Maintaining systems for inventorying equipment and supplies.

6. Part 229 is added as follows:

PART 229—FIELD

Sec.
229.1 Regions.
229.2 Divisions.
229.3 Management Sectional Centers (MSCs).
229.4 Other Field Organizations.

Authority: 39 U.S.C. 401, 402, 403, and 404.

§ 229.1 Regions.

(a) *Region responsibilities.* The Regions are responsible for monitoring the performance of postal operations; assessing long-term solutions to operating problems; and performing long-range operational planning.

(b) *Functional division.* Each region is headed by a Regional Postmaster General who reports to the Deputy Postmaster General. Each region is organized into five functions: Finance, Human Resources, Marketing and Communications, Operations Support, and Planning, as follows:

(1) Finance is responsible for all accounting, budgeting, financial analysis, and management information programs.

(2) Human Resources is responsible for all employee and labor relations programs.

(3) Marketing and Communications is responsible for commercial accounts and merchandising programs, market and product analysis, and for providing information to the public and employees.

(4) Operations Support is responsible for operations planning and monitoring the performance of the mail processing network.

(5) Planning is responsible for long-range planning for the region and for support services to the regional building.

(c) *Regional areas.*—(1) *Central region.* The headquarters for the Central Region is in Chicago, IL. The regional area is made up of the states of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

(2) *Eastern region.* The headquarters for the Eastern Region is in Philadelphia, PA. The regional area is made of the states of Delaware, Kentucky, Maryland, New Jersey (ZIP Code areas 080–084, 189, 193 and 194), North Carolina, Ohio, South Carolina (except ZIP Code areas 298 and 299), Virginia, West Virginia and Washington, DC.

(3) *Northeast region.* The headquarters for the Northeast Region is in Windsor, CT. The regional area is made up of the states of Connecticut, Maine, Massachusetts, New Jersey (ZIP Code areas 074–079 and 085–089) New York, Rhode Island, Vermont and Puerto Rico.

(4) *Southern region.* The headquarters for the Southern Region is in Memphis, TN. The regional area is made up of the states of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina (ZIP Code areas 298 and 299), Tennessee and Texas (except ZIP Code areas 797–799).

(5) *Western region.* The headquarters for the Western Region is in San Bruno, CA. The regional area is made up of the states of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas (ZIP areas 797–799), Utah and Washington.

§ 229.2 Divisions.

2(a) *Division responsibilities.* The divisions are responsible for the day-to-day management of all operations and facilities within a geographic area.

(b) *Organizational structure.* Each division is headed by a Field Division General Manager/Postmaster who reports to the Regional Postmaster General.

(c) *Functional divisions.* Each division is organized into seven functions: Controller, City Operations, Operations Support, Marketing and Communications, Human Resources, Support Services, and Field Operations. Responsibilities are as follows:

(1) The Controller is responsible for the operation of all management information systems, accounting services, timekeeping, financial analysis, auditing, and compliance.

(2) City Operations is responsible for all mail processing within the host Field Division facility, including stations and branches and air mail operations; fleet operations; plant and equipment engineering; and bulk mail center operations.

(3) Operations Support is primarily responsible for providing staff support to the operations function. The primary functions in operation support include logistics and distribution systems management, industrial engineering, data collection, address information programs, delivery and retail programs, and maintenance support.

(4) Marketing and Communications plans and implements Postal Service marketing strategies, account management, technical sales support, communications programs, merchandising and sales information systems, and employee communications and community relations. It directs the consumer affairs program, provides marketing data to operations and other functional areas on customer demand, and recommends locations of retail facilities, hours of operation, collection boxes, and similar retail and delivery programs.

(5) Human Resources is responsible for labor relations, EEO complaint processing, employment and recruitment, training, compensation and benefits, affirmative action, and safety and health.

(6) Support Services is responsible for procurement; materiel management; purchase, lease, and management of real estate and facilities; and design and construction of new and altered facilities.

(7) Field Operations is responsible for the management of grade 24 and below associate offices that report to the host division.

§ 229.3 Management Sectional Centers (MSCs).

(a) *Management Sectional Center responsibilities.* Management Sectional Centers (MSCs) are responsible for managing all mail processing, customer services, finance, and employee and labor relations activities within their area.

(b) *Organizational structure.* Each MSC is headed by an MSC Manager/Postmaster who reports to a Field Division General Manager/Postmaster.

(c) *Functional division.* MSCs are divided into four functions, mail processing, customer services, finance, and employee and labor relations, as follows:

(1) Mail processing is responsible for all mail processing and distribution, plant maintenance, and management of detached distribution units.

(2) Customer services is responsible for delivery and collection, retail sales and services, account management, philately, fleet operations, and the management of stations and branches.

(3) Finance is responsible for budget and cost analysis, accounting and reporting systems, mail classification, and local procurements.

(4) Employee and Labor Relations is responsible for all employment and recruitment, safety, labor relations, and training.

§ 229.4 Other Field Organizations.

(a) *Bulk Mail Centers (BMCs).* There are twenty-one highly mechanized BMCs, each serving a specific geographic area and headed by a manager who reports to a Director, City Operations, in a Field Division. BMCs are responsible for processing certain types of second- and third-class mail in bulk form and parcel post mail, normally in bulk or piece form.

(b) *Associate offices.* Associate offices are headed by a postmaster who reports to a MSC Manager/Postmaster or to a Director, Field Operations, in a Field Division or, in some cases, to a Field Division General Manager/Postmaster. Associate offices are responsible for receiving and dispatching all classes of mail for a small geographic area normally encompassing the boundaries of a city or town.

Fred Eggleston,
Assistant General Counsel, Legislative Division.

[FR Doc. 87-28514 Filed 12-10-87; 8:45 am]
BILLING CODE 7710-12-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 417

[OPH-002-CN]

Medicare and Medicaid Programs; Redesignation of Rules Concerning Federal Requirements for Health Maintenance Organizations

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction notice.

SUMMARY: **Federal Register** document 87-22737 regarding Health Maintenance Organizations, beginning on page 36746 in the issue of Wednesday, September 30, 1987, redesignated 42 CFR Part 110 as 42 CFR Part 417, Subpart A. This document corrects two technical errors in the September 30 document.

FOR FURTHER INFORMATION CONTACT: Luisa V. Iglesias, (202) 245-0383.

Corrections

1. On page 36746, column 3, the first item of the rule is revised to read as follows:

The authority citation at the end of the table of contents is revised to read as follows and all other authority citations in Part 417 are removed.

Authority: Secs. 1102, 1833(a)(1)(A), 1861(s)(2)(H), 1871, 1874, and 1876 of the Social Security Act (42 U.S.C. 1302, 1395l(a)(1)(A), 1395x(s)(2)(H), 1395hh, 1395kk, and 1395mm); sec. 114(c) of Pub. L. 97-248 (42 U.S.C. 1395mm note); 31 U.S.C. 9701; and secs. 215 and 1301 through 1318 of the Public Health Service Act (42 U.S.C. 216 and 300e through 300e-17).

2. On page 36747, column 1, the heading of the table is revised to read: "Redesignation Table for 42 CFR Part 110"

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare-Hospital Insurance; No. 13.774, Medicare Supplementary Medical Insurance; No. 13.714, Medical Assistance Program)

Dated: December 4, 1987.

James F. Trickett,
Deputy Assistant Secretary for Administrative and Management Services.

[FR Doc. 87-28467 Filed 12-10-87; 8:45 am]
BILLING CODE 4120-01-M

---

42 CFR Parts 466 and 476

[HSQ-145-CN]

Medicare and Medicaid Programs; Entities Performing Quality of Care Review of Services Provided by Risk-Basis Health Maintenance Organizations and Competitive Medical Plans; Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of final rule with comment period.

SUMMARY: This document corrects technical errors that appeared in the final rule that was published in the **Federal Register** on October 7, 1987 (52 FR 37454). The final rule provided for review by Utilization and Quality Control Peer Review Organizations (PROs) of the quality of care furnished by risk-basis health maintenance organizations (HMOs) and competitive medical plans (CMPs) under 24 CFR Part 417, Subpart C. It also provided for this same review by non-PRO entities and identified the requirements that these non-PRO entities must meet.

FOR FURTHER INFORMATION CONTACT: Michelle French, (301) 594-9777.

SUPPLEMENTARY INFORMATION:

In **Federal Register** document 87-23092, beginning on page 37454 in the issue of October 7, 1987, we redesignated paragraphs (c), (d), and (e) of § 466.70 as paragraphs (a), (b), and (c), respectively of new § 466.71. We inadvertently overlooked paragraph (f) of § 466.70, which we would have redesignated as paragraph (d) of § 466.71.

In addition, in the time between preparing the final rule and publishing it, we published another final rule (**Federal Register** document 87-19988) on September 1, 1987 (52 FR 33034) that revised paragraph (e)(2) of § 466.70, which we overlooked when we published the October 7, 1987 final rule. We have also noted two minor editorial corrections that should be made to the final rule. Therefore, the following corrections must be made to the October 7, 1987 final rule:

PART 466—[AMENDED]

1. On page 37457, in the first column, item 2 should read: "Section 466.70 is amended by revising the section heading, paragraphs (a) and (b), and redesignating paragraphs (c), (d), (e), and (f) as paragraphs (a), (b), (c), and (d), respectively, of new § 466.71, which is added to read as follows:"

§ 466.71 [Amended]

2. On page 37457, in the second column, paragraph (b) of § 466.71, the first sentence should read "On the basis of the review specified under paragraphs (a)(1), (3), (6), (7), and (8) of this section, the PRO must determine whether payment may be made for these services."

3. On page 37457, in the third column, paragraph (2) of § 466.71(c) should read "The PRO must review every change in a DRG assignment that is a result of a review made under the provisions of § 412.60(d) if the change results in the assignment of a higher-weighted DRG and the PRO has not previously reviewed the case. The PRO must verify that the diagnostic and procedural information supplied by the hospital is substantiated by the information in the medical record."

4. On page 37457, in the third column, following § 466.71(c)(2), add:

(d) *Coordination of sanction activities.* The PRO must carry out the responsibilities specified in Subpart C of Part 1004 of this title regarding imposition of sanctions on providers and practitioners who violate their statutory obligations under section 1156 of the Act.

PART 476—[AMENDED]

§ 476.133 [Amended]

5. On page 37458, in the first column, paragraph (a)(2)(ii)(A) of § 476.133, should read "Federal and State agencies that are responsible for the investigation of fraud and abuse of the Medicare or Medicaid programs, and".

(Secs. 1102, 1154, and 1871 of the Social Security Act (42 U.S.C. 1302, 1320c–3 and 1395hh); 42 CFR 466.71))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program; No. 13773, Medicare—Hospital Insurance Program; and No. 13.774, Medicare—Supplementary Medical Insurance Program)

Dated: December 4, 1987.

James F Trickett,

Deputy Assistant Secretary for Administrative and Management Services.

[FR Doc. 87–28466 Filed 12–10–87; 8:45 am]

BILLING CODE 4120–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87–204; RM–5617]

Radio Broadcasting Services; Morro Bay, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 259A to Morro Bay, California, as that community's first local FM service, in response to a petition filed by Morro Bay Investment Company. With this action, the proceeding is terminated.

DATES: Effective January 19, 1988; The window period for filing applications on channel 259A at Morro Bay, California, will open on January 20, 1988, and close on February 19, 1988.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530, regarding the allocation. For information related to the application process, contact Audio Services Division, FM Branch, (202) 632–0394.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–204, adopted November 6, 1987, and released December 4, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended by adding Morro Bay, Channel 259A, under California.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–28480 Filed 12–10–87; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 86–243; RM–5080]

Radio Broadcasting Services; Ashland, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates FM Channel 291C2 to Ashland, Missouri, as that community's first FM broadcast service, in response to a petition filed by Stellar Broadcasting Corporation. There is a site restriction 6.4 kilometers (4 miles) southwest of the community. With this action, this proceeding is terminated.

DATES: Effective January 19, 1988; The window period for filing applications will open on January 20, 1988; and close on February 19, 1988.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86–243, adopted November 12, 1987, and released December 4, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by adding Channel 291C2 at Ashland.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–28481 Filed 12–10–87; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 87–191; RM–5601]

Television Broadcasting Services; Athens, OH

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document, at the request of Wendell A. Triplett, allocates Channel 63- to Athens, Ohio, as the community's first local television service. Channel 63- can be allocated to Athens in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.9 miles north to avoid a short-spacing to unused and unapplied for Channel *63 at Bluefield, West Virginia. Canadian concurrence in the allotment has been received. However, by *Order*, 52 FR 28346, July 29, 1987, the Commission instituted a temporary freeze on the filing of applications for new allotments to communities located within the required minimum co-channel separation distance to certain metropolitan areas. Athens is located within the proscribed distance to two such metropolitan areas, Cincinnati and Columbus, Ohio. Therefore, no applications will be accepted for Channel 63- at Athens until further notice by the Commission. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 19, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–191, adopted November 12, 1987, and released December 4, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Television broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.606 [Amended]

2. Section 73.606(b), the TV Table of Allotments for Athens, Ohio, is amended by adding Channel 63-.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–28482 Filed 12–10–87; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF DEFENSE

48 CFR Part 232

Federal Acquisition Regulation Supplement; Provisional Delivery Payments

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Defense Acquisition Regulatory Council has approved revisions to Part 232 of the Defense Federal Acquisition Regulation Supplement (DFARS) to specify authority and procedures for provisional delivery payments to contractors for supplies and services delivered to and accepted by the Government.

EFFECTIVE DATE: November 30, 1987.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Richard J. Wall, USAF, ODASD (P)/CPF, Room 3C800, The Pentagon, Washington, DC 20301–3062, telephone (202) 695–7249.

SUPPLEMENTARY INFORMATION:

A. Background

The Defense Acquisition Regulatory (DAR) Council has modified DFARS 232.102 to specify authority and procedures for provisional delivery payments to contractors for supplies and services delivered to and accepted by the Government. Coverage for such payments was included in Appendix E of the Defense Acquisition Regulation but had not been carried forward to either the Federal Acquisition Regulation or the DFARS. The DAR Council and the Civilian Agency Acquisition Council are aware that Provisional Delivery Payments is a subject of interest throughout the Federal acquisition community. The Councils have agreed to consider coverage on Provisional Delivery Payments for future incorporation in the FAR.

A proposed rule was published in the **Federal Register** for public comment on March 18, 1987 (52 FR 8481). In general, the comments received supported the revision. Therefore, the proposed rule is issued as a final rule without modification.

B. Regulatory Flexibility Act Information

The proposed rule published in the **Federal Register** on March 18, 1987, contained initial Regulatory Flexibility Act information. The notice included an expectation that the proposed provision would benefit small businesses but there was not enough information available within DoD to make a thorough assessment. The notice requested comments, particularly from small entities. No comments were received.

C. Paperwork Reduction Act Information

The proposed rule published in the **Federal Register** on March 18, 1987, contained a statement that the Paperwork Reduction Act did not apply because the rule did not impose any additional requirements that would necessitate OMB approval.

There were no comments received on the Paperwork Reduction Act statement.

List of Subjects in 48 CFR Part 232

Government procurement.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

Adoption of Amendments

Therefore the DoD FAR Supplement is amended as set forth below.

PART 232—CONTRACT FINANCING

1. The authority for 48 CFR Part 232 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

2. Section 232.102 is amended by adding paragraph (S–70) to read as follows:

232.102 Description of contract financing methods.

* * * * *

(S–70) *Provisional Delivery Payments.* The contracting officer may establish provisional delivery prices to pay contractors for the costs of supplies and services delivered to and accepted by the Government on undefinitized contract actions. Such delivery arrangements are restricted to (1) letter contracts contemplating a definitive fixed-price type of contract, (2) orders under basic ordering agreements, (3) spares provisioning documents annexed to contracts, and (4) fixed-price contracts for increases in contract price for unpriced equitable adjustments. The provisional delivery prices shall not prejudice the price subsequently definitized between the contracting officer and contractor. They should be used sparingly and priced conservatively to cover no more than a reasonable estimate of the costs of items to be included in the provisional delivery arrangement and shall not include any amount for profit. Provisional delivery payments shall not exceed funds obligated for the undefinitized contract action and shall be reduced by liquidating previous progress payments made on the items delivered to and accepted by the Government in accordance with the provisions of the Progress Payments clause.

[FR Doc. 87–28529 Filed 12–10–87; 8:45 am]

BILLING CODE 3810–01–M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 532 and 552

[APD 2800.12 CHGE 49]

General Services Administration Acquisition Regulation; Prompt Payment Discounts

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), Chapter 5, is amended to revise sections 532.111(a)(1) and 552.232–8(g) to delete the words "beginning with" and to subordinate the word "from." The intended effect is to provide uniform procedures for contracting under the regulatory system.

EFFECTIVE DATE: December 24, 1987.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Scott, Office of GSA

VOL 52 ISS 238 DEC 11 1987 UMI

Acquisition Policy and Regulations on (202) 523-4765.

SUPPLEMENTARY INFORMATION: This rule will not have a significant impact on contractors or offerors. Therefore, it was not published for comment in the Federal Register. The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The rule merely revises language in the GSAR regarding Discounts for Prompt Payment clauses to be consistent with the wording in the Federal Acquisition Regulation and OMB Circular A-125. Therefore, no regulatory flexibility analysis has been prepared. This rule does not contain any information collection requirements which are subject to OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*).

List of Subjects in 48 CFR Parts 532 and 552

Government procurement.

1. The authority citation for 48 CFR Parts 532 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 532—CONTRACT FINANCING

2. Section 532.111(a)(1) is revised to read as follows:

532.111 Contract clauses.

(a) *Discounts for prompt payment.* (1) Section 32.111(c) of the Federal Acquisition Regulation provides for modification of the Discounts for Prompt Payment clause with respect to payment due dates. Accordingly, the contracting officer shall modify the first sentence of paragraph (b) of the FAR clause at 52.232-8, Discounts for Prompt Payment, to read as follows: "In connection with any discount offered for prompt payment, time will be computed from the later of: (1) The date of completion of performance of the services or the date of acceptance of the supplies, as determined in accordance with the payment terms of this contract, (2) the date a proper invoice or voucher is received in the office specified by the Government, or (3) the date a release of claims is received by the contracting officer, if required by the payment terms of this contract." The FAR clause is for use in contracts for supplies other than Multiple Award Schedule contracts, and in contracts for services.

* * * * *

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 552.232-8(g) is revised to read as follows:

552.232-8 Discounts for prompt payments.

Discounts for Early (Prompt) Payment (Nov 1987) (Deviation FAR 52.232-8)

* * * * *

(g) The ending date of the discount period will be determined by applying the number of calendar days specified by the Contractor, from the later of:

(1) The date the supplies are deemed to be accepted by the Government, as determined in accordance with the payment terms of this contract, or

(2) The date a proper invoice or voucher is received in the office specified by the Government.

* * * * *

Dated: December 1, 1987.

Patricia A. Szervo,

Associate Administrator for Acquisition Policy.

[FR Doc. 87-28056 Filed 12-10-87; 8:45 am]

BILLING CODE 6820-61-M

48 CFR Part 553

[APD 2800.12 CHGE 50]

General Services Administration Acquisition Regulation; Revision of GSA Form 300

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), Chapter 5, is amended to revise section 553.272(a) to provide for the use of GSA Form 300, Order for Supplies and Services, the GSA Form 300-1, Order for Supplies and Services (pin-feed format), and the GSA Form 300-A(1), Order for Supplies and Services (Continuation) (pin-feed format); to revise section 553.273(a) to provide for the use of the pin-feed format of GSA Form 3025A, Receiving Report; to revise section 553.370-300 to illustrate the latest version of the GSA Form 300, Order for Supplies and Services; to revise section 553.370-300-I to provide instructions for completion of the latest revision of GSA Form 300, Order for Supplies and Services, and to revise section 553.370-527 to illustrate the latest version of the GSA Form 527, Contractor's Qualifications and Financial Information. The intended effect is to provide uniform procedures for contracting under the regulatory system.

EFFECTIVE DATE: December 24, 1987.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Scott, Office of GSA Acquisition Policy and Regulations on (202) 523-4765.

SUPPLEMENTARY INFORMATION: This rule will not have a significant impact on contractors or offerors. Therefore, it was not published for public comment in the Federal Register. The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The rule provides for the use of updated versions of GSA forms which are already in use and which do not have a significant impact on contractors. Therefore, no regulatory flexibility analysis has been prepared. The rule does not contain any information collection requirements which are subject to OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*).

List of Subjects in 48 CFR Part 553

Government procurement.

PART 553—FORMS

1. The authority citation for 48 CFR Part 553 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. Section 553.272 is amended by revising paragraph (a) to read as follows:

553.272 Purchase/Delivery orders.

* * * * *

(a) The GSA Form 300 or 300-1 (pin-feed format), Order for Supplies and Services, is used in accordance with the instructions at 553.370.300-I for making purchases payable through the National Electronic Accounting and Reporting (NEAR) System and for certifying receipt of supplies and services. This form may also be used in other situations, unless a specific form is prescribed for use. GSA Form 300-A or 300-A(1) (pin-feed format), Order for Supplies and Services (Continuation), is available for use with GSA Form 300.

* * * * *

3. Section 553.273 is amended by revising paragraph (a) to read as follows:

553.273 Receiving reports.

(a) GSA Form 3025 or 3025A (pin-feed format), Receiving Report, may be used in conjunction with the GSA Form 300 or 300-1 (pin-feed format), Order for Supplies and Services, when required by the instructions for use of the GSA-300 at 553.370-300-I. The GSA Form 3025 or 3025A may also be used when prescribed in GSA handbooks or other directives

* * * * *

Editorial Note: The forms listed in the summary are illustrated in and made a part of the regulation. However, the forms are not illustrated in the Federal Register or the Code of Federal Regulations. Individual copies may be obtained from any GSA contracting activity or the Director of the Office of GSA Acquisition Policy and Regulations (VP), 18th & F Streets, NW., Washington, DC 20405.

Dated: December 1, 1987.

Patricia A. Szervo,

Associate Administrator for Acquisition Policy.

[FR Doc. 87-28055 Filed 12-10-87; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-222]

Delegation of Powers and Duties Under CERCLA

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This rule amends Title 49, Code of Federal Regulations, to include the delegation of authority from the Secretary to the Commandant of the U.S. Coast Guard with respect to certain functions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA). President Reagan's Executive Order 12580 of January 23, 1987, assigned these functions to the Secretary.

EFFECTIVE DATE: December 11, 1987.

FOR FURTHER INFORMATION CONTACT: LCDR G.F. EPLER, Office of Marine Safety, Security and Environmental Protection (G-MER-2), Room 1203, U.S. Coast Guard Headquarters, 2100 2nd Street SW., Washington, DC 20593-0001 (202-267-0434) between 7:00 a.m. and 3:30 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Since this amendment relates to departmental management, procedures, and practice, it is excepted from the notice and public procedures requirements and it may be made effective in fewer than 30 days after publication in the Federal Register.

Drafting Information

The principal persons involved in drafting this document were William R. Register, and Frederick Presley, Office of the Chief Counsel, U.S. Coast Guard.

Discussion

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) provided for liability, compensation, cleanup and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites. By virtue of Executive Order 12316 of August 14, 1981, the President assigned responsibilities for functions under CERCLA to Federal departments and agencies, including DOT. The Secretary of Transportation in turn, delegated most of these functions to the Commandant of the Coast Guard for activities related to: Certification of financial responsibility for vessels; responses to releases or threats of releases from vessels; immediate removal actions concerning releases or threats of releases at facilities other than active or inactive hazardous waste management facilities; and, to a somewhat more limited degree, immediate removal actions concerning releases or threats of releases at active or inactive hazardous waste management facilities. In addition, as allowed by Executive Order 12316, the Secretary redelegated the remainder of the functions which had been delegated to him relative to removal and remedial actions to the Administrator of the Environmental Protection Agency (EPA).

CERCLA was amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), which was enacted on October 17, 1986. Thereafter, President Reagan signed Executive Order 12580 on January 23, 1987, assigning responsibility for functions under CERCLA, as amended. Section 11(h) of Executive Order 12580 revoked Executive Order 12316.

This document revises the CERCLA delegations to the Coast Guard, as published in Part 1 of Title 49, CFR, to include the Secretary's delegations to the Coast Guard under CERCLA, as amended by SARA, and Executive Order 12580. A copy of the revised redelegation of functions from the Secretary to the EPA is also included. The redelegation is authorized under section 11(g) of Executive Order 12580.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

1. The authority citation for Part 1 continues to read as follows:

Authority: 49 U.S.C. 322.

2. Paragraphs (ff) and (gg) in § 1.46 are revised to read as follows:

§ 1.46 Delegations to commandant of the Coast Guard.

The Commandant of the Coast Guard is delegated authority to—

* * * * *

(ff) Carry out the functions vested in the Secretary by:

(1) Section 108(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9608(a)(3)), and by sections 7(b)(1), 7(b)(2), and 7(c)(2) of Executive Order 12580 relating to vessel financial responsibility; and

(2) Sections 2(e)(1), 2(e)(2), 2(i), 2(j)(1), 2(j)(2), 2(k), 3(a), 4(b)(1), 4(b)(2), 6(c), 9(d), 9(i), and 11(b)(2) of Executive Order 12580 relating to facilities and vessels under the jurisdiction, custody, or control of the Coast Guard.

(gg) Carry out the functions, relating to releases or threatened releases involving the coastal zone, Great Lakes waters, and ports and harbors, vested in the Secretary by sections 2(f), 2(i), 2(j)(2), 2(k), 4(c)(1), 4(c)(2), 5(b), 6(c), 9(d), 9(i), and 11(b)(2) of Executive Order 12580 insofar as they relate to:

(1) Responses to releases or threats of releases from vessels;

(2) Emergency action concerning releases or threats of releases at facilities other than active or inactive "hazardous waste management facilities" (as defined in 40 CFR 270.2); and

(3) Emergency action concerning releases or threats of releases at active or inactive "hazardous waste management facilities" only when the Coast Guard On-Scene Coordinator determines that such action must be taken pending the arrival on scene of an Environmental Protection Agency (EPA) On-Scene Coordinator (OSC). Unless otherwise agreed upon by the EPA and Coast Guard, this authority will not be

VOL 52 ISS 238 DEC 11 1987 UMI

exercised unless the EPA OSC is scheduled to arrive on scene within 48 hours of notification of the release or threat of release.

As used in this paragraph "emergency action" includes any removal action which, in the view of the Coast Guard On-Scene Coordinator, must be taken immediately to prevent or mitigate immediate and significant danger to the public health, welfare, or the environment. Situations in which such actions may be taken include, but are not limited to, fire, explosions, and other sudden releases; human, animal, or food chain exposure to acutely toxic substance; and the contamination of a drinking water supply. All functions listed in this paragraph include the authority to contract for, obligate monies for, and otherwise arrange for and coordinate the responses included within such functions.

* * * * *

Issued in Washington, DC, on November 25, 1987.

Jim Burnley,

Acting Secretary of Transportation.

[FR Doc. 87-28524 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

[Docket No. 70617-7148]

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of adjustment of surf clam fishing time.

SUMMARY: NOAA issues this notice to increase the allowable fishing time for surf clams to 48 hours for the fourth quarter of 1987 for vessels harvesting surf clams in the Mid-Atlantic Area of the exclusive economic zone. This action will provide flexibility to operators in the use of fishing time during the period. The intended effect is to match fishing effort to the available quota for the area.

EFFECTIVE DATES: December 10, 1987, through January 1, 1988. Fishing trips must be scheduled with 10 days' advance written notice.

ADDRESS: Send request for fishing time to the Surf Clam Coordinator, NMFS, 2 State Fish Pier, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: John G. Terrill, 617-281-3600, ext. 252.

SUPPLEMENTARY INFORMATION: Regulations implementing the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries contain at § 652.22(a)(3) a provision allowing the Regional Director to revise allowable fishing times to promote fishing for surf clams throughout the year with a minimum of changes. The Regional Director during the first quarter of 1987 decided, with the unanimous support of the Council, to exercise his authority under § 652.22(a)(3) to allocate fishing time by quarter and allow each operator the maximum flexibility possible to schedule that time to best advantage.

Based on the rate of harvest and utilization of available quota through the first half of the fourth quarter, the Regional Director has decided to increase the allocated fishing time from 42 to 48 hours. That time must be scheduled 10 days in advance in fishing trips of six hours' duration each, which may be taken on any eight separate days during the normal daily and weekly fishing times established in § 652.22(a)(1), (2), and (3). If effort were to remain at 42 hours, a surplus allocation of approximately 80,000 bushels is projected. The additional 6 hours' fishing time will bring in an expected catch of 55,000 bushels. Additional landings will be realized through the reporting log, bringing the catch up to the total allocation.

Other Matters

This action is taken under the authority of 50 CFR Part 652 and is taken in compliance with Executive Order 12291.

(16 U.S.C. 1801 *et seq.*)

List of Subjects in 50 CFR Part 652

Fisheries, Reporting and recordkeeping requirements.

Dated: December 4, 1987.

James E. Douglas Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 87-28417 Filed 12-10-87; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 52, No. 238
Friday, December 11, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 735

[Amdt. No. 2]

Cotton Warehouses; Definitions, Financial Statement, Bonding and Net Asset Requirements, Warehouse Bonds and Transfer of Stored Cotton

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This rule would amend the regulations at 7 CFR Part 735 relating to cotton warehouses licensed or applying for license under provisions of the United States Warehouse Act to: (1) Add definitions; (2) establish financial statement requirements; (3) increase the total bonding and net asset requirements; (4) require warehousemen to have and maintain total current assets equal to or exceeding total current liabilities; (5) allow the Secretary to accept a letter of credit for a deficiency in total net assets above the minimum requirement; (6) permit a warehouseman to deposit, with the Secretary, for the protection of depositors, United States public debt obligations as security in lieu of a bond furnished by a corporate surety; (7) allow a waiver of the requirements for an individual financial statement from a warehouseman wholly-owned by another business entity which other entity is willing to furnish an acceptable financial statement and guarantee the storage obligations of the licensed warehouseman; (8) allow the inclusion of certain appraisals of real personal property in the determination of assets; (9) provide for the acceptance of a continuous form of bond from a surety company; and (10) permit the transfer of receipted cotton from one licensed warehouse to another licensed warehouse. These regulations have not been amended since 1953 and the proposed changes are being made to provide for better protection for the depositors.

DATE: Written comments should be received on or before January 11, 1988, to assure consideration.

ADDRESS: Written comments should be sent to Paul W. King, Director, Warehouse Division, Room 5969-South Agriculture Building, Agricultural Stabilization and Conservation Service, P.O. Box 2415, Department of Agriculture, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Clifford J. McNeill, (202) 475-4028.

SUPPLEMENTARY INFORMATION:

This rule has been reviewed in conformity with Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "non-Major." This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. A compete review is in process.

Milton J. Hertz, Administrator, ASCS, has determined that this action is not a major rule since implementation of the proposed rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local governments, or a geographic region; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to complete with foreign-based enterprises in domestic or export markets.

The information collection requirements proposed by this rule will not become effective until they have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980. Such approval has been requested and is under consideration. Comments concerning the information collection requirements contained in these proposed rules may be addressed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer ASCS/USDA, Washington, DC 20503, Telephone (202) 395-7340.

Milton J. Hertz, Administrator, Agricultural Stabilization and Conservation Service (ASCS), has certified that this action will not have a significant economic impact on a substantial number of small entities because: (1) This action imposes only moderate economic costs on small entities; and (2) the use of the service is voluntary. Therefore, no regulatory flexibility analysis was prepared.

This rule is not expected to have any significant impact on the quality of the human environment. In addition, this action will not adversely affect environmental factors such as wildlife habitat, water quality, or land use and appearance. Accordingly, neither an environmental assessment nor an environmental impact statement is required and none was prepared.

This action will not have a significant impact specifically upon area and community development, therefore review as established by Executive Order 12291 (February 17, 1981) was not used to assure that units of local government are informed of this action.

Background

The U.S. Warehouse Act (7 U.S.C. 241 *et seq.*) [the "Act"] provides that warehousemen who apply to the Secretary of Agriculture and who meet certain statutory and regulatory standards may be federally licensed. The primary objectives of the Act are to: (1) Protect producers and others who store their property in public warehouses; (2) assure the integrity of warehouse receipts as documents of title, thereby facilitating trading of agricultural commodities in interstate commerce; and (3) set and maintain a standard for sound warehouse operations.

The Department of Agriculture has sought to attain these objectives by: Research and development of basic standards for good warehousing practices; requiring original and continuing examinations of applicants and licensees; establishing financial and bonding requirements; and establishing licensing and regulatory requirements.

The issuance of a warehouse receipt by the warehouseman and its delivery to the depositor is the best legal evidence that the bailment contract, i.e., the storage obligation exists. However, a warehouse receipt is acceptable only when the original depositor or a subsequent holder of a receipt has reasonable assurance that the product covered by the warehouse receipt will be delivered upon surrender of the receipt and a valid request for delivery. If the depositor or holder of the receipt

VOL 52 ISS 238 DEC 11 1987 UMI

fails to receive return of the product, they must have the assurance that the warehouseman is able to compensate them for this breach of contract.

Historically, the responsibility of licensed warehousemen to fulfill their obligations to depositors has been supported by requiring the warehousemen to have and maintain a certain level of allowable total net assets and a corporate surety bond. The levels of both the assets and the bonds have been generally fixed by the maximum number of bales of licensed capacity.

The present asset and bonding requirements have been in place since 1953, and during this period cotton has doubled in value. In recent years an increasing number of cotton warehouse firms have experienced financial difficulties as reflected by the number of insolvencies and reorganizations.

In addition, changes in the marketing operations of warehousemen increase the risk of loss to depositors. Some licensed cotton warehousemen also operate a cotton market or commission merchant business which buys cotton from producers through the same facilities used for the storage of cotton. The businesses of storing and marketing often become inseparable and funds available to the total business often cannot be segregated. The use of "forward" contracts as a marketing tool also has contributed to the possibility of increased losses.

This proposed rule would increase the protection available to depositors to compensate for these changes in the nature of the warehouse industry. This proposed rule would increase the minimum net worth requirements of warehousemen and would require a minimum level of working capital. It will also increase the minimum and maximum bond required.

We recognize that these increases in financial and bonding requirements will require adjustments in the operations of some warehousemen. To alleviate the impact of these changes on any warehouseman, this rule also proposes to add some flexibility to the bonding and net worth requirements. The proposed changes are summarized below.

1. Definitions

This proposed rule would add definitions for: (a) Net assets, (b) capacity, (c) current assets, and (d) current liabilities.

2. Changes in Financial Requirements and Net Asset Requirements for Licensing and Continuation of License

This proposed rule would require that cotton warehousemen licensed or applying for license under provisions of the United States Warehouse Act (7 U.S.C. 268 *et seq.*) provide the Secretary with an annual financial statement that has at least been audited or reviewed by an independent public accountant.

The net asset requirements for licensing would increase.

Total net assets generally are associated with the ability to withstand losses and carry the business through seasonal fluctuations. Current net assets, as compared with current liabilities, are a measure of the company's ability to carry on day-to-day operations (cash flow). When either total net assets or current net assets are too low or impaired, the risk of insolvency increases.

Significant changes in net asset and bonding requirements were last made in June, 1953 when the net asset requirement rate was raised to $5.00 per bale of licensed capacity and the minimum to $10,000. The bonding rate was raised to $5.00 per bale of licensed capacity with a minimum of $5,000 and a maximum of $100,000. This rule proposes that the minimum total net asset requirement be raised from $10,000 to $25,000 and that the per bale rate be increased to $10.00. The minimum amount of the surety bond would be increased to $20,000 with a maximum of $250,000 and the per bale rate of $10.00.

The warehouseman would also be required to have and maintain or demonstrate access to total current assets equal to or exceeding total current liabilities (Working Capital) in addition to total net asset (Net Worth) requirements.

3. Acceptable Form of Bond

The United States Treasury Department (31 CFR Part 225) allows the deposit of security with the bond-approving officer in lieu of bond. United States bonds, Treasury notes or other public debt obligations of the Untied States or obligations which are unconditionally guaranteed as to both interest and principal by the United States are acceptable.

ASCS proposes to amend 7 CFR 735.11 to permit acceptance by the Secretary of a deposit of United States debt obligations in lieu of the bond. The use of such a deposit would eliminate the cumulative protection presently provided by the surety bond.

The deposit will not be released until one year after the license is terminated and the storage obligations of the warehouse have been liquidated or otherwise satisfied. The deposit could be released earlier if the warehouseman is able to show that all storage obligations of the warehouse have been satisfied or that no depositors object. In the event that the amount of deposit required is reduced, the obligation will be released to the extent of the reduction after the next satisfactory warehouse examination which confirms the reduction of obligation. Interest on the obligation will accrue to the benefit of the warehouseman unless the Secretary has reason to believe that claims may exist against the obligation in excess of their value. In that event, interest will be used to satisfy outstanding claims.

ASCS further proposes to amend 7 CFR 735.11 to accept a continuous form of surety bond. This would remove the cumulative protection presently provided by the surety bond since the aggregate liability of the surety under this bond for any one or more defaults of the principal would be restricted to the penal sum for liabilities accrued during the term of the bond.

Experience has shown that claims against more than one bond are the exception and the acceptance of these forms of surety would not be expected to adversely affect depositors.

4. Letter of Credit

This proposed rule would permit acceptance of a letter of credit for a deficiency in net assets but only to the extent of the warehouseman's net asset requirement above $25,000. A surety bond (or Treasury deposit) would still be required for the statutory performance bond requirement. The letter of credit must be issued for not less than two years and coincide with the term of the bond. The letter of credit must be clean; irrevocable; issued by a commercial bank and insured as a deposit by the Federal Deposit Insurance Corporation; and payable to the Secretary by sight draft.

5. Waiver of Requirements for Individual Financial Statements

The proposed regulations would require that each warehouseman making application for a license and each warehouseman licensed under the regulations provide a financial statement meeting the requirements of 7 CFR 735.5 (b) and (c) and further have total net assets and working capital at least equal to the minimums required by 7 CFR 735.5(d). Some warehousemen applying for or holding licenses are wholly owned by other business entities

(parent). These warehousemen may have difficulty producing a statement meeting the financial requirements of the regulations, while the parent is willing to guarantee all storage obligations of the warehouseman and could furnish an acceptable statement on behalf of the wholly owned subsidiary. Under these circumstances, preparing individual statements and maintaining required assets by each individual warehouseman would be costly and unnecessary duplication of effort. This rule proposes to accept on behalf of the warehouseman financial statements of the parent when such statements are supported by a guaranty of all storage obligations that the licensed warehouseman may incur.

6. Appraisals of Real or Personal Property

Generally accepted accounting principles preclude valuing depreciable fixed assets at other than cost less depreciation values. The regulations now require that all financial statements be prepared in accordance with generally accepted accounting principles. Because of the age of many warehouses and the attendant depreciation schedules, oftentimes fixed assets are listed in the financial statement at less than the value that could be realized upon the sale of the assets on the open market. To remedy this, ASCS proposes to accept appraisals which give warehousemen credit for the actual market values of the fixed assets.

To be acceptable, narrative market value appraisals of land, buildings, and equipment must be made and prepared by independent appraisers certified by a recognized appraisal society or by a professional appraisal organization. This rule also proposes to accept land only, value appraisals which are prepared by local professional realtors provided that the appraisal report includes a minimum of two citations of recent sales of similar properties in the near geographical area and is accompained by a statement of the appraiser's qualifications.

Although not spelled out in this proposed rule, the Secretary contemplates acceptance of appraised values of all fixed assets subject to the following limitations:

(1) Appraisal values for depreciable fixed assets would be limited to values actually insured;

(2) Appraisal surpluses would be discounted 30 percent;

(3) Warehousemen would be required to have a positive working capital position; and

(4) Recent acquisition of assets by warehousemen through arms length contracts between disinterested parties would not be eligible for consideration at appraised values (the transaction itself is the best indication of value).

7. Continuous Bond and License

ASCS proposes to amend 7 CFR 745.14 to issue a continuous form of license provided that the warehouseman files a bond with the Secretary which meets the requirements outlined in 7 CFR 735.11(a), i.e., required amount and with the approval of the Secretary. The proposed rule clarifies the Department's long held position that failure of a warehouseman to provide a bond results in automatic revocation of the warehouseman's license.

8. Transfer of Stored Cotton

The statutory amendment which mandated this change became effective March 20, 1986. The amendment allows a federally licensed warehouseman to transfer receipted stored agricultural products from one licensed warehouse to another licensed warehouse in accordance with regulations to be issued by the Secretary and subject to such terms and conditions as the Secretary may prescribe. This transfer was previously prohibited by the Act.

This change will help facilitate storage operations of primary receiving warehouses by enabling them to forward cotton to other licensed facilities. Receiving warehouses will continue to be responsible for the safekeeping of cotton.

List of Subjects in 7 CFR Part 735

Definitions, Warehouse licenses, Financial requirements, Warehouse bonds.

Proposed Rule

Accordingly it is proposed to amend 7 CFR Part 735 as follows:

PART 735—COTTON WAREHOUSES

1. The authority citation for 7 CFR Part 735 continues to read as follows:

Authority: Section 28, 39 Stat. 490 (7 U.S.C. 268).

2. Section 735.2 is amended by adding paragraphs (x), (y), (z), and (aa) as follows:

§ 735.2 Terms defined.

* * * * *

(x) *Net assets.* The difference remaining when liabilities are subtracted from allowable assets. In determining allowable assets, credit may be given for appraisal of real property less improvements and for the appraisal of insurable property such as buildings, machinery, equipment, and merchandise inventory only to the extent that such insurable property is protected by insurance against loss or damage by fire, lightning, and tornado. Such insurance must be in the form of lawful insurance policies issued by insurance companies authorized to do such business and subject to service of process in the State in which the warehouse is located. The Secretary shall, at his discretion, determine what assets are allowable and under what conditions appraisal may be used.

(y) *Warehouse capacity.* Warehouse capacity is the maximum number of bales of cotton that the warehouse will accommodate when stored in the manner customary to the warehouse and as required by the Secretary.

(z) *Current assets.* Assets, including cash, that are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business or within one year if the operating cycle is shorter than one year.

(aa) *Current liabilities.* Those financial obligations which are expected to be satisfied during the normal operating cycle of the business or within one year if the operating cycle is shorter than one year.

§ 735.4 [Amended]

3. Section 735.4 is amended by changing "$10,000.00" to "$25,000."

4. Section 735.5 is revised to read as follows:

§ 735.5 Financial requirements.

(a) Each warehouseman conducting a warehouse licensed under the Act or for which application for a license under the Act has been made must maintain complete, accurate and current financial records which shall be available to the Secretary for review or audit at the Secretary's request.

(b) Each warehouseman conducting a warehouse for which application for license under the Act is made shall provide with this application and each warehouseman licensed annually, or more frequently if required, shall furnish to the Secretary financial statements from the records required in paragraph (a) of this section prepared according to generally accepted accounting principles. Such statements shall include but not be limited to: (1) Balance sheet, (2) statement of income (profit and loss), (3) statement of retained earnings, and (4) statement of changes in financial position. The chief executive officer for the warehouseman shall certify under penalties of perjury that the statements as prepared accurately reflect the

financial condition of the warehouseman as of the date named fairly represent the results of operations for the period named.

(c) Each warehouseman conducting a warehouse licensed under these regulations shall have the financial statements required in paragraph (b) of this section audited by an independent certified public accountant. Alternatively, financial statements audited or reviewed by an independent public accountant will be accepted. The Secretary may, at his discretion, require an audited financial statement prepared by an independent certified public accountant. He may also, at his discretion, require an on-site examination and an audit by USDA personnel. Audits and reviews by independent certified public accountants and independent public accountants specified in this section must be made in accordance with standards established by the American Institute of Certified Public Accountants. The accountant's certification, assurances, opinion, comments, and notes on such statements, if any, must be furnished along with the financial statements. Licensees who cannot immediately meet these requirements may apply to the Secretary for a temporary waiver of this provision. The Secretary may grant such waiver for a period not to exceed 180 days if the licensee can furnish evidence of good and substantial reasons therefor.

(d) Each warehouseman conducting a warehouse which is licensed under this part, or for which application for such a license has been made, must have and maintain:

(1) Total net assets liable and available for the payment of any indebtedness arising from the conduct of the warehouse of at least $10.00 multiplied by the warehouse capacity in bales to a maximum of $250,000; *however*, no person may be licensed or remain licensed as a warehouseman under this part unless that person has allowable net assets of at least $25,000. (Any deficiency in net assets above the $25,000 minimum may be supplied by an increase in the amount of the warehouseman's bond in accordance with § 735.12(c) of this part); and

(2) Total current assets equal to or exceeding total current liabilities or evidence acceptable to the Secretary that funds will be and remain available to meet current obligations.

(e) If a warehouseman is licensed or is applying for licenses to operate two or more warehouses under this part, the maximum number of bales which all such warehouses will accommodate when stored in the manner customary to the warehouses, as determined by the Secretary, shall be considered in determining whether the warehouseman meets the net assets requirements specified in paragraph (d) of this section.

(f) Subject to such terms and conditions as the Secretary may prescribe and for the purposes of determining allowable assets and liabilities under paragraphs (d) and (e) of this section:

(1) Capital stock will not be considered a liability;

(2) Appraisals of the value of fixed assets in excess of the book value claimed in the financial statement submitted by a warehouseman to conform with paragraphs (b) and (c) of this section may be allowed if (i) prepared by independent appraisers acceptable to the Secretary and (ii) the assest are fully insured against casualty loss;

(3) Financial statements of a parent company which separately identifies the financial position of the warehouse as a wholly owned subsidiary and which meets the requirements of paragraphs (b), (c), and (d) of this section may be accepted by the Secretary in lieu of the warehouseman meeting such requirements; and

(4) guaranty agreement from a parent company submitted on behalf of a wholly owned subsidiary may be accepted by the Secretary as meeting the requirements of paragraphs (b), (c), and (d) of this section, if the parent company submits a financial statement which qualifies under this section.

(g) In case a State agency licensed or applying for a license as provided in section 9 of the Act has funds of not less than $500,000 guaranteeing the performance of obligations of the agency as a warehouseman, such funds shall be considered sufficient to meet the net asset requirements of this section.

(h) In case a warehouseman files a bond in the form of a certification of participation in an indemnity or insurance fund as provided for in § 735.11(b), the certification may only be use to satisfy any deficiencies in assets above $25,000.

(i) When a warehouseman files a bond in the form of either a deposit of public debt obligations of the United States or other obligations which are unconditionally guaranteed as to both interest and principal by the United States as provided for in § 735.11(c):

(1) The obligation deposited shall not be considered a part of the warehouseman's assets for purposes of § 735.5(d), (1) and (2);

(2) A deficiency in total allowable net and current assets as computed for § 735.5(d), (1) and (2) may be offset by the licensed warehouseman furnishing a corporate surety bond for the difference;

(3) The deposit may be replaced or continued in the required amount from year to year; and

(4) The deposit shall not be released until one year after termination (cancellation or revocation) of the license which it supports or until satisfaction of any claim against the deposit, whichever is later.

(j) Nothing in these regulations shall prohibit a person other than the licensed warehouseman from furnishing such bond or additions thereto on behalf of and in the name of the licensed warehouseman subject to provisions of § 735.11(c).

§ 735.7 [Amended]

5. Section 735.7(a) is amended by changing "$10,000.00" to "$25,000."

6. Section 735.11 is revised to read as follows:

§ 735.11 Bond required; time of filing.

Each warehouseman applying for a warehouse license under the Act shall, before such license is granted, file with the Secretary or his designated representative a bond either:

(a) In the form of a bond containing the following conditions and such other terms as the Secretary or his designated representative may prescribe in the approved bond forms, with such changes as may be necessary to adapt the forms to the type of legal entity involved:

Now, therefore, if the said license(s) or any amendments thereto be granted and said principal, and its successors and assigns operating said warehouse(s), shall faithfully perform during the period of this bond all obligations of a licensed warehouseman under the terms of [the United States Warehouse Act] and regulations thereunder relating to the above-named products.

Then this obligation shall be null and void and of no effect, otherwise to remain in full force. For purposes of this bond, the aforesaid obligations under the Act and regulations and contracts include obligations under any and all modifications of the Act, the regulations, and the contracts that may hereafter be made, notice of which modifications to the surety being hereby waived.

This obligation shall be and remain in full force and effect for a minimum of one year beginning with the effective date and shall be considered a continuous bond thereafter until terminated as herein provided. The total liability of the surety is limited to the penal amount hereof for liabilities that accrue during the term hereof.

This obligation shall be and remain in full force and effect from date of issue until one hundred twenty (120) days after notice in writing of cancellation shall have been received by the Secretary from the principal or surety. If said notice shall be given by the surety, a copy thereof shall be mailed on the same day to the principal. Cancellation of this bond and cancellation of any of its provisions shall not affect any liability accrued thereon at the time of said notice or which may accrue thereon during the one hundred twenty (120 days after such notice.

A bond in this form shall be subject to 7 CFR 735.5 and 735.12 through 735.15, and 31 CFR Part 225; or

(b) In the form of a certificate of participation in and coverage by an indemnity or insurance fund as approved by the Secretary, established and maintained by a State, backed by the full faith and credit of the applicable State, and which guarantees depositors of the licensed warehouse full indemnification for the breach of any obligation of the licensed warehouseman under the terms of the Act and regulations. A certificate of participation and coverage in such fund shall be furnished to the Secretary annually. If administration or application of the fund shall change after being approved by the Secretary, the Secretary may revoke his approval. Such revocation shall not affect a depositor's rights which have arisen prior to such revocation. Upon such revocation the licensed warehouseman then must comply with paragraph (a) of this section. Such certificate of participation shall not be subject to §§ 735.12 and 735.13; or

(c) In the form of a deposit with the Secretary as security, United States bonds, Treasury notes, or other public debt obligations of the United States or obligations which are unconditionally guaranteed as to both interest and principal by the United States, in a sum equal at their par value to the amount of the penal bond required to be furnished, together with an irrevocable power of attorney and agreement in the form prescribed, authorizing the Secretary to collect or sell, assign and transfer such bonds or notes so deposited in case of any default in the performance of any of the conditions or stipulations of such penal bond. Obligations posted in accordance with this paragraph may not be withdrawn by the warehouseman until one year after license termination or until satisfaction of any claims against the obligations whichever is later. A bond in this form shall be subject to 7 CFR 735.5 and 735.12 through 735.15, and 31 CFR Part 225.

7. Section 735.12 is revised to read as follows:

§ 735.12 Amount of bond; additional amounts.

(a) The amount of bond to be furnished by each warehouseman under the regulations in this part, shall be at the rate of $10.00 per bale for the maximum number of bales that the warehouse accommodates when stored in the manner customary to the warehouse as determined by the Secretary, but not less than $20,000 nor more than $250,000; except as provided in paragraphs (b) and (c) of this section.

(b) In case a warehouseman is licensed or applying for licenses to operate two or more warehouses in the same State, he may give a single bond meeting the requirements of the Act and the regulations in this part to cover all his warehouses within the State and shall be deemed to be one warehouse only for purposes of determining the amount of bond required under paragraph (a) of this section.

(c) In case of a deficiency in net assets above the $25,000 minimum required under § 735.5(d), (1), there shall be added to the amount of bond determined in accordance with paragraph (a) of this section an amount equal to such deficiency or a letter of credit in the amount of the deficiency issued to the Secretary for a period of not less than two years to coincide with the period of any deposit of obligations under 7 CFR 735.11(c). Any letter of credit must be clean, irrevocable, issued by a commercial bank payable to the Secretary by sight draft and insured as a deposit by the Federal Deposit Insurance Corporation.

(d) If the Secretary, or his designated representatives, finds that conditions exist which warrant requiring additional bond, there shall be added to the amount of bond as determined under the other provisions of this section, a further amount to meet such conditions.

8. Section 735.14 is revised to read as follows:

§ 735.14 Bond required each year.

A continuous form of license shall remain in force for more than one year from its effective date or any subsequent extension thereof, provided that the warehouseman has on file with the Secretary a bond meeting the terms and conditions as outlined in 7 CFR 735.11. Such bond must be in the amount required by the Secretary and approved by him or his designated representative. Failure to provide for or renew a bond shall result in immediate and automatic termination of the warehouseman's license.

9. Section 735.40 is revised to read as follows:

§ 735.40 Excess storage.

(a) If at any time a warehouseman shall store cotton in his licensed warehouse in excess of the capacity thereof as determined in accordance with 7 CFR 735.12, such warehouseman shall so arrange the cotton as not to obstruct free access thereto and the proper operation of the sprinkler or other fire protection equipment provided for such warehouse, and shall immediately notify the Secretary of such excess storage, the reason therefor and the location thereof.

(b) A warehouseman who lacks space and desires to transfer at his own expense, identity preserved depositor stored cotton, for which receipts have been issued to another licensed warehouse may physically do so subject to the following terms and conditions:

(1) The transferring (shipping) warehouseman's accepted rules or schedule of charges must contain notice that the warehouseman may forward cotton deposited on an identity preserved basis with the written permission of the depositor under such terms and conditions as the Secretary may prescribe;

(2) For purposes of this section of the regulations, a licensed warehouse means a warehouse operated by a warehouseman who holds an unsuspended, unrevoked license under the U.S. Warehouse Act for cotton or a warehouse operated by a warehouseman who holds an effective warehouse license for the public storage of cotton issued by a State that has financial, bonding and examination requirements for the benefit of all depositors at least equal to the requirements of this section;

(3) The transferring (shipping) warehouseman must list all forwarded bales on a Bill of Lading by receipt number and weight, in blocks not to exceed 200 bales. The receiving warehouse shall promptly issue a non-negotiable block receipt for each block attaching a copy of the corresponding Bills of Lading to each receipt and forward the receipt promptly to the transferring warehouseman. The receiving warehouseman will store each block intact, attach a header card showing the receipt number, number of bales and a copy of the Bill of Lading with the individual tag numbers. Such non-negotiable block receipts shall have printed or stamped in large bold outline letters diagonally across the face the words "NOT NEGOTIABLE." Receipts are not valid for collateral purposes. They shall be retained by the shipping warehouseman to be presented to and used by Department examiners in lieu of an on-site inventory. The cotton covered by such receipts is not the property of either the receiving or shipping warehouseman but held in trust by both

VOL 52 ISS 238 DE 11 1987 UMI

solely for the benefit of the depositors whose bailed cotton was transferred individually or collectively and the depositor or the depositor's transferee retains title thereto;

(4) The shipping warehouseman's bond shall be increased to consider the addition of the transferred cotton to the licensed capacity of the warehouse with the net asset requirements based on the total of the licensed capacity and the forwarded cotton. The bond amount need not be more than $250,000 unless necessary to cover a deficiency in net assets to meet requirements. The receiving warehouseman must not incur storage obligations that exceed the licensed capacity of the receiving warehouse;

(5) The shipping warehouseman continues to retain storage obligations to the owners of all cotton deposited in the warehouse for storage whether forwarded or retained and is, except as otherwise agreed upon under paragraph (b) (6) of this section, required to redeliver the cotton, upon demand, to the depositor or the depositor's transferee at the warehouse where the cotton was first deposited for storage;

(6) The owner of cotton deposited for storage at the warehouse must make settlement and take delivery at the warehouse where the cotton was first deposited for storage, unless the owner of the cotton, with the consent of both the shipping warehouseman and the receiving warehouseman, elects to take delivery at the warehouse to which cotton was transferred under this section;

(7) Nothing in this section diminishes the right of the owner of the cotton to receive or the obligation of the warehouseman of a licensed warehouse from which the product is transferred, to deliver to the owner the same cotton, identity preserved, called for by the warehouse receipt or other evidence of storage;

(8) Recording and retention of non-negotiable warehouse receipts received as a result of forwarding cotton under this section shall be subject to the requirements for warehouse receipts specified elsewhere in these regulations; and

(9) If it is the shipping warehouseman's obligation by terms of the warehouse receipt or otherwise to insure the cotton subject to the transfer, he must in accordance with 7 CFR 735.23 keep such cotton insured in his own name or transfer the cotton only to a warehouse where the cotton is fully insured

Signed at Washington, DC.
December 7, 1987.
Vern Neppl,
Acting Administrator, Agricultural Stabilization and Conservation Service.
[FR Doc. 87-28473 Filed 12-10-87; 8:45 am]
BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Parts 145 and 147

[Docket No. 87-163]

General Conference Committee of the National Poultry Improvement Plan; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Announcement of meeting.

SUMMARY: We are giving notice of a meeting of the General Conference Committee of the National Poultry Improvement Plan.

DATE: The meeting will be held December 16, 1987 (9 a.m. to 4 p.m.). Written comments may be filed with the Committee before or at the time of the meeting.

ADDRESSES: The meeting will be held in Room 104-A of the Administration Building of the United States Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC 20250. Written comments may be mailed to Dr. I. L. Peterson, Senior Coordinator, National Poultry Improvement Plan, VS, APHIS, USDA, Room 848, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments received may be inspected at this address between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. I. L. Peterson, 301-436-5140.

SUPPLEMENTARY INFORMATION: We are giving notice of a meeting of the General Conference Committee of the National Poultry Improvement Plan, to be held December 16, 1987. The purpose of the Committee is to make recommendations to the Department concerning the poultry industry and the poultry improvement regulations contained in 9 CFR Parts 145 and 147.

Poultry disease prevention programs and proposed changes to the regulations will be reviewed at the meeting. False reactions to the Mycoplasma tests and other testing problems will be discussed by a panel of Mycoplasma experts.

Recommendations from Committee members and technical experts will be considered in advising the Department regarding administering the National Poultry Improvement Plan, and implementation of a Model State Poultry Disease Prevention Program to recognize states that meet certain minimum standards for preventing poultry disease.

The meeting will be open to the public. Written comments concerning these and other matters may be filed with the Committee before or at the time of the meeting.

Dated: December 8, 1987.
Donald Houston,
Administrator, Animal and Plant Health Inspection Service.
[FR Doc. 87-28585 Filed 12-10-87; 8:45 am]
BILLING CODE 3410-34-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Other Applications

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: Pursuant to its regulatory review policy, the NCUA Board has reviewed § 701.5 (Other Applications) of its Rules and Regulations. The Board believes that this section may needlessly add to regulatory burden, and therefore proposes its repeal.

DATE: Comments must be received on or before February 9, 1988.

ADDRESS: Send comments to Becky Baker, Secretary, NCUA Board, 1776 G St., NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Timothy McCollum, Assistant General Counsel, or Julie Tamulevix, Staff Attorney, Office of General Counsel, at the above address, or telephone: (202) 357-1030.

SUPPLEMENTARY INFORMATION: In furtherance of NCUA's policy (IRPS 87-2) to review existing regulations every three years, the NCUA Board has reviewed § 701.5 entitled "Other Applications.".

Section 701.5(a) provides the method for submitting an application, request, or submittal ("application") to NCUA when no form of application or NCUA rule or regulation dictates the method of submission. Subparagraph (a) states that the application must be in writing, signed by the applicant or his agent, contain a statement of the action requested, the reasons and facts relied upon as the basis for requesting such action, and the applicant's interest in the matter. The applicant is required to furnish other information as requested by the Board. This paragraph further provides that the application should be addressed to a Regional Director or the NCUA in Washington, DC.

Paragraph (b) of § 701.5 states that, unless otherwise provided for in the regulations, all applications shall be investigated and reviewed by the Regional Director who will then transmit a report and recommendation to the Board for action.

For the reasons given below, the NCUA Board believes that § 701.5 is unnecessary, and in some instances may be misleading. In the interests of removing unnecessary provisions and reducing regulatory burden, the Board proposes that § 701.5 be deleted from the NCUA Rules and Regulations. Comments are requested.

Section 701.5(a) provides in essence that, unless NCUA has required otherwise, a request may be sent to any NCUA office and should contain the information NCUA needs to make a decision. This is simply common sense.

Section 701.5(b) sets forth the uniform internal review procedure NCUA is to follow in reviewing "other applications." However, as these "other applications" will vary in form and substance, it is difficult to predict with any accuracy how each application will best be handled. For instance, § 701.5(b) presently fails to take into account that the NCUA Board has delegated certain matters to the Regional Directors. A recommendation to the Board on these types of applications would not be prepared. The Regulation also does not recognize that in some circumstances, investigation, recommendation and decision on an application may properly be done at NCUA's Central Office.

Deregulation of the "other applications" provision will provide NCUA with greater flexibility in the handling of such applications, enabling the Agency to ensure that each application is processed in the most efficient manner. Accordingly, NCUA proposes to delete § 701.5 of the NCUA Rules and Regulations.

(12 U.S.C. 1766)

By the National Credit Union Administration Board on December 3, 1987.
Becky Baker,
Secretary, NCUA Board.
[FR Doc. 87-28474 Filed 12-10-87; 8:45 am]
BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-151-AD]

Airworthiness Directives; British Aerospace Model H.S. 748 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to certain British Aerospace Model H.S. 748 series airplanes, that would require inspection of certain inboard main landing gear pivot bracket forgings for cracks. This action is necessary because cracks have been reported in airplanes on which Modification 6175 has been accomplished. This condition, if not corrected, could lead to collapse of the main landing gear.

DATES: Comments must be received no later than January 26, 1988.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-151-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Golder, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-151-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA that cracks have been reported on the inboard main landing gear pivot bracket forgings, part numbers 15aF11365 and 16aF11365, on British Aerospace H.S. 748 series airplanes on which Modification 6175 has been accomplished. This condition, if not corrected, could lead to severe stress and damage to, or eventual collapse of, the main landing gear.

British Aerospace (BAe) issued HS-748 Service Bulletin No. 57/59, dated October 1979, which describes inspection of the main landing gear inboard pivot bracket assemblies (pre Mod 6175), part numbers 15F11365 and 16F11365, for corrosion, loose bolts, and cracks on all Model H.S. 748 series airplanes. The CAA classified the service bulletin as mandatory. The FAA issued AD 83-26-01, Amendment 39-4785, to require inspection of U.S.-operated Model H.S. 748 airplanes in accordance with that service bulletin.

The original issue of Service Bulletin No. 57/59, however, did not include inspection procedures for the similar inboard main landing gear pivot forgings used as part of the main landing gear inboard bracket assemblies 173F11863 and 174F11863 in which Mod 6175 has been incorporated. Since then, cracks have been found in assemblies incorporating that modification. Revisions No. 1 to HS-748 Service Bulletin 57/59, dated April 1984, was

BEST COPY AVAILABLE

VOL 52 ISS 238 DEC 11 1987 UMI

issued to include these assemblies in the necessary inspections. The CAA has also classified Revision No. 1 to Service Bulletin 57/59 as mandatory.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, and AD is proposed that would require inspections of the main landing gear inboard bracket assemblies, post-Mod 6175, in accordance with Revision No. 1 of HS–748 Service Bulletin No. 57/59.

Currently, no Model H.S 748 airplanes of U.S. registry would be affected by this AD. However, should a Model H.S. 748 airplane be imported to the U.S. in the future, it would take approximately 12 manhours per airplane to accomplish the required actions, and the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to a U.S. operator would be $480 per airplane.

For the reasons discussed above, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane ($480). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to all Model H.S. 748 series airplanes, on which Modification 6175 has been accomplished (post-Mod 6175), certificated in any category. Compliance required as indicated, unless previously accompanied.

To detect cracks and prevent collapse of the main landing gear, accomplish the following:

A. Prior to accumulating 25,00 landings or within the next 750 flight hours after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 1,500 landings, perform an inspection of inboard main pivot bracket assemblies in accordance with paragraph 2A of the British Aerospace H.S. 748 Service Bulletin 57/59, Revision No. 1, dated April 1984. Any assembly found to exhibit corrosion, loose bolts, and/or cracks must be repaired in accordance with paragraph 2D of the above mentioned service bulletin. If corrosion to a depth greater than 0.060 inch is found, repair in accordance with a method approved by the FAA.

B. An alternate means of compliance of adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Librarian for Service Bulletins, P.O. Box 17414 Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on December 3, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87–28451 Filed 12–10–87; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 87–NM–119–AD]

Airworthiness Directives; Fokker Model F28 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to certain Fokker Model F28 series airplanes, that would require installation of stops in the rudder pedal adjustment mechanism. This proposal is prompted by reports of insufficient rudder deflection when the rudder pedals are adjusted to the maximum forward position. This condition, if not corrected, could result in reduced directional control capability of the airplane.

DATES: Comments must be received no later than January 26, 1988.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM–103), Attention: Airworthiness Rules Docket No. 87–NM–119–AD), 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from Fokker Aircraft USA, 1199 N. Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Golder, Standardization Branch, ANM–113; telephone (206) 431–1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM–103), Attention: Airworthiness Rules Docket No. 87–NM–119–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

The Netherlands Department of Civil Aviation has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe condition that may exist on Fokker F–28 series airplanes. There have been numerous reports of insufficient rudder deflection when the rudder pedals are adjusted to the maximum forward position. This condition, if not corrected, could result in reduced directional control capability of the airplane. Fokker issued Service Bulletin No. F28/27–158, dated November 15, 1985, which describes the installation of stops to limit the forward adjustment of the rudder pedal mechanism. The Netherlands Department of Civil Aviation has issued an AD requiring compliance with the Fokker service bulletin.

This airplane model is manufactured in Netherlands and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require modification to the rudder pedal mechanism in accordance with the service bulletin previously mentioned.

It is estimated that 51 airplanes of U.S. registry would be affected by this AD, that it would take approximately 6 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $12,240.

For the reasons discussed above, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane ($240). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Fokker Aircraft: Applies to Model F–28 series airplanes, Series Numbers 11003 to 11231 inclusive, 11991 and 11992, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent reduced directional control capability, accomplish the following:

A. Within the next six months after the effective date of this AD, install stops in the rudder pedal mechanism in accordance with Fokker Service Bulletin F28/27–158, dated November 15, 1985.

B. An alternate means of compliance or adjustment of compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Northwest Mountain Region.

C. Special flights permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Fokker Aircraft USA, 1199 N. Fairfax St., Alexandria, Virginia 22314.

These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on December 3, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87–28452 Filed 12–10–87; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 87–AGL–26]

Proposed Alteration to Control Zone and Transition Area; Monroe County Airport, Bloomington, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Bloomington, Indiana control zone and transition area to accommodate existing Standard Instrument Approach Procedures (SIAPS) to Monroe County Airport. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATES: Comments must be received on or before January 13, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Regional Counsel, AGL–7, Attn: Rules Docket No. 87–AGL–26, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Air Taffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: A review of the airspace designated for Monroe County Airport disclosed that airspace in excess of that required is currently being used to accommodate existing instrument procedures. This action will reduce the length of the control zone extensions by approximately 3 miles each. It will also reduce the area of the transition area by approximately 40% by shortening the northeast extension and eliminating the north, south and southwest extensions.

The development of the procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may

VOL 52 ISS 238 DEC 11 1987 UMI

be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-AGL-26." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedure.

The Proposal

The FAA is considering an amendment to §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control zone and transition area servicing Monroe County Airport, Bloomington, IN.

Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. By amending § 71.171 as follows:

Bloomington, Indiana

Within a 5-mile radius of Monroe County Airport (lat. 39°08'40"N, long. 86°37'00"W); within 3 miles each side of the Hoosier VORTAC 181 radial, extending from the 5 mile radius zone to 7½ miles south of the VORTAC; within 3 miles each side of the Hoosier VORTAC 062 radial, extending from the 5 mile radius zone to 8½ miles northeast of the VORTAC; within 3 miles each side of the Hoosier VORTAC 346 radial; extending from the 5 mile radius zone to 7½ miles north of the VORTAC; and within 3 miles each side of the Hoosier VORTAC 236 radial, extending from the 5 mile radius zone to 7½ miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice of Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

§ 71.181 [Amended]

3. By amending 71.181 as follows:

Bloomington, IN [REVISED]

That airspace extending upward from 700 feet above the surface within a 7½ mile radius of Monroe County Airport (lat. 39°08'40"; long. 86°37'00"W); within 3 miles each side of the Hoosier VORTAC 062 radial, extending from the 7½ mile radius to 8½ miles northeast of the VORTAC.

Issued in Des Plaines, Illinois, on November 30, 1987.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 87-28454 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-13

14 CFR Part 71

[Airspace Docket No. 87-AGL-22]

Proposed Transition Area Alteration, Siren, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the existing Siren, WI transition area to accommodate a new VOR RWY 5 Standard Instrument Approach Procedure (SIAP) to Burnett County Airport, Siren, WI.

The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATES: Comments must be received on or before January 15, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Regional Counsel, AGL-7, Attn: Rules Docket No. 87-AGL-22, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The present transition area is being modified to accommodate arrival aircraft utilizing the VOR RWY 5 SIAP. The modification consists of reducing the designated airspace from an 8.5 mile radius to a 6 mile radius and returning the excess airspace back for use by general aviation. A 6 mile radius is appropriate for both IFR arrivals and departures.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-AGL-22." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the designated transition area airspace near Siren, WI.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Siren, WI [Revised]

That airspace extending upward from 700 feet above the surface within a 6 mile radius of the Burnette County Airport (Lat. 45°49'23"N., Long 92°22'21"W.).

Issued in Des Plaines, Illinois, on November 25, 1987.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 87-28455 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-AGL-27]

Proposed Alteration of Transition Area; Virgil I. Grissom Municipal Airport, Bedford, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Bedford, Indiana transition area to reduce the amount of airspace designated to accommodate existing Standard Instrument Approach Procedures (SIAPS) to Virgil I. Grissom Municipal Airport.

The intented effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATE: Comments must be received on or before January 13, 1988.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Regional Counsel, AGL-7, Attn: Rules Docket No. 87-AGL-27, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: A recent review of the airspace designated for Virgil I. Grissom Municipal Airport disclosed that excess airspace is being used to accommodate existing instrument procedures. This action will reduce the general radius of the transition area from 6½ to 5 miles and

the northeast extension from 8 to 7.5 miles. This will permit the excess airspace to be returned to general non-controlled use.

The development of the procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-AGL-27." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area servicing the Virgil I. Grissom Municipal Airport.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 17

Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

Bedford, IN

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Virgil I. Grissom Municipal Airport (lat. 38°50'26" N, long. 086°26'45" W); within 5 miles each side of the Hoosier, IN. VORTAC 156 radial extending from the 5 mile radius area to 35 miles southeast of the VORTAC; and then within 3 miles each side of the 305° bearing from Virgil I. Grissom Municipal Airport, extending from the 5 mile radius area to 7.5 miles northwest of the airport.

Issued in Des Plaines, Illinois, on November 30, 1987.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 87-28443 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 87-ASO-8]

Proposed Alteration of VOR Federal Airways; Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This action withdraws the Notice of Proposed Rulemaking (NPRM), Airspace Docket No. 87-ASO-8, which was published in the **Federal Register** on August 13, 1987. That NPRM; proposed to alter the descriptions of Federal Airways V-1, V-521 and V-579 located in the Miami, FL, area. These alterations were proposed in conjunction with the commissioning of the new Lee County navigational aid (NAVAID). However, commissioning of the Lee County Facility has been postponed until 1989 and this action withdraws Airspace Docket No. 87-ASO-8.

DATES: This withdrawal is effective December 14, 1987.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspaces-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

The Proposed Rule

On August 13, 1987, a Notice of Proposed Rulemaking was published in the **Federal Register** to alter the descriptions of V-1, V-521 and V-579 located in the Miami area (52 FR 30168). These changes were proposed in conjunction with the commissioning of the Lee County VORTAC. However, the commissioning of this new facility has been delayed until 1989 and this docket is hereby withdrawn.

List of Subjects in 14 CFR Part 71

Aviation Safety, VOR Federal airways.

Withdrawal of NPRM

Accordingly, pursuant to the authority delegated to me, the Notice of Proposed Rulemaking, Airspace Docket No. 87-ASO-8, as published in the Federal Register on August 13, 1987 (52 FR 30168) is hereby withdrawn.

Authority. 49 U.S.C 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

Issued in Washington, DC, on December 4, 1987.

Daniel J. Peterson,

Manager, Airspace-Rule and Aeronautical Information Division.

[FR Doc. 87-28450 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 73

[Airspace Docket No. 87-ACE-8]

Proposed Alteration and Establishment of Restricted Areas; Fort Leonard Wood, MO

AGENCY: Federal AviationAdministration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the times of use of Restricted Areas R-4501A, B, C, and D and to establish R-4501F, G, and H located near Fort Leonard Wood, MO. After reviewing their overall training and operational requirements, the Department of the Army has requested these changes in order to accommodate increased training activities.

DATES: Comments must be received on or before January 27, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Central Region, Attention: Manager, Air Traffic Division, Docket No. 87-ACE-8, Federal Aviation Administration, 601 East 12th Street, Federal Building, Kansas City, MO 64106.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Andrew B. Oltmanns, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9254.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ACE-8." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Send comments on environmental and land use aspects to: Director of Engineering, Environment and Planning Branch, Fort Leonard Wood, MO.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to alter the times of use of Restricted Areas R-4501 A, B, C, and D and to establish R-4501 F, G, and H located near Fort Leonard Wood, MO. After reviewing its overall training requirements, the Department of Army has requested additional airspace to accommodate these activities. These airspace actions will increase the amount of time the existing restricted areas are in use and will provide for three additional restricted areas for Department of Army use. Section 73.45 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 73

Aviation safety, restricted areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority, 49 U.S.C. 1348(a), 1354(a), 1510, 1522; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 73.45 [Amended]

2. § 73.45 is amended as follows:

VOL 52 ISS 238 DEC 11 1987 UMI

R–4501A, B, and D Fort Leonard Wood, MO [Amended]

By removing the present time of designation and substitution the following:

Time of designation. 0700–1800 Monday-Saturday; other times by NOTAM issued at least 24 hours in advance.

R–4501 Fort Leonard Wood, MO [New]

Boundaries. Beginning at lat. 37°41'00" N., long. 92°09'04" W.; to lat 37°41'00" N., long. 92°10'52" W.; to lat. 37°43'02" N., long. 92°12'10" W.; to lat. 37°43'10" N., long. 92°08'45" W.; to the point of beginning.

Designated altitudes. Surface to 3,200 feet MSL.

Time of designation. 0700–1800 daily; other times by NOTAM issued at least 24 hours in advance.

Controlling agency. FAA, Kansas City ARTCC.

Using agency. U.S. Army, Headquarters U.S. Army Training Center, Fort Leonard Wood, MO.

R–4501G Fort Leonard Wood, MO [New]

Boundaries. Beginning at lat.37°41'00" N., long. 92°10'52" W.;to lat 37°41'00" N., long. 92°14'08" W.;to lat 37°44'48" N., long. 92°12'19" W.;to lat. 37°44'00" N., long. 92°08'45" W.;to lat. 37°43'40" N., long. 92°08'45" W.;to lat. 37°43'20" N., long. 92°12'10" W.; to the point of beginning.

Designated altitudes. Surface to 3,200 feet MSL.

Time of designation. By NOTAM issued at least 24 hours in advance.

Controlling agency. FAA, Kansas City ARTCC.

Using agency. U.S. Army, Headquarters U.S. Army Training Center, Fort Leonard Wood, MO.

R–4501H Fort Leonard Wood, MO [New]

Boundaries. Beginning at lat. 37°42'50" N., long. 92°07'20" W.; to lat. 37°44'00" N., long. 92°07'15" W.; to lat. 37°44'45" N., long. 92°05'40" W.; to lat. 37°44'50" N., long. 92°04'48" W.; to lat. 37°46'15" N., long. 92°05'30" W.; to lat. 37°47'45" N., long. 92°06'00" W.; to lat. 37°48'00" N., long. 92°06'00" W.; to lat. 37°48'00" N., long. 92°02'40" W.; thence south and along the Big Piney River and Reservation boundary to lat. 37°46'45"N., long. 92°01'40"W.; to lat. 37°42'30"N., long. 92°04'05"W.; to lat. 37°42'15"N., long. 92°06'05"W.; to the point of beginning.

Designated altitudes. Surface to 3,200 feet MSL.

Time of designation. 1500–1600 Wednesday; other times by NOTAM.

Controlling agency. FAA, Kansas City ARTCC.

Using agency. U.S. Army, Headquarters U.S. Army Training Center, Fort Leonard Wood, MO.

Issued in Washington, DC, on December 4, 1987.

Daniel J. Peterson

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87–28453 Filed 12–10–87; 8:45 am]

BILLING CODE 4910–13

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 34

Regulation of Hybrid and Related Instruments

AGENCY: Commodity Futures Trading Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Commodity Futures Trading Commission ("Commission" or "CFTC") staff has received inquiries concerning the applicability of the Commodity Exchange Act and Commission regulations to instruments that appear to possess, in varying combinations, characteristics of forward contracts, futures contracts, option contracts, debt instruments, bank deposits and other interests. The Commission is seeking comment concerning a proposed regulatory framework that would clarify the status of such instruments and permit, by exemption and subject to certain conditions, specified hybrid option instruments to be traded other than on a designated contract market. The Commission also is seeking comment concerning a proposed no-action position with respect to certain commercial commodity contracts.

DATE: Comments must be received by February 9, 1988.

ADDRESS: Comments should be sent to the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581.

FOR FURTHER INFORMATION CONTACT: Susan C. Ervin, Esq., Acting Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, telephone (202) 254–8955 or David R. Merrill, Esq., Assistant General Counsel, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, telephone (202) 254–9880.

SUPPLEMENTARY INFORMATION: The Commodity Exchange Act ("Act" or "CEA"), 7 U.S.C. 1 *et seq.* and regulations promulgated thereunder, 17 CFR 1 *et seq.*, require that all transactions in commodity futures contracts and commodity option transactions, with narrowly defined exceptions, occur on or subject to the rules of contract markets (exchanges) designated by the CFTC. 7 U.S.C. 6(a), 6c(b), 6c(c). Such markets provide safeguards to participants in futures and commodity option transactions, including open competitive trading, public price dissemination, and protection against counterparty credit risk, that are not generally available other than on exchange markets. For example, the financial integrity of futures transactions and commodity option transactions on designated futures exchanges is supported by the system of daily payment and collection of margin on a mark-to-market basis, by minimum capital, segregation and reporting requirements applicable to futures commission merchants ("FCMs), and ultimately by the obligation of the clearing organization affiliated with each exchange to guarantee the integrity of each transaction entered on that exchange.

The recent development of "hybrid" instruments that couple certain elements of futures or commodity option contracts with debt obligations or other interests that are not subject to regulation under the Commodity Exchange Act reflects commercial interest in offering to the public instruments that are indexed to or otherwise correlate in value with the price of a commodity or group of commodities through transactions that take place other than on designated commodity exchanges. As a consequence, while such instruments may entail certain of the risks of commodity futures or option transactions, they may be exchanged without the benefit of protections afforded participants in transactions effected on or pursuant to the rules of Commission designated exchange markets, including safeguards against counterparty default and other transaction risks.

The Commission therefore is seeking comment concerning measures that may be taken to clarify the status of certain hybrid and other instruments that possess some limited commodity futures or option elements and to assure that the Commission's regulatory program adequately addresses the developing market in such instruments. Preliminarily, the Commission recognizes that the term "hybrid instruments," as currently employed, encompasses a class of transactions that combine characteristics which in isolation would be subject to different regulatory treatments—for example, such transactions may combine futures or commodity option characteristics with those of debt obligations, bank deposits, forward contracts or other rights or interests. Hybrid instruments vary in form (*e.g.*, note with warrants, insured indexed bank deposit, exchangeable preferred stock, commodity swap), purpose, extent of regulation by other governmental

agencies, proportionate significance of commodity-related components, and otherwise. Separately, there are transactions involving goods, rights and interests that are entered into by commercials as principals and that, but for the lack of delivery, would be characterized as forward contracts, which are exempt from Commission regulation.

The Commission is requesting comment concerning a conceptual framework that would provide simplified regulatory treatment, on a prospective basis,[1] for certain categories of hybrids and related instruments. In light of the diverse characteristics and regulatory contexts of such instruments, the Commission is of the view that formulation of a single standard to define its regulatory response to such instruments may be neither feasible nor desirable. Therefore, the Commission seeks comment with respect to the appropriateness and feasibility of developing separate regulatory treatment for the following types of instruments: (1) Hybrid instruments that may possess *de minimis* futures or commodity option characteristics and therefore may be deemed to be excluded from Commission jurisdiction; (2) hybrid option instruments that are within the Commission's jurisdiction but because of the secondary and incidental nature of their commodity option components and the extent of their regulation by another agency may warrant exemption, upon conditions, from general compliance with Commission regulations; and (3) certain commercial transactions that have elements of contracts for forward delivery of a cash commodity in conjunction with aspects of futures contracts as to which prospective "no-action" treatment may be appropriate. Instruments that do not fall clearly within these categories and which are not specifically addressed on a case-by-case basis would remain fully subject to the Act and regulations.[2]

[1] The proposals made herein are not intended to affect the legality of transactions existing on the date hereof, which are governed by applicable law.

[2] This release does not address the scope or content of the "Treasury Amendment," which excludes from the Commission's exclusive jurisdiction over futures contracts certain transactions in foreign currency, security warrants, security rights, resales of installment loan contracts, repurchase options, government securities, mortgages and mortgage purchase commitments. 7 U.S.C. 2. Nor does this release address existing statutory and regulatory provisions applicable to options on domestic agricultural commodities. *See* 17 CFR 32.2(a).

Statutory and Regulatory Predicate for Jurisdictional Exclusion and Regulatory Exemption

Futures-related Instruments

Section 2(a)(1)(A) of the Act accords the Commission exclusion jurisdiction over "accounts, agreements (including any transaction which is of the character of * * * an 'option' * * *), and transactions involving contracts of sale of a commodity for future delivery." 7 U.S.C. 2. Section 4(a) of the Act provides, *inter alia*, that it is unlawful to enter into a commodity futures contract that is not made "on or subject to the rules of a board of trade which has been designated by the Commission as a 'contract market' for such commodity." 7 U.S.C. 6(a).[3]

The Act does not recognize expressly any exceptions to the requirement of section 4(a) that domestic futures transactions occur only on or subject to the rules of designated commodity exchanges. Consequently, the Act would appear to preclude hybrid transactions that incorporate futures contracts unless they are effected on or subject to the rules of such exchanges. In determining whether a specific transaction constitutes a futures contract, the Commission and the courts have assessed the transaction "as a whole with a critical eye toward its underlying purpose." *CFTC* v. *Co Petro Marketing Group, Inc.*, 680 F.2d 573, 581 (9th Cir. 1982). Such an assessment entails a review of the "overall effect" of the transaction as well as a determination as to "what the parties intended." *CFTC* v. *Trinity Metals Exchange*, No. 85–1482–CV–W–3 (W. D. Mo. Jan. 21, 1986) (slip op. at 10) (citing *CFTC* v. *National Coal Exchange, Inc.* [1980–1982 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 21,424 at 26,046 (W.D. Tenn. 1982)).

In evaluating the overall purpose and effect of a transaction, some or all of the following characteristics of futures contracts have been recognized.[4] Generally, futures contracts are contracts for the purchase or sale of a commodity for delivery in the future at a price that is established when the contract is initiated. Both parties to the transaction are obligated to fulfill the contract at the specified price, but contracts providing for delivery may be satisfied either by delivery or offset. Futures contracts are undertaken principally to assume or shift price risk without transferring title to the underlying commodity. In addition, certain characteristics which facilitate the trading of futures contracts on exchanges have been recognized, including standardized commodity units, margin requirements related to price movements, clearing organizations which match trades and guarantee counterparty performance, open competitive trading in centralized markets, and public price dissemination.

The Commission recognizes that uncertainty has been expressed concerning the legal status of certain hybrid instruments that couple some indicia of futures contracts with other features, such as those of a note or other evidence of indebtedness. The Commission therefore is proposing below specific criteria by which certain futures-type instruments can be identified as beyond the purview of the act because of the insignificant and nonseverable nature of their futures components. The Commission also is seeking comment concerning proposed criteria to delimit categories of commercial commodity transactions that may be suitable for a propsective determination that the exercise of Commission jurisdiction is unwarranted and that no-action relief is therefore appropriate. These proposed no-action standards would be designed to address the development of commercial transactions that serve the commercial purposes of producers, processors, fabricators, refiners, and merchandisers of commodities but may depart from the traditional structure of cash forward contracts.

Commodity Option-related Instruments

Section 4c of the Act proscribes transactions in commodity options other than on designated contract markets of "contrary to any rule, regulation, or order of the Commission prohibiting any such transaction or allowing any such transaction under such terms and conditions as the Commission shall prescribe." 7 U.S.C. 6c(b), 6c(c).[5] Commission regulations permit only two categories of commodity options to be traded other than on designated contract markets: trade options and dealer options. The sale of dealer options currently is confined to a limited class of offerors who were in the business of granting options on a physical commodity and in the business of

[3] This prohibition does not apply to futures contracts made on or subject to the rules of a foreign board of trade, exchange or market. 7 U.S.C. 6(a).

[4] *See, e.g., In the Matter of First National Monetary Corp.*, [1984–1986 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 22,698 (CFTC 1985).

[5] Section 4c(f) of the Act provides, however, that the Act is inapplicable "to any transaction in an option on foreign currency traded on a national securities exchange." 7 U.S.C. 6c(f).

VOL 52 ISS 238 DEC 11 1987 UMI

buying, selling, producing or otherwise using that commodity as of May 1, 1978 and who satisfy the net worth and other requirements of Commission regulations.[6] 7 U.S.C. 6c(d)(1); 17 CFR 32.12.

The other currently permissible category of off-exchange commodity options, trade options, is confined to a limited category of offerees. Regulation 32.4(a), 17 CFR 32.4(a), establishes a "trade option" exemption which permits the sale of off-exchange commodity options, other than options on domestic agricultural commodities,[7] in circumstances in which the offeror "has a reasonable basis to believe that the option is offered to a producer, processor, or commercial user of, or a merchant handling, the commodity which is the subject of the commodity option transaction, or the products or byproducts thereof, and that such producer, processor, commercial user or merchant is offered or enters into the commodity option transaction solely for purposes related to its business as such." Currently, neither FCMs nor securities broker/dealers generally are considered "commercial users" or other qualified purchasers of trade options.[8]

As a result of the current restrictions upon transactions in commodity options, hybrid instruments possessing commodity option elements, if subject to Commission jurisdiction and not exempted from regulatory compliance by rule or order of exemption,[9] generally may not be offered other then on designated contract markets. However, based upon the authority afforded by the Act to permit off-exchange commodity option transactions by regulation, the Commission is proposing to establish an exemption from otherwise applicable regulatory requirements for specified categories of commodity option transactions in circumstances in which comprehensive regulation under the Act and Commission regulations may be unwarranted. For those option-type instruments neither excluded from Commission jurisdiction nor exempted from regulation, the entire panoply of Commission regulations would remain applicable, including the ban on their trading off of designated exchanges.

1. Hybrid Instruments With De Minimis Futures or Options Characteristics (Jurisdictional Exclusion)

Certain hybrid instruments or transactions may possess commodity option or futures contract elements that are subordinate and inextricably linked to another, non-transferable financial interest and therefore cannot separately be traded on or subject to the rules of a designated futures exchange. The Commission believes that commodity components of such an ancillary and limited nature may be deemed to be *de minimis* and therefore insufficient to bring a transaction otherwise unrelated to commodity futures or options contracts within the purview of the Act.[10] The Commission proposes to describe this category of hybrid interests to include:

(a) Certain annuities or pensions that are indexed to specified commodities or groups of commodities but permit only limited transferability, *e.g.*, to survivors, and entitlement to which derives from an employment relationship; and

(b) Adjustable rate mortgages, employment agreements, leases or other similar contracts in which the interest payment or other contractual obligation is measured by reference to an economic index published by an agency of the United States, a published interest rate or index of interest rates such as the London Interbank Offerer Rate (LIBOR), or other economic indicator in general commercial use, such as certain indices published by the Commodity Research Bureau, provided that the commodity-indexed component of the transaction is not severable from an underlying contractual obligation that serves an independent commercial purpose and is entered into other than for speculative, hedging or investment purposes.

In view of the above, the Commission invites comment: (1) As to what constitute sufficiently *de minimis* futures or commodity option elements to render a hybrid instrument appropriate for exclusion from Commission jurisdiction consistent with the Act; and (2) as to whether different or additional categories of *de minimis* commodity futures or option components should be recognized. The Commission anticipates that most hybrid instruments would not qualify for a categorical exclusion from its jurisdiction based upon the criteria set forth above. By definition, an express jurisdictional exclusion requires the use of restrictive criteria that establish a clear jurisdictional boundary and avoid an unintentional abandonment of jurisdiction over transactions that should not qualify for exclusion. The Commission also is proposing, however, as discussed below, to establish an exemption from certain otherwise applicable regulatory requirements for specified additional categories of hybrid instruments that are *prima facie* within the Commission's option jurisdiction.

2. Otherwise-Regulated Hybrid Instruments With "Incidental" Options Components (Regulatory Exemption)

The Commission proposes to establish an exemption from compliance with certain CFTC regulations for a class of hybrid instruments that are predominantly debt obligations, bank deposits, or other transactions that are not generally subject to CFTC jurisdiction, that possess only incidental commodity option elements, and that are subject to adequate regulation by another regulatory authority. Eligibility for such an exemption would be established through a filing procedure affording the Commission notice of the proposed offering, requiring the issuer's or offeror's consent to submission to special calls, and mandating disclosure to participants in the exempted transaction that the transaction will not be regulated by the CFTC. Prototypical hybrid instruments that could be exempted from general regulatory compliance pursuant to such an exemption could include, for example, commodity-indexed debt or depository instruments that have a commodity-related return that represents a relatively small portion of the overall yield or value of the instrument or of the unit of which the instrument is a part and that are subject to regulatory requirements administered by the Securities and Exchange Commission ("SEC") or federal banking authorities. Commenters are requested to address the specific issues set forth below concerning the predicate conditions and procedural requirements that should be established for exemptive treatment.

a. *"Incidental" commodity option characteristics.* The proposed exemption would afford relief from regulatory requirements with respect to transactions in which any commodity option element is subordinate to other aspects of the transaction. To establish whether a hybrid transaction has only an "incidental" commodity option component, the Commission contemplates that a determination would be made as to whether the trasaction has, as its predominant purpose, the conveyance of an interest in an option on a commodity or the functional equivalent of such a commodity interest. If the commodity-related element of the transaction is not predominant but subordinate to a financing arrangement or other economic relationship, it may be considered incidental to the overall purpose of the transaction, and the transaction therefore may qualify for exemptive treatment upon certain specified conditions.

The Commission proposes to establish term to maturity, commodity-based return and "line of business" requirements to identify hybrid instruments that possess only "incidental" commodity option components. Specifically, the Commission proposes to establish a minimum term to maturity of three years for such instruments.[11] In addition, the Commission is proposing a limit on the commodity-based return to identify hybrid transactions in which the commodity component is sufficiently small to permit a categorical determination that, subject to the requirements discussed below, such transactions may occur other than on designated commodity exchanges and without compliance with otherwise applicable Commission regulations. In this connection, the Commission proposes a two-part measure of return requirement, as follows: (1) The instrument must have a minimum annual yield or return that is independent of the commodity-related component of the transaction[12] equal to at least 35% of the estimated annual yield at the time of issuance for a comparable pure debt or depository instrument issued or offered by the subject issuer or offeror;[13] and (2) the instrument must have no more than a maximum average potential return on its commodity-related component of 20% on an annualized basis (calculated from the strike price at expiration of the commodity component and compounded annually) of the total principal or face amount of a hybrid instrument. Thus, this standard would require that the maximum potential return on the commodity option component of the transaction be limited by a ceiling established at the inception of the transaction.[14]

In addition, the Commission proposes to establish a line of business requirement that would limit the availability of exemptive treatment based upon the incidental nature of the option component of a hybrid instrument to those instruments in which the commodity component is used in a principal line of business of the issuer or offeror. This requirement would be intended to assure that a firm wishing to take advantage of the exemption from compliance with Commission regulations has as a principal line of business the production, processing, fabricating, refining or merchandising of the commodity that underlies the commodity component of the hybrid instrument. By thus limiting the availability of exemptive treatment, the Commission proposes to assure that the commodity-related risks of qualifying hybrid instruments are risks which the issuer or offeror has commercial experience in addressing and which are likely to be offset or limited by reserves, inventories, forward contract commitments or other cover that generally would increase in value commensurately with the issuer's or offeror's commodity-related obligations. Commenters are invited to address the appropriate measure of commodity return, in particular the fixed level and method of calculation of the proposed maximum potential commodity return, the proposed delimitation of the principal line of business requirement, and any additional criteria that may be appropriate to define the class of commodity-related hybrid option instruments potentially eligible for exemptive treatment.

b. *Performance criteria.* The Commission also proposes to condition the availability of exemptive treatment upon the issuer's or offeror's satisfaction of specific criteria intended to address its ability to satisfy the obligations created by the hybrid instrument in question. The Commission believes that conditions to assure the performance of the issuer or offeror are appropriate in view of the fact that establishment of the proposed exemption would permit such transactions to occur without the benefit of an exchange guarantee of the counterparty credit risk of such transactions, without restrictions upon the issuer's or offeror's use of funds received from the purchasers of such instruments and potentially without the necessity to post margin or security for the satisfaction of its obligations to such purchasers, and without the protections afforded by the segregation and minimum capital requirements of the CEA and Commission regulations.

Based upon these considerations, the Commission proposes to establish a requirement of at least $100 million of net worth for issuers or offerors of hybrid option instruments who seek to avail themselves of the proposed exemption. In addition, the Commission proposes to require that the issuer or offeror maintain cover for, or reserves of, the commodity which is the subject of the commodity option component of the hybrid transaction equal to the greater of: (1) The amount of the issuer's or offeror's current commitments to deliver, to take delivery of, or to pay the cash value of the commodity under the terms of the hybrid instrument; or (2) the maximum average annual amount of such commitments. The Commission contemplates that one means of satisfying this cover requirement could be purchases or sales of futures or futures option contracts, as appropriate to the nature of the obligation created by the hybrid instrument, on the generic

[6] Currently, only four firms have authority to grant dealer options and only two actively do so.

[7] Domestic agricultural commodities are enumerated in section 2(a)(1)(A) of the Act. 7 U.S.C. 2 (1986).

[8] *See* CFTC Interpretative Letter No. 84-7, [1982-1984 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶22,025 at 28,595 n.10 (Division of Trading and Markets: Feb. 22, 1984).

[9] Regulation 32.4(b) recognizes that the Commission "may, by order, upon written request or upon its own motion, exempt any * * * person, either unconditionally or on a temporary or other conditional basis," from the general ban on off-exchange options "if its discretion, that it would not be contrary to the public interest to grant such exemption." 17 CFR 32.4(b).

[10] The Commission recognizes the widespread use of commodity-indexing provisions in commercial trnasactions, such as employment and lease agreements, which generally do not fall within the purview of the Act. The proposed *de minimis* classifications set forth above, which address several types of transactions that appear suitable for jurisdictional exclusion on a generic basis, are designed to assure that the status of transactions that do not implicate the policies and purposes of the Act and Commission regulations is not called into question. As a result, the commission anticipates that additions to and refinements of these categories may be made.

[11] The term of a hybrid instrument would be deemed to be that of the commodity component of the instrument.

[12] For purposes of this standard, the commodity-related component of the transaction would include that portion of the transaction that provides a yield or premium that represents or correlates with changes in the price of a commodity. The hybrid transaction or instrument would include, in addition to its commodity-related component, any interests or instruments that are not detachable from, *i.e.*, are required to be traded with, such commodity-related interest. If the yield or return on the instrument is wholly derived form its commodity component, the instrument would not constitute a hybrid instrument eligible for exemptive treatment.

[13] The yield on an equity instrument would be construed to be the dividend yield on the instrument at the time of issuance.

[14] To apply this standard to a coupon-bearing oil-indexed bond, for example, two steps would be followed. First, the yield of the non-commodity component of the transaction as a percentage of the yield of a comparable pure debt instrument would be determined. If an oil-indexed bond with a $1000 offering price and a 3.5% coupon (paid semi-annually) is issued by an issuer that would pay a 10% interest rate for a similar bond that did not have an oil-indexed return, the instrument would satisfy the minimum 35% required yield standard for the non-commodity component of the transaction. (Analogous computations could be made for zero coupon instruments.) Second, if the same oil-indexed bond provides for an oil-indexed payment at redemption of the amount by which a specified crude oil price exceeds $20 per barrel, to a maximum of $50 per barrel, with a per unit multiple of 34.4 barrels, the maximum return on the commodity component of the transaction would be $1032. Based upon a four year fixed maturity, the annualized return (with annual compounding) on the commodity component of the bond would be 19.4% of the face value ($1000) of the instrument and therefore less than the proposed maximum return.

VOL 52 ISS 238 DEC 11 1987 UMI

commodity that is the subject of the commodity component of the hybrid instrument. Commenters are invited to address the nature and size of the performance criteria that should be imposed in this context and whether an appropriate investment grade rating by Standard & Poor's, Moody's or other comparable bond rating service should be considered an adequate substitute for the proposed requirements.

c. *"Otherwise-regulated" transactions.* One principal rationale for the establishment of an exemption from general compliance with Commission regulations for specified categories of hybrid option instruments is to relieve issuers or offerors of such instruments that are adequately regulated by another regulatory authority from duplicative as opposed to complementary regulatory requirements. The Commission therefore proposes to condition the availability of exemptive treatment for commodity-related hybrid option transactions upon the regulation of the transaction by another federal authority that administers an analogous regulatory framework.[15] This requirement is designed to assure that the financial integrity of the commodity-related obligations created by proposed hybrid offerings which, based upon the proposed exemption, would not be required to be traded on designated contract markets, is supported by regulatory protections affording assurance that the risks of transactions in such interests are adequately monitored and disclosed.

In determining what alternative regulator frameworks should be considered sufficient to establish that a transaction is "otherwise regulated," the Commission is of the view that relevant considerations may include: (1) The extent to which the financial integrity of the obligations created by the instrument in question is afforded protection by listing or other eligibility requirements applicable to the issuer or offeror; (2) the extent to which the issuer or offeror is subject to registration and reporting requirements that relate to its ability to satisfy obligations created in specific transactions; (3) the extent of public disclosure requirements with respect to issuer or offeror and/or particular transaction; (4) whether an insurance or guarantee fund would be available to satisfy such obligations in the event of the issuer's or offeror's default; and (5) whether the transaction would be required to be effected on or subject to the rules of a regulated national securities exchange.

The Commission recognizes that other regulatory frameworks may afford protections that are sufficient to address the customer protection issues raised by the incidental commodity-related elements to hybrid option instruments subject to the proposed exemption. Comment is requested concerning what specific regulatory frameworks should be viewed as sufficient to render particular hybrid option transactions or categories of transactions "otherwise regulated." Commenters should address the extent to which the various financial, market, and customer protection requirements afforded by the CEA and CFTC regulations are adequately addressed by other regulatory frameworks applicable to specific hybrid option instruments. Comment also is sought concerning whether requirements imposed by another federal regulatory framework, for example, with respect to disclosure of the risks of counterparty default on hybrid option obligations and dilution, should be considered adequate substitutes for compliance with criteria, such as minimum net worth and cover, proposed as conditions to the exemption. In addressing the adequacy of disclosure requirements under the securities laws or other regulatory frameworks as substitutes for any to the conditions of the proposed exemption set forth above, commenters should consider whether such disclosure requirements would assure that shareholders in the issuer or offeror and other parties whose interests may be affected indirectly by proposed hybrid transactions receive appropriate disclosure. The Commission also seeks comment with respect to potential means of assuring substantially equivalent treatment of offerings of hybrid instruments subject to different regulatory programs, *e.g.*, federal securities statues or federal banking laws.

d. *Marketing of the hybrid instrument.* The Commission also proposes to condition the availability of a regulatory exemption upon the issuer's or offeror's representation that the hybrid option instrument will not be, and has not been, marketed to the public as having the beneficial characteristics of commodity options or commodity futures contracts. *CF* 17 CFR 4.5(c)(2)(iii) (containing a related marketing representation requirement for certain otherwise-regulated persons seeking exclusion from the definition of commodity pool operator).

e. *Minimum unit price.* The Commission proposes to establish a minimum unit price of $20,000 for the sale of hybrid option instruments qualifying for the proposed exemption.

f. *Required disclosure.* The Commission also contemplates that issuers or offerors seeking an exemption from Commission regulations othewise applicable to hybrid option instruments would be required to disclose in writing to prospective offerees the exempted status of the instrument under Commission regulations. Comment is requested concerning any additional or alternative disclosures that should be required.

g. *Special calls.* The Commission also proposes to impose a requirement, similar to the existing regulatory provisions for exclusion from the definition of commodity pool operator (17 CFR 4.5(c)(2)(v)), that issuers or offerors seeking an exemption from general regulatory compliance agree to submit to special calls for information to demonstrate compliance with the conditions to exempt status.

h. *Exemption procedures.* The Commission contemplates that an exemptive mechanism applicable to otherwise-regulated hybrid option instruments with incidental commodity components would require filing of a notice with the Commission containing representations establishing that the requirements for exempt status are satisfied. Upon the filing of a notice of eligibility for the exemption, the instrument generally would be exempted from Commission regulatory requirements without further action by the Commission.

i. *Hybrids offered by governmental and quasi-governmental entities.* The Commission contemplates that hybrid option instruments issued or offered by federal or state authorities, quasi-governmental authorities, and certain international agencies, such as the International Bank for Reconstruction and Development, would be subject to an exemption from compliance with CFTC regulatory requirements on the ground of comity.

3. Commercial Transactions Which Resemble But Do Not Contain All Elements of Forward Contracts

The Commission recognizes that in addition to hybrid option instruments that possess incidental commodity-related elements and that are separately regulated, transactions have developed that would constitute forward contracts but for the lack of delivery as the normal

[15] Comment is requested as to whether there are insurance products not required to be registered as securities that would implicate Commission regulation, unless specifically exempted as "otherwise-regulated," and as to what additional criteria should be applied in tailoring an exemption for such products.

culmination of the transaction. In many instances, such transactions take place between commercial counterparties which are in the business of producing, processing, fabricating, refining, or merchandising the commodity but do not intend in all or most instances to make or take delivery of the commodity by means of such transactions. As set forth more fully below, the Commission is proposing to specify certain commercial transactions that do not necessarily contemplate delivery in all instances with respect to which it would not exercise regulatory or enforcement jurisdiction.[16]

Section 2(a)(1)(A) of the Act specifically excepts from the Commission's jurisdiction over transactions involving contracts of sale of a commodity for future delivery "any sale of any cash commodity for deferred shipment or delivery." Sales of cash commodities for deferred delivery, or forward contracts, generally have been recognized to be commercial, merchandising transactions in physical commodities in which delivery actually occurs but is delayed or deferred for commercial purposes. Forward contracts thus have been defined as transactions in which the parties intend "physical transfer of the actual commodity" *(CFTC v. Co Petro Marketing Group, Inc.,* 680 F.2d 573, 578 (9th Cir. 1982), that are entered by commercial parties that have the ability to make or take delivery *(CFTC v. Co. Petro Marketing Group, Inc.,* 680 F.2d at 578–79; *NRT Metals, inc. v. Manhattan Metals (Non-Ferrous) Ltd.,* 576 F. Sup. 1046, 1050–51 (S.D.N.Y. 1983)), but in which delivery "may be deferred for purposes of convenience or necessity." *In re Stovall,* [1977–1980 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 20,941 at 23,777–78 (CFTC 1979). In addition to the parties' expectation of delivery of the physical commodity, forward contracts historically have been characterized as privately negotiated contracts between commercial principals.[17]

The Commission recognizes that commodity transactions have developed in some markets that are undertaken for commercial, non-speculative purposes by commercial producers, processors, fabricators, refiners or merchandisers of the underlying commodity but do not result in delivery of the commodity on the routine basis that characterizes forward contracts within the jurisdictional exclusion of section 2(a)(1)(A) of the Act.[18] For example, commodity transactions between commercial counterparties in certain markets have evolved from contracts for deferred delivery of a physical commodity pursuant to which delivery generally occurs to transactions that have highly standardized terms, occur on a recurrent basis among an identifiable group of commercial participants and are frequently satisfied by the cancellation of contractual obligations based upon the payment of intervening market price changes.[19] Although such transactions may be settled other than by delivery on more than an occasional basis, it appears that departure from the traditional requirement of settlement by delivery of the physical commodity occurs on the basis of privately negotiated agreements by principals who have the capacity to make or take delivery, who contemplate actual delivery or acceptance of delivery in some of those transactions, but who may be unable to determine at the inception of the transaction that delivery will not be required. While the infrequency of delivery of the commodity in such transactions would tend to preclude their characterization as foward contracts within the Act's jurisdictional exclusion, such transactions nonetheless appear to be essentially private, commercial transactions that generally involve the exchange of interests in an actual physical commodity. As such, while beyond the established definition of forward contracts, such transactions may be suitable for a Commission no-action position to the extent that they occur other than on a designated contract market.

By contract, transactions that are effected through certain intermediaries, transferred in a secondary marketplace, or occur between a commercial and a counterparty which is not a producer, processor, fabricator, refiner, or merchandiser of the underlying commodity in the course of its business, substantially depart from the context in which the forward contract exclusion has historically operated.[20] In particular, the current commodity swap market reflects both direct transactions that are privately negotiated and entered into by commercial counterparties that are engaged in the commercial use of the commodity that is the subject of the swap transaction, as well as the development of swap markets operated by certain institutional swap issuers that enter into swap transactions that are settled in cash and that do not entail the expectation or even the alternative of physical delivery of the commodity.

The Commission requests comment concerning the appropriateness of establishing a prospective no-action position with respect to certain contracts for deferred delivery of a physical commodity that entail the potential for cancellation or offset in addition to delivery. This proposed no-action position would be conditioned upon compliance with at least the following criteria:

a. *Commercial counterparties.* The transaction takes place between commercial counterparties, each of which has the capacity to make or take delivery of the commodity that is the subject of the transaction. This standard would contemplate that, to qualify as "commercial" parties to the transaction, the parties would be required to be engaged in the direct commercial use of the commodity in the ordinary course of their business as producers, processors, fabricators, refiners or merchandisers of that commodity. The Commission contemplates that each party relying on the proposed no-action position would be required to make reasonable efforts to confirm that the other party to the transaction is a qualified commercial counterparty under this standard.[21]

b. *Commercial, non-speculative purpose.* The transaction is undertaken for commercial purposes, that is, as an incident of the parties' routine course of business, and not for speculative or investment purposes.

[16] The no-action position proposed below would not be intended to modify or affect the scope of the statutory exclusion from Commission jurisdiction of contracts for the sale of a commodity for deferred shipment or delivery. 7 U.S.C. 2.

[17] See Memorandum of the Office of General Counsel, CFTC, 44 FR 13498 (March 12, 1979).

[18] *See, e.g.,* 50 FR 39656, 39657–58 ("Characteristics Distinguishing Cash and Forward Contracts and 'Trade' Options") (Office of the General Counsel, CFTC, September 30, 1985).

[19] For example, transactions, especially intermediate or chain transactions, in the Brent oil market, which has been described as one that reflects the evolution of a delivery market, are apparently settled routinely but not exclusively by offset. *See, e.g.,* B. Sea, "The Legal Aspects of the 15 Day Brent Market," 5 *Journal of Energy and Natural Resources Law* 109 (1987). One court has preliminarily expressed the view that Brent oil transactions are predominantly futures transactions. *Transnor (Bermuda) Ltd. v. BP North American Petroluem,* [1986–1987 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 23,761 (S.D.N.Y. 1987).

[20] *But cf.* CFTC–OGC Interpretative Letter No. 86–5 (Export Trading Company's Proposed Financial Credit Arrangement), [1986–1987 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 23,227 (Office of the General Counsel, June 17, 1986); *and compare* CFTC–OGC Interpretative Letter No. 86–7 (Status of Live Hog Delivery Contracts), [1986–1987 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 23,455 (Office of the General Counsel.)

[21] *See* "The Forward Contract Exclusion: An Analysis of Off-Exchange Commodity-Based Instruments," Committee on Commodities Regulation of the Association of the Bar of the City of New York, 41 *Business Lawyer* 853, 901 (May, 1986).

VOL
52
ISS
238
DE
11
1987
UMI

c. *Nontransferability.* Contract rights or other interests arising from transactions that qualify for the proposed no-action position would not be marketed or transferable other than to commercial counterparties (as specified above) of the commodity or traded in a secondary market.

d. *Restriction to direct, privately-negotiated transactions.* The transaction is effected between qualified commercial counterparties as principals without intermediation by a dealer, market-maker or other third party. Brokered transactions would not necessarily infringe this criterion provided that the Commission would propose to define such intermediated transactions as only those wherein the intermediary takes no position in the transaction and assumes no risk.

The Commission contemplates, for example, that this proposed no-action standard would reflect the Commission's election to refrain from exercising jurisdiction over directly negotiated swap transactions between commercial counterparties that serve certain of the essential purposes of cash deferred delivery transactions in that they entail an exchange of obligations that represent, cover, or hedge actual commercial commitments of the contracting parties but may be settled by cash payment rather than by delivery. Swap transactions originated or issued by an intermediary that makes a market in swap obligations or that involve participants which are not commercial users of the underlying commodity would not be included.[22] This section does not address those interest rate and currency swaps subject to the Treasury Amendment.[23] Comment is requested concerning whether any different or additional criteria applicable to the proposed no-action position would be appropriate. The Commission contemplates that, based upon its experience in administering a no-action position of the nature delineated above, it would consider proposing a statutory amendment, as appropriate, to codify that position.

The Commission also requests comment concerning the appropriateness of extending no-action treatment to certain commercial transactions that resemble forward contracts but convey interests in indices, interest rates and other intangible commodities that are not susceptable to physical delivery. The definition of forward contracts as "concomitant[s] of a business for the merchandising of a cash commodity, where actual delivery occurs in virtually all cases absent a breach of contract,[24] appears to contemplate the use of deferred delivery contracts by merchandisers or users of tangible goods in the course of the actual marketing process. The Act's definition of the term "commodity," however, was amended in 1974 to reach not only the physical commodities on which futures contracts could be traded when the forward exclusion was established but also all "services, rights, and interests in which contracts for future delivery are presently or in the future dealt in." 7 U.S.C. 2.

The designation of contract markets for the trading of futures contracts on intangibles such as economic indicators and stock indices reflects the expansion of the Act's definition of "commodity" to include financial interests essentially "deliverable" only through cash settlement. Off-exchange markets also reflect the development of vehicles for the transfer of intangible interests, for example, so-called "forward-rate agreements," that entail the exchange of interests that are "deliverable" only through the payment or receipt of a value measured by an index, interest rate, or other economic measure and do not contemplate the delivery or receipt of a physical commodity.[25] While such transactions do not possess all of the characteristics of forward contracts heretofore delineated by the Commission, to the extent that such transactions are privately negotiated for commercial purposes between commercial users of the underlying "commodity" they may nonetheless not always require the full panoply of regulatory protections that apply to futures contracts and may warrant prospective no-action treatment. The Commission requests comment concerning the appropriateness of establishing a no-action position with respect to transactions for deferred delivery in intangible "services, rights and interests," which contemplate cash settlement rather than delivery of a physical commodity, and the criteria which should form the basis for such a position.

4. Option Instruments Fully Subject to Regulation Under the CEA

The Commission also is cognizant of an additional category of option instruments consisting of options directly on a commodity that are proposed to be offered by a private grantor either separately or in conjunction with debt obligations in a public offering registered with the SEC, but that would in either case thereafter be traded exclusively on a designated commodity exchange.[26] Although such instruments are unlike conventional commodity options in that they are proposed to be offered by a single private issuer and would not constitute either dealer or trade options, the Commission believer that these instruments are clearly within the purview of the CEA and Commission regulations. The Commission is of the view that the special customer and market protection concerns raised by such proposed option transactions are most appropriately addressed by means of exchange rules formulated to govern transactions in the specific option interests for which contract market designation is sought. The Commission will seek public comment on such proposals in separate **Federal Register** notices.

5. Case-By-Case Review of Other Jurisdictional Issues

The exemption outlined above would not be intended to be an exclusive catalogue of the hybrid instruments that could be exempted from Commission regulations nor would any definition of excluded *de minimis* transactions necessarily address all hybrid transactions beyond the jurisdiction of the CEA. Any jurisdictional exclusion or regulatory exemptive procedure of the nature outlined above would, instead, supply guidance to practitioners concerning certain readily resolved jurisdictional issues and regulatory relief in defined circumstances. In cases not addressed by these categories but which are potentially within the Commission's jurisdiction, the Commission could still in appropriate cases provide case-by-case relief. Such particularized review would permit the resolution of issues that are not susceptible to generalized treatment, accommodate product innovation, and permit more limited relief in cases that would not qualify for a categorical exemption. *See* 17 CFR 32.4(b).

List of Subjects in 17 CFR Part 34

Commodity futures, Commodity options, Hybird option instruments.

Authority: 7 U.S.C. 2, 6c, 12a.

Issued in Washington, DC on December 8, 1987 by the Commission.

Jean A Webb,

Secretary of the Commission.

[FR Doc. 87-28519 Filed 12-10-87; 8:45 am]

BILLING CODE 6351-01-M

[22] Whether banks and other financial institutions would qualify as commercial users of the commodity underlying specified transactions would depend upon whether such institutions are engaged in the direct, commercial use of the commodity. *See* CFTC Interpretative Letter No. 84-7, [1982-84 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 22,025 (Division of Trading and Markets, February 22, 1984). The Commission contemplates that this determination would be made on a case-by-case basis. *See* 51 FR 12868, 12869 (April 15, 1986) (CFTC Order authorizing banks to grant foreign currency options on a foreign exchange). Acceptance of a commodity as collateral would not be considered commercial use of that commodity by a bank or other financial intermediary.

[23] *See* note 2, *supra.*

[24] Memorandum of the Office of General Counsel, CFTC, 44 FR 13498, 13499 (March 12, 1979).

[25] *See, e.g.,* E.R. Schroeder, "Inadvertent Futures Contracts," 19 *Review of Securities and Commodities Regulation* 89 (April 16, 1986).

[26] As such commodity options would be traded separately although initially offered in conjunction with a security, they would not constitute "hybrid" instruments of the nature eligible for exemptive treatment as proposed above. *See* note 12, *supra.*

UNITED STATES INFORMATION AGENCY

22 CFR Part 502

[Rulemaking No. 4]

Propaganda as Educational and Cultural Materials; World-wide Free Flow (Export-Import) of Audio-Visual Materials

AGENCY: United States Information Agency.

ACTION: Notice of interim rules; correction.

SUMMARY: USIA is publishing appendix A which was inadvertently omitted from the notice of interim rules which appeared in the **Federal Register** on November 16, 1987 (52 FR 43753). This appendix will not appear in the Code of Federal Regulations. The rest of the notice remains unchanged.

FOR FURTHER INFORMATION CONTACT: Merry Lymn, Attorney Advisor, Room 700, United States Information Agency, 301 4th Street SW., Washington, DC 20547, (202) 485-8829.

Dated: December 4, 1987.

C. Normand Poirier,

Acting General Counsel, United States Information Agency.

The omitted appendix is inserted after the section entitled "Findings and Conclusions," in column 1, page 43757.

Appendix A—Comments Received in Response to the Advance Notice of Proposed Rulemaking No. 4—Propaganda as Educational and Cultural Material

Received before September 8, 1987

1. AAA Foundation for Traffic Safety
2. Concept Media
3. American Dental Association
4. Hazelden Educational Services
5. Spoken Arts
6. Fliptrak Learning Systems
7. Butler Learning Systems
8. Courter Films & Associates
9. Educational Teaching Aids
10. Learn Incorporated
11. West Wind Productions, Inc.
12. The Upjohn Company
13. Biomedical Models Company
14. Authur Barr Productions
15. Center for Constitutional Rights
16. PEN American Rights
17. Pharmaceutical Manufacturers Associations
18. Weston Woods International Sales Corp.

[FR Doc. 87-28516 Filed 12-10-87; 8:45 am]

BILLING CODE 8230-01-M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 103

Collective-Bargaining Units in the Health Care Industry

AGENCY: National Labor Relations Board.

ACTION: Proposed rule; notice of extension of time for filing comments following completion of hearing.

SUMMARY: The National Labor Relations Board gives notice that it is further extending the time for filing comments on the proposed rulemaking for collective-bargaining units in the health care industry from December 14, 1987, to December 21, 1987.

DATES: The comment period which presently ends at the close of business on December 14, 1987, has been extended to the close of business on December 21, 1987.

ADDRESS: Comments should still be submitted to the Executive Secretary as set forth in 52 FR 25142, July 2, 1987.

FOR FURTHER INFORMATION CONTACT: Curtis A. Wells, Associate Executive Secretary, Telephone: (202) 254-9430.

SUPPLEMENTARY INFORMATION:

Background

The Board's notice of proposed rulemaking and original notice of hearing was published in the **Federal Register** (52 FR 25142) on July 2, 1987. That notice provided for three hearings, the last to be held on September 14, 1987. The notice also provided that the period for comments ended at the close of business on October 30, 1987.

Thereafter, in response to requests by large numbers of organizations and individuals who wished to testify, the Board added a fourth hearing date, October 7, 1987, retaining October 30 as the close of the comment period. Notice of that hearing was published in the **Federal Register** (52 FR 29038) on August 5, 1987.

Subsequently, in response to requests by a number of participants in the hearings for extensions of time to permit interested parties to obtain and review the hearing transcripts in preparation of their comments, the Board extended the comment period, first to the close of business on November 20, 1987, by notice published in the **Federal Register** (52 FR 36589) on September 30, 1987, and then to the close of business on December 14, 1987, by notice published in the **Federal Register** (52 FR 43919) on November 17, 1987.

The American Nurses' Association has requested a 1-week extension of time for filing comments in order to enable the Association to comprehensively deal with the issue of unit placement of nurses which constitute a substantial portion of the record in the proposed rulemaking. The Board has been informed that the American Hospital Association is opposed to this grant of an extension of time. Since the refusal of this request might reduce the value of the comments of some parties to the Board regarding the proposed rulemaking, the Board has decided to extend the period for making comments until the close of business on December 21, 1987.

Dated: Washington, DC, December 8, 1987.

By Direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 87-28526 Filed 12-10-87; 8:45 am]

BILLING CODE 7545-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8-R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Custodial Care

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed amendment of rule.

SUMMARY: This proposed rule will amend DoD 6010.8-R (32 CFR Part 199) which implements the Civilian Health and Medical Program of the Uniformed Services as pertains to the custodial care provisions. This amendment will permit reimbursement for custodial conditions in which medically necessary inpatient hospital care is required.

VOL 52 ISS 238 DEC 11 1987 UMI

DATE: Written public comments must be received on or before January 11, 1988.

ADDRESSES: Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Office of Program Development, Aurora, CO 80045-6900.

FOR FURTHER INFORMATION CONTACT: Rose M. Sabo, Office of Program Development, OCHAMPUS, Aurora, CO 80045-6900, telephone (303) 361-4014.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the Federal Register on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title. 32 CFR Part 199 (DoD 6010.8-R) was reissued in the Federal Register on July 1, 1986 (51 FR 24008).

The 1956 legislation which initially authorized civilian health care for military dependents, Pub. L. 84-569, did not contain an exclusion of custodial care. Rather, benefits were more limited. The law excluded domiciliary care and the treatment of nervous and mental disorders, chronic diseases and elective medical and surgical treatments. Power was vested in the Secretary of Defense, after consultation with the then Secretary of Health, Education, and Welfare (currently Health and Human Services), to grant exceptions to these exclusions for up to 12 months of treatment in special and unusual cases. Care in civilian facilities was also generally limited to inpatient treatment for active duty dependents.

The express purpose of the changes enacted by the Military Medical Benefits Amendments of 1966 was to "provide improved benefits for military families along the line of those provided other citizens over the (preceding) decade." Consistent with this intent, the 1966 amendment eliminated the exclusion of the treatment of chronic diseases, representing a significant program expansion. This expansion was tempered, however, by the newly adopted exclusion of custodial care, an exclusion which was also consistent with other public and private health care plans. The custodial care exclusion was intended as a limitation on the expansion of benefits represented in part by the inclusion of the treatment of chronic diseases as a benefit.

One of the stated purposes of the 1966 amendment was to ensure that the Department of Defense retained sufficient administrative flexibility to tailor the Program's benefit package to meet the determined needs of the Uniformed Services. Thus, broad discretion was granted to the Secretary of Defense in the management and direction to the civilian health benefits program.

In developing the 1966 amendments, Congress looked to the Federal Employees' Health Benefits Program for guidance in the development of the benefits package. The history of the Program's development (Military Medical Benefits Act of 1966, report dated March 31, 1966, Explanation of the Amendment—Purpose of the Bill) states in part:

> The bill would improve the level of benefits provided by eliminating the specific listing in the law of the types of care permitted and substituting therefor authority to provide hospital care up to the level of the highest option of the Government-wide plan covering the larger number of civilian employees under the Federal Employees' Health Benefits Act. The Department of Defense would have the authority to contract for care subject only to the limitation that the benefits provided could not exceed the high option of the most popular Government-wide civilian program. The bill further provides that benefits shall not be less than those provided under such civilian high option programs on July 1, 1966.
>
> Thus, the bill gives the Department of Defense the flexibility to improve benefits in the future as health benefits expanded for other Government personnel and, at the same time, provides a floor on benefits so that they could not be reduced in the future by arbitrary administrative directive.

Historically, the term domiciliary care was defined to encompass the concept of custodial care. In its initial implementation of the 1966 amendments, the Department of Defense derived its definition of custodial care from the one used by the Social Security Administration's Medicare program. A number of custodial care determinations were reviewed under that definition.

Between 1966 and 1974, CHAMPUS came under increasing Congressional scrutiny and criticism directed at escalating program costs and administrative inefficiencies. A major review was undertaken in 1975-1977 to more consistently enforce the intent of Congress as expressed in the law and to establish a better designed, more uniform program which would be more akin to a contract of insurance and provide a greater degree of control over all program elements. The review culminated in issuance of the comprehensive Department of Defense regulation for the operation and management of CHAMPUS.

The provisions of the law relating to custodial care and domiciliary care were examined as a part of the comprehensive review initiated in 1975. Based upon the legislative history discussed above, it was determined that these terms actually represent separate concepts and that new definitions were required.

In seeking a new definition, program administrators looked to the Federal Employee Health Benefits Program (FEHBP). The definition sought had to be easily understood by beneficiaries and providers and had to be workable for the routine processing of claims. The FEHBP provided a reasonable alternative source and was fully compatible with the original intent of Congress in enacting the 1966 amendments. The definition of custodial care ultimately adopted was derived from that source and is consistent with the concepts developed in that program.

The current custodial care definition has been in effect since 1977. It is briefly described as care rendered to a patient: (1) who is disabled mentally or physically and such disability is expected to continue and be prolonged; (2) who requires a protected, monitored, or controlled environment; (3) who requires assistance in the essentials of daily living; and (4) who is not under active and specific treatment that will reduce the disability to the extent necessary to function outside of a controlled environment. Once a custodial care determination is made, CHAMPUS benefits are limited to one hour of skilled nursing care per day, prescription drugs and medical supplies for their administration. CHAMPUS benefits may be extended to otherwise covered services related to a medically necessary admission to an acute care hospital only if hospitalization is required for treatment of a condition other than the one for which custodial care is being received (i.e., a broken leg as a result of a fall) or if there is an acute exacerbation of the condition for which custodial care is being received that requires active inpatient treatment.

As shown in this historical review, the CHAMPUS custodial care provisions have traditionally acted as benefit limitations to help contain costs in a program that has essentially no limits on medically necessary care and has very favorable cost-sharing provisions. Once a custodial care determination was made, the program offered only limited benefits for the custodial condition. Other third-party plans have controls, absent in CHAMPUS, to contain excessive costs that might otherwise occur with a chronic, long-term illness. These controls consist of limits on the number of days of hospitalization or limits of physician or nursing visits. Some have substantial deductibles and

costsharing for inpatient care, and most have either a dollar or visit limit on other care.

The amendment being proposed would allow payment of inpatient hospital care that is determined medically necessary, even if required for a custodial condition. This amendment is being proposed for two reasons—because of implementation of a DRG-based (diagnosis-related group) payment system for CHAMPUS inpatient hospital admissions occurring on or after October 1, 1987 (published in FR Doc. 87-19684, September 1, 1987) and because of a court decision which held the custodial care provision unsupportable in cases involving medically necessary inpatient hospital care.

On May 15, 1987, the United States Court of Appeals for the District of Columbia Circuit, *Barnett v. Weinberger*, 818 F. 2d 953 (DC Cir. 1987), in reversing a district court decision, held the CHAMPUS regulation invalid insofar as it purports to treat medically-necessary patient care obtainable only in a hospital as excluded custodial care. The Court stated the specific issue before it to be "whether the regulations characterizing medically-essential hospital services as excluded 'custodial care' comport with the statutory provision on that subject." The Court held, after analyses of the legislative history and relevant case law, "that the challenged CHAMPUS regulation, as written or applied, is invalid insofar as it purports to treat medically necessary patient care obtainable only in a hospital as 'excluded custodial care.'"

In reaching the foregoing conclusion, the Court relied heavily upon an analysis of the relevant legislative history. The original 1956 legislation excluded domiciliary care, but not custodial care. The Court found significant the original concept of domiciliary care as not excluding hospitalization which is medically essential because it "sheds important light upon the meaning of 'custodial care' when the latter was inserted into the exclusionary section in 1966." The Court noted that the 1966 amendments were characterized generally as benefit enhancements. Based upon its understanding of the legislative history, the Court concluded that "it would be highly anomalous to suppose that by this language (excluding 'custodial care') Congress designed an exclusion of necessary medical services from basic CHAMPUS benefits."

The Department of Defense does not agree with the rationale of the Court in this regard. For other reasons, it has chosen not to appeal or seek other relief from the decision. The Court stated that the broad-gauged reading of the statutory exclusion of custodial care is antithetical to the general statutory purpose of enhancing benefits. We do not believe, however, that the Court gave a true picture of the context of the custodial care exclusion. As is clear from the historical discussion above, the 1956 Dependents' Medical Care Act contained an exclusion of domiciliary care. It did not specifically exclude custodial care. Rather, it excluded all care for chronic conditions. This fact was not discussed by the Court. It has significance because it gives a better picture of the basis for the custodial care exclusion in the 1966 amendment. In 1966, Congress removed the exclusion for care for chronic conditions and substituted the exclusion of custodial care. Contrary to the Court's conclusion that the custodial care exclusion did not enlarge the existing exclusion of domiciliary care, what in reality was occurring was that Congress had removed a major exclusion of necessary medical services for those with chronic medical conditions. Under the 1956 law these conditions were not covered at all, irrespective of how medically essential the care was. The custodial care provision was substituted for this exclusion. For this reason, we disagree with the Court's conclusion that Congress did not intend to exclude necessary medical service from basic CHAMPUS benefits in excluding custodial care. When seen in this context, the custodial care exclusion, as interpreted by the Department in 1977, represents a significant enhancement of benefits over the 1956 law which excluded all care for chronic conditions.

However, because the ruling of the Court closely coincides with the implementation of DRGs, we now are proposing this change in our rule on custodial care in recognition of the decision of the Court. With the implementation of DRGs for hospitals on October 1, 1987, the custodial care provision represents a duplicative control on inpatient care in acute-care hospitals. Other provisions of the Regulation exist to help ensure the responsible expenditure of public funds. For example, the Regulation requires that the medical environment in which the services are performed be at the level adequate to provide the required care. Services and supplies related to inpatient stays in hospitals or other authorized institutions above the appropriate level required to provide the necessary medical care will continue to be excluded. These controls are expected to effectively control utilization.

We are proposing an effective date of October 1, 1987, to coincide with the implementation of the rule on DRGs. Further revision of the custodial definition may be considered following evaluation of the CHAMPUS home-care demonstration which is scheduled to end June 30, 1988 (published in FR Doc. 87-14784, July 1, 1986).

Section 605(b) of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) requires that each federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities. The Secretary certifies, pursuant to section 605(b) of Title 5, United States Code, enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that this regulation will not have a significant economic impact on a substantial number of small businesses, organizations or government jurisdictions.

This proposed rule will have the impact of enhancing the scope of the CHAMPUS benefit for medically necessary inpatient care. It will not involve any singificant additional administrative burden on CHAMPUS beneficiaries or providers of medical care. It is not, therefore, a "major rule" under Executive Order 12291.

This amendment is being published in the **Federal Register** for proposed rulemaking at the same time it is being coordinated within the Department of Defense and with other interested agencies so that consideration of both internal and external comments and publication of the final rule can be expedited.

List of Subjects in 32 CFR Part 199

Health insurance, Military personnel, Handicapped.

Accordingly, 32 CFR Part 199, is amended as follows:

PART 199—[AMENDED]

1. The authority citation for Part 199 continues to read as follows:

Authority: 10 U.S.C. 1079, 1086, 5 U.S.C. 301, 29 U.S.C. 794.

2. Section 199.4 is amended by revising paragraph (e)(12)(iii) and (g)(7) to read as follows:

§ 199.4 Basic program benefits.

* * * * *

(e) * * *

(12) * * *

(iii) *Exception to custodial care exclusion, admission to a hospital.* CHAMPUS benefits may be extended for otherwise covered services or

supplies Directly related to a medically necessary admission to an acute care general or special hospital or long-term hospital if the care is at the appropriate level and meets other requirements of this Regulation.

* * * * *

(g) * * *

(7) *Custodial care.* Custodial care except as otherwise specifically provided in paragraphs (e)(12)(ii), (iii) and (iv) of this section.

* * * * *

§ 199.6 [Amended]

3. Section 199.6 is amended by removing the word "custodial or" where it appears in paragraph (b)(4)(iv)(C)(*4*), removing the existing paragraph (b)(4)(v)(B) and redesignating paragraph (b)(4)(v)(C) to (b)–(4)(v)(B).

December 4, 1987.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 87–28340 Filed 12–10–87; 8:45]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-3300-6]

Standards of Performance for New Stationary Sources; Polypropylene, Polyethylene, Polystyrene, and Poly(ethylene terephthalate) Manufacturing Industry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of public comment period.

SUMMARY: The end of the public comment period has been extended 60 days for the proposed national emission standards for volatile organic compounds from certain polymer manufacturing plants in response to a request from the Chemical Manufacturers Association (CMA). This request expressed the need for additional time to analyze more fully the effect of the proposed standards on certain polymer manufacturing processes that CMA claims are not clearly represented by any one of the polymer categories for which regulations have been proposed.

DATES: Written comments to be included in the record on the proposed standard must be postmarked no later than February 8, 1988.

ADDRESSES: Comments should be submitted (in duplicate if possible) to: Central Docket Section (LE–131), Attention: Docket No. A–82–19, U.S. Environemental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Sims Roy at (919) 541–5578.

SUPPLEMENTARY INFORMATION: On September 30, 1987, the Administrator proposed in the **Federal Register** (52 FR 36678) national process and fugitive emission standards for volatile organic compounds from certain polymer manufacturing plants. In that notice, EPA announced the date ending the public comment period. This notice extends the end of the public comment period as discussed in the summary section of this preamble.

Dated: December 7, 1987.

Paul M. Stolpman,

Acting Assistant Administrator.

[FR Doc. 87–28507 Filed 12–10–87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 80, 86 and 600

[AMS-FRL-3300-7]

Control of Gasoline and Alcohol Blends Volatility and Evaporative Emissions, and Refueling Emissions From New Motor Vehicles and Engines

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This notice announces a further extension of the public comment period on EPA's proposed regulation to control refueling emissions and the proposed regulation to control the volatility of gasoline and alcohol blends sold in the summertime. These proposals were both published in the **Federal Register** on August 19, 1987 (52 FR 31162 and 52 FR 31274). The comment period was extended after EPA received several requests.

DATE: The public comment period is being extended one month and will remain open until February 11, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Philip Carlson, U.S. Environmental Protection Agency, Emission Control Technology Division, 2565 Plymouth Road, Ann Arbor, MI 48105, Telephone: (313)–668–4270.

SUPPLEMENTARY INFORMATION: The notice for the current close of the comment period concerning these proposed rules was published in the **Federal Register** on October 28, 1987 (52 FR 41473). That notice specified that the public comment period would remain open until January 11, 1988. During and subsequent to the public hearing held October 27–29, 1987 in Sterling, VA, EPA received requests from several commenters to extend the length of the public comment period. EPA has reviewed these requests in the light of the Agency's desire to assure the fullest possible opportunity for public participation, and has decided that it is reasonable to grant an extension of the comment period for one additional month. The comment period is therefore extended until February 11, 1988.

Dated: December 4, 1987

Don R. Clay

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 87–28508 Filed 12–10–87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87–528, RM–5958]

Radio Broadcasting Services; Great Falls, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Contemporary Communications, proposing the substitution of FM Channel 282C1 for Channel 282C at Great Falls, Montana. Contemporary Communications has an application on file at the Commission for Channel 282C. Concurrence of the Canadian government is required for this allocation.

DATES: Comments must be filed on or before January 25, 1988, and reply comments on or before February 9, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Larry G. Fuss, Contemporary Communications, P.O. Box 1901, El Dorado, AR 71731.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–8530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–528 adopted November 4, 1987, and released December 4, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–28485 Filed 12–10–87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86–388; RM–5385]

Television Broadcasting Services; Kenansville, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial of proposal.

SUMMARY: This document denies the request of Meredith Corporation to allot UHF television Channel 31 to Kenansville, Florida, as its first television service. The *Notice* proposed the allotment provided it could be shown that Kenansville is a community within the meaning of the Commission's Rules. The information supplied by Meredith did not meet the community requirements of section 307(b) of the Rules for allotment purposes. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–388, adopted November 12, 1987, and released December 4, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–28486 Filed 12–10–87; 8:45 am]

BILLING CODE 6712-01-M

AFRICAN DEVELOPMENT FOUNDATION

48 CFR PART 5706

Competition Requirements

AGENCY: African Development Foundation.

ACTION: Proposed rule.

SUMMARY: This action proposes circumstances and procedures under which certain procurement of the African Development Foundation for services to be provided abroad need not be subject to the FAR requirement of full and open competition.

DATES: Comments must be received on or before February 9, 1988.

ADDRESS: Comments may be mailed to the Director, Administration and Finance, Suite 600, African Development Foundation, 1625 Massachusetts Avenue NW., Washington, DC 20036, or delivered to the same address between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Paul Magid, General Counsel, Tom Wilson, Director, Administration and Finance, (202) 673–3916.

SUPPLEMENTARY INFORMATION: The African Development Foundation (ADF) applies the requirements of the Federal Acquisition Regulations to all of its domestic procurement activities, including the requirement for full and open competition set forth in Part 6 of the Regulations. However, adherence to these requirements for the procurement of goods and services overseas, (almost exclusively in Africa) has proved impractical. These proposed rules, based in part on similar regulations published by AID at 48 CFR 706.302–70, are intended to provide for full and open competition in the overseas context to the extent practicable, while at the same time, allowing for waivers whenever adherence to the competition requirement would impair the objective of ADF's programs.

Regulatory Flexibility Act of 1980

(Generally, these regulations do not contain substantive new material. It is, therefore, certified that they will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.)

Executive Order 12291

The African Development Foundation has determined that this rule is not a major rule for purposes of E.O. 12291 because it is not likely to result in an annual effect on the economy of $100 million or more.

Paperwork Reduction Act

This rule imposes no obligatory information requirements on the general public.

List of Subjects in 48 CFR Part 5706

Government contracts, Government procurement.

Therefore, it is proposed to amend Title 48 of the Code of Federal Regulations by establishing Chapter 57 and adding Part 5706 to read as follows:

CHAPTER 57—AFRICAN DEVELOPMENT FOUNDATION

SUBCHAPTER B—ACQUISITION PLANNING

PART 5706—COMPETITION REQUIREMENTS

Authority: 40 U.S.C. 474.

Subpart 5706.3—Other Than Full and Open Competition

5706.302–70 Impairment of foreign aid programs.

(a) Full and open competition need not be obtained when it would impair or otherwise have an adverse effect on programs conducted for the purposes of foreign aid, relief, and rehabilitation.

(b) *Application.* This authority may be used for:

(1) An award under section 506(a)(5) of the African Development Foundation Act involving a personal services contractor serving abroad;

(2) An award of $100,000 or less for audit, evaluation or program support services to be provided abroad;

(3) An award for which the President of the Foundation makes a formal written determination, with supporting findings, that compliance with full and open competition procedures would impair foreign assistance objectives, and

would be inconsistent with the fulfillment of the Foundation program.

(c) *Limitation.* (1) Offers shall be requested from as many potential offerors as is practicable under the circumstances.

(2) The contract file must include an appropriate explanation and support justifying award without full and open competition, as provided in FAR 6.303, except that determinations made under paragraph (b)(3), of this section will not be subject to the requirements for contracting officer certification or to approvals in accord with FAR 6.304.

ADF Agency Number 11010006

ADF BOAC Number 953901

December 1, 1987.

Leonard H. Robinson, Jr.,

President, African Development Foundation.

[FR Doc. 87-28285 Filed 12-10-87; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 655

[Docket No. 71264-7264]

Atlantic Mackerel, Squid, and Butterfish Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of preliminary initial specifications for 1988 and requests for comments.

SUMMARY: NOAA issues this notice of preliminary initial specifications for the 1988 fishing year for Atlantic mackerel, squid, and butterfish, and requests public comments. Regulations governing these fisheries require the Secretary of Commerce (Secretary) to publish preliminary initial specifications. This action will provide data and request comments for NOAA's determination of the initial specifications for the 1988 fishing year.

DATE: Comments must be received on or before January 7, 1988.

ADDRESS: Send comments to Kathi L. Rodrigues, Northeast Regional Office, NMFS, 2 State Fish Pier, Gloucester, MA 01930-3097. Mark on the outside of the envelope, "Comments on 1988 Annual Specifications".

FOR FURTHER INFORMATION CONTACT: Kathi L. Rodrigues, 617-281-3600, ext. 324.

SUPPLEMENTARY INFORMATION: Regulations implementing the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) provide at § 655.22(b) that the Secretary will publish a notice specifying the preliminary initial annual amounts of the initial optimum yields (IOYs) as well as the amounts for domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), and total allowable levels of foreign fishing (TALFF) for the species managed under the FMP. Note that DAH=DAP+JVP. No reserves are provided under the FMP for any of these species.

Procedures for determining the initial annual amounts are found at § 655.21. The Secretary is required to publish this notice on or about November 1 of each year and to provide a 30-day comment period on the preliminary specifications. These specifications are based on recommendations submitted by the Mid-Atlantic and New England Fishery Management Councils.

The Mid-Atlantic Fishery Management Council (Council), the lead Council for the FMP, has prepared an analysis of the nine economic factors specified at § 655.21(b)(1)(ii). Both Councils' recommendations and other relevant data are available for inspection at the NMFS Regional Office at the above address during the comment period.

The following table lists the preliminary initial specifications in metric tons (mt) for the allowable biological catch (ABC), initial optimum yield (IOY), which comprises DAH (DAP + JVP), and TALFF for Atlantic mackerel, *Illex* and *Loligo* squids, and butterfish. These initial specifications are the amounts that the NMFS Director, Northeast Region (Regional Director), is proposing for the 1988 fishing year beginning January 1. The maximum optimum yield (Max OY) is set by the FMP and provided as a point of reference for the proposed specifications.

TABLE.—PRELIMINARY INITIAL ANNUAL SPECIFICATIONS FOR ATLANTIC MACKERAL, SQUID, AND BUTTERFISH FOR THE 1988 FISHING YEAR, JANUARY 1 THROUGH DECEMBER 31, 1988

[In metric tons]

Specifications	Squid		Atlantic Mackerel	Butterfish
	Loligo	Illex		
Max Oy[a]	44,000	30,000	N/A[b]	16,000
ABC[c]	37,000	22,500	323,000	16,000
IOY	14,024	17,000	106,000	10,048
DAH	14,000	17,000	[d]46,000	10,000
DAP	14,000	10,000	12,000	10,000
JVP	0	[e]7,000	20,000	0
TALFF	24	0	[f]60,000	48

[a] Maximum OYs as stated in the FMP.
[b] Not applicable; see the FMP.
[c] IOY can rise to this amount.
[d] Includes 14,000 mt projected recreational catch.
[e] For every 4 mt taken in joint ventures (JV), foreign partner is required to purchase 1 mt U.S.-processed *Illex*.
[f] For every 9 mt TALFF, foreign partner is required to purchase either 3 mt in a joint venture or 1 mt U.S.-processed product.

The Regional Director has determined that the IOY levels proposed for the 1988 fishing year will provide the greatest overall benefit to the United States. These levels were set to encourage continued growth in both the harvesting and processing sectors of the U.S. fishing industry in accordance with the purposes of the Magnuson Act. They were selected after meetings and discussions with the Council, considering information from industry groups and foreign national representatives, and review of the performance of U.S. fishermen, processors, projected domestic landings, and joint venture information.

The initial *Loligo* IOY is set at a level which results in a JVP of zero. The Council projects that domestic processors have the capacity and intent to utilize the entire amount which is reasonably expected to be harvested. This is the DAH amount. Both Councils indicated a need for an *Illex* IOY which allows for a DAH amount 7,000 mt above the amount domestic processors have the capacity and intent to utilize. The Regional Director has agreed with this recommendation including the stipulation that JVP partners must purchase one mt of U.S.-processed *Illex* for every four mt of JVP amount received.

Domestic landings of *Loligo* for 1987, excluding joint venture harvest, are expected to be about 10,000 mt. The Council has projected an improvement for the 1988 fishing year, setting the IOY at a level which results in a *Loligo* DAH of 14,000 mt. *Illex* landings for 1987 are expected to reach approximately 6,500 mt. However, given that the proposed 1988 *Illex* JVP is 7,000 mt, the Regional Director has agreed with the New England Council's recommendation that the IOY for *Illex* be set at a level which allows for a DAP of 10,000 mt, thereby setting DAP potential at a level higher than JVP.

As in the previous fishing year, specifications give priority to domestic users. Squid IOYs, as proposed by both the Mid-Atlantic and New England Councils, are set at levels which provide squid TALFFs at bycatch levels only, according to the formula established in the FMP. *Loligo* TALFF is sufficient to provide for the Atlantic mackerel foreign fishery. As in 1987, the Council has recommended an *Illex* IOY which results in an *Illex* TALFF of zero based upon its recommendation that there be no foreign directed fishing for silver and red hake during 1988. Therefore, there is no need for a bycatch TALFF of *Illex*.

The annual specifications for the hakes have not been completed at this time nor have any applications for foreign fishing been received. Until the hake specifications are determined, and allocations for foreign fishing made, the Regional Director proposes to set the *Illex* IOY at a level which results initially in an *Illex* TALFF of zero. If a directed fishery for hakes by foreign nations is allowed during 1988, the appropriate bycatch, as specified in the FMP, will be added to the TALFFs.

The Atlantic mackerel ABC amount has been increased because of the continued rebuilding of the mackerel stocks. The Atlantic mackerel IOY has been set at a level that allows for TALFF and JVP amounts to accommodate the applications for foreign fishing received to date. The Council further recommended that, for this year, the foreign nation be required to purchase either 3 mt of Atlantic mackerel in a joint venture or 1 mt of U.S.-processed product for every 9 mt of TALFF. The Council intends to recommend that the foreign partner make a joint venture purchase and a processed product purchase for fishing year 1989. The 1989 ratio of TALFF to required purchases may be modified to reflect any change in world market and supply conditions.

The Regional Director has adopted the Council's 1988 recommendation for Atlantic mackerel as well as recommendations that foreign fishing applications stipulate that any Atlantic mackerel product taken or purchased will not appear in North American markets and that preference be given to foreign vessels having at least a 30 mt per day processing capacity and refrigerated sea water holding tanks.

In accordance with the provisions of the FMP, a butterfish TALFF of 48 mt is provided for bycatch in other fisheries.

The Councils' recommendations, and all public comments on the annual specifications will be considered in the final decision, which will be published in the **Federal Register.**

Classification

This action is authorized by 50 CFR Part 655 and complies with Executive Order 12291.

(16 U.S.C. 1801 et seq.)

List of Subjects in 50 CFR Part 655

Fisheries, Reporting and recordkeeping requirements.

Dated: December 8, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator For Fisheries, National Marine Fisheries Service.

[FR Doc. 87-28553 Filed 12-8-87; 4:37 pm]

BILLING CODE 3510-22-M

BEST COPY AVAILABLE

VOL 52 ISS 238 DEC 11 1987 UMI

VOL 52 ISS 238 DEC 11 1987 UMI

Notices

Federal Register
Vol. 52, No. 238
Friday, December 11, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Soil Quality Monitoring Guidelines

AGENCY: Forest Service, USDA.
ACTION: Notice of availability.

SUMMARY: The Forest Service gives notice that it has recently issued guidelines on establishing soil quality standards and monitoring soil quality. The guidelines are for use by Forest Service resource specialists assigned to the National Forest System and are contained in Chapter 2 of the Soil Management Handbook, FSH 2509.18. The guidelines provide definitions for soil productivity, significant changes in the productivity of land, significant impairment, and detrimental soil disturbance. The chapter is available upon request from the address shown below.

FOR FURTHER INFORMATION CONTACT: Interested parties may obtain single copies of Chapter 2 of the Soil Management Handbook by writing or calling Gray F. Reynolds, Director, Watershed and Air Management Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090, (703) 235–8005.

Date: December 4, 1987.

George M. Leonard,
Associate Chief, Forest Service.

[FR Doc. 87–28492 Filed 12–10–87; 8:45 am]
BILLING CODE 3410–11–M

Packers and Stockyards Administration

Proposed Posting of Stockyards; Hwy 20 Horse Auction, Canton, GA, et al.; Stegall's Livestock and Auction Barn, NC; Correction

On September 29, 1987, a notice was published in the **Federal Register** (52 FR 36448) giving notice of the proposing posting for certain stockyards listing their facility number, name, and location of stockyards.

This notice is to correct the facility number assigned to the following market in that publication.

The notice should have read:

NC–159 Stegall's Livestock and Auction Barn, Concord, North Carolina

Done at Washington, DC, this 4th day of December, 1987.

Harold W. Davis,
Director, Livestock Marketing Division.

[FR Doc. 87–28472 Filed 12–10–87; 8:45 am]
BILLING CODE 3410–KD–M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade; Proposed Recommencement of Trading and Proposed Amendments Relating to the Four- to Six-Year Treasury Note Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The Chicago Board of Trade ("CBT" or "Exchange") has submitted a proposal to recommence trading in the Four- to Six-Year Treasury Note futures contract, which now is dormant within the meaning of Commission Regulation 5.2. In addition, the CBT has submitted proposed amendments to this Treasury note futures contract. The amendments would change the eligibility standards for deliverable Treasury notes so that only recently issued five-year notes would be deliverable, allow for futures trading during an evening session, and increase the speculative limits for the contract to 4,400 contracts from 1,000 contracts in the spot month and in all futures combined. The amendments also would increase the daily price limit to three points from two points, change the delivery procedures to conform to those currently in effect for the CBT's actively traded Treasury bond and Treasury note futures contracts, and revise the trading month listing provision to include the first four months in the March quarterly cycle. Finally, the CBT proposes to change the name of the contract to "Medium Term Treasury Notes (5 years)."

In accordance with section 5a(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Economic Analysis of the Commodity Futures Trading Commission ("Commission") has determined, on behalf of the Commission, that the proposal is of major economic significance and that, accordingly, publication of the proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before January 11, 1988.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the CBT Medium Term Treasury Note futures contract.

FOR FURTHER INFORMATION CONTACT: Naomi Jaffe, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, (202) 254–7227.

SUPPLEMENTARY INFORMATION: The Chicago Board of Trade Four- to Six-Year Treasury Note futures contract is not currently listed for trading and is dormant under Commission Regulation 5.2. Under Regulation 5.2, an exchange must submit for Commission review and approval, pursuant to section 5a(12) of the Commodity Exchange Act (Act) and CFTC Regulation 1.41(b), an appropriate bylaw, rule, regulation or resolution to recommence trading in a dormant contract. Accordingly, the Exchange has submitted, pursuant to section 5a(12) of the Act and Commission Regulation 1.41(b), a proposal to list additional months in the contract.

With regard to the proposal to recommence trading in the contract, the CBT noted that:

> The determination to re-launch the medium term note futures contract is a business decision of the Exchange. [T]he level of issuance of Treasury notes has grown over the past few years. The dealers and investors in these issues would be well served by the availability of a viable and liquid hedging and price discovery vehicle * * *.

> The re-launched contract will become a reliable and useful hedging and pricing instrument, with the potential to serve the financial markets as the present bond and long term note futures contracts already do. Almost 65% of the long term open interest and 56% short term interest in CBOT Treasury bond futures at the end of September was held by commercial traders. In Treasury notes 87% and 66% of the long and short open interests, respectively, were held by commercials. The relaunched contract is likely to develop the same high level of commercial hedging interest.

In addition, as noted above, the Exchange has submitted for Commission approval proposed changes to the standards for deliverable bonds, the trading hours, speculative limits, daily price limits, delivery procedures, trading month cycle, and the name of the contract. With respect to the proposal to specify that only recently issued five-year Treasury notes (the four most recent issues) be deliverable, the CBT stated:

> The proposed changes will alter the essential nature of the contract by focusing the futures contract on the five year issue. The earlier incarnation of this contract was subject to variable pricing because other issues of longer term maturities were permitted in deliveries. With a wide selection of issues with remaining terms to maturity of four to six years each with its own conversion factor, the contract was susceptible to pricing an otherwise little followed older note or bond. The proposed changes will obviate that problem * * *.
>
> Five year Treasury notes are an important point on the yield curve and exhibit a price and yield behavior distinct from the longer term maturities * * *.
>
> As a hedging vehicle with distinct pricing, five year note futures will be an important hedging tool not only for the large issuances of five year notes but also for old longer maturity Treasury instruments. Likewise, corporate issuance in this maturity range will be easily hedged in the medium term Treasury note futures contract. Additionally, with its generally lower implied duration, medium term Treasury note futures will at times be an attractive hedging tool for dealers and holders of seasoned mortgage-backed securities the effective duration of which collapse rapidly when interest rates fall due to extraordinary prepayment patterns.

The Commission is seeking comment on the CBT's proposal to recommence trading in the contract and with respect to the proposed amendments.

The materials submitted by the Exchange in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC, by the specified date.

Issued in Washington, DC, on December 7, 1987.

Paula A. Tosini,
Director, Division of Economic Analysis.

[FR Doc. 87–28520 Filed 12–10–87; 8:45 am]
BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Strategic Defense Initiative Advisory Committee Meetings

ACTION: Notice of advisory committee meetings.

SUMMARY: The Strategic Defense Initiative (SDI) Advisory Committee will meet in closed session in Washington, DC, on January 12–14, 1988.

The mission of the SDI Advisory Committee is to advise the Secretary of Defense and the Director, Strategic Defense Initiative Organization on scientific and technical matters as they affect the perceived needs of the Department of Defense. At the meeting on January 12–14, 1988 the committee will discuss status of SDI research and management issues.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C., App II, (1982)), it has been determined that this SDI Advisory Committee meeting, concerns matters listed in 5 U.S.C., 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Linda M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 8, 1987.

[FR Doc. 87–28531 Filed 12–10–87; 8:45 am]
BILLING CODE 3810–01–M

Strategic Defense Initiative Advisory Committee Meetings

ACTION: Notice of advisory committee meetings.

SUMMARY: The Strategic Defense Initiative (SDI) Subcommittee (Ground Based Free Electron Laser Technology Integration Experiment Technical Advisory Group) will meet in closed session in La Jolla, California, on January 13–14, 1988.

The mission of the Subcommittee is to provide the SDI Advisory Committee an independent analysis and assessment of the plans and approaches for the ground based free electron laser technology integration experiment. At the meeting on January 13–14, 1988 the subcommittee will discuss status of laser research and management issues.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C., App II, (1982)), it has been determined that this SDI Advisory Subcommittee meeting, concerns matters listed in 5 U.S.C., 552b(c) (1) (1982), and that accordingly this meeting will be closed to the public.

Linda M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 8, 1987.

[FR Doc. 87–28532 Filed 12–10–87; 8:45 am]
BILLING CODE 3810–01–M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

November 30, 1987.

The USAF Scientific Advisory Board Electronic Security Command (ESC) Advisory Group will conduct a closed meeting in San Antonio, TX, on January 5–6, 1988 from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting will be to update status of RVAN, present and discuss Artificial Intelligence application in EW flagging, initiatives related to SRT, methodology for prioritizing mission and programs.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8404.

Patsy J. Conner,
Air Force Federal Register Liaison Officer.

[FR Doc. 87–28428 Filed 12–10–87; 8:45 am]
BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

December 4, 1987.

The USAF Scientific Advisory Board Electronic Systems Division (ESD) Advisory Group will meet on January 6,

1988, from 8:30 a.m. to 5:00 p.m. and on January 7, 1988, from 8:30 a.m. to 12:00 Noon at the Electronic Systems Division (ESD) Command Management Center, Building 1606, Hanscom Air Force Base, MA.

The purpose of this meeting is to receive briefings on and to advise the Commander, ESD, on federal contract support to ESD acquisition programs, the Air Defense Initiative program and various Command Management Systems programs.

This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 87-28429 Filed 12-10-87; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

December 3, 1987.

The USAF Scientific Advisory Board Operational Test and Evaluation Center Advisory Group will meet on January 12, 1988, from 8:00 a.m. to 5:00 p.m. and on January 13, 1988, from 8:00 a.m. to 3:00 p.m. at Headquarters, Air Force Operational Test and Evaluation Center (AFOTEC), Kirtland Air Force Base, New Mexico.

The purpose of this meeting is to receive briefings on and to advise the Commander, AFOTEC, on selected operational test and evaluation programs.

This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 87-28430 Filed 12-10-87; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. PP-86]

Extension of Comment Period; Washington Water Power Co.'s Application for a Presidential Permit

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Extension of comment period on application by Washington Water Power Co. for a permit to construct, connect, operate and maintain electric transmission facilities at the international border between the United States and Canada.

SUMMARY: On November 9, 1987, the Economic Regulatory Administration (ERA) published a notice in the **Federal Register** (52 FR 43101) announcing receipt of an application by Washington Water Power Co. for a Presidential permit to construct electric transmission facilities at the international border between the United States and Canada. Because of several requests and no objection on the part of the applicant, the period for public comment on this application is being extended to January 9, 1988.

FOR FURTHER INFORMATION CONTACT:

Anthony J. Como, Economic Regulatory Administration (RG-22), Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-5935

Lise Courtney M. Howe, Office of General Counsel (GC-41), Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-2900.

SUPPLEMENTARY INFORMATION: On October 15, 1987, Washington Water Power Co. applied to the ERA, pursuant to Executive Order 10485, for a Presidential permit to construct, connect, operate and maintain electric transmission facilities at the international border between the United States and Canada. Receipt of this application was noticed in the **Federal Register** on November 9, 1987 (52 FR 43101). Since that publication date, ERA has received several request, from interested parties that the comment period be extended.

The original notice announced a 30-day comment period ending on December 9, 1987. The ERA is concerned that the information covering the application did not reach some communities affected by this proposed project in a timely fashion, thereby not giving interested parties ample time to comment on the application. Therefore, the period for comment, protest and intervention on this application is being extended.

Any person desiring to be heard or to protest this application for a Presidential permit should file a petition to intervene or protest with ERA, Room GA-093, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, in accordance with §§ 385.211 or 385.212 or the Rules of Practice and Procedure (18 CFR 385.211, 385.214).

Any such petitions and protests should be filed on or before January 9, 1988. Protests will be considered by ERA in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application will be made available, upon request, for public inspection and copying at the Department of Energy's Freedom of Information Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC from 9:00 a.m. to 4:00 p.m., Monday through Friday.

Issued in Washington, DC on November 25, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-28517 Filed 12-10-87; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER87-656-000 et al.]

Arkansas Power & Light Co. et al.; Electric Rate and Corporate Regulation Filings

December 4, 1987.

Take notice that the following filings have been made with the Commission:

1. Arkansas Power & Light Company

[Docket No. ER87-656-000]

Take notice that the filing by Arkansas Power & Light Company in the Docket No. ER87-656-000, previously noticed on November 2, 1987, was withdrawn on October 15, 1987.

Comment date: December 17, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Indianapolis Power & Light Company

[Docket No. ER88-44-000]

Take notice that on November 24, 1987, Indianapolis Power & Light Company (IPL) tendered for filing an amendment to their filing of an Interconnection Agreement with Wabash Valley Power Association, Inc. (Wabash Valley) dated October 7, 1987 to become effective January 1, 1988. The amended filing was to provide additional support of IPL's filing of October 16, 1987.

Said Agreement provides for the voluntary purchases and sales of wholesale power and energy between the parties under Emergency Service, Energy Transfer, Interchange Power, Short Term Power, Limited Term Power (Firm) and Diversity Power schedules at rates comparable to those set forth in like service schedules IPL has in effect with other electric utilities. The Agreement also provides for a specific Short Term Power purchase by Wabash from IPL.

IPL represents that copies of the filing were mailed to Wabash Valley and to the Indiana Utility Regulatory Commission.

Comment date: December 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. Wisconsin Public Service Corporation

[Docket No. ER88-122-000]

Take notice that on November 30, 1987, Wisconsin Public Service Corporation (Company) of Green Bay, Wisconsin tendered for filing a Proposed Supplement No. 13 to its service agreement with Wisconsin Public Power Incorporated SYSTEM (WPPI). The Supplement relates to the Company's FERC electric tariff, original volume no. 2 for all requirements service and contain provisions relative to peak shaving. The filing does not change the level of the Company's rates or affect terms and conditions other than those related to peak shaving.

The Company asks that the supplemental agreement be given a January 1, 1988 effective date so that peak shaving may continue on that date pursuant to the parties' agreement. The Company represents that WPPI joins in the request for a January 1, 1988 effective date and also supports the filing which the Company has made. The Company states that it has furnished copies of the filing to WPPI, its other customers who are served under its all requirements tariff and the Wisconsin Public Service Commission.

Comment date: December 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are avaialble for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28533 Filed 12-10-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF88-88-000, et al.]

Inland Steel Co., et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. Inland Steel Company

[Docket No. QF88-88-000]

December 3, 1987.

On November 12, 1987, Inland Steel Company (Applicant) of 30 West Monroe Street, Chicago, Illinois 60603, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The cogeneration facility will be located at Applicant's Indiana Harbor Works in East Chicago, Indiana. The facility will consist of a new 115 MW condensing steam turbine generator which will be driven by the output of three existing boilers. Applicant states that the primary energy source will be by-product blast furnace gas. The facility is expected to begin operation in early 1990.

2. Trans-Pacific Geothermal Corporation

[Docket No. QF86-563-001]

On November 13, 1987, Trans-Pacific Geothermal Corporation (Applicant), of 1330 Broadway, Suite 1525, Oakland, California 94612, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 12.5 MW (Stillwater I) small power production facility will be located in Churchill County, Nevada. The facility will use a binary cycle to generate electric power. The facility will include a 12 mile 60 kV transmission line to deliver power to the Sierra Pacific Power Company. The primary energy source of the facility will be a liquid dominated geothermal resource.

3. Trans-Pacific Geothermal Corporation

[Docket No. QF87-229-001]

On November 13, 1987, Trans-Pacific Geothermal Corporation (Applicant), of 1330 Broadway, Suite 1525, Oakland, California 94612, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 10.0 MW (Stillwater II) small power production facility will be located in Churchill County, Nevada. The facility will use a binary cycle to generate electric power. The facility will include a 12 mile 60 kV transmission line to deliver power to the Sierra Pacific Power Company. The primary energy source of the facility will be a liquid dominated geothermal resource.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28534 Filed 12-10-87; 8:45 am]

BILLING CODE 6717-01-M

VOL 52 ISS 238 DEC 11 1987 UMI

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

[Docket No. TA88-2-20-00]

December 8, 1987

Take notice that on December 1, 1987, Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 the tariff sheets listed on Appendix A, attached thereto.

Algonquin states that the referenced tariff sheets are being filed to include in Algonquin's rates the Gas Research Institute ("GRI") surcharge as authorized by Opinion No. 283 in Docket No. RP87-71-000 for GRI funding of $0.0151 per Mcf adjusted to $0.0146 per MMBtu. This authorized GRI surcharge is effectuated by a unit decrease of $0.0001 per MMBtu which modifies the amount of $0.0147 included in Algonquin's present rates. Attached as Appendix B is a schedule showing the derivation of such adjustment contained in Algonquin's proposed rates.

Algonquin made a filing on October 6, 1987 in Docket No. TA87-13-20-001 in which it tracked a proposed decrease in the underlying rates of its pipeline supplier, Texas Eastern Transmission Corporation ("Texas Eastern"). While Algonquin's filing was accepted by Commission order dated October 29, 1987, Texas Eastern's September 18, 1987 filing in *Texas Eastern Transmission Corporation*, Docket Nos. TA87-3-17 and TA87-4-14, upon which Algonquin's filing was predicated, is still pending Commission action. It is Algonquin's interpretation of the Commission's October 29, 1987 order in Docket No. TA87-13-20-001 that Algonquin's tariff sheets filed on October 6, 1987 do not become effective unless and until the Commission approves the underlying filing by Texas Eastern. In that regard, Algonquin respectfully requests the Commission to so clarify the October 29, 1987 order. In light of the foregoing and in order to reflect the GRI surcharge on the correct rate sheets, Algonquin is filing both Primary and Alternate tariff sheets with respect to Sheets No. 201 and 205. The primary tariff sheets designated as Twenty-third Revised Sheet No. 201 and Sixteenth Revised Sheet No. 205 supersede the corresponding tariff sheets which were in effect prior to Algonquin's referenced filing in Docket No. TA87-13-20-001. Alternate Twenty-third Revised Sheet No. 201 and Alternate Sixteenth Revised Sheet No. 205 supersede the corresponding tariff sheets filed on October 6, 1987 and incorporate Texas Eastern's proposed rate decrease. Algonquin requests that the Commission accept either the Primary or Alternate tariff sheets, whichever sheets synchronize its rates with the underlying approved rates of Texas Eastern.

The proposed effective date of the tariff sheets as filed is January 1, 1988 as authorized by the Commission's Opinion No. 283.

Algonquin notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 15, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois Cashell,

Acting Secretary.

Appendix A

Algonquin Gas Transmission Company

List of Traffic Sheets Being Filed Relating to GRI Rate Adjustment:

Twenty-third Revised Sheet No. 201
Twenty-third Revised Sheet No. 203
Sixteenth Revised Sheet No. 204
Sixteenth Revised Sheet No. 205
Second Revised Sheet No. 223
Second Revised Sheet No. 224
Seventh Revised Sheet No. 324
Alternate Twenty-third Revised Sheet No. 201
Alternate Sixteenth Revised Sheet No. 205

Algonquin Gas Transmission Company

Derivation of Authorized GRI Adjustment to Comply With Commission Opinion No. 283 Issued September 29, 1987

Line No. and Description [1]	Amount [2]
1. Authorized Total Funding Per Mcf Opinion No. [illegible].	$0.0151 per Mcf.
2. Adjusted to MMBtu Basis of Algonquin Gas' Tariff rounded to two significant places, reflecting average heat content for 12 months ending October 31, 1987 (of 1.031 MMBtu/Mcf).	$0.0146 per MMBtu.
3. Less: GRI Adjustment in Present Rates Established January 1, 1987.	0.0147
4. Net Current Adjustment Filed Herein.	($0.0001)

[FR Doc. 87-28535 Filed 12-10-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-2-48-000]

ANR Pipeline Co.; Proposed Changes to FERC Gas Tariff

December 8, 1987.

Take notice that on December 1, 1987, ANR Pipeline Company ("ANR") tendered for filing Fifteenth Revised Sheet No. 18 Superseding Substitute Alternate Fourteenth Sheet No. 18 under Original Volume No. 1 of ANR's F.E.R.C. Gas Tariff to be effective January 1, 1988.

Fifteenth Revised Sheet No. 18 of ANR's F.E.R.C. Gas Tariff, Original Volume No. 1, reflects a net decrease of .01¢ per dekatherm in one-part rates and the commodity components of the two-part rates. This decrease is the result of a decrease in the GRI Adjustment to 1.51¢ per dekatherm, as approved by the Commission in its Opinion No. 283, issued at Docket No. RP87-71-000 on September 29, 1987.

ANR is also filing the following tariff sheets under Original Volume No. 1 of its F.E.R.C. Gas Tariff to be effective January 1, 1988:

First Revised Sheet No. 80
First Revised Sheet No. 81
First Revised Sheet No. 82
First Revised Sheet No. 83

These revised tariff sheets contain language changes regarding the elimination of ANR's Incremental Pricing Adjustment as provided by the Commission in its Order No. 478, issued at Docket No. RM87-25-000, on July 27, 1987, to be effective January 1, 1988.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 15, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28536 Filed 12-10-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-34-000]

ANR Pipeline Co.; Proposed Changes to FERC Gas Tariff

December 8, 1987.

Take notice that on December 1, 1987, pursuant to section 4 of the Natural Gas Act and Part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations thereunder, ANR Pipeline Company ("ANR") tendered for filing with the Commission Fourth Revised Sheet No. 570 of its F.E.R.C. Gas Tariff, Original Volume No. 2, with an effective date of January 1, 1988.

Fourth Revised Sheet No. 570 reflects a net decrease of $59,219 in the monthly charge paid by the High Island Offshore System ("HIOS") to ANR pursuant to Rate Schedule X-64 under Original Volume No. 2 of ANR's F.E.R.C. Gas Tariff. Rate Schedule X-64 is a Service Agreement dated August 4, 1977 between ANR and HIOS. Under the terms of this Service Agreement, which was approved by Commission Order issued July 6, 1978 in Docket No. CP78-134, ANR provides certain gas measurement, dehydration and related services for HIOS.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 15, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28537 Filed 12-10-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. OR88-1-000]

Cook Inlet Pipe Line; Petition for Declaratory Order

December 8, 1987.

Take notice that on November 23, 1987, Cook Inlet Pipe Line Company (CIPL) tendered for filing a Petition for Declaratory Order and Motion for Summary Disposition.

CIPL states that its intrastate rates are the same as its interstate rates because the services performed, and the circumstances and the conditions under which they are performed, are indentical. However, the Alaskan Public Utilities Commission has recently issued a tariff order which would establish lower rates for intrastate movements and require CIPL to make substantial refunds. CIPL states that is seeks a determination from the Commission that its intrastate rates are lawful and that the rates set by the APUC would result in violations of sections 2 and 3 (1) of them Interstate Commerce Act, 49 U.S.C. 2 and 3 (1). CIPL requests summary disposition on the grounds that there is no question of fact.

Copies of CIPL's filing were served on members of the FERC, Staff, the State of Alaska, and the Alaska Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 29, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28538 Filed 12-10-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA88-2-33-000]

El Paso Natural Gas Co; Tariff Filing

December 8, 1987.

Take notice that on December 1, 1987, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural GAs Act and in accordance with ordering paragraphs (B) and (C) of the Commission's Opinion No. 283 issued September 29, 1987 at *Gas Research Institute*, Docket No. RP87-71-000 and pursuant to El Paso's June 30, 1987 filing at Docket No. RP85-58-000, *et al.*, the following revised tariff sheets to its FERC Gas Tariff to be effective January 1, 1988:

Tariff Volume	Tariff Sheet
First Revised Volume No. 1	Sixteenth Revised Sheet No 19I.
	Fourth Revised Sheet No. 19D-A.
Original Volume No. 1-A	Fifth Revised Sheet No. 20.
Third Revised Volume No. 2	Fortieth Revised Sheet No. 1-D.
	Twentieth Revised Sheet No. 1-D.2.
Original Volume No. 2A	Forty-second Revised Sheet No. 1-C.

El Paso states that the tendered revised tariff sheets decrease the Gas Research Institute ("GRI") funding unit adjustment component of El Paso's rates for certain sales and transportation services from the currently effective 1.44 cents per dth (1.52 cents per Mcf) to the 1.43 cents per dth (1.51 cents per Mcf) authorized to be collected by jurisdictional members of the GRI by Opinion No. 283.

El Paso also states that the tendered tariff sheets reflect a change in the base tariff rates, effective January 1, 1988, as a result of the impact of the 1986 Tax Reform Act. El Paso states that the change is required by Article XII, *Tracking of Changes in Federal Taxes*, of the "Stipulation and Agreement in Settlement of Rate Proceedings" approved by letter order dated August 14, 1985, issued in Docket No. RP85-58-000, *et al.*[1] El Paso's filing of June 30, 1987, in Docket No. RP85-58-000, *et al.*, set forth in *inter alia*, the workpapers, explanation and *pro forma* tariff sheets reflecting the impact of the 1986 Tax Reform Act on its rates, effective January 1, 1988.

In said filing, El Paso stated that it would file revised tariff sheets to be effective January 1, 1988 which would include the reduction reflected on the *pro forma* tariff sheets along with any other Commission authorized changes in rate that occurred between June 30, 1987 and the January 1, 1988 effective date. In this connection, the Commission approved by order issued September 29, 1987 at Docket No. RP86-157-000, El Paso's Offer of Settlement resolving the issue of El Paso's net liquid revenue deficiencies. By letter order dated November 12, 1987, issued at Docket No.

[1] 32 FERC Para. 61,323 (1985).

RP86–157–001 by the Director of the Office of Pipeline and Producer Regulation, the Commission accepted effectice July 1, 1987, tariff sheets reflecting El Paso's rates pursuant to such Offer of Settlement. Also, the Commission approved by orders issued on September 30, 1987 at Docket No. TA88–1–33–000 and September 29, 1987 at Docket No. RP87–139–000, El Paso's Purchased Gas Adjustment filing and Annual Charge Adjustment filing, respectively, both effective October 1, 1987.

Accordingly, El Paso has incorporated in the tendered tariff sheets (i) the reduction reflected on the *pro forma* tariff sheets, (ii) the revisions made effective July 1, 1987 and October 1, 1987, and (iii) the GRI Funding Unit. The effect of the Federal income tax tracker at Docket No. RP85–58–000, *et al.*, as set forth in the June 30, 1987 filing which is a decrease of $0.0122 per dth to El Paso's current jurisdictional base rates and the GRI Funding Unit which is a decrease of $.0001 per dth results in a net decrease of $0.0123 per dth in El Paso's jurisdictional rates which were effective as of October 1, 1987.

El Paso requests that the tendered tariff sheets be accepted and permitted to become effective January 1, 1988, as provided for in Opinion No. 283 and El Paso's June 30, 1987 filing.

El Paso states that copies of the filing have been served upon all parties of record in Docket No. RP85–58–000, *et al.*, and otherwise upon all interstate pipeline system customers of El Paso and all interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 15, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28539 Filed 12–10–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA88–3–5–000]

Midwestern Gas Transmission Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

December 8, 1987.

Take notice that on November 30, 1987 Midwestern Gas Transmission Company (Midwestern) tendered for filing the following revised tariff sheets to Original Volume No. 1 of its FERC Gas Tariff, to be effective January 1, 1988:

Twenty-Ninth Revised Sheet No. 5
Twenty-Seventh Revised Sheet No. 6
Thirteenth Revised Sheet No. 7
Fourteenth Revised Sheet No. 8
First Revised Sheet No. 20
Fourth Revised Sheet No. 21
Second Revised Sheet No. 23
Third Revised Sheet No. 24
Second Revised Sheet No. 25
Second Revised Sheet No. 26
First Revised Sheet No. 27
Second Revised Sheet No. 30
First Revised Sheet No. 31
Second Revised Sheet No. 86A
First Revised Sheet No. 87
Second Revised Sheet No. 88
Second Revised Sheet No. 90
Second Revised Sheet No. 92
Second Revised Sheet No. 94
Second Revised Sheet No. 95
Second Revised Sheet No. 96
Second Revised Sheet No. 97
Third Revised Sheet No. 98
Second Revised Sheet No. 99
Third Revised Sheet No. 167
Third Revised Sheet No. 169
Second Revised Sheet No. 185
First Revised Sheet No. 186
First Revised Sheet No. 187
Second Revised Sheet No. 188
First Revised Sheet No. 189
First Revised Sheet No. 190
First Revised Sheet No. 191

Midwestern states that the purpose of the filing is: (1) To reflect an increase of 12.15 cents per dekatherm applicable to the gas component of Midwestern's sales rates and an increase of 37 cents per dekatherm applicable to the CD–1 Demand rate: (2) to reflect a new GRI adjustment pursuant to Opinion 283; (3) to delete Rate Schedule SS–1; and (4) to eliminate all Incremental Pricing Provisions.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before December 15, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28540 Filed 12–10–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA88–1–25–000]

Mississippi River Transmission Corp.; Rate Change and Proposed Changes in FERC Gas Tariff

December 8, 1987.

Take notice that on December 1, 1987, Mississippi River Transmission Corporation ("MRT") tendered for filing the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1.

	Proposed effective date
Fourth Revised Sheet No. 4B	Jan. 1, 1988.
Seventh Revised Sheet No. 4A	Jan. 1, 1988.
Fourth Revised Sheet No. 41	Jan. 1, 1988.
Eighth Revised Sheet No. 42	Jan. 1, 1988.
Third Revised Sheet No. 46	Jan. 1, 1988.
Fourth Revised Sheet No. 52	Jan. 1, 1988.
Third Revised Sheet No. 59	Jan. 1, 1988.
Second Revised Sheet No. 62	Jan. 1, 1988.

Fourth Revised Sheet No. 4B is being submitted in accordance with section 18 of MRT's tariff to reflect the revised GRI surcharge of $.0151 per Mcf authorized by Opinion No. 283 issued on September 29, 1987 at Docket No. RP87–71.

MRT states that the remaining tariff sheets listed above are being submitted to remove the Incremental Pricing Provisions contained in section 19 of its FERC Gas Tariff, and to eliminate references to incremental pricing utilized in other areas of MRT's tariff. MRT states that such tariff provisions are no longer necessary based on Order No. 478 issued on July 27, 1987 in Docket No. RM87–28–000 which revoked the Commission's Incremental Pricing regulations effective January 1, 1988.

MRT also states that copies of its filing have been served on jurisdictional customers and interested state commissions. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 15, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28541 Filed 12–10–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP85–206–030]

Northern Natural Gas Co., Division of Enron Corp.; Proposed Changes in FERC Gas Tariff

December 7, 1987.

Take notice that on November 27, 1987, Northern Natural Gas Company, Division of Enron Corp. (Northern) tendered for filing proposed changes to its F.E.R.C. Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2, to be effective as proposed.

Northern states that the purpose of this filing is to implement the terms of its Stipulation and Agreement (Settlement) filed in the above-proceeding. By implementing the terms of its Settlement, and containing its tariff to comply with the settlement provisions, Northern will be able to perform open access transportation under Part 284 of the Commission Regulations, it is stated.

The compliance filing is composed of three major segments: (1) Final settlement sales and transportation rates, (2) changes to implement new services and modifications to existing tariffs as ordered by the Commission, and (3) CD turnbacks/conversions along with a related D–1 rate adjustment.

Copies of the filing were served upon Northern's jurisdictional customers, state regulatory commissions and parties of record to the proceedings in the above docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE.; Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Regulations. All such motions or protests should be filed on or before December 14, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28542 Filed 12–10–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA88–2–37–000 and RP88–36–000]

Northwest Pipeline Corp.; Proposed Change in Rates and PGA Provision

December 7, 1987.

Take notice that on November 27, 1987, Northwest Pipeline Corporation (Northwest) filed the following tariff sheets to be a part of its FERC Gas Tariff, First Revised Volume No. 1:

Thirty-Ninth Revised Sheet No. 10
Sixth Revised Sheet No. 125
Eighth Revised Sheet No. 126
Third Revised Sheet No. 126–A
Eighth Revised Sheet No. 127
Sixth Revised Sheet No. 127–A
Seventh Revised Sheet No. 128
Second Revised Sheet No. 128–A

Northwest states that the purpose of the filing is (1) to revise Section 16, Purchased Gas Cost Adjustment Provision, of the General Terms and Conditions of its tariff, and (2) to revise its sales rates, both as necessary to reflect the terms of new gas purchase agreements between Northwest and its Canadian pipeline supplier, Westcoast Transmission Company Limited.

Northwest requests waivers to permit an effective date of November 1, 1987 for all tariff sheets except Sheet No. 10 and an effective date of January 1, 1988 for Sheet No. 10.

A copy of this filing has been served on all jurisdictional sales customers and affected state regulatory Commissions.

Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE.; Washington, DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 14, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28435 Filed 12–10–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP88–33–000]

Pacific Gas Transmission Co.; Change in GRI Adjustment Charge

December 8, 1987.

Take notice that on December 2, 1987, Pacific Gas Transmission Company (PGT) tendered for filing the following sheet to its FERC Gas Tariff:

First Revised Volume No. 1
Fourth Revised Sheet No. 12

An effective date of January 1, 1988, is proposed in accordance with the Commission's Opinion No. 283 in Docket No. RP87–71–000.

PGT states that this filing is made under its filed Gas Research Institute (GRI) Charge Adjustment Provision and pursuant to the Commission's Opinion No. 283 issued September 29, 1987, in Docket No. RP87–71–000. That Opinion authorizes members of the GRI to collect a general R&D funding unit of 1.51 cents per Mcf of Program Funding Services for payment to GRI. PGT further states that the change in rates will affect charges for natural gas service rendered to Pacific Gas and Electric Company under Rate Schedule PL–1 and under Rate Schedule IT–1 to those customers who receive interruptible transportation service pursuant to section 7(c) of the Natural Gas Act.

PGT states that copies of this filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest with reference to said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 15, 1987.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28543 Filed 12-10-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-2-28-000]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

December 8, 1987.

Take notice that on December 1, 1987 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 1 and FERC Gas Tariff, Original Volume No. 2, to be effective January 1, 1988:

FERC Gas Tariff, Original Volume No. 1
- Sixty-Second Revised Sheet No. 3-A
- Thirty-Ninth Revised Sheet No. 3-B
- Ninth Revised Sheet No. 3-C
- Eighth Revised Sheet No. 3-D
- Fifth Revised Sheet No. 3-F

FERC Gas Tariff, Original Volume No. 2
- Eighth Revised Sheet No. 2731
- Sixth Revised Sheet No. 2827
- Sixth Revised Sheet No. 2850
- Fifth Revised Sheet No. 2975
- Fifth Revised Sheet No. 2976
- Fifth Revised Sheet No. 2977
- Fourth Revised Sheet No. 3010
- First Revised Sheet No. 3189
- First Revised Sheet No. 3208
- First Revised Sheet No. 3230
- First Revised Sheet No. 3252
- First Revised Sheet No. 3274
- First Revised Sheet No. 3292

Panhandle states that such filing reflects a rate adjustment pursuant to Opinion No. 283 issued September 29, 1987 in Docket No. RP87-71-000. Ordering Paragraph (B) of that Opinion provides that jurisdictional members of Gas Research Institute (GRI), such as Panhandle, may file a general R&D cost adjustment to be effective January 1, 1988. This adjustment will permit the collection of 15.1 mills per Mcf (14.7 mills when adjusted to Panhandle's pressure base and dekatherm commodity sales unit) of Program Funding Services for payment to GRI.

Panhandle states that copies of its filing have been served on all customers subject to the tariff sheets and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before December 15, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28544 Filed 12-10-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-2-8-000]

South Georgia Natural Gas Co.; Proposed Changes to FERC Gas Tariff

December 7, 1987.

Take notice that on December 1, 1987, South Georgia Natural Gas Company (South Georgia) tendered for filing Forty-Fifth Revised Sheet No. 4 and Alternate Forty-Fifth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. These tariff sheets and supporting information are being filed with a proposed effective date of January 1, 1988, pursuant to the Purchased Gas Cost Adjustments provisions set out in Section 14 of South Georgia's tariff.

South Georgia states that both versions of its Forty-Fifth Revised Sheet No. 4 reflect an increase of 17.88¢ in the Current Adjustment and a decrease of 4.42¢ per MMBtu in the Surcharge Adjustment. South Georgia states that its Forty-Fifth Revised Sheet No. 4 reflects the costs and allocation factors applicable if the pending settlement offer in Docket No. RP87-13-000 is approved by the Commission while its Alternate Forty-Fifth Revised Sheet No. 4 reflects the costs from South Georgia's compliance filing in Docket No. RP87-13-000 and the allocation factors from South Georgia's FERC Gas Tariff.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (§§ 385.214, 385.211). All such motions or protests should be filed on or before December 14, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28436 Filed 12-10-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-1-17-000]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

December 8, 1987.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on December 2, 1987 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, tariff sheets as listed on Appendix A of the filing.

Texas Eastern states that Eighty-eighth Revised Sheet No. 14 is being filed pursuant to section 25 of the General Terms and Conditions of it's FERC Gas Tariff, Fourth Revised Volume No. 1, to include in Texas Eastern's rates the GRI Funding Unity of 1.51 cents per Mcf approved by the Commission in Opinion No. 283 issued on September 29, 1987, in Docket No. RP87-71.

The proposed effective date of Eighty-eighth Revised Sheet No. 14 is January 1, 1988, the effective date specified in the Commission's Opinion No. 283.

Texas Eastern states that Eighty-eighth Revised Sheet No. 14 also reflects proposed adjustments to it's PGA that were filed on September 21, 1987 with the Commission in Docket No. TA87-3-17-002. Furthermore, Revised Eighty-sixth Revised Sheet Nos. 14, 14A, 14B, 14C, and 14D and Revised Eighty-seventh Revised Sheet No. 14 are being filed solely to reflect the same adjustments to Texas Eastern's PGA as proposed in the September 21, 1987 filing. In the event the rates underlying Texas Eastern's September 21, 1987 filing are not approved by the Commission or are revised in any way, Texas Eastern will refile the tariff sheets listed in Appendix A to reflect the final determination.

The proposed effective dates of the tariff sheets mentioned above are set forth on Appendix A.

Further, on November 16, 1987 Texas Eastern, in a compliance filing made in Docket No. RP85-177 *et al.*, filed a new Volume No. 1 tariff (Fifth Revised Volume No. 1) requesting an effective date of January 1, 1988. In the event the November 16, 1987 filing is accepted by the Commission to be effective January 1, 1988, Texas Eastern requests the Commission to accept, in lieu of Eighty-eighth Revised Sheet No. 14 (Fourth Revised Volume No. 1), the following substitute tariff sheet (Fifth Revised Volume No. 1) to be effective January 1, 1988 that reflects the GRI Funding Unit as set forth above.

Substitute Original Sheet No. 50

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 15, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

Appendix A

Fourth Revised Volume No. 1

To be effective as of September 15, 1987
- Revised Eighty-sixth Revised Sheet No. 14
- Revised Eighty-sixth Revised Sheet No. 14A
- Revised Eighty-sixth Revised Sheet No. 14B
- Revised Eighty-sixth Revised Sheet No. 14C
- Revised Eighty-sixth Revised Sheet No. 14D

To be effective as of October 1, 1987
- Revised Eighty-eighty Revised Sheet No. 14

To be effective as of January 1, 1988
- Eighty-eighth Revised Sheet No. 14

[FR Doc. 87-28454 Filed 12-10-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP86-143-009]

Texas Gas Transmission Corp.; Supplemental Filing

December 8, 1987.

Take notice that on December 1, 1987, Texas Gas Transmission Corporation (Texas Gas) tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 3:

Original Sheet Nos. 50A and 50B
Original Sheet Nos. 98A and 98B

Original Sheet Nos. 120A and 120B
Original Sheet Nos. 185A and 185B
Original Sheet Nos. 249A and 249B
Original Sheet Nos. 319A and 319B
Original Sheet Nos. 399A and 399B
Original Sheet Nos. 458A and 458B
Original Sheet Nos. 477A and 477B
Original Sheet Nos. 528A and 528B
Original Sheet Nos. 598A and 598B
Original Sheet Nos. 663A and 663B
Original Sheet Nos. 749A and 749B
Original Sheet Nos. 779A and 779B
Original Sheet Nos. 832A and 832B
Original Sheet Nos. 860A and 860B
Original Sheet Nos. 881A and 881B
Original Sheet Nos. 902A and 902B
Original Sheet Nos. 922A and 922B
Original Sheet Nos. 981A and 981B
Original Sheet Nos. 1019A and 1019B
Original Sheet Nos. 1055A and 1055B
Original Sheet Nos. 1072A and 1072B
Original Sheet Nos. 1090A and 1090B
Original Sheet Nos. 1110A and 1110B
Original Sheet Nos. 1131A and 1131B
Original Sheet Nos. 1154A and 1154B
Original Sheet Nos. 1169A and 1169B
Original Sheet Nos. 1222A and 1222B
Original Sheet Nos. 1257A and 1257B
Original Sheet Nos. 1308A and 1308B
Original Sheet Nos. 1334A and 1334B
Original Sheet Nos. 1356A and 1356B
Original Sheet Nos. 1371A and 1371B
Original Sheet Nos. 1431A and 1431B
Original Sheet Nos. 1481A and 1481B
Original Sheet Nos. 1547A and 1547B
Original Sheet Nos. 1606A and 1606B
Original Sheet Nos. 1633A and 1633B
Original Sheet Nos. 1687A and 1687B
Original Sheet Nos. 1765A and 1765B
Original Sheet Nos. 1847A and 1847B
Original Sheet Nos. 1863A and 1863B
Original Sheet Nos. 1895A and 1895B
Original Sheet Nos. 1929A and 1929B
Original Sheet Nos. 1954A and 1954B
Original Sheet Nos. 1970A and 1970B
Original Sheet Nos. 2057A and 2057B
Original Sheet Nos. 2081A and 2081B
Original Sheet Nos. 2111A and 2111B
Original Sheet Nos. 2202A and 2202B
Original Sheet Nos. 2244A and 2244B
Original Sheet Nos. 2262A and 2262B
Original Sheet Nos. 2682A and 2682B
Original Sheet Nos. 3066A and 3066B
Original Sheet Nos. 3099A and 3099B
Original Sheet Nos. 3124A and 3124B
Original Sheet Nos. 3148A and 3148B

On July 1, 1987, Texas Gas Transmission Corporation submitted for filing its FERC Gas Tariff, Original Volume No. 3 proposed to be effective July 1, 1987. The July 1 filing was made pursuant to the Order Denying Waiver, 37 FERC Para. 61,166, issued November 26, 1986, by the Federal Energy Regulatory Commission (FERC). This filing was noticed on July 7, 1987, with motions to intervene or protest due on or before July 14, 1987.

The tariff sheets listed above are being filed to make certain technical modifications as requested by the FERC Staff Texas Gas submits that all questions with regard to that filing have been satisfactorily answered and the necessary modifications have been reflected in the instant filing. Texas Gas respectfully requests waiver of the requirements of Part 154 of the Commission's regulations under the Natural Gas Act to the extent necessary to permit all the tariff sheets submitted herewith to be accepted for filing and become effective on October 1, 1987.

Copies of the tariff sheets are being mailed to the customers in this docket. Due to the length of this filing, a copy of the entire filing is not being served with the letter of transmittal and form of notice.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before December 15, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28546 Filed 12-10-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-2-29-000]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

December 7, 1987.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on December 1, 1987 tendered for filing to be effective January 1, 1988 certain revised tariff sheets included in Appendix A attached hereto.

Transco states that the purpose of this filing is to reflect a decrease of 0.01¢ per dt in the Gas Research Institute (GRI) Adjustment Charge applicable to sales and transportation deliveries to distributors for resale, to pipelines which are not members of GRI and to ultimate consumers.

Transco states that on September 29, 1987, the Commission issued Opinion

No. 283 in Docket No. RP87–71–000. The Opinion provides that, as a member of GRI, Transco may file under its Gas Research Institute Charge Adjustment Provision to collect in advance of payments to GRI, 1.51¢ per Mcf (which on Transco's system equates to 1.46¢ per dt) on sales and transportation deliveries. This charge will replace the currently effective charge of 1.47¢ per dt. All amounts collected under this provision will be remitted to GRI, less any applicable taxes.

Transco further states that copies of the filing have been mailed to each of its customers and State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before December 14, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

Transcontinental Gas Pipe Line Corporation

Appendix A.—Revised Tariff Sheets

Second Revised Volume No. 1

Fiftieth Revised Sheet No. 12
Forty-Sixth Revised Sheet No. 15
Fourth Revised Sheet No. 19
Fourth Revised Sheet No. 20
Fourth Revised Sheet No. 21
Second Revised Sheet No. 22
First Revised Sheet No. 23
First Revised Sheet No. 24

Original Volume No. 2

Seventh Revised Sheet No. 41–A
Third Revised Sheet No. 112–A
Seventh Revised Sheet No. 310–A
Seventh Revised Sheet No. 404–A
Thirteenth Revised Sheet No. 617–A
Seventh Revised Sheet No. 743–A
Tenth Revised Sheet No. 910–A
Thirteenth Revised Sheet No. 1018–A
Seventh Revised Sheet No. 2063–A
Sixth Revised Sheet No. 2118–A
Thirteenth Revised Sheet No. 2169–A
Tenth Revised Sheet No. 2541–A
Fourth Revised Sheet No. 2662–A
Fourth Revised Sheet No. 2694–A
Fourth Revised Sheet No. 2730–A
Fourth Revised Sheet No. 2743–A
Fourth Revised Sheet No. 2784–A

[FR Doc. 87–28437 Filed 12–10–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP88–35–000]

Transwestern Pipeline Co.; Filing

December 7, 1987.

Take notice that on December 1, 1987, Transwestern Pipeline Company, (Transwestern), tendered for filing to become a part of Transwestern's F.E.R.C. Gas Tariff, Second Revised Volume No. 1 the following tariff sheets:

2nd Revised Sheet No. 7
2nd Revised Sheet No. 8
1st Revised Sheet No. 9
Original Sheet No. 9A
1st Revised Sheet No. 13
2nd Revised Sheet No. 14
1st Revised Sheet No. 15
1st Revised Sheet No. 16
1st Revised Sheet No. 19
1st Revised Sheet No. 20A
1st Revised Sheet No. 22
3rd Revised Sheet No. 48
Original Sheet No. 83
Original Sheet No. 84
Original Sheet No. 85
Original Sheet No. 86
Original Sheet No. 87
4th Revised Sheet No. 88–104

Transwestern filed the above tariff sheets seeking authority to establish a Gas Supply Inventory Charge (GIC) to become a permanent part of its tariff (GIC Filing). Transwestern states that its GIC Filing fulfills the requirements of each of the principles outlined for such a charge in Order No. 500.

Transwestern states that it will allow its customers to freely nominate their desired level of Contract Demand Quantity (CDQ) under Rate Schedule CDQ–1 and CDQ–3 up to the level of their presently certificated level of CDQ. Transwestern will provide a schedule of gas purchase costs prior to customer's annual nominations which will depict gas prices at various purchase levels to which Transwestern will commit to be in effect during the period its customers' nominations are to be in effect. To the extent the customers' aggregate existing firm sales entitlements exceed 367,500 dth per day, the customers will be given the additional option of submitting revised nominations based upon a revised schedule of gas costs to be incurred for the upcoming quarter for volumes in excess of 367,500 dth per day. Any time a customer reduces its nominated level of CDQ, the difference between the previous nomination and the reduced nomination shall be abandoned. The GIC will be applicable to daily volumes nominated by not purchased and will be the only means Transwestern will employ to collect take-or-pay costs attributable to the period during which the GIC is in effect. Transwestern states that costs incurred to buyout or buydown existing contracts to make them more market responsive will be included in a later filing. The GIC rates also will be provided to Transwestern's customers prior to any permitted nominations, thereby enabling them to know both the costs associated with the service to be nominated as well as the cost consequences of purchasing gas at levels below their currently effective nominated levels of CDQ.

Transwestern states that small volume customers served under Rate Schedules SG–1, SG–2 and RW–1 shall be charged rates based upon a gas cost component equal to the gas cost component which would underlie Transwestern's CDQ commodity rates in the event that all CDQ customers purchased an aggregate quantity equivalent to such CDQ customers' aggregate nomination level.

Transwestern proposes to suspend its PGA during the period the GIC is in effect. Within sixty days following July 1, 1988, the effective date of initial nominations under the GIC proposal, Transwestern will bill or refund each CDQ customer's proportionate share of any amounts accumulated in its Unrecovered Purchased Gas Account (FERC Account No. 191) as of June 30, 1988. Similarly, Transwestern will bill or refund at six month intervals amounts which accumulate in FERC Account No. 191 subsequent to the effective date of the GIC which reflect gas costs for any period prior to such date.

Transwestern requests a January 1, 1988 effective date for the above tariff sheets.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with the Commission's Rules of Practice & Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 14, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28445 Filed 12–10–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TC88–6–000]

United Gas Pipe Line Co.; Filing of Revised Tariff Sheets Including Request for Adjustment Under the Natural Gas Policy Act

December 7, 1987.

Take noitice that on December 1, 1987, United Gas Pipe Line Company ("United") tendered for filing, pursuant to section 4 of the Natural Gas Act, the following revised tariff sheets to its FERC Gas Tariff Revised Volume No. 1 with a proposed effective date of April 1, 1988:

Second Revised Sheet No. 48–C2
Original Sheet No. 48–C2.1
Original Sheet No. 48–C2.2
Second Revised Sheet No. 48–C3
Eighth Revised Sheet No. 71
Thirteenth Revised Sheet No. 72
Tenth Revised Sheet No. 72–A
Third Revised Sheet No. 72–B
Original Sheet No. 72–C
Original Sheet No. 72–D
Original Sheet No. 72–E
Original Sheet No. 72–F
Original Sheet No. 72–G

United states that these tariff sheets, consisting of complete revision to section 12 of its General Terms and Conditions, together with minor conforming revisions to its FTS Rate Schedule, are intended to implement the balance of the plan for management of system services undertaken in part by the capacity allocation provision of United's open access plan, accepted by the Commission in its order issued October 29, 1987, in Docket No. RP88–8 effective November 1, 1987. United further states that the instant proposed tariff filing accomplishes this result by extending to all of its customers the same nomination, scheduling, and allocation procedures as currently apply to transportation services in United's existing Rate Schedules ITS and FTS. These procedures contemplate nominations of daily service by all interruptible customers and annual nominations for monthly service by all firm customers. The proposed plan further provides for the nondiscriminatory pro rata allocation of capacity as between sales and transportation services and parallel mechanisms for the interruption or curtailment of service to each class in the event of system constraints.

United further states that the proposed tariff carries forward several features of its existing tariff with regard to firm sales customers, including a small customer exemption from curtailment and emergency relief procedures respecting high priority end-uses attributable to customers dependent upon United for sales service. United finally indicates that it is seeking, to the extent necessary under the criteria of Opinion No. 150, an adjustment pursuant to section 502(c) of the Natural Gas Policy Act from the literal requirements of Order No. 29.

Section 154.22 of the Commission's regulations provides that proposed tariff changes must be filed not less than thirty days nor more than sixty days prior to the proposed effective date. Section 154.51 provides that, upon request and for good cause shown, tariff changes may be accepted for filing prior to sixty days before the proposed effective date. As indicated, United has proposed that the new tariff sheets become effective April 1, 1988. Because of the nature of the tariff changes proposed and to allow a reasonable time for their review, United has agreed to a period of sixty days from December 1, 1987 for Commission action on its filing.

United has proposed that it be authorized to obtain the service nominations contemplated under the proposed tariff changes by February 15, 1987. A decision on this aspect of the overall proposal will be made in the order on the tariff filing.

Any person desiring to be heard or to make any protest with reference to said tariff sheet filing should on or before December 21, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28438 Filed 12–10–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA88–2–49–000]

Williston Basin Interstate Pipeline Co.; Gas Research Institute Funded Unit Adjustment Filing

December 8, 1987.

Williston Basin Interstate Pipeline Company (Williston Basin), on November 30, 1987, submitted for filing as part of its FERC Gas Tariff the following tariff sheets:

First Revised Volume No. 1

Seventh Revised Sheet No. 10

Original Volume No. 1–A

Fourth Revised Sheet No. 11
Sixth Revised Sheet No. 12

Original Volume No. 2

Eleventh Revised Sheet No. 11
Third Revised Sheet No. 11B

The proposed effective date of the tariff sheets is January 1, 1988.

Williston Basin states that the filing reflects the new Gas Research Institute funding unit of 1.51 cents per Mcf (1.433 cents per Dkt on the Williston Basin system), authorized by the Commission in its Opinion No. 283 issued in Docket No. RP87–71–000.

Any person desiring to be heard or to protest said tariff application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with the Commission's Rules 211 and 214. All such motions of protests should be filed on or before December 15, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28547 Filed 12–10–87; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–3301–3]

Proposed Administrative Penalty Assessment and Opportunity to Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed administrative penalty assessment and opportunity to comment.

SUMMARY: EPA is providing notice of proposed administrative penalty assessment for alleged violations of the Clean Water Act. EPA is also providing notice of opportunity to comment on the proposed assessment.

Under 33 U.S.C. 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue such orders after the commencement of either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessments pursuant to 33 U.S.C. 1319(g) (4) (a).

Class II proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation and Suspension of Permits, 40 CFR Part 22. The procedures through which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class II order is twenty days after issuance of public notice.

On the date identified below, EPA commenced the following Class II proceeding for the assessment of penalties:

In the Matter of Canyon Lake Marina, 16 Miles N.E., Highway 88, Apache Junction, Arizona 85220; EPA Docket No. IX–FY88–14; filed on December 3, 1987, with Regional Hearing Clerk, U.S. EPA, Region 9, 215 Fremont St., San Francisco, California 94105, (415) 974–8036; proposed penalty, $125,000, for five years of non-submittal of daily monitoring reports (DMRs), and violation of schedule in permit at Canyon Lake Marina, NPDES No. AZ0021440, issued March 10, 1982.

FOR FURTHER INFORMATION CONTACT: Persons wishing to receive a copy of EPA's Consolidated Rules, review the complaint or other documents filed in this proceeding, comment upon a proposed assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above. Unless otherwise noted, the administrative record for each of the proceedings is located in the EPA Regional Office identified above, and the file will be open for public inspection during normal business hours. All information submitted by the respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in these proceedings prior to January 4, 1988

Dated: December 4, 1987.

Harry Seraydarian,

Director, Water Management Division.

[FR Doc. 87–28512 Filed 12–10–87; 8:45 am]

BILLING CODE 6560–50

[ER–FRL–3300 9]

Environmental Impact Statements; Availability

Responsible agency: Office of Federal Activities, General Information (202) 382–5073 or (202) 382–5075. Availability of Environmental Impact Statements filed November 30, 1987 through December 4, 1987 Pursuant to 40 CFR 1506.9.

EIS No. 870433, Draft, FRC, ID, Twin Falls (FERC No. 18), Milner (FERC No. 2899), Auger Falls (FERC No. 4797) and Star Falls (FERC No. 5797) Hydroelectric Projects on the mainstream of the Snake River, Construction, Operation and Maintenance Licenses, Upper Snake River Basin, Twin Falls and Jerome Counties, Due: January 25, 1988, Contact: Lee Emery (202) 376–1955.

EIS No. 870434, DSuppl, UMT, CA, Los Angeles Metro Rail Rapid Transit Project, Wilshire/Fairfax Methane Gas Zone Alternate Alignment Alternatives, Los Angeles County, Due: January 25, 1988, Contact: Carmen Clark (415) 974–7317.

Amended Notices

EIS No. 870358, Draft, FAA, CA, Burbank-Glendale-Pasadena Airport, Replacement Passenger Terminal Construction, Approval, Los Angeles County, Due: January 15, 1988, Published FR 10–16–87—Review period extended.

EIS No. 870400, Final, BLM, WY, Elko Resource Area, WSA's Recommendations, Designation or Nondesignation, Due: February 3, 1988, Published FR 11–13–87—Review period extended.

EIS No. 870401, Draft, BLM, CA, NV, California Section 202 WSA's Recommendations, Wilderness Designation or Nondesignation, Due: February 15, 1988, Published FR 11–13–87—Review period extended.

EIS No. 870403, Final, BLM, NV, Shoshone-Eureka Area, Wilderness Recommendations, Designation or Nondesignation, Due: February 3, 1988, Published FR 11–13–87—Review period extended.

EIS No. 870414, Draft, AFS, BLM, MO, Mark Twain National Forest, Hardrock Mineral Leasing, Approval and Issuance of Leases, Due: January 8, 1988, Published FR 11–20–87—Review period extended.

EIS No. 870417, DSuppl, NAS, PRO, Galileo Mission Project, Jovian System Investigation Program and Ulysses Mission Project, Heliosphere Exploration Program, Spacecraft Modifications, Due: January 18, 1988, Published FR 11–20–87—Review period reestablished.

EIS No. 870423, Draft, COE, ND, Souris Basin Flood Control Project, Storage of Floodwater in Saskatchwan Canada and Construction of Compatible Lake Darling Project Features, Due: January 18, 1988, Published FR 11–27–87—Review period reestablished.

Dated: December 8, 1987.

William D. Dickerson,

Acting Director, Office of Federal Activities.

[FR Doc. 87–28503 Filed 12–10–87; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–3301–1]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared November 23, 1987 through November 27, 1987 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5075/76.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 24, 1987 (52 FR 13479).

Draft EISs

ERP No. D–BLM–L03004–AK, Rating EC2, Trans-Alaska Gas System (JAGS) and Associated Facilities Construction, Prudhoe Bay to Anderson Bay, Right-of-Way, Section 10 and 404 Permits, Special Use Permits, AK.

Summary: EPA has concerns regarding potential adverse air quality effects from the LNG plant and terminal in the Valdez area. EPA requested additional information on water quality effects, air quality effects, and mitigation planning for primary effects.

ERP No. D–FHW–D40227–PA, Rating EC1, Mount Union Borough Traffic Relief Study, Traffic Route 522/ Legislative Route 121, Section 001 Improvement, Juniata Drive to TR–522 and US 22, Funding, Huntingdon County, PA.

Summary: The document clearly describes the project and its impacts. The mitigation measures for surface water impacts, however, must be specified in greater detail in the final EIS. EPA also requested clarification of the type of wildlife in the project area.

ERP No. D–FRC–L05046–WA, Rating LO, Rock Island Hydroelectric Project No. 943, Operating License Renewal, Columbia River, Chelan County, WA.

Summary: EPA has no objections to the preferred alternative identified and supports its adoption along with the fishing and wildlife mitigation measures as recommended in the draft EIS.

ERP No. D–SCS–F36153–IN, Rating EO3, Muddy Fork of Silver Creek Watershed, Flood Prevention and Watershed Protection, Funding, 404 Permit, Clark, Floyd and Washington Counties, IN.

Summary: EPA has reviewed the draft EIS and has environmental objections with the project as proposed. Further, EPA finds it to be inadequate in evaluating potential impacts to water quality, wetlands and the biological characteristics of the project area. Discussion of project alternatives is also incomplete. EPA has requested that the document be revised and submitted for review.

Final EISs

ERP No. F–AFS–J65136–00, Bitterroot National Forest, Land and Resource Management Plan, Implementation, Missoula and Ravall Counties, MT and Idaho County, ID.

Summary: The final EIS improves on the commitment to mitigate potential water quality impacts. However, EPA still has concerns that the extent and frequency of environmental monitoring may be insufficient to detect and remedy adverse impacts on a timely basis. More specifics are needed in the variability limits coupled with a stronger commitment to initiate corrective actions. EPA would like to evaluate the application of this monitoring program on a project specific basis.

ERP No. F1–BLM–K65062–NV, Egan Resource Area, Wilderness Study Areas, Wilderness Recommendations, Designation, White Pine, Nye and Lincoln Counties, NV.

Summary: EPA expressed support for BLM's decision to recommend wilderness designation of three wilderness study areas. EPA asked that BLM's statewide Nevada wilderness decision document state that air and water quality are best protected in areas designated as wilderness.

ERP No. F1–BLM–K65102–NV, Elko Resource Area, WSA's Recommendations, Designation or Nondesignation, Cedar Ridge, Red Spring, Little Humboldt River and Rough Hills WSAs, Elko, Lander, and Eureka Counties, NV.

Summary: EPA expressed support for BLM's decision to recommend wilderness status for two wilderness study areas.

ERP No. F–BLM–K70002–CA, Arcata Resource Area Wilderness Recommendations, Eden Valley and Thatcher Ridge Wilderness Study Areas, Wilderness or Non-Wilderness Designation, Mendocino County, CA.

Summary: EPA expressed concern that activities allowed under the proposed action (No Wilderness Designation) such as timber harvesting, ORV use and road building not degrade the waters of the Eel Wild and Scenic River. Federal regulations prohibit any degradation of water quality for Outstanding National Resource Waters including wild and scenic rivers. EPA expressed support for the adoption of additional measures to mitigate adverse impacts to water quality, riparian areas, and anadromous fisheries from continuing multiple use activities.

ERP No. F–COE–D28011–VA, James City County Dam and Water Supply Reservoir Development, Construction, 404 Permit, Ware Creek, James City County, VA.

Summary: EPA continues to find the proposed Ware Creek project environmentally unacceptable due to potential degradation of surface waters and the loss of functional and valuable wetland systems. Further, EPA is concerned about the cumulative impacts of the proposal on the Chesapeake Bay as well as the lack of discussion of alternative technologies for water supply provided in the final EIS. Based on these conclusions, EPA would seriously consider veto action under 404(c) of the Clean Water Act (CWA) if the Corps decides to approve the placement of fill for project construction. EPA will work with the Corps and project proponents to investigate means to provide a regional rather than local solution to water supply needs.

ERP No. FS–COE–E81064–GA, Lake Alma Project, Reservoir Construction and Development, Outdoor Recreation Opportunities, 404 Permit, Bacon County, GA.

Summary: EPA reaffirms its draft supplemental EIS position that this project with proposed mitigation is environmentally unsatisfactory since it would result in the destruction of approximately 1370 acres of valuable blackwater creek forested wetlands. The proposed greentree reservoir mitigation was considered in reaching this conclusion, but, since it only compensates for 13 percent of the wetland habitat unit losses, was determined to be inadequate. In the event COE pursues this unsatisfactory alternative in the ROD, EPA will seriously consider action under section 404(c) of the CWA to preclude the disposal of fill for project construction.

ERP No. F–COE–J28013–WY, Deer Creek Dam and Reservoir Municipal Water Supply Project, Construction, 404 Permit and Right-of-Way Grant, North Platte River, Natrona and Converse Counties, WY.

Summary: EPA requested the COE provide the public with supplemental information which documents the COE's preferred alternative and details regarding mitigation plans.

ERP No. F–FAA–E51041–TN, Nashville Metropolitan Airport Runway Improvements, Site Grading and Construction, Approval and Funding, Davidson County, TN.

Summary: EPA continues to have serious concerns about the lack of commitment in the final EIS regarding mitigation to reduce noise impacts of the project. In addition, EPA noted that CO air quality analyses for the parking lots and terminal areas were lacking and believes that CO modeling should be included in the EIS rather than in a Part 150 study. (Note—the above summary should have appeared in the 12–4–87 FR Notice.)

ERP No. F–FHW–E40698–NC, Silas Creek Parkway Completion, Silas Creek Parkway to North Point Boulevard, Funding, 404 Permit, Winston-Salem, Forsyth County, NC.

Summary: EPA finds the document adequately responded to issues raised with the draft EIS and that the additional information requested was provided.

ERP No. F–SFW–L61166–AK, Koyukuk and the Northern Unit of Innoko National Wildlife Refuges, Comprehensive Conservation Plan, Wilderness Review and Wild River Plan, Implementation, Galena, McGrath, AK.

Summary: The document identifies monitoring activities as necessary to ensure that selection of the preferred alternative does not result in adverse impacts. EPA's concern is that such activities may not occur without the additional funding that has also been identified as necessary. EPA has suggested that implementation of activities which require monitoring be delayed until funding can also be

assured, and recommended that the ROD include a statement to this effect.

ERP No. F–UMC–E11019–NC, Cherry 1 Military Operating Area (MOA), Craven, Beaufort, Hyde, Pamlico and Washington Counties, and Core MOA, North Carolina Outer Banks/Cape Lookout National Seashore, Establishment, NC.

Summary: EPA expressed concern about the air use issue and noise impacts. These impacts are expected to increase due to a disproportionate growth rate that is occurring along the coast. EPA recognizes the need for realistic training, but suggests that a close look at any changes such as flying higher during training flight be evaluated. EPA further suggested that the document be supplemented with an evaluation of the cumulative impacts of noise and air use restrictions within the Cherry Point local flying area. (Note—the above summary should have appeared in the 12–4–87 FR Notice.)

ERP No. F–UMT–D54033–MD, Baltimore Northeast Corridor Extension Transit Improvements, Funding, Baltimore County, MD.

Summary: Although EPA comments and UMTA responses were omitted from the final EIS, discussions between the agencies have resolved all of the concerns expressed in the draft EIS. Therefore, EPA has no objection to the implementation of this project.

Dated: December 8, 1987.

William D. Dickerson,

Acting Director, Office of Federal Activities.

[FR Doc. 87–28504 Filed 12–10–87; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3301–7]

Extension of the Time Requirements in the 404(c) Regulations for Region II EPA's Decision To Withdraw the Proposed Determination or Prepare a Recommended Determination Concerning the Russo Site; Hackensack Meadowlands, Carlstadt, NJ

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 404(c) of the Clean Water Act (33 U.S.C. 1251 *et seq.*) authorizes the Environmental Protection Agency (EPA) to prohibit or restrict the discharge of dredged or fill material at defined sites in waters of the United States (including wetlands) if EPA determines, after notice and opportunity for hearing, that use of the site for discharge or dredged or fill material would have an unacceptable adverse effect on various resources, including wildlife. EPA's Regional Administrator, Region II, has reason to believe that the unauthorized discharge of fill and the proposed discharge of fill into wetlands by the Russo Development Corporation—71 Hudson Street, Hackensack, New Jersey—within the Hackensack Meadowlands in Carlstadt, New Jersey for the purpose of building warehouses may have unacceptable adverse effects on wildlife.

EPA's regulations implementing section 404(c), 40 CFR Part 231, establish procedures to be followed in exercising the Administrator's authority to prohibit or restrict the use of an area as a disposal site. The three major steps in the process are: (1) The Regional Administrator's proposed decision to prohibit or restrict the use of a site; (2) the Regional Administrator's withdrawal of the proposed determination or preparation of a recommended determination to the Administrator to prohibit or restrict use of the site; (3) the Administrator's final decision to affirm, modify, or rescind the regional recommendation. The Regional Administrator issued a public notice (August 7, 1987 **Federal Register**) and his designee conducted a public hearing (November 5, 1987) on his proposed determination to prohibit or restrict the discharge of fill into the Russo wetlands. The Regional Administrator is now in the process of either withdrawing his proposed determination or preparing a recommended determination to submit to EPA's Administrator. 40 CFR 231.5 directs the Regional Administrator to complete this process within 30 days of the close of the public hearing. This would occur on December 5, 1987. Pursuant to 40 CFR 231.8, the Administrator or the Regional Administrator may, upon showing of good cause, extend the time requirements of these regulations. Accordingly, this notice announces the Regional Administrator's decision to extend, for 45 days, the completion of this process.

DATES: The 45 day extension would close the time frame referenced in 40 CFR 231.5 on January 19, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Mario Del Vicario, Chief, Marine and Wetlands Protection Branch, U.S. Environmental Protection Agency Region II, 26 Federal Plaza, New York, NY 10278, (212) 264–5170.

SUPPLEMENTARY INFORMATION: As mentioned above, EPA held a public hearing on November 5, 1987. The section 404(c) regulations direct, in 40 CFR 231.4, the Regional Administrator to consider all public comment in his decision to withdraw his proposed determination or prepare a recommended determination. EPA received the verbatim transcript of the hearing on December 1, 1987. The three working days between the 1st and 5th of December do not afford adequate time to fully review public comment to the proposed determination and complete the documentation supporting the Regional Administrator's decision. In addition, following a November 6, 1987 request EPA received a copy of the Corps of Engineers Administrative Record on November 20, 1987. Adequate review of this voluminous record and completion of the documentation supporting the Regional Administrator's decision is not afforded within the 30-day time frame stated. The Regional Administrator concludes that these events represent good cause to extend the time requirements of the section 404(c) regulations.

Christopher J. Daggett,

Regional Administrator.

December 4, 1987.

[FR Doc. 87–28557 Filed 12–10–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. CL–88–39]

Common Carrier Public Mobile Services Information; Dates and Filing Requirements Announced for Acceptance of Applications for Frequency Block B in Cumberland, MD–WV (Mkt. #269) and Hagerstown, MD (Mkt. #257) Cellular Markets

December 8, 1987.

From Monday, January 11, 1988 through Friday, January 15, 1988, applications for frequency block B in the Cumberland, Maryland-West Virginia and Hagerstown, Maryland cellular markets will be accepted for filing. Since no eligible applicant filed for these markets during the initial filing window, BLOCK B ELIGIBILITY STANDARDS DO NOT APPLY TO THIS FILING and frequency block A or B eligibles may file under this notice.

All applications for these markets will be filed in Pittsburgh, Pennsylvania. Applications sent via U.S. Postal Service must be addressed as follows: Federal Communications Commission, Cellular Telephone—Market No. (ENTER MARKET NUMBER), P.O. Box 371995M, Pittsburgh, PA 15250–7995.

Applications shipped via common carrier or hand carried must be brought to the following address between the hours of 8:30 a.m. and 5:00 p.m.: Federal Communications Commission, Cellular Telephone Filing, Strip Commerce Center, 28th and Liberty Avenue, Pittsburgh, PA 15222.

Directions to the Strip Commerce Center filing location appear on page 4 of this notice.

Format of Applications

Applications must consist of: (1) A completed transmittal sheet, a copy of which is attached hereto (see also page 4); (2) a $200 fee; and (3) a sealed 5" x 7" envelope containing two microfiche copies of the application.

The two microfiche copies of each application shall be prepared in accordance with § 22.913(c) of the Commission's rules.

- Each fiche must be labeled at the top with the Applicant's Name, Market Number, Market Name, and Frequency Block.
- One microfiche jacket must be labeled "Original" and the other jacket must be labeled "Copy".
- The fiche must be black & white (the purple or blue fiche are unacceptable as they do not produce readable paper copies), and the "original" microfiche copy must be archival quality.
- The information required by § 22.913(b)(2) must be placed on the 5" x 7" microfiche envelope. The 5" x 7" microfiche envelope, therefore, must be clearly labeled with the Applicant's Name, Market Number, Market Name, and Frequency Block.
- The information on the microfiche envelope must match the information on the transmittal sheet.
- The completed transmittal sheet, the $200 fee and the microfiche envelope must be placed in a 9" x 12" envelope. The market number of the market being applied for must be placed in the lower left hand corner of all envelopes delivered to the Strip Commerce Center facility.

The certification required under § 22.913(b)(13) is included on the transmittal sheet and will no longer be the first page in the application itself. The applicant chosen in each market will be required to submit its original application at the time indicated in the public notice announcing the winning applicant in each mar[illegible]et.

Receipt copies

Applicants wishing stamped receipts must provide an additional copy of the transmittal sheet for each application submitted.

- Such applications that are mailed or shipped via common carrier must contain a self-addressed business-sized (approximately 4.5" x 9.5") stamped envelope along with the extra copy of the transmittal sheet. Both the extra copy and the envelope must be attached to the application inside the 9" x 12" outer envelope.
- Applications that are hand delivered must not include the receipt copy of the transmittal sheet inside the outer envelope. The receipt copy shall be presented to the acceptance clerk with the 9" x 12" envelope containing the application and will be stamped at that time.

Points To Remember

1. Each application, with associated material (transmittal sheet, check or money order, and 5" x 7" microfinche envelope) must be separately packaged in a 9" x 12" outer envelope.
2. A separate $200 fee must be submitted with each application.
3. A separate completed transmittal sheet is required with each application.
4. The label on the microfinche envelope must agree with the information on the transmittal sheet and the information on the top of each fiche.
5. The transmittal sheet must be signed in ink (preferably not black ink).
6. No extraneous material (such as transmittal letters) should be submitted; it will only serve to impede the processing of the application.
7. The market name and market number must match.
8. A single check or money order in the amount of $200 (made payable to the Federal Communications Commission) must be included. Cash is strongly discouraged.
9. For applications sent via the U.S. Postal Service, the market number of the market being applied for must appear at the end of the second line in the address.
10. For applications delivered by any means other than the U.S. Postal Service, the market number must appear in the lower left hand corner of the 9" x 12" outer envelope.
11. The 9" x 12" outer envelope may be placed inside a shipping envelope when applications are shipped by couriers which use special shipping envelopes.
12. DO NOT submit FAA Form 7640–1 to the Federal Aviation Administration at the time of filing this application. *See Public Notice* (Report No. CL–88–33, Mimeo No. 726, released November 27, 1987).

Directions To Strip Commerce Center

From Greater Pittsburgh International Airport and Interstate 79:

Proceed east on Parkway (Interstate 279) towards downtown Pittsburgh.

Go through the Fort Pitt tunnels and across the Fort Pitt bridge to Liberty Avenue.

Take Liberty Avenue to 28th Street (28 blocks).

Turn right on 28th Street and follow FCC signs to parking lot.

Enter building at designated area and follow signs.

From Pennsylvania Turnpike:

Take Exit 6 (Monroeville) to Parkway (Interstate 376). Go west on Parkway to the Grant Street Exit (Exit 3).

Proceed on Grant Street to Liberty Avenue (Approximately 6–7 blocks).

Bear right on to Liberty Avenue.

Take Liberty Avenue to 28th Street.

Turn right on 28th Street and follow FCC signs to parking lot.

Enter building at designated area and follow signs.

Transmittal Sheet

Attached is a copy of the transmittal sheet which must be filed with each cellular application. You may make copies of the attached form for your use. Only a limited number of transmittal sheets will be available to the public through the forma room located at 1919 M Street, NW. in room B–10.

Notice

A copy of this Public Notice (excluding the transmittal sheet) will be placed in the **Federal Register.**

Federal Communications Commission.

Kevin J. Kelly,

Chief, Mobile Services.

[FR Doc. 87–28488 Filed 12–10–87; 8:45 am]

BILLING CODE 6712–01–M

Technical and Allocations Subgroups of Radio Advisory Committee; Meeting

At their separate meetings on December 2, 1987, the Technical and Allocations Subgroups of the Radio Advisory Committee on Radio Broadcasting decided to continue those meetings in a joint session, which will be convened at 10 a.m., Wednesday, December 16, 1987 at the Wasilewski Room of the National Association of Broadcasters, 1771 N Street, NW., Washington, DC.

At their joint session, the Subgroups will continue their consideration of:

—Improvement of the AM radio broadcast service, including, in

VOL 52 ISS. 238 DEC 11 1987 UMI

particular, proposed methodology for the conduct of a listener study; and —Other business.

The Subgroups' meetings are continuing ones, and may be resumed after each session at such times and places as may be decided by the participants. All meetings of the Radio Advisory Committee and its Subgroups are open to the public. All interested persons are invited to participate.

For further information, please call Wallace Johnson, Chairman of the Technical Subgroup, at (703) 824–5660, or Louis Stephens, Chairman of the Allocations Subgroup, at (202) 254–3394.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–28489 Filed 12–10–87; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket No. 87–533]

Applications for Consolidated Hearing; Darryl Madlock and Mountlake Productions, Ltd.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, City/State	File No.	MM Docket No.
A. Darryl Madlock, Ely, Nevada	BPCT–861223KK	87–533
B. Frederick Grimm d/b/a Mountlake Productions, Ltd., Ely, Nevada	BPCT–870313K	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading, Applicant(s)

1. Environmental Impact, A, B
2. Comparative, A, B
3. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW, Washington, DC 20037 (Telephone No. (202) 857–3800).

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 87–28490 Filed 12–10–87; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket No. 87–531; FCC 87–366]

Order to Show Cause, Hearing Designation Order, and Notice of Apparent Liability, Seraphim Corp.

AGENCY: Federal Communications Commission.

ACTION: Order to show cause, hearing designation order, and notice of apparent liability.

SUMMARY: The action taken orders Seraphim Corporation, licensee of Station KGMC(TV), Oklahoma City, OK, to show cause why its license for the subject station should not be revoked pursuant to section 312(a) of the Communications Act of 1934, as amended, for apparent violations of section 310(d) of the Communications Act, § 73.3613 of the Commission's Rules, misrepresentations to the Commission, and for lack of character qualifications to remain a Commission licensee. Additionally, pursuant to section 309(e) of the Communications Act, an application for a transfer of control with respect to the subject station from Beverly Hills Hotel Corporation to Seema Boesky was designated for hearing. Finally, a Notice of Apparent Liability was issued to determine whether, in lieu of license revocation, a monetary forfeiture should be imposed against the licensee with reference to the subject conduct.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Gary P. Schonman, Mass Media Bureau, (202) 632–3922.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–28487 Filed 12–10–87; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–010776–023.

Title: Asia North America Eastbound Rate Agreement.

Parties:

American President Lines, Ltd.
Barber Blue Sea
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Lines
Mitsui O.S.K. Lines, Ltd.
Neptune Orient Lines, Ltd.
Nippon Yusen Kaisha, Ltd.
Orient Overseas Container Line, Inc.
Sea-Land Service, Inc.
Showa Line, Ltd.
Yamashita-Shinnihon Steamship Co., Ltd.
Zim Israel Navigation Co., Ltd.

Synopsis: The proposed amendment would prohibit secret ballots at any meeting for tariff rates or rules or rates and/or terms for service contracts.

By Order of the Federal Maritime Commission.

Joseph C. Polking

Secretary.

Dated: December 8, 1987.

[FR Doc. 87–28521 Filed 12–10–87; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on November 27, 1987.

Social Security Administration

Call Reports Clearance Officer on 301–965–4149 for copies of package)

1. SSA/Disability Determination Services (DDS) Cost-Effectiveness Measurement System Data Reporting Form—0960–0384—The information collected by use of form SSA–1461 is needed to assure effective and uniform administration of the disability insurance program, to assist in making payment decisions and to measure the operating costs of State agencies. The affected public is comprised of Disability Determination Services Agencies in the various states. Respondents: State or local governments. Number of Respondents: 52; Frequency of Response: Quarterly; Estimated Annual Burden: 1,040 hours.

2. Health Insurance Information Request—0960–0323—This form is used by States to collect health insurance information from Supplemental Security Income recipients who are entitled to Medicaid in order to determine third party liability for health insurance expenses. The respondents are individuals or households. Respondents: Individuals or households. Number of Respondents: 65,400; Frequency of Response: Occasionally; Estimated Annual Burden 5,450 hours.

OMB Desk Officer: Elana Norden

Public Health Services

(Call Reports Clearance Officer on 202–245–2100 for copies of package)

Food and Drug Administration

1. Cholesterol, Fat and Fatty Acid Labeling—0910–0224—Establishes the requirements for voluntarily placing information concerning cholesterol, fat and fatty acids content of foods on the label for labeling of a food. Respondents: Businesses or other for-profit, Small businesses or organizations. Number of Respondents: 1; Frequency of Response: Other; Estimated Annual Burden: 1 hour.

2. Current Good Manufacturing Practices for Finished Pharmaceuticals—21 CFR211—0910–0139—Records are kept by drug manufacturers in order to assure FDA that they are manufacturing finished pharmaceuticals in accordance with Current Good Manufacturing Practices. Respondents: Businesses or other for-profit, Small businesses or organizations. Number of Respondents: 4,700; Frequency of Response: Recordkeeping; Estimated Annual Burden: 307,713 hours.

3. Product Application for the Manufacturer of Whole Blood and Blood Components—0910–0077—All manufacturers of biological products must apply for review and approval to the Office of Biologics before marketing a product in interstate commerce. Respondents: Businesses or other for-profit, Non-profit institutions, Small businesses or organizations. Number of Respondents: 84; Frequency of Response: Occasionally; Estimated Annual Burden: 214 hours.

Centers for Disease Control

1. Reproductive Study of Women Who Work Video Display Terminals (VDT)—0920–0188—This study concerns the potential reproductive health effects of working with video display terminals (VDT). The study population consists of a cohort of married women who use VDT's full-time at work and a group who do not and are employed at three communications companies in eight southern states. The objective of the study is to determine whether VDT's are related to an increase risk of adverse reproductive outcomes. Respondents: Individuals or households. Number of Respondents: 1,000; Frequency of Response: One-time; Estimated Annual Burden: 500 hours.

Alcohol, Drug Abuse and Mental Health Administration

1. Inventory of Mental Health Organizations and General Hospital Mental Health Services—0930–0119—The Inventory of Mental Health Organizations and General Hospital Mental Health Services will provide information to update longitudinal data bases for the United States and each State, to support ongoing research, and to provide a universe of organizations for organization-based sample patient surveys. The data are used to study trends in utilization, staffing, and financial characteristics of mental health organizations and to support intramural and extramural research. Respondents: State or local governments, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations. Number of Respondents: 8,175; Frequency of Response: 1; Estimated Annual Burden: 5,029 hours.

OMB Desk Officer: Shanna Koss.

As mentioned above, copies of the information collection clearance packages can be obtained by calling the Reports Clearance Officer, on one of the following numbers:

SSA: 301–965–4149,
PHS: 202–245–2100.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address:

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.
ATTN: (name of OMB Desk Officer).

Date: December 7, 1987.

James F. Trickett,

Deputy Assistant Secretary, Administrative and Management Services.

[FR Doc. 87–28468 Filed 12–10–87; 8:45 am]

BILLING CODE 4150–04–M

Statement of Organization, Functions, and Delegations of Authority; Public Health Service

Part H of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (42 FR 61317, December 2, 1977, as amended most recently at 48 FR 17652, April 25, 1983) is amended to reflect a reorganization in the Public Health Service (PHS). The Mission, Organization, and Order of Succession of the PHS are revised to reflect the current scope of public health activities. The Indian Health Service is deleted as a component of Health Resources and Services Administration and is established as a separate agency within PHS. Other organization changes within PHS are made to reflect these changes.

Chapter HB, Health Resources and Services Administration (47 FR 38409–24, August 31, 1982, as amended most recently at 52 FR 30959, August 18, 1987) is amended to delete all titles and statements relating to the Indian Health Service (HBN). A new Chapter HG, Indian Health Service is established to reflect the mission, organization and functions of the Indian Health Service.

Public Health Service

Under *Chapter H, Section H–00. Public Health Service—Mission,* delete the statement in its entirety and insert the following:

Section H–00. Public Health Service—Mission. The mission of the Public Health Service is to promote the protection and advancement of the Nation's physical and mental health by: Conducting medical and biomedical research; sponsoring and administering comprehensive programs for the

VOL 52 ISS 238 DEC 11 1987 UMI

development of health resources; preventing and controlling disease and alcohol and drug abuse; providing resources and expertise to the States and other public and private institutions, and to Tribes, Councils and organizations concerned with the health of American Indians and Alaska Natives, in the planning, direction and delivery of physical and mental health care services; enforcing laws to assure the safety and efficacy of drugs and protection against impure and unsafe foods, cosmetics, medical devices and radiation-producing projects; and coordinating with States, local and other Federal agencies to protect the public from exposure to toxic substances; coordinating with the States to set and implement national health policy and pursue effective intergovernmental relations; generating and upholding cooperative international health-related agreements, policies and programs and cooperating with Commissions and organizations to promote international health activities.

Under Section H–10. Public Health Service—Organization. Delete the section in its entirety and insert the following:

The Public Health Service is under the leadership and direction of the Assistant Secretary for Health (ASH), who is directly responsible to the Secretary of Health and Human Services. The Public Health Service (PHS) consists of the:

Office of the Assistant Secretary for Health (HA)
Agency for Toxic Substances and Disease Registry (HT)
Alcohol, Drug Abuse, and Mental Health Administration (HM)
Centers for Disease Control (HC)
Food and Drug Administration (HF)
Health Resources and Services Administration (HB)
Indian Health Service (HG)
National Institutes of Health (HN)

Section H–30. Public Health Service—Order of Succession. Delete the section in its entirety and insert the following:

During the absence or disability of the Assistant Secretary for Health, or in the event of a vacancy in this position, the Deputy Assistant Secretary for Health shall act as the Assistant Secretary for Health. In the event of the absence or disability of both the Assistant Secretary for Health and the Deputy Assistant Secretary for Health, a Public Health Service official designated by the Assistant Secretary for Health shall act as Assistant Secretary for Health. Should both the positions of Assistant Secretary for Health and the Deputy Assistant Secretary for Health be vacant, an official designated by the Secretary of Health and Human Services shall serve as acting head of the Public Health Service.

Health Resources and Services Administration

Under *Chapter HB, Section HB–00, Mission, and Section HB–10. Organization and Functions,* delete in their entirety titles and statements relating to the *Indian Health Service (HBN).*

Under *HB–20, Order of Succession,* amend the succession by deleting item (8) Director, Indian Health Service.

Indian Health Service

After *Chapter HF, (Food and Drug Administration),* add *Chapter HG, (Indian Health Service)* as follows:

Section HG–00. Mission. The Indian Health Service (IHS) provides a comprehensive health services delivery system for American Indians and Alaska Natives with opportunity for maximum tribal involvement in developing and managing programs to meet their health needs. The goal of IHS is to raise the health level of the Indian and Alaska Native people to the highest possible level.

To carry out its mission and to attain its goal, IHS: (1) Assists Indian Tribes in developing their health programs through activities including health management training, technical assistance and human resource development; (2) facilitates and assists Indian Tribes in coordinating health planning, in obtaining and utilizing health resources available through Federal, State and local programs, in operating comprehensive health programs, and in health program evaluation; (3) provides comprehensive health care services, including hospital and ambulatory medical care, preventive and rehabilitative services, and development of community sanitation facilities; and (4) serves as the principal Federal advocate for Indians in the health field to assure comprehensive health services for American Indians and Alaska Natives.

Section HG–10. Organization and Functions. The Indian Health Service is under the direction of a Director who reports to the Assistant Secretary for Health. The agency consists of the following major components with functions indicated:

Office of the Director (HGA). Provides overall direction and leadership for IHS by: (1) Establishing goals, objectives, policies and priorities in pursuit of the IHS mission; (2) providing leadership to ensure the delivery of high quality, comprehensive health services; (3) coordinating IHS activities and resources internally and externally with those of other governmental and non-governmental programs, promoting optimum utilization of all available health resources; (4) developing and demonstrating alternative methods and techniques of health services management and delivery with a view to provide Indian Tribes and other Indian community groups with optional ways of participating in the Indian health program; (5) developing individual and tribal capacities to participate in Indian health programs through means and modalities which they deem appropriate to their needs and circumstances; (6) affording Indian people an opportunity to enter a career in the IHS by applying Indian preference; (7) keeping the public fully informed on the activities of the IHS; and (8) encouraging full application of the principles of EEO.

Office of Administration and Management (HGA2). (1) Provides advice and support to the Director in management and policy formulation and execution; (2) provides IHS-wide administrative leadership, direction, and coordination of all phases of management; (3) directs IHS activities in the areas of administration and management policy including: Internal control reviews, records management, debt management, third party reimbursement, delegations of authority, manpower management, procurements, personal property accountability and management, and administrative services; (4) directs the personnel management and personnel administrative activities; (5) directs the contract and grants management activities; (6) directs the resources management activities including the allocation and fiscal control of resources; (7) directs budget formulation activities and execution; (8) manages the fiscal management activities; and (9) coordinates the training and development of IHS employees in administration.

Office of Planning, Evaluation and Legislation (HGA3). (1) Advises the Director, IHS, on policy formulation; (2) conducts and manages program planning, operations research, program evaluation, health services research, legislative affairs, program statistics; (3) develops the long-range program and financial plan for the IHS in collaboration with appropriate agency staff; (4) coordinates with the Office of the Assistant Secretary for Health, the Department, and Indian Tribes and organizations on matters that involve planning, evaluation, research and legislation; (5) develops and implements long-range goals, objectives, and priorities for all activities related to resource requirements and allocation methodologies and models; (6) directs activities within the IHS which compare costs of the Agency's programs with their benefits, including the preparation and implementation of comprehensive program evaluation plans; (7) directs and coordinates the legislative activities of IHS, including the analysis of existing and proposed legislation and regulations and the development of legislative proposals; (8) develops and manages analytical statistical reporting systems and data bases for measuring health status and appraising program activities; (9) analyses and publishes statistical data on demographics and morbidity of the American Indian and Alaska Native population; (10) administers the Privacy Act and OMB Information collection approval; (11) conducts policy analysis and develops policy options; and (12) maintains liaison with the Office of the General Counsel for the development and monitoring of IHS regulations and Federal Register notices.

Office of Tribal Activities (HGA4). (1) Advises the Director, IHS, on policy formulation regarding tribal activities, including Indian Self-Determination, and their effect on tribal health programs and community development; (2) assures that Indian tribes and tribal organizations are informed regarding pertinent health policy and program management issues; (3) ensures consultation with tribes and tribal organizations in developing policy; (4) supports tribes and tribal organizations in managing community health programs; (5) develops policies for tribal activities, including Indian Self-Determination, and oversees administrative compliance with those policies; (6) develops policy and coordinates implementation of special Indian legislation and authorities; (7) provides procedural guidance and processes to promote Indian Self-Determination; (8) maintains relevant information on Indian tribes, communities, programs, and IHS tribal policies; and (9) coordinates IHS support of tribal activities with other public and private programs.

Office of Health Programs (HGA5). (1) Advises the Director, IHS, on policy formulation on the operations and management of health programs; (2) provides Service-wide leadership in health programs in relation to IHS goals, objectives, policies, and priorities; (3) provides consultation and technical assistance to all operating and management levels of the IHS and Indian tribes in the design and implementation of health management and health delivery systems; (4) provides guidance and support to all field activities related to the day-to-day delivery of health care; (5) develops and implements contract health and Medicare and Medicaid functions into the comprehensive health program through setting medical priorities, quality care oversight, operational planning and health program evaluations; (6) directs and coordinates clinical support and scholarship programs; (7) provides leadership and direction for quality assurance activities; and (8) represents IHS health programs to agencies outside IHS, including international health agencies.

Office of Environmental Health and Engineering (HGA6). (1) Advises the Director, IHS, on policy formulation and administers the overall IHS environmental health, community injury control, real property management, biomedical engineering, emergency preparedness, safety, sanitation facilities engineering and health care facilities engineering programs; (2) develops objectives, priorities, standards and methodologies for the conduct and evaluation of Environmental Health and Facilities Engineering program activities; (3) provides consultation and technical assistance to Headquarters IHS Area Offices, tribal governments and Alaska Native corporations on matters pertaining to OEHE; and (4) coordinates and monitors IHS requirements for shared and cooperative program activities with other Federal and non-Federal agencies and organizations.

Office of Health Program Research and Development (HGA7). (1) Develops and demonstrates methods and techniques for the improved operations and management of the health care delivery systems; (2) provides technical assistance and consultation on the development and implementation of management and service delivery systems throughout the various organizational levels of the IHS and Tribal health programs; (3) conducts and coordinates health research and development activities within the Service directed toward improving the health of Indian people; (4) provides direct or indirect health services for the Indian people in the IHS Service Units under the jurisdiction of the Office; and (5) serves as a resource for directing or assisting in various special projects conducted by the IHS.

Office of Information Resources Management (HGA8). (1) Advises the Director, IHS, on policy formulation regarding information technology and services; (2) develops, coordinates, directs, and evaluates IHS-wide plans and budgets for the management of information technology and services related to automated data processing, office automation, and telecommuncations; (3) provides technical guidance, management direction and support for the IHS-wide production of management and clinical workload information systems; (4) develops and recommends policies and procedures relating to information resource management and support services; (5) directs the provision of systems analysis and design, data processing operations, user assistance and information systems training to all elements of the IHS; (6) reviews and recommends approval or disapproval of the acquisition, use, modification or discontinuance of any data processing, office automation or telecommunications service or resource IHS-wide; (7) maintains state-of-the-art expertise in information science and technology to promote the efficient and effective conduct of the IHS mission; (8) develops and coordinates the implementation of IHS-wide information security programs; and (9) maintains liaison with officials of the PHS, DHHS, and GSA for information resources management matters.

IHS Area Offices (HGF): Aberdeen Area Office (HGFB); Alaska Native Area Office (HGFC); Albuquerque Area Office (HGFD); Bemidji Area Office (HGFE); Billings Area Office (HGFF); California Area Office (HGFG); Nashville Area Office (HGFH); Navajo Area Office (HGFJ); Oklahoma City Area Office (HGFK); Phoenix Area Office (HGFL); and Portland Area Office (HGFM).

The mission of IHS is accomplished in the field through line elements called Area Offices. Within these can be Service Units, Special Programs, Hospitals, Medical Centers, Health Centers, Health Stations, and other elements. Each Area Office is headed by a Director who reports to the Director, IHS. For the population served by their respective health delivery systems, each Area Office is responsible for: (1) Participating in and establishing goals and objectives for health programs in interpreting and determining policies and priorities within the framework of IHS policy; (2) delivering and assuring the delivery of high quality comprehensive health services; (3) providing coordination or ensuring the coordination of IHS activities and resources internally and externally with those of other governmental and nongovernmental programs and

BEST COPY AVAILABLE

promoting optimum utilization of all available health resources; (4) participating in the development and demonstration of alternative means and techniques of health services management and delivery to provide Indian tribes and other Indian community groups with optimal ways of participating in Indian health programs, and (5) ensuring the development of individual and tribal capacities to participate in the operation of IHS commensurate with the means and modalities which Indian tribal groups deem appropriate to their needs and circumstances.

Section HC–20. Order of Succession. During the absence or disability of the Director, IHS, or in the event of a vacancy in that office, the first official listed below who is available shall act as Director, except that during a planned period of absence, the IHS Director may specify a different order of succession. The order of succession will be:

(1) Deputy Director for Field Operations; (2) Deputy Director for Headquarters Operations; (3) Associate Director, Office of Health Programs; and (4) Associate Director, Office of Administration and Management.

Section HC–30. Delegations of Authority. All delegations and redelegations of authority made to HRSA and IHS officials which were in effect immediately prior to this reorganization, and which are consistent with the reorganization, shall continue in effect pending further redelegation.

Funding: Necessary salary and related costs will be transferred by way of an SF–1151, Non-expenditure Transfer Authorization, from the Health Resources and Services Administration Appropriation to the Indian Health Service Appropriation and the Public Health Service Management Appropriation in Fiscal Year 1988.

This reorganization is effective January 4, 1988.

Date: December 3, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87–28470 Filed 12–10–87; 8:45 am]

BILLING CODE 4160–17–M

Food and Drug Administration

[Docket No. 87D–0356]

Compressed Medical Gases—Conformance With Current Good Manufacturing Practice Regulations in the Manufacture, Processing, Packing, or Holding; Availability of Compliance Policy Guide

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of Compliance Policy Guide 7132a.16 (the Guide) entitled "Compressed Medical Gases—Direct Reference Authority for Sending Regulatory Letters for Specific CGMP Deviations." The Guide provides authority for FDA district offices to issue regulatory letters to firms to seek corrections when certain deviations from compliance with current good manufacturing practice (CGMP) regulations are encountered in the filling of cyclinders with compressed medical gases.

ADDRESS: Requests for single copies of FDA Compliance Policy Guide 7132a.16 may be submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. (Send two self-addressed adhesive labels to assist the Branch in processing your requests.)

FOR FURTHER INFORMATION CONTACT: John Christeson, Center for Drug Evaluation and Research (HFN–323), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8098.

SUPPLEMENTARY INFORMATION: FDA has prepared Compliance Policy Guide 7132a.16 "Compressed Medical Gases—Direct Reference Authority for Sending Regulatory Letters for Specific CGMP Deviations." The Guide provides direct authority to FDA district offices for issuing regulatory letters to firms to seek corrections when certain deviations from CGMP regulations are encountered during the inspection of firms that are filling cylinders with compressed medical gases (21 CFR Parts 210 and 211).

Compliance Policy Guide 7132a.16 is available for public examination in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. Requests for single copies of Compliance Policy Guide 7132a.16 should refer to the docket number found in brackets in the heading of this document and should be submitted to the Dockets Management Branch.

This notice is issued under 21 CFR 10.85.

Dated: December 2, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87–28421 Filed 12–10–87; 8:45 am]

BILLING CODE 4160–01–M

Office of Human Development Services

Federal Allotments to States for Social Services Expenditures Pursuant to the Title XX—Social Services Block Grant Act; Promulgation for Fiscal Year 1989

AGENCY: Office of Human Development Services; HHS.

ACTION: Notification of allocation of Title XX—Social Services Block Grant Allotments for Fiscal Year 1989.

SUMMARY: This issuance sets forth the individual allotments to States for Fiscal Year 1989 pursuant to Title XX of the Social Security Act, as amended (Act). The allotmetns to the States published herein are based upon the authorization set forth in section 2003 of the Act and are contingent upon Congressional appropriations actions for the fiscal year. If Congress enacts and the President approves an amount different from the authorization, the allotments will be adjusted proportionately.

FOR FURTHER INFORMATION CONTACT: HDS Regional Administrators.

SUPPLEMENTARY INFORMATION: Section 2003 of the Act authorizes $2.7 billion for Fiscal Year 1989 and provides that it be allocated as follows:

(1) Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana Islands each receives an amount which bears the same ratio to $2.7 billion as its allocation for Fiscal Year bore to $2.9 billion.

(2) The remainder of the $2.7 billion is allotted to each State in the same proprotion as that State's population is to the population of all States, based upon the most recent data available from the Department of Commerce.

For Fiscal Year 1989, the allotments are based upon the Bureau of Census population statistics contained in its publication "Current Population Reports" (Series P–26, No. 86–A issued August 1987). This is the most recent satisfactory data available from the Department of Commerce as to the population of each State.

EFFECTIVE DATE: The allotments shall be effective October 1, 1988.

Fiscal Year 1989 Federal Allotments to States Social Services—Title XX Block Grants

Total	$2,700,000,000
Alabama	45,147,848
Alaska	5,048,421
Arizona	36,537,118
Arkansas	25,422,575
California	300,551,217
Colorado	36,392,307
Connecticut	35,523,436
Delaware	7,051,218
Dist. of Columbia	6,973,243
Florida	130,052,090
Georgia	67,994,686
Guam	465,517
Hawaii	11,830,006
Idaho	11,172,783
Illinois	128,693,088
Indiana	61,288,928
Iowa	31,758,331
Kansas	27,413,978
Kentucky	41,527,554
Louisiana	50,138,283
Maine	13,077,615
Maryland	49,714,988
Massachusetts	64,964,779
Michigan	101,602,490
Minnesota	46,941,286
Mississippi	28,240,834
Missouri	56,432,025
Montana	9,123,140
Nebraska	17,800,706
Nevada	10,727,209
New Hampshire	11,440,128
New Jersey	84,861,964
New Mexico	16,475,121
New York	197,968,801
North Carolina	70,523,322
North Dakota	7,563,629
No. Mariana Islands	93,103
Ohio	119,770,456
Oklahoma	36,015,802
Oregon	30,054,006
Pennsylvania	132,435,915
Puerto Rico	13,965,517
Rhode Island	10,050,801
South Carolina	37,606,487
South Dakota	7,886,671
Tennessee	53,502,372
Texas	185,526,093
Utah	18,547,043
Vermont	6,028,397
Virgin Islands	465,517
Virginia	64,463,507
Washington	49,714,988
West Virginia	21,376,442
Wisconsin	53,301,863
Wyoming	5,647,658

Dated: December 7, 1987.

G. Barry Nielsen,

Director, Office of Policy, Planning, and Legislation.

Approved: December 7, 1987.

Phillip N. Hawkes,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 87–28469 Filed 12–10–87; 8:45 am]

BILLING CODE 4130–01–M

National Institutes of Health

National Cancer Institute; Ad Hoc Subcommittee on the Women's Health Trial; Meeting

Notice is hereby given of the meeting of the Ad Hoc Subcommittee on the Women's Health Trial, Division of Cancer Prevention and Control, on December 15–16, 1987, at the National Institutes of Health, 9000 Rockville Pike, Building 31, Room 4A48. The meeting will begin at 8:30 a.m. and be open to the public until 12 noon.

In accordance with the provisions set forth in sections 552b(c)(4), 552b(c)(6), and 552b(c)(9)(B), Title 5, U.S.C., this meeting will be closed to the public on December 15 from 12 noon until adjournment on December 16 for the evaluation and discussion of individual cooperative agreements. The discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the cooperative agreements, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Further, in accordance with the provisions set forth in section 552b(c)(9)(B), title 5 U.S.C., the meeting will be closed to the public for the preparation of comments to be submitted to the National Cancer Institute regarding the Women's Health Trial. Premature disclosure of such information would significantly frustrate implementation of proposed agency actions.

Dated: December 8, 1987.

William F. Raub,

Acting Director, National Institutes of Health.

[FR Doc. 87–28618 Filed 12–10–87; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

White Earth Reservation Land Settlement Act of 1985; Impending Ratification of Questionable Land Transfers

December 11, 1987.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of intent to publish certification.

SUMMARY: This notice establishes that on January 11, 1988, the Secretary of the Interior will publish a certification in the Federal Register, in accordance with section 10(a) of the White Earth Reservation Land Settlement Act of 1985, Pub. L. 99–264.

DATE: This notice establishes that questionable land transfers, as defined in sections 4(a), 4(b) and 5(c) of the Act will be ratified on January 11, 1988, and that any action to recover title or damages, relating to transactions described in sections 4(a), 4(b), 5(a), or 5(c) of the Act, will be barred unless filed prior to the publication of the certification described above on January 11, 1988.

FOR FURTHER INFORMATION CONTACT: White Earth Project Director, Bureau of Indian Affairs, c/o Minnesota Agency, Route 3, Box 112, Cass Lake, Minnesota 56633, Telephone: (218) 335–8913, Ext. 454.

SUPPLEMENTARY INFORMATION: Sections 4(a) and 4(b) of the White Earth Reservation Land Settlement Act of 1985, Pub. L. 99–264, define circumstances by which the title to an allotment of land, or interest therein, may have been lost through a questionable tax forfeiture, sale, mortgage, or other conveyance during the trust period. For each allotment or interest which falls within the scope of sections 4(a) or 4(b) of the Act, settlement compensation will be paid to the individuals determined to be entitled thereto. In addition, section 5(c) of the Act describes allotments of land which were granted to individuals who died prior to the selection dates thereof and provides that the White Earth Band of Chippewa Indians shall be compensated for such allotments.

Section 6(a) of the Act provides for the retroactive ratification of questionable land transfers which fall within the scope of sections 4(a), 4(b), or 5(c). Said ratification will take place upon the publication, in the Federal Register, of a certification that the conditions set forth in section 10(a) of

VOL 52 ISS 238 DEC 11 1987 UMI

the Act have been satisfied. These conditions are that: (1) The Department of the Interior and the State of Minnesota have agreed upon the transfer of 10,000 acres from the State to the United States, to be held in trust for the White Earth Band of Chippewa Indians, (2) the State has appropriated $500,000 for technical and computer assistance in implementing the Act, and (3) the United States has appropriated $6.6 million for economic development for the benefit of the White Earth Band of Chippewa Indians.

Under section 6(c) of the Act, the publication of the certification on January 11, 1988 will operate to bar any subsequent suits to recover title or damages, relating to transactions described in sections 4(a), 4(b), 5(a), or 5(c). Prior to the publication of the certification, individuals may file suits in the Federal District Court for the District of Minnesota seeking the recovery of title or damages, but individuals who file such suits would not then be eligible to receive any compensation under the Act.

The questionable land transfers to be ratified by the publication of the certification on January 11, 1988, will be identified by separate publication in the **Federal Register**. On September 19, 1986 (51 FR 33348), a list of 723 allotments and interests, which had been determined to fall within the scope of sections 4(a), 4(b), or 5(c) of the Act, was published in the **Federal Register**. Section 7(c) of the Act requires that a supplemental list be published in the **Federal Register** by March 12, 1988.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Ross O. Swimmer,

Assistant Secretary; Indian Affairs.

[FR Doc. 87-28184 Filed 12-10-87; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[ID-020-08-4410-08]

Designation of Areas of Critical Environmental Concern; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of land use plan amendments.

SUMMARY: This notice is to advise the public of the availability of the proposed environmental assessment and land use plan amendments covering the Cassia Resource Management Plan, the Malad Management Frame Work Plan and the Twin Falls Management Frame Work Plan to allow designation of described public lands as Resource Natural Areas (RNA)/Areas of Critical Environmental Concern (ACEC).

RNA/ACEC Proposal No. 1, Jim Sage

Parts of Sections 14, 15, 10, and 11, T.15S., R.25E., Boise Meridian, Idaho, 620 acres (public land).

The general location of this land is 12 miles south of Elba, Idaho, and 7 miles east of Almo, Idaho.

RNA/ACEC Proposal No. 2, Goose Creek Mesa

Part of Section 17, T.16S., R.21E., Boise Meridian, Idaho.

The general location of this land is 14 miles south of Oakley, Idaho, and 15 miles southwest of City of Rock, Idaho, 110 acres (public land).

RNA/ACEC Proposal No. 3, City of Rocks

Part of Sections 19 and 30, T.15S., R.24E., Boise Meridian, Idaho.

The general location of the area is 4 miles west of Almo, Idaho, and 14 miles southeast of Oakley, Idaho, 240 acres (public land).

RNA/ACEC Proposal No. 4, Big Juniper

T.6S., R.27E., Section 36, E½, Boise Meridian, Idaho.

The general location of the area is within the Wapi Lava Flow approximately 15 miles northeast of Minidoka, Idaho, 320 acres (public land).

RNA/ACEC Proposal No. 5, Sand Kipuka

Parts of Sections 11 and 14, T.8S., R.27E., Boise Meridian, Idaho.

The general location of the area is 12 miles northeast of Minidoka, Idaho, within the Wapi Lava Flow, 320 acres (public land).

ACEC Proposal No. 6, Granite Pass

Parts of Sections 30, 31, 32, and 33, T.16S., R.22E., Boise Meridian, Idaho.

The general location of the area is 16 miles south of Oakley, Idaho, and 11 miles southwest of City of Rocks, Idaho, 200 acres (public land).

ACEC Proposal No. 7, Oregon-California Trail Junction

Parts of Sections 10, 11, 12, 17 and 18, T.10S., R.27E., and parts of Sections 13 and 14, T.10S., R.26E., Boise Meridian, Idaho.

The general location of the area is 20 miles east of Burley, Idaho, and 22 miles west of American Falls, Idaho, 600 acres (public land).

ACEC Proposal No. 8, Playas

Parts of Sections 31 and 32, T.14S., R.15E., Boise Meridian, Idaho.

The general location is 30 miles south of Buhl, Idaho, and 8 miles southwest of Rogerson, Idaho, 60 acres (public land).

ACEC Proposal No. 9, VanKoman Homestead and Old Juniper Townsite

Parts of Section 6, T.16S., R.30E., and parts of Section 4, T.15S., R.30E., Boise Meridian, Idaho.

The general area is 6 miles south of Juniper, Idaho, and 15 miles northwest of Stone, Idaho, 5 acres (public land).

ACEC Proposal No. 10, Baker Cave

Parts of Section 9, T.8S., R.27E., Boise Meridian, Idaho.

The general location is 10 miles east of Minidoka, Idaho within the Wapi Lava Flow, 40 acres (public land).

The protest period on the proposed environmental assessment and land use plan amendments will begin on December 11, 1987 and will end on January 15, 1988. Protest must be sent in writing to Director (760), Premier Building, Room 909, Bureau of Land Management, 18th & C Street NW, Washington, DC 20240 and be postmarked on or before January 15, 1988.

FOR FURTHER INFORMATION CONTACT: Ted Milesnick, Bureau of Land Management, Burley District Office, Rt. 3, Box 1, Burley, Idaho, 83318, (208) 678-5514 or FTS 554-6675; or John Christensen, Bureau of Land Management, 138 S. Main, Malad, Idaho, 83252, (208) 766-4766.

Dated: December 4, 1987.

John S. Davis,

District Manager.

[FR Doc. 87-28431 Filed 12-10-87; 8:45 am]

BILLING CODE 4310-GG-M

National Park Service

Upper Delaware Scenic and Recreational River; Citizens Advisory Council Meeting

AGENCY: Upper Delaware Citizens Advisory Council, National Park Service, Department of the Interior.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: December 11, 1987, 7:00 p.m.[1]

Inclement Weather Reschedule Date: January 8, 1987.

ADDRESS: Town of Tusten Hall, Narrowsburg, New York.

FOR FURTHER INFORMATION, CONTACT: John T. Hutzky, Superintendent: Upper Delaware Scenic and Recreational River, P.O. Box C, Narrowsburg, NY 12764-0159; 717-729-8251.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 1724 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation and implementation of the management plan, and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will surround housing development subdivisions within the Upper Delaware corridor.

The meeting will be open to the public.

Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Upper Delaware Citizens Advisory Council, P.O. Box 84, Narrowsburg, NY 12764. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware Scenic and Recreational River, River Road, 1¾ miles north of Narrowsburg, New York Damascus Township, Pennsylvania.

Sandra C. Rosencrans,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 87-28415 Filed 12-10-87; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Section 5a Application No. 62,[1] (Amendment No. 2); Intermountain Tariff Bureau, Inc.; Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision and request for comment.

SUMMARY: Intermountain Tariff Bureau, Inc. (IMB), has filed, pursuant to section 14(e) of the Motor Carrier Act of 1980 (MCA), an application for approval of its ratemaking agreement under 49 U.S.C. 10706(b). The Commission has provisionally approved the agreement. Since modifications are required before the agreement receives final approval, and because new and complex questions are involved in determining whether the agreement is consistent with the MCA, the Commission solicits public comment on its interpretation and application of specific rate bureau provisions. Copies of IMB's proposed amended agreement are available for public inspection and copying at the Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423, and from IMB's representative: Thomas M. Zarr, Parsons & Crowther, 455 South Third East Street, Salt Lake City, UT 84111.

DATES: Comments from interested parties are due January 11, 1988. Replies are due January 26, 1988.

ADDRESS: An original and 10 copies, if possible, of comments referring to Section 5a Application No. 62 should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Paul Schach, (202) 275-7885

or

Jane Udovic, (202) 275-7831

(TDD for hearing impaired (202) 275-1721).

SUPPLEMENTARY INFORMATION: Intermountain Tariff Bureau, Inc. (IMB), has filed an application for approval of its proposed amended collective ratemaking agreement as required by section 14(e) of the Motor Carrier Act of 1980, Pub. L. No. 96-296 (1980) (MCA). Since filing its application, IMB has been obliged to observe the requirements of the MCA and the standards in *Motor Carrier Rate Bureaus—Imp. P.L. 96-296*, 364 I.C.C. 464 (1980) and 374 I.C.C. 921 (1981) (*Rate Bureau*). We have provisionally approved IMB's agreement as consistent with 49 U.S.C. 10706(b) and *Rate Bureau, supra*, subject to certain conditions and modifications in the following subject areas: Identification and description of member carriers; right of independent action; employee docketing; open meetings; proxy voting; quorum standard; final disposition of cases; single-line rates; general increases and decreases; changes in tariff structure; and zone of rate freedom and released rates. We have also offered comments and imposed requirements concerning the agreement generally. IMB has been directed to file a revised agreement conforming to the imposed conditions within 120 days of service of the decision.

In light of the complexity of interpretation involved in determining whether the agreement is consistent with the MCA and the *Rate Bureau* case, *supra*, we request applicant and other interested parties to comment on our interpretation of the controlling statutory and administrative criteria, and their application to IMB's agreement.

A copy of any comments filed with the Commission must also be served on IMB, which will have 15 days from the expiration of the comment period to reply. These comments will be considered in conjunction with our review of the modifications that IMB must submit to the Commission as a condition to final approval of its agreement.

Additional information is contained in the Commission's decision. Copies may be obtained from Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357, (assistance for the hearing impaired is available through TDD Services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10321 and 10706 and 5 U.S.C. 553.

Decided: December 3, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Commissioner Andre concurred with a separate expression.

Noreta R. McGee,

Secretary.

[FR Doc. 87-28464 Filed 12-10-87; 8:45 am]

BILLING CODE 7035-01-M

Section 5a Application No. 115,[1] (Amendment No. 1); Midwest Motor Carriers Association; Agreement

AGENCY: Interstate Commerce Commission.

[1] Announcements of cancellation due to inclement weather will be made by raido stations WDNH, WDLC, WSUL, and WVOS.

[1] Section 5 was recodified as section 10706.

[1] Section 5a was recodified as section 10706. This decision also embraces section 5a Application No. 114, *Midwest Household Goods Carriers Association*, which is dismissed because this association is no longer in business.

ACTION: Notice of decision and request for comment.

SUMMARY: Midwest Motor Carriers Association (MMCA) has filed, pursuant to section 14(e) of the Motor Carrier Act of 1980 (MCA), an application for approval of its ratemaking agreement under 49 U.S.C. 10706(b). Since modifications are required before the agreement receives final approval, and because new and complex questions are involved in determining whether the agreement is consistent with the MCA, the Commission solicits public comment on its interpretation and application of specific rate bureau provisions. Copies of MMCA's proposed amended agreement are available for public inspection and copying at the Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423, and from MMCA's representative: James R. Boyd, 1000 Perry Brooks Building, Austin, TX 78701.

Additional information is in the Commission's decision. Copies may be obtained from Office of the Secretary, Room 2215, Interstate Commerce Commission, Washington, DC 20423, or call (202) 275–7428. (Assistance for the hearing impaired is available through TDD Services (202) 275–1721 or by pickup from Dynamics Concepts, Inc., in Room 2229 at Commission headquarters.)

DATES: Comments from interested persons are due January 11, 1988. Replies are due January 26, 1988.

ADDRESS: An original and 10 copies, if possible, of comments referring to section 5a Application No. 115 should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Ardith M. Horne, (202) 275–1764
or
Jane Udovic, (202) 275–7831.
(TDD for hearing impaired (202) 275–1721).

SUPPLEMENTARY INFORMATION: We have provisionally approved MMCA's agreeement as consistent with 49 U.S.C. 10706(b) and *Motor Carrier Rate Bureaus—Imp. of Pub. L. 96–296*, 364 I.C.C. 464 (1980) and 364 I.C.C. 921 (1981) (*Rate Bureau*), subject to certain conditions and modifications in the following subject areas: Identification and description of member carriers; right of independent action; rate bureau protests; employee docketing; open meetings; quorum standard; final disposition of cases; general standards for member voting and disposition of collectively established rates; single-line rates; general increases and decreases; changes in tariff structure; and zone of rate freedom and released rates. We have also offered comments and imposed requirements concerning the agreement generally. MMCA has been directed to file a revised agreement conforming to the imposed conditions within 120 days of service of the decision.

In light of the complexity of interpretation involved in determining whether the agreement is consistent with the MCA and the *Rate Bureau* case, *supra*, we request applicant and other interested parties to comment on our interpretation of the controlling statutory and administrative criteria, and their application to MMCA's agreement.

A copy of any comments filed with the Commission must also be served on MMCA, which will have 15 days from the expiration of the comment period to reply. These comments will be considered in conjunction with our review of the modifications that MMCA must submit to the Commission as a condition to final approval of its agreement.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10321 and 10706 and 5 U.S.C. 553.

Decided: December 3, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Commissioner Andre concurred in the holding of this proceeding.

Noreta R. McGee,

Secretary.

[FR Doc. 87–28322 Filed 12–10–87; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

(1) Wyatt Cafeterias, Inc., P.O. Box 38388, Dallas, Texas 75238
(Incorporated in the state of Texas)
(2) Starmark Food Distributors, Inc., P.O. Box 389001, Dallas, Texas 75238
(Incorporated in the state of Texas)

Noreta R. McGee,

Secretary.

[FR Doc. 87–28405 Filed 12–10–87; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3504, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Massachusetts:
MA87–3 (Jan. 2, 1987)..... p. 402.

Volume II

Indiana:
IN87–2 (Jan. 2, 1987)..... pp. 250–266.

volume III

Colorado:
CO87–1 (Jan. 2, 1987)..... pp. 103–110.
Oregon:
OR87–1 (Jan. 2, 1987)..... pp. 283–284.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the Country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783–3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 4th day of December 1987.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 87–28207 Filed 12–10–87; 8:45 am]

BILLING CODE 4510–27–M

Employment and Training Administration

[TA–W–19,987; TA–W–19,988]

Ames Oil and Gas Corp., Pawnee, OK and Houston, TX; Negative Determination Regarding Application for Reconsideration

By an application postmarked November 10, 1987, the petitioners requested administrative reconsideration of the Department's negative determination on the subject petition for trade adjustment assistance. The denial notice was signed on September 25, 1987 and published in the **Federal Register** on October 23, 1987 (52 FR 39716).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The petitioners claim that crude oil produced by Amesco, Ltd., a producing affiliate of Ames Oil & Gas Corporation, was sold to an importer of crude oil. Petitioners claim the price of oil fell below $10 per barrel because of the general oil glut in the market.

The dominant cause for the worker separations and the cessation of production and sales were the bankruptcy proceedings which Ames Oil & Gas entered into in December 1986, followed by Amesco Ltd. in May 1987. The bankruptcy proceedings were related to the reduced cash flow brought about be declining crude oil prices. Prices and reduced cash flows, in themselves, are not criteria for a worker group certification.

Further, none of the customers importing crude oil had significant purchases from Ames Oil & Gas in 1986.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 4th day of December 1987.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 87–28498 Filed 12–10–87; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–20,089]

Continental Can Co., Plant No. 4, Fairfield, AL; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on November 2, 1987 applicable to all workers of Plant No. 4, Continental Can Company, Fairfield, Alabama. The Certification contained a termination date of October 30, 1987. The Certification was published in the **Federal Register** on November 20, 1987 (52 FR 44647).

Based on new information furnished to the Department by the company, a few workers were retained after the October 30, 1987 termination date set in the certification to close down the plant.

The intent of the certification is to cover all workers at Plant No. 4, Continental Can Company, Fairfield, Alabama who were affected by the closing of the plant. The notice,

VOL 52 ISS 238 DEC 11 1987 UMI

therefore, is amended by providing a new termination date of January 1, 1988.

The amended notice applicable to TA–W–20,089 is hereby issued as follows:

All workers of Continental Can Company, Plant No. 4, Fairfield, Alabama who became totally or partially separated from employment on or after September 3, 1986 and before January 1, 1988 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 3rd day of December 1987.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 87–28497 Filed 12–10–87; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–20,262]

Craddock-Terry Shoe Corp., Farmville, VA; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 23, 1987 in response to a petition filed on November 23, 1987 on behalf of workers and former workers at Craddock-Terry Shoe Corporation, Farmville, Virginia. The workers manufactured women's shoes.

The investigation revealed that workers at Craddock-Terry Shoe Corporation, Farmville, Virginia were certified eligible to apply for Trade Adjustment Assistance on December 12, 1986 under TA–W–18,312 with an impact date of September 22, 1985. The expiration date of coverage in this case is December 12, 1988. Consequently, an active certification covering the petitioning group of workers remains in effect and the investigation has been terminated.

Signed at Washington, DC, this 2nd day of December 1987.

Marvin M. Fooks,

Director, Office of Trade Ajustment Assistance.

[FR Doc. 87–28498 Filed 12–10–87; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–19,956]

General Electric Co., Lighting Business Group, Lighting Products Division, Austintown, OH; Negative Determination Regarding Application for Reconsideration

By an application dated October 5, 1987, the International Union of Electrical Workers (IUE) requested administrative reconsideration of the Department's negative determination on the subject petition for trade adjustment assistance for workers at General Electric Company, Lighting Business Group, Lighting Products Division, Austintown, Ohio. The denial notice was signed on September 1, 1987 and published in the **Federal Register** on September 22, 1987 (52 FR 35599).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained was based on a mistake in the determination of facts not previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The union notes that workers at General Electric's (GE) Youngstown, Ohio lamp plant and the Warren, Ohio lamp plant were certified for adjustment assistance in 1985 and in 1987, respectively. The union reports G.E.'s announcement on its intention to eliminate the Packaging Operations at Austintown and move a part of it to Korea. The union notes that light bulbs produced in Korea and shipped to the U.S. do not incorporate filaments produced at Austintown and assumes such filaments were manufactured in Korea. Lastly, the union submitted a company statement concerning layoffs occurring in the first quarter of 1986 on associated work at Austintown for discontinued items.

Workers at the Austintown plant produce light bulb filaments which was shipped to affiliated incandescent lamp plants. A small coating and packaging operation was moved to the Austintown plant when the Youngstown lamp plant closed in 1985.

Investigative findings show that workers at General Electric's Youngstown, Ohio lamp plant were certified for adjustment assistance with a termination date of October 1, 1985, TA–W–16,974. The plant closed permanently in April, 1985. Workers producing component parts for a finished article may be certified for trade adjustment assistance if their work is related to production facilities whose workers currently meet the statutory criteria for certification. Since the Youngstown plant's certification has expired, that certification cannot provide a basis for certifying the workers at the Austintown plant.

The findings also show that workers at the Ohio lamp plant in Warren, Ohio are certified for adjustment assistance until June 3, 1989, TA–W–19,479.

Workers producing component parts for a finished article may be certified for trade adjustment assistance if a substantial amount of their production is integrated into the production of a finished article at a plant which is related by ownership or control and whose workers already meet the statutory criteria for certification. However, company officials have stated that only a small amount of Austintown's filament production is integrated into the production at the Warren plant. Thus, there is not a substantial amount of integration of production with the Warren plant to form a basis for certification.

Imported finished articles incorporating component parts like light filaments would not serve as a basis for certification. This issue was addressed in *United Shoe Workers of America, AFL–CIO* v. *Bedell*, 506 F 2d 174, (D.C. Circ. 1974). The court held that imported finished women's shoes were not like or directly competitive with shoe counters. Similarly, light filaments cannot be considered as like or directly competitive with light bulbs incorporating the filament. Section 222(3) of the Trade Act states that there must be increased imports of articles that are like or directly competitive with those produced at the worker's firm.

With respect to the transfer of the Packaging Operations to a foreign facility, investigation findings show that this transfer has not occurred. Company officials stated that the Packaging Operations transfer is scheduled to begin in mid-February 1988. Company officials indicated that there have been no layoffs with respect to the Coating or Cov-R Guard Operations at the Austintown plant.

Lastly, no basis exists for the certification of workers performing associated work on discontinued production who were laid off in early 1986. Investigative findings show that associated work on these products ceased in the first quarter of 1986. Section 223(b)(1) of the Trade Act states that no certification shall occur more than one year prior to the June 29, 1987 date of the petition.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 1st Day of December 1987.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 87–28499 Filed 12–10–87; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–19, 925 and TA–W–19, 926]

General Motors Corp., BOC Orion Assembly, Orion Township, MI, BOC Wentzville Assembly Center, Wentzville, MO; Revised Determinations on Reconsideration

On November 19, 1987, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers at General Motors Corporation's BOC Orion Assembly, Orion Township, Michigan and BOC Wentzville Assembly, Wentzville, Missouri. The affirmed notice regarding application for reconsideration was published in the **Federal Register** on November 30, 1987 (52 FR 45512).

The company claims that the Department used the standard automobile classification in making its determination rather than the high or standard/lower luxury automobile classification.

Workers at the Buick, Oldsmobile, Cadillac (BOC) Orion and BOC Wentzville Assembly Centers produce mainly C-body type cars.

On reconsideration, the Department found that General Motors' C-body cars link the upper standard and lower luxury class of cars by virtue of the base price factor. Further, proper consideration of the price factor indicates that the classification of cars like and directly competititve with C-body cars is the same as that used by the Department in certifying workers at General Motors' Clark Sreet plant in Detroit, Michigan which manufactures other upper standard/lower luxury cars (TA–W–20,050).

The investigation revealed that sales and production of General Motors standard/lower luxury automobiles declined absolutely during the first three quarters of model year (MY) 1987 compared to the same period in MY 1986. Employment at the BOC Orion Township and the BOC Wentzville Assembly Centers declined from MY 1986 to MY 1987.

The market share of General Motors standard/lower luxury models declined during the first three quarters of MY 1987 compared to the same period of MY 1986. The overwhelming majority of General Motors' market share loss was captured by the foreign automobile segment. The market share of imported automobiles that are competitive with General Motors' standard/lower luxury cars increased both in MY 1986 and in the first three quarters of MY 1987 compared to the corresponding periods one year earlier.

Conclusion

After careful review of the additional facts obtained on reconsideration, it is concluded that increased imports of articles like or directly competitive with standard/lower luxury automobiles produced at General Motors' BOC Orion Assembly Center, Orion Township, Michigan and BOC Wentzville Assembly Center, Wentzville, Missouri contributed importantly to the decline in sales or production and to the total or partial separation of workers at the subject locations. In accordance with the provisions of the Act, I make the following revised determinations:

All workers of the BOC Orion Assembly Center, Orion Township, Michigan and BOC Wentzville Assembly Center Wentzville, Missouri of General Motors Corporation who became totally or partially separated from employment on or after July 16, 1986 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 4th day of December 1987.

Roberto O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 87–28500 Filed 12–10–87; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–20,019]

National Standard, Niles, MI; Negative Determination Regarding Application for Reconsideration

By an application dated October 27, 1987, the Company requested administrative reconsideration of the Department's negative determination on the subject petition for trade adjustment assistance for workers at National Standard, Niles, Michigan. The denial notice was signed on October 15, 1987 and published in the **Federal Register** on October 27, 1987 (52 FR 41336). Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The company states that the workers who sought adjustment assistance were terminated on or before March 1, 1987; however, the Department's denial is based on the transfer of company production from Niles, Michigan to Mount Joy, Pennsylvania. The company states that the production transfer did not occur until August 1987, some months after the employment reductions. It is claimed that imports of wire and tires which contain wire that was manufactured overseas affected production, sales and employment at the Niles plant.

Workers at National Standards, Niles, Michigan produce alloy wire and carbon steel wire.

The basis of the Department's denial was not the transfer of production from the Neils plant to the Mount Joy plant. Investigation findings show that the increased import criterion of the Group Eligibility Requirements of the Trade Ace was not met in 1986 or in the first quarter of 1987 for alloy wire.

Concerning carbon steel wire, the findings show that the "contributed importantly" test of the increased import criterion was not met in 1986. The Department's survey showed that customers accounting for a major share of carbon steel wire purchases from National Standard decreased their import purchases in 1986 compared to 1985. Investigation findings also show that the Niles plant had increased production of carbon steel wire in the first half of 1987 compared to the same period in 1986. Corporate sales of carbon steel wire did not decrease in quantity in fiscal year (FY) 1986 compared to FY 1985 or in FY 1987 compared to FY 1986.

Imported finished articles like steek belted tires incorporating component parts like carbon steel wire would not serve as a basis for certification. This issue was addressed in *United Shoe Workers of America, AFL–CIO* v. *Bedell*, 506 F 2d 174, (D.C. Circ. 1974). The court held that imported finished women's shoes were not like or directly competitive with shoe counters. Similarly, carbon steel wire cannot be considered as like or directly competitive with steel belted tires incorporating the steel. Section 222(3) of the Trade Act states that there must be increased imports of articles that are like or directly competitive with those produced at the workers' firm.

Conclusion

After review of the application and investigative findings, I conclude that

VOL
52
ISS
238
DE
11
1987
UMI

there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 3rd day of December 1987.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 87-28501 Filed 12-10-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-20,036]

Tru-Weld Grating, Inc., Pittsburgh, PA; Negative Determination Regarding Application for Reconsideration

By an application dated November 11, 1987, the Industrial Union of Marine and Shipbuilding Workers of America requested administrative reconsideration of the Department's negative determination on the subject petition for trade adjustment assistance for workers at Tru-Weld Grating, Inc., Pittsburgh, Pennsylvania. The denial notice was signed on October 15, 1987 and published in the Federal Register on October 27, 1987 (52 FR 41336).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The union claims that the company under reported its company imports of grating from Canada in 1987 as well as imports from other Canadian manufacturers since the shutdown of its Pittsburgh (Neville Island) facility.

Workers at Tru-Weld Grating in Pittsburgh produced steel grating mainly for the construction industry.

In order for a worker group to be certified eligible to apply for adjustment assistance it must meet all three criteria of the Group Eligibility Requirements of the Trade Act of 1974. Investigative findings show that the decreased sales and production criterion was not met in 1986. Sales and production of steel grating increased in 1986 compared to 1985. Because of a strike which began on February 9, 1987, the Department can only use the first five weeks on 1987 to determine whether imports of grating contributed importantly to worker separations. The findings show that the decreased employment criterion was not met for this period as there were no layoffs in 1987 prior to the strike.

The Pittsburgh facility is a leased facility with the lease running out in mid-1988. The company was informed before the strike that the lease would not be renewed. Company officials indicated that they closed the plant on March 20, 1987 when the union refused to bargain and all production was transferred to the Litchfield, Illinois plant. A domestic transfer of production would not form a basis for certification. The company is building a new grating plant in Meadeville, Pennsylvania which is scheduled to open in mid-1988.

Official company data show that company imports continued to be small in the first seven months of 1987 compared to the same period in 1986. However, any imports after February 9, 1987 would not form a basis for certification since the workers had voluntarily separated themselves from employment.

Conclusion

After reveiw of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 3rd day of December 1987.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 87-28502 Filed 12-10-87; 8:45 am]

BILLING CODE 4510-30-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-440]

The Cleveland Electric Illuminating Co., et al.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-58, issued to The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company (the licensees), for operation of the Perry Nuclear Power Plant, Unit No. 1, located in Lake County, Ohio.

The amendment would delete the provisions in the Technical Specifications relating to the Main Steam Isolation Valve (MSIV) Leakage Control System (LCS) (Sections 3.6.1.4 and 4.6.1.4 and related bases). The amendment would also revise the leakage criteria for primary containment allowable leakage through the main steam lines from less than or equal to 25 standard cubic feet per hour (SCFH) for any one main steam line (there are four main steam lines total) to less than or equal to 100 SCFH for all main steam lines in accordance with the licensees' application for amendment dated September 18, 1987.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By January 11, 1988, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should

also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Martin J. Virgilio: (petitioner's name and telephone number); (date Petition was mailed); (plant name); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037, attorney for The Cleveland Electric Illuminating Company.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 18, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Dated at Bethesda, Maryland, this 7th day of December, 1987.

For The Nuclear Regulatory Commission.

Timothy G. Colburn,

Project Manager, Project Directorate III-1, Division of Reactor Projects-III, IV, V & Special Projects.

[FR Doc. 87-28522 Filed 12-10-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority, (Sequoyah Nuclear Plant, Units 1 and 2); Exemption

I

The Tennessee Valley Authority (the licensee) is the holder of Facility Operating Licenses No. DPR-77 and DPR-79 which authorize operation of the Sequoyah Nuclear Plant, Units 1 and 2, respecively. These licenses provide that, among other things, the facility is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

The Sequoyah facility consists of two pressurized water reactors located at the licensee's site in Hamilton County, Tennessee.

II

General Design Criterion (GDC) 55 of Appendix A to 10 CFR Part 50 requires that each reactor coolant pressure boundary line penetrating the primary reactor containment be provided with containment isolation valves. The combination of valves is to be one inside and one outside containment and either automatic or locked closed. The GDC does allow for a demonstration of acceptability for a specific class of lines on some other defined basis.

As part of the original design of Sequoyah Nuclear Plant Units 1 and 2, TVA relied upon certain closed systems as the outside containment isolation barrier to meet the Commission's regulations, specifically GDC-55 and 56, on some "other defined basis." The NRC staff issued NUREG-0011, dated March 1979, which documents the acceptability of TVA's compliance with the GDC; however, the staff did not specifically address the acceptability of an "other defined basis" for any containment isolation configurations.

Subsequent to the development of the TMI Action Plan, NRC staff policy has been established that closed systems outside containment are not generally acceptable as an isolation barrier for lines covered by GDC 55 and 56.

As a result of an NRC staff inspection conducted at Sequoyah in March 1986, apparent discrepancies in system compliance with the containment isolation requirements were identified. These findings led to a general reassessment of the containment isolation design and the "other defined basis" assumptions made for the Sequoyah Nuclear Plant, Units 1 and 2.

Subsequent to discussions with TVA, by letter dated January 2, 1987 TVA redesignated certain existing system line isolation vales as containment isolation valves. The Commission's requirements, however, could not be met in every isolated case. In most of the cases evaluated, the explicit requirements of GDC 55 or 56 could be satisfied by valve redesignation, thereby imposing them to the associated operability, suveillance, and testing requirements. For these cases where the staff requirements could not be met, TVA has requested an exemption from the GDC. This exemption addresses the Sequoyah Nuclear Plant, Units 1 and 2, containment isolation valves in the four Reactor Coolant Pump (RCP) Seal Injection Lines.

By letter dated January 23, 1987, the licensee requested an exemption to GDC 55 for the four RCP seal water injection lines. The exemption is needed because the containment isolation provisions for each RCP seal injection line consists of a check valve inside containment and a local manual glove valve outside containment. The local manual glove valves are located in the supply header feeding the seal injection lines. In summary, an exemption has been requested because the local manual globe valves are not locked closed nor are they automatic isolation valves, and therefore, do not meet specific valve

VOL 52 ISS 238 DEC 11 1987 UMI

type requirements of 10 CFR Part 50, Appendix A, GDC 55.

As justification for the exemption the licensee stated that it was desirable, for certain transient and accidents, that the RCP seal injection lines remain in service to protect the RCP seals, and thus these lines should not be automatically isolated, or locked closed.

The licensee has stated that in addition to the inboard check valves and the outboard local manual valves, there are other isolation barriers that provide protection against leakage to the environment from these penetrations. First, the system outside containment is a closed system designed to seismic Category 1 standards and meets at least Safety Class 2 design requirements. Secondly, these lines are in service under normal, transient, and accident conditions, with at least one centrifugal charging pump providing a water seal at a pressure sufficient to preclude containment atmosphere leakage. NRC staff recognizes that both the water seal and the closed system outside containment, in these circumstances, are equivalent to a valve as isolation barriers since each of these barriers can withstand a single active failure.

Based on the above considerations, the staff concludes that the proposed containment isolation provisions for the RCP seal water injection lines, with the existing containment isolation valves, are adequate and that an exemption from the requirements of GDC 55 should be granted for the RCP seal injection lines. The NRC staff notes that application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule since the Sequoyah Nuclear Plant, Units 1 and 2 design provides a check valve inside containment and a local manual valve for the lines outside containment combined with both a closed system and continuous water seal at a pressure sufficient to preclude containment atmospheric leakage.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption—namely, that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule in that the licensee's design provides two redundant means of isolation, with a check valve inside containment and a local manual valve outside containment combined with a closed system and a water seal at a sufficent pressure to preclude containment atmospheric leakage.

The Commission hereby grants an exemption from the valve type requirements of GDC 55 of Appendix A to 10 CFR Part 50 to the licensee for operation of the Sequoyah Nuclear Plant, Units 1 and 2, in that the RCP seal injection lines can be isolated using a check valve inside containment and a local manual globe valve outside containment.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will have no significant impact on the environment (52 FR 5220, February 19, 1987; 52 FR 6250, March 2, 1987).

For further details with respect to this action, see the request for exemption dated January 23, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

This exemption is effective upon issuance.

Dated At Bethesda, Maryland, this 4th day of December, 1987.

For the Nuclear Regulatory Commission.

Jane A. Axelrad,

Acting Director, Office of Special Projects.

[FR Doc. 87-28523 Filed 12-10-87; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-16158 (813-80)]

Application; Prudential-Bache Capital Partners I, L.P. et al.

Date: December 7, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 ("1940 Act").

Applicants: Prudential-Bache Capital Partners I, L.P. ("Partnership") and Prudential-Bache Partners Inc. ("General Partner").

Relevant 1940 Act Sections: Order sought under: (i) Sections 6(b) and 6(e) granting various exemptions; (ii) Section 17(b) granting exemption from Section 17(a); (iii) Section 17(d) and Rule 17d-1 permitting certain joint transactions; and (iv) Section 45(a) granting confidential treatment.

Summary of Application: Applicants seek an order to permit the Partnership and each successive partnership to operate as an employees' securities company within the meaning of section 2(a)(13) of the 1940 Act, granting exemption from all provisions of the 1940 Act (except sections 9, 36 and 37, certain provisions of sections 17 and 30, and certain rules and regulations thereunder), permitting certain affiliated and joint transactions, and granting confidential treatment to certain documents.

Filing Dates: The application was filed on June 15, 1987, and amended on October 28, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on December 29, 1987. Request a hearing in writing, giving the nature of your interest, the reasons for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for attorneys, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549; Applicants, c/o William J. Foster, IV, Esq., Hertzog, Calamari & Gleason, 100 Park Avenue, New York, New York 10017.

FOR FURTHER INFORMATION CONTACT: Thomas Mira, Staff Attorney, (202) 272-3033, or Brion R. Thompson, Special Counsel (202) 272-3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's Commercial Copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicants' Representations

1. The Partnership is a Delaware limited partnership formed as an "employees' securities company" within the meaning of section 2(a)(13) of the 1940 Act. The General Partner, Prudential-Bache Partners Inc., is a Nevada corporation. The limited partners ("Limited Partners") who will invest in the Partnership will be restricted to senior employees of Prudential-Bache Securities Inc. ("Prudential-Bache"), a registered broker-dealer which, with its affiliates, is engaged in various facets of the investment banking, securities, and commodities businesses.

2. Prudential-Bache will establish successive limited partnerships annually ("Subsequent Partnerships") that will be similar to the Partnership (collectively, "Partnerships"). As is the case with the Partnership, each Subsequent Partnership will be a closed-end, non-diversified, management investment company and will be subject to the same terms and conditions to which the existing Partnership will be subject under the requested order.

3. Each Subsequent Partnership will also be an "employees' securities company" within the meaning of section 2(a)(13) of the 1940 Act, inasmuch as participation in all the Subsequent Partnership will be limited to highly compensated, key employees of Prudential-Bache. Further, (a) Limited Partner participants in the Partnerships, in addition to being experienced professionals in the investment banking and securities businesses, or in administrative, financial and accounting, legal or operational activities related thereto, will be sophisticated investors able to fend for themselves without benefit of regulatory safeguards; (b) all Limited Partners will understand that (i) interest in the Partnerships will be sold under a claim of exemption under section 4(2) of Securities Act of 1933 ("1933 Act"), and thus, are offered without registration under the 1933 Act and the protections afforded by that law, and (ii) although registered under the 1940 Act, the Partnerships will be exempt from most provisions of the 1940 Act; (c) with limited exceptions, Limited Partners will further be required to meet the "accredited investors" standard of Regulation D under the 1933 Act and, in any case, will have had a minimum income in the past year of $150,000 and expectations of income in excess of $150,000 in the present year; (d) a substantial community of economic and other interests exists among Prudential-Bache and the Limited Partners which obviates the need for investors protection under the 1940 Act; and (e) the Partnerships were conceived and will be organized and promoted by persons who will themselves be investing in the Partnerships rather than by persons seeking to profit from fees for investment advice or from the distribution of securities.

4. The Partnerships will enable key employees of Prudential-Bache to pool their investment resources and to receive the benefit of certain investment opportunities that come to the attention of Prudential-Bache and its affiliates, including Prudential-Bache Interfunding Inc. ("PBIF"). Prudential-Bache, the General Partner and PBIF are wholly-owned subsidiaries of Prudential Securities Group Inc. ("PSG"), a Deleware corporation which in turn, is an indirect subsidiary of The Prudential Insurance Company of America.

5. The management of the Partnerships will be exclusively vested in the General Partner. The directors and principal officers of the General Partner are directors or officers of Prudential-Bache and are eligible to be Limited Partners. However, certain members of a committee, established by the General Partner's Board of Directors for the purpose of exercising independent judgment in supervising certain investment-related decisions of the Partnerships ("Corporate Governance Committee"), will be directors and principal officers of Prudential-Bache but will not be permitted to be Limited Partners.

6. The General Partner will receive no compensation for its services although it may be reimbursed for out-of-pocket expenses incurred by it or its directors and officers in connection with the sale or liquidation of Partnership investments. The General Partner will bear all other expenses in connection with the organization and ordinary operations of the Partnerships, including all legal and accounting fees and all overhead and administrative expenses. In addition, the General Partner will make a capital contribution equal to one ninety-ninth (1/99th) of the aggregate contributions of the Limited Partners and PSG has agreed to lend to the initial Partnership an aggregate amount equal to 400% of the total capital contributions of the Limited Partners to provide funding for Partnership investments. The Limited Partners will be fully informed of the exact terms of the loans including the interest rate and the manner of payment.

7. The investment objective of the Partnership is to permit the Limited Partners to realize capital appreciation through investments in transactions commonly referred to as "leveraged" or "management" buyouts ("Buyouts") that are structured by PBIF ("PBIF Investments"), and through a wide range of other speculative investments originated by persons other than PBIF ("Non-PBIF Investments"). PBIF, a newly organized corporation, has been formed by the General Partner's parent company, PSG, among other things, for the purpose of acting as principal in Buyouts and to syndicate a substantial portion of such investments to affiliated or non-affiliated investor groups.

8. The Partnership will acquire PBIF Investments at the Partnership's proportionate share of PBIF's cost of such investments without any fee or profit to PBIF. The Partnership's cost of Non-PBIF Investments acquired from Prudential-Bache or its other affiliates will be on the same basis as PBIF Investments. In all cases where affiliates of Prudential-Bache or the Partnership are also investors, the cost to the Partnership of such investment must be approved by the Corporate Governance Committee. The Partnership will invest in all PBIF Investments until it has invested at least 50% of the Partnership's capital contributions and the loans to be made in connection therewith in such PBIF Investments, subject to a waiver by the Corporate Governance Committee. The balance of up to 50% of the Partnership's assets will be invested in Non-PBIF Investments, which will consist of speculative investments in equity and equity-related transactions.

9. As provided in the Partnership Agreement, a Limited Partner's interest in the Partnership is non-transferable except with the express consent of the General Partner and it is not intended that the General Partner will consent to transfers to persons other than members of the transferor's immediate family, to one or more Limited Partners, or to the General Partner. Upon the death of a Limited Partner, or his becoming incompetent or bankrupt, his estate or legal representatives will succeed to his interest as an assignee or, with the consent of the General Partner, may become a Limited Partner on the same terms. Upon a Limited Partner ceasing for any other reason to be employed by Prudential-Bache within five full years after the closing date of Limited Partner interests, the General Partner has the irrevocable right and option to purchase for its own account a portion of the Limited Partner's interest at its original cost (the amount of such interest subject to purchase is based upon the length of time that such Limited Partner has been employed by Prudential-Bache) for cash or by delivery of the General Partner's interest bearing promissory note.

10. Each Limited Partner will receive annual financial statements examined by independent certified public accountants and a report setting forth information with respect to such Limited Partner's distributive share of income, gains, losses, credits and other items for Federal and state income tax purposes.

VOL 52 ISS 238 DEC 11 1987 UMI

11. Applicants request exemption from all provisions of the 1940 Act except (a) sections 9, 36 and 37, (b) certain provisions of sections 17 and 30, (c) the sections of the 1940 Act necessary to implement sections 9, 36 and 37 and the applicable provisions of sections 17 and 30, (d) the administrative and jurisdictional sections necessary to enforce compliance with the terms of the order sought, and (e) such other provisions as the SEC may consider appropriate, as set forth below.

12. Applicants request all exemption from section 17(a) of the 1940 Act, to the extent necessary, to permit Prudential-Bache or its affiliates to engage in any transaction as principal with the Partnership in addition to transactions as agent. This exemption is requested to permit the Partnerships to (a) invest, as appropriate, in securities of companies or other investment vehicles offered by PBIF, Prudential-Bache, or any other affiliated company or partnership on a principal basis and to purchase or sell securities or investments in such entities through Prudential-Bache, or an affiliate, as agent; (b) purchase interests or property in, or lend money to, a company or other investment vehicle in which PBIF, Prudential-Bache, an affiliated company or partnership, or individual directors, officers, or employees of Prudential-Bache already own 5% or more of the voting securities of such company or investment vehicle, or where such company or investment vehicle is otherwise affiliated with Prudential-Bache or a Partnership (including through a Partnership's ownership of 5% or more of the voting securities of such entity); (c) sell, put or tender, or grant options in securities or interests in a company or other investment vehicle back to such entity, where that entity is affiliated with PBIF, Prudential-Bache, an affiliated company or partnership, individual directors, officers or employees of Prudential-Bache otherwise than as a result of the Partnership's ownership of voting securities; (d) participate as a selling security holder in a public offering that is underwritten by Prudential-Bache or an affiliate or in which Prudential-Bache or an affiliate acts as a member of the underwriting or selling group; and (e) make short term temporary investments where such investments will be purchased from, and sold to, Prudential-Bache or an affiliate thereof. Applicants represent that these transactions will only be effected upon a determination by the Corporate Governance Committee of the General Partner that the terms of the transaction (including the consideration to paid or received) are reasonable and fair to the Limited Partners of the Partnerships and to the Partnerships involved in the transactions and do not involve overreaching on the part of any person concerned.

13. Applicants also request an order under section 17(d) of the 1940 Act and Rule 17d–1 thereunder to permit the Partnerships to engage in transactions in which affiliated persons of the Partnerships may also be participants. Applicants state that such order is necessary in view of the fact that the investment objectives of the Partnerships will require that the Partnerships invest at least 50% of their capital contributions and the loans to be made in connection therewith in PBIF Investments. Applicants also state that the Partnerships expect that the balance of up to 50% of the Partnerships' investments will be in the Non-PBIF Investments that nonetheless may involve transactions and investments in which affiliates of the General Partner, other than PBIF, may be participants. Applicants contend that to permit investments with PBIF and other affiliates will not lead to disadvantageous treatment of the Partnership because Prudential-Bache, in addition to its substantial indirect financial stake in the Partnerships, will be acutely concerned with its relationship with, and the welfare of, the key employees who invest in the Partnerships. Applicants undertake that with respect to PBIF Investments and Non-PBIF Investment in which an affiliate of the General Partner is also a participant, the General Partner will approve the cost to the Partnership of such investments, for fairness and adequacy, and to assure against overreaching. Applicants agree that any order issued by the SEC shall require the General Partner to observe the standards prescribed in sections 9, 36, 37 and 57(f)(3) of the 1940 Act. Applicants also request limited exemptions from sections 17(f), 17(g) and 17(j) of the 1940 Act and Rules 17f–1, 17g–1 and 17j–1, thereunder.

14. Applicants also seek exemption from sections 30(a), 30(b) and 30(d) of the 1940 Act and the rules thereunder, which would require the Partnerships to mail to the Limited Partners and file with the SEC certain periodic reports and financial statements, to permit each Partnership to report annually to the Limited Partners. The forms prescribed by the SEC for periodic reports have little relevance to the Partnerships and would entail administrative and legal costs that outweight any benefit to the Limited Partners. In addition, because interests in the Partnerships would not be available to the public, the purposes intended to be served by sections 30(a) and 30(b) are not relevant to the Partnerships. Applicants undertake that each Partnership will file with the SEC a copy of the financial statements and reports required to be provided annually to the Limited Partners pursuant to the Partnership Agreement. Applicants further request that such filings and any other of its filings with the SEC under section 30 be afforded confidential treatment under section 45(a) of the 1940 Act. Confidential treatment is requested because there will be no public trading in interests of the Partnerships and the Limited Partners, who are the only people with a legitimate interest in such information, would receive that information.

15. Applicants further request exemption from the filing requirements of section 30(f) for the officers, directors or members of the advisory board of a Partnership. Because no trading market for any Partnership interests will exist and transferability of the interests will be severely restricted, the purposes intended by this section would not be served.

Applicants' Legal Conclusions

1. Applicants submit that the exemptions requested pursuant to sections 6(b) and 6(e) of the 1940 Act are consistent with the protection of investors. Applicants also submit that the terms of the proposed affiliated transactions are reasonable and fair and free from overreaching, and are consistent with the policy of each registered investment company concerned. In addition, Applicants assert that the participation of each Partnership will not be on a basis less advantageous than that of any other participant. Finally, Applicants argue that public disclosure of the documents for which confidential treatment has been requested is neither necessary nor appropriate in the public interest or the protection of investors. In support of these contentions, Applicants cite the nature of the Partnerships as employees' securities companies under the 1940 Act and their intended manner of operation. Applicants also point out that because the Partnerships will be managed by individuals who are also Limited Partners, a substantial community of interest will exist between the management of each Partnership and the Limited Partners, which obviates the need for the protections provided by the 1940 Act.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–28551 Filed 12–10–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–16160; File No. 812–6909]

Application; Russell Insurance Funds, Inc.

December 7, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicant: Russell Insurance Funds, Inc.

Relevant 1940 Act Sections: Exemption requested under section 6(c) from sections 9(a), 13(a), 15(a), and 15(b) and Rules 6e–2(b)(15) and 6e–3(T)(b)(15).

Summary of Application: Applicant requests an exemption permitting it to offer its shares to a class of life insurers ("Participating Insurance Companies") in connection with variable annuity contracts and variable life insurance policies offered by the Participating Insurance Companies. Such Participating Insurance Companies may or may not be affiliated with each other.

Filing Date: The application was filed on October 21, 1987.

Hearing or Notification: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any request must be received by the SEC no later than 5:30 p.m., on January 2, 1988. Request a hearing in writing, giving the nature of your interest, the reasons for the request, and the issues you contest. Applicant should be served with a copy of the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for attorneys, by certificate. Notification of the date of a hearing should be requested by writing to the Secretary of the SEC.

ADDRESS: Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Russell Insurance Funds, Inc., 1201 Pacific Avenue, Tacoma, Washington 98402.

FOR FURTHER INFORMATION CONTACT: Jeffrey M. Ulness, Attorney, at (202) 272–2026, or Lewis B. Reich, Special Counsel, (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's Commercial Copier at (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1. Applicant is registered under the 1940 Act as an open end diversified management investment company of the series type. It presently proposes to maintain five Portfolios (Series): Multi-Style Equity Fund series, Aggressive Equity Fund series, Non-U.S. Fund series, Short-Intermediate Fixed Income Fund series and Money Market Liquidity Fund series.

2. Applicant proposes to offer its shares to the separate accounts of Participating Insurance Companies which issue either variable annuity contracts or scheduled or flexible premium variable life insurance contracts (together, "variable life insurance"). The use of a common investment management company as the investment medium of both variable annuities and variable life insurance is referred to herein as "mixed funding." The use of a common investment management company as the investment medium for separate accounts of unaffiliated insurance companies is referred to herein as "shared funding."

3. Rules 6e–2 and 6e–3(T) under the Act provide certain exemptions from the Act in order to permit insurance company separate accounts to issue variable life insurance. Rule 6e–2(b)(15), however, precludes both mixed and shared funding and Rule 6e–3(T)(b)(15) precludes share funding. Applicant requests exemptive relief to the extent necessary to permit its shares to be sold for mixed funding and shared funding. Applicant requests exemptive relief extending to a class consisting of life insurers and variable life separate accounts investing in Applicant (and principal underwriters and depositors of those separate accounts) which would otherwise be precluded from investing in Applicant by virtue of Applicant's offering its shares to variable annuity separate accounts or unaffiliated separate accounts.

4. Applicant asserts that granting its request for relief to engage in mixed and shared funding will benefit variable contract owners by: (1) Eliminating a significant portion of the costs of establishing and administering separate funds; (2) allowing for the development of larger pools of assets resulting in greater cost efficiencies; and (3) encouraging more insurance companies to offer variable contracts, which should result in increased competition and lower contract charges. Applicant asserts that the Portfolios will not be managed to favor or disfavor any particular insurer or type of insurance product.

Disqualification

5. Applicant request relief from section 9(a) and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) to the extent necessary to permit mixed and shared funding, *viz.* that the relief granted by paragraph (b)(15) of Rules 6e–2 and 6e–3(T) from section 9(a) be extended to Participating Insurance Companies and variable life separate accounts which may use applicant as an investment medium to fund variable life insurance contracts, subject to the conditions regarding conflicts set out below.

6. In support of its request, Applicant asserts that the same policies that led the Commission to limit the provisions of section 9(a) to those employees of an insurance company engaged in managing the separate account are applicable to insurance companies and their separate accounts that are funded by a fund offering mixed and shared funding. Thus, Applicant argues that it would serve no regulatory purpose to apply the provisions of section 9(a) to the many employees of the Participating Insurance Companies whose separate accounts may utilize Applicant as a funding medium for variable life insurance contracts. Moreover, Applicant submits that applying the requirements of section 9(a) in such cases would increase the costs of monitoring for compliance with that section, which would reduce the net rates of return realized by contractowners. Under the relief requested, Section 9 would still apply to those employees managing the separate account and would thus insulate Applicant from those individuals who should remain disqualified under the Act.

Voting

7. Applicant requests relief from sections 13(a), 15(a), and 15(b) of the Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder to the extent necessary to permit mixed and shared funding; *viz.* that the relief granted by paragraph (b)(15) of Rules 6e–2 and 6e–3(T) from sections 13(a), 15(a) and 15(b) be extended to the Participating Insurance Companies and their variable life separate accounts which use Applicant as an investment medium to fund variable life contracts subject to the conditions regarding conflicts set out below.

8. In support of this request for relief, Applicant states that all variable

VOL 52 ISS 238 DEC 11 1987 UMI

annuity and variable life contract owners will be provided pass-through voting rights with respect to shares of the Applicant. Because paragraphs (b)(15) of both Rule 6e–2 and Rule 6e–3(T) permit the insurance company to disregard these voting instructions in certain limited circumstances, Applicant acknowledges that this may cause an irreconcilable conflict of interest to develop among the separate accounts. Applicant proposes to resolve these potential conflicts through certain undertakings it proposes as conditions to receipt of exemptive relief set out below. Thus, according to Applicant, if a particular Participating Insurance Company's disregard of voting instructions conflicted with the voting instructions of a majority of the contractowners, or precluded a majority vote, the insurer may be required, at Applicant's election, to withdraw its separate account's investment in Applicant. The Participating Insurance Companies will vote shares for which they have not received voting instructions, as well as shares attributable to them, in the same proportion as they vote shares for which they have received instructions.

Applicant's Conditions

Applicant states that it will comply with the following conditions:

1. A majority of the Board of Directors of Applicant ("Board") shall consist of persons who are not interested persons of Applicant, as defined by the 1940 Act.

2. The Board will monitor Applicant for the existence of any material irreconcilable conflict between the interests of the contractowners of all separate accounts investing in Applicant. An irreconcilable material conflict may arise for a variety of reasons, including: (a) An action by any state insurance regulatory authority; (b) a change in applicable federal or state insurance tax, or securities laws or regulations, or a public ruling, private letter ruling, or any similar action by insurance, tax, or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of any Portfolio are being managed; (e) a difference in voting instructions given by variable annuity contractowners and variable life insurance contractowners or by contractowners of different Participating Insurance Companies; or (f) a decision by an insurer to disregard the voting instructions of contractowners.

3. Participating Insurance Companies and the Investment Adviser will report any potential or existing conflicts to Applicant's Board. Participating Insurance Companies will be responsible for assisting the Board in carrying out its responsibilities by providing the Board with all information reasonably necessary for the Board to consider any issues raised including information as to a decision by an insurer to disregard voting instructions of contractowners. The responsibility to report such information and conflicts and to assist the Board will be contractual obligations of all insurers investing in Applicant under their agreements governing participation in Applicant.

4. If it is determined by a majority of the Board of Applicant or a majority of its disinterested trustees that a material irreconcilable conflict exists, the relevant Participating Insurance Companies shall, at their expense, take whatever steps are necessary to remedy or eliminate the irreconcilable material conflict, which steps could include: (a) Withdrawing the assets allocable to some or all of the separate accounts from Applicant or any Series (Portfolio) and reinvesting such assets in a different investment medium, including another Portfolio of Applicant, or submitting the question of whether such segregation should be implemented to a vote of all affected contractowners and, as appropriate, segregating the assets of any particular group (i.e. annuity contractowners, life insurance contractowners, or variable contractowners of one or more Participating Insurance Companies) that votes in favor of such segregation, or offering to the affected contractowners the option of making such a change; and (b) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of a Participating Insurance Company's decision to disregard contractowner voting instructions and that decision represents a minority position or would preclude a majority vote, the Participating Insurance Company may be required, at Applicant's election, to withdraw its separate account's investment in Applicant, and no charge or penalty will be imposed against a separate account as a result of such a withdrawal. The responsibility to take remedial action in the event of a Board determination of an irreconcilable material conflict and to bear the cost of such remedial action shall be a contractual obligation of all Participating Insurance Companies under their agreements governing participation in Applicant and those responsibilities will be carried out with a view only to the interests of their contractowners. For purposes of this condition 4, a majority of the disinterested members of the Board shall determine whether or not any proposed action adequately remedies any irreconcilable conflict, but in no event will Applicant be required to establish a new funding medium for any variable contract. No Participating Insurance Company shall be required by this condition 4 to establish a new funding medium for any variable contract if an offer to do so has been declined by vote of a majority of affected contractowners.

5. The Board's determination of the existence of an irreconcilable material conflict and its implications shall be made known promptly to all Participating Insurance Companies.

6. Participating Insurance Companies shall provide pass-through voting privileges to all variable contractowners so long as the Commission continues to interpret the Act to require pass-through voting privileges for variable contractowners. Participating Insurance Companies shall be responsible for assuring that each of their separate accounts participating in Applicant calculates voting privileges in a manner consistent with other Participating Insurance Companies. The obligation to calculate voting privileges in a manner consistent with all other separate accounts investing in Applicant shall be a contractual obligation of all present and future Participating Insurance Companies under their agreements governing participation in Applicant. Participating Insurance Companies will vote shares for which they have not received voting instructions, as well as shares attributable to them, in the same proportion as they vote shares for which they have received instructions.

7. All reports received by the Board of potential or existing conflicts, determining the existence of a conflict, notifying Participating Insurance Companies of a conflict, and determining whether any proposed action adequately remedied a conflict, will be properly recorded in the minutes of the Board or other appropiate records, and such minutes or other records shall be made available to the Commission upon request.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–28552 Filed 12–10–87; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2295; Amdt. #1]

Declaration of Disaster Loan Area; Texas

The above-numbered Declaration (52 FR 45702) is hereby amended in accordance with the Notice of Amendment to the President's declaration, dated November 23, 1987, to include the Counties of Burleson, Lee, Panola, Shelby, Smith, and Upshur in the State of Texas because of damage from severe storms and tornadoes on November 15–16, 1987. All other information remains the same; i.e., the termination date for filing applications for physical damage is the close of business on January 21, 1988, and for economic injury until the close of business on August 22, 1988.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Date: November 27, 1987.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 87–28416 Filed 12–10–87; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM–6/1138]

Oceans and International Environmental and Scientific Affairs Advisory Committee; Partially Closed Meeting

The Antarctic Section of the Oceans and International Environmental and Scientific Affairs Advisory Committee will meet at 2:00 PM, Thursday, January 7, 1988, in Room 1205, and Thursday, February 25, 1988, in Room 1408, Department of State, 22nd and C Streets NW., Washington, DC.

At these meetings, officers responsible for Antarctic affairs in the Department of State will discuss key issues and problems involving the Antarctic in the context of current domestic and international developments. These sessions will be open to the public. The public will be admitted to the session to the limits of seating capacity and will be given the opportunity to participate in discussion according to the instructions of the Chairman. As access to the Department of State is controlled, person wishing to attend the meetings should enter the Department through the Diplomatic (C Street) Entrance. Department officials will be at the Diplomatic Entrance to escort attendees.

The Antarctic Section of the Oceans and International Environmental and Scientific Affairs Advisory Committee will also meet on Friday, January 8, and Friday, February 26, 1988, in Room 1205, Department of State, 22nd and C Streets NW., in sessions that will not be open to the public. As these sessions will include discussion of classified material, they have been closed pursuant to section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b (c)(1) and 5 U.S.C. 552b (c)(9)(B). The disclosure of classified material and revelation of considerations which go into policy development would substantially undermine and frustrate the U.S. position in future negotiations. The purpose of these discussions will be to elicit views concerning the further development of United States policy regarding Antarctic resources, particularly Antarctic mineral resources. This portion of the meeting will include classified briefings and examination and discussion of classified documents pursuant to Executive Order 12356.

Requests for further information on the meetings should be directed to R. Tucker Scully of OES/OPA, Room 5801, Department of State. He may be reached by telephone on (202) 647–3262.

Richard J. Smith,

Acting Chairman.

[FR Doc. 87–28414 Filed 12–10–87; 8:45 am]

BILLING CODE 4710-09-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–49]

Unfair Trade Practices; Brazil's Informatics Policy

ACTION: Supplemental request for public comment on possible U.S. actions in response to certain Brazilian unfair trade practices.

SUMMARY: This notice provides additional information regarding the public hearings to be held on possible trade sanctions against Brazil, specifies contacts for further information, and lists products under consideration for increased duties or other import restrictions in terms of the Harmonized System tariff nomenclature.

Background: This notice supplements information given earlier (52 FR 44939), which announced public hearings on possible sanctions in the Brazil informatics section 301 case.

Public Hearings: Remarks at the public hearings on December 18, 1987, will be limited to no more than 5 minutes, to accommodate all interested parties (not 10 minutes as stated in the prior notice at 52 FR 44939).

If the number of parties giving oral testimony warrants, hearings may begin on December 17 and continue on December 18. The deadline for notifying the Office of the U.S. Trade Representative of intent to give oral testimony is December 10; parties testifying will be notified soon thereafter of the date of their testimony.

Contacts for Further Information: General questions about products under consideration for increased duties should be directed to Joseph Damond, U.S. Department of Commerce, (202) 377–2831; questions about informatics products in particular should be directed to R. Clay Woods, U.S. Department of Commerce, (202) 377–3013; questions about the disposition of the informatics section 301 case should be directed to Christina Lund, Director for Brazil and Southern Cone Affairs, Office of the U.S. Trade Representative, (202) 395–5190.

Annex: The annex lists products being considered for increased duties or other import restrictions in terms of the Harmonized System tariff nomenclature. The list represents the best possible conversion of the Annex to the notice at 52 FR 44939, which listed the products in terms of the nomenclature of the current Tariff Schedules of the United States (TSUS). Trade data indicate that the Harmonized System conversion covers virtually the identical products as the TSUS listing. However, because the conversion is not in all cases exact, some differences in precise product coverage may arise. Comments are sought on any product coverage discrepancies created by the conversion of tariff nomenclature.

Judith H. Bello,

Chairman, Section 301 Committee.

BILLING CODE 3190-01-M

ANNEX

Articles, the product of Brazil, classified in the following provisions of the Harmonized Tariff Schedule of the United States (HTSUS) are being considered for increased duties or other import restrictions:

HTSUS or HTSUSA 1/ subheading	Article
	[The bracketed language in this list is included only to clarify the scope of the numbered subheadings which are being considered, and such language is not itself intended to describe articles which are under consideration.]
2707	Oils and other products of the distillation of high temperature coal tar; similar products in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents:
2707.10.00	Benzene
2804	Hydrogen, rare gases and other nonmetals:
	Silicon:
	[Containing by weight not less than 99.99 percent of silicon]
2804.69	Other:
2804.69.10	Containing by weight less than 99.99 percent but not less than 99 percent of silicon
2902	Cyclic hydrocarbons:
2902.20.00	Benzene
2909	Ethers, ether-alcohols, ether-phenols, ether-alcohol-phenols, alcohol peroxides, ether peroxides, ketone peroxides, (whether or not chemically defined), and their halogenated, sulfonated, nitrated or nitrosated derivatives:
2909.30	Aromatic ethers and their halogenated, sulfonated, nitrated or nitrosated derivatives:
	[5-Chloro-2-nitroanisole; 6-chloro-3-nitro-p-dimethoxybenezene; dimethyl diphyenyl ether; decabromodiphenyl oxide; octobromodiphenyl oxide]
	Other:
2909.30.30	Pesticides
2918	Carboxylic acids with additional oxygen function and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulfonated, nitrated or nitrosated derivatives:
	[Carboxylic acids with alcohol function but without other oxygen function, their anhydrides, halides, peroxides, peroxyacids and their derivatives]
	[Carboxylic acids with phenol function but without other oxygen function, their anhydrides, halides, peroxides, peroxyacids and their derivatives]
	[Carboxylic acids with aldehyde or ketone function but without other oxygen function, their anhydrides, halides, peroxides, peroxyacids and their derivatives]
2918.90	Other:
	Aromatic:
	[Articles provided for in subheading 2918.90.05]
	Other:
	Pesticides:
	[Articles provided for in subheading 2918.90.10]
2918.90.20	Other

1/ Proposed Harmonized Tariff Schedule of the United States.

-2-

HTSUS or HTSUSA 1/ subheading	Article
2924	Carboxyamide-function compounds; amide-function compounds of carbonic acid:
	Cyclic amides (including cyclic carbamates) and their derivatives;
	salts thereof:
2924.21	Ureines and their derivatives; salts thereof:
	Aromatic:
	Pesticides:
	[3-(p-Chlorophenyl)-1,1-dimethylurea (Monuron); and 1,1-Dimethyl-3-(, , -trifluoro-m-tolyl) urea (Fuometuron)]
2924.21.15	Other
2924.29	Other:
	Aromatic:
	[Articles provided for in subheadings 2924.29.05 thru 2924.29.14]
	Other:
	Pesticides:
	[Articles provided for in subheading 2924.29.15]
2924.29.19	Other
2926	Nitrile-function compounds:
	[Acrylonitrile; 1-cyanoguanidine (Dicyandiamide)]
2926.90	Other:
	Aromatic:
	[Articles provided for in subheading 2926.90.10]
	Other:
	Pesticides:
	Herbicides:
	[3,5-Dibromo-4-hydroxybenzonitrile (Bromoxynils)]
2926.90.25	Other
2930	Organo-sulfur compounds:
2930.20	Thiocarbamates and dithiocarbamates:
	Aromatic:
2930.20.10	Pesticides
2933	Heterocyclic compounds with nitrogen hetero-atom(s) only; nucleic acids and their salts:
	Compounds containing an unfused pyrazole ring (whether or not hydrogenated) in the structure:
	[Phenazone (Antipyrine) and its derivatives]
2933.19	Other:
	Aromatic or modified aromatic:
	[Articles provided for in subheading 2933.19.10]
	Other:
2933.19.25	Pesticides
	[Compounds containing an unfused imidazole ring (whether or not hydrogenated) in the structure]

1/ Proposed Harmonized Tariff Schedule of the United States.

-3-

HTSUS or HTSUSA 1/ subheading	Article
2933 (con.)	Heterocylic compounds with nitrogen, etc. (con.):
	Compounds containing an unfused pyridine ring (whether or not hydrogenated) in the structure:
	[Pyridine and its salts]
2933.39	Other:
	[Articles provided for in subheadings 2933.39.10 and 2933.39.20]
	Other:
	Pesticides:
	Herbicides:
	[o-Paraquat dichloride]
2933.39.25	Other
	[Compounds containing a quinoline or isoquinoline ring-system (whether or not hydrogenated), not further fused]
	Compounds containing a pyrimidine ring (whether or not hydrogenated) or piperazine ring in the structure; nucleic acids and their salts:
	[Malonylurea (barbituric acid) and its derivatives; salts thereof]
2933.59	Other:
	Pesticides:
	Aromatic or modified aromatic:
2933.59.10	Herbicides
	[Compounds containing an unfused triazine ring (whether or not hydrogenated) in the structure; lactams]
2933.90	Other:
	Aromatic or modified aromatic:
	[Articles provided for in subheadings 2933.90.05 and 2933.90.10]
	Other:
	Pesticides:
	[5-Amino-4-chloro- -phenyl-3-pyridazinone; and o-diquat dibromide (1,1'-ethylene-2,2'-dipyridilium dibromide)]
	Other:
	[Insecticides]
2933.90.20	Other
2934	Other heterocyclic compounds:
	[Compounds containing an unfused thiazole ring (whether or not hydrogenated) in the structure; compounds containing a benzothiazole ring-system (whether or not hydrogenated), not further fused; compounds containing a phenothiazine ring-system (whether or not hydrogenated), not further fused]
2934.90	Other:
	Aromatic or modified aromatic:
	[Articles provided for in subheadings 2934.90.05 and 2934.90.06]
	Other:
	Pesticides:
	[Articles provided for in subheading 2934.90.10]
	Other:
2934.90.14	Herbicides

1/ Proposed Harmonized Tariff Schedule of the United States.

-4-

HTSUS or HTSUSA 1/ subheading	Article
4202	Trunks, suitcases, vanity cases, attache cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers; traveling bags, toiletry bags, knapsacks and backpacks, handbags, shopping bags, wallets, purses, map cases, cigarette cases, tobacco pouches, tool bags, sports bags, bottle cases, jewelry boxes, powder cases, cutlery cases and similar containers, of leather or of composition leather, of plastic sheeting, of textile materials, of vulcanized fiber or of paperboard, or wholly or mainly covered with such materials:
	Handbags, whether or not with shoulder strap, including those without handles:
4202.21	With outer surface of leather, of compositions leather or of patent leather:
	[Of reptile leather]
	Other:
4202.21.60	Valued not over $20 each
4202.21.90	Valued over $20 each
4411	Fiberboard of wood or other ligneous materials, whether or not bonded with resins or other organic substances:
	Fiberboard of a density exceeding 0.8 g/cm^3:
4411.11.00	Not mechanically worked or surface covered
4411.19	Other:
4411.19.20	Not surface covered (except for oil treatment)
	Fiberboard of a density exceeding 0.5 g/cm^3 but not exceeding 0.8 g/cm^3:
4411.21.00	Not mechanically worked or surface covered
4411.29	Other:
	[Tongued, grooved, or rabbetted continuously along any of its edges and dedicated for use in the construction of walls, ceilings, or other parts of buildings]
	Other:
4411.29.60	Not surface covered (except for oil treatment)
6403	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather:
	Sports footwear:
	[Ski-boots and cross-country ski footwear]
6403.19	Other:
	For men, youths and boys:
	[Welt footwear]
6403.19.45	Other
	[Footwear with outer soles of leather, and uppers which consist of leather straps across the instep and around the big toe; footwear made on a base or platform of wood, not having an inner sole or a protective metal toe-cap]
6403.40	Other footwear, incorporating a protective metal toe-cap:
	[Welt footwear]
6403.40.60	Other
	Other footwear with outer soles of leather:
6403.51	Covering the ankle:
	[Welt footwear]
	Other:
6403.51.60	For men, youths and boys

1/ Proposed Harmonized Tariff Schedule of the United States.

BEST COPY AVAILABLE

VOL 52 ISS 238 DEC 11 1987 UMI

-5-

HTSUS or HTSUSA 1/ subheading	Article
6403 (con.)	Footwear with outer soles of rubber, plastics, etc. (con.):
	Other footwear with outer soles of leather (con.):
6403.59	Other:
	[Turn or turned footwear; welt footwear]
	Other:
6403.59.60	For men, youths and boys
	Other footwear:
6403.91	Covering the ankle:
	[Welt footwear]
	Other:
6403.91.60	For men, youths and boys
6403.99	Other:
	[Footwear made on a base or platform of wood]
	Other:
	[Welt footwear]
	Other:
6403.99.60	For men, youths and boys
6404	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials:
	Footwear with outer soles of rubber or plastics:
6404.11	Sports footwear; tennis shoes, basketball shoes, gym shoes, training shoes and the like:
	Having uppers of which over 50 percent of the external surface area (including any leather accessories or reinforcements such as those mentioned in note 4(a) to chapter 64 of the Harmonized Tariff Schedule of the United States) is leather:
6404.11.2030	For men
6404.11.2045	For youths and boys
	Other:
6404.19	Footwear having uppers of which over 50 percent of the external surface area (including any leather accessories or reinforcements such as those mentioned in note 4(a) to chapter 64 of the Harmonized Tariff Schedule of the United States) is leather:
6404.19.1520	For men
6404.19.1540	For youths and boys
6405	Other footwear:
	With uppers of leather or composition leather:
6405.10.0030	For men
	[For woman]
6405.10.0090	For other persons
6406	Parts of footwear; removable insoles, heel cushions and similar articles; gaiters, leggings and similar articles, and parts thereof:
6406.10	Uppers and parts thereof, other than stiffeners:
	Formed uppers:
	Of leather or composition leather:
6406.10.05	For men, youths and boys
	Of textile materials:
	Of which over 50 percent of the external surface area (including any leather accessories or reinforcements such as mentioned in note 4(a) to chapter 64 of the Harmonized Tariff Schedule of the Unite States) is leather:
6406.10.2030	For men, youths and boys

1/ Proposed Harmonized Tariff Schedule of the United States.

-6-

HTSUS or HTSUSA 1/ subheading	Article
6908	Glazed ceramic flags and paving, hearth or wall tiles; glazed ceramic mosaic cubes and the like, whether or not on a backing:
6908.10	Tiles, cubes and similar articles, whether or not rectangular, the largest surface area of which is capable of being enclosed in a square the side of which is less than 7 cm:
	[Having not over 3,229 tiles per square meter, most of which have faces bounded entirely by straight lines]
	Other:
	[The largest surface area of which is less than 38.7 cm^2]
6908.10.50	Other
6908.90.00	Other
6910	Ceramic sinks, washbasins, washbasin pedestals, baths, bidets, water closet bowls, flush tanks, urinals and similar sanitary fixtures:
6910.10.00	Of porcelain or china
6910.90.00	Other
6911	Tableware, kitchenware, other household articles and toilet articles, of porcelain or china:
	[Tableware and kitchenware]
6911.90.00	Other
6912.00	Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china:
	Tableware and kitchenware:
6912.00.10	Of coarse-grained earthenware, or of coarse-grained stoneware; of fine-grained earthenware, whether or not decorated, having a reddish-colored body and a lustrous glaze which, on teapots, may be any color, but which, on other articles, must be mottled, streaked, or solidly colored brown to black with metallic oxide or salt
	Other:
6912.00.20	Hotel or restaurant ware
	Other:
	Available in specified sets:
6912.00.35	In any pattern for which the aggregate value of the listed in additional U.S. note 6(b) of chapter 69 of the Harmonized Tariff Schedule of the United States is not over $38
6912.00.39	In any pattern for which the aggregate value of the articles listed in additional U.S. note 6(b) of chapter 69 of the Harmonized Tariff Schedule of the United States is over $38
	Other:
6912.00.41	Steins with permanently attached pewter lids; candy boxes, decanters, punch bowls, pretzel dishes, tidbit dishes, tiered servers, bonbon dishes, egg cups, spoons and spoon rests, oil and vinegar sets, tumblers and salt and pepper shaker sets
6912.00.44	Mugs and other steins

1/ Proposed Harmonized Tariff Schedule of the United States.

VOL 52 ISS 238 DEC 11 1987 UMI

-7-

HTSUS or HTSUSA 1/ subheading	Article
6912.00 (con.)	Ceramic tableware, kitchenware, other household, etc. (con.):
	Tableware and kitchenware (con.):
	Other (con.):
	Other (con.):
	Other (con.):
6912.00.47	Cups valued over $5.25 per dozen; saucers valued over $3 per dozen; soups, oatmeals and cereals valued over $6 per dozen; plates not over 22.9 cm in maximum diameter and valued over $6 per dozen; plates over 22.9 but not over 27.9 cm in maximum diameter and valued over $8.50 per dozen; platters or chop dishes valued over $35 per dozen; sugars valued over $21 per dozen; creamers valued over $15 per dozen; and beverage servers valued over $42 per dozen
6912.00.49	Other
7202	Ferroalloys:
	Ferrosilicon:
7202.21	Containing by weight more than 55 percent of silicon:
	Containing by weight more than 55 percent but not more than 80 percent of silicon:
7202.21.10	Containing by weight more than 3 percent of calcium
7202.21.50	Other
7202.29.00	Other
8419	Machinery, plant or laboratory equipment, whether or not electrically heated, for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, distilling, rectifying, sterilizing, pasteurizing, steaming, drying, evaporating, vaporizing, condensing or cooling, other than machinery or plant of a kind used for domestic purposes; instantaneous or storage water heaters, nonelectric; parts thereof:
	[Instantaneous or storage water heaters, nonelectric; medical, surgical or laboratory sterilizers]
	Dryers:
8419.32	For wood, paper pulp, paper or paperboard:
8419.32.50	[For wood] Other
	[Distilling or rectifying plant; heat exchange units; machinery for liquefying air or gas]
	Other machinery, plant or equipment:
8419.89	[For making hot drinks or for cooking or heating food] Other:
8419.89.10	For making paper pulp, paper or paperboard
8419.90	Parts:
8419.90.20	Of machinery and plant for making paper pulp, paper or paperboard
8458	Lathes for removing metal:
	Horizontal lathes:
8458.19.00	[Numerically controlled] Other
	Other lathes:
8458.99	[Numerically controlled] Other:
8458.99.50	[Vertical turret lathes] Other
8461	Machine tools for planing, shaping, slotting, broaching, gear cutting, gear grinding or gear finishing, sawing, cutting-off and other machine tools working by removing metal, sintered metal carbides or cermets, not elsewhere specified or included:
8461.50.00	Sawing or cutting-off machines

-8-

HTSUS or HTSUSA 1/ subheading	Article
8462	Machine tools (including presses) for working metal by forging, hammering or die-stamping; machine tools (including presses) for working metal by bending, folding, straightening, flattening, shearing, punching or notching; presses for working metal or metal carbides, not specified above:
	[Forging or die-stamping machines (including presses) and hammers; bending, folding, straightening or flattening machines (including presses); shearing machines (including presses), other than combined punching and shearing machines; punching or notching machines (including presses), including combined punching and shearing machines]
	Other:
8462.91.00	Hydraulic presses
8462.99.00	Other
8470	Calculating machines; accounting machines, cash registers, postage-franking machines, ticket-issuing machines, and similar machines, incorporating a calculating device:
8470.40.00	Accounting machines
8470.50.00	Cash registers
8471	Automatic data processing machines and units thereof; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing such data, not elsewhere specified or included:
8471.10.00	Analog or hybrid automatic data processing machines
8471.20.00	Digital automatic data processing machines, containing in the same housing at least a central processing unit and an input and output unit, whether or not combined
	Other:
8471.91.00	Digital processing units, whether or not entered with the rest of a system, which may contain in the same housing one or two of the following types of units: storage units, input units, output units
8471.92	Input or output units, whether or not entered with the rest of a system and whether or not containing storage units in the same housing:
8471.92.10	Combined input/output units
	Other:
8471.92.20	Keyboards
	Display units:
8471.92.30	Without cathode-ray tube (CRT), having a visual display diagonal not exceeding 30.5 cm
8471.92.40	Other
	Printer units:
8471.92.65	Assembled units incorporating at least the media transport, control and print mechanisms
8471.92.70	Other
	Other:
8471.92.80	Units suitable for physical incorporation into automatic data processing machines or units thereof
8471.92.90	Other

1/ Proposed Harmonized Tariff Schedule of the United States.

VOL 52 ISS 238 DE 11 1987 UMI

-9-

HTSUS or HTSUSA 1/ subheading	Article
8471 (con.)	Automatic data processing machines and units, etc. (con.):
	Other (con.):
8471.93	Storage units, whether or not entered with the rest of a system:
	Magnetic disk drive units:
	For a disk of a diameter exceeding 21 cm:
8471.93.10	Without read-write unit assembled therein; read-write units separately entered
8471.93.15	Units for physical incorporation into automatic data processing machines or units thereof
8471.93.20	Other
	Other:
8471.93.30	Not assembled in cabinets, and without attached external power supply
8471.93.40	Other
	Other storage units:
8471.93.50	Not assembled in cabinets for placing on a table, desk, wall, floor or similar place
8471.93.60	Other
8471.99	Other:
8471.99.15	Control or adapter units
8471.99.30	Power supplies
	Other:
8471.99.60	Units suitable for physical incorporation into automatic data processing machines or units thereof
8471.99.90	Other
8472	Other office machines (for example, hectograph or stencil duplicating machines, addressing machines, automatic banknote dispensers, coin-sorting machines, coin-counting or wrapping machines, pencil-sharpening machines, perforating or stapling machines):
	[Duplicating machines; addressing machines and address plate embossing machines]
8472.30.00	Machines for sorting or folding mail or for inserting mail in envelopes or bands, machines for opening, closing or sealing mail and machines for affixing or cancelling postage stamps
8472.90	Other:
	[Pencil sharpeners; numbering, dating and check-writing machines]
8472.90.80	Other
8473	Parts and accessories (other than covers, carrying cases and the like) suitable for use solely or principally with machines of headings 8469 to 8472:
8473.30	Parts and accessories of the machines of heading 8471:
8473.30.40	Not incorporating a cathode ray tube
8473.30.80	Other

1/ Proposed Harmonized Tariff Schedule of the United States.

-10-

HTSUS or HTSUSA 1/ subheading	Article
8517	Electrical apparatus for line telephony or telegraphy, including such apparatus for carrier-current line systems; parts thereof:
8517.10.00	Telephone sets
8517.20.00	Teleprinters, including teletypewriters
8517.30	Telephonic or telegraphic switching apparatus:
8517.30.10	Telephonic switching apparatus (including private branch exchange and key system switching apparatus)
8517.30.50	Other
8517.40.00	Other apparatus, for carrier-current line systems
	Other apparatus:
8517.81.00	Telephonic
8517.82.00	Telegraphic
8517.90	Parts:
	Of telephonic apparatus:
8517.90.20	Of telephonic switching apparatus
8517.90.30	Of telephone sets and other terminal apparatus
8517.90.40	Other
	Of telegraphic apparatus:
8517.90.60	Of telegraphic switching apparatus
8517.90.70	Of terminal apparatus (including teleprinting machines)
8517.90.80	Other
8520	Magnetic tape recorders and other sound recording apparatus, whether or not incorporating a sound reproducing device:
8520.20.00	Telephone answering machines
8522	Parts and accessories of apparatus of headings 8519 to 8521:
	[Pick-up cartridges]
8522.90	Other:
8522.90.60	Parts of telephone answering machines
8523	Prepared unrecorded media for sound recording or similar recording of other phenomena, other than products of chapter 37:
	Magnetic tapes:
8523.11.00	Of a width not exceeding 4 mm
8523.12.00	Of a width exceeding 4 mm but not exceeding 6.5 mm
8523.13.00	Of a width exceeding 6.5 mm
8523.20.00	Magnetic discs
8523.90.00	Other
8524	Records, tapes and other recorded media for sound or other similarly recorded phenomena, including matrices and masters for the production of records, but excluding products of chapter 37:
	[Phonograph records]
	Magnetic tapes:
8524.21	Of a width not exceeding 4 mm:
	[News sound recordings relating to current events]
8524.21.30	Other recordings
8524.22	Of a width exceeding 4 mm but not exceeding 6.5 mm:
	[Video tape recordings]
8524.22.20	Other tape recordings
8524.23	Of a width exceeding 6.5 mm:
	[Video tape recordings]
8524.23.20	Other tape recordings

1/ Proposed Harmonized Tariff Schedule of the United States.

-11-

HTSUS or HTSUSA 1/ subheading	Article
8524 (con.)	Records, tapes and other recorded media for sound, etc. (con.):
8524.90	Other:
	[Master records or metal matrices therefrom for use in the production of sound records for export; recordings on wire; video discs]
8524.90.40	Other
8525	Transmission apparatus for radiotelephony, radiotelegraphy, radiobroadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras:
8525.20	Transmission apparatus incorporating reception apparatus:
	Transceivers:
	[Citizens Band (CB); low-power radiotelephonic transceivers operating on frequencies from 49.82 to 49.90 MHz]
8525.20.30	Other
8527	Reception apparatus for radiotelephony, radiotelegraphy or radiobroadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock:
	[Radiobroadcast receivers capable of operating without an external source of power, including apparatus capable of receiving also radiotelephony or radiotelegraphy; radiobroadcast receivers not capable of operating without an external source of power, of a kind used in motor vehicles, including apparatus capable of receiving also radiotelephony or radiotelegraphy; other radiobroadcast receivers, including apparatus capable of receiving also radiotelephony or radiotelegraphy]
8527.90	Other apparatus:
	[Articles designed for connection to telegraphic or telephonic apparatus or instruments or to telegraphic or telephonic networks]
8527.90.80	Other
8536	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, surge suppressors, plugs, sockets, lamp-holders, junction boxes), for a voltage not exceeding 1,000 V:
	Lampholders, plugs and sockets:
	[Lampholders]
8536.69.00	Other
8540	Thermionic, cold cathode or photocathode tubes (for example, vacuum or vapor or gas filled tubes, mercury arc rectifying tubes, cathode-ray tubes, television camera tubes); parts thereof:
	Parts:
8540.91	Of cathode-ray tubes:
	[Deflection coils]
8540.91.40	Other

1/ Proposed Harmonized Tariff Schedule of the United States.

-12-

HTSUS or HTSUSA 1/ subheading	Article
8541	Diodes, transistors and similar semiconductor devices; photosensitive semiconductor devices, including photovoltaic cells whether or not assembled in modules or made up into panels; light-emitting diodes; mounted piezoelectric crystals; parts thereof:
	[Diodes, other than photosensitive or light-emitting diodes; transistors, other than photosensitive transistors; thyristors, diacs and triacs, other than photosensitive devices; photosensitive semiconductor devices, including photovoltaic cells whether or not assembled in modules or made up into panels; light-emitting diodes]
8541.50.00	Other semiconductor devices
8541.60.00	Mounted piezoelectric crystals
8542	Electronic integrated circuits and microassemblies; parts thereof:
	Monolithic integrated circuits:
8542.11.00	Digital
8542.19.00	Other
8542.20.00	Hybrid integrated circuits
8542.80.00	Other
8544	Insulated (including enameled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fiber cables, made up of individually sheathed fibers, whether or not assembled with electric conductors or fitted with connectors:
8544.20.00	Coaxial cable and other coaxial electric conductors
8544.70.00	Optical fiber cables
8703	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading 8702), including station wagons and racing cars:
	[Vehicles specially designed for traveling on snow; golf carts and similar vehicles]
	Other vehicles, with spark-ignition internal combustion reciprocating piston engine:
8703.23.00	Of a cylinder capacity exceeding 1,500 cc but not exceeding 3,000 cc
8802	Other aircraft (for example, helicopters, airplanes), spacecraft (including satellites) and spacecraft launch vehicles:
	Helicopters:
8802.11.00	Of an unladen weight not exceeding 2,000 kg
8802.12.00	Of an unladen weight exceeding 2,000 kg
8802.20.00	Airplanes and other aircraft, of an unladen weight not exceeding 2,000 kg
8802.30.00	Airplanes and other aircraft, of an unladen weight exceeding 2,000 kg but not exceeding 15,000 kg
8802.40.00	Airplanes and other aircraft, of an unladen weight exceeding 15,000 kg

1/ Proposed Harmonized Tariff Schedule of the United States.

VOL 52 ISS 238 DE 11 1987 UMI

-13-

HTSUS or HTSUSA 1/ subheading	Article
9001	Optical fibers and optical fiber bundles; optical fiber cables other than those of heading 8544; sheets and plates of polarizing material; lenses (including contact lenses), prisms, mirrors and other optical elements, of any material, unmounted, other than such elements of glass not optically worked:
9001.10.00	Optical fibers, optical fiber bundles and cables
9008	Image projectors, other than cinematographic; photographic (other than cinematographic) enlargers and reducers; parts and accessories thereof:
9008.20	Microfilm, microfiche or other microform readers, whether or not capable of producing copies:
9008.20.40	Capable of producing copies
9009	Photocopying apparatus incorporating an optical system or of the contact type and thermocopying apparatus; parts and accessories thereof:
	Electrostatic photocopying apparatus:
9009.11.00	Operating by reproducing the original image directly onto the copy (direct process)
9009.12.00	Operating by reproducing the original image via an intermediate onto the copy (indirect process)
	Other photocopying apparatus:
9009.21.00	Incorporating an optical system
9009.22.00	Of the contact type
9009.30.00	Thermocopying apparatus
9014	Direction finding compasses; other navigational instruments and appliances; parts and accessories thereof:
9014.10	Direction finding compasses:
9014.10.10	Optical instruments
9014.20	Instruments and appliances for aeronautical or space navigation (other than compasses):
9014.20.20	Optical instruments and appliances
9014.80	Other instruments and appliances:
9014.80.10	Optical instruments
9015	Surveying (including photogrammetrical surveying) hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, excluding compasses; rangefinders; parts and accessories thereof:
	[Rangefinders]
9015.20	Theodolites and tachymeters:
9015.20.40	Electrical
	[Levels; photogrammetrical surveying instruments and appliances]
9015.80	Other instruments and appliances:
9015.80.20	Optical instruments and appliances
9016.00	Balances of a sensitivity of a 5 cg or better, with or without weights; parts and accessories thereof:
9016.00.20	Electrical balances and parts and accessories thereof

1/ Proposed Harmonized Tariff Schedule of the United States.

-14-

HTSUS or HTSUSA 1/ subheading	Article
9018	Instruments and appliances used in medical, surgical, dental or veterinary sciences, including scintigraphic apparatus, other electro-medical apparatus and sight-testing instruments; parts and accessories thereof:
	Electro-diagnostic apparatus (including apparatus for functional exploratory examination or for checking physiological parameters); parts and accessories thereof:
9018.11.00	Electrocardiographs, and parts and accessories thereof
9018.19	Other:
	[Apparatus for functional exploratory examination, and parts and accessories thereof]
9018.19.80	Other
9018.20.00	Ultraviolet or infrared ray apparatus, and parts and accessories thereof
	[Syringes, needles, and catheters, cannulae and the like; parts and accessories thereof]
	[Other instruments and appliances, used in dental sciences, and parts and accessories therof]
	[Other ophthalmic instruments and appliances and parts and accessories thereof]
9018.90	Other instruments and appliances and parts and accessories thereof:
	[Optical instruments and appliances and parts and accessories thereof]
	Other:
	Electro-medical instruments and appliances and parts and accessories thereof:
	[Electro-surgical instruments and appliances and parts and accessories thereof]
9018.90.70	Other
9019	Mechano-therapy appliances; massage apparatus; psychological aptitude-testing apparatus; ozone therapy, oxygen therapy, aerosol therapy, artificial respiration or other therapeutic respiration apparatus; parts and accessories thereof:
9019.10	Mechano-therapy appliances; massage apparatus; psychological aptitude-testing apparatus; parts and accessories thereof:
	[Mechano-therapy appliances and massage apparatus and parts and accessories thereof]
	Other:
9019.10.40	Electrically operated apparatus and parts thereof

1/ Proposed Harmonized Tariff Schedule of the United States.

VOL 52 ISS 238 DEC 11 1987 UMI

-15-

HTSUS or HTSUSA 1/ subheading	Article
9021	Orthopedic appliances, including crutches, surgical belts and trusses; splints and other fracture appliances; artificial parts of the body; hearing aids and other appliances which are worn or carried, or implanted in the body, to compensate for a defect or disability; parts and accessories thereof:
	[Artificial joints and other orthopedic or fracture appliances; parts and accessories thereof]
	[Artificial teeth and dental fittings, and parts and accessories thereof]
	[Other artificial parts of the body and parts and accessories thereof]
	[Hearing aids, excluding parts and accessories thereof]
	[Pacemakers for stimulating heart muscles, excluding parts and accessories thereof]
	Other:
9021.90	Parts and accessories for hearing aids and for pacemakers for
9021.90.40	stimulating heart muscles
9022	Apparatus based on the use of X-rays or of alpha, beta or gamma radiations, whether or not for medical, surgical, dental or veterinary uses, including radiography or radiotherapy apparatus, X-ray tubes and other X-ray generators, high tension generators, control panels and desks, screens, examination or treatment tables, chairs and the like; parts and accessories thereof:
	Apparatus based on the use of X-rays, whether or not for medical, surgical, dental or veterinary uses, including radiography or radio-therapy apparatus:
9022.11.00	For medical, surgical, dental or veterinary uses
	[Apparatus based on the use of alpha, beta or gamma radiations, whether or not for medical, surgical, dental or veterinary uses, including radiography or radio-therapy apparatus; X-ray tubes]
	Other, including parts and accessories:
9022.90	Other apparatus
9022.90.20	Parts and accessories:
	[Of X-ray tubes]
	Other:
9022.90.60	Of apparatus based on the use of X-rays
9026	Instruments and apparatus for measuring or checking the flow, level, pressure or other variables of liquids or gases (for example, flow meters, level gauges, manometers, heat meters), excluding instruments and apparatus of heading 9014, 9015, 9028 or 9032; parts and accessories thereof:
9026.10	For measuring or checking the flow or level of liquids:
9026.10.20	Electrical
9026.20	For measuring or checking pressure:
9026.20.40	Electrical
9026.80	Other instruments and apparatus:
9026.80.20	Electrical
9026.90	Parts and accessories:
9026.90.20	Of electrical instruments and apparatus

1/ Proposed Harmonized Tariff Schedule of the United States.

-16-

HTSUS or HTSUSA 1/ subheading	Article
9027	Instruments and apparatus for physical or chemical analysis (for example, polarimeters, refractometers, spectrometers, gas or smoke analysis apparatus); instruments and apparatus for measuring or checking viscosity, porosity, expansion, surface tension or the like; instruments and apparatus for measuring or checking quantities of heat, sound or light (including exposure meters); microtomes; parts and accessories thereof:
9027.10	Gas or smoke analysis apparatus:
9027.10.20	Electrical
9027.20	Chromatographs and electrophoresis instruments:
9027.20.40	Electrical
9027.30	Spectrometers, spectrophotometers and spectrographs using optical
9027.30.40	radiations (ultraviolet, visible, infrared): Electrical
	[Exposure meters]
9027.50	Other instruments and apparatus using optical radiations (ultraviolet,
9027.50.40	visible, infrared): Electrical
9027.80	Other instruments and apparatus:
9027.80.40	Electrical
9027.90	Microtomes; parts and accessories:
	[Microtomes]
	Parts and accessories:
9027.90.40	Of electrical instruments and apparatus
9030	Oscilloscopes, spectrum analysers and other instruments and apparatus for measuring or checking electrical quantities, excluding meters of heading 9028; instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionizing radiations; parts and accessories thereof:
9030.10.00	Instruments and apparatus for measuring or detecting ionizing radiations
9030.90	Parts and accessories:
9030.90.40	For articles of subheading 9030.10
9302.00.00	Revolvers and pistols, other than those of heading 9303 or 9304
9401	Seats (other than those of heading 9402), whether or not convertible into beds, and parts thereof:
	[Seats of a kind used for aircraft; seats of a kind used for motor vehicles; swivel seats with variable height adjustment]
9401.40.00	Seats other than garden seats or camping equipment, convertible into beds
	[Seats of cane, osier, bamboo or similar materials]
	Other seats, with wooden frames:
9401.61	Upholstered:
	[Chairs]
9401.61.60	Other
9401.69	Other:
	[Bent-wood seats]
	Other:
	[Chairs]
9401.69.80	Other

1/ Proposed Harmonized Tariff Schedule of the United States.

-17-

HTSUS or HTSUSA 1/ subheading	Article
9403	Other furniture and parts thereof:
9403.30	Wooden furniture of a kind used in offices:
	[Rent-wood furniture]
9403.30.80	Other
9403.40	Wooden furniture of a kind used in the kitchen:
	[Rent-wood furniture]
	Other:
	[Designed for motor vehicle use]
9403.40.90	Other
9403.50	Wooden furniture of a kind used in the bedroom:
	[Rent-wood furniture]
	Other:
	[Designed for motor vehicle use]
9403.50.90	Other
9403.60	Other wooden furniture:
	[Rent-wood furniture]
9403.60.80	Other

1/ Proposed Harmonized Tariff Schedule of the United States.

[FR Doc. 87-28558 Filed 12-10-87; 8:45 am]

BILLING CODE 3195-01-C

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATE: Comment period closes January 13, 1988.

ADDRESS COMMENTS TO: Dockets Branch, Research and Special Programs, Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9862-N	Benton Fibre Drum Co., Inc., Highstown, NJ.	49 CFR 173.119(a)(6), 173.154(a)(9), 173.245(a)(24), 173.245b(a)(5), 178.225-2.	To authorize manufacture, marking and sale of a non-DOT fiber drum, equivalent to DOT Specification 21P fiber drum, except the top and bottom will be polyethylene or polypropylene, for transport of certain oxidizers, peroxides, corrosives and flammables. (Mode 1.)
9885-N	Benton Fibre Drum Co., Inc., Highstown, NJ.	49 CFR 173.119(a)(6), 173.154(a)(9), 173.245(a)(24), 173.245b(a)(5), 178.224-1.	To authorize manufacture, marking and sale of a non-DOT fiber drum equivalent to DOT Specification 21C fibre drums except lid and bottom are constructed of polyethylene or polypropylene for transportation of certain oxidizers, peroxides, flammables and corrosives. (Mode 1.)
9904-N	Puritan-Bennett, Corporation, Indianapolis, IN.	49 CFR 173.316, 175.3, 178.57-8(c)	To authorize manufacture, marking and sale of a non-DOT specification cylinder equivalent to the DOT Specification 4L cylinder, except it will exceed the thermal performance of 178.57-8(c), for transport of liquid oxygen, classed as nonflammable gas. (Modes 1, 5.)
9885-N	Astro Containers, Inc., Evendale, OH	49 CFR 173.188	To authorize manufacture, marking and sale of non-DOT specification steel drums constructed in accordance with the requirements of former DOT Specification 6K metal drums for transporting of phosphoric anhydride classed as a corrosive material. (Modes 1, 2.)
9886-N	Clayton Mark Inc., Rogers, AR	49 CFR 173.306(g)	To authorize manufacture, marking and sale of non-DOT specification, single trip, steel tanks for shipment of compressed air and nitrogen classed as nonflammable gases. (Modes 1, 2, and 3.)
9887-N	Offshore Marine Engineering Limited, West Midlands, England.	49 CFR 172.203, 173.318, 173.320, 178.30, 178.76(H).	To authorize manufacture, marking and sale of non-DOT specification portable tanks, enclosed in frame or skid mounted, for shipment of liquefied helium and liquefied hydrogen, classed as flammable gases. (Modes 1, 2, and 3.)
9888-N	Ford Motor Company, Dearborn, MI	49 CFR 173.202(a), 173.206(a), 173.207(a), (b).	To authorize shipment of a sodium-sulfur storage battery installed in a vehicle with spare battery module(s). (Mode 1.)
9889-N	Asemann Corporation of America, Garrett, IN.	49 CFR Part 173, Subparts E, F, Subparts K, L, M, O.	To authorize manufacture, marking and sale of a non-DOT specification 225 and 300 gallon rotationally molded polyethylene portable tank for shipment of various flammable, combustible, corrosive, and ORM-A, B, C and E liquids. (Modes 1, 2.)
9890-N	Liquid Carbonic Corporation, Chicago, IL	49 CFR 173.304(a), 177.840(a)(1), 178.57-2(a).	To authorize use of a DOT 4L300 cylinder with a maximum nominal water capacity of 1250 pounds, mounted horizontally, filled up to 90% of filling density, with liquefied carbon dioxide. (Mode 1.)
9891-N	Sonoco Fibre Drum, Inc., Lombard, IL	49 CFR 173.154, 173.156, 173.217, 173.365, 173.510, 175.3, 178.224-1.	To authorize manufacture, marking and sale of non-DOT specification fibre drums equivalent to DOT Specification 21C fibre drum except lid is constructed of high density polyethylene for transport of certain flammable solids, oxidizers, and Class B poison solid. (Modes 1, 2, 3, and 4.)
9892-N	Bergen Barrel & Drum Company, Kearny, NJ.	49 CFR 173.344, 173.345, 173.346, 173.363, 173.365, 178.224, Part 173, Subparts E, F.	To authorize manufacture, marking and sale of a non-DOT specification rotationally molded polyethylene drum equivalent to the DOT Specification 21C drum for transport of oxidizers; organic peroxides; flammable, corrosive, poison B solids and poison B liquids. (Modes 1, 2, and 3.)
9893-N	Poulet S.A., Pantin Cedex, France	49 CFR 173.315, 178.245-3	To authorize shipment of 4 spherical portable tanks, complying with the DOT Specification 51, except for design pressure, charged with a flammable compressed gas, n.o.s. (Modes 1, 3.)

NOTE.— Request revision to original application 9812-N published in Federal Register on Tuesday, July 14, 1987 on page 27390. To authorize those hazardous materials that are permitted for shipment by the IM Tank Table in steel tanks to be shipped in identical tanks except they are constructed of nickel.

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on December 4, 1987.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 87-28556 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications to Become a Party to an Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise

VOL 52 ISS 238 DE 11 1987 UMI

noted, renewal application are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes December 29, 1987.

ADDRESS COMMENTS TO: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
2787-X	U.S. Department of Defense, Falls Church, VA	2787
3121-X	U.S. Department of Defense, Falls Church, VA (See Footnote 1)	3121
3187-X	PPG Industries, Incorporated, Pittsburgh, PA (See Footnote 2)	3187
3302-X	Airco Industrial Gases, Murray Hill, NJ	3302
3302-X	Air Products and Chemicals, Inc., Allentown, PA	3302
4453-X	Alamo Explosives Company, Inc., Houston, TX	4453
4600-X	Great Lakes Chemical Corporation, El Dorado, AR	4600
4612-X	EM Science, Cincinnati, OH	4612
4884-X	Union Carbide Corporation, Danbury, CT (See Footnote 3)	4884
4990-X	Joseph E. Seagram & Sons, Inc., New York, NY	4990
5861-X	HTL Industries, Inc., Duarte, CA	5861
6016-X	Airco Distribution Gases, Murray Hill, NJ	6016
6325-X	Atlas Powder Company, Dallas, TX	6325
6325-X	Wampum Hardware Company, New Galilee, PA	6325
6325-X	Wampum Distributing Company, New Galilee, PA	6325
6325-X	Armstrong Explosives Company, New Galilee, PA	6325
6325-X	Belmont Mine Supply Company, Inc., New Galilee, PA	6325
6325-X	Northern Ohio Explosives, Inc., New Galilee, PA	6325
6563-X	Mada Medical Products, Inc., Carlstadt, NJ	6563
6602-X	Ethyl Corporation, Baton Rouge, LA	6602
6602-X	Great Lakes Chemical Corporation, El Dorado, AR	6602
6602-X	Jones Chemicals, Incorporated, Caledonia, NY	6602
6651-X	Park Chemical Company, Detroit, MI	6651
6691-X	Industrial Gas Distributors, Inc., Billings, MT	6691
6735-X	Great Lakes Chemical Corporation, El Dorado, AR	6735
6743-X	Atlas Powder Company, Dallas, TX	6743
6765-X	Teisan Kabushiki Kaisha, Tokyo, Japan	6765
6801-X	Phillips Petroleum Company, Bartlesville, OK	6801
6883-X	Hedwin Corporation, Baltimore, MD	6883
6908-X	Garrett Fluid Systems Company, Tempe, AZ	6908
7052-X	Flopetrol Johnston, a Division of Schlumberger, Houston, TX	7052
7052-X	ACR Electronics, Inc., Fort Lauderdale, FL	7052
7052-X	Hazeltine Corporation, Braintree, MA	7052
7052-X	ECO Energy Conversion, Somerville, MA	7052
7052-X	Toshiba Battery Company, Limited, Tokyo, Japan	7052
7052-X	ENDECO, Inc. Marion, MA	7052
7052-X	XCELATRON, Incorporated, Chimacum, WA	7052
7052-X	Ballard Technologies Corporation, North Vancouver, B.C., Canada	7052
7060-X	Central Skyport Inc. Columbus, OH	7060
7446-X	Kaiser Aluminum and Chemical Corporation, Erie, PA	7446
7465-X	State of Alaska, Department of Transportation, Juneau, AK	7465
7541-X	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE	7541
7548-X	U.S. Department of Defense, Falls Church, VA	7548
7621-X	Great Lakes Chemical Corporation, El Dorado, AR	7621
7654-X	Tennessee Eastman Company, Kingsport, TN	7654
7654-X	Eastman Kodak Company, Rochester, NY	7654
7654-X	Texas Eastman Company, Longview, TX	7654
7654-X	J.T. Baker Chemical Company, Phillipsburg, NJ	7654
7657-X	Welker Engineering Company, Sugar Land, TX	7657
7674-X	U.S. Department of Defense, Falls Church, VA	7674
7891-X	Sigma-Aldrich Corporation, Saint Louis, MO	7891
7929-X	Austin Powder Company, Cleveland, OH	7929
7943-X	Alstar Company, Tracy, CA	7943
7943-X	All Pure Chemical Company, Inc., Tracy, CA	7943

Application No.	Applicant	Renewal of exemption
7945-X	HTL Industries, Inc., Duarte, CA	7945
7991-X	CSX Transportation, Inc., Jacksonville, FL	7991
8156-X	Union Carbide Corporation, Danbury, CT	8156
8156-X	Liquid Air Corporation, Walnut Creek, CA	8156
8214-X	Morton Thiokol, Incorporated, Ogden, UT (See Footnote 4)	8214
8269-X	Stenberg Bros, Inc., Bark River, MI (See Footnote 5)	8269
8299-X	HTL Industries, Inc., Duarte, CA	8299
8329-X	Texas Instruments, Inc., Dallas TX	8329
8390-X	J.T. Baker Chemical Company, Phillipsburg, NJ	8390
8427-X	U.S. Department of Defense, Falls Church, VA	8427
8445-X	Dow Consumer Products, Inc., Indianapolis, IN	8445
8445-X	Union Carbide Corporation, Danbury, CT	8445
8445-X	Monsanto Company, St. Louis, MO	8445
8453-X	Atlas Powder Company, Dallas, TX	8453
8453-X	Austin Powder Company, Cleveland, OH	8453
8552-X	Brenner Tank, Inc., Fond du Lac, WI	8552
8556-X	Union Carbide Corporation, Danbury, CT	8556
8620-X	Polar Tank Trailer, Inc., Holdingford, MN	8620
8645-X	Austin Powder Company, Cleveland, OH	8645
8770-X	Eastman Kodak Company, Rochester, NY	8770
8811-X	Hoechst Celanese Corporation, Somerville, NJ	8811
8843-X	GOEX, Inc., Cleburne, TX	8843
8871-X	Bulk Lift International, Inc., Carpenterville, IL	8871
8931-X	C-I-L, Inc., North York, Ontario (See Footnote 6)	8931
9072-X	Morton Thiokol, Inc. Brigham City, UT	9072
9132-X	Welchem, Inc., Houston, TX	9132
9136-X	Plasti-Drum Corporation, Lockport, IL	9136
9162-X	Sun Pipe Line Company, Longview, TX	9162
9176-X	Minnesota Valley Engineering, Inc., New Prague, MN	9176
9211-X	American Overseas Marine Corporation, Quincy, MA	9211
9340-X	Pioneer Plastics & Services Co. Ltd, Brampton, Ontario, CN (See Footnote 7)	9340
9364-X	Platte Chemical Company, Greeley, CO (See Footnote 8)	9364
9424-X	VTG Vereinigte Tanklager und Transportimittel GmbH, Hamburg, West Germany	9424
9525-X	American Cyanamid Company, Wayne, NJ	9525
9525-X	Cyanamid Canada, Inc., East Willowdale, Canada	9525
9533-X	B.A.G. Corporation, Dallas, TX	9533
9571-X	U.S. Department of Defense, Falls Church, VA	9571
9851-X	American Airlines, Inc., Dallas, TX (See Footnote 9)	9851
9880-X	G.E. Reuter-Stokes, Twinsburg, OH (See Footnote 10)	9880
9881-X	G.E. Reuter-Stokes, Twinsburg, OH (See Footnote 11)	9881

[1] To authorize a packaging arrangement that is similar to currently authorized packaging except a rupture disk assembly has been added.
[2] To authorize modification of the prescribed packaging that consists of cutting holes at the top and bottom of each face of the fiberboard overpack to improve air circulation.
[3] To authorize an additional packaging, non-DOT specification steel cylinders, having a greater nominal water capacity (1000 pounds) than is presently authorized (90 pounds).
[4] To authorize a new packaging arrangement for shipment of inflators and modules for passive restraint systems.
[5] To reissue for transporting or offering liquid and semi-solid waste materials in non-DOT specification cargo tanks.
[6] To authorize removal of restriction for origination and destination points for DOT Specification 111A100W2 tank cars containing sulfuric acid shipped in unit trains configuration.
[7] To modify exemption to reference the wall thickness of the polyethylene portable tanks as 1/4 inch thick instead of 3/4 inch thick.
[8] To authorize methyl parathion, classed as poison B liquid, as an additional material for shipment in the prescribed packaging.
[9] To reissue exemption originally issued on an emergency basis to authorize shipment of insulated dewars containing liquid nitrogen in the cabin of a passenger carrying aircraft with certain conditions.
[10] To renew exemption originally issued on an emergency basis to authorize manufacture, marking and sale of non-DOT containers, hermetically sealed electron tubes, containing nonflammable gas.
[11] To reissue exemption originally issued on an emergency basis to authorize manufacture, marking and sale of non-DOT containers described as hermetically sealed electron tube devices, containing argon.

Application No.	Applicant	Parties to exemption
4453-P	W.A. Murphy, Inc., El Monte, CA	4453
4719-P	Ausimont, Morristown, NJ	4719
7052-P	Battery Pak, Inc., Spring, TX	7052
7052-P	Datachecker Systems, Santa Clara, CA	7052
7052-P	Wildlife Materials, Inc., Carbondale, IL	7052
7052-P	Synergistic Batteries, Inc., Marietta, GA	7052
7052-P	Siemens Corporate Research and Support, Inc., Jamaica, NY	7052
7052-P	Siemens, Ag, Munchen, West Germany	7052
7607-P	Dynamac Corporation, Fort Lee, NJ	7607

Application No.	Applicant	Parties to exemption
7943-P	T Chem Products, Santa Fé Springs, CA	7943
7945-P	U.S. Department of Defense, Falls Church, VA	7945
8426-P	Pacific Vacuum Truck Company, Inc, Gardena, CA	8426
8554-P	W.A. Murphy, Inc., El Monte, CA	8554
8554-P	Amos L. Dolby Co., Corsica, PA	8554
8554-P	ECONEX Incorporated, Wheaton, IL	8554
8723-P	Northern Ohio Explosives, Inc., Forest, OH	8723
8723-P	Armstrong Explosives Co, Kittanning, PA	8723
8723-P	Wampum Hardward Co., New Galilee, PA	8723
8845-P	Pro-Log Denver City TX	8845
9364-P	The Gowan Company, Yuma, AZ	9364
9507-P	Union Carbide Corporation, Danbury, CT	9507
9785-P	Winthrop Products Inc., East Brunkswick, NJ	9785
9841-P	Liquid and Gas Transport BV, Rotterdam-Botlek, Holland	9841

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on Deccember 10, 1987.

J. Suzanne Hedgepeth,

Chief Exemptions Branch Office of Hazardous Materials Transportation.

[FR Doc. 87-28525 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: December 4, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0061
Form Number: ATF F 703(5120.23)
Type of Review: Extension
Title: Transfer of Wine-in-Bond
Description: While wine is "in bond" the federal excise tax attached to the wine has not been paid. ATF requires that wineries use this form when wine is transferred in bond, so as to establish the liability for the wine excise tax at the time of the wine transfer. ATF needs this form to protect the collection of federal excise taxes
Respondents: Businesses or other for-profit, Small Businesses or organizations
Estimated Burden: 19,550 hours
Clearance Officer: Robert Masarsky, (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 7011, 1200 Pennsylvania Avenue NW., Washington, DC 20226
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87-28493 Filed 12-10-87; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: December 4, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515-0055
Form Number: 3229
Type of Review: Extension
Title: Discrepancy Report and Declaration
Description: In order for an exporter/importer to receive preferential duty treatment on goods at least 30 percent produced or manufactured in insular possessions, and in order for the Customs Service to determine whether the claimed articles are subject to Customs duties, this Certificate is required and necessary from anyone so certifying.
Respondents: Businesses or other for-profit
Estimated Burden: 375 hours
Clearance Officer: B. J. Simpson, (202) 556-7529, U.S. Customs Service, Room 6426, 1301 Constitution Avenue NW., Washington, DC 20229
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87-28494 Filed 12-10-87; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: December 4, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0052
Form Number: ATF F 5130.9(103)
Type of Review: Extension
Title: Brewer's Monthly Report of Operations
Description: ATF F 5130.9(103) is a periodic report detailing specific operations and activities to account for taxable commodities used in operations. For this reason, ATF F 5130.9(103) is a method to safeguard tax revenue. ATF F 5130.9(103) shows taxable and nontaxable removals, overages, shortages and losses at breweries. ATF is able to pinpoint difficulties at individual breweries and take appropriate steps on a timely basis to protect revenue
Respondents: Businesses or other for-profit, Small Businesses or organizations
Estimated Burden: 1,212 hours
Clearance Officer: Robert Masarsky, (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 7011, 1200 Pennsylvania Avenue NW., Washington, DC 20226,
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87-28495 Filed 12-10-87; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.
ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The Department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) a description of the need and its use, (5) how often the form must be filled out, (6) who will be required or asked to report, (7) an estimate of the number of responses, (8) an estimate of the total number of hours needed to fill out the form, and (9) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from Patti Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 223-2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: December 7, 1987.

By Direction of the Administrator.

Frank E. Lalley,

Director, Office of Information Management and Statistics.

New Collection

1. Department of Medicine and Surgery
2. Client Outcome Pilot Study (COPS)
3. VA Form 10-20837(NR)
4. This information is used to evaluate vet centers effectiveness through client perceived outcome
5. One-time
6. Individuals or household
7. 17,500 responses
8. 1,750 hours
9. Not applicable.

Extension

1. Department of Medicine and Surgery
Former Prisoner of War Medical History
3. VA Form 10-0048
4. This information is needed to ascertain the medical history of this group of veterans. It will aid the VA in meeting the needs of former Prisoners of War in areas of disability compensation, health care and rehabilitation
5. Non-recurring
6. Individuals or household
7. 1,500 responses
8. 1,500 hours
9. Not applicable.

[FR Doc. 87-28439 Filed 12-10-87; 8:45 am]

BILLING CODE 8320-01-M

Scientific Advisory Committee to the National Vietnam Veterans Readjustment Study; Establishment

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) and Office of Management and Budget Circular A-63, as revised, and after consultation with the Administrator, General Services Administration, the Administrator, Veterans Administration has determined that establishment of the Scientific Advisory Committee on the National Vietnam Veterans Readjustment Study is necessary and in the public interest in connection with the performance of duties imposed on the Veterans Administration by law.

The committee has been established to review and assess the conduct of the National Vietnam Veterans Readjustment Study and to assist the Veterans Administration in evaluating the scientific and technical merits of proposed courses of action within that investigation. The committee will be composed of authorities of national prominence in their respective fields of study. The members will be drawn from the following broad areas of expertise: Epidemiology, statistics and experimental design, psychiatric research, and clinical treatment of Vietnam veterans and post-traumatic stress disorders. This diverse group will permit the Veterans Administration to obtain balanced expertise on all crucial aspects of the National Vietnam Veterans Readjustment Study.

Comments of interested persons concerning the establishment of the Committee may be submitted to Thomas L. Murtaugh, Ph.D., Project Officer 1521 S. Edgewood St., Building A, Suite A, Baltimore, MD 21227, (301) 646-5604.

Dated: December 1, 1987.

By Direction of the Administrator.

Rose Maria Fontanez,

Committee Management Officer.

[FR Doc. 87-28527 Filed 12-10-87; 8:45 am]

BILLING CODE 8320-01-M

Scientific Review and Evaluation Board for Rehabilitation Research and Development; Meeting

In accordance with Pub. L. 92-463, the Veterans Administration gives notice of a meeting of the Scientific Review and Evaluation Board for Rehabilitation Research and Development. This meeting will convene at the Vista International Hotel, 1400 M Street NW., Washington, DC 20005, January 12 through January 15, 1988. The session on January 12, 1987, is scheduled to begin at 6:30 p.m. and end at 10:30 p.m. The sessions on January 13, 14, and 15, 1987, are scheduled to begin at 8:00 a.m. and end at 5:00 p.m. The purpose of the meeting is to review rehabilitation research and development applications for scientific and technical merit and to make recommendations to the Director, Rehabilitation Research and Development Service, regarding their funding.

The meeting will be open to the public (to the seating capacity of the room) at the start of the January 12th session for approximately one-two hours to cover administrative matters and to discuss

VOL 52 ISS 238 DEC 11 1987 UMI

the general status of the program and the administrative details of the review process. During the closed session, the Board will be reviewing research and development applications. This review involves oral comments, discussion of site visits, staff and consultant critiques of research protocols, and similar analytical documents that necessitate the consideration of the personal qualifications, performance, and competence of individual research investigator. Disclosure of such information would constitute a clearly unwarranted invasion of personal privacy.

Thus, the closing is in accordance with 5 U.S.C. 552b (c)(4)) and (c)(6) and the determination of the Administrator of Veterans Affairs under section 10(d) of Pub. L. 92–463 as amended by section 5(c) of Pub. L. 94–409.

Due to the limited seating capacity of the room, those who plan to attend the open session should contact Mr. Jon Peters, Program Manager, Rehabilitation Research and Development Service, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC 20420, (Phone: 202–233–5177), at least five days before the meeting.

Dated: December 1, 1987.

By Direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 87–28441 Filed 12–10–87; 8:45 am]

BILLING CODE 8320–01–M

Availability of Report of 38 U.S.C. 219 Program Evaluation

Notice is hereby given that the evaluation of the Veterans Administration's Department of Memorial Affairs has been completed.

Single copies of the Department of Memorial Affairs Report are available. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. H. Raymond Wilburn, Director, Studies and Evaluation Service, Veterans Administration (072), 810 Vermont Avenue NW., Washington, DC 20420.

Dated: December 4, 1987.

By direction of the Administrator.

Raymond S. Blunt,

Director, Office of Program Analysis and Evaluation.

[FR Doc. 87–28440 Filed 12–10–87; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register

Vol. 52, No. 238

Friday, December 11, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Tuesday, December 15, 1987.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, MD.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

1. Enforcement Matter OS# 4458

The Commission will consider Enforcement Matter OS#4458.

2. Enforcement Matter OS# 4119

The staff will brief the Commission on issues relating to Enforcement Matter OS#4119.

*Agenda revised 12/8/87 to change descriptions of item 2.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20807 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 87–28554 Filed 12–8–87; 4:31 pm]

BILLING CODE 6355–01–M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, December 17, 1987.

LOCATION: Room 556, Westwood Towers, 5401 Westward Avenue, Bethesda, MD.

STATUS:

MATTERS TO BE CONSIDERED:

Open to the Public

1. Cigarette Lighter Petition, PP 85–2

The staff will brief the Commission on Cigarette Lighter Petition, PP 85–2, from Diane Denton, Kosair Children's Hospital, which requests that all disposable lighters be required to be child-resistant.

2. Small Parts Petition, HP 87–2

The staff will brief the Commission on Small Parts Petition, HP 87–2, from the Consumer Federation of America and the New York State Attorney General's office, which requests amendment of the small parts regulation.

3. Pool Covers: Options

The staff will brief the Commission on pool cover safety options.

Closed to the Public

4. Enforcement Matter OS #5960

The staff will brief the Commssion on issues relating to Enforcement Matter OS #5960.

*Agenda revised 12/8/87 to add item 4.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westward Ave., Bethesda, MD 20207 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 87–28555 Filed 12–8–87 8:45 am]

BILLING CODE 6355–01–M

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 1:00 p.m., Monday, December 21, 1987.

PLACE: In the Board Room, 6th Floor, 1700 G St. NW., Washington, DC.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee, (202–377–6679).

MATTERS TO BE CONSIDERED:

Uniform accounting standards
Troubled debt restructuring
Appraisal policies and practices of insured institutions and service corporations
Classification of Assets

John M. Buckley, Jr.,

Secretary.

No. 15, December 8, 1987.

[FR Doc. 87–28580 Filed 12–9–87; 11:42 am]

BILLING CODE 6720–01–M

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: At 2:00 p.m., Tuesday, December 22, 1987.

PLACE: In the Board Room, 6th Floor, 1700 G St., NW., Washington, DC.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee, (202–377–6679).

MATTERS TO BE CONSIDERED:

Capital forbearance
Minimum capital regulatory requirements for individual insured institutions
Qualified thrift lender test; savings and loan holding company amendments; Federal Home Loan Bank advances

John M. Buckley, Jr.,

Secretary.

No. 16, December 8, 1987.

[FR Doc. 87–28581 Filed 12–9–87; 11:42 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m., December 16, 1987.

PLACE: Hearing Room One, 1100 L Street NW., Washington, DC 20573.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Docket No. 85-20—Harrington & Company, Inc. and Palmetto Shipping & Stevedoring Company, Inc. v. Georgia Ports Authority—Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary, (202) 523–5725.

Joseph C. Polking

Secretary.

[FR Doc. 87–28559 Filed 12–9–87; 9:47 am]

BILLING CODE 6730–01–M

LEGAL SERVICES CORPORATION

Board of Directors Meeting; Amendment of Agenda

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: December 10, 1987.

PREVIOUS ANNOUNCED TIME AND DATE OF MEETING: A closed Executive Session will commence at 8:00 p.m. on Thursday, December 17, and continue until 11:00 p.m. in the Indigo Room. The open meeting will commence at 11:00 a.m. on Friday, December 18, 1987, and continue until 12:30 p.m. It will reconvene at 1:45 p.m. and continue until all official business is completed.

EXPLANATION OF CHANGE: Item number nine of the previously announced agenda (Update on the National Commission for Legal Services), has been deleted.

CONTACT PERSON FOR MORE INFORMATION: Maureen R. Bozell, Executive Office, (202) 863–1839.

Date Issued: December 9, 1987.

Maureen R. Bozell,

Secretary.

[FR Doc. 87–28629 Filed 12–9–87; 3:14 pm]

BILLING CODE 6820–35–M

BEST COPY AVAILABLE

VOL 52 ISS 238 DEC 11 1987 UMI

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of December 14, 1987:

A closed meeting will be held on Wednesday, December 16, 1987, at 2:30 p.m. An open meeting will be held on Thursday, December 17, 1987, at 10:00 a.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552(b)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Peters, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, December 16, 1987, at 2:30 p.m., will be:

Institution of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Settlement of injunctive action.
Settlement of administrative proceeding of an enforcement nature.
Formal order of investigation.
Opinion.

The subject matter of the open meeting scheduled for Thursday, December 17, 1987, at 10:00 a.m., will be:

1. Consideration of amendments to 17 CFR 200.735.5, which contains the restrictions on securities ownership and transactions applicable to Commission members and employees. For further information, please contact Myrna Siegel at (202) 272–2430.

2. Consideration of whether to adopt amendments to: (1) Eliminate filing requirements for preliminary proxy and information statements under certain circumstances; (2) delete the limitation in Exchange Act Rule 14a–8(a)(1)(ii) on the inclusion of shareholder proposals in registrants' proxy materials and make other changes with regard to shareholder proposals; and (3) make technical and clarifying changes to Schedule 14A. For further information, please contact Barbara J. Green or Elizabeth M. Murphy at (202) 272–[illegible].

3. Consideration of whether to issue an order amending Rule 45(b) under the Public Utility Holding Company Act of 1935 to exempt from the requirement of a declaration certain routine agreements whereby parent companies in registered holding company systems guarantee, assume joint liability upon, or act as surety or indemnitor for the obligations of their subsidiary companies. For further information, please contact Martha C. Baker (202) 272–2073.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Brent Taylor at (202) 272–2014.

Jonathan G. Katz,
Secretary.
December 8, 1987.

[FR Doc. 87–28628 Filed 12–9–87; 2:50 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 52, No. 238
Friday, December 11, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1942

Fire and Rescue Loans

Correction

In rule document 87-26395 beginning on page 43724 in the issue of Monday, November 16, 1987, make the following corrections:

§ 1942.1 [Corrected]

1. On page 43725, in the third column, in § 1942.1(a), in the sixth line, "firm" should read "fire".

§ 1942.17 [Corrected]

2. On page 43726, in the first column, in amendatory instruction 4, in the first line, "1942.7" should read "1942.17".

§ 1942.114 [Corrected]

3. On page 43728, in the third column, in § 1942.114(c)(1), in the second line, "equipments" should read "equipment".

§ 1942.126 [Corrected]

4. On page 43732, in the first column, in § 1942.126(l)(2)(iii), in the second line, "have significant" should read "have a significant"; in paragraph (l)(2)(iii)(B), in the third line "then" should read "than"; and in paragraph (l)(3), in the fourth line from the bottom of the column, after "rehabilitation" insert "of existing buildings, the project inspector should make inspections".

§ 1942.127 [Corrected]

5. On the same page, in the third column, in § 1942.127(e)(1), in the third line, "From" should read "Form".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 4

Department Hearings and Appeals Procedures

Correction

In rule document 87-28005 beginning on page 46355 in the issue of Monday, December 7, 1987, make the following correction:

PART 4—[CORRECTED]

§ 4.5 [Corrected]

On page 46355, in the third column, in § 4.5(a)(1), in the second line, "state" should read "stage".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-370]

Occupational Exposure to Hepatitis B Virus and Human Immunodeficiency Virus

Correction

In proposed rule document 87-27424 beginning on page 45438 in the issue of Friday, November 27, 1987, make the following correction:

On page 45438, in the first column, under **DATES**, the third line should read "January 26, 1988.".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-220]

Organization and Delegation of Powers and Duties

Correction

In rule document 87-27971 beginning on page 46478 in the issue of Tuesday, December 8, 1987, make the following correction:

On page 46478, in the third column, in the heading, the docket no. should appear as set forth above.

BILLING CODE 1505-01-D

VOL
52

ISS
238

DE
11

1987

UMI

federal register

Friday
December 11, 1987

Part II

Federal Reserve System

12 CFR Parts 210 and 229
Availability of Funds and Collection of Checks; Proposed Rule
Federal Reserve Bank Services and Proposals for Long-Term Improvements to the Check Collection System; Notices

VOL
52
ISS
238
DE
11
1987
UMI

FEDERAL RESERVE SYSTEM

12 CFR Parts 210 and 229

[Docket No. R-0620]

Availability of Funds and Collection of Checks (Regulation CC) and Collection of Checks and Other Items and Transfers of Funds (Regulation J)

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rules.

SUMMARY: The Board is publishing for comment a proposed new rule (Regulation CC) to implement the Expedited Funds Availability Act. The proposed rule sets out the requirements that banks and other depository institutions make funds deposited into accounts available according to specified time schedules and that institutions disclose funds availability policies to their customers. The proposed regulation also establishes rules designed to speed the return of unpaid checks.

The Board is also proposing to amend its existing Regulation J, which governs the collection of checks and other items by Federal Reserve Banks, to conform that regulation to the new standards proposed in Regulation CC.

DATES: Comments must be submitted on or before February 8, 1988. No extension of time for comment will be provided.

ADDRESSES: Comments, which should refer to Docket No. 0620, may be mailed to the Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, Attention: Mr. William W. Wiles, Secretary; or may be delivered to Room B-2223 between 8:45 a.m. and 5:00 p.m. All comments received at the above address will be included in the public file, and may be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: For information regarding Subparts A and C of Regulation CC (Part 229) and Regulation J (Part 210), contact Joseph R. Alexander, Senior Attorney, Legal Division (202/452-2489).

For information on §§ 229.10 through 229.14 and §§ 229.19 through 229.21 of Subpart B of Regulation CC, contact Louise L. Roseman, Assistant Director, Division of Federal Reserve Bank Operations (202/452-2789).

For information on §§ 229.15 through 229.18 of Subpart B of Regulation CC, contact Gerald P. Hurst, Senior Attorney, Division of Consumer and Community Affairs (202/452-3667).

For the hearing impaired *only*: Telecommunications Device for the Deaf, Earnestine Hill or Dorothea Thompson (202/452-3254).

SUPPLEMENTARY INFORMATION: The Expedited Funds Availability Act, Title VI of Pub. L. 100-86, requires banks and other depository institutions (collectively referred to as "banks" in the proposed regulation) to make funds deposited into accounts available to depositors within time periods specified by the Act and to disclose funds availability policies to their depositors. The Board is given responsibility to prescribe regulations to implement the Act. The Act also provides the Board with broad authority to adopt regulations to improve the check processing system so that checks may be cleared and, if necessary, returned within the funds availability schedules mandated by the Act.

The Board is today requesting comment on a series of proposals, Docket Nos. R-0620, R-0621, and R-0622, that will exercise its responsibilities under the Act. Docket No. R-0620 consists of a proposed regulation (Regulation CC, 12 CFR Part 229) that will clarify the definitions of the Act, provide detailed rules to facilitate compliance with the availability and disclosure requirements, and make several substantive changes to the current law on the collection of checks to encourage faster return of unpaid checks, thus minimizing the losses that could result from compliance with the availability schedules. Docket No. R-0620 also proposes several changes to the Board's current Regulation J (12 CFR Part 210), which governs the collection of checks and other items by Federal Reserve Banks, so that it conforms to the new standards adopted in Regulation CC.

Docket No. R-0621 requests comment on proposed new services to be offered by the Federal Reserve Banks to assist in the new check collection rules established in Regulation CC. Docket No. R-0622 requests comment on some possible services that the Federal Reserve is studying as well as longer-term improvements to the nation's check collection system.

Overview

Delayed availability—the holds that some banks [1] place on checks deposited into their customers' accounts before the funds may be withdrawn—was a subject of growing concern in the Congress for a number of years. Many argued that the holds placed by many banks were unduly long, and that depositors have a right to prompter access to their funds. Banks that impose holds responded that their availability schedules reflect the time needed for the collection and return of checks dishonored by the paying bank and provide a measure of protection against the risk that the bank could not recover funds from the depositor if those funds had already been withdrawn from the depositor's account.

The Congress concluded that federal legislation was required to address delayed availability practices and passed the Expedited Funds Availability Act (the "Act") (Title VI of the Competitive Equality Banking Act, enacted on August 10, 1987). The Act seeks to ensure prompt availability of funds and to expedite the return of checks; the Board is directed to issue regulations to implement the Act, which becomes effective on September 1, 1988.

The Act includes specific and detailed provisions requiring banks to: (1) Make funds available to their customers within specified time frames, (2) pay interest on interest-bearing transaction accounts not later than the day the bank receives provisional credit, and (3) disclose their funds availability policy to their customers. These statutory provisions provide the Board with little flexibility in developing rules to implement the Act's requirements.

The Act requires that cash deposits, wire transfers, and certain check deposits that Congress believes pose little risk to the depositary bank, such as Treasury checks and cashier's checks, be made available for withdrawal by the business day after the day of deposit. The time when the depositary bank must make other check deposits available for withdrawal depends on whether the check is "local" or "nonlocal" to the depositary bank. A local check is a check deposited in a depositary bank that is located in the same Federal Reserve check processing region as the paying bank. A nonlocal check is a check deposited in a different check processing region than the paying bank. There are a total of 48 Federal Reserve check processing offices in the United States, and the territory served by each office constitutes a region.

Under the temporary schedule that becomes effective on September 1, 1988, a depositary bank must make the proceeds of local checks available for withdrawal by the third business day following deposit; that is, the proceeds of local checks deposited on a Monday must be available for withdrawal by the following Thursday. The depositary bank must make the proceeds of nonlocal checks available for withdrawal by the seventh business day following deposit; that is, the proceeds of a Monday deposit must be available for withdrawal by Wednesday of the following week. On September 1, 1990, these time periods are reduced. At that time, proceeds of local and nonlocal checks must be available for withdrawal by the second and fifth business day following deposit, respectively. Special rules are provided for cash withdrawals, deposits at nonproprietary automated teller machines, and deposits made in banks outside the continental United States.

Although the proposed improvements to the check system will accelerate the return of most checks, many checks will not be returned to the depositary bank by the time funds must be made available for withdrawal under the temporary schedule—a number that will increase when the permanent schedule becomes effective. In order to reduce the risk to banks from making funds available to customers before learning that the check has not been paid, Congress provided several exceptions to the availability schedules. When a bank invokes one of these exceptions, it may extend the hold on its customer's account beyond the statutory schedule. Nevertheless, the Board must establish limits on the additional hold that may be placed on checks subject to these exceptions.

The statute requires banks to disclose their availability policies to their customers and inform their customers that deposited funds may not be available for immediate withdrawal. Banks are required to provide disclosures to new customers prior to opening an account, to existing customers, and to any person upon request. In addition, disclosures are required on preprinted deposit slips, at staffed locations where consumers make deposits, and at automated teller machines. Banks must also provide notice to their customers whenever their availability policies change.

The Act gives the Board authority to make improvements in the check collection and return system in order to shorten the time within which depositary banks learn of the nonpayment of checks, and thereby reduce the number of situations when the bank will be required by law to make funds available to its customers before it learns a check has been dishonored. The Board's authority is broad and general, and extends to checks that are not cleared through the Federal Reserve System. Previously, the Federal Reserve generally had the authority to regulate only those checks it collected.

Upon enactment of the Act, Board staff formed a Steering Committee to develop proposals to implement the law's requirements. The Steering Committee consists of representatives from three Divisions of the Board's staff and three Federal Reserve Banks. In developing these proposals, the Steering Committee considered: (1) Costs to the banking industry, businesses, and consumers; (2) the ability of banks to select from several alternative approaches to comply with the Act and the Board's regulation; (3) the ability of the private sector and the Federal Reserve to provide services to expedite the return of unpaid checks; and (4) the extent to which the improvements to the check collection system reduce risk.

In developing the proposals, Board relied heavily on imput from the private sector. The Board staff discussed the proposal with the Consumer Advisory Council and the Return Item Advisory Committee, which is a joint Federal Reserve/banking industry group. In addition, the staff met on over 20 occasions with representatives from consumer groups, banking and corporate trade associations, and individual banks. Two consulting firms were retained to assess the effect of certain aspects of its proposals on the banking industry. Many of the major concepts underlying the proposal have been suggested by the private sector.

The proposed Regulation CC (12 CFR Part 229), Availability of Funds and Collection of Checks, contains three subparts. Subpart A defines terms and provides for administrative enforcement. Subpart B specifies schedules within which banks must make funds available for withdrawal. Subpart B also includes rules regarding exceptions to the schedules, disclosure of funds availability policies, and payment of interest. Subpart C includes rules to expedite the collection and return of checks. These rules cover the means by which the paying and returning banks must return checks to the depositary bank, authorization of direct returns, notification of nonpayment of large-dollar returns by the paying bank, check indorsement standards, and other related changes to the check collection system.

Subpart A—Definitions

The Act defines a number of terms, many of which required little additional clarification in the regulation. Nevertheless, the definition of two terms in the regulation are significant. The Act applies to deposits in transaction accounts, but does not precisely define the term. The Board proposes to define "account" in terms of a transaction account as described in the Board's Regulation D (12 CFR 204.2(e)). The Board believes that using the transaction account definition in Regulation D—a definition already familiar to banks—will avoid confusion about the coverage of the regulation and is consistent with the statute. The Board proposes that the definition of "account" exclude correspondent accounts; that is, accounts held by a bank at another bank.

The definition of "paying bank" in the regulation is critical in determining whether a check is local or nonlocal, as well as determining the duties of the various parties to expedite returns. The Board proposes to define paying bank to include payable through banks for the purposes of the requirements of the regulation. As a result, payable through drafts that often are used by credit unions and insurance companies are considered local or nonlocal checks based on the location of the payable through bank. In addition, the payable through bank would be subject to the prompt return requirements imposed on paying banks, and thus would be required to return checks one or two days faster than may be the case today. The Board believes that this definition most accurately reflects the statutory requirement that schedules be based on where the check is sent for collection—the location of the payable through bank—and not the location of the organization on which the check is drawn.

Subpart B—Funds Availability and Disclosure Requirements

Availability schedules. The proposed regulation reflects the availability schedules provided in the Act. Thus, deposits of cash and electronic payments, as well as certain checks deposits, including Treasury checks, state and local government checks, and depository checks, must be made available for withdrawal on the next business day. Longer schedules are provided for other checks, based on whether the checks are local or nonlocal. The following charts depict the schedules for these checks. The Board proposes that: (1) The application of the

[1] The proposed Regulation CC terminology corresponds with the terminology of the Uniform Commercial Code, with some modifications. "Bank" is defined to include all depository institutions. A "paying bank" is the bank on which the check is drawn. In the case of payable through drafts, the payable through bank is the paying bank. A "returning bank" is an intermediary bank handling a returned check. A "depositary bank" is the bank in which the check was first deposited. (See § 229.2 of the proposed Regulation CC for the complete definitions of these terms.)

schedules to certain categories of checks be clarified; (2) the schedules for certain nonlocal checks be shortened; (3) the holds that can be placed on deposits subject to an exception provided in the Act be limited; and (4) the effect of this regulation on depositors' rights to withdraw cash be clarified.

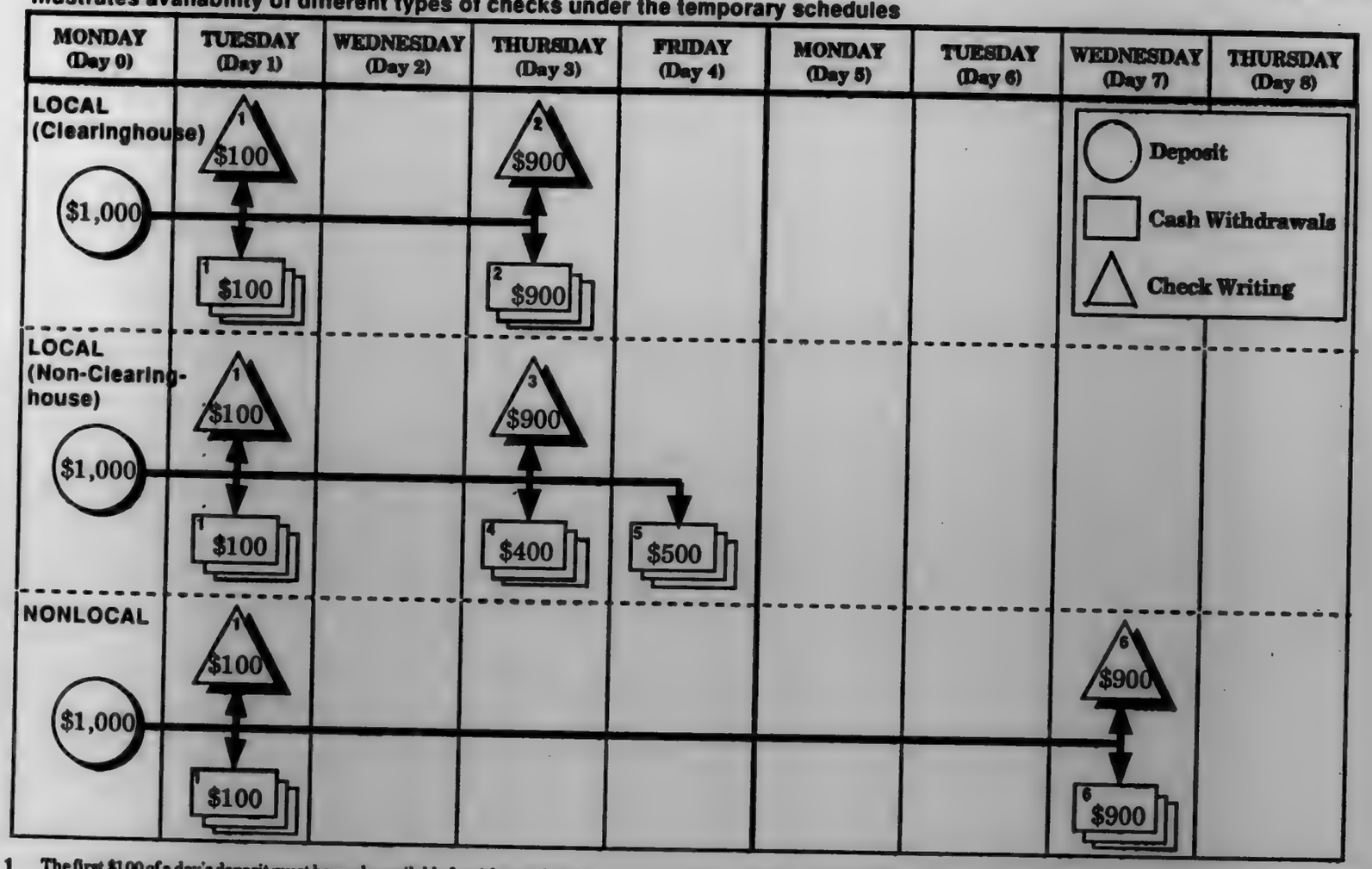
BILLING CODE 6210-01-M

VOL 52 ISS 238 DE 11 1987 UMI

Temporary Funds Availability Schedules

Figure 1

Illustrates availability of different types of checks under the temporary schedules



1 The first $100 of a day's deposit must be made available for either cash withdrawal or check writing purposes at the start of the next business day § 229.10(c)(1)(vii).

2 For local checks cleared through a local clearinghouse, the remainder of the deposit must be made available for either cash withdrawal or check writing purposes by the third business day following the day of deposit § 229.11(b)(1).

3 For local checks cleared outside a local clearinghouse, the remainder of the deposit must be made available for check writing purposes by the third business day following the day of deposit § 229.11(b)(2).

4 For local checks cleared outside a local clearinghouse, $400 of the deposit must be made available for cash withdrawal no later than 5:00 p.m. on the day specified in the schedule. This amount is in addition to the $100 that must be made available on the business day following the day of deposit § 229.11(b)(2).

5 The remainder of the deposit must be available for cash withdrawal at the start of business on the following day § 229.11(b)(2).

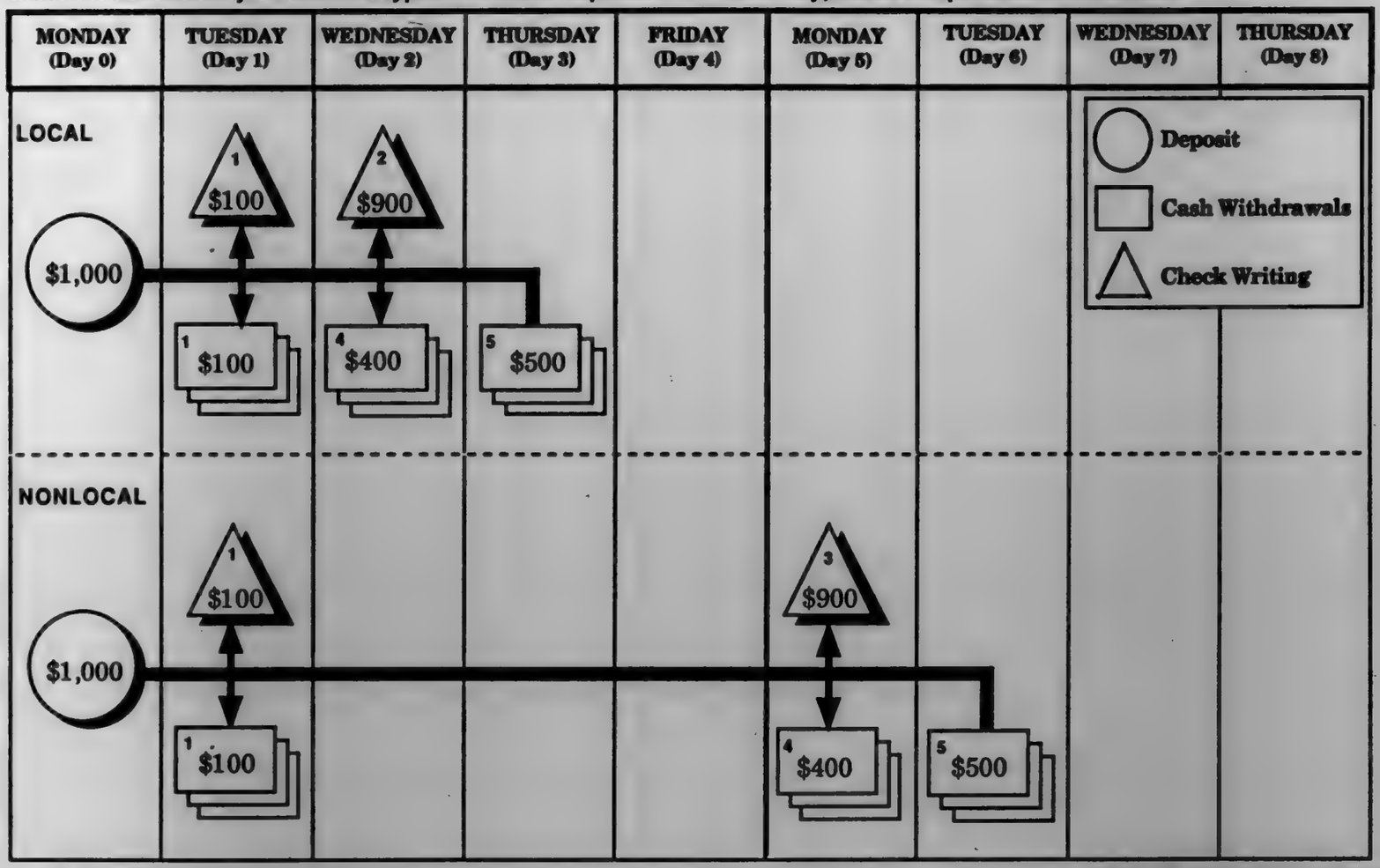
6 For nonlocal checks, the remainder of the deposit must be made available for either cash withdrawal or check writing purposes by the seventh business day following the day of deposit § 229.11(b)(2).

BEST COPY AVAILABLE

Permanent Funds Availability Schedules

Figure 2

Illustrates availability of different types of checks deposited the same day, under the permanent schedules.



1 The first $100 of a day's deposit must be made available for either cash withdrawal or check writing purposes at the start of the next business day § 229.10(c)(1)(vii).

2 Local checks must be made available for check writing purposes by the **second** business day following deposit § 229.12(b).

3 Nonlocal checks must be made available for check writing purposes by the **fifth** business day following deposit § 229.12(c).

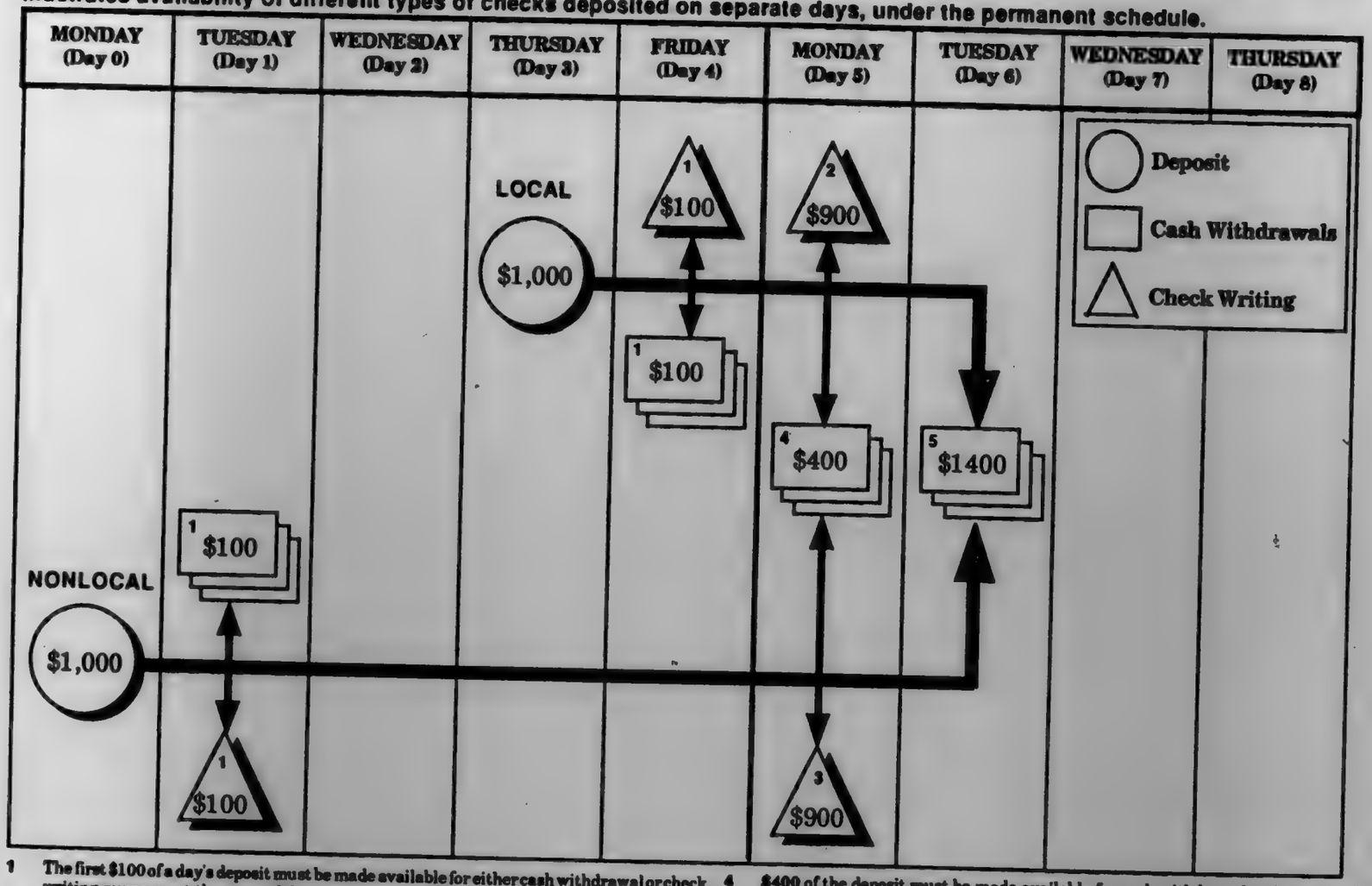
4 $400 of the deposit must be made available for cash withdrawal no later than 5:00 p.m. on the day specified in the schedule. This is in addition to the $100 that must be made available on the business day following deposit § 229.12(d).

5 The remainder of the deposit must be made available for cash withdrawal at the start of business the following day § 229.12(d).

Permanent Funds Availability Schedules

Figure 3

Illustrates availability of different types of checks deposited on separate days, under the permanent schedule.



1 The first $100 of a day's deposit must be made available for either cash withdrawal or check writing purposes at the start of the next business day § 229.10(c)(1)(vii).

2 Local checks must be made available for check writing purposes by the second business day following deposit § 229.12(b).

3 Nonlocal checks must be made available for check writing purposes by the fifth business day following deposit § 229.12(c).

4 $400 of the deposit must be made available for cash withdrawal no later than 5:00 p.m. on the day specified in the schedule. This applies to the aggregate amount of deposits that must be made available on a specified day, and is in addition to the $100 that must be made available on the business day following deposit § 229.12(d).

5 The remainder of the deposit must be made available for cash withdrawal at the start of business the following day § 229.12(d).

BILLING CODE 6210-01-C

VOL 52 ISS 238 DEC 11 1987 UMI

The Board proposes that certain additional categories of checks not specified in the Act be subject to the requirement that funds be made available on the business day following the day of deposit. Checks issued by Federal Reserve Banks and Federal Home Loan Banks, as well as U.S. Postal Service money orders, are not explicitly addressed in the Act, but do not present greater risk of loss to banks than do other checks for which the Act mandates next day availability.

The Act directs the Board to reduce the statutory schedules for any category of checks where most of the checks would be returned in a shorter period of time than provided in the schedules. The Board proposes that the schedules be reduced for certain nonlocal checks that are subject to more prompt processing and return, where significant improvements can be made to the Act's schedules.

The Act and regulation provide certain exceptions to the availability schedules for higher-risk deposits. The Act states that the hold placed on deposits subject to an exception "shall not exceed a reasonable period of time as determined by the Board." The Board proposes that a bank be permitted to extend the schedule by no more than four business days when an exception is invoked. These four additional business days should provide adequate time for the depositary bank to learn of the nonpayment of virtually all checks that are returned.

In addition, the Board proposes to clarify that bank policies limiting the amount of cash a customer may withdraw on any given day are not affected by the Act. Small banks have expressed concern that the Act could be interpreted to prohibit such policies. These restrictions are usually due to limits on the amount of cash that some small banks may keep on hand at any one time for insurance or security reasons. The regulation, however, would not supersede any common law or other duty to make funds available for withdrawal by cash.

Disclosures. The Act requires banks to disclose their specific policy with respect to when a customer may withdraw funds deposited in an account. The regulation, as a general rule, requires banks to provide customers with an initial disclosure of the bank's availability policy that allows the customer to determine when a deposit will be held and for how long.

Numerous banks normally provide their customers with same- or next-day availability for almost all deposits and only impose holds in special circumstances, determined on a case-by-case basis. In many cases, the banks provide the customer with notice of the delay at the time the deposit is made.

Banks with such policies may find it difficult, if not impossible, to develop a specific disclosure that would allow the customers to determine whether a particular deposit will be delayed and the length of the delay, as required generally by the Act. The nature of these banks' policy essentially precludes such a disclosure. In order to disclose to the customer when deposited funds will be subject to a delay in availability, these banks may find it necessary to discontinue the practice of imposing holds on a case-by-case basis, and instead begin routinely to delay availability on specific types of checks (essentially adopting an automatic or blanket delay policy). The Board believes that such a result would not be in the interest of bank customers. Also, banks would incur substantial costs not only in making disclosures, but also in developing and implementing new availability policies.

The Board proposes that the regulation include alternative disclosure requirements for banks that only delay availability beyond the next business day on a case-by-case basis. Banks with case-by-case policies would be permitted to meet the initial disclosure requirements by disclosing that, while their policy is to give same or next-day availability, the bank may at times impose longer delays. In other words, the bank need not adopt and disclose a policy that allows the customer to determine whether a specific check is going to be delayed prior to presenting the check for deposit. A bank that chooses to take advantage of this alternative must still provide availability within the time limits established by the regulation. In addition, at any time a deposit is held, the bank must give a notice to the customer that indicates when the deposited funds will be available for withdrawal. This notice need not give a specific reason for the delay, unless the hold will exceed the time periods in the schedules.

Relation to state law. The Act provides that state laws supersede federal law if they result in faster availability. One reading of this provision is that any exception to a state availability schedule that is narrower than the federal law must be viewed as superseding the federal exceptions. The Board believes that this result is unwieldy and results in a complex set of legal rules. Therefore, the Board proposes that exceptions to a state availability schedule that address the same situation as the federal exceptions be preempted even if the exception might, under some circumstances, result in faster availability of a particular deposit. However, if state law provides for a shorter hold for a certain category of checks than is provided under federal law, that state requirement will supersede the federal provision.

Subpart C—Regulatory Initiatives To Expedite Returns

In contrast to the high-speed automated processing involved in the forward collection of checks, the check return system is a slow, labor intensive operation. The return system generally involves manual processing that relies on visual inspection of the indorsements on the check, rather than machine-readable information, to determine where the return should be sent. In contrast to checks handled for forward collection, which are processed on high-speed equipment at a rate of 100,000 per hour, returned checks are processed at a rate of only 1,000 per hour. In addition, returns are often transported by mail, rather than by courier, further slowing their trip to the depositary bank. Finally, a check is generally returned through each of the banks that collected the check, although this may not be the most efficient path to route the return.

Under the current check collection system, many checks that are returned would not be received by the depositary bank until after the time funds must be available under the temporary schedules in the Act. The number of returned checks that do not reach the depositary bank before funds must be made available under the Act will increase with the implementation of the permanent schedules in 1990. Currently, according to a study by the Bank Administration Institute (BAI), the average time for a check to be collected and returned is 6.8 calendar days. Approximately 40 percent of returned checks take seven days or longer to complete the collection and return cycle and 15 percent take 10 days or longer. (Return Items Study, Final Report, prepared for the Bank Administration Institute by J. D. Carreker and Associates, Inc. (May 1985) "BAI STUDY") Under the temporary schedules, the proceeds of local checks must be available for withdrawal on or before the third business day after deposit and the proceeds of nonlocal checks must be available for withdrawal on or before the seventh business day after deposit. Under the permanent schedule, proceeds of local checks must be available for withdrawal on or before the second business day after deposit and proceeds of nonlocal checks must be available for withdrawal on or before the fifth business day after deposit. Approximately one-third of the checks handled by the Federal Reserve Banks would be considered nonlocal under the Act.

It is difficult to relate the data collected by the BAI to the statutory schedules because the BAI data are based on calendar days rather than business days and do not differentiate between local and nonlocal checks. Nevertheless, it is clear that large numbers of checks will be returned after funds must be made available for withdrawal under the schedules in the Act. The requirement to make funds available for withdrawal before many checks are returned exposes banks to risks if the proceeds of check deposits are withdrawn and the checks are subsequently returned. Further, the requirement to make funds available for withdrawal before some checks are likely to be returned may encourage check fraud. In recognition of these risks, the Act provides for certain exceptions to the statutory schedules and, in section 609(b), provides that the Board shall consider a number of proposals to improve the check processing system to speed the collection and return of checks. (12 U.S.C. 4008(b)). Further, section 609(c) of the Act (12 U.S.C. 4008(c)) provides that:

(c) REGULATORY RESPONSIBILITY OF BOARD FOR PAYMENT SYSTEM.—
(1) RESPONSIBILITY FOR PAYMENT SYSTEM.—In order to carry out the provisions of this title, the Board of Governors of the Federal Reserve System shall have the responsibility to regulate—
(A) any aspect of the payment system, including the receipt, payment, collection, or clearing of checks; and
(B) any related function of the payment system with respect to checks.
(2) REGULATIONS.—The Board shall prescribe such regulations as it may determine to be appropriate to carry out its responsibility under paragraph (1).

Under this Board authority, the Board believes that it is appropriate to propose changes to the way that checks are collected and returned by both the Federal Reserve Banks and other banking institutions in order to speed the collection and return of checks and to improve the efficiency of the check collection system. Subpart C of the regulation contains proposed rules designed to reduce the risk to depositary banks resulting from the prompt availability requirements of the Act. In many cases, these regulations modify provisions of state law applicable to the collection of checks, including the Uniform Commercial Code as enacted in the various states. The proposals in Subpart C: (1) Expedite returns to the depositary bank; (2) expand the requirements for notification of large-dollar returned checks; and (3) provide banks with the ability to reduce the number of returned checks. These proposals are accomplished by modifying duties of the paying bank, returning bank(s), and the depositary bank in the return process. In arriving at these proposals, the Board considered each of the proposals listed for Board consideration in the Act.

Section 609(b) of the Act (12 U.S.C. 4008(b)) provides that:

(b) REGULATIONS RELATING TO IMPROVEMENT OF CHECK PROCESSING SYSTEM.—In order to improve the check processing system, the Board shall consider (among other proposals) requiring, by regulation, that—
(1) depository institutions be charged based upon notification that a check or similar instrument will be presented for payment;
(2) the Federal Reserve banks and depositary institutions provide for check truncation;
(3) depository institutions be provided incentives to return items promptly to the depository institution of first deposit;
(4) the Federal Reserve banks and depository institutions take such actions as are necessary to automate the process of returning unpaid checks,
(5) each depository institution and Federal Reserve bank—
(A) place its endorsement, and other notations specified in regulations of the Board, on checks in the positions specified in such regulations; and
(B) take such actions as are necessary to—
(i) automate the process of reading endorsements; and
(ii) eliminate unnecessary endorsements;
(6) within one business day after an originating depository institution is presented a check (for more than such minimum amount as the Board may prescribe)—
(A) such originating depository institution determine whether it will pay such check; and
(B) if such originating depository institution determines that it will not pay such check, such originating depository institution directly notify the receiving depository institution of such determination;
(7) regardless of where a check is cleared initially, all returned checks be eligible to be returned through the Federal Reserve System;
(8) Federal Reserve banks and depository institutions participate in the development and implementation of an electronic clearinghouse process to the extent the Board determines, pursuant to the study under subsection (f), that such a process is feasible; and
(9) originating depository institutions be permitted to return unpaid checks directly to, and obtain reimbursement for such checks directly from, the receiving depository institution.

The proposals contained in Subpart C either implement or are closely related to many of the proposals listed in the Act, and the Board is studying many of the other proposals as potential longer-term improvements to the check collection system. The Board's proposals are more fully described below.

Expediting returns. A number of the regulatory proposals are designed to speed the return of checks to the depositary bank. Today, the paying bank's duty of prompt return is limited to dispatching a returned check by its "midnight deadline." [2] The proposal places an additional duty on the paying bank to return the check to the depositary bank in a manner similar to the efficient manner used to collect a check deposited in the paying bank and drawn on the depositary bank. Generally, the paying bank would be required to dispatch returns using the means of transportation used to dispatch checks for forward collection. (This duty is similar to the third proposal listed in the Act.)

To facilitate prompt returns, the paying bank would not be required to return a check to the bank that presented it. Instead, the paying bank could return a check directly to the depositary bank or to a Reserve Bank or other bank providing check return services. To encourage direct returns, the depositary bank would be required to pay for returns on the day of receipt. (This proposal is similar to the ninth proposal listed in the Act.)

Today, many banks do not dispatch their returned checks by courier with the checks that are being sent for forward collection, if the courier leaves after midnight. Instead, they mail their returns by their midnight deadline in order to meet their legal responsibility under the U.C.C., but by doing so delay the completion of the return process. The proposed regulation encourages the use of couriers to handle returned checks by allowing banks to dispatch returns after midnight if the returns will be received by the next bank that day.

The proposed regulation imposes duties on returning banks that are similar to the duties imposed on the paying banks to expedite the return process. A returning bank must handle a returned check as expeditiously as a check handled for forward collection.

One way to speed the return process is to prepare the returned check for automated processing by high-speed equipment. Returned checks can be

[2] The Uniform Commercial Code requires a paying bank to dispatch checks it is returning unpaid by midnight of the next banking day following the banking day on which the checks were presented for payment.

VOL
52
ISS
238
DE
11
1987
UMI

automated by either the paying bank or returning bank by placing the return in a carrier envelope or by placing a strip on the bottom of the check, and encoding the envelope or strip with the routing number of the depositary bank, the amount of the check, and a special returned check identifier. Automated returns allow for far more efficient processing by returning banks. The proposed regulation facilitates the preparation by returning banks of automated returned checks by providing an additional business day to the bank's time for prompt return. (This proposal is similar to the fourth proposal listed in the Act.)

One of the obstacles to efficient processing of returns is the lack of uniformity in depositary banks' indorsements. Today, clerks often have difficulty determining the bank to which the check will be returned. The indorsements on the back of the check are often faint, blurred, incomplete, and overlapping. Under the proposal, this difficulty would increase since many checks will not be returned through the same banks that handled the checks during forward collection. The determination of a remote depositary bank would often be difficult if its indorsement were not readily distinguishable from the other indorsements on the check.

Therefore, the proposal requires the depositary bank to provide specific information in its indorsement, including its nine-digit routing number. In addition, the depositary bank's indorsement must be readily identifiable through the use of a unique color ink and by placement in a specified area on the back of the check. Subsequent indorsements may not be in the same color, or be placed in the same location as the indorsement of the depositary bank. (This proposal is similar to the fifth proposal listed in the Act.)

Notification of nonpayment. Even with improvements to the check return system, the depositary bank will not receive all returned checks by the time it must make the proceeds available to the customer for withdrawal. The depositary bank's risk is larger in the case of large-dollar returns. Therefore, the Board proposes to require paying banks to provide notification of nonpayment for all large-dollar returned checks.

Notification of large-dollar returns is now required only for those checks collected through the Federal Reserve. The proposal expands the large-dollar notification requirement to include all checks of $2,500 or more, regardless of the channel though which they were cleared. In addition, the proposal reduces the time period within which notification must be provided. Under the proposal, the paying bank must ensure that notification is received by the depositary bank by 4:00 p.m. (local time of depositary bank) on the second business day following presentment. Federal Reserve regulations currently require notice to be received by midnight on the third business day following presentment. (This proposal is similar to the sixth proposal listed in the Act.)

Reducing the volume of returns. The Board proposes extending the paying bank's midnight deadline for low-dollar checks. Over one-half of all returned checks are in amounts of $100 or less. Many depositary banks routinely redeposit that portion of these returns that are returned due to insufficient or uncollected funds (or direct the Federal Reserve to redeposit the checks on their behalf) in an effort to obtain payment. On average, over 60 percent of these redeposited checks are paid on the second presentment. A significant number of returned checks could be eliminated entirely if the paying bank held low-dollar checks several days beyond its midnight deadline. This concept has received the long-standing support of several banking industry trade groups. The proposal permits a paying bank to hold checks of $100 or less for two business days beyond its midnight deadline in an effort to secure payment.

Regulation J Amendments

Changes are also proposed to Regulation J so that it conforms to the proposed requirements of Regulation CC. Subpart C. Regulation J governs the collection and return of checks by Federal Reserve Banks.

Proposed Federal Reserve Bank Services (Docket No. R–0621)

Returned check services. In order to achieve the objectives of the proposed regulatory requirements to speed the return of checks, it is essential that the Federal Reserve Banks and private-sector correspondent banks provide new return services. The Board proposes a wide array of Reserve Bank services to facilitate bank compliance with these requirements. The Board anticipates that a number of correspondent banks will offer similar services.

Several of the proposed service changes are designed to facilitate direct returns permitted in proposed Regulation CC. Under the proposal, Reserve Banks would accept and process any returned check; today the Federal Reserve only accepts returned checks that it collected. The Federal Reserve would return checks directly to the local depositary bank, bypassing any intermediary collecting banks in the indorsement chain. A depositary bank may designate its correspondent bank or service bureau as the location to which the Federal Reserve should send that bank's returns. Reducing the number of banks handling a returned check will shorten the length of time required for the return process. The Federal Reserve Bank of Dallas is conducting a pilot program of the direct return process, which indicates that, in the case of 43 percent of local returned checks handled by the Bank, at least one collecting bank in the forward collection indorsement chain is bypassed by delivering the return directly to the depositary bank. (This proposal is similar to the seventh proposal listed in the Act.)

Reserve Banks would accelerate their processing of returned checks. New returned check deposit deadlines are proposed that are similar to the deadlines for checks handled for forward collection. By September 1988, local returns will be processed on an overnight basis and dispatched with the forward collection checks the next morning. In contrast, today the returns are processed during the day and dispatched one day later. Nonlocal returns that have been automated for high-speed processing by the paying bank or a prior returning bank will be processed and dispatched to the second Reserve Bank office on the night of the day the Reserve Bank received them. Most other nonlocal returns will be automated by the Reserve Bank and sent to the second Reserve Bank office the following night. Today, both Reserve Bank offices manually process the returned check, which adds an extra day to the return process.

Currently, the Federal Reserve does not explicitly price returned checks; instead, the costs of handling returns are incorporated in the Reserve Banks' forward collection fees. The Board is proposing to price returns explicitly, imposing returned check fees on the paying or returning bank depositing returns with the Federal Reserve. Under this proposal, return costs cannot be recovered through the Reserve Banks' forward collection fees as they are today, since some returned checks handled by the Federal Reserve will not follow the same route that they followed in the process of collection, and thus may not be subject to the Reserve Banks' forward collection fees. In addition, paying and returning banks could deposit returned checks with the Federal Reserve in various ways that result in different costs being incurred

by the Reserve Bank. For example, automated returns would be less expensive for the Federal Reserve to handle than nonautomated returns. Reserve Banks would initially charge a fee for returned checks that have been prepared for automated processing similar to that charged for similar checks handled in forward collection. A higher fee would be charged for "raw" returns that require manual processing. The Board estimates that the charge for returned checks that require manual processing will range from $0.25 to $1.00.

The proposal also addresses modifications to the Reserve Banks' notification services for large-dollar returns. Reserve Banks will offer same-day notification services for all large-dollar checks to facilitate bank compliance with the proposed requirements to provide notice of nonpayment for all large-dollar checks within shorter time periods. The Board proposes that beginning on January 1, 1989, any depositary bank that has an on-line electronic connection with the Federal Reserve be required to receive large-dollar notifications electronically.

Cost of proposed services. Reserve Banks have provided preliminary estimates of the costs of offering the proposed new returned check services. They have projected that the proposed initiatives would require an additional 1988 capital expenditure of approximately $15,000,000, and additional 1988 operating expenditures of approximately $15,000,000. The costs of providing these services will be recovered by the Reserve Banks through the fees assessed for the services.

Truncation and extended MICR capture services. The Board proposes expansion of the Federal Reserve's truncation pilot program to a permanent service. In truncation, the physical checks are not delivered to the paying bank; instead, the MICR-line information on the checks is captured and presented to the paying bank electronically. The benefits of truncation include expeditious check processing and return and a reduction in the number of times the paper check is handled. Truncation may also create savings in transportation costs, and storage, equipment, and personnel costs for the paying bank.

Initially, it is proposed that the Reserve Banks offer truncation services to interested local paying banks. However, the benefits of truncation increase as checks are truncated earlier in the collection process. Therefore, the Board believes that after more experience is gained, Reserve Banks will be able to provide inter-bank truncation services; that is, truncation at the Federal Reserve Bank of first deposit. One Reserve Bank is now engaged in inter-bank truncation on a pilot basis under the rules of the National Association for Check Safekeeping. (The truncation proposal is similar to the first and second proposals listed in the Act.)

The Board also proposes a service that offers many of the same benefits of truncation without stopping the flow of the paper check—the extended MICR capture service. Under this service, which is now provided on a pilot program basis, Reserve Banks would deliver payment information by electronic transmission or magnetic tape, provide returned check and retrieval services, and deliver the checks to the paying bank several days later using less time-critical transportation.

Extended MICR capture would provide the paying bank and its customers an opportunity to test all aspects of the truncation services without giving up receipt of the physical check. The benefits of extended MICR capture are not as great as those of truncation; however, extended MICR would serve as a stepping stone for developing broader acceptance of truncation.

For a further discussion of these services see Docket R–6021, Federal Reserve Bank Services.

Longer-term initiatives (Docket No. R–0622). In addition to these proposed initiatives to expedite returned checks, which would be implemented by September 1988, the Federal Reserve is also exploring various new technologies to improve the check system in the longer term. One such effort involves testing of digitized image processing in a high-speed environment to determine the feasibility of using this technology to transmit check images to the paying bank and the depositary bank, and also as a substitute for microfilming checks.

Further, the Board is requesting comment on a variety of initiatives, including: (1) The feasibility of a machine-readable depositary bank indorsement, possibly by inclusion of a bar code of the nine-digit routing number, to facilitate further automation of returned check processing; (2) the feasibility of an electronic clearinghouse concept; (3) the feasibility of establishing electronic clearing zones, in which all banks in a specified area agree to accept electronic presentment of their checks; (4) further actions that should be considered to address delayed disbursement practices of certain corporations and banks; (5) an alternative method of preparing returned checks for automated processing that does not require the MICR-encoding of the returned check with the amount and routing number of the depositary bank; and (6) concepts for several potential future Federal Reserve services to depositary banks, specifically, a service to ascertain the authenticity of cashier's, certified, and teller's checks and a service to communicate information regarding returned checks to depositary banks prior to the physical delivery of the checks. (The electronic clearing-house proposal is based on the eighth proposal listed in the Act.)

Impact of the Proposal

Cost impact. The requirements of the Act and the proposed regulation will result in several benefits to the public. Transaction account customers will be given specific information on when funds will be made available for withdrawal, which should help them better manage their accounts. In addition, many customers will gain earlier access to their funds. However, it is difficult to quantify these benefits.

The overall cost impact on the banking industry may be quite significant. The disclosure and funds availability provisions in the Act may result in higher operating expenses, lost investment income due to earlier withdrawal of collected balances, and increased bad check losses. It is also difficult to estimate the cost impact of these changes.

On the other hand, the improvements to the check collection system may actually reduce overall bank costs. The proposed regulations would change the duties of the paying bank, returning banks, and depositary bank, and would require modifications to the operations of each bank in the return process. Initially, these new initiatives may increase costs. Some of these costs are one-time transition costs, such as the costs to the depositary bank to modify its check processing equipment to comply with the new standard indorsement. Other costs are ongoing, such as costs for expedited handling of returns at returning banks.

However, the proposals in the aggregate have the potential for substantial longer-term cost reductions in the return process. Returns will be received by the depositary bank more quickly than they are today, reducing the bank's risk from providing prompt availability of funds to its customers. The number of returns may be significantly reduced due to the authority granted to paying banks to extend their midnight deadline for small-dollar returns. The regulation's availability and disclosure requirements may also result in reduced returns

VOL
52
ISS
238
DE
11
1987
UMI

because funds may be made available for withdrawal sooner and customers would know more precisely when they may withdraw funds from their accounts. The proposal would encourage more direct exchange of returned checks, reducing the number of intermediary banks involved in the return process. Most importantly, the new indorsement standard should, over the long term, reduce the cost of return processing by facilitating the more efficient processing of returns. Future enhancements to the indorsement standard would allow all parties in the check collection system to automate completely their return processing.

Competitive impact. An important factor considered in the development of the regulatory framework for expedited returns and related Reserve Bank services was the impact on competition in the check collection system. The public has benefited from the competitive environment that has existed between the Federal Reserve and correspondent banks, and among correspondent banks in providing check collection services. The Board has sought to ensure that the proposed regulatory requirements and Federal Reserve service offerings were designed to provide options to banks in the return process and to facilitate a competitive environment.

Although a number of the Reserve Bank services proposals—such as acceptance of any returned checks, the explicit pricing of returns and corresponding decrease in the forward collection fees, and direct return by the Federal Reserve to the depositary bank—may have significant competitive implications, it is difficult to determine what that impact would be. For example, lower Federal Reserve check collection fees could make the Reserve Banks' forward collection check services more attractive, and acceptance of all returns could increase return volume. On the other hand, a bank that uses the Federal Reserve for both forward collection and return services may experience an increase in its total charges for check services. In addition, the acceptance of universal returns by the Federal Reserve has the potential to result in a reduction of Federal Reserve forward collection check volume, since returns are often viewed as nuisance items in the collection process that have deterred banks from competing for forward collection volume.

Correspondent banks will have the opportunity to compete with the Federal Reserve in providing returned check services. For example, approximately 4,000 banks that do not collect checks through the Federal Reserve currently mail returned checks to their Reserve Bank. Under this proposal, these paying banks may deliver these returned checks along with their forward collection checks to their correspondent bank, rather than establishing separate transportation to deliver their returns to the Federal Reserve. This practice could result in additional volume of returned checks for correspondents.

For a further discussion of these initiatives see Docket R–6022, Proposals for Long-Term Improvements to the Check Collection System.

Educational Efforts

During the public comment period, Federal Reserve Banks plan to conduct seminars designed to increase the understanding of depository institutions regarding the implications of the Act and better prepare the public to comment on the Board's proposed regulations and operating issues. Reserve Banks will sponsor another series of seminars after approval of the final regulations by the Board to assist the industry in preparing for the regulatory and operational changes to be effective on September 1, 1988. In addition, Federal Reserve staff is working closely with various industry groups as they prepare to offer similar seminars to their constituencies.

Summary of Proposals

The Board is issuing for public comment the following proposals to implement the provisions of the Expedited Funds Availability Act:

(1) Docket R–0620, Proposed Regulation CC and Amendments to Regulation J, which

(a) Requires banks to provide for availability of deposits within specified time periods, to disclose their availability policies to customers, and to begin to accrue interest on deposits to accounts not later than the day they receive provisional credit for the deposits; and

(b) Requires banks to expedite the return of checks, including authorizing direct return, and requires the depositary bank to use a standard indorsement.

This docket also includes amendments to Regulation J, which governs the collection of checks by Federal Reserve Bank so that it conforms to the proposed rules to expedite the return of checks.

(2) Docket R–0621, Federal Reserve Bank Services, which proposes Reserve Bank services to facilitate bank compliance with the proposed requirements to expedite returns and improve the check collection system, including expansion of Reserve Bank check truncation and extended MICR capture services from pilot programs to permanent services.

(3) Docket R–0622, Proposals for Long-Term Improvements to the Check Collection System, which requests public comment on longer-term initiatives to improve the check system.

Effect of the Proposals on the Check Collection System

The following is an explanation of the current process for returning checks and a description of the responsibilities of paying, returning, and depositary banks now and in the future, if the Board's proposals are adopted. This overview should assist the reader in better understanding the impact of the proposed changes to expedite the return of checks on paying banks, returning banks, and depositary banks.

In contrast to the forward collection process, the returned check process is a slow, relatively labor intensive, and costly operation. The BAI study concluded that, while the forward collection process takes an average of 1.6 days to complete, the return process takes an average of 5.2 days. The BAI study found that, during the return process, the average returned check is handled by 3.4 banks: The paying bank, an average of 1.4 returning banks, and the depositary bank. Even though less than one percent (the study estimated 0.86 percent) of all checks are returned, the absolute volume of returns (the study estimated 350 million annually) is relatively large.

Both correspondent banks and Federal Reserve offices frequently act as returning banks between the paying and depositary banks in the return process. Correspondent banks may route forward collection checks for payment either through the Federal Reserve or through private channels. Thus, the return process currently may include one or more correspondents and the Federal Reserve before the returned check reaches the depositary bank. The more intermediate processing steps a returned check must pass through on its route to the depositary bank, the greater the probability that additional time will be necessary to complete the process.

Many checks are collected through local clearing arrangements, clearinghouses, and direct exchange arrangements. Such arrangements consist of two or more banks agreeing to exchange checks drawn on each other. There are many such arrangements, and they are a very efficient and fast means of collecting and returning certain checks. The returned check processes of

local clearinghouses should be largely unaffected by the Board's proposals, although the individual participants are subject to the provisions of the Act.

The Paying Bank

Current. Today, the paying bank's principal duty when dishonoring a check is to assure timely dispatch of the check back to the presenting bank. The U.C.C. and the Federal Reserve's Regulation J specify that the paying bank must dispatch a check it has determined not to pay by midnight of the banking day following the day the paying bank received the check for payment (the "midnight deadline"). This obligation may be satisfied by dispatching the returned check by courier or U.S. mail. The return of checks presented for payment through clearinghouses is usually subject to the rules of the clearinghouse and these checks are dispatched accordingly.

Typically, paying banks receive checks for payment throughout the day: From correspondents, the Federal Reserve, or through a clearinghouse. Checks received on a Monday, for example, would be posted to customers' accounts on Monday night and any checks that are not to be paid (due to insufficient funds, account closed, etc.) are rejected from the system and reports are prepared for management review. The decision to actually return a check can be made automatically as a matter of bank policy or following review by management on Tuesday. The checks to be returned are then sent by courier with the bank's forward collection checks, by mail or courier to other collecting banks, or by messenger to the clearinghouse. The return process in this example must begin by midnight Tuesday to conform to the U.C.C. Because the return process must begin by midnight, many paying banks return checks by mail when a courier leaving after midnight would be faster. If a check to be returned was presented by the Federal Reserve and is $2,500 or more, the paying bank is also obligated to provide notice of return to the depositary bank by midnight of the third banking day following receipt (Thursday in this example). Receipt of the physical check by the depositary bank within this time frame would fulfill this notification requirement.

Many paying banks currently receive checks from more than one collecting bank and, therefore, dispatch returned checks to each of those banks. If the paying bank does not deposit checks for collection with the bank to which it is returning checks, these checks are usually returned through the mail. In some cases, mail is also used by paying banks to transport returns to the bank to which it sends its forward collection checks in order to ensure compliance with the midnight deadline. The paying bank currently has little incentive to make an effort to speed the return process and is generally not concerned about the return process after a returned check has been dispatched timely.

Proposed. A major impetus for change in the role of the paying bank will be the responsibility placed on the paying bank by § 229.30 of the proposed regulation. This section states that the return process must be accomplished in an "expeditious manner," thus providing the incentive to the paying bank to take steps to speed the flow of returned checks. Under this proposed new duty, once the paying bank decides not to pay a check, the paying bank must dispatch returned checks with the same speed and diligence that it would dispatch forward collection checks received for deposit before noon on the banking day after the day of presentment of the returned check. This means that a check presented to the paying bank on Monday that is not paid must be dispatched as quickly as a check deposited in that bank on Tuesday morning that is drawn on the depositary bank. The Federal Reserve would provide new deadlines for deposit of returned checks and other new or enhanced services, which would assist paying banks in meeting the proposed new duties.

Some of the changes in the return process from the perspective of the paying bank are anticipated to be:

1. In many cases, paying banks will dispatch returns by the same manner, and at the same time, as they send forward collection checks. This will usually mean that returns will be sent via courier rather than mail. The paying bank will be required to meet the deposit deadlines and sorting requirements set by any returning bank to which the returned check is sent.

2. Additional options will be available to send returns. Returns would not be required to follow the indorsement chain through which the check was originally collected. This means that the paying bank could return all checks to a single returning bank rather than sending them to multiple presenting banks. Paying banks could return checks to the depositary bank or to a bank agreeing to process returns, including the Federal Reserve. If the paying bank cannot identify the depositary bank from the indorsement, it may find it necessary to send that returned check back to the presenting bank. The Federal Reserve would accept returned checks from all paying banks and explicitly charge for this service. Other returning banks are likely to establish similar services.

3. Under the proposal, using the example above, checks for $100 or less, which a paying bank would normally return, may be held for two business days beyond the paying bank's midnight deadline without the paying bank incurring additional liability. The paying bank must attempt to obtain payment on the day the check is actually returned. If widely implemented by paying banks, this procedure is expected to reduce the total number of checks that would be returned unpaid.

4. Paying banks will have the option to prepare a returned check for automated processing by high-speed equipment. This option will be used only when the paying bank is sending the returned check to a returning bank. The bank can produce a "qualified returned check" (QRC) by enclosing a returned check in a carrier envelope or attaching a strip to the bottom of the check, and encoding the carrier or strip with the nine-digit routing number of the depositary bank, a special returned check identifier, and the amount of the check. By creating QRCs, the paying bank facilitates expeditious return of the check to the depositary bank. Preparation of QRCs by paying banks also reduces the cost of the overall return process because returning banks will be able to handle these checks more efficiently. To encourage paying banks to prepare QRCs, the Federal Reserve will provide later deposit deadlines at lower prices for QRCs than for returned checks that are not qualified. The Board believes that correspondent banks will adopt a similar strategy.

5. Paying banks will be required to provide notification of nonpayment on all returned checks of $2,500 or more, regardless of the channel of collection, at an earlier time than required today. Notifications will have to be received by the depositary bank by 4:00 p.m. (local time) on the second business day following presentment of a check to the paying bank. This means that if a decision is made to return a check of $2,500 or more that was presented on Monday, the paying bank must ensure that the notification is received by the depositary bank no later than 4:00 p.m. Wednesday. The Federal Reserve will provide timely notification to the depositary bank provided that the message is originated by Fedwire by noon on the due date or that the physical returned check or a telephone message is given to the Federal Reserve by 9:00 a.m. on the due date.

VOL 52 ISS 238 DEC 11 1987 UMI

Returning Banks, Including Federal Reserve Banks

Current. Returning banks currently receive returned checks from paying banks and from other returning banks, and subsequently send those returned checks to depositary banks and to other returning banks. Banks that act as collecting banks during the forward collection process also act as returning banks during the return process. Generally, a returning bank receives a returned check from the bank to which it sent the check for collection or payment. The returning bank then sends the returned check to its prior indorser. In sending the returns to its prior indorser, returning banks are under a duty similar to the duty applicable to paying banks to dispatch returned checks by the midnight deadline. One of the advantages to the practice of returning through the indorsement chain is that parties in the return process have established account relationships that were used during the forward collection process. The payment for the returned check is typically a reversal of the payment made during the forward collection process.

The Federal Reserve functions as a returning bank in the current return process only for checks that it handled in the forward collection process. The Federal Reserve receives returned checks from paying banks and sends them to depositary banks and other returning banks. Approximately 43 percent of the returns currently handled by the Federal Reserve are sent to correspondent banks acting as returning banks. In some Federal Reserve regions, where correspondent banking is particularly active, the Federal Reserve office currently sends well over 50 percent of the returns it handles to correspondents in their role as returning banks.

Proposed. Under the proposal, returning banks will be held to a standard similar to paying banks. That is, returning banks must handle returned checks in an "expeditious manner", i.e., returned checks must be processed and dispatched in the same general manner as forward collection checks. This means that returning banks must process returned checks in a much shorter time frame than is typical today.

Federal Reserve Banks will establish new deposit deadlines for returned checks that closely parallel those for forward collection checks. It is expected that other returning banks will also establish new deposit deadlines for returned checks. While these deadlines need not be the same as for checks received for forward collection, returning banks may wish to establish these deadlines so as to permit paying or other returning banks to send returned checks to them on the same courier as forward collection checks. Returning banks may return a check directly to the depositary bank or to another returning bank as long as the route chosen for the return is expeditious. Generally, it would not be expeditious for a returning bank to send returned checks to another returning bank if it sends forward collection checks drawn on that depositary bank directly to the depositary bank.

Returning banks would have the option, but not be required, to convert returns to QRCs. If a returning bank chooses to prepare a QRC, it may take a day to do so beyond the time when the check would otherwise have been dispatched. An extra day is not available when returning directly to the depositary bank, because preparation of a QRC would not speed the return of such checks.

It is anticipated that one of the most significant changes in the return processing system for non-Federal Reserve returning banks will be the effect of the Federal Reserve's direct return policy. Federal Reserve offices will no longer send returned checks to other non-Federal Reserve returning banks. This potential shift in volume (about 43 percent of current Federal Reserve return volume) could significantly reduce the number of returned checks that are handled by these returning banks.

The Depositary Bank

Current. The depositary bank receives returned checks from both paying and returning banks. Generally, a returned check is received from the bank used by the depositary bank for forward collection. Depositary banks also receive notifications of nonpayment on checks of $2,500 or more collected through the Federal Reserve. Some depositary banks currently redeposit low-dollar returned checks for collection because a significant proportion of these checks are paid upon second presentment.

Proposed. The depositary bank's requirement to place a standard indorsement on the check is critical to improvements in the return process. By following the proposed new indorsement standard and imprinting a complete, legible indorsement on the check, the depositary bank will greatly assist paying and returning banks in identifying the depositary bank and, therefore, in processing the return promptly. To comply with the standard, depositary banks may have to install new indorsement plates and may need to modify some equipment. Some banks may want to work with corporate customers that encode checks prior to deposit to have the corporate customer place the depositary bank's indorsement on the check according to the new standard. Failure to follow the indorsement standard may increase the risk of loss to the depositary bank because paying and returning banks may be relieved of liability for delay in return if the delay is due to a nonstandard indorsement.

Depositary banks may receive returns from returning banks with which the depositary bank currently does not have a forward check collection relationship. Many depositary banks will, for the first time, begin receiving returned checks directly from the Federal Reserve. If the depositary bank requests courier delivery of its returned checks at a location where the Federal Reserve does not currently provide courier service, the depositary bank may be charged for the transportation.

Some depositary banks that currently are charged by a returning bank for returned checks will begin receiving returned checks without a per item charge. Depositary banks must pay, in same-day funds, for returned checks on the day the checks are received. If paying banks and returning banks that return checks directly do not wish to receive same-day payment by wire transfer, cash, or Federal Reserve net settlement, or if the paying or returning bank does not maintain an account relationship with the depositary bank, the banks may agree as to the form of payment. The form of payment may be a check or an ACH payment.

Depositary banks that have an on-line connection with the Federal Reserve will have to receive notifications of nonpayment through that terminal after January 1, 1989.

It is anticipated that depositary banks will experience fewer returns, faster receipt of those checks that are returned, and more comprehensive notification of nonpayment on large-dollar returned checks. It is also anticipated that fewer returns will be redeposited for collection by depositary banks because some paying banks will have retained the small-dollar checks for an extra two days to attempt to secure payment.

Regulation CC

Section-by-Section Analysis

The Board intends to include a section-by-section analysis with the final regulation that will be an official commentary on the regulation and will be an official Board interpretation within the meaning of section 611(e) of the Act (12 U.S.C. 4010(e)). Accordingly, the Board requests commenters to address issues raised by the commentary as well as making comments on the regulation itself.

Subpart A—General

Section 229.1 Authority and purpose; organization.

This section summarizes the Board's authority to adopt this regulation and provides a description of how the regulation is organized.

Section 229.2 Definitions.

This section defines the terms used in the regulation. For the most part, terms are defined as they are in section 602 of the Expedited Funds Availability Act (12 U.S.C. 4001). The Board is, however, proposing changes for the sake of clarity or to conform the terminology to that which is familiar to the banking industry and defining terms that are not defined in the Act. The Board proposes to incorporate by reference the definitions of the Uniform Commercial Code where appropriate, continuing a practice adopted for Regulation J (12 CFR Part 210). Some of the Regulation CC's definitions are self explanatory and therefore are not discussed in this commentary.

Account. The Act defines account to mean "a demand deposit account or similar transaction account at a depository institution." The proposed regulation defines "account" in terms of the definition of "transaction account" in the Board's Regulation D (12 CFR Part 204). Thus the definition applies to accounts with general third party payment powers but does not cover time deposits or savings deposits, including money market deposit accounts, even though they may have limited third party payment powers. The Board believes that it is appropriate to exclude these accounts because of the reference to demand deposits in the Act, which suggests that the Act is intended to apply only to accounts that permit unlimited third party transfers. The definition proposed for Regulation CC differs from the definition of "transaction account" found in Regulation D, as the Regulation CC definition excludes deposits, such as nondocumentary obligations (see 12 CFR 204.2(a)(1)(vii)), that are not represented by accounts but that are covered under Regulation D.

The Board also proposes to exempt inter-bank deposits and accounts from Regulation CC.

Automated clearinghouse (ACH). The Board proposes to define automated clearinghouse as a facility that processes debit and credit transfers under rules established by a Federal Reserve Bank operating circular governing automated clearinghouse items or the rules of an ACH association. ACH credit transfers are included in the definition of "electronic payment."

The reference to "credit transfers" and "debit transfers" is not meant to refer to the corresponding credit and debit entries that are part of the same transaction, but the kinds of ACH payments. In an ACH credit transfer, the originator orders that its account be debited and another account credited. In an ACH debit transfer, the originator, with prior authorization, orders another account to be debited and its account to be credited.

A facility that handles only "wire transfers" (defined elsewhere) would not be an ACH, although some organizations, for example, the New York Clearing House, operate both an ACH and a wire transfer network.

Automated teller machine (ATM) is not defined in the Act. The Board proposes to define an ATM as an electronic or mechanical device at which a natural person may make deposits to accounts by cash or check and perform other transactions. Point-of-sale terminals, machines that only dispense cash, night depositories, and lobby deposit boxes are not ATMs within the meaning of the proposed definition, either because they do not accept deposits (point-of-sale terminals) or because they only accept deposits (night depositories) and cannot perform other transactions. Deposits to night depositories and lobby boxes are treated as deposits at the teller windows of the branches of the depositary banks where they are located for the purpose of determining when funds must be made available for withdrawal.

Available for withdrawal. The Act does not define what it means for funds to be "available for withdrawal." The Board proposes to define this phrase in order to clarify the Act. Under the proposal, when funds become "available for withdrawal," it means that funds may be put to any use for which the depositor may use actually and finally collected funds in the depositor's account under the depositor's account agreement with the bank. Examples of such uses include payment of checks drawn on the account, electronic payments, and cash withdrawals.

Bank. The Act uses the term "depository institution," which it defines by reference to section 19(b)(1)(A) (i) through (vi) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A) (i) through (vi)). The Board proposes to use the term "bank," a term that conforms to the usage the Board has previously adopted in Regulation J. "Bank" is also the operative term in Article 4 of the Uniform Commercial Code.

"Bank" is defined to include depository institutions, as defined in the Act, and U.S. branches of foreign banks.

Unless otherwise specified, the term bank includes all of a bank's offices in the United States.

Banking day and *Business day.* The Act defines only "business day" and that only as any day excluding Saturdays, Sundays, and legal holidays. "Legal holiday," however, is not defined, and the variety of local holidays, together with the practice of some banks to close midweek, makes the Act's definition difficult to apply. The Board believes that two kinds of business days are relevant. First, when dealing with the day a deposit is made or a bank's duty to perform some action (such as returning a check), the focus should be on a day that the bank is actually open for business. Second, when counting days for purposes of determining when funds must be available under the regulation or for the time limits banks must meet in returning checks, there would be confusion and uncertainty in trying to follow the schedule of a particular bank, and there is less need to identify a day when a particular bank is open. Most banks that act as intermediaries (large correspondents and Federal Reserve Banks) follow the same holiday schedule. Accordingly, the Board proposes to adopt two definitions: "business day" is defined to follow the standard Federal Reserve holiday schedule (which is followed by most large banks), and "banking day" is defined to mean a business day on which a bank is open for substantially all of its banking activities.

The definition of banking day follows the definition of banking day in U.C.C. 4–104(1)(c), but changes it by defining a banking day in terms of a "business day." Thus, if a bank is open on Saturday, Saturday might be a banking day for purposes of the U.C.C., but it would not be a banking day for purposes of Regulation CC because Saturday is never a "business day" under the regulation.

Under the proposal, a bank may observe a banking day on a per branch basis. The fact that one branch is open to the public for substantially all of its banking business does not necessarily mean that that day is a banking day for other branches. For deposits made at an

VOL
52
ISS
238
DEC
11
1987
UMI

bank is a depositary bank with respect to checks it receives for loan repayment, although these checks are not deposited in an account at the bank.

Depository check is defined in the Act to include cashier's checks, certified checks, teller's checks, "and any other functionally equivalent instrument as determined by the Board." The Board does not propose to include any other instruments in this definition.

Electronic payment is defined to mean a wire transfer or an ACH credit transfer. The Act makes no mention of ACH transfers, but the Board believes that ACH credit transfers have some of the characteristics of wire transfers and should be treated in the same manner as wire transfers. ACH debit transfers, even though they may be transmitted electronically, are not defined as electronic payments because the receiver of an ACH debit transfer has the right to return the transfer, which would reverse the credit given to the originator. Thus, ACH debit transfers are more like checks than wire transfers. Further, those that receive funds by originating ACH debit transfers are primarily large corporate customers who would generally be able to negotiate with their banks for prompt availability.

Forward collection is a term used in Subpart C. It is defined to mean the process by which a depositary bank sends a check to the paying bank for payment as distinguished from the process by which the check is returned after nonpayment. Noncash collections are not included in the term "forward collection."

Local check is defined as a check drawn on, payable through, or payable at a local paying bank. A bank may rely on the routing number on a check in identifying a local check; consequently, a person can determine which checks are local by reference to the routing number. A routing number is generally printed in magnetic ink near the bottom of the check (the "MICR strip"; see American National Standards Committee on Financial Services, *Specification for the Placement and Location of MICR Printing, X9.13* (Sept. 8, 1983) hereinafter referred to as "ANSI X9.13–1983").

A check, such as a check drawn on a local bank but payable through a nonlocal bank, could have two paying banks, one local and one nonlocal, depending on how the check is collected. This definition allows the depositary bank to rely on the routing number on the check, generally the payable through bank's routing number, in determining whether the check is local or nonlocal.

Appendix A is a list of routing numbers arranged by Federal Reserve Bank office to enable persons to determine whether or not a check is local.

Local paying bank is defined as a paying bank to which a check is sent for forward collection located in the same check processing region as the branch or proprietary ATM of the depositary bank. (*See* comments on definition of "paying bank".)

Noncash item. The Act's definition of "check" states that noncash items are excluded, and defines noncash items as checks to which another document is attached or accompanied by special instructions. Under the Act, "noncash item" also includes other items as determined by the Board's regulations. The Board proposes to define "noncash item" in terms of the Federal Reserve Banks' uniform operating circular on the collection of noncash items. The proposal also defines noncash item to include checks that consist of more than a single thickness of paper (except checks that qualify for handling by automated check processing equipment, e.g. those placed in carrier envelopes) and checks that have not been preprinted or post-encoded in magnetic characters with the paying bank's routing number.

A photocopy of a check is neither a check nor a noncash item, but may be treated as either. The Federal Reserve Banks generally agree to handle a properly prepared photocopy of a check as a check if it contains a guarantee of authenticity and an indemnity by the depositary bank or a collecting bank.

Paying bank. The Board proposes to use this term in lieu of the Act's "originating depository institution," and to define it, as in Regulation J (12 CFR Part 210), to include the payor bank, the payable at bank, and the payable through bank.

Under other provisions of the proposal, a bank designated as a "payable through bank" would be responsible for performing all of the duties (payment, return, notice, etc.) of the payor bank and within the same time frames. The Board believes that the Act makes a clear connection between availability and the time it takes for checks to be cleared and returned. Allowing the payable through bank additional time to forward checks to the payor, and await return or pay instructions from the payor, would delay the return of these checks, increasing the risks to depositary banks.

Federal Reserve Banks and Federal Home Loan Banks are also treated as paying banks with respect to checks drawn on them, even though they are not defined as "banks" in the regulation. A state government that issues warrants drawn on itself would also be a paying bank for purposes of the regulation, and thus would be subject to the paying bank's duties under Subpart C.

Proprietary ATM. Under the temporary schedule, all deposits at nonproprietary ATMs are treated like deposits of nonlocal checks and deposits at proprietary ATMs are generally treated like deposits at banking offices. The Conference Report on the Act indicates that the special availability rules for deposits received through nonproprietary ATMs are provided because "nonproprietary ATMs today do not distinguish among check deposits or between check and cash deposits" (H.R. Rep. No. 261, 100th Cong., 1st Sess. at 179 (1987)). Thus, during the temporary schedule, a deposit of any combination of cash and checks at a nonproprietary ATM may be treated like a deposit of nonlocal checks, because the depositary bank does not know the makeup of the deposit and consequently is unable to place different holds on cash, local check, and nonlocal check deposits made at the ATM.

A colloquy between Senators Proxmire and Dodd during the floor debate on the Competitive Equality Banking Act (133 Cong. Rec. S11289 (Aug. 4, 1987)) indicated that whether a bank operates the ATM is the primary criterion to determining whether the ATM is proprietary to that bank. Since a bank should be capable of ascertaining the composition of deposits made to an ATM operated by that bank, an exception to the availability schedules is not warranted for these deposits.

The Board believes that generally ATMs are owned or operated by one bank and should be considered proprietary to that bank, even if deposits can be made by customers of other banks at that ATM. Nonetheless, the Act also includes location as a factor in determining whether an ATM that is neither owned nor operated by a bank is proprietary to that bank. Thus, the Board has included, as criteria for what constitutes a proprietary ATM, an ATM located on the premises of the bank—either inside the branch or on its outside wall. Since the Act also defines a proprietary ATM as one that is "in close proximity" to the bank, the Board proposes to define an ATM located within 50 feet of a bank to be proprietary to that bank. The Board believes that the statutory proximity test was designed to apply to situations where it would appear to the depositor that the ATM was run by its bank,

ATM, if the branch of the depositary bank that holds the account of the person making the deposit is open for substantially all of its banking activities on the day of deposit, that day is considered a banking day for that deposit.

Cash means U.S. coins and currency. The phrase in the Act "including Federal Reserve notes" has been deleted as unnecessary. (See 31 U.S.C. 5103.)

Cashier's check. The Board proposes to add to the second item in the Act's definition of "cashier's check" the language, "on behalf of the bank as drawer," to clarify that the term "cashier's check" is intended to cover only checks that a bank draws on itself.

Certified check. The Act defines a certified check as one to which a bank has certified that the drawer's signature is genuine and that the bank has set aside funds to pay the check. Under the Uniform Commercial Code, certification of a check means the bank's signed agreement that it will honor the check as presented (U.C.C. 3–410, 3–411). The Board proposes to define "certified check" to include both the Act's and U.C.C.'s definitions.

Check is defined in the Act as a negotiable demand draft drawn on or payable through an office of a depository institution located in the United States, excluding noncash items. The Act also mandates prompt availability for drafts drawn on the U.S. Treasury and state governments. The Board proposes to define "check" to include these items as well.

Principal and interest payments on federal debt instruments are often paid with checks drawn on a Federal Reserve Bank as fiscal agent of the United States, and these "fiscal agency checks" are indistinguishable from other checks drawn on Federal Reserve Banks. Federal Reserve checks are also used by some banks as substitutes for cashier's checks and therefore are analogous to depository checks under the regulation. Similarly, savings and loan associations often use checks drawn on Federal Home Loan Banks as substitutes for cashier's checks. The Board proposes to treat checks drawn on Federal Home Loan Banks and Federal Reserve Banks in the same manner as it treats depository checks.

The Act treats drafts payable through a bank as checks, even though under the U.C.C. the payable through bank is a collecting bank to make presentment and is generally not authorized to make payment (U.C.C. 3–120). The Act does not address items that are payable at a bank.[3] For purposes of this regulation, the Board proposes to treat both payable through and payable at demand drafts as payable by the bank designated as the payable through or payable at bank. The Board believes that treating demand drafts payable at a bank as checks will not have a substantial effect on the operations of payable at banks—by far the largest proportion of payable at items are not negotiable demand drafts, but time items, such as commercial paper, bonds, notes, bankers' acceptances, and securities. These time items are not covered by the requirements of the Act or of this regulation. (The treatment of payable through drafts is discussed in greater detail in connection with the definitions of "local check" and "paying bank.")

The Board proposes to include negotiable demand drafts, or warrants, drawn on a state government in the definition of check. The Board has not proposed to address checks drawn on local governments under paragraph (3) in the definition of check because it is not aware of any local government that draws drafts directly on itself. If any commenter is aware of a local government that draws drafts directly on itself, it should include this information in its comment.

The Board proposes to treat U.S. Postal Service money orders as checks even though under Postal Service regulations they are not negotiable. The Board does not propose to provide specific rules for other types of money orders; these instruments are generally drawn on or payable through or payable at banks and are treated as checks on that basis.

The Board proposes to treat nonnegotiable cash items as checks for purposes of Subpart C. The Board requests comment on how to treat cash items drawn on entities that are not banks for purposes of this regulation (for example private banks and industrial banks).

Check clearinghouse association follows the definition in the Act, but makes it clear that using the premises of a Federal Reserve Bank to exchange checks does not constitute the handling of checks for collection by the Reserve Bank. This provision was added because several clearinghouses meet at Reserve Banks to exchange checks among their members.

The Act defines a clearinghouse as serving "a local area, including a metropolitan area." Some clearinghouses (for example, the California Bankers Clearing House Association), however, cover wide areas, including whole states that are served by more than one Federal Reserve office. The members of these clearinghouses may not all be "local paying banks" as contemplated by the Act. The Board requests comment on how to treat clearinghouses covering large geographic areas, and whether all participants in a clearinghouse should be regarded as local paying banks with respect to all other clearinghouse participants regardless of whether they are all located in the same check processing region.

Check processing region. The Act defines this term as "the geographic area served by a Federal Reserve bank check processing center or such larger area as the Board may prescribe by regulations." The Board proposes to adopt as the relevant check processing regions those territories served by one of the 48 Federal Reserve head offices, branches, or regional check processing centers. Appendix A lists all the Federal Reserve offices and gives the Federal Reserve routing symbols associated with each office territory. The definition of check processing region is key to determining whether a check is considered local or nonlocal.

Depositary bank. The Board proposes to use this term rather than the term "receiving depository institution." "Receiving depository institution" is a term unique to the Act, while "depositary bank" is the term used in Article 4 of the U.C.C. and Regulation J. "Depositary bank" is therefore more familiar to the banking industry than is the Act's terminology.

A depositary bank includes the bank in which the check is first deposited. If a customer deposits a check in its account at a bank, that bank is the depositary bank with respect to the check. If a foreign bank sends checks to its U.S. correspondent bank for forward collection, the U.S. correspondent is the depositary bank.

A bank may act as both the depositary bank and the paying bank with respect to a check, if the check is drawn on, payable at, or payable through the bank in which it was deposited.

A bank is also considered a depositary bank with respect to checks it receives as payee. For example, a

[3] The U.C.C. provides alternative treatment for payable at items (U.C.C. 3–121). In 32 states, the payable at bank, like the payable through bank, is not authorized to pay the item solely because it is designated as the payable at bank. In 18 states, the District of Columbia, and the U.S. Virgin Islands, an item that is payable at a bank is treated as a draft drawn on that bank. Thus, under current law, a large number of payable at items are treated as drafts drawn on the payable at bank.

VOL
52
ISS
238
DE
11
1987
UMI

because of the proximity of the ATM to the bank. The Board believes that ATMs located within 50 feet of a banking office would be presumed proprietary to that bank unless they are clearly identified as being owned or operated by another bank.

The Board proposes to limit the applicability of this definition by stating that an ATM is not considered to be proprietary to more than one unaffiliated bank. If more than one bank meets the criteria set forth in the definition, the ATM will be considered proprietary to the bank that satisfies the criterion stated in the lowest numbered paragraph. Thus, generally an ATM will be proprietary to the bank that owns or operates it. If more than one bank meets the owns or operates criterion, the ATM shall be considered proprietary to the bank that operates it.

Qualified returned check. The proposal provides for the return of checks to the depositary bank by the paying bank by the same general means used for forward collection of a check from the depositary bank to the paying bank. One way to speed the return process is to prepare the returned check for automated processing. Returned checks can be automated by either the paying bank or a returning bank by placing the return in a carrier envelope or by placing a strip on the bottom of the return, and encoding the envelope or strip with the routing number of the depositary bank, the amount of the check, and a special return identifier. Returns may be identified by placing a "2" in position 44 of the MICR line. (*See* ANSI X9.13–1983.) Generally, under the standard of care imposed by § 229.38, a paying or returning bank would be liable for any damages incurred due to misencoding of the routing number, the amount of the check or return identifier on a qualified returned check unless the error was due to problems with the depositary bank's indorsement. (*See also* discussion of § 229.38(c).) A qualified returned check need not contain the elements of a check drawn on the depositary bank, such as the name of the depositary bank, as is required under the direct return provision of U.C.C. 4–212(2). Because indorsements on carrier envelopes will not appear on a returned check itself, banks will wish to retain carrier envelopes with their check records.

Returning bank is defined to mean any bank (including a Federal Reserve Bank or a Federal Home Loan Bank, but excluding the paying bank) handling a returned check under the return procedures established in Subpart C. A returning bank may or may not be a bank that handled the returned check in the forward collection process.

Routing number. Each bank is assigned a routing number by Rand McNally & Co. as agent for the American Bankers Association. The routing number takes two forms: A fractional form and a nine-digit form. A paying bank is identified by both the fractional form routing number (which normally appears in the upper right-hand corner of the check) and the nine-digit form (which is printed in magnetic ink in a strip along the bottom of the check). Subpart C proposes to require banks to place their routing numbers in nine-digit form in their indorsements.

Uniform Commercial Code is defined as the version of the Code adopted by the individual states. Citations in the regulation are to the official text published by the Code's sponsors.

Wire transfer. The Act delegates to the Board the authority to define the term "wire transfer." The Board proposes to define wire transfer as an order to a bank to pay a fixed or determinable amount of money to a beneficiary. The order must unconditionally permit the bank receiving the wire transfer to pay the beneficiary. A wire transfer may be transmitted by electronic or other means. "Electronic means" include computer-to-computer links, on-line terminals, telegrams (including TWX, TELEX, or similar methods of communication), telephone calls, or other similar methods. The Board believes that Fedwire (the Federal Reserve's wire transfer network), CHIPS (Clearing House Inter-bank Payments System, operated by the New York Clearing House), and book transfers among banks or within one bank would be covered by this definition.

Subpart B—Availability of Funds

Section 229.10 Next-day availability for certain deposits.

(a) *Cash deposits.* The Act provides next-day availability for cash deposits to accounts at a depositary bank "staffed by individuals employed by such institution." [3] In its proposal, the Board has eliminated this condition for receipt of next-day availability for cash deposits as well as for checks subject to next-day availability under paragraph (c). Current law generally provides for next-day availability for cash deposits. (*See* U.C.C. 4–213(5).) The Board is not aware of any impediments to providing next-day availability for cash deposits received at a proprietary ATM, night depository, lobby deposit box, or through the mail, but requests comment on any problems this requirement may pose for depositary banks.

This provision, as well as other provisions in this subpart governing the availability of funds, provides that funds must be made available for withdrawal not later than a specified number of "business days" following the "banking day" on which the funds are deposited. Thus, a deposit is only considered made on a banking day, i.e., a day that the bank is open to the public for carrying on substantially all of its banking functions. For example, if a deposit is made at an ATM on a Saturday, Sunday, or other day on which the bank is closed to the public, the deposit is considered received on that bank's next banking day. Nevertheless, "business days" are used to determine the number of days following the banking day of deposit that funds must be available for withdrawal. For example, if a deposit of a local check were made on a Monday under the temporary schedule, which calls for availability on the third business day after deposit, funds must be made available on Thursday regardless of whether the bank was closed on Wednesday for other than a standard legal holiday as specified in the definition of "business day."

Under this provision, cash deposited in an account on a Monday, except for cash deposited at a nonproprietary ATM, must become available for withdrawal by the start of business on Tuesday.

(b) *Electronic payments.* The Act provides next-day availability for funds received for deposit by wire transfer. The regulation uses the term "electronic payment," rather than "wire transfer," because the Board is proposing that ACH credit transfers also be accorded next-day availability. (*See* discussion of definition of "electronic payment.")

The Act requires that funds be available for withdrawal not later than the business day following the day a wire transfer is received. This provision clarifies what constitutes receipt of an electronic payment. For the purposes of this section, receipt is determined by when the bank receives payment in finally collected funds. For example, finally collected funds generally are received for an ACH credit transfer when they are posted to the receiving bank's account on the settlement day. In the case of Fedwire, the bank receives finally collected funds at the time the payment is made. (*See* 12 CFR 210.36.)

[3] Nothing in this regulation or in the Act affects terms of account arrangements, such as negotiable order of withdrawal accounts, that require prior notice of withdrawal. See 12 CFR 204.2(e)(2).

This provision establishes when an electronic payment is considered received. The "to the extent" language in the provision is intended to address cases where a participant on a private network fails to settle, and the bank receives finally settled funds representing only a partial amount of the payment.

(c) *Government checks, depository checks, checks drawn on the depositary bank, and certain other checks.* The Act generally requires that funds be made available on the business day following deposit for Treasury checks, state and local government checks, depository checks, and "on us" checks under specified conditions. One condition to receipt of next-day availability placed on Treasury checks, state and local government checks, and depository checks is that the check must be "endorsed only by the person to whom it was issued." The Act could be interpreted to include a check that has been indorsed in blank and deposited into an account of a third party that is not named as payee. The Board believes that such a check presents greater risks than a check deposited by the payee and, therefore, proposes that funds should be available on the business day following deposit only if the check "is deposited in an account of a payee of the check."

The Board is proposing to require next-day availability for additional types of checks not addressed in the Act. Under the proposal, checks drawn on a Federal Reserve Bank or a Federal Home Loan Bank and U.S. Postal Service money orders must be made available on the next business day following deposit if the check is deposited in an account of a payee of the check.

A check deposited in a branch of the depositary bank, and drawn on the same or another branch of the same bank, must be made available at the start of the next business day if both branches are located in the same state or the same check processing region.

The Act and proposed regulation also require that $100 of the aggregate deposit by check(s) or checks on any one banking day be made available on the next business day. For example, if $70 were deposited in an account by check(s) on a Monday, the entire $70 must be available for withdrawal at the start of business on Tuesday. If $200 were deposited by check(s) on a Monday, the Act requires that $100 of the funds be available for withdrawal at the start of business on Tuesday.

Under the Act, a depositary bank may require the use of a special deposit slip as a condition to providing next-day availability for certain types of checks. This condition was included in the Act because a number of banks determine the availability of their customers' check deposits in an automated manner by reading the MICR-encoded routing number on the deposited checks. Using these procedures, a bank can determine whether a check is a local or nonlocal check; is a check drawn on the Treasury, a Federal Reserve Bank, a Federal Home Loan Bank, or a branch of the depositary bank; or is a U.S. Postal Service money order. The bank cannot require a special deposit slip for these checks. The bank, however, would not be able to distinguish whether the check was a state or local government check or a depository check by reading the MICR-encoded routing number, because these checks bear the same routing number as other checks drawn on the same bank that are not accorded next-day availability. Therefore, a bank may require a special deposit slip for these checks.

The regulation specifies that, if a bank decides to require the use of a special deposit slip as a condition to granting next-day availability and the deposit slip that must be used is different from the bank's regular deposit slips, the bank must either provide the special slips to its customers or inform its customers how such slips may be obtained and make the slips reasonably available to the customers. Providing customers with an order form for the special deposit slips and allowing sufficient time for the customer to order and receive the slips before this condition is imposed, is one way this requirement may be met. If a bank provides deposit slips in its branches for use by its customers, it should also provide the special deposit slips in the branches. If the bank simply requires the customer to segregate the checks subject to next-day availability and indicate on a regular deposit slip that government checks and/or depository checks are being deposited, the bank should so instruct its customers.

Section 229.11 Temporary schedule.

(a) *Effective date.* Checks, other than those that must be accorded next-day availability, are categorized as either local or nonlocal, with different availability schedules attached to each. These schedules will become effective on September 1, 1988, and will be superseded by more stringent schedules on September 1, 1990.

(b) *Local checks.* This paragraph sets forth the maximum hold period that can be placed on local checks during the temporary schedule. The regulation refers to the day on which funds must be available for withdrawal as within a specified number of business days after deposit, rather than after a specified number of intervening business days, as provided in the Act. A depositary bank must make funds from the deposit of a local check available on the third business day following the banking day on which the check is deposited. This requirement corresponds to the two intervening business days specified in the Act. Thus, under the temporary schedule, a local check deposited on a Monday must be available for withdrawal on Thursday, except in the case of deposits at nonproprietary ATMs and deposits to accounts in banks located outside the 48 contiguous states.

The Act provides a further adjustment to the availability rules for cash withdrawals. During the temporary schedule, the Act provides that funds from local checks collected outside a check clearinghouse arrangement need not be available for cash withdrawal until 5:00 p.m. on the day specified in the schedule. This special rule does not apply to deposits of nonlocal checks under the temporary schedule. At 5:00 p.m., $400 of the deposit must be made available for cash withdrawal. This $400 is in addition to the first $100 of a day's deposit, which must be made available for withdrawal, including cash withdrawal, at the start of business on the next business day following deposit. The remainder of the funds must be available for cash withdrawal at the start of business on the business day following the business day specified in the schedule.

The Act recognizes that the $400 that must be provided on the day specified in the schedule may exceed a bank's daily ATM cash withdrawal limit, and explicitly provides that the Act does not supersede the bank's policy in this regard. The Board believes that the rationale for accommodating a bank's ATM withdrawal limit also applies to other cash withdrawal limits established by that bank. In the proposed regulation, the relation between a bank's cash withdrawal limit (for over-the-counter cash withdrawals as well as ATM cash withdrawals) and the requirements of this subpart is addressed in § 229.19(c)(4).

The Board believes that the Congress included this special cash rule to provide a depositary bank with additional time to learn of the nonpayment of a check before it must make funds available to its customer. If a customer deposits a local check on a Monday, and that check is returned by the paying bank, the depositary bank may receive the check on Thursday (the

VOL
52
ISS
2
38
DE
11
1987
UMI

day funds must be made available under the temporary schedule), but would most likely not receive the return by the opening of business on Thursday, even with the payments improvements proposed in Subpart C of this regulation. Checks written by the customer that are presented to the depositary bank on Thursday are typically not posted to the customer's account until late Thursday night. Any returns that have been received on that day are debited to the customer's account before these checks are posted. Thus, for the purpose of checks written by the customer, the fact that a return is not received until sometime during the day on which funds must be made available does not increase the bank's risk. However, the depositary bank's risk does increase significantly if the customer withdraws the funds in cash, because the withdrawal may occur before the return is received and posted. The intent of the special cash withdrawal rule is to minimize this risk to the depositary bank.

For this rule to minimize the depositary bank's risk, it must apply not only to cash withdrawals, but also to withdrawals by other means that result in an irrevocable debit to the customer's account or commitment to pay by the bank on the customer's behalf during the day. Thus, the Board proposes to expand the cash withdrawal rule to also include withdrawals by electronic payment, issuance of a depository check, or other irrevocable commitment to pay, such as authorization of an on-line point-of-sale debit. The cash withdrawal rule does not apply to checks and other provisional debits presented to the bank for payment that the bank has the right to return.

The regulation provides that Treasury checks and U.S. Postal Service money orders be treated as local checks, where the conditions to receiving next-day availability are not met. These checks are treated as local checks because they are payable at any Federal Reserve office. Thus, under this rule a Treasury check or a postal money order that is indorsed and deposited in an account not held by the payee must be made available in accordance with the schedule for local checks. Other types of checks described in § 229.10(c), such as checks drawn on a Federal Reserve Bank or Federal Home Loan Bank, state and local government checks, and depository checks, for which next-day availability does not apply (e.g., because they were not deposited in an account of a payee of the check), are treated as either local or nonlocal checks, depending on the check processing region in which they are payable.

(c) *Nonlocal checks.* Under the temporary schedule, funds deposited by nonlocal checks must be made available for withdrawal not later than the seventh business day following the banking day the funds are deposited, except in the case of deposits at nonproprietary ATMs or in accounts of banks located outside the 48 contiguous states. Thus, funds from a nonlocal check deposited on a Monday must be available for withdrawal by Wednesday of the following week. The Act does not establish a special rule for cash withdrawals for nonlocal checks under the temporary schedule. Therefore, subject to § 229.19(c), the full amount of the deposit becomes available for cash withdrawal on the business day specified in the schedule.

Section 603(d)(1) of the Act (12 U.S.C. 4002(d)(1)) requires the Board to reduce the statutory schedules for any category of checks where most of those checks would be returned in a shorter period of time than provided in the schedules. The conferees indicated that "if the new system makes it possible for two-thirds of the items of a category of checks to meet this test in a shorter period of time, then the Federal Reserve must shorten the schedules accordingly." H.R. Rep. No. 261, 100th Cong., 1st Sess. at 179 (1987).

Reduced schedules are proposed for certain nonlocal checks, where significant improvements can be made to the Act's schedules. Specifically, shorter schedules are provided for checks deposited in banks located in certain Federal Reserve cities and drawn on banks located in certain other Federal Reserve cities, where transportation arrangements allow for faster collection and return. In addition, shorter schedules are proposed for checks drawn on certain banks that are served by two Federal Reserve offices, and certain checks deposited in and drawn on banks in the New York City metropolitan area, where the proximity of the Federal Reserve offices facilitates faster clearing and return of these checks.

Appendix B-1 sets forth the specific reduction of schedules applicable to banks located in each check processing region.

(d) *Deposits at nonproprietary ATMs.* The Act provides a special rule for deposits made at nonproprietary ATMs. During the temporary schedule, a depositary bank may treat all deposits made by its customers at a nonproprietary ATM as though the deposits were nonlocal checks. A deposit at a nonproprietary ATM on a Monday, including a deposit by cash or checks that would otherwise be subject to next-day availability, must be made available for withdrawal not later than Wednesday of the following week.

This rule does not apply to deposits made at proprietary ATMs. Availability of deposits at proprietary ATMs is governed by the same rules as deposits made directly at branches of depositary banks.

(e) *Extension of schedule for certain deposits in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands.* The Act provides an extension of the availability schedules for banks located in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands. The schedules for local checks, nonlocal checks, and deposits at nonproprietary ATMs are extended by one business day for checks deposited to accounts in banks located in these jurisdictions that are drawn on or payable at or through a paying bank not located in the same jurisdiction as the depositary bank. For example, a check deposited in a bank in Hawaii and drawn on a San Francisco paying bank must be made available for withdrawal not later than the fourth business day following deposit. This extension does not apply to deposits that must be made available for withdrawal on the next business day.

The Congress did not provide this extension of the schedules to checks drawn on a paying bank located in Alaska, Hawaii, Puerto Rico, or the U.S. Virgin Islands and deposited in an account at a depositary bank in the 48 contiguous states. Therefore, a check deposited in a San Francisco bank drawn on a Hawaii paying bank must be made available for withdrawal not later than the third business day following deposit.

The availability rules of § 229.11 are illustrated in Figure 1.

Section 229.12 Permanent schedule.

(a) *Effective date.* The permanent schedule will supersede the temporary schedule on September 1, 1990. The Board requests comment on whether the permanent schedule should be made effective on an earlier date.

(b) *Local checks.* When the permanent schedule becomes effective, local checks and Treasury checks and U.S. Postal Service money orders not subject to next-day availability under § 229.10(c) must be made available for withdrawal not later than the second business day following deposit. Exceptions are made for withdrawals by cash or similar means, deposits at nonproprietary ATMs, and deposits in banks located outside the 48 contiguous states. Thus, the proceeds of a local check deposited on a Monday must be made available for withdrawal on Wednesday.

(c) *Nonlocal checks.* Under the permanent schedule, the time period for availability of nonlocal checks is also reduced. Nonlocal checks must be made available for withdrawal not later than the fifth business day following deposit, i.e., proceeds of a nonlocal check deposited on a Monday must be made available for withdrawal on the following Monday. Adjustments are made to the schedule for withdrawals by cash or similar means, deposits at nonproprietary ATMs, and deposits in banks located outside the 48 contiguous states.

As described in the discussion of § 229.11(c), the Board is required to shorten the schedules for any category of check where most of those checks can be returned to the depositary bank in a shorter period of time than provided in the schedule. Appendix B sets forth the reductions to the schedule for certain nonlocal checks.

(d) *Time period adjustment for withdrawal by cash or similar means.* Unlike the temporary schedule, the Act applies the special cash withdrawal rule to both local and nonlocal checks under the permanent schedule. The Board's proposed regulation implementing this rule is described in the discussion of the temporary schedule at § 229.11(b). In the permanent schedule, if the proceeds of local and nonlocal checks become available for withdrawal on the same business day, the withdrawal limitation applies to the aggregate amount of the funds.

(e) *Deposits at nonproprietary ATMs.* This provision provides a limited exception to the permanent schedule for deposits at nonproprietary ATMs. Cash and checks subject to next-day availability under § 229.10 that are deposited in an account at a nonproprietary ATM must be available for withdrawal not later than the second business day following the banking day on which the deposit was made. Other deposits at nonproprietary ATMs must be made available in accordance with the schedule in the regulation applicable to the category of check being deposited.

Section 603(e)(4) of the Act directs the Board to "establish and maintain a dialogue" with banks and ATM vendors regarding the ability of ATM systems to communicate to the depositary bank the composition of a deposit made at a nonproprietary ATM. The Board requests comment on how depositary banks plan to comply with the availability schedules for deposits made at nonproprietary ATMs under the permanent schedule.

(f) *Extension of schedule for certain deposits in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands.* The extension of the availability schedules provided to banks located in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands under the temporary schedule also applies when the permanent schedule becomes effective. Explanation of this provision is provided in the discussion of § 229.11(d).

The availability rules of § 229.12 are illustrated in Figures 2 and 3.

Section 229.13 Exceptions.

While certain safeguard exceptions (such as those for new accounts and checks the bank has reasonable cause to believe are uncollectible) are established in the Act, the Congress gave the Board the discretion to determine whether certain other exceptions should be included in these regulations. Specifically, the Act gives the Board the authority to establish exceptions to the schedules for large or redeposited checks and for accounts that have been repeatedly overdrawn. These exceptions do not apply to checks or other deposits that must be accorded next-day availability under § 229.10.

Although proposed improvements to the check collection system will accelerate the return of most checks, many checks will not be returned to the depositary bank by the time funds must be made available for withdrawal under the temporary schedule—a number that will likely increase when the permanent schedule is adopted. In order to reduce risk to depositary banks, the Board believes that it is appropriate to adopt the exceptions to the schedules permitted by the Act in the regulation to allow the bank to extend the time within which it is required to make funds available. The exceptions provided in this section apply to the schedules for local and nonlocal checks during the temporary and permanent schedules, and, in some cases, to the next-day availability requirement for certain check deposits.

The Act also gives the Board the authority to suspend the schedules for any classification of checks, if the schedules result in an unacceptable level of fraud losses. The Board will adopt regulations to implement this statutory authority, if and when circumstances requiring its implementation arise.

(a) *New accounts.* The Act provides an exception to the availability schedule for new accounts. An account is defined as a new account during the first 30 calendar days after the account has been established. However, if the customer opening the account has an established transaction account relationship with the bank, or has had an established transaction account relationship with the bank within 30 calendar days of opening the other account, the newly established account would not be subject to this exception.

Thus, if a customer that has had one account with a bank for more than 30 days opens a second account with that bank, that customer would not be considered a new depositor during the first 30-day period following the establishment of the second account.

If a customer's account was closed and another account established as a successor to the original account (due, for example, to the theft of checks or a debit card used to access the original account), the customer would not be considered a new depositor with regard to the successor account, assuming the original account relationship is at least 30 days old. Similarly, if a customer closed an established account and opens a separate account within 30 days, the new account is not subject to this exception, if the closed account was at least 30 days old.

A customer that has a joint account at a depositary bank and subsequently establishes an individual account with that bank would not be a new depositor, assuming the joint account relationship is at least 30 days old.

If a customer establishes an account with a depositary bank with which it has no other current or recent account relationship, that customer is considered a new depositor and may be subject to the new account exception for the first 30 days of the account relationship. During the new account period, the schedules for local and nonlocal checks do not apply, but deposits received by cash and electronic payment must be given next-day availability in accordance with § 299.10. The first $5,000 of funds deposited to a new account on any one banking day by Treasury checks, checks drawn on Federal Reserve Banks or Federal Home Loan Banks, U.S. Postal Service money orders, state and local government checks, and depository checks must be made available for withdrawal at the start of business on the following business day. Funds in excess of the first $5,000 deposited by these types of checks on a banking day must be available for withdrawal not later than at the start of business on the ninth business day following the banking day of deposit. For the purposes of new accounts only, traveler's checks are treated as depository checks.

VOL 52 ISS 238 DEC 11 1987 UMI

(b) *Large deposits.* A depositary bank may extend the hold placed on local and nonlocal check deposits only to the extent that the amount of the aggregate deposit on any banking day exceeds $5,000. While the first $5,000 of a day's deposit is subject to the availability provided for local or nonlocal checks, the amount in excess of $5,000 may be held for an additional four business days, as provided in § 229.13(h). Deposits by cash, electronic payment, or checks that must be granted next-day availability under the regulation are not subject to this exception for large deposits.

Where a customer has multiple accounts with a depositary bank, the bank may apply the large-dollar deposit exception to the aggregate deposits to all of the customer's accounts, if the holders of the accounts to be aggregated are the same. Thus, a depositary bank may aggregate the deposits made to two separate accounts at that bank held by the same individual. A bank, however, may not aggregate the deposits of an individual and a joint account for the purpose of applying the large-dollar deposit exception, because the holders of the accounts are not the same. Aggregation of deposits to multiple accounts is proposed because the Board believes that the risk to the depositary bank associated with large deposits is similar regardless of how the deposits are allocated among the customer's accounts.

(c) *Redeposited checks.* The Act gives the Board the authority to promulgate an exception to the schedule for checks that have been returned unpaid and redeposited. The proposal provides such an exception for checks that have been returned unpaid and redeposited by the customer or the depositary bank.

The Board proposes this exception because there is an increased risk to the depositary bank that checks that have been returned once will be uncollectible when they are presented to the paying bank a second time. The Board, however, does not believe that this increased risk is present for checks that have been returned due to a missing indorsement. Thus, the exception being proposed does not apply to checks returned unpaid due to missing indorsements and redeposited after the missing indorsement has been obtained, if the reason for return stamp on the check states that it was returned due to a missing indorsement. For the same reasons, this exception does not apply to a check returned because it was postdated (future dated), if it is no longer postdated when redeposited. In the cases of both checks with missing indorsements and postdated checks, the time for making the funds available begins to run again as of the date of redeposit.

(d) *Repeated overdrafts.* The Act gives the Board the authority to establish an exception for "deposit accounts which have been overdrawn repeatedly." While the Act does not indicate how this rule should operate, the conferees stated that they

> believe that a reasonable definition would be one that specifies that an account (or a successor account) be overdrawn at least on 3 separate and distinct occasions within any 6 month period. The funds availability schedule would not apply to any such account for a period of six months following the last occasion involved.
>
> H.R. Rep. No. 261, 100th Cong. 1st Sess. at 181. (1987).

The proposed regulation generally adopts this standard for determining the accounts that are subject to the repeated overdraft exception. The Board proposes that, if on three instances in any six-month period any account or combination of accounts of the customer goes from a positive balance to a negative balance, or would have done so if checks or other charges against the account were paid rather than returned, the exception would apply. Any three consecutive banking days during which the account had a negative balance due to a continuing overdraft, or would have had a negative balance due to the presentment of additional checks on any of the three days, are considered part of the same instance. If the account has or would have had a negative balance for more than three consecutive banking days, each consecutive three banking-day period constitutes a separate instance. Thus, an overdraft continuing for four banking days is two instances. The Board requests comment on this approach to determining whether an account is subject to the repeated overdraft exception.

The exception relates not only to accounts subject to check overdrafts, but also accounts subject to check or other debit items (such as ACH debits or point of sale transactions) of amounts in excess of available funds, regardless of whether the items were paid or returned unpaid. The exception excludes accounts with overdraft lines of credit, unless the credit line has been exceeded.

(e) *Reasonable cause to doubt collectibility.* A depositary bank may extend the hold placed on funds in a customer's account from the deposit of a local or nonlocal check, a check drawn on a Federal Reserve Bank or Federal Home Loan Bank, or a depository check, if the bank has reasonable cause to believe the check is uncollectible. For example, if the bank received a notification from the paying bank that a check was not paid and is being returned to the depositary bank, the depositary bank would have a basis to apply this exception. The exception could be invoked even if the notice were incomplete, if the bank had reasonable cause to believe that the notice applied to a particular check. The fact that a check is deposited more than six months after the date on the check is a reasonable indication that the check may be uncollectible, because under U.C.C. 4–404 a bank has no duty to its customer to pay a check that is more than six months old. A bank could also reasonably conclude that a check being deposited is uncollectible based on its reasonable belief that the depositor is engaging in kiting activity. Reasonable belief as to the insolvency of the drawer or drawee may also trigger this exception. Other facts may give a bank reasonable cause to doubt the collectibility of a check. The Board does not intend to provide a comprehensive list of the cases in which this exception may be invoked. If this exception is invoked, the bank must include in the notice to its customer, required by § 229.13(g), the reason that the bank believes that the check is uncollectible.

The regulation provides that the determination that a check is uncollectible shall not be based on a class of checks or persons. For example, a depositary bank cannot invoke this exception simply because the check is drawn on a paying bank in a rural area and the depositary bank knows it will not have the opportunity to learn of nonpayment of that check before funds must be made available under the availability schedules. Similarly, a depositary bank cannot apply the reasonable cause exception based on the race or national origin of the depositor.

If a depositary bank invokes this exception with respect to a particular check and does not provide a written notice to its customer at the time of deposit, the depositary bank may not assess any overdraft fee (such as an NSF charge) or charge interest for use of overdraft credit, if the check is finally paid by the paying bank and these charges would not have occurred had the exception not been invoked.

(f) *Emergency conditions.* Certain emergency conditions may arise that delay the collection or return of checks, or delay the processing and updating of customer accounts. In the circumstances specified in this paragraph, the depositary bank may extend the holds that are placed on deposits of local and nonlocal checks that are affected by such delays, if the bank exercises such diligence as the circumstances require.

(g) *Notice of exception.* If a depositary bank invokes any of the safeguard exceptions to the schedules listed above, other than the new account exception, and extends the hold on a deposit beyond the time periods permitted in §§ 229.10, 229.11, and 229.12, it must provide a notice to its customer stating the reason the exception was invoked and the day funds will be available for withdrawal.

The requirement that the notice state the day the funds shall be made available may be satisfied if the date the deposit is received and the number of days until funds are available for withdrawal are provided in the notice. Appendix C contains a model form of this exception notice.

For deposits made in person to an employee of the depositary bank, the notice generally must be given to the customer at the time of deposit. For other deposits, such as deposits received at an ATM, lobby deposit box, night depository, or through the mail, notice must be mailed to the customer not later than the close of the business day following the banking day on which the deposit was made.

Notice to the customer may be provided at a later time, if the facts upon which the determination to invoke the exception do not become known to the depositary bank until after notice would otherwise have to be given. In these cases, the bank must mail the notice to the depositor as soon as practicable, but not later than the business day following the day the facts become known. The Board has clarified in the regulation when a depositary bank is deemed to have knowledge of the facts upon which the determination is made. A bank is deemed to have knowledge when the facts are brought to the attention of the persons in the bank responsible for making the determination, or when the facts would have been brought to their attention if the bank had exercised due diligence.

If the depositary bank extends the hold placed on a deposit due to an emergency condition, the regulation provides that the bank need not provide a notice if the funds would be available for withdrawal before the notice must be sent. For example, if on the last day of a hold period the depositary bank experiences a computer failure and customer accounts cannot be updated in a timely fashion to reflect the funds as available balances, notices are not required, if the funds are made available before the notices must be sent.

(h) *Availability of deposits subject to exceptions.* Section 604(f) of the Act (12 U.S.C. 4003(f)) provides that holds placed on deposits subject to an exception (other than the new account exception) "shall not exceed a reasonable period of time as determined by the Board." If a depositary bank invokes any exception other than the new account exception, the bank may extend the period of time within which funds must be made available under the schedule by four business days. With respect to checks subject to the next-day availability requirement, the depositary bank may extend the time funds must be made available for withdrawal by four business days beyond the delay that would have been applicable had the checks not been subject to the next-day availability requirement. Thus, for depository checks, state and local government checks, and checks drawn on Federal Reserve Banks or Federal Home Loan Banks, the four business days are added to the local or nonlocal schedule that would apply based on the location of the paying bank.

Under an improved check collection system, these four business days, in addition to the time period provided in the schedule, should provide adequate time for the depositary bank to learn of the nonpayment of virtually all checks that are returned.

In the case of the application of the emergency conditions exception, the depositary bank may extend the hold placed on a check by not more than four business days following the end of the emergency.

Section 229.14 Payment of interest.

(a) *In general.* This section requires that a depositary bank begin accruing interest on interest-bearing accounts not later than the day on which the depositary bank receives provisional credit for the funds deposited. Because "account" includes only transaction accounts, other interest-bearing accounts of the depositary bank, such as money market deposit accounts, savings deposits, and time deposits, are not subject to this requirement. The Board intends the term interest to refer to payments to or for the account of any depositor as compensation for the use of funds, but to exclude the absorption of expenses incident to providing a normal banking function or its forbearance from charging a fee in connection with such a service. (*See* 12 CFR 217.2(d).)

It may be difficult for a depositary bank to track which day the depositary bank receives provisional credit for specific checks in order to accrue interest properly on the account to which the check is deposited. This difficulty may be pronounced if the bank uses different means of collecting checks based on the time of day the check is received, the dollar amount of the check, and/or the paying bank to which it must be sent. The Board proposes that, for the purpose of the interest accrual requirement, a bank may rely on an availability schedule from its Federal Reserve Bank, Federal Home Loan Bank, or correspondent in determining when the depositary bank receives provisional credit. A bank that accrues interest from the day of deposit, or from the day following deposit, meets this payment of interest requirement.

(b) *Special rule for credit unions.* The Act provides an exemption from the payment of interest requirements for credit unions that do not begin to accrue interest or dividends on their customer accounts until a later date than the day the credit union receives provisional credit for those deposits, including cash deposits. These credit unions are exempt from the payment of interest requirements, as long as they provide notice of their interest accrual policies in accordance with § 229.18(f). For example, if a credit union has a policy of computing interest on all deposits received by the 10th of the month from the first of that month and all deposits received after the 10th of the month from the first of the next month, that policy is not superseded by this regulation, if the credit union provides proper disclosure of this policy to its customers.

The Act limits this exemption to credit unions; other types of depository institutions must comply with the payment of interest requirements. In addition, credit unions that now compute interest from the day of deposit or day of provisional credit should not change their existing practices in order to avoid compliance with the requirement that interest accrue from the day of provisional credit.

(c) *Exception for checks returned unpaid.* This provision is based on section 606(c) of the Act (12 U.S.C. 4005(c)) and provides that interest need not be paid on funds deposited in an interest-bearing account by check that has been returned unpaid.

Section 229.15 General disclosure requirements.

(a) *Form of disclosures.* This paragraph sets forth the general requirements for the disclosures required under Subpart B. All of the disclosures must be given in a clear and conspicuous manner, be in writing, and, in most cases, be in a form the customer

may keep. The required disclosures at branch locations, at ATMs, and on preprinted deposit slips need not be in a form that the customer may keep.

The regulation requires that the availability disclosures be grouped together and not contain any information that is not directly related to the disclosures required by this subpart. Therefore, banks may not intersperse the required availability disclosures with other account disclosures or include other account information that is not related to their availability policy within the text of the required disclosures. Banks may, however, include information related to their availability policies. For example, a bank may include a notice to their customers stating that, even though the bank has made funds available, the customer is still responsible if there is a problem with the deposit, such as the return of a deposited check.

The regulation does not require that the disclosures be segregated from other account terms and conditions. Banks may include the required disclosures in a booklet or pamphlet that sets out the terms and conditions of the bank's accounts. The required disclosures must, however, be grouped together and highlighted or identified in some manner, for example, by use of a separate heading for the disclosures.

(b) *Uniform reference today of availability.* This paragraph requires banks to disclose their availability policies to customers in a uniform manner. Banks that delay availability must disclose when deposited funds are available for withdrawal by stating the business day on which the customer may begin to withdraw funds. The business day funds will be available must be disclosed as "on the business day after" the day of deposit, or substantially similar language. The business day of availability is determined by counting the number of business days starting with the business day following the banking day on which the deposit is received, as determined under § 229.19(a), through the business day on which the customer may begin to withdraw funds. For example, an institution that imposes delays of four intervening business days for nonlocal checks must describe those checks as being available "on the fifth business day after" the day of the deposit. This requirement is intended to enable customers to compare more easily the availability policies of different banks and minimize the possibility of confusion about the policies of various banks.

(c) *Multiple accounts and multiple account-holders.* This paragraph clarifies that banks need not provide multiple disclosures under the regulation. A single disclosure to a customer that holds multiple accounts, or a single disclosure to one of the account holders of a jointly-held account, satisfies the disclosure requirements of the regulation.

(d) *Dormant or inactive accounts.* This paragraph provides that banks need not provide disclosure of their specific availability policy to accounts that are dormant or inactive, and thus do not receive mailings from the bank. The Board believes that this provision will avoid imposing significant costs on banks, while not significantly reducing the protections of the law. The other disclosure requirements—disclosures at locations where deposits may be made, disclosures at ATMs, and disclosures on preprinted deposit slips—should ensure that these customers are made aware of the possibility of delays in availability, if they choose to use the dormant or inactive account in the future. The regulation also requires that the customer be given a full statement of the bank's availability policy upon an oral or written request.

Section 229.16 Content of specific availability policy disclosure.

(a) *Specific availability policy disclosure.* This section describes the information that must be disclosed by banks to comply with §§ 229.17 and 229.18(d) requiring that banks furnish a notice of their specific policy regarding availability of deposited funds. The information that must be disclosed by banks will vary considerably depending upon a bank's particular availability policy. For example, a bank that does not delay availability beyond the next business day need simply disclose that deposited funds will be available for withdrawal on the business day following the banking day of deposit, the bank's business days, and when deposits are considered received. On the other hand, a bank that routinely delays availability on a blanket basis up to the maximum time allowed under the federal law—that is, automatically imposes delays on most check deposits, with the length of the delay determined by the type and routing number of the check being deposited—must provide a more complex disclosure. These latter banks must provide all of the information set forth in this section, including the types of deposits that will be subject to delays, how the customer can determine the type of deposit being made, and the corresponding length of any delay. The bank is also required to include a brief summary of its policy at the beginning of the disclosure and to describe any circumstances when actual availability may vary from the schedules disclosed. Such circumstances would arise, for example, when the bank invoked one of the exceptions set forth in the statute and regulation.

(b) *Alternate disclosure for banks that have case-by-case hold policies.* The Board believes that numerous banks currently do not routinely delay the availability of deposited funds. Normally, these banks provide customers with immediate or next-day availability for deposited funds, and impose delays only in special circumstances—determined on a case-by-case basis. Often these banks provide the customer with notice of any delay at the time the deposit is made.

Banks with case-by-case hold policies may find it difficult, if not impossible, to develop a disclosure that tells the customer specifically when a deposit will be subject to a delay—in fact, the nature of the bank's policy essentially precludes such a disclosure. In order to be able to give a specific notice to the customer of when deposited funds will be subject to a delay in availability, as required, for example, before opening new accounts, these banks may find it necessary to discontinue the practice of imposing holds on a case-by-case basis and instead begin routinely to delay availability on specific types of checks (essentially adopting an automatic or blanket delay policy). The Board believes that such a result would be adverse to many bank customers. Also, banks would incur substantial costs not only in making disclosures, but also in developing and implementing new availability policies.

Accordingly, this paragraph allows banks that delay availability of deposited funds on a case-by-case basis to continue the practice by setting forth a disclosure alternative for such banks. Banks with case-by-case hold policies must still provide a specific policy disclosure; but, their disclosure need not be as detailed as that required by paragraph (a). Specifically, these banks need not give disclosures that allow customers to determine when a hold, in fact, will be placed on a deposit. In addition to disclosure of their specific availability policy, banks with case-by-case hold policies must give customers a notice when availability of funds from a deposit will be delayed. The bank must give the notice at the time of the deposit, if the deposit is made directly to a bank employee. If the deposit was not made directly to a bank employee—for example, if the deposit were by mail—the bank must send customers a notice on the day the deposit is received. This notice must indicate both that a delay is being imposed and the day the funds will be available. By requiring that banks provide a notice of delay at the time a deposit is made, the Board intends to ensure that customers will know with specificity when deposited funds that are being delayed will be available.

In some situations a bank employee accepting a deposit from a customer may not know whether a deposit will, in fact, be held, but knows that the deposit needs to be reviewed by another bank employee that is unavailable at that time. The regulation includes special rules to avoid placing the bank in the position of refusing to accept the deposit, or requiring the customer to wait for notice of whether the deposit will be subject to a delay. A bank may notify the customer that availability of funds will be delayed after the time of the deposit, even though the deposit was made directly to a bank employee, if two conditions are met. First, the bank must notify the customer at the time of the deposit that the deposit may be subject to a delay. Second, the bank must notify the customer on the day of the deposit if a delay is imposed and tell the customer the day funds will be available for withdrawal. The bank may not meet this notification requirement by mailing a notice to the customer; the customer must receive the notice of the delay on the day of the deposit.

A bank that imposes holds on a case-by-case basis is still subject to the availability requirements of this subpart. If the bank imposes a hold on a particular deposit that is not longer than the availability required by §§ 229.11 or 229.12 for local and nonlocal checks, the reason for the hold need not be based on the exceptions provided in § 229.13. If the hold exceeds the time periods permitted under §§ 229.11 or 229.12, however, it must be based on an exception provided in § 229.13, and the bank must comply with the § 229.13 notice and time requirements.

Section 229.17 Initial disclosures.

(a) *Notice for new accounts.* This paragraph requires banks to provide a notice of their availability policy to all potential customers prior to opening an account. The Board believes that the requirement of a notice prior to opening an account requires banks to provide disclosures prior to accepting any deposit to open an account. If a bank, however, receives a written request by mail from a person asking that an account be opened that includes an initial deposit, the bank may open the account provided the bank mails the required disclosures to the customer not later than the business day following the banking day on which the bank receives the deposit.

(b) *Existing accounts.* This section requires banks to send a notice of their specific policy with respect to the availability of deposited funds to all existing account customers in the first scheduled mailing to customers occurring after September 1, 1988. The notice must be sent not later than October 31, 1988 (60 days after the effective date of the law). Thus, banks must include a notice in the first statement mailing to customers after September 1, 1988, unless the bank has provided a notice to its customers of its availability policy that meets the requirements of § 229.16 prior to the mailing of this statement.

Banks may not furnish the required notice to customers by including the notice with promotional material, such as a solicitation for health or hospitalization insurance, unless that material is included with the account statement. A bank is permitted to provide the notice by furnishing the customer with a booklet or pamphlet that describes the terms and conditions of the bank's accounts generally. The bank, however, must then direct the customer's attention to the disclosures required by this section of the regulation by, for example, use of a special insert or a letter.

Section 229.18 Additional disclosure requirements.

(a) *Notice on deposit slips.* This paragraph requires banks that delay availability on deposits to include a notice on all preprinted deposit slips furnished to customers. This notice must indicate that deposited checks may not be available for immediate withdrawal. The notice is required only on preprinted deposit slips—those printed with the customer's account number and name. A bank need not include the notice on those special deposit slips that are used to identify deposits that will be available the next business day after deposit under § 229.10(c).

(b) *Notice at branch locations.* This paragraph describes the statutory requirement that a bank post a notice of availability policies pertaining to consumer accounts at each location where its employees receive consumer deposits. The notice that is required must specifically state the availability periods for the various deposits that may be made to consumer accounts. A notice need not be posted at each teller window, but the notice must be posted in a place where consumers seeking to make deposits will likely see it before making their deposit. For example, the notice might be posted in the lobby at the point where the line forms for teller service. A notice is also required to be posted at any drive-through teller windows. The notice need not be provided at locations where consumer deposits are not accepted.

(c) *Notice at or on ATMs.* This paragraph sets forth the required notices for ATMs. An owner or operator of an automated teller machine, at which deposits may be made that may be subject to delays in availability, must post or provide a notice at each ATM location or on each ATM. This notice may be posted on a sign, may be shown on the screen, or may be included on the deposit envelopes that must be used to make deposits into the machine. This disclosure must be given before the customer has made the deposit. Therefore, a notice provided on the customer's deposit receipt or appearing on the ATM's screen after the customer has made the deposit would not satisfy this requirement.

If an ATM is nonproprietary with respect to some users of the ATM, a notice must be provided at the ATM that identifies the bank(s) for which the ATM is proprietary, and that deposited funds may not be available until the seventh business day after the day of deposit.

(d) *Disclosure upon request.* This paragraph requires banks to provide written notice of their specific availability policy to any person upon that person's oral or written request. This provision does not contain a time period within which such notice shall be given, but it should be sent within a reasonable period of time following receipt of the request.

(e) *Changes in policies.* This paragraph sets forth the Act's requirement that banks send notice to their customers when they change their availability policies. Generally, banks must send a notice at least 30 calendar days before implementing any change in their availability policy. If the change results in faster availability of deposits—for example, if the bank changes its availability for nonlocal checks from the fifth business day after deposit to the fourth business day after deposit—the bank need not send advance notice. The bank must, however, send notice of the change within 30 calendar days after the change is implemented. A change-in-terms notice may be given in any form as long as it is clear and conspicuous. If the bank gives notice of a change by sending the customer a new availability disclosure, the bank must direct the customer to the changed terms in the disclosure by use of a letter or insert, or

BEST COPY AVAILABLE

VOL 52 ISS 238 DEC 11 1987 UMI

VOL 52 ISS 238 DEC 11 1987 UMI

by highlighting the changed terms in the disclosure.

(f) *Notice of interest payment policy.* This paragraph sets forth the special disclosure requirement for credit unions that delay accrual of interest or dividends for all cash and check deposits beyond the date of receiving provisional credit for checks being deposited. (The interest payment requirement is set forth in § 229.14(a).) The credit union is required to describe its policy with respect to accrual of interest or dividends on deposits.

Section 229.19 Miscellaneous.

(a) *When deposits are considered made.* The time funds must be made available under the regulation is determined by the day the deposit is made. This paragraph provides that a deposit mailed to the depositary bank is considered made when it is received by the depositary bank. This paragraph also provides that a deposit received on a day that the bank is closed, or after the bank's cut-off hour, is considered made on the next banking day. Different cut-offs may be established for different types of deposits. For example, a bank may establish a 2:00 p.m. cut-off for the receipt of check deposits, but a later cut-off for the receipt of wire transfers. Different cut-offs may also be established for deposits received at different locations. For example, a different cut-off time may be established for ATM deposits than for over-the-counter deposits. However, no cut-off hour can be earlier than 2:00 p.m. local time.

(b) *Availability at start of business day.* Except for withdrawals governed by the special rule for withdrawal by cash or similar means set forth in §§ 229.11(b)(2) and 229.12(d), if funds must be made available for withdrawal on a business day, the funds must be available for withdrawal by the later of 7:00 a.m. or the time the depositary bank's teller facilities, including ATMs, are available for customer transactions. Thus, if a bank has no ATMs and its branch facilities are available for customer transactions beginning at 9:00 a.m., funds must be available for customer withdrawal beginning at 9:00 a.m. If the bank, however, has ATMs that are available 24 hours a day, rather than establishing 12:01 a.m. as the start of the business day, this paragraph sets 7:00 a.m. as the start of the day with respect to ATM withdrawals. The Board believes that this rule provides banks with sufficient time to update their accounting systems to reflect the available funds in customer accounts for that day.

(c) *Effect on policies of depositary bank.* This subpart establishes the maximum hold that may be placed on customer deposits. A depositary bank may provide availability to its customers in a shorter time than prescribed in this subpart. A depositary bank may also adopt different funds availability policies for different segments of its customer base, as long as each policy meets the schedules in the regulations. For example, a bank may differentiate between its corporate and consumer customers, or may adopt different policies for its consumer customers based on whether the customer has an overdraft line of credit associated with the account.

This regulation does not affect a depositary bank's right to accept or reject a check for deposit. If a check is accepted for deposit and subsequently returned, the depositary bank has the right to charge-back its customer's account, or to recover the amount of the check from the customer if sufficient funds are not in the customer's account to cover the amount of the returned check.

Nothing in the regulation requires a depositary bank to have facilities open for customers to make withdrawals at specified times or on specified days. For example, even though the regulation states that a bank must make up to $400 available for cash withdrawals no later than 5:00 p.m. on specific business days, if a bank does not participate in an ATM system and does not have any teller windows open at or after 5:00 p.m., the bank need not join an ATM system or keep offices open. The bank complies with this regulation if the funds that are required to be available for cash withdrawal at 5:00 p.m. on a particular day are available for withdrawal at the start of business on the following day. Similarly, if a depositary bank is closed for customer transactions, including ATMs, on a day funds must be made available for withdrawal, the regulation does not require the bank to open.

The special cash withdrawal rule in the Act recognizes that the $400 that must be made available for cash withdrawal by 5:00 p.m. on the day specified in the schedule may exceed a bank's daily ATM cash withdrawal limit and explicitly provides that the Act does not supersede a bank's policy in this regard. As a result, if a bank has a policy of limiting cash withdrawals from automated teller machines to $250 per day, the regulation would not require that the bank dispense $400 of the customer's deposit that must be made available for cash withdrawal.

Even though the Act clearly provides that the bank's ATM withdrawal limit is not superseded by the federal availability rules on the day funds must first be made available, the Act does not specifically apply this rule to withdrawals made at ATMs on subsequent days, when the entire amount of the deposit must be made available for withdrawal. The Board believes that the rationale behind the Act's provision that a bank's ATM withdrawal limit is not superseded by the requirement that funds be made available for cash withdrawal applies on subsequent days and to other types of cash withdrawal. A number of small credit unions, due to lack of secure facilities, keep no cash on hand and hence offer no cash withdrawal capability to their customers. Other institutions limit the amount of cash on their premises due to bonding requirements and consequently reserve the right to limit the amount of cash each customer can withdraw on a given day. Nothing in the regulation is intended to prevent a bank from limiting the amount of cash withdrawals if the bank has a policy limiting the amount of cash that may be withdrawn, and that policy is applied equally to all customers of the bank, is based on security or bonding requirements, and is not dependent on the length of time the funds have been in the customer's account, as long as the hold has expired. This limitation could apply to staffed teller facilities as well as ATMs. The regulation, however, does not authorize such policies if they are otherwise prohibited by statutory, regulatory, or common law.

(d) *Use of calculated availability.* Depositary banks may provide availability to their nonconsumer accounts, or determine the day from which interest must accrue on those accounts, on a calculated availability basis. Under calculated availability, a specified percentage of funds from check deposits may be made available to the customer on the next business day, with the remaining percentage deferred until subsequent days. The determination of the percentage of deposited funds that will be made available each day is based on the customer's typical deposit mix. Use of calculated availability is permitted in order to determine when interest must be paid on deposited funds only if, on average, the calculated availability results in interest being computed from the time provisional credit is actually received on the average deposit of the nonconsumer customer.

(e) *Limitation on placing holds on certain funds in accounts.* Section 607(d) of the Act (12 U.S.C. 4006(d)) provides that once funds are available for withdrawal under the Act, such funds shall not be frozen solely due to the subsequent deposit of additional checks that are not yet available for withdrawal. This provision of the Act is designed to prevent evasion of the Act's availability requirements.

The regulation clarifies that, if the customer deposits a check, the bank may place a hold on any of the customer's funds to the extent that the funds held do not exceed the amount of the check deposited, and the funds that are held are made available for withdrawal within the times required in this subpart.

If a customer cashes over-the-counter a check drawn on another bank, the bank may hold funds in the customer's account for the amount of the check, as long as the hold does not exceed the hold that could be placed on that check, if the check had been deposited in the account.

(f) *Employee training and compliance.* The Act requires banks to take such actions as may be necessary to inform fully each employee that performs duties subject to the Act of the requirements of the Act, and to establish and maintain procedures reasonably designed to assure and monitor employee compliance with such requirements.

This provision provides guidance to banks regarding their employee training and compliance requirements. Each bank must provide a statement of the requirements of this subpart to all employees that perform duties that relate to the bank's compliance with these requirements. Banks must also establish procedures to ensure compliance with these requirements and provide these procedures to the employees responsible for carrying them out. In addition, a bank must conduct an audit at least annually to determine its compliance with the procedures it established.

Section 229.20 Relation to state law.

(a) *In general.* A number of states have enacted laws that govern when banks in those states must make funds available to their customers. The Act provides that any state law in effect on September 1, 1989, that provides for more prompt availability than provided in this regulation will supersede the time periods in the Act and the regulation. The Conference Report on the Act clarifies this provision by stating that any state law enacted on or before September 1, 1989, may supersede federal law to the extent that the law relates to the time funds must be made available for withdrawal. H.R. Rept. No. 261, 100th Cong. 1st Sess. at 182 (1987).

Thus, if a state wishes to adopt a law governing funds availability, it must do so by September 1, 1989. Laws adopted after that date will not supersede federal law, even if they provide for shorter availability periods than are provided under federal law. If a state that has a law governing funds availability in effect before September 1, 1989 amends its law after that date, the amendment will not supersede federal law. If a state provides for a shorter hold for a certain category of checks than is provided for under federal law, that state requirement will supersede the federal provision. For example, most state laws base their holds on whether the check being deposited is drawn on an in-state or out-of-state institution. If a state is located in more than one check processing region, the state's hold period for in-state checks may be shorter than the federal maximum hold period for nonlocal checks. Thus, the state schedule would supersede the federal schedule to the extent that it applies to in-state, nonlocal checks.

The Act also provides that any state law that provides for availability in a shorter period of time than required by federal law is applicable to all federally insured institutions in that state, including federally chartered institutions. This provision subjects federally chartered institutions only to those provisions of state law governing the time funds must be available for withdrawal; it does not subject federally chartered institutions to state disclosure requirements. Federally chartered institutions will be subject to state availability requirements on September 1, 1988, when the Act becomes effective.

(b) *Preemption of inconsistent law.* This paragraph reflects the statutory provision that other provisions of state law are preempted that are inconsistent with federal law.

(c) *Preemption determinations.* The Board will issue preemption determinations upon the request of an interested party in a state. The determinations will relate only to the provisions of Subpart B; generally the Board will not issue individual preemption determinations regarding the relation of state U.C.C. provisions to the requirements of Subpart C.

(d) *Standards for preemption.* The Board has proposed certain standards that will be used in making determinations on whether federal law will preempt state laws governing funds availability in effect prior to September 1, 1989. State law will be considered inconsistent with federal law if it provides for a longer hold than is provided for under federal law.

State law will also be deemed inconsistent, and thus will be preempted, if it provides for an exception to its availability schedule that addresses the same situation as the federal exception, but in a different manner. For example, if a state provides an exception to its schedules to address risk related to large-dollar checks or large-dollar deposits that is different from the federal exception for deposits in excess of $5,000, the state exception is preempted by the federal exception. Thus, a state law that provides an exception for checks of $2,500 or greater would be preempted by the federal large-dollar deposit exception.

(e) *Procedures for preemption determinations.* This provision sets forth the information that must be included in a request by an interested party for a preemption determination by the Board. Given the short lead time between spring 1988, when the Board anticipates that it will finalize this proposed regulation, and the September 1, 1988 effective date, the Board will accept requests for preemption determinations before the regulation becomes final. If an interested party requests a preemption determination prior to the final approval of this regulation, the comparison of the state law provisions with the provisions of the Act and regulation should be based on the requirements of this proposed regulation.

Section 229.21 Civil liability.

(a) *Civil liability.* This paragraph sets forth the statutory penalties for failure to comply with the requirements of this subpart.

(b) *Class action awards.* This paragraph sets forth the provision in the Act concerning the factors that should be considered by the court in establishing the amount of a class action award.

(c) *Bona fide errors.* A depositary bank is shielded from liability under this section for a violation of a requirement of this subpart if it can demonstrate, by a preponderance of the evidence, that the violation resulted from a bona fide error and that it maintains procedures designed to avoid such errors. Examples of what constitutes, and does not constitute, a bona fide error are provided.

(d) *Jurisdiction.* This paragraph provides the jurisdiction and statute of limitations for civil actions for violations of this subpart.

(e) *Reliance on Board rulings.* This provision shields banks from civil

liability if they act in good faith in reliance on any rule, regulation, or interpretation of the Board, even if it were subsequently determined to be invalid. Banks may rely on the commentary to this regulation, which will be issued as an official Board interpretation, as well as on the regulation itself.

(f) *Exclusions.* This provision clarifies that liability under this § 229.21 does not apply to violations of the requirements of Subpart C of this regulation, or to actions for wrongful dishonor of a check by a paying bank's customer.

(g) *Record retention.* Banks must keep records to show compliance with the requirements of this subpart for at least two years. This record retention period is extended in the case of civil actions and enforcement proceedings.

Subpart C—Collection of Checks

Section 229.30 Paying bank's responsibility for return of checks.

(a) *Return of checks or notice of nonpayment.* This paragraph requires a paying bank that determines not to pay a check to return the check more expeditiously than is currently required. Generally, the paying bank may use the same transportation method and banks for return that it would ordinarily use for forward collection of checks and satisfy the requirement of an "expeditious" return, provided that the bank selected to process the return agrees to handle the return under the standards for returning banks in § 229.31. The paying bank's normal method of sending a check for collection would not be expeditious, however, if it is materially slower than that of other banks of similar size in its community. In effect, the paying bank acts as an agent or subagent of the depositary bank in selecting the means of return.

The paying bank must handle, route, and transport a check being returned in a way that returns the check back to the depositary bank in a manner designed to be at least as fast as the paying bank would collect a forward collection check (1) of similar amount, (2) drawn on the depositary bank, and (3) received by the paying bank for forward collection before noon on the banking day following the banking day of presentment of the returned check. This section refers to similarly situated banks to indicate a general minimum community standard. A similarly situated bank is defined as a bank of similar asset size, in the same community and with similar check payments activity as a paying or returning bank. For example, a paying bank returning a check has similar payments activity to other banks that handle similar volumes of checks for collection. The Board believes that under this standard banks that use inefficient means of handling returned checks will have to improve their procedures. Under this standard, ordinarily paying banks may not use less efficient means of routing or transporting returned checks than they use for forward collection checks.

A number of examples will illustrate the application of this duty to paying banks. First, if a check is presented to a paying bank on Monday and the depositary bank and the paying bank are participants in the same clearinghouse, the paying bank should deliver the returned check to the depositary bank by Wednesday, which would be the same day it would deliver a forward collection check drawn on the depositary bank that the paying bank received for deposit by noon on Tuesday.

Second, if a check is presented to a paying bank on Monday and the depositary bank is a bank in another city, but the paying bank ordinarily sends its forward collection checks drawn on the depositary bank direct to the depositary bank, ordinarily the paying bank would be expected to send the returned check to the depositary bank with the forward collection checks drawn on the depositary bank that the paying bank received for deposit early on Tuesday.

Third, if a check is presented to a paying bank on Monday and the paying bank would ordinarily collects forward collection checks drawn on the depositary bank by sending the forward collection checks to a correspondent or a Federal Reserve Bank by courier, the paying bank could send the returned check to its correspondent or Federal Reserve Bank provided that the correspondent has agreed to handle returned check under the standards established for returning banks in § 229.31. The paying bank must deliver the returned check to the correspondent or Federal Reserve Bank by the correspondent's or Federal Reserve Bank's cut-off hour for returned checks that corresponds to its cut-off hour for forward collection checks drawn on the depositary bank that the paying bank received for deposit early on Tuesday. A returned check cut-off hour corresponds to a forward collection cut-off hour if it applies to checks destined for the same banks and has similar sorting requirements. Delivery to the correspondent or a Federal Reserve Bank by the appropriate cut-off hour satisfies the paying bank's duty even if use of the correspondent or Federal Reserve Bank is not the most expeditious means of returning the check. Thus a paying bank may send a returned check to a correspondent instead of a Federal Reserve Bank even if the correspondent then sends the returned check to a Federal Reserve Bank as a qualified returned check. Where forward collection checks are delivered by courier to the correspondent or the Federal Reserve Bank, mailing returned checks would not meet the duty established by this section for paying banks.

Fourth, if a paying bank ordinarily mails its forward collection checks to its correspondent or Federal Reserve Bank in order to avoid the costs of a courier delivery, but other banks of similar size and handling similar volumes of checks for collection in the paying bank's community use a courier to deliver checks to their correspondent or Federal Reserve Bank, the paying bank would have to send its returned checks by courier to its correspondent or Federal Reserve Bank. (The Board believes that these situations will be unusual.)

The dollar amount of the returned check has a bearing on how it must be returned. Thus, if the paying bank presents large dollar checks drawn on the depositary bank directly to the depositary bank, but uses the Federal Reserve to collect small dollar checks, the ordinarily paying bank would be expected to send its large dollar returns directly to the depositary bank but could use the Federal Reserve for its small dollar returns.

In meeting the requirements of this section, the paying bank is responsible for its own actions but not for those of the depositary bank or returning banks. For example, if the paying bank starts the return of the check in a timely manner but return is delayed by a returning bank, generally the paying bank has met its requirements (See § 229.38).

The paying bank is free to use alternate methods of return if the method results in delivery of the returned check to the depositary bank as quickly as the forward collection of a check drawn on the depositary bank. The paying bank is authorized to route the returned check in a variety of ways:

1. It may send the returned check to the bank that presented the check or through the clearinghouse through which it was presented as currently required by section 4–301(4) of the U.C.C.;
2. It may send the returned check directly to the depositary bank, bypassing intermediaries;
3. It may send the returned check to any returning bank willing to handle the returned check under the standards established for returning banks in § 229.31; or
4. It may send the returned check to a Federal Reserve Bank, whether or not the Federal Reserve Bank handled the check during forward collection. (Docket No. R–0621 discusses proposed Reserve Bank services to enable paying banks to return checks through the Federal Reserve Banks.)

If the paying bank elects to return the check directly to the depositary bank, it is not necessarily required to return the check to the branch of first deposit. The check may be returned to the depositary bank at any location permitted under § 229.32.

Except for the exceptions discussed below, this section does not relieve a paying bank from the requirement for timely return (i.e., midnight deadline) under sections 4–301 and 4–302 of the U.C.C., which continue to apply. Under section 4–302 a paying bank is "accountable" for the amount of a demand item other than a documentary draft if it does not pay or return the item or send notice of dishonor by its midnight deadline. Under section 3–418 of the U.C.C., late return constitutes payment and would be final in favor of a holder in due course or a person who has in good faith changed his position in reliance on the payment. Thus, retaining this requirement gives the paying bank an additional incentive to make a prompt return.

This regulation creates a number of exceptions to the paying bank's midnight deadline in the U.C.C.:

1. Under § 229.30(a), a paying bank may satisfy the U.C.C. midnight deadline by sending notice of nonpayment;
2. Under § 229.30(b), a paying bank may extend the midnight deadline for small-dollar checks; and
3. Under § 229.30(c), a paying bank may extend the midnight deadline in a good faith effort to expedite delivery.

If the paying bank cannot start return of the check soon enough to comply with this section, it may send a notice of nonpayment that meets the requirements of § 229.33, including the timeliness of the notice, and the notice may be given on checks of less than $2,500.

The liability section of this regulation (§ 229.38) provides that a paying bank is not subject to both "accountability" for missing the midnight deadline under the U.C.C. and liability for missing the timeliness requirements of this regulation.

This paragraph directly affects the following provisions of the U.C.C., and may affect other sections or provisions:

1. Section 4–212(2), in that direct return by the paying bank is now permitted in all jurisdictions even though not all jurisdictions have adopted this optional provision. Also the paying bank does not have to create a draft on the depositary bank.
2. Section 4–301(4), in that in addition to returning a check through a clearinghouse or to the presenting or last collecting bank, a paying bank may return a returned check to the depositary bank, to a returning bank, or to a Federal Reserve Bank.
3. Section 4–301(1), in that time limits specified in that section may be shortened by the additional requirement to make an expeditious return.

The Board requests comment on:

1. Whether the duty of the paying bank should be stated in a more concrete manner, such as that a paying bank must return a check so that it reaches the depositary bank on the second business day following the day of presentment for local checks and the third business day following the day of presentment for nonlocal checks;
2. Whether paying banks should be required to prepare qualified returned checks for all checks being returned through a returning bank; and
3. Whether the option allowing a paying bank to send notice of nonpayment should be retained as an effective alternative to expeditious return of the actual check. (*See also* the discussion of returning banks' duties under § 229.31.)

(b) *Extension of deadline for small-dollar checks.* Over one half of all returned checks are in amounts of $100 or less. Today, many of these returned checks that are returned due to insufficient or uncollected funds are routinely redeposited in an effort to obtain payment. On average, over 60 per cent of these redeposited checks are paid on the second presentment. Thus, a significant number of checks returned today would not be returned if the paying bank could hold the check for an additional period of time without becoming accountable for it under section 4–302 of the U.C.C. If the drawer of the check funds its account shortly after the paying bank's midnight deadline, the paying bank could pay it at that time and avoid the necessity of returning the check and possible subsequent representment. This paragraph permits the paying bank to hold small-dollar checks (under $100) to achieve this efficiency. The extension is not limited to checks drawn on insufficient funds and could be used by the paying bank to hold checks to be returned for other reasons. The Board believes that this extension of the time for return will help to reduce the number of returned checks, thereby allowing the remaining returned checks to be handled more efficiently.

This extension applies to the time for return or notice of nonpayment under § 229.30(a) as well as the paying bank's midnight deadline under the U.C.C. 4–301 and 4–302. The paying bank may extend these time limits on a check-by-check basis; that is, it need not treat all checks under $100 the same. This provision allows the paying bank to extend the time limits by one day rather than two days. A one-day extension may be operationally easier to implement than a two-day extension. This right to extend is similar to a provision (section 4–108(1)(b)) in a proposed revision of the U.C.C. being developed by the National Conference of Commissioners on Uniform State Laws ("NCCUSL").[4]

If the paying bank elects to extend its deadline for return, it must reexamine the basis on which the check was not paid as of the day on which it returns the check or sends notice of nonpayment. The bank need not pay the check on reexamination under this provision, however, even if the original basis for nonpayment no longer exists. If the paying bank did not comply with the requirements of this section, such as the requirement to review its initial decision to return the check, it could be accountable for the amount of the check for exceeding the time for return under U.C.C. 4–301, § 210.12 of Regulation J (12 CFR 210.12), or this section. The requirement to reexamine the original decision not to pay is similar to a provision in draft section 4–402(2) of the NCCUSL proposal.

This small-dollar extension may be used by the paying bank in combination with the extension for expedited delivery (§ 229.30(c)).

This paragraph directly affects sections 4–301 and 4–302 of the U.C.C. (and § 210.12 of Regulation J, 12 CFR 210.12) at the option of the paying bank for checks of $100 or less and may affect other sections.

(c) *Extension of deadline for expedited delivery.* Many paying banks do not dispatch their returned checks by

[4] The NCCUSL is the organization responsible for drafting and revising the Uniform Commercial Code. It has commissioned an effort to draft amendments to U.C.C. Articles 3 and 4, which address many of the issues raised in Regulation CC. The NCCUSL proposal has been helpful in drafting this regulation and the commentary to the regulation refers to the parallel provisions in the NCCUSL proposal. The NCCUSL proposal referred to is the draft prepared for the NCCUSL meeting on July 31—August 7, 1987. This proposal has not been approved by the Commissioners on Uniform State Laws.

VOL 52 ISS 238 DEC 11 1987 UMI

VOL 52 ISS 238 DEC 11 1987 UMI

courier with the checks that are sent for forward collection if the courier leaves after midnight. Instead, they mail their returns by their midnight deadline in order to meet their legal responsibility under the U.C.C., but by doing so delay the completion of the return process. This paragraph removes the constraint of the midnight deadline if the check reaches either the depositary bank or the returning bank to which it is sent on the banking day following the expiration of the midnight deadline or other applicable time for return. The extension also applies if the check reaches the bank to which it is sent later than the close of that bank's banking day, if highly expeditious means of transportation are used. For example, west coast banks may use this further extension to ship returned checks by air courier directly to east coast banks even if the checks arrive after the close of the east coast banks' banking day.

The time limits that the paying bank may extend are the paying bank's midnight deadline in sections 4–301 and 4–302 of the U.C.C. (and § 210.12 of Regulation J, 12 CFR 210.12) and the time for the start of return in § 229.30(a). The paying bank may use this provision to add to the extended midnight deadline for checks of $100 or less in § 229.30(b) of this regulation. Even if the return deadlines are not extended, the paying bank satisfies its midnight deadline under the U.C.C. by dispatching returned checks to another bank by courier, including a courier under contract with the paying bank, prior to expiration of the midnight deadline.

This paragraph directly affects sections 4–301 and 4–302 of the U.C.C. (and § 210.12 of Regulation J, 12 CFR 210.12) to the extent that this paragraph applies by its terms and may affect other provisions.

(d) *Identification of returned check.* Most paying banks currently use some form of stamp indicating the reason for return. This paragraph makes this practice mandatory. No particular form of stamp is required; but the stamp must indicate the reason for return.

(e) *Depositary bank without accounts.* The Act and this regulation apply only to "checks" deposited in transaction-type "accounts." Thus, a depositary bank with only time or savings accounts need not comply with the availability requirements of Subpart B. Collecting banks will not have couriers delivering checks to these depositary banks because they do not have checks drawn on them to present. Consequently, the costs of using a courier or other expedited means to deliver returned checks directly to the depositary bank may not be justified. Thus, the expedited return requirement of § 229.30(a) does not apply to checks being returned to banks that do not hold accounts. The paying bank's midnight deadline in sections 4–301 and 4–302 of the U.C.C. (and § 210.12 of Regulation J, 12 CFR 210.12) would continue to apply to these checks. Returning banks would also be required to act on such checks within their midnight deadline. Further, in order to avoid complicating the process of return of checks generally, banks without accounts are required to use the standard indorsement, and their checks are returned by returning banks and paid for by the depositary bank under the same rules as checks deposited in other banks, with the exception of the expeditious return requirements of §§ 229.30 and 229.31.

(f) *Notice in lieu of return.* A check that is lost or otherwise unavailable for return may be returned by sending a notice of nonpayment complying with § 229.33 that clearly indicates it is a substitute for the returned check. However, the time and amount limits of § 229.33 do not apply to a notice in lieu of return. The indication that the notice is a substitute for the returned check is necessary so that the returning and depositary banks are informed that the notice carries value. The requirement of this section supersedes the requirement of section 4–301(1) of the U.C.C. as to the form and information required of a notice of dishonor or nonpayment. A photocopy of the returned check would constitute a notice in lieu of return if identified as such. Reference in the regulation and this commentary to a returned check includes a notice in lieu of return unless the context indicates otherwise.

The notice in lieu of return is subject to the provisions of § 229.30 and is treated like a returned check for settlement purposes. If the original check was over $2,500, the notice of nonpayment under § 229.33 is still required, but may be satisfied by the notice in lieu of return if the notice in lieu meets the time and information requirements of § 229.33.

The Board requests comment on whether any additional information would be desirable on the notice in lieu of return to make it useful to the depositary bank, and whether the transmission of an electronic notice in lieu of return could cause accounting problems for the returning and depositary banks that must settle for these notices as they settle for returned checks.

(g) *Reliance on routing number.* Although § 229.35 and Appendix D require that the depositary bank indorsement contain its nine-digit routing number, it is possible that a returned check will bear the routing number of the depositary bank in fractional, eight-digit, nine-digit, or other form. The routing number may also be in regular ink or, especially on qualified returned items, in magnetic ink. This paragraph permits paying banks to rely on the routing number of the depositary bank as it appears on the check (in the depositary bank's indorsement or in magnetic characters on a qualified returned check) when it is received by the paying bank.

If there are inconsistent routing numbers, the paying bank may rely on any routing number designating the depositary bank. That is, the paying bank is not required to resolve the inconsistency prior to processing the check. The paying bank remains subject to the requirement to act in good faith and use ordinary care under § 229.38(a).

Section 229.31 Returning bank's responsibility for return of checks.

(a) *Return of checks.* The standards for return of checks established by this section are similar to the requirements on paying banks in § 229.30(a). A returning bank must handle a returned check or notice of nonpayment in the same manner that it (or a similarly situated collecting bank) would handle a similar check for forward collection. As in the case of a paying bank, a similarly situated bank is one of similar asset size and check payments activity in the same community. For a returning bank, another bank has similar payments activity if it handles a similar volume of checks for collection. In effect, the returning bank is an agent or subagent of the paying bank and a subagent of the depositary bank.

Under this section, a returning bank must accept returned checks including both qualified and other returned checks ("raw returns") at the same general times and process them according to the same general schedules as checks handled for forward collection. Thus, a returning bank generally must process even raw returns on an overnight basis, unless it extends its time limit by one day to convert the raw return to a qualified returned check as provided in § 229.31(b). A returning bank may establish earlier cut-off hours for receipt of returned checks than it established for receipt of forward collection checks provided that the cut-off hour for returned checks is not earlier than 2:00 p.m. The returning bank also may set different sorting requirements for returned checks than those applicable to other checks. Thus, a returning bank need not accept returned checks as late in the day as it accepts forward collection checks and may set an earlier cut-off hour to allow extra processing time for returns. All returned checks received by that cut-off hour on that banking day must be processed and dispatched by the returning bank by the time that it would dispatch forward collection checks received at that time on the same banking day that are drawn on the depositary bank. Generally, the returning bank should send the returned checks by the same route and by the same means of transportation used for forward collection of checks that are drawn on the depositary bank. The Board requests comment on whether the 2:00 p.m. limit on the cut-off hours established by returning banks is adequate to avoid delays in the return process or whether a later limit is necessary in order to ensure the expeditious handling of returns.

A number of examples will illustrate the application of this duty to returning banks. First, if a returning bank receives a returned check by its cut-off hour for returned checks on Monday and the depositary bank and the returning bank are participants in the same clearinghouse, the returning bank should deliver the returned check to the depositary bank in a clearinghouse exchange on Tuesday, which would be the same day that it would deliver a forward collection check drawn on the depositary bank and received by the returning bank at the same time on Monday.

Second, if a returning bank receives a returned check by its cut-off hour for returned checks on Monday and the depositary bank is a bank in another city, but the returning bank ordinarily sends its forward collection checks drawn on the depositary bank direct to the depositary bank, ordinarily the returning bank would be expected to send the returned check to the depositary bank with forward collection checks drawn on the depositary bank received by the returning bank for collection at the same time on Monday.

Third, if a returning bank receives a returned check by its cut-off hour on Monday, and the returning bank would ordinarily collect forward collection checks drawn on the depositary bank by sending the forward collection checks to a correspondent or a Federal Reserve Bank by courier, the returning bank could send the returned check to its correspondent or Federal Reserve Bank, provided that the correspondent has agreed to handle the returned check under the standards established for returning banks in this § 229.31. The returning bank must deliver the check to the correspondent or Federal Reserve Bank by the correspondent's or Federal Reserve Bank's cut-off hour for returned checks that corresponds to its cut-off hour for forward collection checks drawn on the depositary bank and received by the returning bank for collection at the same time on Monday. However, a returning bank may take a day to convert a check to a qualified returned check. Where the forward collection checks are delivered by courier, mailing the returned checks would not meet the duty established by this section for returning banks.

The returning bank may convert the returned check to a qualified returned check and thus extend its time limits under § 229.31(b) by one day, but may not satisfy its duty to return in an expeditious manner by substituting a notice of nonpayment for the returned check. A returning bank must handle a notice in lieu of return within the same time limits as for returned checks.

The returning bank is authorized to route the returned check in a variety of ways:

1. It may send the returned check to the bank that had sent the check to it during forward collection (if the returning bank handled the check for forward collection) as currently required by U.C.C. 4–212;

2. It may send the returned check directly to the depositary bank;

3. It may send the returned check to any returning bank willing to handle the returned check under the standards established for returning banks under this § 229.31; or

4. It may send the returned check to a Federal Reserve Bank, whether or not the Federal Reserve Bank handled the check during forward collection.

If the returning bank elects to return the returned check directly to the depositary bank, it is not required to return the check to the branch of first deposit. The returned check may be returned to the depositary bank at any location permitted under § 229.32.

In meeting the requirements of this section, the returning bank is responsible for its own actions but not those of the paying bank, other returning banks, or the depositary bank. For example, if the paying bank has delayed the start of the return process, but the returning bank acts timely, the returning bank has satisfied the requirements of this section even if the delayed return results in a loss to the depositary bank. (*See* § 229.38.)

The Board recognizes that the duty imposed on returning banks by this section will require operational changes at returning banks. If the returning bank accepts returns as late in the day as it accepts forward collection checks, the duty established by this section could require returning banks to process unsorted, raw returns in only a few hours unless the returning bank creates a qualified returned check, in which case it will have a day to create the qualified returned check. The Board considered alternate approaches to expediting the return of checks. Under one alternative, the paying bank would have to convert all returns sent to returning banks into qualified returned checks. This alternative might result in faster returns in some cases. This requirement would impose burdens on paying banks, including many small banks that may be ill-equipped for the conversion process. This alternative would facilitate compliance for returning banks at the expense of paying banks. The Board does not believe that the benefits in terms of reduction in risk to depositary banks and reductions in processing requirements on returning banks, clearly warrant the increased burden on paying banks.

A second alternative would be to rely on the incentive for prompt return created by the removal of the right of charge-back. Currently, banks returning checks often charge-back prior collecting banks' accounts even before the checks reach the prior collecting banks. Under the proposal, payment is made for returned checks upon their delivery to the depositary bank. Therefore a paying or returning bank has an incentive to send returned checks to the depositary bank expeditiously. Under this alternative, a returning bank's time to process and dispatch returns would be limited only by its midnight deadline. This alternative would also reduce the burden on returning banks but would result in fewer checks being returned to depositary banks before funds must be made available for withdrawal under the Act. The Board requests comment on whether the proposal strikes the appropriate balance between the interests of depositary banks in receiving prompt returns and the burdens imposed on paying and returning banks.

This paragraph directly affects the following provisions of the U.C.C., and may affect other sections or provisions:

1. Section 4–212(2), in that direct return by the returning bank is now permitted in all jurisdictions even though not all jurisdictions have adopted this optional provision;

2. Section 4–202(2), to the extent that this subsection states a shorter time

VOL 52 ISS 238 DEC 11 1987 UMI

limit for action than the midnight deadline.

(b) *Extension of deadline for qualified returned checks.* This paragraph authorizes the returning bank to extend its time limits to prepare a check for automated handling (a qualified returned check). A returned check prepared for automated handling will be handled by subsequent returning banks more efficiently than a returned check that must be handled manually. This paragraph gives a returning bank a day beyond the time otherwise required to handle the returned check to prepare a qualified returned check. If the returning bank is sending the returned check direct to the depositary bank, this day is not available because preparing a qualified returned check will not expedite handling by other banks. The Board recognizes that returning banks may have difficulty in identifying those returned checks that are eligible for this extension. The Board requests comment on whether returning banks should be permitted a day to create qualified returns for checks returned directly to depositary banks. Although paying banks also may wish to prepare qualified returned checks because they will be handled at a lower cost by returning banks, the extension is not available to paying banks because of the longer time that a paying bank has to dispatch the check. Ordinarily, paying banks will be able to convert a check to a qualified returned check at any time after the determination is made to return the check until late in the day following presentment, while a returning bank may receive returned checks late on one day and be expected to dispatch them early the next morning.

This paragraph directly affects the returning bank's midnight deadline in section 4–202(2) of the U.C.C. and may affect other sections or provisions.

(c) *Acceptance by collecting bank.* This paragraph provides that a collecting bank may not refuse to accept the return of a check that it handled for forward collection. This is consistent with section 3–414 of the U.C.C., which requires an indorser to take up a check that has been dishonored. Further, if a paying bank cannot identify the depositary bank, return of the check to the presenting bank may be its most expeditious means of return, as each bank in the collection chain should be best able to identify the bank sending the check to it.

(d) *Settlement.* Under the U.C.C., a collecting bank receives settlement for a check when it is presented to the paying bank. The paying bank may recover the payment when the paying bank returns the check to the presenting bank. Under this regulation, however, the paying bank may return the check directly to the depositary bank or through returning banks that did not handle the check for forward collection. On these more efficient return paths, the paying bank does not recover the payment made to the presenting bank. Thus, this paragraph requires the returning bank to settle for a returned check (either with the paying bank or another returning bank) in the same way that it would settle for a similar check for forward collection. Thus, any returning bank, including one that handled the check for forward collection, may provide availability for returned checks pursuant to an availability schedule as it does for forward collection checks. To achieve uniformity, this paragraph applies even if the returning bank handled the check for forward collection. Under § 229.32(b), provisional credits between banks for the forward collection of the check become final upon expiration of the time for payment for a returned check by the depositary bank.

A special rule applies to checks returned by insolvent banks. (*See* § 229.39(a).)

This paragraph affects section 4–212(1) of the U.C.C. in that a paying or collecting bank does not have a right to charge-back against the bank from which it received the returned check, although it is entitled to settlement if it returns the returned check to that bank, and may affect other sections or provisions.

(e) *Charges.* This paragraph permits any returning bank, even one that handled the check for forward collection, to impose a fee on the paying bank for its service in handling a returned check. The depositary bank may not charge such a fee to a prior returning bank.

(f) *Reliance on routing number.* This paragraph is similar to § 229.30(g) and permits a returning bank to rely on routing numbers appearing on a returned check. (*See* the comment to § 229.30(g).)

(g) *Depositary bank without accounts.* This paragraph is similar to § 229.30(e) and relieves a returning bank of its obligation to make expeditious return to a depositary bank that does not maintain any accounts. (*See* the comment to § 229.30(e).)

(h) *Notice in lieu of return.* This paragraph is similar to § 229.30(f) and authorizes a returning bank to originate a notice in lieu of return if the returned check is unavailable for return. (*See* the comment to § 229.30(f).)

Section 229.32 Depositary bank's responsibility for returned checks.

(a) *Acceptance of returned checks.* This regulation seeks to encourage direct returns by paying and returning banks and may result in a number of banks sending checks to depositary banks with no preexisting arrangements as to where the returned checks should be delivered. This paragraph states where the depositary bank is required to accept returned checks and written notices of nonpayment. (These locations differ from locations at which a depositary bank must accept electronic notices.) It is derived from section 3–504(2) of the U.C.C., which specifies that presentment for payment may be made at the place specified in the instrument or, if there are none, at the place of business of the party to pay. In the case of returned checks, the depositary bank does not print the check and can only specify the place of "payment" of the returned check in its indorsement.

The paragraph specifies four locations at which the depositary bank must accept returned checks:

1. If the depositary bank indorsement states the name and address of the depositary bank, it must accept returned checks at the branch or head office indicated by the address. If the address is too general to identify a particular branch or the head office then the depositary bank must accept returned checks at any branch or head office, consistent with the address. If, for example, the address was "New York, New York," each branch in New York City must accept returned checks. The address may be a processing center.

2. If no address appears in the depositary bank's indorsement, the depositary bank must accept returned checks at any branch or head office associated with the depositary bank's routing number. The offices associated with the routing number of a bank are found in a publication of Rand McNally, *Key to Routing Numbers*, which lists a city and state address for each routing number.

3. If no routing number or address appears in its indorsement, the depositary bank must accept a returned check at any branch or head office of the bank. The indorsement requirement of § 229.35 and Appendix D requires that the indorsement contain both a routing number, name, and location. Consequently, this provision, as well as provision (2), only applies where the depositary bank has failed to comply with its responsibility for indorsement.

4. In addition to (1), (2), or (3), the depositary bank must accept returned checks at the location at which it accepts checks as a paying bank.

(b) *Payment.* As discussed in the comment to § 229.31(e), under this regulation, a paying or returning bank does not obtain credit for a returned check by charge-back but by, in effect, presenting the returned check to the depositary bank. This paragraph imposes an obligation to "pay" a returned check that is similar to payment of a check, except that the depositary bank may not return a returned check for which it is the depositary bank and certain means of payment such as remittance drafts can only be used with the agreement of the returning bank.

The depositary bank must pay for a returned check by the close of the banking day on which it received the returned check. The day on which a returned check is received is determined pursuant to section 4–107 of the U.C.C., which permits the bank to establish a cut-off hour, generally not earlier than 2:00 p.m., and treat checks received after that hour as being received on the next banking day.

Payment must be made so that the funds are available for use by the bank returning the check to the depositary bank on the day the check is received by the depositary bank. For example, a depositary bank meets this requirement if it wire transfers funds to the Federal Reserve or correspondent bank account of the returning bank on the day it receives the returned check, even if the returning bank has closed for the day or net settles with the returning bank on that day. Banks with current Federal Reserve net settlement agreements could net the appropriate credits and debits for returned checks with the accounting entries for cash items if they so desired. If, for purposes of establishing additional control or to establish a new settlement arrangement, the banks involved desired a separate settlement for returned checks, a separate net settlement agreement would have to be established with the local Federal Reserve office.

If payment is not made, the depositary bank is accountable, i.e., liable, to the paying or returning bank for the amount of the returned check. If the returned check is returned to a bank that is not the depositary bank, that bank has no obligation to pay under this paragraph, but must pay for the check as a returning bank would pay for the check—it should handle the misrouted item as indicated in § 229.32(d). A returning bank may agree to accept payment at a later date if, for example, it does not believe that the amount of the returned check or checks warrants the costs of same day payment. Thus, a returning bank may agree to accept payment through an automated clearinghouse credit or debit that settles the day after the returned check is received instead of a wire transfer that settles on the same day.

This paragraph is similar to draft section 4–301(5) of the NCCUSL proposal, which in turn is based on optional section 4–212(2) of the U.C.C. concerning direct return of checks.

The Board requests comment on whether a penalty is required to ensure that payment is made as required by this paragraph.

(c) *Recovery by depositary bank from collecting bank.* A depositary bank may not have received full provisional settlement for the check when it was sent for collection or may have received no settlement at all. When the depositary bank pays the returning bank for the returned check, it will have lost the difference between what it paid the returning bank and what it received from the bank to which it sent the check for forward collection. This paragraph permits the depositary bank to recover the difference from the bank that did not make full settlement. This rule applies whether the depositary bank sold the check to the next bank or merely transferred it to that bank as an agent for collection.

(d) *Misrouted returned checks.* Today a bank receiving a misrouted returned check often sends the check back to the party that sent it so that party can research it and identify the correct bank. This paragraph attempts to hasten the process by requiring a bank that received the misrouted returned check to send it to the correct depositary bank if it can identify the correct depositary bank. Failing that, the bank receiving the misrouted returned check would return it to the returning or paying bank sending the check to it. In either case the bank to which the returned check was misrouted could receive settlement for the check. If the check was originally received "free," that is, without a charge for the check, the bank incorrectly receiving the check would have to return the check, without a charge, to the bank from which it came.

Section 229.33 Notice of nonpayment.

(a) *Requirement.* Notice of nonpayment serves several different functions in this regulation, but each notice provided for must follow the general requirements of this section:

1. The paying bank may send a notice of nonpayment as a way of meeting its duty to initiate return under § 229.30. If the notice is used to comply with § 229.30, nevertheless it must be provided within the time limits prescribed by this section. This notice carries no value and does not relieve the paying bank of the requirement to return the check;

2. The paying bank must send a notice of nonpayment complying with this section if it decides not to pay a check of $2,500 or more. The notice carries no value, and the check itself must be returned: and

3. A paying or returning bank may send notice in lieu of return if the check itself is unavailable for return under §§ 229.30(f) and 229.31(h) regardless of the amount of the check. This notice is subject to the content requirements of this section but to the timing requirements of §§ 229.30 and 229.31 rather than this section. The notice in lieu of return carries value and substitutes for the returned check itself, which is not returned. Because these notices are used when the check cannot be returned, they must be used if the paying or returning bank is to recover its settlement for the check.

The notice of nonpayment is modeled after the notice required by Regulation J (12 CFR 210.12) except the notice in this regulation is required even if the check were not collected through a Federal Reserve Bank, and the time limit for providing notice to the depositary bank is shorter by one business day. Under this section, the paying bank must ensure that the notice is received by the depositary bank by 4:00 p.m. on the second business day following presentment. Regulation J currently requires the notice to be received by midnight of the third banking day following presentment. Draft section 4–304 of the NCCUSL proposal contains a similar provision on notice of nonpayment.

The Board requests comment on whether notices should be required for checks of $2,500 and over or $5,000 and over.

(b) *Content of notices.* The content specified follows the content currently required under Regulation J. If the paying bank cannot identify the depositary bank, it should send the notice of nonpayment to the first collecting bank in the forward collection process that it can identify. This paragraph also provides that, in the case of written notices, the name and routing number of the depositary bank are required.

(c) *Acceptance of notice.* This paragraph also follows current practice under Regulation J. In the case of a written notice, the depositary bank is required to accept notices at the locations specified in § 229.32(a). In the

VOL
52
ISS
238
DE
11
1987
UMI

case of telephone notices, the bank may not refuse to accept notices at these numbers but may transfer calls, or use a recording device.

(d) *Charge-back.* This paragraph adopts the view of *Appliance Buyers Credit Corp* v. *Prospect National Bank*, 708 F.2d 290 (7th Cir. 1983), that sending a returned check or notice of nonpayment to the depositary bank's customer in a timely manner is not a condition precedent to charge-back to the customer's account by the depositary bank. Draft section 4–212(2) of the NCCUSL proposal contains a similar provision.

(e) *Cancellation of notice.* This paragraph follows a similar provision in Regulation J. The Board requests comment on whether other provisions from Regulation J on notice of nonpayment should be adopted in this regulation.

Section 229.34 Warranty by paying bank and returning bank.

(a) *Warranty.* This paragraph incorporates the warranties of timely return in § 210.12(b) of Regulation J (12 CFR 210.12(b)) and adds the warranties that the paying or returning bank is authorized to return the check and that the returned check has not been materially altered.

(b) *Damages.* This paragraph adopts for the new warranties in § 229.34(a) the warranty damages of section 4–207(3) of the U.C.C.

(c) *Tender of defense.* This paragraph adopts for this regulation the vouching-in provisions of section 3–803 of the U.C.C. or § 210.5 of Regulation J (12 CFR 210.5).

Section 229.35 Indorsements.

(a) *Indorsement standards.* One of the major difficulties in returning a check is reading the indorsements of the depositary and collecting banks, and obtaining useful information from them. Current indorsements are often faint, blurred, incomplete and overlapping. The indorsement standards in Appendix D address indorsement problems by specifying the information the indorsement must contain and its location and ink color. Depositary, collecting and returning banks are required to place their indorsements on checks as specified in Appendix D. In order to avoid confusion in routing returned checks, paying banks are not required to indorse returned checks. The regulation's indorsement requirements adopt the components of the standards developed, but not finally adopted, by the American National Standards Institute ("ANSI"). An ANSI working group, comprised of representatives of banks, check processing equipment manufacturers, and other interested parties adopted those standards over the past two years. This regulation does not incorporate the ANSI standard by reference, however, but requires that indorsements have these particular elements.

For many banks, compliance with the indorsement standard would entail replacement of indorsement plates and/or stamps. For some banks additional changes may be necessary. A collecting bank may indorse checks deposited by its retail customers on encoding equipment using the depositary bank indorsement required by this regulation, and apply its transit indorsement to checks sent by its respondents on its high-speed equipment. (This section does not prohibit a bank from applying both a depositary bank indorsement and transit indorsement on the same check.) Alternatively, the bank may need to apply two different indorsements on its high-speed equipment: the depositary bank indorsement, where it is the depositary bank, and a transit indorsement when it acts as a collecting bank.

Second, where a corporation encodes its own checks prior to deposit, the corporation often applies its own indorsement and the bank applies its indorsement on its high-speed equipment. Under the proposal, either the corporation or the depositary bank must apply the depositary bank indorsement. For lock-box locations or corporations that deposit into multiple depositary banks, either the corporation or lock-box depositor would have to apply the depositary bank indorsements to the checks being collected by each bank, or the depositary bank must apply its depositary bank indorsement.

Third, high-speed sorters may not be immediately capable of placing a depositary bank indorsement in the location specified by the standard. Depositary banks may wish to indorse on other equipment, such as encoding equipment. When depositary bank indorsements are applied on high-speed equipment, banks are encouraged to use special ink and include the information required by the standard even if the indorsements are not placed in the correct location initially.

Fourth, the proposed standard, following the approach developed by ANSI, requires all depositary bank indorsements to avoid the carbon band location. An indorsement placed over a carbon band often would not be legible. This restriction will make it more difficult for depositary banks to comply with the location requirements of the standard. An alternative approach is to shift the burden to the paying bank whose customers use checks with carbon bands. Under this approach, the paying bank either would have to stop issuing carbon band checks or select a carbon technique that would not interfere with reading the depositary bank indorsement. Further, the paying bank might be required to qualify all carbon band returns as qualified returned checks rather than depositing these returns raw with an intermediary.

The Board requests comment on how these problems might be minimized. In addition, the Board requests comment on whether the indorsement standard should restrict placement of the indorsement in the carbon band area, and what responsibilities should be placed on paying banks that issue carbon band checks.

As discussed in connection with § 229.38 on liability, failure to follow these indorsements standards may relieve a paying or returning bank of liability for delay in returning a check where the delay is due to the failure to use the proper indorsement.

(b) *Contract of indorser.* Under section 3–414 of the U.C.C., an indorser engages that upon dishonor he will take up the instrument. When a check is sent for forward collection, the collection process results in a chain of indorsements extending from the depositary bank through the collecting and presenting banks to the paying bank. This section extends the indorsement chain through the paying bank to the returning banks and would permit each to recover from prior indorsers if the paying or returning bank were unable to obtain payment for the returned check from the depositary bank. Under this section, in the event of the depositary bank's insolvency, the bank that accepted the check for forward collection from the depositary bank would ultimately be responsible for the check as the next prior indorser, as is the case under U.C.C. 3–414.

Section 229.36 Presentment of checks and delivery of returned checks.

(a) *Payable through and payable at checks.* The regulation defines a payable though or payable at bank (which could be designated the collectible through or collectible at bank) as a paying bank. The duties imposed on a paying bank under this regulation, such as the expeditious return requirements of § 229.30(a), are imposed on a payable through or payable at bank. This paragraph treats payable through and payable at banks as payor banks under the U.C.C. for

purposes of time for return or notice of dishonor. This treatment substantially shortens the time for return of these checks and may have a significant effect, for example, on credit unions using payable through share drafts and insurance companies using payable through drafts.

(b) *Receipt at bank office or processing center.* The provision seeks to facilitate efficient presentment of checks to promote early return or notice of nonpayment to the depositary bank and clarifies the law as to the effect of presentment by routing number. This paragraph differs from § 229.32(b) because presentment of checks differs from delivery of returned checks.

The paragraph specifies four locations at which the paying bank must accept presentment of checks:

1. If the check specifies the name and address of a branch or head office, the check may be presented by delivery to that office. If the address is too general to identify a particular office, presentment may be made at any office consistent with the address. For example, if the address is "San Francisco, California," each office in San Francisco must accept presentment. The designation of an address on the check is generally in the control of the paying bank.

2. If the check specifies the name of the paying bank but no address, the bank must accept presentment at any office. Thus, there is a tradeoff for a paying bank between specifying a particular address on a check and simply stating the name of the bank to encourage wider currency for the check. This provision is consistent with existing section 3–504(2) of the U.C.C., which states that presentment for payment may be made at the place specified in the instrument, or, if there are none, at the place of business of the party to pay. Presentment according to the name and address (if any) on a check would generally be made by individuals, rather than collecting banks. Collecting banks generally rely on the routing number.

3. Presentment may also be made at an office of the paying bank associated with the routing number on the check. The office associated with the routing number of a bank is found in a publication of Rand McNally, *Key to Routing Numbers*, which lists a city and state address for each routing number. Checks are generally handled by collecting banks on the basis of the routing number in magnetic characters (or in fractional form if the magnetic characters are obliterated) on the check, rather than the printed name or address. The definition of a paying bank in § 229.2 includes a bank designated by routing number, whether or not there is a name on the check, and whether or not any name is consistent with the routing number. There is no requirement in the regulation that the name and address agree with the address associated with the routing number on the check. A bank may generally control the use of its routing number, just as it does the use of its name. The address associated with the routing number may be a processing center. In some cases, a paying bank may have several offices in the city associated with the routing number. In such a case, it would not be reasonable or efficient to require the presenting bank to sort the checks by more specific branch addresses that might be printed on the checks, and to deliver the checks to each branch. Generally, a collecting bank would deliver all checks to one location. In cases where checks are delivered to a branch other than the branch on which they may be drawn, computer and courier communication among branches should permit the paying bank to quickly determine whether to pay the check.

4. In addition, delivery of checks may be made, and presentment is considered to occur, at a location, such as a processing center, requested by the paying bank. This is the way most checks are presented by banks today. This provision would adopt the common law rule of a number of legal decisions that the processing center acts as the agent of the paying bank to accept presentment and to begin the time for processing of the check. (*See also* U.C.C. 4–204(3).)

(c) *Truncation.* Truncation is a procedure in which the physical check is held by the depositary or collecting bank and the information from the check is transmitted to the paying bank. This process has the potential of improving the efficiency of check processing, but use of truncation has been limited, partly because of uncertainties about whether the U.C.C. permits it without the agreement of all parties. This paragraph allows truncation by agreement with the paying bank; however, such agreement may not prejudice the interests of prior parties to the check. For example, a truncation agreement may not extend the paying bank's time for return. Such an extension could damage the depositary bank, which must make funds available to its customers under mandatory availability schedules. Draft section 4–109 of the NCCUSL proposal has similar provisions on "electronic presentment."

Section 229.37 Inquiry to paying bank.

Under § 229.10, a depositary bank must make funds available for cashier's, certified, and teller's checks on the business day after the banking day of deposit. Because these checks cannot be presented and returned before funds must be available for withdrawal, some depositary banks may want to obtain assurance from the paying bank that the checks are not fraudulent. This paragraph requires the paying bank to respond to telephone inquiries with available information about the check. With respect to teller's checks, the drawing bank must also respond to inquiries from the depositary bank.

The Board requests comment on:

1. Whether this is a workable arrangement as proposed or whether it should be revised, for example, to guarantee the information;

2. What standard of promptness should be placed on paying and drawing banks in responding to inquiries;

3. Whether the paying bank should be permitted to charge for providing information; and

4. Whether this requirement should be limited to checks over a certain dollar amount.

Section 229.38 Liability.

(a) *Standard of care; liability; measure of damages.* The standard of care established by this section applies to any bank covered by the requirements of Subpart C of the regulation. Thus, it applies to a paying bank under §§ 229.30, 229.33, and 229.37; to a returning bank under § 229.31; to a depositary bank under §§ 229.32 and 229.33; to a bank erroneously receiving a returned check or notice of nonpayment as depositary bank under § 229.32(d); and a bank indorsing a check under § 229.35. The standard of care is similar to the standard imposed by sections 1–203 and 4–103(1) of the U.C.C.

A bank not meeting this standard of care is liable to the depositary bank, the owner of the check, or another party to the check. The measure of damages stated derives from sections 4–103(5) and 4–202(3) of the U.C.C.

This paragraph also states that it does not affect a paying bank's liability to its customer. Under section 4–402 of the U.C.C., for example, a paying bank is liable to its customer for wrongful dishonor, which is different from failure to exercise ordinary care and has a different measure of damages.

The Board requests comment on whether a bank's liability under this paragraph should be limited to the depositary bank and owner of the check.

VOL
52
ISS
238
DEC
11
1987
UMI

(b) *Paying bank's failure to make timely return.* Section 229.30(a) imposes requirements on the paying bank for expeditious return of a check and leaves in place the U.C.C. time limits, which may allow return at a different time. This paragraph clarifies that the paying bank could be liable for failure to meet either standard but not for failure to meet both. The regulation intends to preserve the paying bank's "accountability" for missing its midnight deadline under the U.C.C., a concept that is not incorporated in this regulation, but may be useful in other circumstances.

(c) *Comparative negligence.* This paragraph establishes a "pure" comparative negligence standard for liability under Subpart C of this regulation. This comparative negligence rule may have particular application where a paying or returning bank delays in returning a check because of difficulty in identifying the depositary bank. Two examples will illustrate liability in such cases. In each example, it is assumed that the returned check is received by the depositary bank after it has made funds available to its customer, that it may no longer recover the funds from its customer, and that the inability to recover the funds from the customer is due to a delay in returning the check contrary to the standards established by §§ 229.30(a) or 229.31(a). First, if a depositary bank fails to use the indorsement required by this regulation and a paying or returning bank is delayed in returning the check because additional time is required to identify the depositary bank or find its routing number, the paying or returning bank's liability to the depositary bank would be reduced or eliminated.

Second, if the depositary bank uses the standard indorsement but that indorsement is obscured by a subsequent collecting bank's indorsement and a paying or returning bank is delayed in returning the check because additional time was required to identify the depositary bank or find its routing number, the paying or returning bank may not be liable to the depositary bank because the delay was not due to its negligence. However, the collecting bank may be liable to the depositary bank to the extent that its negligence in indorsing the check caused the paying or returning bank's delay.

(d) *Timeliness of action.* This paragraph excuses certain delays. It incorporates the standard of section 4–108(2) of the U.C.C. with the addition of "failure of equipment" and "interruption of computer facilities" as causes of delay. The addition of these two causes makes explicit what was previously generally accepted under the U.C.C. Draft section 4–108(2) of the NCCUSL proposal makes a similar change.

(e) *Exclusion.* This paragraph provides that the civil liability and class action provisions, particularly the punitive damage provisions of sections 611(a) and 611(b) of the Act (12 U.S.C. 4010 (a) and (b)) do not apply to regulatory provisions adopted to improve the efficiency of the payments mechanism. Allowing punitive damages for delays in the return of checks where no actual damages are incurred would only encourage litigation and provide little or no benefit to the check collection system.

(f) *Bona fide errors.* A depositary bank is shielded from liability under this section for a violation of a requirement of this subpart if it can demonstrate, by a preponderance of evidence, that the violation resulted from a bona fide error and that it maintains procedures designed to avoid such errors. An error in legal judgment does not constitute a bona fide error.

(g) *Jurisdiction.* This section provides the jurisdiction and statute of limitations for civil actions for violations of this subpart.

(h) *Reliance on Board rulings.* This provision shields banks from civil liability if they act in good faith in reliance on any rule, regulation, or interpretation of the Board, even if it were subsequently determined to be invalid. Banks may rely on the commentary to this regulation, which will be issued as an official Board interpretation, as well as on the regulation itself.

Section 229.39 Insolvency of bank.

If a paying bank fails without having made provisional settlement with the presenting bank for checks presented, it or its trustee could theoretically return the checks directly to the depositary bank or through a returning bank other than the presenting bank under § 229.30(a). This situation would result in the paying bank, or its estate, receiving value for returned checks for which it never gave value. This section avoids this inequity and similar results involving failed collecting, depositary, and returning banks. This section is similar to the insolvency provisions from section 4–214 of the U.C.C.

Section 229.40 Relation to state law.

This section specifies that state law relating to the collection of checks is only preempted to the extent that it is inconsistent with this regulation. Thus, this regulation is not a complete replacement for state laws relating to the collection or return of checks.

Section 229.41 Exclusions.

Checks drawn upon the account of the United States Treasury, or indorsed by the Treasury, and U.S. Postal Service money orders are excluded from the coverage of the expeditious return requirements of Subpart C of this regulation.

Appendix A—Routing Number Guide to Local Checks

This appendix lists the routing numbers that are considered local to each check processing region. The numbers in the Appendix represent the first four numbers of the routing numbers of paying banks in each region.

Appendix B—Time Period Adjustments for Nonlocal Checks

The Act directs the Board to reduce the statutory schedules for any category of checks where most of those checks can be returned, under an improved check collection and return system, in a shorter period of time than provided in the schedule. Appendix B describes, by routing number, those categories of checks for which reduced schedules apply. The time period adjustments are listed by check processing region, so that a bank need only refer to the region(s) in which it has offices to determine those adjustments that are applicable to that bank. In a number of cases, the reduced schedules only apply to banks located in the same city as the Federal Reserve check processing office. The routing numbers of the banks to which these reductions apply are provided. In other cases, the reductions would apply to all banks located in the region.

The proposed reductions in schedules were determined by each Federal Reserve Bank check processing office. Reductions are proposed for certain nonlocal checks, where significant improvements can be made to the Act's schedules. For the most part, shorter schedules are provided for:

1. Checks deposited in banks located in certain Federal Reserve cities and drawn on banks located in certain other Federal Reserve cities;

2. Checks drawn on certain banks that are served by two Federal Reserve Bank offices; and

3. Checks deposited in and drawn on banks in the New York City metropolitan area, where the proximity of the Federal Reserve Bank offices facilitates faster clearing and return of these checks.

Appendix B–1 provides the reductions to the nonlocal schedule that are applicable during the temporary schedule.

Appendix B–2 provides the reductions that will be applicable when the permanent schedule becomes effective.

Appendix C—Model Forms

Appendix C contains thirteen model forms that may be used by banks to meet their disclosure responsibilities under the regulation. Each form is designed for a particular use, as indicated in the titles identifying each form. Information to be inserted by a bank using the forms is highlighted by the use of parentheses and bold type.

Although use of the model forms is not required, banks using them properly will be deemed to be in compliance with the regulation with regard to the particular disclosures. Banks may make certain changes in the format or content of the forms and delete any disclosures that are inapplicable without losing the Act's protection from liability. The rearrangement of the model forms may not be so extensive as to affect the substance, clarity, or meaningful sequence of the forms and clauses. Banks making revisions with that effect will lose their protection from civil liability. Acceptable changes include, for example:

- Using "customer" and "bank" instead of pronouns.
- Not using bold type for headings.
- Incorporating certain state "plain English" requirements.
- Deleting inapplicable disclosures by whiting out, blocking out, crossing out, leaving blanks, checking a box for applicable items, or circling applicable items.

Banks are cautioned against using the attached forms without reviewing their own policies and practices and the current state and federal law regarding the time periods required for availability of specific types of checks. A bank's use of a model form will result in its being in compliance with the Act and the regulation only if the disclosures actually correspond to the bank's availability policy. Shorter time periods for availability may always be substituted, and, in fact, may be required under applicable state law.

Models C–1 through C–7 generally. These forms are models for the specific policy disclosure described in § 229.16 of the regulation. The forms were designed to accommodate a variety of availability practices (within the regulation's maximum time periods). Models C–3 and C–4 reflect the alternative disclosure for banks with case-by-case hold policies described in § 229.16(b).

Model C–1. Use of this form is appropriate when a bank's policy is to make funds from any type of deposit available to customers the day after the deposit is made, with no holds placed on deposited funds.

Model C–2. Use of this form is appropriate when a bank's policy is to make funds from any type of deposit available the day after the deposit is made, except that the bank would take advantage of the regulation's new account and other exceptions in § 229.13. Under the special rules for new accounts section, a bank should insert, where indicated, its outside limit for availability of deposits other than those deposits into new accounts that are available on the next business day. The requirements referred to with regard to the checks that receive next-day availability when deposited in new accounts are those requirements outlined in § 229.10(c)(1)—specifically, that the checks be deposited into an account of the payee and, in some cases, be made with a special deposit slip.

Model C–3. Use of this form is appropriate when a bank's policy is to routinely make funds from all types of deposits available the day after the deposit is made, but occasionally to delay availability on a particular deposit. A bank using this form is assumed not to exercise either the new account or safeguard exceptions in § 229.13 of the regulation. As a result, the delays imposed may not be longer than the applicable maximums in §§ 229.11 and 229.12 of the regulation.

Model C–4. Use of this form is appropriate when a bank has the same policy as described under Model C–3, except that a bank using this form would take advantage of the safeguard exceptions found in § 229.13.

Model C–5. Use of this form is appropriate when a bank's policy is to impose delays to the full extent allowed by the schedules and exceptions in the regulation. The disclosure of availability for local checks and that the bank limits the customer's cash withdrawals to $400 on the third business day after deposit assumes that the bank is not a member of a clearinghouse. (Banks that are members of a clearinghouse may restrict cash withdrawals until the fourth business day only as to non-clearinghouse local checks.) In making this disclosure, a bank must insert a time after which the customer may withdraw up to $400. A bank may not, under the regulation, insert a time of day later than 5:00 p.m.

Model C–6. Use of this form is appropriate for a bank with the same policy as outlined under Model C–5. The only difference between the forms is that a chart showing the bank's availability policy for local and nonlocal checks is substituted for the narrative material in Model C–5 regarding the availability times for local and nonlocal checks.

Model C–7. Use of this form is appropriate when a bank's policy is to delay availability based on the deposit categories (next-day availability items, local and nonlocal checks, deposits at automated teller machines) in the regulation, but the delay periods are shorter than the maximum times allowed under the regulation. (The form is identical to Model C–5 except that the pertinent time limits have been deleted and reminders for inserting the information added.)

Model C–8. Use of this form satisfies the written notice requirement of § 229.13(g) of the regulation when a bank places a hold based on an exception to the availability schedules. The form may be modified to indicate that a hold is being placed on more than one check in a deposit. However, each check must be described separately, and, if different reasons apply to the checks, a separate reason must be given for each hold placed.

Model C–9. Use of this form satisfies the notice requirement of § 229.16(b)(2) when a bank with a case-by-case hold policy imposes a delay on a deposit. This notice does not require a specific reason for the hold. (A specific reason is required only when an exception hold is placed. *See* Model C–8.)

Model C–10. Use of this form satisfies the notice requirement of § 229.16(b), notice at branch locations. The form assumes the bank's actual availability policy is the same as the schedules in the regulation.

Model C–11. Use of this form satisfies the notice requirements for preprinted deposit slips under § 229.16(a) and the notice requirements at proprietary automated teller machines under § 229.16(c)(1). It may also be used at drive-through teller facilities in lieu of Model C–8 to satisfy the notice requirements of § 229.16(b). The bracketed material is not required on preprinted deposit slips.

Model C–12. Use of this form satisfies the notice requirements of § 229.16(c)(2) for nonproprietary automated teller machines.

Model C–13. Use of this form, incorporated as part of a credit union's specific policy disclosure, satisfies the notice requirement under § 229.14(b) for credit unions not accruing interest from the date of provisional credit. This disclosure is only an example based on a hypothetical policy.

Appendix D—Indorsement Standards

This appendix provides the indorsement standards for depositary banks and transit banks. It includes rules regarding the content, location, and color of the indorsements.

Initial Regulatory Flexibility Analysis

Of the items required to be contained in an initial regulatory flexibility analysis by 5 U.S.C. 603(b), the first ("a description of the reasons why action by the agency is being considered") and the second ("a succinct statement of the objectives of, and legal basis for, the proposed rule") are found elsewhere in this preamble.

The proposed rule contains a number of requirements that are also described elsewhere in the preamble. The Board proposes that all of these requirements be applicable to all banks and other entities subject to the rule regardless of size. The Board considered exempting very small banks, those that fall below the threshold for filing reports of deposit under the Board's Regulation D (12 CFR Part 204) (currently those with deposits of less than $2.9 million) from the rule's requirements. However, the Act does not provide an exemption according to the size of bank; all banks, regardless of size, that maintain transaction-type accounts are required to provide availability to their depositors according to the Act's schedules, and all banks must make the required disclosures to their customers. In order to minimize the risks arising from these requirements, all banks, regardless of size, must be subject to the expedited return procedures established by Subpart C. Exemption of small banks from these requirements would mean that checks drawn on small banks would continue to be returned by the current inefficient manual processing of returns leading to increased losses for depositary banks that accept for deposit checks drawn on small banks. The Board believes that the availability schedules and the expeditious return of checks can be made to work only if all banks are subject to the same rules.

The Board does not believe that the proposed rule would impose reporting or recordkeeping burdens on small institutions that require specialized professional skills not available to them. Many small institutions, particularly credit unions, are not subject to the Act's availability, disclosure, and payment of interest requirements, due to the fact that they do not hold transactions accounts. The Act does provide relief for certain credit unions that are subject to the Act, generally those that are very small and lack sophisticated operations, from the requirement regarding accrual of interest. The proposed regulations contain other provisions that will facilitate compliance with the Act's requirements for small institutions, particularly pertaining to their disclosure responsibilities.

Regulation J Amendments

The Board proposes amendments to its Regulation J, Subpart A (12 CFR Part 210), Collection of Checks and Other Items and Wire Transfers of Funds, governing the collection of checks by Federal Reserve Banks, so that it conforms to the proposed Regulation CC, Subpart C. Under the proposed amendments, Federal Reserve Banks would accept for handling all returned checks, including checks (as defined in Regulation CC) not handled by Federal Reserve Banks for forward collection. Federal Reserve Banks, like other returning banks, would handle returned checks in accordance with Regulation CC, Subpart C. The details of their returned check services would be set forth in uniform Federal Reserve Bank operating circulars, as is currently the case. These details will include availability schedules, cut-off hours, charges, and provisions governing the handling of notices of nonpayment.

Except as required to conform it to Regulation CC, Regulation J would remain unchanged. It would continue to govern the handling of items by Reserve Banks for forward collection, including both cash and noncash items. Most of the terms currently defined in Regulation J, such as "sender" and "cash item," would continue to apply only to forward collection of items through Reserve Banks. A new term, "returned check," is proposed to include all checks subject to Regulation CC (including cash items and other checks) that are returned through Federal Reserve Banks.

A new paragraph has been added to § 210.7(b) to provide that when Reserve Banks present checks as defined in § 229.2 of Regulation CC, they may make presentment in accordance with Regulation CC.

Section 210.2 has been revised to refer generally to Regulation CC for the terms governing the handling of returned checks. Also included in § 210.12 are provisions governing the handling of returned checks that parallel other provisions in Regulation J. These include the agreement of a bank sending a returned check to a Federal Reserve Bank, provisions governing tender of defense of warranty claims, and a provision authorizing direct sends of returned checks. Section 210.12(g) provides that automatic charge agreements covering cash items also will be used to settle for returned checks. The Board proposes to delete the provision of § 210.12 that requires notice of nonpayment for checks of $2,500 or more. The Regulation J notice requirement currently covers only those checks collected through a Federal Reserve Bank. As the Board is proposing a similar notice requirement in Regulation CC that would cover all checks, the Regulation J notice requirement would be redundant.

At a later date, to avoid confusion between different definitions of terms in Regulation J and Regulation CC, a further revision of Regulation J may be desirable.

As the Regulation J amendments merely conform that regulation to Regulation CC, the same concerns that led the Board not to exempt small entities from Regulation J justify not incorporating similar exemptions for small entities into Regulation J.

List of Subjects in 12 CFR Parts 210 and 229

Banks, Banking, Federal Reserve System.

For the reasons set out in the preamble, Title 12, Chapter II of the Code of Federal Regulations is proposed to be amended as follows:

1. Part 229 is added to read as follows:

PART 229—AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS

Subpart A—General

Sec.

229.1 Authority and purpose; organization.
229.2 Definitions.
229.3 Administrative enforcement.

Subpart B—Availability of Funds and Disclosure of Funds Availability Policies

229.10 Next day availability.
229.11 Temporary availability schedule.
229.12 Permanent availability schedule.
229.13 Exceptions.
229.14 Payment of interest.
229.15 General disclosure requirements.
229.16 Content of specific availability policy disclosure.
229.17 Initial disclosures.
229.18 Additional disclosure requirements.
229.19 Miscellaneous.
229.20 Relation to state law.
229.21 Civil liability.

Subpart C—Collection of Checks

229.30 Paying bank's responsibility for return of checks.
229.31 Returning bank's responsibility for return of checks.
229.32 Depositary bank's responsibility for returned checks.
229.33 Notice of nonpayment.
229.34 Warranties by paying bank and returning bank.
229.35 Indorsements.
229.36 Presentment of checks.
229.37 Inquiry to paying bank.
229.38 Liability.
229.39 Insolvency of bank.
229.40 Relation to state law.
229.41 Exclusions.
Appendix A—Routing Number Guide to Local Checks
Appendix B-1—Reduction of Schedules for Certain Nonlocal Checks Under the Temporary Schedule
Appendix B-2—Reduction of Schedules for Certain Nonlocal Checks Under the Permanent Schedule
Appendix C—Model Disclosure Forms
Appendix D—Indorsement Standards

Authority: Title VI of Pub. L. 100–86, 101 Stat. 552, 635, 12 U.S.C. 4001 *et seq.*

Subpart A—General

§ 229.1 Authority and purpose; organization.

(a) *Authority and purpose.* This part (Regulation CC; 12 CFR Part 229) is issued by the Board of Governors of the Federal Reserve System ("Board") to implement the Expedited Funds Availability Act ("Act"), which is contained in Title VI of Pub. L. 100–86.

(b) *Organization.* This part is divided into subparts and appendices as follows:

(1) Subpart A contains general information. It sets forth—

(i) The authority, purpose, and organization;

(ii) Definition of terms; and

(iii) Authority for administrative enforcement of this part's provisions.

(2) Subpart B of this part contains rules regarding the duty of banks to make funds deposited into accounts available for withdrawal, including both temporary and permanent availability schedules. Subpart B of this part also contains rules regarding exceptions to the schedules, disclosure of funds availability policies, payment of interest, liability of banks for failure to comply with Subpart B of this part, and other matters.

(3) Subpart C of this part contains rules to expedite the collection and return of checks by banks. These rules cover the direct return of checks, the manner in which the paying bank and returning banks must return checks to the depositary bank, notification of nonpayment by the paying bank, rules regarding indorsements and presentment, the liability of banks for failure to comply with Subpart C of this part, and other matters.

§ 229.2 Definitions.

As used in this part, unless the context requires otherwise:

"Account" means a deposit as defined in 12 CFR 204.2(a)(1)(i) that is a transaction account as described in 12 CFR 204.2(e). "Account" generally includes accounts at a bank from which the account holder is permitted to make transfers or withdrawals by negotiable or transferable instrument, payment order of withdrawal, telephone transfer, electronic payment, or other similar means for the purpose of making payments or transfers to third persons or others, or from which the account holder may make third party payments at an ATM, remote service unit, or other electronic device, including by debit card, but the term does not include savings deposits or accounts described in 12 CFR 204.2(d)(2) even though such accounts permit third party transfers. An account may be in the form of—

(1) A demand deposit account,

(2) A negotiable order of withdrawal account,

(3) A share draft account,

(4) An automatic transfer account or

(5) Any other transaction account described in 12 CFR 204.2(e) that are not time or savings deposits under 12 CFR Part 204.

"Account" does not include an account where the account holder is a bank.

"Automated clearinghouse" or "ACH" means a facility that processes debit and credit transfers under rules established by a Federal Reserve Bank operating circular on automated clearinghouse items or under rules of an automated clearinghouse association.

"Automated teller machine" or "ATM" means an electronic or mechanical device at which a natural person may make deposits by cash or check to accounts and perform other transactions.

"Available for withdrawal" with respect to funds deposited means available for any use generally permitted to the depositor for actually and finally collected funds under the bank's account agreement or policies, such as for payment of checks drawn on the account, electronic payments, withdrawals by cash, and transfers between accounts.

"Bank" means—

(1) An "insured bank" as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) or a bank that is eligible to apply to become an insured bank under section 5 of that Act (12 U.S.C. 1815);

(2) A "mutual savings bank" as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(3) A "savings bank" as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(4) An "insured credit union" as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752) or a credit union that is eligible to make application to become an insured credit union under section 201 of that Act (12 U.S.C. 1781);

(5) A "member" as defined in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422);

(6) An "insured institution" as defined in section 401 of the National Housing Act (12 U.S.C. 1724) or an institution that is eligible to make application to become an insured institution under section 403 of that Act (12 U.S.C. 1726); or

(7) A "branch" of a "foreign bank" as defined in section 1(b) of the International Banking Act (12 U.S.C. 3101);

that is located in the United States. Unless otherwise specified, the term "bank" includes all of a bank's offices in the United States.

"Banking day" means that part of any business day on which an office of a bank is open to the public for carrying on substantially all of its banking functions.

"Business day" means a calendar day other than a Saturday or a Sunday, January 1, the third Monday in January, the third Monday in February, the last Monday in May, July 4, the first Monday in September, the second Monday in October, November 11, the fourth Thursday in November, or December 25. If January 1, July 4, November 11, or December 25 fall on a Sunday, the next Monday is not a business day.

"Cash" means United States coins and currency.

"Cashier's check" means a check that is—

(1) Drawn on a bank;

(2) Signed by an officer or employee of the bank on behalf of the bank as drawer; and

(3) A direct obligation of the bank.

"Certified check" means a check with respect to which the drawee bank certifies by signature on the check of an officer or other authorized employee of the bank that—

(1)(i) The signature of the drawer on the check is genuine; and

(ii) The bank has set aside funds that—

(A) Are equal to the amount of the check, and

(B) Will be used to pay the check; or

(2) The bank will pay the check upon presentment.

"Check" means—

(1) A negotiable demand draft drawn on or payable through or at an office of a bank;

(2) A negotiable demand draft drawn on the Treasury of the United States;
(3) A negotiable demand draft drawn on a state government;
(4) A negotiable demand draft drawn on a Federal Reserve Bank;
(5) A negotiable demand draft drawn on a Federal Home Loan Bank;
(6) A United States Postal Service money order; or
(7) A traveler's check.

The term "check" does not include a noncash item. A draft may be a "check" even though it is described on its face by another term, such as "money order." For purposes of Subpart C of this part, the term "check" also includes a demand draft of the type described above that is nonnegotiable.

"Check clearinghouse association" means any arrangement by which participants exchange checks in a specified area. The term "check clearinghouse association" may include arrangements using the premises of a Federal Reserve Bank, but it does not include the handling of checks for forward collection or return by a Federal Reserve Bank.

"Check processing region" means the geographical area served by an office of a Federal Reserve Bank for purposes of its check processing activities.

"Consumer account" means any account used primarily for personal, family, or household purposes.

"Depositary bank" means the first bank to which a check is transferred even though it is also the paying bank or the payee. For the purposes of Subpart C of this part, the term also includes a Federal Reserve Bank or a Federal Home Loan Bank to which a check is transferred by a person other than a bank.

"Depository check" means a cashier's check, certified check, or teller's check.

"Electronic payment" means a wire transfer or an ACH credit transfer.

"Forward collection" means the process by which a depositary bank sends a check on a cash basis to the paying bank for payment.

"Local check" means a check drawn on or payable through or at a local paying bank. A depositary bank may rely on the routing number that appears on a check in magnetic characters to determine whether a check is a local check. Appendix A to this part lists the routing numbers that are considered local to each check processing region.

"Local paying bank" means a paying bank to which a check is sent for forward collection that is located in the same check processing region as the branch or proprietary ATM of the depositary bank in which that check was deposited.

"Noncash item" means an item that would otherwise be a check, except that—
(1) A passbook, certificate, or other document is attached;
(2) It is accompanied by special instructions, such as a request for special advice of payment or dishonor;
(3) It consists of more than a single thickness of paper, except a check that qualifies for handling by automated check processing equipment; or
(4) It has not been preprinted or post-encoded in magnetic characters with the routing number of the paying bank.

"Nonlocal check" means a check payable by, through, or at a nonlocal paying bank.

"Nonlocal paying bank" means a paying bank that is not a local paying bank with respect to the depositary bank.

"Nonproprietary ATM" means an ATM that is not a proprietary ATM.

"Notice of nonpayment" means the notice of nonpayment given as provided in § 229.33.

"Participant" means a bank that—
(1) Is located in the geographic area served by a check clearinghouse association; and
(2) Both collects and receives for payment checks through the check clearinghouse association either directly or through an intermediary.

"Paying bank" means—
(1) The bank by which a check is payable, unless the check is payable at or through another bank and is sent to the other bank for payment or collection;
(2) The bank at or through which a check is payable and to which it is sent for payment or collection;
(3) The bank whose routing number appears on a check in magnetic characters or in fractional form and to which the check is sent for payment or collection;
(4) The Federal Reserve Bank or Federal Home Loan Bank by which a check is payable; or
(5) The state on which a check is drawn.

"Proprietary ATM" means an ATM that is—
(1) Owned or operated by, or operated exclusively for, the depositary bank;
(2) Located on the premises (including the outside wall) of the depositary bank; or
(3) Within 50 feet of the premises of the depositary bank.

An ATM is not considered to be proprietary to more than one unaffiliated bank. If the criteria provided in paragraphs (1) through (3) of this definition are met by more than one bank with respect to any ATM, the ATM will be proprietary to the bank that satisfies the criterion stated in the lowest numbered paragraph in this definition. If more than one bank meets the owned or operated criterion of paragraph (1) of this definition, the ATM is considered proprietary to the bank that operates it.

"Qualified returned check" means a check that is prepared for handling by automated check processing equipment for return to the depositary bank. A qualified returned check must be encoded in magnetic ink with the routing number of the depositary bank, the dollar amount of the check, and a return identifier in the form of a 2 in position 44 of the American National Standard Specifications for Placement and Location of MICR Printing, X9.13 (Sept. 8, 1983). A qualified returned check need not contain other elements of a check drawn on the depositary bank, such as the name of the depositary bank.

"Returning bank" means a bank (other than the paying or depositary bank but including a Federal Reserve Bank or Federal Home Loan Bank) handling a returned check or notice in lieu of return.

"Routing number" means—
(1) The number printed on the face of a check in fractional form or in magnetic characters that identifies a paying bank; or
(2) The number in a bank's indorsement, in fractional or nine-digit form.

"Similarly situated bank" means a bank of similar size, located in the same community, and with similar check payments activities as the paying bank or returning bank.

"State" means a state, the District of Columbia, Puerto Rico, or the U.S. Virgin Islands.

"Teller's check" means a check drawn by a bank on another bank.

"Traveler's check" means an instrument for the payment of money that—
(1) Is designated on its face by the term "traveler's check" or by any substantially similar term or is commonly known and marketed as a traveler's check by a corporation or bank that is an issuer of traveler's checks;
(2) Is in the sum of ten dollars ($10) or a whole multiple thereof if less than one hundred dollars ($100), or in the sum of one hundred dollars ($100) or a whole multiple thereof;
(3) Provides for a specimen signature of the purchaser to be completed at the time of purchase; and

(4) Provides for a countersignature of the purchaser to be completed at the time of negotiation.

"Uniform Commercial Code," "Code," or "U.C.C." means the Uniform Commercial Code as adopted in a state. For purposes of uniform citation, all citations to the U.C.C. in this part will refer to the Official Text as approved from time to time by the American Law Institute and the National Conference of Commissioners on Uniform State Laws.

"United States" means the states, including the District of Columbia, the U.S. Virgin Islands, and Puerto Rico.

"Unit of general local government" means any city, county, parish, town, township, village, or other general purpose political subdivision of a state. The term does not include special purpose units of government, such as school districts or water districts.

"Wire transfer" means an order to a bank transmitted by electronic or other means to pay a fixed or determinable amount of money to a beneficiary if the bank receiving the order is unconditionally permitted to pay the beneficiary upon receipt or on a day stated in the order.

Unless the context requires otherwise, the terms not defined in this section have the meanings set forth in the U.C.C.

§ 229.3 Administrative enforcement.

(a) *Enforcement agencies.* Compliance with this part is enforced under—
(1) Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the case of—
(i) National banks by the Comptroller of the Currency;
(ii) Member banks of the Federal Reserve System (other than national banks) by the Board; and
(iii) Banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) by the Board of Directors of the Federal Deposit Insurance Corporation;
(2) Section 5(d) of the Home Owners Loan Act of 1933 (12 U.S.C. 1464(d)), section 407 of the National Housing Act (12 U.S.C. 1730), and section 17 of the Federal Home Loan Bank Act (12 U.S.C. 1437), by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation) in the case of any institution subject to those provisions; and
(3) The Federal Credit Union Act (12 U.S.C 1751 *et seq.*) by the National Credit Union Administration Board with respect to any federal credit union or insured credit union.

(b) *Additional powers.* (1) For the purposes of the exercise by any agency referred to in paragraph (a) of this section of its powers under any statute referred to in that paragraph, a violation of any requirement imposed under this Act is deemed to be a violation of a requirement imposed under that statute.

(2) In addition to its powers under any provision of law specifically referred to in paragraph (a) of this section, each of the agencies referred to in that paragraph may exercise, for purposes of enforcing compliance with any requirement imposed under this part, any other authority conferred on it by law.

(c) *Enforcement by the Board.* (1) Except to the extent that enforcement of the requirements imposed under this part is specifically committed to some other government agency, the Board shall enforce such requirements.

(2) If the Board determines that—
(i) Any bank that is not a bank described in paragraph (a) of this section, or
(ii) Any other person subject to the authority of the Board under the Act and this part,
has failed to comply with any requirement imposed by this part, the Board may issue an order prohibiting any bank, any Federal Reserve Bank, or any other person subject to the authority of the Board from engaging in any activity or transaction that directly or indirectly involves such noncomplying bank or person (including any activity or transaction involving the receipt, payment, collection, and clearing of checks and any related function of the payment system with respect to checks).

Subpart B—Availability of Funds and Disclosure of Funds Availability Policies

§ 229.10 Next day availability.

(a) *Cash deposits.* A bank shall make funds deposited in an account by cash available for withdrawal not later than the business day after the banking day on which the cash is deposited.

(b) *Electronic payments*—(1) *In general.* A bank shall make funds received for deposit in an account by an electronic payment available for withdrawal not later than the business day after the banking day on which the bank received the funds.

(2) *When an electronic payment is received.* An electronic payment is received when, and to the extent that, the bank receiving the payment has received payment in actually and finally collected funds for the electronic payment.

(c) *Government checks, depository checks, checks drawn on the depositary bank, and certain other checks.* (1) A depositary bank shall make funds deposited in an account by check available for withdrawal not later than the business day after the banking day on which the funds are deposited, in the case of—
(i) A check drawn on the Treasury of the United States and deposited in an account held by a payee of the check;
(ii) A U.S. Postal Service money order deposited in an account held by a payee of the money order;
(iii) A check drawn on a Federal Reserve Bank or Federal Home Loan Bank and deposited in an account held by a payee of the check;
(iv) A check drawn by a state or a unit of general local government and deposited—
(A) In an account held by a payee of the check;
(B) In a depositary bank located in the state that issued the check, or the same state as the unit of general local government that issued the check; and
(C) With a special deposit slip, if such slips are required by the depositary bank under paragraph (c)(2) of this section;
(v) A depository check deposited—
(A) In an account held by a payee of the check; and
(B) With a special deposit slip, if such slips are required by the depositary bank under paragraph (c)(2) of this section;
(vi) A check deposited in a branch of the depositary bank and drawn on the same or another branch of the same bank if both branches are located in the same state or the same check processing region; and,
(vii) The lesser of $100 or the aggregate deposited on any one banking day by check or checks other than checks subject to paragraph (c)(1) (i) through (vi) of this section.

(2) *Special deposit slip.* (i) As a condition to making the funds available for withdrawal on the next business day, a depositary bank may require that a state or local government check or a depository check be deposited with a special deposit slip that identifies the type of check.

(ii) If a depositary bank requires the use of a special deposit slip, the bank must either provide the special deposit slips to its customers or inform its customers how the slips may be prepared or obtained and make the slips reasonably available.

§ 229.11 Temporary availability schedule.

(a) *Effective date.* The temporary availability schedule contained in this section is effective from September 1, 1988, through August 31, 1990. For the

permanent availability schedule, which is effective September 1, 1990, see § 229.12.

(b) *Local checks*—(1) *In general.* A depositary bank shall make funds deposited in an account by a check available for withdrawal not later than the third business day following the banking day on which funds are deposited, in the case of—

(i) A local check;

(ii) A check drawn on the Treasury of the United States that is not subject to next day availability under § 229.10(c); and

(iii) A U.S. Postal Service money order that is not subject to next day availability under § 229.10(c).

(2) *Time period adjustment for withdrawal by cash or similar means.* A depositary bank may extend by one business day the time that funds deposited in an account by a local check are available for withdrawal by cash or similar means unless the check is drawn on a paying bank that is a participant in the same check clearinghouse association as the depositary bank. Similar means include electronic payment, issuance of a depository check, or other irrevocable commitment to pay, but do not include the granting of provisional credit to a bank, Federal Reserve Bank, or Federal Home Loan Bank that presents a check to the depositary bank for payment. The depositary bank shall, however, make $400 of these funds available for withdrawal by cash or similar means not later than 5:00 p.m. on the business day on which the funds are available under paragraph (b)(1) of this section. This $400 is in addition to the $100 available under § 229.10(c)(1)(vii).

(c) *Nonlocal checks.* (1) A depositary bank shall make funds deposited in an account by a nonlocal check available for withdrawal not later than the seventh business day following the banking day on which funds are deposited.

(2) Nonlocal checks specified in Appendix B–1 to this part must be made available for withdrawal not later than the times prescribed in that Appendix.

(d) *Deposits at nonproprietary ATMs.* A depositary bank shall make funds deposited in an account at a nonproprietary ATM by cash or check available for withdrawal not later than the seventh business day following the banking day on which the funds are deposited.

(e) *Extension of schedule for certain deposits in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands.* The depositary bank may extend the time periods set forth in this section by one business day in the case of any deposit that is—

(1) Deposited in an account at a branch of a depositary bank located in Alaska, Hawaii, Puerto Rico, or the U.S. Virgin Islands; and

(2) Deposited by a check drawn on or payable at or through a paying bank not located in the same state as the depositary bank.

§ 229.12 Permanent availability schedule.

(a) *Effective date.* The permanent availability schedule contained in this section is effective September 1, 1990.

(b) *Local checks.* A depositary bank shall make funds deposited in an account by a check available for withdrawal not later than the second business day following the banking day on which funds are deposited, in the case of—

(1) A local check;

(2) A check drawn on the Treasury of the United States that is not subject to next day availability under § 229.10(c); and

(3) A U.S. Postal Service money order that is not subject to next day availability under § 229.10(c).

(c) *Nonlocal checks.* (1) A depositary bank shall make funds deposited in an account by a nonlocal check available for withdrawal not later than the fifth business day following the banking day on which funds are deposited.

(2) Nonlocal checks specified in Appendix B–2 to this part must be made available for withdrawal not later than the times prescribed in that Appendix.

(d) *Time period adjustment for withdrawal by cash or similar means.* A depositary bank may extend by one business day the time that funds deposited in an account are available for withdrawal by cash or similar means. Similar means include electronic payment, depository check, or other irrevocable commitment to pay, but do not include the granting of provisional credit to a bank, a Federal Reserve Bank, or a Federal Home Loan Bank that presents a check to the depositary bank for payment. A depositary bank shall, however, make $400 of these funds available for withdrawal not later than 5:00 p.m. on the business day on which the funds are available under paragraphs (b) and (c) of this section. This $400 is in addition to the $100 available under § 229.10(c)(1)(vii).

(e) *Deposits at nonproprietary ATMs.* The requirements of §§ 229.10 and 229.12 apply to deposits made at nonproprietary ATMs, except that the depositary bank shall make funds deposited in an account at a nonproprietary ATM by cash or by a check described in § 229.10(c) available for withdrawal not later than the second business day following the banking day on which the deposit is made.

(f) *Extension of schedule for certain deposits in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands.* The depositary bank may extend the time periods set forth in this section by one business day in the case of any deposit, other than a deposit described in § 229.10, that is—

(1) Deposited in an account at a branch of a depositary bank located in Alaska, Hawaii, Puerto Rico, or the U.S. Virgin Islands; and

(2) Deposited by check drawn on or payable at or through a paying bank not located in the same state as the depositary bank.

§ 229.13 Exceptions.

(a) *New accounts.* (1) A deposit in a new account—

(i) Is subject to the requirements in § 229.10(a) and (b) to make funds from deposits by cash and electronic payments available for withdrawal on the business day following the banking day of deposit;

(ii) Is subject to the requirements of § 229.10(c)(1) (i) through (v) only with respect to the first $5,000 of funds deposited on any one banking day; but the amount of the deposit in excess of $5,000 shall be available for withdrawal not later than the ninth business day following the banking day on which funds are deposited; and

(iii) Is not subject to the availability requirements of §§ 229.10(c)(1) (vi) and (vii), 229.11, and 229.12.

For purposes of this paragraph, depository checks subject to § 229.10(c)(1)(v) include traveler's checks.

(2) An account is considered a new account during the first 30 calendar days after the account is established. An account is not considered a new account if the customer has had, within 30 calendar days before the account is established, another account at the depositary bank for at least 30 days.

(b) *Large deposits.* Sections 229.11 and 229.12 do not apply to the aggregate amount of deposits by one or more checks that is in excess of $5,000 on any one banking day. For customers that have multiple accounts at a depositary bank, the bank may apply this exception to the aggregate deposits to all accounts of the customer if all of the holders of each account are the same. A depositary bank may not aggregate the deposits in an individual and a joint account for the purpose of this exception.

(c) *Redeposited checks.* Sections 229.11 and 229.12 do not apply to a check that has been returned unpaid and redeposited by the customer or the depositary bank. This exception does not apply—

(1) To a check that has been returned due to a missing indorsement and redeposited after the missing indorsement has been obtained, if the reason for return stamp on the check states that it was returned due to a missing indorsement; or

(2) To a check that has been returned because it was postdated, if the check is no longer postdated when redeposited.

(d) *Repeated overdrafts.* If any account or combination of accounts of a depositary bank's customer has been repeatedly overdrawn, then for a period of six months after the last such instance, §§ 229.11 and 229.12 do not apply to any of the accounts. An account may be considered "repeatedly overdrawn" if there have been three or more instances within a given six-month period in which the balance of the account has gone, or would have gone if checks or other charges to the account had been paid, from positive (or zero) to negative. Periods of up to three consecutive banking days during which an account is negative due to overdrafts, or during which additional checks or other charges to the account are returned or rejected, are considered part of the same instance. A separate instance occurs if an account has a negative balance for more than three consecutive banking days or if charges or checks are rejected or returned over a period of longer than three consecutive banking days.

(e) *Reasonable cause to doubt collectibility*—(1) *In general.* Sections 229.10(c)(1) (iii) and (v), 229.11, and 229.12 do not apply with respect to any check deposited in an account at a depositary bank if the bank has reasonable cause to believe that the check is uncollectible from the paying bank. Reasonable cause to believe a check is uncollectible requires the existence of facts that would cause a well-grounded belief in the mind of a reasonable person. Such belief shall not be based on the fact that the check is of a particular class or is deposited by a particular class of persons. The reason for the bank's belief that the check is uncollectible shall be included in the notice required under paragraph (g) of this section.

(2) *Overdraft fees.* The depositary bank shall not assess any fee for any subsequent overdraft (including the use of a line of credit) or return of a check or other unpaid charge, if—

(i) The depositary bank has extended the period between the time when funds are deposited in an account by check and when those funds are made available for withdrawal beyond the time periods provided in §§ 229.10(c)(1) (iii) and (v), 229.11, and 229.12 based on the bank's belief that the check is uncollectible;

(ii) The depositor was not provided with the written notice required under paragraph (g) of this section with respect to such determination at the time the deposit was made;

(iii) The overdraft or return of the check or other unpaid charge would not have occurred except for the fact that the funds so deposited were not available but would have been available if the exception were not invoked; and

(iv) The check was finally paid by the paying bank.

(f) *Emergency conditions.* Sections 229.11 and 229.12 do not apply to funds deposited by check in a depositary bank in the case of—

(1) An interruption of communications or computer or other equipment facilities;

(2) A suspension of payments by another bank;

(3) A war; or

(4) An emergency condition beyond the control of the depositary bank,

if the depositary bank exercises such diligence as the circumstances require.

(g) *Notice of exception*—(1) *In general.* If a depositary bank extends the times for availability beyond those provided in §§ 229.10(c)(1) (iii) and (v), 229.11, or 229.12, based on the application of an exception contained in paragraphs (b) through (f) of this section, the depositary bank shall provide notice to the customer of—

(i) The reason the exception was invoked; and

(ii) The day the funds will be available for withdrawal, unless the emergency conditions exception in paragraph (f) of this section has been invoked and the depositary bank in good faith does not know, at the time notice must be provided, the duration of the emergency and, consequently, when the funds will be available for withdrawal.

(2) *Timing of notice.* The notice shall be provided as follows—

(i) In the case of a deposit made in person to an employee of the depositary bank, the depositary bank shall provide the notice in writing to the depositor at the time of deposit.

(ii) In the case of any other deposit, or if the facts upon which the determination of the applicability of an exception contained in paragraphs (b) through (f) of this section to any deposit only become known to the depositary bank after the time notice is required under paragraph (g)(2)(i) of this section, the depositary bank shall mail the notice to the depositor as soon as practicable, but not later than the first business day following the calendar day the facts become known to the depositary bank, or the deposit is made, whichever is later, subject to paragraph (9)(2)(iii) of this section. The depositary bank is deemed to have knowledge of the facts upon which the determination is made when the facts are brought to the attention of the person(s) in the depositary bank responsible for making the determination, and, in any event, from the time when the facts would have been brought to their attention if the bank had exercised due diligence.

(iii) If the availability of funds is delayed under the emergency conditions exception provided in paragraph (f) of this section, the depositary bank is not required to provide notice if the funds subject to the exception become available for withdrawal before the notice must be sent under paragraph (g)(2)(ii) of this section.

(3) *Record retention.* A depositary bank shall retain a record, in accordance with § 229.21(g), of each notice provided pursuant to its application of the reasonable cause exception under paragraph (e) of this section.

(h) *Availability of deposits subject to exceptions.* (1) If an exception contained in paragraphs (b) through (e) of this section applies, not more than four business days shall be added to any time period established under §§ 229.11 and 229.12.

(2) If a depositary bank invokes an exception contained in this section with respect to a check that is subject to § 229.10(c)(1) (i) through (v), the depositary bank shall make the funds available for withdrawal not later than four business days after the day the funds would have become available had the check been subject to §§ 229.11 or 229.12.

(3) If the exception contained in paragraph (f) of this section applies, the depositary bank shall make the funds available for withdrawal not more than four business days after the emergency has ceased or the period established in §§ 229.11 and 229.12, whichever is later.

§ 229.14 Payment of interest.

(a) *In general.* A depositary bank shall begin to accrue interest or dividends on funds deposited in an interest-bearing account not later than the business day on which the depositary bank receives provisional credit for the funds, except as provided in paragraphs (b) and (c) of this section. For the purposes of this

VOL 52 ISS 238 DEC 11 1987 UMI

VOL
52
ISS
238
DE
11
1987
UMI

section, the depositary bank may rely on the availability schedule of its Federal Reserve Bank, Federal Home Loan Bank, or correspondent bank to determine the time provisional credit is actually received.

(b) *Special rule for credit unions.* Paragraph (a) of this section does not apply to any account at a credit union described in section 19(b)(1)(A)(vi) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)(vi)), if the credit union—

(1) Begins the accrual of interest or dividends at a later date than the date described in paragraph (a) of this section with respect to all funds, including cash, deposited in the account; and

(2) Provides notice of its interest or dividend payment policy in the manner required under § 229.18(f).

(c) Exception for checks returned unpaid. This subpart does not require a bank to pay interest or dividends on funds deposited by a check that is returned unpaid.

§ 229.15 General disclosure requirements.

(a) *Form of disclosures.* A bank shall make the disclosures required by this subpart clearly and conspicuously in writing. Disclosures, other than those posted at branches and ATMs and printed on deposit slips, must be in a form that the customer may keep.

(1) The disclosures shall be grouped together and shall not contain any information not directly related to the disclosures required by this subpart.

(2) The disclosures, if contained in a document that sets forth other account terms and conditions, shall be highlighted within the document by, for example, use of a separate heading.

(b) *Uniform reference to day of availability.* In its disclosure, a bank shall describe funds as being available "on the _____ business day after" the day of deposit. In this calculation, the first business day is the business day following the banking day the deposit was received, and the last business day is the day on which the funds are made available.

(c) *Multiple accounts and multiple account-holders.* A bank need not give multiple disclosures to a customer that holds multiple accounts if the accounts are subject to the same availability policies. Similarly, a bank need not give separate disclosures to each customer on a jointly held account if the bank gives the disclosures to one of the primary account holders.

(d) *Dormant or inactive accounts.* A bank need not give availability disclosures to holders of dormant or inactive accounts.

§ 229.16 Content of specific availability policy disclosure.

(a) *Specific availability policy disclosure.* To meet the requirements of a specific availability policy disclosure under §§ 229.17 and 229.18(d), a bank shall provide a disclosure describing when funds deposited in an account are available for withdrawal. Unless the bank has a case-by-case hold policy as discussed in paragraph (b) of this section, the bank must enable the customer to determine when funds for a particular deposit will be available by disclosing the following, as applicable:

(1) A summary of the bank's general availability policy;

(2) A description of the categories of deposits used by the bank when it delays availability (such as local and nonlocal checks), and how to determine the category of a particular deposit;

(3) A description of the availability period corresponding to each of the categories of deposits, including a description of the bank's business days and when a deposit is considered received; and

(4) A description of any exceptions to the bank's availability schedules, including any special rules that may apply to deposits made at nonproprietary ATMs, to certain types of deposits or accounts (such as new accounts), and to cash withdrawals.

(b) *Alternative disclosure for banks that have case-by-case hold policies.* (1) If a bank generally makes funds available for withdrawal by the business day following the banking day funds are deposited, the bank may give the following disclosures to meet the disclosure requirements under §§ 229.17 and 229.18(d):

(i) A summary of the bank's general availability policy;

(ii) A statement that the bank may in some cases delay the time funds are available for withdrawal and the maximum delay that may be imposed;

(iii) A description of the exceptions set forth in § 229.13 that the bank reserves the right to invoke, if any, and the maximum delay that may be imposed under the exceptions; and

(iv) A statement that the bank will notify the customer if funds deposited in the customer's account will not be available for withdrawal on the business day following the banking day of deposit.

(2) A bank that provides the disclosures required by paragraph (b) of this section instead of paragraph (a) of this section, shall also provide customers with a notice at the time a deposit subject to a delay under paragraph (b)(ii) of this section is made. The notice shall state that availability of the deposit is being delayed and indicate the day the funds will be available for withdrawal. If the deposit was not made in person to an employee of the depositary bank, the notice may be mailed to the customer, provided the notice is sent on the banking day the deposit is made. If the decision to delay a deposit made in person to a bank employee is made after the time of deposit, a delay may be imposed only if—

(i) The customer was told at the time of the deposit that the particular deposit may be subject to a delay; and

(ii) The bank notifies the customer by close of business on the day of the deposit that a delay has been imposed and of the day funds will be available for withdrawal.

§ 229.17 Initial disclosures.

(a) *Disclosure to new accounts.* Before opening an account, a bank shall provide a potential customer with the applicable specific availability policy disclosure described in § 229.16.

(b) *Disclosure to existing accounts.* (1) In the first regularly scheduled mailing to customers after September 1, 1988, but not later than October 31, 1988, a bank shall send to existing customers the applicable specific availability policy disclosure described in § 229.16, unless the bank has previously given disclosures that meet the requirements of that section.

(2) If the disclosure required by paragraph (b)(1) of this section is included with a disclosure of other account terms and conditions, the bank must direct the customer's attention to the availability disclosures by, for example, the use of an insert or a letter.

(3) The disclosure required by paragraph (b)(1) of this section may not be included in a mailing of promotional material, such as a solicitation for a new product or service, unless the mailing also includes the customer's account statement.

§ 229.18 Additional disclosure requirements.

(a) *Notice on deposit slips.* A bank that delays availability on deposits shall include on all preprinted deposit slips furnished to its customers (other than special deposit slips provided to customers under § 229.10(c)), a notice that deposited checks may not be available for immediate withdrawal.

(b) *Notice at branch locations.* A bank shall post in a conspicuous place at each branch location where its employees receive deposits to consumer accounts a notice that sets forth the time periods

applicable to the availability of funds deposited in a consumer account.

(c) *Notice at or on ATMs.*

(1) The owner or operator of one or more ATMs shall post or provide a notice at each ATM location that funds deposited in the ATM may not be available for immediate withdrawal.

(2) If an ATM is considered nonproprietary as to certain customers making deposits at the ATM, the bank to which the ATM is proprietary shall be identified at or on the ATM, and a notice posted or provided that funds may not be available until the seventh business day after deposit.

(d) *Disclosure upon request.* A bank shall provide, upon oral or written request, a notice containing the applicable specific availability policy disclosure described in § 229.16.

(e) *Changes in policy.* A bank shall send a notice to customers at least 30 days before implementing a change to the bank's availability policy, except that a change that expedites the availability of funds shall be disclosed not later than 30 days after implementation.

(f) *Notice of interest payment policy.* If a credit union begins to accrue interest or dividends on all deposits made in an interest-bearing account, including cash deposits, at a later time than the day specified in § 229.14(a), any notice required to be provided under §§ 229.17 or 229.18(d) shall contain an explanation of when the credit union begins to accrue interest or dividends on the funds.

§ 229.19 Miscellaneous.

(a) *When deposits are considered made.* For the purposes of this part—

(1) A deposit mailed to the depositary bank is considered made when it is received by the depositary bank; and

(2) A deposit is considered made on the next banking day, in the case of a deposit that is made—

(i) On a day that is not a banking day for the depositary bank; or

(ii) After a cut-off hour set by the depositary bank for the receipt of deposits of 2:00 p.m. or later. Different cut-off hours may be established for receipt of different types of deposits, or receipt of deposits at different locations.

(b) *Availability at start of business day.* Except as otherwise provided in §§ 229.11(b)(2) and 229.12(d), if any provision of this subpart requires that funds be made available for withdrawal on any business day, the funds shall be available for withdrawal by the later of—

(1) 7:00 a.m. (local time); or

(2) The time the depositary bank's teller facilities (including ATMs) are available for customer account withdrawals.

(c) *Effect on policies of depositary bank.* This part does not—

(1) Prohibit a depositary bank from making funds available to a customer for withdrawal in a shorter period of time than the time required by this part;

(2) Affect a depositary bank's right—

(i) To accept or reject a check for deposit;

(ii) To revoke any provisional settlement made by the depositary bank with respect to a check accepted by the bank for deposit; to charge back the depositor's account for the amount of a check based on the return of the check or receipt of a notice of nonpayment of the check; or to claim a refund of such provisional credit; and

(iii) To charge back funds made available to its customer for an electronic payment for which the bank has not received payment in actually and finally collected funds;

(3) Require a depositary bank to open or otherwise to make its facilities available for customer transactions on a given business day; or

(4) Supersede any policy of a depositary bank that limits the amount of cash a customer may withdraw from its account at an ATM or a staffed teller station on any one day, if that policy—

(i) Is applied without discrimination to all customers of the bank;

(ii) Is not dependent on the time the funds have been deposited in the account, as long as the funds have been on deposit for the time period specified in §§ 229.10, 229.11, or 229.12; and

(iii) Is related to security requirements or bonding limitations of the depositary bank.

(d) *Use of calculated availability.* A depositary bank may provide availability to, and begin to accrue interest on, its non-consumer accounts based on a sample of checks that represents the average composition of the customer's deposits, provided that the terms for availability or interest payment based on the sample are equivalent to or more prompt than the availability and interest payment requirements of this part.

(e) *Limitation on placing holds on certain funds in accounts.* A depositary bank that receives a check for deposit in an account or purchases a check for cash, other than a check drawn on that bank and presented over the counter for payment in cash, may place a hold on any funds of the customer at the bank, if—

(1) The amount of funds that are held do not exceed the amount of the check, and

(2) The funds are made available for withdrawal within the times specified in §§ 229.10, 229.11, and 229.12.

(f) *Employee training and compliance.* (1) Each bank shall provide a statement detailing the requirements of this subpart to all employees who perform duties that relate to the bank's compliance with the requirements of this subpart.

(2) Each bank shall establish procedures to ensure that the bank complies with the requirements of this subpart, and shall provide each employee who performs duties subject to the requirements of this subpart with a statement of the procedures applicable to that employee.

(3) Not less than once each year, each bank shall conduct an internal review to determine its employees' compliance with the procedures established in paragraph (f)(2) of this section.

§ 229.20 Relation to state law.

(a) *In general.* Any law or regulation of any state in effect on or before September 1, 1989, that requires funds deposited in an account at a bank chartered by the state to be made available for withdrawal in a shorter time than the time provided in Subparts A and B of this part shall—

(1) Supersede the provisions of the Act and Subparts A and B to the extent the provisions relate to the time by which funds deposited or received for deposit in an account are available for withdrawal; and

(2) Apply to all federally insured banks located within the state.

No amendment to a state law or regulation governing the availability of funds that becomes effective after September 1, 1989, shall supersede the Act and Subparts A and B of this part, but unamended provisions of state law shall remain in effect.

(b) *Preemption of inconsistent law.* Except as provided in paragraph (a) of this section, the Act and Subparts A and B of this part supersede any provision of inconsistent state law.

(c) *Preemption determinations.* The Board shall determine, upon the request of any state, bank, or other interested party, whether the Act and this subpart preempt state laws relating to the availability of funds.

(d) *Standards for preemption.* A state law in effect on or before September 1, 1989, is not inconsistent with the Act and this part if it requires that funds shall be available in a shorter period of time than the time provided in this subpart. Inconsistency with the Act may exist when state law—

BEST COPY AVAILABLE

VOL 52 ISS 238 DEC 11 1987 UMI

(1) Provides that funds deposited in an account by cash, electronic payment, or a particular category of check may be available for withdrawal in a longer period of time than provided in this subpart; or

(2) Provides an exception to the time funds deposited in an account must be available for withdrawal for the same general class of deposit or that addresses the same type of risk as an exception provided in this subpart, but the time allowed for the exception, or the exception itself, is different from the exception provided in this subpart.

(e) *Procedures for preemption determinations.* Any request for a determination shall include the following—

(1) A copy of the full text of the state law in question, including any implementing regulations or judicial interpretations of that law; and

(2) A comparison of the provisions of state law with the corresponding provisions in the Act and Subparts A and B of this part, together with a discussion of the reasons why specific provisions of state law are either consistent or inconsistent with corresponding sections of the Act and Subparts A and B of this part.

§ 229.21 Civil liability.

(a) *Civil liability.* Any depositary bank that fails to comply with any requirement imposed under this subpart or any provision of state law that supersedes any provision of this subpart with respect to any person is liable to that person in an amount equal to the sum of—

(1) Any actual damage sustained by that person as a result of the failure;

(2) Such additional amount as the court may allow, except that—

(i) In the case of an individual action, liability under this paragraph shall not be less than $100 nor greater than $1,000; and

(ii) In the case of a class action—

(A) No minimum recovery shall be applicable to each member of the class; and

(B) The total recovery under this paragraph in any class action or series of class actions arising out of the same failure to comply by the same depositary bank shall not be more than the lesser of $500,000 or 1 percent of the net worth of the depositary bank involved; and,

(3) In the case of a successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court.

(b) *Class action awards.* In determining the amount of any award in any class action, the court shall consider, among other relevant factors—

(1) The amount of any damages awarded;

(2) The frequency and persistence of failures of compliance;

(3) The resources of the depositary bank;

(4) The number of persons adversely affected; and

(5) The extent to which the failure of compliance was intentional.

(c) *Bona fide errors*—(1) *General rule.* A depositary bank is not liable in any action brought under this section for a violation of this subpart if the depositary bank demonstrates by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

(2) *Examples.* Examples of a bona fide error include clerical, calculation, computer malfunction and programming, and printing errors, except that an error of legal judgment with respect to the depositary bank's obligation under this subpart is not a bona fide error.

(d) *Jurisdiction.* Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within one year after the date of the occurrence of the violation involved.

(e) *Reliance on Board rulings.* No provision of this subpart imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or interpretation thereof by the Board, regardless of whether such rule, regulation, or interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason after the act or omission has occurred.

(f) *Exclusions.* This section does not apply to claims that arise under Subpart C or to actions for wrongful dishonor.

(g) *Record retention.* (1) A bank shall retain evidence of compliance with the requirements imposed by this subpart for not less than two years. Records may be stored by use of microfiche, microfilm, magnetic, or other methods capable of accurately retaining and reproducing information.

(2) If a bank has actual notice that it is being investigated, or is subject to an enforcement proceeding by an agency charged with monitoring that bank's compliance with the Act and this subpart, or has been served with notice of an action filed under this section, it shall retain the records pertaining to the action or proceeding pending final disposition of the matter, unless an earlier time is allowed by order of the agency or court.

Subpart C—Collection of Checks

§ 229.30 Paying bank's responsibility for return of checks.

(a) *Return of checks or notice of nonpayment.* If the paying bank determines not to pay a check, it shall return the check or provide notice of nonpayment in an expeditious manner. The paying bank returns the check in an expeditious manner if it sends the returned check in a manner that a similarly situated bank would normally handle a check:

(1) Of similar amount as the returned check,

(2) Drawn on the depositary bank, and

(3) Deposited for forward collection in the similarly situated bank before noon on the banking day following the banking day on which the returned check was presented to the paying bank.

Subject to the requirement for expeditious return, the paying bank may send the returned check to the bank that presented the check being returned, to the depositary bank, or to any other bank (including a Federal Reserve Bank or Federal Home Loan Bank) agreeing to handle the check for return to the depositary bank as expeditiously as it would handle a forward collection check drawn on the depositary bank as specified in § 229.31. The paying bank may, but is not required to, convert the returned check to a qualified returned check. The paying bank provides notice of nonpayment in an expeditious manner if it provides notice of nonpayment with respect to the check, regardless of amount, in accordance with § 229.33, and also returns the check in a reasonably prompt manner. This paragraph does not affect a paying bank's responsibility for timely return under the U.C.C. or Regulation J (12 CFR Part 210).

(b) *Extension of deadline for small-dollar checks.* A paying bank, in an effort to avoid dishonor of a check in an amount of $100 or less, may extend the time for return or notice of nonpayment under the U.C.C., Regulation J (12 CFR Part 210), or paragraphs (a) or (c) of this section by not more than two business days without liability to or discharge of any other party. If the paying bank extends such times, it shall review the factors on which a decision to pay or return is based on the business day on which it returns the check or sends notice of nonpayment.

(c) *Extension of deadline for expedited delivery.* A paying bank, in an effort to expedite delivery of a returned check to a bank, may extend the time for return or notice of nonpayment under the U.C.C., Regulation J (12 CFR Part 210), and paragraph (a) or (b) of this section, provided that the expedited method of delivery would ordinarily result in the returned check being received by the bank to which it is sent on or before that bank's next banking day following the otherwise applicable time for return or such later time as would result from the use of highly expeditious means of transportation.

(d) *Identification of returned check.* A paying bank returning a check shall clearly indicate on the face of the check that it is a returned check and the reason for return.

(e) *Depositary bank without accounts.* The expeditious return requirements of paragraph (a) of this section do not apply to checks deposited in a depositary bank that does not maintain accounts.

(f) *Notice in lieu of return.* If a check is unavailable for return by a paying bank, the bank may send in its place a notice of nonpayment in accordance with § 229.33, without regard to the time or amount limits. The notice shall clearly state that it constitutes a notice in lieu of return. A notice in lieu of return is considered a returned check subject to the time limits of this section and to other requirements of this subpart.

(g) *Reliance on routing number.* A paying bank may return a returned check based on any routing number designating the depositary bank appearing on the returned check in the depositary bank's indorsement.

§ 229.31 Returning bank's responsibility for return of checks.

(a) *Return of checks.* A returning bank shall handle and return a returned check in an expeditious manner. A returning bank returns a check in an expeditious manner if it sends the returned check in a manner that a similarly situated bank would normally handle a check—

(1) Of similar amount as the returned check,

(2) Drawn on the depositary bank, and

(3) Received for forward collection by the similarly situated bank at the time the returning bank received the returned check.

A returning bank may set a cut-off hour for the receipt of returned checks that is earlier than its cut-off hour for checks received for forward collection, provided that the cut-off hour is not earlier than 2:00 p.m. Subject to the requirement for expeditious return, the returning bank may return the returned check to the immediate prior collecting bank that had sent the check to the returning bank during forward collection, to the depositary bank, or to any other bank (including a Federal Reserve Bank or a Federal Home Loan Bank) agreeing to handle the returned check as expeditiously as it would handle a forward collection check drawn on the depositary bank as specified in this section. The returning bank may convert the returned check to a qualified returned check.

(b) *Extension of deadline for qualified returned check.* A returning bank, in order to convert a returned check to a qualified returned check, may extend by one business day the time for return under the U.C.C., Regulation J (12 CFR Part 210), and paragraph (a) of this section. A returning bank may not, however, extend these times when it is returning a check directly to the depositary bank.

(c) *Acceptance by collecting bank.* A bank that handled a check during forward collection may not refuse to handle that check as a returned check.

(d) *Settlement.* A returning bank shall settle with a bank sending a returned check to it for return by the same means that it settles or would settle with the sending bank for a check received for forward collection drawn on the depositary bank. The settlement shall become final upon the expiration of the time for payment by the depositary bank as provided in § 229.32(b).

(e) *Charges.* A returning bank may impose a charge on a bank sending a returned check for handling the returned check.

(f) *Reliance on routing number.* A returning bank may return a returned check based on any routing number designating the depositary bank appearing on the returned check in the depositary bank's indorsement or in magnetic characters on a qualified returned check.

(g) *Depositary bank without accounts.* The expeditious return requirement of paragraph (a) of this section does not apply to checks deposited with a depositary bank that does not maintain accounts.

(h) *Notice in lieu of return.* If a check is unavailable for return, the returning bank may send in its place notice of nonpayment in accordance with § 229.33, without regard to the time or amount limits of that section. The notice shall clearly state that it constitutes a notice in lieu of return and is considered a returned check subject to the requirements of this subpart.

§ 229.32 Depositary bank's responsibility for returned checks.

(a) *Acceptance of returned checks.* A depositary bank shall accept returned checks and written notices of nonpayment—

(1) At any branch or head office consistent with the name and address of the bank in its indorsement on the check;

(2) If no address appears in the indorsement, at any branch or head office associated with the routing number of the bank in its indorsement on the check;

(3) If no routing number or address appears in its indorsement on the check, at any branch or head office of the bank; and

(4) At any location at which the bank accepts checks as a paying bank.

(b) *Payment.* A depositary bank becomes accountable for the amount of a returned check (or notice in lieu of return) at the close of the banking day on which it receives the check or notice ("payment date"). Prior to that time the depositary bank shall pay the bank returning the check to it (the paying or returning bank) for the amount of the check by—

(1) Debit to an account of the depositary bank on the books of the returning or paying bank,

(2) Cash,

(3) Wire transfer, or

(4) Any other form of payment acceptable to the returning or paying bank,

provided that the proceeds of such payment are available to the returning or paying bank in cash or by credit to an account of the returning or paying bank on or as of the payment date. If the payment date is not a banking day for the returning or paying bank, payment shall be made by the next day that is a banking day for the returning or paying bank. Any provisional credit between banks (including Federal Reserve Banks and Federal Home Loan Banks) for the check arising during the forward collection of the check shall become final upon the expiration of the time for payment by the depositary bank.

(c) *Recovery by depositary bank from collecting bank.* If, during the forward collection of a check, the depositary bank did not receive full provisional settlement for the check, the depositary bank may recover for the returned check from the bank (including a Federal Reserve Bank or a Federal Home Loan Bank) to which it sent the check for forward collection the amount of any payment the depositary bank made to the bank returning the check for the returned check, less any settlement the depositary bank received.

(d) *Misrouted returned checks and notices of nonpayment.* If a bank receives a returned check or notice of

VOL 52 ISS 238 DEC 11 1987 UMI

nonpayment on the basis that it is the depositary bank, and the bank determines that it is not the depositary bank with respect to the check or notice, it shall identify the depositary bank and, thereafter, as a returning bank, forward the returned check or notice to the depositary bank. If the bank cannot identify the depositary bank, it shall, as a returning bank, send the returned check or notice to the bank from which it received the check or notice.

§ 229.33 Notice of nonpayment.

(a) *Requirement.* If a paying bank determines not to pay a check in the amount of $2,500 or more, it shall provide notice of nonpayment such that it is received by the depositary bank by 4:00 p.m. (local time) on the second business day following the banking day on which the check was received by the paying bank. If the day the paying bank is required to provide notice to the depositary bank is not a banking day for the depositary bank, receipt of notice on the depositary bank's next banking day constitutes timely notice. Notice may be provided by any reasonable means, including the returned check, a writing (including a photocopy of the check), telephone, Fedwire, telex, or other form of telegraph. Notice of nonpayment initiated under § 229.30 or § 229.31 shall also be given as provided in this section, but no more than one notice is required for a single check.

(b) *Content of notice.* Notice must include the:

(1) Name and routing number of the paying bank;

(2) Name of the payee(s);

(3) Amount;

(4) Date of the indorsement of the depositary bank (or if given to a collecting bank other than the depositary bank, the date of indorsement of the collecting bank and the name, routing number, and date of indorsement of any prior collecting bank and the depositary bank);

(5) Account number of the depositor(s) in the depositary bank;

(6) Branch name or number of the depositary bank from its indorsement;

(7) Trace number associated with the indorsement of the depositary bank; and

(8) Reason for return.

The notice may include other information from the check that may be useful in identifying the check being returned and the depositor, and, in the case of a written notice, must include the name and routing number of the depositary bank from its indorsement. The notice need not include information that the bank cannot determine with reasonable certainty from the check itself through the exercise of ordinary care and good faith. If the paying bank is not sure of a piece of information, it may, but is not required to, identify the information with question marks. If the paying bank cannot identify the depositary bank, it should send the notice of nonpayment to the first bank that it can identify that handled the check during forward collection.

(c) *Acceptance of notice.* The depositary bank shall accept notices during its banking day at the general purpose telephone or telegraph number of its head office or of the branch designated in the indorsement, at the number of its return item unit, at any other number held out by the bank for receipt of notice of nonpayment, and, in the case of written notice, as specified in § 229.32(a).

(d) *Charge-back.* If the depositary bank receives a returned check (or notice of nonpayment) and fails to send the returned check or notice of nonpayment to its customer within the time and manner provided in the U.C.C., it may charge-back the amount of any credit given for the check to its customer's account, but is liable to the customer for any loss resulting from any delay in charging-back if the notice contains sufficient information to allow the depositary bank to charge-back.

(e) *Cancellation of notice.* If a paying bank gives notice of nonpayment and subsequently determines to pay a check, the paying bank shall provide a second notice as soon as reasonably possible, indicating that it is a second notice cancelling a previous notice and containing all the information in the original notice.

§ 229.34 Warranties by paying bank and returning bank.

(a) *Warranties.* Each paying bank or returning bank that transfers a returned check and receives a settlement or other consideration for it warrants to the transferee returning bank, to any subsequent returning bank, to the depositary bank, and to the owner of the check, that:

(1) The paying bank returned the check timely under the U.C.C., Regulation J (12 CFR Part 210), or § 229.30 of this part;

(2) It is authorized to return the check; and

(3) The returned check has not been materially altered.

(b) *Damages.* Damages for breach of these warranties shall not exceed the consideration received by the paying or returning bank plus finance charges and expenses related to the returned check, if any.

(c) *Tender of defense.* If a returning bank is sued for breach of a warranty under this section, it may give a prior returning bank or the paying bank written notice of the litigation, and the bank notified may then give similar notice to any other prior returning bank or the paying bank. If the notice states that the paying or returning bank notified may come in and defend and that if the paying or returning bank notified does not do so, it will in any action against it by the paying or returning bank giving the notice be bound by any determination of fact common to the two litigations, then unless after reasonable receipt of the notice the paying or returning bank notified does come in and defend, it is so bound.

§ 229.35 Indorsements.

(a) *Indorsement standards.* A bank, a Federal Reserve Bank, or a Federal Home Loan Bank, other than a paying bank that handles a check during forward collection or a returned check, shall indorse the check in accordance with the indorsement standard set forth in Appendix D to this part.

(b) *Contract of indorser.* A paying bank or returning bank makes the contract of an indorser and may have the rights of a holder with respect to each returned check it handles.

§ 229.36 Presentment of checks.

(a) *Presentment of checks.* A check payable at or through a paying bank is considered to be drawn on that bank for purposes of determining the time for return or notice of nonpayment by the paying bank under the U.C.C., Regulation J (12 CFR Part 210), and this part.

(b) *Receipt at bank office or processing center.* A check is considered received by the paying bank when it is received:

(1) At any branch or head office if the bank is identified on the check by name without address,

(2) At any branch or head office consistent with the name and address of the bank on the check,

(3) At any address of the bank associated with the routing number of the bank on the check, whether in magnetic characters or in fractional form, or

(4) At a location to which delivery is requested by the paying bank.

(c) *Truncation.* A bank, Federal Reserve Bank, or Federal Home Loan Bank may present a check to a paying bank by transmission of information describing the check in accordance with an agreement with the paying bank. A truncation agreement may not extend return times or otherwise vary the

requirements of this part with respect to parties interested in the check that are not party to the agreement.

§ 229.37 Inquiry to paying bank.

A paying bank shall respond promptly to a telephone or telegraph inquiry from a depositary bank with respect to whether a depository check drawn upon it has been issued, certified, or payment stopped thereon, or whether it has been paid, returned, or notice of nonpayment given, and confirm information on the face of the check including the amount and payee. With respect to a teller's check, the drawing bank shall respond promptly to a telephone or telegraph inquiry from a depositary bank with respect to whether a teller's check has been issued, or payment has been stopped thereon, and confirm information on the face of the check, including the amount and payee. A paying or drawing bank does not agree to pay the check by responding to such an inquiry.

§ 229.38 Liability.

(a) *Standard of care; liability; measure of damages.* A bank shall exercise ordinary care and act in good faith in complying with the requirements of this subpart. A bank that fails to exercise ordinary care or act in good faith under this subpart may be liable to the depositary bank, the owner of a check, or another party to the check. The measure of damages for failure to exercise ordinary care is the amount of the loss incurred, up to the amount of the check, reduced by the amount of the loss that party would have incurred even if the bank had exercised ordinary care. A bank that fails to act in good faith under this subpart may be liable for other damages, if any, suffered by the party as a proximate consequence. Subject to a bank's duty to exercise ordinary care or act in good faith in choosing the means of return or notice of nonpayment, the bank is not liable for the insolvency, neglect, misconduct, mistake, or default of another bank or person, or for loss or destruction of a check or notice in transit or in the possession of others. This section does not affect a paying bank's liability to its customer under the U.C.C. References to "bank" in this section include a Federal Reserve Bank and Federal Home Loan Bank.

(b) *Paying bank's failure to make timely return.* If a paying bank fails both to comply with § 229.30 and to comply with the requirement of timely return under the U.C.C. or Regulation J (12 CFR Part 210) in connection with a single nonpayment of a check, the paying bank shall be liable under either § 229.30 or such other provision, but not both.

(c) *Comparative negligence.* If a person, including a bank, Federal Reserve Bank, or Federal Home Loan Bank, fails to exercise ordinary care or act in good faith under this subpart in indorsing a check (§ 229.35) or accepting a returned check or notice (§§ 229.32(a) and 229.33(c)), or otherwise, the loss incurred by that person under § 229.38(a) shall be diminished in proportion to the amount of negligence or bad faith attributable to that person.

(d) *Timeliness of action.* If a bank, a Federal Reserve Bank, or a Federal Home Loan Bank is delayed in acting beyond the time limits set forth in this subpart because of interruption of communication or computer facilities, suspension of payments by a bank, war, emergency conditions, failure of equipment, or other circumstances beyond its control, its time for acting is extended for the time necessary to complete the action, if it exercises such diligence as the circumstances require.

(e) *Exclusion.* Section 229.21 of this part and § 611 (a) and (b) of the Act (12 U.S.C. 4010 (a) and (b)) do not apply to this subpart.

(f) *Bona fide errors.* A bank is not liable in any action brought under this section for a violation of this subpart if the bank demonstrates by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error. An error of legal judgment with respect to a bank's obligation under this subpart is not a bona fide error.

(g) *Jurisdiction.* Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within one year after the date of the occurrence of the violation involved.

(h) *Reliance on Board rulings.* No provision of this subpart imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or interpretation thereof by the Board, regardless of whether such rule, regulation, or interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason after such act or omission has occurred.

§ 229.39 Insolvency of bank.

(a) *Duty of receiver.* A check or returned check in, or coming into, the possession of a paying, collecting, depositary, or returning bank that suspends payment and which check is not finally paid shall be returned by the receiver, trustee, or agent in charge of the closed bank to the bank or customer that transferred the check to the closed bank.

(b) *Preference against paying or a depositary bank.* If a paying or depositary bank finally pays a check or returned check and suspends payment without making a settlement for the check with its customer or the prior bank, which settlement is or becomes final, the customer or prior bank has a preferred claim against the paying or depositary bank.

(c) *Preference against collecting or returning bank.* If a collecting or returning bank receives settlement from a subsequent bank for a check or returned check, which settlement is or becomes final, and suspends payments without making a settlement for the check with the prior bank, which is or becomes final, the prior bank has a preferred claim against the collecting or returning bank.

(d) *Final payment of provisional settlement.* If a paying bank gives, or a collecting bank gives or receives, a provisional settlement for a check or returned check and thereafter suspends payment, the suspension does not prevent or interfere with the settlement becoming final if such finality occurs automatically upon the lapse of a certain time or the happening of certain events.

§ 229.40 Relation to state law.

The provisions of this subpart supersede any inconsistent provisions of the U.C.C. as adopted in any state, or of any other state law, but only to the extent of the inconsistency.

§ 229.41 Exclusions.

The expeditious return requirements of this subpart do not apply to a check drawn upon the account of the United States Treasury, to a check indorsed by, or for credit to the United States Treasury, or to a U.S. Postal Service money order.

Appendix A—Routing Number Guide to Local Checks

Each bank is assigned a routing number by Rand McNally & Co., as agent for the American Bankers Association. The routing number takes two forms: A fractional form and a nine-digit form. A paying bank is normally identified on the face of a check by its routing number in both the fractional form (which generally appears in the upper right-hand corner of the check) and the nine-digit form (which is printed in magnetic ink in a strip along the bottom of the check).

The first four digits of the nine-digit routing number and the denominator of the fractional routing number form the "Federal Reserve routing symbol," which identifies the Federal Reserve District, the Federal Reserve office, and the clearing arrangements used by the paying bank. Because the Expedited Funds Availability Act and Regulation CC define local and nonlocal checks in terms of the Federal Reserve office serving the paying bank, it is possible to determine whether a check is local or nonlocal by reference to the Federal Reserve routing symbol.

The following is a list of Federal Reserve routing symbols associated with each Federal Reserve office. A depositary bank should refer to the routing numbers listed below for the Federal Reserve office that serves the territory in which the branch of deposit is located. Checks with these Federal Reserve routing symbols are considered local checks.

First Federal Reserve District

(Federal Reserve Bank of Boston)

Head Office
- 0110 [1]
- 2110 [2]
- 0113
- 2113
- 0114
- 2114
- 0115
- 2115
- 0116
- 2116
- 0117
- 2117

Windsor Locks Office
- 0111
- 2111
- 0118
- 2118
- 0119
- 2119
- 0211
- 2211

Lewiston Office
- 0112
- 2112

Second Federal Reserve District

(Federal Reserve Bank of New York)

Head Office
- 0210
- 0211 [3]
- 2211
- 0215
- 2215
- 0216
- 2216
- 0260
- 2260

Buffalo Branch
- 0220
- 2220
- 0223
- 2223

Cranford Office
- 0212
- 2212

Jericho Office
- 0214
- 2214
- 0280
- 2280
- 0219
- 2219

Utica Office
- 0213
- 2213

Third Federal Reserve District

(Federal Reserve Bank of Philadelphia)

Head Office
- 0310
- 2310
- 0360
- 2360
- 0311
- 2311
- 0312
- 2312
- 0313
- 2313
- 0319
- 2319

Fourth Federal Reserve District

(Federal Reserve Bank of Cleveland)

Head Office
- 0410
- 2410
- 0412
- 2412

Cincinnati Branch
- 0420
- 2420
- 0421
- 2421
- 0422
- 2422
- 0423
- 2423

Pittsburgh Branch
- 0430
- 2430
- 0432
- 2432
- 0433
- 2433
- 0434
- 2434

Columbus Office
- 0440
- 2440
- 0441
- 2441
- 0442
- 2442

Fifth Federal Reserve District

(Federal Reserve Bank of Richmond)

Head Office
- 0510
- 2510
- 0514
- 2514

Baltimore Branch
- 0520
- 2520
- 0521
- 2521
- 0522
- 2522
- 0540
- 2540
- 0550
- 2550
- 0560
- 2560
- 0570
- 2570

Charlotte Branch
- 0530
- 2530
- 0531
- 2531

Columbia Office
- 0532
- 2532
- 0539
- 2539

Charleston Office
- 0515
- 2515
- 0519
- 2519

Sixth Federal Reserve District

(Federal Reserve Bank of Atlanta)

Head Office
- 0610
- 2610
- 0611
- 2611
- 0612
- 2612
- 0613
- 2613

Birmingham Branch
- 0620
- 2620
- 0621
- 2621
- 0622
- 2622

Jacksonville Branch
- 0630
- 2630
- 0631
- 2631
- 0632
- 2632

Nashville Branch
- 0640
- 2640
- 0641
- 2641
- 0642
- 2642

New Orleans Branch
- 0650

[1] The first two digits identify the Federal Reserve District. Thus 01 identifies the First Federal Reserve District (Boston), and 12 identifies the Twelfth District (San Francisco).

[2] Adding 2 to the first digit denotes a thrift institution. Thus 21 identifies a thrift in the First District, and 32 denotes a thrift in the Twelfth District.

[3] Banks in Fairfield County, Connecticut are members of the Federal Reserve Bank of New York and therefore have Second District routing numbers. Their checks, however, are processed by the Windsor Locks office. Thus, checks drawn on banks with 0211 or 2211 routing numbers would not be local checks for Second District depositary banks.

- 2650
- 0651
- 2651
- 0652
- 2652
- 0653
- 2653
- 0654
- 2654
- 0655
- 2655

Miami Branch
- 0660
- 2660
- 0670
- 2670

Seventh Federal Reserve District

(Federal Reserve Bank of Chicago)

Head Office
- 0710
- 2710
- 0711
- 2711
- 0712
- 2712
- 0719
- 2719

Detroit Branch
- 0720
- 2720
- 0724
- 2724

Des Moines Office
- 0730
- 2730
- 0739
- 2739

Indianapolis Office
- 0740
- 2740
- 0749
- 2749

Milwaukee Office
- 0750
- 2750
- 0759
- 2759

Eighth Federal Reserve District

(Federal Reserve Bank of St. Louis)

Head Office
- 0810
- 2810
- 0812
- 2812
- 0815
- 2815
- 0819
- 2819
- 0865
- 2865

Little Rock Branch
- 0820
- 2820
- 0829
- 2829

Louisville Branch
- 0813
- 2813
- 0830
- 2830
- 0839
- 2839
- 0863
- 2863

Memphis Branch
- 0840
- 2840
- 0841
- 2841
- 0842
- 2842
- 0843
- 2843

Ninth Federal Reserve District

(Federal Reserve Bank of Minneapolis)

Head Office
- 0910
- 2910
- 0911
- 2911
- 0912
- 2912
- 0913
- 2913
- 0914
- 2914
- 0915
- 2915
- 0960
- 2960
- 0916
- 2916
- 0919
- 2919

Helena Branch
- 0920
- 2920
- 0921
- 2921
- 0929
- 2929

Tenth Federal Reserve District

(Federal Reserve Bank of Kansas City)

Head Office
- 1010
- 3010
- 1011
- 3011
- 1012
- 3012
- 1019
- 3019

Denver Branch
- 1020
- 3020
- 1021
- 3021
- 1022
- 3022
- 1023
- 3023
- 1070
- 3070

Oklahoma City Branch
- 1030
- 3030
- 1031
- 3031
- 1039
- 3039

Omaha Branch
- 1040
- 3040
- 1041
- 3041
- 1049
- 3049

Eleventh Federal Reserve District

(Federal Reserve Bank of Dallas)

Head Office
- 1110
- 3110
- 1113
- 3113
- 1111
- 3111
- 1119
- 3119

El Paso Branch
- 1120
- 3120
- 1122
- 3122
- 1123
- 3123
- 1163
- 3163

Houston Branch
- 1130
- 3130
- 1131
- 3131

San Antonio Branch
- 1140
- 3140
- 1149
- 3149

Twelfth Federal Reserve District

(Federal Reserve Bank of San Francisco)

Head Office
- 1210
- 3210
- 1214
- 3214
- 1211
- 3211
- 1212
- 3212
- 1213
- 3213

Los Angeles Branch
- 1220
- 3220
- 1221
- 3221
- 1222
- 3222
- 1223
- 3223
- 1224
- 3224

Portland Branch
- 1230
- 3230
- 1231
- 3231
- 1232
- 3232
- 1233
- 3233

Salt Lake City Branch
- 1240

3240
1241
3241
1242
3242
1243
3243
Seattle Branch
1250
3250
1251
3251
1252
3252

Appendix B–1—Reduction of Schedules for Certain Nonlocal Checks Under the Temporary Schedule

A depositary bank that is located in the following check processing territories shall make funds deposited in an account by a nonlocal check described below available for withdrawal not later than the number of business days following the banking day on which funds are deposited, as specified below.

Federal Reserve Office	Number of business days following the banking day funds are deposited
Boston: Depositary banks (0110, 2110) to: 0210 0260 2260 0280 0310 2310 0360 2360 0710 2710	5
Windsor Locks: 0211 2211	3
Jamaica: Nonc. *New York:* Depositary banks (0210,0260,0280,2260) to: 0214 2214 0219 2219	3
Jericho: 0210 0260 0280 2260	3
Cranford: 0210 0260 0280 2260	3
Buffalo: None. Utica: 0210 0280	3
Philadelphia: Depositary banks (0110, 2110, 0210, 2260) to: 0110 2110 0210 0260 2260 0220 2220 0410 2410 0420 2420 0430 2430 0440 2440 0510 0519 2519 0520 2520 0530 2530 0539 2539 0610 2610 0620 2620 0630 2630 0640 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0910 2910 0960 2960 1010 3010 1020 3020 1040 3040	5
Cleveland: Depositary banks (0410,2410) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0420 2420 0430 2430 0440 2420 0510 2510 0519 2519 0520 2520 0530 2530 0539 2539 0610 2610 0620 2620 0630 2630 0640 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0840 2840 0910 2910 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1130 3130 1120 3120 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5

Federal Reserve Office	Number of business days following the banking day funds are deposited
Cincinnati: Depositary banks (0420,2420) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2410 0430 2430 0440 2440 0510 2510 0519 2519 0520 2520 0530 2539 0539 2539 0610 2610 0620 2620 0630 2640 0640 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0840 2840 0910 2910 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5
Columbus: Depositary banks (0440,2440) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2420 0430 2430 0510 2510 0519 2519 0520 2520 0530 2539 0539 2539 0610 2610 0620 2620 0630 2640 0640 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2750 0750 2750 0810 2810 0820 2820 0840 2840 0910 2910 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5
Pittsburgh: Depositary banks (0430,2430) to: 0520 2520 0110 2110 0220 2220 0519 2519 0539 2539 0530 2530 0710 2710 0420 2420 0410 2410 0440 2440 2410 0730 2730 0539 2539 0630 2630 0820 2820 0920 2920 1030 3030 0740 2740 0860 2860 0930 2930 0840 2840 1010 3010 1040 3040 0910 2910 1020 3020 1050 3050 0940 2940 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5

Federal Reserve Office	Number of business days following the banking day funds are deposited
Baltimore: Depositary banks (0520,2520) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2410 0420 2420 0430 2430 0440 2440 0510 2510 0519 2519 0520 2520 0530 2530 0539 2539 0610 2610 0620 2620 0630 2640 0640 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0840 2840 0910 2910 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5
Charlotte: Depositary banks (0530,2530) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2410 0420 2420 0430 2430 0440 2440 0510 2510 0519 2519 0530 2532 0539 2539 0610 2610 0620 2620 0630 2630 0640 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0840 2840 0910 2910 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5
Columbia: Depositary banks (0539,2539) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2410 0420 2420 0430 2430 0440 2440 0510 2510 0519 2519 0520 2520 0530 2530 0610 2610 0620 2620 0630 2640 0640 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0840 2840 0910 2910 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5
Atlanta: Depositary banks (0610,2610) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2410 0420 2420 0430 2430 0440 2440 0510 2510 0519 2519 0520 2520 0530 2530 0539 2539 0620 2620 0630 2630 0640 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0840 2840 0910 2910 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5

Federal Reserve Office	Number of business days following the banking day funds are deposited
Birmingham: Depositary banks (0620,2620) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2410 0420 2420 0430 2430 0440 2440 0510 2510 0519 2519 0520 2520 0530 2530 0539 2539 0610 2610 0620 2620 0630 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0830 2830 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5
Jacksonville: Depositary banks (0630, 2630) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2410 0420 2420 0430 2430 0440 2440 0510 2510 0519 2519 0520 2520 0530 2530 0539 2539 0610 2610 0620 2620 0630 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0830 2830 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140	5
Miami: Depositary banks (0660, 2660) to: 0220 2220 0410 2410 0420 2420 0430 2430 0510 2510 0519 2519 0110 2110 0210 0260 2260 0280 0310 2310 0360 2360 0539 2539 0710 2710 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0440 2440 0520 2520 0530 2530 0610 2610 0630 2630 0640 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0840 2840 0910 2910 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5
Nashville: 0613 2613	3
Depositary banks (0640, 2640) to: 0610 2610 0620 2620 0630 2630 0640 2640 0539 2539	5
New Orleans: Depositary banks (0650, 2650) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2410 0420 2420 0430 2430 0440 2440 0510 2510 0519 2519 0520 2520 0530 2530 0539 2539 0610 2610 0620 2620 0630 2630 0640 2640 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0830 2830 0840 2840 0910 2910 0960 2960 0920 2920 1010 3010 1020 3020 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5
Chicago: None.	

Federal Reserve Office	Number of business days following the banking day funds are deposited
Detroit: Depositary banks (0720, 1720) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2410 0420 2420 0430 2430 0440 2440 0510 2510 0519 2519 0520 2520 0530 2530 0539 2539 0610 2610 0620 2620 0630 2640 0640 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0830 2830 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5
Des Moines: None.	
Indianapolis: Depositary Banks (0740, 2740) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2410 0420 2420 0430 2430 0440 2440 0510 2510 0519 2519 0520 2520 0530 2530 0539 2539 0610 2610 0620 2620 0630 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2750 0750 2750 0810 2810 0820 2820 0830 2830 0840 2840 0910 2910 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5
Milwaukee: Depositary banks (0750, 2750) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2410 0420 2420 0430 2430 0440 2440 0510 2510 0519 2519 0520 2520 0530 2530 0539 2539 0610 2610 0620 2620 0630 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0840 2840 0910 2910 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5
St. Louis: Depositary banks (0810, 2810) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2410 0420 2420 0430 2430 0440 2440 0510 2510 0519 2519 0520 2520 0530 2530 0539 2539 0610 2610 0620 2620 0630 2640 0640 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0820 2820 0830 2830 0840 2840 0910 2910 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5

Federal Reserve Office	Number of business days following the banking day funds are deposited
Little Rock: Depositary banks (0620, 2620) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2410 0420 2420 0430 2430 0440 2440 0510 2510 0519 2519 0520 2520 0530 2530 0539 2539 0610 2610 0620 2620 0630 2630 0640 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0840 2840 0910 2910 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5
Louisville: Depositary banks (0630, 2630) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2410 0420 2420 0430 2430 0440 2440 0510 2510 0519 2519 0520 2520 0530 2530 0539 2539 0610 2610 0620 2620 0630 2630 0640 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0840 2840 0910 2910 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5
Memphis: Depositary banks (0640, 2640) 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2410 0420 2420 0430 2430 0440 2440 0510 2510 0519 2519 0520 2520 0530 2530 0539 2539 0610 2610 0620 2620 0630 2630 0640 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0840 2840 0910 2910 0960 2960 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5
Minneapolis: Depositary banks (0910, 2910, 0960, 2960) to: 0110 2110 0210 0260 2260 0280 0220 2220 0310 2310 0360 2360 0410 2410 0420 2420 0430 2430 0440 2440 0510 2510 0519 2519 0520 2520 0530 2530 0539 2539 0610 2610 0620 2620 0630 2630 0640 2640 0650 2650 0660 2660 0710 2710 0720 2720 0730 2730 0740 2740 0750 2750 0810 2810 0820 2820 0830 2830 0840 2840 0920 2920 1010 3010 1020 3020 1030 3030 1040 3040 1110 3110 1120 3120 1130 3130 1140 3140 1210 3210 1220 3220 1223 3223 1230 3230 1240 3240 1250 3250	5

VOL 52 ISS 238 DEC 11 1987 UMI

Federal Reserve Office	Number of business days following the banking day funds are deposited
Helena: None.	
Kansas City:	
[illegible] 2985	
Depositary banks (1010, 3010) to:	
0110 2110 0210 0260 2260 0280	
0220 2220 0310 2310 0360 2360	
0410 2410 0420 2420 0430 2430	
0440 2440 0510 2510 0519 2519	
0520 2520 0530 2530 0539 2539	
0610 2610 0620 2620 0630 2630	
0640 2640 0650 2650 0660 2660	
0710 2710 0720 2720 0730 2730	
0740 2740 0750 2750 0810 2810	
[illegible] 2820 [illegible] 2840	
0910 2910 0960 2960 0920 2920	
1020 3020 1030 3030 1040 3040	
1110 3110 1120 3120 1130 3130	
1140 3140 1210 3210 1220 3220	
1223 3223 1230 3230 1240 3240	
1250 3250	5
Denver: None.	
Oklahoma City: Depositary banks (1030, 3030) to:	
0110 2110 0210 0260 2260 0280	
0220 2220 0310 2310 0360 2360	
0410 2410 0420 2420 0430 2430	
0440 2440 0510 2510 0519 2519	
0520 2520 0530 2530 0539 2539	
0610 2610 0620 2620 0630 2630	
0640 2640 0650 2650 0660 2660	
0710 2710 0720 2720 0730 2730	
0740 2740 0750 2750 0610 2810	
0820 2820 0830 2830 0840 2840	
0910 2910 0960 2960 0920 2920	
1010 3010 1020 3020 1040 3040	
1110 3110 1120 3120 1130 3130	
1140 3140 1210 3210 1220 3220	
1223 3223 1230 3230 1240 3240	
1250 3250	5
Omaha: Depositary banks (1040, 3040) to:	
0110 2110 0210 0260 2260 0280	
0220 2220 0310 2310 0360 2360	
0410 2410 0420 2420 0430 2430	
0440 2440 0510 2510 0519 2519	
0520 2520 0530 2530 0539 2539	
0610 2610 0620 2620 0630 2630	
0640 2640 0650 2650 0660 2660	
0710 2710 0720 2720 0730 2730	
0740 2740 0750 2750 0810 2810	
[illegible] 2820 [illegible] 2840	
0910 2910 0960 2960 0920 2920	
1010 3010 1020 3020 1030 3030	
1120 3120 1130 3130 1140 3140	
1210 3210 1220 3220 1223 3223	
1230 3230 1240 3240 1250 3250	5
Dallas: Depositary banks (1110, 3110) to:	
0110 2110 0210 0260 2260 0280	
0220 2220 0310 2310 0360 2360	
0410 2410 0420 2420 0430 2430	
0440 2440 0510 2510 0519 2519	
0520 2520 0530 2530 0539 2539	
[illegible] 0620 2620 0630 2630	
[illegible] 2640 0650 2650 0660 2660	
0710 2710 0720 2720 0730 2730	
0740 2740 0750 2750 0810 2810	
0820 2820 0830 2830 0840 2840	
0910 2910 0960 2960 0920 2920	
1010 3010 1020 3020 1030 3030	
1120 3120 1130 3130 1140 3140	
1210 3210 1220 3220 1223 3223	
1230 3230 1240 3240 1250 3250	5
Houston: Depositary banks (1130, 3110) to:	
0110 2110 0210 0260 2260 0280	
0220 2220 0310 2310 0360 2360	
0410 2410 0420 2420 0430 2430	
0440 2440 0510 2510 0519 2519	
0520 2520 0530 2530 0539 2539	
[illegible] 0620 2620 0630 2630	
[illegible] 2640 0650 2650 0660 2660	
0710 2710 0720 2720 0730 2730	
0740 2740 0750 2750 0810 2810	
0820 2820 0830 2830 0840 2840	
0910 2910 0960 2960 0920 2920	
1010 3010 1020 3020 1030 3030	
1120 3120 1130 3130 1140 3140	
1210 3210 1220 3220 1223 3223	
1230 3230 1240 3240 1250 3250	5
San Antonio: Depositary banks (1140, 3140) to:	
0110 2110 0210 0260 2260 0280	
0220 2220 0310 2310 0360 2360	
0410 2410 0420 2420 0430 2430	
0440 2440 0510 2510 0519 2519	
0520 2520 0530 2530 0539 2539	
0610 2610 0620 2620 0630 2630	
0640 2640 0650 2650 0660 2660	
0710 2710 0720 2720 0730 2730	
0740 2740 0750 2750 0810 2810	
0820 2820 0830 2830 0840 2840	
0910 2910 0960 2960 1010 3010	
1020 3020 1030 3030 1040 3040	
1110 3110 1120 3120 1130 3120	
1140 3140 1210 3210 1220 3220	
1223 3223 1230 3230 1240 3240	
1250 3250	5
El Paso: Depositary banks (1120, 3120) to:	
0110 2110 0210 0260 2260 0280	
0220 2220 0310 2310 0360 2360	
0410 2410 0420 2420 0430 2430	
0440 2440 0510 2510 0519 2519	
0520 2520 0530 2530 0539 2539	
0610 2610 0620 2620 0630 2630	
0640 2640 0650 2650 0660 2660	
0710 2710 0720 2720 0730 2730	
0740 2740 0750 2750 0810 2810	
0820 2820 0830 2830 0840 2840	
0910 2910 0960 2960 0920 2920	
1010 3010 1020 3020 1030 3030	
1140 3140 1210 3210 1220 3220	
1223 3223 1230 3230 1240 3240	
1250 3250	5
San Francisco: None.	
Los Angeles: None.	
Portland:	
1250 3250	5
Salt Lake City: None.	
Seattle: Depositary banks (1250, 3250) to:	
1230 3230	5

Appendix B–2—Reduction of Schedules for Certain Nonlocal Checks Under the Permanent Schedule

A depositary bank that is located in the following check processing territories shall make funds deposited in an account by a nonlocal check described below available for withdrawal not later than the number of business days following the banking day on which funds are deposited, as specified below.

Federal Reserve Office	Number of business days following the banking day funds are deposited
Windsor Locks:	
0211 2211	3
New York: Depositary banks (0210,0280,0260,2260) to:	
0214 2214 0219 2219	3
Jericho:	
0210 0280 0260 0260	3
Cranford:	
0210 0260 0280 2260	3
Utica:	
0210 0280	3
Nashville:	
0613 2613	3
Kansas City:	
0665 2865	3

Appendix C—Model Disclosure Forms

Specific Policy Disclosures

C–1 Where bank gives next-day availability and places no holds

C–2 Where bank gives next-day availability and places holds on safeguard and new account exceptions bases

C–3 Where bank gives next-day availability and places holds to statutory limits on local and nonlocal checks, but only on a case-by-case basis, and places no holds on safeguard or new account exceptions bases

C–4 Where bank gives next-day availability and places holds to statutory limits on local and nonlocal checks, but only on a case-by-case basis, and places holds on safeguard exceptions basis but not on new account exception basis

C–5 Where bank places holds to statutory limits on all statutory categories of deposits

C–6 Where bank places holds to statutory limits on all statutory categories of deposits (includes chart)

C–7 Where bank places holds on all statutory categories of deposits, but for less than the statutory limits

Other Notices

C–8 Notice of exception

C–9 Notice of hold (bank gives next-day availability and places holds to statutory limits on local and nonlocal checks, but only on a case-by-case basis)

C–10 Notice at branch locations

C–11 Notice at proprietary automated teller machines, drive-in teller facilities, and on preprinted deposit slips

C–12 Notice at a bank's automated teller machines that may be used for deposits by customers of other banks

C–13 Interest payment policy insert in specific policy disclosure

C–1 Where bank gives next-day availability and places no holds

YOUR ABILITY TO WITHDRAW FUNDS AT (bank name and location)

Our policy is to allow you to withdraw funds deposited into your account on the next business day after the day we receive your deposit. Every day except Saturday, Sunday, and a federal holiday is a business day. Your deposit will be considered received, however, only on a day we are open for business. For example, if you deposit on Thanksgiving, we consider the deposit made on Friday, the next day we are open for business. And if you make your deposit after (time of day) on any given business day, we consider it made on the next business day.

Please remember that even after we have made funds available to you, and you have withdrawn the funds, you are still responsible for checks you deposit that are returned to us unpaid and for any other problems involving your deposit.

If you have any questions, contact your branch manager.

C–2—Where bank gives next-day availability and places holds on safeguard and new account exceptions bases

YOUR ABILITY TO WITHDRAW FUNDS AT (bank name and location)

Our policy is to allow you to withdraw funds deposited into your account on the next business day after the day we receive your deposit. Every day except Saturday, Sunday, and a federal holiday is a business day. Your deposit will be considered received, however, only on a day we are open for business. For example, if you deposit on Thanksgiving, we consider the deposit made on Friday, the next day we are open for business. And if you make your deposit after (time of day) on any given business day, we consider it made on the next business day.

Please remember that even after we have made funds available to you, and you have withdrawn the funds, you are still responsible for checks you deposit that are returned to us unpaid and for any other problems involving your deposit.

If you have any questions, contact your branch manager.

LONGER DELAYS MAY APPLY

We may delay your ability to withdraw funds deposited by check into your account an additional number of days for these reasons

If we believe the check you are depositing is uncollectible.

If you make deposits in any one day that exceed $5,000.

If you redeposit a check that has been returned unpaid.

If you have overdrawn your account three or more times in the last six months.

We will notify you if we do this, and tell you when you will be able to withdraw the funds. (We will delay for no more than four additional business days.)

SPECIAL RULES FOR NEW ACCOUNTS

If your account has been open 30 days or less, we may further limit your ability to withdraw funds deposited by check, but only during the first 30 days.

You may still withdraw funds on the next business day after the day of your deposit if you made the deposit in cash or by wire transfer. You also have next-day availability for the following deposits (if they meet certain requirements): Government checks, cashier's checks, certified checks, teller's checks, or traveler's checks. However, your withdrawals of these check deposits are limited to the first $5,000 of a day's total deposits. (The rest is available on the ninth business day after the day of deposit.)

For all other check deposits, you may withdraw the deposited funds after (number) business days.

C–3—Where bank gives next-day availability and places holds to statutory limits on local and nonlocal checks, but only on a case-by-case basis, and places no holds on safeguard or new account exceptions bases

YOUR ABILITY TO WITHDRAW FUNDS AT (bank name and location)

Our policy is to allow you to withdraw funds deposited into your account on the next business day after the day we receive your deposit. Every day except Saturday, Sunday, and a federal holiday is a business day. Your deposit will be considered received, however, only on a day we are open for business. For example, if you deposit on Thanksgiving, we consider the deposit made on Friday, the next day we are open for business. And if you make your deposit after (time of day) on any given business day, we consider it made on the next business day.

Please remember that even after we have made funds available to you, and you have withdrawn the funds, you are still responsible for checks you deposit that are returned to us unpaid and for any other problems involving your deposit.

If you have any questions, contact your branch manager.

LONGER DELAYS MAY APPLY

In some cases, we may find it necessary to delay your ability to withdraw funds deposited into your account by check beyond the next business day.

When we do extend the delay, you may not withdraw—either in cash or by writing checks to others—more than the first $100 of the deposit until the hold expires. The length of the delay will vary with the type of check you are depositing. It may last as long as seven business days after the day of your deposit (counting the business day after the day of deposit as day one).

Any time we decide to delay your ability to withdraw funds beyond the next business day, we will notify you at the time of your deposit, and we will specify the date on which you can begin to withdraw these funds. (If your deposit was made other than directly to a bank employee, we will notify you by mail the day after we receive the deposit.)

C–4—Where bank gives next-day availability and places holds to statutory limits on local and nonlocal checks, but only on a case-by-case basis, and places holds on safeguard exceptions basis, but not on new account exception basis

YOUR ABILITY TO WITHDRAW FUNDS AT (bank name and location)

Our policy is to allow you to withdraw funds deposited into your account on the next business day after the day we receive your deposit. Every day except Saturday, Sunday, and a federal holiday is a business day. Your deposit will be considered received, however, only on a day we are open for business. For example, if you deposit on Thanksgiving, we consider the deposit made on Friday, the next day we are open for business. And if you make your deposit after (time of day) on any given business day, we consider it made on the next business day.

Please remember that even after we have made funds available to you, and you have withdrawn the funds, you are still responsible for checks you deposit that are returned to us unpaid and for any other problems involving your deposit.

If you have any questions, contact your branch manager.

LONGER DELAYS MAY APPLY

In some cases, we may find it necessary to delay your ability to withdraw funds deposited into your account by check beyond the next business day.

When we do extend the delay, you may not withdraw—either in cash or by writing checks to others—more than the first $100 of the deposit until the hold expires. The length of the delay will vary with the type of check you are depositing. It may last as long as seven business days after the day of your deposit (counting the business day after the day of deposit as day one).

Any time we decide to delay your ability to withdraw funds beyond the next business day, we will notify you at the time of your deposit, and we will specify the date on which you can begin to withdraw these funds. (If your deposit was made other than directly to a bank employee, we will notify you by mail the day after we receive the deposit.)

C–5—Where bank places holds to statutory limits on all statutory categories of deposits

YOUR ABILITY TO WITHDRAW FUNDS AT (bank name and location)

Our policy is to delay your ability to withdraw funds that you deposit by check into your account. The length of the delay varies, and is explained below. When we delay your ability to withdraw funds from a deposit, you may not withdraw the funds in cash, and we will not pay checks you write on your account by using these funds.

Please remember that even after we have made funds available to you, and you have withdrawn the funds, you are still responsible for checks you deposit that are returned to us unpaid and for any other problems involving your deposit.

If you have any questions, contact your branch manager.

DETERMINING AVAILABILITY OF YOUR DEPOSIT

When we delay your ability to withdraw funds, the length of the delay is counted in business days from the day of your deposit. Every day except Saturday, Sunday, and a federal holiday is a business day. Your deposit will be considered received, however, only on a day we are open for business. For example, if you deposit on Thanksgiving, we consider the deposit made on Friday, the next day we are open for business. And if you make your deposit after (time of day) on any given business day, we consider it made on the next business day.

1. Next-Day Availability

You may withdraw the first $100 of any deposit of checks on the next business day after the day of your deposit.

In addition, you may withdraw the entire amount of the following deposits on the next business day after the business day of your deposit:

Cash.

Wire transfers, including preauthorized credits, such as social security benefits and payroll payments.

Checks drawn on us, that is, drawn on the (bank name) unless (any limitations related to branches in different states or check processing regions.).

United States government checks payable to you.

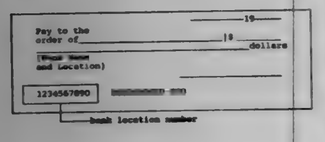
State and local government checks if they are payable to you and if you use a special deposit slip available from (where the form may be obtained).

Cashier's, certified, or teller's checks if they are payable to you and if you use a special deposit slip available from (where the form may be obtained).

2. Availability of Other Check Deposits

Your ability to withdraw deposits other than those listed above depends on whether your check is local or nonlocal.

To determine whether the check you want to deposit is local or a nonlocal check, look at its bank location number. This is the number printed on the lower left-hand corner of the check:



If the first four digits of the bank location number (1234 in the above example) are (bank's local routing numbers), then the check is drawn on a bank that is located in the same check-processing region as us, and we consider it a local check. If the first four digits of the bank location number of the check you are depositing are not listed above, then the check is drawn on a bank outside our check-processing region and we consider it a nonlocal check.

Local checks deposited into your account will be available to pay any checks you have written to others starting on the third business day after the business day of your deposit. (The first $100 of any checks deposited may be withdrawn on the business day following the day of deposit.) Also, you may withdraw up to $400 of the deposit in cash at or after (time no later than 5:00 p.m.) on the third business day after the business day of your deposit if your check is a local check. You may withdraw the remaining amount on the fourth business day after the day of your deposit.

For example, if you deposit a local check of $800 on a Monday, $100 of the deposit is available Tuesday, and the rest is available to pay checks written to others on Thursday. At or after (time no later than 5:00 p.m.) on Thursday you may withdraw up to $400 of the deposit in cash, and the rest is available for cash withdrawal on Friday.

Nonlocal checks deposited into your account will be available to pay any checks you have written to others starting on the seventh business day after the business day of your deposit. Also, you may withdraw the funds from the deposit in cash on that day.

For example, if you deposit a nonlocal check on a Monday, the funds from the deposit are available for withdrawal or to pay checks written to others on Wednesday of the next week.

3. Deposits at Automated Teller Machines

You may not withdraw funds from any deposits, whether cash or checks, made at automated teller machines we do not own or operate until the seventh business day after the business day of your deposit.

LONGER DELAYS MAY APPLY

We may delay your ability to withdraw funds deposited by check into your account an additional number of days for these reasons:

If we believe the check being deposited is uncollectible.

If you make deposits in any one day that exceed $5,000.

If you redeposit a check that has been returned unpaid.

If you have overdrawn your account three or more times in the last six months.

We will notify you if we do this, and tell you when you will be able to withdraw the funds. (We will delay for no more than four additional business days.)

SPECIAL RULES FOR NEW ACCOUNTS

If your account has been open 30 days or less, we may further limit your ability to withdraw funds deposited by check, but only during the first 30 days.

You may still withdraw funds on the next business day after the day of your deposit if you made the deposit in cash or by wire transfer. You also have next-day availability for the following deposits (if they meet certain requirements): government checks, cashier's checks, certified checks, teller's checks, or traveler's checks. However, your withdrawals of these check deposits are limited to the first $5,000 of a day's total deposits. (The rest is available on the ninth business day after the day of deposit.)

For all other check deposits, you may withdraw the deposited funds after (number) business days.

C-6—Where bank places holds to statutory limits on all statutory categories of deposits (includes chart)

YOUR ABILITY TO WITHDRAW FUNDS AT (bank name and location)

Our policy is to delay your ability to withdraw funds that you deposit by check into your account. The length of the delay varies, and is explained below. When we delay your ability to withdraw funds on a deposit, you may not withdraw the funds in cash and we will not pay checks you write on your account by using these funds.

Please remember that even after we have made funds available to you, and you have withdrawn the funds, you are still responsible for checks you deposit that are returned to us unpaid and for any other problems involving your deposit.

If you have any questions, contact your branch manager.

DETERMINING AVAILABILITY OF YOUR DEPOSIT

When we delay your ability to withdraw funds, the length of the delay is counted in business days from the day of your deposit. Every day except Saturday, Sunday, and a federal holiday is a business day. Your deposit will be considered received, however, only on a day we are open for business. For example, if you deposit on Thanksgiving, we consider the deposit made on Friday, the next day we are open for business. And if you make your deposit after (time of day) on any given business day, we consider it made on the next business day.

1. Next-Day Availability

You may withdraw the first $100 of any deposit of checks on the next business day after the day of your deposit.

In addition, you may withdraw the entire amount of the following deposits on the next business day after the business day of your deposit.

Cash.

Wire transfers, including preauthorized credits, such as social security benefits and payroll payments.

Checks drawn on us, that is, drawn on the (bank name) unless (any limitations related to branches in different states or check processing regions).

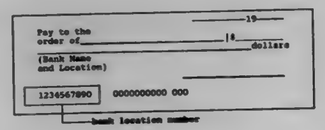
United States government checks payable to you.

State and local government checks if they are payable to you and if you use a special deposit slip available from (where the form may be obtained).

Cashier's, certified, or teller's checks if they are payable to you and if you use a special deposit slip available from (where the form may be obtained)

2. Availability of Other Check Deposits

To determine when funds deposited by check will be available to pay any checks you have written to others or for withdrawal, look at the check's bank location number. This is the number printed on the lower-left-hand corner of the check:



Once you have determined the bank location number, look at the first four digits of that number. The following chart can show you the availability time for your deposit:

Bank location number (first four digits) on the check being deposited	When funds are available	Example: When funds are available if a deposit is made on a Monday
(Local bank numbers).	3rd business day to pay checks written to others and $400 cash for withdrawal at or after (time no later than 5:00 p.m.).	Thursday (third day after the deposit).
	4th business day for rest of cash or to pay checks.	Friday (fourth day after the deposit).
All other bank numbers.	7th business day.....	Next Wednesday (the week following the deposit).

Deposits at automated teller machines that we do not own or operate, whether cash or check deposits, will not be available for withdrawal until the seventh business day after the date of deposit. (For example, a deposit you made on Monday of this week will not be available for withdrawal until Wednesday of next week.)

LONGER DELAYS MAY APPLY

We may delay your ability to withdraw funds deposited by check into your account an additional number of days for these reasons:

If we believe the check you are depositing is uncollectible.

If you make deposits in any one day that exceed $5,000.

If you redeposit a check that has been returned unpaid.

If you have overdrawn your account three or more times in the last six months.

We will notify you if we do this, and tell you when you will be able to withdraw. (We will delay for no more than four additional business days.)

SPECIAL RULES FOR NEW ACCOUNTS

If your account has been open 30 days or less, we may further limit your ability to withdraw funds deposited by check, but only during the first 30 days.

You may still withdraw funds on the next business day after the day of your deposit if you made deposit in cash or by wire transfer. You also have next-day availability for the following deposits (if they meet certain requirements): government checks, cashier's checks, certified checks, teller's checks, or traveler's checks. However, your withdrawals of these check deposits are limited to the first $5,000 of a day's total deposits. (The rest is available on the ninth business day after the day of deposit.)

For all other check deposits, you may withdraw the deposited funds after (number) business days.

C-7—Where bank places holds on all statutory categories of deposits, but for less time than the statutory limits

YOUR ABILITY TO WITHDRAW FUNDS AT (bank name and location)

Our policy is to delay your ability to withdraw funds that you deposit by check into your account. The length of the delay varies, and is explained below. When we delay your ability to withdraw funds, you may not withdraw the funds in cash, and we will not pay checks you write on your account by using these funds.

Please remember that even after we have made funds available to you, and you have withdrawn the funds, you are still responsible for checks you deposit that are returned to us unpaid and for any other problems involving your deposit.

If you have any questions, contact your branch manager.

DETERMINING AVAILABILITY OF YOUR DEPOSIT

When we delay your ability to withdraw funds, the length of the delay is counted in business days from the day of your deposit. Every day except Saturday, Sunday, and a federal holiday is a business day. Your deposit will be considered received, however, only on a day we are open for business. For example, if you deposit on Thanksgiving, we consider the deposit made on Friday, the next day we are open for business. And if you make your deposit after (time of day) on any given business day, we consider it made on the next business day.

1. Next-Day Availability

You may withdraw the first $100 of any deposit of checks on the next business day after the day of your deposit.

In addition, you may withdraw the entire amount of the following deposits on the next business day after the business day of your deposit:

Cash.

Wire transfers, including preauthorized credits, such as social security benefits and payroll payments.

Checks drawn on us, that is, drawn on the (bank name) unless (any limitations related to branches in different states or check processing regions).

United States government checks payable to you.

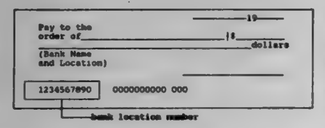
State and local government checks if they are payable to you and if you use a special deposit slip available from (where the form may be obtained).

Cashier's, certified, or teller's checks if they are payable to you and if you use a special deposit slip available from (where the form may be obtained).

2. Availability of Other Check Deposits

Your ability to withdraw deposits other than those listed above depends on whether your check is local or nonlocal.

To determine whether the check you want to deposit is a local or a nonlocal check, look at its bank location number. This is the number printed on the lower-left-hand corner of the check:



If the first four digits of the bank location number (1234 in the above example) are (bank's local routing numbers), then the check is drawn on a bank that is located in the same check-processing region as us, and we consider it a local check. If the first four digits of the bank location number of the check you are depositing are not listed above, then the check is drawn on a bank outside our check-processing region and we consider it a nonlocal check.

Local checks deposited into your account will be available to pay any checks you have written to others starting on (date). (The first $100 of any checks deposited may be withdrawn on the business day following the day of deposit.) Also, you may withdraw (amount) of the deposit in cash at or after (time no later than 5:00 p.m.) on (date) if your check is a local check. You may withdraw the remaining amount on (date).

For example, if you deposit a local check of $800 on a Monday, $100 of the deposit is available Tuesday, and the rest is available to pay checks written to others on (day). At or after (time no later than 5:00 p.m.) (amount) of the deposit in cash, and the rest is available for cash withdrawal on (day).

Nonlocal checks deposited into your account will be available to pay any checks you have written to others starting on (date). Also, you may withdraw the funds from the deposit in cash on that day.

For example, if you deposit a nonlocal check on a Monday, the funds from the deposit are available for withdrawal or to pay checks written to others on (day).

3. Deposits at Automated Teller Machines

You may not withdraw funds from any deposits, whether cash or checks, made at automated teller machines we do not own or operate until (date).

LONGER DELAYS MAY APPLY

We may delay your ability to withdraw funds deposited by check into your account an additional number of days for these reasons

If we believe the check being deposited is uncollectible.

If you make deposits in any one day that exceed $5,000.

If you redeposit a check that has been returned unpaid.

If you have overdrawn your account three or more times in the last six months.

We will notify you if we do this, and tell you when you will be able to withdraw the funds. (We will delay for no more than four additional business days.)

SPECIAL RULES FOR NEW ACCOUNTS

If your account has been open 30 days or less, we may further limit your ability to withdraw funds deposited by check, but only during the first 30 days.

You may still withdraw funds on the next business day after the day of your deposit if you made the deposit in cash or by wire transfer. You also have next-day availability for the following deposits (if they meet certain requirements): government checks, cashier's checks, certified checks, teller's checks, or traveler's checks. However, your withdrawals of these check deposits are limited to the first $5,000 of a day's total

deposits. (The rest is available on the ninth business day after the day of deposit.)

For all other check deposits, you may withdraw the deposited funds after (number) business days.

C–8—Notice of exception

Exception Hold Notice

(Date hold is placed)

We are placing a hold on the following checks deposited on (date). These funds will be available to you (number of business days) business days after the date the deposit was made. Please remember that even after we have made funds available to you, and you have withdrawn the funds, you are still responsible for checks that you deposit that are returned to us unpaid and for any other problems involving your deposit.

(*description of items including amount and payee*)

We placed the hold for the following reason(s):

☐The check you deposited has been returned unpaid and is being redeposited.

☐Your account has been overdrawn three or more times in the last six months.

☐The checks you deposited on this day exceed $5,000. (This hold applies only to the amount over $5,000.)

☐We believe the check may be uncollectible for the following reasons:

If you have any questions regarding this notice you may call (telephone number).

C–9—Notice of hold (bank gives next-day availability and places holds to statutory limits on local and nonlocal checks, but only on a case-by-case basis)

Notice of Hold

Date of deposit (*today's date*).

Amount of deposit (*amount*).

We are placing a hold on this deposit. These funds will be available to you on (*date*). Please remember that even after we have made funds available to you, and you have withdrawn the funds, you are still responsible for checks that you deposit that are returned to us unpaid and for any other problems involving your deposit.

C–10—Notice at branch locations

FUNDS AVAILABILITY POLICY

Description of deposit	When funds can be withdrawn by cash or check
Cash, wire transfers, checks on us unless (any limitation related to tranches in different check processing regions), government, cashier's, certified, or teller's checks.	The business day after the day of deposit.
Local checks	The third business day after the day of deposit.

FUNDS AVAILABILITY POLICY—Continued

Description of deposit	When funds can be withdrawn by cash or check
Nonlocal checks	The seventh business day after the day of deposit.

C–11—Notice at proprietary automated teller machines, drive-in teller facilities, and on preprinted deposit slips

AVAILABILITY OF DEPOSITS

Notice: Deposits may not be available for immediate withdrawal. (Please refer to the bank's rules governing funds availability for details.)

C–12—Notice at a bank's automated teller machines that may be used for deposits by customers of other banks

AVAILABILITY OF DEPOSITS

Notice: If your account is at a bank other than (name of bank), funds deposited by cash or check may not be available until the seventh business day following the day of deposit. Please refer to your bank's rules governing funds availability for details.

C–13—Interest payment policy insert in specific policy disclosure

INTEREST PAYMENT POLICY

If we receive a deposit to your account on or before the tenth of the month, you begin earning interest on the deposit, whether it was a deposit of cash or checks, on the first day of the month. If we receive the deposit after the tenth of the month, you begin earning interest on the deposit as of the first of the following month. For example, a deposit made on June 7 earns interest from June 1, while a deposit made on June 17 earns interest from July 1.

Appendix D—Indorsement Standards

1. The depositary bank shall indorse a check according to the following specifications:

• The indorsement shall contain—

—The bank's nine-digit routing number, set off by arrows at each end of the number and pointing toward the number;

—The bank's name/location;

—The indorsement date.

• The indorsement may also contain—

—An optional branch identification;

—An optional trace/sequence number;

—Other optional information provided that the inclusion of such information does not interfere with the readability of the indorsement.

• The indorsement shall be written in dark purple ink.

• The indorsement shall be placed on the back of the check in the following location:

—A block-style indorsement, such as applied by an encoder or microfilmer, shall be wholly contained in the area 3.0 inches to 4.5 inches from the leading edge of the check.[1]

—A linear-style indorsement, such as applied by a reader/sorter, shall be placed so that the routing number is wholly contained in the area 3.0 inches to 4.5 inches from the leading edge of the check.

—The indorsement shall not be placed in the MICR clear band, extending along the bottom edge of the check to a height of 0.625 inch, nor in the one-write carbonized band location, extending the length of the check in a line between 1.4 inches and 1.9 inches above the bottom edge of the check.

2. Each subsequent bank indorser shall protect the identifiability and legibility of the depositary bank indorsement by:

• Including *only* its nine-digit routing number (without arrows), the indorsement date, and an optional trace/sequence number;

• Using an ink color other than purple;

• Staying clear of the area 3.0 inches to 4.5 inches from the leading edge of the check specified for the depositary bank indorsement.

3. All other indorsing parties, e.g., corporations, should protect the identifiability and legibility of the depositary bank indorsement by staying clear of the area 3.0 inches to 4.5 inches from the leading edge of the check specified for the depositary bank indorsement.

4. All depositary banks shall work with corporate indorsers to arrange that corporate payee indorsements include the name and nine-digit routing number of the bank in which they are depositing the check and the corporation's account number at that bank.

2. Part 210 is amended as follows:

PART 210—COLLECTION OF CHECKS AND OTHER ITEMS AND TRANSFERS OF FUNDS (REGULATION J)

a. The authority citation for Part 210 is revised to read as follows:

Authority: Federal Reserve Act, section 13 (12 U.S.C. 342), section 11(i) (12 U.S.C. 248(i)), section 16 (12 U.S.C. 248(o) and 360), and section 19(f) (12 U.S.C. 464); and the Expedited Funds Availability Act (12 U.S.C. 4001 *et seq.*).

b. Section 210.1 is revised to read as follows:

§ 210.1 Authority, purpose, and scope.

The Board of Governors of the Federal Reserve System ("Board") has issued this subpart pursuant to the Federal Reserve Act, section 13 (12 U.S.C. 342), section 11(i) (12 U.S.C. 248(i)), section 16 (12 U.S.C. 248(o) and 360), and section 19(f) (12 U.S.C. 464); the Expedited Funds Availability Act (12 U.S.C. 4001 *et seq.*); and other laws. This subpart

[1] The leading edge is defined as the right side of the check looking at it from the front. See American National Standards Committee on Financial Services, Specification for the Placement and Location of MICR Printing, X 9.13.

governs the collection of checks and other cash and noncash items by Federal Reserve Banks. Its purpose is to provide rules for collecting items and settling balances.

c. In § 210.2, paragraph (e) and the undesignated paragraph at the end of paragraph (g) are revised, paragraph (j) is revised, paragraphs (k) and (l) are redesignated as paragraphs (l) and (m), a new paragraph (k) is added, the redesignated paragraph (l) is amended by adding a second sentence, and the undesignated paragraph at the end of § 210.2 is revised to read as follows:

§ 210.2 Definitions.

* * * * *

(e) "Cash item" means—

(1) A check other than one classified as a noncash item under this section; or

(2) Any other item payable on demand and collectible at par that the Reserve Bank of the District in which the item is payable is willing to accept as a cash item.

"Cash item" does not include a returned check.

* * * * *

(g) * * *

Unless otherwise indicated, "item" includes both cash and noncash items and a returned check, whether or not sent by a sender.

* * * * *

(j) "Paying bank" means—

(1) The bank by which an item is payable unless the item is payable or collectible at or through another bank and is sent to the other bank for payment or collection;

(2) The bank at or through which an item is payable or collectible and to which it sent for payment or collection;

(3) The bank whose routing number appears on a check in magnetic characters or fractional form and to which the check is sent for payment or collection: or

(4) The state on which a check described in 12 CFR 229.2 is drawn.

* * * * *

(k) "Returned check" means a cash item or a check as defined in 12 CFR 229.2 returned by a paying bank, inoluding a notice of nonpayment in lieu of a returned cash item or check, whether or not a Reserve Bank handled the check for collection.

* * * * *

(l) * * * Sender does not include a paying bank with respect to a returned check. * * *

* * * * *

Unless the context otherwise requires, the terms not defined herein have the meanings set forth in 12 CFR 229.2 and the terms not defined herein or in 12 CFR 229.2 have the meanings set forth in the Uniform Commercial Code.

d. Paragraph (b) of section 210.7 is revised to read as follows:

§ 210.7 Presenting items for payment.

* * * * *

(b) *Place of presentment.* A Reserve Bank or subsequent collecting bank may present an item—

(1) At a place requested by the paying bank;

(2) In the case of a check as defined in 12 CFR 229.2, in accordance with 12 CFR 229.36;

(3) At a place requested by the nonbank payor, if the item is payable by a nonbank payor other than through or at a paying bank;

(4) Under a special collection agreement consistent with this subpart; or

(5) Through a clearinghouse and subject to its rules and practices.

* * * * *

e. Section 210.10 is revised to read as follows:

§ 210.10 Time schedule and availability of credits for cash items and returned checks.

(a) Each Reserve Bank shall include in its operating circulars a time schedule for each of its offices indicating when the amount of any cash item or returned check received by it (or sent direct to another Reserve office for the account of that Reserve Bank) is counted as reserves for purposes of Part 204 of this chapter (Regulation D) and becomes available for use by the sender. The Reserve Bank shall give either immediate or deferred credit in accordance with its time schedule to a sender other than a foreign correspondent. A Reserve Bank ordinarily gives credit to a foreign correspondent only when the Reserve Bank receives payment of the item in actually and finally collected funds, but, in its discretion, a Reserve Bank may give immediate or deferred credit in accordance with its time schedule.

(b) Notwithstanding its time schedule, a Reserve Bank may refuse at any time to permit the use of credit given for any cash item or returned check for which the Reserve Bank has not yet received payment in actually and finally collected funds.

f. Section 210.12 is revised to read as follows:

§ 210.12 Return of cash items and handling of returned checks.

(a) *Return of cash items.* A paying bank that receives a cash item directly or indirectly from a Reserve Bank, other than for immediate payment over the counter, and that pays for the item as provided in § 210.9(a) of this subpart, may, before it has finally paid the item, return the item, or if the item is unavailable for return, send notice of nonpayment in lieu of the item, to its Reserve Bank in accordance with the Uniform Commercial Code and Subpart C of Part 229 and its Reserve Bank's operating circular. The rules or practices of a clearinghouse through which the item was presented, or a special collection agreement under which the item was presented, may not extend these return times, but may provide for a shorter return time.

(b) *Return of checks not handled by Reserve Banks.* A paying bank that receives a check as defined in 12 CFR 229.2, other than directly or indirectly from a Reserve Bank, and that determines not to pay the check, may send the returned check or notice of nonpayment in lieu of the returned check to its Reserve Bank in accordance with Subpart C of Part 229 and its Reserve Bank's operating circular. A returning bank may send a returned check to its Reserve Bank in accordance with Subpart C of Part 229 and its Reserve Bank's operating circular.

(c) *Paying bank's and returning bank's agreement.* By sending a returned check to a Reserve Bank, the paying bank or returning bank—

(1) Authorizes the receiving Reserve Bank (and any other Reserve Bank or returning bank to which the returned check is sent) to handle the returned check subject to this subpart and to the Reserve Banks' operating circulars;

(2) Makes the warranties set forth in 12 CFR 229.34; and

(3) Agrees to indemnify each Reserve Bank for any loss or expense (including attorneys' fees and expenses of litigation) resulting from—

(i) The paying or returning bank's lack of authority to give the authorization in paragraph (c)(1) of this section;

(ii) Any action taken by a Reserve Bank within the scope of its authority in handling the returned check; or

(iii) Any warranty made by the Reserve Bank under 12 CFR 229.34.

(d) *Recovery by Reserve Bank.* If an action or proceeding is brought against (or if defense is tendered to) a Reserve Bank that has handled a returned check based on—

(1) The alleged failure of the paying or returning bank to have the authority to give the authorization in paragraph (c)(1) of this section;

(2) Any action by the Reserve Bank within the scope of its authority in handling the returned check; or

(3) Any warranty made by the Reserve Bank under 12 CFR 229.34,

the Reserve Bank may, upon the entry of a final judgment or decree, recover from the paying bank or returning bank the amount of attorneys' fees and other expenses of litigation incurred, as well as any amount the Reserve Bank is required to pay under the judgment or decree, together with interest thereon.

(e) *Methods of recovery.* The Reserve Bank may recover the amount stated in paragraph (d) of this section by charging any account on its books that is maintained or used by the paying or returning bank (or if the sender is another Reserve Bank, by entering a charge against the other Reserve Bank through the Interdistrict Settlement Fund), if—

(1) The Reserve Bank made seasonable written demand on the paying or returning bank to assume defense of the action or proceeding; and

(2) The paying or returning bank has not made any other arrangement for payment that is acceptable to the Reserve Bank.

The Reserve Bank is not responsible for defending the action or proceeding before using this method of recovery. A Reserve Bank that has been charged through the Interdistrict Settlement Fund may recover from the paying or returning bank in the manner and under the circumstances set forth in this paragraph. A Reserve Bank's failure to avail itself of the remedy provided in this paragraph does not prejudice its enforcement in any other manner of the indemnity agreement referred to in paragraph (c)(3) of this section.

(f) A Reserve Bank shall handle a returned check, or a notice of nonpayment, in accordance with Subpart C of Part 229 and its operating circular. A Reserve Bank may permit or require the paying bank to send direct to another Reserve Bank a returned check with respect to which the depositary bank is located within the other Reserve Bank's District, in accordance with § 210.4(b).

(g) A subsequent returning bank or depositary bank shall settle for returned checks in the same manner as for cash items presented for payment.

§ 210.15 [Removed]

g. Section 210.15 is removed.

By order of the Board of Governors of the Federal Reserve System, December 3, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-28144 Filed 12-10-87; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL RESERVE SYSTEM

[Docket No. R-0621]

Federal Reserve Bank Services

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comment.

SUMMARY: The Board is requesting comment on a proposal for the Federal Reserve Banks to offer several new services to depository institutions. These services will assist depository institutions in complying with the new rules for the collection and return of checks that the Board is, in Docket No. R-0620, proposing to adopt to implement the Expedited Funds Availability Act.

DATE: Comments must be submitted on or before February 8, 1988. No extension of time for comments will be provided.

ADDRESS: Comments, which should refer to Docket No. R-0621, may be mailed to the Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551, Attention: Mr. William W. Wiles, Secretary; or may be delivered to Room B-2223 between 8:45 a.m. and 5:00 p.m. All comments received at the above address will be included in the public comments file, and may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: Steven O. App, Manager (202/452-3760); Thomas C. Luck, Senior Analyst (202/452-3935); or Gayle Thompson, Senior Analyst (202/452-2934); Division of Federal Reserve Bank Operations. For the hearing impaired only: Telecommunications Device for the Deaf, Ernestine Hill or Dorothea Thompson (202/452-3254).

SUPPLEMENTARY INFORMATION: The Expedited Funds Availability Act, Title VI of Pub. L. 100-86, requires banks and other depository institutions (collectively referred to as "banks" [1]) to make funds deposited into accounts available to depositors within time periods specified by the Act and to disclose funds availability policies to their depositors. The Board is given responsibility to adopt regulations to implement the Act. The Act also provides the Board with broad authority to adopt regulations to improve the check processing system so that checks may be cleared and, if necessary, returned within the funds availability schedules mandated by the Act.

The Board is today requesting comment on a series of proposals, Docket Nos. R-0620, R-0621, and R-0622, that will exercise its responsibilities under the Act. Docket No. R-0620 consists of a proposed regulation (Regulation CC, 12 CFR Part 229) that will clarify the definitions of the Act, provide detailed rules to facilitate compliance with the availability and disclosure requirements, and make several substantive changes to the current law on the collection of checks to encourage faster return of unpaid checks, thus minimizing the losses that could result from compliance with the availability schedules. Docket No. R-0620, also proposes several amendments to the Board's current Regulation J (12 CFR Part 210), which governs the collection of checks and other items by Federal Reserve Banks, so that it conforms to the new standards adopted in Regulation CC.

This docket, No. R-0621 Federal Reserve Bank Services, requests comment on proposed new services to be offered by the Federal Reserve Banks to assist banks and other depository institutions to comply with the new check collection rules established in Regulation CC. Docket No. R-0622 Proposals for Long-Term Improvements to the Check Collection System, requests comment on some possible services that the Federal Reserve are studying as well as longer-term improvements to the nation's check collection system.

Commenters should review the overview material contained in Docket No. R-0620 Regulation CC, which provides background on these proposals.

The Federal Reserve System is a major provider of check collection services to banks, and the 48 Federal Reserve check processing offices currently handle about 150 million returned checks annually. In contrast to the forward collection process, the return item process is a slow, relatively labor intensive, and costly operation. A brief description of the current process can be found in the overview material contained in Docket No. R-0620, Regulation CC.

Under current procedures, most returned checks will not reach the depositary bank before it must make funds available to its customers according to the availability schedules mandated by the Expedited Funds Availability Act (12 U.S.C. 4002). To reduce the risk to depositary banks, the Federal Reserve is proposing new responsibilities for paying banks to return checks expeditiously. The Federal Reserve has also developed new services to enable paying banks to meet these new responsibilities.

In developing these services, considerable emphasis was placed on assuring that banks would have available several alternative approaches to comply with the provisions of the proposed regulations. A number of new and enhanced services that will increase the speed of the return process are proposed by the Federal Reserve, including direct returns, universal returns, expedited processing of nonautomated returns, high-speed processing of automated returns, and improved notification services. In addition, the Federal Reserve is proposing to implement truncation and Extended MICR (Magnetic Ink Character Recognition) services. It is anticipated that private sector check collection service providers will also develop similar or other innovative check services.

Proposed Federal Reserve Bank Services

Direct Returns

One of the constraints to the speed of the current return item process is the number of returning banks that process a check during its trip from the paying bank back to the depositary bank. Returned checks handled by the Federal Reserve generally are returned to the bank that originally deposited the check with the Federal Reserve. Thus, if the Federal Reserve originally received a check for deposit from a correspondent bank, and that check is returned, the Federal Reserve will send that return to the correspondent. That correspondent will, in turn, send the return to its indorser, most likely the depositary bank. It is important to expedite this return process when the Act becomes effective. Experience with a pilot program conducted by the Federal Reserve Bank of Dallas has shown that the return process can be completed more promptly if the number of returning banks can be minimized and the returned check is sent directly to the depositary bank.

The Federal Reserve is proposing to return checks directly to the depositary bank, or its agent by September 1, 1988; bypassing other returning banks in the indorsement chain. The objective of this proposal is to speed the return process by reducing the number of banks that must handle a returned check.

[1] The proposed Regulation CC terminology corresponds with the terminology of the Uniform Commercial Code, with some modifications. *Bank* is defined to include all depository institutions. A *paying bank* is the bank on which the check is drawn. In the case of payable through drafts, the payable through bank is the paying bank. A *returning bank* is an intermediary bank handling a returned check. A *depositary bank* is the bank in which the check was first deposited. (See § 229.2 of the proposed regulation for the complete definitions of these terms.)

VOL 52 ISS 238 DEC 11 1987 UMI

VOL 52 ISS 238 DEC 11 1987 UMI

Experience with the Dallas pilot program indicates that the direct return process would reduce the average return time by approximately one-half day for returns processed by the Federal Reserve, with greater improvements for checks that currently take the longest to return—those with multiple intermediary bank indorsers. A survey of over 18,000 returned checks at 12 Federal Reserve offices revealed that 43 percent of all returned checks were handled by one or more correspondents during forward collection. Bypassing these correspondents by directly returning checks to the depositary bank would reduce return times by a day or more.

The proposed direct return procedure will be more costly for the Federal Reserve because of the additional endpoints to which returned checks must be sorted and delivered. The Federal Reserve may sort returns to an estimated 26,000 endpoints under a direct return procedure, in contrast to 5,600 today—an increase of nearly 370 percent. The Federal Reserve's transportation expenses for delivery of returned checks could also increase substantially if delivery of returns were made via courier to all depositary banks. The Federal Reserve delivers to approximately 10,500 endpoints via courier today and anticipates that most returns can be delivered via this transportation.

Recognizing the desirability of providing prompt return of checks to depositary banks while seeking to minimize increases in transportation costs, the Board proposes the following:

—A depositary bank may receive returned checks from the Federal Reserve, at no charge, at a location where the Federal Reserve currently delivers the bank's forward collection checks, or at a location where the Federal Reserve currently provides courier delivery, or at another designated location through the U.S. mail.

—A depositary bank that wishes its returned checks delivered by courier to a location where the Federal Reserve does not currently provide courier service may be charged for newly instituted transportation.

The Board requests comment on the proposal for Federal Reserve offices to deliver returned checks directly to the depositary bank. Comment is also requested on the proposed guidelines for delivery of returned checks by courier.

Universal Returns

Currently, unpaid checks are sent back to the presenting bank. In order to assist paying banks in meeting the new requirements for prompt return (See Regulation CC 12 CFR 229.30(a) Docket No. R–0620), the Federal Reserve is proposing to accept from paying banks by September 1, 1988, all returned checks regardless of whether or not the checks were originally collected through the Federal Reserve. Paying banks, of course, would not be obligated to send any returned checks to the Federal Reserve. It is anticipated that most returned checks originally cleared through private clearing arrangements would continue to be exchanged directly by the clearing participants.

Expedited Processing of Returns

Most Federal Reserve offices now receive returned checks during the late evening/early morning hours and process the checks during the daytime hours. Dispatch of the returned checks is generally made on the next available transportation to indorsers and other Federal Reserve offices. Thus, returned checks received by the Federal Reserve can be in the possession of the Federal Reserve for up to a day before being sent to the previous indorser.

The Federal Reserve is proposing to establish by September 1, 1988, returned check deposit deadlines at Federal Reserve offices, supported by expanded processing capabilities, such that local returned checks can, in most instances, be returned to the depositary bank the day following dispatch by the paying bank. The objective of this proposal is to provide for overnight processing and dispatch of returned checks similar to current processing and presentment time frames for forward collection checks.

Deadlines for deposit of returned checks will correspond as closely as possible to forward collection deadlines in order to minimize transportation costs to paying banks. Each Federal Reserve office will offer at least one deposit deadline for all raw returned checks deposited intermixed. The earliest deadline for a mixed return letter will be 8:00 p.m. Deposits of raw returned checks at later deadlines, typically at midnight, may have to be presorted into separate local and nonlocal return letters prior to deposit with the Federal Reserve. Paying and returning banks will also have the opportunity to fine-sort returns by depositary bank in order to obtain later deposit deadlines and lower fees.

Fees for processing raw local returned checks are projected to be in the range of $0.25 to $0.75 per return. Fees will be the same for all types of local returns, i.e., city/regional/country, but fees may vary at different deposit deadlines. Fees for nonlocal raw returned checks are projected to be in the range of $0.30 to $1.00 per return. The higher range for nonlocal checks reflects the cost of processing at two Federal Reserve offices as well as transportation costs between the two offices. Fees for returned checks that have been fine-sorted prior to deposit with the Federal Reserve will be the same as fees for forward collection fine-sorted deposits.

Fees for automated returns or qualified returned checks (QRC) initially are expected to be the same as the fees for regular forward collection checks of the same type. In addition, for both raw and qualified returned checks, a return letter fee similar to the cash letter fees imposed on forward collection checks would be assessed. The implementation of explicit fees for returned checks will most likely result in a reduction in Federal Reserve prices for forward collection checks.

The Reserve Banks may offer deposit options under which paying banks would place the depositary bank's routing number on the face of the returned check before sending it to the Federal Reserve. Fees and deadlines would be set to reflect the additional preparations performed by the paying bank.

The Board requests comment on the impact of the proposed deadline and fee changes on the operations of banks. In addition, the Board would appreciate specific comments on the proposed deposit option wherein paying banks would place the nine-digit routing number of the depositary bank on the face of the returned check.

High-Speed Processing of Returned Checks

One proposed method of handling returned checks more efficiently is to prepare returned checks for high-speed processing as early as possible in the return cycle. This can be done by placing the dishonored check in a carrier envelope or putting a strip across the bottom of the returned check and encoding on the envelope or strip the nine-digit routing number of the depositary bank, the amount of the check, and a returned check identifier. To reduce possible error and the resulting liability, banks qualifying returned checks probably would use a check-digit algorithm to verify the accuracy of the routing number encoded on the envelope or strip.

The Board includes the following information to provide commenters with the background necessary to evaluate this proposed solution. From November 1985 to February 1986, the American Bankers Association and the Federal Reserve, with the cooperation of many banks, conducted a test of a qualified returned check system, proposed by Valley National Bank, Phoenix, Arizona. As proposed, the paying bank deciding to return a check would qualify the returned check and place it into the outgoing collection work. This collection path would be independent of the path chosen by the depositary bank to collect the check being returned. Credit would be passed as if the returned check were being collected through the forward collection process. The test provided data that indicated that the QRC procedure would be successful in speeding the flow of the returned check to the depositary bank. A complete analysis of the test program and its results is available from the Secretary of the Board at the address indicated in the caption.

The benefits that can be derived from using the QRC system include more timely delivery of returned checks to the depositary bank, elimination of manual handling at intermediary processors, use of the most efficient high-speed process to move the returned check to the depositary bank, and a reduction in the use of mail to transport returned checks to the depositary bank or a returning bank. These benefits can be accrued with a minimal investment in new equipment since most of the equipment used for this procedure is readily available and in use at many banks.

Even though the test program results indicated that benefits could be gained from implementation of such a procedure, various concerns prohibited banks from implementing the system at the end of the test period. One of the key barriers to successful implementation of the QRC process was the fact that three jurisdictions have not adopted an optional provision of the U.C.C. that allows the paying bank to send returned checks directly to the depositary bank. The proposed Regulation CC, section 229.30(a) overrides any conflicting state law and allows banks in all jurisdictions to return checks directly to the depositary bank or to an intermediary bank or processor that was not in the original collection chain.

Another concern for the paying bank is how to identify and easily determine the depositary bank and its nine-digit routing number among all the varying sizes and descriptions of indorsements on the back of the check. Frequently, the depositary bank will not be one of the correspondent banks with whose indorsement a bank's return item personnel are familiar. This problem is being addressed in the proposed Regulation CC, section 229.35, which provides a mandatory indorsement standard for the depositary bank and subsequent indorsers.

In addition, the industry was concerned about special handling of returned checks as opposed to forward collection checks. The most efficient way of processing returned checks through a high-speed system is to intermix returned checks with forward collection checks. On the other hand, extra risks may be associated with processing returned checks intermixed with forward collection checks. In addition, discussions with the industry have indicated that most depositary banks would prefer to have their returned checks presented to them separately from the checks drawn on them. This would allow banks to identify their returned checks earlier and take action as quickly as possible in the event that the hold period for one of the checks being returned is about to expire. With this in mind, the Board proposes that the processing of returned checks via the QRC process be kept separate from the processing of forward collection checks.

By September 1, 1988, the Federal Reserve offices will accept returned checks that have been prepared using the QRC process. In addition, the Federal Reserve will qualify raw returns if this will speed up the return process. For the most part, only nonlocal returns will be qualified; however, some Federal Reserve offices may qualify local returns when this is the most efficient way for that office to process the returns. Qualified returned checks handled by the Federal Reserve will not be intermixed with forward collection checks unless the depositary bank agrees that the returns be included in its Federal Reserve cash letter.

Proposed fees and deposit deadlines for handling QRCs will be the same as the fees for handling checks deposited for collection. If the return process were to result in a higher reject rate, need a higher level of controls than the collection process, or otherwise prove to be more costly, the fees for QRCs may be increased.

All deposit deadlines for checks deposited for forward collection, including those for fine-sort deposits, will be open for qualified returned checks, subject to the same sorting instructions. Of course, if returns are fine-sorted, it would not be necessary for the paying or returning bank to qualify the returns before depositing in this manner because the checks will be delivered to the fine-sort endpoint without further processing.

Use of the QRC process will be optional for paying and returning banks. Preparing returned checks for high-speed processing would not always be the most cost-effective or efficient alternative. Checks that are returned through returning banks would most likely be returned more quickly if qualified early in the return cycle.

It is anticipated that other methods of handling returns expeditiously will develop. One Reserve Bank is investigating the possibility of using electronics in the return process (See Docket R–0622, Proposals for Long-Term Improvements to the Check Collection System).

The Board requests comment on the use of the QRC process for expediting the handling of returned checks by returning banks. Specifically, the Board requests comment on the likelihood of paying banks initiating this process.

Notification of Nonpayment

Under Regulation J (12 CFR Part 210), a paying bank is required to send notification of nonpayment to the depositary bank for returned checks of $2500 or more that were collected through the Federal Reserve by midnight of the third banking day following presentment. This requirement provides depositary banks with an early warning that a large-dollar check is being returned.

Although the current large-dollar notification program does lessen the amount of risk inherent in the return process, depositary banks are still exposed to significant areas of risk. Since the current notification requirements apply only to checks collected through the Federal Reserve, depositary banks may not receive notice of return on all large-dollar returned checks. In addition, the current time frame for notification allows three banking days following presentment before the depositary bank is given notice of return. Earlier notification deadlines would allow the depositary bank to learn of nonpayment of a greater percentage of checks before funds must be made available for withdrawal.

Proposed Regulation CC requires notification for all large-dollar checks and shortens the time period within which notification must be provided (12 CFR 229.33). Large-dollar notification will now be required for all checks of $2500 or more, regardless of whether they were collected through the Federal Reserve. The proposed rule requires that notification be received by the depositary bank by 4:00 p.m. local time, on the second business day following

presentment; receipt of the physical check would satisfy this requirement. This proposal allows depositary banks to receive notice of nonpayment more than one day earlier than is currently the case.

The Federal Reserve is proposing several changes to its notification services in support of the new regulation. Beginning on September 1, 1988, a same-day notification service will be offered, and new deadlines for the initiation of notification through the Federal Reserve will be established. The Federal Reserve will warrant that it will provide notification to the depositary bank on the same day that it receives instructions that are in accordance with these new deadlines.

The proposed new deadlines and fees for notification are as follows:

Origination method	Current deadline	Proposed deadline	Fee
Wire	12 noon on due date.	12 noon on due date.	$1.75
Telephone call to Fed.	12 noon on day before due date.	9:00 a.m. on due date.	$4.25
Physical check to Fed.	12 noon on day before due date.	9:00 a.m. on due date.	$5.25

Notices will be delivered the same day as received.

The Board proposed that, beginning on January 1, 1989, any depositary bank that has an on-line electronic connection with the Federal Reserve will be required to receive all notices from the Federal Reserve over their electronic connection or over an electronic connection to a designated third party. (This does not include electronic connections used solely for tape transmission of ACH items.) This may require banks to add a terminal in their check operation or to establish procedures to transmit notification information from other departments, such as funds transfer, to the check department. This requirement should ensure that their notifications are received more accurately and timely.

Truncation

While the services previously described make significant improvements in the time it takes to return an unpaid check, electronic services may provide more improvements. The Act directs the Federal Reserve to consider several electronic alternatives to improve the check processing system, including check truncation. The Board proposes to allow Reserve Banks to begin offering truncation services that would improve the forward collection and return process.

During 1985, the Federal Reserve implemented a truncation pilot at four Reserve Banks. By the end of 1986, two additional Reserve Banks were participating in the pilot program. The objectives of the pilot included developing, testing, and refining the Federal Reserve's ability to: (1) Provide local storage and retrieval services to paying banks; (2) participate in a pilot of the National Association for Check Safekeeping (NACS), which offers the potential benefits of truncating eligible checks earlier in the collection stream; and (3) work with NACS representatives to expand the NACS program to include all types of checks. Ultimately, pilot experience would include: (1) Evaluation of the truncation concept, (2) examination of the operational and legal issues surrounding truncation, and (3) determining the appropriate role of the Federal Reserve System in providing full truncation services or services which support it.

Under the first phase of the pilot—truncating for local paying banks, the Reserve Bank serving the paying bank captures the entire MICR-line, including the nine-digit routing number, account number, check number, and dollar amount. Checks rejected during high-speed processing are included on the MICR output file. All MICR-captured checks are microfilmed, and unique sequence numbers are inserted into the MICR file and printed on both the microfilm and the physical check. These sequence numbers facilitate Reserve Bank processing of returned checks and retrieval requests. The Reserve Bank delivers the captured MICR-line data and related totals to the paying bank or its agent on magnetic tape or by data transmission, as requested by the paying bank. Under this service, the presentment time for the paying bank is based on the time of receipt of electronic presentment because the paying bank does not receive the physical paper checks. The Reserve Bank stores the physical checks and microfilm for a negotiated period, usually 90 days and seven years respectively, after which time they are destroyed.

After receipt of the MICR data, the paying bank processes and posts the MICR data to the appropriate customer accounts. If a decision is made to dishonor a check, the paying bank notifies the Reserve Bank no later than the published deadline on the business day following the day the MICR data are presented. The Reserve Bank retrieves the physical checks and initiates the return process to the depositary bank. The paying bank may also request retrieval services such as information from a truncated check, a photocopy of a check, or the original physical check (provided the request is received before the check has been destroyed).

The Reserve Banks developed a standard pricing structure and a common set of pricing principles. Local pricing is used to reflect the different processing costs at each office. With minor adjustments, these prices have remained in effect throughout the pilot program. The fee structure contains a basic per item fee and separate fees for return items (initiated by telephone or automated means), retrievals, fine-sort fee processing, and over-the-counter processing. Reject reentry and microfilming costs are part of the basic per item fee, while large-dollar notification costs are part of the return item fee.

It is anticipated that fees at most Reserve offices will approximate those in the pilot. Fee ranges at the six pilot Reserve Banks are as follows:

Basic per item:	
—Via tape	$0.011–$0.020
—Via transmission	$0.014–$0.025
Return item:	
—Telephone	$1.60–$2.80
—Automated	$1.35–$2.30
Retrieval per item	$1.00–$2.00
Fine Sort:	
—Per Package	$0.00–$2.00
—Per item	$0.006–$0.02
Over-the-counter:	
—Per Package	$0.50–$0.50
—Per item	$0.014–$0.018

As of October 1987, seven commercial banks, one savings and loan association, and three credit unions were participating in the pilot program. Total truncation volume during the pilot exceeds 1.3 million checks per month. Approximately 2 percent of the checks require reject reentry, 0.3 percent are returned, and retrieval requests are received on 0.1 percent of the checks. The truncation participants' reaction to the service has been positive, processing costs have been lower than expected, and the quality of service has met expectations.

One Reserve Bank began truncating NACS-eligible checks in September 1987. Plans are underway for other pilot Reserve Banks to join NACS and begin truncating NACS-eligible checks as soon as possible. In addition, the Federal Reserve is working closely with NACS, the National Automated Clearing House Association (NACHA), the American National Standards Institute (ANSI), and other related groups to expand the NACS program to include all types of checks, to make any necessary modifications to the TRC format (and

TRX in the future) on the ACH, and to obtain a special truncation indicator to be placed on the MICR-line of checks that will be eligible for truncation earlier in the collection cycle. These efforts are necessary to make the operation of a national truncation program feasible and cost effective.

Nationwide truncation has many benefits including expediting returned checks, reducing the number of physical handlings of paper checks, and accelerating the collection of nonlocal checks for depositary banks. In addition, truncation produces other benefits, including savings in transportation costs, float, storage costs for paying banks, and equipment and personnel costs for paying banks. Truncation also provides a natural transition from paper to electronic payments.

Several problems that presented barriers to truncation have been addressed. These issues include improperly payable checks, presentment problems, and check retrieval and return responsibilities.

Improperly payable checks such as stale checks, altered checks, postdated checks, and checks with missing or forged drawer's signatures raise legal issues because the paying bank will make its decision to pay the check without seeing the physical check. According to the U.C.C., liability for these checks may not be passed along to the paying bank's customer because the check is not properly payable, except in the case of a stale check paid in good faith. For altered checks, if the paying bank or its agent was not responsible for the alteration, it may recoup its loss in a warranty action against the indorser. For postdated checks and checks with missing or forged drawer's signatures, the paying bank will assume the risk. It should be noted that, to minimize this risk, paying banks may establish dollar caps so that large-dollar checks are not truncated. No losses have been reported thus far in the pilot.

Presentment is a condition precedent to both a drawer's and an indorser's secondary liability. The proposed Regulation CC, § 229.36(c) allows banks to present checks to a paying bank by transmission of information describing the check in accordance with an agreement with the paying bank.

The Reserve Bank, exercising ordinary care, will act as agent of the paying bank only and cannot grant retrieval requests from the paying bank's customers. The truncating Reserve Bank as agent of the paying bank will return the check to itself as collecting bank.

Based on the benefits that can be achieved by a nationwide truncation program, the Federal Reserve proposes to make the truncation service a permanent component of the check collection services at the Reserve Banks. It is anticipated that, as more paying banks begin to issue some type of truncation-eligible check, most Reserve offices would begin to offer a truncation service, first on a local level, truncating checks for local paying banks. The Reserve Banks would expand into truncation for nonlocal paying banks as the NACS rules and procedures become more fully developed.

The Board requests comment on the proposed Federal Reserve truncation service and adaptation of the NACS rules for the nationwide program.

Extended MICR Capture Service

The Board is proposing to allow Reserve Banks to begin offering a service that provides the benefits of truncation without actually stopping the flow of the paper check. This extended MICR capture service is currently a Federal Reserve pilot program that combines several existing payor bank services, including MICR capture, reject reentry, and electronic data delivery. Reserve Banks deliver payment information by transmission or magnetic tape to paying banks that have requested the service, while retaining the checks at the Reserve Bank office for several days. The Reserve Bank office provides paying banks with return and retrieval services identical to the truncation service. The return service eliminates the transportation delay between the paying bank and the Federal Reserve, permitting faster return of some checks, particularly nonlocal checks. The paper checks are subsequently delivered to the paying bank using less time-critical transportation. Enhancements to this service include optional microfilming and the inclusion of checks presented in fine-sort packages.

Extended MICR capture provides the paying bank a chance to test most aspects of the truncation service without giving up receipt of the physical checks. The benefits of extended MICR capture are not as great as those of truncation; however, extended MICR capture serves as a stepping stone for developing a broader acceptance of truncation. The obvious disadvantage to the service is having the paper check continue to flow through the clearing process to the Federal Reserve office serving the paying bank before being converted to electronic form. The Federal Reserve is conducting a study on an electronic clearinghouse concept that may offer the ability to convert to electronics earlier in the collection process. (See Docket R-0622 Proposals for Long-Term Improvement to the Check Collection System.)

The fee structure adopted for the extended MICR capture service includes a per item fee that includes reject reentry, return item fees (telephone and automated), retrieval fees, optional fine-sort per item and daily fixed fees, and optional microfilming fees. The basic per item fee varies depending on whether the presentment is made via transmission or magnetic tape. Similar to truncation, a standard fee structure and a common set of pricing principles have been developed for extended MICR capture.

It is anticipated that fees at most Reserve offices will approximate those in the pilot program. Ranges for fees used in the pilot are as follows:

Basic per item	$0.006–$0.012
Return Item	
—Telephone	$1.60–$2.10
—Automated	$1.35–$1.60
Retrievals	$1.00–$1.50
Fine Sort	
—Per item	$0.006–$0.012
—Fixed daily fee	$2.00–$5.00
Microfilm per item	$0.006–$0.01

Local pricing is used to reflect the different processing costs at each Reserve Bank office. In addition to the above fees, during the pilot program the Reserve Banks have assessed a fixed fee per day that includes the first "x" number of checks before the basic per item fee begins to be assessed. The Federal Reserve is evaluating the merit of the fixed fee and may consider modifying the fee structure to eliminate the fixed fee.

Competitive Issues

An important factor considered in the development of the regulatory framework for expedited returns and related Reserve Bank services was the impact on competition in the check collection system. The public has benefited from the competitive environment that has existed between the Federal Reserve and correspondent banks, and among correspondent banks in proving check collection services. The Board has sought to ensure that the proposed regulatory requirements, and Federal Reserve service offerings, were designed to provide options to banks in the return process, and to facilitate a competitive environment.

Although a number of the Reserve Bank service proposals—such as acceptance of any returned check, the explicit pricing of returns and corresponding decrease in the forward collection fees, and direct return by the Federal Reserve to the depositary

BEST COPY AVAILABLE

VOL 52 ISS 238 DEC 11 1987 UMI

bank—may have significant competitive implications, it is difficult to determine what the impact would be. For example, lower Federal Reserve check collection fees could make the Reserve Banks' forward collection check services more attractive and acceptance of all returns could increase return volume. On the other hand, a bank that uses the Federal Reserve for both forward collection and return services may experience an increase in its total charges for check services. In addition, the acceptance of universal returns by the Federal Reserve has the potential to result in a reduction of Federal Reserve forward collection check volume, since returns are often viewed as nuisance items in the collection process that have deterred banks from competing for forward collection volume.

Correspondent banks will have the opportunity to compete with the Federal Reserve in providing returned check services. For example, approximately 4,000 banks that do not collect checks through the Federal Reserve currently mail returned checks to their Reserve Banks. Under the proposed Regulation CC, § 229.30, these paying banks may deliver these returned checks along with their forward collection checks to their correspondent bank, rather than establishing separate transportation to deliver their returns to the Federal Reserve. This practice could result in additional volume of returned checks for correspondents.

In this regard, the Board requests comment on whether there are any returned check services or other procedural changes for returning banks that the Federal Reserve has not proposed that might assist the returning bank in providing returned check services.

By order of the Board of Governors of the Federal Reserve System, December 3, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-28145 Filed 12-10-87; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0622]

Proposals for Long-Term Improvements to the Check Collection System

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comment.

SUMMARY: The Board is requesting comment on several studies that are being undertaken that have the potential to provide for substantial long-run improvements to the check system.

DATE: Comments must be submitted on or before April 8, 1988.

ADDRESS: Comments, which should refer to Docket No. R-0622, may be mailed to the Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, Attention: Mr. William W. Wiles, Secretary; or may be delivered to Room B-2223 between 8:45 a.m. and 5:00 p.m. All comments received at the above address will be included in the public file, and may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: Steven O. App, Manager, (202/452-3760); Brada W. Panther, Analyst (202/452-2831); or Nalini T. Rogers, Analyst (202/452-3801); Division of Federal Reserve Bank Operations. For the hearing impaired only: Telecommunications Device for the Deaf, Ernestine Hill or Dorothea Thompson (202/452-3254).

SUPPLEMENTARY INFORMATION: The Expedited Funds Availability Act, Title VI of Pub. L. 100-86, requires banks and other depository institutions (collectively referred to as "banks" [1]) to make funds deposited into accounts available to depositors within time periods specified by the Act and to disclose funds availability policies to their depositors. The Board is given responsibility to adopt regulations to implement the Act. The Act also provides the Board with broad authority to adopt regulations to improve the check processing system so that checks may be cleared and, if necessary, returned within the funds availability schedules mandated by the Act.

The Board is today requesting comment on a series of proposals, Docket Nos. R-0620, R-0621, and R-0622, that will exercise its responsibilities under the Act. Docket No. R-0620 Regulation CC consists of a proposed regulation (Regulation CC, 12 CFR Part 229) that will clarify the definitions of the Act, provide detailed rules to facilitate compliance with the availability and disclosure requirements, and make several substantive changes to the current law on the collection of checks to encourage faster return of unpaid checks, thus minimizing the losses that could result from compliance with the availability schedules. Docket No. R-0620 also proposes several amendments to the Board's current Regulation J (12 CFR Part 210), which governs the collection of checks and other items by Federal Reserve Banks, so that it conforms to the new standards adopted in Regulation CC.

Docket No. R-0621 Federal Reserve Bank Services requests comment on proposed new services to be offered by the Federal Reserve Banks to assist in the new check collection rules established in Regulation CC.

This docket, No. R-0622, requests comment on some possible services that the Federal Reserve is studying as well as longer-term improvements to the nation's check collection system.

Commenters should review the overview material contained in Docket No. R-0620 Regulation CC, which provides background on these proposals.

The Federal Reserve will continue to investigate improvements to enhance the speed, the efficiency, and the quality of the entire check system. To this end, several projects are underway that address the need to plan for future innovations. Several of these concepts, including bar-code indorsements, electronic clearinghouses, and electronic clearing zones are described within this Federal Register notice. In addition, this notice describes the Federal Reserve's continuous study of the impact certain disbursement practices have on the check system. The Board requests comment on these studies. This notice also provides information on the Federal Reserve's ongoing exploration of digitized image processing.

Proposals for Long-Term Improvements to the Check Collection System

Bar-Code Indorsements

The Federal Reserve has recently begun to explore possible approaches to machine-readable indorsements and automated returned check handling. Machine-readable indorsements represent a substantial improvement over human-readable indorsements because they have the potential to automate fully the returned check process. In the near-term, these indorsements could facilitate the automated preparation of qualified returned checks (QRCs) [2] and thereby

[1] The proposed Regulation CC terminology corresponds with the terminology of the Uniform Commercial Code, with some modifications. *Bank* is defined to include all depository institutions. A *paying bank* is the bank on which the check is drawn. In the case of payable through drafts, the payable through bank is the paying bank. A *returning bank* is an intermediary bank handling a returned check. A *depositary bank* is the bank in which the check was first deposited. (See § 229.2 of the proposed regulation for the complete definitions of these terms.)

[2] Qualified returned checks are checks that are prepared for automated processing on high-speed equipment, by encoding the routing number of the depositary bank, the amount of the check, and a return identifier on a carrier envelope or on a strip attached to the check.

enable more returns to reach the depositary bank in an expedited manner. In addition, these indorsements would reduce the cost of handling returns for paying banks and returning banks. For these reasons, the Federal Reserve initiated a study on machine-readable indorsements.

The first step of this study was to develop a comprehensive list of possible technologies for machine-readable indorsements. Four technologies, MICR, OCR, bar-code, and magnetic strip, were selected. Each was evaluated on the following characteristics: Performance (information density, speed for reading and writing, error rates); functions (the size of character set, whether or not it is observable/erasable/human-readable, whether it provides an audit trail, and whether information can be added at a later date by another party); institutional considerations (familiarity to banking industry, vendor base of support, existence of industry standards); and expected future cost and performance trends. Bar-code was chosen as the most promising technology to investigate.

Several scenarios were developed to outline how bar-code indorsements could be applied by the depositary bank and used by the paying bank to automate the creation of QRCs. The bar-code itself would be limited to the nine-digit routing number of the depositary bank; with other information in the indorsement in human-readable form to facilitate the handling of exception items. In order to read the bar-code indorsements, paying banks could scan a hand wand, linked to a computer, across each indorsement and generate the routing number for encoding on the strip or the carrier envelope for each returned check, or for inclusion in an electronic file that would accompany the returns to the depositary bank (See discussion on "Speedy Return Plan"). Alternatively, encoding equipment and/or reject processing equipment could be modified to read the bar-code routing number and the MICR amount, and encode this information on either a strip or a carrier envelope. The technology to read bar-code indorsements on high-speed reader/sorters also exists, which could eliminate the need for strips or envelopes, although this approach is currently very costly.

Another issue under study is the depositary bank's responsibility to place the bar-code indorsement on the check. The depositary bank could add bar-codes to the indorsement plates located on the encoding machines. Printing of the bar-code by this method, however, has a drawback because the position of the bar-code may not be very precise, which increases the difficulty and the expense of machine-reading (as opposed to hand wand reading) of the indorsement. Another disadvantage is that the designated space may not accommodate additional future uses of bar-code, which banks and equipment manufacturers may develop.

Alternative locations are being investigated that could accommodate an expanded use of the bar-code; specifically, the top front edge of the check, or the lower back edge just behind the MICR-line could be used. Although encoding equipment would need to be modified to print in these alternative locations, these areas of a check are attractive because they should be relatively free of clutter and, therefore, allow for improved read rates. It has also been suggested that read rates might be further improved by selecting a fluorescent ink for the machine-readable indorsement.

The Federal Reserve is interested in selecting an approach to machine-readable indorsements that has the capability to improve other check handling procedures. The bar-code indorsement concept has been reviewed with several groups of industry representatives and equipment vendors who have been involved with developing an approach to sorting returns on high-speed reader/sorters. Based on these discussions, the acceptability of bar-code technology appears to be quite high. The Federal Reserve intends to continue discussions with equipment vendors and banking industry representatives to investigate further the usefulness of bar-code indorsements and to develop technical specifications.

The Board requests comment on the concept of bar-code indorsements and on how quickly the Federal Reserve should proceed in the study and implementation of this new technology. Specifically, the Board requests comment on the following issues:

1. Although the Federal Reserve study has designated bar-code as the most promising machine-readable technology, would the industry prefer other forms of machine-readable indorsements?
2. Would the banking industry have other uses for bar-code technology, besides identification of the depositary bank? How much space would be required for the necessary information?
3. What location is preferable for the bar-code indorsement?
4. What specific bar-code is preferable for banking industry use?
5. Are there any outstanding issues in defining a bar-code standard indorsement (other than information content, choice of coding language, location on the check, print quality, and ink specifications) that have not been addressed?

Digitized Image Processing

In 1985, the Federal Reserve initiated a multi-year research and development effort to explore digitized image processing technology. Prior to 1985, image processing had been discussed widely in the financial industry as a technology that might bring significant productivity and quality improvements to the check collection system. This technology had been adopted in numerous lock-box operations, but otherwise had been largely untested in check processing.

The first phase of the research and development project demonstrated the technical feasibility of high-speed image capture of one side of a check in a laboratory environment. The second phase is intended to demonstrate in prototype form a fully functioning high-speed image processing system that will capture images, process and compress the image data, and store this data for later retrieval and analysis. This phase will be undertaken in laboratory conditions with a limited volume of checks.

As planned, phase three would move the testing from the laboratory to a Federal Reserve site. This phase will involve testing of large quantities of checks to determine performance consistency.

Two specific applications that could benefit from digitized image processing are government check processing and returned check processing. The government check application was selected for the initial laboratory demonstration for several reasons. First, it is a very demanding application for both rate of capture and image quality, and will provide a rigorous test of the technology. It is also the Federal Reserve's primary application for microfilm, and one purpose of the program is to determine whether an image processing system would be a superior and cost-effective substitute for microfilm.

Returned check processing is another application for which image processing might be practical. To make significant improvements in return times, new technologies will be required. The System hopes to further automate and accelerate the processing of the physical returned check. Image processing may prove to be a viable means to transmit images of returned checks

VOL
52
ISS
238
DE
11
1987
UMI

electronically, particularly for large-dollar checks.

The Federal Reserve will share results of this research with the financial industry. Potential benefits to the industry include information on the general feasibility of the capture and compression technologies used to capture check images and handle the resultant data at high speeds, methods to measure the quality of images (such as exist today for microfilm), and methods and standards to assure the exchange of images among banks.

Electronic Clearing Zones

The Board has encouraged proposals on how to expedite the return process from both the industry and the Federal Reserve Banks. A proposal that is being developed by the Federal Reserve Bank of Minneapolis is based on the concepts tested in the Federal Reserve truncation and extended MICR programs.

This proposal could expedite the check collection and return processes by converting specified geographic areas into electronic check clearing zones. This would be particularly beneficial to those banks located far from their local Federal Reserve office. Under this proposal, all banks in a specified area would agree to receive all their checks by electronic presentment of the MICR-line data. The checks would be held at either the Federal Reserve, correspondent bank, or the depositary bank until the returns were identified. The paying bank would then transmit the information on those returned checks to the presenting bank. Under this system, the physical returned checks could be made available to the depositary bank one or more days in advance of the current process.

The electronic clearing zone concept differs from extended MICR capture services, in that, in an electronic clearing zone, all banks in a specified geographic region accept electronic presentments, which may allow for later deposit deadlines for collecting checks drawn on these endpoints, thereby improving availability for collecting banks.

The success of this electronic check clearing zone concept depends on the willingness of all banks in a given area to participate. In addition, the costs of electronic presentment may be allocated to both the paying bank and the collecting bank because both benefit. The paying bank benefits from reduced operating costs. The collecting bank benefits from improved availability because deposit deadlines would be later for electronic clearing zones.

The Board requests comment on the electronic clearing zone concept, and specifically on methods of allocating costs between paying and collecting banks.

Electronic Clearinghouse

Section 609(f) of the Expedited Funds Availability Act (12 U.S.C. 4008(f)) requires the Federal Reserve to report to the Congress on the feasibility of the electronic clearinghouse concept by May 1988. An electronic clearinghouse is an electronic message service through which checks are electronically presented for collection and return. The Federal Reserve is currently discussing the electronic clearinghouse concept with experts in telecommunications technology and plans to request further information from other specialists and industry trade groups.

The Board requests comment on the feasibility of electronic clearinghouses and on the information that should be included in the May 1988 report to the Congress.

Improvements to the Forward Collection Process

The Board's proposals, for the most part, have focused on improvements to the returned check process. The Congress also directed the Board to explore further improvements to the forward collection process over the longer term. The Board has identified certain practices that may be inconsistent with the intent of the Congress and the Expedited Funds Availability Act. These practices include corporations engaging in arrangements that prolong the time required to collect and, consequently, return their check disbursements. This occurs, for example, when a corporation located on the East Coast issues checks drawn on a bank located on the West Coast to make payments to other East Coast organizations. The payment at one location of traveler's checks that are issued on a nationwide basis poses similar problems. The issuance by a bank of teller's checks that are drawn on another bank located in a different Federal Reserve check processing region is a further example.

There are certain problems inherent with these practices. These checks generally take longer to clear and return, which may increase the risk of loss to depositary banks. These checks are typically more expensive to collect because of the distance they must travel to reach the paying bank. Float costs may also increase for depositary banks that must provide funds availability prior to receiving provisional credit in those cases where next-day availability must be granted. In addition, these practices result in a larger proportion of checks being considered nonlocal for the purposes of granting availability, thus delaying the time the proceeds of these checks must be made available to the customer for withdrawal.

The Federal Reserve System has been concerned with the problems related to delayed disbursement for several years. For instance, the Board issued a policy statement on January 11, 1979, that expressly discouraged the banking industry from designing, promoting, or otherwise offering services intended to delay final settlement and which expose recipients to greater than ordinary risk. 65 Federal Reserve Bulletin 140, February 1979. On February 23, 1984, the Board issued another policy statement that further discouraged the use of arrangements that result in a delay in the collection and final settlement of checks. This policy statement stated that the Board intended to monitor such actions and, if abuses continued, would pursue appropriate action. 1 Federal Reserve Regulatory Service, 3–1508.6. In conjunction with this statement, the Board implemented the High-Dollar Group Sort Program to reduce the level of float and speed the collection of checks. 49 FR 7293 (February 28, 1984).

Given the intent of the Congress to expedite the check collection and return systems and the fact that depositary banks will be exposed to additional risk of loss and increased float costs associated with these practices, the Board requests comment on suggested actions it should consider regarding these practices, in general. In addition, the Board requests specific comment on the practice of issuing teller's checks payable in a different check processing region than the issuing bank.

An additional disbursement issue concerns the treatment of traveler's checks under the Act. The Act requires next-day availability of travelers checks deposited in a new account. During this period, the depositary bank may incur additional float costs, because funds may be withdrawn prior to the time the bank receives provisional credit. The Board requests comment on whether issuers of 8000-series traveler's checks should be required to designate multiple paying locations, in order to expedite the collection of these checks.

New Federal Reserve Services Under Consideration

Based on discussions with industry groups, the Board is aware that implementation of the Act may provide an opportunity for new services to develop to serve the needs of banks, particularly depositary banks. The Federal Reserve is not proposing specific new services at this time, but requests comment on preliminary concepts of possible new services.

Depository Check Authenticity. The Expedited Funds Availability Act requires banks to make the proceeds of depository checks (cashier's checks, certified checks, and teller's checks) available for withdrawal by the opening of business on the business day following deposit. These checks are not subject to the exception provided in the Act for large-dollar deposits. Some banks may be concerned with the risk associated with accepting large-dollar depository checks, since they will not learn of nonpayment of these checks before funds must be made available for withdrawal. Depositary checks can be forged, altered or otherwise defective, and, in some cases, may be subject to a stop payment order. A depositary bank may want to determine whether a depository check is authentic before it makes the proceeds available for withdrawal.

Proposed Regulation CC (12 CFR 229.37) requires paying banks to respond to telephone inquiries from the depositary bank regarding whether a depository check has been issued, certified, subject to a stop payment order, or whether it has been paid or returned. In addition, the paying bank must verify information on the check, such as the amount and payee. With respect to teller's checks, the drawing bank must also respond to inquiries from the depositary bank. The depositary bank could obtain information pertaining to the check by contacting the issuing bank directly or by using a service provided by a third party, such as the one being considered by the Federal Reserve. Under this service, the depositary bank would telephone the Federal Reserve, which would in turn contact the issuing bank for information on the depository check. The Federal Reserve would then relay the information to the depositary bank. The need for a more sophisticated means of communication will be dependent on the volume associated with this service.

There are a number of issues to be considered before such a service could be implemented. In order to respond to inquiries from a depositary bank or a third party, such as the Federal Reserve, banks would have to maintain records of depository checks issued. Docket R–0620 Regulation CC requests comment on whether this is a workable arrangement, whether paying banks should be permitted to charge for this service, and whether the service should be limited to checks over a certain dollar amount.

With respect to the authenticity service under consideration, the Board requests comment on the demand for such a service by banks and the features and limitations such a service might encompass.

Communication of return item information to depositary banks prior to physical delivery of the checks. Despite the improvements to the returned check process being proposed, a number of returned checks will not be received by the depositary bank in sufficient time to take action before the proceeds of the check are available for customer withdrawal. In these cases, depositary banks may desire information pertaining to returned checks before the physical checks are delivered. Physical transportation limitations between the Federal Reserve office and the depositary bank may be offset by the use of telecommunications facilities to transmit returned check data to the depositary bank.

The Federal Reserve is considering a series of new services to provide information early in the day to depositary banks about returned checks that will not be delivered to the depositary bank until later that day or, in some cases, the following day. It is expected that depositary banks would request this service primarily for selected returns that impose greater risk on the depositary bank. Information on this returns could be communicated by phone, wire, date transmission, or facsimile, if available.

Facsimile transmission equipment could be used to enhance and speed the flow of returned check information between banks without involving the Federal Reserve. In addition, facsimile could serve as an alternative means of meeting the notification requirement.

The Board requests comment on whether there is any interest in, or demand for, these services from the Federal Reserve.

The "Speedy Return Plan"

An alternative to the qualified returned check (QRC) method of high-speed return processing has been proposed by a task force comprised of representatives from the Cleveland Federal Reserve District and local industry representatives. This proposal, named the "Speedy Return Plan," is based on using high-speed equipment to process returned checks. The first step in this process is to capture MICR data for each returned check to create a data file. On-line entry is used to add the depositary bank's nine-digit routing number to the file. A final high-speed sort uses the data from the file to sort the checks by depositary bank. This high-speed sort allows banks to sort returned checks to an increased number of endpoints during a shorter period of time.

From a longer-term perspective, included in the Speedy Return Plan is the concept of electronically capturing the depositary bank's machine-readable indorsement information at either the paying bank or the first Federal Reserve office. This captured indorsement information would be electronically merged with the actual item file for immediate and final sorting of returns at the returning bank or Federal Reserve office. This data would be electronically transmitted through all intermediaries back to the depositary bank along with the returned checks. Similar to the QRC process, this proposal significantly decreases the costs and required processing windows for return operations because only one bank would have to decipher and record the depositary bank's indorsement. The advantage of the Speedy Return Plan is that banks can avoid the use of strips or carrier envelopes by electronically matching the nine-digit routing number of the depositary bank with the MICR-line of the check.

The Speedy Return Plan concept raises a number of issues. All banks and Federal Reserve offices using this plan would need to adopt the necessary high-speed returned check technology. Compatibility among automation systems to facilitate receipt and transmission of the electronic data files must also be considered. This proposal is still in preliminary review by the Board and other Federal Reserve Districts.

The Board requests comment on the Speedy Return Plan, particularly on the concept of depositing returns with their corresponding electronic files in order to expedite the return collection process.

By order of the Board of Governors of the Federal Reserve System, December 3, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87–28146 Filed 12–10–87; 8:45 am]

BILLING CODE 6210–01–M

VOL
52
ISS
238
DE
11
1987
UMI

federal register

Friday
December 11, 1987

Part III

Department of Justice

Privacy Act of 1974; Systems of Records; Notice

VOL 52 ISS 238 DEC 11 1987 UMI

DEPARTMENT OF JUSTICE

[AAG/A Order No. 6-87]

Privacy Act of 1974; Systems of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and Office of Management and Budget (OMB) Circular No. A-130, the Department has completed a review of its Privacy Act "systems of records" (as defined by the Privacy Act) to identify minor changes that will more accurately describe these records. As a result, the Foreign Claims Settlement Commission republished its systems of records on August 10, 1987 (52 FR 29572); a number of Department components are republishing systems of records as set forth below; and others are postponing publication due to pending reorganizations and other changes which will contribute to more accurate reporting in the near future.

The systems notices are reprinted below following a table of contents, and changes to the systems of records have been italicized for public convenience. Included, for example, are changes to system locations and system manager addresses, retention and disposal schedules, and storage capabilities. Also modified is a routine use which was originally drafted to permit records disclosure to the National Archives and Records Service (NARS), General Services Administration (GSA), during records management inspections. The routine use is being modified in response to the enactment of Pub. L. 98-497 (44 U.S.C. 2102).

This public law renamed NARS as the "National Archives and Records Administration" (NARA), and established it as a separate agency which nonetheless shares its records management inspection responsibilities with GSA. Accordingly, the routine use has been modified to show that NARA and GSA are now separate agencies which share access to records during these inspections. Comments on the routine use may be addressed to J. Michael Clark, Assistant Director, General Services Staff, Justice Management Division, Department of Justice, Room 6402, 601 D Street NW., Washington, D.C. 20530. Please submit any comments by January 11, 1988.

Dated: November 24, 1987.

Harry H. Flickinger,

Assistant Attorney General for Administration.

Table of Contents

Antitrust Division:

JUSTICE/ATR-003, Index of Defendants in Pending and Terminated Antitrust Cases
JUSTICE/ATR-004, Statement by Antitrust Division Officials (ATD Speech File)
JUSTICE/ATR-005, Antitrust Information Management System (AMIS)—Time Reporter
JUSTICE/ATR-006, Antitrust Information Management System (AMIS)—Matter Report

Criminal Division:

JUSTICE/CRM-001, Central Criminal Division Index File and Associated Records
JUSTICE/CRM-002, Criminal Division Witness Security File
JUSTICE/CRM-003, File of Names Checked to Determine If Those Individuals Have Been the Subject of an Electronic Surveillance
JUSTICE/CRM-004, General Litigation and Legal Advice Section, Criminal Division, Central Index File and Associated Records
JUSTICE/CRM-005, Index to Name of Attorneys, Employed by the Criminal Division, U.S. Department of Justice, Indicating the Subject of the Memoranda on Criminal Matters They Have Written
JUSTICE/CRM-007, Name Card File on Criminal Division Personnel Authorized to Have Access to the Central Criminal Division Records
JUSTICE/CRM-008, Name Card File on Department of Justice Personnel Authorized to Have Access to Classified Files of the Department of Justice
JUSTICE/CRM-012, Organized Crime and Racketeering Section, General Index File and Associated Records
JUSTICE/CRM-016, Records on Persons Who Have Outstanding and Uncollected Federal Criminal Fines or Federal Bond Forfeitures
JUSTICE/CRM-017, Registration and Propaganda Files Under the Foreign Agents Registration Act of 1938, As Amended
JUSTICE/CRM-018, Registration Files of Individuals Who Have Knowledge of, or Have Received Instruction or Assignment in Espionage, Counterespionage, or Sabotage Service or Tactics of a Foreign Government or of a Foreign Political Party
JUSTICE/CRM-019, Requests to the Attorney General for Approval of Application to Federal Judges for Electronic Interceptions
JUSTICE/CRM-021, The Stocks and Bonds Intelligence Control Card File System
JUSTICE/CRM-022, Witness Immunity Records
JUSTICE/CRM-024, Freedom of Information/Privacy Act Records.
JUSTICE/CRM-025, Tax Disclosure Index File and Associated Records
JUSTICE/CRM-026, Index of Prisoners Transferred Under Prisoner Transfer Treaties
JUSTICE/CRM-027, Office of Special Investigations (OSI) Displaced Persons Listings
JUSTICE/CRM-999, Appendix to Criminal Division's Systems of Records; Field Office Addresses of Organized Crime and Racketeering Sections where Records May be Located.

Druge Enforcement Administration:

JUSTICE/DEA-001, Air Intelligence Program
JUSTICE/DEA-003, Automated Records and Consolidated Orders System/Diversion Analysis and Detection System (ARCOS/DADS)
JUSTICE/DEA-004, Congressional Correspondence File
JUSTICE/DEA-005, Controlled Substances Act Registration Records (CSA)
JUSTICE/DEA-006, Freedom of Information/Privacy Act Records
JUSTICE/DEA-008, Investigation Reporting and Filing System
JUSTICE/DEA-009, Medical Records
JUSTICE/DEA-010, Planning and Inspection Division Records
JUSTICE/DEA-011, Operations Files
JUSTICE/DEA-012, Registration Status/Investigation Records
JUSTICE/DEA-013, Security Files
JUSTICE/DEA-014, System to Retrieve Information from Drug Evidence. (STRIDE/Ballistics)
JUSTICE/DEA-015, Training Files
JUSTICE/DEA-016, Drug Enforcement Administration Accounting System (DEAAS II)
JUSTICE/DEA-017, Grants of Confidentiality Files (GCF)
JUSTICE/DEA-018, Applicant Investigations (DAI)
JUSTICE/DEA-020, Essential Chemical Reporting System
JUSTICE/DEA-021, DEA Aviation Unit Reporting System
JUSTICE/DEA-023, Clerical, Technical and Professional (CTAP) Program Files
JUSTICE/DEA-027, DEA Employee Profile System (DEPS)
JUSTICE/DEA-111, Automated Intelligence Records System (Pathfinder)
JUSTICE/DEA-999, DEA Appendix 1—List of Record Location Addresses

Federal Bureau of Investigation

JUSTICE/FBI-001, National Crime Information Center (NCIC)
JUSTICE/FBI-002, The FBI Central Records System
JUSTICE/FBI-003, Bureau Mailing Lists
JUSTICE/FBI-004, Routine Correspondence Handled by Preprinted Form
JUSTICE/FBI-005, Routine Correspondence Prepared Without Yellow File
JUSTICE/FBI-006, Electronic Surveillance (Elsur) Indices
JUSTICE/FBI-007, FBI Automated Payroll System
JUSTICE/FBI-008, Personnel Information Network System (PINS)
JUSTICE/FBI-009, Indentification Division Records System
JUSTICE/FBI-010, Employee Travel Vouchers and Individual Earning Records
JUSTICE/FBI-011, Employee Health Records
JUSTICE/FBI-012, Time Utilization Record-Keeping (TURK) System
JUSTICE/FBI-013, Security Access Control System (SACS)
JUSTICE/FBI-014, FBI Alcoholism Program
JUSTICE/FBI-015, National Center for the Analysis of Violent Crime (NCAVC)

Immigration and Naturalization Service:

JUSTICE/INS-002, Application/Petition Tracking System (APTS)
JUSTICE/INS-003, Position Accounting/Control System (PACS)
JUSTICE/INS-004, Top Priority Program (TPP)
JUSTICE/INS-005, Case Control System
JUSTICE/INS-006, Alien Address Reports
JUSTICE/INS-007, Orphan Petitioner Index and Files
JUSTICE/INS-008, Bond Accounting and Control System (BACS)
JUSTICE/INS-009, Alien Status Verification Index
JUSTICE/INS-010, Freedom of Information Act/Privacy Act (FOIA/PA) Case Tracking and Reporting System

INTERPOL—United States National Central Bureau:

JUSTICE/Interpol-001, The INTERPOL—United States National Central Bureau (INTERPOL—USNCB) (Department of Justice) INTERPOL—USNCB Records System

Justice Management Division:

JUSTICE/JMD-001, Background Investigation Check-off Card
JUSTICE/JMD-003, Department of Justice Payroll System
JUSTICE/JMD-004, Bookstream
JUSTICE/JMD-005, Grievance Records
JUSTICE/JMD-007, Accounting System for the Offices, Boards and Divisions and the United States Marshals Service
JUSTICE/JMD-010, Document Information System (DIS)
JUSTICE/JMD-013, Employee Locator File
JUSTICE/JMD-014, Department of Justice Relocation Management Services Information System
JUSTICE/JMD-017, Department of Justice Controlled Parking Records
JUSTICE/JMD-019, Freedom of Information Act/Privacy Act (FOIA/PA) Records System
JUSTICE/JMD-020, Freedom of Information Act/Privacy Act (FOIA/PA) Request Letters

Land and Natural Resources Division:

JUSTICE/LDN-003, Lands Docket Tracking System

Office of Justice Programs:

JUSTICE/OJP-001, Equipment Inventory
JUSTICE/OJP-006, Congressional and Public Affairs System
JUSTICE/OJP-012, Public Safety Officers Benefits System

Office of Legislative Affairs:

JUSTICE/OLA-001, Congressional Committee Chairman Correspondence File
JUSTICE/OLA-002, Congressional Correspondence File
JUSTICE/OLA-003, Citizen Correspondence File

Office of Professional Responsibility:

JUSTICE/OPR-001, Office of Professional Responsibility Record Index

U.S. Parole Commission:

JUSTICE/PRC-001, Docket, Scheduling and Control
JUSTICE/PRC-002, Freedom of Information Act Records System
JUSTICE/PRC-003, Inmate and Supervision Files
JUSTICE/PRC-004, Labor and Pension Case, Legal File and General Correspondence System
JUSTICE/PRC-005, Office Operation and Personnel System
JUSTICE/PRC-006, Statistical, Educational and Developmental System
JUSTICE/PRC-007, Workload Record, Decision Result, and Annual Report System

U.S. Marshals Service:

JUSTICE/USM-001, U.S. Marshals Service Badge and Credentials File
JUSTICE/USM-002, Internal Inspections System
JUSTICE/USM-003, U.S. Marshals Service Prisoner Transportation System
JUSTICE/USM-004, Special Deputy File
JUSTICE/USM-007, Warrant-Information System
JUSTICE/USM-008, Witness Security Files Information System
JUSTICE/USM-009, U.S. Marshals Service Threat Analysis Information System
JUSTICE/USM-010, Judicial Facility Security Index System
JUSTICE/USM-011, Judicial Protection Information System
JUSTICE/USM-012, U.S. Marshals Service Freedom of Information Act/Privacy Act (FOIA/PA) Files
JUSTICE/USM-013, U.S. Marshals Service Administrative Proceedings, Claims and Civil Litigation Files

U.S. Trustees:

JUSTICE/UST-001, Bankruptcy Case Files and Associated Records
JUSTICE/UST-002, Panel Trustee Application File
JUSTICE/UST-003, U.S. Trustee Timekeeping System
JUSTICE/UST-999, U.S. Trustee Appendix I—List of Record Retention Addresses

JUSTICE/ATR-003

SYSTEM NAME:

Index of Defendants in Pending and Terminated Antitrust Cases.

SYSTEM LOCATION:

U.S. Department of Justice; 10th and Constitution Avenue, NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual defendents in pending and terminated criminal and civil cases brought by the United States under the antitrust laws.

This system contains an index reference to the case in which an individual (or corporation) is or was a defendant; included in information is proper case name, the judicial district and number of the case, and the date filed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for the establishment and maintenance of this index system exists under 28 U.S.C. 522 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine use of this cross index system is generally made by Department personnel for reference to proper case name. In addition a compilation of antitrust cases filed is prepared as needed showing the names of all defendants in pending civil and criminal Government antitrust cases. This compilation is utilized within the Department and occasionally distributed to other Government agencies for reference and statistical purposes.

A record maintained in this system, or any facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which the Antitrust Division is authorized to appear, when (1) the Antitrust Division, or any subdivision thereof; or (2) any employee of the Antitrust Division in his or her official capacity; or (3) any employee of the Antitrust Division in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (4) the United States, or any agency or subdivision thereof; or (5) the United States, where the Antitrust Division determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the Antitrust Division to be arguably relevant to the litigation.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

VOL 52 ISS 238 DEC 11 1987 UMI

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in the system is maintained on index cards.

RETRIEVABILITY:

Information in the system is retrieved by reference to the name of individual or corporate defendants in antitrust cases.

SAFEGUARDS:

Information contained in the system is unclassified and of a public nature. During working hours access to the index is monitored by Antitrust Division personnel; during non-duty hours the area in which the system is maintained is locked.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, *Freedom of Information Act/ Privacy Act Unit; Antitrust Division; U.S. Department of Justice; 10th and Constitution Avenue, NW., Washington, DC 20530.*

NOTIFICATION PROCEDURE:

Address inquiries to the Assistant Attorney General; Antitrust Division; U.S. Department of Justice; Washington, DC 20530.

RECORD ACCESS PROCEDURES:

Requests for access to a record from this system shall be in writing and be clearly identified as a "Privacy Access Request". Included in the request should be the name of the defendant in pending or terminated Government antitrust litigation. Requesters should indicate a return address. Requests will be directed to the System Manager shown above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the index should direct their request to the System Manager and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this index are complaints filed under the antitrust laws by the United States and from Department records relating to such cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/ATR-004

SYSTEM NAME:

Statements by Antitrust Division Officials (ATD Speech File).

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue NW., Washington DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present employees of the Antitrust Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains an index record for each public statement or speech issued or made by employees of the Antitrust Division.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintaining this system exists under 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This index is maintained for ready reference by Department personnel for the identification of the subject matter of and persons originating public statements by Antitrust Division employees; such reference is utilized in aid of compliance with requests from the public and within the agency for access to texts of such statements.

A record maintained in this system, or any facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which the Antitrust Division is authorized to appear, when (1) the Antitrust Division, or any subdivision thereof; or (2) any employee of the Antitrust Division in his or her official capacity; or (3) any employee of the Antitrust Division in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (4) the United States, or any agency or subdivision thereof; or (5) the United States, where the Antitrust Division determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the Antitrust Division to be arguably relevant to the litigation.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information contained in the index system is maintained on index cards.

RETRIEVABILITY:

This reference index utilizes name of present and former employees making or issuing statements as well as the subject matter or title of the statement.

SAFEGUARDS:

Information contained in the system is unclassified. During duty hours personnel monitor access to this index; the area is locked during non-duty hours.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, *Freedom of Information Act/ Privacy Act* Unit, Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the Assistant Attorney General, Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue NW., Washington, DC 20530.

RECORD ACCESS PROCEDURES:

Request for access to a record from this system should be made in writing and be clearly identified as a "Privacy Access Request". Included in the request should be the name of the Antitrust Division employee making or issuing a public statement. Requesting should indicate a return address. Requests will be directed to the System Manager shown above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the index should direct their request to the System Manager and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information maintained in the index are those records reflecting public statements issued or made by Antitrust Division employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/ATR-005

SYSTEM NAME:

Antitrust Information Management System (AMIS)—Time Reporter.

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Ave., NW., Washington D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Antitrust Division of the U.S. Department of Justice.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains the employees' name and allocations of his/her work time.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The file will be established and maintained pursuant to the following authorities: 28 CFR 0.40(f), 28 U.S.C. 522, 31 U.S.C. 11, 31 U.S.C. 66a, 5 U.S.C. 301, and 2 U.S.C. 601.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file is used by Antitrust Division personnel to keep track of resources and as a basis for determining Antitrust Division allocations of resources (professional time) to particular products and industries (e.g., oil, auto, chemicals) and to broad categories of resource use such as conspiratorial conduct, oligopoly and monopoly, civil cases, criminal cases, and proceedings before regulatory agencies. In addition, the file will be employed in the preparation of reports for the Division's budget requests and to the Attorney General and Congress.

A record maintained in this system, or any facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which the Antitrust Division is authorized to appear, when (1) the Antitrust Division, or any subdivision thereof; or (2) any employee of the Antitrust Division in his or her official capacity; or (3) any employee of the Antitrust Division in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (4) the United States, or any agency or subdivision thereof; or (5) the United States, where the Antitrust Division determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the Antitrust Division to be arguably relevant to the litigation.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration: A record from the system of records may be disclosed to the National Archives and Records Administration (NARA) for records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained electronically in the *AMIS* computerized information system.

RETRIEVABILITY:

Information is retrieved by a variety of key words, including names of individuals.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Access to the file is limited to thoses employees whose official duties require such access.

RETENTION AND DISPOSAL:

Information contained in the file is retained *indefinitely.*

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Systems Support Group, Antitrust Division, U.S. Department of Justice *555 4th Street NW., Room 11–854, Washington, D.C. 20001.*

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURE:

Same as Notification.

CONTESTING RECORD PROCEDURES:

Same as Notification.

RECORD SOURCE CATEGORIES:

Information on time allocation is provided by Antitrust Division section and field office chiefs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/ATR-006

SYSTEM NAME:

Antitrust Information Management System (AMIS)—Matter Report.

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional employees (lawyers and economists) of the Antitrust Division of the U.S. Department of Justice and individual defendants and investigation targets involved in past and present Antitrust investigations and cases.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains the names of Division employees and their case/ investigation assignments and the names of individual defendants/ investigation targets as they relate to a specific case/investigation. In addition, information reflecting the current status and handling of Antitrust cases/ investigations is included within this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The file is established and maintained pursuant to 28 CFR 40(f), 28 U.S.C. 522, and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file is used by Antitrust Division personnel as a basis for determining Antitrust Division allocation of resources to particular products and industries (e.g., oil, autos, chemicals), to broad categories of resource use such as civil cases, criminal cases, regulatory agency cases, and Freedom of Information Act requests. It is employed by the section chiefs, the Director and Deputy Director of Operations, and other Division personnel to ascertain the progress and current status of cases and investigations within the Division. In

VOL 52 ISS 238 DEC 11 1987 UMI

addition, the files will be employed in the preparation of reports for the Division's budget requests and to the Attorney General and Congress.

A record maintained in this system, or any facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which the Antitrust Division is authorized to appear, when (1) the Antitrust Division, or any subdivision thereof; or (2) any employee of the Antitrust Division in his or her official capacity; or (3) any employee of the Antitrust Division in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (4) the United States, or any agency or subdivision thereof; or (5) the United States, where the Antitrust Division determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the Antitrust Division to be arguably relevant to the litigation.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained electronically in the Information systems support group's AMIS Computerized information system.

RETRIEVABILITY:

Information is retrieved by a variety of key words.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Access to the file is limited to those persons whose official duties require such access and employees of the Antitrust Division.

RETENTION AND DISPOSAL:

Information contained in the file is retained *indefinitely.*

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Systems Support Group; Antitrust Division; U.S. Department of Justice; *555 4th Street NW., Room 11–854, Washington, DC 20001.*

NOTIFICATION PROCEDURE:

Address inquiries to the Assistant Attorney General. Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue, Washington, DC 20530.

RECORD SOURCE CATEGORIES:

Information for the monthly reports is provided by the Antitrust Division section and field office chiefs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3), (d), (e)(4)(G)–(H), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the **Federal Register.**

JUSTICE/CRM–001

SYSTEM NAME:

Central Criminal Division Index File and Associated Records.

SYSTEM LOCATION:

U.S. Department of Justice, Criminal Division, *Bond Building, 1400 New York Avenue NW.,* Washington, DC 20530, and, Federal Records Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons referred to in potential or actual cases and matters of concern to the Criminal Division and correspondents on subjects directed or referred to the Criminal Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of alphabetical indices bearing individual names, and the associated records to which they relate, arranged either by subject matter or individual identifying number containing the general and particular records of all Criminal Division correspondence, cases, matters, and memoranda, including but not limited to investigative reports, correspondence to and from the Division, legal papers, evidence, and exhibits. The system also includes items classified in the interest of national security with such designations as confidential, secret, and top secret received and maintained by the Department of Justice. This system may also include records concerning subject matters more particularly described in other systems of records of the Criminal Division.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 44 U.S.C. 3101 to implement all functions assigned to the Criminal Division in 28 CFR 0.55 through 0.64–2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility for investigation or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record related to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purposes of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return; (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60; (14) a record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintainance of a suit brought under such title.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA), and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents are stored in file folders *and in the Federal Records Center;* selected summary data is stored on manual index cards and on *microfilm and on IBM System/38.*

RETRIEVABILITY:

Summary data, e.g., names, file numbers, subjects, dates of correspondence, dates of receipt, due dates of assignments, docket numbers *and/or* synopses are retrieved from manual index cards *microfilm, and a numerical listing maintained on IBM System/38.*

File folders are retrieved through manual or automated indexes which are accessed through certain summary data, i.e., name or file and docket numbers.

SAFEGUARDS:

The records are safeguarded and protected in accordance with applicable Departmental rules. Security for the automated records include strictly controlled access codes and passwords. In addition, only authorized Criminal Division employees will have access to the system.

RETENTION AND DISPOSAL:

Currently there is an agreement with the Federal Records Center for retention and disposal after ten years applicable to approximately 20 percent of the Division records. All other paper records are currently retained indefinitely. A retention and disposal schedule for automated records will be under review in connection with a revised schedule for the paper records.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General, Criminal Division, U.S. Department of Justice; 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). Inquiry concerning this system should be directed to the system manager listed above.

RECORD ACCESS PROCEDURES:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the name of the individual involved, his birth date and place, or any other identifying number

or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Department officers and employees, and other federal, state, local, and foreign law enforcement and non-law enforcement agencies, private persons, witnesses, and informants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e)(1), (2) and (e)(4), (G), (H) and (I), (e)(5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/CRM-002

SYSTEM NAME:

Criminal Division Witness Security File.

SYSTEM LOCATION:

U.S. Department of Justice, Criminal Division, 10th Street and Constitution Avenue, N.W., Washington, D.C. 20530. In addition, some of the records contained in this system may be located at one or more of the Organized Crime and Racketeering Sections Field Offices listed in the appendix to the Criminal Division Systems of Records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are potential or actual witnesses and/or informants, relatives, and associates of those individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of the Witness Security Program files on all persons who are considered for admission or who have been admitted into the program. The files contain information concerning the individuals, the source and degree of danger to which they are exposed, the cases in which they are expected to testify, relocation information and documentation, job assistance, sponsoring office, requirements for reimbursement and administration of the program, and protection techniques. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM-001.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is authorized pursuant to sections 501 through 504 of Pub. L. 91-452.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows: 1. Dissemination of a record may be made to a federal, state, local, or foreign agency to acquire information concerning the individual, or those associated with him, relating to the protection of the subject or to a criminal investigation; 2. in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law; 3. in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; 4. a record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; 5. a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; 6. a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; 7. a record relating to an individual in a matter that has been referred for either consideration or investigation by an agency may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made; 8. a record relating to an individual held in custody pending arraignment, trial, or sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; 9. a record may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; 10. a record may be disseminated to a federal, state, local, or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; 11. a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; 12. a record may be disseminated to a non-governmental entity or individual in the acquisition of employment or other services in behalf of the witnesses.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on

behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records *Administration (NARA), and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A record contained in this system is kept on index cards and in files stored in safe type filing cabinets.

RETRIEVABILITY:

A record is retrieved by name of the individual.

SAFEGUARDS:

The records are maintained in safes with additional physical safeguards as well as limited access by Departmental personnel.

RETENTION AND DISPOSAL:

Currently there are no provisions for the disposal of the records in the system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Inquiry concerning the system should be addressed to the System Manager listed above.

RECORD ACCESS PROCEDURES:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

1. Federal, state, local, or foreign government agencies concerned with the administration of criminal justice; 2. Members of the public; 3. Government agency employees; 4. Published material; 5. Persons considered for admission or admitted to the program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H) and (I), (e)(5) and (8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/CRM-003

SYSTEM NAME:

File of Names Checked to Determine If Those Individuals Have Been the Subject of An Electronic Surveillance.

SYSTEM LOCATION:

U.S. Department of Justice; Criminal Division; *Bond Building, 1400 New York Avenue NW.,* Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Grand jury witnesses, defendants and potential defendants in criminal cases and their attorneys.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains the names of those persons submitted by federal prosecutors to inquire whether such persons have been the subject of electronic surveillances. The file consists of the names, the inquiries made to federal investigatory agencies, the replies received from such agencies, and the reply submitted to the prosecutor. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM-001.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 44 U.S.C. 3101. The system is also maintained to implement the provisions of 18 U.S.C. 3504.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows: 1. In the appropriate federal court proceeding in accordance with established constitutional, substantive, or procedural law or practice; 2. to an actual or potential party or his attorney in the case or matter in which the request was made.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject to the record.

Release of information to the National Archives and Records *Administration (NARA), and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NAPA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A record contained in this system is stored manually in file jackets.

RETRIEVABILITY:

A record is retrieved by the name of the individual checked.

SAFEGUARDS:

The records are safeguarded and protected in accordance with applicable Departmental rules.

VOL 52 ISS 238 DEC 11 1987 UMI

RETENTION AND DISPOSAL:

Currently, there are no provisions for disposal of the records in this system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th and Constitution Avenue NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

A part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2). Inquiry concerning this system should be directed to the System Manager listed above.

RECORD ACCESS PROCEDURES:

A part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Private Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are an actual or potential party or his attorney in the case or matter in question, federal prosecutors, and the federal investigative agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(4), (d), (e)(4) (G), (H) and (I), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/CRM-004

SYSTEM NAME:

General Litigation and Legal Advice Section, Criminal Division, Central Index File and Associated Records.

SYSTEM LOCATION:

U.S. Department of Justice; Criminal Division; *Bond Building, 1400 New York Ave., NW.,* Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons referred to in potential or actual cases and matters of concern to the *General Litigation and Legal Advice Section,* Criminal Division, and correspondents on subjects directed or referred to the Criminal Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of an alphabetical index by individual name or subject matter of all incoming correspondence, cases, and matters assigned, referred, or of interest to the *General Litigation and Legal Advice Section,* Criminal Division. A large percentage of these records are duplicated in the Central Criminal Division records; some, however, are not sent through central records come to the *General Litigation and Legal Advice Section* directly.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 44 U.S.C. 3101, and is intended to assist in implementing and enforcing the criminal laws of the United States, particularly those codified in title 18, United States Code. The system is also maintained to implement the provisions codified in 28 CFR 0.55.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records *Administration (NARA), and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A record contained in this system is stored manually on index cards.

RETRIEVABILITY:

A record is retrieved from index cards by the name of the individual or matter which will then indicate the Section Unit or attorney assigned to work on the correspondence, case, or matter.

SAFEGUARDS:

Records are safeguarded and protected in accordance with applicable Departmental rules.

RETENTION AND DISPOSAL:

Currently there are no provisions for disposal of the records contained in this system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, NW.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). Inquiries concerning this system should be directed to the System Manager listed above.

RECORD ACCESS PROCEDURES:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Department offices and employees and other federal, state, local, and foreign law enforcement and non-law enforcement agencies, private persons, witnesses, and informants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), and (e)(4) (G), (H) and (I), (e) (5) and (8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/CRM--005

SYSTEM NAME:

Index to Names of Attorneys Employed by the Criminal Division, U.S. Department of Justice, Indicating the Subject of the Memoranda on Criminal Matters They Have Written.

SYSTEM LOCATION:

U.S. Department of Justice; Criminal Division; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present attorneys employed by the Criminal Division, U.S. Department of Justice.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of the names of past and present Criminal Division attorneys and lists the memoranda they have written on various matters, generally involving legal research, on matters of interest to the Division. This system is a cross-reference index maintained for convenience only and does not include the memoranda themselves other than the fact of authorship.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to the authority granted by 44 U.S.C. 3101. The system is also maintained to implement the provisions codified in 28 CFR 0.55 and 0.61.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

There are no uses of the records in this system outside of the Department of Justice.

Release of information to the news media: Information permitted to be released to the news media and the

VOL 52 ISS 238 DEC 11 1987 UMI

public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records *Administration (NARA), and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A record contained in this system is stored manually on index cards.

RETRIEVABILITY:

A record is retrieved by name of the individual.

SAFEGUARDS:

Records are safeguarded and protected in accordance with applicable Departmental rules.

RETENTION AND DISPOSAL:

Currently there are no provisions for disposal of the records in this system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the past or present attorney employed by the Criminal Division. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Past and present attorneys employed by the Criminal Division, U.S. Department of Justice.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/CRM—007

SYSTEM NAME:

Name Card File on Criminal Division Personnel Authorized to Have Access to the Central Criminal Division Records.

SYSTEM LOCATION:

U.S. Department of Justice; Criminal Division; 10th Street and Constitution Avenue, NW.; Washington, D.C. 20530, or Federal Records Center; Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current personnel of the Criminal Division, generally attorneys.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains the names of those attorneys and others currently employed by the Criminal Division who are authorized to have access to the central records of the Division.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 44 U.S.C. 3101. The system is also maintained to implement the provisions codified in 28 CFR 0.55 and 0.61.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

There are no uses of the records in this system outside of the Department of Justice.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records *Administration (NARA), and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A record contained in this system is stored manually on index cards.

RETRIEVABILITY:

A record is retrieved by name from the index cards.

SAFEGUARDS:

The records are safeguarded and protected in accordance with applicable Departmental rules.

RETENTION AND DISPOSAL:

A name card is destroyed upon notification that the individual is no longer employed by the Criminal Division.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th street and Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Personnel of the Criminal Division.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/CRM-008

SYSTEM NAME:

Name Card File on Department of Justice Personnel Authorized to Have Access to Classified Files of the Department of Justice.

SYSTEM LOCATION:

U.S. Department of Justice, Criminal Division, 10th and Constitution Avenue NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current personnel of the Department of Justice, generally attorneys.

CATEGORIES OF RECORDS IN THE SYSTEM:

This index file contains the names of those attorneys and others currently employed in the Department of Justice who are authorized to have access to records of the Department of Justice classified in the interest of national security with such designations as confidential, secret, and top secret.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established pursuant to Executive Order No. 11652. The system is also maintained to implement the provisions codified in 28 CFR 17.1 through 17.82.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

There are no uses of the records in this system outside of the Department of Justice.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA), and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A record contained in this system is stored manually on index cards.

RETRIEVABILITY:

A record is retrieved by name from the index cards.

SAFEGUARDS:

The index is contained in the vault maintained for classified files of the Department of Justice.

RETENTION AND DISPOSAL:

The names in the index are maintained and deleted in accordance with Departmental regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request". Include in the request the name of the individual involved. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Personnel of the Department of Justice.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/CRM-012

SYSTEM NAME:

Organized Crime and Racketeering Section, General Index File and Associated Records.

SYSTEM LOCATION:

The general files of the Organized Crime and Racketeering Section are located at several locations and not all files are located at all locations. The location of the files are: 1. U.S. Department of Justice; Criminal Division, Organized Crime and Racketeering Section; 10th Street and Constitution Avenue NW., Washington, DC 20530; and 2. Organized Crime and Racketeering Section Field office listed in the Appendix to the Criminals' Division systems of records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been prosecuted or are under investigation for potential or actual criminal prosecution as well as persons allegedly involved in organized criminal activity and those alleged to be associated with the subject.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of alphabetical indices bearing individual names and the associated records to which they relate, arranged either by subject matter or individual identifying number, of all incoming correspondence, cases, matters, investigations, and memoranda assigned, referred, or of interest, to the Organized Crime and Racketeering Section and its field offices. The records in this system concern matters primarily involving organized crime and include, but are not limited to, case files; investigative reports; intelligence reports; subpoena and grand jury files; records of warrants and electronic surveillances; records of indictment, prosecution, conviction, parole, probation, or immunity; legal papers;

VOL 52 ISS 238 DEC 11 1987 UMI

evidence; exhibits; items classified confidential, secret, and top secret; and various other files related to the Section's activities and it ongoing investigations, prosecutions, cases, and matters. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM–001.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 44 U.S.C. 3101 and the Presidential Directive on the Federal Drive Against Organized Crime, issued May 5, 1966 (Weekly Compilation of Presidential Documents, Vol. 2, W. No. 18 (1966)). In addition, this system is maintained to assist in implementing and enforcing the criminal laws of the United States, particularly those codified in title 18, United States Code. This system is also maintained to implement the provisions codified in 28 CFR 0.55 particularly subsection (g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after convinction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade association, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return; (13) a record that contains classifed national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA), and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records in this system are stored on various documents, tapes, disc packs, and punch cards, some of which are contained in files, on index cards, or in related type materials.

RETRIEVABILITY:

The system is accessed by name but may be grouped for the convenience of the user by subject matter, e.g., parole file, photograph file, etc.

SAFEGUARDS:

Materials related to the system are maintained in appropriately restricted areas and are safeguarded and protected in accordance with applicable Department rules.

RETENTION AND DISPOSAL:

Currently there are no provisions for the disposal of the records in the system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Criminal Division, U.S. Department of Justice; 10th Street and Constitution Avenue NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Inquiry concerning the system should be addressed to the System Manager listed above.

RECORD ACCESS PROCEDURES:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request". Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name and of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above. Records in this system are exempt from the access provisions of the Act in accordance with the applicable exemption notice.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Records in this system are exempt from the contesting provisions of the Act in accordance with the applicable exemption notice.

RECORD SOURCE CATEGORIES:

1. Federal, state, local, or foreign government agencies concerned with the administration of criminal justice and non-law enforcement agencies both public and private; 2. Members of the public; 3. Government employees; 4. Published material; 5. Witnesses and informants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), and (I), (e)(5), and (8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the Federal Register.

JUSTICE/CRM–016

SYSTEM NAME:

Records on Persons Who Have Outstanding and Uncollected Federal Criminal Fines or Federal Bond Forfeitures.

SYSTEM LOCATION:

U.S. Department of Justice; Criminal Division; Bond Building, 1400 New York Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have outstanding and uncollected federal criminal fines or federal bond forfeitures whose address is presently unknown or was at one time, unknown.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the names of persons, and correspondence relating to such persons, who have federal criminal fines or federal bond forfeitures outstanding and whose whereabouts are presently unknown or were, at one time, unknown. The system is maintained to gather information on the whereabouts of such persons and to assist in federal collection efforts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 44 U.S.C. 3101. This system is also maintained to implement the provisions codified in 28 CFR 0.171(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminatated as a routine use of such record as follows: (A) In the case of an individual whose whereabouts are unknown, to any individual organization, or government agency for the purpose of gathering information to locate such person; or (B) in the case of any individual whose name is contained in the system whether or not his whereabouts are known as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal state, local, or foreign agency, or to an individual or organization if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practices; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

BEST COPY AVAILABLE

VOL 52 ISS 238 DEC 11 1987 UMI

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration (NARA), and to the General Services Administration *(GSA):* A record from a system of records may be disclosed as a routine use to NARA and GSA in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A record contained in this system is stored manually in file jackets.

RETRIEVABILITY:

A record is retrieved by the name of the individual.

SAFEGUARDS:

Records are safeguarded and protected in accordance with applicable Department rules.

RETENTION AND DISPOSAL:

Currently there are no provisions for disposal of the records in this system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, NW; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURE:

A request for access to a record from this sytem shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the name and address of the individual involved, his address, his birth date and place, or other identifying number of information which may be of assistance in locating the record, the name of the case involved, if known, and the name of the judicial district, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individual desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are federal, state, local, or foreign agencies, and private individuals and organizations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/CRM-017

SYSTEM NAME:

Registration and Propaganda Files Under the Foreign Agents Registration Act of 1938, As Amended.

SYSTEM LOCATION:

U.S. Department of Justice; Criminal Division; *Bond Building, 1400 New York Avenue, NW,* Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons required to file under the Foreign Agents Registration Act of 1938, 22 U.S.C. 611 et seq.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains the statement of the registrant and other documents required to be filed under the Foreign Agents Registration Act of 1938. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM–001.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 22 U.S.C. 611 et seq. The system is also maintained to implement the provisions of 28 CFR 5.1 through 5.801.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record to any individual, organization, or government agency.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information of Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA), and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A record contained in this system is stored manually on index cards and in file jackets.

RETRIEVABILITY:

A record is retrieved by name of the individual.*Safeguards:*

Records are safeguarded and protected in accordance with applicable Departmental rules.

RETENTION AND DISPOSAL:

Currently there are no provisions for disposal of the records in this system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General, Criminal Division, U.S. Department of Justice, 10th Street and Constitution Avenue, NW, Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made pursuant to the provisions of 28 CFR 5.600 and 5.601.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought

RECORD SOURCE CATEGORIES:

The source of information contained in this system is the registrant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/CRM–018

SYSTEM NAME:

Registration Files of Individuals Who Have Knowledge of, or Have Received Instruction or Assignment in, Espionage, Counterespionage, or Sabotage Service or Tactics of a Foreign Government or of a Foreign Political Party.

SYSTEM LOCATION:

U.S. Department of Justice; Criminal Division; *Bond Building, 1400 New York Avenue, NW.,* Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have knowledge of, or who have received instruction or assignment in, espionage, counterespionage, or sabotage service or tactics of a foreign government or of a foreign political party.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains the statement of the registrant and other documents required to be filed under 50 U.S.C. 851. The system is a public record except that certain statements may be withdrawn from public examination pursuant to 50 U.S.C. 853 and 28 CFR 12.40 by the Attorney General having due regard for national security and the public interest. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM–001.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 50 U.S.C. 851 et seq. The system is also maintained to implement the provisions codified in 28 CFR 12.1 through 12.70.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows: (A) in the case of a record not withdrawn by the Attorney General from public examination, to any individual, organization, or government agency; or (B) in the case of a record withdrawn by the Attorney General from public examination as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, or criminal or regulatory in nature, the registration record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a registration record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a registration may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional substantive, or procedural law or practice; (4) a record relating to a registration may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a registration may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) a record relating to a registration that has been referred by an agency for investigation may be disseminated to the referring agency to notify such agency of the status of the registration or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the matter; (7) a registration record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such person; (8) a record relating to a registration may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a registration record may be disseminated to a federal, state, local or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a registration record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decisions on the matter; (11) a registration record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 C.F.R. 17.60.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records; *Administration (NARA), and the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A record contained in this system is stored manually on index cards and in file jackets.

VOL 52 ISS 238 DEC 11 1987 UMI

RETRIEVABILITY:

A record is retrieved by name of the individual registrant.

SAFEGUARDS:

Records are safeguarded and protected in accordance with applicable Departmental files.

RETENTION AND DISPOSAL:

Currently there are no provisions for disposal of the records in this system.

SYSTEMS MANAGER(S) AND ADDRESS:

Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, NW.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made pursuant to the provisions of 28 CFR 12.40 and 12.41.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The source of information contained in this system is the registrant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/CRM—015

SYSTEM NAME:

Requests to the Attorney General For Approval of Applications to Federal Judges For Electronic Interceptions.

SYSTEM LOCATION:

U.S. Department of Justice; Criminal Division; 10th and Constitution Avenue, NW.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been the subject of requests by federal investigative agencies for electronic surveillance.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains requests received from federal investigative agencies and federal prosecutors, and associated documents, seeking the authorization of the Attorney General required by 18 U.S.C. 2516 for an application to a federal court for an order authorizing the interception of a wire or oral communication in cases involving federal criminal violations. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM—001.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 44 U.S.C. 3101. The system is also maintained to implement the provisions of 18 U.S.C. 2516 and 18 U.S.C. 2519.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows: 1. in an appropriate federal, state, or local court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; 2. to the requesting agency to notify such agency of the status of the case or matter or of any decision or determination that has been made; 3. to furnish such information for reports to the Administrative Office of the United States Courts as is necessary to comply with the reporting provisions of 18 U.S.C. 2519; 4. to a party pursuant to 18 U.S.C. 2518 (8)(d), (9), and (10) and 18 U.S.C. 3504.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarrante invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA), and to the General Services Administration* (GSA): A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A record contained in this system is stored manually in file jackets.

RETRIEVABILITY:

A record is retrieved by the name of the individual who appears first on the application or affidavit that is first received.

SAFEGUARDS:

The records are safeguarded and protected in accordance with applicable Departmental rules.

RETENTION AND DISPOSAL:

Currently there are no provisions for disposal of the records in this system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th and Constitution Avenue, NW.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Inquiry concerning this system should be directed to the System Manager listed above.

RECORD ACCESS PROCEDURES:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request". Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above. Records in this system are exempt from the access provisions of the Act in accordance with the applicable exemption notice.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Records in this system are exempt from the contesting provisions of the Act in accordance with the applicable exemption notice.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are federal investigative agencies, federal prosecutors, and personnel of the Criminal Division, Department of Justice.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G), (H) and (I), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/CRM–021

SYSTEM NAME:

The Stocks and Bonds Intelligence Control Card File System.

SYSTEM LOCATION:

U.S. Department of Justice; Criminal Division; *Bond Building, 1400 New York Avenue, NW.;* Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, and their known associates, who are actual, potential, or alleged violators, of statutes dealing with stocks, bonds, and other securities.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system is an alphabetical listing of all individuals, and their associates, who are actual, potential, or alleged violators of the statutes dealing with counterfeiting, forging, and theft of stocks, bonds, and other securities including those who traffic, or are suspected of trafficking, in such stocks, bonds, or other securities. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM–001.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM.

This system is established and maintained pursuant to 44 U.S.C. 3101, and is intended to assist in implementing and enforcing the criminal laws of the United States codified in title 18, United States Code and elsewhere, particularly the laws relating to offenses involving stocks and bonds. The system is also maintained to implement the provisions codified in 28 CFR 0.55.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintence, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA), and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections

VOL 52 ISS 238 DEC 11 1987 UMI

conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A record contained in this system is stored manually on index cards.

RETRIEVABILITY:

A record is retrieved by the name of the individual.

SAFEGUARDS:

Records are safeguarded and protected in accordance with applicable Departmental rules.

RETENTION AND DISPOSAL:

Currently there are no provisions for disposal of the records in this system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, NW.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Inquiry concerning the system should be directed to the System Manager listed above.

RECORD ACCESS PROCEDURES:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extend that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requester will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above. Records in this system are exempt from the access provisions of the Act in accordance with the applicable exemption notice.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Records in this system are exempt from the contesting provisions of the Act in accordance with the applicable exemption notice.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are federal, state, local, and foreign government agencies and prosecutors, private organizations and individuals, and personnel of the Department of Justice.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H) and (I), (e)(5) and (8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/CRM-022

SYSTEM NAME:

Witness Immunity Records.

SYSTEM LOCATION:

U.S. Department of Justice: Criminal Division: 10th Street and Constitution Avenue NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential or actual witnesses for whom immunity (pursuant to 18 U.S.C. 6001–6005) is proposed.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains background information on the individual and the case of matter in which he is expected to testify in a processing before or ancillary to a court or grand jury of the United States or an agency of the United States. The information maintained in the system is entered from DOJ Form-LAA–111, "Request for Immunity Authorization", which is completed by the United States Attorneys, or from other formal requests for immunity from Federal agencies. The system also contains a record of action taken by the Criminal Division on the request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintain pursuant to 44 U.S.C. 3101. The system is also maintained to implement the provisions of 18 U.S.C. 6001–6005 and 18 U.S.C. 2514.

PURPOSE OF THE SYSTEM:

The system is essential to the Division's efforts in granting immunity requests as stated in 18 U.S.C. 6001–6005. Requests for immunity may be made by a United States Attorney or a Federal agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) A record may be disseminated to a federal, state, local, or foreign law enforcement agency to alert such agency to the proposed immunity or, to the extent necessary for identification purposes, to elicit information concerning the potential or actual witness which may be necessary to an evaluation of the proposed immunity; (2) a record relating to a proposed immunity that has been referred to the Department of Justice for approval, may be disseminated to the referring agency to notify such agency of the status of the referral or of any decision or determination that has been made.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents are stored in file folders in locked cabinets; selected summary data are stored on magnetic disks and on manual index cards which are also kept in locked cabinets.

RETRIEVABILITY:

Summary data, e.g., names, request numbers, dates of receipt and completion are retrieved from manual index cards for requests received prior to June 1986; for June 1986 and subsequent years, summary data are retrieved from magnetic disks. File folders are accessed through the manual or automated indexes.

SAFEGUARDS:

The records are safeguarded and protected in accordance with applicable Departmental rules. Security for the automated records include strictly controlled access codes and passwords. Only authorized Criminal Division employees will have access to the system.

RETENTION AND DISPOSAL:

Dispose 10 years after close of request.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General, Criminal Division, U.S. Department of Justice, 10th Street and Constitution Avenue NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a (j)(2) or (k)(2). Inquiry concerning this system should be directed to the System Manager listed above.

RECORD ACCESS PROCEDURES:

The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a (j)(2) or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request". Include in the request the name of the individual involved, his birth date and place, or other identifying number of information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring the contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

1. Federal government prosecutors; 2. Federal agencies; 3. Department of Justice attorneys and personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (2), (3) and (e)(4) (G), (H) and (I), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/CRM-024

SYSTEM NAME:

Freedom of Information/Privacy Act Records.

SYSTEM LOCATION:

U.S. Department of Justice, Criminal Division, *Bond Building, 1400 New York Avenue, NW.*, Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who request disclosure of records pursuant to the Freedom of Information Act, persons who request access to or correction of records pertaining to themselves contained in Criminal Division systems of records pursuant to the Privacy Act; and, where applicable, persons about whom records have been requested or about whom information is contained in requested records.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains copies of all correspondence and internal memorandums related to Freedom of Information and Privacy Act requests, and related records necessary to the processing of such requests received on or after January 1, 1975.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 44 U.S.C. 3101 and is maintained to implement the provisions of 5 U.S.C. 552 and 552a and the provisions of 28 CFR 16.1 et seq. and 28 CFR 16.40 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system may be disseminated as a routine use of such record as follows: (1) A record may be disseminated to a Federal agency which furnished the record for the purpose of permitting a decision as to access or correction to be made by that agency or for the purpose of consulting with that agency as to the propriety of access or correction; (2) a record may be disseminated to any appropriate Federal, State, local, or foreign agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records contained in systems of records maintained by the Criminal Division.

Release of information to the news media: Information permitted to be released pursuant to the news media and the public pursuant to 28 CFR 50.2 may be made available from system of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released to 5 U.S.C. 552, may be made available to a Member or Congress or staff acting upon the Member's behalf when the Member of staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Record *Administration (NARA), and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A record contained in this system is stored manually in alphabetical order in file cabinets.

RETRIEVABILITY:

A record is retrieved by the name of the individual or person making a request for access or correction of records.

SAFEGUARDS:

Access to physical records is limited to personnel of the Freedom of Information/Privacy Act Unit of the Criminal Division and known Department of Justice personnel who have a need for the record in the performance of their duties. The records are safeguarded and protected in accordance with applicable Department rules.

RETENTION AND DISPOSAL:

Currently there are no provisions for disposal of records contained in this system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General, Criminal Division, U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

A Part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2), (k) (1), or (k) (2). Inquiry concerning this system should be directed to the system manager listed above.

RECORD ACCESS PROCEDURE:

A part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2), (k) (1), or (k) (2), to the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request

for access to a record contained in this system shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Requests.' Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requester shall also provide a return address for transmitting the information. Access requests shall be directed to the system manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are the individuals and persons making requests, the systems of records searched in the process of responding to requests, and other agencies referring requests for access to or correction of records originating in the Criminal Division.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records secured from other systems of records have been exempted from the provisions of the Privacy Act to the same extent as the system of records from which they were obtained. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (c), and (e) and have been published in the **Federal Register.**

JUSTICE/CRM-025

SYSTEM NAME:

Tax Disclosure Index File and Associated Records.

SYSTEM LOCATION:

U.S. Department of Justice, Criminal Division, Bond Building, 1400 New York Avenue NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers about whom the Criminal Division has requested and/or obtained disclosure of tax material from the Internal Revenue Service pursuant to 26 U.S.C. 6103.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains all requests for tax material, any such material provided by the Internal Revenue Service or duplicated or extracted by the Criminal Division from such material, and related records necessary to the application for and/or safeguarding of such material received on or after January 1, 1977.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 26 U.S.C. 6103(p)(4).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record (A) to any officer or employee of the Criminal Division who is personally and directly engaged in preparation for any proceeding (or investigation which may result in such proceeding) pertaining to the enforcement of a specifically designated Federal criminal statute not involving tax administration or to the enforcement of a Federal criminal statute in any matter involving tax administration; and (B) to any person outside of the Criminal Division where such dissemination is or reasonably appears to be in furtherance of proper preparation for any proceeding (or investigation which may result in such proceeding) pertaining to the enforcement of a specifically designated Federal criminal statute not involving tax administration or to the enforcement of a Federal criminal statute in any manner involving tax administration. Such dissemination shall be permitted to the extent authorized under 26 U.S.C. 6103(h), 26 U.S.C. 6103(i), 26 CFR 404.6103(h)(2)–1, 26 CFR 404.6103(i)–(l), and Rule 6(e), FR Crim. P. The above mentioned routine uses include the following:

(1) Dissemination to an attorney of the Criminal Division assigned responsibility with respect to an above-mentioned proceeding or an investigation which may result in such proceeding;

(2) Dissemination to an officer or employee of the Department of Justice with supervisory or clerical responsibility with respect to an above-mentioned proceeding, or an investigation which may result in such proceeding;

(3) Dissemination to an officer or employee of another Federal agency (as defined at 5 U.S.C. 551(l)) with investigative, supervisory, or clerical responsibility working under the direction and control of such attorneys of the Department of Justice as are assigned responsibility with respect to an above-mentioned proceeding, or an investigation which may result in such proceeding;

(4) Dissemination to a taxpayer to whom such record relates, or to such taxpayer's legal representative, to properly interview, consult, depose, or interrogate or otherwise obtain information relevant to an above-mentioned proceeding, or an investigation which may result in such proceeding, from such taxpayer or his legal representative;

(5) Dissemination during the course of an investigation which may result in an above-mentioned proceeding to any witness who may be called on to give evidence in such a proceeding to properly interview, consult, depose, or interrogate or otherwise obtain relevant information from such potential witness;

(6) Dissemination to any person having special knowledge or technical skills (such as handwriting analysis, photographic development, sound recording enhancement, or voice identification) to properly obtain the services of such person in an above-mentioned proceeding, or an investigation which may result in such proceeding;

(7) Dissemination to an officer or employee of the Department of Justice, another Federal agency (as defined at 5 U.S.C. 551(l)), or a foreign government to properly utilize international contacts and judicial assistance in an above-mentioned proceeding, or an investigation which may result in such proceeding;

(8) Dissemination to an officer or employee of the Internal Revenue Service to obtain additional disclosure pursuant to 26 U.S.C. 6103 in an above-mentioned proceeding, or an investigation which may result in such proceeding;

(9) Dissemination to a Federal grand jury;

(10) Dissemination to an officer or employee of the Department of Justice to obtain a court order to compel testimony pursuant to 18 U.S.C. 6002 and 6003 in any above-mentioned proceeding, or an investigation which may result in such proceeding;

(11) Dissemination to any party to an above-mentioned proceeding, to properly conduct negotiations concerning, or obtain authorization for, disposition of the proceeding, in whole or in part, or to obtain stipulations of fact in connection with the proceeding;

(12) Dissemination to a judicial or administrative body (such as the United States Parole Commission) in an above-mentioned proceeding or in preparation therefore, or in any post-conviction proceeding resulting from an above-mentioned proceeding;

(13) Dissemination to a court reporter in an above-mentioned proceeding, or as required, in preparation therefor.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A record contained in this system is stored manually on index cards and in file jackets.

RETRIEVABILITY:

A record is retrieved by name of the taxpayer in indices maintained in individual sections of the Criminal Division.

SAFEGUARDS:

Records are safeguarded in accordance with Department of Justice rules and procedures. Buildings in which records are located are under security guard, and access to premises is by official identification. Records are stored in spaces which are locked outside of normal office hours and in safe type filing cabinets which are locked when not being accessed. Access to such cabinets is limited to Division personnel whose duties and responsibilities require such access and to whom access may be permitted. A record of access is kept which indicates the name of each person who gains access to material from the secured area and the date and time of each access.

RETENTION AND DISPOSAL:

Records not retained are returned to the Internal Revenue Service or rendered undisclosable in accordance with 26 U.S.C. 6103(p)(4)(f)(ii). Currently there are no provisions for disposal of records contained in this system that are not returned to the Internal Revenue Service or are otherwise rendered undisclosable.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General, Criminal Division, U.S. Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURES:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2). Inquiry concerning the system should be addressed to the system manager listed above.

RECORD ACCESS PROCEDURE:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the name of the individual involved, his birth date and place or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above. Records in this system are exempt from the access provisions of the Act in accordance with the applicable exemption notice.

CONTESTING RECORD PROCEDURES:

Taxpayers desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Records in this system are exempt from the contesting provisions of the Act in accordance with the applicable exemption notice.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are the Internal Revenue Service, Federal investigative agencies, Federal prosecutors, and personnel of the Criminal Division, Department of Justice.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4)(G), and (H) and (I), (e) (5) and (8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/CRM—026

SYSTEM NAME:

Index of Prisoners Transferred Under Prisoner Transfer Treaties.

SYSTEM LOCATION:

U.S. Department of Justice; Criminal Division; *Bond Building, 1400 New York Avenue, NW,* 10th and Constitution Ave., NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prisoners transferred to or from prisons in the United States under prisoner transfer treaties with other countries.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of alphabetical indicies bearing individual names of prisoners involved in transfers and the tape recordings and occasional verbatim transcripts of consent verification hearings held pursuant to 18 U.S.C. 4107 and 4108, as well as copies of consent verification forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is maintained to implement the provisions of 18 U.S.C. 4107(e) and 4108(e). The records maintained in the system are used in conjunction with litigation relating to transfer of prisoners under prisoner transfer treaties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file is used by personnel of the Office of International Affairs of the Criminal Division to confirm the status of verification consent proceedings and to provide a readily retrievable record in the event of litigation on the issue of consent to the transfer. In addition, a record may be disseminated to the court, to court personnel, and to parties and their counsel in any litigation brought on the issue of proper consent to a prisoner transfer; to a state, local or foreign government, at its request, when the record relates to one of its past or present prisoners who have been the subject of a consent verification hearing; and, to any foreign government that is a party to an applicable treaty in a scheduled report that is required by the treaty.

Release of information to the news media and the public: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in the

VOL 52 ISS 238 DEC 11 1987 UMI

system not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record of the system of records may be disclosed to NARA and GSA National Archives and Records Service (NARS) for records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Verification consent forms and tape records are stored in file drawer safes.

RETRIEVABILITY:

A record is retrieved from index cards by the name of the individual and from the file jackets by location and date of the verification consent hearings which appear on the index cards.

SAFEGUARDS:

The records are stored in file drawer safes. Access to them is limited to personnel of the Office of International Affairs, Criminal Division, United States Department of Justice. The office in which the records are contained is securely locked at night and on weekends.

RETENTION AND DISPOSAL:

Currently it is planned to maintain records for 10 years in file safes referred to above and then transfer them to the Federal Records Center for retention.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General, Criminal Division; U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Inquiry concerning this system should be in writing and made to the system manager listed above.

RECORD ACCESS PROCEDURES:

A request for access to a record contained in this system shall be made in writing to the system manager, with the envelope and letter clearly marked "Privacy Act Request". The request shall include the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, and the name of the case or matter involved, if known. The requester shall also provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

Court records and prisoner statements.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/CRM-027

SYSTEM NAME:

Office of Special Investigations (OSI) Displaced Persons Listings.

SYSTEM LOCATION:

U.S. Department of Justice, Criminal Division, *Bond Building, 1400 New York Avenue, N.W.,* Washington, DC 20530, and Federal Records Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who applied for entry visas into the United States under the Displaced Persons Acts in force from 1948 to 1952 and for whom the United States Army Counterintelligence Corps assembled visa investigation files.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of alphabetical indexes bearing the names of persons who applied for entry visas under the Displaced Persons Acts, their visa applications, investigative reports and any other supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 44 U.S.C. 3101 and is intended to assist in implementing and enforcing the criminal laws of the United States, particularly those Criminal Statutes codified in "Criminal Laws," United States Code. The system is also maintained to implement the provisions codified in 28 CFR 0.55 and 0.61.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used by OSI personnel as source material to locate potential witnesses who might be able to provide information of investigative interest. However, a record maintained in this sytem of records may be disseminated as a routine use of such record as follows: (1) Records, or some part thereof, relating to a particular visa applicant, may become a part of an investigative record maintained in a published system of records entitled "Central Criminal Division Index File and Associated Records, JUSTICE/CRM-001" and be subject to the routine uses of that system; (2) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (3) a record may be disseminated to a Federal, State, local, foreign, or international enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; and (4) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return.

Release of information to the news media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index records in this system will be stored by name and control number on an IBM System/38. The actual records are papers in files stored in file boxes on shelves in locked record storage rooms.

RETRIEVABILITY:

Records stored in this system can be retrieved by the name of the individual, and by the control number of the record.

SAFEGUARDS:

Appropriate steps have been taken to preserve security and minimize the risk of unauthorized access to the system. Staff members who use the computer to input data or who have access to the stored data have been given specific identification codes or passwords by the system security officer which will restrict access to specific data. The files will be kept in a locked room with restricted access.

RETENTION AND DISPOSAL:

Currently there are no provisions for the disposal of records in the system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General, Criminal Division, U.S. Department of Justice, 10th and Constitution Avenue, NW, Washington, DC 20530.

NOTIFICATION PROCEDURE:

Inquire in writing to the system manager listed above.

RECORD ACCESS PROCEDURES:

Portions of this system are exempt from disclosure and contest by 5 U.S.C. 552a(k)(2). Make all requests for access to those portions not so exempted by writing to the system manager identified above. Clearly mark the envelope and letter "Privacy Access Requests;" provide the full name and notarized signature of the individual who is the subject of the record, his/her date and place of birth, or any other identifying number or information which may assist in locating the record; and, a return address.

CONTESTING RECORD PROCEDURES:

Direct all requests to contest or amend information maintained in the system to the system manager listed above. State clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

The information in this system was originally compiled during the course of investigations undertaken by the United States Army Counter Intelligence Corps pursuant to the Displaced Persons Acts in effect from 1948 to 1952. For the most part, the information in this system was obtained directly from the visa applicant himself, but the records would also contain information from other individuals or entities which would have shed light on the information supplied by the visa applicant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted certain categories of records in this system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e), and have been published in the Federal Register.

JUSTICE/CRM-999

APPENDIX TO CRIMINAL DIVISION'S SYSTEMS OF RECORDS; FIELD OFFICE ADDRESSES OF ORGANIZED CRIME AND RACKETEERING SECTIONS WHERE RECORDS MAY BE LOCATED:

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Atlanta Field Office, 75 Spring Street (SW.), U.S. Courthouse—Suite 2002, Atlanta, Georgia 30303.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Boston Strike Force, P.O. Box 1433, Boston, Massachusetts 02109.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Brooklyn Strike Force, Room 327–A, 35 Tillary Street, Brooklyn, New York 11201.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Buffalo Strike Force, U.S. Courthouse, 68 Court Street—Rm. 420, Buffalo, New York 14202.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Camden Field Office, 2600 Mount Ephraim Avenue, Camden, New Jersey 08104–3210.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Chicago Strike Force, Room 1402, 219 South Dearborn Street, Chicago, Illinois 60604.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Cleveland Strike Force, Suite 450—Investment Bldg., 601 Rockwell Avenue, Cleveland, Ohio 44114.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Detroit Strike Force, Rm. 940—Federal Bldg., 231 West Lafayette St., Detroit, Michigan 48226.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Ft. Lauderdale Field Office, 299 E. Broward Blvd., Suite 309–E, Federal Bldg., Ft. Lauderdale, Florida 33301.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, U.S. Courthouse—Room C–242, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Houston Field Office, P.O. Box 610148, Houston, Texas 77208–0148.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Kansas City Strike Force, 811 Grand Avenue, Rm. 127—U.S. Courthouse, Kansas City, Missouri 64106.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Las Vegas Strike Force, Valley Bank Plaza, 300 S. 4th Street, Suite 1005, Las Vegas, Nevada 89101.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Los Angeles Strike Force, Rm. 2311—Fed. Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Miami Strike Force, 77 S.E. 5th St., Suite 401, Miami, Florida 33131.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, 142 Orange Street, 3rd Floor, New Haven, Conn. 06515, or P.O. Box 1693, New Haven, Conn. 06507.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Newark Strike Force, Rm. 635—Fed. Bldg., 970 Broad Street, Newark, New Jersey 07101.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, New Orleans Strike Force, Hale Boggs Federal Building, 500 Camp Street—Room 308, New Orleans, Louisiana 70130.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Philadelphia Strike Force, 615 Chestnut Street, Suite 700, Philadelphia, Pennsylvania 19106.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, P.O. Box 998, Postal Annex Building, Providence, Rhode Island 02901, or U.S. Courthouse—Federal Bldg., Rm. 213, Kennedy Plaza, Providence, Rhode Island 02901.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Room 318—New Federal Building, 100 State Street, Rochester, New York 14614.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, San Francisco Strike Force, Box 36132, 450 Golden Gate Avenue, San Francisco, California 94102.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, P.O. Box 7012—Federal Station, Syracuse, New York 13201, or U.S. Courthouse and Fed. Bldg., Rm. 1141—100 S. Clinton, Syracuse, New York 13260.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, 700 Twiggs Street, Room 711, Tampa, Florida 33602.

ORGANIZED CRIME AND RACKETEERING SECTION:

U.S. Department of Justice, Box 571, Ben Franklin Station, Washington, DC 20044.

JUSTICE/DEA-001

SYSTEM NAME:

Air Intelligence Program.

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) Aircraft Owners; (B) Licensed Pilots.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) FAA Civil Aircraft Registry; (B) FAA Aircraft Owners Registry; (C) FAA Airman Directory; (D) Entries into NADDIS.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The System is maintained to provide intelligence and law enforcement activities pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513) and Reorganization Plan No. 2 of 1973.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system provides a research data base for identification of aircraft, aircraft owners and pilots that are known or suspected of involvement in illicit air transportation of narcotics. Information developed from this system is provided to the following categories of users for law enforcement purposes on a routine basis: (A) Other Federal law enforcement agencies; (B) State and local law enforcement agencies; (C) Foreign law enforcement agencies with whom DEA maintains liaison.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the content of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA)*: A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Reference materials are maintained on microfiche. Information developed from the reference materials is entered onto the NADDIS magnetic tape.

RETRIEVABILITY:

This system is indexed by name and identifying numbers.

SAFEGUARDS:

This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to authorized DEA employees with appropriate clearance on a need-to-know basis.

RETENTION AND DISPOSAL:

Reference materials are retained until updated and then destroyed. Entries into NADDIS are retained for *twenty-five* years.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Intelligence, Drug Enforcement Administration; 1405 Eye Street, NW., Washington, DC 20537.

NOTIFICATION PROCEDURE:

The reference materials in this system are matters of public record. Information developed from this system and entered into the Narcotics and Dangerous Drug Information System (NADDIS) has been exempted from compliance with subsection (d) of the Act by the Attorney General.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Federal Aviation Administration.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), and (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register**.

JUSTICE/DEA-003

SYSTEM NAME:

Automated Records and *Consolidated* Orders System/Diversion Analysis and Detection System (ARCOS/DADS).

SYSTEM LOCATION:

Drug Enforcement Administration, 1105 Eye Street, NW., Washington, D.C. 20537. Also field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons registered with DEA under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513).

CATEGORIES OF RECORDS IN THE SYSTEM:

The information contained in this system consists of individual business transactions between levels of handlers of controlled substances to provide an audit trail of all manufactured and/or imported controlled substances to the dispensing level.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system of records is maintained pursuant to the reporting requirements of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826(d)) and to enable the United States to fulfill its treaty obligations under the Single Convention on Narcotic Drugs and the Convention on Phychotropic Substances.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in this system is provided to the following categories of users for the purposes stated: (A) Other Federal law enforcement and regulatory agencies for law enforcement or regulatory purposes; (B) State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes; (C) The International Narcotics Control Board as required by treaty obligations.

The ARCOS/DADS system of records generates the following reports: (1) Reports to the United Nations on Narcotics and Psychotropic Substances; (2) Aggregate Individual Quota Allocation Supportive Data; (3) Usage of Controlled Substances; (4) Controlled Substance Summary by reporting Registrant; (5) Controlled Substance Summary by Location; (6) Controlled Substance Usage & Inventory Summary—by Schedule; (7) Discrepancy Notice Reports; (8) Discrepancy Error Analysis Report; (9) Potential Diversion reports; (10) Incomplete Transfers; (11) Unauthorized Purchases; (12) Excess Inventory & Purchases; (13) Order Form Monitoring; (14) Improper Reporting of Partial Shipments; (15) Discrepancies in Quantities; (16) Waste & Sampling of Controlled Substances Beyond Limits; (17) Controlled Substances Used in Manufacturing of Non-controlled Substances; (18) Controlled Substances Used in Research; (19) Controlled Substances Sold to Government Agencies; (20) Controlled Substances Destroyed; (21) Controlled Substances Imported/Exported; (22) Quota Excess.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA)*: A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All automated data files associated with ARCOS-DADS are maintained in the Department of Justice Data Center and the Drug Enforcement Administration Data Center.

RETRIEVABILITY:

The system is indexed by name and identifying number. In addition a number of telecommunication terminals have been added to the existing network.

SAFEGUARDS:

The portion of the records maintained in DEA headquarters is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to ARCOS Unit employees who have appropriate security clearances on a need to know basis. Information that is retrievable by terminals requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

Input data received from registrants is maintained for 60 days for backup purposes and then destroyed by shredding or electronic erasure. ARCOS master inventory records are retained for eight consecutive calendar quarters As the end of a new quarter is reached the oldest quarter of data is purged from the record. ARCOS transaction history will be retained for a maximum of five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESSES:

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration; 1405 Eye Street, NW., Washington, D.C. 20537.

RECORD SOURCE CATEGORIES:

Business forms and individuals registered with DEA under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513)

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3), (d) (e)(4)(G) and (H), (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 552a(k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/DEA-004

SYSTEM NAME:

Congressional Correspondence File.

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 Eye Street NW., Washington, DC 20537. Also, field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the United States Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Inquiries from Members of Congress; (B) Reply to Congressional inquiries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system is maintained to provide a history of Congressional inquiries. The information is not disseminated outside the Department of Justice.

VOL 52 ISS 238 DEC 11 1987 UMI

Release of information to the news media: Information permitted to be released to the media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to *5 U.S.C.* 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.*

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The documents in this system are maintained in standard file folders.

RETRIEVABILITY:

The system is indexed by the name of the Member of Congress.

SAFEGUARDS:

This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the records are stored in bar lock filing cabinets and access to the system is restricted to members of the DEA Congressional Affairs Staff.

RETENTION AND DISPOSAL:

These records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

irector, Congressional Affairs, Drug Enforcement Administration, 1405 Eye Street NW., Washington, DC 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information Section, Drug Enforcement Administration, 1405 Eye Street NW., Washington, DC 20537.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Members of Congress.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DEA-005

SYSTEM NAME:

Controlled Substances Act Registration Records (CSA).

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 Eye Street NW., Washington, DC 20537. Also, field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on the following categories of individuals registered under the Controlled Substances Act including registrants doing business under their individual name rather than a business name: (A) Physicians and related practitioners; (B) Dentists; (C) Veterinarians; (D) Persons conducting research with controlled substances; (E) Importers of controlled substances; (F) Exporters of controlled substances; (G) Manufacturers of controlled substances; (H) Distributors of controlled substances; (I) Pharmacies.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Controlled Substances Act Registration Records are maintained in a manual system which contains the original of the application for registration under 224, 224a, 225, *225a*, 226, 227, 268, and *363a*, order forms (DEA–222's) and any correspondence concerning a particular registrant. In addition, the same basic data is maintained in an automated system for quick retrieval.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Drug Enforcement Administration is required under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513) to register all handlers of controlled substances.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Controlled Substances Act Registration Records produce special reports as required for statistical analytical purposes. Disclosures of information from this system are made to the following categories of users for the purposes stated: (A) Other Federal law enforcement and regulatory agencies for law enforcement and regulatory purposes; (B) State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes; (C) Persons registered under the Controlled Substances Act (Pub. L. 91–513) for the purpose of verifying the registration of customers and practitioners.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The automated portion of this system is maintained on magnetic tape and the manual portion is by batch.

RETRIEVABILITY:

The automated system is retrieved by name and registration number. The manual portion is filed in batches by date the application was processed. A microfiche system of the names by State is maintained for quick reference

purposes. In addition, a number of telecommunication terminals have been added to the existing network.

SAFEGUARDS:

This system of records is maintained in DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to DEA personnel on a need-to-know basis. A specific computer program is necessary to extract information. Information that is retrievable by terminals requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

Records in the manual portion of the system are retired to the Federal Records Center after one year and destroyed after eight years. The automated data is stored in the Department of Justice Computer Center and destroyed after five years.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, 1405 Eye Street NW., Washington, DC 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information *Section,* Drug Enforcement Administration; 1405 Eye Street NW., Washington, DC 20537. Inquiries should include inquirer's name, date of birth, and social security number.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Information contained in this system of records is obtained from: (A) Registrants *and applicants* under the Controlled Substances Act (Pub. L. 91–513); (B) DEA Investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3), (d), (e)(4) (G) and (H), (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b) (c), and (e) and have been published in the Federal Register.

JUSTICE/DEA–006

SYSTEM NAME:

Freedom of Information/Privacy Act Records.

SYSTEM LOCATION:

Freedom of Information *Section,* Drug Enforcement Administration, 1405 I Street, NW., Room 200, Washington, DC 20537.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who request disclosure of records pursuant to the Freedom of Information Act; persons who request access to or correction of records pertaining to themselves contained in DEA's system of records pursuant to the Privacy Act: and, where applicable, persons about whom records have been requested or about whom information is contained in requested records.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains: (1) Copies of all correspondence and internal memorandums related to the Freedom of Information Act and Privacy Act request, and related records necessary to the processing of such requests receive after January 1, 1975, (2) documents responsive to Freedom of Information Act/Privacy Act requests that are contained in other DEA systems of records, and (3) copies of all documents relevant to appeals and lawsuits under the Freedom of Information Act and Privacy Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and is maintained pursuant to the authority of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Reorganization Plan No. 2 of 1973; and is maintained to implement the provisions of 5 U.S.C. 552 and 552a and the provisions of 28 CFR 16.1 et seq. and 28 CFR 16.40 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system may be disseminated as a routine use of such records as follows: (1) A record may be disseminated to a Federal agency which furnished the record for the purpose of permitting a decision as to access or correction to be made by that agency, or for the purpose of consulting with that agency as to the propriety of access or correction; (2) a record may be disseminated to any appropriate Federal, State, local, or foreign agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records contained in a system of records maintained by the Freedom of Information *Section.*

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records in this system are maintained in standard case file folders.

RETRIEVABILITY:

A record is retrieved by the name of the individual or person making a request for access or correction of records.

SAFEGUARDS:

This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electonic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the system is stored in Diebold combination vault and access is restricted to the staff of the Feedom of Information *Section,* on a need-to-know basis.

VOL 52 ISS 238 DEC 11 1987 UMI

RETENTION AND DISPOSAL:

Currently there are no provisions for disposal of records contained in this system. Destruction schedules will be developed as the system requirements become known.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Freedom of Information Section, Drug Enforcement Administration, 1405 I Street, NW., Room 200, Washington, DC 20537.

NOTIFICATION PROCEDURE:

A part of this system is exempted from this requirement under 5 U.S.C. 552a (j) or (k). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request is received by the Drug Enforcement Administration, 1405 I Street, Washington, D.C. 20537. A request shall be made in writing with the envelope and the letter clearly marked "Privacy Request". Each Privacy request shall contain the name of the individual involved, his date and place of birth, and other verification of identity as required by 28 CFR 16.41. Each requestor shall also provide a return address for transmitting the information. Requests shall be directed to the Chief, Freedom of Information Section, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedures above except individuals desiring to contest or amend information maintained in the system should direct their written request to the System Manager listed above, and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are the individuals and persons making requests, the systems of records searched in the processing responding to requests, and other agencies referring requests for access to or correction of records originating in the Drug Enforcement Administration.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of 5 U.S.C. 552a; in addition, this system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(k)(1) and (k)(2) from subsections (c)(3), (d), (e)(1), (e)(4)(G) and (H), and (f) of 5 U.S.C. 552a. This system is exempted because the records contained in this system reflect Drug Enforcement Administration law enforcement and investigative information. Individual access to these records might compromise ongoing investigations, reveal confidential informants or constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(c), and (e) and have been published in the Federal Register.

JUSTICE/DEA-008

SYSTEM NAME:

Investigative Reporting and Filing System.

SYSTEM LOCATION:

Drug Enforcement Administration: 1405 I Street, NW., Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Drug offenders
B. Alleged drug offenders
C. Persons suspected of drug offenses
D. Confidential informants
E. Defendants
F. Witnesses
G. Non-implicated persons with pertinent knowledge of some circumstances or aspect of a case or suspect. These are pertinent references of fact developed by personal interview or third party interview and are recorded as a matter for which a probable need for recall will exist. In the regulatory portion of the system, records are maintained on the following categories of individuals: (a) Individuals registered with DEA under the Comprehensive Drug Abuse Prevention and Control Act of 1970; (b) Responsible officials of business firms registered with DEA; (c) Employees of DEA registrants who handle controlled substances or occupy positions of trust related to the handling of controlled substances; (d) Applicants for DEA registration and their responsible employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Investigative Reporting and Filing System includes, among other things, a system of records as defined in the Privacy Act of 1974. Individual records, i.e., items of information on an individual, may be decentralized in separate investigative file folders. Such records, as well as certain other records on persons and subjects not covered by the Act, are made retrievable and are retrieved by reference to the following subsystems.

A. The Narcotics and Dangerous Drugs Information System (NADDIS) consists of two centralized automated indices and machine records on subjects cited in and extracted from investigative reports. The two indices represent a name index and a number index which are used to access one or more specific records for examination. The system serves as both an index to the more voluminous written reports upon which it is based and as an autonomous means for developing investigative leads and aids in selecting source materials for studies of a strategic nature. The system is accessible by telecommunications by appropriately equipped DEA headquarters and field offices. Records which comprise the system are also accessed by special computer runs. These runs are typically generated from selection criteria which cannot be utilized (input) via the telecommunications equipment. Bulk products generated via off-line runs may be formatted on computer tape, in printout or on microfiche depending on the needs of the user.

Direct references to the discrete file folders in which the source reports are filed are provided within each record. Therefore, the NADDIS records point to the more comprehensive manual reports maintained centrally at Headquarters. Records are retrievable by name and by certain identifying numbers in the online mode and by virtually any record data element in the off-line mode.

B. The Confidential Source Subsystem within the Investigative Reporting and Filing System consists of demographic and administrative data concerning: (a) Persons who under the specific direction of a DEA agent, with or without the expectation of payment or other valuable consideration, furnish information regarding drug trafficking, or perform other lawful services; and (b) persons who furnish information to DEA on an occasional basis.

The information contained in this subsystem is extracted directly from investigative files and confidential informant files contained in the system. This subsystem contains no names. The subsystem consists of alphanumeric identifiers coupled with demographic and administrative data concerning the confidential source. The subsystem serves primarily as an administrative tool to enable DEA management to perform periodic reviews of confidential sources required by DEA guidelines and regulations, to enable DEA to maintain move effective management controls over the expenditure of funds to confidential sources and to enable DEA to more systematically assess the performance of particular confidential sources. In addition, the system will generate statistical reports which will assist DEA management in evaluating the overall effectiveness of the utilization of confidential sources of information.

The system is accessed by designated ADP terminals on the strictest need to know basis.

C. Manual name indices covering foreign investigative activities are maintained by DEA foreign field offices. A residual card index is retained by DEA headquarters and domestic field offices that predates the automated central index. The items of information on the manual index records are extracted only from investigative reports and point to the more comprehensive information in pertinent investigative file folders. The records in the field office indices are subsets of the central automated and manual indices. Records are retrievable by name only by this manual technique. Four basic categories of files are maintained within the Investigative Reporting and Filing System. DEA does not maintain a dossier type file in the traditional sense on an individual. Instead, the files are complied on separate investigations, topics and on a functional basis for oversight and investigative support. (a) Criminal Investigative Case Files; (b) General Investigative Files, Criminal and Regulatory; (c) Regulatory Audit and Investigative Files; (d) Confidential Information Files.

The basic document contained in these files is a multipurpose report of investigation (DEA–6) in which investigative activities and findings are rigorously documented. The reports pertain to the full range of DEA criminal drug enforcement and regulatory investigative functions that emanate from the Comprehensive Drug Prevention and Control Act of 1970. Within the categories of files listed above, the general file category includes preliminary investigations of a criminal nature, certain topical or functional aggregations and reports of preregistrant inspections/investigations. The case files cover targeted conspiracies, trafficking situations and formal regulatory audits and investigations. Frequently the criminal drug cases are the logical extension of one or more preliminary investigations. The distinction between the case file and general file categories, therefore is based on internal administrative policy and should not be construed as a differentiation of investigation techniques or practices. These files, except for Confidential Information Files, contain also adopted reports received from other agencies to include items that comprise, when indexed, individual records within the meaning of the Act. The central files maintained at DEA Headquarters include, in general, copies of investigative reports and most of the supporting documents that are generated or adopted by DEA Headquarters and field offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained to enable DEA to carry out its assigned law enforcement and regulatory functions under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513). Reorganization Plan No. 2 of 1973, and to fulfill United States obligations under the Single Convention on Narcotic Drugs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system may be used as a data source or reference facility for numerous summary, management and statistical reports produced by the Drug Enforcement Administration. Only on rare occasions do such reports contain identifiable individual records. Information contained in this system is provided to the following categories of users as a matter of routine use for law enforcement and regulatory purposes: (a) Other federal law enforcement and regulatory agencies; (b) State and local law enforcement and regulatory agencies; (c) Foreign law enforcement agencies with whom DEA maintains liaison; (d) The Department of Defense and Military Departments; (e) The Department of State; (f) U.S. intelligence agencies concerned with drug enforcement; (g) The United Nations; (h) Interpol; (i) To individuals and organizations in the course of investigations to elicit information.

In addition, disclosures are routinely made to the following categories for the purposes stated: (a) To federal agencies for national security clearance purposes and to federal and state regulatory agencies responsible for the licensing or certification of individuals in the fields of pharmacy and medicine; (b) To the Office of Management and Budget upon request in order to justify the allocation of resources; (c) To State and local prosecutors for assistance in preparing cases concerning criminal and regulatory matters; (d) To the news media for public information purposes; and (e) To respondents and their attorneys for purposes of discovery, formal and informal in the course of an adjudicatory, rulemaking, or other hearing held pursuant to the Controlled Substances Act of 1970.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records, *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspection conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Administration regulations include detailed instructions for the preparation, adoption, handling, dissemination, indexing of individual records, storage, safeguarding of investigative reports and the accounting of disclosure of individual records.

STORAGE:

1. The Headquarters central files and the field office subsets of the Investigative Reporting and Filing System are maintained in standard file folders. Standard formats are employed. Manual indices are maintained using standard index record formats.

2. The Narcotics and Dangerous Drugs information subset is stored electronically on the Department of Justice computer center separate from DEA Headquarters.

RETRIEVABILITY:

Access to individual records is gained by reference to either the automated or

manual indices. Retrievability is a function of the presence of items in the index and the matching of names in the index with search argument names or identifying numbers in the case of the automated system. Files identified from field office indices are held by the field office of Headquarters. Files identified from the automated index may not be held by the interested office, but the originators of such files are identified. In addition a number of telecommunication terminals have been added to the existing network, including a terminal installation at the J. Edgor Hoover Building, 9th and Pennsylvania Avenue NW., Washington, D.C. 20535.

SAFEGUARDS:

The Investigative Reporting and Filing system is protected by both physical security methods and dissemination and access controls. Fundamental in all cases is that access to investigative information is limited to those persons or agencies with a demonstrated and lawful need to know for the information in order to perform assigned functions.

1. Physical security when investigative files are attended is provided by responsible DEA employees. Physical security when files are unattended is provided by the secure locking of material in approved containers or facilities. The selection of continers or facilities is made in consideration of the sensitivity or National Security Classification, as appropriate, of the files and the extent of security guard and/or surveillance afforded by electronic means.

2. Protection of the automated index is provided by physical procedural and electronic means. The Master file resides on the Department of Justice computer center and is physically attended or guarded on a full-time basis. Access or observation to active telecommunications terminals is limited to those with a demonstrated need to know for retrieval information. Surreptitious access to an unattended terminal is precluded by a complex sign-on procedure. The procedure is provided only to persons designated and authorized by DEA. For certain terminals, access is further restricted by cryptological equipment.

3. An automated log of queries is maintained for each terminal. Improper procedure results in no access. Terminals are signed-off after use. The terminals are otherwise located in locked facilities after normal working hours.

4. The dessemination of investigative information on an individual outside the Department of Justice is made in accordance with the routine uses as described herein or otherwise in accordance with the conditions of disclosure prescribed by the Act. The need to know of the recipent is determined in both cases by persons designated and authorized by DEA as a prerequisite of the release.

RETENTION AND DISPOSAL:

Records contained within this system are retained for *twenty-five (25)* years.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator, Operations Division, Drug Enforcement Administration, 1405 I Street NW., Washington D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to: Freedom of Information Section, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

(a) DEA personnel, (b) Cooperating individuals; (c) Suspects and defendants; (d) Federal, State and local law enforcement and regulatory agencies; (e) Other federal agencies: (f) Foreign law enforcement agencies; (g) Business records by subpoena; (h) Drug and chemical companies; (i) Concerned citizens.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (c)(3) and (4), (d), (e)(1), (2) and (3), (*e*)(4)(G) and (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/DEA-009

SYSTEM NAME:

Medical Records.

SYSTEM LOCATION:

Drug Enforcement Administration; 1405 Eye Street NW., Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) DEA Employees; (B) Cooperating Individuals;

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Annual physical examinations; (B) Reports of disease or injury pertaining to DEA Special Agents and Chemists; (C) Reports of job related injury or illness for employees and cooperating individuals; (D) Pre-employment physical examination of DEA Special Agents and Investigators; (E) Physical examination reports of non-federal police personnel applying to attend the National Training Institute.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained to establish and maintain an effective and comprehensive health program for employees pursuant to 5 U.S.C. 7901, 29 U.S.C. 655 and Executive Order 11807 of September 28, 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are maintained for internal DEA use. The only disclosure outside the agency would be to a physician when authorized by the subject.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from system of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personnel privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND IMPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in standard file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the records are stored in file safes in an alarmed, controlled access area. Access to the system is limited to employees of the medical office on a need-to-know basis.

RETENTION AND DISPOSAL:

These records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Medical Administration. Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information Section, Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C. 20537. Inquiries should contain the following information: Name; Date and Place of Birth; Dates of Employment with DEA; Employee number.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals on whom records are maintained; Employees of Medical Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DEA-010

SYSTEM NAME:

Planning and Inspection Division Records.

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 I Street, NW., Washington, DC 20537. Also, field offices. See Appendix I for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) DEA employees, past and present; (B) Applicants for employment with DEA; (C) Drug offenders, alleged drug offenders, and persons suspected of drug offenses; (D) Offenders, alleged offenders, and persons suspected of committing Federal and state crimes broadly characterized as corruption or integrity offenses; (E) Confidential informants; (F) Witnesses; (G) Nonimplicated persons with pertinent knowledge of circumstances or aspects with pertinent knowledge of circumstances or aspects of a case or suspect. These are pertinent references of fact developed by personal interview or third party interview and are recorded as a matter for which a probable need will exist.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Investigative reports with supporting memoranda and work papers relating to investigations of individuals and situations. (B) General files which include, among other things, supporting memoranda and work papers and miscellaneous memoranda relating to investigations of and the purported existence of situations and allegations about individuals. (C) Audit and inspection reports of inspections of DEA offices, personnel, and situations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Reorganization Plan No. 1 of 1966 and 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in this system is provided to the following categories of users as a matter or routine uses for law enforcement and regulatory purposes: A. Other Federal law enforcement and regulatory agencies; B. State and local law enforcement and regulatory agencies; C. Foreign law enforcement agencies with whom DEA maintains liaison; D. The Department of State; E. The Department of Defense and Military Departments; F. U.S. Intelligence agencies concerned with drug enforcement; G. The United Nations; H. Interpol; I. To individuals and organizations in the course of investigations to elicit information.

In addition, disclosures are routinely made to the following categories for the purposes stated: A. To Federal agencies for national security clearance purposes and to Federal and state regulatory agencies responsible for the licensing or certification of individuals in the fields of pharmacy and medicine; B. To the Office of Management and Budget upon request in order to justify the allocations of resources; C. To state and local prosecutors for assistance in preparing cases concerning criminal and regulatory matters; D. To the news media for public information purposes; E. To Federal, State and local governmental agencies who are conducting suitability for employment investigations on current or prospective employees.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the *National Archives and Records Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records are maintained in standard investigation folders. Automated records are maintained on magnetic disks.

RETRIEVABILITY:

Access to manual records can be accomplished by the use of a card index maintained alphabetically by employee name. Access to the automated system is achieved by reference to personal identifiers, other data elements or any combination thereof.

SAFEGUARDS:

These records are maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees

VOL 52 ISS 238 DEC 11 1987 UMI

VOL 52 ISS 238 DEC 11 1987 UMI

and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to employees of the Office of Internal Security and upper level management officials. The records are stored in a vault protected by alarm and cipher locks. Access to the system will be on a strict need-to-know basis.

RETENTION AND DISPOSAL:

Case files are destroyed after five years unless the Office of Internal Security of the Chief Counsel determines that these files are required for potential or ongoing litigation. This determination will be subject to annual review. General files and audit files shall be retained as long as the subject is employed at DEA and for two years after termination.

SYSTEM MANAGER(S) AND ADDRESS:

Security Programs Manager, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information Section, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

(A) DEA Investigations; (B) Federal, State and local law enforcement agencies; (C) Cooperating individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c), (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) (e) (5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/DEA-011

SYSTEM NAME:

Operations Files

SYSTEMS LOCATION:

Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) Cooperating Individuals; (B) Confidential Informants.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Biographic and background information; (B) Official Contact Reports; (C) Intelligence Reports (DEA–6).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system of records is maintained to assist in intelligence operations pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513) and Reorganization Plan No. 2 of 1973.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system is used to keep a history of intelligence operations against narcotics traffickers and their support networks. Information contained in this system is provided to the following categories of users for law enforcement purposes on a routine basis: (A) Other Federal law enforcement agencies; (B) State and local law enforcement agencies; (C) Foreign law enforcement agencies with whom DEA maintains liaison; (D) United States Intelligence and Military Intelligence agencies involved in durg enforcement; (E) The United States Department of State.

Release of information to the news media. Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration *(NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in standard case files.

RETRIEVABILITY:

These files are retrieved manually by subject matter category and coded identification number.

SAFEGUARDS:

This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, all files are stored in GSA approved security containers approved for Secret material and treated as if they carried a Secret classification whether classified or not. Access to the files is restricted to authorized DEA employees with Top Secret clearances on a limited need-to-know basis.

RETENTION AND DISPOSAL:

These records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Intelligence, Drug Enforcement Administration, 1405 Eye Street N.W., Washington, DC 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information Section, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

(A) DEA Reports; (B) Reports of federal, state and local agencies; (C) Reports of foreign agencies with whom DEA maintains liaison.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/DEA-012

SYSTEM NAME:

Registration Status/Investigation Records.

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 Eye Street NW. Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have a Controlled Substances Act registration number under their personal name who have had some action taken against their license or registration.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) DEA reports of investigation; (B) Information received from state regulatory agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system of records is maintained to enable the Drug Enforcement Administration to perform its regulatory functions under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in this system of records is provided for law enforcement and regulatory purposes to the following categories of users on a routine basis: (A) Other federal law enforcement and regulatory agencies; (B) State and local law enforcement and regulatory agencies; (C) To respondents and their attorneys for purposes of discovery, formal and informal, in the course of an adjudicatory, rule-making, or other hearing held pursuant to the Controlled Substances Act of 1970.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress. Information contained in systems or records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEMS:

STORAGE:

These records are maintained in standard case file folders.

RETRIEVABILITY:

This system is indexed by name of registrant.

SAFEGUARDS:

This system of records is maintained in DEA Headquarters which is protected by 24-hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to authorized employees of the Diversion Operation Section on a need-to-know basis.

RETENTION AND DISPOSAL:

These records are retained as long as there is a need for the file. These are working files and may be destroyed when no longer required or merged into the Investigative Case File and Reporting System.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration; 1405 Eye Street, NW., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to: Freedom of Information Section, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

(A) DEA Investigators: (B) State and local regulatory agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3), (d), (e)(4)(G) and (H), (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/DEA-013

SYSTEM NAME:

Security Files.

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) DEA personnel; (B) Cooperating individuals and informants; (C) Drug traffickers and suspected drug traffickers; (D) Individuals who might discover DEA investigations or undercover operations by chance.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains reports concerning the categories of individuals stated above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system of records is maintained to identify and correct security problems in the area of intelligence operations and installations pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513) and Reorganization Plan No. 2 of 1973.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system is utilized to generate reports on security problems in the area of intelligence operations and installations. In addition, information is provided to the following categories of users for law enforcement purposes on a routine basis: (A) Other federal law enforcement agencies; (B) State and local law enforcement agencies; (C) Foreign law enforcement agencies with whom DEA maintains liaison.

Release of information on the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the

BEST COPY AVAILABLE

VOL 52 ISS 238 DEC 11 1987 UMI

Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in standard case folders.

RETRIEVABILITY:

The information in this system is retrieved by subject matter category or by coded identification number.

SAFEGUARDS:

This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, these records are stored in GSA approved security containers authorized for Secret material. Access to the system is restricted to authorized DEA personnel who have Top Secret Clearances on a limited need-to-know basis.

RETENTION AND DISPOSAL:

Records in this system are retained as long as the individual remains active and then destroyed or retired to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Intelligence, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to: Freedom of Information Section Drug Enforcement Administration, 1405 I Street, NW, Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

(A) DEA Reports; (B) Reports of federal, state and local agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/DEA-014

SYSTEM NAME:

System to Retrieve Information from Drug Evidence (STRIDE/Ballistics).

SYSTEM LOCATION:

Drug Enforcement Administration; 1405 Eye Street, NW., Washington, D.C. 20537. Also, field office. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defendants and suspected violators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Ballistics report.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is maintained to provide drug intelligence for law enforcement purposes pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Reorganization Plan No. 2 of 1973.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system is provided to the following categories of users for law enforcement purposes on a routine basis: (A) Other federal law enforcement agencies; (B) State and local law enforcement agencies; (C) Foreign law enforcement agencies with whom DEA maintains liaison.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information is stored on magnetic tape.

RETRIEVABILITY:

The system is indexed by case number *and exhibit number.* The information can be retrieved by name of DEA case number *and exhibit number.* In addition, a number of telecommunication terminals have been added to the existing network.

SAFEGUARDS:

This system of records is maintained at DEA, headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to authorized DEA employees with appropriate clearance on a need-to-know basis. Information that is retrievable by terminals requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

The information contained in this system is retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Forensic Sciences Section, Drug Enforcement Administration; 1405 Eye Street, NW., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to: Freedom of Information Section, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

DEA Reports: Scientific Analysis.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (C) and (e) and been published in the **Federal Register.**

Justice/DEA-015

SYSTEM NAME:

Training Files.

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537 and DEA Office of Training, Federal Law Enforcement Training Center, Glynco, Georgia 31524.

CATEGORIES OF INDIVIDUALS COVERED BY THE THE SYSTEM:

Individuals who have attended training programs sponsored by the Drug Enforcement Administrative Office of Training.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Students names; (B) Dates and locations of schools; (C) Class average and individual student grades; (D) Locations of student's employers; (E) Number of years experience in general law enforcement and drug law enforcement; (F) Classification of student's employers by state, local, county, or Federal; (G) Type of school attended; (H) Class rosters; (I) Biographic data; (J) Evaluation reports; (K) Application and attendance records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is maintained to provide educational and training programs on drug abuse and controlled substances law enforcement pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system is maintained to assist in performing the administrative functions of the Office of Training and is used to prepare class directories, class rosters, program evaluation reports and statistical reports. In addition, information from this system is provided to Federal, state and local law enforcement and regulatory agencies employing former students and biographical data may be provided to students and former students in the form of class rosters and alumni publications.

Release of information to the news media: Information permitted to be released to the news media and the public may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information of Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, AND ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The manual records in this system are maintained on index cards and in file folders and the automated portion is maintained on magnetic tapes.

RETRIEVABILITY

Data may be retrieved by the student's last name, school location code, or by beginning course dates.

SAFEGUARDS:

Those records maintained at DEA Headquarters are protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, access to file is limited to Office of Training personnel on a need-to-know basis. Those records maintained at the Drug Enforcement Administration, Office of Training, *FBI Academy Quantico, Virginia.* Access to file is restricted to DEA personnel on a need-to-know basis.

RETENTION AND DISPOSAL

Records in this system are currently maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Training, Drug Enforcement Administration *FBI Academy.*

NOTIFICATION PROCEDURE:

Inquiries should be addressed to: Freedom of Information Section, Drug Enforcement Administration, 1405 Eye Street NW., Washington, DC 20537.

Inquiries should contain name; date and place of birth; and dates of attendance at courses sponsored by the Office of Training.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

(A) Students: (B) Instructors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DEA-016

SYSTEM NAME:

Drug Enforcement Administration Accounting System (DEAAS II).

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C. 20537. Also field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who submit vouchers requesting payment for goods or services rendered, except payroll vouchers for DEA employees. These include vendors, contractors, experts, witnesses, court reporters, travelers, relocated employees, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

All vouchers paid except payroll vouchers for DEA employees. In addition all advance of funds issued to DEA travelers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with the Budget and Accounting Procedures Act of 1950 as amended, 31 U.S.C. 66 and U.S.C. 200(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

After payment of the vouchers, the accounting data is used for the purpose of internal management reporting and external reporting to agencies such as OMB, U.S. Treasury, and the GAO.

Release of information to the News Media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congess: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of Information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual voucher files are maintained alphabetically by payee's name. Travel advance information and other budget and accounting data are maintained by an online computerized file Information on travel advances is stored by employee identification number, other budget and accounting data is maintained by obligation number or other program identifier.

RETRIEVABILITY:

Information from manual voucher files is retrieved by using the name of the payee. Travel advance information is retrieved by employee identification number; other budget and accounting data is retrieved by obligation number or other program identifier.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded in accordance with organizational rules and procedures. Access to manual voucher files is restricted to employees on a need to know basis. Information that is retrievable by terminals can be retrieved only by authorized employees of the Department of Justice who have been issued user identification numbers.

RETENTION AND DISPOSAL:

The payment documents are retained at this location for three fiscal years (current and two prior years). The records are then shipped to a Federal Records Center for storage in accordance with the General Record Schedule published by the General Services Administration. In the computerized file for travel advances, only the last two transactions in any particular account are retained in the file. Old transactions are automatically purged as new transactions are entered.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administator, Office of Administration, Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information *Section,* Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as "Notification Procedure" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification Procedure" above.

RECORD SOURCE CATEGORIES:

Submitted by the payee involved.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DEA-017

SYSTEM NAME:

Grants of Confidentiality Files (GCF).

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for grants of confidentiality.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Requests for and actual Grants of Confidentiality; (B) Correspondence relating to above; (C) Documents relating to investigations of said applicants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to 21 U.S.C. 872 of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records are utilized for the purpose of investigating applicants prior to the granting of confidentiality. In the course of such investigations, information may be disseminated to state and local law enforcement and regulatory agencies to other federal law enforcement and regulatory agencies.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on standard case folders.

RETRIEVABILITY:

The information in this system is retrieved by name of grantee.

SAFEGUARDS:

This systems of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the records are stored in bar lock filing cabinets and access to the system is restricted to members of the DEA employees on a "need to know basis."

RETENTION AND DISPOSAL:

Records in this system are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to: Freedom of Information Section, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537. Inquiries should include the inquirer's name, date, and place of birth.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

(A) DEA investigative reports; (B) Applicants; (C) Reports from other federal, state and local agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DEA-018

SYSTEM NAME:

DEA Applicant Investigations (DAI)

SYSTEM LOCATION:

Drug Enforcement Administration; 1405 Eye Street, NW, Washington D.C. 20537.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment with DEA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in records may include date and place of birth, citizenship, marital status, military and social security status. These records contain investigative information regarding an individual's character, conduct, and behavior in the community where he or she lives or lived, arrests and convictions for any violations against the law, information from inquiries directed to present and former supervisors, co-workers, associates, educators, etc, credit and National Agency checks, and other information developed from the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and Executive Order No. 10450.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USER AND THE PURPOSES OF SUCH USES:

These records are used by DEA to implement an effective screening process for applicants. To foreign, federal, state and local law enforcement and regulatory agencies, where appropriate, for referral to avoid duplication of the investigative process and where the appropriate agency is charged with the responsibility of investigating or prosecuting potential violations of law.

Release of information to the news media. Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in standard investigative folders.

RETRIEVABILITY:

These records are retrieved by use of a card index maintained alphabetically by employee name.

SAFEGUARDS:

These records are maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to employees of the office of Internal Security and upper level management officials. The records are stored in safe-type combination lock file cabinets.

RETENTION AND DISPOSAL:

These records are maintained during period of employment and for 5 years after termination of employment and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Programs Manager, Drug Enforcement Administration, 1405 Eye Street, NW, Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to: Freedom of Information Section, Drug Enforcement Administration, 1405 Eye Street, NW, Washington, D.C. 20537. Inquiries should include the inquirer's name, date, and place of birth.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

DEA investigations, federal, state and local law enforcement agencies.

Cooperating individuals, employees, educational institutions, references, neighbors, associates, credit bureaus, medical officials, probation officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements at 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DEA-020

SYSTEM NAME:

Essential Chemical Reporting System.

SYSTEM LOCATION:

Drug Enforcement Administration (DEA). 1405 I Street, NW., Washington, DC 20537. Also, DEA Field Offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individual who submit reports concerning the sale, loss, or theft of precursor or other chemical essential to the manufacture of controlled substances.

B. Individuals who are reported as the purchaser, importer, or individual suffering the loss or theft of precursor or other chemical essential to the manufacture of controlled substances.

C. Individuals who are reported as the person placing an order for precursor or other chemical essential to the manufacture or controlled substances.

D. Individual who are reported as being involved in or having knowledge of the details relative to the loss or theft of precursor or other chemical essential to the manufacture of controlled substances.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains: (1) Precursor dine reports submitted to DEA pursuant to Pub. L. No. 95–633. (2) Information extracted from precursor reports and maintained on magnetic tape. (3) Reports submitted voluntarily to DEA concerning chemicals essential to the manufacture of controlled substance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system of records is maintained pursuant to the reporting requirements contained in Pub. L. 95–633.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in this system is provided to the following categories of users for the purposes stated:

(A) Other Federal law enforcement and regulatory agencies for law enforcement or regulatory purposes.

(B) State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes.

(C) Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(D) Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of or at the request of the individual who is the subject of the record.

(E) Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in management inspections under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Essential chemical report documents will be maintained in manual file folders. Information extracted will be maintained on magnetic tape.

RETRIEVABILITY:

The information maintained on magnetic tape will be retrievable by the name of any individual mentioned in the report.

SAFEGUARD:

The proposed system of records will be maintained in DEA Headquarters which is protected by twenty-four hour guard serivce and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Manual files will be maintained in the DEA central files and access to these documents will be restricted to DEA employees on a need-to-know basis. Access to information maintained on magnetic tape will require a specific computer program to extract information. Access to information through ADP terminals will require a user identification code which will be issued to authorized DEA employees on a strict need-to-know basis.

RETENTION AND DISPOSAL:

Until DEA gains experience to establish the useful life of the records in this system, the records will be maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator for Operations, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information Section, Drug Enforcement Administration, 1405 I Street, NW., Washington DC 20537.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals required to submit precursor reports pursuant to Pub. L. 95–633, and individuals who voluntarily submit reports concerning the sale, distribution or importation of chemicals essential to the manufacture of controlled substances.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DEA–021

SYSTEM NAME:

DEA *Aviation Unit* Reporting System

SYSTEM LOCATION:

Drug Enforcement Administration (DEA) *Investigative Support Section, Aviation Unit,* DEA/Justice, P.O. Box 534, Addison, Texas 75001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DEA pilots.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains: (1) Records relating to the operation and maintenance of DEA aircraft. (2) Records relating to pilot qualifications (CSC Form 671).

This system is maintained to monitor the utilization and maintenance of DEA aircraft and the qualifications of DEA pilots in furtherance of DEA enforcement operations conducted pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Federal Aviation Administration for purposes of aircraft documentation and pilot certification.

(2) Department of Defense for communication purposes.

(3) United States Coast Guard for communication purposes.

(4) Communications relay services under contract with DEA for communications purposes.

(5) Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(6) Release of information to Members of Congress. Information contained in the systems of records maintained by the Department of Justice, not otherwise requested to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

(7) Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The automated portions of the records is maintained on an ADP disk storage device. Documentary records are maintained in manual file folders.

RETRIEVABILITY:

Information relating to individuals in the system is retrieved by pilot name or identifying number assigned by DEA.

SAFEGUARDS:

Access to the system is restricted to DEA personnel on a need-to-know basis. The records are maintained in a secure room at the Addison Aviation Facility in accordance with DEA security procedures and are protected by an electronic alarm system.

RETENTION AND DISPOSAL:

The automated records are maintained for five years and then purged from the data base. Manual records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, *Investigative Support Section.* Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the Freedom of Information Section, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information pertaining to individuals in the system is obtained from reports submitted by DEA pilots.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DEA–023

SYSTEM NAME:

Clerical, Technical and Professional (CTAP) Program Files.

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537 and field offices (see Appendix #1 for addresses).[1]

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Clerical technical and professional employees (GS/1–12) of DEA who volunteer to participate in the CTAP program.

CATEGORIES OF RECORDS IN THE SYSTEMS:

Biographic, educational and career development records of CTAP employees, interview and evaluation forms concerning CTAP employees and individual career development plans.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

OMB Circular No. A–48 (September 23, 1971). Federal Personnel Manual, Chapter 410.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is disclosed to DEA counselors and supervisors to develop and plan individualized career development programs for DEA employees.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2, may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personnel privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise requested to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests that information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Record *Administration (NARA) and to the General Service Administration (GSA):* A record from a system of records may be dislcosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records in the system are maintained in manual file folders and on ADP equipment.

RETRIEVABILITY:

Records will be retrieved by employee name.

SAFEGUARDS:

The records in the system will be maintained in facilities which meet DEA security requirements. Access to the system will be restricted to DEA employees on a need-to-know basis.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator, Office of Administration Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information Section, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

DEA employees, CTAP Counselors, DEA personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DEA–027

SYSTEM NAME:

DEA Employee Profile System (DEPS)

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537.

VOL 52 ISS 238 DEC 11 1987 UMI

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DEA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The following eight categories of information will be maintained in the system:

1. Personal identification
2. Work experience
3. Language & geographical areas
4. Formal education
5. Special skills
6. Record of training
7. Consideration for vacancies
8. Awards

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is maintained to effectively place and assign employees to positions to further the mandates of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records will be used principally by the Personnel Management Division. Selected data will be forwarded by this personnel section to the Career Development Board and operational units throughout DEA for the purpose of:

1. Identifying employees with particular skills or qualifications for assignment to special projects.
2. Identification of candidates for overseas assignments who have specific language skills.
3. Insuring that the Career Development Board will be reviewing the entirety of an applicant's background.
4. Calculating DEA's human resources on hand and to project more accurately future resource needs and capabilities.

Information from this system will not be disseminated outside of DEA.

Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records will be maintained on magnetic tape and a disk storage device.

RETRIEVABILITY:

The information in this system can be retrieved by the individual's name, special skills information, special knowledge information or by some combination of the above information.

SAFEGUARDS:

The records of the system will be maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those transacting business within the building who are escorted by DEA employees. In addition, the area where the tapes and disks are stored is a secured area and access is restricted to those employees who have business in the area and those non-DEA people who are transacting business within the area and escorted by a DEA employee. Inquiries to the system are only made by the written request of the Chief, Personnel Management Division.

RETENTION AND DISPOSAL:

Records in this system are retained as long as the individual is employed by DEA.

SYSTEM MANAGER(S) AND ADDRESS

Deputy Assistant Administrator, Office of Administration, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information Section, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. 20537. Inquiries should include inquirer's name, date of birth, and social security number.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedures

RECORD SOURCE CATEGORIES:

1. DEA employee
2. Servicing personnel Office
3. The Justice Uniform Personnel System (Juniper)

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DEA-INS-111

SYSTEM NAME:

Automated Intelligence Records System (Pathfinder)

SYSTEM LOCATION:

U.S. Department of Justice, Drug Enforcement Administration, 1405 Eye Street, NW, Washington, D.C. 20537 and El Paso Intelligence Center (EPIC), El Paso, Texas 79902.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Those individuals who are known, suspected, or alleged to be involved in (a) narcotic trafficking, (b) narcotic-arms trafficking, (c) alien smuggling or transporting, (d) illegally procuring, using, selling, counterfeiting, reproducing, or altering identification documents relating to status under the immigration and nationality laws, (e) terrorist activities (narcotic, arms or alien trafficking/smuggling related), (f) crewman desertions and stowaways, (g) arranging or contracting a marriage to defraud the immigration laws; *and (h) facilitating the transportation of narcotics proceeds;* (2) In addition to the categories of individuals listed above, those individuals who (a) have had citizenship or alien identification documents put to fraudulent use or have reported them as lost or stolen, (b) arrive in the United States from a foreign territory by private aircraft, and (c) are informants or witnesses (including non-implicated persons) who have pertinent knowledge of some circumstances or aspect of a case or suspect may be the subject of a file within this system; and (3) In the course of criminal investigation and intelligence gathering, DEA and INS may detect violation of non-drug or non-alien related laws. In the interests of effective law enforcement, this information is retained in order to establish patterns of criminal activity and to assist other law enforcement agencies that are charged with enforcing other segments of criminal law. Therefore, under certain limited circumstances, individuals known, suspected, or alleged to be involved in non-narcotic or non-alien criminal activity may be the subject of a file maintained within this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

In general, this system contains computerized and manual intelligence information gathered from DEA and INS investigative records and reports. Specifically, intelligence information is gathered and collated from the following DEA and INS records and reports: (1) DEA Reports of Investigation (DEA–6), (2) DEA and INS Intelligence Reports, (3) INS Air Detail Office Index (I–92A), (4) INS Anti-Smuggling Indices (G–70), (5) INS Marine Intelligence Index, (6) INS Fraudulent Document Center Index, (7) INS Terrorist Index, (8) INS Reports of Investigation and Apprehension (I–44, I–213, G–166) *and (9) U.S. Coast Guard Vessel 408 file.* In addition, data is obtained from commercially available flight plan information concerning individuals known, suspected or alleged to be involved in criminal smuggling activities using private aircraft.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system has been established in order for DEA and INS to carry out their law enforcement, regulatory, and intelligence functions mandated by the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236), Reorganization Plan No. 2 of 1973, the Single Convention on Narcotic Drugs, (18 UST 1407), and Sections 103, 265, and 290 and Title III of the Immigration and Nationality Act, as amended (8 U.S.C. 1103, 1305, 1360, 1401 et seq.). Additional authority is derived from Treaties, Statutes, Executive Orders and Presidential Proclamations which DEA and INS have been charged with administering.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system will be used to produce association and link analysis reports and such special reports as required by intelligence analysts of DEA and INS. The system will also be used to provide "real-time" responses to queries from Federal, state, and local agencies charged with border law enforcement responsibilities.

Information from this system will be provided to the following categories of users for law enforcement and intelligence purposes provided a legitimate and lawful "need to know" is demonstrated: (a) Other Federal law enforcement agencies, (b) state and local law enforcement agencies, (c) foreign law enforcement agencies with whom DEA and INS maintain liaison, (d) U.S. intelligence and military intelligence agencies involved in border criminal law enforcement, (e) clerks and judges of courts exercising appropriate jurisdiction over subject matter maintained within this system, and (f) Department of State; (g) various Federal, State, and local law enforcement committees and working groups including Congress and senior Administration officials; (h) The Department of Defense and military departments; (i) The United Nations; (j) The International Police Organization (Interpol); (k) to individuals and organizations in the course of investigations to elicit information; (1) to the Office of Management and Budget, upon request, in order to justify the allocation of resources; (m) to respondents and their attorneys for purposes of discovery, formal and informal, in the course of an adjudicatory, rulemaking, or other hearing held pursuant to the Controlled Substances Act of 1970; and (n) in the event there is an indication of a violation or potential violation of law whether civil, criminal, regulatory, or administrative in nature, the relevant information may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulations, or order issued pursuant thereto.

Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual subsets of the Pathfinder Information System are maintained on standard index cards and manual folders. Standard security formats are employed. *The records are stored on computer at the DOJ computer center, Washington, D.C.*

RETRIEVABILITY:

Access to individual records can be accomplished by reference to either the manual indices or the automated information system. Access is achieved by reference to personal identifiers, other data elements or any combination thereof.

SAFEGUARDS:

The Pathfinder System of Records is protected by both physical security methods and dissemination and access controls. Fundamental in all cases is that access to intelligence information is limited to those persons or agencies with a demonstrated and lawful need to know for the information in order to perform assigned functions.

Physical security when intelligence files are attended is provided by responsible DEA and INS employees. Physical security when files are unattended is provided by the secure locking of material in approved containers or facilities. The selection of containers or facilities is made in consideration of the sensitivity or National Security Classification as appropriate, of the files, and the extent of security guard and/or surveillance afforded by electronic means.

Protection of the automated information system is provided by physical, procedural, and electronic means. The master file resides in the DEA Office of Intelligence Secured Computer System and is physically attended or safe-guarded on a full time basis. Access or observation to active telecommunications terminals is limited to those with a demonstrated need to know for retrieval information. Surrepititious access to an unattended terminal is precluded by a complex authentication procedure. The procedure is provided only to authorized DEA and INS employees. Transmission from DEA Headquarters to El Paso, Texas is accomplished via a dedicated secured line.

An automated log of queries is maintained for each terminal. Improper procedure results in no access and under certain conditions completely locks out the terminal pending restoration by the master controller at DEA Headquarters after appropriate verification. Unattended terminals are otherwise located in locked facilities after normal working hours.

The dissemination of intelligence information to an individual outside the Department of Justice is made in accordance with the routine uses as described herein and otherwise in accordance with conditions of disclosure prescribed in the Privacy Act. The need to know is determined in both cases by DEA and INS as a prerequisite to the release of information.

RETENTION AND DISPOSAL:

Records maintained within this system are retained for fifty-five (55) years.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Intelligence, Drug Enforcement Administration, 1405 Eye Street, NW, Washington, D.C. 20537 and Associate Commissioner, *Enforcement,* Immigration and Naturalization Service, 425 Eye Street, NW, Washington, D.C. 20536.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information Section, Drug Enforcement Administration, 1405 Eye Street, NW, Washington, D.C. 20537.

RECORD ACCESS PROCEDURE:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

VOL 52 ISS 238 DEC 11 1987 UMI

RECORD SOURCE CATEGORIES:

Commercially available flight plan information source; Confidential informants; DEA intelligence and investigative records/reports; INS investigative, intelligence and statutory mandated records/reports; records and reports of other Federal, state and local agencies; and reports and records of foreign agencies with whom DEA maintains liaison.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2), and (3), (e)(4)(g), (H) and (I), (e)(5) and (8), (f), (g), and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DEA—999

DEA Appendix 1—List of record location addresses. Copies of all or part of any system of records published by the Drug Enforcement Administration pursuant to 5 U.S.C. 552a may be maintained at the DEA field offices listed below. However, procedures for processing inquiries concerning DEA systems of records have been centralized in DEA Headquarters. Inquiries concerning all DEA systems of records should be addressed to:

FREEDOM OF INFORMATION SECTION:

Drug Enforcement Administration, 1405 Eye Street, NW., Washington, DC 20537.

Drug Enforcement Administration Field Offices:

Atlanta Division

Atlanta Division Office, 75 Spring Street, SW., Room 740, Atlanta, Georgia 30303
Charleston Resident Office, 334 Meeting Street, Room 325, Charleston, South Carolina 29403
Columbia Resident Office, 1101 Laurel, P.O. Box 702, Room 204, Columbia, South Carolina 29202
Columbus Resident Office, P.O. Box 1565, Columbus, Georgia 31902
Greensboro Resident Office, 2300 W. Meadowview Road, Suite 224, Greensboro, North Carolina 27407
Knoxville Resident Office, 1111 Northshore Drive, Room 610, Knoxville, Tennessee 37919
Memphis Resident Office, 167 N. Main Street, 401 Federal Building, Memphis, Tennessee 38103
Nashville Resident Office, 801 Broadway, A929, Estes Kefauver Building, FB–USCH, Nashville, Tennessee 37203
Savannah Resident Office, 124 Barnard Street, Room B–220, Savannah, Georgia 31401
Wilmington Resident Office, 272 Front Street, Suite 423, Wilmington, North Carolina 28401

Boston Division

Boston Division Office, G–64 JFK Federal Building, Boston, Massachusetts 02203
Bridgeport Resident Office, 915 Lafayette Boulevard, FB–USCH, Room 200, Bridgeport, Connecticut 06604
Burlington Resident Office, P.O. Box 327, Essex Junction, Vermont 05452
Concord Resident Office, 55 Pleasant Street, Federal Building, P.O. Box 1314, Concord, New Hampshire 03301
Hartford Resident Office, 450 Main Street, Room 628, Hartford, Connecticut 06103
Portland Resident Office, 1355 Congress Street, Suite D, Portland, Maine 04102
Providence Resident Office, 232 John O. Pastore Federal Building, Exchange Terrace, Providence, Rhode Island 02903
Springfield Resident Office, 1550 Main Street, Room 408, Springfield, Massachusetts 01103

Chicago Division

Chicago Division Office, 219 Dearborn Street, Chicago, Illinois 60604
Fargo Resident Office, P.O. Box 1127, Fargo, North Dakota 58107
Hammond Resident Office, 507 State Street, Room 632, Hammond, Indiana 46320
Indianapolis Resident Office, 575 N. Pennsylvania, Room 290, Indianapolis, Indiana 46204
Milwaukee Resident Office, 517 E. Wisconsin, 228A FB–USCH, Milwaukee, Wisconsin 53202
Minneapolis Resident Office, 110 S. 4th Street, 402 Federal Building, Minneapolis, Minnesota 55401
Springfield Resident Office, 524 S. Second Street, Suite 650, Springfield, Illinois 62701

Dallas Division

Dallas Division Office, 1880 Regal Row, Dallas, Texas 75235
Fort Worth Resident Office, 501 W. 10th Street, U.S. Courthouse, Room 506, Fort Worth, Texas 76102
Oklahoma City Resident Office, 200 NW Fifth Street, Federal Building, Suite 960, Oklahoma City, Oklahoma 73102–3202
Tulas Resident Office, 333 W. Fourth Street, Room 3335, Tulsa, Oklahoma 74103
El Paso Resident Office, 4110 Rio Bravo, Suite 100, El Paso, Texas 79902
Alpine Resident Office, P.O. Box 1282, Alpine, Texas 79830
Lubbock Resident Office, 2345 50th Street, Suite 120, Lubbock, Texas 79412
Midland, Texas, Post of Duty, 200 E. Wall, Federal Building, Room 105, Midland, Texas 79701
Tyler, Texas, Post of Duty, 3301 Golden Road #5, Tyler, Texas 75713

Denver Division

Denver Division Office, 316 US Customs House, P.O. Box 1660, Denver, Colorado 80201
Cheyenne Resident Office, 2120 Capitol Avenue, 8020 Federal Center, Cheyenne, Wyoming 82001
Salt Lake City Resident Office, 125 State Street, 8416 Federal Building, Salt Lake City, Utah 84138
Albuquerque District Office, 5301 Central Avenue NE., 1st National Bank Building East, Suite 900, Albuquerque, New Mexico 87108
Glenwood Springs Resident Office, 401 23rd Street, Suite 104, Glenwood Springs, Colorado 81601
Las Cruces Resident Office, P.O. Box 399, Las Cruces, New Mexico 88004

Detroit Division

Detroit Division Office, 231 W. Lafayette, 357 Federal Building, Detroit, Michigan 48226
Cincinnati Resident Office, 505 Main Street, 7405 Federal Office Building, Cincinnati, Ohio 45202
Cleveland Resident Office, 601 Rockwell Avenue, Room 300, Cleveland, Ohio 44114
Grand Rapids Resident Office, 110 Michigan Avenue, NW., 310 FB–USCH, Grand Rapids, Michigan 49503
Louisville Resident Office, 600 Federal Place, 1006 Federal Building, Louisville, Kentucky 40202
Saginaw Resident Office, 100 S. Warren Street, Room 1061, Federal Building, Saginaw, Michigan 48606

Houston Division

Houston Division Office, 333 West Loop North, Houston, Texas 77024
Corpus Christi Resident Office, 400 Mann Street, P.O. Box 2443, Suite 403, Corpus Christi, Texas 78403
Galveston Resident Office, 6000 Broadway, Suite 104, Galveston, Texas 77550
Beaumont, Texas, Post of Duty, 700 North Street, Suite 102, Beaumont, Texas 77701–1899
McAllen District Office, 3017 S. 10th Street, McAllen, Texas 78503
Brownsville, Resident Office, 1100 FM 802, Suite, 200, Brownsville, Texas 78521

Laredo Resident Office, P.O. Box Drawer 2307, Laredo, Texas 78044
San Antonio Resident Office, 1802 NE Loop 410, 1800 Central Building, 4th Floor, San Antonio, Texas 78217
Austin Resident Office, 55 N. Interregional Highway, P.O. Box 8, Austin, Texas 78767
Eagle Pass Resident Office, 342 Rio Grande, Room 102, Eagle Pass, Texas 78852

Los Angeles Division

Los Angeles Division Office, 305 S. Figueroa Street, Los Angeles, California 90071
Guam Resident Office, 238 O'Hara Street, Suite 502C, Agana, Guam 96910
Honolulu Resident Office, 300 Ala Moana Boulevard, Room 3129, P.O. Box 50163, Honolulu, Hawaii 96850
Las Vegas Resident Office, 300 Las Vegas Boulevard South, FB–USCH, Room 204, P.O. Box 16023, Las Vegas, Nevada 89101–0023
Reno Resident Office, 4600 Kietzke Lane, 209 Building I, Reno, Nevada 89502
Riverside Resident Office, 3610 Central Avenue, Room 511, P.O. Box 2946, Riverside, California 92516
Santa Ana Resident Office, 34 Civic Center Plaza, P.O. Box 12609, Santa Ana, California 92712
Santa Barbara Resident Office, 6445 Calle Real, Suite C, Goleta, California 93117

Miami Division

Miami Division Office, 8400 NW 53rd Street, Miami, Florida 33166
Ft. Lauderdale Resident Office, 299 E. Broward Boulevard, FB–USCH, Suite 404, Ft. Lauderdale, Florida 33301
Ft. Myers Resident Office, 2345 Union Street, Suite D, Ft. Myers, Florida 33902
Gainsville Resident Office, 1717 NE 9th Street, Suite 134, P.O. Box 2918, Gainsville, Florida 32601
Jacksonville Resident Office, 4077 Woodcock Drive, Suite 210, Jacksonville, Florida 32207
Marathon Resident Office, 11400 Overseas Highway, P.O. Box 1269, Room 215, Marathon, Florida 33050
Orlando Resident Office, 498 Palm Springs Plaza Drive, Suite 801, Altamonte Springs, Florida 32701
Panama City Resident Office, 410 Jenks Avenue, P.O. Box 1486, Panama City, Florida 32402
Tampa Resident Office, 700 Twiggs Street, Suite 400, Tampa, Florida 33602
Tampa Task Force Airport Detail, 700 Twiggs Street, Suite 400, Tampa, Florida 33602
West Palm Beach Resident Office, 701 Clematis Street, Room 223, West Palm Beach, Florida 33401
San Juan District Office, 416 Ponce de Leon Avenue, Chase Building, Suite 514, Hato Rey, Puerto Rico 00918

Newark Division

Newark Division Office, 970 Broad Street, Federal Office Building, Room 806, Newark, New Jersey 07102
Atlantic City Resident Office, P.O. Box AB, Northfield, New Jersey 08225
Camden, New Jersey Resident Office, c/o DEA, P.O. Box 428, Bellmawr, New Jersey 08031

New Orleans Division

1661 Canal Street, Suite 2200, New Orleans, Louisiana 70112
Baton Rouge Resident Office, 4560 North Boulevard, Suite 118, Baton Rouge, Louisiana 70806
Birmingham Resident Office, 236 Goodwin Crest, Suite 520, Birmingham, Alabama 35209
Gulfport Mississippi, Post of Duty, P.O. Box 1387, Gulfport, Mississippi 39502
Jackson Resident Office, 100 W. Capitol Street, 1501 Federal Building, Jackson, Mississippi 39269
Little Rock Resident Office, One Union National Plaza, Suite 850, Little Rock, Arkansas 72201
Mobile Resident Office, 2 Office Park, Suite 216, Mobile, Alabama 36609
Shreveport Resident Office, 8A20A Federal Building, Shreveport, Louisiana 71101

New York Division

New York Division Office, 555 W. 57th Street, Suite 1900, New York, New York 10019
Albany Resident Office, Clinton Avenue & North Pearl Street, 746 Leo W. O'Brien Federal Building, Albany, New York 12207
Buffalo Resident Office, 28 Church Street, Suite 300, Buffalo, New York 14202
Rochester Resident Office, P.O. Box 14210, Rochester, New York 14614
Long Island Resident Office, One Huntington Quadrangle, Suite 1C–02, Melville, New York 11747
New York DEA Drug Task Force, 555 W. 57th Street, Suite 1700, New York, New York 10019–2978
JFK Airport Station, P.O. Box 361, Jamaica, New York 11430

Philadelphia Division

Philadelphia Division Office, 600 Arch Street, Room 10224, William J. Green Federal Building, Philadelphia, Pennsylvania 19106
Harrisburg Resident Office, P.O. Box 557, Harrisburg, Pennsylvania 17108–0557
Pittsburgh Resident Office, 1000 Liberty Avenue, Federal Building, Room 2306, Pittsburgh Pennsylvania 15222
Wilmington Resident Office, 844 King Street, J. Caleb Boggs Federal Building, Rms. 5305–5307, Wilmington, Delaware 19801

Phoenix Division

Phoenix Division Office, One N. First Street, Suite 201, Phoenix, Arizona 85004
Yuma Resident Office, 3150 Winsor Avenue, Suite 202, Yuma, Arizona 85364
Tucson Resident Office, 2110 E. Airport Drive, Tucson, Arizona 85706
Nogales Resident Office, 3970 Fairway Drive, Nogales, Arizona 85621

San Diego Division

San Diego Division Office, 402 W. 35th Street, National City, California 92050
Calexico Resident Office, 38 W. 4th Street, P.O. Box J, Calexico, California 92231
Tecate Resident Office, Highway 188, P.O. Box 280, Tecate, California 92080

San Francisco Division

San Francisco Division Office, 450 Golden Gate Avenue, P.O. Box 36035, Room 12215, San Francisco, California 94102
Fresno Resident Office, 2202 Monterrey Street Room, 104F, Fresno, California 93721
Sacramento Resident Office, 2941 Fulton Avenue, P.O. Box 214556, Sacramento, California 95821
San Jose Resident Office, 280 S. First Street, Room 2133, San Jose, California 95113

Seattle Division

Seattle Division Office, 220 W. Mercer, Suite 301, Seattle, Washington 98119
Anchorage Resident Office, 701 C Street, Anchorage, Alaska 99513
Blaine Resident Office, 170 C Street, P.O. Box 1680, Blaine, Washington 98230
Boise Resident Office, 2404 Bank Drive, American Reserve Building, Suite 212, Boise, Idaho 83705
Eugene Resident Office, 211 E. 7th Avenue, 230 Federal Building, Eugene, Oregon, 97401
Great Falls Resident Office, 1111 4th Street South, P.O. Box 2887, Great Falls, Montana 59403
Portland Resident Office, 1220 S.W. 3rd Avenue, Room 1566, Portland, Oregon 97204
Spokane Resident Office, 920 W. Riverside, P.O. Box 1504, USCH, Spokane, Washington 99201

St. Louis Division

St. Louis Division Office, 120 S. Central Avenue, Suite 200, St. Louis, Missouri 63105
Cape Girardeau, Missouri, Post of Duty, 339 Broadway, Room 159, Cape Girardeau, Missouri 63701
Des Moines Resident Office, 210 Walnut Street, P.O. Box 1784, USCH, Federal Building, Room 667, Des Moines, Iowa 50309
Kansas City Resident Office, 812 N. 7th Street, Room 206, Kansas City, Kansas 66101
Omaha Resident Office, 215 N. 17th Street, Federal Building, P.O. Box 661, Downtown Station, Omaha, Nebraska 68101
Sioux Falls Resident Office, P.O. Box 1109, Sioux Falls, South Dakota 57101
Wichita Resident Office, 1919 Amidon, Suite 218, Wichita, Kansas 67230

Washington, DC Divsiion

Washington, DC Division Office, 400 Sixth Street SW., Room 2558, Washington, DC 20024
Charleston Resident Office, 22 Capital Street, P.O. Box 1146, Charleston, West Virginia 25324
Clarksburg, West Virginia, Post of Duty, 168 W. Main Street, P.O. Box 262, Room 502, Clarksburg, West Virginia 26301
Charleston Resident Office, 22 Capital Street, P.O. Box 1146, Charleston, West Virginia 25324
Norfolk Resident Office, 200 Granby Mall, Federal Building, Suite 320, Norfolk, Virginia 23510
Richmond Resident Office, 400 N. 8th Street, P.O. Box 10150, Richmond, Virginia 23240
Baltimore District Office, 31 Hopkins Plaza, 955 Federal Building, Baltimore, Maryland 21201

El Paso Intelligence Division

El Paso Intelligence Division, 2211 E. Missouri, Suite 200, El Paso, Texas 79903

Laboratories

Special Testing & Research Laboratory, 7704 Old Springhouse Road, McLean, Virginia 22102–3494
Mid-Atlantic Laboratory, 460 New York Avenue NW, Washington, DC 20537
Northeast Laboratory, 555 W. 57th Street, New York, New York 10019
Southeast Laboratory, 5205 NW 84th Avenue, Miami, Florida 33166
North Central Laboratory, 610 S. Canal Street, Room 500, Chicago, Illinois 60607
South Central Laboratory, 1880 Regal Row, Dallas, Texas 75235
Southwest Laboratory, P.O. Box 1536, National City, California 92050
Western Laboratory, 450 Golden Gate Avenue, Box 36075, San Francisco, California 94102

Other DEA Offices

Aviation Unit

Addison Aviation Facility, DEA/Justice, P.O. Box 534, Addison, Texas 75001

Foreign Offices

Ankara, Turkey Country Office, DEA/Justice, American Embassy, APO New York, New York 09254
Istanbul Resident Office, DEA/Justice, American Consulate General, APO New York, New York 09380
Athens Greece Country Office, DEA/Justice, American Embassy, APO New York, New York 09253
Bangkok, Thailand Country Office, DEA/Justice, American Embassy, APO San Francisco, California 96346
Chiang Mai Resident Office, DEA/Justice, American Embassy, Box C, APO San Francisco, California 96346
Songkhla Resident Office, DEA/Justice, American Embassy, Box S, APO San Francisco, California 96346
Bern, Switzerland County Office, DEA/Justice, American Embassy, Department of State Pouch Mail 20520
Bogota, Colombia Country Office, DEA/Justice, American Embassy, APO Miami, Florida 34038
Barranquilla Resident Office, DEA/Justice, American Embassy, APO Miami, Florida 34038
Cali Resident Office, DEA/Justice, American Embassy, APO Miami, Florida 34038
Medellin Resident Office, DEA/Justice, American Embassy, APO Miami, Florida 34038
Bonn, W. Germany Country Office, DEA/Justice, American Embassy, Box 290, APO New York, New York 09080
Frankfurt Resident Office, DEA/Justice, American Consulate General, APO New York, New York 09213
Brasilia, Brazil Country Office, DEA/Justice, American Embassy, APO Miami, Florida 34030
Sao Paulo Resident Office, c/o Brasilia Country Office, APO Miami, Florida 34030
Brussels, Belgium Country Office, DEA/Justice, American Embassy, APO New York, New York 09667
Buenos Aires, Argentina Country Office, DEA/Justice, American Embassy, APO Miami, Florida 34034
Cairo, Egypt Country Office, DEA/Justice, American Embassy, Box 10, FPO New York, New York 09527
Caracas, Venezuela Country Office, DEA/Justice, American Embassy, APO Miami, Florida 34037
Copenhagen, Denmark Country Office, DEA/Justice, American Embassy, APO New York, New York 09170
Caracao, Netherlands Antilles Country Office, DEA/Justice, c/o U.S. Consulate General, Department of State Pouch Mail 20520
Guatemala City, Guatemala Country Office, DEA/Justice, American Embassy, APO Miami, Florida 34024
Hong Kong Country Office, DEA/Justice, American Consulate General, Box 30, FPO San Francisco, California 96659
Islamabad, Pakistan Country Office, DEA/Justice, Department of State, Pouch Mail 20520
Karachi Resident Office, DEA/Justice, Department of State, Pouch Mail 20520
Lahore Resident Office, DEA/Justice, Department of State, Pouch Mail 20520
Peshawar Resident Office, DEA/Justice, Department of State, Pouch Mail 20520
Jakarta, Indonesia Country Office, DEA/Justice, Department of State, Pouch Mail 20520
Kingston, Jamaica Country Office, DEA/Justice, Department of State, Pouch Mail 20520
Kuala Lumpur, Malaysia Country Office, DEA/Justice, Department of State, Pouch Mail 20520
La Paz, Bolivia Country Office, DEA/Justice, American Embassy, APO Miami, Florida 34032
Santa Cruz Resident Office, c/o La Paz, Bolivia Country Office, APO Miami, Florida 34032
Lagos, Nigeria Country Office, DEA/Justice, Department of State, Pouch Mail 20520
Cochabamba Resident Office, c/o La Paz, Bolivia Country Office, APO Miami, Florida 34032
Lima, Peru Country Office, DEA/Justice, American Embassy, APO Miami, Florida 34031
London, England Country Office, DEA/Justice, American Embassy, Box 40, FPO New York, New York 09510
Madrid, Spain Country Office, DEA/Justice, American Embassy, APO New York, New York 09285
Manila, Philippines Country Office, DEA/Justice, American Embassy, APO San Francisco, California 96528
Mexico City, Mexico Country Office, DEA/Justice, P.O. Box 3087, Laredo, Texas 78041
Guadalajara Resident Office, DEA/Justice, P.O. Box 3088, Laredo, Texas 78041
Hermosillo Resident Office, P.O. Box 1090, Nogales, Arizona 85621
Mazatlan Resident Office, DEA/Justice, Department of State, Pouch Mail 20520
Merida Resident Office, DEA/Justice, American Consulate, P.O. Box 3087, Laredo, Texas 78044
Monterrey Resident Office, DEA/Justice, American Consulate, P.O. Box 3098, Laredo, Texas 78040

Nassau, Bahamas Country Office, DEA/Justice, P.O. Box N8197, Department of State, Pouch Mail 20520
New Delhi, India Country Office, DEA/Justice, American Consulate, Department of State, Pouch Mail 20520
Nicosia, Cypress Country Office, DEA/Justice, American Embassy, FPO New York, New York 09530
Ottawa Country Office, 100 Wellington Street, DEA/Justice, American Embassy, Ottawa, Ontario, Canada KIP–5T1
Montreal Resident Office, DEA/Justice, P.O. Box 65, Postal Station, Desjardins, Montreal, American Consulate General, Montreal, Quebec, Canada HSB 161
Panama City, Panama Country Office, DEA/Justice, American Embassy, Box E, APO Miami, Florida 34002
Paris, France Country Office, DEA/Justice, American Embassy, APO New York, New York 09777
Marseilles Resident Office, DEA/Justice, American Embassy, APO New York, New York 09777
Quito, Ecuador Country Office, DEA/Justice, American Embassy, APO Miami, Florida 34039
Guayaquil Resident Office, DEA/Justice, U.S. Consulate, APO Miami, Florida 34039
Rome, Italy Country Office, DEA/Justice, American Embassy, APO New York, New York 09794–0007
Milan Resident Office, DEA/Justice, American Embassy, Box M, APO New York, New York 09794
San Jose, Costa Rica Country Office, DEA/Justice, American Embassy, APO Miami, Florida 34020
Santiago, Chile Country Office, DEA/Justice, American Embassy, APO Miami, Florida 34033
Santo Domingo, Dominican Republic Country Office, DEA/Justice, American Embassy, APO Miami, Florida 34041
Seoul, Korea Country Office, DEA/Justice, American Embassy, APO San Francisco, California 96301
Singapore Country Office, DEA/Justice, American Embassy, FPO San Francisco, California 96699–0001
The Hague, Netherlands Country Office, DEA/Justice, American Embassy, APO New York, New York 09159
Tokyo, Japan Country Office, DEA/Justice, American Embassy, APO San Francisco, California 96503
Vienna, Austria Country Office, DEA/Justice, American Embassy, APO New York, New York 09108

JUSTICE/FBI 001

SYSTEM NAME:

National Crime Information Center (NCIC)

SYSTEM LOCATIONS:

Federal Bureau of Investigation: J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue NW., Washington, D.C. 20535.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Wanted Persons: 1. Individuals for whom Federal warrants are outstanding.

2. Individuals who have committed or have been identified with an offense which is classified as a felony or serious misdemeanor under the existing penal statutes of the jurisdictions originating the entry and felony or misdemeanor warrant has been issued for the individual with respect to the offense which was the basis of the entry. Probation and parole violators meeting the foregoing criteria.

3. A "Temporary Felony Want" may be entered when a law enforcement agency has need to take prompt action to establish a "want" entry for the apprehension of a person who has committed, or the officer has reasonable grounds to believe has committed, a felony and who may seek refuge by fleeing across jurisdictionary boundaries and circumstances preclude the immediate procurement of a felony warrant. A "Temporary Felony Want" shall be specifically identified as such and subject to verification and support by a proper warrant within 48 hours following the initial entry of a temporary want. The agency originating the "Temporary Felony Want" shall be responsible for subsequent verification or re-entry of a permanent want.

4. Juveniles who have been adjudicated delinquent and who have escaped or absconded from custody, even through no arrest warrants were issued.

5. Individuals who have committed or have been identified with an offense committed in a foreign country, which would be a felony if committed in the United States, and for whom a warrant of arrest is outstanding and for which act an extradition treaty exists between the United States and that country.

6. Individuals who have committed or have been identified with an offense committed in Canada and for whom a Canada-Wide Warrant has been issued which meets the requirements of the Canada-U.S. Extradition Treaty, 18 U.S.C. 3184.

B. Individuals who have been charged with serious and/or significant offenses.

C. Missing Persons: 1. A person of any age who is missing and who is under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger.

2. A person of any age who is missing under circumstances indicating that his disappearance was not voluntary.

3. A person of any age who is missing and in the company of another person under circumstances indicating that his physical safety is in danger.

4. A person who is missing and declared unemancipated as defined by the laws of his state of residence and does not meet any of the entry criteria set forth in 1, 2, or 3 above.

D. Individuals designated by the U.S. Secret Service a posing a potential danger to the President of other authorized protectees.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Stolen Vehicle File: 1. Stolen vehicles. 2. Vehicles wanted in conjunction with felonies or serious misdemeanors. 3. Stolen vehicle parts, including certificates of origin or title.

B. Stolen License Plate File: 1. Stolen or missing license plate.

C. Stolen/Missing Gun File: 1. Stolen or missing guns. 2. Recovered gun, ownership of which has not been established.

D. Stolen Article File.

E. Wanted Person File: Described in Categories of individuals covered by the system: A. "Wanted Persons."

F. Securities File: 1. Serially numbered stolen, embezzled, counterfeited, missing securities.

2. "Securities" for present purposes of this file are currenty (e.g., bills, bank notes) and those documents or certificates which generally are considered to be evidence or debt (e.g., bonds, debentures, notes) or ownership of property (e.g., common stock, preferred stock), and documents which represent subscription rights, warrants) and which are of those types trades in the securities exchanges in the United States, except for commodities futures. Also included are warehouse receipts, travelers checks and money orders.

G. Boat File.

H. Computerized Criminal History File: A cooperative federal-State program for the interstate exchange of criminal history record information for the purpose of facilitating the interstate exchange of such information among criminal justice agencies.

I. Missing Person File: Described in "Categories of individuals covered by the system: C. Missing Persons."

J. U.S. Secret Service Protective File: Described in "Categories of individuals covered by the system: D".

K. Identification records regarding persons enrolled in the United States Marshals Service Witness Security Program who have been charged with

serious and/or significant offenses: Described in "Categories of Individuals Covered by the System: B."

L. Foreign Fugitive File: Identification data regarding persons who are fugitives from foreign countries, who are described in "CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM: A. Wanted Persons, 5."

M. Canadian Warrant File: Identification data regarding Canadian wanted persons who are described in "CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM: A. Wanted Persons, 6."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 28 U.S.C. 534; Department of Justice Appropriation Act, 1973, Pub. L. 92–544, 86 Stat. 1115, Securities Acts Amendment of 1975 Pub. L. 94–29, 89 Stat. 97; and Exec. Order No. 10450, 3 CFR (1974).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data in NCIC files is exchanged with and for the official use of authorized officials of the Federal Government, the States, cities, penal and other institutions, and certain foreign governments. The data is exchanged through NCIC lines to Federal criminal justice agencies, criminal justice agencies in the 50 States, the District of Columbia, Puerto Rico, U.S. Possessions and U.S. Territories. Additionally, data contained in the various "want files," i.e., the stolen vehicle file, stolen license plate file, stolen missing gun file, stolen article file, wanted person file, securities file and boat file may be accessed by the Royal Canadian Mounted Police. Criminal history data is disseminated to non-criminal justice agencies for use in connection with licensing for local/state employment or other uses, but only here such dissemination is authorized by Federal or state statutes and approved by the Attorney General of the United States.

Data in NCIC files, other than the Computerized Criminal History File, is disseminated to (1) a nongovernmental agency or subunit thereof which allocates a substantial part of its annual budget to the administration of criminal justice, whose regularly employed peace officers have full police powers pursuant to state law and have complied with the minimum employment standards of governmentally employed police officers as specified by state statute; (2) a noncriminal justice governmental department of motor vehicle or driver's license registry established by a statute, which provides vehicles registration and driver record information to criminal justice agencies; (3) a governmental regional dispatch center, established by a state statute, resolution, ordinance or Executive order, which provides communications services to criminal justice agencies; and (4) the national Automobile Theft Bureau, a nongovernmental nonprofit agency which acts as a national clearinghouse for information on stolen vehicles and offers free assistance to law enforcement agencies concerning automobile thefts, identification and recovery of stolen vehicles.

Disclosures of information from this system, as described above, are for the purpose of providing information to authorized agencies to facilitate the apprehension of fugitives, the location of missing persons, the location and/or return of stolen property, or similar criminal justice objectives.

Information on missing children, missing adults who were reported missing while children, and unidentified living and deceased persons may be disclosed to the National Center for Missing and Exploited Children (NCMEC). The NCMEC is a nongovernmental, nonprofit, federally funded corporation, serving as a national resource and technical assistance clearinghouse focusing on missing and exploited children. Information is disclosed to NCMEC to assist it in its efforts to provide technical assistance and education to parents and local governments regarding the problems of missing and exploited children, and to operate a nationwide missing children hotline to permit members of the public to telephone the Center from anywhere in the United States with information about a missing child.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2, may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise requested to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf whom the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of Information to the National Archives and Records Administration *(NARA) and to the General Services Administration (GSA)*: A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the NCIC system is stored electronically for use in a computer environment.

RETRIEVABILITY:

On-line access to data in NCIC is achieved by using the following search descriptors 1. Vehicle file:

(a) Vehicle identification number:

(b) License plate number:

(c) NCIC number (unique number assigned by the NCIC computer to each NCIC record). 2. License Plate file: (a) License plate number: (b) NCIC number. 3. Gun file: (a) Serial number of gun: (b) NCIC number. 4. Article File: (a) Serial number of article: (b) NCIC number. 5. Wanted Person File U.S. Secret Service Protective File, Foreign Fugitive File, and Canadian Warrant File: (a) Name and one of the following numerical identifiers, date of birth, FBI Number (number assigned by the Federal Bureau of Investigation to an arrest fingerprint record). Social Security number (It is noted the requirements of the Privacy Act with regard to the solicitation of Social Security numbers have been brought to the attention of the members of the NCIC system). Operator's license number (drivers number). Miscellaneous identifying number' (military number or number assigned by Federal, state, or local authorities to an individual's record). Origination agency case number. (b) Vehicle or license plate known to be in the possession of the wanted person. (c) NCIC number (unique number assigned to each NCIC record). 6. Securities File: (a) Type, serial number, denomination of security; (b) Type of security and name of owner of security; (c) Social Security number of owner of security; (d) NCIC number. 7. Boat File: (a) Registration document number; (b) Hull serial number: (c) NCIC number. 8. Computerized Criminal History File: (a) Name, sex, race and date of birth: (b) FBI number: (c) State identification number; (d) Social Security number; (e) Miscellaneous number. 9. Missing Person File—Same as "Wanted Person" File.

SAFEGUARDS:

Data stored in the NCIC is documented criminal justice agency information and access to that data is restricted to duly authorized criminal justice agencies. The following security measures are the minimum to be adopted by all criminal justice agencies having access to the NCIC.

Computerized Criminal History File. These measures are designed to prevent unauthorized access to the system data and/or unauthorized use of data obtained from the computerized file.

1. Computer Center: a. The criminal justice agency computer site must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data. b. Since personnel at these computer centers can have access data stored in the system, they must be screened thoroughly under the authority and supervision of an NCIC control terminal agency. (This authority and supervision may be delegated to responsible criminal justice agency personnel in the case of a satellite computer center being serviced through a stated control terminal agency.) This screening will also apply to non-criminal justice maintenance or technical personnel. c. All visitors to these computer centers must be accompanied by staff personnel at all times. d. Computers having access to the NCIC must have the proper computer instructions written and other built-in controls to prevent criminal history data from being accessible to any terminals other than authorized terminals. e. Computers having access to the NCIC must maintain a record of all transactions against the criminal history filed in the same manner the NCIC computer logs all transactions. The NCIC identifies each specific agency entering or receiving information and maintains a record of those transactions. This transaction record must be monitored and reviewed on a regular basis to detect any possible misuse of criminal history data. f. Each State Control terminal shall build its data system around a central computer, through which each inquiry must pass for screening and verification. The configuration and operation of the center shall provide for the integrity of the data base.

2. Communications: a. Lines/channels being used to transmit criminal history information must be dedicated solely to criminal justice, i.e., there must be no terminals belonging to agencies outside the criminal justice system sharing these lines/channels. b. Physical security of the lines/channels must be protected to guard against clandestine devices being utilized to intercept of inject system traffic.

3. Terminal Devices Having Access to NCIC: a. All agencies having terminals on the system must be required to physically place these terminals in secure locations within the authorized agency. b. The agencies having terminals with access to criminal history must have terminal operators screened and restrict access to the terminal to a minimum number of authorized employees. c. Copies of criminal history data obtained from terminal devices must be afforded security to prevent any unauthorized access to or use of the data. d. All remote terminals on NCIC Computerized Criminal History will maintain a hard copy of computerized criminal history inquiries with notations of individual making request for record (90 days).

RETENTION AND DISPOSAL:

Unless otherwise removed, records will be retained in file as follows:

1. Vehicle File: a. Unrecovered stolen vehicle records (including snowmobile records) which do not contain vehicle identification numbers (VIN) therein, will be purged from file 90 days after the end of the license plate's expiration year as shown in the record. Unrecovered stolen vehicle records (including snowmobile records) which contain VIN's will remain in file for the year of entry plus 4. Unrecovered vehicles wanted in conjunction with a felony will remain in file for 90 days after entry. In the event a longer retention period is desired, the vehicle must be reentered. c. Unrecovered stolen VIN plates, certificates or origin or title, and serially numbered stolen vehicles engines or transmissions will remain in file for the year of entry plus 4.
(Job No. NC1–65–82–4, Part E. 13 h. (1))

2. License Plate File: Unrecovered stolen license plates not associated with a vehicle will remain in file for one year after the end of the plate's expiration year as shown in the record.
(Job No. NC1–65–82–4, Part E. 13 h. (2))

3. Gun file: a . Unrecovered weapons will be retained in file for an indefinite period until action is taken by the originating agency to clear the record. b. Weapons entered in file as "recovered" weapons will remain in file for the balance of the year entered plus 2.
(Job No. NC1–65–82–4, Part E. 13 h. (3))

4. Article File: Unrecovered stolen articles will be retained for the balance of the year entered plus one year.
(Job No. NC1–65–82–4, Part E. 13 h. (4))

5. Wanted Person File: Person not located will remain in file indefinitely until action is taken by the originating agency to clear the record (except "Temporary Felony Wants", which will be automatically removed from the file after 48 hours).
(Job No. NC1–65–87–11, Part E. 13 h. (7))

6. Securities File: Unrecovered, stolen, embezzled, counterfeited or missing securities will be retained for the balance of the year entered plus 4, except for travelers checks and money orders, which will be retained for the balance of the year entered plus 2.
(Job No. NC1–65–82–4, Part E. 13 h. (5))

7. Boat File: Unrecovered stolen boats will be retained in file for the balance of the year entered plus 4.
(Job No. NC1–65–82–4, Part E. 13 h. (6))

8. Mission Persons File: Will remain in the file until the individual is located or, in the case of unemancipated persons, the individual reaches the age of emancipation as defined by laws of his state.
(Job No. NC1–65–87–11, Part E. 13 h. (8))

9. Computerized Criminal History File: When an individual reaches age of 80.
(Job No. N1–65–76–1)

10. U.S. Secret Service Protective File: Will be retained until names are removed by the U.S. Secret Service.

11. Foreign Fugitive File: Person not located will remain in file indefinitely until action is taken by the originating agency to clear the record.

12. Canadian Warrant File: Person not located will remain in file indefinitely until action is taken by the originating agency to clear the record.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, J. Edgar Hoover F.B.I. Building, 9th and Pennsylvania Avenue NW., Washington, D.C. 20535.

NOTIFICATION PROCEDURES:

Same as the above.

RECORD ACCESS PROCEDURE:

It is noted the Attorney General is exempting this system from the access and contest procedures of the Privacy Act. However, the following alternative procedures are available to requester. The procedures by which an individual may obtain a copy of his computerized Criminal History are as follows:

If an individual has a criminal record supported by fingerprints and that record has been entered in the NCIC CCH File, it is available to that individual for review, upon presentation of appropriate identification and in accordance with applicable State and

VOL 52 ISS 238 DEC 11 1987 UMI

VOL 52 ISS 238 DEC 11 1987 UMI

Federal administrative and statutory regulations.

Appropriate identification includes being fingerprinted for the purpose of insuring that he is the individual that he purports to be. The record on file will then be verified as his through comparison of fingerprints.

Procedure 1. All requests for review must be made by the subject of his record through a law enforcement agency which has access to the NCIC CCH File. That agency within statutory or regulatory limits can require additional identification to assist in securing a positive identification.

2. If the cooperative law enforcement agency can make an identification with fingerprints previously taken which are on file locally and if the FBI identification number of the individual's record is available to that agency, it can make an on-line inquiry of NCIC to obtain his record on-line or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Washington, D.C. by mail. The individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it is necessary for that agency to relate his prints to an existing record by having his identification prints compared with those already on file in the FBI or possibly, in the State's central identification agency.

CONTESTING RECORD PROCEDURES:

The subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in his record or provide the information needed to make the record complete.

RECORD SOURCE CATEGORIES:

Information contained in the NCIC system is obtained from local, State, Federal and international criminal justice agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (c)(3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H), (e)(8) (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(3). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register**.

JUSTICE/FBI—002

SYSTEM NAME:

The FBI Central Records System.

SYSTEM LOCATION:

a. Federal Bureau of Investigation, J. Edgar Hoover FBI Building, 10th and Pennsylvania Avenue, N.W., Washington, DC 20535; b. 59 field divisions (see Appendix); c. 13 Legal Attachés (see Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Individuals who relate in any manner to official FBI investigations including, but not limited to *subjects*, suspects, victims, witnesses, and close relatives and associates who are relevant to an investigation.

b. Applicants for and current and former personnel of the FBI and persons related thereto who are considered relevant to an applicant investigation, personnel inquiry, or *other* personnel matters.

c. Applicants for and appointees to sensitive positions in the United States Government and persons related thereto who are considered relevant to the investigation.

d. Individuals who are the subject of unsolicited information, who offer unsolicited information, request assistance, and make inquiries concerning record material, including general correspondence, *and* contacts with other agencies, businesses, institutions, clubs, the public and the news media.

e. Individuals associated with administrative operations or services including pertinent functions, contractors and pertinent persons related thereto.

(All manner of information concerning individuals may be acquired in connection with and relating to the varied investigative responsibilities of the FBI which are further described in "Categories of Records in the System." Depending on the nature and scope of the investigation this information may include, among other things, personal habits and conduct, financial information, travel and organizational affiliation of individuals. The information collected is made a matter of record and placed in FBI files.)

CATEGORIES OF RECORDS IN THE SYSTEM:

The FBI Central Records Systems—The FBI utilizes a central records system of maintaining its investigative, personnel, applicant, administrative, and general files. This system consists of one numerical sequence of subject matter files, an alphabetical index to the files, and a supporting abstract system to facilitate processing and accountability of all important mail placed in files. This abstract system is both a textual and an automated capability for locating mail. Files kept in FBI field offices are also structured in the same manner, except they do not utilize an abstract system.

The FBI has 264 classifications used in its basic filing system which pertain primarily to Federal violations over which the FBI has investigative jurisdiction. However, included in the 264 classifications are personnel, applicant, and administrative matters to facilitate the overall filing scheme. These classifications are as follows (the word "obsolete" following the name of the classification indicates the FBI is no longer initiating investigative cases in these matters, although the material is retained for reference purposes):

1. Training Schools; National Academy Matters; FBI National Academy Applicants. Covers general information concerning the FBI National Academy, including background investigations of individual candidates.

2. Neutrality Matters. Title 18, United States Code, Sections 956 and 958–962; Title 22, United States Code, Sections 1934 and 401.

3. Overthrow or Destruction of the Government. Title 18, United States Code, Section 2385.

4. National Firearms Act; Federal Firearms Act; State Firearms Control Assistance Act; Unlawful Possession or Receipt of Firearms. Title 26, United States Code, Sections 5801–5812; Title 18, United States Code, Sections 921–928; Title 18, United States Code, Sections 1201–1203.

5. Income Tax. Covers violations of Federal income tax laws reported to the FBI. Complaints are forwarded to the Commissioner of the Internal Revenue Service.

6. Interstate Transportation of Strikebreakers. Title 18, United States Code, Section 1231.

7. Kidnaping. Title 18, United States Code, Sections 1201 and 1202.

8. Migratory Bird Act. Title 18, United States Code, Section 43; Title 16, United States Code, Section 703 through 718.

9. Extortion. Title 18, United States Code, Sections 876, 877, 875, and 873.

10. Red Cross Act. Title 18, United States Code, Sections 706 and 917.

11. Tax (Other than Income). This classification covers complaints concerning violations of Internal Revenue law as they apply to other than alcohol, social security and income and profits taxes, which are forwarded to the Internal Revenue Service.

12. Narcotics. This classification covers complaints received by the FBI concerning alleged violations of Federal drug laws. Complaints are forwarded to the *headquarters of the Drug Enforcement* Administration (DEA), or the nearest district office of DEA.

13. Miscellaneous. Section 125, National Defense Act, Prostitution; Selling Whiskey Within Five Miles Of An Army Camp. 1920 only. Subjects were alleged violators of abuse of U.S. flag, fraudulent enlistment, selling liquor and operating houses of prostitution within restricted bounds of military reservations. Violations of Section 13 of the Selective Service Act (Conscription Act) were enforced by the Department of Justice as a war emergency measure with the Bureau exercising jurisdiction in the detection and prosecution of cases within the purview of that Section.

14. Sedition. Title 18, United States Code, Sections 2387, 2388, and 2391.

15. Theft from Interstate Shipment. Title 18, United States Code, Section 659; Title 18, United States Code, Section 660; Title 18, United States Code, Section 2117.

16. Violations of Federal Injunction (obsolete). Consolidated into Classification 69, "Contempt of Court".

17. Fraud Against the Government—Veterans Administration, Veterans Administration Matters. Title 18, United States Code, Section 287, 289, 290, 371, or 1001; and Title 38, United States Code, Sections 787(a), 787(b), 3405, 3501, and 3502.

18. May Act. Title 18, United States Code, Section 1384.

19. Censorship Matter (obsolete). Pub. L. 354, 77th Congress.

20. Federal Grain Standards Act (obsolete) 1920 only. Subjects were alleged violators of contracts for sale. Shipment of Interstate Commerce, Section 5, U.S. Grain Standards Act.

21. Food and Drugs. This classification covers complaints received concerning alleged violations of the Food, Drug and Cosmetic Act; Tea Act; Import Milk Act; Caustic Poison Act; and Filled Milk Act. These complaints are referred to the Commissioner of the Food and Drug Administration or the field component of that Agency.

22. National Motor Vehicle Traffic Act, 1922–27 (obsolete). Subjects were possible violators of the National Motor Vehicle Theft Act; Automobiles seized by Prohibition Agents.

23. Prohibition. This classification covers complaints received concerning bootlegging activities and other violations of the alcohol tax laws. Such complaints are referred to the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, or field representatives of the Agency.

24. Profiteering 1920–42. (obsolete) Subjects are possible violaters of the Lever Act—Profiteering in food and clothing or accused company was subject of file. Bureau conducted investigations to ascertain profits.

25. Selective Service Act; Selective Training and Service Act. Title 50, United States Code, Section 462; Title 50, United States Code, Section 459.

26. Interstate Transportation of Stolen Motor Vehicle; Interstate Transportation of Stolen Aircraft. Title 18, United States Code, Sections 2311 (in part), 2312, and 2313.

27. Patent Matter. Title 35, United States Code, Sections 104 and 105.

28. Copyright Matter, Title 17, United States Code, Sections 104 and 105.

29. Bank Fraud and Embezzlement. Title 18, United States Code, Sections 212, 213, 215, 334, 655–657, 1004–1006, 1008, 1009, 1014, and 1306; Title 12, United States Code, Section 1725(g).

30. Interstate Quarantine Law, 1922–25 (obsolete). Subjects alleged violators of Act of February 15, 1893, as amended, regarding interstate travel of persons afflicted with infectious diseases. Cases also involved unlawful transportation of animals, Act of February 2, 1903. Referrals were made to Public Health Service and the Department of Agriculture.

31. White Slave Traffic Act. Title 18, United States Code, Sections 2421–2424.

32. Identification (Fingerprint) Matters. This classification covers general information concerning Identification (fingerprint) matters.

33. Uniform Crime Reporting. This classification covers general information concerning the Uniform Crime Reports, a periodic compilation of statistics of criminal violations throughout the United States.

34. Violation of Lacy Act. 1922–43. (obsolete) Unlawful Transportation and shipment of black bass and fur seal skins.

35. Civil Service. This classification covers complaints received by the FBI concerning Civil Service matters which are referred to the Office of Personnel Management in Washington or regional offices of that Agency.

36. Mail Fraud. Title 18, United States Code, Section 1341.

37. False Claims Against the Government. 1921–22. (obsolete) Subjects submitted claims for allotment, vocational training, compensation as veterans under the Sweet Bill. Letters were generally referred elsewhere (Veterans Bureau). Violators apprehended for violation of Article No. 1, War Risk Insurance Act.

38. Application for Pardon to Restore Civil Rights. 1921–35. (obsolete) Subjects allegedly obtained their naturalization papers by fraudulent means. Cases later referred to Immigration and Naturalization Service.

39. Falsely Claiming Citizenship. (obsolete) Title 18, United States Code, Sections 91 and 1015(a)(b).

40. Passport and Visa Matter. Title 18, United States Code, Sections 1451–1546.

41. Explosives (obsolete). Title 50, United States Code, Sections 121 through 144.

42. Deserter; Deserter, Harboring. Title 10, United States Code, Sections 808 and 885.

43. Illegal Wearing of Uniforms; False Advertising or Misuse of Names, Words, Emblems or Insignia; Illegal Manufacturer, Use, Possession, or Sale of Emblems and Insignia; Illegal Manufacture, Possession, or Wearing of Civil Defense Insignia; Miscellaneous, Forging or Using Forged Certificate of Discharge from Military or Naval Service; Miscellaneous, Falsely Making or Forging Naval, Military, or Official Pass; Miscellaneous, Forging or Counterfeiting Seal of Department or Agency of the United States, Misuse of the Great Seal of the United States or of the Seals of the President or the Vice President of the United States; Unauthorized Use of "Johnny Horizon" Symbol; Unauthorized Use of Smokey Bear Symbol. Title 18, United States Code, Sections 702, 703, and 704; Title 18, United States Code, Sections 701, 705, 707, and 710; Title 36, United States Code, Section 182; Title 50, Appendix, United States Code, Section 2284; Title 46, United States Code, Section 249; Title 18, United States Code, Sections 498, 499, 506, 709, 711, 711a, 712, 713, and 714; Title 12, United States Code, Sections 1457 and 1723a; Title 22, United States Code, Section 2518.

44. Civil Rights; Civil Rights, Election Laws, Voting Rights Act, 1965, Title 18, United States Code, Sections 241, 242, and 245; Title 42, United States Code, Section 1973; Title 18, United States Code, Section 243; Title 18, United States Code, Section 244, Civil Rights Act—Federally Protected Activities; Civil Rights Act—Overseas Citizens Voting Rights Act of 1975.

45. Crime on the High Seas (Includes stowaways on boats and aircraft). Title 18, United States Code, Sections 7, 13, 1243, and 2199.

46. Fraud Against the Government: (Includes Department of Health, Education and Welfare; Department of Labor (CETA), and Miscellaneous Government Agencies) Anti-Kickback Statute; Dependent Assistance Act of 1950; False Claims, Civil; Federal-Aid Road Act; Lead and Zinc Act; Public Works and Economic Development Act of 1965; Renegotiation Act, Criminal; Renegotiation Act, Civil; Trade Expansion Act of 1962; enemployment

VOL 52 ISS 238 DEC 11 1987 UMI

Compensation Statutes; Economic Opportunity Act. Title 50, United States Code, Section 1211 et seq.; Title 31, United States Code, Section 231; Title 41, United States Code, Section 119; Title 40, United States Code, Section 489.

47. Impersonation. Title 18, United States Code, Sections 912, 913, 915, and 916.

48. Postal. Violation (Except Mail Fraud). This classification covers inquiries concerning the Postal Service and complaints pertaining to the theft of mail. Such complaints are either forwarded to the Postmaster General or the nearest Postal Inspector.

49. National Bankruptcy Act. Title 18, United States Code, Sections 151–155.

50. Involuntary Servitude and Slavery. U.S. Constitution, 13th Amendment; Title 18, United States Code, Sections 1581–1588, 241, and 242.

51. Jury Panel Investigations. This classification covers jury panel investigations which are requested by the appropriate Assistant Attorney General as authorized by 28 U.S.C. 533 and AG memorandum #781, dated 11/9/72. These investigations can be conducted only upon such a request and consist of an indices and arrest check, and only in limited important trials where defendant could have influence over a juror.

52. Theft, Robbery, Embezzlement, Illegal Possession or Destruction of Government Property. Title 18, United States Code, Sections 641, 1024, 1660, 2112, and 2114. Interference With Government Communications, Title 18, U.S.C., Section 1632.

53. Excess Profits On Wool. 1918 (obsolete). Subjects possible violator of Government Control of Wool Clip of 1918.

54. Customs Laws and Smuggling. This classification covers complaints received concerning smuggling and other matters involving importation and entry of merchandise into and the exportation of merchandise from the United States. Complaints are referred to the nearest district office of the U.S. Customs Service or the Commissioner of Customs, Washington, DC.

55. Counterfeiting. This classification covers complaints received concerning alleged violations of counterfeiting of U.S. coins, notes, and other obligations and securities of the Government. These complaints are referred to either the Director, U.S. Secret Service, or the nearest office of that Agency.

56. Election Laws. Title 18, United States Code, Sections 241, 242, 245, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, and 607; Title 42, United States Code, Section 1973; Title 26, United States Code, Sections 9012 and 9042; Title 2, United States Code, Sections 431, 432, 433, 434, 435, 436, 437, 439, and 441.

57. War Labor Dispute Act (obsolete). Pub. L. 89–77th Congress.

58. Bribery; Conflict of Interest. Title 18, United States Code, Sections 201–203, 205–211; Pub. L. 89–4 and 89–136.

59. World War Adjusted Compensation Act of 1924–44. (obsolete) Bureau of Investigation was charged with the duty of investigating alleged violations of all sections of the World War Adjusted Compensation Act (Pub. L. 472, 69th Congress (H.R. 10277)) with the exception of Section 704.

60. Anti-Trust. Title 15, United States Code, Sections 1–7, 12–27, and 13.

61. Treason or Misprision of Treason. Title 18, United States Code, Sections 2381, 2382, 2389, 2390, 756, and 757.

62. Administrative Inquiries. Misconduct Investigations of Officers and Employees of the Department of Justice and Federal Judiciary; Census Matters (Title 13, United States Code, Sections 211–214, 221–224, 304, and 305) Domestic Police Cooperation; Eight-Hour-Day Law (Title 40, United States Code, Sections 321, 322, 325a, 326); Fair Credit Reporting Act (Title 15, United States Code, Sections 1681q and 1681r); Federal Cigarette Labeling and Advertising Act (Title 15, United States Code, Section 1333); Federal Judiciary Investigations; Kickback Racket Act (Title 18, United States Code, Section 874); Lands Division Matter, other Violations and/or Matters; Civil Suits—Miscellaneous; Soldiers' and Sailors' Civil Relief Act of 1940 (Title 50, Appendix, United States Code, Sections 510–590); Tariff Act of 1930 Title 19, United States Code, Section 1304); Unreported Interstate Shipment of Cigarettes (Title 15, United States Code, Sections 375 and 376); Fair Labor Standards Act of 1938 (Wages and Hours Law) (Title 29, United States Code, Sections 201–219); Conspiracy (Title 18, United States Code, Section 371 (formerly Section 88, Title 18, United States Code); effective September 1, 1948).

63. Miscellaneous—Nonsubversive. This classification concerns correspondence from the public which does not relate to matters within FBI jurisdiction.

64. Foreign Miscellaneous. This classification is a control file utilized as a repository for intelligence information of value identified by country. More specific categories are placed in classification 108–113.

65. Espionage. Attorney General Guidelines on Foreign Counterintelligence; Internal Security Act of 1950; Executive Order 11905.

66. Administrative Matters. This classification covers such items as supplies, automobiles, salary matters and vouchers.

67. Personnel Matters. This classification concerns background investigations of applicants for employment with the FBI *and folders for current and former employees.*

68. Alaskan matters (obsolete). This classification concerns FBI investigations in the Territory of Alaska prior to its becoming a State.

69. Contempt of Court. Title 18, United States Code, Sections 401, 402, 3285, 3691, 3692; Title 10, United States Code, Section 847; and Rule 42, Federal Rules of Criminal Procedure.

70. Crime on Government Reservation. Title 18, United States Code, Sections 7 and 13.

71. Bills of Lading Act, Title 49, United States Code, Section 121.

72. Obstruction of Criminal Investigations; Obstruction of Justice, Obstruction of Court Orders. Title 18, United States Code, Sections 1503 through 1510.

73. Application for Pardon After Completion of Sentence and Application for Executive Clemency. This classification concerns the FBI's background investigation in connection with pardon applications and requests for executive clemency.

74. Perjury. Title 18, United States Code, Sections 1621, 1622, and 1623.

75. Bondsmen and Sureties. Title 18, United States Code, Section 1506.

76. Escaped Federal Prisoner, Escape and Rescue; Probation Violator, Parole Violator; Parole Violator; Mandatory Release Violator. Title 18, United States Code, Sections 751–757, 1072; Title 18, United States Code, Sections 3651–3656; and Title 18, United States Code, Sections 4202–4207, 5037, and 4161–4166.

77. Applicants (Special Inquiry, Departmental and Other Government Agencies, except those having special classifications). This classification covers the background investigations conducted by the FBI in connection with the aforementioned positions.

78. Illegal Use of Government Transportation Requests. Title 18, United States Code, Section 287, 495, 508, 641, 1001 and 1002.

79. Missing Persons. This classification covers the FBI's Identification Division's assistance in the locating of missing persons.

80. Laboratory Research Matters. At FBI Headquarters this classification is used for Laboratory research matters. In field office files this classification covers

the FBI's public affairs matters and involves contact by the FBI with the general public, Federal and State agencies, the Armed Forces, corporations, the news media and other outside organizations.

81. Gold Hoarding. 1933–45. (obsolete) Gold Hoarding investigations conducted in accordance with an Act of March 9, 1933 and Executive Order issued August 28, 1933. Bureau instructed by Department to conduct no further investigations in 1935 under the Gold Reserve Act of 1934. Thereafter, all correspondence referred to Secret Service.

82. War Risk Insurance (National Life Insurance (obsolete)). This classification covers investigations conducted by the FBI in connection with civil suits filed under this statute.

83. Court of Claims. This classification covers requests for investigation of cases pending in the Court of Claims from the Assistant Attorney General in charge of the Civil Division of the Department of Justice.

84. Reconstruction Finance Corporation Act (obsolete). Title 15, United States Code, Chapter 14.

85. Home Owner Loan Corporation (obsolete). This classification concerned complaints received by the FBI about alleged violations of the Home Owners Loan Act, which were referred to the Home Owners Loan Corporation. Title 12, United States Code, Section 1464.

86. Fraud Against the Government—Small Business Administration. Title 15, United States Code, Section 645; Title 18, United States Code, Sections 212, 213, 215, 216, 217, 657, 658, 1006, 1011, 1013, 1014, 1906, 1907, and 1909.

87. Interstate Transportation of Stolen Property (Heavy Equipment—Commercialized Theft). Title 18, United States Code, Sections 2311, 2314, 2315 and 2318.

88. Unlawful Flight to Avoid Prosecution, Custody, or Confinement; Unlawful Flight to Avoid Giving Testimony. Title 18, United States Code, Sections 1073 and 1074.

89. Assaulting or Killing a Federal Officer, *Crimes Against Family Members*, Congressional Assassination Statute. Title 18, United States Code, Sections 1111, 1114, 2232.

90. Irregularities in Federal Penal Institutions. Title 18, United States Code, Sections 1791 and 1792.

91. Bank Burglary; Bank Larceny; Bank Robbery. Title 18, United States Code, Section 2113.

92. Racketeer Enterprise Investigations. Title 18, United States Code, Section 3237.

93. Ascertaining Financial Ability. This classification concerns requests by the Department of Justice for the FBI to ascertain a person's ability to pay a claim, fine or judgment obtained against him by the United States Government.

94. Research matters. This classification concerns all general correspondence of the FBI with private individuals which does not involve any substantive violation of Federal law.

95. Laboratory Cases (Examination of Evidence in Other Than Bureau's Cases). The classification concerns non-FBI cases where a duly constituted State, county or a municipal law enforcement agency in a criminal matter has requested an examination of evidence by the FBI Laboratory.

96. Alien Applicant (obsolete). Title 10, United States Code, Section 310.

97. Foreign Agents Registration Act, Title 18, United States Code, Section 951; Title 22, United States Code, Sections 611–621; Title 50, United States Code, Sections 851–857.

98. Sabotage. Title 18, United States Code, Sections 2151–2156; Title 50, United States Code, Section 797.

99. Plant Survey (obsolete). This classification covers a program wherein the FBI inspected industrial plants for the purpose of making suggestions to the operations of those plants to prevent espionage and sabotage.

100. Domestic Security. This classification covers investigations by the FBI in the domestic security field. e.g., Smith Act violations.

101. Hatch Act (obsolete). Pub. L. 252, 76th Congress.

102. Voorhis Act, Title 18, United States Code, Section 1386.

103. Interstate Transportation of Stolen Livestock, Title 18, United States Code, Section 667, 2311, 2316 and 2317.

104. Servicemen's Dependents Allowance Act of 1942 (obsolete). Pub. L. 625, 77th Congress, Sections 116–119.

105. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

106. Alien Enemy Control; Escaped Prisoners of War and Internees. 1944–55 (obsolete). Suspects were generally suspected escaped prisoners of war, members of foreign organizations, failed to register under the Alien Registration Act. Cases ordered closed by Attorney General after alien enemies returned to their respective countries upon termination of hostilities.

107. Denaturalization Proceedings (obsolete). This classification covers investigations concerning allegations that an individual fraudulently swore allegiance to the United States or in some other manner illegally obtained citizenship to the U.S., Title 8, United States Code, Section 738.

108. Foreign Travel Control (obsolete) This classification concerns security-type investigations wherein the subject is involved in foreign travel.

109. Foreign Political Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign political matters broken down by country.

110. Foreign Economic Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign economic matters broken down by country.

111. Foreign Social Conditions. This classification is a control file utilized as a repository for intelligence information concerning foreign social conditions broken down by country.

112. Foreign Funds. This classification is a control file utilized as a repository for intelligence information concerning foreign funds broken down by country.

113. Foreign Military and Naval Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign military and naval matters broken down by country.

114. Alien Property Custodian Matter (obsolete). Title 50, United States Code, Sections 1 through 38. This classification covers investigations concerning ownership and control of property subject to claims and litigation under this statute.

115. Bond Default; Bail Jumper. Title 18, United States Code, Sections 3146–3152.

116. Department of Energy Applicant; Department of Energy, Employee. This classification concerns background investigations conducted in connection with employment with the Department of Energy.

117. Department of Energy, Criminal. Title 42, United States Code, Sections 2011–2281; Pub. L. 93–438.

118. Applicant, Intelligence Agency (obsolete). This classification covers applicant background investigations conducted of persons under consideration for employment by the Central Intelligence Group.

119. Federal Regulation of Lobbying Act, Title 2, United States Code, Sections 261–270.

120. Federal Tort Claims Act, Title 28, United States Code, Sections 2671 to 2680. Investigations are conducted pursuant to specific request from the Department of Justice in connection with cases in which the Department of Justice represents agencies sued under the Act.

121. Loyalty of Government Employees (obsolete). Executive Order 9835.

VOL 52 ISS 238 DEC 11 1987 UMI

122. Labor Management Relations Act, 1947. Title 29, United States Code, Sections 161, 162, 176–178 and 186.

123. Special Inquiry, State Department, Voice of America (U.S. Information Center) (Pub. L. 402, 80th Congress) (obsolete). This classification covers loyalty and security investigations on personnel employed by or under consideration for employment for Voice of America.

124. European Recovery Program (International Cooperation Administration), formerly Foreign Operations Administration, Economic Cooperation Administration or E.R.P., European Recovery Programs; A.I.D., Agency for International Development (obsolete). This classification covers security and loyalty investigations of personnel employed by or under consideration for employment with the European Recovery Program, Pub. L. 472, 80th Congress.

125. Railway Labor Act; Railway Labor Act—Employer's Liability Act. Title 45, United States Code, Sections 151–163 and 181–188.

126. National Security Resources Board, Special Inquiry (obsolete). This classification covers loyalty investigations on employees and applicants of the National Security Resources Board.

127. Sensitive Positions in the United States Government, Pub. L. 266 (obsolete). Pub. L. 81st Congress.

128. International Development Program (Foreign Operations Administration) (obsolete). This classification covers background investigations conducted on individuals who are to be assigned to duties under the International Development Program.

129. Evacuation Claims (obsolete). Pub. L. 886, 80th Congress.

130. Special Inquiry. Armed Forces Security Act (obsolete). This classification covers applicant-type investigations conducted for the Armed Forces security agencies.

131. Admiralty Matter. Title 46, United States Code, Sections 741 to 752 and 781 to 799.

132. Special Inquiry, Office of Defense Mobilization (obsolete). This classification covers applicant-type investigations of individuals associated with the Office of Defense Mobilization.

133. National Science Foudation Act. Applicant (obsolete). Pub. L. 507, 81st Congress.

134. Foreign Counterintelligence Assets. This classification concerns individuals who provide information to the FBI concerning Foreign Counterintelligence matters.

135. PROSAB (Protection of Strategic Air Command Bases of the U.S. Air Force) (obsolete). This classification covered contacts with individuals with the aim to develop information useful to protect bases of the Strategic Air Command.

136. American Legion Contact (obsolete). This classification covered liaison contacts with American Legion officers.

137. Informants. Other Than Foreign Counterintelligence Assets. This classification concerns individuals who furnish information to the FBI concerning criminal violations on a continuing and confidential basis.

138. Loyalty of Employees of the United Nations and Other Public International Organizations. This classification concerns FBI investigations based on referrals from the *Office of Personnel Management* wherein a question or allegation has been received regarding the applicant's loyalty to the U.S. Government as described in Executive Order 10422.

139. Interception of Communications (Formerly, Unauthorized Publication or Use of Communications). Title 47, United States Code, Section 605; Title 47, United States Code, Section 501; Title 18, United States Code, Sections 2510–2513.

140. Security of Government Employees; Fraud Against the Government, Executive Order 10450.

141. False Entries in Records of Interstate Carriers. Title 47, United States Code, Section 220; Title 49, United States Code, Section 20.

142. Illegal Use of Railroad Pass. Title 49, United States Code, Section 1.

143. Interstate Transportation of Gambling Devices. Title 15, United States Code, Sections 1171 through 1180.

144. Interstate Transportation of Lottery Tickets. Title 18, United States Code, Section 1301.

145. Interstate Transportation of Obscene *Materials*. Title 18, United States Code, Sections 1462, 1464 and 1465.

146. Interstate Transportation of Prison-Made Goods. Title 18, United States Code, Sections 1761 and 1762.

147. Fraud Against the Government—Department of Housing and Urban Development, Matters. Title 18, United States Code, Sections 1010, 709, 657 and 1006; Title 12, United States Code, Sections 1715 and 1709.

148. Interstate Transportation of Fireworks. Title 18, United States Code, Section 836.

149. Destruction of Aircraft or Motor Vehicles. Title 18, United States Code, Sections 31 through 35.

150. Harboring of Federal Fugitives, Statistics (obsolete).

151. (Referral cases received from the Office of Personnel Management under Pub. L. 298). Agency for International Development; Department of Energy; National Aeronautics and Space Administration; National Science Foundation; Peace Corps; Action; U.S. Arms Control and Disarmament Agency; World Health Organization; International Labor Organization; International Communications Agency. This classification covers referrals from the *Office of Personnel Management* where an allegation has been received regarding an applicant's loyalty to the U.S. Government. These referrals refer to applicants from Peace Corps.; Department of Energy, National Aeronautics and Space Administration, Nuclear Regulatory Commission, United States Arms Control and Disarmament Agency and the International Communications Agency.

152. Switchblade Knife Act. Title 15, United States Code, Sections 1241 through 1244.

153. Automobile Information Disclosure Act. Title 15, United States Code, Sections 1231, 1232 and 1233.

154. Interstate Transportation of Unsafe Refrigerators. Title 15, United States Code, Sections 1211 through 1214.

155. National Aeronautics and Space Act of 1958. Title 18, United States Code, Section 799.

156. Employee Retirement Income Security Act. Title 29, United States Code, Sections 1021–1029, 1111, 1131, and 1141; Title 18, United States Code, Sections 644, 1027, and 1954.

157. Civil Unrest. This classification concerns FBI responsibility for reporting information on civil disturbances or demonstrations. The FBI's investigative responsibility is based on the Attorney General's Guidelines for Reporting on Civil Disorders and Demonstrations Involving a Federal Interest which became effective April 5, 1976.

158. Labor-Management Reporting and Disclosure Act of 1959 (Security Matter) (obsolete). Pub. L. 86–257, Section 504.

159. Labor-Management *Reporting* and Disclosure Act of 1959 (Investigative Matter). Title 29, United States Code, Sections 501, 503, 504, 522, and 530.

160. Federal Train Wreck Statute. Title 18, United States Code, Section 1992.

161 Special Inquiries for White House, Congressional Committee and Other Government Agencies. This classification covers investigations requested by the White House. Congressional committees or other Government agencies.

162. Interstate Gambling Activities. This classification covers information acquired concerning the nature and scope of illegal gambling activities in each field office.

163. Foreign Police Cooperation. This classification covers requests by foreign police for the FBI to render investigative assistance to such agencies.

164. Crime Aboard Aircraft. Title 49, United States Code, Sections 1472 and 1473.

165. Interstate Transmission of Wagering Information. Title 18, United States Code, Section 1084.

166. Interstate Transportation in Aid of Racketeering. Title 18, United States Code. Section 1952.

167. Destruction of Interstate Property. Title 15, United States Code, Sections 1281 and 1282.

168. Interstate Transportation of Wagering *Paraphernalia*. Title 18. United States Code, Section 1953.

169. Hydraulic Brake Fluid Act (obsolete); 76 Stat. 437, Pub. L. 87–637.

170. Extremist Informants (obsolete) This classification concerns individuals who provided information on a continuing basis on various extremist elements.

171. Motor Vehicle Seat Belt Act (obsolete). Pub. L. 88–201, 80th Congress.

172. Sports Bribery. Title 18, U.S. Code, Section 224.

173. Public Accommodations. Civil Rights Act of 1964 Public Facilities, Civil Rights Act of 1964 Public Education, Civil Rights Act of 1964 Employment, Civil Rights Act of 1964. Title 42, United States Code, Section 2000; Title 18, United States Code. Section 245.

174. Explosives and Incendiary Devices; Bomb Threats (Formerly, Bombing Matters; Bombing Matters, Threats). Title 18, United States Code, Section 844.

175. Assaulting, Kidnapping or Killing the President (or Vice President) of the United States. Title 18, United States Code, Section 1751.

176. Anti-riot Laws. Title 18, United States Code, Section 245.

177. Discrimination in Housing. Title 42, United States Code, Sections 3601–3619 and 3631.

178. Interstate Obscene or Harrassing Telephone Calls. Title 47, United States Code, Section 223.

179. Extortionate Credit Transactions. Title 18, United States Code, Section 891–896.

180. Desecration of the Flag. Title 18, United States Code, Section 700.

181. Consumer Credit Protection Act. Title 15, United States Code, Section 1611.

182. Illegal Gambling Business: Illegal Gambling Business, Obstruction; Illegal Gambling Business, Forfeiture. Title 18, United States Code, Section 1955; Title 18, United States Code, Section 1511.

183. Racketeer, Influence and Corrupt Organizations. Title 18, United States Code, Sections 1961–1968.

184. Police Killings. This classification concerns investigations conducted by the FBI upon written request from local Chief of Police or duly constituted head of the local agency to actively participate in the investigation of the killing of a police officer. These investigations are based on a Presidential Directive dated June 3, 1971.

185. Protection of Foreign Officials and Officials Guests of the United States. Title 18, United States Code, Sections 112, 970, 1116, 1117 and 12001.

186. Real Estate Settlement Procedures Act of 1974. Title 12, United States Code, Section 2602; Title 12, United States Code, Section 2606, and Title 12, United States Code, Section 2607.

187. Privacy Act of 1974, Criminal. Title 5, United States Code, Section 552a.

188. Crime Resistance. This classification covers FBI efforts to develop new or improved approaches, techniques, systems, equipment and devices to improve and strengthen law enforcement as mandated by the Omnibus Crime Control and Safe Streets Action of 1968.

189. Equal Credit Opportunity Act. Title 15, United States Code, Section 1691.

190. Freedom of Information/Privacy Acts. This classification covers the creation of a correspondence file to preserve and maintain accurate records concerning the handling of requests for records submitted pursuant to the Freedom of Information—Privacy Acts.

191. False Identity Matters. (obsolete) This classification covers the FBI's study and examination of criminal *elements'* efforts to create false identities.

192. Hobbs Act—Financial Institutions; Commercial *Institutions; Armored Carrier*. Title 18, United States Code, Section 1951.

193. Hobbs Act—Commercial Institutions (obsolete). Title 18, United States Code, Section 1951; and Title 47, United States Code, Section 506.

194. Hobbs Act—Corruption of Public Officials. Title 18, United States Code, Section 1951.

195. Hobbs Act—Labor Related. Title 18, United States Code, Section 1951.

196. Fraud by Wire. Title 18, United States Code, Section 1343.

197. Civil Actions or Claims Against the Government. This classification covers all civil suits involving FBI matters and most administrative claims filed under the Federal Tort Claims Act arising from FBI activities.

198. Crime on Indian Reservations. Title 18, United States Code, Sections 1151, 1152, and 1153.

199. Foreign Counterintelligence—Terrorism. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

200. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

201. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

202. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

203. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

204. Federal Revenue Sharing. This classification covers FBI investigations conducted where the Attorney General has been authorized to bring civil action whenever he has reason to believe that a pattern or practice of discrimination in disbursement of funds under the Federal Revenue Sharing status exists.

205. Foreign Corrupt Practices Act of 1977. Title 15, United States Code, Section 78.

206. Fraud Against the Government—Department of Defense, Department of Agriculture, Department of Commerce, Community Services Organization, Department of Transportation. (See classification 46 (supra) for statutory authority for this and the four following classifications.)

207. Fraud Against the Government—Environmental Protection Agency, National Aeronautics and Space Administration, Department of Energy, Department of Transportation.

208. Fraud Against the Government—General Services Administration.

209. Fraud Against the Government—Department of Health, and Human Services (Formerly, Department of Health, Education, and Welfare).

210. Fraud Against the Government—Department of Labor.

211. Ethics in Government Act of 1978, Title VI (Title 28, Sections 591–596).

212. Foreign *Counterintelligence*—Intelligence Community Support. This is an administrative classification for the FBI's operational and technical support to other Intelligence Community agencies.

213. Fraud Against the Government—Department of Education.

BEST COPY AVAILABLE

214. Civil Rights of Institutionalized Persons Act (Title 42, United States Code. *Section* 1997).
215. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.
216. Foreign Counterintelligence Matters. (Same authority as 215)
217. Foreign Counterintelligence Matters. (Same authority as 215)
218. Foreign Counterintelligence Matters. (Same authority as 215)
219. Foreign Counterintelligence Matters. (Same authority as 215)
220. Foreign Counterintelligence Matters. (Same authority as 215)
221. Foreign Counterintelligence Matters. (Same authority as 215)
222. Foreign Counterintelligence Matters. (Same authority as 215)
223. Foreign Counterintelligence Matters. (Same authority as 215)
224. Foreign Counterintelligence Matters. (Same authority as 215)
225. Foreign Counterintelligence Matters. (Same authority as 215)
226. Foreign Counterintelligence Matters. (Same authority as 215)
227. Foreign Counterintelligence Matters. (Same authority as 215)
228. Foreign Counterintelligence Matters. (Same authority as 215)
229. Foreign Counterintelligence Matters. (Same authority as 215)
230. thru 240. FBI Training Matters.
241. DEA Applicant Investigations.
242. Automation Matters.
243. Intelligence Identities Protection Act of 1982.
244. Hostage Rescue Team.
245. Drug Investigative Task Force.
246. thru 248. Foreign Counterintelligence Matters. (Same authority as 215)
249. Toxic Waste Matters—Investigations involving toxic or hazardous waste violations.
250. Tampering With Consumer Products (Title 18, U.S. Code, Section 1365)
251. Controlled Substance—Robbery;—Burglary (Title 18, U.S. Code, Section 2118)
252. Violent Crime Apprehension Program (VICAP). Case folders containing records relevant to the VICAP Program, in conjunction with the National Center for the Analysis of Violent Crime Record System at the FBI Academy; Quantico, Virginia.
253. False Identification Crime Control Act of 1982 (Title 18, U.S. Code, Section 1028—Fraud and Related Activity in Connection With Identification Documents, and Section 1738—Mailing Private Identification Documents Without a Disclaimer)
254. Destruction of Energy Facilities (Title 18, U.S. Code, Section 1365) relates to the destruction of property of nonnuclear energy facilities.
255. Counterfeiting of State and Corporate Securities (Title 18, U.S. Code, Section 511) covers counterfeiting and forgery of all forms of what is loosely interpreted as securities.
256. Hostage Taking—Terrorism (Title 18, U.S. Code, Section 1203) prohibits taking of hostage(s) to compel third party to do or refrain from doing any act.
257. Trademark Counterfeiting Act (Title 18, United States Code, Section 2320) covers the international trafficking in goods which bear a counterfeited trademark.
258. Credit Card Fraud Act of 1984 (Title 18, United States Code, Section 1029) covers fraud and related activities in connection with access devices (credit and debit cards).
259. Security Clearance Investigations Program. (Same authority as 215)
260. Industrial Security Program. (Same authority as 215)
261. Security Officer Matters. (Same authority as 215)
262. Overseas Homicide/Attempted Homicide—International Terrorism. Title 18, United States Code, Section 2331.
263. Office of Professional Responsibility Matters.
264. Computer Fraud and Abuse Act of 1986. Electronic Communications Privacy Act of 1986. Title 18, United States Code, Section 1030; Title 18, United States Code, Section 2701.

Records Maintained in FBI Field Divisions—FBI field divisions maintain for limited periods of time investigative, administrative and correspondence records, including files, index cards and related material, some of which are duplicated copies of reports and similar documents forwarded to FBI Headquarters. Most investigative activities conducted by FBI field divisions are reported to FBI Headquarters at one or more stages of the investigation. There are, however, investigative activities wherein no reporting was made to FBI Headquarters, e.g., pending cases not as yet reported and cases which were closed in the field division for any of a number of reasons without reporting to FBI Headquarters.

Duplicate records and records which extract information reported in the main files are also kept in the various divisions of the FBI to assist them in their day-to-day operation. These records are lists of individuals which contain certain biographic data, including physical description and photograph. They may also contain information concerning activities of the individual as reported to FBIHQ by the various field offices. The establishment of these lists is necessitated by the needs of the Division to have immediate access of pertinent information duplicative of data found in the central records without the delay caused by a time-consuming manual search of central indices. The manner of segregating these individuals varies depending on the particular needs of the FBI Division. The information pertaining to individuals who are a part of the list is derivative of information contained in the Central Records System. These duplicative records fall into the following categories:

(1) Listings of individuals used to assist in the location and apprehension of individuals for whom legal process is outstanding (fugitives):

(2) Listings of individuals used in the identification of particular offenders in cases where the FBI has jurisdiction. These listings include various photograph albums and background data concerning persons who have been formerly charged with a particular crime and who may be suspect in similar criminal activities; and photographs of individuals who are unknown but suspected of involvement in a particular criminal activity, for example, bank surveillance photographs:

(3) Listings of individuals as part of an overall criminal intelligence effort by the FBI. This would include photograph albums, lists of individuals known to be involved in criminal activity, including theft from interstate shipment, interstate transportation of stolen property, and individuals in the upper echelon of organized crime.

(4) Listings of individuals in connection with the FBI's mandate to carry out Presidential directives on January 8, 1943, July 24, 1950, December 15, 1953, and February 18, 1976, which designated the FBI to carry out investigative work in matters relating to espionage, sabotage, and foreign counterintelligence. These listings may include photograph albums and other listings containing biographic data regarding individuals. This would include lists of identified and suspected foreign intelligence agents and informants:

(5) Special indices duplicative of the central indices used to access the Central Records System have been created from time to time in conjunction with the administration and investigation of major cases. This duplication and segregation facilitates access to documents prepared in connection with major cases.

In recent years, as the emphasis on the investigation of white collar crime, organized crime, and hostile foreign intelligence operations has increased, the FBI has been confronted with increasingly complicated cases, which require more intricate information processing capabilities. Since these complicated investigations frequently involve massive volumes of evidence and other investigative information, the FBI uses its computers, when necessary to collate, analyze, and retrieve investigative information in the most accurate and expeditious manner possible. It should be noted that all investigative information, which is placed in computerized form, is actually extracted from the main files and that the duplicative computerized information is only maintained as necessary to support the FBI's investigative activities. Information from these internal computerized subsystems of the "Central Records System" is not accessed by any other agency. All disclosures of computerized information are made in printed form in accordance with the routine uses which are set forth below.

Records also are maintained on a temporary basis relevant to the FBI's domestic police cooperation program, where assistance in obtaining information is provided to state and local police agencies.

Also, personnel type information dealing with such matters as attendance and production and accuracy requirements is maintained by some divisions.

(The following chart identifies various listings or indexes maintained by the FBI which have been or are being used by various divisions of the FBI in their day-to-day operations. The chart identifies the list by name, description and use, and where maintained, i.e. FBI Headquarters and/or Field Office. The number in parentheses in the field office column indicates the number of field offices which maintain these indices. The chart indicates, under "status of index," those indexes which are in current use (designated by the word "active") and those which are no longer being used, although maintained (designated by the word "inactive"). There are 27 separate indices which are classified in accordance with existing regulations and are not included in this chart. The following indices are no longer being used by the FBI and are being maintained at FBIHQ pending receipt of authority to destroy: Black Panther Party Photo Index; Black United Front Index; Security Index; and Wounded Knee Album.

Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
Administrative Index (ADEX)	Consists of cards with descriptive data on individuals who were subject to investigation in a national emergency because they were believed to constitute a potential or active threat to the internal security of the United States. When ADEX was started in 1971, it was made up of people who were formerly on the Security Index, Reserve Index, and Agitator Index. The index is maintained in two separate locations in FBI Headquarters. ADEX was discontinued in January 1978.	Inactive	Yes	Yes (29)
Anonymous Letter File	Consists of photographs of anonymous communications and extortionate credit transactions; kidnapping, extortion and threatening letters.	Active	Yes	No
Associates of DEA Class 1 Narcotics Violators Listing.	Consists of a computer listing of individuals whom DEA has identified as associates of Class 1 Narcotics Violators.	Active	Yes	Yes (59)
Background Investigation Index—Department of Justice.	Consists of cards on persons who have been the subject of a full field investigation in connection with their consideration for employment in sensitive positions with Department of Justice, such as U.S. Attorney, Federal judge, or a high level Department position.	Active	Yes	No
Background Investigation Index—White House, Other Executive Agencies, and Congress.	Consists of cards on persons who have been the subject of a full field investigation in connection with their consideration for employment in sensitive positions with the White House, Executive agencies (other than the Department of Justice) and the Congress.	Active	Yes	No
Bank Fraud and Embezzlement Index.	Consists of individuals who have been the subject of "Bank Fraud and Embezzlement" investigation. This file is used as an investigative aid.	Active	No	Yes (1)
Bank Robbery Album	Consists of photos of bank robbers, burglars, and larceny subjects. In some field offices it will also contain pictures obtained from local police departments of known armed robbers and thus potential bank robbers. The index is used to develop investigative leads in bank robbery cases and may also be used to show to witnesses of bank robberies. It is usually filed by race, height, and age. This index is also maintained in one resident agency (a suboffice of a field office).	Active	No	Yes (47)
Bank Robbery Nickname Index	Consists of nicknames used by known bank robbers. The index card on each would contain the real name and method of operation and are filed in alphabetical order.	Active	No	Yes (1)
Bank Robbery Note File	Consists of photographs of notes used in bank robberies in which the suspect has been identified. This index is used to help solve robberies in which the subject has not been identified but a note was left. The note is compared with the index to try to match the sentence structure and handwriting for the purpose of identifying possible suspects.	Active	Yes	No
Bank Robbery Suspect Index	Consists of a control file or index cards with photos, if available, of bank robbers or burglars. In some field offices these people may be part of the bank robbery album. This index is generally maintained and used in the same manner as the bank robbery album.	Active	No	Yes (33)
Car Ring Case Photo Album	Consists of photos of subjects and suspects involved in a large car theft ring investigation. It is used as an investigative aid.	Active	No	Yes (3)
Car Ring Case Photo Album and Index.	Consists of photos of subjects and suspects involved in a large car theft ring investigation. The card index maintained in addition to the photo album contains the names and addresses appearing on fraudulent title histories for stolen vehicles. Most of these names appearing on these titles are fictitious. But the photo album and card indexes are used as an investigative aid.	Active	No	Yes (1)
Car Ring Case Toll Call Index	Consists of cards with information on persons who subscribe to telephone numbers to which toll calls have been placed by the major subjects of a large car theft ring investigation. It is maintained numerically by telephone number. It is used to facilitate the development of probable cause for a court-approved wiretap.	Active	No	Yes (2)
Car Ring Theft Working Index	Contains cards on individuals involved in car ring theft cases on which the FBI laboratory is doing examination work.	Active	Yes	No

Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
Cartage Album	Consists of photos with descriptive data of individuals who have been convicted of theft from interstate shipment or interstate transportation of stolen property where there is a reason to believe they may repeat the offense. It is used in investigating the above violations.	Active	No	Yes (3)
Channelizing Index	Consists of cards with the names and case file numbers of people who are frequently mentioned in information reports. The index is used to facilitate the distributing or channeling of informant reports to appropriate files.	Active	No	Yes (9)
Check Circular File	Consists of filers filed numerically in a control file on fugitives who are notorious fraudulent check passers and who are engaged in a continuing operation of passing checks The filers which include the subject's name, photo, a summary of the subject's method of operation and other identifying data is used to alert other FBI field offices and business establishments which may be the victims of bad checks..	Active	Yes	Yes (43)
Computerized Telephone Number File (CTNF) Intelligence.	Consists of a computer listing of telephone numbers (and subscribers' names and addresses) utilized by subjects and/or certain individuals which come to the FBI's attention during major investigations. During subsequent investigations, telephone numbers, obtained through subpoenas, are matched with the telephone numbers on file to determine connections or associations.	Active	Yes	No
Con Man Index	Consists of computerized names of individuals, along with company affiliation, who travel nationally and internationally while participating in large-dollar-value financial swindles.	Active	Yes	No
Confidence Game (Flim Flam) Album	Consists of photos with descriptive information on individuals who have been arrested for confidence games and related activities. It is used as an investigative aid.	Active	No	Yes (4)
Copyright Matters Index	Consists of cards of individuals who are film collectors and film titles. It is used as a reference in the investigation of copyright matters.	Active	No	Yes (1)
Criminal Intelligence Index	Consists of cards with name and file number of individuals who have become the subject of an antiracketeering investigation. The index is used as a quick way to ascertain file numbers and the correct spelling of names. This index is also maintained in one resident agency.	Active	No	Yes (2)
Criminal Informant Index	Consists of cards containing identity and brief background information on all active and inactive informants furnishing information in the criminal area.	Active	Yes	No
DEA Class 1 Narcotics Violators List-FBI	Consists of a computer listing of narcotic violators—persons known to manufacture, supply, or distribute large quantities of illicit drugs—with background data. It is used by the FBI in their role of assisting DEA in disseminating intelligence data concerning illicit drug trafficking. This index is also maintained in two resident agencies.	Active	Yes	Yes (59)
Deserter Index	Contains cards with the names of individuals who are known military deserters. It is used as an investigative aid.	Active	No	Yes (4)
False Identities Index	Contains cards with the names of deceased individuals whose birth certificates have been obtained by other persons for possible false identification uses and in connection with which the FBI laboratory has been requested to perform examinations.	Inactive	Yes	No
False Identities List	Consists of a listing a names of deceased individuals whose birth certificates have been obtained after the person's death, and thus whose names are possibly being used for false identification purposes. The listing is maintained as part of the FBI's program to find persons using false identities for illegal purposes.	Inactive	No	Yes (31)
False Identity Photo Album	Consists of names and photos of people who have been positively identified as using a false identification. This is used as an investigative aid in the FBI's investigation of false identities.	Inactive	No	Yes (2)
FBI/Inspector General (IG) Case Pointer System (FICPS).	Consists of computerized listing of individual names of organizations which are the subject of active and inactive fraud investigations, along with the name of the agency conducting the investigation. Data is available to IG offices throughout the federal government to prevent duplication of investigative activity.	Active	Yes	No
FBI Wanted Persons Index	Consists of cards on persons being sought on the basis of Federal warrants covering violations which fall under the jurisdiction of the FBI. It is used as a ready reference to identify those fugitives.	Active	Yes	No
Foreign Counterintelligence (FCI)	Consists of cards with identity background data on all active and inactive operational and informational assets in the foreign counterintelligence field. It is used as a reference aid of the FCI Asset program.	Active	Yes	No
Fraud Against the Government Index	Consists of individuals who have been the subject of a "fraud against the Government" investigation. It is used as investbgative aid.	Active	No	Yes (1)
Fugitive Bank Robbers File	Consists of filers on bank robbery fugitives filed sequentially in a control file. FBI Headquarters distributes to the field offices filers on bank robbers in a fugitive status for 15 or more days to facilitate their location.	Active	Yes	Yes (43)
General Security Index	Contains cards on all persons that have been the subject of a security classification investigation by the FBI field office. These cards are used for general reference purposes.	Active	No	Yes (1)
Hoodlum License Plate Index	Consists of cards with the license plates numbers and descriptive data on known hoodlums and cars observed in the vicinity of hoodlum homes. It is used for quick identification of such person in the course of investigation. The one index which is not fully retrievable in maintained by a resident agency.	Active	No	Yes (3)
Identification Order Fugitive Flier File	Consists of fliers numerically in a control file. When immediate leads have been exhausted in fugitive investigations and a crime of considerable public interest has been committed, the fliers are given wide circulation among law enforcement agencies throughout the United States and are posted in post offices. The fliers contain the fugitive's photograph, fingerprints, and description.	Active	Yes	Yes (49)
Informant Index	Consists of cards with the name, symbol numbers, and brief background information on the following categones of active and inactive informants, top echelon criminal informants, security informants, criminal information, operational and informational assets, extremist informants (discontinued), plant informant—informants on and about certain military bases (discontinued), and potential criminal informants.	Active	No	Yes (59)

Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
Informants in Other Field Offices, Index of.	Consists of cards with names and/or symbol numbers of informants in other FBI field offices that are in a position to furnish information that may be of value to other field offices. Basic background information would also be included on the index card.	Active	No	Yes (15)
Interstate Transportation of Stolen Aircraft Photo Album.	Consists of photos and descriptive data on individuals who are suspects known to have been involved in interstate transportation of stolen aircraft. It is used as an investigative aid.	Active	No	Yes (1)
IRS Wanted List	Consists of one-page filers from IRS on individuals with background information who are wanted by IRS for tax purposes. It is used in the identification of persons wanted by IRS.	Active	No	Yes (11)
Kidnapping Book	Consists of data, filed chronologically, on kidnappings that have occurred since the early fifties. The victims' names and the suspects, if known, would be listed with a brief description of the circumstances surrounding the kidnapping. The file is used as a reference aid in matching up prior methods of operation in unsolved kidnapping cases.	Active	Yes	No
Known Check Passers Album	Consists of photos with descriptive data of persons known to pass stolen, forged, or counterfeit checks. It is used as an investigative aid.	Active	No	Yes (4)
Known Gambler Index	Consists of cards with names, descriptive data, and sometimes photos of individuals who are known bookmakers and gamblers. The index is used in organized crime and gambling investigations. Subsequent to GAO's review, and at the recommendation of the inspection team at one of the two field offices where the index was not fully retrievable, the index was destroyed and thus is not included in the total.	Active	No	Yes (5)
La Cosa Nostra (LCN) Membership Index.	Contains cards on individuals having been identified as members of the LCN index. The cards contain personal data and pictures. The index is used solely by FBI agents for assistance in investigating organized crime matters.	Active	Yes	Yes (55)
Leased Line Letter Request Index	Contains cards on individuals and organizations who are or have been the subject of a national security electronic surveillance where a leased line letter was necessary. It is used as an administrative and statistical aid.	Active	Yes	No
Mail Cover Index	Consists of cards containing a record of all mail covers conducted on individuals and groups since about January 1973. It is used for reference in preparing mail cover requests.	Active	Yes	No
Military Deserter Index	Consists of cards containing the names of all military deserters where the various military branches have requested FBI assistance in locating. It is used as an administrative aid.	Active	Yes	No
National Bank Robbery Album	Consists of fliers on bank robbery suspects held sequentially a control file. When an identifiable bank camera photograph is available and the case has been under investigation for 30 days without identifying the subject. FBIHQ sends a filer to the field offices to help identify the subject.	Active	Yes	Yes (42)
National Fraudulent Check File	Contains photographs of the signatures on stolen and counterfeit checks. It is filed alphabetically but there is no way of knowing the names are real or fictitious. The index is used to help solve stolen check cases by matching checks obtained in such cases against the index to identify a possible suspect.	Active	Yes	No
National Security Electronic Surveillance Card File.	Contains cards recording electronic surveillances previously authorized by the Attorney General and previously and currently authorized by the FISC; current and previous assets in the foreign counterintelligence field; and a historical, inactive section which contains cards believed to record nonconsented physical entries in national security cases, previously toll billings, mail covers and leased lines. The inactive section also contains cards reflecting previous Attorney General approvals and denials for warrantless electronic surveillance in the national security cases.	Active	Yes	No
Night Depository Trap Index	Contains cards with the names of persons who have been involved in the theft of deposits made in bank night depository boxes. Since these thefts have involved various methods, the FBI uses the index to solve such cases by matching up similar methods to identify possible suspects.	Active	Yes	No
Organized Crime Photo Album	Consists of photos and background information on individuals involved in organized crime activities. The index is used as a ready reference in identifying organized crime figures within the field offices' jurisdiction.	Active	No	Yes (13)
Photospread Identification Elimination File.	Consists of photos of individuals who have been subjects and suspects in FBI investigations. It also includes photos received from other law enforcement agencies. These pictures can be used to show witnesses of certain crimes.	Active	No	Yes (14)
Prostitute Photo Album	Consists of photos with background data on prostitutes who have prior local or Federal arrests for prostitution. It is used to identify prostitutes in connection with investigations under the White Slave Traffic Act.	Active	No	Yes (4)
Royal Canadian Mounted Police, (RCMP) Wanted Circular File.	Consists of a control file of individuals with background information of persons wanted by the RCMP. It is used to notify the RCMP if an individual is located.	Active	No	Yes (17)
Security Informant Index	Consists of cards containing identity and brief background information on all active and inactive informants furnishing information in the criminal area.	Active	Yes	No
Security Subjects Control Index	Consists of cards containing the names and case file numbers of individuals who have been subject to security investigations check. It is used as a reference source.	Active	No	Yes (1)
Security Telephone Number Index	Contains cards with telephone subscriber information subpenaed from the telephone company in any security investigation. It is maintained numerically by the last three digits in the telephone number. It is used for general reference purposes in security investigations.	Active	No	Yes (1)
Selective Service Violators Index	Contains cards on individuals being sought on the basis of Federal warrants for violation of the Selective Service Act.	Active	Yes	No
Sources of Information Index	Consists of cards on individuals and organizations such as banks, motels, local governments that are willing to furnish information to the FBI with sufficient frequency to justify listing for the benefit of all agents. It is maintained to facilitate the use of such sources.	Active	No	Yes (10)
Special Services Index	Contains cards of prominent individuals who are in a position to furnish assistance in connection with FBI investigative responsibility.	Active	No	Yes (26)
Stolen Checks and Fraud by Wire Index.	Consists of cards on individuals involved in check and fraud by wire violations. It is used as an investigative aid.	Active	No	Yes (1)

VOL 52 ISS 238 DEC 11 1987 UMI

Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
Stop Notices Index	Consists of cards on names of subjects or property where the field office has placed a stop at another law enforcement agency or private business such as pawn shops in the event information comes to the attention of that agency concerning the subject or property. This is filed numerically by investigative classification. It is used to insure that the agency where the stop is placed is notified when the subject is apprehended or the property is located or recovered.	Active	No	Yes (43)
Surveillance Locator Index	Consists of cards with basic data on individuals and businesses which have come under physical surveillance in the city in which the field office is located. It is used for general reference purposes in entire racketeering investigations.	Active	No	Yes (2)
Telephone Number Index—Gamblers	Contains information on persons identified usually as a result of a subpena for the names of subscribers to particular telephone numbers or toll records for a particular phone number of area gamblers and bookmakers. The index cards are filed by the last three digits of the telephone number. The index is used in gambling investigations.	Active	No	Yes (2)
Telephone Subscriber and Toll Records Check Index	Contains cards with information on person identified as the result of a formal request or subpena to the phone company for the identity of subscribers to particular telephone numbers. The index cards are filed by telephone number and would also include identity of the subscriber, billing parties identity, subscribers address, date of request from the telephone company, and file number.	Active	No	Yes (1)
Thieves Couriers and Fences Photo Index	Consists of photos and background information on individuals who are or are suspected of being thieves, couriers, or fences based on their past activity in the area of interstate transportation of stolen property. It is used as an investigative aid.	Active	No	Yes (4)
Toll Record Request Index	Contains cards on individuals and organizations on whom toll records have been obtained in national security related cases and with respect to which FBIHQ had to prepare a request letter. It is used primarily to facilitate the handling of repeat requests on individuals listed.	Active	Yes	No
Top Burglar Album	Consists of photos and background data of known and suspect top burglars involved in the area of interstate transportation of stolen property. It is used as an investigative aid.	Active	No	Yes (4)
Top Echelon Criminal Informer Program (TECIP) Index	Consists of cards containing identity and brief background information on individuals who are either furnishing high level information in the organized crime area or are under development to furnish such information. The index is used primarily to evaluate, corroborate, and coordinate informant information and to develop prosecutive data against racket figures under Federal, State, and local statutes.	Active	Yes	No
Top Ten Program File	Consists of fliers, filed numerically in a control file, on fugitives considered by the FBI to be 1 of the 10 most wanted. Including a fugitive on the top 10 usually assures a greater national news coverage as well as nationwide circulation of the flier.	Active	Yes	Yes (44).
Top Thief Program Index	Consists of cards of individuals who are professional burglars, robbers, or fences dealing in items likely to be passed in interstate commerce or who travel interstate to commit the crime. Usually photographs and background information would also be obtained on the index card. The index is used as an investigative aid.	Active	No	Yes (27)
Truck Hijack Photo Album	Contains photos and descriptive data of individuals who are suspected truck hijackers. It is used as an investigative aid and for displaying photos to witnesses and/or victims to identify unknown subjects in hijacking cases.	Active	No	Yes (4)
Truck Thief Suspect Photo Album	Consists of photos and background data on individuals previously arrested or are currently suspects regarding vehicle theft. The index is used as an investigative aid.	Active	No	Yes (1)
Traveling Criminal Photo Album	Consists of photos with identifying data of individuals convicted of various criminal offenses and may be suspects in other offenses. It is used as an investigative aid.	Active	No	Yes (1)
Veterans Administration (VA)/Federal Housing Administration Matters (FHA) Index	Consists of cards of individuals who have been subject of an investigation relative to VA and FHA matters. It is used as an investigative aid.	Active	No	Yes (1)
Wanted Fliers File	Consists of fliers, filed numerically in a control file, on badly wanted fugitives whose apprehension may be facilitated by a flier. The flier contains the names, photographs, aliases, previous convictions, and a caution notice.	Active	Yes	Yes (46)
Wheeldex	Contains the nicknames and the case file numbers of organized crime members. It is used in organized crime investigations.	Active	No	Yes (1)
White House Special Index	Contains cards on all potential White House appointees, staff members, guests, and visitors that have been referred to the FBI by the White House security office for a records check to identify any adverse or derogatory information. This index is used to expedite such check in view of the tight time frame usually required.	Active	Yes	No
Witness Protection Program Index	Contains cards on individuals who have been furnished a new identity by the U.S. Justice Department because of their testimony in organized crime trials. It is used primarily to notify the U.S. Marshals Service when information related to the safety of a protected witness comes to the FBI's attention.	Active	Yes	No

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Records Act of 1950 Title 44, United States Code, Chapter 31, Section 3101; and Title 36, Code of Federal Regulations, Chapter XII, require Federal agencies to insure that adequate and proper records are made and preserved to document the organization, functions, policies, decisions, procedures and transactions and to protect the legal and financial rights of the Federal Government. Title 28, United States Code, Section 534, delegates authority to the Attorney General to acquire, collect, classify, and preserve identification, criminal identification, crime and other records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records, both investigative and administrative, are maintained in this system in order to permit the FBI to function efficiently as an authorized, responsive component of the Department of Justice. Therefore, information in this system is disclosed to officials and employees of the Department of Justice, and/or all components thereof, who have need of the information in the performance of their official duties.

Personal information from this system may be disclosed as a routine use to any Federal agency where the purpose in making the disclosure is compatible with the law enforcement purpose for which it was collected, e.g., to assist the recipient agency in conducting a lawful criminal or intelligence investigation, to assist the recipient agency in making a determination concerning an individual's suitability for employment and/or trustworthiness for employment and/or trustworthiness for access clearance purposes, or to assist the recipient agency in the performance of any authorized function where access to records in this system is declared by the recipient agency to be relevant to that function.

In addition, personal information may be disclosed from this system to members of the Judicial Branch of the Federal Government in response to a specific request, or at the initiation of the FBI, where disclosure appears relevant to the authorized function of the recipient judicial office or court system. An example would be where an individual is being considered for employment by a Federal judge.

Information in this system may be disclosed as a routine use to any state or local government agency directly engaged in the criminal justice process, e.g., police, prosecution, penal, probation and parole, and the judiciary, where access is directly related to a law enforcement function of the recipient agency, e.g., in connection with a lawful criminal or intelligence investigation, or making a determination concerning an individual's suitability for employment as a state or local law enforcement *employee or concerning a victim's compensation under a state statute.* Disclosure to a state or local government agency, (a) not directly engaged in the criminal justice process or, (b) for a licensing or regulatory function, is considered on an individual basis only under exceptional circumstances, as determined by the FBI.

Information in this system pertaining to the use, abuse or traffic of controlled substances may be disclosed as a routine use to federal, state or local law enforcement agencies and to licensing or regulatory agencies empowered to engage in the institution and prosecution of cases before courts and licensing boards in matters relating to controlled substances, including courts and licensing boards responsible for the licensing or certification of individuals in the fields of pharmacy and medicine.

Information in this system may be disclosed as a routine use in a proceeding before a court or adjudicative body, e.g., the Equal Employment Opportunity Commission and the Merit Systems Protection Board, before which the FBI is authorized to appear, when (a) the FBI or any employee thereof in his or her official capacity, or (b) any employee in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (c) the United States, where the FBI determines it is likely to be affected by the litigation, is a party to litigation or has an interest in litigation and such records are determined by the FBI to be relevant to the litigation.

Information in this system may be disclosed as a routine use to an organization or individual in both the public or private sector if deemed necessary to elicit information or cooperation from the recipient for use by the FBI in the performance of an authorized activity. An example would be where the activities of an individual are disclosed to a member of the public in order to elicit his/her assistance in our apprehension or detection efforts.

Information in this system may be disclosed as a routine use to an organization or individual in both the public or private sector where there is reason to believe the recipient is or could become the target of a particular criminal activity or conspiracy, to the extent the information is relevant to the protection of life or property.

Information in this system may be disclosed to legitimate agency of a foreign government where the FBI determines that the information is relevant to that agency's responsibilities, and dissemination serves the best interests of the U.S. Government, and where the purpose in making the disclosure is compatible with the purpose for which the information was collected.

Relevant information may be disclosed from this system to the news media and general public where there exists a legitimate public interest, e.g., to assist in the location of Federal fugitives, to provide notification of arrests, and where necessary for protection from imminent threat of life or property. *This would include releases of information in accordance with 28 CFR 50.2.*

A record relating to an actual or potential civil or criminal violation of the copyright statute, Title 17, United States Code, or the trademark statutes, Titles 15 and 17, U.S. Code, may be disseminated to a person injured by such violation to assist him/her in the institution or maintenance of a suit brought under such titles.

The FBI has received inquiries from private citizens and Congressional offices on behalf of *constituents* seeking assistance in locating individuals such as missing children and heirs to estates. Where the need is acute, and where it appears FBI files may be the only lead in locating the individual, consideration will be given to furnishing relevant information to the requester. Information will be provided only in those instances where there are reasonable grounds to conclude from available information the individual being sought would want the information to be furnished, e.g., an heir to a large estate. Information with regard to missing children will not be provided where they have reached their majority.

Release of Information to Members of Congress:

Information contained in this system, the release of which is required by the Freedom of Information-Privacy Acts, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information in behalf of and at the request of the individual who is the subject of the record.

Release of Information to the National Archives and Records Administration *(NARA) and the General Services Administration (GSA):*

A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906, to the extent that legislation governing the records permits.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The active main files are maintained in hard copy form and some inactive records are maintained on microfilm. Investigative information which is maintained in computerized form may be stored in memory, on disk storage, on computer tape, or on a computer printed listing.

RETRIEVABILITY:

The FBI General Index must be searched to determine what

VOL 52 ISS 238 DEC 11 1987 UMI

information, if any, the FBI may have in its files. Index records, or pointers to specific FBI files, are created on all manner of subject matters, but the predominant type record is the name index record. It should be noted the FBI does not index all individuals who furnish information or all names developed during the course of an investigation. Only that information considered pertinent, relevant, or essential for future retrieval, is indexed. In certain major cases, individuals interviewed may be indexed to facilitate the administration of the investigation. The FBI has automated that portion of its index contomated that portion of its index containing the most recent information—15 years for criminal related matters and 30 years for intelligence and other type matters. Automation will not change the "Central Records System"; it will only facilitate more economic and expeditious access to the main files. Searches against the automated records are accomplished on a "batch off-line" basis for certain submitting agencies where the name search requests conform to FBI specified formats and also in an "on-line" mode with the use of video display terminals for other requests. The FBI will not permit any organization, public or private, outside the FBI to have direct access to the FBI indices system. All searches against the indices data base will be performed on site within FBI space by FBI personnel with the assistance of the automated procedures, where feasible. Automation of the various FBI field office indices has been under way for approximately five years; completion is anticipated during FY 1988. This automation initiative has been on a "day-one" basis. This indices system points to specific files within a given field office. Additionally, certain complicated investigative matters may be supported by specialized computer systems or by individual microcomputers. Indices created in these environments are maintained as part of the particular computer system and accessible only through the system or through printed listings of the indices.

The FBI will transfer historical records to the National Archives consistent with 44 U.S.C. 2103. No record of individuals or subject matter will be retained for transferred files; however, a record of the file numbers will be retained to provide full accountability of FBI files and thus preserve the integrity of the filing system.

SAFEGUARDS:

Records are maintained in a restricted area and are accessed only by agency personnel. All FBI employees receive a complete background investigation prior to being hired. All employees are cautioned about divulging confidential information or any information contained in FBI files. Failure to abide by this provision violates Department of Justice regulations and may violate certain statutes providing maximum severe penalties of a ten thousand-dollar fine or 10 years imprisonment or both. Employees who resign or retire are also cautioned about divulging information acquired in the jobs. Registered mail is used to transmit routine hard copy records between field offices. Highly classified records are hand carried by Special Agents or personnel of the Armed Forces Courier Service. Highly classified or sensitive privacy information, which is electronically transmitted between field offices, is transmitted in encrypted form to prevent interception and interpretation. Information transmitted in teletype form is placed in the main files of both the receiving and transmitting field offices. Field offices involved in certain complicated investigative matters may be provided with on-line access to the duplicative computerized information which is maintained for them on disk storage in the FBI Computer Center in Washington, D.C., and this computerized data is also transmitted in encrypted form.

RETENTION AND DISPOSAL:

As the result of an extensive review of FBI records conducted by NARA, records evaluated as historical and permanent will be transferred to the National Archives after established retention periods and administrative needs of the FBI have elapsed. As deemed necessary, certain records may be subject to restricted examination and usage, as provided by 44 U.S.C. Section 2104.

FBI record disposition programs relevant to this System are conducted in accordance with the FBI Records Retention Plan and Disposition Schedule which was approved by the Archivist of the United States and the U.S. District Court, District of Columbia. Investigative, applicant and administrative records which meet the destruction criteria will be destroyed after 20 or 30 years at FBI Headquarters and after 1, 5, 10 or 20 years in FBI Field Offices. Historical records will be transferred to the National Archives , after 30 or 50 years, contingent upon investigative and administrative needs. The administrative indices and listings described within this System were appraised separately and disposition authority established. (Job No. NC1–65–82–4 and amendments)

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation; Washington, D.C. 20535.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

A request for access to a record from the system shall be made in writing with the envelope and the letter clearly marked "Privacy Access Request". Include in the request your full name, complete address, date of birth, place of birth, notarized signature, and other identifying data you may wish to furnish to assist in making a proper search of our records. Also include the general subject matter of the document or its file number. The requester will also provide a return address for transmitting the information. *Requests for access to information maintained at FBI Headquarters must be* addressed to the Director, Federal Bureau of Investigation, Washington, D.C. 20535. *Requests for information maintained at FBI field divisions or Legal Attaches must be made separately and addressed to the specific field division or Legal Attache listed in the appendix to this system notice.*

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should also direct their request to the Director, Federal Bureau of Investigation, Washington, D.C. 20535, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The FBI, by the very nature and requirement to investigate violations of law within its investigative jurisdiction and its responsibility for the internal security of the United States, collects information from a wide variety of sources. Basically, it is the result of investigative efforts and information furnished by other Government agencies, law enforcement agencies, and the general public, informants, witnesses, and public source material.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(8) (f), (g), of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have

been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e).

Appendix of Field Divisions and Legal Attaches for the Federal Bureau of Investigation Field Divisions:

502 U.S. Post Office and Court House, Albany, N.Y. 12207.
301 Grand Ave., N.E., Albuquerque, N. Mex. 87102.
Room 500, 300 North Lee Street, Alexandria, Va. 22314.
Federal Building, Room E–222, 701 C Street, Anchorage, Alaska 99513.
275 Peachtree Street, N.E., Atlanta, Ga. 30302.
7142 Ambassador Road, Baltimore, Md. 21207.
Room 1400–2121 Building, Birmingham, Ala. 35203.
John F. Kennedy Federal Office Building, Boston, Mass. 02203.
Room 1400–111 West Huron Street, Buffalo, N.Y. 14202.
115 U.S. Court House and Federal Building, Butte, Mont. 59702.
6010 Kenley Lane, 28210, Charlotte, N.C.
Room 905, Everett McKinley Dirksen Building, Chicago, Ill. 60604.
Room 9023, Federal Office Building, 550 Main street, Cincinnati, Ohio 45202.
3005 Federal Office Building, Cleveland, Ohio 44199.
1529 Hampton Street, Columbia, S.C. 29201.
1801 North Lamar, Suite, 300, Dallas, Tex. 75202.
Room 1823, Federal Office Building, Denver, Colo. 80202.
Patrick V. McNamara Building, 477 Michigan Avenue, Detroit, Mich. 48226.
202 U.S. Court House Building, El Paso, Tex. 79901.
Kalanianaole Federal Building, Room 4307, 300 Ala. Moana Boulevard, Honolulu, Hawaii 96850.
6015 Federal Building and U.S. Court House, Houston, Tex. 77002.
575 No. Pennsylvania St., Room 679, Indianapolis, Ind. 46204.
Federal Building, Room 1553, 100 W. Capitol St., Jackson, Miss. 39269.
Oaks V, Fourth Floor, 7820 Arlington Expressway, Jacksonville, Fla. 32211.
Room 300—U.S. Courthouse, Kansas City, Mo. 64106.
Room 800, 111 Northshore Drive, Knoxville, Tenn. 37919.
Room 219, Federal Office Building, Las Vegas, Nev. 89101.
215 U.S. Post Office Building, Little Rock, Ark. 72201.
11000 Wilshire Boulevard, Los Angeles, Calif. 90024.
Room 502, Federal Building, Louisville, Ky. 40202.
841 Clifford Davis Federal Building, Memphis, Tenn. 38103.
3801 Biscayne Boulevard, Miami, Fla. 33137.
Room 700, Federal Building and U.S. Court House, Milwaukee, Wis. 53202.
392 Federal Building, Minneapolis, Minn. 55401.
One St. Louis Centre, 1 St. Louis Street, Mobile, Ala. 36602.
Gateway I. Market Street, Newark, N.J. 07102.
Federal Building, 150 Court Street, New Haven, Conn. 06510.
701 Loyola Avenue, New Orleans, La. 70113.
26 Federal Plaza, New York, N.Y. 10278.
Room 839, Granby Mall, Norfolk, Va. 23510.
50 Penn Place, N.W., 50th at Pennsylvania, Oklahoma City, Okla. 73118.
Room 7401, Federal Building, 215 North 17th Street, Omaha, Nebr. *68102.*
8th Floor, Federal Office Building, 600 Arch Street, Philadelphia, Pa. 19106.
Suite 400, 201 E. Indianola, Phoenix, Ariz.*85012.*
1300 Federal Office Building, Pittsburgh, Pa. 15222.
Crown Plaza Building, Portland, Oreg. 97201.
200 West Grace Street, Richmond, Va. 23220.
Federal Building, 2800 Cottage Way, Sacramento, Calif. 95825.
2704 Federal Building, St Louis, Mo. 63103.
3203 Federal Building, Salt Lake City, Utah 84138.
433 Old Post Office Bldg., 615 E. Houston, San Antonio, Tex. *78205.*
Federal Office Building, Room *6S–31, 880* Front Street, San Diego, Calif. 92188.
450 Golden Gate Avenue, San Francisco, Calif. 94102.
U.S. Courthouse and Federal Building, Room 526, Hato Rey, P.R. 00918.
5401 Paulsen Street, Savannah, Ga. 31405.
915 Second Avenue, Seattle, Wash. *98174.*
535 West Jefferson Street, Springfield, Ill. 62702.
Room 610, Federal Office Building, Tampa, Fla. 33602.
Washington Field Office, Washington D.C. 20535.
Federal Bureau of Investigation Academy, Quantico, Va. 22135.
Legal Attaches: (Send c/o the American Embassy for the Cities Indicated):
Bern, Switzerland.
Bogota, Colombia *(APO, Miami 34038).*
Bonn, Germany (Box 310, APO, New York 09080).
Canberra, Australia (APO, San Francisco *96404–5000).*
Hong Kong, B.C.C. (FPO, San Francisco 96659).
London, England (Box 40, FPO, New York 90510).
Mexico City, Mexico.
Montevideo, Uruguay (APO, Miami 34035).
Ottawa, Canada.
Panama City, Panama *(Box E, APO, Miami 34002).*
Paris, France (APO, New York 09777).
Rome, Italy (APO, New York 09794).
Tokyo, Japan (APO, San Francisco 96503).

Justice/FBI–003

SYSTEM NAME:

Bureau Mailing Lists.

SYSTEM LOCATION:

Federal Bureau of Investigation, J. Edgar Hoover Bldg. 10th and Pennsylvania Ave., NW., Washington, DC 20535, 59 field divisions and 13 Legal Attaches (see Appendix to 002).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

With regard to lists maintained at FBI Headquarters, individuals who have requested receipt of Bureau material and who meet established criteria (basically law enforcement or closely related areas). With regard to lists maintained in field divisions or Legal attaches, individuals and organizations who may be in position to furnish assistance to the FBI's law enforcement efforts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address and business affiliation, if appropriate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S. Code Section 301 and Title 44, U.S. Code, Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For mailing of FBI material whenever necessary. For example, various fugitive publications are furnished to local law enforcement agencies.

Release of information to the news media. Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon

VOL 52 ISS 238 DEC 11 1987 UMI

the *member's* behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and the General Services Administration (GSA):* A record from this system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computerized. In field divisions most mailing lists are maintained on addressograph.

RETRIEVABILITY:

ID number in computer, alphabetically for addressograph

SAFEGUARDS:

Computer records are maintained in limited access space of the Technical Services Division.

RETENTION AND DISPOSAL:

Revised on a monthly basis. Field offices revise the lists as necessary and/or on an annual basis. The records are destroyed when administrative needs are satisfied. (Job No. NC1–65–82–4, Part E. 13 i.)

SYSTEM MANAGER(S) AND ADDRESS:

Director, FBI, Washington, D.C. 20535

NOTIFICATION PROCEDURE:

Director, FBI, Washington, D.C. 20535

RECORD ACCESS PROCEDURE:

Inquiry addressed to Director, FBI, Washington, D.C. 20535.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

The mailing list information is based either on information supplied by the individual or public source data.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/FBI–004

SYSTEM NAME:

Routine Correspondence Handled By Preprinted Form.

SYSTEM LOCATION:

Federal Bureau of Investigation: J. Edgar Hoover Bldg., 10th and Pennsylvania Ave., NW., Washington, DC 20535.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Routine correspondence from citizens not requiring a dictated response.

CATEGORIES OF RECORDS IN THE SYSTEM:

Original correspondence and 3 × 5 index card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S. Code, Section 301 and Title 44, U.S. Code, Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal reference use of record of such correspondence.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Filing of original correspondence plus 3 × 5 index card.

RETRIEVABILITY:

Correspondence alphabetically and chronologically; index card alphabetically.

SAFEGUARDS:

Maintained by FBI personnel; locked file cabinets during nonduty hours.

RETENTION AND DISPOSAL:

Original correspondence retained 90 days and destroyed: 3 × 5 index cards maintained one year and destroyed. (GRS #14, Item 3)

SYSTEM MANAGER(S) AND ADDRESS:

Director, FBI, Washington, DC 20535

NOTIFICATION PROCEDURE:

Director, FBI, Washington, DC 20535

RECORD ACCESS PROCEDURES:

Inquiry directed to Director, FBI, Washington, DC 20535

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Incoming citizen correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/FBI–005

SYSTEM NAME:

Routine Correspondence Prepared Without File Yellow.

SYSTEM LOCATION:

Federal Bureau of Investigation; J. Edgar Hoover Bldg., 10th and Pennsylvania Ave., NW., Washington, D.C. 20535.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Citizens who correspond with the FBI.

CATEGORIES OF RECORDS IN THE SYSTEM:

Tickler copy of routine response *and* original citizen's letter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S. Code, Section 301 and Title 44, U.S. Code, Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Temporary record of *routine* inquiries without substantive, historical or record value for which no record is to be made in central FBI files.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in

systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration (NARA) and the General Services Administration (GSA): A record from a system of records may be disclosed as a routine use to NARA and GSA in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in file folders. Pertinent information from correspondence is temporarily stored on magnetic tape and disks.

RETRIEVABILITY:

Paper records are retrieved by name and date of correspondence. Automated records are retrieved by name, locality, and date.

SAFEGUARDS:

Access to all records is limited to FBI personnel. Paper records are maintained in locked file cabinets. Access to automated records is restricted through the use of password.

RETENTION AND DISPOSAL:

Paper records retained 90 days and destroyed through confidential trash disposal (GRS #14, Item 3). A one-year retention period has been established for the automated records. (Job No. N1–65–87–5)

SYSTEM MANAGER(S) AND ADDRESS:

Director, FBI, Washington, DC 20535.

NOTIFICATION PROCEDURE:

Director, FBI Washington, DC 20535.

RECORD ACCESS PROCEDURES:

Inquiry directed to Director, FBI, Washington, DC 20535.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Incoming citizen correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUTICE/FBI—006

SYSTEM NAME:

Electronic Surveillance (Elsur) Indices.

SYSTEM LOCATION:

Federal Bureau of Investigation, J. Edgar Hoover Bldg., 10th and Pennsylvania Ave., NW., Washington, D.C. 20535. Those field offices which have conducted electronic surveillances also maintain this index. See appendix to System 002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been the targets of direct electronic surveillance coverage by the FBI, who have participated in coversations monitored by an FBI electronic installation, or who have been known to have owned, leased, or licensed premises on which the FBI has conducted an electronic surveillance, and names of persons mentioned during conversations between persons being monitored. Not all field office electronic surveillance indices contain this last category of individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Elsur Indices are maintained on 3 x 5 cards *which* set forth the name of each person monitored or the proprietor of premises on which an electronic surveillance was conducted by the FBI since January 1, 1960, a source number to identify the electronic surveillance, the date the conversation occurred, the location of the field office which conducted the monitoring, and the address and/or telephone number where the electronic surveillance occurred.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Elsur Indices were initiated in October, 1966, at the instructions of the Department of Justice. The authority for the maintenance of these records is Title 5, Section 301, USC, which grants the Attorney General the authority to issue rules and regulations prescribing how Department of Justice information can be employed. Title 18, USC, Section 2519, also sets forth recordkeeping requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Elsur Indices are utilized: (1) To respond to judicial inquiries about possible electronic surveillance coverage of witnesses, defendants, or attorneys involved in Federal court proceedings, and (2) To enable the Government to certify whether a person regarding whom court-order authority is being sought for electronic coverage has ever been so covered in the past. The actual users of the indices are always employees of the FBI.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and the General Services Administration (GSA):* Record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906 *to the extent that legislation governing the records permits.*

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained manually on 3 x 5 cards.

RETRIEVABILITY:

Names are indexed alphabetically. Telephones monitored are indexed by telephone number. Locations monitored in which a person has been known to have a proprietary interest are indexed by address.

SAFEGUARDS:

They are maintained in a guarded room at all times, with a special locking system for off-duty hours when they are not in use.

RETENTION AND DISPOSAL:

Until advised to the contrary by the Department, the courts or Congress, these indices will be maintained indefinitely. *The indices have been declared permanent by NARA. (Job No. NC1–65–82–4, Part E. 2 t.)*

VOL 52 ISS 238 DEC 11 1987 UMI

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, Washington, D.C. 20535.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

Inquiry addressed to Director, FBI. Washington, D.C. 20535.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Category of Individual.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), *and* (H), (e) (5) and (8), (f), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/FBI-007

SYSTEM NAME:

FBI Automated Payroll System.

SYSTEM LOCATION:

Federal Bureau of Investigation: J. Edgar Hoover Bldg.; 10th and Pennsylvania Avenue NW., Washington, DC 20535.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) Current employees of the Federal Bureau of Investigation (FBI), (B) Resigned employees of the FBI are retained in the automated file for the current year for the purpose of clearing all pay actions and providing for any retroactive actions that might be legislated.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains full record for each employee reflecting all elements relative to payroll status, plus accounting records and authorization records through which payrolls are issued and by which payrolls are issued and by which payrolls are audited. For example, this system contains the employees' Social Security Number, time and attendance data, and place assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

System is established and maintained in accordance with Federal pay requirements, and all legislative enactments, *Office of Personnel Management* regulations, General Accounting Office rulings and decisions, Treasury Department regulations, and Office of Management requirements, and Office of Management and Budget regulations relative thereto, Title 5, U.S. Code, Section 301 and Title 44, U.S. Code, Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Biweekly issuance of payroll and related matters. Quarterly issuance of State Tax Report and Federal Insurance Contributions Act Report. Resign and End-of-Year Federal Tax Records (W-2's). Bi-weekly, quarterly, fiscal and annual Budget and Accounting Reports. Appropriate information is made available to the Internal Revenue Service and state and city tax bureaus.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the system is stored electronically on magnetic tapes and disks for use in a computer environment.

RETRIEVABILITY:

Information is retrieved by Social Security Number. (The authority to solicit an employee's Social Security Number is based on Title 26, Code of Federal Regulations, Section 31.6011(b)-2(b).)

SAFEGUARDS:

Information contained in the system is relative to the individual employee's payroll status and is considered confidential to that employee and to official business conducted for that employee's pay and accounting purposes. It is safeguarded and protected in accordance with the FBI's Computer Center's regulations that permit access and use by only authorized personnel.

RETENTION AND DISPOSAL:

Master payroll and accounting records are stored electronically and retained for a period of three years. Federal tax files are retained for four years. Auxiliary files pertinent to main payroll functions are retained for periods varying from three pay periods to three years, depending on support files needed for any retroactive or audit purposes. (GRS # 2; GSA Reg. 3; GSA Bulletin FPMR B-47, "Archives and Records"; and Job No. NC1-65-82-4, Part E. 13 c. (1))

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, Ninth and Pennsylvania Avenue, *NW.*, Washington, D.C. 20535.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

A request of access to information may be made by an employee through his supervisor or by a former employee by writing to the Federal Bureau of Investigation, 9th and Pennsylvania Avenue, *NW.*, Washington, D.C. 20535, Attention Payroll Office.

CONTESTING RECORD PROCEDURES:

Contest of any information shoud be set out in detail and a check of all supportive records will be made to determine the factual data in existence, which is predetermined by source documents and accounting procedures governing pay matters.

RECORD SOURCE CATEGORIES:

Source of information is derived from personnel actions, employee authorizations, and time records which are issued and recorded in accordance with regulations governing Federal pay.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/FBI-008

SYSTEM NAME:

Personal Information Network System (PINS).

SYSTEM LOCATION:

Federal Bureau of Investigation, J. Edgar Hoover Building, 10th Street and Pennsylvania Avenue, NW. Washington, DC. 20535.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal Bureau of Invstigation employees and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains personnel information which includes information set forth on (1) FBI form 3-634 in lieu of Standard Form 50—Notification of Personnel Action, (2) SF 176-T-Federal Employee Group Life Insurance Plan, (3) FBI form 12-60 in lieu of SF 1126—Notification of Pay Change, (4) SF 2801 and CSC 1084—Application for and additional information in support of retirement, respectively, (5) SF 2809—Federal Employee Health Benefit Plan and (6) various intra-agency forms and memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained pursuant to regulations set forth in the Federal Personnel Manual. Title 5, U.S. Code, Section 310 and Title 44, U.S. Code, Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The PINS is used (1) to prepare the Notification of Personnel Action, copies of which are furnished to the *Office of Personnel Management,* (2) to locate and charge out personnel files for official use, (3) to generate lists of employees which are used internally by authorized personnel for record keeping, planning, and decision making purposes, and (4) as a source for the dissemination of information (A) to federal, state and local agencies and to private organizations pursuant to service record inquires and (B) pursuant to credit inquires (In response to proper credit inquires from credit bureaus and financial institutions, the FBI will verify employment and furnish salary and length of service).

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in PINS is stored by disc and magnetic tape.

RETRIEVABILITY:

Information is retrieved (1) on-line through Cathode Ray Tubes by keying the name or Social Security Number of the employee and (2) off-line by tape reading. (It is noted the authority to solicit an employee's Social Security Number is based on Title 26, Code of Federal Regulations, Section 31.6011(b)-2(b).)

SAFEGUARDS:

Areas housing the system and access terminals are located in secure buildings available to authorized FBI personnel and escorted maintenance and repair personnel only. Access terminals are operational only during normal daytime working hours at which time they are constantly attended.

RETENTION AND DISPOSAL:

Electronically stored records for employees and former employees are maintained indefinitely in a vault under the control of a vault supervisor. Pursuant to regulations set forth in the Federal Personnel Manual a copy of the Notification of Personnel Action is made a part of the employees' personnel file.

The automated records are disposable when administrative needs have expired. (Job No. NC1-65-82-4, Part E. 13 c. (1)).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, John Edgar Hoover Building, 10th Street and Pennsylvania Avenue, NW. Washington, DC. 20535.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the name and return address of the requestor. Access requests will be directed to the Director, Federal Bureau of Invstigation.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Director FBI stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are present and former FBI employees and employee personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/FBI-009

SYSTEM NAME:

Identification Division Records System.

SYSTEM LOCATION:

Federal Bureau of Investigation: J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue NW., Washington, D.C. *20537-9700.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals fingerprinted as a result of arrest or incarceration.

B. Persons fingerprinted as a result of Federal employment applications, military service, alien registration and naturalization purposes and individuals desiring to have their fingerprints placed on record with the FBI for personal identification purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Criminal fingerprint cards and related criminal justice information submitted by authorized agencies having criminal justice responsibilities.

B. Civil fingerprint cards submitted by Federal agencies and civil fingerprint cards submitted by persons desiring to have their fingerprints placed on record for personal identification purposes.

C. Identification records sometimes referred to as "rap sheets" which are compilations of criminal history information pertaining to individuals who have criminal fingerprint cards maintained in the system.

VOL 52 ISS 238 DEC 11 1987 UMI

D. An alphabetical name index pertaining to all individuals whose fingerprints are maintained in the system. The criminal records and the civil records are maintained in separate files and each file has an alphabetical name index related to the data contained therein.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established, maintained and used under authority granted by 28 U.S.C. 534, 15 U.S.C. 78q, 7 U.S.C. 12a, and Pub. L. No. 92–544 (86 Stat. 1115), *and Pub. L. No. 99–399.* The authority is also codified in 28 CFR 0.85 (b), and (j).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The FBI operates the identification Division Records System to perform identification and criminal history record information functions for federal, state, local, and foreign criminal justice agencies, and for noncriminal justice agencies, and other entities where authorized by Federal statute, state statute pursuant to Pub. L. 92–544 (86 Stat. 1115). Persidential executive order, or regulation of the Attorney General of the United States. In addition, identification assistance is provided in disasters and for other humanitarian purposes.

Release of information to the news media: Guidelines applicable for the release of information to the news media and the public are set forth in 28 CFR 20.33(a)(4), 20.33(c), and 50.2.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use *to NARA and GSA* in records management and inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in the system is stored manually in file cabinets either in its natural state or on microfilm. In addition, some of the information is stored in computerized data storage devices.

RETRIEVABILITY:

(1) All information in the system is retrievable by technical fingerprint classification and positive identification is effected only by comparison of the unique identifying characteristics appearing in fingerprint impressions submitted for search against the fingerprint cards maintained within the system.

(2) An auxiliary means of retrieval is through alphabetical name indexes which contain names of the individuals, their birth date, other physical descriptors, and the individuals technical fingerprint classification and FBI numbers, if such have been assigned.

SAFEGUARDS:

Information in the system is unclassified. Disclosure of information from the system is made only to authorized recipients upon authentication and verification of the right to access the system by such persons and agencies. The physical security and maintence of information within the system is provided by FBI rules, regulations and procedures.

RETENTION AND DISPOSAL:

(1) The Archivist of the United States has approved the destruction of records maintained in the criminal file when the records indicate individuals have reached 80 years of age, and the destruction of records maintained in the civil file when the records indicate individuals have reached 75 years of age.

(Job No. NC1–65–76–1 and NN–171–160)

(2) Fingerprint cards and related arrest data in the system are destroyed seven years following notification of the death of an individual whose records is maintained in the system.

(Job No. 351–S190)

(3) Fingerprint cards submitted by state and local criminal justice agencies are returned upon the request of the submitting agencies. The return of a fingerprint card under this procedure results in the deletion from the system of all arrest information related to that fingerprint card.

(4) Fingerprint cards and related arrest data are removed from the Indentification Division Records System upon receipt of Federal court orders for expunctions when accompanied by necessary identifying information. Recognizing lack of jurisdiction of local and state courts over an entity of the Federal Government, the Identification Division Records System, as a matter of comity, returns fingerprint cards and related arrest data to local and state criminal justice agencies upon receipt of orders of expunction directed to such agencies by local and state courts when accompanied by necessary identifying informations.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investgation, 10th and Pennsylvania Avenue N.W., Washington, D.C. 20535.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORD ACCESS PROCEDURE:

The Attorney General has exempted the Identification Deivision Records system from compliance with subsection (d) of the Act. However, pursuant to 28 CFR 16.30–34, and Rules and Regulations promulgated by the Department of Justice on May 20, 1975 at 40 FR 22114 (Section 20.34) for Criminal Justice Information Systems, an individual is permitted access to his indentification record maintained in the identification Divison Records System and procedures are furnished for correcting or challenging alleged deficiencies appearing therein.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

See Categories of Individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4); (d); (e)(1), (2), (3), (4)(G) and (H), (5) and (8); (f); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/FBI–010

SYSTEM NAME:

Employee Travel Vouchers and Individual Earning Records.

SYSTEM LOCATION:

Federal Bureau of Investigation; J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue, NW., Washington, D.C. 20535. Records pending audit are located at Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and current employees of the FBI.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll, travel and retirement records of current and former employees of the FBI.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The head of each executive agency, or his delegate, is responsible for establishing and maintaining an adequate payroll system, covering pay, leave and allowances, as a part of the system of accounting and internal control of the Budget and Accounting Procedures Act of 1950, as amended, 31 U.S.C. 66, 66a, and 200(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used by Departmental personnel to prepare and document payment to employees of the FBI and to carry out financial matters related to the payroll or accounting functions.

Release of information to the National Archives and Records Administration (NARA) and the General Services Administration (GSA): A record from a system of records may be disclosed as a routine use to the National Archives and Records NARA and GSA in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual on paper files.

RETRIEVABILITY:

The records can be retrieved by name; and either social security account number or employee identification number.

SAFEGUARDS:

Accessed by Bureau employees at FBI Headquarters and by Field Office employees at Records Centers. Transmittal document contains Bureau statement concerning security, i.e., who may access or view records. Records are maintained in rooms under the control of employees during working hours and maintained in locked file cabinets in locked rooms at other times. Security guards further restrict access to the building to authorized personnel only.

RETENTION AND DISPOSAL:

Employee Travel Vouchers are destroyed 6 years, 3 months, after the period covered by the account (GRS #6, Item 1A2). Individual Earnings Records are destroyed 56 years after date of last entry (GRS #2, Item 1).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, NW., Washington, D.C. 20535.

NOTIFICATION PROCEDURE:

Written inquiries, including name, date of birth, and social security number, to determine whether this system contains records about an individual may be addressed to Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, NW., Washington, D.C. 20535.

RECORD ACCESS PROCEDURE:

CONTESTING RECORD PROCEDURES:

Written inquiries, including name, date of birth and social security number, requesting access or contesting the accuracy of records may be addressed to: Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, NW., Washington, D.C. 20535.

RECORD SOURCE CATEGORIES:

Travel vouchers turned in by individual employees for official business. Pay records—time and attendance records, pay determined by the agency.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/FBI–011

SYSTEM NAME:

Employee Health Records.

SYSTEM LOCATION:

Federal Bureau of Investigation, Administrative Services Division, Health Service, J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue, NW., Washington, DC. 20535 and the following field offices: New York, Newark, Philadelphia, Chicago, Los Angeles, San Francisco, and FBI Academy, Quantico, Virginia. Addresses for field offices can be found in the appendix of Field Offices for the Federal Bureau of Investigation in System notice Justice/FBI 002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the FBI.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of visits to health facilities relating to sickness, injuries or accidents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The head of each agency is responsible, under 5 U.S.C. 7902, for keeping a record of injuries and accidents to its employees and for reducing accidents and health risks. These records are maintained under the general authority of 5 U.S.C. 301 so that the FBI can be kept aware of the health related matters of its employees and more expeditiously identify them.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are maintained by the FBI to identify matters relating to the health of its present and former employees. Information is available to employees of the FBI whose job function relates to identifying and resolving health matters of former and current personnel of the FBI.

Release of information to the National Archives and Records *Administration (NARA) and the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Previous procedure of creation and maintenance of 3 x 5 index cards to record individual health service visits is being phased out and a folder will be created to maintain an employee health record and SF 510, "Nursing Notes".

RETRIEVABILITY:

The index cards and folders are retrievable by the name of an individual.

SAFEGUARDS:

These records are maintained by FBI personnel during working hours and in locked file cabinets during non-working hours. Security guards further restrict access to the building to authorized personnel.

RETENTION AND DISPOSAL:

Remaining index cards will be destroyed 6 years after date of last entry (GRS #1, Item 19). The folder containing the health record and nursing notes will be maintained in the

VOL 52 ISS 238 DEC 11 1987 UMI

Health Unit for 5 years after the last entry. Thereafter, the contents of the folder will be transferred to the Employee Medical Folder, an appendage of the Official Personnel Folder.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, NW., Washington, DC. 20535.

NOTIFICATION PROCEDURE:

Written inquiries, including name, address and social security number, to determine whether this system of records contains records about an individual may be addressed to Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, NW., *Washington, DC. 20535, and/or individually to the field offices which maintain similar records.*

RECORD ACCESS PROCEDURES:

CONTESTING RECORD PROCEDURES:

Written inquiries, including name, date of birth and social security number, requesting access or contesting the accuracy of records may be addressed to: Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, NW., Washington, DC. 20535, *and the above-mentioned field offices at addresses referred to in system notice Justice/FBI 002.*

RECORD SOURCE CATEGORIES:

Employees of the Federal Bureau of Investigation originate their own records. *Nursing Notes appear on SF 510.*

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/FBI-012

SYSTEM NAME:

Time Utilization Record/Keeping (TURK) System.

SYSTEM LOCATION:

Administrative Services Division, Federal Bureau of Investigation, J. Edgar Hoover Building, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Special Agents, Accounting Technicians, Investigative Assistants, and Laboratory Technicians.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains bi-weekly time utilization data of Special Agents, Accounting Technicians, Investigative Assistants and Laboratory Technicians.

AUTHORITY FOR MAINTANANCE OF THE SYSTEM:

This system of records is maintained under the authority of 31 U.S.C. 66a which requires the head of the Department, or his delegate, to establish a system of accounting and internal control designed to provide full disclosure of the financial results of the FBI's activities; adequate financial information needed for the FBI's management purposes and effective control over and accountability for all funds, property and other assets for which the FBI is responsible.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For the purpose of producing cost accounting reports reflective of personnel utulization, records may be made available to the General Accounting Office, the Office of Management and Budget and the Treasury Department.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the system is stored electronically on magnetic tapes and discs for use in a computer environment.

RETRIEVABILITY:

Information is retrieved by name and/or social security number:

SAFEGUARDS:

Information is safeguarded and protected in accordance with the FBI's Computer Center regulations that permit access and use by authorized personnel only.

RETENTION AND DISPOSAL:

Bi-weekly magnetic tapes are retained for a period of 3 years. Hard copy records are retained in accordance with instructions contained in GRS #8, Items 7 and 8, and GSA Bulletin FPMR-47, "Archives and Records". Hard copy records are destroyed; magnetic tapes are erased and reused. (Job No. NCI-65-82-4, Part E.13c.(1))

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, NW, Washington, D.C. 20535.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

CONTESTING RECORD PROCEDURES:

Written requests for access to information may be made by an employee through his supervisor or by former employees by writing to: Federal Bureau of Investigation, 9th and Pennsylvania Avenue, NW, Washington, D.C. 20535 (Attn: Administrative Services Division). Contesting of any information should be set out in written detail and forwarded to the above address. A check of all supportive records will be made to determine the factual data in existence.

RECORD SOURCE CATEGORIES:

Source of information is derived from daily time utilization recording made by the employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/FBI-013

SYSTEM NAME:

Security access control system (SACS)

SYSTEM LOCATION:

Federal Bureau of Investigation, J. Edgar Hoover Building, 10th and Pennsylvania Avenue, NW., Washington, D.C. 20535.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, both FBI employees and outside visitors, who have been granted access to the J. Edgar Hoover Building.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains computerized information concerning names, badge numbers, and the dates and times of entries of those individuals, including escorted visitors, who have been issued access badges to the J. Edgar Hoover Building.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The maintenance of this system is authorized by Executive Order 12065, the Privacy Act of 1974 (5 U.S.C. 552a(e)(10)) and Pub. L. No. 90-620, as amended (44 U.S.C. Chapters 21 and 33). Each of these two statutes, as well as the Executive Order, is directed toward security of United States Government records maintained by Federal agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Category of users: Federal Bureau of Investigation management officials and security personnel. The information is used to determine the status of individuals entering the building and maintain control of badges issued to individuals requiring access to the J. Edgar Hoover Building.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The automated portion of the records is maintained on a magnetic tape. Documentary records are maintained in manual file folders.

RETRIEVABILITY:

Alphabetically by last name; numerically by access badge number.

SAFEGUARDS:

Maintained in a locked room, which is manned 24 hours per day, with access limited to FBI security personnel.

RETENTION AND DISPOSAL:

Computerized records are maintained for one year and hard copy computer listings are maintained for six months. Cards containing badge information are destroyed when administrative needs have expired. Duplicate badges are maintained on individuals granted permanent access to the building until access is no longer required and/or upon separation or transfer. (Job No. NC1-65-82-4, Part B. 66c. (8); Part E. 13 c. (1))

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, J. Edgar Hoover Building, 10th and Pennsylvania Avenue NW., Washington, D.C. 20535.

NOTIFICATION PROCEDURE:

Inquiry concerning this system should be in writing and made to the system manager listed above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

See categories of individuals.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/FBI—014

SYSTEM NAME:

FBI Alcoholism Program.

SYSTEM LOCATION:

FBI Headquarters, Administrative Services Division, 10th and Pennsylvania Avenue NW., Washington, DC 20535; and FBI Field Divisions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains information on current and former FBI employees who have been counseled or otherwise treated regarding alcohol abuse or referred to the Alcoholism Program Coordinator or Counselor.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains correspondence and records regarding employees and/or their families who have been referred to the Alcoholism Program Coordinator or Counselor, the results of any counseling which may have occurred, recommended treatment and results of treatment, in addition to interview appraisals and other notes or records of discussions held with employees relative to this program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The maintenance of this system is authorized by Pub. L. 91-616 and Pub. L. 92-255, as amended by Pub. L. 93-282, Section 122, and the implementing regulations, 42 CFR Part 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSE OF SUCH USES:

All disclosures of information pertaining to an individual are made in compliance with Public Law No. 91-616, Section 333, and the Confidentiality of Alcoholism and Drug Abuse Patient Records Regulations, 42 CFR Part 2.2, as amended, for the sole purpose of administering the program.

These records are used to document the nature of an individual's alcohol abuse problem and progress made, and to record an individual's participation in and the results of community or private sector treatment or rehabilitation programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrieved by employee's name.

SAFEGUARDS:

Files are maintained in locked file cabinets, or safes under the immediate control of the Alcoholism Program Coordinator or other authorized individuals. Access is strictly limited to the Coordinator and other authorized personnel.

RETENTION AND DISPOSAL

Files are destroyed 3 years after case is closed. (GRS #1, Item 27 b.; Job No. NC1-65-82-4, Part B. 67d.)

SYSTEM MANAGER(S) AND ADDRESS:

Director, FBI J. Edgar Hoover Building, 10th and Pennsylvania Avenue NW., Washington, DC 20535.

NOTIFICATION PROCEDURE:

Inquiry concerning this system should be in writing and made to the system manager listed above.

RECORD ACCESS PROCEDURES:

Requests made by employees should be made in writing to the Director, FBI, Washington, D.C. 20535. Requests must contain employee's full name, date and place of birth, and current office of assignment and/or home address where records are to be sent. If the individual making the request is a former employee, he/she must submit a duly notarized signature in order to establish identity. In addition, the requester must specify the location of the system of records sought, i.e., those maintained at FBI headquarters or those maintained in a particular field division.

CONTESTING RECORD PROCEDURES:

Requests for correction/amendment of records in this system should be made in writing to the Director, FBI, Washington, D.C. 20535, specifying the information to be amended, and the reasons and justifications for requesting such amendment.

RECORD SOURCE CATEGORIES:

See categories of individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/FBI-015

SYSTEM NAME:

National Center for the Analysis of Violent Crime (*NCAVC*).

SYSTEM LOCATION:

Federal Bureau of Investigation, Training Division, FBI Academy, Behavioral Science Unit, Quantico, Virgina 22135.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals who relate in any manner to official FBI investigations into violent crimes including, but not limited to, *subjects*, suspects, victims, witnesses, close relatives, medical personnel, and associates who are relevant to an investigation.

VOL 52 ISS 238 DEC 11 1987 UMI

B. Individuals who are the subject of unsolicited information or who offer unsolicited information, and law enforcement personnel who request assistance and/or make inquiries concerning records.

C. Individuals who are the subject of violent crime research studies including, but not limited to, criminal personality profiles, scholarly journals, and news media references.

CATEGORIES OF RECORDS IN THE SYSTEM:

The National Center for the Analysis of Violent Crime will maintain in both manual and automated formats case investigation reports on all forms of solved and unsolved violent crimes. These violent crimes include, but are not limited to, acts or attempted acts of murder, kidnapping, incendiary arson or bombing, rape, physical torture, sexual trauma, or evidence of violent forms of death.

A. Violent Criminal Apprehension Program (VICAP) case reports submitted to the FBI by a duly constituted Federal, State, county, or municipal law enforcement agency in any violent criminal matter. VICAP reports include but are not limited to, crime scene descriptions, victim and offender descriptive data, laboratory reports, criminal history records, court records, news media references, crime scene photographs, and statements.

B. Violent crime case reports submitted by FBI headquarters or field offices.

C. Violent crime research studies, scholarly journal articles, textbooks, training materials, and news media references of interest to NCAVC personnel.

D. An index of all detected trends, patterns, profiles and methods of operation of known and unknown violent criminals whose records are maintained in the system.

E. An index of the names, addresses, and contact telephone numbers of professional individuals and organizations who are in a position to furnish assistance to the FBI's NCAVC operation.

F. An index of public record sources for historical, statistical and demographic data collected by the U.S. Bureau of the Census.

G. An alphabetical name index pertaining to all individuals whose records are maintained in the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C., Section 3101; 41 CFR Subpart 101–11.2 and 28 U.S.C., Section 534.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

As currently envisioned, the NCAVC will be administered by the FBI through its Training Division's Behavioral Science Unit Located at the FBI Academy, Quantico, Virginia. Its primary mission is to consolidate research, training, and operational support activities for the express purposes of providing expertise to any legitimate law enforcement agency confronted with unusual, bizarre, and/or particularly vicious or repretitive violent crimes.

Records described above are maintained in this system to permit the FBI to function efficiently as an authorized, responsive component of the Department of Justice. Therefore, the information in this system is disclosed to officials and employees of the Department of Justice, and/or all components thereof, who need the information to perform their official duties.

Information in this system may be disclosed as a routine use to any Federal, State, local, or foreign government agency directly engaged in the criminal justice process where access is directly related to a law enforcement function of the recipient agency in connection with the tracking identification, and apprehensive of persons believed to be engaged in repeated or exceptionally violent acts of criminal behavior.

Information in this system may be disclosed as a routine use in a proceeding before a court or adjudicative body, e.g., the Equal Employment Opportunity Commission and the Merit System Protection Board, before which the FBI is authorized to appear, when (a) the FBI or any employee thereof in his or her official capacity, or (b) any employee in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (c) the United States, where the FBI determines it is likely to be affected by the litigation, is a party to litigation or has an interest in litigation and such records are determined by the FBI to be relevant to the litigation.

Information in this system may be disclosed as a routine use to an organization or individual in both the public or private sector pursuant to an appropriate legal proceeding or, if deemed necessary, to elicit information or cooperation from the recipient for use by the FBI in the performance of an authorized activity. An example could be where the activities of an individual are disclosed to a member of the public to elicit his/her assistance in FBI apprehension or detection efforts.

Information in this system may be disclosed as a routine use to an organization or individual in the public or private sector where there is reason to believe the recipient is or could become the target of a particular criminal activity or conspiracy and to the extent the information is relevant to the protection of life or property.

Relevant information may be disclosed from this system to the news media and general public where there exists a legitimate public interest. Examples would include: to obtain public or media assistance in the tracking, identifying, and apprehending of persons believed to be engaged in repeated acts of violent criminal behavior; to notify the public and/or media of arrests; to protect the public from imminent threat to life or property where necessary; and to disseminate information to the public and/or media to obtain cooperation with violent crime research, evaluation, and statistical programs.

Information in this system may be disclosed as is necessary to appropriately respond to congressional inquiries on behalf of constituents.

A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration [NARA] in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906 to the extent that legislation governing the record permits.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in the system is stored manually in locked file cabinets, either in its natural state or on microfilm, at the NCAVC in Quantico, Virginia. The active main files are maintained in hard copy form and some inactive records are maintained on microfilm.

In addition, some of the information is stored in computerized data storage devices at the NCAVC and FBI Computer Center in Washington, D.C. Investigative information which is maintained in computerized form may be stored in memory on disk storage on computer tape, or on computer printed listings.

RETRIEVABILITY:

On-line computer access to NCAVC files is achieved by using the following search descriptors:

A. A data base which contains the names of individuals, their birth dates, physical descriptions, and other identification numbers such as FBI numbers, if such have been assigned.

B. Summary variables contained on VICAP reports submitted to the NCAVC as previously described.

C. Key words citations to violent crime research studies, scholarly journal articles, textbooks, training materials, and media references.

SAFEGUARDS:

Records are maintained in restricted areas are accessed only by FBI employees. All FBI employees receive a complete pre-employment background investigation. All employees are cautioned about divulging confidential information or any information contained in FBI files. Failure to abide by this provision violates Department of Justice regulations and may violate certain statutes providing maximum severe penalties of a ten thousand dollar fine or 10 years' imprisonment or both. Employees who resign or retire are also cautioned about divulging information acquired in the job.

Registered mail is used to transmit routine hard copy records between field offices. Highly classified records are hand carried by Special Agents or personnel of the Armed Forces Courier Service. Highly classified or sensitive privacy information, which is electronically transmitted between field offices and to and from FBI Headquarters, is transmitted in encrypted form to prevent interception and interpretation.

Information transmitted in teletype form between the NCAVC in Quantico, Virginia and the FBI Computer Center in Washington, D.C., is encrypted prior to transmission at both places to ensure confidentiality and security of the data.

FBI field offices involved in certain complicated, investigative matters may be provided with on-line access to the computerized information which is maintained for them on disc storage in the FBI Computer Center in Washington, D.C. This computerized data is also transmitted in encrypted form.

RETENTION AND DISPOSAL:

Records are proposed for destruction after 50 years or upon termination of the program, whichever is earlier. The disposition schedule is pending with NARA as Job No. N1–65–86–13.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, 10th and Pennsylvania Avenue, NW., Washington, D.C. 20535.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORDS ACCESS PROCEDURES:

Requests for access to records in this system shall be made in writing with the envelope and the letter clearly marked "Privacy Access Request." The request must provide the full name, complete address, date of birth, place of birth, and notarized signature of the individual who is the subject of the record requested. The request should also include the general subject matter of the document or its file number—along with any other known information which may assist in making a search of the records. The request must also provide a return addressing for transmitting the information. Access requests should be addressed to the Director, Federal Bureau of Investigation, Washington, D.C. 20535.

CONTESTING RECORD PROCEDURE:

Individuals desiring to contest or amend information maintained in the system should also direct their request to the Director, Federal Bureau of Investigation, Washington, D.C. 20535. The request should state clearly and concisely (1) the reasons for contesting the information, and (2) the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

The FBI, by the very nature of its responsibilities to investigate violations of law within its investigative jurisdiction and ensure the internal security of the United States, collects information from a wide variety of sources. Basically, information is obtained, as a result of investigative efforts, from other Government agencies, law enforcement agencies, the general public, informants, witnesses, and public source material.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G) and (H), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e).

JUSTICE/INS–002

SYSTEM NAME:

Application/Petition Tracking System (APTS).

SYSTEM LOCATION:

District offices of the Immigration and Naturalization Service, as detailed in JUSTICE/INS–*999*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed applications or petitions for benefits under the Immigration and Nationality Act, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of applicant or petitioner, date and country of birth, alien identification number, form number of application or petition, date filed or received in INS office, control number, status, and location of relating file or records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 103 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system will be used by employees of the Immigration and Naturalization Service to determine the status of the pending application or petition and to locate relating files and other records promptly. This system of records is used to serve the public by providing data for responses, when authorized, to inquiries; complaints, and so forth.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in a system of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

VOL 52 ISS 238 DEC 11 1987 UMI

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system of records is maintained on magnetic disk.

RETRIEVABILITY:

Records are retrieved by the name or alien identification number of the applicant or petitioner, or the control number of the application or petition. Access to the system is restricted to employees of the Immigration and Naturalization Service responsible for the control, processing, and adjudication of petitions and applications. Method of access is by keyboard terminals located in areas restricted to authorized INS personnel.

SAFEGUARDS:

This system of records is safeguarded and protected in accordance with Department of Justice and INS rules and procedures.

RETENTION AND DISPOSAL:

Records will be deleted from the automated data base ninety (90) days after final decision on the application or petition.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, *Information Systems* Central Office, Washington, D.C.; District Directors in district offices in the United States where this system of records is located.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the District Director of the Immigration and Naturalization Service office where the application or petition was filed. If the filing location is not known, inquiries may be addressed to the Associate Commissioner, *Information Systems* Central Office, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536.

RECORD ACCESS PROCEDURES:

In all cases, requests for access to a record from this system of records shall be in writing or in person. If request for access is made in writing, the envelope and letter shall be clearly marked "Privacy Access Request." The requester shall include a description of the general subject matter and, if known, the relating file number. To identify a record relating to an individual the requester should provide the individual's full name; date and place of birth; alien, citizen, or employee identification number; and, if appropriate, the date and place of entry into or departure from the United States. The requester shall also provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Any individual desiring to contest or amend information maintained in the system should direct his request to the INS office nearest his residence or the office in which he believes a record concerning him may exist. The request should state clearly what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

All information is entered from the original application or petition forms completed by the individuals, with the addition of the date of filing or receipt by INS, a control number assigned at the time of receipt, section assignments, and status information updated by each division or unit handling the pending matter.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/INS-003

SYSTEM NAME:

Position Accounting/Control System (PACS).

SYSTEM LOCATION:

Central Office, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Immigration and Naturalization Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Position data: Position number; category code; organization code; position title; pay plan; series; grade; description; accounting classification code; active/inactive code; fund control number; amount authorized; hours authorized; new program element code; input control number; input transaction code; date position created or vacated; SF–52 date; announcement date and number; Entered on Duty (EOD) date; projected vacant date; date last classified; date Position Management Committee (PMC) approved; date position last audited or reviewed; date of transaction; position appeal date, if any; union coverage code appealed to code; position freeze code, competitive level code; remarks code.

B. Payroll data: Social Security Account Number (SSAN); pay period number; payroll subobject code; last pay period amount and hours; cumulative; amount and hours; accrual amount and hours; prior month YTD amount and hours; payroll current/prior/manual (C/P/M) code.

C. Personnel data: position number; organization code; position title; payplan; series; grade; description; accounting classification code; incumbent's name, Social Security Account Number, next Quality Step Increase (QSI) date; nature of action; transaction date; FLSA exemption code; and effective date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 103 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103); Delegation of Authority to Departments (5 U.S.C. 301); Position Management Systems and Employment Ceilings, Bureau of the Budget Circular No. A–64 (June 28, 1965; January 2, 1970).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system is used for reports to INS managers of position authorization and cost data by geographic area, organizational unit, program activity, and budget allocation, including the composition of the INS work force (on-board strength and vacancies); status of each vacancy; turnover and occupancy rate statistics; aggregate position data by grade level, organization unit, program activity, type of position, etc.; actual costs for each position and projected position costs for the next fiscal year; and authorization of positions through funds control and periodic review mechanisms.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in a system of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff request the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and the General Services*

Administration (GSA): A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are maintained on magnetic disk and tape at the Department of Justice Data Management Service. All other records are maintained as paper documents at the Central Office, 425 I Street N.W., Washington, D.C. and four regional personnel offices.

RETRIEVABILITY:

Records are retrieved by position number, organization code, accounting classification code, or program element code.

ACCESS CONTROLS:

Access to the system is restricted to employees of the Immigration and Naturalization Service responsible for position accounting and management. Biweekly reports are distributed only to authorized INS personnel. Remote terminals for additional access are located in areas restricted to authorized INS personnel.

SAFEGUARDS:

The data in the automated system of records is safeguarded and protected in accordance with Department of Justice and INS rules and procedures. Paper forms are stored in metal file cabinets which are locked outside of normal duty hours.

RETENTION AND DISPOSAL:

Records are deleted from the automated data base within 60 days after termination of the position authorization. Employee personnel information in the automated data base is deleted when the position becomes vacant. The data base is updated biweekly to maintain accurate, current information on position status and characteristics.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Management.

NOTIFICATION PROCEDURE:

Inquires should be addressed to the Associate Commissioner, Management, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536.

RECORD ACCESS PROCEDURES:

In all cases, requests for access to a record shall be in writing, by mail or in person. If request for access is made by mail, the envelope and letter shall be clearly marked "Privacy Access Request." The requester shall include a description of the subject matter and, if known, the relating file number. To identify a record relating to an individual, requester should provide the individual's full name, date and place of birth, employee identification number, and, if known, position number. The requester shall also provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Any individual desiring to contest or amend information maintained in the system should direct his request to the Associate Commissioner, Management. The request should state clearly what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

Position management data is obtained from official records in INS personnel offices. Payroll data is obtained from the computerized Department of Justice Payroll System (JUSTICE/OMF—003). Personnel managment data is obtained from the Department of Justice Personnel System (JUNIPER).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/INS–004

SYSTEM NAME:

Top Priority Program (TPP).

SYSTEM LOCATION:

Central Office, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, groups of individuals, or organizations that are expected to generate continuing public interest over a period of time and whose activities lie within the jurisdiction of the Immigration and Nationality Act, including but not limited to those involved in schemes to defraud the government, notorious crime figures, and perpetrators of horrendous or unusual crimes.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Index records of individuals covered by the system, including name of person, group, or organization, and status, reference, and locator information on the related INS case file, if any, in field offices.

2. Temporary file folders established at headquarters containing personal information about the individuals, such as the date and place of birth, immigration status in the United States, marital status, and names of family members and associates; and progress reports on the priority cases.

Authority for maintenance of the system: Section 103 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information regarding status and progress of top priority cases is disseminated to INS managers, the Attorney General, officials of other Federal law enforcement agencies, Members of Congress, and to the President. No personal information is disseminated outside the Department of Justice.

Release of information to the news media and the public: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of or at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and the General Services Administration (GSA)*: A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEMS:

STORAGE:

Records are maintained as paper documents in manually operated index machines and file drawers.

BEST COPY AVAILABLE

RETRIEVABILITY:

Records are retrieved by the name of the individual, group of individuals, or organization.

SAFEGUARDS:

The data is safeguarded and protected in accordance with Department of Justice and INS rules and procedures. INS offices are located in buildings under security guard, and access to premises is by official identification. Access to records is restricted to INS employees. All records are stored in locked containers outside normal office hours.

RETENTION AND DISPOSAL:

Records are deleted from the system one year after the individual or organization ceases to be active in the Top Priority Program. Records are destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Investigations, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the Assistant Commissioner, Investigations, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536. To enable INS to identify whether the system contains a record relating to an individual, the requester must provide the individual's full name, date of birth, and place of birth; name of organization, if any; description of subject matter; and, if known, the related file number.

RECORD ACCESS PROCEDURES:

A person desiring to access or contest a record shall submit his request in writing to the agency official designated under "Notification Procedure" above. If a request to access or contest a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request." If a requester wishes access to a record, he must identify the record by furnishing the information listed under "Notification Procedure" above. If the requester wishes to contest a record, he must also clearly state which record(s) is being contested, the reason(s) for contesting, and the proposed amendment(s) to the record(s). In addition, he must provide a return address for transmitting any information.

CONTESTING RECORD PROCEDURES:

A person desiring to access or contest a record shall submit his request in writing to the agency official designated under "Notification Procedure" above. If a request to access or contest a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request." If a requester wishes access to a record, he must identify the record by furnishing the information listed under "Notification Procedure" above. If the requester wishes to contest a record, he must also clearly state which record(s) is being contested, the reason(s) for contesting, and the proposed amendment(s) to the record(s). In addition, he must provide a return address for transmitting any information.

RECORD SOURCE CATEGORIES

Data is obtained from official records of the Immigration and Naturalization Service. These records include information obtained from other Government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/INS-005

SYSTEM NAME:

Case Control System.

SYSTEM LOCATION:

District offices and suboffices of the Immigration and Naturalization Service (INS) in the United States, as detailed in JUSTICE/INS-999.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are covered by various provisions of the immigration and nationality laws of the United States, including current and former applicants or petitioners for benefits; petitioners for naturalization or citizenship; individuals under detention, supervised department, or deportation processes; individuals who are under investigation; students; and others whose case files have been assigned to the INS Office having jurisdiction over the individual's place of residence.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains automated index and summary records to aid in the management of files and administrative control of the processing of various kinds of active cases within each office where a part of this system is located:

A. "A-file" tracking: index records of individuals covered by the system, including name of person, identification or file number, location of file within the office, immigration status, case status (if any), processing checklist;

B. Application and petition control: Name and address of applicant or petitioner and/or beneficiary and authorized representative (if any), date and country of birth, file number, form number of application of petition, date filed or received, control number, status, case assignment, scheduling data;

C. Automated file summary: Name, file number, abstracts of documents on file in permanent manual file;

D. Closed file docket: Name, file number, Federal Records Center accession number and location, date closed;

E. Deportation and detention docket control: Name, file number, charge, amount of bond, hearing date, case assignment, scheduling data;

F. Investigations control: Name, file number, reason for investigation, case assignment, scheduling data;

G. Naturalization and citizenship docket control: Name, file number, petition number, date of receipt of petition, date and place of filing, number of court where petition was filed, code of authorized representative (if any), scheduling data;

H. Student registration control: Name, file number, date of admission, length of approved stay, school attended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 103 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information regarding the status and progress of cases is disseminated to the individuals or their authorized representatives, concerned employees of INS and other components of the Department of Justice, officials of other Federal law enforcement agencies, Members of Congress, and to the President.

Release of information to the news media and the public: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf on and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and the General Services Administration (GSA)*: A records from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disks, tapes, and other computer-readable media.

RETRIEVABILITY:

Records are retrieved by the name of file number of the individual, control number of the case, date of filing or last action, pending status, case assignment, or scheduling data.

SAFEGUARDS:

The data is safeguarded and protected in accordance with Department of Justice and INS rules and procedures. INS offices are located in buildings under security guard, and access to premises is by official identification. Access to terminals is restricted to INS employees, and access to records is further protected by the use of passwords and controlled data base search arguments.

RETENTION AND DISPOSAL:

Case control records (those identified under "Categories of records in the system" as "B," "C," "E," "F," "G," and "H") are delted from the automated data base ninety (90) days after final action. File index records (those identified under "Categories of records in the systems" as "A" and "D") are deleted six months after disposal of the manual files.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner *Information Systems*, Central Office; District Director or Officer in Charge in each office where as a part of this system is located.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the District Director or Officer in Charge of the INS office where the file is located. If the file location is not known, inquiries may be addressed to the Associate Commissioner *Information Systems*, 425 I Street NW, Washington, DC 20536. To enable INS to identify whether the system contains a record relating to an individual, the requester must provide the individual's full name, date of birth, and place of birth; description of subject matter; and, if known, the related file number.

RECORD ACCESS PROCEDURE:

A person desiring access to a record shall submit his request in writing to the agency official designated under "Notification procedure" above. He must also identify the record by furnishing the information listed under that procedure. If a request to access a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request", and a return address must be provided for transmitting any record to him.

CONTESTING RECORD PROCEDURES:

A person desiring to contest a record shall submit his request in writing to the agency official designated under "Notification procedure" above. He must also identify the record by furnishing the information listed under that caption and clearly stating which record(s) is being contested, the reason(s) for contesting, and the proposed amendment(s) to the record(s). If a request to access or contest a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request", and a return address must be provided for transmitting any information to him.

RECORD SOURCE CATEGORIES:

Data is obtained from official INS records pertaining to the individuals, together with reference and locator data from the *Central Index System (CIS)* INS case files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/INS-006

SYSTEM NAME:

Alien Address Reports.

SYSTEM LOCATION:

Immigration and Naturalization Service (INS), Central Office, 425 I Street, NW, Washington, DC 20536.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Aliens required to report addresses each January: nonimmigrants; aliens lawfully admitted for permanent residence; aliens granted political asylum; refugees and other conditional entrants.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains an index and copies of Form I-53, Alien Address Report Card, required to be filed by aliens in the United States.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 103, 265, and 290 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103, 1305, and 1360).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records in this system are used by officers and employees of INS and other components of the Department of Justice in the administration and enforcement of the immigration and nationality laws, including the processing of applications for benefits under those laws, detecting violations of the laws, and referrals for prosecution; and for compilation of reports of statistical and demographic information.

Relevant records in this system of records may be referred to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting a violation or potential violation of law or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statue, or by regulation, rule, or order issued pursuant thereto.

A record from this system may be disclosed to other Federal agencies for the purpose of conducting national intelligence and security investigations.

Information contained in this system of records may be disclosed to other Federal agencies in connection with refugee assistance programs.

Records may be disclosed to one or more private firms for the purpose of entering data, sorting, analyzing, coding, microfilming, or otherwise refining records in the system. Such firms will be required to maintain Privacy Act safeguards with respect to such records.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of the individual who is the subject of the record.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be

VOL
52
ISS
2
3
8
DE
11
1987
UMI

made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to the National Archives and Records *Administration (NARA) and the General Services Administration (GSA)*: A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original input Forms I–53, Alien Address Report Card, are stored in boxes in INS-controlled areas that are locked when not supervised by INS employees, when entered into the system, the cards are serially numbered and microfilmed. Information for preparation of the microfiche index and reports is coded and stored on computer-readable magnetic tape.

RETRIEVABILITY:

Records in the system are indexed and retrievable by name of the individual.

SAFEGUARDS:

Records are safeguarded in accordance with Department of Justice rules and procedures. INS offices are located in building, under security guard, and access to premises is by official identification. Access to automated systems is controlled by restricted passwords for use of remote terminals in secured areas.

RETENTION AND DISPOSAL:

Original input forms are destroyed in accordance with procedures approved by NARA after microfilming and computer data entry is completed, verified, and accepted, or three years after the year of receipt, whichever is earlier. Copies of the index and reports for each year are kept for three years by INS.

SYSTEM MANAGER AND ADDRESS:

Associate Commissioner, *Information Systems*, INS, Central Office, 425 I Street, NW., Washington, DC 20536.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. To enable INS to identify whether the system contains a record relating to an individual, the requester must provide the individual's full name, date of birth, and place of birth; and, if known, the alien registration number.

RECORD ACCESS PROCEDURE:

A person desiring access to a record shall submit his request in writing to the agency official designated under "Notification procedure" above. He must also identify the record by furnishing the information listed under that procedure. If a request to access a record is made by mail, the envelope and letter shall be clearly-marked "Privacy Act Request," and a return address must be provided for transmitting any information to him.

CONTESTING RECORD PROCEDURE:

A person desiring to contest a record shall submit a request in writing to the agency official designated under "Notification procedure" above. The requestor must also identify the record by furnishing the information listed under that caption and clearly state which record(s) is being contested, the reason(s) for contesting, and the proposed amendment(s) to the record(s). If a request to contest a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request," and a return address must be provided for transmitting any information.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from requests and petitions filed by the petitioners: public and private adoption agencies and social workers; and Federal, State, local and foreign government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsection (d) of the Privacy Act. This exemption applies to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(1). Regulations have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/INS–007

SYSTEM NAME:

Orphan Petitioner Index and Files.

SYSTEM LOCATION:

District offices and suboffices of the Immigration and Naturalization Service (INS) in the United States and foreign countries, as detailed in JUSTICE/INS–999.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are prospective petitioners or who have filed a petition to classify an alien orphan as an immediate relative under the Immigration and Nationality Act, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Index. The system contains Forms G–601, Adjudications Control Cards, to aid in the administrative control of the processing of cases within each office where a part of this system is located. B. Files. The system also contains Forms I–600. Petition to Classify Orphan As An Immediate Relative, filed for advance processing of orphan petitions by prospective adoptive parents; documentation of prospective adoptive parents' United States citizenship and marital status; agency responses indicating whether prospective adoptive parents have any arrest records; and home studies which include statements of financial ability and other elements that relate to the ability of the prospective parents to provide proper care to beneficiary orphans.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 101, 103, and 204 of the Immigration and Nationality Act, as amended (8 U.S.C 1101, 1103, and 1154).

ROUTINE USES OR RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information in the system will be used by employees of the Immigration and Naturalization Service to determine the status of pending requests or petitions, to locate related files and other records promptly, and to determine the suitability of prospective petitioners as adoptive parents. Information regarding the status and progress of cases and the suitability of prospective petitioners as adoptive parents may be disseminated to other components of the Department of Justice, Members of Congress, and the President.

Relevant information from this system may be referred to the Department of State in the processing of petitions or issuance of visas for benefits under the Immigration and Nationality Act, as amended.

Information from this system may be referred to officials of other Federal, state, and local government agencies and adoption agencies and social workers to elicit information required for making a final determination of the petitioner's ability to care for a beneficiary orphan.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the records.

Release of information to the National Archives and Records *Administration (NARA) and the General Services Administration (GSA)*: A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on Forms G–601, Adjudications Control Cards, and as paper records in file folders.

RETRIEVABILITY:

Records are retrieved by the name of the petitioner.

SAFEGUARDS:

This system of records is safeguarded and protected in accordance with Department of Justice and INS rules and procedures. The records are maintained in file cabinets in areas restricted to access by INS employees, and access to the premises is by official identification.

RETENTION AND DISPOSAL:

When an orphan petition is filed, records from the advance processing file folders are merged into the case file relating to the beneficiary orphan. See JUSTICE/INS–001, the Immigration and Naturalization Service Index System. Subsystem E, centralized index and records (Master Index).

If no petition is filed within one year of completion of all advance processing, the records are returned to the petitioner or the responsible state or licensed agency. Materials not returned to the petitioner or responsible state or licensed agency will be destroyed.

The Forms G—601, Adjudications Control Cards, may be retained for three years following the year in which they were created.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Examinations, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536; and District Director or Officer in Charge of each INS office where a part of this system is located.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the District Director or Officer in Charge of the INS office where the file is located. If the file location is not known, inquiries may be addressed to the Associate Commissioner, Examinations, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536. To enable INS to identify whether the system contains a record relating to an individual, the requester must provide the individual's full name, date of birth, place of birth, and a description of the subject matter.

RECORD ACCESS PROCEDURE:

A person desiring access to a record shall submit a request in writing to the agency official designated under "Notification procedure" above. The requester must also identify the record by furnishing the information listed under that caption. If a request to access a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request," and a return address must be provided for transmitting any information.

CONTESTING RECORD PROCEDURE:

A person desiring to contest a record shall submit a request in writing to the agency official designated under "Notification procedure" above. The requester must also identify the record by furnishing the information listed under that caption and clearly state which record(s) is being contested, the reason(s) for contesting, and the proposed amendment(s) to the record(s). If a request to contest a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request," and a return address must be provided for transmitting any information.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from requests and petitions filed by the petitioners; public and private adoption agencies and social workers; and Federal, State, local and foreign government agencies.

SYSTEMS EXEMPTED FOR CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsection (d) of the Privacy Act. This exemption applies to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(1). Regulations have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/INS–008

SYSTEM NAME:

Bond Accounting and Control System (BACS).

SYSTEM LOCATION:

Immigration and Naturalization Service regional offices: (1) Burlington, Vermont; (2) Fort Snelling, Twin Cities, Minnesota; (3) Dallas, Texas; and (4) San Pedro, California. Addresses of offices are listed in JUSTICE/INS–999 as published in the **Federal Register**, or in the telephone directories of the respective cities listed above under the heading "United States Government, Immigration and Naturalization Service."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have posted a bond with INS and the beneficiaries of posted bonds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information which allows identification of active bonds posted with INS such as: bond number, obligor's name and address, alien beneficiary's name and alien file number, type of bond, location and date bond was posted, and other data related to bonds.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 103 (8 U.S.C. 1103) in implementing the authorities set forth in Section 213 (8 U.S.C. 1183) and Section 293 (8 U.S.C. 1363) of the Immigration and Nationality Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system will be used by employees of INS to control and account for collateral received to support an immigration bond. The system will allow prompt location of related files and other records and will enable INS to make timely responses to inquiries about these records.

The information in the system can be used to generate various documents

(such as voucher disbursements) required for normal accounting procedures and to generate statistical and historical reports pertaining to immigration bonds posted, cancelled or breached.

Release of information may be made to other Federal, state, or local law enforcement agencies for investigative purposes or collection of breached bonds.

Release of information to Members of Congress: Information contained in a system of records maintained by the Department of Justice required to be released pursuant to 5 U.S.C. 552, may be made available to a member of Congress or staff upon the member's behalf when the member or staff acting requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration (NARA) and the General Services Administration (GSA): A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored on magnetic disks.

RETRIEVABILITY:

Records may be retrieved by any of the following: Alien's name, alien's file number, obligor's name, bond-receipt control number, breach control number, or location and date bond was posted.

SAFEGUARDS:

Records are safeguarded in accordance with Department of Justice rules and procedures. INS offices are located in buildings under security guard, and access to premises is by official identification. All records are stored in spaces which are locked outside of normal office hours. Access to this automated system is obtained through remote terminals which are located in secured areas and require the use of restricted passwords.

RETENTION AND DISPOSAL:

Records are deleted from magnetic disks one year (or earlier) after the bond is disbursed and the file closed.

SYSTEM MANAGER(S) AND ADDRESS:

The Associate Regional Commissioner, management, at the regional office having jurisdiction over the area in which the beneficiary alien resides. See the caption "System locations."

NOTIFICATION PROCEDURES:

Inquiries should be addressed to the system manager.

RECORD ACCESS PROCEDURE:

In all cases, requests for access to a record shall be in writing. Written requests may be submitted by mail or in person at an INS office. If a request for access is made by mail, the envelope and letter shall be clearly marked "Privacy Access Request." To identify a record relating to an individual, a requester should provide: The individual's full name, alien file number, and location and date bond was posted. The requester shall provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Any individual desiring to contest or amend information maintained in the system should direct his request to the regional INS office in which he believes the record concerning him may exist. The request should state clearly what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

Information contained in this system or records is supplied on INS forms by individuals who have posted a bond with the INS and by the beneficiaries of posted bonds.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/INS-009

SYSTEM NAME:

Alien Status Verification Index.

SYSTEM LOCATION:

Central, Regional, Distict, and other files control offices of the Immigration and Nationalization Service (INS) in the United States as detailed in JUSTICE/INS-999. Remote access terminals will also be located in state employment security offices (SESA's) and other Federal, State, and local agencies nationwide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by provisions of the immigration and nationality laws of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of an index of aliens and other persons on whom INS has a record as an applicant, petitioner, beneficiary, or possible violator of the Immigration and Nationality Act. Records are limited to index and file locator data including name, alien registration number (or "A-file" number), date and place of birth, social security account number, date and port of entry, coded status transaction data, immigration status classification, and office location of related records files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 290, of the Immigration and Nationality Act, as amended (8 U.S.C. 1360).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system of records is used to verify an alien's status or to locate the INS file control office for the alien file of a particular individual.

A. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local government agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

B. A record from this system may be disclosed to other Federal, State, or local government agencies for the purpose of verifying information in conjunction with the conduct of a national intelligence and security investigation, or for criminal or civil law enforcement purposes.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available for systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552 may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member of staff request the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration (NARA) and the General Services Administration (GSA):

A record from this system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic disk and tape.

RETRIEVABILITY:

Records are indexed and retrievable by name and date and place of birth, or by name and social security account number, by name and A-file number.

SAFEGUARDS:

Records are safeguarded in accordance with Department of Justice rules and procedures. Access is controlled by restricted password for use of remote terminals in secured areas.

RETENTION AND DISPOSAL:

Centralized index records stored on magnetic disk and tape are updated periodically and maintained for the life of the related record.

SYSTEM MANAGER AND ADDRESS:

The Associate Commissioner, Information Systems, Immigration and Naturalization Service, Central Office, 425 I Street NW., Washington, D.C., is the sole manager of the system.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager listed above.

RECORD ACCESS PROCEDURES:

In all cases, requests for access to a record from this system shall be in writing, if a request for access is made by mail, the envelope and letter shall be clearly marked "Privacy Access Request." The requester shall include the name, date and place of birth of the person whose record is sought and, if known, the alien file number. The requester shall also provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Any individual desiring to contest or amend information maintained in the system should direct his request to the System Manager or to the INS office that maintains the file. The request should state clearly what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

Basic information contained in this system is taken from Department of State and INS applications and reports on the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/INS-010

SYSTEM NAME:

Freedom of Information Act/Privacy Act (FOIA/PA) Case Tracking and Reporting System.

SYSTEM LOCATION:

Central, Regional, District, and other Files Control Offices of the Immigration and Naturalization Service (INS) in the United States as detailed in JUSTICE/INS-999.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals making requests, individuals designated to receive responses, and individuals whose records are requested by others under the provisions of the Freedom of Information Act and/or Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information extracted from FOIA/PA requests and the documentation provided by INS personnel of actions taken on the requests. The data base consists of data such as the names of requesters, record subjects, or persons designated to receive responses to requests; mailing addresses to send responses; date of receipt of requests; assigned request control numbers; date responses are due; interim and final action(s) taken on requests and the date(s) of final and/or interim actions; the persons or offices assigned action on requests; the types of requests; fee data; alien file numbers; specific exemptions applied to denial actions; offices where requests are transferred for referral or consultations; and the names/titles of officials responsible for denials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is maintained pursuant to 44 U.S.C. 3101 and 8 U.S.C. 1103 to implement the provisions of 5 U.S.C. 552 and 5 U.S.C. 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system of records is used to record, control, and determine the status of FOIA/PA requests, and produce statistical reports required by both Acts. Information from the system may be provided to the record subject, the requester or other persons designated by the requester, and to other Federal agencies and Department of Justice components receiving INS referrals or with whom consultations are required in order to complete the processing of requests. All other uses are internal within INS.

Release of information to Members of Congress: Information in this system may be disclosed as is necessary to appropriately respond to congressional inquiries on behalf of constituents.

Release of information to the National Archives and Records Administration (NARA) and the General Services Administration (GSA): A record from this system of records may be dislcosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored on magnetic disks and tapes.

RETRIEVABILITY:

Records are indexed and retrieved by control number or by name of requester or subject.

SAFEGUARDS:

Records are safeguarded in accordance with Department of Justice Security regulations governing Privacy Act systems of records. Access to the automated system is controlled by restricted password from remote terminals in secured areas.

RETENTION AND DISPOSAL:

Records are maintained for five years after date of last action and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Associated Commissioner, Information Systems, Immigration and Naturalization Service, Central Office, 425 I Street, NW., Washington, D.C. is the sole manager of the system.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager listed above.

VOL 52 ISS 238 DEC 11 1987 UMI

RECORDS ACCESS PROCEDURE:

In all cases, requests for access to a record from this system shall be in writing. If a request for access is made by mail, the envelope and letter shall be clearly marked "FOIA/PA Request." Requests should be submitted to the INS office where the request which is the subject of the inquiry was sent, or to the Immigration and Naturalization Service, Attention: FOIA/PA Section, 425 I Street, NW., Washington, D.C. 20536. The requester shall include the control number or name of the requester and/or name of the record subject, and the date and place of submission of the request. The requester shall also provide a return address for response to the inquiry.

CONTESTING RECORD PROCEDURE:

Any individual desiring to contest or amend information maintained in the system should direct his request to the system manager or to the INS office where the request which is the subject of the inquiry was submitted. The request should state clearly what information is being contested, the reason(s) for contesting it, and the proposed amendment to the information.

RECORDS SOURCE CATEGORIES:

Indivduals requesting information under FOIA/PA and INS officials and employees engaged in processing or making determinations on FOIA/PA requests.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/INTERPOL-001

SYSTEM NAME:

The INTERPOL-United States National Central Bureau (INTERPOL–USNCB) (Department of Justice) INTERPOL–USNCB Records System.

SYSTEM LOCATION:

INTERPOL-U.S. National Central Bureau, Department of Justice, Room 800, Shoreham Bldg., Washington, DC 20530

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been convicted or are subjects of a criminal investigation with international aspects; specific deceased persons in connection with death notices; individuals who may be associated with certain weapons, motor vehicles, artifacts, etc., stolen and/or involved in a crime; victims of criminal violations in the United States or abroad; and INTERPOL–USNCB personnel involved in litigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

The program records of the INTERPOL–USNCB consists of criminal and non-criminal case files. The files contain fingerprint records, photographs, criminal investigative reports, radio messages (international), teletype messages (internal U.S.), log sheets, computer printouts, letters, memoranda, and statements of witnesses and parties to litigation.

These records relate to fugitives, wanted persons, lookouts (temporary and permanent), specific missing persons, deceased persons in connection with death notices. Information about individuals includes names, alias, date of birth, address, physical description, various identification numbers, reason for the record or lookout, and details and circumstances surrounding the actual or suspected violation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 263a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event of record(s) in this system or records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use to the appropriate law enforcement and criminal justice agencies whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulations or order issued pursuant thereto. A record may be disclosed to federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license grant or other benefit; to federal agencies in response to their request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. A record may be disclosed to appropriate parties engaged in litigation or in preparation of possible litigation, e.g., to potential witnesses for the purpose of securing their testimony when necessary before courts, magistrates or administrative tribunals; to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes; to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings; to foreign governments in accordance with formal or informal international agreements; to local, state, federal and foreign agents; to the Treasury Enforcement Communications System [TECS] (Treasury/CS 00.244); to the International Criminal Police Organization (INTERPOL) General Secretariat and National Central Bureaus in member countries; to the INTERPOL Supervisory Board, an international board comprised of three judges having oversight responsibilities regarding the purpose and scope of personal information maintained in the international archives of INTERPOL; to employees and officials of financial and commercial business firms and private individuals where such release is considered reasonably necessary to obtain information to further investigative efforts or to apprehend criminal offenders; to other third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; and to translators of foreign languages as necessary. In addition, records are accessed by INTERPOL–USNCB employees and by volunteer students and students working under a college work-study program who have a need for the records in the performance of their duties.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information in behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (*NARA*) *and to the General Services Administration (GSA)*:

A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ASSESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored in file folders and on microfilm in the INTERPOL-United States National Central Bureau. Magnetic disks in the INTERPOL Case Tracking System (ICTS) are stored at the Justice Data Center, U.S. Department of Justice, and certain limited data, e.g., that which concerns fugitives and wanted persons, is stored in the Treasury Enforcement Communications System (TECS) TREASURY/CS 00.244, a system published by the U.S. Department of the Treasury.

RETRIEVABILITY:

Information is retrieved primarily by name, file name, system identification number, personal identification number, and by weapon or motor vehicle number or by other identifying data. Prior to 1975, case files were arranged by name *of subject. Between 1975 and 1979 case files were sequentially numbered. Since October 1979, files have been arranged by year, month and sequential number.*

SAFEGUARDS:

Information maintained on magnetic disks is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Only those individuals specifically authorized and assigned an identification code by the system manager will have access to the computer. Identification codes will be assigned only to those INTERPOL–USNCB employees who require access to the information to perform their official duties. In addition, access to the information must be accompanied through a terminal which is located in the INTERPOL–USNCB office that is occuped *twenty-four hours a day.* Information in file folders and in microfilm records is stored in file cabinets in the same secured area.

RETENTION AND DISPOSAL:

Case files opened after April 5, 1982 have been stored on microfilm (41 CFR Sec. 101–11.506). In addition, records that were closed prior to April 5, 1982 but are recalled from the Federal Archives and Records Center (FARC) are also microfilmed.

Case files that were closed prior to April 5, 1982 are transferred to the *FARC two years from the date the case is closed and are destroyed twenty years thereafter,* if there has been no recall from the FARC and no case activity.

Case files closed as of April 5, 1982 and thereafter are disposed of as follows: The hard copy (paper record) of the case file may be destroyed when the microfilm records have been verified for clearness, completeness and accuracy. The microfilm record of the case file is destroyed ten years after closing of the case, if there has been no case activity.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, INTERPOL–United States National Central Bureau, Department of Justice, Room 800, Shoreham Building, Washington, DC 20530.

NOTIFICATION PROCEDURE:

Inquiries regarding whether the system contains a record pertaining to an individual may be addressed to the Chief, INTERPOL–United States National Central Bureau, Department of Justice, Washington, DC 20530. To enable INTERPOL—USNCB personnel to determine whether the system contains a record relating to him or her, the requester must submit a written request identifying the record system, identifying the category and type of records sought, and providing the individual's full name and at least two items of secondary information (data of birth, social security number, employee identification number, or similar identifying information).

RECORD ACCESS PROCEDURES:

Although the Attorney General has exempted the system from the access, contest, and amendment provisions of the Privacy Act, some records may be available under the Freedom of Information Act. Inquiries should be addressed to the official designated under "Notification procedure" above. The letter and envelope should be clearly marked "Freedom of Information Request" and a return address provided for transmitting any information to the requester.

CONTESTING RECORD PROCEDURES:

See "Access procedures" above.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include investigative reports of federal, state, local, and foreign law enforcement agencies (including investigative reports from a system of records published by Department of Treasury entitled Treasury Enforcement Communications System (TECS) TREASURY/CS 00.244); other non-Department of Justice investigative agencies; client agencies of the Department of Justice; statements of witnesses and parties; and the work product of the staff of the United States National Central Bureau working on particular cases. Although the organization uses the name INTERPOL–USNCB for purposes of public recognition, the INTERPOL–USNCB is not synonymous with the International Criminal Police Organization (ICPO–INTERPOL), which is a private, intergovernmental organization headquartered in St. Cloud, France. The Department of Justice INTERPOL–USNCB serves as the United States liaison with the INTERPOL General Secretariat and works in cooperation with the National Central Bureaus of other member countries, but is not an agent, legal representative, nor organizational subunit of the International Criminal Police Organization. The records maintained by the INTERPOL–USNCB are separate and distinct from records maintained by the international Criminal Police Organization, and INTERPOL–USNCB does not have custody of, access to, nor control over the records of the International Criminal Police Organization.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has *exempted* this system from subsections (c)(3) and (4), (d), (e), (1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), and (g) if the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2) and (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/JMD–001

SYSTEM NAME:

Background Investigation Check-off Card.

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

VOL 52 ISS 238 DEC 11 1987 UMI

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Offices, Boards, and Divisions except attorneys and employees in the Offices of the Attorney General and Deputy Attorney General.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains an index card for each employee of the Offices, Boards, and Divisions, except those excluded in Categories of Individuals above, on whom a name and fingerprint or background investigation has been initiated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in order to fulfill the requirements of Executive Order 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The index cards are used to annotate and monitor the progress of the name and fingerprint checks and the full field character investigations of the employes. The completed cards are used to develop a variety of workload and timeframe data concerning the initiation and completion of these investigations to ensure that the requirements of Executive Order 10450 and Department of Justice Order 17321 are being effectively and efficiently met.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 502 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress of staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is subject to the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) AND TO THE GENERAL SERVICES ADMINISTRATION (GSA):

A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the system is manually stored in the boxes.

RETRIEVABILITY:

Information is retrieved manually by reference to the name of the employee on whom the investigation is being conducted.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected in accordance with Personnel Section policies and procedures.

RETENTION AND DISPOSAL:

When a full-field background investigation or National Agency Check is initiated, the background investigation check-off card is forwarded to the Justice Management Division Security Staff where it is ultimately merged in system Justice/JMD–008, Security Clearance Information System.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Staff, Justice Management Division, U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington D.D.20530.

NOTIFICATION PROCEDURES:

Same as the System Manager.

RECORD ACCESS PROCEDURES:

Same as the System Manager.

CONTESTING RECORD PROCEDURES:

Same as the System Manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in this system are those Personnel Section employees authorized to annotate these cards. Information reported is extracted from personnel documents initiating the various investigations and the resulting reports of completion.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/JMD–003

SYSTEM NAME:

Department of Justice Payroll System.

SYSTEM LOCATION:

Categories of records within the Payroll System of Records are kept at the following locations: (1) Justice Employee Data Service; 633 Indiana Ave. NW., Washington, DC 20004; (2) Justice Computer Service; 425 I Street, NW.; Washington, D.C. 20530; (3) at various time and attendance recording and processing stations around the world; (4) at computerized record off-site backup facilities; and (5) at various Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Current DOJ employees with the exception of those employed within the FBI and; (2) Many past DOJ employees with the exception of those that served within the FBI.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Payroll Master Employee Records: These are machine-readable and microfiche records containing information on current pay and leave status for individuals serviced by the automated payroll accounting system.

B. Bond, Allotment and Check Mailing Records: These are machine-readable and microfiche records containing information on Savings Bond deductions, savings account allotments, and net check mailing requested by the employee.

C. History of Earning Records: These are machine-readable and microfiche records containing information on earnings, leave and other pay related activities.

D. Automated Retirement Records: These are machine-readable records containing information relevant to the Civil Service Retirement System. These records will be used to automatically generate Individual Retirement Records (SF–2806) upon an employee's separation.

E. Revised Social Security Numbers Records: These are machine-readable records containing the new and old social security number for employees whose current social security number is different from that previously entered into the automated system.

F. Employee Pay Records: These are manila folders containing source documents, correspondence and other papers in support of an active employee's pay, leave and allowances.

G. Active Retirement Records: These are manual records maintained on active employees to facilitate timely compliance with the requirements of the Civil Service Retirement System. Upon separation, the original SF–2806 is forwarded to the Civil Service Commission and a copy is filed in the Employee Pay Record (F above). This category of records will eventually be replaced by the automated retirement records (D above).

H. Former Employee Pay Records: These records are the Employee Pay Records (F above) for employees that have been separated, transferred or retired. In addition to information contained in the Employee Pay Records, these records include information related to the retirement, separation or transfer. These records are destroyed two years after separation of employee.

I. Employee Death Records: These records are the Employee Pay Records (F above) for employees that died while on active duty with Department of Justice. In addition to information contained in the Employee Pay Records, these records include information related to the employee's death and the settlement of pending pay and allowances.

J. Returned Check Records: These records are a manual log for recording and controlling checks issued to employees that were returned to the Justice Employee Data Service because they were undelivered, erroneous or cancelled prior to conversion to cash.

K. Time and Attendance Report: These microfilm records of standard form number DOJ–296 contain information on an employee's attendance and use of leave in a particular pay period. They are also used to indicate leave adjustments and balances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The head of each executive agency is responsible for establishing and maintaining an adequate payroll system, covering pay, leave, and allowances, as a part of the system of accounting and internal control of the Budget and Accounting Procedures Act of 1950, as amended, 31 U.S.C. 66, 66a, and 200(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purposes(s): The purpose of each use of categories of records within the DOJ Payroll System of Records is to enable the administration of the payroll function and related financial matters in accordance with applicable laws and regulations and to comply with the requirements of the Comptroller General.

SYSTEM USES:

A. Authorize, prepare and document payment to all Department employees coverd by the DOJ Payroll System entitled to be paid, with consideration given to all authorized deductions from gross pay.

B. Specify and document proper disposition of all authorized deductions from gross pay.

C. Prepare adequate and reliable payroll reports needed for (1) management, (2) budget, (3) support of payments, (4) the conduct and accounting of payroll related employee services, (5) control and documentation of payroll system operation, and (6) to meet external reporting requirements.

D. Support effective communications and payroll matters between the Department of Justice and its present and former employees.

E. Support proper coordination of pay, leave and allowance operations with personal functions and other related activities.

F. Support adequate control over all phases and segments of the payroll system including leave accounting.

G. Support appropriate integration of the payroll system with the Departmental accounting systems.

H. Records maintained in this system shall include providing a copy of an employee's Department of the Treasury Form W–2, Wage and Tax Statement of the State, City, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, City, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520 or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the System Manager listed below. The request must include a copy of the applicable statute authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both. However, the social security numbers will only be provided to state or local taxing authorities which meet the criteria of the Privacy Act.

I. Provide permanent record of actions taken pertinent to the administration of pay leave and allowances.

J. Support legal investigations of suspected fraud.

CATEGORIES OF USERS:

Records are accessed by users on a need or right to know basis. A category of users may have potential access under more than one use above.

A. Present or former employees serviced by the DOJ Payroll System.

B. Justice Employees data Service Staff.

C. Department of the Treasury disbursing offices.

D. Department of Justice budget and accounting offices.

E. Department of Justice personnel offices.

F. Employee supervisors.

G. Employee administrative offices.

H. Federal, state and local taxing authorities.

I. Federal Employees Health Benefits carriers.

J. Employee organization offices participating in dues allotment program.

K. Financial organizations participating in savings account allotment program.

L. Financial organizations participating in net pay to checking account program.

M. State human resource offices administering unemployment compensation programs.

N. General Accounting Office and internal audit staffs.

O. Federal, state or local law enforcement agencies (in support of legal investigations of suspected fraud).

P. Other Federal agencies requiring information as specified in applicable laws or regulations, e.g., Civil Service Commission).

Q. Heirs, executors and legal representatives of beneficiaries.

R. State and local courts of competent jurisdiction for the enforcement of child support and/or alimony pursuant to 42 U.S.C. 659.

Release of Information to the News Media. Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of Information to the National Archives and Records. Administration (NARA) and the General Services Administration (GSA). A record from a system of records may be disclosed as a routine use to NARA and GSA in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

VOL 52 ISS 238 DEC 11 1987 UMI

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Various categories of records are stored on different mediums. Categories A, B, and E are on magnetic discs. Category C is on magnetic tape and microfiche. Category D is on magnetic tape. All other records are maintained in paper form.

RETRIEVABILITY:

Categories of records on magnetic media are retrievable by employee social security number which is maintained to comply with Internal Revenue requirements. Records in paper form and microfiche are retrievable by employee name and social security number.

SAFEGUARDS:

The principal current safeguard for payroll records is guard force screening of individuals entering buildings within which records are kept. More stringent security practices and procedures are under development.

RETENTION AND DISPOSAL:

Payroll records retention and disposal are in accordance with General Records Schedule 2 promulgated by the General Services Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Finance Staff, Justice Management Division; U.S. Department of Justice, 10th and Constitution Avenue NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

A request for notification of the existence of records upon an individual shall be made in writing by the individual or legal designate, with the envelope and the letter clearly marked 'Privacy Notification Request'. Include in the request the name of the system of records, the individual's full name and social security number while employed with the Department of Justice, the organization within which employed (if available), and whether the individual is a current or former employee. The requestor shall include a return address for the notification response. If the request if submitted by other than the subject individual, indicate the authority under which the information is sought. The request must be signed by the subject individual and, if applicable, by the legal designee. Address inquiries to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access to records from this system shall be made in writing by the subject individual or legal designee, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the system of records, the legal name and social security number of the data subject, the organization within which the individual is a current or former employee. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individual desiring to contest or amend information maintained in the system of records should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment to the information sought. If the request is submitted by other than the subject individual, indicate the authority under which the information is sought. The request must be signed by the subject individual and, if applicable, by the legal designee.

RECORD SOURCE CATEGORIES:

Information contained within the DOJ Payroll System of Records is obtained from the following sources:

A. Subject Individual: Information collected from the subject individual generally consists of that necessary to administer allotments, deductions or other services requested by the individual.

B. Personnel Office: Information collected from the personnel office generally consists of employment status information which provides the legal basis upon which valid payments are computed.

C. Time and Attendance Clerk: Information collected from this clerk generally consists of an accounting of the individual's presence or absence from the duty station and the usage of leave.

D. Supervisor or Administrative Officer: Information collected from these officers generally consists of leave authorizations and information concerning the individual's duty station.

E. Financial Instutitions or Employee Organizations: Information collected from institutions or organizations generally consists of that necessary to insure the timely and accurate forwarding to the institution or organization of monies allotted to an account at the institution or organization by the subject individual.

F. Previous Federal Employer: Information collected from the previous employer within the Federal government generally consists of leave status information at the time of separation.

G. Other Federal Agencies: Information collected from other Federal agencies generally consists of program information necessary to properly administer pay, leave, and allowances.

H. Other Officials: Information collected from other officials consists of that necessary to administer the payroll function. This may include authorization for special payments, death certificate or other documents as necessary.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SYSTEM NAME:

Bookstream (Justice/JMD–004).

SYSTEM LOCATION:

Justice Manager Division (JMD), Main Library, Department of Justice, 10th and Constitution Avenue, NW., Washington, DC. 20530.

CATEGORY OF INDIVIDUALS COVERED BY THE SYSTEM:

All Office, Board, and Division (OBD) Metropolitan Washington Department of Justice employees, and other selected Department employees who request to borrow from the Library system.

CATEGORY OF RECORDS IN THE SYSTEM:

The file contains the full name of Department of Justice employees; their organization building; room number; telephone number and last four digits of their social security number. In addition, a record of all library materials borrowed by or loaned to each employee is maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This file is maintained pursuant to requirements for maintenance of records of Federal agencies. (See 44 U.S.C. 3101 (1976).)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file is used by Main Library staff personnel to maintain more effective control over library materials, including the ability to recall materials and to clear Department of Justice employees leaving the agency. Records will not be disseminated, and there will be no release of information outside of the Library system other than to notify library patrons of the availability of materials or overdue status of borrowed materials. A list of items outstanding prior to clearance from the agency will be provided to the employee.

There will also be a release of oustanding loans to the Department of Justice Board of Survey when an employee leaving the Department cannot account for items charged out. The Board of Survey, consisting of Department of Justice personnel, was established by OBD Order 1300.4, February 18, 1981.

A record from the system of records may be disclosed to the National Archives and Records *Administration* for records management inspections conducted under the authority of 44 U.S.C. 2404 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are maintained by JMD Library staff on a Data General M600 minicomputer using DATALIB proprietary software.

RETRIEVABILITY:

Information is retrieved by a variety of datafields including, but not limited to the name of the employee, call number, title key or patron indentification code.

SAFEGUARDS:

Information maintained in the system is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Only those individuals specifically authorized and assigned an access code will have use of the circulation system. Access codes will be assigned only to those library employees who have the requisite need for the information to perform their official duties. In addition, access to the information must be accomplished through a single terminal which is only operational from 9:00 a.m. to 5:30 p.m., and access to such terminal will be limited.

RETENTION AND DISPOSAL:

Records classified by the employee's name are retained for two weeks after the employee leaves the employment of the Justice Department. The records are then deleted from the system.

SYSTEM MANAGER AND ADDRESS:

Circulation Librarian, Room 5400, Main Library, United States Department of Justice, Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Inquiries regarding whether the system contains a record pertaining to an individual may be addressed to the Circulation Librarian, Room 5400, Main Library, United States Department of Justice, Washington, D.C. 20530. Before identifying whether the system contains a record relating to an individual employee, Department of Justice employment is first verified by checking information provided by the employee against an employee personnel listing extracted from the Justice Uniform Personnel System (Juniper). (See "Record source categories" below.) Bookstream is then searched for records relating to that employee. Therefore, to assist the Library in verifying employment and in identifying any record relating to an employee, the employee must provide his full name, social security number, date of employment and duty assignment station.

RECORD ACCESS PROCEDURE:

Persons desiring to access a record shall submit their request in writing, by mail, or in person to the agency official designated under "Notification procedure" above. If a request to access a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request." In addition, the requester must furnish the information set forth under "Notification procedure" above.

CONTESTING RECORD PROCEDURE:

See "Record access procedure" above.

RECORD SOURCE CATEGORIES:

Sources are the Juniper system and bibliographic records either keyed at the time an item is borrowed or taken from the master record of Library holdings. The Juniper system is a system of records which is included under the umbrella of a government-wide system of records reported by the Office of Personnel Management. The system is entitled "General Personnel Records, OPM/GOVT–1."

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/JMD–005

SYSTEM NAME:

Grievance Records.

SYSTEM LOCATION:

Records relating to grievances originating in an office, board or division (defined in 28 CFR 0.1) are located in the office of the Associate Director for Operations, Personnel and Training Staff (PTS). Records relating to grievances originating in a particular bureau (defined in 28 CFR 0.1) are located in the central personnel office of the bureau where the grievance originated, except for the Federal Bureau of Investigation (FBI) which is excluded from coverage of the Agency Administrative Grievance System by 5 CFR 771.206(a). (See caption "System managers and addresses.")

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Department of Justice employees, except for employees of the FBI, who have submitted grievances in accordance with 5 CFR Part 771 (Office of Personnel Management (OPM) regulations) and the Department's grievance procedures, or in accordance with a negotiated grievance procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by the agency employees under 5 CFR Part 771 and the Department's grievance procedures, or under a negotiated grievance procedure. These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, and a copy of any original and final decision and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that PTS and the bureaus may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a(f); 5 CFR Part 771; 5 U.S.C. 1032, 3301, 3302; E.O. 10577; 3 CFR 1954–1958 Comp., p. 218.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

a. To disclose pertinent information to another appropriate Federal, State, or local agency, responsible for investigating, prosecuting, enforcing, or implementing a statute rule, regulation, or order, where the Department becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. To disclose information to another Federal agency (in response to its request) for its use in the hiring or retention of an employee, the issuance of a security clearance, the conducting

VOL 52 ISS 238 DEC 11 1987 UMI

of a security and/or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit to the extent that the information is relevant and necessary to its decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records *Administration and the* General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

g. By the Department or OPM in the production of summary descriptive statistics, if available, and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of data elements included in the study may be structured in such a way as to make the data individually identifiable by inference.

h. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; the Equal Employment Opportunity Commission; or, the OPM when requested to perform their authorized duties.

i. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To provide information to labor organization officials recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are disposed of three years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

a. *Offices, Boards and Divisions. Director,* Personnel Staff, U.S. Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530.

b. *Bureau of Prisons.* Personnel Office, Bureau of Prisons, HOLC Building, 320 First Street, NW., Washington, D.C. 20534.

c. *Drug Enforcement Administration.* Personnel Officer, Drug Enforcement Administration, 1405 Eye Street, NW, Washington, D.C. 20537.

d. *Immigration and Naturalization Service.* Assistant Commissioner for Personnel, Immigration and Naturalization Servive, CAB Building, 425 I Street, NW., Washington, D.C. 20510.

e. *Office of Justice Assistance, Research and Statistics.* Personnel Officer, Office of Justice Assistance Research and Statistics, 633 Indiana Avenue NW.,, Washington, D.C. 20531.

f. *United States Marshals Service.* Personnel Officer, U.S. Marshals Service, 1 Tysons Corner Center, McLean, Virginia 22102.

NOTIFICATION PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the appropriate personnel office (named under the caption "System managers" and addresses" above) where the action was processed regarding the existence of such records on them. They must furnish the following information for the records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

RECORD ACCESS PROCEDURES:

It is required that the individuals submitting grievances be provided a copy of the record under the grievances process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the appropriate personnel office (named under the caption "System managers and addresses" above) where the action was processed. Individuals must provide the information listed under the caption "Notification procedures" for their records to be located and identified. Individuals requesting access must also follow the Department's Privacy Act regulations (28 CFR 16.41) regarding access to records and verification of identity.

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to the records to correct factual errors should contact the personnel office (named under the caption "System managers and addresses" above) where the grievance was processed. Individuals must furnish the information listed under the caption "Notification procedures" for their records to be located and identified.

Individuals requesting amendment must also follow the office's Privacy Act regulations (28 CFR 16.41) regarding amendment to records and verifications of identity.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided:

a. By the individual on whom the record is maintained.

b. By testimony of witnesses.

c. By Department officials.

d. From related correspondence from organizations or persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/JMD-007

SYSTEM NAME:

Accounting System for the Offices, Boards and Divisions and the United States Marshals Service.

SYSTEM LOCATION:

United States Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals on whom vouchers are submitted requesting payment for goods or services rendered (except payroll vouchers for Department of Justice employees,) including vendors, contractors, experts, witnesses, court reporters, travelers, and employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

All vouchers processed, i.e., all documents required to reserve, obligate, process and effect collection or payment of funds. (Excluded from the system are payroll vouchers.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 31 U.S.C. 3512.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

After processing the vouchers, the records are used to maintain individual financial accountability; to furnish statistical data (not identified by personal identifiers) to meet both internal and external audit and reporting requirements; and to provide Administrative Officers from the Officers, Boards and Divisions and the United States Marshals Service with information on vouchers by name and social security number.

Release of information to the news media. Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from system of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice not otherwise required to be released pursuant to 5 U.S.C. 552 may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration *(NARA) and to the General Services Administration (GSA)*: A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of taxpayer mailing address information. Information contained in the system or records may be disclosed to the Internal Revenue Service (IRS) to obtain taxpayer mailing addresses for the purpose of locating such taxpayer to collect or compromise a Federal claim against the taxpayer.

Release of information to consumer reporting agencies. Information directly related to the identity of debtors and the history of claims contained in the system or records may be disclosed to consumer reporting agencies for the purpose of encouraging repayment of overdue debts. Such disclosures will be made only when a claim is overdue and only after due process steps have been taken to notify the debtor and give him or her a chance to meet the terms of the debt. Addresses of taxpayers obtained from the Department of the Treasury will be disclosed to consumer reporting agencies only for the purpose of allowing such agencies to prepare a commercial credit report on the taxpayer for use by the Department.

Release of information about debtors. Information contained in the system of records may be disclosed in order to effect salary or administrative offsets to satisfy a debt owed the United States by that person. Such disclosures will be made only when all procedural steps established by the Debt Collection act have been taken.

Release of information to debt collection agencies. Information contained in the system of records may be disclosed to a person or organization with whom the head of the agency has contracted for collection services to recover indebtedness owed to the United States. Addresses of taxpayers obtained from the Department of the Treasury will also be disclosed, but only where necessary to locate such taxpayer to collect or compromise a Federal claim.

Release of information to United States Attorneys. Information contained in the system of records may be disclosed to United States Attorneys' offices for litigation and enforced collection.

Release of information in a proceeding before a court or adjudicative body. Records within this system or any facts derived therefrom, may be disseminated before a court or adjudicative body before which the Justice Management Division is authorized to appear when i. the Justice Management Division, or any subdivision thereof, or ii. any employee of the Justice Management Division in his or her official capacity, or iii. any employee of the Justice Management Division in his or her individual capacity where the Department of Justice has agreed to represent the employee, or iv. the United States, where the Justice Management Division determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the Justice Management Division to be arguably relevant to the ligitation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disks, magnetic tapes, microfilm, and file folders.

RETRIEVABILITY:

Records on magnetic tapes and disks are primarily retrieved by social security number or digital identifiers. Records covering all fiscal years prior to Fiscal Year 1983 are maintained in paper form; as of Fiscal Year 1983 paper records have been converted to microfilm. Records in paper form and on microfilm are retrieved by batch and controlled by schedule on which paid.

SAFEGUARDS:

Information contained in the system is unclassified. Operational access to information maintained on magnetic disks is controlled by the convention of the operating system utilized. This is normally by password key. These passwords are issued only to employees who have a need to know in order to perform job functions relating to financial management and accountability. Records are also safeguarded in accordance with organizational rules and procedures. Access is limited to personnel of the Department of Justice who have a need for the records in the performance of their official duties.

RETENTION AND DISPOSAL:

Magnetic disks, magnetic tapes, microfilm, and paper documents are retained for a period of six years and three months and subsequently destroyed in accordance with regulations prescribed by the General Accounting Office and promulgated by the General Services Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Directors, Finance Staff; Office of the Comptroller, Justice Management Division, U.S. Department of Justice, 10th & Constitution Avenue, NW, Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the System Manager.

RECORD ACCESS PROCEDURE:

Same as the System Manager.

CONTESTING RECORD PROCEDURES:

Same as the System Manager.

VOL 52 ISS 238 DEC 11 1987 UMI

RECORD SOURCE CATEGORIES:

Submitted by operating accounting personnel or individual of record.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/JMD-010

SYSTEM NAME:

Document Information System. (DIS)

SYSTEM LOCATION:

U.S. Department of Justice; 10th and Constitution Avenue NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department of Justice who have been designated by the Attorney General as authorized to classify documents. Employees of the Department of Justice who have been delegated classifying authority by designation of the Attorney General. Individuals (mostly aliens) about whom documents exist which have been classified in the interest of national security.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records of all documents classified by Department of Justice employees. The system also contains a record on all Department of Justice employees (from January 1, 1973 to present) who have or have had the authority to classify documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system was established and is maintained pursuant to Executive Order 11652.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system is routinely used by the Interagency Classification Review Committee, the Department of Justice Security Staff, and the Department of Justice Review Committee.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records *Administration (NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored in machine readable form on magnetic tape. A copy of the data capture form is maintained in the originating office for two weeks, then destroyed. The original data capture form is maintained at the Department until data contained therein has been successfully processed, then the form is destroyed.

RETRIEVABILITY:

Information is retrieved in any form for all routine uses. Information may be retrieved for non-routine uses with the approval of the Director, Central Management Services Staff, and in accordance with the provisions of the Privacy Act.

SAFEGUARDS:

Access to information contained in the system is controlled by the Director, Systems Operations Staff, Justice Management Division. Access is normally limited to routine users and members of the Systems Operations Staff, on a "need-to-know" basis.

RETENTION AND DISPOSAL:

Records contained in the system are retained indefinitely. The system of records is never purged and no disposal schedule is required.

SYSTEM MANAGER(S) AND ADDRESS:

Director, *Security Staff* Justice Management Division; U.S. Department of Justice; 10th and Constitution Avenue NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORD ACCESS PROCEDURES:

Same as the System Manager.

CONTESTING RECORD PROCEDURES:

Same as the System Manager.

RECORD SOURCE CATEGORIES:

Employees of the Department who have been designated by the Attorney General as classifying officials and emplyees who have been delegated classifying authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/JMD-013

SYSTEM NAME:

Employee Locator File.

SYSTEM LOCATION:

U.S. Department of Justice; 10th and Constitution Avenue NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the U.S. Department of Justice, with the exception of individuals employed by the Federal Bureau of Investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information relating to each employee's home and business address, home and business telephone number, information as to next of kin, and personal physician preferred in case of medical emergency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is maintained pursuant to 5 U.S.C. 301, 5 U.S.C. 7901, 28 U.S.C. 6011, 28 U.S.C. 6109, 5 U.S.C. 5516, 5 U.S.C. 5517 and 5 U.S.C. 5520.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:

The locator system is used to provide address data to federal, state and local tax authorities in accordance with the reporting requirements of their income tax withholding programs. The locator system is also used to contact employees of the Department at their official place of business or their residence regarding matters of an official nature relating to their employment with the Department of Justice. It is also used in medical emergencies to contact an employee's personal physician if he or she has an indicated preference, and to notify next of kin. Use of the file for these purposes is limited to supervisors of the employees concerned or individuals having the permission of a supervisor of the employee concerned.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS *Administration (NARA) and the General Services Administration (GSA):*

A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape and magnetic disc.

RETRIEVABILITY:

Records are retrieved by name or any other date item by means of cathode-ray tubes.

SAFEGUARDS:

Access to terminals is limited to persons with terminal identification numbers. These numbers are issued only to employees who have a need to know in order to perform job functions relating to income tax reporting or personnel matters.

RETENTION AND DISPOSAL:

Records are retained for the duration of an individual's employment with the Department. They are destroyed upon his or her separation.

SYSTEM MANAGER(S) AND ADDRESS:

Director, *Finance Staff, Office of the Comptroller, Justice* Management Division; U.S. Department of Justice; 10th and Constitution Avenue NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURE:

Same as Notification.

CONTESTING RECORD PROCEDURES:

Same as Notification.

RECORD SOURCE CATEGORIES:

Information is supplied by the individual to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/JMD-014

SYSTEM NAME:

Department of Justice Relocation Management Services Information System.

SYSTEM LOCATION:

Office of Personnel and Administration, Justice Management Division (JMD), 10th and Constitution Avenue NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Justice (DOJ) employees who have been authorized by their employing organizations to transfer to an alternate location for the benefit of the Government and who have chosen to utilize the relocation services offered by a firm under contract to DOJ.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual and automated records will contain abbreviated data, e.g., relocation number, name, social security number, employing organization, address, telephone number, descriptive housing data, and billing information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 509 and 510; 5 U.S.C. 301; 44 U.S.C. 3101; and 28 CFR 0.75.

PURPOSE(S):

The purpose of this system is to maintain information on home sale transactions for those individuals employed by DOJ who are authorized to use home sale services when being transferred for the benefit of the Government. To enable DOJ to administer its relocation management program and provide home sale services for transferring employees, it is necessary for a system of records to be maintained. This system will be maintained for DOJ by a contractor offering relocation services designed specifically for DOJ. The system will allow tracking of employee home sale transactions from initial employee notification of eligibility, through appraisal, offer, acquisition, and final contractor billing and payment. Such information is essential to the conduct and monitoring of relocation services. In accordance with subsection (m) of the Privacy Act, DOJ shall cause the requirements of the Privacy Act to apply to this system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Primary users of this system will be DOJ and contractor employees working directly for DOJ. The system will be used to manage relocation services within DOJ and to monitor the status of home sale transactions for employees using the relocation management program.

Release of Information to a Court or Adjudicative Body:

Records or information may be disclosed as a routine in use a proceeding before a court or adjudicative body before which DOJ is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by DOJ to be arguably relevant to the litigation: the DOJ or any of its subdivisions; and DOJ employee in his or her official capacity or in his or her individual capacity were DOJ agrees to represent the employee; or the United States where the DOJ determines that the litigation is likely to affect it or any of its subdivisions.

Release of Information to the News Media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from the system of records maintained by DOJ unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information contained in the system of records maintained by DOJ may be disclosed as is necessary to respond appropriately to congressional inquiries on behalf of constituents.

Release of Information to the National Archives and Records Administration (NARA) and the General Services Administration (GSA):

A record from a system of record may be disclosed as a routine use to NARA and to GSA in records management inspections conducted under the authority of Title 44 of the United States Code.

VOL 52 ISS 238 DEC 11 1987 UMI

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records will be stored on magnetic discs and in file folders.

RETRIEVABILITY:

Records will be indexed and retrieved by name, relocation number and type of transaction.

SAFEGUARDS:

Access to computerized records will be restricted to DOJ and contractor relocation management personnel through the use of assigned codes. Paper records will be secured in locked file cabinets.

RETENTION AND DISPOSAL:

A detailed records retention plan and disposal schedule is being developed by NARA and DOJ.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Finance Staff, Office of the Comptroller, Justice Management Division, U.S. Department of Justice, Room 1111, 10th and Constitution Avenue NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Direct all inquiries to the system manager identified above. Clearly mark the letter and envelope "Freedom of Information/Privacy Act Request."

RECORD ACCESS PROCEDURE:

Make all requests for access in writing and clearly mark letter and envelope "Freedom of Information/Privacy Act Request." Clearly indicate name of the requestor, nature of the record sought, approximate date of the record, and provide the required verification of identity (28 CFR 16.41 (d)). Direct all requests to the system manager identified above, and provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Direct all requests to contest or amend information to the system manager identified above. State clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment to the information sought. Clearly mark the letter and envelop "Freedom of Information/Privacy Act Request."

RECORD SOURCE CATEGORIES:

The relocating employee will be either the primary source of records in this system or will be actively and directly involved with any information provided by other sources i.e., personnel files, office records, contractor files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/JMD-017

SYSTEM NAME:

Department of Justice Controlled Parking Records.

SYSTEM LOCATION:

U.S. Department of Justice: 10th Street and Constitution Avenue NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Justice employees who have applied for vehicle parking space which is assigned and controlled by the Department of Justice, per Department of Justice Order 2540.2D, Dec. 20, 1977.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains copies of Form DOJ-362, Department of Justice Parking Space Application (DOJ Space), and *DOJ OT-60,* Department of Justice Parking Space Application (DOJ Carpool Space), which have been completed and submitted by Department of Justice employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained in accordance with 5 U.S.C. 301 and Federal Property Management Regulation 41 CFR 101-20.1. Operating procedures contained in Department of Justice Order 2540.2D, Dec. 20, 1977.

PURPOSE OF THE SYSTEM:

Justice Management Division personnel use these records to assign, identify, and control the use of vehicle parking space for which the Department of Justice is responsible.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to Members of Congress: Information contained in system of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration: *(NARA) and the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in a locked file cabinet, *on hard disk, and on floppy disk.*

RETRIEVABILITY:

These records are indexed alphabetically by the last name of the applicant, within the organizational element.

SAFEGUARDS:

Records are in a room protected by a cipher lock during non-duty hours. In addition, paper records are kept in a locked filing cabinet; and the computer is key-locked and has password protection. Information is disseminated on a need-to-know basis.

RETENTION AND DISPOSAL:

Although these records are currently retained as long as applicants remain as employees of the Department of Justice, inactive records are disposed of in accordance with the General Records Schedule, 41 CFR Part 101-11.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Mail, Fleet and Records Management Services, General Services Staff, Office of Personnel and Administration, Justice Management Division, U.S. Department of Justice, 10th Street and Constitution Avenue NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURE:

Same as System Manager.

CONTESTING RECORD PROCEDURES:

Same as System Manager.

RECORD SOURCE CATEGORIES:

Applications from employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/JMD-019

SYSTEM NAME:

Freedom of Information Act-Privacy Act (FOLA-PA) Records *System*

SYSTEM LOCATION:

U.S. Department of Justice, Justice Management Division, 10th and Constitution Avenue NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have made a request to access any Justice Management Division (JMD) record relating to JMD functional responsibilities and activities; individuals who have made a request to access or correct records pertaining to themselves which they believed to be in JMD systems of records; and persons who, on behalf of another individual, have made a request to access or correct that individual's records which they believed to be in JMD systems of records. Such requests were made pursuant to the Freedom of Information Act, the Privacy Act, or both.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual records contain Freedom of Information Act and Privacy Act requests for JMD records, responses thereto, and where applicable, a copy of the records requested and any other correspondance or internal memoranda related to the processing of these requests. Automated records (stored on disks) contain summary data such as the date of request, name of requester, addressee, subject of request, date request was received, JMD staff to which request were assigned, date request was assigned, date response was due, control number, and date of response.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 44 U.S.C. 3101 and is maintained to implement the provision of 5 U.S.C. 552 and 552a and the provision of 28 CFR 16.1 et. seq, and 28 CFR 16.40 et seq.

PURPOSE OF THE SYSTEM:

To assist the Justice Management Division in carrying out its responsibilities under the Freedom of Information Act and the Privacy Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in the system may be disseminated as a a routine use of such record as follows: (1) A record may be disseminated to a Federal agency which furnished the record for the purpose of permitting a decision as to access or correction to be made by that agency, or for the purpose of consulting with that agency as to the propriety of access or correction; (2) a record may be disseminated to any appropriate federal, state, local, or foreign agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records, contained in a system of records maintained by the Justice Management Division.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems or records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Deparetment of Justice, nor otherwise required to be released pursuant to 5 U.S.C. 552, may be made availalbe to a Member of Congress or staff acting upon the Members' behalf when the Member or staff requests the information on behalf of and at the request of the indivdual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS *Administration (NARA) and the General Service Administration (GSA):*

A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual requests records are stored in locked safes. Automated requests records are stored on disks.

RETRIEVABILITY:

Requests records are filed and retrieved under the names of those persons and individuals identified under the caption "Categories of individuals covered by the system. These records are retrieved by Department personnel to perform their duties, e.g., when subsequent requests are made by the public for copies of their previous requests and responses thereto, or when the requester submits a supplemental request to information clarifying a previous request.

SAFEGUARDS:

Access to requests records is limited to Department of Justice personnel who have need for the records to perform their duties. Request files (manual records) are stored in locked safes. All records are stored in an office which is occupied during the day and locked at night.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with items 16 through 18 and 25 through 28 of General Records Schedule 14.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General for Administration, U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, DC. 20530.

NOTIFICATION PROCEDURE:

Same as the System Manager.

RECORD ACCESS PROCEDURES:

A request to access a record in this system shall be made in writing to the system manager named above with the envelope and letter clearly marked "Freedom of Information Act request" or "Privacy Act request." The requester shall include the full name of the person who made a request, date of that request, name of official to whom the request was addressed, and subject of the request. Where applicable (Title 28 of the Code of Federal Regulations § 16.41(b) (2) and (3)), the requester shall also include the current address, date and place of birth, and notarized signature of the individual requesting a copy of his/her previous request and response thereto. Where applicable (Title 5 of the United States Code, section 552a(b)), the requester shall also include a written statement authorizing the Department to release these records to a third party. In addition, the requester shall provide his return address.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The sources of information contained in this system are the individuals and persons making requests, the systems of records searched in the process of responding to requests, and other agencies referring requests for access to or correction of records originating in the Justice Management Division.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted certain categories of records in this system from subsections (c)(3) and (d) of

VOL 52 ISS 238 DEC 11 1987 UMI

the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). That is, the exemptions apply only to the extent that other correspondence or internal memoranda retained with the request file contain investigatory material for law enforcement purposes. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/JMD-020

SYSTEM NAME:

Freedom of Information Act/Privacy Act (FOIA/PA) Request letters.

SYSTEM LOCATION:

FOIA/PA referral unit, *Mail, Fleet and Records Management Services, General Services Staff, Justice* Management Division, Department of Justice (DOJ), Washington, D.C. 20530

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons making FOIA/PA requests to the Department. (The names of persons making requests directly to the Board of Immigration Appeals (BIA), individual United States Attorneys' Offices, or a Department bureau, i.e., the Bureau of Prisons, the Drug Enforcement Administration, the Federal Bureau of Investigation, the Office of Justice Assistance, Research and Statistics, and the Immigration and Naturalization Service, will not usually be in this system, except in those rare instances where these organizations may forward a request to the Department for appropriate referral.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Paper documents consist of written FOIA/PA requests for Department records not addressed to a specific DOJ component and therefore forwarded to the unit for assignment and referral; forms indicating the DOJ components to which requests have been referred; acknowledgement/referral advisory letters to requesters; and other related correspondence, e.g., letters to requesters seeking additional information and the responses thereto. (This system contains no replies which grant or deny access to records, nor any other records relating to the individual other than as stated here.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 5 U.S.C. 552 and 552a; 28 CFR 16.1–.10; and 28 CFR 16.40–.57.

PURPOSE OF THE SYSTEM:

To assist the Department in carrying out its responsibilities under the Freedom of Information Act and the Privacy Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are not disseminated outside the Department except as indicated below. They are accessed only by Department personnel with a need to know, i.e., requests are referred by the FOIA/PA referral unit to the appropriate Department component(s) to respond, or to the Civil Division and/or United States Attorney to prepare the Department's defense in FOIA/PA litigation.

Release of information to the news media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information in this system may be disclosed as is necessary to appropriately respond to Congressional inquiries on behalf of constitutents.

Release of Information to the National Archives and Records Administration *(NARA) and the General Services Administration (GSA):*

A record may be disclosed as a routine use to *NARA and GSA in* records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ASSESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper folders in filing cabinets.

RETRIEVABILITY:

A record is retrieved by name of the individual making the request.

SAFEGUARDS:

Records are stored in file cabinets in an office which is occupied during the day and locked at night.

RETENTION AND DISPOSAL:

Records are retained in the FOIA/PA mail referral section for approximately one year. Records are then transferred to the Federal Records Center for storage in accordance with the General Services Administration's General Records Schedule 14, item 18(a) which provides for a disposal date of five years from the date of the most recent request being stored.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Mail, Fleet and Records Management Services, General Services Staff, Justice Management Division, Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Inquiries as to whether the system contains a record of a request from an individual should be addressed to the Assistant Director, Mail, Fleet and Records Management Services, General Services Staff (GSS), Justice Management Division, Department of Justice, Room 7317, 10th and Constitution Avenue, NW., Washington, D.C. 20530. To enable the GSS to identify whether the system contains a request from the individual, the individual must provide the name of the person who made the request, the date of the request, and, if appropriate, the date of the Assistant Director's letter to the requester acknowledging receipt and referral of the request.

RECORD ACCESS PROCEDURE:

Persons desiring to access a record shall submit a request in writing to the Assistant Director at the address indicated under "Notification Procedure" above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Request from individuals for DOJ records under the Freedom of Information and Privacy Acts.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/LDN-003

SYSTEM NAME:

Lands Docket Tracking System.

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals on whom records are maintained in the Lands Docket Tracking System are as follows:

1. Those individuals who have been charged with civil or criminal violations or whose names may appear in the case name or subject name of a matter coming to the attention of the Land and Natural Resources Division for possible litigation *including those individuals or corporations which have sued the United States;*

2. Those individuals who are currently under investigation for civil or criminal violations; and

3. Those individuals who are a direct party to a case or matter.

CATEGORIES OF RECORDS IN THE SYSTEM:

The data in the Lands Docket and Tracking System fall into the following major categories:

1. Information about the Department of Justice (DOJ) case. Administrative information dealing with the case or matter including the DOJ file number, client agency, court of origin, opposing party, title, section, and associated data.

2. Information about the calendar. Includes key dates in tracking the docket of the case or matter.

3. Information about events concerning the case or matter. Tracks all activities related to the DOJ number including correspondence and court events.

4. Information about party. Includes the name of the individual, the type of party this individual is in relation to the case or matter, and the state of the party.

5. Information by tract. Only included with cases dealing with Land Acquisition. This record includes tract finances, participants, owners, events, court, estate type, and payees.

6. Information about the court. Includes the criminal/civil action number, court, and the judicial officer.

7. Information on status. Includes actions, dates, and reasons which affect the status of a case or matter.

8. Information on appellate action. Includes items relating to appellate actions taken relative to the case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained as an incident of such of the statutory authority of the Attorney General relating to the conduct of litigation as he has delegated to the Land and Natural Resources Division. (5 U.S.C. 301)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used by personnel of the Division as an aid in determining the existence in the Division of a matter relating to the named case or subject, and to facilitate appraisal of the status of the pertinent matter for the purpose of taking timely appropriate action relating thereto.

Reports are continually produced to monitor the progress of the caseload and the utilization of Division resources.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) AND THE GENERAL SERVICES ADMINISTRATION (GSA):

A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored on magnetic tapes and discs at the Justice Management Division Data Center. Printouts from the terminals and from the Data Center which include status and statistical reports are stored in locked files and offices of Division management.

RETRIEVABILITY:

Information is retrieved on data display terminals which are located in various work stations throughout the Division. Identifiers used in retrieval operations include party name, court, date, status, section, case type, and assigned attorney.

SAFEGUARDS:

The magnetic tapes and discs are located in the Justice Data Center which maintains controlled access to the building and additional controlled access to the computer installation. The data display terminals are located within secured DOJ work areas, and operators can only access information through the utilization of passwords and special identification numbers.

RETENTION AND DISPOSAL:

The records are retained within the system during their useful life after which they will be off-loaded onto magnetic tape, stored in a secured vault, leaving a skeletal trail in the on-line data base.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, *Systems Group*; Land and Natural Resources Division, U.S. Department of Justice, 10th and Constitution Avenue NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, 10th and Constitution Avenue NW., Washington, DC 20530.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request', and the system and record sufficiently described in the letter for identification.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are the correspondence, pleadings, and other indices of developments regarding the pertinent case or subject, from wheresoever received.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/OJP-001

SYSTEM NAME:

Equipment Inventory.

BEST COPY AVAILABLE

VOL 52 ISS 238 DEC 11 1987 UMI

SYSTEM LOCATION:

Office of Justice Programs, 633 Indiana Avenue NW., Washington, DC 20531.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have filed the following forms in the Office of *the Comptroller:* Property Sign-out, *OJARS Administrative Form 1820/1;* Equipment Control Records, *OJARS Administrative Form 1820/2.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Property Sign-out, *OJARS Administrative Form 1820/1;* Equipment Control Records, *OJARS Administrative form 1820/2.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 5 U.S.C. 301, 1302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The property data is used for inventory control.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration *(NARA) and to the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in system is stored *on* index cards.

RETRIEVABILITY:

Information is retrieved by name of employee *and type of equipment.*

SAFEGUARDS:

Data is maintained in *a locked room.*

RETENTION AND DISPOSAL:

Documents relating to equipment control are closed when employee leaves agency. Records are destroyed three years thereafter. Operating files are destroyed when an individual resigns, transfers, or is separated from Federal service.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller; Office of the Comptroller; Office of Justice Programs; 633 Indiana Avenue NW., Washington, DC 20531.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURE:

A request for access to a record from the system shall be in writing, with the envelope and letter clearly marked "Privacy Access Request." Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains, employee's supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE-OJP-006

SYSTEM NAME:

Congressional and Public Affairs System

SYSTEM LOCATION:

Office of Justice Programs (OJP); 633 Indiana Avenue, NW., Washington, D.C. 20531.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress, and other public figures.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence with Congressional Committees, members of Congress, and the general public. The file also contains biographical data, speeches, press releases, and photograph files relating to public figures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system is used or may be used in response to inquiries from the general public or member of Congress.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration *(NARA) and to the General Services Adminstration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA AND GSA* the in records management inspections conducted under the authority of 44 U.S.C. *2904 and* 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is indexed on a correspondence control log and stored in file folders.

RETRIEVABILITY:

Information is retrieved by name of the member of Congress who is the correspondent, or by the name of the public figure.

SAFEGUARDS:

Records are maintained in file cabinets. Entrance to the building is controlled by required employee identification or security clearance procedures. Records are used by

employees on a need to know basis only.

RETENTION AND DISPOSAL:

Records are retained for two years, then retired to Federal Records Center. Six years thereafter records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Congressional *and Public Affairs: Office of Justice* Programs, 633 Indiana Avenue NW., Washington, DC 20531.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURE:

A request for access to a record from the system shall be in writing, with the envelope and letter clearly marked "Privacy Access Request." Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information are *Congressional* members.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/OJP-012

SYSTEM NAME:

Public Safety Officers Benefits System.

SYSTEM LOCATION:

Bureau of Justice Assistance, Office of Justice Programs, (OJP), 633 Indiana Avenue, NW., Washington, D.C. 20531.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Public Safety Officers who died while in the line of duty and their surviving beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains an index by claimant and deceased Public Safety Officers: case files of eligibility documentation; and benefit payment records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintaining this system exists under 42 U.S.C. 3796 and 44 U.S.C. 3103.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in this system is used or may be used to determine and record eligibility of Public Safety Officers under the Public Safety Officers Benefits Act. It may be released to:

(1) State and local agencies to verify and certify eligibility for benefits; (2) researchers for the purpose of researching the cause and prevention of public safety officer line of duty deaths; (3) appropriate Federal agencies to coordinate benefits paid under similar programs; and (4) Members of Congress or staff acting upon the member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is a party in interest.

RELEASE OF INFORMATION IN AN ADJUDICATIVE PROCEEDING:

It shall be a routine use of records within this system or any facts derived therefrom, to disseminate them in a proceeding before a court or adjudicative body before which the OJP is authorized to appear, when

i. The OJP, or any subdivision thereof, or

ii. Any employee of the OJP in his or her official capacity, or

iii. Any employee of the OJP in his or her individual capacity, where the Department of Justice has agreed to represent the employee, or

iv. The United States, where the OJP determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the OJP to be arguably relevant to the litigation.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION *(NARA) and to the General Services Administration (GSA):*

A record from a system of records may be disclosed as a routine use to the *NARA AND GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on a master index, in folders and on computer magnetic tape.

RETRIEVABILITY:

Information is retrievable by name of claimant, name of deceased Public Safety Officer, and case file number.

SAFEGUARDS:

Computerized information is safeguarded and protected by computer password key and limited access. Noncomputerized data is safeguarded in locked cabinets. All files are maintained in a guarded building.

RETENTION AND DISPOSAL:

Files are retained in the Public Safety Officer Benefits (PSOB) Office on hard copy. *Files will be disposed of pursuant to OJP Handbook 1330.2A.*

SYSTEM MANAGER(S) AND ADDRESS:

PSOB Program Officer Bureau of Justice Assistance Office of Justice Programs, 633 Indiana Avenue, NW., Washington, D.C. 20531.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Request for access to a record from this system should be made in writing with the envelope and the letter clearly marked "Privacy Access Request." Access requests will be directed to the System Manager listed above.

VOL 52 ISS 238 DEC 11 1987 UMI

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above and state clearly and concisely what information is being contested, the reason for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Public agencies including employing agency, beneficiaries, educational institutions, physicians, hospitals, official state and Federal documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/OLA-001

SYSTEM NAME:

Congressional Committee Chairman Correspondence file.

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and past Chairmen of Congressional Committees who correspond with the Department on legislative and other related matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains letters and attachments transmitted by Congressional Committee Chairmen together with copies of the Departmental responses to these letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Use of the information is entirely within the Department on a need to know basis.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS *Administration (NARA) and the General Services Administration (GSA):*

A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

RELEASE OF INFORMATION OF THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the system is stored in file cabinets.

RETRIEVABILITY:

Information is retrieved by using the name of the particular Congressional Committee Chairman who initiated the correspondence in a particular matter.

SAFEGUARDS:

Information contained in the system is unclassified. Routine protection is provided.

RETENTION AND DISPOSAL:

Information maintained in this system contains correspondance generated during the *current and two preceding* Congresses.

SYSTEM MANAGER(S) AND ADDRESS:

Legislative Assistance, Office of Legislative Affairs, U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the: Assistant Attorney General, Office of Legislative Affairs; U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the nature of the letter or document as well as the general subject matter of the document. The requestor will also provide a certification of identity and a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The source of the information contained in this system comes directly from the individual initiating the correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/OLA-002

SYSTEM NAME:

Congressional Correspondence File.

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and past members of Congress who correspond with the Department on legislative and other related matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains letters and attachments transmitted by the individual members of Congress together with copies of the Departmental responses to these letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Use of the information is entirely within the Department on a need to know basis.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records *Administration (NARA) and the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the system is stored in file cabinets.

RETRIEVABILITY:

Information is retrieved by using the name of the individual member of Congress who initiated the correspondence in a particular matter.

SAFEGUARDS:

Information contained in the system is unclassified. Routine protection is provided.

RETENTION AND DISPOSAL:

Information maintained in this system contains correspondence generated during the *past and present Congress.*

SYSTEM MANAGER(S) AND ADDRESS:

Legislative Assistant, Office of Legislative Affairs, U.S. Department of Justice; 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquires to the Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice; 10th and Constitution Avenue, NW., Washington, D.C. 20530.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and letter clearly marked 'Privacy Access Request'. Include in the request the nature of the letter or document as well as the general subject matter of the document. The requestor will also provide a certification of identity and a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The source of the information contained in this system comes directly from the individual initiating the correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/OLA-003

SYSTEM NAME:

Citizen Correspondence File.

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons corresponding with the Department on legislative and other related matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains letters and attachments transmitted by individuals together with copies of the Departmental responses to these letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintenance in accordance with 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Use of the information is entirely within the Department on a need to know basis:

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records *Administration NARA) and the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the system is stored in file cabinets.

RETRIEVABILITY:

Information is retrieved by using the name of the individual who initiated the correspondence in a particular matter.

SAFEGUARDS:

Information contained in the system is unclassified. Routine protection is provided.

RETENTION AND DISPOSAL:

Information maintained in this system contains correspondence from individuals during *the past and present Congress.*

SYSTEM MANAGER(S) AND ADDRESS:

Legislative *Assistant,* Office of Legislative Affairs, U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the: Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the nature of the letter or document as well as the general subject matter of the document. The requestor will also provide a certification of identity and a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

VOL 52 ISS 238 DEC 11 1987 UMI

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The source of the information contained in this system comes directly from the individual initiating the correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/OPR-001

SYSTEM NAME:

Office of Professional Responsibility Record Index.

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Department of Justice employees who are the subjects of complaints directed to, or *inquiries or* investigations conducted by, the Office of Professional Responsibility; (2) individuals (complainants) who write to the Office of Professional Responsibility; (3) individuals (complainants) who write to the Attorney General or other officials of the Department and whose *correspondence is* referred to the Office of Professional Responsibility; (4) employees of agencies of the Federal Government, other than the Department of Justice, about whom information indicating possible criminal or administrative misconduct has been developed during the course of routine investigation by components of the Department of Justice, when such information is furnished to the Office of Professional Responsibility for referral—if warranted—to an appropriate investigative component of the Department of Justice, or to another government agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of complaints filed against Departmental employees, the results of investigations into those complaints, and actions taken after completion of the investigations. This system also includes all records developed pursuant to special assignments given to the Office of Professional Responsibility by the Attorney General *or the Deputy Attorney General* as well as records containing information indicating possible misconduct by employees of the Federal Government, other than the Department of Justice, which have been furnished to the Office of Professional Responsibility for referral, if warranted, to the appropriate investigative authority.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101 et seq. and 28 CFR 0.39 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) In any case in which there is an indication of a violation or a potential violation of law, whether civil, criminal, or regulatory in nature, and arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violations, a record may be disseminated to a Federal, state, local, or foreign agency, or to an individual or organization. If there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate Federal, state, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of security clearance or the reporting of an investigation of an employee; (6) information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy; (7) release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests information on behalf of and at the request of the individual who is the subject of the record; (8) a record from a system of records may be disclosed as a routine use to the National Archives and Records *Administration the General Services Administration* in records management inspections conducted under 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored manually in file jackets *and electronically in office automation equipment.*

RETRIEVABILITY:

Information is retrieved in some instances by the name of the complainant and in some instances by the name of the employee who is the subject of the complaint.

SAFEGUARDS:

The information is stored in safes, locked filing cabinets *and office automation equipment* in a limited access area and is maintained according to applicable departmental security regulations.

RETENTION AND DISPOSAL:

Records in this system are retained and disposed of in accordance with the General Records Schedule, Federal Property Management Regulations 101–11.4.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel on Professional Responsibility, Department of Justice, 10th and Constitution Avenue NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Address any inquiries to the system manager listed above.

RECORD ACCESS PROCEDURE:

The major part of this system is exempted from this requirement under (5 U.S.C. 552a(j)(2), (k)(1), (k)(2) or (k)(5). To the extent that this system of seconds is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to record contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in this request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assstance in locating the record. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to their information sought.

RECORD SOURCE CATEGORIES:

Department officers and employees, and other Federal, state, local and foreign law enforcement and non-law enforcement agencies, private persons, witnesses, and informants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Atttorney General has exempted this system from subsections (c) (3) and (4), (d), (e), (1), (2) and (3), (e)(4)(G) and (H), (e) (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2), (k)(1), (k)(2) and (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/PRC-001

SYSTEM NAME:

Docket, Scheduling and Control.

SYSTEM LOCATION:

Records are maintained at each of the Regional Offices for inmates incarcerated in and persons under supervision in each region, except for the National Appeals Board docket maintained in Washington. Duplicates of regional materials are maintained in Washington. All requests for records should be made to the appropriate regional office or Headquarters at the following addresses: United States Parole Commission, *2nd and Chestnut Sts. Customs House—7th Floor Philadelphia, PA 19106,* United States Parole Commission, *1718 Peachtree St., NW. Suite 250, Atlanta, GA 30309,* United States Parole Commission, 5550 Friendship Blvd., *Chevy Chase Md. 20815,* ATTN: National Appeals Board, United States Parole Commission, *Air World Center Suite 220, 10920 Ambassador Dr.,* Kansas City, Mo. 64153. United States Parole Commission, *525 Griffin St., Suite* 820 Dallas, Tex. *75202.* United States Parole Commission, *1301 Shoreway Road Fourth Floor, Belmont CA 94002*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former inmates under the custody of the Attorney General who are to be scheduled for hearings under Commission procedures. Former inmates includes those presently under supervision as parolees or mandatory *releasees* and those against *whom* a revocation *warrant* has been issued.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Docket sheets—Each region and the National Appeals Board in Washington maintains a cumulative series of docket sheets in time sequence showing Commission action. Principal data elements are name and register number of inmate, offense, sentence, and previous and present Action. The appeal docket includes the data and type of appeal in addition to much of the above data. These provide a continual running record of the basic data elements per inmate and former inmate. Docket sheets are used to input this information into a computer program which produces printouts of identical information and certain statistical reports. (b) Hearing schedules—*Shortly after inmates are incarcerated,* their names appear on an eligibility list prepared by the Bureau of Prisons, for initial parole hearings. *Following the hearing, the Commission may order that the inmate be denied parole, granted a presumptive parole date, granted an effective (within six months) parole date or continued to a 15 year reconsideration hearing.* Other types of hearings and reviews are provided for in the Code of Federal Regulations as part of parole, rescission or revocation procedures. All of the different types of hearings and reviews are placed on schedules for examiners to process when they visit the various institutions or hold "local" hearings. The data elements are similar to those on the docket but indicate the number and type of hearing or review to be held instead of the result.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 4201–4218, 5005–5041, 28 CFR Part 0, Subpart V, and 28 CFR Part 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) The dockets provide the basis of answering basic inquiries, mostly from within the Parole Commission, as to when a hearing came up for an individual and what action was taken. The schedules indicate to examiners and prison staff the specific hearings and reviews to be prepared for and held.

(b) In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(c) A record from this system of records may be disclosed to a Federal, State or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to an agency decision concerning parole matters.

(d) A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(e) Internal users—Employees of the Department of Justice who have a need to know the information in the performance of their duties.

(f) External users—As noted above, on occasion employees of Federal, State and local enforcement, correctional, prosecutive, or other agencies, and courts may have access to this information.

VOL 52 ISS 238 DEC 11 1987 UMI

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS *Administration (NARA) and to the General Services Administration (GSA):*

A record may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information stored in the system is on sheets of paper, one item per line, stored in folders or binders. An experimental program to store such data on tape disk, or microfiche using ADP technology, and to prepare certain computer printouts is in effect in all regions. Data also may be stored on paper printouts through file retention.

RETRIEVABILITY:

Name, register number, date, institution Commission action, and statistical data as to such actions.

SAFEGUARDS:

Copies of dockets, printouts and schedules are not disseminated outside of Commission offices and Bureau of Prisons installations. They are available only to Commission and bureau employees on a "need to know" basis. Information therefrom may be given outside the Department as indicated in the "Routine Uses." If so, a letter will be written covering the item disclosed, date and identity of the recipient. If information must be given over the phone due to urgency, the caller will be identified beforehand and details of the call recorded.

RETENTION AND DISPOSAL:

Records in this system are kept for five (5) years after the effective date of the schedule or date of the last item recorded on the docket. They are then shredded and electronically stored records are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Research and Program Development, United States Parole Commission, 5550 Friendship Blvd., Chevy Chase, Md. 20815.

NOTIFICATION PROCEDURE:

Address inquiries to Regional Commissioner at appropriate location. For general inquiries, address system manager. The Attorney General has exempted this system from compliance with the provisions of subsection (d), under the provisions of subsection (j).

RECORD SOURCE CATEGORIES:

(1) Bureau of Prisons files; (2) Parole Commission and Bureau of Prison's employees; (3) Court Records; (4) Parole Commission inmate files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/PRC–002

SYSTEM NAME:

Freedom of Information Act Record System.

SYSTEM LOCATION:

Records may be retained at any of the Regional Offices as indicated in the Inmate and Supervision Files System and the Headquarter's Office. All requests for records may be made to the Central Office, United States Parole Commission, 5550 Friendship Blvd., *Chevy Chase, Md. 20815,* ATTN: *FOIA OFFICER* or to the appropriate Regional Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former inmates under the custody of the Attorney General, including former inmates on supervision.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Administrative requests and responses to requests for information and records under 5 U.S.C. 552, and 552a and appeals from denials of data; (2) Final orders of Commission following all parole, rescission, and revocation hearings, record reviews, and appeals are maintained in the Freedom of Information Act reading room at Commission headquarters with names removed to protect individual privacy of inmates and persons on supervision. Final decisions in labor and pension cases are maintained in said reading room.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552 and 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system is used: (a) to maintain records concerning the processing and determination or requests for information made pursuant to the Freedom of Information Act, 5 U.S.C. 552 and Privacy Act, 5 U.S.C. 552a; and make final orders available in a reading room pursuant to 5 U.S.C. 552; (b) to provide documentation of receipt and processing requests for information made pursuant to the Freedom of Information and Privacy Acts if needed for processing contested denials of release of data (c) to furnish information to employees of the Department of Justice who have a need for information from the system in performance of their duties; (d) to maintain a count of requests and method of compliance as required by Freedom of Information and Privacy Acts.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information not otherwise required to be released pursuant to 5 U.S.C. 552 and 552a may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS *Administration (NARA) and to the General Services Administration (GSA):*

A record may be disclosed as a routine use to the *NARA and GSA* in records management inspections

conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the system is stored on documents *and microfilm.*

RETRIEVABILITY:

Documents are indexed by name and/or register number. Final orders in the reading room are indexed by *region and date.*

SAFEGUARDS:

Information is stored in file cabinets in rooms supervised by day and locked at night and are made available to Commission personnel and other Department of Justice employees on a "need to know" basis. Each requestor may see his own file. The public may use the reading room.

RETENTION AND DISPOSAL:

Records in this system are in *in accordance with General Records Schedule No. 14,* then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

FOIA Officer, United States Parole Commission, 5550 Friendship Blvd., Chevy Chase Md. 20815.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURE:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

(1) Inmates and persons on supervision; (2) Department of Justice employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/PRC–003

SYSTEM NAME:

Inmate and Supervision Files.

SYSTEM LOCATION:

Records are maintained at each of the U.S. Parole Commission's (USPC) Regional Offices for inmates incarcerated in and persons under supervision in each region. Records are housed temporarily at the Commission's Headquarters Office located at 5550 Friendship Blvd., Chevy Chase, Md. 20815 when used by the National Appeals Board or other Headquarters personnel. A duplicate record of certain data elements from files is maintained on microfiche for Headquarters use. Prior to the first parole hearing, the inmate's file is maintained at the *institution* at which he is incarcerated. Certain records on parolees and mandatory releasees are maintained at probation offices. All requests for records should be made to the appropriate regional office at the following addresses: U.S. Parole Commission, Customs House Seventh Floor, Second and Chestnut Streets, Philadelphia, Pa. 19106. U.S. Parole Commission, 1718 Peachtree St. NW. Suite 250, Atlanta, GA 30309. U.S. Parole Commission, Air World Center, Suite 220, 10920 Ambassador Drive, Kansas City, Mo. 64153. U.S. Parole Commission *525 Griffin St.,* Suite 820, Dallas, Tex. 75202, U.S. Parole Commission, *1301 Shoreway Road, 4th Floor, Belmont, CA 94002.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former inmates under the custody of the Attorney General. Former inmates include those presently under supervision as parolees or mandatory releasees.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Compilation of sentence and supportive documentation.
2. Correspondence concerning pending charges, and wanted status, including warrants.
3. Requests from other Federal and non-Federal law enforcement agencies for notification prior to release.
4. Records of the allowance forfeiture, withholding and restoration of good time.
5. Information concerning present offense, prior criminal background sentence, and parole from the U.S. Attorneys, the Federal Courts, and Federal prosecuting agencies.
6. Identification data.
7. Order of designation of institution or original commitment.
8. Records and reports of work and housing assignments.
9. Program selection assignments and performance adjustments/progress reports.
10. Conduct records.
11. Social background.
12. Educational data.
13. Physical and mental health data.
14. Parole Commission applications, appeal documentation, orders, actions, examiner's summaries, transcripts or tapes of hearings, guideline evaluation documents, parole or mandatory release certificates, statements or third parties for or against parole, special reports on youthful offenders and adults required by statute and related documents.
15. Correspondence regarding release planning, adjustment and violations.
16. Transfer orders.
17. Mail and visit records.
18. Personal property records.
19. Safety reports and rules.
20. Release processing forms and certificates.
21. Interviews request forms from inmates.
22. General correspondence.
23. Copies of inmate court petitions and other court documents.
24. Report of probation officers, Commission correspondence with former inmates and others, and Commission order and memoranda dealing with supervision and conditions of parole or mandatory release.
25. If an alleged parole violation exists, correspondence requesting a revocation warrant, warrant application, warrant, instructions as to service, detainers and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 4201–4218, 5005–5041, 28 CFR Part O, Subpart V, and 28 CFR Part 2.

PURPOSE (S):

The system constitutes the agency's records upon which it bases all its decisions with respect to every stage of parole consideration from initial hearing to termination of parole supervision. For example, it is used by USPC hearing examiners to perform a *prehearing* review and to conduct the inmate's initial parole hearing. After that hearing, it is maintained in the appropriate regional office where it provides the principal information source for all decisions leading to parole or denial of parole, and all decisions following release to supervision. It is used at USPC headquarters when appeals come before the National Appeals Board or when needed by legal counsel and others on the headquarters staff. It is used by employees at all levels, including USPC members, to provide information for decisionmaking in every area of USPC responsibility. Files of released inmates are used to make statistical studies of subjects related to parole and revocation. Finally, the file is maintained to provide the rationale of USPC actions when an agency determination is questioned by members of the public or challenged in judicial proceedings.

VOL 52 ISS 238 DEC 11 1987 UMI

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

(a) The system may be used as a source for disclosure of information which is solely a matter of public record and which is traditionally released by the agency to further public understanding of its criminal justice system, including but not limited to offense, sentence data, and prospective *release date.*

(b) The system may be used to provide an informational source for responding to inquiries from Federal inmates, their families, representatives, and Congressional offices.

(c) Record from the system of records may be routinely disclosed to U.S. Probation Officers for the performance of their offical duties.

(d) In the event that the USPC is informed of a violation or suspected violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be disclosed to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order, issued pursuant thereto.

(e) Records from this system may be disclosed to a Federal, State or local agency or court if that agency or court requests information for an official purpose to which the documents appear to be relevant.

(f) A record from this system may be disclosed to a person or to persons who may be exposed to harm through contact contact with a particular parolee or mandatory releasee (or to persons in a position to prevent or minimize such harm), if it is deemed to be necessary to give notice that such danger exists.

(g) Lists of names of parolees and mandatory releasees entering a jurisdiction and related information may be disclosed to law enforcement agencies upon request as may be required for the protection of the public for the enforcement of parole conditions.

(h) Disclosure of USPC notices of action may be made (1) by the Office of Public Affairs of the U.S. Department of Justice to the public generally, and (2) by USPC to specific crime victims and witnesses (as those terms are used in the Victim and Witness Protection Act of 1982), from the files of prisoners whose applications for parole have been decided by USPC. The purpose of such disclosure is to further understanding of the criminal justice system by the public and by crime victims and witnesses.

(i) Incidental disclosure of file material may be made during the course of a parole or parole revocation hearing to victims and witnesses of crime and other legitimately interested persons authorized by USPC to attend such hearing, so as to further their understanding of the case to permit their intelligent comment with respect to USPC's decision.

(j) Records which are arguably relevant to litigation in which the Parole Commission has an interest, or to the litigation defense of its present or former employees (if the Department of Justice has agreed to provide representation) may be disclosed from a current or former inmates's or parolee's file by disseminating in proceedings before a court or tribunal at any time deemed appropriate by the Government's attorney.

(k) A record from this system of records may be disclosed to a current *or* former criminal justice official who is a defendant in a lawsuit brought by, or which involves, an individual who is the subject of a file maintained in this system of records, provided that such litigation arises from allegations of misconduct on the part of the defendant while a criminal justice official, and that the records are arguably relevant to the matter in litigation. Such records may be disclosed to the defendant to facilitate the preparation of his or her defense.

(l) Records from this system may be disclosed to any person performing any service for the USPC pursuant to authority exercised by the Chairman under 18 U.S.C. 4204(b) (1) through (8), and for the purposes contemplated by that statute.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBER OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, nor otherwise required to be released pursuant to 5 U.S.C. 532, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (*NARA*) *and to the General Services Administration (GSA)*:

A record may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Manual requests records are stored in locked safes. Automated requests records are stored on disks.

RETRIEVABILITY:

Requests reports are filed and retrieved under the names of those persons and individuals identified under the caption "Categories of individuals covered by the system." These records are retrieved by Department personnel to perform their duties, e.g., when subsequent requests are made by the public for copies of their previous requests and responses thereto, or when the requester submits a supplemental request to information clarifying a previous request.

SAFEGUARDS:

Access to requests records is limited to Department of Justice personnel who have need for the records to perform their duties. Request files (manual records) are stored in locked safes. All records are stored in an office which is occupied during the day and locked at night.

RETENTION AND DISPOSAL:

Records are *held at the regional office until termination of sentence then transferred to the Washington National Records Center. Records are destroyed ten years after the case becomes inactive.*

SYSTEM MANAGER(S) AND ADDRESS:

FOIA Officer, United States Parole Commission, 5550 Friendship Blvd., Chevy Chase, Md. 20815.

NOTIFICATION PROCEDURE:

Address inquiries to Regional Commissioner at appropriate location. For general inquiries, address system Manager. The Attorney General has exempted this system from compliance with the provisions of Subsection (d) under the provisions of Subsection (j).

RECORD SOURCE CATEGORIES:

1. Individual inmate; 2. Federal law enforcement agencies and personnel; 3. State and Federal probation services; 4. Non-Federal law enforcement agencies; 5. Educational institutions; 6. Hospital or medical sources; 7. Relatives, friends and other interested individuals or groups in the community; 8. Former or future employers; 9. Evaluations, observations, reports and findings of institution supervisors, counselors, boards and committees, Parole Commission examiners, Parole Commission Members; 10. Federal court records; 11. U.S. Bureau of Prisons personnel and records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d)(e) (2) and (3), (e)(4) (G) and (H), (e)(8) (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register**.

JUSTICE/PRC-004

SYSTEM NAME:

Labor and Pension Case, Legal File and General Correspondence System.

SYSTEM LOCATION:

All Labor and Pension cases, most legal files and some general correspondence material is located at: Commission Headquarters, 5550 Friendship Blvd., Chevy Chase, Md. 20815. The balance of the general correspondence material is located at the Commission's Regional Offices, the addresses of which are specified in the Inmate and Supervisions System. Some legal files are maintained at the Northeast Regional Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants for exemptions under 29 U.S.C. 504 and 29 U.S.C. 1111, all persons litigating with the U.S. Parole Commission, all persons corresponding with the Commission on subjects not amenable to being filed in an inmate or supervision file identified by an individual, and all Congressmen inquiring about constituents.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Commission processes applications of persons convicted of certain crimes for exemptions to allow their employment in the Labor field under 29 U.S.C. 504 of by Employee Benefit Plan under 29 U.S.C. 1111. The files contain memoranda, correspondence, and legal documents with information of a personal nature, i.e., family history, employment history, income and wealth, etc., and of a criminal history nature, i.e., record of arrests and convictions, and details as to the crime which barred employment. The final decision of the Commission in each case is a public document under the Freedom of Information Act. The Counsel's Office of the Parole Commission maintains work files for each inmate or person on supervision who is litigating with the Commission. These files contain *personal and* criminal history type data regarding inmates, and internal communications among attorneys, Commissioners and others developing the Commission's legal position in these cases. Files of the Commission's correspondence with Congressmen who inquire about groups of constituents who have paroles or revocations pending or other subjects are maintained in the Chairman's Office and in the regions. Files of correspondence, notes, and memoranda concerning parole revocation rescission and related problems are also maintained in those locations. Some of this material duplicates material in the inmate files and contains personnel-criminal history type information about individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These files are maintained pursuant to 18 U.S.C. 4201–4218, 5005–5041, 28 CFR Part O, Subpart V, 28 CFR Parts 2 and 4, 29 U.S.C. 504, 1111, and all statutory sections and procedural rules allowing inmates, persons under supervision, or others to litigate with the Parole Commission.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Within the Parole Commission material in this system is used respectively by Counsel's Office staff and Commission Members in processing exemption applications. The legal file material is used by Counsel's Office staff in asserting the litigative position of the Commission. The general correspondence is used by the Commission personnel in responding to Congressmen, and by Commission Members and others in transacting the day-to-day business of the Commission. Final pension and labor case decisions are used by the Commission, the Justice, and Labor Departments, and the public to establish precedents in this field of litigation.

In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. A record from this system of records may be disclosed to a Federal, State or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to an agency decision relating to pension or labor matters. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS *Administration (NARA) and to the General Services Administration (GSA)*:

A record may be disclosed as a routine use to the *NARA & GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

VOL 52 ISS 238 DEC 11 1987 UMI

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All data is on documents or other papers on bound files. Labor and pension case material is in Counsel's Office or the Chairman's Office at Headquarters, except for final decisions which are in the Freedom of Information Act reading room. Legal files are in Counsel's Office at Headquarters, or in the Northeast Regional Attorney's office, general correspondence is in the Chairman's Office, the office of his staff at Headquarters, and the offices of each regional Commissioner. Files are in file cabinets.

RETRIEVABILITY:

Labor, pension, and legal file material is indexed or filed by name of applicant or litigant, respectively. General correspondence is indexed or filed by subject, time sequence or individuals to whom the items refer.

SAFEGUARDS:

Material is available only to Commission employees on a "need to know" basis. Storage locations are supervised by day and locked at night. Only disclosure made therefrom is to other agencies of the Department of Justice, the U.S. Probation Office, Federal enforcement agencies or the Congress. Disclosure to Congressmen in response to inquiries concerning constituents is subject to the exemptions of the Freedom of Information Act. The Commission Decisions in labor and pension cases are public information under the Freedom of Information Act.

RETENTION AND DISPOSAL:

Records are maintained for 10 years *after the final decision of the court,* and are shredded or destroyed electronically thereafter.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, United States Parole Commission, 5550 Friendship Blvd., Chevy Chase, MD 20815.

RECORD SOURCE CATEGORIES:

a. Applicants for exemptions under 29 U.S.C. 504 and 29 U.S.C. 1111; b. U.S. Department of Labor; c. Administrative Law Judges and others connected with labor or pension cases; d. Litigants proceeding against Parole Commission; e. The Commission's legal staff and other Commission personnel; f. Congressmen and others making inquiries of Commission; g. Commission Members and employees responding to inquiries, corresponding with others, preparing speeches, policy statements and other means of contact with other branches of the Federal Government, State, and local governments, and the public.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4) (G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/PRC-005

SYSTEM NAME:

Office Operation and Personnel System.

SYSTEM LOCATION:

At each regional office as indicated in the "Inmate and Supervision File System Report" and at the U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Md. 20815.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former Commission Members and employees of the U.S. Parole Commisison.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records, leave records, property schedules, budgets and actual expense figures, obligation schedules, expense and travel vouchers, and the balance of the usual paperwork to run a Government office efficiently.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

All statutory sections, CFR setions, and OPM, MSPB, GSA, and OMB directives establishing procedures for government personnel, financial, and operational functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Day-to-day activity involving personnel, financial, procurement, maintenance, recordkeeping, mail delivery, and management functions.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS *Administration (NARA) and to the General Services Administration (GSA):*

A record may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are in paper files or on computer printouts. They are stored in operations areas of offices.

RETRIEVABILITY:

Data of a personal nature is in employee personnel files, used by Commission personnel files, used by Commission personnel on a "need to know" basis. Each employee has a right to see his own file on request. Other files are used by Commission personnel on a "need to know" basis.

SAFEGUARDS:

Files are supervised by appropriate personnel during the working day and are in locked rooms at night.

RETENTION AND DISPOSAL:

Cutoff files at the end of the calendar year, held at the agency for one year then transfer to the Washington National Records Center. Destroy seven years after cutoff.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administration and Personnel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, MD 20815.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

The U.S. Parole Commission, the Justice Management Division and all other contributing government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVIEIONS OF THE ACT:

None.

JUSTICE/PRC-006

SYSTEM NAME:

Statistical, Education and Developmental System.

SYSTEM LOCATION:

Parole Commission Headquarters, 5550 Friendship Blvd., Chevy Chase, Md. 20815.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any inmate or former inmate under custody of the Attorney General including former inmates supervised as parolees or mandatory releases.

CATEGORIES FOR RECORDS IN THE SYSTEM:

All records as described in the Workload Record, Decision Result, and Annual Report System Plus data on additional input forms and certain follow-up forms and the Salient Factor Worksheet Form. These forms include criminal history-type data elements regarding specific individuals selected from the above category of individuals. This data is either organized and processed by hand or is input into a computer and has been used to provide the following one-time reports in pamphlet-text form: (a) Administrative Review of Parole Selection and Revocation decisions; (b) Parole Decisionmaking, a Salient Factor Score; (c) Effect of Representation at Parole Hearings: (d) Parole Decisionmaking—Structuring *Discretion* (e) Time Served and Release Performance—A Federal Sample and certain additional reports, all available in the public reading room. The data base collected as described in this and in JUSTICE/PRC 007 system will be used to prepare studies on similar or related subjects in the future. It has been used to develop revocation guidelines similar to parole guidelines, rescission guidelines and other operational improvements. Items collected for this data base may change depending on the subject matter of new studies to be undertaken by the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 4201–4218, 5005–5041, 28 CFR Part O, Subpart V, 28 CFR Part 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Internal—Develop methodology for a more scientific determination of parolability and revocability, methodology to comply with changing concepts of due process, and methodolgy to select persons to be released from prison who will be less likely to recidivate.

b. External—Add to the general body of knowledge in the parole area of criminology, and provide educational material for other parole boards, and members of the criminal justice and academic communities interested in this subject. Published pamphlets in text form are prepared on subjects of interest in this area of criminology and are circulated freely. They contain no references to individuals, either by name, address, register number or other means of identification. They do not contain recognizable fact situations, descriptions, or other writings through which identification of any individual within the present or former jurisdiction of the Parole Commission can be made.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 502 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the U.S. Parole Commission not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS *Administration (NARA) and to the General Services Administration (GSA):*

A record may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is in input forms on printouts or other computer produced storage media. It is stored as described in the JUSTICE/PRC–007 system description. Pamphlet text reports are public documents stored in offices, libraries, and in bookshelves, and in the public reading room.

RETRIEVABILITY:

Information by name, register number or FBI identification number may be retrieved from the input forms, card decks, or storage media. This material is used only by authorized Parole Commission personnel on a "need to know" basis and is data processed only by authorized Bureau of Prisons or Justice Department personnel. Material is not retrieved in identifiable form except that computer produced "hard copy" may be used to prepare a report or internal work papers. The final pamphlet text reports and material resulting from studies are used by Commission personnel for internal purposes and the public externally. None of this material contains any references to an individual. Documents which contains information concerning one individual are made available to that individual if requested under the Privacy Act.

SAFEGUARDS:

See "Safeguards" section of JUSTICE/PRC–007 regarding input forms, printouts, discs, or tape. Reports in pamphlet form are not safeguarded.

RETENTION AND DISPOSAL:

See "Retention and Disposal" of preceding system. The studies in phamphlet form are not disposed of on schedule. Some will be maintained perpetually in archives.

SYSTEM MANAGER(S) AND ADDRESS:

Research Director, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Md. 20815.

RECORD SOURCE CATEGORIES:

a. Commission inmate files; b. Docket Sheets; c. Commission Notices of Action, orders and documentation following hearings; d. Commission warrant applications and warrants; e. General Commission records and data; f. Enforcement agency records regarding former inmates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and

VOL 52 ISS 238 DEC 11 1987 UMI

(4), (d), (e) (2) and (3), (e)(4) (G) and (H), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the Federal Register.

JUSTICE-PRC-007

SYSTEM NAME:

Workload Record, Decision Result, and Annual Report System.

SYSTEM LOCATION:

U.S. Parole Commission Headquarters, 5550 Friendship Blvd., Chevy Chase, Md. 20815.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any inmate and parolee or mandatory releasee who has been the subject of a decision for the period covered in the report for which the data is used (prior month, prior quarter, prior year or other period).

CATEGORIES OF RECORDS IN THE SYSTEM:

Certain original input forms indicate the inmate or person under supervision by name and register number and give the date and specific statistical detail as to the decision made. They include criminal history type of information regarding the persons in questions. The principle types of decisions covered are after initial or review hearings, after record review, after Regional Appeal, after National Appeal, and after a decision reopening and modifying. The data is input into a computer and is used to provide the following: (a) A monthly report of workload containing number and type of hearings per region further broken out by institutions within regions and type of sentence; (b) Bimonthly report on decision results indicating, among other statistics, number and type of decisions within above, and below guidelines broken out by examiners making the decisions; (c) Other or substitute reports as needed; and (d) Together with land posted data on other items of statistical value, this data is being used to create the Annual Report of the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 4201–4216, 5005–5041, 28 CFR Part O, Subpart V, 28 CFR Part 2

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) These records are used internally to analyze work product, the performance of evaluators, and various types of procedures and hearings and to evaluate the guidelines and other Commission procedures.

(b) These records are used to prepare an annual report to the Attorney General, and Congress and the public indicating in quantitative and qualitative terms Commission activity and accomplishment.

(c) In the event that material in this system indicates a violation or potential violation of law, whether a civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, State, local, or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule; regulation or order issued pursuant thereto.

(d) A record from this system of records may be disclosed to a Federal State, or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to Parole Commission matters.

(e) A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that information is relevant and necessary to the requesting agency's decision on the matter.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information pemitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the U.S. Parole commission not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS *Administration (NARA) and to the General Services Administration (GSA):*

A record may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE:

Paper input forms are stored in folders only until information from them is entered into machine readable media. Monthly and other reports in the form of computer printouts are filed in folders. Annual report is in book form and stored in library shelves.

RETRIEVABILITY:

Data in this system can be retrieved by inmate's name and register number from the original input forms, and computer-produced storage media. It is usually only retrieved by region, by examiner, by type of decision made or hearing held, by relation to the guidelines and other similar means except for individual case retrievability when infrequently required.

SAFEGUARDS:

Data on forms, tape or other computer produced storage media retrievable by individual is stored in the Commission's Office in cabinets. Commission employees supervise this data by day and use it on a "need to know" basis. The rooms where it is stored are locked outside of office hours and the entire Headquarters building is locked at certain times with card key access. Monthly and other reports are for use of the Chairman, *the Director, Administration and Personnel Management* and Commission Members and professional personnel. No information thereon is retrievable as pertaining to any individual except certain breakouts by Parole Commission employee examiners and by inmate in the guideline section of reports. These printouts are stored in the Commission Headquarters offices, all of which are supervised by day, and locked at night. The Annual Report contains no information identifiable by individual and is a public document.

RETENTION AND DISPOSAL:

The master file and documentation are to be retained permanently. All other related records, including reports & software, are to be destroyed when no longer needed for administrative use.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Research and Program Development, 5550 Friendship Blvd., Chevy Chase, Md. 20815.

RECORD SOURCE CATEGORIES:

(a) Commission inmates files; (b) Docket sheets; (c) Commission notices of action, orders, and documentation following hearings; (d) Commission warrant applications and warrants; (e) General Commission records and data.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4) (G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/USM-001

SYSTEM NAME:

U.S. Marshals Service Badge & Credentials File.

SYSTEM LOCATION:

U.S. Marshals Service; One Tyson Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Marshals Service (USMS) Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel data system established to control issuance of badges and credentials to USMS personnel which contains photographs of all employees and hand receipts showing the employee's name, title, duty location, badge and credential numbers, and date of issuance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This file serves as a record of issuance *of credentials. Information from this file* is requested by various law enforcement agencies, e.g., FBI, Secret Service, states, county and Municipal police.

Records or information may be disclosed as a routine use in a proceeding before a court or adjudicative body before which the USMS is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the USMS to be arguably relevant to the litigation: The USMS or any of its subdivisions; any USMS employee in his or her official capacity, or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that the litigation is likely to affect it or any of its subdivisions.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwaranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upn the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration *(NARA) and the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are kept in standard file folders.

RETRIEVABILITY:

Indexed by name of individual and numerical order of badges and credentials.

SAFEGUARDS:

Access restricted to personnel of the Procurement and Property Management Division. Records are maintained in metal filing cabinets which are locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are kept for duration of employee's tenure in the Service.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Procurement and Property Management Division; United States Marshals Service, U.S. Department of Justice: One Tyson Corner Center, McLean, Virginia 22102.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in writing with the envelope and the letter clearly marked "Privacy Access Request." It should clearly indicate name of requester, the nature of the record sought and approximate dates covered by the record. The requester shall also *Provide the required verification of identity (28 CFR 16.41(d)) and* provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above, *Attention: FOI/PA Officer.*

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Record of Notification of Employment by U.S. Marshals Service Personnel Division.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USM-002

SYSTEM NAME:

Internal Inspections System.

SYSTEM LOCATION:

United States Marshals Service: Department of Justice: One Tysons Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Marshals Service (USMS) employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Internal Inspections System contains reports prepared by the Office of Internal Inspections. United States Marshals Service on findings of alleged misconduct of U.S. Marshals, Service employees.

VOL 52 ISS 238 DEC 11 1987 UMI

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 509, 510 and 569; 5 U.S.C. 301; 44 U.S.C. 3101; and 28 CFR 0.111(n)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information gathered is used by U.S. Marshals Service in disciplinary proceedings against employees. To the extent that investigations reveal actual or potential violations of criminal or civil laws, the information is used by other Federal law enforcement agencies for further investigations.

Records or information may be disclosed as a routine use in a proceeding before a Court or adjudicative body before which the USMS is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the USMS to be arguably relevant to the litigation. The USMS or any of its subdivisions; any USMS employee in his or her official capacity, or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that the litigation is likely to affect it or any of its subdivisions.

Release of Information to the News Media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration *(NARA) and the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Originals stored in standard file folders.

RETRIEVABILITY:

Information is retrieved by name of employee.

SAFEGUARDS:

Records are stored in locked safe.

RETENTION AND DISPOSAL:

Records are retained for 24 months and then referred to Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Internal Inspections U.S. Marshals Service; U.S. Department of Justice, One Tysons Corner Center, McLean, Virginia 22102.

NOTIFICATION PROCEDURE:

Same as the System Manager.

RECORD ACCESS PROCEDURE:

To the extent that this system is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." It should clearly indicate name of the requestor, the nature of the record sought and approximate dates covered by the record. The requestor shall also provide *the required verification of identity (28 CFR 16.41(d)) and provide* a return address for transmitting the information. Access requests will be directed to the System Manager listed above, *Attention: FOI/PA Officer.*

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Information derived from investigation of alleged malfeasance, by U.S. Marshals Service Office of Internal Inspections.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4) (G) and (H), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). To the extent that investigations reveal actual or potential criminal or civil violations, this system is additionally exempt from subsection (e)(8) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/USM-003

SYSTEM NAME:

U.S Marshals Service Prisoner Transportation System.

SYSTEM LOCATION:

U.S. Marshals Service (USMS), Department of Justice: 324 East 11th Street, Kansas City, Missouri 64106.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prisoners taken into U.S. Marshal custody.

CATEGORIES OF RECORDS IN THE SYSTEM:

D.J. 100's Compilation of identifying information for each prisoner taken into U.S. Marshal custody, when and where the prisoner is taken into custody, what he is charged with and where he is moved to. These files provide a ready reference source on the prisoner for purposes of arranging prisoner transportation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 509, 510 and 569: 5 U.S.C. 301: 44 U.S.C. 3101: and 28 CFR 0.111(k).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as working files in the transporting of prisoners, by USMS, Bureau of Prisons and other federal, state and local law enforcement officials.

Records or information may be disclosed as a routine use in a proceeding before a Court or adjudicative body before which the USMS is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the USMS to be arguably relevant to the litigation: The USMS or any of its subdivisions: any USMS employee in his or her official capacity, or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that the litigation is likely to affect it or any of its subdivisions.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in the systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration *(NARA) and the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored in standard file cabinents.

RETRIEVABILITY:

Information is retrieved by name of prisoner and number.

SAFEGUARDS:

Access restricted to Operations Personnel. File cabinets are locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are disposed of after 24 months.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Prisoner Transportation Division. United States Marshals Service U.S. Department of Justice, 324 East 11th Street, Kansas City, Missouri 64106.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURE

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' It should clearly indicate name of requester, the nature of the record sought and approximate dates covered by the record. The requestor shall also *provide the required verification of identity (28 CFR 16.41(d)) and* provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above, *Attention: FOI/PA Officer.*

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Identifying material of each prisoner taken into custody by the U.S. Marshal.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USM-004

SYSTEM NAME:

Special Deputy File.

SYSTEM LOCATION:

United States Marshals Service (USMS), Department of Justice, One Tysons Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Special Deputies, who are selected law enforcement officers or employees of the U.S. Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

Special Deputization file contains oath of office of persons utilized as deputy marshals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 CFR Subpart T. Section 0.112, 28 U.S.C. 562.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Federal agencies for whom the Marshals Service has deputized employees would have access to this system.

Records or information may be disclosed as a routine use in a proceeding before a Court or adjudicated body before which the USMS is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the USMS to be arguably relevant to the litigation: The USMS or any of its subdivisions; any USMS employee in his or her official capacity, or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that the litigation is likely to affect it or any of its subdivisions.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552 may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration *(NARA) and the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to the *NARA and GSA* in records management inspections conducted under the authrority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed in standard file cabinets.

RETRIEVABILITY:

Files are indexed by name and by government department.

SAFEGUARDS:

Records are kept in a locked file.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, U.S. Marshals Service, U.S. Department of Justice, One Tysons Corner Center, McLean, Virginia 22102.

VOL 52 ISS 238 DEC 11 1987 UMI

NOTIFICATION PROCEDURES:

Address inquiries to: System Manager.

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked "Privacy Access Request." The requestor shall also *provide the required verification of identity (28 CFR 16.41(d)) and* provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above, *Attention: FOI/PA Officer.*

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reason for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Federal agencies requesting special deputations provide all necessary information required by the Marshals Service in making the special deputations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USM-007

SYSTEM NAME:

Warrant-Information System.

SYSTEM LOCATION:

Each district office of the U.S. Marshals Service (USMS) maintains their own files. See Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM

Individuals for whom Federal warrants have been issued.

CATEGORIES OF RECORDS IN THE SYSTEM:

The warrant and other court records and internal correspondence related to the warrant; biographical data including physical description, photograph and criminal history; wanted flyers/posters and investigative reports reflecting patterns of activity, leads developed, statements of witnesses and other persons cooperating with USMS fugitive investigations. Investigative reports and criminal record information from other Federal, State, local and foreign law enforcement agencies participating in or cooperating with USMS fugitive investigations and apprehension efforts are also included in this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 USC 509, 510 and 569; 28 CFR 0.111(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records of information may be disclosed to public and private organizations, individuals, and Federal, State, local, and foreign agencies to the extent necessary to obtain information or cooperation in USMS fugitive investigations and apprehension efforts. Records or information may be disclosed upon request to the appropriate Federal, State, local, or foreign law enforcement agency responsible for investigating, prosecuting, enforcing, defending, or implementing a statute, rule, regulation, or order, to the extent that the information is relevant to the recipient's function. Records may be disclosed without a request to an appropriate Federal, State or local law enforcement agency where there is an indication of an actual or potential violation of civil or criminal laws, statutes, rules, or regulations within the jurisdiction of the recipient agency. Records or information may be disclosed in a proceeding before a court or adjudicative body before which the USMS is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the USMS to be arguably relevant to the litigation: The USMS or any of its subdivisions; any USMS employee in his or her official capacity, or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that the litigation is likely to affect it or any of its subdivisions.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION(*NARA and the General Services Administration (GSA):*

A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on Roladex Cards and in standard file folders.

RETRIEVABILITY:

Records are retrieved by individual names.

SAFEGUARDS:

Access is restricted to personnel in each district's U.S. Marsrhals office. Records are maintained in metal file cabinets within supervised areas of the U.S. Marshal's Offices. District Offices are locked during working and non-duty hours and entry is restricted to employees with official identification.

RETENTION AND DISPOSAL:

Records are kept in operating file until warrant is executed and then transferred to closed files, where they are indefinitely kept.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Enforcement Operations Division; U.S. Marshals Service; U.S. Department of Justice; One Tysons Corner Center, McLean, Virginia 22102.

RECORD SOURCE CATEGORIES:

Information is obtained from the courts. Federal, State, local and foreign law enforcement agencies, public and private organizations, witnesses, informants and other persons interviewed during the course of the fugitive investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j). (2) Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/USMS-008

SYSTEM NAME:

Witness Security Files Information System.

SYSTEM LOCATION:

United States Marshals Service (USMS), Department of Justice, One Tysons Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Government witnesses who are participants in the Federal Witness Security Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Request to enter program; (2) background information (education, experience, medical history, names, relatives, etc.); (3) funding information; (4) moving information; (5) documentation of all the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for the Witness Security Program is 28 U.S.C. 509, 510 and 568; 5 U.S.C. 301; 44 U.S.C. 3101; 28 CFR 0.111(c); 28 U.S.C. 524; 18 U.S.C. *3521.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Background for planning working files; (2) Used to accomplish major funcitions of witness security e.g. protection of government witnesses and their families; and (3) records or information may be disclosed as a routine use in a proceeding before a Court or adjudicative body before which the USMS is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the USMS to be arguably relevant to the litigation: The USMS or any of its subdivisions; any USMS employee in his or her official capacity, or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that the litigation is likely to affect it or any of its subdivisions.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would consititute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration *(NARA) and the General Services Administration (GSA):* A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are kept in file folders.

RETRIEVABILITY:

Filed according to ID special number.

SAFEGUARDS:

Locked files limited access—(Witness Security Personnel).

RETENTION AND DISPOSAL:

All records at this time are being idenfinitely maintained.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Witness Security Division; U.S. Marshals Service, U.S. Department of Justice, One Tysons Corner Center, McLean, Virginia 2102.

RECORD SOURCE CATEGORIES:

All identifying background criteria of individual; (1) education; (2) job history; (3) medical history; (4) history of residence; (5) relatives, etc.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (e)(8), (f)(2) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules Have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/USM-009

SYSTEM NAME:

U.S. Marshals Service Threat Analysis Information System.

SYSTEM LOCATION:

Threat Analysis, *Division,* U.S. Marshals Service (USMS), One Tysons Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have directly threatened or pose a violent threat to Government witnesses, U.S. Attorneys and their assistants, Federal jurists and other court officials, U.S. Marshals, deputies and other law enforcement officers; to courtroom security; and to Federal property and buildings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual and automated indices contain abbreviated data, e.g., case number, name, social security number, known aliases, address, telephone number, descriptive physical data, an indication of the means by which the threat was issued, and the date of the threat. In addition to the abbreviated data named above, the complete file may contain criminal record information—in particular, known history of violence and skills related to the nature of the threat, associations with dangerous/outlaw gangs or violent extremist groups; and threat-related, investigative information furnished by other Federal, State and local law enforcement agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 509, 510, and 569; 5 U.S.C. 301; 44 U.S.C. 3101; and 28 CFR 0.111(c) through (f).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USMS officials responsible for conducting threat analysis and for planning and carrying out security operations access this information. Records or information may be disclosed to other appropriate Federal, State and local law enforcement agencies in connection with actual or potential violation of criminal or civil laws, statutes, or regulations, or in conjunction with investigative or litigative responsibilities of the recipient agency, or to the extent that disclosure is necessary to obtain additional threat-related information or to develop protective measures. Records or information may be disclosed to other law enforcement agencies to develop protective measures where a specific threat is posed to their members; and to an individual or organization where the recipient is or could become the target of a specific threat. Records or information may be disclosed as a

VOL 52 ISS 238 DEC 11 1987 UMI

routine use in a proceeding before a court or adjudicative body before which the USMS is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the USMS to be arguably relevant to the litigation: the USMS or any of its subdivisions; any USMS employee in his or her official capacity or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that the litigation is likely to affect it or any of its subdivisions.

Release of Information to the News Media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific informationn in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information contained in systems of records maintained by the Department of Justice may be disclosed as is necessary to appropriately respond to congressional inquiries on behalf of constituents.

Release of Information to the National Archives and Records Administration *(NARA) and the General Services Administration (GSA):*

A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

An index record is stored on index cards and magnetic disks. Original paper records are kept in file folders.

RETRIEVABILITY:

Records are indexed and retrieved by name.

SAFEGUARDS:

Access to computerized records is restricted to Threat Analysis *Division* personnel by assigned code. In addition, records are stored in locked metal filing cabinets during off-duty hours. The records are located in a restricted area and USMS Headquarters is under 24-hour guard protection with entry controlled by official and electronic identification.

RETENTION AND DISPOSAL:

Records are maintained indefinitely until a detailed records retention plan and disposal schedule is developed by NARa and the USMS.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Threat Analysis *Division*, U.S. Marshals Service, One Tysons Corner Center, McLean, Virginia 22102

NOTIFICATION PROCEDURE:

Direct all inquiries to the system manager identified above. Clearly mark the letter and envelope "Freedom of Information/Privacy Act Request."

RECORD ACCESS PROCEDURE:

Make all requests for access in writing and clearly mark letter and envelope "Freedom of Information/Privacy Act Request." Clearly indicate name of the requester, nature of the record sought, approximate date of the record, and provide the required verification of identity (28 CFR 16.4(d)). Direct all requests to the system manager identified above. Attention: FOI/PA Officer, and provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Direct all requests to contest or amend information to the system manager identified above. State clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment to the information sought. Clearly mark the letter and envelope "Freedom of Information/Privacy Act Request."

RECORD SOURCE CATEGORIES:

Information is obtained from public and confidential sources and from Federal, State and local law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register**.

JUSTICE/USMS-010

SYSTEM NAME:

Judicial Facility Security Index System.

SYSTEM LOCATION:

Court Security Division, U.S. Marshals Service, (USMS) One Tysons Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals employed, or offered employment as contract court security officers (CSO's) by companies contracting with the USMS to provide judicial area security in Federal courthouses.

CATEGORIES OF RECORDS IN THE SYSTEM:

An alphabetical index contains the name, date of birth and social security number of the court security officer, name of the contracting security firm (employer), completion dates and cost data for limited background investigation and orientation, district of employment, dates contract performance started and ended, posts and hours of duty and the status of employment, i.e., active or inactive. For inactive CSO's, the index contains the reason for inaction, e.g. CSO resigned; applicant rejected based on the preliminary records check; CSO removed based on Office of Personnel Management (OPM) background investigation; etc. In addition to providing abbreviated data, the index assists in locating records on the court security officer related to the initial screening process for eligibility, e.g., application and preliminary checks for arrest records, which are filed under the contract number and name of the contracting security firm (employer). The index also assists in locating files containing OPM reports on the limited background investigation and internal suitability memoranda which are segregated by the categories "active" and "inactive."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 509, 510 and 569; 5 U.S.C. 301; 44 U.S.C. 3101 and 28 CFR 0.111 (c) through (f).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Contracting personnel and court security program officers within the USMS use this system to make security/suitability determinations in the hiring of contract court security officers, to monitor orientation completed, to track costs related to background investigations and attendance at Government-sponsored orientation, to monitor orientation completed, and to monitor contractor performance. Records may be disclosed as follows:

Individual cost data may be disclosed to the contractor (employer) in connection with billing and recovering reimbursable costs. Records or information may be disclosed to an appropriate Federal, State or local law enforcement agency to the extent necessary to obtain information on arrests, or to the extent relevant to an actual or potential, criminal or civil investigation, litigation or enforcement proceedings of that agency. Records or information may be disclosed as a routine use in a proceeding before a court or adjudicative body before which the USMS is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the USMS to be arguably relevant to the litigation: The USMS or any of its subdivisions; any USMS employee in his or her official capacity or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that the litigation is likely to affect it or any of its subdivisions.

Release of Information to the News Media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information contained in systems of records maintained by the Department of Justice may be disclosed as is necessary to appropriately respond to congressional inquiries on behalf of constituents.

Release of information to the National Archives and Records Administration *(NARA) and the General Services Administration (GSA):*

A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

An index record is stored on magnetic disks and original paper records are kept in file folders.

RETRIEVABILITY:

Records are retrieved by name of the contract court security officer.

SAFEGUARDS:

Records are stored in locked metal filing cabinets during off-duty hours. Access to computerized records is controlled by restricted code to personnel on a need-to-know basis. Entry to USMS Headquarters is restricted by 24-hour guard service to employees with official and electronic identification.

RETENTION AND DISPOSAL:

Records are maintained indefinitely until a detailed records retention plan and disposal schedule is developed by NARA and the USMS.

SYSTEM MANAGER AND ADDRESS:

Chief, Court Security Division, U.S. Marshals Service, One Tysons Corner Center, McLean, Virginia 22102.

NOTIFICATION PROCEDURES:

Direct all inquiries to the system manager identified above. Clearly mark the letter and envelope "Freedom of Information/Privacy Act Request."

RECORD ACCESS PROCEDURES:

Make all requests for access in writing and clearly mark letter and envelope "Freedom of Information/Privacy Act Request." Clearly indicate name of the requester, nature of the record sought, approximate dates of the record, and provide the required verification of identity (28 CFR 16.41(d)). Direct all requests to the system manager identified above, Attention: FOI/PA Officer, and provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Direct all requests to contest or amend information to the system manager listed above. State clearly and concisely the information being contested, the reasons for contesting it, and the proposed amendment to the information sought. Clearly mark the letter and envelope "Freedom of Information/Privacy Act Request."

RECORD SOURCE CATEGORIES:

Information contained in this system is collected from the individual, USMS orientation records, other law enforcement agencies, OPM, and from the contractor (employer).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register**.

JUSTICE/USM-011

SYSTEM NAME:

Judicial Protection Information System

SYSTEM LOCATION:

Court Security Division. U.S. Marshals Service, (USMS), One Tysons Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been directly threatened or are subject to violent threat by vitue of their responsibilities within the judicial system, e.g., U.S. Attorneys and their assistants, Federal jurists and other court officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual and automated indices contain abbreviated data. e.g., case number, name of protectee, name of control district and district number, an indication of the type and source of threat, and the means by which the threat was made. In addition to the abbreviated data named above, the complete file may contain descriptive physical data of the protectee, and other information to identify security risks and plan protective measures in advance of or during periods of active protection, e.g., individual practices and rountines, including associational memberships. Information regarding the expenditure of funds and allocation of resources assigned to the protectee may also be included in the file to enable officials to develop operating plans to counteract threat situations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 509, 510 and 569; 5 U.S.C. 301: 44 U.S.C. 3101; and 28 CFR 0.111(c) through (f).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USMS officials responsible for planning and carrying out security operations access this information. Other Federal, State and local law enforcement agencies have access to the extent that disclosure is necessary to develop and/or implement protective measures. Records or information may be disclosed as a routine use in a proceeding before a court or adjudicative body before which the USMS is authorized to appear when any of the following in a party to litigation

BEST COPY AVAILABLE

VOL 52 ISS 238 DEC 11 1987 UMI

and such records are determined by the USMS to be arguably relevant to the litigation: The USMS or any of its subdivisions; any USMS employee in his or her official capacity or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that the litigation is likely to affect it or any of its subdivisions.

Release of Information to the News Media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information contained in systems of records maintained by the Department of Justice may be disclosed as is necessary to appropriately respond to congressional inquiries on behalf of constituents.

Release of Information to the National Archives and Records Administration: *(NARA) and the General Services Admininstration (GSA):*

A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

An index record is stored on index cards and magnetic tape. Original paper records are kept in file folders.

RETRIEVABILITY:

Records are indexed and retrieved by name of protectee.

SAFEGUARDS:

Access to computerized records is restricted to Court Security Division personnel by assigned user code and password. In addition, records are stored in locked metal cabinets during off-duty hours. The records are located in a restricted area, and USMS Headquarters is under 24-hour guard protection with entry controlled by official and electronic identification.

RETENTION AND DISPOSAL:

Records are maintained indefinitely until a detailed records retention plan and disposal schedule is developed by NARA and the USMS.

SYSTEM MANAGER AND ADDRESS:

Chief, Court Security Division, U.S. Marshals Service, One Tysons Corner Center, McLean, Virginia 22102.

NOTIFICATION PROCEDURE:

Direct all inquiries to the system manager identified above, Clearly mark the letter and envelope "Freedom of Information/Privacy Act Request."

RECORD ACCESS PROCEDURES:

Make all requests for access in writing and clearly mark letter and envelope "Freedom of Information/Privacy Act Request." Clearly indicate name of the requester, nature of the record sought, approximate dates of the record, and provide the required verification of identity (28 CFR 16.41(d)). Direct all requests to the system manager identified above, Attention: FOI/PA Officer, and provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Direct all requests to contest or amend information to the system manager identified above. State clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment to the information sought. Clearly mark the letter and envelope "Freedom of Information/Privacy Act Request."

RECORD SOURCE CATEGORIES:

Information is obtained from individual protectees. Where information is maintained in this system on identified threat sources to a particular protectee, such information is obtained from public and confidential sources and from Federal, State and local law enforcement agencies, and is not retrievable by name or other identifying particular assigned to the threat source.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USM-012

SYSTEM NAME:

U.S. Marshals Service Freedom of Information Act/Privacy Act (FOIA/PA) Files.

SYSTEM LOCATION:

Office of Legal Counsel, U.S. Marshals Service, One Tysons Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request disclosure of U.S. Marshals Service (USMS) records pursuant to the Freedom of Informations Act (FOIA); individuals who request access to or correction of records maintained in USMS systems of records pursuant to the Privacy Act (PA); and individuals whose FOIA or PA requests have been referred to the USMS by another Department of Justice component or another agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetical and chronological indices are maintained to aid in the orderly processing of requests and to compile statistical data for annual reports. Indices include such data items as the name and address of the requester; the type or request; dates on which the request was received, acknowledged and answered; type or final responses; and exemptions used to deny access to records, when applicable. Identifying data, i.e., date and place of birth and social security number, is maintained on PA requesters to verify their identity and ensure proper disclosure. Files contain a record of the FOIA/PA request, along with the response, copies of documents which have been requested, and internal memoranda or other records related to the initial processing of such request, subsequent appeals and/or litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 44 U.S.C. 3101 to implement the provisons of 5 U.S.C. 552 and 5 U.S.C. 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system may be disseminated as a routine use to any Department of Justice component for consideration in connection with an FOIA or PA request, appeal, or civil suit pursuant to the Acts. A record may be disseminated to a Federal, State or local agency which furnished the record to permit that agency to make a decision as to access or correction, or to consult with that agency to enable the USMS to determine the propriety of access or correction.

Records or information which are relevant to the subject matter involved in a pending judicial or administrative proceeding may be disclosed in response to a request for discovery or for appearance of a witness. Records or information may be disclosed as a routine use in a proceeding before a court or adjudicative body before which

the USMS is authorized to appear when any of the following is a party to ligitation or has an interest in litigation and such records are determined by the USMS to be arguably relevant to the litigation: The USMS or any of its subdivisions; any USMS employee in his or her official capacity or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that the litigation is likely to affect it or any of its subdivisions.

Release of Information to the News Media

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information contained in systems of record maintained by the Department of Justice may be disclosed as is necessary to appropriately respond to congressional inquiries on behalf of constituents.

Release of Information to the National Archives and Records Administration *(NARA) and the General Services Administration (GSA):*

A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index cards are stored in standard card file boxes. Requests files are stored in standard file cabinets.

RETRIEVABILITY:

Records are retrieved by name of requester.

SAFEGUARDS:

Request files are stored in locked metal filing cabinets within the Office of Legal Counsel, USMS headquarters, during off-duty hours. Access to USMS headquarters is controlled by 24-hour guard service.

RETENTION AND DISPOSAL:

Records are destroyed 6 years after final response or appeal determination by the Department of Justice, Office of Information and Privacy; or 3 years after final adjudication by the courts.

SYSTEM MANAGER AND ADDRESS:

General Counsel, Office of Legal Counsels, U.S. Marshals Service, One Tysons Corner Center, McLean, Virginia 22102.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager identified above. Attention: FOIA/PA Officer. Clearly mark the letter and envelope "Freedom of Information Act/Privacy Act Request."

RECORD ACCESS PROCEDURE:

Make all requests for access in writing and clearly mark letter and envelope "Freedom of Information/Privacy Act Request." Clearly indicate name of the requester, nature of the record sought, approximate dates of the record, and provide the required verification of identity (28 CFR 16.41(d)). Direct all requests to the system manager identified above. Attention FOI/PA Officer, and provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Direct all requests to contest or amend information to the system manager listed above. State clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Clearly mark the letter and envelope "Freedom of Information Act/Privacy Act Request."

RECORD SOURCE CATEGORIES:

The sources of information contained in this system are the individuals making requests, the systems of records searched in the process of responding to requests and other agencies who have referred to the USMS those requests for access to or correction of USMS records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted certain categories of records in this system from subsections (c)(3) and (4); (d); (e)(1), (2) and (3); (e)(4) (G) and (H); (e)(5); (e)(8); (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2), (k)(2) and (k)(5). The system is exempted pursuant to subsections (j)(2) and (k)(2) only to the extent that the records there reflect criminal and civil law enforcement and investigative information. The system is exempted pursuant to subsection (k)(5) only to the extent necessary to protect confidential sources. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/USM-013

SYSTEM NAME:

U.S. Marshals Service Administrative Proceedings, Claims and Civil Litigation Files

SYSTEM LOCATION:

Office of Legal Counsel, U.S. Marshals Service (USMS), One Tysons Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual who have filed tort and employee claims against the USMS; individuals who have initiated administrative proceedings against the USMS; individuals who have filed civil suits naming the USMS and/or personnel as defendants, including those suits arising from authorized criminal law enforcement activities; and individuals named as defendants in Federal Court actions initiated by the USMS.

CATEGORIES OF RECORDS IN THE SYSTEM:

In addition to the names of individuals covered by the system and the titles of cases, index cards contain certain summary data, e.g.; a summary of correspondence and pleadings received in a case, names of parties involved; name of attorney handling the case or matter, court in which action is brought, civil action number, and an indication of whether the case is open or closed, thereby facilitating location of the complete file. Cases or matters include adverse actions, grievances, unfair labor practice charges, tort claims, Equal Employment Opportunity and other employee claims, and suits against USMS employees in their official capacities, etc. Files contain correspondence/claim forms submitted by claimants and internal reports and related documents concerning the merits of the claim, attorney or staff recommendations and findings related to claim; records on actions taken by USMS giving rise to appeals, attorney notes, recommendations and strategy for defending appeals; copies of civil actions filed and criminal investigative records related to the action e.g., criminal investigative reports relating the underlying criminal matter which relates to or constitutes the basis of the claim or suit (including those from non-Federal law enforcement participants in USMS criminal or civil law enforcement activities), witness statements, reports of interviews, exhibits, attorney notes,

pleadings, and recommendations and strategy for defending civil actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records maintained in this system of records may be disseminated as follows:

(a) To any component of the Department of Justice for consideration in connection with the case or matter to which the record relates; (b) To the appropriate Federal, State or local agency responsible for investigating, prosecuting or defending an action where there is an indication of actual or potential violation of criminal or civil laws or regulations or civil liability of any government action; (c) To any Federal, State or local agency, organization or individual to the extent necessary to elicit information or witness cooperation if there is reason to believe the recipient possesses information related to the case or matter, (d) Records or information may be disclosed as a routine use in a proceeding before a court or adjudicative body before which the USMS is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the USMS to be arguably relevant to the litigation: The USMS or any of its subdivisions; any USMS employee in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that the litigation is likely to affect it or any of its subdivisions; (e) To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a grant, license or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) To respond to a request for discovery or for appearance of a witness when the information is relevant to the subject matter involved in a pending judicial or administrative proceeding.

Release of Information to the News Media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information contained in systems of records maintained by the Department of Justice may be disclosed as is necessary to appropriately respond to congressional inquiries on behalf of constituents.

Release of Information to the National Archives and Records Administration *(NARA) and the General Services Administration (GSA):*

A record from a system of records may be disclosed as a routine use to *NARA and GSA* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index cards are stored in standard card file boxes. Administrative claim, appeal and litigation files are stored in standard file cabinets.

RETRIEVABILITY:

Records are retrieved by name of claimant or litigant, or by caption of civil action or administrative proceeding.

SAFEGUARDS:

Files are stored in locked metal filing cabinets within the Office of Legal Counsel, USMS headquarters, during off-duty hours. Access to USMS headquarters is controlled by 24-hour guard service.

RETENTION AND DISPOSAL:

Index cards are retained indefinitely. Claim files are destroyed after 7 years. Litigation files are destroyed after 10 years. Cases designated by the General Counsel as significant or precedential are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Office of Legal Counsel, U.S. Marshals Service, One Tysons Corner Center, McLean, Virginia 22102.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager identified above, Attention: FOI/PA Officer. Clearly mark the letter and envelope "Freedom of Information/Privacy Act Request."

RECORD ACCESS PROCEDURE:

Make all requests for access in writing and clearly mark letter and envelope "Freedom of Information/Privacy Act Request." Clearly indicate name of the requester, nature of the record sought, approximate dates of the records, and provide the required verification of identity (28 CFR 16.41(d)). Direct all requests to the system manager identified above. Attention: FOI/PA Officer, and provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Direct all requests to contest or amend information to the system manager listed above. State clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Clearly mark the letter and envelope "Freedom of Information Act/Privacy Act Request."

RECORD SOURCE CATEGORIES:

The sources of information contained in this system are the individual claimant/litigant, USMS officials, law enforcement agencies, statements of witnesses and parties, transcripts of depositions and court proceedings, administrative hearings and arbitrations, and work product of staff attorneys and legal assistants working on a particular case or matter.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted certain categories of records in this system from subsections (c)(3) and (4); (d); (e)(2) and (3); (e)(4)(G) and (H); (e)(8); (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(5). The system is exempted pursuant to subsection (j)(2) only to the extent that information in a record pertaining to a particular individual relates to a criminal investigation which relates to or constitutes the basis of a particular suit or claim. The system is exempted pursuant to subsection (k)(5) only to the extent necessary to protect a confidential source. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/UST-001

SYSTEM NAME:

Bankruptcy Case Files and Associated Records.

SYSTEM LOCATION:

The Executive Office for United States Trustees and various offices of the United States Trustees depending upon the judicial district where a case is pending or was administered. (See appendix of addresses identified as JUSTICE/UST–999.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in bankruptcy proceedings (under Chapters 7, 11 and 13 of 11 U.S.C.) subsequent to September 30, 1979, including but not limited to debtors, creditors, bankruptcy trustees, agents representing debtors, creditors, and trustees.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Petitions/orders for relief, (b) schedules of assets and liabilities of bankrupts, (c) lists of creditors, (d) statements of debtors' financial affairs, (e) docket cards (UST–001, 002, 003, and any alterations thereof), (f) alphabetical cross-reference index cards, (g) general correspondence regarding cases, (h) miscellaneous investigative records, (i) copies of certain petitions, pleadings or other papers filed with the court, including UST recommendations to court for appointment of trustee or examiner in Chapter 11, recommendations for dismissal or conversion, recommendations as to dischargeability, (j) appraisal reports, (k) names of approved despositories and amounts of funds deposited therein, (l) names of sureties and amounts of trustees' bonds, (m) tape or other recordings of creditors meetings called pursuant to Section 341 of Title 11, U.S.C., for the purpose of examination of debtors by creditors, trustee and others, (n) plans filed under Chapter 11 or 13, (o) lists of persons serving as counsel, trustee, or other functionaries in bankruptcy cases, including compensation earned or sought by each, (P) lists of attorneys representing creditors in bankruptcy cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 28 U.S.C. 586 and 11 U.S.C., especially Chapter 15 thereof.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records are used by personnel of the Executive Office and the United States Trustee field offices to determine the existence of a case, to ascertain the status of actions with respect to a case, and to ensure that timely action is taken as appropriate, and to determine the involvement by agents or other representatives of parties in such cases.

As provided in 11 U.S.C. 107, a paper filed in a case and the dockets of the bankruptcy court are public records and open to examination except when the court acts to protect an entity with respect to a trade secret or confidential research, development, or commercial information; or to protect a person with respect to scandalous or defamatory matter contained in a paper filed in a case under title 11. If the court enters such a protective order, that portion of the record is only available upon the consent of the entity, so protected.

In addition, except when the court has moved to protect an entity, the records will be disseminated as a routine use of such records as follows: (1) A record, or any facts derived therefrom, may be disseminated in a proceeding before a court, an adjudicative body or any proceeding relevant to the administration of a case or any proceeding relevant to the administration of a case filed under title 11 of the United States Code in which the United States Trustees are authorized to appear, when (i) the United States Trustees, or (ii) any employee of the United States Trustees in his or her official capacity, or (iii) any employee of the United States Trustees in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (IV) the United States, where the United States Trustees determine that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the United States Trustees to be arguably relevant to the litigation; (2) a record, or any facts derived therefrom, may be disseminated in a proceeding before a court, an adjudicative body or any proceeding relevant to the administration of a case filed under title 11 of the United States Code in which the United States Trustee is authorized to appear, when the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by the United States Trustees to be arguably relevant to the litigation.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552 et seq., may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of Information to the National Archives and Records Administration *(NARA) and the General Services Administration (GSA):* A record from the system of records may be disclosed to the *NARA and GAS* for records management inspections conducted under the authority of 44 U.S.C. Secs. 2904 and 2906.

Release of information to law enforcement or regulatory agencies: Information obtained by the U.S. Trustees will be transmitted to appropriate state, local, Federal or other law enforcement or regulatory agencies whenever a U.S. Trustee or the Director, Executive Office for U.S. Trustees or his designee believes that such transmittal in public interest except to the extent that such transmittal would conflict with any immunity granted by a court of competent jurisdiction in accordance with the provisions of Title 11, U.S.C.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information, except that specified below in this paragraph is recorded on basic paper/cardboard material and maintained within metal file boxes, file cabinets, electric file/card retrievers or safes. Certain information from the documents, forms, lists and reports described under "categories of records in the system" will be entered into an automated information system and stored on magnetic disks for reproduction in report form at various times. This includes the case number, debtor's names, case status, type of case, assets of estate, dates of reports filed, trustee bonds, debtor's attorney's name and fees, calendar of meetings and hearings, creditor's committee status, plan and schedule due dates, and trustee/examiner names and dates appointed.

RETRIEVABILITY:

Banks, is maintained alphabetically. (Case files maintained in the Executive Office are assigned sequential file numbers and are cross referenced alphabetically by name of the debtor.) Automated information is retrieved by case number or report number.

VOL 52 ISS 238 DEC 11 1987 UMI

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected in accordance with Departmental rules and procedures governing the handling of office records and computerized information. During duty hours access to this system is monitored and controlled by U.S. Trustee office personnel. During nonduty hours offices are locked.

RETENTION AND DISPOSAL:

Maintenance and diposition schedules are being developed within the Executive Office for U.S. Trustees. There is presently no authority to destroy any information within this system except those documents which are duplicates of records for which the bankruptcy courts maintain the official record copies.

SYSTEM MANAGER(S) AND ADDRESS:

System manager for the sytem in each office is the U.S. Trustee and in the Executive Office, the Chief, Management and Budget Section. (See appendix of addresses identified as JUSTICE/UST–999.)

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager for the Judicial district in which the case is pending, or was administered. (See appendix of addresses identified as JUSTICE/UST–999.)

RECORD ACCESS PROCEDURE:

A request for access to record from this system shall ordinarily be made in person at the U.S. Trustee office in which the case is filed.

CONTESTING RECORD PROCEDURES:

Individual desiring to contest or amend information maintained in the system should direct their request to the System Manager (see appendix of addresses identified as JUSTICE-UST–999), stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

Sources of information contained in this record are generally limited to debtors, creditors, trustees, examiners, attorneys, and other agents participating in the administration of a case, judges of the bankruptcy courts and employees of the U.S. Trustee offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/UST–002

SYSTEM NAME:

Panel Trustee Application File.

SYSTEM LOCATION:

The Executive Office for United States Trustees and various offices of the United States Trustees depending upon the judicial district where the trustee has made application to the panel. (See appendix of addresses identified as JUSTICE/UST–999.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants for membership on the private panels of trustees eligible to serve as trustees in Chapter 7 bankruptcy cases.

CATEGORIES OF RECORDS IN THE SYSTEM:

Panel Trustee Application File (UST–002), may also include resumes, letters of recommendation, notes reflecting oral checking of references, school transcripts, and other supporting information provided by applicants or developed by the U.S. Trustee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The systems are established and maintained pursuant to 28 U.S.C. 588(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USER AND THE PURPOSES OF SUCH USES:

These records are used by the individual U.S. Trustee office in which they are maintained. Their sole purpose is for determining the qualifications and eligibility of persons applying to serve as trustees in Chapter 7 bankruptcy cases. The records are reviewed by the Executive Office for U.S. Trustees.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on bahalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS *Administration (NARA) and the General Services Administration (GSA):*

A record from the system of records may be disclosed to the *NARA and GSA* for records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are filed in paper folders in metal filing cabinets.

RETRIEVABILITY:

Folders are filed alphabetically by the applicant's name.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected in accordance with Departmental rules and procedures governing the handling of official records. During duty hours access to this system is monitored and controlled by U.S. Trustee office personnel. During nonduty hours offices are locked.

RETENTION AND DISPOSAL:

Maintenance and disposition schedules are being developed within the Executive Office for U.S. Trustees. There is presently no authority to destroy any information within this system.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager for the System in each office, is the U.S. Trustee and in the Executive Office, the Deputy Director, (See appendix of addresses identified as JUSTICE-UST–999.)

NOTIFICATION PROCEDURE:

Address inquires to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked "Privacy Access Request".

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Information contained in the system is provided by the applicant the applicant's references, and interested third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/UST–003

SYSTEM NAME:

U.S. Trustee Timekeeping System.

SYSTEM LOCATION:

The Executive Office for United States Trustees and various offices of the United States Trustees depending upon where an employee has been assigned for duty. (See appendix of addresses identified as JUSTICE/UST–999.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Nonclerical employees of the U.S. Trustees' offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes employees' names and a record of their work time by program activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 11 U.S.C., and 28 U.S.C. 552.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system consists of a record of the work time, by program activity, of nonclerical employees of the U.S. Trustee pilot program. The system is used by the EOUST to analyze workload as a basis for requesting and allocating personnel and other resources. This information is compiled in each of the *13* field offices and forwarded to EOUST for analysis.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of Information to the National Archives and Records *Administration (NARA) and the General Services Administration (GSA):* A record from the system of records may be disclosed to the *NARA and GSA* for records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are kept on forms UST–4a, UST–4b, UST–4c and UST–4d, which are filed in metal cabinets.

RETRIEVABILITY:

Information is maintained alphabetically by the name of the employee. In EOUST, duplicate records are maintained and organized by district.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected in accordance with Departmental rules and procedures governing the handling of official records. During duty hours access to this system is monitored and controlled by U.S. Trustee office personnel. During nonduty hours offices are locked.

RETENTION AND DISPOSAL:

Maintenance and disposition schedules are being developed within the Executive Office for U.S. Trustees. There is presently no authority to destroy any document within this system.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager for the system in each office, is the U.S. Trustee and in the Executive Office, the Deputy Director. (See appendix of addresses identified as JUSTICE/UST–999.)

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked "Privacy Access Request".

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Nonclerical employees of the U.S. Trustee's offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/UST–999

SYSTEM NAME:

U.S. Trustee Appendix 1—List of Record Retention Addresses:

Executive Office for U.S. Trustees, 320 First Street, N.W., HOLC Building, Room 812, Washington, D.C. 20530

California, Central District: 300 North Los Angeles, Room 3101, Federal Building, Los Angeles, California 90012 and Civic Center Plaza Towers, 600 West Santa Ana Boulevard, Suite 501, Santa Ana, California 92701

Colorado: 1845 Sherman Street, Room 202, Columbine Building, Denver, Colorado 80203

Connecticut: James English Building, 105 Court Street, Room 402, New Haven, Connecticut 06510

Florida, Southern District: Federal Building, 51 Southwest First Avenue, Room 904, Miami, Florida 33130

Florida, Middle and Northern Districts: One Memorial Center, 4921 Memorial Highway, Suite 340, Tampa, Florida 33634

Georgia, Northern and Middle Districts: Russell Federal Building, 75 Spring Street, S.W., Suite 1418, Atlanta, Georgia 30303

Geogia, Southern District: 12 West State Street, P.O. Box 10487, Savannah, Georgia 31412

Illinois, Northern District: 175 West Jackson Boulevard, Room A–1335, Chicago, Illinois 60604

Iowa, Northern District: The Transportation Center, 426 Second Street, S.E., Room 675, Cedar Rapids, Iowa 52401

Iowa, Southern District: 210 Walnut Street, Suite 517, Des Moines, Iowa 50309

Kansas: 401 North Market Street, United States Courthouse, Room 501, Wichita, Kansas 67202

Maine: 66 Pearl Stret, Room 322, Portland, Maine 04101

Maryland: Fillon Federal Building, 31 Hopkins Plaza, Room G–13, Baltimore, Maryland 21201

Massachusetts, New Hampshire and Rhode Island: Boston Federal Office Building, 10 Causeway Street, Room 472, Boston, Massachusetts 04101 and 595 Main Street, Worcester, Massachusetts 01601

Minnesota, North Dakota, and South Dakota: 110 South Fourth Street, Room 550, United States Courthouse, Minneapolis, Minnesota 55401

New Jersey and Delaware: 60 Park Place, Second Floor, Newark, New Jersey 07102

New Mexico: 320 Central Avenue, S.W, Third Floor, Albuquerque, New Mexico 87103

VOL 52 ISS 238 DEC 11 1987 UMI

New York, Southern District: 26 Federal Plaza, Room 306, Federal Building, New York, New York 10007
New York, Northern District and Vermont: P.O. Box 465, United States Post Office and Courthouse, Albany, New York 12201
New York, Western District: 42 Delaware Avenue, Suite 100, Buffalo, New York 14222 and United States Courthouse, 100 State Street, Room 617, Rochester, New York 14614
New York, Eastern District: 825 East Gate Boulevard, Suite 304, Garden City, New York 11530
Oklahoma, Western District: United States Courthouse, 201 Dean A. McGee Avenue, Room 516, Oklahoma City, Oklahoma 73102
Oklahoma, Nortrhern and Eastern Districts: Federal Building, 333 West Fourth Street, Room 3471, Tulsa, Oklahoma 74101
Pennsylvania, Eastern District: United States Customs House, 200 Chestnut Street, Suite 600, Philadelphia, Pennsylvania 10106
Pennsylvania, Western District: Federal Building, 1000 Liberty Avenue, Room 319, Pittsburgh, Pennsylvania 15222
Pennsylvania, Middle District: Federal Building, 228 Walnut Street, Room 1160, Post Office Box 1248, Harisburg, Pennsylvania 17108
Puerto Rico and the Virgin Islands: 105D Chardon Street, Room CH–182, Hato Rey, Puerto Rico 00918
South Carolina: Strom Thurmond Federal Building, 1835 Assembly Street, Room 1272, Columbia, South Carolina.29201
Texas, Northern District: 1100 Commerce Street, United States Courthouse, Room 9C60, Dallas, Texas 75242
Texas, Eastern District: Federal Building, 211 West Ferguson, Suite 208, Tyler, Texas 75701
Utah: Federal Office Building, 125 South State Street, Suite 4425, Salt Lake City, Utah 84138
Virginia, Eastern District: 421 King Street, Room 410, Alexandria, Virginia 22314 and Federal Building, 200 Granby Mall and City Hall Avenue, Suite 744, Norfolk, Virginia 23510
Virginia, Western District: Poff Federal Building, 210 Franklin Road, S.W., Roanoke, Virginia 24011
West Virginia: 22 Capitol Street, First Floor, Charleston, West Virginia 25301
Wisconsin, Western District: 14 West Mifflin Street, Capitol Square, Suite 310, Madison, Wisconsin 53703
Wisconsin, Eastern District: Federal Building, 517 East Wisconsin Avenue, Room 533, Milwaukee, Wisconsin 53202
Wyoming: Federal Office Building, 2121 Capital Avenue, Suite 8010, Chayenne, Wyoming 82003

[FR Doc. 87–28114 Filed 12–10–87; 8:45 am]
BILLING CODE 4410–01–M

federal register

Friday
December 11, 1987

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Alteration of the March AFB, CA, Airport Radar Service Area; Final Rule

VOL 52, ISS 238, DEC 11 1987 UMI

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87-AWA-1]

Alteration of the March AFB, CA, Airport Radar Service Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Airport Radar Service Area (ARSA) at March Air Force Base (AFB), CA. This ARSA modification adjusts the lateral limits to exclude that airspace in the immediate vicinity of Lake Mathews from regulatory status. Additionally, this rule creates a subarea to the southeast which facilitates containment of jet arrivals within ARSA airspace.

EFFECTIVE DATE: 0901 UTC, February 11, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Joe Gill, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9252.

SUPPLEMENTARY INFORMATION:

History

On August 2, 1985, the FAA proposed to designate Airport Radar Service Areas (ARSA) at 11 airports, including the March AFB, CA (50 FR 31472). The FAA, after carefully considering all comments received and making alterations where appropriate, adopted the proposal and published the final rule in the December 9, 1985, issue of the Federal Register (50 FR 50254) with an effective date of January 16, 1986.

On July 24, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to modify the March AFB, CA, ARSA (52 FR 27972). This rule modifies the ARSA at the March AFB airport. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Additionally, the FAA held an informal airspace meeting for this proposal on September 30, 1987. Section 71.501 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6C dated January 2, 1987.

Three comments were received, two by mail and one at the airspace meeting, objecting to the proposal. It was agreed, after conversations with the affected parties, to resolve two of the objections and adopt the Orange County Soaring Association recommendation of altering the lateral boundaries of the new subarea to the southeast which resolved two of the objections.

In addition, the Soaring Society of America (SSA) was very concerned about the Letter of Agreement concerning the Perris Window. The SSA wanted to ensure that the Letter of Agreement was not abolished and in addition that the letter should stipulate automatic activation during specific days and times. The Orange County Soaring Society, RAPCON Chief and military renegotiated the letter to the satisfaction of the local users. The existing functioning and call up is operating to the satisfaction of the signatories. Therefore, we see no need for automatic activation. We have been assured that the subject area has been available when it was requested.

The other objection raised at the airspace meeting was that by lowering the ARSA, jets would be able to fly lower, and Ontario TRACON would not be able to handle the increased activity from the lowered floor. The FAA does not agree. The ARSA floor does not establish the altitude to which jets may descend. That is established by Instrument Approach Procedures and Minimum Vectoring Altitudes. The FAA also finds that the lowered floor will not increase the workload at Ontario TRACON. The reduction in size to the northwest will more than offset any increase due to the new floor to the southeast.

Regulatory Evaluation

This amendment to the March AFB ARSA is intended to improve both the safety and utility of the affected airspace. The action lowering the floor of the ARSA from approximately 2,500 feet AGL to approximately 1,500 feet AGL, along a corridor of airspace between five and ten miles southeast of the airport is intended to enclose and protect the primary arrival path of March AFB. The benefits of this improvement in safety can be achieved without imposing any appreciable costs on other users of the adjacent airspace, primarily the operations out of Perris Valley Airport, located just outside the western boundary of the corridor. Following implementation of the original ARSA, a local agreement was established to accommodate the soaring, hang gliding, and parachuting operations based at Perris Valley. The provisions of this agreement will need to be modified slightly as a result of this amendment, but it will continue to accommodate the needs of these operators. Further, the 1,500 foot AGL floor of the ARSA would provide sufficient access to the Perris Valley traffic pattern to ensure that the operations of powered aircraft to and from this airport would not be adversely impacted.

The action eliminating from the ARSA a small amount of airspace located between five and ten miles from March AFB in the vicinity of Lake Mathews is not expected to result in any costs associated with a reduction in the affected airspace because the affected airspace is clear of the traffic patterns of March AFB and other local airports. Further, various users will benefit from the restoration of this airspace.

International Trade Impact Analysis

This amendment will only affect terminal airspace operating procedures at one location within the United States. As such, it will have no affect on the sale of foreign aviation products or services in the United States, nor will it affect the sale of United States aviation products or services in foreign countries.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. Small entities are independently owned and operated small businesses and small not-for-profit organizations. The RFA requires agencies to review rules that may have a significant economic impact on a substantial number of small entities.

The small entities that potentially could be affected by these modifications to the ARSA are the soaring, hang gliding, parachuting, and flight training operations that use the airspace in the vicinity of March AFB. Throughout the ARSA program the FAA has attempted to eliminate potentially adverse impacts on flight training, as well as soaring, ballooning, parachuting, ultralight, and banner towing activities, by developing special procedures to accommodate these activities through local agreements between ATC facilities and the affected organizations. Such an agreement was made with the small entities at Perris Valley Airport following initial establishment of the March AFB ARSA, and this agreement will be continued, with some minor modifications, following adoption of this amendment. Further, these users will have an additional amount of airspace over Lake Mathews made available to them by this amendment.

For these reasons, the FAA certifies that this amendment will not result in a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required under the terms of the RFA.

The Rule

This action modifies the Airport Radar Service Area (ARSA) at March AFB, CA. The lateral limits of the ARSA will be slightly reduced to exclude airspace in the vicinity of Lake Mathews. Additionally, this creates a subarea to the southeast with a lower floor to facilitate jet arrival containment within ARSA airspace.

For the reasons discussed above, the FAA has determined that this regulation (1) is not a "major rule" under Executive Order 12291; and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subjects in 14 CFR Part 71

Aviation safety, Airport radar service areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 14 CFR 11.69

§ 71.50 [Amended]

2. Section 71.501 is amended as follows:

March AFB, CA [Revised]

That airspace extending upward from the surface to and including 5,500 feet MSL within a 5-mile radius of March AFB (lat. 33°53'01"N., long. 117°15'38"W.); and that airspace extending upward from 3,900 feet MSL to and including 5,500 feet MSL within the 10-mile radius of March AFB from the centerline of V-16/V-370 east of the airport clockwise to the 216° bearing from the airport, except that airspace 2 miles east and 1.5 miles west of the 150° bearing from the airport which extends upward from 2,900 feet MSL to and including 5,500 feet MSL.

Issued in Washington, DC, December 4, 1987.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87-28463 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-13-M

VOL
52
ISS
2
3
8
DE
11
1987
UMI

federal register

Friday
December 11, 1987

Part V

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Alteration of the Burbank-Glendale-Pasadena Airport, CA, Airport Radar Service Area; Final Rule

VOL 52 ISS 238 DEC 11 1987 UMI

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87-AWA-21]

Alteration of the Burbank-Glendale-Pasadena Airport, CA, Airport Radar Service Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Airport Radar Service Area (ARSA) at the Burbank-Glendale-Pasadena Airport, CA. This ARSA modification will adjust the lateral limits to exclude several areas of the present ARSA which do not receive adequate radar and/or communications coverage. Additionally, this rule will exclude additional surface area in the vicinity of Whiteman Airport to accommodate airport traffic patterns.

EFFECTIVE DATE: 0901 UTC, February 11, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Joe Gill, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9252.

SUPPLEMENTARY INFORMATION:

History

On August 2, 1985, the FAA proposed to designate Airport Radar Service Areas (ARSA) at 11 airports, including the Burbank-Glendale-Pasadena Airport, CA, (50 FR 31472). The FAA, after carefully considering all comments received amd making alterations where appropriate, adopted the proposal and published the final rule in the December 9, 1985, issue of the **Federal Register** (50 FR 50254) with an effective date of January 16, 1986.

On August 7, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to modify the Burbank-Glendale-Pasadena Airport, CA, ARSA (52 FR 29470). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

Four comments were received, all in favor of the changes proposed for the Burbank ARSA. The Soaring Society of America objected to the ARSA program in general but supported the proposed alterations.

Regulatory Evaluation

The modifications to the Burbank-Glendale-Pasadena Airport ARSA are intended to improve the utility of the affected airspace. The amendment eliminates a small amount of airspace from the ARSA and is not expected to result in any costs associated with a reduction in the controlled airspace. The affected airspace currently is not within sufficient radar and/or communications coverage necessary to provide ARSA services because of terrain features. Adjusting the ARSA boundaries will not alter this situation. Reconfiguring the ARSA to more accurately reflect the terrain characteristics will improve the efficiency of its operations, and benefit the various users, especially the users of Whiteman Airport, due to the restoration of this airspace.

The FAA has determined that the economic impact of this amendment is so minimal as not to require further regulatory evaluation. A copy of the regulatory evaluation for the original Burbank-Glendale-Pasadena ARSA is available for review in FAA Airspace Docket No. 85-AWA-2.

International Trade Impact Analysis

This amendment will only affect terminal airspace operating procedures at one location within the United States. As such, it will have no effect on the sale of foreign aviation products or services in the United States, nor will it affect the sale of United States aviation products or services in foreign countries.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. Small entities are independently owned and operated small businesses and small not-for-profit organizations. The RFA requires agencies to review rules that may have a significant economic impact on a substantial number of small entities.

Throughout the ARSA program the FAA has attempted to eliminate potentially adverse impacts on satellite airports within five-nautical miles of ARSA centers and the small businesses based at these airports, as well as flight training, soaring, ballooning, parachuting, ultralight, and banner towing activities, by developing special procedures to accommodate these activities through local agreements between ATC facilities and the affected organizations, or in some cases, providing exclusions for these airports. This modification of the Burbank-Glendale-Pasadena Airport ARSA will slightly expand the exclusion in the vicinity of Whiteman Airport and ease local operations for this airport

For these reasons, the FAA certifies that this amendment will not result in a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required under the terms of the RFA.

The Rule

This action modifies the Airport Radar Service Area (ARSA) at the Burbank-Glendale-Pasadena Airport, CA. The lateral limits of the ARSA will be slightly reduced to exclude airspace in several areas of the present ARSA which do not receive adequate radar and/or communications coverage commensurate with the ARSA program and associated services, and to accommodate the airport traffic patterns at Whiteman Airport.

For the reasons discussed above, the FAA has determined that this regulation (1) is not a "major rule" under Executive Order 12291; and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subjects in 14 CFR Part 71

Aviation safety, Airport radar service areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE,AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.501 [Amended]

2. Section 71.501 is amended as follows:

Burbank-Glendale-Pasadena Airport, CA [Revised]

That airspace extending upward from the surface to and including 4,800 feet MSL within a 5-mile radius of the Burbank-Glendale-Pasadena Airport (lat. 34°12'02"N., long. 118°21'27"W. excluding that airspace below 3,500 feet MSL within a 1.75-mile radius of the Whiteman Airport (lat. 34°15'35" N., long. 118°24'45"W.) and excluding that airspace below 3,500 feet MSL east of a direct line from a point 5 miles on the 004° bearing from the airport to a point 5 miles on the 090° bearing from the airport; and that airspace extending upward from 3,500 feet MSL to and including 4,800 feet MSL within a 10-mile radius of the Burbank-Glendale-Pasadena Airport from the 104° bearing clockwise to the 004° bearing from the airport excluding that airspace south of the north boundary of the Los Angeles, CA, Terminal Control Area, and excluding that airspace beyond an 8-mile radius north and east of the 294° bearing, and excluding that airspace beyond 5 miles north and east of a line from a point 8 miles on the 343° bearing from the airport to a point 5 miles on the 004° bearing from the airport.

Issued in Washington, DC, December 3, 1987.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87-28462 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-13-M

VOL
52
ISS
238
DE
11
1987
UMI

federal register

Friday
December 11, 1987

Part VI

Department of Health and Human Services

Food and Drug Administration

21 CFR Parts 333 and 369

Topical Antimicrobial Drug Products for Over-the-counter Human Use; Final Monograph for OTC First Aid Antibiotic Drug Products; Final Rule

VOL
52
ISS
2
3
8
DE
11
1987
UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 333 and 369

[Docket No. 76N-0482]

Topical Antimicrobial Drug Products for Over-the-counter Human Use; Final Monograph for OTC First Aid Antibiotic Drug Products

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule in the form of a final monograph establishing conditions under which over-the-counter (OTC) topical first aid antibiotic drug products are generally recognized as safe and effective and not misbranded. FDA is issuing this final rule after considering public comments on the agency's proposed regulation, which was issued in the form of a tentative final monograph, and all new data and information on topical first aid antibiotic drug products that have come to the agency's attention. This final monograph is part of the ongoing review of OTC drug products conducted by FDA.

DATE: December 12, 1988.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drug Evaluation and Research (HFN-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8000.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 1, 1977 (42 FR 17642), FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking to establish a monograph for OTC topical antibiotic drug products (21 CFR Part 342), together with the recommendations of the Advisory Review Panel on OTC Topical Antimicrobial II Drug Products, which was the advisory review panel responsible for evaluating data on the active ingredients in this drug class. Interested persons were invited to submit comments by June 30, 1977. Reply comments in response to comments filed in the initial comment period could be submitted by August 1, 1977.

In accordance with § 330.10(a)(10), the data and information considered by the Panel were put on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, after deletion of a small amount of trade secret information.

The agency's proposed rule, in the form of a tentative final monograph, for OTC first aid antibiotic drug products was published in the Federal Register of July 9, 1982 (47 FR 29986). FDA proposed to add a new Subpart B to Part 333 rather than continue the rulemaking under Part 342 as designated in the advance notice of proposed rulemaking for OTC topical antibiotic drug products. The redesignation of parts is discussed further in the tentative final monograph at 47 FR 29986. Interested persons were invited to file by September 7, 1982, written comments, objections, or requests for oral hearing before the Commissioner of Food and Drugs regarding the proposal. Interested persons were invited to file comments on the agency's economic impact determination by November 8, 1982. New data could have been submitted until July 11, 1983, and comments on the new data until September 9, 1983. Final agency action occurs with the publication of this final monograph, which is a final rule establishing a monograph for OTC first aid antibiotic drug products.

The OTC procedural regulations (21 CFR 330.10) now provide that any testing necessary to resolve the safety or effectiveness issues that formerly resulted in a Category III classification, and submission to FDA of the results of that testing or any other data, must be done during the OTC drug rulemaking process before the establishment of a final monograph. Accordingly, FDA is no longer using the terms "Category I" (generally recognized as safe and effective and not misbranded), "Category II" (not generally recognized as safe and effective or misbranded), and "Category III" (available data are insufficient to classify as safe and effective, and further testing is required) at the final monograph stage, but is using instead the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III).

As discussed in the proposed regulation for OTC topical first aid antibiotic drug products (47 FR 29986), the agency advises that the conditions under which the drug products that are subject to this monograph will be generally recognized as safe and effective and not misbranded (monograph conditions) will be effective 12 months after the date of publication in the Federal Register. Therefore, on or after December 12, 1988, no OTC drug products that are subject to the monogrpah and that contain nonmonograph conditions, i.e., conditions that would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce unless they are the subject of an approved application. Further, any OTC drug product subject to this monograph that is repackaged or relabeled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to comply voluntarily with the monograph at the earliest possible date and, as soon as they comply, a Form 6 (Form FD 356H, formerly Form FD 1675) will no longer be required. (See comment 2 below.)

In response to the proposed rule on OTC topical first aid antibiotic drug products, a bi-state drug information center, a drug manufacturers' association, and three drug manufacturers submitted comments. Copies of the comments and data received are on public display in the Dockets Management Branch. Any additional information that has come to the agency's attention since publication of the proposed rule is also on public display in the Dockets Management Branch.

In proceeding with this final monograph, the agency has considered all objections and the changes in the procedural regulations.

All "OTC Volumes" cited throughout this document refer to the submissions made by interested persons pursuant to the call-for-data notice published in the Federal Register of September 7, 1973 (38 FR 24391) or to additional information that has come to the agency's attention since publication of the notice of proposed rulemaking. The volumes are on public display in the Dockets Management Branch.

I. The Agency's Conclusions on the Comments

A. General Comments on OTC First Aid Antibiotic Drug Products

1. One comment contended that OTC drug monographs are interpretive, as opposed to substantive, regulations. The comment referred to statements on this issue submitted earlier to other OTC drug rulemaking proceedings.

The agency addressed this issue in paragraphs 85 through 91 of the preamble to the procedures for classification of OTC drug products, published in the Federal Register of May 11, 1972 (37 FR 9464); in paragraph 3 of the preamble to the tentative final monograph for OTC antacid drug products, published in the Federal Register of November 12, 1973 (38 FR 31260); and in paragraph 1 of the preamble to the tentative final monograph in the present proceeding (47 FR 29987). FDA reaffirms the conclusions stated in those documents. Court decisions have confirmed the agency's authority to issue substantive regulations by rulemaking. See, e.g., *National Nutritional Foods Association* v. *Weinberger*, 512 F.2d 688, 696-98 (2d Cir. 1975) and *National Association of Pharmaceutical Manufacturers* v. *FDA*, 487 F. Supp. 412 (S.D.N.Y 1980), *aff'd* 637 F.2d 887 (2d Cir. 1981).

2. One comment stated that antibiotic dosage forms that would appear in 21 CFR Part 333 would be, by definition, generally recognized as safe and effective, and that agency approval of a Form 6 should not be required before marketing. The comment pointed out that this approach would be consistent with the requirements for all other OTC drug products that are subjects of OTC drug monographs and that were previously considered new drugs. Therefore, the comment requested that the requirement for a Form 6 be deleted for any antibiotic drug product that is subject to the final monograph on OTC first aid antibiotic drug products. The comment added that if Form 6 requirements are to be retained, then the effective date of the final monograph should be 24 months, rather than 12 months, after publication of the final rule. The comment pointed out that, although 12 months would be reasonable for most other drug products included in the OTC drug review, the Form 6 requirement for antibiotic drug products makes them a special case because FDA preapproval of the Form 6 submissions for manufacturing, control, and labeling changes is a time-consuming process.

The agency agrees that approval of an abbreviated antibiotic application (formerly a Form 6) is not a prerequisite to marketing an antibiotic drug product that meets the requirements of this final monograph. OTC drug products that meet the conditions established in Part 330 and the applicable monograph are generally recognized as safe and effective and not misbranded and may be marketed without an approved application or abbreviated application.

The agency recently revised 21 CFR 433.1 to make clear that an antibiotic drug that meets the general requirements established in 21 CFR 330.1 and the requirements of a final OTC drug monograph is exempt from the batch certification requirements of section 507 of the Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 357) even without having an approved antibiotic application (formerly a Form 5) or an abbreviated antibiotic application. This clarification was proposed in the Federal Register of July 22, 1985 (50 FR 29702) and made final in the Federal Register of July 15, 1986 (51 FR 25523).

Because the final monograph does not become effective until 12 months after its publication, technically an abbreviated application would continue to be required for one year after publication of the final rule. The agency does not believe that this requirement is necessary for first aid antibiotic drug products that comply with the conditions of the final monograph. Therefore, manufacturers may market products that comply with the final monograph without an approved abbreviated application during this period, i.e., between December 11, 1987, and December 12, 1988. Manufacturers currently marketing these products under an approved abbreviated application should notify FDA when the product is being marketed under the final monograph, so that the applicability of the abbreviated application can cease. Eventually, FDA will revoke all applications and abbreviated applications that are in effect for products covered by the final monograph.

The request that FDA give a later effective date to the monograph to allow time for Form 6 approvals is moot because an abbreviated application (Form 6) is not required if the first aid antibiotic product meets the conditions of the final monograph.

3. One comment requested that conflicts between the tentative final monograph for OTC topical antibiotic drug products and the existing antibiotic regulations be resolved by incorporating appropriate sections of the existing antibiotic regulations in Subparts F of Parts 444, 446, and 448 into the OTC first aid antibiotic monograph and by deleting those portions that are so incorporated from the antibiotic regulations. The comment contended that this action would eliminate the confusion caused by conflicting requirements for a single product as well as distinguish clearly between antibiotic products that are generally recognized as safe and effective for OTC use and those that are still subject to prescription dispensing and premarketing approval. The comment stated that if necessary, to ensure a safe and effective product, the detailed standards and testing requirements found in the antibiotic regulations may be retained in the OTC drug monograph.

The agency agrees that appropriate portions of the regulations on dermatologic dosage forms in Parts 444, 446, and 448 should be incorporated into the final monograph for OTC first aid antibiotic drug products. The agency consequently is revising the format proposed in the tentative final monograph. The agency is not grouping and combining antibiotic ingredients on the basis of antibacterial activity, and including a cross-reference to Subpart F of Parts 444, 446, and 448. In this final monograph, FDA is including a complete listing of the antibiotic active ingredients (§ 333.110) and the combinations of those ingredients (§ 333.120) that are generally recognized as safe and effective, as well as the concentrations permitted for each of those ingredients and the appropriate dosage forms for the products. The dosage forms included in the monograph reflect those dosage forms currently identified in Subpart F of the specific antibiotic regulations (Parts 444, 446, and 448) that apply to OTC first aid antibiotics. There is an established testing methodology, derived from approved antibiotic applications, for these first aid antibiotic ingredients and combinations in the antibiotic regulations. The final monograph also includes references to the appropriate tests and methods of assay that are set forth in the existing antibiotic regulations and that are applicable to particular antibiotic ingredients and combinations.

All drug products included in the final monograph for OTC first aid antibiotic drug products are generally recognized as safe and effective and not misbranded. Therefore, they do not need premarket approval and are exempt from batch certification requirements. For both marketing control and agency regulatory purposes, it is necessary that appropriate standards and methodology i.e., tests and methods of assay, be established before a first aid antibiotic drug product can be considered generally recognized as safe and effective for OTC use. Any firm interested in marketing a single monograph ingredient in a dosage form not included in the monograph, or a combination of monograph ingredients not currently included in the monograph, may submit an antibiotic application to FDA for review and evaluation or file a petition (with appropriate supporting data, including proposed standards and methodology) to amend the monograph.

VOL 52 ISS 238 DEC 11 1987 UMI

4. One comment disagreed with the agency's tentative decision to transfer products and claims for skin wound protectants that do not contain antimicrobial active ingredients to the rulemaking for OTC skin protectant drug products. The comment argued that, although a skin wound protectant may not contain an antimicrobial ingredient, the indications for use of the product (protect wounds against microbial contamination) place it more appropriately in the rulemaking for OTC topical antimicrobial drug products than in the rulemaking for OTC skin protectant drug products. The comment contended that skin protectants are generally used on intact skin and do not serve the same function as skin *wound* protectants, which are indicated for prevention of wound contamination by providing a physical barrier to the entry of dirt and bacteria. The comment added that if the absence of active [antimicrobial] ingredients prohibits the inclusion of skin wound protectants in the monograph for OTC antimicrobial drug products, then there is justification for classifying skin wound protectants that act only as a physical barrier to contamination as medical devices because skin wound protectants "act simply as a physical barrier to contamination and do not affect the structure or function of the body or exert a microbiocidal effect."

The agency believes that the concerns raised by the comment are rendered moot by FDA's decision not to adopt the Panel's recommendation for separate categories of "skin wound protectants" and "skin wound antibiotics." This rulemaking is intended to address only OTC topical drug products that contain antibiotics. Therefore, as FDA explained in the tentative final rule, only one category is necessary for this rulemaking—"first aid antibiotics."

FDA is placing all products that are considered as "skin wound protectants" and that do not contain an antibiotic in the skin protectant rulemaking for consideration of the skin wound protectant claims. The tentative final monograph for OTC skin protectant drug products, published in the Federal Register of February 15, 1983 (48 FR 6820), includes in proposed § 347.50(b)(1) the indication "For the temporary protection of minor cuts, scrapes, burns, and sunburn." This skin protectant category, which is similar to the skin wound protectant indication recommended by the Antimicrobial II Panel (42 FR 17689), covers the type of product described in the comment.

Because this final monograph applies only to products containing an antibiotic, the agency is not considering in this document the issue of whether skin wound protectants that do not contain antimicrobials should be subject to the skin protectant rulemaking or be considered a medical device. That issue will be discussed in the rulemaking for OTC skin protectant drug products.

B. Comments on Labeling of OTC First Aid Antibiotic Drug Products

5. One comment contended that FDA does not have the statutory authority to prescribe exclusive list of terms from which indications for use of OTC drug products must be drawn and to prohibit labeling terminology which is truthful, accurate, not misleading, and intelligible to the consumer. The comment also expressed its intention to make a more detailed statement on the exclusivity policy at the September 29, 1982 hearing on this issue.

In the Federal Register of May 1, 1986 (51 FR 16258), the agency published a final rule changing its labeling policy for stating the indications for use of OTC drug products. Under the final rule, the label and labeling of OTC drug products are required to contain in a prominent and conspicuous location, either (1) the specific wording on indications for use established under an OTC drug monograph, which may appear within a boxed area designated "APPROVED USES"; (2) other wording describing such indications for use that meets the statutory prohibitions against false or misleading labeling, which shall neither appear within a boxed area nor be designated "APPROVED USES"; or (3) the approved monograph language on indications, which may appear within a boxed area designated "APPROVED USES," plus alternative language describing indications for use that is not false or misleading, which shall appear elsewhere in the labeling. All required OTC drug labeling other than indications for use (e.g., statement of identity, warnings, and directions) must appear in the specific wording established under an OTC drug monograph where exact language has been established and identified by quotation marks in an applicable monograph or other regulation, e.g., 21 CFR 201.63 or 330.1(g).

In the tentative final monograph (47 FR 29999), supplemental language relating to indications had been proposed and captioned as *Other Allowable Indications* and *Other Allowable Statements*. Under FDA's revised labeling policy (51 FR 16258), such statements are included at the tentative final stage as examples of other truthful and nonmisleading language that would be allowed elsewhere in the labeling. In accordance with the revised labeling policy, such statements would not be included in a final monograph. However, the agency has decided that, because these additional terms have been reviewed by FDA, they should be incorporated, wherever possible, in final OTC drug monographs under the heading "Indications" as part of the indications developed under that monograph. (See part III. paragraph 3. below—SUMMARY OF SIGNIFICANT CHANGES FROM THE PROPOSED RULE.)

6. One comment disagreed with the agency's proposed substitution of the word "doctor" for "physician" in OTC drug labeling. The comment stated that because "physician" is a term that is recognized by people of all ages and social and economic levels, there is no need for the change, which would be costly and provide no benefit. The comment further contended that "physician" is a more accurate term, whereas "doctor" is a broad term that could confuse and mislead the lay person into taking advice on medication from persons other than medical doctors, such as optometrists, podiatrists, and even chiropractors. Another comment favored the use of common, simple, and easily understood language in labeling. This comment noted that both "doctor" and "physician" are equally accurate and meaningful and argued that neither term should be prohibited, but instead flexibility to use either term should be allowed.

In an effort to simplify OTC drug labeling, the agency proposed in a number of tentative final monographs, including the one for OTC first aid antibiotic drug products, to substitute the word "doctor" for "physician" in OTC drug monographs on the basis that the word "doctor" is more commonly used and better understood by consumers. Based on comments received to these proposals, the agency has determined that final monographs and any applicable OTC drug regulation will give manufacturers the option of using either the word "physician" or the word "doctor." This final monograph provides that option (see § 333.150(e)).

7. Noting that the Panel defined an antibiotic as an agent that either destroys susceptible bacteria or arrests their development, one comment disagreed with the agency's proposed Category II classification of the claim "Helps kill bacteria." The comment contended that this claim is accurate "in that an antibiotic is capable of either killing bacteria or affecting them so that they can be eliminated more easily by the body's natural defenses." The comment argued that this claim has been used for decades with no known harm to the consumer due to product misuse and that, because first aid antibiotics are not indicated for treatment of infection, the potential for harm due to misuse is also reduced. According to the comment, the agency's concern is theoretical and not substantiated. The comment requested that the agency allow the phrase "helps kill bacteria" as a Category I claim for OTC first aid antibiotics.

In the tentative final monograph, the agency noted that "according to the definition in section 507(a) of the act (21 U.S.C. 357(a)), antibiotics have the capacity to inhibit or destroy microorganisms." (See comment 12, 47 FR 29991.) However, the agency expressed its belief that "the claim 'helps kill bacteria' is misleading to the average consumer because the word 'kill' implies elimination of all bacteria on the skin when, in fact, topical antibiotics only decrease the number of certain bacteria on the skin." The agency still believes that the claim "helps kill bacteria" could be potentially misleading to the average consumer if directly associated with the term "infection" that is included in the indication. However, the agency acknowledges that this information is familiar to the average consumer and may be useful in describing the product's action or intended effect. Therefore, the agency would allow the claim to be included in labeling provided it is not intermixed with monograph labeling.

The OTC drug review program establishes conditions under which OTC drugs are generally recognized as safe and effective and not misbranded. One aspect of the program is to develop standards for certain parts of the labeling of OTC drug products. FDA has found that it is simply not practical—in terms of time, resources, and other considerations—to set standards for all labeling found on OTC drug products. Accordingly, OTC drug monographs directly address only those labeling items that are related in a significant way to the safe and effective use of covered products by lay persons. These labeling items are the product statement of identity; names of active ingredients; indications for use; directions for use; warnings against unsafe use, side effects, and adverse reactions; and claims concerning mechanism of drug action.

The agency finds that the claim "helps kill bacteria" requested by the comment, while descriptive of the action of first aid antibiotic drug products, does not relate in a significant way to the safe and effective use of these products and, therefore, is outside the scope of the monograph.

However, the OTC drug review is also intended to ensure that OTC drug products are not misbranded. Therefore, the agency evaluates claims made on OTC drug product labels on a product-by-product basis, under section 502 of the act (21 U.S.C. 352), to determine whether those claims are false or misleading. Any claim that is outside the scope of the monograph, even though it is truthful and not misleading, may not appear on any portion of the labeling that is required by the monograph. Such a claim also may not detract from the required information. Therefore, the claim requested by the comment may be included on the labeling of OTC first aid antibiotic drug product provided that it is not intermixed with labeling established by the monograph, and that it is not false or misleading.

C. Comments on Gramicidin

8. One comment objected to the Category III classification of gramicidin for safety, stating that the Antimicrobial II Panel apparently decided that gramicidin should be placed in Category III because it "is a potent hemolytic agent." The comment contended that the data supporting this conclusion appear to be quite sparse and are probably a carry-over from the remote observation by Heilman and Herrell (Ref. 1) in 1941 that tyrothricin, a crude preparation containing tyrocidine and gramicidin, had in vitro hemolytic properties against rabbits' and sheep's erythrocytes. The comment cited the animal study by Robinson and Molitor (Ref. 2) as indicating that relatively large intravenous or intraperitoneal doses of gramicidin suspensions were needed to show toxicity. The comment contended that the doses used in this study should be compared with a daily topical human dosage of 0.0083 milligram per kilogram (mg/kg) (0.25 mg gramicidin per gram (g) of ointment, assuming application of 2 g ointment per day to a 60-kg subject). The comment also cited a report (Ref. 3) in which it was noted that an unpublished study by Leyden reports that gramicidin was not detected in the serum or urine of eight subjects with widespread atopic dermatitis or psoriasis who were treated twice daily for 7 days with 30 g of a cream containing (among other antibiotics) gramicidin 0.25 milligram per gram (mg/g).

The comment further noted that the safety and efficacy of gramicidin have been fully discussed in data submitted to FDA (as part of the drug efficacy study implementation (DESI) program) concerning a certified prescription topical product containing gramicidin, neomycin sulfate, nystatin, and triamcinolone acetonide. The comment concluded that the extensive use of gramicidin for over 20 years in both OTC and prescription topical preparations has not resulted in any reports of adverse effects related to any possibility of gramicidin toxicity.

After reevaluating the information on the safety of gramicidin and considering the data cited by the comment, the agency concludes that gramicidin is not generally recognized as safe for OTC use as a first aid antibiotic. The Panel recommended that the safety of gramicidin be studied to determine both systemic and topical toxicity. The Panel said specifically that the amount of gramicidin absorbed through the skin following topical application and the hemolytic (red blood cell breakdown) potential of gramicidin resulting from absorption through fresh superficial wounds need to be determined (42 FR 17660). This information has not been provided.

The agency disagrees with the comment that evidence of hemolytic activity of gramicidin is sparse and notes that reports of such activity were published after the report cited by the comment (Ref. 1). Although, as the comment stated, Heilman and Herrell (Ref. 1) first reported that crude tyrothricin was hemolytic, they later reported that purified gramicidin was also hemolytic (Ref. 4). Dubos and Hotchkiss (Ref. 5) and Rammelkamp and Weinstein (Refs. 6 and 7) concluded that the hemolytic effect of tyrothricin was primarily the result of the tyrocidine content of tyrothricin, although they noted that gramicidin in high concentrations also exhibited hemolytic and leukocytolytic effects. There have also been some reports in which gramicidin was modified in an attempt to reduce the hemolytic activity (Ref. 8, 9, and 10). Lewis et al. (Ref. 8) found that treatment of gramicidin with formaldehyde lowered the hemolytic activity of gramicidin 80 to 90 percent without decreasing its antibacterial properties. Schales and Mann (Ref. 9), although noting that the hemolytic effect of gramicidin was considerably slower than that of tyrocidine, found that various gramicidin derivatives had hemolytic activity that varied from 2 to 87 percent of that of gramicidin. Rambhav and Ramachandran (Ref. 100) evaluated the hemolytic activity of gramicidin and several modified gramicidins and concluded that the

BEST COPY AVAILABLE

VOL 52 ISS 238 DEC 11 1987 UMI

peptide-bound ethanolamine residue was implicated in the hemolytic activity of gramicidin.

Even though Robinson and Molitor (Ref. 2) reported that gramicidin was not toxic when given orally (at 1,000 mg/kg) or injected subcutaneously or intradermally, gramicidin was highly toxic upon parenteral administration. Acute parenteral dosages of 1.25 mg/kg gramicidin administered intravenously or 10 mg/kg administered intraperitoneally were not lethal in mice. The lethal dose for mice by the intravenous route was 3.75 mg/kg.

In most dogs, daily intravenous dosing of gramicidin at 2 mg/kg was lethal within 2 to 3 days. Robinson and Molitor noted that in the case of tyrothricin, daily blood examinations showed that all dogs receiving 2 to 4 mg/kg tyrothricin developed marked leucocytosis. Dogs tolerating more than 10 consecutive doses of the drug became anemic, the erythrocyte count ranging from 2.06×10^5 to 3.95×10^5 cells per cubic millimeter. One dog with marked leucocytosis and anemia returned to normal after 2 months during which no drug was given. Robinson and Molitor suggested that this finding might indicate that the anemia caused by daily injections of tyrothricin is related to the hemolytic properties, which it can display in vitro. The authors noted that gramicidin had no apparent effect upon the blood picture during the short period that the animal survived. They also suggested that equivalent doses of gramicidin might have a similar effect as tyrothricin if the animal could tolerate a larger number of consecutive doses.

Robinson and Molitor noted that the impossibility of preparing true aqueous solutions of gramicidin made it difficult to interpret the data, particularly the data from the intravenous test groups in which physical factors such as large particle size may influence the results. They suggested that in view of the insolubility of gramicidin, it is possible that the effects observed were not caused by a specific pharmacodynamic action but rather were caused by nonspecific physical or physicochemical properties. Robinson and Molitor concluded that it is doubtful whether the toxicological results they reported of parenteral use in animals would have a direct bearing on the clinical use of gramicidin topically, except that application to deep lacerated wounds might approach the experimental conditions present in intravenous injection. Therefore, they cautioned against use of gramicidin where rapid and direct absorption into the bloodstream is likely to occur. As noted above, the Panel was concerned about the hemolytic potental of gramicidin resulting from absorption through fresh superficial wounds. The agency concurs based on the above discussion.

As the comment noted, Leyden (Ref. 3) reported that no significant blood or urine levels could be detected in human subjects after very extensive topical application of a cream containing 0.25 mg/g gramicidin, neomycin sulfate, and polymyxin B sulfate to atopic dermatitis or psoriasis. However, only eight subjects were studied. A limited report of this type is not adequate to establish general recognition of the safety of this ingredient for OTC first aid use. The report does not indicate whether the drug was applied to intact or broken skin, does not describe the assay method, and does not state how many subjects were treated with the cream that contained gramicidin or how many were treated with an alternate ointment that did not contain gramicidin. The information provided seems, on the whole, rather limited especially when the no-effect toxic dose of gramicidin is unknown.

The comment also referred to a prescription product containing gramicidin in combination with other ingredients that is being evaluated under the agency's DESI program. As discussed in comment 9 below, the agency concluded in a DESI notice published in the **Federal Register** of April 17, 1985 (50 FR 15227) that the combination drug policy is satisfied with respect to nystatin and triamcinolone acetonide, two of the four ingredients in the prescription product, for the treatment of cutaneous candidiasis, and the company has agreed to reformulate the product to delete neomycin and gramicidin, the other two ingredients (Ref. 11).

The agency concludes that sufficient data have not been submitted on the absorption of gramicidin and on the hemolytic potential of gramicidin resulting from absorption through fresh superficial wounds. Accordingly, gramicidin is not being included in this final monograph.

References

(1) Heilman, D., and W.E. Herrell, "Hemolytic Effect of Gramicidin," *Proceedings of the Society for Experimental Biology and Medicine*, 46:182–184, 1941.

(2) Robinson, H.J., and H. Molitor, "Some Toxicological and Pharmacological Properties of Gramicidin, Tyrocidine, and Tyrothricin," *Journal of Pharmacology and Experimental Therapeutics*, 74:75–82, 1942.

(3) Bushby, S.R.M., "Blood Concentrations Following Topical Application," *in* "Over-the-Counter Topical Antibiotic Products: Data on Safety and Efficacy," V. Anderson, editor, *International Journal of Dermatology*, 15 (Supplement): 79–82, 1976.

(4) Herrell, W.E., and D. Heilman, "Experimental and Clinical Studies on Gramicidin," *Journal of Clinical Investigation*, 20:433, 1941.

(5) Dubos, R.J., and R.D. Hotchkiss, "The Production of Bactericidal Substances by Aerobic Sporulating Bacilli," *Journal of Experimental Medicine*, 73:629–640, 1941.

(6) Rammelkamp, C.H., and L. Weinstein, "Hemolytic Effect of Tyrothricin," *Proceedings of the Society for Experimental Biology and Medicine*, 48:211–214, 1941.

(7) Rammelkamp, C.H., and L. Weinstein, "Toxic Effects of Tyrothricin, Gramicidin, and Tyrocidine," *Journal of Infectious Diseases*, 71:166–173, 1942.

(8) Lewis, J.C., et al. "Modification of Gramicidin through Reaction with Formaldehyde," *Science*, 102:274–275, 1945.

(9) Schales, O., and G.E. Mann "Gramicidin Derivatives. I. Preparation: Hemolytic and Bacteriostatic Properties," *Archives of Biochemistry*, 15:357–371, 1947.

(10) Rambhav, S., and L.K. Ramachandran, "The Chemical Modification of Peptide Antibiotics: Part II—The Relative Roles of Ethanolamine and Indole Groupings in the Biological Activity of Gramicidin," *Indian Journal of Biochemistry and Biophysics*, 9:225–229, 1972.

(11) OR 000003, Docket No. 84N–0067, Dockets Management Branch.

9. One comment disagreed with the Category III classification of gramicidin for effectiveness. The comment submitted three studies that it claimed demonstrated the effectiveness of gramicidin (in combination with neomycin) (Refs. 1, 2, and 3) and pointed out that the Panel considered the combination of gramicidin D and neomycin to be rational because it broadens antibacterial coverage against the gram-positive organisms most likely to be found in superficial skin wounds (42 FR 17678).

As additional support for the effectiveness of gramicidin, the comment cited the agency's acceptance of a study by Dillon, Maddox, and Ware (Ref. 4), along with other data, as "sufficient evidence to support the claim 'first aid to help prevent infection in minor cuts, scrapes, and burns' for all topical antibiotics" (47 FR 29992). The comment concluded that "the Panel itself resolved the efficacy issue vis-a-vis gram-positive organisms and the rationality of the combination with neomycin, and the FDA has now ruled in support of the efficacy of all topical antibiotics while simultaneously revising the indication ('first aid to help prevent infection') in a manner that favors use of a potent, anti-gram-positive, non-systemically used antibiotic." The comment further noted that efficacy and safety had been fully discussed in data submitted to FDA concerning a certified prescription topical product that contains gramicidin, neomycin sulfate, nystatin, and triamcinolone acetonide.

The comment contended that there is adequate support for a Category I designation for gramicidin for use in combination only, as "first aid to help prevent infection in minor cuts, scrapes, and burns." The comment requested that the agency revise § 333.110(c) to include the following: "Gramicidin 0.25 milligrams per gram for use only in combination as provided in section 333.120."

After reevaluating the information on the effectiveness of gramicidin and considering the data cited by the comment, the agency concludes that gramicidin cannot be included in the final monograph as a first aid antibiotic.

One in vivo study cited by the comment (Ref. 1) shows that a combination of neomycin and gramicidin decreases the number of organisms from experimentally induced *Staphylococcus aureus* infections. In the tentative final monograph, the agency cited this study as one of four references to support the conclusion that "reducing the number of bacteria on the skin may help prevent infection in minor skin injuries. It is well documented in the medical literature that applying topical antibiotics to skin wounds reduces the number of bacteria at the site of application and serves as an adjunct to cleansing wounds." (See 47 FR 29991 to 29992.)

Two of the publications cited by the comment reported the same clinical study (Refs. 2 and 3). In this study, conducted over an 18-month period, 204 children who had sustained major thermal burns received a triple antibiotic cream formulation containing gramicidin, neomycin, and polymyxin B. The results from use of the cream were compared with those from an earlier period without topical chemotherapy against wound infection or with only topical nitrofurazone. The improvement in overall results was significant when the triple antibiotic cream formulation containing gramicidin, neomycin, and polymyxin B was applied topically.

The agency notes that in these studies (Refs. 1, 2, and 3) gramicidin was used in combination with other ingredients, and that there is no evidence to demonstrate the specific contribution that gramicidin made to the combination.

The Panel stated that the gramicidin-neomycin combination "* * * is rational since it broadens antibacterial coverage against the gram-positive organisms most likely to be found in superficial skin wounds, and also decreases the likelihood of encountering a bacterial strain resistant to both antibiotics as well as the chance of developing an infection that might be resistant to both antibiotics" (42 FR 17678). Nevertheless, the Panel concluded that "prudent scientific judgment does not permit the conclusion that merely arguing their efficacy by analogy is sufficient" (42 FR 17678).

The study by Dillon, Maddox, and Ware (Ref. 4), which did not involve gramicidin, was cited by the agency to demonstrate that antibiotics that have been shown to inhibit or to reduce the number of bacteria under non-OTC conditions in induced wounds or in major wounds can also be presumed to be effective in helping to prevent infection under OTC conditions in minor cuts, scrapes, and burns. The agency's statement on this study in the preamble to the tentative final monograph was intended to show that a claim of "first aid to help prevent infection" was appropriate for OTC topical antibiotics that have sufficient effectiveness data. However, it was not intended to justify reclassification of gramicidin (or of any other antibiotics for which there are no in vivo data) into Category I (monograph) status.

In addition, the comment referred to a prescription product that contains neomycin and gramicidin in combination with other ingredients and that is being evaluated under the agency's drug efficacy study implementation (DESI) program). Under DESI, the agency concluded in 1972 that this product was possibly effective for all of its labeled indications relating to use in various dermatoses and as an anti-infective agent (37 FR 12856). Subsequently, the agency concluded that the data on this product did not demonstrate that each component made a significant contribution to the claimed effects of the drug. (See the **Federal Register** of September 25, 1981 (46 FR 47408).) On October 20, 1981, the manufacturer of the product (which also submitted the comment at issue) requested a hearing, and on November 24, 1981, it filed data and other information in support of its hearing request.

After the firm submitted this comment to this OTC drug rulemaking, the agency published a DESI notice to grant the firm a hearing on the proposal to withdraw approval of the new drug applications for the prescription product. (See the **Federal Register** of September 17, 1984; 49 FR 36439.) At a prehearing conference held on January 11, 1985, the agency concluded that the combination drug policy is satisfied with respect to nystatin and triamcinolone acetonide, two of the four ingredients in the prescription product, for the treatment of cutaneous candidiasis, and the company agreed to reformulate the product to delete neomycin and gramicidin (Ref. 5). (See the **Federal Register** of April 17, 1985; 50 FR 15227.)

Therefore, the agency concludes that the evidence submitted to date does not demonstrate that gramicidin (alone or in combination) is effective for use as a first aid antibiotic drug product. The agency recommends that a well-designed, double-blinded study be conducted to show in vivo efficacy of gramicidin by itself or as a contributor to a combination.

Accordingly, gramicidin is not being included in this final monograph.

References

(1) Marples, R.R., A. Rebora, and A.M. Kligman, "Topical Steroid-Antibiotic Combinations: Assay of Use in Experimentally Induced Human Infections," *Archives of Dermatology*, 108:237–240, 1973.

(2) Bush, C.A., and H.H. Stone, "Care of the Burn Wound with Topical Neosporin," *Southern Medical Journal*, 65:1083–1087, 1972.

(3) Stone, H.H., and C.A. Bush, "Topical Burn Chemotherapy with Antibiotic Creams, (Neosporin and Gentamycin), Chapter 19 *in* "Symposium on the Treatment of Burns," Volume 5, Edited by J.B. Lynch and S.R. Lewis, St Louis, C.J. Mosby Company, pp. 129–134, 1973.

(4) Dillon, H.C., S. Maddox, and J.C. Ware, "Pathogenesis and Prevention of Streptococcal Impetigo," *in* "Current Chemotherapy and Infectious Disease—Proceedings of the 11th International Congress of Chemotherapy and the 19th Interscience Conference on Antimicrobial Agents and Chemotherapy," The American Society of Microbiology, Washington, Vol II, pp. 1190–1192, 1980.

(5) OR 000003, Docket No. 84N–0067, Dockets Management Branch.

D. Comments on Combination Drug Products

10. One comment requested that FDA expand the proposed allowable concentrations for bacitracin, bacitracin zinc, and neomycin sulfate to include the concentrations of these ingredients in all combinations currently approved for OTC use in the antibiotic regulations. The comment pointed out that § 448.510e permits a bacitracin concentration of 400 units per g for a combination bacitracin-neomycin sulfate-polymyxin B sulfate ointment, and that § 448.513c permits a bacitracin zinc concentration of 400 units per g and a neomycin sulfate concentration equivalent to 3 mg neomycin for a combination bacitracin zinc-neomycin sulfate-polymyxin B sulfate ointment. The comment stated that it is not clear why these concentrations were omitted from the tentative final monograph. The

VOL 52 ISS 238 DEC 11 1987 UMI

comment added that to resolve these conflicts between the OTC topical antibiotic tentative final monograph and the antibiotic regulations, the tentative final monograph should be revised so that bacitracin and bacitracin zinc concentration could be 400 or 500 units per g, and the allowable concentration for neomycin sulfate could be the equivalent of 3 or 3.5 mg neomycin.

As discussed in comment 3 above, the agency is revising the format for listing monograph antibiotic ingredients from that used in the tentative final monograph. In this final monograph, the agency is listing each generally recognized as safe and effective ingredient and the dosage forms of that ingredient that have been specified in the antibiotic regulations. The agency is also revising the combinations of first aid antibiotic drug products to specify the particular antibiotic ingredients, the concentrations permitted for each of these ingredients, and the dosage forms currently identified in the specific monographs in the antibiotic regulations that apply to OTC drug monograph first aid antibiotics. These revisions correct the conflicts in FDA's proposed regulations that the comment pointed out.

11. Two comments disagreed with the agency's decision not to include antibiotic-anesthetic combinations in the tentative final monograph until data were submitted to show that the population that would use these combinations on skin wounds would not be at risk and until information is submitted to show that the combinations meet the criteria in 21 CFR 330.10(a)(4)(iv) (47 FR 29996).

One of the comments stated that, except for a possible safety issue, sufficient information to meet all the remaining criteria of 21 CFR 330.10(a)(4)(iv) is presently in the record. Both comments pointed out that combinations of certain antibiotics and anesthetics are allowed under the antibiotic certification regulations (§§ 444.542a [neomycin sulfate ointment with 200 milligrams benzocaine per gram of ointment]; 444.542j [neomycin sulfate-polymyxin B sulfate-gramicidin ointment with 10 milligrams benzocaine per gram of ointment]; 448.510a [bacitracin ointment with a suitable local anesthetic]; and 448.510e [bacitracin-neomycin sulfate-polymyxin B sulfate ointment with a suitable local anesthetic]), and that Form 6's for products containing these combinations have been approved by FDA for OTC use. One comment also noted that the Topical Analgesic Panel's recommended monograph for OTC external analgesic drug products (44 FR 69768, 69864; December 4, 1979) provides for combinations of many Category I analgesics, anesthetics, or antipruritics with single Category I topical antimicrobial active ingredients or combinations of Category I topical antimicrobial active ingredients.

The comments contended that the agency's concern that the presence of an anesthetic will mask symptoms of infection is unfounded because OTC antibiotics are indicated for "first aid" use and not for the treatment of existing infections. One comment argued that the absence of a safety issue with OTC use of such combinations is demonstrated by the lack of a single adverse reaction report for such products in the records of FDA's Division of Drug Experience. The comment added that 21 CFR 310.300 and 310.301 require that the holder of an approved antibiotic application report adverse reactions to FDA. The comment requested that the agency include any reports of adverse reactions that are in its files in the administrative record of this proceeding as new data for use in determining whether there is any risk to the population in approving OTC antibiotic-analgesic combinations. The comment stated that the absence of adverse reaction reports in FDA's files constitutes data supporting both the general safety of such OTC combination products and the conclusion that masking of infection should not be a concern. The other comment added that the action of the anesthetic ingredient does not persist for the entire 8- to 24-hour period between applications of the product. Thus, the comment argued, it is hardly conceivable that inclusion of the anesthetic could mask symptoms of a worsening infection and present a hazard to consumers.

Concerning the requirements of 21 CFR 330.10(a)(4)(iv), one comment pointed out that only Category I ingredients would be allowed in these combinations, and that the label claim for the product would be to help prevent infection and to provide relief of pain associated with minor wounds. The comment added that the contribution of the respective ingredients to these claimed effects is known, that the combination does not decrease safety or effectiveness, and that such combination therapy would be rational because it is common knowledge that pain usually accompanies minor wounds.

One comment concluded that the antibiotic-anesthetic combinations permitted under the existing antibiotic certification regulations should also be permitted in the OTC first aid antibiotic monograph and requested that the agency provide for such combinations in the final monograph. The other comment further requested that all combinations of Category I first aid antibiotics and Category I local anesthetics be approved as Category I combinations.

Based on the points raised by the comments and after further review as discussed below, the agency has reconsidered its decision in the tentative final monograph and now agrees with the comments that certain topical antibiotic-anesthetic combinations are Category I.

The agency acknowledges that in the tentative final monograph it pointed out that no data on such combinations had been reviewed by the Panel or submitted in comments (47 FR 29996). The agency stated, however, that it was conceivable that the combination could provide rational therapy for OTC use.

Upon further review, the agency finds that the combination of a topical antibiotic with a local anesthetic has had a marketing history that predates the OTC drug review. For example, on June 29, 1972 (37 FR 12857), a notice on certain OTC topical antibiotic products under the DESI program deferred action on these products pending the results of the OTC drug review. This DESI notice included products containing topical antibiotics combined with the local anesthetic benzocaine (four products) or with diperodon hydrochloride (one product). These antibiotic-anesthetic drug products currently have first aid labeling claims, such as "to help prevent infection" and "as an aid for the temporary relief of discomfort in minor cuts, burns, and abrasions." Also, as the comments noted, combinations of certain antibiotics and anesthetics for topical use are currently allowed under the antibiotic certification regulations. A review of the FDA adverse drug reaction reports failed to show any adverse reaction reports for these combinations.

Both the advance notice of proposed rulemaking (44 FR 69865) and the tentative final monograph (48 FR 5852, 5868; February 8, 1983) for OTC external analgesic drug products provide for combinations of Category I external analgesic, anesthetic, or antipruritic ingredients with Category I topical antimicrobial active ingredients. The agency notes that no adverse comments about masking infection or other objections have been received from the medical community regarding the combination in that rulemaking.

Although the tentative final monograph for OTC external analgesic drug products provides only for combinations of Category I external analgesic, anesthetic, or antipruritic ingredients with Category I topical antimicrobial active ingredients identified in Part 333, Subpart A, the agency believes that combinations with first aid antibiotics (Part 333, Subpart B) are also appropriate. The combination of a first aid antibiotic and an external analgesic, anesthetic, or antipruritic is similar in action and intended use to the combination of a topical antimicrobial and an external analgesic, anesthetic, and antipruritic and will be included in this final monograph for first aid antibiotic drug products.

The agency agrees with the comment that OTC first aid antibiotics are not labeled for the treatment of existing infections and are limited to use on minor injuries for not longer than 1 week with warnings to stop use and to consult a doctor if the condition persists or gets worse. Accordingly, the agency concludes that combinations of first aid antibiotic and local anesthetic ingredients provide rational concurrent therapy for a significant proportion of the target population and that the combination is suitable for OTC use under adequate directions for use and warnings against unsafe use, as required under § 330.10(a)(4)(iv).

The agency proposed in § 348.50(b)(2) of the tentative final monograph for OTC external analgesic drug products (48 FR 5868) the following indication for local anesthetics: "For the temporary relief of" (select one of the following: "pain," "itching," or "pain and itching") (which may be followed by: "associated with" (select one or more of the following) "minor burns," "sunburn," "minor cuts," "scrapes," "insect bites," or "minor skin irritation,")). This indication is very similar to the indication for first aid antibiotics in § 333.150(b) of this final monograph, which reads, "First aid to help * * * prevent" (select one of the following: "infection," "bacterial contamination," or "infection or bacterial contamination") "in minor cuts, scrapes, and burns." Therefore, it would be reasonable for an individual with a minor cut, scrape, or burn to apply both a local anesthetic drug product and a first aid antibiotic drug product to the same minor wound.

First aid antibiotics are included in the monograph based on labeling that they be used only on small areas of the body for a minor cut, scrape, or burn, and that they bear a warning that they not be applied over large areas of the body. Accordingly, those proposed Category I claims for external analgesic drug products that refer to conditions other than minor wounds, and particularly conditions likely to involve large areas of the body (e.g., sunburn), would be nonmonograph for the topical antibiotic-anesthetic combination drug product.

The agency acknowledges the Panel's concern that the addition of an anesthetic to a topical antibiotic drug product could pose safety problems by masking signs of infection. However, the agency believes that appropriate labeling can be written to alleviate this concern. In the tentative final monograph, the agency proposed the following warning in § 333.150(c)(2): "Stop use and consult a doctor if the condition persists or gets worse. Do not use longer than 1 week unless directed by a doctor." The rationale for this warning was discussed in comment 9 of the tentative final monograph (47 FR 29990). The agency believes that this warning adequately informs consumers using these products when to consult a doctor, if necessary, even if the product is an antibiotic-anesthetic combination.

A number of topical antibiotic-anesthetic combinations have been marketed OTC for a number of years under current antibiotic monographs in 21 CFR Parts 444 and 448 (see below). FDA is currently including some of these combinations in this final monograph, as discussed below, so that it conforms to the current antibiotic regulations in the Code of Federal Regulations (CFR).

In conclusion, the agency is including in the final monograph only those topical antibiotic-anesthetic combinations that include Category I ingredients from both the external analgesic and first aid antibiotic rulemakings and that are subject to a current CFR antibiotic monograph with labeling containing adequate directions under which the layman can use the drug safely and efficaciously. The following anesthetic-antibiotic combinations currently have CFR monographs:

Section 444.542a(a)(1)(i)(j)—Neomycin sulfate ointment with benzocaine.

Section 444.542c(a)(1)(i)—Neomycin sulfate lotion with diperodon hydrochloride and aluminum dihydroxyallantoinate.

Section 444.542j—Neomycin sulfate-polymyxin B sulfate-gramicidin-benzocaine ointment.

Section 448.510a—Bacitracin ointment (with a suitable local anesthetic).

Section 448.510e—Bacitracin-neomycin sulfate-polymyxin B sulfate ointment (with a suitable local anesthetic).

Neomycin sulfate lotion combined with the local anesthetic diperodon hydrochloride under § 444.542c is not being included in this final monograph. Diperodon has not been included in the rulemaking for OTC external analgesic drug products. Accordingly, a topical antibiotic-anesthetic combination containing diperodon is not being included in the first aid antibiotic final monograph. Because gramicidin is not included in this final monograph, the combination included in § 444.542j is also not being included in the monograph. Both of these combinations still require a drug application to be marketed.

The agency interprets the term "suitable local anesthetic" as currently specified in § 448.510a and § 448.510e of the antibiotic regulations to mean any of the ingredients identified in § 348.10(a) of the tentative final monograph for OTC external analgesic drug products. These are identified as amine or "caine"-type local anesthetics and include:

(1) Benzocaine 5 to 20 percent.
(2) Butamben picrate 1 percent.
(3) Dibucaine 0.25 to 1 percent.
(4) Dibucaine hydrochloride 0.25 to 1 percent.
(5) Dimethisoquin hydrochloride 0.3 to 0.5 percent.
(6) Dyclonine hydrochloride 0.5 to 1 percent.
(7) Lidocaine 0.5 to 4 percent.
(8) Lidocaine hydrochloride 0.5 to 4 percent.
(9) Pramoxine hydrochloride 0.5 to 1 percent.
(10) Tetracaine 1 to 2 percent.
(11) Tetracaine hydrochloride 1 to 2 percent.

Because the above local anesthetics are not yet subject to a final monograph, FDA cannot refer in this first aid antibiotic final monograph to a final regulation that does not currently exist. Nonetheless, consistent with the approach taken by FDA in the final monograph for OTC antacid drug products (21 CFR 331.15), the agency is listing these combinations in general terms as combinations of drug classes rather than combinations of specific ingredients, because the nonantibiotic ingredients are not yet subject to a final rule. FDA is including the following first aid antibiotic-anesthetic combinations in the final monograph: in § 333.120(b)(1) the combination of bacitracin and any single generally recognized as safe and effective amine or "caine"-type local anesthetic active ingredient and in § 333.120(b)(2) two combinations of bacitracin-neomycin sulfate-polymyxin B sulfate and any single generally recognized as safe and effective amine or "caine"-type local anesthetic active ingredient.

VOL 52 ISS 238 DEC 11 1987 UMI

Until the agency makes a determination on which local anesthetic ingredients to include in the final external analgesic monograph, it will take no regulatory action against such products based solely on the combination of ingredients, provided that the combinations are marketed in accordance with this final monograph, contain a local anesthetic as proposed in § 348.10(a) of the tentative final monograph for OTC external analgesic drug products, and are consistent with an antibiotic monograph in 21 CFR Part 444 or Part 448. Products meeting these conditions may be marketed without a drug application.

At this time, because benzocaine is specifically identified as the local anesthetic in a combination that would otherwise have been included in this final monograph, i.e., neomycin sulfate ointment with benzocaine, the agency is likewise withholding action until the external analgesic monograph, which presently proposes to include benzocaine among specific ingredients, is finalized. In the interim, such a combination can continue to be marketed only under a drug application.

When the final monograph for OTC external analgesic drug products is issued, the agency will amend § 333.120(b) (1) and (2) to include the appropriate cross-reference to the local anesthetics included in that monograph. If benzocaine is included in that final monograph, the agency will also amend Part 333 to provide for the neomycin-benzocaine combination.

II. Agency-initiated Changes

1. In the Federal Register of April 17, 1985 (50 FR 15107) FDA announced that, under the agency's DESI program, several topical antibiotic drug products that previously were available by prescription had been reformulated, switched from prescription to OTC status, and labeled as first aid antibiotic drug products. These products are bacitracin zinc-polymyxin B sulfate topical powder (§ 448.513d), bacitracin zinc-polymyxin B sulfate topical aerosol (§ 448.513e), and neomycin sulfate-polymyxin B sulfate cream (§ 444.542l). In the Federal Register of October 2, 1986 (51 FR 35211), the agency amended the antibiotic drug regulations to provide for a new OTC dosage form of bacitracin-polymyxin B sulfate topical aerosol (§ 448.510f). Because these products are marketed OTC and contain only monograph ingredients, and because CFR antibiotic regulations have been established for these combinations, the agency is including them in this final monograph for OTC first aid antibiotic drug products. Labeling information for these combinations appears in § 333.160 of this final monograph.

One product, described in § 444.542l, was a reformulation of a cream product that originally contained neomycin sulfate, polymyxin B sulfate, and gramicidin. Gramicidin was not included in the reformulated product because of a lack of sufficient evidence to support its effectiveness, either alone or in combination (50 FR 15108). (See also comments 8 and 9 above.) Two products, a powder and an aerosol, described under § 448.513d and § 448.513e, originally contained neomycin sulfate, polymyxin B sulfate, and bacitracin zinc. Neomycin was removed from these products because of concerns about the safety of applying neomycin in aerosol solution or powder dosage forms over extensive burns or wounds (50 FR 15108). Because of these concerns, the agency has determined that neomycin-containing drug products for OTC use should be limited to ointment and cream topical dosage forms. Therefore, neomycin-containing powders and aerosols are not included in this final monograph for OTC first aid antibiotic drug products. In addition, FDA revoked the antibiotic regulation that allowed OTC labeling for a neomycin aerosol product, described in § 444.542d, because this drug product is no longer manufactured (49 FR 34350; August 30, 1984).

2. The agency notes that the labeling directions recommended by the Panel for all topical antibiotics in the advance notice of proposed rulemaking in § 342.50(c) was intended to limit the area of application, namely: "* * * apply a small amount (an amount equal to the surface area of the tip of a finger) directly to the affected area and cover with sterile gauze if desired. May be applied 1 to 3 times daily." (See 42 FR 17681.) In the tentative final monograph, the agency proposed simpler directions that did not limit the amount of product to be applied to an amount equal to the surface area of the tip of a finger (proposed § 333.150(d); 47 FR 29999).

Based on concerns about neomycin toxicity, as discussed below, and to better inform the consumer of the maximum size of an injury that would be suitable for self-treatment, the agency has reevaluated the directions and has decided to adopt directions for use of ointment and cream products based on the Panel's recommendations. These directions, which are set forth in § 333.150(d)(1), state "* * * Apply a small amount of this product (an amount equal to the surface area of the tip of a finger) on the area 1 to 3 times daily * * *."

3. Because powder products and aerosol products are applied in a different manner, the agency has added separate directions for using powders and aerosols in § 333.150(d) (2) and (3).

4. Neomycin sulfate was listed in Category III in the Panel's report because of safety concerns about the potential of this ingredient to cause sensitization or antibiotic-resistant staphylococci (42 FR 17666). Neomycin sulfate was reclassified as a Category I first aid antibiotic in the tentative final monograph. After reviewing the Panel's report and the comments, the agency concluded that the short-term use of neomycin in minor cuts and burns would not present a toxicologic risk. The agency concurred with the Panel's conclusion that no further toxicologic testing is needed for neomycin for OTC topical use (47 FR 29995).

The agency has further reviewed neomycin toxicity, including ototoxicity (having a deleterious effect upon the eighth nerve or upon the organs of hearing and balance), that may result from administration by any route when systemic absorption occurs, including application to extensive wounds or burns. In most reports of ototoxicity occurring after topical application of neomycin, "topical" has been interpreted in the broadest sense. For example, it has been interpreted to include irrigation of wounds with solutions of neomycin or intraperitoneal and intrapleural instillations and inhalations (Ref. 1). Moreover, the quantities applied have been comparable to those used in systemic therapy (Ref. 1).

There have been isolated reports of deafness resulting from local application of neomycin-containing preparations to treat extensive skin damage from burns or other causes (Refs. 2 through 7). In most of these reports, the neomycin was applied in aerosol preparations (Refs. 2 through 5). In all cases, treatment was for severe conditions, not for OTC uses commonly encountered [i.e., minor cuts, scrapes, and burns), and the amount of drug used was greater than that being proposed for OTC use.

The agency believes that application of neomycin in an ointment or cream topical dosage form to small areas of the body [minor cuts, scrapes, and burns) would not result in significant systemic absorption. Panzer and Epstein (Ref. 8) reported that single external exposure of normal human skin of the entire body of 6 adult male subjects, and portions of the body of 9 other subjects, to neomycin sulfate ointment for 8 hours did not result in any percutaneous absorption of neomycin sulfate that could be detected by the usual bioassay methods. Bushby (Ref. 9) reported that Leyden found that no significant blood or urine levels of neomycin could be detected in 8 human subjects with at least 50 percent involvement of their body with psoriasis or atopic dermatitis who were treated twice daily for 7 days with 30 g of either a petrolatum ointment containing neomycin-polymyxin B-bacitracin zinc or a cream containing neomycin-polymyxin B-gramicidin.

Livingood (Ref. 10) found that systemic absorption through burns is more likely to reach measurable blood levels when neomycin sulfate in aqueous solution is applied locally as a compress than when neomycin sulfate ointment is topically applied. Livingood determined blood serum levels or neomycin in 16 patients after neomycin ointment and/or neomycin in aqueous solution had been applied to extensive denuded skin surfaces for at least 1 week. Evidence of systemic absorption of neomycin was found in only 2 of these patients, and in both patients neomycin compresses had been applied on a denuded surface that resulted from second and third degree burns and covered about 20 percent of the body.

The agency concludes that the labeling in this final monograph, i.e., warnings against prolonged use of first aid antibiotic drug products and against use on deep extensive wounds, is adequate for all the antibiotics included in the final monograph, including neomycin. However, the agency believes that it is prudent to specify the dose more fully. Accordingly, as discussed above, the agency has revised the directions in this final monograph to limit the size of the area to be treated by directing consumers to apply only an amount of the product equal to the surface of the tip of a finger. (See also part III. paragraph 7, below—SUMMARY OF SIGNIFICANT CHANGES FROM THE PROPOSED RULE.) The agency believes that the labeling (indications, warnings, and directions) required for OTC first aid antibiotic drug products is sufficient to provide adequate information for the safe OTC topical use of neomycin-containing and other first aid antibiotic drug products.

References

(1) Bushby, S.R.M., "Percutaneous Absorption and Systemic Toxicity," *in* "Over-the-Counter Topical Antibiotic Products: Data on Safety and Efficacy," V. Anderson, Editor, *International Journal of Dermatology*, Supplement, 15:68–78, 1976.

(2) Committee on Safety of Medicines (UK), "Warning on Aerosols containing Neomycin," *Lancet*, 1:1115, May 21, 1977.

(3) Little, P.J., and K.L. Lynn, "Neomycin Toxicity," Letter to Editor, *New Zealand Medical Journal*, 81:445, 1975.

(4) Bamford, M.F.M., and L.F. Jones, "Deafness and Biochemical Imbalance after Burns Treatment with Topical Antibiotics in Young Children," *Archives of Disease in Childhood*, 53:326–329, 1978.

(5) Graham, W.C.S., "Survival of a Severely Burned Child with Bilateral Sensory-neural Deafness from Topical Antibiotics," *Panminerva Medicine* (English edition), 11:44–46, 1969.

(6) Sugarbaker, P.H., L.D. Sabath, and A.P. Morgan, "Neomycin Toxicity from Porcine Skin Xenografts," *Annals of Surgery*, 179:183–185, 1974.

(7) Herd, J.K., et al., "Ototoxicity of Topical Neomycin Augmented by Dimethylsulfoxide," *Pediatrics*, 40:905–907, 1967.

(8) Panzer, J.D., and W.L. Epstein, "Percutaneous Absorption Following Topical Application of Neomycin," *Archives of Dermatology*, 102:536–539, 1970.

(9) Bushby, S.R.M., "Blood Concentrations Following topical Application," *in* "Over-the-Counter Topical Antibiotic Products: Data on Safety and Efficacy," V. Anderson, Editor, *International Journal of Dermatology*, Supplement, 15:79–82, 1976.

(10) Livingood, C.S., et al., "Pyogenic Infections Treated with Neomycin," *Journal of the American Medical Association*, 148:334–339, 1952.

III. Summary of Significant Changes From the Proposed Rule

1. OTC first aid antibiotic drug products that conform to this monograph are exempt from the requirements for approved applications or approved abbreviated applications or for antibiotic batch certification. (See comment 2 above.)

2. The agency is modifying the "scope" that was proposed in § 333.101 of the tentative final monograph. The scope in this final monograph does not include the phrase "the exemptions established in § 433.1, and the applicable sections of Subpart F of Parts 444, 446, and 448." (See comment 3 above.)

3. The agency has reviewed the labeling proposed in the tentative final monograph and has concluded that the indication proposed in § 333.150(b)(1), "First aid to help prevent infection in minor cuts, scrapes, and burns," and the other allowable indications proposed in § 333.150(b)(2) are very similar and should be combined to avoid duplicative words in the labeling. The section entitled "other allowable statements," proposed in § 333.150(b)(3), has not been included in the final monograph in accordance with the current exclusivity policy. (See comment 5 above.) The revised indication is as follows: "First aid to help" [select one of the following: "prevent," ("decrease" ("the risk of" or "the chance of")), ("reduce" ("the risk of" or "the chance of")), "guard against," or "protect against"] [select one of the following: "infection," "bacterial contamination," or "skin infection"] "in minor cuts, scrapes, and burns."

4. The agency has revised the format for listing antibiotic ingredients and combinations of those ingredients in the monograph to specify the particular antibiotic ingredients, the concentrations permitted for each of those ingredients, and the dosage forms currently identified in the specific monographs in the antibiotic regulations that apply to OTC Category I first aid antibiotics. First aid antibiotic drug products in this final monograph include only those products that have established testing methodology in 21 CFR Parts 444, 446, and 448. Consequently, the agency has modified the format of the final monograph from that proposed in the tentative final monograph, in which antibiotics were grouped and combined solely on the basis of antibacterial activity, without consideration of testing methodology. (See comments 3 and 10 above.)

5. The following combinations are being included in this final monograph: Bacitracin-polymyxin B sulfate topical aerosol, bacitracin zinc-polymyxin B sulfate topical aerosol, bacitracin zinc-polymyxin B sulfate topical powder, and neomycin sulfate-polymyxin B sulfate cream. (See part II, paragraph 1 above—AGENCY-INITIATED CHANGES.) Further, directions that are consistent with the labeling of currently marketed products are being provided for aerosol and powder dosage forms. Aerosol products will bear the following statements under the heading "Directions": "Clean the affected area. Spray a small amount of this product on the area one to three times daily. May be covered with a sterile bandage." Powder products will bear the following statements under the heading "Directions": "Clean the affected area. Apply a light dusting of the powder on the area one to three times daily. May be covered with a sterile bandage." Cream products will have the same directions as ointment products.

6. The agency is including in the final monograph several combinations of first aid antibiotics and local anesthetics. These specific combinations are currently provided for in the antibiotic regulations. (See comment 11 above.) These antibiotic-anesthetic drug products currently have first aid labeling claims such as "to help prevent infection and as an aid for the temporary relief of

VOL 52 ISS 238 DEC 11 1987 UMI

discomfort in minor cuts, burns, and abrasions." In addition to the required indication contained in § 333.150(b), the agency is providing in this final monograph that products containing first aid antibiotic ingredients combined with a local anesthetic ingredient may contain an additional indication as follows: "First aid for the temporary relief of" (select one of the following: "pain," "discomfort," "pain or discomfort," or "pain and itching") "in minor cuts, scrapes, and burns." (See § 333.160(b)(2).) As discussed in comment 11 above, claims for OTC external analgesic drug products that refer to conditions other than minor wounds, particularly conditions likely to involve large areas of the body (e.g., sunburn), are nonmonograph for the antibiotic-anesthetic combination drug product.

7. The agency has revised the directions for using first aid antibiotic drug products to better inform the consumer of the maximum size of an injury that would be suitable for self-treatment: The directions for ointment and cream products read as follows: " * * * Apply a small amount of this product (an amount equal to the surface area of the tip of a finger) on the area 1 to 3 times daily * * *." (See Part II, paragraph 2, above—AGENCY-INITIATED CHANGES.) Because powder products and aerosol products are applied in a different manner, the directions instruct the consumer to "apply a light dusting of the powder" or to "spray a small amount of this product."

IV. The Agency's Final Conclusions on OTC First Aid Antibiotic Drug Products

Based on the available evidence, the agency is issuing a final monograph establishing conditions under which OTC first aid antibiotic drug products are generally recognized as safe and effective and not misbranded. Specifically, the following ingredients are included in this final rule for OTC first aid antibiotic use: Bacitracin, bacitracin zinc, chlortetracycline hydrochloride, neomycin sulfate, oxytetracycline hydrochloride (for use in combination only), polymyxin B sulfate (for use in combination only), and tetracycline hydrochloride. FDA has determined that the one other ingredient considered in this rulemaking, gramicidin, is a nonmonograph ingredient. Any drug marketed for use as an OTC first aid antibiotic that is not in conformance with the final monograph (21 CFR Part 333, Subpart B) will be considered a new drug within the meaning of section 210(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)) and may not be marketed for this use unless it is the subject of an approved antibiotic application or abbreviated antibiotic application. Conversely, any drug marketed for use as an OTC first aid antibiotic that is in conformance with the final monograph does not need prior approval for marketing.

No comments were received in response to the agency's request for specific comment on the economic impact of this rulemaking (47 FR 29986). The agency has examined the economic consequences of this final rule in conjunction with other rules resulting from the OTC drug review. In a notice published in the Federal Register of February 8, 1983 (48 FR 5806), the agency announced the availability of an assessment of these economic impacts. The assessment determined that the combined impacts of all the rules resulting from the OTC drug review do not constitute a major rule according to the criteria established by Executive Order 12291. The agency therefore concludes that no one of these rules, including this final rule for OTC first aid antibiotic drug products, is a major rule.

The economic assessment also concluded that the overall OTC drug review was not likely to have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96-354. That assessment included a discretionary Regulatory Flexibility Analysis in the event that an individual rule might impose an unusual or disproportionate impact on small entities. However, the requirement for a Regulatory Flexibility Analysis under the Regulatory Flexibility Act does not apply to this final rule for OTC first aid antibiotic drug products because the proposed rule was issued prior to January 1, 1981, and is therefore exempt.

As discussed in the Federal Register of July 9, 1982 (47 FR 29998), the agency is removing § 369.6 and portions of §§ 369.20 and 369.21 applicable to OTC first aid antibiotic drug products, because these portions of the regulations are superseded by the requirements of this final monograph (Part 333, Subpart B). The items being removed include the entry for "ANTIBIOTICS FOR EXTERNAL USE FOR PREVENTION OF INFECTION" under § 369.20 and the entries for "ANTIBIOTIC-CONTAINING DRUGS FOR EXTERNAL USE FOR PREVENTION OF INFECTION," "BACITRACIN-CONTAINING OINTMENTS," "BACITRACIN (ZINC BACITRACIN)-POLYMYXIN OINTMENT; BACITRACIN-POLYMYXIN-NEOMYCIN OINTMENT," and "OXYTETRACYCLINE AND POLYMYXIN B SULFATE" under § 369.21. Although other regulations concerning an OTC drug product are usually removed when an applicable final monograph is published, the agency is not removing the sections of the antibiotic regulations in Subpart F of Parts 444, 446, and 448 that apply to the tests and methods of assay for those first aid antibiotics that are contained in the final monograph. Instead, the final OTC drug monograph will cross-reference the tests and methods of assay contained in those parts of the regulations, in compliance with section 507(e) of the act (21 U.S.C. 357(e)). (See comment 3 above.)

List of Subjects

21 CFR Part 333

Labeling, Over-the-counter drugs, First aid antibiotic drug products.

21 CFR Part 369

OTC drugs, Warning and caution statements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and the Administrative Procedure Act, Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. Part 333 is added to read as follows:

PART 333—TOPICAL ANTIMICROBIAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—[Reserved]

Subpart B—First Aid Antibiotic Drug Products

Sec.
333.101 Scope.
333.103 Definitions.
333.110 First aid antibiotic active ingredients.
333.120 Permitted combinations of active ingredients.
333.150 Labeling of first aid antibiotic drug products.
333.160 Labeling of permitted combinations of active ingredients.

Authority: Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); 5 U.S.C. 553; 21 CFR 5.10 and 5.11.

Subpart A—[Reserved]

Subpart B—First Aid Antibiotic Drug Products

§ 333.101 Scope.

(a) An over-the-counter first aid antibiotic drug product in a form suitable for topical administration is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this subpart and each of the general conditions established in § 330.1.

(b) References in this subpart to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted.

§ 333.103 Definitions.

As used in this subpart:

(a) *Antibiotic drug.* In accordance with section 507(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357(a)), "any drug intended for use by man containing any quantity of any chemical substance which is produced by a microorganism and which has the capacity to inhibit or destroy microorganisms in dilute solution (including the chemically synthesized equivalent of any such substance)."

(b) *First aid antibiotic.* An antibiotic-containing drug product applied topically to the skin to help prevent infection in minor cuts, scrapes, and burns.

§ 333.110 First aid antibiotic active ingredients.

The product consists of any of the following active ingredients within the specified concentration established for each ingredient and in the specified dosage form:

(a) Bacitracin ointment containing, in each gram, 500 units of bacitracin in a suitable ointment base: *Provided,* that it meets the tests and methods of assay in § 448.510a(b).

(b) Bacitracin zinc ointment containing, in each gram, 500 units of bacitracin zinc in a suitable ointment base: *Provided,* that it meets the tests and methods of assay in § 448.513f(b).

(c) Chlortetracycline hydrochloride ointment containing, in each gram, 30 milligrams of chlortetracycline hydrochloride in a suitable ointment base: *Provided,* that it meets the tests and methods of assay in § 446.510(b).

(d) Neomycin sulfate ointment containing, in each gram, 3.5 milligrams of neomycin in a suitable water soluble or oleaginous ointment base: *Provided,* that it meets the tests and methods of assay in § 444.542a(b).

(e) Tetracycline hydrochloride ointment containing, in each gram, 30 milligrams of tetracycline hydrochloride in a suitable ointment base: *Provided,* that it meets the tests and methods of assay in § 446.581d(b).

§ 333.120 Permitted combinations of active ingredients.

The following combinations are permitted provided each active ingredient is present within the established concentration and in the specified dosage form, and the product is labeled in accordance with § 333.160.

(a) *Combinations of antibiotic active ingredients.* (1) Bacitracin-neomycin sulfate ointment containing, in each gram, 500 units of bacitracin and 3.5 milligrams of neomycin in a suitable ointment base: *Provided,* that it meets the tests and methods of assay in § 448.510d(b).

(2) Bacitracin-neomycin sulfate-polymyxin B sulfate ointment containing, in each gram, in a suitable ointment base the following:

(i) 500 units of bacitracin, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B; or

(ii) 400 units of bacitracin, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B;

Provided, that it meets the tests and methods of assay in § 448.510e(b).

(3) Bacitracin-polymyxin B sulfate topical aerosol containing, in each gram, 500 units of bacitracin and 5,000 units of polymyxin B in a suitable vehicle, packaged in a pressurized container with suitable inert gases: *Provided,* that it meets the tests and methods of assay in § 448.510f(b).

(4) Bacitracin zinc-neomycin sulfate ointment containing, in each gram, 500 units of bacitracin and 3.5 milligrams of neomycin in a suitable ointment base: *Provided,* that it meets the tests and methods of assay in § 448.513b(b).

(5) Bacitracin zinc-neomycin sulfate-polymyxin B sulfate ointment containing, in each gram, in a suitable ointment base the following:

(i) 400 units of bacitracin, 3 milligrams of neomycin, and 8,000 units of polymyxin B; or

(ii) 400 units of bacitracin, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B; or

(iii) 500 units of bacitracin, 3.5 milligrams of neomycin, and 10,000 units of polymyxin B;

Provided, that it meets the tests and methods of assay in § 448.513c(b).

(6) Bacitracin zinc-polymyxin B sulfate ointment containing, in each gram, 500 units of bacitracin and 10,000 units of polymyxin B in a suitable ointment base: *Provided,* that it meets the tests and methods assay in § 448.513a(b).

(7) Bacitracin zinc-polymyxin B sulfate topical aerosol containing, in each 90-gram container, 10,000 units of bacitracin and 200,000 units of polymyxin B in a suitable vehicle, packaged in a pressurized container with suitable inert gases: *Provided,* that it meets the tests and methods of assay in § 448.513e(b).

(8) Bacitracin zinc-polymyxin B sulfate topical powder containing, in each gram, 500 units of bacitracin and 10,000 units of polymyxin B in a suitable base: *Provided,* that it meets the tests and methods of assay in § 448.513d(b).

(9) Neomycin sulfate-polymyxin B sulfate ointment containing, in each gram, 3.5 milligrams of neomycin and 5,000 units of polymyxin B in a suitable water miscible base: *Provided,* that it meets the tests and methods of assay in § 444.542e(b).

(10) Neomycin sulfate-polymyxin B sulfate cream containing, in each gram, 3.5 milligrams of neomycin and 10,000 units of polymyxin B in a suitable vehicle: *Provided,* that it meets the tests and methods assay in § 444.5421(b).

(11) Oxytetracycline hyrochloride-polymyxin B sulfate ointment containing, in each gram, 30 milligrams of oxytetracycline and 10,000 units of polymyxin B in a suitable ointment base: *Provided,* that it meets the tests and methods assay in § 446.567b(b).

(12) Oxytetracycline hydrochloride-polymyxin B sulfate topical powder containing, in each gram, 30 milligrams of oxytetracycline and 10,000 units of polymyxin B with a suitable filler: *Provided,* that it meets the tests and methods assay in § 446.567c(b).

(b) *Combinations of first aid antibiotic active ingredients and local anesthetic active ingredients.*

(1) Bacitracin ointment containing, in each gram, 500 units of bacitracin and any single generally recognized as safe and effective amine or "caine"-type local anesthetic active ingredient in a suitable ointment base: *Provided,* that it meets the tests and methods of assay in § 448.510a(b).

(2) Bacitracin-neomycin sulfate-polymyxin B sulfate ointment containing, in each gram, in a suitable ointment base the following:

(i) 500 units of bacitracin, 3.5 milligrams of neomycin, 5,000 units of polymyxin B, and any single generally recognized as safe and effective amine or "caine"-type local anesthetic active ingredient; or

(ii) 400 units of bacitracin, 3.5 milligrams of neomycin, 5,000 units of polymyxin B, and any single generally recognized as safe and effective amine or "caine"-type local anesthetic active ingredient.

Provided, that it meets the tests and methods of assay in § 448.510e(b).

§ 333.150 Labeling of first aid antibiotic drug products.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as a "first aid antibiotic."

(b) *Indications.* The labeling of the product states, under the heading "Indications," the following: "First aid to help" [select one of the following: "prevent," ("decrease" ("the risk of" or "the chance of")), ("reduce" ("the risk of" or "the chance of")), "guard against," or "protect against"] [select one of the following: "infection," "bacterial contamination," or "skin infection"] "in minor cuts, scrapes, and burns." Other truthful and nonmisleading statements describing only the indications for use that have been established and listed in this paragraph (b), may also be used, as provided in § 330.1(c)(2), subject to the provisions of section 502 of the act relating to misbranding and the prohibition in section 301(d) of the act against the introduction or delivery for introduction into interstate commerce of unapproved new drugs in violation of section 505(a) of the act.

(c) *Warnings.* The labeling of the product contains the following warnings under the heading "Warnings":

(1) "For external use only. Do not use in the eyes or apply over large areas of the body. In case of deep or puncture wounds, animal bites, or serious burns, consult a doctor."

(2) "Stop use and consult a doctor if the condition persists or gets worse. Do not use longer than 1 week unless directed by doctor."

(d) *Directions.* The labeling of the product contains the following statements under the heading "Directions": (1) *For ointment and cream products.* "Clean the affected area. Apply a small amount of this product (an amount equal to the surface area of the tip of a finger) on the area 1 to 3 times daily. May be covered with a sterile bandage."

(2) *For powder products.* "Clean the affected area. Apply a light dusting of the powder on the area 1 to 3 times daily. May be covered with a sterile bandage."

(3) *For aerosol products.* "Clean the affected area. Spray a small amount of this product on the area 1 to 3 times daily. May be covered with a sterile bandage."

(e) The word "doctor" may be substituted for the word "physician" in any of the labeling statements in this subpart.

§ 333.160 Labeling of permitted combinations of active ingredients.

Statements of identity, indications, warnings, and directions for use, respectively, applicable to each ingredient in the product may be combined to eliminate duplicative words or phrases so that the resulting information is clear and understandable.

(a) *Statement of identity.* For a combination drug product that has an established name, the labeling of the product states the established name of the combination drug product, followed by the statement of identity for each ingredient in the combination, as established in the statement of identity sections of the applicable OTC drug monographs. For a combination drug product that does not have an established name, the labeling of the product states the statement of identity for each ingredient in the combination, as established in the statement of identity sections of the applicable OTC drug monographs.

(b) *Indications.* The labeling of the product states, under the heading "Indications," the indication(s) for each ingredient in the combination, as established in the "Indications" sections of the applicable OTC drug monographs, unless otherwise stated in this paragraph. Other truthful and nonmisleading statements, describing only the indications for use that have been established and listed in this paragraph (b), may also be used, as provided in § 330.1(c)(2), subject to the provisions of section 502 of the act relating to misbranding and the prohibition in section 301(d) of the act against the introduction or delivery for introduction into interstate commerce of unapproved new drugs in violation of section 505(a) of the act.

(1) *For permitted combinations identified in § 333.120(a).* The indications in § 333.150 should be used.

(2) *For permitted combinations identified in § 333.120(b).* In addition to the required indication identified in § 333.150, the labeling of the product may state, under the heading "Indications," the following additional indication: "First aid for the temporary relief of" (select one of the following: "pain," "discomfort," "pain or discomfort" or "pain and itching") "in minor cuts, scrapes, and burns."

(c) *Warnings.* The labeling of the product states, under the heading "Warnings," the warning(s) for each ingredient in the combination, as established in the warnings sections of the applicable OTC drug monographs.

(d) *Directions.* The labeling of the product states, under the heading "Directions," directions that conform to the directions established for each ingredient in the directions sections of the applicable OTC drug monographs. When the time intervals or age limitations for administrations of the individual ingredients differ, the directions for the combination product may not exceed any maximum dosage limits established for the individual ingredients in the applicable OTC drug monograph.

PART 369—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

2. The authority citation for 21 CFR Part 369 is revised to read as follows:

Authority: Secs. 502, 503, 506, 507, 701, 52 Stat. 1050–1052 as amended, 1055–1056 as amended, 55 Stat. 851, 59 Stat. 463 as amended (21 U.S.C. 352, 353, 356, 357, 371); 21 CFR 5.10 and 5.11.

§ 369.6 [Removed]

3. By removing § 369.6, *Warnings required on certifiable antibiotic exempted from prescription-dispensing requirements.*

§ 369.20 [Amended]

4. In § 369.20 *Drugs; recommended warning and caution statements,* by removing the entry for "ANTIBIOTICS FOR EXTERNAL USE FOR PREVENTION OF INFECTION."

§ 369.21 [Amended]

5. In § 369.21 *Drugs; warning and caution statements required by regulations,* by removing the entries for "ANTIBOTIC-CONTAINING DRUGS FOR EXTERNAL USE FOR PREVENTION OF INFECTION," "BACITRACIN-CONTAINING OINTMENTS," "BACITRACIN (ZINC BACITRACIN)-POLYMYXIN OINTMENT; BACITRACIN-POLYMYXIN-NEOMYCIN OINTMENT," and "OXYTETRACYCLINE AND POLYMYXIN B SULFATE."

Dated: July 31, 1987.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 87-28422 Filed 12-10-87; 8:45 am]

BILLING CODE 4160-01-M

federal register

Friday
December 11, 1987

Part VII

Department of Transportation

Federal Highway Administration

49 CFR Part 383

Commercial Driver Testing and Licensing Standards; Notice of Proposed Rulemaking and Public Forums

VOL 52 ISS 238 DE 11 1987 UMI

VOL 52 ISS 238 DEC 11 1987 UMI

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 383

[FHWA Docket No. MC-87-18]

Commercial Driver Testing and Licensing Standards

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking and public forums.

SUMMARY: The FHWA proposes to amend Part 383 of the Federal Motor Carrier Safety Regulations (FMCSRs) to establish minimum standards for State testing and licensing of commercial motor vehicle (CMV) drivers. This document contains alternative proposals for establishing standards which include commercial driver licensing and testing procedures to be used by the States; knowledge, skills, and abilities which drivers of different types of CMVs must possess; and the information to be contained on the commercial driver's license (CDL) issued by the States. The standards also would require that CMV drivers take and pass the appropriate knowledge and skills tests by April 1, 1992, in order to be qualified and licensed to operate a CMV. Under the Commercial Motor Vehicle Safety Act of 1986 (the Act), the standards must be established by July 15, 1988. The FHWA has proposed three alternative approaches for the States to meet the testing and licensing standards. The first alternative requires each State to submit to FHWA a plan for its testing and licensing program that demonstrates that the State is complying with the Act. In the second alternative, the FHWA has proposed specific testing and licensing standards which the State could use as the minimum standards. The first alternative would maximize flexibility to the States to meet the Act by describing State requirements in terms of general performance standards. The second alternative would reduce flexibility in return for a greater degree of national uniformity in commercial driver testing. The third alternative would allow each State a choice between either of the two main alternatives. The FHWA will hold several forums on these proposals to explain the alternatives and obtain comments on them from the public.

DATE: Comments must be received on or before February 9, 1988. Public forums will be held on the dates and places as follows:

Washington, DC—January 19, 1988. The forum will be held in the Federal Aviation Administration Auditorium, 800 Independence Avenue, SW., Washington, DC 20591; Atlanta, Georgia—January 21, 1988; St. Louis, Missouri—January 26, 1988; and Los Angeles, California—January 28, 1988.

All forums will be held 1:00 p.m.—5:00 p.m., local time and will be open to the public. Sites for the forums in Atlanta, St. Louis, and Los Angeles, will be announced locally and in the **Federal Register**.

Individuals who may be interested in participating at any of the forums should express their desire to do so in writing, at least 2 weeks in advance of the forum they will attend, to: Mr. Stanley Hamilton, Office of Motor Carriers, 400 Seventh Street, SW., Washington, DC 20590.

The forums will be chaired by a panel composed of representatives of the FHWA, States, and industry. Speakers are invited to make a short presentation, approximately 5 minutes, which will be followed by an opportunity for questions and comments from the panel. Written information and comments will also be accepted for inclusion in the docket at these forums and may be submitted (preferably in triplicate) to the FHWA representative at the forum.

Additional information on any of these forums is available from Mr. Stanley Hamilton, (202) 366-0665.

ADDRESS: All written comments must be signed and should refer to the docket number that appears at the top of this document and should be submitted (preferably in triplicate) to Room 4205, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., ET, Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Jill L. Hochman, Office of Motor Carrier Standards, (202) 366-4009, or Mr. Thomas P. Holian, Office of the Chief Counsel, (202) 366-1350, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

Currently, only 32 States issue some form of a classified driver's license (i.e., a license which makes a distinction between types of vehicles the holder may operate). Of these, only 12 require State-conducted, behind-the-wheel testing of all applicants in a vehicle which represents the type which the driver operates or expects to operate. The other 20 States waive testing if the applicants meet certain conditions, such as certification of training and testing by their employer, and two States recognize training schools. The remaining 18 States and the District of Columbia do not require applicants to demonstrate their driving skills in the types of vehicles they drive or intend to drive. Drivers in these States who may be qualified to drive only a passenger car may also drive an 18-wheeler to a three-axle intercity bus.

The Congress enacted the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. L. 99-570) to address these problems. Section 12005 of the Act directs the issuance of minimum testing standards to ensure the fitness of drivers of CMVs. In general, the standards must include written and driving tests. The written tests must cover the driver's knowledge of Federal regulations related to the safe operation of CMVs contained in Title 49 of the FMCSRs (49 CFR Chapter III) and knowledge of the vehicle's safety systems. The skills tests must be taken in a vehicle representative of the type of vehicle that each person operates or expects to operate. Also, the standards must ensure that persons are qualified to operate a CMV according to regulations published in the FMCSRs, to the extent that these regulations are applicable to such persons. In addition, the standards must ensure that drivers of CMVs which contain hazardous materials are qualified to operate such vehicles and have a working knowledge of the hazardous materials regulations. Finally, minimum scores for passing the tests must be established.

Section 12006 requires establishment of minimum uniform standards for issuance of CDLs by States. At a minimum, each person to whom a CDL is issued must pass written and driving tests that meet the established standards. Also, CDL documents must contain certain information and be tamperproof.

Section 12009 delineates requirements with which States must comply in order to avoid having Federal-aid highway funds withheld. Some of these requirements are related to issuance of a CDL and must be addressed in the proposed driver licensing procedures. Generally, these requirements define the conditions which must be met for a State to issue a CDL, the information a State must provide to the Commercial Driver's License Information System (CDLIS) about its CDL holders, and the checks a State must make of each applicant's driving record before issuing the CDL.

Throughout implementation of the Act, the FHWA has solicited comment from the States, industry, and the general public. These cooperative efforts help to ensure the commercial driver's licensing program is effective and practical. The FHWA used information and recommendations from several sources in developing the alternative approaches in this proposed rule.

In August 1986, the FHWA published an advance notice of proposed rulemaking (ANPRM) at 51 FR 27567 on the feasibility, scope and practical implementation of a single and classified licensing system. The FHWA received 107 comments to Docket MC-125, Notice No. 86-9, by the November 5, 1986, closing date. Additional comments were received after that date and were also considered in developing this document.

The FHWA also received views and comments during two workshops. The first was funded by the FHWA and sponsored by the American Association of Motor Vehicle Administrators (AAMVA) and Highway Users Federation for Safety and Mobility (HUFSAM) on January 22 and 23, 1987, for State, industry, and driver groups. The second was funded and sponsored by the FHWA on July 14 and 15, 1987, for State, industry and driver groups with an interest in the clearinghouse and related licensing issues. In addition, the FHWA considered advice received from the National Motor Carrier Advisory Committee (NMCAC) which conducted two meetings, announced in the **Federal Register** (51 FR 45981 and 52 FR 2814) and open to the public, on January 12-13 and February 4, 1987. The transcripts or recommendations from the workshop and the NMCAC meetings have been included as part of Docket MC-125.

The final rule and request for comments on the Commercial Driver Licensing Standards; Requirements and Penalties published in the **Federal Register** on June 1, 1987, implements provisions of the Act required to be effective July 1, 1987. The FHWA requested comments on several issues in that publication. These comments were considered in developing this proposal. Comments received before and after that final rule are also included in Docket MC-125. Relevant comments and suggestions are addressed as appropriate, in the section discussions which follow.

The final rule issued on June 1, 1987, discussed several question areas, including the definition of a commercial motor vehicle and what types of vehicles should be subject to the requirements of Part 383. For example, this question area considered issues such as the minimum gross vehicle weight rating for which Part 383 would apply, as well as whether and to what degree the requirements should be extended to cover vehicles carrying hazardous materials that are not required to be placarded. Comments have been received on these issues and are being evaluated. The FHWA intends to issue a separate notice of proposed rulemaking to address these concerns.

This document sets forth three alternatives to the standards required by the Act for States to use to test and license CMV operators. Alternative 1 intends to grant maximum latitude and discretion to the States in establishing their CDL program. Alternative 2 is more detailed and specific regarding the design and operation of a State's CDL program. Alternative 3 would provide States a choice of submitting a State plan (Alternative 1) or comply with the detailed and specific regulation (Alternative 2).

The FHWA also seeks comments on the desirability of different levels of CDL program discretion in the final standards than those reflected in the three regulatory alternatives included in this document. Additional suggestions regarding the form and content of the final standards are encouraged. Public comment is also requested on any scientific research or accident data related to driving and testing programs.

Regardless of the regulatory approach finally chosen, it is intended that the issued standards be minimum standards. States would have full discretion to impose additional or more stringent requirements in their CDL program.

Alternative Approaches

The Act was passed because of the public attention and concern for improving safety on the Nation's highways. As a result of these concerns, the Congress reviewed truck safety practices and concluded that standards used by many States to test and license heavy truck and bus drivers are inadequate and nonuniform. To remedy these concerns and assure the public that all CMV operators possess at least the minimum knowledge and skills necessary to safely operate their vehicles, the Act directs the Secretary to develop minimum test and licensing standards which all States must meet.

In response to this mandate, the FHWA considered whether to propose very specific and detailed standards or more general standards that would give the States greater discretion in implementing the testing and licensing programs mandated by the Act. The FHWA has decided to propose two principal alternatives for consideration by the States and other interested parties, and a third alternative that would allow States to use either of the two main alternatives.

The FHWA did not have sufficient information to justify the rejection of either approach to writing minimum standards. Thus, two principal alternatives are included in this proposal for comment and consideration. Under Alternative 1, the States would have maximum flexibility to develop and implement a commercial motor vehicle driver licensing program which meets the requirements of the Act. Each State would be required to submit its plan to the FHWA explaining how its licensing program meets the requirements in the Act. The FHWA would then review each plan to determine whether it is likely to be effective in determining whether a person is qualified to operate a CMV.

Under Alternative 2, the FHWA would issue a relatively detailed level of standards, especially with regard to the content of basic tests, number and type of vehicle classifications, method of testing, and license document information. States would have to meet those specific testing and licensing standards in order to satisfy the requirements of the Act.

The FHWA requests comments on the desirability of each of the two main alternatives. The FHWA also seeks comment on a third alternative—whether the States should have a choice to meet the requirements of the Act using either of the two principal alternatives.

The FHWA believes that all three alternatives meet the requirement in the Act for the establishment of standards for the testing and licensing of CMV operators. The first and third alternatives emphasize the Administration's goal of encouraging the States to develop their own policies to achieve program objectives. They provide States with the maximum administrative discretion possible. To ensure that the mandate of the Act is met, the FHWA will review State plans under Alternative 1 or Alternative 3 if the State chooses to submit a plan. These approaches avoid overly intrusive Federal oversight, and at the same time establish the Federal role to ensure that the State programs meet the intent of the Act. A State program based on the standards presented in Alternative 2 (or if a State chooses to follow the detailed requirements option of Alternative 3) also would meet the requirements of the Act. Even under Alternatives 2 and 3, the States are not restricted to the

VOL 52 ISS 238 DEC 11 1987 UMI

standards contained in Alternative 2; States may develop more comprehensive testing and licensing processes which achieve the goals and objectives of the Act. This provision also gives States flexibility in achieving their program objectives.

While maximum latitude and discretion for the States resides with Alternative 1, Alternative 2 would provide the States with some flexibility to improve upon or add to the proposed standards. The FHWA also invites public comment on modifications to Alternative 2 to accomplish the intent of the Act and provide the States with greater flexibility to implement the Act's goals for minimum and uniform testing and licensing procedures. Additional alternatives within the general framework of Alternative 2 could deal with parts of the proposed rule or could propose an entirely different method. For example, a commenter could reflect an alternative for Subpart H—Tests that would give a State complete flexibility on procedures to administer licensing tests. Or, a commenter could propose that standards for Subpart G—Required Driver Knowledge and Skills only contain the broad categories of knowledge and skills, and the details contained in the proposed rule would be provided as a guideline rather than as a mandatory requirement. A commenter could also propose that the testing and licensing standards deal with the initial licensing of a CMV driver and that States have complete flexibility on whether or not, or on what basis to test drivers who apply for license renewals, upgrades, or transfers from another State. These are meant to be examples of suggestions that commenters may wish to make; any other suggestions are also welcome.

Section 12011 of the Act requires that Federal-aid highway funds be withheld from States which do not substantially comply with any requirements of this rule, beginning in FY 1994. Thus, the level of detail contained in the proposed Alternative 2 may influence decisions on the adequacy of State programs. The FHWA requests comments from all States on this issue; those which currently have classified licensing and testing programs, as well as those which do not.

Alternative 3: Narrative Description

The FHWA also requests comment on a third alternative under which each State would decide whether to comply with all of Alternative 1 or all of Alternative 2. The FHWA would stipulate that each State must advise the FHWA on which Alternative it would comply with for testing and licensing persons to drive commercial motor vehicles.

Alternative 3 provides the States flexibility in deciding how to carry out its testing and licensing responsibilities while meeting the minimum Federal standards. Under Alternative 3, each State would have the prerogative to determine which regulatory alternative provides an appropriate framework for managing its activities in a way that best suits the States's own needs.

Commenters should address whether the FHWA should adopt Alternative 3 if the States and other docket commenters are divided in their preference for Alternative 1 or 2. Alternative 3 embodies an implicit trade-off between providing flexibility to the States and achieving uniformity in the licensing and testing of drivers of commercial motor vehicles. In light of these considerations, commenters should address whether they believe Alternative 3 is a desirable or superior alternative and explain why.

Paperwork

While developing the proposed testing and licensing standards, the FHWA recognized that the proposal could impose a major paperwork burden on States and drivers. The FHWA attempted, to the extent practical, to design the three alternatives to make them compatible with testing and licensing procedures now used by the States and to minimize the burden increase. The FHWA, however, believes that an increase in these burdens may be necessary to accomplish the goals and objectives of the Act. The FHWA invites comments on these alternatives, as well as other approaches commenters may suggest, which would reduce the burden without compromising safety. The FHWA is particularly interested in ways to simplify the procedures, minimize the potential expense of licensing CMV drivers, and allow States sufficient latitude to be innovative in the testing of CMV drivers.

The rest of this supplementary section contains a summary of the requirements of the Act addressed by this proposal and a section-by-section analysis of the two alternative approaches.

Section-by-Section Analysis

Two Section-by-Section analyses are included in this proposed notice: Alternative 1 and Alternative 2. Regulatory language for each alternative follows the Section-by-Section analysis.

Alternative 1: Section-by-Section Analysis

Subpart B—License Requirements

This subpart sets forth general requirements that drivers be tested and licensed in accordance with the Act. This proposed subpart is the same in both Alternatives 1 and 2. A full discussion of these general requirements is contained in the Section-by-Section analysis accompanying Alternative 2 below.

Subpart E—State Testing and Licensing Plans

Section 383.71 Formulation of testing and licensing plan.

The FHWA recognizes that the States and their licensing agencies have the capability to develop and implement programs to ensure the fitness of CMV operators consistent with the goals of the Act. Many States are already developing programs which may already comply with the Act and effectively establish that CMV operators have the skills and knowledge necessary to safely operate such vehicles.

Since the Act directs the FHWA to establish minimum standards to ensure the commercial motor vehicles are qualified, the FHWA would require States to develop commercial driver's license plans that meet the Act's objectives.

Each State would be required to submit to the FHWA a plan for its testing and licensing programs. The State's programs would have to meet the driver licensing and testing requirements of sections 12005(a)(1) through 12005(a)(8) of the Act, the licensing requirements of section 12006 of the Act, and the requirements of section 12009.

State plans would show how commercial motor vehicle operators would be required to take and pass written and driving tests and to take their driving tests in a vehicle that is representative of the class or type which they operate. Written tests would need to be designed to test the drivers' knowledge of safe vehicle operations, vehicle safety systems, safe operating procedures for various traffic and weather conditions and relation of cargo to vehicle control at a working level. The written tests must also be designed so that they ensure that drivers of commercial motor vehicles carrying hazardous materials have the appropriate working knowledge of regulations, handling procedures, emergency equipment and response procedures for hazardous materials transportation.

Section 12005(a)(7) of the Act states that regulations for testing of CMV operators shall ensure that each person taking such test is qualified to operate commercial motor vehicles under regulations issued by the Secretary and contained in Title 49 of the CFR, "to the extent such regulations are applicable to such person." These requirements, found in Part 391 of the FMCSRs, apply to drivers of motor vehicles engaged in interstate commerce. In response to section 12005(a)(7), the proposed rule would require that States demonstrate in their plans the means to ensure that applicants meet the applicable Federal driver qualification requirements if the applicant operates or expects to operate in interstate commerce. States would continue to have the responsibility to establish intrastate driver qualification standards and to determine the applicant's compliance with these standards.

Enforcement of driver compliance with the driver qualifications requirements would continue under current practice of roadside inspections, carrier audits, and other State and Federal enforcement avenues. The driver license agencies would also play a related enforcement role by obtaining required certifications, maintaining commercial driver records, completing required checks of these records, and making appropriate notifications to the CDLIS. States would also have the option to have their driver license agencies assume greater review of driver medical and other qualifications during the licensing process.

Section 383.21 currently requires that persons who operate CMVs shall have only one driver's license. Also, section 12009 of the Act requires that a State not issue a CDL to an individual whose license is suspended, revoked, or canceled or who is disqualified from operating a CMV. To ensure these requirements are met by drivers applying for a CDL, the FHWA proposes that States would include in their plans methods to check and consider information in the CDLIS and the National Drivers Register (NDR) about such drivers before issuing a CDL to determine if the driver is licensed elsewhere and to provide information to the CDLIS as required by the Act.

Section 383.73 Approval of Plan.

States would be required to submit their commercial driver's license program plans to the FHWA no later than July 15, 1989, and within 30 days following any significant change in such plan The FHWA would approve State plans, provided the FHWA determines that these plans are likely to result in an effective program that ensures that only qualified driver applicants are licensed.

The proposed rule also encourages, but does not require, States to periodically review and evaluate their programs. In addition, the FHWA would be able to withdraw its approval in cases where the FHWA determines that the State program is no longer effective, after the State has an opportunity for comment.

Section 383. 75 Third party testing.

Section 12005(c)(3) of the Act allows for third parties to administer driving tests. The FHWA proposes that States may use a third party to administer driving skills tests. According to the Act, a third party may be a person (including a department, agency, or instrumentality of a local government). The FHWA proposal would allow a broad interpretation of this provision to include another State or public or private organizations with which the State has an agreement.

The State would submit to the FHWA its agreements for having a third party administer tests along with its commercial driver's license plans. When the FHWA approves the State's commercial driver's license plan, the third party testing agreements would also be approved.

Section 383.77 Substitute for driving skills test.

This section provides an option to the State to grandfather certain current CMV operators from the driving test. The FHWA proposes the same procedure for Alternatives 1 and 2. A full discussion of the substitute test procedure is contained in § 383.77 of the Alternative 2 Section-by-Section Analysis.

Subpart F—Motor Vehicle Groups and Endorsements

As part of its commercial driver's license program plans, each State would require driver applicants to demonstrate knowledge and driving skills for the category of vehicle for which the applicant requests a license. The FHWA proposes the same vehicle groups and endorsements for Alternatives 1 and 2. A full discussion of the vehicle groups and endorsements is contained in the Alternative 2 Section-By-Section Analysis.

Subpart G—Required Knowledge and Skills

This subpart would require that for a person to be issued a CDL, he/she must be familiar with the FMCSRs and any safety system of the vehicle he/she intends to drive. This subpart also would require all operators of vehicles carrying hazardous materials to have a working knowledge of the hazardous materials regulations issued by the Department. These drivers would also be required to know how to handle hazardous materials, operate emergency equipment, and follow appropriate emergency response procedures. The FHWA requests public comment on whether the hazardous materials knowledge requirements should apply only to drivers of commercial motor vehicles which are placarded.

Subpart H—Tests

This subpart would establish the minimum passing scores for the various tests which States would administer. The minimum passing scores would be the same in both Alternatives 1 or 2. The Subpart H section in the Alternative 2 Section-by-Section Analysis contains a full discussion on minimum scores.

Subpart I—[Reserved]

Subpart J—Commercial Driver's License Document

This subpart includes the standards for CDL documents. The FHWA proposes the same document requirements for Alternatives 1 and 2. Subpart J in the Alternative 2 Section-by-Section includes a full discussion on the document to be issued.

Alternative 2: Section-by-Section Analysis

This section-by-section analysis includes a discussion of each Subpart in Part 383 which is modified by this proposal. Subpart B is modified to require that CMV drivers be tested and licensed in accordance with the Act. Subparts E through J are proposed sections pertaining to testing and licensing procedures, vehicle categories, required knowledge and skills, test giving, and the license document. Subpart I is reserved for the future specifications of the CDLIS. Each of these subparts, beginning with the changes to Subpart B, is discussed below:

Subpart B—License Requirements

Section 383.23 Commercial driver's license.

According to the requirements which became effective on July 1, 1987, drivers of CMVs can have only a single license. This section proposes additional requirements for persons who operate CMVs. After April 1, 1992, all operators of CMVs shall take and pass written

VOL 52 ISS 238 DEC 11 1987 UMI

and driving tests that meet the minimum standards promulgated by FHWA. Operators of CMVs with special handling characteristics such as a double trailer combination, or a vehicle required to be placarded for hazardous materials, would also be required to take and pass additional tests to obtain an endorsement to the CDL authorizing him/her to operate such a vehicle. This proposal would also require CMV drivers to posses a CDL while operating a CMV. The CDL would be issued by States only to drivers who pass both the written and driving tests.

To allow novice drivers to obtain the necessary training in a CMV, the FHWA would allow States, if they so choose, to issue limited learner's permits. The issuance of a learner's permit would not be a precondition to issuing a CDL. However, States may choose to make learner's permits available for limited time periods to first-time applicants for use in behind-the-wheel training on public roads or highways and/or taking the required skills tests in traffic. States which issue learner's permits for CMV drivers would do so as a continuation of their existing learner's permit programs and may also require applicants to pass test(s) prior to issuance of the learner's permit for the specific vehicle groups or endorsement desired. Conditions for issuance of a learner's permit and circumstances under which such permits may be used would be determined by the State of issuance.

Subpart E—Testing and Licensing Procedures

This section contains the testing and licensing procedures for CDLs. The proposed tests would be for each vehicle group in which the applicant operates or wishes to operate, and would be at least cover the knowledge and skills described in Subpart G. Knowledge tests could be given in written, oral, and/or automated format. Skills tests would have to be given in a vehicle that is representative of the group of vehicle which the applicant operates or expects to operate.

Verification of Driver Qualifications. Section 12005(a)(7) of the Act states that regulations for testing of CMV operators shall ensure that each person taking such tests is qualified to operate commercial motor vehicles under regulations issued by the Secretary and contained in Title 49 of the CFR, "to the extent such regulations are applicable to such person." These requirements, found in Part 391 to the FMCSRs, apply to drivers of motor vehicles engaged in the interstate commerce. In response to section 12005(a)(7), the proposed rule would require that States include in the commercial driver license application process, a means for applicants to certify that they meet the applicable Federal driver qualification requirements if the applicant operates or expects to operate in interstate commerce. States would continue to have the responsibility to establish intrastate driver qualification standards and to determine the applicant's compliance with these standards.

Enforcement of driver compliance with the driver qualifications requirements would continue under current practice of roadside inspections, carrier audits, and other State and Federal enforcement avenues. The driver license agencies would also play a related enforcement role by obtaining required certifications, maintaining commercial driver records, completing required checks of these records, and making appropriate notifications to the CDLIS. States would also have the option to have their driver license agencies assume greater review of driver medical and other qualifications during the licensing process.

Section 383.71 Driver application procedures.

In general, a CMV operator would obtain his/her license in the State in which he/she is domiciled. The FHWA proposes that every CDL applicant complete the following process to obtain his/her CDL for the first time (other than renewals or transfers):

(a) An applicant subject to 49 CFR Part 391 would certify that he/she meets the driver qualification requirements of Part 391 as a condition to taking the tests;

(b) Pass a knowledge test to demonstrate that he/she is familiar with the regulations designed to ensure the public safety and with the skills needed to safely operate the type of vehicle that he/she operates or expects to operate;

(c) Certify that the vehicle in which he/she will take the driving skills tests is representative of the type of vehicle he/she operates or expects to operate;

(d) Pass the necessary driving skills tests; and

(e) Provide all information required by the standard.

If he/she satisfies all of the requirements described above, surrenders his/her existing noncommercial license and is not disqualified according to Subpart D, then the State may issue the applicant a CDL.

The FHWA proposes that any driver who applies for a renewal of his/her CDL would make the certification of driver qualification, and provide an update of required information. In addition, holders of the hazardous materials endorsement (§ 383.123) would be further tested and must pass the hazardous materials test to retain that endorsement. The hazardous materials endorsement retest would help keep drivers of such vehicles current on changes in the hazardous materials regulations and safety related procedures.

For those commercial drivers who wish to drive a vehicle in a different vehicle group, the FHWA proposes that the driver would make the certification of driver qualification, certify that the vehicle in which he/she takes the driving skills tests is representative of the type of vehicle he/she operates or expects to operate, and pass the tests related to the upgraded vehicle group or endorsement.

Any driver who moves (i.e., changes his/her domicile) from another State or jurisdiction would be required to apply for a new CDL within 30 days of moving and to surrender his/her current CDL as a condition of receiving a new CDL. Such a driver would make the certification of driver qualification and provide any new or updated information. The new State may require that the driver be retested.

Section 383.73 State procedures.

This section outlines the procedures which a State would follow, as a minimum, for the issuance of a CDL which meets the requirements of the Act.

Driver Manual—The FHWA proposes that States would make available to all CDL applicants information on the licensing procedures, qualifications, and tests required by the State and the knowledge and skills each driver applicant must possess. The knowledge and skill requirements are described in Subpart G.

Initial CDL—Prior to the first-time issuance of a CDL to a person, the State would:

(a) Adopt a program for testing and ensuring the fitness of persons to operate CMVs in accordance with the standards;

(b) Ensure that persons choosing to operate in interstate commerce and subject to Part 391 of the FMCSRs make the appropriate certifications regarding their qualifications prior to being issued a CDL;

(c) Issue CDLs only to persons who pass written and driving tests for the operation of a CMV which comply with these standards;

(d) Issue CDLs which contain information and other specifications included in the standard;

(e) For persons moving from another State or jurisdiction, request and consider the applicant's driving record from the prior State of issuance before issuing an initial CDL and require the applicant to surrender his/her noncommercial license;

(f) Not issue a CDL to a person who is disqualified from operating a CMV, or whose driver's license is suspended, revoked, or canceled;

(g) Issue CDLs only to persons domiciled in the State; except persons domiciled in a foreign jurisdiction that does not test and issue licenses meeting the standards may be issued a commercial driver certificate;

(h) Notify the CDLIS of the issuance of a CDL and provide the CDLIS with information on that driver. (The required information will be discussed in a separate rulemaking or other action on the CDLIS.)

The FHWA expects most or all States to develop a licensing program consistent with the Act's requirements. However, if the Administrator determines that a State will not adopt and implement a program to test and license CMV drivers according to standards included in this part by April 1, 1992, FHWA proposes to allow drivers from such States to obtain a commercial driver's certification (CDC) from a State which does conform to the testing standards. The FHWA believes that issuance of a CDC rather than a CDL from another State is the best way to ensure that these drivers do not violate the single license-single record requirement.

Drivers from nonconforming States would be prohibited from obtaining a CDC until October 1, 1991. This period (October 1, 1991, to April 1, 1992) will allow drivers sufficient time to go to another State to apply for a CDC and be tested. The CDCs would be issued according to the standards described in § 383.73 and would be considered a valid CDL only when used in conjunction with the driver's State-issued license.

Multiple License and Driver's Record Check—Section 383.21 currently requires that persons who operate CMVs shall have only one driver's license. Also, section 12009 of the Act requires that a State not issue a CDL to an individual whose license is suspended, revoked, or canceled or who is disqualified from operating a CMV. To ensure these requirements are met by drivers applying for a CDL, the FHWA proposes that States check and consider information in the CDLIS and the National Drivers Register (NDR) about such drivers before issuing a CDL to determine if the driver is licensed elsewhere.

Prior to April 1, 1992, a check of only the CDLIS and the NDR may not yield complete information about the driver because he/she does not yet have a CDL and would not be reflected in the CDLIS. To eliminate this problem, the FHWA proposes that States check with all other States to determine if the driver is licensed elsewhere. By April 1, 1992, all operators of CMVs must be tested and licensed based on the Federal standards. Once licensed, information on all CMV drivers will be contained in the CDLIS and the State can check solely with the CDLIS and the NDR for the license status of the applicant.

Before April 1, 1992, the FHWA proposes that States have the option to perform the check either prior to issuing a CDL or to verify the information for each driver applicant within 60 days after issuing a CDL. This proposal would allow States to complete the necessary checks before the time when the CDLIS is operational. The check may occur by any means, including mail or electronic checks.

During the period before April 1, 1992, a State may determine that a driver to whom it has issued a CDL has a valid license from another State or has a suspended, revoked or canceled license, or has been convicted of or charged with a disqualifying offense from another State. In this case, the State that issued the CDL would suspend or revoke the driver's CDL within 30 days. However, the FHWA believes that after April 1, 1992, and when the CDLIS is fully operational, this provision would no longer be necessary because the States would determine the driver's status before issuing the CDL.

Although the States would not be required by this rule to check the NDR until it is determined to be operational by the National Highway Traffic Safety Administrator, it is recognized that the States are exploring the development of systems which would enable them to access both CDLIS and the NDR prior to that time. Because States are authorized to access the NDR under separate legislation, efforts in this regard are encouraged.

Transfers—The FHWA proposal includes requirements for a person who has a CDL and then changes his/her State of domicile and applies for a CDL from his/her new State. For these cases, the State would have the option to accept the credentials of that driver or to require that the driver be further tested according to its own testing and licensing procedures. At a minimum, the new State of domicile would be required to obtain the certification of driver qualification, information updates and complete the driver record checks that would be required for issuance of an initial CDL. The State would also be required to retest those drivers who wish to retain his/her hazardous materials endorsement. The FHWA believes this proposal would ensure that such drivers continue to be knowledgeable about the safe operations and requirements related to hazardous materials.

Renewals—Under the proposal, State procedures for renewing a CDL would include the certification of driver qualification, updates of information that would be required to be included on the CDL and completion of a check of the driver's record. As mentioned in the earlier section, a driver who desires to retain his/her hazardous materials endorsement would be required to successfully complete the test being given by the State for the hazardous materials endorsement to ensure he/she continues to be knowledgeable about hazardous materials regulations and safety procedures.

Upgrades—The FHWA proposes that the State follow a combination of procedures whenever a driver changes the vehicle group in which he/she is currently licensed to operate. The driver applicant would have to provide the certification of driver qualification and information specified under the renewal section, and would be tested for the different portion(s) of the CDL as if he/she were making an initial application.

License Issuance and Notification—This paragraph in the proposed rule specifies that if the driver applicant has successfully met the requirements for a CDL, he/she can be issued a CDL or CDC. Once the document is issued, the State would inform the CDLIS and provide it with the appropriate information.

Certification of Fitness. Section 12005(a)(8) of the Act allows the Secretary to consider a requirement that States issue certificates of fitness to operate a CWV to each person who passes the required tests. Such a requirement would accommodate drivers whose States do not participate in the commercial driver licensing program and drivers from contiguous foreign countries whose licensing standards do not meet the Federal standards and would ensure that such drivers do not violate the single license requirement. The FHWA proposes that States issue CDCs only to such drivers. Drivers from a State which does not comply would be able to obtain a CDC only after October 1, 1991. Foreign drivers would be able to obtain a CDC

VOL 52 ISS 238 DEC 11 1987 UMI

after FHWA determines that their countries or political subdivisions do not test and license consistent with the standard.

A CDC would not be valid as a stand alone document. The CDC would be issued under the same requirements as a CDL and would only be valid in combination with a valid license issued by the drivers' State of domicile or country of residence. The CDC would only be issued after the driver takes and passes tests which meet the Federal standard.

Drivers with these certificates would continue to notify their State of licensure or country of domicile of any violation as described in § 383.31 and of any suspensions, revocations, and cancellations as specified in § 383.33. In addition to notifying the State of licensure, the FHWA proposes that drivers with these certificates would notify the State which issued the CDC of any violation or license suspension, cancellation, or revocations as described in §§ 383.31 and 383.33. This action would ensure that each CMV operator has a driver's record consistent with the goals of the Act in both States. Also, it would ensure that appropriate information about the driver is included in the CDLIS and would ensure that these records can be appropriately monitored by States

CDL Revocation—This paragraph proposes minimum revocation requirements for persons who falsify the information or certification required to be provided by CDL applicants. If a State determines that a person falsified the information, the State would revoke the license within 30 days.

Reciprocity—Section 12009(a)(14) of the Act requires that States allow any person who has a valid CDL and who is not disqualified from operating a CMV, to operate a CMV in the State. The FHWA proposes to include this requirement in § 383.73 as a condition for States to issue a CDL which meets the standards.

Section 383.75 Third party testing.

Section 12005(c)(3) of the Act allows for third parties to administer driving tests. The FHWA proposes that States may use a third party to administer driving skills tests. According to the Act, a third party may be a person (including a department, agency, or instrumentality of a local government). The FHWA proposal would allow a broad interpretation of this provision to include another State or public or private organizations with which the State has an agreement. Because of concerns that third party testers may compromise standards adopted by the States, agreements between States and third parties would need to include the provisions required by the Act as well as additional provisions that would establish mechanisms to ensure that people who pass the tests given by third parties would have passed tests had they taken them from the State. Under the FHWA proposal, third parties may give driving tests if the following conditions are met:

(a) Tests given by the third party are the same as those which the State would give;

(b) The State's agreement with the testing party allows the FHWA or its representative and the State to conduct random examinations, inspections, and audits without prior notice;

(c) The State agrees to conduct on-site inspections at least annually;

(d) All third party examiners meet the same qualification and training standards as State examiners; and

(e) State employees periodically "check-ride" with examiners on actual tests, or States periodically test a sample of drivers who were examined by third parties to compare pass/fail results.

Section 383.77 Substitute for driving skills test.

The FHWA recognizes that CMV drivers are professionals who are, as a group, highly experienced in the skills needed to operate such vehicles. In response to the overwhelming number of comments from the States and the motor carrier industry in this regard, the FHWA proposal provides States an option to allow certain drivers to substitute a good driving record and experience for the driving skills test. States would be able to exercise this option only for the basic skills tests. The provision would not be used for the knowledge tests or the tests related to the proposed endorsements, except for the driving skills test required for the air brake endorsement. The option would apply to drivers of commercial motor vehicles who were licensed before July 15, 1988, and who either (1) have a good driving record and have previously passed an acceptable skills test or (2) have a good driving record in combination with certain driving experience. The FHWA believes that for many current drivers, their experience is an appropriate indication that the individual has the minimum driving skills to operate a commercial motor vehicle. Accordingly, the FHWA believes that this provision would not diminish public safety or overall safe operation of commercial vehicles.

A State which chooses to exercise this option would have to adopt criteria to eliminate certain applicants from consideration under this provision. As a minimum, an applicant must be licensed before July 15, 1988, and must:

(1) Certify that he/she has not committed certain offenses; and

(2) Certify that he/she has previously passed an acceptable skills test or has certain experience driving a commercial motor vehicle.

The FHWA looked at the practices used by several States to determine whether applicants who are transferring their licenses from another State need to take driving tests. Based on these current practices, the FHWA proposes that an applicant would first have to certify that he/she has not violated the single license or disqualification provisions in Part 383. In addition, an applicant could not have a violation of State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident or a record of an accident where he/she was at fault, during the 2 years immediately preceding application for a CDL. Second, the applicant would have passed an acceptable skills test—i.e., one which was given by a State with a classified licensing and testing system, and which was taken by the driver behind-the-wheel in a vehicle representative of the type or classification which the applicant operates or expects to operate. In lieu of an acceptable skills test, the applicant may qualify for an exception to the driving skills test that is based on prior experience. In this case, an applicant would be required to have 2 years experience of driving a vehicle that is representative of the type or class of vehicle for which he/she wishes to obtain a CDL. A State would need to ensure that the applicant has this experience through mechanisms such as requiring the employer to provide certification.

Question Area: Licensing Procedures

Comments are specifically requested on:

(1) What proof of domicile, if any, school an applicant be required to provide to the State for initial licensing renewals, upgrades, and transfers? Should applicants be required to provide a specific mailing address rather than a post office box?

(2) The FHWA has proposed that States continue their existing learner's permit programs for CMV drivers. Should there be any Federal standard for learner's permits? What time period, if any, should be included if such a standard were adopted?

(3) When the CDLIS is operational, the statute provides a maximum period of 60 days for States to check the driver's record any up to a 30-day period for States to notify the CDLIS of the issuance of a CDL or CDC. This may be excessive. Should the FHWA shorten these time periods? If so, what would be the appropriate future maximum time periods for the record check and for the notification?

(4) Is it appropriate for the testing and licensing standards to require a CDL holder to retake the complete set of tests, after he/she has had his/her CDL for a certain period of time? For example, should the complete set of tests be required 1 year prior to renewal or 10 years after the applicant first receives a CDL? What timeframes would be appropriate for these cases?

(5) What additional conditions and standards should be contained in the standards for the State agreements for third party testers to limit potential for abuse and conflicts of interest? Would it be appropriate to strengthen or eliminate requirements for such provisions? Should the third party be required to provide evidence to the State when an applicant successfully passes a test?

(6) Should the States be given the option of accepting another State's hazardous materials endorsement instead of retesting the driver when he/she transfer his/her CDL from another State? Also, is it appropriate to require periodic retesting for any driver to retain his/her hazardous materials endorsement as the FHWA has proposed? If so, what timeframe should be required?

(7) The FHWA's proposal requires drivers from States which do not comply with the standard to obtain a CDC. An alternative would be to require such drivers to get a CDL from a State of their choice. In this case, the FHWA's standard could preempt any State residency laws which require individuals who reside in the State to be licensed in that State. What would be the benefits and costs of this alternative as it compares to the FHWA proposal? How could the related legal problems with respect to preemption of State laws be resolved?

(8) In addition to notifying their State of licensure, drivers who obtain a CDC according to the proposal would also need to notify the State which issued the CDC of any violation or license cancellation, revocation, or suspension. These notifications would help ensure that the driver's CDC is invalidated by the State which issued it when and if the driver is disqualified. What methods can be used to ensure that these drivers are notifying both States of the proper information? Are there ways, such as requiring these drivers to get a CDL as suggested in Question 7 above, which can reduce the potential complexity of enforcing these requirements? If so, what are they and how would they be enforced?

Subpart F—Vehicle Groups, Representative Vehicles, and Endorsements.

In accordance with section 12005 of the Act, any applicant for a CDL must demonstrate driving skills in a vehicle which is representative of the type of vehicle such person operates or expects to operate. Four broad vehicle groups are proposed by FHWA to help define the types of vehicles which would be considered acceptable representative vehicles. These groups reflect different vehicle handling characteristics under different traffic conditions and situations. Thus, separate skills and in some cases, knowledge tests are required for each group. These tests are described in Subpart G.

Section 383.91 Vehicle groups.

The four vehicle groups proposed by FHWA are:

"Combination Vehicle"—any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more provided the vehicle or trailer being pulled is at least 10,001 pounds Gross Vehicle Weight Rating (GVWR). Drivers who successfully complete the test requirements for this group may also operate vehicles in the Heavy Straight Truck and Small Vehicle groups without passing additional tests.

"Bus"—any vehicle designed to carry more than 15 passengers, including the driver. Drivers who successfully complete the test requirements for this group may also operate vehicles in the Small Vehicle group without further tests (except for any endorsements required). (An alternative approach to defining the bus vehicle group is discussed at length under the question areas included later in the Preamble for this section of the proposed rule.)

"Heavy Straight Truck"—any vehicle with a Gross Vehicle Weight Rating of 26,001 pounds or more, or any combination of vehicles with a GCWR of 26,001 pounds or more provided the trailer or vehicle being pulled is not greater than 10,000 pounds GVWR. Drivers who successfully complete the test requirements for this group may also operate vehicles in the Small Vehicle group without further tests.

"Small Vehicle"—any vehicle with a GVWR or GCWR of under 26,001 pounds. This group is proposed in order to ensure that operators of vehicles within these weight limits that are required to be placarded for hazardous materials are qualified and have the basic knowledge and skills needed to safely operate such vehicles. (Drivers of vehicles which carry hazardous materials would also be required to obtain a separate endorsement.) Also, individual State licensing requirements for vehicles in these weight limits which would not otherwise be subject to Part 383 could be covered by this proposed group.

Section 383.93 Endorsements.

The FHWA is proposing endorsements to the CDL designed to ensure that the operators of CMVs with specialized handling characteristics possess specialized knowledge and skills related to those vehicles. Drivers of such equipment must demonstrate these knowledge and skills, in addition to the knowledge and skills required for the basic vehicle group. Endorsements are proposed for: (1) Air brakes for any vehicle so equipped which would not be included in the Combination Vehicle Group, (2) double/triple trailers, (3) articulated buses, (4) cargo tanks, and (5) vehicles that carry hazardous materials in quantities sufficient to be placarded. For the air brake and cargo tank endorsements, the driver must pass knowledge and skills tests. For the other endorsements, the driver will be required to pass a knowledge test.

Vehicle Groups—Responses received by FHWA to Docket MC–125 supported classification of vehicles according to weight and number of articulation points. The AAMVA, the American Automobile Association (AAA), the American Trucking Association (ATA), the HUFSAM, and the NMCAC suggested specific vehicle classifications to FHWA. The vehicle groups included in this proposal generally follow the recommendations by AAMVA, ATA, and HUFSAM. The exception is the separate group for buses which follows the NMCAC recommendation. Because of the critical passenger safety-related factors associated with the transportation of passengers, a separate test for buses is proposed. The AAA recommended a separate vehicle class for tandem tractor-trailers; the proposed endorsements recognized the additional operational consideration of these types of vehicles.

Endorsements—Accident analyses indicate that the driver's actions and reactions are the principal causal factors in the majority of accidents involving motor carriers. The operation of certain

VOL 52 ISS 238 DEC 11 1987 UMI

heavy trucks and buses also requires specific skills and knowledge unique to their configuration, and loading and handling characteristics. Of particular concern are vehicles that have increased articulation points, vehicles which carry cargoes that change the handling and operating characteristics of the vehicle, or vehicles which require unique knowledge to operator safely. Therefore, FHWA proposes that operators of such vehicles have knowledge about the safe operation of these vehicles in addition to the knowledge related to the vehicle groups.

The FHWA's data on accidents related to equipment failure consistently show brake defects as the most frequently reported cause of accidents related to mechanical defects. Thus, the FHWA would include knowledge and skills related to air brakes as part of the basic requirements for the Combination Vehicle Group since the majority of vehicles in this group are so equipped. Safe operation of other CMVs that may be equipped with air brakes requires such drivers to have additional knowledge and skills and the FHWA's proposed standard would require operators of such other CMVs to have an air brake endorsement.

According to data in the National Highway Traffic Safety Administration's (NHTSA's) Fatal Accident Reporting System,[1] the number of multitrailer combination vehicles involved in fatal accidents as a percent of the number of all fatal accidents involving all combination vehicles increased from 4.1 percent in 1975 to 4.8 percent in 1985. While this increase may not be significant, the relative incidence of accidents involving operation of doubles or triples compared to tractor-semitrailer operation continue to be subject to much debate and study. The results of these debates and research efforts yield no conclusive results; except that it is clear that there are differences in the operation of double or triple trailers compared to the operation of tractor-semitrailers. For example, offtracking of "twins" at low speeds has been shown to be significantly less than that which occurs at low speeds for a tractor semitrailer. On the other hand, a vehicle with shorter wheelbases, such as those typically used with twins, may be more difficult to control when turns are entered at high speed. Therefore, FHWA proposes that drivers who operate or expect to operate doubles or triples be required to have an endorsement to their CDL in order to operate those vehicles.

For reasons similar to those described above, FHWA's proposed standard also includes a requirement that operators of articulated buses possess an endorsement. Research done by the Urban Mass Transportation Administration (UMTA) and reported in its November 1984 "Planning Handbook for Articulated Buses," page 39, found that most metropolitan transportation agencies "have reported somewhat worse accident experience with artics (articulated buses) than with standard buses." The articulated bus endorsement would be separate from the double/triple trailers endorsement because the requirements for carrying passengers are different from other operations, and the safety systems of buses are different from other CMVs.

The FHWA recognizes that cargo tank operations present special concerns. For example, in 1986, there were 818 accidents reported to the FHWA involving cargo tank trucks transporting hazardous materials resulting in 136 fatalities, 761 injuries, and over $17 million in property damage. In the same year there were 1,276 accidents reported by nonhazardous materials cargo tank carriers, resulting in 142 fatalities, 1,177 injuries and over $17 million property damage. The most important operating difference between driving a cargo tank motor vehicle and a standard dry freight truck is liquid product surge which may be the most significant condition that a cargo tank driver must be able to mitigate. Other factors that may threaten vehicle stability, therefore presenting a safety risk, include: Sloshing liquids in various cargo tank designs; various loading conditions; and the impact of liquids on driving maneuvers such as braking, backing, turning, and combined braking/steering maneuvers. It is important that the drivers of these vehicles be given special emphasis during the licensing process, and FHWA's standard includes a requirement that drivers of cargo tanks have an endorsement.

Section 12005(a)(5) of the Act requires that drivers of vehicles that carry hazardous materials demonstrate a knowledge of hazardous materials regulations and emergency procedures. The FHWA proposes to implement this provision of the Act by including a special hazardous materials endorsement in the standard. Also, drivers of cargo tanks transporting hazardous materials would obtain an endorsement both for cargo tanks and hazardous materials.

Representative Vehicles—Section 12005(a)(2) of the Act requires that the skills test be taken in a vehicle representative of the type which the person operates or expects to operate. While there were no specific questions in Docket MC–125 on the types of vehicles in which applicants for a CDL should be required to demonstrate their driving skills, several commenters addressed the concern in their responses to questions about the requirements of an operator test. Generally, the commenters leaned toward testing in the type of vehicle the driver intends to drive. The National Transportation Safety Board (NTSB) recommended that applicants be tested in the largest vehicle allowable in a given class. Such a requirement could place an unreasonable burden on a driver applicant to obtain for test purposes only, a vehicle other than one he/she typically operates or expects to operate. Alternatively, it would place a burden on States to acquire or to have available such vehicles for applicants to use for the tests. Comments are invited on whether this burden on States would be reasonable.

The FHWA proposes, however, that applicants be required to take their skills test in a representative vehicle—one that meets the definition of the vehicle group in which they drive or intend to drive—and to certify such to their State. The FHWA believes that the driving tests will adequately determine the ability of the driver to operate any CMV within that group. The FHWA proposes that the applicant certify to the licensing authority at the time of the test that the vehicle that he/she uses for the skills tests is a representative vehicle. The FHWA believes that the States should have flexibility in allowing drivers to use vehicles other than the exact vehicle or type of vehicle which the driver operates or expects to operate. States would also have the option of providing the representative vehicle for any vehicle group. This flexibility could resolve problems associated with bringing unique vehicles, such as fire trucks and specialized auto transporters, to the skills test location while allowing States to require testing with such vehicles where appropriate. As specified in § 383.75, States would also have the option of allowing other persons or employers to administer the skills tests.

Question Area: Vehicle Groups and Endorsements

The FHWA requests comment on the following specific issues:

(1) *All Groups*—Except for the bus group, the vehicle groups proposed by FHWA are distinguished by two factors: the weight rating of the vehicle and the weight rating of the trailer being pulled. Public comment is sought on whether the groups of vehicles should be separated only by the combined weight rating regardless of the size of the vehicle being towed.

(2) *Small Vehicle Group*—The principal reason this group is proposed is to provide a category of licenses for operators of vehicles which are under 26,001 pounds CVWR but which carry hazardous materials. The proposed rule also requires the driver to certify that the vehicle used in the skills test represents the type of vehicle used by the driver. Is such certification by the driver sufficient given the various types of vehicles which fall into this category which are placarded for hazardous materials? Public comment is also requested on whether the group should be split to include vehicles up to 10,000 pounds GVWR or GCWR and vehicles between 10,001 and 26,000 pounds GVWR or GCWR. Also, public comment is requested on whether the driving skills within these two potential groups can be differentiated in an on-road test.

(3) *Bus Group*—Because buses vary considerably by length of wheelbase and by height and weight, the knowledge and skills which a driver of a large transit bus would possess may be significantly different from those of a driver of a large van, a small school bus, or a large intercity bus. Canada's national safety code separates buses by the number of passengers carried. For example, a typical Canadian Class 2 provincial license permits operation of any bus of any seating capacity, and the Class 4 provincial license permits operation of buses with seating capacity of not more than 24 passengers. The FHWA, therefore, is considering an alternative which would use a 24 person threshold to separate the bus vehicle group into two groups; Large Bus and Small Bus. Under this scheme the air brake knowledge and skills could be part of the mandated test for the Large Bus Group. What would be the costs and benefits related to this alternative approach? Can the skills between these groups be differentiated in a test? Would requiring drivers of all Large Buses to demonstrate skills with an air brake equipped vehicle pose problems for drivers of large school buses (greater than 24 passengers) which may not be so equipped? What other ways could this group be subdivided?

(4) *Double/Triple Trailers and Articulated Buses*—Operators of both double/triple and articulated buses would be required to obtain endorsements based on separate but similar knowledge tests. Since the required knowledge for these endorsements is similar (see discussion under Subpart G), the FHWA is considering an alternative which would combine the two into one endorsement: Articulated Vehicles. This approach would result in fewer types of endorsements and therefore, fewer different pieces of information to be recorded on a CDL and in the driver's record. What would be the costs and benefits of this approach? Are the knowledge requirements for operators of Double/Triple and Articulated Buses similar enough to be combined into one endorsement?

(5) *Air Brake*—The FHWA has proposed that operators of all CMVs in the Combination Vehicle Group have knowledge and skills related to air brakes as part of the basic test standards. The air brake endorsement is included in the FHWA proposal so that drivers of CMVs which may fall into the other vehicle groups, but which are equipped with air brakes, have the necessary knowledge and skills related to the safe operation of such braking systems. The FHWA has proposed this knowledge and skill test to be included by States within the basic exam for the Combination Vehicle Group. The majority of vehicles included in this group are equipped with air brake systems. In cases where a driver operates a vehicle in the Combination Vehicle Group which is not equipped with air brakes, a State could restrict to non-air brake-equipped vehicles the license of such drivers, rather than requiring such drivers to take tests which cover air brakes. How many restrictions would be likely to result? An alternative approach would be to require a separate air brake endorsement for drivers of any vehicle so equipped (e.g., Combination Vehicles and Large Buses). The FHWA requests comment on this alternative approach.

Subpart G—Required Driver Knowledge and Skills

This section describes the knowledge and skills which CMV operators would be required to have and demonstrate for each vehicle group and endorsement. Information about these skills and knowledge areas would be included in drivers' manuals available to driver applicants. States may also require knowledge of and include questions related to any unique or special traffic laws and regulations within their jurisdictions.

Section 383.111 Required knowledge.

A primary cause of accidents is improper vehicle control in adverse environmental conditions and/or emergency traffic situations. More than 20 percent of the preventable accidents involving CMVs are attributable to this cause. Other primary causes of accidents include: Following too closely; failure to maintain control, improper/erratic lane change; improper turning; starting and braking improperly; and failure to yield right-of-way. To ensure that all CMV drivers are at least aware of these dangers and the correct driving responses, an appropriate number of these areas must be covered in questions on the knowledge examinations.

Safe Operation Regulations. Section 12005(a)(4)(A) of the Act requires that tests ensure that drivers have working knowledge of regulations pertaining to safe operation of commercial vehicles issued under Title 49, CFR. To meet this requirement, the FHWA proposes that applicants be provided with information about the regulations contained in Parts 391 through 397 and that applicants be tested on this information.

Commercial Motor Vehicle Safety Systems. Section 12005(a)(4)(B) requires that drivers have a working knowledge of the proper use of the safety systems of commercial vehicles. The FHWA proposes that tests to ensure drivers have this "working knowledge" cover such items as proper use of lights, horns, side and rear-view mirrors, proper mirror adjustments, fire extinguishers, symptoms of improper operation revealed through instruments, vehicle operation characteristics, diagnosing malfunctions, and proper use of these safety systems during emergencies.

Safe Vehicle Control. Section 12005(a)(1) requires each CMV operator take written knowledge tests. The FHWA proposes that such tests cover the CMV operator's knowledge of the procedures used to safely operate the vehicles under various traffic and road conditions, and under various weather and lighting conditions.

Relationship of Cargo to Vehicle Control. The FHWA is also proposing that drivers have general knowledge about cargo placement, balance, securement and its relationship to safe vehicle operations for the particular vehicle group.

Vehicle Pre-Trip, Post-Trip, and Other Inspections. Pre-trip inspections as well as periodic inspections and repair are important actions which help prevent breakdowns and improve safety. Therefore, the FHWA's proposal

[1] Transportation Research Board, National Research Council, "Twin Trailer Trucks. Effects on Highways and Highway Safety," Special Report 211, 1986.

BEST COPY AVAILABLE

VOL 52 ISS 238 DEC 11 1987 UMI

includes a requirement that CMV drivers must know and understand the various inspection procedures.

Combination Vehicle and Bus Knowledge. The FHWA is proposing that an operator of a motor vehicle which falls into the Combination Vehicle or the Bus Group be tested on additional information as part of the basic knowledge requirements. The information is delineated in § 383.111 and for Combination Vehicles addressed knowledge and skills related to air brakes and for Bus Vehicle covers procedures related to passengers.

Section 383.113 Required drivers skills tests.

Section 12005(a) of the Act requires that each driver applicant demonstrate his/her ability to safely operate a vehicle that is representative of the class of type of vehicle he/she operates or expects to operate. The FHWA proposes that each driver applicant be required to demonstrate the basic skills included in this proposal; the State would also test any other skills it deems appropriate and necessary. The skills tests would be conducted entirely in actual road conditions or in a combination of road and off street conditions. The decision as to where the skills test will be conducted would remain at the discretion of the States. However, regardless of where the skills test is conducted, an applicant for a CDL would have to demonstrate that he/she is capable of operating the CMV safely.

Applicants for each vehicle group would be required to successfully demonstrate the basic vehicle control skills as well as safe driving skills. The specific skills which would be required are contained in § 383.113 (a) and (b).

Section 383.115–123 Endorsement tests.

The FHWA proposes that an operator of special types of CMVs obtain an endorsement to his/her CDL because of the knowledge and skills needed, in addition to the knowledge and skills contained in §§ 383.111 and 383.113, to safely operate such vehicles. Endorsements to the CDL would be required to operate vehicles equipped with air brakes, double/triple trailers; articulated buses; cargo tankers; or vehicles involved in transportation in hazardous materials. Each of the endorsements would require additional knowledge tests. The air brake and cargo tank endorsements would also require each driver to take and pass a skills test in a representative vehicle. Information on these knowledge areas and skills would be included in the drivers' manuals. The FHWA's specific proposals for each endorsement standard are contained in Subpart G and are summarized below:

Section 383.115 Air brake endorsement

To obtain an air brake endorsement for vehicles which are not included as part of the Combination Vehicle Group, driver applicants would demonstrate knowledge of the operation of air brakes; pre-trip inspection requirements; proper use of fail-safe devices, monitoring devices and alarms; inspection procedures; and ways to determine that a system's component is in need of repair. Drivers of vehicles equipped with air brakes would also need to pass a driving test on a vehicle equipped with air brakes and on the skills which make up a pre-trip inspection

Section 383.117 Double/triple trailers endorsement.

Increased length, larger freight capacity and greater number of articulation points lead to differences in handling and performance characteristics of double/triple trailers. Each applicant would demonstrate his/her knowledge in a test of unit assembly and hookup, trailer placement, handling and stability characteristics, and potential problems of such vehicles in traffic. Skills test(s) are not proposed for this endorsement because of the lack of evidence as to the specific skills which a driver can be tested on which would be different from the skills required in the basic test(s). Comments are invited on this issue.

Section 383.119 Articulated bus endorsement.

Each applicant for an articulated bus endorsement would demonstrate his/her knowledge in a test on the same types of information specified for the double/triple trailers endorsement test, except for those items related to coupling and uncoupling of the vehicle. These applicants would also demonstrate knowledge of rules pertaining to operation of passenger transport vehicles and proper braking and emergency procedures.

Section 383.121 Cargo tank endorsement.

Each applicant for a cargo tank endorsement would demonstrate his/her knowledge in areas such as vehicle operations under different loadings, product density, cargo tank type and construction. The driver would also have knowledge of and be tested on the causes and prevention of cargo surge, and the likelihood of rollover due to improper control of cargo surge.

Each driver who wishes to obtain a cargo tank endorsement to his/her CDL would also demonstrate his/her skills by taking a skills test in a partially loaded cargo tank (between 30 and 60 percent full in each compartment). As proposed in § 383.121(b), each driver would demonstrate, among other things, the ability to put the vehicle in motion smoothly, to stop the vehicle smoothly, negotiate turns and lane changes, and select and change to proper gear without clashing.

The FHWA fully expects that States would make agreements with employers to allow the employer to administer the cargo tank skills test as a third party. Such agreements would reduce the potential costs and liabilities which may occur because of the requirement that the skills test for a cargo tank endorsement be taken with a partially loaded cargo tank.

Section 383.123 Hazardous materials endorsement.

Section 12005(a)(5) of the Act requires that an individual who will operate vehicles carrying hazardous materials shall be qualified to operate a CMV in accordance with all regulations pertaining to the transportation of hazardous materials issued under the Hazardous Materials Transportation Act.

The FHWA proposes that such operators would demonstrate his/her knowledge of these areas to obtain an endorsement to his/her CDL as follows:

(a) *Hazardous material regulations*—would include the Hazardous Material Table, shipping paper requirements, hazardous material packaging, marking, labeling, and placarding requirements;

(b) *Hazardous material handling*—would include the different procedures to be utilized for different kinds of hazardous materials, loading and unloading of materials, cargo segregation, and regulations regarding the routing of materials (in tunnels, on highways etc.), attendance of vehicles, parking, fueling, and vehicle repair;

(c) *Operation of emergency equipment*—would include knowledge of when and how such equipment is to be used and any other precautions that the vehicle operator must implement to protect the public; and

(d) *Emergency response procedures*—would include general knowledge of appropriate and necessary actions for all types of hazardous materials and specific knowledge for any type of freight that person expects to transport.

Question Area: Required Knowledge and Endorsements

The FHWA requests input from the public on these endorsement tests. Specific areas where public comment is requested are:

(1) Whether or not skills tests should be included as part of the standard for all endorsements? If so, under what conditions would it be appropriate to allow States the option to recognize employer certification of training and testing in lieu of endorsement skills tests and/or knowledge tests?

(2) What would be the impact on safety of the proposals described in Question 1?

(3) If a State accepts employer certification as a substitute for the skills test, what, if any, requirements for such certification should be indicated in the Federal standards?

(4) Knowledge of Parts 398 (Migrant Workers) and 399 (Employee Health and Safety) is excluded from the test standard. Should knowledge of these requirements be included in the standard for the knowledge tests for the CDL?

(5) The FHWA is aware of the possibility of using simulators for skills testing. For what portions of the skills tests would the use of a simulator be appropriate? What are the advantages and disadvantages associated with the use of a simulator? Which, if any, skills can and cannot be evaluated given current technological constraints of simulators?

(6) Is there some basic knowledge of hazardous materials which all CMV operators, even those who do not need a hazardous materials endorsement, should be required to demonstrate prior to receiving a CDL?

Subpart H—Tests

To ensure that all drivers have the knowledge and skills to safely operate a CMV on the public roadways, every CDL applicant must pass tests which demonstrate the person's knowledge or skills described in Subpart G and H. To the extent practicable, the tests should have similar content, similar test administration procedures, and similar scoring procedures to establish uniform testing of CMV operators anywhere in the country. This section contains the test administration methods and standards for minimum passing scores which the FHWA is proposing for the knowledge and skills tests.

Section 383.131 Procedures.

Because licensing examinations within a State are given to different applicants, at different times, in different locations, and by different examiners, it is critical to minimize any impact of these differences. The FHWA proposes that test procedures and methods be standardized and documented by the State and provided to its licensing examiners.

The FHWA proposes that States develop procedural information for the test applicant and for the test examiner. The directions for the test applicant would expalin, as clearly and simply as possible, what he/she must do to take the test. These directions would be given by the license test examiner and/or would be a part of the test (content information would be made available to the applicant through a driver manual). For the knowledge and skills tests, the directions given to the driver applicant would cover the purpose of the test, how to choose a response, how to make a response, any time limits, and any other special procedures determined by the State. Directions for taking knowledge tests would differ depending on the particular testing format used by the States (e.g., paper, oral or automated equipment for knowledge tests). All information provided to the applicant would be at or below the sixth grade reading level. The FHWA understands that this level of reading competency would be sufficient to fully test driver's knowledge without discriminating based on literacy.

Directions for the examiner would include the information the examiner must give to the applicant, information about how to conduct the tests, how to score, and for the skill tests, specific testing information, e.g., what is being tested, how it would be tested, how it would be scored. In addition, directions to the examiner would list the skills to be tested (from Subpart G); identify where and how the skills would be tested; and how the performance of the skills would be scored. As part of the scoring, the correct response and how to determine that it is a correct response would also be provided to the examiner. Standardized scoring sheets for the skill tests would be provided, as well as standardized driving instructions for the applicant.

Section 383.133 Test methods.

The States would be required to establish specific testing and scoring procedures and the associated administrative procedures that meet the standards. Testing procedures would, however, be standardized within the State and meet the testing requirements as stipulated in this rule. In other words, the knowledge and skills tests would uniformly assess the performance of applicants regardless of the location of the test.

To assure that the knowledge and skill tests can accurately determine the proficiency of CDL license applicants, the tests would be required to be reliable. Accordingly, the FHWA proposes that the "knowledge" tests contain a minimum of at least 30 items per test which cover all of the knowledge areas described in Subpart G for that vehicle group and that the tests have a reliability coefficient of at least r=0.90. This proposed requirement is based on commonly accepted testing principles to assure reliability and validity of any knowledge test. A State would have flexibility to choose a specific method for giving the knowledge test as long as the tests meet the standards. For example, the knowledge tests could be administered by paper and pencil, orally or given on automated equipment. States may also arrange for tests to be given with an oral interpreter as appropriate. (This would *not* relieve the interstate driver of the language requirements contained in § 393.41.) To assure that the "skill" tests are reliable, it would be required that the reliability coefficient between any two examiners be at least r=0.80. This coefficient has been established as a minimum in the TORQUE Tests developed by the National Highway Traffic Safety Administration.

Specific methods for skill testing and scoring would be determined by the State. For example, the States may use a single score for a right hand turn starting with the initiation of the right turn signal and ending following the turn and cancellation of the turn signal, or they may use several scores for the turn comprised of the different performances involved in a right hand turn—initiates the turn signal, uses appropriate lanes, uses the right side mirror(s), blocks inside traffic, stays in roadway, cancels turn signal—or they may use some combination of the two approaches. The latter approach being a "disaggregate" or "elements" test approach which is used in the TORQUE tests.

The FHWA proposes that the CDL examiners would be required to be qualified to administer the tests. A qualified examiner would have to demonstrate the ability to use the standardized procedures as stipulated in this section.

Section 383.135 Minimum passing scores.

For the knowledge tests, the FHWA proposes that the driver applicant would correctly answer at least 80 percent of the questions to pass. For the skills

VOL 52 ISS 238 DEC 11 1987 UMI

includes a requirement that CMV drivers must know and understand the various inspection procedures.

Combination Vehicle and Bus Knowledge. The FHWA is proposing that an operator of a motor vehicle which falls into the Combination Vehicle or the Bus Group be tested on additional information as part of the basic knowledge requirements. The information is delineated in § 383.111 and for Combination Vehicles addressed knowledge and skills related to air brakes and for Bus Vehicle covers procedures related to passengers.

Section 383.113 Required drivers skills tests.

Section 12005(a) of the Act requires that each driver applicant demonstrate his/her ability to safely operate a vehicle that is representative of the class of type of vehicle he/she operates or expects to operate. The FHWA proposes that each driver applicant be required to demonstrate the basic skills included in this proposal; the State would also test any other skills it deems appropriate and necessary. The skills tests would be conducted entirely in actual road conditions or in a combination of road and off street conditions. The decision as to where the skills test will be conducted would remain at the discretion of the States. However, regardless of where the skills test is conducted, an applicant for a CDL would have to demonstrate that he/she is capable of operating the CMV safely.

Applicants for each vehicle group would be required to successfully demonstrate the basic vehicle control skills as well as safe driving skills. The specific skills which would be required are contained in § 383.113 (a) and (b).

Section 383.115–123 Endorsement tests.

The FHWA proposes that an operator of special types of CMVs obtain an endorsement to his/her CDL because of the knowledge and skills needed, in addition to the knowledge and skills contained in §§ 383.111 and 383.113, to safely operate such vehicles. Endorsements to the CDL would be required to operate vehicles equipped with air brakes, double/triple trailers; articulated buses; cargo tankers; or vehicles involved in transportation in hazardous materials. Each of the endorsements would require additional knowledge tests. The air brake and cargo tank endorsements would also require each driver to take and pass a skills test in a representative vehicle. Information on these knowledge areas and skills would be included in the drivers' manuals. The FHWA's specific proposals for each endorsement standard are contained in Subpart G and are summarized below:

Section 383.115 Air brake endorsement

To obtain an air brake endorsement for vehicles which are not included as part of the Combination Vehicle Group, driver applicants would demonstrate knowledge of the operation of air brakes; pre-trip inspection requirements; proper use of fail-safe devices, monitoring devices and alarms; inspection procedures; and ways to determine that a system's component is in need of repair. Drivers of vehicles equipped with air brakes would also need to pass a driving test on a vehicle equipped with air brakes and on the skills which make up a pre-trip inspection

Section 383.117 Double/triple trailers endorsement.

Increased length, larger freight capacity and greater number of articulation points lead to differences in handling and performance characteristics of double/triple trailers. Each applicant would demonstrate his/her knowledge in a test of unit assembly and hookup, trailer placement, handling and stability characteristics, and potential problems of such vehicles in traffic. Skills test(s) are not proposed for this endorsement because of the lack of evidence as to the specific skills which a driver can be tested on which would be different from the skills required in the basic test(s). Comments are invited on this issue.

Section 383.119 Articulated bus endorsement.

Each applicant for an articulated bus endorsement would demonstrate his/her knowledge in a test on the same types of information specified for the double/triple trailers endorsement test, except for those items related to coupling and uncoupling of the vehicle. These applicants would also demonstrate knowledge of rules pertaining to operation of passenger transport vehicles and proper braking and emergency procedures.

Section 383.121 Cargo tank endorsement.

Each applicant for a cargo tank endorsement would demonstrate his/her knowledge in areas such as vehicle operations under different loadings, product density, cargo tank type and construction. The driver would also have knowledge of and be tested on the causes and prevention of cargo surge, and the likelihood of rollover due to improper control of cargo surge.

Each driver who wishes to obtain a cargo tank endorsement to his/her CDL would also demonstrate his/her skills by taking a skills test in a partially loaded cargo tank (between 30 and 60 percent full in each compartment). As proposed in § 383.121(b), each driver would demonstrate, among other things, the ability to put the vehicle in motion smoothly, to stop the vehicle smoothly, negotiate turns and lane changes, and select and change to proper gear without clashing.

The FHWA fully expects that States would make agreements with employers to allow the employer to administer the cargo tank skills test as a third party. Such agreements would reduce the potential costs and liabilities which may occur because of the requirement that the skills test for a cargo tank endorsement be taken with a partially loaded cargo tank.

Section 383.123 Hazardous materials endorsement.

Section 12005(a)(5) of the Act requires that an individual who will operate vehicles carrying hazardous materials shall be qualified to operate a CMV in accordance with all regulations pertaining to the transportation of hazardous materials issued under the Hazardous Materials Transportation Act.

The FHWA proposes that such operators would demonstrate his/her knowledge of these areas to obtain an endorsement to his/her CDL as follows:

(a) *Hazardous material regulations*—would include the Hazardous Material Table, shipping paper requirements, hazardous material packaging, marking, labeling, and placarding requirements;

(b) *Hazardous material handling*—would include the different procedures to be utilized for different kinds of hazardous materials, loading and unloading of materials, cargo segregation, and regulations regarding the routing of materials (in tunnels, on highways etc.), attendance of vehicles, parking, fueling, and vehicle repair;

(c) *Operation of emergency equipment*—would include knowledge of when and how such equipment is to be used and any other precautions that the vehicle operator must implement to protect the public; and

(d) *Emergency response procedures*—would include general knowledge of appropriate and necessary actions for all types of hazardous materials and specific knowledge for any type of freight that person expects to transport.

Question Area: Required Knowledge and Endorsements

The FHWA requests input from the public on these endorsement tests. Specific areas where public comment is requested are:

(1) Whether or not skills tests should be included as part of the standard for all endorsements? If so, under what conditions would it be appropriate to allow States the option to recognize employer certification of training and testing in lieu of endorsement skills tests and/or knowledge tests?

(2) What would be the impact on safety of the proposals described in Question 1?

(3) If a State accepts employer certification as a substitute for the skills test, what, if any, requirements for such certification should be indicated in the Federal standards?

(4) Knowledge of Parts 398 (Migrant Workers) and 399 (Employee Health and Safety) is excluded from the test standard. Should knowledge of these requirements be included in the standard for the knowledge tests for the CDL?

(5) The FHWA is aware of the possibility of using simulators for skills testing. For what portions of the skills tests would the use of a simulator be appropriate? What are the advantages and disadvantages associated with the use of a simulator? Which, if any, skills can and cannot be evaluated given current technological constraints of simulators?

(6) Is there some basic knowledge of hazardous materials which all CMV operators, even those who do not need a hazardous materials endorsement, should be required to demonstrate prior to receiving a CDL?

Subpart H—Tests

To ensure that all drivers have the knowledge and skills to safely operate a CMV on the public roadways, every CDL applicant must pass tests which demonstrate the person's knowledge or skills described in Subpart G and H. To the extent practicable, the tests should have similar content, similar test administration procedures, and similar scoring procedures to establish uniform testing of CMV operators anywhere in the country. This section contains the test administration methods and standards for minimum passing scores which the FHWA is proposing for the knowledge and skills tests.

Section 383.131 Procedures.

Because licensing examinations within a State are given to different applicants, at different times, in different locations, and by different examiners, it is critical to minimize any impact of these differences. The FHWA proposes that test procedures and methods be standardized and documented by the State and provided to its licensing examiners.

The FHWA proposes that States develop procedural information for the test applicant and for the test examiner. The directions for the test applicant would expalin, as clearly and simply as possible, what he/she must do to take the test. These directions would be given by the license test examiner and/or would be a part of the test (content information would be made available to the applicant through a driver manual). For the knowledge and skills tests, the directions given to the driver applicant would cover the purpose of the test, how to choose a response, how to make a response, any time limits, and any other special procedures determined by the State. Directions for taking knowledge tests would differ depending on the particular testing format used by the States (e.g., paper, oral or automated equipment for knowledge tests). All information provided to the applicant would be at or below the sixth grade reading level. The FHWA understands that this level of reading competency would be sufficient to fully test driver's knowledge without discriminating based on literacy.

Directions for the examiner would include the information the examiner must give to the applicant, information about how to conduct the tests, how to score, and for the skill tests, specific testing information, e.g., what is being tested, how it would be tested, how it would be scored. In addition, directions to the examiner would list the skills to be tested (from Subpart G); identify where and how the skills would be tested; and how the performance of the skills would be scored. As part of the scoring, the correct response and how to determine that it is a correct response would also be provided to the examiner. Standardized scoring sheets for the skill tests would be provided, as well as standardized driving instructions for the applicant.

Section 383.133 Test methods.

The States would be required to establish specific testing and scoring procedures and the associated administrative procedures that meet the standards. Testing procedures would, however, be standardized within the State and meet the testing requirements as stipulated in this rule. In other words, the knowledge and skills tests would uniformly assess the performance of applicants regardless of the location of the test.

To assure that the knowledge and skill tests can accurately determine the proficiency of CDL license applicants, the tests would be required to be reliable. Accordingly, the FHWA proposes that the "knowledge" tests contain a minimum of at least 30 items per test which cover all of the knowledge areas described in Subpart G for that vehicle group and that the tests have a reliability coefficient of at least r=0.90. This proposed requirement is based on commonly accepted testing principles to assure reliability and validity of any knowledge test. A State would have flexibility to choose a specific method for giving the knowledge test as long as the tests meet the standards. For example, the knowledge tests could be administered by paper and pencil, orally or given on automated equipment. States may also arrange for tests to be given with an oral interpreter as appropriate. (This would *not* relieve the interatate driver of the language requirements contained in § 393.41.) To assure that the "skill" tests are reliable, it would be required that the reliability coefficient between any two examiners be at least r=0.80. This coefficient has been established as a minimum in the TORQUE Tests developed by the National Highway Traffic Safety Administration.

Specific methods for skill testing and scoring would be determined by the State. For example, the States may use a single score for a right hand turn starting with the initiation of the right turn signal and ending following the turn and cancellation of the turn signal, or they may use several scores for the turn comprised of the different performances involved in a right hand turn—initiates the turn signal, uses appropriate lanes, uses the right side mirror(s), blocks inside traffic, stays in roadway, cancels turn signal—or they may use some combination of the two approaches. The latter approach being a "disaggregate" or "elements" test approach which is used in the TORQUE tests.

The FHWA proposes that the CDL examiners would be required to be qualified to administer the tests. A qualified examiner would have to demonstrate the ability to use the standardized procedures as stipulated in this section.

Section 383.135 Minimum passing scores.

For the knowledge tests, the FHWA proposes that the driver applicant would correctly answer at least 80 percent of the questions to pass. For the skills

VOL 52 ISS 238 DEC 11 1987 UMI

tests, all skills identified as being required for the standard tests would be performed by all applicants. The passing score depends on how a State administers the tests. For example, if a State tests the applicant on successful completion of general skills, such as completion of a right turn, the passing score must be 100 percent. If the State uses a "disaggregated" or "elements" test approach, the driver would need to demonstrate all the required skills, but the lowest acceptable passing score would be 80 percent. The State would automatically fail any driver applicant who does not obey traffic laws or causes an accident during the test.

The State would determine the appropriate amount of time an applicant must wait in order to retake any test which he/she fails. The State would also determine the maximum number of times a person may take and fail any test before he/she may be prohibited by the State from obtaining a CDL. The FHWA invites comment on the appropriateness of requiring, through regulation, minimum time periods (such as 1 week) between taking tests to give the applicant time to study and become prepared to successfully complete the test.

Subpart I—[Reserved]

Subpart J—Commercial Driver's License Document

This section includes standards for CDLs that are required by section 12006 of the Act. Generally, these State-issued documents would be, to the maximum extent practicable, tamperproof, and would include information as described below. The FHWA has also included in the proposal a sample set of uniform CDL document specifications which may be used by States.

Section 383.153 Information on the document.

The information that would be required to be included on all CDLs issued by the States is that which is delineated in section 12006 of the Act. This section requires the CDL document to include the social security number or other information appropriate to identify the driver. Although the FHWA is aware of "state-of-the-art" technologies that may be available to help identify the driver, such as retinal imaging, digital dental records, and thumbprints, their use is not required as part of the standard because of concerns about their costs and benefits. Therefore, the FHWA proposes to require the driver's social security number, along with a color photograph of the driver and his/her date of birth, sex, weight, height, hair color, and eye color to help identify the CDL holder. The FHWA proposal does not mandate a specific requirement in order to give States flexibility to use current identification methods. As technology evolves and better, more cost-effective identification means become available, States would be free to impose such methods.

The FHWA's proposal would also require the CDL to contain the statement that the license is a "Commercial Driver's License," the driver's signature, and endorsements. The FHWA proposes that uniform codes for vehicle groups and endorsements be used. The proposed codes are intended to provide uniformity for enforcement purposes. Eventually, the codes would make the CMV driver documentation easily recognizable to enforcement officials. For example, a CDL with A–HM would be recognized by enforcement officials across the country to mean the driver is authorized to drive a combination vehicle and has a hazardous materials endorsement.

Section 383.155 Tamperproofing requirements.

Section 12006 of the Act requires that the CDL document be tamperproof to the maximum extent practicable. A tamperproof license is one which is designed, manufactured and/or processed to protect against counterfeiting, forgery, and alteration, i.e., it would be beyond the capabilities of the general public to reproduce or change the document. All State licensing authorities would be required to use license materials and procedures to reasonably assure that their licenses are tamperproof. At a minimum, each State would continue to use the same tamperproof method it currently uses for noncommercial licenses. The FHWA has provided the States flexibility to use current technologies to make the CDL tamperproof. However, as the technology is improved and new methods become cost-effective, the States would be free to improve tamperproof methods.

Section 383.157 Commercial driver's certificate document.

Under FHWA's proposal, a CDC issued by a State would contain the same information, except for the statement that the document is a "Commerical Driver's Certificate," rather than a CDL.

Section 383.159 Document specification.

The FHWA has proposed an optional set of specifications for CDL and CDC documents which can be used by the States which desire to issue and achieve a uniform CDL document. A State that chooses to follow these sample specifications would issue a CDL or CDC card which would not exceed 2⅛ inches high and 3⅜ inches wide—ANSI standards for financial records. The information described in § 383.153 as contained on the card would be placed as shown in Illustrations A and B at the end of Subpart J.

Question Area: CDL Documentation

(1) Can the information proposed to be included on the CDL be readily placed on existing documents? What, if any, additional information is required? What would be the benefits and costs of requiring, in the standard, that the drivers' fingerprints be included?

(2) Should the sample specifications for a CDL be included in the standard; i.e., mandated for all States? If so, what information should be added or deleted? Should the driver's fingerprints be included?

(3) The FHWA recognizes that technologies are emerging, such as "smart cards" or magnetic strips, which would allow States to cost-effectively store/retrieve biometric data in conjunction with issuing a CDL. Should the FHWA require the use of such automated data-encoding technologies and if so, what would be the appropriate phase-in time period?

(4) Although FHWA's proposal uses the social security number as the number to identify CMV operators, FHWA recognizes that there are several new and developing technologies that could be used to uniquely identify each CMV operator. These technologies include retinal imaging, digital dental records, and thumbprints, among others. Should any of these technologies be required as part of the standard? What would be the related costs and benefits of these technologies? The FHWA seeks information and recommendations on timing and methods for development, demonstration, and implementation of these technologies.

(5) The FHWA is also aware of developing technologies to make a document tamperproof, beyond most methods currently used by States for driver license documents. Such new methods include use of holograms, fine line patterns, use of light refracting seals, use of magnetic strips, etc. The FHWA requests comments on the suitability of such technologies for the CDL documentation.

(6) For commercial driver certificates that would be issued to foreign drivers, what would be the appropriate identification number to use in lieu of the social security number?

Question Area: State Compliance

The Act requires that the Secretary withhold Federal-aid highway funds from those States who do not comply. The FHWA requests guidance from the States on the criteria and procedures to be used by the Administrator to determine whether the States have implemented CDL tests and testing procedures that meet the requirements of this Section. Is it appropriate for the Governor to certify that the State is in compliance? Should the FHWA monitor the licensing procedures and, if so, on what basis? What is the most practical and cost effective method that can be used to certify that the States are in compliance? Should the FHWA approve each of the States' programs? If so, how often should the FHWA review these determinations?

Regulatory Impact

The FHWA has determined that this action does not constitute a major rule under Executive Order 12291. The proposed rule is not expected to result in an annual effect on the economy of $100 million or more, or lead to a major increase in costs or prices, or have significant adverse effects on the United States economy. However, because of the public interest in the issue of commercial motor vehicle safety and the expected benefit in transportation, this proposed rule is considered significant under the regulatory policies and procedures of the DOT. For this reason and pursuant to Executive Order 12498, this rulemaking action has been included on the Regulatory Program for significant rulemaking actions.

The economic impacts of this rulemaking that will occur are primarily mandated by the statutory provisions themselves. Since an analysis of impacts, including economic factors, is necessarily involved in the preparation of related motor vehicle safety regulations, an overall regulatory evaluation has been prepared for the various rulemaking actions that will be issued to implement the Act. This evaluation, which addresses some of the provisions contained in the final rule issued on June 1, 1987, and this proposed rule, has been placed in the public docket and is available for inspection in the Headquarters office of the FHWA, 400 Seventh Street, SW., Washington, DC 20590. A regulatory evaluation addressing the specific impacts associated with this NPRM is currently being prepared.

A significant part of the motor carrier industry and other employers covered by the Act are made up of small firms, from one-person, one-truck operations of some owner-operators, to the thousands of small fleet operators throughout the country. For this reason, the benefit and cost considerations described in the preliminary regulatory evalution/initial regulatory flexibility analysis as applicable to employers and the motor carrier industry in general, are equally applicable to the small entity component of the industry. Small entities have been represented at public meetings held to discuss the Act and small entities have had the opportunity to submit comments to the public docket established in conjunction with FHWA's August 1, 1986, ANPRM (49 CFR Part 391). The FHWA is fully committed to doing all that it can to ensure that no undue burdens are placed on small entities as a result of this proposal.

List of Subjects in 49 CFR Part 383

Commercial driver's license documents, Commercial motor vehicles, Highways and roads, Motor carriers licensing and testing procedures, Motor vehicle safety.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on December 8, 1987.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

In consideration of the foregoing, the FHWA hereby proposes to amend Title 49, Code of Federal Regulations, Chapter III, Subchapter B, as set forth below.

Alternative 1

PART 383—COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES—[AMENDED]

1. The authority citation for 49 CFR Part 383 continues to read as follows:

Authority: Title XII of Pub. L. 99–570, 100 Stat. 3207–170; 49 U.S.C. 3102; 49 U.S.C. App. 2505; 49 CFR 1.48.

2. The table of sections to Part 383 is amended as follows:

* * * * *

Subpart B—License Requirements

Sec.

* * * * *

383.23 Commercial driver's license.

* * * * *

Subpart E—Testing and Licensing Plans

383.71 Formulation of testing and licensing plan.
383.73 Approval of plan.
383.75 Third party testing.
383.77 Substitute for driving skills tests.

Subpart F—Motor Vehicle Groups and Endorsements

383.91 Motor vehicle groups.
383.93 Endorsements.

Subpart G—Required Knowledge and Skills

383.110 General requirement.
383.111 Hazardous materials requirement.

Subpart H—Tests

383.131 Minimum passing scores.

Subpart I—[Reserved]

Subpart J—Commercial Driver's License Document

383.151 General.
383.153 Information on the document.
383.155 Tamperproofing requirements.
383.157 Commercial driver's certificate document.

3. Section 383.1 is amended by removing the word "and" from the end of paragraph (b)(4), substituting a semicolon for the period at the end of paragraph (b)(5) and adding paragraphs (b)(6) through (b)(11) to read as follows:

§ 383.1 Purpose and scope.

* * * * *

(b) * * *

(6) Establishes testing and licensing requirements for commercial motor vehicle operators;

(7) Requires States to give knowledge and skills tests to all qualified applicants for commercial driver's licenses or certificates which meet the Federal standard;

(8) Sets forth commercial motor vehicle groups and endorsements;

(9) Sets forth the knowledge and skills test requirements for the motor vehicle groups and endorsements.

(10) Sets forth the Federal standards for procedures, methods, and minimum passing scores for States and others to use in testing and licensing commercial motor vehicle operators; and

(11) Establishes requirements for the State issued commercial license documentation.

4. Section 383.5 is amended by adding eight definitions and revising the two definitions entitled "Commercial driver's license" and "Commercial motor vehicle", placing them in alphabetical order as follows:

§ 383.5 Definitions.

* * * * *

"Commercial driver's certificate (CDC)" means a certificate issued by a State to an individual. Such certificate authorizes the individual to operate a class of a commercial motor vehicle and is considered as a valid CDL only when used with the individual's driver license issued by the individual's State of domicile or country.

VOL 52 ISS 238 DEC 11 1987 UMI

"Commercial driver's license (CDL)" means a license issued by a State or jurisdiction, in accordance with the standards contained in 49 CFR Part 383, to an individual which authorizes the individual to operate a class of a commercial motor vehicle. A CDC accompanied by a valid driver's license shall be considered a valid CDL.

"Commercial driver's license information system (CDLIS)" means the CDLIS established by FHWA pursuant to section 12007 of the Commercial Motor Vehicle Safety Act of 1986.

"Commercial motor vehicle (CMV)" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle—

(a) Has a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds;

(b) Is designed to transport more than 15 passengers, including the driver; or

(c) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded.

* * * * *

"Driver applicant" means an individual who applies to a State to obtain, transfer, upgrade, or renew a CDL or CDC.

* * * * *

"Endorsement" means an authorization to an individual's CDL or CDC required to permit the individual to operate certain types of commercial motor vehicles.

* * * * *

"Representative vehicle" means a motor vehicle which represents the type of motor vehicle that a driver applicant operates or expects to operate.

* * * * *

"State of domicile" means that State where a person has his/her true, fixed, and permanent home and principal residence and to which he/she has the intention of returning whenever he/she is absent.

* * * * *

"Vehicle" means a motor vehicle unless otherwise specified.

"Vehicle group" means a class or type of vehicle with certain operating characteristics.

5. Part 383, Subpart B is revised by adding a new § 383.23 to read as follows:

Subpart B—License Requirements

* * * * *

§ 383.23 Commercial driver's license.

(a) *General rule.* (1) Effective April 1, 1992, no person shall operate a commercial motor vehicle unless such person has taken and passed written and driving tests which meet the Federal standards contained in Subparts F, G, and H of this part for the commercial motor vehicle that person operates or expects to operate.

(2) Effective April 1, 1992, except as provided in paragraph (b) of this section, no person shall operate a commercial motor vehicle unless such person possesses a CDL which meets the standards contained in Subpart J of this part, issued by his/her State or jurisdiction of domicile.

(b) *Exceptions.* (1) If, after October 1, 1991, a commercial motor vehicle operator is domiciled in a State which does not test drivers and issue a CDL in accordance with the Federal standards contained in Subparts F, G, and H of this part, the person shall obtain a CDC from a State which does comply with the testing and licensing standards contained in such Subparts F, G, and H.

(2) If a commercial motor vehicle operator is domiciled in a foreign jurisdiction which, as determined by the Administrator, does not test drivers and issue a CDL in accordance with, or similar to, the standards contained in Subparts F, G, and H of this part, the person shall obtain a CDC from a State which does comply with the testing and licensing standards contained in such Subpart F, G, and H.

(c) *Learner's permit.* State learner's permits, issued for limited time periods according to State requirements, shall be considered valid commercial driver's licenses for purposes of behind-the-wheel training on public roads or highways and for taking required driving tests, which a State may give in traffic.

6. Part 383 is amended by adding Subparts E, F, G, H, I, and J to read as follows:

Subpart E—Testing and Licensing Plans

§ 383.71 Formulation of testing and licensing plan.

(a) Each State shall develop a plan for testing and licensing persons who operate or expect to operate a commercial motor vehicle. The plan shall describe the procedures, resources and facilities which the State intends to devote to the commercial driver's license propram activities. Each plan must be approved by the FHWA as demonstrating that the State:

(1) Requires a person to pass written and driving tests to operate a commercial motor vehicle;

(2) Requires a person to pass a driving test in a commercial motor vehicle which is representative of the type of vehicle such person operates or expects to operate;

(3) Has in effect and enforces a law which provides that any person with a blood alcohol concentration level at or above the level established by the Secretary when operating a commercial motor vehicle is deemed to be operating under the influence of alcohol;

(4) Administers different tests for each different class of commercial motor vehicle described in Subpart F;

(5) Authorizes a person to operate a commercial motor vehicle only by issuance of a commercial driver's license which contains the information described in Subpart J;

(6) For commercial driver's licenses issued prior to April 1, 1992, checks with every other State to determine whether the person has a valid driver's license in another State;

(7) Checks with the CDLIS, when it is determined to be operational by the Administrator, to determine whether the driver applicant already has a CDL, whether the applicant's license has been suspended, revoked, or canceled, or if the driver applicant has been disqualified from operating a commercial motor vehicle;

(8) Checks with the National Driver Register (NDR), when it is determined to be operational by the National Highway Traffic Safety Administrator, to determine whether the driver applicant has:

(i) Been disqualified from operating a motor vehicle (other than a commercial motor);

(ii) Had a license (other than a CDL or CDC) suspended, revoked or canceled for cause in the 3-year period ending on the date of application; or

(iii) Been convicted of any offenses contained in section 205(a)(3) of the National Driver Register Act of 1982 (23 U.S.C. 401 note);

(9) Before issuance of a CDL, requests from any other State which has issued a CDL to such person all information pertaining to the driving record of such person;

(10) Notifies the CDLIS within 30 days after the issuance of a CDL;

(11) Within 10 days of the disqualification of the holder of the CDL or any suspension, revocation or cancellation (of 60 days or more), notifies the CDLIS and the State which issued the license;

(12) Within 10 days of conviction of a CDL holder for a violation of a State or local law relating to motor vehicle traffic control occurring within its boundaries, notifies the State which issued the license;

(13) Does not issue a CDL to person during a period in which such person is disqualified from operating a commercial motor vehicle or the driver's license of such person is suspended, revoked, or canceled;

(14) Does not issue a CDL to person who has a CDL issued by any other State unless such person first returns the driver's license issued by the other State;

(15) Only issues a CDL to persons domiciled in the State, except that a State may issue a CDC to a person domiciled in another State or foreign jurisdiction if the Administrator has determined that the commercial motor vehicle testing and licensing standards in the State or foreign jurisdiction do not meet the standards contained in this Part. A State shall issue a CDC in the same manner as it issues CDLs;

(16) Imposes a penalty for operating a commercial motor vehicle while not having a CDL, while having a driver's license suspended, revoked, or canceled, or while being disqualified from operating a commercial motor vehicle;

(17) Allows any person to operate a commercial motor vehicle within its boundaries if such person is not disqualified from operating a commercial motor vehicle and has a CDL:

(i) Which is issued by any other State in accordance with the minimum Federal standards for the issuance of a CDL, and

(ii) Which is not suspended, revoked, or canceled.

(18) Has in effect and enforces minimum Federal disqualifications and penalties under Subpart D or comparable provisions.

(b) Each State should submit the plan to the FHWA no later than July 15, 1989, and within 30 days following significant changes in its commercial driver's license program. The plan should demonstrate that the proposed State CDL program is likely to be effective in ensuring that the State only issues a CDL to a person qualified to drive a CMV.

§ 383.73 Approval of plan.

(a) Within 90 days following its receipt, the FHWA shall review the plan and notify the State of its acceptability in demonstrating that the State complies with the requirements of this Part.

(b) The state should evaluate its CDL program periodically to ensure its effectiveness in ensuring that the State only issues a CDL to persons qualified to drive a commercial motor vehicle.

(c) The FHWA may withdraw approval of any State plan. Prior to withdrawal of any approval of a State plan for lack of effectiveness, a State shall have an opportunity to demonstrate that its CDL program is effective and meets the requirements of this Part.

§ 383.75 Third party testing.

(a) *Third party tests.* A State may allow a person (including another State, an employer, a private driver training facility or other private institution, or a department, agency or instrumentality of a local government) to administer the skills tests as specified in Subpart G and H of this part, if the following conditions are met:

(1) The tests given by the third party are the same as those which would otherwise be given by the State; and

(2) The third party has an agreement with the State with at least the following provisions:

(i) Allow the FHWA, or its representative, and the State to conduct random examinations, inspections and audits without prior notice;

(ii) Require the State to conduct on-site inspections at least annually;

(iii) Require all third party examiners meet the same qualification and training as State examiners; and

(iv) Require that State employees periodically take the tests actually administered by the third party as if the State employee were a test applicant, or that States periodically test a sample of drivers who were examined by the third party to compare pass/fail results.

(b) *Proof of testing by a third party.* Driver applicants who take and pass driving tests administered by a third party shall provide evidence to the State licensing agency that he/she has successfully passed the driving tests administered by the third party.

(c) The State shall submit to the FHWA any agreement for third party testing with the State's testing and licensing plan. The FHWA's approval of the plan shall also constitute approval of the agreement.

§ 383.77 Substitute for driving skills tests.

At the discretion of a State, the driving skill tests may be waived for drivers licensed before July 15, 1988, and substituted with either an applicant's driving record and previous passage of an acceptable skills test, or an applicant's driving record in combination with certain driving experience. The State shall impose conditions and limitations to restrict the applicants from which a State may accept alternative requirements for the skills test. Such conditions must require at least the following:

(a) An applicant must certify that he/she:

(1) Has not had more than one license since July 1, 1987;

(2) Has not had any license suspended, revoked, or canceled since July 1, 1987;

(3) Has not has any convictions for any type of motor vehicle for the disqualification offenses contained in § 383.51 since July 1, 1987; and

(4) Has not had any violation of State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident or has no record of an accident where he/she was at fault, during the 2 years immediately preceding application for a CDL; and

(b) An applicant must provide evidence and certify that:

(1) He/she has previously taken a skills test given by a State with a classified licensing and testing system, and that the test was behind-the-wheel in a representative vehicle for that applicant's driver's license classification; or

(2) He/she has operated, for at least 2 years, immediately preceding application for a CDL, a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate.

Subpart F—Motor Vehicle Groups and Endorsements

§ 383.91 Motor vehicle groups.

(a) *Vehicle group descriptions.* Each driver applicant must possess and be tested on his/her knowledge and skills, described in Subpart G of this part, for the vehicle group(s) for which he/she desires a CDL. The vehicle groups are as follows:

(1) *Combination vehicle*—any combination of motor vehicles with a Gross Combination Weight Rating (GCWR) of over 26,001 pounds or more provided the motor vehicle or trailers being pulled have a Gross Vehicle Weight Rating (GVWR) of over 10,000 pounds.

(2) *Bus*—any vehicle designed to carry more than 15 passengers, including the driver.

(3) *Heavy straight truck*—any vehicle with a GVWR of 26,001 pounds or more, or any combination of motor vehicles with a GCWR of 26,001 pounds or more provided the vehicle or trailers being pulled have a GVWR of no more than 10,000 pounds.

(4) *Small Vehicle*—any motor vehicle with a GVWR or GCWR of under 26,001 pounds.

(b) *Representative vehicle.* For purposes of taking the driving test, a representative vehicle is any motor vehicle which meets the definition of that vehicle group.

VOL 52 ISS 238 DEC 11 1987 UMI

(c) *Relation between vehicle groups.* Each driver applicant who desires to operate in a different vehicle group from the one which his/her DCL or CDC authorizes shall be required to retake and pass all related tests, except the following:

(1) Drivers who have passed the knowledge and skills test for a combination vehicle may operate a heavy straight truck or a small vehicle;

(2) Drivers who have passed the knowledge and skills test for a bus may operate a small vehicle; and

(3) Drivers who have passed the knowledge and tests for a heavy straight truck may operate any small vehicle.

§ 383.93 Endorsements.

(a) *General.* In addition to taking and passing the knowledge and skills tests described in Subpart G of this part, all persons who operate or expects to operate the type(s) of motor vehicle described in paragraph (b) of this section shall take and pass specialized tests to obtain each endorsement. The State shall issue CDL endorsements only to drivers who successfully complete the tests.

(b) *Endorsement descriptions.* Operators must obtain State-issued endorsements to his/her CDL or CDC to operate commercial motor vehicles which are:

(1) Equipped with air brakes;

(2) Required to be placarded for hazardous materials;

(3) Cargo tanks;

(4) Double/triple trailers; or

(5) Articulated buses.

(c) *Endorsement testing requirements.* The following tests are required for the endorsements contained in paragraph (b) of this section:

(1) *Air Brakes*—a knowledge and skills test. The skills test must be taken in a motor vehicle equipped with air brakes;

(2) *Hazardous Materials*—a knowledge test;

(3) *Cargo Tank*—a knowledge and skills test;

(4) *Double/Triple Trailers*—a knowledge test; and

(4) *Articulated Bus*—a knowledge test.

Subpart G—Required Knowledge and Skills

§ 383.110 General requirements.

All persons who pass tests for the issuance of a CDL shall have knowledge of regulations pertaining to safe operation of a commercial motor vehicle issued by the Secretary and contained in title 49 of the Code of Federal Regulations, and any safety system of such vehicle he/she is authorized to drive with the issuance of a CDL.

§ 383.111 Hazardous materials requirement.

In the case of a person who operates or expects to operate a commercial motor vehicle carrying a hazardous material, such person:

(a) Shall be qualified to operate a commercial motor vehicle in accordance with all regulations pertaining to motor vehicle transportation of hazardous materials issued by the Secretary under the Hazardous Materials Transportation Act; and

(b) Shall have a working knowledge of—

(1) Such regulations,

(2) Handling such material,

(3) The operation of emergency equipment used in response to emergencies arising out of the transportation of such material, and

(4) Appropriate response procedures to be followed in such emergencies.

Subpart H—Tests

§ 383.131 Minimum passing scores.

(a) The driver applicant must correctly answer at least 80 percent of the questions on the knowledge test in order to achieve a passing score on such knowledge test.

(b) The passing scores for the skills test shall depend on the way the test is administered. If a disaggregated or elements test approach is used, the lowest acceptable passing score shall be 80 percent. If the test requires successful completion of general skills, the passing score must be 100 percent.

(c) If the driver applicant does not obey traffic laws, or causes an accident during the test, he/she shall automatically fail the test.

Subpart I—[Reserved]

Subpart J—Commercial Driver's License Document

§ 383.151 General.

The CDL shall be a document that is easy to recognize as a CDL. At a minimum, the document shall contain information specified in § 383.153.

§ 383.153 Information on the document.

All CDLs shall contain the following information:

(a) The statement that the license is a "Commercial Driver's License."

(b) The full name, signature, and mailing address of the person to whom such license is issued;

(c) Physical and other information to identify and describe such person including date of birth (month, day, and year), sex, weight, height, eye color, and hair color;

(d) Color photograph of the driver;

(e) The driver's social security number;

(f) The name of State which issued the license;

(g) The date of issuance and the date of expiration of the license;

(h) The group or groups of commercial motor vehicle(s) that the driver is authorized to operate, indicated as follows:

(1) A for Combination Vehicle;

(2) B for Bus;

(3) C for Heavy Straight Truck; and

(4) D for Small Vehicle;

(i) The endorsement for which the driver has qualified, indicated as follows:

(1) AR for air brakes;

(2) TT for double/triple trailers;

(3) AB for articulated bus;

(4) CT for cargo tank; and

(5) HM for hazardous materials.

§ 383.155 Tamperproofing requirements.

States shall make the CDL or CDC tamperproof to the maximum extent practicable. At a minimum, a State shall use the same tamperproof method used for noncommercial drivers' licenses.

§ 383.157 Commercial Driver's Certification (CDC) document.

Each CDC shall contain the same information as contained in § 383.153 except the CDC shall contain the State "Commercial Driver's Certificate" or "CDC" in lieu of "Commercial Driver's License" or "CDL."

Alternative 2

PART 383—COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES—[AMENDED]

1. The authority citation for 49 CFR Part 383 continues to read as follows:

Authority: Title XII of Pub. L. 99–570, 100 Stat. 3207–170; 49 U.S.C. 3102; 49 U.S.C. App. 2505; 49 CFR 1.48.

2. The table of sections to Part 383 is amended as follows:

* * * * *

Subpart B—License Requirements

Sec.

* * * * *

383.23 Commercial driver's license.

* * * * *

Subpart E—Testing and Licensing Procedures

383.71 Driver application procedures.
383.73 State procedures.
383.75 Third party testing.
383.77 Substitute for driving skills tests.

Subpart F—Motor Vehicle Groups and Endorsements

383.91 Motor vehicle groups.
383.93 Endorsements.

Subpart G—Required Knowledge and Skills

383.110 General requirement.
383.111 Required knowledge.
383.113 Required skills.
383.115 Requirements for air brake endorsement.
383.117 Requirements for double/triple trailers endorsement.
383.119 Requirements for articulated bus endorsement.
383.121 Requirements for cargo tank endorsement.
383.123 Requirements for hazardous materials endorsement.

Subpart H—Tests

383.131 Test procedures.
383.133 Test methods.
383.135 Minimum passing scores.

Subpart I—[Reserved]

Subpart J—Commercial Driver's License Document

383.151 General.
383.153 Information on the document.
383.155 Tamperproofing requirements.
383.157 Commercial driver's certificate document.
383.159 Sample specifications for document appearance.

3. Section 383.1 is amended by removing the word "and" from the end of paragraph (b)(4), substituting a semicolon for the period at the end of paragraph (b)(5) and adding paragraphs (b)(6) through (b)(11) to read as follows:

§ 383.1 Purpose and scope.

* * * * *

(b) * * *

(6) Establishes testing and licensing requirements for commercial motor vehicle operators;

(7) Requires States to give knowledge and skills tests to all qualified applicants for commercial drivers' licenses or certificates which meet the Federal standard;

(8) Sets forth commercial motor vehicle groups and endorsements;

(9) Sets forth the knowledge and skills test requirements for the motor vehicle groups and endorsements.

(10) Sets forth the Federal standards for procedures, methods, and minimum passing scores for States and others to use in testing and licensing commercial motor vehicle operators; and

(11) Establishes requirements for the State issued commercial license documentation.

4. Section 383.5 is amended by adding eight definitions and revising the two definitions entitled "Commercial drivers license" and "Commercial motor vehicle", placing them in alphabetical order as follows:

§ 383.5 Definitions.

* * * * *

"Commercial driver's certificate (CDC)" means a certificate issued by a State to an individual. Such certificate authorizes the individual to operate a class of a commercial motor vehicle and is considered as a valid CDL only when used with the individual's driver license issued by the individual's State of domicile or country.

"Commercial driver's license (CDL)" means a license issued by a State or jurisdiction, in accordance with the standards contained in 49 CFR Part 383, to an individual which authorizes the individual to operate a class of a commercial motor vehicle. A CDC accompanied by a valid driver's license shall be considered a valid CDL.

"Commercial driver's license information system (CDLIS)" means the CDLIS established by FHWA pursuant to Section 12007 of the Commercial Motor Vehicle Safety Act of 1986.

"Commercial motor vehicle (CMV)" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle—

(a) Has a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds;

(b) Is designed to transport more than 15 passengers, including the driver; or

(c) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded.

* * * * *

"Driver applicant" means an individual who applies to a State to obtain, transfer, upgrade, or renew a CDL or CDC.

* * * * *

Endorsement" means an authorization to an individual's CDL or CDC required to permit the individual to operate certain types of commercial motor vehicles.

* * * * *

"Representative vehicle" means a motor vehicle which represents the type of motor vehicle that a driver applicant operates or expects to operate.

* * * * *

"State of domicile" means that State where a person has his/her true, fixed, and permanent home and principal residence and to which he/she has the intention of returning whenever he/she is absent.

* * * * *

"Vehicle" means a motor vehicle unless otherwise specified.

"Vehicle group" means a class or type of vehicle with certain operating characteristics.

5. Part 383, Subpart B is revised by adding a new § 383.23 to read as follows:

Subpart B—License Requirements

* * * * *

§ 383.23 Commercial driver's license.

(a) *General rule.* (1) Effective April 1, 1992, no person shall operate a commercial motor vehicle unless such person has taken and passed written and driving tests which meet the Federal standards contained in Subparts F, G, and H of this part for the commercial motor vehicle that person operates or expects to operate.

(2) Effective April 1, 1992, except as provided in paragraph (b) of this section, no person shall operate a commercial motor vehicle unless such person possesses a CDL which meets the standards contained in Subpart J of this part, issued by his/her State or jurisdiction of domicile.

(b) *Exceptions.* (1) If, after October 1, 1991, a commercial motor vehicle operator is domiciled in a State which does not test drivers and issue a CDL in accordance with the Federal standards contained in Subparts F, G, and H of this part, the person shall obtain a CDC from a State which does comply with the testing and licensing standards contained in such Subparts F, G, and H.

(2) If a commercial motor vehicle operator is domiciled in a foreign jurisdiction which, as determined by the Administrator, does not test drivers and issue a CDL in accordance with, or similar to, the standards contained in Subparts F, G, and H of this part, the person shall obtain a CDC from a State which does comply with the testing and licensing standards contained in such Subpart F, G, and H.

(c) *Learner's permit.* State learner's permits, issued for limited time periods according to State requirements, shall be considered valid commercial drivers' licenses for purposes of behind-the-wheel training on public roads or highways and for taking required driving tests, which a State may give in traffic.

6. Part 383 is amended by adding Subparts E, F, G, H, I, and J to read as follows:

Subpart E—Testing and Licensing Procedures

§ 383.71 Driver application procedures.

(a) *Initial Commercial Driver's License.* Prior to obtaining a CDL or CDC, a person must meet the following requirements:

(1) A person who operates or expects to operate in interstate or foreign commerce, or is otherwise subject to Part 391 of this title, shall certify that he/she meets the qualification requirements contained in Part 391 of this title. A person who operates or expects to operate in intrastate commerce which is not subject to Part 391, is subject to State driver qualification requirements and must certify that he/she is not subject to Part 391;

(2) Pass a knowledge test in accordance with the standards contained in Subparts G and H of this part for the type of motor vehicle the person operates or expects to operate;

(3) Pass a driving or skills test in accordance with the standards contained in Subpart G and H of this part taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate or provide evidence that he/she has successfully passed a driving test administered by a third party;

(4) Certify that the motor vehicle in which the person takes the driving skills test is representative of the type of motor vehicle that person operates or expects to operate;

(5) Provide to the State of issuance the information required to be included on the CDL or CDC as specified in Subpart J of this part; and

(6) The applicant shall surrender his/her (noncommercial) driver's license to the State.

(b) *License transfer.* When applying to transfer a CDL, applicants shall apply for a CDL from the new State of domicile within 30 days.

(1) If the transfer of a CDL is from one State of domicile to a new State of domicile, all applicants shall:

(i) Provide certification contained in § 383.71(a)(1);

(ii) Provide updated information as specified in Subpart J of this part;

(iii) If a person wishes to retain a hazardous materials endorsements, pass the test for such endorsement as specified in § 383.123; and

(iv) Surrender the CDL from the old State of domicile to the new State of domicile.

(2) If a commercial motor vehicle operator with a CDC issued by a State changes his/her State of domicile to a State which tests and licenses according to Subparts G and H of this part, such person shall complete the requirements included in paragraph (b)(1) of this section; and

(3) If a commercial motor vehicle operator with a CDL issued by a State changes his/her domicile to a State which does not test and license in accordance with Subparts G and H of this part, such person shall surrender his/her CDL to the State that issued such license and obtain a CDC.

(c) *License renewal.* When applying for a renewal of a CDL, all applicants shall:

(1) Provide certification contained in § 383.71(a)(1); (2) Provide updated information as specified in Subpart J of this part; and

(3) If a person wishes to retain a hazardous materials endorsements, pass the test for such endorsement as specified in § 383.123.

(d) *License upgrades.* When applying to operate a commercial motor vehicle in a different group from the group in which the applicant already has a CDL, all persons shall:

(1) Provide the certifications as specified in § 383.71(a) (1) and (4); and

(2) Pass all tests specified in § 383.71(a) (2) and (3) for the new vehicle group and/or different endorsements.

(e) *Commercial Driver's Certificate for domestic drivers.* When an applicant is domiciled in a State which, as determined by the Administrator, does not test and license in conformance with the standard contained in Subparts G and H of this part, such applicant shall, no earlier than October 1, 1991, obtain a CDC from a State which does test and license in conformance with the standards. Such applicant shall:

(1) Complete the requirement to obtain a CDL as contained in § 383.71(a) by April 1, 1992;

(2) Notify the State which issued the CDC of any conviction as required in § 383.31(a); and

(3) Notify the State which issued the CDC of any license suspension, revocation or cancellation or if he/she is disqualified from operating a commercial motor vehicle. The notification must be made in accordance with the time periods specified in § 383.33.

(f) *Commercial Driver's Certificates for foreign drivers.* When an applicant is domiciled in a foreign jurisdiction where the commercial motor vehicle operator testing and licensing standards do not meet the standards contained in Subparts G and H of this part, as determined by the Administrator, such applicant shall obtain a CDC from a State which meets such standards. Such applicant shall:

(1) Complete the requirements to obtain a CDL contained in § 383.71(a);

(2) Show proof that he/she has a current license from a foreign jurisdiction; and

(3) Notify the State which issued the CDC of any license suspension or revocation, of if he/she is disqualified from operating a commercial motor vehicle. The notification shall be made within the time periods specified in § 383.33.

§ 383.73 State procedures.

(a) *Initial licensure.* Prior to issuing a CDL or CDC to a person, a State shall:

(1) Require the driver applicant to certify, pass tests, and provide information as described in § 383.71(a)(1) through (5);

(2) Check that the vehicle in which the applicant takes his/her test is representative of the vehicle group the applicant has certified that he/she operates or expects to operate.

(3) Initiate and complete a check within 60 days after issuance of the CDL of the applicant's driving record to ensure that the person is not subject to any disqualification, suspensions, revocations, or cancellations as contained in § 383.51 or that the person does not have a driver's license from more than one State. The record check shall include the following:

(i) For commercial drivers' licenses issued prior to April 1, 1992, a check with every other State to determine whether the person has a valid driver's license in another State. If the person is licensed in another State, the State making the check shall request information pertaining to the applicant's driving record from the other State.

(ii) A check with the CDLIS, when it is determined to be operational by the Administrator, to determine whether the driver applicant already has a CDL, whether the applicant's license has been suspended, revoked, or canceled, or if the applicant has been disqualified from operating a commercial motor vehicle; and

(iii) A check with the National Driver Register (NDR), when it is determined to be operational by the National Highway Traffic Safety Administrator, to determine whether the driver applicant has:

(A) Been disqualified from operating a motor vehicle (other than the commercial motor vehicle);

(B) Had a license (other than CDL or CDC) suspended, revoked, or canceled for cause in the 3-year period ending on the date of application; or

(C) Been convicted of any offenses contained in section 205(a)(3) of the National Drivers Register Act of 1982 (23 U.S.C. 401 note).

(4) Require the driver applicant, if he/she has moved from another State, to surrender his/her driver's license issued by another State

(5) Provide notification of the proposed issuance and the driver applicant's social security number and other required information to the operator of the CDLIS within 60 days of issuing a CDL or CDC.

(b) *License transfers.* Prior to issuing a CDL or CDC to a person who has a CDL or CDC from another State, a State shall:

(1) Require the driver applicant to make the certification contained in § 383.71(a);

(2) Complete a check of the driver applicant's record as contained in paragraph (a)(3) of this section;

(3) Request and receive updates of information specified in Subpart J of this part;

(4) If such applicant wishes to retain a hazardous material endorsement, require the driver to pass the tests for such endorsement specified in § 383.123; and

(5) Obtain the CDL issued by the applicant's previous State of domicile.

(c) *License renewals.* Prior to renewing an CDL or CDC a State shall:

(1) Require the driver applicant to make the certifications contained in §383.71(a);

(2) Complete a check of the driver applicant's record as contained in paragraph (a)(3) of this section;

(3) Request and receive updates of information specified in Subpart J of this part; and

(4) If such applicant wishes to retain a hazardous materials endorsement, require the driver to pass the test for such endorsement specified in § 383.123.

(d) *License upgrades.* Prior to issuing an upgrade of a CDL or CDC, a State shall:

(1) Require such driver applicant to certify and pass tests as described in § 383.71(c); and

(2) Complete a check of the driver applicants record as described in § 383.73(a)(3).

(e) *License issuance.* After the State has completed the procedures described in § 383.73 (a), (b), (c), or (d) and issued a CDL or CDC, the State shall notify the operator of the CDLIS of such the issuance, renewal or upgrade within the period of time specified by the operator of the CDLIS but no later than 30 days.

(f) *Commercial Driver's Certificates.* A State may issue a CDC to a person domiciled in another State or foreign justification if the Administrator has determined that the commercial motor vehicle testing and licensing standards in that State or foreign jurisdiction do not meet the standards contained in this Part. Issuance of a CDC shall be based on the following provisions:

(1) A State shall not issue a CDC to a person domiciled in another State earlier than October 1, 1991, and shall:

(i) Require the applicant to certify, pass tests, and provide information as described in § 373.71(a);

(ii) Require the applicant to show proof that he/she has a current license from a State;

(iii) Complete a check of the applicant's record as described in § 383.73(a)(3); and

(iv) Provide the clearinghouse with information on such driver.

(2) A State may issue a CDC to a person domiciled in a foreign jurisdiction, provided the State:

(i) Requires the applicant to certify, pass tests and provide information as described in § 383.71(a);

(ii) Requires the applicant to show proof that he/she has a current license from a foreign jurisdiction;

(iii) Completes a check of the applicant's record as described in § 383.73(a)(3) of this section; and

(iv) Provides the clearinghouse with information on such driver.

(g) *Revocation.* If a State determines, in its check of an applicant's prior license status and record, that the applicant has falsified information contained in Subpart J of this part or the certification required in § 383.71(a), the State shall revoke the applicant's CDL within 30 days.

(h) *Reciprocity.* A State shall allow any person who has a valid CDL which is not suspended, revoked, or canceled, and who is not disqualified from operating a commercial motor vehicle, to operate a commercial motor vehicle in the State.

§ 383.75 Third party testing.

(a) *Third party tests.* A State may allow a person (including another State, an employer, a private driver training facility or other private institution, or a department, agency or instrumentality of a local government) to administer the skills tests as specified in Subpart G and H of this part, if the following conditions are met:

(1) The tests given by the third party are the same as those which would otherwise be given by the State; and

(2) The third party has an agreement with the State with at least the following provisions:

(i) Allow the FHWA, or its representative, and the State to conduct random examinations, inspections and audits without prior notice;

(ii) Require the State to conduct on-site inspections at least annually;

(iii) Require all third party examiners meet the same qualification and training as State examiners; and

(iv) Require that State employees periodically take the tests actually administered by the third party as if the State employee were a test applicant, or that States periodically test a sample of drivers who were examined by the third party to compare pass/fail results.

(b) *Proof of testing by a third party.* Driver applicants who take and pass driving tests administered by a third party shall provide evidence to the State licensing agency that he/she has successfully passed the driving tests administered by the third party.

§ 383.77 Substitute for driving skills tests.

At the discretion of a State, the driving skill tests as specified in § 383.113 may be waived for drivers licensed before July 15, 1988, and substituted with either an applicant's driving record and previous passage of an acceptable skills test, or an applicant's driving record in combination with certain driving experience. The State shall impose conditions and limitations to restrict the applicants from which a State may accept alternative requirements for the skills test described in § 383.113. Such conditions must require at least the following:

(a) An applicant must certify that he/she:

(1) Has not had more than one license since July 1, 1987;

(2) Has not had any license suspended, revoked, or canceled since July 1, 1987;

(3) Has not had any convictions for any type of motor vehicle for the disqualification offenses contained in § 383.51 since July 1, 1987; and

(4) Has not had any violation of State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident or has no record of an accident where he/she was at fault, during the 2 years immediately preceding application for a CDL; and

(b) An applicant must provide evidence and certify that:

(1) He/she has previously taken a skills test given by a State with a classified licensing and testing system, and that the test was behind-the-wheel in a representative vehicle for that applicant's driver's license classification; or

(2) He/she has operated, for at least 2 years, immediately preceding application for a CDL, a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate.

VOL 52 ISS 238 DEC 11 1987 UMI

VOL 52 ISS 238 DEC 11 1987 UMI

Subpart F—Motor Vehicle Groups and Endorsements

§ 383.91 Motor vehicle groups.

(a) *Vehicle group descriptions.* Each driver applicant must possess and be tested on his/her knowledge and skills, described in Subpart G of this part, for the vehicle group(s) for which he/she desires a CDL. The vehicle groups are as follows:

(1) *Combination vehicle.* Any combination of motor vehicles with a Gross Combination Weight Rating (GCWR) of over 26,001 pounds or more provided the motor vehicle or trailers being pulled have a Gross Vehicle Weight Rating (GVWR) of over 10,000 pounds.

(2) *Bus.* Any vehicle designed to carry more than 15 passengers, including the driver.

(3) *Heavy straight truck.* Any vehicle with a GVWR of 26,001 pounds or more, or any combination of motor vehicles with a GCWR of 26,001 pounds or more provided the vehicle or trailers being pulled have a GVWR of not more than 10,000 pounds.

(4) *Small Vehicle.* Any motor vehicle with a GVWR or GCWR of under 26,001 pounds.

(b) *Representative vehicle.* For purposes of taking the driving test in accordance with § 383.113, a representative vehicle for the vehicle groups contained in § 383.91(a), is any motor vehicle which meets the definition of that vehicle group.

(c) *Relation between vehicle groups.* Each driver applicant who desires to operate in a different vehicle group from the one which his/her CDL or CDC authorizes shall be required to retake and pass all related tests, except the following:

(1) Drivers who have passed the knowledge and skills tests for a combination vehicle may operate a heavy straight truck or a small vehicle;

(2) Drivers who have passed the knowledge and skills tests for a bus may operate a small vehicle; and

(3) Drivers who have passed the knowledge and tests for a heavy straight truck may operate any small vehicle.

§ 383.93 Endorsements.

(a) *General.* In addition to taking and passing the knowledge and skills tests described in Subpart G of this part, all persons who operate or expects to operate the type(s) of motor vehicle described in paragraph (b) of this section shall take and pass specialized tests to obtain each endorsement. The State shall issue CDL endorsements only to drivers who successfully complete the tests.

(b) *Endorsement descriptions.* Operators must obtain State-issued endorsements to his/her CDL or CDC to operate commercial motor vehicles which are:

(1) Equipped with air brakes;

(2) Required to be placarded for hazardous materials;

(3) Cargo tanks;

(4) Double/triple trailers; or

(5) Articulated buses.

(c) *Endorsement testing requirements.* The following tests are required for the endorsements contained in paragraph (b) of this section:

(1) *Air Brakes*—a knowledge and skills test. The skills test must be taken in a motor vehicle equipped with air brakes;

(2) *Hazardous Materials*—a knowledge test;

(3) *Cargo Tank*—a knowledge and skills test;

(4) *Double/Triple Trailers*—a knowledge test; and

5) *Articulated Bus*—a knowledge test.

Subpart G—Required Knowledge and Skills

§ 383.110 General requirement.

All drivers of commercial motor vehicles shall have knowledge and skills necessary to operate a commercial motor vehicle safely as contained in this Subpart.

§ 383.111 Required knowledge.

All commercial motor vehicle operators must have knowledge of the following:

(a) *Safe operations regulations.* (1) Motor vehicle inspection, repair, and maintenance requirements as contained in Parts 393 and 396 of this title;

(2) Procedures for safe vehicle operations as contained in Part 392 of this title;

(3) The effects of alcohol, drugs, fatigue, poor vision, hearing, and general health upon safe commercial motor vehicle operation as contained in Parts 391 and 395 of this title; and

(4) The types of motor vehicles and cargoes subject to the requirements contained in Part 397 of this title.

(b) *Commercial motor vehicle safety control systems.* Proper use of the motor vehicle's safety system, including lights, horns, side and rear-view mirrors, proper mirror adjustments, fire extinguishers, symptoms of improper operation revealed through instruments, motor vehicle operation characteristics, and diagnosing malfunctions. Commercial motor vehicle drivers shall have knowledge on the correct procedures needed to use these safety systems in an emergency situation, e.g., skids and loss of brakes.

(c) *Safe vehicle control.* (1) The relationship of wheel base length, articulation, and number of axles to path of a turn;

(2) the proper position from which to begin a turn and how to "set up," execute and recover from a turn;

(3) Shifting procedures and selection of proper gear;

(4) Common shifting errors and their consequences;

(5) The procedures for backing and parking;

(6) The hazards of attempting to operate a commercial motor vehicle when the driver is not qualified;

(7) The relationship between speed and sight distance;

(8) Search patterns appropriate for straight driving, changing speed or direction, and entering or crossing traffic;

(9) When to actuate turn signals to provide adequate warning without creating confusion;

(10) Importance of signaling to the prevention of accidents;

(11) The relationship of speed to stopping distance, needed sight distance, hydroplaning, crash severity, and ability to maneuver;

(12) Causes and procedures to avoid overturning including safe speed and turning maneuvers, and safely negotiating ramps;

(13) The amount of separation which should be maintained from other motor vehicles to ensure room to maneuver in response to driver errors;

(14) Affects of intensity of illumination on ability to see under nighttime conditions;

(15) The symptoms and danger of fatigue in relationship to night driving;

(16) The general factors affecting night vision including interior illumination and use of sunglasses during daytime;

(17) The effects of rain, snow, and ice upon the ability to maneuver and stop the motor vehicle;

(18) Causes and procedures for avoiding skis and/or jackknifing;

(19) The effect of ice, snow, water, mud, and debris on operation of the brakes;

(20) Procedures for hot weather driving;

(21) The effect of motor vehicle weight and speed upon braking and shifting ability for uphill and downhill driving;

(22) The meaning and use of percent of grade signs (mountain driving);

(23) Activities of other road users that provide clues to potential danger and conflict situations including head and body movement (hazard perception);

(24) Appropriate ways to handle an impending head-on collision (emergency maneuver);

(25) Procedures for handling brake failure and blowouts (emergency maneuver); and

(26) Rules of the road.

(d) *Relationship of cargo to vehicle control.* (1) Procedures for securing cargo, including methods of blocking, bracing, packing, stacking, and use of straps, rope, cable, chains, and chain binders for tie down to prevent damage and accidents;

(2) Categories of hazardous materials, the need for specialized training to handle hazardous materials, and correct placarding;

(3) Regulations on loading, weight limits, and distribution of cargo; and

(4) The consequences of improper loading and unloading, overloading, and improper weight distribution.

(e) *Vehicle pre-trip, post-trip, and other inspections.* (1) Procedures for performing inspections;

(2) The importance of periodic inspection and repair to prevention of enroute breakdowns, longevity of parts, safety, and economy of operation;

(3) The name, location, function, and acceptable reading range of the various instruments required to monitor motor vehicle and engine speed as well as status of fuel, oil, air, cooling, exhaust, and electrical systems; and

(4) The effect of undiscovered malfunction upon safety.

(f) *Operators for the combination vehicle group shall also have knowledge of:* (1) Proper procedures for coupling and uncoupling;

(2) Components of pre-trip inspections and indications of problems; and

(3) Proper operation of air brakes as required in § 383.115(a).

(g) *Operators for the bus vehicle group shall also have knowledge of:* (1) Proper procedures for loading/unloading passengers;

(2) Proper use of emergency exits, including push-out windows; and

(3) Proper procedures at railroad crossings;

§ 383.113 Required skills.

(a) *Basic vehicle control skills.* All applicants for a CDL or CDC must possess and demonstrate the following basic motor vehicle control skills for each vehicle group which the driver operates or expects to operate. These skills shall include:

(1) Ability to start, warm-up, and shut down the engine, according to the manufacturer's specifications;

(2) Ability to put the motor vehicle in motion and accelerate smoothly, forward and backward;

(3) Ability to bring the motor vehicle to a smooth stop;

(4) Ability to back the motor vehicle in a straight line, and check path and clearance while backing;

(5) Ability to position the motor vehicle for a turn and negotiate turns of diffeent degrees;

(6) Ability to shift as required and select appropriate gear;

(7) Ability to parallel park; and

(8) Ability to observe road and behavior of other motor vehicles, particularly before changing speed and direction.

(b) *Safe driving skills.* All applicants for a CDL or CDC must possess and demonstrate the following safe driving skills for any vehicle group. These skills shall include:

(1) Ability to ascertain that brakes are functioning properly;

(2) Ability to signal appropriately;

(3) Ability to adjust speed to the configuration and condition of the roadway, weather and visibility conditions, traffic conditions, and motor vehicle, cargo and driver conditions;

(4) Ability to change lanes;

(5) Ability to position the motor vehicle appropriately in initiating and completing a turn to prevent other motor vehicles from passing on the wrong side and to minimize encroachment on other lanes;

(6) Ability to maintain a following distance appropriate to traffic, road surface, visibility, and motor vehicle weight; and

(7) Ability to adjust operation of the motor vehicle to adverse weather conditions including speed selection, braking, direction changes and following distance to maintain control and avoid jackknifing.

(c) *Test area.* Skills tests shall be conducted in on-street conditions or under a combination of on-street and off-street conditions.

(d) Operators for the combination vehicle group shall also demonstrate the skills required for air brakes contained in § 383.115 (b) and (c).

§ 383.115 Requirements for air brake endorsement.

In order to obtain an air brake endorsement each applicant must pass tests on the following:

(a) *Knowledge of air brakes.* (1) General air brake system nomenclature;

(2) The dangers of contaminated air (dirt, moisture and oil) supply;

(3) Implications of severed or disconnected air lines between the power unit and the trailer(s);

(4) Implications of low air pressure readings;

(5) Procedures to conduct safe and accurate pre-trip inspections, including knowledge about:

(i) Automatic fail-safe devices;

(ii) System monitoring devices; and

(iii) Low pressure warning alarms.

(6) Procedures for conducting enroute and post-trip inspections of air actuated brake systems, including ability to detect defects which may cause the system to fail, including:

(i) Tests which indicate the amount of air loss from the braking system within a specified period, with and without the engine running; and

(ii) Tests which indicate the pressure levels at which the low air pressure warning devices and the tractor protection valve should activate.

(b) *Pre-trip inspections skills.* Applicants shall demonstrate the skills necessary to conduct a pre-trip inspection which includes the ability to:

(1) Locate and verbally identify each of the operating controls and monitoring devices such as gauges and alarms;

(2) Determine the motor vehicle's brake system condition for proper adjustments and that air system connections between motor vehicles have been properly made and secured;

(3) Inspect the low pressure warning devices(s) to ensure that they will activate in emergency situations;

(4) Ascertain, with the engine running, that the system maintains an adequate supply of compressed air;

(5) Determine that required minimum air pressure build up time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and

(6) Operationally check the brake system for proper performance.

(c) *Driving skills.* Applicants shall successfully complete the skills tests contained in § 383.113 in a representative vehicle equipped with air brakes.

§ 383.117 Requirements for double/triple trailers endorsement.

In order to obtain a Double/Triple Trailers endorsement each applicant must pass a knowledge test on:

(a) Procedures for assembly and hookup of the units;

(b) Proper placement of heaviest trailer;

(c) Handling and stability characteristics including offtracking, response to steering, sensory feedback, braking, oscillatory sway, rollover in steady turns, yaw stability in steady turns; and

(d) Potential problems in traffic operations, including problems the

VOL 52 ISS 238 DEC 11 1987 UMI

motor vehicle creates for other motorists due to slower speeds on steep grades, longer passing times, possibility for blocking entry of other motor vehicle on freeways, splash and spray impacts, aerodynamic buffeting, view blockages, and lateral placement.

§ 383.119 Requirements for articulated bus endorsement.

In order to obtain an Articulated Bus Endorsement each applicant must pass a knowledge test on:

(a) Information as specified in § 383.117 (c) and (d);

(b) Rules pertaining to operation of passenger transport motor vehicles; and

(c) Proper braking and emergency procedure.

§ 383.121 Requirements for cargo tank endorsement.

In order to obtain a Cargo Tank Endorsement, each applicant must pass tests on the following:

(a) *Knowledge of cargo tank safety.* (1) Causes, prevention, and effects of cargo surge on motor vehicle handling;

(2) Proper braking procedures for the motor vehicle when it is empty, full and partially full;

(3) Differences in handling of baffled/compartmental tank interiors versus non-baffled motor vehicles;

(4) Differences in cargo tank type and construction;

(5) Differences in cargo surge for liquids of varying product densities;

(6) Effects of road grade and curvature on motor vehicle handling with filled, half-filled and empty tanks;

(7) Proper use of emergency systems; and

(8) For drivers of DOT specification cargo tanks, retest and marking requirements.

(b) *Driving skills.* Each applicant shall pass a driving skills tests using a motor vehicle with partially loaded (between 30 to 60 percent full in each compartment) cargo tank(s) which includes ability to:

(1) Start, warm up and shut down the engine;

(2) Put the motor vehicle in motion smoothly, both forward and reverse;

(3) Stop the motor vehicle smoothly;

(4) Back the motor vehicle in a straight line while checking clearance,

(5) Negotiate turns and lane changes;

(6) Select and change to proper gear without clashing; and

(7) Park in a jackknife position.

§ 383.123 Requirements for hazardous materials endorsement.

In order to obtain a Hazardous Material Endorsement each applicant must pass a knowledge test from information contained in 40 CFR Parts 171, 172, 173, 177, 178, and 397 on the following:

(a) *Hazardous materials regulations including:* (1) Hazardous materials table;

(2) Shipping paper requirements;

(3) Marking;

(4) Labeling;

(5) Placarding requirements;

(6) Hazardous materials packaging;

(7) Hazardous materials definitions and preparation;

(8) Other regulated material;

(9) Reporting hazardous materials accidents; and

(10) Tunnels and railroad crossings.

(b) *Hazardous materials handling including:* (1) Forbidden Materials and Packages;

(2) Loading and Unloading Materials;

(3) Cargo Segregation;

(4) Passenger Carrying Buses and Hazardous Materials;

(5) Attendance of Motor Vehicles;

(6) Parking;

(7) Routes; and

(8) Cargo Tanks.

(c) *Operation of emergency equipment including:* (1) Use of equipment to protect the public;

(2) Special precautions for equipment to be used in fires;

(3) Special precautions for use of emergency equipment when loading or unloading a hazardous materials laden motor vehicle; and

(4) Use of emergency equipment for cargo tanks.

(d) *Emergency response procedures including:* (1) Special care and precautions for different types of accidents;

(2) Special precautions for driving near a fire and carrying hazardous materials, and smoking and carrying hazardous materials;

(3) Emergency procedures; and

(4) Special driver and carrier requirements for Class A and B explosives.

Subpart H—Tests

§ 383.131 Test procedures.

(a) *Driver information manuals.* Information on how to obtain a CDL and endorsements shall be included in manuals and made available by States to CDL applicants. All information provided to the applicant shall include the following:

(1) Information on the requirements described in § 383.71, State procedures described § 383.73, and other appropriate driver information contained in Subpart E of this part;

(2) Information on vehicle groups and endorsements as specified in Subpart F of this part;

(3) Knowledge and skills which drivers shall have as specified in Subpart G of this part for the different vehicle groups and endorsements;

(4) Details of testing procedures, including the purpose of the tests, how to respond, any time limits for taking the test, and any other special procedures determined by the State of issuance; and

(5) Directions for taking the tests.

(b) *Examiner information manuals.* A State shall provide to test examiners details on testing and any other State imposed requirements in the examiner's manual. States shall provide standardized scoring sheets for the skills tests, as well as standardized driving instructions for the applicants. Such examiners' manuals shall contain the following:

(1) Information on State procedures contained in § 383.71, State procedures described § 383.73, and other appropriate driver information contained in Subpart E of this part;

(2) Details on information which must be given to the applicant;

(3) Details on how to conduct the tests;

(4) Scoring procedures and minimum passing scores;

(5) Information for selecting driving test routes;

(6) List of the skills to be tested;

(7) Instructions on where and how the skills will be tested;

(8) How performance of the skills will be scored; and

(9) Causes for automatic failure of skills tests.

§ 383.133 Test methods.

(a) All tests shall be constructed in such a way to determine if the applicant possesses the required knowledge and skills contained in Subpart G of this part for the type of motor vehicle or endorsement the applicant wishes to obtain.

(b) States shall develop their own specifications for the tests for each vehicle group and endorsement which must be at least as stringent as the Federal standards;

(c) States shall determine specific methods for scoring the knowledge and skills tests;

(d) Passing scores must meet those standards contained in § 383.135.

(e) Knowledge and skills tests shall be based solely on the information contained in the driver manuals referred to in § 383.131(a).

(f) The knowledge test shall contain at least 30 items per test and have established reliability coefficients of at least r=0.90.

(g) The skill tests, shall have established administrative procedures

such that interrater reliability of the examiners is at least r=.80.

§ 383.135 Minimum passing scores.

(a) The driver applicant must correctly answer at least 80 percent of the questions on the knowledge test in order to achieve a passing score on such knowledge test.

(b) The passing scores for the skills test shall depend on the way the test is administered. If a disaggregated or elements test approach is used, the lowest acceptable passing score shall be 80 percent. If the test requires successful completion of general skills, the passing score must be 100 percent.

(c) If the driver applicant does not obey traffic laws, or causes an accident during the test, he/she shall automatically fail the test.

Subpart I—[Reserved]

Subpart J—Commercial Driver's License Document

§ 383.151 General.

The CDRL shall be a document that is easy to recognize as a CDL. At a minimum, the document shall contain information specified in § 383.153. A sample set of specifications for a unique document is contained in § 383.159.

§ 383.153 Information on the document.

All CDLs shall contain the following information:

(a) The statement that the license is a "Commercial Driver's License."

(b) The full name, signature, and mailing address of the person to whom such license is issued;

(c) Physical and other information to identify and describe such person including date of birth (month, day, and year), sex, weight, height, eye color, and hair color;

(d) Color photograph of the driver;

(e) The driver's social security number;

(f) The name of State which issued the license;

(g) The date of issuance and the date of expiration of the license;

(h) The group of groups of commercial motor vehicle(s) that the driver is authorized to operate, indicated as follows:

(1) A for Combination Vehicle;

(2) B for Bus;

(3) C for Heavy Straight Truck; and

(4) D for Small Vehicle;

(i) The endorsements for which the driver has qualified, indicated as follows:

(1) AR for air brakes;

(2) TT for double/triple trailers;

(3) AB for articulated bus;

(4) CT for cargo tank; and

(5) HM for hazardous materials.

§ 383.155 Tamperproofing requirements.

States shall make the CDL or CDC tamperproof to the maximum extent practicable. At a minimum, a State shall use the same tamperproof method used for noncommercial drivers' licenses.

§ 383.157 Commercial Driver's Certificate (CDC) document.

Each CDC shall contain the same information as contained in § 383.153 except the CDC shall contain the State "Commercial Driver's Certificate" or "CDC" in lieu of "Commercial Driver's License" or "CDL."

§ 383.159 Sample specifications for document appearance.

States desiring to achieve an uniform CDL document may use the following specifications.

(a) The CDL and CDC card should not exceed 2⅛ inches high by 3⅜ inches wide and be of white stock;

(b) The front of the CDL document should contain the following, as shown in Illustration A;

(1) Name of the State of issuance;

(2) The words "Commercial Driver's License" or "CDL" in bold print;

(3) The driver's full legal name and signature;

(4) The driver's mailing address;

(5) The driver's social security number;

(6) The dates of issuance and the date of expiration;

(7) The group of motor vehicle the driver is authorized to operate;

(8) The endorsement(s) the driver may have; and

(9) Signature and title of State issuing official.

(c) The reverse side of the CDL should contain the following, as shown in Illustration B;

(1) Driver's date of birth (month, day, and year);

(2) Driver's sex;

(3) Driver's height;

(4) Driver's weight;

(5) Driver's hair color;

(6) Driver's eye color;

(7) Color photograph of the driver; and

(8) Other information the State may desire or space reserved for future storage of information.

(d) Each CDL, issued by a State should indicate the group of motor vehicle the driver is authorized to operate as described in § 383.153(h).

(e) Each CDL issued by a State should indicate the driver's endorsements as described in § 383.153(i).

BILLING CODE 4910-22-M

Illustration A

Front

(Name of Issuing State) COMMERCIAL DRIVER'S LICENSE	
Social Security Number	Group of Vehicle Endorsements
Last Name, First, Middle Mailing Address	
Date Issued: _____	Date Expires: _____
Applicant's Signature	State Official's Signature State Official's Title

Illustration B

Reverse

(State Information and Future Data Storage)	Sex Height	COLOR PHOTOGRAPH
Date of Birth Hair Color	Weight Eye Color	
(State Information and Future Data Storage)		

[FR Doc. 87-28515 Filed 12-10-87; 8:45 am]
BILLING CODE 4310-55-C

federal register

Friday
December 11, 1987

Part VIII

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 779, 780, 783, 784, 816 and 817

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Fish and Wildlife Resources Information; Fish and Wildlife Plan; and Protection of Fish, Wildlife, and Related Environmental Values; Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 779, 780, 783, 784, 816, and 817

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Fish and Wildlife Resources Information; Fish and Wildlife Plan; and Protection of Fish, Wildlife, and Related Environmental Values

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) of the U.S. Department of the Interior (DOI) is amending its rules with respect to fish and wildlife resource information and planning requirements, and standards applied to the protection of fish and wildlife values. The amendments are being made to comply with recent court decisions and to revise and clarify the rules. The revised rules amend reinstated fish and wildlife permitting requirements and provide added protection to endangered or threatened species.

EFFECTIVE DATE: January 11, 1988.

ADDRESS: Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Charles H. Wolf, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, Ten Parkway Center, Pittsburgh, Pennsylvania 15220; telephone: 412–937–2867.

SUPPLEMENTARY INFORMATION:

I. Background
II. Final Rule and Response to Public Comments on Proposed Rule
III. Procedural Matters

I. Background

The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act) sets forth general requirements governing surface coal mining operations and surface impacts of underground coal mining. Sections 515(b)(24) and 516(b)(11) of the Act, 30 U.S.C. 1265(b)(24) and 1266(b)(11), require that surface coal mining and reclamation operations shall: to the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable;

In addition, section 515(b)(2) of the Act, 30 U.S.C. 1265(b)(2), requires that the operator, in consideration of public health and safety and proposed land use, restore mined land to a condition capable of supporting the uses which it was capable of supporting prior to any mining or higher or better uses. Section 516(b)(10) imposes that same requirement on underground mines with such modifications as are necessary to accommodate the distinct difference between surface and underground coal mining.

To implement the requirements of these provisions and the provisions of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Bald Eagle Protection Act, as amended (16 U.S.C. 668 *et seq.*), the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661 *et seq.*) and other statutes protecting fish and wildlife resources, OSMRE promulgated 30 CFR 779.20, 780.16, 783.20, 784.21, 816.97, and 817.97 on March 13, 1979, as a part of the permanent regulatory program (44 FR 15356, 15359, 15384, 15368, 15410, 15437). Sections 779.20, 780.16, 783.20, and 784.21 were remanded by court decision and suspended by OSMRE (45 FR 51547, August 4, 1980).

On June 30, 1983, OSMRE revised §§ 816.97 and 817.97 (48 FR 30312) to clarify the relationship of the Act to the ESA and the Bald Eagle Protection Act. On October 1, 1984, the District Court for the District of Columbia remanded portions of these rules to modify requirements pertaining to endangered or threatened species and the protection of wildlife from toxic ponds. *In re: Permanent Surface Mining Regulation Litigation II*, No. 79–1144 (D.D.C. 1984). The court also ordered that §§ 779.20, 780.16, 783.20, and 784.21 be reinstated pending a new rulemaking. The sections were subsequently reinstated by OSMRE (50 FR 7274, February 21, 1985). Additional information regarding these actions is provided in the Federal Register as cited and in the preamble to the proposed fish and wildlife rules (51 FR 19488, May 29, 1986).

On May 29, 1986 (51 FR 19498) OSMRE proposed revisions to the fish and wildlife provisions of §§ 779.20, 780.16, 783.20, 784.21, 816.97, and 817.97. The purpose of the proposed revisions was to comply with the court decision and to revise and clarify the rules. Throughout the development of the final rules, OSMRE solicited public comment and recommendations. A 70-day period for public comment was provided, ending August 7, 1986, and the public was given the opportunity to request public hearings. However, no public hearings were requested and therefore none were held.

II. Final Rule and Response to Public Comments on Proposed Rule

OSMRE received over 200 comments from representatives of industry, environmental groups, State regulatory authorities, Federal and State fish and wildlife agencies and private citizens. OSMRE has reviewed each comment carefully and has considered the commenters' suggestions and remarks in writing these final rules.

The majority of the comments received on the proposed rule were specific in nature and are discussed in the section-by-section analysis portion of the preamble. Several comments were received in direct response to OSMRE's request for guidance on questions raised in the preamble to the proposed rules. These comments and general concerns expressed by commenters are addressed in the section that follows.

Hereinafter, unless otherwise noted, references to §§ 779.20, 780.16, and 816.97 (surface mining rules) also apply to the counterpart underground mining rules at §§ 783.20, 784.21 and 817.97.

General Comments

OSMRE suspended §§ 779.20 and 780.16 on August 4, 1980 (45 FR 51547) and reinstated these same regulations on February 21, 1985 (50 FR 7274). During the period when the Federal rules were suspended State regulatory authorities could omit or, if desired, adopt special permitting rules pertaining to fish and wildlife. In the preamble to the proposed rules (51 FR 19499), OSMRE specifically requested comments on whether the experiences and events of the four and one-half years when the Federal rules were suspended justify Federal regulation requiring either premining resource information or protection and enhancement plans or both. Based upon remarks from commenters and for the reasons discussed below, OSMRE has concluded that such regulations are necessary.

Most commenters indicated that Federal regulation requiring both premining resource information and protection and enhancement plans are necessary for the protection of fish and wildlife resources. One commenter further stated that because OSMRE is the regulatory authority for Indian lands and in Federal program States such as Georgia and Washington, without Federal regulations, the fish and wildlife resources in these States and lands would not be protected as section 515(b)(24) of SMCRA demands. OSMRE agrees with the commenter that Federal rules are needed in Federal program States and for Indian lands.

Three commenters felt that permitting regulations for fish and wildlife resources information are not justified or needed. Two of these commenters stated that fish and wildlife resources were adequately protected under their approved state programs during the four and one-half year period in which the Federal regulations were suspended. One of the commenters cited as an example a situation where a species currently proposed to be listed as threatened had been protected. Although certain states may be protecting fish and wildlife resources, OSMRE has concluded that these rules are needed to define Federal standards regarding the submission of permit information needed to assure minimum standards of protection.

Another commenter felt that the proposed regulations appeared to be a rekindling of the ongoing efforts of Federal and State fish and wildlife agencies to gain decisionmaking authority in the permitting process. The commenter believed that such authority was not granted by Congress but would be granted by the final regulations. OSMRE considered the role given the Federal and State fish and wildlife agencies by SMCRA and has adopted a final rule that clarifies that the various Federal and State fish and wildlife agencies act in an advisory capacity to the regulatory authorities. Regulatory authorities retain their responsibility for making decisions on the completeness and adequacy of applications for SMCRA permits.

OSMRE also requested comments in the preamble to the proposed rules (51 FR 19499) on whether fish and wildlife information and planning requirements can be addressed effectively under one section as proposed or whether they should remain as separate and distinct sections as in the existing rules under Parts 779 and 780. OSMRE has decided that the fish and wildlife information and planning requirements can be addressed under one section as has been adopted in the final rule.

Several commenters agreed with the proposal that fish and wildlife information and planning requirements be addressed under one section. One commenter who disagreed stated that existing Part 779 requires specific resource information for each component of the premine environment, including wildlife (§ 779.20). Similarly, the commenter stated, Part 780 requires a resource protection plan for each component of the premining environment, including wildlife (§ 780.16). The commenter contended that if fish and wildlife baseline data collection and protection requirements are to be combined as one section under Part 780, then all other environmental resource components should be similarly treated. Otherwise, the combination of the two fish and wildlife requirements may de-emphasize the importance of baseline data collection, since this requirement is being shifted in the final rule to Part 780 which deals with resource protection. The commenter suggested that OSMRE be consistent in its treatment of each resource component.

OSMRE believes that the combining of §§ 779.20 and 780.16 will not result in a loss of importance attached to the collection of fish and wildlife baseline data. Requirements for data collection for certain resources (such as hydrology and geology) are combined with the requirements for protection plans for those resources, while in other cases the requirements for information collection and the plans remain separate (such as soils and land use). It is OSMRE's intent to combine resource information collection and protection plan requirements whenever possible because of the logical link between baseline information pertaining to a resource and the protection and enhancement of that resource.

In the preamble to the proposed rules (51 FR 19499), OSMRE solicited comments on whether or not there are distinct differences between surface and underground mining that would justify differences in the regulations. After considering remarks from commenters, and for the reasons discussed below, OSMRE has determined that the same requirements should apply to both surface and underground mining.

Several commenters indicated that from a fish and wildlife protection and enhancement perspective there are no distinct differences between surface and underground mining that justify differences in the regulations. Three commenters expressed concerns over subsidence-related impacts on fish and wildlife resources. These commenters further suggested that subsidence impacts receive special attention during the permit review and interagency consultation process. OSMRE disagrees with the commenters that the impacts of subsidence on fish and wildlife need special attention because 30 CFR 784.21(b) will cover any problem not covered under OSMRE's regulations at 30 CFR 784.20 which provide for detailed subsidence control plans to protect renewable resource lands. One commenter was concerned that underground mining could temporarily disrupt the flow of alluvial water into a surface drainage and cause adverse impacts to the downstream aquatic ecosystem. OSMRE believes that such concerns are adequately addressed under existing rules concerning hydrology. Studies of the hydrologic regime required under existing 30 CFR 784.14(e) and 784.14(f) would indentify any potential adverse impacts to surface drainage from proposed underground mining. 30 CFR 773.15(c)(5) requires that before a permit application is approved, the regulatory authority must find in writing that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. Also under 30 CFR 817.57, a buffer zone around streams exists within which most mining disturbances may not occur without a specific finding that environmental resources of such streams will not be adversely affected.

One commenter suggested that the last statement in the Summary of the preamble misleads the public into believing that the proposed rule would provide added protection to endangered or threatened species. The commenter contended that this is not true since the proposed rule does not provide any additional protection, for Federally-listed endangered or threatened species but merely reinstates the original (1979) protection for State-listed species. The commenter is correct in recognizing that the proposed rule would reinstate the protection previously given to State-listed endangered or threatened species in OSMRE's March 13, 1979 rulemaking (44 FR 15410, 15437). However, the proposed rule contains other important provisions that provide added protection. The final rule prohibits surface coal mining operations which are likely to jeopardize the continued existence of endangered or threatened species, not just those operations which are certain to do so, as provided in the existing rules. Also, the final rule clearly establishes the requirement for permit applicants to provide site-specific resource information in their applications when the permit area or adjacent area are likely to include endangered or threatened species.

Two commenters expressed support for the rules as proposed. One commenter stated that the proposed rules contain rather specific requirements on the type of fish, wildlife, and related resource information which must be provided in the permit application by the permit applicant. The commenter further stated

VOL 52 ISS 238 DEC 11 1987 UMI

that the regulatory authority in his particular state has established a permit review process whereby the State fish and wildlife agencies themselves, not the applicant, provide this information to the regulatory authority. The commenter sought final rules that would have sufficient flexibility to allow for this means of providing wildlife resource information. Although the final rule adopted today would not preclude such a system, the applicant retains the ultimate responsibility for assuring that all the permit application requirements are met.

One commenter questioned how the proposed rule would address the additional protection standards afforded fish, wildlife, and habitats listed under Tribal statutes. The commenter is reminded that OSMRE is the regulatory authority on Indian lands and that Parts 779, 780, 783, 784, 816, and 817 are included in the Indian lands program (30 CFR Part 750) through cross-referencing. When implementing the Indian lands program, OSMRE will treat species and habitats protected under Tribal statutes in a manner similar to those protected by State statutes.

One commenter stated that OSMRE's draft Environmental Assessment (EA) for this rulemaking should be revised to include additional decision alternatives. This suggestion was taken into consideration in the preparation of the final environmental assessment.

A. Fish and Wildlife Permitting Requirements

Resource Information—30 CFR 780.16(a)/784.21(a).

As proposed, § 780.16(a) provided that each application shall include fish and wildlife resource information for the permit area and adjacent area. Furthermore, it required the scope and level of detail for such information to be determined by the regulatory authority in accordance with any written guidance provided by State and Federal agencies with responsibilities for fish and wildlife. The proposed rule required that the information include, at a minimum, the existence of any threatened or endangered species, eagles, migratory birds or other species requiring special protection, and habitats of unusually high value for fish and wildlife. After considering the commenters' remarks, OSMRE has changed § 780.16(a)(1) in the final rule so that the scope and level of detail for fish and wildlife information will be determined by the regulatory authority in consultation with State and Federal agencies with responsibilities for fish and wildlife. Similarly, a new provision was added to require the information to be sufficient to design the protection and enhancement plan required under paragraph (b). Thus, although the level of detail may vary from permit to permit, the fish and wildlife resource information needed for each permit application will be carefully considered by the regulatory authority and those agencies with expertise in the resource area. This procedure will insure that sufficient information will be included to establish a meaningful protection plan.

Three commenters expressed concern that the proposed rules eliminate the requirement existing in § 779.20(b) for permit applicants to contact the regulatory authority to determine what fish and wildlife information will be necessary. One commenter felt that such contact increased the chances of receiving a complete and accurate application which could be easily reviewed by the regulatory authority. Another commenter was concerned that the proposed deletion will leave applicants with too little direction regarding site-specific data collection requirements. The third commenter believed that consultation early in the permitting process will give the respective agencies more time to determine whether specific studies should be required and will prevent unnecessary expenditures by permit applicants. OSMRE agrees that advance planning and consultation can help to reduce delays in processing permits and to avoid unnecessary expenses. As stated in the preamble to the proposed rule, however, OSMRE does not believe it is necessary to impose a Federal rule requiring all applicants to contact their respective regulatory authorities since some regulatory authorities may find it more appropriate and cost effective to set forth in either rules or guidance documents specific requirements for fish and wildlife information for mining in certain areas. Applicants should contact the regulatory authority early in the permitting process if they are unable to determine what information will be needed to meet regulatory requirements.

Proposed § 780.16(a) provided that the scope and level of detail for resource information be determined by the regulatory authority "in accordance with any written guidance" provided by State and Federal fish and wildlife agencies. OSMRE has deleted this provision in the final rule and replaced it with language requiring the regulatory authority to determine the scope and level of detail of resource information in consultation with State and Federal fish and wildlife agencies. This new language was adopted because several commenters requested that the final rule provide for consultation between the regulatory authority and Federal and State fish and wildlife agencies on what information is needed to permit applications to protect fish and wildlife resources. Some of these commenters felt that early consultation with State and Federal fish and wildlife agencies would be an effective means of cooperatively resolving resource issues while others believed that through consultation available information could be shared and determinations could be made on whether site-specific studies would be necessary. One commenter on this topic expressed concern that by specifying that only written guidance be provided by State and Federal fish and wildlife agencies, there would be less interaction between wildlife management and coal permitting. Although OSMRE does not believe that such a result would necessarily occur, OSMRE has changed the rule to provide for consultation. Consultation may include both oral and written advice, participation by these agencies in the development of technical guidance documents, memoranda of understanding, and other communications necessary to protect fish and wildlife resources.

Many commenters suggested that OSMRE more clearly indicate when site-specific fish and wildlife resource information would be required. Accordingly, OSMRE has added new paragraph (a)(2) in the final rule that will require site-specific resource information when the permit area or adjacent area are likely to include listed or proposed endangered or threatened species of plants or animals or their critical habitats; habitats of unusually high value for fish and wildlife; or other species or habitats identified through agency consultation as requiring special protection. One commenter suggested that when any special resource values in proposed § 780.16(a) (1), (2), or (3) are identified, the regulatory authority should require site-specific, in-depth studies of fish and wildlife and their habitats. OSMRE agrees that site-specific resource information is necessary for such identified species and habitats and has addressed the commenter's concern by the addition of paragraph (a)(2) to the final rule.

One commenter expressed concern over OSMRE's rationale for the substitution of the phrase "resource information" in § 780.16(a) for the term "study" as required under previous § 779.20(a). The term "resource information" is intended to allow for the use of existing fish and wildlife information, in addition to any site-specific studies authorized under § 780.16(a)(2).

One commenter contended that the deletion of the requirement for site-specific data would have deleterious effects on fish and wildlife and that existing information is often out-of-date, incomplete, or not relevant to the site, and/or otherwise of limited value for determining degree of impact. OSMRE is sensitive to this concern and, as stated above, has added new paragraph (a)(2) to address when site-specific information is required.

Another commenter, who is currently developing a computer-based fish and wildlife data system, stated that its data system may not provide enough site-specific information on all proposed permit areas and therefore believed that the responsibility for providing information on fish and wildlife and their habitats should rest with the applicant. OSMRE agrees. As discussed in the preamble to the proposed rule, the authority to require site-specific studies has been retained but the restriction that a study be the only means to achieve compliance is removed. The need for site-specific studies will be determined by the regulatory authority through the consultation process required in the final rule. Site-specific studies could include aquatic sampling of streams to determine their "importance" as one commenter suggested.

One commenter suggested that "minimum standards" be established in the final rules for those areas that are not designated as critical habitat or that are otherwise sensitive, as outlined in proposed § 780.16(a) (1)–(3). This commenter contended that most mining operations are likely to occur in the "non-critical" fish and wildlife habitats and therefore in the majority of cases, the proposed rules provide no minimum standards to the regulatory authority on what resource information must be part of the permit application. OSMRE has added the requirement in § 780.16(a)(1) that the resource information be sufficient to design the protection and enhancement plan. Because of the diversity and variability of lands between and within regions, OSMRE cannot establish minimum resource information standards in the Federal rules for "non-critical" fish and wildlife habitat. Instead, OSMRE has determined that a more practical and as protective an approach will be for the regulatory authority to make these decisions within the framework of that information needed to assure an appropriate fish and wildlife management plan.

Several comments were received regarding the qualification requirements of those individuals compiling or reviewing fish and wildlife information. The commenters felt that the required information should be developed and/or reviewed by professional biologists. OSMRE disagrees that there is a need to specify qualifications for the preparers and reviewers of fish and wildlife information. The applicant is responsible for the accuracy and completeness of the submitted information and the regulatory authority is required to consult with agencies which possess the needed resources to competently evaluate the applicant's data.

Proposed rule § 780.16(a)(1) required permit applications to contain information on listed and proposed endangered or threatened species of plants or animals and their critical habitats listed by the Secretary under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and those species and habitats protected by similar State statutes. Commenters generally supported and endorsed this provision of the proposed rule. One commenter felt that listed or proposed endangered or threatened plants should be protected by separate requirements within the vegetation information requirements in existing § 779.19. OSMRE believes it appropriate to address both plants and animals that are afforded special protection under the ESA and similar State statutes under one section for administrative and continuity reasons. Another commenter requested clarification with regard to the reference to "state statutes." This commenter asked if an operation is to be located in a particular state, whether the proposed language would require that the fish and wildlife information address species which are not protected under that state's statute but are protected under the statutes of other states? Section 780.16(a)(2)(i) of the final rule would apply to only those species protected under Federal law and to those species protected under the laws of the state where the particular mining operation is located.

One commenter asked OSMRE to define a "proposed" endangered or threatened species. A "proposed species" as defined under existing 50 CFR 402.02 means any species of fish, wildlife, or plant that is proposed in the **Federal Register** to be listed under section 4 of the Endangered Species Act of 1973, as amended, 16 US.C. 1531 *et seq.* States with similar statutes may have various definitions for the term "proposed" or may use different terms for species under this classification.

Proposed § 780.16(a)(2) required information about eagles, migratory birds, and other species identified as requiring special protection under State or Federal law. OSMRE has modified this provision and numbered it in the final rule as § 780.16(a)(2)(iii). The final rule requires information on other species or habitats identified through agency consultation as requiring special protection under State or Federal law. OSMRE has deleted the specific reference to eagles and migratory birds. Instead, such species would be included in the general requirement to identify other species requiring special protection under State or Federal law.

Proposed § 780.16(a)(3) required information about habitats of unusually high value for fish and wildlife such as important streams, wetlands, riparian areas, cliffs supporting raptors, areas offering special shelter or protection, migration routes, and reproduction and wintering areas. OSMRE has adopted the proposed rule as final § 780.16(a)(2)(ii). One commenter requested that the term "wetland" be defined using the U.S. Fish and Wildlife Service's (FWS) *Classification of Wetlands and Deepwater Habitats of the United States*, 1979 (FWS/OBS–79–31 December 1979). Under the process outlined in the final rule, OSMRE believes it is unnecessary to define the term "wetland" because definitions in common usage by the appropriate State and Federal agencies are applied.

Three commenters suggested that the list of examples of habitat in proposed § 780.16(a)(3) be expanded to include additional habitat types and areas that they viewed as being of "unusually high value." OSMRE believes that the habitats provided as examples in the final rule are representative and not exclusive of the types that the regulatory authority should consider under this section. One commenter associated the term "migration routes" only with migratory birds and did not consider the term to be a type of habitat. OSMRE included the term "migration routes" under this section because of the different habitat types within migration routes utilized by such species as mule deer and elk in the western states.

Protection and Enhancement Plan—30 CFR 780.16(b)/784.21(b)

As proposed, § 780.16(b) required that each application shall include a description of how, to the extent possible using the best technology currently available, the operator will minimize disturbances and adverse

BEST COPY AVAILABLE

VOL 52 ISS 238 DEC 11 1987 UMI

impacts on fish and wildlife and related environmental values, including compliance with the Endangered Species Act, during surface coal mining and reclamation operations and how enhancement of these resources will be achieved where practicable. After considering remarks from commenters and for the reasons discussed below, OSMRE has adopted § 780.16(b) as proposed.

One commenter suggested that the terminology "protection and enhancement plan" be changed to "mitigation and enhancement plan" and that acceptable definitions of "mitigation" and "enhancement" be provided. OSMRE has retained the terminology "protection and enhancement plan" as proposed. The terms "protection" and "enhancement" are consistent with terminology used in sections 515 and 516 of the Act. OSMRE does not believe that the term "enhancement" requires further definition when it is used in context in § 780.16(b).

Four commenters shared OSMRE's view of that enhancement of fish and wildlife values is practicable for almost all postmining land uses. Other commenters indicated that if a situation arises where fish and wildlife habitat enhancement measures are not practicable, the burden should fall to the applicant to indicate why enhancement is not practicable. OSMRE has reconsidered this provision and agrees that enhancement may not be practicable in *all* situations. Furthermore, the applicant should be afforded the opportunity to state why enhancement is not practicable. OSMRE has therefore modified § 780.16(b)(3)(ii) in the final rule to require that, where enhancement measures are not included in the permit application, the applicant shall provide a statement explaining why such measures are not practicable.

One commenter expressed concern that the proposed regulations requiring a protection and enhancement plan are silent on the enforceability of the plan by the regulatory authority. OSMRE reminds the commenter that the plan is a part of the permit application and thus is enforceable by the regulatory authority when the permit is issued.

Proposed § 780.16(b)(1) required that the description of how the operator will protect and enhance fish and wildlife values be consistent with the requirements of § 816.97. No comments were received regarding this subsection. OSMRE has therefore adopted the proposed rule as final § 780.16(b)(1).

Several commenters expressed concern that the proposed rule did not contain language which explicitly requires the protection and enhancement plan to cover the permit area and adjacent area. Two commenters requested that "adjacent area" be changed to "portions of the adjacent area where effects may reasonably be expected to occur." OSMRE does not agree that any change is necessary since "adjacent area" is already defined in § 701.5 to mean that area outside the permit area where a resource is, or reasonably would be expected to be, adversely impacted by proposed mining operations. Furthermore, § 780.16(b)(2) requires that the protection and enhancement plan apply at a minimum to resource information that is required for both the permit area and adjacent area in § 780.16(a). One commenter was concerned about substituting the terms permit area and adjacent area for mine plan area. OSMRE no longer uses the term mine plan area in the Federal rules. The revision of areal descriptors is discussed in 48 FR 14814. This substitution of terms will provide consistency in the terminology used in the Federal rules without affecting the substantive requirements for fish and wildlife plans required by § 780.16.

Three commenters expressed concern that the language of the proposed rule may leave some ambiguity by the generic reference to paragraph (a) and suggested that the language of § 780.16(b)(2) should read: "Apply, at a minimum, to species and habitats identified under paragraphs (a)(1), (a)(2), and (a)(3) of this section." OSMRE has rejected the commenters suggested language because, to be consistent with sections 515(b)(24) and 516(b)(11) of SMCRA, the protection and enhancement must not be limited to critical species and habitats.

Proposed § 780.16(b)(3)(i) required the protection and enhancement plan to describe the protective measures that will be used during the active mining phase of operation. The proposed rule specified that such measures may include the establishment of buffer zones, the selective location and special design of haul roads and powerlines, and the monitoring of surface water quality and quantity. OSMRE has adopted the proposed rule as final § 780.16(b)(3)(i). One commenter recommended that biological monitoring be added as an example of a protective measure under this section. OSMRE emphasizes that the protective measures provided as examples under this section are not an exclusive list to be considered by the applicant. Other protective measures such as biological monitoring may also be considered.

One commenter argued that the proposed regulations do not establish any minimum protection and enhancement measures. This commenter suggested the proposed rule require that protection and enhancement measures listed as discretionary in proposed § 780.16(b)(3)(i) and § 780.16(b)(3)(ii) be required in the plan when a determination is made by either the regulatory authority or the State or Federal fish and wildlife agency that these measures would improve the overall reclamation of the site for fish and wildlife resources. OSMRE believes the final rule provides the regulatory authority with sufficient guidance in § 780.16 (a) and (b) to determine what measures are necessary for the protection and enhancement of fish and wildlife. Section 515(b)(24) of SMCRA does not require specific protection and enhancement measures but rather requires each operation, to the extent possible using the best technology currently available, to minimize disturbances and achieve enhancement where practicable.

Proposed § 780.16(b)(3)(ii) required the protection and enhancement plan to describe the enhancement measures that will be used during the reclamation and postmining phase of operation to develop aquatic and terrestrial habitat. The proposed rule provided that such measures may include restoration of streams and other wetlands, retention of ponds and impoundments, establishment of vegetation for wildlife food and cover, and the placement of perches and nest boxes. One commenter believed that this section was inaccurate because the commenter did not view the restoration of streams and wetlands as a method of fish and wildlife enhancement. In his opinion, the term "restoration" indicated the return to a previous condition. OSMRE disagrees with the commenter since restored streams and wetlands may contain features that were not present during premining conditions. The addition of pools and riffles to a premine channelized stream is one example. Part of the commenter's concern is semantic. For example, one performance standard which the protection and enhancement plan implements, 30 CFR 816.43(a)(3), illustrates how closely the two concepts are and requires restoration or approximation of premining characteristics to promote the recovery and enhancement of the aquatic habitat.

A commenter stated that the establishment of vegetation for wildlife food and cover may not constitute wildlife enhancement. The commenter believed that a comparison of the

premining vegetation and habitats and the proposed postmining revegetation plan must be made before one can determine if the revegetation plan would enhance wildlife. OSMRE does not agree that such a comparison must be made; however, a comparison of pre- and postmining vegetative conditions may be one approach to reflect that wildlife enhancement has been realized. Enhancement can also be achieved by developing a postmining land use plan that benefits or promotes a selected or featured fish and wildlife species or a diversity of species.

The same commenter agreed that some enhancement measures—such as the creation of impoundments—can be implemented during mining and that proposed § 780.16(b)(3)(ii) stipulates the enhancement measures to be implemented after mining. OSMRE agrees that impoundments are normally created during the active phase of mining and has used the word "retention" in reference to ponds and impoundments in the final rule.

One commenter suggested that this section of the proposed rules be amended to include consultation with the appropriate fish and wildlife agency to ensure that the premining habitat diversity found in the permit area and adjacent areas is protected as much as possible when reclaiming the site to a postmining land use. OSMRE believes that through the consultation process in § 780.16(a)(1) the permit review process required by §§ 773.13 and 773.15, habitat diversity will receive adequate consideration.

Fish and Wildlife Service Review—30 CFR 780.16(c)/784.21(c).

Proposed § 780.16(c) required that upon request, the regulatory authority provide the resource information submitted by permit applicants under paragraph (a) and the protection and enhancement plan submitted under paragraph (b) to the U.S. Department of the Interior, Fish and Wildlife Service (USFWS) Regional or Field Office for their review. The proposed rule required that the information be provided within 10 days of receipt of the request from the Service. After considering remarks from commenters and for the reasons discussed below, OSMRE has adopted paragraph (c) as proposed. Several commenters supported the proposal while others offered suggestions for modifications. One commenter suggested that the final rule be expanded to require other information such as is found in the reclamation, revegetation and hydrologic balance restoration plans be provided to the USFWS if requested. OSMRE and the USFWS have discussed this provision and are in agreement that the resource information required under paragraph (a) and the protection and enhancement plan required under paragraph (b) will in most situations be sufficient for USFWS reviews. In those cases where an inspection of other parts of the permit application is desired, the USFWS can visit the location where the public file copy of the application is kept or make other arrangements with the regulatory authority to obtain the additional information.

Another commenter who acts as a liaison between the USFWS and a regulatory authority requested that the regulatory authority or the State agency charged with the protection of the plant and wildlife resources provide the resource information and the protection and enhancement plan to the USFWS.

OSMRE believes there is sufficient flexibility in the final rule to provide for this transfer as suggested by the commenter. One commenter expressed concern that the implementation of this provision could relegate State fish and wildlife agencies to a role where their comments are solicited but are never implemented. OSMRE does not believe that this will happen. Under § 780.16(a)(1), the regulatory authority is required to consult with both State and Federal agencies in setting information requirements. Regulatory authorities that are provided comments by fish and wildlife agencies must consider all comments in their decisions to issue permits. To be defensible, these decisions must be well-reasoned and consistent with the State regulatory program.

One commenter questioned how many days the Service would have to review and comment on the permit application. Section 773.13(b)(1) requires each regulatory authority to establish a reasonable time for the submittal of written comments or objections on permit applications by State and Federal fish and wildlife agencies and other public entities.

Two commenters opposed § 780.16(c) as proposed and urged deletion of the proposal from the final rule. The commenters contended that there was no basis in the statute for this provision. OSMRE does not agree. Sections 201(c)(2), (6), (12), and (13), 501(b), and 510(b) of the Act provide authority. Moreover, in order for the USFWS to discharge its responsibilities under the Endangered Species Act, Bald Eagle Protection Act and the Fish and Wildlife Coordination Act, and to assure that sections 515(b)(24) and 516(b)(10) of SMCRA are implemented, the USFWS must have access to information supplied under § 780.16.

B. Performance Standards

Sections 816.97(b)/817.97(b)

OSMRE proposed to amend § 816.97(b) to provide for the protection of endangered and threatened species by requiring that no mining activity shall be conducted which is likely to jeopardize the continued existence of endangered or threatened species listed by the Secretary or which is likely to result in the destruction or adverse modification of designated critical habitats of such species in violation of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). The previous rule was more limited in that it prohibited only mining activity which *will* jeopardize the existence of endangered or threatened species or which *will* result in the destruction or adverse modification of designated critical habitats. OSMRE also proposed to require the operator to promptly report to the regulatory authority any State- or Federally-listed endangered or threatened species within the permit area of which the operator becomes aware. The proposed rule added the requirement to report State-listed species to the existing requirement that the operator report Federally-listed species. OSMRE has adopted § 816.97(b) as proposed.

Several commenters expressed support for this proposal. One commenter, however, noted that a number of states do not maintain state endangered species lists and instead classify certain species as "rare." OSMRE is aware that classification or terminology may differ in the various States; however, it is the protection afforded these special species under similar State statutes that is intended. This commenter further stated that it is not necessary or desirable to report immediately every threatened or endangered species observed within the permit area and cited an example of wintering bald eagles foraging over coal permit areas on a daily basis. Sections 515(b)(24) and 516(b)(10) require that disturbances to fish and wildlife and related environmental values be minimized. Accordingly, OSMRE has required, since 1979, that the operator promptly report the presence of certain species in the permit area. In the example provided, the eagles may be nesting or resting off the mine site but could be dependent upon a food source on the mine site and, thus, be adversely impacted by the mining operations. The reporting provision enables the

VOL 52 ISS 238 DEC 11 1987 UMI

regulatory authority to ensure compliance with the Endangered Species Act and with the Bald Eagle Protection Act.

One commenter suggested that the reporting requirement be expanded to include not only the permit area but also the adjacent area. The rule is sufficiently flexible to allow the regulatory authority to require reports of sightings on adjacent areas if it wishes to do so. This commenter further suggested that the rule be expanded to mandate consultation when the regulatory authority receives sighting reports from any person, unless the sightings are deemed to be frivolous. While the rule requires the operator to notify the regulatory authority whenever the operator becomes aware of an endangered or threatened species in the permit area, it does not preclude other persons from so notifying the regulatory authority. The regulatory authority would have discretion on whether to initiate the consultation process.

Two commenters objected to the inclusion of the term "any State" in the proposed rule. The commenters further stated that SMCRA does not extend protection to State-listed species. As discussed in the preamble to the proposed rule, OSMRE proposed to amend the existing rule to include "State-listed" species in response to the District Court's decision of October 1, 1984. *In re: Permanent Surface Mining Regulation Litigation II*, No. 79–1144, slip op. at pp. 58–63 (D.D.C. 1984). The deletion of a reference to State-listed species from the previous rule was found by the court to be contrary to section 515(b)(24) of the Act. The commenters objected to the requirement to report the presence of endangered or threatened species within the permit area because they believed it would require duplicative reporting inasmuch as an operator will have already reported in the permit application the existence of any endangered or threatened species. The commenters cited for support the District Court's decision upholding the Secretary's regulation which requires identification of critical habitats in the permit application but not during the mining operation. *In Re: Permanent Surface Mining Regulation Litigation II*, No. 79–1144 (D.D.C. October 1, 1984) Slip op. at 60–1. OSMRE does not agree with the commenter's reasoning that the court's decision regarding critical habitats also applies to the reporting of threatened or endangered species. Unlike critical habitats which are designated by the Secretary after an administrative proceeding, threatened and endangered species are mobile rather than stationary and may enter the permitted area after a permit is approved.

Sections 816.97(e)/817.97(e)

Sections 816.97 (e)(2) and (e)(3) of the existing regulations were republished in the proposed rule solely for editorial reasons to reflect the addition of § 816.97(e)(4) and not to make substantive changes. OSMRE has therefore adopted these proposed rules as final §§ 816.97(e)(2) and 816.97(e)(3).

As proposed, § 816.97(e)(4) required each operator to fence, cover, or use other appropriate methods to exclude wildlife from ponds which contain hazardous concentrations of toxic-forming materials. After considering remarks from commenters and for the reasons discussed below, OSMRE has adopted the proposed rule as final § 816.97(e)(4). One commenter expressed support for the rule as proposed. Five commenters asked for clarification as to what constitutes "hazardous concentrations of toxic-forming materials" and one suggested that OSMRE work with the U.S. Environmental Protection Agency (EPA) to develop a standard definition for this term, consistent with the existing regulations for toxic-forming materials found in EPA's regulations at 40 CFR 261.2 and 40 CFR 261.3. OSMRE does not believe that further regulatory changes are necessary since OSMRE already defines "toxic-forming materials" in 30 CFR 701.5.

The final rules also amend §§ 779.10 and 783.10 which pertain to Federal information collection by deleting references to §§ 779.20 and 783.20 respectively. This amendment was necessary because §§ 779.20 and 783.20 have been deleted in the final rules.

Effect in Federal Program States and on Indian Lands

The final rules apply through cross-referencing in those States with Federal programs. This includes Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington. The Federal programs for these States appear at 30 CFR Parts 910, 912, 921, 922, 933, 937, 939, 941, 942, and 947, respectively. The final rules also apply through cross-referencing to Indian lands under the Federal program for Indian Lands as provided in 30 CFR Part 750.

III. Procedural Matters

Federal Paperwork Reduction Act

The information collection requirements of Parts 780 and 784 have been submitted to the Office of Management and Budget under 44 U.S.C. 3507. The following clearance numbers were assigned: 30 CFR Part 780 (OMB Control No. 1029–0036) and 30 CFR Part 784 (OMB Control No. 1029–0039). The information is needed to meet the requirements of sections 515(b)(24) and 516(b)(11) of Pub. L. 95–87, and will be used by the regulatory authority to assess the impact of proposed mining operations on fish and wildlife resources and the adequacy of proposed protection and enhancement plans. The obligation to respond is mandatory.

Executive Order 12291 and the Regulatory Flexibility Act

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The rule does not distinguish between small and large entities, and will make no change in the threshold for determining whether to approve permits for surface coal mining operations because of fish and wildlife considerations. No incremental economic effects are anticipated as a result of the rule.

National Environmental Policy Act

OSMRE has prepared an environmental assessment (EA) on the impacts on the human environment of this final rulemaking and has made a finding that the rules would not have a significant impact under section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). The EA and finding of no significant impact are on file in the OSMRE Administrative Record Room 5131, 1100 L Street NW., Washington, DC.

Author

The author of this rule is Bruce Klein, Office of Surface Mining Reclamation and Enforcement, Knoxville Field Office, Knoxville, Tennessee 37902; telephone 615–673–4330.

List of Subjects

30 CFR Part 779

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 780

Coal mining, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 783

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Underground mining.

30 CFR Part 784

Coal mining, Reporting and recordkeeping requirements, Underground mining.

30 CFR Part 816

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 817

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Underground mining.

For the reasons set out in this preamble, 30 CFR Parts 779, 780, 783, 784, 816, and 817 are amended as set forth below.

Dated: April 9, 1987.

J. Steven Griles,

Assistant Secretary for Land and Minerals Management.

Editorial Note: This document was received at the office of the Federal Register December 10, 1987.

PART 779—SURFACE MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

1. The authority citation for Part 779 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*, sec. 115 of Pub. L. 98–146, (30 U.S.C. 1257), and 16 U.S.C. 470 *et seq.*

§ 779.10 [Amended]

2. Section 779.10 is amended by removing the term "779.20,".

§ 779.19 [Amended]

3. Section 779.19, paragraph (b) is amended by removing the words "30 CFR 779.20" and adding in their place the words "30 CFR 780.16."

§ 779.20 [Removed]

4. Section 779.20 is removed.

PART 780—SURFACE MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

5. The authority citation for Part 780 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*, sec. 115 of Pub. L. 98–146, (30 U.S.C. 1257), and 16 U.S.C. 470 *et seq.*

6. Section 780.16 is revised to read as follows:

§ 780.16 Fish and wildlife information.

(a) *Resource information.* Each application shall include fish and wildlife resource information for the permit area and adjacent area.

(1) The scope and level of detail for such information shall be determined by the regulatory authority in consultation with State and Federal agencies with responsibilities for fish and wildlife and shall be sufficient to design the protection and enhancement plan required under paragraph (b) of this section.

(2) Site-specific resource information necessary to address the respective species or habitats shall be required when the permit area or adjacent area is likely to include:

(i) Listed or proposed endangered or threatened species of plants or animals or their critical habitats listed by the Secretary under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), or those species or habitats protected by similar State statutes;

(ii) Habitats of unusually high value for fish and wildlife such as important streams, wetlands, riparian areas, cliffs supporting raptors, areas offering special shelter or protection, migration routes, or reproduction and wintering areas; or

(iii) Other species or habitats identified through agency consultation as requiring special protection under State or Federal law.

(b) *Protection and enhancement plan.* Each application shall include a description of how, to the extent possible using the best technology currently available, the operator will minimize disturbances and adverse impacts on fish and wildlife and related environmental values, including compliance with the Endangered Species Act, during the surface coal mining and reclamation operations and how enhancement of these resources will be achieved where practicable. This description shall—

(1) Be consistent with the requirements of § 816.97 of this chapter;

(2) Apply, at a minimum, to species and habitats identified under paragraph (a) of this section; and

(3) Include—

(i) Protective measures that will be used during the active mining phase of operation. Such measures may include the establishment of buffer zones, the selective location and special design of haul roads and powerlines, and the monitoring of surface water quality and quantity; and

(ii) Enhancement measures that will be used during the reclamation and postmining phase of operation to develop aquatic and terrestrial habitat. Such measures may include restoration of streams and other wetlands, retention of ponds and impoundments, establishment of vegetation for wildlife food and cover, and the replacement of perches and nest boxes. Where the plan does not include enhancement measures, a statement shall be given explaining why enhancement is not practicable.

(c) *Fish and Wildlife Service review.* Upon request, the regulatory authority shall provide the resource information required under paragraph (a) of this section and the protection and enhancement plan required under paragraph (b) of this section to the U.S. Department of the Interior, Fish and Wildlife Service Regional or Field Office for their review. This information shall be provided within 10 days of receipt of the request from the Service.

PART 783—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

7. The authority citation for Part 783 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*, sec. 115 of Pub. L. 98–146 (30 U.S.C. 1257), and 16 U.S.C. 470 *et seq.*

§ 783.10 [Amended]

8. Section 783.10 is amended by removing the term "783.20,".

§ 783.19 [Amended]

9. Section 783.19, paragraph (b) is amended by removing the words "30 CFR 779.20" and adding in their place the words "30 CFR 784.21."

§ 783.20 [Removed]

10. Section 783.20 is removed.

PART 784—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

11. The authority citation for Part 784 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*, sec. 115 of Pub. L. 98–146 (30 U.S.C. 1257), and 16 U.S.C. 470 *et seq.*

12. Section 784.21 is revised to read as follows:

§ 784.21 Fish and wildlife information.

(a) *Resource information.* Each application shall include fish and wildlife resource information for the permit area and adjacent area.

(1) The scope and level of detail for such information shall be determined by the regulatory authority in consultation with State and Federal agencies with

VOL 52 ISS 238 DEC 11 1987 UMI

responsibilities for fish and wildlife and shall be sufficient to design the protection and enhancement plan required under paragraph (b) of this section.

(2) Site-specific resource information necessary to address the respective species or habitats shall be required when the permit area or adjacent area is likely to include:

(i) Listed or proposed endangered or threatened species of plants or animals or their critical habitats listed by the Secretary under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), or those species or habitats protected by similar State statutes;

(ii) Habitats of unusually high value for fish and wildlife such as important streams, wetlands, riparian areas, cliffs supporting raptors, areas offering special shelter or protection, migration routes, or reproduction and wintering areas; or

(iii) Other species or habitats identified through agency consultation as requiring special protection under State or Federal law.

(b) *Protection and enhancement plan.* Each application shall include a description of how, to the extent possible using the best technology currently available, the operator will minimize disturbances and adverse impacts on fish and wildlife and related environmental values, including compliance with the Endangered Species Act, during the surface coal mining and reclamation operations and how enhancement of these resources will be achieved where practicable. This description shall—

(1) Be consistent with the requirements of § 817.97 of this chapter;

(2) Apply, at a minimum, to species and habitats identified under paragraph (a) of this section; and

(3) Include—

(i) Protective measures that will be used during the active mining phase of operation. Such measures may include the establishment of buffer zones, the selective location and special design of haul roads and powerlines, and the monitoring of surface water quality and quantity; and

(ii) Enchancement measures that will be used during the reclamation and postmining phase of operation to develop aquatic and terrestrial habitat. Such measures may include restoration of streams and other wetlands, retention of ponds and impoundments, establishment of vegetation for wildlife food and cover, and the placement of perches and nest boxes. Where the plan does not include enhancement measures, a statement shall be given explaining why enhancement is not practicable.

(c) *Fish and Wildlife Service Review.* Upon request, the regulatory authority shall provide the resource information required under paragraph (a) of this section and the protection and enhancement plan required under paragraph (b) of this section to the U.S. Department of the Interior, Fish and Wildlife Service Regional or Field Office for their review. This information shall be provided within 10 days of receipt of the request from the Service.

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

13. The authority citation for Part 816 is revised to read as follows:

Authority: Pub. L. 95–87 (30 U.S.C. 1201 *et seq.*), unless otherwise noted.

14. In § 816.97, paragraphs (b), (e)(2), and (e)(3) are revised and paragraph (e)(4) is added to read as follows:

§ 816.97 Protection of fish, wildlife, and related environmental values.

* * * * *

(b) *Endangered and threatened species.* No surface mining activity shall be conducted which is likely to jeopardize the continued existence of endangered or threatened species listed by the Secretary or which is likely to result in the destruction or adverse modification of designated critical habitats of such species in violation of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). The operator shall promptly report to the regulatory authority any State- or federally-listed endangered or threatened species within the permit area of which the operator becomes aware. Upon notification, the regulatory authority shall consult with appropriate State and Federal fish and wildlife agencies and, after consultation, shall identify whether, and under what conditions, the operater may proceed.

* * * * *

(e) * * *

(2) Locate and operate haul and access roads so as to avoid or minimize impacts on important fish and wildlife species or other species protected by State or Federal law;

(3) Design fences, overland conveyors, and other potential barriers to permit passage for large mammals, except where the regulatory authority determines that such requirements are unnecessary; and

(4) Fence, cover, or use other appropriate methods to exclude wildlife from ponds which contain hazardous concentrations of toxic-forming materials.

* * * * *

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

15. The authority citation for Part 817 is revised to read as follows:

Authority: Pub. L. 95–87 (30 U.S.C. 1201 *et seq.*), unless otherwise noted.

16. In § 817.97 paragraphs (b), (e)(2), and (e)(3) are revised and paragraph (e)(4) is added to read as follows:

§ 817.97 Protection of fish, wildlife, and related environmental values.

* * * * *

(b) *Endangered and threatened species.* No underground mining activity shall be conducted which is likely to jeopardize the continued existence of endangered or threatened species listed by the Secretary or which is likely to result in the destruction or adverse modification of designated critical habitats of such species in violation of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). The operator shall promptly report to the regulatory authority any State- or federally-listed endangered or threatened species within the permit area of which the operator becomes aware. Upon notification, the regulatory authority shall consult with appropriate State and Federal fish and wildlife agencies and, after consultation, shall identify whether, and under what conditions, the operator may proceed.

* * * * *

(e) * * *

(2) Locate and operate haul and access roads so as to avoid or minimize impacts on important fish and wildlife species or other species protected by State or Federal law;

(3) Design fences, overland conveyors, and other potential barriers to permit passage for large mammals except where the regulatory authority determines that such requirements are unnecessary; and

(4) Fence, cover, or use other appropriate methods to exclude wildlife from ponds which contain hazardous concentrations of toxic-forming materials.

* * * * *

[FR Doc. 87–28528 Filed 12–10–87; 8:45 am]
BILLING CODE 4310-05-M

federal register

Friday
December 11, 1987

Part IX

Department of Agriculture

Cooperative State Research Service

Rangeland Research Grants Program for Fiscal Year 1988; Solicitation of Applications; Notice

VOL
52
ISS
2
3
8
DE
11
1987
UMI

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Rangeland Research Grants Program for Fiscal Year 1988; Solicitation of Applications

Notice is hereby given that under the authority contained in section 1480 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3333), the Cooperative State Research Service (CSRS) of the United States Department of Agriculture (USDA) anticipates awarding standards grants for basic studies in certain areas of rangeland research. No more than $80,000 will be awarded for the support of any one project, regardless of the amount requested. *The award of any grant under the Rangeland Reseqrch Grants Program is contingent upon the availability of funds.*

Under this program, the Secretary may award grants to land-grant colleges and universities, State agricultural experiment stations, and to colleges, universities, and Federal laboratories having a demonstrable capacity in rangeland research. Except in the case of Federal laboratories, each grant recipient must match the Federal funds expended on a research project based on a formula of 50 percent Federal and 50 percent non-Federal funding. Proposals received from scientists at non-United States organizations or institutions will not be considered for support.

Applicable Regulations

This program is subject to the provisions found at 7 CFR Part 3401 (51 FR 16152, April 30, 1986). These provisions set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals, processes regarding the awarding of grants, and regulations relating to the post-award administration of grant projects. Pursuant to section 1473 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3319), funds made available under this program to recipients other than Federal laboratories shall not be subject to reduction for indirect costs or for tuition remission costs; therefore, funds should not be requested for these costs except in the case of Federal laboratories. In addition, USDA Uniform Federal Assistance Regulations, 7 CFR Part 3015, as amended, apply to this program.

How to Obtain Application Materials

Copies of this solicitation, the Research Grant Application Kit, and the Administrative Provisions for this program (7 CFR Part 3401) may be obtained by writing to the address or calling the telephone number which follows: Proposal Services Unit, Grants Administrative Management, Office of Grants and Program Systems, Cooperative State Research Service, U.S. Department of Agriculture, Room 005, Justin Smith Morrill Building, 15th and Independence Avenue, SW., Washington, DC 20251–2200, Telephone: (202) 475–5048.

What to Submit

An original and nine copies of each proposal submitted under this program are requested. This number of copies is necessary to permit thorough, objective peer evaluation of all proposals received before funding decisions are made. In addition to other required forms and certifications included in the Research Grant Application Kit, each copy of each proposal must include a Form CSRS–661, "Grant Application." Proposers should note that one copy of this form, preferably the original, must contain pen-and-ink signatures of the principal investigator(s) and the authorized organizational representative.

Members of review committees and CSRS staff expect each project description to be complete in itself. Grant proposals must be limited to 10 pages (single-spaced) exclusive of required forms, bibliography and vitae of the principal investigator(s), senior associate(s) and other professional personnel. Attachment of appendices is discouraged and should be included only if pertinent to an understanding of the proposal.

All copies of each proposal must be mailed in one package. Please see that each copy of each proposal is *stapled securely* in the upper left-hand corner. DO NOT BIND. Information should be typed on one side of the page only.

Every effort should be made to ensure that the proposal contains all pertinent ii:formation when submitted. Prior to mailing, compare your proposal with the regulations contained in the Administrative Provisions which govern the Rangeland Research Grants Program, 7 CFR Part 3401. If applicable, the research grant proposal must state that the 50 percent non-Federal funding requirement will be met.

Where and When to Submit Grant Applications

Each research grant application must be submitted to: Proposal Services Unit, Grants Administrative Management, Office of Grants and Program Systems, Cooperative State Research Service, U.S. Department of Agriculture, Room 005, Justin Smith Morrill Building, 15th and Independence Avenue, SW., Washington, DC 20251–2200.

To be considered for funding during fiscal year 1988, *proposals must be received* in the Proposal Services Unit *by the close of business on February 22, 1988.* One copy of each proposal not selected for funding will be retained for a period of one year. The remaining copies will be destroyed.

Specific Areas of Research to be Supported in Fiscal Year 1988

Standard grants will be awarded to support basic research in certain areas of rangeland research. Proposals will be considered in the following specific areas: (1) Management of rangelands and agricultural land as integrated systems for more efficient utilization of crops and waste products in the production of food and fiber; (2) methods of managing rangeland watersheds to maximize efficient use of water and improve water yield, water quality, and water conservation, to protect against onsite and offsite damage to rangeland resources from floods, erosion and other detrimental influences, and to remedy unsatisfactory and unstable rangeland conditions; and (3) revegetation and rehabilitation of rangelands including the control of undesirable species of plants.

If necessary, further information may be obtained by calling Dr. Wayne K. Murphey, CSRS–USDA; telephone: (202) 447–2044.

Supplementary Information

The Rangeland Research Grants Program is listed in the Catalog of Federal Domestic Assistance under No. 10.200. For reasons set forth in the Final Rule-related Notice to 7 CFR Part 3015, Subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524–0022.

Done at Washington, DC, this 4th day of December 1987.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 87–28471 Filed 12–10–87; 8:45 am]
BILLING CODE 3410–22–M

VOL
52
ISS
2
3
8
DE
11
1987
UMI

Reader Aids

Federal Register

Vol. 52, No. 238

Friday, December 11, 1987

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

45597–45800	1
45801–45934	2
45935–46050	3
46051–46342	4
46343–46444	7
46445–46584	8
46585–46730	9
46731–46982	10
46983–47364	11

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

5748	46729
5749	46731
5750	46733
5751	46735

Executive Orders:

12616	46730

Administrative Orders:

Statements:

Dec. 7, 1987	46728

4 CFR

21	46445

5 CFR

351	46051
540	46051
870	46343
874	46343
1204	45597
1600	45801
1605	46314

7 CFR

301	45597
319	46052
401	45598–45604
423	45805
770	45606
907	46060, 46737, 46983
908	46737
910	46061, 46984
911	46344
915	46344
966	46345
981	45607, 45609
1900	45806, 46348
1942	47097
1944	45807
1956	46348

Proposed Rules:

52	46486
401	45830
735	47009
905	46366
959	46366
971	46366
985	46600
987	46366
1951	45638

8 CFR

316a	46738

Proposed Rules:

3	46776
109	46092
208	46776
236	46776
242	46776
253	46776

9 CFR

85	45935
92	45611

Proposed Rules:

145	47014
147	47014
316	45639
350	45639

10 CFR

Proposed Rules:

430	46367

12 CFR

4	46061
204	46450
208	46984
226	45611
614	46151
706	46585

Proposed Rules:

210	47112
229	47112
701	46601, 47014

14 CFR

21	46348
25	46348
39	45612–45614, 45808–45810, 46064–46067, 46452, 46739, 46985–46995
71	45615, 45616, 46556, 46740–46742, 46995–46997, 47304, 47308
97	45617, 46743
121	45910
135	45910
1213	45935
1221	45811

Proposed Rules:

Ch. I	45831
39	45640, 45642, 45831, 46094, 46776, 47015, 47016
71	45644, 46778, 46779, 47017–47020
73	47021

15 CFR

371	45618
374	45618
385	46886
399	46886
801	46587

16 CFR

6	45619
13	45937
305	46888
1015	45631

Proposed Rules:

13	45645, 45970, 45972
453	46706

VOL 52 ISS 238 DEC 11 1987 UMI

17 CFR
1 ... 46070
211 ... 46454
274 ... 46350
Proposed Rules:
34 ... 47022

18 CFR
271 ... 46072
389 ... 45823

19 CFR
Proposed Rules:
4 ... 46602

20 CFR
Proposed Rules:
614 ... 46604

21 CFR
74 ... 45938
176 ... 46968
333 ... 47312
369 ... 47312
Proposed Rules:
182 ... 46968
352 ... 46095

22 CFR
Proposed Rules:
502 ... 47029
1506 ... 46779

23 CFR
Proposed Rules:
635 ... 45645

24 CFR
Proposed Rules:
813 ... 46614
885 ... 46614

25 CFR
Proposed Rules:
177 ... 46781

26 CFR
31 ... 45632
54 ... 46747
35a ... 46075
602 ... 46075, 46747
Proposed Rules:
1 ... 45835
48 ... 45901
54 ... 46782
602 ... 46782

27 CFR
9 ... 46589
250 ... 46592
Proposed Rules:
250 ... 46628

28 CFR
2 ... 46596

29 CFR
1910 ... 46075, 46168
1915 ... 46075
1917 ... 46075
1918 ... 46075
1926 ... 46075, 46168
1928 ... 46075
Proposed Rules:
103 ... 47029
1910 ... 47097

30 CFR
779 ... 47352
780 ... 47352
783 ... 47352
784 ... 45920, 47352
816 ... 47352
817 ... 45920, 47352
935 ... 46597
Proposed Rules:
935 ... 46377, 46379, 46783
952 ... 46095
953 ... 46097

31 CFR
351 ... 46455
Proposed Rules:
0 ... 45648

32 CFR
41 ... 46997
536 ... 45938
706 ... 46080
1900 ... 46456
Proposed Rules:
199 ... 46098, 47029

33 CFR
62 ... 46351
100 ... 46351
110 ... 46760
117 ... 46081
165 ... 46351
Proposed Rules:
165 ... 45973

34 CFR
668 ... 45712, 46353
674 ... 45738
675 ... 45738
676 ... 45738
690 ... 45712
Proposed Rules:
333 ... 46720
778 ... 46784
790 ... 46785

37 CFR
Proposed Rules:
304 ... 45664

38 CFR
4 ... 46439
21 ... 45633
Proposed Rules:
21 ... 46494

39 CFR
224 ... 46998
225 ... 46998
226 ... 46998
227 ... 46998
228 ... 46998
229 ... 46998

40 CFR
52 ... 45634, 45958, 45959, 46463, 46762, 46764
81 ... 46081, 46465
85 ... 46354
123 ... 45823
144 ... 45788, 46946
180 ... 45824, 46019, 46598
260 ... 46946
264 ... 45788, 46946
265 ... 45788
270 ... 45788, 46946
271 ... 45634, 45788, 46466
Proposed Rules:
35 ... 46712
52 ... 46495, 46786
60 ... 47032
62 ... 46380
80 ... 47032
86 ... 47032
600 ... 47032
721 ... 46496

41 CFR
101-6 ... 45926
101-7 ... 45825
101-47 ... 46467
105-55 ... 46468
201-1 ... 46468
201-2 ... 46468
201-23 ... 46468
201-24 ... 46468

42 CFR
124 ... 46022
417 ... 47003
466 ... 47003
476 ... 47003

43 CFR
4 ... 46355, 47097
3420 ... 46469
3460 ... 46469
Proposed Rules:
3450 ... 46499

44 CFR
65 ... 46501
67 ... 46505
Proposed Rules:
67 ... 46787

46 CFR
560 ... 45960
586 ... 46356
Proposed Rules:
38 ... 45665
54 ... 45665
69 ... 46103
98 ... 45665
151 ... 45665
503 ... 45835
572 ... 46501
588 ... 46505

47 CFR
15 ... 45961
25 ... 45636
73 ... 45636, 45963–45965, 46598, 46599, 47004
76 ... 45961, 46363
Proposed Rules:
1 ... 46628
43 ... 46628
73 ... 45974, 45975, 46629–46631, 47032, 47033
80 ... 45665

48 CFR
232 ... 47005
532 ... 47005
552 ... 47005
553 ... 47006
819 ... 46082
1801 ... 46765
1805 ... 46765
1807 ... 46765
1808 ... 46765
1809 ... 46765
1812 ... 46765
1813 ... 46765
1815 ... 46765
1827 ... 46765
1830 ... 46765
1831 ... 46765
1832 ... 46765
1836 ... 46765
1837 ... 46765
1852 ... 46765
1853 ... 46765
Proposed Rules:
31 ... 46043
2409 ... 46560
2412 ... 46560
2413 ... 46560
2415 ... 46560
2416 ... 46560
2417 ... 46560
2424 ... 46560
2427 ... 46560
2432 ... 46560
2434 ... 46560
2437 ... 46560
2442 ... 46560
2446 ... 46560
2451 ... 46560
2452 ... 46560
2453 ... 46560
2470 ... 46560
5706 ... 47033

49 CFR
1 ... 46364, 46478, 47007, 47097
571 ... 46479, 46480
1002 ... 46481
1007 ... 46481
1011 ... 45636, 46773
1052 ... 45966
1103 ... 46481
1150 ... 46481
1152 ... 45636, 46773
1160 ... 45827, 46481
1162 ... 46481
1169 ... 46481
1171 ... 46481
1177 ... 46481
1180 ... 46481
1182 ... 46481
Proposed Rules:
24 ... 45667
173 ... 46510, 46511
383 ... 47326
701 ... 46381

50 CFR
14 ... 46019
17 ... 46083, 46085
20 ... 46087
611 ... 45966, 46484
649 ... 46088
650 ... 46485
652 ... 47008
675 ... 45966, 46484
Proposed Rules:
17 ... 45976, 46106, 46334, 46336
655 ... 47034

663 ... 45668

LIST OF PUBLIC LAWS

Last List December 10, 1987

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 148/Pub. L. 100-184

Michigan Wilderness Act of 1987. (Dec. 8, 1987; 101 Stat. 1274; 5 pages) Price: $1.00

VOL
52
ISS
2
3
8
DE
11
1987
UMI



PLUS

PUBLIC LAWS UPDATE SERVICE



ANNOUNCING A NEW INFORMATION SERVICE ABOUT NEW LEGISLATION!

DO YOU NEED TO KNOW THE PUBLIC LAW NUMBER FOR A BILL JUST SIGNED BY THE PRESIDENT?

WOULD YOU LIKE TO HAVE THE UNITED STATES STATUTES AT LARGE CITATION FOR A NEW LAW?

THE OFFICE OF THE FEDERAL REGISTER IS PLEASED TO ANNOUNCE P L U S, THE PUBLIC LAWS UPDATE SERVICE.

THIS NEW RECORDED SERVICE PROVIDES THE FOLLOWING INFORMATION ABOUT NEW PUBLIC LAWS:

- ***BILL NUMBER***
- ***PUBLIC LAW NUMBER***
- ***DATE SIGNED BY THE PRESIDENT***
- ***U.S. STATUTES CITATION***

IN ADDITION, P L U S WILL ALERT YOU TO LEGISLATION AWAITING APPROVAL AND NOT YET RECEIVED.

BEST OF ALL, P L U S IS AVAILABLE 24 HOURS A DAY.

SO DON'T WAIT FOR IMPORTANT INFORMATION ABOUT THE LAWS.

CALL P L U S ! ! !

(202) 523-6641

(Rev. 11-1-87)

VOL
52
ISS
2
3
8
DE
11
1987
UMI

VOL
52
ISS
239
DE
14
1987
UMI

12-14-87
Vol. 52 No. 239

federal register

Monday
December 14, 1987

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106
A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
52

ISS
239

DE
14

1987

UMI

12-14-87
Vol. 52 No. 239
Pages 47365-47544

federal register

Monday
December 14, 1987

BEST COPY AVAILABLE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $188.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	275–3328
Problems with public subscriptions	275–3054

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	275–3328
Problems with public single copies	275–3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5240
Magnetic tapes	275–3328
Problems with Federal agency subscriptions	523–5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 52, No. 239
Monday, December 14, 1987

Agriculture Department
See Animal and Plant Health Inspection Service; Federal Crop Insurance Corporation

Animal and Plant Health Inspection Service
RULES
Interstate transportation of animals and animal products (quarantine):
Brucellosis—
State and area classifications, 47378
Plant regulations:
Avocados from Mexico transiting U.S. to foreign countries; quarantine safeguards, 47373
Plant-related quarantine, domestic:
Peach fruit fly, 47367
Plant-related quarantine, foreign:
Ethylene dibromide; mangoes, 47372

Coast Guard
RULES
Drawbridge operations:
Florida, 47391
Vessels, commercial and recreational; operation while intoxicated, 47526
PROPOSED RULES
Load lines, and subdivision and stability:
Hopper dredge working freeboard, 47422
Ports and waterways safety:
Chesapeake Bay, Hampton Roads, Elizabeth River, VA; safety zones, 47413

Commerce Department
See also Foreign-Trade Zones Board; International Trade Administration; Minority Business Development Agency; National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities under OMB review, 47437
(2 documents)

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Macau, 47442
Export licensing system:
China, 47443

Defense Department
RULES
Metric system of measurement; metrication program, 47389
PROPOSED RULES
Acquisition regulations:
Material requirements planning system, 47427
NOTICES
Meetings:
DIA Defense Intelligence College Board of Visitors, 47443

Education Department
PROPOSED RULES
Educational research and improvement:
Library career training program, 47538
NOTICES
Agency information collection activities under OMB review, 47443
Civil Rights Office:
Annual operating plan, 47444
Grants; availability, etc.:
Library career training program, 47543
Library research and demonstration program, 47447
National diffusion network program, 47447
Strengthening institutions program and endowment challenge grant program, 47446
Meetings:
Education Intergovernmental Advisory Council, 47448

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air programs:
Stratospheric ozone protection, 47486
Air quality implementation plans; approval and promulgation; various States:
New Hampshire, 47392
PROPOSED RULES
Air programs:
Stratospheric ozone protection, 47489

Executive Office of the President
See Presidential Documents

Family Support Administration
PROPOSED RULES
Public assistance programs:
Shelter or special need allowances; eligibility, coverage and conditions; clarification, 47420

Farm Credit Administration
NOTICES
Meetings; Sunshine Act, 47482

Federal Aviation Administration
RULES
Airworthiness directives:
British Aerospace, 47387
PROPOSED RULES
Airworthiness directives:
Boeing, 47399, 47400
(2 documents)
British Aerospace, 47401
VOR Federal airways, 47402
NOTICES
Exemption petitions; summary and disposition, 47478
Meetings:
Aeronautics Radio Technical Commission, 47479

Federal Crop Insurance Corporation
RULES
Crop insurance; various commodities:
Corn, 47377
Flax, 47376
Soybeans, 47376

VOL 52 ISS 239 DEC 14 1987 UMI

Texas citrus, 47375

Federal Deposit Insurance Corporation
RULES
Unsafe and unsound banking practices:
Insured nonmember banks; subsidiary securities activities, 47379

Federal Energy Regulatory Commission
NOTICES
Natural gas certificate filings:
Consolidated Gas Transmission Co. et al., 47448
Applications, hearings, determinations, etc.:
Dusquesne Light Co., 47450
Flambeau Paper Co., 47451
FPCO Oil & Gas Co., 47450
Illinois Power Co., 47451
Pan Eastern Exploration Co., 47451

Federal Highway Administration
PROPOSED RULES
Engineering and traffic operations:
Design standards for highways; signs, luminaries and traffic signals specifications; breakaway supports, 47400

Federal Maritime Commission
NOTICES
Agreements filed, etc., 47452

Federal Reserve System
NOTICES
Applications, hearings, determinations, etc.:
Bauerle, Donald C., Sr., et al., 47452
Fresno Bancorp, 47453
Trustcorp, Inc., et al., 47453
Whitaker Bancorp, Inc., et al., 47454

Fish and Wildlife Service
PROPOSED RULES
Migratory bird hunting:
Waterfowl hunting—
Lead shot zones, 47428
NOTICES
Endangered and threatened species permit applications, 47480

Food and Drug Administration
NOTICES
Medical devices:
Neodymium:yttrium:aluminum:garnet (Nd:YAG) laser (mode-locked or Q-switched) for posterior capsulotomy; reclassification petition, 47454

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
New Jersey
International Flavors & Fragrances, Inc., 47437
North Carolina
Carolmet, Inc., Optical Lens Blank Operation, 47438
Wisconsin—
Square D Co. Industrial Computer & Controller Equipment Plant, 47439

General Services Administration
RULES
Acquisition regulations:
Monitoring contractor compliance with subcontracting plans, 47393
Federal property management:
Federal surplus personal property; donation to nonprofit providers of assistance to homeless individuals, 47390

Health and Human Services Department
See Family Support Administration; Food and Drug Administration; Health Care Financing Administration; National Institutes of Health

Health Care Financing Administration
PROPOSED RULES
Medicaid:
Disability, eligibility determinations, 47414

Housing and Urban Development Department
RULES
Acquisition regulations, 47395
NOTICES
Agency information collection activities under OMB review, 47457

Independent Counsel Office
PROPOSED RULES
Freedom of Information Act; implementation, 47406

Interior Department
See Fish and Wildlife Service; Land Management Bureau; Minerals Management Service; National Park Service; Surface Mining Reclamation and Enforcement Office

International Trade Administration
RULES
Export licensing:
Commodity control list—
Jig grinders; validated license controls removal, 47388
NOTICES
Antidumping:
Carbon steel wire rod from Trinidad and Tobago, 47440
Harmonized system of tariff classification:
Proposed classification numbers, 47439

Interstate Commerce Commission
NOTICES
Railroad services abandonment:
Chesapeake & Ohio Railway Co., 47462

Justice Department
NOTICES
Pollution control; consent judgments:
Oyster Bay, NY, 47462

Labor Department
See Occupational Safety and Health Administration

Land Management Bureau
NOTICES
Meetings:
Northern Alaska Advisory Council, 47459
Realty actions; sales, leases, etc.:
Nevada, 47459
Nevada; correction, 47459, 47460
(2 documents)

Survey plat filings:
Illinois, 47459

Maritime Administration
NOTICES
Applications, hearings, determinations, etc.:
Lykes Bros. Steamship Co., Inc., 47479

Minerals Management Service
NOTICES
Meetings:
Outer Continental Shelf Advisory Board, 47460

Minority Business Development Agency
NOTICES
Business development center program applications:
Florida, 47440

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
Grumman Olson, 47480
Hose America, Inc., 47480

National Institutes of Health
NOTICES
Meetings:
National Heart, Lung, and Blood Institute, 47457

National Oceanic and Atmospheric Administration
NOTICES
Coastal zone management programs and estuarine sanctuaries:
State programs—
Evaluation findings availability, 47441
Intent to evaluate performance, 47441
Permits:
Endangered and threatened species, 47441
Marine mammals, 47442

National Park Service
NOTICES
Meetings:
Golden Gate National Recreation Area Advisory Commission, 47461
(2 documents)

Nuclear Regulatory Commission
PROPOSED RULES
Radioactive waste, low-level; land disposal licensing requirements:
Quality assurance guidance, 47398
Regulatory agenda
Quarterly report, 47398
NOTICES
Environmental statements; availability, etc.:
Commonwealth Edison Co., 47466
Meetings:
Reactor Safeguards Advisory Committee
Proposed schedule, 47464
Petitions; Director's decisions:
Detroit Edison Co., 47465
Applications, hearings, determinations, etc.:
Florida Power Corp.; correction, 47466
Morabito, Alfred J., 47467

Occupational Safety and Health Administration
NOTICES
State plans; standards approval, etc.:
Wyoming, 47462

Office of Independent Counsel
See Independent Counsel Office

Presidential Documents
PROCLAMATIONS
Special observances:
Human Rights Day, Bill of Rights Day, and Human Rights Week (Proc. 5752), 47365

President's Commission on Privatization
NOTICES
Meetings, 47468

Privatization, President's Commission
See President's Commission on Privatization

Public Health Service
See Food and Drug Administration; National Institutes of Health

Securities and Exchange Commission
NOTICES
Agency information collection activities under OMB review, 47468
Meetings; Sunshine Act, 47482
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 47469
Chicago Board Options Exchange, Inc., 47470
National Securities Clearing Corp., 47471
New York Stock Exchange, Inc., 47472
Options Clearing Corp., 47474
Self-regulatory organizations; unlisted trading privileges:
Midwest Stock Exchange, Inc., 47475
Applications, hearings, determinations, etc.:
American Airlines, Inc., 47476
USAir, Inc., 47476

Small Business Administration
NOTICES
Privacy Act; systems of records, 47477

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program submission:
Arkansas, 47411
NOTICES
Agency information collection activities under OMB review, 47461

Tennessee Valley Authority
NOTICES
Meetings; Sunshine Act, 47482

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; Maritime Administration; National Highway Traffic Safety Administration

VOL 52 ISS 239 DEC 14 1987 UMI

NOTICES
Aviation proceedings:
Agreements filed; weekly receipts, 47477
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 47478

Treasury Department
NOTICES
Agency information collection activities under OMB review, 47481

Separate Parts In This Issue

Part II
Environmental Protection Agency, 47486

Part III
Department of Transportation, Coast Guard, 47528

Part IV
Department of Education, 47538

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
5752 47365

7 CFR
301 47367
319 47372
352 47373
413 47375
423 47376
431 47376
432 47377

9 CFR
78 47376

10 CFR
Proposed Rules:
Ch. I 47398
61 47398

12 CFR
337 47379

14 CFR
39 47387
Proposed Rules:
39 (3 documents) 47399-47401
71 47402

15 CFR
399 47388

23 CFR
Proposed Rules:
625 47403

26 CFR
Proposed Rules:
701 47406

30 CFR
Proposed Rules:
904 47411

32 CFR
209 47389

33 CFR
95 47526
117 47391
146 47526
150 47526
173 47526
177 47526
Proposed Rules:
165 47413

34 CFR
Proposed Rules:
776 47538

36 CFR
52 47392
82 47486
Proposed Rules:
82 47489

41 CFR
101-44 47393

42 CFR
Proposed Rules:
435 47414
436 47414

45 CFR
Proposed Rules:
233 47420

46 CFR
4 47526
5 47526
26 47526
35 47526
78 47526
97 47526
109 47526
167 47526
185 47526
196 47526
197 47526
Proposed Rules:
42 47422
44 47422
45 47422
170 47422
174 47422

48 CFR
519 47396
2401 47395
2402 47395
Proposed Rules:
245 47427

50 CFR
Proposed Rules:
20 47428
21 47428

Federal Register
Vol. 52, No. 239
Monday, December 14, 1987

Presidential Documents

Title 3—

The President

Proclamation 5752 of December 10, 1987

Human Rights Day, Bill of Rights Day, and Human Rights Week, 1987

By the President of the United States of America

A Proclamation

The Constitution whose Bicentennial we celebrate this year begins, "We the People," and thus tells Americans and all the world that we hold the individual as sovereign, not the government or any other political entity. The Bill of Rights, added to the Constitution in 1791, specifies individual liberties and adds that powers "not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The Founders of our country believed the rights of the individual are God-given, not originating from or granted by the state. Their timeless vision of individual liberties for all people is why we pause each December to express thanks for our heritage and to renew our commitment to the vital cause of human rights around the globe. We also celebrate the adoption of the Universal Declaration of Human Rights, which set human rights standards for all nations.

Tragically, governments in many lands deny this vision. Some make elaborate claims that citizens under their rule enjoy human rights and even offer illusory guarantees of those rights—but then reveal their absence through lack of due process, free elections, or freedom of religion, expression, and assembly. Their constitutions often declare openly that citizens' rights are subordinate to the interests of the state. Even if words look good on paper, the absence of structural safeguards against abuse of power means that freedoms may be taken away as easily as they are allowed. In countries where monopoly power rests with a single group or political entity, the scope for human liberty is narrow indeed.

These states pose the greatest threat to liberty, not only because under them people are denied the exercise of the most fundamental freedoms, but because they pose external as well as internal dangers. Unlimited power, exercised in the name of universalist ideologies, often tries to extend its control beyond borders, denying other peoples their human rights and self-determination.

Standing against these dangers are those people the world over who, undaunted by tremendous odds and great personal risk, continue to press for individual rights and freedoms. Their courageous struggle for human dignity is a triumph in itself, but the United States pledges continuing support to their efforts on behalf of human rights, fundamental freedoms, and democracy.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim December 10, 1987, as Human Rights Day and December 15, 1987, as Bill of Rights Day, and I call upon all Americans to observe the week beginning December 10, 1987, as Human Rights Week.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of December, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 87-28625
Filed 12-11-87; 11:01 am]
Billing code 3195-01-M

VOL 52 ISS 239 DEC 14 1987 UMI

Rules and Regulations

Federal Register
Vol. 52, No. 239
Monday, December 14, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 87-143]

Peach Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are quarantining part of Los Angeles County, California, because of the peach fruit fly, and restricting the interstate movement of regulated articles from the quarantined area. This emergency action is necessary to prevent the artificial spread of the peach fruit fly to noninfested areas of the United States.

DATES: This interim rule was effective on December 8, 1987. Consideration will be given only to comments postmarked or received on or before February 12, 1988.

ADDRESS: Send an original and two copies of written comments to Steven B. Farbman, Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 87-143. Comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Milton C. Homes, Operations Officer, Domestic and Emergency Operations Staff, PPQ, APHIS, USDA, Room 661, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-6365.

SUPPLEMENTARY INFORMATION:

Background

We are amending the "Domestic Quarantine Notices" in 7 CFR Part 301 by adding "Peach Fruit Fly" regulations (referred to below as the regulations). These regulations quarantine part of Los Angeles County, California, because of the peach fruit fly, and restrict the interstate movement of regulated articles from the quarantined area.

The peach fruit fly, *Dacus zonatus* (Saunders), is a very destructive pest of tropical and subtropical fruits, including mangos, guavas, tomatoes, apples, peaches, and loquats. This pest can cause serious economic losses by lowering the yield and quality of these fruits. Heavy infestations can result in complete loss of these crops.

Recent trapping surveys near Westchester, California, have established that part of Los Angeles County is infested with the peach fruit fly.

Officials of the United States Department of Agriculture (USDA), or the Department and state and county agencies in California have begun an intensive survey and eradication program in the infested area. Also, as explained below, California had restricted the intrastate movement of certain articles from the quarantined area to prevent the artificial spread of the peach fruit fly within California. However, Federal regulations are necessary to restrict the interstate movement of certain articles from the quarantined area to prevent the artificial spread of the peach fruit fly to noninfested areas in other states. This interim rule establishes those Federal regulations, which are described below.

Section 301.96 Prohibitions.

This section prohibits the interstate movement of regulated articles from quarantined areas except in accordance with the regulations.

Section 301.96-1 Definitions.

This section defines the following terms: "Administrator," "Certificate," "Compliance Agreement," "Department Permit," "Infestation," "Inspector," "Interstate," "Limited permit," "Moved," "Peach fruit fly," "Person," "Plant Protection and Quarantine," "Quarantined area," "Regulated article," and "State."

Section 301.96-2 Regulated articles.

Certain articles present a significant risk of spreading the peach fruit fly if they are moved from quarantined areas without restriction. We call these articles regulated articles. This section designates as regulated articles a number of fruits, nuts, vegetables, and berries, and soil within the drip line of plants that produce the fruits, nuts, vegetables, and berries. In addition, this section allows designation of any other product, article, or means of conveyance as a regulated article, if an inspector determines that it presents a risk of spread of the peach fruit fly and notifies the person in possession of the product, article, or means of conveyance that it is subject to the restrictions in the regulations. This last provision for "any other product, article, or means of conveyance" allows an inspector who discovers a risk of spreading peach fruit fly (e.g., a truck with peach fruit fly pupae in cracks in the floorboards) to regulate the product, article, or means of conveyance immediately, by informing the person in possession of the product, article, or means of conveyance that it is being regulated.

Fruits, nuts, vegetables, or berries that are canned, or dried, or frozen below −17.8 °C. (0 °F.) are not included as regulated articles, since the peach fruit fly cannot survive under those conditions.

Section 301.96-3 Quarantined areas.

This section states that the following areas will be listed as quarantined areas: (1) Each state in which an infestation of peach fruit fly exists, or (2) and 81-square-mile portion of a state surrounding the focal point of a peach fruit fly infestation. The Administrator may establish boundaries encompassing more or less than an 81-square-mile area, when he or she determines it is necessary to do so to establish readily identifiable boundaries.

This section also provides that we will designate less than an entire state as a quarantined area only if we determine that: (1) The state has adopted and is enforcing restrictions on the intrastate movement of regulated articles, and the restrictions are substantially the same as those imposed by the regulations on the interstate movement of those articles; and (2) quarantining less than the entire state

VOL 52 ISS 239 DEC 14 1987 UMI

will prevent the interstate spread of the peach fruit fly. These determinations would indicate that infestations are confined to the quarantined areas and eliminate the need for designating an entire state as a quarantined area.

In accordance with these criteria, we have quarantined the following area of Los Angeles County:

Los Angeles County: That portion of the county bounded by a line drawn as follows: beginning at the point where Moss Avenue intersects the Pacific Ocean coastline; then northeasterly along this avenue to its intersection with State Highway 1; then northeasterly along this highway to its intersection with U.S. Highway 10; then easterly along this highway to its intersection with Broadway; then south along Broadway to its intersection with Imperial Highway; then west along this highway to its intersection with Western Avenue; then south along this avenue to its intersection with Compton Avenue; then west along this avenue to its intersection with Marine Avenue; then westerly along Marine Avenue to its intersection with The Strand; then due west along an imaginary line from that intersection to the intersection of the imaginary line with the Pacific Ocean coastline; then northwesterly along this coastline to the point of beginning.

We have not quarantined the entire state of California because the peach fruit fly has not been found in other areas of the state, and because California has adopted and is enforcing restrictions on the intrastate movement of regulated articles, and the restrictions are substantially the same as those imposed by the regulations on the interstate movement of those articles.

Section 301.96–3 also provides that we may temporarily quarantine an area without publication in the **Federal Register**, if there is a reason to designate the area as a quarantined area in accordance with this section. After we give the owner or person in possession of the area written notice of the quarantine, interstate movement of any regulated article from the area will be subject to the regulations. This provision is necessary to prevent the artificial spread of the peach fruit fly during the time between discovery of the pest and the time a document quarantining the area can be published in the **Federal Register**.

Section 301.96–4 Conditions governing the interstate movement of regulated articles from quarantined areas.

This section requires most regulated articles moved interstate from quarantined areas to be accompanied by a certificate or a limited permit. The only exceptions are certain articles that move into the quarantined area from outside the quarantined area or that are moved by the Department for experimental or scientific purposes.

Except for articles moved by the Department, only articles that are moved into the quarantined area from outside the quarantined area and that are accompanied by a waybill that indicates the point of origin may be moved interstate without a certificate or limited permit. Additionally, the articles must be moved in an enclosed vehicle or be completely enclosed so as to prevent access by peach fruit flies. In most cases, except as explained below regarding Los Angeles International Airport, California, the regulated articles must also move directly through the quarantined area without stopping (except for refueling, rest stops, emergency repairs, and for traffic conditions such as traffic lights and stop signs) and the regulated articles must not be unpacked or unloaded in the quarantined area.

We are including special provisions, for regulated articles that transit Los Angeles International Airport as air cargo or as meals for aircraft passengers and crews. If these articles are moved into the quarantined area from outside the quarantined area and are enclosed or covered as specified above, they may be moved interstate without a certificate or limited permit, and not be subject to the regulations regarding stopping, unpacking, and unloading. Although Los Angeles International Airport is in the quarantined area, with proper covering or enclosure, regulated articles that are moved into the quarantined area from outside the quarantined area and that move as air cargo on meals through the airport can be moved interstate without a significant risk of spreading the peach fruit fly.

Also, the Department may move regulated articles interstate without a certificate or limited permit if the articles are moved for experimental or scientific purposes. However, the articles must be moved in accordance with a Departmental permit issued by the Administrator, under conditions that prevent the spread of the peach fruit fly.

Section 301.96–5 Issuance and cancellation of certificates and limited permits.

Under Federal domestic plant quarantine programs, there is a difference between the use of certificates and limited permits. Certificates are issued for regulated articles when an inspector finds that, because of certain conditions (e.g., the article is free of peach fruit fly), there is no pest risk before movement. Regulated articles accompanied by a certificate can be moved interstate without further restrictions. Limited permits are issued for regulated articles when an inspector finds that, because of a possible pest risk, the articles may be safely moved interstate only subject to further restrictions, such as movement to limited areas and movement for limited purposes. Section 301.96–5 explains the conditions for issuing a certificate or limited permit.

Specifically, § 301.96–5(a) provides that a certificate will be issued by an inspector for the movement of a regulated article if the inspector determines that the article: (1) Is free of peach fruit fly, has been treated under the supervision of an inspector, who must be present during the treatment, in accordance with § 301.96–10, or comes from a premises of origin that is free of peach fruit fly and the regulated article has not been moved from the premises of origin since September 22, 1987; (2) will be moved in compliance with any additional emergency conditions deemed necessary to prevent the spread of peach fruit fly under 7 U.S.C. 150dd; and (3) is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to that article.

We have included a footnote (number 1) that provides an address for securing the addresses and telephone numbers of the local Plant Protection and Quarantine offices at which services of inspectors may be requested. We have also included a footnote (number 2) that explains that the Secretary of Agriculture can, under 7 U.S.C. 150dd, take emergency actions to seize, quarantine, treat, destroy, or apply other remedial measures to articles that he or she has reason to believe are infested or infected by or contain plant pests.

Section 301.96–5(b) provides for the issuance of a limited permit (in lieu of a certificate) by an inspector for interstate movement of a regulated article if the inspector determines that the article is to be moved to a specified destination for specified handling, utilization or processing, and that the movement will not result in the spread of peach fruit fly.

Section 301.96–5(c) allows any person who has entered into and is operating under a compliance agreement to issue a certificate or limited permit for the interstate movement of a regulated article after an inspector has determined that the article is eligible for a certificate or limited permit under § 301.96–5 (a) or (b).

Also, § 301.96–5(d) contains provisions for the withdrawal of a certificate or limited permit by an inspector if the inspector determines that the holder of the certificate or limited permit has not complied with conditions for the use of the document. This section also contains provisions for notifying the holder of the reasons for the withdrawal and for holding a hearing if there is any conflict concerning any material fact.

Section 301.96–6 Compliance agreement and cancellation.

Section 301.96–6 provides for the issuance and cancellation of compliance agreements. Compliance agreements are provided for the convenience of persons who are involved in interstate shipments of regulated articles from quarantined areas. A compliance agreement will be issued when an inspector has determined that the person requesting the compliance agreement is knowledgeable regarding the requirements of Subpart 301.96, and the person has agreed to comply with those requirements. This section contains a footnote (number 3) to explain how compliance agreements may be arranged.

Section 301.96–6 also provides that an inspector may cancel the compliance agreement upon finding that a person who has entered into the agreement has failed to comply with any of the provisions of the regulations. The inspector will notify the holder of the compliance agreement of the reasons for cancellation and offer an opportunity for a hearing to resolve any conflicts of material fact.

Section 301.96–7 Assembly and inspection of regulated articles.

Section 301.96–7 provides that any person (other than a person authorized to issue certificates or limited permits under § 301.96–5(c)) who desires a certificate or limited permit to move regulated articles must request, at least 48 hours before the desired interstate movement, that an inspector issue a certificate or limited permit. The regulated article must be assembled wherever and in whatever way the inspector designates as necessary to comply with the regulations.

Section 301.96–8 Attachment and inspection of regulated articles.

Section 301.96–8 requires the certificate or limited permit issued for the movement of the regulated article to be attached, during the interstate movement, to the regulated article, or to a container carrying the regulated article, or to the accompanying waybill. Further, this section requires that the carrier must furnish the certificate or limited permit to the consignee at the destination of the regulated article.

These provisions are necessary for enforcement purposes and to ensure that persons desiring inspection services can obtain them before the intended movement date.

Section 301.96–9 Costs and charges.

Section 301.96–9 explains the APHIS policy that services of an inspector that are needed to comply with the provisions of the quarantine and regulations in Subpart 301.96 are provided without cost between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays, to persons requiring those services, but that we will not be responsible for any other costs or charges (such as overtime costs for inspections conducted at times other than between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays).

Section 301.96–10 Treatments.

Section 301.96–10 sets forth a treatment schedule that qualifies soil for the issuance of a certificate as provided in § 301.93–5. Based on research by the Agricultural Research Service, it has been determined that this treatment would destroy the peach fruit fly.

The treatment schedule for soil in § 301.96–10 is as follows:

Soil within the drip area of plants that are producing or have produced the fruits, nuts, vegetables, and berries listed in § 301.96–2(a) of this subpart: Apply diazinon at the rate of 5 pounds active ingredient per acre to the soil within the drip area, with sufficient water to wet the soil to at least a depth of ½ inch. Both immersion and pour-on treatment procedures are acceptable.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency situation exists, which warrants publication of this interim rule without prior opportunity for public comment. Because the peach fruit fly could be spread artifically to noninfested areas of the United States, it is necessary to act immediately to control its spread.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these emergency conditions, there is good cause under 5 U.S.C. 553 for making this interim rule effective upon signature. We will consider comments postmarked or received within 60 days of publication of this interim rule in the **Federal Register**. Any amendments we make to this interim rule as a result of these comments will be published in the **Federal Register** as soon as possible following the close of the comment period.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

Within the quarantined area, there are fewer than 115 small entities that may be affected, including 45 nurseries, 50 mobile fruit vendors, eight fruit stands, and eight companies catering to airlines. Except for the nurseries and caterers, most of the sales by the entities are local intrastate and will not be affected by the quarantine. Effects on the nurseries will be minimized by the availability of soil treatment under the regulations. Effects on the caterers will be negligible, because virtually all of their food products intended for interstate movement originate outside the quarantined area and, properly handled, will be permitted to be moved onto aircraft without a certificate or limited permit.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The regulations in this subpart contain no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local

VOL 52 ISS 239 DEC 14 1987 UMI

officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation, Peach fruit fly.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, 7 CFR Part 301 is revised to read as follows:

1. The authority citation for Part 301 continues to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff; 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

2. Part 301 is amended by adding a new "Subpart—Peach Fruit Fly" to read as follows:

Subpart—Peach Fruit Fly

Sec.

301.96 Restrictions on interstate movement of regulated articles.
301.96–1 Definitions.
301.96–2 Regulated articles.
301.96–3 Quarantined areas.
301.96–4 Conditions governing the interstate movement of regulated articles from quarantined areas.
301.96–5 Issuance and cancellation of certificates and limited permits.
301.96–6 Compliance agreement and cancellation.
301.96–7 Assembly and inspection of regulated articles.
301.96–8 Attachment and disposition of certificates and limited permits.
301.96–9 Costs and charges.
301.96–10 Treatments.

Subpart—Peach Fruit Fly

§ 301.96 Restrictions on interstate movement of regulated articles.

No person may move interstate from any quarantined area any regulated article except in accordance with this subpart.

§ 301.96–1 Definitions.

In this subpart the following definitions apply:

Administrator. The Administrator of the Animal and Plant Health Inspection Service, or any employee or the United States Department of Agriculture to whom the Administrator has delegated authority to act in his or her stead.

Certificate. A document in which an inspector or person operating under a compliance agreement affirms that the regulated article identified on the document has met the criteria in § 301.96–5(a) of this subpart and may be moved interstate to any destination.

Compliance agreement. A written agreement between Plant Protection and Quarantine and a person who moves regulated articles interstate, wherein the person agrees to comply with this subpart and any conditions imposed under it.

Departmental permit. A document issued by the Administrator, in which he or she affirms that interstate movement of the regulated article identified on the document is for scientific or experimental purposes, and that the regulated article is eligible for interstate movement in accordance with § 301.96–4(d) of this subpart.

Infestation. A finding by an inspector or a state or county cooperating agency within an area of less than 1 square mile and within the same trap servicing period (7 to 10 days), of any of the following: (1) One peach fruit fly larva, (2) one peach fruit fly pupa, (3) one mated adult female peach fruit fly, (4) more than five adult peach fruit flies, or (5) both an unmated adult female peach fruit fly and an adult male peach fruit fly.

Inspector. Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, United States Department of Agriculture, or other person authorized by the Administrator to enforce this subpart.

Interstate. From any state into or through any other state.

Limited permit. A document, in which an inspector or person operating under a compliance agreement affirms that the regulated article identified on the document is eligible for interstate movement in accordance with § 301.96–5(b) of this subpart only to a specified destination and only in accordance with specified conditions.

Moved. Shipped, offered to a common carrier for shipment, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved.

Peach fruit fly. The insect known as peach fruit fly, *Dacus zonatus* (Saunders), in any stage of development.

Person. Any association, company corporation, firm, individual, joint stock company, partnership, or society, or any other legal entity.

Plant Protection and Quarantine. Plant Protection and Quarantine, Animal and Plant Health Inspection Service, United States Department of Agriculture.

Quarantined area. Any state, or any portion of a state, listed in § 301.96–3(c) of this subpart or otherwise designated as a quarantined area in accordance with § 301.96–3(b) of this subpart.

Regulated article. Any article listed in § 301.96–2 (a) or (b) of this subpart or otherwise designated as a regulated article in accordance with § 301.96–2(c) of this subpart.

State. The District of Columbia, Puerto Rico, the Northern Mariana Islands, or any state, territory or possession of the United States.

§ 301.96–2 Regulated articles.

The following are regulated articles:

(a) The following fruits, nuts, vegetables, and berries:

Apple (*Malus sylvestris*)
Avocado (*Persea americana*)
Bitter gourd (*Momordica charantia*)
Citrus (*Citrus spp.*) (except smooth-skinned lemons of commerce)
Common guava (*Psidium guajava*)
Common quince (*Cydonia oblonga*)
Custard apple (*Annona reticulata*)
Date (*Phoenix dactylifera*)
Eggplant (*Solanum melongena*)
Fig (*Ficus carica*)
Grape (*Vitis spp.*)
Hibiscus (*Hibiscus spp.*)
Ivy gourd (*Coccinia grandis*)
Jujube (*Zizyphus jujuba*)
Kumquat (*Fortunella japonica*)
Loquat (*Eriobotrya japonica*)
Mango (*Mangifera indica*)
Melons (*Cucumis spp.*)
Okra (*Abelmoschus esculentus*)
Papaya (*Carica papaya*)
Pear (*Pyrus communis*)
Pepper, sweet (*Capsicum frutescens var. grossum*)
Persimmon, Japanese (*Diospyrus kaki*)
Phalsa (*Grewia spp.*)
Pomegranate (*Punica granatum*)
Sand Pear (*Pyrus pyrifolia*)
Sapote (*Pouteria sapota*)
Stone fruits (*Prunus spp.*)
Sugar apple (*Annona squamosa*)
Tomato (*Lycopersicon esculentum*)
Tropical almond (*Terminalia catappa*)
Walnut, with husk (*Juglans spp.*)
Watermelon (*Citrullus lanatus*)
White-flowered gourd (*Lagenaria spp.*)

Any fruits, nuts, vegetables, or berries that are canned or dried or frozen below −17.8° C. (0° F.) are not regulated articles.

(b) Soil within the drip area of plants that are producing or have produced the fruits, nuts, vegetables, or berries listed in paragraph (a) of this section.

(c) Any other product, article, or means of conveyance, not listed in paragraph (a) or (b) of this section, that an inspector determines presents a risk of spread of the peach fruit fly, when the inspector notifies the person in possession of the product, article, or means of conveyance that it is subject to the restrictions of this subpart.

§ 301.96–3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator will list as a quarantined area in paragraph (c) of this section each state in which a peach fruit fly infestation exists; or an 81-square-mile portion of a state surrounding the focal point of a peach fruit fly infestation. The Administrator may establish boundaries encompassing more or less than an 81-square-mile area, when he or she determines it is necessary to do so to establish readily identifiable boundaries. Less than an entire state will be listed as a quarantined area only if the Administrator determines that:

(1) The state has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than the entire state as a quarantined area will prevent the interstate spread of the peach fruit fly.

(b) The Administrator may designate any nonquarantined area in a state as a quarantined area in accordance with the criteria specified in paragraph (a) of this section for listing a quarantined area. The Administrator will give written notice of this designation to the owner or person in possession of the nonquarantined area; thereafter, the interstate movement of any regulated article from an area designated as a quarantined area is subject to this subpart. As soon as practicable, this area will be added to the list in paragraph (c) of this section, or the Administrator will terminate the designation. The owner or person in possession of an area for which designation is terminated will be given written notice of the termination as soon as practicable.

(c) The areas described below are designated as quarantined areas:

California

Los Angeles County: That portion of the county bounded by a line drawn as follows: Beginning at the point where Moss Avenue intersects the Pacific Ocean coastline; then northeasterly along this avenue to its intersection with State Highway 1; then northeasterly along this highway to its intersection with U.S. Highway 10; then easterly along this highway to its intersection with Broadway; then south along Braodway to its intersection with Imperial Highway; then west along this highway to its intersection with Western Avenue; then south along this avenue to its intersection with Compton Avenue; then west along this avenue to its intersection with Marine Avenue; then westerly along this avenue to its intersection with The Strand; then due west along an imaginary line from that intersection to the intersection of the imaginary line with the Pacific Ocean coastline; then northwesterly along this coastline to the point of beginning.

§ 301.96–4 Conditions governing the interstate movement of regulated articles from quarantined areas.

Any regulated article may be moved interstate from a quarantined area only if moved under the following conditions:

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.96–5 and 301.96–8 of this subpart.

(b) Without a certificate or limited permit, if:

(1) The regulated article is moving as air cargo or as a meal for aircraft passengers or crew, and it is transiting Los Angeles International Airport, California;

(2) The regulated article was moved into the quarantined area and is either moved in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by peach fruit flies (such as canvas, plastic, or closely woven cloth) while moving through the quarantined area; and

(3) The point of origin of the regulated article is indicated on a waybill accompanying the regulated article.

(c) Without a certificate or limited permit, if:

(1) The regulated article was moved into the quarantined area and is moved through (without stopping except for refueling, rest stops, or emergency repairs, or for traffic conditions such as traffic lights and stop signs) the quarantined area in an enclosed vehicle, or is completely enclosed by a covering adequate to prevent access by peach fruit flies (such as canvas, plastic, or closely woven cloth) while moving through the quarantined area; and

(2) The point of origin of the regulated article is indicated on the waybill accompanying the regulated article, and the enclosed vehicle or the enclosure that contains the regulated article is not opened, unpacked, or unloaded in the quarantined area.

(d) Without a certificate or limited permit, if the regulated article is moved:

(1) By the United States Department of Agriculture for experimental or scientific purposes;

(2) Pursuant to a Departmental permit for the regulated article;

(3) Under conditions specified on the Departmental permit and found by the Administrator to be adequate to prevent the spread of peach fruit fly and,

(4) With a tag or label bearing the number of the Departmental permit issued for the regulated article attached to the outside of the container of the regulated article or attached to the regulated article itself if it is not in a container.

§ 301.96–5 Issuance and cancellation of certificates and limited permits.

(a) An inspector [1] will issue a certificate for the interstate movement of a regulated article if the inspector:

(1) (i) Determines that the regulated article has been treated under the supervision of an inspector, who must be present during the treatment, in accordance with § 301.96–10 of this subpart; or

(ii) Determines, based on inspection of the premises of origin, that the premises of origin are free from peach fruit flies and the regulated article has not moved from the premises of origin since September 22, 1987.

(iii) Determines, based on inspection of the regulated article, that it is free of peach fruit fly; and

(2) Determines that the regulated article is to be moved interstate in compliance with any additional emergency conditions the Administrator may impose under 7 U.S.C. 150dd to prevent the spread of the peach fruit fly;[2] and

(3) Determines that the regulated article is eligible for unrestricted interstate movement under all other federal domestic plant quarantines and regulations applicable to the regulated article.

(b) An inspector will issue a limited permit for the interstate movement of a regulated article if the inspector:

(1) Determines that the regulated article is to be moved interstate to a specified destination for specified handling, utilization, or processing (the destination and other conditions to be listed in the limited permit), and this interstate movement will not result in the spread of the peach fruit fly because the peach fruit fly will be destroyed by the specified handling, utilization, or processing;

(2) Determines that the regulated article is to be moved interstate in compliance with any additional emergency conditions the Administrator may impose under 7 U.S.C. 150dd to prevent the spread of the peach fruit fly;[2] and

---

[1] Services of an inspector may be requested by contacting local offices of Plant Protection and Quarantine, which are listed in telephone directories. The addresses and telephone numbers of local offices of Plant Protection and Quarantine may also be obtained from National Programs, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

[2] Title 7 U.S.C. 150dd provides that the Secretary of Agriculture, or his or her delegates, may, under certain conditions, seize, quarantine, treat, destroy, or apply other remedial measures to, articles which he or she has reason to believe are infested or infected by or contain plant pests.

VOL 52 ISS 239 DEC 14 1987 UMI

(3) Determines that the regulated article is eligible for interstate movement under all other federal domestic plant quarantines and regulations applicable to the regulated article.

(c) Certificates and limited permits for use for interstate movement of regulated articles may be issued by an inspector or a person operating under a compliance agreement. A person operating under a compliance agreement may issue a certificate for the interstate movement of a regulated article if the inspector has determined that the regulated article is otherwise eligible for a certificate in accordance with paragraph (a) of this section. A person operating under a compliance agreement may issue a limited permit for interstate movement of a regulated article when the inspector has determined that the regulated article is eligible for a limited permit in accordance with paragraph (b) of this section.

(d) Any certificate or limited permit that has been issued may be withdrawn by an inspector orally or in writing, if he or she determines that the holder of the certificate or limited permit has not complied with all conditions under this subpart for the use of the certificate or limited permit. If the withdrawal is oral, the withdrawal and the reasons for the withdrawal will be confirmed in writing within 20 days of oral notification of the withdrawal. Any person whose certificate or limited permit has been withdrawn may appeal the decision in writing to the Administrator within ten days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the certificate or limited permit was wrongfully withdrawn. Within 60 days after receipt of the appeal, or as soon as practicable after a hearing, if a hearing is held, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator.

§ 301.96-6 Compliance agreement and cancellation.

(a) Any person who moves regulated articles interstate may enter into a compliance agreement when an inspector determines that the person understands this subpart.[3]

(b) Any compliance agreement may be cancelled orally or in writing by an inspector whenever the inspector finds that the person who has entered into the compliance agreement has failed to comply with this subpart or any conditions imposed pursuant to this subpart. If the cancellation is oral, the cancellation and the reasons for the cancellation will be confirmed in writing within 20 days of oral notification of the cancellation. Any person whose compliance agreement has been cancelled may appeal the decision, in writing, within ten days after receiving written notification of the cancellation. The appeal must state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully cancelled. Within 60 days after receipt of the appeal, or as soon as practicable after the hearing, if a hearing is held, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator.

§ 301.96-7 Assembly and inspection of regulated articles.

(a) Any person (other than a person authorized to issue certificates or limited permits under § 301.96-5(c) of this subpart) who desires to move interstate a regulated article accompanied by a certificate or limited permit must, at least 48 hours before the desired interstate movement, request an inspector [4] to issue the certificate or limited permit.

(b) The regulated article must be assembled at the place and in the manner the inspector designates as necessary to comply with this subpart.

§ 301.96-8 Attachment and disposition of certificates and limited permits.

(a) A certificate or limited permit required for the interstate movement of a regulated article must, at all times during the interstate movement, be attached to the outside of the container containing the regulated article, attached to the regulated article itself if it is not in a container, or attached to the consignee's copy of the accompanying waybill: *Provided however,* that the requirements of this section may be met by attaching the certificate or limited permit to the consignee's copy of the waybill only if the regulated article is sufficiently described on the certificte, limited permit, or waybill to identify the regulated article.

(b) The certificate or limited permit for the interstate movement of a regulated article must be furnished by the carrier to the consignee at the destination of the regulated article.

§ 301.96-9 Costs and charges.

The services of the inspector between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except holidays, will be furnished without cost to persons requiring the services. The United States Department of Agriculture will not be responsible for any other costs or charges.

§ 301.96-10 Treatments.

Treatment for soil within the drip area of plants that are producing or have produced the fruits, nuts, vegetables, and berries listed in § 301.96-2(a) of this subpart: Apply diazinon at the rate of 5 pounds active ingredient per acre to the soil within the drip area with sufficient water to wet the soil to at least a depth of ½ inch. Both immersion and pour-on treatment procedures are acceptable.

Done at Washington, DC, this 8th day of December 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87-28584 Filed 12-11-87; 8:45 am]

BILLING CODE 3410-34-M

[3] Compliance agreements may be arranged by contacting a local office of Plant Protection and Quarantine (local offices are listed in telephone directories), or by contacting National Programs, Plants Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

[4] See footnote 1 to § 301.96-5(a).

---

7 CFR Part 319

[Docket No. 87-141]

Ethylene Dibromide; Mangoes

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending "Subpart—Fruits and Vegetables" by removing provisions that allowed mangoes to be fumigated with ethylene dibromide (EDB) as a condition-of-entry treatment before being imported into the United States. Because of action taken by the Environmental Protection Agency, EDB may no longer be used as a treatment for mangoes.

DATES: Interim rule effective December 14, 1987. Consideration will be given only to comments postmarked or received on or before February 12, 1988.

ADDRESS: Send an original and two copies of written comments to Steven B. Farbman, Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 87-141. Comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. F.E. Cooper, Senior Operations Officer, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 670, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8248.

SUPPLEMENTARY INFORMATION:

Background

The regulations in "Subpart—Fruits and Vegetables" (contained in 7 CFR 319.56 *et seq.* and referred to below as the regulations) regulate the importation of fruits and vegetables into the United States.

Before the publication of this document, §§ 319.56-2h and 319.56-2i of these regulations provided for mangoes, in their country of origin, to be fumigated with ethylene dibromide as a condition-of-entry treatment before they were imported into the United States from Central America, the West Indies, Brazil, and Mexico. These treatments helped prevent the introduction of certain fruit flies into the United States.

Because of action taken by the Environmental Protection Agency (EPA), ethylene dibromide may no longer be used as a condition-of-entry treatment for mangoes imported into the United States. We are therefore removing the provisions of §§ 319.56-2h and 319.56-2i. Consequently, mangoes can no longer be fumigated with ethylene dibromide.

Before October 1, 1987, a tolerance of .03 ppm (in the edible pulp) for residues of EDB per se in or on mangoes had been established by EPA for the use of EDB in foreign countries as a fumigant after harvest in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture. The tolerance expired at midnight, September 30, 1987. Consequently, the tolerance for residues of EDB per se in or on mangoes is zero, and EDB cannot be used as a fumigant for mangoes without leaving residues.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists, which warrants publication of this interim rule without prior opportunity for public comment.

Because of the action taken by EPA, ethylene dibromide may no longer be used as a condition-of-entry treatment for mangoes imported into the United States.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these emergency conditions, there is good cause under 5 U.S.C. 553 to make this interim rule effective upon publication. We will consider comments on this interim rule that are postmarked or received within 60 days of publication. As soon as possible after the comment period closes, we will publish another document in the **Federal Register** discussing the comments we received and any amendments we are making to the rule as a result of those comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than 100 million dollars; will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

This document merely reflects that because of action taken by EPA, ethylene dibromide may no longer be used as a condition-of-entry treatment for the importation of mangoes into the United States. For this reason, no analysis of this action has been made under the Regulatory Flexibility Act.

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 7 CFR Part 319

Agricultural commodities, Imports, Mangoes, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation.

Accordingly, 7 CFR Part 319 is amended as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for Part 319 continues to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff; 151-167; 7 CFR 2.17, 2.51, and 371.2(c).

§§ 319.56-2h and 319.56-2i [Removed and Reserved]

2. "Subpart—Fruit and Vegetables" (7 CFR 319.56 through 319.56-8) is amended by removing §§ 319.56-2h and 319.56-2i, and by designating these sections as "Reserved."

Done at Washington, D.C., this 8th day of December, 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87-28582 Filed 12-11-87; 8:45 am]

BILLING CODE 3410-34-M

---

7 CFR Part 352

[Docket No. 87-132]

Avocados From Mexico Transiting the U.S. to Foreign Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that amended the Plant Quarantine Safeguard regulations by adding specific requirements for shipping avocados from Mexico through the United States to other destinations. The interim rule was necessary to prevent injurious plant pests that might be carried by avocados from Mexico from being introduced into the United States.

EFFECTIVE DATE: January 13, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Cooper, Senior Operations Officer, Import Unit, Port Operations Staff, PPQ, APHIS, USDA, Room 670, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301-436-8248.

VOL
52
ISS
2
39
DE
14
1987
UMI

SUPPLEMENTARY INFORMATION:

Background

On July 23, 1987, we published in the Federal Register (52 FR 27669–27672, Docket Number 87–101) an interim rule that amended the regulations in 7 CFR Part 352 by adding specific requirements for shipping avocados from Mexico through the United States to other destinations. These requirements include a prohibition on shipping avocados from Mexico through certain areas of the western and southeastern United States to protect the plant industry in the United States against plant pests that might be carried by the avocados from Mexico. Our interim rule invited the submission of written comments, which were required to be postmarked or received on or before September 21, 1987. We received 138 comments. One hundred thirty-six commenters supported the interim rule as published, and the following 2 commenters opposed.

Comments

One commenter states that the geographical restrictions on shipping avocados from Mexico and Japan, and that APHIS has not provided sufficient biological evidence to justify the geographical restrictions.

As stated in the interim rule, we have determined that the risk of avocados from Mexico introducing the Mexican fruit fly into the western and southeastern United States may be significant. Various authors have rated the avocado as a statisfactory, secondary, inferior, or tertiary host of the Mexican fruit fly. Since the 1930's, we have intercepted avocados infested with fruit fly larvae, many times identified as *A. ludens*, approximately 200 times. Although we know that certain cultivars of avocados are resistant to attack by various species of fruit flies, we do not have sufficient data on the susceptibility of Hass avocados to the Mexican fruit fly. Avocado seed weevils and the avocado seed moth also may pose a significant pest risk in areas of the United States where avocados are grown. The seed weevils, for example, pupate within the seed of avocados and emerge from the fruit as adults. We commonly intercept avocado seed weevils and the avocado seed moth in avocados from Mexico. These pests could become established in the United States if introduced into areas of the United States where avocados are grown. Therefore, to protect U.S. crops from the Mexican fruit fly, the avocado seed weevil, and the avocado seed moth, we must prohibit avocados from Mexico from being shipped through the western and southeastern United States.

The other commenter, an avocado grower in southern California, objects to APHIS allowing avocados from Mexico to be shipped from the United States to foreign markets. The commenter fears that plant pests from Mexico will travel with the fruits and eventually infest crops in the United States. APHIS recognizes this concern, and that is the reason we have prohibited avocados from Mexico from being shipped through the western and southeastern United States, where pests that may be carried by the avocados could become established. In addition, we have placed strict requirements on the movement of avocados from Mexico through the United States. The owner or owner's agent must obtain a permit to move the avocados through the United States, must declare the avocados upon arrival at a port in the United States, and must make the avocados available for examination by an inspector. The avocados may enter the United States only at Houston, Texas; the border ports of Nogales, Arizona, or Brownsville, Eagle Pass, El Paso, Hidalgo, or Laredo, Texas; or at other ports within approved shipping areas in the United States for avocados. The avocados must be transported through the United States either by air or in a refrigerated truck or rail car or in refrigerated containers on a truck or rail car. If the avocados are containerized, an inspector must seal the containers with a serially numbered seal at the port of arrival. If the avocados are shipped in a refrigerated truck or rail car, an inspector must seal the truck or rail car with a serially numbered seal at the port of arrival. If the avocados are transferred to another vehicle or container in the United States, an inspector must be present to supervise the transfer and must apply a new serially numbered seal. The avocados must be shipped through the United States under Customs bond, a monetary bond given by an owner to guarantee, among other things, that the avocados are moved in accordance with the regulations. APHIS feels confident that these measures will protect U.S. crops from plant pests that may be carried by avocados from Mexico.

The facts presented in the interim rule still provide a basis for the rule.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

With the exception of geographical routes through the United States, this rule does not make any changes in the current requirements for shipping avocados from Mexico through the United States for export. This rule restricts the movement of avocados from Mexico to that area of the United States bounded on the west and south by a line extending from El Paso, Texas, to Salt Lake City, Utah, to Portland, Oregon, and due west from Portland; and on the east and south by a line extending from Brownsville, Texas, to Houston, Texas, to Kinder, Louisiana, to Memphis, Tennessee, to Louisville, Kentucky, and due east from Louisville. During the past year, we granted four permits that allowed certain avocados from Mexico to be shipped through the western and southeastern United States. One of the permits has expired. Three of these permits were to be effective through part of 1988. The interim rule invalidated those permits. However, these permit holders may apply for new permits that prescribe a shipping route within the permitted area of the United States. The rule did not prohibit these permit holders from moving their avocados through the United States; it merely restricted the shipping routes.

Under the circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 7 CFR Part 352

Agricultural commodities, Customs duties and inspection, Imports, Plant disease, Plant pest, Plants (Agriculture), Postal service, Quarantine, Transportation.

PART 352—PLANT QUARANTINE SAFEGUARD REGULATIONS

Accordingly, the interim rule amending 7 CFR Part 352 that was published at 52 FR 27669–27672 on July 23, 1987, is adopted as a final rule.

Authority: 7 U.S.C. 149, 150bb, 150dd, 150ee, 150ff, 154, 159, 166, 162, and 2260; 31 U.S.C. 9701; and 7 CFR 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 8th day of December, 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87–28583 Filed 12–11–87; 8:45 am]

BILLING CODE 3410-34-M

Federal Crop Insurance Corporation

7 CFR Part 413

[Amdt. No. 2; Doc. No. 4898S]

Texas Citrus Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) amends the Texas Citrus Crop Insurance Regulations (7 CFR Part 413), effective for the 1989 crop year. The intended effect of this rule is to maintain the effectiveness of the present Texas Citrus Crop Insurance Regulations (7 CFR Part 413) only through the 1988 crop year. It is proposed in a separate document that the provisions currently contained in this Part will be issued as an endorsement to 7 CFR Part 401, General Crop Insurance Regulations as § 401.115, Texas Citrus Endorsement, effective for the 1989 and succeeding crop years. 7 CFR Part 401 is a standard set of regulations and a master policy for insuring most crops which substantially reduces: (1) The time involved in amendment or revision; (2) the necessity of the present repetitious review process; and (3) the volume of paperwork processed by FCIC.

EFFECTIVE DATE: December 14, 1987.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Department Regulation 1512–1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is April 1, 1990.

Edward D. Hews, Acting Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, Federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

FCIC has published over 40 policies to cover insurance on that many different crops. Many of the regulations and policies contain identical language, which, if changed requires that over 40 different policies be changed, both in the Code of Federal Regulations (CFR) and the printed policy language. This repetition of effort is both inefficient and expensive. FCIC, therefore, has published in 7 CFR Part 401, one set of regulations and one master policy to contain that language which is identical in most of the policies and regulations.

As revisions on individual policies are necessary, FCIC will publish a "crop endorsement" which will contain the language of the policy unique to that crop, and any exceptions to the master policy language necessary for that crop. When an endorsement is published as a section to Part 401, effective for a subsequent crop year, the present policy contained in a separate part of Chapter IV is terminated at the end of the crop year then in effect.

In order to clearly establish that 7 CFR Part 413 will be effective only through the end of the 1987 crop year, FCIC amends the subpart heading of these regulations to specify that such will be the case.

On Wednesday, September 9, 1987, FCIC published a notice of proposed rulemaking in the Federal Register at 52 FR 33941, to amend 7 CFR Part 413 as set forth above. The public was given 30 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, FCIC adopts as final the proposed rule published at 52 FR 33941 amending the subpart heading to provide that 7 CFR Part 413 will be effective for the 1986 and 1987 crop years only.

List of Subjects in 7 CFR Part 413

Crop insurance, Texas citrus.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation amends the Subpart heading to the Texas Citrus Crop Insurance Regulations (7 CFR Part 413), as follows:

PART 413—[AMENDED]

1. The Authority citation for 7 CFR Part 413 continues to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. The Subpart heading in 7 CFR Part 413 is revised to read as follows:

Subpart—Regulations for the 1987 and 1988 Crop Years

Done in Washington, DC on November 24, 1987.

Edward D. Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 87–28686 Filed 12–11–87; 8:45 am]

BILLING CODE 3410-08-M

VOL 52 ISS 239 DEC 14 1987 UMI

7 CFR Part 423

[Amdt. No. 1; Doc. No. 5058S]

Flax Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) amends the Flax Crop Insurance Regulations (7 CFR Part 423), effective for the 1988 crop year. The intended effect of this rule is to maintain the effectiveness of the present Flax Crop Insurance Regulations only through the 1987 crop year. It is proposed in a separate document that the provisions currently contained in this Part will be issued as an endorsement to 7 CFR Part 401, General Crop Insurance Regulations as § 401.116, Flax Endorsement, effective for the 1988 and succeeding crop years. 7 CFR Part 401 is a standard set of regulations and a master policy for insuring most crops which substantially reduces: (1) The time involved in amendment or revision; (2) the necessity of the present repetitious review process; and (3) the volume of paperwork processed by FCIC.

EFFECTIVE DATE: December 14, 1987.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC, 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512–1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is August 1, 1989.

Edward D. Hews, Acting Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

FCIC has published over 40 policies to cover insurance on that many different crops. Many of the regulations and policies contain identical language, which, if changed requires that over 40 different policies be changed, both in the Code of Federal Regulations (CFR) and the printed policy language. This repetition of effort is both inefficient and expensive. FCIC, therefore, has published in 7 CFR Part 401, one set of regulations and one master policy to contain that language which is identical in most of the policies and regulations.

As revisions on individual policies are necessary, FCIC proposes to publish a "crop endorsement" which will contain the language of the policy unique to that crop, and any exceptions to the master policy language necessary for that crop. When an endorsement is published as a section to Part 401, effective for a subsequent crop year, the present policy contained in a separate part of Chapter IV will be terminated at the end of the crop year then in effect.

In order to clearly establish that 7 CFR Part 423 will be effective only through the end of the 1987 crop year, FCIC herein amends the subpart heading of these regulations to specify that such will be the case.

On Tuesday, September 1, 1987, FCIC published a notice of proposed rulemaking in the **Federal Register** at 52 FR 32931 to amend 7 CFR Part 423 as set forth above. The public was given 30 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, FCIC adopts as final the proposed rule published at 52 FR 32931 amending the subpart heading to provide that 7 CFR Part 423 will be effective for the 1986 and 1987 crop years only.

List of Subjects in 7 CFR Part 423

Crop insurance, Flax.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Subpart heading to the Flax Crop Insurance Regulations (7 CFR Part 423), as follows:

PART 423—[AMENDED]

1. The Authority citation for 7 CFR Part 423 continues to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. The Subpart heading in 7 CFR Part 423 is revised to read as follows:

Subpart—Regulations for the 1986 and 1987 Crop Years

Done in Washington, DC on November 24, 1987.

Edward D. Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 87–28687 Filed 12–11–87; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 431

[Amdt. No. 1; Doc. No. 5057S]

Soybean Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) amends the Soybean Crop Insurance Regulations (7 CFR Part 431), effective for the 1988 crop year. The intended effect of this rule is to maintain the effectiveness of the present Soybean Crop Insurance Regulations only through the 1987 crop year. It is proposed in a separate document that the provisions currently contained in this Part will be issued as an endorsement to 7 CFR Part 401, General Crop Insurance Regulations as § 401.117, Soybean Endorsement, effective for the 1988 and succeeding crop years. 7 CFR Part 401 is a standard set of regulations and a master policy for insuring most crops which substantially reduces: (1) The time involved in amendment or revision; (2) the necessity of the present repetitious review process; and (3) the volume of paperwork processed by FCIC.

EFFECTIVE DATE: December 14, 1987.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512–1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is August 1, 1989.

Edward D. Hews, Acting Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

FCIC has published over 40 policies to cover insurance on that many different crops. Many of the regulations and policies contain identical language which, if changed, requires that over 40 different policies be changed, both in the Code of Federal Regulations (CFR) and the printed policy language. This repetition of effort is both inefficient and expensive. FCIC, therefore, has published in 7 CFR Part 401 one set of regulations and one master policy to contain that language which is identical in most of the policies and regulations.

As revisions on individual policies are necessary, FCIC proposes to publish a "crop endorsement" which will contain the language of the policy unique to that crop, and any exceptions to the master policy language necessary for that crop. When an endorsement is published as a section to Part 401, effective for a subsequent crop year, the present policy contained in a separate part of Chapter IV will be terminated at the end of the crop year then in effect.

In order to clearly establish that 7 CFR Part 431 will be effective only through the end of the 1987 crop year, FCIC herein amends the subpart heading of these regulations to specify that such will be the case.

On Tuesday, September 1, 1987, FCIC published a notice of proposed rulemaking in the **Federal Register** at 52 FR 32932 to amend 7 CFR Part 431 as set forth above. The public was given 30 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, FCIC adopts as final the proposed rule published at 52 FR 32932 amending the subpart heading to provide that 7 CFR Part 431 will be effective for the 1986 and 1987 crop years only.

List of Subjects in 7 CFR Part 431

Crop insurance, Soybean.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Subpart heading to the Soybean Crop Insurance Regulations (7 CFR Part 431), as follows:

PART 431—[AMENDED]

1. The Authority citation for 7 CFR Part 431 continues to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. The Subpart heading in 7 CFR Part 431 is revised to read as follows:

Subpart—Regulations for the 1986 and 1987 Crop Years

Done in Washington, DC on November 24, 1987.

Edward D. Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 87–28688 Filed 12–11–87; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 432

[Amendment No. 2; Doc. No. 4900S]

Corn Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) amends the Corn Crop Insurance Regulations (7 CFR Part 432), effective for the 1988 crop year. The intended effect of this rule is to maintain the effectiveness of the present Corn Crop Insurance Regulations (7 CFR Part 432) only through the 1987 crop year. It is proposed in a separate document that the provisions currently contained in this Part will be issued as an endorsement to 7 CFR Part 401, General Crop Insurance Regulations as § 401.111, Corn Endorsement, effective for the 1988 and succeeding crop years. 7 CFR Part 401 is a standard set of regulations and a master policy for insuring most crops which substantially reduces: (1) The time involved in amendment or revision; (2) the necessity of the present repetitious review process; and (3) the volume of paperwork processed by FCIC.

EFFECTIVE DATE: December 14, 1987.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512–1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is July 1, 1990.

Edward D. Hews, Acting Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons.

VOL 52 ISS 239 DEC 14 1987 UMI

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

FCIC has published over 40 policies to cover insurance on that many different crops. Many of the regulations and policies contain identical language, which, if changed, requires that over 40 different policies be changed, both in the Code of Federal Regulations (CFR) and the printed policy language. This repetition of effort is both inefficient and expensive. FCIC, therefore, has published in 7 CFR Part 401 one set of regulations and one master policy to contain the language which is identical in most of the policies and regulations.

As revisions on individual policies are necessary, FCIC will publish a "crop endorsement" which will contain the language of the policy unique to that crop, and any exceptions to the master policy language necessary for that crop. When an endorsement is published as a section to Part 401, effective for a subsequent crop year, the present policy contained in a separate part of Chapter IV is terminated at the end of the crop year then in effect.

In order to clearly establish that 7 CFR Part 432 will be effective only through the end of the 1987 crop year, FCIC amends the subpart heading of these regulations to specify that such will be the case.

On Wednesday, September 9, 1987, FCIC published a notice of proposed rulemaking in the **Federal Register** at 52 FR 33942, to amend 7 CFR Part 432 as set forth above. The public was given 30 day in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, FCIC adopts as final the proposed rule published at 52 FR 33942 amending the subpart heading to provide that 7 CFR Part 432 will be effective for the 1986 and 1987 crop years only.

List of Subjects in 7 CFR Part 432

Crop insurance, Corn.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation amends the Subpart heading to the Corn Crop Insurance Regulations (7 CFR Part 432), as follows:

PART 432—[AMENDED]

1. The Authority citation for 7 CFR Part 432 continues to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. The Subpart heading in 7 CFR Part 432 is revised to read as follows:

Subpart—Regulations for the 1986 and 1987 Crop Years

Done in Washington, DC on November 24, 1987.

Edward D. Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 87–28685 Filed 12–11–87; 8:45 am]

BILLING CODE 3410-08-M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 87–153]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that amended the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of Ohio from Class A to Class Free. This action is necessary because Ohio meets the standards for Class Free status. That action relieved certain restrictions on the interstate movement of cattle from Ohio.

EFFECTIVE DATE: Janaury 13, 1988.

FOR FURTHER INFORMATION CONTACT: Dr. Jan Huber, Senior Staff Veterinarian, Domestic Programs Support Staff, Veterinary Services, APHIS, USDA, Room 812, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301–436–5965.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule published in the **Federal Register** and effective June 11, 1987 (52 FR 22290–22292, Docket Number 87–070), we amended the regulations in 9 CFR Part 78 governing the interstate movement of cattle because of brucellosis by changing the classification of Ohio from Class A to Class Free. We did not receive any comments, which were required to be postmarked or received on or before August 10, 1987. The facts presented in the interim rule still provide a basis for this rule.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule". Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of Ohio reduces certain testing and other requirements on the interstate movement of these cattle. Testing requirements for cattle moved interstate for immediate slaughter or to quarantined feedlots are not affected by the changes in status. Cattle from certified brucellosis free herds moving interstate are not affected by this change in status. We have determined that the change in brucellosis status made by the interim rule will not affect market patterns significantly and will not have a significant economic impact on those persons affected by this rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR Part 78 and that was published at 52 FR 22290–22292 on June 11, 1987.

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 9th day of December, 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87–28658 Filed 12–11–87; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 337

Unsafe and Unsound Banking Practices

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The FDIC is amending its regulations governing the securities activities of certain subsidiaries of insured nonmember banks and the affiliate relationships of insured nonmember banks with certain securities companies. The amendments: (1) Delete the requirement that the offices of securities subsidiaries and affiliates must be accessed through a separate entrance from that used by the bank (the existing requirement for physically separate offices is retained), (2) delete the prohibition against securities subsidiaries and affiliates sharing a common name or logo with the bank, and (3) establish a number of affirmative disclosure requirements to the effect that securities recommended, offered or sold by or through a securities subsidiary or affiliate are not FDIC insured deposits unless otherwise indicated and that such securities are not obligations of, nor are guaranteed by the bank.

EFFECTIVE DATE: December 14, 1987.

FOR FURTHER INFORMATION CONTACT: Pamela E.F. LeCren, Senior Attorney, Legal Division, (202) 898–3730, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: In November 1984, the Board of Directors of the FDIC added § 337.4 to Part 337 of its regulations titled "Unsafe and Unsound Banking Practices" (12 CFR Part 337) (49 FR 46709, November 28, 1984). Section 337.4 governs certain securities activities of subsidiaries of insured nonmember banks as well as affiliate relationships between insured nonmember banks and certain types of securities companies. The regulation was adopted as a result of a rulemaking procedure initiated in 1982 after the Board of Directors issued a policy statement concerning the applicability of the Glass-Steagall Act (12 U.S.C. 24 (Seventh), 78, 377 and 378) to affiliates and subsidiaries of insured nonmember banks (47 FR 38984, September 3, 1982). The policy statement concluded that the Glass-Steagall Act does not prohibit insured nonmember banks from being affiliated with securities companies nor from establishing or acquiring a securities subsidiary. Inasmuch as it was also the Board of Directors' conclusion that certain indirect securities activities could pose safety and soundness and other concerns if unregulated, the FDIC sought comment on the need to adopt regulations governing such activities. The FDIC issued an Advance Notice of Proposed Rulemaking in 1982 (47 FR 42141), a Proposed Regulation in 1983 (48 FR 22155), and a revised Proposed Regulation in 1984 (49 FR 18497). The final regulation became effective on December 28, 1984.[1]

[1] On August 10, 1987, President Reagan signed into law the Competitive Equality Banking Act of 1987 (Pub. L. 100–86). Section 103 of that Act made section 20 and 32 of the Glass-Steagall Act (12 U.S.C. 377, 78) applicable to nonmember banks to the same extent as member banks for the period beginning from March 6, 1987, to March 1, 1988. Sections 20 and 32 respectively limit the ability of a member bank to affiliate with a company principally engaged in certain securities activities and interlocks between member banks and securities companies primarily engaged in certain securities activities. Affiliations established prior to March 5, 1987 are grandfathered as are officer, director, and employee interlocks established in connection with such affiliations.

In general, the regulation was designed to protect bank safety and soundness, to insure the legal separateness of a bank from its securities subsidiary or affiliate, and to prevent possible confusion on the part of the public which could give rise to claims against the deposit insurance fund and/or claims against the FDIC as receiver of a closed bank. The FDIC sought to achieve these ends by, among other things: (1) Prohibiting the use by an insured nonmember bank of a name or logo common to that used by its securities subsidiary or affiliate if that subsidiary or affiliate engages in securities activities prohibited to the bank by the Glass-Steagall Act, and (2) requiring that an insured nonmember bank be physically separate and distinct in its operations from the operations of such a securities subsidiary or affiliate. The regulation required at a minimum separate offices clearly identified as belonging to the subsidiary or affiliate that share no common entrance with the bank except for a common outer lobby or common corridor. (Insured nonmember banks that had become affiliated with a securities company prior to December 28, 1984, or which prior to that date established or acquired a securities subsidiary, were given until December 28, 1985, to comply with the common name and logo and physical separation provisions of the regulation.)

In December 1985, the FDIC received two petitions requesting that the FDIC reconsider the prohibition on the use of a common name or logo by a bank and its securities affiliate. The petitions were filed by Merrill Lynch Bank and Trust, Princeton, New Jersey and Prudential Bank and Trust, Atlanta, Georgia. Both petitioners became affiliated with a securities company prior to December 28, 1984. Prudential Bank and Trust was acquired by a company which was also affiliated with a securities firm and Merrill Lynch Bank and Trust (whose parent also owns a securities company) was formed as a newly-incorporated bank. A third petition requesting that the FDIC reconsider the separate office/separate entrance requirement for a bank's subsidiary was filed by Washington Mutual Savings Bank, Seattle, Washington. Washington Mutual Savings Bank acquired a securities subsidiary prior to December 28, 1984. The FDIC subsequently received several letters from other insured nonmember banks which supported the petitions. In order to afford the FDIC sufficient opportunity to study the petitions, the Board of Directors extended the December 28,

BEST COPY AVAILABLE

VOL 52 ISS 239 DEC 14 1987 UMI

1985, compliance deadline with the separate office/separate entrance and name provisions of the regulation for pre-existing affiliate and subsidiary relationships until June 30, 1986 (51 FR 880, January 9, 1986).

At its June 16, 1986, Board of Directors meeting the FDIC's Board of Directors voted to grant the petitioners' request for reconsideration and to solicit comment on whether or not to retain or modify in some manner the prohibition on the use of a common name or logo and the separate office/separate entrance requirement. The Board of Directors at that time also voted to extend the June 30, 1986, compliance deadline with these provisions to December 31, 1986, for institutions with affiliate and/or subsidiary relationships that pre-dated the effective date of the regulation. (51 FR 23405, June 27, 1986). The compliance deadline was extended in order to accommodate the solicitation of comment on the issue of whether or not to retain, eliminate, or modify the relevant provisions of the regulation. Request for comment was published on August 20, 1986. (51 FR 29658). The compliance deadline was subsequently extended until June 30, 1987, (51 FR 45755, December 22, 1986) and once again extended until October 15, 1987, (52 FR 23543, June 23, 1987) inasmuch as the rulemaking had not been completed.

The FDIC received 38 comments in response to its request for comments on the general issue of whether or not to retain, eliminate, or modify the common name and logo prohibition and the separate office/separate entrance requirement. After carefully reviewing those comments, the FDIC's Board of Directors voted to propose a specific amendment to § 337.4. (52 FR 11492, April 9, 1987. The amendments as proposed by the FDIC: (1) Deleted the requirement that a securities subsidiary and/or affiliate must have a separate entrance from that used by the bank; (2) allowed a securities subsidiary and/or affiliate to utilize separate "office space" within the bank's branches; (3) deleted the prohibition against a securities subsidiary and/or affiliate sharing a common name or logo with the bank; and (4) established certain affirmative disclosure requirements to the effect that investments recommended, offered or sold by or through the securities subsidiary and/or affiliate are not FDIC insured deposits, that the subsidiary and/or affiliate are separate organizations from the bank, and that the obligations of the subsidiary and/or affiliate are not obligations of, or guaranteed by, the bank.

The disclosures were required to be given in the following circumstances: (1) A one time written disclosure had to be provided by the affiliate and/or subsidiary to each customer or prospective customer at the inception of the customer relationship prior to executing or entering into any transactions with, or on behalf of, the customer. The subsidiary and/or affiliate also had to provide the disclosure to individuals who established their customer relationship prior to the effective date of the amendment at the time of such customer's first transaction with the affiliate or the subsidiary after the date the amendment became effective; (2) any advertisements, solicitations, promotions or similar communications with customers or prospective customers which jointly promoted or discussed the services or products of the affiliate and/or subsidiary and the bank had to carry the disclosure; (3) if the bank and its subsidiary or affiliate used the same or a similar name, all written communications with the bank's customers by the affiliate or the subsidiary, either directly or indirectly through the bank, had to carry the disclosure; and (4) if the bank's subsidiary or affiliate recommended, offered, or sold any investment instrument denominated with the same or a similar name to that shared by the bank and its subsidiary or affiliate, the disclosure had to be given to the customer prior to the execution of the trade.

The comment period on the proposed amendments closed on May 11, 1987. The FDIC received a total of 23 comments. A summary of those comments is set forth below.

Overall Comment Summary

All but one of the comments were in favor of the FDIC's proposal to eliminate the prohibition on the use of a common name or logo, to eliminate the separate entrance requirement, and to allow the use of separate "office space" to satisfy the physical separation requirement. The comments which discussed the separate office/separate entrance requirement urged the FDIC not to specify what is necessary to achieve physical separation inasmuch as to do so would prevent banks from complying with the regulation in the most effective manner and it would also deter innovation.

Overall, the comments focused on the proposed disclosure requirements. In general, the comments acknowledged and supported the concept that disclosure is the most effective means for preventing customer confusion. ("The elements of the proposed disclosure are essentially those that a responsible corporate counsel would recommend for the protection of the bank, its subsidiary or affiliate, and its customers.") Most strongly argued, however, that several of the disclosure proposals were overly broad and that, in some instances, compliance with the proposals would be both costly and burdensome. It was suggested by several comments that the disclosure requirements only be triggered in situations in which a bank and its subsidiary or affiliates share a common name or logo, share offices, or jointly market their products and services. According to these comments, it is only in such situations that customer confusion is likely to arise whereas, absent any of these three, the likelihood of a customer confusing an investment product offered by a bank's subsidiary or affiliate with an insured deposit of the bank is minimal. Several comments agreed that disclosures were appropriate when a security carrying the same name as the bank is sold that requiring disclosure to customers prior to their initial transaction with the subsidiary or affiliate was a good idea. As far as the need to require any continuing, periodic disclosure, one comment indicated that disclosure in confirmations should provide frequent reminders to customer at a manageable cost. Several comments indicated that affirmative disclosure requirements are unnecessary inasmuch as sections of the current regulation (Sections 337.4(a)(2)(ix)), and (c)(6)) already require subsidiaries and affiliates to conduct their business pursuant to independent policies and procedures designed to inform customers and prospective customers that the bank, the subsidiary, and the affiliate are separate entities, that the bank does not guarantee the obligations of the subsidiary or affiliate, and that investment products offered, recommended or sold by the subsidiary of affiliate are not FDIC insured deposits. These comments indicated that if the FDIC feels that these provisions need further elaboration, the FDIC could simply insert language in the regulation indicating that it is the FDIC's intent to prohibit any subsidiary or affiliate from misrepresenting that its investment products are bank obligations or that they are FDIC deposits, lastly, numerous other comments suggested ways in which the proposed disclosures could be modified to lessen the burden of compliance and to allow for greater flexibility. (See below.)

Specific Objections Raised to Proposed Disclosure Requirement and Suggested Changes

1. The proposed one time disclosure to all new customers (disclosure to existing customers to be given at time of first transaction after effective date of regulation) is overly broad. Compliance would be costly if the affiliate/subsidiary's client base is large and that client base far exceeds the bank's customer base. In such event, disclosure would serve no purpose and may confuse the distinction between FDIC and SIPC insurance coverage.

2. If disclosure is required to all new as well as existing customers, it should only be required in instances in which the bank and its affiliate/subsidiary share a common name or logo.

3. While initial customer contact disclosure and disclosure in the context of joint advertisements are consistent with the FDIC's objective to avoid customer confusion, the disclosure requirements are not necessary as the regulation already requires separate and independent operations designed to apprise customers as to with whom they are dealing.

4. The initial customer contact disclosure may make sense in that it can be viewed as part of the general obligation to inform customers of the nature of the investment and other services they are receiving. Once having done this, however, there is no need for any subsequent, continuing disclosure.

5. The regulation should not require that existing customers receive disclosure. The expense of identifying such customers outweighs any benefits. As an alternative, the FDIC should consider allowing the subsidiary or affiliate to place a disclosure in its periodic customer statements.

6. If disclosure is required, disclosure should be made by the bank and not the subsidiary or affiliate. In this way, any individual who deals with both the bank and its subsidiary or affiliate will receive the requisite disclosure and the burden of providing disclosure will not be placed on the subsidiary or affiliate.

7. The proposed requirement that the initial customer contact disclosure be given prior to entering into any transaction with the customer is ambiguous. (What is a transaction?)

8. The proposed disclosure requirements do not take into account that the proper form and content of disclosure varies with the circumstances. As time is money in TV and radio advertising, the regulation should afford the subsidiary/affiliate the flexibility to tailor the disclosures to the media used.

9. The proposal appears to call for a narrative disclosure. It should be streamlined into one sentence.

10. The FDIC should not specify language for the disclosure but should leave that decision to the affected parties. This will afford them the flexibility to comply in the most cost effective manner.

11. Rather than set forth the timing and nature of disclosure, the regulation should supplement existing § 337.4 (a)(2)(ix) and (c)(6) with general language making it clear that banks and their subsidiaries/affiliates are prohibited from advertising their products in such a way as to generate confusion regarding deposit insurance.

12. Requiring written notice to customers prior to the execution of the trade when they purchase instruments denominated with a name similar to the bank's name precludes telephone marketing. The disclosure requirements should be considered to be met if disclosure is given before settlement or in the confirmation.

13. The regulation should allow flexibility of compliance by permitting disclosure to be accomplished in the confirmation, the prospectus (if received before the purchase is made) or in a written application. The subsidiary/affiliate should have the option of eliminating the disclosure from joint advertisements provided that the disclosure is given in connection with purchases.

14. The proposed disclosure requirements regarding joint advertising are not necessary. Existing federal law effectively precludes misrepresentation. New York Stock Exchange Rule 472 prohibits the making of untrue statements or omissions of material facts, promises of specific results or unwarranted claims, or opinions for which their is no reasonable basis. NASD Guidelines, Article 3, Section 35, Rules of Fair Practice, Subsection D provides that all public communications must be based upon fair dealing and good faith and may not omit any material facts in light of the context of the materials presented. Any purchasers of securities may have an action under SEC rule 10(b)(5) if there has been any material omission of fact or misrepresentation in connection with the purchase. Lastly, 18 U.S.C. 709 makes it a criminal offense for any corporation to represent that its obligations are FDIC insured deposits when they are not.

15. Advertisements which simply refer to the existence of the affiliate/subsidiary and at the same time mention the bank should not trigger disclosure, *i.e.*, should not be considered joint advertisements.

16. No advertising disclosures are necessary if the ad clearly identifies which entity provides which service.

17. No advertising disclosure is necessary if the banking service advertised is not related to deposits, *e.g.*, the affiliate solicits customers for the bank's mortgage department.

18. Requiring disclosure in "all written communications" from the subsidiary/affiliate to the bank's customers is overly broad. As written, it covers account statements, proxy solicitations, annual reports, etc., hundreds of thousands of which may be mailed out annually. Only communications offering or promoting securities products should require disclosure.

19. Requiring disclosure in communications to bank customers will require a time consuming comparison of the bank's customer list with the subsidiary/affiliate's client list. As the bank's customer list may change daily, at a minimum, the regulation should allow for good faith compliance. As an affiliate is likely to simply place the disclosure in promotions sent to all its clients (rather than try to cull out the bank's customers) the nature and form of the disclosure should be as brief as possible. Disclosure in communications to bank customers should be triggered only where a common name or log is used.

20. Disclosure should be required in joint ads only in instances where the aid is required to carry the FDIC's official advertising statement.

21. Disclosure in communications with bank customers and when the investment instrument is onerous as is the requirement to give disclosure to all new and existing customers. In order to comply, new account documents will need to be prepared and distributed and a mass mailing will be required for all current customers.

22. A disclosure should appear on the face of all investment instruments if they are denominated with a name similar to that of the bank.

23. Customers should not be required to sign the disclosure. Such a requirement will only add to the cost of compliance and create needless paperwork. The SEC has never required that customers acknowledge the receipt of a prospectus in writing. This should serve as a precedent for the FDIC.

24. If a disclosure requirement is adopted, it should only apply to a bank's subsidiary. A bank is more at risk due to its subsidiary's activities than due to those of an affiliate.

BEST COPY AVAILABLE

VOL 52 ISS 239 DEC 14 1987 UMI

25. If any disclosure requirement is adopted it should not take effect for six months so that the affected parties may have sufficient time to comply.

Specific Comments and Objections Raised Regarding Separate Entrance and Separate Office Requirements

1. The regulation should not specify how physical segregation is to be achieved. This will afford bank subsidiaries and affiliates the necessary flexibility to comply with the regulation in the most cost effective manner.

2. Disclosure is only appropriate where the surroundings (*i.e.*, shared offices) may generate confusion. If the affiliate or subsidiary operates outside of the bank's branches, customer disclosure should not be required.

3. The regulation should be amended so as to clarify that physical separation is only required in public access areas.

4. Disclosure should not be required where shared offices are utilized if the subsidiary's/affiliate's customers are institutional investors. Such investors are sophisticated and do not need to receive disclosure.

After carefully considering the comments, the Board of Directors has adopted a final amendment to § 337.4 which reflects a number of changes from the original proposal. The final amendment as adopted is discussed at length below along with the basis for the Board of Directors' action.[2]

[2] Section 201(b) of the Competitive Equality Banking Act of 1987 placed a moratorium on new securities activities of insured banks and their subsidiaries and affiliates beginning March 6, 1987 and ending March 1, 1988. Specifically that provision indicated that no federal banking agency may authorize or allow by action, inaction, or otherwise any insured bank or subsidiary or affiliate to engage to any extent whatever:

(A) In the flotation, underwriting, public sale, dealing in, or distribution of securities if that approval would require the agency to determine that the entity which would conduct such activities would not be engaged principally in such activities,

(B) In any securities activity not legally authorized in writing prior to March 5, 1987, or

(C) In the operation of a nondealer marketplace in options.

It is the FDIC's opinion that the final amendment to § 337.4 of the FDIC's regulations set out below is not contrary to the Competitive Equality Banking Act inasmuch as neither the amendment nor the regulation authorizes any securities activities but, instead, restricts those authorities where they are otherwise authorized under State law. What is more, while the amendment modifies the prudential restrictions under which an insured nonmember bank may have a subsidiary or affiliate which engages in certain securities activities, the scope of the activities which trigger those restrictions was in place prior to the March 5, 1987 date and remains unaffected.

Discussion

Physical Separation Requirement

The FDIC is adopting substantially as proposed the amendment to footnotes 4 and 7 of the regulation pertaining to physically separate and distinct operations and is deleting the prohibition on a bank and its securities subsidiary or affiliate sharing a common entrance. As indicated in the FDIC's April 9, 1987 solicitation of comment (52 FR 11492), it was the FDIC's intent in adopting the separate office/separate entrance requirement (as well as the prohibition on the use of a common name or logo and the other requirements with respect to subsidiaries and affiliates) to address three concerns: (1) Safety and soundness (the FDIC wants to insure that the bank is independent and operated in a manner consistent with safe and sound banking practices); (2) protection of the insurance fund (the FDIC wants to avoid claims against the bank arising out of the public's misperception as to with whom it is dealing and in what capacity); and (3) compliance with section 21 of the Glass-Steagall Act (12 U.S.C. 378) which prohibits securities companies from taking deposits and banks from engaging in certain securities activities. While the FDIC continues to believe that the separate office/separate entrance requirement is consistent with the FDIC's authority and is supportable as a matter of law, the FDIC has determined upon careful reconsideration that the concerns articulated above can be addressed in terms of the physical separation requirement in a less burdensome manner without jeopardizing the FDIC's goals. In view thereof, and commensurate with the comments which argued that maintaining the present physical separation requirement adds additional expense, deters de novo entry, and lessens the ability of banks to compete with other financial services providers who offer their customers the convenience of one stop shopping, the FDIC has decided to adopt a more flexible physical separation standard. Inasmuch as the more lenient physical separation standard is coupled with affirmative disclosure (see below), it is the Board of Directors' conclusion that the changes made to the final rule will not jeopardize bank safety or soundness, materially affect the legal separation between the bank and its subsidiary or affiliate sought to be achieved by the regulation, or increase the likelihood of customer confusion which could arise from the conduct of business in the same location.

Footnotes 4 and 7 as adopted in the final rule respectively indicate that if the subsidiary or affiliate conducts business in the same location in which the bank conducts business the subsidiary or affiliate must utilize physically separate offices or office space from that used by the bank. In addition, such offices or office space must be clearly and prominently identified so as to distinguish the subsidiary or affiliate from the bank. In response to the comments, the language of the final rule has been modified to clarify that the physical separation requirement does not apply in areas to which the public does not have access.

It is the FDIC's intent by adopting this amendment to establish a more flexible physical separation requirement than that presently required by the regulation, *i.e.*, one which leaves the decision on how to physically segregate the operations of the subsidiary or affiliate from the operations of the bank to the institution itself. To this end the FDIC has not specifically set forth what is required for the offices or office space to be sufficiently distinct to comply with the regulation. The FDIC will determine on a case-by-case basis whether the operations are sufficiently distinct so as to avoid customer confusion. While the FDIC recognizes that adopting this approach may leave some insured nonmember banks with questions as to whether or not their particular configuration satisfies the regulation, the FDIC feels that the resulting ambiguity is outweighed by the benefits of flexibility. Banks with questions should contact their local FDIC Regional Office or the Legal Division of the Washington (DC) office for an interpretation.

The FDIC wishes to stress that actual physical separation must be achieved. It is the FDIC's present opinion that, alone or in combination, signs, simple decor difference (*e.g.*, a different color scheme or style of furniture) and other types of distinctions which provide at best minimal differentiation (*e.g.*, badges on sales representatives) will not generally satisfy the physical separation requirement.

Common Name or Logo

As the FDIC has previously indicated (see 52 FR 11492 and earlier **Federal Register** notices) the FDIC's primary concern in connection with the use of a common name or logo by a bank and its securities subsidiary or affiliate is customer confusion and possible claims against the deposit insurance fund or the FDIC as receiver. The FDIC proposed to eliminate the common name and logo prohibition, however, as upon

reconsideration it was determined that those concerns could be addressed more directly, and in a less burdensome fashion, if affirmative disclosure requirements were substituted in lieu of the ban on the use of a common name or logo. The FDIC has taken note of the experience of several banks that have operated for, in some cases, several years, while using the same name or a similar name to that of their securities company affiliates. These banks commented that they have not experienced any evidence of customer confusion arising from the use of a similar name to that of their affiliates. In addition, the FDIC notes that several events since the adoption of the common name or logo prohibition have demonstrated that the absence of a common name or logo has not prevented customer confidence from being shaken in a depository institution in the event of adverse disclosures concerning the depository institution's subsidiaries or affiliates. For example, publicity concerning Equity Programs Investment Corp. ("EPIC"), a subsidiary of Community Savings and Loan Association, Bethesda, Maryland, played a part in precipitating a run on the savings and loan association. Although the FDIC continues to believe that a common name or logo can exacerbate a difficult situation, the FDIC anticipates that the transaction and other restrictions built into section 337.4 should generally prevent such situations from arising. In view thereof, the incremental protection provided by a different name does not appear to outweigh the costs associated therewith as the same protection can be provided by less burdensome means, *i.e.*, disclosure.

As indicated above, the comments uniformly agreed that the FDIC should eliminate the prohibition on the use of a common name or logo and that disclosure is the most effective means of preventing customer confusion. While some comments argued that existing provisions of the regulation already mandate disclosure (*i.e.*, no further express disclosure requirement is necessary) and overall the comments disagreed on the proper timing, extent and nature of disclosure, the comments nonetheless supported the concept of disclosure. After carefully reviewing those comments, the Board of Directors voted to eliminate the prohibition on the use of a common name or logo. The Board of Directors also voted in conjunction therewith to adopt a number of affirmative disclosure requirements which would be triggered by, among other things, the use of the same or a similar name or logo by a bank and its securities subsidiary or affiliate. The disclosure requirements (including the concept of what constitutes the same or a similar name or logo) are discussed in detail below.

Disclosure Requirements

The proposed amendments required disclosure to the effect that investments recommended, offered or sold by or through the bank's securities subsidiary and/or affiliate are not FDIC insured deposits, that the subsidiary and/or affiliate is a separate organization from the bank, and that the obligations of the subsidiary and/or affiliate are not obligations of, or guaranteed by, the bank. As proposed, disclosure was to be given in four instances: (1) A one time written disclosure was to be provided by the affiliate and/or subsidiary to each customer or prospective customer at the inception of the customer relationship prior to executing or entering into any transaction with, or on behalf of, the customer. (The disclosure was also to be given to individuals who established their customer relationship prior to the effective date of the amendment at the time of such customer's first transaction with the affiliate and/or subsidiary after the date the amendment became effective); (2) any advertisements, solicitations, promotions or similar communications with customers or prospective customers which jointly promoted or discussed the services or products of the affiliate and/or subsidiary and the bank had to carry the disclosure; (3) if the bank and its subsidiary or affiliate shared the same or a similar name, all written communications with the bank's customers by the affiliate or the subsidiary, either directly or indirectly through the bank, needed to carry the disclosure; (4) if the bank's subsidiary or affiliate recommended, offered, or sold any investment instrument denominated with the same or a similar name to that shared by the bank and its subsidiary or affiliate, disclosure needed to be given to the customer prior to the execution of the trade. Disclosure as proposed by items 1 and 2 was triggered regardless of whether or not the bank and the subisdiary and/or affiliate shared the same or a similar name or shared the same facility. The disclosure as proposed in items 3 and 4 was, on the other hand, only triggered by the use of the same or a similar name.

The disclosure requirements as adopted by the final regulation differ in a number of significant respects from those which were proposed. Under the final amendment disclosure to customers and prospective customers is triggered in the following four instances: (1) If the bank and its subsidiary or affiliate share the same or a similar name or logo, (2) if the bank and its subsidiary or affiliate conduct business in the same location, (3) if the bank's subsidiary or affiliate advertises or promotes particular securities, or solicits purchasers for particular securities, in advertisements, promotions or similar communications in which the bank advertises or promotes its services, or (4) if the bank's subsidiary or affiliate places or causes to be placed in communications from the bank to bank's customers advertisements, promotions or solicitations pertaining to particular securities. The final regulation thus curtails substantially the scope of the required disclosures. This is in keeping with comments which argued that the FDIC should limit disclosure to instances in which: (1) The bank and its subsidiary or affiliate share a common name or logo, (2) joint advertisements or promotions are utilized, or (3) a common facility is used. The four events triggering disclosure, the content of disclosure, and the timing and placement of disclosure are all discussed separately below.

As proposed the disclosure requirement were contained in a footnote to the bona fide subsidiary definition and the affiliate provisions of the regulation. The footnotes modified the requirement that the subsidiary and/or affiliate must conduct business pursuant to independent policies and procedures designed to inform customers and prospective customers that the subsidiary/affiliate and the bank are separate organizations, that the securities are not bank obligations, and that the securities are not FDIC insured. The final amendment creates a new § 337.4(h) titled "Disclosure" and eliminates old § 337.4(h). (Old § 337.4(h) set forth deadlines for compliance with the regulation by insured nonmember banks that had subsidiary and/or affiliate relationships with companies which predated December 28, 1984, the day the regulation became effective. As the relevant compliance deadlines have expired, the provision was no longer necessary.) Putting the disclosure requirements in a separate paragraph provides more clarity and emphasizes the importance the FDIC places on disclosure. By leaving the above reference portion of the bona fide subsidiary definition and affiliate provision of the regulation intact, the FDIC has preserved the obligation of all subsidiaries that must be bona fide and all affiliates encompassed by § 337.4(c) to operate under independent policies

VOL 52 ISS 239 DEC 14 1987 UMI

and procedures, etc. Subsidiaries and affiliates that share the same or a similar name to the bank or operate in such a manner as to trigger disclosure must meet the specific standards set forth in new § 337.4(h).

Triggering Events

Same or Similar Name or Logo

The FDIC has been of the opinion throughout the development of section 337.4 that the existence of a common name or logo significantly contributes to possible customer confusion. Although the FDIC has decided to drop the prohibition on the use of a common name or logo, the decision to do so does not signal a change of opinion with respect to this issue. It signals rather a desire on the FDIC's part to address possible customer confusion in a more direct fashion through disclosure. It is anticipated that disclosure will be an effective means of informing the public as to with whom it is dealing. By allowing the use of a common name or logo the FDIC hopes to permit banks to economize and to effectively compete with other financial services providers. At the same time, however, the FDIC still has concerns regarding customer confusion and is still of the opinion that the use of the same or a similar name can give rise to safety and soundness concerns. In order to address those concerns, the final regulation requires that disclosure be made if the bank and its subsidiary or affiliate share the same or a similar name or logo.

In determining whether any two names are the same or similar, the FDIC will look to the overall similarity of the names in question given all the circumstances. It is not necessarily material to the outcome of the FDIC's decision that a particular name is commonly used in other businesses or in banking. The FDIC wishes to prevent confusion on the part of persons who may find themselves dealing with any particular bank and its subsidiary or affiliate. The fact that other businesses may use a generically similar name (for example, "American") will not necessarily prevent any particular customer of a bank whose name contains that word from becoming confused or misinformed in its dealings with the bank's subsidiary or affiliate if the subsidiary's of affiliate's name also contains the same word.

The FDIC will generally consider elements such as those set forth below in reaching its conclusion. If two names differ only slightly in spelling or wording and the two names thus retain a similar sound or obvious association with each other, the names will generally be considered to trigger disclosure (*e.g.*, Pacific First Bank & Trust Compnay/ Pacificfirst Securities). If two names share one or more of the same words or initials with the result that the two names are confusingly similar or that one name may be readily associated with the other by the casual observer (such as a case in which a subsidiary or affiliate uses as a name an acronym or set of initials readily associated with the bank) the two names will generally be considered to trigger disclosure. The shared use of commonly used business terms or abbreviations such as Co., Corp., or Inc. will not render two names similar, however, depending upon the circumstances, geographically descriptive terms may result in such a finding. If, for example, a bank named First Bank of Georgia has a securities subsidiary named Georgia Securities, the two names would probably not be considered similar if First Bank of Georgia is generally known throughout the financial community and to its customers as First Bank. On the other hand, given that fact that First Bank of Georgia is known as First Bank, the use of the name First Securities by the bank's subsidiary would generally be considered to trigger disclosure. In the case of a logo, any two logos will be considered to be the same or similar if the pictorial image of the two logos is substantially the same or one is confusingly similar to the other such that the two may be easily confused.

Banks should keep in mind that it is the FDIC's intent to expansively construe what consitutes the same or a similar name. The FDIC therefore reserves the right to determine, based upon all the circumstances, that two names which appear facially distinct are in fact similar. Banks with questions on whether they share a similar name with a securities affiliate or subsidiary should contact their local FDIC Regional Office or the Legal Division of the Washington, DC Office of an interpretation.

Operation in Same Location

Under the final regulation, if the bank and its securities subsidiary or affiliate conduct operations in the same location, disclosure must be made to customers who use that share facility. Customers of the subsidiary or affiliate whose contact with the securities company arises elsewhere need not receive disclosure unless one of the other triggering circumstances exists. For example, if the bank's affiliate conducts business out of the lobby of the bank and the affiliate also rents space in offices of an unafiliated bank or conduct oeprations in some other location in which the affiliated bank does not also conduct business, persons whose contact with the securities firm is *solely* at the location not shared by, nor associated with, the affiliated bank need not receive disclosure. Disclosure to the affiliate's customers would be required, however, if for example, the affiliate and the bank share the same or a similar nane or logo.

Whether or not the bank and its subsidiary or affiliate are conducting business in the same location will be determined on an interpretive basis. Banks should keep in mind that the regulation seeks to prevent the possible confusion which can arise from the proximity of the operations of the bank and its subsidiary or affiliate. With this in mind, the FDIC intends to apply the following general guidelines.

For the purposes of the final regulation, a bank and it securities subsidiary or affiliate will be considered to be conducting business in the same location if they conduct business out of offices in the same building. This would, as a matter of course, cover situations in which an office of the bank's subsidiary or affiliate is accessed through the lobby of the bank. It would also cover, for example, situations in which a bank and its subsidiary or affiliate operate out of a building that is owned or leased by the bank and which is solely occupied by the bank and its subsidiary or affiliate.

Operations within a multiple story building occupied by other businesses in addition to the bank and its subsidiary or affiliate may be considered to be at different locations depending upon such factors as: (1) Whether the building is generally identified with the bank (e.g., the First State Bank building), (2) the number of occupants in the building, and (3) whether the offices are sufficiently removed from one another such that customers are not likely to be confused due to the proximity of the operations.

Banks with questions on whether they share the same location with their affiliate or subsidiary should contact their local FDIC Regional Office or the Legal Division of the Washington, DC office for an interpretation.

Joint Promotions, Advertisements, and Solicitations—Communications With Bank Customers [3]

The final regulation retains the requirement for disclosure in the case of joint advertisements, promotions, or solicitations. The scope of the requirement as adopted is narrower, however, than that which was proposed for comment. Under the final rule, only joint advertisements etc., in which the bank's subsidiary or affiliate advertises, promotes, or solicits purchasers with respect to particular securities are covered. Disclosure is not triggered under the final rule by joint advertisements, etc. which merely reference the existence of the subsidiary or affiliate relationship. For example, an advertisement by a bank which lists or displays the names of all of its subsidiaries or which indicates that securities services are available through one of the bank's subsidiaries would not constitute a joint advertisement within the meaning of the regulation. Joint advertisements, promotions, or solicitations which are covered by the regulation must carry the disclosure regardless of whether or not the bank and its subsidiary or affiliate share the same or a similar name or logo.

The final regulation cuts back on the disclosure that would have been triggered by "any" written communication from the subsidiary or affiliate to the bank's customers if the bank and its subsidiary or affiliate share the same or a similar name. Under the final regulation disclosure is only required to appear in advertisements, promotions, or solocitations which pertain to specific securities which the subsidiary or affiliate places or causes to be placed in communications from the bank to the bank's customers (*e.g.*, "stuffers"). It should be noted, however, that placing such promotions, advertisements, etc. in communications from the bank to its depositors triggers disclosure in the advertisement regardless of whether or not the bank and its subsidiary or affiliate share the same or a similar name or logo. Communications such as annual reports, proxy solicitations, tax accounting information, and similar materials generated by the subsidiary or affiliate need not contain the disclosure. Direct communications by the bank's affiliate or subsidiary to bank customers need not contain the disclosure unless those communications pertain to particular securities and jointly promote or advertise the bank's services. Although a bank depositor could be confused if he or she receives an advertisement for securities from the bank's subsidiary or affiliate and the bank and its subsidiary or affiliate share the same or a similar name, the depositor will receive disclosure when he or she opens an account or will receive disclosure in his or her customer statement if a purchase is made.

The "particular securities" language in the final regulation has been adopted in response to comments which argued that covering "all written communications" was unwarranted and in response to comments which argued that advertisements which merely allude to the existence of the subsidiary or affiliate but do not promote particular securities should not be viewed as presenting concerns. Only requiring disclosure in "stuffers" as opposed to covering all advertisements, promotions, or solicitations relieves the bank's subsidiary or affiliate from the burden of maintaining a current listing of the bank's customers and eliminates the potential for inadvertently directing promotions, solicitations or advertisements that do not carry the disclosure to bank customers.

Although the FDIC did receive several comments which argued that joint advertisements need not carry any disclosure as existing federal law effectively precludes misrepresentations, the Board of Directors has decided to retain the disclosure for joint advertisements. Although certain stock exchange rules as well as NASD guidelines prohibit the making of untrue statements or promises of specific results and/or require that public communications be based on fair dealing and good faith, the FDIC is also concerned that public misconceptions can readily stem from the juxtaposition of information in advertisements. We anticipate that most banks as well as their securities subsidiaries and/or affiliates will conduct business in accordance with the law and will not engage in misrepresentations. Confusion can result, however, from even the most well intended of ads. The Board of Directors also rejected the suggestion that disclosure only be required in instances in which the particular ad is required to carry the FDIC official advertising statement. As the public has come to readily associate federal deposit insurance with any banking institution, the FDIC is concerned that regardless of whether or not a bank's advertisement carries the FDIC official advertisement statement, the consuming public will understand the bank to be federally insured.

Content of Disclosure

The final regulation provides that the bank's subsidiary or affiliate must disclose to its customers and prospective customers that securities recommended, offered, or sold by or through the subsidiary and/or affiliate are not FDIC insured deposits (unless otherwise indicated), that such securities are not guaranteed by, nor are obligations of, the bank, and that the subsidiary and/or affiliate and the bank are separate organizations. The regulation indicates that the following or a similar statement will satisfy the disclosure requirement: "[name of affiliate/subsidiary] is not a bank, and securities offered by it are not backed or guaranteed by any bank nor are they insured by the FDIC". The regulation also provides that the disclosure which joint advertisements, promotions, or solicitations and "stuffers" must carry may be in a form and manner consistent with the advertising or other media utilized.

The final regulation thus sets forth some guidance to banks in terms of the content of disclosure but seeks to allow banks the flexibility to provide disclosure in the most concise, least burdensome fashion. This represents a compromise between comments which urged the FDIC not to adopt specific language for disclosure and comments which did not object to the FDIC doing so but requested that the required disclosure be as short as possible. The provision of the regulation which allows for disclosure to be made in a "form and manner consistent with the advertising or other media utilized" in the case of joint advertisements, promotions, or solicitations and stuffers is being adopted in response to comments which criticized the proposal for overlooking the fact that any disclosure must be tailored to the media used.

It is the FDIC's intent in monitoring compliance with the disclosure requirement to be as flexible as possible. So long as the basic message sought to be conveyed by the disclosure is set forth in a clear fashion, compliance with the regulation will be considered to have been met.

Timing and Placement of Disclosure

The final regulation provides that if the bank and its subsidiary or affiliate share the same or a similar name or logo, conduct business in the same location, jointly advertise, promote, or solicit, or the bank's subsidiary or affiliate places "stuffers" in the bank's mailings to its customers, disclosure must be made prominently, in writing, in

[3] Insured nonmember banks should note that section 23B of the Federal Reserve Act (section 102(a), Pub. L. 100-86, August 10, 1987) may be construed to require disclosure in instances in which § 337.4 does not. Section 23B(c), which is applicable to insured nonmember banks to the same extent as though they were member banks, provides that a bank or any subsidiary or affiliate of a bank shall not publish any advertisement suggesting that the bank is in any way responsible for the obligations of its affiliates.

Continued

VOL 52 ISS 239 DEC 14 1987 UMI

opening account documents and periodically (at least semiannually) in customer statements. As finally adopted, the regulation does not require that opening account documents carrying the disclosure be signed by the customer and retained. It was determined that to impose a signature and retention requirement would unduly raise costs. A bank should be prepared, however, to document upon examination that proper procedures, etc. are in place in order to assure that disclosure, as required by the regulation, is given.

The regulation further provides that disclosure may be made in confirmation sent to customers with respect to individual transactions in lieu of periodic disclosure through customer statements. Finally, the regulation provides that TV or radio advertisements, promotions, or solicitations which do not exceed 30 seconds in time need not contain the disclosure. Disclosure when required in TV advertisements may either be spoken or displayed.

As indicated above, under the final regulation joint advertisements and "stuffers" trigger the need for disclosure via opening account documents and customer statements or confirmations. In order to accommodate situations such as ones in which a bank and its subsidiary or affiliate enter into a joint advertising campaign, or use stuffers, on a one-time basis or decide to terminate all joint campaigns or use of stuffers in the future, the final regulation provides that disclosure in opening account documents and customer statements or confirmations need only be met for one year after all joint campaigns end and for only one year after the last "stuffer" is mailed out. The disclosure requirement terminates after the one year period, however, only if two semiannual disclosures to customers have been made during the one year period and only if no other circumstances are present which trigger disclosure. Absent language to this effect, the regulation might be interpreted to require endless disclosure in opening account documents and customer statements or confirmations once any joint advertising campaign or stuffers have been utilized.

The changes made in the final regulation with respect to the timing and placement of disclosure should provide for greater flexibility and reduce the burdens which were perceived to arise from the disclosure as originally proposed. The changes address the concern of some comments that the proposed rule would have prohibited the use of telephone marketing, would have unduly lengthened TV and radio advertisements thus increasing advertising costs, and comments objecting to the proposed requirement that all existing as well as new customers must receive the disclosure prior to entering into any transaction. Under the final regulation any new customer will receive disclosure upon the opening of an account and existing customers will receive disclosure either through confirmations or periodic customer statements. The FDIC thus believes that all customers will be fully apprised of with whom they are dealing and in what capacity and therefore that the possibility of customer confusion will be greatly reduced if not eliminated.

Effective Date of Amendments

Insured nonmember banks that established or acquired a securities subsidiary or became affiliated with a securities company prior to December 28, 1984 and which as of the effective date of the amendments conducted business in the same location as the subsidiary or affiliate or shared the same or a similar name of logo with the subsidiary or affiliate have until not later than June 1, 1988 to comply with the disclosure requirements. The delayed effectiveness of the disclosure requirements is designed to allow these institutions time to develop the disclosure documents as called for by the regulation. Inasmuch as changes have been made to the regulation to allow for a number of alternative ways in which disclosure can be made, and the regulation indicates that the content of disclosure may vary with the circumstances and the media utilized, the FDIC believes that the six months lead time should be sufficient to allow for compliance.

The deletion of the prohibition on the use of a common name or logo and the deletion of the separate entrance requirement are effective immediately upon publication in the **Federal Register**. The thirty days delayed effective date otherwise required under the Administrative Procedure Act (5 U.S.C. 500 *et seq.*) has been waived pursuant to section 553(d)(1) of that Act which provides for waiver in the case of a substantive rule which grants or recognizes an exemption or relieves a restriction.

Outstanding Orders in Conflict With Regulation

Any insured nonmember bank that is presently subject to an outstanding order imposing a condition that the bank and its securities subsidiary or affiliate must have separate offices that share no common entrance except a common outer lobby or common corridor as well as any insured nonmember bank subject to an outstanding order imposing a condition prohibiting the bank and its securities subsidiary or affiliate from sharing a common name or logo is no longer subject thereto. The Board of Directors voted in conjunction with the adoption of the final amendment to rescind all such conditions and directed the Executive Secretary to send letters to all affected institutions modifying the affected orders.

Staff Assessment of Burdens and Practicality of Disclosure Requirements

As it is the Board of Director's desire to ensure bank safety and soundness with as little burden as possible, staff is instructed to, not later than eighteen months after these amendments take effect, prepare a report for the Board of Directors assessing the costs and burdens of compliance therewith and evaluating whether the amendments are adequately achieving their stated purpose.

Paperwork Reduction Regulatory Flexiblity Act Analysis

The Paperwork Reduction Act (44 U.S.C. 501 *et. seq.*) is inapplicable to the final rule as it does not establish any new record keeping or collection of information requirement nor amend any such existing requirement.

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*) the FDIC's Board of Directors hereby certifies that the final rule will not have a significant economic impact on a substantial number of small entities. The FDIC's Board of Directors bases its conclusion on the belief that the final rule will reduce the costs (both monetary and competitive) that are associated with the existing prohibition on the use of common name or logo and the requirement for separate offices that share no common entrance.

PART 337—UNSAFE AND UNSOUND BANKING PRACTICES

1. The authority citation for Part 337 continues to read as follows:

Authority: 12 U.S.C. 1816; 12 U.S.C. 1818(a); 12 U.S.C. 1818(b); 12 U.S.C. 1819; 12 U.S.C. 1828(j)(2); 12 U.S.C. 1821(f)

§ 337.4 [Amended]

2. Footnote 4 to § 337.4(a)(2)(ii) is revised to read as follows:

[4] If the subsidiary conducts business in the same location in which the bank conducts business, the subsidiary must utilize physically separate offices or office space from that used by the bank. Such offices or office space must be clearly and prominently identified so as to distinguish the subsidiary from the bank. The physically separate office or office space requirement only applies in areas to which the public has access.

3. Section 337.4 is amended by removing from § 337.4(a)(2) paragraph (iii) and footnote 5 to paragraph (iii), by redesignating paragraphs (iv), (v), (vi), (vii), (viii), and (ix) as paragraphs (iii), (iv), (vi), (vii), and (viii) respectively and by redesignating footnote 6 as footnote 5.

4. Section 337.4(c) is amended by redesignating footnote 7 to § 337.4(c)(1) as footnote 6 and revising redesignated footnote 6 to read as follows:

[6] If the affiliate conducts business in the same location in which the bank conducts business, the affiliate must utilize physically separate offices or office space from that used by the bank. Such offices or office space must be clearly and prominently identified so as to distinguish the affiliate from the bank. The physically separate office or office space requirement only applies in areas to which the public has access.

5. Section 337.4 is amended by removing from § 337.4(c) paragraph (5) and footnote 8 to paragraph (5) and redesignating paragraph (6) as paragraph (5).

6. Section 337.4 is amended by redesignating footnotes 9, 10, 11, and 12 as 7, 8, 9, and 10.

7. Section 337.4 is amended by revising § 337.4(h) to read as follows:

* * * * *

(h) *Disclosure*—(1) *Applicability.* Any subsidiary of an insured nonmember bank required by §337.4(b)(1)(ii) to be a bona fide subsidiary, and any affiliate of an insured nonmember bank whose affiliation with such a bank is governed by § 337.4(c), which: (i) shares the same or a similar name or logo with the insured nonmember bank, (ii) conducts business in the same location in which the insured nonmember bank conducts business, (iii) advertises or promotes particular securities or solicits purchasers for particular securities in advertisements, promotions, solicitations or other similar communications in which the insured nonmember bank also advertises or promotes its services, or (iv) places or causes to be placed in communications from the insured nonmember bank to the bank's customers advertisements, promotions or solicitations concerning particular securities, must comply with the disclosure requirements of paragraphs (h)(1)(ii) and (h)(1)(iii) of this section in order for the subsidiary to meet the definition of a bona fide subsidiary and in order for the affiliation to be permissible. Any insured nonmember bank that established or acquired a securities subsidiary or become affiliated with a securities company prior to December 28, 1984 and which as of December 14, 1987, conducted business in the same location as its securities subsidiary or affiliate or shared the same or a similar name or logo with its securities subsidiary or affiliate has until not later than June 1, 1988 to comply with paragraphs (h)(1)(ii) and (h)(1)(iii) of this section.

(2) *Content of Disclosure.* Sections 337.4(a)(2)(viii) and 337.4(c)(5) notwithstanding, any subsidiary and/or affiliate of an insured nonmember bank described in paragraph (h)(1)(i) of this section must disclose to its customers and prospective customers that securities recommended, offered or sold by or through the subsidiary and/or affiliate are not FDIC insured deposits (unless otherwise indicated), that such securities are not guaranteed by, nor are they obligations of, the bank, and that the subsidiary and/or affiliate and the bank are separate organizations. The following or a similar statement will satisfy the disclosure requirement: "[name of affiliate/subsidiary] is not a bank and securities offered by it are not backed or guaranteed by any bank nor are they insured by the FDIC."

(3) *Timing and Placement of Disclosure.* In order for any subsidiary or affiliate of an insured nonmember bank described in paragraph (h)(1)(i) to comply with paragraph (h)(2)(ii) the subsidiary/affiliate must make disclosure to its customers prominently, in writing, in opening account documents and periodically (at least semiannually) in customer statements. Disclosure may be made in confirmations in lieu of customer statements. In the case of joint advertisements, promotions, or solicitations and advertisements, promotions, or solicitations placed in bank communications, the advertisement, promotion, or solicitation must carry the requisite disclosure. Disclosure may be in a form and manner consistent with the advertising or other media utilized. Television or radio advertisements which do not exceed 30 seconds in length need not contain disclosure. Disclosure in television advertisements may either by spoken or displayed. All disclosures must be prominent and clearly legible. Disclosure in opening account documents and periodic disclosure in customer statements or confirmations is only required for one year after the bank and its subsidiary/affiliate cease to jointly advertise, promote or solicit and for one year after advertisements, promotions, or solicitations are placed in bank communications with bank customers provided, however, that at least two semiannual disclosures must have been made during that one year period.

(4) It is considered an unsafe and unsound banking practice for an insured nonmember bank to: (i) share the same or a similar name or logo with a securities subsidiary that is required to be a bona fide subsidiary or an affiliate that is subject to the provisions contained in § 337.4(c); (ii) conduct business in the same location as any such subsidiary or affiliate; (iii) jointly advertise or promote its services in an advertisement, promotion, or solicitation concerning particular securities made by such a subsidiary or affiliate; or (iv) permit such a subsidiary or affiliate to place advertisements, promotions, or solicitions concerning particular securities in communications sent by the bank to the bank's customers, unless the disclosure requirements of paragraphs (h)(2) and (h)(3) are met. Failure to comply with paragraphs (h)(2) and (h)(3) will subject the insured nonmember bank to appropriate administrative action including, but not necessarily limited to, an order to cease and desist use of the same or a similar name or logo as the subsidiary/affiliate, the conduct of business in the same location as the subsidiary/affiliate, the making of joint advertisements, or the placement of the subsidiary's/affiliate's promotions, advertisements, or solicitations in the bank's communications with its customers.

By Order of the Board of Directors.

Dated at Washington, DC, this 8th day of December 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-28627 Filed 12-11-87; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-124-AD; Amdt. 39-5908]

Airworthiness Directives; British Aerospace Model BAe 125 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

VOL 52 ISS 239 DEC 14 1987 UMI

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Model BAe 125 series airplanes, which requires relocation of the 115V. AC stall vane heater power circuit breakers, and modification of the electronic flight instrument system power supply cables. This amendment is prompted by a report of cable chafing, which resulted in the loss of certain flight instruments, the engine fuel computer, and the windscreen alternator. This condition, if not corrected, could result in the loss of critical flight instruments during flight.

EFFECTIVE DATE: February 2, 1988.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Inc., Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Golder, Standardization Branch, ANM–113; telephone (206) 431–1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, which requires relocation of the 115V. AC stall vane heater power circuit breakers, and modification of the electronic flight instrument system power supply cables on British Aerospace Model BAe 125 series airplanes, was published in the **Federal Register** on September 30, 1987 (52 FR 36583).

Interested parties have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

Paragraph B. of the final rule has been revised to require the concurrence of an FAA Principal Maintenance Inspector in requests by operators for use of alternate means of compliance. The FAA has determined that this change will not increase the economic burden on any operator, nor will it increase the scope of the AD.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed, with the change previously mentioned.

It is estimated that 65 airplanes of U.S. registry will be affected by this AD, that it will take approximately 12 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $31,200.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because of the minimal cost of compliance per airplane ($480). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subject in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive.

British Aerospace: Applies to all Model BAe 125 800A and 800B series airplanes listed in British Aerospace BAe 125 Service Bulletin 24–259–(3171B), dated November 1986, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent loss of critical flight instruments, accomplish the following:

A. Within the next three months after the effective date of this AD, relocate the 115V. AC stall vane heater power circuit breakers, and modify power supply cable runs for the electronic flight instrument systems in accordance with the accomplishment instructions of British Aerospace BAe 125 Service Bulletin 24–259–(3171B), dated November 1986.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Inc, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 2, 1988.

Issued in Seattle, Washington, on December 3, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87–28589 Filed 12–11–87; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

[Docket No. 71020–7220]

Removal of Validated License Controls on Jig Grinders

AGENCY: Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: Export Administration maintains the Commodity Control List (CCL), which specifies those items subject to Department of Commerce export controls.

This rule amends the validated export license controls on certain jig grinders described in entry 1091A on the CCL according to a finding of foreign availability under section 5(f) of the Export Administration Act of 1979, as amended. Jig grinders that can be equipped with numerical control units with 2 simultaneously coordinated axes, with positioning accuracies in any axis greater (coarser) than or equal to ±0.002 mm (0.000080 in.) for machines with total length of axis travel equal to or less than 300 mm (12 in.) and ±(0.002 + (0.001 × ((L–300)/300))) mm (with L expressed in mm) [or 0.000080 + (0.000040 × ((L–12)/12)) in. (with L expressed in inches)] for machines with total length of axis travel, L, greater than 300 mm (12 in.) can be exported under General License G-DEST to countries listed in Supplement No. 2 or 3 to 15 CFR Part 373. Jig grinders that can be equipped with numerical control units with 2 simultaneously coordinated axes, with positioning accuracies greater (coarser) than ±0.005 mm (0.00020 in.) for machines with a total length of axis travel equal to or less than 300 mm (12 in.) and ±(0.005 + (0.002 × ((L–300)/300))) mm (with L expressed in mm) [or 0.0002 + (0.000080 × ((L–12)/12)) in. (with L expressed in inches)] for machines with a total length of axis travel, L, greater than 300 mm (12 in.) require a validated export license only to destinations in Country Groups QSWYZ.

Notice of the foreign availability determination on this equipment has been published previously (52 FR 46634, Dec. 9, 1987).

EFFECTIVE DATE: December 14, 1987.

FOR FURTHER INFORMATION CONTACT: Larry Hall, Office of Technology and Policy Analysis, Department of Commerce, Washington, DC 20230, Telephone: (202 377–8550.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has been or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553) including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Comments should be submitted to Joan Maguire, Office of Technology and Policy Analysis, Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule involves a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0625–0001.

List of Subjects in 15 CFR Part 399

Exports, Reporting and recordkeeping requirements.

Accordingly, Part 399 of the Export Administration Regulations (15 CFR Parts 368–399) is amended as follows:

PART 399—[AMENDED]

1. The authority citation for Part 399 continues to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503 (50 U.S.C. app. 2401*et seq.*), as amended by Pub. L. 97–145 of December 29, 1981 and by Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95–223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99–440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); and E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

Supplement No. 1 to § 399.1 [Amended]

2. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group O (Metal-Working Machinery), ECCN 1091A is amended by revising the *Validated License Required* and *Reason for Control* paragraphs to read as follows:

1091A Numerical control units, numerically controlled machine tools, dimensional inspection machines, direct numerical control systems, specially designed sub-assemblies, and "specially designed software". (See § 376.11 for special information to include on the validated license application and reexport request.)

Controls for ECCN 1091A

* * * * *

Validated License Required: Country Groups QSTVWYZ. Jig grinders that can be equipped with numerical control units with 2 simultaneously coordinated axes, with positioning accuracies in any axis greater (coarser) that or equal to ±0.002 mm (0.000080 in.) for machines with a total length of axis travel equal to or less than 300 mm (12 in.) and ±(0.002 + (0.001 × ((L–300)/300))) mm (with L expressed in mm) [or 0.000080 + (0.000040 × ((L–12)/12)) in. (with L expressed in inches)] for machines with total length of axis travel, L, greater than 300 mm (12 in.) can be exported under General License G–DEST to countries listed in Supplement No. 2 or 3 to 15 CFR Part 373. Jig grinders that can be equipped with numerical control units with 2 simultaneously coordinated axes, with positioning accuracies greater (coarser) than ±0.005 mm (0.0002 in.) for machines with a total length of axis travel equal to or less than 300 mm (12 in.) and ±(0.005 + (0.002 × ((L–300)/300))) mm (with L expressed in mm) [or 0.0002 + (0.000080 × ((L–12)/12)) in. (With L expressed in inches)] for machines with a total length of axis travel, L, greater than 300 mm (12 in.) require a validated export license only to destinations in Country Groups QSWYZ.

* * * * *

Reason for Control: National security; nuclear non-proliferation, except exports to those countries listed in Supplement No. 2 or 3 to Part 373. Jig grinders that may be exported under General License G–DEST only to countries listed in Supplement No. 2 or 3 to Part 373, as described in the *Validated License Required* paragraph of this entry, are controlled only for nuclear non-proliferation reasons.

* * * * *

Dated: December 9, 1987

Dan Hoydysh,

Director, Office of Technology and Policy Analysis.

[FR Doc. 87–28644 Filed 12–11–87; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 209

[DOD Directive 4120.18]

DOD Metrication Program

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule.

SUMMARY: This rule revises 32 CFR Part 209, requires that the nonuse of the metric system in new designs be specifically approved, and directs Components to prepare needed metric specifications. The long operating life of weapon systems and the inevitable conversion of industry to metrics require DOD systems be increasingly metric if they are to be adequately supported in the future. Likewise, interoperability, standardization, and cooperative

VOL
52,
ISS
239
DE
14
1987
UMI

development efforts with allies dictate the use of a common measurement system. The Defense Industry has indicated its readiness to provide metric equipment if asked.

EFFECTIVE DATE: September 16, 1987.

FOR FURTHER INFORMATION CONTACT: Colonel T. Mansperger, Office of the Assistant Secretary of Defense (Production and Logistics), The Pentagon, Washington, DC 20301–8000, telephone (202) 695–7915.

List of Subjects in 32 CFR Part 209

Armed forces, Metric system.

Accordingly, 32 CFR Part 209 is revised to read as follows:

PART 209—DOD METRICATION PROGRAM

Sec.
209.1 Reissuance and purpose.
209.2 Applicability.
209.3 Definition.
209.4 Policy.
209.5 Responsibilities.
209.6 Procedures.
209.7 Reporting requirements.

Authority: 15 U.S.C. 205a–k (Pub. L. 94–168).

§ 209.1 Reissuance and purpose.

This part reissues 32 CFR Part 209 to reflect the reorganization within the Office of the Secretary of Defense (OSD) and the refinements and reissuance of the Federal metric policy in 15 CFR Part 19, Subpart B. Under Public Law 94–168, U.S. national policy of coordinating and planning the increasing use of the metric system was established. This part establishes policies and procedures to maximize the benefits of using the metric system while minimizing cost and disruption of operations.

§ 209.2 Applicability.

This part applies to the Office of the Secretary of Defense (OSD), the Organization of the Joint Chiefs of Staff (OJCS), the Military Departments, Inspector General of the Department of Defense (IG, DOD) and the Defense Agencies (hereafter referred to collectively as "DOD Components").

§ 209.3 Definition.

The Metric System of Measurement. In this part is the International System of Units (or SI from the French "Le Systeme International d'Unites") as established by the General Conference on Weights and Measures in 1960, and as interpreted or modified for the United States by the Secretary of Commerce. Metric units used within the Department of Defense shall be as described in Federal Standard 376. In this part the terms metric, metric system, and metric units are used interchangeably with the term SI.

§ 209.4 Policy.

(a) It is DOD policy to use the metric system in all of its activities, consistent with security, operational, economical, technical, logistical, and safety requirements.

(b) The metric system shall be used in all those elements of new defense systems requiring new design, which are pre-Milestone 1, unless such use may be justified as not being in the best interest of the Department of Defense. The nonuse of metric units in a major system (as defined in DOD Directive 5000.1 [1]), shall require the approval of the Under Secretary of Defense for Acquisition (USD(A)). The rationale (including a cost and/or schedule analysis or trade-off study) for such nonuse shall be included in the Justification for Major System New Starts or, for less-than-major systems, in the initial program planning.

(c) DOD Components shall adopt the metric system in:

(1) Areas where industry has made significant progress in the design and production of metric products.

(2) Developing materiel to be used jointly with the North Atlantic Treaty Organization (NATO STANAG 4183) and other allied nations.

(3) Developing military materiel that has potential for significant foreign sales or multinational joint acquisition programs.

(4) Areas where defense industry preparedness or defense production readiness may be enhanced.

(d) Emphasis shall be placed on developing metric specifications, standards, and other general purpose technical data to support the development of Defense systems, equipment and material. January 1, 1990 is established as the target date for the availability of metric specifications and standards necessary to satisfy the metrication policies of this Directive. All DOD standardization documents shall be reviewed for metric applicability. The cognizant standardization activity shall identify documents for which a metric version is needed. Existing non-Government metric standards shall be adopted when they satisfy DOD requirements. Non-Government standards preparing activities should be encouraged to prepare metric documents suitable for adoption by DOD when practical. When a needed metric document or metric version of an inch-pound document is not available from non-Government sources, the cognizant DOD standardization activity shall prepare the document. Documents should be prepared so to take advantage of opportunities promoting rationalization and simplification of relationships, improvements of design, reduction of size variations, and increases in economy.

§ 209.5 Responsibilities.

(a) The Under Secretary of Defense for Acquisition (USD(A)) shall be the approval authority for the nonuse of the metric system in major systems.

(b) The Assistant Secretary of Defense for Production and Logistics (ASD(P&L)) shall:

(1) Provide direction and guidance in the application and use of the metric system of measurement.

(2) Establish the DOD Metrication Steering Group (MSG) within the Production and Support Committee to plan and coordinate DOD transition to the metric system and to advise DOD Components on matters relating to metrication.

(3) Appoint a DOD representative to the Federal Interagency Committee on Metric Policy (ICMP).

(4) Appoint the DOD Metric Coordinator to chair the MSG and represent DOD on the Metrication Operating Committee of the ICMP.

(5) Establish procedures for expediting the preparation, coordination, and approval of new metric specifications and standards.

(c) The Heads of DOD Components shall:

(1) Designate specific senior officials to be responsible for approving any requests not to use the metric system in those elements of less than major new systems requiring new design.

(2) Designate an office to manage metric conversion activities.

(3) Designate a primary and alternate person to represent the DOD Component on the MSG.

(4) Ensure that activities responsible for preparing and coordinating metric standardization documents are supported adequately.

(5) Ensure that personnel are provided education on the metric system and training, as needed, in specific metric practices and usages.

(6) Evaluate and monitor the impact of the use and nonuse of the metric system in equipment and procedures on operations, safety, and interoperability.

(7) Ensure that regulations and procedures do not unduly restrict use of the metric system, and where applicable, ensure that regulations and procedures ease transition to the metric system.

(d) The Defense Product Standards Office under the Office of Deputy Assistant Secretary of Defense (Production Support) shall provide an Executive Secretariat to the DOD MSG and administrative support.

§ 209.6 Procedures.

(a) Physical and operational interfaces between metric items and inch-pound items shall be designed to ensure interoperability.

(b) Existing designs dimensioned in inch-pound units shall not be converted to metric units, unless determined by the procuring activity to be necessary or advantageous. Unnecessary retrofit of existing systems with new metric components shall be avoided. The measurement units in which a system originally is designed shall be retained for the life of the system.

(c) During the metric transition phase, use of hybrid metric and inch-pound designs may be necessary and shall be acceptable. Material, components, parts, subassemblies, and semifabricated materials that are of commercial design shall be specified in metric units when economically available and technically adequate, or when otherwise determined by the procuring activity to be in the best interest of DOD. Bulk materials shall be specified and accepted in metric units, unless being acquired for use in materiel designated in inch-pound units.

(d) Defense Acquisition Board (DOD Instruction 5000.2 [2]) and Major Automated Information System Review Council (DOD Instruction 7920.2 [3]) reviews and associated cost estimates and decision papers shall address the use of SI including the reasons for nonuse.

(e) Technical reports, studies, and position papers (except those on items dimensioned in inch-pound units) shall use metric units of measurement. Inch-pound units may be cited in parentheses. The use of tables in documents to convert specific dimensions in the document from one system of measurement to the other is acceptable. Use of dual dimension (both metric and inch-pound) on drawings shall be avoided.

(f) When purchasing new shop, laboratory, and general purpose test equipment, DOD Components shall specify features that shall allow direct measurement in metric units or both metric and inch-pound units.

(g) Metric specifications and standards shall be marked in accordance with MIL–STD–961 and MIL–STD–962, respectively.

(h) DOD representatives shall participate actively in the development of U.S. and international standards using the metric system. NATO and other international metric standards shall be used to the maximum practical extent. If a U.S. metric standard is established with greater definition and restriction than the international standard, the U.S. standard shall be used.

§ 209.7 Reporting requirements.

The MSG shall develop an annual report of metric activities during the past fiscal year for submission to the USD(A) by January 15 of each year. The report shall be based on reports submitted by each of the member DOD Components. DOD Component reports shall describe major accomplishments, recommendations, metric standardization documents prepared, and significant metric systems or equipment initially being developed or acquired. The required format and content of the DOD Component reports shall be specified by the MSG Chairman. DOD Component reports shall be submitted to the MSG Chairman by November 30 of each year. In accordance with DoD Directive 7750.5 [4], the "Annual Report of Metric Activities" is assigned Report Control Symbol DD–P&L (A) 1780.

Linda M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.
December 9, 1987.

FR Doc. 87–28607 Filed 12–11–87; 8:45 am]
BILLING CODE 3810–01–M

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, ATTN: Code 1052, 5801 Tabor Avenue, Philadelphia, PA 19120.

[2] See footnote 1 to § 209.4(b).

[3] See footnote 1 to § 209.4(b).

[4] See footnote 1 to § 209.4(b).

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7–87–21]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the City of New Smyrna Beach, the Coast Guard is modifying regulations governing the Coronado Beach and Harris Saxon drawbridges at New Smyrna Beach by permitting the number of openings to be limited during certain periods. This change is being made because of complaints about highway traffic delays. This action will accommodate the current needs of vehicular traffic and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on January 13, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, telephone (305) 536–4103.

SUPPLEMENTARY INFORMATION: On June 22, 1987, the Coast Guard published proposed rule (52 FR 23472) concerning this amendment. The Commander, Seventh Coast Guard District, also published the proposal as a Public Notice dated July 6, 1987. In each notice, interested persons were given until August 6, 1987, to submit comments.

Drafting Information

The drafters of these regulations are Mr. Walt Paskowsky, Bridge Administration Specialist, project officer, and Lieutenant Commander S.T. Fuger, Jr., project attorney.

Discussion of Comments

Twenty-five comments were received. Most discussed the need to keep vehicular traffic flowing on both bridges; several commented on the need to expedite passage of emergency vehicles and to synchronize the openings of both bridges to accommodate vessel speeds. Closure of the draw for emergency vehicles is addressed in 33 CFR 117.31. Since the vertical clearance of the Coronado Beach bridge is 10 feet lower, many vessels can pass beneath the Harris Saxon bridge but still require opening of the Coronado Beach bridge. This obviates, in large measure, the need to synchronize bridge openings. Ten commercial vessel operators and eight recreational boaters commented on the difficulty experienced in maintaining vessel control while waiting for the Coronado Beach bridge to open due to swift currents, high winds, dangerous shoals, and an expanding number of waterfront facilities near the bridge. The local Coast Guard station investigated the situation and confirmed the limited holding area and strong currents and recommended vessels be passed through the Coronado Beach bridge with minimal delay.

Three commentors recommended the timed openings of the Harris Saxon bridge be year round instead of limited to the months of April, May, October, November and December. Analysis of bridge opening data does not justify extending the regulations beyond these months of seasonal waterway transits

VOL 52 ISS 239 DEC 14 1987 UMI

when openings are significantly increased.

The Coast Guard believes the proposed rules are a reasonable compromise of the original request from the City and the needs of navigation on the Intracoastal Waterway. No new information has been presented which justifies changing the proposed regulation. The final rule is unchanged from the proposed rule published on June 22, 1987.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the regulations exempt tugs with tows. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing. Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. Section 117.261 (h) and (i) are revised to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St Marys River to Key Largo.

* * * * *

(h) *Coronado Beach bridge, mile 845 at New Smyrna Beach.* The draw shall open on signal; except that, from 7 a.m. to 6 p.m. daily, the draw need open only on the hour, quarter-hour, half-hour and three quarter-hour.

(i) *Harris Saxon bridge, mile 846.5 at New Smyrna Beach.* The draw shall open on signal; except that, from October 1 to December 31 and April 1 to May 31, from 9 a.m. to 6 p.m. daily, the draw need open only on the hour and half-hour.

* * * * *

Dated: December 2, 1987.

M.J. O'Brien,

Captain, U.S. Coast Guard, Acting Commander, Seventh Coast Guard District.

[FR Doc. 87–28632 Filed 12–11–87; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3291–8]

Approval and Promulgation of Implementation Plans; New Hampshire Sulfur-in-Fuel; James River Corp.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of New Hampshire. This revision raises the sulfur-in-fuel limit at the James River Corporation, Groveton, from 1.0% sulfur by weight to 2.2%. This source was excluded from recent revisions to the statewide sulfur-in-fuel limitations. No change in actual emissions will occur as a result of this revision, and allowable emissions will be reduced through new restrictions on operation. The intended effect of this revision is to federally approve the State's request that this source be subject to the state regulation which allows the burning of higher sulfur fuel.

EFFECTIVE DATE: January 13, 1988.

ADDRESSES: Copies of the submittal are available for public inspection at Room 2311, JFK Federal Building, Boston, MA 02203; Public Information Reference Unit EPA Library, 401 M Street SW., Washington, DC 20460; and the New Hampshire Air Resources Division, 64 N. Main Street, Concord, NH 03302–2033.

FOR FURTHER INFORMATION CONTACT: Susan Kulstad, (617) 565–3226; FTS 835–3226.

SUPPLEMENTARY INFORMATION: On September 22, 1986, EPA published a Notice of Proposed Rulemaking for regulatory changes to the New Hampshire State Implementation Plan that would allow an increase in the sulfur-in-fuel content at the James River Corporation, Groveton, from no more than 1.0% sulfur by weight to no more than 2.2% (51 FR 33624). This source, a pulp and paper mill, was excluded from previously approved revisions to the sulfur-in-fuel limit for Coos County pending additional technical support. The New Hampshire Air Resources Agency has not demonstrated that there will be no violations of the National Ambient Air Quality Standards for sulfur dioxide when this source is burning the 2.2% sulfur fuel.

One public comment was received on the Notice of Proposed Rulemaking. The commenter pointed out the absence of an analysis of impacts in the building cavity region. Such an analysis may be required because some of the stacks at the mill are shorter than Good Engineering Practice (GEP) height and thus the plumes may be entrained into this cavity region. EPA has since performed a cavity analysis, indicating that this region lies on the James River Corporation's property. The New Hampshire agency has submitted evidence that fencing precludes public access from the cavity region. EPA has reviewed the New Hampshire submittal (more fully discussed in the Notice of Proposed Rulemaking) and, with the addition of the building cavity analysis, finds it acceptable.

Final Action

EPA is approving a revision for the James River Corporation, Groveton, New Hampshire, submitted by the New Hampshire Air Resources Agency on January 22, 1986. This revision approves the James River Corporation, Groveton, to burn fuel with a limit of no more than 2.2% sulfur by weight. EPA is approving selected conditions of five Permits to Operate to ensure the 2.2% sulfur by weight limit is met, including daily fuel use restrictions in four of the permits, issued by the New Hampshire Air Resources Agency to the James River Corporation, Groveton. The New Hampshire agency submitted these permit conditions to EPA for approval and incorporation into the SIP as part of this revision.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 12, 1988. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2))

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements, Sulfur dioxide.

Note: Incorporation by reference of the State Implementation Plan for the State of New Hampshire was approved by the Director of the Federal Register on July 1, 1982.

Dated: November 2, 1987.

Lee M. Thomas,

Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart EE—New Hampshire

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1520, is amended by adding paragraph (c)(38) to read as follows:

§ 52.1520 Identification of plan.

* * * * *

(c) * * *

(38) Approval of a revision to allow the James River Corporation, Groveton, to burn oil having a 2.2% sulfur-by-weight limit in accordance with previously approved SIP regulation CHAPTER Air 400, Section Air 402.02, submitted on January 22, 1986. This source was previously excluded from revisions pertaining to New Hampshire regulation CHAPTER Air 400, Section Air 402.02 (identified at paragraph (c)(26) of this section), but New Hampshire has now submitted adequate technical support for approval.

(i) Incorporation by reference.

(A) The conditions in the following five Permits to Operate issued by the State of New Hampshire Air Resources Agency on September 6, 1985, to the James River Corporation—Groveton Group: Permit No. PO–B–1550, Conditions 5B, 5C, and 5D; Permit No. PO–B–213, Conditions 2 and 5A; Permit No. PO–B–214, Conditions 2 and 5A; Permit No. PO–B–215, Conditions 2 and 5A; and Permit No. PO–BP–2240, Condition 5B. These conditions limit the sulfur-in-fuel content at the James River Corporation, Groveton, to 2.2% sulfur by weight.

3. Section 52.1525 is amended by adding the following entry to the table in numerical order to read as follows:

§ 52.1525 EPA-approved New Hampshire state regulations.

Title/Subject	State Citation	Chapter	Date adopted by state	Date approved by EPA	Federal Register Citation	52.1520	Comments
Sulfur content limit in fuels	CH Air 400			12/14/87	52 FR 47392	(c)(38)	Approval of 2.2% sulfur-in-oil limit for James River, Groveton.

[FR Doc. 87–26557 Filed 12–11–87; 8:45 am]

BILLING CODE 6560–50–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–44

[FPMR Temp. Reg. H–26]

Donation of Federal Surplus Personal Property To Nonprofit Providers of Assistance To Homeless Individuals

AGENCY: Federal Supply Service, GSA.

ACTION: Temporary regulation.

SUMMARY: This regulation establishes policies and procedures for donating Federal surplus personal property to programs that provide assistance to the homeless. It is issued to comply with section 502 of the Stewart B. McKinney Homeless Assistance Act, which makes nonprofit tax-exempt providers of assistance to homeless individuals eligible for donations of Federal surplus personal property. This regulation will ensure that property usable for providing food, shelter, or other services to homeless individuals is made available to providers of assistance to the homeless.

DATE: *Effective date:* December 14, 1987. *Expiration date:* September 30, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley M. Duda, Director, Property Management Division, (703) 557–1240.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of E.O. 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101–44

Government property management, Reporting requirements, Surplus Government property.

1. The authority citation for Part 101–44 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

2. In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter H to read as follows:

General Services Administration, Federal Property Management Regulations, Temporary Regulation H–26

November 24, 1987.

To: Heads of Federal agencies.

Subject: Donation of Federal surplus personal property to nonprofit providers of assistance to homeless individuals.

1. *Purpose.* This regulation expands donation program eligibility to include nonprofit, tax-exempt providers of assistance to homeless individuals. It also serves as notice to the State surplus property agencies that they are required to make information available about surplus personal property which may be used for providing food, shelter, or supportive services to homeless individuals.

2. *Effective date.* This regulation is effective upon publication in the **Federal Register.**

3. *Expiration date.* This regulation expires September 30, 1988, unless sooner superseded or incorporated into the permanent regulations of GSA.

4. *Applicability.* The provisions of this regulation apply to all State agencies as defined in § 101–44.001–14.

5. *Background.* The Stewart B. McKinney Homeless Assistance Act amended section 203(j)(3)(B) of the Federal Property and Administrative Services Act of 1949, as amended, to authorize donations of Federal surplus

VOL 52 ISS 239 DEC 14 1987 UMI

personal property to nonprofit, tax-exempt providers of assistance to homeless individuals. It also requires GSA to transmit an annual report to the Congress describing programs administered by the agency which assist homeless individuals, impediments to the use of these programs by homeless individuals, and efforts made by GSA to increase opportunities for homeless individuals to obtain food, shelter, and supportive services.

6. *Explanation of changes.*

a. Section 101–44.202 is amended by revising paragraph (c)(5) to read as follows:

§ 101–44.202 State plan of operation.

* * * * *

(c) * * *

(5) *Financing and service charges.* The State plan shall set forth the means and methods by which the State agency will be financed.

When the State agency is authorized to assess and collect service charges from participating donees to cover direct and reasonable indirect costs of its activities, the method of establishing the charges shall be set forth in the plan. The charges shall be fair and equitable and based on services performed by the State agency, including but not limited to screening, packing, crating, removal, and transportation. When the State agency provides minimal services in connection with the acquisition of property, except for document processing and other administrative actions, the charge levied by the State agency shall be minimal. The State plan shall provide for minimal charges to be assessed in such cases and include the bases of computation. When property is made available to nonprofit providers of assistance to homeless individuals, the State plan shall provide for this property to be distributed at a nominal cost for care and handling of the property. The plan of operation shall set forth how funds accumulated from service charges, or from other sources such as sales or compliance proceeds, are to be used for the operation of the State agency and the benefit of participating donees. Service charge funds may be used to cover direct and indirect costs of the State agency's operation, to purchase necessary equipment, and to maintain a reasonable working capital reserve. Such funds may be deposited or invested as permitted by State law, provided the plan of operation sets forth the types of depositories and/or investments contemplated. Service charge funds may be used for the purpose of rehabilitating donable surplus property, including the purchase of replacement parts. Subject to State authority and the provisions of the plan of operation, the State agency may expend service charge funds to acquire or improve office or distribution center facilities. When such acquisition or improvements are contemplated, the plan shall set forth what disposition is to be made of any financial assets realized upon the sale or other disposal of the facilities. When refunds of service charges in excess of the State agency's working capital reserve are to be made to participating donees, the plan shall so state and provide details of how such refunds are to be made, such as a reduction in service charges or a cash refund, prorated in an equitable manner.

* * * * *

b. Section 101–44.207 is amended by adding paragraphs (a)(12.1) and (18.1) and revising paragraph (c) to read as follows:

§ 101–44.207 Eligibility.

* * * * *

(a) * * *

(12.1) "Homeless individual" means an individual who lacks a fixed, regular, and adequate nighttime residence, or who has a primary nighttime residence that is: (i) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); (ii) an institution that provides a temporary residence for individuals intended to be institutionalized; or (iii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. For purposes of this regulation, the term does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

* * * * *

(18.1) "Provider of assistance to homeless individuals" means a public agency or a nonprofit, tax-exempt institution or organization that operates a program which provides assistance such as food, shelter, or other services to homeless individuals, as defined in paragraph (a)(12.1) of this section. Property acquired through the donation program by such institutions or organizations must be used exclusively in their program(s) for providing assistance to homeless individuals.

* * * * *

(c) *Eligibility of nonprofit tax-exempt activities.* Surplus personal property may be donated through the State agency to nonprofit tax-exempt activities, as defined in this section, within the State, such as:

(1) Medical institutions;

(2) Hospitals;

(3) Clinics;

(4) Health centers;

(5) Providers of assistance to homeless individuals;

(6) Schools;

(7) Colleges;

(8) Universities;

(9) Schools for the mentally retarded;

(10) Schools for the physically handicapped;

(11) Child care centers;

(12) Radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations;

(13) Museums attended by the public;

(14) Libraries, serving free all residents of a community, district, State or region; or

(15) Organizations or institutions that receive funds appropriated for programs for older individuals under the Older Americans Act of 1965, as amended, under Title IV and Title XX of the Social Security Act, or under Titles VIII and X of the Economic Opportunity Act of 1964 and the Community Services Block Grant Act. Programs for older individuals include services that are necessary for the general welfare of older individuals, such as social services, transportation services, nutrition services, legal services, and multipurpose senior centers.

* * * * *

c. Section 101–44.208 is amended to revise paragraph (b) to read as follows:

§ 101–44.208 Property distributed to donees.

* * * * *

(b) *Donation purpose.* At the time donable surplus property is acquired by a donee, the donee's authorized representative shall indicate on the State agency's distribution document the primary purpose for which the property is to be used. In the case of public agencies, such usage could be for public purposes, such as conservation, economic development, education, parks and recreation, public health, programs for providing assistance to homeless individuals, public safety, museums, State Indians, or programs for older individuals. When the property is to be used for a combination of these purposes or for some other public purpose, the distribution document shall so indicate. With respect to nonprofit institutions or organizations, the purpose shall be shown as education, public health, programs for providing assistance to homeless individuals, museums, or programs for older individuals.

* * * * *

d. Section 101–44.4701 is amended to revise paragraph (b) to read as follows:

§ 101–44.4701 Reports.

* * * * *

(b) The Administrator of General Services will submit by October 21, 1987, and annually thereafter, a report to the Congress that describes each program that is administered by the agency to assist homeless individuals and the number of homeless individuals served by each program; impediments, including any statutory and regulatory restrictions, to the use of these programs by homeless individuals; and efforts made by GSA to increase the opportunities for homeless individuals to obtain shelter, food, and supportive services.

* * * * *

e. Section 101–44.4902–3040–1 is amended by adding a paragraph at the end of the section to read as follows:

§ 101–44.4902–3040–1 Instructions for preparing GSA Form 3040.

* * * * *

Remarks—Use this area to report on donations to programs that provide assistance to homeless individuals. Include the total amount of property donated, the number of providers that received property, and the number of individuals (estimated if not known) served by each provider. If no donations were made to providers during the report quarter, an indication to that effect should be made.

7. *Effect on other directives.* This regulation modifies portions of the regulations appearing at FPMR 101–44.202, 101–44.207, 101–44.208, 101–44.4701, and 101–44.4902–3040–1.

T.C. Golden,

Administrator of General Services.

[FR Doc. 87–28602 Filed 12–11–87; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Administration

48 CFR Parts 2401 and 2402

[Docket No. R–87–1360; FR–2422]

HUD Acquisition Regulations; Revised Definition of "Senior Procurement Executive"

AGENCY: Office of the Assistant Secretary for Administration, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends the HUD Acquisition Regulations (HUDAR) to revise the definition of "Senior Procurement Executive" in HUDAR 2402.101, to add 2401.601–70 to the HUDAR, and to redesignate various sections in HUDAR Subpart 2401.6. The purpose of this rule is merely to make technical revisions to the current HUDAR.

EFFECTIVE DATE: Under section 7(o)(3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(3)), this final rule cannot become effective until after the first period of 30 calendar days of continuous session of Congress which occurs after the date of the rule's publication. HUD will publish a notice of the effective date of this rule following expiration of the 30-session-day waiting period. Whether or not the statutory waiting period has expired, this rule will *not* become effective until HUD's separate notice is published announcing a specific effective date.

FOR FURTHER INFORMATION CONTACT: Gladys G. Gines, Deputy Director, Policy and Evaluation Division, Office of Procurement and Contracts, telephone (202) 755–5294. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The uniform regulation for the procurement of supplies and services by Federal departments and agencies, the Federal Acquisition Regulation (FAR), was promulgated on September 19, 1983 (48 FR 42102). HUD promulgated its regulations to implement the FAR on March 1, 1984 (49 FR 7696). The most import revision to the HUDAR, which included revisions to implement the Competition in Contracting Act of 1984, was promulgated in the **Federal Register** of November 8, 1935 (50 FR 46572). Those revisions included a definition of "Senior Procurement Executive" in HUDAR 2402.101.

This rule shortens the definition of "Senior Procurement Executive" in 2402.101, adds a new 2401.601–70, and redesignates various sections of HUDAR Subpart 2401.6 to reflect new 2401.601–70. HUD is amending Subpart 2401.6 (Contracting Authority and Responsibilities) to reflect the role and responsibilities of the Senior Procurement Executive which previously were contained under Part 2402 (Definitions of Words and Terms). HUD believes that Subpart 2401.6 is a more appropriate part of the HUDAR in which to describe the substantive responsibilities of the "Senior Procurement Executive" than is Part 2402.

The Department has determined that this document need not be published as a proposed rule, as generally is required by the Administrative Procedure Act. This rule merely makes technical revisions to the current HUDAR.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291. The rule does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local agencies or geographic regions; or (3) have significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Consistent with the provisions of section: 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned certifies that this rule does not have a significant economic impact on a substantial number of small entities because the rule contains only technical changes to the definition of "Senior Procurement Executive" in HUDAR Parts 2401 and 2402.

HUD has determined that since this rule constitutes a minor revision of the HUDAR, it qualifies for a categorical exclusion under 24 CFR 50.20(k) from HUD's regulations implementing the National Environmental Policy Act (NEPA). This rule merely provides technical revisions to the HUDAR and shifts the location of the definition of "Senior Procurement Executive".

This final rule was not listed in the Department's Seminannual Agenda of Regulations published on October 26, 1987 (52 FR 40358).

List of Subjects in 48 CFR Parts 2401 and 2402

Government procurement, Reporting and recordkeeping requirements.

Accordingly, the Department of Housing and Urban Development amends Title 48, Chapter 24 of the Code of Federal Regulations as follows:

SUBCHAPTER A—GENERAL

PART 2401—FEDERAL ACQUISITION REGULATIONS SYSTEM

1. The authority citation for 48 CFR Part 2401 continues to read as follows:

Authority: Section 205(c) of the Federal Property and Aministrative Services Act of 1949 (40 U.S.C. 486(c)); sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. HUDAR 2401.601–70, 2401.601–71, 2401.601–72 and 2401.601–73 are redesignated as 2401.601–71, 2401.601–72, 2401.601–73, and 2401.601–74 respectively.

3. A new HUDAR 2401.601–70 is added, to read as follows:

2401.601–70 Senior Procurement Executive.

The Assistant Secretary for Administration is the Department's Senior Procurement Executive and is responsible for all Departmental procurement policy, regulations, and procedures, except for internal procedures related to programmatic procurements of the Government National Mortgage Association and the Acquired Property program under the Assistant Secretary for Housing-Federal Housing Commissioner. The Senior Procurement Executive also is responsible for the development of procurement systems, evaluation of systems in accordance with approved criteria, enhancement of career management of the procurement work force, and certification to the Secretary that the Department's procurement systems meet approved criteria.

PART 2402—DEFINITIONS OF WORDS AND TERMS

4. The authority citation for 48 CFR Part 2402 continues to read as follows:

Authority: Section 205(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(c)); sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

5. HUDAR 2402.101 is amended by revising the definition of "Senior Procurement Executive" to read as follows:

2402.101 Definitions.

* * * * *

"Senior Procurement Executive"—means the Assistant Secretary for Administration. The Senior Procurement Executive's responsibilities are stated in HUDAR 2401.601–70.

Dated: December 1, 1987.

Judith L. Hofmann,

Assistant Secretary for Administration.

[FR Doc. 87–28513 Filed 12–11–87; 8:45 am]

BILLING CODE 4210–01–M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 519

[Acquisition Circular AC–87–3]

Monitoring Contractor Compliance With Subcontracting Plans

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary regulation.

SUMMARY: This Acquisition Circular temporarily amends Part 519 of the General Services Administration Acquisition Regulation (GSAR), Chapter 5, to provide uniform procedures for monitoring contractor compliance with subcontracting plans and for reporting actions under section 211 of Pub. L. 95–507. The intended effect is to provide guidance to GSA contracting activities pending a revision to the regulation.

DATES: *Effective Date:* December 16, 1987.

Expiration Date: June 16, 1988.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Scott, Office of GSA Acquisition Policy and Regulations (VP), (202) 523–4765.

SUPPLEMENTARY INFORMATION: Pursuant to section 22(d) of the Office of Federal Procurement Policy Act, as amended, a determination has been made to waive the requirement for publication of procurement procedures for public comment before the regulation takes effect. The need to comply with statutory provisions is an urgent and compelling circumstance that makes advance publication impracticable. The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule implements existing statutory requirements that primarily pertain to GSA's internal operating procedures. Therefore, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

List of Subjects in 48 CFR Part 519

Government procurement.

1. The authority citation for 48 CFR Part 519 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. 48 CFR Part 519 is amended by the following Acquisition Circular.

General Services Administration Acquisition Regulation—Acquisition Circular (AC–87–3)

To: All GSA Contracting Activities

Subject: Monitoring contractor compliance with subcontracting plans.

1. *Purpose.* This Acquisition Circular temporarily amends the General Services Administration Acquisition Regulation (GSAR), Chapter 5 (APD 2800.12), to provide uniform procedures for monitoring contractor compliance with subcontracting plans and for reporting contract actions under Section 211 of Public Law 95–507.

2. *Background.* Public Law 95–507 established a subcontracting plan requirement for all Federal contracts over $500,000 ($1 million for construction) with some exceptions. FAR 19.706 assigns responsibility for monitoring, evaluating, and documenting contractor compliance with the plans to the administrative contracting officer. In GSA, contract administration may be performed by the contracting officer who awarded the contract or it may be delegated to an administrative contracting officer. In view of this, GSA needs uniform procedures for monitoring contractor compliance with subcontracting plans and for reporting contract actions under section 211 of Public Law 95–507.

3. *Effective date.* December 16, 1987.

4. *Expiration date.* This Circular expires June 16, 1988, unless canceled earlier.

5. *Reference to regulation.* Section 19.706 of the Federal Acquisition Regulation and Section 519.770 of the General Services Administration Acquisition Regulation.

6. *Explanation of changes.*

(a) Section 519.706–70 is added to read as follows:

§ 519.706–70 Monitoring contractor compliance with subcontracting plans.

(a) Contract administration may be performed by the procuring contracting officer who awarded the contract or it may be delegated to an administrative contracting officer (ACO). When contract administration is delegated, the subcontracting plan shall be included in the contract file transmitted to the contract administration office.

(b) The contracting officer administering contracts with subcontracting plans shall monitor timely receipt of SF 294 and/or SF 295 reports and review the reports for progress in meeting subcontracting plan goals. If goals are not met, the contractor must be required to explain the shortfall on the subcontracting reports and may be required to submit evidence of their outreach efforts to locate and provide subcontracting opportunities to small and small disadvantaged business concerns. The requirement for compliance with plans may be fulfilled by evidence of satisfactory outreach efforts, as described in the plan, as well as by meeting plan goals.

(c) In the case of company-wide plans approved by GSA, the first contracting officer who enters into a contract with a company

during the company's fiscal year shall approve the plan and shall monitor receipt of reports and compliance with the plan. This responsibility is generally assigned to the ACO if contract administration is delegated. Subsequent GSA contracts awarded during the company's same fiscal year and incorporating the previously approved plan will not require submission of subcontracting reports.

(d) In the case of company-wide plans approved by another agency, the first GSA contracting officer entering into a contract with the company during the company's same fiscal year in which the plan was approved shall require the contractor to submit the SF 295 report and shall monitor receipt of the report. No other monitoring of this plan is required by GSA.

(e) Contractor compliance with plans must be documented in accordance with FAR 19.705–6 and must be considered by the contracting officer when determining contractor responsibility for future awards. In case of noncompliance, the contracting officer shall notify the Office of Small and Disadvantaged Business Utilization (AU) through the appropriate Small Business Technical Advisor (SBTA).

(b) Section 519.770–3 is added to read as follows:

§ 519.770–3 Reporting on contractual actions under section 211 of Public Law 95–507.

(a) *Contracting office reporting requirements.* A quarterly report of the number and dollar value of contracts awarded in excess of $500,000 ($1 million for construction) requiring subcontracting plans must be prepared and submitted as indicated below. Report Control Symbol ADM 64 is assigned to this report. Negative reports are required.

(1) *Regional contracting offices.* The reports must be submitted to the regional Business Service Centers (BSC's) by the 10th calendar day after the end of each quarter. The BSC's will forward the reports to AU by the 20th calendar day following the end of the quarter.

(2) *Central office contracting offices.* The reports must be submitted to the appropriate SBTA by the 10th calendar day after the end of each month. The SBTA's will forward the reports to AU by the 20th calendar day following the end of the quarter.

(b) *Report format.* The following format is prescribed for the quarterly report.

Reporting Office _____
Quarter beginning _____
Quarter ending _____

Report on Contracting Actions Under Section 211 of Public Law 95–507

(contracts estimated or actual value over $500,000 ($1 million for construction])

Note.—Do not include Contracts with Small Business Concerns.

1. Total number of contracts awarded over $500,000 ($1 million for construction)
No. _____
Dollar value _____

2. Contracts awarded over $500,000 ($1 million for construction) which contain subcontracting plans
No. _____
Dollar value _____

3. Contracts awarded over $500,000 ($1 million for construction) without subcontracting plans. (Attach written justification for each contract awarded without a plan, see FAR 19.705–2).
No. _____
Dollar value _____

(End of format)

Dated: December 4, 1987.

Patricia A. Szervo,

Associate Administrator for Aquisition Policy.

[FR Doc. 87–28637 Filed 12–11–87; 8:45 am]

BILLING CODE 6820–61–M

Proposed Rules

Federal Register
Vol. 52, No. 239
Monday, December 14, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Issuance of Quarterly Report on the Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission has issued the September 1987 Regulatory Agenda. The Agenda is a quarterly compilation of all rules on which the NRC has proposed action, or is considering action, as will as those on which the NRC has recently completed action. In addition, the agenda includes all petitions for rulemaking that have been received and are pending disposition by the Commission. The agenda is issued to provide the public with information regarding NRC's rulemaking activities.

ADDRESS: A copy of this report, designated NRC Regulatory Agenda (NUREG–0936) Vol. 6, No. 3, is available for inspection and copying at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555.

Single copies of the report may be purchased from the U.S. Government Printing Office (GPO). Customers may call (202) 275–2060 or (202) 275–2171 or write to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082.

FOR FURTHER INFORMATION CONTACT: David L. Meyer, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: 301–492–7086.

Dated at Bethesda, Maryland, this 9th day of December 1987.

For The Nuclear Regulatory Commission.

David L. Meyer,

Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management.

[FR Doc. 87–28646 Filed 12–11–87; 8:45 am]

BILLING CODE 7590–01–M

10 CFR Part 61

Low-Level Radioactive Waste Disposal Facility; Availability of Publication Concerning Application of Quality Assurance

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft guidance document: Request for comments.

SUMMARY: The Nuclear Regulatory Commission (NRC) is requesting comments on NUREG–1293 entitled "Quality Assurance Guidance for a Low-Level Radioactive Waste Disposal Facility." This document proposes guidance for the preparation of a license application for disposal of low-level radioactive waste.

DATE: The comment period expires February 15, 1988.

ADDRESSES: Send written comments to the Director, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555. Copies of all comments received by the NRC may be examined at the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555. Copies of NUREG–1293 entitled "Quality Assurance Guidance for a Low-Level Radioactive Waste Disposal Facility" may be purchased by calling the U.S. Government Printing Office on (202) 275–2060 or 2171 or by writing to the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013–7082.

FOR FURTHER INFORMATION CONTACT: Clayton L. Pittiglio, Jr., Regulatory Branch, Division of Low-Level Waste Management of Decommissioning, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 427–4529.

SUPPLEMENTARY INFORMATION: This draft document provides guidance to an applicant in meeting the requirements of 10 CFR 61.12(j). This portion of the licensing requirements for the land disposal of low-level radioactive waste requires that a license application for a low-level waste (LLW) facility include a description of the quality control (QC) program for determining the natural disposal site characteristics. The regulation also requires a QC program during design, construction, operation, and closure of the land disposal facility and the receipt, handling, and emplacement of waste. Audits, and managerial controls must be included. The requirements stated in 10 CFR 61.12(j) provided the bases for developing a quality assurance (QA) program.

The criteria presented in this document are similar to the criteria developed for Appendix B of 10 CFR Part 50. Although the criteria contained in Appendix B of 10 CFR Part 50 are not a regulatory requirement for a LLW disposal facility, the staff consider these criteria to encompass the fundamental elements of a QA program and has chosen to apply similar criteria to LLW disposal.

This document proposes QA guidance for any activity, structure, system, or component that is required to meet the performance objectives of 10 CFR Part 61, and to limit exposure to or releases of radioactivity. This document specifically identifies draft QA guidance for the design, construction, and operation of those structures, systems, and components as well as for site characterization activities.

Dated at Silver Spring, Maryland, this 8th day of December, 1987.

For the Nuclear Regulatory Commission.

Michael S. Kearney,

Chief, Regulatory Branch, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 87–28645 Filed 12–11–87; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87–NM–149–AD]

Airworthiness Directives; Boeing Model 737–300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes a new airworthiness directive (AD), applicable to certain Model 737–300 series airplanes, which would require modification of the escape slide, packing method, and installation on the forward doors. This proposal is prompted by reports that, during door opening, the escape slide girt material can interfere with the girt bar stowage bracket, and hook in the girt fold, arresting the door opening motion. This condition, if not corrected, could cause delay during an emergency evacuation.

DATES: Comments must be received no later than February 12, 1988.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM–103), Attention: Airworthiness Rules Docket No. 87–NM–149–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. Information concerning the Air Cruisers service bulletin may be obtained from Air Cruisers Company, P.O. Box 180, Belmar, New Jersey 07719.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Gardlin, Airframe Branch, ANM–120S; telephone (206) 431–1932. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM–103), Attention: Airworthiness Rules Docket No. 87–NM–149–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

During recent escape slide certification testing on Model 737–300 series airplanes, it was discovered that, during door opening, the forward door escape slide girt material can interfere with the girt bar stowage bracket. Further testing revealed that, when the door is opened, the amount of girt material outside of the slide compartment can increase. This excess material can cause interference with the girt bar stowage bracket and stop the door opening motion. This interference must be manually corrected to allow the door to be opened normally. In addition, the excess girt material can permit misinstallation of the girt bar, causing deployment/inflation malfunction. This situation could cause a delay during an emergency evacuation.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require modification, in a manner approved by the FAA, of the escape slide and packing method on the forward doors of Model 737–300 airplanes.

The Air Cruisers Company, the escape slide manufacturer, has released Service Bulletin 103–25–11, Revision 1, dated October 14, 1987, which contains instruction information concerning some, but not all, of the proposed required modifications of the escape slide. Operators may wish to consult this document to obtain information for designing individual modification procedures. In addition, the Boeing Commercial Airplane Company has notified FAA that it is preparing a service bulletin for issuance in the near future, which will contain instructions for the accomplishment of the proposed modifications. The FAA may consider referencing this service bulletin in the final rule as an approved method of compliance.

It is estimated that 175 airplanes of U.S. registry would be affected by this AD, that it would take approximately 4 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $280,000.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 737 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to all Model 737–300 series airplanes, certificated in any category. Compliance required within 6 months after the effective date of this amendment, unless previously accomplished.

To prevent failure or interference of opening of the forward doors during an emergency evacuation, accomplish the following:

A. Modify escape slide packing and means of girt material retention in a manner approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region. Modification of the escape slide and/or airplane must include a means to:

1. Prevent interference between the escape slide girt and the girt bar stowage bracket.

BEST COPY AVAILABLE

2. Prevent excess girt material from being outside the compartment, and

3. Prevent misinstallation of the girt bar.

B. An alternate means of compliance or adjustment of the compliance time, which provide an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

Issued in Seattle, Washington, on December 3, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-28591 Filed 12-11-87; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 87-NM-156-AD]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, that would require installation of brake metering valve tire burst guards in the main landing gear wheel wells. This proposal is prompted by reports of two airplanes in production found without the left and right main landing gear brake metering valve tire burst guards installed. This condition, if not corrected, could lead to loss of hydraulic systems A and B, brakes, and nose wheel steering.

DATE: Comments must be received no later than February 12, 1988.

ADDRESS: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-156-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. McCracken, Systems and Equipment Branch, ANM-130S; telephone (206) 431-1947. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-156-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

Two Boeing Model 737 series airplanes in production were found without left and right main landing gear brake metering valve tire burst guards installed. Subsequent investigation by the manufacturer indicates that fifteen airplanes were delivered without these guards installed. Operation without the tire burst guards installed could result in loss of hydraulic systems A and B, brakes, and nose wheel steering if a tire burst occurs in the main landing gear wheel well.

The FAA has reviewed and approved Boeing Service Bulletin 737-32-1202, dated August 27, 1987, which describes installation of the left and right main landing gear brake metering valve tire burst guards.

Since this condition is likely to exist on other airplanes of this same type design, an AD is proposed which would require installation of tire burst guards in accordance with the service bulletin previously mentioned.

It is estimated that 10 airplanes of U.S. registry would be affected by this AD, that it would take approximately 6 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $2,400.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 737 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 737 series airplanes, as listed in Boeing Service Bulletin 737-32-1202, dated August 27, 1987, certificated in any category. Compliance required within the next six months after the effective date of this AD, unless previously accomplished.

To prevent damage to the hydraulic systems and loss of brakes and nose wheel steering in the event of a tire burst in the wheel well, accomplish the following:

A. Install left and right main landing gear brake metering valve tire burst guards in accordance with Boeing Service Bulletin 737-32-1202, dated August 27, 1987, or later FAA-approved revision.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Seattle Aircraft Cetification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on December 4, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-28593 Filed 12-11-87; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 87-NM-157-AD]

Airworthiness Directives, British Aerospace Model BAe-125 Series Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to certain British Aerospace Model BAe-125 series airplanes, that would require inspection for cracks and repair, if necessary, of the aileron mass balance assembly. This proposal is prompted by reports of cracking of the attachment lugs of the aileron mass balance side plate. This condition, if not corrected, could result in displacement of the side plate, and possible control surface interference.

DATE: Comments must be received no later than February 12, 1988.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-157-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from British Aerospace, Inc., Service Bulletin Librarian, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Golder, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-157-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe condition existing on certain British Aerospace (BAe) Model 125 series airplanes. Cases have been reported of cracking of the attachment lugs of the aileron mass balance side plate. This condition, if not corrected, could lead to displacement of the side plate and possible control surface interference.

BAe has issued Service Bulletin 57-66, Revision 2, dated October 25, 1986, which describes dye penetrant inspections, and repair if necessary, of the attachment lugs. The CAA has classified the BAe service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require inspections, and repair if necessary, of the attachment lugs of the aileron mass balance side plate, in accordance with the previously mentioned BAe service bulletin.

It is estimated that 420 airplanes of U.S. registry would be affected by this AD, that it would take approximately 1 manhour per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $16,800.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane ($40). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to Model BAe-125 series airplanes listed in BAe-125 Service Bulletin 57-66, Revision 2, dated October 25, 1986, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent displacement of the aileron mass balance side plate, and possible control surface interference, accomplish the following:

A. Within 6 months after the effective date of this AD, accomplish a dye penetrant inspection for cracks in accordance with BAe Service Bulletin 57-66, Revision 2, dated October 25, 1986. Repeat the inspection at intervals not to exceed 2 years.

B. If cracks are detected, repair before further flight, in accordance with Repair Scheme 25WG/R143, issued with Service Bulletin 57-66, Revision 2, dated October 25, 1986.

C. Accomplishment of Repair Scheme 25WG/R143 constitutes terminating action for inspections required by paragraph A., above.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and has the concurrence of a FAA Principal Maintenance Inspector, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Inc., Service Bulletin Librarian, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on December 4, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-28592 Filed 12-11-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-AWA-48]

Proposed Alteration of VOR Federal Airways; Expanded East Coast Plan—Phase II

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of Federal Airway V-479 located in the vicinity of Dupont, DE. This airway is part of an overall plan designed to alleviate congestion and compression of traffic in the airspace in the FAA's Eastern Region bounded by the New England, Great Lakes and the Southern Regions. This proposal is a portion of Phase II of the Expanded East Coast Plan (EECP); Phase I was implemented February 12, 1987. The EECP is designed to make optimum use of the airspace along the east coast corridor. This action would reduce en route and terminal delays in the Boston, MA; New York, NY; Miami, FL; Chicago, IL; and Atlanta, GA, areas, save fuel and reduce controller workload. The EECP is being implemented in coordinated segments until completed.

DATES: Comments must be received on or before December 30, 1987.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Eastern Region, Attention: Manager, Air Traffic Division, Docket No. 87-AWA-48, Federal Aviation Administration, JFK International Airport. The Fitzgerald Federal Building, Jamaica, NY 11430.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-AWA-48." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484 Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the description of V-479 located in the vicinity of Dupont, DE. Currently, there is substantial congestion in east coast traffic flows to the point that substantial delays are experienced daily. This action would alter V-479 to bypass the Philadelphia terminal area in order to facilitate traffic flow in the en route airspace south of the New York metropolitan area. The EECP is intended to provide optimum use of airspace along the heavily traveled coastal corridors between New York and Florida and reduce departure/arrival delays in the Boston, MA; Chicago, IL; Atlanta, GA; Miami, FL; and New York areas. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. In consideration of the need for concurrent implementation of this rule with related airway actions on the east coast, I find that good cause exists for providing a comment period of less than 30 days in order to promote the safe and efficient handling of air traffic.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal Airways.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. Section 71.123 is amended as follows:

V-479 [Revised]

From Dupont, DE; INT Dupont 070 °T (080 °M) and Yardley, PA, 190 °T (200 °M) radials; to Yardley.

Issued in Washington, DC, on December 1, 1987.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87-28590 Filed 12-11-87; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

23 CFR Part 625

[FHWA Docket No. 86-17, Notice 3]

Design Standards for Highways; Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Supplemental information; additional comment period.

SUMMARY: The FHWA has adopted for application on Federal-aid highway projects the American Association of State Highway and Transportation Officials' (AASHTO) "Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals, 1985," except for the requirements of section 7 of the document which deal with breakaway supports. Action on section 7 was deferred until FHWA's crash testing of previously accepted luminaire support hardware according to the new requirements in section 7 had been completed and the results available. These test results are available now and are being published for public review and comment. A 90-day comment period is being established. Comments received will be taken into consideration when a final decision is made as to whether section 7 of the 1985 AASHTO specification should be adopted for application on Federal-aid highway projects.

DATE: Written comments must be received on or before March 14, 1988.

ADDRESS: Submit written, signed comments, preferably in triplicate, to FHWA Docket No. 86-17, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m. ET, Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Hatton, Office of Engineering, (202) 366-1329, or Mr. Michael J. Laska, Office of Chief Counsel, (202) 366-1383, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: The FHWA issued a final rule, published September 28, 1987, at 52 FR 36245, which adopted for application on Federal-aid highway projects the AASHTO "Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals, 1985," except for the requirements of section 7 of the document which deal with breakaway supports. The FHWA deferred taking action to adopt section 7 of the 1985 AASHTO specifications until additional information was provided for public review and comment on the capability of presently accepted luminaire hardware to meet the breakaway requirements of the 1985 AASHTO specifications.

The testing by FHWA of previously accepted luminaire support hardware, which the preambles to the previously cited final rule and a notice of proposed rulemaking (NPRM), FHWA Docket 86-17 (51 FR 40817, November 10, 1986), indicated would be used to assist in determining whether currently accepted hardware meets the breakaway requirements of the 1985 AASHTO specification, has now been completed.

In accordance with the 1985 AASHTO specifications, various luminaire support systems were crash tested with an 1,800-pound test device at impact speeds of 20 mph and 60 mph. Most suppliers of breakaway luminaire support systems provided hardware to the FHWA for this capability testing program. An overall summary of the test results is given in Table 1. Included in Table 1 are the test number, the speed of impact, the reported change in velocity, the stub height, the total weight of the luminaire support system, the mounting height, and the luminaire offset for each of the supports tested. These data are grouped according to the seven basic types of bases tested. Reports covering individual crash tests are available for public examination at the docket address given in the previous section entitled "Address."

It is noted that for several support systems only a 20 mph test is reported. For these devices, the 20 mph test produced a high value for the change in velocity (greater than about 25 ft/sec) and resulted in high force levels being imposed on the reusable bogie. In these cases, to avoid potential damage to the bogie, the 60 mph test was not run. Also, for all tests the stub height values

reported are a measurement to the highest point of the stub remaining after the crash test. A decision on whether this stub height satisfies the 1985 AASHTO specification criteria of no "substantial remains" projecting more than 4 inches above ground will require separate evaluation of the crash test films and data.

TABLE 1.—SUMMARY OF CAPABILITY TEST RESULTS

Test No.	Speed (mi/h)	Change in [1] velocity (ft/sec)	Stub height (inches)	Total weight (lb)	Mounting height (ft+in)	Luminaire offset (ft+in)
Fiberglass Support/Aluminum Anchor Base [2]						
87F001	20	29.3	15.0	266	40'4"	8'6"
87F002	20	10.3	9.0	149	24'2"	6'6"
87F003	60	4.7	9.0	149	24'2"	6'6"
87F068	20	10.2	8.0	208	35'0"	8'0"
87F070	60	4.1	8.0	208	35'0"	8'0"
87F069	20	10.4	8.0	237	35'0"	8'0"
87F071	60	5.8	8.0	237	35'0"	8'0"
Aluminum Support/Aluminum Anchor Base [2]						
87F022	20	35.4	NA	530	50'6"	15'5"
87F023	20	35.5	NA	530	50'6"	15'5"
86F072	20	36.1	12.5	285	40'4"	15'4"
86F073	20	34.6	NA	285	40'4"	15'4"
86F074	20	31.9	NA	188	24'10"	15'3"
86F076	20	23.2	4.5	213	35'0"	6'1"
86F078	60	11.2	4.5	213	35'0"	6'1"
Couplings [2]						
87F054	20	17.5	5.0	995	55'0"	16'0"
87F055	60	13.8	5.0	995	55'0"	16'0"
87F073	20	11.2	2.5	523	53'4"	15'5"
87F074	60	8.8	2.5	523	53'4"	15'5"
87F075	20	16.7	2.5	523	45'5"	9'6"
87F076	60	11.7	2.5	523	45'5"	9'6"
Progressive Shear [2]						
86F066	20	34.2	NA	745	51'1"	6'5"
86F067	20	9.7	1.8	390	51'4"	6'5"
86F068	60	10.2	1.8	390	51'4"	6'5"
86F069	20	6.1	2.8	700	39'8"	6'10"
86F070	60	8.8	2.6	700	39'8"	6'10"
86F071	20	30.3	1.8	467	40'0"	7'0"
Slip Base [3]						
87F033	20	15.0	3.5	946	55'6"	16'0"
87F034	60	12.7	3.5	964	55'6"	16'0"
Transformer Base [3]						
86F075	20	22.5	9.0	429	47'0"	15'0"
86F079	60	12.9	8.5	429	47'0"	15'0"
86F077	20	35.6	NA	586	55'4"	15'5"
86F080	20	33.3	NA	812	52'6"	16'6"
86F081	20	13.4	9.5	525	50'3"	15'0"
86F082	60	15.0	9.5	525	50'3"	15'0"
86F083	20	12.0	5.0	844	40'0"	15'5"
86F084	60	17.5	4.5	844	40'0"	15'5"
86F085	20	25.2	8.5	853	40'0"	15'5"
86F086	60	22.7	5.9	853	40'0"	15'5"
86F087	20	29.8	10.5	1048	55'0"	16'2"
86F088	20	30.1	17.0	809	52'6"	16'6"
86F089	20	23.0	7.5	319	28'2"	4'0"
86F090	60	12.6	7.0	319	28'2"	4'0"
86F091	20	35.0	NA	584	55'0"	15'4"
87F004	20	34.6	NA	528	50'6"	15'5"
87F012	20	35.7	NA	522	50'6"	15'5"
87F013	20	35.5	NA	516	50'6"	15'5"
87F014	20	34.2	NA	520	50'6"	15'5"
87F020	20	35.7	NA	520	50'6"	15'5"

TABLE 1.—SUMMARY OF CAPABILITY TEST RESULTS—Continued

Test No.	Speed (mi/h)	Change in [1] velocity (ft/sec)	Stub height (inches)	Total weight (lb)	Mounting height (ft+in)	Luminaire offset (ft+in)
87F021	20	34.2	NA	667	55'8"	15'5"
87F051	20	35.8	NA	998	39'8"	14'9"
87F052	20	18.3	3.0	558	49'10"	14'9"
87F053	20	35.6	NA	558	49'10"	14'9"
87F072	60	13.9	3.0	558	49'10	14'9"
Soil Mounted Fiberglass Support [3]						
6	20	[1] (14.4)	NA	193	29'6"	6'6"
2	60	10.3	0.0	193	29'6"	6'6"
3	20	[1,4] (13.6)	0.0	157	23'6"	6'6"
5	20	[1] (20.9)	NA	193	26'0"	8'6"
4	60	11.0	0.0	193	26'0"	8'6"

NA=Not Applicable (device did not break away).
Metric Equivalents: 1 mi/h=1.61 km/h, 1 ft/sec=0.305 m/s; 1 ft=0.305 m, 1 in=0.025 m, 1 lb=0.45 kg.
[1] In most cases, because the impact event is of short duration, the reported value represents both the vehicle change in velocity or the longitudinal occupant impact velocity, the measure of occupant risk cited in National Cooperative Highway Research Program Report 230. However, for crash tests where the vehicle/pole impact was of relatively long duration, the measured vehicle change in velocity was typically considerably higher than the measured longitudinal occupant impact velocity. In these latter instances, only the longitudinal occupant impact velocity is given and parentheses used to indicate the basis of the reported change in velocity.
[2] Crash testing of these devices was performed at FHWA's Federal Outdoor Impact Laboratory using a 1,850-pound boggie test vehicle.
[3] Tests conducted through an FHWA research contract. Poles were buried in a strong soil type. Test vehicles were 1979 VW Rabbits.
[4] Only 20 mi/h data available. The 60 mi/h test is planned for a later date. For purposes of the discussion in the text it is assumed this support will produce a change in velocity under 15 ft/sec in a 60 mph test.

The following observations are presented on the crash test data:

1. Overall, the data shows that only 10 of the 38 devices tested would satisfy the 1985 AASHTO specification change in velocity criteria of 15 ft/sec or less. However, this overall performance indicator is heavily influenced by the large number of transformer bases tested and their results.

2. Within the seven basic types of breakaway devices tested there was at least one device each in six of those categories which satisfied the 1985 ASSHTO change in velocity criterion (no aluminum support/aluminum anchor bases passed).

3. Some devices tested which produced change in velocity values slightly greater than the AASHTO criteria, such as those covered by tests 87FO54/55 and 86FO83/84, could possibly produce change in velocity values satisfying the ASSHTO criteria if the total weight of the luminaire support assembly being tested were reduced.

4. Only one slip base device was submitted to FHWA for testing. The support system as tested included a high mounting height (55'-6") and heavy total weight (964 lbs). It produced results which would satisfy the 1985 AASHTO specification breakaway requirements. Several States are using their own designs for slip bases. (This is particularly common in the West.) The results of FHWA's testing of the one slip base device would indicate that many of these other slip base systems might, when crash tested, produce results which comply with the 1985 AASHTO specification.

5. For transformer type bases both mounting bolt torque and mounting bolt circle appear to be important variables to the change in velocity criterion.

These data are being provided for use by commenters wishing to respond to the question of whether the FHWA should adopt section 7 of the 1985 AASHTO specification for use on Federal-aid highway projects. The FHWA is not at this time using the results from its crash testing program to determine the acceptability of a specific breakaway support system for use on a Federal-aid highway project. Should the FHWA, at a later date, decide to adopt the 1985 AASHTO specification, then the test results from FHWA's capability testing program could serve to support a determination of acceptability of use.

For those wishing to comment to modify or extend previous comments to the docket on FHWA's potential adoption of section 7 of the 1985 AASHTO specifications for use on Federal-aid highway projects, an additional 90-day comment period is being established so the results, summarized in this supplement, of FHWA's capability testing of breakaway luminaire supports may be considered in the preparation of comments.

The FHWA has determined that the rulemaking action which this document addresses contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation. The manufacturers of sign and luminaire support systems may be minimally affected should, at a future date, FHWA decide to adopt section 7 of the 1985 AASHTO specifications. A draft regulatory evaluation discussing these impacts was prepared and made available when the November 10, 1986, NPRM was published. This regulatory evaluation will be finalized when the FHWA makes a final decision regarding adoption of section 7 of the 1985 ASSHTO specifications.

List of Subjects in 23 CFR Part 625

Design standards, Grant programs—transportation, Highway and road, Incorporation by reference, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: December 7, 1987.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 87-28652 Filed 12-11-87; 8:45 am]

BILLING CODE 4910-22-M

OFFICE OF INDEPENDENT COUNSEL

28 CFR Part 701

Procedures for Disclosure of Records Under the Freedom of Information Act

AGENCY: Office of Independent Counsel.

ACTION: Proposed rule.

SUMMARY: The Office of Independent Counsel proposes to amend Title 28 of the Code of Federal Regulations, Chapter VII, by adding Part 701, Procedures for Disclosure of Records Under the Freedom of Information Act. This action is necessary to ensure the effective discharge of the Office's obligations under the Freedom of Information Act.

DATES: Submit any comments by January 13, 1988.

ADDRESSES: Address all comments to Pamela Krems, Office of Independent Counsel, Suite 701 West, 555 Thirteenth Street, NW., Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Pamela Krems, 202–383–8989.

SUPPLEMENTARY INFORMATION: The Office of Independent Counsel operates pursuant to two distinct and separate sources of authority. On December 4, 1986, Attorney General Edwin Meese III filed an application for appointment of an Independent Counsel with the Division for the Purpose of Appointing Independent Counsels of the United States Court of Appeals for the District of Columbia Circuit. On December 19, 1986, the Special Division of the Court of Appeals filed an order appointing Lawrence E. Walsh as Independent Counsel in the Iran/Contra matter. Order Appointing Independent Counsel, *In re Oliver L. North, et al.*, Div. No. 86–6 (Dec. 19, 1986).

On March 5, 1987, Attorney General Meese issued a regulation that created an "Office of Independent Counsel: Iran/Contra" and provided that office with the same jurisdiction and powers that it already possessed under the Ethics in Government Act, 28 U.S.C. 591–598, and the December 19, 1986 court order appointing Independent Counsel Walsh. 52 FR 7270 (Mar. 10, 1987), 9241 (Mar. 23, 1987) (to be codified at 28 CFR Parts 600 and 601). The "Office of Independent Counsel" and the "Office of Independent Counsel: Iran/Contra" are in actuality one and the same office. This proposed regulation is issued by Independent Counsel under both grants of authority.

This order relates primarily to individuals rather than to small business entities. However, as required by the Regulatory Flexibility Act, 5 U.S.C. 601–612, the Office hereby states that this regulation will not have a significant economic impact on a substantial number of small business entities.

List of Subjects in 28 CFR Part 701

Freedom of Information.

Dated: December 7, 1987.

Lawrence E. Walsh,

Independent Counsel.

For the reasons set forth in the preamble, and pursuant to the authority vested in me by the Ethics in Government Act, 28 U.S.C. 591–598, the December 19, 1986 Court order, and the authority delegated to me by the Attorney General pursuant to the Attorney General's regulation issued on March 5, 1987, 52 FR 7270 (Mar. 10, 1987), 9241 (Mar. 23, 1987), and 5 U.S.C. 552, Title 28 of the Code of Federal Regulations, Chapter VII, is proposed to be amended by adding Part 701, to read as follows:

PART 701—PROCEDURES FOR DISCLOSURE OF RECORDS UNDER THE FREEDOM OF INFORMATION ACT

Sec.

701.10 General provisions.
701.11 Requirements pertaining to requests.
701.12 Responses by the Office to requests.
701.13 Form and content of Office responses.
701.14 Classified information.
701.15 Business information.
701.16 Appeals.
701.17 Preservation of records.
701.18 Fees.
701.19 Other rights and services.

Authority: 5 U.S.C. 552.

§ 701.10 General provisions.

(a) This part contains the regulations of the Office of Independent Counsel implementing the Freedom of Information Act ("FOIA"), 5 U.S.C. 552. Information customarily furnished to the public in the regular course of the performance of official duties may continue to be furnished to the public without complying with this part, provided that the furnishing of such information would not violate the Privacy Act of 1974, 5 U.S.C. 552a, and would not be inconsistent with regulations issued pursuant to the Privacy Act. To the extent permitted by other laws, the Office will also consider making available records that it is permitted to withhold under the FOIA if it determines that such disclosure would be in the public interest and would not interfere with the functioning of the Office.

(b) As used in this part, the following terms shall have the following meanings:

(1) "Appeal" means the appeal by a requester of an adverse determination of his request, as described in 5 U.S.C. 552(a)(6)(A)(ii).

(2) "Agency" has the meaning given in 5 U.S.C. 551(1) and 5 U.S.C. 552(e).

(3) "Request" means any request for records made pursuant to 5 U.S.C. 552(a)(3).

(4) "Requester" means any person who makes a request to the Office.

(5) "Business information" means trade secrets or other commercial or financial information.

(6) "Business submitter" means any commercial entity that provides business information to the Office and that has a proprietary interest in the information.

(c) The FOIA/PA Officer of the Office of Independent Counsel shall be responsible to Independent Counsel for all matters pertaining to the administration of this part.

(d) The Office of Independent Counsel shall comply with the time limits set forth in the FOIA for responding to and processing requests and appeals, unless there are exceptional circumstances within the meaning of 5 U.S.C. 552(a)(6)(C). The Office shall notify a requester whenever it is unable to respond to or process the request or appeal within the time limits established by the FOIA. The Office shall respond to and process requests and appeals in their approximate order of receipt, to the extent consistent with sound administrative practice.

§ 701.11 Requirements pertaining to requests.

(a) *How made and addressed.* A requester may make a request under this part for a record of the Office of Independent Counsel by writing to the Office at: FOIA/PA Officer, Office of Independent Counsel, Suite 701 West, 555 Thirteenth Street, NW., Washington, DC 20004. A request should be sent to the Office at its proper address and both the envelope and the request itself should be clearly marked: "Freedom of Information Act Request."

(b) *Request must reasonably describe the records sought.* A request must describe the records sought in sufficient detail to enable Office personnel to locate the records with a reasonable amount of effort. A request for a specific category of records shall be regarded as fulfilling this requirement if it enables responsive records to be identified by a technique or process that is not unreasonably burdensome or disruptive of Office operations. Wherever possible, a request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. In addition, if the request seeks records pertaining to pending litigation, the request should indicate the title of the case, the court in which the case was filed, and the nature of the case. If the Office determines that a request does not reasonably describe the records sought, the Office shall either advise the requester what additional information is needed or otherwise state why the request is insufficient. The Office also shall extend to the requester an opportunity to confer with Office personnel with the objective of reformulating the request in a manner that will meet the requirements of this section.

(c) *Agreement to pay fees.* The filing of a request under this part shall be deemed to constitute an agreement by the requester to pay all applicable fees charged under § 701.18 of this part, up to $25, unless a waiver of fees is sought. The Office shall confirm this agreement in its letter of acknowledgement to the requester. When filing a request, a requester may specify a willingness to pay a greater amount, if applicable.

§ 701.12 Responses by the Office to requests.

(a) *Authority to grant or deny requests.* The head of the Office, or his designee, is authorized to grant or deny any request for a record of the Office.

(b) *Initial action by the Office.* When the Office receives a request for a record in its possession, the Office shall promptly determine whether another agency of the Government is better able to determine whether the record is exempt, to any extent, from mandatory disclosure under the FOIA; and whether the record, if exempt to any extent from mandatory disclosure under the FOIA, should nonetheless be released to the requester as a matter of discretion. If the Office determines that it is the agency best able to determine whether to disclose the record in response to the request, then the Office shall respond to the request. If the Office determines that it is not the agency best able to determine whether to disclose the record in response to the request, the Office shall either:

(1) Respond to the request, after consulting with the other agency best able to determine whether to disclose the record and with any other agency having a substantial interest in the requested record or the information contained therein; or

(2) Refer the responsibility for responding to the request to another agency that generated or originated the record, but only if that other agency is subject to the provisions of the FOIA. Under ordinary circumstances, the agency that generated or originated a requested record shall be presumed to be the agency best able to determine whether to disclose the record in response to the request.

(c) *Law-enforcement information.* Whenever a request is made for a record containing information that relates to an investigation of a possible violation of criminal law or to a criminal law-enforcement proceeding and that was generated or originated by another agency, the Office shall refer the responsibility for responding to the request to that other agency; however, such referral shall extend only to the information generated or originated by that other agency.

(d) *Classified information.* Whenever a request is made for a record containing information that has been classified, or that may be eligible for classification, by another agency under the provisions of Executive Order 12356 or any other Executive Order concerning the classification of records, the Office shall refer the responsibility for responding to the request to the agency that classified the information or should consider the information for classification. Whenever a record contains information that has been derivatively classified by the Office because it contains information classified by another agency, the Office shall refer the responsibility for responding to the request to the agency that classified the underlying information; however, such referral shall extend only to the information classified by the other agency.

(e) *Notice of referral.* Whenever the Office refers all or any part of the responsibility for responding to a request to another agency, the Office will consult with the other agency to obtain specific approval to notify the requester of the referral and inform the requester of the name and address of the agency to which the request has been referred and the portions of the request so referred.

(f) *Agreements regarding consultations and referrals.* No provision of this section shall preclude formal or informal agreements between the Office and another agency to eliminate the need for consultations or referrals of requests or classes of requests.

(g) *Separate referrals of portions of a request.* Portions of a request may be referred separately to one or more other agencies whenever necessary to process the request in accordance with the provisions of this section.

(h) *Date for determining responsive records.* In determining records responsive to a request, the Office ordinarily will include only those records within the Office's possession and control as of the date of its receipt of the request.

§ 701.13 Form and content of Office responses.

(a) *Form of notice granting a request.* After the Office has made a determination to grant a request in whole or in part, the Office shall so notify the requester in writing. The notice shall describe the manner in which the record will be disclosed, whether by providing a copy of the record to the requester or by making a copy of the record available to the requester for inspection at a reasonable time and place. The procedure for such an inspection shall not unreasonably disrupt the operations of the Office. The Office shall inform the requester in the notice of any fees to be charged in accordance with the provisions of Section 701.18 of this part.

(b) *Form of notice denying a request.* The Office, when denying a request in whole or in part, shall so notify the requester in writing. The notice must be signed by the FOIA/PA Officer, or her designee, and shall include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reason or reasons for the denial, including the FOIA exemption or exemptions that the Office has relied upon in denying the request and a brief explanation of the manner in which the exemption or exemptions apply to each record withheld; and

(3) A statement that the denial may be appealed under § 701.16(a) and a description of the requirements of that subsection.

(c) *Record cannot be located or has been destroyed.* If a requested record cannot be located from the information supplied, or is known or believed to have been destroyed or otherwise disposed of, the Office shall so notify the requester in writing.

§ 701.14 Classified information.

In processing a request for information that is classified or classifiable under Executive Order 12356 or any other Executive Order concerning the classification of records, the Office shall review the information to determine whether it warrants classification. Information that does not warrant classification shall not be withheld from a requester on the basis of 5 U.S.C. 552(b)(1). The Office shall, upon receipt of any appeal involving classified or classifiable information, take appropriate action to ensure

compliance with Executive Order 12356 or any other Executive Order concerning the classification of records.

§ 701.15 Business information.

(a) *In general.* Business information provided to the Office by a business submitter shall not be disclosed pursuant to a FOIA request except in accordance with this section.

(b) *Notice to business submitters.* The Office shall provide a business submitter with prompt written notice of a request encompassing its business information whenever required under paragraph (c) of this section, and except as is provided in paragraph (g) of this section. Such written notice shall either describe the exact nature of the business information requested or provide copies of the records or portions thereof containing the business information.

(c) *When notice is required.* For business information submitted to the Office it shall provide a business submitter with notice of a request whenever the business submitter has in good faith designated the information as commercially or financially sensitive, or the Office has reason to believe that disclosure of the information may result in commercial or financial injury to the business submitter. Notice of a request for business information falling within the former category shall be required for a period of not more than ten years after the date of submission unless the business submitter requests, and provides acceptable justification for, a specific notice period of greater duration. Whenever possible, the submitter's claim of confidentiality should be supported by a statement or certification by an officer or authorized representative of the company that the information in question is in fact confidential commercial or financial information and has not been disclosed to the public.

(d) *Opportunity to object to disclosure.* Through the notice described in paragraph (b) of this section, the Office shall afford a business submitter a reasonable period within which to provide the Office with a detailed statement of any objection to disclosure. Such statement shall specify all grounds for withholding any of the information under any exemption of the FOIA and, in the case of Exemption 4, shall demonstrate why the information is contended to be a trade secret or commercial or financial information that is privileged or confidential. Information provided by a business submitter pursuant to this paragraph may itself be subject to disclosure under the FOIA.

(e) *Notice of intent to disclose.* (1) The Office shall consider carefully a business submitter's objections and specific grounds for nondisclosure prior to determining whether to disclose business information. Whenever the Office decides to disclose business information over the objection of a business submitter, the Office shall forward to the business submitter a written notice which shall include:

(i) A statement of the reasons for which the business submitter's disclosure objections were not sustained;

(ii) A description of the business information to be disclosed; and

(iii) A specified disclosure date.

(2) Such notice of intent to disclose shall be forwarded a reasonable number of days, as circumstances permit, prior to the specified date upon which disclosure is intended. A copy of such disclosure notice shall be forwarded to the requester at the same time.

(f) *Notice of FOIA lawsuit.* Whenever a requester brings suit seeking to compel disclosure of business information covered by paragraph (c) of this section, the Office shall promptly notify the business submitter.

(g) *Exceptions to notice requirements.* The notice requirements of this section shall not apply if:

(1) The Office determines that the information should not be disclosed;

(2) The information lawfully has been published or otherwise made available to the public;

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552); or

(4) The Office is a criminal law-enforcement agency that acquired information in the course of a lawful investigation of a possible violation of criminal law.

§ 701.16 Appeals.

(a) *Appeals to Independent Counsel.* When a request for access to records or for a waiver of fees has been denied in whole or in part, or when the Office fails to respond to a request within the time limits set forth in the FOIA, the requester may appeal the denial of the request to Independent Counsel within 30 days of his receipt of a notice denying his request. An appeal to Independent Counsel shall be made in writing and addressed to the Office of Independent Counsel, Suite 701 West, 555 Thirteenth Street, NW., Washington, DC 20004. Both the envelope and the letter of appeal itself must be clearly marked: "Freedom of Information Act Appeal."

(b) *Action on appeals by the Office of Independent Counsel.* Unless Independent Counsel otherwise directs, his designee shall act on behalf of the Independent Counsel on all appeals under this section, except that a denial of a request by Independent Counsel shall constitute the final action of the Office on that request.

(c) *Form of action on appeal.* The disposition of an appeal shall be in writing. A decision affirming in whole or in part the denial of a request shall include a brief statement of the reason or reasons for the affirmance, including each FOIA exemption relied upon and its relation to each record withheld, and a statement that judicial review of the denial is available in the United States District Court for the judicial district in which the requester resides or has his principal place of business, the judicial district in which the requested records are located, or the District of Columbia. If the denial of a request is reversed on appeal, the requester shall be so notified and the request shall be processed promptly in accordance with the decision on appeal.

§ 701.17 Preservation of records.

The Office shall preserve all correspondence relating to the requests it receives under this part, and all records processed pursuant to such requests, until such time as the destruction of such correspondence and records is authorized pursuant to Title 44 of the United States Code. Under no circumstances shall records be destroyed while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

§ 701.18 Fees.

(a) *In general.* Fees pursuant to the FOIA shall be assessed according to the schedule contained in paragraph (b) of this section for services rendered by the Office in responding to and processing requests for records under this part. All fees so assessed shall be charged to the requester, except when the charging of fees is limited under paragraph (c) of this section or when a waiver or reduction of fees is granted under paragraph (d) of this section. The Office shall collect all applicable fees before making copies of requested records available to a requester. Requesters shall pay fees by check or money order made payable to the Treasury of the United States.

(b) *Charges.* In responding to requests under this part, the following fees shall be assessed, unless a waiver or reduction of fees has been granted pursuant to paragraph (d) of this section:

(1) *Search.* (i) No search fee shall be assessed with respect to requests by educational institutions, noncommercial scientific institutions, and representatives of the news media (as defined in paragraphs (j)(6), (j)(7) and (j)(8) of this section, respectively). Search fees shall be assessed with respect to all other requests, subject to the limitations of paragraph (c) of this section. The Office may assess fees for time spent searching even if it fails to locate any respective record or when records located are subsequently determined to be entirely exempt from disclosure.

(ii) For each quarter hour spent by clerical personnel in searching for and retrieving a requested record, the fee shall be $2.25. When the search and retrieval cannot be performed entirely by clerical personnel—for example, when the identification of records within the scope of the request requires the use of professional personnel—the fee shall be $4.50 for each quarter hour of search time spent by such professional personnel. When the time of managerial personnel is required, the fee shall be $7.50 for each quarter hour of time spent by such managerial personnel.

(iii) For computer searches of records, which may be undertaken through the use of existing programming, requesters shall be charged the actual direct costs of conducting the search, although certain requesters (as defined in paragraph (c)(2) of this section) shall be entitled to the cost equivalent of two hours of manual search time without charge. These direct costs shall include the cost of operating a central processing unit for that portion of operating time that is directly attributable to searching for records responsive to a request, as well as the costs of operator/programmer salary apportionable to the search (at no more than $4.50 per quarter hour of time so spent). The Office is not required to alter or develop programming to conduct a search.

(2) *Duplication.* Duplication fees shall be assessed with respect to all requesters, subject to the limitations of paragraph (c) of this section. For a paper photocopy of a record (no more than one copy of which need be supplied), the fee shall be $0.10 per page. For other methods of duplication, the Office shall charge the actual direct costs of duplicating a record.

(3) *Review.* Review fees shall be assessed with respect to only those requesters who seek records for a commercial use, as defined in paragraph (j)(5) of this section. For each quarter hour spent by agency personnel in reviewing a requested record for possible disclosure, the fee shall be $4.50, except that when the time of professional personnel is required, the fee shall be $7.50 for each quarter hour of time spent by such managerial personnel. Review fees shall be assessed only for the initial record review, *i.e.*, all of the review undertaken when the Office analyzes the applicability of a particular exemption to a particular record or record portion at the initial request level. No charge shall be assessed for review at the administrative appeal level of an exemption already applied. However, records or record portions withheld pursuant to an exemption that is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. The costs of such a subsequent review are properly assessable, particularly when that review is made necessary by a change of circumstances.

(c) *Limitations on charging fees.* (1) No search or review fee shall be charged for a quarter-hour period unless more than half of that period is required for search or review.

(2) Except for requesters seeking records for a commercial use (as defined in paragraph (j)(5) of this section), the Office shall provide without charge

(i) The first 100 pages of duplication (or its cost equivalent), and

(ii) The first two hours of search (or its cost equivalent).

(3) Whenever a total fee calculated under this section is $8.00 or less, no fee shall be charged.

(4) The provisions of paragraphs (c)(2) and (3) of this section work together. For requesters other than those seeking records for a commercial use, no fee shall be charged unless the cost of search in excess of two hours plus the cost of duplication in excess of 100 pages exceeds $8.00.

(d) *Waiver or reduction of fees.* (1) Records responsive to a request under the FOIA shall be furnished without charge or at a charge reduced below that established under paragraph (b) of this section when the Office determines, based upon information provided by a requester in support of a fee waiver request or otherwise made known to the office, that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. Requests for a waiver or reduction of fees shall be considered on a case-by-case basis.

(2) In order to determine whether the first fee waiver requirement is met—*i.e.*, that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government—the Office shall consider the following four factors in sequence:

(i) *The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government."* The subject matter of the requested records, in the context of the request, must specifically concern the identifiable operations of the federal government—with a connection that is direct and clear, not remote or attenuated. Furthermore, the records must be sought for their informative value with respect to those government operations or activities; a request for access to records for their intrinsic informational content alone would not satisfy this threshold consideration.

(ii) *The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding or government operations or activities.* The disclosable portions or requested records must be meaningfully informative on specific governmental operations or activities in order to hold potential for contributing to increased public understanding of those operations and activities. The disclosure of information that already is in the public domain, in either a duplicative or a substantially identical form, would not be likely to contribute to such understanding, as nothing new would be added to the public record.

(iii) *The contribution to an understanding of the subject by the public likely to result from disclosure: Whether disclosure of the requested information will contribute to "public understanding."* The disclosure must contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of identified persons. A requester's identity and qualifications—*e.g.*, expertise in the subject area and ability and intention to convey effectively information to the general public—should be considered. It reasonably may be presumed that a representative of the news media (as defined in paragraph (j)(8) of this section) who has access to the means of public dissemination readily will be able to satisfy this consideration. Requests from libraries or other record repositories (or requesters who intend merely to disseminate information to such institutions) shall be analyzed, like those of other requesters, to identify a particular person who represents that he actually will use the requested information in scholarly or other

analytic work and then disseminate it to the general public.

(iv) *The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.* The public's understanding of the subject matter in question, as compared to the level of public understanding existing prior to the disclosure, must be likely to be enhanced by the disclosure to a significant extent. The Office shall not make separate value judgments as to whether information, even though it in fact would contribute significantly to public understanding of the operations or activities of the government, is "important" enough to be made public.

(3) In order to determine whether the second fee waiver requirement is met—*i.e.*, that disclosure of the requested information is not primarily in the commercial interest of the requester—the Office shall consider the following two factors in sequence:

(i) *The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure.* The Office shall consider all commercial interests of the requester (with reference to the definition of "commercial use" in paragraph (j)(5) of this section), or any person on whose behalf the requester may be acting, but shall consider only those interests that would be furthered by the requested disclosure. In assessing the magnitude of identified commercial interests, consideration shall be given to the role that such FOIA-disclosed information plays with respect to those commercial interests, as well as to the extent to which FOIA disclosures serve those interests overall. Requesters shall be given a reasonable opportunity in the administrative process to provide information bearing upon this consideration.

(ii) *The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."* A fee waiver or reduction is warranted only when, once the "public interest" standard set out in paragraph (d)(2) of this section is satisfied, that public interest can fairly be regarded as greater in magnitude than that of the requester's commercial interest in disclosure. The Office shall ordinarily presume that, where a news media requester has satisfied the "public interest" standard, that will be the interest primarily served by disclosure to that requester. Disclosure to data brokers or others who compile and market governmental information for direct economic return shall not be presumed to serve primarily the "public interest."

(4) When only a portion of the requested records satisfies both of the requirements for a waiver or reduction of fees under this paragraph, a waiver or reduction shall be granted only as to that portion.

(5) Requests for the waiver or reduction of fees shall address each of the factors listed in paragraphs (d) (2) and (3) of this section, as they apply to each record request.

(e) *Notice of anticipated fees in excess of $25.00.* When the Office determines or estimates that the fees to be assessed under this section may amount to more than $25.00, the Office shall notify the requester as soon as practicable of the actual or estimated amount of the fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated. (If only a portion of the fee can be estimated readily, the Office shall advise the requester that the estimated fee may be only a portion of the total fee.) In cases when a requester has been notified that actual or estimated fees may amount to more than $25.00, the request will be deemed not to have been received until the requester has agreed to pay the anticipated total fee. A notice to the requester pursuant to this paragraph shall offer him the opportunity to confer with Office personnel in order to reformulate his request to meet his needs at a lower cost.

(f) *Aggregating requests.* When the Office reasonably believes that a request or a group of requesters acting in concert is attempting to divide a request into a series of requests for the purpose of evading the assessment of fees, the Office may aggregate any such requests and charge accordingly. The Office may presume that multiple requests of this type made within a 30-day period have been made in order to evade fees. When requests are separated by a longer period, the Office shall aggregate them only when there exists a solid basis for determining that such aggregation is warranted, *e.g.*, when the requests involve clearly related matters. Multiple requests involving unrelated matters shall not be aggregated.

(g) *Advance payments.* (1) when the Office estimates that a total fee to be assessed under this section is likely to exceed $250.00, it may require the requester to make an advance payments of an amount up to the entire estimated fee before beginning to process the request, except when it receives a satisfactory assurance of full payment from a requester with a history of prompt payment.

(2) When a requester has previously failed to pay a records access fee within 30 days of the date of billing, the Office may require the requester to pay the full amount owed, plus any applicable interest (as provided for in paragraph (h) of this section), and to make an advance payment of the full amount of any estimated fee before the Office begins to process a new request or continues to process a pending request from that requester.

(3) For requests other than those described in paragraphs (g) (1) and (2) of this section, the Office shall not require the requester to make an advance payment, *i.e.*, a payment made before work is commenced or continued on a request. Payment owed for work already completed is not an advance payment.

(4) When a component acts under paragraph (g) (1) or (2) of this section, the administrative time limits prescribed in subsection (a)(6) of the FOIA for the processing of an initial request or an appeal, plus permissible extensions of these time limits, shall be deemed not to begin to run until the Office has received payment of the assessed fee.

(h) *Charging interest.* The Office may assess interest charges on an unpaid bill starting on the 31st day, following the day on which the bill was sent to the requester. Once a fee payment has been received by the Office, even if not processed, the accrual of interest shall be stayed. Interest charges shall be assessed at the rate prescribed in 31 U.S.C. 3717 and shall accrue from the date of the billing. The Office shall follow the provisions of the Debt Collection Act of 1982, Pub. L. 97–265 (Oct. 25, 1982), and its implementing procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(i) *Other statutes specifically providing for fees.* (1) The fee schedule of this section does not apply with respect to the charging of fees under a statute specifically providing for setting the level of fees for particular types of records—*i.e.*, any statute that specifically requires a government printing entity such as the Government Printing Office or the National Technical Information Service to set and collect fees for particular types of records—in order to:

(i) Serve both the general public and private sector organizations by conveniently making available government information;

(ii) Ensure that groups and individuals pay the cost of publications and other services that are for their special use so that these costs are not borne by the general taxpaying public;

(iii) Operate an information-dissemination activity on a self-sustaining basis to the extent possible; or

(iv) Return revenue to the Treasury for defraying, wholly or in part, appropriated funds used to pay the cost of disseminating government information.

(2) When records responsive to requests are maintained for distribution by agencies operating statutorily based fee schedule programs, the Office shall inform requesters of the steps necessary to obtain records from those sources.

(j) *Definitions.* For the purpose of this section:

(1) The term "direct costs" means those expenditures that an agency actually incurs in searching for and duplicating (and, in the case of commercial use requesters, reviewing) records to respond to a FOIA request. Direct costs include, for example, the salary of the employee performing the work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits) and the cost of operating duplicating machinery. Not included in direct costs are overhead expenses such as costs of space and heating or lighting of the facility in which the records are stored.

(2) The term "search" includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. The Office shall ensure, however, that searches are undertaken in the most efficient and least expensive manner reasonably possible; thus, for example, the Office shall not engage in a line-by-line search when merely duplicating an entire document would be quicker and less expensive.

(3) The term "duplication" refers to the process of making a copy of a record necessary to respond to a FOIA request. Such copies can take the form of paper copy, microfilm, audio-visual materials, or machine-readable documentation (*e.g.*, magnetic tape or disk), among others. The copy provided shall be in a form that is reasonably usable by requesters.

(4) The term "review" refers to the process of examining a record located in response to a request in order to determine whether any portion of it is permitted to be withheld. It also includes processing any record for disclosure, *e.g.*, doing all that is necessary to excise it and otherwise prepare it for release, although review costs shall be recoverable even where there ultimately is no disclosure of a record. Review time does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(5) The term "commercial use" in the context of a request refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation. Components shall determine, as well as reasonably possible, the use to which a requester will put the records requested. When the circumstances of a request suggest that the requester will put the records sought to a commercial use, either because of the nature of the request itself or because the office otherwise has reasonable cause to doubt a requester's stated use, the Office shall provide the requester a reasonable opportunity to submit further clarification.

(6) The term "educational institution" refers to a preschool, a public or private elementary or secondary school, an institution of graduate higher education, and institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research. To be eligible for inclusion in this category, a requester must show that the request is being made as authorized by and under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought in furtherance of scholarly research.

(7) The term "noncommercial scientific institution" refers to an institution that is not operated on a "commercial" basis as that term is referenced in paragraph (j)(5) of this section, and which is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry. To be eligible for inclusion in this category, a requester must show that the request is being made as authorized by and under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought in furtherance of scientific research.

(8) The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public. For "freelance" journalists to be regarded as working for a news organization, they must demonstrate a solid basis for expecting publication through that organization; a publication contract would be the clearest proof, but the Office shall also look to the past publication record of a requester in making this determination. To be eligible for inclusion in this category, a requester also must not be seeking the requested records for a commercial use. In this regard, a request for records supporting the news dissemination function of the requester shall not be considered to be for a commercial use.

(k) *Charges for other services and materials.* Apart from the other provisions of this section, when the Office elects, as a matter of administrative discretion, to comply with a request for a special service or materials, such as certifying that records are true copies or sending them other than by ordinary mail, the actual direct costs of providing the service or materials shall be charged.

§ 701.19 Other rights and services.

Nothing in this part shall be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under 5 U.S.C. 552.

[FR Doc. 87–28442 Filed 12–11–87; 8:45 am]
BILLING CODE 3210-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

Public Comment Period and Opportunity for Public Hearing on Proposed Amendments of Arkansas Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing the receipt of proposed amendments to the Arkansas permanent regulatory program (hereinafter referred to as the Arkansas program) under the Surface Mining

Control and Reclamation Act of 1977 (SMCRA).

The amendments concern the authority of the Arkansas Department of Pollution Control and Ecology (ADPCE) to require an applicant to collect additional data and/or take mitigative or protective measures to minimize adverse impacts on historic resources.

This notice sets forth the times and locations that the Arkansas program and proposed amendments to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments relating to Arkansas' proposed modification of its program not received on or before 4:00 p.m. c.s.t. on January 13, 1988 will not necessarily be considered in the decision process. A public hearing on the adequacy of the amendments will be held upon request on January 8, 1988. Any person interested in making an oral or written presentation at the public hearing should contact Mr. James H. Moncrief at the Tulsa Field Office by the close of business on or before December 29, 1987. If no one has contacted Mr. Moncrief to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Moncrief, a public meeting may be held in place of the hearing. If possible, a notice of the meeting will be posted in advance at the locations listed under **"ADDRESSES"**.

ADDRESSES: Written comments should be mailed or hand-delivered to Mr. James H. Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 E. Skelly Drive, Suite 550, Tulsa, Oklahoma 74135. Copies of the Arkansas program, the proposed modifications to the program, and all written comments received in response to this notice will be available for public review at the Tulsa Field Office, OSMRE Headquarters Office, and ADPCE during normal business hours, Monday through Friday, excluding holidays. Each requestor may receive, free of charge, one copy of the proposed amendments by contacting OSMRE's Tulsa Field Office.

Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 E. Skelly Drive, Suite 550, Tulsa, Oklahoma 74135, Telephone: (918) 581–6430

Office of Surface Mining Reclamation and Enforcement, 1100 L Street NW., Room 5131, Washington, DC. 20240, Telephone: (202) 343–5492

Arkansas Department of Pollution Control and Ecology, Surface Mining and Reclamation Division, 8001 National Drive, Little Rock, Arkansas 72209, Telephone: (501) 562–7444.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 E. Skelly Drive, Suite 550, Tulsa, Oklahoma 74135, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:

I. Background

On November 21, 1980, the Secretary of the Interior approved the Arkansas Permanent Regulatory Program. Information regarding general background on the Arkansas program, including the Secretary's Findings, the disposition of comments and a detailed explanation of the conditions of the approval of the Arkansas program can be found in the November 21, 1980 **Federal Register** (45 FR 77003).

Subsequent actions taken with regard to Arkansas' program approval and approved program amendments can be found in 30 CFR 904.10 and 904.15.

II. Submission of Amendments

On February 10, 1987, OSMRE promulgated revised regulations regarding the consideration that must be accorded historic properties during the permitting of surface coal mining operations (52 FR 4144). In accordance with 30 CFR 732.17(d), which requires that OSMRE notify State regulatory authorities of all changes in Federal regulations that will necessitate State program changes, OSMRE sent a letter to Arkansas June 9, 1987 (Administrative Record No. AR–326), outlining specific areas where the State program needed to be amended or clarified to be no less effective than the revised Federal regulations.

In response, Arkansas submitted amendments to the Arkansas Surface Coal Mining and Reclamation Code (ASCMRC) by letter dated November 2, 1987 (Administrative Record No. AR–329). The amendments include:

(1) Additions to ASCMRC § 776.12(a)(3)(i) to allow the Director, ADPCE, to require additional information regarding known or unknown historic or archeological resources in applications for coal exploration operations of more than 250 tons.

(2) An addition to ASCMRC § 786.19 requiring the Director, ADPCE, to make a written finding prior to approving any permit application or revision of a permit. This finding must state that the Director has taken into account the effect of the proposed permitting action on properties listed on, or eligible for listing on, the National Register of Historical Places (NRHP). The amendment also states that this finding may be supported in part by inclusion of appropriate permit conditions or operation plan changes to protect historic resources, or a documented decision that no additional protective measures are necessary.

(3) Additions to ASCMRC § 779.12(b), which cover permit application requirements for information on Environmental Resources. The addition specifies that the Director, ADPCE, may require the applicant to identify and evaluate important historic and archeological resources that may be eligible for listing on the NRHP.

(4) Additions to ASCMRC § 780.31 regarding permit application requirements for reclamation and operation plans involving publicly owned parks and all places listed on the NRHP. The additions clarify the State's authority to require the applicant to take measures to protect such properties.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17, OSMRE is now seeking comment on whether the amendments proposed by Arkansas satisfy the requirements of 30 CFR 732.15 for the approval of State program amendments. If the amendments are deemed adequate they will become part of the Arkansas program.

Written Comments

Written comments should be specific, pertain only to the issue proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **"DATES"** or at locations other than Tulsa, Oklahoma, will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by 4:00 p.m. c.s.t. December 29, 1987. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSMRE officials to prepare the adequate and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSMRE representatives to discuss the proposed amendments may request a meeting at the OSMRE office listed under **"ADDRESSES"** by contacting the person listed under **"FOR FURTHER INFORMATION CONTACT"**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **"ADDRESSES"**. A written summary of each meeting will be made a part of the Administrative Record.

List of Subjects in 30 CFR Part 904

Coal Mining, Intergovernmental Relations, Surface Mining, Underground Mining.

Raymond L. Lowrie,

Assistant Director, Western Field Operations.

Date: December 4, 1987.

[FR Doc. 87–28597 Filed 12–11–87; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[Docket Number: CGD5 87–088]

Safety Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to establish permanent safety zone regulations for liquified petroleum gas (LPG) carriers movements within the port of Hampton Roads. The proposal would establish moving safety zones around the LPG vessels, whose cargo tanks are not gas free, during inbound and outbound transits of the Chesapeake Bay and Elizabeth River between Thimble Shoals Channel Lighted Buoy #3 and the Atlantic Energy Terminal on the Southern Branch of the Elizabeth River. The safety zones are intended to minimize the risk of collision between LPG carriers and other vessels.

DATE: Comments must be received on or before January 28, 1988.

ADDRESSES: Comments should be mailed to Commanding Officer, U.S. Coast Guard, Hampton Roads Marine Safety Office, 200 Granby Mall, Norfolk, Virginia 23510–1888.

The comments and other material referred to in this notice will be available for inspection and copying at the above address. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to that address.

FOR FURTHER INFORMATION CONTACT: LTJG T. McK. Sparks, Port Safety Officer, Port Operations Department, Coast Guard Marine Safety Office, Hampton Roads, Norfolk, Virginia 23510–1888, (804) 441–3290.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking process by submitting written views, data, or arguments. Persons submitting comments should include their name and address, identify this notice (87–088) and the specific section of the proposal to which their comments apply and give reasons for each comment. Receipt of comments will be acknowledged if a self-addressed post card or envelope is provided. These regulations may be changed in light of comments received. All comments received prior to the expiration date will be considered before final action is taken on the proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid in the rulemaking process.

Drafting Information

The drafters of this notice are LTJG T. McK. Sparks and CDR R.J. Reining, Project Attorney, Fifth Coast Guard District Legal Staff.

Discussion of Proposed Regulations

This proposal establishes moving safety zones around the LPG carriers during their inbound and outbound transits. The safety zones extend 250 feet from an LPG carrier's port and starboard sides and 300 yards from its bow and stern.

Entry into this zone would be prohibited unless authorized by the Captain of the Port. Vessels that are moored at marinas, wharves, and piers or at anchor will be permitted to remain at their moorage or anchorage while an LPG vessel passes their location.

Coast Guard patrol vessels will escort the LPG carriers, while in transit, to enforce the safety zones. They will monitor channels 13 and 16 VHF–FM and advise marine traffic along the vessel's course of the safety zone. They will also advise vessels when it is safe to overtake or pass the LPG carriers.

The proposed regulations require persons to comply with the general safety zone regulations in 33 CFR 165.23, which prohibit persons from entering the safety zone without authorization of the Captain of the Port. Mariners would be provided with advanced notice of scheduled LPG vessels transits of the Chesapeake Bay between Thimble Shoals Channel Lighted Buoy #3 and the Atlantic Energy Terminal on the Southern Branch of the Elizabeth River by Broadcast Notice of Mariners.

This proposal is part of the overall safety program implemented by the captain of the Port, Hampton Roads to enhance the safety of liquified petroleum gas operations in the Port of Hampton Roads. The Captain of the Port, Hampton Roads has been periodically issuing emergency safety zone regulations to ensure the safe movements of LPG carriers in Hampton Roads. These regulations have normally been issued not more than a day or two before the LPG carriers scheduled arrival in port. The regulations have required frequent amendment due to the large number of factors that can delay the scheduled movements of these vessels. These regulations have established safety zones during the inbound and outbound transits of the LPG carriers.

The establishment of permanent safety zone regulations for LPG carrier transits will put the maritime community on notice of the local requirements that apply whenever an LPG vessel transits the port area.

Economic Assessment and Certification

These proposed regulations have been considered to be non-major under Executive Order 12291 on federal regulations and non-significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. These specific requirements have been in effect for years, so the implementation into permanent regulations would cause little or no disruption to the maritime community. Since the impact of this proposal is expected to be minimal, it

will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Security Measures, Vessels, Waterways.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 165 of Title 33, Code of Federal Regulations as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, and 160.5.

2. Section 165.506 is added to read as follows:

§ 165.506 Chesapeake Bay, Hampton Roads, Elizabeth River Southern Branch Liquified Petroleum Gas Carrier Safety Zone.

(a) The waters within 250 feet from the port and starboard sides and 300 yards from the bow and stern of a vessel that is carrying liquified petroleum gas in bulk as cargo are a safety zone while the vessel transits the Chesapeake Bay and Elizabeth River between Thimble Shoals Lighted Buoy #3 and the Atlantic Energy Terminal on the Southern Branch of the Elizabeth River.

(b) Except as provided in paragraph (c) of this section, the general safety zone regulations in § 165.23 apply to this safety zone. Permission to enter the safety zone may be obtained from the Captain of the Port or a designated representative, including the duty officer at the Coast Guard Marine Safety Office, Hampton Roads, or the Coast Guard patrol commander.

(c) A vessel that is moored at a marina, wharf, or pier or is at anchor may remain in the safety zone while a vessel carrying liquified petroleum gas passes it locations if the vessel remains at its moorage or anchorage during the period when its location is within the safety zone.

(d) A vessel that has had liquified petroleum gas in a tank is carrying the liquified petroleum gas in bulk as cargo for the purpose of paragraph (a) of this section, unless the tank has been gas freed since the liquified petroleum gas was last carried as cargo.

(e) The Captain of the Port, Hampton Roads will issue a Marine Safety Information Broadcast Notice to Mariners to notify the maritime community of the scheduled arrival and departure of a liquified petroleum gas carrier.

Dated: December 3, 1987.

A.D. Breed,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 87–28631 Filed 12–11–87; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 435 and 436

[BERC–348–P]

Medicaid Program; Eligibility Determinations Based on Disability

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: These proposed regulations would make explicit in the Medicaid regulations HCFA's policy concerning the relationship between State Medicaid eligibility determinations based on disability and disability determinations made by the Social Security Administration under the Supplemental Security Income (SSI) program. The regulations would clarify the controlling natue of SSA determinations of disability, specify when the State Medicaid agency must make independent disability determinations, clarify the terminology used to describe the composition of the review team and the information considered under Medicaid in making disability determinations, and extend the Medicaid time limit for making eligibility determinations based on disability from 60 days to 90 days to ensure maximum uniformity in the disability determination process used by SSA and the Medicaid agency.

The revisions are intended to clarify existing HCFA policy and assist in the effective and efficient administration of the Medicaid program

COMMENT DATE: To be considered, comments must be mailed or delivered to the appropriate address, as provided below, and must be received by 5:00 p.m. on February 12, 1988.

ADDRESS: Mail comments to the following address: Health Care Financing Administration, U.S. Department of Health and Human Services, ATTENTION: BERC–348–P, P.O. Box 26676, Baltimore, Maryland 22107.

If you prefer, you may deliver your comments to one of the following locations:

Room 309–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC, or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting please refer to file code BERC–348–P. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of this document, in Room 309–G of the Department's offices at 200 Independence Avenue SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202–245–7890).

FOR FURTHER INFORMATION CONTACT: Joyce Stokes, 301–597–3870.

SUPPLEMENTARY INFORMATION:

Background

1. General Background

Under the provisions of sections 1902(a)(10) and 1905(a) of the Social Security Act (the Act), individuals who meet certain income and resource requirements and other general eligibility requirements and who are disabled as defined under the Act are eligible for Medicaid. These individuals include those who are receiving cash assistance payments under the Supplemental Security Income (SSI) program, those who are eligible to receive such payments but are not receiving them, and those who, at a minimum, meet the SSI definition of disability but are not eligible for a cash assistance payment because they have income and resources that exceed allowable levels. The law requires that the SSI definition of disability set forth in section 1614 of the Act must be satisfied, at a minimum, in order for an individual to be eligible for Medicaid based upon disability. The SSI definition governs eligibility except in those States that elect to use more restrictive eligibility requirements than those used under SSI (although no more restrictive than under the State's 1972 approved Medicaid plan), as provided for under section 1902(f) of the Act. The Medicaid regulations implementing the requirement that the SSI disability definition generally must be used are located in 42 CFR 435.540. In implementing this requirement, HCFA requires that the related SSI criteria, standards, presumptions, and factors required to reach SSI decisions on disability also apply to Medicaid eligibility determinations based on disability.

Most State Medicaid agencies have agreements with the Social Security Administration (SSA) under the authority of section 1634 of the Act to determine Medicaid eligibility for individuals who are recipients of SSI and federally administered State supplements. The Federal regulations that govern those agreements are located in 42 CFR 435.909 and 20 CFR 416.2101 through 416.2119.

In cases in which a State has a section 1634 agreement with SSA and the individual files an application only with SSA, the State Medicaid agency is not required to make a Medicaid disability determination. An applicant is required to wait until SSA makes an SSI eligibility determination. An SSA determination to provide SSI benefits usually confers Medicaid eligibility automatically. (An SSA determination includes determinations made by State agencies on behalf of the Secretary.) As discussed in detail in section 2 of this preamble, the basic rule is that any SSA determination as to disability remains controlling as to the same set of facts unless it is changed by SSA. However, if an individual files an application with the State agency alleging that he or she is eligible for Medicaid on the basis of disability, the State agency responsible for Medicaid determinations must make a determination in certain circumstances.

The circumstances under which the State Medicaid agency is required to make an independent determination of disability are as follows:

1. An individual applies for Medicaid as a non-cash recipient and has not applied to SSA for SSI cash benefits.

2. The individual applies both to SSA for SSI and to the State Medicaid agency for Medicaid, the State Medicaid agency has a section 1634 agreement with SSA, and SSA has not made an SSI disability determination within the Medicaid time limit for making a prompt determination on an individual's application for Medicaid. (Section 1902(a)(8) of the Act provides that Medicaid must be furnished to eligible individuals with reasonable promptness. Regulations implementing this requirement, § 435.911, currently specify that the State Medicaid agency must make an eligibility determination based on disability within 60 days from the date a written application is submitted to the agency. As discussed in section 3 of this preamble, we are proposing to expand this time limit to 90 days.)

3. The individual applies both to SSA for SSI and to the State Medicaid agency for Medicaid, the State does not have a section 1634 agreement with SSA, and either the State uses more restrictive criteria for determining disability than SSI or, in the case of a State that uses SSI criteria, SSA has not made an SSI disability determination within the Medicaid time limit for making a prompt determination on an individual's application for Medicaid.

4. The individual applies for Medicaid as a noncash recipient and alleges a disabling condition that is different from or in addition to that considered by SSA.

5. The individual applies for Medicaid as a noncash recipient and alleges that his or her condition has changed or deteriorated since SSA made a determination of ineligibility for SSI, alleges a period of disability beginning at least 12 months after the date of the most recent final SSA determination, and has not applied for SSI on the basis of these allegations. (Any allegation of a deterioration of the condition for which SSA made a determination that is filed less than 12 months after the most recent final SSI determination must be submitted to SSA for reconsideration or reopening.)

2. Effects of SSA Disability Determinations

The statute is clear that the SSI disability definition under section 1614 of the Act must be used in determining disability under Medicaid, except in those States that elect to apply a more restrictive definition, as noted above. It is clear also that, in States that have section 1634 agreements, if SSA awards SSI benefits to an individual on the basis of disability, the State also must provide Medicaid (if the individual agrees to assign any rights to third party payment and agrees to provide third party information) and is bound by the SSA determination of disability.

Under section 1902(a)(10) of the Act, States have the option of providing Medicaid coverage to persons who meet the categorical requirements of specified cash assistance programs, including persons who meet the definition of disability used under the SSI program, but who either are not receiving cash payments or are ineligible for cash payments solely as a result of excess income or resources. If a cash assistance program (in this case, SSI) determines or previously has determined that an individual does not meet the categorical requirements for eligibility (in this case, disability), by definition the individual is not eligible under the program's categorical requirements and thus should not be eligible under one of these State options. Therefore, determinations of disability made under the SSI and the title II (OASDI) programs control for purposes of *any* applications for Medicaid based upon an allegation of disability for essentially the same condition and time periods.

Our basic rule is that any SSA determination as to disability remains controlling once it is made until it is changed by SSA. In the event a different conclusion was reached by the State Medicaid agency prior to the individual's application for SSI, or because the SSA determination was not made promptly as required under 42 CFR 435.911, the State Medicaid agency's determination is superseded by the SSA determination.

SSA is the agency with primary responsibility for interpreting the statutory language of section 1614 of the Act that defines disability. It is SSA that determines whether an individual is disabled for purposes of SSI eligibility. States may provide Medicaid based on disability only to individuals who, at a minimum, meet the SSI program's disability standard. Thus, if the SSI program has determined that an individual is not disabled for purposes of SSI eligibility, this precludes Medicaid eligibility based upon a claim of disability. It is only in those cases in which SSA has not spoken (e.g., individuals have not applied for SSI or individuals are not financially eligible for SSI) that States must apply the SSI eligibility criteria and determine whether an applicant *would be eligible* for SSI if he or she applied or were financially eligible. In other words, when the SSI program has determined that an individual is not disabled, that determination settles the question of whether the individual "would be eligible for SSI." The option of providing Medicaid to individuals who would be eligible for SSI but have not applied for cash payments, or are financially ineligible for cash payments, was not intended to grant individuals a second chance at Medicaid eligibility after they have been found not disabled by the SSI program.

An SSA determination has a binding prospective effect. If SSA makes a determination of disability that is different from one already made by a State Medicaid agency, FFP in Medicaid expenditures for these individuals is limited in accordance with §§ 435.1001–1003. In cases in which SSA denies disability after the State agency has made a determination of eligibility, FFP is available only for the period of eligibility in which the State made a reasonable application of SSI policies, definitions, standards, and criteria until SSA reached the different

determination. At that point, FFP is available only as provided in § 435.1003. In other words, States that have made a good faith effort to apply the SSA rules on disability in cases in which SSA has not made a determination on issues before the State within the Medicaid time limit will not be penalized because they made a determination that ultimately proves to be contrary to the SSA determination. For purposes of FFP and quality control guidelines, the date an SSA disability determination becomes binding on a State Medicaid agency is the date the State receives the official SSA notification of the determination. The binding prospective effect of an SSI determination is subject to the administrative period permitted by 42 CFR 435.1003. States that do not take necessary action, including notice to the applicant, concerning such a determination within the period allowed under § 435.1003 will lose FFP for services provided beyond that period and will be subject to quality control errors.

We have received numerous questions on the effects of SSI eligibility determinations based on disability on Medicaid eligibility disability determinations. The existing Medicaid regulations do not explicitly address the situation in which SSA has found an individual not disabled and that individual also applies to a State for Medicaid based on disability. Therefore, we believe it is appropriate to revise the Medicaid regulations to incorporate HCFA's policy on the controlling nature of SSA disability determinations, and the effect of new and material evidence on a prior SSA determination and other related matters.

We believe that explicitly incorporating HCFA's policy in the Medicaid regulations also will help to prevent disruptive court challenges to its validity. Medicaid eligibility under the State options of providing Medicaid to individuals who would be eligible for SSI but have not applied for, or are not financially eligible for, SSI generally involves individuals who would not have received a disability determination from SSA. For this reason, the existing Medicaid regulations do not expressly address the situation in which SSA has determined that an applicant for SSI is not disabled, and that individual subsequently applies to the State for Medicaid based on disability. This has not only caused confusion, but, we believe, gave rise to the decision by certain Medicaid applicants in the State of Rhode Island to bring a Federal court challenge to HCFA's policy that SSI disability determinations control for purposes of State Medicaid applications based upon disability (*Rousseau v. Bordeleau v. Heckler*, 624 F. Supp. 355 (D.R.I. 1985)). The plaintiffs in *Rousseau* alleged that even if SSI has found an individual not disabled, and thus by definition not eligible under the SSI categorical standard, States should still make an "independent" determination as to whether the individual "would be" eligible for SSI if he or she applies for Medicaid based upon disability.

In ruling for the plaintiffs, in a decision we believe to be erroneous, the District Court in *Rousseau* held that the existing regulations governing Medicaid applications to States based upon disability "supports the view" that States should in such cases make independent disability determinations (624 F. Supp. at 360). By clearly spelling out HCFA's policy in the Medicaid regulations, we believe that such rulings can be avoided in the future. If these proposed regulations become final, we intend to seek to have the decision in *Rousseau* vacated. Unless and until the Court's ruling is vacated or overruled, however, the policy set out in these proposed regulations will not have applicability in the State of Rhode Island, which is subject to a court order that it engage in independent disability determinations even if SSI has found an applicant not disabled.

Since SSA determinations are controlling, HCFA has determined that new and material evidence or allegations by individuals regarding previous SSA determinations of disability must be presented to SSA for reconsideration or reopening of the determination in accordance with SSA's rules. SSA is in the best position to reconsider or reopen its prior determinations. SSA has an ongoing process for making disability determinations and has a high level of expertise in this area. It is not in the interest of program efficiency or in the best interests of recipients for States to perform duplicate tasks which might arrive at different or conflicting determinations of eligibility. To do so would be wasteful of Federal tax dollars and would subject recipients unnecessarily to application of two separate processes.

Under SSA's rules, the individual may request a reconsideration within 60 days of receipt of the notice denying disability eligibility under the SSI program. If the individual does not appeal the determination within the stated time, he may still request reopening of the determination within 1 year for any reason and within 2 years for good cause. Good cause is defined as new and material evidence, clerical error, or error on the face of the evidence (20 CFR 416.1489). If the individual's request is not made within the stated times, the time may be extended if the individual establishes good cause for the late filling of an appeal request. However, HCFA believes that a separate State Medicaid agency decision is warranted where the individual applies for Medicaid as a noncash recipient and alleges changed circumstances from those present at the time of the SSI determination which would make it unreasonable to consider the SSI determination controlling. This would occur, for example, if the applicant alleges (1) a new and different disabling condition, or (2) a deterioration of his or her condition since SSA made its original determination, occurring at least 12 months after the date of the most recent final SSA determination, and the applicant has not applied for SSI with respect to these allegations. SSA thus has never made a determination with respect to these conditions.

3. Time Limits for Making Medicaid Disability Determinations

As stated earlier, currently a State is required to make eligibility determinations based on disability within 60 days of the date the individual files a written application for Medicaid with the State. In States that have section 1634 agreements with SSA to make Medicaid eligibility determinations based on disability simultaneously with SSI disability determinations, this time limit causes SSA and the State Medicaid agency to duplicate the eligibility determination process when an individual applies separately for Medicaid and SSI. Frequently SSA does not reach its decision by the end of the 60-day period following application for Medicaid. Therefore, in order to comply with the Medicaid time limit, the State Medicaid agency is forced to make an independent disability determination. In some cases, SSA may make a determination that is contrary to that made by the Medicaid agency. Under HCFA's existing policy, if a prior and different conclusion was reached earlier by the State Medicaid agency, the State agency's determination is superseded by the SSI determination. However, FFP is available to the State for Medicaid expenditures for the period during which the State made a reasonable application of SSI policies, definitions, standards and criteria. This system of eligibility determination for disability wastes both State and Federal funds. We propose to recognize the typical length of time required by SSA to process most disability claims by extending the Medicaid time standard for making eligibility determinations based on disability from 60 days to 90 days.

Most disability claims are processed by SSA within 90 days. While some claims would remain undecided by SSA on the 90th day, extending the time limit for Medicaid State disability determinations from 60 days to 90 days would substantially reduce the number of applications for Medicaid based on disability for which the State must make a determination without the benefit of an SSA disability determination. For example, in the month of April 1987, 50.3 percent of SSI claims were processed by the 60th day, and 73.4 percent of the claims were processed by the 90th day. Thus, the number of Medicaid applications for which a State Medicaid agency determination would have to be made without benefit of an SSA determination on the issue of disability would be reduced by nearly one half of the number of claims processed by SSA by the 90th day. This change would substantially remove the risk that a determination of eligibility based on disability by the State would later have to be reversed because of an SSA determination of ineligibility based on disability. This also would save Medicaid program funds expended for services for individuals who, in fact, are not eligible. This change would not adversely affect recipients because Medicaid eligibility is effective with the date of application and retroactive Medicaid eligibility for the period of up to 3 months before the month of application under § 435.914 must be provided if certain conditions are met.

4. Composition of Disability Review Teams

The Medicaid regulations at 42 CFR 435.541 specify the composition of the State disability review teams for making disability decisions and the information that must be obtained and reviewed by the team. The State disability review team currently must include a physician and a social worker "qualified by professional training and experience." The agency must obtain, for review by the team, a medical report that includes a diagnosis that is based on medical evidence and a "social history." Under SSI (20 CFR 416.1015), the disability determination must be made by a medical or psychological consultant and a disability examiner who is qualified to interpret and evaluate medical reports and other evidence relating to the individual's physical or mental impairments and, as necessary, to determine the capacities of the individual to perform substantial gainful activity. The rules for the evidence that is to be considered by SSA for SSI disability determinations under 20 CFR Part 416, Subpart I, do not specifically mention a social history. However, SSA does consider, in addition to the required medical reports and medical assessment, information from other sources such as public and private social welfare agencies, observations by nonmedical sources, and other practitioners that will help the agency to understand how an individual's impairment affects his or her ability to work. It is reasonable to require that Medicaid, which uses the same definition of disability, also employ the same terminology, criteria, standards, presumptions, and factors as are used for the SSI disability determinations. This will help ensure a more uniform application of the definition of disability under section 1614 of the Act.

Questions have been raised as to whether the differences between the terminology used to describe the composition of the review team and the information considered under Medicaid and the terminology used by SSA are meant to affect the outcome of the disability determination process or produce different results (for example, whether or not the taking of a social history, which is not expressly mentioned by SSA for SSI, changes the Medicaid disability determination outcome).

We do not believe that the differences in the specific terminology used to describe the requirements of the Medicaid and SSI review teams produce differences in determinations. However, we recognize that these terminology differences have been, and likely may continue to be, a source of confusion, especially when considered in light of HCFA's policy on the controlling nature of SSI disability determinations. Therefore, we propose to require that the review team must be composed of individuals with the same level of skill as required by SSA under 20 CFR Part 416, Subpart J. We also propose to require that States use the same type of medical evidence and other nonmedical information and the methodology for obtaining and evaluating this evidence and information that is used for making disability determinations by SSA under 20 CFR Part 416, Subpart I. These changes serve to achieve the goal of maximum uniformity in the disability determination process.

Provisions of the Proposed Regulations

1. Proposals for the 50 States, the District of Columbia, and the Northern Mariana Islands

We propose to amend 42 CFR 435.541 to incorporate the conditions under which the State Medicaid agency must make independent determinations of disability, and the effect of any SSA determinations on Medicaid eligibility.

In States that have section 1634 agreements with SSA to make Medicaid eligibility determinations, if an individual applies only for SSI, the State Medicaid agency is not required to make a disability determination. If an individual in a State with a section 1634 agreement applies for both SSI and Medicaid, and the State Medicaid agency makes a disability determination before the SSA determination is made because of the time limit requirement, we propose to add a provision to clarify that an SSA disability determination has a binding prospective effect on a State until such time as SSA changes its determination, in which case the new SSA determination is binding on the State.

We also propose to clarify the regulations to indicate that States must refer to SSA all applicants that allege new or material evidence (as opposed to a subsequent *change* in their condition) that affect previous SSA determinations.

We propose to revise the requirements in § 435.541 relating to the composition of the disability review team and the information reviewed. We propose to change the provision for composition of the disability review team to require that the team must be composed of individuals with the same level of skill as required by SSA for SSI disability determinations under 20 CFR Part 416, Subpart J. We also propose to require States to use the same information and methodologies for making disability determinations as used by SSA in making SSI disability determinations, as specified in 20 CFR Part 416, Subpart I.

We propose to amend § 435.911 to change the time limit imposed on the State Medicaid agency for taking action on Medicaid applications involving disability from 60 days to 90 days from the date of application.

2. Application of Proposed Changes to Territories

Except in one instance, we are not changing the regulations governing the categorical and application requirements for Medicaid eligibility in Guam, Puerto Rico, and the Virgin Islands under 42 CFR Part 436. These

Territories provide Medicaid to disabled individuals on the basis of receipt of or eligibility for assistance under the program of aid to the aged, blind, and disabled under title XVI in existence before the SSI program was created. They also are not subject to the provisions for optional use of more restrictive eligibility requirements than SSI under section 1902(f) of the Act. Persons who do not reside in, or who leave, the 50 States, the District of Columbia, or the Northern Mariana Islands are not eligible for SSI payments. Thus, anyone who lives in or who moves to Guam, Puerto Rico, or the Virgin Islands is not eligible to receive SSI payments even if that person would be eligible if he or she lived in one of the 50 States, the District of Columbia, or the North Mariana Islands. The precedence of an SSI determination of disability in these Territories therefore is not an issue. In addition, because the Territories continue by law to use disability standards under title XVI that have been superseded by SSI in the States and are not eligible to participate in SSI, we have decided that is it not reasonable to require the Territories to follow the review team, information, and evidence requirements applied to SSA in making SSI disability determinations. However, we propose to modify § 436.541 concerning the composition of medical review teams and the information considered in making a determination of disability to make the existing requirements in the Medicaid regulations minimum requirements. If the Territories use a more rigorous set of review team, information, and evidence requirements in determining disability under their programs of aid to the aged, blind, and disabled, they also would be required to follow those requirements for Medicaid disability determinations.

We believe, however, that the Territories should have the same time standard for making determinations on applications based on disability as the States. Therefore, we are proposing to maintain in the regulations under § 436.901 application of the requirements governing the States relating to the time limit for acting on applications. As discussed earlier, we propose to change the time standard from 60 to 90 days. Thus, both States and Territories will be allowed 90 days to complete determinations based on disability. Because the Territories generally must use off-island facilities for consultative examinations, the additional time would permit the Territories to conduct more thorough determinations of eligibility. This change also would retain HCFA's policy that all States and Territories meet the same timeliness standards for action on applications.

Response to Public Comments

Because of the large number of public comments that we normally receive on proposed rules, we cannot acknowledge or respond to them individually. However, we will consider any comments received by the date specified under the Comment Period section of this document and respond to them in the preamble to the final regulations.

Regulatory Impact Statement

Executive Order 12291 (E.O. 12291) requires us to prepare and publish an initial regulatory impact analysis for any proposed regulations that are likely to meet the criteria for a "major rule." A major rule is one that would result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or any geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In addition, we prepare and publish an initial regulatory flexibility analysis consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612) for proposed regulations unless the Secretary certifies that the regulations would not have a significant impact on a substantial number of small entities. For purposes of the RFA, neither States nor individuals are considered small entities

These proposed regulations would impact Medicaid disability determinations in two significant ways:

- State Medicaid agencies are currently compelled to determine Medicaid disability eligibility within 60 days of application for Medicaid. SSI, which is not so obligated, may decide contrary to the State's ruling after the 60-day State limit. We estimate that, by extending the time limit imposed on the State Medicaid agencies to 90 days, duplication of effort by section 1634 States and SSI in the determination of disability would be eliminated for approximately 24 percent of the applications. As a result, the Medicaid program would save funds expended for benefits to individuals determined not to be eligible because a Medicaid agency's positive eligibility determination is overruled by SSA in the 60- to 90-day window.
- States would be required to use the same information and methodologies as those used by SSA in making SSI disability determinations. Also, the composition of State medical review teams would be required to be of the same skill level as that required by SSA.

We estimate that total annual Medicaid savings would be about $5 million, shared approximately equally by the Federal Government and the States. Therefore, we have determined, and the Secretary certifies, that these proposed regulations are not a major rule and would not have a significant economic impact on a substantial number of small entities. Neither a regulatory impact analysis nor an initial regulatory flexibility analysis has been prepared.

Paperwork Reduction Act

These proposed regulations would not impose any new information collection or reporting requirements that would be subject to approval of the Executive Office of Management and Budget under the Paperwork Reduction Act.

List of Subjects

42 CFR Part 435

Aid to Familes with Dependent Children, Grant programs-health, Medicaid, Supplemental Security Income (SSI).

42 CFR Part 436

Aid to Families with Dependent Children, Grant programs-health, Guam, Medicaid, Puerto Rico, Supplemental Security Income (SSI), Virgin Islands.

For the reasons set out in the preamble, 42 CFR Chapter IV, Subchapter C, is proposed to be amended as follows:

PART 435—ELIGIBILITY IN THE STATES, THE DISTRICT OF COLUMBIA, THE NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA

A. Part 435 is amended as follows:

1. The authority citation for Part 435 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. Section 435.541 is revised to read as follows:

§ 435.541 Determinations of disability.

(a) *Determinations made by SSA.* If the agency provides Medicaid to individuals receiving SSI on the basis of disability and if the agency has an agreement with the Social Security Administration (SSA) under section 1634 of the Act for determining Medicaid eligibility, the following rules and those under paragraph (b) of this section apply:

(1) The agency may not make a determination of disability when the only application is filed with SSA.

(2) The agency may not make an independent determination of disability if SSA has made a disability determination within the time limits set forth in § 435.911 on the same issues presented in the Medicaid application. A determination of eligibility for SSI based on disability that is made by SSA automatically confers Medicaid eligibility, as provided for under § 435.909.

(b) *Effect of SSA determinations.* (1) Except in the circumstances specified in paragraph (c)(3) of this section—

(i) In SSA disability determinations is binding on an agency until the determination is changed by SSA.

(ii) If the SSA determination is changed, the new determination is also binding on the agency.

(2) The agency must refer to SSA all applicant who allege new information or evidence affecting previous SSA determinations of ineligibility based upon disability for reconsideration or reopening of the determination, except in cases specified in paragraph (c)(4) of this section.

(c) *Determinations made by the Medicaid agency.* The agency must make a determination of disability in accordance with the requirements of this section if any of the following circumstances exist:

(1) The individual applies for Medicaid as a non-cash recipient and has not applied to SSA for SSI cash benefits, whether or not a State has a section 1634 agreement with SSA.

(2) The individual applies both the SSA for SSI and to the State Medicaid agency for Medicaid, the State agency has a section 1634 agreement with SSA, and SSA has not made an SSI disability determination within 90 days from the date of the individual's application for Medicaid.

(3) The individual applies to SSA for SSI and to the State Medicaid agency for Medicaid, the State does not have a section 1634 agreement with SSA, and either the State uses more restrictive criteria than SSI for determining Medicaid eligibility under its section 1902(f) option or, in the case of a State that uses SSI criteria, SSA has not made an SSI disability determination within the Medicaid time limit for making a prompt determination on an individual's application for Medicaid.

(4) The individual applies for Medicaid as a non-cash recipient, whether or not the State has a section 1634 agreement with SSA, and—

(i) Alleges a disabling condition different from, or in addition to, that considered by SSA in making its determination; or

(ii) Alleges that his or her condition has changed or deteriorated since SSA made its most recent determination of ineligibility or alleges a new period of disability beginning at least 12 months after the date of the most recent final SSA determination, and has not applied to SSA for an SSI determination with respect to these allegations.

(d) *Basis for determinations.* The agency must make a determination of disability as provided in paragraph (c) of this section—

(1) On the basis of the evidence required under paragraph (e) of this section; and

(2) In accordance with the requirements for evaluating that evidence under the SSI program specified in 20 CFR 416.901 through 416.998.

(e) *Medical and nonmedical evidence.* The agency must obtain a medical report and other nonmedical evidence for individuals applying for Medicaid on the basis of disability. The medical report and nonmedical evidence must include diagnosis and other information in accordance with the requirements for evidence with the requirements for evidence applicable to disability determinations under the SSI program specified in 20 CFR Part 416, Subpart I.

(f) *Disability review teams*—(1) *Function.* A review team must review the medical report and other evidence required under paragraph (e) of this section and determine on behalf of the agency whether the individual's condition meets the definition of disability.

(2) *Composition.* The review team must be composed of a medical or psychological consultant and another individual who is qualified to interpret and evaluate medical reports and other evidence relating to the individual's physical or mental impairments and, as necessary, to determine the capacities of the individual to perform substantial gainful activity, as specified in 20 CFR Part 416, Subpart J.

(3) *Periodic reexaminations.* The review team must determine whether and when reexaminations will be necessary for periodic redeterminations of eligibility as required under § 435.916 of this part, using the principles set forth in 20 CFR 416.989 and 416.990. If a State uses the same definition of disability as SSA, as provided for under § 435.540, and a recipient is Medicaid eligible because her or she receives SSI, this paragraph (f)(3) does not apply. The reexamination will be conducted by SSA.

3. In § 435.911, paragraph (a) introductory text is republished and paragraph (a)(1) is revised to read as follows:

§ 435.911 Timely determination of eligibility.

(a) The agency must establish time standards for determining eligibility and inform the applicant of what they are. These standards may not exceed—

(1) Ninety days for applicants who apply for Medicaid on the basis of disability; and

* * * * *

PART 436—ELIGIBILITY IN GUAM, PUERTO RICO, AND THE VIRGIN ISLANDS

B. Part 436 is amended as set forth below:

1. The authority citation for Part 436 continues to read as follows:

Authority: Section 1102 of the Social Security Act (42 U.S.C. 1302).

2. Section 436.541 is revised to read as follows:

§ 436.541 Determination of disability.

(a) *Basic requirements.* (1) At a minimum, the agency must use the review team, information, and evidence requirements specified in paragraph (b) through (d) of this section is making a determination of disability.

(2) If the requirements for determining disability under the State's APTD or AABD program are more restrictive than the minimum requirements specified in this section, the agency must use the requirements applied under the APTD or AABD program.

(b) The agency must obtain a medical report and a social history for individuals applying for Medicaid on the basis of disability. The medical report must include a diagnosis based on medical evidence. The social history must contain enough information to enable the agency to determine disability.

(c) A physician and social worker, qualified by professional training and experience, must review the medical report and social history and determine on behalf of the agency whether the individual meets the definition of disability. The physician must determine whether and when reexaminations will be necessary for periodic redeterminations of eligibility as required under § 435.916 of this subchapter.

(d) In subsequently determining disability, the physician and social worker must review reexamination reports and the social history and

BEST COPY AVAILABLE

determine whether the individual continues to meet the definition. Disability is considered to continue until this determination is made.

(Catalog of Federal Domestic Assistance Program No. 13.714—Medical Assistance)

Dated: June 26, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: October 27, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87-28603 Filed 12-11-87; 8:45 am]

BILLING CODE 4120-01-M

Family Support Administration

45 CFR Part 233

Coverage and Conditions of Eligibility in Financial Assistance Programs; Scope of Payments

AGENCY: Family Support Administration, HHS.

ACTION: Proposed rule.

SUMMARY: These proposed regulations would clarify that States may not provide simultaneous multiple shelter allowances or special need allowances to recipients under Titles I, IV–A, X, XIV, and XVI (AABD) of the Social Security Act based on the type of housing in which they reside. In addition, the Emergency Assistance (EA) program regulations would be changed to provide that Federal matching would be available only for assistance that meets emergency needs in existence for one period, of no more than thirty (30) consecutive days, in twelve (12) consecutive months. Finally, the regulations would require that a State, subject to Federal approval, specify the maximum amount of assistance to be provided for each type of emergency identified in its State plan. We believe that these proposed changes to the Emergency Assistance regulations will result in the elimination of the currently improper use of the EA program to meet families' continuing needs, which should be dealt with through other ongoing assistance programs.

DATE: Interested persons and agencies are invited to submit written comments concerning these regulations no later than January 28, 1988.

ADDRESSES: Comments should be submitted in writing to the Administrator of the Family Support Administration, Attention: Ms. Diann Dawson, Director, Division of Policy, Office of Family Assistance, 2100 Second Street SW., Washington, DC 20201, or delivered to the Office of Family Assistance, Family Support Administration, Room B–428, Transpoint Building, 2100 Second Street SW., Washington, DC 20201, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during the same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Ms. Diann Dawson, Room B–428, Transpoint Building, 2100 Second Street SW., Washington, DC 20201, telephone 202–245–3290.

SUPPLEMENTARY INFORMATION:

Background

Standard of Need

Federal regulations at § 233.20 require that State agencies determine the need and amount of financial assistance for all AFDC applicants and recipients, as well as, applicants and recipients of Adult Assistance (under Titles I, X, XIV, and XVI (AABD) of the Social Security Act). Section 233.20(a)(2)(i) requires that States establish a statewide standard, expressed in money amounts, to be used in determining need. Federal policy has long recognized that this need standard includes the cost of basic needs recognized as essential for all applicants and recipients.

Generally included are everyday items such as food, clothing, shelter, utilities, household supplies, and personal care items. (See APA–IM–73–18, Need Determination in Public Assistance (Jan. 19, 1973)). State agencies may also include in their need standard the cost of "special needs," as provided in § 233.20(a)(2)(v). Circumstances under which special needs are available must be specified in the State plan and determined on an individual basis. Special needs are items that are essential for some people but *not* for all; e.g., special diets, transportation to receive medical treatment, etc. (APA–IM–73–18).

It is our understanding that some States are currently providing a different shelter allowance as a basic need, or a special need allowance, to title IV–A recipients who are assigned by the State agency to live in housing that is generally not available to other title IV–A recipients. For example, one State specifies in its basic need standard several categories of shelter allowances. One of these categories provides a shelter allowance for a family of four of $270 a month. However, if the same family is assigned to live in a hotel, the family received a shelter allowance of approximately $1470 a month, which also includes money for meals in a restaurant. In another State, a special need depending on family size of $900 to $2000 a month is payable for a family assigned to live in a hotel.

Because shelter is a common need for all families, it appears inequitable to provide some families with a lower shelter allowance than others solely on the basis of the type of housing in which they live. We believe that it is inequitable to provide a $270 a month shelter allowance to a family living in an apartment that ordinarily rents for much more and provide $1470 a month to a comparable family assigned to live in a hotel or motel.

We are also alarmed at the escalating gap between the standard shelter allowance and the allowance for shelter in a hotel in this same State. For example, in 1972, the maximum shelter allowance for a family of three was $249. The comparable allowance for shelter (not including the restaurant allowance) for the same family living in a hotel was $450. By 1984, the maximum shelter allowance had risen to $350, an increase of 40 percent. During this same period the allowance for shelter for a family living in a hotel rose to $1,140, an increase of 153 percent.

We understand that some States may have established multiple and/or special need allowances as a short-term solution to the lack of moderately priced housing. We recognize that the lack of moderate housing is a problem that needs to be addressed. At the same time, Federal programs other than title IV–A exist, and are specifically designed to address these housing problems.

For example, the Department of Housing and Urban Development (HUD) authorizes, through Public Housing Agencies, certificates and housing vouchers (based on availability) which enable households with limited income to pay rent in private housing. The landlord agrees to accept partial rental payment from the family and the balance of the rent from the Public Housing Agency. In addition, HUD funds special housing projects administered by Public Housing Agencies to provide low cost housing. When a family qualifies for this program, housing is provided based on its availability.

HUD also provides assistance to homeless families in the form of Community Development Block Grants made to cities. Pursuant to these grants, buildings may be acquired and/or rehabilitated for use as shelters, and improvements may be made to a building in use as a shelter.

The above examples are among the HUD programs which assist families with housing problems. In addition to Federal housing assistance programs, some States are now taking the initiative to provide housing assistance using funds and guidance provided by State governments. Therefore, in view of the existing programs available to address the lack of sufficient low and moderate cost housing and the inequity of treating comparable families in different ways, we propose these amendments regarding multiple shelter allowances and special need allowances for shelter. The regulations would clarify that such allowances are not permissible under the AFDC program. Specifically, we are proposing to amend § 233.20 to provide that States may not include in their statewide standard, as a basic or special need, an amount for shelter that varies according to the type of living accommodation occupied. In addition, because need is determined under the Adult Assistance programs (titles I, X, XIV, and XVI (AABD) of the Social Security Act) in a similar manner as it is under the AFDC program, we are also proposing to amend § 233.20 to apply to these programs as well. The objective of clarifying the use of special needs funds is not intended to precipitously disrupt the activities of charitable organizations that may have engaged in significant capital investments in order to provide shelter to homeless families. We therefore specifically solicit views on ways to define and ameliorate clear financial hardships associated with amortizing these capital investments that could result directly from this clarification.

Emergency Assistance—Payment of Needs for a Thirty (30)-Day Period

Section 406(e) of the Social Security Act contains the substantive provisions of the Emergency Assistance (EA) program and authorizes States to provide a variety of assistance including money payments, payments in kind, and services to needy families with children where the "child is without available resources" and EA is "necessary to avoid destitution of such child or to provide living arrangements in a home for such child * * *." In addition, the section provides that EA can be "furnished for a period not in excess of 30 days in any 12-month period." It is clear from the language of the Act and the related legislative history (see H. Rep. No. 944, 90th Cong., 1st. Sess., 1967, 109; S. Rep. No. 744, 90th Cong., 1st Sess. 1967, 166; 113 Cong. Rec. 23054 (1967)), that Congress established the EA program to enable State welfare agencies to act quickly to provide families with children with *short-term* assistance and/or services to meet needs arising from emergencies.

Current regulations at § 233.120(b)(3) provide Federal matching for emergency assistance authorized by the State during one period of thirty (30) consecutive days in any twelve (12) consecutive months. This assistance may include payments and services to meet needs which arose before or extend beyond such period.

While many States are complying with the intent of the Act and current regulations in the operation of the EA program, a problem has arisen because some States are improperly using the EA program to cover needs for an extended period of time. For example, as of the fourth quarter of 1986, in one State, families remained in emergency shelter for an average of thirteen (13) months.

Over the past four years, expenditures under the EA program have grown by 65 percent—nearly five times the rate of inflation. In the State which has had the most recent publicity concerning the use of EA funds to house families in hotels, EA expenditures rose 84 percent in those years. By 1986, this State accounted for nearly one-third of the national EA budget. The accelerated growth in EA expenditures both at the national level and in individual States demonstrates the need for clear and specific rules on the scope of allowable EA expenditures.

Accordingly, we propose to amend the current regulations to ensure that States provide only short-term (thirty (30) days or less) assistance and services under the EA program. The changes we are proposing would establish an unambiguous limit on the length of time that needs can be met under the EA program. We propose to amend the regulation to specify that Federal financial participation will be available for only *one* period of thirty (30) consecutive days, or less, in twelve (12) consecutive months. This maximum thirty (30)-day period need not be a calendar month. Needs outside the thirty (30)-day period would not be subject to Federal matching. For example, in an emergency, which results from non-payment of utility bills, Emergency Assistance would be available to pay for one month's (thirty (30) days) actual utility expenses. However, States would have the flexibility to determine the thirty (30)-day period for which to claim assistance under the EA program. Similarly, for bimonthly and quarterly bills, EA would be available to pay a thirty (30)-day portion of those bills. States would, of course, be free to provide for needs beyond the thirty (30)-day period, but through State-only funding, or with funds from other programs, such as the Federally-funded State-managed Low Income Home Energy Assistance program.

We believe that the language of section 406(e) of the Act, which identifies "30 days in any 12-month period" as the time period for which the State may furnish Emergency Assistance, provides clear, distinct and specific authority for limiting the time period for which emergency needs may be met by the EA program to no more than thirty (30) days. Accordingly, this limit is incorporated in this proposed rule. However, in order to provide for State flexibility, we are leaving it to each State to determine, within the limits described above, the period to which the thirty (30) days would apply.

We are also taking this opportunity to propose that a State include in its State plan the maximum benefits in terms of money amounts to be provided for each type of emergency need specified in the plan pursuant to § 233.120(a)(3). This would facilitate review of States' claims for Federal financial participation in EA expenditures by Federal staff. This would also help to assure equitable treatment of applicants and recipients by establishing a clear upper limit on the amount of assistance that may be provided in similar cases. This new requirement would be similar to the current requirement at § 233.20(a)(2)(i) that a State include in its plan a standard expressed in money amounts to be used in determining need and payment amount under the basic AFDC program. The current requirement provides a basis for determining the validity of the AFDC payment in a specific case. This new requirement would serve an analogous purpose under the EA program.

An example of the effect of these proposed changes follows. In State A, the State plan specifies that the State will pay up to $200 for utilities, and up to $400 for shelter for a thirty (30)-day period. A family applying for Emergency Assistance presents the following bills for utility or energy usage during a prior month and rent for that same prior month: Water—$15, gas—$50, electricity—$75, rent—$375, as well as the corresponding bills for the current month: Water—$22, gas—$60, electricity—$66, rent—$375. The State would have the option of claiming $515 for the prior month's rent and utility bills *or* $523 for the current month's bills

for Federal matching as Emergency Assistance.

We believe that these proposed changes to the regulations will result in the elimination of the currently improper use of the EA program to meet families' continuing needs, which should be dealt with through other, ongoing assistance programs. States will be able to respond to emergency needs on a short-term (thirty (30) days) basis, and the integrity of the Emergency Assistance program will be enhanced.

Regulatory Procedures

Executive Order 12291

These proposed regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. A regulatory impact analysis is not required because the regulation will not:

(1) Have an annual effect on the economy of $100 million or more; (The Federal annual savings of these regulatory provisions are estimated to be up to $40 million a year.)

(2) Impose a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or

(3) Result in significant adverse effects on competition, employment, investment, innovation, or the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

There will be no new reporting or recordkeeping requirements imposed on the public or the States which would require clearance by the Office of Management and Budget (OMB).

Regulatory Flexibility Act

We certify that this regulation, if promulgated, will not have a significant impact on a substantial number of small entities because it primarily affects State governments and individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program 13.708, Assistance Payments Maintenance Assistance)

List of Subjects in 45 CFR Part 233

Aliens, Grant programs social programs, Public assistance programs, Reporting and recordkeeping requirements.

Dated: July 24,1987.

Wayne A. Stanton,

Administrator of Family Support Administration.

Approved: August 10, 1987.

Don M.Newman,

Acting Secretary of Health and Human Services.

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY

1. The authority citation for Part 233 is revised to read as follows and all other authority citations which appear throughout Part 233 are removed:

Authority: Sections 1, 402, 406, 407, 1002, 1102, 1402, and 1602 of the Social Security Act (42 U.S.C. 301, 602, 606, 607, 1202, 1302, 1352 and 1382 note), and sec. 6 of Pub. L. 94–114, 89 Stat. 579 and Part XXIII of Pub. L. 97–35, 95 Stat. 843, and Pub. L. 97–248, 96 Stat. 324.

2. Section 233.20(a)(2)(i) and (v) are revised to read as follows:

§ 233.20 Need and amount of assistance.

(a) * * *

(2) Standards of assistance. (i) Specify a statewide standard, expressed in money amounts, to be used in determining:

(A) The need of applicants and recipients and

(B) The amount of the assistance payment,

except the State may not include in its standard an amount for shelter that varies due to the type of housing occupied.

* * * * *

(v) If the State agency includes special need items in its standard:

(A) Describe those that will be recognized and the circumstances under which they will be included, and

(B) Provide that they will be considered for all applicants and recipients requiring them; except that: (1) Under AFDC work expenses and child care (or care of incapacitated adults living in the same home and receiving AFDC) resulting from employment or participation in either a CWEP or an employment search program cannot be special needs and (2) the State may not provide a special need based on the type of housing occupied.

* * * * *

3. Section 233.120 is amended by redesignating paragraphs (a)(4) and (a)(5) as (a)(5) and (a)(6) respectively, by adding a new paragraph (a)(4), and by revising paragraph (b)(3), to read as follows:

§ 233.120 Emergency assistance to needy families with children.

(a) * * *

(4) Specify the maximum assistance in money amounts that may be provided for each type of emergency need specified in paragraph (a)(3) of this section.

* * * * *

(b) * * *

(3)(i) Federal matching is available only for assistance which a State furnishes for one period of thirty (30) consecutive days, or less, in any twelve (12) consecutive months to meet the actual expense of needs in existence during that period which arise from an emergency or unusual crisis situation, and which continue to exist until aid is furnished.

(ii) In order to claim Federal participation, States must have a reasonable method of determining the value of goods "in kind" or services provided for emergency assistance.

* * * * *

[FR Doc. 87–28343 Filed 12–11–87; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 42, 44, 45, 170 and 174

[CGD 76–080]

Hopper Dredge Working Freeboard; Load Line and Stability Requirements

AGENCY: Coast Guard, DOT.

ACTION: Supplementary notice of proposed rulemaking.

SUMMARY: The U.S. Coast Guard is proposing load line and stability regulations which would allow self-propelled hopper dredges to obtain working freeboards. Private dredging interests have requested authorization to load to a deeper draft (working freeboard) in order to carry more spoil per trip. These regulations would authorize working freeboards upon complying with the proposed requirements and limitations.

DATE: Comments must be received on or before February 12, 1988.

ADDRESSES: (a) Comments may be mailed or delivered to Commandant (G–CMC–21) (CGD 76–080), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC, 20593–0001. The comments and materials referenced in this notice will be available for examination and copying between 8 a.m. and 4 p.m., Monday through Friday, except holidays, at theMarine Safety Council (G–CMC–21), Coast Guard Headquarters, Room 2110, 2100 Second Street SW., Washington, DC 20593–0001.

(b) A draft regulatory evaluation has been included in the public docket for this rulemaking and may be inspected and copied at the Marine Safety Council (G–CMC–21) at the address listed above.

FOR FURTHER INFORMATION CONTACT: LCDR James McCarthy, Office of Marine Safety, Security and Environmental Protection, (202) 267–2988.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the names and addresses of persons submitting them, identify this notice (CGD 76–080) and the specific section of the proposal to which the comment applies, and give the reasons for each comment. Persons desiring acknowledgment that their comments have been received should include a stamped, self-addressed postcard or envelope.

The proposal may be changed in light of comments received. All comments received will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons. No public hearing is planned but one may be held at a time and place to be set in a later notice in the **Federal Register** if requested in writing by an interested person raising a genuine issue and it is determined to aid the rulemaking process.

In the **Federal Register** issue of August 2, 1976 (41 FR 32237) the Coast Guard published an Advance Notice of Proposed Rulemaking (ANPRM) to consider developing damage stability standards for hopper dredges. Several comments were received. The Coast Guard published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** issue of December 10, 1979 (44 FR 70791). A Supplemental Notice of Proposed Rulemaking (SNPRM) was published 24 January 1980 (45 FR 5780) to insert some inadvertently omitted text. Eight comments were received which raised some additional technical questions that needed to be resolved. Because of this and also because of the time elapsed since the NPRM, the Coast Guard is publishing a second SNPRM for public comment.

Each of the comments received as a result of the NPRM was considered in developing this SNPRM. Only two of the comments were not incorporated into the proposed rules. These dealt with allowing intermediate heel angles greater than 30 degrees and requiring a permeability value of 0.95 for storerooms. Allowing intermediate heel angles of greater than 30 degrees is not being proposed since the 30 degree requirement is an internationally developed standard. Also, some engineering plants are not designed to operate at heel angles greater than 30 degrees and performing effective damage control measures above 15 degrees is very difficult. With respect to permeability values for storerooms, no justification for raising the permeability value to 0.95 was apparent and thus the proposed value remains at 0.60.

In developing the proposed rules, the Coast Guard reviewed Bureau Veritas Guidance Note N.I. 144 BM.1 of January 1971 and consulted with the U.S. Army Corps of Engineers. Additionally an industry association of dredge owners and operators and a dredge designer were consulted when developing this SNPRM.

Drafting Information

The principal persons involved in drafting this document are Mrs. June E. Keller, Office of Marine Safety, Security and Environmental Protection, and William Register, Office of the Chief Counsel.

Discussion of Proposed Rulemaking

(a) Background Information

Most U.S. flag hopper dredges over 79 feet in length that are engaged in domestic or foreign voyages by sea, are subject to the load line requirements in 46 CFR Part 42. Similarly, most U.S. flag hopper dredges over 79 feet in length that engages solely on Great Lakes voyages are subject to load line requirements in 46 CFR Part 45. A hopper dredge is assigned a freeboard under the provisions of 46 CFR Part 42 or Part 45 as appropriate.

Between 1902 and 1977, the U.S. Army Crops of Engineers was the principal builder and operator of hopper dredges in the United States. The proposed regulations are the result of private marine interests entering the field of hopper dredge operation. These private interests found the freeboard calculated in accordance with the load line regulations to be economically unfeasible and requested that the Coast Guard consider allowing a further reduction in freeland based upon standards established by Bureau Veritas and published in N.I. 144 B.M.1. This lesser freeboard, known as a working freeboard, is one-half of the Type B or modified Type B freeboard.

As noted in the draft evalulation, the Coast Guard has already authorized 10 commercial dredges to operate with working freeboards. The working freeboards were assigned generally in accordance with the requirements proposed in this rulemaking. No difficulties have been encountered for vessels operating with these reduced freeboards.

(b) Description of Proposed Rules

The proposed rules contain two parts, one dealing with load line requirements, the other dealing with stability requirements. The portion concerning load lines is being placed in 46 CFR Part 44 in anticipation of consolidating other load line rules involving limited service domestic voyages in one location in a future rulemaking under Docket Number CGD–87–013. The portion concerning stability requirements is being placed in a new Subpart I added to 46 CFR Part 174. Conforming amendments are also being made to 46 CFR, Parts 42, 45 and 170.

Addition of the new Subpart C to Part 44 will require updating of certain cross references to Part 44 in Part 42. These editoral changes will be made when publishing final rules.

The principal differences between this SNPRM and the previous NPRM are that the bottom damage requirements have been removed and the maximum value for dredged spoil specific gravity has been lowered to 1.8.

Regulatory Evaluation

This proposed rule is considered to be non-major under Executive Order 12291 and nonsignificant under the DOT regulatory policies and procedures (44 FR 11034; February 28, 1979). The draft regulatory evaluation has been prepared and placed in the rulemaking docket. It may be inspected and copied at the address listed above under **ADDRESSES**. Copies may also be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

The economic impact of this proposal would involve calculation hours spent by naval architecture and engineering firms hired by the dredge owners and operators. The dredge owners and operators would have to pay for the services of the naval architects and engineers but would recoup their costs quickly because they would be able to load to deeper drafts and carry more dredged spoil per trip to the dump site. Vessels which have been granted working freeboards during the past six years on a case by case basis already meet the damage stability requirements in the proposed rules. The proposed rules are not a requirement for all hopper dredges. Only those dredges desiring an increased capacity would be

required to meet the requirements described here.

Compared to the current procedure for obtaining a working freeboard the procedures set out in the proposed rules would cost dredge owners less money. This is because the necessary procedure would be clearly spelled out in the Code of Federal Regulations (CFR). Both the dredging industry and the Coast Guard would spend less time (money) since all of the necessary instruction would be in the CFR.

Regulatory Flexibility Act

Based upon the information in the draft evaluation, the Coast Guard certifies that this proposal, if adopted, would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The proposed rules would result in an increase in information collection requirements for these types of vessels to the extent that the industry chose to utilize this voluntary rule. Procedures for utilizing existing OMB control numbers 2115–0043 and 2115–0559 have been initiated.

Environmental Impact

An environmental assessment has been performed and placed in the draft regulatory evaluation. It has been determined that this regulation is categorically excluded from further environmental documentation. The Categorical Exclusion for Hopper Dredge Working Freeboard, Load Line and Stability Requirements has been prepared and placed in the rulemaking docket. It is available for examination and copying as noted in the **ADDRESSES** section above.

List of Subjects

46 CFR Part 42

Penalties, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 44

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 45

Great Lakes, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 170

Marine safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 174

Marine safety, Vessels.

In accordance with the foregoing, the Coast Guard proposes to amend Subchapters E and S of Title 46, Code of Federal Regulations as follows:

PART 42—[AMENDED]

1. In Part 42, by revising the authority citation to read as follows:

Authority: 46 U.S.C. 5115; 49 CFR 1.46.

2. In § 42.03–5, by adding paragraph (e) to read as follows:

§ 42.03–5 U.S.—flag vessels subject to the requirements to this subchapter.

* * * * * *

(e) Hopper dredges engaged in limited service domestic voyages. Self-propelled hopper dredges over 79 feet (24 meters) in length on limited service domestic voyages within 20 nautical miles (37 kilometers) from the mouth of a harbor of safe refuge with working freeboards are subject to the provisions of this subchapter that apply to a Type "B" vessel and Subpart E, Part 44 of this chapter.

3. In § 42.03–30, by adding paragraph (b)(4) to read as follows:

§ 42.03–30 Exemptions for vessels.

* * * * * *

(b) * * *

(4) For self-propelled hopper dredges engaged on international voyages or on limited service domestic voyages.

Note: These dredges are required to have hatch covers on open hoppers unless otherwise exempted from the requirements in Subpart 42.15 of this part.

* * * * * *

4. In § 42.03.30, by revising paragraph (d) to read as follows:

* * * * * *

(d) A vessel given one or more exemptions under this provisions of paragraph (b)(2) or (b)(3) of this section will be issued a Load Line Exemption Certificate using Form E1. To obtain exemption under paragraph (b)(4) of this section from applicable hatch cover requirements in Subpart 42.15 of this part, compliance with § 174.820(c) of this chapter must be shown and the Load Line Exemption Certificate will be endorsed with the provisions that only seawater is permitted in the vessel's hoppers. The Load Line Exemption Certificate is in lieu of a regular load line certificates, and the vessel is considered to be in compliance with applicable load line requirements.

5. In § 42.20–5, by revising the introductory text of paragraph (c) to read as follows:

§ 42.20–5 Freeboard assignment: Type "B" vessel.

* * * * * *

(c) A Type "B" vessel that is greater than 100 meters (328 feet) in length and any hopper dredge meeting the requirements in Subpart C, Part 44 of this chapter may have its freeboard reduced from that required in paragraph (a) of this section under the provisions of paragraphs (d) and (e) of this section provided that—

* * * * * *

6. In Part 44, by revising the authority citation to read as follows:

Authority: 46 U.S.C. 5115; 49 CFR 1.46.

7. In Part 44, by revising the title to read as follows:

PART 44—DOMESTIC (LIMITED SERVICE) VOYAGES

8. In Part 44, by revising the title of "Subpart 44.01—Administration" to read as follows:

Subpart A—Administration

9. In Part 44, by revising the title of "Subpart 44.05—Rules of Assignment; Special Service" to read as follows:

Subpart B—Rules of Assignment; Special Service

10. In Part 44, by adding a new Subpart C to read as follows:

Subpart C—Rules of Assignment; Hopper Dredge Working Freeboard

Sec.

44.300 Applicability.
44.310 Definitions.
44.320 Submission of plans and calculations.
44.330 Requirements for obtaining working freeboards for hopper dredges.
44.340 Hopper dredges with existing working freeboards.
44.350 Operating restrictions.

Subpart C—Rules of Assignment, Hopper Dredge Working Freeboard

§ 44.300 Applicability.

This subpart applies to each self-propelled hopper dredge that requests a working freeboard under the provisions of this subpart.

§ 44.310 Definitions.

(a) "Hopper dredge" means a self-propelled dredge with internal tanks (hoppers) for storing the dredged material.

(b) "Working freeboard" means one half the distance between the mark of the load line assigned under this subchapter and the freeboard deck.

§ 44.320 Submission of plans and calculations.

To request a working freeboard, calculations, plans, and stability information necessary to demonstrate compliance with this subpart must be submitted to:

Commanding Officer, Marine Safety Center, 2100 Second Street SW., Washington, DC 20593, or

American Bureau of Shipping, 45 Eisenhower Drive, Paramus, NJ 07652–0910.

§ 44.330 Requirements for obtaining working freeboards for hopper dredges.

A hopper dredge may be issued a working freeboard of not less than one-half of the assigned freeboard on either a limited service domestic voyage load line certificate of a Great Lakes load line certificate provided the following conditions are met:

(a) The structure of the hopper dredge has adequate strength for draft corresponding to the working freeboard. Dredges built and maintained in conformity with the requirements of a classification society recognized by the Commandant are considered to possess adequate strength for the purposes of the applicable requirements in this subpart unless deemed otherwise by the Commandant.

(b) The hopper dredge meets the requirements of Part 174 of this chapter.

(c) The hopper dredge has an internal draft indicator on the bridge that indicates the fore and aft drafts and the mean draft of the dredge and is clearly marked at the drafts corresponding to both the working freeboard and the assigned freeboard.

(d) The hopper dredge is operated at the working freeboard only in accordance with the restrictions prescribed in § 44.350 of this part.

§ 44.340 Hopper dredges with existing working freeboards.

Hopper dredges with working freeboard assignments authorized before (*the effective date of these regulations*) need not meet the requirements in this subpart. However, to obtain a lesser working freeboard than currently assigned, the dredge must meet the requirements in this subpart.

§ 44.350 Operating restrictions.

(a) A dredge may be operated at a working freeboard only under the following conditions:

(1) Seas do not exceed 10 feet and winds do not exceed 35 knots.

(2) The hopper dredge does not proceed more than 20 nautical miles (37 kilometers) from the mouth of a harbor of safe refuge.

(3) The specific gravity of the spoil carried does not exceed the highest specific gravity of spoil used in the stability calculations required by Subchapter S of this chapter.

(b) The restrictions in paragraph (a) of this section must appear on the face of the dredge's load line certificate.

PART 45—[AMENDED]

11. In Part 45, by revising the authority citation to read as follows:

Authority: 46 U.S.C. 5115; 49 CFR 1.46.

12. In section 45.9, by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 45.9 Seasonal application of load lines for vessels not marked under this part.

* * * * * *

(b) Except as provided in paragraph (c) of this section, no allowance for lesser freeboards apply under any circumstances.

(c) Allowances are made for hopper dredges operating at working freeboards as permitted by Part 44, Subpart C of this chapter.

PART 170—[AMENDED]

13. In Part 170, by revising the authority citation to read as follows:

Authority: 43 U.S.C. 1333(d); 45 U.S.C. 3306, 3703, and 5115; 49 CFR 1.46

14. In Part 170, by adding § 170.140 to read as follows:

§ 170.140 Operating information for self-propelled hopper dredge with a working freeboard.

In addition to the stability information required in § 170.110(d) of this part, the stability booklet of a self-propelled hopper dredge with a working freeboard must state the maximum specific gravity allowed for dredged spoil.

15. In section § 170.248, by revising paragraph (a) and adding paragraph (c) to read as follows:

§ 170.248 Applicability.

(a) Except as provided in paragraphs (b) and (c) of this section, this subpart applies to vessels with watertight doors in bulkheads that have been made watertight to comply with the flooding or damage stability regulations in this subchapter.

* * * * * *

(c) A watertight door on a self-propelled hopper dredge with a working freeboard must comply with § 170.850 of this subchapter.

16. In Part 170, by adding § 170.300 to read as follows:

§ 170.300 Free surface of spoil in hopper dredge hoppers.

(a) For hopper dredges, when performing the calculations required by this subchapter, the free surface effect of consumable liquids must be assumed to include the free surface effect of the dredge spoil in the hopper.

(b) For hopper dredges with working freeboard assignments, the following assumptions apply when doing the calculations required by § 174.820(b) of this chapter:

(1) If the dredged spoil is assumed to be jettisoned, the free surface of the dreged spoil may be neglected.

(2) If the dredged spoil is not assumed to be jettisoned, the free surface of the dredged spoil must be calculated by the moment of transference method.

PART 174—[AMENDED]

17. In Part 174 by revising the authority citation to read as follows:

Authority: 46 U.S.C. 3306, 5115; 43 U.S.C. 1333(d); 49 CFR 1.46, except as otherwise noted.

18. In § 174.005, by adding paragraph (i) and reserving paragraphs (f)—(h) to read as follows:

§ 174.005 Applicability.

* * * * * *

(f)—(h) [Reserved]

(i) Self propelled hopper dredges with a working freeboard assignment.

19. In Part 174, by adding Subpart I to read as follows:

Subpart I—Requirements for Hopper Dredges With Working Freeboard Assignments.

Sec.

174.800 Applicability.
174.810 Definitions.
174.820 Calculations.
174.830 Assumptions.
174.841 Extent and character of damage.
174.842 Permeability.
174.843 Damage survival.
174.844 Equalization.
174.845 Jettisoning of spoil.
174.850 Watertight doors.
174.860 Collision bulkhead

Subpart I—Requirements for Hopper Dredges With Working Freeboard Assignments

§ 174.800 Applicability

This subpart applies to each new and existing self-propeller hopper dredge with a working freeboard assignment obtained in accordance with Part 44, Subpart C, of this chapter.

§ 174.810 Definitions.

(a) "Hopper dredge" means a self-propelled dredge with internal tanks

(hoppers) for storing the dredged material.

(b) "Working freeboard" means one half the distance between the mark of the load line assigned under this subchapter and the freeboard deck.

(c) "Length" or "L" means the same as the load line length "LLL" defined in §170.055(h)(5) of this chapter.

(d) "Beam" or "B" means the same as the term "beam" defined in §170.055(c) of this chapter.

§ 174.820 Calculations.

(a) Each hopper dredge must be shown by design calculations to meet the requirements in § 170.170 and § 170.173 this chapter in each condition of loading and operation, including each condition described in paragraph (d) of this section.

(b) Each hopper dredge must be shown by design calculations to meet the survival conditions of § 174.843 of this part in each condition of loading and operation, including each condition described in paragraph (d) of this section, assuming the character and extent of damage specified in § 174.841 of this part.

(c) To obtain the exemption under § 42.03–30(b)(4) of this chapter, the calculations required by paragraph (a) of this section must assume that the hoppers are full of seawater.

(d) The calculations required by this section must take into account a sufficient number of loading conditions to identify the condition in which the vessel is least stable (i.e. the most severe loading condition). The following range of dredged spoil specific gravities and drafts must be assumed in these calculations:

(1) *Specific gravity:* From 1.02 up to and including the maximum as prescribed in § 174.830(a) of this subpart.

(2) *Draft:* Up to and including the draft corresponding to the working freeboard. All drafts must include the maximum trim that can be expected.

(e) When doing the calculations required by § 174.820 of this part for a dredge with an open hopper, spillage of spoil from the hopper resulting from changing trim and/or angle of heel must be taken into account.

§ 174.830 Assumptions.

The following assumptions must be made when doing the calculations required by § 174.820 of this part:

(a) Except as provided in paragraph (c) of this section dredged spoil in the hopper must be assumed to be a homogeneous liquid with a maximum specific gravity of 1.8.

(b) Each righting arm calculation must be prepared assuming free trim.

(c) A maximum specific gravity lower than 1.8 may be assumed if the following is demonstrated to the satisfaction of the cognizant Officer in Charge, Marine Inspection:

(1) Spoil of a specific gravity higher than that proposed is not known to exist in intended areas of operation of the dredge.

(2) The dredge has a means to monitor the specific gravity of the spoil while dredging.

§ 174.841 Extent and character of damage.

(a) The calculations required by § 174.820(b) of this subpart must show that the dredge can survive damage at any location along the length of the vessel including at a transverse bulkhead.

(b) The damage described in paragraph (a) of this section must be assumed to be from the most disabling side penetration having the following dimensions:

(1) *Longitudinal extent:* $(0.495)(L^{2/3})$ or 47.6 ft., whichever is less. In metric units, the longitudinal extent is $(\frac{1}{3}(L)^{\frac{2}{3}})$ or 14.5 meters, whichever is less.

(2) *Transverse extent:* B/5 or 37.7 ft. (11.5m), whichever is less. This is measured inboard from the dredge's side at a right angle to the centerline at the draft corresponding to the working freeboard.

(3) *Vertical extent:* from the base line upward without limit.

§ 174.842 Permeability.

When doing the calculations required by § 174.820(b) of this subpart, the following permeabilities of floodable spaces must be assumed:

(a) Storerooms; 0.60.

(b) Accommodation spaces; 0.95.

(c) Machinery space; 0.85.

(d) Consumable liquid tanks; 0.00 or 0.95, whichever results in the more disabling condition.

(e) Cargo tanks; the permeability determined from the actual density and amount of liquid carried in the tank.

§ 174.843 Damage survival.

A hopper dredge is presumed to survive assumed damage if it meets the following conditions:

(a) *Heel angle.* The maximum angle of heel in each stage of flooding must not exceed 30 degrees or the angle where progressive flooding would take place, whichever is less. Openings closed by weathertight doors or hatch covers are considered to be openings through which progressive flooding may take place. The following are considered to be openings through which progressive flooding will not take place:

(1) Watertight manhole covers.

(2) Watertight flush scuttles.

(3) Small watertight cargo tank hatch covers that maintain the watertight integrity of the deck.

(4) Class 3 sliding watertight doors.

(5) Side scuttles of the non-opening type.

(b) *Final waterline.* The final waterline, taking into account sinkage, heel, and trim, must be below the lowest edge of each opening through which progressive flooding may take place.

(c) *Range of stability.* The residual righting arm curve must be positive and have a minimum range of 20 degrees beyond the angle of equilibrium. The maximum righting arm within the 20 degree range must be at least 4 inches (100mm). Each opening within, or partially within, the 20 degree range beyond the angle of equilibrium must be at least weathertight. After flooding or equalization as allowed by § 174.844, the hopper dredge's metacentric height must be at least 2 inches (50mm) when the dredge is in an upright position.

§ 174.844 Equalization.

When doing the calculations required by § 174.820(b) of this subpart:

(a) Equalization arrangements requiring mechanical aids as such as valves may not be taken into account.

(b) Spaces joined by ducts with large cross-sectional areas may be assumed to be common spaces only if equalization takes place within 15 minutes after flooding begins.

§ 174.845 Jettisoning of spoil.

(a) When doing the calculations required by § 174.820(b) of this subpart for a bottom dump door hopper dredge, the assumption that the spoil is jettisoned immediately after damage and that the bottom doors remain open can be made only if the following criteria are met:

(1) The bottom dump doors are designed so that they may be completely opened from the closed position within two minutes even if the main power source is lost or the bottom door actuating mechanism is damaged.

(2) The discharge area through the bottom doors is equal to or greater than 30 percent of the waterplane area at the draft corresponding to the working freeboard.

(3) Asymmetrical jettisoning of the spoil is not possible.

(4) The bottom dump doors can be completely opened from the bridge under the conditions prescribed in paragraph (a)(1) of this section.

(b) When doing the calculations required by § 174.820(b) of this part for a split hull hopper dredge, the assumption that the spoil is jettisoned immediately after damage can be made only if the following criteria are met:

(1) The split hulls are designed so that the complete separation is effected within two minutes even if the main power source is lost or the actuating mechanism is damaged.

(2) It is demonstrated to the Commanding Officer, Marine Safety Center, either by calculations or by operational tests, that the hulls can separate sufficiently to allow the dredged material to dump without bridging.

(3) *Asymmetrical* jettisoning of the spoil is not possible.

(4) The split hull actuating mechanism can be operated from the bridge under the conditions prescribed in paragraph (b)(1) of this section.

§ 174.850 Watertight doors.

Each watertight door below the bulkhead deck must be one of the following:

(a) If the sill of the door is shown by the calculations required by § 174.820 of this part to be less than 24 inches above the final waterline in each damage condition up to and including the maximum amount of assumed damage, then a sliding watertight door (Class 3) approved under § 163.001 of this chapter must be used.

(b) If the sill of the door is shown by the calculations required by § 174.820 of this part to be greater than 24 inches above the final waterline, in each damage condition up to and including the maximum amount of assumed damage, then a quick acting hinged watertight door (Class 1) may be used.

§ 174.860 Collision bulkhead.

Each hopper dredge must be fitted with a collision bulkhead not less than 0.05L abaft of the forward perpendicular nor greater than 0.08L abaft of the forward perpendicular.

F.C. Lauridsen,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

Dated: October 22, 1987.

[FR Doc. 87–28633 Filed 12–11–87; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF DEFENSE

48 CFR Part 245

Defense Federal Acquisition Regulation Supplement (DFARS); Material Requirements Planning Systems

AGENCY: Department of Defense (DoD).

ACTION: Notice of intent to develop a proposed rule.

SUMMARY: The Defense Acquisition Regulatory Council invites public comment concerning the need to develop changes to DFARS Part 245 relating to material management and accounting systems.

DATE: Comments should be submitted to the address shown below not later than February 12, 1988 to be considered in the possible formulation of a proposed rule. Please cite DAR Case 87–760 in all correspondence related to this issue.

ADDRESS: Interested parties should submit written comments to: Director, Cost, Pricing and Finance, DASD(P), Rm 3C800, Pentagon Washington, DC 20301–8000.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Robert A. Gustin, Office of Cost, Pricing And Finance, Deputy Assistant Secretary of Defense for Procurement, Telephone (202) 697–6710.

SUPPLEMENTARY INFORMATION:

A. Background

There has been a great deal of attention placed on automated material management and accounting systems and their ability to meet current rules and regulations. There were a number of Defense Contract Audit Agency reports, newspaper stories, and Congressional hearings on this subject over the past nine months. As a result of the foregoing, the DAR Council solicits public comments on preliminary guidance developed to help evaluate material management and accounting systems under existing rules. All comments will receive full consideration by the DAR Council to determine the optimum approach in evaluating MRP systems.

Material management and accounting systems must have adequate internal accounting and administrative controls to assure system and data integrity, and:

1. Have an adequate system description including policies, procedures, and operating instructions compliant with FAR/CAS criteria as interpreted by this guidance for all elements of affected cost.

2. Assure that costs of purchased and fabricated material charged or allocated to a contract are based on valid time-phased requirements as impacted by minimum/economic order quantity restrictions. A 98 percent bill of material accuracy and a 95 percent master production schedule accuracy are desirable as a goal in order to assure that requirements are both valid and appropriately time-phased. If systems have accuracy levels below those above, the contractor must demonstrate that (i) there is no material harm to the Government due to lower accuracy levels, and/or (ii) the cost to meet the accuracy goals is excessive in relation to the impact on the Government.

3. Provide a mechanism to identify, report, and resolve system control weaknesses and manual overrides. Systems should identify operational exceptions such as excess/residual inventory as soon as known.

4. Provide audit trails and maintain records necessary to evaluate system logic and to verify through transaction testing that the system is operating as desired. Both manual records and those in machine readable form will be maintained for the prescribed record retention periods.

5. Establish and maintain adequate levels of record accuracy, and include reconciliation of recorded inventory quantities to physical inventory by part number on a periodic basis. A 95 percent accuracy level is desirable. If systems have an accuracy level below 95 percent, the contractor must demonstrate that (i) there is no material harm to the Government due to lower accuracy level, and/or (ii) the cost to meet the accuracy goal is excessive in relation to the impact on the Government.

6. Provide detailed description(s) of circumstances which will result in manual or system generated transfers of parts.

7. Maintain a consistent, equitable, and unbiased logic for costing of material transactions. The contractor will maintain and disclose a written policy describing the transfer methodologies. The costing methodology may be standard or actual cost, or any of the CAS 411.50(b) inventory costing methods. Consistency must be maintained across all contract and customer types, and from accounting period to accounting period for initial charging and transfer charging.

a. The system should transfer parts and associated cost within the same billing period.

b. In the few circumstances where it may not be appropriate to transfer parts and associated cost within the same billing period, use of a "loan/payback"

technique must be approved by the ACO. When the technique is used there must be controls to ensure that: (i) Parts are paid back expeditiously, (ii) procedures and controls are in place to correct any overbilling that might occur, (iii) at a minimum the borrowing contract and the date the part was borrowed are identified monthly, and (iv) the cost of the replacement part is charged to the borrowing contract.

8. Where allocations from common inventory accounts are used, have controls in addition to the requirements of Key Elements in 2 and 7 above to ensure that:

a. Reallocations and any creidt due are processed no less frequently than the routine billing cycle;

b. Inventories retained for requirements which are not under contract are not allocated to contracts;

c. Algorithms are maintained based on valid and current data.

9. Have adequate controls to ensure that physically commingled inventories that may include materials charged or allocated to fixed price, cost type, and commercial contracts do not compromise requirements of any of the above Key Elements.

10. Be subjected to periodic internal audits to ensure compliance with established policies and procedures.

List of Subjects in 48 CFR Part 245

Government procurement.

Dated: December 8, 1987.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

[FR Doc. 87-28606 Filed 12-11-87; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 20 and 21

Migratory Bird Hunting; Zones In Which Lead Shot Will Be Prohibited for the Taking of Waterfowl, Coots and Certain Other Species in the 1988–89 Hunting Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The use of lead shot in waterfowl hunting poses an unnecessary risk to certain migratory birds because when the spent shot is consumed it often produces lead poisoning and death. Accordingly, this proposed rule describes the zones in which the use of lead shot would be prohibited for hunting waterfowl, coots and certain other species in the 1988–89 season. The zones described consist of (1) the same areas that were already identified as nontoxic shot zones for waterfowl and coot hunting in § 20.108 of Title 50 of the Code of Federal Regulations (50 CFR) for the 1987–88 hunting season, (2) the added counties identified for 1988–89 in Appendix N of the Final Supplemental Environmental Impact Statement (SEIS) on the Use of Lead Shot for Hunting Migratory Birds in the United States (see Table 1 in Supplementary Information), and (3) those additional areas identified by the States where acceleration of the nontoxic shot phase-in schedule is considered appropriate because of potential administrative, enforcement and/or lead poisoning problems. States that have declared a statewide ban on the use of lead shot for waterfowl and coot hunting are so noted. Additionally, this proposed rule would amend existing regulations to include: (a) The United States territorial waters beyond State boundaries, the State of Alaska, and the Commonwealths of Puerto Rico and Virgin Islands in the nationwide ban on the use of lead shot for waterfowling; (b) redefinition of terms to incorporate the concept of multiple species in the 50 CFR aggregate bag definition; and (c) a requirement for nontoxic shot for taking captive-reared mallards in nontoxic shot zones.

DATE: Comments on this proposal will be accepted until January 13, 1988.

ADDRESS: Submit comments to Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Room 536, Matomic Building, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Dr. Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Room 536, Matomic Building, Washington, DC 20240 (202/254–3207).

SUPPLEMENTARY INFORMATION: This rule implements the second year (1988–89) of the 5-year component of the strategy to phase-in a nontoxic shot requirement for waterfowl hunting nationwide by 1991–92, as set out by the preferred alternative of the Final SEIS on the Use of Lead Shot for Hunting Migratory Birds in the United States published in June 1986 (FES 86–16). The SEIS and consequent rulemakings imposing nontoxic shot requirements result from the Secretary of Interior's (Secretary) responsibilities under the Migratory Bird Treaty Act, as amended (16 U.S.C. 703 *et seq.*; 40 Stat. 755), and the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543; 87 Stat. 884), to decide whether, where and how migratory bird hunting will be allowed. A critical element in the Secretary's deliberations and decision to implement and enforce regulations establishing nontoxic shot zones nationwide has been the determination that lead poisoning resulting from waterfowl hunting is a significant annual mortality factor in certain migratory birds.

Information detailing the scientific basis for concluding that lead shot from waterfowling is causing lead poisoning in certain migratory birds and the development of the strategy to eliminate lead toxicity as a major mortality factor, including discussions of the issues for and against lead/steel shot, appears in the SEIS and the preamble to the proposed rule on the criteria and schedule for implementing nontoxic shot zones for 1987–88 and subsequent years published in the **Federal Register** on June 27, 1986 (51 FR 23444). The final rule for that porposed rule was published, as noted above, in the **Federal Register** on November 21, 1986 (51 FR 42103). Information on the justification for selecting this strategy has also been set out in the Final SEIS (Alternative VII$_3$), the June 27, 1986, proposed rule and in the Record of Decision (ROD) confirming the preferred alternative and published in the **Federal Register** on August 20, 1986 (51 FR 29673). Additional information relating to the imposition of nontoxic shot zones nationwide, according to the 5-year schedule, is contained in the final rule for the 1987–88 waterfowl hunting season published in the **Federal Register** on Tuesday, July 21, 1987 (52 FR 27352).

Counties scheduled to convert in their entireties to nontoxic shot in the 1988–89 waterfowl season are those counties having had an average annual waterfowl harvest of 15 or more per square mile over the 10-year period 1971–80. As scheduled, approximatley 73 percent of the waterfowl harvest nationwide will occur in nontoxic shot zones in the 1988–89 waterfowl hunting season. However, the conversion of many entire States ahead of the schedule is estimated to increase the percentage of the total harvest occurring in nontoxic shot zones to be between 80 and 90 percent in this 1988–89 watefowl hunting season.

In addition to the scheduled zones from Appendix N of the SEIS and the unscheduled zones added by the States, the Fish and Wildlife Service (FWS) is proposing in this rule to add other areas that have the potential for contributing to lead poisoning in waterfowl and raptors and/or the potential for creating administrative or enforcement problems. Also, other regulatory changes are being proposed in this rule to clarify and update conditions under which migratory birds may be taken in the open seasons.

In the course of amending § 20.21(j) of 50 CFR, that was effected in the 1987–88 waterfowl hunting season final nontoxic shot zone rule of Tuesday, July 21, 1987 (52 FR 27352), it was noted that an ambiguity existed with regard to the concept of "aggregate bag." "Aggregate bag" was clarified in Issue 1 of that final rule, and it was noted that the existing definitions in § 20.11 of 50 CFR would be expanded to include a species aspect. Thus, this rule adds a definition for "aggregate bag" and redefines "daily bag limit," "aggregate daily bag limit," "possession limit," and "aggregate possession limit" at § 20.11 to incorporate those aggregate bag concepts expressed in 52 FR 27352. Section 20.21(j) is being amended to include the word "swans" that was inadvertently omitted when previously amended, as cited above.

The Commonwealths of Puerto Rico and the Virgin Islands also hunt waterfowl and coots in areas that are quite limited and, as a consequence, heavily shot over. In order to protect waterfowl and other wetland-associated migratory bird resources, the FWS is proposing in this rule to require nontoxic shot for the hunting of waterfowl, coots and certain other species in the Commonwealths of Puerto Rico and the Virgin Islands beginning in the 1991–92 hunting season. This regulation change is proposed for § 20.101 of 50 CFR.

Previously, in the SEIS, the State of Alaska was offered the options either to (1) establish a zoning schedule for the conversion interval to 1991–92 according to the adopted criteria outlined in Appendix K of the SEIS (also 51 FR 42103), or (2) defer conversion until the final year. It is apparent that the State of Alaska is electing to take the second alternative. Thus, this proposed rule would change § 20.102 of 50 CFR to reflect that Alaska will convert statewide to nontoxic shot for waterfowling in the 1991–92 hunting season.

Although there is some opportunity for sea ducks to consume lead shot deposited on the seabed as a result of waterfowling, the greatest potential harm probably results from the availability of lead in the form of embedded shot. Waterfowl carrying embedded shot may eventually become available to bald eagles and other opportunistic avian feeders. Additionally, enforcement of nontoxic shot requirements in coastal counties may be difficult due to the relative obscurity of boundary references, e.g., county or zonal boundaries that follow tide lines, conventional State-claimed seaward limits, etc. To ensure that potential problems are addressed, the FWS is in this rule proposing that conversion in the final year (1991–92) be expanded to include all areas within the United States offshore territorial limits, i.e., United States waters seaward of those claimed by the separate coastal States. This regulation change is proposed for § 20.105 of 59 CFR.

The FWS is proposing in this rule to update § 20.107 of 50 CFR by adding the other States that make provisions for swan hunting, i.e., North Carolina, North Dakota and South Dakota, and by changing the species' English name to be consistent with the American Ornthologists' Union (AOU) 1983 Check-List of North American Birds (6th edition) listing of Tundra Swan (*Cygnus columbianus*, Ord).

Finally, this rule proposes to amend § 21.13 of 50 CFR, Permit exceptions for captive-reared mallards, to provide application of § 20.108, Nontoxic shot zones. This is proposed on the basis that shooting preserve areas usually host wild waterfowl at one time or another, which are then exposed to the spent shot. Application of § 20.108 to shooting preserves will eliminate these areas as sources of lead shot and potential lead poisoning mortality. Shooting preserve areas that heretofore have been excepted, because of the inapplicability of Section 20, are proposed in this rule to convert to steel shot for taking captive-reared mallards in the 1988–89 waterfowl hunting season; those areas remaining to convert after 1988–89 are proposed to do so according to the county schedule located in Appendix N of the Final SEIS on the Use of Lead Shot for Hunting Migratory Birds in the United States.

In summary, this rule proposes to amend 50 CFR as follows:

—*Section 20.11.* Add a definition of "aggregate bag" and revise four other related terms, to be effective for the 1988–89 season.

—*Section 20.21(j).* Add the word "swans" to the parenthetical listing of Anatidae that are covered by the nontoxic shot requirement, to be effective for the 1988–89 season.

—*Section 20.101.* Add language that requires conversion of nontoxic shot for hunting waterfowl, coots and certain species in Puerto Rico and the Virgin Islands in the 1991–92 season.

—*Section 20.102.* Add language that requires conversion to nontoxic shot for hunting waterfowl in Alaska in the 1991–92 season.

—*Section 20.105.* Revise existing language to require conversion to nontoxic shot for hunting waterfowl, coots and certain other species in United States territorial waters seaward of State boundaries, to be effective for the 1991–92 season.

—*Section 20.107.* Revise existing language to include the States of North Carolina, North Dakota and South Dakota with those having frameworks for swan seasons, and change the English name of the swan species from "whistling" to "tundra," to be effective in the 1988–89 season.

—*Section 20.108.* Add SEIS Appendix N areas to expand existing nontoxic shot zones for the 1988–89 waterfowl hunting season.

—*Section 21.13.* Add language that requires the use of nontoxic shot for taking captive-reared mallards in shooting preserves and similarly permitted areas, to become effective immediately in the 1988–89 waterfowl hunting season for those shooting preserve areas in zones that have previously converted or will convert by the 1988–89 season.

However, those shooting preserve areas remaining to convert after the 1988–89 season will convert according to the SEIS Appendix N schedule.

Based on the October 9, 1987, Ninth Circuit Court of Appeals ruling in *Alaska Fish and Wildlife Federation and Outdoor Council, Inc.* v. *Frank L. Dunkle, et al.*, No. 86–3657, the authority citation for Part 20, Subchapter B, Chapter I of Title 50 would be revised to remove the Alaska Game Act of 1925 reference.

Since 1978, the FWS has not been able to implement or enforce nontoxic shot zones in a State without approval of the appropriate State authorities. This restriction on use of funds by the FWS has been contained in the appropriations act for the Department of the Interior each year since 1978 (see e.g., Pub. L. 98–473, section 305; Pub. L. 99–190, section 313; Pub. L. 99–591, Sec. 317). While this restriction is in force, the FWS can only implement and enforce nontoxic shot zones for waterfowl and coot hunting with the approval of State authorities. If States do not approve nontoxic shot zones as required by this restriction, when current FWS guidelines and criteria indicate that such zones are necessary to protect migratory birds, the FWS will not open the areas to waterfowl and coot hunting. This action is taken pursuant to the FWS' responsibilities under the Migratory Bird Treaty Act and, in the case of zones established for bald eagle protection, the Endangered Species Act and the Bald and Golden Eagle Protection Act of 1940, as

amended (16 U.S.C. 668–668d; 54 Stat. 250).

Economic Effect

Executive Order 12291, "Federal Regulation," of February 17, 1981, requires the preparation of regulatory impact analyses for major rules. A major rule is one likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) further requires the preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which includes small businesses, organizations and/or governmental jurisdictions.

In accordance with Executive Order 12291, a determination has been made that this rule is not a major rule. In accordance with the Regulatory Flexibility Act, a determdination has been made that this rule, if implemented without adequate notice, could result in lead shot ammunition supplies for which there would be no local demand. Conversely, nontoxic shot zones could conceivably be established where little or no nontoxic shot ammunition would be available to hunters. The Service believes, however, that adequate notice has been provided and that sufficient supplies of nontoxic shot ammunition will be available to hunters. Therefore, this rule would not have a significant economic effect on a substantial number of small entities.

Paperwork Reduction Act

This rule will not result in the collection of information from, or place recordkeeping requirements on, the public under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Environmental Considerations

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)), a Final Environmental Statement (FES) on the use of steel shot for hunting waterfowl in the United States was published in 1976. As stated above, a supplement to the FES was completed in June 1986. In this supplement, pursuant to the Endangered Species Act, a section 7 consultation was done on the potential impacts of the provisions of this rule on bald eagles. The section 7 opinion concluded that implementation of the preferred alternative would not be likely to jeopardize the continued existence of the bald eagle.

Table 1.—Counties proposed to be added in 1988–89 to the existing zones where the hunting of waterfowl, coot and certain other species is limited to the use of nontoxic shot.[1]

Alabama
Limestone

Arkansas
Conway
Crittenden
LaFayette
Lincoln
Phillips
Pulaski

California
Alameda
Marin
Stanislaus

Colorado
Boulder

Connecticut
All lands and waters of all counties of the State.

Florida
Glades

Idaho
Payette

Illinois
Bond
Fayette
Jersey
Kane
Marshall
McHenry
Woodford

Indiana
All lands and waters of all counties of the State.

Kansas
Linn

Louisiana
Assumption
Avoyelles
Caldwell
Iberia
Rapides

Massachusetts
Dukes

Michigan
Allegany
Barry
Monroe
Roscommon
Wayne

Missouri
All lands and waters of all counties of the State.

New Jersey
Hudson

New York
All lands and waters of all counties of the State.

North Carolina
Beaufort
Washington

North Dakota
Bottineau
Griggs
McIntosh
Sargent

Ohio
Erie

Oregon
Marion
Washington

Pennsylvania
All lands and waters of all counties of the State.

Rhode Island
All lands and waters of all counties of the State.

South Carolina
Allendale
Bamberg
Barnwell
Calhoun
Clarendon
Darlington
Dillon
Dorchester
Florence
Hampton
Horry
Jasper
Lee
Marion
Marlboro
Orangeburg
Sumter
Williamsburg

South Dakota
Aurora
Bon Homme
Hamlin
Marshall
Roberts

Tennessee
Jefferson
Tipton

[1] Counties listed are taken from the Final Supplemental Environmental Impact Statement on the Use of Lead Shot for Hunting Migratory Birds in the United States, Appendix N. Counties listed are those that have 15 or more waterfowl harvested per square mile, as referenced by Carney et al. 1983 (Distribution of waterfowl species harvested in states and counties during 1971–80 hunting seasons. U.S. Fish and Wildlife Service, Spec. Sci. Rpt.—Wildl. No. 254, Washington, DC). "Certain other species" refers to those species, other than waterfowl or coots, that are affected by reason of being included in aggregate bag limits and concurrent seasons. Differences between this Table and the Appendix N schedule reflect changes initiated by the States to accelerate county nontoxic shot conversions.

Texas
Liberty

Vermont
Franklin

Virginia
Accomack

Washington
Clallam
Pacific
Thurston
Walla Walla

Authorship

The primary author of this proposed rule is Keith A. Morehouse, Office of Migratory Bird Management, working under the direction of Rollin D. Sparrowe, Chief.

List of Subjects

50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

50 CFR Part 21

Depradations, Falcons, Permits, Waterfowl.

Accordingly, Parts 20 and 21, Subchapter B, Chapter I of Title 50 of the Code of Federal Regulations are proposed to be amended as follows:

PART 20—[AMENDED]

1. The authority citation for Part 20 would be revised to read as follows:

Authority: Migratory Bird Treaty Act, sec. 3, Pub. L. 65–186, 40 Stat. 755 (16 U.S.C. 701–708h); sec., 3(h), Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712).

2. Section 20.11 is proposed to be amended by adding a definition for "Aggregate bag limit" and revising the definitions for "Daily bag limit," "Aggregate daily bag limit," "Possession limit" and "Aggregate possession limit," to read as follows (The introductory paragraph is republished.):

§ 20.11 Meaning of terms.

For the purpose of this part, the following terms would be construed, respectively, to mean and to include:

* * * * *

"Aggregate bag limit" means a condition of taking in which two or more usually similar species may be bagged (reduced to possession) by the hunter in predetermined or unpredetermined quantities to satisfy a maximum take limit.

"Daily bag limit" means the maximum number of migratory game birds of a single species or combination (aggregate) of species permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.

"Aggregate daily bag limit" means the maximum number of migratory game birds permitted to be taken by one person in any one day during the open season when such person hunts in more than one specified geographic area and/or for more than one species for which a combined daily bag limit is prescribed. The aggregate daily bag limit is equal to, but shall not exceed, the largest daily bag limit prescribed for any one species or for any one specified geographic area in which taking occurs.

"Possession limit" means the maximum number of migratory game birds of a single species or a combination of species permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

"Aggregate possession limit" means the maximum number of migratory game birds of a single species or combination of species taken in the United States permitted to be possessed by any one person when taking and possession occurs in more than one specified geographic area for which a possession limit is prescribed. The aggregate possession limit is equal to, but shall not exceed, the largest possession limit prescribed for any one of the species or specific geographic areas in which taking and possession occurs.

* * * * *

3. Section 20.21(j)(1) is proposed to be revised to read as follows (The introductory paragraph is republished):

§ 20.21 Hunting methods.

Migratory birds on which open seasons are prescribed in this part may be taken by any method except those prohibited in this section. No persons shall take migratory game birds:

* * * * * *

(j) * * * (1) This restriction applies only to the taking of Anatidae (ducks, geese [including brant] and swans), coots (Fulica americana) and any species that make up aggregate bag limits during concurrent seasons with the former in areas described in § 20.108 as nontoxic shot zones, and

4. Section 20.101 would be revised to read as follows:

§ 20.101 Seasons, limits and shooting hours for Puerto Rico and the Virgin Islands.

This section provides for the annual hunting of certain doves, pigeons, ducks, coots, gallinules and snipe in Puerto Rico; and for certain doves, pigeons and ducks in the Virgin Islands. In these Commonwealths, the hunting of waterfowl and coots (and other certain species, as applicable) must be with the use of nontoxic shot beginning in the 1991–92 waterfowl season.

5. Section 20.102 would be revised to read as follows:

§ 20.102 Seasons, limits and shooting hours for Alaska.

This section provides for the annual hunting of certain waterfowl (ducks and geese [including brant]), snipe and sandhill cranes in Alaska. In Alaska, the hunting of waterfowl must be with the use of nontoxic shot beginning in the 1991–92 waterfowl season.

6. Section 20.105 is proposed to be revised to read as follows:

§ 20.105 Seasons, limits and shooting hours for waterfowl, coots and gallinules.

This section provides for the annual hunting of certain waterfowl (ducks, geese [including brant], coots and gallinules in the 48 contiguous United States. The regulations are arranged by the Atlantic, Mississippi, Central and Pacific Flyways. These regulations often vary within Flyways or States, and by time periods. Those areas of the United States outside of State boundaries, i.e., the United States' territorial waters seaward of county boundaries, and including coastal waters claimed by the separate States, if not already included under the zones contained in § 20.108, are designated for the purposes of § 20.21(j) as nontoxic shot zones for waterfowl hunting beginning in the 1991–92 season.

7. Section 20.107 is proposed to be revised to read as follows:

§ 20.107 Seasons, limits and shooting hours for tundra swans.

This section provides for the annual hunting of tundra swans in North Carolina, North Dakota, South Dakota and Utah, and in designated areas of Montana and Nevada.

8. Section 20.108 would be revised to read as follows:

§ 20.108 Nontoxic shot zones.

The areas described within the States indicated below are designated for the purpose of § 20.21(j) as nontoxic shot zones for hunting waterfowl, coots and certain other species.

Atlantic Flyway

Connecticut

All lands and waters within the State of Connecticut have been designated for nontoxic shot use.

Delaware

1. Kent and New Castle Counties.

2. All State and/or Federally owned property within the following areas of Sussex County:

A. Assawoman, Gordon's Pond and Prime Hook State Wildlife Areas.

B. Cape Henlopen and Delaware Seashores State Parks.

C. Prime Hook National Wildlife Refuge.

Florida

1. Brevard, Broward, Citrus, Collier, Dade, Leon, Osceola, Polk and Volusia Counties.

2. Those portions of Gadsden and Liberty Counties, adjacent to Leon County, that include the floodplains of Lake Talquin and the Ochlockonee River.

3. That portion of Lake Miccosukee in Jefferson County.

4. Orange Lake and Lochloosa Lake in Alachua County.

5. The area lying lakeward of and bounded by the Lake Okeechobee levee, by the State Road 78, Kissimmee River bridge, and by State Road 78 from its intersection with the Lake Okeechobee levee at points near Lakeport and the Old Sportsman's Village site.

6. That portion of Glades County outside of the area described in No. 5 above.

7. Occidental Wildlife Management Area, as well as all of the Occidental Chemical Company phosphate pits east of US Highway 41, south of State Road 6, west of State Road 135 and north of White Springs, all in Township 1 north, Ranges 15 and 16 east in Hamilton County comprising approximately 35,000 acres.

8. Lake Ponte Vedra in St. Johns County (all waters north of Guana Dam).

9. M–K Ranch public waterfowl area in Gulf County.

10. That portion of Everglades Conservation Area 2 in Palm Beach County.

11. That portion of Lake George lying in Putnam County.

12. That portion of the St. Johns River floodplain lying in Lake, Seminole and Orange Counties.

13. That portion of Lake Rousseau lying in Levy and Marion Counties.

14. Lake Harbor public waterfowl hunting area in Palm Beach County.

15. Chassahowitzka Wildlife Management Area in Hernando County.

16. Chassahowitzka, Lower Suwannee and Loxahatchee National Wildlife Refuges.

Georgia

1. Eufaula and Savannah National Wildlife Refuges.

Maine

All lands and waters within the State of Maine have been designated for nontoxic shot use.

Marylund

1. Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, and Worcester Counties.

Massachusetts

1. Barnstable, Dukes, Essex, Nantucket and Plymouth Counties.

New Jersey

1. Atlantic, Cape May, Cumberland, Hudson, Middlesex, Monmouth, Ocean and Salem Counties.

2. Burlington County, that portion lying to the south and east of the New Jersey Transit Railroad tracks that run from Atsion to Woodmansie.

New York

All lands and waters within the State of New York have been designated for nontoxic shot use.

North Carolina

1. Beaufort, Currituck, Pamlico and Washington Counties.

2. Cape Hatteras National Seashore Recreation Area.

3. Cedar Island, Mattamuskeet and Swanquarter National Wildlife Refuges.

Pennsylvania

All lands and waters within the State of Pennsylvania have been designated for nontoxic shot use.

Rhode Island

All lands and waters within the State of Rhode Island have been designated for nontoxic shot use.

South Carolina

1. Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Jasper, Lee, Marion, Marlboro, Orangeburg, Sumter and Williamsburg Counties

Vermont

1. Franklin and Grand Isle Counties.

2. Missisquoi National Wildlife Refuge.

Virginia

1. Counties of Accomack, Charles City, Gloucester, James City, New Kent and York.

2. Cities of Chesapeake, Hampton, Newport News, Norfold, Suffolk and Virginia Beach.

Mississippi Flyway

Alabama

1. Limestone County

2. Eufaula National Wildlife Refuge.

Arkansas

1. Arkansas, Ashley, Clay, Conway, Craighead, Crittenden, Cross, Desha, Jefferson, LaFayette, Lawrence, Lincoln, Little River, Lonoke, Monroe, Phillips, Poinsett, Prairie, Pulaski and Woodruff Counties.

2. Lake Dardanelle and Millwood Lake Wildlife Management Areas.

3. Felsenthal National Wildlife Refuge.

Illinois

1. Alexander, Bond, Calhoun, Clinton, Fayette, Jackson, Jefferson, Jersey, Kane, Lake, McHenry, Union and Williamson Counties.

2. Carroll County, that portion east of IL–84.

3. Cass County, that portion east and/or south of IL–78, Federal-Aid Secondary Route 577 and IL–100.

4. Franklin County, that portion of Rend Lake and related subimpoundments, and all adjacent lands managed by the U.S. Army Corps of Engineers and the Illinois Department of Conservation.

5. Greene County, that portion south of IL–108, west of Federal-Aid Primary Route 155, and north of the Jersey County line.

6. Henderson County, that portion east and/or south of Federal-Aid Secondary Route 216, IL–164, Federal-Aid Secondary Route 418 and IL–96.

7. Mason County, that portion east and/or south of Federal-Aid Secondary Route 461, US 136 and IL–78.

8. Putnam County, those portions west of IL–29 and east and/or south of IL–89, IL–71 and IL–26.

9. That portion of the Mississippi River and adjacent areas as bordered on the north by the Wisconsin State line and bordered on the east and south by IL–35 from the Wisconsin State line southwest to East Dubuque, US–20 from East Dubuque southeast to IL–84, IL–84 south to IL–136 near Fulton, Federal-Aid Secondary Route 1193 (Chase Road and Sand Road) south to IL–5, IL–5 southwest to I–80, I–80 south to I–280 west to IL–92, and IL–92 west to the bridge over the Mississippi River.

10. That portion of the Mississippi River and adjacent areas as bordered on the north by the railroad bridge at Keithsburg and bordered on the east and south by Federal-Aid Secondary Route 216 from Keithsburg south to IL–164, IL–164 west to Oquawka and south to US–34, US–34 southwest to Federal-Aid Secondary Route 418 south through Carman to Lomax, IL–96 from Lomax southwest to Niota then southward through Nauvoo and Hamilton to Lima, Federal-Aid Secondary Route 2597 from Lima west to County Highway 7, County Highway 7 south to County Highway 8 and County Highway 8 west to Meyer to Lock and Dam 20.

11. That portion of the Mississippi River and adjacent areas in Pike County as bordered on the north by US–36 and bordered on the east (or inland) by IL–96.

12. That portion of the Illinois River and adjacent areas as bordered on the north and west by IL–29 from Spring Valley west to DePue and south to Peoria, US–24 from Peoria southwest to Fulton County, all of Fulton County, IL–100 from Fulton County southwest to US–67, IL–103 from US–67 west to Sugar Grove, Federal-Aid Secondary Route 582 from Sugar Grove south through LaGrange to IL–99, and IL–99 southeast to Meredonsia, and bordered on the east and south by IL–89 from Spring Valley south to IL–71, IL–71 west to IL–26, IL–26 south to East Peoria (except including all of Marshall and Woodford Counties), IL–29 from East Peoria south to Powerton, Federal-Aid Secondary Route 461 from Powerton west and south through Manito and Forest City to US–136, US–136 west to Havana, IL–78 from Havana south to Chandlerville, Federal-Aid Secondary Route 577 from Chandlerville west to Beardstown, IL–100 from Beardstown south to IL–104, and IL–104 west to Meredosia.

13. Adams County, the Bear Creek Unit of Mark Twain National Wildlife Refuge.

14. Upper Mississippi River Wild Life and Fish Refuge.

Indiana

All lands and waters within the State of Indiana have been designaed for nontoxic shot use.

Iowa

All lands and waters within the State of Iowa have been designated for nontoxic shot use.

Kentucky

1. Western Zone—That area west of a line beginning at the Kentucky-Tennessee border at Fulton, Kentucky, and running northeast along the Purchase Parkway to Interstate 24, east to U.S. Highway 641, north to U.S. Highway 60, north to U.S. Highway 41, then north to the Kentucky-Indiana border near Henderson, Kentucky.

Louisiana

1. Acadia, Assumption, Avoyelles, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Evangeline, Iberia, Jefferson, Jefferson Davis, LaFourche, LaSalle, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Rapides, Red River, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Tammany, Terrebonne and Vermilion Parishes.

2. Bogue Chitto, D'Arbonne and Upper Ouachita National Wildlife Refuges.

Michigan

1. Eastern Upper Peninsula. A. The water and land areas of Chippewa County within the following described boundary: Starting at the SW corner of Sec. 33, T44N, R1E on a line extending north 4 miles along the west side of Secs. 33, 28, 21, and 16 to the NW corner of Sec. 16, T44N, R1E; then east 1½ miles to the S quarter corner of Sec. 10, T44N, R1E; then north 1 mile to the N quarter corner of Sec. 10, T44N, R1E; then east ½ mile to the SW corner of Sec. 2, T44N, R1E; then north 1 mile to the NW corner of Sec. 2, T44N, R1E; then east along the north section lines of Secs. 1 and 2, T44N, R1E and Secs. 4, 5, and 6, T44N, R2E, to the NE meander corner of Sec. 4, T44N, R2E; then on a line southerly across Munuseong Lake to the NE meander corner of Sec. 28, T44N, R2E; then south on the E section lines of Secs. 28 and 33, T44N, R2E to the SE corner of Sec. 33, T44N, R2E; then west 7 miles along the south section line of Sec. 33, 32, and 31, T44N, R2E, and Secs. 36, 35, 34, and 33, T44N, R1E, to the point of beginning.

B. The waters of Potagannissing Wildlife Flooding on Drummond Island.

2. Saginaw Bay. All water and land areas of Arenac, Bay, Tuscola, Huron and Saginaw Counties, including all portions of Saginaw Bay and those portions of Lake Huron south of a line directly east from the north boundary of Arenac County to the Ontario border, and north of a line directly east of the south boundary of Huron County to the Ontario border. All county boundary waters and lakes partially within the steel shot zones are totally included.

3. Central Michigan. All water and land areas of Roscommon County and that area of water and land encompassing the controlled level impoundments (wetlands wildlife management units) of the Maple River State Game Area adjacent to US–27 in Gratiot County, as posted.

4. Southeastern Michigan.

A. All waters and land areas of Macomb, Monroe, St. Clair and Wayne Counties, including the U.S. waters of the St. Clair River, Lake St. Clair, the Detroit River, and Lake Erie, and that portion of Lake Huron south of a line directly east from the north boundary of St. Clair County to the Ontario boundary. All county boundary waters and lakes partially within the steel zone are totally included.

B. That area of Jackson County (north of I–94 and east of M–106); Ingham County (east of M–106/M–52 and south of m–36); Livingston County (south of M–36, east of M–155 and south of M–59); Oakland County (south of M–59, west of US–24 [Telegraph Road], north of I–95 and west of I–275; and Washtenaw County (north of M–14 and I–94).

C. On all waters and lands within the posted boundaries of the U.S. Fish and Wildlife Service Schlee Waterfowl Production Area located in Section 6, T3S R2E of Grass Lake Township, Jackson County.

5. That area of water and land encompassing Allegan, Barry, Muskegon, Ottawa and Kalamazoo Counties, including the waters of Lake Michigan lakeward from any of these counties to the border with Wisconsin. All county boundary waters and lakes partially within the steel zones are totally included.

Minnesota

All lands and waters within the State of Minnesota have been designated for nontoxic shot use.

Mississippi

All lands within the State of Mississippi have been designated for nontoxic shot use.

Missouri

All lands and waters within the State of Missouri have been designated for nontoxic shot use.

Ohio

1. Ashtabula, Cuyahoga, Erie, Holmes, Lake, Lorain, Lucas, Ottawa, Sandusky, Trumbull, Wayne and Wood Counties.

Tennessee

1. Benton, Dyer, Jefferson, Lake, Obion, Shelby and Tipton Counties.

2. Cross Creeks, Hatchie and Lower Hatchie National Wildlife Refuges.

Wisconsin

All lands and waters within the State of Wisconsin have been designated for nontoxic shot use.

Central Flyway

Colorado

1. Alamosa, Boulder, Conejos, Costilla, Morgan, Rio Grande and Weld Counties.

2. Hinsdale, Mineral and Saguache Counties east of the Continental Divide.

3. Turk's Pond portion of Baca County.

Kansas

1. Barton, Coffey, Cowley, Doniphan, Ellsworth, Jefferson, Linn, Mitchell, Montgomery, Neosho and Stafford Counties.

2. All areas administered by the Kansas Fish and Game Commission, U.S. Army Corps of Engineers and U.S. Bureau of Reclamation, including those within the boundaries of the above Counties.

3. Kirwin Reservoir.

4. Flint Hills, Kirwin and Quivira National Wildlife Refuges.

Montana

All land and waters within the State of Montana have been designated for nontoxic shot use.

Nebraska

All lands and waters within the State of Nebraska have been designated for nontoxic shot use.

New Mexico

1. Colfax County.

2. That area bounded by a line beginning at the northeast corner of the Bosque del Apache National Wildlife Refuge (BNWR) boundary and running east to the road joining the White Sands Missile Range Military Reservation Extension Co-Use (WSMRMREC) boundary from the northwest, thence southeast along the road to its junction with the WSMRMREC boundary, thence north, east, and west along the WSMRMREC boundary to its junction with the Sevilleta National Wildlife Refuge (SNWR), thence north and east along the boundary of the SNWR to its intersection with US Highway 60 to its junction with State Highway 47, thence north along State Highway 47 to its intersection with the Isleta Indian Reservation, thence west and south along the southern boundary of the Isleta Indian Reservation to its intersection with Interstate Highway 25, thence south along Interstate Highway 25 to its junction with the SNWR boundary, thence following the SNWR boundary west, north, then south and east to Interstate Highway 25, thence south along Interstate Highway 25 to its junction with BNWR boundary and following the BNWR boundary west, southwest, southeast, east, and northeast to the northeast corner of BNWR. This zone includes Belen, Bernardo and La Joya State Game Refuges.

3. That area bounded by a line starting at the junction of State Highway 3 and State Highway 21 and running northeast along State Highway 21 to its junction with Coyote Creek; thence southeast along Coyote Creek to its junction with the Mora River; thence westerly along the Mora River to its junction with State Highway 161; thence north and west along State Highway 161 to its intersection with State Highway 3 and north on State Highway 3 to its junction with State Highway 21.

4. The Lower Pecos River Valley, as bounded on the north by US 380, on the west by US 285, on the south by the Texas-New Mexico border, and on the east by the Lea County line. This area includes the William S. Huey Waterfowl Area, formerly known as the Artesia State Waterfowl Management Area.

5. Charette Lake State Waterfowl Management Area in Mora County.

6. McAllister and Salt Lake State Game Refuges.
7. Jicarilla Apache Indian Reservation lands in Rio Arriba and Sandoval Counties.
8. Navajo Indian Reservation lands in Bernalillo, Cibola, McKinley and Socorro Counties.
8. Bitter Lake and Las Vegas National Wildlife Refuges.

North Dakota

1. Bottineau, Griggs, McIntosh, Nelson, Ramsey, Sargent and Towner Counties.

Oklahoma

1. Nowata County.
2. US Highway 77 from the Kansas border south to US Highway 177, US Highway 177 south to State Highway 15, State Highway 15 east to State Highway 18, State Highway 18 south to US Highway 64, US Highway 64 east to State Highway 99, State Highway 99 south to State Highway 51, State Highway 51 east to State Highway 97, State Highway 97 north to its junction with unnamed county roadway, northwestwardly on the county roadway to its junction with State Highway 20, State Highway 20 west to State Highway 18, State Highway 18 north to the Kansas border.
3. Interstate 40 from the Arkansas border west to State Highway 82, State Highway 82 north to State Highway 100, State Highway 100 west to State Highway 10A, State Highway 10A west to State Highway 10, State Highway 10 north to State Highway 60, State Highway 80 north to State Highway 251A, State Highway 251A southwest to Muskogee Turnpike, Muskogee Turnpike south to Interstate 40, Interstate 40 west to US Highway 69, US Highway 69 north to US Highway 266, US Highway 266 west to US Highway 62, US Highway 62 south to Indian Nation Turnpike, Indian Nation Turnpike south to US Highway 270, US Highway 270 east to State Highway 2, State Highway 2 north to State Highway 31, State Highway 31 west to State Highway 71, State Highway 71 north to State Highway 9, State Highway 9 to State Highway 9A, and State Highway 9A north and east to the Arkansas border.
4. State Highway 78 from the Texas border north and west to US Highway 75, US Highway 75 north to State Highway 78, State Highway 78 west to State Highway 22, State Highway 22 north and west to its junction with State Highway 12 at Ravia, south and west on State Highway 12 to State Highway 199 to State Highway 99C near Oakland, south and west on State Highway 99C and State Highway 32 to the junction of Interstate Highway 35 near Marietta, south down Interstate Highway 35 to the Texas border.
5. That portion of Oologah Reservoir and all adjoining public lands in Rogers County.
6. Fort Cobb Reservoir and all adjoining public lands.
7. Hajek Marsh.
8. Those areas of land and water encompassing the controlled water level impoundments (WATERFOWL STAMP HUNTING AREAS) within the following State Wildlife Management Areas:

A. Waurika
B. Texoma-Washita Arm
C. Hulah
D. Wister
E. Okmulgee
F. Chouteau
G. Copan
H. Hugo
I. Mt. Park

9. Washita National Wildlife, Refuge.

South Dakota

1. In the following areas, nontoxic shot must be used by all hunters:
A. Aurora, Bon Humme, Hamlin, Kingsbury, Marshall and Roberts Counties.
B. That portion of Hughes County lying west and north of US Highway 83, and lying south of US Highway 14.
C. That portion of Stanley County lying east and north of the Lower Brule-Antelope Creek Road from the Lyman-Stanley County line to Fort Pierre, and that portion of Stanley County lying north of State Highway 34 for approximately five miles west of Fort Pierre and east of Stanley County Federal-Aid Secondary Highway 6193 and State Highway 1806 to Minneconjou Bay.
D. On or within 100 yards of the water's edge of Lake Andes in Charles Mix County.
E. Those portions of Charles Mix and Gregory Counties lying on or within 100 yards of the water's edge of the Missouri River, from Fort Randall Dam downstream to the Bon Homme-Charles Mix County line.
2. In all other counties, and in the remaining portions of those counties not covered by item 1 above, nontoxic shot must be used by all hunters expect those under 16 years of age using 28 gauge or .410 caliber shotguns, and those using muzzleloading shotguns.

Texas

1. Those portions of Colorado, Harris, Jefferson, Liberty and Waller Counties north of IH–10.
2. Neuces County, that portion west of US Highway 77.
3. That area lying within boundaries beginning at the Louisiana State line, thence westward along IH 10 to the junction of US Highway 90 and IH 10 in Beaumont, thence westward along US 90 to its junction with IH 610 in Houston, thence north and west along IH 610 to its junction with US Highway 290 in Houston, thence westward along US Highway 290 to its junction with State Highway 159 in Hempstead, thence southwestward along State Highway 159 to its junction with State Highway 36 in Bellville, thence eastward along State Highway 36 to its junction with Farm-to-Market (FM) 2429, thence southward along FM 2429 to its junction with FM 949, thence southwestward along FM 949 to its junction with IH 10, thence westward along IH 10 to its junction with US Highway 77 at Schulenburg, thence southward along US Highway 77 to its junction with the US-Mexico international boundary at Brownsville, thence eastward along the US-Mexico international boundary to the Gulf of Mexico, thence east and seaward to the three marine league limit, thence northeastward along the three marine league limit to the Louisiana State line, thence northward along the Texas-Louisiana State line to its junction with IH 10.
4. The portions of Grayson, Fannin and Cooke Counties lying within boundaries beginning at the Oklahoma State line, thence southward along I–35 to its junction with US Highway 82 at Gainesville, thence eastward along US Highway 82 to its junction with US Highway 78 at Bonham, thence northward along State Highway 78 to its junction with the Oklahoma State line, thence westward along the Oklahoma-Texas State line to its junction with I–35.
5. The portions of Upshur, Cass, Harrison, Morris and Marion Counties lying within boundaries beginning at the Louisiana State line, thence westward along State Highway 49 to its junction with US Highway 259 at Daingerfield, thence southward along US Highway 259 to its junction with State Highway 450 at Ore City, thence eastward on State Highway 450 to its junction with State Highway 154 at Harleton, thence southeastward along State Highway 154 to its junction with US Highway 80 at Marshall, thence eastward along US Highway 80 to its junction with State Highway 43, thence northeastward along State Highway 43 to its junction with FM 2682 at Karnack, thence eastward along FM 2682 to its junction with FM 134, thence southward along FM 134 to its junction with FM 1999 at Leigh, thence eastward along FM 1999 to its junction with the Louisiana State line, thence northward along the Louisiana-Texas border to its junction with State Highway 49.
6. The portions of Henderson, Kaufman and Anderson Counties lying within boundaries beginning at the junction of State Highway 31 and FM 2861, thence westwardly along State Highway 31 to its junction with US Highway 175 at Athens, thence northwestward along US Highway 175 to its junction with FM 90, thence northward along FM 90 to its junction with FM 1391, thence westward along FM 1391 to its junction with US Highway 175 at Kemp, thence southward along US Highway 175 to its junction with State Highway 274, thence south along State Highway 274 to its junction with State Highway 31 at Trinidad, thence eastward along State Highway 31 to its junction with FM 3441 at Malakoff, thence southward along FM 3441 to its junction with FM 59 at Cross Roads, thence southward along FM 59 to its junction with US Highway 287 at Cayuga, thence southeastward along US Highway 287 to its junction with FM 860, thence northward along FM 860 to its junction with FM 837, thence northeastward along FM 837 to its junction with US Highway 175 at Frankston, thence eastward along US Highway 175 to its junction with FM 855, thence northward along FM 855 to its junction with FM 346, thence northward along FM 346 to its junction with FM 344, thence northward along FM 344 to its junction with FM 2661, thence northward along FM 2661 to its junction with State Highway 31.

Wyoming

1. Big Horn County: Along and within one mile either side of the water line of the Big Horn River, Yellowtail Reservoir, Shoshone River, Nowood River and portions of Medicine Lodge Creek and Paintrock Creek where they flow into the Nowood River, beginning from their confluence to where they flow from the mountains.
2. Goshen County:
A. North Platte River/Laramie River—Beginning where US Highway 25 crosses the Wyoming-Nebraska State line; south along said State line to Goshen County Road No. 7–106; west along said road to Wyoming Highway 92, west, then northerly along said highway to US Highway 85; northerly along said highway to Wyoming Highway 156; westerly and northerly along said highway to Goshen County Road No. 7–62; westerly along said road to the Fort Laramie Canal River; northwesterly along said road to Goshen County Road No. 7–48; southwesterly along said road to the Goshen-Platte County line; north along said line to US Highway 26; southeast along said highway to the point of beginning.
B. Table Mountain—Beginning where Wyoming Highway 92 intersects Wyoming Highway 156; south along said highway to Goshen County Road No. 7–171; west along said road to the Fort Laramie Canal Road; northwesterly along said road to Goshen County Road No. 7–160; east along said road to Goshen County Road No. 7–166; North along said road to Goshen County Road No. 7–114; east along said road to Wyoming Highway 92; east along said highway to the point of beginning.

Pacific Flyway

Arizona

1. Game Management Unit 5B, Upper Lake Mary, Lower Lake Mary and Mormon Lake.
2. Hopi Indian Reservation lands in Coconino and Navajo Counties.
3. Navajo Indian Reservation lands in Apahce, Coconino and Navajo Counties.
4. Cibola National Wildlife Refuge.

California

1. Alameda, Butte, Colusa, Contra Costa, Glenn, Imperial, Marin, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter, Yolo and Yuba Counties.
2. Northeastern Zone. Those portions of Plumas, Shasta, Sierra, Siskiyou and Tehama Counties, and all of Lassen and Modoc Counties, bounded by the following line: Beginning at I–5 at the Oregon border, southerly on I–5 to State Highway 89, thence southeasterly on State Highway 70, thence easterly on State Highway 70 to US 395, thence southerly on US 395 to the Nevada border.

Colorado

1. Montrose County.

Idaho

1. Panhandle Zone. All of Benewah, Bonner, Boundary and Kootenai Counties.
2. Southwestern Zone. Canyon and Payette Counties north and east of I–84, and those portions of Ada, Canyon, Elmore, Owyhee and Payette Counties within the following boundary: Beginning at the intersection of I–84 Business Highway junction at Cold Springs Creek east of Hamnett, then northwest on I–84 to the Idaho-Oregon State line, then south along the Idaho-Oregon State line to State Highway 19, then east on State Highway 19 to US-95 near Homedale, then south and east on US-95 to State Highway 55 west of Marsing, then east on State Highway 55 to State Highway 78 at Marsing, then southeast on State Highway 78 to I-84 Business Highway at Hammett, then east on I–84 Business Highway to I–84 at Cold Springs Creek, the point of beginning.
3. South Central Zone. All of Gooding County, and that portion of Twin Falls County that is west of the Gooding County-Jerome County-Twin Falls County junction and within 600 feet of the high water line of the Snake River.
4. Southeastern Zone. All lands within the Fort Hall Indian Reservation boundary; all of Jefferson County; and those portions of Bannock, Bingham, Bonneville, Caribou, Cassia, Madison and Power Counties within the following boundary: Beginning at the Interstate 15-Jefferson County intersection (north of Idaho Falls), then south and southwest on I–15 to State Highway 39 near Blackfoot, then southwest on State Highway 39 to the road to the Idaho Department of Fish and Game's American Falls Fish Hatchery (approximately one-quarter mile west of American Falls Dam), then south on the hatchery road to the Union Pacific Railroad tracks, then southwest on the Union Pacific Railroad tracks to the Blaine County line, then south on the Blaine County line to its junction with the Cassia County line, then west on the Cassia County line to the Snake River-Raft River confluence, then upstream on the Raft River to I–86, then northeast on I–86 to I–15, then north on I–15 to US-91 (Old Yellowstone Highway) near Blackfoot, then northeast on US-91 to its junction with State Highway 26 approximately five miles northeast of Shelly, then northeast on US-26 to the spot directly above the Heise measuring cable (about 1.5 miles upstream from Heise Hot Springs), then north across the South Fork of the Snake River to the Heise-Archer-Lyman Road (Snake River Road), then northwest on the Heise-Archer-Lyman Road to US 191/20, then north on US 191/20 to the US 191/20-Jefferson County line, and then west on the southern boundary of Jefferson County to the point of beginning.

Montana

All lands and waters within the State of Montana have been designated for nontoxic shot use.

Nevada

1. Canvasback Gun Club in Churchill County.
2. Carson Lake (Greenhead Hunting Club) in Churchill County.
3. Humboldt Wildlife Management Area in Churchill and Pershing Counties.
4. Key Pittman Wildlife Management Area in Lincoln County.
5. Mason Valley Wildlife Management Area in Lyon County.
6. Overton Wildlife Management Area in Clark County.
7. Stillwater Wildlife Management Area in Churchill County.
8. Ruby Lake National Wildlife Refuge in White Pine and Elko Counties and Pahranagat National Wildlife Refuge in Lincoln County.

New Mexico

1. San Juan County.
2. Navajo Indian Reservation lands in Cibola, McKinley and San Juan Counties.
3. Jicarilla Apache Indian Reservation lands in Rio Arriba and Sandoval Counties.

Oregon

1. Marion, Polk, Washington and Yamhill Counties.
2. Columbia County, that portion south and west of US 30.
3. Multnomah County, that portion south of I–84.
4. Southcentral Zone—All of Klamath County, excluding Davis Lake, and that portion of Lake County lying west of Highway 395.
5. Lower Columbia River Zone—Those portions of Multnomah, Columbia and Clatsop Counties bounded by the following line: Beginning at the Bonneville Dam, westerly on Highway I–84 to Portland, thence northwesterly on US 30 to the Astoria bridge, thence partially across Astoria bridge to the Oregon-Washington State line, thence upriver on the Washington-Oregon State line to point of origin.
6. Malheur County Zone—That portion of Malheur County bounded by a line beginning at I–84 at the Oregon-Idaho State line, thence northwesterly on I–84 to State Highway 201, thence southerly on State Highway 201 to State Highway 19, thence easterly on State Highway 19 to the Oregon-Idaho State line and back to the point of origin.
7. Columbia Basin Zone—Those portions of Gilliam, Morrow and Umatilla Counties bounded by the following line: Beginning at the town of Arlington on I–84, thence easterly on I–84 to US–730 thence northeasterly on US–730 to the Oregon-Washington State border, thence westerly along the Columbia River, Oregon-Washington border to point of origin.

Utah

1. Cache, Davis, Salt Lake, Utah and Weber Counties.
2. That portion of Box Elder County lying east of a line extending from 80N at the Utah-Idaho border, thence southeast on 80N to the junction of the Snowville-Loccmotive Springs Road, thence southwest on the Snowville-Locomotive Springs Road to the junction of the Kelton Road, thence west on Kelton Road to the town of Kelton, thence south to the north shore of the Great Salt Lake, thence south along the west shore of the Great Salt Lake to the Box Elder County line.
3. Navajo Indian Reservation lands in San Juan County.

Washington

1. All of Walla Walla County; that portion of Clallam and Thurston Counties not included in the Puget Sound Zone; and that portion of Pacific County not included in the Southwestern Zone.
2. Clark County, that portion north and/or east of State Highway 14 and I–5.
3. Franklin County, that portion east of State Highway 17.
4. Grant County, that portion east and/or south of State Highway 17 and US–2.

5. Skagit County, that portion east of I–5.

6. Southwestern Zone—Those portions of Skamania, Clark, Cowlitz, Wahkiakum, Grays Harbor and Pacific Counties south and west of the following line: Beginning at the Bonneville Dam, westerly on State Highway 14 to Vancouver, thence northerly on I–5 to Kelso, thence westerly on State Highway 4 to US 101, thence northerly on US 101 to Aberdeen, thence westerly on State Highway 109 to Ocean City, thence due west to the Pacific Ocean.

7. Puget Sound Zone—Those portions of Whatcom, Skagit, San Juan, Island, Clallam, Jefferson, Kitsap, Mason, Thurston, Pierce, King and Snohomish Counties bounded by the following line: Beginning at I–5 on the Washington-British Columbia, Canada border, thence west, southerly and westerly along said border to a point due north of Neah Bay, thence due south to Neah Bay, thence easterly on State Highway 112 to US–101, thence easterly and southerly on US–101 to I–5, thence northerly on I–5 to State Highway 538 near Mt. Vernon, thence easterly on State Highway 538 to State Highway 9, thence northerly on State Highway 9 to State Highway 20, thence westerly on State Highway 20 to I–5, thence northerly on I–5 to point of origin.

8. Columbia Basin Zone—Those portions of Benton, Klickitat, Franklin, Adams, Grant, Yakima, Chelan, Kittitas, Douglas, Lincoln, Okanogan and Walla Walla Counties bounded by the following line: Beginning at the Washington-Oregon State border on the Celilo 1 ridge on US–97, thence northerly on US–97 to State Highway 14, thence easterly on State Highway 14 to US–395/I–82, thence northerly on US–395/I–82 (formerly a continuation of State Highway 14) to Kennewick, thence westerly on State Highway 240, thence northerly on State Highway 240 to State Highway 24, thence westerly on State Highway 24 to US–97, thence northerly on US–97 to State Highway 155 at Omak, thence easterly and southerly on State Highway 155 to State Highway 174 at Grand Coulee, thence southeasterly on State Highway 174 to US–2, thence westerly on US–2 to State Highway 17, tence southerly on State Highway 17 to US–395, thence southerly on US–395 to US–12, thence southerly on US–12 and US–730 to the Oregon border (including the entire McNary National Wildlife Refuge), thence westerly along the Columbia River and the Washington-Oregon border to the point of origin.

PART 21—[AMENDED]

1. The authority citation for Part 21 would continue to read follows:

Authority: Migratory Bird Treaty Act, sec. 3, Pub. L. 65–186, 40 Stat. 755 (16 U.S.C. 704); sec. 3(h)(3), Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712).

2. Section 21.13(d) is proposed to be amended by revising the last proviso to read as follows (The introductory paragraph is being republished.):

§ 21.13 Permit exceptions for captive-reared mallard ducks.

Captive-reared and properly marked mallard ducks, alive or dead, or their eggs may be acquired, possessed, sold, traded, donated, transported and disposed of by any person without a permit subject to the following conditions, restrictions and requirements:

* * * * *

(d) * * * *Provided further,* That the provisions of the hunting regulations (Part 20 of this subchapter), with the exception of § 20.108 (Nontoxic shot zone) and the Migratory Bird Hunting Stamp (duck stamp requirement), shall not apply to shooting preserve operations, as provided for in this paragraph, or to bona fide dog training or field trial operations.

* * * * *

Date: November 17, 1987.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87–28419 Filed 12–11–87; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 52, No. 239
Monday, December 14, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Economic Development Administration
Title: Special Adjustment Assistance Application
Form Number: Agency—ED–540; OMB—0610–0050
Type of Request: Revision of a currently approved collection
Burden: 75 respondents; 406 reporting hours
Needs and Uses: The collected information is necessary to determine the fulfillment of legal and programmatic requirements by those seeking assistance under the Title IX program of the Public Works and Economic Development Act of 1965, as amended, and as contained in 13 CFR 308.2 through 308.6.
Affected Public: State or local governments
Frequency: On occasion
Respondent's Obligation: To obtain or retain a benefit
OMB Desk Officer: John Griffen, 395–7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Griffen, OMB Desk Officer, Room 3228 New Executive Office Building, Washington, DC 20503.

Dated: December 8, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87–28585 Filed 12–11–87; 8:45 am]

BILLING CODE 3510–CW–M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: Post Enumeration Survey Questionnaire—1988 Census
Form Number: Agency—DX–1300; OMB—NA
Type of Request: New
Burden: 11,000 respondents; 2,750 reporting hours
Needs and Uses: This collection is necessary to rehearse the Post Enumeration Survey activities for the 1990 Census. Collected information will be used to measure census coverage in the 1988 Census.
Affected Public: Individuals or households
Frequency: One time
Respondent's Obligation: Mandatory
OMB Desk Officer: Francine Picoult, 395–7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3228 New Executive Office Building, Washington, DC 20503.

Dated: December 8, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87–28586 Filed 12–11–87; 8:45 am]

BILLING CODE 3510–07–M

Foreign-Trade Zones Board

[Order No. 366]

Resolution and Order Approving the Application of the State of New Jersey Department of Commerce and Economic Development for Subzones for International Flavors and Fragrances, Inc., in Northern New Jersey

Proceedings of the Foreign-Trade Zones Board, Washington, DC.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Department of Commerce and Economic Development of the State of New Jersey, grantee of FTZ 44, filed with the Foreign-Trade Zones Board (the Board) on November 27, 1984, requesting special-purpose subzone status for the manufacturing plants of International Flavors and Fragrances, Inc. (IFF), located in Hazlet, Union Beach, and South Brunswick, New Jersey, adjacent to the New York Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations would be satisfied, and that the proposal would be in the public interest if approval is subject to certain conditions, approves the application for five years subject to the following conditions:

1. Authority for the subzones may be extended after a review by the Board;

2. Foreign merchandise admitted into the subzones shall be monitored annually to ensure that zone procedures do not cause increased imports; and,

3. IFF shall provide the FTZ Board and the District Director of Customs annually with a list of merchandise admitted to the subzones in nonprivileged foreign status.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority To Establish Foreign-Trade Subzones in Hazlet, Union Beach and South Brunswick, NJ

Whereas, by an Act of Congress approves June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Department of Commerce and Economic Development of the State of New Jersey, grantee of Foreign-Trade Zone No. 44, has made application (filed November 27, 1984, Docket No. 52–84, 49 FR 47518) in due and proper form to the Board for authority to establish special-purpose subzones for plants of International Flavors and Fragrances, Inc., located in Hazlet, Union Beach, and South Brunswick, New Jersey, adjacent to the New York Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations would be satisfied, provided approval is subject to certain conditions;

Now, Therefore, in accordance with the application filed November 27, 1984, the Board hereby authorizes the establishment of subzones at the plants of International Flavors and Fragrances, designated on the records of the Board as Foreign-Trade Subzones Nos. 44B, 44C, and 44D, at the locations mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder to the same extent as though the same were fully set forth herein, and the special conditions enumerated in the resolution accompanying this action, and also to the following express conditions and limitations:

Activation of the subzones shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzones in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzones, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness Whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, DC, this 1st day of December, 1987, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Gilbert B. Kaplan,

Acting Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 87–28589 Filed 12–11–87; 8:45 am]

BILLING CODE 3510-DS-M

[Docket No. 40–87]

Foreign-Trade Zone 66—Wilmington, NC; Application for Subzone Carolmet, Inc., Optical Lens Blank Operation, Scotland County, NC

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Department of Commerce of the State of North Carolina, grantee of FTZ 66, requesting special-purpose subzone status for the germanium lens blank manufacturing operation of Carolmet, Inc. (Carolmet), a subsidiary of Metallurgie Hoboken-Overpelt, S.A., of Belgium (MHO), located in Scotland County, North Carolina.

The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 1, 1987.

The proposed subzone would involve an 8-acre site within Carolmet's 67-acre facility located on Airport Road, ⅓ mile north of the Laurinburg-Maxton Airport in Scotland County, North Carolina. Carolmet's proposed operation in a new 30,000-sq. ft. plant would employ 25 persons to produce optical-grade germanium lens blanks used in night-vision equipment. The primary raw material, germanium ingots, would be supplied by MHO's facility in Belgium. Carolmet's U.S. production would replace lens blanks imported from Belgium, most of which enter the United States duty-free based on their end-use (sales to DOD).

In its DOD sales, zone procedures would allow Carolmet to elect the same duty-free treatment on germanium ingots that applies to completed germanium blanks procured under DOD regulations. On non-DOD sales, the company would pay duties at the rate applicable to ingots (2.7 percent). The applicant has indicated that the savings from zone procedures will encourage the shifting of its night-vision lens manufacturing from overseas.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Howard Cooperman, Deputy Assistant Regional Commissioner, U.S. Customs Service, Southeast Region, 909 Brickell Pl., Rm 7322, Miami, FL 33130; and Colonel Paul W. Woodbury, District Engineer, U.S. Army Engineer District Wilmington, P.O. Box 1890, Wilmington NC 28402.

Comments concerning the proposed subzone are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before January 25, 1988.

A copy of the application is available for public inspection at each of the following locations:

U.S. Customs Service, District Director's Office, 1 Virginia Ave., Wilmington, NC 28401.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania, NW., Washington, DC 20230.

Dated: December 7, 1987.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 87–28679 Filed 12–11–87; 8:45 am]

BILLING CODE 3510-DS-M

[Docket No. 41–87; Foreign-Trade Zone 41]

Application for Subzone Square D Company Industrial Computer and Controller Equipment Plant, Milwaukee, WI

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign-Trade Zone of Wisconsin, Ltd., grantee of FTZ 41, requesting special-purpose subzone status for the industrial computer and controller equipment manufacturing plant of Square D Company in Milwaukee, Wisconsin, within the Milwaukee Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 4, 1987.

The plant (18 acres) is located at East Capitol Drive and North Richards Street, Milwaukee. The facility employs 600 persons and is used to assemble industrial computer equipment used by the auto industry, such as SY/MAX microprocessor-based control systems, communication processors, stamping press controls and welder controls. Some 30 percent of the components (by value) are sourced abroad, including circuit boards, power supplies, monitors disc drives, printers, coils, semiconductors, capacitors, resistors, switches and other electronic components.

Zone procedures would exempt Square D from Customs duty payments on the foreign components used in its exports. On its domestic sales, the company would be able to pay duties at the rate applicable to complete equipment. The duty rates on the industrial computers range from 2.0 to 5.3 percent, whereas the duty rates on the components range from 0.0 to 10.0 percent. The applicant indicates that zone procedures will help improve the company's international competitiveness.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Richard Rudin, District Director, U.S. Customs Service, North Central Region, 517 East Wisconsin Avenue, Room 554, Milwaukee, Wisconsin 53202; and Colonel Robert F. Harris, District Engineer, U.S. Army Engineer District Detroit, P.O. Box 1027, Detroit, Michigan 48231.

Comments concerning the proposed subzone are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before January 25, 1988.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, Federal Building, U.S. Courthouse, 517 East Courthouse Avenue, Milwaukee, Wisconsin 53202

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania Avenue NW., Washington, DC 20230

Dated: December 8, 1987.

John J. DaPonte Jr.

Executive Secretary.

[FR Doc. 87–28642 Filed 12–11–87; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Amendment to Notice of Proposed Conversion of Tariff Schedules of the United States Classifications to the Harmonized System of Tariff Classifications

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Amendment to notice of proposed conversion of tariff schedules of the United States classifications to the Harmonized System of tariff classifications.

SUMMARY: On August 21, 1987, the Department of Commerce published a notice of proposed conversion of Tariff Schedules of the United States classifications to the Harmonized System of tariff classifications for active antidumping and countervailing duty proceedings. The Department is now giving notice of proposed harmonized system numbers for cases involving textile products and wearing apparel made from textile products. A correlation of these numbers was not available at that time. We invite interested parties to comment on these textile classification designations.

EFFECTIVE DATE: January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Craig Johnke or Al Jemmott, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377–2786.

Proposed Use of Harmonized System of Tariff Classification

On August 21, 1987, the Department of Commerce published in the Federal Register a notice of "Proposed Conversion of Tariff Schedules of the United States Classifications to the Harmonized System of Tariff Classifications" (52 FR 31657).

The United States, under the auspices of the Customs Cooperation Council, has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to use of the Harmonized System by January 1, 1988. In view of this, the Department of Commerce prepared a listing of *Tariff Schedules of the United States* item numbers and appropriate Harmonized System item numbers for active antidumping and countervailing duty proceedings. That listing did not include the proposed Harmonized System numbers for proceedings involving textile products and wearing apparel made from textile products because those numbers were not available at that time.

The countervailing duty proceedings for which the Harmonized System numbers are now available are as follows:

Argentina—Woolen Garments (C–357–048)
Argentina—Textiles and Apparel (C–357–404)
Mexico—Textiles Mill Products (C–201–405)
Peru—Cotton Sheeting and Sateen (C–333–001)
Peru—Textiles and Apparel (C–333–402)
Sri Lanka—Textiles and Apparel (C–542–401)
Thailand—Apparel (C–549–401)

We invite interested parties to review and comment on these Harmonized System designations which are now available at the Central Records Unit, Room B–099, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230. All comments must be in writing, addressed to the attention of the Office of Compliance, at the above address and must be received within two weeks after the date of publication of this notice.

A reference copy of the proposed Harmonized System Tariff Schedule is

BEST COPY AVAILABLE

available for consultation at the Central Records Unit. Additionally, all U.S. Customs offices have reference copies, and interested parties may contact the Import Specialist at their local Customs office to consult the schedule.

Joseph Spetrini,

Acting Assistant Secretary, Import Administration.

Date: December 7, 1987.

[FR Doc. 87-28641 Filed 12-11-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-274-001]

Carbon Steel Wire Rod From Trinidad and Tobago, Final Results of Changed Circumstances; Administrative Review and Revocation of Antidumping Duty Order

AGENCY: International Trade Administration; Import Administration, Commerce.

ACTION: Notice of final results of changed circumstances, administrative review and revocation of antidumping duty order.

SUMMARY: Because of changed circumstances, we are revoking the antidumping duty order on carbon steel wire rod from Trinidad and Tobago. The revocation applies to all entries of carbon steel wire rod from Trinidad and Tobago entered, or withdrawn from warehouse, for consumption on or after October 1, 1984.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: J. David Dirstine or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On October 13, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 37996) the preliminary results of its changed circumstances administrative review and tentative determination to revoke the antidumping duty order on carbon steel wire rod from Trinidad and Tobago (48 FR 52112, November 16, 1983). We have now completed the administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of carbon steel wire rod, currently classifiable under TSUSA item 607.1700 and under HS item numbers 7213.3900, 7213.4900, and 7213.5000.

The review covers the period from October 1, 1984.

Final Results of the Review and Revocation

We invited interested parties to comment on the preliminary results and tentative determination to revoke. We received no comments or requests for a hearing. The final results are unchanged from the preliminary results.

As a result of our review, we determine that petitioners' affirmative statements of no interest in continuation of the antidumping duty order on carbon steel wire rod from Trinidad and Tobago provide a reasonable basis for revocation of the order.

Therefore, we are revoking the order on carbon steel wire rod from Trinidad and Tobago effective October 1, 1984. We will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after October 1, 1984, without regard to antidumping duties and to refund any estimated antidumping duties collected with respect to those entries.

This administrative review, revocation, and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675 (b) and (c)) and 19 CFR 353.53 and 353.54.

Dated: November 24, 1987.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 87-28568 Filed 12-11-87; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Minority Business Development Center Program Applications; West Palm Beach, FL

December 8, 1987.

AGENCY: Minority business Development Agency, Commerce.

ACTION: Notice.

This advertisement is to extend the West Palm Beach, Florida MBDC competitive solicitation. The new closing date is December 30, 1987. All other terms and conditions remain the same as when the advertisement appeared on October 30, 1987.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first *12* months is estimated at *$194,118* for the project performance of *04/01/88* to *03-31-89*. The MBDC will operate in the *West Palm Beach, Florida* Standard Metropolitan Statistical Area (SMSA). The first year cost for the MBDC will consist of *$165,000* in Federal Funds and a minimum of *$29,118* in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services). The Project Number is *04-10-88007-01* for the *West Palm Beach, Florida* SMSA.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organization, local and State governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance, and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance, the firm's proposed approach to performing the work requirements included the application; and the firm's estimated cost for providing such assistance. It is advisable that applications have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for applications is *December 30, 1987.* Applications must be postmarked on or before *December 30, 1987.*

ADDRESS: Atlanta Regional Office, 1371 Peachtree Street, NE., Suite 505, Atlanta Georgia 30309, (404) 347-3438.

FOR FURTHER INFORMATION CONTACT: Carlton L. Eccles, Regional Director, Atlanta Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address: 11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: December 8, 1987.

Carlton L. Eccles,

Regional Director, Atlanta Regional Office.

[FR Doc. 87-28576 Filed 12-11-87; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Evaluation of State/Territorial Coastal Management Programs, Coastal Energy Impact Programs and National Estuarine Research Reserves; Availability of Findings

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management, Commerce.

ACTION: Notice of availability of evaluation findings.

SUMMARY: Notice is hereby given of the availability of the evaluation findings for the American Samoa, California and Virgin Islands Coastal Management Programs and the Maryland California (Tijuana), Georgia and Puerto Rico National Estuarine Research Reserves. Section 312 of the Coastal Zone Management Act of 1972, as amended, (CZMA) requires a continuing review of the performance of each coastal state with respect to funds authorized under the CZMA and to the implementation of its federally approved Coastal Management Program. Section 315(f) of the CZMA requires a periodic review of the performance of each Reserve with respect to its operation and management. The states evaluated were found to be adhering both to the programmatic terms of their financial assistance awards and/or to their approved coastal management programs; and to be making progress on award tasks, special award conditions, and significant improvement tasks aimed at program implementation and enforcement, as appropriate. Accomplishments in implementing coastal zone management programs were occurring with respect to the national coastal management objectives identified in section 303(a) (A)-(I) of the Coastal Zone Management Act. A copy of the assessment and detailed findings for these programs may be obtained on request from: John H. McLeod, Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1825 Connecticut Avenue NW., Washington, DC 20235 (telephone: 202/673-5104).

Dated: December 7, 1987.

James P. Blizzard,

Acting Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 87-28604 Filed 12-11-87; 8:45 am]

BILLING CODE 3510-08-M

Intent To Evaluate Performance; Puerto Rico Coastal Management Program et al.

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management, Commerce.

ACTION: Notice of intent to evaluate.

SUMMARY: The National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management (OCRM), announces its intent to evaluate the performance of the Puerto Rico Coastal Management Program (CMP); American Samoa CMP; Guam CMP; Northern Marianas CMP; Louisiana CMP; and Virgin Islands CMP; through March 30, 1988. The reviews of coastal management programs will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972, as amended, (CZMA) which requires a continuing review of the performance of coastal states with respect to coastal management, including detailed findings concerning the extent to which the state was implemented and enforced the program approved by the Secretary of Commerce, addressed the coastal management needs identified in section 303(2)(A) through (I) of the CZMA, and adhered to the terms of any grant, loan or cooperative agreement funded under CZMA. The reviews involve consideration of written submissions, a site visit to the state, and consultations with interested Federal, state and local agencies and members of the public. Public meetings will be held as part of the site visits. The state will issue notice of these meetings. Copies of each state's most recent performance report, as well as the OCRM's notification letter and supplemental information request letter to the state are available upon request from the OCRM. Written comments from all interested parties on each of those programs to the contract listed below are encouraged at this time. OCRM will place subsequent notice in the **Federal Register** announcing the availability of the Final Findings based on each evaluation once these are completed.

FOR FURTHER INFORMATION CONTACT: John H. McLeod, Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1825 Connecticut Avenue NW., Washington, DC 20235 (telephone: 202/673-5104).

Date: December 7, 1987.

James P. Blizzard,

Acting Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 87-28605 Filed 12-11-87; 8:45 am]

BILLING CODE 3510-08-M

Endangered Species; Issuance of Permit; Georgia Department of Natural Resources (P403)

On September 22, 1987, notice was published in the **Federal Register** (52 FR 35564) that an application had been filed by the Georgia Department of Natural Resources, Coastal Resources Division, 1200 Glynn Avenue, Brunswick, Georgia 31523-9990, for a permit to take sea turtles and shortnose sturgeon for scientific research.

Notice is hereby given that on December 4, 1987, as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a permit for the above taking subject to certain conditions set forth therein.

Issuance of this permit as required by the Endangered Species Act of 1973 is based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the Permit; (3) and will be consistent with the purposes and policies set forth in section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with and is subject to Parts 220 through 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit is available for review by interested persons in the following office(s):

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue NW. Rm. 805, Washington, DC and

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger

Boulevard, St. Petersburg, Florida 33702.

Date: December 4, 1987.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 28616 Filed 12–11–87; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit; National Marine Fisheries Service, Southwest Fisheries Center

On January 26, 1987, Notice was published in the **Federal Register** (52 FR 2753) that an application had been filed by the Southwest Fisheries Center, National Marine Fisheries Center, P.O. Box 271, La Jolla, California 92038, for a permit to take Hawaiian monk seals *(Monachus schauinslandi)* for scientific research and to enhance the propagation and survival of the species.

Notice is hereby given that on December 4, 1987, as authorized by the provisions of the Marine Mammal Protection Act (16 U.S.C. 1361–1407), and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with and is subject to Parts 220 through 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

This permit is available for review in the following offices:

Office of Protected Resources and Habitat Programs, 1825 Connecticut Avenue NW., Room 805, Washington, DC; and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731–7415.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

Date: December 4, 1987.

[FR Doc. 87–28617 Filed 12–11–87; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Restraint Limit for Certain Cotton, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Macau

December 8, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 8, 1987. For further information contact Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 343–6495. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements, directs the Commissioner of Customs to increase the import limit for cotton, silk blend and other vegetable fiber textiles and textile products in Categories 333/334/335/833/834/835, and sublevel Categories 333/335/833/835, produced or manufactured in Macau and exported during 1987.

Background

A CITA directive dated December 23, 1986 was published in the **Federal Register** (51 FR 47045), as amended on July 6, 1987 (52 FR 47045), announcing import restraint limits for certain categories of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, including Categories 333/334/335/833/834/835, produced or manufactured in Macau and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987. Under the terms of the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of December 29, 1983 and January 9, 1984, as amended, between the Governments of the United States and Macau, the limit for Categories 333/334/335/833/834/835 and the sublevel for Categories 333/335/833/835 are being increased for carryforward.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the **Federal Register.**

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

December 8, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 23, 1986, as amended on July 6, 1987, which directed you to prohibit entry of certain categories of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the Macau and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987, in excess of the designated restraint limits.

Effective on December 3, 1987, the directive of December 23, 1986, as amended, is amended further to adjust the limit for the following categories, according to the terms of the Bilateral Cotton, Wool Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of December 29, 1983 and January 9, 1984, as amended, between the Governments of the United States and Macau: [1]

Category	12-mo limit [1]
333/334/335/833/834/835.	155,940 dozen of which not more than 84,750 dozen shall be in Categories 333/335/833/835.

[1] The agreement provides, in part, that: (1) Within the aggregate limit specific restraint limits may be exceeded by designated percentages; (2) specific limits may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

[1] The limit has not been adjusted to account for any imports exported after December 31, 1986.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–28564 Filed 12–11–87; 8:45 am]

BILLING CODE 3510-DR-M

Continuation of Investigation of Export Licenses for Textiles and Textile Products Produced or Manufactured in the Peoples' Republic of China

The purpose of this notice is to notify the public that the investigation conducted by the Government of the United States and the People's Republic of China concerning the possibility of fraudulent export licenses covering shipments of textiles and textile products, produced or manufactured in the People's Republic of China and exported to the United States, will be continued into 1988 (see 52 FR 17313).

The U.S. Customs Service will conduct manual verifications at the ports of entry for shipments of textiles and textile products from China which are suspected to contain a fraudulent export license. Since this is a cumbersome procedure, shipments may be detained as much as three weeks.

Visa waivers and replacement visas will not be issued for shipments accompanied by counterfeit export licenses.

Anyone who wishes to verify the authenticity of his export license from China may call Mr. Du Baolai at the Embassy of the People's Republic of China in Washington at (202) 328–2527 or write to the Embassy of the People's Republic of China at 2300 Connecticut Avenue NW., Washington, DC 20008.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–28563 Filed 12–11–87; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DIA Defense Intelligence College Board of Visitors; Closed Meeting

AGENCY: Defense Intelligence Agency Defense Intelligence College, DOD.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Pub. L 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of the DIA Defense Intelligence College Board of Vistors has been scheduled as follows:

DATES: Wednesday–Friday, 9–11 December 1987; 9:00 a.m. to 4:00 p.m. on 9–10 December; 9:00 to 11:00 a.m. on 11 December.

ADDRESS: The DIAC, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Robert L. De Gross, Provost, DIA Defense Intelligence College, Washington, DC 20340–5485. (202/373–3344).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, as to the successful accomplishment of the mission assigned to the Defense Intelligence College.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 9, 1987.

[FR Doc. 87–28608 Filed 12–11–87; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Director, Information Technology Services, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before January 13, 1988.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue SW., Room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster, (202) 732–3915.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Information Technology Services, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of collection; (5) The affected public; (6) Reporting burden; and/or (7) Recordkeeping burden; and (8) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: December 9, 1987.

Carlos U. Rice,

Director for Information Technology Services.

Office of Educational Research and Improvement

Type of Review: Extension

Title: Library Services and Construction Act Financial, Performance and Completion Report for State Administered Programs Titles I, II, and III

Agency Form Number: ED 921–1, 921–2, 915–1

Frequency: Annually

Affected Public: State or local governments

Reporting Burden: Responses: 54, *Burden Hours:* 2160

Recordkeeping: Recordkeepers: 54, *Burden Hours:* 54

Abstract: These forms are used by State library administrative agencies that receive funds under the Library Services and Construction Act, as amended. The Department uses the information collected to assess the accomplishments of project goals and

objectives, and to aid in effective program management.

Type of Review: Extension
Title: Application for Special Projects Grants Under Library Services for Indian Tribes Program
Agency Form Number: G50–4P
Frequency: Annually
Affected Public: State or local governments
Reporting Burden: Responses: 75, *Burden Hours:* 600
Recordkeeping: Recordkeepers: 0, *Burden Hours:* 0
Abstract: This form will be used by Federally recognized Indian tribes and Hawaiian natives to apply for funding under the Library Services and Construction Act, as amended. The Department uses the information collected to make grant awards.

Office of Civil Rights

Type of Review: Reinstatement
Title: Fall 1988 Elementary and Secondary School Civil Rights Survey
Agency Form Number: ED 101, 102
Frequency: Biennually
Affected Public: State and local governments
Reporting Burden: Responses: 39,100, *Burden Hours:* 273,700
Recordkeeping: Recordkeepers: 0, *Burden Hours:* 0
Abstract: This survey will collect data from school districts and individual schools for the purpose of determining possible noncompliance with civil rights laws. The Department uses the information to determine where and if compliance reviews should be conducted.

Office of Elementary and Secondary Education

Type of Review: Extension
Title: State Performance Report (ECIA Chapter 1)
Agency Form Number: 686–2
Frequency: Annually
Affected Public: State or local governments
Reporting Burden: Responses: 54, *Burden Hours:* 21,870
Recordkeeping: Recordkeepers: 22,410, *Burden Hours:* 22,410
Abstract: This performance report is used by state and local educational agencies that have participated in the Chapter 1 Program of the Education Consolidation and Improvement Act, as amended. The Department uses the information collected to assess the accomplishments of project goals and objectives, and to aid in effective program management.

Office of Vocational and Adult Education

Type of Review: New
Title: Application for Adult Education for the Homeless Program
Agency Form Number: C30–3P
Frequency: Annually
Affected Public: State and local governments
Reporting Burden: Responses: 52, *Burden Hours:* 520
Recordkeeping: Recordkeepers: 0, *Burden Hours:* 0
Abstract: This form will be used by State educational agencies to apply for funds under the Stewart B. McKinney Homeless Assistance Act, as amended. The Department uses the information collected to make grant awards.

[FR Doc. 87–28680 Filed 12–11–87; 8:45 am]
BILLING CODE 4000–01–M

Office for Civil Rights; Final Annual Operating Plan for Fiscal Year 1988

AGENCY: Department of Education.

ACTION: Notice of final annual operating plan for fiscal year 1988.

SUMMARY: The Office for Civil Rights (OCR) issues its Fiscal Year (FY) 1988 Annual Operating Plan (AOP). The AOP describes the activities that OCR plans to conduct in FY 1988 with respect to compliance and enforcement, technical assistance, and program management.

FOR FURTHER INFORMATION CONTACT: Frederick G. Tate, (202) 732–1479.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Office for Civil Rights is responsible for ensuring that no person is unlawfully discriminated against on the basis of race, color, national origin, sex, handicap, or age in the delivery of services or the provision of benefits in programs or activities receiving financial assistance from the Department of Education (ED). The authorities under which OCR operates are Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

These authorities cover ED-funded programs and activities carried out by 50 State educational and rehabilitation agencies, the District of Columbia, the U.S. territories and possessions, approximately 16,000 local educational agencies, and approximately 3,300 institutions of higher education, as well as certain subrecipients of the foregoing entities. In addition, OCR's civil rights authorities cover programs and activities in other institutions, such as libraries and museums, that receive ED funds.

OCR ensures compliance with Federal civil rights statutes by the recipients of ED financial assistance through two basic types of activities: compliance activities and technical assistance activities. OCR's compliance activities with regard to complaint investigations and compliance reviews are subject to time frames imposed by a court order, *Adams* v. *Bennett (Adams)*, Civil Action No. 3095–70 (D.D.C. December 29, 1977, as modified January 17, 1985). However, OCR has discretion over the location and scope of its compliance reviews and monitoring activities. For the most part, OCR concentrates its compliance review activities on those recipients that have been identified as having possible compliance problems. OCR also provides technical assistance, including the transfer of information, materials, and skills, to facilitate ED recipients' voluntary compliance with civil rights laws and to inform beneficiaries of their rights.

Technical assistance may be provided in the course of OCR's compliance activities to assist in achieving voluntary corrective action. OCR may provide technical assistance to recipients at any time after the initiation of a compliance review or complaint investigation, or following its conclusion, either in response to a request from a recipient or through an offer of such assistance from investigative staff. As a result, compliance issues may be resolved in a nonconfrontational manner that facilitates closer cooperation at the recipient level, while ensuring that the rights of beneficiaries are protected.

During FY 1988, OCR will continue to use two operational techniques designed to improve the efficiency of the case-handling process. The first, Early Complaint Resolution (ECR), is a process in which OCR acts as a mediator between an individual complainant and a recipient to negotiate a settlement between them. If mediation is successful, OCR closes the complaint without an investigation. If the parties cannot reach an agreement, OCR investigates the complaint. During FY 1987, ECR was offered in 221 complaints (12 of the 221 offers were still pending as of September 30, 1987); attempted and completed in 122 complaints (1 of which had been initiated before the beginning of the fiscal year). Of the 122 cases in which ECR was completed, 70 percent were resolved successfully through mediation.

The second technique is pre-letter of findings (LOF) settlement. Under this process, OCR reviews its findings with the recipient on each of the issues raised in the complaint or covered by the compliance review, in an attempt to reach a settlement before the issuance of the LOF. If settlement is reached, OCR sets forth the terms of the settlement, along with the applicable statutory requirements, in the violation corrected LOF sent to the recipient. Where the settlement results from a complaint, the complainant is also sent a copy of the LOF. When an area of noncompliance has been resolved, the LOF cites the basis for the violation findings and, for each identified violation, either the remedy adopted by the recipient or the plan by which the recipient proposes to correct the violation. OCR then monitors the implementation of corrective action plans.

II. Compliance and Enforcement Activities

OCR's compliance and enforcement responsibilities are divided into three general categories: complaint investigations, compliance reviews, and monitoring activities.

A. Complaint Investigations

OCR's primary compliance activity is the investigation and resolution of complaints alleging discrimination. Each timely, complete complaint must be resolved in accordance with established procedures and time frames established pursuant to the requirements of the *Adams* order.

OCR received 1,971 complaints and closed 2,197 (some of which had been filed before the beginning of the fiscal year) during FY 1987. OCR had 651 pending complaints as of September 30, 1987. Alleged discrimination against handicapped persons was the basis of approximately 54 percent of the complaints received; race, multiple bases, other[1], sex, national origin, and age complaints followed in descending order of frequency. During FY 1987, 65 percent of the complaints received involved elementary and secondary institutions, 26 percent involved postsecondary institutions, 2 percent involved vocational rehabilitation institutions, and 7 percent involved other institutions. During this same time period, 77 percent of the complaints received involved issues of service delivery to students, 18 percent involved various employment issues, 2 percent involved both, and 3 percent involved other issues.

[1] "Other" consists of complaints over which OCR does not have jurisdiction.

B. Compliance Reviews

OCR's compliance review program complements its complaint investigation activities. Compliance reviews differ from complaint investigations in that, while some review activities are required by the *Adams* order, OCR has flexibility in selecting the location and scope of a review. Selction of review sites is based on various sources of information, including survey data indicating potential compliance problems and information provided by complainants, interest groups, the media, and the general public. Compliance reviews permit OCR to target resources on problems that appear to be serious or national in scope and that may not have been raised by complaints.

During FY 1987, OCR initiated 239 compliance reviews and closed 276 reviews, some of which had been initiated before the end of FY 1986. OCR had 80 open compliance reviews as of September 30, 1987. OCR plans to conduct an appropriate number of compliance reviews during FY 1988 to ensure proper enforcement of the civil rights laws.

C. Monitoring Activities

OCR closes many of the complaints and compliance reviews in which it has identified violations of civil rights statutes on the basis of a commitment by the recipient institution to complete corrective action at a future date. To ensure that agreements to complete such corrective actions are carried out, OCR may require a recipient to submit one or more progress reports detailing efforts to come into compliance with applicable laws and, in some cases, OCR may go on-site to monitor a recipient's compliance with a negotiated corrective action plan. OCR monitors higher education desegregation plans and vocational education Methods of Administration. In FY 1988, OCR will monitor various activities including the following:

- Implementation by recipient institutions of corrective action plans resulting from OCR complaint investigations and compliance reviews;
- Implementation of *Adams* higher education desegregation plans;
- Review and implementation of corrective action plans to provide educational opportunities to national origin minority students who are limited-English-proficient (i.e., Title VI Lau plans); and
- Activities of recipients conducting vocational education programs to ensure that they fulfill their Methods of Administration responsibilities under the Vocational Education Guidelines and the July 1979 Memorandum of Procedures regarding the civil rights compliance of their vocational education subrecipients.

III. Technical Assistance Activities

Technical assistance complements OCR's compliance activities because it encourages voluntary compliance. Through technical assistance, OCR is able to reach a far greater number of recipients than it could solely through complaint investigations or compliance reviews. OCR provides technical assistance to recipients to inform them of their responsibilities under the civil rights statutes and the ED implementing regulations and of the means to meet these responsibilities. OCR provides technical assistance to beneficiaries to inform them of their rights under the civil rights statutes and to explore voluntary methods of securing those rights. During FY 1987, in addition to responding to requests for technical assistance, OCR regional offices were encouraged to provide technical assistance outreach efforts based on existing staff resources and ongoing assessments of recipient and beneficiary needs.

In FY 1988, OCR will conduct various technical assistance activities including the following:

- Actions to implement Memoranda of Understanding with State and local educational and human rights agencies to facilitate meeting mutual civil rights compliance objectives and to promote the sharing of information;
- Coordination with other ED program offices on the provision of civil rights-related technical assistance;
- Exchange of information, materials, technical assistance strategies, techniques, and successful compliance practices and procedures among OCR staff providing technical assistance;
- Provision of materials and courses to OCR regional investigators and legal staff to facilitate the provision of technical assistance training to educational institutions and State and local governments;
- Provision of training to State and local educational agencies to enhance their capabilities to carry out civil rights activities; and
- Preparation of materials for dissemination to recipients and beneficiaries, summarizing and explaining the civil rights statutes enforced by OCR and OCR policies and regulations.

IV. Program Management Activities

In conducting its compliance, enforcement, and technical assistance activities, OCR continues to implement a comprehensive program that includes:

- Formulating or updating regulations, policies, and investigative manuals;
- Providing technical guidance on complaints and compliance reviews referred from regional offices;
- Participating in hearings before Administrative Law Judges on the compliance of Federal financial recipients with civil rights requirements;
- Meeting with Congressional staffs, U.S. Department of Justice attorneys, school district representatives, college and university officials, complainants, and civil rights groups to discuss OCR activities;
- Conducting and analyzing OCR surveys and data collection projects to obtain information on recipients and beneficiary populations for enforcement purposes;
- Providing in-house programmatic training to investigators and legal staff engaged in civil rights compliance and technical assistance activities;
- Conducting a quality assurance program to ensure that a high level of quality is maintained in OCR compliance activities; and
- Operating a Management-by-Objectives program designed to enhance management planning and to track performance in meeting organizational goals.

V. Summary

While regional programs will vary due to considerations such as the number and type of complaints received, compliance reviews conducted, and requests for technical assistance, all OCR activities will be guided by national policies, priorities, and direction. As in previous years, each Regional Director will be responsible for timely fulfillment of OCR's obligations in handling complaint investigations and compliance reviews, monitoring corretive action plans, and providing technical assistance to recipients and beneficiaries of ED financial assistance. A large part of each region's compliance program will involve the investigation of complaints of discrimination. During FY 1988, each regional office will conduct compliance reviews, in the geographic areas it serves, under each of the civil rights statutes enforced by OCR. Monitoring activities will focus on ensuring that recipients comply with corrective action plans and fulfill their vocational education Methods of Administration responsibilities. OCR will design technical assistance activities to respond to recipient and beneficiary needs.

Comments and Responses on the Proposed AOP for FY 1988

The proposed FY 1988 Annual Operating Plan for the Office for Civil Rights was published in the **Federal Register** on July 31, 1987 (52 FR 28595) with an invitation to comment. A summary of the comments received and the Secretary's responses to those comments are included below.

Comment: A commenter suggested that OCR update its training component for State, local, and human services agencies by including multicultural/sensitivity objectives to assist in correcting the gap that exists between educators and national or ethnic minorities.

Response: No change has been made to the AOP. Through OCR's technical assistance program, OCR works closely with state and local education and civil and human rights agencies and with other components within the Department (e.g., Office of Bilingual Education and Minority Languages Affairs; Office of Special Education and Rehabilitative Services; Office of Vocational and Adult Education; and Office of Elementary and Secondary Education) to ensure that ED recipients and beneficiaries are provided information and training on race, national origin, sex, and handicap related civil rights issues.

Comment: A commenter suggested that OCR develop some materials that are written in plain language or at the eighth grade level to disseminate to consumers and parents of consumers who do not have a high level of education.

Response: No change has been made to the AOP. As new publications are developed, this concern will be considered. However, the need to accurately reflect existing statutes and regulations somewhat limits OCR's ability to simplify the language in its publications. All OCR publications refer the public to the appropriate regional office for further information or clarification.

Paperwork Reduction Act of 1980

The information collection activity to be undertaken pursuant to this plan includes the Fall 1988 Elementary and Secondary School Civil Rights Survey. A notice published in the **Federal Register** in the fall of 1987, prior to submission of the survey OMB, notifies the public of OCR's intention to gather the data. This survey is scheduled to be approved by OMB in April 1988. Distribution to selected local educational agencies will follow. In addition to the above survey, OCR jointly sponsors two surveys with the Center for Statistics, the Fall Enrollment Survey (OMB control number 1850–0582) and the Completions of the Integrated Postsecondary Education Data System (OMB control number 3066–0238).

Dated: December 9, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87–28681 Filed 12–11–87; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No. 84.031A, CFDA No. 84.031G]

Invitation of Applications for Designation as an Eligible Institution for Fiscal Year 1988 for the Strengthening Institutions Program and the Endowment Challenge Grant Program, Title III of the Higher Education Act, as Amended (HEA)

Purpose: Institutions of higher education must meet specific statutory and regulatory requirements to be designated as eligible to receive funds under the Strengthening Institutions Program and the Endowment Challenge Grant Program.

Deadline for Transmittal of Applications: January 29, 1988.

Applications Available: December 23, 1987.

Eligibility Information: Under section 312 of the Higher Education Act of 1965, as amended (HEA), an institution of higher education qualifies as an eligible institution under the Strengthening Institutions and Endowment Challenge Grant Programs if, among other requirements, it has an enrollment of needy students, and its Educational and General (E&G) expenditures are low per full-time equivalent undergraduate student in comparison with the average E&G expenditure per full time equivalent undergraduate student of institutions that offer similar instruction. The complete eligibility requirements are found in 34 CFR 607.2 through 607.4 of the Strengthening Program regulations.

Under 34 CFR 607.3, an institution is considered to have an enrollment of needy students if—

(1) At least 50 percent of its degree students received assistance under one or more of the following programs: Pell Grant, Supplemental Educational Opportunity Grant, College Work Study, or Perkins Loan Program; or

(2) The percentage of its undergraduate degree students who were enrolled on at least a half-time basis and received Pell Grants exceeded

the median percentage of undergraduate degree students who were enrolled on at least a half-time basis and received Pell Grants at comparable institutions that offered similar instruction.

The following tables, which use the 1985–86 award year as the base year, identify the relevant median Pell Grant percentages and average E&G expenditures. To qualify, an applicant's Pell Grant percentage must be more than the percentage listed and the applicant's E&G expenditures must be less than the amount listed.

	Median pell grant percentage	Average E&G per FTE student
Two-year Public Institutions	21.12	$4,353.00
Two-year non-profit Private Institutions	31.51	4,244.00
Four-year Public Institutions	24.14	6,508.00
Four-year non-profit Private Institutions	25.75	8,985.00

Waiver Information: Applicants unable to meet the needy student enrollment and/or the E&G expenditure requirements may apply to the Secretary for waivers of these requirements under various options described in 34 CFR 607.3(b) for the needy student waiver and 34 CFR 607.4 (c) and (d) for the E&G expenditure waiver.

For the purpose of § 607.3(b)(2), under which an applicant must demonstrate that at least 30 percent of the students it served in base year 1985–86 were students from low-income families, "low-income" is defined as an amount equal to 150 percent of the family income levels established by the U.S. Bureau of the Census for determining poverty status. The following table sets forth the low-income family levels for varius sized families.

For the purposes of this waiver provision, low-income families are identified according to the following:

Size of family [1]	Gross annual family income must be less than [2]
1	$8,040
2	10,860
3	13,680
4	16,500
5	19,320
6	22,140
7	24,960
8	27,780

[1] For all families with more than 8 members add $2,820 for each additional member.

[2] Add 15 percent for Hawaii and 25 percent for Alaska to the figures in Family Income Column.

Source: U.S. Department of Health and Human Services as published in the FEDERAL REGISTER, of February 11, 1986, 51 FR 5105–5106.

Applicable Regulations: Regulations applicable to the eligibility process include: (a) The Strengthening Institutions Program, 34 CFR Part 607; (b) the Endowment Challenge Grant Program Regulations, 34 CFR Part 628; and (c) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77 and 78.

For Applications or Information Contact: Dr. Louis J. Venuto, Chief, Strengthening Institutions Program Branch, Division of Institutional Development, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3042, ROB#3, Washington, DC 20202, Telephone: (202) 732–3314.

Program Authority: 20 U.S.C. 1057 and 1065a.

Dated: December 9, 1987.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 87–28682 Filed 12–11–87; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No.: 84.039]

Invitation of Applications for New Awards Under the Library Research and Demonstration Program

Purpose: Provides grants to institutions of higher education and other public or private agencies, institutions, and organizations for research and demonstration programs related to the improvement of libraries, for training in librarianship, and for the dissemination of information derived from such projects.

Deadline for Transmittal of Applications: March 18, 1988.

Deadline for Intergovernmental Review Comments: May 23, 1988.

Applications Available: February 5, 1988.

Available Funds: The final appropriation for fiscal year 1988 has not been determined. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year.

Estimated Average Size of Awards: $50,000–$100,000.

Estimated Number of Awards: 3–6.

Project Period: 12 months.

Applicable Regulations: (a) The Higher Education Act Library Research and Demonstration Program, 34 CFR Part 777, and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

For Applications or Information Contact: Frank A. Stevens, Director, Library Development Staff, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 402M, Washington, DC 20208–1430. Telephone (202) 357–6315.

Program Authority: 20 U.S.C. 1021 *et seq.*

Dated: December 8, 1987.

Chester E. Finn, Jr.,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 87–28683 Filed 12–11–87; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No.: 84.073C]

Invitation of Applications for New State Facilitator Awards under the National Diffusion Network Program for Fiscal Year 1988

Purpose: Provides grants for the dissemination of exemplary education programs within each State, the District of Columbia, Puerto Rico, Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and Palau.

Deadline for Transmittal of Applications: February 1, 1988.

Deadline for Intergovernmental Review Comments: April 1, 1988.

Applications Available: December 16, 1987.

Available Funds: $5,000,000.

Estimated Range of Awards: $40,000 to $200,000

Estimated Number of Awards: 57; One award in each State, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and Palau.

Project Period: The Secretary expects to make these awards for a project period of up to 48 months.

Applicable Regulations: (a) The National Diffusion Network Regulations at 34 CFR Parts 785 and 788, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

For Applications For Information Contact: Ms. Lois N. Weinberg, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 510, Washington, DC 20208. Telephone: (202) 357–6147.

Program Authority: 20 U.S.C. 3851.

Dated December 9, 1987.

Chester E. Finn, Jr.,

Assistant Secretary and Counselor to the Secretary.

[FR Doc. 87-28684 Filed 12-11-87; 8:45 am]

BILLING CODE 4000-01-M

Intergovernmental Advisory Council on Education; Meeting

AGENCY: Intergovernmental Advisory Council on Education, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee of the Intergovernmental Advisory Council on Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: December 29, 1987.

ADDRESS: Department of Education, Room 3000, 400 Maryland Avenue SW., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Gwen A. Anderson, Acting Executive Director, Intergovernmental Advisory Council on Education, 513 Reporters Building, 300 Seventh Street SW., Washington, DC 20202, 472-6464.

SUPPLEMENTARY INFORMATION: The Intergovernmental Advisory Council on Education was established under section 213 of the Department of Education Organization Act (20 U.S.C. 3424). The Council was established to provide assistance and make recommendations to the Secretary and the President concerning intergovermental policies and relations pertaining to education.

The meeting of the Executive Committee is open to the public. The proposed agenda includes:

—Old Business
—Discussion of 1988 Conference Planning
—Update on Status of Job Training and Retraining Report
—Budget overview
—Other new business.

Records are kept of all Council proceedings, and are available for public inspection at the Office of the Intergovernmental Advisory Council on Education, 513 Reporters Building, 300 Seventh Street SW., Washington, DC, from the hours of 9:00 a.m. to 5:00 p.m.

Dated: December 9, 1987.

Barbara Buchhorn,

Acting Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 87-28039 Filed 12-11-87; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP-88-96-000 et al.]

Consolidated Gas Transmission Co. et al.; Natural Gas Certificate Filings

December 8, 1987.

Take notice that the following filings have been made with the Commission:

1. Consolidated Gas Transmission Co.

[Docket No. CP88-96-000

Take notice that on November 24, 1987, Consolidated Gas Transmission Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP88-96-000 an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing The River Gas Company (River Gas) to (1) Change D-1 and D-2 Billing Determinants and (2) add certain delivery points to River Gas, all as more fully set out in the application which is on file with the Commission and open to Public Inspection.

Applicant seeks authorization to decrease River Gas' combined D-1 billing determinants and increase combined D-2 billing determinants effective September 1, 1987, as permitted by the Commission's order approving applicant's settlement agreement in Docket No. RP85-169 *et al.*, issued on February 13, 1987. Applicant states that the certificate requested herein is subject to its acceptance of the Commission's rehearing order issued on November 4, 1987, in Docket No. RP85-169-004.

Applicant also requests authority to amend River Gas's Service Agreement to include existing new delivery points for River Gas to provide flexibility in managing its gas supplies. No new facilities are proposed to be constructed. Applicant alleges that the decrease in combined D-1 charges, more that completely offsets minimal increases in combined D-2 charges.

Because of the minor nature of the change, no significant impact is alleged to occur to Applicant's other customers, it is stated.

Comment date: December 29, 1987, in accordance with Standard Paragraph F at the end of this notice.

2. Northern Natural Gas Co., Division of Enron Corp.

[Docket No. CP88-91-000]

Take notice that on November 23, 1987, Northern Natural Gas Company, Division of Enron Corporation (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP88-91-000 a request pursuant to § 157.205 of the Commission's Regulations under the National Gas Act (18 CFR 157.205) for authorization to construct and operate a delivery point and appurtenant facilities for deliveries of natural gas to Wisconsin Gas Company (Wisconsin Gas) under the certificate issued in Docket No. CP82-401-000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern proposes to construct and operate the delivery point in Rusk County, Wisconsin, where Wisconsin Gas would serve National Steel Fabricators, Inc., delivering up to 36 Mcf of gas on a peak day and 3,760 Mcf on an annual basis. It is stated that the end-use of the gas would be industrial and that the deliveries would be within Wisconsin Gas' currently authorized entitlement from Northern. It is asserted that the deliveries would have no impact on Northern's peak day and annual deliveries. It is explained that the cost of the proposed facilities is estimated at $4,790, with a requirement that Wisconsin Gas contribute $3,129 in aid of construction.

Comment date: January 22, 1988, in accordance with Standard Paragraph G at the end of this notice.

3. Southern Natural Gas Co.

[Docket No. CP87-154-001]

Take notice that on November 20, 1987, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham Alabama 35202-2563, filed in Docket No. CP87-154.001 a petition in accordance with the provisions of section 7(c) and section 16 of the Natural Gas Act for issuance of an order amending the limited-term certificate of public convenience and necessity issued to Southern on September 30, 1987, in Docket No. CP87-154-000, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern indicates that pursuant to the certificate issued in Docket No. CP87-154-000, it is presently authorized to perform limited-term transportation service on behalf of SNG Trading Inc. (SNGT) for delivery to South Georgia Natural Gas Company (South Georgia). Specifically, the certificate authorizes Southern to transport up to 30,000 MMBtu of natural gas per day purchased by South Georgia from SNGT for a term expiring October 31, 1987, under terms and conditions set forth in a transportation agreement between Southern, South Georgia, and SNGT dated December 12, 1986 (Agreement).

Southern states that it has received a request from SNGT to continue the transportation service after the expiration of the existing certificate authorization. The Agreement provides that Southern may continue to serve SNGT beyond the currently authorized termination date. Southern filed this Petition to Amend the transportation services authorized in Docket No. CP87-154-000 under section 7(c) of the Natural Gas Act.

Accordingly, Southern requests that the limited-term certificate issued September 30, 1987, in Docket No. CP87-154-000, be extended for a limited term ending October 31, 1988.

Comment date: December 29, 1987, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

4. Transwestern Pipeline Co.

[Docket No. CP88-99-000]

Take notice that on December 1, 1987, Transwestern Pipeline Company (Transwestern) 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP88-99-000 an application pursuant to sections 7(c) and 7(b) of the Natural Gas Act for blanket authorization to make certain sales in interstate commerce along with pre-granted authority to abandon such sales, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transwestern requests blanket authority to make sales in interstate commerce for resale of existing excess natural gas supplies to both off-system and on-system purchasers, including interstate and "Hinshaw" pipelines and local distribution companies (LDC's). It is indicated that such sales would be made on an interruptible basis in accordance with the provisions of Transwestern's proposed Rate Schedule IS-1, which is to be established as part of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1. Transwestern also requests blanket authority to use its existing transmission facilities to implement direct sales to end-users. In conjunction with the proposed blanket sales authority, Transwestern requests pregranted authority to abandon sales made under Rate Schedule IS-1 at the end of the term of the service agreement between Transwestern and any purchaser, or in the case of an end-user, to abandon deliveries to such end-user at the end of the terms of the sales contract between Transwestern and such end-user. Transwestern states that its proposal is designed to allow it to sell natural gas supplies in excess of the demand of its on-system firm sales customers.

Transwestern proposes to charge a rate for service under Rate Schedule IS-1 within a range of a rates between a minimum and maximum. It is stated that the maximum rate during any period that Transwestern's PGA is in effect would be equal to the higher of Transwestern's one hundred percent load factor rate, based on its currently effective Rate Schedule CDQ-1 sales rates. It is indicated that the maximum rate during any period in which Transwestern's PGA is suspended would be equal to Transwestern's one hundred percent load factor rate based on Transwestern's currently effective Rate Schedule CDQ-1 sales rate computed using the highest gas cost set forth on the price/volume curves filed pursuant to section 24 of the General Terms and Conditions of Transwestern's tariff. It is stated that the minimum rate would be equal to Transwestern's actual incremental cost of purchased gas incurred in making the sale, plus fuel and the variable costs of delivering the gas, along with other applicable charges such as the GRI surcharge and the Annual Charge Adjustment surcharge. It is explained that the actual rate charged would be a negotiated rate within the above referenced range, and would be set forth in the sales agreement between Transwestern and the IS-1 purchaser.

Transwestern states that the interruptible sales under proposed Rate Schedule IS-1 would be made through Transwestern's existing facilities and that IS-1 purchasers would be responsible for all costs to third-party transportation. Transwestern notes that it would file a report with the Commission within 30 days following the commencement of a sale pursuant to Rate Schedule IS-1 identifying the purchaser, the sales rate, and the term of the contract. It is further indicated that not later than May 1 of each year Transwestern would file an annual report with the Commission setting forth the actual volumes sold and the total volumes received under each contract during the contract year.

Comment date: December 29, 1987, in accordance with Standard Paragraph F at the end of this notice.

5. Texas Gas Transmission Corp.

[Docket CP88-93-000]

Take notice that on November 24, 1984, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP88-93-000, Owensboro, Kentucky 42302, filed in Docket No. CP88-93-000, an application for a certificate of public convenience and necessity (Application) pursuant to section 7 of the Natural Gas Act authorizing an increase in the contract demand of four (4) of its existing customers, all as more fully described in the application on file with the Commission, which is open for public inspection.

Applicant states that the requested increases in contract demand by the four (4) existing customers are necessary in order for those customers to adequately serve past and future growth in their residential, commercial and, in some instances, industrial loads, and to avoid incurring penalties due to contract overruns on peak days. It is indicated that the total increase in daily contract demand on the Applicant's system, if these requests are authorized would result in an increase of less than one percent (1%) in the total of aggregated contract demands. Applicant will not be required to construct any additional facilities in order to accommodate the contract demand increase requests, it is stated.

Comment date: December 29, 1987, in accordance with Standard Paragraph F at the end of this notice.

6. Transwestern Pipeline Co.

[Docket No. CP88-100-000]

Take notice that on December 1, 1987, Transwestern Pipeline Company (Transwestern) 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP88-100-000 an application pursuant to section 7(b) of the Natural Gas Act for pregranted authority to permanently abandon certain levels of Contract Demand quantity (CDQ) allocated to its customers under Rate Schedule CDQ-1 and CDQ-3 (CDQ customers).

Transwestern states that it is filing concurrently three interrelated proposals to address the restructuring of its traditional merchant function as a result of the dramatic changes which have occured in the natural gas industry over the last several years and in response to the Commission's issuance of Order No. 500. Transwestern explains that one filing (the GIC filing-Docket No. RP88-35-000) involves a proposal to establish a Gas Supply Inventory

Charge, under which Transwestern's CDQ customers would be given the opportunity to freely nominate any level of contract demand quantity (CDQ) up to their present certificated level of CDQ (nomination) with an associated conversion of the remaining CDQ to Maximum Daily Transportation Quantities (MDTQ) under Transwestern's Rate Schedule FTS–1 pursuant to the procedures set forth in the GIC filing.

Transwestern submits that a necessary adjunct to the CDQ customer's right to freely nominate any level of CDQ is the attendant right of Transwestern to permanently abandon the level of CDQ not nominated and thus deemed MAXTQ under Rate Schedule FTS–1. Accordingly, Transwestern seeks pre-granted approval to permanently abandon certain levels of presently certificated CDQ to the extent a CDQ customer does not nominate its full level of certificated CDQ service pursuant to the procedures set forth in Transwestern's GIC filing. It is indicated that the level of natural gas sales proposed to be abandoned pursuant to the pre-granted authority sought herein would be equivalent to the difference between: (1) The present level of certificated CDQ for each CDQ customer and (2) the CDQ customer's nomination.

Transwestern states that approval of this application is contingent upon approval of the GIC filing and requests that the pre-granted abandonment authority sought herein be made effective consistent with the effective date of Transwestern's GIC filing. Transwestern states that it would agree to file any necessary tariff sheets within 15 days after the effective date of any permanent abandonment of CDQ pursuant to the pre-granted authority requested herein.

Comment date: December 29, 1987, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28577 Filed 12–11–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ES88–19–000]

Duquesne Light Co.; Application

December 8, 1987.

Take notice that on November 25, 1987, Duquesne Light Company filed an application, with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, to issue not more than $250,000,000 of promissory notes and commercial paper and other evidences of indebtedness from time to time with a final maturity date of not later than December 31, 1990.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Commission, 825 North Capitol Street NW., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before December 21, 1987. Protests will be considered by the Commisison in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28663 Filed 12–11–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI87–909–000]

FPCO Oil & Gas Co.; Application for Permanent Abandonment

December 8, 1987.

Take notice that on September 17, 1987, as supplemented on October 22 and November 13, 1987, FPCO Oil & Gas Co. (FPCO) P.O. Box 60004, New Orleans, LA 70160, filed an application in Docket No. CI87–909–000 requesting permanent abandonment of sales of gas-well gas from the Mississippi Canyon Block 194 Field Offshore Louisiana, to Transcontinental Gas Pipe Line Corporation (Transco). The sale was certificated in Docket No. CI80–3–001. The subject contract dated September 17, 1979, is on file with the Commission as FPCO Oil & Gas Co. FERC Gas Rate Schedule No. 2.

FPCO states that Petro-Lewis Corporation (PLC) changed its name to FPCO as of May 1, 1987. On June 13, 1986, following extensive negotiations, PLC and its affiliates entered into two Omnibus Contract Amendment and Settlement Agreements, one effective April 1, 1986, and the other on May 1, 1986, which provided, among other things, for the modification of the pricing and quantity terms of all gas purchase contracts between Transco and PLC, *et al.* Under the terms of the settlement agreements, Transco was relieved of its accumulated take-or-pay indebtedness existing as of the effective date of each agreement, and its future obligation to take or pay for gas under the contracts covered by the settlements was substantially reduced, as was the average price of the gas to be delivered in the future. In recognition of the substantial reduction in Transco's takes, each settlement agreement provided that, at PLC's request, Transco would permanently release up to 25% of the sum of all gas-well gas delivery capacity under the contracts covered by the settlements as agreed upon by the parties at the time of settlement. Based upon the continuing decline in Transco's takes following the settlement agreement which became effective May 1, 1986, PLC requested by letter dated May 7, 1987, the permanent release by Transco of all gas-well gas produced and sold from the Mississippi Canyon Block 194 Field under PLC's FERC Gas Rate Schedule No. 2. Deliverability is approximately 6,500 Mcf/day, which is less than 25% of the total deliverability of gas under the contracts covered by the settlement. The gas-well gas subject to FPCO's abandonment request is NGPA section 102(d) gas (60%) and section 104 post-1974 gas (40%). FPCO states that while it would not preclude the possibility of an intrastate sale of the gas-well gas following the approval of its proposed abandonment to Transco, the gas would in all likelihood be sold in an interstate market yielding the most attractive price and terms. FPCO would then seek appropriate limited-term sales authority with pregranted abandonment. FPCO request that its application be considered on an expedited basis pursuant to 18 CFR 2.77.[1]

Since FPCO has requested that the application be considered on an expedited basis, all as more fully described in the application which is on file with the Commission and open to public inspection, any person desiring to be heard or to make any protest with reference to said application should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in a proceeding must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for FPCO to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28661 Filed 12–11–87; 8:45 am]

BILLING CODE 6717–01–M

[1] The United States Court of Appeals for the District of Columbia vacated the Commission's Order No. 436 on June 23, 1987. In vacating Order No. 436, the Court rejected challenges to the Commission's statement of policy in § 2.77 of its Regulations. Section 2.77 states that the Commission will consider on an expedited basis applications for certificate and abandonment authority where the producers assert they are subject to substantially reduced takes without payment, or where the parties have entered into a take-or-pay buy-out pursuant to § 2.76 of the Regulations.

[Docket No. ES88–21–000]

Illinois Power Co.; Application

December 9, 1987.

Take notice that on December 3, 1987, Illinois Power Company (Applicant) filed an application with the Commission seeking authorization pursuant to section 204 of the Federal Power Act, to issue up to $500,000,000 of short-term notes to be issued from time to time, with a final maturity date of not later than December 31, 1989.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before December 23, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any persons wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28664 Filed 12–11–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. SA87–48–000]

Pan Eastern Exploration Co.; Amended Petition for Adjustment

December 9, 1987.

Take notice that on October 28, 1987, Pan Eastern Exploration Company (Pan Eastern) filed an amended petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), requesting waiver of its refund obligation to Panhandle Eastern Corporation. The refund obligation resulted form Pan Eastern charging the NGPA section 108 price when it was authorized to charge only the NGPA section 104 price for gas sold from its Eagley 1–2 well during the period October 1, 1981 through November 30, 1985. On May 29, 1987, Pan Eastern filed its initial petition for adjustment in this proceeding. In its May 29 petition, Pan Eastern stated, among other things, that because its out-of-pocket expenses exceeded sale revenues at the NGPA section 104 price, the denial of adjustment relief will result in special hardship, inequity, or an unfair distribution of burdens. In its amended petition for adjustment, Pan Eastern submitted data, purporting to show that its out-of-pocket expenses exceeded its total sales revenues at the NGPA section 104 price for the above-mentioned 1981 through 1985 period.

Notwithstanding the time specified for filing motions to intervene by the notice of Pan Eastern's initial petition in this proceeding, 52 FR 43104 (Nov. 9, 1987), this notice will allow additional time, as set out below, for filing motions to intervene.

The procedures applicable to the conduct of this proceeding are in Rules 1101–1117 (Subpart K) of the Commission's rules of practice and procedure. Any person desiring to participate in the proceeding must file a motion to intervene under Rule 1105. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28662 Filed 12–11–87; 8:45 am]

BILLING CODE 6717–01–M

Existing Licensee's Intent To File an Application for New License

December 9, 1987.

Take notice that on October 26, 1987, Flambeau Paper Corporation, licensee for the Lower Hydroelectric Project No. 2421, filed a statement of its intent pursuant to section 15(b)(1) of the Federal Power Act (Act) to file an application for a new license. The license for the Lower Hydroelectric Project No. 2421 will expire on December 31, 1993. The project is located on the North Fork of the Flambeau River in Price County, Wisconsin, and has a total capacity of 1,500 kVA.

The principal project works currently licensed for Project No. 2421 are: (1) A concrete dam 186 feet long and 32 feet high, with earth-filled abutments; (2) a powerhouse enclosing three turbine-generators; (3) a substation; and (4) appurtenant facilities.

Under section 15(c)(1) of the Act, as amended by the Electric Consumers Protection Act of 1986, each application for new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1991.

Pursuant to section 15(b)(2), the licensee is required to make available current maps, drawings, data and such other information as the Commission shall by rule require regarding the construction and operation of the licensed project. See Docket No. RM87–7–000 (Interim Rule issued March 30, 1987), for a detailed listing of required information. A copy of Docket No. RM87–7–000 can be obtained from the Commission's Public Reference Section, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426. The above information is required to be available for public inspection and reproduction at a reasonable cost, at the licensee's offices as described in the Interim Rule.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28660 Filed 12–1–87; 8:45 am]

BILLING CODE 6717-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200065 thru 224–200073.

Title: State of Alabama Cargo and Freight Handling Service Permits.

Parties:

Alabama State Docks Department (Department)
Strachan Shipping Co.
Ryan Walsh Stevedoring Co., Inc.
Pate Stevedoring Co. of Mobile, Ala.
Anderson Steamship Agency, Inc.
Murray Stevedoring Co, Inc.
Atlantic & Gulf Stevedores of Ala.
Cooper/T Smith Stevedoring Co., Inc.
Chickasaw Terminal Corporation
Mobile Independent Stevedoring

Synopsis: The proposed agreements would grant said independent contractors authority to perform or have performed cargo and freight handling services at the Department's port facilities in Mobile, Alabama pursuant to the terms of these agreements and in accordance with the Department's tariff. Their term of the agreement is for one year with automatic renewal for additional one-year terms.

Agreement No.: 224–01690A.

Title: City of Los Angeles Terminal Agreement.

Parties:

Mitsui O.S.K. Lines, Ltd. (Mitsui)
Trans Pacific Container Service Corporation (TPCSC)

Synopsis: The proposed agreement provides that Mitsui transfers its interest in user Permit No. 552 to TPCSC who agrees to assume and perform all assignor's duties and obligations under the basic agreement.

Agreement No.: 224–010690–002.

Title: City of Los Angeles Terminal Agreement.

Parties:

The City of Los Angeles, Board of Harbor Commissioners
Mitsui O.S.K. Lines, Ltd.
Trans Pacific Container Service Corporation

Synopsis: The proposed agreement changes the originally proposed owner of the cranes assigned under the basic agreement from Sumitomo Corporation of America to MetLife Capitol Corporation.

By Order of the Federal Maritime Commision.

Joseph C. Polking,

Secretary.

Dated: December 9, 1987.

[FR Doc. 87–28638 Filed 12–11–87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices, Acquisitions of Shares of Banks or Bank Holding Companies; Donald C. Bauerle, Sr., et al.

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 4, 1988.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Mr. Donald C. Bauerle, Sr.*, Cashiers, North Carolina; to acquire up to 13.3 percent of the voting shares of Carolina Mountain Holding Company, Highlands, North Carolina, and thereby indirectly acquire Carolina Mountain Bank, Highlands, North Carolina.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Penrose C. St. Amant*, Gonzales, Louisiana; to acquire an additional 2.68 percent of the voting shares of Bank of Gonzales Holding Company, Inc., Gonzales, Louisiana, and thereby indirectly acquire Bank of Gonzales, Gonzales, Louisiana.

C. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Gregory H. Bohlen*, Findlay, Illinois; to acquire 17 percent of the voting shares of Findlay Bancshares, Findlay, Illinois, and thereby indirectly acquire Bank of Findlay, Findlay, Illinois.

D. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *William H. Teeter*, St. Paul, Minnesota; to acquire an additional 1.05 percent of the voting shares of Stillwater Bancorporation, Inc., Stillwater, Minnesota, and thereby indirectly acquire Cosmopolitan State Bank of Stillwater, Stillwater, Minnesota.

E. Federal Reserve Bank of Kansas City (Thomas M. Hoenic, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *James E. Berkely*, Stockton, Kansas; to acquire an additional 2.26 percent of the voting shares of Rooks County State Bank, Stockton, Kansas.

2. *Christian K. Keesee*, Oklahoma City, Oklahoma; to acquire 12.4 percent of the voting shares of American Bancorp of Edmond, Inc., Edmond, Oklahoma, and thereby indirectly acquire American Bank and Trust, Edmond, Oklahoma.

3. *John E. Kirkpatrick*, Oklahoma City, Oklahoma; to acquire 38.2 percent of the voting shares of American Bancorp of Edmond, Inc., Edmond, Oklahoma, and thereby indirectly acquire American Bank and Trust, Edmond, Oklahoma.

4. *Eleanor B. Kirkpatrick*, Oklahoma City, Oklahoma; to acquire 38.2 percent of the voting shares of American Bancorp of Edmond, Inc., Edmond, Oklahoma.

F. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Centre Capital Investors, L.P.*, New York, New York; to acquire 35.10 percent of the voting shares of United New Mexico Financial Corporation, Albuquerque, New Mexico, and thereby indirectly acquire United New Mexico Bank at Alamogordo, Alamogordo, New Mexico; United New Mexico Bank at Albuquerque, Albuquerque, New Mexico; United New Mexico Bank at Carlsbad, Carlsbad, New Mexico; United New Mexico Bank at Gallup, Gallup, New Mexico; United New Mexico Bank at Las Cruces, N.A., Las Cruces, New Mexico; United New Mexico Bank at Mimbres Valley, Deming, New Mexico; United New Mexico Bank at Portales, N.A., Portales, New Mexico; United New Mexico Bank at Rio Rancho, Rio Rancho, New Mexico; United New Mexico Bank at Roswell, N.A., Roswell, New Mexico; United New Mexico Bank at Santa Fe, N.A., Santa Fe, New Mexico; United New Mexico Bank at Sorcorro, N.A., Socorro, New Mexico; United New Mexico Bank at Vaughn, Vaughn, New Mexico.

Board of Governors of the Federal Reserve System, December 8, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–28571 Filed 12–11–87; 8:45 am]

BILLING CODE 6210-01-M

Fresno Bancorp; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 31, 1987.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Fresno Bancorp*, Fresno, California; to acquire Builders' Mortgage Company, Fresno, California, and thereby engage in mortgage lending activities pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 8, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–28572 Filed 12–11–87; 8:45 am]

BILLING CODE 6210-01-M

TrustCorp, Inc, et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in effiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 4, 1988.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *TrustCorp, Inc.*, Toledo, Ohio; to engage *de novo* through its subsidiary, in making and servicing loans and/or other extensions of credit pursuant to § 225.25(b)(1) of the Board's Regulation

Y. Comments on this application must be received by December 31, 1987.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First United Bancorporation,* Anderson, South Carolina; to engage *de novo* through its subsidiary, Quick Credit Corporation, Anderson, South Carolina, in making, acquiring, or servicing loans or other extensions of credit pursuant to § 225.25(b)(1) of the Board's Regulation Y.

2. *United Carolina Bancshares Corporation,* Whiteville, North Carolina; to engage *de novo* through its subsidiary, Capital Brokerage Corporation, Whiteville, North Carolina, in securities brokerage activities pursuant to § 225.25(b)(15) of the Board's Regulation Y. These activities will be conducted in North Carolina and South Carolina.

C. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Home State Bancorp, Inc.,* Crystal Lake, Illinois; to engage *de novo* in commercial and consumer finance activities pursuant to § 225.25(b)(1) of the Board's Regulation Y. These activities will be conducted in the states of Indiana, Illinois, and Wisconsin.

2. *Northern Trust Corporation,* Chicago, Illinois; to engage *de novo* through its subsidiary, Northern Trust of California National Association, in trust company activities pursuant to §25.25(b)(3) of the Board's Regulation Y.

D. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Southern Development Bancorporation, Inc.,* Little Rock, Arkansas; to engage *de novo* through its subsidiaries, Opportunity Lands Corporation, Little Rock, Arkansas, and Arkansas Enterprise Group, Inc., Little Rock, Arkansas, in community development activities pursuant to § 225.25(b)(6) of the Board's Regulation Y. These activities will be conducted in the State of Arkansas.

Board of Governors of the Federal Reserve System, December 8, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-28573 Filed 12-11-87; 8:45 am]

BILLING CODE 6210-01-M

Whitaker Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 4, 1988.

A. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Whitaker Bancorp, Inc.,* Lexington, Kentucky; to merge with State National Bancorp of Frankfort, Inc., Frankfort, Kentucky, and thereby indirectly acquire The State National Bank of Frankfort, Frankfort, Kentucky, and The Garrard Bank & Trust Company, Lancaster, Kentucky. Comments on this application must be received by December 29, 1987.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *City National Bancorporation, Inc.,* Washington, DC; to become a bank holding company by acquiring 100 percent of the voting shares of City National Bank of Washington, Washington, DC.

C. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Homestate Bancorp, Inc.,* Indianapolis, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Salem Bancorp, Inc., Salem, Indiana, and thereby indirectly acquire The State Bank of Salem, Salem, Indiana.

2. *Southern Development Bancorporation, Inc.,* to become a bank holding company by acquiring at least 92.21 percent of the voting shares of Elk Horn Bancshares, Inc., Arkadelphia, Arkansas, and thereby indirectly acquire Elk Horn Bank and Trust Company, Arkadelphia, Arkansas.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Buffalo Bancshares, Inc.,* Buffalo, Oklahoma; to acquire 100 percent of the voting shares of The First State Bank of Gage, Gage, Oklahoma.

2. *Fairland Holding Company, Inc.,* Neosho, Missouri; to become a bank holding company by a acquiring 79.95 percent of the voting shares of The First National Bank of Fairland, Fairland, Oklahoma.

3. *FirstBank Holding Company of Colorado,* Lakewood, Colorado; to acquire 100 percent of the voting shares of FirstBank of Republic Plaza, N.A., Denver, Colorado.

4. *First Jones Bancorporation, Inc.,* Jones, Oklahoma; to become a bank holding company by acquiring 95.73 percent of the voting shares of First State Bank, Jones, Oklahoma.

Board of Governors of the Federal Reserve System, December 8, 1987.

James McAfee,

Associated Secretary of the Board.

[FR Doc. 87-28574 Filed 12-11-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 86P-0083/CP]

Medical Laser Manufacturers Association; Neodymium:Yttrium: Aluminum:Garnet (Nd:YAG) Laser for Posterior Capsulotomy; Panel Recommendations on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment the recommendation of the Ophthalmic Devices Panel (the Panel) that FDA reclassify the ophthalmic neodymium:yttrium:aluminum:garnet (Nd:YAG) laser (mode-locked or Q-switched) intended for posterior capsulotomy from class III (premarket approval) into class II (performance standards). The Panel made this recommendation after review of a reclassification petition filed by the Medical Laser Manufacturers Association. FDA also is issuing for public comment its tentative findings on the recommendation. After reviewing any public comment on the recommendation and FDA's tentative findings, FDA will approve or deny the reclassification petition by order in the form of a letter to the petitioner. FDA's decision on this reclassification petition will be announced in the **Federal Register**.

DATE: Comments by February 12, 1988.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Philip J. Phillips, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-8221.

SUPPLEMENTARY INFORMATION: On January 24, 1986, the Medical Laser Manufacturers Association (MLMA) submitted to FDA under section 513(e) of the Federal Food, Drug and Cosmetic Act (the act) (21 U.S.C. 360c(e)) and 21 CFR 860.120 a petition for a device reclassification. On February 20, 1986, the MLMA amended the petition to include section 513(f)(2) of the act (21 U.S.C. 360c(f)(2)) and 21 CFR 860.134 of the regulation as a basis for its requested relief. The petitioner requests that the ophthalmic Nd:YAG laser (mode-locked or Q-switched), intended for posterior capsulotomy, be reclassified from class III into class II. The subject device is automatically classified into class III under section 513(f)(1) of the act because it is neither a preamendments device (i.e., a device that was in commercial distribution before May 28, 1976), nor substantially equivalent to a preamendments device, or substantially equivalent to any postamendments device (i.e., a device that has been placed in commercial distribution since May 28, 1976), which has subsequently been reclassified to class II or class I.

Section 513(f)(2) of the act provides that the manufacturer or importer of a device classified into class III under section 513(f)(1) of the act may file a petition for reclassification of the device into class I or class II. FDA's regulations in 21 CFR 860.134 set forth the procedures for the filing and review of a petition for reclassification of such class III devices. For purposes of reclassification of the ophthalmic Nd:YAG laser (mode-locked or Q-switched), it is necessary to show that the proposed new class has sufficient controls to provide reasonable assurance of the safety and effectiveness of the device.

Consistent with the act and the regulations, the agency referred the reclassification petition to the Ophthalmic Devices Panel and on May 22, 1986, during an open public meeting, the Panel recommended that FDA reclassify the generic type of device from class III into class II. The Panel also recommended that FDA assign to this generic type of device the designation "ophthalmic Nd:YAG laser (mode-locked or Q-switched) intended for posterior capsulotomy."

The ophthalmic Nd:YAG laser for posterior capsulotomy consists of a mode-locked or Q-switched solid state Nd:YAG laser which generates short pulse, low energy, high power coherent optical radiation. When the laser output is combined with focusing optics, the high irradiance at the target aits causes tissue disruption via optical breakdown. A visible aiming system is utilized to target the invisible Nd:YAG radiation on or in close proximity to the target tissue.

Summary of Reasons for the Recommendation

The Panel gave the following summary of reasons in support of its recommendation to reclassify the ophthalmic Nd:YAG laser (mode-locked or Q-switched) intended for posterior capsultomy from class III into class II:

1. The device is not an implant.

2. General controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device.

3. There is sufficient publicly available information to establish a standard to control the device's performance parameters. Also, there is sufficient publicly available information to demonstrate that the risks to health have been determined for the ophthalmic Nd:YAG laser (mode-locked or Q-switched) intended for posterior capsulotomy. The relationship between the device's performance parameters and risks, and the device's safety and effectiveness is supported by valid scientific evidence.

4. FDA should assign a low priority to the establishment of performance standards for the device under section 514 of the act (21 U.S.C. 360d).

5. Various safety features of medical lasers are already controlled by existing FDA standards (21 CFR 1040.10 and 1040.11) promulgated under the Radiation Control for Health and Safety Act (42 U.S.C. 263b).

The Panel believes that the following devices subject to the petition are representative of the generic type of device: Meditec OPL-3, M-Tec 2000, Horizon 2000, Horizon 2500, and the YAG-100.

The Panel based its recommendations for reclassification of the generic type of device on data in the petition (Ref. 1), data in the eight published studies (Refs. 2 through 9) included in the petition, and data presented to the Panel during its open meeting held May 22, 1986. The Panel believes that premarket approval of the generic type of device is not necessary to provide reasonable assurance of the device's safety and effectiveness. The Panel believes that, if the agency reclassifies the generic type of device, FDA would ensure that newly marketed devices of the same generic type will be safe and effective through application of the general controls pending the development of a performance standard, consistent with FDA's standards development priorities.

Principles of Operation

A. Background

Nd:YAG lasers were developed for industrial applications, and were successfully employed in such industries as watchmaking, prior to the initiation of clinical trials in Europe and the United States. Therfore, the basic principles of operation of the device were scientifically established well before any clinical testing of the device in ophthalmic surgery. Because the technology permitted tissue disruption through a transparent media with negligible heat generation, the Nd:YAG laser appeared to be ideal for ophthalmic surgery where lasers have had a long history of successful clinical use. An increasing use of the extracapsular cataract extraction technique followed by intraocular lens (IOL) implantation which often results in an opacified posterior capsular membrane, created a demand for a laser device which would avoid the risks involved in traditional invasive surgery and could perform the capsulotomy precedure without the thermal effects characteristic to other ophthalmic laser devices.

While other types of lasers used for ophthalmic surgery use long duration exposures to achieve thermal tissue effects for photocoagulation, tissue cutting, or tissue destruction, the ophthalmic Nd:YAG laser (mode-locked or Q-switched) intended for posterior capsulotomy uses very short duration exposures (pulses) that are focused precisely to small spot sizes, and produce a high local irradiance (power density). The combination of short exposure duration and high irradiance results in nonlinear absorption of the radiation by the target tissue, causing tissue disruption through optical

breakdown. The plasma generated by the process of optical breakdown provides protection for posterior tissue in direct line with the incident beam. These characteristics are unique among lasers to the ophthalmic Nd:YAG laser, and permit it to perform successfully the capsulotomy procedure, where other ophthalmic lasers have failed.

The Nd:YAG laser is one component of the overall device system which includes not only the laser but the conditioning optics, a delivery system, an aiming system, and operator controls. Its laser beam must be shaped by conditioning optics to a configuration with a specific profile and desired characteristics. The physical properties of the Nd:YAG laser beam that directly influence the ability of the device to perform its intended function safely and effectively are its invisible infrared beam at a wavelength of 1,064 nanometers, output pulse generating method, output energy, pulse width, spatial mode, convergence angle, spot size, and pulse repetition frequency. The only variable to be selected by the ophthalmic surgeon during the posterior capsulotomy procedure is the device's output energy.

B. Device Specifications

The following specifications were derived from the data from studies included in the petition for Nd:YAG lasers (Ref. 1). Mode-locked laser output consists of a train of 7 to 10 pulses with a pulse duration of about 30 nanoseconds and a pulsewidth of about 30 picoseconds. Q-switched laser output consists of single pulses, with pulsewidths of about 2 to 20 nanoseconds in duration.

The typical threshold of optical breakdown of tissue in air for mode-locked lasers is 10^{14} watts per centimeter squared, and for Q-switched lasers is 10^{11} watts per centimeter squared. The threshold for optical breakdown of tissue in an aqueous environment appears to be lower but varies depending upon the nature of the tissue. For disruption of the posterior capsule of the eye, and energy setting of 1 to 2 millijoules results in optical breakdown creating the desired tissue effect.

In addition to the laser, the other two main components of the device system subject to the petition are a visible light beam aiming system and a slit-lamp biomicroscope used by the operator to target the treatment laser beam and to monitor visually the treatment process.

Risks To Health

The Panel concluded that the ophthalmic Nd:YAG laser (mode-locked or Q-switched) intended for posterior capsulotomy is effective, and for that conclusion relied on the publicly available information establishing that the device can successfully perform a discission of the posterior capsule. The Panel has determined that all reasonably foreseeable risks to health associated with the device are related to unintentional damage to nontarget tissue or latent postoperative complications resulting from user error or device malfunction. These include corneal damage or edema, iris damage, iritis, damage to an IOL in a pseudophakic patient, rupture of the anterior hyaloid face, retinal damage or detachment, hyphema, vitritis, cystoid macular edema, pupillary block, increases in intraocular pressure (IOP), and secondary glaucoma.

Summary of Data Upon Which the Recommendations is Based

The Panel gave close attention to the risks associated with the use of the device. The clinical studies included in support of this petition report few risks to health and those that are reported have been clearly identified and documented. The device specifications for the ophthalmic Nd:YAG laser (mode-locked or Q-switched) intended for poterior capsulotomy (see the "Principles of Operation" section) show that a performance standard may be established that can provide reasonable assurance of safety and effectiveness of the device. The incidence rates for corneal damage and edema, iris damage, iritis, retinal damage and detachment, hyphema, vitritis, cystoid macula edema, pupillary block, and secondary glaucoma are either lower than those for invasive surgery or are self-limiting and not persistent (Refs. 1 and 9).

In the case of IOL damage, rates of pitting are varied with studies on the subject devices ranging from 4 percent to 40 percent (Refs. 1 through 4 and 6 through 9). This broad range of incidence of IOL pitting reflects that methods of reporting pitting are non-standardized.

Factors such as slit-lamp illumination, magnification, and the time and care taken by the opthalmic surgeon during the examination all effect the rate and degree of damage by pitting, and therefore, the reported incidence of this phenomenon. Notwithstanding the above observations, the data identify a relationship between the inherent accuracy of the device and user experience.

There has been no correlation between reported IOL pitting and decreases or other effects on patient visual acuity. Of critical importance when considering potential damage to the IOL are the reports of glass IOL's cracking. Device labeling has addressed this problem by contraindicating Nd:YAG posterior capsulotomy in pseudophakic patients with posterior chamber glass IOL implants except when the patient's condition precludes invasive surgery (Ref. 9).

Hyaloid face rupture has been observed in approximately 15 to 32 percent of those patients having Nd:YAG laser posterior capsulotomy (Refs. 1, 6, and 9). This observation occurs in a large proportion of patients undergoing invasive capsular surgery due to the close proximity of the hyaloid face to the posterior capsule. Like IOL pitting, this rate is affected by the accuracy of the device and user experience. If hyaloid face rupture occurs, virtreous may consequently enter the anterior chamber. When vitreous touches the corneal endothelium, there may be an increased incidence of late onset corneal edema.

Increases in IOP in patients have been commonly reported following Nd:YAG laser posterior capsulotomy (Refs. 1, 3, 5, 6, 7, and 9). Although IOP rises may be associated with ophthalmic surgery in general, rises following laser surgery have a greater potential for being sight threatening due to the fact that the ocular globe is a closed system. Studies have clearly established that IOP should be monitored closely in the immediate postoperative period following Nd:YAG laser posterior capsulotomy. Generally, IOP rises of clinical significance are being detected 2 to 3 hours after treatment (Ref. 1).

Although the risks of IOP rises in most patients following laser posterior capsulotomy can be controlled or avoided with proper medication, a small proportion of patients (2 to 3 percent) may develop secondary glaucoma requiring long-term treatment with medication (Refs. 1 and 9). Pretreatment of patients with IOP lowering medications has been demonstrated to significantly decrease the incidence of IOP rises in the immediate postoperative period (Ref. 3). In fact, many surgeons prophylactically treat all patients scheduled for Nd:YAG laser posterior capsulotomy with IOP lowering medications.

The risks identified above that are directly attributable to the Nd:YAG laser can be addressed by class II controls. The risks of IOL damage and hyaloid face rupture are related to the focusing accuracy and precision of the device and, therefore, can be controlled through ensuring proper device design. In addition, through proper device labeling disclosures, the risk of IOP rise can be controlled by the surgeon through available, established medical treatments. In summary, a device designed with the proper device specifications and produced under an adequate quality assurance program that will ensure that critical specifications are met within specified tolerances can reasonably assure that the ophthalmic Nd:YAG (mode-locked or Q-switched) is safe and effective for discission of the posterior capsule of the eye, when the device is used consistent with appropriate labeling.

FDA's Tentative Findings

FDA tentatively agrees with the Panel's recommendations that the generic type of device, ophthalmic Nd:YAG laser (mode-locked or Q-switched) intended for posterior capsulotomy, be reclassified from class III into class II.

References

The transcript of the Panel meeting and the following material are on public file in the Dockets Management Branch (address above), where they may be seen by interested perons between 9 a.m. and 4 p.m., Monday through Friday.

1. Medical Laser Manufacturers Association's petition (five independent clinical investigations).

2. Aron-Rosa, D.S., J.J. Aron, and H.C. Cohn, "Use of a Pulsed Picosecond Nd:YAG laser in 6,664 Cases, "*American Intra-Ocular Implant Society Jounal*, pp 35–39, 1984.

3. Aron-Rosa, D.S., "Posterior Capsulotomy and Picosecond Pulsed YAG Laser Influenced on Eye Pressure," *Cataract*, pp. 13–17, 1983.

4. Aron-Rosa, D.S., J.J. Aron, and J.C. Griesman, Paper presented at the U.S. Intraocular Lens Symposium, Los Angeles, CA, 1981.

5. Keates, R.H., "Long-Term Follow-up of Nd:YAG Laser Posterior Capsulotomy," *American Intra-Ocular Implant Society Journal*, pp. 164–168, 1984.

6. Terry, A.C., et al., "Neodymium-YAG Laser for Posterior Capsulotomy," *American Journal of Ophthalmology*, pp. 716–720, 1983.

7. Channel, M.M., and H. Beckman, "Intraocular Pressure Changes After Neodymium-YAG Laser Posterior Capsulotomy," *Archives of Ophthalmology*, pp. 1024–1026, 1984.

8. Johnson, S.R., R.P. Kratz, and P.F. Olson, "Clinical Experience with the Nd:YAG Laser," *American Intra-Ocular Implant Society Journal*, pp. 452–460, 1984.

9. "Public Health Service Assessment of Nd:YAG Laser for Posterior Capsulotomy," *in* "Health Technology Assessment Report," pp. 317–334, 1984.

Economic Consideration

After condisering the economic consequences of approving this reclassification, FDA certifies that this notice requires neither a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96–354). Approval of this petition will not have a significant economic impact on a substantial number of small entities. However, it may permit small potential competitors to enter the marketplace by lowering the barriers of entry. The petitioner and all future manufacturers of the ophthalmic Nd:YAG laser (mode-locked or Q-switched) intended for posterior capsulotomy will be relieved of the costs of complying with the premarket approval requirements in section 515 of the act (21 U.S.C. 360e). There are no off-setting costs that the petitioner will incur from reclassification into class II other than those associated with meeting a standard once established. The magnitude of the economic savings from approval of this petition depends on the total costs that members of the industry would incur to achieve approvals of supplements to premarket approval applications, and original premarket approval applications. These costs may not be reliably calculated to permit quantification of the economic savings. Because of statutory deadlines (section 513(f)(2) of the act) and requirements in the regulations (21 CFR 860.134(b)(5)), FDA is required to publish this notice in the Federal Register as soon as practicable. As authorized by section 8(a)(2) of Executive Order 12291, FDA is publishing in the Federal Register this notice without clearance of the Director, Office of Management and Budget. FDA will notify that Office of the publication of this notice.

Comments

Interested persons may, on or before February 12, 1988, submit to the Dockets Management Branch (address above) written comments on this recommendation. Two copies of any comments are to be submitted. Individuals may submit one copy. Comments are to be identified with the name of the device and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 5, 1987.

Frank E. Young,
Commissioner of Food and Drugs.

[FR Doc. 87–28630 Filed 12–11–87; 8:45 am]
BILLING CODE 4160-01-M

National Institutes of Health

National Heart, Lung and Blood Institute; Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee; Meeting

Pursuant to Pub. L. 93–463, notice is hereby given of the meeting of the Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee, National Heart, Lung, and Blood Institute, January 21–22, 1988, Federal Building, Conference Room B119, 7550 Wisconsin Avenue, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 8:30 a.m. to 10:30 a.m. on Thursday, January 21, and from 12:30 p.m. on Thursday to adjournment on Friday, January 22, to evaluate program support in arteriosclerosis, hypertension and lipid metabolism. Attendance by the public will be limited on a space available basis.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the committee members.

Dr. G. C. McMillian, Associate Director, Arteriosclerosis, Hypertension and Lipid Metabolism Program, NHLBI, Room 4C12, Federal Building, National Institutes of Health, Bethesda, MD 20892, (301) 496–1613, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: December 4, 1987.

Betty J. Beveridge,
Committee Management Officer, NIH.

[FR Doc. 87–28619 Filed 12–11–87; 8:45 am]
BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N–87–1762]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork

Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding proposals. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 755–6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission; (8) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Request for Approval of Escrow Funds.
Office: Housing.
Description of the Need for the Information and its Proposed Use: The form is used by the mortgagor to request release of funds from the Escrow Agreement for offsit facilities, construction changes, or construction costs not paid at final endorsement. HUD needs the information to analyze the requested amounts and to authorize approval.
Form Number: HUD92464.
Respondents: Businesses or Other For-Profit and Non-Profit Institutions.
Frequency of Response: On Occasion.
Estimated Burden Hours: 18,000.
Status: Extension.
Contact: Kerry J. Mulholland, HUD, (202) 426–0283; John Allison, OMB, (202) 395–6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: December 9, 1987.

Proposal: Format: Sample Change Order/or Proceed Order.
Office: Public and Indian Housing.
Description of the Need for the Information and its Proposed Use: Change order and/or proceed orders are needed to formalize and change in construction of a housing project. They direct a contractor to add, delete, or substitute certain construction elements and establish a cost for the work and a timeframe for completion. The information is used by HUD to ensure that suitable equipment and materials meet HUD standards and codes.
Form Number: None.
Respondents: State or Local Governments and Non-Profit Institutions.
Frequency of Submission: On Occasion.
Estimated Burden Hours: 5,081.
Status: Reinstatement.
Contact: William C. Thorson, HUD, (202) 755–6460; John Allison, OMB, (202) 395–6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: December 8, 1987.

Proposal: Section 8 Housing Assistance Payment Program (HAPP) for Existing Housing and Housing Voucher Programs.
Office: Housing.
Description of the Need for the Information and its Proposed Use: This form is used by public housing agencies (PHAs) applying for an allocation of Section 8 Existing Housing units. It is needed by HUD to make funding decisions based on a determination of consistency with housing needs and evidence of PHAs capability.
Form Number: HUD–52515.
Respondents: State or Local Governments.
Frequency of Response: On Occasion.
Estimated Burden Hours: 6,000.
Status: Reinstatement.
Contact: Myra E. Newbill, HUD, (202) 755–6887; John Allison, OMB, (202) 395–6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: December 8, 1987.

Proposal: Personal Financial and Credit Statement.
Office: Housing.
Description of the Need for the Information and its Proposed Use: The form, Personal Financial and Credit Statement, is submitted with the initial application for mortgage insurance of a project. The form is used by HUD to determine whether the sponsor will be able to develop a successful project and have the resources to complete the project.
Form Number: HUD–92417.
Respondents: Individuals of Households, Businesses or Other For-Profit, and Non-Profit Institutions.
Frequency of Response: On Occasion.
Estimated Burden Hours: 64,000.
Status: Extension.
Contact: Kerry J. Mulholland, HUD, (202) 426–0283; John Allison, OMB, (202) 395–6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: December 8, 1987.

Proposal: American Housing Survey—1988 Metropolitan Sample (AHS–MS).
Office: Policy Development and Research.
Description of the Need for the Information and its Proposed Use: The 1988 AHS–MS is a longitudinal study that collects current information on the quality, availability, and cost of housing in eleven selected metropolitan areas. The study also provides information on demographic and other characteristics of the occupants. Federal and local government agencies use AHS data to evaluate housing issues.
Form Number: AHS–61, 62, 63, 66, 67, 68, and 590.
Respondents: Individuals or Households.
Frequency of Respondents: Annually.
Estimated Burden Hours: 25,386.
Status: Revision.
Contact: Duane T. McGough, HUD, (202) 755–5060; Arthur F. Young, Census, (301) 763–2863; John Allison, OMB, (202) 395–6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: December 8, 1987.

John T. Murphy,
Director, Information Policy and Management Division.

[FR Doc. 87–28676 Filed 12–11–87; 8:45 am]
BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–910–08–4213–02]

Northern Alaska Advisory Council; General Meeting

A general meeting of the Northern Alaska Advisory Council, open to the public, will be held to discuss the Utility Corridor Draft Resource Management Plan/Environmental Impact Statement.

The meeting will be from 8:30 to 12 p.m. on Thursday, January 14, 1988, at BLM's Fairbanks Support Center, 1541 Gaffney Road, on Fort Wainwright.

Public comments on the agenda items will be received by the Council from 9 to 10 a.m. Oral comments may be limited by time and it is recommended that public comments be submitted in writing at the meeting.

For further information contact the Public Affairs Office, Bureau of Land Management, 1541 Gaffney Road, Fairbanks, Alaska 99703, telephone (907) 356–2345.

Roger Bolstad,
Designated District Manager, Northern Alaska/Kobuk District.

November 27, 1987.

[FR Doc. 87–28193 Filed 12–11–87; 8:45 am]
BILLING CODE 4310–84–M

[ES–940–08–4520–13; ES–037835, Group 20]

Illinois; Filing of Plats of Dependent Resurvey, Subdivisions of Sections and Survey of the Rend Lake Acquisition Boundary

December 7, 1987.

1. The plat, in seven sheets, of the dependent resurvey of a portion of the south boundary, a portion of the subdivisional lines, and the survey of the subdivision of sections 4, 6, 7, 8, 9, 17, 31, 32, 33 and 34, and the Rend Lake acquisition boundary, Township 4 South, Range 3 East, Third Principal Meridian, Illinois, will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m., on January 21, 1988.

2. The dependent resurvey and survey was made at the request of the Corps of Engineers.

3. All inquiries or protests concerning the technical aspects of the dependent resurvey and survey must be sent to the Deputy State Director for Cadastral Survey and Support Services, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, prior to 7:30 a.m., January 21, 1988.

4. Copies of the plats will be made available upon request and prepayment of the reproduction fee of $4.00 per copy.

Joseph W. Beaudin,
Acting Deputy State Director for Cadastral Survey and Support Services.

[FR Doc. 87–28560 Filed 12–11–87; 8:45 am]
BILLING CODE 4310–GJ–M

[NV–930–08–4212–11; N–46544]

Realty action; Battle Mountain District, Tonopah Resource Area; Nye County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Realty action; Classification of Federal lands for lease or sale for recreation and public purposes in Nye County, Nevada.

SUMMARY: In response to an application from the State of Nevada, Division of State Lands for a prison honor camp, the following described lands have been examined and found to be suitable for lease or sale under the authority of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869, *et. seq.*):

Mount Diablo Meridian

T. 4 N., R. 43 E.,
Section 25, S½NW¼, W½SW¼, SE¼SW¼.

A parcel of land containing 200 acres.

These lands are not required for any Federal purpose. Disposal is consistent with the Bureau's planning for this area and would be in the public interest. No surface disturbing activity will be permitted on these lands until a cultural resources inventory has been completed.

The lands described in this notice meet the criteria for classification set forth in 43 CFR 2410.1–2 and 2430.4. They will not be offered for lease or sale until the classification becomes effective, and a cultural resources inventory has been completed.

The patent, if issued, would contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890, (43 U.S.C. 945).

2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same under applicable laws and such regulations as the Secretary of the Interior may prescribe.

And would be subject to:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. All valid existing rights in existence at the time of patent issuance.

3. Any other reservations the Authorized Officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Upon publication of this Notice in the **Federal Register**, the above described public lands will be segregated from all forms of appropriation under the public land laws, including locations under mining laws, except as to applications under the mineral leasing laws and application under the Recreation and Public Purposes Act. The segregative effect will end upon issuance of patent or as specified in an opening order to be published in the **Federal Register.**

For a period of 45 days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, P.O. Box 1420, Battle Mountain, Nevada 89820. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the lands described in this Notice will become effective 60 days from the date of publication in the **Federal Register.**

Date: December 1, 1987.

Terry L. Plummer,
District Manager, Battle Mountain, Nevada.

[FR Doc. 87–28600 Filed 12–11–87; 8:45 am]
BILLING CODE 4310–HC–M

[NV–930–08–4212–11; N–46544]

Realty Action; Battle Mountain District, Tonopah Resource Area; Nye County, NV; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction; Realty action, classification of Federal lands for lease or sale for public purposes in Nye County, Nevada.

SUMMARY: **Federal Register** Document 87–25017, appearing in 52 FR 41634 on October 29, 1987, contained erroneous information relative to termination of the segregative effect on the lands described therein. Said notice is hereby corrected to read that the segregative effect will terminate upon issuance of a patent or as specified in an opening

BEST COPY AVAILABLE

order to be published in the Federal Register, whichever occurs first.

Dated: November 27, 1987.

Michael C. Mitchel,

Acting District Manager, Battle Mountain, Nevada.

[FR Doc. 87-28598 Filed 12-11-87; 8:45 am]

BILLING CODE 4310-HC-M

[NV-930-08-4212-14; N-46236]

Realty Action; Battle Mountain District, Tonopah Resource Area; Nye County, NV; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction; Realty action, classification of Federal lands for lease or sale for public purposes in Nye County, Nevada.

SUMMARY: Federal Register Document 87-25018, appearing in 52 FR 41634 on October 29, 1987, contained erroneous description of the lands found suitable for sale. The legal description in said notice is hereby corrected to read:

Mount Diablo Meridian, Nevada

T. 11 N., R. 44 E.,
Section 15, SW¼NW¼SE¼SW¼, SW¼SE¼SW¼, W½SE¼SE¼SW¼, SE¼SE¼SE¼SW¼.

Date: November 30, 1987.

Michael C. Mitchel,

Acting District Manager, Battle Mountain, Nevada.

[FR Doc. 87-28599 Filed 12-11-87; 8:45 am]

BILLING CODE 4310-HC-M

Fish and Wildlife Service

[PRT-723387 et al.]

Receipt of Applications for Permits; Don V. Bryson et al.

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-723387

Applicant: Don V. Bryson, Paintsville, KY

The applicant requests a permit to import the personal sport-hunted trophy of a bontebok (Damaliscus dorcas dorcas) culled from the captive herd maintained by Dr. H.J. Wessels, Harrismith, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT-723590

Applicant: Ralph A. Beglino, Glendale, AZ

The applicant requests a permit to import the personal sport-hunted trophy of a bontebok (Damaliscus dorcas dorcas) culled from the captive herd maintained by Mr. P.J. van der Merwe, Hutchinson, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT-723607

Applicant: William E. Schwartz, Bossier City, LA

The applicant requests a permit to import the personal sport-hunted trophy of a bontebok (Damaliscus dorcas dorcas) culled from the captive herd maintained by Mr. F. W. M. Bowker, Grahamstown, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT-723368

Applicant: Eugene Alan Adelman, Lincolnwood, IL

The applicant requests a permit to import the personal sport-hunted trophy of a bontebok (Damaliscus dorcas dorcas) culled from the captive herd maintained by Mr. P.J. van der Merwe, in Cape Province, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT-723605

Applicant: San Diego Zoological Society, San Diego, CA

The applicant requests a permit to import one captive born Central American tapir (Tapirus bairdii) male from the Beijing Zoological Gardens, Beijing, People's Republic of China, for the purpose of providing a new founder to the North American captive population for enhancement of propagation.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 403, 1375 K Street NW., Washington DC 20005, or by writing to the Director, U.S. Office of Management Authority, P.O. Box 27329, Central Station, Washington, DC 20038-7329.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate applicant and PRT number when submitting comments.

Dated: December 4, 1987.

R.K. Robinson,

Chief, Branch of Permits, U.S. Office of Management Authority.

[FR Doc. 87-28576 Filed 12-11-87; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Pacific Regional Technical Working Group Committee of the National OCS Advisory Board; Meeting

AGENCY: Minerals Management Service, Pacific OCS Region, Interior.

ACTION: National Outer Continental Shelf Advisory Board, Pacific Regional Technical Working Group Committee; notice and agenda for meeting.

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463.

The Pacific Regional Technical Working Group Committee of the National OCS Advisory Board is scheduled to meet January 12-13, 1988 from 8:30 a.m. to 5:00 p.m., at the Sheraton Town House, Regency Room, 2961 Wilshire Boulevard, Los Angeles, California.

The Agenda for the meeting covers the following topics:

Review of Pacific OCS Issues and Activities; OCS Policy Committee Meeting in Corpus Christi, Texas, November 2-5, 1987
Final 5-Year Oil and Gas Leasing Program
Status of Lease Sales 91 and 95
Oregon and Washington Coordination for Lease Sale 132
Update on Post Lease Projects
Post Lease Environmental Analysis
Oregon-Washington Statement Planning Area
Proposed Lease Sale 132
Environmental Studies Program Update
Monitoring: Assessment of Long-Term Changes in Biological Communities in the Santa Maria Basin—Program Update
Update: SCCCAMP Data Archive and Data Analysis
Office of Strategic and International Minerals: Status of Federal Marine Minerals and Regulations Promulgated by DOI Minutes of the meeting will be available for public inspection and copying at the following locations:

Pacific OCS Region, 1340 West Sixth Street, Room 275, Los Angeles, CA 90017
Office of the Offshore Information Service, Minerals Management Service, Department of the Interior, Washington, DC 20240.

Dated: December 4, 1987.

William E. Grant,

Director, Pacific OCS Region.

[FR Doc. 87-28628 Filed 12-11-87; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Golden Gate National Recreation Area Advisory Commission;

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 7:30 p.m. (PST) on Thursday, January 7, 1988, at the Building 201, Fort Mason, San Francisco, California.

The Advisory Commission was established by Pub. L. 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin, San Francisco and San Mateo Counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Vice Chair
Mr. Ernest Ayala
Mr. Richard Bartke
Dr. Howard Cogswell
Brig. Gen. John Crowley USA (ret)
Mr. Margot Patterson Doss
Mr. Neil D. Eisenberg
Mr. Jerry Friedman
Mr. Steve Jeong
Ms. Daphne Greene
Ms. Gimmy Park Li
Mr. Gary Pinkston
Mr. Merritt Robinson
Mr. R. H. Sciaroni
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The main agenda items at this public meeting will be public comment on the Environmental Assessment on the Proposed Relocation of the Central Maintenance Facility for Golden Gate National Recreation Area and a GGNRA staff presentation on proposed bicycle trails within Golden Gate National Recreation Area.

The first item on the agenda will be comment and consideration of the Environmental Assessment on the Proposed Relocation of the Central Maintenance Facility of the Golen Gate National Recreation Area. The proposal for relocating the maintenance facility to an 8-acre parcel adjacent to Fort Point National Monument from its current location at Pier 1 at Fort Mason was presented to the public at the November 10, 1987 meeting of the GGNRA Advisory Commission. Environmental documents on this project are available by request from the Staff Assistant, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, CA 94123, telephone (415) 556-4484.

The second agenda item will be a presentation by the staff of the Golden Gate National Recreation Area of a proposed bicycle route plan for the Golden Gate National Recreation Area.

Interested individuals, representatives of organizations, and public officials are invited to express their views in person at the aforementioned public meeting. Those not wishing to appear in person may submit written statements to the General Superintendent of the Golden Gate National Recreation Area on these items. Statements will be accepted until January 22, 1988.

The meeting is open to the public. Persons wishing to receive further information on this meeting or who wish to submit written statements may contact General Superintendent Brian O'Neill, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, California 94123.

This meeting will be recorded for documentation and transcribed for dissemination. Minutes of the meeting will be available to the public after approval of the full Advisory Commission. A transcript is available after January 25, 1988. For copies of the minutes contact the Office of the Staff Assistant, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, California 94123.

Date: November 27, 1987.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 87-28614 Filed 12-11-87; 8:45 am]

BILLING CODE 4310-70-M

Golden Gate National Recreation Area; Public Hearing

Section 460bb-2(i) of the legislation establishing the Golden Gate National Recreation Area ("GGNRA"), 16 U.S.C. 460bb-2(i), prescribes limitations on new construction or development at the Presidio of San Francisco, which is located entirely within the boundaries of the GGNRA. The legislation also requires that a public hearing conducted by the Secretary of the Interior or his designated representative be held in connection with any proposed new construction or development.

Accordingly, notice is hereby given that a public hearing will be conducted by the Superintendent of the GGNRA on Thursday, January 7, 1988, in order to present to the public and solicit its views on the proposal to build a bowling center facility at the Presidio of San Francisco by the U.S. Army. The hearing will commence at 7:30 p.m. (PST) at Building 201, Fort Mason, San Francisco, California.

The one-story bowling center facility was initially described at a public hearing on January 15, 1987. Since that time, the U.S. Army has re-sited the proposed facility in response to comments made at the initial public hearing. The 12,200 square foot structure will include 12 bowling lanes, a small snack bar, a game room, and a sales counter. A fact sheet and an environmental document on the bowling center are available by request from the Staff Assistant, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, CA 94123, telephone (415) 556-4484.

Interested individuals, representatives of organizations, and public officials are invited to express their views in persons at the aforementioned public hearing. Those not wishing to appear in person may submit written statements to the General Superintendent of the Golden Gate National Recreation Area on this construction project. Statements will be accepted until January 22, 1988.

The meeting will be recorded for documentation and transcribed for dissemination.

Date: November 27, 1987.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 87-28615 Filed 12-11-87; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance office at the phone number listed below. Comments and suggestions on the requirements should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 395-7313.

Title: Coal Production and Reclamation Fee Report, Form OSM-1

Abstract: In order to insure compliance with 30 CFR Part 870 a quarterly

record is required of coal produced for sale, transfer or use nationwide. Individual reclamation fee payment liability is based on this information.

Bureau Form Number: OSM–1
Frequency: Quarterly
Description of Respondents: Coal Operators
Annual Responses: 22,000
Annual Burden Hours: 5500
Bureau Clearance Officer: David A. Collegeman 343–5447

Date: December 3, 1987.

Donald Hinderliter,

Acting Assistant Director, Budget and Administration.

[FR Doc. 87–28561 Filed 12–11–87; 8:45 am]

BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–18 (Sub-No. 96)]

The Chesapeake and Ohio Railway Co.; Abandonment in Cass, Fulton, Pulaski, and Starke Counties, IN; Notice of Findings

The Commission has issued a certificate authorizing The Chesapeake and Ohio Railway Company to abandon its 38.56-mile rail line between Twelve Mile, IN (milepost 173.99) and North Judson, IN (milepost 212.55), in Cass, Fulton, Pulaski, and Starke Counties, IN. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served on the applicant no later than 10 days from publication of this Notice. The following notation must be typed in *bold face* on the lower left-hand corner of the envelope: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: December 7, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87–28643 Filed 12–11–87; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

[CV–87–3776]

Lodging of Consent Decree Pursuant to the Clean Air Act; Oyster Bay, NY

In accordance with departmental policy, 28 CFR 50.7, notice is hereby given that on November 6, 1987, a proposed consent decree in *United States of America v. Town of Oyster Bay*, No. CV–87–3776, was lodged with the United States District Court for the Eastern District of New York. The complaint filed by the United States sought civil penalties and injunctive relief under the Clean Air Act with respect to emissions of particulates from a refuse incinerator formerly operated by the Town of Oyster Bay in Bethany, New York.

The Town terminated operation of the incinerator before January 1, 1987. Under the consent decree, the Town has agreed to pay $44,000 in civil penalties for past violations of the New York State Implementation Plan ("SIP") and the Clean Air Act and consents to the entry of an injunction prohibiting it from restarting the incinerator unless or until it: (1) Has obtained an operating permit or certificate from the New York Department of Environmental Conservation, (2) will operate the incinerator in compliance with the applicable SIP provisions, and (3) has given 60 days advance notice of the startup to EPA.

The Department of Justice will receive for a period of thirty (30) days the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, 20530, and should refer to *United States v. Town of Oyster Bay*, D.J. Ref. 90–5–2–1–919.

The proposed consent decree may be examined at the offices of the United States Attorney, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, and at the Region II office of the Environmental Protection Agency, 26 Federal Plaza, New York, NY 10278. A copy of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. Copies of the proposed consent may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Roger J. Marzulla,

Acting Assistant Attorney General Land and Natural Resources Division.

[FR Doc. 87–28562 Filed 12–11–87; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Wyoming State Standards; Approval

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Approval of Wyoming State Standards: Oil and Gas Well Drilling, Oil and Gas Well Servicing, and Oil and Gas Well Special Services.

SUMMARY: The Notice approves Wyoming's Standards for Oil and Gas Well Drilling, Oil and Gas Well Servicing, and Oil and Gas Well Special Services, submitted for approval on October 27, 1981, December 17, 1981, and November 16, 1984. These Wyoming Standards are independent State standards for which there are no Federal OSHA equivalents. Where a State standard adopted pursuant to an OSHA-approved State plan differs significantly from a comparable Federal standard or is a State-initiated standard, the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (the Act) requires that the State standard must be "at least as effective" in providing safe and healthful employment and places of employment. In addition, if the standard is applicable to a product distributed or used in interstate commerce, it must be required by compelling local conditions and not pose any undue burden on interstate commerce.

On August 4, 1987, OSHA published a **Federal Register** notice (52 Fr 28678) requesting public comment on both the "at least as effective" criterion as well as the product clause test of section 18(c)(2) of the Act. This notice invited interested persons to submit by September 3, 1987, written comments and views regarding the Wyoming standards and whether they should be approved by the Assistant Secretary. In response to this notice, OSHA received comments from three associations representing the oil and gas well industry. All three associations were in favor of the standards and recommended their approval. After review of the record, OSHA has made the decision to approve the standards.

EFFECTIVE DATE: December 14, 1987.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N–3647, 200 Constitution Avenue NW., Washington, DC 20210, Telephone (202) 523–8148.

SUPPLEMENTARY INFORMATION

A. Background

The requirements of adoption and enforcement for safety and health standards by a State with a State plan approved under section 18(b) of the Act are set forth in section 18(c)(2) of the Act and in 29 CFR Part 1902, 29 CFR 1952.7, and 29 CFR 1953.21, 1953.22 and 1953.23. OSHA regulations require that States respond to the adoption of new or revised permanent Federal standards by State promulgation of comparable standards within six months of OSHA publication in the **Federal Register** (29 CFR 1953.23(a)); a 30-day response time is required for State adoption of a standard comparable to a Federal emergency temporary standard (29 CFR 1953.22(a)). Independent State standards also must be submitted for OSHA's review and approval. Newly adopted State standards or revisions to standards must be submitted for OSHA review and approval under procedures set forth in 29 CFR Part 1953, but are enforceable by the State prior to Federal review and approval. Section 18(c)(2) of the Act provides that if State standards which are not identical to Federal standards are applicable to products which are distributed or used in interstate commerce, such standards must be required by compelling local conditions and must not unduly burden interstate commerce. (This latter requirement is commonly referred to as the "product clause.")

On May 3, 1974, notice was published in the **Federal Register** (39 FR 15394) of the approval of the Wyoming State plan and the adoption of Subpart BB to Part 1952 containing the decision. A determination of final approval was made under section 18(e) of the Act on June 27, 1985 (50 FR 28770). The Wyoming State plan provides for the adoption of State standards in the following manner.

The Wyoming Division of Occupational Health and Safety (WOHS) either proposes to adopt Federal standards or drafts such standards as it considers necessary after agency review and research and consultation with other persons knowledgeable in the specific field for which the standards are being formulated. The standards are submitted to the Wyoming Occupational Health and Safety Commission for its approval. The Wyoming plan provides for adoption of a standard as a State standard after public notice and hearing are published in accord with the Wyoming Administrative Procedure Act and the Secretary's rules on rulemaking. By letters of October 27, 1981, December 17, 1981 and November 16, 1984, the standards for Oil and Gas Well Servicing, Oil and Gas Well Drilling and, Oil and Gas Well Special Services were submitted by Wyoming. The subject standards establish rules and regulations applicable to the Oil and Gas Well Drilling, Servicing, and Special Services industries in the State of Wyoming. After the normal open period for public review and comments, the Commission adopted these standards and they became effective on dates as follows: the Oil and Gas Well Drilling standard was adopted finally on July 24, 1981, and became effective on November 2, 1981; the Oil and Gas Well Servicing standard was adopted on July 23, 1981, and became effective October 5, 1981; and, the Oil and Gas Well Special Services standard was adopted on August 3, 1984, and became effective on September 6, 1984.

OSHA does not have specific standards for oil and gas well drilling. It currently applies 29 CFR Part 1910 General Industry Standards and OSHA Instruction STD 1–12–28 to conditions addressed by the Wyoming standards. The Wyoming standards were therefore compared to OSHA's general standards requirements and enforcement policy set out in OSHA Instruction STD 1–12–28, which prescribes alternative abatement methods.

b. Public Participation

A **Federal Register** notice requesting public comment on both the "at least as effective" criterion as well as the product clause test of section 18(c)(2) of the Act was published on August 4, 1987 (52 FR 28878). This notice invited interested persons to submit by September 3, 1987, written comments and views regarding the standards for Wyoming oil and gas well drilling, oil and gas well servicing, and oil and gas well special services and whether they should be approved by the Assistant Secretary. In addition, comments were specifically sought on whether the standards are applicable to products which are distributed or used in interstate commerce; required by compelling local conditions; and unduly burden interstate commerce. In response to the August 4, 1987 **Federal Register** notice, OSHA received comments from the Double Eagle Petroleum and Minin Company; International Association of Drilling Contractors; and, Petroleum Association of Wyoming. All comments received urged OSHA to approve the standards. Double Eagle favors Wyoming independent State standards and indicates that they meet the requirements of providing safe and healthful employment. The Wyoming Chapter of the International Association of Drilling Contractors also believes the standards meet the requirements of the Occupational Safety and Health Act. Petroleum Association of Wyoming, whose members account for more than 90% of the oil and gas well exploration and production in Wyoming, believes the Wyoming standards for oil and gas well operations fully meet the requirements of section 18(c)(2) of the Act and 29 CFR Part 1902 and 29 CFR Part 1953 and urges Federal OSHA to approve the standards.

C. Decision

Having reviewed the State submission and public comments submitted in response to the August 4, 1987 **Federal Register** notice, OSHA has determined that:

(1) The Wyoming standards are at least as effective as Federal OSHA's general standards requirements (29 CFR Part 1910 General Industry Standards) applicable to conditions addressed by the Wyoming standards and OSHA's enforcement policy set out in OSHA Instruction STD 1–12–28, which prescribes alternative abatement methods which meet the intent of 29 CFR 1910.212(a)(1) and (2) for preventing workers contact with rotating bushings and kellys and exposed portions of rotary tables on oil and gas well drilling rigs in leiu of the physical guarding requirements. Thus, OSHA determines that the State standards meet the "at least as effective" criterion of section 18(c)(2) of the Act; and,

(2) The record on these standards includes no evidence, developed by or submitted to OSHA, that the standards are not in compliance with the product clause test of section 18(c)(2) of the Act; therefore the standards are presumed to be in compliance with section 18(c)(2) of the Act.

OSHA therefore approves the Wymoning standards for Oil and Gas Well Drilling, Oil and Gas Well Servicing, and Oil and Gas Well Special Services.

D. Location of Supplement for Inspection and Copying

A copy of the Wyoming standards applicable to the Oil and Gas Well industries, along with approved State provisions for adoption of standards,

may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, U.S. Department of Labor, Federal Office Building, Room 1576, 1961 Stout Street, Denver, Colorado 80294; Occupational Health and Safety Department, 604 East 25th Street, Cheyenne, Wyoming 82002; Office of the Director, Federal-State Operations, U.S. Department of Labor, Room N–3700, 200 Constitution Avenue, NW., Washington, DC 20210.

This decision is effective December 14, 1987.

Authority: Secs. 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR Part 1902, Secretary of Labor's Order No. 9–83 (43 FR 35736).

Signed the 9th day of December, 1987, in Washington, DC.

John A. Pendergrass,

Assistant Secretary.

[FR Doc. 87–28630 Filed 12–11–87; 8:45 am]

BILLING CODE 4510–25–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published November 18, 1987 (52 FR 44240). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, canceled, or rescheduled, or whether changes have been made in the agenda for the January 1988 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone: 202/634–3265, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

Joint Metal Components and Thermal Hydraulic Phenomena, December 15, 1987, Washington, DC. The Subcommittees will review: (1) The North Anna steam generator tube failure, and (2) R. L. Johnson's comments on proposed revision to acceptance criteria for the ECCS rule with respect to steam generator tube integrity.

Reliability Assurance, December 16, 1987, Washington, DC. The Subcommittee will explore the current status of equipment qualification research. Current plans for an equipment qualification risk scoping study will be presented.

Generic Items, December 16, 1987, Washington, DC. The Subcommittee will discuss with representatives from the Duke Power Company the steps involved in implementing the resolution of Generic Issues and/or Unresolved Safety Issues (USIs), the contribution to plant safety resulting from the implementation of the resolution of Generic Issues and USIs, and related matters.

Babcock & Wilcox Reactor Plants, January 5, 1988, *Postponed,* rescheduled for February 4–5, 1988.

Reactor Operations, January 5, 1988 (Tentative) (1:30 p.m.), Washington, DC. The Subcommittee will be briefed on, and discuss problems involved with, in-service testing.

Advanced Reactor Designs, January 6, 1988, Washington, DC. The Subcommittee will review and comment on the draft Commission paper that will be prepared by the NRC Staff regarding the severe accidents and containment issues for the DOE-sponsored advanced reactor designs.

TVA Organizational Issues (Tentative), January 12–13, 1988, Chattanooga, TN. The Subcommittee will continue its review of the safety issues associated with the TVA management reorganization and the Sequoyah restart.

Structural Engineering, January 20, 1988, Albuquerque, NM. The Subcommittee will review the results of the concrete containment model test.

Themal-Hydraulic Phenomena, January 21 and 22, 1988, Los Alamos, NM. The Subcommittee will review the documentation developed by LANL and INEL to support the TRAC PF1 and RELAP–5 Thermal-Hydraulic Codes pursuant to the RES CSAU requirements.

Waste Management, January 21 and 22, 1988, Washington, DC. The Subcommittee will review the following pertinent waste management topics: *HWL* (1) Current legislative actions pertaining to the HLW program; (2) NRC's review of the 3 Site Characterization Plans; and (3) Q-List GTP. *LLW* (1) Uranium mill tailings, with surface water hydrology as an example; and (2) Revision 1 of the Standard Review Plan for shallow land burial (SLB), including engineered barriers and alternatives to SLB. *RES* (1) Groundwater/radionuclide flow (hydrology) in fractured rock; and (2) RES program overview, including: (a) legislative and regulatory requirements; (b) Radioactive Waste Management Research Program Plan for HLW–1987 (NUREG–1245), and FOR LLW–1987 (NUREG–1246); (c) current research plans for FY 1988 and FY 1989 in view of proposed budget cuts; and (d) National Research Council's critique of the NRC HLW and LLW research programs, and the RES Staff's response.

Occupational and Environmental Protection Systems, January 27 and 28 (a.m. only), 1988, Washington, DC (Igne). The Subcommittee will review: (1) The "hot particle" problem, (2) the new revision to the definition of an "extraordinary nuclear occurrence", (3) monitoring the quality and quantity of airborne radionuclides in/out of containment following an accident, (4) the emergency planning rule, (5) the control room habitability report by ANL, and (6) other related matters.

Decay Heat Removal Systems, January 28, 1988, Washington, DC. The Subcommittee will continue its review of the NRC Staff Resolution Position for USI A–45: "Shutdown Decay Heat Removal Requirements."

Joint Scram Systems Reliability and Core Performance, January 29, 1988, Washington, DC. The Subcommittees will review the current status of LWR plant operations (core reload designs, etc.) as they impact on core reactivity control operational limits (e.g., moderator temperature coefficients) in general, and ATWS analyses in particular.

TVA Organizational Issues (Tentative), February 2–3, 1988 (*alternate date* for the January 12–13th meeting), Chattanooga, TN. The Subcommittee will continue its review of the safety issues associated with the TVA management reorganization and the Sequoyah restart.

Babcock & Wilcox Reactor Plants (Tentative), February 4–5, 1988, Washington, DC. The Subcommittee will continue its review of the long-term safety review of B&W reactors. This effort was begun during this summer of 1986; initial Committee comments offered on July 16, 1986 in a letter to V Stello, EDO.

Auxiliary Systems, February 9, 1988 (8:30 a.m.–12:00 noon), Washington, DC. The Subcommittee will discuss the: (1) Criteria being used by utilities to design Chilled Water Systems, (2) regulatory requirements for Chilled Water System design, and (3) criteria being used by the NRC Staff to review the Chilled Water System design. To facilitate this discussion, some members of the Subcommittee will tour the Shearon Harris plant to look at the Chilled Water System design at that plant.

Reliability Assurance, February 9, 1988 (1:00 p.m.), Washington, DC. The Subcommittee will discuss items regarding testing performed on Containment Isolation valves and a test plan for the isolation of high energy line breaks. The final version of R.G. 1.100, Rev. 2, Seismic Qualification of Electrical and Mechanical Equipment for Nuclear Power Plants, will be reviewed.

Human Factors Seminar, February 10, 1988 Washington, DC. The Subcommittee will be briefed on topics of interest regarding Human Factors.

Diablo Canyon, February 23–24, 1988 (Tentative), San Francisco, CA. The Subcommittee will review the status of the Diablo Canyon Long-Term Seismic Program.

Auxiliary Systems, March 9, 1988 Washington, DC. The Subcommittee will discuss the final report on the Fire Risk Scoping Study being performed by Sandia National Laboratories for the NRC.

Metal Components, Date to be determined (January), Charlotte, NC. The Subcommittee will review the status of the NDE of cast stainless steel piping and other topics related to Subcommittee activities.

Improved Pressurized Water Reactor Designs. Date to be determined (February), Washington, DC. The Subcommittee will discuss and hear presentations from Westinghouse representatives and the NRC Staff regarding the PRA and WAPWR (RESAR SP/90) design.

Containment Requirements, Date to be determined (February/March), Washington, DC. The Subcommittee will review the hydrogen control measures for BWRs and Ice Condenser PWRs (USI A–48).

Severe Accidents, Date to be determined (February/March) (Tentative), Washington, DC. The Subcommittee will review the final version of the NRC Staff's proposed generic letter on Individual Plant Examinations (IPEs).

Improved Pressurized Woter Reactor Designs, Date to be determined (March), Washington, DC. The Subcommittee will discuss the comparison of WAPWR (RESAR SP/90) design with other modern plants (in U.S. and abroad).

Containment Requirements, Date to be be determined (April), Washington, DC. The Subcommittee will review the NRC Staff's document, on containment performance and improvements (all containment types).

Decay Heat Removal Systems, Date to determined (April/May), Washington, DC. The Subcommittee will review the proposed resolution of Generic Issue 23, "RCP Seal Failures."

Improved Pressurized Water Reactor Designs, Date to be determined, (April/May), Washington, DC. The Subcommittee will review the draft SER in regard to the reactor, reactor coolant system, and regulatory conformance for the WAPWR RESAR SP/90 design.

ACRS Full Committee Meeting

January 7–9, 1988—Items are tentatively scheduled.

*A. *Advanced Boiling Water Reactor (Open)*—Briefing regarding design features of GE proposed advanced BWR.

*B. *Operating Experience at Nuclear Facilities (Open/Closed)*—Briefing and discussion of recent operating incidents and events at nuclear power plants.

*C. *Equipment Qualification (Open)*—Briefing and discussion regarding proposed equipment qualification program for nuclear power plants.

*D. *Leak-Before-Break Requirements (Open)*—Briefing and discussion regarding proposed final revision of 3.6.3 of the NRC Standard Review Plant, Leak-Before-Break Evaluation Procedures.

*E. *Nuclear Industry Initiatives (Open)*—Briefing by representatives of the nuclear industry regarding industry initiatives to improve the operation and regulation of reactors.

*F. *AEOD Activities (Open)*—Discussion regarding items of mutual interest regarding activities of the NRC Office for Analysis and Evaluation of Operational Data.

*G. *Safety Implications of Control Systems (Open)*—Discuss proposed ACRS comments/recommendations regarding proposed NRC staff resolution of this unresolved safety issues (USI A–47).

*H. *Seismic Design Criteria (Open)*—Briefing and discussion regarding proposed NRC final resolution of this unresolved safety issue (USI A–40).

*I. *ACRS Subcommittee Activities (Open)*—Report regarding status of assigned subcommittee activities including inservice testing of nuclear power plant systems/components, reliability assurance, and steam generator tube integrity.

*J. *New ACRS Members (Closed)*—Discuss qualifications of candidates proposed for consideration as members of the ACRS.

*K. *ACRS Future Activities (Open)*—Discuss anticipated ACRS subcommittee activities and items proposed for consideration by the full Committee.

*L. *Renewal of Nuclear Power Plant Licenses (Open)*—Briefing and discussion of proposed NRC policy statement regarding renewal of nuclear power plant licenses.

February 11–13, 1988—Agenda to be announced.

March 10–12, 1988—Agenda to be announced.

Date: December 8, 1987.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 87–28649 Filed 12–11–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–341]

Detroit Edison Co.; Fermi-2; Issuance of Final Director's Decision

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision concerning a Petition dated May 7, 1987, filed by the Government Accountability Project (Petitioner) on behalf of the Safe Energy Coalition of Michigan and the Sisters, Servants of the Immaculate Heart of Mary Congregation. The Petitioner requested that the U.S. Nuclear Regulatory Commission (NRC) take certain actions with regard to an "employee concern" program of the Detroit Edison Company (Licensee) entitled the SAFETEAM program at the Fermi-2 plant, or alternatively modify, suspend, or revoke the facility's operating license. The actions the Petitioner requested the NRC to take with regard to the SAFETEAM program include (1) taking possession of all the SAFETEAM files, reviewing the allegations for potential safety-related deficiencies, and making these concerns public; (2) requiring that all SAFETEAM allegations be processed by the Licensee in accordance with 10 CFR Part 50, Appendix B; and (3) requiring that all Licensee employees be fully informed about the SAFETEAM program before they choose to submit information to the SAFETEAM or to the NRC.

As bases for these requests, the Petitioner asserts (1) that workers who turned over allegations to the SAFETEAM were harassed, fired or otherwise discriminated against; (2) that the Office of Investigations (OI) did not analyze the safety significance of the

investigative shortcomings of the SAFETEAM program; (3) that the SAFETEAM program was not being properly implemented and was ineffective; (4) the SAFETEAM interviewers are inadequately trained; (5) that deficiencies reported to the SAFETEAM are not recorded on nonconformance reports and are not evaluated by the site quality assurance/quality control staff; and (6) that there is no quality check or accountability for the SAFETEAM program.

The Director has now determined that the Petitioner's request should be denied for the reasons set forth in the "Director's Decision Under 10 CFR 2.206" (DD–87–19), which is available for inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555 and at the local Public Document Room for the Fermi-2 plant at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

A copy of the Decision will be filed with the Secretary for Commission review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), the Decision will become the final action of the Commission twenty-five (25) days after issuance unless the Commission on its own motion institutes review of the decision within that time.

Dated at Bethesda, Maryland, this 8th day of December 1987.

For the Nuclear Regulatory Commission.

John J. Stefano,

Project Manager, Project Directorate III–1, Division of Reactor Projects—III, IV, V & Special Projects.

[FR Doc. 87–28648 Filed 12–11–87; 8:45 am]

BILLING CODE 7590–01–M

Correction of Notice for Florida Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing

On November 27, 1987, the Commission published in the **Federal Register** (52 FR 45413) a Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing for the Florida Power Corporation, Crystal River 3 Nuclear Generating Plant. The notice involved a proposed amendment which would change the surveillance requirement for the emergency diesel generator loading to reflect the diesel generator ratings and the present total load they would be expected to carry. In addition, the requirement for verifying the auto-connected loads would be updated to reflect the present loads.

Due to the exigent nature of the amendment request, the notice allowed the public 15 days for comment and until December 14, 1987 to file a petition for leave to intervene on the proposed amendment. However, the public should have been allowed 30 days to file a petition for leave to intervene on the proposed action.

Therefore, the Commission is correcting the notice published on November 27, 1987, by allowing the public until December 28, 1987 to file a petition for leave to intervene on the proposed amendment.

Dated at Bethesda, Maryland, this 9th day of December, 1987.

For the Nuclear Regulatory Commission.

John C. Schiffgens,

Project Engineer, Project Directorate II–2 Division of Reactor Project–I/II Office of Nuclear Reactor Regulation.

[FR Doc. 87–28647 Filed 12–11–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–254]

Commonwealth Edison Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to the Commonwealth Edison Company (CECo, the licensee) for Quad Cities Nuclear Power Station (QCNPS), Unit 1, located in Rock Island County, Illinois.

Environmental Assessment

Identification of Proposed Action

In general, the proposed license amendment would delete certain license conditions and revise Technical Specification (TS) to incorporate new Cycle 10 reload fuel operating limits, expand operating domains (including operation with equipment out of service), and change jet pump surveillance core flow evaluation methodology. Proposed TS changes specifically related to the Cycle 10 reload fuel operating limits and analyses include: (a) Revising the maximum allowable Linear Heat Generation Rate (LHGR) to be fuel type specific, and establishing a LHGR limit for the new GE8x8EB reload fuel, (b) adding Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) limit curves for the new reload fuel, (c) increasing the Rod Block Monitor (RBM) setpoint, and (d) revising the Minimum Critical Power Ration (MCPR) limit and associated 20% insertion scram time value. Other TS and license condition changes in this amendment that resulted from analyses performed by GE for CECo to expand the unit operating region, and allow for operation with certain equipment out-of-service including the following: (e) deletion of existing License Condition requirements for Single Loop Operation (SLO) and incorporation of similar SLO requirements into the TS, (f) change the analyzed operating region to include increased core flow (ICF) and feedwater temperature (FTR), (g) revision of the Automatic Pressure Relief Subsystem TS to require action only when two or more relief valves are inoperable, and (h) deletion of the license operating restriction for coastdown to 40% power and coast down with off-normal feedwater (FW) heating.

Concurrent with the aforementioned TS changes, several administrative and editorial revisions were proposed for continuity. Furthermore, applicable TS bases and references were updated to reflect new information, fuel type, analyses, computer models, operating domains, and Limiting Conditions of Operation (LCOs).

These revisions to the license of QCNPS, Unit 1, would be made in response to the licensee's application for amendment dated September 18, 1987, as supplemented October 13, 1987, and clarified November 25, 1987.

The Need for the Proposed Action

Pursuant to 10 CFR 50.90, CECo has proposed an amendment of Facility Operating License DPR–29 which would revise certain license conditions and TS in order to provide for Cycle 10 operation of QCNPS, Unit 1.

The Unit 1 Reload 9/Cycle 10 replacement reactor fuel is of the GE8x8EB extended burnup fuel design, which has some different mechanical and nuclear features than the Cycle 9 fuel. Although this fuel type has not been employed at QCNPS before, Reload 9 is still considered a normal reload with no unusual core features or characteristics. The GE8x8EB fuel design described in Topical Report NEDE–24011–P–A, "General Electric Standard Application for Reactor Fuel (GESTAR II), has been reviewed and approved by the NRC for generic applications and extended burnup operations. Utilization of GE8x8EB fuel was recently approved for other non-CECo plants (e.g., Fitzpatrick, Peach Bottom, Limerick, and Millstone). This license amendment will establish the necessary critical operating limits, defiend operating domains, and surveillance requirements to assure safe operation of QCNPS, Unit 1 with the new Cycle 10 reactor core fuel configuration.

Environmental Impacts of the Proposed Action

By letter dated September 18, 1987, as supplemented October 13, 1987, the licensee provided transient and accident safety analyses using approved methods to bound all normal and abnormal conditions of Cycle 10 operation for Unit 1.

The licensee's reload submittal analysis was performed by GE using a new and advanced GEMINI licensing methodology to technically justify Cycle 10 operation. This methodology has been previously reviewed and considered acceptable by the NRC staff. Also, included as part of this reload submittal were transient and accident analyses for the following Equipment Out-of-Service and Extended Operating Domain operating modes (EOOS/EOD): ICF, FW heater(s) out-of-service, FTR, relief valve out-of-service (RVOOS), and SLO. All core wide transients and Emergency Core Cooling System (ECCS) analyses were performed with the most restrictive RVOOS. This reload package, therefore, incorporates additional changes to allow unrestricted operation with only one RVOOS.

GE has reanalyzed the design basis Loss of Coolant Accident (LOCA) event at QCNPS with an improved ECCS computer code package called SAFER/GESTR-LOCA Application Methodology. Results from this analysis of postulated plant LOCAs was provided by CECo in accordance with NRC requirement which demonstrated that QCNPS conforms with the ECCS and Peak Cladding Temperature (PCT) acceptance criteria of 10 CFR 50.46 and Appendix K. Consequently, SAFER/GESTR-LOCA loss of Coolant Analysis (NEDC–31345P dated July 1987) is now considered the primary ECCS licensing basis reference for QCNPS.

Confirmation of jet pump integrity and operation by surveillance methodology based upon a core plate delta P-core flow relationship is more accurate than the presently required power-core flow relationship (Unit 2 has already had this change approved).

The Commission has reviewed these analyses and finds that potential radiological releases during normal operations, transients, and for accidents would not be increased. With regard to non-radiological impacts, the proposed amendment involves systems located entirely within the restricted area as defined in 10 CFR Part 20. They do not affect non-radiological plants effluents and have no other environmental impact. Therefore, the Commission also concludes that there are no significant non-radiological environmental impacts associated with the proposed amendments.

Accordingly, the Commission findings in the "Final Environmental Statement related to Operation of Quad-Cities Nuclear Power Station Units 1 and 2" dated September 1972, regarding radiological environmental impacts from the plant during normal operation or after accident conditions, are not adversely altered by this action. Furthermore, occupational radiological exposure as a result of reload activities and subsequent plant operations allowed by this action will not be adversely different when compared to previous operating and reload cycles. CECo is committed to operate QCNPS in accordance with standards are regulations to maintain occupational exposures levels "as low as reasonably achievable".

Alternative to the Proposed Actions

The principal alternative would be to deny the requested amendment. This alternative, in effect, would be the same as a "no action" alternative. Since the Commission has concluded that no adverse environmental effects are associated with this proposed action, any alternatives with equal or greater environmental impact need not be evaluated.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the Nuclear Regulatory Commission's Final Environmental Statement dated September 1972 related to this facility.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's requests of September 18, 1987, October 13, 1987 and November 25, 1987; and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon this environmental assessment, the Commission concludes that the proposed action will not have a significant adverse effect on the quality of the human environment.

For further details with respect to this action, see the request for amendments dated September 18, 1987, as supplemented October 13, 1987, and clarified by November 25, 1987, and the Final Environmental Statement for QCNPS dated September 1972; which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington DC 20555 and at the Dixon Public Library, 221 Hennepin Ave., Dixon, Illinois 61021.

Dated at Bethesda, Maryland this 9th of December, 1987.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Director, Project Directorate III–2, Division of Reactor Projects-III, IV, V and Special Projects.

[FR Doc. 87–28783 Filed 12–11–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 55–60755; ASLBP No. 87–551–02–SP]

Alfred J. Morabito, Senior Operator License for Beaver Valley Power Station, Unit 1; Oral Presentation

December 8, 1987.

Before Administrative Judge: Charles Bechhoefer.

Notice is hereby given that, in accordance with the Presiding Officer's Memorandum and Order dated November 24, 1987 (LBP–87–31) and the Order dated December 7, 1987, an oral presentation in this informal proceeding involving an application for a senior operator's license at the Beaver Valley Power Station, Unit 1 will be held on Monday, February 22, 1988, commencing at 9:30 a.m., at the William S. Moorhead Federal Building, 1000 Liberty Avenue, GSA Conference Room 2102, Pittsburgh, Pennsylvania. (To the extent necessary, the presentation will continue on Tuesday, February 23, 1988.)

Members of the public are invited to attend this oral presentation. At the outset of the presentation on February 22, 1988, at 9:30 a.m., the Presiding Officer will entertain oral limited appearance statements from members of the public, as provided by proposed 10 CFR 2.1211. Requests to make oral statements should be submitted to the Office of the Secretary, Docketing and Service Branch, U.S. Nuclear Regulatory Commission, 1717 H Street NW., Washington, DC 20555. A copy of any such request should also be served on the Presiding Officer.

Dated at Bethesda, Maryland this 8th day of December, 1987.

Presiding Officer.

Charles Bechhoefer,

Adminstrative Judge.

[FR Doc. 87–28850 Filed 12–11–87; 8:45 am]

BILLING CODE 7590–01–M

PRESIDENT'S COMMISSION ON PRIVATIZATION

Business Meeting and Hearings

SUMMARY: Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the President's Commission on Privatization will be held.

DATES AND TIMES: December 21 and 22, 1987. Business Meeting—December 21, beginning at 10:00 a.m. Hearings—December 21, beginning at 2:00 p.m. and December 22, beginning at 9:30 a.m.

ADDRESS: Room 124 of the Dirksen Senate Office Building, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Wiley Horsley, Commission Staff Manager, 1825 K Street NW., Suite 310, Washington, DC 20006, 202/634–6501.

SUPPLEMENTARY INFORMATION: The purpose of the business meeting is to discuss and vote on Air Traffic Control and related issues, and other matters. The purpose of the hearings is to hear witness testimony relating to the Privatization of Education and contracting issues. The business meeting and the hearings are opened to the public.

James C. Miller III,

Director, Office of Management and Budget.

[FR Doc. 87–28707 Filed 12–10–87; 10:44 am]

BILLING CODE 3115–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142.

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, 450 Fifth Street, NW., Washington, DC 20549.

Extension

Form 2–E, File No. 270–222
Form 13F, File No. 270–22
Rule 24f–1, File No. 270–130
Rule 24f–2, File No. 270–131
Rule 6e–2, File No. 270–177
Rule 18f–1, File No. 270–187
Rule 17a–7, File No. 270–238
Rule 19a–1, File No. 270–240
Rule 30a–1, File No. 270–210
Rule 30b2–1, File No. 270–213
Rule 17a–8, File No. 270–225
Form N–8A, File No. 270–135
Form N–8F, File No. 270–136
Rule N–17D–1, File No. 270–231
Form N–23C–1, File No. 270–230
Form N–54A, File No. 270–182
Form N–54C, File No. 270–184
Form N–6F, File No. 270–185

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Form 2–E under the Securities Act of 1933 (17 CFR 239.201) and Form 13F under the Securities Exchange Act of 1934 (17 CFR 249.325).

Form 2–E is the form that a small business investment company that has engaged in a limited offering of its securities uses to report semi-annually the progress of the offering, including the number of shares sold. Each repondent spends approximately 10 hours, annually, reporting on Form 2–E.

Form 13F is used by certain large investment managers to report quarterly with respect to certain securities over which they exercise investment discretion. Each report takes about 24.6 hours to fill out.

Notice is also given that the Securities and Exchange Commission has submitted for extension of OMB approval the following forms and rules under the Investment Company Act of 1940:

Rule 24f–1 (17 CFR 270.24f–1) permits certain investment companies that have inadvertently sold more shares than are registered to register the oversold shares under the Securities Act of 1933. The reporting burden under the rule is about 2 hours per respondent.

Rule 24f–2 (17 CFR 270.24f–2) allows certain investment companies to register their shares under the Securities Act of 1933 without specifying at the time of registration the total number of shares to be registered. Registrants spend about 1.9 hours per response.

Rule 6e–2 (17 CFR 270.6e–2) grants investment companies offering scheduled premium variable life insurance contracts exemptions from the Investment Company Act of 1940. The rule requires a reporting burden of about 41.7 annual burden hours per respondent.

Rule 18f–1 (17 CFR 270.18f–1) enables a registered open-end management investment company that may redeem its securities in kind to elect to commit to make limited cash redemptions without violating section 18(f) of the Investment Company Act of 1940. A response takes approximately 1 hour.

Rule 17a–7 (17 CFR 270.17a–7) requires various records to be kept in connection with certain purchase or sale transactions between registered investment companies and certain of their affiliates. Each recordkeeper spends about 1 hour, annually, meeting this requirement.

Rule 19a–1 (17 CFR 270.19a–1) requires a written statement to accompany certain dividend payments. A respondent would probably spend about .25 hours, annually, meeting this requirement.

Rule 30a–1 (17 CFR 270.30a–1) requires every registered management investment company to file a semi-annual report with the Commission. The burden of meeting the requirement of this rule is the burden of filing Form N–SAR, the reporting form prescribed under the rule. Approval for Form N–SAR has been given separately.

Rule 30b2–1 (17 CFR 270.30b2–1) requires the filing with the Commission of four copies of every periodic or interim report transmitted by or on behalf of any registered investment company to its shareholders. Approval for requiring the reports, themselves, has been given separately. The burden of filing the reports is negligible.

Rule 17a–8 (17 CFR 270.17a–8) exempts certain mergers or consolidations involving investment companies from section 17(a) of the Investment Company Act of 1940. The rule requires approximately 1.5 hours of recordkeeping per company involved in such a merger or consolidation.

Form N–8F (17 CFR 274.218) is the form prescribed for use by certain registered investment companies requesting orders of the Commission declaring that they have ceased to be investment companies. The form takes about 6 hours to fill out.

Form N–8A (17 CFR 274.10) is used by companies to notify the Commission of their registration under the Investment Company Act of 1940. The form takes about 1 hour to fill out.

Form N–17D–1 (17 CFR 274.200) is used by small business investment companies and banks affiliated therewith to report any loan, advance of credit to, or acquisition of securities or property of a small business concern or any agreement to do any of the foregoing. The annual burden of filling out the form is approximately 5 hours per response.

Form N–23C–1 (17 CFR 274.201) is a form on which closed-end investment companies report repurchases of their own securities. The form takes about 1 hour to fill out.

Form N–54C (17 CFR 274.54) is used to notify the Commission that a company withdraws its election to be regulated as a business development company. The annual burden is about 1 hour per respondent.

Form N–54A (17 CFR 274.53) is the notification of election to be regulated as a business development company. The annual burden is about .5 hours per respondent.

Form N–6F (17 CFR 274.15) permits a company that has lost its exclusion from the Investment Company Act of 1940 because it intends to make a public offering as a business development company, but is not ready to file Form N–54A, to remain exempt from that Act for up to 90 days. The form takes about .5 hours to fill out.

Comments should be submitted on OMB Desk Officer: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

December 8, 1987.

[FR Doc. 87–28671 Filed 12–11–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–25176; File No. SR–Amex–87–30]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Suspension for Non-Payment of Disciplinary Fines

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 17, 1987, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms or Substance of the Proposed Rule Change

The Exchange proposes to provide for the summary suspension from association with a member or member organization of employees of a member or member organization who fail to pay disciplinary fines.

The text of the proposed rule change is available at the Office of the Secretary, American Stock Exchange, Inc. and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

The Exchange proposes to provide for the summary suspension from association with a member or member organization of employees of a member or member organization who fail to pay disciplinary fines levied against them. The Exchange Constitution provides for the summary suspension of members or member organizations for non-payment of disciplinary fines assessed against them. There is, however, no similar provision applicable to employees of members or member organizations.

The Exchange's inability to summarily suspend member or member organization employees who fail to pay disciplinary fines undermines the effectiveness of the Exchange's disciplinary sanctions, since it requires the Exchange to devote legal resources to unnecessary enforcement activities. In order to respond to a person's refusal to pay a fine, the Exchange must commence a second disciplinary proceeding, with all of the formalities of a hearing and with full appeal procedures. Throughout this process, the respondent could continue in the organization's employment even though he had completely disregarded the decision of an Exchange Disciplinary Panel.

The Exchange therefore proposes to amend Rule 345 to provide for the summary suspension from association with a member or member organization of any member or member organization employee who fails to pay a disciplinary fine within thirty (30) days after it becomes due. Summary action would be taken only after any appeal of the original sanction had been exhausted and the decision had become final.

(2) Basis

The proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of section 6(b)(6) in particular in that it is intended to assure that persons associated with member or member organizations of the Exchange shall be appropriately disciplined for violation of the rules of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the File Number SR–Amex–87–30 and should be submitted by January 4, 1988.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 7, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-28621 Filed 12-11-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25173; File No. SR-CBOE-87-47]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Retail Automatic Execution System ("RAES") in Equity Options

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 19, 1987, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of the Proposed Rule Change

Additions are italicized; deletions are bracketed.

The following describes eligibility criteria for members to participate as contra-brokers on RAES in equity options for a six-month pilot program:

RAES eligibility in Equity Options

1. Any Exchange member who has registered as a market-maker is eligible to log onto RAES in an equity option class, so long as the following requirements are met.

2. The market-maker must log onto the system using his own acronym and individual password. All RAES trades to which the market-maker is a party will be assigned to and will clear into his designated account.

3. The market-maker may designate that his trades be assigned to and clear into either his individual account or a joint account in which he is a participant. [Consistent with Exchange rules and interpretations thereof] *Unless exempted by the Floor Procedure Committee,* only one participant in a joint account may use the joint account for trading in a particular option class at one time on RAES in regular trading.

4. *Unless exempted by the Floor Procedure Committee,* a market-maker may log onto RAES in a particular equity option only in person and may continue on the system only so long as he is present in that trading crowd. *Accordingly, absent exemption from the foregoing limitation,* [A] *a* member may not remain on the RAES system and must log off of the system when he has left the trading crowd, unless the departure is for a brief interval.

5. *In such option classes designated by the Floor Procedure Committee, any market-maker who logs onto RAES must log onto the RAES system in that option class whenever he is present in that trading crowd until the next expiration.*

[5] *6.* Failure of a member to abide by the [these eligibility] *the foregoing* requirements [; including but not limited to logging off RAES upon leaving the trading crowd] will be subject to disciplinary action under, among others, Rule 8.20 and Chapter XVII of the Exchange Rules. Such failure may also be the subject of remedial action by the [Market Performance Committee] *Floor Procedure Committee,* including but not limited to suspending a member's eligibility for participation on RAES.

[6. In unusual market conditions, the Exchange may grant exemption relief from these provisions.]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The proposed rule change is an amendment to the standards of market-maker eligibility to participate in RAES in equity options. The standards were originally set forth in SR-CBOE-86-22, approved in Exchange Act Release No. 23591 (September 4, 1986), 51 FR 32710 (September 15, 1986).

The amendments are as follows: There is no change in paragraphs 1 or 2. Paragraph 3 has been amended to allow the Floor Procedure Committee to exempt market-makers from the limit on the use of joint account to one participant in that account. Under existing Exchange rules and interpretations thereto, the Floor Procedure Committee already possesses the authority to allow the multiple representation of a joint account. Thus, the revision of paragraph 3 is consistent with the original provision, but clarifies the Committee's authority by so stating in the text.

Paragraph 4 has been amended to state that the Floor Procedure Committee may exempt a market-maker from participating in RAES in an equity option class only while he is present in the trading crowd. Original paragraph 6 afforded the Exchange the general authority to grant exemptive relief from the rule's provisions. By this amendment, the exemptive authority stated in the appropriate paragraphs is delegated to the Floor Procedure Committee.

Paragraph 5 is new, providing that the Floor Procedure Committee may identify option classes where market-makers who log onto RAES will be required to participate in RAES while in person until the next expiration. The pilot of RAES in equity options has disclosed that in some instances, a very small number of market-makers are to logged onto RAES at expiration, typically a time of larger volume and thus greater risk in being on the system. The Exchange believes that this new provision will assume that there will be an adequate number of market-makers on the system throughout an expiration cycle, and that those market-makers who are willing to log onto RAES prior to expiration will be logged onto the system at expiration. Of course, if this relief is insufficient, the Committee may use its exemptive authority to increase the pool of available market-makers.

Advance notice of invocation of the obligation to remain on the system under Paragraph 5 will be given so that no market-maker will have logged onto RAES only to learn after the fact that he has incurred an obligation to remain on the system.

The Exhange believes that the proposed rule change is consistent with the provisions of the Exchange Act and the rules and regulations thereunder, in particular, section 6(b)(5) thereof, in that the proposed rule change will allow for the continuing availability of RAES for public investors with reasonable and fair market-maker participation as contra-brokers.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approved such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 4, 1988.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: December 4, 1987

[FR Doc. 87-28622 Filed 12-11-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25175; File No. SR-NSCC-87-12]

Filing; National Securities Clearing Corp.; National Securities Clearing Corporation's ("NSCC") Rules Concerning Mutual Fund Membership.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 15, 1987 NSCC filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend NSCC's Rules and procedures to establish: (1) The new membership category for broker-dealers that only use Fund/SERV, and (2) the new Fund/SERV Clearing Fund contribution requirement.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

NSCC began operation of its Mutual Fund Settlement, Entry and Registration Verification ("Fund/SERV") service in March, 1986. Fund/SERV has continued to grow over the last 18 months and there currently are 27 broker-dealers and 18 mutual fund distributors participating in the system. As Fund/SERV has grown and matured, NSCC has been examining whether there are broker-dealers who currently are not NSCC members who might benefit from participation in Fund/SERV, as well as whether there are obstacles to their joining NSCC that NSCC could address.

NSCC also has been examining the risks posed to NSCC by Fund/SERV and the manner in which NSCC protects against those risks. In particular, NSCC has been examining the current basis for calculating Clearing Fund requirements based on Fund-SERV activity. As a result of these examinations, NSCC has determined to establish a special limited category of membership for broker-dealers who use only Fund/SERV and to reformulate the method by which NSCC calculates Fund/SERV Clearing Fund requirements.

With respect to the Clearing Fund requirements, Fund/SERV activity currently is assessed for Clearing Fund purposes at the rate of 2 1/2% of gross debits and credits, or 5% of gross debits, whichever is higher. This is the standard formula for non-Continuous Net Settlement activity, and is used to calculate Clearing Fund requirements for a number of activities at NSCC, including "guaranteed" services where NSCC will guarantee to participants settlement credits even if the contra side to the transaction defaults. Fund/SERV, however, is a non-guaranteed service. If a fund or broker-dealer fails, NSCC will seek to reverse the payment made to the *contra* side. NSCC will incur a loss only if the *contra* side is unable to repay the credit, a so-called "double default."

Because the risk of a double default is significantly less than the risk of a single default in a guaranteed service, NSCC is proposing a new Fund/SERV Clearing Fund requirement, both for full-service members and for broker-dealers who may join NSCC solely to use Fund/SERV under the proposed new membership category ("Fund/SERV Broker-Dealers"). The new requirement would be one of three specific dollar amounts, based on the maximum size of debits a broker-dealer can have with each individual fund group ("debit limits").[1] The Clearing Fund requirement will be $5,000 and $10,000 for debit limits of $100,000 and $500,000, respectively, and $20,000 if there is no debt limit.

If NSCC suffers a loss or liability resulting from Fund/SERV, NSCC first would recover that loss from a member's Fund/SERV deposit. If that were insufficient to cover the loss, NSCC would follow its current loss-recovery rules and procedures, *i.e.*, first utilize retained earnings, then the aggregate Fund/SERV deposits, and, finally, the remainder of the Clearing Fund.[2] In

[1] Debit limits apply with respect to debits with each Fund/SERV Member (fund group) since NSCC's risk of loss is that the broker-dealer and each individual Fund/SERV Member default. The limit is not based on total Fund/SERV debits since the risk of a broker-dealer and multiple fund groups defaulting simultaneously is even more remote than a double default.

[2] For a member who utilizes services other than Fund/SERV NSCC, pursuant to the provisions of NSCC Rule 4, would look to the remainder of the defaulting member's Clearing Fund deposit to cover the loss after it exhausts the Fund/SERV deposit and before it took any other action.

addition to changes to the Clearing Fund, NSCC is proposing other changes to establish the new category of Fund/SERV Broker-Dealers. First, a Fund/SERV Broker-Dealer's maximum liability to the Corporation would be limited to its current Clearing Fund requirement and its Clearing Fund deposit could not be used to satisfy other than Fund/SERV losses or liabilities. In addition, there is a shortened Membership questionnaire being proposed that relates only to Fund/SERV activity and NSCC will take steps to streamline its internal membership processing of Fund/SERV Broker-Dealer applicants.[9] No changes, however, are being proposed with respect to NSCC's basic broker-dealer membership requirements or surveillance and compliance procedures.

NSCC believes that the proposed Fund/SERV Clearing Fund requirements and separate limited-use Fund/SERV Broker-Dealer membership category will enhance the Fund/SERV service and encourage greater participation in a centralized settlement system for mutual fund transactions. The proposal accordingly will promote the prompt and accurate clearance and settlement of securities transactions and will not adversely effect NSCC's ability to safeguard securities and further within its custody or control; thus, the proposal is consistent with the provisions of the Securities Exchange Act of 1934, as amended ("Act").

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments on the proposed rule change have not been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and published its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be approved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 4, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: December 4, 1987.

[FR Doc. 87-28623 Filed 12-11-87; 8:45 am]

BILLING CODE 8010-01-M

[9] Other minor conforming amendments to the Rules are proposed to establish this new membership category, such as specific references to this category in Rule 2 and specifying that these new members will not need to join a securities depository.

[Release No. 34-25177; File No. SR-NYSE-87-20]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the New York Stock Exchange Relating to Amendments to NYSE Rule 124 To Modify Pricing Procedures for Standard Odd-Lot Market Orders

The New York Stock Exchange, Inc. ("NYSE") submitted, on July 13, 1987, copies of a proposed rule change pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b-4 thereunder[2] to amend NYSE Rule 124 to modify its pricing procedures for standard odd-lot market orders.[3] The proposal amends the pricing procedure by permitting standard odd-lot market orders to be executed at a price based on the prevailing NYSE quote at the time the order reaches the system designated to price odd-lot orders.

Notice of the proposal was given by the issuance of a Commission release (Securities Exchange Act Release No. 24783; August 7, 1987) and by publication in the **Federal Register** (52 FR 30474; August 14, 1987). No comments were received regarding the proposal.

In its filing, the NYSE indicated that the proposed amendments to the odd-lot rules were intended to simplify and make more efficient the exchange system for executing, processing, and reporting odd-lot orders. Under the existing system, standard odd-lot market orders[4] were routed to the specialist via the Exchange Automated Pricing and Reporting System (APARS). The orders were then held in the system until a round-lot execution in that security took place on the Exchange. Subsequent to the round-lot execution, the odd-lot order received the same price as the round-lot, plus or minus an odd-lot differential. Pursuant to the amendments, the standard market odd-lot order will not have to wait for a triggering round-lot transaction, but instead will receive an execution based on the prevailing NYSE quote,[5] with no odd-lot differential charged on the order. Further, the APARS system will be eliminated, and standard odd-lots will be routed through the Exchange's Limit (LMT) system. In instances in which the NYSE quote is unavailable or unrealiable (*e.g.* when the quote is non-firm), standard odd-lots will receive a price equal to the last NYSE round-lot sale, or in issues which are illiquid and the last sale is not reflective of the current market, the order will be executed by the specialist at a price deemed appropriate under prevailing market conditions. These orders also will be executed without a differential.

Basically, odd-lot limit order executions will be unchanged by the amendments. As currently provided in Rule 214, odd-lot limit orders will be executed at the penetrated sale price sale price, plus or minus any differential. Marketable limit orders wil also continue to be processed in the same manner as odd-lot limit orders, with a differential being charged. Marketable limit orders placed prior to the opening will receive the opening price, plus or minus the differential. Market orders placed prior to the opening will also receive the opening price, however, no differential will be charged on the market orders.

The amendments to Rule 124 will also modify the processing and settlement of NYSE odd-lot orders. Subsequent to execution, all orders will be included in specialist inventory accumulations. A new odd-lot reporting system, APARS II, will provide comparison reports and send a direct input of compared trades to the appropriate clearing systems. Orders delivered through the LMT system will also receive the existing specialist ⅛ point error guarantee.[6]

In general, the Commission finds that the proposed amendments to the NYSE odd-lot pricing system are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. In particular, the amendments are consistent with section 6(b)(5) of the Act,[7] in that they should facilitate the execution and accurate reporting of odd-lot transactions. It is also anticipated that the implementation of the APARS II system will result in improvements in the clearance and settlement of odd-lot transactions. Further, by pricing an order off the current quote instead of subsequent transaction, the order should receive a more timely execution at a price which may be more reflective of the current NYSE market. However, the proposed pricing formula, which will use the NYSE quote instead of the Intermarket Trading System (ITS) best bid or offer, represents a longstanding divergence or opinion between the Commission and the Exchange. The Commission continues to be concerned that using the NYSE quote as a pricing reference point will, at times, result in the execution of customer orders at less than the best available price. This issue has been raised previously in connection with the processing of round-lot orders through the NYSE SuperDot system. Round-lot order routed through the SuperDot system receive a reference price (at this tie, the NYSE best bid or offer) upon entry.[8] If the specialist does not report a manual execution during a predetermined timer period (either two or three minutes), the order will execute automatically at the assigned reference price.[9] A study by the NYSE estimated that these timed orders receive a price equal to the ITS best bid or offer 85% of the time.[10]

Without commmenting at this time on the issue as it pertains to SuperDot, it is important to note that there is a basic difference between the proposed SuperDot and odd-lot pricing systems. As the Exchange noted, in over 90% of SuperDot orders, the order is filled on the floor, thereby minimizing the fact that the NYSE quote may be inferior to the ITS quote up to 15% of the time. In the derivately priced odd-lot pricing system, however, that opportunity for an improved execution does not exist, thereby making an inferior execution more likely.[11] The Exchange has argued that the elimination of the differential, which is traditionally charged on all odd-lot orders, will compensate for any inferior pricing of standard odd-lot market orders that is the result of the use of the NYSE quote. We recognize that the improved efficiencies and reduced transaction costs may result in improved execution of customer orders. Therefore, the Commission has decided to approve the odd-lot pricing aspect of the proposed amendments on a two-year pilot basis. We, however, continue to be commited to ensure that odd-lot orders receive the best price available. Accordingly, during the term of the pilot, the Commission has asked the NYSE to analyze the difference in executions between using the ITS best bid or offer and the NYSE quote without the differential. Specially, the Commission is interested in whether customers generally are receiving a better execution, both in terms of price and time, using the NYSE system.[12] The Commision also is interested in the feasibility of implementing the pricing system using the ITS best and no differential. The NYSE has agreed to report back to us by June 1988 on the operational capability of instituting an odd-lot pricing system using the ITS best. Further, absent compelling reasons, if SuperDot becomes fully effective in the intervening period with the ITS best as its reference price, NYSE will be required to conform its odd-lot system to the SuperDot pricing system within a reasonable period of time.

The Commission finds that the proposed amendments, with the inclusion of the pilot program on the pricing system, are consistent with the requirements of the Act, and specifically section 6 and the rules and regulations thereunder applicable to a national securities exchange. Consistent with section 6(b)(5), the new odd-lot system should result in more efficient odd-lot transactions, and also should assist in the prompt and accurate clearance and settlement of transactions.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: December 7, 1987.

[FR Doc. 87-28625 Filed 12-11-87; 8:45 am]

BILLING CODE 8010-01-M

[1] 15 U.S.C. 78s(b).

[2] 17 CFR 240.19b-4 (1986).

[3] On August 27, 1987, the NYSE filed an amendment to the proposal, requesting partial accelerated approval of the filing to permit the Exchange to implement, for testing purposes, the odd-lot pricing system at one specialist post. *See* letter from Anne E. Allen, Vice President, NYSE, to Howard Kramer, Assistant Director, Division of Market Regulation, dated August 28, 1987. The Commission granted partial approval of the filing, permitting the limited use of the system for testing purposes pending a final resolution of the substance of the filing. *See* Securities Exchange Act Release No. 24918 (September 14, 1987), 52 FR 35338.

[4] Standard odd-lot market orders are orders of less than a unit of trading (usually 100 shares) to purchase, sell, or sell short, which carry no further qualifying notations.

[5] By pricing the odd-lot market order off the quote, market orders to buy get an execution at the offer price, market orders to sell get an execution at the bid.

[6] *See* NYSE Rule 123A.47. The ⅛ point error guarantee pertains to orders routed through exchange automated systems that receive erroneous executon reports. According to the rule, erroneous reports sent by the specialist through the system to subscribing member organizations shall be binding if the report price is no more than ⅛ point away from the execution price or if the subscribing member does not request a correction by the third business day. the amendments provide specifically that all standard odd-lot market and limit orders processed through the LMT system will receive that guarantee.

[7] 15 U.S.C. 78f(b)(5).

[8] The use of the NYSE quote was approved by the Commission on a pilot basis. *See* Securities Exchange Act Release No. 22406 (October 2, 1985) 50 FR 41062.

[9] The NYSE trading crowd is extremely active, therefore a significant majority of SuperDot routed orders are executed within the timer period and do not receive an execution based on the reference price. The NYSE estimated that in 1986, 92% of all SuperDot orders were executed within two minutes. For the first quarter of 1987, that figure remained at 92%; for the second quarter of 1987, the figure was 94%. *See* letter from Santo Famularo, Assistant Vice President, NYSE, to Brandon Becker, Associate Director, Division of Market Regulation, SEC, dated October 6, 1987.

[10] *Id.*

[11] In the past, the NYSE has conceded that the ITS best bid or offer is the appropriate reference point for automated, derivately priced systems. *See* letter from Santo Famularo, Assistant Vice President, NYSE, to Richard T. Chase, Associate Director, Division of Market Regulation, SEC, dated September 24, 1985.

[12] The Commission has requested the NYSE to submit this data at least 3 months prior to the expiration of the pilot to permit the Commission to make a final determination on the pricing aspects of the program.

[Release No. 34-25174; File No. SR-OCC-87-21]

Self-Regulatory Organization; Filing of Proposed Rule Change by the Options Clearing Corp.; Changes in Margin Requirements

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(b)(1), notice is hereby given that on November 25, 1987, The options Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Options Clearing Corporation ("OCC") proposes to amend its margin requirements for non-equity ("NEO") options to provide that the minimum additional margin is the lesser of $150 or 25% of the applicable margin interval.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to correct an unintended effect of OCC's non-equity ("NEO") margin system that results in excessive margin requirements for out-of-the-money options positions in unusually volatile market conditions.

Under OCC's NEO margin system, the margin requirement or credit for each "class group" (options on the same underlying asset) equals the liquidating value of the positions in that class group, based on premium levels at the close of trading on the preceding day, increased (in the case of a negative liquidating value) or decreased (in the case of a positive liquidating value) by the "additional margin" amount for that class group.[1]

Additional margin amounts are calculated based on options price theory. OCC's margin system first calculates the theoretical liquidating value for the positions in each class group assuming either an increase or decrease in the market value of the underlying asset in an amount equal to the applicable "margin interval," which is the maximum one-day price movement in the underlying asset that OCC desires to protect against. Margin intervals are determined separately for each underlying asset, and are adjusted as necessary to reflect changes in volatility in the underlying markets.

The margin system then selects the theoretical liquidating value that represents the greatest decrease (where the actual liquidating value is positive) or increase (where the actual liquidating value is negative) in liquidating value compared with actual liquidating value (based on current premium levels). The difference between that theoretical liquidating value and actual liquidating value is the additional margin amount for that class group.

For deep-out-of-the-money options, the pricing model can yield an additional margin amount of zero. This occurs in the case of options for which no change in value would be predicted given a change in the value of the underlying asset equal to the applicable margin interval. In order to provide a cushion to protect against the risk of a change in value of such options, OCC's system includes a "short option adjustment," which provides a minimum additional margin requirement for all short positions. The short option adjustment was expected to provide a cushion of approximately $150.

The short option adjustment is expressed in OCC's Rules as "25% of the applicable margin interval." At the time those Rules became effective, the margin intervals were set at around 6 points, which yielded the desired margin cushion of approximately $150 per contract through the short option adjustment. During the unusual market conditions of recent weeks, however, OCC has substantially increased its margin intervals to reflect increased volatility. For example, the margin interval for the S & P 100 Index ("OEX") is currently at 20 points.[2] These increased margin intervals yield what OCC believes to be greatly excessive short option adjustments, such as $500 per contract for OEX out-of-the-money contracts.

OCC believes that such margin requirements are unwarranted for these contracts, which may be out-of-the-money by 40 points or more, and can be expected to trade, if at all, for one-eighth or one-sixteenth. A cushion of $150 would provide more than enough protection for these contracts. The options to which the short adjustment applies are those that are so far out of the money as to give rise to no expectation of movement given the assumed market volatility. A $150 additional margin requirement would provide protection for up to a 1200% or 2400% change in a premium of one-eighth or one-sixteenth point. By contrast, the $500 currently required for the OEX protects against a 4000% or 8000% change in the value of these options from the night's close to the point where variation margin could be collected the next day. While there is of course no guarantee that this amount would never be needed by OCC, it is clearly excessive as an ongoing requirement, in the absence of any reasons for concern with respect to any series or class of options. This is particularly true given that OCC recalculates and reassesses its margin needs every night, has the ability to increase margin requirements during the course of the day by calling for variation margin as appropriate, and utilizes a sophisticated system for monitoring the risk of market movements beyond the margin interval.

For these reasons, OCC proposes to amend its Rules to restore the short option adjustment to its original intended level of $150 per contract. This correction to what is, in essence, a systems error would return sorely needed funds to Clearing Members (over $100,000,000 with respect to the OEX alone) at a time when their financing capacity and liquidity are severely strained. In addition, it would remove an artificial impediment to market activity in the affected contracts, which under the current Rules has become prohibitively expensive. At the same time, the proposed rule change would in no way impair OCC's ability to require additional margin deposits for any classes or series for which greater protection is appropriate.

The proposed rule change is consistent with the requirements of section 17A of the Act in that it would further the public interest by eliminating the over-margining of out-of-the-money non-equity options, thereby returning much-needed funds to the brokerage industry and removing an impediment to market liquidity without impairing OCC's protection.

[1] The NEO margin system is described in detail in File No. SR-OCC-85-21.

[2] The OEX is a particularly useful example because it is the most widely traded NEO contract and has the largest open interest in deep out-of-the-money contracts.

B. Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Many of OCC's Clearing Members have requested the margin relief provided for in the proposed rule change as a way for OCC to safely return much-needed funds to them.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission, and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 4, 1988.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

Dated: December 4, 1987.

[FR Doc. 87-28624 Filed 12-11-87; 8:45 am]
BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

December 9, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Gull, Inc.
Common Stock, $.10 Par Value (File No. 7-0787)
Americus Trust for American Home Products
Primes (File No. 7-0788)
Americus Trust for American Home Products
Scores (File No. 7-0789)
Americus Trust for American Home Products
Units (File No. 7-0790)
Americus Trust for Atlantic Richfield
Primes (File No. 7-0791)
Americus Trust for Atlantic Richfield
Scores (File No. 7-0792)
Americus Trust for Atlantic Richfield
Units (File No. 7-0793)
Americus Trust for Bristol-Myers
Primes (File No. 7-0794)
Americus Trust for Bristol-Myers
Units (File No. 7-0795)
Americus Trust for Chevron
Primes (File No. 7-0796)
Americus Trust for Chevron
Scores (File No. 7-0797)
Americus Trust for Chevron
Units (File No. 7-0798)
Americus Trust for Du Pont
Primes (File No. 7-0799)
Americus Trust for Du Pont
Scores (File No. 7-0800)
Americus Trust for Du Pont
Units (File No. 7-0801)
Americus Trust for Eastman Kodak
Primes (File No. 7-0802)
Americus Trust for Eastman Kodak
Scores (File No. 7-0803)
Americus Trust for Eastman Kodak
Units (File No. 7-0804)
Americus Trust for GM
Primes (File No. 7-0805)
Americus Trust for GM
Units (File No. 7-0806)
Americus Trust for GTE
Primes (File No. 7-0807)
Americus Trust for GTE
Scores (File No. 7-0808)
Americus Trust for GTE
Units (File No. 7-0809)
Americus Trust for Hewlett-Packard
Primes (File No. 7-0810)
Americus Trust for Hewlett-Packard
Scores (File No. 7-0811)
Americus Trust for Hewlett-Packard
Units (File No. 7-0812)
Americus Trust for J & J
Primes (File No. 7-0813)
Americus Trust for J & J
Scores (File No. 7-0814)
Americus Trust for J & J
Units (File No. 7-0815)
Americus Trust for Merck
Primes (File No. 7-0816)
Americus Trust for Merck
Scores (File No. 7-0817)
Americus Trust for Merck
Units (File No. 7-0818)
Americus Trust for 3M
Primes (File No. 7-0819)
Americus Trust for 3M
Scores (File No. 7-0820)
Americus Trust for 3M
Units (File No. 7-0821)
Americus Trust for Phillip Morris
Primes (File No. 7-0822)
Americus Trust for Phillip Morris
Scores (File No. 7-0823)
Americus Trust for Phillip Morris
Units (File No. 7-0824)
Americus Trust for Procter & Gamble
Primes (File No. 7-0825)
Americus Trust for Procter & Gamble
Scores (File No. 7-0826)
Americus Trust for Procter & Gamble
Units (File No. 7-0827)
Americus Trust for Sears Roebuck
Primes (File No. 7-0828)
Americus Trust for Sears Roebuck
Units (File No. 7-0829)
Americus Trust for Union Pacific
Primes (File No. 7-0830)
Americus Trust for Union Pacific
Scores (File No. 7-0831)
Americus Trust for Union Pacific
Units (File No. 7-0832)
Americus Trust for Xerox
Primes (File No. 7-0833)
Americus Trust for Xerox
Scores (File No. 7-0834)
Americus Trust for Xerox
Units (File No. 7-0835)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 31, 1987, written data, views and arguments

concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority

Jonathan G. Katz,

Secretary.

[FR Doc. 87-28672 Filed 12-11-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-17125]

Application and Opportunity for Hearing; American Airlines, Inc.

Notice is hereby given that American Airlines, Inc. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Meridian Trust Company (the "Bank") under an indenture dated as of April 15, 1987 (the "April Indenture") between Company and Bank and the trusteeship of the Bank as successor trustee under an indenture dated as of December 1, 1986 (the "December Indenture") between Company and The Connecticut Bank and Trust Company, National Association ("Connecticut Bank"), as trustee, each of which were heretofore qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bank from acting as trustee under either indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture of the same obligor.

The Company alleges:

(1) Pursuant to the April Indenture, the Company has issued $10,406,000 aggregate principal amount of its Equipment Trust Certificates, Series C (the "1987 Certificates"). The Certificates were registered under the Securities Act of 1933 (the "1933 Act") and the April Indenture was qualified under the Act.

(2) Pursuant to the December Indenture, the Company has issued $35,112,000 aggregate principal amount of its Equipment Trust Certificates, Series A (the "1986 Certificates"). The Certificates were registered under the 1933 Act and the December Indenture was qualified under the Act.

(3) Connecticut Bank has advised the Company that, subject to the appointment of a successor trustee, it is resigning as trustee under the December Indenture. The Bank has advised it will accept the appointment, subject to a favorable determination by the Commission as requested in this Application.

(4) There is no default under the April Indenture or the December Indenture.

(5) The Company's obligations with respect to the 1987 Certificates and the 1986 Certificates are and will be secured under separate indentures by separate security interests in separate and distinct property.

(6) Such differences as exist among the Indentures referred to herein and the respective obligations of the Company as obligor under the April Indenture and the December Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under these Indentures.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application which is on file in the Offices of the Commission's Public Reference Section, File Number 22-17125, 450 Fifth Street NW., Washington, DC 20549.

Notice is further given that any interested persons may, not later than January 1, 1988 request in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest or for the protection of investors, unless a hearing is ordered by the Commission. For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-28673 Filed 12-11-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-17864]

Application and Opportunity for Hearing; USAir, Inc.

December 8, 1987.

Notice is hereby given that USAir, Inc. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Meridian Trust Company (the "Bank") under six indentures dated as of November 30, 1987 (the "Indentures") between Company and Bank each of which were heretofore qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under any of these indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of that section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture of the same obligor.

The Company alleges:

(1) Pursuant to the Indentures, the Company will issue $124,800,000 aggregate principal amount of its Equipment Trust Certificates, (the "Certificates"), Series A-F ("Series"), respectively. A Series will be issued under each Indenture in the principal amount of $20,800,000. The Certificates were registered under the Securities Act of 1933 (the "1933 Act") and the Indentures were qualified under the Act.

(2) The Bank has advised it will accept the appointment, subject to a favorable determination by the Commission as requested in this Application.

(3) There is no default under any of the Indentures.

(4) The Company's obligations with respect to each series of Certificates are and will be secured under separate indentures by separate security interests in separate and distinct property.

(5) Such differences as exist among the Indentures referred to herein and the respective obligations of the Company as obligor are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under any of the Indentures.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application which is on file in the Offices of the Commission's Public Reference Section, File Number 22-17864, 450 Fifth Street NW., Washington, DC 20549.

Notice is further given that any interested persons may, not later than January 1, 1988, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commisson, 450 Fifth Street NW., Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and for the protection of investors, unless a hearing is ordered by the Commission. For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-28674 Filed 12-11-87; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Privacy Act of 1974; Systems of Records

AGENCY: Small Business Administration.

ACTION: Notice of establishment of new routine use applicable to existing system.

SUMMARY: The Small Business Administration is amending its Privacy Act System of Records to add a routine use of its Master Loan Files, System SBA 250, and Litigation and Claims Files, System SBA 220, to permit SBA to participate in computer matching programs with other federal agencies to implement Sections 5 and 10 of the Debt Collection Act of 1982.

EFFECTIVE DATES: These amendments shall become effective without further notice 30 calendar days from the date of publication unless comments are received on or before that day which would result in a contrary determination.

SUPPLEMENTARY INFORMATION: The Debt Collection Act of 1982 permits federal agencies, such as the Small Business Administration, to offset delinquent debts against salary or other financial benefits which the debtor may otherwise be due from the federal government. To assist in the identification and location of debtors who are receiving federal benefits, the Department of Defense has developed a computer program to compare the records of creditor agencies against the records of agencies which pay salaries or other federal benefits. SBA is creating a new routine use to permit participation in such computer matches. SBA will submit records of past due accounts for matching. SBA will use the information received as the result of any matches to contact the debtors and attempt to negotiate voluntary repayments. In the event that voluntary payment is not forthcoming, SBA will then pursue salary or administrative offsets pursuant to the Debt Collection Act of 1982.

1. The Notice for System SBA 250 is amended by adding to the end of the section titled "Routine Uses of Records Maintained in the System, Including Categories of User and the Purpose of Such Uses" the following:

It shall be a routine use to provide information to another Federal agency, including the Defense Manpower Data Center of the Department of Defense, to conduct computer matching programs for the purpose of identifying and locating delinquent SBA borrowers who are receiving federal salaries or federal benefit payments. Such disclosure will only be made if the system of records indicates that the loan is at least 30 days past due or to update a previous disclosure initiated when the loan was at least 30 days past due. SBA will make the disclosures to obtain repayments of debts under the provisions of the Debt Collection Act of 1982 by voluntary repayment, or by administrative or salary offset procedures.

2. The Notice for System SBA 220 is amended by adding to the end of the section titled "Routine Uses of Records Maintained in the System, Including Categories of User and the Purpose of Such Uses" the following:

It shall be a routine use to provide information to another Federal agency, including the Defense Manpower Data Center of the Department of Defense, to conduct computer matching programs for the purpose of identifying and locating individuals who are receiving federal salaries or federal benefit payments. SBA will make the disclosures to obtain repayments of debts under the provisions of the Debt Collection Act of 1982 by voluntary repayment, or by administrative or salary offset procedures.

Dated: December 7, 1987.

James Abdnor,

Administrator.

[FR Doc. 87-28675 Filed 12-11-87; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ending December 4, 1987

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 408, 409, 412, and 414. Answers may be filed within 21 days of date of filing.

Docket No. 45322 R-1 & R-2

Parties: Member of International Air Transport Association.

Dated Filed: December 1, 1987.

Subject: Mid East Africa Fares.

Proposed Effective Date: January 1, 1988.

Docket No. 45323 R-1 & R-11

Parties: Member of International Air Transport Association.

Dated Filed: December 1, 1987.

Subject: Mid East/Africa—TC3 Fares.

Proposed Effective Date: January 1, 1988/April 1, 1988.

Docket No. 45333

Parties: American Airlines, Inc.

Dated Filed: December 4, 1987.

Subject: Application to American Airlines, Inc. pursuant to section 412 of

the Act for Discussion Authority with Antitrust Immunity.

Phyllis T. Kaylor,

Chief, Documentary Service Division.

[FR Doc. 87-28653 Filed 12-11-87; 8:45 am]

BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended December 4, 1987

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 45318

Date Filed: November 30, 1987.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 28, 1987.

Description: Application of Argo Airlines, S.A., pursuant to section 402 of the Act and Subpart Q of the Regulations requests issuance of a new foreign air carrier permit recognizing the new owners and finding that the applicant continues to be fit willing and able properly to perform the foreign air transportation awarded in the permit.

Docket No. 45324

Date Filed: December 1, 1987.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 29, 1987.

Description: Application of Resort Air, Inc. d/b/a Trans World Express pursuant to section 401(d)(1) of the Act and Subpart Q of the Regulations requesting authority to engage in scheduled interstate and overseas air transportation of persons, property and mail.

Docket No. 45325

Date Filed: December 1, 1987.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 29, 1987.

Description: Application of Canadian Airlines International Ltd. pursuant to section 402 of the Act and Subpart Q of the Regulations, to transfer all permits and other authority from Pacific Western Airlines Ltd. and Canadian Pacific Airlines Limited to Canadian Airlines International Ltd.

Docket No. 45330

Date Filed: December 4, 1987.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 4, 1988.

Description: Application of Orion Lift Service, Inc. d/b/a/ Orion Air pursuant to section 401 of the Act and Subpart Q of the Regulations, for certificate of public convenience and necessity to engage in scheduled foreign air transportation between the United States and Hong Kong.

Phyllis T. Kayor,

Chief, Documentary Service Division.

[FR Doc. 87-28654 Filed 12-11-87; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

[Summary Notice No. PE-87-32]

Petition for Exemption; Summary of Petitions Received Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion of omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: January 4, 1988.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A) 800 Independence Avenue Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC on December 8, 1987.

Denise H. Hall,

Acting Manager, Program Management Staff.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
[illegible]10	John W. Stanle	14 CFR 61.151(a)(b), 61.155(a)(b)(1) and (b)(2), and 63.37(a)(1) and (2) and (b)(1-7).	Permanent exemption to allow petitioner to: (1) have his private pilot certificate reinstated; (2) revalidate his airline transport pilot (ATP) written test retroactive to November 9, 1984; (3) determine that he is eligible to take an ATP flight test; and (4) release his flight engineer, B-727, written test taken on December 21, 1985.
25345	National Business, Aircraft Association, Inc.	14 CFR 91.191(a)(4) and 135.165(b)	To allow petitioner's members to conduct overwater operations with one long-range navigation receiver.
[illegible]	CC Air, Inc	14 CFR 121.371(a) and 121.378	To allow petitioner to purchase goods and service from foreign original equipment manufacturers in support of petitioner's British Aerospace, Jetstream Model 3101 and Shorts 300-50 aircraft.
[illegible]	Sowell Aviation Co., Inc	14 CFR 141.65	An extension of Exemption No. 4551 to allow petitioner to recommend graduates of its FAA-approved cappification courses for flight instructor and airline transport pilot certificates and ratings without taking the FAA written test in accordance with the provisions of Subpart D of Part 141. *GRANT, November 24, 1987.*

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
25258, 25301, and 25332	Jet East International Airlines, et al	14 CFR 25.853(c) and 121.312(b)	To allow petitioners to operate all-cargo aircraft without complying with the seat cushion flammability requirements of those sections which became effective November 26, 1987. *GRANT, November 25, 1987.*
25284	Polar International Airlines	14 CFR 121.61(d)(2)	To allow petitioner to use the services of Mr. John B. Laner as Chief Inspector (Director of Quality Control) without his meeting the experience requirements of § 121.61(d). *GRANT, November 24, 1987.*
25333, et al	Horizon Air, et al	14 CFR 121.312(b) and 25.853(c)	To allow petitioners to operate certain aircraft without complying with the seat cushion flammability standards of § 25.853 beyond the implementation date of November 26, 1987. *GRANT, November 25, 1987.*
25478, 25479, and 25480	Brockway Air, Inc., et al	14 CFR 25.853(c) and 121.312(b)	To allow petitioners to operate certain aircraft without complying with the seat cushion flammability standards of § 25.853 beyond the implementation date of November 26, 1987. *GRANT, November 27, 1987.*

[FR Doc. 87-28587 Filed 12-11-87; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 135—Environmental Conditions and Test Procedures for Airborne Equipment

Meeting

Pursuant to section 10(a) (2) of the Federal Avisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 135 on Environmental Conditions and Test Procedures for Airborne Equipment to be held on January 7-8, 1987, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Remarks; (2) Approval of the Ninth Meeting's Minutes. RTCA Paper No. 485-87/SC135-209 (previously distributed); (3) Review status of the RF Susceptibility problem and proposed changes to Section 20.0, Radio Frequency Susceptibility, to add test procedures for High Energy Radiated Fields (HERF); (4) Review status of Section 22.0, "Lightning Induced Transient Susceptibility;" (5) Review Section 23.0, "Lightning Induced Transient Susceptibility;" (6) Review Section 24.0, "Icing;" (7) Review First Draft of DO-160C; (8) Update Change Coordinator List; (9) Other Business; and (10) Date and Place of Next Meeting.

Attendance, is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on December 7, 1987.

Herbert P. Goldstein,

Designated Officer.

[FR Doc. 87-28594 Filed 12-11-87; 8:45 am]

BILLING CODE 4910-13-M

Maritime Administration

[Docket S-820]

Application; Lykes Bros. Steamship Co., Inc.

Lykes Bros. Steamship Co., Inc. request to exceed its contractual maximum sailing allowance on Trade Route 15-B (U.S. Gulf/South & East Africa) and to exceed its maximum privilege service allowance between the U.S. Gulf and West Africa.

Lykes Bros. Steamship Co., Inc. (Lykes) by letter dated December 8, 1987, advised that GENEVIEVE LYKES, Voyage 73, is scheduled to sail outbound from the U.S. Gulf on its Line E, Trade Route (TR) 15-B (U.S. Gulf/South & East Africa). This will be Lykes 24th sailing on TR 15-B in 1987. Due to cargo demands in this market as well as previous commitments to shippers, Lykes feels the need to schedule at least two more sailings on this trade route prior to December 31.

Lykes' Operating-Differential Subsidy Agreement (ODSA), Contract MA/MSB-451 stipulates a maximum of 24 sailings per year on TR 15-B. Lykes, therefore, requests—on a one time only basis, and with the understanding that this will not set a precedent—permission to make two additional sailings with full subsidy on TR 15-B before the end of 1987. Lykes states its understanding that no other U.S.-flag liner operator currently serves this trade route and thus, there should be no objection to this request.

In addition, Lykes notes that one of the two scheduled vessels (JAMES LYKES) will also call at West Africa in conjunction with service on TR 15-B. Lykes' ODSA allows up to 12 sailings per year between the U.S. Gulf and West Africa. Lykes was recently granted permission for a 13th sailings with full subsidy. Since the JAMES LYKES would represent the 14th West African voyage, Lykes requests permission to make this call with full subsidy.

Lykes certifies that the vessel operations to be subsidized will be conducted in a manner which will not preclude Lykes from earning at least 50 percent of its inbound gross freight revenue and at least 50 percent of its outbound gross freight revenue for the services covered by the application from the carriage of competitive cargo.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such request and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Comments must be received no later than 5:00 p.m. on December 18, 1987.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies)

By Order of the Maritime Subsidy Board.

Dated: December 10, 1987.

James E. Saari,

Secretary.

[FR Doc. 87-28759 Filed 12-11-87; 8:45 am]

BILLING CODE 4910-81-M

BEST COPY AVAILABLE

National Highway Traffic Safety Administration

[Docket No. IP 87-11; Notice 2]

Grumman Olson; Denial of Petition for Determination of Inconsequential Noncompliance

This notice denies the petition by Grumman Olson, a division of Grumman Allied Industries, Inc., of Sturgis, Michigan, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.101, Federal Motor Vehicle Safety Standard No. 101, "Controls and Displays". The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on August 19, 1987, and an opportunity afforded for comment (52 FR 31120).

Standard No. 101 requires that headlamp controls have the identifying symbol or the specified identifying word placed on or adjacent to the controls. Grumman Olson produced approximately 280, 1987 model year walk-in vans that do not comply with Standard No. 101. These vans are equipped with unidentified headlamp controls. Grumman Olson believes that noncompliance with Standard No. 101 is inconsequential for the following reasons:

1. The position of the light switch has not changed in these vehicles in 10 years.

2. It would be reasonable to assume that new drivers would familiarize themselves with the vehicle before driving it.

3. These vehicles are used by commercial enterprises and typically driven by one person who is familiar with this vehicle.

4. All other controls on the instrument panel are identified allowing the driver to determine that the remaining control is the light switch.

One comment was received on the notice, which opposed the petition on the grounds that the arguments were unrealistic.

The agency has carefully reviewed this matter. Because the control is unidentified either by wording or a symbol, a driver's attention could be diverted while searching for the control or cause a delay in activating the headlamps in an emergency. These are potential safety problems that Standard No. 101 is intended to prevent. While the agency has granted other petitions involving noncompliances with the labelling requirements of Standard No. 101, none have involved the total failure to identify the control. Petitioner has not met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is denied.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: December 8, 1987.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 87-28596 Filed 12-11-87; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP87-09; Notice 2]

Grant of Petition for Determination of Inconsequential Noncompliance; Hose America, Inc.

This notice grants the petition by Hose America, Inc. of Iola, Kansas, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Standard No. 106 "Brake Hoses". The basis of the grant is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on August 13, 1987, and an opportunity afforded for comment (52 FR 30276).

The subject air brake hose has a ⅜ inch nominal internal diameter and was designed for use between the frame and axle or between a towed and a towing vehicle. Paragraph S7.3.10, "Tensile Strength," of Standard No. 106 requires that such hose shall withstand a pull of 325 pounds without separation of the hose from its end fittings.

Hose America reported receiving 106,500 feet of hose produced by Thermoid, Inc., in March 1987 and identified by the symbol KX 93-87 and the following batch codes:

A 571 A
B 571 A
C 571 A
D 571 A
E 571 A
F 571 A

As of May 27, 1987, of the 106,500 feet delivered to Hose America, 88,452 feet have been isolated for recovery. Of the remaining 18,048 feet, 3000 feet have been completed as brake hose assemblies and installed on vehicles but are documented as passing the pull test requirement. As of May 16, 1987, there were 15,044 feet of hose installed as hose assemblies on vehicles produced by four trailer manufacturers and two hoses (4') (delivered by a distributor to Hose America) which may not comply with the pull test requirements.

When tested a few hours after assembly the samples of the above mentioned lot of bulk hose showed the following results at pull test:

Lbs of pull	No. of samples
283	4
290	3
295	1
300	1
309	2
318	4
324	2
330	1
336	1
348	1
365	2
Total	22

Average pounds of pull: 313.6
Lowest pound of pull: 283
Highest pound of pull: 365

In addition, pull tests on freshly made hose assemblies produce elongation over 150% before failure and no leak at 300 psi.

A second pull test was conducted one week after assembly. This test showed values of pounds of pull between 377 and 436. The improvements, according to Hose America, are attributed to the hose having time to set around the barb and the shell of the end fitting assembly. Hose America believes that, even in the condition of "freshly made hose assemblies", "the possibility of noncompliance * * * in inconsequential as it relates to Motor Vehicle Safety."

One comment was received on the petition, which supported it.

The agency has carefully reviewed Hose America's petition, and has concluded that the existance of a noncompliance is in doubt. The standard provides that at least 24 hours shall elapse from assembly to time of testing air brake hose for tensile strength. Petitioner's statement that the first test occurred "within a few hours of assembly" implies that compliance testing occurred earlier than stipulated by the standard. No maximum time period is specified for tensile strength testing and the second test, conducted a week after assembly, demonstrated compliance.

Even were the first test conducted at 24 hours after assembly and a noncompliance demonstrated, it would appear from the second test that, by the time the hose would have been sold and installed for use in a motor vehicle, it would have conformed. Accordingly, it is hereby found that petitioner has met its burden of persuasion and that the noncompliance herein described is inconsequential as it relates to motor vehicle safety.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on December 8, 1987.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 87-28595 Filed 12-11-87; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Financial Management Service

OMB Number: 1510-0022
Form Number: TFS 1022
Type of Review: Extension
Title: First Letter to Payee Requesting a Collection Refund When a Double Payment Exists
Description: The TFS 1022 form is sent when an original and its substitute check which are nonrepetitive payments have been negotiated bearing similar endorsements. The form is mailed to a payee requesting a refund for overpayment. This form allows the Adjudication Division to go directly to a payee if the issuing agency does not have a chargeback agreement with them.
Respondents: Individuals or households
Estimated Burden: 147 hours
Clearance Officer: Hector Leyva (301) 436-5300, Financial Management Service, Room 100, 3700 East West Highway, Hyattsville, MD 20782.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Date: December 8, 1987.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87-28575 Filed 12-11-87; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 239
Monday, December 14, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FARM CREDIT ADMINISTRATION

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The meeting is scheduled to be held at the offices of the Farm Credit Administration in McLean, Virginia, on December 15, 1987, from 10:00 a.m. until such time as the Board may conclude its business.

FOR FURTHER INFORMATION CONTACT: David A. Hill, Secretary to the Farm Credit Administration Board, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703-883-4003).

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be closed to the public. The matter to be considered at the meeting is:

*1. Examination and Enforcement Matters.

Dated: December 9, 1987.

David A. Hill,

Secretary, Farm Credit Administration Board.

[FR Doc. 87-28669 Filed 12-9-87; 4:40 pm]

BILLING CODE 6705-01-M

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [52 FR 46149 December 4, 1987].

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Tuesday, December 1, 1987.

CHANGE IN THE MEETING: Deletion/additional items.

The following item was not considered at a closed meeting on Tuesday, December 8, 1987, at 2:30 p.m.:

Institution of injunctive action.

The following additional time was considered at a closed meeting on Tuesday, December 8, 1987, at 2:30 p.m.:

Formal order of investigation.

*Session closed to the public—exempt pursuant to 5 U.S.C. 552b(c)(4), (8) and (9).

Commissioner Peters, as duty officer, determined that Commission business required the above changes.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Patrick Daugherty at (202) 272-3077.

Jonathan G. Katz,

Secretary.

December 9, 1987.

[FR Doc. 87-28670 Filed 12-9-87; 4:41 pm]

BILLING CODE 8010-01-M

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1396]

TIME AND DATE: 10 a.m. (E.S.T.), Wednesday, December 16, 1987

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

Agenda

Approval of minutes of meeting held on November 12, 1987.

Discussion Item

1. Tellico Reservoir Waterfowl Refuge.

Action Items

A—Budget and Financing

A1. Adoption of Supplemental Resolution Authorizing 1987 Series F Power Bonds.

A2. Resolution Authorizing the Chairman and Other Executive Officers To Take Further Action Relating to Issuance and Sale of 1987, Series F Power Bonds.

A3. Modification of Fiscal Year 1988 Capital Budget Financed from Power Proceeds and Borrowings—Installation of New Electrostatic Precipitator Additions at Colbert Fossil Plant.

A4. Modification of Fiscal Year 1988 Capital Budget Financed from Power Proceeds and Borrowings—(A4.1) Construction of a 161-kV Transmission Line for the West Cookeville-Gainesboro 161-kV Transmission Line and (A4.2) Construction of a 161-kV Transmission Line for the Maury-Radnor No. 2 Transmission Line.

A5. Modification of Fiscal Year 1988 Capital Budget Financed from Power Proceeds and Borrowings—(A5.1) Test and Replacement Program for Silicone Cables at the Sequoyah Nuclear Plant; (A5.2) Provide Engineering and Related Services in Support of the Integrated Design Inspection for the Emergency Raw Cooling Water System at the Sequoyah Nuclear Plant; (A5.3) Civil Engineering Calculation Regeneration Program at the Sequoyah Nuclear Plant; (A5.4) Special System Review of the Design, Modification, Testing, and Operation of Emergency Equipment Cooling Water and Residual Heat Removal Systems at Browns Ferry Nuclear Plant; and (A5.5) Configuration Management to Provide Calculations Supporting the Design Basis and Plant Configuration Required at Browns Ferry Nuclear Plant.

B—Purchase Awards

B1. Letter of Agreement SK-17700A—Rental, Purchase, and Maintenance of Savin Copying Equipment, Accessories and Supplies for Division of Property and Services, Chattanooga, Tennessee.

B2. Letter of Agreement SK-17701A—Rental, Purchase and Maintenance of Xerox Copying Equipment, Accessories and Supplies for Division of Property and Services, Chattanooga, Tennessee.

B3. Letter of Agreement SK-17704A—Rental, Purchase, and Maintenance of Ricoh Copying Equipment, Accessories, and Supplies for Division of Property and Services, Chattanooga, Tennessee.

B4. Request for Proposal RB-751919—Replacement of Telecommunications Systems in Chattanooga and Knoxville, Tennessee.

B5. Invitation TA-470323—240-inch Openside Vertical Boring Mill for the Power Service shop at Muscle Shoals, Alabama.

B6. Request for Proposal YA-15802A—Basic Ordering Agreements for Microcomputer Hardware, Software, Peripherals, and Add-on Products for the ADP Equipment Management Branch.

C—Power Items

C1. Cooperative Agreement No. TV-73678A with Southern California Edison for Cooperation in a Research Project to Conduct Evaluation and Testing of a Sodium Sulfur High Temperature Battery System for Use in Electrical Vehicles.

C2. Cooperative Agreement No. TV-73679A with North Atlantic Technologies, Inc. for Cooperation in a Project to Demonstrate an Open Channel Air Preheater Test Program in Support of the 20-MW Hybrid Atmospheric Fluidized Bed Combustion Project.

C3. Letter Agreement with Cooper Tire & Rubber Company Covering Relocation of TVA's Tupelo-Okolona 161-kV Line and Engineering Work for Relocation of TVA's Leased Tupelo-Okolona 46-kV Line to Accommodate Proposed Expansion of Cooper's Tire Manufacturing Plant Near Tupelo, Mississippi.

C4. Contract No. TV-65205A with Muhlenberg County, Kentucky, Providing for the Relocation of an Access Road to Green River at Paradise Fossil Plant, in Muhlenberg County.

C5. Revisions to the Economy Surplus Power Program Which is Currently Being Offered to TVA's Directly Served Customers on an Experimental Basis.

D—Personnel Items

[1] D1. Supplements to Contract No. TV-71144A Between TVA and Stemar Corporation, Charlottesville, Virginia, Covering Arrangements for Management Services Related to the Nuclear Power Program.

D2. Supplement to Employee Loan Agreement with Institute of Nuclear Power Operations—Contract No. TV-69552A, Requested by Office of Nuclear Power.

D3. Supplement to Employee Loan Agreement with General Electric Company—Contract No. TV-69197A, Requested by Office of Nuclear Power.

D4. Supplement to Employee Loan Agreement with Westinghouse Electric Corporation—Contract No. TV-69499A, Requested by Office of Nuclear Power.

D5. Supplement to Contract No. TV-68702A with Stone & Webster Engineering Corporation, Requested by Office of Nuclear Power.

D6. Supplement to Contract No. TV-68879A with Stone & Webster Engineering Corporation Covering Arrangements for Services Related to TVA's Nuclear Power Program, Requested by Office of Nuclear Power.

D7. Supplement to Employee Loan Agreement with Management Analysis Company, San Diego, California—Contract No. TV-69288A, Requested by Office of Nuclear Power.

D8. Supplement to Employee Loan Agreement with G. L. Rogers Co., Inc.—Contract No. TV-72270A, Requested by Office of Nuclear Power.

D9. Supplement to Employee Loan Agreement with Bechtel North American Power Corportion—Contract No. TV-69196A, Requested by Office of Nuclear Power.

D10. Supplement to Contract No. TV-71143A Between TVA and Basic Energy Technology Associates, Inc., of Annandale, Virginia, for Services Related to the Nuclear Power Program, Requested by Office of Nuclear Power.

D11. Supplement to Personal Services Contract No. TV-71471A with H. E. Stone, Inc. of San Jose, California, for Assistance in Connection with TVA's Nuclear Power Program, Requested by Office of Nuclear Power.

D12. Supplement to Consulting Contract No. TV-71028A with Aptech Engineering Services, Palo Alto, California, to Provide Consulting Services in Connection with Issues Related to Welding Review Activity at Watts Bar Nuclear Plant, Requested by Office of Nuclear Power.

[1] D13. Supplement to Consulting Contract No. TV-71022A with WPD Associates, Inc. (William P. Derrickson), North Hampton, New Hampshire, Requested by Office of Nuclear Power.

E—Real Property Transactions

E1. Sale of Permanent Easement for Cemetery Purposes to Trustees of Dalton Cemetery, Affecting Approximately 0.14 Acre of Cherokee Reservoir Land in Grainger County, Tennessee—Tract No. XCK-571CE.

E2. Grant of Permanent Easement to the State of Tennessee Department of Transportation for a Road Right-of-Way, Affecting 0.417 Acre of Land in Morgan County, Tennessee—Tract No. XTERA-1H.

E3. Proposed Advertisement and Sale of Permanent Easement for the Construction and Operation of a Commercial Recreation Complex, Affecting 282.8 Acres of Kentucky Reservoir Land, located in Marshall County, Kentucky—Tract No. XGIR-910RE.

E4. Modification of Deed to James C. Martin and Wife, Evia M. Martin, Affecting Approximately 0.06 Acre of Guntersville Reservoir Land in Jackson County, Alabama—Tract No. XGR-37.

E5. Public Auction Sale of Phosphate Mineral Reserve Underlying 600 Acres in Polk County, Florida.

E6. Filing of Condemnation Cases.

F—Unclassified

F1. Supplement to Contract No. TV-69460A with Chattanooga State Technical Community College for Cooperation in a Project to Conduct Job-Search Workshops and Provide for Training, Job Placement, and Relocation Assistance to Dislocated Tennessee Chemical Company Workers in Copper Hill, Tennessee.

F2. Contract No. TV-72499A with United States Department of Agriculture, Soil Conservation Service in Tennessee, for Cooperation in a Project to Reclaim Certain Abandoned Coal and Noncoal Mineral Lands.

F3. Supplement to Subagreement No. 23 to Memorandum of Agreement No. TV-23928A Between TVA and the U.S. Department of the Army, Corps of Engineers, Covering Arrangements for Improvements to Navigation Facilities on the Tennessee River.

F4. Trust Agreement Between TVA Retirement System Board and Mellon Bank, N.A., and Termination of Existing Trustee Agreements.

[1] Items approved by individual Board members. This would give formal ratification to the Board's action.

CONTACT PERSON FOR MORE INFORMATION: Alan Carmichael, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: December 9, 1987.

John G. Stewart,

Manager of Policy, Planning and Budget.

[FR Doc. 87-28720 Filed 12-10-87; 11:02 am]

BILLING CODE 8120-01-M

OL
52
SS
2
3
9
DE
14
987
MI

federal register

Monday
December 14, 1987

Part II

Environmental Protection Agency

40 CFR Part 82
Protection of Stratospheric Ozone; Final Rule and Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL-3299-9]

Protection of Stratospheric Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is requiring that individuals or legal entities involved in the production, import or export of specified ozone-depleting chemicals in 1986 provide information regarding these activities to EPA within 30 days.

To implement the Montreal Protocol, EPA must obtain data on United States 1986 production, imports and exports of the chemicals covered by this agreement. This information is critical because the Montreal Protocol uses 1986 activity as the baseline for its restrictions.

In addition to this request for data, EPA is also publishing today in the **Federal Register** its proposed detailed strategy for implementing the *Montreal Protocol on Substances that Deplete the Ozone Layer* (Montreal Protocol). While EPA is asking for public comment on that proposed strategy, this data collection rule is effective immediately.

EFFECTIVE DATE: December 14, 1987.

FOR FURTHER INFORMATION CONTACT: Stephen Seidel, Stratospheric Protection Program; Office of Program Development (ANR–445); Office of Air and Radiation; 401 M Street, SW., Washington, DC 20460. (202) 382–2878.

SUPPLEMENTARY INFORMATION:

I. Background

On September 16, 1987, the United States and 23 other nations signed the *Montreal Protocol on Substances that Deplete the Ozone Layer* (Montreal Protocol). This agreement sets forth a timetable for reducing specified ozone-depleting chemicals. It represents a significant multilateral response to addressing the health and environmental risks of stratospheric ozone depletion.

The requirements contained in the Montreal Protocol and EPA's proposed plan for implementing them within the United States are discussed in detail in a **Federal Register** notice also published today.

To implement the Montreal Protocol, EPA must obtain data on United States 1986 production, imports and exports of the chemicals covered by this agreement. This information is critical because the Montreal Protocol uses 1986 activity as the baseline for its restrictions.

Although the timing of the effective date of the Montreal Protocol is uncertain (it depends on when the conditions for entry into force are satisfied), it could occur as early as January 1, 1989. The effective date (termed entry into force) would be "January 1, 1989 provided that at least eleven instruments of ratification, acceptance, approval of the Protocol or accession thereto have been deposited by States or regional economic integration organizations representing at least two-thirds of 1986 estimated global consumption of the controlled substances * * *." In addition, *the Vienna Convention for the Protection of the Ozone Layer*, under which this Protocol was negotiated, must also have entered into force before the Protocol can take effect. If these conditions have not been satisfied by January 1, 1989, than the Protocol enters into force on the 90th day following the date on which the conditions have been fulfilled.

Recognizing the potentially short time period before entry into force, the participants at the Diplomatic Conference in Montreal passed a "Resolution on Reporting of Data." This resolution "[C]alls upon all Signatories to take, expeditiously, all steps necessary to acquire data and report on the production, import and export of controlled substances in a complete and timely manner * * *."

To implement this conference resolution, the United Nations Environment Program (UNEP) has already requested production and consumption data from signatories and has tentatively scheduled a meeting for early next year at which signatories to discuss and report on data collection efforts.

II. Statutory Authority

EPA is requiring this information under the authority granted it in Section 114 of the Clean Air Act. This section states that "the Administrator may require any person who owns or operates any emission source or who is subject to any requirement of this Act * * * provide such other information, as he may reasonably require * * *."

EPA has elected to require this information by rule to ensure that all producers, importers and exporters receive notice that this information is being collected. If the Agency instead sent letters to firms believed to be involved in these activities, it might not reach the entire universe of involved parties.

EPA intends to send follow-up requests for information under section 114 to producers of the specified ozone-depleting chemicals asking for more detailed information related to past, current, and future production activity. The information requested in those letters will supplement that required by this rule.

The rule is being published as a final action without first seeking public comment for several reasons. First, the rule is limited in scope and simply requires that information on past specified activities be reported. Second, the information requested is straightforward and clearly delineated. Third, the resources involved in reporting this information should be minimal. Only seven firms are believed to produce the specified ozone-depleting chemicals in the United States, while fewer than 20 firms or individuals are likely to have been importers or exporters in 1986. Fourth, this information is not available through existing channels. While some of the information is available through the U.S. International Trade Commission and the Chemical Manufacturers Association, this data is presented in an aggregate manner and does not cover most of the specified ozone-depleting chemicals. Fifth, as discussed EPA will need this information in a timely manner to respond to UNEP's request and to participate in the upcoming meeting on data collection. For these reasons, EPA finds that notice and public comment on this rule are impracticable, unnecessary and contrary to the public interest within the meaning of 5 U.S.C. section 553(b)(B).

III. Requirements of the Rule

A. Affected Parties

The rule applies only to those parties who produced, imported, or exported the specified bulk chemicals (See section III.B below) in 1986. Thus, firms which use chlorofluorocarbons (CFCs) and halons as part of their manufacturing process would not be affected by this rule. In fact, as stated above, EPA believes that only seven firms produced the specified ozone-depleting chemicals in the United States in 1986 and fewer than 20 firms were involved in importing or exporting these chemicals in their bulk form.

It is important to note that imports or exports of products containing or produced with the specified ozone-depleting chemicals would not be covered by this rule. Thus, it would not apply to a firm importing refrigerators containing CFC–12. It would, however, apply to the import or export of any bulk shipments of mixtures or azeotropes containing the specified chemicals. The definition of controlled substances contained in the Montreal Protocol states that it excludes any of the specified chemicals "whether existing alone or in mixture that is in a manufactured product other than a container used for transportation or storage * * *."

B. Specified Ozone-Depleting Chemicals

The Montreal Protocol and therefore this rule applies to the following chemicals:

(1) CFC–l3—Trichlorofluoromethane (CFC–11)
(2) CCl2F2—Dichlorodifluoromethane (CFC–12)
(3) CCl2F–CClF2—Trichlorotrifluoroethane (CFC–113)
(4) CF2Cl–CClF2—Dichlorotetrafluoroethane (CFC–114)
(5) CClF2–CF3—(Mono)chloropentafluoroethane (CFC–115)
(6) CF2BrCl—Bromochlorodifluoromethane (Halon 1211)
(7) CF3Br—Bromotrifluoromethane (Halon 1301)
(8) C2F4Br2—Dibromotetrafluoroethane (Halon 2402)

C. Data Required

EPA is requiring that affected parties provide data on the quantity of each of the specified chemicals that was produced, imported or exported in 1986. The year 1986 is the baseline used in the Montreal Protocol for determining limits on production and consumption (defined as production plus imports minus exports) established by that agreement. As a result, 1986 is the year for which data is sought.

Information on the quantity and location of each of the specified chemicals produced in the United States or its territories is required along with the amount of those chemicals which may have been used and consumed as chemical intermediaries in the production of other chemicals. The latter information is necessary to avoid double-counting CFC or halon production. Documentation supporting the submission of 1986 production levels could include production records or logs, certified production statements used for other reporting purposes or similar information. Quantities should be reported in kilograms for each of the specified CFCs and halons.

The quantity of each specified chemical imported to the United States and its territories is required to be reported to EPA along with Entry Number, Customs District and Port Code, Employer Identification Number (EIN) or importer number, commodity code, the date and port of entry and the country in which it was produced. The required information on exports includes the quantity exported, the producer of the chemical, the date and port of exit, the EIN, Customs District and Port Code, the commodity code, and the country of final destination. Documentation supporting imports and exports should include copies of official papers (e.g., shippers export declarations, Form 7525 and Entry Summaries, if available) or other evidence confirming such activity.

Affected parties should specify what of the submitted data is covered by 40 CFR, Part 2, Subpart B, which governs the treatment of business information. Congress has given EPA broad authority to secure this information through Section 114 of the Clean Air Act for the purposes of developing regulations and standards.

Under section 114, EPA is empowered to obtain information which may be considered confidential business information. Producers, importers, and exporters may request that EPA consider some or all of the information they supply as confidential at the time it is submitted. Failure to assert a claim of confidentiality at the time of submission may result in disclosure of the information by the Agency without further notice.

D. Submission of Data

The data required under this rule must be submitted to EPA within 30 days following the date of publication of this notice. It should be sent to: Stratospheric Protection Program; Office of Program Development (ANR–445); Office of Air and Radiation; 401 M Street SW., Washington, DC 20460.

E. Failure to Comply

Affected parties failing to submit the required data will be in violation of section 113 of the Clean Air Act and will be subject to fines of up to $25,000 per day. In addition, since the data collected by this rule will likely be used in determining the allocation of rights to produce and import bulk CFCs and halons, the failure to notify EPA of 1986 activities could invalidate future claims to such allocations.

F. Future Steps

EPA intends to use the information required by this rule to develop the U.S. 1986 production and consumption baseline as required under the Montreal Protocol. In addition, this data would also be used as the basis for the proposed "allocated quota" approach to implementing the Protocol (see accompanying proposed rule) which grants past producers and importers rights to produce and consume based on their 1986 activities. EPA intends to publish for comment the allocations based on this data in Spring of 1988. Final allocations providing the basis for issuing rights to import and produce the regulated CFCs and halons would be published as part of the final rule implementing the Montreal Protocol. That final rule is scheduled for promulgation by August 1, 1988.

IV. Additional Information

A. Executive Order 12291

Executive Order (E.O.) 12291 requires the preparation of a regulatory impact analysis for major rules, defined by the order as those likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic industries; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA has determined that this regulation does not meet the definition of a major rule under E.O. 12291, and therefore has not prepared a regulatory impact analysis (RIA).

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. sections 601–612, requires that Federal agencies examine the impacts of their regulations on small entities. Under 5 U.S.C. 604(a), whenever an agency is required to publish a general notice of proposed rulemaking, it must prepare and make available for public comment an initial regulatory flexibility analysis (RFA). Such an analysis is not required if the head of an agency certifies that a rule will not have a significant economic impact on a substantial number of small entities, pursuant to 5 U.S.C. 605(b). Because this rule will not have a significant impact on small entities, no RFA has been prepared.

C. Paperwork Reduction Act

The information collection requirements in this rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and has been assigned OMB control number 2060–0158.

Date: December 1, 1987.

Lee M. Thomas,

Administrator.

For the reasons set out in the preamble, Part 82 of Title 40 of the Code of Federal Regulations is added as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

Authority: 42 U.S.C. 7457(b).

§ 82.20 Baseline data collection.

(a) This section applies to any individual or legal entity who engaged in any of the following activities in 1986 involving any of the chemicals specified in § 82.20(b) of this part:

(1) Producers who manufactured the chemicals listed in § 82.20(b) from raw materials or feedstock chemicals;

(2) Importers who transported the chemicals listed in § 82.20(b) from outside the United States or its territories to persons within the United States or its territories; and

(3) Exporters who transported the chemicals listed in § 82.20(b) from within the United States or its territories to outside the United States or its territories.

(b) The chemicals covered by this section are the following:

(1) CFC–l3—Trichlorofluoromethane (CFC–11)
(2) CCl2F2—Dichlorodifluoromethane (CFC–12)
(3) CCl2F–CClF2—Trichlorotrifluoroethane (CFC–113)
(4) CF2Cl–CClF2—Dichlorotetrafluoroethane (CFC–114)
(5) CClF2–CF3—(Mono)chloropentafluoroethane (CFC–115)
(6) CF2BrCl—Bromochlorodifluoromethane (Halon 1211)
(7) CF3Br—Bromotrifluoromethane (Halon 1301)
(8) C2F4Br2—Dibromotetrafluoroethane (Halon 2402)

(c) Individuals and legal entities meeting the conditions set forth in § 82.20 (a) and (b) must report the following information along with supporting documentation:

(1) Name, address and telephone number of contact;

(2) The amount (kilograms) of each of the substances it produced in 1986 in the United States or its territories and the location of its production;

(3) The amount (kilograms) of each of the chemicals listed in § 82.20(b) which was used and entirely consumed as a chemical intermediary in the production of other chemicals;

(4) The amount (kilograms) of each of the chemicals listed in § 82.20(b) which it imported into the United States or its territories in 1986, along with the port and date of entry and the country in which it was produced;

(5) The amount (kilograms) of each of the chemicals listed in § 82.20(b) which in 1986 it exported from the United States or its territories, the producer of the chemical, the date and port of exit, the country of final destination and the date of entry into that country.

(d) Information required by § 82.20(c) must be submitted to EPA within 30 days after the date of publication of this section. Reports should be addressed to: Stratospheric Protection Program; Office of Program Development (ANR–445); Office of Air and Radiation; U.S. Environmental Protection Agency; 401 M Street, SW., Washington DC 20460.

(e) Failure to submit required information by this date shall be a violation of section 114 of the Clean Air Act and may invalidate future claims for allocation of rights to produce or import chemicals listed in § 82.20(b).

[FR Doc. 87–28214 Filed 12–11–87; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–3284–9]

Protection of Stratospheric Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to limit the production and consumption of certain chlorofluorocarbons (CFCs) and brominated compounds (halons) to reduce the risks of stratospheric ozone depletion. Specifically, the proposed rule would require a freeze at 1986 consumption and production levels of CFC–11, –12, –113, –114, and –115 on the basis of their relative ozone depletion weights, followed by reductions to 80 percent and 50 percent of 1986 levels beginning in mid-1993 and mid-1998, respectively. It would also prohibit production and consumption of Halon 1211, 1301 and 2402 from exceeding 1986 levels on a weighted basis beginning in approximately 1992. Under limited circumstances, somewhat higher levels of production (but not consumption) would be permitted. Consumption is defined in the proposed rule as production plus imports minus exports of the bulk chemicals described above.

These requirements are being proposed under section 157(b) of the Clean Air Act and would constitute the United States' implementation of the "Montreal Protocol on Substances That Deplete the Ozone Layer" (Montreal Protocol) which was signed by 24 countries, including the United States, on September 16, 1987 in Montreal, Canada.

However, EPA is proposing that the control requirements described above only take effect if the United States ratifies the Protocol and following entry into force.

EPA's proposed action is in response to growing scientific evidence linking increased atmospheric levels of chlorine and bromine to anticipated depletion of the ozone layer. If ozone depletion occurs, increased levels of harmful ultraviolet radiation would penetrate to the earth's surface resulting in substantial damage to human health and the environment.

To implement the Montreal Protocol, EPA proposes to restrict production and consumption of the specified ozone-depleting chemicals. Quotas reflecting the allowable level of production and consumption will be allocated to each of the firms who engaged in these activities in 1986. Trading of allocated quotas would be permitted. Exports and imports of the restricted chemicals will also be allowed consistent with restrictions contained in the Montreal Protocol. EPA believes that this approach will provide a low-cost means of achieving its regulatory goal, spur technological innovation, minimize administrative requirements and facilitate enforcement. EPA is also considering whether to develop specific regulations limiting CFC and halon use for particular industries to supplement allocated quotas.

As an alternative to the above regulatory approach, EPA is requesting comment on the use of a regulatory fee in addition to allocated quotas. This option is being considered because it addresses concerns that an allocated quota system, by itself, is inequitable—that CFC and halon producers and importers might accrue excessive profits at the expense of CFC and halon user industries and consumers. The fee would be set to obtain for the United States Treasury price increases resulting from the scarcity created by EPA regulations. Alternatively, this same objective could be satisfied by auctioning (instead of allocating) rights to produce and consume CFCs and halons.

In a separate notice accompanying today's proposal EPA is requiring firms involved in producing, importing or exporting any of the regulated chemicals in 1986 to report these activities to EPA.

DATES: A public hearing will be held on January 7, 1988 from 9:00 a.m. to 5:00 p.m. at the location listed below, in order to provide an opportunity for oral presentations of data, views, or arguments concerning the regulations proposed in this notice. Persons who wish to testify at this hearing should notify Stephen R. Seidel at the address listed below prior to December 29, 1987.

Written comments must be submitted to the location listed below by February 8, 1988.

ADDRESSES: The public hearing will be held at the EPA Education Center; 401 M Street, SW., Washington, DC 20460.

Written comments should be sent to Docket No. A–87–20, Central Docket Section, South Conference Room 4, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays. As provided in CFR Part 2, a reasonable fee may be charged for photocopying. To expedite review, it is also requested that a duplicate copy of written comments be sent to Stephen R. Seidel at the address listed below.

FOR FURTHER INFORMATION CONTACT: Stephen R. Seidel, Senior Analyst, Office of Program Development, Office of Air and Radiation (ANR–445), EPA, 401 M Street, SW., Washington, DC 20460. Telephone (202) 382–2787.

SUPPLEMENTARY INFORMATION:

I. Overview of the Problem

By preventing much of the potentially harmful ultraviolet radiation (UV–B radiation) from penetrating to the earth's surface, the stratospheric ozone layer acts as a vital shield protecting human health, welfare and the environment.

Concern about possible depletion of the ozone layer from chorofluorocarbons (CFCs) was first raised in 1974 with publication of research which theorized that chlorine released from CFCs could migrate to the stratosphere and reduce the amount of ozone (Molina and Rowland, 1974). Some of the CFCs have an atmospheric lifetime of over 120 years (i.e., they do not breakdown in the lower atmosphere). As a result, they migrate slowly to the stratosphere where higher energy radiation strikes them, releasing chlorine. Once freed, the chlorine acts as a catalyst repeatedly combining with and breaking apart ozone molecules. If ozone depletion occurs, more UV–B radiation would penetrate to the earth's surface. Moreover, because of the long atmospheric lifetimes of CFCs, it would take many decades to over a century for the ozone layer to return to past concentrations.

In the thirteen years since that theory was first proposed, substantial scientific research has supported the general concern that increased concentrations of chlorine, as well as bromine from halons, in the stratosphere pose substantial risks of depletion resulting in harm to human health and the environment.

Today's proposal is in response to increased concerns raised by the improved understanding of the risks associated with continued use of CFCs and halons. During the past two years, two extensive assessments of these risks have been completed and are relied on by EPA in evaluating the need for additional restrictions on the use of potential ozone-depleting chemicals. The first, *Atmospheric Ozone, 1985* (WMO, 1986), provides an extensive review of the current state of knowledge concerning atmospheric chemistry and modelling, past changes in trace gases that affect ozone levels, and current trends in ozone levels. A second study, *An Assessment of the Risks from Trace Gases that can Modify the Stratosphere* (EPA, 1987), was prepared by EPA and

reviewed by its Science Advisory Board. This study summarizes the state of knowledge related to both atmospheric issues (e.g., possible future changes in ozone levels), and human health and environmental effects if the ozone layer were depleted. These studies and more recent research findings are summarized below in Section IV. They also were relied on extensively in developing the regulatory impact analysis (RIA) prepared in support of this rule which is summarized below in Section VII.

Unlike most issues of concern to EPA, stratospheric ozone protection necessarily involves all nations of the world. Given their long atmospheric lifetimes, CFCs and halons become widely dispersed. As a result, the release of these chemicals in one country could adversely affect the stratosphere above, and therefore the health and welfare of, other countries. Thus, to fully protect the ozone layer from CFCs and halons, an international agreement is essential.

Recognizing the global nature of this issue, the United Nations Environment Program (UNEP) organized negotiations in 1982 aimed at developing an agreement to protect the ozone layer. Following a hiatus in 1986 to develop and assess scientific and economic information, negotiations resumed in December of that year. These negotiations were successfully concluded on September 16, 1987 in Montreal when 24 nations signed a Protocol requiring substantial reductions in the most potent ozone-depleting chemicals. This international agreement represents a concerted effort by the major CFC and halon producing and consuming nations to respond to the risks from continued reliance on ozone-depleting chemicals. It constitutes a landmark agreement among nations to take action in advance to prevent significant environmental damage from occurring. The text of the Protocol is included as an annex to this preamble and is described in greater detail below.

The regulations proposed today would permit the United States to meet the requirements established by the Montreal Protocol. They would also fulfill EPA's responsibility under section 157(b) of the Clean Air Act to protect stratospheric ozone as needed to protect public health and welfare.

Finally, this proposal also meets the requirements of an agreement settling a lawsuit brought by the Natural Resources Defense Council in the District Court of the District of Columbia (NRDC v. Thomas, No. 84–3587 (D.D.C.)) seeking to compel EPA to promulgate regulations under section 157(b). The terms of the settlement (as amended to extend the schedule) require EPA to propose regulations or state its reason for deciding not to regulate by December 1, 1987, and to take final action by August 1, 1988.

II. Background

A. Past Regulatory Actions

Following the initial concerns raised in 1974 about possible ozone depletion from CFCs, EPA and the Food and Drug Administration acted in 1978 to ban the use of CFCs as aerosol propellants in all but "essential applications" (43 FR 11301, March 17, 1978; 43 FR 11318, March 17, 1978). During the early 1970s, CFCs used as aerosol propellants constituted over 50 percent of total CFC consumption in the United States. This particular use of CFCs was reduced in this country by approximately 95 percent. Today's proposal does not affect the existing EPA and FDA regulations restricting the use of CFCs as aerosol propellants.

Since 1978, CFC use has continued to expand in other applications (e.g., as a foam-blowing agent, refrigerant and solvent). Total production now has surpassed pre-1974 levels.

Largely in response to a series of studies by the National Academy of Sciences published in the late 1970s (NAS, 1976, 1979a, and 1979b) which warned of substantial depletion and harm from continued use of CFCs, EPA issued an Advance Notice of Proposed Rulemaking (ANPR) which discussed an immediate freeze on the production of certain CFCs and the possibility of employing a system of marketable permits to allocate CFC consumption among industries which use CFCs (45 FR 66726; October 7, 1980).

Following publication of this ANPR, additional scientific evidence (see for example, *Causes and Effects of Changes in Stratospheric Ozone: Update 1983*, (NAS, 1984)) became available which suggested that the atmospheric factors affecting ozone levels were more complex than previously thought. For example, atmospheric concentrations of gases other than CFCs that also affect ozone were also increasing. Atmospheric models which are used to analyze possible future trends in ozone levels were now capable of simultaneously considering changes in multiple trace gases including CFCs. Because increases in some of these gases (e.g., carbon dioxide and methane) could potentially buffer the depleting effects of CFCs, concern about possible changes in total column ozone levels (i.e., the total amount of ozone encountered by radiation passing from the top of the atmosphere to the earth's surface at any given location) was diminished.

The apparent urgency of the ozone depletion problem was also reduced by the fact that CFC use worldwide in the early 1980s was relatively constant. While some nations did not follow the United States example by reducing their use of CFCs as aerosol propellants, others did, which further reduced global consumption of CFCs. In addition, a downturn in global economic conditions during this period had temporarily reduced the rate of growth of CFCs in nonaerosol applications.

B. EPA's Stratospheric Protection Plan

Since 1983, worldwide production of CFCs has grown at an average annual rate of 5 percent. In light of this rate of growth and further advancements in the scientific understanding of the link between CFCs and ozone depletion, EPA developed its Stratospheric Protection Plan (51 FR 1257, January 10, 1986). This plan described the analytic basis for supporting the on-going international negotiations and for reassessing the need for additional regulations of CFCs and other potential ozone-depleting chemicals.

It also set forth a schedule for both domestic and international activities related to stratospheric ozone protection. It committed EPA to sponsoring or participating in a series of workshops, both here and abroad, aimed at developing information that would be used for international negotiations and for domestic rulemaking. Workshops discussing economic issues related to ozone protection involving interested parties from within the United States were held in March and July of 1986. International workshops covering the same topics were sponsored by UNEP and took place in May and July of 1986 in Rome, Italy and Leesburg, Virginia, respectively.

The plan also committed EPA to preparing the risk assessment document mentioned above and to obtaining review of this document by the Agency's Science Advisory Board (SAB). Meetings of a subcommittee of the SAB organized specifically to review this document were held in November 1986 and January 1987. Comments from the public were also solicited (51 FR 40510, November 7, 1986). The document has been revised in response to comments from the panel and the public and is available in the docket at the address given above. The findings of the risk assessment are described in greater detail below, in Section IV.

Finally, the plan also committed EPA to conducting a rulemaking on possible further regulation of CFCs and to actively participating in the UNEP negotiations on an international agreement to limit ozone-depleting chemicals.

C. International Negotiations

The initial round of international negotiations, conducted under the auspices of UNEP, resulted in the Vienna Convention for the Protection of the Ozone Layer, which was signed in March 1985. This agreement promotes global coordination necessary for the protection of the ozone layer by providing for international cooperation in research, monitoring, and information exchange. While the initial negotiations failed to reach agreement on specific obligations limiting ozone-depleting chemicals, the Vienna Convention provides a framework for the continued negotiation and adoption of international regulatory measures necessary to protect the ozone layer.

On December 1, 1986, negotiations resumed on a possible protocol to limit CFCs and other ozone-depleting chemicals. Despite wide differences in initial positions among participating nations, these negotiations resulted ten months later in the adoption of the Montreal Protocol which was signed on September 16, 1987, by 24 nations. Specific provisions of the Protocol are discussed in detail below, and the full text is printed as an addendum to this notice.

III. Statutory Authority

Section 157(b) of the Clean Air Act (42 U.S.C. 7457(b) authorizes the Administrator to issue "regulations for the control of any substance, practice, process, or activity (or any combination thereof) which in his judgment may reasonably be anticipated to affect the stratosphere, especially ozone in the stratosphere, if such effect in the stratosphere may reasonably be anticipated to endanger public health or welfare. Such regulations shall take into account the feasibility and the costs of achieving such control."

Two aspects of this regulatory authority are notable. First, the Administrator is not required to prove that a "substance, practice, process or activity" does in fact deplete stratospheric ozone before he may regulate it. In 1977 when the ozone protection provisions were added to the Clean Air Act, Congress recognized that scientists were not certain whether stratospheric ozone was being depleted and what was causing any depletion that did occur. *See, e.g.*, H.R. Rep. No. 294, 95th Cong., 1st Sess. 96–99 (1977). However, Congress also recognized the potentially serious health and environmental consequences of ozone depletion if it were occurring, and authorized EPA to act in the face of scientific uncertainty to protect against those adverse consequences. *Id.* Thus, the Administrator may regulate on the basis of "his judgment" that the subject of regulation "may be reasonably anticipated" to affect the stratosphere and that the effect "may be reasonably anticipated to endanger public health and welfare."

Second, the Administrator is given broad latitude to choose what and how to regulate. He is not limited to controlling ozone-depleting substances themselves; he may also regulate "any practice, process, activity" that threatens the ozone layer. Nor is he limited to a particular control strategy. Besides an implicit requirement that regulations be efficacious, the statute requires only that they take into account the cost and technological feasibility of achieving the required level of control. In short, EPA has broad latitude to employ the regulatory options it finds appropriate to control threats to stratospheric ozone that in turn threaten public health and welfare.

IV. Risk Assessment

A. Changes in Atmospheric Composition

Measurements of the concentrations of specific gases over the past decade or longer have produced conclusive evidence that human activities are altering the composition of the earth's atmosphere. Table 1 summarizes the recent rate of increase for several gases, along with the period for which measurements are available. Because each of these gases affects the quantity of ozone, past and future changes in their atmospheric levels are a significant element in understanding the risks of ozone depletion.

Table 1 shows that atmospheric levels of CFC–11 and –12 have grown at the rate of 5 percent annually since 1978. CFC–11 is used primarily as a foam-blowing agent and CFC–12 is used primarily as a refrigerant. Outside the United States, in many countries both are also used extensively as aerosol propellants. Atmospheric levels of CFC–113, which is used primarily as a solvent by the electronics and metal cleaning industries, have been increasing at roughly double this rate during the same period. These growth rates reflect both continued emissions of CFCs during this period and the long atmospheric lifetimes of these chemicals.

TABLE 1.—CHANGES IN ATMOSPHERIC CONCENTRATIONS OF OZONE-MODIFYING GASES

	Measured rates of increase		
	Percent per year	Period	Reference
CFC–11 (CCl3F)	5.0	1978–1985	WMO, 1986.
CFC–12 (CCl2F2)	5.0	1978–1985	WMO, 1986.
CFC–113 (C2Cl3F3)	10.0	1975–1983	Rasmussen and Khalil, 1982.
CFC–114 (C2Cl2F4)	(1)	(1)	(1)
CFC–115 (C2ClF5)	(1)	(1)	(1)
Halon-1211 (CBrClF2)	23.0	1979–1984	Khalil and Rasmussen, 1985.
Halon-1301 (CF3Br)	(1)	(1)	(1)
Halon-2402 (C2F4Br2)	(1)	(1)	(1)
Nitrous oxide (N2O)	0.2	1978–1985	WMO, 1986.
Methane (CH4)	1.0	1977–1985	NASA, 1986.
Carbon Dioxide (CO2)	0.5	1958–1985	WMO, 1986.

[1] No data available.

Much less information is available about growth in Halon 1211, 1301 and 2402. These compounds are becoming more widely used primarily in certain specialized firefighting applications. No data is yet available on atmospheric trends of Halon 1301 or 2402, while very limited measurements suggest that atmospheric levels of Halon 1211 grew at 23 percent annually in recent years. In comparison to the CFCs, total levels of these halons remain very small; because they are believed to be extremely efficient depleters of ozone (Prather et al., 1984; WMO, 1986), they are being proposed for inclusion in this regulation. (See below, Section VI.)

Carbon dioxide and methane are also increasing in the atmosphere, though at annual rates much slower than the CFCs. Unlike CFCs and halons, these have the opposite effect on

concentrations of ozone and could potentially offset depletion caused by increases in these other gases. Carbon dioxide emissions result primarily from the burning of fossil fuels. In contrast, the reason that methane levels have increased is not well understood. Moreover, this gas has a much shorter atmospheric lifetime than CFCs (approximately ten years).

Nitrous oxide levels have also been increasing at approximately 0.2 percent annually. Sources of emissions include fossil fuel combustion and fertilizers. In isolation, nitrous oxides release nitrogen in the stratosphere which would act similarly to chlorine and catalytically destroy ozone. However, depending on the relative levels of chlorine and nitrous oxide, the latter can have the net effect of slowing down the rate of depletion by binding chlorine in a relatively inactive state.

B. Changes in Ozone Levels

The extensive measurements of recent growth in atmospheric levels of ozone-modifying gases provide only indirect evidence that human activities may be altering the earth's ozone layer. To more fully analyze these risks, two approaches have been developed. First, direct measurements of the quantity of ozone have been analyzed to determine if any trends are apparent; and second, atmospheric models have been developed that attempt to project future changes in ozone levels based on assumed changes in atmospheric levels of ozone-modifying gases.

1. Direct Measurements of Ozone Levels

Monitoring of ozone levels has been conducted to various degrees using ground-based instruments for several decades. These measurements examine both total column ozone levels and changes in the quantity of ozone at specific altitudes. Since the late 1970s, satellite-based instruments have expanded the ability to measure ozone levels throughout the world.

Based on the information available at the time, the WMO assessment concluded that total column ozone levels had not substantially been altered—that no statistically significant change had occurred. For example, it cites a study by Reinsel (1985) which shows that for the period 1970 to 1983, total column ozone levels had decreased by only 0.003±1.2 percent per decade which does not represent a statistically significant trend.

The WMO assessment also stated that ozone levels in the upper atmosphere (at approximately 40 kilometers) had, in fact, decreased by approximately 0.2 percent to 0.3 percent per year over the period 1970 to 1980. However, increases in ozone levels in the troposphere (i.e., the lower atmosphere) had offset the decreases above resulting in effectively no change in total column ozone.[1]

Both these findings—essentially little or no change in total column ozone and decreases at 40 km—appear consistent with current atmospheric theories and models and are contained in EPA's risk assessment which was used as the basis for this rulemaking. However, preliminary information that has only recently become available raises the question whether total column ozone levels have, in fact, declined in recent years.

2. Preliminary Evidence of Ozone Depletion

a. Seasonal Ozone Losses in Antarctica. In May 1985, an article was published in *Nature* (Farman, Gardiner and Shanklin, 1985) which provided evidence that ozone levels during the months of September to November over Antarctica had declined by approximately 40 percent from the late 1970s. This discovery of the "Antarctic ozone hole" by the British Antarctic Survey team, based on data from a ground-based instrument, was completely unexpected.

Losses of the magnitude observed in Antarctica were not predicted by current atmospheric theories or models. The Antarctic ozone hole thus raises several important questions. Are the losses in ozone caused by CFCs and halons? Are these loss mechanisms unique to the conditions found above Antarctica or do they have implications for ozone levels elsewhere? Could this seasonal ozone loss itself have implications for global ozone concentrations? How, if at all, do our current theories and models need to be altered to reflect this phenomenon? These questions have been the subject of considerable research within the scientific community since the initial article in *Nature* appeared.

In October 1986, a team of researchers traveled to Antarctica to begin the process of collecting data to aid in answering these questions. Preliminary results from the first National Antarctic Ozone Expedition strongly suggest that anomolous chlorine chemistry plays a role in the development of the ozone hole. Team members reported measurements of chlorine monoxide—a key compound in the catalytic cycle by which chlorine destroys ozone—that were 20–50 times greater than observed elsewhere in the atmosphere (Pyle and Farman, 1987). These measurements have recently been substantiated by preliminary data collected during airplane flights over Antarctica during the formation of the ozone hole in 1987 as part of experiments conducted by the NASA, the National Oceanographic and Atmospheric Administration (NOAA), and others.

Many questions must still be answered before plausible changes in theories and models can be made to account for factors responsible for the ozone hole. Researchers still must determine the exact mechanisms or reactions which produce the high levels of chlorine monoxide and they must also determine the role of dynamic (e.g., meteorological forces including temperature, pressures and winds) factors. Most importantly, they still must determine whether these loss mechanisms are unique to Antarctica or may also affect ozone levels elsewhere and whether losses in Antarctica alone could influence global concentrations of ozone. Until a clearer picture emerges, the scientific issues raised by the Antarctic ozone hole cannot yet serve as a guide for policy decisions.

Because of these remaining uncertainties, EPA believes that no adequate basis yet exists for factoring the causes and global implications of the Antarctic ozone hole into its risk assessment and regulatory scheme. The Agency has de facto assumed that the ozone hole is not related to CFCs and halons. Additional measurements from a second expedition to Antarctica, further review of data obtained from the airplane flights through the ozone hole, and related atmospheric modelling studies should become available in the coming year. The Agency intends to closely follow these scientific developments and will modify its risk assessment if new information warrants such changes. It also intends to actively participate in upcoming international scientific assessments that are required in 1989 and every four years thereafter, which are to be used as the basis for determining the need for changes to the terms of the protocol which could occur beginning in 1990. EPA is particularly interested in comments on its treatment of this issue.

[1] Over the long term, increases in ozone in the lower atmosphere cannot continue to offset decreases in the stratosphere without substantial health and environmental damage resulting. Ozone in the lower atmosphere has been linked to respiratory disease in humans and damage to crops and forests and as a result is regulated by EPA under one of its national ambient air quality standards. Moreover, the same gases producing increased ozone in the lower atmosphere are also greenhouse gases and would contribute to substantial increases in global temperatures.

b. Possible Global Losses in Ozone. Recently published data have also called into question the conclusion that *global* total column ozone levels have not decreased (Kerr, 1987). Ground-based measurements of total column ozone now suggest that a 3 percent to 5 percent decrease has occurred over the past six years. Decreases of a similar magnitude over roughly the same period have been reported based on a preliminary assessment of data from the Nimbus-7 satellite (Kerr, 1987). Because of the complexities in interpreting satellite data (e.g., calibration, instrument drift and other corrections), this data is currently undergoing further scrutiny.

As was the case with the Antarctic ozone hole, global ozone losses of this magnitude appear to fall outside the bounds of what would be expected from current theories and models. If they are confirmed by further review of the evidence, several important questions would be raised. Are these losses in excess of historic variation or are they due to natural causes (e.g. the solar cycle, volcanic activity, etc.)? Are they related to increases in atmospheric levels of CFCs and halons? What, if anything, must be changed in current models to account for such losses?

A thorough review of this data to resolve these important uncertainties has recently been initiated by scientists at NASA and NOAA. Pending the outcome of this assessment, EPA does not believe that this preliminary evidence has yet been adequately reviewed and analyzed by the scientific community to allow for it to be used in its risk assessment or regulatory decisions. Once the on-going review is completed, if new information becomes available and previously unresolved issues are successfully addressed, then EPA will modify its risk assessment to reflect this improved understanding of recent trends in ozone. This information will also be examined in the context of the upcoming international scientific and policy reviews under the terms of the Protocol. EPA specifically requests comments on the appropriate means of factoring new scientific evidence into its risk assessment and future policy decisions.

3. Role of Atmospheric Models in Predicting Future Ozone Levels

While direct measurements provide useful information concerning past changes in ozone levels, atmospheric models are the only available tool for predicting possible future trends in ozone. These models, in more or less detail, attempt to replicate the forces which determine ozone concentrations. For example, current models include approximately 50 chemical species found in the atmosphere and simulate over 140 different reactions among these chemicals which directly or indirectly affect ozone abundance.

From EPA's perspective in evaluating risks, a key question is to what degree these models can accurately predict future ozone changes. As stated above, current models do not predict the Antarctic ozone hole and suggest that global ozone levels should not have yet declined by even one percent based on the historic use of CFCs and halons, and changes in other trace gases. Furthermore, current models fail to accurately project the abundance of all chemical species at all altitudes, thereby lowering our confidence in their predictive powers.

Despite these shortcomings, both the EPA and WMO risk assessments concluded that atmospheric models represent the best available tools for evaluating future trends in ozone levels. These studies show that, when tested against the current make-up of the atmosphere, the existing atmospheric models do a reasonably good job of replicating most key atmospheric constituents. Thus, the models accurately predict many, though certainly not all, of the key chemical constituents which affect the creation and destruction of ozone. While model accuracy will inevitably improve over time, EPA has relied on current versions in assessing the risks of future ozone depletion.

4. Future Trends in Ozone Levels: Assuming No Further Regulation of CFCs or Halons

In utilizing models to predict future ozone trends, the rate of growth of ozone-modifying gases is a key variable. As part of the Regulatory Impact Analysis (RIA) prepared in support of this proposal, EPA examined the risks of ozone depletion from continued use of CFCs, halons and other relevant trace gases. The assumptions underlying this analysis are detailed in Chapter 4 of the RIA and are summarized here.

EPA conducted extensive studies analyzing possible future rates of growth for CFCs and halons in the absence of additional regulations. (See for example: Hammitt et al. (Rand), 1986; Nordhaus and Yohe, 1986; and Gibbs et al. (ICF), 1986.) This issue was also the subject of both EPA and UNEP sponsored workshops in 1986. Based on this review, EPA believes that strong market demand exists for CFC products in many sectors of the economy, both in the United States and abroad, and that in the absence of regulation, use of CFC–11, –12, and –113 would increase. In the RIA, a middle estimate of growth in trace gas emissions was developed. For CFC–11 and CFC–12, the middle estimate implies an average annual growth rate of approximately 2.7 percent, which reflects a 2.5 percent annual growth rate for the developed world, and slightly higher projected growth in the developing world and in the Soviet Union. The middle scenario includes an average annual growth rate of 2.9 percent for CFC–113, 2.6 percent for CFC–114, and 2.6 percent for CFC–115.

Recent studies by Industrial Economics, Inc. (1987), with the cooperation of an ad hoc technical committee representing halon producers and users, provided the basis for estimates of future growth in production of Halon 1211 and 1301, which are assumed to grow at average annual rates of 4.3 and 2.7 percent. Because Halon 2402 is only used in minor applications in the United States, this chemical was omitted from the analysis.

Table 2 shows the range of growth rates assumed for these chemicals. This range of estimates reflect the many factors (e.g., economic and population growth, technological innovation, etc.) which influence projections over this period of time. It also shows the growth rates assumed for carbon dioxide, methane and nitrous oxide which were based on past measurements showing increases for each of these gases. Based on a simplified one-dimensional model of the combined effects of these gases, Table 2 indicates the projected ozone depletion for each of these scenarios. Thus, in the case which represents the mid-range estimate of future trends in emissions of trace gases, projected total column ozone would decline by 3.9 percent by 2025 and by 39.9 percent by 2075. In the case where CFC use only grows by approximately 1.2 percent annually, projected ozone depletion by 2075 would reach 7.0 percent. In the case where CFC use grows at approximately 3.8 percent per year, projected ozone depletion by 2075 would exceed 50 percent.

TABLE 2

[Percent total column depletion]

Year	Low CFC growth	Medium CFC growth	High CFC growth
Projected Future Ozone Depletion in the Absence of Regulation			
1985	0.00	0.00	0.00
1990	0.27	0.27	0.28
2000	0.76	0.88	1.02
2010	1.25	1.71	2.33
2020	1.87	3.00	4.73
2030	2.55	4.66	9.13

TABLE 2—Continued

[Percent total column depletion]

Year	Low CFC growth	Medium CFC growth	High CFC growth
2040	3.33	7.66	16.66
2050	4.32	12.33	>50
2060	5.40	20.27	>50
2070	6.47	32.48	>50
2075	7.00	39.90	>50

Estimates from statistical model developed by Connell (1986) and discussed in EPA Risk Assessment (1987).

CFC and Halon Scenarios

Average implied annual rates of growth (percent)

	1985–2000	2000–2050	Post-2050
Low Scenario			
CFC–11, 12, 114, 115	2.1	1.3	Constant
CFC–113	2.1	1.3	Constant
Halon-1211	5.5	1.5	Constant
Halon-1301	−0.5	1.8	Constant
Medium Scenario			
CFC–11, 12, 114, 115	3.5	2.5	Constant
CFC–113	4.0	2.5	Constant
Halon-1211	5.5	2.9	Constant
Halon-1301	1.1	3.2	Constant
High Scenario			
CFC–11, 12, 114, 115	5.2	3.5	Constant
CFC–113	6.1	3.5	Constant
Halon-1211	12.0	4.4	Constant
Halon-1301	2.0	4.7	Constant

Other Trace Gas Scenarios

Carbon Dioxide
50th percentile scenario from the National Academy of Sciences is used (implied annual growth in atmospheric concentrations of 0.7 percent from 1985 to 2165).
Methane
Annual growth of 0.017 parts per million in atmospheric concentrations.
Nitrous Oxide
Annual growth of 0.2 percent in atmospheric concentrations.

The ozone depletion estimates in Table 2 are based on a parameterization (i.e., a statistical simplification) of a one-dimensional model developed by Lawrence Livermore National Laboratory. A recent comparison of the results of this model with one-dimensional models conducted under the auspices of UNEP showed that this parameterization produced depletion estimates that were somewhat lower than those projected by other models for the same trace gas scenarios. (UNEP, 1987).

While this parameterization provides a reasonable representation of a one-dimensional model (Connell, 1986), by design it provides only a globally averaged estimate of depletion. More sophisticated two-dimensional models have recently been developed which provide estimates of ozone depletion by latitude. Since health and environmental effects will vary by latitude, these more detailed models would be more appropriate for calculating the impacts of depletion. However, because these models are expensive and time-consuming to use, they are of limited utility for examining a wide range of scenarios as required in EPA's risk assessment. In addition, different two-dimensional models differ substantially in the degree to which depletion varies with latitude. As a result of these limitations, EPA's estimates of risks rely only on the previously mentioned one-dimensional parameterization.

A comparison of these different models was conducted by EPA as part of its risk assessment (See Chapter 5). It showed that two-dimensional models predict greater average depletion than one-dimensional models for the same trace gas scenarios. For example, one two-dimensional model (developed by Sze) projects an 18 percent depletion compared to a 15 percent depletion for exactly the same scenario for a one-dimensional model. Two-dimensional models also generally project depletion higher than global averages at latitudes greater than 40 degree North or South, especially in the spring.

5. Effects of Ozone Depletion on Human Health and the Environment

Any decrease in total column ozone would lead to increased penetration of damaging ultraviolet radiation to the earth's surface. Under current atmospheric conditions, the ozone layer blocks most of the UN–B part of the ultraviolet spectrum with the amount screened out increasing with latitude. This current gradient in exposure provides a useful natural experiment demonstrating the effects of different exposure to UN–B radiation.

The health and environmental effects of ozone depletion are briefly described below; for a fuller explanation see Chapter 7 of the RIA and Chapters 7 to 16 of the EPA's risk assessment. EPA has attempted to quantify each effect, but insufficient data has made quantifying some effects impossible. Estimates are also uncertain because of possible changes in future technologies. Additional research to better understand UV–B effects is warranted. However, EPA has taken account of all possible ozone depletion effects in assessing the need for controls.

a. *Increased Incidence of Nonmelanoma Skin Cancers.* Laboratory studies and epidemiological evidence show a strong link between exposure to UV–B radiation and increased incidence of basal and squamous nonmelanoma skin cancers. (See Chapter 7 of EPA's risk assessment.) Several lines of evidence support this relationship: (1) Nonmelanoma skin cancers tend to develop in sun-exposed sites; (2) outdoor workers have higher incidence rates; (3) incidence rates are higher closer to the equator (correcting for differences in skin pigmentation); and individuals genetically suspectible to sunburn have a higher incidence of skin cancers.

Several researchers have correlated UV–B measurements with nonmelanoma skin cancer incidence data. Results from six studies show that a 1 percent depletion of total column ozone would lead to an increase in nonmelanoma skin cancer incidence of 4.6 percent to 7.6 percent.

Based on the expected growth in trace gas emissions for the middle scenario presented in Table 2, the resulting ozone depletion would lead to an increase in incidence of approximately 153 million nonmelanoma skin cancer cases among the United States population alive today and born by the year 2075. Based on current fatality rates from basal and squamous skin cancers, this increase in incidence could be expected to lead to an increase of 3.0 million deaths of people born during this same time period. Given the uncertainties associated with the appropriate dose-response relationship, this projection could fall within the range of 1.5 million to 4.5 million deaths.

b. *Increased Incidence of Melanoma Skin Cancer.* While the current incidence of melanoma skin cancer cases is small compared to nonmelanoma cases, the fatality rate is much higher. While no animal model and in vitro experimental evidence exists explaining the exact relationship between melanoma and UV–B radiation, based on the preponderance of evidence, EPA's risk assessment concluded that increased UV–B exposure would increase the incidence of melanoma. Evidence in support of this conclusion includes: (1) Lighter skinned individuals, whose skin has less protective melanin, have higher melonoma incidence rates than darker skinned individuals; (2) early childhood exposure to sunlight appears to be linked to higher incidence rates; and (3) individuals genetically incapable of repairing sunlight-induced damage to cells have a higher rate of incidence.

Based on a range of estimates for uncertain factors, EPA's risk assessment developed a dose-response relationship which suggests that for every 1 percent increase in ozone depletion, the incidence of melanoma would increase by slightly less than 1 percent to 2 percent and the number of fatalities from melanoma would increase by 0.8 percent to 1.5 percent.

Based on the trace gas scenario which assumed a 2.7 percent average annual growth in CFCs, and the resulting ozone depletion shown in Table 2, the number of melanoma cases in the United States would increase by 782,100 and the number of fatalities would increase by 187,000 for the population alive today and born by the year 2075. Given the uncertainties associated with the dose-response relationship, the number of deaths could fall within a range of 93,500 to 280,000.

c. *Increased Incidence of Cataracts.* UV–B radiation has been found to play a significant role in the formation of cataracts. Supporting evidence include animal laboratory studies and epidemiological studies. Based on the available research, a dose-response relationship was developed in EPA's risk assessment (See Chapter 10). Assuming trace gas trends and the resulting ozone depletion for the middle scenario described in Table 2, the number of cases of cataracts would increase by 18.2 million for the population in the United States alive today or born through 2075.

d. *Suppression of the Immune System.* Experimental studies show a suppression of the immune response system associated with exposure to UV–B radiation. Current research does not explain the exact mechanism by which the immune system is altered or the potential implications for a wide range of diseases. Limited studies do suggest, however, that UV–B induced suppression may increase the frequency of outbreak of herpes simplex virus and leishmaniasis (i.e., a skin disorder common in the tropics). No quantitative estimates of the potential harm related to immune suppression on these or other possible diseases are at this time possible.

e. *Damages to Plants.* Limited studies have shown that plants exposed to increased levels of UV–B radiation can be harmed. Initial studies showed a substantial vulnerability to UV–B exposure across a wide range of plants. However, these studies were conducted in laboratories or greenhouses and their results have not been replicated under field conditions where photorepair mechanisms may offset damage.

The only long-term controlled field study involves soy beans. This study found that enhanced levels of UV–B radiation simulating a 16 and 25 percent ozone depletion caused reductions in crop yield of up to 25 percent in the tested cultivar. Substantially smaller changes occurred in years when drought conditions also greatly reduced crop yields of the plants grown under naturally occurring conditions (i.e., the control plants). Because a wide range of crops have tested sensitive to increased exposure to UV–B radiation, but have not yet been tested under field conditions, the dose response relationship developed from the field tests of soy beans was used as the basis for estimating impacts on major grain crops in the RIA.

f. *Damage to Aquatic Organisms.* While studies to date have been limited in scope, it appears that increased exposure to UV–B radiation could adversely affect aquatic organisms and potentially disrupt the aquatic food chain. For example, studies suggest that phytoplankton remain close to the water's surface to facilitate photosynthesis. As a result, they would be susceptible to damage from increased UV–B radiation. Similarly, the larvae stage of many fish live at or near the water's surface and would also be susceptible to damage if ozone depletion occurs. A case study showed that a 10 percent ozone depletion would lead to a 6 percent loss in the larval anchovy population. Because a wide range of aquatic organisms have shown a sensitivity to increased exposure to UV–B radiation, but insufficient data exists for developing specific dose-response relationships, the case study examining the effects on anchovy larvae was used as the basis for estimating impacts on a limited group of shellfish and fin fish in the RIA.

g. *Accelerated Weathering of Outdoor Plastics.* Plastics exposed to the outdoor environment under current ultraviolet conditions contain light stabilizers or other additives to reduce damage from chalking, yellowing or brittleness. If UV–B radiation increases, damages would increase or greater expense would be incurred in protecting against the damages from such exposure. A relationship was developed between UV–B exposure and damage to outdoor products made of polyvinyl chloride and incorporated in the analysis presented in the RIA.

h. *Increased Formation of Groundlevel Ozone.* Preliminary studies have assessed the impact of increasedUV–B penetration on the photochemical reactions responsible for the creation of groundlevel ozone. These case studies suggest that groundlevel ozone would form earlier in the day and nearer to population centers, thus exposing more people to its harmful effects. Total amounts of groundlevel ozone would also increase. While substantial harm to human health and welfare could result from increased groundlevel ozone, because of limited data, only the impacts on crop loss were included in the RIA.

i. *Climate Related Impacts Due to Increases in Ozone-Modifying Gases.* CFCs and other gases that modify stratospheric ozone are also greenhouse gases and therefore contribute to concern about future global warming. Based on the rate of growth in trace gases assumed in the middle scenario presented in Table 2, by 2075 a global equilibrium temperature (i.e., the earth's temperature at the time when incoming energy is balanced against outgoing energy) increase of 5.8 degrees centigrade (10.4 degrees Fahrenheit) could be anticipated. Based on earlier reports by the National Academy of Sciences (1983), these estimates could be 50 percent higher or lower to reflect current uncertainties in climate model predictions. This temperature increase could be expected to affect water resources, agricultural productivity, forests, and endangered species. However, because of the difficulty in quantifying these effects, the RIA does not assess the extent of potential harm related directly to climate change.

One possible indirect effect of climate change is increased sea level rise. Based on current models and the trace gas scenario described above, the projected global warming could increase global sea level by 97.8 centimeters by 2075. However, because of the difficulty in quantifying impacts related to sea level rise, the analysis in the RIA is limited to extrapolation of several case studies quantifying damage from sea level rise to major port areas in the United States.

6. Conclusion

Based on the WMO assessment and EPA's recently completed risk assessment, the Agency believes that the current rate of growth in atmospheric levels of ozone-depleting gases is likely to result in substantial depletion of ozone which would lead to significant harm to human health and the environment. While many uncertainties exist and only limited studies are available in several of the areas of potential harm, the current evidence presents a strong case for action to substantially reduce current levels of use of the most potent ozone-depleting chemicals. A comparison of the potential costs of limiting CFCs and halons to the potential health and environmental benefits is presented below in Section VII.

V. The Montreal Protocol

The Montreal Protocol is a comprehensive agreement for dealing with the threat of stratospheric ozone depletion by man-made chemicals. It has three key components. First, it requires parties to significantly reduce their production and consumption of

certain ozone-depleting substances over the next decade. Second, it provides for revision of the reduction requirements based on scheduled, periodic assessments of available scientific, environmental, technical and economic information. Third, it imposes restrictions on trade in ozone-depleting products with nonparties to minimize nonparties' potential to deplete stratospheric ozone and to encourage nations to become parties. Each of these components is described in greater detail below.

The Montreal Protocol will take effect ("enter into force") on January 1, 1989, provided that at least 11 instruments ratifying the Protocol have been deposited by States or regional economic integration organizations representing at least two-thirds of 1986 estimated global consumption of the covered substances, and that the Vienna Convention for the Protection of the Ozone Layer has entered into force. If these conditions have not been fulfilled by January 1, 1989, the Protocol will enter into force on the 90th day following the date on which the conditions have been fulfilled.

The Vienna Convention has so far been ratified by 14 nations, including the United States, as noted above. Twenty instruments of ratifications are required for its entry into force. The Department of State and the White House are currently in the process of requesting from the Senate its advice and consent to ratification of the Protocol, so that the President may ratify it on behalf of the United States.

A. Control Provisions

1. The Chemicals Covered

The Protocol identifies in Annex A two groups of ozone-depleting substances for control "controlled substances"). Group I includes CFC–11, –12, –113, –114, and –115. These chemical compounds are fully halogenated and therefore are strong potential ozone-depleters that are either widely used or potential substitutes for those chemicals which are now widely used.

Group II includes Halon 1211, 1301 and 2402. Because they contain bromine, these chemicals are even stronger potential ozone-depleters than the chemicals in Group I. However, they are currently emitted in small quantities relative to CFCs, substantial uncertainties exist as to their exact ozone depletion weights, and recent evidence suggests that their ozone-depleting potential may substantially depend on atmospheric chlorine concentrations.

The Protocol's coverage extends only to the specified chemicals in bulk form. Its definition of controlled substances excludes chemicals which are in manufactured products other than a container used for the transportation or storage of the chemicals. EPA is seeking comment on the implications of using this definition of controlled substances.

2. "Calculated Levels"

The Montreal Protocol does not place limits on each of the controlled substances. Instead, it places separate limits on the total ozone depletion potential of Group I and Group II controlled substances that a party produces and consumes. A party may consequently produce and consume any mix of the controlled substances within each of the Groups, so long as the total ozone depletion potential of the mix does not exceed the specified limits.

For purposes of calculating total ozone depletion potentials, the Protocol lists in Annex A the "ozone depleting potential" of all but one of the controlled substances. In the case of Halon 2402, it provides that the ozone depleting potential is "to be determined." More generally, it notes that the ozone depleting potentials "are estimates based on existing knowledge and will be reviewed and revised periodically," as provided under Article II, paragraph 9.

The Protocol uses the phrase "calculated levels" to refer to this weighting of controlled substances based on their relative ozone-depleting potentials. It provides under Article 3 that calculated levels be determined for each Group of controlled substances by multiplying the amount of emissions (in kilograms) of each controlled substance within that Group by the ozone depleting potential specified for it in Annex A, and adding together the resulting products.

3. Production and Consumption Limits

Just as the Protocol does not place limits on each controlled substance, it does not place limits on particular uses (e.g. aerosols, refrigeration) of the controlled substances. Instead, the Protocol limits each party's total production and consumption of Group I (CFCs) and Group II (halons) controlled substances for specified 12-month periods. It leaves up to each party how to stay within those limits.

Article 1 of the protocol defines production as "the amount of controlled substances produced minus the amount destroyed by technologies to be approved by the Parties." It defines consumption as "production plus imports minus exports of controlled substances." However, Article 3 provides that after January 1, 1993, any export of controlled substances to non-parties may not be subtracted in calculating the consumption level of the exporting party.

4. Timing and Magnitude of Limits

The limits imposed by the Protocol are generally defined in terms of 12-month periods and keyed to calculated levels of 1986 production and consumption. The year 1986 was chosen as the baseline for controls so that nations did not have an incentive to increase their production and consumption during 1987, when the protocol was being negotiated, in order to establish higher baselines.

a. *Group I controlled substances.* For Group I controlled substances, Article 2 of the Protocol requires each party to reduce in three steps the calculated level of its production and consumption of those substances.

For the first step, paragraph 1 of Article requires that if the Protocol enters into force on January 1, 1989, each party must limit its calculated levels of consumption and production to 1986 levels in the 12-month period commencing July l, 1989, and in each 12-month period thereafter. If the Protocol enters into force on a later date, each party must meet that limit in the 12 month period commencing on the first day of the seventh month following the date of entry into force of the Protocol, and in each 12-month period thereafter.

However, the Protocol permits each party to increase its production in each of the relevant control periods by up to 10 percent of its calculated level of 1986 production, provided that the increased production is used for one or both of two purposes. One purpose is to satisfy the "basic domestic needs" of developing countries operating under Article 5 of the Protocol. That Article allows developing countries who are parties to the Protocol and whose annual calculated level of consumption of both Group I and Group II controlled substances is less than 0.3 kilograms per capita on the date it becomes a party to the Protocol, to delay its compliance with the Protocol's control provisions by ten years after that specified in those provisions, so long as its per capita consumption does not exceed 0.3 kilograms.

With Article 5, the drafters of Protocol sought to fairly accommodate the "special situation" of developing countries whose 1986 consumption of the controlled substances was low relative to that of developed countries. By allowing developing countries to increase their consumption somewhat

and by allowing parties to increase their production to supply the developing countries, the drafters hoped to encourage developing countries to join the Protocol and make it unnecessary for them to build or expand any capacity for producing controlled substances in order to supply for a limited period of time their growing domestic needs.

The second justification for the parties to increase their production by up to 10 percent of 1986 levels is "for the purposes of industrial rationalization between Parties." Article 1 of the Protocol defines industrial rationalization as "the transfer of all or a portion of the calculated level of production of one Party to another, for the purpose of achieving economic efficiences or responding to anticipated shortfalls in supply as a result of plant closures."

For the second reduction step, paragraph 3 requires each party to limit the calculated level of its production and consumption in the period from July 1, 1993, to June 30, 1994, and in each 12-month period thereafter, to 80 percent of the calculated level of its 1986 production and consumption. Notably, the second reduction step takes effect beginning July 1, 1993, regardless of when the Protocol enters into force, so long as the Protocol has entered into force by that date. As in the case of the first step, each party may exceed its production limit in each control period by up to 10 percent of its 1986 production level, provided the production over the limit is used for one or both of the same two purposes described above.

Finally, for the third reduction step, paragraph 4 requires each party to limit the calculated level of its production and consumption in the period from July 1, 1998, to June 30, 1999, and in each 12-month period thereafter, to 50 percent of its calculated level of 1986 production and consumption. Each party is allowed to exceed its production limit by up to 15 percent of its calculated level of 1986 production, provided the production in excess of the limit is used for one or both of the purposes described above. The third reduction step will automatically take effect beginning July 1, 1998, so long as the Protocol enters into force anytime before July 1, 1998, and unless decided otherwise by a two-thirds majority of the parties present and voting, representing at least two-thirds of parties' total combined calculated level of consumption.

Paragraph 5 of Article 2 provides in limited circumstances for further increases in production of Group I controlled substances during any of the control periods discussed above. That paragraph permits parties to exceed the production limits set out in paragraphs 1 through 4 to the extent they receive, for the purposes of industrial rationalization, transfers of production from parties whose calculated level of 1986 production of Group I controlled substances was less than 25 kilotonnes. However, the total combined calculated levels of production of the parties involved in such a transfer of production may not exceed the production limits set out in Article 2. In addition, the secretariat of the Protocol must be notified of any such transfer.

b. *Group II controlled substances.* For Group II controlled substances, paragraph 2 of Article 2 requires that each party limit the calculated level of its production and consumption of those substances to the calculated level of its 1986 production and consumption of the same. Parties must meet that limit in the 12-month period commencing on the first day of the 37th month following the date on which the Protocol enters into force (January 1, 1992, if the Protocol enters into force on January 1, 1989), and in each 12-month period thereafter. However, each party may increase its production of Group II controlled substances in each control period by up to 10 percent of the calculated level of its 1986 production of those substances, provided that the increased production is used for the same purposes for which increased production of Group I controlled substances is allowed (i.e., supplying developing countries and for the purposes of industrial rationalization).

Article 2 of the Protocol includes several other paragraphs applicable only to particular parties other than the United States (e.g., paragraph 6 and 8). Consequently, those paragraphs will not be summarized here nor implemented by today's proposed rule.

B. Review and Revision Provisions

Built into the Protocol are mechanisms for revising its requirements in response to the latest information on stratospheric ozone depletion and its consequences. Article 6 requires the parties, beginning in 1990, and at least every four years thereafter, to assess the control measures set forth in Article 2 on the basis of available scientific, environmental, technical and economic information. It further provides for panels of experts in the relevant fields to issue reports on such information one year prior to each assessment.

Paragraph 10 of Article 2 permits the parties to change the coverage of the Protocol by revising the list of chemicals included in Group I or Group II of controlled substances, based on the periodic assessments required by Article 6. Should the parties add chemicals to either Group, paragraph 10 also permits the parties to decide on the mechanism, scope and timing of control measures that should apply to those substances. Decisions under paragraph 10 become effective when accepted by a two-thirds majority vote of the parties present and voting.

Paragraph 9 of Article 2 allows parties to adjust the ozone depleting potentials specified in Annex A and the control measures specified in Article 2, based on Article 6 assessments. Paragraph 9 provides that the parties first attempt to attempt to reach consensus on the need for any adjustment; otherwise decisions to make any adjustment must be adopted by a two-thirds majority vote of the parties present and voting representing at least fifty percent of the total consumption of the controlled substances of the parties.

C. Trade Provisions

Article 4 of the Protocol requires parties to impose specified restrictions on trade of ozone-depleting products with nonparties. The purpose of the trade restrictions is to reduce the potential of nonparties to adversely affect the ozone layer and to induce nonparties to join, or at least comply with, the Protocol.

Pursuant to paragraph 1 of Article 4, each party must ban the import of controlled substances from nonparties within one year of the Protocol's entry into force. Under paragraph 3, within three years of the Protocol's entry into force, the parties are to develop a list of products containing controlled substances (e.g., refrigerators, air conditioners); and within one year of the list having become effective, parties not objecting to the list are to ban imports of the listed products from nonparties. Under paragraph 4, within five years of the Protocol's entry into force, the parties shall determine the feasibility of banning or restricting products made with, but not containing, controlled substances (e.g., electronic equipment) and, if feasible, develop a list of such products; and within one year of the list having become effective, parties not objecting to the list are to ban imports of the listed products from nonparties.

Paragraph 5 calls on parties to "discourage" the export to nonparties of technology for producing and utilizing controlled substances. In a similar vein, paragraph 6 requires parties to "refrain" from providing new financial help for the export to nonparties of anything that would facilitate the production of controlled substances.

Article 4 also provides for several exemptions from the trade restrictions. Paragraph 7 provides that paragraphs 5 and 6 will not apply to products, equipment, plants or technology that contribute to the reduction of emission of controlled substances; and paragraph 8 exempts from the restrictions of paragraphs 1, 3 and 4 those nations that do not join, but are found to be in compliance with, the Protocol.

D. Other provisions

As for its implementation, the Protocol establishes requirements for parties to report relevant data (Article 7); an accompanying conference resolution calls for UNEP to convene a meeting of government experts to recommend to the parties measure for harmonizing and coordinating data on production, imports and exports of controlled substances. The Protocol also requires the parties at their first meeting to develop enforcement mechanisms and penalties for non-compliance (Article 8).

To ease compliance, the Protocol calls for the parties to cooperate in the research, development and exchange of information on emissions reduction technologies, substitutes for ozone-depleting products, and control strategies (Article 9). It also urges parties to lend one another, and particularly developing countries, technical assistance to facilitate participation in and implementation of the Protocol (Article 10).

VI. Proposed Action

A. Scope and Stringency

EPA proposes to implement the Montreal Protocol, provided that it enters into force and the United States ratifies it. Based on its assessment of the available evidence, EPA believes that the Protocol's requirements are an appropriate response to the potential ozone depletion problem at this time. Moreover, given that potential ozone depletion is a global problem requiring a global response, EPA believes that the Protocol is the most effective means of addressing the problem. For these reasons, EPA believes that implementation of the Protocol would best protect public health and welfare from the adverse effects of any ozone depletion.

The Protocol may be amended in ways that could significantly affect the stringency of the control regime it prescribes. For example, the Protocol provides explicitly that the fifty percent reductions in consumption and production required by Article 2, Paragraph 4, will not come into effect if the Parties by a two-thirds majority vote otherwise. In the event that any such amendment is adopted by the parties, EPA intends to conduct rulemaking to consider the effect the changes should have on the control regime prescribed by these regulations.

1. Basis for control requirements

EPA's assessment of the risks of ozone depletion indicates that the Protocol's control requirements are an appropriate response, particularly considering that the Protocol permits revisions of the requirements as new information warrants.

The chemicals covered by the Protocol are those which currently pose the greatest threat to stratospheric ozone. Moreover, the Protocol's different treatment of CFCs and halons reasonably reflects differences in what is known about the ozone depletion potential of the two classes of chemicals and the volume of their respective emissions.

The extent to which a chemical will contribute to ozone depletion depends on its chlorine and bromine content and its atmospheric lifetime. Table 3 lists these characteristics for those compounds considered for coverage. It illustrates that the chemicals in Group II (halons) have greater ozone depletion potentials than the chemicals in Group I (CFCs), and that Group I chemicals have greater ozone depletion potentials than CFC–22 and methyl chloroform. It also shows that carbon tetrachloride (CCl4) is a stronger potential ozone-depleter than several of the chemicals included in Group I.

TABLE 3.—RELATIVE OZONE-DEPLETING POTENTIAL OF CHEMICAL COMPOUNDS

Compound	Lifetime (years)	Ozone-depleting potential [1] (mass basis)
CFC–11	75	1.0
CFC–12	111	1.0
CFC–113	90	0.8
CFC–114	185	1.0
CFC–115	380	0.6
Halon-1211	25	3.0
Halon-1301	110	10.0
Halon-2402	([2])	6.0
HCFC–22	20	0.05
Methyl Chloroform	6.5	0.1
CCl 4	50	1.06

[1] Measured relative to CFC–11 which is set to 1.0. Values reported on a mass basis (i.e. per kilogram).

[2] Not reported.

Sources: Lifetime estimates are based on WMO (1986), and are summarized in EPA Risk Assessment, 1987, and EPA Regulatory Impact Analysis, 1987. Ozone depletion potentials for CFC–11, –12, –113, –114, –115, Halon-1211 and 1301, methyl chloroform, and CCl4 approximate those estimated by the Lawrence Livermore National Laboratory one-dimensional atmospheric model (Connell, personal communication). Ozone depletion potential for Halon-2402 reported at negotiations for *Montreal Protocol on Substances that Affect the Ozone Layer* (Bakken, personal communication). Values for CFC–11, –12, –113, –114, –115, and Halon 1211 and 1301 are listed in Annex A of the Montreal Protocol. These values are preliminary estimates based on currently available research and are likely to change over time as new information becomes available.

HCFC–22 and methyl chloroform are appropriately excluded from coverage for several reasons. First, as Table 3 shows, they are substantially less harmful to the atmosphere than the other chemicals considered for coverage. Second, they have short atmospheric lifetimes, so their future atmospheric concentrations can be more quickly reduced by emission limits if such reductions are determined to be necessary in the future. Third, both chemicals are potential substitutes for some of the more potent ozone-depleting chemicals covered by the Protocol.

In contrast, carbon tetrachloride is a relatively strong potential ozone-depleter, but its small volume of emissions makes it reasonable to exclude. Most carbon tetrachloride is consumed as a feedstock to producing CFCs and relatively little is emitted into the atmosphere.

CFC–114 and CFC–115 are reasonably included despite currently minor production levels because they are fully halogenated CFCs and therefore have long atmospheric lifetimes and are relatively strong potential ozone-depleters. Furthermore, if they were not covered, they could be substituted in some uses for the covered CFCs. If such substitutions were to occur, the risk of ozone depletion would not be substantially reduced. [2]

[2] It should be noted that CFC–115 can be used in a blend with HCFC–22 in several commercial refrigeration applications. While any such use of CFC–115 would be covered by the Protocol's control requirements, shifting from CFC–12 to this blend would substantially reduce the overall ozone-depleting potential of the chemicals used. Since this reduction in ozone depletion would occur without substantially altering product prices, industry may continue this trend as one means of reducing risks from ozone depletion.

Table 3 also highlights the substantial concern with Halon 1211, 1301 and 2402 as potential ozone-depleters. Because bromine remains in a chemically reactive state in the stratosphere, it is an extremely effective catalyst contributing to ozone depletion. However, while general agreement exists that the halons are, kilogram for kilogram, more potent ozone-depleters than CFCs, substantial uncertainties exist regarding their ozone-depletion potential. As a result, the ozone depletion weights provided in Table 3 and Annex A of the Protocol, particularly in the case of the halons, should be viewed as preliminary, and are likely to change as more information becomes available.

EPA examined the effect on future ozone depletion based on projections from a simplified one-dimensional atmospheric model. For a baseline case where CFCs are reduced by 50 percent over ten years, if the halons were allowed to continue to grow at expected rates, depletion of 3.2 percent would occur by 2075. By freezing halon production at current levels, the level of predicted ozone depletion would be reduced to 1.3 percent by 2075.

EPA's risk assessment also indicates that the Protocol's reduction requirements would substantially reduce potential depletion and thus the adverse health and welfare effects of depletion. As shown earlier in Table 2, based on model projections, continued trends in worldwide use of CFCs in the absence of regulation could result in substantial ozone depletion sometime during the early part of the next century.

The extent to which limits on CFC and halon production and consumption could reduce estimated ozone depletion is dependent, in part, on future trends in other trace gases, the extent to which other nations also reduce their consumption and production of ozone-depleting chemicals, and the ability of current models to predict future changes in ozone levels. The assumptions underlying this analysis are explained in detail in the RIA accompanying this rulemaking.

Several different levels of emission reductions and their effects on ozone depletion are presented in Table 4. These estimates are compared to the base case (no regulation) shown earlier in Table 2. They indicate that international action to freeze CFCs at 1986 levels alone would substantially reduce depletion compared to the base case, but would still result in approximately 6 percent depletion by 2075. In contrast, model projections indicate that the reductions required by the Montreal Protocol and the anticipated participation by most developed and developing nations, would result in less than 2 percent depletion by 2075. If the United States were to take additional steps beyond the 50 percent reduction required by the Protocol and reduce its CFC consumption by 80 percent, depletion would only be reduced by an additional 0.1 percent.

TABLE 4.—OZONE DEPLETION LEVELS FOR ALTERNATIVE REDUCTION OPTIONS

[Percent depletion of total column ozone]

Case	2000	2025	2050	2075
1. No controls	0.0	3.9	12.4	39.9
2. CFC freeze	0.0	2.3	4.3	6.2
3. CFC 20%	0.0	1.9	3.4	5.0
4. CFC 50%	0.0	1.5	2.3	3.2
5. CFC 80%	0.0	1.2	1.8	2.2
6. CFC 50%/Halon freeze	0.0	1.3	1.6	1.3
7. CFC 50%/Halon freeze/U.S. 80%	0.0	1.2	1.4	1.2
8. U.S. only/CFC 50%	0.0	3.1	8.5	20.4

Source: Cases 1–6 assume specified reductions are taken on the timetable specified in the Montreal Protocol and that 94 percent of the non-U.S. developed world and 65 percent of the developing world participate in making these reductions. Case 7 assumes that the U.S. takes unilateral action. A more detailed discussion of assumptions is included in Chapter 5 of the RIA.

Given the many variables and uncertainties involved in predicting ozone depletion far into the future, the Protocol's control requirements achieve a reasonable degree of risk reduction. Moreover, the Protocol includes review and revision mechanisms for obtaining more or less risk reduction as advances in modelling capability, new data, or other relevant developments warrant.

The Protocol's trade provisions are also a reasonable means of reducing the risk of stratospheric ozone depletion. As model projections indicate, broad observance of the Protocol is needed to effectively protect stratospheric ozone, and nations that neither joined nor complied with the Protocol would endanger the ozone layer. Implementation of the Protocol's trade restrictions would reduce the potential for those nations to adversely affect the ozone layer and would induce them to join the Protocol.

2. International Considerations

Taken as a whole, EPA believes that the Protocol effectively addresses the global problem of potential ozone depletion. The Agency thus considers it unwise to risk undermining the agreement by deviating from its requirements.

As explained earlier, EPA believes that the available evidence fully supports the need for the Protocol's control requirements. Moreover, failure by the United States to meet all the requirements would set a damaging precedent. For the Protocol to be effective, nations cannot pick and choose which of its provisions to implement.

Requiring the United States to do more than the Protocol requires could also be counterproductive. Were EPA to implement the reductions required by the Protocol regardless of whether the Protocol enters into force, or require greater reductions than the Protocol requires, other nations might have less incentive to join the Protocol. The failure of many nations to join the United States in banning CFCs in aerosols demonstrates that unilateral United States action does not necessarily lead other nations to reduce their emissions, and raises the concern that other nations might "free-ride" on United States reductions to avoid making costly reductions themselves. In any event, as noted earlier, even if EPA were to require that the United States take an additional step beyond the Protocol and reduce its consumption by 80 percent, potential ozone depletion would only be reduced by an additional 0.1 percent.

B. Control Strategy

As noted earlier, the Montreal Protocol leaves up to each party how to achieve the required reductions in production and consumption. EPA's goal in implementing the Protocol is to provide the market place with as much flexibility as the Protocol permits to achieve the required reductions in the most economically efficient manner possible.

1. Economic Incentives Versus Engineering Controls/Bans

Two general approaches for achieving the Protocol's required reductions of controlled substances were evaluated by the Agency. One approach relies on market incentives to achieve low cost reductions in the use of CFCs and halons. Under this approach EPA could either directly restrict the supply of CFCs and halons or assess a regulatory fee on their use. Either case would increase costs of using CFCs which would give those firms with relatively low-cost reduction options an economic incentive to reduce their use of these chemicals. Those firms where no such reduction opportunities exist would continue to use CFCs, although they would have to pay a higher price.

According to economic theory, providing firms with an incentive to make cost-effective reductions should

BEST COPY AVAILABLE

minimize the costs to society of meeting the regulatory goal. Three alternative economic incentive approaches were evaluated: marketable rights based on auctions ("auctioned rights"), marketable rights allocated by quota to past producers and importers ("allocated quotas"), and regulatory fees.

The second general approach is the use of traditional engineering controls and product or chemicals bans ("engineering controls or bans"). It involves EPA deciding which specific industries or uses of CFCs and halons should be regulated. EPA would make this decision based on the availability of low cost reductions, the quantity of reductions achieved, the administrative burdens of monitoring compliance, the enforceability of the regulation, and the impacts on small businesses. This approach is EPA's usual method of regulating pollution. It was considered alone, and a supplement to allocated quotas based on the extent to which CFC users may be postponing the adoption of low cost reductions "hybrid option").

EPA evaluated each of these options in light of the following criteria: Certainty of achieving the desired environmental goal; economic costs and efficiency in meeting that goal; equity considerations; administrative costs and enforceability; legal certainty; and impacts on small business.

Each of the options has specific advantages, but also raises possible problems. The regulatory fees option should provide for least cost reductions, while providing clear price incentives for users to reduce their reliance on CFCs and halons and for producers to introduce chemical substitutes. However, regulatory fees alone would not ensure that the freeze or reductions of controlled substances would be achieved during the time period required by the Protocol. For example, more firms than anticipated could decide to pay the fee and continue using CFCs or halons. Engineering controls or bans would pose the same problem, since uses of CFCs or halons that were not regulated could continue to grow, possibly offsetting reductions from the regulated uses.

Engineering controls or bans would also be administratively burdensome, considering the many thousands of small firms that use CFCs or halons. In the case of regulatory fees, another concern is whether EPA has the legal authority to impose a fee which would result in revenues in excess of the costs of operating the program; regulatory fees might be invalidated as beyond the Agency's authority under the Clean Air Act. (The legal issues concerning fees are discussed in a separate analysis prepared by EPA which is contained in the docket.)

The auctioned rights option would entail auctioning rights allowing a specified amount of production or consumption of CFCs or halons. The auctions would be open to any interested party. The total amount of production and consumption rights auctioned would reflect EPA's regulatory goal. Revenues from the auction would go to the United States Treasury. Firms seeking to use CFCs or halons would have to obtain rights at auction or by purchasing them from other firms on a secondary market. Alternatively, to the extent CFC or halon producers or suppliers had not purchased rights at auction, final users of these chemicals could simply buy them directly through their existing channels of supply. EPA would monitor compliance by checking whether producers and importers held rights authorizing their production and consumption.

Like all the economic incentive approaches, auctioned rights should provide for economically efficient reductions. In addition, any revenues from the auction would go to the general treasury.[3] Concerns have been raised, however, that auctions, at least initially, would create large uncertainties for firms about price and availability, and could lead to speculation and short-term hoarding of permits (beyond a firm's actual needs) during the auction process.[4] Also, legal questions have been raised concerning EPA's authority under the Clean Air Act to implement an auction to allocate rights. (These issues are also discussed in the EPA analysis contained in the docket.)

EPA favors simply allocating rights equal to the quantity of allowable production and consumption to producers and importers of controlled substances in 1986. Since producers and importers are small in number (probably no more than 15 to 20), it would be far less burdensome to allocate rights to them instead of users. Similar to auctioned rights, firms allocated rights could buy and sell them to respond to changes in market conditions. Price increases as a result of decreased supplies should provide firms using CFCs or halons with the economic incentive to make the lowest cost reductions of controlled substances. Unlike auctioned rights or regulatory fees, this option avoids raising any legal issues concerning EPA's regulatory authority.

The major concern about the allocated quotas option is one of equity—should current CFC and halon producers and importers reap a possible windfall profit from the scarcity created by EPA's regulation? The extent to which CFC and halon prices increase over time will determine the magnitude of this potential gain.

A second concern (one that applies to all of the economic incentive approaches) is that certain industries where low-cost reductions are possible may decide not to make these reductions, at least for a time, and may elect instead to continue their use of CFCs or halons. For example, CFCs are a very small part of the costs of a computer. As a result, firms in this industry may be better able to pass on price increases to their customers. If available inexpensive reductions are not realized by these or other industry groups, then CFC and halon prices could increase more than they otherwise would, resulting in additional economic burden on all firms using these chemicals. The impact of this burden could be particularly large in the near term, before new chemical substitutes become available.

These two concerns are discussed in greater detail in a later section which describes potential remedies to these problems and presents the alternative regulatory approaches still under consideration by the Agency.

2. Design of Allocated Quota System

EPA proposes to implement the Montreal Protocol using a system of allocated, marketable "rights."[5] The Protocol's limits on production and consumption would be translated into allocated quotas of production rights and consumption rights. The Protocol's separate treatment of Group I and Group II controlled substances would be reflected in separate rights for each group of controlled substances. Similarly, the Protocol's definition of

[3] The argument advanced by economists is that equity would be served were revenues from the auction or regulatory fees to go to the Treasury because the revenues would represent payments from those who damage the environment to those who are damaged, i.e., citizens.

[4] Speculation can be an aid to market functioning. Of course, if speculators enter the market and bid up the price to levels higher than market value, they will lose money in their subsequent efforts to sell in the aftermarket. However, to the extent prices are bid up by speculators and remain higher for some time, small firms using CFCs or halons may be adversely affected.

[5] The word "rights" is used as a matter of convenience. The "rights" that would be created by the regulations are really privileges, since, if future circumstances or shifts in the regulatory approach warrant changes in allocations of controlled substances, EPA may by rulemaking modify the amount of rights allocated.

limits in terms of "calculated levels" of Group I or Group II substances would be carried over into the definition of rights. (As explained earlier, calculated level is determined by multiplying the emissions of each controlled substance by its ozone depletion weight and adding together the resulting products for all the controlled substances within each Group.) Thus, rights would be specified in terms of calculated level of Group I or Group II controlled substances, so that holders of rights could select any mix of controlled substances within each Group, provided that the total calculated level of the mix did not exceed the calculated level of the rights held.

a. *Chemical Coverage and Ozone Depletion Weights.* The regulations would include the same chemicals in Group I and Group II of controlled substances as the Protocol does. They would likewise adopt the Protocol's ozone depletion weights for each of the controlled substances. However, the regulations would also provide an ozone depletion weight for Halon 2402, whereas the Protocol leaves the weight for that halon for later determination. EPA is proposing a 6.0 weight for Halon 2402 based on its assessment of the chemical's ozone depletion potential. The Agency will also propose this weight for adoption by the Protocol parties; but should the parties establish a different weight and scientific evidence support their choice, EPA would revise its regulation to conform to the Protocol. In the meantime, EPA believes it appropriate to propose its assessment of the ozone depletion weight of Halon 2404 to give industry a basis for judging their compliance with the halon limit.

b. *Production Rights and Consumption Rights.* Production rights held by firms would authorize them to produce a calculated level of controlled substances equal to the calculated level of rights they hold.[6] Rights would be apportioned among producers of controlled substances according to the calculated level of controlled substances each produced in 1986, the baseline year established by the Protocol. The total of these "baseline production rights" would thus equal United States production in 1986.

Consumption rights would authorize holders to *produce or import* a calculated level of controlled substances equal to the calculated level of the rights held. As described earlier, the Protocol defines consumption as production plus imports minus exports, and keys its consumption limits to 1986 levels of these three components of the consumption equation. Since exports of controlled substances are subtracted from, and therefore aid compliance with the consumption limit, no rights would be required to export (although exporters would be required to report their exports to EPA). Nor would users of CFCs or halons ever become involved with either production or consumption rights—only producers, importers, and exporters would be directly involved in this proposed regulatory system.

Baseline consumption rights would be apportioned to producers and importers, but in a manner that takes account of 1986 exports. Importers would be allotted baseline consumption rights equal to the calculated level of their 1986 imports of controlled substances. Producers would be apportioned baseline consumption rights equal to the calculated level of their 1986 production, less a proportionate share of the calculated level of the United States' total 1986 exports. The apportionment formula for determining each producer's consumption rights would be the producer's 1986 production multiplied by a correction factor equivalent to:

$$\frac{[(\text{U.S. 1986 production}) - (\text{U.S. 1986 exports})]}{(\text{U.S. 1986 production})}$$

EPA believes producers' baseline consumption rights should be reduced to reflect exports because producers generally have been the major exporters of controlled substances.

In a separate rule also appearing in today's **Federal Register**, EPA is requiring producers, importers and exporters of controlled substances in 1986 to provide the Agency with the information needed to determine the United States' 1986 production and consumption levels, individual producer's baseline production and consumption rights, and individual importer's baseline consumption rights. Based on the information received, the Agency plans to publish proposed baseline apportionments in time for final apportionments to be included in this rule when it is promulgated on August 1, 1988.

As their definitions suggest, production and consumption rights overlap, but not entirely. To produce controlled substances, a firm must have both production and consumption rights; to import controlled substances, it need have only consumption rights. The overlap simply mirrors the overlap of the Protocol's limits on production and consumption (i.e., production plus imports minus exports). Several examples illustrate how the two limits may interact and how the proposed regulatory system would accommodate these interactions.

Assume the United States in 1986 produced 100 units, imported 10 units, and exported 5 units of Group I controlled substances. United States 1986 production would be 100 units and its 1986 consumption 105 units. After the Protocol's freeze on Group I controlled substances took effect, the United States could not produce up to 105 units of controlled substances for domestic consumption even though it would stay within its consumption limit, because it would exceed by 5 units its production limit. Unless the United States gained the right to increase its production in the manner permitted by the Protocol (described below), it could only obtain the remaining 5 units of controlled substances permitted by the consumption limit by importing them. To restate this scenario in terms of rights, United States producers would be granted production rights for 100 units of controlled substances. Producers and importers would be granted consumption rights for 105 units. Thus, producers could produce up to 100 units of controlled substances using all of their 100 production rights and 100 of the 105 available consumption rights; the remaining consumption rights could be used to import controlled substances.

c. *Allowance for Additional Consumption Rights.* A slightly different example illustrates another aspect of the proposed regulatory system. Assume the United States in 1986 produced 100 units, imported 5 units, and exported 10 units of controlled substances, for a 1986 production level of 100 and a 1986 consumption level of 95. In this case, baseline consumption rights would not be plentiful enough to permit producers to produce all 100 units for which they held baseline production rights. The Protocol would permit production of all 100 units, provided that at least 5 are

[6] Production rights would be required for virgin production, but not for recycling, of controlled substances. Production used and consumed as a chemical intermediary is also exempt. Further, the Protocol defines production of controlled substances as the amount produced minus the amount destroyed "by technologies to be approved by the parties." Because no such technologies have yet been approved, this proposal does not include any provision for credits for destruction. However, EPA intends to work with industry in the future to review existing and new destruction technologies and, if appropriate, submit these technologies to the Parties for their approval.

exported so that the consumption limit is not exceeded. The proposed regulations would permit the same by granting additional consumption rights upon proof of exports of controlled substances to any nation until January 1, 1993, and to any party of the Protocol beginning January 1, 1993.[7] If a producer held production rights for 12 units and consumption rights for 10 units, he could produce the 10 units for which he held production rights, export 2 of the units, and receive from EPA additional consumption rights for 2 units. With those additional consumption rights, he could produce all 12 units for which he held production rights.

The regulations would require controlled substances to be exported before additional consumption rights would be granted, to ensure that the United States stayed within its consumption limits. If EPA were to grant additional consumption rights based merely on a producer's plan or agreement to export controlled substances, the United States could exceed its consumption limits if the producer did not ultimately export the substances but nonetheless increased his production as allowed by the additional consumption rights he received. The regulations would moreover require that exports reach their destination—not just leave the United States—before additional consumption rights would be granted. This requirement is necessary to track controlled substances for purposes of determining parties' compliance with the consumption limits. Otherwise, on the last day of any control period, parties could export controlled substances as needed to stay within consumption limits, but since the exported controlled substances would likely not arrive at their destinations until the following control period, no party would have to include the controlled substances in the tally of its consumption.

Anyone who exports controlled substances could obtain consumption rights equal to the calculated level of controlled substances exported. If the exporter were not also a producer, he could sell the consumption rights to a producer. As further explained below, all rights created by the regulations would be transferable subject to EPA verification that the transferor in fact possesses the rights being transferred.

[7] As noted earlier, the Protocol requires that, beginning January 1, 1993, only exports to parties will be subtracted in determining consumption. EPA will in future rulemakings promulgate a list of parties based on the list kept by the Secretariat of the Protocol.

To illustrate another possible scenario, assume total United States exports increased over 1986 levels, so that the United States was below its consumption limit. While the United States could not increase its production (except under the circumstances described below), it could increase its imports up to the level permitted by the consumption cap. To restate this in terms of rights, if a producer with production rights for 10 units and consumption rights for 12 units exported 6 units, he could acquire additional consumption rights for 6 units and import a total of 8 units.

As the above examples demonstrate, the Protocol's production and consumption limits can interact in many ways. EPA has tried to create a regulatory system flexible enough to accommodate the possible interactions. Comments are requested on whether the proposed system does provide adequate flexibility and how it might be improved.

d. *Scheduled Reduction of Production and Consumption Rights.* The regulatory system must also provide for the Protocol's scheduled reductions. The proposed regulations would do so by reducing the number of rights granted over time. For Group I controlled substances, it would grant producers and importers 100 percent of their apportioned baseline production and consumption rights for the first reduction step; 80 percent of the same for the second reduction step; and 50 percent of the same for the third. For Group II controlled substances, the regulations would grant 100 percent of the apportioned 1986 baseline production and consumption rights for all the applicable control periods.

The proposed regulations do not yet specify the control periods to which the grants of rights would apply, since the Protocol makes the timing of the freezes of Group I and Group II substances dependent on when the Protocol enters into force. EPA solicits comments on the appropriate time period for which these rights would apply. EPA would promulgate the dates of the control periods in a future rulemaking after the Protocol has entered into force and before the Protocol's requirement have taken effect.

Even after the date of entry into force is known, however, a question will remain as to the proper dates for the freeze of Group I controlled substances at 1986 levels. The issue arises from the potential discontinuity in the timing of the first and second steps of the reduction schedule for Group I controlled substances. The Protocol specifies 12-month control periods for all three steps of the Group I reduction schedule. But while the Protocol provides that the second step will take effect beginning July 1, 1993, it makes the start of the first step dependent on when the Protocol enters into force. If the Protocol enters into force on January 1, 1989, the freeze will take effect beginning July 1, 1989. In that case, the end of last freeze control period will coincide with the start of the first control period for the second step. On the other hand, if the Protocol enters into force on any date other than January 1st, there would be overlapping control periods, unless EPA defined the last control period as lasting less than 12 months.

To avoid this problem, EPA intends to promulgate dates for the last control period of the freeze that do not overlap with the first control period of the 80 percent step. Unless the Protocol enters into force on January 1, the last control period of the freeze would be less than 12 months long, and the rights granted for that period would be reduced accordingly. EPA solicits comments on this approach.

e. *Allowance for Additional Production Rights.* As explained earlier, the Protocol allows parties to exceed their production limits by certain amounts under certain circumstances. For the first and second steps of the reduction schedule for Group I controlled substances and for the freeze of Group II controlled substances, the Protocol permits parties to exceed the applicable production limits by 10 percent of the calculated level of their 1986 production in order to supply the "basic domestic needs" of parties that are developing countries and "for the purposes of industrial rationalization." For the third step of the Group I reduction schedule, the Protocol allows production to exceed the 50 percent production limit by 15 percent of 1986 production levels for the same two purposes. These allowances are termed "potential production rights".

EPA believes that the driving force behind the developing countries and industrial rationalization provisions was to minimize the construction of new manufacturing capacity, particularly during the initial period when states are deciding whether to adhere to the Protocol. So viewed, the provisions for 10 and 15 percent increases in production are intended to allow nations that already have substantial installed manufacturing capacity to make available limited amounts of supplies to satisfy demand from developing nations, and to offset for losses in production that might be sustained by shutting down inefficient or obsolete facilities. The cushion provided by the allowable "potential production rights" will provide sufficient flexibility in the market to accommodate these needs without undue price increases that might encourage construction of new manufacturing capacity.

Accordingly, EPA proposes to implement the provisions for 10 and 15 percent production increases by allocating "potential production rights" that could be converted to production rights upon proof of exports of controlled substances to parties. Every producer granted baseline production rights would also be granted potential production rights equal to 10 or 15 percent of his baseline production rights, depending on the control period and group of controlled substances involved. A producer could then obtain authorization from EPA to convert his potential production rights to production rights to the extent he exported controlled substances to parties.

Because the industrial rationalization provision refers to transfers between *parties*, and the developing country provision similarly limits production increases to those necessary to supply *parties* that are developing countries, EPA would authorize conversion of potential production rights only to the extent controlled substances have been exported to parties. In future rulemakings, EPA would promulgate, and from time to time revise, as Appendix B to these regulations, a list of nations that are parties to the Protocol. That list would be based on the list of parties kept by the Secretariat of the Protocol.

EPA would otherwise issue notices authorizing conversion of potential production rights on the same basis as the Agency would grant additional consumption rights upon proof of exports. In both cases, EPA would require that the exported controlled substances arrive in the country importing them before EPA would issue the authorizing notice or grant consumption rights. EPA would also limit the authorization or the consumption rights to the control period in which the exports arrived in the importing country.

For a producer to make use of production rights converted from potential production rights, he would also have to obtain consumption rights in the same amount. Since any controlled substances be exported to a party would provide the basis for obtaining additional consumption rights, EPA would treat requests for authorization to convert potential production rights as requests for additional consumption rights, as well. Therefore, upon proof of exports to parties, EPA would (1) issue a notice authorizing the conversion of potential production rights equal to the calculated level of the exports, for the control period in which the exports arrived in the importing nation, and (2) grant consumption rights in the same amount for the same control period.

Anyone (not just producers) exporting controlled substances to parties could obtain *authorization* to convert potential production rights, whether or not he held potential production rights. If he did not hold potential production rights, he could either purchase such rights from, or sell his authorization to, someone who does. If enough controlled substances were exported to parties, it would be possible for EPA to issue authorizations to convert more potential production rights than there were potential production rights to convert. In that case, authorizations beyond those needed to convert all available potential production rights could not be used without violating the terms of the Protocol and would therefore be useless.

f. *Transfers Involving 25 Kilotonne Parties.* The Protocol also allows a party to increase its production beyond the 10 or 15 percent allowances, if it receives a transfer, "for the purposes of industrial rationalization," of a calculated level of production from another party whose 1986 calculated level of production was less than 25 kilotonnes. However, unlike the other provisions related to industrial rationalization, this section of the Protocol provides that "the total combined calculated levels of production of the Parties concerned (may) not exceed the (Protocol's) production limits."

EPA proposes to implement this provision by permitting anyone ("the recipient") to obtain production rights in excess of baseline production rights to the extent a "25-kilotonne party" agrees to transfer to him some amount of the calculated level of production that the party is permitted under the Protocol and to decrease its production by that amount. In a future rulemaking, EPA would promulgate a list of 25-kilotonne parties as Appendix D to these regulations. EPA would adopt a list of 25-kilotonne parties compiled by the Protocol parties, but absent such a list, the Agency would compile its own based on information available from the Secretariat of the Protocol and the parties themselves.

EPA believes that any transfer meeting these requirements would serve the purposes of industrial rationalization, which are to "achiev[e] economic efficiencies" or "respond[ ] to anticipated shortfalls in supply as a result of plant closures." EPA could reasonably assume that any such transfer would "achiev[e] economic efficiencies" since the United States recipient of a 25-kilotonne party's production presumably would not seek that production unless it were economically efficient for him to produce it.

The regulations would require that the recipient of a 25-kilotonne party's production obtain from the principal diplomatic representative in that party's embassy in the United States a document clearly stating that the 25-kilotonne party will decrease its production by the amount it is transferring to the recipient. The 25-kilotonne party's agreement to decrease its production by the amount being transferred would ensure that the total combined calculated levels of production of the United States and the 25-kilotonne party would not exceed the limits applicable to the two parties under the Protocol. Upon obtaining a copy of this document and other requisite information, EPA would notify the Secretariat of the Protocol of the transfer, as required by the Protocol, and issue a notice granting the recipient production rights equivalent to the calculated level of production transferred.

g. *Transfer of Rights.* As pointed out earlier, all of the rights and authorizations obtained pursuant to the regulations would be transferable. However, for a transfer to be effective, the transferor would first be required to submit a transfer request to EPA. The Agency would maintain records of who holds what rights or has been issued authorizations to convert potential production rights. If EPA's records indicated that the transferor possessed sufficient rights or authorization to cover the transfer request, EPA would issue a notice of transfer to the transferor and transferee. The transfer would take effect as of the date EPA issued the notice, and EPA would revise its records to reflect the transfer.

EPA is proposing these transfer requirements because of the need to assure compliance with the Protocol. A fraudulent transfer of rights or authorization would not only result in higher emissions of ozone-depleting substances, but risk the United States exceeding the Protocol's limits. Thus, EPA has provided for the procedural safeguards described above to minimize the possibility of fraudulent or mistaken transfers.

h. *Prohibitions on Production or Import in Excess of Rights.* The

capstone of the proposed system of production and consumption rights would be the prohibitions on production and import of controlled substances. The regulations would prohibit anyone from producing a calculated level of controlled substances in excess of the amount of "unexpended" production rights held by that person. Similarly, they would prohibit anyone from producing or importing a calculated level of controlled substances in excess of the amount of "unexpended" consumption rights held by that person. A person's "unexpended" production or consumption rights would be the total of the calculated level of production or consumption rights he holds, minus the calculated level of controlled substances the person has produced and/or imported, depending on the type of rights involved. In short, the prohibitions prevent anyone at any time from producing or importing controlled substances in amounts greater than the unused production and consumption rights that he holds at the time.

i. *Import Bans.* In addition to implementing the Protocol's production and consumption limits, the regulations would also enact the Protocol's ban on imports of controlled substances from any nonparty, except nonparties found to be in compliance with the Protocol's requirements. The Protocol requires that parties impose, and the regulations would accordingly implement, that ban beginning one year after the Protocol enters into force. In future rulemakings, EPA would promulgate, and from time to time revise, as Appendix C to these regulations, a list of nonparties found to be in compliance with the Protocol.

The Protocol also provides for parties to impose import bans on products containing and products made with, but not containing, controlled substances. However, those provisions are not self-executing, as they require further action of the parties to implement. Thus, EPA is not proposing to impose further import bans, but will promulgate such bans in future rulemakings when the parties have taken the necessary action. EPA is nonetheless seeking comments on products that should be covered by the future bans. The Agency is also seeking comment on whether any additional steps (e.g., labelling of products containing or produced with controlled substances from nonparties) might be warranted either prior to or in conjunction with the trade restrictions contained in the Protocol.

j. *Reporting and Recordkeeping.* EPA is considering a variety of alternative recordkeeping and reporting requirements. One option is to require firms involved in the production of the regulated chemicals to maintain the following information: Weekly records of the quantity of regulated chemicals produced at each facility including controlled substances produced and consumed for feedstock purposes; and weekly records of the quantity and purchaser of controlled substances produced at each plant. These records would be retained for a period of four years.

In addition, EPA would require monthly reports from producers of the controlled substances for each plant and for all plants owned by the same company within 15 days after the end of each month. The reports would include the following: summaries of monthly production of the controlled substances; monthly summaries of the quantity of sales for each of the controlled substances; the quantity and source of material containing recoverable controlled substances and the quantity of controlled substances recovered; summaries of total monthly and control-period-to-date production of the calculated levels of Group 1 and Group 2 controlled substances; and total rights the producer holds at the end of each month.

Another approach and the way EPA is presently leaning is to require the following information: daily records of the quantity of the CFCs and halons produced at each facility including controlled substances produced and consumed for feedstock purposes; daily records of the quantities of HCFC–22 and CFC–116 that may also be produced at the same facilities; continuous records of reactive temperature and pressure within the primary reactor and initial distillation column at each facility during the production operations; daily records of purchases and use of the following materials consumed in producing the regulated chemicals at each plant: carbon tetrachloride, perchloroethylene, chloroform, hydrofluoric acid, hydrochloric acid, bromine, HCFC–22 and CFC–23; and daily records of the quantity and purchaser of controlled substances produced at each plant. These records would be retained for a period of four years.

Under this approach, monthly reports required within 15 days of the end of each month would include the following: summaries of monthly production of the controlled substances, specifying the quantity used and consumed as feedstocks, and production quantities of HCFC–22 and CFC–116, if they are produced at the same facility; monthly summaries of the quantity of sales for each of the controlled substances; description of any material alterations in the annual production plan required for each facility by EPA (as described below); description of any shifts in operating characteristics; the quantity and source of material containing recoverable controlled substances and the quantity of controlled substances recovered; summaries of total monthly and control-period-to-date calculated production levels of Group I and Group II controlled substances; and the producer's total consumption rights, production rights and authorization to convert potential production rights to production rights.

EPA is leaning toward requesting daily instead of weekly records of production since daily records will provide more precise information on production. The more precise information will aid in evaluating trades (determining expended versus unexpended production rights), pinpointing violations, and will ease checks on production records when using process parameters (quantities of raw materials, temperature, pressure) to calculate production. It is not expected that daily records will impose a significant burden on the industry since information currently available to EPA indicates that manufacturers already keep production data on a once per shift basis. Records of raw materials, process parameters, and other CFC compounds (HCFC–22 and CFC–116) produced at the regulated facilities are requested to provide a check on production records. Records of sales of controlled substances would provide not only a check on production records, but would provide EPA information on whether exporters have actually purchased the reported quantity of controlled substances exported. Records of imports and exports are requested on a daily basis since EPA will need to check the date of import/export against records held by U.S. Customs and the U.S. Census to verify compliance.

This information would provide EPA with a double-check on whether producers and importers are staying within their production and consumption rights. EPA solicits comment on both of these approaches to reporting and recordkeeping requirements. EPA is specifically interested in the level of reporting necessary to ensure compliance with permit restrictions.

Whatever approach is chosen, failure to maintain the required records or file these reports in a timely manner may result in EPA assuming production for the unknown period at maximum capacity for the purposes of evaluating compliance.

Records and reports could be required for each facility at each plant owned by a company or they could be required on an aggregate, company-wide basis. EPA is presently inclined to require that all production and sales records be maintained for individual production facilities, but that monthly reports to EPA be submitted containing information for both individual plants and aggregated for all the plants owned by a firm.

With this approach, EPA would not grant rights for each CFC or halon production facility or plant, but will instead grant rights that are company-wide. However, to facilitate enforcement with respect to these rights, EPA will require that firms inform EPA on an annual basis of their intended production plans for each facility and plant and notify the Agency of any significant shifts in the location or quantity of production described in these plans as part of their monthly reports. While compliance with these annual production plans will not be binding, they provide useful information to EPA for purposes of compliance monitoring. EPA solicits comments on the sufficiency of these requirements.

For firms engaged in the import of controlled substances, EPA is also considering a variety of alternative reporting and recordkeeping requirements. EPA is presently inclined to require the maintenance of daily records of the quantity of controlled substances, either alone or in mixtures, that are imported; the dates and ports of call of imports; the date and port of entry into the United States or its territories; the dates on which and the country in which the imported controlled substances were produced; and a name and address from which additional information can be obtained. Monthly reports by importers to EPA must include summaries of the above information along with totals for control-period-to-date and the importer's total consumption rights at the end of the month. EPA will further verify reported import activities with information obtained by U.S. Customs and with information reported through data presented by other nations to the Secretariat to the Protocol.

Exporters must report all exports not previously reported in the context of obtaining consumption or production rights. Reports would be required on a monthly basis and include: name and address of exporter and recipient of the exports; the exporter's Employer Identification Number (EIN); the type and quantity of controlled substances exported; the date and port from which the exports were shipped; the date and country in which the exports arrived; and the source from which the exported controlled substances were purchased.

To facilitate the collection of the relevant information, EPA is requesting the U.S. Department of Commerce for permission to obtain copies of Shipper's Export Declarations (Form 7525–V) filed by exporters of controlled substances. EPA is also requesting the Customs Service for permission to obtain copies of "Entry Summaries" (Form 7501) filed by importers of controlled substances. EPA solicits comments on these reporting and recordkeeping requirements.

k. *Compliance and Penalties.* Based on its review of reports and records and possible site inspections, EPA would determine whether firms are in compliance with the regulations. The regulations would define a violation as the production or import of every kilogram of controlled substances in excess of unexpended production or consumption rights, or in contravention of the ban on imports from nonparties.

Under section 113(b) of the Clean Air Act, penalties of up to $25,000 per day per violation can be assessed. Thus, a firm that produced two kilograms of controlled substances beyond its rights would be potentially subject to a maximum fine of $50,000. In addition to the various remedies under the Clean Air Act, EPA has the authority to seek injuctive relief to limit further production or sales, and to seek to have any activity in excess of unexpended rights subtracted from future year's rights. Also, the Agency may bring criminal penalties against knowing violators, as set forth under section 113(c) of the Act.

Given that compliance with the terms of the Montreal Protocol is determined on a twelve month basis, the control period would be for one block year (unless otherwise specified), and EPA would track compliance over that same period. However, tracking compliance on an annual basis presents some practical limitations—in extreme circumstances a firm could go out of compliance only at the end of the period. With a shorter averaging time or a rolling average, compliance could be judged earlier or more frequently. As an alternative to the block annual control period, EPA could specify a rolling twelve-month control period where compliance could be measured at the end of each month based on the previous twelve months of production. This alternative would provide greater assurance that the United States satisfies its obligations under the Montreal Protocol, but could somewhat limit the flexibility of firms in meeting shifting market conditions during the course of a year. EPA proposes to initially specify compliance on a block one year control period, but will consider shifting to a twelve-month rolling control period if difficulties in ensuring compliance develop. EPA may impose the twelve-month rolling quota on firms that have violated production or consumption rights or in cases where compliance monitoring is hindered.

l. *Effective Date.* The proposed regulations would not take effect until the Montreal Protocol enters into force. After the Protocol has entered into force, EPA would revise the effective date section of regulations to include the date of entry into force.

The United States is now in the process of ratifying the Protocol. That process includes completion of an environmental impact statement concerning the Protocol, and submittal of the Protocol by the President to the Senate for its advice and consent. If the Senate gives its advice and consent, the ratification document then goes to the President for his signature and, once signed, is deposited at the United Nations headquarters. Unless unanticipated delays are encountered, EPA expects this process to be completed well before the January 1, 1989 target date for entry into force.

m. *Payment of Fees.*[a] (a) *Background.* In recognition of the fact that producers and importers of controlled substances would receive production and consumption rights which would allow them to engage in their activities, EPA has examined the feasibility and desirability of making the administration of this regulatory system as self-supporting as possible by having the producers and importers bear some of its costs through payment of administrative fees. EPA is proposing to include Sec. 82.14 in the proposed rule, which would provide for EPA to collect fees in advance for granting production and consumption rights. The authority for this provision is the Independent Offices Appropriation Act ("IOAA"), 31 U.S.C. 9701 (formerly 31 U.S.C. 483(a)), which permits and encourages Federal agencies to recover, to the fullest extent possible, costs attributable to special benefits provided to identifiable recipients.

[a] Payment of *administrative fees* to cover the costs of operating the program is being proposed regardless of the regulatory approach (e.g. allocated quotas, auctions, or regulatory fees) employed. Because the fee simply covers the costs of operating the program, the legal issues concerning a fee used as a regulatory tool are not applicable.

The following describes the broad outlines of the fee program.

(b) *Activities, the Cost of Which are Proposed for Recovery.* The Supreme Court has stated that agency activities for which costs are properly chargeable to the recipient are those which "bestow[ ] a benefit on the applicant, not shared by other members of society." In *National Cable Television Ass'n* v. *U.S.*, 415 U.S. 336, 340–41 (1974). The Court of Appeals for the D.C. Circuit has further specified that the full costs of providing a service may be recovered when:

- The Agency has identified specific activities for which the fee is being assessed;
- The service produces a private benefit;
- The value of the benefit is reasonably related to the fee;
- The benefit accrues at least in part to an identifiable private beneficiary and not merely to an entire industry; and
- The service produces no independent public benefit. *Central & Southern Motor Freight Tariff Ass'n* v. *U.S.*, 777 F.2d 722, 730 (D.C. Cir. 1985).

Based on these criteria, EPA proposes to recover the full costs of the following activities, all of which relate to apportioning and administering production and consumption rights:

(1) Determining the amount of baseline production and baseline consumption rights apportioned to specific producers and importers.

(2) Processing applications, under Secs. 82.9 and 82.11 for additional production rights, and taking associated actions (e.g. notifying the Secretariat of the Protocol of 25-kilotonne party transfers).

(3) Processing applications under Sec. 82.10 for additional consumption rights.

(4) Processing applications under Sec. 82.12 for transfers of rights.

(5) Processing and maintaining the reports required to be submitted to EPA under Sec. 82.13.

EPA requests comments on whether to charge for additional activities, such as audit and enforcement activities.

(c) *Determination of Costs of Activities.* EPA proposes to recover the following costs of the activities described above:

(1) Direct labor costs, which will be based on the grade level of staff working directly on the activities;

(2) Indirect labor costs, which will include managerial and supervisory support, and secretarial/clerical support; and;

(3) Overhead costs, including office space costs, utilities, equipment, and materials.

By the first day of any control period, every person owning production or consumption rights applicable to that control period would have to pay EPA the full amount of the fee owed. Failure to pay the fee on a timely basis would result in the person being treated as owning no production or consumption rights during the control period, until payment is made. Late payment would be subject to interest computed at the Federal short-term rate.

Under EPA's proposed system, owners of production or consumption rights would make one fee payment as of the beginning of the control period. No additional fees would arise from applications to EPA under Secs. 82.9–82.12 for additional production or consumption rights or transfers of rights. EPA solicits comments on the merits of charging separately for EPA's costs in processing such applications and reducing the up-front fees accordingly. In addition, EPA solicits comments on procedures for imposing fees with respect to audit or enforcement activities, if EPA determines to impose such fees.

(d) *Fee Waivers or Adjustments.* There may be circumstances under which waivers from, or adjustments of, fees would be appropriate. While the IOAA is silent concerning such matters, it does provide that the President shall set policies concerning the implementation of the IOAA. Office of Management and Budget (OMB) Circular A–25, Sec. 9(b) contains guidelines for Federal user charge systems and provides for exceptions to a general user fee policy under several circumstances. Under these guidelines, waivers may be appropriate under the following circumstances:

(1) *Public Interest.* If the person uses the controlled substances as part of activities designed to promote the public interest, the fee may be waived. EPA solicits comments on the circumstances under which this exemption may be applicable.

(2) *Economic Hardship.* A fee may be waived or adjusted if its imposition would result in an economic hardship on the person. Considerations for an economic hardship waiver include size of the firm and amount of sales or use of controlled substances.

(3) *Small Business.* EPA solicits comment on whether waivers of adjustments would be appropriate for small businesses, based on number of employees and annual gross revenue from sale or use of the controlled substance.

EPA further solicits comments on whether a fee should be charged for processing an application for a waiver or adjustment (which would be refunded if the waiver or adjustment is granted).

3. Other Regulatory Options Considered

As a regulatory scheme, allocated quotas of production and consumption rights appear to offer the advantages of the other options while avoiding many of their potential problems. However, as discussed above, it is not free from concerns.

By restricting the supply of CFCs and halons through regulation, EPA would effectively create a scarcity that would result in higher prices for the controlled substances as demand for CFCs and halons exceeded supply over time. Under the allocated quota approach, any additional revenue that would result from the scarcity created by this regulation accrue to the firms allocated rights.

The magnitude of these transfer revenues would depend on how much the prices for the regulated chemicals increased over time. Based on the analysis presented in the RIA, Table 5 presents EPA's estimates of possible transfer revenues that would accrue primarily to the chemical manufacturers, assuming that they allowed market forces to determine what price and which firms purchase CFCs and halons. (If market forces do not operate, the producers and importers will determine allocation to users based on criteria other than prices.) Table 5 shows that, even for scenarios where price increases are small in the initial years and gradually increase to the price where expected chemical substitutes come into play, the total amount of transfers could range from $2.0 billion to $5.7 billion from 1989 through 2000. For the scenario where CFC price increases in the early years are more substantial (e.g., the "stretchout cases" where implementation of low cost reductions is delayed), the amount of the transfers increases accordingly. Overall, for the decade leading up to the turn of the century, transfer revenues were calculated to be approximately three times greater than the social costs (i.e., the real resource costs to reduce use) involved in meeting the control requirement.

TABLE 5.—PRELIMINARY ESTIMATE OF POTENTIAL SOCIAL COSTS AND TRANSFERS TO PRODUCERS

	Least cost	Stretchouts		
		Moderate	Moderate/ major	Major
CFC price increases (1985 $/kg):				
1989	0.0	0.0	0.0	0.0
1994	2.21	3.50	3.70	5.48
1999	3.77	5.48	5.48	5.48
2005	3.77	5.48	5.48	5.48
2075	5.48	5.48	5.48	5.48
Social costs (present value in millions of 1985 dollars):				
1989–2000	689	1,196	1,826	1,850
1989–2075	27,040	29,220	37,910	39,140
Transfer revenues (present value in millions of 1985 dollars):				
1989–2000	1,975	2,516	2,757	5,703
1989–2075	8,163	7,098	8,376	9,400

Assumes CFCs regulated with an initial freeze in 1989 at 1986 levels, 20 percent reduction in 1993 and 50 percent reduction in 1998, and halons frozen at 1986 levels in 1992.

Social costs are discounted at a 2 percent rate, and transfer costs are discounted at a rate of 6 percent, reflecting the opportunity cost of funds in the private sector.

Source: Estimates taken from RIA.

An argument can be made that the above analysis overstates the quantity of transfers. According to this line of reasoning, chemical manufacturers may not behave competitively and would not allow market prices to determine who gets these chemicals, but would instead directly allocate them to their customers based on past sales. CFC and halon prices would increase only gradually reflecting the higher costs of producing less of these chemicals and the need to generate capital for research and production of chemical substitutes. The resulting lower price increases could act as a disincentive to the introduction of more expensive, substitute chemicals.

While no estimate of the price increases under this scenario has been calculated, given the slow rate of price increase in the EPA scenarios, the overall difference in the quantity of transfers is not likely to differ substantially. Thus, even in the scenario where CFC and halon producers allocate their allowable production and limit price increases, transfers on the order of a nearly a billion dollars or more are likely over the next ten years. This raises questions as to whether possible profits from continued production of the restricted chemicals might have the undesired effect of delaying the introduction of less profitable chemical substitutes.

EPA has explored a number of possible approaches to improving the equity of its proposed regulation by reducing or eliminating the potential transfers to the CFC and halon producers and importers. One approach, the use of auctions to allocate marketable rights, was mentioned in an earlier section. Under this option, EPA would auction rights to all interested parties and the resulting transfers would accrue to the U.S. Treasury.

An advantage of the auction approach is that it takes CFC allocation out of the hands of producing firms and allows the market to function. While detailed design of an auction is not presented, as an aid to commenters, the major characteristics of auction forms most likely to be applicable to the case of CFCs can be briefly presented. An advantage in the design of an auction of CFC permits is the availability of existing models provided by the auctions regularly conducted by the Federal Government in the areas of government procurement, leasing of mineral rights (including onshore and outer continental oil and gas development, coal leases, geothermal development, etc.), and Treasury bills.

The government auctions are typically structured as "first-price sealed-bid" auctions,[9] in which potential bidders submit sealed bids and the highest bidder is awarded the item for the price he bid. An alternative is the "second-price sealed-bid" auction, in which the highest bidder wins the item but pays a price equal not to his own bid but to the second-highest bid. Variations on these forms can be used: for example, the government may impose a reserve price, discarding all bids if they are too low; and bidders may be charged an entry fee for the right to participate.

When a fixed quantity of a good is put up for sale (such as with the weekly Treasury bill auction), two kinds of sealed bid auctions are used to sell multiple units, as explained below. In the discriminatory sealed bid auction, each of the bidders pays the amount he bid. In the uniform-price sealed bid auction, each successful bidder pays a price equal to the highest unsuccessful bid. Procedurally, bidders submit bids that consist of both a price and a desired number of units of the commodity. Enough units are available that a number of the highest bidders can be awarded the units for which they bid. The government then ranks all buyers' bids by price from highest to lowest, and cumulates the quantities bid.[10] The result is a market demand curve.

[9] Sealed-bids are preferred due to risk aversion on the part of bidders.

[10] The cumulation process may require several steps (not detailed here).

To aid in reducing uncertainty, the introduction of an auction as an allocation mechanism could be phased in according to a preannounced schedule (such as every three months); each auction would offer only a fraction of total rights for sale. The phase-in approach would allow time for procedural and substantive familiarity to be gained by all parties; if necessary, limitations could be placed on the amount of rights any one firm could acquire. With a very short timeframe between auctions, a firm concerned about the bidding up of prices could hold back, bid only its true value for rights in a subsequent auction, and have less concern over rights acquisition. To the extent it is desirable to protect small firms or particularly vulnerable industries, set asides could be designated for these groups.

In EPA's consideration of the use of an auction to allocate rights, several concerns have arisen. EPA is concerned about the potential large uncertainties regarding the price and availability of the controlled substances which an auction might create, particularly in its initial years. Related concerns are that big companies could easily outbid small companies, that speculators would drive up the price of rights, and that companies would hoard supplies.[11] As suggested above, a number of steps in designing an auction could be taken to address these concerns.

The final concern involves the question of EPA's legal authority under the Clean Air Act to operate an auction. Such an auction would constitute regulatory action by an administrative agency, pursuant to an asserted grant of authority from Congress, requiring the payment of money by the private sector to the U.S. Treasury. The principal legal issues EPA is considering concern (i) whether such an asserted grant of congressional authority constitutes a delegation by Congress of its constitutional power to impose taxes or, alternatively, its constitutional power to regulate commerce; and whether Congress in fact granted such authority for an auction under the statutes EPA administers.

One potential alternative—a "zero revenue auction"—might avoid some of the legal and practical problems. This alternative would not yield revenue to the government.

Under this approach, each producer (or user) would receive a provisional

[11] To some extent uncertainty stems from the shortages themselves and sufficient information regarding the auction form would alleviate concerns over the method of allocation.

allocation of rights equal to its 1986 production (or use). Each producer or user would then be required to submit a sealed bid presenting the number of rights it would purchase at a range of alternative prices (i.e. its demand schedule). These bids would be aggregated to construct the market demand for these rights. The resulting market price would then be set at the price that equates market demand with the 1986 ceiling on total production.

Each firm's final allocation will be its reported demand at the market price. Each firm would then pay an amount equal to the price of these rights times its final allocation and receive back an amount equal to the price times its provisional allocation. Net payments to the government would be zero for all firms taken together. Each firm would receive exactly the number of rights it initially stated it would be willing and able to purchase at the equilibrium price.

The zero revenue auction has several features that make it an attractive interim option. First, it virtually eliminates uncertainty by guaranteeing each firm the number of rights it initially reported in its ceiled bids at each alternative price.[12] Second, it automatically produces the first round of trades in the system of marketable permits, thus reducing any one firm's ability to hoard, speculate, or to outbid others. Third, it produces a public price signal providing information for future (non-zero revenue) auctions and other allocation systems that the government may want to implement as well as for potential entrants into the industry. Finally, if the auction is conducted for users (as opposed to producers), it would address the concerns that some users may be forced out of business. Each user could guarantee that it stays in business or be compensated for going out of business at a price to which it agreed.

If it is determined that EPA lacks the authority to conduct an auction, legislative authorization would be necessary. These legal issues are addressed in greater detail in an analysis prepared by EPA which is included in the docket.

EPA is specifically interested in receiving comments on the desirability of using auctions as the method of allocating rights, the possible steps EPA could take to minimize disruption in the early years of an auction, and the legal issues concerning the possible need for additional legislative authority.

If the legal obstacles to auctioning marketable permits cannot be resolved, a potentially attractive alternative would involve EPA allocating CFC or halon rights to firms now using (as opposed to producing, importing, or exporting) these chemicals. This option is very similar to the scenario described above whereby the chemical producers would reallocate their allowable quotas to their customers based on historic sales. The major difference is that in the option where EPA allocates rights directly to users, the possibility of transfers from users to producers is substantially reduced. However, under this option EPA would be required to allocate rights to approximately 10,000 firms who now buy directly from CFC and halon producers. EPA is interested in receiving comments on the desirability of this approach and possible ways to minimize the administrative burden of the intitial allocation.

Another attractive option which provides a strong alternative to the auction option would be to combine allocated quotas with a regulatory fee. While a fee alone would not ensure compliance with the reductions required by the Montreal Protocol, when teamed with allocated quotas, this flaw would be remedied. The quota would provide a relatively straightforward means of ensuring that the reductions required by the Montreal Protocol are achieved. A fee assessed against producers and importers would provide an economic incentive for the introduction of chemical substitutes and for firms to employ other low cost methods of reducing emissions. It would also provide clear signals about future price increases and avoid many of the potential uncertainties associated with auctions. The fee would also capture most of the transfers for the U.S. Treasury, thus serving equity.

The fee would be set to capture all or most of the CFC and halon price increases which result from the scarcity created by EPA's regulations. The marginal cost of the CFC control alternatives (including substitutes) would provide the primary basis for setting the level of such fees. As with tradable rights, fees would be scaled on the basis of ozone-depleting potential, e.g. dollars per kilogram-equivalent of ozone-depleting substance produced.

An important design consideration is the extent to which periodic fee adjustments would occur on an automatic basis or would require regulatory intervention. With the quota system in place, automatic fee changes specifically intended to bring actual CFC production into alignment with production goals would not be necessary. However, any adjustments needed as a result of significant changes in economic activity, new scientific evidence, and/or discovery that the cost of switching to certain substitutes was different than previously thought would likely be difficult to accomplish on an automatic basis. On the other hand, the more automatic the adjustment, the more certainty for investment and production decisions the system is likely to provide.

Another important design consideration is the extent to which the fee should be phased in: should it be set from the start at levels calculated to extract the full amount of transfer payments or should it be set low (merely as a price signal) and subsequently adjusted upward in (either small or large) increments?

Collection of fee payments would be directly from the firms allocated the CFC and halon quotas, on a periodic (e.g. monthly or annual) basis.

EPA seeks comments on the fees-with-quotas option, in comparison with both the auction option and the allocated quota option without fees. EPA is interested in receiving comments on the desirability and implementation issues related to this option, including the legal issues raised earlier.

Under a final approach to reducing the potential inequities of the allocated quota system, some portion of the transfers could be recaptured through voluntary donations by the producers to an industry-wide research organization. This approach would not be mandated by EPA, but would be pursued by a voluntary organization created by CFC and halon producer and user industries. Essentially, some or all of the producer firms would agree to set aside some portion of the price increase from CFCs and halons to support research activities. Funds set aside for this organization could be used to support projects to aid producers and users in their transition away from the use of these regulated chemicals. Examples of possible projects could include: joint toxicity testing for new chemicals; studies to support fire and building code changes; testing of the compatibility of new chemicals with existing equipment; education and training to encourage increased recycling by professionals involved with servicing equipment using CFCs and halons; support for tests required to obtain regulatory approvals needed for product substitutes, etc. All proposed projects would be submitted on a voluntary basis and reviewed by a committee representing the members of the institute.

Joint research groups have been established by other industries (e.g., the Electric Power Research Institute) and are generally highly regarded by their members. Several CFC user groups have already initiated and funded joint efforts to resolve obstacles to testing and using CFC substitutes. The major halon producers and users have agreed in principal to pursue this option with the chemical producers assessing a few cent per kilogram tariff on all halon sales to fund joint projects to reduce emissions, to develop new fire protection chemicals and practices. EPA is interested in comments on the possible structure and scope of this type of organization, how it might aid in facilitating technology transfer and the extent to which it might add to research and development efforts undertaken anyway by individual firms.

The second major concern with allocated quotas relates to the possibility that some industries—particularly those where CFCs or halons are only a small fraction of total product cost—may be slow to respond to economic incentives to reduce their use of the controlled substances and may elect to simply pay higher prices for CFCs/halons instead. The rate at which firms will move to make cost effective reductions rests on a behavioral assumption about the extent to which firms will minimize production costs. To gain some insights into the effect of alternative assumptions on cost-minimizing behavior, EPA included in the RIA several scenarios where the analysis assumed that firms elected to delay or failed entirely to pursue certain cost-effective, low-cost reduction options.

Table 5 shows the differences in CFC prices for various assumptions about the rate at which firms employ low-cost use reductions. Compared to the "least cost" case where reductions are taken as they become cost competitive and technologically available, the three "stretchout" cases demonstrate that should firms not seek to minimize costs, CFC prices, social costs and transfers could all increase. Given the assumption on the availability of substitutes in the future, these increases occur primarily in the early years when the burden on user industries will be most difficult and before chemical substitutes for many applications will be commercially available.

This analysis shows the close interrelationships among CFC- and halon-using industries under the proposed regulatory approach. To the extent those industries where inexpensive reductions are available postpone making such reductions, prices of CFCs and halons would likely increase to all industries. For those user groups where CFCs are a large percentage of final product price (e.g., the foamblowing applications), such increases could be burdensome particularly in the initial years before chemical substitutes come to market and place a ceiling on such cost increases. Table 6 shows EPA estimates of the total amount of CFCs and halons consumed by the major user industries.

TABLE 6.— 1985 U.S. CONSUMPTION OF CFCS AND HALONS BY MAJOR USER INDUSTRIES

Industry	Total weighted use (mill kg)	Chemicals used
Flexible Foam	18.5	CFC–11
Rigid polyurethane foam.	61.3	CFC–11, 12
Rigid non-urethane foam.	12.8	CFC–12, 114
Refrigeration and air conditioning.	96.0	CFC.11, 12, 114, 115
Aerosol	11.6	CFC–11, 12
Solvent	54.8	CFC–113
Fire extinguisher	43.4 [1]	Halon–1211, 1301, 2402
Miscellaneous	22.0	CFC–12

[1] Estimates do not include Halon 2402.
Source: Estimates prepared for EPA Regulatory Impact Analysis.

Of course, direct limits on specific CFC or halon uses—either bans or engineering controls—also have serious drawbacks. They would reduce or effectively eliminate the markets' ability to allocate CFCs and halons to their highest valued uses and result in a waste of resources. This happens because they reduce individual's and firm's rewards from finding those uses as well as their incentives to find substitutes that do not deplete ozone.

Requirements of this type are also generally inflexible and unresponsive to changes in the relative values of CFCs and halons in other uses. An approach relying on bans and engineering controls places in the hands of the Federal government basic decisions on the use of these chemicals. There is no guarantee that the mandated restrictions will result in better or more valuable uses of these chemicals.

Since the initial limits are at 1986 levels, any shortfall in supply (and associated increases in prices) are not likely to be large in the early years. Further, it could take several years to promulgate regulations restricting specified uses. Thus, such regulations may not be helpful in easing the transition.

However, because of the potential concerns that some users may not minimize their costs, EPA is seeking comment on the desirability of supplementing the allocated quota system with direct limits on specific CFC or halon user industries where inexpensive reductions appear feasible. These limits could be established by EPA on a voluntary (e.g., the publication of technical guidance) or mandatory basis, or they could start as voluntary and become mandatory, through a rulemaking procedure, only if necessary. They could be developed through the traditional agency process or through a different process (e.g., a negotiated process) with greater involvement of industry and other interested groups.

In developing the RIA cost analysis, EPA obtained substantial information from a variety of sources on low-cost measures to reduce CFC and use. Based on its preliminary cost analysis, the following steps to reduce CFC and halon use appear possible during the period covered by this regulation:

a. *Commercial Air Conditioning.* Firms in this industry have taken steps in recent years to shift away from CFC–12 in air conditioning. For example, window and central units are no longer of concern from the perspective of this proposal because they now use HCFC–22. Commercial chillers have already begun to shift, but could make greater use of HCFC–22, CFC–502, CFC–500 and other chemicals and mixes with ozone depletion weights that are significantly lower than CFC–11 and CFC–12. Although CFC–502 is a blend of 48.8 percent HCFC–22 and 51.2 percent CFC–115, it has a combined ozone depletion weight of approximately 0.3, and therefore represents a potentially attractive option for many firms. By altering their market mix and shifting more toward CFC–22, CFC–502, etc., substantial reductions in CFC–11 and CFC–12 use are currently possible.

Nonetheless, there appear to be substantial emissions resulting from current practices of venting CFCs during routine maintenance. Relatively minor design changes (e.g., different valves) by equipment manufacturers could facilitate improved servicing practices and reduced emissions.

Over the longer-term, chemical substitutes may make it possible to eliminate use of CFC–11 and CFC–12 in new equipment. The most promising chemical substitute now appears to be

[12] In fact, any firm could go so far as to guarantee its provisional allocation as its final one by reporting that it would purchase its provisional allocation regardless of the price. If all firms did this, the provisional allocation would be the final one and change hands.

HFC–134a. This chemical does not contain any chlorine and therefore would not: deplete ozone. It has passed preliminary short-term toxicity tests, but has not yet undergone longer-term testing and is not yet available in commercial quantitites. Recent industry estimates suggest this chemical could be available in 5 years to 6 years if no major problems are encountered. It has many of the same chemical and physical properties of CFC–12 and initial tests suggest that it might require only minor changes to be used in new equipment. It is likely, however, to cost several times the current price of CFC–12.

b. *Automobile Air Conditioning.* Approximately 25 percent of all CFCs are used in automobile air conditioners making it by far the single largest user industry. In the near term, the auto manufacturers could improve component quality and several could redesign their air conditioning units to require a lower initial CFC charge per unit. While substantial progress has been made in reducing emissions in manufacturing over the past years, EPA's analysis suggests that a wide variance exists among automobile manufacturers and that additional steps could be taken in this area. Other CFC reductions which appear possible in the near term at the point of manufacture include completing the switchover to helium gas for testing systems and eliminating unnecessary losses during charging.

Over the longer term, automobile manufacturers appear to have several promising options for eliminating this use of CFC–12, including the use of chemical substitutes (e.g., HCFC–22, CFC–142b/22 blend, and HFC–134a). In addition, alternate air conditioning systems including a modified sterling cycle may be feasible. Because of the difficulty in knowing which of these or other options will prove to be most attractive, research into several of these options simultaneously may be desirable.

Even if automobile manufacturers are capable of shifting away from CFC–12 based air conditioners over the next seven years or longer, substantial quantitites of CFC–12 will still be required to service the existing fleet. Although a large number of facilities service car air conditioners (leaving aside for the moment the portion of the market serviced by car owners directly), several promising options deserve attention because of the large quantity of CFCs used by this market segment.

One option involves the sale of small containers used by car owners and some service centers to recharge vehicles. These containers eliminate the possibility of recovery at a service station, resulting in substantial quantitites of CFCs lost through venting, and losses due to refrigerant trapped in the container following use.

A second option involves the possibility of blending a non-CFC chemical with CFC–12 to reduce the latter's use in servicing the aftermarket. Initial research has shown promising preliminary results that such a compound could be used in existing equipment without costly modifications and would be more energy efficient and less expensive.

c. *Electronics and metal cleaning.* Perhaps the fastest growing use of CFCs is the use of CFC–113 as a solvent by the electronics industry. Because CFC–113 is nontoxic and compatible with a variety of materials, its use has increased substantially during the past several years, particularly as health concerns have been raised concerning other chlorinated solvents currently being used.

Because of the high cost of CFC–113 and the fact that it is used as a solvent and therefore is not consumed in the manufacturing process, recovery and reclamation of substantial quantities of CFC–113 already occurs. However, based on EPA's preliminary analysis, additional opportunities exist for improved recycling. For example, existing equipment frequently does not have automatic covers or hoists (in the case of open top vapor degreasors), both of which could reduce losses. In addition, operating practices could be improved to further reduce CFC losses.

Increased recovery of CFC–113 may be particularly important because of the drawbacks of switching from CFC–113 to other chlorinated solvents. EPA's Office of Toxic Substances, as part of its Chlorinated Solvents Task Force, is working along with other EPA offices and other agencies such as the Occupational Health and Safety Administration and Consumer Product Safety Commission, to review the use of methylene chloride, perchloroethylene, trichloroethylene, and methyl chloroform in solvent and other applications. Before switching to any of these alternatives, firms should consult with EPA and state agencies to determine current requirements and the potential for future regulations. In the case of metal cleaning applications, alternatives to these chlorinated solvents which might be appropriate for many current applications including aqueous cleaning as well as other non-chlorinated solvents.

The electronics industry consumes CFC–113 to remove solder flux from printed circuit boards, to degrease semiconductors, to manufacture etchant gases, to degrease printed circuit boards in storage media manufacture, and in other ways. Viable alternatives exist for each of these uses. Beginning in the short term and expanding over the longer term, the use of aqueous cleaning and flux that does not require cleaning appears most promising. EPA convened a panel of experts in this field and they reported that it is technically possible to eliminate up to 90 percent of current CFC–113 use in non-surface mount applications by substituting aqueous cleaning. The remaining 10 percent depends on non-aqueous cleaners because of design choices that can be changed over time. An important step in facilitating the use of aqueous and non-clean fluxes may involve working with the U.S. military to review its current solvent and solder specifications to facilitate the use of these alternatives where appropriate.

d. *Flexible Foam.* This industry group includes makers of polyurethane foam slabstock used primarily for bedding and mattresses. CFC–11 is used as an auxiliary blowing agent in that segment of the industry which produces less expensive, low density or supersoft foams. Many producers now use methylene chloride to make similar foam products. However, because of toxicity concerns and the possibility of more stringent regulations both inside and outside the workplace, it is unlikely that many firms will elect to switch to this alternative blowing agent.

No alternative technologies or chemical substitutes currently appear as the likely replacements for use of CFC–11 in blowing flexible foam. Instead, in the near-term it is possible that the very softest, lowest density foams will be replaced by firmer foams blown without an auxiliary agent. Over the longer-term, depending on its price, HCFC–123 may become a viable replacement for CFC–11 blown foam. This chemical appears to be a possible replacement for CFC–11 in many foam applications. It has similar industrial properties and initial tests suggest that it might be an effective substitute blowing agent. HCFC–123 has a substantially shorter lifetime than CFC–11 and therefore has not been included under the chemicals covered by this proposal. However, additional toxicity tests will be required before widespread use is possible and the costs of this substitute are likely to be approximately 2 times to 3 times the current price of CFC–11. Like HFC–134a, this chemical should be commercially available in 5 years to 6 years assuming no major problems are encountered.

In addition to slabstock foam, flexible molded foam blown with CFC–11 is used primarily in seat and back cushions by auto manufacturers and also in some furniture uses. Several companies have stated that they currently do not use CFC–11 as an auxiliary blowing agent; they have shifted to water blown foam. Other companies have noted that within three months they will also shift out of CFC use and into water blown foams.

e. *Commercial and Residential Refrigeration.* As was the case with air conditioning, over the last few years, commercial refrigeration has moved in the direction of shifting some uses from CFC–12 to HCFC–22, CFC–502, CFC–502 and other refrigerants. This trend is likely to continue in the area of commercial refrigeration. Manufacturers can also further reduce emissions from leak testing and rework. Increased recovery at reworking, venting and disposal will also reduce the use of CFCs. Over the longer term, HFC–134a appears promising as a means of eliminating this use of CFC–12.

For home refrigerators, the same substitute may prove feasible. In addition, home appliances might be produced using a modified sterling cycle or other technology that does not use CFC as its refrigerant. CFC–500, which has as ozone-depleting potential of 0.7, can be used in some appliances such as dehumidifiers.

f. *Rigid Insulating Foam.* CFC–11 is widely used as a foam blowing agent to make various forms of insulating foam (e.g., polyurethane, isocyanurate, phenolic, etc.). Its molecular weight and low thermal conductivity make CFC–11 an excellent chemical in the manufacture of highly efficient insulating materials used for roofs, walls, and foundations.

In the near-term, this use of CFCs may not be significantly reduced because of its utility in saving energy (and meeting code requirements) and because no substitute blowing agents are available. However, some product substitutes may make inroads into its current market. Over the longer-term, HCFC–123 may become an attractive means of reducing this use of CFC–11.

g. *Rigid Packaging Foam.* CFC–12 is used as a blowing agent in the manufacture of polystyrene foam which is widely used in the food packaging industry. CFC–12 currently competes with pentane as a blowing agent for producing this foam with each capturing about 50 percent of the market.

Because of pentane's potential problems with flammability and air pollution, many firms now using CFC–12 will not want to incur the substantial costs of shifting to this chemical. Instead, recent process development efforts have demonstrated that HCFC–22 can effectively be used as an alternate blowing agent. Industry estimates suggest that only minimal costs would be incurred in converting a plant from CFC–12 to HCFC–22 (on the order of $50,000 to $100,000) and that operating costs and efficiencies will not be significantly affected. An application was recently approved by the Food and Drug Administration granting non-objection (e.g., a ruling that the proposed product for a particular use does not differ materially from an already approved product) to the use of HCFC–22 blown foam in fast food packaging.

h. *Total Flooding Fire Extinguishant Systems.* Halon 1301 is used almost exclusively as the agent in total flooding systems used to protect computer centers, document rooms, libraries, military installations, etc. Because it is nontoxic (which allows it to be discharged without evacuating the facility) and because it does not leave a residue, its provides an extremely useful function in protecting high value property.

In response to recent concerns about the role of halons as a potential ozone-depleting substance, the industry has initiated a series of steps to better understand and reduce any unnecessary emissions of this gas. For example, the industry decided not to require mandatory discharge testing of new systems as part of a review of its fire protection code. It is exploring the development of alternative test gases and ways to limit discharges from false alarms. It also conducted an industry-wide survey to determine current uses and sources of emissions and is exploring ways to track halons from the time of production to their release as basis for possibly shifting to an emissions (instead of production) based regulatory regime.

In the near term, the voluntary emission reduction steps described above might provide ample room for continued growth in the number of systems assuming substantial reductions from unncessary testing and false alarms can be realized. Over the longer term, alternate chemicals may be developed, more efficient use of these chemicals may be possible (e.g., shifting from 1301 total flooding systems to more directed, less depleting 1211 systems), or the industry may be capable of demonstrating that an emissions based regulatory system is a viable means of protecting the environment while continuing the use of these chemicals.

i. *Halon Fire Extinguishers.* Halon 1211 is used extensively in wheeled and handheld portable fire extinguishers. These extinguishers are used in situations where human exposure to the agent is possible (e.g., airplanes) or where concerns exist about harm from residues from other agents (e. g., computers). At the same time, these extinguishers have recently penetrated the broader consumer market and some percentage are now being purchased and used for applications where other agents would be adequate.

In addition, the major user of Halon 1211 is the military as part of its training exercises. The U.S. military has already initiated a review of possible steps to reduce unneccesary steps from training and is also working on developing alternative fire-fighting agents.

j. *Sterilization.* CFC–12 in combination with ethylene oxide (EO) (in a 12/88 blend) is widely used by hospitals, medical equipment manufacturers and contractors for sterilizing equipment. While 30 percent of the commercial market and majority of hospitals now use this CFC/EO blend, other options are currently feasible.

Hospitals could shift to a blend of carbon dioxide and ethylene oxide and totally eliminate their use of CFC–12. While this shift requires that a chamber be able to withstand higher pressure and may involve a longer processing time, neither of these concerns are expected to create problems for most hospitals.

Because of their higher volume use, commercial sterilizers could economically increase their recapture and recovery of CFC–12 through the addition of carbon adsorption or refrigerated condensors. In turn, hospitals could elect to increase their reliance on contract sterilizers as an alternative to shifting to carbon dioxide/ethylene oxide mix.

Sterilization using cobalt radiation has recently achieved a growing share of the market and offers another attractive alternative to current use of CFC–12 in this application. Other methods of sterilization such as electron beam and alternative chemicals are also possible over a longer time period.

Finally, EPA is also seeking comment on the desirability of requiring that products produced with the controlled substances be labelled. This requirement would provide useful information for consumers. By making it possible for consumers to distinguish between those spraycans that contained CFCs and those that did not, it was an effective part of the regulatory program limiting this use of CFCs in 1978. Labelling requirements could be used as

an adjunct to any of the other regulatory options described above.

VII. Impact of Proposed Action

A. Reductions in Ozone Depletion

The proposed regulation would substantially reduce the threat of stratospheric ozone depletion and the accompanying risks to human health and the environment. As shown earlier in Table 4, in the absence of any regulation, a continuation of current trends in the use of ozone-depleting chemicals could result in a global average of 12 percent depletion by 2050 and as much as 40 percent depletion by 2075.

By reducing consumption of the most potent ozone-depleting CFCs in approximately a decade by 50 percent from 1986 levels and by freezing consumption of halons 1211, 1301, and 2402, the projected depletion of ozone would be substantially eliminated. Based on current models, these limitations (assuming a significant portion of other nations take similar steps) would result in depletion estimates of 1.6 percent by 2050 and under 1.4 percent by 2075.

Given the large uncertainties concerning current atmospheric models, the rates of growth of other trace gases, and reduction steps by other nations, EPA's proposed action represents a reasonable near-term strategy for safeguarding the ozone layer. However, as we develop a better understanding of these factors, EPA intends to periodically reassess its actions. The Agency also intends to participate in similar reassessments conducted under the auspices of the Montreal Protocol.

B. Economic Impact

In its regulatory impact analysis, EPA has examined the potential costs (in terms of U.S. industry) and health and environmental benefits also limited to the U.S. which are likely to result from the proposed action. The analysis assumes that a large portion of other developed and developing nations join with the United States in reducing their consumption and production of the controlled substances.

Given the nature of this issue, the RIA necessarily covers a broad range of areas. On the costs side, this analysis covers eight major industrial groupings: refrigeration; air conditioning; flexible foam; rigid foam; solvent cleaning; sterilization; miscellaneous; and fire extinguishant. The RIA contains information on over 650 different control options for limiting use of CFCs and halons within these industrial groupings.

The potential benefits from limiting the amount of future depletion also cover a broad range of health and environmental concerns. An increase in the quantity of damaging ultraviolet radiation flux would represent a major change in one of the basic environmental parameters potentially affecting to varying degrees most forms of biological life. While research to date on the effects of increased exposure to UV–B radiation has been limited, the RIA explores several specific potential areas of damage, only some of which can be quantified with currently available information.

1. Economic Costs of Reductions

EPA used a bottom-up approach in analyzing the costs of meeting the proposed regulation. As described above, studies were initiated in eight major CFC and halon use categories. These groupings were then further divided into 82 specific applications. For example, refrigeration was divided into 18 categories including retail food, home refrigerators, refrigerated transport, etc. Finally costs and emission reduction estimates were developed for over 650 distinct control options covering the full range of use applications. These options included engineering controls, chemical substitutes, product substitutes, recovery and recycling, and work practices. Cost estimates included capital and operating expenses (including, where applicable, any energy penalty). Technologies were assessed in terms of the date at which they would be available (0–3 years, 4–7 years, or longer), and the rate and limits for achieving market penetration.

The cost estimates for these reductions were used as the input for the Integrated Assessment Model (IAM) which provided estimates of the total cost of meeting a regulatory goal. The model operates by prioritizing the potential reductions on the basis of least cost and the judgment of EPA's contractors based on discussion with industry representatives concerning the likely response to regulations on the part of specific industry sectors.

The output from the model provides an estimate of the total social costs for meeting a required level of reductions, the CFC or halon price increases which would likely accompany such costs, and the amount of transfers which would be involved. Table 5 contains these estimates for proposed regulation under four different assumptions concerning the rate at which firms respond to changes in market conditions resulting from restrictions on the regulated chemicals.

The "least cost" scenario assumes that all reductions are taken as soon as they are technologically available and as soon as the cost of CFCs or halons exceed the cost of making the reduction. In this scenario, CFC price increases are minimal in the early years, rise to $3.77/kg around the turn of the century and plateau around $5.48/kg well before 2075 when chemical substitutes have penetrated major markets.

The low initial cost increases reflect the large quantity of CFC and halon reductions that are available with current technologies and which either will save firms money (e.g., through additional CFC or halon recovery) or which are competitive. In the latter years of the analysis, the $5.48 price ceiling reflects the anticipated costs of alternative chemicals (e.g., primarily HFC–134a replacing CFC–12 and HCFC–123 replacing CFC–11 in foam applications) which could replace large quantites of current CFC use. In the least cost scenario, total social costs were calculated to be $689 million through 2000 and $27 billion through 2075 (all social costs assume a 2 percent discount rate).

In contrast to the "least cost" case, the other scenarios assume varying degrees of delay in implementation of steps to reduce CFC and halon use. Firms might delay their response for any of several reasons: They lack information about the availability or applicability of a technology; they are less concerned about minimizing costs in the short-run because they can pass on price increases to consumers; they may lack access to capital to make a shift to a lower cost technology; or they may assume a high "hurdle rate" (i.e., the desired return on capital for any new investments) for capital committed to pollution control.

The costs of meeting the proposed regulation under these alternative scenarios is also shown in Table 5. The social costs calculated from the IAM through 2000 ranged from $1.1 billion to $1.8 billion depending on the rate at which firms implemented low cost reductions. The CFC price increase which would accompany these costs in all scenarios reached $5.48/kg just before the turn of the century. However, the range of transfer costs during this time period (1989–2000) was much wider, reflecting different price increase in the initial years. In the "moderate stretchout" case transfers through 2075 totaled $7.15 billion, while in the "major stretchout" case transfers totaled $9.4 billion.

Thus, the rate at which firms implement low cost reductions is an important determinant, particularly in the near-term, of the costs and transfer payments involved in meeting the proposed regulations.

As part of analyzing the economic costs of reducing CFC and halon use, the RIA also takes into consideration possible impacts of the proposed regulation on energy use. CFCs are used in a wide range of energy-related areas including insulation for buildings and appliances. Its thermal efficiency also affects energy consumption of refrigerators and other appliances.

Based on the analysis in the RIA, no significant increases in energy consumption or costs are likely to occur. In the near-term, CFCs are still likely to be used in major appliances. In the case of insulation, building and energy codes generally require a set level of energy efficiency which will either continue to be satisfied by CFC-blown foam or by other insulating materials (e.g. fiberglass). In the longer-term, substitute blowing agents are likely to be developed and formulations modified to maintain current insulating values.

2. Health and Environmental Benefits

The RIA also contains a description of the potential benefits that would result from actions to limit the risks from ozone depletion. In some of the health and environmental areas, sufficient research has been completed to provide a basis for a dose response relationship which can be used for calculating potential benefits. Examples of these areas include nonmelanoma and melanoma skin cancer, and cataracts. In other areas, research on UV–B radiation effects primarily has taken the form of case studies. For example, research on plant effects has progressed the furthest on soy beans, while research on aquatic effects has examined potential impacts on anchovies. In these and similar areas (e.g., increased groundlevel ozone formation and sea level rise impacts), the RIA quantifies benefits based on an extrapolation from existing case studies. Finally, in several areas, initial studies have clearly shown that increased UV–B radiation will cause damage, but not enough information exists to quantify those impacts. Examples include suppression of the immune system and climate related impacts on water resources, agriculture, forests, etc. A detailed decription of the derivation of the benefits estimates are included in volumes 1 and 2 of the RIA.

Table 7 summarizes estimates of the economic benefits which would result from the proposed actions to prevent future depletion of the ozone layer. These benefits reflect the difference between the base case (no regulation) described in Section IV and the "CFC 50%, Halon Freeze" case which forms the basis for this proposed regulation.

It should be stated that projecting benefits out to the year 2075 is a very speculative exercise at best (but is required because of the long atmospheric lifetime of these chemicals). The estimates are subject to substantial uncertainties both in the calculation of the dose-response effects, and in the economic values placed on such effects. Due to this enormous uncertainty, the benefits have been estimated in ranges.

TABLE 7.—SUMMARY OF BENEFITS FROM PROPOSED REGULATION*

	Reference scenario
Effects:	
Skin cancer cases	154.43 million cases.
Skin cancer deaths	3.14 million cases.
Cataract cases	17.6 million cases.
*Valuation:***	
Value of skin cancer cases (low and high sensitivity)	$81.3 billion. ($1.1 bill.–$205 bill.).
Value of skin cancer illness (low and high sensitivity)	$6.35 trillion. ($17.4 bill.–$342 bill.).
Value of cataract cases (low and high sensitivity)	$2.57 billion. ($72 mill.–$7.5 bill.).
Damage to crops (low and high sensitivity)	$23.4 billion. ($2.3 bill.–$46 bill.).
Damage to fish (low and high sensitivity)	$6.5 billion. ($3 bill.–$11.4 bill.).
Damage to crops from ground level ozone (low and high sensitivity)	$12.4 billion. ($1.1 bill.–$24.9 bill.).
Damage to polymers (low and high sensitivity)	$3.12 billion. ($221 mill.–$6.3 bill.).
Sea level rise damage to major ports.	$4.9 billion.
Total monetary benefits: (low and high sensitivity)	$6.3 trillion. ($29 bill. to $340 bill.).

* Shows value of avoided damage relative to "no regulation" For populations alive today and born before 2075.

** Ranges for damage valuation reflect the following scenarios: the high scenario assumes a 1 percent discount rate and a $4 million value of life which increases by 3.4 percent per year. The low scenario assumes a 6 percent discount rate and a $2 million value of life which increases by 0.85 percent per year. The medium scenario assumes a 2 percent discount rate and a $3 million value of life which increases by 1.7 percent per year.

Health effects (skin cancer incidence and mortality, and cataract incidence modeled based on dose-response estimates presented in EPA (1987). Crop estimates presented for grain crops based only on dose response developed for soy beans. Damage to fish estimated for commercial harvest of fin and shell fish based on dose response developed for anchovies. Polymer estimates based on dose response models developed for PVC and extended to include acrylics and polyesters. Damage to crops from ground level ozone based on case studies of 3 U.S. cities and a national crop loss model. Sea level rise estimates assume anticipatory action to lessen damages, but only includes storm damage to major ports based on limited case studies.

The total benefits through 2075 were estimated to be between $29 billion and $340 trillion (benefit estimates were discounted over a range of 1 percent to 6 percent annually). The majority of these benefits resulted from decreases in the number of deaths from skin cancer which is an area where effects research has progressed the furthest. The skin cancer benefit estimates, however, assume no improvement in our ability to treat skin cancer. If a cure for cancer were discovered, these benefits would decrease enormously. Because more limited research has been undertaken in the area of potential damage to crops and aquatic organisms, the estimates of potential benefits for these areas are also uncertain. In its report to EPA, the Science Advisory Board stated that it believed that damage related to these areas could prove to be of greater global magnitude than harm from skin cancers.

3. Comparison of Costs and Benefits

Based on the analysis presented above and detailed in the RIA, the estimated benefits from the proposed regulation would far exceed the estimated costs. Table 8 summarizes these benefits and costs. It shows that for those areas where quantification was possible, benefits would total from $29 billion to $340 trillion for the period 1989–2075. In comparison, costs of reducing CFCs and halons called for by the proposed regulation for the same period would total approximately $27 billion. Table 9 illustrates the extreme sensitivity of this analysis to specific individual assumptions about discount rates and the valuation of life. Additional sensitivities are included in the RIA.

TABLE 8.—COMPARISON OF COSTS AND BENEFITS THROUGH 2075 by Scenario

[Billions of 1985 dollars]

	Health and environmental benefits	Costs	Net benefits
No Controls:			
CFC Freeze	5,995	7	5,988
(low)	16	0.7	15
(high)	324,000	12	323,988
CFC 20%	6,132	12	6,120
(low)	17	2	15
(high)	330,000	21	229,979
CFC 50%	6,299	24	6,275
(low)	18	5	13
(high)	339,000	41	338,959
CFC 80%	6,400	31	6,369
(low)	19	7	12
(high)	341,000	51	340,949
CFC 50%/ Halon freeze	6,463	27	6,436
(low)	19	5	14
(high)	345,000	46	344,954
CFC 50%/ Halon freeze/U.S. 80%	6,506	34	6,472
(low)	19	7	12
(high)	346,000	58	345,944
U.S. only CFC 50%	2,852	27	2,825
(low)	8	5	3
(high)	135,000	46	134,954

All dollar values reflect the difference between the No Controls Scenario and

the specified alternative scenario. Valuation of the health and environmental benefits applies only to people born before 2075; costs are estimated through 2075.

Ranges for damage valuation reflect the following scenarios: the high scenario assumes a 1 percent discount rate and a $4 million value of life which increases by 3.4 percent per year. The low scenario assumes a 6 percent discount rate and a $2 million value of life which increases by 0.85 percent per year. The medium scenario assumes a 2 percent discount rate and a $3 million value of life which increases by 1.7 percent per year.

Source: EPA Regulatory Impact Analysis, 1987.

TABLE 9.—SUMMARY OF RESULTS OF SENSITIVITY ANALYSES FOR COSTS AND MAJOR HEALTH BENEFITS FOR PEOPLE BORN BEFORE 2075

Sensitivity	Ozone depletion by 2075 (percent)	Value of lives lost (10^9)	Control costs (10^9)	Net present value of benefits—costs (10^9)
I. Base case (assumes a two percent discount rate)				
No controls	3.3	6,490		
Protocol	1.3	150	27	
Difference	35.8	6,340	27	6,322
II. Discount rates				
A. 1 percent				
No controls	39.9	24,650		
Protocol	1.3	388	46	
Difference	38.6	24,262	46	24,216
B. 6 percent				
No controls	39.9	71		
Protocol	1.3	9	5	
Difference	38.6	62	5	57
III. Value of life				
A. $2 million				
No controls	39.5	4,333		
Protocol	1.3	109	27	
Difference	38.6	4,223	27	4,196
B. $4 million				
No controls	39.9	8,667		
Protocol	1.3	225	27	
Difference	38.6	8,443	27	8,415

Source: EPA Regulatory Impact Analysis, 1987.

VIII. Additional Information

A. Executive Order 12291

Executive Order (E.O.) 12291 requires the preparation of a regulatory impact analysis for major rules, defined by the order as those likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic industries; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA has determined that this proposed regulation meets the definition of a major rule under E.O. 12291, and has prepared a regulatory impact analysis (RIA). That document, along with this notice of proposed rulemaking, has been submitted to the Office of Management and Budget (OMB) for review under Executive Order 12291. Any comments from OMB and any EPA responses to such comments are available for public inspection at the Central Docket Section, South Conference Room 4, Docket No. A–87–20, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. A copy of the RIA has also been placed in the rulemaking docket.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601–612, requires that Federal agencies examine the impacts of their regulations on small entities. Under 5 U.S.C. 604(a), whenever an agency is required to publish a general notice of proposed rulemaking, it must prepare and make available for public comment an initial regulatory flexibility analysis (RFA). Such an analysis is not required if the head of an agency certifies that a rule will not have a significant economic impact on a substantial number of small entities, pursuant to 5 U.S.C. 605(b). EPA has prepared an initial regulatory flexibility analysis for the regulations proposed in this notice, and this initial RFA has been placed in the rulemaking docket.

The initial RFA concluded that of the many industries potentially affected by the proposed regulation, the foam blowers were the only group that could be substantially affected based on the criteria contained in EPA guidelines on preparation of an RFA. For their industries, because CFCs are such a minor portion of total product costs, price increases of the magnitude anticipated by this regulation would not result in significant economic impacts.

The preliminary RFA suggests that different segments of the foamblowing industry are likely to be affected to different extents depending on the availability of chemical substitutes versus alternative products. For example, the polystyrene foam blowers may be able to shift from CFC–12 to HCFC–22 without incurring large capital costs and therefore would remain competitive with paper and other forms of packaging. In the case of rigid foam, price increases may cause some loss of market share to non-CFC blown foam or to other materials. Due to data limitations and the inability to accurately model behavioral changes, the number of firms that might go out of business versus the number that would shift to providing other insulating material could not be determined.

In designing and evaluating its regulatory options, EPA sought to minimize the burdens placed on small firms. In addition, the proposed hybrid approach (allocated quotas plus targetted regulations) would further reduce potential increases in CFC prices and thereby reduce the impact on the foamblowing industry. Because foam blowing is one of the major uses of CFCs, providing foam blowers with set asides and outright exemptions would have substantial impacts on efforts to protect the ozone layer or substantially increase costs to other industries.

C. Paperwork Reduction Act

The information collection requirements in this proposed rule will be submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs, OMB, 726 Jackson Place, Washington, DC 20530 marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements.

IX. References

Connell, P.S., (1986), "A parameterized numerical fit to total column ozone changes calculated by the LLNL 1–D model of the troposphere and stratosphere", Lawrence Livermore National Laboratory, Livermore, CA.

Farman, J.C., B.G. Gardiner, and J.D. Shanklin, (1985), "Large losses of total ozone in Antarctica reveal seasonal ClOx/NOx interaction", *Nature*, 315, 207–210.

Kerr, R.A., (1987), "Has Stratospheric Ozone Started to Disappear?", *Science*, 237, 131–132.

Khalil, M.A.K., and R.A. Rasmussen, (1985), "Trichlorofluoroethane (F–113) trends at Pt. Barrow, Alaska", in *Geophysical Monitoring for Climate Change, No. 13. Summary Report 1984*, U.S. Department of Commerce, Boulder, CO.

Molina, M.J., and F.S. Rowland, (1974), "Stratospheric sink for chlorofluoromethanes: chlorine atom-catalysed destruction of ozone", *Nature*, 249, 810–812.

National Academy of Sciences, (NAS), (1976), *Halocarbons: Effects on Stratospheric Ozone*, National Academy Press, Washington, DC.

National Academy of Sciences, (NAS), (1979a), *Protection Against Depletion of Stratospheric Ozone by Chlorofluorocarbons*, National Academy Press, Washington, DC.

National Academy of Sciences, (NAS), (1979b), *Stratospheric Ozone Depletion by Halocarbons: Chemistry and Transport*, National Academy Press, Washington, DC.

National Academy of Sciences, (NAS), (1983), *Changing Climate*, National Academy Press, Washington, DC.

National Academy of Sciences, (NAS), (1984), *Causes and Effects of Changes in Stratospheric Ozone: Update 1983*, National Academy Press, Washington, DC.

National Aeronautics and Space Administration, (NASA), (1986), *Present State of Knowledge of the Upper Atmosphere: An Assessment Report. Processes that Control Ozone and Other Climatically Important Trace Gases*, NASA Reference Publication 1162, NASA, Washington, DC.

Prather, M.J., M.B. McElroy, and S.C. Wofsy, (1984), "Reductions in ozone at high concentrations of stratospheric halogens", *Nature*, 312, 227–231.

Pyle, J.A., and J.C. Farman, (1987), "Ozone Depletion: Antarctic Chemistry to Blame", *Nature*, 329, 103–104.

Rasmussen, R.A., and M.A.K. Khalil, (1982), "Atmospheric fluorocarbons and methyl chloroform at the South Pole", *Antarctic Journal of the United States: 1982 Review*, 203–205.

United Nations Environment Programme, (1987), "*Ad Hoc* Scientific Meeting to Compare Model Generated Assessments of Ozone Layer Change for Various Strategies for CFC Control", Wurzburg, Federal Republic of Germany, 9–10 April 1987, UNEP/WG.167/INF.1

United States Environmental Protection Agency (EPA), (1987), *An Analysis of the Risks from Trace Gases That Can Modify the Stratosphere*, U.S. EPA, Washington, DC.

World Meteorological Organization (WMO), (1986), *Atmospheric Ozone 1985. Assessment of Our Understanding of the Processes Controlling its Present Distribution and Change*. WMO Global Ozone Research and Monitoring Project—Report No. 16, WMO, Geneva, Switzerland.

Date: December 1, 1987.

Lee M. Thomas,

Administrator.

United Nations Environment Programme

MONTREAL PROTOCOL ON SUBSTANCES THAT DEPLETE THE OZONE LAYER

Final Act, 1987

Montreal Protocol on Substances That Deplete the Ozone Layer

The Parties to this Protocol,

Being Parties to the Vienna Convention for the Protection of the Ozone Layer,

Mindful of their obligation under that Convention to take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone 1 year,

Recognizing that world-wide emissions of certain substances can significantly deplete and otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment,

Conscious of the potential climatic effects of emissions of these substances,

Aware that measures taken to protect the ozone layer from depletion should be based on relevant scientific knowledge, taking into account technical and economic considerations,

Determined to protect the ozone layer by taking precautionary measures to control equitably total global emissions of substances that deplete it, with the ultimate objective of their elimination on the basis of developments in scientific knowledge, taking into account technical and economic considerations,

Acknowledging that special provision is required to meet the needs of developing countries for these substances,

Noting the precautionary measures for controlling emissions of certain chlorofluorocarbons that have already been taken at national and regional levels,

Considering the importance of promoting international co-operation in the research and development of science and technology relating to the control and reduction of emissions of substances that deplete the ozone layer, bearing in mind in particular the needs of developing countries,

Have agreed as follows:

Artcle I: Definitions

For the purposes of this Protocol:

1. "Convention means the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985.

2. "Parties" means, unless the text otherwise indicates, Parties to this Protocol.

3. "Secretariat" means the secretariat of the Convention.

4. "Controlled substance" means a substance listed in Annex A to this Protocol, whether existing alone or in a mixture. It excludes, however, any such substance or mixture which is in a manufactured product other than a container used for the transportation or storage of the substance listed.

5. "Production" means tbe amount of controlled substances produced minus the amount destroyed by technologies to be approved by the Parties.

6. "Consumption" means production plus imports minus exports of controlled substances.

7. "Calculated levels" of production, imports, exports and consumption means levels determined in accordance with Article 3.

8. "Industrial rationalization" means the transfer of all or a portion of the calculated level of production of one Party to another, for the purpose of achieving economic efficiencies or responding to anticipated shortfalls in supply as a result of plant closures.

Article 2: Control Measures

1. Each Party shall ensure that for the twelve-month period commencing on the first day of the seventh month following the date of the entry into force of this Protocol, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed its calculated level of consumption in 1986. By the end of the same period, each Party producing one or more of these substances shall ensure that its calculated level of production of the substances does not exceed its calculated level of production in 1986, except that such level may have increased by no more than ten per cent based on the 1986 level. Such increase shall be permitted only so as to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties.

2. Each Party shall ensure that for the twelve-month period commencing on the first day of the thirty-seventh month following the date of the entry into force of this Protocol, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances listed in Group II of Annex A does not exceed its calculated level of consumption in 1986. Each Party producing one or more of these substances shall ensure that its calculated level of production of the substances does not exceed its calculated level of production in 1986, except that such level may have increased by no more than ten per cent based on the 1986 level. Such increase shall be permitted only so as to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties. The mechanisms for implementing these measures shall be decided by the Parties at their first meeting following the first scientific review.

3. Each Party shall ensure that for the period 1 July 1993 to 30 June 1994 and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, eighty per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not

exceed, annually, eighty per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

4. Each Party shall ensure that for the period 1 July 1998 to 30 June 1999, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, fifty per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, fifty per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986. This paragraph will apply unless the Parties decide otherwise at a meeting by a two-thirds majority of Parties present and voting, representing at least two-thirds of the total calculated level of consumption of these substances of the Parties. This decision shall be considered and made in the light of the assessments referred to in Article 6.

5. Any Party whose calculated level of production in 1986 of the controlled substances in Group I of Annex A was less than twenty-five kilotonnes may, for the purposes of industrial rationalization, transfer to or receive from any other Party, production in excess of the limits set out in paragraphs 1, 3 and 4 provided that the total combined calculated levels of production of the Parties concerned does not exceed the production limits set out in this Article. Any transfer of such production shall be notified to the secretariat, no later than the time of the transfer.

6. Any Party not operating under Article 5, that has facilities for the production of controlled substances under construction, or contracted for, prior to 16 September 1987, and provided for in national legislation prior to 1 January 1987, may add the production from such facilities to its 1986 production of such substances for the purposes of determining its calculated level of production for 1986, provided that such facilities are completed by 31 December 1990 and that such production does not raise that Party's annual calculated level of consumption of the controlled substances above 0.5 kilograms per capita.

7. Any transfer of production pursuant to paragraph 5 or any addition of production pursuant to paragraph 6 shall be notified to the secretariat, no later than the time of the transfer or addition.

8. (a) Any Parties which are Member States of a regional economic integration organization as defined in Article 1(6) of the Convention may agree that they shall jointly fulfill their obligations respecting consumption under this Article provided that their total combined calculated level of consumption does not exceed the levels required by this Article.

(b) The Parties to any such agreement shall inform the secretariat of the terms of the agreement before the date of the reduction in consumption with which the agreement is concerned.

(c) Such agreement will become operative only if all Member States of the regional economic integration organization and the organization concerned are Parties to the Protocol and have notified the secretariat of their manner of implementation.

9. (a) Based on the assessments made pursuant to Article 6, the Parties may decide whether:

(i) adjustments to the ozone depleting potentials specified in Annex A should be made and, if so, what the adjustments should be; and

(ii) further adjustments and reductions of production or consumption of the controlled substances from 1986 levels should be undertaken and, if so, what the scope, amount and timing of any such adjustments and reductions should be.

(b) Proposals for such adjustments shall be communicated to the Parties by the secretariat at least six months before the meeting of the Parties at which they are proposed for adoption.

(c) In taking such decisions, the Parties shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted, and no agreement reached, such decisions shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting representing at least fifty per cent of the total consumption of the controlled substances of the Parties.

(d) The decisions, which shall be binding on all Parties, shall forthwith be communicated to the Parties by the Depositary. Unless otherwise provided in the decisions, they shall enter into force on the expiry of six months from the date of the circulation of the communication by the Depositary.

10. (a) Based on the assessments made pursuant to Article 6 of this Protocol and in accordance with the procedure set out in Article 9 of the Convention, the Parties may decide:

(i) Whether any substances, and if so which, should be added to or removed from any annex to this Protocol; and

(ii) The mechanism, scope and timing of the control measures that should apply to those substances;

(b) Any such decision shall become effective, provided that it has been accepted by a two-thirds majority vote of the Parties present and voting.

11. Notwithstanding the provisions contained in this Article, Parties may take more stringent measures than those required by this Article.

Article 3: Calculation of Control Levels

For the purposes of Articles 2 and 5, each Party shall, for each Group of substances in Annex A, determine its calculated levels of:

(a) Production by:

(i) Multiplying its annual production of each controlled substance by the ozone depleting potential specified in respect of it in Annex A; and

(ii) Adding together, for each such Group, the resulting figures;

(b) Imports and exports, respectively, by following, *mutatis mutandis*, the procedure set out in subparagraph (a); and

(c) Consumption by adding together its calculated levels of production and imports and subtracting its calculated level of exports as determined in accordance with subparagraphs (a) and (b). However, beginning on 1 January 1993, any export of controlled substances to non-Parties shall not be subtracted in calculating the consumption level of the exporting Party.

Article 4: Control of Trade With Non-Parties

1. Within one year of the entry into force of this Protocol, each Party shall ban the import of controlled substances from any State not party to this Protocol.

2. Beginning on 1 January 1993, no Party operating under paragraph 1 of Article 5 may export any controlled substance to any State not party to this Protocol.

3. Within three years of the date of the entry into force of this Protocol, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4. Within five years of the entry into force of this Protocol, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to it in accordance with those procedures shall ban or restrict, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

5. Each Party shall discourage the export, to any State not party to this Protocol, of technology for producing and for utilizing controlled substances.

6. Each Party shall refrain from providing new subsidies, aid, credits, guarantees or insurance programmes for the export to States not party to this Protocol of products, equipment, plants or technology that would facilitate the production of controlled substances.

7. Paragraphs 5 and 6 shall not apply to products, equipment, plants or technology that improve the containment, recovery, recycling or destruction of controlled substances, promote the development of alternative substances, or otherwise contribute to the reduction of emissions of controlled substances.

8. Notwithstanding the provisions of this Article, imports referred to in paragraphs 1, 3 and 4 may be permitted from any State not party to this Protocol if that State is determined, by a meeting of the Parties, to be in full compliance with Article 2 and this Article, and has submitted data to that effect as specified in Article 7.

Article 5: Special Situation of Developing Countries

1. Any Party that is a developing country and whose annual calculated level of consumption of the controlled substances is less than 0.3 kilograms per capita on the date of the entry into force of the Protocol for it, or any time thereafter within ten years of the date of entry into force of the Protocol shall, in order to meet its basic domestic needs, be entitled to delay its compliance with the control measures set out in paragraphs 1 to 4 of Article 2 by ten years after that specified in those paragraphs. However, such Party shall not exceed an annual calculated level of consumption of 0.3 kilograms per capita. Any such Party shall be entitled to use either the average of its annual calculated level of consumption for the period 1995 to 1997 inclusive or a calculated level of consumption of 0.3 kilograms per capita, whichever is the lower, as the basis for its compliance with the control measures.

2. The Parties undertake to facilitate access to environmentally safe alternative substances and technology for Parties that are developing countries and assist them to make expeditious use of such alternatives.

3. The Parties undertake to facilitate bilaterally or multilaterally the provision of subsidies, aid, credits, guarantees or insurance programmes to Parties that are developing countries for the use of alternative technology and for substitute products.

Article 6: Assessment and Review of Control Measures

Beginning in 1990, and at least every four years thereafter, the Parties shall assess the control measures provided for in Article 2 on the basis of available scientific, environmental, technical and economic information. At least one year before each assessment, the Parties shall convene appropriate panels of experts qualified in the fields mentioned and determine the composition and terms of reference of any such panels. Within one year of being convened, the panels will report their conclusions, through the secretariat, to the Parties.

Article 7: Reporting of Data

1. Each Party shall provide to the secretariat, within three months of becoming a Party, statistical data on its production, imports and exports of each of the controlled substances for the year 1986, or the best possible estimates of such data where actual data are not available.

2. Each Party shall provide statistical data to the secretariat on its annual production (with separate data on amounts destroyed by technologies to be approved by the Parties), imports, and exports to Parties and non-Parties, respectively, of such substances for the year during which it becomes a Party and for each year thereafter. It shall forward the data no later than nine months after the end of the year to which the data relate.

Article 8: Non-Compliance

The Parties, at their first meeting, shall consider and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Protocol and for treatment of Parties found to be in non-compliance.

Article 9: Research, Development, Public Awareness and Exchange of Information

1. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account in particular the needs of developing countries, in promoting, directly or through competent international bodies, research, development and exchange of information on:

(a) Best technologies for improving the containment, recovery, recycling or destruction of controlled substances or otherwise reducing their emissions;

(b) Possible alternatives to controlled substances, to products containing such substances, and to products manufactured with them; and

(c) Costs and benefits of relevant control strategies.

2. The Parties, individually, jointly or through competent international bodies, shall co-operate in promoting public awareness of the environmental effects of the emissions of controlled substances and other substances that deplete the ozone layer.

3. Within two years of the entry into force of this Protocol and every two years thereafter, each Party shall submit to the secretariat a summary of the activities it has conducted pursuant to this Article.

Article 10: Technical Assistance

1. The Parties shall, in the context of the provisions of Article 4 of the Convention, and taking into account in particular the needs of developing countries, co-operate in promoting technical assistance to facilitate participation in and implementation of this Protocol.

2. Any Party or Signatory to this Protocol may submit a request to the secretariat for technical assistance for the purposes of implementing or participating in the Protocol.

3. The Parties, at their first meeting, shall begin deliberations on the means of fulfilling the obligations set out in Article 9, and paragraphs 1 and 2 of this Article, including the preparation of workplans. Such workplans shall pay special attention to the needs and circumstances of the developing countries. States and regional economic integration organizations not party to the Protocol should be encouraged to participate in activities specified in such workplans.

Article 11: Meetings of the Parties

1. The Parties shall hold meetings at regular intervals. The secretariat shall convene the first meeting of the Parties

not later than one year after the date of the entry into force of this Protocol and in conjunction with a meeting of the Conference of the Parties to the Convention, if a meeting of the latter is scheduled within that period.

2. Subsequent ordinary meetings of the Parties shall be held, unless the Parties otherwise decide, in conjunction with meetings of the Conference of the Parties to the Convention. Extraordinary meetings of the Parties shall be held at such other times as may be deemed necessary by a meeting of the Parties, or at the written request of any Party, provided that, within six months of such a request being communicated to them by the secretariat, it is supported by at least one third of the Parties.

3. The Parties, at their first meeting, shall:

(a) Adopt by consensus rules of procedure for their meetings;

(b) Adopt by consensus the financial rules referred to in paragraph 2 of Article 13;

(c) Establish the panels and determine the terms of reference referred to in Article 6;

(d) Consider and approve the procedures and institutional mechanisms specified in Article 8; and

(e) Begin preparation of workplans pursuant to paragraph 3 of Article 10.

4. The functions of the meetings of the Parties shall be to:

(a) Review the implementation of this Protocol;

(b) Decide on any adjustments or reductions referred to in paragraph 9 of Article 2;

(c) Decide on any addition to, insertion in or removal from any annex of substances and on related control measures in accordance with paragraph 10 of Article 2;

(d) Establish, where necessary, guidelines or procedures for reporting of information as provided for in Article 7 and paragraph 3 of Article 9;

(e) Review requests for technical assistance submitted pursuant to paragraph 2 of Article 10;

(f) Review reports prepared by the secretariat pursuant to subparagraph (c) of Article 12;

(g) Assess, in accordance with Article 6, the control measures provided for in Article 2;

(h) Consider and adopt, as required, proposals for amendment of this Protocol or any annex and for any new annex;

(i) Consider and adopt the budget for implementing this Protocol; and

(j) Consider and undertake any additional action that may be required for the achievement of the purposes of this Protocol.

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Protocol, may be represented at meetings of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the secretariat of its wish to be represented at a meeting of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Parties.

Article 12: Secretariat

For the purposes of this Protocol, the secretariat shall:

(a) Arrange for and service meetings of the Parties as provided for in Article 11;

(b) Receive and make available, upon request by a Party, data provided pursuant to Article 7;

(c) Prepare and distribute regularly to the Parties reports based on information received pursuant to Articles 7 and 9;

(d) Notify the Parties of any request for technical assistance received pursuant to Article 10 so as to facilitate the provision of such assistance;

(e) Encourage non-Parties to attend the meetings of the Parties as observers and to act in accordance with the provisions of this Protocol;

(f) Provide, as appropriate, the information and requests referred to in subparagraphs (c) and (d) to such non-party observers; and

(g) Perform such other functions for the achievement of the purposes of this Protocol as may be assigned to it by the Parties.

Article 13: Financial Provisions

1. The funds required for the operation of this Protocol, including those for the functioning of the secretariat related to this Protocol, shall be charged exclusively against contributions from the Parties.

2. The Parties, at their first meeting, shall adopt by consensus financial rules for the operation of this Protocol.

Article 14: Relationship of This Protocol to the Convention

Except as otherwise provided in this Protocol, the provisions of the Convention relating to its protocols shall apply to this Protocol.

Article 15: Signature

This Protocol shall be open for signature by States and by regional economic integration organizations in Montreal on 16 September 1987, in Ottawa from 17 September 1987 to 16 January 1988, and at United Nations Headquarters in New York from 17 January 1988 to 15 September 1988.

Article 16: Entry Into Force

1. This Protocol shall enter into force on 1 January 1989, provided that at least eleven instruments of ratification, acceptance, approval of the Protocol or accession thereto have been deposited by States or regional economic integration organizations representing at least two-thirds of 1986 estimated global consumption of the controlled substances, and the provisions of paragraph 1 of Article 17 of the Convention have been fulfilled. In the event that these conditions have not been fulfilled by that date, the Protocol shall enter into force on the ninetieth day following the date on which the conditions have been fulfilled.

2. For the purposes of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

3. After the entry into force of this Protocol, any State or regional economic integration organization shall become a Party to it on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article 17: Parties Joining After Entry Into Force

Subject to Article 5, any State or regional economic integration organization which becomes a Party to this Protocol after the date of its entry into force, shall fulfil forthwith the sum of the obligations under Article 2, as well as under Article 4, that apply at that date to the States and regional economic integration organizations that became Parties on the date the Protocol entered into force.

Article 18: Reservations

No reservations may be made to this Protocol.

Article 19: Withdrawal

For the purposes of this Protocol, the provisions of Article 19 of the Convention relating to withdrawal shall apply, except with respect to Parties referred to in paragraph 1 of Article 5. Any such Party may withdraw from this Protocol by giving written notification to the Depositary at any time after four years of assuming the obligations specified in paragraphs 1 to 4 of Article 2. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

Article 20: Authentic Texts

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness whereof the undersigned, being duly authorized to that effect, have signed this protocol.

Done at Montreal this sixteenth day of September, One Thousand Nine Hundred and Eighty Seven.

ANNEX A.—CONTROLLED SUBSTANCES

Group	Substance	Ozone depleting potential [1]
Group I:	$CFCl_3$ (CFC-11)	1.0
	CF_2Cl_2 (CFC-12)	1.0
	$C_2F_3Cl_3$ (CFC-113)	0.8
	$C_2F_4Cl_2$ (CFC-114)	1.0
	C_2F_5Cl (CFC-115)	0.6
Group II:	CF_2BrCl (halon-1211)	3.0
	CF_3Br (halon-1301)	10.0
	$C_2F_4Br_2$ (halon-2402)	(*)

[1] These ozone depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically.

[2] To be determined.

For the reasons set out in the preamble, Part 82 of Title 40 of the Code of Federal Regulations is proposed as follows:

1. The authority citation for Part 82 continues to read as follows:

Authority: 42 U.S.C. 7457(b).

2. Part 82 is amended by adding the following §§ 82.1 through 82.14 and appendices A through D to read as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

Sec.

82.1 Purpose and scope.
82.2 Effective date.
82.3 Definitions.
82.4 Prohibitions.
82.5 Apportionment of baseline production rights.
82.6 Apportionment of baseline consumption rights.
82.7 Grant and phased reduction of baseline production and consumption rights for group I controlled substances.
82.8 Grant and freeze of baseline production and consumption rights for group II controlled substances.
82.9 Allowance for production rights in addition to baseline production rights.
82.10 Allowance for consumption rights in addition to baseline consumption rights.
82.11 Exports to parties.
82.12 Transfers of production and consumption rights.
82.13 Recordkeeping and reporting requirements.
82.14 Payment of fees.
Appendix A to Part 82—Controlled substances and ozone depletion weights.
Appendix B to Part 82—Parties to the Montreal Protocol.
Appendix C to Part 82—Nations complying with, but not party to, the protocol.
Appendix D to Part 82—Twenty-five-kilotonne parties.

Authority: 42 U.S.C. 7457(b).

§ 82.1 Purpose and scope.

(a) The purpose of these regulations is to implement the *Montreal Protocol on Substances that Deplete the Ozone Layer* under authority provided by section 157 of the Clean Air Act. The Montreal Protocol requires each nation that becomes a Party to the Protocol to limit its total production and its consumption (defined as production plus imports minus exports) of certain ozone-depleting substances according to a specified schedule. The Protocol also requires Parties to impose certain restrictions on trade in ozone-depleting substances with nonparties.

(b) This rule applies to any individual, corporate, or governmental entity that produces, imports, or exports controlled substances.

§ 82.2 Effective date.

The regulations under this Part will take effect when the Montreal Protocol enters into force. The Montreal Protocol will enter into force on January 1, 1989, provided that at least 11 instruments of ratification, acceptance, approval of the Protocol or accession thereto have been deposited by States or regional economic integration organizations representing at least two-thirds of 1986 estimated global consumption of the controlled substances, and provided that the Vienna Convention for the Protection of the Ozone Layer has entered into force. If these conditions have not been fulfilled by January 1, 1989, the Protocol will enter into force on the ninetieth day following the date on which the conditions have been fulfilled.

§ 82.3 Definitions.

As used in this Part, the term:

(a) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(b) "Baseline consumption rights" means the consumption rights apportioned under Sec. 82.6.

(c) "Baseline production rights" means the production rights apportioned under Sec. 82.5.

(d) "Calculated level" means the level of production, exports or imports of controlled substances determined for each Group of controlled substances by:

(1) Multiplying the amount (in kilograms) of production, exports or imports of each controlled substance by that substance's ozone depletion weight listed in Appendix A to this Part; and

(2) Adding together the resulting products for the controlled substances within each Group.

(e) "Consumption rights" means the privileges granted by this Part to produce and import calculated levels of controlled substances; however, consumption rights may be used to produce controlled substances only in conjunction with production rights. A person's consumption rights are the total of the rights he obtains under Secs. 82.7 (baseline rights for Group I controlled substances), 82.8 (baseline rights for Group II controlled substances), and 82.10 (additional consumption rights upon proof of exports of controlled substances), as may be modified under Sec. 82.12 (transfer of rights).

(f) "Control periods" means those periods during which the prohibitions under Sec. 82.4 apply. Those periods are:

(1) For Group I controlled substances: [reserved]

(2) For Group II controlled substances: [reserved]

(g) "Controlled substance" means any substance listed in Appendix A to this Part, whether existing alone or in a mixture, but excluding any such substance or mixture that is in a manufactured product other than a container used for the transportation or storage of the substance listed.

(h) "Export" means the transport of controlled substances from within the United States or its territories to persons or countries outside the United States or its territories.

(i) "Facility" means any process equipment (e.g., reactor, distillation column) to convert raw materials or feedstock chemicals into controlled substances.

(j) "Import" means the transport of controlled substances from outside the United States or its territories to persons within the United States or its territories.

(k) "Montreal Protocol" means the *Montreal Protocol on Substances that*

BEST COPY AVAILABLE

Deplete the Ozone Layer which was adopted on September 16, 1987, in Montreal, Canada.

(l) "Nations complying with, but not joining, the Protocol" means any nation listed in Appendix C to this Part.

(m) "Party" means any nation that is a party to the Montreal Protocol and listed in Appendix B to this Part.

(n) "Person" means any individual or legal entity, including an individual, corporation, partnership, association, state, municipality, political subdivision of a state, Indian tribe, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

(o) "Plant" means one or more facilities at the same location owned by or under common control of the same person.

(p) "Potential production rights" means the production rights obtained under Sec. 82.9 (a) and (b).

(q) "Production" means the manufacture of a controlled substance from any raw material or feedstock chemical; however, production does not include the manufacture of controlled substances that are used and entirely consumed in the production of other chemicals.

(r) "Production rights" means the privileges granted by this Part to produce calculated levels of controlled substances; however, production rights may be used to produce controlled substances only in conjunction with consumption rights. A person's production rights are the total of the rights he obtains under Secs. 82.7 (baseline rights for Group I controlled substances), 82.8 (baseline rights for Group II controlled substances), and 82.9 (c) and (d) (additional production rights), as may be modified under Sec. 82.12 (transfer of rights).

(s) "Twenty-five-kilotonne Party" means any nation listed in Appendix D to this Part.

(t) "Unexpended consumption rights" means consumption rights that have not been used. At any time in any control period, a person's unexpended consumption rights are the total of the calculated level of consumption rights he holds at that time for that control period, minus the calculated level of controlled substances that the person has produced and imported in that control period until that time.

(u) "Unexpended production rights" means production rights that have not been used. At any time in any control period, a person's unexpended production rights are the total of the calculated level of production rights he holds at that time for that control period, minus the calculated level of controlled substances that the person has produced in that control period until that time.

§ 82.4 Prohibitions.

(a) No person may produce at any time in any control period, a calculated level of controlled substances in excess of the amount of unexpended production rights held by that person at that time for that control period. Every kilogram of such excess constitutes a separate violation of this regulation.

(b) No person may produce or import at any time in any control period, a calculated level of controlled substances in excess of the amount of unexpended consumption rights held by that person at that time for that control period. Every kilogram of such excess constitutes a separate violation of this regulation.

(c) A person may not use his production rights to produce a quantity of controlled substances unless he owns at the same time consumption rights sufficient to cover that quantity of controlled substances, nor may he use his consumption rights to produce a quantity of controlled substances unless he owns at the same time production rights sufficient to cover that quantity of controlled substances. However, consumption rights alone are required to import controlled substances.

(d) Beginning one year after the effective date of this Part, no person may import any quantity of controlled substances from any nation not listed in Appendix B to this Part (Parties to the Montreal Protocol), unless that nation is listed in Appendix C to this Part (Nations Complying with, But Not Party to, the Protocol). Every kilogram of controlled substances imported in contravention of this regulation constitutes a separate violation of this regulation.

§ 82.5 Apportionment of baseline production rights.

Persons who produced one or more controlled substances in 1986 are apportioned calculated levels of baseline production rights as set forth in paragraphs (a) and (b) of this section. Each person's apportionment is equivalent to the calculated levels of that person's production of Group I and Group II controlled substances in 1986.

(a) For Group I controlled substances:

Person	Calculated level
[Reserved]	[Reserved].

(b) For Group II controlled substances:

Person	Calculated level
[Reserved]	[Reserved].

§ 82.6 Apportionment of baseline consumption rights.

Persons who produced, imported, or produced and imported one or more controlled substances in 1986 are apportioned calculated levels of baseline consumption rights as set forth in paragraphs (a) and (b) of this section. The apportionment for each person who imported controlled substances is equivalent to the calculated levels of Group I and Group II controlled substances that the person imported in 1986. The apportionment for each person who produced controlled substances is equivalent to the calculated levels of Group I and Group II controlled substances that the person produced in 1986, multiplied by a correction factor. The general equation for the correction factor is (the calculated level of 1986 United States production minus the calculated level of 1986 United States exports) divided by (the calculated level of 1986 United States production); correction factors are separately calculated for Group I and Group II controlled substances.

(a) For Group I controlled substances:

Person	Calculated level
[Reserved]	[Reserved].

(b) For Group II controlled substances:

Person	Calculated level
[Reserved]	[Reserved].

§ 82.7 Grant and phased of baseline production and consumption rights for group I controlled substances.

(a) For each of the control periods that ends before July 1, 1993, every person is granted 100 percent of the baseline production and consumption rights apportioned to him under Secs. 82.5(a) and 82.6(a).

(b) For each of the control periods that occurs between July 1, 1993, and June 30, 1998, inclusive, every person is granted 80 percent of the baseline production and consumption rights apportioned to him under §§ 82.5(a) and 82.6(a).

(c) For each of the control periods that begins after June 30, 1998, every person is granted 50 percent of the base-line production and consumption rights apportioned to him under §§ 82.5(a) and 82.6(a).

§ 82.8 Grant and freeze of baseline production and consumption rights for group II controlled substances.

For each of the control periods specified in § 82.3(f)(2), every person is granted 100 percent of the baseline production and consumption rights apportioned to him under § 82.5(b) and 82.6(b).

§ 82.9 Allowance for production rights in addition to baseline production rights.

(a) Every person apportioned baseline production rights for Group I controlled substances under § 82.5(a) is also granted a calculated level of potential production rights equivalent to:

(1) 10 percent of his apportionment under § 82.5(a), for each control period ending before July 1, 1998; and

(2) 15 percent of his apportionment under § 82.5(a), for each control period beginning after June 30, 1998.

(b) Every person apportioned baseline production rights for Group II controlled substances under § 82.5(b) is also granted a calculated level of potential production rights equivalent to 10 percent of his apportionment under § 82.5(b), for each control year specified in § 82.3(f)(2).

(c) A person may convert potential production rights, either granted to him under paragraphs (a) and (b) of this section or obtained by him under § 82.12 (transfer of rights), to production rights only to the extent authorized by the Administrator under § 82.11 (Exports to Parties). A person may obtainauthorization to convert potential production rights to production rights either by requesting issuance of a notice under § 82.1lor by completing a transfer of authorization under § 82.12.

(d) Any person ("the recipient") may obtain productionrights in accordance with the provisions of this paragraph.

(1) A nation listed in Appendix D to this Part (Twenty-five-kilotonne Parties) must agree to transfer to the recipient at a specified time some amount of the calculated level of production that the nation is permitted under the Montreal Protocol. The recipient must obtain from the principal diplomatic representative in that nation's embassy in the United States a document clearly stating that that nation agrees to reduce its allowable calculated level of production by the amount being transferred to the recipient and for the control period(s) to which the transfer applies.

(2) The recipient must submit to the Administrator a transfer request that includes a true copy of the document required by paragraph (d)(1) of this section and that sets forth the following:

(i) The identity and address of the recipient;

(ii) The identity of the Twenty-five-kilotonne Party;

(iii) The names and telephone numbers of contact persons for the recipient and for the Twenty-five-kilotonne Party;

(iv) The amount of allowable calculated level of production being transferred; and

(v) The control period(s) to which the transfer applies.

(3) After receiving a transfer request that meets the requirements of paragraph (d)(2) of this section, the Administrator will:

(i) Notify the Secretariat of the Montreal Protocol of the transfer; and

(ii) Issue the recipient a notice granting the recipient production rights equivalent to the calculated level of production transferred, and specifying the control periods to which the grant of production rights applies. The grant of production rights will be effective on the date that the notice is issued.

§ 82.10 Allowance for consumption rights in addition to baseline consumption rights.

(a) Except as limited by paragraph (b) of this section, any person may obtain, in accordance with the provisions of this paragraph, consumption rights equivalent to the calculated level of controlled substances that the person has exported from the United States or its territories. The consumption rights granted under this section will be valid only during the control period in which the exports arrived in the country to which they were transported.

(1) The person who exported (the "exporter") the controlled substances must submit to the Administrator a request for consumption rights setting forth, with supporting documentation, the following:

(i) The identities and addresses of the exporter and the recipient of the exports (the "importer");

(ii) The exporter's EIN (Employer Identification Number);

(iii) The names and telephone number of contact persons for the exporter and for the importer;

(iv) The quantity and type of controlled substances exported;

(v) The date on which and the port from which the controlled substances were exported from the United States or its territories;

(vi) The country to which the controlled substances were exported and the date on which they arrived in that country;

(vii) The source from which and the date on which the exporter purchased the controlled substances.

(2) The Administrator will review the information and documentation submitted under paragraph (a)(1) of this section, and issue the exporter a notice granting the exporter consumption rights equivalent to the calculated level of controlled substances that the documentation verifies were exported. The grant of the consumption rights will be effective on the date the notice is issued.

(b) No consumption rights will be granted after January 1, 1993, for exports of controlled substances to any nation not listed in Appendix B to this Part (Parties to the Montreal Protocol).

§ 82.11 Exports to parties.

In accordance with the provisions of this section, any person may obtain authorization to convert potential production rights to production rights by exporting controlled substances to nations listed in Appendix B to this Part (Parties to the Protocol). Authorization obtained under this section will be valid only during the control period in which the controlled substances arrived in the party to which they were exported. A request for authorization under this section will be considered a request for consumption rights under § 82.10, as well.

(a) The exporter must submit to the Administrator a request for authority to convert potential production rights to production rights. That request must set forth, with supporting documentation, the following:

(1) The identities and addresses of the exporter and the importer;

(2) The exporter's EIN number;

(3) The names and telephone numbers of contact persons for the exporter and for the importer;

(4) The quantity and type of controlled substances exported;

(5) The date on which and the port from which the controlled substances were exported from the United States or its territories;

(6) The country to which the controlled substances were exported and the date on which they arrived in that country; and

(7) The source from which and the date on which the exporter purchased the controlled substances exported.

(b) The Administrator will review the information and documentation submitted under paragraph (a) of this section, and assess the quantity of controlled substances that the documentation verifies were exported to a party. Based on that assessment, the Administrator will issue the exporter a notice authorizing the conversion of a specified quantity of potential production rights to production rights in a specified control year, and granting

consumption rights in the same amount for the same control year. The authorization may be used to convert potential production rights to production rights as soon as the date on which the notice is issued.

§ 82.12 Transfers of Production and Consumption Rights.

Any person ("transferor") may transfer to any other person ("transferee") any amount of the transferor's consumption rights, production rights, potential production rights, or authorization to convert potential production rights to production rights, as follows:

(a) The transferor must submit to the Administrator a transfer request setting forth the following:

(1) The identities and addresses of the transferor and the transferee;

(2) The names and telephone numbers of contact persons for the transferor and for the transferee;

(3) The type of rights (i.e., consumption rights, production rights, or potential production rights) or authorization being transfered;

(4) The Group of controlled substances to which the rights or authorization being transferred pertains;

(5) The amount of rights or authorization being transferred;

(6) The control period(s) for which the rights or authorization are being transferred; and

(7) The amount of unexpended rights of the type and for the control period being transferred that the transferor holds as of the date of the request.

(b) If the records maintained by the Administrator, taking into account any previous trades and any production or imports reported by the transferor, indicate that the transferor possessed, as of the date the transfer request was processed, unexpended rights or authorization sufficient to cover the transfer request, the Administrator will issue a notice of transfer to the transferee and the transferor. The notice will specify the transferor and transferee, and the amount, type and control year of the rights or authorization transferred. The transfer will be effective on the date the notice of transfer is issued.

§ 82.13 Recordkeeping and reporting requirements.

(a) Unless otherwise specified, the recordkeeping and reporting requirements set forth in this section take effect as follows:

(1) For Group I controlled substances, beginning with the first day of the first control period specified in § 82.3(f)(1).

(2) For Group II controlled substances, beginning with the first day of the first control period specified in § 82.3(f)(2).

(b) Unless otherwise specified, reports required by this section must be mailed within 15 days of the end of the applicable reporting period to the Administrator.

(c) Records and copies of reports required by this section must be retained for four years.

(d) In reports required by this section, quantities of controlled substances must be stated in terms of kilograms.

(e) Every person ("producer") who will produce controlled substances during a control period must comply with the following recordkeeping and reporting requirements:

(1) By the first day of each control period, every producer must submit to the Administrator a plan estimating for each of his facilities the type and amount of controlled substances he will produce and the time periods during which the controlled substances will be produced. The plan must also include estimates of the quantities of chlorodifluoromethane (HCFC–22) and hexafluoroethane (CFC–116) each of these facilities will produce in that control period. Any change in the plan during the control period must be communicated to the Administrator no later than the month following the change, as part of the monthly report required under paragraph (e)(3) of this section.

(2) Every producer must maintain the following:

(i) Daily records of the quantity of each of the controlled substances produced at each facility, including controlled substances produced for feedstock purposes;

(ii) Daily records of the quantity of HCFC–22 and CFC–116 produced at each facility also producing controlled substances;

(iii) Continuous records of the reactive temperature and operating pressures within the primary reactor and initial distillation column during the production operations at each facility; and

(iv) Daily records of the quantity of the following raw materials and feedstock chemicals purchased for and used at each plant: carbon tetrachloride, perchloroethylene, chloroform, hydrofluoric acid, hydrochloric acid, bromine, CFC–113, HCFC–22, and CFC–23.

(v) Daily records of the quantity and purchaser of controlled substances produced at each plant.

(3) For each month, every producer must provide the Administrator with a report containing the following information:

(i) The production and sales in that month of each controlled substance, specifying the quantity of any controlled substance used for feedstock purposes for each plant and totaled for all plants owned by the same person;

(ii) The quantities of HCFC–22 and CFC–116 produced that month at the same facilities producing any of the controlled substances for each plant;

(iii) A description of any shifts that have occurred that month in the planned utilization of facilities as described in the plan provided to the Administrator under paragraph (e)(1) of this section;

(iv) The total for that month and for the control-period-to-date of calculated levels of production for Group I and Group II controlled substances for each plant;

(v) The producer's total consumption rights, potential production rights, production rights and authorization to convert potential production rights to production rights, as of the end of that month; and

(vi) The quantity and names and addresses of the source of recyclable or recoverable materials containing the controlled substance which is recovered at each plant. For any person who fails to maintain the records and reports required by this paragraph, the Administrator may assume that the person has produced at full capacity during the period for which records or reports were not kept, for purposes of determining whether the person has violated the prohibitions at Sec. 82.4.

(f) For Group I controlled substances, beginning with the first control period specified under Sec. 82.3(f)(1), and for Group II controlled substances, beginning one year after the Montreal Protocol enters into force, any person ("importer") who imports controlled substances during a control period must comply with the following recordkeeping and reporting requirements:

(1) Any importer must maintain the following daily records:

(i) The quantity of each controlled substance imported, either alone or in mixtures;

(ii) The date on which the controlled substances were imported;

(iii) The port of exit and port of entry through which the controlled substances passed; and

(iv) The dates on which and the country in which the imported controlled substances were produced.

(2) For each month, every importer must submit to the Administrator a report containing the following information:

(i) The daily records required in paragraph (g)(1) of this section for the previous month;

(ii) The total for that month and for the control-period-to-date of calculated levels of imports for Group I and Group II controlled substances; and

(iii) The importer's total consumption rights at the end of that month.

(g) For any exports of controlled substances not reported under Secs. 82.10 (additional consumption rights) or 82.11 (Exports to Parties), the person ("exporter") who exported the controlled substances must submit to the Administrator the following information within one month of the otherwise unreported exports leaving the United States:

(1) The names and addresses of the exporter and the recipient of the exports;

(2) The exporter's EIN number;

(3) The type and quantity of controlled substances exported;

(4) The date on which and the port from which the controlled substances were exported from the United States or its territories;

(5) The country to which the controlled substances were exported and the date on which they arrived in that country; and

(6) The source from which and that date on which the exporter purchased the controlled substances exported.

§ 82.14 Payment of fees.

[Reserved]

Appendix A to Part 82—Controlled Substances and Ozone Depletion Weights

Controlled substances	Ozone depletion weights
A. Group I:	
CFCl3—Trichlorofluormethane (CFC–11)	1.0
CCl2F2—Dichlorodifluoromethane (CFC–12)	1.0
CCl2F–CClF2—Trichlorotrifluorethane (CFC–113)	0.8
CF2Cl–CClF2—Dichlorotetrafluoroethane (CFC–114)	1.0
CClF2–CF3—(Mono)chloropentafluoroethane (CFC–115)	0.6
B. Group II:	
CF2BrCl—Bromochlorodifluoromethane (Halon 1211)	3.0
CF3Br—Bromotrifluoromethane (Halon 1301)	10.0
C2F4Br2—Dibromotetrafluoroethane (Halon 2402)	6.0

Appendix B to Part 82—Parties to the Montreal Protocol

[Reserved]

Appendix C to Part 82—Nations Complying With, But Not Parties to, the Protocol

[Reserved]

Appendix D to Part 82—Twenty-Five-Kilotonne Parties

[Reserved]

[FR Doc. 87–28215 Filed 12–11–87; 8:45 am]

BILLING CODE 6560-50-M

OL
52
SS
2
3
9
DE
14
987
MI

federal register

Monday
December 14, 1987

Part III

Department of Transportation

Coast Guard

33 CFR Parts 95, 146, 150, 173 and 177
46 CFR Parts 4, 5, 26, 35, 78, 97, 109, 167, 185, 196 and 197
Operating a Vessel While Intoxicated; Final Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 95, 146, 150, 173, and 177

46 CFR Parts 4, 5, 26, 35, 78, 97, 109, 167, 185, 196, and 197

[CGD 84-099]

Operating a Vessel While Intoxicated

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is setting standards and establishing rules designed to monitor, control, and reduce alcohol and drug use in both recreational vessel operation and commercial marine operations including operations on the Outer Continental Shelf and at deepwater ports. This final rule sets forth those standards for both recreational and commercial vessels, as well as delineating who is considered to be operating a vessel. In addition, the rule: (1) Prescribes several operating requirements for vessels subject to inspection under Chapter 33 of Title 46, United States Code; (2) provides for personnel licensed, registered, or documented by the Coast Guard to seek rehabilitation prior to being subject to a proceeding to suspend or revoke their license, certificate of registry, or merchant mariners' document for alcohol or drug related incompetence; (3) allows Coast Guard personnel to terminate use of certain vessels when the operator appears to be under the influence of an intoxicant to the extent that further operation of the vessel creates an unsafe condition; and (4) amends the regulations requiring reports of all marine casualties to include specific information on the role of alcohol or drug use in the casualty. The rule also makes miscellaneous amendments to several subparts.

EFFECTIVE DATE: January 13, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Sean T. Connaughton, Office of Marine Safety, Security and Environmental Protection (G-MVP), Phone (202) 267-0214, for information on commercial vessel operating requirements.

Mr. Carlton Perry, Office of Boating, Public, and Consumer Affairs (G-BBS), Phone (202) 267-0979, for information on recreational boating intoxication standards, casualty reporting and the terminations for unsafe use.

LCDR David Wallace, Office of Marine Safety, Security and Environmental Protection (G-MMI), Phone (202) 267-1420, for information on commercial vessel casualty reporting and the rehabilitation program.

The above persons can be contacted at U.S. Coast Guard Headquarters 2100 Second Street SW., Washington, DC 20593, between 9 a.m. and 4 p.m. Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: The Coast Guard is required by provisions of the Coast Guard Authorization Act of 1984 (Pub. L. 98-557) to establish appropriate standards for determining whether an individual is intoxicated while operating a vessel. This Act amended Title 46 United States Code (U.S.C.) 2302(c) to provide that "An individual who is intoxicated when operating a vessel, as determined under standards prescribed by the Secretary by regulation, shall be—(1) liable to the United States Government for a civil penalty of not more than $1,000; or (2) fined not more than $5,000, imprisoned for not more than one year, or both." The Act also amended 46 U.S.C. 6101 and 6102 to require that marine casualty reports include information as to whether the use of alcohol or drugs contributed to the casualty.

On May 23, 1986, the Coast Guard published concurrently an Advance Notice of Proposed Rulemaking (CGD 84-099A; 51 FR 18900) and a Notice of Proposed Rulemaking (CGD 84-099; 51 FR 18902) on Operating a Vessel While Intoxicated. The Advance Notice posed several questions and issues relating to the operation of recreational vessels while intoxicated, while the Notice proposed rules and standards for individuals operating a commercial vessel while intoxicated, most of which would be incorporated into a new Part 95 of Title 33, Code of Federal Regulations. The comment period for both Notices ended on August 21, 1986.

Based on comments received on both projects, a combination Notice and Supplemental Notice of Proposed Rulemaking was published on February 9, 1987 (52 FR 4116). While intended primarily to address issues relating to recreational boating, this notice proposed several revisions to the commercial marine rulemaking. The Notice/Supplemental Notice comment period ended on May 11, 1987.

Now, based on all comments received, the Coast Guard is issuing this final rule containing the standards and rules designed to monitor, control, and reduce alcohol and drug use in both recreational vessel operations and commercial marine operations. This rule also makes miscellaneous amendments correcting statutory references, eliminating duplicate provisions, and conforming casualty reporting requirements to the codification of Title 46 U.S.C., as proposed in the May 23, 1986 NPRM. This final rule combines the two separate dockets, 84-099 and 84-099A, into one.

Discussion of Comments

33 CFR Part 95—Recreational Vessel Operator Standards

The Notice of Proposed Rulemaking (NPRM) solicited public comment on establishing Federal standards for intoxication which would provide for a behavioral standard and an alcohol concentration standard conforming to an enacted State standard for blood alcohol concentration (BAC). A total of 32 comments were received. Recreational and commercial organizations and national boating interests, with memberships totaling over a million boaters, submitted six of the total comments received. The National Transportation Safety Board also commented on the NPRM, based on their research into accidents and accident prevention.

The comments came from the following groups in the numbers noted:

4 recreational boaters.
9 commercial or licensed operators.
1 recreational boating association.
7 commercial boating interests.
1 national boating interest.
6 State Boating Law Administrators.
3 individual boating interests.
1 Federal agency.

Most of the comments did not address all of the proposed rule. A number of comments reiterated earlier suggestions made on the May 23, 1986, ANPRM, or commented anew on commercial aspects of the proposed rule. Although the comments on recreational issues did not clearly favor any specific approach, they overwhelmingly supported the need to take action against intoxicated operators. The following is a section by section summary of the comments received in response to the NPRM.

1. General Comments

All six State Boating Law Administrators and the American Institute of Marine Underwriters supported the proposed regulations and urged rapid issuance of the final rule. Several of the comments commended the Coast Guard for its efforts on this important issue. Conversely, several comments questioned the significance of the number of alcohol or drug related accidents and deaths compared to the number of boats in use and urged the Coast Guard to be a "service" agency instead of a "police" agency.

One comment suggested licensing the operator, since operating a vessel is a privilege, not a civil liberty, and preferred the breath test to blood test due to danger from AIDS, but objected to other aspects of the proposed rulemaking, including: lack of public hearings, danger from enforcement procedures offshore or due to inexperience, criminal penalties too vague, too much police power and potential for abuse, and local enforcement agencies driving expensive high powered "toys" at taxpayers' expense.

Saving lives is a primary Coast Guard mission. The Coast Guard believes that boating accidents and fatalities involving alcohol or drugs will be reduced by publicity and enforcement of these rules. The regulations respond to Congress' direction to set standards by regulation for determining whether an individual is intoxicated. The Coast Guard agrees that the States have the primary responsibility for law enforcement regarding recreational boats. However, the Coast Guard is a law enforcement agency and must be capable of enforcing the regulations required by Congress. Although accidents involving recreational boats are normally investigated by State or local agencies, the Coast Guard will continue to investigate accidents. These standards will be used in enforcement actions arising from those investigations and when intoxicated operators are encountered during a boarding or for other reasons. The Coast Guard plans to develop appropriate training for its boarding officers and directives to implement this rule. The rulemaking does not require any increased enforcement activity by State or local authorities.

The Coast Guard has not received any other request to hold public hearings and there is no indication that the rulemaking would be improved by holding hearings.

2. Purpose

One comment supported implementing the prohibition in 46 U.S.C. 2302 of operating a vessel while *in fact* intoxicated, but cautioned that the implementation methods and intoxication standards must be developed with an understanding of the situations and conditions to which they apply, and with respect to constitutional and other rights of boatmen.

The Coast Guard agrees and has proposed differing standards for recreational and commercial vessels. Our enforcement policies and guidance will be sensitive to the circumstances and rights of boatmen.

3. Applicability

Two comments concurred that the proposed rule should apply to the operation of *all* vessels. One comment suggested this section not use the phrase "and vessels owned in the United States on the high seas" because of problems interpreting "on the high seas" and legality of such enforcement. The comment also suggested deleting the sentence clarifying applicability to foreign vessels as unnecessary information in the section.

The Coast Guard does not foresee problems with interpreting "on the high seas" or enforcing laws with regard to applicable vessels, and has retained the phrase. The phrase is used in 46 U.S.C. 2301, which establishes the applicability of these rules. "High seas" is defined in 33 CFR 2.05. The Coast Guard has also retained the clarification of applicability to foreign vessels for the benefit of mariners on those vessels who may be unsure of their need for compliance or who may follow another country's customs.

4. Definition of Terms Used in This Part

Several comments addressed the definition of "vessel owned in the United States", suggesting clarifying an apparent omission of boats numbered under laws of a State, and adding a definition of "vessel."

No change has been made to the definition of "vessel owned in the United States" as used in § 95.005, since State numbering systems are approved under the provisions of Chapter 123 of Title 46, United States Code. A definition of "vessel" has been added in § 95.010.

5. Operating a Vessel

Two comments suggested that the regulations should clarify that "operating" a recreational vessel means the vessel is "underway", to stay within the authorization of the law.

The statute does not define the term "operate." For many purposes, a commercial vessel is considered to be "operating" while moored to a dock or at anchor. The Coast Guard recognizes that recreational vessels may be used as vacation homes, or even primary residences, and that the activities of persons on board while the vessel is at anchor or moored differ from the activities taking place on commercial vessels. Therefore, the Coast Guard has limited the applicability of the rules to recreational vessels that are underway and included a definition of "underway" in § 95.010.

6. Standard of Intoxication

A number of comments addressed use of behavioral and BAC standards. Two comments opposed each other, suggesting that one standard only be used in support of the other. Two others supported the BAC level (.10%) proposed, but objected to the behavioral standard due to a lack of boarding officer qualifications and training, the possibility that fatigue and exposure to sun and heat can produce symptoms similar to intoxication, and that behavioral standards are easily subverted for harassment purposes. One comment suggested use of portable breath testing equipment as a final determinant or preliminary to requiring the operator to travel to an appropriate place for a BAC test, and urged making some real attempt to find a method, consistent with individual rights, to test for drugs other than alcohol. The NTSB lauded the use of both the subjective behavioral standard and the objective BAC standard, suggesting using an evolving standard of .08 percent offered in the Uniform Vehicle Code (UVC) and Model Traffic Ordinance. The NTSB also suggested defining alcohol concentration in terms of both blood and breath, such as defined in the UVC.

The Coast Guard has retained both BAC and behavioral standards, including their independent usage. Although BAC testing and behavioral observation can be used in combination to support the overall determination of intoxication, it must be stressed that the BAC and behavioral standards are independent of each other. A person may be tested and may not reach the threshold level of BAC, yet be intoxicated under the behavioral standard. Either standard determines intoxication and constitutes a violation of 46 U.S.C. 2302(c). Thus, the standards take into account a person's ability to "mask" intoxication or a person's susceptibility to intoxication.

The behavioral standard is based upon the definition in Section 4-2(14), Code of Virginia. This particular definition has been upheld by both the Virginia courts and Federal courts. A behavioral standard is essential for several reasons: First, in many instances, testing for blood alcohol concentration level may not be available within an acceptable time frame or the person may refuse to consent to a chemical test. Second, intoxication may be caused by drugs, or a combination of drugs and alcohol where the BAC level is not exceeded. In addition, while the blood alcohol levels are statistically sound, there may be

individuals with a susceptibility to alcohol or drug/alcohol combinations such that they are seriously impaired at levels lower than the BAC standard. The behavioral standard may also be used as a measure of what constitutes reasonable cause to test a person for drugs or alcohol.

The Coast Guard agrees with the NTSB on defining alcohol concentration and has adopted the definition used in the UVC. The Coast Guard has retained the .10% BAC level as the common BAC level in State boating laws and has not adopted the .08% BAC level, although this is becoming more common in State highway traffic laws. Should a similar trend develop in State boating laws, the Coast Guard will consider adopting the lower standard.

The Coast Guard plans to develop appropriate training for Coast Guard boarding officers in calibrating and using breath testing equipment. The Coast Guard currently conducts training in this area at the Boating Safety Course for State law enforcement officers. Also, the Coast Guard has awarded a grant to develop a training course in behavioral observation methods. Methods of testing for drugs other than alcohol will be included in the training course, and publicized as they are developed and become available.

7. Adoption of State Standards

Two comments supported the proposed adoption of State standards, one emphasizing applying the standards to all vessels. Another comment was concerned that adopting State BAC level standards meant exclusion of the use of State breath tests and State tests for drugs other than alcohol. The NTSB urged setting a Federal BAC standard at .06 percent and adopting only those State standards which were stricter than the Federal standard.

The Coast Guard has retained these provisions as proposed. This section does not exclude or include State *test* methods. It adopts State BAC level *standards*, where enacted, as Federal BAC level *standards*. The Coast Guard will describe appropriate methods for determining intoxication, including breath tests and tests for drugs other than alcohol, as they are developed and become available. The most common standard of those States setting a BAC standard is .10 percent. The existence of a Federal .10 percent BAC standard, even while adopting State standards that may be less strict, will still encourage States to strengthen their laws.

8. Determination of Intoxication

The NTSB commended the Coast Guard for proposing that refusal to submit to a test is admissible and presumptive of intoxication and urged that the provision be retained. One comment suggested refusal be a rebuttable presumption of intoxication. Another comment suggested refusal be used as evidence in court, but not as a presumption of intoxication.

One comment suggested a two step process for this section: First, using behavioral observation as a reasonable basis to direct a person to submit to toxicological testing; second, using the test results to determine intoxication.

One comment objected to this section for a number of reasons including: problems with using behavioral standards, provisions for anyone making the determination, opportunity for harassment of boaters, and presumption of intoxication for refusal to submit to a test when directed.

One comment suggested defining methods of toxicological testing which will be used, the provisions for training officers to administer tests, and what qualifications they must meet. One comment suggested that the term "in a timely manner" should be defined so as not to place too much discretion in the hands of the boarding officer.

One comment suggested clarifying that this section is applicable to *any* vessel, including recreational vessels.

The Coast Guard has retained the presumption of intoxication for refusal to take a test when directed to do so by a law enforcement officer. The Coast Guard intends to develop proper training of, and procure proper equipment for, its boarding officers to avoid the potential for misuse of authority and improper determinations. The Coast Guard already conducts training in this area at the Boating Safety Course for State law enforcement officers. Also the Coast Guard has awarded a grant to develop a training course in behavioral observation methods. Training in the calibration and use of breath testing equipment will also be conducted. Methods of testing for drugs other than alcohol will be included, and publicized, as they are developed and become available. The rule simply establishes the standards for determining intoxication. It does not attempt to establish training standards or methods of conducting tests. To do so would impose requirements on State and local law enforcement officers. These factors are properly considered during the hearing process in evaluating the weight to be given to the testimony or evidence presented.

While the behavioral standard may be used as a reasonable basis to test a person for drugs or alcohol, the behavioral standard is also intended to be an independent basis for determining intoxication. The Coast Guard has determined that a behavioral standard independent of a BAC standard is essential. There may be individuals with a susceptibility to alcohol or drug/alcohol combinations such that they are seriously impaired at levels lower than the BAC standards. Whatever the cause, the objective is to remove dangerously impaired operators from vessels to which 46 U.S.C. 2302 applies.

The term "timely manner" is not defined to allow for distance and transportation time considerations. While seven States require chemical testing within 2 to 4 hours of an arrest, the proximity of the test to the observed operation of the vessel is a factor that the hearing officer can consider in evaluating the weight to be given to the results.

Section 95.005 clearly states the applicability of Part 95, including § 95.017 (now issued as §§ 95.030 through 95.040).

33 CFR Part 95—Commercial Vessels

There were 106 comments received on the proposed rules applicable to commercial vessels in response to the May 23, 1986, Notice of Proposed Rulemaking and the February 9, 1987, Supplemental Notice of Proposed Rulemaking. The following categories of comments were received:

23 May 1986 NPRM

Mariners	37
Operating Companies	14
Marine Industry Associations	14
Pilot Association	1
Maritime Unions	3
NTSB	1
States and municipalities	6
Law Firm	1
Laboratory	1
Marine Related Firms	4
Training Institutions	3
Government Agencies	3
Total	88

9 February 1987 SNPRM

Mariners	9
Operating Companies	2
Marine Industry Associations	4
Pilot Association	1
Maritime Union	1
NTSB	1
Total	18

Several revisions were made in developing the final rule due to the comments received, all of which are discussed below.

9. Purpose

There was some concern over the possible interference of this rule with more stringent existing employer sponsored programs. While several comments were submitted on this subject, the fundamental issue involved is discussed in Recommendation #59 of the Towing Safety Advisory Committee (TSAC). The recommendation says, in part, "Many barge operators have longstanding corporate policies which prohibit the possession or consumption of alcohol aboard vessels. While TSAC recognizes that the pending Coast Guard rule on commercial vessel intoxication only seeks to establish intoxication standards as required by 46 U.S.C. 2302(c), and does not purport to govern questions of possession or consumption, it is of overriding importance that the regulatory text of this rule clarify that the establishment of an intoxication standard does not implicitly encourage alcohol consumption aboard commercial vessels, rather the opposite."

In response to this concern, the Coast Guard included the following statement in a new paragraph 95.001(b); "Nothing in this part shall be construed as limiting the authority of a vessel's marine employer to limit or prohibit the use or possession of alcohol on board a vessel." "Marine employer" is defined as the owner, managing operator, charterer, agent, master, or person in charge of a commercial vessel. The Coast Guard encourages employers to implement comprehensive programs to prevent the misuse of alcohol on their vessels and it is believed that the final rule will not negate company programs.

10. Applicability

Several comments raised the issue of the applicability and enforcement of these rules to foreign vessels within U.S. waters. One commenter believes this rule to be an "unwarranted interference with the routine commercial operation of merchant vessels." While the Coast Guard understands the concern over the application of these rules to foreign vessels, 46 U.S.C. 2302 clearly applies to the operation of foreign vessels while they are in U.S. waters. Intoxicated foreign seamen are as much a hazard to themselves, their shipmates, their vessel, the environment, and other vessels operating on the navigable waters of the United States, as intoxicated American seamen. Therefore, the application of this rule remains the same.

One commenter specifically requested to know when the rules will apply, particularly whether the rules govern the conduct of crewmembers ashore. The rules do not apply to a crewmember ashore, even on ships business, however, the operating rules contained in § 95.045 must be complied with. The rules will apply to a crewmember whenever that individual is operating a vessel, which, in most cases, will be whenever the individual is on board the vessel. It is the duty of all crewmembers to respond to emergencies or "call out" while on board. This is expressly recognized by 46 U.S.C. 8104.

11. Definition of Terms

There are several definitions added in the final rule; "alcohol concentration," "chemical test," "law enforcement officer," "marine employer," "recreational vessel," "underway," and "vessel." All these definitions were added to make the final rule easier to understand and to address comments questioning the meaning and application of terms used in the rule.

12. Operating a Vessel

There has been a major revision to this part due to comments received on the perceived inequality of the rule's application. In the SNPRM of February 9, 1987, it was proposed that all members of the crew of a vessel subject to any manning requirement under Part F of Subtitle II of Title 46, United States Code, would be considered to be "operating a vessel" while, for other commercial and recreational vessels, only those persons who have "an essential role" in the operation of the vessel would be subject to the rules. The final rules apply to all members of the crew of any commercial vessel, not only those vessels subject to any manning requirement under Part F. This will guarantee uniformity and simplify compliance with, and enforcement of, the rule. The final rule has been altered throughout to reflect this philosophy. It should be noted that all members of the crew of a fishing vessel will be subject to the rules.

Several comments expressed particular concerns as to whether individuals who do not appear to be directly operating or navigating a vessel, such as stewards, should be considered to be "operating a vessel." It is the position of the Coast Guard that all crewmembers on board a vessel contribute to the function of the vessel or the accomplishment of its mission. In addition to their regularly assigned duties, each crewmember has additional safety related responsibilities, including emergency duties. All of these duties are inherently associated with the vessel's operation and the effects of intoxicants upon an individual's performance of these duties could pose a threat to the safety of the individual as well as to the vessel, its equipment, passengers, or crew. For these reasons, all crewmembers of a commercial vessel are considered to be "operating a vessel" and, as such, will be limited in their use of intoxicants.

13. Standard of Intoxication

There was overwhelming opposition to having two alcohol concentration levels for commercial vessels, depending on the category of vessel. Several comments questioned the reasoning behind the proposal, especially since commercial vessels of similar size and route would have different standards apply, and more importantly, that different standards may apply to the same vessel during different periods of operation. The final rule has a uniform alcohol concentration standard for all commercial vessels.

The issue of which alcohol concentration standard to use for the commercial marine industry was addressed by almost every comment. Several comments wanted anything over .00 alcohol concentration to be the standard of intoxication, others wanted a universal .10 alcohol concentration, still others wanted .05 or .08. The Coast Guard has decided to make the .04 standard applicable to all commercial vessels. As noted in the NPRM, there are several studies which indicate that impairment due to intoxicants begins around .04, and the Federal Aviation Administration and the Federal Railroad Administration have adopted similar standards. The Coast Guard realizes that this standard may appear low and that the commercial vessel standard will be a more stringent standard than the recreational vessel standard. However, commercial operators normally operate more frequently, and transport passengers or cargo or conduct other operations where the effect of errors can result in significant harm extending beyond the vessel and its personnel. The lower alcohol concentration level is intended to ensure that persons who receive compensation for operating commercial vessels are held to a high standard of conduct.

14. Determination of Intoxication

Comments submitted on both the NPRM and the SNPRM indicate confusion concerning the "determination of intoxication" and the role that non-law enforcement personnel have in making that "determination."

The proposed rule appeared to permit a determination of intoxication to be made, with its accompanying penalties, by a marine employer or law

enforcement officer without giving the individual suspected of intoxication the opportunity to rebut such charges. This was never intended by the Coast Guard. This section would only be utilized in administrative or judicial hearings with full opportunity to contest the charge. The comments criticized using non-law enforcement personnel in making determinations, the legality of such determinations, liability for wrongful determinations of intoxication, and the mechanics involved in actually making a determination. The number and volume of comments indicate general misunderstanding of this section.

In an effort to remove this misunderstanding, the entire section has been rewritten and restructured. None of the concepts of the original section are changed, rather they have been placed in a more understandable form. Section 95.030 now simply states that personal observation of apparent intoxicated behavior or a chemical test are acceptable as evidence of intoxication. This evidence may then be submitted at an administrative or judicial proceeding where the actual determination of intoxication would be made. The rule does not preclude the use of other evidence at a hearing, nor does it mandate the use of the specified evidence.

Section 94.035 outlines who may direct a chemical test, when reasonable cause exists to direct the taking of a chemical test, and some general testing requirements. Since marine employers are most likely to be in a position to recognize the need for testing an employee, the Coast Guard continues to permit those employers to require chemical testing for reasonable cause. The acceptability of a particular test required by a marine employer will be established during an administrative or judicial proceeding.

Section 94.050, states the effect of refusing chemical testing.

It is believed that this revised structure clearly states the process leading to a determination of whether an individual operating a vessel is intoxicated.

Several comments requested that the Coast Guard publish guidelines for making personal observations of intoxication. As stated previously, the Coast Guard is developing training materials on the subject and will distribute them to law enforcement personnel and marine employers.

15. General Operating Rules for Vessels Inspected Under Chapter 33 of Title 46 United States Code

The prohibition against assuming duties within four hours of consuming alcohol has been retained. Several comments suggested that this paragraph be deleted entirely, while others supported its retention or suggested increasing the hours of abstinence. Although the imposed period of abstinence cannot guarantee the sobriety of an individual, it will limit the ability to assume a watch or duties after drinking, while not entirely prohibiting moderate consumption of alcohol, such as with meals. Violation of this section will not be a violation of 46 U.S.C. 2302(c), but could subject an individual to other administrative actions such as suspension or revocation proceedings against a Coast Guard issued license, certificate, or document.

The issue of whether those crewmembers not actually "operating" a commercial vessel in the traditional sense of the word should be allowed to be intoxicated has been previously discussed. For those reasons, § 95.045 remains unchanged.

The issue of prescription drug use was raised by several comments. After careful consideration, § 95.045 has been revised to read, "A crewmember (including a licensed individual), pilot, or watchstander not a regular member of the crew: * * * (d) May consume a legal non-prescription or prescription drug provided the drug does not cause the individual to be intoxicated." It is realized that any drug may have side effects possibly resulting in intoxication and that a physician may not know how a certain drug will affect a particular individual. The individual taking a drug has the knowledge of its effects, and a supervisor or others can witness the effects. Therefore, the regulation has been revised to put the responsibility for compliance primarily on the individual. While this section specifically applies to inspected vessels, persons operating uninspected vessels must ensure they are not intoxicated due to the use of legal drugs.

The paragraph dealing with crew shortages and reporting requirements has been deleted. Since only an administrative or judicial proceeding can determine if an individual is intoxicated, a marine employer would not have timely knowledge whether or not they had complied with this section. The removal of this section, however, does not diminish the responsibility of the vessel's crew or marine employer to observe crewmembers actions and take appropriate action to prevent intoxicated personnel from operating a vessel.

16. Prohibitions for vessels subject to any manning requirement under Part F of Title 46, United States Code

This section has been entirely deleted since it is redundant.

17. Penalties

The paragraph dealing with penalties for marine employers who permit intoxicated individuals to remain in their employ has been deleted. Since only an administrative or judicial hearing can determine if an individual is intoxicated, a marine employer would be subject to penalty "after the fact" if they unwittingly continued to use personnel that are later proven to have been intoxicated. Instead, § 95.050 has been revised to include a duty to prohibit an intoxicated individual from standing a watch or performing duties, but only when the marine employer has reason to believe the individual is intoxicated.

46 CFR Part 4—Marine Casualties and Investigations

18. Alcohol or Drug Use by Individuals Directly Involved in Marine Casualties

A number of commenters objected to the proposed requirement for the owner, managing operator, charterer, master, or person in charge of a vessel to "determine" when there is any alcohol or drug involvement by persons directly involved in reportable marine casualties. The commenters feel that the determination of alcohol or drug use, or of intoxication, is a function which should be conducted by qualified law enforcement personnel, not by the marine employer. The Coast Guard agrees, and further recognizes that the ultimate responsibility to determine whether an individual used alcohol or drugs, or was intoxicated, most appropriately rests with the person who is authorized to impose sanctions or penalties for such conduct (i.e., a Coast Guard administrative law judge, Coast Guard civil penalty hearing officer, or judge of a Federal District Court). For this reason, this section has been reworded to require the marine employer to determine when there is "evidence" of drug or alcohol use by individuals involved in marine casualties. The proposed requirements concerning documentation of such "evidence", through the submission of Form CG–2692 or through entries in an official log book, have also been reworded accordingly.

Another commenter noted that not all commercial vessels are legally required to carry official log books, and recommended the insertion of the words "if carried" following the words "official log book" to highlight this distinction. The Coast Guard agrees and the recommended words have been added where appropriate.

46 CFR Part 5—Marine Investigation Regulations—Personnel Action

19. Voluntary Deposits of Licenses, Certificates, or Documents in the Event of Mental or Physical Incompetence

The several comments on this subject were equally split on whether it is or is not appropriate to withhold or reduce remedial action based on an individual's rehabilitation from substance abuse. As indicated in the NPRM of May 23, 1986, the Coast Guard firmly believes that encouraging voluntary rehabilitation efforts of seamen who abuse drugs or alcohol will result in a safer marine industry. At the same time, the Coast Guard continues to take seriously its responsibility under 46 U.S.C. 7704 to revoke a seaman's license, certificate, or document if it is shown at a hearing that the seaman has been convicted of violation of a dangerous drug law, or has been a user of, or addicted to, dangerous drugs. The Coast Guard feels that the provision to allow a seaman to voluntarily deposit his or her license, certificate, or document in lieu of a hearing, and to not return those papers except under specific circumstances, is an appropriate effort to merge these disparate purposes. Accordingly, the provisions will be retained as proposed.

A number of commenters also addressed the different time periods following rehabilitation after which a license or document may be returned to a seaman (i.e., no time limit following alcohol rehabilitation, a minimum of 6 months following drug rehabilitation). Because drug-related activity is illegal, and because of the provisions of 46 U.S.C. 7704, the Coast Guard feels that a more stringent standard must be applied to the drug abuser to demonstrate that he or she is "cured." Accordingly, this provision will be retained as proposed.

Regulatory Evaluation

The Coast Guard has reviewed this final rule under Executive Order 12291 and has determined that it is not a major regulation.

The original proposal was considered a significant regulation under the Department of Transportation guidelines because it was likely to be controversial. The comments received have supported that conclusion. Although the proposal was modified in response to the comments received, some controversy may remain. Accordingly, the final rule remains classified as a significant regulation. As modified, it is not expected to have a significant economic impact. A regulatory impact analysis is not required; however, a final evaluation has been prepared and has been included in the public docket. A copy of the final evaluation may be obtained from: Commandant (G–CMC/21), (CGD 84–099), U.S. Coast Guard, Washington, DC 20593–0001.

It is expected that this rule will reduce the risk to the lives and safety of the boating public and commercial operators that is caused by intoxicated operation of vessels. The existence of the rule should deter a person from operating a recreational vessel while intoxicated due to publicity that the law is now enforceable. Experience with seat belt laws and usage is a corollary. In 1982, only 11 percent of drivers nationwide used seat belts while 89 percent went unprotected. In 1987, after a publicity campaign directed at motorists and enactment of seatbelt laws in 29 states and the District of Columbia, the use of seat belts had risen to 42 percent nationwide (58 percent unprotected). In other words, the number of people who had previously elected to engage in unsafe behavior decreased 35 percent as a result of Federal and State action. If the Coast Guard regulations and publicity campaign achieved similar results, recreational boating accidents and commercial marine casualties involving alcohol or drugs could be reduced by 35 percent. The benefits to society of such a reduction could be $46.1 million to $209.9 million. Experience with educational campaigns addressing intoxicated operation of motor vehicles has also shown reductions in accidents. An extensive education campaign and State BAC laws have reduced the number of intoxicated drivers involved in fatal accidents from 30 percent to 25 percent, a 16.7 percent reduction. A comparable reduction in recreational boating accidents and commercial marine casualties involving alcohol or drugs could yield benefits to society of $21.9 million to $100.2 million. Although the exact number of accidents involving alcohol or drugs prevented cannot be accurately predicted, it is expected this rulemaking will reduce the number of casualties and cost to society. By either of the above cost reduction estimates, the benefit/cost ratio is very favorable. Moreover, if this regulation, as an opening wedge, can reduce alcohol related recreational boating accident and commercial marine casualty costs by just 1 percent, its benefits will have exceeded its modest costs. Compliance with these rules will not impose any cost or burden on persons operating a recreational vessel or commercial vessel except for those operators who regard becoming intoxicated as a privilege. The Coast Guard believes the probable benefits of reasonable limits on drinking far outweigh the burden imposed. It is also hoped that the rule will encourage State legislatures to strengthen their present laws in this area.

Paperwork Reduction Act

The rules in this document revise information collection requirements in 46 CFR Part 4 and 33 CFR Part 173. The Office of Management and Budget (OMB) has approved the information collection currently required. Control number OMB–2115–0003 has been assigned for casualty reports and control number OMB–2115–0010 has been assigned for boating accident reports. Although the report forms are being changed to reflect specific alcohol or drug involvement in casualties, this is considered merely a clarification of existing reporting requirements and a minor change to the reporting burden.

This rule will not require any major expenditures by the maritime industry, consumers, Federal, State, or local governments. Additionally, the Coast Guard has reviewed this rule under the Regulatory Flexibility Act (Pub. L. 98–354) and certifies that this rule will not have a significant impact on a substantial number of small entities.

List of Subjects

33 CFR Part 95

Marine safety, Vessels, Alcohol and alcoholic beverages, Drugs.

33 CFR Part 146

Continental Shelf, Marine safety, Occupational safety and health, Reporting and recordkeeping, Alcohol and alcoholic beverages, Drugs.

33 CFR Part 150

Deepwater ports, Marine safety, Reporting and recordkeeping, Alcohol and alcoholic beverages, Drugs.

33 CFR Part 173

Marine safety, Reporting and recordkeeping, Alcohol and alcoholic beverages, Drugs.

33 CFR Part 177

Marine safety, Recreational vessels, Unsafe conditions, Alcohol and alcoholic beverages, Drugs.

46 CFR Part 4

Administrative practice and procedures, Investigations, Accidents, Marine safety, National Transportation

Safety Board, Reporting requirements, Alcohol and alcoholic beverages, Drugs.

46 CFR Part 5

Administrative practice and procedures, Investigations, Administrative law judge, Investigating officer, Seaman, License, Certificate, Document, Rehabilitation, Administrative hearings, Suspension and revocation, Alcohol and alcoholic beverages, Drugs.

46 CFR Part 26

Marine safety, Penalties, Reporting requirements, Vessels, Navigation (water), Passenger vessels, Fishing vessels, Alcohol and alcoholic beverages, Drugs.

46 CFR Part 35

Cargo vessels, Marine safety, Seaman, Occupational safety and health, Reporting and recordkeeping requirements.

46 CFR Part 78

Marine safety, Passenger vessels, Penalties, Reporting requirements, Navigation (water), Alcohol and alcoholic beverages, Drugs.

46 CFR Part 97

Cargo vessels, Marine safety, Reporting requirements, Navigation (water), Penalties, Alcohol and alcoholic beverages, Drugs.

46 CFR Part 109

Continental Shelf, Oil and gas exploration, Marine safety, Marine resources, Reporting requirements, Vessels, Alcohol and alcoholic beverages, Drugs.

46 CFR Part 167

Fire prevention, Reporting requirements, Marine safety, Alcohol and alcoholic beverages, Drugs.

46 CFR Part 185

Marine safety, Passenger vessel, Reporting requirements, Navigation (water), Alcohol and alcoholic beverages, Drugs.

46 CFR Part 196

Marine safety, Oceanographic vessel, Reporting requirements, Navigation (water), Penalties, Alcohol and alcoholic beverages, Drugs.

46 CFR Part 197

Diving, Marine safety, Occupational safety and health, Vessels, Alcohol and alcoholic beverages, Drugs.

Final Rule

In consideration of the foregoing, the Coast Guard amends Chapter 1 of Title 33, Code of Federal Regulations and Chapter 1 of Title 46, Code of Federal Regulations as set forth below:

TITLE 33—[AMENDED]

1. A new Subchapter F—Vessel Operating Regulations is added to read as follows:

SUBCHAPTER F—VESSEL OPERATING REGULATIONS

PART 95—OPERATING A VESSEL WHILE INTOXICATED

Sec.

95.001 Purpose.
95.005 Applicability.
95.010 Definition of terms as used in this part.
95.015 Operating a vessel.
95.020 Standard of intoxication.
95.025 Adoption of State standards.
95.030 Evidence of intoxication.
95.035 Reasonable cause for directing a chemical test.
95.040 Refusal to submit to testing.
95.045 General operating rules for vessels inspected, or subject to inspection, under Chapter 33 of Title 46 United States Code.
95.050 Responsibility for compliance.
95.055 Penalties.

Authority: 46 U.S.C. 2302, 3306, and 7701; 49 CFR 1.46.

§ 95.001 Purpose.

(a) The purpose of this part is to establish intoxication standards under 46 U.S.C. 2302 and to prescribe restrictions and responsibilities for personnel on vessels inspected, or subject to inspection, under Chapter 33 of Title 46 United States Code. This part does not pre-empt enforcement by a State of its applicable laws and regulations concerning operating a recreational vessel while intoxicated.

(b) Nothing in this part shall be construed as limiting the authority of a vessel's marine employer to limit or prohibit the use or possession of alcohol on board a vessel.

§ 95.005 Applicability.

(a) This part is applicable to a vessel (except those excluded by 46 U.S.C. 2109) operated on waters subject to the jurisdiction of the United States, and to a vessel owned in the United States on the high seas. This includes a foreign vessel operated on waters subject to jurisdiction of the United States.

(b) This part is also applicable at all times to vessels inspected, or subject to inspection, under Chapter 33 of Title 46 United States Code.

§ 95.010 Definition of terms as used in this part.

"Alcohol" means any form or derivative of ethyl alcohol (ethanol).

"Alcohol concentration" means either grams of alcohol per 100 milliliters of blood, or grams of alcohol per 210 liters of breath.

"Chemical test" means a test which analyzes an individual's breath, blood, urine, saliva and/or other bodily fluids or tissues for evidence of drug or alcohol use.

"Controlled substance" has the same meaning assigned by 21 U.S.C. 802 and includes all substances listed on Schedules I through V as they may be revised from time to time (21 CFR 1308).

"Drug" means any substance (other tha alcohol) that has known mind or function-altering effects on a person, specifically including any psychoactive substance, and including, but not limited to, controlled substances.

"Intoxicant" means any form of alcohol, drug or combination thereof.

"Law enforcement officer" means a Coast Guard commissioned, warrant, or petty officer; or any other law enforcement officer authorized to obtain a chemical test under Federal, State, or local law.

"Marine employer" means the owner, managing operator, charterer, agent, master, or person in charge of a vessel other than a recreational vessel.

"Recreational vessel" means a vessel meeting the definition in 46 U.S.C. 2101(25) that is then being used only for pleasure.

"Underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

"Vessel" includes every description of watercraft of other artificial contrivance used, or capable of being used, as a means of transportation on water.

"Vessel owned in the United States" means any vessel documented or numbered under the laws of the United States; and, any vessel owned by a citizen of the United States that is not documented or numbered by any nation.

§ 95.015 Operating a vessel.

For purposes of this part, an individual is considered to be operating a vessel when:

(a) The individual has an essential role in the operation of a recreational vessel underway, including but not limited to navigation of the vessel or control of the vessel's propulsion system.

(b) The individual is a crewmember (including a licensed individual), pilot, or watchstander not a regular member of the crew, of a vessel other than a recreational vessel.

§ 95.020 Standard of intoxication.

An individual is intoxicated when:

(a) The individual is operating a recreational vessel and has an alcohol concentration of .10 percent by weight or more in their blood;

(b) The individual is operating a vessel other than a recreational vessel and has an alcohol concentrarion of .04 percent by weight or more in their blood; or,

(c) The individual is operating any vessel and the effect of the intoxicant(s) consumed by the individual on the person's manner, disposition, speech, muscular movement, general appearance or behavior is apparent by observation.

§ 95.025 Adoption of State standards.

(a) This section applies to recreational vessels on waters within the geographical boundaries of a State having a statute defining a percentage of alcohol in the blood for the purposes of establishing that a person operating a vessel is intoxicated or impaired due to alcohol.

(b) If the applicable State statute establishing a standard for determining impairment due to alcohol uses the terms "under the influence," "operating while impaired," or equivalent terminology and does not separately define a percentage of alcohol in the blood for the purpose of establishing "intoxication," the standard containing the highest defined percentage of alcohol in the blood applies in lieu of the standard in § 95.020(a). If the applicable State statute contains a standard specifically applicable to establishing intoxication, in addition to standards applicable to other degrees of impairment, the standard specifically applicable to establishing intoxication applies in lieu of the standard in § 95.020(a).

(c) For the purposes of this part, a standard established by State statute and adopted under this section is applicable to the operation of any recreational vessel on waters within the geographical boundaries of the State.

§ 95.030 Evidence of intoxication.

Acceptable evidence of intoxication includes, but is not limited to:

(a) Personal observation of an individual's manner, disposition, speech, muscular movement, general appearance, or behavior; and,

(b) A chemical test.

§ 95.035 Reasonable cause for directing a chemical test.

(a) Only a law enforcement officer or a marine employer may direct an individual operating a vessel to undergo a chemical test when reasonable cause exists. Reasonable cause exists when:

(1) The individual was directly involved in the occurrence of a marine casualty as defined in Chapter 61 of Title 46, United States Code, or

(2) The Individual is suspected of being in violation of the standards in §§ 95.020 or 95.025.

(b) When an individual is directed to undergo a chemical test, the individual to be tested must be informed of that fact and directed to undergo a test as soon as is practicable.

(c) When practicable, a marine employer should base a determination of the existence of reasonable cause, under paragraph (a)(2) of this section, on observation by two persons.

§ 95.040 Refusal to submit to testing.

(a) If an individual refuses to submit to or cooperate in the administration of a timely chemical test when directed by a law enforcement officer based on reasonable cause, evidence of the refusal is admissible in evidence in any administrative proceeding and the individual will be presumed to be intoxicated.

(b) If an individual refuses to submit to or cooperate in the administration of a timely chemical test when directed by the marine employer based on reasonable cause, evidence of the refusal is admissible in evidence in any administrative proceeding.

§ 95.045 General operating rules for vessels inspected, or subject to inspection, under Chapter 33 of Title 46 United States Code.

While on board a vessel inspected, or subject to inspection, under Chapter 33 of Title 46 United States Code, a crewmember (including a licensed individual), pilot, or watchstander not a regular member of the crew:

(a) Shall not perform or attempt to perform any scheduled duties within four hours of consuming any alcohol;

(b) Shall not be intoxicated at any time;

(c) Shall not consume any intoxicant while on watch or duty; and

(d) May consume a legal non-prescription or prescription drug provided the drug does not cause the individual to be intoxicated.

§ 95.050 Responsibility for compliance.

(a) The marine employer shall exercise due diligence to assure compliance with the applicable provisions of this part.

(b) If the marine employer has reason to believe that an individual is intoxicated, the marine employer shall not allow that individual to stand watch or perform other duties.

§ 95.055 Penalties.

An individual who is intoxicated when operating a vessel in violation of 46 U.S.C. 2302(c), shall be:

(a) Liable to the United States Government for a civil penalty of not more than $1,000; or,

(b) Fined not more than $5,000, imprisoned for not more than one year, or both.

PART 146—[AMENDED]

2. The authority citation for Part 146 continues to read as follows:

Authority: 43 U.S.C 1333(d)(1), 1347, 1348; 49 CFR 1.46(z).

3. Section 146.35 is amended by adding a new paragraph (a)(7) to read as follows:

§ 146.35 Written report of casualty.

(a) * * *

(7) Includes information relating to alcohol or drug involvement as specified in the vessel casualty reporting requirements of 46 CFR 4.05–12.

* * * * *

PART 150—[AMENDED]

4. The authority citation for Part 150 continues to read as follows:

Authority: 33 U.S.C. 1231, 1509(a)(b); 49 CFR 1.46.

5. Section 150.711 is amended by adding a new paragraph (b)(9) to read as follows:

§ 150.711 Casualty or accident.

* * * * *

(b) * * *

(9) The vessel casualty reporting requirements relating to alcohol or drug involvement as specified in the vessel casualty reporting requirements of 46 CFR 4.05–12.

* * * * *

PART 173—[AMENDED]

6. The authority citation for Part 173 is revised to read as follows and all other authority citations within this part are removed:

Authority: 46 U.S.C. 6101 and 12121; 49 CFR 1.46(n)(1).

§ 173.51 Applicability.

7. In § 173.51 paragraph (b) is revised to read as follows:

* * * * *

(b) This subpart does not apply to a vessel subject to inspection under Title 46 U.S.C. Chapter 33.

8. In § 173.57 paragraph (v) is revised to read as follows:

§ 173.57 Casualty or accident report.

* * * * *

(v) The opinion of the person making the report as to the cause of the casualty, including whether or not alcohol or drugs, or both, was a cause or contributed to causing the casualty.

* * * * *

PART 177—[AMENDED]

9. The authority citation for Part 177 is revised to read as follows:

Authority: 46 U.S.C. 4302; 49 CFR 1.46(n)(1).

10. Section 177.01 is amended by revising the introductory text to read as follows:

§ 177.01 Purpose and applicability.

This part prescribes rules to implement section 4308 of Title 46 United States Code which governs the corrections of especially hazardous conditions on recreational vessels and uninspected passenger vessels on waters subject to the jurisdiction of the United States and, for a vessel owned in the United States, on the high seas, except operators of:

* * * * *

§ 177.03 [AMENDED]

11. Section 177.03 is amended by removing and reserving paragraph (a).

12. Section 177.05 is amended by revising the introductory text to read as follows:

§ 177.05 Action to correct an especially hazardous condition.

An operator of a boat who is directed by a Coast Guard Boarding Officer to take immediate and reasonable steps necessary for the safety of those aboard the vessel, under section 4308 of Title 46, United States Code, shall follow the direction of the Coast Guard Boarding Officer, which may include direction to:

* * * * *

13. Section 177.07 is amended by revising the introductory text and paragraphs (b) and (c) to read as follows:

§ 177.07 Other unsafe conditions.

For the purpose of section 4308 of Title 46, United States Code, "other unsafe condition" means a boat:

* * * * *

(b) That is operated by an individual who is apparently intoxicated, as defined in § 95.020 of this chapter, to the extent that, in the boarding officer's discretion, the continued operation of the vessel would create an unsafe condition.

(c) Has a fuel leakage from either the fuel system or engine, or has an accumulation of fuel in the bilges.

* * * * *

TITLE 46 [AMENDED]

PART 4—[AMENDED]

14. The authority citation for Part 4 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 2306, 6101, 6301, 6305; 50 U.S.C. 198; 49 CFR 1.46(b) and (z), except subpart 4.40 for which the authority is 49 U.S.C. 1903(a)(1)(E); 49 CFR 1.46(n)(10)(i).

15. Subpart 4.03 is amended by adding §§ 4.03–35, 4.03–45, 4.03–50, and 4.03–55 to read as follows:

§ 4.03–35 Nuclear vessel.

The term "nuclear vessel" means any vessel in which power for propulsion, or for any other purpose, is derived from nuclear energy; or any vessel handling or processing substantial amounts of radioactive material other than as cargo.

§ 4.03–45 Marine employer.

"Marine employer" means the owner, managing operator, charterer, agent, master, or person in charge of a vessel other than a recreational vessel.

§ 4.03–50 Recreational vessel.

"Recreational vessel" means a vessel meeting the definition in 46 U.S.C. 2101(25) that is then being used only for pleasure.

§ 4.03–55 Law enforcement officer.

"Law enforcement officer" means a Coast Guard commissioned, warrant or petty officer; or any other law enforcement officer authorized to obtain a chemical test under Federal, State, or local law.

16. Subpart 4.05 is amended by revising § 4.05–10 and adding §§ 4.05–12 and 4.05–35 and to read as follows:

Subpart 4.05—Notice of Marine Casualty and Voyage Records

* * * * *

§ 4.05–10 Written report of marine casualty.

(a) In addition to the notice required by § 4.05–1, the marine employer shall, within five days, report in writing to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or the nearest port of first arrival. The written report required for vessel or personnel accidents shall be made on Form CG–2692. The Form CG–2692A (Barge Addendum) may be used as needed and appended to Form CG–2692.

(b) If filed without delay, the Form CG–2692 may also provide the notice required by § 4.05–1.

§ 4.05–12 Alcohol or drug use by individuals directly involved in casualties.

(a) For each marine casualty required to be reported by § 4.05–10, the marine employer shall determine whether there is any evidence of alcohol or drug use by individuals directly involved in the casualty.

(b) The marine employer shall include in the written report, Form CG–2692, submitted for the casualty information which:

(1) Identifies those individuals for whom evidence of drug or alcohol use, or evidence of intoxication, has been obtained; and,

(2) Specifies the method used to obtain such evidence, such as personal observation of the individual, or by chemical testing of the individual.

(c) An entry shall be made in the official log book, if carried, pertaining to those individuals for whom evidence of intoxication is obtained. The individual must be informed of this entry and the entry must be witnessed by a second person.

(d) If an individual directly involved in a casualty refuses to submit to, or cooperate in, the administration of a timely chemical test, when directed by a law enforcement officer or by the marine employer, this fact shall be noted in the official log book, if carried, and in the written report (Form CG–2692), and shall be admissible as evidence in any administrative proceeding.

§ 4.05–35 Incidents involving nuclear vessels.

The master of any nuclear vessel shall immediately inform the Commandant in the event of any accident or casualty to the nuclear vessel which may lead to an environmental hazard. The master shall also immediately inform the competent governmental authority of the country in whose waters the vessel may be or whose waters the vessel approaches in a damaged condition.

PART 5—[AMENDED]

17. The authority citation for Part 5 continues to read as follows:

Authority: 46 U.S.C. 7101, 7310, 7701; 50 U.S.C. 198; 49 CFR 1.46(b).

18. Subpart E is amended by revising § 5.201 and adding § 5.205 to read as follows:

Subpart E—Deposit or Surrender of License, Certificate, or Document

§ 5.201 Voluntary deposits in event of mental or physical incompetence.

(a) A holder may deposit a license, certificate, or document with the Coast Guard in any case where there is evidence of mental or physical incompetence. A voluntary deposit is accepted on the basis of a written agreement, the original of which will be given to the holder, which specifies the conditions upon which the Coast Guard will return the license, certificate, or document to the holder.

(b) Where the mental or physical incompetence of a holder of a license, certificate, or document is caused by use of or addiction to dangerous drugs, a voluntary deposit will only be accepted contingent on the following circumstances:

(1) The holder is enrolled in a bona fide drug abuse rehabilitation program;

(2) The holder's incompetence did not cause or contribute to a marine casualty,

(3) The incompetence was reported to the Coast Guard by the individual or any other person and was not discovered as a result of a Federal, State or local government investigation; and

(4) The holder has not voluntarily deposited or surrendered a license, certificate, or document, or had a license, certificate, or document revoked for a drug related offense on a prior occasion.

(c) Where the mental or physical incompetence of a holder of a license, certificate, or document is caused by use or addiction to alcohol, a voluntary deposit will only be accepted contingent on the following circumstances:

(1) The holder is enrolled in a bona fide alcohol abuse rehabilitation program;

(2) The holder's incompetence did not cause or contribute to a marine casualty; and

(3) The incompetence was reported to the Coast Guard by the individual or any other person and was not discovered as a result of a Federal, State, or local government investigation.

(d) Where the conditions of paragraphs (b) and (c) of this section are not met, the holder may only surrender such license, certificate, or document in accordance with § 5.203.

§ 5.205 Return or issuance of a license, certificate of registry, or merchant mariners document.

(a) A person may request the return of a voluntary deposited license, certificate, or document at any time, provided he or she can demonstrate a satisfactory rehabilitation or cure of the condition which caused the incompetence; has complied with any other conditions of the written agreement executed at the time of deposit; and complies with the physical and professional requirements for issuance of a license, certificate, or document.

(b) Where the voluntary deposit is based on incompetence due to drug abuse, the deposit agreement shall provide that the license, certificate, or document will not be returned until the person:

(1) Successfully completes a bona fide drug abuse rehabilitation program;

(2) Demonstrates complete non-association with dangerous drugs for a minimum of six months after completion of the rehabilitation program; and

(3) Is actively participating in a bona fide drug abuse monitoring program.

(c) Where the voluntary deposit is based on incompetence due to alcohol abuse, the deposit agreement shall provide that the license, certificate, or document will not be returned until the person:

(1) Successfully completes a bona fide alcohol abuse rehabilitation program; and

(2) Is actively participating in a bona fide alcohol abuse monitoring program.

(d) The voluntary surrender of a license, certificate, or document is the equivalent of revocation of such papers. A holder who voluntarily surrenders a license, certificate, or document must comply with provisions of §§ 5.901 and 5.903 when applying for the issuance of a new license, certificate, or document.

19. Subpart L is amended by adding paragraphs (d), (e) and (f) to § 5.901 to read as follows:

Subpart L—Issuance of New Licenses, Certificates, or Documents After Revocation or Surrender

§ 5.901 Time limitations.

* * * * *

(d) For a person whose license, certificate, or document has been revoked or surrendered for the wrongful simple possession or use of dangerous drugs, the three year time period may be waived by the Commandant upon a showing that the individual:

(1) Has successfully completed a bona fide drug abuse rehabilitation program;

(2) Has demonstrated complete non-association with dangerous drugs for a minimum of one year following completion of the rehabilitation program and;

(3) Is actively participating in a bona fide drug abuse monitoring program.

(e) For a person whose license, certificate or document has been revoked or surrendered for offenses related to alcohol abuse, the waiting period may be waived by the Commandant upon a showing that the individual has successfully completed a bona fide alcohol abuse rehabilitation program and is actively participating in a bona fide alcohol abuse monitoring program.

(f) The waivers specified under subparagraphs (d) or (e) of this section may only be granted once to each person.

PART 26—[AMENDED]

20. The authority citation for Subpart 26.08 is revised to read as follows:

Authority: 46 U.S.C. 6101; 46 CFR 1.46(b)

21. Subpart 26.08 is revised to read as follows:

Subpart 26.08—Notice and Reporting of Casualty and Voyage Records

§ 26.08–1 Notice and reporting of casualty and voyage records.

The requirements for providing notice and reporting of marine casualties and for retaining voyage records are contained in Part 4 of this Chapter.

PART 35—[AMENDED]

22. The authority citation for Part 35 continues to read as follows:

Authority: 46 U.S.C. 3306 and 3703; 49 CFR 1.46.

23. Subpart 35.15 is revised to read as follows:

Subpart 35.15—Notice and Reporting of Casualty and Voyage Records

§ 35.15–1 Notice and reporting of casualty and voyage records.

The requirements for providing notice and reporting of marine casualties and for retaining voyage records are contained in Part 4 of this Chapter.

PART 78—[AMENDED]

24. The authority citation for Subpart 78.07 is revised to read as follows:

Authority: 46 U.S.C. 3306; 49 CFR 1.46(b).

25. Subpart 78.07 is revised to read as follows:

Subpart 78.07—Notice and Reporting of Casualty and Voyage Records

§ 78.07–1 Notice and reporting of casualty and voyage records.

The requirements for providing notice and reporting of marine casualties and for retaining voyage records are contained in Part 4 of this chapter.

PART 97—[AMENDED]

26. The authority citation for Part 97 continues to read as follows:

Authority: 46 U.S.C. 3306; 49 CFR 1.46.

27. Subpart 97.07 is revised to read as follows:

Subpart 97.07—Notice and Reporting of Casualty and Voyage Records

§ 97.07–1 Notice and reporting of casualty and voyage records.

The requirements for providing notice and reporting of marine casualties and for retaining voyage records are contained in Part 4 of this chapter.

PART 109—[AMENDED]

28. The authority citation for Part 109 is revised to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 46 App. U.S.C. 86; 49 CFR 1.46 and (n)(6).

29. Subpart D of Part 109 is amended by removing §§ 109.413 and 109.417 and revising § 109.411 to read as follows:

§ 109.411 Notice and reporting of casualty

The requirements for providing notice and reporting of marine casualties are contained in Part 4 of this chapter.

PART 167—[AMENDED]

30. The authority citation for Part 167 continues to read as follows:

Authority: 46 U.S.C. 3306; 49 CFR 1.46.

31. Section 167.65–65 is revised to read as follows:

§ 167.65–65 Notice and reporting of casualty and voyage records.

The requirements for providing notice and reporting of marine casualties and for retaining voyage records are contained in Part 4 of this chapter.

PART 185—[AMENDED]

32. The authority citation for Part 185 is revised to read as follows and all other authority citations in the Part are removed:

Authority: 46 U.S.C. 3306; 49 CFR 1.46(b).

33. Subpart 185.15 is revised to read as follows:

Subpart 185.15—Notice and Reporting of Casualty and Voyage Records

§ 185.15–1 Notice and reporting of casualty and voyage records.

The requirements for providing notice and reporting of marine casualties and for retaining voyage records are contained in Part 4 of this chapter.

PART 196—[AMENDED]

34. The authority citation for Part 196 continues to read as follows:

Authority: 46 U.S.C. 3306; 49 CFR 1.46.

35. Subpart 196.07 is revised to read as follows:

Subpart 196.07—Notice and Reporting of Casualty and Voyage Records

§ 196.07–1 Notice and reporting of casualty and voyage records.

The requirements for providing notice and reporting of marine casualties and for retaining voyage records are contained in Part 4 of this chapter.

PART 197—[AMENDED]

36. The authority citation for Part 197 is revised to read as follows:

Authority: 33 U.S.C. 1509(b); 43 U.S.C. 1333; 46 U.S.C. 3306, 6101; 49 CFR 1.46(b) and (s).

37. Section 197.386 is amended by adding paragraph (d) to read as follows:

§ 197.486 Written report of casualty.

* * * * *

(d) The report required by this section must include information relating to alcohol or drug involvement as required by § 4.05–12 of this chapter.

December 9, 1987.

P.A. Yost,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 87–28634 Filed 12–11–87; 8:45 am]

BILLING CODE 4910-14-M

federal register

Monday
December 14, 1987

Part IV

Department of Education

34 CFR Part 776

Library Career Training Program; Proposed Rule and Notice of Invitation for Applications; New Awards for Fiscal Year 1988

DEPARTMENT OF EDUCATION

34 CFR Part 776

Library Career Training Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations concerning the Library Career Training Program. These regulations are being revised to give the Secretary the flexibility to select priorities for the program. This flexibility will allow the program to be more responsive to the changing areas of need for library training projects. Additionally, these regulations would increase the allowable costs for participants. Finally, the regulations would be written in an improved format and style.

DATE: Comments must be received on or before January 13, 1988.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Frank Stevens or Louise Sutherland, U.S. Department of Education, Office of Educational Research and Improvement, Library Programs, 555 New Jersey Avenue NW., Washington, DC 20208–1430.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Frank Stevens or Louise Sutherland, (202) 357–8315.

SUPPLEMENTARY INFORMATION: The Library Career Training Program awards funds to institutions of higher education and to library organizations or agencies for the purpose of training persons in librarianship. The training takes place through fellowships, institutes, and traineeships. A fellowship is awarded to a person who is or will be enrolled in a graduate or undergraduate program in librarianship. An institute provides persons with skills needed to enter the library and information science field or provides library and information science personnel with an opportunity to strengthen their competencies. A traineeship provides individualized instruction designed to meet the individual needs of mid-level professionals, usually through an internship. In all cases, the award is made to the institution, organization, or agency; they, in turn, select the individual participants.

The regulations presently governing the Library Career Training Program state the focus of the program in terms of objectives. The proposed regulations replace the section on objectives with a broad list of needs from which the Secretary may select priorities for a grant competition each year.

Also, the Secretary is publishing the entire set of program regulations in the format and style now used for other programs.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

These regulations affect only large institutions of higher education and public and private non-profit organizations. Also, the regulations are not burdensome and will not have a significant economic impact on any of the institutions affected.

Paperwork Reduction Act of 1980

Sections 776.10, 776.20, 776.21, 776.22, and 776.23 contain information collection requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of this proposed regulation to the Office of Management and Budget (OMB) for its review. Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: James D. Houser.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 402D, 555 New Jersey Avenue NW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 776

Fellowships, scholarships, traineeships, Higher Education Act—library training, Library training, Libraries, Library and information science education, Library training, fellowships, Library training, scholarships, Reporting and recordkeeping requirements.

Dated: October 8, 1987.

(Catalog of Federal Domestic Assistance Number 84.036, Library Career Training)

William J. Bennett,

Secretary of Education.

The Secretary proposes to revise Part 776 of Title 34 of the Code of Federal Regulations to read as follows:

PART 776—LIBRARY CAREER TRAINING PROGRAM

Subpart A—General

Sec.

776.1 What is the Library Career Training Program?
776.2 Who is eligible for an award?
776.3 Who is eligible to participate in a project?
776.4 What activities may the Secretary fund?
776.5 What priorities may the Secretary establish?
776.6 What regulations apply?
776.7 What definitions apply?
776.8 What is the duration of a project?

Subpart B—How Does One Apply for an Award?

Sec.

776.10 What requirements apply to all applicants for fellowships, institutes, and traineeships?

Subpart C—How Does the Secretary Make an Award?

776.20 How does the Secretary evaluate an application?
776.21 What selection criteria does the Secretary use to evaluate an application for a fellowship?
776.22 What selection criteria does the Secretary use to evaluate an application for an institute?
776.23 What selection criteria does the Secretary use to evaluate an application for a traineeship?

Subpart D—What Conditions Must Be Met After an Award?

776.30 What are the allowable costs for participants?
776.31 What are the restrictions on costs for participants?
776.32 What are the restrictions on stipend levels?
776.33 What requirements govern the removal, withdrawal, and substitution of participants?
776.34 What agencies must be informed of activities funded by this program?

Authority: 20 U.S.C. 1021, 1031, 1032, unless otherwise noted.

Subpart A—General

§ 776.1 What is the Library Career Training Program?

The Secretary awards grants under the Library Career Training Program to—

(a) Train or retrain persons in librarianship through fellowships, institutes, or traineeships; and

(b) Establish, develop, and expand programs of library and information science, including new techniques of information transfer and communication technology.

(Authority: 20 U.S.C. 1021, 1032)

§ 776.2 Who is eligible for an award?

Eligible applicants are—

(a) Institutions of higher education; and

(b) Library organizations and agencies.

(Authority: 20 U.S.C. 1032)

§ 776.3 Who is eligible to participate in a project?

In order to be selected by a grantee as a participant in a project, an individual must—

(a)(1) Be a United States citizen or national;

(2) Provide evidence from the United States Immigration and Naturalization Service that he or she—

(i) Is a permanent resident of the United States; or

(ii) Is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident; or

(3) Be a permanent resident of the Trust Territory of the Pacific Islands;

(b) Be engaged in or preparing to engage in a profession or other occupation involving library or information science; and

(c) Meet the selection criteria of the grantee.

(Authority: 20 U.S.C. 1032)

§ 776.4 What activities may the Secretary fund?

A grantee may conduct one or more fellowship projects, institute projects, and traineeship projects with funds under this program.

(Authority: 20 U.S.C. 1021, 1032)

§ 776.5 What priorities may the Secretary establish?

(a) The Secretary may give priority to applications that propose one or more of the following:

(1) To train or retrain library personnel in areas of library specialization where there are currently shortages, such as school media, children's services, young adult services, science reference, and cataloging.

(2) To train or retrain library personnel in new techniques of information acquisition, transfer, and communication technology.

(3) To increase excellence in library leadership through advanced training in library management.

(4) To increase excellence in library education by encouraging study in librarianship and related fields at the doctoral level.

(5) To provide advanced training in the development, structure, and management of new library organizational formats, such as networks, consortia, and information utilities.

(6) To train or retrain library personnel to serve the information needs of the elderly, the illiterate, the disadvantaged, or residents or rural America.

(b) The Secretary establishes priorities by publishing a notice in the **Federal Register**, in accordance with 34 CFR 75.105.

(Authority: 20 U.S.C. 1032)

§ 776.6 What regulations apply?

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 75 (Direct Grant Programs), Part 77 (Definitions that Apply to Department Regulations), Part 78 (Education Appeal Board), and Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(b) The regulations in this Part 776.

(Authority: 20 U.S.C. 1021)

§ 776.7 What definitions apply?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Award
Contract (includes definition of Subcontract)
Department
EDGAR
Grant
Grantee
Private
Project
Project period
Public
Secretary

(b) *Other definitions.* The following definitions also apply to this part:

"Act" means the Higher Education Act of 1965, as amended.

"Dependent" means a spouse or other person who receives more than half of his or her support from a participant during the course of a project conducted under this program, or any person identified as a personal exemption on a participant's income tax return for the calendar year preceding the year in which the participant is enrolled in the project.

"Fellowship" means an award of financial assistance to an individual who has been accepted for admission to an institution of higher education and who is or will be enrolled full-time in a graduate or undergraduate program of library and information science, working toward or completing the requirements for a specific degree in some aspect of librarianship.

"Institute" means a specialized long-term or short-term group training project in librarianship that—

(1) Is separate from the regular academic program of the applicant;

(2) Has an innovative curriculum; and

(3) Either provides persons with the skills needed to enter the library and information science field or provides library and information science personnel—including library educators—an opportunity to strengthen or increase their knowledge and skills.

BEST COPY AVAILABLE

"Institution of higher education" means an institution of higher education as defined in 34 CFR 668.2.

"Librarianship" means the principles and practices of library and information science, including the acquisition, organization, storage, retrieval, and dissemination of information resources.

"Library organization or agency" means a public or private organization or agency that provides library services or programs.

"Participant" means a person who is enrolled in a training project funded under this part.

"Pell Grant" means assistance provided under the grant program, formerly known as the Basic Educational Opportunity Grant Program, authorized by Title IV A-1 of the HEA.

"State agency" means the State agency designated under section 1203 of the Act.

"Traineeship" means a training project in librarianship that—

(1) Is separate from the regular academic program of the applicant;

(2) Is designed to meet the individual needs of mid-level library and information science professionals; and

(3) Provides individual instruction, usually through an internship.

(Authority: 20 U.S.C. 1021, 1032)

§ 776.8 What is the duration of a project?

(a) A fellowship or long-term institute project must provide at least one academic year but not more than 12 months of training

(b) A short-term institute project must provide at least one week but no more than six weeks of training.

(c) A traineeship project may not exceed 12 months.

(Authority: 20 U.S.C. 1021, 1032)

Subpart B—How Does One Apply for an Award?

§ 776.10 What requirements apply to all applicants for fellowships, institutes, and traineeships?

(a) An applicant shall submit separate applications for fellowship, institute, and traineeship projects.

(b) An applicant shall submit separate applications for fellowships at the bachelor's, master's, post-master's, and doctoral levels.

(c) An applicant may request any number of fellowships.

(d) An applicant shall specify the amount to be paid to participants as stipends.

(Authority: 20 U.S.C. 1021, 1032)

Subpart C—How Does the Secretary Make an Award?

§ 776.20 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application for a fellowship project on the basis of the criteria in § 776.21 and awards up to 100 possible points for these criteria.

(b) The Secretary evaluates an application for an institute project on the basis of the criteria in § 776.22 and awards up to 100 possible points for these criteria.

(c) The Secretary evaluates an application for a traineeship project on the basis of the criteria in § 776.23 and awards up to 100 possible points for these criteria.

(d) The maximum score for each criterion is indicated in parentheses.

(Authority: 20 U.S.C. 1032)

§ 776.21 What selection criteria does the Secretary use to evaluate an application for a fellowship?

(a) *Project description.* (20 points) The Secretary reviews each application to determine the quality of the applicant's project, including the extent to which—

(1) The project addresses one or more of the program priorities selected by the Secretary in § 776.5 (a);

(2) The project objectives are clearly stated, realistic, and satisfy a current training need;

(3) The required courses meet standards that are recognized by the library and information science profession; and

(4) The student field experience component (if included) is well designed.

(b) *Plan of operation.* (20 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The quality of the design of the project;

(2) The extent to which the plan of management is effective and insures proper and efficient administration of the project;

(3) How well the objectives of the project relate to the purpose of the program; and

(4) The quality of the applicant's plans to use its resources and personnel to achieve each objective.

(c) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application to determine the quality of the key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project; and

(iii) The time that these key personnel will commit to the project.

(2) To determine the qualifications of these key personnel the Secretary considers—

(i) Experience, training, and professional productivity in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the quality of the project.

(d) *Participant selection.* (15 points) The Secretary reviews each application to determine the effectiveness of the applicant's method of selecting participants, including—

(1) Conformance with program priorities; and

(2) Evidence that admissions standards for participants are comparable to those for other students admitted to the library education program.

(e) *Applicant characteristics.* (20 points) The Secretary reviews each application to determine the applicant's commitment to library and information science education, including—

(1) The adequacy of the description in the applicant's catalog of the specific library education program in which participants will be enrolled;

(2) The extent to which the amount the applicant spends per student for education in librarianship is comparable to that of other education programs;

(3) The extent to which the ratio of degrees awarded to total enrollment in the applicant's library education program is comparable to that of other library education programs;

(4) The extent to which the ratio of requested fellowships to other fellowships and scholarships in librarianship supported by the applicant is comparable to that of other library education programs; and

(5) The extent to which the academic level of the project is appropriate to the applicant's capabilities or experience.

(f) *Budget and cost effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project.

(g) *Evaluation plan.* (5 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation are—

(1) Appropriate to the project;

(2) Objective; and

(3) Designed to produce data that are quantifiable.

Cross Reference: See 34 CFR 75.590 Evaluation by the grantee.

(h) *Adequacy of resources.* (5 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, and supplies.

(Authority: 20 U.S.C. 1021, 1032)

§ 776.22 What selection criteria does the Secretary use to evaluate an application for an institute?

(a) *Project description.* (20 points) The Secretary reviews each application to determine the quality of the applicant's project, including the extent to which—

(1) The project addresses one or more of the program priorities selected by the Secretary in § 776.5 (a);

(2) The subject matter of the project is significant, timely, well described, appropriate for an institute, and is not duplicated in the applicant's regular curriculum;

(3) The project duration is appropriate for presenting the subject matter;

(4) The project content satisfies rigorous educational standards;

(5) The blend of theoretical and practical training is suitable to the subject matter and the needs of the participants; and

(6) The training methods are innovative and imaginative.

(b) *Plan of operation.* (20 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The quality of the design of the project;

(2) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(3) How well the objectives of the project relate to the purpose of the program; and

(4) The quality of the applicant's plan to use its resources and personnel to achieve each objective.

(c) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application to determine the quality of the key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project; and

(iii) The time that these key personnel will commit to the project.

(2) To determine the qualifications of these key personnel, the Secretary considers—

(i) Experience, training, and professional productivity in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the quality of the project.

(d) *Participants selection.* (15 points) The Secretary reviews each application to determine the effectiveness of the method of partcipant selection, including the extent to which—

(1) Participants will be selected according to their ability, experience, current responsibilities, and training needs; and

(2) The number of participants is appropriate to the training methods and project resources.

(e) *Budget and cost-effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (8 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation are—

(1) Appropriate to the project;

(2) Objective; and

(3) Are designed to produce data that are quantifiable.

Cross Reference: See 34 CFR 75.590 Evaluation by the grantee.

(g) *Adequacy of resources.* (7 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies

(h) *Project effectiveness.* (10 points) The Secretary reviews each application to determine the effectiveness of the project, including the extent to which—

(1) The project will increase the number of librarians with specialized skills;

(2) The project includes plans for disseminating promising results and high quality materials to other institutions or agencies.

(Authority: 20 U.S.C. 1032)

§ 776.23 What selection criteria does the Secretary use to evaluate an application for a traineeship?

(a) *Project description.* (15 points) The Secretary reviews each application to determine the quality of the applicant's project, including the extent to which—

(1) The project addresses one or more of the program priorities selected by the Secretary in § 776.5(a);

(2) The training needs to be met by the project are significant, of current interest to the library and information science community, and well described;

(3) Project activities are designed to meet the individual needs of each participant; and

(4) Other library agencies or institutions will cooperate with the applicant in providing appropriate and high quality internship opportunities.

(b) *Plan of operation.* (20 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The quality of the design of the project;

(2) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(3) How well the objectives of the project relate to the purpose of the program; and

(4) The quality of the applicant's plans to use its resources and personnel to achieve each objective.

(c) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project; and

(iii) The time that these key personnel plan to commit to the project.

(2) To determine the qualifications of these key personnel, the Secretary considers—

(i) Experience, training, and professional productivity in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the quality of the project.

(d) *Participant selection.* (15 points) The Secretary reviews each application to determine the effectiveness of the applicant's method of participant selection, including the extent to which participants will be selected on the basis of their stated career goals and on their potential for high level advancement and continued professional growth within the field of library and information science.

(e) *Budget and cost-effectiveness.* (10 points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (10 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation are—

(1) Appropriate for the project;

(2) Objective; and

(3) Are designed to produce data that are quantifiable.

Cross Reference: See 34 CFR 75.590 Evaluation by the grantee.

(g) *Adequacy of resources.* (15 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

(Authority: 20 U.S.C. 1021, 1032)

Subpart D—What Conditions Must Be Met After an Award?

§ 776.30 What are the allowable costs for participants?

(a)(1) A grantee may use grant funds in the following amounts to cover the cost of providing fellowship training:

(i) For each fellowship awarded at the undergraduate level—$2000 for an academic year plus $500 for a summer session.

(ii) For each fellowship awarded at the master's level—$4600 for an academic year plus $800 for a summer session.

(iii) For each fellowship awarded at post-master's and doctoral levels—$8400 for an academic year plus $1000 for a summer session.

(2) A grantee shall use grant funds to pay stipends to fellowship participants in the following amounts:

(i) Undergraduate level—$2000 for an academic year plus $500 for a summer session.

(ii) Master's level—$4600 for an academic year plus $800 for a summer session.

(iii) Post-master's and doctoral level—$8400 for an academic year plus $1000 for a summer session.

(b) A grantee may use grant funds to pay stipends to institute participants in the following amounts:

(1) Long-term, full-time post-baccalaureate level—$4600 for an academic year plus $800 for a summer session.

(2) Long-term, full-time pre-baccalaureate level—$2000 for an academic year, plus $500 for a summer session.

(3) Short-term, full-time—up to $375 per week.

(4) Part-time—up to $75 per day.

(c)(1) The grantee shall use grant funds to provide traineeship training in accordance with the allowable costs of providing training for either fellowships or institutes, whichever is applicable.

(2) The grantee may use grant funds to pay stipends to traineeship participants in accordance with the allowable costs of fellowships or institutes, whichever is applicable.

(d)(1) The Secretary may authorize travel allowances for participants—

(i) In cases of extreme hardship; and

(ii) If travel is necessary for successful participation in the project.

(2) The mileage rate must be consistent with rates applicable to Federal Government employees.

(3) The Secretary may defer authorization of travel allowances until the grantee establishes the need by appropriate documentation.

(e)(1) In cases of extreme hardship, the Secretary may authorize allowances for dependents of participants. The maximum amount that may be provided per dependent is $800 for an academic year, $200 for a summer session, and $50 per week for short-term projects.

(2) The Secretary may defer authorization of allowances for dependents until the grantee has documented need.

(f)(1) The grant award specifies the amount for stipends and dependency and travel allowances.

(2) The grantee shall disburse the stipends and the dependency and travel allowances to the appropriate project participants.

(Authority: 20 U.S.C. 1032)

§ 776.31 What are the restrictions on costs for participants?

A grantee may not charge tuition or fees to a participant in a training project funded under this program.

(Authority: 20 U.S.C. 1032)

§ 776.32 What are the restrictions on stipend levels?

No participant shall receive a stipend under this program that, for any academic year, exceeds that participant's cost of attendance, as defined in section 472 (2) to (9) of the Act, minus the amount of a Pell Grant awarded to the participant.

(Authority: 20 U.S.C. 1021, 1032)

§ 776.33 What requirements govern the removal, withdrawal, and substitution of participants?

(a) A grantee shall remove a participant from a training project if the grantee determines that the participant has ceased to maintain academic proficiency.

(b) If a grantee removes the participant or if a participant withdraws, the grantee—

(1) May replace the participant if the new participant can successfully complete the training at no additional cost to the Department; and

(2)(i) Shall notify the Secretary in writing—

(A) Within 30 days of the removal or withdrawal; or

(B) Within 30 days of a substitution if the grantee substitutes another participant.

(ii) The date of removal or withdrawal is—

(A) The date the grantee determined that the participant had ceased to maintain academic proficiency; or

(B) The last date the participant attended class.

(c)(1) If a grantee removes the participant or if the participant withdraws, the grantee shall prorate the participant's stipend and any allowances, according to the number of the weeks the participant has completed in the project.

(2) For purposes of paragraph (c)(1) of this section, the grantee shall count attendance in any part of a week as a full week.

(d) If a grantee does not substitute a participant for the participant who has been removed or who has withdrawn, the grantee shall return to the Federal Government the unused portion of the stipend and any allowances.

(Authority: 20 U.S.C. 1032)

§ 776.34 What agencies must be informed of activities funded by this program?

Each institution of higher education that receives a grant under this part shall annually inform the agency designated under section 1203 of the Act of its project activities.

(Authority: 20 U.S.C. 1022)

[FR Doc. 87-28678 Filed 12-11-87; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.036]

Invitation; Applications for New Awards Under the Library Career Training Program for Fiscal Year 1988

Purpose: To train persons in librarianship through fellowships, institutes, and traineeships and to establish, develop, and expand programs of library and information science.

Deadline for Transmittal of Applications: February 18, 1988.

Deadline for Intergovernmental Review Comments: April 18, 1988.

Applications Available: December 28, 1987.

Available Funds: The Administration's budget request for fiscal year 1988 does not include funds for the program. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program.

Estimated Average Size of Awards:
Fellowship: $8,000–$60,000
Institutes: $20,000–$150,000

Estimated Number of Awards:
Fellowships—30
Institutes—2 to 5

Projected Period: 12 months.

Priorities: In accordance with § 776.5 of the proposed regulations referenced in this notice, each year the Secretary may select one or more of the program's six priorities and allocate funds to each selected priority. For fiscal year 1988, the Secretary has selected the following priorities:

(a) To provide advanced training in the development, structure, and management of new library organizational formats, such as networks, consortia, and information utilities;

(b) To increase excellence in library leadership through advanced training in library management; and

(c) To train or retrain library personnel in new techniques of information acquisition, transfer, and communication technology.

(d) To train or retrain library personnel in areas of library specialization where there are currently shortages, such as school media, children's services, young adult services, science reference, and cataloging.

The Secretary plans to allocate up to 30% of the available funds for institutes, if a sufficient number of institute applications warrant funding. The remaining funds will be allocated for fellowships.

Applicable Regulations: (a) Regulations governing the Library Career Training Program as proposed to be codified in 34 CFR Part 776. Applications are being accepted based on the notice of proposed rulemaking which is published in this issue of the **Federal Register.** If any substantive changes are made in the final regulations for this program, applicants will be given the opportunity to revise or resubmit their applications. (b) The Education Department General Administrative Regulations in 34 CFR Parts 74, 75, 77, 78, and 79.

For Applications or Information Contact: Frank A. Stevens or Yvonne B. Carter, U.S. Department of Education, Office of Educational Research and Improvement, Library Programs, 555 New Jersey Avenue NW., Room 402M, Washington, DC 20208–1430. Telephone (202) 357–8315.

Program Authority: 20 U.S.C. 1021 *et seq.*

Dated: December 8, 1987.

Chester E. Finn, Jr.

Assistant Secretary and Counselor to the Secretary.

[FR Doc. 87-28679 Filed 12-11-87; 8:45 am]

BILLING CODE 4000-01-M

Reader Aids

Federal Register

Vol. 52, No. 239

Monday, December 14, 1987

INFORMATION AND ASSISTANCE

Federal Register	
Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237
Code of Federal Regulations	
Index, finding aids & general information	523-5227
Printing schedules	523-3419
Laws	
Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230
Presidential Documents	
Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230
The United States Government Manual	
General information	523-5230
Other Services	
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

45597–45800	1
45801–45934	2
45935–46050	3
46051–46342	4
46343–46444	7
46445–46584	8
46585–46730	9
46731–46982	10
46983–47364	11
47365–47544	14

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5748 ... 46729
5749 ... 46731
5750 ... 46733
5751 ... 46735
5752 ... 47365

Executive Orders:
12616 ... 46730

Administrative Orders:

Statements:
Dec. 7, 1987 ... 46728

4 CFR
21 ... 46445

5 CFR
351 ... 46051
540 ... 46051
870 ... 46343
874 ... 46343
1204 ... 45597
1600 ... 45801
1605 ... 46314

7 CFR
301 ... 45597, 47367
319 ... 46052, 47372
352 ... 47373
401 ... 45598–45604
413 ... 47375
423 ... 45805, 47376
431 ... 47376
432 ... 47377
770 ... 45606
907 ... 46060, 46737, 46983
908 ... 46737
910 ... 46061, 46984
911 ... 46344
915 ... 46344
966 ... 46345
981 ... 45607, 45609
1900 ... 45806, 46348
1942 ... 47097
1944 ... 45807
1956 ... 46348

Proposed Rules:
52 ... 46486
401 ... 45830
735 ... 47009
905 ... 46366
959 ... 46366
971 ... 46366
985 ... 46600
987 ... 46366
1951 ... 45638

8 CFR
316a ... 46738

Proposed Rules:
3 ... 46776
109 ... 46092
208 ... 46776
236 ... 46776
242 ... 46776
253 ... 46776

9 CFR
78 ... 47378
85 ... 45935
92 ... 45611

Proposed Rules:
145 ... 47014
147 ... 47014
316 ... 45639
350 ... 45639

10 CFR

Proposed Rules:
Ch. I ... 47398
61 ... 47398
430 ... 46367

12 CFR
4 ... 46061
204 ... 46450
208 ... 46984
226 ... 45611
337 ... 47379
614 ... 46151
706 ... 46585

Proposed Rules:
210 ... 47112
229 ... 47112
701 ... 46601, 47014

14 CFR
21 ... 46348
25 ... 46348
39 ... 45612–45614, 45808–45810, 46064–46067, 46452, 46739, 46985–46995, 47387
71 ... 45615, 45616, 46556, 46740–46742, 46995–46997, 47304, 47308
97 ... 45617, 46743
121 ... 45910
135 ... 45910
1213 ... 45935
1221 ... 45811

Proposed Rules:
Ch. I ... 45831
39 ... 45640, 45642, 45831, 46094, 46776, 47015, 47016 47399–47401
71 ... 45644, 46778, 46779, 47017–47020, 47402
73 ... 47021

15 CFR
371 ... 45618
374 ... 45618
385 ... 46886

399.....46886, 47388
801.....46587

16 CFR

6.....45619
13.....45937
305.....46888
1015.....45631
Proposed Rules:
13.....45645, 45970, 45972
453.....46706

17 CFR

1.....46070
211.....46454
274.....46350
Proposed Rules:
34.....47022

18 CFR

271.....46072
389.....45823

19 CFR

Proposed Rules:
4.....46602

20 CFR

Proposed Rules:
614.....46604

21 CFR

74.....45938
176.....46968
333.....47312
369.....47312
Proposed Rules:
182.....46968
352.....46095

22 CFR

Proposed Rules:
502.....47029
1506.....46779

23 CFR

Proposed Rules:
625.....47403
635.....45645

24 CFR

Proposed Rules:
813.....46614
885.....46614

25 CFR

Proposed Rules:
177.....46781

26 CFR

31.....45632
54.....46747
35a.....46075
602.....46075, 46747
Proposed Rules:
1.....45835
48.....45901
54.....46782
602.....46782

27 CFR

9.....46589
250.....46592
Proposed Rules:
250.....46628

28 CFR

2.....46596
Proposed Rules:
701.....47406

29 CFR

1910.....46075, 46168
1915.....46075
1917.....46075
1918.....46075
1926.....46075, 46168
1928.....46075
Proposed Rules:
103.....47029
1910.....47097

30 CFR

779.....47352
780.....47352
783.....47352
784.....45920, 47352
816.....47352
817.....45920, 47352
935.....46597
Proposed Rules:
904.....47411
935.....46377, 46379, 46783
952.....46095
953.....46097

31 CFR

351.....46455
Proposed Rules:
0.....45648

32 CFR

41.....46997
209.....47389
536.....45938
706.....46080
1900.....46456
Proposed Rules:
199.....46098, 47029

33 CFR

62.....46351
95.....47526
100.....46351
110.....46760
117.....46081, 47391
146.....47526
150.....47526
165.....46351
173.....47526
177.....47526
Proposed Rules:
165.....45973, 47413

34 CFR

668.....45712, 46353
674.....45738
675.....45738
676.....45738
690.....45712
Proposed Rules:
333.....46720
776.....47538
778.....46784
790.....46785

37 CFR

Proposed Rules:
304.....45664

38 CFR

4.....46439
21.....45633
Proposed Rules:
21.....46494

39 CFR

224.....46998
225.....46998
226.....46998
227.....46998
228.....46998
229.....46998

40 CFR

52.....45634, 45958, 45959, 46463, 46762, 46764, 47392
81.....46081, 46465
82.....47486
85.....46354
123.....45823
144.....45788, 46946
180.....45824, 46019, 46598
260.....46946
264.....45788, 46946
265.....45788
270.....45788, 46946
271.....45634, 45788, 46466
Proposed Rules:
35.....46712
52.....46495, 46786
60.....47032
62.....46380
80.....47032
82.....47489
86.....47032
600.....47032
721.....46496

41 CFR

101-6.....45926
101-7.....45825
101-44.....47393
101-47.....46467
105-55.....46468
201-1.....46468
201-2.....46468
201-23.....46468
201-24.....46468

42 CFR

124.....46022
417.....47003
466.....47003
476.....47003
Proposed Rules:
435.....47414
436.....47414

43 CFR

4.....46355, 47097
3420.....46469
3460.....46469
Proposed Rules:
3450.....46499

44 CFR

65.....46501
67.....46505
Proposed Rules:
67.....46787

45 CFR

Proposed Rules:
233.....47420

46 CFR

4.....47526
5.....47526
26.....47526
35.....47526
78.....47526
97.....47526
109.....47526
167.....47526
185.....47526
196.....47526
197.....47526
560.....45960
586.....46356
Proposed Rules:
38.....45665
42.....47422
44.....47422
45.....47422
54.....45665
69.....46103
98.....45665
151.....45665
170.....47422
174.....47422
503.....45835
572.....46501
588.....46505

47 CFR

15.....45961
25.....45636
73.....45636, 45963–45965, 46598, 46599, 47004
76.....45961, 46363
Proposed Rules:
1.....46628
43.....46628
73.....45974, 45975, 46629–46631, 47032, 47033
80.....45665

48 CFR

232.....47005
519.....47396
532.....47005
552.....47005
553.....47006
819.....46082
1801.....46765
1805.....46765
1807.....46765
1808.....46765
1809.....46765
1812.....46765
1813.....46765
1815.....46765
1827.....46765
1830.....46765
1831.....46765
1832.....46765
1836.....46765
1837.....46765
1852.....46765
1853.....46765
2401.....47395
2402.....47395
Proposed Rules:
31.....46043
245.....47427
2409.....46560
2412.....46560
2413.....46560
2415.....46560
2416.....46560
2417.....46560

2424.....46560
2427.....46560
2432.....46560
2434.....46560
2437.....46560
2442.....46560
2446.....46560
2451.....46560
2452.....46560
2453.....46560
2470.....46560
5706.....47033

49 CFR

1.....46364, 46478, 47007, 47097
571.....46479, 46480
1002.....46481
1007.....46481
1011.....45636, 46773
1052.....45966
1103.....46481
1150.....46481
1152.....45636, 46773
1160.....45827, 46481
1162.....46481
1169.....46481
1171.....46481
1177.....46481
1180.....46481
1182.....46481
Proposed Rules:
24.....45667
173.....46510, 46511
383.....47326
701.....46381

50 CFR

14.....46019
17.....46083, 46085
20.....46087
611.....45966, 46484
649.....46088
650.....46485
652.....47008
675.....45966, 46484
Proposed Rules:
17.....45976, 46106, 46334, 46336
20.....47428
21.....47428
655.....47034
663.....45668

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List December 11, 1987

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $595.00 domestic, $148.75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, DC 20402. Charge orders (VISA, MasterCard, CHOICE, or GPO Deposit Account) may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$9.00	Jan. 1, 1987
3 (1986 Compilation and Parts 100 and 101)	11.00	[1] Jan. 1, 1987
4	14.00	Jan. 1, 1987
5 Parts:		
1–1199	25.00	Jan. 1, 1987
1200–End, 6 (6 Reserved)	9.50	Jan. 1, 1987
7 Parts:		
0–45	25.00	Jan. 1, 1987
46–51	16.00	Jan. 1, 1987
52	22.00	Jan. 1, 1987
53–209	18.00	Jan. 1, 1987
210–299	22.00	Jan. 1, 1987
300–399	10.00	Jan. 1, 1987
400–699	15.00	Jan. 1, 1987
700–899	22.00	Jan. 1, 1987
900–999	26.00	Jan. 1, 1987
1000–1059	15.00	Jan. 1, 1987
1060–1119	13.00	Jan. 1, 1987
1120–1199	11.00	Jan. 1, 1987
1200–1499	18.00	Jan. 1, 1987
1500–1899	9.50	Jan. 1, 1987
1900–1944	25.00	Jan. 1, 1987
1945–End	26.00	Jan. 1, 1987
8	9.50	Jan. 1, 1987
9 Parts:		
1–199	18.00	Jan. 1, 1987
200–End	16.00	Jan. 1, 1987
10 Parts:		
0–199	29.00	Jan. 1, 1987
200–399	13.00	Jan. 1, 1987
400–499	14.00	Jan. 1, 1987
500–End	24.00	Jan. 1, 1987
11	11.00	July 1, 1987
12 Parts:		
1–199	11.00	Jan. 1, 1987
200–299	27.00	Jan. 1, 1987
300–499	13.00	Jan. 1, 1987
500–End	27.00	Jan. 1, 1987
13	19.00	Jan. 1, 1987
14 Parts:		
1–59	21.00	Jan. 1, 1987
60–139	19.00	Jan. 1, 1987
140–199	9.50	Jan. 1, 1987
200–1199	19.00	Jan. 1, 1987
1200–End	11.00	Jan. 1, 1987
15 Parts:		
0–299	10.00	Jan. 1, 1987
300–399	20.00	Jan. 1, 1987
400–End	14.00	Jan. 1, 1987

Title	Price	Revision Date
16 Parts:		
0–149	12.00	Jan. 1, 1987
150–999	13.00	Jan. 1, 1987
1000–End	19.00	Jan. 1, 1987
17 Parts:		
1–199	14.00	Apr. 1, 1987
200–239	14.00	Apr. 1, 1987
240–End	19.00	Apr. 1, 1987
18 Parts:		
1–149	15.00	Apr. 1, 1987
150–279	14.00	Apr. 1, 1987
280–399	13.00	Apr. 1, 1987
400–End	8.50	Apr. 1, 1987
19 Parts:		
1–199	27.00	Apr. 1, 1987
200–End	5.50	Apr. 1, 1987
20 Parts:		
1–399	12.00	Apr. 1, 1987
400–499	23.00	Apr. 1, 1987
500–End	24.00	Apr. 1, 1987
21 Parts:		
1–99	12.00	Apr. 1, 1987
100–169	14.00	Apr. 1, 1987
170–199	16.00	Apr. 1, 1987
200–299	5.50	Apr. 1, 1987
300–499	26.00	Apr. 1, 1987
500–599	21.00	Apr. 1, 1987
600–799	7.00	Apr. 1, 1987
800–1299	13.00	Apr. 1, 1987
1300–End	6.00	Apr. 1, 1987
22 Parts:		
1–299	19.00	Apr. 1, 1987
300–End	13.00	Apr. 1, 1987
23	16.00	Apr. 1, 1987
24 Parts:		
0–199	14.00	Apr. 1, 1987
200–499	26.00	Apr. 1, 1987
500–699	9.00	Apr. 1, 1987
700–1699	18.00	Apr. 1, 1987
1700–End	12.00	Apr. 1, 1987
25	24.00	Apr. 1, 1987
26 Parts:		
§§ 1.0–1.60	12.00	Apr. 1, 1987
§§ 1.61–1.169	22.00	Apr. 1, 1987
§§ 1.170–1.300	17.00	Apr. 1, 1987
§§ 1.301–1.400	14.00	Apr. 1, 1987
§§ 1.401–1.500	21.00	Apr. 1, 1987
§§ 1.501–1.640	15.00	Apr. 1, 1987
§§ 1.641–1.850	17.00	Apr. 1, 1987
§§ 1.851–1.1000	27.00	Apr. 1, 1987
§§ 1.1001–1.1400	16.00	Apr. 1, 1987
§§ 1.1401–End	20.00	Apr. 1, 1987
2–29	20.00	Apr. 1, 1987
30–39	13.00	Apr. 1, 1987
40–49	12.00	Apr. 1, 1987
50–299	14.00	Apr. 1, 1987
300–499	15.00	Apr. 1, 1987
500–599	8.00	[2] Apr. 1, 1980
600–End	6.00	Apr. 1, 1987
27 Parts:		
1–199	21.00	Apr. 1, 1987
200–End	13.00	Apr. 1, 1987
28	23.00	July 1, 1987
29 Parts:		
0–99	16.00	July 1, 1987
100–499	7.00	July 1, 1987
500–899	24.00	July 1, 1987
900–1899	10.00	July 1, 1987
1900–1910	27.00	July 1, 1986
1911–1925	6.50	July 1, 1987

Title	Price	Revision Date
1926	10.00	July 1, 1987
1927–End	23.00	July 1, 1987
30 Parts:		
0–199	16.00	[3] July 1, 1985
200–699	8.50	July 1, 1987
700–End	18.00	July 1, 1987
31 Parts:		
0–199	12.00	July 1, 1987
200–End	16.00	July 1, 1987
32 Parts:		
1–39, Vol. I	15.00	[4] July 1, 1984
1–39, Vol. II	19.00	[4] July 1, 1984
1–39, Vol. III	18.00	[4] July 1, 1984
1–189	17.00	July 1, 1986
190–399	23.00	July 1, 1987
400–629	21.00	July 1, 1987
630–699	13.00	July 1, 1986
700–799	15.00	July 1, 1987
800–End	16.00	July 1, 1986
33 Parts:		
1–199	27.00	July 1, 1986
200–End	19.00	July 1, 1987
34 Parts:		
1–299	20.00	July 1, 1987
300–399	11.00	July 1, 1987
400–End	23.00	July 1, 1987
35	9.00	July 1, 1987
36 Parts:		
1–199	12.00	July 1, 1987
200–End	19.00	July 1, 1987
37	13.00	July 1, 1987
38 Parts:		
0–17	21.00	July 1, 1986
18–End	15.00	July 1, 1986
39	13.00	July 1, 1987
40 Parts:		
1–51	21.00	July 1, 1987
52	26.00	July 1, 1987
53–60	24.00	July 1, 1987
61–80	12.00	July 1, 1987
81–99	25.00	July 1, 1987
100–149	23.00	July 1, 1986
150–189	18.00	July 1, 1987
190–399	27.00	July 1, 1986
400–424	22.00	July 1, 1987
425–699	21.00	July 1, 1987
700–End	27.00	July 1, 1987
41 Chapters:		
1, 1–1 to 1–10	13.00	[5] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[5] July 1, 1984
3–6	14.00	[5] July 1, 1984
7	6.00	[5] July 1, 1984
8	4.50	[5] July 1, 1984
9	13.00	[5] July 1, 1984
10–17	9.50	[5] July 1, 1984
18, Vol. I, Parts 1–5	13.00	[5] July 1, 1984
18, Vol. II, Parts 6–19	13.00	[5] July 1, 1984
18, Vol. III, Parts 20–52	13.00	[5] July 1, 1984
19–100	13.00	[5] July 1, 1984
1–100	10.00	July 1, 1987
101	23.00	July 1, 1987
102–200	11.00	July 1, 1987
201–End	8.50	July 1, 1987
42 Parts:		
1–60	15.00	Oct. 1, 1986
61–399	10.00	Oct. 1, 1986
400–429	20.00	Oct. 1, 1986

Title	Price	Revision Date
430–End	15.00	Oct. 1, 1986
43 Parts:		
1–999	14.00	Oct. 1, 1986
1000–3999	24.00	Oct. 1, 1986
4000–End	11.00	Oct. 1, 1986
44	17.00	Oct. 1, 1986
45 Parts:		
1–199	13.00	Oct. 1, 1986
200–499	9.00	Oct. 1, 1986
500–1199	18.00	Oct. 1, 1986
1200–End	13.00	Oct. 1, 1986
46 Parts:		
1–40	13.00	Oct. 1, 1986
41–69	13.00	Oct. 1, 1986
70–89	7.00	Oct. 1, 1986
90–139	11.00	Oct. 1, 1986
140–155	8.50	[6] Oct. 1, 1985
156–165	14.00	Oct. 1, 1986
166–199	13.00	Oct. 1, 1986
200–499	19.00	Oct. 1, 1986
500–End	9.50	Oct. 1, 1986
47 Parts:		
0–19	17.00	Oct. 1, 1986
20–39	18.00	Oct. 1, 1986
40–69	11.00	Oct. 1, 1986
70–79	17.00	Oct. 1, 1986
80–End	20.00	Oct. 1, 1986
48 Chapters:		
1 (Parts 1–51)	21.00	Oct. 1, 1986
1 (Parts 52–99)	16.00	Oct. 1, 1986
2	27.00	Dec. 31, 1986
3–6	17.00	Oct. 1, 1986
7–14	23.00	Oct. 1, 1986
15–End	22.00	Oct. 1, 1986
49 Parts:		
1–99	10.00	Oct. 1, 1986
100–177	24.00	Oct. 1, 1986
178–199	19.00	Oct. 1, 1986
200–399	17.00	Oct. 1, 1986
400–999	21.00	Oct. 1, 1986
1000–1199	17.00	Oct. 1, 1986
1200–End	17.00	Oct. 1, 1986
50 Parts:		
1–199	15.00	Oct. 1, 1986
200–End	25.00	Oct. 1, 1986
CFR Index and Findings Aids	27.00	Jan. 1, 1987
Complete 1987 CFR set	595.00	1987
Microfiche CFR Edition:		
Complete set (one-time mailing)	155.00	1983
Complete set (one-time mailing)	125.00	1984
Complete set (one-time mailing)	115.00	1985
Subscription (mailed as issued)	185.00	1986
Subscription (mailed as issued)	185.00	1987
Individual copies	3.75	1987

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

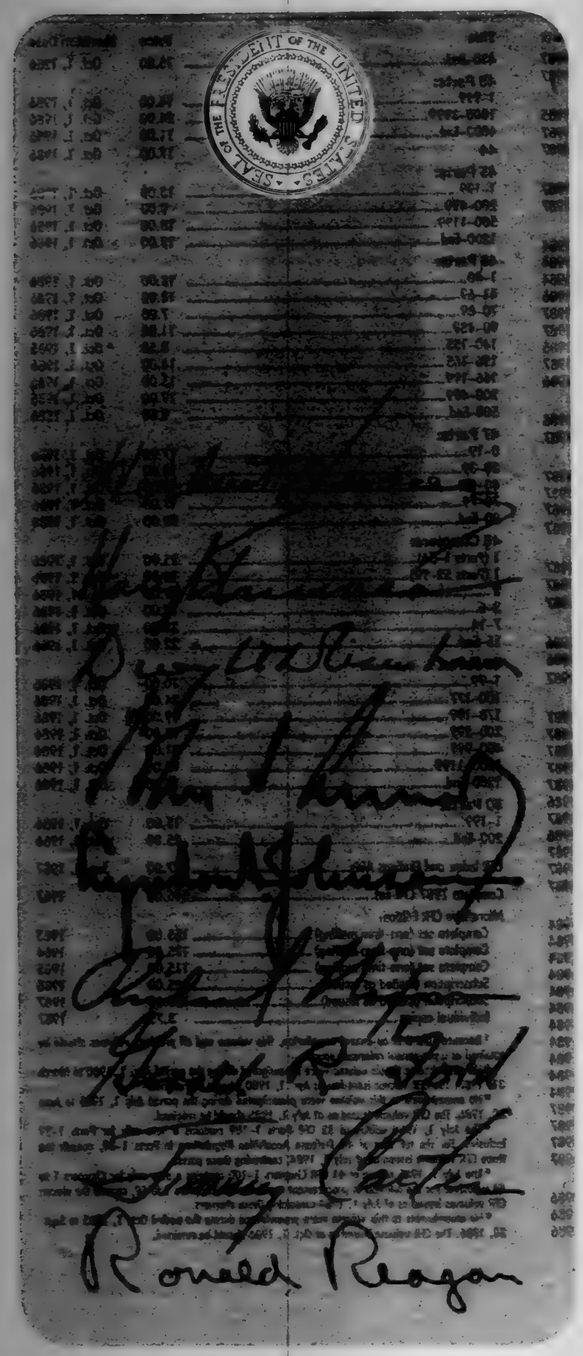
[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1987. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] No amendments to this volume were promulgated during the period July 1, 1985 to June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[6] No amendments to this volume were promulgated during the period Oct. 1, 1985 to Sept 30, 1986. The CFR volume issued as of Oct. 1, 1985 should be retained.



Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are available; other volumes not listed are out of print.

Herbert Hoover
1932–33 ..... $24.00

Lyndon B. Johnson
1963–64
(Book I) $21.00

Gerald R. Ford
1975
(Book, I) $22.00
1975
(Book II) $22.00

Jimmy Carter
1977
(Book I) $23.00
1977
(Book II) $22.00
1978
(Book I) $24.00
1979
(Book I) $24.00
1979
(Book II) $24.00
1980–81
(Book I) $21.00
1980–81
(Book II) $22.00
1980–81
(Book III) $24.00

Ronald Reagan
1981 ..... $25.00
1982
(Book II) $25.00
1983
(Book I) $31.00
1983
(Book II) $32.00
1984
(Book I) $36.00

Published by the Office of the Federal Register, National Archives and Records Administration

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

VOL
52
ISS
2
3
9
DE
14
987
UMI

OL
52
SS
2
4
0
DE
15
987
MI

12-15-87
Vol. 52 No. 240

federal register

Tuesday
December 15, 1987

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

OL
52
SS
2
40
0
DE
15
987
MI

12-15-87
Vol. 52 No. 240
Pages 47545-47686

federal register

Tuesday
December 15, 1987

BEST COPY AVAILABLE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $188.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202-783-3238
Magnetic tapes	275-3328
Problems with public subscriptions	275-3054

Single copies/back copies:

Paper or fiche	783-3238
Magnetic tapes	275-3328
Problems with public single copies	275-3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523-5240
Magnetic tapes	275-3328
Problems with Federal agency subscriptions	523-5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 52, No. 240
Tuesday, December 15, 1987

Agency for International Development
NOTICES
Agency information collection activities under OMB review, 47641
Meetings:
Research Advisory Committee, 47641

Agricultural Marketing Service
PROPOSED RULES
Tomatoes grown in Florida and imported, 47576

Agriculture Department
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service
RULES
4-H Club name and emblem
Correction, 47660

Alcohol, Tobacco and Firearms Bureau
RULES
Alcohol, tobacco, and other excise taxes:
Timely remittance of tax by electronic fund transfer, 47557

Animal and Plant Health Inspection Service
RULES
Exportation and importation of animals and animal products:
Horses from countries affected with CEM—Netherlands, 47548

Antitrust Division
NOTICES
National cooperative research notifications:
Berkeley Sensor & Actuator Center, 47642
Corporation for Open Systems International, 47642
Industry/University Cooperative Research Center for Software Engineering, 47643

Arms Control and Disarmament Agency
NOTICES
Hubert H. Humphrey fellowship competition, 47616

Blind and Other Severely Handicapped, Committee for Purchase From
See Committee for Purchase From the Blind and Other Severely Handicapped

Commerce Department
See also International Trade Administration; National Oceanic and Atmospheric Administration
PROPOSED RULES
Equal Access to Justice Act; implementation, 47597

Committee for Purchase From the Blind and Other Severely Handicapped
NOTICES
Procurement list, 1988:
Additions and deletions, 47624
(2 documents)

Conservation and Renewable Energy Office
RULES
Consumer products:
Dishwashers; test procedures, 47549

Consumer Product Safety Commission
PROPOSED RULES
Information disclosure and employee testimony in private litigation; policies and procedures, 47599
NOTICES
Complaints issued:
Miracle Recreation Equipment Co., 47624

Copyright Royalty Tribunal
NOTICES
Cable royalty fees:
Distribution proceedings, 47626
Jukebox royalty fees:
Distribution determinations; correction, 47626

Customs Service
PROPOSED RULES
Tariff classifications:
Annular, corrugated flexible metal hose, 47601

Defense Department
NOTICES
Meetings:
Defense Policy Board Advisory Committee, 47626

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Applied Science Laboratories, 47644
Ciba-Geigy Corp., 47644
Knoll Pharmaceuticals, 47643
Norac Co., Inc., 47643
Upjohn Co., 47643

Education Department
NOTICES
Meetings:
Indian Education National Advisory Council, 47626

Employment and Training Administration
NOTICES
Adjustment assistance:
Carl Liametz Manufacturing Co. et al., 47644
International Wire Products Co. et al., 47645

Energy Department
See also Conservation and Renewable Energy Office; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department
NOTICES
Atomic energy agreements; subsequent arrangements:
European Atomic Energy Community, 47627
European Atomic Energy Community and Indonesia, 47627
Conflict of interests:
Post employment restrictions waivers, 47627
National Environmental Policy Act; implementation, 47662

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
North Carolina, 47566
Tennessee, 47565
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Ohio, 47610
NOTICES
Water pollution control:
National pollutant discharge elimination system; State programs—
Minnesota, 47635

Executive Office of the President
See Presidential Documents

Federal Aviation Administration
RULES
Air traffic operating and flight rules:
Special Federal Aviation Regulation No. 47; noise restricted aircraft, special flight authorization, 47672
Airworthiness directives:
Boeing, 47551
Jet routes, 47677
VOR Federal airways, 47676
PROPOSED RULES
Air traffic operating and flight rules:
Inoperative instruments and equipment, 47680

Federal Communications Commission
RULES
Radio and television broadcasting:
Oversight; clarifications and editorial corrections, etc., 47567
Radio services, special:
Private land mobile services—
Transmitters with external frequency controls, 47569
PROPOSED RULES
Communications equipment:
Radio frequency devices—
Nonlicensed operation provisions, 47615

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 47658, 47659
(3 documents)

Federal Emergency Management Agency
PROPOSED RULES
Flood elevation determinations:
Arizona et al., 47611

Federal Energy Regulatory Commission
NOTICES
Applications, hearings, determinations, etc.:
Boundary Gas, Inc., 47628
Colorado Interstate Gas Co., 47628
Columbia Gulf Transmission Co., 47628
Consolidated Gas Transmission Corp., 47629
K N Energy, Inc., 47629
Texas Gas Transmission Corp., 47629

Federal Maritime Commission
NOTICES
Agreements filed, etc., 47636

Federal Reserve System
PROPOSED RULES
Electronic fund transfers (Regulation E):
Official staff commentary update, 47591
Equal credit opportunity (Regulation B):
Official staff commentary update, 47589
Truth in lending (Regulation Z):
Official staff commentary update, 47592
NOTICES
Meetings; Sunshine Act, 47659
(3 documents)
Applications, hearings, determinations, etc.:
Schilling, John E., et al., 47636
U.S. Bancorp., 47637

Fish and Wildlife Service
RULES
Federal aid in fish and wildlife restoration; distinctive symbols, 47571

Food and Drug Administration
NOTICES
Food additive petitions:
Diversey Wyandotte Corp., 47637
Union Carbide Corp., 47637
Medical devices; premarket approval:
Spherical 3M Fluoropolymer (Flurofocon A) Contact Lens, 47638

Health and Human Services Department
See Food and Drug Administration

Hearings and Appeals Office, Energy Department
NOTICES
Special refund procedures; implementation, 47630, 47632
(2 documents)

Housing and Urban Development Department
RULES
Manufactured home construction and safety standards:
Water, drain, gas, and electric utility connections; reference standards and placement requirements, 47552

Interior Department
See Fish and Wildlife Service; Land Management Bureau; National Park Service; Reclamation Bureau; Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
RULES
Income taxes:
Consent dividends, 47554
PROPOSED RULES
Income taxes:
Consent dividends; cross reference, 47609

International Development Cooperation Agency
See Agency for International Development

International Trade Administration
NOTICES
Antidumping:
Granite products from Italy and Spain, 47618
Antidumping and countervailing duties:
Administrative review requests, 47617
Countervailing duties:
Portland hydraulic cement and cement clinker from Mexico, 47618

Welded carbon steel pipe and tube products from Turkey, 47621
Export trade certificates of review, 47616
Short supply determinations:
Flat-rolled steel, 47617

Justice Department
See also Antitrust Division; Drug Enforcement Administration
NOTICES
Pollution control; consent judgments:
Ashland Oil, Inc., 47641
Bellingham, WA, 47642

Labor Department
See also Employment and Training Administration; Mine Safety and Health Administration
NOTICES
Meetings:
Trade Negotiations and Trade Policy Labor Advisory Committee, 47644

Land Management Bureau
NOTICES
Closure of public lands:
Idaho, 47638
Wilderness areas; characteristics, inventories, etc.:
Montana, 47639
Withdrawal and reservation of lands:
Arizona; correction, 47660

Maritime Administration
NOTICES
Applications, hearings, determinations, etc.:
American President Lines, Ltd., 47656

Merit Systems Protection Board
RULES
Practice and procedure:
Voluntary expedited appeals procedure, 47547

Mine Safety and Health Administration
NOTICES
Safety standard petitions:
Helen Mining Co., 47646
Vermont Marble Co., 47646
Walkco Coal Co., Inc., 47647

National Aeronautics and Space Administration
NOTICES
Meetings:
Space Systems and Technology Advisory Committee, 47647

National Highway Traffic Safety Administration
PROPOSED RULES
Motor vehicle safety standards:
Lamps, reflective devices, and associated equipment—
Sealed beam headlamps, etc., 47660
NOTICES
New car assessment program:
Optional crash testing by motor vehicle manufacturers; criteria establishment; correction, 47660

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Western Pacific crustacean, 47572
PROPOSED RULES
Fishery conservation and management:
Gulf of Mexico shrimp, 47615
NOTICES
Meetings:
Caribbean Fishery Management Council, 47623
Permits:
Marine mammals, 47623

National Park Service
NOTICES
National Register of Historic Places:
Pending nominations—
Colorado et al., 47640

Nuclear Regulatory Commission
PROPOSED RULES
Radioactive waste, low level; emergency access to non-Federal and regional disposal facilities; criteria and procedures, 47578

Pension Benefit Guaranty Corporation
RULES
Multiemployer plans:
Valuation of plan benefits and plan assets following mass withdrawal
Interest rates, 47564
Single-employer plans:
Guaranteed benefits limitation, 47563
Guaranteed benefits, lump sum payments, etc., 47561
Valuation of plan benefits—
Expected retirement age, 47562

Presidential Documents
PROCLAMATIONS
Special observances:
Drunk and Drugged Driving Awareness Week, National (Proc. 5753), 47545

Public Health Service
See Food and Drug Administration

Railroad Retirement Board
PROPOSED RULES
Nondiscrimination on basis of handicap in federally-conducted programs and activities, 47601

Reclamation Bureau
NOTICES
Environmental statements; availability, etc.:
San Xavier Development Project, AZ, 47639

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
New York Stock Exchange, Inc., 47654
Pacific Stock Exchange, Inc., 47653
Applications, hearings, determinations, etc.:
Advisers Management Trust et al., 47648
Bankers National Life Insurance Co. et al., 47648
Home Group, Inc., 47655
John Hancock Mutual Life Insurance Co. et al., 47649
Overland Funding, Inc., 47650

Small Business Administration
NOTICES
License surrenders:
Mount Vernon Venture Capital Co., 47655

State Department
NOTICES
Agency information collection activities under OMB review, 47655
Meetings:
International Radio Consultative Committee, 47656
International Telegraph and Telephone Consultative Committee, 47656
(2 documents)

Surface Mining Reclamation and Enforcement Office
NOTICES
Agency information collection activities under OMB review, 47640

Transportation Department
See Federal Aviation Administration; Maritime Administration; National Highway Traffic Safety Administration

Treasury Department
See Alcohol, Tobacco and Firearms Bureau; Customs Service; Internal Revenue Service

Separate Parts In This Issue

Part II
Department of Energy, 47662

Part III
Department of Transportation, Federal Aviation Administration, 47672

Part IV
Department of Transportation, Federal Aviation Administration, 47676

Part V
Department of Transportation, Federal Aviation Administration, 47680

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
5752 47545

5 CFR
1201 47547

7 CFR
8 47660
Proposed Rules:
966 47576

9 CFR
92 47548

10 CFR
430 47549
Proposed Rules:
62 47578

12 CFR
Proposed Rules:
202 47589
205 47591
226 47592

14 CFR
39 47551
71 47676
75 47677
91 47672
Proposed Rules:
43 47680
91 47680

15 CFR
Proposed Rules:
18 47597

16 CFR
Proposed Rules:
1016 47599

19 CFR
Proposed Rules:
177 47601

20 CFR
Proposed Rules:
365 47601

24 CFR
3280 47552

26 CFR
1 47554
602 47554
Proposed Rules:
1 47609
602 47609

27 CFR
19 47557
25 47557
240 47557
250 47557
270 47557
275 47557
285 47557

29 CFR
2613 47561
2617 47561
2619 (2 documents) 47561, 47562
2621 47563
2676 47564

40 CFR
52 (2 documents) 47565, 47566
Proposed Rules:
52 47610

44 CFR
Proposed Rules:
67 47611

47 CFR
73 47567
74 47567
90 47569
Proposed Rules:
15 47615

50 CFR
80 47571
681 47572
Proposed Rules:
658 47615

Federal Register
Vol. 52, No. 240
Tuesday, December 15, 1987

Presidential Documents

Title 3—

The President

Proclamation 5753 of December 11, 1987

National Drunk and Drugged Driving Awareness Week, 1987

By the President of the United States of America

A Proclamation

During the past 5 years, thousands of dedicated citizen volunteers throughout our Nation have taken part in the programs and activities of National Drunk and Drugged Driving Awareness Week. These efforts just before the holiday season have proven enormously successful in increasing public awareness of the dangers of driving while impaired by alcohol or drugs. As the 1987 holiday season approaches, we need to focus once again on the terrible cost in human lives and suffering caused by drunk and drugged driving.

Although alcohol is still involved in more than half of all highway deaths, we are beginning to see signs of real progress in our battle against drunk driving. In 1986, 41 percent of the total traffic fatalities throughout our Nation involved at least one driver or pedestrian who was intoxicated, down from 46 percent in 1982. During the same period, the proportion of intoxicated teenaged drivers involved in fatal crashes dropped from 28 percent to 21 percent, the largest decrease for any driver age group. This is progress, but our battle is far from over. If we hope to realize our goal of eliminating intoxicated drivers from our streets and highways, we must continue the positive momentum of the last few years and resolve to do even more in the future.

Each of us can help reduce the senseless carnage on our highways by refusing to tolerate drunk and drugged driving and by becoming more aware of what can and ought to be done. We must insist upon efficient and effective criminal justice, find improved ways to detect and stop impaired drivers before a crash occurs, and increase our willingness to communicate our concerns to friends and family.

Of increasing concern is the combination of alcohol and drugs and its impact on the incidence of motor vehicle crashes. We should all be aware that driving after the use of drugs—including prescription and over-the-counter drugs—may create safety hazards on our roads and highways, and that combining drugs with alcohol increases these hazards.

In order to encourage citizen involvement in prevention efforts and to increase awareness of the seriousness of the threat to our lives and safety, the Congress, by Senate Joint Resolution 136, has designated the week of December 13 through December 19, 1987, as "National Drunk and Drugged Driving Awareness Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of December 13 through December 19, 1987, as National Drunk and Drugged Driving Awareness Week. I ask all Americans to show concern and not to drink or take drugs and drive or to permit others to do so. I also call upon public officials at all levels and all interested citizens and groups to observe this week with appropriate ceremonies and activities in reaffirmation of our commitment to refuse to tolerate drunk and drugged driving.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of December, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 87-28942
Filed 12-14-87; 10:12 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 52, No. 240
Tuesday, December 15, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board is amending its rules of practice and procedure by eliminating Subpart H—Voluntary Expedited Appeals Procedure (VEAP) as a separate alternative for adjudicating Federal employee appeals of personnel actions. Resulting changes are also being made in subpart B of part 1201.

EFFECTIVE DATE: December 15, 1987.

FOR FURTHER INFORMATION CONTACT: Charles J. Stanislav (202) 653-8831.

SUPPLEMENTARY INFORMATION: On March 18, 1983 (48 FR 11399), the Board published interim regulations for a pilot program for expedited processing of appeals of limited application which was extended, expanded and made available generally in a final rule on April 30, 1985 (50 FR 18221). The expedited process has been available to be parties only in those cases where there is agreement for its use and where a determination is made that it is appropriate for the appeal.

From the beginning, the expedited process has been monitored and periodic assessments have been made of its usefulness and scope in the adjudication of appeals processed by the Board. The Voluntary Expedited Appeals Procedure (VEAP) has been successfully used to resolve disputed personnel actions, while providing a fair and impartial forum for hearing those disputes. Recently, the Board has found substantial interest in employing the methods used in the VEAP program and in other methods of dispute resolution for processing all types of appeals. The Board has responded to this interest and the lessons learned from the VEAP program have been adapted and implemented in the formal appeals procedure to the point that there is no reason to maintain VEAP as a separate procedure. Settlements among the parties appearing before the Board have increased in each of the last 3 years and in every type of case.

The Board has determined that all proper dispute resolution techniques should be available and employed for any appeal processed by the Board. The parties and the Board's administrative Judges should not be limited in this regard, and it would be impractical, confusing and unnecessary to provide separate procedural rules for each alternative. Therefore, the Board has decided that two separate appeals processing systems will no longer be maintained and is deleting Subpart H. All appeals will be processed under Subpart B, and a variety of dispute resolution techniques appropriate to the individual circumstance may be employed with full concern for fairness and the rights of all parties.

The Board recognizes that the appeal form in Appendix I of this part is affected by the decision to delete Subpart H. However, no change is being made in the form at this time because it is being reviewed as a part of the Board's project to rewrite all of its' regulations in "plain English."

As a result, the Board is amending Part 1201 by removing Subpart H and making resulting changes in Subpart B as follows:

1. Section 1201.21 has been revised to eliminate paragraph (e) since the notice required by this paragraph no longer applies. Paragraphs (c) and (d) are revised to reflect the elimination of paragraph (e).

2. Section 1201.24 has been changed to eliminate paragraph (a)(10) and paragraphs (a)(8) and (a)(9) revised since the request permitted in paragraph (a)(10) is no longer available. Paragraph (c) has been revised by deleting the last sentence and paragraph (d) has been revised also by deleting the last sentence since these sentences no longer apply.

3. Section 1201.25 has been revised to eliminate paragraph (a)(5) since its requirements no longer apply. Paragraphs (a)(6) and (7) are redesignated (a)(5) and (6) and revised.

4. Subpart H—Voluntary Expedited Appeals Proceure has been eliminated.

Regulatory Flexibility Act

The Clerk, Merit Systems Protection Board, certifies that the Board is not required to prepare an initial or final regulatory analysis of this final regulation pursuant to section 603 or 604 of the Regulatory Flexibility Act, because of the determination that this regulation would not have significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions.

List of Subjects in 5 CFR Part 1201

Administrative practice and procedures, Civil rights, Government employees.

Accordingly, the Merit Systems Protection Board amends 5 CFR Part 1201 as follows:

PART 1201—PRACTICES AND PROCEDURES

1. Authority for Title 5 CFR Part 1201 continues to read:

Authority: 5 U.S.C. 1205 and 7701(j).

Subpart B—Hearing Procedures for Appellate Cases

2. Section 1201.21 is amended by revising paragraphs (c) and (d) and removing paragraph (e) to read as follows:

§ 1201.21 Notice of appeal rights.

* * * * *

(c) A copy of the appeal form—Optional Form 283; and

(d) Notice of any applicable rights to a grievance procedure.

3. Section 1201.24 is amended by revising paragraph (a)(8) and (a)(9), removing paragraph (a)(10), and revising paragraphs (c) and (d) to read as follows:

§ 1201.24 Content of petition for appeal, right to hearing.

(a) * * *

(8) A statement that the appellant or anyone acting on his/her behalf has or has not filed a grievance or complaint with any agency regarding this matter; and

(9) The signature of the appellant and the representative, if any.

* * * * *

(c) *Use of the form.* Completion of the form in Appendix I of this part, if appropriate, shall constitute compliance with paragraph (a) of this section and § 1201.31 if a representative is designated in the form.

(d) *Right to hearing.* Under 5 U.S.C. 7701, an appellant has a right to a hearing.

* * * * *

4. Section 1201.25 is amended by removing paragraph (a)(5) and redesignating and revising paragraphs (a)(6) and (a)(7) as new (a)(5) and (a)(6) to read as follows:

§ 1201.25 Content of agency response, request for hearing.

(a) * * *

(5) Designation of and signature by the authorized agency representative; and

(6) Any other documents or responses requested by the Board.

* * * * *

§ 1201.200—1201.222 (Subpart H)—[Removed]

5. Subpart H consisting of §§ 1201.200 through 1201.222, is removed.

* * * * *

Date: December 10, 1987.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 87-28730 Filed 12-14-87; 8:45 am]

BILLING CODE 7405-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 87-157]

Restrictions on Importation of Horses From the Netherlands

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that amended the horse-importation regulations by adding the Netherlands to the list of countries in which contagious equine metritis (CEM) exists.

Dutch stallions and mares older than 731 days will not be permitted into the United States under standard three-day quarantine and testing procedures. Instead, they must submit to the testing and treatment procedures established to qualify stallions and mares from CEM-affected countries for importation into the United States.

EFFECTIVE DATE: January 14, 1988.

FOR FURTHER INFORMATION CONTACT:

Dr. Harvey A. Kryder, Senior Staff Veterinarian, Import-Export and Emergency Planning Staff, VS, APHIS, USDA, Room 815, Federal Building, Hyattsville, MD 20782, 301-436-8695.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule published in the **Federal Register** and effective August 28, 1987 (52 FR 32532-32533, Docket 87-109), we amended the regulations in 9 CFR Part 92 to restrict importation of horses from the Netherlands, where contagious equine metritis (CEM) had been discovered. Section 92.2(h)(i)(1) of Part 92 lists the countries in which CEM exists and, with certain exceptions, prohibits importation of horses from those countries.

We did not receive any comments, which were required to be postmarked or received on or before October 27, 1987. The facts presented in the interim rule still provide a basis for this rule.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Stallions and mares over 731 days of age and from the Netherlands, must undergo testing and treatment in the Netherlands and the United States more extensive than is standard during a 3-day quarantine. The extra time required for this additional testing and treatment will delay the date of the horses' permanent importation into this country; it will therefore increase the cost to importers of horses from the Netherlands. However, of the 25,742 horses imported into the United States during Fiscal Year 1986, only 418 came from the Netherlands. Of the 418 horses imported from the Netherlands, fewer than half would fall into the category of stallions and mares that this rule will affect. We expect this rule to have no effect on importers. Those deterred by the cost of testing and quarantining a stallion or mare affected by this rule could, instead, import geldings or, for breeding, horses younger than 731 days. Alternatively, they could import horses from any CEM-free country.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR Part 92 and that was published at 52 FR 32532-32533 on August 28, 1987.

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134d, 134d, 134f, and 135; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 9th day of December, 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87-28659 Filed 12-14-87; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 430

[Docket No. CE-RM-82-130]

Energy Conservation Program for Consumer Products Test Procedures for Dishwashers

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Final rule.

SUMMARY: The Department of Energy hereby amends its test procedures for dishwashers in order to establish procedures to accurately determine the estimated annual operating cost and the energy factor for dishwashers that operate with 50 °F inlet water and that utilize an electrical supply voltage of 240 volts. These test procedures are a part of the energy conservation program for consumer products established pursuant to the Energy Policy and Conservation Act, as amended by the National Energy Conservation Policy Act and the National Appliance Energy Conservation Act.

EFFECTIVE DATE: February 16, 1988.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Conservation and Renewable Energy, Mail Station CE-132, Room GF-217, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-12, Room 6B-128, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507.

U.S. Department of Energy, Conservation and Renewable Energy, Office of Hearings and Dockets, Room 6B-025, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9320.

SUPPLEMENTARY INFORMATION:

A. Background

Part B of Title III of the Energy Policy and Conservation Act (EPCA) (Pub. L. 94-163), as amended by the National Energy Conservation Policy Act (NECPA) (Pub. L. 95-619), and as amended by the National Appliance Energy Conservation Act (NAECA) (Pub. L. 100-12) [1] created the Energy Conservation Program for Consumer Products Other Than Automobiles. Among other program elements, section 323 of the Act requires that standard methods of testing be prescribed for covered products, including dishwashers. Test procedures appear at 10 CFR Part 430, Subpart B.

Test procedures for dishwashers were prescribed on August 3, 1977. 42 FR 39964, August 8, 1977. DOE amended the energy conservation program for consumer products by notice issued September 18, 1980, so that the Assistant Secretary for Conservation and Solar Energy (now called Conservation and Renewable Energy) can temporarily waive test procedure requirements for a particular product. 45 FR 64108, September 26, 1980. Waivers can be granted when design characteristics for the particular product either prevent testing of the product according to prescribed test procedures, or lead to results so unrepresentative of the product's true energy consumption characteristics as to provide materially inaccurate comparative data to consumers. On November 14, 1986, DOE issued a rule amending the test procedure waiver process to allow the Assistant Secretary for Conservation and Renewable Energy to grant an interim waiver to manufacturers. In addition, the rule made minor revisions to the petition for waiver procedures. 51 FR 42823, November 26, 1986. 10 CFR 430.27(m) states:

> Within one year of the granting of any waiver, the Department of Energy will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. As soon thereafter as practicable, the Department of Energy will publish in the **Federal Register** a final rule. Such waiver will terminate on the effective date of such final rule.

The dishwasher test procedures prescribed in 1977 were based on dishwashers using 140 °F inlet water and operating with an electrical supply voltage of 115 volts. DOE amended the test procedures on February 23, 1983, in order to accurately determine the estimated annual operating cost and energy factor for dishwashers that operate with 120 °F inlet water. 48 FR 9202, March 3, 1983. (Hereafter referred to as the 1983 rulemaking.) DOE further amended the test procedures on November 27, 1984, in order to redefine a water heating dishwasher by deleting the requirement for internal water heating in the rinse phase of a normal cycle. 49 FR 46533, November 27, 1984.

ANDI-CO Appliances, Inc. (ANDI-CO) is an agent for a foreign appliance manufacturer that produces dishwashers. These dishwashers, in the normal mode, use cold inlet water (50 °F only, heat it to a designated program-selected temperature and use an electrical supply voltage of 240 volts. ANDI-CO requested DOE to exclude these dishwashers from the prescribed test procedures. On August 12, 1984, ANDI-CO filed a Petition for Waiver of DOE's dishwasher test procedures for two models, Favorite Models 263 and 265. ANDI-CO claimed that these dishwashers incorporate features which are not addressed in the existing test procedures and, consequently, cannot be tested under the existing DOE test procedures for dishwashers. DOE granted a waiver and established an alternate test procedure for these models on May 8, 1985. 50 FR 21486, May 24, 1985.

On April 15, 1987, DOE published proposed rules to amend the dishwasher test procedure published to accurately determine the estimated annual operating cost and energy factor for dishwashers that operate with 50 °F inlet water and utilize an electrical supply voltage of 240 volts. 52 FR 12342. A public hearing was held on May 28, 1987.

B. Discussion of Comments

In response to the proposed amendments, DOE received comments only from the Whirlpool Corporation.

1. Minimum Temperature of Heated Water

Whirlpool commented that the rule, as proposed, did not require that water be heated to above 120 °F, while the discussion section stated this was being proposed.

Whirlpool implied that without this requirement a manufacturer of this type of dishwasher could avoid heating the water and that "artifically low energy costs would result because the amendment does not require water to be heated above even 50 °F. Thus, manufacturers who are concerned with good washing performance and who ensure temperatures of 120 °F and above will be penalized."

DOE acknowledges that the proposed rule did not require that water be heated above 120 °F for any portion of the washing or drying cycle. Previously, for dishwashers using 120 °F supply water, there was no requirement that water be heated to a specified minimum temperature. The only requirement that was included in the definition of a water heating dishwasher was the provision that "thermostatically controlled internal water heating [be] in at least one wash phase of the normal cycle."

[1] Part B of Title III of EPCA, as amended by NECPA and NAECA, is referred to in this notice as the "Act." Part B of Title III is codified at 42 U.S.C. 6291 *et. seq.*

DOE now is revising the definition of a "water heating dishwasher" specifically to include the requirement of "providing internal water heating *to above 120 °F* in at least one wash phase of the normal cycle." (Emphasis added.)

DOE continues to believe that no specified minimum temperature above 120 °F is needed for the reasons discussed below.

2. Dishwasher Performance

Whirlpool commented extensively on its laboratory findings of the need to provide 140 °F for effective removal of food fats from dishes. Whirlpool cited test results in its laboratory showing 145 °F to be the first temperature to effectively remove these fats, i.e., shortening, peanut butter and cream cheese, from dishes.

In addition, Whirlpool cited its test results showing that 140 °F for the final rinse cycle was needed in order to achieve 100 percent drying.

Whirlpool raised the issue of performance in the 1983 and 1984 rulemakings. 48 FR 9202, March 3, 1983, and 49 FR 46533, Nov. 27, 1984. DOE believes the issue of dishwasher performance raised in the 1983 and 1984 rulemakings for water heating dishwashers designed to heat inlet water of 120 °F is the same issue being addressed today for water heaters designed to heat inlet water of 50 °F to above 120 °F. Arguments addressed and resolved in 1983 and 1984 apply to either of these types of "water heating dishwashers."

DOE's response to the comments received in these earlier rulemakings concerning performance testing for dishwashers remains unchanged.

In the 1983 rulemaking, DOE stated:

> DOE believes that it would be extremely difficult to quantify these subjective factors into one test that is easily repeatable (testing in one laboratory) and reproducible (testing among laboratories) * * *. Manufacturers have generally commented that dishwashing performance should be excluded from the dishwasher test procedure. DOE believes in allowing manufacturers to determine for themselves whether the dishwashing performance for water heating dishwashers is acceptable. *See* 49 FR 9202, 9204.

While in the 1984 rulemaking, DOE stated:

> With respect to the need for 140 °F water: "DOE continues to believe, as in the March 1983 final rule, that a requirement to heat water to a specified minimum temperature [140 °F] is unnecessarily restrictive in the test procedure and could exclude steam dishwashers from the water heating dishwashers category. *See* FR 46533, 46534.

Today's final rule for water heating dishwashers is believed to be sufficient with the inclusion of the following language in the definition: "providing internal water heating to above 120 °F in at least one wash phase of the normal cycle."

C. Environmental, Regulatory Impact, and Small Entity Impact Reviews

1. Environmental Review

Since today's final rule will be used only to standardize the measurement of energy usage, and will not affect the quality of distribution of energy usage, prescribing test procedures will not result in any environmental impacts. DOE, therefore, has determined that prescribing test procedures under the energy conservation program for consumer products clearly is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environment Policy Act of 1969. Consequently, neither an Environmental Impact Statement nor an Environmental Assessment is required for today's final rule.

2. Regulatory Impact Review

The final rule has been reviewed in accordance with Executive Order 12291 which directs that all regulations achieve their intended goals without imposing unnecessary burdens on the economy, on individuals, on public or private organizations, or on State and local governments. The Executive Order also requires that regulatory impact analyses be prepared for "major rules." The Executive Order defines "major rule" as any regulation that is likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This final rule makes only minor changes in the test procedures for dishwashers to allow for more accurate determinations of estimated annual operating cost and energy factor. Therefore, DOE has determined that this final rule does not come within the definition of "major rule."

3. Small Entity Review

The Regulatory Flexibility Act, Pub. L. 96–345 (5 U.S.C. 601–612), requires that an agency prepare an initial regulatory flexibility analysis to be published. This requirement (which appears in section 603) does not apply if the agency "certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." The rule affects manufacturers of dishwashers. As previously discussed, the changes will not have significant economic impacts, but rather will simply improve the test procedures. Furthermore, DOE is not aware of any dishwasher manufacturers that would be considered small entities under the Act. Therefore, DOE certifies that this final rule will not have a "significant economic impact on a substantial number of small entities."

In consideration of the foregoing, Part 430 of Chapter II of Title 10, Code of Federal Regulations is amended, as set forth below.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Energy conservation, Household appliances.

Issued in Washington, DC, December 1, 1987.

Donna R. Fitzpatrick,

Assistant Secretary, Conservation and Renewable Energy.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

1. The authority citation for Part 430 is revised to read as follows:

Authority: Energy Policy and Conservation Act, Title III, Part B, as amended by the National Energy Conservation Policy Act, Title IV, Part 2, and the National Appliance Energy Conservation Act, (42 U.S.C. 6291–6309).

2. Section 430.22 is amended by adding paragraphs (c) (1)(iii) and (2)(iii) to read as follows:

§ 430.22 Test procedures for measures of energy consumption.

* * * * *

(c) * * *

(1) * * *

(iii) When cold water (50 °F) is used, the product of the following three factors:

(A) The representative average use cycle of 322 cycles per year times,

(B) The product of the per-cycle machine electrical energy consumption for the normal cycle in kilowatt-hours per cycle, determined according to 4.3 of Appendix C to this subpart, and

(C) The representative average unit cost in dollars per kilowatt-hours as provided by the Secretary, the resulting product then being rounded off to the nearest dollar per year.

(2) * * *

(iii) When cold water (50 °F) is used, the product of the following three factors:

(A) The representative average use cycle of 322 cycles per year,

(B) One-half the sum of (1) the total per-cycle energy consumption for the normal cycle as defined in 1.3 of Appendix C to this subpart plus (2) the truncated normal cycle as defined in 1.5 of Appendix C to this subpart, each in kilowatt-hours and determined according to 4.4 of Appendix C to this subpart, and

(C) The representative average unit cost in dollars per kilowatt-hour as provided by the Secretary, the resulting product then being rounded off to the nearest dollar per year.

* * * * *

3. Subpart B of Part 430 is amended by revising 1.6, 2.2, 2.6.2, and 2.7, and adding 2.2.1, 2.2.2, 2.3.3., 3.2.3, and 4.3.3 to Appendix C as follows:

Appendix C to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Dishwashers

* * * * *

1.6 "Water Heating Dishwasher" means a dishwasher which is designed for hearing cold inlet water (nominal 50 °F) or a dishwasher for which the manufacturer recommends operation with a nominal inlet water temperature of 120 °F, and may operate at either of these inlet water temperatures by providing internal water heating to above 120 °F in at least one wash phase of the normal cycle.

* * * * *

2.2 *Electrical supply.*

2.2.1 *Dishwashers that operate with an electrical supply of 115 volts.* Maintain the electrical supply to the dishwasher within two percent of 115 volts and within one percent of the nameplate frequency as specified by the manufacturer.

2.2.2 *Dishwashers that operate with an electricial supply of 240 volts.* Maintain the electrical supply to the dishwasher within two percent of 240 volts and within one percent of its nameplate frequency as specified by the manufacturer

* * * * *

2.3.3 *Dishwashers. to be tested at a nominal 50°F inlet water temperature.* Maintain the water supply temperature between 48°F and 52°F.

* * * * *

2.6.2 *Dishwashers to be tested at a nominal inlet water temperature of 50°F or 120°F.* The dishwasher shall be tested or normal cycle and the truncated normal cycle with a test load of eight place settings plus six serving pieces as specified in section 6.1.1 of AHAM Standard DW–1. If the capacity of the dishwasher, as stated by the manufacturer, is less than eight place setting then the test load shall be that capacity.

2.7 *Testing requirements.* Provisions in this Appendix pertaining to dishwashers which operate with a nominal inlet temperature of 50°F or 120°F shall apply only to water heating dishwashers.

* * * * *

3.2.3 *Dishwashers that operate with a nominal inlet water temperature of 50°F.* Measure the machine electrical energy consumption, M, specified as the number of kilowatt-hours of electrical energy consumed during the entire test cycle using a water supply temperature as set forth in 2.3.3 of this appendix. Use a kilowatt-hour meter having a resolution no longer than 0.001 kilowatt-hours and a maximum error no greater than one percent.

* * * * *

4.3.3 *Dishwashers that operate with a nominal inlet water temperature of 50°F.* Use the measured value recorded at 3.2.3 as the per-cycle machine electrical consumption, M, expressed in kilowatt-hours per-cycle.

* * * * *

[FR Doc. 87–28691 Filed 12–14–87; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87–NM–43–AD; Amdt. 39–5809]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD), applicable to certain Boeing Model 727 series airplanes, which requires replacement of the original main landing gear (MLG) downlock crank with a new steel part, and inspection and replacement, if necessary, of the MLG manual extension support yoke attach bolts. This action is prompted by several reports of incidents involving difficulty in properly extending the main landing gear, and a recent re-evaluation of the MLG lock system, which identified a history of failure of certain components. Failure of the aluminum MLG downlock crank or MLG manual extension support yoke attach bolts could result in the inability to properly extend the MLG, which could result in a wheels-up landing.

EFFECTIVE DATE: February 2, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Stanton R. Wood, Airframe Branch, ANM–120S; telephone (206) 431–1924. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which would require replacement of the original main landing gear (MLG) downlock crank with a new steel part, and inspection and replacement, if necessary, of the MLG manual extension support yoke attach bolts on certain Boeing Model 727 series airplanes was published in the **Federal Register** on June 5, 1987 (52 FR 21314). The comment period for the proposal closed on July 27, 1987.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter stated that the proposed AD is similar to the previously issued AD 79–04–01, Revision 3, which, because of its repetitive inspection requirements, is still an active AD. Therefore, the commenter believes that the proposed AD should be incorporated into AD 79–04–01. The FAA does not concur with this comment. Since AD 79–04–01 requires that modifications and a maintenance/overhaul program be implemented prior to July 1, 1982, the FAA has concluded that any amendment to the existing AD would only create confusion. Therefore, the FAA has determined that issuance of a new AD is appropriate.

The commenter also suggested that the proposed AD be revised to indicate that installation of the steel cranks and oversize bolts constitutes terminating action for the proposed AD, and that no further action is necessary on the part of the operators. The FAA does not occur with this comment. The requirements of this AD are "one-time-only" actions: A one-time inspection to determine if certain MLG manual extension support yoke attach bolts must be replaced, and a one-time replacement of the MLG downlock cranks. In light of this, and the fact that there are no requirements for repetitive inspections or replacement, the FAA has determined it to be unnecessary to include language in the final rule as to what constitutes "terminating action" to a one-time requirement.

Paragraph A. of the final rule has been revised to clarify the requirement that replacement of the yoke attach bolts, if necessary, must be made prior to further flight.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule, with the change noted above.

It is estimated that 100 airplanes of U.S. registry will be affected by this AD, that it will take approximately 10 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. The cost of parts is estimated to be $250 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $65,000.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because few, if any, Model 727 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 727 series airplanes through Line Number 1607, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent main landing gear (MLG) failure to extend properly as a result of structural failure in the lock system, accomplish the following:

A. For airplanes listed in Boeing Service Bulletin 727-32-251, dated March 11, 1977: Within the next 3,000 landings after the effective date of this AD, inspect the MLG manual extension support yoke attach bolts (2 on each gear) for size and condition, and replace with larger bolts, if necessary, prior to further flight, in accordance with Boeing Service Bulletin 727-32-251, dated March 11, 1977, or later FAA-approved revision.

B. For airplanes listed in Boeing Service Bulletin 727-32-237, Revision 3, dated September 19, 1980, that have not been modified in accordance with Boeing Service Bulletin 727-32-275, dated March 28, 1980, or later FAA-approved revisions: Prior to the accumulation of 25,000 landings or within one year after the effective date of this AD, whichever occurs later, replace the aluminum MLG downlock cranks with new steel cranks in accordance with Boeing Service Bulletin 727-32-237, Revision 3, dated September 19, 1980, or later FAA-approved revision.

C. For airplanes listed in Boeing Service Bulletin 727-32-286, Revision 1, dated December 12, 1980, that have not been modified in accordance with Boeing Service Bulletin 727-32-275, dated March 28, 1980, or later FAA-approved revisions: Prior to the accumulation of 25,000 landings or within one year after the effective date of this AD, whichever occurs later, replace the aluminum MLG downlock cranks with new steel cranks in accordance with Boeing Service Bulletin 727-32-286, Revision 1, dated December 12, 1980, or later FAA-approved revision.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 2, 1988.

Issued in Seattle, Washington, on December 3, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-28586 Filed 12-14-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Part 3280

[Docket No. R-87-1274; FR-2137]

Manufacturing Home Construction and Safety Standards

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule contains technical amendments to clarify the Manufactured Home Construction and Safety Standards.

EFFECTIVE DATE: Under section 7(o)(3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(3)), this final rule cannot become effective until after the first period of 30 calendar days of continuous session of Congress which occurs after the date of the rule's publication. HUD will publish a notice of the effective date of this rule following expiration of the session-day waiting period. Whether or not the statutory waiting period has expired, this rule will *not* become effective until HUD's separate notice is published announcing a specific effective date.

FOR FURTHER INFORMATION CONTACT: Mr. Mark W. Holman, Manufactured Housing and Construction Standards Division, Department of Housing and Urban Development, 451 Seventh Street SW., Room 9156, Washington, DC 20410-8000. Telephone (202) 755-6590. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 12, 1987 (52 FR 4574), the Department published a final rule in the **Federal Register** which revised its Manufactured Home Construction and Safety Standards to incorporate current and more appropriate reference standards and to delete specific entrance location and placement requirements for water, drain, gas, and electric utility connections for manufactured homes.

This final rule contains technical amendments to the rule published on February 12, 1987 and does not change its substance.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of

1969. The Find of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket at Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulations, issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs of prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities. This rule only contains technical amendments to the Manufactured Home Construction and Safety Standards final rule published in the **Federal Register** on February 12, 1987.

The information collection requirements contained in Part 3280 have been approved by the OMB and the OMB approval numbers are displayed in the text of the existing regulations. The final rule contains no new or altered information collection requirements.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on October 26, 1987 (52 FR 40358) under Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 3280

Fire prevention, Housing standards, Mobile homes.

Accordingly, Part 3280 is amended as follows:

PART 3280—[AMENDED]

1. The authority citation for 24 CFR Part 3280 continues to read as follows:

Authority: Secs. 604 and 625 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5403 and 5424; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

2. Section 3280.4, the alphabetical listing of referenced standards is amended to substitute the following address for the National Forest Products Association:

§ 3280.4 Incorporation by reference.

* * * * * *

(N)FPA—National Forest Products Association, 1250 Connecticut Avenue, Washington, DC 20036

* * * * * *

§ 3280.8 [Amended]

3. In § 3280.8(c), the undesignated paragraph beginning with the word "however" is removed.

4. Section 3280.203 is amended by adding paragraphs (a)(1) and (2), and a parenthetical phrase at the end of paragraph (a) to read as follows:

§ 3280.203 Flame spread limitations and fire protection requirements.

(a) * * *

(1) Flame-spread rating—76 to 200.

(i) .035-inch or thicker high pressure laminated plastic panel countertop;

(ii) ¼-inch or thicker unfinished plywood with phenolic or urea glue;

(iii) Unfinished dimension lumber (1-inch or thicker nominal boards);

(iv) ⅜-inch or thicker unfinished particleboard with phenolic or urea binder;

(v) Natural gum-varnished or latex or alkyd-painted:

(A) ¼-inch or thicker plywood, or

(B) ⅜-inch or thicker particleboard, or

(C) 1-inch or thicker nominal board;

(vi) $^{5}/_{16}$-inch gypsum board with decorative wallpaper; and

(vii) ¼-inch or thicker unfinished hardboard.

(2) Flame-spread rating—25 to 200.

(i) Painted metal;

(ii) Mineral-base acoustic title;

(iii) $^{5}/_{16}$-inch or thicker unfinished gypsum wallboard (latex- or alkyd-painted); and

(iv) Ceramic tile.

(The above-listed material applications do not waive the requirements of § 3280.203(c) or § 3280.204 of this subpart)

* * * * * *

5. In § 3280.511(a)(1), the quoted information to be supplied in the Comfort Cooling Certificate is amended by removing the paragraph which begins with the words "The temperature to be specified * * *".

6. In § 3280.511(a)(1), in the material captioned "*Example Alternate I*", the quotation mark at the end of *Example Alternate I* is removed, and a new paragraph is added at the end of the example, to read as follows:

§ 3280.511 Comfort cooling certificate and information.

(a) * * *

(1) * * *

Example Alternate I * * *

Information necessary to calculate cooling loads at various locations and orientations is provided in the special comfort cooling information provided with this manfactured home.

* * * * * *

§ 3280.602 [Amended]

7. In § 3280.602(a)(49), the word "verticle" is revised to read "vertical".

§ 3280.611 [Amended]

8. In § 3280.611(d)(5), the reference to "EWV grade" is revised to read "DWV grade".

§ 3280.705 [Amended]

9. In § 3280.705(l)(1), the word "connection" is removed and the word "connector" is substituted in its place.

§ 3280.70 [Amended]

10. In § 3280.706(b)(4), the reference to "(ASTM A 539-73)" is removed and "(ASTM A 539-83)" is substituted in its place.

11. In § 3280.707, at the end of paragraph (d)(2), the following material is added:

§ 3280.707 Heat producing appliances.

* * * * * *

(d) * * *

(2) * * *

Storage capacity in gallons	Recovery efficiency	Standby loss
Less than 25	At least 75 percent	Not more than 7.5 percent.
25 up to 35	00	Not more than 7 percent.
35 or more	00	Not more than 6 percent.

* * * * * *

§ 3280.803 [Amended]

12. In § 3280.803(k)(3)(ii), the abbreviation "NFA" is removed and "NFPA" is substituted in its place.

13. In § 3280.803(k)(3)(iii), the abbreviation "NEPA" is removed and "NFPA" is substituted in its place.

§ 3280.806 [Amended]

14. In § 3280.806(a)(2), the period at the end is removed and "; and" is substituted in its place.

Date: November 5, 1987.

Thomas T. Demery,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 87-28692 Filed 12-14-87; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[T.D. 8168]

Income Tax; Consent Dividends

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations that amend the Income Tax Regulations under the consent dividend provisions of section 565 of the Internal Revenue Code of 1986. A review of the legislative history of section 565 has prompted a clarification of certain provisions of the regulations under section 565. The amendments to the regulations will provide the public with the new guidance needed to comply with section 565. The text of these temporary regulations also serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the Federal Register.

EFFECTIVE DATE: These regulations, as well as the deletions to the existing final regulations, are effective for tax years ending after December 15, 1987.

FOR FURTHER INFORMATION CONTACT: David Bergkuist of the Office of the Associate Chief Counsel (International) within the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224 (Attention:CC:LR:T (INTL–312–87)) (202–566–6457, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations that amend the Income Tax Regulations (26 CFR Part 1) under section 565 of the Internal Revenue Code of 1986 to clarify the scope of the consent dividend provisions of the Code.

Need for Temporary regulations

The proper application of section 565 is dependent upon the Internal Revenue Service providing detailed specifications of the manner in which the requirements of the statute will be administered. As a result of a review of section 565, it has been determined that it is necessary to clarify the regulations under section 565. Because of the need for immediate guidance in this regard, the Internal Revenue Service has found it to be impractical to issue these temporary regulations either with notice and public comment procedure under section 553(b) of title 5 of the United States Code, or under the effective date limitation of section 553(d) of title 5.

Legislative History of Consent Dividend Provisions

The consent dividend provisions were enacted in 1938 as a relief measure against a then generally applicable tax on undistributed corporate profits. This tax formed a part of the basic corporate income tax. The consent dividend provisions were intended to apply equally as broadly as did the tax upon undistributed profits because the consent dividend provisions were intended to provide relief from that tax. The tax on undistributed profits has expired by the time the Internal Revenue Code of 1954 was enacted. The consent dividend provisions were retained in the 1954 Code as a relief measure for a corporation that was required to distribute its earnings but was prevented from distributing cash because of loan restrictions, insufficiency of liquid resources, or other reasons. However, the regulation under section 565 did not make clear that they apply only to corporations or other taxable entities required to distribute their earnings.

Restricted Applicability of Consent Dividend Provisions

Taxable entities required to distribute their earnings are corporations subject to the accumulated earnings tax, personal holding companies, foreign personal holding companies, regulated investment companies, and real estate investment trusts. The amendments to the regulations clarify that the consent dividend provisions apply only to these entities. These amendments do not affect those provisions of the temporary regulations under section 367 (§ 7.367 (b)–9(f) and 7.367 (b)–10(f)) which permit United States shareholders to increase their basis in foreign corporations involved in certain reorganizations and distributions by the amount of earnings and profits of lower-tier foreign corporations on the condition that an election is made to treat such earnings and profits as having been distributed as dividends through intervening corporations to the upper-tier foreign corporation. This procedure differs from a consent dividend election under section 565 in that the electing shareholder is not treated as having received a dividend, and the election is not made with respect to stock held directly by the electing shareholder. The basis adjustment under these provisions is therefore not a consent dividend under section 565, but it is made in accordance with a prodecure that is similar in form to a consent dividend election under that section.

In addition, the Service understands that, in certain circumstances, members of affiliated groups filing consolidated returns have elected consent dividends under section 565, without regard to whether they are required to distribute earnings, for the purpose of preventing the application of § 1.1502–32 (g). Generally, where a subsidiary leaves a consolidated group, §1.1502–32 (g) requires that the members of the group reduce the basis of any stock of the subsidiary that they own on the first day of the subsidiary's first separate return year by the amount of any basis increases in the stock under § 1.1502–32 for all consolidated return years. For this purpose, a year in which a subsidiary is included in the consolidated return of another group is considered a separate return year (*e.g.*, a year where the member of the affiliated group owning the stock of the subsidiary is acquired by another affiliated group filing a consolidated return.)

As noted above, a subsidiary cannot make a consent dividend unless it is a corporation subject to the accumulated earnings tax, a personal holding company, a foreign personal holding company, a regulated investment company, or a real estate investment trust. The Service is studying the feasibility of changes in the consolidated return regulations that would alleviate the application of the § 1.1502–32 (g) adjustment for those corporations that do not qualify under § 1.565–1 to make a consent dividend. Among the changes being considered is an exception similar to the expections under present law (such as § 1.1502–13 (f) (2)) that eliminates some of the effects of deconsolidation in certain circumstances where a group is acquired by another group filing consolidated returns. Guidance will be provided to taxpayers with respect to this issue in sufficient time to meet their tax return filing requirements.

Executive Order 12291, Regulatory Flexibility Act and Paperwork Reduction Act

It has been determined that this temporary regulation is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. A general notice of proposed rulemaking is not required by 5 U.S.C. 553 for temporary regulations. Accordingly, the temporary regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

The collection of information requirements contained in this regulation have been submitted to the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1980. These requirements have been approved by OMB under control number 1545–0043.

Drafting Information

The principal authors of these regulations are David Bergkuist of the Office of the Associate Chief Counsel (International) within the Office of Chief Counsel and Susan Thompson Baker of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects

26 CFR 1.561–1 Through 1.565–6

Income Taxes, Deduction for dividends paid.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Parts 1 and 602 are amended as follows:

PART 1—[AMENDED]

Paragraph 1. The authority for Part 1 continues to read in part:

Authority: 26 U.S.C. 7805. * * *

§ 1.565–1 [Removed]

Par. 2. Section 1.565–1 is hereby removed.

Par. 3. The following new § 1.565–1T is added immediately after § 1.564–1.

§ 1.565–1T General rule (temporary).

(a) *Consent dividends.* The dividends paid deduction, as defined in section 561, includes the consent dividends for the taxable year. A consent dividend is a hypothetical distribution (as distinguished from an acutal distribution) made by:

(1) A corporation that has a reasonable basis to believe that it is subject to the accumulated earnings tax imposed in Part I of Subchapter G, Chapter 1 of the Code, or

(2) A corporation described in Part II (personal holding companies) or Part III (foreign personal holding companies)of Subchapter G or in Part I (regulated investment companies) or Part II (real estate investment trusts) of Subchapter M, Chapter 1 of the Code.

A consent dividend may be made by a corporation described in this paragraph to any person who owns consent stock on the last day of the taxable year of such corporation and who agrees to treat the hypothetical distribution as an actual dividend, subject to the limitations in section 565, § 1.565–2T, and paragraph (c)(2) of this section, by filing a consent at the time and in the manner specified in paragraph (b) of this section.

(b) *Making and filing of consents.* (1) A consent shall be made on Form 972 in accordance with this section and the instructions on the form issued therewith. It may be made only by or on behalf of a person who was the actual owner on the last day of the corporation's taxable year of any class of consent stock, that is, the person who would have been required to include in gross income any dividends on such stock actually distributed on the last day of such year. Form 972 shall contain or be verified by a written declaration that it is made under the penalties of perjury. In the consent such person must agree to include in gross income for his taxable year in which or with which the taxable year of the corporation ends a specific amount as a taxable dividend.

(2) See paragraph (c) of this section and § 1.565–2T for the rules as to when all or a portion of the amount so specified will be disregarded for tax purposes.

(3) A consent may be filed at any time not later than the due date of the corporation's income tax return for the taxable year for which the dividends paid deduction is claimed. With such return, and not later than the due date thereof, the corporation must file Forms 972 duly executed by each consenting shareholder, and a return on Form 973 showing by classes the stock outstanding on the first and last days of the taxable year, the dividend rights of such stock, distributions made during the taxable year to shareholders, and giving all the other information required by the form. Form 973 shall contain or be verified by a written declaration that is made under the penalties of perjury.

(c) *Taxability of amounts specified in consents.* (1) The filing of a consent is irrevocable, and except as otherwise provided in section 565(b), § 1.565–2T, and paragraph (c)(2) of this section, the full amount specified in a consent filed by a shareholder of a corporation described in paragraph (a) of this section shall be included in the gross income of the shareholder as a taxable dividend. Where the shareholder is taxable on a dividend only if received from sources within the United States, the amount specified in the consent of the shareholder shall be treated as a dividend from sources within the United States in the same manner as if the dividend had been paid in money to the shareholder on the last day of the corporation's taxable year. See paragraph (b) of this section relating to the making and filing of consents, and section 565(e) and § 1.565–5T, with respect to the payment requirement in the case of nonresident aliens and foreign corporations.

(2) To the extent that the Commissioner determines that the corporation making a consent dividend is not a corporation described in paragraph (a) of this section, the amount specified in the consent is not a consent dividend and the amount specified in the consent will not be included in the gross income of the shareholder. In addition, where a corporation is described in paragraph (a)(1) of this section, but not paragraph (a)(2) of this section, to the extent that the Commissioner determines that the amount specified in a consent is larger than the amount of earnings subject to the accumulated earnings tax imposed by Part I of Subchapter G, such excess is not a consent dividend under paragraph (a) of this section and will not be included in the gross income of the shareholder.

(3) Except as provided in section 565(b), § 1.565–2T and paragraph (c)(2) of this section, once a shareholder's consent if filed, the full amount specified in such consent must be included in the shareholder's gross income as a taxable dividend, and the ground upon which a deduction for consent dividends is denied the corporation does not affect the taxability of a shareholder whose consent has been filed for the amount specified in the consent. For example, although described in Part I, II, or III, of Subchapter G, or Part I or II of subchapter M, Chapter I of the Code, the corporation's taxable income (as adjusted under section 535(b), 545(b), 556(b), 852(b)(2), or 857(b)(2), as appropriate) may be less than the total of the consent dividends.

(4) A shareholder who is a nonresident alien or a foreign corporation is taxable on the full amount of the consent dividend that otherwise qualifies under this section even though that payment has not been made as required by section 565(e) and § 1.565–5T.

(5) Income of a foreign corporation is not subject to the tax on accumulated earnings under Part I, of Subchapter G,

Chapter 1 of the Code except to the extent of U.S. source income, adjusted as permitted under section 535. See section 535(b) and (d) and § 1.535–1(b). Therefore, foreign source earnings (other than those distributions subject to resourcing under section 535(d)) of a foreign corporation that is not described in paragraph (a)(2) of this section cannot qualify for consent dividend treatment. Accordingly, a consent dividend made by a foreign corporation described in paragraph (a)(1) of this section shall not be effective with respect to all of the corporation's earnings, but shall relate solely to earnings which would have been, in the absence of the consent dividend, subject to the accumulated earnings tax.

§ 1.565–2 [Removed]

Par. 4. Section 1.565–2 is hereby removed.

Par. 5. The following new § 1.565–2T is added immediately after § 1.565–1T.

§ 1.565–2T Limitations (temporary).

(a) Amounts specified in consents filed by shareholders or other beneficial owners of a corporation described in § 1.565–1T(a) are not treated as consent dividends to the extent that—

(1) They would constitute a preferential dividend; or

(2) They would not constitute a dividend (as defined in section 316), if distributed in money to shareholders on the last day of the taxable year of the corporation. If any portion of any amount specified in a consent filed by a shareholder of a corporation described in the preceding sentence is not treated as a consent dividend under section 565(b) and this section, it is disregarded for all tax purposes. For example, it is not taxable to the consenting shareholder, and paragraph (c) of § 1.565–1T is not applicable to this portion of the amount specified in the consent.

(b) (1) A preferential distribution is an actual distribution, or a consent distribution, or a combination of the two, which involves a preference to one or more shares of stock as compared with other shares of the same class or to one class of stock as compared with any other class of stock. See section 562(c) and § 1.562–2.

(2) The application of section 565 (b) (1) may be illustrated by the following examples:

Example (1). The X Corporation, a personal holding company, which makes its income tax returns on the calendar year basis, has 200 shares of stock outstanding, owned by A and B in equal amounts. On December 15, 1987, the corporation distributes $600 to B and $100 to A. As a part of the same distribution, A executes a consent to include $500 in high gross income as a taxable dividend although such amount is not distributed to him. The X Corporation, assuming the other requirements of section 565 have been complied with, is entitled to a consent dividends deduction of $500. Although the consent dividend is deemed to have been paid on December 31, 1987, the last day of the taxable year of the corporation, they constitute a single nonpreferential distribution of $1200.

Example (2). The Y corporation, a personal holding company, which makes it income tax returns on the calendar year basis, has one class of consent stock outstanding, owned in equal amounts by A, B, and C. On December 15, 1987, the corporation makes a distribution in cash of $5,000 each to A and B, and $3,000 to C. The distribution is preferential. If A and B, each receive a distribution in cash $5,000 and C consents to include $3,000 in gross income as a taxable dividend, the combined actual and consent distribution is preferential. Similarly, if no one receives a distribution in cash, but A and B each consents to include $5,000 as a taxable dividend in gross income and C agrees to include only $3,000, the consent distribution is preferential.

Example (3). The Z Corporation, which makes its income tax returns on the calendar year basis and is subject, for the taxable year in question, to the accumulated earnings tax, has only two classes of stock outstanding, each class being consent stock and consisting of 500 shares. Class A, with a par value of $40 per share, is entitled to two-thirds of any distribution of earnings and profits. Class B, with a par value of $20 per share, is entitled to one-third of any distribution of earnings and profits. On December 15, 1987, there is distributed on the class B stock $2 per share, or $1,000, and shareholders of the class A stock consent to include in gross income amounts equal to $2 per share, or $1,000. The distribution is preferential, inasmuch as the class B stock has received more than its pro rata share of the combined amounts of the actual distributions and the consent distributions.

(c)(1) An additional limitation under section 565(b) is that the amounts specified in consents which may be treated as consent dividends cannot exceed the amounts which would constitute a dividend (as defined in section 316) if the corporation had distributed the total specified amounts in money to shareholders on the last day of the taxable year of the corporation. If only a portion of such total would constitute a dividend, then only a corresponding portion of each specified amount is treated as a consent dividend.

(2) The application of section 565 (b)(2) may be illustrated by the following example:

Example. The X Corporation, a personal holding company, which makes its income tax returns on the calendar year basis, has only one class of stock outstanding, owned in equal amounts by A and B. It makes no distributions during the taxable year 1987. Its earnings and profits for the calendar year 1987 amount to $8,000, there being at the beginning of such year no accumulated earnings or profits. A and B execute proper consents to include $5,000 each in their gross income as a dividend received by them on December 31, 1987. The sum of the amounts specified in the consents executed by A and B is $10,000, but if $10,000 had actually been distributed by the X corporation on December 31, 1987, only $8,000 would have constituted a dividend under section 316(a). The amount which could be considered as consent dividends in computing the dividends paid deduction for purposes of the accumulated earnings tax is limited to $8,000, or $4,000 of the $5,000 specified in each consent. The remaining $1,000 in each consent is disregarded for all tax purposes. The amount which could be considered as consent dividends in computing the dividends paid deduction for purposes of the personal holding company tax is $10,000 (assuming that the undistributed personal holding company income, determined without regard to distributions under section 316(b)(2), is equal to at least that amount). In that event, A and B would each include $5,000 in gross income as a dividend received on December 31, 1987.

§ 1.565–3 [Removed]

Par. 6. Section 1.565–3 is hereby removed.

Par. 7. The following new § 1.565–3T is added immediately after § 1.565–2T.

§ 1.565–3T Effect of consent (temporary).

(a) The amount of the consent dividend that is described in paragraph (a) of § 1.565–1T shall be considered, for all purposes of the Code, as if it were distributed in money by the corporation to the shareholder on the last day of the taxable year of the corporation, received by the shareholder on such day, and immediately contributed by the shareholder as paid-in capital to the corporation on such day. Thus, the amount of the consent dividend will be treated by the shareholder as a dividend. The shareholder will be entitled to the dividends received deduction under section 243 or 245 with respect to such consent dividend. The basis of the shareholder's consent stock in a corporation will be increased by the amount thus treated in his hands as dividend which he is considered as having contributed to the corporation as paid-in capital. The amount of the current dividend will also be treated as a dividend received from sources within the United States in the same manner as if the dividend has been paid in money to the shareholders. Among other effects of the consent dividend, the earnings and profits of the corporation will be decreased by the amount of the consent dividends. Moreover, if the shareholder is a corporation, its accumulated earnings and profits will be increased by the amount of the consent dividend with respect to which it makes a consent.

(b) The application of section 565 (c) to a corporate shareholder may be illustrated by the following example:

Example. Corporation A, a personal holding company and a calendar year taxpayer, has one shareholder, individual B, whose consent to include $10,000 in his gross income for the calendar year 1987 has been timely filed. A has $8,000 of earnings and profits in 1987 and had no accumulated earnings and profits at the beginning of 1987. A has $10,000 of undistributed personal holding company income (determined without regard to distributions under section 316(b)(2)) for 1987. B must include $10,000 in his gross income as a taxable income and is treated as having immediately contributed $10,000 to A as paid-in capital. See section 316(b)(2).

§ 1.565–5 [Removed]

Par. 8. Section 1.565–5 is hereby removed.

Par. 9. The following new § 1.565–5T is added immediately after § 1.565–4.

§ 1.565–5T Nonresident aliens and foreign corporations (temporary).

In the event that any consent filed by a corporation that is described in paragraph (a) of § 1.565–1T is made by a shareholder to whom the payment of a dividend in cash on the last day of the taxable year of the corporation would have made it necessary for the corporation to deduct and withhold any amount as a tax under section 1441 or section 1442, such consent, when filed by the corporation, must be accompanied by payment of the amount which would have been required to be deducted and withheld if the amount specified in such consent had, on the last day of the corporation's taxable year, been paid to the shareholder in cash as a dividend. Such payment must be in one of the following forms:

(a) Cash;

(b) United States postal money order;

(c) Certified check drawn on a domestic bank, provided that the law of the place where the bank is located does not permit the certification to be rescinded prior to presentation;

(d) A cashier's check of a domestic bank, or

(e) A draft on a domestic bank or a foreign bank maintaining a United States agency or branch and payable in United States funds.

The amount of such payment shall be credited against the tax imposed on the shareholder.

§ 1.565–6 [Removed]

Par. 10. Section 1.565–6 is hereby removed.

Par. 11. The following new § 1.565–6T is added immediately after § 1.565–5T.

§ 1.565–6T Definitions (Temporary).

(a) *Consent stock.* (1) The term "consent stock" includes what is generally known as common stock. It also includes participating preferred stock, the participation rights of which are unlimited.

(2) The definition of consent stock may be illustrated by the following example:

Example. If in the case of the X Corporation, a personal holding company, there is only one class of stock outstanding, it would all be consent stock. If, on the other hand, there were two classes of stock, class A and class B, and class A was entitled to 6 percent before any distribution could be made on class B, but class B was entitled to everything distributed after class A had received its 6 percent, only class B stock would be consent stock. Similarly, if class A, after receiving its 6 percent, was to participate equally or in some fixed proportion with class B until it had received a second 6 percent, after which class B alone was entitled to any further distributions, only class B stock would be consent stock. The same result would follow if the order of preferences were class A 6 percent, then class B 6 percent, then class A a second 6 percent, either alone or in conjunction with class B, then class B the remainder. If, however, class A stock is entitled to ultimate participation without limit as to amount, then it, too, may be consent stock. For example, if class A is to receive 3 percent and then share equally or in some fixed proportion with class B in the remainder of the earnings or profits distributed, both class A stock and class B stock are consent stock.

(b) *Preferred dividends.* (1) The term "preferred dividends" includes all fixed amounts (whether determined by percentage of par value, a stated return expressed in a certain number of dollars per share, or otherwise) the distribution of which on any class of stock is a condition precedent to a further distribution of earnings or profits (not including a distribution in partial or complete liquidation). A distribution, though expressed in terms of a fixed amount, is not a preferred dividend, however, unless it is preferred over a subsequent distribution within the taxable year upon some class or classes of stock other than one on which it is payable.

(2) The definition of preferred dividends may be illustrated by the following example:

Example. If, in the case of the X Corporation, there are only two classes of stock outstanding, class A and class B, and class A is entitled to a distribution of 6 percent of par, after which the balance of the earnings and profits are distributable on class B exclusively, class A's 6 percent is a preferred dividend. If the order of preferences is class A $6 per share, class B $6 per share, then class A and class B in fixed proportions until class A receives $3 more per share, then class B the remainder, all of class A's $9 per share and $6 per share of the amount distributable on class B are preferred dividends. The amount which class B is entitled to receive in conjunction with the payment to class A of its last $3 per share is not a preferred dividend, because the payment of such amount is preferred over no subsequent distribution except one made on class B itself. Finally, if a distribution must be $6 on class A, $6 on class B, then on class A and class B share and share alike, the distribution on class A of $6 and the distribution on class B of $6 are both preferred dividends.

PART 602—[AMENDED]

Par. 12. The authority for Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Amended]

Par. 13. Section 602.101(c) is amended by inserting in the appropriate place in the table:

§ 1.565–1T	1545–0043
§ 1.565–2T	1545–0043
§ 1.565–3T	1545–0043
§ 1.565–5T	1545–0043
§ 1.565–6T	1545–0043

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Approved: October 14, 1987.

O. Donaldson Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 87–28635 Filed 12–11–87; 9:13 am]

BILLING CODE 4830–01–M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 19, 25, 240, 250, 270, 275, and 285

[T.D. ATF—262; Re: Notice Nos. 617, 622]

Timely Remittance of Tax by Electronic Fund Transfer

AGENCY: The Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms is amending ATF regulations implementing 26 U.S.C. 5061(e) and 5703(b), relating to the payment of tax on distilled spirits, wine, beer, tobacco products, and cigarette papers and tubes by electronic fund

transfer (EFT). The amendments establish that a remittance of tax by electronic fund transfer is considered made when the payment is paid to a Federal Reserve Bank.

EFFECTIVE DATE: January 14, 1988.

FOR FURTHER INFORMATION CONTACT: David Brokaw, Procedures Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, DC, 20226; (202) 566–7602.

SUPPLEMENTARY INFORMATION: This final rule is based on a notice of proposed rulemaking published in the **Federal Register** on January 26, 1987, at 52 FR 2725, Notice No. 617.

In response to that notice, ATF received written comments from the Association of American Vintners, the Distilled Spirits Council of the United States, Inc., the National Liquor Stores Association, Inc., the Kobrand Corporation and the National Association of Beverage Importers, Inc. Each of the above organizations requested additional time to gather data and to formulate comments. ATF also received verbal inquiries concerning additional time for comments from interested parties directly affected by the issue raised in Notice No. 617.

On February 26, 1987, ATF Published Notice No. 622 (52 FR 5790) extending the comment period until April 15, 1987. In response to both notices ATF received 40 comments. All of the comments recommended that the proposed amendments not be enacted. In addition, two of the comments requested that a public hearing be scheduled pursuant to 27 CFR 71.41(a)(2) if the Bureau was not persuaded by the written comments to withdraw the proposal. The Bureau has decided that the proposed revisions should be adopted and that a hearing is not necessary since the revisions merely correct technical discrepancies in the regulations and will protect the government's interest.

The regulatory revisions are necessary to correct technical discrepancies in ATF regulations implementing 26 U.S.C. 5061(e) and 5703(b) relating to the payment of tax on distilled spirits, wine, beer, tobacco products, and cigarette papers and tubes by electronic fund transfer (EFT). 26 U.S.C. 5061(e)(1) provides that any person who was liable in the previous 12-month period for a gross amount equal to or exceeding $5,000,000 in taxes imposed on distilled spirits, wines, or beer "shall pay such taxes during the succeeding calendar year by electronic fund transfer to a Federal Reserve Bank." 26 U.S.C. 5703(b)(3) contains a similar provision for the payment of taxes on tobacco products and cigarette papers and tubes. The statutes thus clearly contemplate that taxes are paid when they are received by a Federal Reserve Bank.

The regulations in 27 CFR Parts 19, 25, 240, 250, 270, 275, and 285 each contain a paragraph outlining the EFT taxpayer's responsibility in terms similar to the following:

For each return filed in accordance with this part, the taxpayer shall direct the taxpayer's bank to make an electronic fund transfer in the amount of the taxpayment to the Treasury Account as provided in paragraph (e) of this section. The request shall be made to the bank early enough for the transfer to be made to the Treasury Account by no later than the close of business on the last day for filing the return * * *. The request shall take into account any time limit established by the bank.

The regulations in 27 CFR Parts 19, 25, 240, 250, 270, 275, and 285 each contain a paragraph which indicates when remittances are considered made, as follows:

Remittances shall be considered as made when a taypayer unconditionally directs the bank to immediately make an electronic fund transfer in the amount of the taxpayment to the Treasury Account, in accordance with the procedures established by the bank.

ATF believes that these two paragraphs, when read in conjunction, clearly inform the public that the EFT taxpayer is obliged to ensure that the EFT taxpayment arrives at the Treasury Account by the close of business of the last day prescribed for taxpayment. Clearly, EFT taxpayers were put on notice to consult with their banks in order to determine applicable bank procedures and to ensure timely taxpayment in accordance with those procedures. However, ATF has determined that the paragraph which defines remittances has been misinterpreted by some taxpayers as relieving the taxpayer of responsibility for timely remittance once he has directed his bank to make the electronic fund transfer payment. Therefore, as proposed in Notice No. 617, ATF will amend the regulations to indicate that the remittance is considered as made when the taxpayment is credited to the Treasury Account. A taxpayment by electronic fund transfer shall be considered as received by the Treasury Account when it is paid to a Federal Reserve Bank. These amendments make clear that the taxpayer is responsible for timely remittance of taxes to the Treasury Account by electronic fund transfer.

A paragraph in each of the previously cited Parts of 27 CFR is titled "Failure to request an electronic fund transfer message." This paragraph states:

The taxpayer is subject to a penalty imposed by 26 U.S.C. 5684 [or 5761], 6651, or 6656, as applicable, for failure to make a taxpayment by EFT on or before the close of business on the prescribed last day for filing.

The wording of the paragraph penalizes the taxpayer for failure to deposit a taxpayment by EFT. However, the title indicates that the penalty is for failure to request an electronic fund transfer message. The title of this paragraph and subsequent regulations will be changed to reflect the fact that the remittance is considered as made when the taxpayment is received by the Treasury Account. A taxpayment by electronic fund transfer shall be considered as received by the Treasury Account when it is paid to a Federal Reserve Bank.

Comments

The reasons cited in the comments for recommending rejection of the regulatory revisions revolved around the unfair nature of holding the taxpayer responsible for the actions of a third party (bank) over which the taxpayer has no direct control. ATF considers that this argument is not valid since the law holds the taxpayer ultimately responsible for making the required payment on time. However, the Bureau does agree that the taxpayer should only be held responsible for the tax payment until it enters a Federal Reserve Bank, not until it reaches the Treasury Account at the Federal Reserve Bank in New York.

In 1984, when the original regulations were promulgated, only the Federal Reserve Bank in New York had the capacity to receive electronic fund transfers via Fedwire. Now, all of the Federal Reserve Banks have this capacity. ATF believes that for purposes of penalties and interest, a taxpayment made by electronic fund transfer should be considered to have been received by the Treasury Account when it enters a Federal Reserve Bank. Accordingly, the proposed regulatory wording that appeared in Notice No. 617 has been changed to reflect this fact.

The comments also seemed to reflect a widespread perception that this change in the regulatory language reflected a change in Bureau policy, rather than a clarification of that policy. This perception is incorrect. The Bureau's policy has always been that it is the responsibility of the taxpayer to ensure timely payment of taxes to the Treasury Account. ATF Proc. 84–2, A.T.F.Q.B. 1984–3, 85, provided that:

Taxpayments shall be considered as made when the taxpayer unconditionally directs his commercial bank to immediately make an EFT to the Treasury Account in accordance with the procedures established by the bank to ensure that the EFT is effected to the Treasury Account by no later than the close of the business day that the tax return is due. Taxpayers must take into account any time limit established by their commercial bank to timely make the EFT into the Treasury Account. Penalties and interest for late payment may be assessed when an EFT has not been timely credited into the Treasury Account.

This procedure has since been superseded by ATF Proc. 87–3 which provides some new guidelines for the payment of tax by EFT as a result of ATF assuming the deposit function from IRS. However, the policy remains the same. Thus, the change in the regulatory language does not reflect a change in ATF policy. Instead, these regulatory amendments make technical corrections in the regulatory language to prevent any possible misinterpretations by taxpayers.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. This final rule will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantral number of small entities. This final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities. Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule is not a "major rule" since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, or Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is proposed.

Drafting Information

The principal author of this document is David Brokaw of the Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 19

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Claims, Chemicals, Customs duties and inspection, Electronic fund transfer, Excise taxes, Exports, Gasohol, Imports, Labeling, Liquors, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Research, Security measures, Spices and flavorings, Surety bonds, Transportation, Virgin Islands, Warehouses, Wine.

27 CFR Part 25

Administrative practice and procedure, Authority delegations, Beer, Claims, Electronic fund transfer, Excise taxes, Exports, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Research, Surety bonds, Transportation.

27 CFR Part 240

Administrative practice and procedure, Authority delegations, Claims, Electronic fund transfer, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research, Scientific equipment, Spices and flavorings, Surety bonds, Transportation, Vinegar, Warehouses, Wine.

27 CFR Part 250

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Beer, Customs duties and inspection, Electronic fund transfer, Excise taxes, Labeling, Liquors, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Surety Bonds, Transportation, Virgin Islands, Warehouses, Wine.

27 CFR Part 270

Administrative practice and procedure, Authority delegations, Cigars and cigarettes, Claims, Electronic fund transfer, Excise taxes, Labeling, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds.

27 CFR Part 275

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Cigars and cigarettes, Claims, Customs duties and inspection, Electronic fund transfer, Excise taxes, Imports, Labeling, Packaging and containers, Penalties, Puerto Rico, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds, Virgin Islands, Warehouses.

27 CFR Part 285

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Cigars and cigarettes, Claims, Customs duties and inspection, Electronic fund transfer, Excise taxes, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds.

Authority and Issuance

Title 27 CFR is amended as follows:

PART 19—DISTILLED SPIRITS PLANTS

Paragraph 1. The authority citation for Part 19 continues to read as follows:

Authority: 19 U.S.C. 81c, 1311; 26 U.S.C. 5001, 5002, 5004–5006, 5008, 5041, 5061, 5062, 5066, 5101, 5111–5113, 5171–5173, 5175, 5176, 5178–5181, 5201–5207, 5211–5215, 5221–5223, 5231, 5232, 5235, 5236, 5241–5243, 5271, 5273, 5301, 5311–5313, 5362, 5370, 5373, 5501–5505, 5551–5555, 5559, 5561, 5562, 5601, 5612, 5682, 6001, 6065, 6109, 6302, 6311, 6676, 7510, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

Par. 2. Section 19.524(c)(2) is revised and the heading of paragraph (d) is revised to read as follows:

§ 19.524 Payment of tax by electronic fund transfer.

* * * * *

(c) *Remittance.* * * *

(2) Remittances shall be considered as made when the taxpayment by electronic fund transfer is received by the Treasury Account. For purposes of this section, a taxpayment by electronic fund transfer shall be considered as received by the Treasury Account when it is paid to a Federal Reserve Bank.

* * * * *

BEST COPY AVAILABLE

(d) *Failure to make a taxpayment by EFT.* * * *

* * * * *

PART 25—BEER

Par. 3. The authority citation for Part 25 continues to read as follows:

Authority: 5 U.S.C. 552(a); 19 U.S.C. 81c, 1309; 26 U.S.C. 5002, 5051–5054, 5056, 5061, 5091, 5111, 5113, 5142, 5143, 5146, 5222, 5401–5417, 5551, 5552, 5555, 5556, 5671, 5673, 5684, 6011, 6061, 6065, 6091, 6109, 6151, 6301, 6302, 6311, 6313, 6402, 6651, 6656, 6676, 6806, 7011, 7342, 7606, 7805; 31 U.S.C. 9301, 9303–9308.

Par. 4. Section 25.165(c)(2) is revised and the heading of paragraph (d) is revised to read as follows:

§ 25.165 Payment of tax by electronic fund transfer.

* * * * *

(c) *Remittance.* * * *

(2) Remittances shall be considered as made when the taxpayment by electronic fund transfer is received by the Treasury Account. For purposes of this section, a taxpayment by electronic fund transfer shall be considered as received by the Treasury Account when it is paid to a Federal Reserve Bank.

* * * * *

(d) *Failure to make a taxpayment by EFT.* * * *

* * * * *

PART 240—WINE

Par. 5. The authority citation for Part 240 continues to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5001, 5008, 5041, 5042, 5044, 5061, 5062, 5111–5113, 5121, 5122, 5142, 5143, 5173, 5206, 5214, 5215, 5332, 5351, 5353, 5354, 5356–5358, 5361, 5362, 5364–5373, 5381–5388, 5391, 5392, 5551, 5552, 5661, 5662, 5684, 6065, 6091, 6109, 6151, 6301, 6302, 6311, 6651, 6676, 7011, 7302, 7342, 7502, 7503, 7606, 7805, 7851; 27 U.S.C. 205; 31 U.S.C. 9301, 9303, 9304, 9306.

Par. 6. Section 240.591a(c)(2) is revised and the heading of paragraph (d) is revised to read as follows:

§ 240.591a Payment of tax by electronic fund transfer.

* * * * *

(c) *Remittance.* * * *

(2) Remittances shall be considered as made when the taxpayment by electronic fund transfer is received by the Treasury Account. For purposes of this section, a taxpayment by electronic fund transfer shall be considered as received by the Treasury Account when it is paid to a Federal Reserve Bank.

* * * * *

(d) *Failure to make a taxpayment by EFT.* * * *

* * * * *

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

Par. 7. The authority citation for Part 250 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 19 U.S.C. 81c; 26 U.S.C. 5001, 5007, 5008, 5041, 5051, 5061, 5111, 5112, 5114, 5121, 5122, 5124, 5146, 5205, 5207, 5232, 5301, 5314, 5555, 6301, 6302, 6804, 7101, 7102, 7651, 7652, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

Par. 8. Section 250.112a(c)(2) is revised and the heading of paragraph (d) is revised to read as follows:

§ 250.112a Payment of tax by electronic fund transfer.

* * * * *

(c) *Remittance.* * * *

(2) Remittances shall be considered as made when the taxpayment by electronic fund transfer is received by the Treasury Account. For purposes of this section, a taxpayment by electronic fund transfer shall be considered as received by the Treasury Account when it is paid to a Federal Reserve Bank.

* * * * *

(d) *Failure to make a taxpayment by EFT.* * * *

* * * * *

PART 270—MANUFACTURE OF CIGARS AND CIGARETTES

Par. 9. The authority citation for Part 270 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5701, 5703–5705, 5711–5713, 5721–5723, 5741, 5751, 5753, 5761–5763, 6109, 6301, 6302, 6311, 6313, 6402, 6404, 6423, 6676, 7212, 7325, 7342, 7502, 7503, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

Par. 10. Section 270.165a(c)(2) is revised and the heading of paragraph (d) is revised to read as follows:

§ 270.165a Payment of tax by electronic fund transfer.

* * * * *

(c) *Remittance.* * * *

(2) Remittances shall be considered as made when the taxpayment by electronic fund transfer is received by the Treasury Account. For purposes of this section, a taxpayment by electronic fund transfer shall be considered as received by the Treasury Account when it is paid to a Federal Reserve Bank.

* * * * *

(d) *Failure to make a taxpayment by EFT.* * * *

* * * * *

PART 275—IMPORTATION OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

Par. 11. The authority citation for Part 275 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5701, 5703–5705, 5708, 5722, 5723, 5741, 5761–5763, 6301, 6302, 6313, 6404, 7101, 7212, 7342, 7606, 7652, 31 U.S.C. 9301, 9303, 9304, 9306.

Par. 12. Section 275.115a(c)(2) is revised and the heading of paragraph (d) is revised to read as follows:

§ 275.115a Payment of tax by electronic fund transfer.

* * * * *

(c) *Remittance.* * * *

(2) Remittances shall be considered as made when the taxpayment by electronic fund transfer is received by the Treasury Account. For purposes of this section, a taxpayment by electronic fund transfer shall be considered as received by the Treasury Account when it is paid to a Federal Reserve Bank.

* * * * *

(d) *Failure to make a taxpayment by EFT.* * * *

* * * * *

PART 285—MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Par. 13. The authority citation for Part 285 continues to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5701, 5703–5705, 5711, 5721–5723, 5741, 5751, 5753, 5761–5763, 6109, 6302, 6402, 6404, 6676, 7212, 7325, 7342, 7606; 31 U.S.C. 9301, 9303, 9304, 9306.

Par. 14. Section 285.27(c)(2) is revised and the heading of paragraph (d) is revised to read as follows:

§ 285.27 Payment of tax by electronic fund transfer.

* * * * *

(c) *Remittance.* * * *

(2) Remittances shall be considered as made when the taxpayment by electronic fund transfer is received by the Treasury Account. For purposes of this section, a taxpayment by electronic fund transfer shall be considered as received by the Treasury Account when it is paid to a Federal Reserve Bank.

* * * * *

(d) *Failure to make a taxpayment by EFT.* * * *

* * * * *

Signed: August 24, 1987.

Stephen E. Higgins,

Director.

Approved: October 23, 1987.

Francis A. Keating II,

Assistant Secretary (Enforcement).

[FR Doc. 87-28579 Filed 12-14-87; 8:45 am]

BILLING CODE 4810-31-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2613, 2617, and 2619

Guaranteed Benefits; Determination of Plan Sufficiency and Termination of Sufficient Plans; Valuation of Plan Benefits in Single-Employer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Pension Benefit Guaranty Corporation's regulations on Guaranteed Benefits (29 CFR Part 2613), Determination of Plan Sufficiency and Termination of Sufficient Plans (29 CFR Part 2617), and Valuation of Plan Benefits in Single-Employer Plans (29 CFR Part 2619). Those regulations set forth, among other things, rules concerning the circumstances under which benefits in a terminating single-employer pension plan may be paid in an alternative form (that is, a form other than an annuity, such as a lump sum). This rule raises the limit on benefits that may be paid in an alternative form without the recipient's consent from $1,750 to $3,500. The rule is needed to recognize the effects of inflation on the value of small benefits payable under a pension plan.

EFFECTIVE DATE: January 14, 1988.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Corporate Policy and Regulations Department (35400), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006; 202–778–8850 (202–778–8859 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: This final rule increases from $1,750 to $3,500 the limit on benefits that may be paid in a lump sum or other non-annuity form without the recipient's consent under a terminated plan. The amendments adopted herein apply both to guaranteed benefits under a plan trusteed by the Pension Benefit Guaranty Corporation (PBGC) (§ 2613.8(b)(1) of the PBGC's regulation on Guaranteed Benefits) and to benefits under a sufficient plan that is closed out by the plan administrator (§ 2617.4(b)(2) of the PBGC's regulation on Determination of Plan Sufficiency and Termination of Sufficient Plans). This document also makes conforming and technical amendments to the Guaranteed Benefits and Sufficiency regulations and to the PBGC's regulation on Valuation of Plan Benefits in Single-Employer Plans. (This document does not address other aspects of those regulations affected by the Retirement Equity Act of 1984 (REA). Amendments to those regulations dealing with REA issues will be the subject of a future rulemaking proceeding.) These amendments were published in the **Federal Register** in proposed form for public comment on December 12, 1986 (51 FR 44798). One comment, approving the proposal, was received.

The PBGC has made a change from the proposal to clarify that the plan administrator of a sufficient plan must take all of a participant's benefits into account in determining whether the value of the benefits is less than $3,500. In § 2617.4(b)(2), the words "present value of the benefit" have been changed to read "present value of the participant's total benefits under the plan, including amounts previously distributed to the participant." The introductory text of § 2617.4(b) has also been changed to make clear that benefits already in pay status may not be cashed out.

The PBGC has also made a change from the proposal to clarify the applicability of these amendments to plans that have begun but not completed the termination process when the amendments become effective. The PBGC believes that the increased cashout limit should not be applied to participants and beneficiaries who have already been given notices of benefit commitments subject to the existing $1,750 rule. Accordingly, the amendment to § 2617.4(b)(2) has been changed to retain the $1,750 limit for plans that have issued notices of benefit commitments before the effective date of the amendment. Plans issuing notices of benefit commitments after that date will be allowed to use the new $3,500 rule. Plans that close out under the distress termination procedures (which do not provide for a notice of benefit committment) after the effective date of the amendment may also use the $3,500 limit.

In an editorial change from the proposal, the words "payable by the PBGC" have been added following the words "guaranteed benefit" in § 2613.8(b)(1).

The PBGC stresses that neither a plan administrator nor the PBGC as plan trustee is required by PBGC regulations to cash out any benefit simply because its value is less than the limit provided by the regulations. For example, a plan administrator may be required by a plan provision, or the PBGC may decide, to cash out only the benefits that fall below $2,500 or $1,500. In particular, the PBGC may vary from time to time the maximum size of guaranteed benefits it cashes out—while never exceeding $3,500—depending on its cash flow situation and other factors.

Compliance With Rulemaking Guidelines

The PBGC has determined that this rule is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of $100 million or more; nor will it create a major increase in costs or prices for consumers, individual industries, or geographic regions; nor will it have significant adverse effects on competition, employment, investment, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The PBGC certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, that this rule will not have a significant economic effect on a substantial number of small entities. This rule will not have such an impact since it affects only the distribution of benefits of minimal size. Accordingly, compliance with sections 603 and 604 of the Regulatory Flexibility Act is waived.

List of Subjects

29 CFR Part 2613

Employee benefit plans, Pension insurance, Pensions.

29 CFR Part 2617

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 2619

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, Parts 2613, 2617, and 2619 of Subchapters B and C of Chapter XXVI of Title 29, Code of Federal Regulations, are amended as follows:

PART 2613—GUARANTEED BENEFITS

1. The authority citation for Part 2613 is revised to read as follows:

Authority: 29 U.S.C. 1302(b)(3) and 1322, as amended by sec. 11016(c)(9), Pub. L. 99–272, 100 Stat. 274.

2. Section 2613.2 is amended by revising the definition of "Act" to read as follows:

§ 2613.2 Definitions.

* * * * *

"Act" means the Employee Retirement Income Security Act of 1974, as amended.

* * * * *

§ 2613.8 [Amended]

3. Section 2613.8(b)(1) is amended by changing the words "the value of a

guaranteed benefit is $1,750" to read "the value of a guaranteed benefit payable by the PBGC is $3,500" and by removing the phrase "or in any case in which a benefit is payable under a plan for which the PBGC has issued a notice of sufficiency pursuant to section 4041 of the Act,".

§ 2613.8 [Amended]

4. Section 2613.8(b)(2)(i) is amended by changing "§ 2618.7" to read "§ 2618.12" and by removing "(Valuation of Benefits)".

PART 2617—DETERMINATION OF PLAN SUFFICIENCY AND TERMINATION OF SUFFICIENT PLANS

5. The authority citation for Part 2617 is revised to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1341 and 1344, as amended by secs. 11007–11009 and 11016(c)(12)–(c)(13), Pub. L. 99–272, 100 Stat. 244–252 and 274.

6. In § 2617.4, paragraph (b) introductory text and paragraph (b)(2) are revised to read as follows:

§ 2617.4 Requirement for annuities.

* * * * *

(b) *Exceptions.* A benefit that is payable as an annuity under the provisions of a plan need not be provided in annuity form as required by paragraph (a) of this section if the benefit is not in pay status and if—

* * * * *

(2) The present value of the participant's total benefits under the plan, including amounts previously distributed to the participant, determined in accordance with § 2619.26 of this part, is—

(i) In the case of a plan that issues notices of benefit commitments under section 4041(b)(2)(B) of the Act or closes out under section 4041(c)(3)(B) (i) or (ii) of the Act after January 14, 1988, $3,500; and

(ii) In the case of any other plan, $1,750.

* * * * *

PART 2619—VALUATION OF PLAN BENEFITS IN SINGLE-EMPLOYER PLANS

7. The authority citation for Part 2619 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362, as amended by secs. 11004(a), 11007–11009, 11016(c)(12)–(c)(13) and 11011(a), Pub. L. 99–272, 100 Stat. 239–240, 244–252, 274 and 253–257.

§ 2619.26 [Amended]

8. In § 2619.26 paragraph (a) is removed and paragraphs (b) and (c) are redesignated as paragraphs (a) and (b), respectively; newly redesignated paragraph (a)(1) is amended by removing the phrase "payable under this section", and newly redesignated paragraph (b)(1) is amended by changing the reference to "paragraph (b)" to read "paragraph (a)".

Effective Date: January 14, 1988.

Issued at Washington, DC, this 8th day of December 1987.

Dennis E. Whitfield,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued pursuant to a resolution of the Board of Directors approving, and authorizing its chairman to issue, this final regulation.

Gary M. Ford,

Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 87–28766 Filed 12–14–87; 8:45 am]

BILLING CODE 7708–01–M

---

29 CFR Part 2619

Valuation of Plan Benefits in Single-Employer Plans; Expected Retirement Age

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Benefits in Single-Employer Plans (29 CFR Part 2619) by adding a new Table I–88 to Appendix D. Table I–88 is to be used by any terminating pension plan with a valuation date falling in 1988 to determine expected retirement ages for plan participants in order to compute the value of early retirement benefits and, thus, the total value of benefits under the plan.

EFFECTIVE DATE: January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; 202–778–8850 (202–778–8859 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation's ("PBGC's") regulation on Valuation of Plan Benefits in Single-Employer Plans (29 CFR Part 2619) sets forth the methods for valuing plan benefits of terminating single-employer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). Although the amendments to Title IV effected by the Single-Employer Pension Plan Amendments Act of 1986 change significantly the rules for terminating single-employer plans, the rules for valuing benefits in such plans are much the same. Under ERISA section 4041(c), plans wishing to terminate in a distress termination generally must value guaranteed benefits and benefit commitments under the plan using formulas set forth in Part 2619. Plans terminating in a standard termination may also use the formulas in Part 2619 to value benefit commitments for purposes of the notice to the PBGC required by ERISA section 4041(b)(2)(A), although this is not required. (Such plans may value benefit commitments that are payable as annuities on the basis of a qualifying bid obtained from an insurer.)

Under § 2619.46, early retirement benefits are valued according to the annuity starting date, if a retirement date has been selected, or according to the expected retirement age, if the annuity starting date is not known on the valuation date. Subpart D of Part 2619 sets forth rules for determining the expected retirement ages for plan participants entitled to early retirement benefits. Appendices D and E of Part 2619 contain tables and examples to be used in determining the expected early retirement ages.

There are two sets of tables in Appendix D. The first set, Selection of Retirement Rate Category (I–79 through I–87), is used to determine whether a participant has a low, medium, or high probability of retiring early. The second set of tables, Expected Retirement Ages for Individuals in the Low/Medium/High Categories (II–A, II–B, and II–C), is used to determine the expected retirement age after the probability of early retirement has been determined.

The first set of tables determines the probability of early retirement based on the year a participant would reach normal retirement age and the participant's monthly benefit at normal retirement age. The second set of tables establishes, by probability category, the expected retirement age based on both the earliest age a participant could retire under the plan and the normal retirement age under the plan. This expected retirement age is used to compute the value of the early retirement benefit and, thus, the total value of benefits under the plan.

Tables I–79 through I–87 in Appendix D establish retirement rate categories for the calendar years 1979 through 1986. The table for each year applies only to plans with valuation dates in that year. This rule amends Appendix D to add Table I–88 in order to provide an updated correlation, appropriate for calendar year 1988, between the amount of a participant's benefit and the probability that the participant will elect early retirement. Table I–88 will be used to value benefits in plans with valuation dates that occur during calendar year 1988.

The PBGC has determined that notice of and public comment on this rule are impracticable and contrary to the public interest. Plan administrators need to be able to estimate accurately the value of plan benefits as early as possible before initiating the termination process. For that purpose, if a plan has a valuation date in 1988, the plan administrator needs the updated table being promulgated in this rule. Accordingly, the public interest is best served by issuing this table expeditiously, without an opportunity for notice and comment, to allow as much time as possible to estimate the value of plan benefits with the proper table for plans with valuation dates in early 1988. Moreover, because of the need to provide immediate guidance for the valuation of benefits under such plans, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making this amendment to the regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291 because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity or innovation.

Because no general notice of proposed rulemaking is required for this regulation, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

List of Subjects in 29 CFR Part 2619

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, Appendix D to Part 2619 of Chapter XXVI of Title 29, Code of Federal Regulations, is hereby amended as follows:

PART 2619—[AMENDED]

1. The authority citation for Part 2619 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362, as amended by secs. 11004(a), 11007–11009, 11016(c)(12)–(c)(13) and 11011(a), Pub. L. 99–272, 100 Stat. 239–240, 244–252, 274 and 253–257.

2. Appendix D to Part 2619 is amended by adding Table I–88 as follows:

Appendix D—Tables Used to Determine Expected Retirement Age

* * * * *

TABLE I–88—SELECTION OF RETIREMENT RATE CATEGORY

[For plans with valuation dates after Dec. 31, 1987, and before Jan. 1, 1989]

Participant reaches NRA in year—	Participant's Retirement Rate Category is—			
	Low [1] if monthly benefit at NRA is less than—	Medium [2] if monthly benefit at NRA is—	From—	
			High [3] if monthly benefit at NRA is greater than—	To—
1988	297	297	1,250	1,250
1989	307	307	1,295	1,295
1990	317	317	1,337	1,337
1991	326	326	1,374	1,374
1992	333	333	1,404	1,404
1993	341	341	1,435	1,435
1994	348	348	1,467	1,467
1995	356	356	1,499	1,499
1996	364	364	1,532	1,532
1997	372	372	1,566	1,566
1998 or later				

[1] Table II–A.
[2] Table II–B.
[3] Table II–C.

Issued at Washington, DC, this 9th day of December, 1987.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 87–28767 Filed 12–14–87; 8:45 am]

BILLING CODE 7708–01–M

---

29 CFR Part 2621

Limitation on Guaranteed Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the Limitation on Guaranteed Benefits regulation contains the maximum guaranteeable pension benefit that may be paid by the Pension Benefit Guaranty Corporation under Title IV of the Employee Retirement Income Security Act of 1974 ("ERISA") to a plan participant in a covered single-employer pension plan that terminates in 1988. Section 4022(b)(3) of ERISA provides that the maximum benefit guaranteeable by the PBGC is based on the contribution and benefit base determined under section 230 of the Social Security Act. An increase in the contribution and benefit base increases

the dollar amount of the maximum guaranteeable benefit. This amendment is needed to include the dollar amount of the increased maximum guaranteeable benefit for 1988 in the regulation.

EFFECTIVE DATE: January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Renae R. Hubbard, Special Counsel, Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, 202–778–8850 (202–778–8859 for TTY and TTD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The regulation of the Pension Benefit Guaranty Corporation ("PBGC") entitled Limitation on Guaranteed Benefits (29 CFR Part 2621) describes the limitations on benefits guaranteed by the PBGC in terminating single-employer pension plans covered under Title IV of the Employee Retirement Income Security Act of 1974, *as amended* ("ERISA"). One of the limitations, set forth in section 4022(b)(3) of ERISA, is a dollar ceiling on the amount of the monthly benefit that may be paid by the PBGC. The Single-Employer Pension Plan Amendments Act of 1986 amended Title IV to change significantly the rules governing the termination of single-employer plans; however, the rules establishing the maximum monthly guaranteeable benefit were unchanged.

Subparagraph (B) of section 4022(b)(3) provides that the amount of monthly benefit payable in the form of a life annuity beginning at age 65 shall not exceed "$750 multiplied by a fraction, the numerator of which is the contribution and benefit base (determined under section 230 of the Social Security Act) in effect at the time the plan terminates and the denominator of which is such contribution and benefit base in effect in calendar year 1974" ($13,200).

In the Social Security Amendments of 1977, special increases were added to the contribution and benefit base. However, the amended Social Security Act specifically states that, for the purpose of section 4022(b)(3)(B) of ERISA, the contribution and benefit base for each year after 1976 will be the base that would have been determined for each year if the law in effect immediately before the amendment had remained in effect without change. 42 U.S.C. 430(d) (1982).

The PBGC has been notified by the Social Security Administration that the contribution and benefit base for 1988 that is to be used to calculate the PBGC maximum guaranteeable benefit is $33,600. Accordingly, the formula under section 4022(b)(3)(B) of ERISA and 29 CFR 2621.3(a)(2) is: $750 multiplied by $33,600/$13,200. Thus, the maximum benefit guaranteeable by the PBGC in 1988 will be $1,909.09 per month in the form of a life annuity commencing at age 65. If a benefit is payable in a different form or begins at a different age, the maximum guaranteeable amount will be the actuarial equivalent of $1,909.09 per month.

Appendix A to Part 2621 lists the maximum guaranteeable benefit payable by the PBGC to participants in single-employer plans that have terminated in each year from 1974 through 1987. This amendment updates Appendix A for plans that terminate in 1988.

Because the maximum guaranteeable benefit is determined according to the formula in section 4022(b)(3)(B) of ERISA, and this amendment makes no change in its method of calculation but simply lists the 1988 maximum guaranteeable benefit amount for the public's knowledge, general notice of proposed rulemaking is not required. Moreover, because the 1988 maximum guaranteeable benefit is effective, under the statute, at the time that the Social Security contribution and benefit base is effective, *i.e.*, January 1, 1988, and is not dependent on the issuance of this regulation, the PBGC finds that good cause exists for making this amendment effective less than 30 days after publication (5 U.S.C. 553).

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, or innovation.

Because no general notice of proposed rulemaking is required for this regulation, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

List of Subjects in 29 CFR Part 2621

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, Part 2621 of Subchapter C, Chapter XXVI, Title 29, Code of Federal Regulations is hereby amended as follows:

PART 2621—LIMITATION ON GUARANTEED BENEFITS

1. The authority citation for Part 2621 is revised to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b.

2. Appendix A to Part 2621 is amended by adding a new entry to read as follows. The introductory text is reproduced for the convenience of the reader and remains unchanged.

Appendix A to Part 2621—Maximum Guaranteeable Monthly Benefit

The following table lists by year the maximum guaranteeable monthly benefit payable in the form of a life annuity commencing at age 65 as described by § 2621.3(a)(2) to a participant in a plan that terminated in that year:

Year	Maximum guaranteeable monthly benefit
• • • • •	
1988	1,909.09

Issued at Washington, DC, this 4th day of December, 1987.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 87–28768 Filed 12–14–87; 8:45 am]

BILLING CODE 7708–01–M

29 CFR Part 2676

Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal; Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR Part 2676). The regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not the rates are changing. This amendment adds to the table the rate series for the month of January 1988.

EFFECTIVE DATE: January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW, Washington DC 20006; 202–778–8850 (202–778–8859 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The PBGC finds that notice of and public comment on this amendment would be impracticable and contrary to the public interest, and that there is good cause for making this amendment effective immediately. These findings are based on the need to have the interest rates in this amendment reflect market conditions that are as nearly current as possible and the need to issue the interest rates promptly so that they are available to the public before the beginning of the period to which they apply. (*See* 5 U.S.C. 533(b) and (d).) Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 29 CFR Part 2676

Employee benefit plans, Pensions.

In consideration of the foregoing, Part 2676 of Subchapter H of Chapter XXVI of Title 29, Code of Federal Regulations, is amended as follows:

PART 2676—VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL

1. The authority citation of Part 2676 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1389(c)(1)(D), and 1441(b)(1).

2. In § 2676.15, paragraph (c) is amended by adding to the end of the table of interest rates therein the following new entry:

§ 2676.15 Interest

• • • • •

(c) *Interest rates.*

For valuation dates occurring in the month—	The values of i_t are—															
	i_t	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}	i_{15}	i_n
•	•		•			•		•			•		•			
January 1988	.10125	.0975	.0925	.0875	.0825	.07625	.07625	.07625	.07625	.07625	.07	.07	.07	.07	.07	.06

Issued at Washington, DC, on this 4th day of December 1987.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 87–28765 Filed 12–14–87; 8:45 am]

BILLING CODE 7708–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3301–2]

Approval and Promulgation of Implementation Plans; Implementation of Emissions Trading and Generic Procedures in Nashville/Davidson County, TN

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of deficiency regarding State rules.

SUMMARY: Under its Emissions Trading Policy Statement (ETPS), EPA is required to review approved generic bubble rules to ensure that the existing rules are consistent with the ETPS, published December 4, 1986 (51 FR 43814). Nashville/Davidson County, Tennessee has three approved rules which the local agency considers generic in authority for emissions trading. The rules are Regulation No. 7 (Regulation for Control of Volatile Organic Compounds), section 7–2 (Prohibited Act) approved by EPA on July 26, 1982 (47 FR 32124) along with section 7–3 (Petition for Alternative Control) approved by EPA on June 24, 1982 (47 FR 27267) and section 7–20(e) (emission standards for Surface Coating Aerospace Assembly and Components) approved by EPA on October 31, 1983 (48 FR 50079). It is EPA's position that the intent of these rules was not to provide for generic authority, but to provide a means of application for an alternative emission standard which must be submitted as a revision to the State Implementation Plan (SIP) in order to be enforceable by EPA. However, if Nashville/Davidson County intends to interpret the rules generically in the future, then the rules must be consistent with the ETPS. After a thorough review, EPA has concluded that Rules 7–2, 7–3, and 7–20(e) are inconsistent with the ETPS.

FOR FURTHER INFORMATION CONTACT: Rosalyn D. Hughes of the EPA Region IV, Air Programs Branch, 345 Courtland Street, Atlanta, Georgia 30365 at (404) 347–2864 or FTS 257–2864.

SUPPLEMENTARY INFORMATION: EPA's ETPS requires the Agency to review all approved generic bubble rules to ensure consistency with the ETPS. Nashville/Davidson County, Tennessee's rules, which the local agency interprets generically, for Volatile Organic Compounds (VOCs) have been reviewed and found to be inconsistent with the ETPS. Several changes should be made in order for Nashville/Davidson County's regulation to be approvable under the current ETPS. The generic VOC trading rules should require that surface coating emissions be calculated on a solids applied basis. Also, the maximum time period over which emissions may be averaged in an acceptable compliance demonstration should be specified. The averaging time for VOC's should not exceed 24-hours unless the rule contains EPA-approved language specifying otherwise.

The generic bubble rule should describe the creation of an emission reduction credit (ERC), its use in a trade and its possible storage in a bank prior to use. ERC's must be surplus, enforceable, permanent and quantifiable. Nashville/Davidson County is an ozone nonattainment area with an approved attainment demonstration. Therefore, the VOC baseline emissions for a source used in determining surplus ERC's may be calculated using either allowable values or actual values for the three baseline factors (emission rate, capacity utilization, and hours of operation), depending on the assumptions used in developing the area's demonstration.

Next, the reductions should not be double counted. That is, an emission reduction cannot already have been claimed as part of a demonstration or updated emission inventory by any state or local air quality plan, or have been used by the source to meet any other regulatory requirement.

Once the surplus reductions are credited, Nashville/Davidson County

must prohibit their multiple use. One way to prohibit multiple use is by establishing banking rules, but this will be appropriate only if Nashville/Davidson County wants to bank the surplus ERC's. Immediate consumption of ERC's would also prevent multiple use.

The use of emission reduction credits is broken down into two parts, substantive and procedural. The substantive principles are essential to the generic bubble rule. Emission trades must involve the same pollutant and all uses of ERC's must satisfy ambient tests. Since Nashville/Davidson County is a nonattainment area, the use of ERC's cannot create a new violation of an ambient standard or delay the planned removal of an existing violation. For VOC trades these criteria are met if no increase in net baseline emissions occurs. VOC trades should also assure that no net increase in applicable baseline emissions may occur without case-by-case SIP revisions.

The bubble rule should address trades involving hazardous or toxic air pollutants (NESHAP). Trades involving NESHAP pollutants should (1) result in emission limits for each source emitting the relevant pollutant which are equivalent to or less than those that the approved NESHAP requires or the proposed NESHAP would require if promulgated, (2) rely only on reductions below actual or allowable levels, whichever are less, of that pollutant, and (3) take place within a single contiguous plant.

Existing source credits cannot be used to meet applicable technology-based requirements for new sources. Under sections 165 and 173 of the Clean Air Act and EPA's implementing regulations, new or modified major sources must satisfy technology-based control requirements associated with preconstruction permits. These requirements prohibit use of such credits to meet applicable New Source Performance Standards (NSPS) and bar use of such credits to meet applicable new source review requirements for lowest achievable emission rate control technology (LAER) in nonattainment areas.

Certain emission trades may not in general be exempted from the requirements of case-by-case SIP revisions. Some of the nonexempt trades are (1) Particulate, SO_2, CO, or Pb trades requiring full scale dispersion modeling under Level III, (2) particulate, SO_2, CO, or Pb trades where complex terrain is within the area of the source's significant impact or 50 km, whichever is less, unless the trade does not result in a modification of effective stack heights and the trade otherwise qualifies as de minimis or Level I, (3) open dust trades and (4) Level II trades involving process fugitive particulate, SO_2, CO, or Pb emissions not discharged through stacks. These nonexempt trades are discussed in detail in the ETPS.

The procedural steps for using ERC's, such as the effects of existing compliance schedules, extensions of compliance deadlines the compliance instrument under which the conditions of the trade will be implemented and pending enforcement actions on bubbles, should be addressed in the rule. A provision for EPA notification for review and comment on proposed bubbles prior to approval by Nashville/Davidson County should be contained in the rule. Also, if Nashville/Davidson County is interested in banking ERC's, rules for use and storage of credits must be included in its generic bubble rule.

Nashville/Davidson County has proposed a schedule for the submission of the revised regulation. The agency will develop the proposed revision to the rule within 90 days. Once the proposal has been developed a public hearing will be scheduled which requires a 30-day notice. Approximately 30 days after the public hearing the Metropolitan Board of Health can take action on the proposed revision. Therefore, Nashville/Davidson County has proposed to correct the discrepancies within approximately six months.

Authority: 42 U.S.C. 7401–7642.

Dated: December 1, 1987.

Charles H. Sutfin,

Acting Deputy Regional Administrator.

[FR Doc. 87–28506 Filed 12–14–87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[FRL–3302–1; NC–034]

Approval and Promulgation of Implementation Plans; North Carolina; Revisions to Visible Emission Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On February 11, 1987, the North Carolina Division of Environmental Management submitted regulatory amendments for incorporation into their federally approved State Implementation Plan (SIP). The changes were proposed for approval on July 22, 1987 (52 FR 27569). The comment period ended August 22, 1987, and no comments were received. This notice finalizes the approval of the changes, making them part of the federally approved SIP.

DATE: This rule will become effective on January 14, 1988.

ADDRESSES: Copies of the State's submittal are available for review during normal business hours at the following locations:

Air Quality Section, Division of Environmental Management, North Carolina Department of Natural Resources and Community Development, Archdale Building, 512 North Salisbury Street, Raleigh, North Carolina 27611;

Public Information Reference Unit, Library Systems Branch, US EPA, 401 M Street SW., Washington, DC 20460;

Air Programs Branch, Region IV, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Bob Peddicord of the Region IV EPA Air Programs Branch, at the above address and the following phone: (404) 347–2864, or (FTS) 257–2864.

SUPPLEMENTARY INFORMATION: On December 17, 1985, the State of North Carolina submitted three revisions to their State Implementation Plan (SIP). The revisions were adopted by the Environmental Management Commission on December 12, 1985, after a public hearing held on September 6, 1985.

The changes to regulations 2D.0501, 2D.0508 and 2D.0521 were made in response to EPA's 1985 midyear audit comments. The audit indicated that the opacity method used in the regulations lacked the proper data reduction and certification techniques. To rectify this the State chose to make their method consistent with the approved federal method, i.e., Method 9.

The original submittals' effective date was one year after the quality assurance plans had been approved for the State's electric utility companies.

This was unacceptable and the amendments to the regulation were returned.

On February 11, 1987, the State of North Carolina resubmitted the amendments with an effective date of August 1, 1987. This was acceptable and EPA proposed to approved the changes to the regulations on July 22, 1987 (52 FR 27569). EPA is now taking final action on these revisions as submitted February 11, 1987. A discussion of the revisions now follows:

2D.501—Compliance With Emission Control Standards.

This change incorporates Method 9 of Appendix A, 40 CFR Part 60 as the opacity method of reference to be used by State inspectors.

2D.0508—Control of Particulates from Pulp and Paper Mills.

The amendment incorporates the procedures and standards of Method 9 into this section. The change is from a five-minute aggregate to a six-minute average without changing the opacity standard for pulp and paper mills. A second change alters the title of the section from "Control of Particulates * * *" to "Control of Emissions from Pulp and Paper Mills."

2D.0521—Control of Visible Emissions.

The revisions in this Section incorporate the procedures and standards of Method 9 so that they may be applied to all sources. The change adopts the six-minute averaging period. The change was made without altering the opacity levels. Modeling to show compliance with the NAAQS was not needed because the standards were not relaxed. The opacity levels in the regulation were converted from a five-minute aggregate basis to a six-minute average basis. This was done using the same method EPA used when switching from an aggregate to an average period.

The present regulation states that opacity may not exceed 40 percent for one class of sources or 20 percent for another class, except for five minutes in any one hour.

The proposed regulation converts the five-minute aggregate levels to comparable levels based on a six-minute average.

In the worst possible case with the present regulation, five consecutive minutes could be at 100 percent opacity, with the sixth minute at 40 percent opacity. The average opacity over the six-minutes would then be $[(100 \times 5) + (40)/6] = 90$ percent opacity.

This 90 percent level is used in the proposed regulation as the maximum allowable level that may never be exceeded by any six-minute average. The proposed regulation allows only one six-minute average over 40 percent in any one hour. During this period the opacity may not exceed the maximum, 90 percent, and such a period may not occur more than four times in a day.

The same was done with other class of sources and an 87 percent maximum six-minute average was calculated. The same exemptions apply to this category as well.

(The 87 percent level could not be read directly because opacities can only be read at 5 percent intervals. However, since the average of several readings could turn out to be any number, and not just numbers at 5 percent intervals, 87 percent is a legitimate level.)

Final Action

EPA is approving the above regulation changes which were submitted to EPA February 11, 1987.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed with the United States Court of Appeals for the appropriate circuit by February 16, 1988. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by Reference, Intergovernmental relations.

Note: Incorporation by Reference of the State Implementation Plan for the State of North Carolina was approved by the Director of the Federal Register on July 1, 1982.

Date: December 8, 1987.

Lee M. Thomas,

Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart II—North Carolina

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1770 is amended by adding paragraph (c)(54) to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(54) Revisions to the visible emission regulations of Title 15 of the North Carolina Administrative Code (15 NCAC) were submitted February 11, 1987.

(i) Incorporation by reference. (A) Letter to EPA dated February 11, 1987 and amendments to the following North Carolina Administrative Code regulations:

15 NCAC 2D.0501(c)(6), Compliance with Emission Control Standards;

15 NCAC 2D.0508(b), Control of Emissions from Pulp and Paper Mills; and

15 NCAC 2D.0521 (c), (d), and (f), Control of Visible Emissions, which became effective on August 1, 1987.

(ii) Additional material—none.

[FR Doc. 87–28753 Filed 12–14–87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

Oversight of the Radio and TV Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends broadcast regulations in 47 CFR Parts 73 and 74. Amendments are made to correct inaccurate rule texts, contemporize certain requirements and to execute editorial revisions as needed for clarity and ease of understanding.

EFFECTIVE DATE: January 6, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Steve Crane, Policy and Rules Division, Mass Media Bureau (202) 632–5414.

SUPPLEMENTARY INFORMATION: In this Order modifications are made to update, delete, clarify or correct regulations in Title 47, Code of Federal Regulations. Adopted November 19, 1987; released December 4, 1987.

Order

In the Matter of Oversight of the Radio and TV Broadcast Rules

Adopted: November 19, 1987.

Released: December 4, 1987.

By the Chief, Mass Media Bureau.

1. In this *Order*, the Commission focuses its attention on the oversight of its radio and TV broadcast rules. Modifications are made herein to update, delete, clarify or correct broadcast regulations as described in the following amendment summaries:

(a) Section 73.25 lists the AM frequencies to which Class I and Class II clear channel stations are assigned. In paragraph (a), the Class I–A channel assignments are designated. One frequency, 670 kHz, has inadvertently been dropped from the text. It is replaced here. (See appendix rule item 2).

(b) The Report and Order in Mass Media Bureau Docket 86–144 deleted the reservation of certain commercial FM channels for class A use; and removed § 73.206, Classes of stations and permissible channels, from the Code of Federal Regulations (52 FR 8259, March

17, 1987). Paragraphs (b) and (c) of § 73.206 were transferred to § 73.211, Power and antenna height requirements, and designated as paragraphs (d) and (e) therein.

There is a cross reference to the removed § 73.206 in § 73.506 which is deleted in this Order, and the correct cross references are added.

In addition, the transferred § 73.206 (b) and (c), now paragraphs (d) and (e) in § 73.211, are textually revised to more closely conform to the content of § 73.211, and greater focus is given to "Classes of stations", now in § 73.211, by adding the term to the section title and starting the section with "Classes" as paragraphs (a) (1) and (2). The former paragraphs (a), and (b) and (c) will be redesignated (b), (c) and (d). The new section title will read "Classes of stations; power and antenna height requirements." Paragraph (a) will be designated *Classes of stations;* paragraph (b), which is former (a), will continue to read *Minimum requirements;* paragraph (c), which is former (b), will continue to read *Maximum power and antenna height;* and paragraph (d), which is former (c), will continue to read *Existing stations.* With the change in section title, as described above, the alphabetical index is amended accordingly (See rule appendix items 3, 4 and 10).

(c) Section 73.933, Emergency Broadcast System operation during a National level emergency, contains, in paragraph (b)(12), a cross reference to § 73.52 which is incorrect. Section 73.52 was removed from 47 CFR Part 73 in 1979, and the requirements therein were added to the new § 73.1560, Operating power and mode tolerances. The cross reference is corrected herein. (See appendix item 5).

(d) In the Second Report and Order in Mass Media Bureau Docket 83–523 regarding Instructional TV Fixed Service (50 FR 28736, June 26, 1985) the Commission adopted a new FCC Form 330 to replace FCC Form 330–P. Inadvertently, the form was not listed in § 73.3500 Application and report forms. Via this Order, the eliminated form 330–P is removed from § 73.3500 and the new Form 330 added to it. (See appendix rule item 6).

(e) In the Order adopted June 7, 1979, the Commission revised station identification requirements for remote pickup broadcast stations (47 CFR 74.482) to permit the use of International Morse Code in the event the licensee wanted to use the Code for automatic ID purposes (*See* In the Matter of Reregulation of Radio and TV Broadcasting, 44 FR 36034, June 20, 1979).

The identification rule was revised to specify a modulation tone range similar to that originally proposed for use with similar identification methods used by the land mobile services as 750 Hz ± 10 Hz. However, the actual rule adopted for use by the land mobile services stated that a 1200 Hz tone ± 800 Hz may be used. Corrections are being made in § 74.482 to specify the same modulation tone range for Morse Code identification as that used by the mobile services since both the transmitting equipment and general operating procedures are similar. (See appendix rule item 7).

(f) To provide auxiliary station licensees with maximum allowable operational flexibility, the Commission, in 1986, adopted revisions in Part 74, Subparts D and H. (Report and Order in Mass Media Docket 85–126, 51 FR 4569, February 6, 1986).

Among the many amendments in that proceeding was the transfer of license posting and retention requirements into §§ 73.432 and 73.832, both entitled Licensing requirements and procedures. Concurrently, the old sections, formerly pertaining to license posting, were eliminated. While the Order eliminated the posting sections and the old alphabetical index listings, it failed to show the new section numbers for posting of licenses in the index. Accordingly, the alphabetical index is amended here to show the present sections in which these requirements are found. (See appendix rule items 8 and 9).

2. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public. We conclude, for the reasons set forth above, that these revisions will serve the public interest.

3. These amendments are implemented by authority delegated by the Commission to the Chief, Mass Media Bureau. Inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, prior notice of rule making, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B).

4. Since a general notice of proposed rule making is not required, the Regulatory Flexibility Act does not apply.

5. Therefore, it is ordered, That pursuant to sections 4(i), 303(r) and 5(c)(1) of the Communications Act of 1934, as amended, and §§ 0.61 and 0.283 of the Commission's Rules, Parts 73 and 74 of the FCC Rules and Regulations are amended as set forth in the attached Appendix, effective 30 days from the date of publication in the **Federal Register.**

6. For further information on this *Order,* contact Steve Crane, (202) 632–5414, Mass Media Bureau.

Federal Communications Commission.

Alex D. Felker,

Chief, Mass Media Bureau.

Appendix

List of Subjects in 47 CFR Parts 73 and 74

Radio broadcasting.

Rule Changes

47 CFR is amended to read as follows:

PART 73—[AMENDED]

1. The authority citation for Parts 73 and 74 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. Section 73.25 is amended by revising paragraph (a) to read as follows:

§ 73.25 Clear channels; Classes I and II stations.

* * * * *

(a) On each of the following channels, one Class I–A station will be assigned, operating with power of 50 kW: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020, 1030, 1040, 1100, 1120, 1160, 1180, 1200, and 1210 kHz. In Alaska, these frequencies can be used by Class I–N stations subject to the conditions set forth in § 73.182(a)(1)(iii). In addition, on the channels listed in this paragraph, Class II stations may be assigned as follows:

* * * * *

3. Section 73.211 is amended by adding new paragraphs (a) (1) and (2); redesignating present paragraphs (a), (b) and (c) as paragraphs (b), (c) and (d); and by amending the section heading to read as follows:

§ 73.211 Classes of stations; power and antenna height requirements.

(a) *Classes of station* (1) Stations designated as Class A, B1, and B may be authorized in Zones I and I–A. Classes A, C2, C1, and C may be authorized in Zone II. The facilities for each class of station are listed in paragraphs (b), and (c) and (d) of this section.

(2) The rules applicable to a particular station, including minimum and maximum facility requirements, are determined by its class. Class designation is based on the zone in which the station's transmitter is located, or proposed to be located.

* * * * *

4. Section 73.506 is amended by removing the Note following paragraph (a)(3) and revising paragraph (a)(3) to read as follows:

§ 73.506 Classes of noncommerical educational FM stations and channels.

(a) * * *

* * * * * *

(3) Noncommercial educational FM stations (NCE–FM) with more than 0.01 kW transmitter power output are classified Class A, B1, B, C2, C1, or C depending on the effective radiated power, antenna height above terrain, and the zone in which the station's transmitter is located, on the same basis as provided in §§ 73.205, 73.210 and 73.211.

* * * * *

5. Section 73.933 is amended by revising paragraph (b)(12) to read as follows:

§ 73.933 Emergency Broadcast System operation during a National level emergency.

* * * * *

(b) * * *

(12) Broadcast stations holding an EBS Authorization are specifically exempt from complying with § 73.1560 (pertaining to maintenance of operating power) while operating under this subpart of the rules.

* * * * *

§ 73.3500 [Amended]

6. Section 73.3500, Application and report forms, is amended by removing:

Form Number and Title
330–P Application for Authority to construct or Make Changes in Instructional TV Fixed and/or Response Station(s) and Low Power Relay Station(s) License.

and by adding:

330	Application for authorization to construct new or make changes in Instructional TV Fixed and/or Response Stations, or to assign or transfer such stations.

PART 74—[AMENDED]

7. Section 74.482 is amended by revising paragraph (d) to read as follows:

§ 74.482 Station identification.

* * * * *

(d) Automatically activated equipment may be used to transmit station identification in International Morse Code, provided that the modulation tone is 1200 Hz±800 Hz, the level of modulation of the identification signal is maintained at 40%±10%, and that the code transmission rate is maintained between 20 and 25 words per minute.

8. The alphabetical index of 47 CFR Part 74 is amended by adding the following index entries under Posting of licensees:

(Following "Experimental Broadcast Stations"	74.165)
Remote pickup broadcast stations	74.432
(Following "LPTV/TV Translators"	74.735)
Low power auxiliary stations	74.832

9. The alphabetical index of 47 CFR Part 74 is amended by adding the following index entries under Licenses, Posting of:

(Following "Experimental Broadcast Stations"	74.165)
Remote pickup broadcast stations	74.432
(Following "LPTV/TV Translators	74.735)
Low power auxiliary stations	74.832

PART 73—[AMENDED]

10. The alphabetical index of 47 CFR Part 73 is amended by adding the following index entry:

(Following "Classes of noncommercial educational FM Stations and Channels"	73.506)
Classes of stations; power and antenna height requirements	73.211

[FR Doc. 87–28479 Filed 12–14–87; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 90

[PR Docket No. 86–37; FCC 87–360]

Amendment of Rules Restricting the Use of Radio Transmitters With External Frequency Controls

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted a Report and Order amending the rules in Part 90 which governs the Private Land Mobile Radio Services. The rules establish restrictions against the type acceptance, manufacture, sale, and use of certain radio transmitters with external controls that permit simple frequency programming. Transmitters specifically designed for and utilized in aircraft operations under Part 90 are exempted from the new rules. Equipment with external frequency programming controls type accepted prior to January 15, 1988, shall not be manufactured in or imported into the United States after March 15, 1988. Marketing of these transmitters shall not be permitted after March 15, 1989. This action is taken to inhibit willful or unintentional transmissions on unauthorized frequencies, resulting in less interference to authorized operations.

EFFECTIVE DATE: January 15, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Rules Branch, Private Radio Bureau, (202) 634–2443.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, PR Docket No. 86–37, adopted November 24, 1987 and released December 7, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch, Room 230, 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, 2100 M Street NW., Washington, DC 20037, telephone (202) 857–3800.

Summary of Report and Order

The Report and Order concerns the technical and operational characteristics of programmable transmitters type accepted for private land mobile radio use. A few years ago it was difficult to change a transmitter's frequency since it usually involved opening the case, installing a new crystal, and retuning the radio. Today, with the introduction of frequency synthesizers, inexpensive radios are available that allow simple frequency programming using front panel controls. Frequencies can now be entered into a radio in a manner similar to entering telephone numbers into a telephone's memory. This feature, while operationally convenient, can result in intentional and unintentional programming of, and more importantly, transmission on frequencies not authorized to the user.

Recognizing that interference to authorized operations, particularly to public-safety radio systems, was increasing because of misuse of such radios, the Commission released a Notice of Proposed Rule Making, 51 FR 6149 (February 20, 1986), that proposed to restrict the availability of such radios in the private land mobile radio services. The comments to the Notice generally agreed with our objective to minimize interference to authorized operations, but indicated that the

methodology and the proposed rules were overly restrictive. The Electronic Industries Association (EIA), therefore, proposed alternative rules that it believed would accomplish the Commission's objective.

To permit public comment on the EIA proposal, the Commission adopted a Further Notice of Proposed Rule Making, 52 FR 21335 (June 5, 1987), incorporating EIA's suggestions. Basically, the EIA proposal would deny type acceptance to certain radio transmitters for Part 90 use if simple programming of frequencies was possible using front panel controls.

The Report and Order adopts essentially the proposals made by EIA. It does not ban the use of programmable radios, but allows them to be type accepted and used if frequencies can be programmed by methods and equipment not normally available to the operator. It exempts from the new rules programmable radios that are specifically manufactured for and used aboard aircraft, as their operations often require in-flight programming to operate on any one of many frequencies. From the effective date of the Report and Order (January 15, 1988), 60 days are allowed to halt production and importation of front panel programmable radios (March 15, 1988). To permit the disposal of existing stock, marketing of such equipment must stop in 14 months (March 15, 1989).

Final Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, the Commission's final analysis follows.

This action is being taken to incorporate into the Commission's rules a restriction against the type acceptance of radio transmitters with external frequency programming capabilities that would permit operation on unauthorized frequencies. The use of such units by those who would willfully or inadvertently select unauthorized frequencies has the likely potential of degrading operations in the private land mobile radio spectrum to the detriment of the public as a whole. Equipment specifically designed for and used in aircraft for emergency operations under Part 90 of the rules would be exempt from the new requirements. This action will now make it more difficult to transmit on unauthorized frequencies, thus minimizing intentional or unintentional interference to authorized operations.

No new requirements will be imposed upon private land mobile radio licensees. Any impact from the adopted rules will be on equipment manufacturers. However, since the new rules are those submitted by the EIA with concurrence from equipment manufacturers, the manufacturers appear to be willing to absorb any resulting impact. The comments received corroborate this position. To the extent manufacturers are affected, we believe our decision here is in the public interest. We have tempered any impact by delaying implementation of the manufacturing and marketing restrictions. Additional time could have been allowed, but for the reasons outlined above, we believe that the time provided is adequate.

Paperwork Reduction Act

The discussion contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labeling disclosure or record retention requirements, and will not increase or decrease burden hours imposed upon the public.

Ordering Clause

Accordingly, *it is ordered* that effective January 15, 1988, Part 90 of the Commission's Rules, 47 CFR Part 90, *is amended* as set forth at the end of this document. Authority for this action is found in sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i) and 303. It is further ordered that this proceeding is *terminated.*

List of Subjects in 47 CFR Part 90

Private land mobile radio services, Programmable transmitters, Type acceptance, Radio.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read as follows:

Authority: Secs. 4, 303, 48 STAT., as amended, 1066, 1082; 47 U.S.C. 154, 303.

2. Section 90.203 is amended by adding paragraphs (e), (f), (g), and (h) to read as follows:

§ 90.203 Type acceptance required.

* * * * *

(e) Except as provided in paragraph (g) of this section, transmitters designed to operate above 25 MHz shall not be type accepted for use under this part if the operator can program and transmit on frequencies, other than those programmed by the manufacturer, service or maintenance personnel, using the equipment's external operation controls.

(f) Except as provided in paragraph (g) of this section, transmitters designed to operate above 25 MHz that have been type accepted prior to January 15, 1988, and that permit the operator, by using external controls, to program the transmitter's operating frequencies, shall not be manufactured in, or imported into the United States after March 15, 1988. Marketing of these transmitters shall not be permitted after March 15, 1989.

(g) Transmitters having frequency programming capability and that are designed to operate above 25 MHz are exempt from paragraphs (e) and (f) of this section if the design of such transmitters:

(1) Is such that transmitters with external controls normally available to the operator must be internally modified to place the equipment in the programmable mode. Further, while in the programmable mode, the equipment shall not be capable of transmitting. The procedures for making the modification and altering the frequency program shall not be made available with the operating information normally supplied to the end user of the equipment; or

(2) Requires the tramsitter to be programmed for frequencies through controls normally inaccessible to the operator; or

(3) Requires equipment to be programmed for frequencies through use of external devices or specifically programmed modules made available only to service/maintenance personnel; or

(4) Requires equipment to be programmed through cloning (copying a program directly from another transmitter) using devices and procedures made available only to service/maintenance pesonnel.

(h) The requirements of paragraphs (e), (f), and (g) of this section shall not apply if:

(1) The equipment has been designed and manufactured specifically for aircraft use; and,

(2) The Part 90 type acceptance limits the use of the equipment to operations only under § 90.423.

3. In § 90.427, the existing text is now designated as paragraph (a), and a new paragraph (b) is added as follows:

§ 90.427 Precautions against unauthorized operations.

(a) * * *

(b) Except for frequencies used in accordance with § 90.417, no person shall program into a transmitter frequencies for which the licensee using the transmitter is not authorized

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 87-28478 Filed 12-14-87; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 80

Distinctive Symbols for the Federal Aid in Wildlife Restoration and Federal Aid in Sport Fish Restoration Grants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes distinctive symbols to identify projects completed using funds derived by authority of the Federal Aid In Wildlife Restoration Act and the Federal Aid In Sport Fish Restoration Act and offers to manufacturers an opportunity to use the symbol(s) to mark items on which excise taxes and import duties are collected to fund fish and wildlife restoration projects. This rule gives public notice of the intent of the U.S. Fish and Wildlife Service to use and protect the symbols from unauthorized uses under protection afforded by section 701 of Title 18 of the United States Code.

This rule also authorizes recipients and sub-recipients of Federal aid grants to use the symbols on project accomplishments and establishes a process by which others may be authorized to display the symbols on certain items.

EFFECTIVE DATE: January 14, 1988.

FOR FURTHER INFORMATION CONTACT: Conley Moffett, Chief, Division of Federal Aid, U.S. Fish and Wildlife Service, Washington, DC 20240, telephone 703/235-1526.

SUPPLEMENTARY INFORMATION: The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The basis for determining that the rule does not constitute a major rule is that it will result in an annual gross effect on the economy of less than $100 million dollars; is not likely to increase costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; is not likely to result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets; and that neither the Department of the Interior nor the Director of the Office of Management and Budget has designated the rule as major. The rule will apply to small businesses, small organizations or small governmental jurisdictions only if such entities wish to be authorized to use the symbols protected by this rule.

Information Collection

No information collection requirements is imposed by this rule and therefore it does not require an OMB clearance number required for certain rules by the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*).

Environmental Effects

The Department of the Interior finds this rule to be a regulatory action which licenses use of declared program symbols to grantees and other parties. This action has been found to be categorically excluded from the National Environmental Policy Act of 1969 process because the action would have no significant effect on the quality of the human environment, and would not involve unresolved conflicts concerning alternative uses of available resources.

Public Comments

Notice of the proposal of this rule was published in the **Federal Register** on July 15, 1987 (52 FR 26660-61), and comments were invited for a 30-day period ending August 14, 1987. Four written comments were received. Two were from directors of State fish and wildlife management agencies and two were from major manufacturers of fishing equipment. All supported the rule without reservation. One telephone call was received expressing the opinion that the words U.S. Fish and Wildlife Service should be on the symbols; that the symbols should incorporate some references to handicapped and minority persons, and that a disclaimer of liability relating to program funded projects be included. These suggestions were not adopted because the symbols were not intended to be an expression of policy or to establish another symbol for the U.S. Fish and Wildlife Service. The symbol is intended to be a simple, easily recognized design that recognizes the contributions of the sport hunters, sport anglers, and recreational shooters and boaters; manufacturers, importers and businesses associated with sporting equipment; and the State and territorial fish and wildlife management agencies.

Authorship Statement

The principal author of this proposal is Thomas W. Taylor, Division of Federal Aid, U.S. Fish and Wildlife Service.

List of Subjects in 50 CFR Part 80

Fish, Grant programs, Natural resources, Grants administration, Wildlife.

Accordingly, 50 CFR Part 80 is amended as follows:

PART 80—ADMINISTRATIVE REQUIREMENTS, FEDERAL AID IN FISH AND FEDERAL AID IN WILDLIFE RESTORATION ACTS

1. The authority citation for Part 80 is revised to read as follows:

Authority: 16 U.S.C. 777i; 16 U.S.C. 669i; 16 U.S.C. 701.

2. A new § 80.26 is added to read as follows:

§ 80.26 Symbols.

Distinctive symbols are prescribed to identify projects funded by the Federal Aid in Wildlife Restoration Act and the Federal Aid in Sport Fish Restoration Act and to identify items on which taxes and duties have been collected to support the respective Acts.

(a) All recipients identified in § 80.2 of this part are authorized to display the appropriate symbol(s) on areas, such as wildlife management areas and fishing access facilities, acquired, developed, operated or maintained by these grants, or on printed material or other visual representations relating to project accomplishments. Recipients may require sub-recipients to display the symbol(s) and may authorize use by others, or for purposes other than as stated above, only with approval of the Director, U.S. Fish and Wildlife Service.

(b) Other persons or organizations may use the symbol(s) for purposes related to the Federal Aid programs as authorized by the Director, U.S. Fish and Wildlife Service. Authorization for the use of the symbol(s) shall be by written agreement executed by the Service and the user. To obtain authorization a written request stating the specific use and items to which the symbol(s) will be applied must be submitted to Director, U.S. Fish and Wildlife Service, Washington, DC 20240.

(c) The user of the symbol(s) shall indemnify and defend the United States and hold it harmless from any claims, suits, losses and damages arising out of any allegedly unauthorized use of any

patent, process, idea, method or device by the user in connection with its use of the symbol(s), or any other alleged action of the user and also from any claims, suits, losses and damages arising out of alleged defects in the articles or services with which the symbol(s) is associated.

(d) The appearance of the symbol(s) on projects or items is to indicate that the manufacturer of the product is taxed by, and that the State project was funded through, the respective Act(s). The U.S. Fish and Wildlife Service and the Department of the Interior make no representation or endorsement whatsoever by the display of the symbol(s) as to the quality, utility, suitability or safeness of any product, service or project with which the symbol(s) is associated.

(e) Neither symbol may be used in any other manner except as authorized by the Director, U.S. Fish and Wildlife Service. Unauthorized use of the symbol(s) will constitute a violation of Section 701 of Title 18 of the United States Code and subject the violator to possible fines and imprisonment as set forth therein.

(f) The symbol pertaining to the Federal Aid in Wildlife Restoration Act is depicted below.



(g) The symbol pertaining to Federal Aid in Sport Fish Restoration Act is depicted below.



(h) The symbol pertaining to the Federal Aid in Wildlife Restoration Act and the Federal Aid in Sport Fish Restoration Act when used in combination is depicted below.



Date: October 19, 1987.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-28769 Filed 12-14-87; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 681

[Docket No. 70751-7257]

Western Pacific Crustacean Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues a final rule to implement Amendment 5 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region (FMP). Implementation of the amendment will establish a size limit for slipper lobster, require escape vents for all lobster traps, require fishermen to release egg-bearing female slipper lobsters, and change existing permit and reporting requirements. The amendment also presents an updated estimate of maximum sustainable yield of spiny lobster based upon knowledge gained from the fishery since 1983, and changes the name of the FMP. The intended effect of this action is to maintain the optimum yield of the spiny and slipper lobster resources of the Northwestern Hawaiian Islands (NWHI).

EFFECTIVE DATE: January 14, 1988.

ADDRESS: Copies of the amendment are available from Kitty B. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813 (808-523-1368).

FOR FURTHER INFORMATION CONTACT: Doyle E. Gates, Administrator, Western Pacific Program Office, 2570 Dole Street, P.O. Box 3830, Honolulu, HI 96812 (808-955-8831).

SUPPLEMENTARY INFORMATION: When the FMP was implemented (February 7, 1983, 48 FR 5560), only a directed fishery for spiny lobster (*Panulirus marginatus*) existed in the NWHI. Since then, a directed fishery for the common slipper lobster (*Scyllarides squammosus*) has developed without any conservation measures. The total catch of slipper lobster rose from 25,610 animals in 1983 to over 1,200,000 animals in 1986, almost matching the total harvest of spiny lobster for both 1985 and 1986, resulting in a multispecies lobster fishery. This catch level is not sustainable. The best estimate of maximum sustainable yield (MSY) is 600,000 slipper lobsters, annually.

At its 57th meeting in June 1987, the Western Pacific Fishery Management Council (Council) adopted a minimum tail width of 5.6 cm for slipper lobster and a system of standardized escape vents for lobster traps. The 5.6 cm tail width is expected to protect the reproductive capacity of the slipper lobster resource and allow the MSY of 600,000 animals to be achieved. The escape vents will minimize the mortality of undersized spiny and slipper lobster that results from handling, exposure to sunlight, and predation when the animals are removed from their habitat and then returned to the sea. Reducing the mortality of undersized lobster will help to maintain the reproductive stock of the resource.

The Council also adopted the requirement that all egg-bearing lobsters

be released. In addition, the daily lobster catch report was amended to add species of slipper lobster and bycatch and to delete requests for duplicative information; also, reporting requirements were modified to add to the permit application the price paid for a vessel, its date of purchase, and other information concerning the fishing vessels to better depict capital investment. The requirement for an annual processor's report is removed because virtually all of the lobster catch is processed at sea, and the current Trip Processing and Sales Report will be replaced by the Lobster Report for Transshipment and Sales. The Lobster Report for Transshipment and Sales obtains the necessary information to monitor shipment and sales of lobsters. The amount transshipped and total sales of each species has been added to this form to indicate if the actual sale was made to a buyer outside of Hawaii or locally. This report is changed from the current, Trip Processing and Sales Report, to include slipper lobster, octopus, and other species.

The regulatory text is being changed so that the phrase, "fishery conservation zone" and its abbreviation "(FCZ)" are replaced by the phrase, "exclusive economic zone" and its abbreviation "(EEZ)". Certain portions of the regulatory text now apply to both spiny and slipper lobsters, so that the word "spiny" is being removed from appropriate sections; thus leaving the general term "lobsters" by itself. Some sections of the regulatory text purposefully will retain the phrase, "spiny lobster". Finally, the name of the FMP has been changed to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region to reflect the broader scope of management.

A proposed rule was published in the **Federal Register** on July 27, 1987 (52 FR 28028). Subsequently, Amendment 5 was disapproved and withdrawn from public review because no determination of optimum yield and total allowable level of foreign fishing was provided as required by the Magnuson Fishery Conservation and Management Act. The Council corrected the document and resubmitted the amendment on September 22, 1987. The public comment period for the proposed rule was reopened on October 16, 1987 (52 FR 38490). The public comment period ended on November 2, 1987.

Changes From the Proposed Rule in the Final Rule

NOAA has made changes from the proposed rule in the final rule. Some material was inadvertently omitted from the proposed rule; other changes are for further clarification of proposed management measures:

(1) In § 681.2, revised definitions of *Closed area* and *U.S.-harvested lobster* are added to the final rule to highlight the change in terminology from FCZ to EEA.

(2) In § 681.4, paragraph (b)(2)(ix) is changed from "the processing capacity of the vessel" in the proposed rule to "the date of purchase of the vessel" in the final rule.

(3) In § 681.4, paragraph (b)(2)(xvi) is deleted and redesignated, "Fuel capacity".

(4) In § 681.4, paragraph (b)(2)(xvii) is revised by deleting the word "other".

(5) In § 681.4, paragraph (b)(2)(xxi) is added to cross-reference minor additional items proposed within the information on fishing permit applications.

(6) In § 681.5, paragraphs (b)(2) (iv), (v), and (vi) have been revised to omit the proposed rule's requirement to specify separate species of slipper lobsters.

(7) In § 681.5, paragraph (b)(2)(ix) is added in the final rule.

(8) In § 681.5, paragraph (b)(2)(x) is added to cross-reference minor additions proposed within the information on daily lobster catch reports and lobster reports for transshipment and sales.

(9) In § 681.24, paragraph (c)(1) is revised to clarify that the centers of adjacent escape vents should be "at least" 82 mm apart.

(10) In § 681.24, paragraph (d) provides for a prohibition related to lobster trap management measures and is placed in the final rule. It was inadvertantly omitted from the proposed rule.

(11) The proposed rule did not list several paragraphs of various sections in which the Council intended to remove the word "spiny". Paragraphs not listed in the proposed rule which are listed in the final rule include: Sections 681.4(k), 681.5(a), 681.5(a)(1), 681.5(a)(2), 681.5(a)(4), 681.5(b), 681.5(c), 681.7(a)(1), 681.7(b)(1), 681.10(b), and 681.27(d).

Public Comments Received

Several comments were received on the amendment.

Comments and responses are listed below:

Comment 1: Justification for the size limit and the escape vents is wea:, for example, the slipper lobster catch per unit of effort (CPUE) for 1985 and 1986 remains higher than 1983 and 1984.

Response: The present situation with slipper lobster is the same as that faced with spiny lobster when the plan was implemented. A size limit for slipper lobster is needed because the MSY is estimated to be 600,000 animals, while the harvest has been over 1,000,000 animals in the last two years. Establishing a size limit will ensure that the MSY will not be exceeded, thereby protecting the long-term yield of the resource.

Lobster fishermen were only beginning to direct effort at the slipper lobster resource in the latter part of 1984, with significant harvest occurring for the first time in 1985; therefore, a higher CPUE in 1985 and 1986 than in 1984 is expected because the resource was unexploited in 1984. Catch data for the period of January through August of 1987 indicates a decline in the slipper lobster catch apart from other factors such as total effort and market conditions. The CPUE for all spiny lobster has increased 5 percent during this period compared to January through August 1986, while the CPUE for slipper lobster has declined 52 percent.

Comment 2: There is only limited evidence provided in the FMP that mortality rates of captured and released lobster justify the need for installing escape vents in traps.

Response: The mortality resulting from handling lobsters and returning them to the sea is believed to be significant. This is supported by many studies in other lobster fisheries. Experiments also were conducted in the NWHI on predation of spiny lobster at Maro Reef Midway Island, and Pearl and Hermes Reef. During the experiment, white uluas (*Caranx ignobilis*) were found to be voracious consumers of lobster returned to the sea from a fishing vessel. Actual mortality of released lobster, and the relation of the mortality to productivity is not known; however, there is evidence at Maro Reef and Necker Island that the CPUE for sublegal spiny lobsters is declining, and that it is having an effect on the CPUE for legal spiny lobster.

Classification

The Director, Southwest Region, National Marine Fisheries Service determined that this FMP is necessary for the conservation and management of the crustacean fishery of the western Pacific region and that it is consistent with the Magnuson Act and other applicable law.

The Council prepared an environmental assessment (EA) for this amendment. The Assistant Administrator for Fisheries concluded that there will be no significant impact on the environment as a result of this rule. A copy of the amendment

containing the EA may be obtained from the Council at the above address.

The Assistant Secretary of NOAA determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The present action will not have a cummulative effect on the economy of $100 million or more nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse effects on competition, employment, investments, productivity, innovation, or competitiveness of U.S. based enterprises are anticipated. A summary of this determination appears in the proposed rule and is based on the regulatory impact review (RIR) which is included in the Amendment.

In the absence of regulation action, the slipper lobster resource and catches are expected to decline rapidly. Catches of 1,238,000 lobsters in 1986 were double the estimated 600,000 lobster maximum sustainable yield level. If the current level of effort continues or increases as projected, the viability of the fishery could be threatened in a resonabley short period of time. Implementation of the proposed 5.6 cm minimum size limit for slipper lobster is expected to increase spawning and, therefore, catches and revenue relative to the no action alternative, and will more than offset an estimated $413,000 reduction in revenue during the first year after implementation.

The use of escape vents is expected to substantially reduce sublegal mortality of both spiny and slipper lobster, as well as increasing the efficiency of traps in the retention of legal spiny lobsters. Studies indicate that about 20 percent of sublegal lobsters die upon release. Assuming that 80 percent of those lobsters survive through the use of escape vents, benefits to the spiny lobster fishery of about $248,000 in higher revenue are expected in the first year and in subsequent years. In addition, revenue in the slipper lobster fishery is expected to increase by about $85,920 based on reductions in sublegal mortality similar to those for spiny lobsters. Additional benefits from the preservation of the reproductive capacity of the resources will be gained through the use of escape vents.

Benefits from escape vents will also accrue from an increase in the efficiency of traps in retaining legal size spiny lobsters. The escapement of sublegal spiny lobsters and less crowding in the trap is expected to increase retention of legal spiny lobsters by about 10 percent. This gain will be offset by a 10 percent reduction in the retention of legal slipper lobsters, because escape vents are not as effective in retaining legal slipper lobsters compared to spiny lobsters due to a difference in body morphology. The total number of legal lobsters retained should be unchanged in the first year of implementation of Amendment 5 compared to landings of the previous year; but, the increase in the more valuable spiny lobsters will result in a net gain in value to the industry of about $184,000.

Implementing a requirement for escape vents in traps is estimated to be a one-time cost of about $48,000. This is based on a cost for materials of $2.50 per trap (for 2 escape panels) in each of 19,200 traps in the fishery (16 vessels × 1200 traps/vessel). Additional labor costs for installation of the vents are not expected because the rule would become effective in early January when the vessels are tied up for the season and are completing normal maintenance activities. There would be no loss of fishing time or revenue to comply with the regulation; therefore, no hiring of additional crew would be required to complete the effort. If some vessels do not complete the installation during the off season, a cost per vessel of about $5,000 might be incurred based on a 5 crewmen working for 5 days at about $200 per crewman per day.

The requirement that fishermen release egg bearing females will greatly add to the protection of the resource. Allowing female lobsters to complete the spawning cycle will contribute significantly to the reproduction capacity of the stock and should result in higher abundance, catches and revenues in the long term. Minor costs associated with sorting and returning lobsters to the sea may be incurred, as well as a possible small reduction in revenue stemming from a 1 to 2 month delay in the capture of those released lobsters.

The revised reporting requirements and additional information required for permits will not significantly change the burden hours while providing essential data necessary for the management of the fishery. The annual reporting burden as a combined total for all fishermen is estimated to be 4 hours for permits and 54 hours for reporting transshipment and sales data.

The General Counsel of the Department of Commerce certified to the Cheif Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small businesses. A summary of this determination appears in the proposed rule.

This rule contains collection-of-information requirements subject to the Paperwork Reduction Act. The collection of information requirements have been submitted to OMB for review under section 3504(h) of the Act.

The Council has determined, and the appropriate State and territorial governments offices have found, that the measures established in the FMP amendment are consistent to the maximum extent practicable with the approved coastal zone management programs of Hawaii and the territories of American Samoa and Guam.

List of Subjects in 50 CFR Part 681

Fisheries, Reporting and recordkeeping requirements.

Dated: December 10, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator For Fisheries, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR Part 681 is proposed to be amended as follows:

PART 681—[AMENDED]

1. The authority citation for 50 CFR Part 681 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. The heading of Part 681 is revised to read as follows:

PART 681—WESTERN PACIFIC CRUSTACEAN FISHERIES

3. § 681.1 is revised to read as follows:

§ 681.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region (FMP) developed by the Western Pacific Fishery Management Council under the Magnuson Fishery Conservation and Management Act (Magnuson Act).

(b) These regulations govern commercial fishing for spiny and slipper lobsters by fishing vessels of the United States within the U.S. exclusive economic zone (EEZ) seaward of American Samoa, Guam, and Hawaii. The management measures specified in Subpart B apply only in the EEZ seaward of the Northwestern Hawaiian Islands (Permit Area 1). The management measures specified in Subpart C apply only in the EEZ seaward of the main Hawaiian Islands (Permit Area 2).

4. In § 681.2, the definition for *"Authorized Officer"*, paragraph (b) is revised; the definitions for *"Carapace length"*, *"Closed area"*, *"Commercial fishing"* and *"U.S. harvested spiny lobster"* are revised; the definition of *"Tail width"* is removed and new definitions for *"Tail width of slipper lobster"* and *"Tail width of spiny lobster"* are added in its place; Figure 2—TAIL WIDTH" is redesignated "Figure 2—TAIL WIDTH OF SPINY LOBSTER" to appear after the definition for "Tail Width of Spiny Lobster," and a new "Figure"—TAIL WIDTH OF SLIPPER LOBSTER" is added, to read as follows:

§ 681.2 Definitions.

* * * * *

Authorized officer means:

* * * * *

(b) Any special agent of the National Marine Fisheries Service;

* * * * *

Carapace length means a measurement in a straight line from the ridge between the two largest spines above the eyes, back to the rear edge of the carapace of a spiny lobster (see Figure 1).

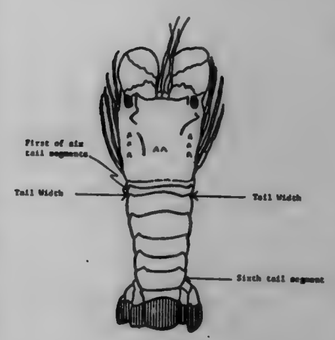
Closed area means an area of the EEZ that is closed to fishing for lobster.

Commercial fishing means fishing with the intent to sell all or part of the catch of lobsters. All lobster fishing in the Northwestern Hawaiian Islands (Permit Area 1) is considered commercial fishing.

* * * * *

Tail width of slipper lobster means the straight line distance across the tail measured as the widest spot between the first and second tail segments. (See Figure 2).

FIGURE 2. TAIL WIDTH OF SLIPPER LOBSTER



Tail width of spiny lobster means the straight line distance across the tail measured at the widest spot between the first and second abdominal spines (see Figure 3).

* * * * *

U.S.-harvested lobster means lobster caught, taken, or harvested by vessels of the United States within the Management Area.

* * * * *

5. In § 681.4, paragraphs (b)(2) (ix) through (xiv) are revised and new paragraphs (b)(2) (xv) through (xxi) are added to read as follows:

§ 681.4 Permits.

* * * * *

(b) * * *

(2) * * *

(ix) Date of purchase of the vessel;

(x) The gross registered tons of the vessel;

(xi) The registered length of the vessel;

(xii) The purchase price of the vessel;

(xiii) The age of the vessel;

(xiv) The vessel hold capacity;

(xv) The refrigeration types and capacity;

(xvi) Fuel capacity;

(xvii) Types and amounts of fishing gear employed;

(xviii) The permit area in which the applicant proposes to fish;

(xix) Whether the application is for a new permit or a renewal;

(xx) The number and expiration date of any prior permit for the vessel issued under this part; and

(xxi) Any other fishery management data requested by the Center Director.

* * * * *

6. In § 681.5, paragraphs (b)(1) (iv) and (v), and (d) are removed; and paragraphs (b)(1) introductory text, (i), (ii) and (iii) and (b)(2) are revised, to read as follows:

§ 681.5 Recordkeeping and reporting.

* * * * *

(b) * * *

(1) Vessel information—

(i) Name of vessel;

(ii) Permit number of vessel; and

(iii) Size of crew.

(2) Fishing information—

(i) Location of lobster catch by statistical area as depicted in the NMFS Daily Lobster Catch Report form;

(ii) Date and time of trap deployment and number of traps deployed;

(iii) Date and time of trap retrieval and number of traps retrieved;

(iv) Number and species of legal spiny lobsters and number of legal slipper lobsters caught per trap deployment;

(v) Number and species of sublegal spiny lobsters and number of sublegal slipper lobsters caught per trap deployment;

(vi) Number and species of berried female spiny lobsters and number of berried female slipper lobsters caught per trap deployment;

(vii) Number of Kona crabs per trap deployment;

(viii) Number of octopus and other species per trap deployment;

(ix) Transshipment and sales data; and

(x) Any other fishery management data requested by the Center Director.

* * * * *

7. Section 681.21 is revised to read as follows:

§ 681.21 Size restrictions.

Only spiny lobsters with a tail width of 5.0 cm or greater and slipper lobsters with a tail width of 5.6 cm or greater may be retained.

8. In § 681.24, new paragraphs (c) and (d) are added to read as follows:

§ 681.24 Gear restrictions.

* * * * *

(c) All lobster traps must have a minimum of two escape vent panels meeting the following requirements:

(1) Panels must have at least four circular holes no smaller than 67 millimeters (mm) in diameter with centers at least 82 mm apart.

(2) The lowest part of any opening in an escape vent panel must not be more than 85 mm above the floor of the trap.

(d) It is unlawful to have on board a vessel fishing for or in possession of lobster, any trap that does not meet the requirements of paragraphs (a), (b), and (c) of this section.

§§ 681.4, 681.20, 681.23, 681.25, and 681.30 [Amended]

9. In addition to the amendments set forth above, the initials "FCZ" are removed and the initials "EEZ" are added in their place in the following places: §§ 681.4(k); 681.20; 681.23(b); 681.25; and 681.30.

§§ 681.4, 681.5, 681.7, 681.10, 681.20, 681.22, 681.24, 681.25, 681.26, 681.27, 681.28, 681.30, 681.32, 681.34, and 681.35 [Amended]

10. In addition to the amendments set forth above, the word "spiny" is removed wherever it appears in the following places: §§ 681.4(a)(1), 681.4(k), 681.5(a), 681.5(a)(1), 681.5(a)(2), 681.5(a)(4), 681.5(b), 681.5(c), 681.7(a)(1), 681.7(a)(7), 681.7(a)(12), 681.7(b)(1), 681.7(b)(2), 681.7(b)(3), 681.7(b)(4), 681.7(c)(1), 681.7(c)(2), 681.7(c)(3), 681.7(c)(4), 681.10(b), 681.20, 681.22, 681.24(a), 681.24(b), 681.25, 681.26(a), 681.27(a), 681.27(b), 681.27(d), 681.28(a), 681.30, 681.32, 681.34, and 681.35.

[FR Doc. 87-28770 Filed 12-10-87; 5:07 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 52, No. 240
Tuesday, December 15, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

7 CFR Part 966

Tomatoes Grown in Florida and Tomatoes Imported Into the United States

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would extend the effective period of the handling regulation from June 15 to June 30, increase the minimum grade for fresh market shipments of 6×7 size (small) tomatoes outside the regulated area from U.S. No. 3 to U.S. No. 2, and establish a minimum grade requirement for 6×7 size tomatoes of U.S. No. 2 for shipments within the regulated area. The changes would apply to both domestic shipments of tomatoes under the marketing order and to imported tomatoes. This action is intended to prevent tomatoes of undesirable size and quality from being distributed in fresh market channels.

DATE: Comments due January 4, 1988.

ADDRESS: Comments should be sent to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2085–S, Washington, DC 20090–6456. Three copies of all written material should be submitted, and they will be made available for public inspection in the office of the Docket Clerk during regular business hours. Comments should reference the date and page number of this issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT: Kenneth G. Johnson, Marketing Order Administration Branch, fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephne (202) 447–5331.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Order No. 966 (7 CFR Part 966), as amended, regulating the handling of tomatoes grown in Florida. This order is authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "nonmajor" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposal on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act and rules issued thereunder are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 103 handlers of tomatoes subject to regulation under the Florida Tomato Marketing Order, and approximately 180 tomato producers in Florida.

Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $100,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of Florida tomatoes may be classified as small entities.

The 1986–87 annual report of the Florida Tomato Committee indicated that total shipments for the 1986–87 season were 58,366,486 25-lb. equivalents, compared to 52,421,792 for the 1985–86 season and 52,471,073 for 1984–85. The average yield was approximately 1,107 25-lb. equivalents per acre compared to 1,150 the previous season and 1,173 in 1984–85. The total acres harvested were 5,387 more than the 45,530 acres harvested last season, and shipments were up 3,944,694 packages. Available forecasts predict that adequate tomato supplies will be available in the fall, winter, and spring of the 1987–88 season. Tomato production in the Florida marketing order area is expected to be at least equal to the 56.4 million 25-lb. equivalents shipped in 1986–87.

For mature green and vince ripe 6×7 size tomatoes grading U.S. No. 3 total shipments for 1986–87 were 1,787,153 million 25–lb. equivalents or approximately three percent of the total shipments of 52,366,486 25-lb. equivalents for all sizes and grades. Mature green and vine ripe 6×7 size tomatoes grading U.S. No. 3 were valued at $6,022,910.25 or 1.4 percent of the total sales dollars of $410,124,645 for all tomato grades and sizes shipped.

The proposed rule would change the handling regulation specified at 7 CFR in 966.323 (49 FR 47189 December 3, 1984; 51 FR 41074 November 13, 1986; 52 FR 46345 December 7, 1987) to extend the handling regulation effective period, increase the minimum grade for fresh market shipments of 6×7 size tomatoes outside the regulated area, and establish a minimum grade for shipments of 6×7 size tomatoes within ther egulated area.

Changes would be made in the introductory text and in §§ 966.323(a)(1) and 966.323(f) to help maintain the quality of Florida tomato shipments and tomato imports by extending the handling regulation effective period and increasing and extending the coverage of the minimum grade requirement. This proposal is being issued pursuant to § 966.52 of the order.

Growers are producing and harvesting tomatoes into late June. Currently, the handling regulations are in effect October 10–June 15. After June 15, handlers may ship tomatoes free of the grade, size, container, and inspection requirements under the marketing order. According to the committee, many tomatoes that would not meet the requirements of the marketing order were shipped after June 15 last season. Quality standards have been imposed on the Florida tomato industry to improve its image and give the consumer a better product. According to the committee, to stop regulations before all harvesting is complete and allow significant supplies of poor quality tomatoes to be shipped to fresh market channels at the end of a season defates the purpose of the regulations. Members of the committee believe extending the effective period to June 30 is needed to maintain the quality of late season shipments of tomatoes by requiring the tomatoes to meet the applicable grade, size, and quality requirements established under the order.

Marketing Order No. 966 defines the "regulated area" to include most of the State of Florida. Tomatoes shipped to points outside the regulated area are currently required to be at least U.S. No. 3 grade and 2⅝₃₂ inches in diameter, and be sized and packed in accordance with three classifications. The smallest of the three designated sizes is the 6×7, which includes tomatoes ranging from 2⅝₃₂ to 2¹⅝₃₂ inches in diameter. The committee has recommended that the minimum grade for the 6×7 size be increased to U.S. No. 2.

It has also been recommended that this requirement be made applicable to fresh market shipments within the regulated area. Such shipments are now subject to size and inspection requirements.

This revision in the grade requirements is expected to prevent small, low-quality tomatoes from reaching the marketplace. This action is intended to improve the overall quality of tomatoes in fresh marketing channels.

Tomatoes grading U.S. No. 3 must be well developed, may be misshapen, and cannot be seriously damaged by sunscald. Tomatoes grading U.S. No. 2 have to be well developed, reasonably well-formed, and free from sunscald. Sunscald is an injury which usually occurs on the sides or upper half of the tomato, but may occur wherever the rays of the sun strike most directly. The first symptom is a whitish, shiny, blistered area. The affected tissue gradually collapses, forming a slight sunken area that may become a pale yellow color and will often wrinkle or shrivel as the tomato ripens. This detracts from the overall appearance and quality of the tomato.

The difference between tomatoes grading U.S. No. 3 and U.S. No. 2 with regard to development, shape, and sunscald is especially noticeable in smaller sized tomatoes.

Preliminary findings of a research study being conducted by Dr. John VanSickle, Marketing Economist, Food & Resources Economics Department, College of Agriculture, University of Florida, indicate that 6×7 U.S. No. 3 grade tomatoes are generally of very poor quality and are not desired by the consumer. Moreover, the data shows that when tomatoes of this quality are offered for sale to consumers they have an adverse affect on the demand and sale of other Florida tomatoes.

While this regulation would extend the effective period of the handling regulations, and increase and extend the applicability of the minimum grade requirement, exemptions to the handling regulation would continue to be available. For example, several varieties or types of tomatoes are completely exempt and handlers may ship up to 60 pounds of tomatoes per day without regard to the requirements of the handling regulation. Shipments of tomatoes for canning, experimental purposes, relief, charity, or export are also exempt. Importers could also ship to 60 pounds of tomatoes per day exempt from the import regulation.

Quality assurance is very important to the Florida tomato industry both within and outside of the State. Providing the public with acceptable quality produce which is appealing to the consumer on a consistent basis is necessary to maintain buyer confidence in the marketplace. To the extent that this action increases the quality of tomatoes in the marketplace, it would also be of benefit to both Florida tomato growers and handlers.

Based on the above, the Administrator of AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

Section 8e of the Act (7 U.S.C. 608e–1) provides that whenever specified commodities, including tomatoes, are regulated under a Federal marketing order, imports of that commodity are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. Because this proposal would extend the effective period of the handling regulation, and establish a higher minimum grade requirement for domestic tomato shipments, this change would be applicable to imported tomatoes during the period that the domestic handling requirements are in effect.

Florida tomatoes must be packed in accordance with three specified size designations, and tomatoes falling into different size classifications may not be commingled in a single container. These pack restrictions do not apply to imported tomatoes. Imported tomatoes are generally sized in accordance with the U.S. Standards for Grades of Tomatoes (§§ 51.1855–51.1877). Under these standards, there are specific diameter ranges for different size classifications, e.g., medium size tomatoes are classified as tomatoes which range from 2⅝₃₂ to 2¹⅞₃₂ inches in diameter and large size tomatoes are classified as tomatoes which range from 2¹⅞₃₂ to 2²⅝₃₂ (§ 51.1859 of the standards). In addition, different sizes of imported tomatoes (e.g., medium and large) may be commingled in the same container. In this instance, a lot of imported tomatoes may range from the smallest size of medium tomatoes to the largest size of large tomatoes, i.e., 2⅝₃₂ to 2²⅝₃₂ inches in diameter. Under these circumstances, it would be impracticable to require imported tomatoes to meet the same quality requirements proposed for Florida 6×7 size tomatoes which range from 2⅝₃₂ inches to 2¹⅝₃₂ inches in diameter because of the variation in the way imported tomatoes are sized. Thus, a comparable quality requirement is being proposed for imported tomatoes. The upper range of a medium tomato in the U.S. Standards for tomatoes is 2¹⅞₃₂ inches in diameter. Since most imported tomatoes are sized in accordance with such standards and medium tomatoes under the standards are comparable to Florida 6×7 tomatoes, it is proposed that imported tomatoes with a minimum diameter of 2¹⅞₃₂ inches or larger be required to grade at least U.S. No. 3. All other imported tomatoes (those ranging from 2⅝₃₂ inches to 2¹⅝₃₂ inches in diameter) would be required to be U.S. No. 2 or better. Moreover, the current undersize tolerance would remain in effect. That would mean any lot with more than 10 percent of its tomatoes less than 2¹⅞₃₂ inches in diameter would have to grade at least U.S. No. 2. A conforming change to § 966.323(f) *Applicability to imports* will be made to reflect the proposed change in the effective period of the import regulation and the increase in the minimum grade requirement. No change is needed in the import regulation for tomatoes which appears in Part 980 (7 CFR 980.212; 42 FR 55192, October 4, 1977).

A 20-day comment period is deemed appropriate because the harvest and shipment of 1987–88 season Florida tomatoes has begun. If any change is adopted as a result of this rulemaking, a final rule would become effective as soon as practicable. Until such time, the existing handling requirements that appear in § 966.323 will remain in effect. All written comments timely received in response to this request for comments will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 966

Marketing agreements and orders, Tomatoes, Florida.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 966 be amended as follows:

PART 966—TOMATOES GROWN IN FLORIDA

1. The authority citation for 7 CFR Part 966, Tomatoes Grown in Florida continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 966.323 is amended by revising the introductory text, paragraphs (a)(1) and (f) to read as follows:

[§ 966.323 Handling regulation.

During the effective date of this rule, through June 30, 1988, for the 1987–88 season and from October 10 through June 30 each season thereafter, except as provided in paragraphs (b) and (d) of this section, no person shall handle any lot of tomatoes for shipment outside the regulated area unless it meets the requirements of paragraph (a) of this section and no person shall handle any lot of tomatoes for shipment within the regulated area unless it meets the requirements of paragraphs (a)(1), (a)(2)(i), and (a)(4) of this section.

(a) *Grade, size, container, and inspection requirements.*—(1) *Grade.* Tomatoes shipped outside the regulated area shall be graded and meet the requirements for U.S. No. 1, U.S. Combination, U.S. No. 2, or U.S. No. 3 of the U.S. Standards for Grades of Fresh Tomatoes, except that all shipments of size 6×7 tomatoes must grade at least U.S. No. 2 or better. * * *

* * * * *

(f) *Applicability to imports.* Under section 8e of the Act and § 980.212 "Import regulations" (7 CFR 980.212) tomatoes imported during the effective date of this rule, through June 30, 1988, during the 1987–88 season and from October 10 through June 30 each season thereafter shall be at least 2⁹⁄₃₂ inches in diameter. Not more than 10 percent, by count, in any lot may be smaller than the minimum specified diameter. All lots with a minimum diameter of 2¹³⁄₃₂ inches and larger shall be at least U.S. No. 3 grade. All other tomatoes shall be at least U.S. No. 2 grade. Any lot with more than 10 percent of its tomatoes less than 2¹³⁄₃₂ inches in diameter shall grade at least U.S. No. 2.

Dated: December 9, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87–28733 Filed 12–14–87; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 62

Criteria and Procedures for Emergency Access to Non-Federal and Regional Low-Level Waste Disposal Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing a rule to establish procedures and criteria for fulfilling its responsibilities associated with acting on requests by low-level radioactive waste (LLW) generators, or State officials on behalf of those generators, for emergency access to operating, non-Federal or regional, low-level radioactive waste disposal facilities under section 6 of the Low-Level Radioactive Waste Policy Amendments Act of 1985. Grants of emergency access may be necessary if a generator of low-level radioactive waste is denied access to operating low-level radioactive waste disposal facilities, and the lack of access results in a serious and immediate threat to the public health and safety or the common defense and security.

DATES: Comments should be submitted on or before February 12, 1988. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received before this date.

ADDRESS: Submit written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments received and the regulatory analysis may be examined at the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Janet Lambert, Division of Low-Level Waste Management and Decommissioning, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 443–7783.

SUPPLEMENTARY INFORMATION:

I. Background
II. Legislative Requirements
III. Legislative History
IV. NRC Approach
V. Assumptions
VI. The Proposed Action
VII. Rationale for Criteria
VIII. Specific Request for Comments
IX. Requests For Emergency Access Made Prior to the Effective Date of the Rule
X. Finding of No Significant Environmental Impact: Availability
XI. Paperwork Reduction Act Statement
XII. Regulatory Analysis
XIII. Regulatory Flexibility Certification
XIV. List of Subjects in 10 CFR Part 62

I. Background

The Low-Level Radioactive Waste Policy Amendments Act of 1985 (Pub. L. 99–240, January 15, 1986), "the Act" directs the States to develop their own LLW disposal facilities or to form Compacts and cooperate in the development of regional LLW disposal facilities so that the new facilities will be available by January 1, 1993.

The Act establishes procedures and milestones for the selection and development of the LLW disposal facilities. The Act also establishes a system of incentives for meeting the milestones, and penalties for failing to meet them, which is intended to assure steady progress toward new facility development.

The major incentive offered by the Act is that the States and regional Compacts which meet the milestones will be allowed to continue to use the existing disposal facilities until their own facilities are available, no later than January 1, 1993. If unsited States or Compact regions fail to meet key milestones in the Act, the States or Compact Commissions with operating non-Federal or regional LLW disposal facilities are authorized to demand additional fees for wastes accepted for disposal, and ultimately to deny the LLW generators in the delinquent State or Compact region further access to their facilities.

Section 6 of the Act provides that the Nuclear Regulatory Commission (NRC) can grant a generator "emergency access" to non-Federal or regional low-level radioactive waste (LLW) disposal facilities if access to those facilities has been denied and access is necessary in order to eliminate an immediate and serious threat to the public health and safety or the common defense and security. The Act also requires that a determination be made as to whether the threat can be mitigated by any alternative consistent with the public health and safety, including ceasing the activities that generate the waste. NRC must be able, with the information provided by the requestor, to make both determinations prior to granting emergency access. The purpose of this proposed regulation is to set forth the procedures and criteria that will be used by the Commission to determine if emergency access to a LLW disposal facility should be granted.

II. Legislative Requirements

In addition to directing the NRC to grant emergency access as discussed in the Background section, the Act further directs NRC to designate the operating LLW disposal facility or facilities where the waste will be sent for disposal if NRC determines that the circumstances warrant a grant of emergency access. NRC is required to notify the Governor (or chief executive officer) of the State in which the waste was generated that emergency access has been granted, and to notify the State and Compact which will be receiving the waste that emergency access to their LLW disposal facility is required. The Act limits NRC to 45 days from the time a request is received to determine whether emergency access will be granted and to designate the receiving facility.

The Act provides that NRC can grant emergency access for a period not to exceed 180 days per request. To ensure that emergency access is not abused, the Act allows that only one extension of emergency access, not to exceed 180 days, is to be granted per request. An extension can be approved only if the LLW generator who was originally granted emergency access and the State in which the LLW was generated have diligently though unsuccessfully attempted during the period of the initial grant to eliminate the need for emergency access.

The Act also provides that requests for emergency access shall contain all information and certifications that NRC requires to make its determination.

"Temporary emergency access" to non-Federal or regional LLW disposal facilities may be granted at the Commission's discretion because of a serious and immediate threat to the public health and safety or the common defense and security pending a Commission determination as to whether the threat could be mitigated by suitable alternatives. The grant of temporary emergency access expires 45 days after it is granted.

Although the Act does not require NRC to develop a rule to carry out its section 6 responsibilities, NRC is proposing this rule to establish the procedures and criteria that will be used in making the required emergency access determinations. Since the requisite condition that must be met in order for a requestor to be eligible for emergency access consideration is that the requestor has already been denied access to the LLW disposal sites by the States or Compacts with operating disposal facilities, implicit in any decision to grant emergency access is the fact that such a decision will override the sited States' and/or Compacts' expressed desire not to accept waste from that particular State or generator. Although Congress provided NRC the statutory responsibility for implementing section 6 of the Act and gave the Commission authority to decide whether or not access will be provided, emergency access decisions are likely to be controversial. By setting out the procedures and criteria for making emergency access decisions in a rule which reflects public comment, NRC intends to provide an opportunity for input from potentially affected individuals and organizations, add predictability to the decisionmaking process, and to help ensure that the NRC will be able to make its decisions on emergency access requests within the time allowed by the Act.

III. Legislative History

The legislative history of the Act emphasizes the Congressional intent that emergency access be used only in very limited and rare circumstances and that it was not intended to be used to circumvent other provisions of the Act. Congress believed it was important for the successful implementation of the Act that emergency access not be viewed by the unsited States as an alternative to the pursuit of the development of new LLW disposal capacity. The legislative history indicates that Congress believed that with the various management options available to LLW generators, including, for example, storage or ceasing to generate the waste, the instances where there was no alternative to emergency access would be unlikely. Congress expected that responsible action from the generators and the States/Compacts should resolve most access problems thus precluding the necessity for involving the Federal sector in granting emergency access. Section 6 was included to provide a mechanism for Federal involvement as a vehicle of last resort.

In developing the emergency access rule, NRC has tried to be consistent both with the actual text of section 6 of the Act and with the intent expressed by Congress regarding decisions made pursuant to section 6. The proposed rule sets strict requirements for granting emergency access and serves to encourage potential requestors to seek other means for resolving the problems created by denial of access to LLW disposal facilities. The proposed rule places the burden on the party requesting emergency access to demonstrate that the criteria in the rule have been met and emergency access is needed. Applicants for emergency access will have to provide clear and convincing evidence that they have exhausted all other options for managing their waste. By establishing strict requirements for approving requests for emergency access, NRC intends to reinforce the idea that problems with LLW disposal are to be worked out to the extent practical among the States, and that emergency access to existing LLW facilities will not automatically be available as an alternative to developing that capacity. NRC believes this interpretation is consistent with a plain reading of the Act and the supporting legislative history.

Section 6(g) of the Act requires the NRC to notify the Compact Commission for the region in which the disposal facility is located of any NRC grant of access "for such approval as may be required under the terms of its compact." The Compact Commission "shall act to approve emergency access not later than fifteen days after receiving notification" from the NRC. The purpose of this provision is to—

- Ensure that the Compact Commission is aware of the NRC's grant of emergency access and the terms of the grant,
- Allow the Compact Commission to implement any administrative procedures necessary to carry out the grant of access, and
- Ensure that the limitations on emergency access set forth in section 6(h) of the Act have not been exceeded.

However, it is clear from the legislative history of the Act that section 6(g) should not be construed as providing the Compact Commission with a veto over the NRC's grant of emergency access. The basic purpose of the section 6 emergency access provision is to ensure that sites that would normally be closed under the Act will be available in emergency situations. A Compact Commission veto would frustrate the purpose of the emergency access provision and would be generally contrary to the legislative framework established in the Act. As emphasized in the House Committee on Interior and Insular Affairs Report on the Act, ratification of a Compact should be conditioned on the Compact's acting in accord with the provisions of the Act. If the Compact refuses to provide, under its own authorities, emergency access under Section 6, Congressional ratification of that Compact would be null and void. H.R. REP. No. 314, 99th Cong., 1st Sess., pt. 1, at 2997 (1985).

BEST COPY AVAILABLE

IV. NRC Approach

In developing the proposed rule, the NRC's approach was to:

1. Assure that all of the principal provisions of Section 6 of the Act are addressed in the regulation.

2. Identify the information and certifications that will have to be submitted with any request for emergency access in order for NRC to make the necessary determinations.

3. Assure that the procedures and criteria that are established in 10 CFR Part 62 can be implemented within the 45-day period specified in the Act.

4. Establish procedures and criteria for designating a site to receive the waste which are fair and equitable and which are consistent with the other provisions of the Act including the limits on the amount of waste that can be disposed of at each operating facility.

5. Establish requirements for granting emergency access that are stringent enough to discourage the unsited States and regions from viewing emergency access as an alternative to diligent pursuit of their own disposal capability, and yet flexible enough to allow NRC to respond appropriately in situations where emergency access is genuinely needed to protect the public health and safety or the common defense and security.

V. Assumptions

In developing the rule NRC made several assumptions. These assumptions are discussed below.

NRC staff are assuming that the wastes requiring disposal under the emergency access provision will be the result of unusual circumstances. The nature of routine LLW management is such that it is difficult to conceive of situations where denial of access to disposal would create a serious and immediate threat to the public health and safety or the national security. In most cases generators should be able to safely store routinely generated LLW or employ other options for managing the waste without requiring emergency access. Thus, if all the LLW generators in a State were denied access to LLW disposal facilities, NRC staff would not expect to receive a blanket request for emergency access for all of the LLW generated in that State, or for all of the LLW generated by a particular kind of generator since the need for emergency access would be different in each case.

In preparing the rule, NRC has also assumed that requests for emergency access will not be made for wastes which would otherwise qualify for disposal by the Department of Energy (DOE) under the unusual volumes provision of the Act [section 5(c)(5)]. This means that NRC does not intend to consider requests for emergency access for wastes generated by commercial nuclear power stations as a result of unusual or unexpected operating, maintenance, repair or safety activities. Section 5(c)(5) of the Act specifically sets aside 800,000 cu. ft. of disposal capacity above the regular reactor allocations through 1992 to be used for those wastes With this space reserved for wastes qualifying for the "unusual volumes allocation," NRC believes emergency access should be reserved for other LLW, until the 800,000 cu. ft. allocation is exceeded.

NRC considered basing its decisions for granting emergency access solely on quantitative criteria, but decided against that approach. While NRC has identified some of the wastes and the scenarios which would create a need for emergency access, it is unlikely that all possibilities can be predicted or anticipated. Largely because of the uncertainty associated with identifying all of the circumstances under which emergency access may be required, NRC has avoided establishing criteria with absolute thresholds. Instead, the rule as proposed contains a combination of qualitative and quantitative criteria with generic applicability. NRC believes this combination provides NRC maximum flexibility in considering requests for emergency access on a case-by-case basis.

VI. The Proposed Action

The proposed rule contains three Subparts, A, B, and C. These subparts set out the requirements and procedures to be followed in requesting emergency access and in determining whether or not requests should be granted. Each subpart is summarized and discussed here.

Subpart A—General Provisions

Subpart A contains the purpose and scope of the rule, definitions, instructions for communications with the Commission, and provisions relating to interpretations of the rule. Subpart A states that the rule applies to all persons as defined by this regulation who have been denied access to existing commercial LLW disposal facilities and who submit a request to the Commission for an emergency access determination under section 6 of the Low-Level Radioactive Waste Policy Amendments Act of 1985.

Subpart B—Request for a Commission Determination

Subpart B specifies the information that must be submitted and the procedures that must be followed by a person seeking a Commission determination on emergency access.

Specifically, Subpart B requires the submission of information on the need for access to LLW disposal sites, the quantity and type of material requiring disposal, impacts on health and safety or common defense and security if emergency access were not granted, and consideration of available alternatives to emergency access. This information will enable the Commission to determine:

(a) Whether a serious and immediate threat to the public health and safety or the common defense and security might exist,

(b) Whether alternatives exist that could mitigate the threat, and

(c) Which non-Federal disposal facility or facilities should provide the disposal required.

In addition to the above, Subpart B also sets forth procedures for the filing and distribution of a request for a Commission determination. It provides for publication in the Federal Register of a notice of receipt of a request for emergency access to inform the public that Commission action on the request is pending. Even though comment is not required by the Act or the Administrative Procedure Act, Subpart B provides for a 10-day public comment period on the request for emergency access.

In the event that the case for requesting emergency access is to be based totally or in part on the threat posed to the common defense and security, Subpart B requires that a statement of support from the Department of Energy (DOE) or the Department of Defense (DOD) (as appropriate) be submitted as part of the initial request for emergency access. If the request is based entirely on common defense and security concerns, NRC will not proceed with the emergency access evaluation until the statement of support is submitted.

Subpart C—Issuance of a Commission Determination

For the NRC to grant emergency access, the Commission must first conclude that there is a serious and immediate threat to the public health and safety or the common defense and security, and second that there are no available mitigating alternatives. Subpart C sets out the procedures to be followed by the Commission in considering requests for emergency access, for granting extensions of emergency access, and for granting temporary emergency access; establishes the criteria and standards to be used by the Commission in making those determinations: and specifies the procedures to be followed in issuing them.

Subpart C provides that NRC, in making the determination that there is a serious and immediate threat to the public health and safety, will consider: (1) The nature and extent of the radiation hazard that would result from the denial of access including consideration of the standards for radiation protection contained in 10 CFR Part 20, any standards governing the release of radioactive materials to the general environment that are applicable to the facility that generated the low-level waste, and any other Commission requirements specifically applicable to the facility or activity which is the subject of the emergency access request and, (2) the extent to which essential services such as medical, therapeutic, diagnostic, or research activities will be disrupted by the denial of emergency access.

In making the determination that there is a serious and immediate threat to the common defense and security, Subpart C provides that the Commission will consider whether the activity generating the LLW is necessary to the protection of the common defense and security and whether the lack of access to a disposal site would result in a significant disruption in that activity that would seriously threaten the common defense and security. Subpart C also specifies that the Commission will consider DOD and DOE viewpoints in a statement of support to be filed with the request for emergency access.

Under Subpart C, if the Commission makes either of the above determinations in the affirmative, then the Commission will consider whether alternatives to emergency access are available to the requestor. The Commission will consider whether the person submitting the request has identified and evaluated the alternatives available which could potentially mitigate the need for emergency access. The Commission will consider whether the person requesting emergency access has considered all factors in the evaluation of alternatives including state-of-the-art technology and the impacts of the alternatives on the public health and safety. For each alternative, the Commission will also consider whether the requestor has demonstrated that the implementation of the alternative is unreasonable because of adverse effects on the public health and safety or the common defense and security, because it is technically or economically beyond the capability of the requestor, or because the alternative could not be implemented in a timely manner.

Of particular concern to Congress was the possibility that ceasing the activity responsible for generating the waste could lead to the cessation or curtailment of essential medical services. In the proposed rule, the Commission considers the impact on medical services from ceasing the activity in making its determination that there is a serious and immediate threat to the public health and safety under § 62.25. However, the Commission is also concerned as to whether the implementation of other alternatives may have a disruptive effect on essential medical services. The Commission specifically requests information on these impacts in § 62.12 so they can be considered in its overall determination about reasonable alternatives.

According to the procedures set out in Subpart C, the Commission will only make an affirmative determination on granting emergency access if the available alternatives are found to be unreasonable. If an alternative is determined by NRC to be reasonable, then the request for emergency access will be denied.

If the Commission determines that there is a serious and immediate threat to the public health and safety or the common defense and security which cannot be mitigated by any alternative then the Commission will decide which operating non-Federal LLW disposal facility should receive the LLW approved for emergency access disposal.

Subpart C sets out that in designating a disposal facility or facilities to provide emergency access disposal, the Commission will first consider whether a facility should be excluded from consideration because: (1) The LLW does not meet the license criteria for the site; (2) the disposal facility meets or exceeds its capacity limitations as set out in the Act; (3) granting emergency access would delay the planned closing of the facility; or (4) the volume of the waste requiring disposal exceeds 20 percent of the total volume of the LLW accepted for disposal at the site in the previous calendar year. If the designation cannot be made on these factors alone, then the Commission will consider the type of waste, previous disposal practices, transportation requirements, radiological effects, site capability for handling the waste, and any other information the Commission deems necessary.

In making a determination regarding a request for an extension of emergency access, Subpart C provides that the Commission will consider whether the circumstances still warrant emergency access and whether the person making the request has diligently acted during the period of the initial grant to eliminate the need for emergency access.

In making a determination that temporary emergency access is necessary, the Commission will have to consider whether the emergency access situation falls within the criteria and examples in the Commission's policy statement on abnormal occurrences, but will not have to reach a determination regarding mitigating alternatives.

VII. Rationale for Criteria

The proposed rule establishes the criteria for making the emergency access determinations required by the Act. The rationale for these decisions is discussed below:

(a) Determination That a Serious and Immediate Threat Exists

Establishing the criteria to be used in determining that a serious and immediate threat exist to the public health and safety or the common defense and security is key to NRC's decisions to grant emergency access. Neither the Act nor its legislative history provide elaboration regarding Congressional intent for what would constitute "a serious and immediate threat."

(1) To the Public health and safety—

The criteria in the proposed rule for determining whether a serious and immediate threat to the public health and safety exists address three situations. Section 62.25(b)(i) addresses the situation where the lack of access would result in a radiation hazard at the facility that is generating the LLW. Section 62.25(b)(ii) addresses the situation where the threat to public health and safety would result from disruption of the activity that generates the waste, for example, an essential medical service. Section 62.25(c) addresses the criteria for granting temporary emergency access.

The criteria in the proposed rule for determining whether a serious and immediate threat to the public health and safety exists is qualitative in nature in order to provide the Commission with the flexibility necessary to consider a wide range of potential factual situations. However, in making this qualitative determination, the criteria require the Commission to consider several existing quantitative standards.

These consist of the Commission's standards for radiation protection in 10 CFR Part 20, any standards on the release of radioactive materials to the general environment that are applicable to the facility that generated the low level waste, and any other Commission requirements specifically applicable to the facility or activity which is the subject of the emergency access request. This latter category would include license provisions, orders, and similar requirements.

The Congressional concern in enacting section 6 of the Act was to ensure that a serious and immediate threat to the public health and safety did not result from a denial of access. In addressing this concern, the Commission will evaluate the request for emergency access, in its entirety, i.e., the threat to public health and safety and the alternatives to emergency access that may be available to mitigate that threat. In other words, in determining what constitutes a serious and immediate threat to public health and safety, the Commission must consider what threat would be unacceptable assuming that no alternatives are available. In the Commission's judgment, any situation that would result in exceeding the occupational dose limits or basic limits of public exposure upon which certain requirements in 10 CFR Part 20 are founded would be an unacceptable threat to the public health and safety, and should be considered for emergency access.

The legislative history of section 6 of the Act does not provide any illustrations of a situation where a serious and immediate threat to the public health and safety would be created at the facility at which the waste is stored, although it is clear that Congress was concerned over the potential radiation hazard that might result at a particular facility that was denied access to LLW disposal. The Commission does not anticipate any situation where the lack of access would create a serious and immediate threat to the public health and safety. However, in order to be able to respond to the unlikely, but still possible, situation where a serious threat to the public health and safety might result, the proposed rule establishes criteria to address this possibility. Under its normal regulatory responsibilities and authority, the Commission would act immediately to prevent or mitigate any threat to the public health and safety, including shutting down the facility. However, there may be circumstances where a potential safety problem would still exist, after the facility was shut down or the activity stopped, if the low level waste could not be disposed of because of denial of access. In this situation, emergency access may be needed. The Commission would emphasize first, that it is extremely unlikely that a serious and immediate threat to the public health and safety will ever result at the generator's facility from the lack of access to a disposal facility, and second, if such a situation does exist, the Commission will move immediately to eliminate the threat.

If the Commission does receive a request for emergency access based on the above circumstances, the Commission will evaluate the nature and extent of the radiation hazard. If there is no violation of the Commission's generic or facility-specific radiation protection standards, no serious and immediate threat would exist from the waste itself. This is separate from a finding that a serious and immediate threat to the public health and safety would exist if the activity were forced to shut down. Section 6(d) of the Act allows the Commission to grant temporary emergency access for a period not to exceed 45 days, solely upon a finding of a serious and immediate threat to the public health and safety. In order to grant temporary emergency access, the Commission is not required to evaluate the availability of alternatives to emergency access that would mitigate the threat. The Commission believes that grants of temporary emergency access should be reserved for the most serious threat to public health and safety, and has accordingly established criteria for granting temporary emergency access that require the consideration of more serious events. For purposes of granting temporary emergency access under § 62.23, the Commission will consider the criteria and examples contained in the Commission's Policy Statement for determining whether an event at a facility or activity licensed or otherwise regulated by the Commission is an abnormal occurrence within the purview of section 208 of the Energy Reorganization Act of 1974. (45 FR 10950, February 24, 1977.) This provision requires the Commission to keep Congress and the public informed of unscheduled incidents or events which the Commission considers significant from the standpoint of public health and safety. Under the criteria established in the Commission's policy statement, an event will be considered an abnormal occurrence if it involves a major reduction in the degree of protection provided to public health and safety. Such an event could include—

1. Moderate exposure to, or release of, radioactive material;

2. Major degradation of safety related equipment; or

3. Major deficiencies in design, construction, use of, or management controls for licensed facilities or activities.

In deciding whether to grant temporary emergency access, the Commission will evaluate whether the emergency access situation falls within the criteria in the Commission's policy statement on abnormal occurrences.

(2) To the common defense and security—

Although NRC is required by the Act to determine that there is either a serious and immediate threat "to the public health and safety," or to "the common defense and security," realistically NRC cannot make the latter judgment without some information from DOD and DOE which will assist NRC in identifying those situations involving the denial of access to LLW disposal which constitute a serious and immediate threat to the national defense and security, or the importance of a particular LLW generator's activities in maintaining those objectives. While NRC has the Congressional mandate for this determination, NRC staff believe it necessary to consider DOD and DOE information as part of the decision making process.

NRC considered several approaches for involving DOD and DOE in the process of determining whether requests for emergency access should be granted on the basis of a serious and immediate threat to the common defense and security. It appears that the best way to provide such interaction would be to require that requests filed with NRC for emergency access which are made entirely, or in significant part, on the basis of a serious and immediate threat to the common defense and security, should include appropriate certification from DOE or DOD substantiating the requestor's claim that such a threat will result if emergency access is not granted. The necessary certification in the form of a statement of support should be acquired by the requestor prior to applying to NRC for emergency access so the certification can be a part of the actual petition.

Congress deliberately gave the NRC the responsibility for making the common defense and security determination rather than leaving the determination with DOD or DOE. So while the Commission intends to give the DOD and DOE certifications and recommendations full consideration in evaluating requests for emergency access, the Commission will not treat them as conclusive.

(b) Determination on Mitigating Alternatives

As directed by Section 6 of the Act, even if a situation exists which poses a serious and immediate threat to the public health and safety or the common defense and security, emergency access is not to be granted if alternatives are available to mitigate the threat in a manner consistent with the public health and safety. As proposed in the rule, requestors for emergency access will have to demonstrate that they have explored the alternatives available and that the only course of action remaining is emergency access. Only after this has been demonstrated to NRC will the Agency proceed with a grant of emergency access.

Alternatives which, at a minimum, a requestor will have to evaluate are set out in section 6(c)(1)(B) of the Act. They include (1) storage of LLW at the site of generation or in a storage facility, (2) obtaining access to a disposal facility by voluntary agreement, (3) purchasing disposal capacity available for assignment pursuant to section 5(c) of the Act, and (4) ceasing the activities that generate the LLW

While 6(c)(1)(B) of the Act sets these out as possible alternatives which a generator must consider before requesting emergency access, NRC has identified other possible alternatives to emergency access which should be considered, as appropriate, in any requests for emergency access. These additional alternatives are discussed below.

Section 5(c)(5) of the Act, "Unusual Volumes," provides owners and operators of commercial nuclear reactors with special access to disposal in the event that unusual or unexpected operating, maintenance, repair or safety activities produce quantities of waste which cannot be otherwise managed or disposed of under the Act. NRC does not consider that Congress intended that disposal under the emergency access provision was to apply to the section 5(c)(5) wastes unless the capacity required for disposals under the unusual volume provision would exceed the 800,000 cubic feet allocated for those purposes. Thus, NRC has taken the position in the proposed rule that as long as unusual volumes disposal capacity is available for LLW which qualifies for such disposal, emergency access should not be requested. Applications for emergency access for wastes which NRC determines would otherwise be eligible for, disposal under the unusual volumes provision, will be denied.

Another alternative applies only to Federal or defense related generators of LLW. NRC will expect that generators of LLW falling into either of these categories will attempt to arrange for disposal at a Federal LLW disposal facility prior to requesting access to non-Federal facilities under the emergency access provision.

For all the alternatives that are considered, NRC is requiring detailed information from the generator regarding the decision process leading to a request for emergency access. The requestor will be expected to demonstrate that he has considered all pertinent alternatives and to provide a detailed analysis comparing all of the alternatives considered The requestor will be expected to demonstrate that he has considered combining alternatives in some way or in some sequence either to avoid the need for emergency access, or to resolve the threat, even on a temporary basis, until other arrangements can be made. The requestor will be expected to evaluate the costs, economic feasibility, and benefits to the public health and safety of the potential alternatives, and to incorporate the results into the request.

(c) Designation of Site

In deciding which of the operating, non-Federal or regional LLW disposal facilities will receive the LLW requiring emergency access, NRC will determine which of the disposal facilities would qualify under the limitations set out in section 6(h) of the Act. According to those limitations, a site would be excluded from receiving access waste if (1) the LLW does not meet the license criteria for the site; (2) the disposal facility meets or exceeds its capacity limitations as set out in the Act; (3) granting emergency access would delay the planned closing of the facility; or (4) the volume of the waste requiring disposal exceeds 20 percent of the total volume of the LLW accepted for disposal at the site in the previous calendar year.

If NRC cannot designate a site using the limitations in the Act alone, the Commission will consider other factors including the type of waste, previous disposal practices, transportation requirements, radiological effects of the waste, the capability for handling the waste at each site, and any other information that would be necessary in order to come to a site designation decision.

Within the requirements of the above criteria, the NRC will, to the extent practical, attempt to distribute the waste as equitably as possible among the available operating, non-Federal or regional LLW disposal facilities. To the extent practicable, NRC intends to rotate the designation of the receiving site, and, for the three currently operating facilities, to allocate emergency access disposal in proportion to the volume limitations established in the Act. In most cases, NRC would expect that the designation of a single site will minimize handling of and exposure to the waste and best serve the interest of protecting the public health and safety. However, if the volume of waste requiring emergency access disposal is large, or if there are other unusual or extenuating circumstances, NRC will evaluate the advantages and disadvantages of designating more than one site to receive waste from the same requestor.

In addition to the above, NRC will also consider how much waste has been designated for emergency access disposal to each site to date (both for the year and overall), and whether the serious and immediate threat posed could best be mitigated by designating one site or more to receive the waste.

In order for NRC to make the most equitable site designation decisions, the Agency will have to be well informed regarding the status of disposal capacity for each of the commercially operating waste disposal facilities. NRC intends to arrange to obtain this information on a continuous basis.

It should be noted that in setting out the site designation provision for section 6, Congress assumed there would always be a site deemed appropriate to receive the emergency access waste. However, this may not be the case if all sites are eliminated by application of the limitations provision set forth in the Act. It is not clear what options are available to NRC if all sites are deemed inappropriate to receive the LLW. This may have to be addressed by Congress at some time in the future.

(d) Volume Reduction Determination

Section 6(i) of the Act requires that any LLW delivered for disposal as a result of NRC's decision to grant emergency access "should be reduced in volume to the maximum extent practicable." NRC will evaluate the extent to which volume reduction methods or techniques will be or have been applied to the wastes granted emergency access in order to arrive at a finding in regards to this provision.

NRC may receive a request for emergency access where the application of volume reduction techniques may be

sufficient to mitigate the threat posed to the public health and safety. As a result, NRC plans to evaluate the extent to which waste has been reduced in volume as a part of its mandated evaluation of the alternatives considered by the generator. From that evaluation, the NRC could reach a finding on whether the waste has been reduced in a manner consistent with section 6(i).

As is so for the other determinations NRC will have to make pursuant to section 6, volume reduction determinations will be made on a case-by-case basis. The optimal level of volume reduction will vary with the waste, the conditions under which it is being processed or stored, the administrative options available, and whether volume reduction processing creates new wastes requiring treatment or disposal. In evaluating whether the wastes proposed for emergency access have been reduced in volume to the maximum extent practicable, NRC will consider the characteristics of the wastes (including: Physical properties, chemical properties, radioactivity, pathogenicity, infectiousness, and toxicity, pyrophoricity, and explosive potential); condition of current container; potential for contaminating the disposal site; the technologies or combination of technologies available for treatment of the waste (including incinerators; evaporators-crystallizers; fluidized bed dryers; thin-film evaporators; extruders evaporators; and Compactors); the suitability of volume reduction equipment to the circumstances (specific activity considerations, actual volume reduction factors, generation of secondary wastes, equipment contamination, effluent releases, worker exposure, and equipment availability); and the administrative controls which could be applied.

VIII. Specific Request for Comments

NRC is interested in receiving comments on those parts of the proposed rule where NRC applied its discretion in order to implement the section 6 provisions. NRC specifically requests comments on the following: (1) What scenarios are envisioned where emergency access would be required? (2) What are the potential problems with NRC's approach to determining an immediate and serious threat to the public health and safety? (3) What are the potential problems with the arrangement proposed for making the determination of serious and immediate threat to the common defense and security? (4) What are the potential difficulties with the proposed approach for designating the receiving site? and (5) What should NRC do if no site is found to be suitable for waste requiring emergency access?

NRC is interested in facts and recommendations on specific ways to be responsive to these issues. While NRC will consider all comments on the proposed rule, it will be better able to respond to those comments that recommend specific solutions to any problem raised by the commenters

IX. Requests for Emergency Access Made Prior to the Effective Date of the Rule

In setting the schedule for this rule, the Commission has tried to anticipate when the first request might be made so the final rule would be in place before that time. However, it may be necessary for a generator or State to submit a request for a Commission emergency access determination prior to the effective date of this rule. Commission determinations made on requests received before the final rule is in place will be guided by the criteria and procedures provided in this proposed rule.

X. Finding of No Significant Environmental

Impact: Availability

If adopted, the proposed rule would establish criteria and procedures for a Commission determination under section 6 of the Act that emergency access to an operating non-Federal LLW disposal facility is necessary to avert a serious and immediate threat to the public health and safety or the common defense and security. For the most part, the proposed rule is an administrative action which serves to codify the criteria and procedures in the Act. The adoption of such implementing procedures and criteria by promulgation of a final rule does not have an environmental effect.

Therefore, the Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this proposed rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required.

The environmental assessment forming the basis for this determination is contained in the draft regulatory analysis prepared for this proposed regulation. The availability of the draft regulatory analysis is noted below.

XI. Paperwork Reduction Act Statement

This proposed rule adds information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This rule has been submitted for review and approval of the paperwork requirements.

XII. Regulatory Analysis

The Commission has prepared a draft regulatory analysis of the proposed regulations. The analysis examines the costs and benefits of the alternatives considered by the Commission. The draft analysis is available for inspection, copying for a fee, at the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555.

XIII. Regulatory Flexibility Certification

NRC is using this proposed rule to implement the statutory requirements for granting emergency access to non-Federal or regional LLW disposal facilities under section 6 of the Act. Based upon the information available and in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that, if promulgated, this rule will not have a significant economic impact upon a substantial number of small entities.

The proposed rule has the potential to affect any generator of LLW as well as any existing LLW disposal facility. None of the LLW disposal facilities would be considered to be a small entity. The generators of LLW are nuclear power plants, medical and academic facilities, industrial licensees, research and development facilities, radiopharmaceutical manufacturers, fuel fabrication facilities and government licensees. Of these categories, all but the power plants, fuel fabrication facilities, and government licensees could potentially include small entities.

Although these categories may contain a "substantial number of small entities," the Commission does not believe there will be a significant economic impact to these generators because the Commission does not anticipate that many generators will be affected by the proposed rule. In order for the requirements of the rule to be imposed on a generator, the generator himself must initiate the action by requesting a grant of emergency access from NRC. This would occur only because the generator has been denied access to LLW disposal.

The Commission is required to make emergency access determinations by statute. Since a grant of emergency access is intended to correct the problems LLW generators may encounter because of lack of access to LLW disposal, the provision of emergency access will benefit any generator of LLW including small entities.

Establishing criteria and procedures for requesting and granting emergency access through a rule will also benefit small and large generators. The proposed rule provides guidance to the generator on what information will be required for making requests for emergency access and provides an orderly framework for making those requests. Also, the proposed rule will enable generators to better plan to avoid LLW disposal access problems, thus providing the certainty required for economic growth and development.

The impact of the recordkeeping requirements on any affected licensees should be minimal since the information that must be provided if a generator requests emergency access would most likely be collected and assembled as part of any process to decide a course of action if necessary access to LLW disposal was not going to be available.

The NRC is seeking public comment on the initial regulatory flexibility analysis. The NRC is particularly seeking comment from small entities (i.e., small businesses, small organizations, and small jurisdictions, under the Regulatory Flexibility Act) as to how the regulations will affect them and how the regulations may be tiered or otherwise modified to impose less stringent requirements on small entities while still adequately protecting the public health and safety. Those small entities which offer comments on how the regulation could be modified to take into account the differing needs of small entities should specifically discuss the following items:

(a) The size of their business and how the proposed regulations would result in a significant economic burden upon them as compared to larger organizations in the same business community.

(b) How the proposed regulations could be modified to take into account their differing needs or capabilities.

(c) The benefits that would accrue, or the detriments that would be avoided, if the proposed regulations were modified as suggested by the commenter.

(d) How the proposed regulations, as modified, would more closely equalize the impact of NRC regulations or create more equal access to the benefits of Federal programs as opposed to providing special advantages to any individuals or groups.

(e) How the proposed regulations, as modified, would still adequately protect the public health and safety.

The comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

List of Subjects in 10 CFR Part 62

Administrative practice and procedure, Low-level radioactive waste, Nuclear materials, LLW treatment and disposal, Emergency access to low-level waste disposal, Low-level radioactive waste policy amendments act of 1985.

Denial of Access

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and the Low-Level Radioactive Waste Policy Amendments Act of 1985, notice is hereby given that adoption of a new 10 CFR Part 62 is contemplated.

1. A new Part 62 is proposed to be added to 10 CFR to read as follows:

PART 62—CRITERIA AND PROCEDURES FOR EMERGENCY ACCESS TO NON-FEDERAL AND REGIONAL LOW-LEVEL WASTE DISPOSAL FACILITIES

Subpart A—General Provisions

Sec.

62.1 Purpose and scope.
62.2 Definitions.
62.3 Communications.
62.4 Interpretations.
62.5 Information collection requirements.
62.6 Specific exemptions.

Subpart B—Request for a Commission Determination

62.11 Filing and distribution of a determination request.
62.12 Contents of a request for emergency access: General information.
62.13 Contents of a request for emergency access: Alternatives.
62.14 Contents of a request for an extension of emergency access.
62.15 Additional information.
62.16 Withdrawal of a determination request.
62.17 Elimination of repetition.
62.18 Denial of request.

Subpart C—Issuance of a Commission Determination

62.21 Determination for granting emergency access.
62.22 Notice of issuance of a determination.
62.23 Determination for granting temporary emergency access.
62.24 Extension of emergency access.
62.25 Criteria for a Commission determination.
62.26 Criteria for designating a disposal facility.

Authority: Secs. 81, 161, as amended, 68 Stat. 935, 948, 949, 950, 951, as amended, (42 U.S.C. 2111, 2201); secs. 201, 209, as amended 88 Stat. 1242, 1248, as amended (42 U.S.C. 5841, 5849); secs. 3, 4, 5, 6, 99 Stat. 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857 (42 U.S.C. 2021c, 2021d, 2021e, 2021f).

Subpart A—General Provisions

§ 62.1 Purpose and scope.

(a) The regulations in this part establish for specific low-level radioactive waste,

(1) Procedures and criteria for granting emergency access under section 6 of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021) to any non-Federal or regional low-level radioactive waste (LLW) disposal facility or to any non-Federal disposal facility within a State that is not a member of a Compact, and

(2) The terms and conditions upon which the Commission will grant this emergency access.

(b) The regulations in this part apply to all persons as defined by this regulation, who have been denied access to existing regional or non-Federal low-level radioactive waste disposal facilities and who submit a request to the Commission for a determination pursuant to this part.

§ 62.2 Definitions.

As used this part:

"Act" means the Low-Level Radioactive Waste Policy Amendments Act of 1985 (Pub. L. 99-240).

"Agreement State" means a State that—

(A) Has entered into an agreement with the Nuclear Regulatory Commission under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021); and

(B) Has authority to regulate the disposal of low-level radioactive waste under such agreement.

"Commission" means the Nuclear Regulatory Commission or its duly authorized representatives.

"Compact" means a Compact entered into by two or more States pursuant to the Low-Level Radioactive Waste Policy Amendments Act of 1985.

"Compact Commission" means the regional commission, committee, or board established in a Compact to administer such Compact.

"Emergency Access" means access to an operating non-Federal or regional low-level radioactive waste disposal facility or facilities for a period not to exceed 180 days, which is granted by NRC to a generator of low-level radioactive waste who has been denied the use of those facilities.

"Extension of Emergency Access" means an extension of the access that

had been previously granted by NRC to an operating non-Federal or regional low-level radioactive waste disposal facility or facilities for a period not to exceed 180 days.

"Low-Level Radioactive Waste" (LLW) means radioactive material that (A) is not high-level radioactive waste, spent nuclear fuel, or byproduct material (as defined in section 11e(2) of the Atomic Energy Act of 1954 [U.S.C. 2014(e)(2)]; and (B) the NRC, consistent with existing law and in accordance with paragraph (A), classifies as low-level radioactive waste.

"Non-Federal Disposal Facility" means a low-level radioactive waste disposal facility which is commercially operated or is operated by a State.

"Person" means any individual, corporation, partnership, firm, association, trust, State, public or private institution, group or agency who is an NRC or NRC Agreement State licensed generator of low-level radioactive waste; any Governor (or for any "State" without a Governor, the chief executive officer of the "State") on behalf of any generator or generators of low-level radioactive waste located in his or her "State"; or their duly authorized representative, legal successor or agent.

"Regional Disposal Facility" means a non-Federal low-level radioactive waste disposal facility in operation on January 1, 1985, or subsequently established and operated under a Compact.

"State" means any State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"Temporary Emergency Access" means access that is granted at NRC's discretion upon determining that access is necessary because of an immediate and serious threat to the public health and safety or the common defense and security. Such access expires 45 days after the granting.

§ 62.3 Communications.

Except where otherwise specified, each communication and report concerning the regulations in this part should be addressed to the Director, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or may be delivered in person to the Commission's offices at 1717 H Street NW., Washington, DC, or 7915 Eastern Avenue, Silver Spring, Maryland.

§ 62.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be considered binding on the Commission.

§ 62.5 Information collection requirements.

This proposed rule contains information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for review and approval of the paperwork requirements.

§ 62.6 Specific exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant an exemption from the requirements of the regulations in this part that it determines is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.

Subpart B—Request for a Commission Determination

§ 62.11 Filing and distribution of a determination request.

(a) The person submitting a request for a Commission determination must file a signed original and nine copies of the request with the Commission at the address specified in § 62.3, with a copy also provided to the appropriate Regional Administrator at the address specified in Appendix D to Part 20 of this chapter. The request must be signed by the person requesting the determination or the person's authorized representative under oath or affirmation.

(b) Upon receipt of a request for a determination, the Secretary of the Commission will cause to be published in the **Federal Register** a notice acknowledging receipt of the request and asking that public comments on the request be submitted within 10 days of the date of the notice. A copy of the request will be made available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Local Public Document Room of the facility submitting the request. The Secretary of the Commission will also transmit a copy of the request to the U.S. Department of Energy, to the Governor of the State where the waste is generated, to the States with operating non-Federal low-level radioactive waste disposal facilities, and to the Compact Commissions with operating regional low-level radioactive waste disposal facilities.

(c) Fees applicable to a request for a Commission determination under this part will be determined in accordance with the procedures set forth for special projects under category 12 of § 170.31 of this chapter.

(d) In the event that the allocations or limitations established in sections 5(b) or 6(h) of the Act are met at all operating non-Federal or regional LLW disposal facilities, the Commission may suspend the processing or acceptance of requests for emergency access determinations until additional LLW disposal capacity is authorized by Congress.

§ 62.12 Contents of a request for emergency access: General information.

A request for a Commission determination under this part must include the following information for each generator to which the request applies:

(a) Name and address of the person making the request;

(b) Name and address of the person(s) or company(ies) generating the low-level radioactive waste for which the determination is sought;

(c) The low-level waste generation facility(ies) producing the waste for which the request is being made;

(d) A description of the activity that generated the waste;

(e) Name of the disposal facility or facilities which had been receiving the waste stream of concern before the generator was denied access;

(f) A description of the low-level radioactive waste for which emergency access is requested, including:

(1) The characteristics and composition of the waste, including, but not limited to—

(i) Type of waste (e.g. solidified oil, scintillation fluid, failed equipment);

(ii) Principal chemical composition;

(iii) Physical State (solid, liquid, gas);

(iv) Type of solidification media; and

(v) Concentrations and percentages of any hazardous or toxic chemicals, chelating agents, infectious or biological agents associated with the waste;

(2) The radiological characteristics of the waste such as—

(i) The classification of the waste in accordance with § 61.55;

(ii) A list of the radionuclides present or potentially present in the waste, their concentration or contamination levels, and total quantity;

(iii) Distribution of the radionuclides within the waste (surface or volume distribution);

(iv) Amount of transuranics (nanocuries/gram);

(3) The minimum volume of the waste requiring emergency access to alleviate the threat to the public health and safety or the common defense and security;

(4) The time duration for which emergency access is requested (not to exceed 180 days);

(5) Type of disposal container or packaging (55 gallon drum, box, liner, etc.); and

(6) Description of the volume reduction and waste minimization techniques applied to the waste which assure that it is reduced to the maximum extent practicable, and the actual reduction in volume that occurred;

(g) Basis for requesting the determination set out in this part, including:

(1) The circumstances which led to the denial of access to existing low-level radioactive waste disposal facilities;

(2) A description of the situation which is responsible for creating the serious and immediate threat to the public health and safety or the common defense and security, including the date when the need for emergency access was identified;

(3) A chronology and description of the actions taken by the person requesting emergency access to prevent the need for making such a request, including consideration of all alternatives set forth in § 62.13, and any supporting documentation as appropriate;

(4) An explanation of the impacts of the waste on the public health and safety or the common defense and security if emergency access is not granted, and the basis for concluding that these impacts constitute a serious and immediate threat to the public health and safety or the common defense and security. The impacts to the public health and safety or the common defense and security if the generator's services, including research activities, were to be curtailed, either for a limited period of time or indefinitely, should also be addressed;

(5) Other consequences if emergency access is not granted;

(h) Steps taken by the person requesting emergency access to correct the situation requiring emergency access and the person's plan to eliminate the need for additional or future emergency access requests;

(i) Documentation certifying that access has been denied;

(j) Documentation that the waste for which emergency access is requested could not otherwise qualify for disposal pursuant to the Unusual Volumes provision (section 5[c][5] of the Act) or is not simultaneously under consideration by the Department of Energy (DOE) for access through the unusual volumes allocation;

(k) Where the request is made wholly or in significant part on the basis of a serious and immediate threat to the common defense and security, a Statement of support from DOE or DOD certifying that access to disposal is necessary to mitigate the threat to the common defense and security;

(l) Date by which access is required; and

(m) Any other information which the Commission should consider in making its determination.

§ 62.13 Contents of a request for emergency access: Alternatives.

(a) A request for emergency access under this part must include information on alternatives to emergency access. The request should include a discussion of the consideration given to all alternatives, including, but not limited to, the following:

(1) Storage of low-level radioactive waste at the site of generation;

(2) Storage of low-level radioactive waste in a licensed storage facility;

(3) Obtaining access to a disposal facility by voluntary agreement;

(4) Purchasing disposal capacity available for assignment pursuant to the Act;

(5) Requesting disposal at a Federal low-level radioactive waste disposal facility in the case of a Federal or defense related generator of LLW;

(6) Reducing the volume of the waste;

(7) Ceasing activities that generate low-level radioactive waste; and

(8) Other alternatives identified under paragraph (b) of this section.

(b) The request must identify all of the alternatives to emergency access considered and include a description of the process used to identify them, including any not specified in paragraph (a) of this section. The request should also include a description of the factors that were considered in identifying and evaluating alternatives, a chronology of actions taken to identify and implement alternatives during the process, and a discussion of any actions that were considered, but not implemented.

(c) The evaluation of each alternative must consider:

(1) Its potential for mitigating the serious and immediate threat to public health and safety or the common defense and security posed by lack of access to disposal;

(2) The adverse effects on public health and safety and the common defense and security, if any, of implementing each alternative, including the curtailment or cessation of any essential services affecting the public health and safety or the common defense and security;

(3) The technical and economic feasibility of each alternative including the person's financial capability to implement the alternatives;

(4) Any other pertinent societal costs and benefits;

(5) Impacts to the environment;

(6) Any legal impediments to implementation of each alternative including whether the alternatives will comply with applicable NRC regulatory requirements; and

(7) The time required to develop and implement each alternative.

(d) The request must include the basis for:

(1) Rejecting each alternative; and

(2) Concluding that no alternative is available.

§ 62.14 Contents of a request for an extension of emergency access.

A request for an extension of emergency access must include:

(a) Updates of the information required in § 62.12 and § 62.13; and

(b) Documentation that the generator of the low-level radioactive waste granted emergency access and the State in which the low-level radioactive waste was generated have diligently, though unsuccessfully, acted during the period of the initial grant to eliminate the need for emergency access. Documentation must include:

(1) An identification of additional alternatives that have been evaluated during the period of the initial grant, and

(2) A discussion of any reevaluation of previously considered alternatives, including verification of continued attempts to gain access to a disposal facility by voluntary agreement.

§ 62.15 Additional information.

(a) The Commission may require additional information from a person making a request for a Commission determination under this part concerning any portion of the request.

(b) The Commission shall deny a request for a Commission determination under this part if the person making the request fails to respond to a request for additional information under paragraph (a) of this section within ten (10) days from the date of the request for additional information, or any other time as the Commission may specify. This denial will not prejudice the right of the person making the request to file another request for a Commission determination under this part.

§ 62.16 Withdrawal of a determination request.

(a) A person may withdraw a request for a Commission determination under this part without prejudice at any time prior to the issuance of an initial determination under § 62.21.

(b) The Secretary of the Commission will cause to be published in the **Federal Register** a notice of the withdrawal of a request for a Commission determination under this part.

§ 62.17 Elimination of repetition.

In any request under this part, the person making the request may incorporate by reference information contained in a previous application, Statement, or report filed with the Commission provided that these references are updated, clear and specific.

§ 62.18 Denial of request.

If a request for a determination is based on circumstances that are too remote and speculative to allow an informed determination, the Commission may deny the request

Subpart C—Issuance of a Commission Determination

§ 62.21 Determination for granting emergency access.

(a) Not later than (45) days after the receipt of a request for a Commission determination under this part from any generator of low-level radioactive waste, or any Governor on behalf of any generator or generators located in his or her State, the Commission shall make a determination that—

(1) Emergency access to a regional disposal facility or a non-Federal disposal facility within a State that is not a member of a Compact for specific low-level radioactive waste is necessary because of an immediate and serious threat

(i) To the public health and safety or

(ii) The common defense and security; and

(2) The threat cannot be mitigated by any alternative consistent with the public health and safety, including those identified in § 62.13.

(b) In making a determination under this section, the Commission shall be guided by the criteria set forth in § 62.25.

(c) A determination under this section must be in writing and contain a full explanation of the facts upon which the determination is based and the reasons for granting or denying the request. An affirmative determination must designate an appropriate non-Federal or regional LLW disposal facility or facilities for the disposal of wastes, specifically describe the low-level radioactive waste as to source, physical and radiological characteristics, and the minimum volume and duration (not to exceed 180 days) necessary to alleviate the immediate threat to public health and safety or the common defense and security. It may also contain conditions upon which the determination is dependent

§ 62.22 Notice of issuance of a determination.

(a) Upon the issuance of a Commission determination the Secretary of the Commission will make notification of the final determination in writing, to the person making the request, the Governor of the State in which the low-level radioactive waste requiring emergency access was generated, and the Governor of the State in which the designated disposal facility is located, and if pertinent, the appropriate Compact Commission, of the final determination. For the Governor of the State in which the designated disposal facility is located and for the appropriate Compact Commission, the notification must set forth the reasons that emergency access was granted and specifically describe the low-level radioactive waste as to source, physical and radiological characteristics, and the minimum volume and duration (not to exceed 180 days) necessary to alleviate the immediate and serious threat to public health and safety or the common defense and security. For the Governor of the State in which the low-level waste was generated, the notification must indicate that no extension of emergency access will be granted under § 62.24 absent diligent State and generator action during the period of the initial grant.

(b) The Secretary of the Commission will cause to be published in the **Federal Register** a notice of the issuance of the determination.

(c) The Secretary of the Commission will make a copy of the final determination available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

§ 62.23 Determination for granting temporary emergency access.

(a) The Commission may grant temporary emergency access to an appropriate non-Federal disposal facility or facilities provided that the determination required under § 62.21(a)(1) is made;

(b) The notification procedures under § 62.22 are complied with; and

(c) The temporary emergency access duration will not exceed forty-five (45) days.

§ 62.24 Extension of emergency access.

(a) After the receipt of a request from any generator of low-level waste, or any Governor on behalf of any generator or generators in his or her State, for an extension of emergency access that was initially granted under § 62.21, the Commission shall make an initial determination of whether—

(1) Emergency access continues to be necessary because of an immediate and serious threat to the public health and safety or the common defense and security;

(2) The threat cannot be mitigated by any alternative that is consistent with public health and safety; and

(3) The generator of low-level waste and the State have diligently though unsuccessfully acted during the period of the initial grant to eliminate the need for emergency access.

(b) After making a determination pursuant to paragraph (a) of this section, the requirements specified in §§ 62.21 (c) and (d) and 62.22, must be followed.

§ 62.25 Criteria for a Commission determination.

(a) In making the determination required by § 62.21(a) of this part, the Commission will determine whether the circumstances described in the request for emergency access create a serious and immediate threat to the public health and safety or the common defense and security.

(b) In making the determination that a serious and immediate threat exists to the public health and safety, the Commission will consider, notwithstanding the availability of any alternative identified in § 62.13 of this part:

(1) The nature and extent of the radiation hazard that would result from the denial of emergency access, including consideration of,

(i) The standards for radiation protection contained in Part 20 of this Chapter;

(ii) Any standards governing the release of radioactive materials to the general environment that are applicable to the facility that generated the low-level waste; and

(iii) Any other Commission requirements specifically applicable to the facility or activity which is the subject of the emergency access request;

(2) The extent to which essential service affecting the public health and safety (such as medical, therapeutic, diagnostic, or research activities) will be disrupted by the denial of emergency access.

(c) For purposes of granting temporary emergency access under § 62.23 of this part, the Commission will consider the criteria contained in the Commission's Policy Statement for determining whether an event at a facility or activity licensed or otherwise regulated by the Commission is an abnormal occurrence within the purview of section 208 of the Energy Reorganization Act of 1974. (45 FR 10950, February 24, 1977.)

(d) In making the determination that a serious and immediate threat to the common defense and security exists, the Commission will consider, notwithstanding the availability of any alternative identified in § 62.13 of this part:

(1) Whether the activity generating the wastes is necessary to the protection of the common defense and security.

(2) Whether the lack of access to a disposal site would result in a significant disruption in that activity that would seriously threaten the common defense and security.

The Commission will consider the views of the Department of Defense (DOD) and the Department of Energy (DOE) in the Statement of support as submitted by the person requesting emergency access, in evaluating requests based all, or in part, on a serious and immediate threat to the common defense and security.

(e) In making the determination required by § 62.21(a)(2), the Commission will consider whether the person submitting the request:

(1) Has demonstrated that a good faith effort was made to identify and evaluate alternatives that could mitigate the need for emergency access;

(2) Has considered all pertinent factors in its evaluation of alternatives including state-of-the-art technology and impacts on public health and safety.

(f) In making the determination required by § 62.21(a)(2), the Commission will consider implementation of an alternative to be unreasonable if

(1) It adversely affects public health and safety, the environment, or the common defense and security; or

(2) It results in a significant curtailment or cessation of essential services affecting public health and safety or the common defense and security; or

(3) It is beyond the technical and economic capabilities of the person requesting emergency access; or

(4) Implementation of the alternative would conflict with applicable State or local laws or Federal laws and regulations; or

(5) It cannot be implemented in a timely manner.

(g) The Commission shall make an affirmative determination under § 62.21(a) only if all of the alternatives that were considered are found to be unreasonable.

(h) In making a determination regarding temporary emergency access under § 62.23, the criteria in paragraphs (a) and (b) of that section must apply.

(i) In making a determination regarding an extension of emergency access under § 62.24, the Commission shall consider whether the person making the request has diligently acted during the period of the initial grant to eliminate the need for emergency access.

(j) The Commission shall consider whether any waste delivered for disposal under this part has been reduced in volume to the maximum extent practicable using available technology.

§ 62.26 Criteria for designating a disposal facility.

(a) The Commission shall designate an appropriate non-Federal or regional disposal facility or facilities if an affirmative determination is made pursuant to § 62.21.

(b) The Commission will exclude from consideration a request for emergency access to a disposal facility if:

(1) The low-level radioactive wastes of the generator do not meet the criteria established by the license or the license agreement of the facility; or

(2) The disposal facility is in excess of its approved capacity; or

(3) Granting emergency access would delay the closing of the disposal facility pursuant to plans established before the receipt of the request for emergency access; or

(4) The volume of waste requiring emergency access exceeds 20 percent of the total volume of low-level radioactive waste accepted for disposal at the facility during the previous calendar year.

(c) If, after applying the exclusionary criteria in paragraph (b) of this section, more than one disposal facility is identified as appropriate for designation, the Commission will then consider additional factors in designating a facility or facilities including:

(1) Type of waste,

(2) Previous disposal practices,

(3) Transportation,

(4) Radiological effects,

(5) Site capability for handling waste, and

(6) Any other considerations deemed appropriate by the Commission.

(d) The Commission, in making its designation, will also consider any information submitted by the operating non-Federal or regional LLW disposal sites, or any information submitted by the public in response to a **Federal Register** notice requesting comment, as provided in paragraph (b) of § 62.11.

Dated at Washington DC, this 9th day of December, 1987.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 87-28851 Filed 12-14-87; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 202

[Reg. B; EC-1]

Equal Credit Opportunity; Proposed Update to Official Staff Commentary

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed official staff interpretation.

SUMMARY: The Board is publishing for comment proposed revisions to the official staff commentary to Regulation B (Equal Credit Opportunity). The commentary applies and interprets the requirements of Regulation B and is a substitute for individual staff interpretations of the regulation. The proposed revisions address issues concerning consideration of age in evaluating creditworthiness, signature requirements, record retention and collection of monitoring information.

DATE: Comments must be received on or before February 12, 1988.

ADDRESS: Comments should be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, or delivered to the 20th Street courtyard entrance (20th Street between C Street and Constitution Avenue NW., Washington, DC) between 8:45 a.m. and 5:15 p.m. weekdays. Comments should include a reference to EC–1. Comments may be inspected in Room B–1122 between 8:45 a.m. and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Kathleen S. Brueger or Leonard N. Chanin, Staff Attorneys, or Adrienne D. Hurt, Senior Attorney, Division of Consumer and Community Affairs, at (202) 452–2412 or 452–3667; for the hearing impaired *only*, contact Earnestine Hill or Dorothea Thompson, Telecommunication Device for the Deaf

at (202) 452–3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

(1) General

The Equal Credit Opportunity Act (ECOA) (15 U.S.C. 1691 *et seq.*) makes it unlawful for creditors to discriminate in any aspect of a credit transaction on the basis of race, color, religion, national origin, sex, marital status, age, receipt of public assistance, or the exercise of rights under the Consumer Credit Protection Act. This statute is implemented by the Board's Regulation B (12 CFR Part 202).

On November 20, 1985, an official staff commentary was published to interpret the regulations, along with a final rule revising Regulation B (50 FR 48018). The commentary is designed to provide guidance to creditors in applying the regulation to specific transactions. The commentary is updated periodically to address significant questions that arise. The previous update was published in April 1987 (52 FR 10732). This notice contains the proposed second update. It is expected that it will be adopted in final form in March 1988.

(2) Proposed Revisions

The following is a brief description of the proposed revisions to the commentary:

Section 202.6—Rules Concerning Evaluation of Applications

6(b) Specific Rules Concerning Use of Information

Paragraph 6(b)(2). Comment 6(b)(2)–1 would be amended to clarify that while § 202.6(b)(2)(iv) permits favoring persons age 62 and older, that paragraph does not permit favoring a larger age group (such as persons age 55 and older). To offer a program favoring a larger age group, the creditor must rely on the special purpose credit provisions of section 202.8.

Comment 6(b)(2)–3 would be amended to clarify that age or age-related information about an applicant cannot be the sole factor in determining creditworthiness or in formulating credit terms and conditions.

Section 202.7—Rules Concerning Extensions of Credit

7(d) Signature of Spouse or Other Person

Paragraph 7(d)(5). Comment 7(d)(5)–2 would be revised in light of *United States v. ITT Consumer Financial Corp.*, 816 F.2d 487 (9th Cir. 1987) to clarify the rules on when a creditor may require additional signatures on a credit obligation. In the ITT case, the U.S. Court of Appeals for the Ninth Circuit held that the future earnings of a spouse are not community property. Therefore, when an applicant relies on the spouse's future earnings to establish creditworthiness, a creditor may condition the extension of credit on the nonapplicant spouse's signing the credit obligation.

Whether an applicant is relying on the future earnings of a nonapplicant spouse is for the creditor to determine. Because § 202.5(c)(2)(iv) permits a creditor routinely to request information about a nonapplicant spouse, the mere fact that the nonapplicant spouse's income is listed on an application form is insufficient to show that the applicant is relying on the spouse's income.

A third sentence would be added to comment 7(d)(5)–2 to incorporate the holding of *ITT*. Some creditors have asked whether, given the *ITT* ruling, they are required to obtain the signature of the applicant's spouse whose future earnings are relied on for an extension of credit. Creditors have also asked whether they may differentiate on the basis of marital status when future earnings are relied on—that is, whether a creditor may follow the practice of not requiring the signature of a *spouse* whose earnings are relied on if it is the creditor's policy to require the signature of a *person not married to the applicant* whose future earnings are relied on. (In the case of a spouse, the creditor would be assuming that, under community property state law, the spouse's future earnings—unlike the future earnings of a nonspouse—will become community property.) Additional language has been added to make clear that such a practice is permissible, referencing § 202.6(c)—which allows the consideration of state property laws.

Section 202.12—Record Retention

12(b) Preservation of Records

Comment 12(b)–1 would be revised to clarify the rules for record retention of documents (for example, notifications of action taken) in computerized systems.

Section 202.13—Information for Monitoring Purposes

13(a) Information to Be Requested

Comment 13(a)–5 would be revised to clarify the monitoring information rules regarding open-end lines of credit.

List of Subjects in 12 CFR Part 202

Banks, Banking, Civil rights, Consumer protection, Credit, Federal Reserve System, Marital status discrimination, Minority groups, Penalties, Religious discrimination, Sex discrimination, Women.

Certain conventions have been used to highlight the proposed revisions. New language is shown inside bold-faced arrows, while language that would be removed is set off with brackets.

(3) Text of Proposed Revisions

Pursuant to authority granted in section 703 of the Equal Credit Opportunity Act (15 U.S.C. 1691b), the Board proposes to amend the official staff commentary to Regulation B (12 CFR Part 202 Supp. I) as follows:

PART 202—[AMENDED]

1. The authority citation for Part 202 continues to read:

Authority: 15 U.S.C. 1691 *et seq.*

2. The proposed revisions amend the commentary (12 CFR Part 202, Supp. I) by revising comments 6(b)(2)–1, 6(b)(2)–3, 7(d)(5)–2, 12(b)–1 and 13(a)–5 and read as follows:

Supplement I—Official Staff Commentary

* * * * *

Section 202.6—Rules Concerning Evaluation of Applications

* * * * *

6(b) *Specific rules concerning use of information.*

* * * * *

Paragraph 6(b)(2)

1. *Favoring the elderly.* Any system of evaluating credit-worthiness may favor a credit applicant who is age 62 or older. ►A credit program offering more favorable credit terms to applicants at an age lower than 62 is permissible, however, only if the program meets the special-purpose credit requirements of § 202.8.◄

* * * * *

3. *Consideration of age in a judgmental system.* In a judgmental system, defined in § 202.2(t), a creditor may not take age directly into account in any aspect of the credit transaction. For example, the creditor may not reject an application or terminate an account because the applicant is 60 years old. But a creditor that uses a judgmental system may relate the applicant's age to other information about the applicant that the creditor considers in evaluating creditworthiness. For example:

• A creditor may consider the applicant's occupation and length of time to retirement to ascertain whether the applicant's income (including retirement income) will support the extension of credit to its maturity.

• A creditor may consider the adequacy of any security offered when the term of the credit extension exceeds the life expectancy of the applicant and the cost of realizing on the collateral could exceed the applicant's equity. (An elderly applicant might not qualify for a 5 percent down, 30-year mortgage loan but might qualify with a larger downpayment or a shorter loan maturity.)

• A creditor may consider the applicant's age to assess the significance of the length of the applicant's employment (a young applicant may have just entered the job market) or length of time at an address (an elderly applicant may recently have retired and moved from a long-term residence).

►As the examples above illustrate, the evaluation must be made in an individualized, case-by-case manner; and it is impermissible for a creditor, in deciding whether to extend credit or in setting the terms and conditions, to consider age-related information solely. Age-related information may be considered only in evaluating other "pertinent elements of creditworthiness" that are drawn from the particular facts and circumstances concerning the application in question.◄

* * * * *

Section 202.7—Rules Concerning Extensions of Credit

* * * * *

7(d) *Signature of spouse or other person.*

* * * * *

Paragraph 7(d)(5)

* * * * *

2. ►*Reliance on*◄ *income of another person* ►*—individual credit*◄. An applicant who requests individual credit relying on the income of another person ([such as] ►including◄ a spouse ►in a noncommunity property state◄) may be required to provide the signature of the other person to make the income available to pay the debt. In community property states, the signature ►of a spouse◄ may be required if the applicant relies on the ►spouse's◄ separate income ►.◄ [of another person, i.e., income] ►if the applicant relies on the spouse's future earnings◄ that as a matter of state law ►are◄ [is] not community property [.] ►, the creditor may but need not require the spouse's signature. The option of not requiring the spouse's signature is permissible regardless of whether the creditor requires the signature of a nonspouse whose future earnings are relied on by the applicant. (See § 202.6(c) on consideration of state property laws.)◄

* * * * *

Section 202.12—Record Retention

* * * * *

12(b) Preservation of records.

1. *Copies.* A copy of the original record includes carbon copies, photocopies, microfilm or microfiche copies, or copies produced by any other accurate retrieval system, such as documents stored and reproduced by computer. ►A creditor who uses a computerized or mechanized system need not keep a written copy of a document (for example, an adverse action notice) if it can regenerate all pertinent information in a timely manner for examination or other purposes.◄

* * * * *

Section 202.13—Information for Monitoring Purposes

13(a) Information to be requested.

* * * * *

5. *Transactions not covered.* The information-collection requirements of § 202.13(a) apply to applications for credit primarily for the purchase or refinancing of a dwelling that is or will become the applicant's principal residence. Therefore, [applications for home-equity lines and other] applications for credit secured by the applicant's principal residence but made primarily for a purpose other than the purchase or refinancing of the principal residence (such as loans for home improvement and debt consolidation) are not subject to the information-collection requirements of § 202.13(a). ►An application for an open-end home equity line of credit is not subject to § 202.13 unless it is readily apparent to the creditor during the application process (for example, by the documentation involved) that the purpose of the line is for the purchase or refinancing of a principal dwelling.◄

Board of Governors of the Federal Reserve System. December 9, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87–28698 Filed 12–14–87; 8:45 am]

BILLING CODE 6210-01-M

---

12 CFR Part 205

[Reg. E; EFT–2]

Electronic Fund Transfer; Proposed Update to Official Staff Commentary

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed official staff interpretation.

SUMMARY: The Board is publishing for comment proposed changes to the official staff commentary to Regulation E (Electronic Fund Transfers). The commentary applies and interprets the requirements of Regulation E and is a substitute for individual staff interpretations of the regulation. The proposed revisions address questions that have arisen about the regulation, including amendments adopted by the Board in August 1987 dealing with POS/ACH services. The proposed revisions deal, for example, with the responsibilities of a service-providing institution concerning periodic statements, card issuance, and error resolution.

DATE: Comments must be received on or before February 12, 1988.

ADDRESS: Comments should be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, or delivered to the 20th Street courtyard entrance (between C Street and Constitution Avenue NW.), Washington, DC between 8:45 a.m. and 5:15 p.m. weekdays. Comments should include a reference to EFT–2. Comments may be inspected in Room B–1122 between 8:45 a.m. and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Kathleen S. Brueger, Staff Attorney, or Gerald P. Hurst or John C. Wood, Senior Attorneys, Division of Consumer and Community Affairs, at (202) 452–3667 or (202) 452–2412. For the hearing-impaired *only*, contact Earnestine Hill or Dorothea Thompson, Telecommunications Device for the Deaf, at (202) 452–3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

(1) General

The Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*) governs any transfer of funds that is electronically initiated and that debits or credits a consumer's account. This statute is implemented by the Board's Regulation E (12 CFR Part 205).

Effective September 24, 1981, an official staff commentary (EFT–2, Supp. II to 12 CFR Part 205) was published to interpret the regulation. The commentary is designed to provide guidance to financial institutions in applying the regulation to specific situations. The commentary is updated periodically to address significant questions that arise. This notice contains the proposed sixth update. It is expected that the update will be adopted in final form in March 1988. The previous updates were published on April 6, 1983 (48 FR 14880), October 18, 1984 (49 FR 40794), April 3, 1985 (50 FR 13180), April 21, 1986 (51 FR 13484), and April 3, 1987 (52 FR 10734).

(2) Proposed Revisions

Following is a brief description of the proposed revisions to the commentary:

Section 205.3—Exemptions

Question 3–6. Question 3–6 would be revised to make clear that section 913 of the EFT Act does not require an employer to give its employees the choice of receiving their salary by check as an alternative to direct deposit. Instead, an employer may comply with section 913 by allowing each employee to choose the institution to receive the direct deposits.

Section 205.14—Services Offered by Financial Institutions Not Holding Consumer's Account

Question 14–4. Question 14–4 would be revised to make clear that if the service provider complies with the conditions set forth in the August 1987 amendments to the regulation (52 FR 30904), it need not provide a periodic statement. The question as currently written could be viewed as requiring a service-providing institution to provide a periodic statement to consumers in all cases.

Question 14–5. This question is a new question. It would clarify that in any POS/ACH program where the service provider does not issue debit cards that will actually be used to initiate transfers through the system, the service provider must provide periodic statements to consumers.

Question 14–6. This question is also new. It deals with the responsibility of a service provider with regard to error resolution. It would clarify that the service provider must reimburse the consumer for any fees or charges incurred as a result of the error.

Question 14–7. This question would be added to the commentary to address an issue concerning the periodic statement provided by the account-holding institution. Specifically, the question would make clear that the statement need not show, with respect to POS/ACH transactions, information other than the transaction description set forth in § 205.9(b)(1).

List of Subjects in 12 CFR Part 205

Banks, Banking, Consumer protection, Electronic fund transfers, Federal Reserve System, Penalties.

Certain conventions have been used to highlight the revisions. New language is shown inside bold-faced arrows, while language to be removed is set off with brackets.

(3) Text of Proposed Revisions

Pursuant to authority granted in section 904 of the Electronic Fund Transfer Act. 15 U.S.C. 1693b, the Board proposes to amend the official staff commentary to Regulation E (12 CFR Part 205, Supp. II) as follows:

PART 205—[AMENDED]

1. The authority citation for Part 205 continues to read:

Authority: Pub. L. 95–630, 92 Stat. 3730 (15 U.S.C. 1693b).

2. The proposed revisions amend the official staff commentary on Regulation E (EFT–2, Supp. II to 12 CFR Part 205) by revising questions 3–6 and 14–4 and by adding questions 14–5, 14–6, and 14–7, and read as follows:

Supplement II—Official Staff Interpretations

* * * * *

Section 205.3—Exemptions

* * * * *

Q 3–6: *Compulsory use—salary payments.* Preauthorized transfers from a financial institution to a consumer's account at the same institution are exempt from the act and regulation generally but are subject to the statutory prohibition against requiring an employee (as a condition of employment) to receive payroll deposits by electronic means at a particular institution. Does this prohibition apply to a financial institution as an employer?

A: Yes. The prohibition applies to all employers, including financial institutions. To comply with the law, an employer could [, for example,] give its employees a choice of ►institutions to receive directly deposited payments, or a choice of◄ the method of receiving payment—such as having their pay deposited at a particular institution, or receiving payment by check or cash.

As in the case of preauthorized loan payments, the compulsory-use prohibition does not require an employer to offer alternative means of payment to employees who agreed to electronic deposits at a particular financial institution before May 10, 1980. However, if an employee asks to terminate this arrangement, the employer should honor the request. (§ 205.3(d)(2), section 913)

* * * * *

Section 205.14—Services Offered by Financial Institutions Not Holding Consumer's Account

* * * * *

Q 14–4: *Periodic statement—service-providing institution.* Does the service-providing institution have to provide to the consumer a periodic statement showing transfers other than electronic fund transfers made with the service provider's access device?

A: No. ►And if the service provider complies with the conditions set forth in the regulation, it need not provide any periodic statement.◄ (§ 205.14(a)(2)►(i)–(v)◄)

►Q 14–5: *Issuance of card by service-providing institution.* May a service provider provide a POS/ACH service without sending periodic statements, if it issues its own card but then allows the consumer to use another card (such as a bank-issued debit or credit card) to initiate transfers through the POS/ACH system?

A: No. In order to take advantage of the exception, the debit card for initiating transfers through the system must be the one issued by the service provider. Similarly, a service provider that does not issue debit cards remains subject to the requirement to send periodic statements. (§ 205.14(a)(2)(i))◄

►Q 14–6: *Error resolution—responsibility of service-providing institution.* In a POS/ACH transaction, the consumer properly notifies the service-providing institution of an alleged error. What is the service provider's responsibility?

A: The service provider must investigate and resolve the error as set forth in the regulation. If an error in fact occurred, any fees or charges imposed as a result of the error, either by the service provider or by the account-holding institution (for example, overdraft or dishonor fees) must be reimbursed to the consumer by the service provider. (§§ 205.11 and 205.14(a)(3)–(a)(6))◄

►Q 14–7: *Content of periodic statement.* For POS/ACH transactions, is the account-holding institution required to disclose all the items specified in § 205.9(b) on its periodic statement?

A: No. The periodic statement need contain only the transaction descriptive information specified in § 205.9(b)(1). (§ 205.14(b)(1))◄

* * * * *

Board of Governors of the Federal Reserve System. December 9, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87–28699 Filed 12–14–87; 8:45 am]

BILLING CODE 6210–01–M

---

12 CFR Part 226

[Reg. Z; TIL–1]

Truth in Lending; Proposed Update to Official Staff Commentary

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed official staff interpretation.

SUMMARY: The Board is publishing for comment proposed revisions to the official staff commentary to Regulation Z (Truth in Lending). The commentary applies and interprets the requirements of Regulation Z and is a substitute for individual staff interpretations of the regulation. The proposed revisions address a variety of questions that have arisen about the regulation, and include new material and changes in existing material. The proposed changes address, for example, disclosure questions raised by the emergence of conversion features in adjustable-rate mortgages, as well as the imposition of fees that are considered finance charges at the time a credit card plan is renewed. Proposed commentary also is included which interprets the Board's recent rule implementing the requirement of the Competitive Equality Banking Act that adjustable-rate mortgages contain a maximum interest rate.

DATE: Comments must be received on or before February 12, 1988.

ADDRESS: Comments should be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, or delivered to the 20th Street courtyard entrance (20th Street, between C Street and Constitution Avenue, NW., Washington, DC) between 8:45 a.m. and 5:15 p.m. weekdays. Comments should include a reference to TIL–1. Comments may be inspected in Room B–1122 between 8:45 and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: The following attorneys in the Division of Consumer and Community Affairs, at (202) 452–3667 or (202) 452–2412:

Subparts A and B—Kathleen S. Brueger, Gerald P. Hurst, John C. Wood
Subpart C—Michael S. Bylsma, Leonard N. Chanin, Thomas J. Noto
Subpart D—Adrienne D. Hurt, Sharon T. Bowman

For the hearing impaired *only,* Telecommunication Device for the Deaf (TDD), Earnestine Hill or Dorothea Thompson, at (202) 452–3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

(1) General

The Truth in Lending Act (15 U.S.C. 1601 *et seq.*) governs consumer credit transactions and is implemented by the Board's Regulation Z (12 CFR Part 226). Effective October 13, 1981, an official staff commentary (TIL–1, Supp. I to 12 CFR Part 226) was published to interpret the regulation. The commentary is designed to provide guidance to creditors in applying the regulation to specific transactions and is updated periodically to address significant questions that arise. There have been six general updates so far—the first in September 1982 (47 FR 41338), the second in April 1983 (48 FR 14882), the third in April 1984 (49 FR 13482), the fourth in April 1985 (50 FR 13181), the fifth in April 1986 (51 FR 11422), and the sixth in April 1987 (52 FR 10875). There was also a limited update concerning fees for the use of automated teller machines, which was adopted in October 1984 (49 FR 40560). This notice contains the proposed seventh general update. It is expected that it will be adopted in final form in March 1988 with optional compliance until the uniform effective date of October 1 for mandatory compliance.

(2) Proposed Revisions

The following is a brief description of the proposed revisions to the commentary:

Subpart A—General

Section 226.4—Finance Charge—4(c) Charges Excluded from the Finance Charge—Paragraph 4(c)(4). A cross-reference would be added to comment 4(c)(4)–2—participation fees. The cross-reference is to the commentary to § 226.14(c), computation of the annual percentage rate on periodic statements. Comment 14(c)–7 discusses those situations when finance charges need not be included in the annual percentage rate computed for the periodic statement. Comment 14(c)–7 currently deals with fees related to the opening of the account. In this update, the Board proposes to also exclude certain account renewal fees from the computation of the annual percentage rate on periodic statements.

Subpart B—Open-end Credit

Section 226.6—Initial Disclosure Statement—6(a) Finance Charge—Paragraph 6(a)(2). Comment 6(a)(2)–7 would be revised to include a reference to new § 226.30 and the commentary to that section. Section 226.30 requires creditors to include a provision setting a maximum interest rate in their dwelling-secured credit contracts that provide for changes in the interest rate.

Section 226.7—Periodic Statement—7(h) Other Charges. Comment 7(h)–1 would be revised to clarify the treatment of taxes and filing or notary fees that are excluded from the finance charge under § 226.4(e). Even though the § 226.4(e) items are not required to be disclosed as "other charges" under § 226.6(b), creditors may include such charges in a disclosure of "other charges" on the initial disclosures. Similarly, these charges may be included in the amount shown as "closing costs" or "settlement costs" on the periodic statement, if the charges were itemized and disclosed as part of the closing or settlement costs on the initial disclosure statement. The revised comment clarifies this point.

Section 226.14—Determination of Annual Percentage Rate—14(c) Annual Percentage Rate for Periodic Statements. Comment 14(c)–7 currently discusses the exclusion of charges related to opening an account from inclusion in the annual percentage rate computation. This comment would be revised to also exclude fees that are imposed for renewal of an account, provided the fees are not imposed as a result of specific transactions or specific account activity. This proposal is based on the idea that charges related to the renewal of an account, when they are not related to specific transactions or specific activity, result in the same problems already identified in this comment with respect to fees related to the opening of an account. Including the fees, such as charges that are only imposed on customers that do not charge a certain amount on their credit card annually, in the computation of the annual percentage rate would, in many cases, result in significant distortions of the annual percentage rate and the delivery of possibly misleading information to consumers.

Subpart C—Closed-end Credit

Section 226.18—Content of Disclosures—18(b) Amount Financed—Paragraph 18(b)(3). Comment 18(b)(3)–1, addressing the treatment of prepaid finance charges in calculations of the amount financed, would be deleted and a new comment 18(b)(3)–1 substituted in its place. The new comment clarifies and more fully explains the treatment of prepaid finance charges, which has been the source of considerable confusion. The new comment is not intended to change the existing rules under § 226.18(b), but merely to clarify when creditors have an option to treat certain fees as prepaid finance charges and what the implications of that choice are under § 226.18(b).

18(c) Itemization of Amount Financed—Paragraph 18(c)(1)(iv). Comment 18(c)(1)(iv)–1, addressing the itemization of prepaid finance charges, would be supplemented by a new sentence at the beginning which clarifies that only those finance charges deducted from the principal loan amount under § 226.18(b)(3) should be itemized as prepaid finance charges under § 226.18(c)(1)(iv). The revision is made in conjunction with the clarification to comment 18(b)(3)–1 and is not intended to change the substance of existing rules.

18(f) Variable Rate. Comment 18(f)–9 would be added to discuss the disclosure requirements under this section for variable-rate transactions containing an option permitting consumers to convert to a fixed rate. The conversion option is a variable-rate feature that must be disclosed. The comment explains how the disclosures should be given. Consistent with the revision being made to comment 18(f)(4)–1, described below, it clarifies that only one hypothetical example should be disclosed, such as an example of payment terms resulting from changes in the index.

This comment is similar to the paragraph on conversion options proposed in the fifth commentary update in December 1985. That proposal was not adopted then because it was expected to be incorporated into a uniform ajustable-rate mortgage disclosure regulation. This regulation was proposed by the Board in November, 1986. In the likely event the

uniform disclosure regulation is adopted in the near future, comment 18(f)–9 would apply only to transactions not covered by the new requirements.

Paragraph 18(f)(2). Comment 18(f)(2)–1 would be revised by adding a cross-reference to the requirement in new § 226.30 that a maximum interest rate limitation be included in certain variable-rate transactions.

Paragraph 18(f)(4). Comment 18(f)(4)–1 would be revised to clarify that section 18(f)(4) requires only one example of the effects of a rate increase on payment terms. The comment states that in transactions with more than one variable-rate feature, only one hypothetical example may be included in the segregated disclosures.

Subpart D—Miscellaneous

Section 226.28—Effect on State Laws—28(a) Inconsistent Disclosure Requirements. Comment 28(a)–13 would be added to reflect the Board's 1985 determination of the effect of the Truth in Lending Act on a provision of the consumer credit law of Arizona. On September 4, 1987, the Board also published for public comment a proposed determination of the Federal law's effect on a provision of the consumer credit law of Indiana (52 FR 33586), and will likely make a final determination on this proposal later this year. That determination is expected to be incorported into the final commentary update.

Section 226.30—Limitations on Rates. On November 9, 1987, the Board published a final rule amending Regulation Z to incorporate the substance of section 1204 of the Competitive Equality Banking Act (CEBA) into the regulation (52 FR 43178; technical corrections to original notice at 52 FR 45611 (1987). The rule requires creditors who offer dwelling-secured loans with an adjustable interest rate to include a maximum rate ceiling in their credit agreements entered into on or after December 9, 1987. The following comments would be included as part of the commentary to § 226.30.

Comments 30–1 through 30–5 would explain the scope of the rule's coverage, including examples of what types of obligations are covered and not covered. Generally stated, the rule is that any post-effective date credit obligation is subject to the interest rate ceiling requirement if it: (1) Is secured by a dwelling, (2) contractually allows for interest rate increases, and (3) requires initial Truth in Lending Act (TILA) disclosures. A credit obligation subject to the TILA may also become subject to § 226.30 in two other instances: (1) If a security interest in a dwelling is added to an obligation that allows for interest rate increases, or (2) a variable rate feature is added to a dwelling-secured credit obligation.

The scope of the substantive law requirement of section 1204 of CEBA is limited to obligations subject to the TILA and Regulation Z. Comment 30–6 generally explains that the other provisions of the regulation relating to TILA disclosures and their corresponding commentaries apply to § 226.30 where appropriate (such as definitions and exemptions), unless otherwise specified in the commentary to § 226.30. For example, for purposes of *coverage,* the refinancing and assumption rules of § 226.20 (a) and (b) apply. On the other hand, for purposes of *increasing a maximum interest rate* originally imposed under § 226.30 only the refinancing and assumption rules in proposed comments 11 and 12 to this section would apply.

Comments 30–7 through 30–9 explain the requirement to specify the interest rate ceiling in credit contracts, including how the rate may be stated and that multiple rates may be set.

Comment 30–10 would be included to explain that the maximum rate ceiling must be applicable to increases after default. This comment applies only in situations in which a post-default agreement is still considered part of the original obligation subject to Regulation Z.

Comments 30–11 and 30–12 explain when the maximum interest rate ceiling originally set on an obligation may be increased.

Comment 30–13 further explains the relief provided in footnote 50 to § 226.30.

List of Subjects in 12 CFR Part 226

Advertising, Banks, Banking, Consumer protection, Credit, Federal Reserve System, Finance, Penalties, Rate limitations, Truth in lending.

Certain conventions have been used to highlight the proposed revisions. New language is shown inside bold-faced arrows, while language that would be deleted is set off with brackets.

(3) Text of Proposed Revisions

Pursuant to authority granted in section 105 of the Truth in Lending Act (15 U.S.C. 1604 as amended) and section 1204 of the Competitive Equality Banking Act, Pub. L. 100–86, 101 Stat. 552, the Board proposes to amend the official staff commentary to Regulation Z (12 CFR Part 226 Supp. I) as follows:

1. The authority citation for Part 226 continues to read:

Authority: Sec. 105, Truth in Lending Act, as amended by sec. 605, Pub. L. 96–221, 94 Stat. 170 (15 U.S.C. 1604 *et seq.*); sec. 1204(c), Competitive Equality Banking Act, Pub. L. 100–86, 101 Stat. 552.

2. The proposed revisions amend the commentary (TIL–1, 12 CFR Part 226 Supp. I) by revising comments 4(c)(4)–2; amending comment 6(a)(2)–7 by adding two sentences after the second sentence; revising comment 7(h)–1, 14(c)–7, 18(b)(3)–1; amending comment 18(c)(1)(iv)–1 by adding a new first sentence; adding comment 18(f)–9; revising comments 18(f)(2)–1 and 18(f)(4)–1; and adding comments 28(a)–13 and 30–1 through 30–13 to read as follows:

Subpart A—General

* * * * *

Section 226.4—Finance Charge

* * * * *

4(c) Charges Excluded from the Finance Charge

* * * * *

Paragraph 4(c)(4)

* * * * *

2. *Participation fees—exclusions.* * * * (See the commentary to § 226.4(b)(2). ►Also, see comment 14(c)–7 for treatment of certain types of fees excluded in determining the annual percentage rate for the periodic statement.◄]

* * * * *

Subpart B—Open-end Credit

* * * * *

Section 226.6 Initial Disclosure Statement

* * * * *

6(a) Finance Charge

* * * * *

Paragraph 6(a)(2)

* * * * *

7. *Variable-rate plan—limitations on increase.* In disclosing any limitations on rate increases, limitations such as the maximum increase per year or the maximum increase over the duration of the plan must be disclosed. When there are no limitations, the creditor may, but need not, disclose that fact. ►(A maximum interest rate must be included in dwelling-secured open-end credit plans under which the interest rate may be changed. See § 226.30 and the commentary to that section.)◄ Legal limits such as usury or rate ceilings * * *

* * * * *

Section 226.7—Periodic Statement

* * * * *

7(h) Other Charges

1. *Identification.* In identifying any "other charges" actually imposed during the billing cycle, the type is adequately described as "late charge" or "membership fee," for example. Similarly, "closing costs" or "settlement costs," for example, may be used to describe charges imposed in connection with real estate transactions that are excluded from the finance charge under

§ 226.4(c)(7), if the same term (such as "closing costs") was used in the initial disclosures and if the creditor chose to itemize and individually disclose the costs included in that term. ►Even though the taxes and filing or notary fees excluded from the finance charge under § 226.4(e) are not required to be disclosed as "other charges" under § 226.6(b), these charges may be included in the amount shown as "closing costs" or "settlement costs" on the periodic statement, if the charges were itemized and disclosed as part of the "closing costs" or "settlement costs" on the initial disclosure statement.◄ (See comment 6(b)–1 for examples of "other charges.")

* * * * *

Section 226.14—Determination of Annual Percentage Rate

* * * * *

14(c) Annual Percentage Rate for Periodic Statements

* * * * *

7. *Charges related to opening* ►or renewing◄ *account.* Footnote 33 is applicable to § 226.14(c)(2) and (c)(3). The charges involved here do not relate to a specific transaction or to ►specific◄ activity on the account, but relate solely to the opening ►or renewing◄ of the account. ►As a result, a fee that is charged annually to renew a credit card account if the customer has not met certain account usage criteria—and thus may not be excluded from the finance charge under § 226.4(c)(4) (see comment 4(c)(4)–2)—would not be included in the calculation of the annual percentage rate.◄ Inclusion of these charges in the annual percentage rate calculation results in significant distortions of the annual percentage rate and delivery of a possibly misleading disclosure to consumers. The rule in footnote 33 applies even if the loan fee, points, or similar charges are billed on a subsequent periodic statement or withheld from the proceeds of the first advance on the account.

* * * * *

Subpart C—Closed-end Credit

* * * * *

Section 226.18—Content of Disclosures

* * * * *

18(b) Amount Financed

* * * * *

Paragraph 18(b)(3)

1. *Prepaid finance charges.* ►Prepaid finance charges that are paid separately in cash or by check should be deducted under § 226.18(b)(3) in calculating the amount financed. To illustrate:

• A consumer applies for a loan of $2,500 with a $40 loan fee. The face amount of the note is $2,500 and the consumer pays the loan fee separately by cash or check at closing. The principal loan amount for purposes of § 226.18(b)(1) is $2,500 and $40 should be deducted under § 226.18(b)(3), thereby yielding an amount financed of $2,460.

In some instances, as when loan fees are financed by the creditor, finance charges are incorporated in the face amount of the obligation. Creditors have the option, when the charges are not add-on or discount charges, of either including or not including the finance charges in the principal loan amount that they determine under § 226.18(b)(1). When the finance charges are included in the principal loan amount, they should be deducted as prepaid finance charges under § 226.18(b)(3).

When the finance charges are not included in the principal loan amount, they should not be deducted under § 226.18(b)(3). The following examples illustrate the application of § 226.18(b) to this type of transaction. Each example assumes a loan request of $2,500 with a loan fee of $40; the creditor assesses the loan fee by increasing the face amount of the note to $2,540.

• If the creditor determines the principal loan amount under § 226.18(b)(1) to be $2,540, it has included the loan fee in the principal loan amount and should deduct $40 as a prepaid finance charge under § 226.18(b)(3), thereby obtaining an amount financed of $2,500.

• If the creditor determines the principal loan amount under § 226.18(b)(1) to be $2,500, it has not included the loan fee in the principal loan amount and should not deduct any amount under § 226.18(b)(3), thereby obtaining an amount financed of $2,500.◄

* * * * *

18(c) Itemization of Amount Financed

* * * * *

Paragraph 18(c)(1)(iv)

1. *Prepaid finance charge.* ►Prepaid finance charges that are deducted under § 226.18(b)(3) must be disclosed under this section.◄ * * *

* * * * *

18(f) Variable Rate

* * * * *

►9. *Conversion feature.* In variable-rate transactions with an option permitting consumers to convert to a fixed-rate loan, the conversion option is a variable-rate feature that should be disclosed. In making disclosures under § 226.18(f), creditors should disclose the fact that the rate may increase upon conversion and identify the index used to set the fixed rate, any limitations on the increase resulting from conversion, and the effect of an increase. Because § 226.18(f)(4) permits only one hypothetical example in the segregated disclosures (such as an example of the effect on payments resulting from changes in the index), a second hypothetical example would not be given.◄

* * * * *

Paragraph 18(f)(2)

1. *Limitations.* This includes any maximum imposed on the amount of an increase in the rate at any time, as well as any maximum on the total increase over the life of the transaction. When there are no limitations, the creditor may, but need not, disclose that fact. Limitations do not include legal limits in the nature of usury or rate ceilings under state or federal statutes or regulations. ►(See § 226.30 for the rule requiring that a maximum interest rate be included in certain variable-rate transactions.)◄

* * * * *

Paragraph 18(f)(4)

1. *Hypothetical example.* The example may, at the creditor's option, appear apart from the other disclosure. The creditor may provide either a standard example that illustrates the terms and conditions of that type of credit offered by that creditor or an example that directly reflects the terms and conditions of the particular transaction. ►In transactions with more than one variable-rate feature, only one hypothetical example should be provided in the segregated disclosures.◄

* * * * *

Subpart D—Miscellaneous

* * * * *

Section 226.28—Effect on State Laws

28(a) Inconsistent Disclosure Requirements

* * * * *

►13. *Preemption determination—Arizona.* Effective October 1, 1988, the Board has determined that the following provision in the state law of Arizona is preempted by the federal law:

• Section 6–621A.2—Use of the term "the total sum of $ ____" in certain notices provided to borrowers. This term describes the same item that is disclosed under federal law as the "total of payments." Since the state law requires the use of a different term than federal law to describe the same item, the state-required term is preempted. The notice itself is not preempted.►

* * * * *

► *Section 226.30—Limitation on Rates*

1. *Scope of coverage.* The requirement of this section applies to dwelling-secured consumer credit obligations—both open-end and closed-end credit—entered into on or after December 9, 1987 that are subject to the Truth in Lending Act and Regulation Z, in which the annual percentage rate may increase after consummation (or during the term of the plan, in the case of open-end credit) as a result of an increase in the interest rate component of the finance charge—whether those increases are tied to an index or formula or are within a creditor's discretion. The section applies to credit sales as well as loans. Examples of obligations subject to this section include:

• Dwelling-secured credit obligations that require variable rate disclosures under the regulation because the interest rate may increase during the term of the obligation. (See the commentaries to sections §§ 226.6(a)(2)n.12 and 226.18(f).)

• Dwelling-secured open-end credit plans that do not require variable rate disclosures under the regulation but where the creditor reserves the contractual right to increase the interest rate—periodic rate and corresponding annual percentage rate—during the term of the plan.

In contrast, the following obligations are not subject to this section, because there is

no contractual right to increase the interest rate during the term of the obligation.

• "Shared-equity" or "shared-appreciation" mortgages as described in comment 18(f)–6.

• Fixed-rate closed-end balloon payment mortgage loans and fixed-rate open-end plans with a stated term that the creditor may, but does not have a contractual legal obligation to, renew at maturity.

2. *Refinanced obligations.* On or after December 9, 1987, when a credit obligation is refinanced, as defined in § 226.20(a) the new obligation is subject to the requirement of this section if it is dwelling-secured and allows for increases in the interest rate.

3. *Assumptions.* On or after December 9, 1987, when a credit obligation is assumed, as defined in § 226.20(b), the obligation becomes subject to the requirement of this section if it is dwelling-secured and allows for increases in the interest rate.

4. *Modifications of obligations.* Modifications of agreements entered into prior to December 9, 1987 are generally not covered by this section. For example, increasing the credit limit on a dwelling-secured, open-end plan with a variable interest rate entered into before the effective date of the rule does not make the obligation subject to the requirement of this section. If, however, a security interest in a dwelling is added on or after December 9, 1987 to a pre-existing credit obligation that allows for interest rate changes, the obligation becomes subject to the requirement of this section. Similarly, if on or after December 9, 1987, a variable interest rate feature is added to a pre-existing dwelling-secured credit obligation, the obligation becomes subject to the requirement of this section.

5. *Land trusts.* In some states, a land trust is used in residential real estate transactions. (See discussion in comment 3(a)–8.) If a consumer-purpose loan that allows for interest rate changes is secured by an assignment of a beneficial interest in a land trust that holds title to a consumer's dwelling, that loan is subject to the requirement of this section.

6. *Relationship to other sections.* Unless otherwise provided for in the commentary to this section, other provisions of the regulations such as definitions, exemptions, rules and interpretations also apply to this section where appropriate. To illustrate:

• An adjustable interest rate business-purpose loan is not subject to this section even if the loan is secured by a dwelling because such credit extensions are not subject to the regulation. (See generally § 226.3(a))

• Creditors subject to the requirement of this section are only those that fall within the definition of a creditor in §226.2(a)(17).

7. *Consumer credit contract.* Creditors are required to specify a lifetime maximum interest rate ceiling in their credit contracts—the instrument that creates personal liability and generally contains the terms and conditions of the agreement (for example, a promissory note or home-equity line of credit agreement). This requirement is subject to the general "clear and conspicuous" standard of the regulation, but no specific rule is prescribed regarding the format of the requirement. In some states, the signing of a commitment letter may create a binding obligation, for example, constituting "consummation" as defined in § 226.2(a)(13). The maximum interest rate ceiling must be included in the credit contract, but a creditor has the option of including the rate ceiling in the commitment instrument as well.

8. *Manner of stating the rate ceiling.* The maximum interest rate must be stated either as a specified amount or in any other manner that would allow the consumer to easily ascertain, at the time of entering into the obligation, what the lifetime interest rate ceiling will be over the term of the obligation. For example, the following statements would be sufficiently specific:

• The maximum interest rate will not exceed X%.

• The interest rate will never be higher than X percentage points above the initial rate of Y%.

• The interest rate will not exceed X%, or X percentage points above [a rate to be determined at some future point in time], whichever is less.

• The maximum interest rate will not exceed X% or the state usury ceiling, whichever is less.

The following statements would not comply with this section:

• The interest rate will never be higher than X percentage points over the going market rate.

• The interest rate will never be higher than X percentage points above [a rate to be determined at some future point in time].

• The interest rate will not exceed the state usury ceiling which is currently X%.

A creditor may state the maximum rate in terms of a maximum annual percentage rate that may be imposed. Under an open-end credit plan, this would be the corresponding annual percentage rate. (See generally § 226.6(a)(2).)

9. *Multiple interest rate ceilings.* Creditors are not prohibited from setting multiple interest rate ceilings. For example, on loans with multiple variable rate features, creditors may establish a maximum interest rate for each feature. To illustrate, in a variable rate loan that has an option to convert to a fixed rate, a creditor may set one maximum interest rate for the initially imposed index-based variable rate feature and another for the conversion option. Of course, a creditor may establish one maximum interest rate applicable to all features.

10. *Interest rate charged after default.* State law may allow an interest rate after default higher than the contract rate in effect at the time of default; however, the interest rate after default must be subject to a maximum interest rate set forth in a credit obligation that is otherwise subject to the requirement of this section. This rule applies only in situations in which a post-default agreement is still considered part of the original obligation.

11. *Increasing the interest rate ceiling—general rule.* Generally, a creditor may not increase the maximum interest rate originally set on a credit obligation unless the consumer and the creditor enter into a new obligation. Therefore, under an open-end plan subject to this section, a creditor may not increase the maximum rate ceiling imposed merely because there is an increase in the credit limit. If an open-end plan is closed and another opened, a new rate ceiling may be imposed. Furthermore, where an open-end plan subject to this section has a fixed maturity and a creditor renews the plan at maturity, or converts the plan to closed-end credit, without having a legal obligation to renew or convert, a new maximum interest rate may be set at that time. If under the initial agreement, the creditor is obligated to renew or convert the plan, the maximum interest rate originally imposed cannot be increased upon renewal or conversion. For a closed-end credit transaction, a new interest rate ceiling may be set only if the transaction is satisfied and replaced by a new obligation that is dwelling-secured and allows for increases in the interest rate. (The exceptions to the general on refinancings in § 226.20(a)(1)-(5) do not apply with respect to increases in the rate ceiling.)

12. *Increasing the interest rate ceiling—assumption of an obligation.* If an obligation subject to this section is assumed by a new obligor and the original is released from liability, the maximum interest rate set on the obligation may be increased as part of the assumption agreement. (This rule applies whether or not the transaction constitutes an assumption as defined in § 226.20(b).)

13. *Transition rules.* Under footnote 50, if creditors properly include the maximum rate ceiling in their credit contracts, creditors need not revise their Truth in Lending disclosure statement forms to add the disclosures about limitations on an increase required by §§ 226.6(a)(2) n.12 and 226.18(f)(2) until October 1, 1988. After that date, creditors are required to state the limitations on a increase as part of their Truth in Lending disclosures as well as stating the maximum interest rate ceiling in their credit contracts.

References

Statute: Competitive Equality Banking Act of 1987, Pub. L. No. 100–86, 101 Stat. 552.

Other sections: Sections 226.6(a)(2) n.12 and 226.18(f)(2).

Previous regulation: None.

1987 changes: This section implements section 1204 of the Competitive Equality Banking Act of 1987, Pub. L. No. 100–86, 101 Stat. 552 which provides that, effective December 9, 1987, adjustable rate mortgages must include a limitation on the interest rate that may apply during the term of the mortgage loan. An adjustable rate mortgage loan is defined in section 1204 as "any loan secured by a lien on a one-to-four family dwelling unit, including a condominium unit, cooperative housing unit, or mobile home, where the loan is made pursuant to an agreement under which the creditor may, from time to time adjust the rate of interest." The rule in this section incorporates section 1204 into Regulation Z and limits the scope of section 1204 to dwelling-secured consumer credit subject to the Truth in Lending Act, in which a creditor has the contractual right to increase the interest rate during the term of the credit obligation.◄

Board of Governors of the Federal Reserve System, December 9, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87–28700 Filed 12–14–87; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 18

[Docket No. 70622–7122]

Implementation of the Equal Access to Justice Act

AGENCY: Office of the Secretary, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department is proposing to revise its interim rules implementing the Equal Access to Justice Act (the "EAJA"). These proposed amendments reflect recent amendments to the EAJA enacted by Congress, change the list of covered proceedings conducted under statutes administered by the National Oceanic and Atmospheric Administration and make procedural and clarifying changes.

DATE: Comments must be received on or before January 14, 1988.

ADDRESS: Written comments should be submitted to the Office of the Assistant General Counsel for Administration, Room 5882, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Andrew W. McCready, 202–377–5391, or at the address set forth above.

SUPPLEMENTARY INFORMATION: 1. The proposed rules set forth herein are based on interim rules issued by the Department (47 FR 13510, March 31, 1982), and are designed to implement amendments to the Equal Access to Justice Act (EAJA), Pub. L. 99–80, 99 Stat. 183, 5 U.S.C. 504. The EAJA provides for the award of attorney fees and other expenses to qualified parties who prevail over the Federal Government in certain administrative and court proceedings. The EAJA requires that each agency establish uniform procedures for the submission and consideration of applications for an award of fees and other expenses. The EAJA, which had expired on September 30, 1984, was reauthorized by Pub. L. 99–80, which made several substantial changes to the EAJA. These rules reflect those changes and largely follow the model rules recommended by the Administrative Conference of the United States. See 51 FR 16659 (May 6, 1986).

2. In reauthorizing the EAJA, Congress made the following amendments relevant to the Department:

1. The Act is applicable to cases commenced after October 1, 1984.

2. Net worth ceilings for eligible parties have been raised to $2,000,000 for individuals and $7,000,000 for partnerships, corporations and certain other entities.

3. Units of local government that fall under the ceilings for net worth and number of employees have been made eligible for fee awards.

4. The position of the agency that must be substantially justified has been specifically defined to include the underlying action or failure to act on which the relevant proceeding is based as well as the agency's position in litigation.

5. Whether or not the position of the agency was substantially justified is to be determined based on the administrative record of the proceeding as a whole adduced during the course of the adjudication for which fees and other expenses are sought.

6. Appeals of decisions made pursuant to section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) before agency boards of contract appeals are included within the definition of "adversary adjudications," and thus are explicitly covered by the Act.

Further, the most significant of the additional changes the Department proposes to make in the rules are as follows:

1. To substitute a broad definition of proceedings covered under the National Oceanic and Atmospheric Administration for the list of covered proceedings used in the interim rules.

2. To revise the settlement procedure for claims under the Act to provide that settlement by the applicant and agency counsel is to be in accordance with the component agency's standard settlement procedure.

3. To specify more detailed procedures for agency review of the adjudicative officer's decision regarding award of attorney fees.

4. To make clear that the General Services Administration Board of Contract Appeals (Board) is responsible for making determinations regarding the award of fees and other expenses on claims under the Act relating to appeals to the Board from decisions of contracting officers of the Department.

Executive Order 12291

The Department of Commerce has determined that these regulations are not major rules as defined by Executive Order 12291 because they are not likely to result in (1) an annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or (3) significant adverse effects on competition, employment, investment, productivity or innovation.

Regulatory Flexibility Analysis

In accordance with section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), we hereby certify that these rules will not have a significant economic impact upon a substantial number of small entities. The EAJA itself may provide economic benefits, because it allows individuals and businesses to recover attorney fees in connection with proceedings conducted against the Government. The rules, however, simply implement the EAJA, carrying out congressional intention, and do not, by themselves, impose significant economic burdens or benefits. This certification shall be provided to the Chief Counsel for Advocacy of the Small Business Administration.

Paperwork Reduction Act of 1980

This rule is exempt from the requirements of the Paperwork Reduction Act of 1980 by virtue of 44 U.S.C. 3518(c)(1)(B), which provides that the Paperwork Reduction Act does not apply to the collection of information during the conduct of an administrative action involving an agency against specific individuals or entities.

List of Subjects in 15 CFR Part 18

Equal access to justice.

For the reasons stated in the preamble, it is proposed that 15 CFR Part 18 be amended as follows:

PART 18—[AMENDED]

1. The authority citation for Part 18 is revised to read as follows:

Authority: 5 U.S.C. 504(c)(1).

2. Section 18.3 is revised to read as follows:

§ 18.3 When the Act applies.

The Act applies to any adversary adjudication pending or commenced before the Department on or after August 5, 1985. It also applies to any adversary adjudication commenced on or after October 1, 1984, and finally disposed of before August 5, 1985, provided that an application for fees and expenses, as described in §§ 18.11–18.14 of these rules, has been filed with the Department within 30 days after August 5, 1985, and to any adversary adjudication pending on or commenced on or after October 1, 1981, in which an

application for fees and other expenses was timely filed and was dismissed for lack of jurisdiction.

3. Section 18.4 is amended by inserting an "s" at the end of "Proceeding" in the heading, and by revising the introductory text of paragraph (a) and (a)(2) to read as follows:

§ 18.4 Proceedings covered.

(a) The Act applies to adversary adjudications conducted by the Department and to appeals of decisions of contracting officers of the Department made pursuant to section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) before agency boards of contract appeals as provided in section 8 of that Act (41 U.S.C. 607). Adversary adjudications conducted by the Department are adjudications under 5 U.S.C. 554 in which the position of this or any other agency of the United States, or any component of an agency, is presented by an attorney or other representative who enters an appearance and participates in the proceeding. Pursuant to section 8(c) of the Contract Disputes Act (41 U.S.C. 607(c)), the Department has arranged for appeals from decisions by contracting officers of the Department to be decided by the General Services Administration Board of Contract Appeals. This Board, in accordance with its own procedures, shall be responsible for making determinations on applications pursuant to the Act relating to appeals to the Board from decisions of contracting officers of the Department. Such determinations are final, subject to appeal under § 18.23. Any proceeding in which the Department may prescribe a lawful present or future rate is not covered by the Act. Proceedings to grant or renew licenses are also excluded, but proceedings to modify, suspend, or revoke licenses are covered if they are otherwise "adversary adjudications." The Department proceedings covered are:

* * * * *

(2) National Oceanic and Atmospheric Administration ("NOAA")

(i) Proceedings concerning suspension, revocation, or modification of a permit or license issued by NOAA.

(ii) Proceedings to assess civil penalties under any of the statutes administered by NOAA.

4. Section 18.5 is amended by revising paragraphs (b)(1), (b)(2), (b)(5) and (g) to read as follows:

§ 18.5 Eligibility of applicants.

* * * * *

(b) * * *

(1) An individual with a net worth of not more than $2 million.

(2) The sole owner of an unincorporated business who has a net worth of not more than $7 million, including both personal and business interests, and not more than 500 employees;

* * * * *

(5) Any other partnership, corporation, association, unit of local government, or organization with a net worth of not more than $7 million and not more than 500 employees.

* * * * *

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

5. Section 18.6 is amended by revising paragraph (a) to read as follows:

§ 18.6 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceedings, unless the position of the Department over which the applicant has prevailed was substantially justified. The position of the Department includes, in addition to the position taken by the Department in the adversary adjudication, the action or failure to act by the Department upon which the adversary adjudication is based. The burden of proof that an award should not be made to an eligible prevailing applicant because the Department's position was substantially justified is on the agency counsel.

* * * * *

6. Section 18.7 is amended by revising paragraph (b) to read as follows:

§ 18.7 Allowable fees and expenses.

* * * * *

(b) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which the Department pays expert witnesses. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent, or witness ordinarily charges clients separately for such expenses.

* * * * *

7. Section 18.11 is amended by correcting the spelling of the word "statement" in paragraph (b)(1) and by revising the first sentence of the introductory text of paragraph (b) to read as follows:

§ 18.11 Contents of application.

* * * * *

(b) The application shall also include a statement that the applicant's net worth does not exceed $2 million (if an individual) or $7 million (for all other applicants, including their affiliates).

* * *

* * * * *

§ 18.12 [Amended]

8. Section 18.12 is amended by striking "§ 18.4(f)" in the first sentence of paragraph (a) and inserting "§ 18.5(f)" in lieu thereof, by striking the comma after "labeled" in the second sentence of paragraph (b) and by striking the "s" in "exhibits" in the last sentence of paragraph (b).

9. Section 18.14 is amended by revising paragraphs (b) and (c) to read as follows:

§ 18.14 When an application may be filed.

* * * * *

(b) For purposes of this rule, final disposition means the date on which a decision or order disposing of the merits of the proceeding or any other complete resolution of the proceeding, such as a settlement or voluntary dismissal, becomes final and unappealable, both within the agency and to the courts.

(c) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy. When the United States appeals the underlying merits of an adversary adjudication to a court, no decision on an application for fees and other expenses in connection with that adversary adjudication shall be made until a final and unreviewable decision is rendered by the court on the appeal or until the underlying merits of the case have been finally determined pursuant to the appeal.

§ 18.16 [Amended]

10. Section 18.16 is amended by striking "the Department's" in the first sentence of paragraph (c) and inserting "agency counsel's" in lieu thereof.

§ 18.18 [Amended]

11. Section 18.18 is amended by striking "the Department" in the first sentence and inserting "agency counsel" in lieu thereof.

12. Section 18.19 is amended by striking the final "s" in the heading and by revising the first sentence to read as follows:

§ 18.19 Settlement.

The applicant and agency counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded, in accordance with the component agency's standard settlement procedure.

13. Section 18.20 is amended by revising paragraph (a) to read as follows:

§ 18.20 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or agency counsel, or on his or her own initiative, the adjudicative officer may order further proceedings, such as an informal conference, oral argument, additional written submissions or, as to issues other than substantial justification (such as the applicant's eligibility or substantiation of fees and expenses), pertinent discovery or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible. Whether or not the position of the agency was substantially justified shall be determined on the basis of the administrative record, as a whole, which is made in the adversary adjudication for which fees and other expenses are sought.

§ 18.21 [Amended]

14. Section 18.21 is amended by inserting "calendar" between "30" and "days" in the first sentence of the paragraph.

15. Section 18.22 is revised to read as follows:

§ 18.22 Agency review.

Either the applicant or agency counsel may file a petition for review of the initial decision on the fee application, or the Department may decide to review the decision on its own initiative. The petition must be filed with the General Counsel, Office of the Assistant General Counsel for Administration, Rm. 5882, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230, not later than 30 calendar days after the initial decision is issued. For purposes of this section, a document will be considered filed with the General Counsel as of the date of the postmark (or for government penalty mail, as shown by a certificate of mailing), if mailed, or if not mailed, as of the date actually delivered to the Office of General Counsel. A petition for review must be accompanied by a full written statement in support thereof, including a precise statement of why the petitioner believes the initial decision should be reversed or modified, and proof of service upon all parties. A response to the petition may be filed by another party to the proceeding and must be filed with the General Counsel at the above address not more than 30 calendar days after the date of service of the petition for review. The General Counsel may request any further submissions deemed helpful in resolving the petition for review. If neither the applicant nor agency counsel seeks review and the Department does not take review on its own initiative, the initial decision on the application shall become a final decision of the Department 30 calendar days after it is issued. Whether to review a decision is a matter within the discretion of the General Counsel. If review is taken, the General Counsel will issue the Department's final decision on the application or remand the application to the adjudicative officer for further proceedings. The standard of review exercised by the General Counsel shall be that which was required for the highest level of Departmental review which could have been exercised on the underlying covered proceeding.

§ 18.24 [Amended]

16. Section 18.24 is amended by striking "statement" in the first sentence and inserting "certification" in lieu thereof and by inserting "calendar" between "60" and "days" in the last sentence of the paragraph.

Date: December 8, 1987.

Robert H. Brumley,

Deputy General Counsel.

[FR Doc. 87-28567 Filed 12-14-87; 8:45 am]

BILLING CODE 3510-EW-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1016

Policies and Procedures For Information Disclosure and Employee Testimony in Private Litigation

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed amendments.

SUMMARY: The Commission has regulations concerning its providing of documents and witnesses in legal proceedings that do not involve the Commission. Under amendments being proposed to these regulations, documents would continue to be provided for use in such proceedings to the fullest extent possible. However, in order to (a) avoid an undue burden on the Commission's resources and (b) maintain the effectiveness of Commission employees as witnesses in Commission cases, the testimony of employees in such proceedings would be generally prohibited.

DATES: Public comments on the proposed amendments should be submitted no later than January 29, 1988, but late comments will be considered to the extent practicable. The amendments are proposed to become effective 30 days after they are published in final form in the **Federal Register.**

ADDRESSES: Comments should be submitted preferably with four copies to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC, 20207. Received comments may be seen in the Office of the Secretary, during normal working hours, in room 528, 5401 Westbard Avenue, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Alan Shakin, Acting Assistant General Counsel for Enforcement and Information, Consumer Product Safety Commission, Washington, DC 20207.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission often receives requests from attorneys who want Commission employees to testify in product liability lawsuits (and sometimes in other lawsuits to which the Commission is not a party). These requests take different forms, including:

(1) Requests for an employee to authenticate, for evidentiary purposes, a Commission document such as an in-depth investigation report prepared by a field investigator; a laboratory report by a Commission technician; or an engineering, epidemiological, or other technical report written by a headquarters staff member.

(2) Requests for the testimony of a Commission employee who has some knowledge that bears on an issue of fact in a lawsuit.

(3) Requests for a Commission employee to testify as an expert witness.

Under the existing regulations, such requests may be granted if the General Counsel finds that they satisfy at least one of the three criteria specified at 16 CFR 1016.5(b)(2): "the party seeking testimony has made a showing (1) that the evidence or the facts adduced by him or her is not reasonably available by any other method, (2) that the results

BEST COPY AVAILABLE

of the litigation will have significant implications for future Commission actions or policies, or (3) that Commission actions are material issues in the lawsuits * * *." However, these criteria fail to address the most important consideration: the fact that any testimony by a Commission employee in private (non-Commission) litigation uses up resources that the Commission cannot spare from its own work. The employee who is testifying and a Commission lawyer both devote time to preperation for the testimony and the testimony itself. If the testimony is at a trial, particularly one not near the employee's work location, travel time is also involved.

Another important consideration is that the effectiveness of the employee as a witness in Commission litigation could be adversely affected by his or her testimony in private litigation. For example, a staff engineer might testify for the plaintiff in a product liability case involving a consumer product. If the Commission later brought an action involving the same product, the engineer's impartiality as a witness could be questioned on the basis of his or her earlier testimony.

II. Proposed Amendments

The Commission believes that the three criteria in the employee testimony regulations should be eliminated. Based on the letters and telephone calls received from lawyers, the criteria apparently give the impression that many requests for testimony satisfy at least one criterion and are, therefore, routinely granted. This is misleading because most requests meet none of the criteria and are denied.

In place of the criteria, the Commission is proposing to adopt a practical and straightforward approach toward employee testimony in private litigation. Such testimony would be generally prohibited (§ 1016.4(a) below). The General Counsel would have discretionary authority to make an exception, but the Commission would expect such discretion to be exercised only in the rare circumstances when (1) the testimony would directly further a Commission interest and (2) no resource or partiality issues were present (§ 1016.4(c) below). Absent such a situation, the General Counsel would take steps (through the Department of Justice) to quash any validly-served subpoena seeking the testimony of a Commission employee (§ 1016.4(b) below). If the subpoena were not quashed, the employee would be directed to appear but not to testify.

Providing documents for use in private litigation does not present the same problems for the Commission as employee testimony. Under the existing regulations, the Commission provides documents to the fullest extent permitted under the Freedom of Information Act, section 6 of the Consumer Product Safety Act, and implementing regulations. In addition, the authenticity of documents is certified upon request.

The Commission knows of no reason to change this approach. Therefore, the proposed amendments would make only editorial changes to the existing provisions on documents (§ 1016.3 below).

The Commission proposes to make the amendments effective 30 days after they are issued in the **Federal Register** in final form. Please note that the proposals are not Commission action within the categories listed at 16 CFR 1021.5(b) having a potential for producing environmental effects. Therefore, neither an environmental assessment nor an environmental impact statement is required. In addition, because the number of employees testifying in private litigation and the number of documents provided for use in private litigation are unlikely to change, the Commission certifies that the proposed amendments, if issued in final form, would not have a significant economic impact on a substantial number of small entities, under the Regulatory Flexibility Act. 5 U.S.C. 603(3).

Accordingly, pursuant to provisions of the Consumer Product Safety Act (15 U.S.C. 2051–2081), the Federal Hazardous Substances Act (15 U.S.C. 1261–1274), the Flammable Fabrics Act (15 U.S.C. 1191–1204), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471–1476), the Refrigerator Safety Act (15 U.S.C. 1211–1214), the Freedom of Information Act (5 U.S.C. 552), and the Privacy Act of 1974 (5 U.S.C. 552a), the Commission proposes to amend Title 16 of the Code of Federal Regulations, Chapter II, Subchapter A by revising Part 1016 to read as follows:

PART 1016—POLICIES AND PROCEDURES FOR INFORMATION DISCLOSURE AND COMMISSION EMPLOYEE TESTIMONY IN PRIVATE LITIGATION

Sec.

1016.1 Purpose and policy.
1016.2 Definition.
1016.3 Disclosure and certification of information and records.
1016.4 Testimony of Commission employees in private litigation.

Authority: Consumer Product Safety Act (15 U.S.C. 2051–81), the Federal Hazardous Substances Act (15 U.S.C. 1261–1274), the Flammable Fabrics Act (15 U.S.C. 1191–1204), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471–76), the Refrigerator Safety Act (15 U.S.C. 1211–14), the Freedom of Information Act (5 U.S.C. 552), and the Privacy Act of 1974 (5 U.S.C. 552a).

§1016.1 Purpose and policy.

(a) The Commission's policy is to make official records available to private litigants, to the fullest extent possible.

(b) The Commission's policy and responsibility is to conserve the time of its employees for work on Commission projects and activities. Participation of Commission employees in private litigation, in their official capacities, is generally contrary to this policy and responsibility. In addition, such participation could impair the effectiveness of Commission employees as witnesses in litigation in which the commission is directly involved.

§1016.2 Definition.

"Private litigation" refers to any legal proceeding which does not involve the United States government, or any department or agency of the U.S. government, as a party.

§1016.3 Disclosure and certification of information and records.

(a) Identifiable information and records in the Commission's possession will be made available to private litigants in accordance with the Commission's Procedures for Disclosure or Production of Information under the Freedom of Information Act (16 CFR Part 1015), the Freedom of Information Act (5 U.S.C. 2055 and 552), sections 6 and 25(c) of the Consumer Product Safety Act (15 U.S.C. 2055 and 2074), and any other applicable statutes or regulations.

(b) The Secretary of the Commission shall certify the authenticity of copies of Commission records. Requests must be in writing and must include the records to be certified. Requests should be sent to: Secretary, Consumer Product Safety Commission, Washington, DC 20207.

(c) Any subpoena duces tecum served on a Commission employee will be handled by the Office of the Secretary in conjunction with the Office of the General Counsel. Whenever necessary to prevent the improper disclosure of documents, the General Counsel will take steps, in conjunction with the Department of Justice, to quash such subpoenas or seek protective orders.

§1016.4 Testimony of Commission employees in private litigation.

(a) No Commission employee shall testify in his or her official capacity in any private litigation, without express authorization from the Commission's General Counsel. The Commission may in its discretion, review a decision by the General Counsel to authorize such employee testimony. The General Counsel shall in such instances, where time permits, advise the Commission, on a no objection basis, of the authorization of such employee testimony.

(b) If any Commission employee is served with a subpoena seeking testimony in private litigation, he or she must immediately notify the Office of the General Counsel. The Office of the General Counsel, in conjunction with the Department of Justice, will take steps to quash the subpoena or direct the employee to appear in response to the subpoena but refuse to testify on the ground that it is prohibited by this section.

(c) If the General Counsel becomes aware of private litigation in which testimony by a Commission employee would be in the interests of the Commission, he or she may authorize such testimony nothwithstanding paragraph (b) of this section. The Commission may in its discretion, review a decision by the General Counsel to authorize such employee testimony. The General Counsel shall in such instances, where time permits, advise the Commission, on a no objection basis, of the authorization of such employee testimony. Any such testimony must be provided in a way that minimizes the use of Commission resources as much as possible.

Dated: December 9, 1987.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 87-28743 Filed 12-14-87; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF THE TREASURY

19 CFR Part 177

Customs Service

Tariff Classification of Annular, Corrugated Flexible Metal Hose; Extension of Time for Comments

AGENCY: Customs Service, Treasury.

ACTION: Extension of time for comments.

SUMMARY: This notice extends the period of time within which interested members of the public may submit comments concerning the tariff classification of annular, corrugated flexible metal hose. A notice inviting the public to comment on the Customs Service's reconsideration of its position regarding tariff classification of this merchandise was published in the **Federal Register** on October 23, 1987 (52 FR 39662), and comments were to have been received on or before November 23, 1987. A request has been received to extend the period of time for comments an additional 30 days. In view of the complexity of the issues involved, the request is being granted.

DATE: Comments will now be accepted if received on or before December 23, 1987.

ADDRESS: Comments should be submitted to and may be inspected at the Regulations and Disclosure Law Branch, Room 2324 U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: James A. Seal, Commercial Rulings Division (202–566–8181).

Dated: December 10, 1987

Harvey B. Fox,

Director, Office of Regulations and Rulings.

[FR Doc. 87-28889 Filed 12-14-87; 8:45 am]

BILLING CODE 4820-02-M

RAILROAD RETIREMENT BOARD

20 CFR Part 365

Enforcement of Nondiscrimination on the Basis of Handicap in Railroad Retirement Board Programs

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: This proposed regulation provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Railroad Retirement Board. It sets forth standards for what constitutes discrimination on the basis of mental or physical handicap, provides a definition for individual with handicaps and qualified individual with handicaps, and establishes a complaint mechanism for resolving allegations of discrimination. This regulation is issued under the authority of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in programs or activities conducted by Federal executive agencies.

DATE: To be assured of consideration, comments must be in writing and must be received on or before February 16, 1988. Comments should refer to specific sections of the regulation.

ADDRESSES: Comments should be sent to: Steven A. Bartholow, Deputy General Counsel, United States Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

Comments received will be available for public inspection in Room 832, 844 Rush Street, Chicago, Illinois, from 9:00 a.m. to 3:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Michael C. Litt, 844 Rush Street, Chicago, Illinois 60611. (312) 751–4929, TDD (312) 751–4650. Copies of this notice will be made available on tape for persons with impaired vision who request them. They may be obtained at the above address.

SUPPLEMENTARY INFORMATION:

Background

The Railroad Retirement Board administers two major programs: It pays retirement and disability benefits under the Railroad Retirement Act (45 U.S.C. 231 *et seq.*) and unemployment and sickness benefits under the Railroad Unemployment Insurance Act (45 U.S.C. 351 *et seq.*) The former replaces the social security system with respect to employees in the railroad industry. The latter replaces various state unemployment compensation laws with respect to employees in the railroad industry. The Board also administers or has administered a number of smaller benefit programs with regard to displaced workers of various bankrupt railroads. The purpose of this proposed rule is to provide for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), as it applies to programs and activities conducted by the Railroad Retirement Board. As amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Sec. 119, Pub. L. 95–602, 92 Stat. 2982), and the Rehabilitation Act Amendments of 1986 (Pub. L. 99–506, 100 Stat. 1810), section 504 of the Rehabilitation Act of 1973 states that:

> No otherwise qualified individual with handicaps in the United States, * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance *or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978. Copies of any proposed regulation shall be submitted to appropriate authorizing committees of the Congress, and such regulation may take effect no earlier than the thirtieth day after*

the date on which such regulation is so submitted to such committees.

(29 U.S.C. 794) (1978 amendment italicized.)

The substantive nondiscrimination obligations of the agency, as set forth in this proposed rule, are identical, for the most part, to those established by Federal regulations for programs or activities receiving Federal financial assistance. *See* 28 CFR Part 41 (section 504 coordination regulation for federally assisted programs). This general parallelism is in accord with the intent expressed by supporters of the 1978 amendment in floor debate, including its sponsor, Rep. James M. Jeffords, that the Federal Government should have the same section 504 obligations as recipients of Federal financial assistance. 124 Cong. Rec. 13,901 (1978) (remarks of Rep. Jeffords); 124 Cong. Rec. E2668, E2670 (daily ed. May 17, 1978) *id.*; 124 Cong. Rec. 13,697 (remarks of Rep. Brademas); *id.* at 38,552 (remarks of Rep. Sarasin).

There are, however, some language differences between this proposed rule and Federal government's section 504 regulations for federally assisted programs. These changes are based on the Supreme Court's decision in *Southeastern Community College* v. *Davis*, 442 U.S. 397 (1979), and the subsequent circuit court decisions interpreting *Davis* and section 504. *See Dopico* v. *Goldschmidt*, 687 F. 2d 644 (2d Cir. 1982); *American Public Transit Association* v. *Lewis*, 655 F. 2d 1272 (D.C. Cir. 1981) (*APTA*); *see also Rhode Island Handicapped Action Committee* v. *Rhode Island Public Transit Authority*, 718 F. 2d 480 (1st Cir. 1983).

These language differences are also supported by the decision of the Supreme Court in *Alexander* v. *Choate*, 469 U.S. 287 (1985), where the Court held that the regulations for federally assisted programs did not require a recipient to modify its durational limitation on Medicaid coverage of inpatient hospital care for handicapped persons. Clarifying its *Davis* decision, the Court explained that section 504 requires only "reasonable" modifications, *id.* at 300, and explicitly noted that "[t]he regulations implementing section 504 for federally assisted programs are consistent with the view that *reasonable* adjustments in the nature of the benefit offered must at times be made to assure meaningful access" (*id.* at 301 n. 21) (emphasis added).

Incorporation of these changes, therefore, makes this section 504 federally conducted regulation consistent with the Federal government's section 504 federally assisted regulations as interpreted by the Supreme Court. Many of these federally assisted regulations were issued prior to the judicial interpretations of *Davis*, subsequent lower court cases interpreting *Davis*, and *Alexander*; therefore their language does not reflect the interpretation of section 504 provided by the Supreme Court and by the various circuit courts. Of course, these federally assisted regulations must be interpreted to reflect the holdings of the Federal judiciary. Hence the agency believes that there are no significant differences between this proposed rule for federally conducted programs and the Federal government's interpretation of section 504 regulations for federally assisted programs.

This regulation has been reviewed by the Department of Justice. It is an adaptation of a prototype prepared by the Department of Justice under Executive Order 12250 (45 FR 72995, 3 CFR, 1980 Comp., p. 298) and distributed to Executive agencies.

This regulation has also been reviewed by the Equal Employment Opportunity Commission under Executive Order 12067 (43 FR 28967, 3 CFR, 1978 Comp., p. 206).

It is not a major rule within the meaning of Executive Order 12291 (46 FR 13193, 3 CFR, 1981 Comp., p. 127) and, therefore, a regulatory impact analysis has not been prepared.

This regulation does not impose any requirements for information collections within the meaning of the Paperwork Reduction Act.

The Railroad Retirement Board is not an "agency" within the meaning of the Regulatory Flexibility Act and, accordingly, the requirements of that Act are not applicable to the Board.

Section-by-Section Analysis

Section 365.101 Purpose.

Section 365.101 states the purpose of the proposed rule, which is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and Development Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.

Section 365.102 Application.

This proposed regulation applies to all programs or activities conducted by the agency. Under this section, a federally conducted program or activity is, in simple terms, anything a Federal agency does. Aside from employment, there are two major categories of federally conducted programs or activities covered by this regulation: those involving general public contact as part of ongoing agency operations and those directly administered by the agency for program beneficiaries and participants. Activities in the first category include communication with the public (telephone contacts, office walk-ins, or interviews) and the public's use of the agency's facilities. Activities in the second category include programs that provide Federal services or benefits.

Section 365.103 Definitions.

"Agency." For purposes of this regulation "agency" means the Railroad Retirement Board.

"Assistant Attorney General." "Assistant Attorney General" refers to the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

"Auxiliary aids." "Auxiliary aids" means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of the agency's programs or activities. The definition provides examples of commonly used auxiliary aids. Although auxiliary aids are required explicitly only by § 365.166(a)(1), they may also be necessary to meet other requirements.

"Board." Board means the three-member governing body of the agency. See §§ 365.170(i) and 365.170(j), 45 U.S.C. 231f(a).

"Complete complaint." "Complete complaint" is defined to include all the information necessary to enable the agency to investigate the complaint. The definition is necessary because the 120 day period for the agency's investigation (see § 365.170(g)) begins when it receives a complete complaint.

"Executive Director." The Executive Director is the chief operating officer of the agency.

"Facility." The definition of "facility" is similar to that in the section 504 coordination regulation for federally assisted programs, 28 CFR 41.3(f), except that the term "rolling stock or other conveyances" has been added and the phrase "or interest in such property" has been deleted to clarify its coverage. The phrase, "or interest in such property," is deleted because the term "facility," as used in this regulation, refers to structures and not to intangible property rights. It should, however, be noted that the regulation applies to all programs and activities conducted by the agency regardless of whether the facility in which they are conducted is owned, leased, or used on some other basis by the agency. The term "facility" is used in §§ 365.149, 365.150, and 365.170(f).

"Individual with handicaps." The definition of "individual with handicaps" is identical to the definition of "handicapped person" appearing in the section 504 coordination regulation for federally assisted programs (28 CFR 41.31). Although section 103(d) of the Rehabilitation Act Amendments of 1986 changed the statutory term "handicapped individual" to "individual with handicaps," the legislative history of this amendment indicates that no substantive change was intended. Thus, although the term has been changed in this regulation to be consistent with the statute as amended, the definition is unchanged. In particular, although the term as revised refers to "handicaps" in the plural, it does not exclude persons who have only one handicap.

"Qualified individual with handicaps." The definition of "qualified individual with handicaps" follows the definition of "qualified handicapped person" with respect to services that appears in the section 504 coordination regulation for federally assisted programs (28 CFR 41.32).

Under this definition a qualified individual with handicaps is an individual with handicaps who meets the essential eligibility requirements for participation in, or receipt of benefits under a program or activity administered by the Board.

Paragraph (2) of this definition explains that "qualified individual with handicaps" means "qualified handicapped person" as that term is defined for purposes of employment in the Equal Employment Opportunity Commission's regulation at 29 CFR 1613.702(f), which is made applicable to this part by § 365.140. Nothing in this part changes existing regulations applicable to employment.

"Section 504." This definition makes clear that, as used in this regulation, "section 504" applies only to programs or activities conducted by the agency and not to programs or activities to which it provides Federal financial assistance.

Section 365.110 Self-evaluation.

The agency shall conduct a self-evaluation of its compliance with section 504 within one year of the effective date of this regulation. The self-evaluation requirement is present in the existing section 504 coordination regulation for programs or activities receiving Federal financial assistance (28 CFR 41.5(b)(2)). Experience has demonstrated the self-evaluation process to be a valuable means of establishing a working relationship with individuals with handicaps that promotes both effective and efficient implementation of section 504.

Section 365.111 Notice.

Section 365.111 requires the agency to disseminate sufficient information to employees, applicants, participants, beneficiaries, and other interested persons to apprise them of the rights and protections afforded by section 504 and this regulation. Methods of providing this information include, for example, the publication of information in handbooks, manuals, and pamphlets that are distributed to the public to describe the agency's programs and activities; the display of informative posters in service centers and other public places; or the broadcast of information by television or radio.

Section 365.130 General prohibitions against discrimination.

Section 365.130 is an adaptation of the corresponding section of the section 504 coordination regulation for programs or activities receiving Federal financial assistance (28 CFR 41.51).

Paragraph (a) restates the nondiscrimination mandate of section 504. The remaining paragraphs in § 365.130 establish the general principles for analyzing whether any particular action of the agency violates this mandate. These principles serve as the analytical foundation for the remaining sections of the regulation. If the agency violates a provision in any of the subsequent sections, it will also have violated one of the general prohibitions found in § 365.130. When there is no applicable subsequent provision, the general prohibitions stated in this section apply.

Paragraph (b) prohibits overt denials of equal treatment of individuals with handicaps. The agency may not refuse to provide an individual with handicaps with an equal opportunity to participate in or benefit from its programs simply because the person is handicapped. The agency must pay benefits under the entitlement programs it administers to any individual who meets the statutory requirements for those programs. The agency may not afford an individual with handicaps access to assistance in obtaining benefits under any program which it administers that is not equal to the access afforded to others.

Paragraph (b)(1)(iii) requires that the opportunity to participate or benefit afforded to an individual with handicaps be as effective as that afforded to others. The later sections on program accessibility (§§ 365.149–365.151) and communications (§ 365.160) are specific applications of this principle.

Despite the mandate of paragraph (d) that the agency administer its programs and activities in the most integrated setting appropriate to the needs of qualified individuals with handicaps, paragraph (b)(1)(iv), in conjunction with paragraph (d), permits the agency to develop separate or different aids, benefits, or services when necessary to provide individuals with handicaps with an equal opportunity to participate in or benefit from the agency's programs or activities. Paragraph (b)(1)(iv) requires that different or separate aids, benefits, or services be provided only when necessary to ensure that the aids, benefits, or services are as effective as those provided to others. Even when separate or different aids, benefits, or services would be more effective, paragraph (b)(2) provides that a qualified individual with handicaps still has the right to choose to participate in the program that is not designed to accommodate individuals with handicaps.

Paragraph (b)(1)(v) prohibits the agency from denying a qualified individual with handicaps the opportunity to participate as a member of a planning or advisory board.

Paragraph (b)(1)(vi) prohibits the agency from limiting a qualified individual with handicaps in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, or service.

Paragraph (b)(3) prohibits the agency from utilizing criteria or methods of administration that deny individuals with handicaps access to the agency's programs or activities. The phrase "criteria or methods of administration" refers to official written agency policies and the actual practices of the agency. This paragraph prohibits both blatantly exclusionary policies or practices and nonessential policies and practices that are neutral on their face, but deny individuals with handicaps an effective opportunity to take the necessary actions to obtain benefits under the programs administered by the agency.

Paragraph (b)(4) specifically applies the prohibition enunciated in § 365.130(b)(3) to the process of selecting sites for construction of new facilities or existing facilities to be used by the agency. Paragraph (4)(b) does not apply to construction of additional buildings at an existing site.

Paragraph (b)(5) prohibits the agency, in the selection of procurement contractors, from using criteria that subject qualified individuals with

handicaps to discrimination on the basis of handicap.

Paragraph (c) provides that programs conducted pursuant to Federal Statute or Executive Order that are designed to benefit only individuals with handicaps, or a given class of individuals with handicaps, or a given class of individuals with handicaps, may be limited to those individuals with handicaps.

Paragraph (d), discussed above, provides that the agency must administer programs and activities in the most integrated setting appropriate to the needs of qualified individuals with handicaps.

Section 365.140 Employment.

Section 365.140 prohibits discrimination on the basis of handicap in employment by the agency. Courts have held that section 504, as amended in 1978, covers the employment practices of Executive agencies. *Gardner* v. *Morris*, 752 F. 2d 1217, 1277 (8th Cir. 1985); *Smith* v. *United States Postal Service*, 742 F. 2d 257, 259–260 (6th Cir. 1984); *Prewitt* v. *United States Postal Service*, 662 F. 2d 292, 302–04 (5th Cir. 1981). Contra, *McGuiness* v. *United States Postal Service*, 744 F. 2d 1318, 1320–21 (7th Cir. 1984) *Boyd* v. *United States Postal Service*, 752 F. 2d. 410, 413–14 (9th Cir. 1985).

Courts uniformly have held that in order to give effect to section 501 of the Rehabilitation Act, which covers Federal employment, the administrative procedures of section 501 must be followed in processing complaints of employment discrimination under section 504. *Smith*, 742 F. 2d at 262; *Prewitt*, 662 F. 2d at 304. Accordingly, § 365.140 (Employment) of this rule adopts the definitions, requirements, and procedures of section 501 as established in regulations of the Equal Employment Opportunity Commission (EEOC) at 29 CFR Part 1613. In addition to this section § 365.170(b) specifies that the agency will use the existing EEOC procedures to resolve allegations of employment discrimination.

Responsibility for coordinating enforcement of Federal Laws prohibiting discrimination in employment is assigned to the EEOC by Executive Order 12067 (3 CFR 1978 Comp., p. 206). Under this authority, the EEOC establishes government-wide standards on nondiscrimination in employment on the basis of handicap. While this rule could define terms with respect to employment and enumerate what practices are covered and what requirements apply, the agency has adopted EEOC's recommendation that to avoid duplicative, competing, or conflicting standards with respect to Federal employment, reference in these regulations to the government-wide EEOC rules is sufficient. The class of Federal employees and applicants for employment covered by section 504 is identical to or subsumed within that covered by section 501. To apply different or lesser standards to persons alleging violations of section 504 could lead unnecessarily to confusion in the enforcement of the Rehabilitation Act with respect to Federal employment.

Section 365.149 Program accessibily: Discrimination prohibited.

Section 365.149 states the general nondiscrimination principle underlying the program accessibility requirements of §§ 365.150 and 365.151.

Section 365.150 Program accessibility: Existing facilities.

This regulation adopts the program accessibility concept found in the existing section 504 coordination regulation for programs or activities receiving Federal financial assistance (28 CFR 41.56–41.58), with certain modifications. Thus, § 365.150 requires that the services and assistance which the agency provides to those individuals seeking benefits under programs administered by the agency, when viewed in their entirety, be readily accessible to and usable by individuals with handicaps.

Although all facilities, except for the Board's headquarters building in Chicago, in which the agency operates are either owned or leased by and under the control of the General Services Administration (GSA), the agency recognizes its obligation to request the GSA to make any structural changes which the agency determines are necessary to insure program accessibility. The regulation also makes clear that the agency is not required to make each of its existing facilities accessible (§ 365.150(a)(1)). However, § 365.150, unlike 28 CFR 41.56–41.57, places explicit limits on the agency's obligation to ensure program accessibility (§ 365.150(a)(2)).

Paragraph (a)(2) generally codifies recent case law that defines the scope of the agency's obligation to ensure program accessibility. This paragraph provides that in meeting the program accessibility requirement the agency is not required to take, or request the GSA to take, any action that would result in a fundamental alteration in the nature of its program or activity or in undue financial and administrative burdens. A similar limitation is provided in § 356.160(c). This provision is based on the Supreme Court's holding in *Southeastern Community College* v. *Davis*, 442 U.S. 397 (1979), that section 504 does not require program modifications that result in a fundamental alteration in the nature of a program, and on the Court's statement that section 504 does not require modifications that result in "undue financial and administrative burdens." 442 U.S. at 412. Since *Davis*, circuit courts have applied this limitation on a showing that only one of the two "undue burdens" would be created as a result of the modification should to be imposed under section 504. *See, e.g., Dopico* v. *Goldschmidt*, 687 F. 2d 644 (2d Cir. 1982); *American Public Transit Association* v. *Lewis (ATPA)*, 655 F. 2d 1272 (D.C. Cir. 1981). This interpretation is also supported by the Supreme Court's decision in *Alexander* v. *Choate*, 469 U.S. 287 (1985). *Alexander* involved a challenge to the State of Tennessee's reduction of inpatient hospital care coverage under Medicaid from 20 to 14 days per year. Plaintiffs argued that this reduction violated section 504 because it had an adverse impact on handicapped persons. The Court assumed without deciding that section 504 reaches at least some conduct that has an unjustifiable disparate impact on handicapped people, but held that the reduction was not "the sort of disparate impact" discrimination that might be prohibited by section 504 or its implementing regulation (*id.* at 299).

Relying on *Davis*, the Court said that section 504 guarantees qualified handicapped persons "meaningful access to the benefits that the grantee offers" (*id.* at 301) and that "*reasonable adjustments* in the nature of the benefit being offered must at times be made to assure meaningful access." (*Id.*, n. 21) (emphasis added). However, section 504 does not require "'changes,' 'adjustments,' or 'modifications' to existing programs that would be 'substantial' * * * or that would constitute 'fundamental alteration(s) in the nature of a program'" (*id.*, n. 20) (citations omitted). *Alexander* supports the position, based on *Davis* and the earlier lower court decisions, that in some situations, certain accommodations for a handicapped person may alter an agency's program impact on handicapped people.

This paragraph, however, does not establish an absolute defense; it does not relieve the agency of all obligations to individuals with handicaps. Although the agency is not required to take or request the GSA to take actions that would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens, it nevertheless must take or request the GSA to take any other steps necessary to ensure that individuals with handicaps receive the benefits and services of the federally conducted program or activity.

It is our view that compliance with § 365.150(a) would in most cases not result in undue financial and administrative burdens on the agency. In determining whether financial and administrative burdens are undue, all agency resources available for use in the funding and operation of the conducted program or activity should be considered. The burden of proving that compliance with § 365.150(a) would fundamentally alter the nature of a program or activity or would result in undue financial and administrative burdens rests with the agency. The decision that compliance would result in such alteration or burdens must be made by the Executive Director and must be accompanied by a written statement of the reasons for reaching that conclusion. Any person who believes that he or she or any specific class of persons has been injured by the Executive Director's decision or failure to make a decision may file an appeal under the compliance procedures established in § 365.170(h).

Paragraph (b) indicates that in general the agency will comply with the requirements of § 365.150 by making home visits. Paragraph (b) also sets forth a number of other means by which program accessibility may be achieved, including redesign of equipment, reassignment of services to accessible buildings, and provision of aides. In choosing among methods, the agency shall give priority consideration to those that will be consistent with provision of services in the most integrated setting appropriate to the needs of individuals with handicaps. Structural changes in existing facilities are required only when there is no other feasible way to make the agency's program accessible. The agency may comply with the program accessibility requirement by delivering services at alternate accessible sites.

Paragraphs (c) and (d) establish time periods for complying with the program accessibility requirement. As currently required for federally assisted programs by 28 CFR 41.57(b), the agency must make or, where applicable, request the GSA to make, any necessary structural changes in facilities as soon as practicable, but in no event later than three years after the effective date of this regulation. Where structural modifications are required, the agency will develop or, where applicable, request the GSA to develop a transition plan within six months of the effective date of this regulation. Aside from structural changes, all other necessary steps to achieve compliance shall be taken within sixty days.

Section 365.151 Program accessibility: New constructon and alterations.

Overlapping coverage exists with respect to new construction under section 504 and the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157). Section 365.151 provides that those buildings that are constructed or altered by, on behalf of, or for the use of the agency shall be designed, constructed, or altered to be readily accessible to and usable by individuals with handicaps in accordance with 41 CFR 101–19.600 to 101–19.607. This standard was promulgated pursuant to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157). We believe that it is appropriate to adopt the existing Architectural Barriers Act standard for section 504 compliance because new and altered buildings subject to this regulation are also subject to the Architectural Barriers Act and because adoption of the standard will avoid duplicative and possibly inconsistent standards.

Section 365.160 Communications.

Section 365.160 requires the agency to take appropriate steps to ensure effective communication with personnel of other Federal entities, applicants, participants, and members of the public. These steps shall include procedures for determining when auxiliary aids are necessary under § 365.160(a)(1) to afford an individual with handicaps and equal opportunity to participate in, and enjoy the benefits of, the agency's program or activity. They shall also include an opportunity for individuals with handicaps to request the auxiliary aids of their choice. This expressed choice shall be given primary consideration by the agency (§ 365.160(a)(1)(i)). The agency shall honor the choice unless it can demonstrate that another effective means of communication exists or that use of the means chosen would not be required under § 365.160(c). That paragraph limits the obligation of the agency to ensure effective communication in accordance with *Davis* and the circuit court opinions interpreting it (*see, supra*, preamble § 365.150(a)(2)). Unless not required by §365.160(c), the agency shall provide auxiliary aids at no cost to the individual with handicaps.

It is our view that compliance with §356.160 would in most cases not result in undue financial and administrative burdens on the agency. In determining whether financial and administration burdens are undue, all agency resources available for use in the funding and operation of the conducted program or activity should be considered. The burden of proving that compliance with § 365.160 would fundamentally alter the nature of a program or activity or would result in undue financial and administrative burdens rests with the agency. The decision that compliance would result in such alteration or burdens must be made by the Executive Director and must be accompanied by a written statement of the reasons for reaching that conclusion. Any person who believes that he or she or any specific class of persons has been injured by the Executive Director's decision or failure to make a decision may file an appeal under the compliance procedures established in § 365.170(h).

In some circumstances, a notepad and written materials may be sufficient to permit effective communication with a hearing-impaired person. In many circumstances, however, they may not be, particularly when the information being communicated is complex or exchanged for a lengthy period of time (*e.g.*, a meeting) or where the hearing-impaired applicant or participant is not skilled in spoken or written language. Then, a sign language interpreter may be appropriate. For vision-impaired persons, effective communication might be achieved by several means, including readers and audio recordings. In general, the agency intends to make clear to the public (1) the communications services it offers to afford individuals with handicaps an equal opportunity to participate in or benefit from its programs or activities, (2) the opportunity to request a particular mode of communication, and (3) the agency's preferences regarding auxiliary aids if it can demonstrate that several different modes are effective.

The agency shall ensure effective communication with vision-impaired and hearing-impaired persons involved in hearings conducted by the agency. Auxiliary aids must be afforded where necessary to ensure effective communication at the proceedings. If sign language interpreters are necessary, the agency may require that it be given reasonable notice prior to the proceeding of the need for an interpreter. Moreover, the agency need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature (§ 365.160(a)(1)(ii)). For example, the agency need not provide eye glasses

or hearing aids to applicants or participants in its program. Similarly, the regulation does not require the agency to provide wheelchairs to persons with mobility impairments.

Paragraph (b) requires the agency to take appropriate steps to provide information to individuals with handicaps concerning accessible services, activities, and facilities and to ensure that information regarding section 504 rights and protections that is supplied to employees, applicants, participants beneficiaries, and other interested persons under § 365.111 is effectively communicated to individuals with handicaps.

Section 365.170 Compliance procedures.

Paragraph (a) specifies that paragraphs (c) through (l) of this section establish the procedures for processing complaints other than employment complaints. Paragraph (b) provides that the agency will process employment complaints according to procedures established in existing regulations of the EEOC (29 CFR Part 1613) pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

The agency is required to accept and investigate all complete complaints (§ 365.170(d)). If it determines that it does not have jurisdiction over a complaint, it shall promptly notify the complainant and make reasonable efforts to refer the complaint to the appropriate entity of the Federal Government (§ 365.170(e)).

Paragraph (f) requires the agency to notify the Architectural and Transportation Barriers Compliance Board upon receipt of a complaint alleging that a facility subject to the Architectural Barriers Act was designed, constructed, or altered in a manner that does not provide ready access to and use by individuals with handicaps.

Paragraph (g) requires the agency to provide to the complainant, in writing, findings of fact and conclusions of law, the relief granted if noncompliance is found, and notice of the right to appeal (§ 365.170(g)). One appeal within the agency shall be provided (§ 365.170(i). The appeal will not be heard by the same person who made the initial determination of compliance or noncompliance (§ 365.170(i)).

Paragraph (l) permits the agency to delegate its authority for investigating complaints to other Federal agencies. Under this paragraph the agency may have any required investigation performed by a non-government investigator under contract with the agency. However, the statutory obligation of the agency to make a final determination of compliance or noncompliance may not be delegated.

List of Subjects in 20 CFR Part 365

Blind, Civil rights, Deaf, Disabled, Discrimination against handicapped, Equal employment opportunity, Federal buildings and facilities, handicapped, Nondiscrimination, Physically handicapped.

For the reasons set forth in the preamble, Chapter II, Title 20 of the Code of Federal Regulations is proposed to be amended as follows:

Part 365 is added to read as follows:

PART 365—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE RAILROAD RETIREMENT BOARD

Sec.

365.101 Purpose.
365.102 Application.
365.103 Definitions.
365.104–365.109 [Reserved].
365.110 Self-evaluation.
365.111 Notice.
365.112–365.129 [Reserved].
365.130 General prohibitions against discrimination.
365.131–365.139 [Reserved].
365.140 Employment.
365.141–365.148 [Reserved].
365.149 Program accessibility: Discrimination prohibited.
365.150 Program accessibility: Existing facilities.
365.151 Program accessibility: New construction and alterations.
365.152–365.159 [Reserved].
365.160 Communications.
365.161–365.169 [Reserved].
365.170 Compliance procedures.
365.171–365.999 [Reserved].

Authority: 29 U.S.C. 794.

§ 365.101 Purpose.

The purpose of this part is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.

§ 365.102 Application.

This part applies to all programs or activities conducted by the agency.

§ 365.103 Definitions.

For purposes of this part, the term—

"Agency" means Railroad Retirement Board.

"Assistant Attorney General" means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

"Auxiliary aids" means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the agency. For example, auxiliary aids useful for persons with impaired vision include readers, Brailled materials, audio recordings, and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for deaf person (TDD's), interpreters, notetakers, written materials, and other similar services and devices.

"Board" means the three-member board, appointed pursuant to 45 U.S.C. 231f, which heads the agency.

"Complete complaint" means a written statement that contains the complainant's name and address and describes the agency's actions in sufficient detail to inform the agency of the nature and date of the alleged violation of section 504. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

"Executive Director" means the executive director of the Railroad Retirement Board. This individual is the chief operating officer of the agency.

"Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other conveyances, or other real or personal property.

"Individual with handicaps" means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. As used in this definition, the phrase:

(1) "Physical or mental impairment" includes—

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs: cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism.

(2) "Major life activities" includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) "Is regarded as having an impairment" means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the agency as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by the agency as having such an impairment.

"Qualified individual with handicaps" means—

(1) An individual with handicaps who meets the essential eligibility requirements for participation in, or receipt of benefits from, a program or activity.

(2) "Qualified handicapped person" as that term is defined for purposes of employment in 29 CFR 1613.702(f), which is made applicable to this part by § 365.140.

"Section 504" means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794)), as amended by the Rehabilitation Act Amendments of 1974 (Pub. L. 93–516, 88 Stat. 1617); the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Pub. L. 95–602, 92 Stat. 2955); and the Rehabilitation Act Amendments of 1986 (Pub. L. 99–506, 100 Stat. 1810). As used in this part, section 504 applies only to programs or activities conducted by Executive agencies and not to federally assisted programs.

§§ 365.104–365.109 [Reserved]

§ 365.110 Self-evaluation.

(a) The agency shall, by one year after the effective date of this part, evaluate its current policies and practices, and the effects thereof, that do not or may not meet the requirements of this part, and, to the extent modification of any such policies and practices is required, the agency shall proceed to make the necessary modifications.

(b) The agency shall provide an opportunity to interested persons, including individuals with handicaps or organizations representing individuals with handicaps, to participate in the self-evaluation process by submitting comments (both oral and written).

(c) The agency shall, until at least three years following the completion of the self-evaluation, maintain on file and make available for public inspection:

(1) A description of areas examined and any problems identified, and

(2) A description of any modifications made.

§ 365.111 Notice.

The agency shall make available to employees, applicants, participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the programs or activities conducted by the agency, and make such information available to them in such manner as the agency head finds necessary to apprise such persons of the protections against discrimination assured them by section 504 and this part.

§§ 365.112–365.129 [Reserved]

§ 365.130 General prohibitions against discrimination.

(a) No qualified individual with handicaps shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the agency.

(b) (1) The agency, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap—

(i) Deny a qualified individual with handicaps the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with handicaps an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with handicaps with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or service to individuals with handicaps or to any class of individuals with handicaps than is provided to others unless such action is necessary to provide qualified individuals with handicaps with aid, benefits, or services that are as effective as those provided to others.

(v) Deny a qualified individual with handicaps the opportunity to participate as a member of planning or advisory boards; or

(vi) Otherwise limit a qualified individual with handicaps in the enjoyment of any right, privilege, advantage or opportunity enjoyed by others receiving benefits under any programs administered by the Board.

(2) The agency may not deny a qualified individual with handicaps the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) The agency may not, directly or through contractual or other arrangements, utilize criteria or methods of administration the purpose or effect of which would:

(i) Subject qualified individuals with handicaps to discrimination on the basis of handicap;

(ii) Deny qualified individuals with handicaps assistance in obtaining benefits under any program administered by the agency; or

(iii) Defeat or substantially impair accomplishment of the objectives of a program or activity with respect to individuals with handicaps.

(4) The agency may not, in determining the site or location of a facility, make selections the purpose or effect of which would:

(i) Exclude individuals with handicaps from, deny them the benefits of, or otherwise subject them to discrimination under any program or activity conducted by the agency; or

(ii) Defeat or substantially impair the accomplishment of the objectives of a program or activity with respect to individuals with handicaps.

(5) The agency, in the selection of procurement contractors, may not use criteria that subject qualified individuals with handicaps to discrimination on the basis of handicap.

(c) The exclusion of non-handicapped persons from the benefits of a program limited by Federal statute or Executive

Order to individuals with handicaps or the exclusion of a specific class of individuals with handicaps from a program limited by Federal statute or Executive Order to a different class of individuals with handicaps is not prohibited by this part.

(d) The agency shall administer programs and activities in the most integrated setting appropriate to the needs of qualified individuals with handicaps.

§§ 365.131–365.139 [Reserved]

§ 365.140 Employment.

No qualified individual with handicaps shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity conducted by the agency. The definitions, requirements and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), as established by the Equal Employment Opportunity Commission in 29 CFR Part 1613, shall apply to employment in federally conducted programs or activities.

§§ 365.141–365.148 [Reserved]

§ 365.149 Program accessibility: Discrimination prohibited.

Except as otherwise provided in section 365.150, no qualified individual with handicaps shall, because the agency's facilities are inaccessible to or unusable by individuals with handicaps, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by the agency.

§ 365.150 Program accessibility: Existing facilities.

(a) *General.* The agency shall operate each program or activity so that the program or activity when viewed in its entirety is readily accessible to and usable by individuals with handicaps. Although all facilities in which the agency operates, except for the headquarters building, are either owned or leased by and under the general control of the General Services Administration (GSA), the agency recognizes its obligations to request the GSA to make space reassignments or any structural changes which the agency determines are necessary to ensure program accessibility. This paragraph does not—

(1) Necessarily require the agency to make each of its existing facilities accessible to and usable by individuals with handicaps;

(2) Require the agency to take or to recommend to the GSA any action that the agency can demonstrate would result in a fundamental alteration in the nature of a program or activity or result in undue financial and administrative burdens. In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would in undue financial and administrative burdens, the agency has the burden of proving that compliance with § 365.150(a) would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the Executive Director after considering all agency resources available for us in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, the agency shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with handicaps receive the benefits and services of the program or activity.

(b) *Methods.* In general the agency will comply with this section by making home visits. The agency may also comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock, or any other methods that result in making its programs or activities readily accessible to and usable by individuals with handicaps. The agency is not required to make or request the GSA to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. The agency, in making or requesting space reassignments or alterations to existing buildings, shall ensure that accessibility requirements, to the extent compelled by the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), and any regulations implementing it are met. In choosing among available methods for meeting the requirements of this section, the agency shall give priority to those methods that offer programs and activities to qualified individuals with handicaps in the most integrated setting appropriate.

(c) *Time period for compliance.* The agency shall comply with the obligations established under this section within sixty days of the effective date of this part except that where structural changes in facilities are undertaken, the agency will make such changes or, where applicable, request the GSA to make such changes within three years of the effective date of this part, but in any event as expeditiously as possible.

(d) *Transition plan.* In the event that structural changes to facilities will be undertaken to achieve program accessibility, the agency shall develop or, where applicable, request the GSA to develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The agency shall provide an opportunity to interested persons, including individuals with handicaps or organizations representing individuals with handicaps, to participate in the development of the transition plan by submitting comments (both oral and written). A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum—

(1) Identify physical obstacles in the agency's facilities that limit the accessibility of its programs or activities to individuals with handicaps;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(4) Indicate the official responsible for implementation of the plan.

§ 365.151 Program accessibility: New construction and alterations.

Each building or part of a building that is constructed or altered by, on behalf of, or for the use of the agency shall be designed, constructed, or altered so as to be readily accessible to and usable by individuals with handicaps. The definitions, requirements, and standards of the Architectural Barriers Act (42 U.S.C. 4151–4157), as established in 41 CFR 101–19.600 to 101–19.607, apply to buildings covered by this section.

§§ 365.152–365.159 [Reserved]

§ 365.160 Communications.

(a) The agency shall take appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public.

(1) The agency shall furnish appropriate auxiliary aids where necessary to afford an individual with handicaps an equal opportunity to participate in, and enjoy the benefits of, a program or activity conducted by the agency.

(i) In determining what type of auxiliary aid is necessary, the agency shall give primary consideration to the requests of the individual with handicaps.

(ii) The agency need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature.

(2) Where the agency communicates with applicants and beneficiaries by telephone, telecommunication devices for deaf persons (TDD's) or equally effective telecommunication systems shall be used to communicate with persons with impaired hearing.

(b) The agency shall take appropriate steps to provide individuals with handicaps with information as to the existence and location of accessible services, activities, and facilities and information regarding their section 504 rights under the agency's programs or activities.

(c) This section does not require the agency to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the agency has the burden of proving that compliance with § 365.160 would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the Executive Director after considering all agency resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or such burdens, the agency shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maxium extent possible, individuals with handicaps receive the benefits and services of the program or activity.

§§ 365.161–365.169 [Reserved]

§ 365.170 Compliance procedures

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in programs or activities conducted by the agency;

(b) The agency shall process complaints alleging violations of section 504 with respect to the employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR Part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) Except with respect to complaints arising under § 365.170(b), responsibility for implementation and operation of this section shall be vested in the Executive Director.

(d) The Executive Director shall accept and investigate all complete complaints for which he or she has jurisdiction. All complete complaints must be filed within 90 days of the alleged act of discrimination. The Executive Director may extend this time period for good cause.

(e) If the Executive Director receives a complaint over which the agency does not have jurisdiction, he or she shall promptly notify the complainant and shall make reasonable efforts to refer the complain to the appropriate government entity.

(f) The Executive Director shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility used by the agency that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), is not readily accessible to and usable by individuals which handicaps.

(g) Within 120 days of the receipt of a complete complaint under § 365.170(d) for which the agency has jurisdiction, the Executive Director shall notify the complainant of the results of the investigation in a letter containing—

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and

(3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 45 days of receipt from the Executive Director of the letter required by § 365.170(g). The Executive Director may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the Board;

(j) the Board shall notify the complainant of the results of the appeal within 60 days of the receipt of the request. If the Board determines that it needs additional information from the complainant, it shall have 30 days from the date it receives the additional information to make its determination on the appeal.

(k) The time limits cited in (g) and (j) of this section may be extended with the permission of the Assistant Attorney General.

(l) The Agency may delegate its authority for conducting complaint investigations to other Federal agencies except that the authority for making the final determination may not be delegated to another agency.

§§ 365.171–365.999 [Reserved]

Dated: December 8, 1987.

By Authority of the Board.

For the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 87–28709 Filed 12–14–87; 8:45 am]

BILLING CODE 7905–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[INTL–313–87]

Consent Dividends

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is issuing temporary regulations relating to the consent dividend provisions of section 565 of the Internal Revenue Code of 1986. The text of the temporary regulations is the comment document for this notice of proposed rulemaking.

DATE: Written comments and requests for a public hearing must be delivered or mailed by February 16, 1988.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, 1111 Constitution Ave. NW., Washington, DC 20024. Attention: CC:LR:T. (INTL)–313–87).

FOR FURTHER INFORMATION CONTACT: David Bergkuist of the Office of the Associate Chief Counsel (International) within the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224 (Attention: CC:LR:T (INTL–313–87)) (202–566–6457, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** amend the Income Tax Regulations under the consent dividend provisions of section 565 of the Internal Revenue Code of 1986. The final regulations, which this document proposes to be based on those

temporary regulations, would amend § 1.565 of Part I of Title 26 of the Code of Federal Regulations. For the text of the temporary regulations see FR DOC. 87-28635 [TD 8166] published in the Rules and Regulations portion of this issue of the **Federal Register**. The preamble to the temporary regulations explains the changes to the Income Tax Regulations.

The proposed regulations provide needed guidance regarding policy changes prompted by a reconsideration of certain provisions of the regulations under section 565.

Non-Applicability of Executive Order [illegible]

It has been determined that this proposed rule is not a major rule as defined in Executive Order 12291. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking that solicits public comment, it has been determined that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, this proposed regulation does not constitute a regulation subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6.]

Drafting Information

The principal authors of these proposed regulations are David Bergkuist of the Office of the Associate Chief Counsel (International) within the Office of Chief Counsel and Susan Thompson Baker of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulations both on matters of substance and style.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**. The collection of information requirements contained herein have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act. Comments on the requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, DC 20503. The Internal Revenue Service requests that persons submitting comments to OMB also send copies of the comments to the Service.

List of Subjects

26 CFR 1.561-1 through 1.565-6

Income taxes, Deduction for dividends paid.

26 CFR Part 602

Reporting and recordkeeping requirements.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

[FR Doc. 87-28636 Filed 12-11-87; 9:13 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3302-6]

Approval and Promulgation of Air Quality Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA is proposing to approve a site-specific revision to the ozone portion of the Ohio State Implementation Plan (SIP) for the Reynolds Metal Company in Pickaway County, Ohio. This revision would allow the Reynolds Metal Company (RMC) to meet the emission limit specified by Ohio Administrative Code (OAC) Rule 3745-21-09(U)(1)(a)(iii) on a monthly average, in lieu of the daily average specified by OAC 3745-21-09(B). USEPA's action is based upon a November 7, 1985, revision request that was submitted by the State.

EFFECTIVE DATE: Comments on this revision and on the proposed USEPA action must be received by January 14, 1988.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review: (It is recommended that you telephone Debra Marcantonio, at (312) 886-6088, before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216.

Comments on this proposed rule should be addressed to: (Please submit an original and five copies, if possible) Gary Gulezian, Chief, Regulatory Analysis Section, Region V, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio (312) 886-6088.

SUPPLEMENTARY INFORMATION: On November 7, 1985, the Ohio Environmental Protection Agency (OEPA) submitted, as a revision to its ozone SIP, a request for monthly averaging for the Reynolds Metal Company in Pickaway County, Ohio.

RMC applies paint coatings to architectural aluminum extrusions. It operates one coating line by which it applies a wide variety of coatings (14 in the first quarter of 1985) to aluminum extrusion products. This line is subject to the requirements of OAC Rule 3745-21-09(U)(1)(a)(iii) for surface coating of miscellaneous metal parts and products, which limits the volatile organic compound (VOC) content of any coating used on the line to 3.5 pounds of VOC per gallon of coating, excluding water. Additionally, OAC Rule 3745-21-09(B) requires that this limit be met as a daily volume-weighted average. USEPA approved these rules as meeting the reasonably available control technology (RACT) [1] requirement of the Clean Air Act on October 31, 1980 (45 FR 72122), and June 29, 1982 (47 FR 28097).

OEPA proposes to specify the following allowable VOC emission limitation for the coating line, in lieu of the requirements of OAC Rules 3745-21-09(U)(1)(a)(iii) and 3745-21-09(B):

(a) The VOC content of the coatings employed in this coating line shall not exceed 3.5 pounds of VOC per gallon of coating applied, excluding water, on a monthly volume-weighted average basis.

(b) The VOC content of any high performance architectural aluminum coating [2] employed in this coating line shall not exceed 6.31 pounds of VOC per gallon of coating, excluding water. The usage of such coatings shall not exceed 2,000 gallons in any year.

Guidance for evaluating requests for extended averaging time to determine compliance is contained in a January 20, 1984, memorandum on "Averaging Times for Compliance with VOC Emission Limits—SIP Revision Policy". This policy memorandum states that long-term averaging can be permitted where the source operations are such that daily VOC emissions cannot be determined or where the application of RACT is not economically or technically feasible on a daily basis. Although this revision request does not meet the specific requirements of this memorandum (see technical support document dated November 18, 1986, which is available at the Region V office), it can be approved as a relaxation from RACT emission levels. Although RACT VOC regulations are required by Part D in all ozone nonattainment areas, Ohio's rules are applicable to both attainment and nonattainment areas. Therefore, USEPA is proposing to approve this revision request for RMC because it is located in an area that would always have been an attainment area under the current standard (Pickaway County); the relaxation from RACT will not jeopardize continued attainment since the source is minor; and RACT-level control is not a separate requirement of the Clean Air Act in this area. The current accomodative SIP by Pickaway County will be relaxed as a result of this approval.

Air Quality

Pickawy County was originally designated as nonattainment for the ozone National Ambient Air Quality Standard (NAAQS). This was based on the assumption that nonattainment of the 0.08 parts per million (ppm) ozone standard (the level of the standard prior to 1979) was widespread around major urban areas. As requested by OEPA, USEPA designated Pickaway County as nonattainment although no in-county monitoring data were available. After the ozone standard was changed to 0.12 ppm, OEPA recognized that the assumption of widespread ozone nonattainment was no longer valid and initiated the redesignation of Pickway County to attainment of the ozone standard. USEPA approved this redesignation on June 12, 1984 (49 FR 24124).

Review of ozone monitoring data for Ohio, as recorded in the National Aerometric Data Bank, shows that no current monitoring data exists in Pickaway County. Even though no monitoring data exists for the area, certain logical assumptions can be made concerning its ozone air quality. Pickaway County is a rural county located immediately south of Columbus, Ohio. No other major urban areas are located near Pickaway County. Because prevailing summertime winds in Ohio are from the quadrant bounded by South and West, one can assume Pickaway County is generally upwind of Columbus and, thus, is not significantly impacted by the urban plume from Columbus.

Additionally, USEPA is not aware of significant levels of VOC and oxides of nitrogen (NO_x) emissions from Pickaway County. It is assumed that this area is not a significant source area of ozone percursors, and is not internally generating high ozone concentrations. Based on this information, USEPA believes that Pickaway County is not currently experiencing an ozone standard violation.

As noted earlier, because Pickaway County is classified as attainment for ozone, USEPA can approve a relaxation from RACT for sources in that area, so long as it can be demonstrated that such relaxation will not jeopardize continued attainment. This SIP revision will result in only a 6.31 tons per year increase in actual VOC emissions; therefore, USEPA believes it will not interfere with continued attainment and maintenance of the ozone standard. Because this rulemaking relaxes a stationary source reasonably available control technology (RACT) emission limitation in an area that is designated as attainment/unclassifiable for ozone, approval of this revision would eliminate the accommodative ozone SIP for Pickaway County. The original principal of this accommodative ozone SIP for areas classified as attainment/unclassifiable was to require RACT-level controls on existing sources in lieu of requiring new major sources of VOC to do preconstruction monitoring. This monitoring would normally be required of new major sources in attainment/unclassifiable areas under USEPA's Prevention of Significant Deterioration (PSD) Regulations. The rationale behind this tradeoff is that the "extra" emission reductions obtained from these additional RACT controls would be able to accommodate new source growth in these attainment/unclassifiable areas. Therefore, this action, when promulgated, will cancel the accommodative SIP for Pickaway County. This means that all new major VOC sources and major modifications in this county must comply with all the PSD monitoring requirements. Because this portion of the State's accommodative SIP never had any effect relative to any designated ozone nonattainment area SIP, the RACT relaxation in this notice will also have no effect on nonattainment areas and sources wishing to locate in nonattainment areas must comply with the State's federally approved Part D new source review program.

USEPA is proposing to approve this SIP revision for the following reasons:

(1) RMC is located in Pickaway County which is a rural attainment area for ozone; and

(2) Approval of this proposed SIP revision will not interfere with the maintenance of the ozone NAAQS.

Under 5 U.S.C. section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Authority: 42 U.S.C. 7401-7642.

Dated: December 31, 1986.

Editorial Note: This document was received at the Office of the Federal Register December 10, 1987.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 87-28754 Filed 12-14-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6922]

Proposed Flood Elevation Determinations; Arizona, et al.

AGENCY: Federal Insurance Administration, Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed modified base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

DATES: The period for comment will be ninety (90) days following the second publication of the proposed rule in a

[1] A definition of RACT is contained in a December 9, 1976, memorandum from Roger Strelow, former Assistant Administrator for Air and Waste Management. RACT is defined as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

[2] High performance architectural aluminum coating means a coating that is applied to aluminum used on architectural subsections and that meets the requirements of the Architectural Aluminum Manufacturer's Association publication number AAMA 605.2-1985.

newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of modified base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed modified flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

PART 67—[AMENDED]

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed modified base flood elevations for selected locations are:

PROPOSED MODIFIED BASE FLOOD ELEVATIONS

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Arizona	Navajo County (Unincorporated areas).	Rainbow Lake	South of Rainbow Lake Road to mouth of Gulch Creek.	*None	*6713
Maps are available for inspection at the Navajo County Engineering Department, 100 E. Carter Drive (S. Highway 77), Holbrook, Arizona.					
Send comments to Mr. Peter D. Shumway, Chairman, Navajo County Board of Supervisors, P.O. Box 668, Holbrook, Arizona 86025.					
Arizona	Town of Pinetop-Lakeside, Navajo County.	Rainbow Lake	South of Rainbow Lake Road to mouth of Gulch Creek.	None	*6713
Maps are available for inspection at the Town of Pinetop-Lakeside Planning and Zoning Department, corner of State Route 260 and Stephens Drive, Pinetop-Lakeside, Arizona 85929.					
Send comments to The Honorable Richard J. Mullins, Mayor, Town of Pinetop-Lakeside, P.O. Drawer 1459, Pinetop, Arizona 85935.					
Arkansas	Rogers, City, Benton County	Osage/Turtle Creek	At the most downstream corporate limits	None	*1,163
			Upstream side of most downstream crossing of U.S. Highway 71.	None	*1,216
			2.2 miles downstream crossing of 2nd upstream crossing of U.S. Highway 71.	None	*1,254
			At Turtle Creek Road	*1,277	*1,278
			At 29th Street (extended)	*1,287	*1,287
Maps are available for inspection at the City Administration Building, 300 West Poplar, Rogers, Arkansas.					
Send comments to The Honorable John W. Semtner, Jr., Mayor of the City of Rogers, Benton County, 300 West Poplar Street, Rogers, Arkansas 72756.					
California	City of Mountain View, Santa Clara County.	San Francisco Bay	Intersection of Largenta Avenue and Sterlin Road	*7	*8
			Intersection of Garcia Avenue and Marine Way	*7	*8
			Approximately 1000 feet east of Stevens Creek at Crittenden Lane	*7	*8
Maps are available for inspection at the Public Works Department, 444 Castro Street, Mountain View, California.					
Send comments to The Honorable Clarence Heppler, Mayor City of Mountain View, P.O. Box 7540, Mountain View, California 94039.					
California	City of Escondido, San Diego County.	Reidy Creek	Just upstream of Lincoln Avenue	*653	(1)
			Approximately 500 feet downstream of Nutmeg Street	*674	(1)
			Just downstream of Nutmeg Street	*675	#1
			Approximately 80 feet upstream of El Norte Parkway	*686	
			Just downstream of State Highway 395	*683	#3
			Just upstream of State Highway 395	*689	*689
Maps are available for inspection at the Department of Public Works, 620 N. Ash, Escondido, California.					
Send comments to The Honorable James M. Rady, Mayor, City of Escondido, 100 Valley Boulevard, Escondido, California 92025.					
Georgia	Unincorporated Areas of DeKalb County.	Henderson Mill Creek	At mouth	*888	*888
			About 950 feet upstream of Henderson Creek Road	*897	*905
		Peachtree Branch	At mouth	*885	*885
			About 0.95 mile upstream of Interstate 285	*920	*927

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps are available for inspection at the Planning Department, Decatur, Georgia.					
Send comments to The Honorable Manuel J. Maloof, Chief Executive Officer, DeKalb County, DeKalb County Administration Building, 1300 Commerce Drive, 6th Floor, Decatur, Georgia 30030.					
Illinois	Village of Deerfield, Lake and Cook Counties.	West Fork North Branch Chicago River.	About 1180 feet downstream of Lake Cook Road	*653	*653
			About 1120 feet upstream of Lake Cook Road	*None	*654
			About 2750 feet upstream of Lake Cook Road	*655	*655
Maps are available for inspection at the Village Hall, 850 Waukegan Road, Deerfield, Illinois.					
Send comments to The Honorable Bernard Forrest, Mayor, Village of Deerfield, Village Hall, 850 Waukegan Road, Deerfield, Illinois 60015.					
Illinois	Village of Lake Barrington, Lake County.	Lake Barrington Drain	just upstream of Kelsey Road	None	*760
			About 1900 feet upstream of Kelsey Road	None	*778
		East Tributary Flint Creek	At mouth	None	*755
			About 2450 feet upstream of mouth	None	*756
		Tower Lake Creek	At mouth	None	*737
			About 2650 feet upstream of River Road	None	*737
Maps are available for inspection at the Lake Barrington Planning Commission, Barrington, Illinois.					
Send comments to The Honorable Nancy K. Smith, Village President, Village of Lake Barrington, 23555 North Old Barrington Road, Barrington, Illinois 60010.					
Nebraska	City of Lincoln, Lancaster County	Antelope Creek	Just upstream of Holmes Lake Dam	*1,246	*1,255
			About 2,100 feet upstream of 70th Street	*1,255	*1,255
Maps are available for inspection at the Planning Department, County-City Building, Lincoln, Nebraska.					
Send comments to the Honorable Bill Harris, Mayor, City of Lincoln, County-City Building, 555 South 10th Steet, Lincoln, Nebraska 68508.					
Nevada	City of Reno, Washoe County	Steamboat Creek	Just downstream of Pembroke Drive	*4,391	*4,391
			Approximately 1,200 feet upstream of Pembroke Drive	*4,393	*4,391
			Approximately 5,520 feet upstream of Pembroke Drive	*4,393	*4,391
			Approximately 8,460 feet upstream of Pembroke Drive	*4,393	*4,392
			Approximately 9,280 feet upstream of Pembroke Drive	*4,395	*4,395
Maps are available for inspection at the Engineering Division, City of Reno, 450 St. Clair Street, Reno Nevada 89502.					
Send comments to Mayor Peter J. Sferrazza, City of Reno, P.O. Box 1900 Reno, Nevada 89505.					
Nevada	Washoe County (Unincorporated Areas).	Steamboat Creek	Just downstream of Pembroke Drive	*4,391	*4,391
			Approximately 1,200 feet upstream of Pembroke Drive	*4,393	*4,391
			Approximately 5,520 feet upstream of Pembroke Drive	*4,393	*4,391
			Approximately 9,280 feet upstream of Pembroke Drive	*4,395	*4,395
Maps are available for inspection at the County Engineer's Office, 1205 Mill Street, Reno, Nevada 89520.					
Send comments to the Honorable Bebe Williams Chairman, Washoe County Board of Commissioners, P.O. Box 11130, Reno, Nevada 89520.					
New York	Union, Town, Broome County	Nanticoke Creek	Approximately 1,950 feet (.37 mile) upstream of Route 26 Bridge.	*832	*833
			Approximately 5,000 feet (0.95 mile) upstream of Route 26 Bridge.	[redacted]	*834
Maps are available for inspection at the Town Clerk's Office, 3111 E. Main Street, Endwell, New York.					
Send Comments to The Honorable John R. Bertoni, Supervisor of the Town of Union, Broome County, 3111 E. Main Street, Endwell, New York 13760.					
Oklahoma	City of Oklahoma City, Oklahoma County	Twin Creek	Downstream side of Agnew Avenue	*1,203	*1,202
			Approximately 1,350 feet upstream of Agnew Avenue	*1,206	*1,205
			Approximately 100 feet downstream of St. Louis-San Francisco Railway.	*1,208	*1,209
			Approximately 175 feet upstream of St. Louis-San Francisco Railway.	*1,210	*1,211
			Approximately 500 feet downstream of S.W. 25th Street.	*1,213	*1,212
			Approximately 100 feet upstream of S.W. 25th Street.	*1,215	*1,218
			Approximately 50 feet downstream of May Avenue	*1,221	*1,222
Maps are available for inspection at the City Hall, 200 North Walker, Suite 302, Oklahoma City, Oklahoma					
Send comments to The Honorable Andrew Coats, Mayor of the City of Oklahoma City, Oklahoma County, 200 North Walker, Suite 302, Oklahoma City, Oklahoma 73102					
Oregon	City of Pendleton, Umatilla County.	Patawa Creek	Approximately 500 feet below confluence with Tutuilla Creek.	*1,083	*1,083
			At confluence with Tutuilla Creek	*1,084	*1,085
			Approximately 120 feet above confluence with Tutuilla Creek.	*1,086	*1,087
			Approximately 858 feet above confluence with Tutuilla Creek.	*1,092	*1,094
			Approximately 1,523 feet above confluence with Tutuilla Creek.	*1,098	*1,101
			At corporate limits, approximately 2,320 feet above confluence with Tutuilla Creek.	*1,102	*1,104
Maps are available for inspection at City Hall, Planning Department, 34 SE. Dorion Avenue, Pendleton, Oregon.					
Send comments to Mayor Joseph C. McLaughlin, P.O. Box 190, Pendleton, Oregon 97801.					
Oregon	Umatilla County (Unincorporated Areas).	Patawa Creek	At corporate limits for the City of Pendleton, approximately 2,300 feet above confluence with Tutuilla Creek.	*1,102	*1,104

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 2,900 feet above confluence with Tutuilla Creek.	*1,107	*1,109
			Approximately 3,900 feet above confluence with Tutuilla Creek.	*1,120	*1,121
			Approximately 4,900 feet above confluence with Tutuilla Creek.	*1,125	*1,127
			Approximately 5,750 feet above confluence with Tutuilla Creek.	*1,134	*1,136
			Approximately 6,450 feet above confluence with Tutuilla Creek.	*1,141	*1,142
			Approximately 7,100 feet above confluence with Tutuilla Creek.	*1,147	*1,149
			Approximately 7,950 feet above confluence with Tutuilla Creek.	*1,153	*1,155
			At limit of detailed study approximately 8,550 feet above confluence with Tutuilla Creek.	*1,160	*1,161

Maps are available for inspection at the Umatilla County Planning Department, 216 Southeast Fourth Street, Pendleton, Oregon.

Send comments to the Honorable Glenn Youngman, Chairman, Umatilla County Board of Commissioners, 216 Southeast Fourth Street, Pendleton, Oregon 97801.

Texas	Flower Mound, Town, Denton County	McKamy Creek	Approximately 1,000 feet downstream of confluence of Tributary 1 to McKamy Creek.	None	*564
			Approximately 50 feet downstream of Flower Mound Road.	None	*595
		Tributary 1 to McKamy Creek	At confluence with McKamy Creek	None	*567
			Approximately 1,500 feet upstream of confluence with McKamy Creek.	None	*596

Maps are available for inspection at the Town Engineer's Office, 2121 Cross Timbers Road, Flower Mound, Texas.

Send comments to The Honorable George Coler, Mayor of the Town of Flower Mound, Denton County, 2121 Cross Timbers Road, Flower Mound, Texas 75028.

Texas	Garland, City, Dallas County	Long Branch	At Loop 635	*559	*558
			Approximately .26 mile upstream of Groves Road	*563	*562

Maps are available for inspection at 200 North 5th, City Hall Building, 3rd Floor, Engineering Department, Garland, Texas.

Send comments to The Honorable Bill Tomlinson, Mayor of the City of Garland, Dallas County, P.O. Box 469002, Garland, Texas 75046-9002

Texas	City of Irving, Dallas County	West Fork of Trinity River	Confluence with Trinity River	*423	*424
		Elm Fork of Trinity River	Confluence with Trinity River	*423	*424
			At State Highway 482	*424	*426
			Approximately 400 feet upstream of State Highway 348.	*427	*430
			At confluence of Grapevine Creek	*437	*439
			At Beltline Road	*438	*442
		Hackberry Creek	Confluence with Elm Fork of Trinity River	*428	*431
		Cottonwood Branch	Confluence with Hackberry Creek	*428	*431
		Grapevine Creek	Confluence with Elm Fork of Trinity River	*437	*439
			Approximately 1,700 feet downstream of MacArthur Boulevard	*439	*440

Maps are available for inspection at the Department of Public Works, 825 West Irving Boulevard, Irving, Texas.

Send comments to The Honorable Bob Pierce, Mayor of the City of Irving, Dallas County, 825 West Irving Boulevard, Irving, Texas 75060

Texas	Waco, City, McLennan County	Brazos River	Approximately 5,600 feet downstream of Lake Brazos Dam.	*385	*383
			At Lake Shore Drive	*398	*395
			Upstream corporate limits	*404	*403
		Bosque River	Confluence with Brazos River	*394	*392
			Approximately 500 feet upstream of F.M. 1637	*398	*402
		Bosque River Tributary	Confluence with Bosque River	*394	*399
			Approximately 3,100 feet upstream of confluence with Bosque River.	*398	*399
		Wilson Creek	Confluence with Brazos River	*393	*390
			Approximately 2,025 feet upstream of confluence with Brazos River.	*393	*392
		Delano Avenue Ditch	Confluence with Brazos River	*392	*390
			Approximately 1,300 feet upstream of confluence with Brazos River.	*394	*393
		Barron's Branch	Confluence with Brazos River	*390	*389
		Marlin's Branch	Confluence with Brazos River	*390	*387
		Waco Creek	Confluence with Brazos River	*389	*387
		Diversion Ditch	Confluence with Brazos River	*397	*394
			Approximately 400 feet upstream of confluence with Brazos River.	*397	*396

Maps are available for inspection at the Waco City Hall, Engineering Department Office, Third and Austin, Waco, Texas.

Send comments to The Honorable David L. Sibley, Mayor of the City of Waco, McLennan County, City Hall, P.O. Box 2570, Waco, Texas 76702-2570.

[1] Zone A contained in channel

Harold T. Duryee,

Administrator, Federal Insurance Administration.

Issued: November 30, 1987.

[FR Doc. 87-28721 Filed 12-14-87; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[General Docket 87-389]

Operation of Radio Frequency Devices Without an Individual License

AGENCY: Federal Communications Commission.

SUMMARY: This action extends the time for filing comments and reply comments to the Notice of Proposed Rulemaking (NPRM) in General Docket 87-389, Revision of Part 15 of the Commission's Rules regarding the operation of radio frequency devices without an individual license. (Published in the **Federal Register** October 13, 1987, 52 FR 37988.) This action is in response to Motions for Extensions of Time filed by American Radio Relay League and ten other parties. They requested additional time to determine the impact of proposed regulations on existing equipment and to prepare carefully analyzed and reasoned replies. The Commission is extending time for Comments for 90 days and Reply Comments will be due 60 days after Comments.

DATES: Comments are due March 7, 1988; reply comments are due May 9, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John Reed, telephone (202) 653-7313.

SUPPLEMENTARY INFORMATION: This action is taken pursuant to authority contained in 47 CFR 0.241(d) of the Commission's Rules.

Federal Communications Commission.

Thomas P. Stanley,

Chief Engineer.

[FR Doc. 87-28483 Filed 12-14-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 653

Shrimp Fishery of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of a fishery management plan amendment and request for comments.

SUMMARY: NOAA issues this notice that the Gulf of Mexico Fishery Management Council (Council) has submitted Amendment 4 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) for review by the Secretary of Commerce. Comments are invited from the public on the amendment and any other documents made available.

DATE: Comments will be accepted until Saturday, February 6, 1988.

ADDRESSES: Send comments to Craig R. O'Connor, Acting Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

Copies of Amendment 4, the environmental assessment, and the supplemental regulatory impact review are available from the Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, FL 33609.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen (Regional Plan Coordinator), 813-893-3722.

SUPPLEMENTARY INFORMATION: Amendment 4 to the FMP was prepared under the Magnuson Fishery Conservation and Management Act, which requires the Secretary of Commerce, upon receiving an FMP or amendment, immediately to publish a notice that the FMP or amendment is available for public review and comment. The Secretary will consider the public comments in determining whether to approve this amendment.

Amendment 4 proposes measures to prevent overfishing of the white shrimp resources in the exclusive economic zone of the Gulf of Mexico, to rebuild and maintain the stock through protection of undersized white shrimp, and to provide for consistency between State and Federal shrimp management programs. Proposed regulations for this amendment will be published within 15 days.

(16 U.S.C. 1801 *et seq.*)

Dated: December 9, 1987.

Richard H. Schaefer,

Acting Director, Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 87-28722 Filed 12-10-87; 12:04 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 52, No. 240
Tuesday, December 15, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ARMS CONTROL AND DISARMAMENT AGENCY

Hubert H. Humphrey Fellowship Competition

The U.S. Arms Control and Disarmament Agency will conduct a competition in 1988 for one-year Hubert H. Humphrey Fellowships in support of unclassified doctoral dissertation research in arms control and disarmament. Law candidates for the Juris Doctor or any higher degree are also eligible if they are writing a substantial paper in partial fulfillment of degree requirements. The fellowship stipends for Ph.D. candidates will be $5,000 plus applicable tuition and fees up to a maximum of $3,400. Stipends and tuition for law candidates will be prorated according to the credits given for the research paper. Fellows must be citizens or nationals of the United States and degree candidates at a U.S. university. The application deadline for the awards is March 15, 1988. Awards will be for a 12-month period beginning either September 1988 or January 1989. For information and application materials please write: Hubert H. Humphrey Fellowship Program, Office of Public Affairs, U.S. Arms Control and Disarmament Agency, Washington, DC 20451.

Date: December 4, 1987.

Sigmund Cohen, Jr.,

Director of Public Affairs.

[FR Doc. 87-28747 Filed 12-14-87; 8:45 am]

BILLING CODE 6820-32-M

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No 87-00013]

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of an Export Trade Certificate of Review.

SUMMARY: The Department of Commerce has issued an export trade certificate of review to the co-applicants Southeastern Fisheries Association, Inc. and Southeastern Fisheries Association, Inc. Export Trade Section. This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: John E. Stiner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202-377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III are found at 15 CFR Part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Export Trade

Products

Mullet, mullet roe, blue runners, thread herring, skipjack (ladyfish), menhaden, keoghfish, Spanish sardines, bonitas (little tuna), black drum, shad, spot, and shrimp by-catch (i.e. fish caught incidental to shrimping).

Related Service

Consulting; international market research; advertising; marketing; insurance; product research and design, exclusively for export; legal assistance; transportation, including trade documentation and freight forwarding; communication and processing of foreign orders; financing; foreign exchange; warehousing, including a central storage freezer; quality control inspection; and taking title to Products for export.

Export Markets

All parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands and the Trust Territory of the Pacific Islands).

Members

The following companies are Members of the certificate within the meaning set forth in § 325.2(1) of the Regulations: Aylesworth Seafood, Inc., Bayside Shellfish, Inc., Clark Seafood Co., Inc., J.O. Guthrie Fish Co., Inc., and Raffield Fisheries, Inc.

Export Trade Activities and Methods of Operation

1. SFA-ETS and the Members may meet under the auspices of SFA to:

a. Establish export prices for individual Products on a geographical basis in the Export Markets.

b. Discuss the quality and quantity of Products that the Members will make available for export and geographic availability of fish to fill any actual or potential order;

c. Discuss export sales, marketing efforts, and any sales opportunities in the Export Markets for Products, including but not limited to export prices, selling strategies, past export sales, projected demand, standard terms of sale, financing, insurance, transportation, foreign competition, identification of potential customers, and customers' specifications; and

d. Discuss U.S. and foreign legislation, regulations, and policies affecting export sales.

2. SFA may compile for, collect from, and disseminate to the Members for discussion as a group the export related information set forth in paragraph 1.

3. SFA may respond to export trade inquiries, invitations to bid, and other export sales opportunities on behalf of SFA/ETS and the Members.

4. SFA may contact separately individual suppliers of Products other than the Members and distribute to such suppliers separately information about sales opportunities in the Export Markets, including bid requirements, bidding dates, and other pertinent information, in order that the individual suppliers can provide separately export quotations to SFA so that SFA may coordinate an SFA/ETS response to sales opportunities.

5. SFA may discuss with each supplier individually the price SFA/ETS will charge in the export markets for the supplier's Products.

6. SFA/ETS and the Members may combine Products for inspection under SFA's quality control program and store such Products for export in a central freezer.

7. SFA, SFA/ETS, and/or the Members may enter into exclusive and non-exclusive agreements with Export Intermediaries for sales in the export markets.

8. The management of the ETS will be under the overall direction of SFA's Executive Director.

9. Membership in SFA/ETS shall be open to any member of SFA interested in exporting that is legally eligible for such membership and that pays an assessment in an amount of not less than $500 nor more than $5000 annually. New members of SFA/ETS may be added upon amendment to the certificate. Any Member of SFA/ETS can withdraw its membership at any time by notifying the Chairman of the Board of Directors of SFA/ETS in writing.

10. The Members will individually procure Products for export and sell such Products through the ETS on a voluntary basis.

A copy of the certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Date: December 8, 1987.

John E. Stiner,

Director, Office of Export Trading Company Affairs.

[FR Doc. 87-28779 Filed 12-14-87; 8:45 am]

BILLING CODE 3510-DR-M

Short-Supply Review on Certain Flat-rolled Steel; Request for Comments

AGENCY: Import Administration/ International Trade Administration, Commerce.

ACTION: Notice of request for comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for a short-supply determination under Article 8 of the U.S.-EC Arrangement on Certain Steel Products and Article 8 of the U.S.-Brazil Arrangement on Certain Steel Products, with respect to certain hot-rolled bands.

DATE: Comments must be submitted on or before December 28, 1987.

ADDRESS: Send all comments to Nicholas C. Tolerico, Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue NW., Washington, DC 20230, (202) 377-0159.

SUPPLEMENTARY INFORMATION: Article 8 of the U.S.-EC Arrangement on Certain Steel Products and Article 8 of the U.S.-Brazil Arrangement on Certain Steel Products provides that if the U.S. determines that because of abnormal supply or demand factors, the U.S. steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors) an additional tonnage shall be allowed for such product or products.

We have received a short-supply request for certain C1015/C1020 hot-rolled bands conforming to the ASTM A-568M specification, 700 to 1000 pounds per inch of width, in widths ranging from 48 to 60 inches, and thicknesses ranging from 0.074 to 0.220 inch. This material will be used in the manufacture of structural and mechanical tubing.

Any party interested in commenting on this request should send written comments as soon as possible, and no later than December 28, 1987. Comments should focus on the economic factors involved in granting or denying this request.

Commerce will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly identify the business portion of the submission and also provide a non-proprietary submission which can be placed in the public file. The public file will be maintained in the Central Records Unit, Room B-099, Import Administration, U.S. Department of Commerce, at the above address.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

December 9, 1987.

[FR Doc. 87-28780 Filed 12-14-87; 8:45 am]

BILLING CODE 3510-DS-M

Initiation of Antidumping and Countervailing Duty Administration Reviews

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews.

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings. In accordance with the Commerce Regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: December 15, 1987.

FOR FURTHER INFORMATION CONTACT: William L. Matthews or Richard W. Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5253/ 2786.

SUPPLEMENTARY INFORMATION:

Background

On August 13, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 32556) a notice outlining the procedures for requesting administrative reviews. The Department has received timely requests, in accordance with §§ 353.53a(a) (1), (a)(2), (a)(3), and 355.10(a)(1) of the Commerce Regulations, for administrative reviews of various antidumping and countervailing duty orders and findings.

Initiation of Reviews

In accordance with §§ 353.53a(c) and 355.10(c) of the Commerce Regulations, we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews no later than December 31, 1988.

Antidumping duty proceedings and firms	Periods to be reviewed
Chlorine Chloride from Canada:	
Chinook	11/10/87-10/31/87
Titanium Sponge from Japan:	
Osaka/Sumitomo	11/01/86-10/31/87
Showa Titanium	11/01/86-10/31/87
Toho/Mitsui	11/01/86-10/31/87
Dry Cleaning Machinery from West Germany:	
Seco Maschinenbau	11/01/86-10/31/87

Countervailing duty proceeding	Period to be reviewed
Certain Refrigeration Compressors from the Republic of Singapore	01/01/86-03/31/87

Interested parties are encouraged to submit applications for administrative protective orders as early as possible in the review process.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and 19 CFR 353.53a(c) and 355.10(c).

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Date: December 8, 1987.

[FR Doc. 87-28776 Filed 12-14-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-475-701, A-469-701]

Postponement of Preliminary Antidumping Duty Determinations; Certain Granite Products From Italy and Spain

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that we have received a request from the petitioners in these investigations to postpone the preliminary determinations, as permitted in section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act), (19 U.S.C. 1673b(c)(1)(A).

Based on this request, we are postponing our preliminary determinations as to whether sales of certain granite products from Italy and Spain have occurred at less than fair value until not later than Feburary 3, 1988.

EFFECTIVE DATE: December 15, 1987.

FOR FURTHER INFORMATION CONTACT: Charles E. Wilson (202) 377-5288, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: On August 21, 1987 (52 FR 31649, Italy; and 52 FR 31650, Spain) we published the notices of initiation of antidumping duty investigations to determine whether certain granite products from Italy and Spain are being, or are likely to be, sold in the United States at less than fair value. The notices stated that we would issue our preliminary determinations by January 4, 1988.

On November 18, 1987, counsel for the petitioners requested that the Department extend the period for the preliminary determinations by 30 days, until February 3, 1988, in accordance with section 733(c)(1)(A) of the Act. Section 733(c)(1)(A) of the Act provides that the Department may postpone its preliminary determination concerning sales at less than fair value until not later than 210 days after the date on which a petition is filed if the petitioner makes a timely request for such an extension. Counsel for the petitioners has done so. Accordingly, we are postponing the date of the preliminary determinations until not later than February 3, 1988.

The U.S. International Trade Commission is being advised of these postponements in accordance with section 733(f) of the Act. This notice is published pursuant to section 735(d) of the Act.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

December 8, 1987.

[FR Doc. 87-28775 Filed 12-14-87; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-013]

Portland Hydraulic Cement and Cement Clinker From Mexico; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on portland hydraulic cement and cement clinker from Mexico. We preliminarily determine the total bounty or grant to be zero or *de minimis* for 3 firms and 2.28 percent *ad valorem* for all other firms during the period January 1, 1985 through December 31, 1985. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: December 15, 1987.

FOR FURTHER INFORMATION CONTACT: Christopher Beach or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On December 10, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 44500) the final results of its last administrative review of the countervailing duty order on portland hydraulic cement and cement clinker from Mexico (48 FR 43063, September 21, 1983). In letters of September 25, 26, and 30, six Mexican exporters [Cementos Anahuac, S.A., Cementos Anahuac del Golfo, S.A., Cementos de Chihuahua, S.A., Cementos Mexicanos S.A., Cementos Tolteca, S.A., and Cementos Apasco, S.A.) and two domestic producers (Gifford Hill & Co., Inc. and Kaiser Cement Corporation) requested in accordance with 19 CFR 355.10 an administrative review of the order. We published the initiation of the administrative review on October 24, 1986 (51 FR 37770). The Department has now conducted this administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to this Harmonized System ("HS") by January 1, 1988. In view of this, we will be providing both the appropriate *Tariff Schedules of the United States Annotated* ("TSUSA") item numbers and the appropriate HS item numbers with our product descriptions on a test basis, pending Congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item number(s) as well as the TSUSA item number(s) in all new petitions filed with the Department. A reference copy of the proposed Harmonized System schedule is available for consultation at the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contact the Import Specialist at their local Customs office to consult the schedule.

Imports covered by this review are shipments of Mexican portland hydraulic cement other than white nonstaining. Such merchandise is currently classifiable under TSUSA item numbers 511.1420 and 511.1440. These products are currently classifiable under HS item numbers 2523.10.00—0, 2523.29.00—0, 2523.30.00—0, and 2523.90.00—0. We invite comments from all interested parties on these HS classifications. The review covers the period from January 1, 1985 through December 31, 1985 and 12 programs.

Analysis of Programs

(1) FOMEX

The Fund for the Promotion of Exports of Mexican Manufactured Products ("FOMEX") is a trust of the Mexican Treasury Department, with the National Bank of Foreign Trade acting as trustee for the program. The National Bank of Foreign Trade, through financial institutions, makes FOMEX loans available at preferential rates to manufacturers and exporters for two purposes: Pre-export financing and export financing. We consider both pre-export and export FOMEX loans to be export bounties or grants since these loans are given only on merchandise destined for export. We found that the annual interest rate that financial institutions charged borrowers for peso-denominated FOMEX pre-export financing outstanding during the period of review ranged from 23.70 to 30.60 percent. The annual interest rate for dollar-denominated FOMEX export financing ranged from 6.00 to 6.90 percent during the period of review.

We consider the benefit from loans to occur when the interest is paid. Interest on FOMEX pre-export loans is paid at maturity, and those that matured during the period of review were obtained between November 1984 and November 1985. Since interest on FOMEX export loans is pre-paid, we calculated benefits from all FOMEX export loans received during the period of review.

We have sufficient information to measure effective interest rates for peso-denominated loans and for 1985 dollar-denominated loans. (*See* final results of administrative review on fabricated automotive glass from Mexico (51 FR 44652, December 11, 1986).) To determine the effective interest rate benchmark for peso loans obtained in 1984, we calculated an average annual effective rate from data reported by the Banco de Mexico in its monthly publication, *Indicadores Economicos* ("I.E."). In 1985, the Banco de Mexico stopped publishing data on nominal and effective interest rates. Therefore, we calculated the average spread between the Costo Porcentual Promedio (CPP) rates *i.e.*, the average cost of short-term funds to banks, and the *I.E.* effective rates for the period 1982 through 1984, the only period for which we have *I.E.* rates. The effective interest rate benchmark for 1985 is the sum of this average spread and the average CPP rate for 1985. In this way we calculated a benchmark of 73.78 percent for pre-export peso loans obtain in 1984, and 86.31 percent for pre-export peso loans obtained in 1985. To determine the effective interest rate benchmark for dollar loans, we used the quarterly weighted-average effective interest rates published in the *Federal Reserve Bulletin*, which was 12.85 percent in 1985.

Four of the nine known exporters of this merchandise used this program during the period of review. Because we found that the exporters were able to tie their FOMEX loans to exports to specific countries, we measured the benefit only from FOMEX loans tied to U.S. shipments. We allocated the FOMEX benefits over U.S. shipments, excluding those firms with zero or *de minimis* aggregate benefits. We preliminarily determine the benefit from FOMEX to be 1.06 percent *ad valorem* during the period of review.

In February 1987, the Banco de Mexico changed the interest rates on FOMEX peso loans to 95.00 percent and on dollar loans to 6.40 percent. To calculate the FOMEX benefit for cash deposit purposes, we followed the same methodology used in calculating assessment rates. For peso loans we used as our benchmark the sum of the most recent available CPP rate, *i.e.*, February 1987, and the average 1982-1984 spread between the CPP and the *I.E.* effective rates. For dollar loans we used as our benchmark the February 1987 weighted-average effective interest rate from the *Federal Reserve Bulletin*. On this basis, we preliminarily find, for purposes of cash deposits of estimated countervailing duties, a FOMEX benefit of 0.22 percent *ad valorem*.

(2) Article 15

On January 14, 1985, the "Ruling Law for Public Service and Banking and Credit" ("the Ruling Law") was enacted. The Ruling Law replaces all previous banking laws, including the General Law of Credit Institutions and Auxiliary Organizations ("the Banking Law"). Article 15 of the Ruling Law supersedes Article 94 of the Banking Law.

Article 15 established that up to seven percent of a bank's total deposits must be funneled as loans into specially designated sectors of economic activity. The Banco de Mexico established eight industrial categories that are eligible to obtain financing under Article 15. One category consists only to exports of manufactured products. Loans granted under Article 15 are obtained at an interest rate of the CPP minus 5 percentage points. The interest on these loans is paid at maturity. Two firms had interest payments due from loans under this program during the period of review.

We consider such financing to constitute an export bounty or grant because it is given a below-market rates only for merchandise destined for export. To calculate the benefit, we used the same benchmarks as for the FOMEX peso-denominated pre-export loans. Since these Article 15 loans are based on exports to all countries, we allocated each firm's benefit over the value of its total exports during the period of review. We then weight-averaged the resulting benefits by each firm's proportion of total exports to the United States during the period of review, excluding exports from firms with zero or *de minimis* aggregate benefits during the period of review. On this basis, we preliminarily determine the benefit from this program to be 0.07 percent *ad valorem* for the period of review.

(3) CEPROFI

Certificates of Fiscal Promotion ("CEPROFI") are tax certificates used to promote the goals of the National Development Plan ("NDP"). They are granted in conjunction with investments in designated industrial activities or geographic regions and can be used to pay a variety of federal tax liabilities. Article 25 of the decree that established the authority for issuing CEPROFI's, published in the *Diario Oficial* on March 6, 1979, requires each recipient to pay a four percent supervision fee. The four percent supervision fee is "paid in order to qualify for, or to receive," the CEPROFI's. Therefore, it is an allowable offset, as defined in section 771(6)(A) of the Tariff Act, from the gross bounty or grant.

Cement firms in Mexico can receive CEPROFI benefits under three provisions: "Category I," which makes CEPROFI certificates available for the manufacture and processing of construction and capital goods; "Category II," which makes CEPROFI certificates available for particular industrial activities; and a third provision, which makes CEPROFI certificates available for the purchase of Mexican-made equipment.

The Department held in the final affirmative countervailing duty determination on bricks from Mexico (49 FR 19564, May 8, 1984) that CEPROFI certificates granted for the purchase of Mexican-made equipment are not countervailable since such certificates are available to any company that purchases Mexican-made equipment. We consider the other two types of CEPROFI certificates to be domestic bounties or grants because they are available only to certain industries. For the eight firms that received tax certificates from the Category I and Category II CEPROFI provisions, we allocated each firm's benefit, less the

BEST COPY AVAILABLE

four percent supervision fee, over the total value of each firm's sales to all markets during the period of review. We then weight-averaged the resulting benefits by each firm's proportion of total exports to the United States during the review period, excluding those firms with zero or *de minimis* aggregate benefits. We preliminarily determine the benefit from this program to be 0.68 percent *ad valorem* during the period of review.

(4) FONEI

The Fund for Industrial Development ("FONEI"), administered by the Banco do Mexico, is a specialized financial development fund that provides long-term loans at below-market rates. FONEI loans are available under various provisions having different eligibility requirements. The plant expansion provision is designed for the creation, expansion, or modernization of enterprises in order to promote the efficient production of goods capable of competing in the international market or to meet the objectives of the NDP, which include industrial decentralization. We consider this FONEI loan provision to confer a bounty or grant because it restricts loan benefits to those enterprises located outside of Zone IIIA. Two firms had variable-rate peso-denominated FONEI loans for plant expansion or modernization outstanding during the period of review.

We treated these variable-rate loans as a series of short-term loans. To calculate the benefit, we used the same benchmarks as for the FOMEX peso-denominated pre-export loans and compared them to the preferential interest rates in effect for each FONEI loan payment made during the period of review. We allocated the benefits over each firm's total sales to all markets during the period of review. We then weight-averaged the resulting benefits by each firm's proportion of exports to the United States during the period of review, excluding those firms with zero or *de minimis* aggregate benefits. We preliminarily determine the benefit from this program to be 0.03 percent *ad valorem* during the period of review.

(5) NDP Discounts

Under the NDP, PEMEX, the government-owned oil company, grants discounts to companies located in specific regions or engaged in certain priority activities. During the period of review one firm received a discount of 10 percent on the price of fuel oil, and another firm received a 15 percent discount on the price of natural gas. Because such discounts are provided only to specific enterprises or industries, we consider them to be domestic bounties or grants.

We allocated the total value of discounts received by each firm over its total sales to all markets during the period of review. We then weight-averaged the resulting benefits by each firm's proportion of exports to the United States during the period of review, excluding those firms with zero or *de minimis* aggregate benefits. We preliminarily determine the benefit from this program to be 0.37 percent *ad valorem* for the period of review.

(6) Bancomext Loans

The National Bank of Foreign Trade (Bancomext), which acts as an intermediary for official loan programs such as FOMEX, also makes direct loans with its own resources. One company made interest payments during the period of review on a Bancomext loan obtained at below-market rates. Because the Mexican government has provided no additional information on this loan, we have assumed, as the best information available, that this type of loan is available only to exporters and is therefore an export bounty or grant.

We treated this loan in a manner similar to the FONEI loans. To calculate the benefit, we used the same benchmarks as for the FOMEX peso-denominated pre-export loans and compared them to the preferential interest rates in effect for each Bancomext loan payment made during the period of review. We allocated the benefit over the firm's total export sales to all markets during the period of review. We then weight-averaged the resulting benefit by the firm's proportion of total exports to the United States during the period of review, excluding exports from firms with zero or *de minimis* aggregate benefits. We preliminarily determine the benefit from this loan to be 0.07 percent *ad valorem* for the period of review.

(7) Other Programs

We also examined the following programs and preliminarily find that exporters of portland hydraulic cement and cement clinker did not use them during the review period:

(A) State tax incentives;
(B) CEDI;
(C) FOGAIN;
(D) Delay of payments on loans;
(E) Delay of payments of PEMEX to fuel charges; and
(F) Import duty reductions and exemptions.

Firm Not Receiving Benefits

We preliminarily determine that the following three firms received zero or *de minimis* benefits during the period of review:

(1) Cementos Guadalajara, S.A.
(2) Cementos Maya, S.A.
(3) Cementos Tolteca, S.A.

Preliminary Results of Review

As a result of our review, we preliminarily determine the total bounty or grant during the period January 1, 1985 through December 31, 1985 to be zero or *de minimis* for the three firms listed above and 2.28 percent *ad valorem* for all other firms.

The Department intends to instruct the Customs Service to liquidate, without regard to countervailing duties, shipments of this merchandise from the 3 firms listed above and to assess countervailing duties of 2.28 percent of the f.o.b. invoice price on shipments from all other firms exported on or after January 1, 1985 and on or before December 31, 1985.

The Department intends to instruct the Customs Service to waive such cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on shipments of this merchandise from the three firms listed above and, due to the change in the FOMEX interest rates, to collect a cash deposit of estimated countervailing duties of 1.44 percent of f.o.b. invoice price on shipments from all other firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. This deposit requirement and waiver shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday following. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.10 of the Commerce Regulations (19 CFR 355.10).

Joseph Spetrini,

Acting Assistant Secretary Import Administration.

Date: December 8, 1987.

[FR Doc. 87-28777 filed 12-14-87; 8:45 am]

BILLING CODE 3510-DS-M

Certain Welded Carbon Steel Pipe and Tube Products From Turkey; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on certain welded carbon steel pipe and tube products from Turkey. We preliminarily determine the net subsidy to be 16.52 percent *ad valorem* for the period October 28, 1985 through December 31, 1986. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: December 15, 1987.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Paul McGarr, Office of Compliance, International Trade Administartion, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 7, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 7984) a countervailing duty order on certain welded carbon steel pipe and tube products from Turkey. On March 30, 1987, the petitioner, the Standard and Line Pipe Subcommittees of the Committee on Pipe and Tube Imports and their individual pipe and tube producers, and the Government of the Republic of Turkey requested in accordance with 19 CFR 355.10 an administrative review of the order. On March 31, 1987, two respondents, the Borusan Group ("Borusan") and Mannesmann Suemerbank made a similar request. We published the initiation on April 22, 1987 (52 FR 13268). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to the Harmonized System ("HS") by January 1, 1988. In view of this, we will be providing both the appropriate Tariff Schedules of the United States Annotated ("TSUSA") item numbers and the appropriate HS item numbers with our product descriptions on a test basis, pending Congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item number(s) as well as the TSUSA item number(s) in all new petitions filed with the Department. A reference copy of the proposed Harmonized System schedule is available for consultation at the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contact the Import Specialist at their local Customs office to consult the schedule.

Imports covered by the review are shipments of certain Turkish welded carbon steel pipe and tube having an outside diameter of 0.375 inch but not over 6 inches, currently classifiable under TSUSA items 610.3208, 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, and 620.4925. TSUSA items 610.3208 and 610.3209 are commonly referred to by the industry as line pipe meeting American Petroleum Institute (API) specifications for 5L. TSUSA items 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258 and 620.4925 are commonly referred to by the industry as standard pipe or tube or structural tubing. Standard pipe or tube is produced to various American Society for Testing Materials (ASTM) specifications, most notably A-53, A-120 or A-135. Structural tubing is produced to various specifications most notably ASTM specifications A-500 and A-501.

Line pipe and standard pipe and tube are currently classifiable under HS item numbers 7306.10.1010, 7306.10.1050, 7306.30.1000, 7306.30.5025, 7306.30.5030, 7306.30.5040, 7306.30.5045, 7306.30.5050, 7306.30.5060, 7306.30.5065, 7306.30.5070 and 7306.30.5075. We invite comments from all interested parties on these HS classifications.

The review covers the period October 28, 1985 through December 31, 1986 and 7 programs.

Analysis of Programs

(1) Export Tax Rebate and Supplemental Tax Rebate

The Government of Trukey provided export tax rebates to exporters of pipe and tube products pursuant to Law 261 of July 1963 and Decrees 9/10624 of September 16, 1975, 85/10211 of December 26, 1985, and 86/11237 of November 26, 1986. Exporters were eligible to receive export tax rebates based on the percentage of export receipts converted from a foreign currency into Turkish lira. During the review period, exporters were required to convert at least 80 percent of their export receipts into Turkish lira in order to qualify for export tax rebates.

On February 25, 1985, Turkey became a signatory to the Agreement on Interpretation and Application of Articles IV, XVI and XXIII of the General Agreement on Tariffs and Trade ("the Subsidies Code"). The Government of Turkey also entered into a bilateral commitment with the United States, agreeing to eliminate specific subsidy programs. During the review period, the rate of basic export tax rebates on pipe and tube declined in small increments every two months from 11 to 8.4 percent.

In addition to basic export tax rebates, the Turkish government provided supplemental tax rebates to companies with annual export revenues of more than U.S. $2 million. During the review period, the rates of these rebates also declined every two months. For companies with export revenues between $2-10 million, the supplemental rebate rates were reduced from 6 to 2.4 percent; for companies with export revenues between $10-30 million, the rates were reduced from 12 to 4.8 percent; and for companies with export revenues over $30 million, the rates were reduced from 10 to 4 percent.

We calculated the benefit by allocating the total amount of basic and supplemental rebates each company received over its total f.o.b. value of exports during the review period. We then weight-averaged the resulting benefit by each company's proportion of pipe and tube exports to the United States. On this basis, we preliminarily determine the benefit from this program to be 7.96 percent *ad valorem* during the review period.

Effective January 1, 1987, pursuant to Communique 87/3 of Decree 86/11237, the Government of Turkey eliminated

basic and supplemental export tax rebates on exports of iron and steel products to the United States. Under Transity Article 2 of this decree, exporters were still eligible for rebates on shipments that occurred after December 1, 1986 for which irrevocable letters of credit had been opened prior to December 1, 1986. We verified that exporters received rebate payments only for shipments with letters of credit opened prior to December 1, 1986, and that there were no rebate payments received for shipments where letters of credit were opened or amended after December 1, 1986.

Finally, exporters submitted letters to the Turkish government renouncing eligibility for export tax rebate payments after July 31, 1987 for shipments where letters of credit opened prior to December 1, 1986 were still outstanding.

We preliminarily determine that for this program the cash deposit of estimated countervailing duties will be zero.

(2) RUSF

Payments to exporters from the Resource Utilization Support Fund ("RUSF"), created by Decree 84/8860, went into effect on January 1, 1985. RUSF payments were intended to replace preferential export financing that was simultaneously eliminated by Decree 84/8861. Exporters were eligible to receive payments of 4 percent of the f.o.b. value of export receipts that were converted from foreign currency into Turkish lira. On March 16, 1986, by Decree 86/10520, the rate of RUSF payments was reduced to 2 percent. Because this program is contingent upon export performance, we preliminarily determine that it confers a countervailable benefit on exports.

We calculated the benefit by allocating the amount of RUSF payments each company received over its total f.o.b. value of exports during the review period. We then weight-averaged the resulting benefit by each company's proportion of pipe and tube exports to the United States. On this basis, we preliminarily determine the benefit from this program to be 1.78 percent *ad valorem* during the review period.

Effective January 1, 1987, pursuant to Decree 86/11085, the Government of Turkey eliminated RUSF payments on exports. Under Transitory Article 1 of this decree, exporters were still eligible to receive RUSF payments on shipments that occurred after November 1, 1986 for which irrevocable letters of credit had been opened prior to November 1, 1986. We verified that exporters received RUSF payments only for shipments with letters of credit opened prior to November 1, 1986, and that there were no RUSF payments received for shipments where letters of credit were opened or amended after November 1, 1986.

Finally, exporters submitted letters to the Turkish government renouncing eligibility for RUSF payments after July 31, 1987 for shipments where letters of credit opened prior to November 1, 1986 were still outstanding.

We preliminarily determine that for this progam the cash deposit of estimated countervailing duties will be zero.

(3) Export Revenue Tax Deduction

Section 8 of Law 5422, as amended by section 6 of Law 2362 of January 1, 1982, permits producers that annually export industrial products valued in excess of U.S.$250,000 to deduct 20 percent of their export revenue from taxable corporate income. A five percent deduction is provided to exporters that are not producers. Thus, for products exported through a trading company, a total of 25 percent of the value of exports could be used as a deducation.

Under section 94 of the Turkish Income Tax Law, as revised by Decree 86/10415, tax deductions are subject to a "countervailing tax" of 10 percent of the deduction. In addition, export revenue tax deductions are subject to a 3 percent surcharge on the countervailing tax. The corporate tax rate was 46 percent. Because we consider the benefit from this program to occur when income tax returns are filed, we examined the tax return for tax year 1985 filed in 1986. There were no exports of pipe and tube to the United States during the 1985 portion of the review period.

We calculated the benefit by multiplying the amount of each company's deduction by the corporate tax rate and subtracting the amount of the countervailing tax and surcharge paid on the deduction. We allocated the result over the company's total f.o.b. value of exports during the review period. We then weight-averaged the resulting benefit by each company's proportion of pipe and tube exports to the United States. We preliminarily determine the benefit from this program to be 6.78 percent *ad valorem* during the review period.

(4) GIP

The General Incentives Program ("GIP") provides benefits intended to encourage investments and stimulate the Turkish economy. The program is designed to meet the targets of Turkey's five-year and annual development plans. Companies applying for GIP benefits must obtain an investment incentive certificate from the State Planning Organization, which reviews proposed projects and considers such factors as supply and demand for the product, need for additional productive capacity, potential profitability, and the effect on employment. Benefits are equally available to producers for the domestic market and for export. However, for the corporate tax allowance program of the GIP, different regions and sectors have different levels of benefits.

Prior to 1985, the industries for which benefits were available were listed on a General Incentives Table. However, on November 11, 1985, pursuant to Decree 85/10011, this table was replaced by a list of industries that were not eligible to receive benefits for new investment, but could continue to receive benefits for modernization of existing facilities. These restrictions applied to industries that were located within the most developed region of Turkey (the region where pipe and tube exporters are located), and new investments in seam welded pipe were among those proscribed.

We verified that pipe and tube exporters used the following programs under the GIP:

(A) Corporate Income Tax Allowances

The GIP provides deductions from taxable income based upon a percentage of a company's total investment. The amount of the deduction ranges from 30 to 100 percent of the cost of the investment, depending on the region and sector in which the investment is made. A deduction of at least 30 percent is available to all holders of investment incentive certificates within any region or sector.

Under the corporate tax allowance program, companies located in the first or second priority regions for development within Turkey are entitled to higher rates of deduction than companies located in the more developed or "normal" regions. All pipe and tube exporters are located in the "normal" regions and, therefore, are entitled to only the lowest tax deduction rates. Based on an eligibility rate of 30 percent, four pipe and tube companies claimed corporate tax deductions on their investments during the review period.

(B) Other GIP Benefits Used.

(1) Communique 85/1 provides exemptions from customs duties and other taxes on imports of capital equipment related to the investment project listed on the investment incentive certificate.

(2) Decree 83/7507 provided companies with investment incentive certificates interest rebates of up to 8 percent on medium-term investment credits, and interest rebates of up to 7 percent on short-term export credits issued by commercial banks. Effective January 1, 1985, such interest rebates were abolished by Article 10 of Decree 84/8860, but companies with outstanding balances on medium-term investment credits were still eligible for interest rebates during the review period. Companies were no longer eligible for interest rebates on short-term export credits.

All five companies received exemptions on customs duties and other taxes on imported capital equipment during the review period. One exporter, Borusan, received interest rebates on medium-term investment credits that still had outstanding balances during the review period.

Any firm with an investment incentive certificate automatically qualifies for corporate income tax allowances, exemptions from customs duties and other taxes on imports of capital equipment and interest rebates on investment credits. We examined a computer printout listing approximately 800 investment incentive certificates issued to companes located in the most developed region (eligible for the lowest level of benefits) of Turkey, the region where pipe and tube exporters are located. We verified that firms within a wide variety of industries, including the chemical, textile, food, machinery, transportation and metal industries, received investment certificates and GIP benefits at the same rates. The computer printout listed GIP benefits under the following programs: corporate income tax allowances, exemptions from customs duties and other taxes on imports of capital equipment, and RUSF interest rebates.

The GIP investment incentive certificates are widely used and are not provided "to a specific enterprise or industry or group of enterprises or industries." The pipe and tube industry is not eligible for benefits on more favorable terms than those available to other industries. Therefore, we preliminarily determine that the General Incentives Program does not confer countervailable benefits to pipe and tube exporters.

(5) Other Programs

We also examined the following programs and preliminarily determine that Turkish pipe and tube exporters did not use them:

(A) Support Price Stability Fund;

(B) Preferential export financing under Decree 84/8861; and

(C) Export credits under Communique No. 1.

Preliminary Results of Review

As a result of our review, we preliminarily determine the net subsidy to be 16.52 percent *ad valorem* for the period October 28, 1985 through December 31, 1986.

Section 707 of the Tariff Act provides that the difference between the deposit of an estimated countervailing duty and the final assessed duty under a countervailing duty order shall be disregarded to the extent that the estimated duty is less than the final assessed duty and refunded to the extent that the estimated duty is higher than the final assessed duty, for merchandise entered, or withdrawn from warehouse, for consumption before the date of publication of a final affirmative injury determination by the International Trade Commission, which in this case was March 3, 1986 (51 FR 7342).

The Department therefore intends to instruct the Customs Service to assess countervailing duties of 16.52 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after October 28, 1985 and exported on or before December 31, 1986.

Because of the termination of the export tax rebate and RUSF programs, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 6.78 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. This deposit requirement will remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date publication of this notice, and may request disclosure and/or a hearing within 7 days of the date of publication. Any hearing, if requested, will be held 30 days from the date of publication or the next workday following. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.10.

Gilbert B. Kaplan,

Acting Assistant Secretary Import Administration.

Date: December 9, 1987.

[FR Doc. 87-28778 Filed 12-14-87; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit to Dr. R. H. DeFran (P406)

On September 28, 1987, notice was published in the **Federal Register** (52 FR 36298) that an application had been filed by Dr. R. H. DeFran, Cetacean Behavior Laboratory, Department of Psychology, San Diego, California 92182 to take bottlenose dolphins (*Tursiops truncatus*).

Notice is hereby given that on December 9, 1987, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Rm 805, Washington, DC; and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731-7415.

Date: December 7, 1987.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 87-28737 Filed 12-14-87; 8:45 am]

BILLING CODE 3510-22-M

Caribbean Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Caribbean Fishery Management Council's Scientific and Statistical Committee will convene a public meeting at the Conference Room of the Hotel Pierre, De Diego Avenue, Santurce, Puerto Rico, to examine the proposed guidelines of the draft uniform standards of the Code of Federal

Regulations, Parts 602/603 (specifically § 602.5, fishery management planning and development), in order to provide recommendations to the Council. The Committee also will consider and evaluate a report on ecosystem modeling of reef fish-habitat interactions.

The Council will convene its public meeting on December 22, 1987, at 9 a.m. and will adjourn at approximately 4 p.m.

For further information contact the Caribbean Fishery Management Council, Banco de Ponce Building, Suite 1108, Hato Rey, PR 00918, (809) 753–4926.

Date: December 10, 1987.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 87–28774 Filed 12–14–87; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1988; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1988 a commodity to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: January 15, 1988.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On June 26, 1987, August 21, 1987, October 2, and October 9, 1987 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (52 FR 24049, 31659, 36996 and 37819) of additions to Procurement List 1988, December 10, 1987 (52 FR 46926).

Additions

After consideration of the relevant matter presented, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77 and 41 CFR 51–2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

(a) The action will not result in any additional reporting, recordkeeping or other compliance requirements.

(b) The action will not have a serious economic impact on any contractors for the commodity and services listed.

(c) The action will result in authorizing small entities to provide the commodity and services procured by the Government.

Accordingly, the following commodity and services are hereby added to Procurement List 1988.

Commodity

Adapter Kit, Top Sling, 1005–00–406–1570

Services

Assembly of Kit Camouflage Support System, U.S. Army Troop Support Command, St. Louis, Missouri

Janitorial/Custodial, Edith-Green-Wendell Wyatt, Federal Building, 1220 SW 3rd Avenue, Portland, Oregon

Janitorial Service, Building 2700, Naval Air Station, Whidbey Island, Washington

C.W. Fletcher,

Executive Director.

[FR Doc. 87–28750 Filed 12–14–87; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1988; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1988 commodities to be produced by workshops for the blind or other severely handicapped.

Comments must be received on or before: January 15, 1988.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51–2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1988, December 10, 1987 (52 FR 46926).

Commodities

Pad, Writing Paper
7530–01–124–5660
(Requirements for GSA Regions 2, 9, 10 plus New Cumberland Pennsylvania Army Depot)
7530–01–131–0091
(Requirements for GSA Regions 2, 9, 10 plus New Cumberland Pennsylvania Army Depot)
7530–00–285–3090
(Requirements for GSA Regions W, 2, 3, 4, 7, 8, 9, 10)
7530–01–124–7632
(Requirements for GSA Regions 4, 6, 8)

Strap Assembly
5855–01–137–7767
5855–00–125–0762
5855–00–125–0713

Credenza, Steel
7110–00–128–0096
7110–00–128–0546

C.W. Fletcher,

Executive Director.

[FR Doc. 87–28751 Filed 12–14–87; 8:45 am]

BILLING CODE 6820–33–M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 87–1]

Complaint; Miracle Recreation Equipment Co., a Corporation

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of a complaint under the Federal Hazardous Substances Act.

SUMMARY: Under Provisions of its Rules of Practice for Adjudicative Proceedings (16 CFR Part 1025, 45 FR 29206), the Consumer Product Safety Commission must publish in the **Federal Register** Complaints which it issues. Printed below is a Complaint in the matter of Miracle Recreation Equipment Co., a corporation.

SUPPLEMENTARY INFORMATION:

(Attached)

Date: December 9, 1987.

Sheldon D. Butts,

Deputy Secretary.

Complaint

In the Matter of Miracle Recreation Equipment Co., a corporation.

Nature of Proceedings

1. This is an administrative adjudicative proceeding pursuant to section 15 of the Federal Hazardous Substances Act (hereinafter, the "FHSA"), as amended, 15 U.S.C. 1274, for public notification and remedial action to protect the public from substantial risks of injury presented by children's toys or other articles intended for use by children, namely, items of public playground equipment known as "Flying Animal Swings." This proceeding is governed by the Consumer Product Safety Commission's "Rules of Practice for Adjudicative Proceedings," 16 CFR Part 1025.

Jurisdiction

2. The Consumer Product Safety Commission (hereinafter, the "Commission" or "CPSC") has jurisdiction over the subject matter of this proceeding pursuant to section 15(c) of the FHSA, 15 U.S.C. 1274(c).

Respondent

3. Respondent Miracle Recreation Equipment Co. (hereafter, "Miracle") is a corporation organized and existing under the laws of the State of Iowa, with corporate offices located at P.O. Box 275, Grinnell, Iowa 50112.

4. Respondent manufactured and distributed in commerce articles intended for use by children, namely, items of public playground equipment known as "Flying Animal Swings," within the meaning of 15 U.S.C. 1261(b) and 1274(c).

The Product

5. Miracle's Flying Animal Swings come in a 2, 3, 4, or 6 seat model (models 202, 203, 204 and 206, respectively). The swing seats are available in the form of either a pony, seal, lion or squirrel.

6. The Flying Animal Swings are sold nationwide as public playground equipment.

7. These Flying Animal Swings range in price from approximately, $1,000–$2,300. The individual animal figures can be purchased separately, for replacement, at approximately $200.

8. It is estimated that there are at least 10,000–12,000 of these Flying Animal Swing sets in Commerce.

9. The Flying Animal Swings are "toys" or "other articles intended for use by children". As such, they are subject to section 15(c) of the FHSA; 15 U.S.C. 1274(c).

Substantial Risk of Injury

10. The animal, figures used on the Flying Animal Swings have been made, at various times, of both metal and plastic, but are presently being made of plastic.

11. With its hanging rods attached, the individual animal figure weighs at least 35 pounds.

12. The older metal animal figures had a hanging rod attached directly to the tail of the figure.

13. Since the introduction of the plastic animal figure, the animal figures are supported by a steel pipe which runs through the body and projects to the rear of and vertically to the swing. It ends in a squared-off shape which is attached by a clevis and S-hook to the rear hanging rod.

14. The Commission tested a sample of the swing in accordance with section 9 ("Moving Impact of Swings") of the CPSC's Handbook for Public Playground Safety, Vol II; Technical Guidelines for Equipment and Surfaces, 1980, (hereinafter "the guidelines") a test designed to measure the impact of a swing with a child's head.

15. The guidelines set the acceptable acceleration limit at 100g's when tested at a position of 60° from the vertical (at rest) position. A swing which imparts peak acceleration in excess of 100g's is capable of causing a severe or fatal head injury to a child.

16. The impact tests, performed on the Flying Animal Swing, as described in section 9, showed that both the front and the rear of these animal figures imparted a peak acceleration in excess of 100g's to the test headform.

17. Section 7 of the guidelines entitled "Sharp Points, Corners and Edges; Pinch and Crush Points; Protrusions; Suspended Hazards" is intended to exclude, among other things, sharp edges or protrusion that can cut or puncture human tissue.

18. The design of the animal figures with the metal support protruding vertically and to the rear, when tested for compliance with section 7 of the guidelines, shows certain of the metal supports to be violative protrusions. This substantially increases the severity of the injury which will occur when the rear of one of these animal figures impacts a child's head.

19. At least six incidents have occurred in which a child was struck in the head by this protruding support. The victims ranged in age from 22 months to seven years. Each of these children sustained serious injury to the head and one lost the sight in one eye. In addition, one child suffered a contusion to the head when struck by a different portion of an animal figure. Finally, a two year old child died after being struck in the head by one of the Flying Animal Swing figures.

20. These swings contain a defect or defects which, because of the pattern of defect, the number of products distributed in commerce, the severity of the risk of injury or otherwise, creat a substantial risk or risks of injury to children within the meaning of section 15(c) of the FHSA, 15 U.S.C. 1274(c).

Relief Sought

Wherefore, in the public interest, Complaint Counsel requests that the Commission, after affording interested persons an opportunity for a hearing, in accordance with section 15(e) of the FHSA, 15 U.S.C. 1274(e):

A. Determine that the Flying Animal Swings contain a defect or defects which create a substantial risk or risks of injury to children within the meaning of section 15(c)(1) and (c)(2) of the FHSA, 15 U.S.C. 1274(c)(1) and (c)(2).

B. Determine that public notification under section 15(c)(1) of the FHSA, 15 U.S.C. 1274(c)(1), is required to adequately protect the public from the Flying Animal Swings which have been distributed.

C. Order Respondent under section 15(c)(1) of the FHSA, 15 U.S.C. 1274(c)(1), to

(1) Give public notice that the Flying Animal Swings contain a defect or defects which creates a substantial risk or risk of injury to children;

(2) Mail such notice to each person who is a manufacturer, distributor, or dealer of the Flying Animal Swings; and

(3) Mail such notice to every person to whom Respondent knows the Flying Animal Swings were delivered or sold.

(4) Include in the notices required by (c)(1) (2) and (3) above, a complete description of the potential hazard presented, a warning to stop using the Flying Animal Swings immediately, and clear instructions for repairing, replacing or refunding the purchase price of the Flying Animal Swings.

D. Specify the form and content of any notice required to be given.

E. Determine that action under section 15(c)(2) of the FHSA, 15 U.S.C. 1274(c)(2) is in the public interest and order Respondent

(1) To cease manufacturing for sale, offering for sale, or distributing in commerce Flying Animal Swings which present the substantial product hazard described above; and

(2) With respect to all Flying Animal Swings that have been distributed or sold, to elect, to repair the Flying Animal Swings so that they do not

contain a defect which creates a substantial risk of injury to children; to replace these swings with a like or equivalent swing which does not create a substantial product hazard to children; or to refund to consumers the purchase price of these swings.

(3) To make no charge to consumers and to reimburse them for any reasonable and foreseeable expenses incurred in availing themselves of any remedy provided under any other issued under section 15(c), FHSA, 15 U.S.C. 1274(c), as provided for in section 15(d)(1) of the FHSA, 15 U.S.C. 1274(c)(1).

(4) To reimburse distributors and dealers for expenses in connection with carrying out any orders issued under section 15(c)(1) or (c)(2) with regard to these swings as provided for in section 15(d)(2) of the FHSA, 15 U.S.C. 1274(d)(2).

(5) In accordance with section 15(c)(2) of the FHSA, 15 U.S.C. 1274(c)(2), to cease manufacturing, selling and distributing the defective Flying Animal Swings in commerce.

(6) To submit a plan satisfactory to the Commission within ten (10) days of service of the Final Order directing the actions specified in paragraphs C through E (5) above, in accordance with section 15(c)(2) of the FHSA, 15 U.S.C. 1274(c)(2).

(7) To keep records of its actions taken to comply with paragraphs C through E above, and to supply these records to the Commission staff upon request, for a period of three (3) years after entry of the Final Order issued by the Commission requiring notice and remedial action, for the purpose of monitoring compliance with the Final Order.

F. Order Respondent to notify the Commission at least 60 days prior to any change in its business (such as incorporation, dissolution, assignment, sale, or by petition for bankruptcy) that results in, or is intended to result in, the emergence of a successor corporation, the creation, or dissolution of subsidiaries, the dissolution of the corporation, going out of business, or any other change that might affect compliance obligations under a Final Order issued by the Commission requiring notice and corrective action. This obligation shall last for a period of three years after issuance of said Final Order.

G. Grant such other and further relief as the Commission deems necessary to protect the public health and safety and to implement the FHSA.

Issued by Order of the Consumer Product Safety Commission.

David Schmeltzer,

Associate Executive Director for Compliance and Administrative Litigation.

Alan H. Schoem,

Director, Division of Administrative Litigation, Directorate for Compliance and Administrative Litigation.

Melvin I. Kramer,

Complaint Counsel, Division of Administrative Litigation, Directorate for Compliance and Administrative Litigation.

Dated: December 7, 1987.

[FR Doc. 87-28744 Filed 12-14-87; 8:45 am]

BILLING CODE 6355-01-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. 88-2-86CD]

Ascertainment of Whether Controversy Exists Concerning Distribution of 1986 Cable Royalty Fees

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1111 20th Street NW., Suite 450, Washington, DC 20036, (202) 653-5175.

SUMMARY: In accordance with 17 U.S.C. 111(d)(5)(B), the Copyright Royalty Tribunal directs that all claimants to royalty fees paid by cable operators for secondary transmissions during 1986 (Phase I and Phase II claimants) shall submit not later than February 4, 1988 any comments concerning whether a controversy exists with regard to the distribution of the 1986 royalty fees. All claimants intending to participate in the 1986 proceeding shall include with their comments a Notice of Intent to Participate. Any particular controvesy, Phase I or Phase II, of which the Tribunal does not become advised by the end of the comment period will not be considered at a later date.

Mario F. Aguero,

Chairman.

Dated: December 10, 1987.

[FR Doc. 87-28748 Filed 12-14-87; 8:45 am]

BILLING CODE 1410-09-M

[Docket No. 87-1-85JB]

Final Determination of the Distribution of the 1985 Jukebox Royalty Fund; Correction

In FR Doc. 87-27911, beginning on page 46324, in the issue of Friday, December 4, 1987, make the following correction:

1. On page 46330, in the second column, in the second paragraph under "Conclusions of Law—ACEMLA's and IBC's Entitlements," in the eighth and ninth lines, the numbers "0.74%" and "0.65%" should read, "0.074%" and "0.065%".

Mario F. Aguer,

Chairman.

Dated: December 10, 1987.

[FR Doc. 87-28749 Filed 12-14-87; 8:45 am]

BILLING CODE 1410-09-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Policy Board Advisory Committee; Meeting

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Policy Board Advisory Committee will meet in closed session on 14–15 January 1988 in the Pentagon, Washington, DC.

The mission of the Defense Policy Board is to provide the Secretary of Defense, Deputy Secretary of Defense and the Under Secretary of Defense for Policy with independent, informed advice and opinion concerning major matters of defense policy. At this meeting the Board will hold classified discussions on national security matters dealing with military net assessment, strategic weapons requirements and US basing in the Pacific.

In accordance with section 10(d) of the Federal Advisory Committee Act, P.L. 92–463, as amend (5 U.S.C. App. II, (1982)), it has been determined that this Defense Policy Board meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 9, 1987.

[FR Doc. 87-28745 Filed 12-14-87; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This document is intended to notify the general public of their opportunity to attend.

DATES: January 19–20, 1988, 9:00 a.m., until conclusion of business each day.

ADDRESS: National Advisory Council on Indian Education, 330 C Street, SW., Room 4072 (Conference Room), Switzer Building, Washington, DC 20202 (202/732–1353).

FOR FURTHER INFORMATION CONTACT: Lincoln C. White, Executive Director, National Advisory Council on Indian Education, 330 C Street, SW., Room 4072, Switzer Building, Washington, DC 20202 (202/732–1353).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act (20 U.S.C. 1221g). The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act (Title IV of Pub. L. 92–318), and to advise Congress, and the Secretary of Education, the Under Secretary of Education and the Assistant Secretary of Elementary and Secondary Education with regard to education programs benefiting Indian children and adults.

The meeting will be open to the public. The proposed agenda includes:

(1) Chairman's Report.

(2) Executive Director's Report.

(3) Action on previous minutes.

(4) Election of Officers.

(5) Committee discussions and reports.

(6) NACIE Budget—FY'88.

(7) Plans for future NACIE activities.

(8) Regular Council business.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 330 C Street SW., Room 4072, Switzer Building, Washington, DC 20202.

Dated: December 9, 1987. Signed at Washington, DC.

Lincoln C. White,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 87-28772 Filed 12-14-87; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Conduct of Employees; Waiver

Section 207(f), title 18, United States Code, and section 605(a)(3) of the Department of Energy Organization Act (Pub. L. 95–91) authorize the Secretary of Energy to waive the post-employment restrictions of subsections (a), (b), and (c) of section 207, title 18, United States Code, and of subsection (a)(1) of section 605 of the Department of Energy Organization Act, respectively, to permit a former employee with outstanding scientific or technological qualifications to make appearances before or communications to the Department in connection with a particular matter which requires such qualifications (in the case of section 207), or which lies in a scientific or technological field (in the case of section 605), where it has been determined that such a waiver would serve the national interest.

It has been established to my satisfaction that William A. Wallenmeyer, formerly Director of the Division of High Energy Physics, Office of High Energy and Nuclear Physics, Office of Energy Research, has a unique combination of outstanding scientific qualifications in the field of high energy physics and extensive experience in management of scientific research and development programs. I am further satisfied that it will serve the national interest to permit him, in his capacity as president of Southeastern Universities Research Association, to appear before and communicate with employees of the Department of Energy and other Government agencies with respect to the planning, implementation, and funding of the Continuous Electron Beam Accelerator Facility. I am satisfied that these activities are in a scientific field and require the qualifications stated.

I have, therefore, waived the post-employment prohibitions of subsections (a), (b), and (c) of section 207, title 18, United States Code (in consultation with the Director of the Office of Government Ethics), and of subsection (a)(1) of section 605 of the Department of Energy Organization Act, to permit contact by Dr. Wallenmeyer with employees of the Department of Energy and other Government agencies with respect to the funding, design, construction, operation, and use of the Continuous Electron Beam Accelerator Facility.

John S. Herrington,

Secretary of Energy.

Date: December 7, 1987.

[FR Doc. 87-28788 Filed 12-14-87; 8:45 am]

BILLING CODE 6450-01-M

Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreement involves approval of the following sale: Contract Number S–EU–921, for the sale of 15 grams of uranium–238 to Bayerisches Landesamt for Umweltschutz, Muenchen, the Federal Republic of Germany for use in analyzing environmental samples.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Date: December 8, 1987.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 87-28690 Filed 12-14-87; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement; European Atomic Energy Community and Indonesia

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Indonesia concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer:

RTD/IE(EU)–4, for the retransfer of 125 grams of uranium oxide enriched to 19.75 percent in the isotope uranium-235 from the Federal Republic of Germany to Indonesia for use as standards in the BATAN fuel element plant.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Date: December 8, 1987.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 87–28689 Filed 12–14–87; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CP81–108–006]

Boundary Gas, Inc., Changes in FERC Gas Tariff

December 9, 1987.

Take notice that on December 3, 1987, Boundary Gas, Inc. ("Boundary") submitted for filing First Revised Volume No. 1 to supersede Original Volume No. 1 of its FERC Gas Tariff.

Boundary states that the purpose of this filing is to implement Phase 2 of the Boundary Project providing for the resale to the fifteen Boundary Stockholders of up to 92,500 Mcf per day of gas purchased by Boundary from TransCanada PipeLines Limited. Boundary further states that the tariff complies in all respects with the Order issued by the Commission on July 24, 1987 in Docket No. CP81–108–005; consistent with that Order, the tariff shall be permitted to become effective on the date Phase 2 deliveries commence which is anticipated to be January 1, 1988.

A copy of Boundary's filing has been served upon each of the Boundary customers and their respective State regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions protests should be filed on or before December 16, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28723 Filed 12–14–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP85–122–003]

Colorado Interstate Gas Co.; Compliance Filing

December 9, 1987.

Take Notice that on December 3, 1987, Colorado Interstate Gas Company ("CIG") tendered for filing the following revised tariff sheets:

Volume No. 1

Sixth Revised Sheet No. 1
Substitute Thirty-Third Revised Sheet No. 7
Thirty-Fourth Revised Sheet No. 7
Substitute Thirty-Third Revised Sheet No. 8
Thirty-Fourth Revised Sheet No. 8
Fourth Revised Sheet No. 9
Fourth Revised Sheet No. 10
Third Revised Sheet No. 10A
Second Revised Sheet No. 10B
Third Revised Sheet No. 11
Fourth Revised Sheet No. 14
Fifth Revised Sheet No. 16
Second Revised Sheet No. 16A
First Revised Sheet No. 16B
First Revised Sheet No. 16C
Fourth Revised Sheet No. 18
Third Revised Sheet No. 30

CIG states that these revised tariff sheets are submitted in compliance with Ordering Paragraph (B) of Opinion No. 290 (*Colorado Interstate Gas Company*, 41 FERC ¶ 61,179 (November 18, 1987)) which required that CIG file within 15 days of the date that Opinion No. 290 was issued revised, rate schedules to reflect the holdings of that Opinion. Specifically, CIG states that the instant filing:

(1) Eliminates prospectively the minimum annual bill provisions of certain rate schedules as required by Opinion No. 290;

(2) Revises prospectively the rates for service under Rate Schedules EX–1 to comply with the requirements of Opinion No. 290 that fixed costs be allocated to this Rate Schedule;[1] and

(3) Eliminates retroactively Rate Schedule PR–1.

CIG states that Opinion No. 290 and the record in Docket No. RP85–122 is insufficient for it, at this time, to be able to establish a modified fixed-variable ("MFV") rate design on a prospective basis. CIG suggests that a technical conference be established for this purpose and states that it intends to specify in its request for rehearing of Opinion No. 290 the nature of the clarifications required in order to establish a MFV rate design to be effective prospectively from November 18, 1987.

CIG states that on November 16, 1987, it filed in Docket No. TA88–2–32–000 to adjust its rates to reflect a change in the Gas Research Institute (GRI) surcharge to be effective January 1, 1988.

CIG requests all necessary waivers of the Commission's Regulations in order for its filing to be accepted and to be effective on November 18, 1987.

Copies of CIG's filing have been served on CIG's jurisdictional customers and interested public bodies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in accordance with Rules 214 or 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such motions or protests should be filed on of before December 16, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28724 Filed 12–14–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP88–38–000]

Columbia Gulf Transmission Co.; Proposed Changes in FERC Gas Tariff

December 9, 1987.

Take notice that Columbia Gulf Transmission Company (Columbia Gulf) on December 2, 1987, tendered for filing the following revised tariff sheet to its FERC Gas Tariff, Original Volume No. 1, with the proposed effective date of January 1, 1988:

Fourth Revised Sheet No. 5A

Columbia Gulf states that the aforementioned tariff sheet is being filed to reflect a decrease in the Gas Research Institute (GRI) funding unit from 1.52¢ per Mcf to 1.51¢ per Mcf as authorized by Opinion No. 283 issued by the Federal Energy Regulatory Commission (Commission) on September 29, 1987, in Docket No. RP87–71–000. Ordering Paragraph (B) of such Opinion approves the GRI funding requirement for the year 1988 and provides that members of GRI shall collect from their applicable customers a general R & D funding unit of 1.51¢ per Mcf (1.46¢ per Dth) during 1988 for payment to GRI.

Copies of this filing were served upon the Company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 16, 1987 Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia Gulf's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28725 Filed 12–14–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP85–169–027]

Consolidated Gas Transmission Corporation; Proposed Changes in FERC Gas Tariff

December 9, 1987.

Take notice that Consolidated Gas Transmission Corporation (Consolidated) on December 4, 1987, filed First Revised Volume No. 1 of its FERC Gas Tariff.

The proposed effective date is December 1, 1987. The tariff sheets are being filed to implement the Stipulation and Agreement filed February 10, 1986, and supplemented February 19, 1986, in this proceeding, as conditioned by Commission orders issued February 13, 1987, and November 4, 1987.

Consolidated also announced an "open season" for interruptible transportation requests to be held from December 5, 1987, through December 17, 1987.

The filing also includes a reduction in the GRI surcharge effective January 1, 1988.

Copies of the filing were served upon parties to Docket No. RP85–169 and Consolidated's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All motions or protests should be filed on or before December 16, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28726 Filed 12–14–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA88–2–53–000]

K N Energy, Inc.; Proposed Changes in FERC Gas Tariff

December 9, 1987.

Take notice that K N Energy, Inc. on December 3, 1987, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. The proposed changes will adjust K N's rates charged its jurisdictional customers pursuant to the Gas Research Institute charge adjustment provision (section 22) of K N's FERC Gas Tariff, Third Revised Volume No. 1. Such adjustment is to track the increased GRI rate set, effective January 1, 1988, per Opinion No. 283 issued on September 29, 1987. Copies of this filing were served upon the company's jurisdictional customers and interested public bodies.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such motions or protests should be filed on or before December 16, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28727 Filed 12–14–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA88–1–18–000]

Texas Gas Transmission Corp.; Filing of Revised Tariff Sheets

December 9, 1987.

Take notice that on November 25, 1987, Texas Gas Transmission Corporation (Texas Gas) tendered for filing the following revised tariff sheets to its FERC Gas Tariff:

FERC Gas Tariff, Original Volume No. 1

Tenth Revised Sheet No. 10
Tenth Revised Sheet No. 10A
Sixth Revised Sheet No. 11
Sixth Revised Sheet No. 12
Fourth Revised Sheet No. 12A
Second Revised Sheet No. 116

FERC Gas Tariff, Original Volume No. 3

Second Revised Sheet No. 21
Second Revised Sheet No. 22

The revised tariff sheets are being filed pursuant to Section 24 of Texas Gas's tariff to reflect the 1988 General RD&D Funding Unit authorized by Opinion No. 283, issued by the Commission on September 29, 1987, in Docket No. RP87–71.

Texas Gas proposes that the revised tariff sheets become effective January 1, 1988.

Copies of the revised tariff sheets are being mailed to Texas Gas's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before December 16, 1987. Protests will be considered by the Commission in determining the appropriate action to be

[1] Transmission facility costs required by Opinion No. 290 to be allocated to Rate Schedule PS–1 are already reflected in the rate for this service in Docket No. RP87–30–000. Similarly, no change of rate or to CIG's Tariff is required at this time to establish a demand-commodity rate for service under Rate Schedule F–1. However, for reasons discussed below, establishment of a two-part demand charge for this service requires clarification from the Commission.

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 87-28728 Filed 12-14-87; 8:45 am]
BILLING CODE 6717-01-M

Office of Hearings and Appeals

Proposed Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of $390,000 (plus accrued interest) obtained pursuant to a consent order between the DOE and Sauvage Gas Company, Inc. and Sauvage Gas Service Company, Inc. The funds will be distributed to refund applicants who purchased refined petroleum products from Sauvage during the period of federal petroleum price controls.

DATE AND ADDRESS: Comments must be filed by January 14, 1988, and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All comments should be filed in duplicate and display a conspicuous reference to Case Number KEF-0024.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-2094.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy (DOE), 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision sets forth the procedures that the DOE has tentatively formulated to distribute monies obtained from Sauvage Gas Company, Inc. and Sauvage Gas Service Company, Inc. to settle possible pricing violations with respect to the firms' sales of refined petroleum products during the period January 1, 1973 through January 27, 1981. Under the terms of the consent order, Sauvage remitted $390,000 which is being held in an interest-bearing escrow account.

We propose to distribute these funds in two stages. In the first stage, we will accept claims from identifiable purchasers of refined petroleum products who may have been injured by Sauvage's pricing practices during the period of federal petroleum price controls. The specific requirements which an applicant must meet in order to receive a refund are set out in Section II of the Proposed Decision. Claimants who meet these specific requirements will be eligible to receive refunds based on the number of gallons of refined petroleum products which they purchased from Sauvage. If any funds remain after meritorious claims are paid in the first stage, they may be used for indirect restitution in accordance with the Petroleum Overcharge Distribution and Restitution Act of 1986, Pub. L. 99-509, 1 Fed. Energy Guidelines ¶ 11,702.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments must be submitted within 30 days of publication of this notice in the **Federal Register** and should be sent to the address set forth at the beginning of this notice. All comments received will be available for public inspection between the hours of 1:00 p.m. and 5:00 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, DC 20585.

Date: December 7, 1987.

George B. Breznay,
Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

December 7, 1987.

Names of Firms: Sauvage Gas Company, Inc.; Sauvage Gas Service Company, Inc.

Date of Filing: March 28, 1986.

Case Number: KEF-0024.

Under the procedural regulations of the Department of Energy (DOE), 10 CFR Part 205, Subpart V, the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate procedures to distribute funds received as a result of enforcement proceedings in order to remedy the effects of actual or alleged violations of DOE regulations. On March 28, 1986, in accordance with the provisions of Subpart V, the ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order that it entered into with Sauvage Gas Company, Inc. and Sauvage Gas Service Company, Inc. (hereinafter collectively referred to as Sauvage).

I. Background

During the period of Federal petroleum price controls, Sauvage engaged in the purchase and resale of refined petroleum products, including middle distillates, propane, butane, natural gasoline and natural gas liquid (NGL) mixed stream products. Sauvage's sales were primarily concentrated in the Midwestern states. A DOE audit of Sauvage's records revealed possible violations of the price regulations in the firm's purchase and resale of petroleum products. Based on this audit, the ERA issued a Proposed Remedial Order (PRO) on November 4, 1981, alleging that during the period September 1973 through July 1977, Sauvage commited certain pricing violations in its sales of NGLs and NGL products. On August 27, 1982, the OHA granted the ERA's motion to withdraw the Sauvage PRO. *Sauvage Gas Company,* 10 DOE ¶83,008 (1982). However, the ERA continued to challenge the firm's pricing practices.

In order to settle all claims and disputes between Sauvage and the DOE regarding the firm's sales of refined petroleum products during the period January 1, 1973 through January 27, 1981 (the consent order period), the parties entered into a consent order on September 29, 1985. Under the terms of the consent order, Sauvage deposited $390,000 into an interest-bearing escrow account for ultimate distribution by the DOE. With interest, the total value of the Sauvage escrow account has grown to $444,917.19 as of October 31, 1987. This Proposed Decision concerns the distribution of the funds in the Sauvage escrow account.

II Proposed Refund Procedures

Subpart V sets forth general guidelines to be used by the OHA in formulating a plan for distributing funds received as a result of an enforcement proceeding. The Subpart V process may be used in situations like the present case where the DOE is unable to readily identify those persons who likely were injured by alleged overcharges or ascertain the amount of the refunds they should receive.

The distribution of refunds in this proceeding should take place in two stages. In the first stage, we will accept claims from identifiable purchasers of Sauvage propane, butane, natural gasoline, middle distillates and NGL mixed stream products (the covered products) who may have been injured by Sauvage's pricing practices during the period of federal price controls. In order to receive a refund, each claimant will be required to submit a schedule of its monthly purchases of Sauvage covered products during the period June 13, 1973 through the date of decontrol of each covered product.[1] If any funds remain after all meritorious first-stage claims have been paid, they may be used for indirect restitution in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986, Pub. L. No. 99-509, Title III, 1 Fed. Energy Guidelines ¶11,702 *et seq.*

A. *Refunds to Identifiable Purchasers.* In the first stage of the Sauvage refund proceeding, we propose to distribute the funds currently in escrow to claimants who demonstrate that they were injured by Sauvage's alleged overcharges. While there is a variety of methods by which such a showing can be made, a refiner, reseller or retailer claimant is generally required to demonstrate (i) that it maintained a bank of unrecovered increased product costs, in order to show it did not pass the alleged overcharges through to its own customers, and (ii) that market conditions were the reason that it did not pass through those increased costs. For periods in which the DOE regulations did not require the computation of cost banks, a claimant in the oil business will only be required to make the latter showing, which might be made through a demonstration of lowered profit margins, decreased market shares, or depressed sales volume during the period of purchases from Sauvage. *See, e.g., Dorchester Gas Corp.,* 14 DOE ¶ 85,240 at 88,451 (1986). Claimants may also use the "competitive disadvantage methodology" to demonstrate that they were injured by Sauvage's alleged overcharges. *See, e.g., Dorchester Gas Corporation/Phillips Petroleum Co.,* 16 DOE ¶ 85,400 (1987).

We propose to adopt presumptions of injury which have been used in many prior refund cases. These presumptions are founded upon our experience in prior Subpart V proceedings and upon specific information concerning Sauvage's regulated operations during the consent order period. Presumptions in refunds cases are specifically authorized by the Subpart V regulations. *See* 10 CFR 205.282(e). These presumptions will enable the OHA to consider the refund applications in the most efficient way possible in views of the limited resources available, while permitting applicants to participate in the refund process without incurring inordinate expense.

1. *Applicants Claiming a Refund of $5,000 or less.* The first presumption we plan to use is that purchasers of Sauvage covered products seeking small refunds were injured by the alleged regulatory violations settled in the Sauvage consent order. We recognize that making a detailed showing of injury may be too complicated and burdensome for resellers or retailers who purchased relatively small amounts of product from Sauvage. We are also concerned that the cost to the applicants and to the government of compiling and analyzing information to make a detailed showing of injury not exceed the amount of the refund to be gained. In the past, we have adopted a small claims presumption to assure that the costs of filing and processing a refund application do not exceed the benefits. *See, e.g., Marathon Petroleum Co.,* 14 DOE ¶ 85,269 at 88,515 (1986) and cases cited therein. Under the small claims presumption, a claimant would not be required to submit any additional evidence of injury beyond volumes of Sauvage covered products purchased if its refund claim is below $5,000.[2]

2. *Spot Purchasers.* We propose to adopt a rebuttable presumption that a reseller or retailer that made only spot purchases from Sauvage did not suffer economic injury as a result of those purchases. As we have noted in previous cases, spot purchasers tend to have considerable discretion in where and when to make purchases and therefore would not have made spot market purchases from a firm at increased prices unless they were able to pass through the full price of the purchases to their own customers. *Office of Enforcement,* 8 DOE ¶82,597 at 85,396-97 (1981). We believe the same rationale holds true in the present case. Accordingly, a firm which made only spot purchases from Sauvage will be ineligible to receive a refund, even one below the $5,000 threshold level, unless it presents evidence rebutting the spot purchaser presumption that it was not injured. In prior proceedings, we have stated that refunds will be approved for spot purchasers who demonstrate that: (1) They made the spot purchases in order to maintain supplies to base period customers; and (2) they were forced by market conditions to resell the product at a loss. *See Saber Energy, Inc./Mobil Oil Corp.,* 14 DOE ¶ 85,170 (1986); *Waller Petroleum Co./Wooten Oil Co.,* 13 DOE ¶ 85,110 (1985).

3. *End-Users.* The third presumption we plan to adopt is that end-users or ultimate consumers whose businesses were unrelated to the petroleum industry were injured by Sauvage's alleged overcharges. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period. They were therefore not required to base their pricing decisions on cost increases or to keep records which would show whether they passed through cost increases. For these reasons, an analysis of the impact of the alleged overcharges on the final prices of goods and services which were not covered by the petroleum price regulations would be beyond the scope of a special refund proceeding. *Texas Oil & Gas Corp.,* 12 DOE ¶ 85,069 at 88,209 (1984). We therefore propose that end-users of Sauvage covered products need only document their purchase volumes from the firm to make a sufficient showing that they were injured by the alleged overcharges. On the other hand, refund applicants whose business operations were subject to the DOE regulatory program and who purchased Sauvage products for consumption as fuel or raw materials will not be considered end-users for the purpose of the showing of injury. *Seminole Refining Inc.,* 12 DOE ¶ 85,188 at 88,576 (1985).

We also propose to require end-user firms whose prices for goods and services are regulated by a governmental agency or by the terms of a cooperative agreement to provide with their applications a full explanation of the manner in which any refunds which they receive would be passed through to their customers. They will also be required to indicate how the appropriate regulatory body or membership group will be advised of the applicant's receipt of refund money. *See Office of Special Counsel,* 9 DOE ¶ 82,538 at 85,203 (1982). A cooperative's sales of Sauvage's products to non-members will be treated in the same manner as sales by other resellers.

B. *Calculation of Refund Amounts.* We plan to adopt a volumetric method to divide the Sauvage escrow account among applicants who demonstrate that they are eligible to receive refunds. This method generally presumes that the alleged overcharges were spread equally

[1] The decontrol dates for the covered products are as follows: January 28, 1981, for propane and NGL mixed stream products; January 1, 1980, for butane and natural gasoline; and July 1, 1976, for middle distillates.

[2] Firms potentially eligible for greater refunds may choose to limit their claims to $5,000 without being required to make a detailed demonstration of injury. *See* Office of Enforcement, 8 DOE ¶ 82,597 (1981).

over all the gallons of covered products sold by Sauvage during the period of Federal petroleum price controls. In the absence of better information, this presumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. *See generally* 10 CFR Part 212. However, we also recognize that the impact on an individual purchaser might have been greater, and any purchaser may file a refund application based on a claim that it incurred a disproportionate share of alleged overcharges. In other words, the volumetric presumption will be rebuttable, as will all of the other presumptions that we propose to adopt. *See Office of Special Counsel*, 10 DOE ¶ 85,048 at 88,189 (1982).

Under the volumetric method we plan to adopt, a claimant will be eligible to receive a refund equal to the number of gallons of Sauvage covered products that it purchased during the period of price controls times the volumetric refund amount. The volumetric refund amount is calculated by dividing the $390,000 received from Sauvage by the total gallons of covered products which the firm sold during the period of controls.[3] This calculation yields a volumetric refund amount of $.001862 per gallon. In addition, successful claimants will receive a proportionate share of the accrued interest.

As in previous cases, we will establish a minimum refund amount of $15 for first stage claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Suburban Propane Gas Corp.*, 16 DOE ¶ 85,382 at 88,746 (1987).

Applications for refund should not be filed at this time. Detailed procedures for filing applications will be provided in a final Decision and Order. Before disposing of any of the funds received as a result of the Sauvage consent order, we intend to publicize the distribution process and solicit comments on all aspects of the foregoing Proposed Decision. All comments must be filed within 30 days of the publication of this Proposed Decision in the Federal Register.

It Is Therefore Ordered That:

The refund amount remitted to the Department of Energy by Sauvage Gas Company, Inc. and Sauvage Gas Service Company, Inc. pursuant to consent order number 710HO6008Z, entered on September 29, 1985, will be distributed in accordance with the foregoing Decision.

[FR Doc. 87-28789 Filed 12-14-87; 8:45 am]

BILLING CODE 6450-01-M

[3] Based on information contained in the Sauvage audit file, we estimate that the firm sold approximately 209.4 million gallons of covered products during the period when the price of those products was regulated by the DOE.

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to adversely affected parties $200,000 obtained as a result of a Consent Order which the DOE entered into with Martinoil Company, a reseller-retailer of petroleum products located in Fresno, California. The money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Comments must be filed by January 14, 1988, and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All comments should conspicuously display a reference to case number HEF-0124.

FOR FURTHER INFORMATION CONTACT: Jon F. Leyens, Office of hearings and Appeals, Department of Energy 1000 Independence Avenue, SW., Washington, DC 20585 (202) 586-6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and order set out below. The Proposed Decision sets forth procedures and standards that DOE has tentatively formulated to distribute to adversely affected parties $200,000 plus accrued interest obtained by the DOE under the terms of a Consent Order entered into with Martinoil Company (Mortinoil). The funds were provided to the DOE by Martinoil to settle all claims and disputes between the firm and the DOE regarding the firm's compliance with the Federal Petroleum Price and Allocation Regulations in its sales of covered products during the period August 20, 1973, through January 27, 1981.

OHA has tentatively determined that a portion of the consent order funds should be distributed to firms and individuals that purchased covered products from Martinoil during the consent order period. In order to obtain a refund, each claimant will be required to submit a schedule if its monthly purchases of covered products from Martinoil and to demonstrate that it was injured by Martinoil's alleged regulatory violations. The specific requirements for proving injury are set forth in the following Proposed Decision and Order. Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Residual funds in the Martinoil escrow account will be distributed in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986, Pub. L. 99-509 Title III.

Any member of the public may submit written comments regarding the proposed rufund procedures. Such parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice. All comments received in this proceeding will be available for public inspection between 1:00 and 5:00 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated: December 7, 1987.

George B Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

December 7, 1987.

Name of Firm: Martinoil Company
Date of Filing: October 13, 1983.
Case Number: HEF-0124

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. On October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a Consent Order entered into with the Martinoil Company (Martinoil).[1]

I. Background

Martinoil was a "reseller-retailer" of refined petroleum products as that term was defined in 10 CFR 212.31 and was located in Fresno, California.[2] A DOE audit of Martinoil's records revealed possible violations of the Mandatory Petroleum Price Regulations. 10 CFR Part 212, Subpart F. The audit alleged that between November 1, 1973, and April 30, 1977, Martinoil committed possible pricing violations with respect to its sales of covered petroleum products.

In order to settle all claims and disputes between Martinoil and the DOE regarding the firm's compliance with the Mandatory Petroleum Price and Allocation Regulations during the period August 20, 1973, through January 27, 1981, Martinoil and the DOE entered into a Consent Order on August 8, 1983. The Consent Order refers to ERA's allegations of regulatory violations, but states that Martinoil does not admit committing any such infractions.

Under the terms of the Consent Order, Martinoil was required to deposit $200,000 into an interest-bearing escrow account for ultimate distribution by the DOE. These consent order monies were paid in full on October 6, 1983. This Decision concerns the distribution of those funds. Comments are solicited on these proposed procedures.

II. Proposed Refund Procedures

The procedural regulations of the DOE set forth general guidelines to be used by OHA in formulating and implementing a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to identify readily those persons who likely were injured by alleged regulatory violations or to ascertain readily the level of injury sustained by such persons. For a more detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds, *see Office of Enforcement*, 9 DOE ¶ 82,508 (1981), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (*Vickers*).

As in other Subpart V cases, we will use the funds currently in escrow to provide refunds to claimants who demonstrate that they were injured by Martinoil's alleged regulatory violations during the period August 20, 1973, through January 27, 1981 (consent order period).[3] Residual funds in the Martinoil escrow account will be distributed in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), Pub. L. No. 99-509, Title III. *See* 51 FR 43964 (December 5, 1986).

A. Calculation of Refund Amounts. In order to determine the potential refund amounts for applicants in this proceeding, we propose to adopt a volumetric refund presumption. The volumetric refund presumption assumes that Martinoil's alleged overcharges were spread equally over all gallons of covered products that Martinoil sold during the consent order period.

Under the volumetric method, a claimant that adequately demonstrates injury will be eligible to receive a refund equal to the number of gallons of covered products that it purchased from Martinoil during the consent order period times the volumetric factor.[4] The volumetric factor is the average per-gallon refund and in this case equals $0.000726 per gallon.[5] In addition, successful claimants will receive proportionate shares of the interest that has accrued on the Martinoil escrow account.

Product	Deregulation date
Diesel fuel, kerosene	7/1/76
Naphthas, lubricants	9/1/76
Motor gasoline, L.P. gas	1/28/81

However, the volumetric refund presumption is rebuttable. A claimant that believes that it incurred a disproportionate share of the alleged overcharges may submit evidence proving this claim in order to receive a larger refund. *See Standard Oil Co. (Indiana)/Army and Air Force Exchange Service*, 12 DOE ¶ 85,015 (1984).

B. Determination of Injury. The assignment of potential refund amounts to claimants is only the first step in the distribution process. We must also determine whether these claimants were forced to absorb the alleged overcharges. As we have done in many prior refund cases, we propose to adopt certain presumptions which will be used to help determine the level of a purchaser's injury. Applicants that are not covered by one of these presumptions must demonstrate injury in accordance with the non-presumption procedures outlined below.

1. *Injury Presumptions.* The presumptions we plan to adopt in this case are used to permit claimants to participate in the refund process without incurring inordinate expenses and to enable OHA to consider the refund applications in the most efficient way possible. First, we propose to adopt a presumption of injury with respect to small claims submitted by resellers and retailers of Martinoil's covered products. Second, we plan to adopt presumptions that end users, certain types of regulated firms, and cooperatives were injured by Martinoil's alleged pricing violations. Finally, we plan to adopt presumptions that spot purchasers and those selling Martinoil's covered products on consignment were not injured by the alleged overcharges.

a. Reseller and retailer small claims. The first injury presumption we plan to adopt is that resellers and retailers seeking small refunds were injured by Martinoil's pricing practices. Without this presumption, a reseller or retailer applying for a refund would have to sort through records dating as far back as 1973 to gather proof that it absorbed Martinoil's alleged overcharges. The cost to the applicant of gathering this information, and to OHA of analyzing it, could exceed the actual refund amount. Under the small claims presumption, a claimant that is a reseller or retailer would not be required to submit any additional evidence of injury beyond volumes of covered products it purchased from Martinoil if its refund claim is below $5,000. *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,210 (1984). Resellers and retailers of Martinoil's covered products that are

[1] The Martinoil Co. also owned and controlled three related firms, El Monte Liquid Gas Co., El Monte Gas Co., Inc. and Marco Tank Lines. References in this Decision to Martinoil include the parent company and its three subsidiaries.

[2] Martinoil is now owned by J.D. Streett & Company, Inc. of Maryland Heights, Missouri.

[3] In its audit of Martinoil, ERA did not allege that the firm committed any allocation violations. However, since the Consent Order covers Martinoil's compliance with all aspects of the Federal Petroleum Price and Allocation Regulations, the escrow funds may be used to provide restitution to firms that show that they were injured by Martinoil's allocation practices. For these claimants, we propose to implement the same procedures that have been used in prior Subpart V proceedings involving alleged allocations violations. *See, e.g.*, Power Pak Co., Inc., 14 DOE ¶ 85,001 (1986). The remainder of this Decision concerns only the filing of claims involving Martinoil's alleged pricing violations.

[4] Purchases of a product after it was deregulated will not be used in the calculation of an applicant's refund amount. Below is a list of products sold by Martinoil and the dates on which they were deregulated:

[5] This figure is computed by dividing the $200,000 received from Martinoil by the 275,590,149 gallons of covered products sold by the firm during the consent order period.

As in previous cases, only claims for at least $15 in principal will be processed. This minimum has been adopted because the cost of processing claims for refunds of less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE at ¶ 85,225. *See also* 10 CFR 205.286(b).

seeking refunds in excess of $5,000 must follow the procedures that are outlined below in Section 2.

b. End users. As noted above, we presume that end users of Martinoil's covered products were injured by the alleged overcharges. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period. They were therefore not required to base their pricing decisions on cost increases or to keep records which would show whether they passed through cost increases. An analysis of the impact of the alleged overcharges on the final prices of goods and services which were not covered by the petroleum price regulations would therefore be beyond the scope of a special refund proceeding. *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,209 (1984), and cases cited therein. Consequently, end users of Martinoil's covered products will only have to document their purchase volumes from Martinoil to demonstrate injury.

c. Regulated firms and cooperatives. In addition, we propose that public utilities, agricultural cooperatives, or other firms whose prices are regulated by government agencies or cooperative agreements need not submit detailed proof of injury. Such firms would have routinely passed through price increases to their customers. Likewise, their customers would share the benefits of cost decreases resulting from refunds. *See, e.g., Office of Special Counsel*, 9 DOE ¶ 82,538 (1982) *(Tenneco), and Office of Special Counsel*, 9 DOE ¶ 82,545 at 85,244 (1982) (*Pennzoil*). Such firms applying for refunds should certify that they will pass through any refund received to their customers and should explain how they will alert the appropriate regulatory body or membership group to monies received. Cooperatives should note, however, that their sales to nonmembers will be treated the same as sales by any other reseller.

d. Spot purchasers. If a reseller or retailer was a spot purchaser of covered products from Martinoil—*i.e.*, a firm that made only sporadic, discretionary purchases—it will ordinarily not be eligible to receive a refund since spot purchasers are presumed not to have been injured.[6] The basis for this presumption is that spot purchasers tend to have considerable discretion as to where and when to make purchases and would therefore not have made spot market purchases at increased prices unless they were able to pass through the full amount of the quoted selling price at the time of purchase to their customers. *Office of Enforcement*, 8 DOE ¶ 82,597 at 85,396–97 (1987) (*Vickers*). However, the spot purchaser presumption is rebuttable; we will consider evidence that spot purchasers "were unable to recover the product prices that paid * * *" *Office of Special Counsel*, 10 DOE ¶ 85,042 at 88,200 (1982) *See also Marion Corp.*, 12 DOE ¶ 85,014 (1984); *Tenneco Oil Co./Imperial Oil Co.*, 10 DOE ¶ 85,002 (1982). In past refund proceedings, we have approved refunds to spot purchasers that demonstrate that (i) the purchases were necessary to maintain supplies to base period purchasers; and (ii) the claimant was forced by market conditions to resell the product at a loss that was not subsequently recouped. *See, e.g., Saber Energy, Inc./Mobil Oil Corp.*, 14 DOE ¶ 85,170 (1986).

e. Consignees. Finally, as in previous cases, we propose to adopt the rebuttable presumption that consignees of Martinoil's covered products were not injured by Martinoil's alleged pricing violations. *See, e.g., Jay Oil Co.*, 16 DOE ¶ 85,147 (1987). A consignee agent is a firm that distributed covered products pursuant to a contractual agreement with its supplier, under which the supplier retained title to the products, specified the price to be paid by the purchaser and paid the consignee a commission based upon the volume of covered products it distributed. 10 CFR 212.31 (definition of "consignee agent"). A consignee may rebut this presumption of non-injury by establishing that "[its] sales volumes, and [its] corresponding commission revenues, declined due to the alleged uncompetitiveness of the [the consent order firm's pricing] practices. *See Gulf Oil Corp./C.F. Canter Oil Co.*, 13 DOE ¶ 85,388 at 88,962 (1986).

2. *Non-Presumption Demonstration of Injury.* A reseller or retailer that claims a refund in excess of $5,000 will be required to document its injury. There are two aspects to such a demonstration. First, a firm is generally required to provide a monthly schedule of its banks of unrecouped increased product costs for each covered product that it purchased from Martinoil during the consent order period. Cost banks for a product should cover the period November 1, 1973, through the product's price decontrol date.[7] If a firm no longer has records of contemporaneously calculated cost banks for a particular product, it may approximate those banks by submitting the following information:

(1) The weighted average gross profit margin that the firm received for the covered product on May 15, 1973;

(2) A monthly schedule of the weighted average gross profit margins that it received for the covered product during the period, November 1, 1973, through the product's price decontrol date; and

(3) A monthly schedule of the firm's sales of the product during the period November 1, 1973, through the product's price decontrol date.[8]

The existence of banks of unrecovered increased product costs that exceed an applicant's potential refund amount is only the first part of a demonstration of injury. A firm must also show that market conditions forced it to absorb the alleged overcharges. This demonstration involves a comparison between the monthly weighted average prices that a firm paid Martinoil for a covered product and average market prices for the same months. Accordingly, a claimant attempting to demonstrate injury should submit a monthly schedule of the weighted average prices that it paid Martinoil for each covered product that it purchased between August 20, 1973 and the product's price decontrol date. *See supra* note 4.

If a reseller or retailer that is eligible for a refund in excess of $5,000 elects not to submit the cost bank and purchase price information described above, it can still apply for a small claims refund of $5,000, plus accrued interest. If, however, a firm provides the above-mentioned cost bank and price data and this office undertakes an analysis of the material which shows that the firm was not injured, the firm will not be eligible to receive any refund.

III. Applications for Refund

Applications for Refund should not be filed at this time. Before implementing the procedures outlined in this Proposed Decision, we intend to publicize it in order to solicit comments from any interested parties. All comments must be filed with the Office of Hearings and Appeals within 30 days of the publication of this Proposed Decision in the Federal Register.

Through the above procedures, we believe we will be able to distribute the Martinoil consent order funds as equitably and efficiently as possible. The information each applicant must provide, if these proposed procedures are adopted, is summarized below:

(1) For each covered product, an applicant must submit a monthly schedule of the number of gallons that it purchased from Martinoil during the consent order period.[9]

(2) An applicant must submit all relevant information necessary to support its claim in accordance with the injury presumptions and requirements outlined above in Section II, Part B.

(3) Each applicant must indicate whether it has received a refund, from any source, for the alleged overcharges identified in the ERA audits underlying this proceeding.

(4) If the applicant's firm has changed ownership during or since the consent order period, the applicant must provide the names and addresses of the previous or subsequent owners. In addition, the applicant must either state the reasons why it should receive the refund instead of the previous or subsequent owners, or provide a signed statement from the previous or subsequent owners indicating that they do not claim a refund.

(5) Each applicant must indicate whether it is or has been involved in any DOE enforcement proceedings or private actions filed under section 210 of the Economic Stabilization Act. If these actions have been concluded, the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must inform OHA of any change in status while its Application for Refund is pending. *See* 10 CFR 205.9(d).

If valid claims exceed the funds available in the escrow account, all refunds will be reduced proportionately. Actual refunds will be determined after analyzing all appropriate claims. As noted above, residual funds will be distributed in accordance with the provisions of PODRA.

It Is Therefore Ordered That: The refund amount remitted to the Department of Energy by Martinoil Company pursuant to the Consent Order executed on August 8, 1983 will be distributed in accordance with the foregoing decision.

[FR Doc. 87–28790 Filed 12–14–87; 8:45 am]

BILLING CODE 6450–01–M

[6] If a firm is both a spot purchaser and an end user, it will be treated as an end user and will not be required to make any showing of injury beyond that required of other end users.

[7] Retailers and resellers of motor gasoline were only required to maintain cost banks through July 15, 1979 and April 30, 1980, respectively, rather than the January 27, 1981 price decontrol date of motor gasoline. Therefore, in showing injury with respect to their purchases of motor gasoline, such claimants will not be required to submit cost bank material through the decontrol date of motor gasoline.

[8] Retailers and resellers of motor gasoline only have to submit the information detailed in Parts (2) and (3) through July 15, 1979 and April 30, 1980, respectively. *See supra* note 7.

[9] Since we will not process claims for less than $15 in principal, *see supra* note 5, an applicant must have purchased at least 19,973 gallons of covered products from Martinoil during the consent order period in order to receive a refund.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 3300–3]

Revision of Minnesota National Pollutant Discharge Elimination System (NPDES) Program To Issue General Permits

AGENCY: Environmental Protection Agency.

ACTION: Notice of Approval of the National Pollutant Discharge Elimination System General Permits Program of the State of Minnesota.

SUMMARY: On December 15, 1987, the Regional Administrator for the Environmental Protection Agency (EPA), Region V approved the State of Minnesota's National Pollutant Discharge Elimination System General Permits Program. This action authorizes the State of Minnesota to issue general permits in lieu of individual NPDES permits.

FOR FURTHER INFORMATION CONTACT: Almo Manzardo, Chief, Permits Section. U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, 312/353–2105.

SUPPLEMENTARY INFORMATION:

I. Background

EPA regulations at 40 CFR 122.28 provide for the issuance of general permits to regulate discharges of wastewater which result from substantially similar operations, are of the same type wastes, require the same effluent limitations or operating conditions, require similar monitoring, and are more appropriate controlled under a general permit rather than by individual permits.

Minnesota was authorized to administer the NPDES program in June, 1974. Their program, as previously approved, did not include provisions for the issuance of general permits. There are several categories which could appropriately be regulated by general permits. For these reasons the Minnesota Pollution Control Agency (MPCA) requested a revision of their NPDES program to provide for issuance of general permits. The categories which have been proposed for coverage under the general permits program include: non-contact cooling water, heat pump discharges, storm water discharges and backwash water discharges from potable water treatment plants.

Each general permit will be subject to EPA review and approval as provided by 40 CFR 123.44. Public notice and opportunity to request a hearing is also provided for each general permit.

II. Discussion

The State of Minnesota submitted in support of its request, copies of the relevant statutes and regulations. The State has also submitted a statement by the Attorney General certifying, with appropriate citations to the statutes and regulations, that the State has adequate legal authority to administer the general permits program as required by 40 CFR 123.23(c). In addition, the State submitted a program description supplementing the original application for the NPDES program authority to administer the general permits program, including the authority to perform each of the activities set forth in 40 CFR 123.44. Based upon Minnesota's program description and upon its experience in administering an approved NPDES program, EPA has concluded that the State will have the necessary procedures and resources to administer the general permits program.

III. Federal Register Notice of Approval of State NPDES Programs or Modifications

EPA will provide Federal Register notice of any action by the Agency approving or modifying a State NPDES program. The following table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country. Today's Federal Register notice is to announce the approval of Minnesota's authority to issue general permits.

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program
Alabama	10/19/79	10/19/79	10/19/79
Arkansas	11/01/86	11/01/86	11/01/86
California	05/14/73	05/05/78	
Colorado	03/27/75		
Connecticut	09/26/73		06/09/81
Delaware	04/01/74		
Georgia	06/28/74	12/06/80	03/12/81
Hawaii	11/28/74	05/01/79	08/12/83
Illinois	10/23/77	09/20/79	
Indiana	01/01/75	12/09/78	
Iowa	08/10/78	04/10/78	06/05/81
Kansas	06/28/74	06/28/85	
Kentucky	09/30/83	09/30/83	09/30/83
Maryland	03/05/74		09/30/85
Michigan	10/17/73	12/09/78	06/07/83
Minnesota	06/30/74	12/09/78	07/16/79
Mississippi	05/01/74	01/28/83	05/13/82
Missouri	10/30/74	06/26/79	06/09/81

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program
Montana	06/10/74	08/23/81	
Nebraska	06/12/74	11/02/79	09/07/84
Nevada	09/19/75	08/31/78	
New Jersey	04/13/82	04/13/82	04/13/82
New York	10/28/75	06/13/80	
North Carolina	10/19/75	06/28/84	06/14/82
North Dakota	06/13/75		
Ohio	03/11/74	01/28/83	07/27/83
Oregon	09/26/73	03/03/79	03/12/81
Pennsylvania	06/30/78	06/30/78	
Rhode Island	09/17/84	09/17/84	09/17/84
South Carolina	06/10/75	09/26/80	04/09/82
Tennessee	12/28/77		06/10/83
Vermont	03/11/74		03/16/82
Virgina Islands	06/30/78		
Virginia	03/31/75	02/08/82	
Washington	11/14/73		09/30/86
West Virginia [1]	05/10/82	05/10/82	05/10/82
Wisconsin [1]	02/04/74	11/26/79	12/24/86
Wyoming	01/30/75	05/18/81	

[1] Denotes Approved State General Permit Program.

IV. Review Executive Order 12291 and the Regulatory Flexibility Act

The Office of Management and Budget has exempted this rule from the review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. Pursuant to section 605(d) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq*), I certify that this State General Permits Programs will not have a significant impact on a substantial number of small entities. Approval of the Minnesota NPDES State General Permits Programs establishes no new substantive requirements, nor does it alter the regulatory control over any industrial category. Approval of the Minnesota NPDES State General Permits Programs merely provides a simplified administrative process.

Frank M. Covington,

Acting Regional Administrator.

[FR Doc. 87-28756 Filed 12-14-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-009831-006

Title: New Zealand/U.S. Atlantic and Gulf Shipping Lines Rate Agreement

Parties: PACE Line, Columbus Line

Synopsis: The proposed amendment would require the unanimous consent of all parties entitled to vote for any amendment or modification to the agreement and would permit the parties to assess cargo interests for the cost of providing alternate port service at discharge ports. The parties have requested a shortened review period.

Agreements No.:
202-010270-024
202-010656-024

Titles:
(1) Gulf-European Freight Association Agreement
(2) North Europe-U.S. Gulf Freight Association Agreement

Parties (1) & (2):
Compagnie Generale Maritime (CGM)
Lykes Bros. Steamship Co., Inc.
Gulf Container Lines (GCL), B.V.
Hapag-Lloyd AG
Sea-Land Service, Inc.
P & OCL (Trans Freight Lines) Limited
Nedlloyd Lijnen, B.V.

Synopsis: The proposed amendments would permit the parties to use loyalty contracts in conformity with U.S. antitrust laws and would provide that no member may use such a contract except as agreed by the associations, whether by exercise of independent action or otherwise.

Agreements No.:
202-010636-028
202-010637-025

Title:
(1) U.S. Atlantic-North Europe Conference
(2) North Europe-U.S. Atlantic Conference

Parties (1) & (2):
Atlantic Container Line, B.V
Dart-ML Limited
Hapag-Lloyd AG
Sea-Land Service, Inc.
Gulf Container Lines (GCL), B.V.
P & OCL (Trans Freight Lines) Limited
Compagnie Generale Maritime (CGM)
Nedlloyd Lignen, B.V.

Synopsis: The proposed amendments would permit the parties to use loyalty contracts in conformity with U.S. antitrust laws and would provide that no member may use such a contract except as agreed by the conferences, whether by exercise of independent action or otherwise.

By Order of the Federal Maritime Commission.

Dated: December 9, 1987.

Joseph C. Polking,

Secretary.

[FR Doc. 87-28693 Filed 12-14-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisitions of Shares of Banks or Bank Holding Companies; John E. Schilling et al.

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 31, 1987.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *John E. Schilling*, Duluth, Minnesota, to acquire 25 percent; Eugene V. Stowell, Cloquet, Minnesota, to acquire 25 percent; Joseph L. Bullyan, Duluth, Minnesota, to acquire 25 percent; and William J. Gravell, Duluth, Minnesota, to acquire 25 percent of the voting shares of Floodwood Agency, Inc., Floodwood, Minnesota, and thereby indirectly acquire First State Bank, Floodwood, Minnesota.

2. *James E. Berkely*, Stockton, Kansas; to acquire 2.28 percent of the voting shares of Western Bancshares, Inc., Stockton, Kansas, and thereby indirectly acquire Rooks County State Bank, Stockton, Kansas.

Board of Governors of the Federal Reserve System, December 9, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-28695 Filed 12-14-87; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Company Engaged in Permissible Nonbanking Activities; U.S. Bancorp

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 31, 1987.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *U.S. Bancorp*, Portland, Oregon; to acquire Sheppard Financial Services, Inc., Seattle, Washington, and thereby engage in investment advisory services pursuant to § 225.25(b)(4)(ii) and (iii); and providing securities brokerage services pursuant to § 225.25(b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 9, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-28696 Filed 12-14-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 87F-0329]

Filing of Food Additive Petition; Diversey Wyandotte Corp.

AGENCY: The Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Diversey Wyandotte Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of potassium permanganate, sodium lauryl sulfate, magnesium oxide, trisodium phosphate, and sodium hypochlorite, with potassium bromide as an optional ingredient, as components of a sanitizing solution to be used on food-contract surfaces.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5)), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B4020) has been filed by Diversey Wyandotte Corp., 1532 Biddle Ave., Wyandotte, MI 48192, proposing that § 178.1010 *Sanitizing solutions* (21 CFR 178.1010) be amended to provide for the safe use of potassium permanganate, sodium lauryl sulfate, magnesium oxide, trisodium phosphate, and sodium hypochlorite, with potassium bromide as an optional ingredient, as components of a sanitizing solution to be used on food-contact surfaces.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: December 7, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-28714 Filed 12-14-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 87F-0360]

Filing of Food Additive Petition; Union Carbide Corp.

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Union Carbide Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of polyoxyethylene grafted polydimethylsiloxane as an extrusion aid in the production of olefin polymers for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B4041) has been filed by Union Carbide Corp., Bound Brook, NJ 08805, proposing that § 177.1520 *Olefin polymers* (21 CFR 177.1520) be amended to provide for the safe use of polyoxyethylene grafted polydimethylsiloxane as an extrusion aid in the production of olefin polymers for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this peition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: December 1, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-28713 Filed 12-14-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 87M-0374]

Vision Care/3M; Premarket Approval of 3M Fluoropolymer (Flurofocon A) Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by VisionCare/3M, St. Paul, MN, for premarket approval, under the Medical Device Amendments of 1976, of the spherical 3M Fluoropolymer (flurofocon A) Contact Lens. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by January 14, 1988.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David M. Whipple, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: On February 26, 1987, Vision Care/3M, St. Paul, MN 55144, submitted to CDRH an application for premarket approval of the 3M Fluoropolymer (flurofocon A) Contact Lens. The rigid gas permeable lens is indicated for daily wear for the correction of visual acuity in not-aphakic persons with nondiseased eyes that are myopic and for the correction of refractive or corneal astigmatism of 2.00 diopters (D) or less that does not interfere with visual acuity. The lens ranges in powers from −0.25 D to −7.00 D and is to be disinfected using the chemical lens care system specified in the approved labeling.

On July 24, 1987, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On October 30, 1987, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file with the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact David M. Whipple (HFZ-460), address above.

The labeling of the contact lens states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that CDRH approves for use with approved contact lenses made of polymers other than polymethylmethacrylate, to comply with the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 *et seq.*), and regulations thereunder, and with the Federal Trade Commission Act (15 U.S.C. 41-58), as amended. Accordingly, whenever CDRH publishes a notice in the **Federal Register** of approval of a new solution for use with an approved lens, each contact lens manufacturer or PMA holder shall correct its labeling to refer to the new solution at the next printing or at any other time CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before January 14, 1988, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: December 7, 1987.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 87-28715 Filed 12-14-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-050-08-4341-14]

Emergency Closure of Public Lands in the Shoshone District; Cowcatcher Ridge East of City of Hailey in Blaine County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public lands closure.

SUMMARY: Effective immediately through June 30, 1988 all public lands burned in the Freidman Fire east of Hailey, Idaho are closed to motorized vehicles. The affected area includes approximately 424 acres of public lands along the upper west and southwest slopes of Cowcatcher Ridge. Signs have been posted to identify the affected area.

The legal description of the area is:

T. 2N., R. 18E., Boise Meridian
Portions of Sections 12, 13, and 24.
T. 2N., R. 19E., Boise Meridian
Portions of Sections 7 and 18.

The purpose of this closure is to protect soil and vegetation in an area burned in late September as a result of a plane crash.

DATES: December 15, 1987 through June 30, 1988.

ADDRESSES: Shoshone District Office, Monument Resource Area, P.O. Box 2B, Shoshone, ID 83352.

FOR FURTHER INFORMATION CONTACT: Steve Ellis, Monument Resource Area Manager, Telephone (208) 886-2206.

SUPPLEMENTARY INFORMATION: The authority for this closure is 43 CFR 8364.1.

K. Lynn Bennett,

District Manager.

[FR Doc. 87-28697 Filed 12-14-87; 8:45 am]

BILLING CODE 4310-GG-M

[MT-070-08-4332-06]

Proposed Decision on Intensive Wilderness Inventory; Sleeping Giant Units, Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This proposed decision is issued under the authority of section 202 of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976, and under the guidelines provided in step 5 of the Wilderness Inventory Handbook of September 27, 1978, issued by the U.S. Department of the Interior, Bureau of Land Management.

The Butte District Office has completed intensive wilderness field inventories for two units in the Sleeping Giant area. These areas are Sheep Creek (10,925 acres) and Jackson Peak Add-on (375 acres). The Jackson Peak Add-on is contiguous to the existing Sleeping Giant Wilderness Study Area (WSA). This WSA (6,112 acres) will be studied by the BLM under Section 603 of FLPMA for potential wilderness designation during the next 2 years.

The two inventory units are located some 25 miles north of Helena in western Montana.

BLM proposes that the Sheep Creek unit be removed from further wilderness review and that the Jackson Peak Add-on be included with the Sleeping Giant WSA and studied for its wilderness potential.

The public is invited to review this proposed decision and make comments until January 30 to the Bureau of Land Management, Butte District Office, P.O. Box 3388, Butte, MT 59702. After the close of the comment period, all public input will be evaluated and a final decision will be issued.

A copy of the Wilderness Characteristics Narrative Summaries and Maps showing the inventory units may be obtained from the above BLM office. Copies of the complete narratives and original inventory maps will be available for review at the Butte District Office, 106 N. Parkmont (Industrial Park), Butte, MT 59702.

To facilitate public review and comment on this proposal, the following schedule of public meetings is established:

Public Meetings

Helena—January 6, 1988, Jorgenson's Holiday Motel, Big Sky Room, Helena, Montana, 6:30 p.m.

Great Falls—January 7, 1988, Heritage Inn, Paris/Venice Room, Great Falls, Montana, 6:30 p.m.

FOR FURTHER INFORMATION CONTACT: James A. Moorhouse, BLM Butte District Office, Box 3388, Butte, Montana 59702, 406-494-5059.

Ray Brubaker,

Acting State Director.

December 9, 1987.

[FR Doc. 87-28729 Filed 12-14-87; 8:45 am]

BILLING CODE 4310-DN-M

Bureau of Reclamation

Intent to Prepare an Environmental Impact Statement; San Xavier Development Project, AZ

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Intent to Prepare a Draft Environment Statement for the San Xavier Development Project.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare a draft environmental impact statement (EIS) for the San Xavier Development Project, Tohono O'odham Nation, Arizona.

This project is authorized under Pub. L. 97-293, the Southern Arizona Water Rights Settlement Act of 1982 (SAWRSA). SAWRSA settles a water right suit filed by the Papago Tribe of Arizona, now the Tohono O'odham Nation, against several major water users in the Santa Cruz and Avra-Altar Valley basins in southern Arizona. As a result of SAWRSA, the Secretary of the Interior, acting through the Bureau of Reclamation, will provide water to the San Xavier District of the Nation.

The District was awarded 27,000 acre-feet annually of water suitable for agricultural use to be delivered from the Central Arizona Project (CAP) aqueduct and an additional 23,000 acre-feet of water suitable for agricultural use to be obtained through exchange with reclaimed water or by other means. That water is assumned to be Colorado River water although the necessary agreements have not been completed. SAWRSA also limits the amount of groundwater pumping that can continue annually on the reservation.

DATE: The draft EIS is expected to be completed and available for review by June 1988.

FOR FURTHER INFORMATION CONTACT: Interested public entities and individuals may obtain information on the project and provide input to the draft EIS by contacting: Lynn Almen, Bureau of Reclamation, P.O. Box 9980, Phoenix, Arizona 85068, Telephone: (602) 870-6770.

SUPPLEMENTARY INFORMATION: The purpose of the San Xavier Development Project is to fulfill the Secretary's obligations required under SAWRSA. These include: (1) Delivery of 50,000 acre-feet annually of water suitable for agriculture; (2) design and construction of a new irrigation system on the reservation for the 27,000 acre-feet of water delivered annually from the main project works of the CAP. The Secretary was directed by SAWRSA not to construct a separate delivery system to deliver reclaimed water to the reservation. The Nation is responsible for all costs associated with the on-reservation system for distribution of the additional 23,000 acre-feet of water. SAWRSA also states that the Secretary will pay annual damages whenever he cannot acquire and deliver the awarded quantities of water or if construction of the Federal portion of the facilities is not completed within 10 years of the date of the Act (October 12, 1992).

Planning for the project has been conducted by the Nation under a Pub. L. 93-683 contract (Indian Self-Determination and Education Assistance Act) with Reclamation. Dring the course of the planning, eight action alternatives were developed. From those eight, two action alternatives were carried forward for more detailed analysis and evaluation. These two action alternatives are:

1. Full Development Alternative

This alternative would utilize 46,000 acre-feet of water to irrigate approximately 11,000 acres of land. Main features include the main canal, pipelines, field ditches, turnouts, irrigated fields, floodways, vegetated areas, and an operational headquarters. Irrigation methods will include a combination of sprinkler, gravity (surface), and bubblers. Approximately 13,300 acres would be impacted by this alternative. This alternative reserves 4,000 acre-feet of water for use on the existing farm.

BEST COPY AVAILABLE

2. Partial Development Alternative

This alternative would utilize 27,000 acre-feet of water to irrigate about 7,500 acres. The main features are the same as the Full Development Alternative. The entire acreage would be irrigated by linear move sprinklers. Approximately 9,600 acres would be impacted by this alternative. Of the remaining 23,000 acre-feet of water, 4,000 acre-feet would be reserved for use on the existing farm and the rest would be marketed off the reservation.

The draft EIS will also include the No Federal Action Alternative. Under this alternative, no water would be delivered to the Nation, there would be no construction of a water delivery system to agricultural fields, and the Secretary would pay annual damages to the Nation for non-delivery of water as specified in SAWRSA.

Site selection and the scope of the project were developed through public meeting which have been ongoing since late 1984. The last scoping meetings were held in June 1987 at the San Xavier District, and in Sells and Tucson, Arizona. Input to development of the project has been received from the District Council, the Nation's Council, interested agencies and individuals. No additional scoping meetings are planned.

Dated: December 8, 1987.

C. Dale Duvall,

Commissioner.

[FR Doc. 87-28620 Filed 12-14-87; 8:45 am]

BILLING CODE 4310-09-M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirements should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone (202) 395-7340.

Title: Permanent Program Performance Standards—Underground Mining Activities 30 CFR Part 817.

Abstract: Section 516 of Pub. L. 95-87 provides that permittees conducting surface coal mining operations with underground mining activities shall meet all applicable performance standards of the Act. This information is used by the regulatory authority in monitoring and inspecting underground mining activities to ensure that they are conducted in a manner which preserves and enhances environmental and other values of the Act.

Bureau Form Number: None.

Frequency: On occasion, quarterly, and annually.

Description of Respondents: Under ground coal mining operators.

Annual Responses: 23,306.

Annual Burden Hours: 143,854.

Bureau clearance officer: David Collegeman, (202) 343-5447.

Dated: December 3, 1987.

Donald Hinderliter,

Acting Assistant Director for Budget and Administration

[FR Doc. 87-28701 Filed 12-14-87 8:45 am]

BILLING CODE 4310-05-M

National Park Service

National Register of Historics Places; Notification of Pending Nominations; Colorado et al.

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 5, 1987. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by December 30, 1987.

Carol D. Shull,

Chief of Registration, National Register.

COLORADO

Larimer County

Loveland, *Rialto Theater*, 228-230 E. Fourth Ave.

IOWA

Des Moines County

Burlington, *Hotel Burlington*, 206 N. Third St.

KANSAS

Cowley County

Winfield, *Winfield Public Carnegie Library (Carnegie Libraries of Kansas TR)*, 1001 Millington St.

Montgomery County

Independence, *Independence Public Carnegie Library (Carnegie Libraries of Kansas TR)*, 220 E. Maple

KENTUCKY

Henderson County

Henderson, *Audubon, John James, State Park*, US 41

MICHIGAN

Cass County

Niles vicinity, *Smith's Chapel*, Redfield Rd. between Brush & Fir Rds.

MONTANA

Silver Bow County

Butte vicinity, *Ramsay Historic District*, 6.5 mil. W of Butte on I 90

NEW JERSEY

Camden County

Camden, *Grant, Cooper, Historic District*, Point, N. Front, Linden, Penn & N. Second Sts.

NEW MEXICO

McKinley County

Gallup, *Atchison, Topeka and Santa Fe Railway Depot (Downtown Gallup MRA)*, 201 E. Sixty-six Ave.
Gallup, *Chief Theater (Downtown Gallup MRA)*, 228 W. Coal Ave.
Gallup, *Cotton, N.C., Warehouse (Downtown Gallup MRA)*, 101 N. Third St.
Gallup, *Drake Hotel (Downtown Gallup MRA)*, 218 E. Sixty-six Ave.
Gallup, *El Morro Theater (Downtown Gallup MRA)*, 205-209 W. Coal Ave.
Gallup, *El Rancho Hotel (Downtown Gallup MRA)*, 1000 E. Sixty-six Ave.
Gallup, *Grand Hotel (Downtown Gallup MRA)*, 308 W. Coal Ave.
Gallup, *Harvey Hotel (Downtown Gallup MRA)*, 408 W. Coal Ave.
Gallup, *Lebanon Lodge No. 22 (Downtown Gallup MRA)*, 106 W. Aztec
Gallup, *Palace Hotel (Downtown Gallup MRA)*, 236 W. Sixty-six Ave.
Gallup, *Rex Hotel (Downtown Gallup MRA)*, 300 W. Sixty-six Ave.
Gallup, *US Post Office (Downtown Gallup MRA)*, 201 S. First St.
Gallup, *White Cafe (Downtown Gallup MRA)*, 100 W. Sixty-six Ave.

NORTH CAROLINA

Forsyth County

Bethania, *Stauber, Samuel B., Farm*, SR 1611

Rowan County

Salisbury, *Shaver Rental Houses District*, 303, 309 & 315 W. Council & 120 N. Jackson

Wake County

Knightdale vicinity, *Knight, Henry H. and Bettie S., Farm*, US 64
Raleigh, *Oakwood Historic District (Boundary Increase)*, Portions of N. & S. Bloodworth Sts., N. & S. East Sts., N. Person St., E. Morgan St., New Bern Ave. & E. Edenton St.

OREGON

Clackamas County

Lake Oswego, *Lake Oswego Hunt Club Ensemble*, 2725 SW Iron Mountian Blvd.

TEXAS

Harris County

Houston, *Anderson, John W., House (Houston Heights MRA)*, 711 Columbia
Houston, *Baring, Otto H., House (Houston Heights MRA)*, 1030 Rutland
Houston, *Burlingame, George L., House (Houston Heights MRA)*, 1238 Harvard
Houston, *Clare, J. H., House (Houston Heights MRA)*, 939 Arlington
Houston, *Copeland, Austin, House I (Houston Heights MRA)*, 921 Arlington
Houston, *Copeland, Austin, House II (Houston Heights MRA)*, 925 Arlington
Houston, *Durham Jay L., House (Houston Heights MRA)*, 921 Heights Blvd.
Houston, *Fluegel, William F., House (Houston Heights MRA)*, 1327 Ashland
Houston, *House at 1217 Harvard (Houston Heights MRA)*, 1217 Harvard
Houston, *House at 1220 Harvard (Houston Heights MRA)*, 1220 Harvard
Houston, *House at 1435 Heights Boulevard (Houston Heights MRA)*, 1435 Heights Blvd.
Houston, *Kennedy, Marshall W., House (Houston Heights MRA)*, 1122 Harvard
Houston, *Lindenberg, Emil, House (Houston Heights MRA)*, 1445 Harvard
Houston, *McCain, Henry Hicks, House (Houston Heights MRA)*, 1026 Allston
Houston, *Morton Brothers Grocery (Houston Heights MRA)*, 401 W. Ninth
Houston, *Nairn, Forrest A., House (Houston Heights MRA)*, 1148 Heights Blvd.
Houston, *Roessler, Charles, House (Houston Heights MRA)*, 736 Cortlandt
Houston, *Shoaf, John H., House (Houston Heights MRA)*, 2030 Arlington

Hartley County

Channing, *Hartley County Courthouse and Jail*, Railroad Ave.

WISCONSIN

Dodge County

Mayville, *Beaumont Hotel*, 45 Main St.

La Crosse County

Agger Rockshelter

Vernon County

Larson Cave

[FR Doc. 87-28746 Filed 12-14-87; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Public Information Collection Requirements Submitted to OMB for Review

The Agency for International Development (A.I.D.) submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of the entry no later than ten days after publication. Comments may also be addressed to, and copies of the submissions obtained from the Reports Management Officer, John H. Elgin, (703) 875-1606, IRM/PE, Room 1100B, SA-14, Washington, DC 20523.

Date Submitted: December 7, 1987.

Submitted Agency: Agency for International Development.

OMB Number: 0412-0506.

Type of Submission: Revision.

Title: Information Collection Elements in the A.I.D. Acquisition Regulations (AIDAR).

Purpose: The Federal Acquisition Regulation (FAR), Subpart 33.103 provides that protests to a solicitation or to the award of a contract by an agency may be filed with the agency, which protests "shall be handled in accordance with agency procedures." The Agency for International Development (A.I.D.) intends to codify its procedures for handling such protests in the A.I.D. Acquisition Regulation (AIDAR). The new regulation shall provide that protests must be in writing and shall include the name, address, and telephone number of the protester, identify the issuing office and the solicitation or contract number, and describe the alleged grounds for and type of relief requested. Pursuant to 5 CFR Part 1320 *et seq.*, this description of the contents of a protest made to A.I.D. require OMB approval under the Paperwork Reduction Act. Respondents will have a submission burden of three responses and an estimated annual recordkeeping burden of 40 hours per recordkeeper.

Reviewer: Francine Picoult, (202) 395-7340, Office of Management and Budget, Room 3201, New Executive Office Building, Washington, DC 20503.

Date: December 7, 1987.

John H. Elgin,

Planning and Evaluation Division.

[FR Doc. 87-28739 Filed 12-14-87; 8:45 am]

BILLING CODE 6116-01-M

Research Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on January 14-15, 1988 at the Pan American Health Organization Building, 525-23rd Street, NW., Washington, DC, Conference Room 'C'. The Committee will discuss research policy with regard to Sustainable Agriculture and Aging in Developing Countries.

The meeting will begin at 9:00 a.m. and adjourn at 5:30 p.m. The meeting is open to the public. Any interested persons may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee and to the extent the time available for the meeting permits. Dr. Curtis R. Jackson, Director, Office of Research and University Relations, Bureau for Science and Technology, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Jackson, 1601 N. Kent Street, Arlington, Virginia 22209 or call area code (703) 235-8929.

Curtis R. Jackson,

A.I.D. Representative, Research Advisory Committee.

Date: December 2, 1987.

[FR Doc. 87-28741 Filed 12-14-87; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF JUSTICE

[Civil Action No. 86-203]

Lodging of Consent Decree; United States v. Ashland Oil, Inc.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on December 4, 1987 a proposed Consent Decree in *United States v. Ashland Oil, Inc.*, Civil Action No. 86-203, was lodged with the United States District Court for the Eastern District of Kentucky. The original complaint in this Clean Air Act ("the Act") action was filed on November 5, 1986 against Ashland Oil, Inc. ("Ashland") alleging violations, at Ashland's Catlettsburg, Ky. petroleum refinery, of section 112(c) of the Act, 42 U.S.C. 7412(c), and the regulations promulgated pursuant thereto, specifically 40 CFR Part 61, Subparts J & V and section 113(b) of the Act, 42 U.S.C. 7413(b) relating to the National Emission Standards for Hazardous Air Pollutants ("NESHAP"). The United States' complaint sought injunctive relief and civil penalties for Ashland's alleged violations of the Act and the National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene. The Consent Decree requires that Ashland comply with the National Emission Standard for Equipment Leaks

of Benzene, 40 CFR Part 61, Subparts J and V, which apply to sources that are intended to operate in volatile hazardous air pollutant ("VHAP") service. Ashland must modify its existing recordkeeping system at the Catlettsburg facility to contain all the specific information required by 40 CFR 61.246 and maintain the information in a readily accessible location. Under the terms of the proposed decree Ashland has agreed to submit a detailed Compliance Plan ("Plan") to the U.S. Environmental Protection Agency ("EPA") and the Commonwealth of Kentucky which shall include a report on the status of Ashland's compliance with the National Emission Standard for Equipment Leaks of Benzene at its Catlettsburg refinery. The Plan will outline in detail the measures Ashland has taken and will take to ensure compliance with the NESHAP for benzene, with a timetable for completion of the measures identified. In addition Ashland shall complete and submit a Benzene NESHAP Compliance Report ("Report"), prepared by an internal review term, designed to review and make recommendations regarding the improvement of Ashland's benzene NESHAP compliance and management policies, practices and systems at the Catlettsburg refinery. The Report will set forth the specific actions Ashland will take and a schedule for implementation which will be incorporated into the Compliance Plan. The Consent Decree provides for payment of a $95,000 civil penalty and stipulated penalties for Ashland's noncompliance with the requirements of the decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Land Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States v. Ashland Oil, Inc.*, D.J. Ref. No. 90-5-2-1-894.

The proposed Consent Decree may be examined at the office of the United States Attorney, Eastern District of Kentucky, Fourth Floor, Federal Bldg., Limestone & Barr Streets, Lexington, Kentucky 40507. Copies of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Room 1521, U.S. Department of Justice, 9th Street & Pennsylvania Avenue NW., Washington, DC 20530. In requesting a copy, please enclose a check in the amount of $2.40 payable to the Treasurer of the United States for copying.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-28705 Filed 12-14-87; 8:45 am]

BILLING CODE 4410-01-M

[Civil Action No. C87-1621]

Lodging of Consent Decree Pursuant to the Clean Water Act; Washington

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on November 24, 1987, a proposed consent decree in *United States of America and the State of Washington* v. City of Bellingham, Washington, Civil Action No. C87-1621, was lodged with the United States District Court for the Western District of Washington. The complaint sought the imposition of injunctive relief and civil penalties under the Clean Water Act against the City of Bellingham for violations of the secondary treatment standards of the Clean Water Act in the operation of its wastewater treatment facility.

The consent decree provides that the City of Bellingham will construct a wastewater treatment facility capable of achieving secondary treatment levels, attain compliance with its National Pollutant Discharge Elimination System permit, maintain compliance with interim effluent limitations during construction of the new facility, and pay a civil penalty of $23,190.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States and the State of Washington* v. City of Bellingham, Washington, D.J. Ref. 90-5-1-1-2671.

The proposed consent decree may be examined at the office of the United States Attorney, 3600 Seafirst 5th Avenue Plaza, 800 5th Avenue, Seattle, Washington, 98104, or the Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington, 98101. Copies of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. Copies of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

In requesting a copy, please enclose a check in the amount of $1.40 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-28706 Filed 12-14-87; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

Pursuant to the National Cooperative Research Act of 1984; Berkeley Sensor and Actuator Center

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.*, written notice has been filed by the Berkeley Sensor & Actuator Center (the "Center") simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the Center and (2) the nature and objectives of the Center. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the Center and its general areas of planned activity are given below.

The parties to the Center are Allied Corporation, Baxter Healthcare Corporation, Borg-Warner Corporation, Ford Motor Company, General Motors, Honeywell Inc., Rockwell International, Tektronix, Inc., and Texas Instruments, Inc. The objectives of the Center are to engage in research on sensors and actuators whose fabrication methods or whose designs include planar processing techniques or integrated circuits that accomplish signal conditioning, data formatting, data output and similar operations.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 87-28762 Filed 12-14-87; 8:45 am]

BILLING CODE 4410-01-M

Pursuant to the National Cooperative Research Act of 1984; Corporation for Open Systems International

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 et seq. ("the Act"), the Corporation for Open Systems International ("COS") has filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission on July 31, 1987 disclosing a change in the membership of COS. The additional written notification was filed for the purpose of extending the protections of section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified notification.

On May 14, 1986, COS filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 11, 1986, 51 FR 21260. Prior to its July 31, 1987 filing of notification, COS filed additional written notifications on August 6, 1986, September 30, 1986, January 2, 1987, March 24, 1987, June 12, 1987, and July 23, 1987. Subsequently, COS filed additional written notifications on October 5, 1987, October 23, 1987, and November 16, 1987. The Department published notices in the **Federal Register** in response to these additional notifications on September 4, 1986 (51 FR 31735), October 28, 1986 (51 FR 39434), February 13, 1987 (52 FR 4671), April 24, 1987 (52 FR 13789), July 21, 1987 (52 FR 27473), October 7, 1987 (52 FR 37539), and November 9, 1987 (52 FR 43138), respectively.

On June 1, 1987, National Communications System became a party to COS; on June 19, 1987, the Defense Communications Agency became a party to COS; and on July 13, 1987, NYNEX Corporation became a party to COS.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 87-28761 Filed 12-14-87; 8:45 am]

BILLING CODE 4410-01-M

Pursuant to the National Cooperative Research Act of 1984; the Industry/University Cooperative Research Center for Software Engineering

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 et seq. ("the Act"), the Industry/University Cooperative Research Center for Software Engineering ("Center") has filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission on November 13, 1987, disclosing an addition to its membership. The additional written notification was filed for the purpose of extending the protections of section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On January 5, 1987, the Center filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 9, 1987, 52 FR 4065.

The identity of the new party is Arthur Andersen & Co. The identities of the parties to the Industry/University Cooperative Research Center for Software Engineering including the additional member are:

—Arthur Andersen & Co.
—AT&T
—Computer Sciences Corporation
—Digital Equipment Corporation
—GTE Data Services
—Harris Corporation
—Hewlett Packard Corporation
—IBM Corporation
—Magnavox Government and Industrial Electronics Company
—Modular Computer Systems, Inc.
—Racal-Milgo, Inc.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 87-28763 Filed 12-14-87; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application; Knoll Pharmaceuticals

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice of November 20, 1987, Knoll Pharmaceuticals, 30 North Jefferson Road, Whippany, New Jersey 07981, made appication to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classed of controlled substances listed below:

Drug	Schedule
Dihydromorphine (9145)	I
Hydromorphone (9150)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than January 14, 1988.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

Dated: December 10, 1987.

[FR Doc. 87-28757 Filed 12-14-87; 8:45am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application; Norac Co., Inc.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 11, 1987, Norac Company, Inc., 405 South Motor Avenue, Azusa, California 91702, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Ibogaine (7260)	I
Tetrahydrocannabinols (7390)	I

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than January 14, 1988.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

Dated: December 10, 1987.

[FR Doc. 87-28758 Filed 12-14-87; 8:45 am]

BILLING CODE 4410-09-M

Application; Manufacturer of Controlled Substances; Upjohn Co.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on October 30, 1987, Upjohn Company, 7171 Portage Road, Kalamazoo, Michigan 49001, made

application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
2,5-Dimethoxyamphetamine (7396).	I
Methamphetamine, its salts, isomers, and salts of its isomers (1105).	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than January 14, 1988.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

Dated: December 9, 1987.

[FR Doc. 87-28719 Filed 12-14-87; 8:45 am]

BILLING CODE 4410-09-M

Registration; Manufacturer of Controlled Substances; Applied Science Laboratories

By Notice dated August 24, 1987, and published in the **Federal Register** on August 28, 1987; (52 FR 32614), Applied Science Laboratories, Division of Alltech Associates, Inc., 2701 Carolean Industrial Drive, P.O. Box 440, State College, Pennsylvania 16801, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Lysergic acid diethylamide (7315).	I
D-lysergic acid methylpropylamide (7316).	I
Tetrahydrocannabinols (7370)	I
Mescaline HCL (7381)	I
3, 4 Methylenedioxyamphetamine HCL (7400).	I
3, 4 Methylenedioxymethamphetamine HCL (7405).	I
Psilocybin (7437)	I
Psilocyn (7438)	I
Cyclohexamine (PCE) HCL (7456).	I
1-phenylcyclohexylpyrrolidine HCL (7461).	I
Thiophene Analog of PCP (HCL salt) (7469).	I
Dihydromorphine (9145)	I
Phencyclidine HCL (7472)	II
1-phenylcyclohexylamine (7460).	II
1-piperidinocyclohexanecarbonitrile (PCC) (8603).	II
Codeine-6-glucuronide (9069)	II
Acetylcodeine (9105)	II
Norcodeine HCL (9115)	II
Dihydrocodeine (9120)	II
Benzoylecgonine (9187)	II
Ecgonine methyl ester (9185)	II
Ecgonine HCL (9180)	II
Methadone HCL (9251)	II
Normorphine HCL (9360)	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Durg Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Gene R. Haislip

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 87-28717 Filed 12-14-87; 8:45 am]

BILLING CODE 4410-09-M

Registration; Manufacturer of Controlled Substances; Ciba-Geigy

By Notice dated August 24, 1987, and published in the **Federal Register** on August 31, 1987; (52 FR 32852), Pharmaceuticals Division, Ciba-Geigy Corporation, Regulatory Compliance SEF030G, 556 Morris Avenue, Summit, New Jersey 07901, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of methylphenidate (1724F), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to Section 303 of Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

Dated: December 9, 1987.

[FR Doc. 87-28718 Filed 12-14-87; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

The Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, Time and Place: January 12, 1988, 9:30 a.m., Room S4215 A&B Francis Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act, and 5 U.S.C. 552b(c)(1). The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For Further Information Contact: Fernand Lavallee, Executive Secretary, Labor Advisory Committee, Phone: (202) 523-6565.

Signed at Washington, DC this 10th day of December, 1987.

Christopher Hankin,

Acting Deputy Under Secretary, International Affairs.

[FR Doc. 87-28797 Filed 12-14-87; 8:45 am]

BILLING CODE 4510-28-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Carl Liametz Manufacturing Co. et al.

Petitions have been filed with the Secretary of Labor under section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 28, 1987.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 28, 1987.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC, 20213.

Signed at Washington, DC, this 7th day of December 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/Workers/Firm	Location	Date received	Date of petition	Petition No.	Articles produced
Carl Liametz Manufacturing Co. (ACTWU)	LaCrosse, WI	12/7/87	11/24/87	20,309	Jackets & Shirts.
G.B.R. Fabrics, Inc. (Workers)	Teaneck, NJ	12/7/87	11/27/87	20,310	Fabric.
Jeremy Industries (Workers)	Teaneck, NJ	12/7/87	11/27/87	20,311	Fabric.
General Electric Co. (IUE)	Louisville, KY	12/7/87	11/23/87	20,312	Air Conditioners.
M.G. Kinaler Co., Inc. (ILGWU)	Springfield, MA	12/7/87	11/23/87	20,313	Coats.
Mast Industries (Workers)	Andover, MA	12/7/87	11/20/87	20,314	Women's Wear.
P.O.K. Mfg. Co. (UGWA)	Pharoah, OK	12/7/87	11/7/87	20,315	Trousers.
Preway, Inc. (IAM)	Wisconsin Rapids, WI	12/7/87	11/23/87	20,316	Gas & Oil.
Potter & Brumfield (IAM)	Princeton, IN	12/7/87	11/23/87	20,317	Relays.
Ranme Manufacturing, Inc. (Workers)	Brooklyn, NY	12/7/87	11/23/87	20,318	Coats.
Regency Exploration (Workers)	Oklahoma City, OK	12/7/87	11/23/87	20,319	Oil.
Seagrave Leather Corp. (Workers)	E. Wilton, ME	12/7/87	11/23/87	20,320	Leather.
Sprague Electric Co. (Workers)	San Antonio, TX	12/7/87	11/18/87	20,321	Electronic Equipment.
Stackpole Carbon Co. (IUE)	St. Marys, PA	12/7/87	11/27/87	20,322	Molded Graphite.
True Form Foundation, Inc. (Workers)	Windber, PA	12/7/87	11/18/87	20,323	Girdles.
True Form Foundation, Inc. (Workers)	Derby, PA	12/7/87	11/18/87	20,324	Girdles.

[FR Doc. 87-28793 Filed 12-14-87; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; International Wire Products Co. et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period November 23, 1987-November 27, 1987 and November 30, 1987-December 4, 1987.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-20,143; International Wire Products Co., Wyckoff, NJ

TA-W-20,180; Flying J., Inc., Cut Bank, MT

TA-W-20,168; McMillan Petroleum (Arkansas), Inc., Norphlet, AR

TA-W-20,135; Adirondack Steel Casting Co., Inc., Watervliet, NY

TA-W-20,155; Stolper Industries, Inc., Menomonee Falls, WI

TA-W-20,158; Arvin North American Automotive, Greenwood, IN

TA-W-20,196; W. Mullen, Inc., Avon MA

TA-W-20,111; Babcock & Wilcox Co., Beaver Falls, PA

TA-W-20,112; Babcock & Wilcox Co., Ambridge, PA

TA-W-20,113; Babcock & Wilcox Co., Koppel, PA

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified,

TA-W-20,220; Bear Creek Uranium Co., Casper WY

The workers' firm does not produce an article has required for certification under section 222 of the Trade Act of 1974.

TA-W-20,146; Lambert Wood Properties, Refugio, TX

The worker's firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-20,150; The O.M. Edwards Co., Inc., Syracuse, NY

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–20,198; Westmoreland Coal Company, Clothier, WV

U.S. imports of coal are negligible.

TA–W–20,193; Stone Container Corp., Toledo OH

U.S. imports of grocery bags multiwall bags and shipping sacks are negligible.

TA–W–20,164; Jeddo Highland Coal Co., Shennandoah, PA, Hazleton, PA and West Pittston, PA

U.S. imports of coals are negligible.

TA–W–20,215; Phoenix Steel Corp., Phoenixville, PA

U.S. imports of seamless carbon steel pipe and tubing decreased absolutely and relative to domestic shipments in 1986 compared to 1985 and in the first quarter of 1987 compared to the same period in 1986.

TA–W–20,153; Shanhouse Outerwear, Inc., Magnolia, AR

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–20,149; Mt. Carmel Fashions, Girardville, PA

A certification was issued covering all workers of the firm separated on or after December 30, 1986.

TA–W–20,151; Sanjo Dress, Inc., New York, NY

A certification was issued covering all workers of the firm separated on or after December 30, 1986.

TA–W–20,163; General Motors Corp., BOC Chicago Plant, Willow Springs, IL

A certification was issued covering all workers of the firm separated on or after September 23, 1986.

TA–W–20,142; G.A. Gray Co., Cincinnati, OH

A certification was issued covering all workers of the firm separated on or after September 28, 1986.

TA–W–20,137; Behring Diagnostics, LaJolla, CA

A certification was issued covering all workers of the firm separated on or after September 17, 1986.

TA–W–20,122; Gramercy Mills, Passaic, NJ

A certification was issued covering all workers of the firm separated on or after September 11, 1986 and before August 1, 1987.

TA–W–20,154; Ship N' Shore, Inc., Travelers Rest, SC

A certification was issued covering all workers of the firm separated on or after September 27, 1986.

TA–W–20,128; Ristance Assemblies, Bremen, CT

A certification was issued covering all workers of the firm separated on or after April 1, 1987.

TA–W–20,123; Hamilton Oil Corp., Houston, TX

A certification was issued covering all workers of the firm separated on or after September 11, 1986.

TA–W–20,125; Klopman Fabrics, Dublin, VA

A certification was issued covering all workers of the firm separated on or after September 15, 1986.

TA–W–20,184; General Motors Corp., CPC Hamilton Report, Hamilton, OH

A certification was issued covering all workers of the firm separated on or after September 23, 1986.

TA–W–20,140–20,141; Frazier Engineering, Inc., Greenfield, IN

A certification was issued covering all workers of the firm separated on or after September 14, 1986 and before July 31, 1987.

I hereby certify that the aforementioned determinations were issued during the period November 23–27, 1987 and November 30–December 4, 1987. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213 during normal business hours or will be mailed to persons who write to the above address.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Dated: December 8, 1987.

[FR Doc. 87–28792 Filed 12–14–87; 8:45 am]

BILLING CODE 4510–30–M

Mine Safety and Health Administration

[Docket No. M–87–253–C]

The Helen Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

The Helen Mining Company, R.D. 2, Box 2110, Homer City, Pennsylvania 15748–0504 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Homer City Mine (I.D. No. 36–00926) located in Indiana County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return aircourses be examined in their entirety on a weekly basis.

2. Due to a roof fall certain areas of the mine cannot be safely traveled and to rehabilitate the areas would expose miners to hazardous conditions.

3. As an alternative method, petitioner proposes that—

(a) When an impassable roof fall occurs in an area of the mine, utilizing a single return aircourse, an evaluation will be conducted to insure that an adequate quantity of air is passing over the fall;

(b) The inby and outby ends of the roof fall will be supported according to the approved roof control at the mine; and

(c) The mine examiner will conduct weekly examinations of the return aircourse by traveling the aircourse and examining the inby and outby ends of the roof fall, to insure proper flow and volume. Tests for methane will also be conducted.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 14, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: December 8, 1987.

[FR Doc. 87–28794 Filed 12–14–87; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–87–33–M]

Vermont Marble Co.; Petition for Modification of Application of Mandatory Safety Standard

Vermont Marble Company, 61 Main Street, Proctor, Vermont 05765 has filed a petition to modify the application of 30 CFR 56.19017 (emergency braking for electric hoists) to its Rochester Verde Antique Quarry (I.D. No. 43–00043) located in Windsor County, Vermont. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each electric hoist be equipped with a manually-operable switch that will initiate emergency braking action to bring the conveyance and the counterbalance safety to rest. This switch shall be located within reach of the hoistman in case the manual controls of the hoist fail.

2. Petitioner states that the only time miners are in the bucket is at the beginning of the quarry season when the walls are being scaled and the stairs are being installed for access to the bottom of the quarry, and in an emergency situation.

3. As an alternate method, petitioner proposes to add an additional qualified hoist operator to the derrick hoist in the event of hoisting situations. The additional person could take over proper hoisting procedures in the event of the hoist person failing physically.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 14, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: December 8, 1987.

[FR Doc. 87–28795 Filed 12–14–87; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–87–254–C]

Walkco Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Walkco Coal Company, Inc., HC 64, Box 337, Lily, Kentucky 40740 has filed a petition to modify the application of 30 CFR 75.313 (methane monitors) to its Mine No. 3 (I.D. No. 15–16147) located in Whitley County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on any electric face cutting equipment, continuous monitor, longwall face equipment and loading machine and shall be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 30–40% of the coal is hand loaded. Approximately 20% of the time that the tractor is in use, it is used as a man trip and supply vehicle.

3. As an alternate method, petitioner proposes to use hand held continuous oxygen and methane monitors in lieu of methane monitors on three wheel tractors. In further support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractor in the face area, to determine the methane concentration in the atmosphere. The air quality will be monitored continuously after each trip, provided the elapse time between trips does not exceed 20 minutes. This will provide continuous monitoring of the mine atmosphere for methane to assure any undetected methane buildup between trips;

(c) If one percent of methane is detected, the operator will manually deenergize his/her battery tractor immediately. Production will cease and will not resume until the methane level is lower than one percent;

(d) A spare continuous monitor will be available to assure that all coal hauling tractors will be equipped with a continuous monitor;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified person. The monitor will also be calibrated monthly; and

(f) No alterations or modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 14, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Acting Associate Assistant Secretary for Mine Safety and Health.

Date: December 8, 1987.

[FR Doc. 87–28796 Filed 12–14–87; 8:45 am]

BILLING CODE 4510–43–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 87–102]

NASA Advisory Council (NAC), Space Systems and Technology Advisory Committee (SSTAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Ad Hoc Review Team on Photonics.

DATE AND TIME: January 7, 1988, 8 a.m. to 5 p.m., and January 8, 1988, 8 a.m. to 12:15 p.m.

ADDRESS: Lockheed Missiles & Space Company, 3251 Hanover Street, Building 201, Main Conference Room, Palo Alto, CA 94304.

FOR FURTHER INFORMATION CONTACT: Ms. Anemarie DeYoung, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453–2704.

SUPPLEMENTARY INFORMATION: The NAC Space Systems and Technology Advisory Committee (SSTAC) was established to provide overall guidance to the Office of Aeronautics and Space Technology (OAST) on space systems and technology programs. Special ad hoc review teams were formed to address specific topics. The Ad Hoc Review Team on Photonics, chaired by Dr. Stanley Weiss, is comprised of ten members. The meeting will be open to the public up to the seating capacity of the room (approximately 30 persons

including the team members and other participants).

Type of Meeting: Open.

Agenda: January 7, 1988

8 a.m.—Ad Hoc Review Team's Discussion and Formulation of Report.

5 p.m.—Adjourn.

January 8, 1988

8 a.m.—Ad Hoc Review Team's Discussion on the Proposed Report Content.

12:15 p.m.—Adjourn.

December 9, 1987.

Ann Bradley,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 87-28716 Filed 12-14-87; 8:45 am]

BILLING CODE 7510-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-16165; File No. 812-7098]

Advisers Management Trust et al.; Application

December 9, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an amended order of exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Advisers Management Trust ("Advisers"), Sentry Life Insurance Company ("Sentry"), Sentry Variable Life Account I ("Account"), and Sentry Equity Services, Inc. ("SES").

Relevant 1940 Act Sections and Rules: Exemption requested under section 6(c) from sections 2(a)(32), 9(a), 13(a), 15(a), 15(b), 22(c), 27(c)(1), and 27(d) and Rules 22c-1, 6e-2(b)(15), 6e-3(T)(b)(12)(ii), 6e-3(T)(b)(13)(iv), and 6e-3(T)(b)(15).

Summary of Application: The application requests that the Order of the Commission dated September 23, 1986 (Release No. IC-15324), be amended to add Advisers as a party.

Filing Date: The application was filed on November 10, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any request must be received by the SEC no later than 5:30 p.m., on January 4, 1988. Request a hearing in writing, giving the nature of your interest, the reasons for the request, and the issues you contest. Applicants should be served with a copy of the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for attorneys, by certificate. Notification of the date of a hearing should be requested by writing to the Secretary of the SEC.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Advisers Management Trust, 342 Madison Avenue, New York, NY 10173, Sentry Life Insurance Company, Sentry Variable Life Account I, and Sentry Equity Services, Inc., 1800 North Point Drive, Stevens Point, WI 54481.

FOR FURTHER INFORMATION CONTACT: Heidi Stam, Staff Attorney, at (202) 272-3017 or Lewis B. Reich, Special Counsel, at (202) 272-2061 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's Commercial Copier at (800) 231-3282 (in Maryland (301) 258-4300).

Applicants' Representations

1. Sentry, the Account, and SES filed an application on May 14, 1986, and an amendment thereto on July 11, 1986, for an order of the Commission pursuant to Section 6(c) of the Act exempting them from sections 2(a)(32), 9(a), 13(a), 15(a), 15(b), 22(c), 27(c)(1), and 27(d) of the Act and Rules 22c-1, 6e-2(b)(15), 6e-3(T)(b)(12)(ii), 6e-3(T)(b)(13)(iv), and 6e-3(T)(b)(15) thereunder, to the extent necessary permit the deduction of a contingent deferred administrative charge in connection with the offering of flexible premium variable life insurance contracts, and to permit the Account to invest in shares of Advisers, which are sold to variable annuity and variable life insurance separate accounts of Sentry and of affiliated and unaffiliated life insurance companies.

2. The Commission issued a notice of the application on August 25, 1986 (Release No. IC-15274; File No. 812-6380) (the "August 1986 Notice"). On September 23, 1986, the Commission issued an Order granting the requested exemptions (the "September 1986 Order") (Release No. IC-15324).

3. Advisers was not a party to the September 1986 Order. Applicants have since determined that Advisers should have joined in the original application and should be subject to the conditions stated in the August 1986 Notice and the terms of the September 1986 Order.

4. This application has been filed solely for the purpose of adding Advisers as an applicant and beneficiary of the exemptive relief granted by the September 1986 Order.

5. The Applicants, and Advisers specifically, reaffirm all of the representations and agree to all the conditions stated in the August 1986 Notice, which is incorporated herein by reference.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-28784 Filed 12-14-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16163; 812-6874]

Bankers National Life Insurance Co. et al.; Application

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Bankers National Life Insurance Company ("Bankers"), Bankers National Variable Account B ("Account B"), and Equitec Securities Company ("Equitec") (collectively, "Applicants").

Relevant 1940 Act Sections: Order requested under section 6(c) for an exemption from sections 2(a)(35), 26(a)(2)(C), and 27(c)(2).

Summary of Application: Applicants seek an order to permit the deduction of an asset-based sales load from certain variable annuity contracts.

Filing Date: The application was filed on September 16, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on December 28, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, Washington, DC 20549. Bankers and Accounts B, 101 Gibraltar Drive, Morris Plains, New Jersey 07950.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Nancy Rappa (202) 272-2058 or Special Counsel Lewis B. Reich, (202) 272-2061 (Office of Insurance Products and Legal Compliance).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 253-4300).

Applicant's Representations

1. Bankers, a legal reserve stock life insurance company wholly-owned by Conseco, Inc., an insurance holding company, is the depositor of Account B. Account B, a separate account of Bankers registered under the 1940 Act as a unit investment trust, was established to fund certain individual flexible purchase payment deferred variable annuity contracts issued by Bankers. The application relates to certain new annuity contracts (the "Annuity Contracts") to be offered by Bankers and Account B in conjunction with Equitec, a broker-dealer registered under the Securities Exchange Act of 1934 that will be the principal underwriter for the Annuity Contracts. The Annuity Contracts are designed for use in connection with retirement plans qualifying for special income tax treatment under sections 401, 403, 404, 408, and 457 of the Internal Revenue Code of 1986, as well as for use with plans not qualifying for that special treatment.

2. Under the Contracts, Contract Owners have the right to allocate purchase payments to various sub-accounts of Account B, each of which invests exclusively in the shares of a corresponding portfolio of the Equitec Siebel Series Trust (the "Trust"), an open-end, diversified management investment company. The Trust presently comprises 4 portfolios: The Total Return ("TR") Portfolio, the Aggressive Growth ("AG") Portfolio, the High Yield ("HY") Portfolio, and the Money Market ("MM") Portfolio.

3. If part or all of the contract value is surrendered, Bankers will deduct a contingent deferred sales load ("CDSL") equal to the lesser of (a) 5% of the total of all purchase payments made within 72 months prior to the date of the request for surrender, or (b) 5% of the amount surrendered. No CDSL will be charged against any values which have been held under the Annuity Contract for at least 72 months. No charge will be made for the part of a surrender in a contract year that does not exceed 10% of the net sum of purchase payments made more than one year prior to the date of the surrender. Surrenders will be made first from purchase payments on a first-in, first-out basis and then from any gains.

4. The Annuity Contracts also will provide for the deduction from contract value, on a daily basis, of a sales load ("Asset Based Sales Load") equal on an annual basis to .25% of contract values. To the extent that these charges are insufficient to cover the actual costs of distributing the Annuity Contracts, Bankers will recover any deficiency from its general account surplus. In no event will the sum of any asset-based sales charge and any CDSL assessed under an Annuity Contract exceed 9% of the total purchase payments made.

5. The literal language of the definition of "sales load" in section 2(a)(35) of the 1940 Act contemplates that any sales load imposed on a security of a registered investment company be a front-end load. If the asset-based sales load is not a sales load for purposes of the Act, then relief from sections 26(a)(2)(C) and 27(c)(2), which govern certain payments from separate account assets, also would be required. Accordingly, Applicants request relief from sections 2(a)(35), 26(a)(2)(C), and 27(c)(2) to the extent necessary to permit deduction of the asset-based sales load.

6. Applicants submit that imposition of a sales charge in the form of an asset-based charge is more favorable to a Contract Owner than the deduction of this charge from purchase payments—the conventional way of imposing such a charge. The amount of the Contract Owner's investment in Account B will not be reduced as it would be if this charge was taken in full from purchase payments. Moreover, the asset-based sales load will impose no greater burden on Contract Owners than would a front-end sales load of the same amount because at no time will the combined amount of any CDSL and the asset-based sales load exceed 9% of purchase payments.

7. Applicants submit that the requested relief is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

Applicant's Conditions

If the requested order is granted, such order will be expressly conditioned on Applicants' monitoring the combined amount of the asset-based sales charge and any contingent deferred sales charges for each Contract to ensure that it will never exceed 9% of the total purchase payments made by the Contract Owner.[1]

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: December 9, 1987.

[FR Doc. 87-28785 Filed 12-14-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-16164; File No. 812-6911]

John Hancock Mutual Life Insurance Co. et al.; Application

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: John Hancock Mutual Life Insurance Company ("John Hancock"), John Hancock Variable Annuity Account F ("Account F") and Tucker, Anthony & R.L. Day, Inc.

Relevant 1940 Act Sections: Exemption requested under section 6(c) from sections 26(a)(2)(C) and 27(c)(2).

Summary of Application: Applicants seek an order to permit John Hancock to deduct from Account F the mortality and expense risk charges imposed under individual variable annuity contracts (the "Contracts") issued by John Hancock.

Filing Date: The application was filed on October 27, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any request must be received by the SEC by 5:30 p.m., on January 4, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549; John Hancock, c/o Francis C. Cleary, Jr., John Hancock Place, Boston, Massachusetts 02117.

[1] Applicants represent that, during the Notice Period, the application will be amended to reflect this condition.

FOR FURTHER INFORMATION CONTACT: Nancy Rappa, Staff Attorney, at (202) 272–2058 or Lewis B. Reich, Special Counsel, at (202 272–2061 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier, (800) 231–3282 (in Maryland (301) 253–4300).

Applicants' Representations

1. Account F, a registered unit investment trust under the Investment Company Act of 1940, was established by John Hancock as a separate account pursuant to Massachusetts law to fund the Contracts. A registration statement on Form N–4 under the Securities Act of 1933 has been filed to register the offering of the Contracts. Account F presently consists of five subaccounts, each of which invests solely in the shares of one of the Funds of Freedom Variable Annuity Funds, a diversified, open-end management investment company registered under the 1940 Act. Tucker, Anthony & R.L. Day, Inc., a registered broker/dealer, is the principal underwriter for the Contracts.

2. Prior to a Contract's maturity, John Hancock assesses an annual maintenance charge of $35 (with the right reserved to increase the charge to $50) at the beginning of each contract year after the first and at full surrender during a contract year. In addition, for certain administrative services, John Hancock makes a daily charge to the Account equal to 0.20% on an annual basis of the current value of its assets.

3. A withdrawal charge is assessed whenever any amount is withdrawn from a contract prior to maturity. A Contractowner may withdraw in any one contract year, without the assessment of any charges, up to 10% of the difference between the purchase payments made prior to the beginning of the contract year and any partial withdrawals (including withdrawal charges assessed) made prior to the beginning of the contract year. If the Contractowner withdraws an amount in excess of 10% of such difference in any one contract year, the amount withdrawn in excess of 10% subjects the contract to a withdrawal charge to the extent that the excess is attributable to purchase payments made within six years of the date of withdrawal or surrender.

4. Withdrawal charges are based upon the purchase payments made to date less any partial withdrawals, annual maintenance charges and withdrawal charges to date and are assessed as follows:

Years from date of deposit to date of withdrawal	Withdrawal charge (percent)
Less than 1	5
1 but less than 2	5
2 but less than 3	4
3 but less than 4	3
4 but less than 5	2
5 but less than 6	1
6 or more	0

In no event will the aggregate withdrawal charges against a contract ever exceed 8.5% of the purchase payments.

5. John Hancock deducts from the daily net asset value of each subaccount of Account F an amount, computed daily, which is equal to an annual rate of 1.05% to compensate John Hancock for its assumption of mortality and expense risks. The charge is allocable 0.65% to John Hancock's assumption of mortality risks and 0.40% to John Hancock's assumption of expense risks. The mortality undertaking guarantees that the variable annuity payments are made regardless of how long an annuitant may live or a group of annuitants may live. Applicants represent that the level of this charge is guaranteed and will not change.

6. Applicants represent that the mortality and expense risk charge is reasonable in relation to the risks assumed by John Hancock under the Contracts and that John Hancock is entitled to reasonable compensation for its assumption of mortality and expense risks.

7. Applicants further represent that the mortality and expense risk charge is within the range of industry practice with respect to comparable annuity products. This representation is based upon John Hancock's analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels, the existence of charge level guarantees, and guaranteed annuity rates.

8. Applicants also represent that there is a reasonable likelihood that Account F's proposed distribution financing arrangement will benefit Account F and the contract owners.

Applicants' Conditions

If the requested order is granted, Applicants agree to the following conditions:

1. John Hancock will maintain at its administrative offices, available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey.

2. John Hancock will maintain at its administrative offices and make available to the Commission a memorandum setting forth the basis for the conclusion that Account F's distribution financing agreement will benefit Account F and the contract owners.

3. Account F will invest only in management investment companies which undertake, in the event they adopt a plan under Rule 12b–1 to finance distribution expenses, to have a board of trustees (or directors) a majority of whom are not interested persons of the company approve any such plan under Rule 12b–1.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–28786 Filed 12–14–87; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–16162; 812–6463]

Overland Funding, Inc.; Application

December 9, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("1940 Act").

Applicant: Overland Funding, Inc. ("Applicant")

Relevant 1940 Act Sections: Exemption is requested under section 6(c) from all provisions of the Act.

Summary of Application: Applicant seeks an order amending an existing order conditionally exempting it from all provisions of the 1940 Act (Investment Company Act Release No. 15361, dated October 19, 1986) (the "Order") to permit the issuance of one or more classes of adjustable interest rate bonds secured by certain mortgage related collateral (which may include certain mortgage collateral representing beneficial ownership interests in less than 100% of the distributions of principal or interest or both made on mortgage loans underlying such mortgage related collateral ("Strip Mortgage Certificates")), the election by Applicant to have one or more series of the bonds secured by certain mortgage related collateral treated as a real estate mortgage investment conduit (a "REMIC") and the sale of the residual interest in such series.

Filing Date: The application for an amended order was filed on June 8, 1987 and amended on November 27, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on December 28, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicant, Roger D. McWherter, 9400 Antioch, Overland Park, Kansas 66212.

FOR FURTHER INFORMATION CONTACT: Curtis R. Hilliard, Special Counsel (202) 272–3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1. Applicant, a Delaware corporation, is a wholly-owned, limited purpose subsidiary of Sante Fe Financial Corporation, which itself is a wholly-owned Kansas subsidiary of The Overland Park Savings and Loan Association, a Kansas-chartered stock savings and loan association. Applicant previously received an exemptive order from the Commission dated October 16, 1986 (Investment Company Act Release No. 15361) (the "Order"), permitting Applicant to issue one or more series ("Series") of bonds ("Bonds"), containing one or more classes of compound interest Bonds and non-compound interest Bonds. Because of changing market conditions, Applicant now seeks to amend the Order to permit it to: (1) Issue Series of Bonds which may contain one or more classes of adjustable interest rate Bonds, (ii) elect one or more Series of Bonds to be treated as a REMIC, and (iii) sell the residual interests in such REMIC Bonds to one or more persons.

2. Applicant may issue one or more Series of Bonds secured by Mortgage Certificates.[1] Each Series of Bonds will consist of one or more classes of Bonds, including compound interest Bonds, non-compound interest Bonds, adjustable interest rate Bonds, or any combination thereof.

3. Initially, all of the residual interests in the Bonds of any Series will be held by the Applicant. Applicant anticipates that it may sell such residual interests at the time of the issuance of the Bonds, or at some later date.

4. Without the consent of each bondholder ("Bondholder") to be affected, neither the Applicant, the trustee for the Bondholders ("Trustee") nor any holders of the residual interests in the Bonds of any Series will be able to: (a) Change the state maturity on any Bond; (b) reduce the principal amount or the rate of interest on any Bonds; (c) change the provisions relating to the application of distributions on the Mortgage Certificates to the payment of principal of Bonds; (d) impair or adversely affect the Mortgage Certificates securing a Series of Bonds; (e) permit the creation of a lien ranking prior to or on a parity with the lien of the related indenture ("Indenture") with respect to the Mortgage Certificates; or (f) otherwise deprive the Bondholders of the security afforded by the lien of the related Indenture.

5. The sale of the residual interests in the Bonds of any Series will not alter the payment of cash flows under the Indenture, including the amounts to be deposited in the collection account or any reserve fund created pursuant to the Indenture, to support payments of principal and interest on the Bonds.

6. The interests of the Bondholders will not be compromised or impaired by the ability of Applicant to sell its residual interests in the Bonds of any Series, and there will not be a conflict of interest between the Bondholders and the holders of the residual interests in the Bonds of any Series for several reasons: (a) The collateral which initially will be deposited with the Trustee and pledged to secure the Bonds will not be speculative in nature because it will consist solely of GNMA Certificates, FNMA Certificates or FHLMC Certificates, which Mortgage Certificates are guaranteed as to timely payment of interest and timely or ultimate payment of principal by each respective agency; (b) the Bonds will only be issued provided an independent nationally recognized statistical rating agency has rated such Bonds in one of the two highest rating categories; (c) the Indenture under which the Bonds will be issued subjects the collateral pledged to secure the Bonds, all income distributions thereon and all proceeds from a conversion, voluntary or involuntary, of any such collateral to a first priority perfected security interest in the name of the Trustee on behalf of the Bondholders;[2] and (d) the owners of the residual interests in the Bonds of any Series will be entitled to receive current distributions representing the residual payments on the collateral securing such Series from the Applicant, which distributions are analogous to dividends payable to a shareholder of a corporate issuer of bonds. Furthermore, if the Applicant does not elect that the Bonds of a Series be treated as a REMIC under the Internal Revenue Code of 1986, the owners of the residual interests in the Series of Bonds will be liable for the expenses, taxes and other liabilities incurred with respect to such Series of Bonds (other than the principal and interest on the Bonds) to the extent not previously paid from the trust estate. The identity of the owners of the residual interests in the Bonds of any Series, however, will not alter in any way the payments made to the Bondholders, which payments are governed by an Indenture which will meet the requirements of the Trust Indenture Act of 1939.

7. Except to the extent permitted by the limited right to substitute collateral, it will not be possible for the owners of the residual interests in the Bonds of any Series to alter the collateral initially deposited with the Trustee, and in no event will such right to substitute collateral result in a diminution in the value or quality of such collateral. Although it is possible that any collateral substituted for collateral initially deposited with the Trustee may have a different prepayment experience than the original collateral, the interests

[1] "Mortgage Certificates" refers to Mortgage Pass-Through Certificates fully guaranteed as to principal and interest by the Government National Mortgage Association ("GNMA Certificates"), Guaranteed Mortgage Pass-Through Securities issued and guaranteed by the Federal National Mortgage Association ("FNMA Certificates") and Mortgage Participation Certificates issued and guaranteed by the Federal Home Loan Mortgage Corporation ("FHLMC Certificates") and includes Strip Mortgage Certificates issued and guaranteed by GNMA, FNMA or FHLMC.

[2] The Indenture further will specifically provide that no amounts may be released from the lien of the Indenture to be remitted to the Applicant (or any owner of the residual interests in the Bonds of any Series) until (i) the Trustee has made the scheduled payment of principal and interest on the Bonds, (ii) the Trustee has received all fees currently owed to it, and (iii) to the extent required by any supplemental indentures executed in connection with the issuance of the Bonds, deposits have been made to certain reserve funds which will ultimately be used to make payments of principal and interest on the Bonds.

of the Bondholders will not be impaired because: (a) the prepayment experience of any collateral will be determined by market conditions beyond the control of the owners of the residual interests in the Bonds of any Series, which market conditions are likely to affect all Mortgage Certificates of similar payment terms and maturities in a similar fashion; and (b) the interests of the owners of the residual interests in the Bonds of any Series are not likely to be greatly different from those of the Bondholders with respect to collateral prepayment experience. Further, in the event the Applicant sells its residual interests in the Bonds of any Series there usually will be more than one owner of the residual interests, and in that event, it appears less likely that the owners of the residual interests will be able to agree on any desired substitution of collateral than if there were a single owner who could unilaterally decide on the timing and execution of the substitution.

8. The sale of the residual interests in the Bonds of any Series will have no effect on the ownership of any equity interest in the Applicant and will not affect the existence of the Applicant as a wholly-owned subsidiary of Santa Fe.

9. The election by the Applicant to have a Series of Bonds treated as a REMIC will have no effect on the level of the expenses that would be incurred in connection with the issuance of the Bonds. If the Applicant elects to have a Series of Bonds treated as a REMIC, the Applicant will provide for the payment of administrative fees and expenses incurred in connection with the issuance of the Bonds by one or more of the methods outlined in the application.

Applicant's Legal Conclusions

1. The requested amendment of the Order is necessary and appropriate in the public interest because: (a) the Applicant is not the type of entity to which the provisions of the 1940 Act were intended to be applied; (b) the Applicant may be unable to proceed with its proposed activities if the uncertainties concerning the applicability of the 1940 Act are not removed; (c) the Applicant's activities are intended to serve a recognized and critical public need; (d) granting the requested amendment of the Order will not be inconsistent with the protection of investors because they will be protected during the offering and sale of the bonds by the registration or exemption provisions of the Securities Act of 1933 ("1933 Act") and thereafter by the Trustee representing their interests under the Indenture; and (e) the residual interests in the Bonds of any Series will be owned entirely by the Applicant or offered only to a limited number of sophisticated institutional investors through private placements.

Applicant's Conditions:

The Applicant agrees that if the requested amendment of the Order is granted it will be expressly conditioned on the following:

A. Conditions relating to the Bond Collateral

1. Each Series of Bonds will be registered under the 1933 Act, unless offered in a transmission exempt from registration pursuant to section 4(2) of the 1933 Act.

2. The Bonds will be "mortgaged related securities" within the meaning of section 3(a)(41) of the Securities Exchange Act of 1934, as amended. However, the collateral directly securing the Bonds will be limited to GNMA Certificates, FNMA Certificates and FHLMC Certificates.

3. If new mortgage collateral is substituted, the substitute collateral will: (a) Be of equal or better quality than the collateral replaced; (b) have similar payment terms and cash flow as the collateral replaced; (c) be insured or guaranteed to the same extent as the collateral replaced; and (d) meet the conditions set forth in paragraphs (2) and (4). In addition, new collateral may not be substituted for more than 40% of the aggregate face amount of the Mortgage Certificates initially pledged as mortgage collateral. In no event will any new mortgage collateral be substituted for any substitute mortgage collateral.

4. All Mortgage Certificates, funds, accounts or other collateral securing a Series of Bonds ("Collateral") will be held by the Trustee, or on behalf of the Trustee by an independent custodian. Neither the Trustee nor the custodian may be an affiliate (as the term "affiliate" is defined in Rule 405 under the 1933 Act, 17 CFR 230.405) of the Applicant. The Trustee will be provided with a first priority perfected security or lien interest in and to all Collateral.

5. Each Series of Bonds will be rated in one of the two highest bond rating categories by at least nationally recognized statistical rating agency that is not affiliated with the Applicant. The Bonds will not be considered "redeemable securities" within the meaning of section 2(a)(32) of the 1940 Act.

6. No less often than annually, an independent public accountant will audit the books and records of the Applicant and, in addition, will report on whether the anticipated payments of principal and interest on the mortgage collateral continue to be adequate to pay the principal and interest on the Bonds in accordance with their terms. Upon completion, copies of the auditor's report(s) will be provided to the Trustee.

B. Conditions relating to variable-rate Bonds

1. Each class of adjustable interest rate Bonds will have a set maximum interest rate.

2. At the time of the deposit of the Collateral with the Trustee, as well as during the life of the Bonds, the scheduled payments of principal and interest to be received by the Trustee on all Mortgage Certificates pledged to secure the Bonds, plus investment income thereon, and funds, if any, pledged to secure the Bonds will be sufficient to make all payments of principal and interest on the Bonds then outstanding, assuming the maximum interest rate on each class of adjustable interest rate Bonds. Such Collateral will be paid down as the mortgages underlying the Mortgage Certificates are repaid, but will not be released from the lien of the Indenture prior to payment of the Bonds.[3]

C. Conditions Relating to the Sale of Residual Interests

1. Residual interests in a series of Bonds will be offered and sold only to a limited number, in no event more than one hundred, of (i) institutional investors or (ii) non-institutional investors which are "accredited investors" as defined in Rule 501(a) of the 1933 Act. Institutional investors will have such knowledge and experience in financial and business matters as to be capable of evaluating the risks of purchasing residual interests and understanding the volatility of interest rate fluctuations as they affect the value of mortgages, mortgage-related securities and residual interests therein. Non-institutional accredited investors will be limited to not more than 15, will purchase at least $200,000 of such residual interests and will have a net worth at the time of purchase that exceeds $1,000,000 (exclusive of their primary residence). Further, non-institutional accredited investors will have such knowledge and experience in financial and business matters, specifically in the field of mortgage-related securities, as to be able to evaluate the risk of purchasing a residual interest and will have direct, personal and significant experience in making investments in mortgage-related securities and because of such knowledge and experience, understand the volatility of interest rate fluctuations as they affect the value of mortgage-related securities and residual interests therein. Such purchases will be limited to mortgage lenders, thrift institutions, commercial and investment banks, savings and loan associations, pension funds, employee benefit plans, insurance companies, mutual funds, real estate investment trusts or other institutional or non-institutional investors as described above which customarily engage in the purchase of mortgages and mortgage-related securities.

2. Each sale of a residual interest will qualify as a transaction not involving any public offering within the meaning of section 4(2) of the 1933 Act.

3. Resales of each residual interest will be prohibited if there would be more than 100 beneficial owners of such residual interests as a result of any such transfer.

4. Each purchaser of a residual interest will be required to represent that it is purchasing such residual interests for investment purposes and not for distribution and that it will hold such residual interest in its own name and not as nominee for undisclosed investors.

5. No holder of a controlling interest in Applicant (as the term "control" is defined in Rule 405 under the 1933 Act) will be affiliated with the custodian acting on behalf of the Trustee, or the rating agency rating the Bonds. None of the owners of the residual interests in the Bonds of any Series will be affiliated with the Trustee.

D. Condition Relating to REMICs

The election by the Applicant to treat a Series of Bonds as a REMIC will have no effect on the level of expenses that would be incurred in connection with the issuance of such Bonds. All administrative fees and expenses incurred in connection with the issuance of a Series of Bonds which the Applicant has elected to be treated as a REMIC will be paid or provided for in a manner satisfactory to the agency or agencies rating the Bonds, and as set forth in the application. Applicant will insure that the anticipated level of fees and expenses will be more than adequately provided for regardless of the method selected.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-28787 Filed 12-14-87; 8:45 am]

BILLING CODE 8010-01-M

[3] In the case of a series of Bonds that contains a class or classes of adjustable or floating rate Bonds, a number of mechanisms exist to ensure that this condition will be valid notwithstanding subsequent potential increases in the interest rate applicable to the adjustable or floating rate Bonds. Procedures that have been identified to date for achieving this result include the use of (i) interest rate caps for the adjustable or floating rate Bonds; (ii) "inverse" floating rate Bonds (which pay a lower rate of interest as the rate increases on the corresponding "normal" floating rate Bonds); (iii) floating rate collateral (such as FNMA adjustable rate Certificates) to secure the Bonds; (iv) interest rate swap agreements (under which the issuer of the Bonds would make periodic payments to a counterparty at a fixed rate of interest based on a stated principal amount, such as the principal amount of Bonds in the floating rate class, in exchange for receiving corresponding periodic payments from the counterparty at a floating rate of interest based on the same principal amount) and (v) hedge agreements (including interest rate futures and option contracts, under which the issuer of the Bonds would realize gains during periods of rising interest rates sufficient to cover the higher interest payments that would become due during such periods on the floating rate class of Bonds). It is expected that other mechanisms may be identified in the future. Applicant will give the Staff of the Division of Investment Management (the "Staff") notice by letter of any such additional mechanisms before they are utilized, in order to give the Staff an opportunity to raise any questions as to the appropriateness of their use. In all cases, these mechanisms will be adequate to ensure the accuracy of the representation and will be adequate to meet the standards required for a rating of the Bonds in one of the two highest bond rating categories, and no Bonds will be issued for which this is not the case.

[Release No. 34-25180; File No. SR-PSE-87-29]

Self-Regulatory Organizations; Pacific Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval to Proposed Rule Change

On November 23, 1987, the Pacific Stock Exchange, Inc. ("PSE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] a proposed rule change to amend PSE Rule XI, section 2(d)(2)(D)(i) to reflect the increased initial and maintenance margin requirements applicable to the PSE's broad-based stock index option contracts.

On November 2, 1987, the Commission approved proposed rule changes filed by the PSE and three other options exchanges to increase initial and maintenance margin requirements applicable to broad-based stock index option contracts.[3] In Release No. 25081, the Commission approved the PSE's proposal to change PSE Rule XXI, section 16(b)(i) (Index Options: Margins) to increase margin requirements for broad-based stock index options to 100% of the current option premium plus 10% of the current underlying index value, less any out-of-the-money amount, with a minimum of 100% of the current premium plus 5% of the current index value.

The Exchange proposes to amend PSE Rule XI, section 2(d)(2)(D)(i) (Margins: Other Provisions) to reflect the increased initial and maintenance margin requirement applicable to broad-based stock index contracts that was approved in Release No. 25081. The proposed rule change will ensure that all references to margin requirements on broad-based indexes in the PSE rules reflect uniformly the current increased percentage amounts.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5),[4] which provides, in pertinent part, that the rules of the exchange must be designed to protect investors and the public interest. In Release No. 25081, the Commission approved increased margin requirements for broad-based stock index options in order to provide more financial protection to the securities industry at a time of increased market volatility. The Commission finds that the proposed rule change will protect investors and the public interest by ensuring that all references to margin requirements on broad-based indexes in the PSE Rules uniformly reflect the increased percentage amounts approved in Release No. 25081.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the proposal in the Federal Register. The proposed rule change is based upon and reflects a proposed rule change that was approved by the Commission on November 2, 1987 (Release No. 25081).

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1987).

[3] Securities Exchange Act Release No. 25081 (November 2, 1987), 52 FR 42751 ("Release No. 25081").

[4] 15 U.S.C. 78f(b)(5) (1982).

Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all Written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organizations. All submissions should refer to the file number in the caption above and should be submitted by January 5, 1988.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[5] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Jonathan G. Katz,

Secretary.

Dated: December 9, 1987.

[FR Doc. 87-28734 Filed 12-14-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25178; File No. SR-NYSE-87-41]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Change

On November 18, 1987, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] a proposed rule change to amend NYSE Rule 431 (Margin Requirements) to increase the initial and maintenance margin requirements for broad-based stock group index options.

The Exchange's current margin requirement for each short put or call option on a broad index stock group, adopted in 1986,[3] is 100% of the current market value of the option (*i.e.*, the current option premium value) plus 5% of the aggregate value of the underlying index reduced by the amount the option is out-of-the-money, with a minimum of 100% of current market value of the option plus 2% of the aggregate value of the underlying index.[4] These requirements were based on volatility studies conducted to determine margin requirements that would be sufficient to cover index option price changes. The NYSE, along with the other options exchanges, determined that the option premium plus an amount equal to the maximum expected price change in the underlying product would provide sufficient minimum protection for both customers and member organizations. In view of the increased volatility in the stock markets in general and in the markets for broad index stock group options during the week of October 19, 1987, however, the Exchange has determined that these margin requirements should be increased at this time.

The NYSE has proposed to raise the margin requirement applicable to short options on broad-based stock indexes. The increased requirement for both initial and maintenance margin is 100% of the current market value of the broad stock index option plus 10% of the current market value of the underlying index reduced by any out-of-the-money amount, with a minimum of 100% of the current market value of the option plus 5% of the current market value of the underlying index. On October 26, the NYSE had increased the margin requirements to these levels on a temporary basis pursuant to NYSE Rule 431(f)(8)(A),[5] for any positions established on or after November 2, 1987. This rule filing will make this increase permanent. Member organizations will continue to have discretion to maintain broad stock index options positions established prior to November 2, 1987 at the margin requirement applicable at the time the positions were established. The increased margin requirements are designed to protect both investors and member firms by assuring that broad index stock group option positions are adequately covered. In addition, these requirements should provide a cushion of protection during periods of increased market volatility.

The Exchange will review the market activity in its broad index stock group options. If volatility continues and if conditions warrant, the Exchange will determine whether the initial and maintenance margin requirements for these options are adequate.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of section 6(b)(5),[6] which provides, in pertinent part, that the rules of the Exchange must be designed to protect investors and the public interest. The increased margin requirements for broad index stock group options will provide more financial protection to the securities industry at a time of increased market volatility. The five percent/two percent margin levels are based on historical volatility levels which are no longer valid in light of the events of the week of October 19, 1987. Hence, at a minimum, higher margin levels are needed to ensure the financial stability of member firms. At this time the NYSE has determined to raise the initial margin level for broadbased index options to premium plus 10%. While the Commission believes this action is necessary as an interim step in assuring the adequacy of margin levels in light of recent market events, the Commission reserves judgment on whether the premium plus 10% level is sufficient as a permanent standard. At a minimum, the NYSE will have to recalculate its volatility equations. Perhaps more importantly, the Commission currently is undertaking a study of the market events of the week of October 19, 1987. One aspect of the study will concern the effect of margin levels on derivative index products on the recent market volatility. Until the study is finished, the Commission reserves judgment both on the level of margin set by the proposed rule change as well as the method of determining adequate margin.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the proposal in the **Federal Register** in light of the increased stock market volatility during the week of October 19 and its effect on margin adequacy. In addition, the Commission notes that the American, Pacific, and Philadelphia Stock Exchanges and the Chicago Board Options Exchange have adopted identical changes to their margin requirement rules.[7]

---

[5] 15 U.S.C. 78s(b)(2) (1982).

[6] 17 CFR 200.30-3(a)(12)(1987).

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1987).

[3] *See* Securities Exchange Act Release No. 22469 (September 26, 1985), 50 FR 40633.

[4] NYSE Rule 431(f)(2)(D)(i).

[5] NYSE Rule 431(f)(8)(A) states that whenever the Exchange determines that market conditions so warrant, the Exchange may prescribe higher initial and maintenance margin requirements for accounts of customers relative to any securities as the Exchange deems appropriate.

[6] 15 U.S.C. 78f(b)(5) (1982).

[7] *See* Securities Exchange Act Release No. 25081 (November 2, 1987), 52 FR 42751.

Interested persons are invited to submit written data, views and argument concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 5, 1988.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[8] that the proposed rule changes are approved. For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Jonathan G. Katz,

Secretary.

Dated: December 8, 1987.

[FR Doc. 87-28735 Filed 12-14-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7285]

Issuer Delisting; Application To Withdraw From Listing and Registration; the Home Group, Inc. (Common Stock, Par Value $1.00)

December 9, 1987.

The Home Group, Inc. ("Company"), has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("Amex"). The Company's Common Stock is also listed and registered on the New York Stock Exchange, Inc. ("NYSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

In making the decision to withdraw its Common Stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its common stock on the NYSE and the Amex. The Company does not see any particular advantage in dual trading of its stock and believes that dual listing would fragment the market for its Common Stock.

Any interested person may, on or before December 31, 1987, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-28736 Filed 12-14-87; 8:45 am]

BILLING CODE 8010-01-M

---

[8] 15 U.S.C. 78s(b)(2) (1982).

[9] 17 CFR 200.30-3(a)(12) (1987).

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0174]

Surrender of License; Mount Vernon Venture Capital Co.

Notice is hereby given that Mount Vernon Venture Capital Company, 8330 Woodfield Crossing Boulevard, Suit 200, Indianapolis, Indian 46240 has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Mount Vernon Venture Capital Company was licensed by the Small Business Administration on September 29, 1983.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender was accepted on November 25, 1987 and accordingly, all rights, privileges, and franchises derived thereform have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

Dated: December 4, 1987.

[FR Doc. 87-28731 Filed 12-14-87; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 1042]

Public Information Collection Requirements Submitted to OMB for Review

AGENCY: Department of State.

ACTION: The Department of State has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

SUMMARY: Operation of a motor vehicle in the United States by foreign diplomatic personnel is a benefit under the Foreign Missions Act. Administration of this benefit requires the Department of State to register, title, and issue license plates to motor vehicles owned by foreign diplomatic personnel, and to collect information regarding the insurance of motor vehicles owned by foreign diplomatic personnel and official representatives of foreign governments to international organizations in the United States. The following summarizes the information collection proposal submitted to OMB:

Title of information collections—Diplomatic Motor Vehicle Registrations (Mission/Personal Owned).

Originating office—Office of Foreign Missions.

Form numbers—DSP-100, 101, 102.

Type of request—New.

Frequency—On occasion and annually.

Respondents—Foreign government representatives.

Estimated number of responses—10,000.

Estimated number of hours needed to respond—7,500.

Section 3504(h) of Pub. L. 96-511 does not apply.

Additional information or comments: Copies of the proposed forms and supporting documents may be obtained from Gail J. Cook, (202) 647-3536. Comments and questions should be directed to (OMB) Francine Picoult, (202) 395-7340.

December 4, 1987.

Richard C. Faulk,

Acting Assistant Secretary for Administration.

[FR Doc. 87-28738 Filed 12-14-87; 8:45 am]

BILLING CODE 4710-34-M

[Public Notice CM-8/1139]

Integrated Services Digital Network (ISDN) Joint Working Party and Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Joint Working Party and Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on Tuesday, January 5, 1988 and Wednesday, January 6, 1988 in Conference Room 10A-10B, 1120 20th Street, NW., Washington, DC. The meeting will begin at 9:30 a.m. each day. Work under agenda item 5 is expected to be covered during the afternoon of January 5 and continued into January 6, as necessary.

The agenda for the meeting is as follows:

1. Approval of Minutes of December 1, 1987 meeting.
2. Report on results of Study Group "S" meeting, December 7-16, 1987, held in Geneva.
3. Review of contributions in preparation for the meeting of CCITT Study Group II, Geneva, 15-23 February 1988.
4. Report from CCITT Special Study Group XVIII Broadband ISDN meeting.
5. Consideration of contributions in preparation for drafting and/or editors group meetings relevant to network node, or user network node interface Recommendations, and other ISDN Broadband issues.
6. Consideration of contributions for the CCITT Study Group XVIII meeting, Seoul, January 25-February 5, 1988
7. Consideration of Nominations for U.S. Delegation to CCITT Study Group XVIII meeting.
8. Other business.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the AT&T building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meetings, persons who plan to attend should so advise Ms. Cindy Perfumo (201-234-4047).

Date: December 1, 1987.

Earl S. Barbely,

Director, Office of Technical Standards and Development, Chairman, U.S. CCITT National Committee.

[FR Doc. 87-28703 Filed 12-14-87; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/1140]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on January 7, 1988 at 9:30 a.m. in Room 1406, Department of State, 2201 C Street, NW., Washington, DC.

Study Group A deals with international telecommunications policy and services.

The purpose of the meeting will be to review results of the Study Group "S" meeting held in December in Geneva, to prepare and approve U.S. Contributions and consider nomination of delegates to upcoming meeting of Study Group VIII scheduled to begin on February 8, 1988, and to consider any other issues related to Study Group A interests.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Earl Barbely, State Department, Washington, DC; telephone (202) 653-6102. All attendees must use the C Street entrance to the building.

Date: December 3, 1987.

Earl S. Barbely,

Director, Office of Technical Standards and Development; Chairman, U.S. CCITT National Committee.

[FR Doc. 87-28704 Filed 12-14-87; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/1141]

Study Group 8 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 8 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on January 13, 1988 from 9:30 a.m. until 4:00 p.m. in Meeting Rooms 9 A and B, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC.

Study Group 8 studies matters relating to systems of radiocommunications and radiodetermination for the mobile services. The purpose of the meeting is to consider preparations for the international meeting of Study Group 8 in April/May 1988.

Members of the general public may attend the meeting and join in the discussions subject to the instructions of the Chairman. Requests for further information should be directed to Mr. Richard E. Shrum, State Department, Washington, DC 20520; telephone (202) 647-2592.

December 4, 1987.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 87-28702 Filed 12-14-87; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket S-819]

Application for a Waiver of Section 804(a) of the Merchant Marine Act, 1936, as Amended, To Permit Certain Foreign-Flag Operations; American President Lines, Ltd.

American President Lines, Ltd. (APL), by application dated November 24, 1987, requests waivers of the provisions of section 804(a) of the Merchant Marine Act, 1936, as amended (Act), for foreign-flag operations of APL for a period of five years, under Operating-Differential Subsidy Agreement, Contract MA/MSB-417.

APL's Existing Services

APL now performs four subsidized containership services. Its two transpacific services cover the range of former Trade Route (TR) 29 to/from California on up to 108 annual sailings (Line A) and to/from Oregon-Washington on up to 80 annual sailings (Line B). Former TR 29 include ports in the Far East on the continent of Asia from the U.S.S.R. to Thailand, inclusive, Japan, Taiwan, and the Philippines. APL's two Extension services add authority to serve ports of Southeast and South Asia and the Persian Gulf on up to 28 sailings to/from California (Line A Extension) and up to 80 sailings to/from Oregon-Washington (Line B Extension). APL is permitted by its contract to provide any part of the service by transfer or relay of cargo between subsidized vessels at any foreign port on the authorized services.

APL performs its Line A and Line B services primarily with line-haul vessels making direct calls at most foreign TR 29 ports, including Yokohama, Kobe, and Okinawa, Japan; Kaohsiung and Chilung, Taiwan; and Hong Kong. Korea and the Philippines are served by APL subsidized feeder vessels.

The APL Extension services are currently performed by a feeder network that includes two subsidized U.S.-flag APL owned vessels providing service on a relay basis to Singapore and Colombo via Kaohsiung.

APL believes that considerations of economy and operating efficiency call for Extension services to be served by APL owned or chartered foreign-flag feeder vessels.

APL currently utilizes nine foreign-flag common carrier feeder services with 14 vessels:

Number ships	Relay port	Ports served
1	Al Fujayrah (Fujayrah).	Bahrain, Ad Damman, Al Kuwayt.
2 [1]	Colombo	Masqat, Fujayrah, Karachi.
2	Colombo	Bombay, Cochin.
3	Colombo	Madras, Calcutta, Chalna, Chittagong.
1	Singapore	Port Kelang, Pinang.
1	Singapore	Djakarta.
1 [2]	Kao-hsiung	Singapore, Colombo.
1	Singapore	Bangkok.
2	Fujayrah	Mogadiscio, Dar es Salaam, Mombasa.

[1] Until recently 1 ship was serving Karachi and Masqat over Fujayrah.

[2] Served in conjunction with 2 APL-owned, U.S.-flag, subsidized feeders serving same itinerary.

APL also operates 3 foreign-flag ships under a section 804 waiver serving Manila, Singapore, and Bangkok over Kao-hsiung.

A previous section 804 waiver application of APL, to charter two foreign-flag vessels for Philippines/Hong Kong—Kao-hsiung service, advertised in the **Federal Register** of September 30, 1987 (52 FR 36664), Docket S-814, was withdrawn by letter of October 28, 1987. Although not serving the Extension area, APL operates two owned, U.S.-flag, subsidized feeders serving the Philippines over Kao-hsiung, and serving Korea over Yokohama.

APL's Application

APL desires to substitute ten APL-owned or chartered foreign-flag feeder vessels for the first ten vessels in the first six services shown in the listing above. The proposed services would be as follows, with probable port coverage as shown:

No. ships	Capacity	Between	Service area
1	350 FEU	Extension area port.	Persian Gulf—Gulf of Oman.
	Port coverage	Fujayrah or Khor al Fakkan.	Dubai, Ad Dammam, Al Kuwayt, Bahrain, Masqat, inducement ports.
2	450 FEU each	Extension area port.	Karachi, other ports in India.
	Port coverage	Fujayrah or Colombo.	Karachi, ports in India.
2	400 FEU each	Extension area port.	West coast India.
	Port coverage	Colombo or Fujayrah, Singapore, or Madras.	Bombay, Mangalore, Porbandar, Cochin, optional Jamnagar/ Tuticorin.
3	300 FEU each	Extension area port.	Bay of Bengal ports.
	Port coverage	Colombo or Singapore.	Calcutta, Chalna, Chittagong, Madras, inducement Vishakhapatnam/ Paradip.
1	250 FEU	Singapore	mainland Malaysia.
	Port coverage	Singapore	Port Kelang, Pinang, Pasir Gudang.
1	300 FEU	Singapore	Indonesia.
	Port coverage	Singapore	Djakarta, optional Surabaya/ Semarang.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such request within the meaning of section 804 of the Act and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Comments must be received no later than 5:00 p.m. on December 29, 1987. This notice is published as a matter of discretion and publication should in no way be considered a favorable or unfavorable decision on the application, as filed or as may be amended. The Maritime Administrator will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies)

By Order of the Maritime Administrator.

Date: December 9, 1987.

James E. Saari,

Secretary, Maritime Administration.

[FR Doc. 87-28760 Filed 12-14-87; 8:45 am]

BILLING CODE 4910-81-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 240
Tuesday, December 15, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Thursday, December 17, 1987, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance:

Chaves Industrial Bank, an operating noninsured industrial bank located at 501 Lincoln Street, Denver, Colorado.

First Bank of Connecticut, an operating non-FDIC-insured savings association located at 80 Elm Street, New Haven, Connecticut.

Application for consent to establish a facility:

Beverly Bank, Chicago, Illinois, for consent to establish a facility at 10312 South Cicero Avenue, Oak Lawn, Illinois.

Reports of actions approved by the standing committees of the Corporation and by officers of the Corporation pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Memorandum regarding the leasing of office space.

Memorandum and resolution re: Contracts for the FDIC loose-leaf reporting service and its index.

Memorandum and resolution re: Petition of the Institute of Foreign Bankers, Inc. for an extension of the deadline for compliance with Part 346 of the Corporation's rules and regulations, entitled "Foreign Banks," which requires an insured domestic branch of a foreign bank to limit its transfer risk concentrations to any one country to 200 percent of the branch's required capital equivalency ledger account for the branch's home country and 100 percent for all other countries and to reduce any existing excess exposures, including commitments, to within the transfer risk limitations by January 22, 1988.

Memorandum and resolution re: Final amendment to the Corporation's rules and regulations in the form of new Part 350, entitled "Disclosure of Financial and Other Information by FDIC Insured Nonmember Banks," which requires FDIC-insured state-chartered banks that are not members of the Federal Reserve System and FDIC-insured state-licensed branches of foreign banks to prepare, and make available on request, annual disclosure statements consisting of (1) required financial data comparable to specified schedules in call reports filed for the previous two year-ends, (2) information that may be required of particular organizations by administrative orders, and (3) other optional information.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: December 10, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-28798 Filed 12-11-87; 9:01 am]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Thursday, December 17, 1987, the Federal Deposit Insurance Corporation's Board of Director will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations regarding the Corporation's assistance agreement with an insured bank.

Discussion Agenda:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 47,142-M Delegation of Authority to Sell Bank Stock Loans.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separation, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

Matters relating to the possible closing of certain insured banks:

Names and locations of bank authorized to be exempt for disclosure pursuant to the provisions of subsections (c)(6), (c)(9)(A)(ii), and (c)(9)(B), of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 500 17th Street NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: December 10, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-28799 Filed 12-11-87; 9:01 am]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:00 p.m. on Tuesday, December 8, 1987, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business Robert L. Clarke (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of American Saving Bank, an operating non-FDIC-insured savings bank located at 820 A Street, Tacoma, Washington, for Federal deposit insurance.

Recommendations regarding the Corporation's assistance agreement with an insured bank.

Request for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: December 10, 1987.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

Deputy Executive Secretary.

[FR Doc. 87-28800 Filed 12-11-87; 9:01 am]

BILLING CODE 6714-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM:

TIME AND DATE: 10:00 a.m., Friday, December 18, 1987.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed amendment to Regulation T (Credit by Brokers and Dealers) to permit broker-dealers to facilitate the exercise of employee stock options. (Proposed earlier for public comment; Docket No. R-0611)

2. Proposed revision of Regulation F (Securities of State Member Banks). (Proposed earlier for public comment; Docket No. R-0609)

3. Proposed amendments to the by-laws of the Federal Reserve System's Committee on Employee Benefits.

4. Proposals to reduce automated clearing house risk. (Proposed earlier for public comment; Docket No. R-0591)

Discussion Agenda

5. Proposed amendments to Regulation Z (Truth in Lending) regarding disclosures for closed-end adjustable-rate mortgages. (Proposed earlier for public comment; Docket No. R-0545)

6. Publication for comment of proposed amendments to Regulation Z (Truth in Lending) regarding disclosures for home equity lines of credit.

7. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to:

Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Date: December 10, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-28856 Filed 12-11-87; 12:53 pm]

BILLING CODE 6210-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 11:00 a.m., Friday, December 18, 1987, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed purchase of computers within the Federal Reserve System.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: December 10, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-28857 Filed 12-11-87; 12:53 pm]

BILLING CODE 6210-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, December 21, 1987.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications for the meeting.

Date: December 11, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-28901 Filed 12-11-87; 4:00 pm]

BILLING CODE 6210-01-M

BEST COPY AVAILABLE

Corrections

Federal Register
Vol. 52, No. 240
Tuesday, December 15, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

7 CFR Part 8

4-H Club Name and Emblem

Correction

In rule document 87-5738 beginning on page 8432 in the issue of Tuesday, March 17, 1987, make the following correction:

§ 8.3 [Corrected]

On page 8432, in the third column, in § 8.3, in the second paragraph, in the first line, "County Cooperative Service" should read "County Cooperative Extension Service".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-943-07-4220-10; A-22923]

Proposed Withdrawal of Federal Land; Opportunity for Public Meeting

Correction

In the issue of Wednesday, October 14, 1987, on page 38171, in the third column, a correction to FR Doc. 87-20227 appeared. The fourth item in the correction document was inaccurate and should have appeared as follows:

* * * * *

4. Also under T.7 S., R.1 W., the ninth line reading "Sec. 7, all" should read "Sec. 8, all".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 79-17; Notice 35]

New Car Assessment Program; Optional Testing by Manufacturers

Correction

In notice document 87-28294 beginning on page 46880 in the issue of Thursday, December 10, 1987, the docket number in the heading was inaccurate and should read as it appears above.

BILLING CODE 1505-01-D

federal register

Tuesday
December 15, 1987

Part II

Department of Energy

Compliance With the National Environmental Policy Act (NEPA); Amendments to the DOE NEPA Guidelines; Notice

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act (NEPA); Amendments to the DOE NEPA Guidelines

AGENCY: Department of Energy.

ACTION: Notice of amendments to and republication of the Department of Energy's NEPA guidelines.

SUMMARY: The Department of Energy is amending Section D of its guidelines for compliance with the National Environmental Policy Act (NEPA) by adding eight new typical classes of actions, by modifying four existing typical classes of actions, and by deleting one typical class of actions, as proposed on February 25, 1985, (50 FR 7629). Section D was originally published on March 28, 1980, (45 FR 20694) and subsequently has been amended on February 23, 1982, (47 FR 7976), January 6, 1983, (48 FR 685), and January 7, 1987, (52 FR 659). Sections A, B, C, and amended Section D of the NEPA guidelines are republished in their entirety.

EFFECTIVE DATE: December 15, 1987.

FOR FURTHER INFORMATION CONTACT:

Carol Borgstrom, Acting Director, Office of NEPA Project Assistance EH-25, Room 3E-080 U.S. Department of Energy, 1000 Independence Avenue, SW. Washington, DC 20585 (202) 586-4600.

Henry Garson, Esq. Assistant General Counsel for Environment, GC-11, Room 6A-113 U.S. Department of Energy 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6947.

SUPPLEMENTARY INFORMATION: On March 28, 1980, the Department of Energy (DOE) published in the **Federal Register** (45 FR 20694) final guidelines for compliance with the National Environmental Policy Act (NEPA), as required by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508). Section D of the Department's guidelines identifies typical classes of DOE actions: (1) which normally do not require either an environmental assessment (EA) or an envi ronmental impact statement (EIS), i.e., categorical exclusions, (2) which normally require an EA but not necessarily an EIS, and (3) which normally require an EIS. These classes of actions were identified pursuant to CEQ regulations (40 CFR 1507.3(b)(2)).

A notice of proposed amendments to Section D of DOE's guidelines was published on February 25, 1985, (50 FR 7629). The proposed amendments related primarily to activities of the Department's Power Marketing Administrations, and proposed adding eight new typical classes of actions, modifying four existing typical classes of actions, and deleting one typical class of actions. Specifically, the proposed amendments were the addition of seven and modification of two categorical exclusions, the addition, modification, and deletion of classes of actions which normally require an EA, and the modification of one class of actions which normally requires an EIS.

Publication of the proposed amendments commenced a 30-day public comment period. No comments were received. The final amendments as stated below are essentially the same as the proposed amendments. Certain clarifying changes have been made, as noted.

The following categorical exclusions, i.e., actions which normally do not individually or cumulatively have a significant effect on the quality of the human environment and therefore for which neither an EA nor an EIS is required, have been added:

1. Construction of tap lines (defined as usually being less than 10 miles in length) which are not for the integration of major new sources of generation into DOE's main transmission systems, and where such actions do not impact environmentally sensitive areas such as archaeological sites, critical habitats, floodplains, and wetlands. (Note - This has been modified from the amendment proposed in 50 FR 7629 to make it clear that the parenthetical information is a definition of "tap lines" and is not a transmission line length criterion, and to use a length that is more in keeping with the normal maximum length of a tap line, i.e., 10 miles instead of 6 miles.)

2. Construction of microwave and radio communication towers and associated facilities where such actions do not impact environmentally sensitive areas such as archaeological sites, critical habitats, floodplains, and wetlands, and where such actions do not prejudice future site selection decisions for substations or other transmission facilities. (Note - The words "and radio communication" have been added to the amendment proposed in 50 FR 7629 to include radio towers, which have environmental impacts similar to those of microwave towers.)

3. Disposal of real property by the DOE through the General Services Administration where the planned land use is to remain unchanged.

4. Financial and technical assistance to individuals (builders, owners, designers) and to state and local governments to promote energy efficiency in new structures built in compliance with applicable, duly adopted building codes.

5. Small scale research and development projects designed to demonstrate potential electrical energy conservation associated with residential/commercial buildings, appliance/ equipment efficiency standards, and manufacturing and industrial processes (e.g., insulation effectiveness, lighting efficiencies, appliance efficiency ratings, and development of manufacturing or industrial plant efficiencies).

6. Activities undertaken to restore existing fish and wildlife facilities, including minor habitat improvements or improvements to existing fish passage facilities at existing dams or diversion canals.

7. Power marketing services including storage, load shaping, seasonal exchanges, or other similar activities where the operations of hydroelectric projects remain within established constraints and which do not alter the environmental status quo. (Note - The term "load factoring" in the amendment proposed in 50 FR 7629 has been replaced by the term "load shaping".)

The addition of the new categorical exclusion number 1 above makes it necessary to make a conforming change, as proposed, to an existing typical class of actions normally requiring an EA. The typical class of actions "Construction of new service facilities such as tap lines and substations," has been modified to read as follows: "Construction of new substations."

The following typical class of actions has been added to those which normally require EAs but not necessarily EISs: Execution of marketing plans or allocation plans for the long term allocation (greater than 1 year) of existing or excess power resources to customers who can receive the resources over existing transmission systems. (Note - This has been modified from the amendment proposed in 50 FR 7629 to reflect the focus of environmental review on marketing or allocation plans rather than on individual contracts executed under approved plans. The allocation of power resources to customers in a manner differing from existing contractual arrangements is already an existing class of actions requiring an EA. The term "facilities" in the amendment proposed in 50 FR 7629 has been replaced by the term "systems".)

The existing categorical exclusion "Execution of contracts for the short term or seasonal allocation of excess power resources to customers who can receive these resources over existing transmission systems," is modified as follows: Execution of contracts, marketing plans, or allocation plans for the short term or seasonal allocation (less than 1 year) of existing or excess power resources to customers who can receive these resources over existing transmission systems. (Note: This has been modified from the amendment proposed in 50 FR 7629 to include marketing or allocation plans as well as individual contracts executed under approved plans. The allocation of power resources to customers in a manner differing from existing contractual arrangements is already an existing class of actions requiring an EA.)

The existing class of actions normally requiring an EIS, "DOE actions which cause energy conservation on a substantial scale," is modified as follows: DOE actions which cause energy conservation on a substantial scale, including those where effects are primarily on the indoor environment (e.g., indoor air quality). (Note: This has been modified from the amendment proposed in 50 FR 7629 for clarification.)

The existing categorical exclusion "Minor additions to a substation, transformer additions, or changes in transformer assignments that do not affect the area beyond the previously developed substation area," is modified as follows: Minor substation modifications, which do not involve the construction of new transmission lines or the integration of a major new resource, and where such actions do not impact environmentally sensitive areas such as archaeological sites, critical habitats, floodplains, and wetlands. (Note: This modification is identical to that proposed in 50 FR 7629.)

As a result of the above modification, the following typical class of actions normally requiring an EA but not necessarily an EIS has been deleted: "Modifications of existing facilities (e.g., substations, storage yards) where impacts extend beyond the previously developed facility area." Thus, an EA is not automatically required for facility modifications that extend beyond the previously developed area. However, if the limiting criteria in the categorical exclusion cannot be met (if the action involves construction of new transmission lines or the integration of a major new source or if there will be impacts in environmentally sensitive areas), then an EA would be required.

DOE has consulted with the Council on Environmental Quality (CEQ) regarding these amendments, in accordance with 40 CFR 1507.3. CEQ had no objection to the proposed amendments. Therefore, DOE has adopted these amendments to Section D of its NEPA Guidelines, effective immediately.

The Department's NEPA Guidelines are republished as follows in their entirety. The republication incorporates amendments to the original Section D (45 FR 20694, March 28, 1980) which were finalized on February 23, 1982, (47 FR 7976), January 6, 1983, (48 FR 685), January 7, 1987, (52 FR 659), and by this notice. Sections A, B, and C of the Guidelines are reprinted as published in 45 FR 20694 with the exceptions that (1) responsible DOE offices have been changed as appropriate and (2) the list of other environmental laws that are coordinated with the NEPA process has been updated.

Issued in Washington, DC on November 19, 1987.

Mary L. Walker,

Assistant Secretary for Environment, Safety and Health.

DOE NEPA GUIDELINES

Purpose

Section A - NEPA and Agency Planning

Paragraph A.1 DOE Process [40 CFR 1501.2]
Paragraph A.2 Applicant Processes [40 CFR 1501.2(d)]
Paragraph A.3 Whether to Prepare an Environmental Impact Statement [40 CFR 1501.4, 1507.3(b)(2), and 1508.4]
Paragraph A.4 Scoping [40 CFR 1501.7]

Section B - NEPA and Agency Decisionmaking

Paragraph B.1 DOE Decisionmaking [40 CFR 1505.1]
Paragraph B.2 General Procedures
Paragraph B.3 Specific Procedures

Section C - Other Requirements of NEPA

Paragraph C.1 Access to NEPA Documents [40 CFR 1507.3(c)]
Paragraph C.2 Supplemental Statements [40 CFR 1502.9(c)]
Paragraph C.3 Revisions of Time Periods [40 CFR 1507.3(d)]
Paragraph C.4 Coordination With Other Environmental Laws [40 CFR 1502.25]
Paragraph C.5 Status of NEPA Actions [40 CFR 1508.6(e)]
Paragraph C.6 Oversight of Agency NEPA Activities [40 CFR 1507.2(a)]
Paragraph C.7 Compliance
Paragraph C.8 Revisions to the Guidelines

Section D - Typical Classes of Action

Purpose

The purpose of these guidelines is to provide procedures which the Department of Energy (DOE) will apply to implement the Council on Environmental Quality (CEQ) regulations for compliance with the National Environmental Policy Act (NEPA). The CEQ regulations are codified at 40 CFR Parts 1500-1508. The guidelines are issued pursuant to and are to be used only in conjunction with the CEQ regulations.

The guidelines are intended for use by all persons acting on behalf of DOE in carrying out certain provisions of the CEQ regulations. They are not intended, however, to create or enlarge any procedural or substantive rights against DOE. Any deviation from the guidelines must be soundly based and must have the advance approval of the Under Secretary of DOE.

Section A - NEPA and Agency Planning

1. DOE Process

The CEQ regulations (40 CFR 1501.2) require that: "Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts."

To implement this requirement DOE will:

(a) Review preliminary internal program planning documents, regulatory agenda, draft legislation, budgetary materials and other developing DOE proposals, to ensure the proper integration of the NEPA process;

(b) Incorporate into its early planning processes a careful consideration of: (i) The potential environmental consequences of its proposed actions, and (ii) appropriate alternative courses of action;

(c) At the earliest possible time, in accordance with paragraph A.3 herein, determine whether an environmental assessment (EA) or an environmental impact statement (EIS) is required.

2. Applicant Processes

With respect to applicant processes, the CEQ regulations (40 CFR 1501.2(d)) require agencies to:

"(d) Provide for cases where actions are planned by private applicants or other non-Federal entities before Federal involvement so that: (1) Policies or designated staff are available to advise potential applicants of studies or other information foreseeably required for later Federal action.

(2) The Federal agency consults early with appropriate State and local agencies and Indian tribes and with interested private persons and organizations when its own involvemen' is reasonably foreseeable.

(3) The Federal agency commences its NEPA process at the earliest possible time."

To implement this requirement:

(a) Applicants for a DOE lease, permit, license, certificate, financial assistance, allocation, exemption or similar action are expected to:

(1) Consult with DOE as early as possible in their planning processes to obtain guidance with respect to the appropriate level and scope of any studies or environmental information which DOE may require to be submitted as part of or in support of their application;

(2) Conduct studies which are deemed necessary and appropriate by DOE to determine the impact of the proposed action on the quality of the human environment;

(3) Consult with appropriate Federal, regional, State and local agencies and other potentially interested parties during the preliminary planning stages of the proposed action to ensure that environmental factors including permitting requirements are identified;

(4) Submit applications for all required Federal, regional, State and local permits or approvals as early as possible;

(5) Notify DOE as early as possible of other Federal, regional, State, local and Indian tribe actions required for project completion in order that DOE may coordinate the Federal environmental review, and fulfill the requirements of 40 CFR 1506.2, regarding elimination of duplication with State and local procedures, as appropriate;

(6) Notify DOE of private persons and organizations interested in the proposed undertaking, in order that DOE can consult, as appropriate, with these parties in accordance with 40 CFR 1501.2(d)(2);

(7) Notify DOE if, prior to completion of the DOE environmental review and decisionmaking process, the applicant plans or is about to take an action in furtherance of an undertaking within DOE's jurisdiction which may meet either of the criteria set forth at 40 CFR 1508.1(a).

(b) Upon receipt of an application, or earlier if possible, DOE will:

(1) Initiate and coordinate any requisite environmental analyses in accordance with the requirements set forth at 40 CFR 1506.5;

(2) Determine, in accordance with paragraph A.3 herein, whether an EA or an EIS is required; and

(3) Establish time limits for the NEPA process when requested to do so by an applicant.

(c) For major categories of DOE actions involving a large number of applicants, DOE may prepare generic guidelines describing the level and scope of environmental information expected from the applicant and will make such guidelines available to applicants upon request.

(d) For DOE programs that frequently involve another agency or agencies in related decisions subject to NEPA, DOE will cooperate with the other agencies in developing environ-mental information and in determining whether to prepare an EA or an EIS. Where appropriate and acceptable to the other agencies, DOE will develop or cooperate in the development of interagency agreements to facilitate coordination and to reduce delay and duplication.

3. Whether to Prepare an Environmental Impact Statement

The CEQ regulations (40 CFR 1501.4) require the Federal agency, in determining whether to prepare an EIS, to:

"(a) Determine under its procedures supplementing these regulations (described in Section 1507.3) whether the proposal is one which:

(1) Normally requires an environmental impact statement, or

(2) Normally does not require either an environmental impact statement or an environmental assessment (categorical exclusion).

(b) If the proposed action is not covered by paragraph (a) of this section, prepare an environmental assessment (Section 1508.9)."

To implement this requirement and the requirements contained at 40 CFR 1507.3(b)(2):

(a) DOE has (in Section D), identified typical classes of DOE action:

"(i) Which normally do require environmental impact statements.

(ii) Which normally do not require either an environmental impact statement or an environmental assessment [categorical exclusions (Section 1508.4)].

(iii) Which normally require environmental assessments but not necessarily environmental impact statements."

(b) DOE will review individual proposed actions to determine the appropriate level of NEPA documentation required where:

(1) The proposed action is not encompassed within the categories of Section D,

(2) The proposed action is encompassed within the categories of Section D, but DOE believes that the categorization is not appropriate to the individual proposed action.

(3) Public comment received on or relating to a proposal included within the categories of Section D raises a substantial question regarding the categorization.

(c) DOE will, in conducting the reviews of paragraph (b) above, either:

(1) Determine that neither an EA nor an EIS is required where it is clear that the proposed action is not a major Federal action significantly affecting the quality of the human environment. (In such cases, a brief memorandum may be prepared explaining the basis for that determination);

(2) Prepare an EA where it is unclear whether an EIS is required; or

(3) Proceed directly to EIS preparation where it is clear that an EIS is required.

(d) DOE may add actions to or remove actions from the categories in Section D based on experience gained during implementation of the CEQ regulations and these guidelines.

4. Scoping

The CEQ regulations (40 CFR 1501.7) require:

"* * * an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action."

To implement this requirement, DOE will:

(a) As soon as practicable after a decision to prepare an EIS, publish in the **Federal Register** a Notice of Intent (NOI) to prepare an EIS in accordance with 40 CFR 1501.7. However, where DOE finds that there is a lengthy period between DOE's decision to prepare an EIS and the time of actual preparation, DOE may instead publish the NOI at a time sufficiently in advance of preparation of the draft EIS to provide reasonable opportunity for interested persons to participate in the EIS preparation process;

(b) Provide additional dissemination of the NOI in accordance with 40 CFR 1508.6;

(c) Through the NOI, invite comments and suggestions on the proposed scope of the EIS including environmental issues and alternatives for consideration in the preparation of the draft EIS and invite public participation in the NEPA process except where there is an exception for classified proposals pursuant to 40 CFR 1507.3(c) and paragraph C.1, herein. The comment period for the NOI will normally be 20 days. To the extent practicable, DOE may consider comments received after the close of the designated comment period on the NOI in preparing the draft EIS.

(d) If a scoping meeting is to be held, provide notice of the meeting in the NOI at least 15 days before the meeting.

(e) Prepare and use an EIS implementation plan to record the results of the scoping process and to provide guidance to DOE for the preparation of an EIS.

(1) The EIS implementation plan will be a brief document and will contain:

(i) Information to address the provisions of 40 CFR 1501.7(a)(2), (3), (5), (6), and (7);

(ii) A detailed outline of the EIS;

(iii) A description of the means by which the EIS will be prepared, including the nature of any contractor assistance to be used.

(2) The EIS implementation plan may also contain:

(i) Target page limits for the EIS; (ii) Target time limits for EIS preparation; (iii) An allocation of assignments among DOE and cooperating agencies.

(3) DOE will complete an EIS implementation plan as soon as practicable after the close of the designated comment period on the NOI or after a scoping meeting, if one is held, whichever is later.

(4) DOE may revise the implementation plan, as necessary during EIS preparation.

Section B - NEPA and Agency Decisionmaking

1. DOE Decisionmaking

The CEQ NEPA regulations (40 CFR 1505.1) require that agencies adopt procedures to ensure that decisions are made in accordance with the policies and purposes of NEPA.

To implement this CEQ requirement, this section designates the major decisionmaking processes for DOE's principal programs and provides procedures to assure that the NEPA process corresponds with the decisionmaking processes. These processes are designated as policy level decisionmaking, program level decisionmaking, and project level decisionmaking. The procedures consist of general procedures applicable to all DOE decisionmaking processes followed by specific procedures applicable to the individual decisionmaking processes.

The decisionmaking structure designated herein is consistent with the CEQ tiering concept (40 CFR 1502.20), which provides for focusing on the actual issues ripe for decision and eliminating repetitive discussions of the issues already decided. Accordingly, environmental documents prepared for policy level decisions will normally focus on broad issues and will provide the foundation for subsequent program and project environmental documents. Environmental documents prepared for program level decisions will normally focus on narrower issues than at the policy level and may summarize and incorporate by reference discussions contained in any relevant policy level environmental document but should not repeat the discussion of issues already decided at the policy level of decisionmaking.

Similarly, environmental documents prepared for project level decisions will normally focus on issues specific to the proposed project and may summarize and incorporate by reference discussions contained in any broader environmental documents but should not repeat the discussion of issues decided at higher levels of decisionmaking.

2. General Procedures

(a) The following general procedures apply to all DOE decisionmaking processes. DOE will:

(1) At the earliest possible time in the decisionmaking process: (i) Identify and evaluate environmental factors and appropriate alternative courses of action, and (ii) determine in accordance with paragraph A.3 herein the appropriate level of environmental review document required.

(2) Commence preparation of the relevant environmental document as close as possible to the time that DOE begins development of or is presented with a proposal (40 CFR 1508.23), and complete the document in advance of final decisionmaking.

(3) During the development and consideration of a proposal and the relevant environmental document, review other DOE planning and decisionmaking documents to ensure that alternatives (including the proposed action) to be considered by the decisionmaker are encompassed by the range of alternatives in the relevant environmental document.

(4) Circulate the relevant environmental document or summary thereof with the proposal and other decisionmaking documents through DOE's internal review processes to ensure that DOE officials use the environmental documents in making decisions and that the decisionmaker consider the alternatives described therein.

(5) Where an EIS is prepared, publish the record of decision (40 CFR 1505.2) in the **Federal Register** and make it available to the public as specified in 40 CFR 1506.6 except as provided in paragraph C.1. For the purposes of 40 CFR 1506.1, the record of decision will be deemed issued upon signature by the appropriate DOE official.

(6) Utilize the tiering concept in accordance with 40 CFR 1502.20 and 1508.28 to the fullest extent practicable.

3. Specific Procedures

(a) *Policy-level-decisionmaking.* At this level of decisionmaking, DOE is deciding on broad strategies to achieve energy goals such as conservation, development of new resources and use of more abundant resources. Policy level decisions may, for example, be represented by proposals for legislation or by formal statements of national energy policy.

(1) For legislative proposals, DOE will: Identify and evaluate relevant environmental issues and reasonable alternatives, and make a determination regarding the need to prepare an environmental document during the proposal formulation and early drafting stages; and, normally prepare, consider, and publish any required environmental document in connection with the submittal of a proposal to Congress, except as may be provided in 40 CFR 1506.8.

(2) For formal statements of national energy policy DOE will: Initiate implementation of the applicable general procedures specified above during the analysis phase of policy development; and will prepare, consider, and publish any required environmental document in advance of policy adoption for those policies that will result in or substantially alter DOE programs.

(b) *Program-level-decisionmaking.* At this level of decisionmaking, DOE is deciding on a variety of approaches to implement specific policies or statutory authorities. Program level decisions are generally represented by the advancement of an energy technology program, the issuance of program regulations, or the adoption of a program plan.

(1) For energy technology research, development, demonstration and commercialization programs, DOE will: initiate the applicable general procedures specified above concurrent with program initiation; and, if required, prepare the relevant environmental document when environmental effects can be meaningfully evaluated. When required, the relevant environmental document would normally be prepared in advance of a decision to proceed with the development phase of a research, development, demonstration, and commercialization program. Nevertheless, DOE will consider the following factors throughout the program in determining the necessity and appropriate timing of the relevant environmental document: (i) The significance of the environmental impacts of the technology, if applied, on the quality of the human environment;

and (ii) The extent to which continued investment in the new technology is likely to cause the program to reach a stage of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives.

(2) For programs that are implemented by regulations, DOE will initiate implementation of the applicable general procedures specified above during early regulation drafting stages. Publication of a draft EIS, if required, will normally accompany publication of the proposed regulations and will be available for public comment at any hearings held on the proposed regulations. The draft EIS need not accompany notices of inquiry or advance notices of proposed rulemaking intended to gather information during early stages of regulation development. The relevant environmental document, with comments and responses, will be included in the administrative record. In accordance with 40 CFR 1506.10(b)(2), final rulemakings promulgated pursuant to the Administrative Procedure Act may be issued simultaneously with publication of the notice of the availability of the final EIS.

(3) For programs that are not included in paragraphs (1) or (2) and that are implemented by a formal program plan, DOE will: initiate implementation of the applicable general procedures specified above concurrent with program plan formulation; and, if required, prepare the relevant environmental document when the environmental effects of the program can be meaningfully evaluated. If an EIS is required, it will be prepared, considered, and published and the requisite record of decision issued before taking an action that would have an adverse environmental impact or limit the choice of reasonable alternatives except as provided in 40 CFR 1506.1(c).

(c) *Project level decisionmaking.* At this level of decisionmaking, DOE is deciding on specific actions to execute a program or to perform a regulatory responsibility. Project level decisions are generally represented by the approval of projects, by the approval or disapproval of applications, or by the decisions on applications rendered in adjudicatory proceedings.

(1) For projects that are undertaken directly by DOE, including projects involving the sole source procurement of a site and/or process, DOE will: initiate implementation of the applicable general procedures specified above concurrent with project concept development; and, if required, prepare, consider, and publish the relevant environmental document before making a go/no-go decision on the project. In addition, if a DOE project requires preparation of an EIS, DOE will not take an action concerning the project which would have an adverse environmental effect or which would limit the choice of reasonable alternatives until the required record of decision is issued.

(2) For major system acquisition projects involving selection of sites and/or processes by competitive procurement, DOE will:

(i) Require that environmental data and analyses be submitted as a discrete part of an offeror's proposal. (The level of detail required for environmental data and analyses will be specified by DOE for each applicable procurement action. The data will be limited to those reasonably available to offerors.)

(ii) Independently evaluate and verify the accuracy of environmental data and analyses submitted by offerors.

(iii) For proposals in the competitive range, prepare and consider before the selection of sites and/or processes an environmental impact analysis in accordance with the following:

(a) In order to comply with 18 U.S.C. 1905 which prohibits DOE from disclosing business, confidential or trade secret information, the environmental impact analysis will be subject to the confidentiality requirements of the competitive procurement process and therefore exempt from mandatory public disclosure.

(b) The environmental impact analysis will be based on the environmental data and analyses submitted by offerors and on supplemental information developed by DOE as necessary for a reasoned decision.

(c) The environmental impact analysis will focus on environmental issues that are pertinent to a decision on proposals in the competitive range and will include:

(1) A brief discussion of the purpose of each proposal including any site or process variations having environmental implications.

(2) For each proposal, a discussion of the salient characteristics of the proposed sites and/or processes as well as alternative sites and/or processes reasonably available to the offeror or to DOE.

(3) A brief comparative evaluation of the environmental impacts of the proposals. This evaluation will focus on significant environmental issues and clearly identify and define the comparative environmental merits of the proposals.

(4) A discussion of the environmental impacts of each proposal. This discussion will address direct and indirect effects, short-term and long-term effects, proposed mitigation measures, adverse effects which cannot be avoided, areas where important environmental information is incomplete or unavailable, unresolved environmental issues, and practicable mitigating measures not included in the proposal.

(5) To the extent known for each proposal, a list of Federal, State, and local government permits, licenses, and approvals which must be obtained in implementing the proposal.

(iv) Document the consideration given to environmental factors in a publicly available selection statement to record that the relevant environmental consequences of reasonable alternatives have been evaluated in the selection process. The selection statement will not contain business, confidential, trade secret or other information the disclosure of which is prohibited by 18 U.S.C. 1905 or the confidentiality requirements of the competitive procurement process. The selection statement will be filed with the Environmental Protection Agency.

(v) If the selected sites and/or processes are likely to have significant effects on the quality of the human environment, phase subsequent contract work to allow publicly available EIS's to be prepared, considered and published in full conformance with the requirements of 40 CFR Parts 1500-1508 and in advance of a go/no-go decision.

(3) For projects that involve applications to DOE for financial assistance or applications to DOE for a permit, license, exemption, allocation or similar regulatory action involving informal administrative proceedings, DOE will: apply NEPA early in the process in accordance with 40 CFR 1501.2(d) and paragraph A.2 herein; commence preparation of the relevant environmental document, if required, no later than immediately after applications are received and in accordance with the requirements set forth at 40 CFR 1506.5; and consider the relevant environmental document, if one is prepared, in decisions on the application.

(4) For actions that involve adjudicatory proceedings, excluding judicial or administrative, civil, or criminal enforcement actions, DOE will: normally prepare, consider and publish the relevant environmental document, if required, in advance of a decision, and include the document in the formal record of the proceedings. If an EIS is required, the draft EIS will normally precede preliminary staff recommendations, and publication of the final EIS will normally precede final staff recommendations and that portion of the public hearing related to the EIS. The EIS need not precede preliminary hearings designed to gather information for use in the EIS.

Section C - Other Requirements of NEPA

1. Access to NEPA Documents

The CEQ NEPA regulations (40 CFR 1507.3(c)) allow an agency to develop criteria for limiting public access to environmental documents which involve classified information. This section provides the DOE policy for addressing classified information as well as policy for addressing confidential information.

Classified or confidential information is exempted from mandatory public disclosure by Section 552(b) of the Freedom of Information Act (FOIA) (5 U.S.C. 552), Section 1004.10(b) of DOE's regulations implementing FOIA (10 CFR Part 1004), and 18 U.S.C. 1905. Public access to such information will be restricted in accordance with such regulations and applicable statutes.

All NEPA documents (as defined at 40 CFR 1508.10), the EIS implementation plan, and the record of decision are subject to the mandatory public disclosure requirements of FOIA and the DOE regulations implementing FOIA except documents which are determined, in accordance with the applicable statutes and regulations, to contain classified or confidential information. DOE will determine the treatment of documents containing classified or confidential information on a case by case basis in accordance with the requirements of DOE's FOIA regulations and the applicable statutes.

Wherever possible, the fundamental policy of full disclosure of NEPA documents will be followed. In some cases, this will mean that classified or confidential information may be excised, prepared as an appendix, or otherwise segregated to allow the release of the nonsensitive portions of a document.

2. Supplemental Statements

(a) If required, DOE will prepare, circulate, and file a supplement to a draft or final EIS, in accordance with 40 CFR 1502.9(c). However, where it is unclear whether an EIS supplement is required, DOE will prepare an analysis which provides sufficient information to support a DOE determination with respect to the criteria of 40 CFR 1502.9(c) (i) and (ii). Based on the analysis, DOE will determine whether to prepare an EIS supplement. Where DOE determines that an EIS supplement is not required, DOE will prepare a brief memorandum which explains the basis for that determination.

(b) When applicable, DOE will incorporate an EIS supplement or a brief memorandum and supporting analysis into any related formal administrative record prior to making a final decision on the action which is the subject of the EIS supplement or analysis.

3. Revisions of Time Periods

The CEQ regulations (40 CFR 1507.3(d)), allow agencies to provide for periods of time other than those presented in 40 CFR 1506.10 when necessary to comply with other specific statutory requirements.

Certain circumstances, such as statutory deadlines, may require that the periods established in 40 CFR 1506.10 for the timing of DOE NEPA actions be altered. If DOE determines that, in order to comply with specific requirements of other statutes, such revisions are necessary, a notice of the determination will be published in the Federal Register. This notice will briefly provide the reason for such alterations and contain information on the revised time periods. Related notices of substantive action, if applicable, may be published jointly with notices published pursuant to this paragraph.

4. Coordination With Other Environmental Laws

The CEQ regulations (40 CFR 1502.25) provide for integrating the NEPA process and other environmental requirements.

To the fullest extent possible, DOE will:

(a) Coordinate NEPA compliance with other environmental review requirements including those under: the Clean Air Act, the Clean Water Act, the Coastal Zone Management Act, the Endangered Species Act, the Fish and Wildlife Coordination Act, the Wild and Scenic Rivers Act, the National Historic Preservation Act, Section 13 of the Federal Nonnuclear Research and Development Act, the Marine Protection, Research and Sanctuaries Act, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and other Acts, as deemed appropriate by DOE.

(b) Determine the applicability of other environmental requirements early in the planning process to ensure compliance and to avoid delays.

(c) In addition to the information required by 40 CFR 1502.25(b), include in draft and final EISs plans and estimated schedules for compliance with other applicable environmental review requirements.

(d) Use the relevant NEPA document to support the fulfillment of the review and documentation requirements of other environmental statutes and regulations, and to report the status of compliance with these other environmental authorities.

5. Status of NEPA Actions

Individuals or organizations desiring information or status reports on elements of the NEPA process should address their inquiries to:

Office of NEPA Project Assistance, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

6. Oversight of Agency NEPA Activities

The Assistant Secretary for Environment, Safety and Health, or his/her designee, will be responsible for overall review of DOE NEPA compliance.

7. Compliance

These guidelines are intended for use by all persons acting on behalf of DOE in carrying out certain provisions of the CEQ regulations. Any deviation from the guidelines must be soundly based and must have the advance approval of the Under Secretary of DOE.

8. Revisions to the Guidelines

DOE will, in accordance with 40 CFR 1507.3, review these guidelines on a continuing basis and revise them as necessary to ensure full compliance with the purposes and provisions of NEPA. Substantive changes will be published in the Federal Register and will be finally adopted only after an opportunity for public review.

SECTION D.—TYPICAL CLASSES OF ACTIONS

Normally do not require EA's or EIS's	Normally require EA's but not necessarily EIS's	Normally require EIS's
Classes of Actions Generally Applicable to All of DOE		
Administrative procurements (e.g., general supplies).	DOE actions which enable or result in engineering development activities, i.e., detailed design, development, fabrication, and test of energy system prototypes.	DOE actions which are expected to result in the construction and operation of a large scale project.
Contracts for personal services.	DOE actions which provide grants to state and local governments for energy conservation programs.	DOE actions which cause energy conservation on a substantial scale, including those where effects are primarily on the indoor environment (e.g., indoor air quality).
Personnel actions.	Rate increases for products or services marketed by DOE, and approval of rate increases for non-DOE entities which exceed the rate of inflation in the period since the last increase.	
Reports or recommendations on legislation or proposed rulemaking which was not initiated by DOE.		
Compliance actions, including investigations, conferences, hearings, notices of probable violations and remedial orders.		
Interpretations and rulings, or modification or rescissions thereof.		
Promulgation of rules and regulations which are clarifying in nature, or which do not substantially change the effect of the regulations being amended.		
Actions with respect to the planning and implementation of emergency measures pursuant to the International Energy Program.		
Information gathering, analysis, and dissemination.		
Actions in the nature of conceptual design or feasibility studies.		
Actions involving routine maintenance of DOE-owned or operated facilities.		
Actions in the nature of analytic energy supply/demand studies which do not result in a DOE report or recommendation on legislation or other DOE proposals.		
Adjustments, exceptions, exemptions, appeals, stays or modifications or rescissions of orders issued by the Office of Hearings and Appeals.		
Rate increases for products or services marketed by DOE, and approval of rate increases for non-DOE entities, which do not exceed the rate of inflation in the period since the last rate increase.		
Actions that are substantially the same as other actions for which the environmental effects have already been assessed in a NEPA document and determined by DOE to be clearly insignificant and where such assessment is currently valid.		
General plant projects such as road and parking area resurfacing, modifications to heating-ventilating-air conditioning systems, minor alterations of existing buildings, and other similar projects where: (1) The projects are located within previously developed areas and will not affect environmentally sensitive areas such as archeological sites, critical habitats, floodplains, and wetlands and (2) the projects are not part of a proposed action that is or may be the subject of an EA or EIS.		
Installation of meteorological towers and associated activities to assess potential wind energy resources where the installation has no impacts on environmentally sensitive areas such as archeological sites, critical habitats, floodplains, and wetlands, and where the installation does not prejudice future site selection decisions for large wind turbines.		
Construction of microwave and radio communication towers and associated facilities where such actions do not impact environmentally sensitive areas such as archeological sites, critical habitats, floodplains, and wetlands, and where such actions do not prejudice future site selection decisions for substations or other transmission facilities.		
Disposal of real property by the Department of Energy through the General Services Administration where the planned land use is to remain unchanged.		
Financial and technical assistance to individuals (builders, owners, designers) and to state and local governments to promote energy efficiency in new structures built in compliance with applicable, duly adopted building codes.		
Small scale research and development projects designed to demonstrate potential electrical energy conservation associated with residential/commercial buildings, appliance/equipment efficiency standards, and manufacturing and industrial processes (e.g. insulation effectiveness, lighting efficiencies, appliance efficiency ratings, and development of manufacturing or industrial plant efficiencies).		
Activities undertaken to restore existing fish and wildlife facilities, including minor habitat improvements or improvements to existing fish passage facilities at existing dams or diversion canals.		
Classes of Actions Generally Applicable to Licenses to Import/Export Natural Gas Pursuant to Section 3 of the Natural Gas Act		
	Approval/disapproval of new license or amendment to an existing license which does not involve new construction, but which requires operational changes which may or may not be significant, such as an increase in liquid natural gas throughput, change in transportation or storage operations.	Approval/disapproval of applications involving the construction of new liquid natural gas (LNG) terminals, regasification or storage facilities, or a significant expansion of an existing LNG terminal, regasification or storage facility.

SECTION D.—TYPICAL CLASSES OF ACTIONS—Continued

Normally do not require EA's or EIS's	Normally require EA's but not necessarily EIS's	Normally require EIS's
		Approval/disapproval of an application involving a significant operational change, such as a major increase in the quality of liquid natural gas imported or exported.
Classes of Actions Generally Applicable to International Activities		
Approval of DOE participation in international "umbrella" agreements for cooperation in energy R&D which do not commit the U.S. to any specific projects or activities. Approval of technical exchange arrangements for information, data or personnel with other countries or international organizations. Approval of export of small quantities of special nuclear materials or isotopic materials in accordance with the Nuclear Non-Proliferation Act of 1978 and the "Procedures Established Pursuant to the Nuclear Non-Proliferation Act of 1978" FEDERAL REGISTER, Part VII, June 9, 1978).		
Classes of Actions Generally Applicable to Power Marketing Administrations (PMA)		
Minor substation modifications, which do not involve the construction of new transmission lines or the integration of a major new resource, and where such actions do not impact environmentally sensitive areas such as archeological sites, critical habitats, floodplains, and wetlands.	Upgrading (reconstructing) an existing transmission line.	Main transmission system additions—additions of new transmission lines, main grid substations and switching stations to PMA's main transmission grid.
Emergency repair of transmission lines including replacement or repair of damaged equipment as well as the removal and replacement of downed transmission lines.	Construction of new substations.	Integrating transmission facilities—transmission system additions for integrating new sources of generation into PMA's main grid.
Additions or modifications to transmission facilities which do not affect the environment beyond the previously developed facility area, including tower modifications, changing insulators, replacement of poles and crossarms, and similar actions.	Annual vegetation management program (system-wide).	
Grant or denial of requests for multiple use of DOE transmission line rights-of-way, such as grazing permits and crossing agreements including electric lines, water lines, and drainage culverts.	Construction and operation of wind resource, low-head hydro, and solar energy pilot projects.	
Execution of contracts, marketing plans, or allocation plans for the short term or seasonal allocation (less than 1 year) of existing or excess power resources to customers who can receive these resources over existing transmission systems.	The allocation of power resources to customers in a manner differing from existing contractual arrangements.	
The renewal of existing power contracts in kind.	Implementation of an erosion control program that is system-wide.	
Construction of tap lines (defined as usually being less than 10 miles in length) which are not for the integration of major new sources of generation into DOE's main transmission systems, and where such actions do not impact environmentally sensitive areas such as archeological sites, critical habitats, floodplains, and wetlands.	Execution of marketing plans or allocation plans for the long term allocation (greater than 1 year) of existing or excess power resources to customers who can receive the resources over existing transmission systems.	
Power marketing services including storage, load shaping, seasonal exchanges, or other similar activities where the operations of hydroelectric projects remain within established constraints and which do not alter the environmental status quo.		
Actions undertaken in order to bring an existing DOE transmission facility into compliance with changes in applicable Federal, state, or local environmental standards or to mitigate adverse environmental effects, where such actions do not impact environmentally sensitive areas such as archeological sites, critical habitats, floodplains, and wetlands. Such actions include, for example, noise abatement measures, and the acquisition of additional rights-of-way to establish buffer areas.		
Execution of contracts for the short term (less than one-year) or seasonal acquisition of excess power from existing power resources which can be transmitted over existing transmission systems with no changes in the operations of the power resources.		
Temporary adjustments to river operations to accommodate day-to-day river fluctuations, power demand changes, fish and wildlife conservation program requirements, and other external events where the adjustments result in only minor changes in reservoir levels and streamflows.		
Contract interpretations, amendments, and modifications, including replacement, which are clarifying or administrative in nature, and which do not extend the term or otherwise substantially change the contracts being amended.		
Leasing of existing transmission facilities where the leases do not involve any change in operation.		
Acquisition or minor relocation of existing access roads serving existing transmission facilities where the relocation does not impact environmentally sensitive areas such as archeological sites, critical habitats, floodplains, and wetlands.		
Replacing conductors on existing transmission lines where the replacement conductors carry the same nominal voltage as the existing conductors and where the replacement work does not involve new support structures, new substations, or other new facilities.		
Research, inventory, and information collection activities which are directly related to the conservation of fish and wildlife resources and which involve only negligible animal mortality or habitat destruction, and no introduction of either contaminants or exotic organisms.		

SECTION D.—TYPICAL CLASSES OF ACTIONS—Continued

Normally do not require EA's or EIS's	Normally require EA's but not necessarily EIS's	Normally require EIS's
	Classes of Actions Generally Applicable to Nuclear Waste Management Program.	
	Exploratory and site characterization activities which by virtue of resource commitment or elapsed time for completion may foreclose reasonable site alternatives.	DOE actions resulting in the site selection, construction, or operation of major treatment, storage and/or disposal facilities for transuranic and high level nuclear waste and/or spent nuclear fuel such as spent fuel storage facilities and geologic repositories.
	Land acquisition activities solely for the purposes of reserving possible candidate sites and which do not prejudice future programmatic site selection decisions.	
	The demonstration or implementation of intermediate-depth burial of low-level waste at DOE sites.	
	Classes of Actions Generally Applicable to DOE Implementation of Powerplant and Industrial Fuel Use Act of 1978 (FUA)	
The grant or denial of any temporary exemption for any electric powerplant or major fuel-burning installation.		
The grant or denial of any permanent exemption of any existing electric powerplant or major fuel-burning installation, other than an exemption (1) under section 312(c), relating to cogeneration; (2) under section 312(f), relating to scheduled equipment outages; (3) under section 312(b), relating to certain state or local requirements; and (4) under section 312(g), relating to certain intermediate load powerplants.		
The grant or denial of a permanent exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (Act) (Pub. L. 95-620) for any new electric powerplant or major fuel-burning installation to permit the use of certain fuel mixtures containing natural gas or petroleum.		
The grant or denial of a permanent exemption from the prohibitions of Title II of the Act for any new peakload powerplant.		
The grant or denial of a permanent exemption from the prohibitions of Title II of the Act for any new electric powerplant or major fuel-burning installation to permit operation for emergency purposes only.		
The grant or denial of a permanent exemption from the prohibitions of Titles II and III of the Act for any new or existing major fuel-burning installation for purposes of meeting scheduled equipment outages not to exceed an average of 28 days per year over a three-year period.		
The grant or denial of a permanent exemption from the prohibitions of Title II of the Act for any new major fuel-burning installation which, in petitioning for an exemption due to lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, certifies that it will be operated less than 600 hours per year.		
The grant or denial of a permanent exemption from the prohibitions of Title II of the Power Plant and Industrial Fuel Use Act of 1978 (Pub. L. 95-620) for any new cogeneration powerplant.		

[FR Doc. 87-28586 Filed 12-14-87; 8:45 am]

BILLING CODE 6450-01-M

federal register

Tuesday
December 15, 1987

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 91

Special Flight Authorization for Noise Restricted Aircraft; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 24394; Amdt. No. 91-203]

Special Federal Aviation Regulation No. 47; Special Flight Authorization for Noise Restricted Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: Special Federal Aviation Regulation (SFAR) 47 provides for limited issuance of special flight authorizations to conduct certain nonrevenue operations that are otherwise prohibited by the Part 91, Subpart E, noise restrictions. The current rule expires on December 31, 1987. This rule extends SFAR 47 through December 31, 1989, and requires all requests for special flight authorizations to be submitted in writing at least five days prior to the date the applicant wishes to conduct its flight. The FAA does not plan to extend the SFAR beyond January 1, 1990.

DATES: Effective date of this amendment is January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Mrs. Laurette Fisher, Noise Policy and Regulatory Branch (AEE-110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, telephone: (202) 267-3561.

SUPPLEMENTARY INFORMATION:

Background

Under Part 91 of the Federal Aviation Regulations (FAR), on or after January 1, 1985, no person may operate a civil subsonic turbojet airplane with maximum weight of more than 75,000 pounds to or from an airport in the United States unless that airplane has been shown to comply with Stage 2 or Stage 3 noise levels under FAR Part 36. This restriction applies to U.S. registered aircraft that have standard airworthiness certificates and foreign registered aircraft that would be required to have a U.S. standard airworthiness certificate in order to conduct the operations intended for the airplane were it registered in the United States. SFAR 47 was adopted February 26, 1985, (50 FR 7751, February 26, 1985) to permit certain operations of noise restricted aircraft without a formal grant of exemption under FAR Part 11. The FAA has determined this process to be cost beneficial and time-efficient both to the government and the private sector. On December 31, 1986, FAA extended SFAR 47 for a one year period until December 31, 1987.

This rule amends section 3 of SFAR 47 to require the applicant for a special flight authorization to submit its request in writing five days before that applicant's requested flight date.

This rule amends section 5 of SFAR 47 to extend the regulation to December 31, 1989. Extension beyond that date is not necessary because, by that date, most non-compliant Stage 1 aircraft will either have been modified to meet Stage 2 noise standards or be out of service.

Paperwork Reduction Act

The reporting requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB Control Number.

Review of Comments

These amendments are based on Notice of Proposed Rulemaking No. 87-9 published in the **Federal Register** on September 16, 1987 (52 FR 179). Interested persons have been afforded the opportunity to participate in the development of all aspects of this rulemaking by submitting written comments to the public regulatory docket. The period for submitting comments closed October 16, 1987. One comment was received which supported the proposal. This amendment and the reasons for its adoption are the same as those contained in Notice 87-9, and, unless otherwise indicated, the proposals contained in the Notice have been adopted without change.

Economic Impact

This rule has minimal economic impact. The rule provides an alternative from the exemption process for certain operations, reducing administrative costs upon operators and the FAA. While the operations are not without some noise costs, these costs can be characterized as trivial, since the number of operations at any one airport will be extremely low in number.

Even though benefits will exceed costs for this proposal, the FAA finds that the SFAR is not likely to have significant economic impact upon a substantial number of small entities. The basis for this is the very low number of requests which FAA foresees as a result of the adoption of this proposal. This number should not exceed twenty over the life of the regulation. Accordingly, preparation of a full regulatory evaluation is not required.

Lists of Subjects in 14 CFR Part 91

Air carriers, Aviation safety, Safety, Aircraft, Aircraft pilots, Air traffic control, Pilots, Airspace, Air transportation, Airworthiness directives and standards.

Environmental Analysis

Pursuant to Department of Transportation "Policies and Procedures for Considering Environmental Impacts" (FAA Order 1050.1D), a Finding of No Significant Impact has been prepared. The changes proposed in this rule do not significantly affect the quality of the human environment.

Conclusion

The rule has minimal economic consequences. Accordingly, for reasons stated earlier the FAA has determined that: (1) The amendment does not involve a major rule under Executive Order 12291; (2) the amendment is not significant nor does it require a Regulatory Evaluation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) it is certified that under the criteria of the Regulatory Flexibility Act that the amendment will not have significant economic impact on a substantial number of small entities. In addition, this rule will have little or no impact on trade opportunities for U.S. firms doing business overseas, or for foreign firms doing business in the United States.

The Final Rule

Accordingly, the FAA amends Part 91 of the Federal Aviation Regulations (14 CFR Part 91) by amending Special Federal Aviation Regulation (SFAR) 47 as follows; effective January 1, 1988:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for Part 91 is revised to read as set forth below and the authority citations following Special Federal Aviation Regulation 47 are removed:

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 *et seq.*; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 21, 1983).

SFAR 47—AMENDED

2. Paragraph 3(j) is amended to read as follows:

(j) Written requests must be received five days prior to requested flight date.

3. Paragraph 5 is amended by deleting the word "1987" and substituting the word "1989" in its place.

Issued at Washington, DC, on December 9, 1987.

T. Allan McArtor,

Administrator.

[FR Doc. 87-28710 Filed 12-14-87; 8:45 am]

BILLING CODE 4910-13-M

OL
52
SS
2
40
DE
15
987
MI

federal register

Tuesday
December 15, 1987

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Parts 71 and 75

Alteration of VOR Federal Airways and Jet Routes; Expanded East Coast Plan; Phase II; Final Rules

DEPARTMENT OF TRANSPORTATION

14 CFR Part 71

[Airspace Docket No. 87-AWA-46]

Alteration of VOR Federal Airways; Expanded East Coast Plan; Phase II

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of Federal Airways V–31, V–84 and V–501 located in the vicinity of New York. These airways are part of an overall plan designed to alleviate congestion and compression of traffic in the airspace bounded by Eastern, New England, Great Lakes and the Southern Regions. This amendment is a part of Phase II of the Expanded East Coast Plan (EECP); Phase I was implemented February 12, 1987. The EECP is designed to make optimum use of the airspace along the east coast corridor. This action reduces en route and terminal delays in the Boston, MA; New York, NY; Miami, FL; Chicago, IL; and Atlanta, GA, areas, saves fuel and reduces controller workload. The EECP is being implemented in coordinated segments until completed.

EFFECTIVE DATE: 0901 UTC, January 14, 1988.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO–240), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

History

On October 23, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of VOR Federal Airways V–31, V–84 and V–501 located in the vicinity of New York (52 FR 39660). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. While no specific comments were received in this docket, several parties have questioned the agency's environmental review of the proposed actions. Environmental assessment of airspace actions by the FAA is conducted in accordance with FAA Order 1050.1D, Policies and Procedures for Handling Environmental Impacts. Appendix 3 of the order requires environmental assessment of a Part 75 airspace action only when it would result in rerouting traffic over a noise-sensitive area at altitudes less than 3,000 feet above the surface. No such low-altitude routings were involved in the airway modification adopted in this amendment, and an environmental assessment was not required. However, in consideration of the interest expressed in the environmental process, the FAA will conduct an informal review of the environmental implications of the EECP. Additionally, in consideration of the importance of the airway actions for the safe and efficient handling of air traffic on the east coast, and of the fact that the agency has complied with Federal environmental review requirements, the FAA does not believe that the action should be delayed pending the outcome of that review.

AOPA has objected to proposals to change various routes for implementation of the EECP. AOPA was concerned that these proposals will impose complicated routings and/or additional mileages. The FAA agrees there will be additional mileages on certain airways due to the realignment of the standard instrument departures and standard terminal arrival routes. Nevertheless, this change in traffic flow has resulted in more than a 40% reduction in departure/arrival delays in the New York Metroplex area, thereby saving time and fuel. This action should more than offset the slight additional distance. The FAA does not consider these actions to constitute a complication of routing. Furthermore, the changes promulgated in this docket enhance direct routings along those segments. Should unforeseen problems arise as a result of this phase of the EECP, the FAA would initiate appropriate remedial action as required.

The Air Transport Association (ATA) endorsed the objective of the EECP to establish an improved air traffic system which reduces delays for aircraft departing and arriving terminals in the eastern United States. However, ATA requested an overview of the total plan. Also, ATA requested a longer response time to the NPRM's because of the large volume of very technical and complicated material. FAA appreciates the comments and will carefully review and consider their suggestion. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the descriptions of VOR Federal Airways V–31, V–84 and V–501 located in the vicinity of New York. These airways are part of an overall plan designed to alleviate congestion and compression of traffic in the airspace bounded by Eastern, New England, Great Lakes and the Southern Regions. This amendment is a part of Phase II of the Expanded East Coast Plan (EECP); Phase I was implemented February 12, 1987. The EECP is designed to make optimum use of the airspace along the east coast corridor. This action reduces en route and terminal delays in the Boston, MA; New York, NY; Miami, FL; Chicago, IL; and Atlanta, GA, areas, saves fuel and reduces controller workload. The EECP is being implemented in coordinated segments until completed.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V–31 [Amended]

By removing the words "INT Elmira 357° and Rochester, NY, 125° radials;" and substituting the words "INT Elmira 002° and Rochester, NY, 120° radials;"

V–84 [Amended]

By removing the words "INT Geneseo 091° and Syracuse, NY, 242° radials;" and substituting the words "INT Geneseo 091° and Syracuse, NY, 240° radials;"

V–501 [Amended]

By removing the words "INT Elmira, NY, 357° and Geneseo, NY, 091° radials;" and substituting the words "INT Wellsville 045° and Geneseo 091° radials;"

Issued in Washington, DC, on December 8, 1987.

Daniel J. Peterson,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 87–28711 Filed 12–14–87; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 75

[Airspace Docket No. 87-AWA-45]

Alteration of Jet Routes; Expanded East Coast Plan; Phase II

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of Jet Routes J–61 and J–207 located in the vicinity of Wilmington, NC. These jet routes are part of an overall plan designed to alleviate congestion and compression of traffic in the airspace bounded by Eastern, New England, Great Lakes and the Southern Regions. This amendment is a part of Phase II of the Expanded East Coast Plan (EECP); Phase I was implemented February 12, 1987. The EECP is designed to make optimum use of the airspace along the east coast corridor. This action reduces en route and terminal delays in the Boston, MA; New York, NY; Miami, FL; Chicago, IL; and Atlanta, GA, areas, saves fuel and reduces controller workload. The EECP is being implemented in coordinated segments until completed.

EFFECTIVE DATE: 0901 UTC, January 14, 1988.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO–240), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

History

On October 23, 1987, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to alter the descriptions of Jet Routes J–61 and J–207 located in the vicinity of Wilmington, NC (52 FR 39661). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. While no specific comments were received in this docket, several parties have questioned the agency's environmental review of the proposed actions. Environmental assessment of airspace actions by the FAA is conducted in accordance with FAA Order 1050.1D, Policies and Procedures for Handling Environmental Impacts. Appendix 3 of the order requires environmental assessment of a Part 75 airspace action only when it would result in rerouting traffic over a noise-sensitive area at altitudes less than 3,000 feet above the surface. No such low-altitude routings were involved in the airway modification adopted in this amendment, and an environmental assessment was not required. However, in consideration of the interest expressed in the environmental process, the FAA will conduct an informal review of the environmental implications of the EECP. Additionally, in consideration of the importance of the airway actions for the safe and efficient handling of air traffic on the east coast, and of the fact that the agency has complied with Federal environmental review requirements, the FAA does not believe that the action should be delayed pending the outcome of that review.

AOPA has objected to proposals to change various routes for implementation of the EECP. AOPA was concerned that these proposals will impose complicated routings and/or additional mileages. The FAA agrees there will be additional mileages on certain airways due to the realignment of the standard instrument departures and standard terminal arrival routes. Nevertheless, this change in traffic flow has resulted in more than a 40% reduction in departure/arrival delays in the New York Metroplex area, thereby saving time and fuel. This action should more than offset the slight additional distance. The FAA does not consider these actions to constitute a complication of routing. Furthermore, the changes promulgated in this docket enhance direct routings along those segments. Should unforeseen problems arise as a result of this phase of the EECP, the FAA would initiate appropriate remedial action as required.

The Air Transport Association (ATA) endorsed the objective of the EECP to establish an improved air traffic system which reduces delays for aircraft departing and arriving terminals in the eastern United States. However, ATA requested an overview of the total plan. Also, ATA requested a longer response time to the NPRM's because of the large volume of very technical and complicated material. FAA appreciates the comments and will carefully review and consider their suggestion. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 75 of the Federal Aviation Regulations alters the descriptions of Jet Routes J–61 and J–207 located in the vicinity of Wilmington, NC. These routes are part of an overall plan designed to alleviate congestion and compression of traffic in the airspace bounded by Eastern, New England, Great Lakes and the Southern Regions. This amendment is a part of Phase II of the Expanded East Coast Plan (EECP); Phase I was implemented February 12, 1987. The EECP is designed to make optimum use of the airspace along the east coast corridor. This action reduces en route and terminal delays in the Boston, MA; New York, NY; Miami, FL; Chicago, IL; and Atlanta, GA, areas, saves fuel and reduces controller workload. The EECP is being implemented in coordinated segments until completed.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is amended, as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for Part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

2. Section 75.100 is amended as follows:

J-61 [Amended]

By removing the words "From INT Wilmington, NC, 028°" and substituting the words "From INT Dixon NDB, NC, 023°."

J-287 [Amended]

By removing the words "to Raleigh-Durham, NC." and substituting the words "Raleigh-Durham, NC; to Franklin, VA."

Issued in Washington, DC, on December 8, 1987.

Daniel J. Peterson,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 87-28712 Filed 12-14-87; 8:45 am]

BILLING CODE 4910-13-M

federal register

Tuesday
December 15, 1987

Part V

Department of Transportation

Federal Aviation Administration

14 CFR Parts 43 and 91

Inoperative Instruments or Equipment; Supplemental Notice of Proposed Rulemaking

BEST COPY AVAILABLE

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 43 and 91

[Docket No. 22320; Notice No. 81-14A]

Inoperative Instruments or Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: This notice supplements Notice of Proposed Rulemaking No. 81-14, which proposed to permit the operation of powered aircraft with certain inoperative instruments and equipment that are not essential for the safe operation of the aircraft. After further review of the comments from the public, the FAA concluded that provisions in that notice could be accomplished with less paperwork, and the concept could be further modified to conform to other pertinent regulations. This supplemental notice proposes to permit rotorcraft and nonturbine-powered airplanes (for which a master minimum equipment list (master MEL) has not been developed), that are not being utilized in an air carrier operation, to be operated with certain inoperative instruments and equipment. Furthermore, this supplemental notice proposes to permit flight operations with certain inoperative instruments and equipment for small multiengine rotorcraft and nonturbine-powered small multiengine airplanes (for which a master MEL has been developed and that are not being utilized in an air carrier operation) the option of selecting the minimum equipment list concept or complying with the provisions contained in the new proposed regulations.

DATE: Comments must be received on or before March 14, 1988.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, ATTN: Rules Docket (AGC-204), Docket No. 22320, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked "Docket No. 22320." Comments may be inspected at Room 916 between 8:30 a.m. and 5 p.m., Mondays through Fridays (excluding Federal holidays).

FOR FURTHER INFORMATION CONTACT: John Lynch, or Edna French—Manager, Project Development Branch (AFS-850), General Aviation and Commercial Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591; telephone (202) 267-8150.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these proposed rules by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adopting the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with Federal Aviation Administration (FAA) personnel concerned with this rulemaking will be filed in the docket. Commenters wishing to have the FAA acknowledge receipt of their comments must include a self-addressed, stamped postcard on which the following statement is made: "Comments on Docket No. 22320." The postcard will be dated, time stamped, and returned to the commenter.

Availability of Notice

Any person may obtain a copy of this supplemental notice of proposed rulemaking (SNPRM) by submitting a request to the Federal Aviation Administration; Office of Public Affairs; ATTN: Public Inquiry Center, APA-230, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this SNPRM. Persons interested in being placed on a mailing list for future notices should request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

Except as provided for in § 91.30 of the Federal Aviation Regulations (FAR), all instruments and equipment installed in an aircraft (for those aircraft for which a master minimum equipment list (master MEL) has not been developed) must be in operative condition to continue to meet the aircraft's airworthiness requirements. The FAA has recognized that flight could be conducted with certain instruments and equipment inoperative under specified conditions; thus, the minimum equipment list (MEL) concept was adopted. Presently, the MEL concept extends to air carrier, commercial, and general aviation operators of multiengine aircraft, but only if the type of aircraft being operated has a master MEL. Owners or operators of aircraft for which a master MEL has not been developed are required to adhere to § 91.165. This means that all of the aircraft's instruments and equipment must be operative, regardless of whether or not they are essential.

The FAA attempted to provide relief to operators of general aviation multiengine aircraft by issuing Amendment No. 91-157 (44 FR 43714; July 26, 1979). This amendment would have permitted the operation of a multiengine aircraft with certain inoperative instruments or equipment within the limitations of §§ 91.29 and 91.165. After Amendment No. 91-157 was published, the FAA received strong negative reaction from the public. Generally, the commenters objected that the rules were confusing and that the time required for compliance was insufficient, considering there were very few master MEL's that had been developed at the time. Many commenters stated that they use the listing in § 91.33 as the sole standard for determining whether or not an instrument or item of equipment is required to be operational. The FAA intended to provide relief to the general aviation community by issuing Amendment No. 91-157, but the amendment was perceived as being restrictive and excluding single-engine aircraft. Therefore, the FAA issued Amendment No. 91-160 on October 26, 1979 (44 FR 62884; November 1, 1979), suspending indefinitely § 91.30 so that the FAA could study the matter further and make the necessary changes.

After the suspension of § 91.30, operators desiring to use an MEL petitioned for an exemption from § 21.181. This procedure allowed operators to obtain individual approval to operate multiengine aircraft with inoperative instruments and equipment. The FAA was able to gain valuable information on the usefulness and safety aspects of MEL's when used in general aviation-type operations. Even though the time period during suspension of Amendment No. 91-157 was beneficial, the procedure of processing individual grants of exemption was time consuming and costly to both the FAA and the public. Before the FAA reinstated § 91.30 on March 13, 1986 (50 FR 51188; December 13, 1985), over 350 individual petitions for exemption were processed and granted.

On September 18, 1981, the FAA issued Notice of Proposed Rulemaking (NPRM) No. 81-14 (46 FR 52278; October 26, 1981). This notice proposed to permit the operation of powered aircraft with certain inoperative instruments and equipment that are not essential for the safe operation of the aircraft. The proposal included provisions to consolidate MEL requirements that were contained in Parts 121, 125, and 135 into Part 91. It also proposed to broaden the application of these provisions to other aircraft and to allow the operation of aircraft without an MEL with certain instruments or items of equipment inoperative through an approved aircraft flight manual or operating limitations statement. Even though this notice received more favorable response than Amendment No. 91-157, the general aviation community still had concerns and objections, and the FAA decided that the notice needed further changes.

The FAA issued the termination of the suspension of Amendment No. 91-157 (Amdt. No. 91-192; 50 FR 51188; December 13, 1985) on December 6, 1985. This amendment permits operators of multiengine aircraft, under specific conditions, to operate their aircraft with certain instruments and equipment inoperative. The FAA, in making the decision to reinstate § 91.30, determined the reasons for suspending the rule no longer existed. As was the case when Amendment No. 91-157 was first published on July 26, 1979, aircraft for which a master MEL had not been developed were excluded. The FAA decided that to provide immediate relief to operators of multiengine aircraft, it would terminate the suspension of Amendment No. 91-157 and take additional time to resolve the problems of the other aircraft.

After the FAA reinstated § 91.30, the Aircraft Owners and Pilots Association (AOPA) petitioned the FAA on behalf of its members, requesting the FAA to develop alternatives to the MEL concept. AOPA stated that noncomplex aircraft operated in accordance with Part 91 should be provided an alternative to the MEL concept. AOPA also stated that the MEL concept would create an enormous paperwork burden on both the general aviation public and the FAA's Flight Standards District Offices (FSDO's) without any enhancement of air safety. As a result of AOPA's petition and comments from the public concerning the reinstatement of § 91.30, the FAA decided that, prior to initiating any further rulemaking projects involving this subject matter, it would solicit ideas and opinions from the public. A notice of meeting announcement was published in the Federal Register on May 22, 1986 (51 FR 18800) for the purpose of soliciting public participation for this ongoing rulemaking project. On June 17, 1986, this public meeting was held at the FAA Headquarters in Washington, DC. The meeting was attended by 24 industry personnel. A transcript of the meeting is contained in Docket No. 22320. One of the principal comments expressed by the attendees was that it is totally unacceptable for the FAA to require all instruments and equipments to be operative at all times. Furthermore, the attendees disagreed with the FAA's interpretation of § 91.165 that the rule requires all instruments and equipment to be operative at all times. Also, another principal comment expressed was that the MEL approval process is too burdensome for Part 91 operators and the FAA. The attendees stated that the FSDO's are already backlogged with other priority work, and past experience has shown the minimum time to complete the MEL approval process is 6 months, after (and if) the FSDO accepted the MEL application. The commenters stated that the general aviation operators have for years operated safely using the instrument and equipment listings in § 91.33 as their sole reference for determining whether an instrument or item of equipment was required to be operational. The attendees requested that the FAA develop rules to permit the operation of an aircraft with inoperative instruments and equipment that conforms to the way operators now utilize § 91.33.

At the time § 91.30 was reinstated, the FAA was devising an alternative to the MEL concept for aircraft for which a master MEL had not been developed. This concept would have permitted only rotorcraft and nonturbine-powered airplanes (for which a master MEL had not been developed and the aircraft are not being utilized in an air carrier operation) to be operated with certain inoperative instruments and equipment without an approved MEL. The FAA determined that this concept could be broadened to include even those multiengine aircraft for which master MEL's have been developed. By extending this concept to the operators of these multiengine aircraft, the FAA would be providing a reasonable alternative to the MEL concept.

Supplemental Proposal

The FAA proposes to permit operators of rotorcraft and nonturbine-powered airplanes, for which a master MEL has not been developed and which are not being utilized in an air carrier operation, to operate the aircraft with certain inoperative instruments and equipment not essential for the safe operation of the aircraft. Also, the FAA proposes to permit operators of small multiengine rotorcraft and nonturbine-powered small multiengine airplanes for which a master MEL has been developed and that are not being utilized in an air carrier operation to choose between operating in accordance with an approved MEL or complying with the provisions in proposed § 91.30(d). Consistent with this proposal, the FAA also proposes, by revising §§ 43.11(b) and 91.165, to permit an aircraft to be returned to service with inoperative instruments and equipment.

In Amendment No. 91-157, the FAA proposed incorporating all the MEL rules into § 91.30, including the MEL rules for Part 121 and 135 operators. However, the FAA has decided against proposing this again in this SNPRM, but will address this issue for Part 121 and 135 operators in a separate rulemaking project.

Under the MEL concept, MEL's do not cover the obviously required parts of the aircraft, such as the wings, flaps, engines, landing gear, rubber, windshields/windows, propellers, brakes, and other similar parts. To operate an aircraft with maintenance discrepancies in those basic parts or other similar parts would be contrary to safe operating practices and procedures. Nor was the FAA's intent to include in the MEL's those nonessential items, such as galley equipment, entertainment systems, passenger convenience items, and other similar items which have no effect on the operational and mechanical conduct of the flight and aircraft. Both the FAA and the aircraft manufacturers, in developing the master MEL's, concluded that the instruments and equipment included in the MEL's should be those that relate to the safe conduct of the flight operation (given the specific flight conditions) and the mechanics of the aircraft.

The FAA, in developing the present proposals, and specifically § 91.30(d), utilized the same philosophy and rationale that went into the development of the MEL concept. The FAA, in developing these proposals, determined that operators of rotorcraft and nonturbine-powered airplanes operated in accordance with Part 91 are in need of relief from the strict application of § 91.165. In the past, many aircraft operators have honestly, but erroneously, used the listing in § 91.33 as the sole standard of determining their

aircraft's airworthiness status. The FAA has decided to propose a regulatory method to permit the operation of these aircraft with inoperative instruments and equipment when those instruments are equipment would not be essential for the safe operation of the flight. The intent of these proposals is to permit operation of an aircraft with inoperative instruments and equipment within the framework of a controlled and sound program of maintenance inspections, repairs, and parts replacements. Therefore, the FAA proposes to conform §§ 43.11, 91.30, and 91.165 to these reasonable operational practices and procedures which the aviation public has requested.

Section 91.30(a) would be revised to define the procedural requirements for operating with an approved MEL and to also establish the exception provisions for operating without an approved MEL.

Section 91.30(c) would be revised to permit the use of MEL's under Part 91 operations for those aircraft with approved MEL's issued under Part 125, without need for further FAA approval. An aircraft which has an MEL approved in accordance with § 125.201 would be permitted to use that MEL in Part 91 operations without need for further FAA approval.

A new § 91.30(d) would permit rotorcraft and nonturbine-powered airplanes (for which a master MEL has not been developed and that are operated in accordance with Part 91) to be operated with certain inoperative instruments and equipment not essential for the safe operation of the aircraft. Furthermore, paragraph (d) would permit Part 91 operators of small multiengine rotorcraft and nonturbine-powered small multiengine airplanes (for which a master MEL has been developed) the option of operating in accordance with an approved MEL or operating in accordance with the provisions of paragraph (d). Basically, the only instruments and equipment which would be permitted to be inoperative under the provisions of the new proposed paragraph (d), and only for certain situations, would be unneeded communication and navigation radios, nonessential passenger convenience equipment, aircraft lighting, optional installed instruments and equipment (e.g., LORAN C, inertial navigation equipment, weather radar, flight recorders, etc.), and those instruments and equipment not required by § 91.33, for the kind of flight operation being conducted.

Proposed § 91.30(d)(2)(i) would prohibit the operation of an aircraft with inoperative instruments and equipment defined in the aircraft's applicable airworthiness certification regulation and type certificate data. All aircraft are manufactured to conform to certain airworthiness certification regulations (e.g., Part 3 of the Civil Air Regulations or Part 23 of the FAR, etc.). These airworthiness certification regulations establish certain instruments and equipment that are "required instruments and equipment" for VFR-day type certification. These required instruments and equipment are listed throughout the applicable airworthiness certification regulations and on the aircraft's Type Certificate Data. This proposed rule will not permit aircraft to be operated with inoperative instruments or equipment which are required by the aircraft's applicable airworthiness certification regulation, or if the instruments or equipment is required by Type Certificate Data. A Type Certificate Data is developed for all aircraft type designs, and contains a listing of an aircraft's required instruments and equipment that must be in an operative condition prior to conducting a flight.

Proposed § 91.30(d)(2)(ii) would prohibit the operation of an aircraft with inoperative instruments and equipment indicated as *required* on the aircraft's equipment list or on the "kinds of operations" equipment list for the kind of flight operation being conducted. The applicable airworthiness certification regulations (e.g., §§ 23.1525, 23.1583, etc.) require each aircraft manufacturer, prior to an aircraft being certificated, to establish a "kinds of operation" limitation "by the category in which it is eligible for certification and by the installed equipment." In accordance with § 23.1525, the aircraft manufacturers are required to develop an equipment listing that specifies what instruments and equipment are required for all kinds of flight operations (noted as "R" on the equipment listing) and what instruments and equipment are optional (noted as an "O" on the equipment listing). Normally, these equipment listings are located in the Limitations, Normal Operating Procedures, or Weight and Balance sections of the Aircraft Flight Manual/Pilot Operators Manual. Section 23.1583(h) states that prior to an aircraft being certificated, the aircraft manufacturer must establish an equipment listing for "the kinds of operation (such as VFR, IFR, day, or night) in which the airplane may or may not be used, must be furnished. Any installed equipment that affects any operating limitation must be listed and identified as to operational function." Similar requirements are also established in the other airworthiness certification regulations.

Proposed § 91.30(d)(2)(iii) would prohibit the operation of an aircraft with inoperative instruments and equipment of the kinds listed in § 91.33, or any other Part 91 rule (i.e., §§ 91.24, 91.90, etc.), required for the specific flight operation being conducted. Pursuant to § 91.30(d), an aircraft could be operated with inoperative instruments and equipment of the kind identified in § 91.33 provided the instruments and equipment are not required for the kind of operation (i.e., VFR night, instrument flight rules (IFR), etc.) being conducted. After the inoperative instrument or item of equipment is found, the operator would be expected to consult § 91.33 for the operational requirements for that instrument or item of equipment.

Proposed § 91.30(d)(2)(iv) would prohibit the operation of an aircraft with inoperative instruments and equipment that are required to be operational by an airworthiness directive (AD). Any instrument or item of equipment required to be operational by an AD must be repaired or replaced prior to flight. As an example, AD 82-06-10 requires that Cessna 210 aircraft must have two operational vacuum pumps in order to operate the aircraft in IFR. In this example, one inoperative vacuum pump will ground the aircraft for IFR operations.

Proposed § 91.30(d)(3)(i) would permit the operator the option to remove the instrument or item of equipment from the aircraft, in lieu of deactivating and placarding it, as proposed in § 91.30(d)(3)(ii).

Proposed § 91.30(d)(3)(ii) would require that inoperative instruments or equipment be deactivated and the instrument or cockpit control of the item of equipment placarded to ensure that future users and maintenance personnel are aware of a discrepancy in the instrument or item of equipment. The operator, after ensuring that the inoperative instrument or item of equipment is not the kind identified in proposed paragraph (d)(2), would placard the instrument or cockpit control of the item of equipment, "Inoperative."

Proposed § 91.30(d)(4) would require an operator electing to operate an aircraft with inoperative instruments and equipment, in accordance with the provisions of proposed § 91.30(d), or a person authorized by § 43.3, to make a determination that the inoperative instrument or equipment does not constitute a hazard to the aircraft.

A statement is included at the end of § 91.30(d) to provide the regulatory approval which permits aircraft to be operated with inoperative instruments or equipment under the provisions of this paragraph without the operator being required to obtain a Supplement Type Certificate. The FAA has determined that an aircraft with inoperable instruments or equipment as permitted under the provisions of this proposed rule, is considered to be in a "properly altered condition" acceptable to the Administrator.

Section 91.165 would be revised by rewording and rearranging the text and adding a new paragraph. The intent of this revision is to establish a time period in which the owner or operator of each aircraft would be required to have any inoperative instrument or item of equipment repaired, replaced, removed, or inspected, as appropriate. Also, this revision requires the owner or operator to be responsible for ensuring that maintenance personnel have made the appropriate entries in the aircraft's maintenance records and properly placarded the inoperative instruments and equipment.

Procedurally, the maintenance personnel, after completing the inspection of the aircraft, would be required to deactivate the inoperative instrument or equipment or remove it from the aircraft (if appropriate), and make a determination that the inoperative instrument or equipment will not affect the operation of any other installed instrument or equipment. Next, the maintenance personnel would place a placard on the instrument or the cockpit control of the item of equipment marking it "Inoperative" (except when already placarded). The maintenance personnel would then make an entry in the aircraft maintenance records in accordance with § 43.9, stating the preventive maintenance or maintenance procedure performed.

A new sentence would be added to § 43.11(b) to provide for an aircraft to be returned to service with inoperative instruments or items of equipment. The person approving the aircraft for return to service after any annual, 100-hour, progressive, or unscheduled inspection with inoperative instruments or equipment would be required to placard the inoperative instruments or equipment and include it in the list of discrepancies. Subsequent inspections would require a reevaluation of the conditions and an update of the entry in the aircraft records.

The combination of the provisions in proposed §§ 43.11(b), 91.30, and 91.165 would permit Part 91 operators of rotorcraft and nonturbine-powered airplanes to operate their aircraft with inoperative instruments and equipment under certain conditions without an approved MEL. These provisions are intended to extend and broaden the concept of conducting operations with inoperative instruments and equipment.

Regulatory Evaluation

Regulatory Evaluation Summary

The FAA conducted a regulatory evaluation for this supplemental notice which is included in the regulatory docket. The FAA determined that these proposed rules are consistent with the objective of Executive Order 12291 as part of the President's regulatory reform program to reduce regulatory burdens on the public.

Benefits

This notice supplements NPRM No. 81-14, which proposed to permit the operation of powered aircraft with certain inoperative instruments and equipment that are not essential for the safe operation of the aircraft. After further review of the comments from the public, the FAA concluded that provisions in that notice could be further modified to conform pertinent regulations to the demands of the aviation public. This supplemental notice proposes to permit rotorcraft and nonturbine-powered small airplanes that are operated in accordance with the general operating rules to be operated with certain inoperative instruments and equipment. Furthermore, this supplemental notice proposes to permit those general aviation operators of small multiengine rotorcraft and nonturbine-powered small multiengine airplanes (for which a master MEL has been developed) the option of selecting the minimum equipment list concept or complying with the provisions contained in the new proposed rules.

These proposed rules would provide relief to general aviation operators of rotorcraft and nonturbine-powered small airplanes from current rules that prohibit the operation of these aircraft with inoperative instruments or items of equipment. General aviation operators would be permitted to operate their aircraft with certain instruments and equipment inoperative when not needed for a particular kind of operation (e.g., night lighting equipment would not be required to be operable during day VFR operations) in accordance with § 91.33.

Costs

General aviation operators of rotorcraft and nonturbine-powered small airplanes who use §§ 91.30 and 91.33 as the basis for operating with inoperative instruments or items of equipment would incur negligible costs. These costs relate to having the maintenance person who is returning an aircraft to service after an annual, 100-hour, or progressive inspection make a determination and an entry in the aircraft maintenance records that the inoperative instrument or equipment does not affect the intended function of any other instrument or item of equipment, or otherwise affect the airworthiness of the aircraft, and placard the aircraft and the inoperative instrument or item of equipment. The time and labor cost to inspect the inoperative instrument or item of equipment, record the information in the aircraft maintenance records, placard the aircraft and the inoperative instruments or equipment during the inspection would be negligible, and this process already conforms to standard maintenance practices. Therefore, this requirement would impose negligible costs on these operators. These proposed rules impose no new requirements on general aviation operators of airplanes for which master MEL's have been developed. These operators would have the option of operating in accordance with the MEL concept or the provisions in the new proposed § 91.30(d).

In addition, this proposed rule would not result in increased costs for the Federal Government, because it should not create any additional paperwork. Operators of aircraft for which an MEL has not been developed would not be subject to any stricter requirements pertaining to operational instruments than the operators of aircraft with approved MEL's.

The proposed revision to § 91.30 would provide cost savings to some operators by reducing aircraft downtime and eliminating the cost to repair the inoperative instruments or equipment not needed for a particular kind of flight operation. Many general aviation operators have indicated to the FAA that they were not aware that an aircraft could be rendered unairworthy with inoperative instruments or items of equipment not needed for a particular kind of flight operation. Therefore, while the proposals are technically "relieving," they would not significantly reduce actual operating costs for such operators.

International Trade Impact Statement

These proposed rule changes will not affect international trade involving aviation products or services. Furthermore, no comments on Notice 81-14 concerning international trade were received. Therefore, the FAA certifies that these proposals, if adopted,

would not eliminate existing or create additional barriers to the sale of foreign aviation products or services in the United States and would not eliminate existing or create additional barriers to the sale of U.S. aviation products and services in foreign countries.

Regulatory Flexibility Determination

The Regulatory Flexibility Act (RFA) of 1980 was enacted by Congress to ensure that entities are not disproportionately affected by Government regulations. The RFA requires agencies to review rules which may have a "significant economic impact on a substantial number of entities."

As noted in the evaluation, this proposed change to the airworthiness rules, while basically relieving in its sanctioning of operations with certain inoperative instruments or items of equipment, may impose some negligible costs on operators. This would be the result of having the aircraft and inoperative item inspected and placarded, and the information recorded in the maintenance manuals. This proposal would affect small private businesses, fixed-base operators, and small corporate operators and, overall, would be minimally beneficial. Thus, the change could not be construed to cause "significant economic impact on a substantial number of small entities," within the meaning of the RFA.

Therefore, it is certified that the proposed rules, if adopted, would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

Information collection requirements contained in §§ 43.11 and 91.30 have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB Control Numbers 2121–0020 and 2120–0522, respectively.

Conclusion

The overall effect of the proposed changes is expected to be minimally beneficial, because the proposed rules would relax current requirements pertaining to inoperative instruments and equipment, while imposing only negligible costs on these general aviation operators. These proposals will permit rotorcraft and nonturbine-powered airplanes (operated in accordance with Part 91) to be operated with certain instruments and equipment inoperative when they are not essential for the safe operation of the aircraft. As previously stated, there may be unnecessary maintenance and operational costs required by the current rules in Part 91. Operators of these kinds of aircraft will benefit from the relief that will be permitted if these proposals are adopted, and the additional costs, if any, are minimal. Accordingly, it has been determined that these proposals do not involve a rule change which is major under Executive Order 12291 or significant under Department of Transportation Policies and Procedures (44 FR 11034; February 26, 1979). Although numerous small operators may be impacted by these proposed rules, the impact, if any, would be minimal since the costs of operating pursuant to § 91.30 do not exceed the FAA's criteria for "significant economic impact." For the reasons stated above, and in accordance with the Regulatory Flexibility Act, I certify that these amendments will not have a significant economic impact on a substantial number of small entities.

List of Subjects

14 CFR Part 43

Air carriers, Air transportation, Aircraft, Aviation safety, Safety, Maintenance, Preventive maintenance.

14 CFR Part 91

Aviation safety, Safety, Aircraft, Pilots, Airworthiness directives, Flight rules general, Visual flight rules, Instrument flight rules.

The Proposed Amendment

Accordingly, the FAA proposes to amend Parts 43 and 91 of the Federal Aviation Regulations (14 CFR Parts 43 and 91) as follows:

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

1. The authority citation for Part 43 continues to read as follows:

Authority: 49 U.S.C. 1354, 1421 through 1430; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

2. By amending § 43.11 by revising the section heading and paragraph (b) to read as follows:

§ 43.11 Content, form, and disposition of records for inspections conducted under Parts 91 and 125 and §§ 135.411(a)(1) and 135.419 of this chapter.

* * * * *

(b) *Listing of discrepancies and placards.* If the person performing any inspection required by Part 91 or 125 or § 135.41(a)(1) of this chapter finds that the aircraft is unairworthy or does not meet the applicable type certificate data, airworthiness directives, or other approved data upon which its airworthiness depends, that person must give the owner or lessee a signed and dated list of those discrepancies. For those items permitted to be inoperative under § 91.30(d)(2), there shall be a placard, that meets the aircraft's airworthiness certification regulations, placed on each inoperative instrument and the cockpit control of each item of inoperative equipment, marking it "Inoperative," and a signed and dated list of those discrepancies shall be given to the owner or lessee.

PART 91—GENERAL OPERATING AND FLIGHT RULES

3. The authority citation for Part 91 continues to read as follows:

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat 1180); 42 U.S.C. 4321 *et seq.*; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

4. By amending § 91.30 by revising the section heading, the introductory text of paragraph (a), and paragraph (c); by redesignating paragraph (d) as (e); and by adding a new paragraph (d) to read as follows:

§ 91.30 Inoperative instruments and equipment.

(a) Except as provided in paragraphs (c) and (d) of this section, no person may operate an aircraft with inoperative instruments or equipment installed unless the following conditions are met:

* * * * *

(c) A person authorized to use an approved Minimum Equipment List issued for a specific aircraft under Part 121, 125, or 135 of this chapter may use that Minimum Equipment List in connection with operations conducted with that aircraft under this part without additional approval requirements.

(d) Flight operations may be conducted under this part with inoperative instruments and equipment without an approved Minimum Equipment List provided—

(1) The flight operation is conducted in a rotorcraft or nonturbine-powered airplane (for which a Master Minimum Equipment List has not been developed), or in a small multiengine rotorcraft or nonturbine-powered small multiengine airplane (for which a Master Minimum Equipment List has been developed); and

(2) The inoperative instruments and equipment are not—

(i) Part of the VFR-day type certification instruments and equipment prescribed in the applicable airworthiness regulations under which the aircraft was certificated, and are not otherwise required by the aircraft's Type Certificate Data;

(ii) Indicated as required on the aircraft's equipment list, or on the Kinds of Operations Equipment List for the kind of flight operation being conducted;

(iii) Required by § 91.33 or any other rule of this part for the specific kind of flight operation being conducted; or

(iv) Required to be operational by an airworthiness directive; and

(3) The inoperative instruments and equipment are—

(i) Removed from the aircraft and, if appropriate, the cockpit control placarded, and the maintenance recorded in accordance with § 43.9 of this chapter by a person authorized in § 43.3 of this chapter; or

(ii) Deactivated and placarded "Inoperative" in accordance with § 43.11 of this chapter. If deactivation of the inoperative instrument or equipment involves preventive maintenance or maintenance, it must be accomplished by a person authorized by § 43.3 of this chapter, and recorded in accordance with § 43.9 of this chapter; and

(4) A determination is made by the operator or a person authorized by § 43.3 that the inoperative instrument or equipment does not constitute a hazard to the aircraft.

An aircraft with inoperative instruments or equipment as provided in paragraph (d) of this section is considered to be in a properly altered condition acceptable to the Administrator.

* * * * *

5. By revising § 91.165 to read as follows:

§ 91.165 Maintenance required.

Each owner or operator of an aircraft—

(a) Shall have that aircraft inspected as prescribed in Subpart C of this part and shall between required inspections, except as provided in paragraph (b) of this section, have any discrepancies repaired as prescribed in Part 43 of this chapter;

(b) Shall have any inoperative instrument or item of equipment, permitted to be inoperative by § 91.30(d)(2) of this part, repaired, replaced, removed, or inspected at the next required inspection;

(c) Shall ensure that a person authorized by § 43.3 makes the appropriate entries in the aircraft maintenance records stating that the aircraft has been approved for return to service; and

(d) When listed discrepancies include inoperative instruments or equipment, shall ensure that a placard has been installed as required by § 43.11 of this chapter.

Issued in Washington, DC, December 9, 1987.

William T. Brennan,

Acting Director of Flight Standards.

[FR Doc. 87–28773 Filed 12–14–87; 8:45 am]

BILLING CODE 4910-13-M

Reader Aids

Federal Register

Vol. 52, No. 240

Tuesday, December 15, 1987

INFORMATION AND ASSISTANCE

Federal Register	
Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237
Code of Federal Regulations	
Index, finding aids & general information	523-5227
Printing schedules	523-3419
Laws	
Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230
Presidential Documents	
Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230
The United States Government Manual	
General information	523-5230
Other Services	
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

45597–45800	1
45801–45934	2
45935–46050	3
46051–46342	4
46343–46444	7
46445–46584	8
46585–46730	9
46731–46982	10
46983–47364	11
47365–47544	14
47545–47686	15

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5748 ... 46729
5749 ... 46731
5750 ... 46733
5751 ... 46735
5752 ... 47365, 47545

Executive Orders:
12616 ... 46730

Administrative Orders:
Statements:
Dec. 7, 1987 ... 46728

4 CFR

21 ... 46445

5 CFR

351 ... 46051
540 ... 46051
870 ... 46343
874 ... 46343
1201 ... 47547
1204 ... 45597
1600 ... 45801
1605 ... 46314

7 CFR

8 ... 47660
301 ... 45597, 47367
319 ... 46052, 47372
352 ... 47373
401 ... 45598–45604
413 ... 47375
423 ... 45805, 47376
431 ... 47376
432 ... 47377
770 ... 45606
907 ... 46060, 46737, 46983
908 ... 46737
910 ... 46061, 46984
911 ... 46344
915 ... 46344
966 ... 46345
981 ... 45607, 45609
1900 ... 45806, 46348
1942 ... 47097
1944 ... 45807
1956 ... 46348

Proposed Rules:
52 ... 46486
401 ... 45830
735 ... 47009
905 ... 46366
959 ... 46366
966 ... 47576
971 ... 46366
985 ... 46600
987 ... 46366
1951 ... 45638

8 CFR

316a ... 46738

Proposed Rules:
3 ... 46776
109 ... 46092
208 ... 46776
236 ... 46776
242 ... 46776
253 ... 46776

9 CFR

78 ... 47378
85 ... 45935
92 ... 45611, 47548

Proposed Rules:
145 ... 47014
147 ... 47014
316 ... 45639
350 ... 45639

10 CFR

Proposed Rules:
Ch. I ... 47398
61 ... 47398
430 ... 46367, 47549

Proposed Rules:
62 ... 47578

12 CFR

4 ... 46061
204 ... 46450
208 ... 46984
226 ... 45611
337 ... 47379
614 ... 46151
706 ... 46585

Proposed Rules:
202 ... 47589
205 ... 47591
210 ... 47112
226 ... 47592
229 ... 47112
701 ... 46601, 47014

14 CFR

21 ... 46348
25 ... 46348
39 ... 45612–45614, 45808–45810, 46064–46067, 46452, 46739, 46985–46995, 47387, 47551
71 ... 45615, 45616, 46556, 46740–46742, 46995–46997, 47304, 47308, 47676
75 ... 47677
91 ... 47672
97 ... 45617, 46743
121 ... 45910
135 ... 45910
1213 ... 45935
1221 ... 45811

Proposed Rules:
Ch. I ... 45831
39 ... 45640, 45642, 45831,

46094, 46776, 47015, 47016, 47399–47401
43 ... 47680
71 ... 45644, 46778, 46779, 47017–47020, 47402
73 ... 47021
91 ... 47680

15 CFR
371 ... 45618
374 ... 45618
385 ... 46958
399 ... 46086, 47368
801 ... 46587
Proposed Rules:
16 ... 47597

16 CFR
6 ... 45619
13 ... 45937
305 ... 46886
1015 ... 45631
Proposed Rules:
13 ... 45645, 45970, 45972
453 ... 46706
1018 ... 47599

17 CFR
1 ... 46070
211 ... 46454
274 ... 46350
Proposed Rules:
34 ... 47022

19 CFR
271 ... 45072
389 ... 45823

19 CFR
Proposed Rules:
4 ... 46602
177 ... 47601

20 CFR
Proposed Rules:
395 ... 47601
614 ... 46604

21 CFR
74 ... 45938
176 ... 46966
333 ... 47312
369 ... 47312
Proposed Rules:
182 ... 46968
352 ... 46095

22 CFR
Proposed Rules:
502 ... 47029
1506 ... 46779

23 CFR
Proposed Rules:
625 ... 47403
635 ... 45545

24 CFR
3280 ... 47552
Proposed Rules:
813 ... 46614
885 ... 46614

25 CFR
Proposed Rules:
177 ... 46781

26 CFR
1 ... 47554
31 ... 45632
54 ... 46747
35a ... 46075
602 ... 46075, 46747, 47554
Proposed Rules:
1 ... 45835, 47609
48 ... 45901
54 ... 46782
602 ... 46782, 47609

27 CFR
9 ... 46589
19 ... 47557
25 ... 47557
240 ... 47557
250 ... 46592, 47557
270 ... 47557
275 ... 47557
285 ... 47557
Proposed Rules:
250 ... 46626

28 CFR
2 ... 46596
Proposed Rules:
701 ... 47406

29 CFR
1910 ... 46075, 46168
1915 ... 46075
1917 ... 46075
1918 ... 46075
1926 ... 46075, 46168
1928 ... 46075
2613 ... 47561
2617 ... 47561
2619 ... 47561, 47562
2621 ... 47563
2676 ... 47564
Proposed Rules:
103 ... 47029
1910 ... 47097

30 CFR
779 ... 47352
780 ... 47352
783 ... 47352
784 ... 45920, 47352
816 ... 47352
817 ... 45920, 47352
935 ... 46597
Proposed Rules:
904 ... 47411
935 ... 46377, 46379, 46783
952 ... 46095
953 ... 46097

31 CFR
351 ... 46455
Proposed Rules:
0 ... 45648

32 CFR
41 ... 46997
209 ... 47389
536 ... 45938
706 ... 46080
1900 ... 46456
Proposed Rules:
199 ... 46098, 47029

33 CFR
62 ... 46351
95 ... 47526
100 ... 46351
110 ... 46760
117 ... 46081, 47391
146 ... 47526
150 ... 47526
165 ... 46351
173 ... 47526
177 ... 47526
Proposed Rules:
165 ... 45973, 47413

34 CFR
668 ... 45712, 46353
674 ... 45738
675 ... 45738
676 ... 45738
690 ... 45712
Proposed Rules:
333 ... 46720
776 ... 47538
778 ... 46784
790 ... 46785

37 CFR
Proposed Rules:
304 ... 45664

38 CFR
4 ... 46439
21 ... 45633
Proposed Rules:
21 ... 46494

39 CFR
224 ... 46998
225 ... 46996
226 ... 46998
227 ... 46998
228 ... 46998
229 ... 46998

40 CFR
52 ... 45634, 45958, 45959, 46463, 46762, 46764, 47392, 47565, 47566
81 ... 46081, 46465
82 ... 47486
85 ... 46354
123 ... 45823
144 ... 45788, 46946
180 ... 45824, 46019, 46595
260 ... 46946
264 ... 45788, 46946
265 ... 45788
270 ... 45788, 46946
271 ... 45634, 45788, 46466
Proposed Rules:
35 ... 46712
52 ... 46495, 46786, 47610
60 ... 47032
62 ... 46380
80 ... 47032
82 ... 47489
86 ... 47032
600 ... 47032
721 ... 46496

41 CFR
101–6 ... 45926
101–7 ... 45825
101–44 ... 47393
101–47 ... 46467
105–55 ... 46468
201–1 ... 46468
201–2 ... 46468
201–23 ... 46468
201–24 ... 46468

42 CFR
124 ... 46022
417 ... 47003
466 ... 47003
476 ... 47003
Proposed Rules:
435 ... 47414
436 ... 47414

43 CFR
4 ... 46355, 47097
3420 ... 46469
3460 ... 46469
Proposed Rules:
3450 ... 46499

44 CFR
65 ... 46501
67 ... 46505
Proposed Rules:
67 ... 46787, 47611

45 CFR
Proposed Rules:
233 ... 47420

46 CFR
4 ... 47526
5 ... 47526
26 ... 47526
35 ... 47526
78 ... 47526
97 ... 47526
109 ... 47526
167 ... 47526
185 ... 47526
196 ... 47526
197 ... 47526
560 ... 45960
586 ... 46356
Proposed Rules:
38 ... 45665
42 ... 47422
44 ... 47422
45 ... 47422
54 ... 45665
69 ... 46103
98 ... 45665
151 ... 45665
170 ... 47422
174 ... 47422
503 ... 45835
572 ... 46501
588 ... 46505

47 CFR
15 ... 45961
25 ... 45636
73 ... 45636, 45963–45965, 46598, 46599, 47004, 47567
74 ... 47567
76 ... 45961, 46363
90 ... 47569
Proposed Rules:
1 ... 46628
15 ... 47615
43 ... 46628
73 ... 45974, 45975, 46629–46631, 47032, 47033
80 ... 45665

48 CFR
232 ... 47005
519 ... 47396
532 ... 47005
552 ... 47005
553 ... 47006
819 ... 46082
1801 ... 46765
1805 ... 46765
1807 ... 46765
1808 ... 46765
1809 ... 46765
1812 ... 46765
1813 ... 46765
1815 ... 46765
1827 ... 46765
1830 ... 46765
1831 ... 46765
1832 ... 46765
1836 ... 46765
1837 ... 46765
1852 ... 46765
1853 ... 46765
2401 ... 47395
2402 ... 47395
Proposed Rules:
31 ... 46043
245 ... 47427
2409 ... 46560
2412 ... 46560
2413 ... 46560
2415 ... 46560
2416 ... 46560
2417 ... 46560
2424 ... 46560
2427 ... 46560
2432 ... 46560
2434 ... 46560
2437 ... 46560
2442 ... 46560
2446 ... 46560
2451 ... 46560
2452 ... 46560
2453 ... 46560
2470 ... 46560
5706 ... 47033

49 CFR
1 ... 46364, 46478, 47007, 47087
571 ... 46479, 46480
1002 ... 46481
1007 ... 46481
1011 ... 45636, 46773
1052 ... 45966
1103 ... 46481
1150 ... 46481
1152 ... 45636, 46773
1160 ... 45827, 46481
1162 ... 46481
1169 ... 46481
1171 ... 46481
1177 ... 46481
1180 ... 46481
1182 ... 46481
Proposed Rules:
24 ... 45667
173 ... 46510, 46511
383 ... 47326
701 ... 46381

50 CFR
14 ... 46019
17 ... 46083, 46085
20 ... 46087
80 ... 47571
611 ... 45966, 46484
649 ... 46088
650 ... 46485
652 ... 47008
675 ... 45966, 46484
681 ... 47572
Proposed Rules:
17 ... 45976, 46106, 46334, 46336
20 ... 47428
21 ... 47428
655 ... 47034
658 ... 47615
663 ... 45668

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List December 11, 1987

Order Now!

The United States Government Manual 1987/88

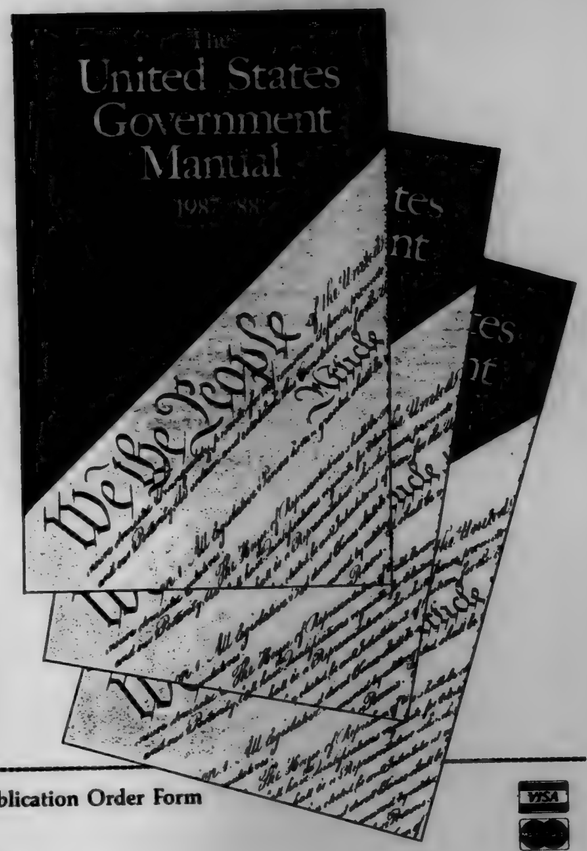
As the official handbook of the Federal Government, the *Manual* is the best source of information on the activities, functions, organization, and principal officials of the agencies of the legislative, judicial, and executive branches. It also includes information on quasi-official agencies and international organizations in which the United States participates.

Particularly helpful for those interested in where to go and who to see about a subject of particular concern is each agency's "Sources of Information" section, which provides addresses and telephone numbers for use in obtaining specifics on consumer activities, contracts and grants, employment, publications and films, and many other areas of citizen interest. The *Manual* also includes comprehensive name and subject/agency indexes.

Of significant historical interest is Appendix C, which lists the agencies and functions of the Federal Government abolished, transferred, or changed in name subsequent to March 4, 1933.

The *Manual* is published by the Office of the Federal Register, National Archives and Records Administration.

$20.00 per copy



Publication Order Form

Order processing code: * 6319

☐ **YES,** please send me the following indicated publications:

_____ copies of THE UNITED STATES GOVERNMENT MANUAL, 1987/88 at $20.00 per copy. S/N 069-000-00006-1.

1. The total cost of my order is $_____ International customers please add 25%. All prices include regular domestic postage and handling and are good through 3/88. After this date, please call Order and Information Desk at 202-783-3238 to verify prices.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____)
(Daytime phone including area code)

3. Please choose method of payment:
☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐
☐ VISA, or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(Rev. 4-87)

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, D.C. 20402-9325

OL
52
SS
2
40
0
DE
15
987
MI

OL
52
SS
2
4
1
DE
16
987
MI

12-16-87
Vol. 52 No. 241

federal register

Wednesday
December 16, 1987

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********S-DIGIT 48106

A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

OL
52
ISS
2
4
1
DE
16
987
UMI

12-16-87
Vol. 52 No. 241
Pages 47687-47890

register

Wednesday
December 16, 1987

federal

BEST COPY AVAILABLE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $188.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202-783-3238
Magnetic tapes	275-3328
Problems with public subscriptions	275-3054

Single copies/back copies:

Paper or fiche	783-3238
Magnetic tapes	275-3328
Problems with public single copies	275-3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523-5240
Magnetic tapes	275-3328
Problems with Federal agency subscriptions	523-5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register

Vol. 52, No. 241

Wednesday, December 16, 1987

Agriculture Department
See also Animal and Plant Health Inspection Service; Farmers Home Administration; Soil Conservation Service
RULES
Archaeological resources protection; uniform regulations, 47720
NOTICES
Agency information collection activities under OMB review, 47738
Privacy Act:
Computer matching programs, 47738

Animal and Plant Health Inspection Service
RULES
Plant-related quarantine, domestic:
Witchweed, 47688

Architectural and Transportation Barriers Compliance Board
RULES
Organization and procedure, 47717

Army Department
See also Engineers Corps
NOTICES
Meetings:
Science Board, 47750
(2 documents)

Commerce Department
See Minority Business Development Agency; National Oceanic and Atmospheric Administration

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Costa Rica, 47744
Sri Lanka; correction, 47744
Taiwan, 47742
Union of Soviet Socialist Republics, 47744
Textile and apparel categories:
Correlation with U.S. Tariff Schedules, 47745

Commodity Futures Trading Commission
RULES
Rule enforcement and financial reviews; fee schedule Correction, 47705
NOTICES
Agency information collection activities under OMB review, 47748

Customs Service
PROPOSED RULES
Express consignment operators or carriers; cargo clearance procedures, 47729

Defense Department
See also Army Department; Engineers Corps
RULES
Archaeological resources protection; uniform regulations, 47720
NOTICES
Agency information collection activities under OMB review, 47749
(2 documents)
Meetings:
Dependents' Education Advisory Council, 47749

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Venman, Robert L., M.D., 47769
Witek, Robert F., D.D.S., 47770

Employment and Training Administration
NOTICES
Job Training Partnership Act:
Performance standards (1988 PY); proposed; numerical values, 47771

Energy Department
See Federal Energy Regulatory Commission

Engineers Corps
NOTICES
Roof blister pressure relief valve; exclusive licensing availability, 47750

Environmental Protection Agency
RULES
Air pollution control; new motor vehicles and engines, and motor vehicle fuel economy:
Emissions certification and test procedures, and fuel economy test procedures, 47858
Air pollution; standards of performance for new stationary sources:
Industrial-commercial-institutional steam generating units, 47820
PROPOSED RULES
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
2-(2-Chlorophenyl) methyl-4,4-dimethyl-3-isoxazolidinone, 47733
Pendimethalin, 47734
NOTICES
Pesticide, food, and feed additive petitions:
Ethylene oxide, 47753
Pesticide programs:
Registration standards—
Availability, etc., 47752
Pesticides; emergency exemptions, etc.:
Harmony, 47755
Pesticides; temporary tolerances:
American Cyanamid Co., 47753
Edwards, Dennis, 47754
Toxic and hazardous substances control:
Premanufacture notices; monthly status reports, 47880, 47884, 47888
(3 documents)

Farmers Home Administration
RULES
Program regulations:
Debt settlement; farmer programs and single family housing loans, 47688

Federal Aviation Administration
RULES
Airworthiness directives:
Boeing, 47702
McDonnell Douglas, 47703
Societe Nationale Industrielle Aerospatiale, 47704
PROPOSED RULES
Transition areas, 47727
NOTICES
Aircraft:
Boeing model 747-400; type certification basis, 47818

Federal Communications Commission
RULES
Radio stations; table of assignments:
California, 47722
Illinois and Kentucky, 47722
Michigan, 47722
New Hampshire, 47723
New Mexico, 47723, 47724
(2 documents)
Oklahoma, 47723
South Carolina, 47724
PROPOSED RULES
Radio broadcasting:
Television-to-land mobile interference elimination, 47736
Radio stations; table of assignments:
Arkansas, 47735
Iowa, 47735
Louisiana, 47736
NOTICES
Agency information collection activities under OMB review, 47757
Radio broadcasting:
FM vacant channel applications; universal window filing period, 47755
Rulemaking proceedings; petitions filed, granted, denied, etc., 47756
Applications, hearings, determinations, etc.:
Ahmad, Hameed, et al., 47757
Breckenridge Broadcasting Co. et al., 47757
Ellis, Diane E., et al., 47756
Gainesville Broadcasters et al., 47756

Federal Emergency Management Agency
NOTICES
Meetings:
National Fire Academy Board of Visitors, 47757

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Electric Energy, Inc., et al., 47750
Applications, hearings, determinations, etc.:
KN Energy, Inc., 47751
Shell Western E&P Inc., 47752

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Tulsa, OK, 47821

Federal Maritime Commission
NOTICES
Agreements filed, etc., 47758
(2 documents)

Federal Mine Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 47824
(2 documents)

Federal Reserve System
RULES
Reserve requirements of depository institutions and interest on deposits (Regulations D and Q):
Technical amendments, 47689
NOTICES
Applications, hearings, determinations, etc.:
Bank of New England Corp. et al., 47758
Hong Kong & Shanghai Banking Corp. et al., 47759
Rainbolt, David E., et al., 47760

Food and Drug Administration
NOTICES
Food additive petitions:
Glyptal Co., 47761

Health and Human Services Department
See also Food and Drug Administration; Health Resources and Services Administration; Public Health Service
NOTICES
Grants administration:
Breuning, Stephen E., Ph.D.; debarment, 47760
Glueck, Charles J., M.D.; suspension, 47760

Health Resources and Services Administration
See also Public Health Service
NOTICES
Grants and cooperative agreements:
Medicine or osteopathy schools; two-year programs, 47761

Interior Department
See also Land Management Bureau; Minerals Management Service; Surface Mining Reclamation and Enforcement Office
RULES
Archaeological resources protection; uniform regulations, 47720

International Trade Commission
NOTICES
Import investigations:
Dynamic random access memories, components, and products containing same, 47765
Mail extraction desks and components, 47766
Minoxidil powder, salts, and compositions for use in hair treatment, 47766
Noncontract tonometers, 47766
Office filing cabinets, 47767
Picture-in-a-picture video add-on products and components, 47767
Small aluminum flashlights and components, 47768

Interstate Commerce Commission
NOTICES
Railroad services abandonment:
Missouri Pacific Railroad Co., 47768

Justice Department
See also Drug Enforcement Administration
NOTICES
Pollution control; consent judgments:
Concord Electronics Corp., 47768
Ultrapower 2, A General Partnership, et al., 47768

Labor Department
See Employment and Training Administration

Land Management Bureau
NOTICES
Closure of public lands:
Arizona and California, 47762
Meetings:
Arizona Strip District Advisory Council, 47763
Arizona Strip District Grazing Advisory Board, 47763
Oil and gas leases:
Alaska, 47764
Realty actions; sales, leases, etc.:
Arizona, 47764

Mine Safety and Health Federal Review Commission
See Federal Mine Safety and Health Review Commission

Minerals Management Service
NOTICES
Environmental statements; availability, etc.:
Pacific OCS—
Lease sale, 47764
Outer Continental Shelf; development operations coordination:
Chevron U.S.A. Inc., 47765

Minority Business Development Agency
NOTICES
Business development center program applications:
New Mexico, 47740
Oklahoma, 47741
Texas, 47742

National Archives and Records Administration
NOTICES
Agency records schedules; availability, 47774

National Council on Public Works Improvement
NOTICES
Meetings, 47774

National Highway Traffic Safety Administration
PROPOSED RULES
Motor vehicle safety standards:
Lamps, reflective devices, and associated equipment—
Sealed beam headlamps, etc. [Editorial Note: This document was withdrawn from publication on December 14, 1987, and consequently was not published in the Federal Register issue of December 15, 1987.]

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Gulf of Mexico and South Atlantic coastal migratory pelagic resources, 47724

National Science Foundation
NOTICES
Committees; establishment, renewals, terminations, etc.:
EXPRES and Related Multimedia Electonic Communication and Collaboration Technologies Advisory Panel, 47775
Graduate Fellowship Program Review Committee, 47775

Nuclear Regulatory Commission
PROPOSED RULES
Byproduct material; medical use:
Radioactive aerosols; use in rooms with negative pressure compared to surrounding rooms, 47726
NOTICES
Environmental statements; availability, etc.:
Houston Power & Light Co. et al., 47805
Meetings; Sunshine Act, 47824
Operating licenses, amendments; no significant hazards considerations:
Bi-weekly notices, 47775
Applications, hearings, determinations, etc.:
Boston Edison Co., 47806
Commonwealth Edison Co., 47807
Connecticut Yankee Atomic Power Co., 47808
Pacific Gas & Electric Co., 47812
Toledo Edison Co. et al., 47811

Peace Corps
RULES
Organization; revision, 47714

Personnel Management Office
RULES
Pay administration:
Fair Labor Standards Act; implementation; overtime pay computation, 47687

Public Health Service
See also Food and Drug Administration; Health Resources and Services Administration
NOTICES
National health objectives for year 2000, establishment; hearings, 47762

Public Works Improvement, National Council
See National Council on Public Works Improvement

Railroad Retirement Board
RULES
Program Fraud Civil Remedies Act; implementation, 47705

Securities and Exchange Commission
NOTICES
Applications, hearings, determinations, etc.:
M.D.C. Mortgage Funding Corporation II, 47815
Public utility holding companies, 47813

Small Business Administration
RULES
Freedom of Information Act; implementation:
Uniform fee schedule and administrative guidelines, 47699
NOTICES
Agency information collection activities under OMB review, 47817
Disaster loan areas:
California, 47817
New York, 47818
Organization, functions, and authority delegations:
Inspector General; order of succession, 47818

Applications, hearings, determinations, etc.:
I.K. Capital Loan Co., Ltd., 47818

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
Beaver Creek Watershed, TN, 47740
Big Creek Watershed, TN, 47739
North Fork Wolf River Watershed, TN, 47739

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program submission:
Tennessee, 47716

Tennessee Valley Authority
RULES
Archaeological resources protection; uniform regulations, 47720
PROPOSED RULES
Administrative cost recovery, 47728

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration

Treasury Department
See also Customs Service
NOTICES
Agency information collection activities under OMB review, 47822
(2 documents)

United States Information Agency
NOTICES
Grants; availability, etc.:
Private non-profit organizations in support of international educational and cultural activities, 47822, 47823
(2 documents)

Separate Parts in This Issue

Part II
Environmental Protection Agency, 47826

Part III
Environmental Protection Agency, 47858

Part IV
Environmental Protection Agency, 47880

Part V
Environmental Protection Agency, 47884

Part VI
Environmental Protection Agency, 47888

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
551.....47687

7 CFR
301.....47688
1956.....47688

10 CFR
Proposed Rules:
35.....47726

12 CFR
204.....47689
217.....47689

13 CFR
102.....47699

14 CFR
39 (3 documents).....47702–47704
Proposed Rules:
71.....47727

17 CFR
1.....47705

18 CFR
1312 (2 documents).....47720
Proposed Rules:
1310.....47728

19 CFR
Proposed Rules:
128.....47729
143.....47729

20 CFR
355.....47705

22 CFR
302.....47714

30 CFR
942.....47716

32 CFR
229.....47720

36 CFR
296.....47717
1155.....47717

40 CFR
60.....47826
86.....47858
600.....47858
Proposed Rules:
180 (2 documents).....47733, 47734

43 CFR
7.....47720

47 CFR
73 (8 documents).....47722–47724
Proposed Rules:
73 (4 documents).....47735, 47736

50 CFR
642.....47724

Rules and Regulations

Federal Register
Vol. 52, No. 241
Wednesday, December 16, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 551

Pay Administration Under the Fair Labor Standards Act

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing an interim rule to comply with a recent decision of the U.S. Court of Appeals for the Federal Circuit concerning the computation of overtime pay for Federal employees under the Fair Labor Standards Act of 1938, as amended.

DATES: This interim rule is effective retroactively to the first day of the first full biweekly pay period beginning on or after July 21, 1987. Comments must be received on or before February 16, 1988.

ADDRESS: Comments may be sent or delivered to Barbara L. Fiss, Assistant Director for Pay and Performance Management, Personnel Systems and Oversight Group, U.S. Office of Personnel Management, Room 7H28, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: James E. Matteson, (202) 632–5056.

SUPPLEMENTARY INFORMATION: On May 14, 1987, the U.S. Court of Appeals for the Federal Circuit rendered its decision in the matter of *Chester Lanehart, et al.* v. *Constance Horner, et al.*, 818 F. 2d 1574 (Fed. Cir. 1987). At issue was the quantum of "pay" to which appellants, Federal firefighters subject to the Fair Labor Standards Act (FLSA), were and are entitled during authorized absences from work under the "leave with pay" provisions of 5 U.S.C. 6303 (annual leave), section 6307 (sick leave), section 6233 (court leave), and section 6323 (military leave). The Court of Appeals held that the "leave with pay" statutes prevent any reduction in the "customary and regular pay" of the appellants, including overtime pay under the FLSA. The U.S. Solicitor General decided not to request a rehearing of *Lanehart* before the U.S. Court of Appeals for the Federal Circuit or to appeal the decision to the U.S. Supreme Court, and the decision on the merits of the case became final on July 21, 1987.

The Court of Appeals' decision overturns a longstanding principle upon which most of the Federal Government's FLSA pay administration policy was based—namely, that the administration of pay under the FLSA is entirely separate from pay administration under Title 5, United States Code. The Court specifically concluded that the Title 5 "leave with pay" statutes must be construed as covering compensation under a different statute—i.e., the Fair Labor Standards Act (title 29).

The Office of Personnel Management has determined that the Court of Appeals' decision applies to any employee who receives additional compensation for overtime work on a "customary and regular" basis, including (1) annual premium pay for standby duty under 5 U.S.C. 5545(c) (1); (2) annual premium pay for administratively uncontrollable overtime (AUO) work under 5 U.S.C. 5545(c)(2); and (3) overtime pay for "regularly scheduled" overtime work, as defined in 5 CFR 550.103(p) and 610.102(g)—e.g., six 8-hour days each week or four 10-hour days each week (*not* under an Alternative Work Schedule).

While the Court of Appeals' decision specifically addressed the "leave with pay" statutes under sections 6303, 6307, 6322, and 6323 of Title 5, United States Code, the interim rule also encompasses "paid absences" under section 6305 (home leave and shore leave) and section 6326 (funeral leave), holidays under section 6102 of Title 5, United States Code, and excused absences. Therefore, if an employee in any of the situations described above receives pay for periods of nonwork (leave, holidays, or excused absences), the paid absence must be counted *as if* it were "hours of work" for the purpose of determining the employee's FLSA overtime pay entitlement. Additional guidance concerning implementation of this decision will be provided through the Federal Personnel Manual system.

Pursuant to section 553 (b)(3)(B) and (d)(3) of Title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking and for making this amendment effective in less than 30 days. The notice and 30-day delay in the effective date are being waived because of the need to implement the Court of Appeals' decision, which became final on July 21, 1987.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this rule will not have a significant impact on a substantial number of small entities because it will affect only Federal employees and agencies.

List of Subjects in 5 CFR Part 551

Administrative practice and procedure, Fair Labor Standards Act, Government employees, Manpower training programs, Travel, Wages.

U.S. Office of Personnel Management.
Constance Horner,
Director.

Accordingly, OPM is amending Part 551 of Title 5, Code of Federal Regulations, as follows:

PART 551—PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT

1. The authority citation for Part 551 continues to read as follows:

Authority: Sec. 4(f) of the Fair Labor Standards Act, as amended by Pub. L. 93–259, enacted April 8, 1974, 88 Stat. 55; 29 U.S.C. 204f.

2. In § 551.401, paragraph (b) is revised, paragraph (c) is redesignated as paragraph (d), and a new paragraph (c) is added to read as follows:

§ 551.401 Basic principles.

* * * * *

(b) Except as provided in paragraph (c) of this section, paid periods of nonwork (e.g., leave, holidays, or excused absences) are not hours of work for the purpose of this part.

(c) Paid periods of nonwork (e.g., leave, holidays, or excused absences) are counted as hours of work for the purpose of this part for an employee who receives—

(1) Annual premium pay for standby duty under 5 CFR 550.141;

(2) Annual premium pay for administratively uncontrollable overtime work under 5 CFR 550.151; or

(3) Overtime pay for regularly scheduled overtime work, as defined in 5 CFR 550.103(p) and 610.102(g).

* * * * *

3. In § 551.511, (b) introductory text is republished for the convenience of the reader, paragraph (b)(2) is revised, paragraphs (b)(3) through (b)(7) are redesignated as paragraphs (b)(4) through (b)(8), respectively, and a new paragraph (b)(3) is added to read as follows:

§ 551.511 Hourly regular rate of pay.

* * * * *

(b) "Total remuneration" includes all remuneration for employment paid to, or on behalf of, an employee except:

* * * * *

(2) Payments for periods during which no work is performed (e.g., leave, holidays, or excused absences) for all employees except those in receipt of—

(i) Annual premium pay for standby duty under 5 CFR 550.141;

(ii) Annual premium pay for administratively uncontrollable overtime work under 5 CFR 550.151; or

(iii) Overtime pay for regularly scheduled overtime work, as defined in 5 CFR 550.103(p) and 610.102(g);

(3) Reimbursements for travel expenses, or other similar expenses, incurred by an employee in furtherance of an agency's interest, which are not related to hours of work;

* * * * *

[FR Doc. 87-28816 Filed 12-15-87; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 87-149]

7 CFR Part 301

Witchweed Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that amended the list of suppressive areas under the witchweed quarantine and regulations by adding to, and deleting from, the list of areas in counties in North Carolina and South Carolina.

EFFECTIVE DATE: January 15, 1988.

FOR FURTHER INFORMATION CONTACT: Milton C. Holmes, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, Room 660, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-6365.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule published in the **Federal Register** on July 8, 1987 (52 FR 25579-25585, Docket Number 87-011), we amended the regulations at 7 CFR Part 301 by adding areas in Columbus, Cumberland, Harnett, Hoke, Lenoir, Richmond, and Wayne Counties in North Carolina, and Florence County in South Carolina, to the list of suppressive areas in § 301.80-2a.

We also deleted areas in Beaufort, Columbus, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Lenoir, Pender, Pitt, Richmond, Sampson, Scotland, and Wayne Counties in North Carolina and Florence, Horry, and Marlboro Counties in South Carolina from the list of suppressive areas in § 301.80-2a.

We did not receive any comments, which were required to be postmarked or received on or before September 8, 1987. The facts presented in the interim rule still provide a basis for the rule.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

This action affects the interstate movement of regulated articles from specified areas in North Carolina and South Carolina. Based on information compiled by the Department, we have determined that, although there are approximately 290,000 small entities that move these articles interstate from the nonregulated areas in the United States, only about 5 small entities move them interstate from these areas in North Carolina and South Carolina. Further, we have estimated the overall economic impact from this action to be less than $80.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant pests, Plants (Agriculture), Quarantine, Transportation, Witchweed.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR Part 301 and that was published in the **Federal Register** on July 8, 1987 (52 FR 25579-25585).

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.17, 2.51, and 371.2(c).

Done at Washington, DC, this 10th day of December, 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87-28791 Filed 12-15-87; 8:45 am]

BILLING CODE 3410-34-M

Farmers Home Administration

7 CFR Part 1956

Debt Settlement for Farmer Programs and Single Family Housing Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation on debt settlement for Farmers Programs (FP) and Single Family Housing (SFH) loans. This action is taken for more efficient administration of the program. The intended effect is to permit the use of an existing short internal use form to debt settle its Single Family Housing cases.

EFFECTIVE DATE: December 16, 1987.

FOR FURTHER INFORMATION CONTACT: Betty Throne, Realty Specialist, Property Management Branch, Single Family Housing Servicing and Property Management Division, Farmers Home Administration, USDA, Room 5309, South Agriculture Building, Washington, DC 20250, Telephone (202) 382-1452.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Departmental Regulation 1512-1 which implements Executive Order 12291 and has been determined to be exempt from those requirements because it involves only internal agency management. It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits, or contracts, notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules.

This action, however, is not published for proposed rulemaking since it involves only matters involving internal agency management, making publication for comment unnecessary and impractical.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.410—Low Income Housing Loans and No. 10.417—Very Low Income Housing Repair Loans and Grants.

For the reasons set forth in the Final Rule related Notice(s) to 7 CFR Part 3015, Subpart V, this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major fedearl action significantly affecting the quality of the human environment, and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

List of Subjects in 7 CFR Part 1956

Accounting, Loan programs—Agriculture, Rural areas.

Accordingly, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1956—DEBT SETTLEMENT

1. The authority citation for Part 1956 continues to read as follows:

Authority 7 U.S.C. 1989; U.S.C. 1480; 5 U.S.C. 301; 31 U.S.C. 3711; 7 CFR 2.23; 7 CFR 2.70.

Subpart B—Debt Settlement—Farmer Programs and Single Family Housing

2. Section 1956.57(j)(3) is revised to read as follows:

§ 1956.57 General provisions.

* * * * *

(j) * * *

(3) If one debtor applies for compromise, adjustment, or cancellation, or if the debt is to be charged off, and the other debtor(s) is deceased or has received a discharge of the debt in bankruptcy, or the whereabouts of the other debtor(s) is unknown, or it is impossible or impracticable to obtain the signature of the other debtor(s), Form FmHA 456-1 or Form FmHA 456-2 will be prepared by showing at the top of the form the name of the debtor requesting settlement, followed by the name of the other debtor. For example, "John Doe, joint debtor with Bill Doe, deceased," "John Doe, joint debtor with Sam Doe, discharged in bankruptcy," "John Doe, joint debtor with Mary Doe, impossible or impracticable to obtain signature," as appropriate. In addition to the information concerning settlement of the debt by the applicant, information which justifies settlement of the debt as to the debtor(s) not joining in the application will be shown on Form FmHA 456-1 or Form FmHA 456-2.

* * * * *

3. Section 1956.58(b)(1) is amended by adding "or Form FmHA 456-2" after the words "Form FmHA 456-1."

4. Section 1956.58 paragraph (d) is amended by revising paragraphs (d)(1), (d)(2) and (d)(3) to read as follows:

§ 1956.58 Approval or rejection.

* * * * *

(d) * * *

(1) Insert the reasons for rejection on the form.

(2) Execute and retain the original form in the State Office.

3) Return case files and copies of the form to the employee in charge of the account.

* * * * *

5. Section 1956.70(b)(2) is amended in the last sentence by removing the period and adding the following: "or Form FmHA 456-2 for Single Family Housing loans."

6. Section 1956.70(b)(3) is revised to read as follows:

§ 1956.70 Cancellation.

* * * * *

(b) * * *

(3) *Debtors discharged in bankruptcy.* If there is no security for the debt, debts discharged in bankruptcy shall be cancelled by the use of Form FmHA 456-1, or Form FmHA 456-2 for Single Family Housing loans, with a copy of the Bankruptcy Court's Discharge Order attached. No attempt will be made to obtain the debtor's signature and County Committee review is unnecessary. If the debtor has executed a new promise to pay prior to discharge and has otherwise accomplished a valid reaffirmation of the debt in accordance with advice from OGC the debt is not discharged.

* * * * *

7. Section 1956.75, the introductory text of paragraph (a) is revised to read as follows:

§ 1956.75 Chargeoff.

(a) *Judgment debts.* Subject to the provisions of § 1956.57(g)(3), judgment debts may be charged off by use of Form FmHA 456-1 or Form FmHA 456-2 for single family housing loans upon a report and favorable recommendation of the employee in charge of the account provided:

* * * * *

8. In § 1956.75, the introductory text of paragraph (b) is amended by adding after the words, "charged off" the words "using Form FmHA 456-2."

Dated: November 5, 1987.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 87-28853 Filed 12-15-87; 8:45 am]

BILLING CODE 3410-01-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 204 and 217

[Regulations D and Q; Docket No. R-0624]

Reserve Requirements of Depository Institutions Interest on Deposits; Amendments to Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Recission and revision of interpretations; technical amendments of regulation.

SUMMARY: The Board is amending 12 CFR Part 204 (Regulation D—Reserve Requirements of Depository Institutions) and Part 217 (Regulation Q—Interest on Deposits) by rescinding obsolete published interpretations of Regulation Q and by revising others to reflect the expiration, on March 31, 1986, of the Depository Institutions Deregulation Act of 1980 ("DIDA"), as well as to clarify and simplify them. The Board is preserving some of the revised interpretations by reclassifying them as interpretations of Regulation D. The Board is also making technical corrections to Regulation D and to several interpretations in Regulation D by removing unnecessary references or by incorporating clarifications that have been published elsewhere.

Effective March 31, 1986, the Board amended its Regulation D and Q to reflect the expiration of the DIDA. The expiration of the DIDA and the amendments to Regulation D and Q eliminated rate ceilings on the payment of interest on deposits and rendered many of the Regulation Q interpretations obsolete. The amendments to the interpretations of Regulations D and Q adopted today are technical and conform the surviving interpretations to the current Regulations D and Q. All amendments will be effective December 31, 1987, but interested parties are encouraged to contact staff prior to that date if further information is desired.

EFFECTIVE DATE: December 31, 1987.

FOR FURTHER INFORMATION CONTACT: John Harry Jorgenson, Senior Attorney (202/452-3778), or Patrick J. McDivitt, Attorney (202/452-3818), Legal Division; for the hearing impaired *only* Telecommunications Device for the Deaf (TDD), Earnestine Hill or Dorothea Thompson (202/452-3544); Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96-221) ("DIDA") expired on March 31, 1986, and eliminated the authority of the Board and other federal agencies regulating federally insured depository institutions to set ceilings on the rates of interest paid on classes of deposits (other than demand deposits, on which no interest may be paid). Prior to the expiration of the DIDA, the Board used provisions (such as early withdrawal penalties) in Regulation Q to enforce interest rate ceilings and to distinguish between classes of deposits for purposes of Regulation D. When the DIDA expired, the Board amended its Regulation Q to reflect the removal of the authority to set ceilings on the rates of interest paid on deposits and to enforce these ceilings (51 FR 9636, March 20, 1986) and concurrently amended its Regulation D to preserve provisions (such as early withdrawal penalties and descriptions of particular deposit accounts) that it used to distinguish between classes of deposits for the purposes of Regulation D (51 FR 9629; March 20, 1986).

The Board is amending its Regulation Q by rescinding interpretations of Regulation Q that were made obsolete by the expiration of the DIDA, by revising the remaining interpretations to reflect the removal of the authority to set rate ceilings on deposits, and by clarifying and consolidating these interpretations. Where appropriate, the Board is retaining and revising interpretations concerning regulatory provisions used to distinguish between classes of deposits and, in some cases, moving them to Regulation D. Similarly, the Board is amending its interpretation on secondary market time deposit purchases to reflect the changes in the early withdrawal penalties now appearing in Regulation D and is moving the interpretation to Regulation D. Two interpretations of Regulation D are being amended to remove obsolete references to Regulation Q, and one interpretation of Regulation D is being revised to incorporate a clarification published elsewhere. Finally, the Board is amending two provisions in Regulation D to remove obsolete terms dependent upon interest rate ceiling provisions, which were removed in March of 1986.

Table 1 presents the interpretations the Board is rescinding and the reasons for rescission. Table 2 presents the interpretations the Board is revising and retaining, a description of any changes, an indication of whether the interpretation will remain an interpretation of Regulation Q or will be reclassified as an interpretation of Regulation D, and the regulatory provision related to the retained interpretations. Table 3 lists Regulation Q interpretations that are being retained in their current forms (either in Regulation Q or after their move to Regulation D) and the reasons for their retention even though portions of some of the interpretations relate to rate ceilings and thus are obsolete. Table 4 lists the Regulation D interpretations that are being amended and the reasons for the amendments.

TABLE 1—REGULATION Q INTERPRETATIONS BEING RESCINDED

A. Interest Rate Ceilings

The following interpretations address issues concerning compliance with interest rate ceilings. Because these interpretations were rendered obsolete in their entirety by the expiration of the DIDA and the consequent removal of interest rate ceilings effective April 1, 1986, the Board believes the interpretations serve no purpose and is rescinding them.

Section 217.105—Time certificate with alternate maturities. (18 FR 4005, Jul. 9, 1953)

This interpretation provides that, if a time deposit contract permits withdrawal either at a specified maturity or prior to the stated maturity after a specified period of written notice, the allowable maximum rate of interest would depend upon which of these withdrawal privileges the depositor elects and the rate applicable to the elected maturity.

Section 217.106—Rate of interest on loan secured by time deposit. (18 FR 5505, Sep. 15, 1953)

This interpretation addresses the permissible rate of interest on a loan by a member bank to its depositor "upon the security of" a multiple maturity time deposit.

Section 217.107—Time deposit, open account ["TDOA"], with alternate maturities. (18 FR 6206, Sep. 29, 1953)

This interpretation provides that the interpretation in § 217.105 should apply to multiple maturity TDOAs.

Section 217.112—Interest on time deposits with alternate maturities. (21 FR 6269, Aug. 21, 1956)

This interpretation applies fixed interest rate ceilings to these deposits.

Section 217.114—Grace period for receipt of savings deposits ending on holiday. (24 FR 8371, Oct. 15, 1959. Fed. Res. Reg. Serv. ¶ 2-448.

This interpretation disallows the use of more than the ten calendar days of grace previously specified by the regulation when computing the maximum rate payable on savings deposits in order to prevent evasion of interest rate ceilings.

Section 217.115—Time of receipt of savings deposit for grace period purposes. (25 FR 3395, Apr. 20, 1960. Fed. Res. Reg. Serv. ¶ 2-449)

This interpretation specifies the method of determining time of receipt of certain deposits for the purposes of setting the grace period when computing interest.

Section 217.116—Monthly payment by check of interest on deposits. (25 FR 5923, Jun. 28, 1960)

This interpretation provides that the monthly payment of interest would permit a depositor to redeposit the interest and thus earn an effective return in excess of the regulatory maximum of 3 percent, compounded quarterly, which would violate a then-applicable rate ceiling.

Section 217.124—Rate of interest on interest compounded quarterly at maximum rate 27 FR 2763, Mar. 24, 1962)

This interpretation provides that interest credited quarterly to an account can be compounded at the contract rate (which is based on the original maturity) on a calculation date rather than at the lower maximum ceiling based on the time the previously credited interest had been on deposit.

Section 217.131—Exchange of 12-month certificate of deposit for 90-day certificate. (28 FR 8282, Aug. 13, 1963)

This interpretation provides that a member bank may permit a depositor to exchange a one-year certificate with time remaining to maturity for a certificate paying the same rate if the original maturity on the new certificate is less than the time remaining to maturity on the old but only if an early withdrawal penalty is imposed.

Section 217.136—Deposit contract providing for three months' maturity with option to withdraw on ninety days' notice. (29 FR 8003, Jun. 24, 1964. Fed. Res. Reg. Serv. ¶ 2-454)

This interpretation states that a deposit contract providing for a fixed maturity date on each of several additional deposits with an option to withdraw the entire amount on 90 days' notice shall be treated as having a maturity equal to the shorter of the fixed date or the time to withdrawal after notice.

Section 217.139—Explanatory statement regarding maximum interest rates on deposits. (29 FR 16317, Dec. 5, 1964)

This interpretation summarizes the terms applicable to time deposits in 1964.

Section 217.141—Maximum rates on multiple maturity time deposits. (31 FR 10315, Jul. 30, 1966. Fed. Res. Reg. Serv. ¶ 2-455)

This interpretation summarizes the terms applicable to multiple maturity time deposits in 1966.

Section 217.144—5 percent multiple maturity time deposits. (33 FR 9015, Jun. 18, 1968. Fed. Res. Reg. Serv. ¶ 2-456)

This interpretation describes the limitations applicable to time deposits payable at intervals of 90 days.

Section 217.150—Rate payable when higher rate is payable only on short-term deposits. (35 FR 11780, Jul. 23, 1970)

This interpretation summarizes the terms applicable to time deposits of $100,000 or more in 1970.

Section 217.155—Pooling of funds to obtain higher interest rates. (44 FR 32353, Jun. 6, 1979. Fed. Res. Reg. Serv. ¶ 2-458)

This interpretation prohibits a member bank from promoting the pooling of deposits by customers in order to evade minimum denomination requirements for certain time deposits.

Section 217.156—Application of Regulation Q to fixed rate obligations issued by the parent holding company of a member bank. (45 FR 72630, Nov. 3, 1980. Fed. Res. Reg. Serv. ¶ 2-460)

This interpretation clarifies how former § 217.1(h) applied Regulation Q interest rate limitations to such obligations.

Section 217.160—Loan upon the security of a time deposit. (47 FR 47231, Oct. 25, 1982. Fed. Res. Reg. Serv. ¶ 2-462.1)

This interpretation clarifies the application of the one percent spread between the rate charged on a loan and the rate paid on a time deposit securing the loan. The spread, which is no longer required, was necessary to prevent the evasion of early withdrawal penalties, particularly on longer term time deposits.

B. Definitions

The following interpretations address definitional issues in addition to issues concerning compliance with interest rate ceilings. The Board is rescinding these interpretations for the reasons stated.

(1) Definition of "deposit" generally.

Section 217.101—Time deposit of trust funds in member bank's own banking department. (14 FR 7727, Dec. 28, 1949. Fed. Res. Reg. Serv. ¶ 2-491)

This interpretation is now addressed by § 204.2(a)(2)(i) of Regulation D.

Section 217.158—Sales of Federal funds by investment companies or trusts in which the entire beneficial interest is held exclusively by depository institutions. (47 FR 8988, Mar. 3, 1982. Fed. Res. Reg. Serv. ¶ 2-419.1)

This interpretation refers to a current interpretation of Regulation D (204.123) and therefore is unnecessary.

(2) Definition of "savings deposit" and "transaction account" specifically.

The following interpretations are unnecessary because the definitions of savings deposits and transaction accounts are now fully addressed by the definitions of "savings deposit" and "transaction account" in §§ 204.2(d)(2) and 204.2(e) of Regulation D, respectively.

Section 217.103—Presentation of savings accounts passbooks. (16 FR 580, Jan. 23, 1951)

This interpretation provides that deposits to and withdrawals from a savings account could be made by mail, even though the passbook did not accompany the customer's order or directive, without affecting the account's status as a "savings deposit."

Section 217.108—Payroll deduction savings plan. (19 FR 2716, May 12, 1954)

This interpretation provides that a member bank could not offer a company an automatic savings deposit plan for company employees under which automatic payroll deductions would be posted to the credit of individual employees. The plan provided for evidence of deposits by "savings account cards" which would be replaced weekly by a new card. The Board determined that the cards were not sufficiently like a traditional passbook.

Section 217.110—Withdrawal from "savings deposit" not evidenced by a passbook. (20 FR 4209, Jun. 16, 1955)

This interpretation provides that a member bank is not permitted to pay a draft drawn on a savings deposit and payable to a third party even if the member bank and the third party agree that the draft is subject to the right of the institution to require 30 days' advance written notice prior to of withdrawal.

Section 217.111—Savings deposits without passbook. (20 FR 7355, Oct. 4, 1955)

See discussion at section 217.103 above.

Section 217.121—Savings deposits not evidenced by passbook. (26 FR 2219, Mar. 16, 1961, as amended 34 FR 7899, May 20, 1969)

This interpretation provides that allowing withdrawals only on the presentation of a passbook (or a deposit receipt) by a depositor was necessary to prevent the depositor from paying third parties by giving them withdrawal slips.

Section 217.152—Withdrawals of savings deposits by telephone. (40 FR 16831, Apr. 15, 1975. Fed. Res. Reg. Serv. ¶ 2–494)

This interpretation provides that withdrawals can be made by telephone from a savings deposit without affecting the status of the deposit for the purposes of Regulations D and Q. The status of a savings account subject to telephone withdrawals or transfers is now addressed in the definition of "savings deposit" in § 204.2(d)(2) of Regulation D.

C. Payment of Interest on Demand Deposits

The Board is rescinding the following interpretations of § 217.2(d) of Regulation Q. That section defines "interest" for purposes of that regulation, and § 217.3 prohibits the payment of interest on demand deposits. The Board's amended definition of "interest" now covers the issue addressed by these interpretations that the absorption of expenses or the forebearance from charging a fee will not constitute a payment of interest. Even though these interpretations are being rescinded, the Board's staff will still address individual cases for consistency with the regulation.

Section 217.109—Adjustment of interest on loans as payment of interest on deposit. (19 FR 3006, May 25, 1954. Fed. Res. Reg. Serv. ¶ 2–442)

This interpretation discusses two cases involving an adjustment of interest rates on loans. One case did not constitute the payment of interest on a demand deposit because the adjustment amounted to forebearance of a future charge while the other did because the adjustment amounted to a rebate of a charge already due.

Section 217.117—Absorption of exchange charged as payment of interest. (25 FR 7620, Aug. 11, 1960)

This interpretation provides that the payment of interest includes any direct or indirect payment or absorption of exchange charges by any device whatsoever, regardless of whether such payment or absorption is made directly by a member bank or indirectly through any other bank for a member bank or a depositor of such member bank.

Section 217.118—Absorption of intangible personal property tax on bank deposits. (25 FR 9845, Oct. 14, 1960. Fed. Res. Reg. Serv. ¶ 2–434)

This interpretation provides that absorption of taxes on demand deposits does not constitute a payment of interest on a demand deposit regardless of whether the tax is levied on the bank or the depositor.

Section 217.120—Authority for absorption of certain normal exchange charges. (25 FR 10866, Nov. 16, 1960)

This interpretation provides that normal exchange charges could be absorbed without constituting a payment of interest.

D. Business Savings Accounts

Because the Board removed the $150,000 limitation on business savings accounts effective April 1, 1986, the following interpretations concerning business saving accounts no longer serve a purpose. Business eligibility to maintain a NOW account is determined by federal law (12 U.S.C. 1832) and by the Board's interpretation regarding NOW account eligibility (12 CFR 217.157; Fed. Res. Reg. Serv. ¶ 2–462.5) discussed below.

Section 217.119—Associated Hospital Service ineligible to maintain savings account. (25 FR 9845, Oct. 14, 1960. Fed. Res. Reg. Serv. ¶ 2–482)

This interpretation provides that a hospital association is ineligible to maintain a savings account because it is operated as a mutual insurance company and is not operated for a charitable purpose. Thus, the interpretation is inconsistent with current law and regulations.

Section 217.132—Deposits of trustees in bankruptcy as "savings deposits."— (28 FR 9384, Aug. 27, 1963. Fed. Res. Reg. Serv. ¶ 2–488)

This interpretation provides that the nature of the beneficial owners of such deposits rather than the nature of the named accountholder trustee will determine whether the funds may be placed in a "savings deposit." The concept of looking to the beneficial owner of fiduciary accounts to determine the character of the account is now fully addressed in the definition of "nonpersonal time deposit" in § 204.2(f) of Regulation D.

Section 217.135—Savings accounts by corporations operated for profit prohibited. (29 FR 398, Jan. 16, 1964)

This interpretation states the Board's position that member banks, including national banks, were prohibited from opening savings deposits for corporations. Thus, the interpretation is inconsistent with current law and regulations.

E. Miscellaneous

Section 217.133—Withdrawal of uninsured portion of deposit after bank merger. (28 FR 12360, Nov. 22, 1983)

This interpretation provides that a member bank may permit the immediate withdrawal of time or savings deposits when the bank has absorbed another bank by merger and depositors common to both banks have such accounts in the resulting bank in excess of the amount covered by deposit insurance. This interpretation is now incorporated in footnote 1 to § 204.2(c)(1)(i) of Regulations D; therefore, it is unnecessary and is being rescinded.

Section 217.140—Reduction in rate of interest on time deposit during period of loan made on security of such deposit. (30 FR 5574, Apr. 20, 1965. Fed. Res. Reg. Serv. ¶ 2–461)

This interpretation provides that reduction of the rate of interests on the time deposit to maintain the required 2 percent spread between the rate on a loan secured by a time deposit did not amount to an evasion of the early withdrawal penalties in Regulation Q. The spread is no longer required and the interpretation is being rescinded.

TABLE 2—REGULATIONS Q INTERPRETATIONS (UNRELATED TO ADVERTISING) BEING REVISED AND RETAINED EITHER IN REGULATION Q OR IN REGULATION D

A. Revised and retained in Regulation Q

Section 217.134—Interest on time certifications falling due on holiday. (28 FR 12360, Nov. 22, 1963. Fed. Res. Reg. Serv. ¶ 2–453)

This interpretation is being retained but is being changed to reflect revised Regulation Q requirements. The revised interpretation clarifies that, although matured time deposits which have not been renewed or placed in another account upon maturity are reported as demand deposits for the purposes of Regulation D (reserves on deposits), the continued payment of interest until the next business day will not be regarded as a violation of Regulation Q.

Section 217.147—Premiums, finders fees, prepayment of interests, and payment of interest in merchandise. (48 FR 45757, Oct. 7, 1983)

This interpretation is being revised to clarify when premiums will not constitute a payment of interest on a demand deposit under § 217.3 of Regulation Q. Rules regarding finders fees, prepayment of interest, and payment of interest in merchandise are being rescinded.

B. Revised and Moved to Regulation D

Section 217.126—Foreign, international, and supranational entities exempt from interest rate limitations. 35 3FR 1156, Jan. 29, 1970; 35 FR 2953, Feb. 13, 1970. Fed. Res. Reg. Serv. ¶ 2–457)

This interpretation is moved to Regulation D as an interpretation of §§ 204.2(c)(1)(iv)(E) and 204.2(f)(1)(v)(E) of that regulation because it affects reserves on liabilities held for supranational entities.

Section 217.137—Member bank participation in "Federal funds" market. (35 FR 528, Jan. 15, 1970; as amended 44 FR 60076, Oct. 18, 1979.Fed. Res. Reg. Serv. ¶ 2–414)

Section 217.138—Nonbank participation in "Federal funds" market. (38 FR 35231, Dec. 26, 1973. Fed. Res. Reg. Serv. ¶ 2–418)

These interpretations are being retained but are being moved to Regulation D as interpretations of §§ 204.2(a)(1)(vii)(A)(1) and 204.2(a)(1)(vii)(D) of that regulation.

Section 217.146—Deposits at foreign branches guaranteed by domestic office of member bank. (35 FR 2768, Feb. 10, 1970. Fed. Res. Reg. Serv. ¶ 2–415)

This interpretation refers to a contemporaneously published interpretation of Regulation D (§ 204.112), but the text of the Regulation D interpretation has not appeared in the Code of Federal Regulations since 1980. The interpretation explains §§ 204.1(c)(5) and 204.2(t) of Regulation D. The Board is endorsing the text of the original interpretation (amended to clarify that it applies to "depository institutions" and not just to "member banks"), and it will now appear in section 204.128.

Section 217.153—Serial, sinking fund redemption, and amortized issues as capital. (41 FR 26201, Jun. 25, 1976. Fed. Res. Reg. Serv. ¶ 2–419)

This interpretation was previously incorporated at former § 217.1(f)(3) of Regulation Q and refers to a contemporaneous interpretation of Regulation D (12 CFR 204.119) which is now codified at § 204.2(a)(1)(vii)(C) of Regulation D. It establishes criteria for concluding that certain subordinated notes do not constitute deposits. The substance of the interpretation is being retained but is being revised and moved to Regulation D as an interpretation of § 204.2(a)(1)(vii)(C) of that regulation.

Section 217.157—Eligibility for NOW Accounts. (46 FR 46899, Sept. 23, 1981, as amended at 47 FR 54759, Dec. 6, 1982. Fed. Res. Reg. Serv. ¶ 2–462.5)

This interpretation is being moved to Regulation D as an interpretation of § 204.2(e) of that regulation and is being revised to clarify that sole proprietors and individuals doing business under a trade or nominal business title are eligible to maintain a NOW account. Further, section 109 of Title I of the Competitive Equality Banking Act (Pub. L. No. 100–86) amended the statutory description of NOW accounts to make non-profit political organizations eligible to maintain NOW accounts, and this interpretation is being amended to reflect the statutory change. Finally, some historical detail on the origins of NOW accounts which was used to clarify the classification of NOW accounts for the purposes of Regulations D and Q is being deleted as the account is now clearly included in the definition of "transaction account" in § 204.2(e) of Regulation D.

Section 217.159—Member bank participation in the secondary market for its own time deposits. (47 FR 37878, Aug. 27, 1982. Fed. Res. Reg. Serv. ¶ 2–425.11)

This interpretation clarifies when a member bank's purchase of its time deposits in the secondary market is considered an early withdrawal of the deposits for interest rate determination purposes. This interpretation is being retained but is being revised to apply the early withdrawal penalties for reserve requirement purposes and moved to Regulation D as an interpretation of §§ 204.2(c)(1)(i) and 204.2(f)(3) of that regulation. As a matter of policy, the Board regards the maturity of a time deposit for reserve requirement purposes to be the soonest the liability may be removed from the depository institution's banks without penalty. This and related policies concerning the application of early withdrawal penalties may be affected by a pending proposed rulemaking (51 FR 16855; May 7, 1986). That rulemaking includes a determination as to the appropriate treatment of certain transactions (including asset sales with recourse) that may give rise to deposits and to the maturity of such deposits when acceleration clauses or puts or calls are present.

C. Miscellaneous

Section 217.161—Repurchase agreements involving shares of a money market mutual fund whose portfolio consists wholly of United States Treasury and Federal agency securities. (50 FR 13012, Apr. 2, 1985. Fed. Res. Reg. Serv. ¶ 2–419.2)

Such a repurchase agreement is not a "deposit" for purposes of Regulations D and Q. Further, shares in such MMMFs are permissible investments for state member banks.

This interpretation is being retained, but the text is being replaced with a cross reference to the corresponding published interpretation under Regulation D at 12 CFR 204.124. A related interpretation also appears in Regulation H—Membership of State Banking Institutions in the Federal Reserve System at 12 CFR 208.123 (Fed. Res. Reg. Serv. ¶ 3–416.14).

TABLE 3—REGULATION Q INTERPRETATIONS BEING RETAINED UNCHANGED

The Board believes that the portions of these interpretations concerning rate ceilings were rendered obsolete by the removal of interest rate ceilings effective April 1, 1986. The remaining portions of the interpretations concern advertising of interest on deposits. The Board's rules regarding advertising are currently under review (51 FR 1379; January 13, 1986), and these interpretations are being retained now and will be addressed when the Board completes that rulemaking.

Section 217.113—Time certificate of deposit with automatic renewal. (22 FR 2533, Apr. 13, 1957)

This interpretation summarizes the basic regulatory requirements applicable to automatically renewable time deposits.

Section 217.148—Information regarding computation of interest on deposits.— (35 FR 3751, Feb. 26, 1970. Fed. Res. Reg. Serv. ¶ 2–420)

This interpretation provides that each member bank should inform its customer as to the method that will be used to compute interest on the customer's interest-bearing deposit. It also provides that notice of changes to the account should be mailed to the depositor.

Section 217.151—Payment and computation of interest on time and savings deposits. (35 FR 19663, Dec. 29, 1970. Fed. Res. Reg. Serv. ¶ 2–412)

This interpretation sets out formulae which should be used when computing interest paid on deposits.

TABLE 4—REGULATION D INTERPRETATIONS BEING REVISED

Section 204.122—Secondary market activities of International Banking Facilities. (46 FR 62812, Dec. 29, 1982. Fed. Res. Reg. Serv. ¶ 2–283)

This interpretation concerns the extent to which IBFs may purchase IBF-eligible assets from or sell such assets to third parties under Regulation D. The interpretation was approved by the Board December 16, 1981, and was effective December 22, 1981. The Board concurrently approved a letter to the Reserve Banks (letter S–2455, December 16, 1981) which contained the text of this interpretation. The S-letter was revised January 12, 1982, to clarify how Regulation D applies such purchases and sales involving an IBF of an Edge or Agreement corporation. The amendment conforms the published interpretation to letter S–2455 as revised January 12, 1982, and ratifies that revision. Fed. Res. Reg. Serv. ¶ 2–283 already reflects the revision.

Section 204.123.—Sale of Federal funds by investment companies or trusts in which the entire beneficial interest is held exclusively by depository institutions. (47 FR 8867, Mar. 3, 1982; Fed. Res. Reg. Serv. ¶ 2–419.1)

Section 204.124—Repurchase agreement involving shares of a money market mutual fund whose portfolio consists wholly of United States Treasury and Federal agency securities. (50 FR 13011, Apr. 2, 1985; Fed. Res. Reg. Serv. ¶ 2–419.2)

These two interpretations provide that the described transactions do not create "deposits" for the purposes of Regulation D. They ar being amended to remove a sentence from each that refers to a parallel provision in former 217.1(f)(2) of Regulation Q. This section was removed from Regulation Q effective March 31, 1986. Because Regulation Q now incorporates and relies upon the definitions of "deposit" in Regulation D. This cross reference is unnecessary.

Notice and Public Comment

The Board finds good cause for not asking for public comment prior to the adoption of these amendments. The amendments affect interpretations of regulations and, thus, are exempt from the public notice provisions of the Administrative Procedure Act (5 U.S.C. 553(b) and (c)(2)) so long as they are interpretative rather than substantive in nature. The Board believes these amendments fall within this exemption. The amendments are technical in nature because they rescind obsolete interpretations and clarify or simplify remaining interpretations or conform them to current regulations. Accordingly, the Board believes that notice and public participation is impracticable, unnecessary, and contrary to the public interest. Nevertheless, the Board encourages interested parties to contact Board staff directly if they wish to express their views on the rescissions and revisions.

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96–354, 5 U.S.C. 60.1 *et seq.*), the Board certifies that these amendments will not have a significant economic impact on a substantial number of small entities. The amendments simplify the regulatory scheme of Regulatory Q, and, other than simplifying and clarifying Regulations D and Q, will have no effect on regulatory burdens for all depository institutions generally or such burdens for small depository institutions, particularly, and have no particular effect on other small entities.

List of Subjects

12 CFR Part 204

Banks, Banking, Currency, Federal Reserve System, Penalties, Reporting requirements.

12 CFR Part 217

Advertising of deposits, Interest on demand deposits, Banks, Banking, Federal Reserve System.

Pursuant to the Board's authority under section 19 of the Federal Reserve Act (12 U.S.C. 461 *et seq.*, 371a, and 371b) the Board is amending 12 CFR Part 204 and Part 217 as follows:

PART 204—[AMENDED]

§ 204.2 [Amended]

1. The authority citation for Part 204 continues to read as follows:

Authority: Secs. 11(a), 11(c), 19, 25, 25(a) of the Federal Reserve Act (12 U.S.C. 248(a), 248(c), 371a, 371b, 461, 601, 611); sec. 7 of the International Banking Act of 1978 (12 U.S.C. 3105); and section 411 of the Garn-St Germain Depository Institutions Act of 1982 (12 U.S.C. 461).

1a. The authority citation for Part 217 continues to read as follows:

Authority: 12 U.S.C. 248, 371, 371a, 371b, 461, 1828, and 3105.

§ 204.2 [Amended]

1b. Section 204.2(a)(1)(v) is amended by removing "four" and replacing it with "one and one-half" where it refers to years.

2. Section 204.2(a)(1)(vii)(C) is amended by removing "is not subject to federal interest rate limitations.".

3. Section 204.122(b) is revised as follows:

§ 204.122 Secondary market activities of International Banking Facilities.

* * * * *

(b) Consistent with the Board's intent, IBFs may purchase IBF-eligible assets [1] from, or sell such assets to, any domestic or foreign customer provided that the transactions are at arm's length without recourse. However, an IBF of a U.S. depository institution may not purchase assets from, or sell such assets to, any U.S. affiliate of the institution establishing the IBF; an IBF of an Edge or Agreement corporation may not purchase assets from, or sell assets to, any U.S. affiliate of the Edge or Agreement corporation or to U.S. branches of the Edge or Agreement corporation or to U.S. branches of the Edge or Agreement corporation other than the branch [2] establishing the IBF; and an IBF of a U.S. branch or agency of a foreign bank may not purchase assets from, or sell assets to any U.S. affiliates of the foreign bank or to any other U.S. branch or agency of the same foreign bank.[3] (This would not pevent an IBF from purchasing (or selling) assets directly from (or to) any IBF, including an IBF of an affiliate, or to the institution establishing the IBF; such purchases from the institution establishing the IBF would continue to be subject to Eurocurrency reserve requirements except during the initial four-week transition period.) Since repurchase agreements are regarded as loans, transactions involving repurchase agreements are permitted only with customers who are otherwise eligible to deal with IBFs, as specified in Regulation D.

* * * * *

[1] In order for an asset to be eligible to be held by an IBF, the obligor or issuer of the instrument, or in the case of bankers' acceptances, the customer and any endorser or acceptor, must be an IBF-eligible customer.

[2] Branches of Edge or Agreement corporations and agencies and branches of foreign banks that file a consolidated report for reserve requirements purposes (FR 2900) are considered to be the establishing entity of an IBF.

§ 204.123 [Amended]

4. Section 204.123 is amended by removing from its first paragraph the sentence, "A parallel exemption in Regulation Q * * * (12 CFR 217.1(f)(1))."

§ 204.124 [Amended]

5. Section 204.124(a) is amended by removing the sentence, "A parallel exemption in Regulation Q * * * (12 CFR 217.1(f)(2))."

§ 204.2 [Amended]

§217.126 [Redesignated as § 204.125]

6. Footnote 4 of § 204.2(c)(1)(iv)(E) is amended by removing "217.126" and replacing it with "204.125" and § 217.126 is redesignated as § 204.125, and revised to read as follows:

§ 204.125 Foreign, international, and supranational entities whose deposits are exempt from reserves.

The entities referred to in section 204.2(c)(1)(iv)(E) are:

Europe

Bank for International Settlements.
European Atomic Energy Community.
European Coal and Steel Community.
The European Communities.
European Development Fund.
European Economic Community.
European Free Trade Association.
European Fund.
European Investment Bank.

Latin America

Andean Development Corporation.
Andean Subregional Group.
Caribbean Development Bank.
Caribbean Free Trade Association
Caribbean Regional Development Agency.
Central American Bank for Economic Integration.
The Central American Institute for Industrial Research and Technology.
Central American Monetary Stabilization Fund.
East Caribbean Common Market.
Latin American Free Trade Association.
Organization for Central American States.
Permanent Secretariat of the Central American General Treaty of Economic Integration.
River Plate Basin Commission.

Africa

African Development Bank.
Banque Centrale des Etats de l'Afrique Equatorial et du Cameroun.
Banque Centrale des Etats d'Afrique del'Ouest.
Conseil de l'Entente.
East African Community.
Organisation Commune Africaine et Malagache.
Organization of African Unity.
Union des Etats de l'Afrique Centrale.
Union Douaniere et Economique de l'Afrique Centrale.
Union Douaniere des Etats de l'Afrique de l'Ouest.

Asia

and Pacific Council.
Association of Southeast Asian Nations.
Bank of Taiwan.
Korea Exchange Bank.

Middle East

Central Treaty Organization.
Regional Cooperation for Development.

§ 217.137 [Redesignated as § 204.126]

7. Section 217.137 is redesignated as § 204.126, and revised to read as follows:

§ 204.126 Depository institution participation in "Federal funds" market.

(a) Under § 204.2(a)(1)(vii)(A), there is an exemption from Regulation D for member bank obligations in nondeposit form to another bank. To assure the effectiveness of the limitations on persons who sell Federal funds to depository institutions, Regulation D applies to nondocumentary obligations undertaken by a depository institution to obtain funds for use in its banking business, as well as to documentary obligations. Under § 204.2(a)(1)(vii) of Regulation D, a depository institution's liability under informal arrangements as well as those formally embodied in a document are within the coverage of Regulation D.

(b) The exemption in § 204.2(a)(1)(vii)(A) applies to obligations owed by a depository institution to a domestic office of any entity listed in that section (the "exempt institutions"). The "exempt institutions" explicitly include another depository institution, foreign bank, Edge or agreement corporation, New York Investment (article XII) Company, the Export-Import Bank of the United States, Minbanc Capital Corp., and certain other credit sources. The term "exempt institutions" also includes subsidiaries of depository institutions:

(1) That engage in businesses in which their parents are authorized to engage; or

(2) The stock of which by statute is explicitly eligible for purchase by national banks.

(c) To assure that this exemption for liabilities to exempt institutions is not used as a means by which nondepository institutions may arrange through an exempt institution to "sell" Federal funds to a depository institution, obligations within the exemption must be issued to an exempt institution for its own account. In view of this requirement, a depository institution that "purchases" Federal funds should ascertain the character (not necessarily the identity) of the actual "seller" in order to justify classification of its liability on the transaction as "Federal funds purchased" rather than as a deposit. Any exempt institution that has given general assurance to the purchasing depository institution that sales by it of Federal funds ordinarily will be for its own account and thereafter executes such transactions for the account of others, should disclose the nature of the actual lender with respect to each such transaction. If it fails to do so, the depository institution would be deemed by the Board as indirectly violating section 19 of the Federal Reserve Act and Regulation D.

§ 217.138 [Redesignated as § 204.127]

8. Section 217.138 is redesignated as § 204.127, and revised to read as follows:

§ 204.127 Nondepository participation in "Federal funds" market.

(a) The Board has considered whether the use of "interdepository institution loan participations" ("IDLPs") which involve participation by third parties other than depository institutions in Federal funds transactions, comes within the exemption from "deposit" classification for certain obligations owed by a depository institution to an institution exempt in § 204.2(a)(1)(vii)(A) of Regulation D. An IDLP transaction is one through which an institution that has sold Federal funds to a depository institution, subsequently "sells" or participates out that obligation to a nondepository third party without notifying the obligated institution.

(b) The Board's interpretation regarding Federal funds transactions (12 CFR 204.126) clarified that a depository institutions's liability must be issued to an exempt institution described in § 204.2(a)(1)(vii)(A) of Regulation D for its own account in order to come within the nondeposit exemption for interdepository liabilities. The Board regards transactions which result in third parties gaining access to the Federal funds market as contrary to the exemption contained in § 204.2(a)(1)(vii)(A) of Regulation D regardless of whether the nondepository institution third party is a party to the initial transaction or thereafter becomes a participant in the transaction through purchase of all or part of the obligation held by the "selling" depository institution.

(c) The Board regards the notice requirements set out in 12 CFR 204.126 as applicable to IDLP-type transactions as described herein so that a depository institution "selling" Federal funds must provide to the purchaser—

(1) Notice of its intention, at the time of the initial transaction, to sell or

participate out its loan contract to a nondepository third party, and

(2) Full and prompt notice whenever it (the "selling" depository institution) subsequently sells or participates out its loan contract to a non-depository third party.

§ 217.146 [Redesignated as § 204.128]

9. Section 217.146 is redesignated as § 204.128, and revised to read as follows:

§ 204.128 Deposits at foreign branches guaranteed by domestic office of a depository institution.

(a) In accepting deposits at branches abroad, some depository institutions may enter into agreements from time to time with depositors that in effect guarantee payment of such deposits in the United States if the foreign branch is precluded from making payment. The question has arisen whether such deposits are subject to Regulation D, and this interpretation is intended as clarification.

(b) Section 19 of the Federal Reserve Act which establishes reserve requirements does not apply to deposits of a depository institution "payable only at an office thereof located outside of the States of the United States and the District of Columbia" (12 USC 371a; 12 CFR 204.1(c)(5)). The Board rule in 1918 that the requirements of section 19 as to reserves to be carried by member banks do not apply to foreign branches (1918 *Fed. Res. Bull.* 1123). The Board has also defined the phrase "Any deposit that is payable only at an office located outside the United States," in § 204.2(t) of Regulation D, 12 CFR 204.2(t).

(c) The Board believes that this exemption from reserve requirements should be limited to deposits in foreign branches as to which the depositor is entitled, under his agreement with the depository institution, to demand payment only outside the United States, regardless of special circumstances. The exemption is intended principally to enable foreign branches of U.S. depository institutions to compete on a more nearly equal basis with banks in foreign countries in accordance with the laws and regulations of those countries. A customer who makes a deposit that is payable solely at a foreign branch of the depository institution assumes whatever risk may exist that the foreign country in which a branch is located might impose restrictions on withdrawals. When payment of a deposit in a foreign branch is guaranteed by a promise of payment at an office in the United States if not paid at the foreign office, the depositor no longer assumes this risk but enjoys substantially the same rights as if the deposit had been made in a U.S. office of the depository institution. To assure the effectiveness of Regulation D and to prevent evasions thereof, the Board considers that such guaranteed foreign-branch deposits must be subject to that regulation.

(d) Accordingly, a deposit in a foreign branch of a depository institution that is guaranteed by a domestic office is subject to the reserve requirements of Regulation D the same as if the deposit had been made in the domestic office. This interpretation is not designed in any respect to prevent the head office of a U.S. bank from repaying borrowings from, making advances to, or supplying capital funds to its foreign branches, subject to Eurocurrency liability reserve requirements.

§ 217.153 [Redesignated as § 204.129]

10. Section 217.153 is redesignated as § 204.129, and revised to read as follows:

§ 204.129 Serial, sinking fund redemption, and amortized issues as capital.

(a) Section 204.2(a)(1)(vii) contains several exceptions which exclude certain liabilities from the definition of "deposit." For a member bank, the exception in § 204.2(a)(1)(vii)(C) means any liability that:

(1) Bears on its face, in boldface type, the following:

"This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation.";

(2) Is subordinated to the claims of the depositors:

(3) Is unsecured and is ineligible as collateral for a loan by the issuing bank and expressly states so on its face;

(4) (i) Has an original maturity of at least seven years or, in the case of a liability that provides for any type of scheduled repayments of principal, has an average maturity [1] of at least seven years [2] and

(ii) Provides that once any such repayment of principal begins, all scheduled repayments shall be made at least annually and the amount repaid in each year is no less than in the prior year;

(5) Is issued subject to a requirement that no repayment (other than a regularly scheduled repayment already approved by the appropriate Federal bank regulatory agency), including but not limited to a payment pursuant to acceleration of maturity, may be made without the prior written approval of the appropriate Federal bank regulatory agency; [3] and

(6) Is in an amount of at least $500.

(b) The appropriate Federal bank regulatory agency may approve the issuance of an obligation that is less than $500 if such lesser amount is necessary:

(1) To satisfy the preemptive rights of shareholders in the case of a convertible debt obligation;

(2) To maintain a ratable unit offering to holders of preemptive rights in the case of an obligation issued exclusively as part of a unit including shares of stock which are subject to such preemptive rights; or

(3) To satisfy shareholders' ratable claims in the case of an obligation issued wholly or partially in exchange for shares of voting stock or assets pursuant to a plan of merger, consolidation, reorganization, or other transaction where the issuer will acquire either a majority of such shares of voting stock or all or substantially all of the assets of the entity whose assets are being acquired; and has been approved by the appropriate Federal bank regulatory agency as an addition to the capital structure of the issuing bank.

(c) The appropriate Federal bank regulatory agency may approve the issuance of an obligation that is less than $500 if such lesser amount is necessary to meet all of the requirements in the preceding clause except the maturity requirement or the requirement that scheduled repayments shall be in amounts at least equal to those made in a previous year; and with respect to which the appropriate Federal bank regulatory agency has determined that exigent circumstances require the issuance of such obligations without regard to the provisions of this part; or was issued or publicly offered before June 30, 1970, with an original maturity of more than two years.

(d) Total outstanding capital notes should not exceed 50 percent of a State member bank's equity capital.

(e) The issuance must be consistent with the Board's capital adequacy guidelines (Appendix A to Regulation Y, 12 CFR Part 225).

§ 217.157 [Redesignated as § 204.130]

11. Section 217.157 is redesignated as § 204.130, and revised to read as follows:

[1] The "average maturity" of an obligation or issue repayable in scheduled periodic payments shall be the weighted average of the maturities of all such scheduled repayments.

[2] In a serial issue, the member bank may offer no note with a maturity of less than five years.

[3] For the purposes of this part, the "appropriate Federal bank regulatory agency" is the Comptroller of the Currency in the case of national bank and the Board of Governors in the case of a State member bank.

§204.130 Eligibility for NOW Accounts.

(a) *Summary.* In response to many requests for rulings, the Board has determined to clarify the types of entities that may maintain NOW accounts at member banks.

(b) *Individuals.* (1) Any individual may maintain a NOW account regardless of the purposes that the funds will serve. Thus, deposits of an individual used in his or her business including a sole proprietor or an individual doing business under a trade name is eligible to maintain a NOW account in the individual's name or in the "DBA" name. However, other entities organized or operated to make a profit such as corporations, partnerships, associations, business trusts, or other organizations may not maintain NOW accounts.

(2) Pension funds, escrow accounts, security deposits, and other funds held under various agency agreements may also be classified as NOW accounts if the entire beneficial interest is held by individuals or other entities eligible to maintain NOW accounts directly. The Board believes that these accounts are similar in nature to trust accounts and should be accorded identical treatment. Therefore, such funds may be regarded as eligible for classification as NOW accounts.

(c) *Nonprofit organizations.* (1) A nonprofit organization that is operated primarily for religious, philanthropic, charitable, educational, political or other similar purposes may maintain a NOW account. The Board regards the following kinds of organizations as eligible for NOW accounts under this standard if they are not operated for profit:

(i) Organizations described in section 501(c)(3) through (13), and (19) of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) section 501(c)(3) through (13) and (19));

(ii) Political organizations described in section 527 of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) section 527); and

(iii) Homeowners and condominium owners associations described in section 528 of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) section 528), including housing cooperative associations that perform similar functions.

(2) All organizations that are operated for profit are not eligible to maintain NOW accounts at depository institutions.

(3) The following types of organizations described in the cited provisions of the Internal Revenue Code are among those not eligible to maintain NOW accounts:

(i) Credit unions and other mutual depository institutions described in section 501(c)(14) of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) section 501(c)(14));

(ii) Mutual insurance companies described in section 501(c)(15) of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) section 501(c)(15));

(iii) Crop financing organizations described in section 501(c)(16) of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) section 501(c)(16));

(iv) Organizations created to function as part of a qualified group legal services plan described in section 501(c)(20) of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) section 501(c)(20)); or

(v) Farmers' cooperatives described in section 521 of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) section 521).

(d) *Governmental units.* Governmental units are generally eligible to maintain NOW accounts at member banks. NOW accounts may consist of funds in which the entire beneficial interest is held by the United States, any State of the United States, county, municipality, or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, any territory or possession of the United States, or any political subdivision thereof.

(e) *Funds held by a fiduciary.* Under current provisions, funds held in a fiduciary capacity (either by an individual fiduciary or by a corporate fiduciary such as a bank trust department or a trustee in bankruptcy), including those awaiting distribution or investment, may be held in the form of NOW accounts if all of the beneficiaries are otherwise eligible to maintain NOW accounts. The Board believes that such a classification should continue since fiduciaries are required to invest even temporarily idle balances to the greatest extent feasible in order to responsibly carry out their fiduciary duties. The availability of NOW accounts provides a convenient vehicle for providing a short-term return on temporarily idle trust funds of beneficiaries eligible to maintain accounts in their own names.

(f) *Grandfather provision.* In order to avoid unduly disrupting account relationships, a NOW account established at a member bank on or before August 31, 1981, that represents funds of a nonqualifying entity that previously qualified to maintain a NOW account may continue to be maintained in a NOW account.

§ 217.159 [Redesignated as § 204.131]

12. Section 217.159 is redesignated as § 204.131, and revised to read as follows:

§ 204.131 Participation by a depository institution in the secondary market for its own time deposits.

(a) *Background.* In 1982, the Board issued an interpretation concerning the effect of a member bank's purchase of its own time deposits in the secondary market in order to ensure compliance with regulatory restrictions on the payment of interest on time deposits, with the prohibition against payment of interest on demand deposits, and with regulatory requirements designed to distinguish between time deposits and demand deposits for federal reserve requirement purposes (47 FR 37878, Aug. 27, 1982). The interpretation was designed to ensure that the regulatory early withdrawal penalties in Regulation Q used to achieve these three purposes were not evaded through the purchase by a member bank or its affiliate of a time deposit of the member bank prior to the maturity of the deposit.

(b) Because the expiration of the Depository Institutions Deregulation Act (Title II of Pub. L. 96–221) on April 1, 1986, removed the authority to set interest rate ceilings on deposits, one of the purposes for adopting the interpretation was eliminated. The removal of the authority to set interest rate ceilings on deposits required the Board to revise the early withdrawal penalties which were also used to distinguish between types of deposits for reserve requirement purposes. Effective April 1, 1986, the Board amended its Regulation D to incorporate early withdrawal penalties applicable to all depository institutions for this purpose (51 FR 9629, Mar. 20, 1986). Although the new early withdrawal penalties differ from the penalties used to enforce interest rate ceilings, secondary market purchases still effectively shorten the maturities of deposits and may be used to evade reserve requirements. This interpretation replaces the prior interpretation and states the application of the new early withdrawal penalties to purchases by depository institutions and their affiliates of the depository institution's time deposits. The interpretation applies only to situations in which the Board's regulatory penalties apply.

(c) *Secondary market purchases under the rule.* The Board has determined that a depository institution purchasing a time deposit it has issued should be regarded as having paid the

time deposit prior to maturity. The effect of the transaction is that the depository institution has cancelled a liability as opposed to having acquired an asset for its portfolio. Thus, the depository institution is required to impose any early withdrawal penalty required by Regulation D on the party from whom it purchases the instrument by deducting the amount of the penalty from the purchase price. The Board recognizes, however, that secondary market sales of time deposits are often done without regard to the identity of the original owner of the deposit. Such sales typically involve a pool of time deposits with the price based on the aggregate face value and average rate of return on the deposits. A depository institution purchasing time deposits from persons other than the person to whom the deposit was originally issued should be aware of the parties named on each of the deposits it is purchasing but through failure to inspect the deposits prior to the purchase may not be aware at the time it purchases a pool of time deposits that it originally issued one or more of the deposits in the pool. In such cases, if a purchasing depository institution does not wish to assess an applicable early withdrawal penalty, the deposit may be sold immediately in the secondary market as an alternative to imposing the early withdrawal penalty.

(d) *Purchases by affiliates.* On a consolidated basis, if an affiliate (as defined in § 204.2(q) of Regulation D) of a depository institution purchases a CD issued by the depository institution, the purchase does not reduce their consolidated liabilities and could be accomplished primarily to assist the depository institution in avoiding the requirements of the Board's Regulation D. Because the effect of the early withdrawal penalty rule could be easily circumvented by purchases of time deposits by affiliates, such purchases are also regarded as an early withdrawals of the time deposit, and the purchase should be treated as if the depository institution made the purchase directly. Thus, the regulatory requirements for early withdrawal penalties apply to affiliates of a depository institution as well as to the institution itself.

(e) *Depository institution acting as broker.* The Board believes that it is permissible for a depository institution to facilitate the secondary market for its own time deposits by finding a purchaser for a time deposit that a customer is trying to sell. In such instances, the depository institution will not be paying out any of its own funds, and the depositor does not have a guarantee that the depository institution will actually be able to find a buyer.

(f) *Third-party market-makers.* A depository institution may also establish and advertise arrangements whereby an unaffiliated third party agrees in advance to purchase time deposits issued by the institution. The Board would not regard these transactions as inconsistent with the purposes that the early withdrawal penalty is intended to serve unless a depository institution pays a fee to the third party purchaser as compensation for making the purchases or to remove the risk from purchasing the deposits. In this regard, any interim financing provided to such a third party by a depository institution in connection with the institution's secondary market activity involving the institution's time deposits must be made substantially on the same terms, including interest rates and collateral, as those prevailing at the same time for comparable transactions with other similarly situated persons and may not involve more than the normal risk of repayment.

(g) *Reciprocal arrangements.* Finally, while a depository institution may enter into an arrangement with an unaffiliated third party wherein the third party agrees to stand ready to purchase time deposits held by the depository institution's customers, the Board will regard a reciprocal arrangement with another depository institution for purchase of each other's time deposits as a circumvention of the early withdrawal penalty rule and the purposes it is designed to serve.

§§ 217.101, 217.103, 217.105, 217.106 through 217.112, 217.114 through 217.121, 217.124, 217.131 through 217.133, 217.135, 217.136, 217.139 through 217.141, 217.144, 217.150, 217.152, 217.155, 217.156, 217.158, and 217.160. [Removed]

13. Sections 217.101, 217.103, 217.105, 217.106, 217.107, 217.108, 217.109, 217.110, 217.111, 217.112, 217.114, 217.115, 217.116, 217.117, 217.118, 217.119, 217.120, 217.121, 217.124, 217.131, 217.132, 217.133, 217.135, 217.136, 217.139, 217.140, 217.141, 217.144, 217.150, 217.152, 217.155, 217.156, 217.158, and 217.160 are removed.

§§ 217.113, 217.148, 217.151 [Redesignated as §§ 217.601 through 217.603]

14. Sections 217.113, 217.148, and 217.151 are redesignated as §§ 217.601, 217.602, and 217.603, respectively.

§ 217.134 [Redesignated as 217.301]

15. Section 217.134 is redesignated, and revised as § 217.301 as follows:

§ 217.301 Interest on time deposit falling due on holiday.

(a) After the date of "maturity" of any time deposit, such deposit is a demand deposit, and no interest may be paid thereon for any period subsequent to the date of maturity unless the contract provides for an extension of up to 10 calendar days as per footnote 1 to Regulation Q.

(b) The date on which an obligation is due and payable is, of course, determined by the terms of the contract subject to State law, and in most jurisdictions an obligation falling due on a Saturday, Sunday or a holiday comes due on the next succeeding business day. Under Regulation Q, the "maturity" of a time certificate is the day it is legally due and payable; and the funds represented thereby do not become a demand deposit until after that date. Accordingly, where a certificate by its terms falls due on a Saturday, Sunday or a holiday and under State law is due and payable on the next succeeding business day, this Part 217 would not preclude payment of interest on the deposit until and including the day on which it is so payable.

§ 217.147 [Redesignated as § 217.302]

16. Section 217.147 is redesignated and revised as § 217.302 as follows:

§ 217.302 Premiums on deposits.

(a) Section 19(i) of the Federal Reserve Act and § 217.3 of Regulation Q prohibits a member bank from paying interest on a demand deposit. Premiums, whether in the form of merchandise, credit, or cash, given by a member bank to a depositor will be regarded as an advertising or promotional expense rather than a payment of interest if:

(1) The premium is given to a depositor only at the time of the opening of a new account or an addition to, or renewal of, an existing account;

(2) No more than two premiums per account are given within a 12-month period; and

(3) The value of the premium or, in the case, of articles of merchandise, the total cost (including taxes, shipping, warehousing, packaging, and handling costs) does not exceed $10 for deposits of less than $5,000 or $20 for deposits of $5,000 or more.

The costs of premiums may not be averaged. The member bank should retain sufficient supporting documentation showing that the total cost of a premium, including shipping, warehousing, packaging, and handling costs, does not exceed the applicable $10/$20 limitations and that no portion of the total cost of any premium has been attributed to development, advertising, promotional, or other expenses. A member bank is not permitted directly or indirectly to solicit or promote deposits from customers on the basis that the funds will be divided into more than one account by the institution for the purpose of providing more than two premiums per deposit within a 12-month period.

§ 217.161 [Redesignated as § 217.201]

17. Section 217.161 is redesignated and revised as § 217.201 as follows:

§ 217.201 Repurchase agreements involving shares of a money market mutual fund whose portfolio consists wholly of United States Treasury and Federal agency securities.

Such a repurchase agreement is not a "deposit" for purposes of Regulations D and Q. For the text of this interpretation, see the interpretations of the Board's Regulation D at 12 CFR 204.124. A related interpretation also appears in Regulation H—Membership of State Banking Institutions in the Federal Reserve System at 12 CFR 208.123.

* * * * *

By order of the Board of Governors, December 9, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-28694 Filed 12-15-87; 8:45 am]

BILLING CODE 6210-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 102

Disclosure of Information and Privacy Act of 1974

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This final regulation implement certain provisions of the Freedom of Information Reform Act of 1986 (Pub. L. 99-570). The effect of this final rule is to provide the public the method by which SBA would charge and waive fees in connection with requests made under the Freedom of Information Act.

EFFECTIVE DATE: These regulations are effective December 16, 1987.

FOR FURTHER INFORMATION CONTACT: Inquiries and comments should be directed to C. Nicholas Kalcounos, Director, Freedom of Information/Privacy Acts, 2100 K Street, NW., Room 303, Washington, DC 20416, (202) 653-6460.

SUPPLEMENTARY INFORMATION: The Freedom of Information Reform Act of 1986 (Pub. L. 99-570) amended the Freedom of Information Act (5 U.S.C. 552) by modifying the terms of exemption 7 and by supplying new provisions relating to the charging and waiving of fees. The Reform Act specifically required the Office of Management and Budget to develop and issue a schedule of fees and guidelines pursuant to notice and comment. That Act also required agencies to publish their own regulations for those same purposes based upon the OMB guidelines. These regulations represent SBA's response to that requirement. They are based upon the OMB guidelines and a review of public comments received in response to a Notice of Proposed Rulemaking (52 FR 18570, May 18, 1987).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory analysis (5 U.S.C. 603, 604) are not applicable to this rule because it will not have a significant economic impact on a substantial number of small entities. The rule will not impose, or otherwise cause, a significant increase in the reporting recordkeeping or other compliance burdens on a substantial number of small entities. It is not expected to have significant secondary or incidental efforts on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291 of February 17, 1981, SBA has determined that this rule is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

This rule will not result in any implications pursuant to the Paperwork Reduction Act.

List of Subjects in 13 CFR Part 102

Disclosure of information, Privacy Act of 1974.

Accordingly, 13 CFR Part 102 is amended as follows:

PART 102—[AMENDED]

1. The authority citation for Part 102, Subpart A is revised to read as follows:

Authority: The Freedom of Information Act (5 U.S.C. 552), as amended; the Paperwork Reduction Act (44 U.S.C. 35); the Privacy Act of 1974 (5 U.S.C. 552a); the Budget and Accounting Act of 1921 (31 U.S.C. 1 *et seq.*); the Budget and Accounting Procedures Act (31 U.S.C. 67 *et seq.*).

2. Section 102.6 is revised to read as follows:

§ 102.6 Fees.

(a) *Definitions.* For the purpose of these regulations all the terms defined in the Freedom of Information Act apply.

(1) The term "direct costs" means those expenditures which SBA actually incurs in searching for and duplicating (and in the case of commercial requesters, reviewing) documents to respond to a FOIA request. Direct costs include, for example, the salary of the employee performing work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits) and the cost of operating duplicating machinery. Not included in direct costs are overhead expenses such as costs of space, and heating or lighting the facility in which the records are stored.

(2) The term "search" includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents.

(3) The term "duplication" refers to the process of making a copy of a document necessary to respond to an FOIA request. Such copies can take the form of paper copy, microfilm, audio-visual materials, or machine readable documentation (e.g., magnetic tape or disk) among others. The copy provided must be in a form that is reasonably usable by the requester.

(4) The term "review" refers to the process of examining documents located in response to a request that is for a commercial use (see paragraph (a)(5) of this section) to determine whether any portion of any document located is permitted to be withheld. It also includes processing any documents for disclosure, e.g., doing all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

BEST COPY AVAILABLE

(5) The term " 'commercial use' request" refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. In determining whether a requester properly belongs in this category, SBA will determine the use to which a requester will put the documents requested. Moreover, where SBA has reasonable cause to doubt the use to which a requester will put the records sought, or where that use is not clear from the request itself, SBA will seek additional clarification before assigning the request to a specific category.

(6) The term "educational institution" refers to a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research.

(7) The term "non-commercial scientific institution" refers to an institution that is not operated on a "commercial" basis as that term is referenced above, and which is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.

(8) The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public. These examples are not intended to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category. In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but SBA may also look to the past publication record of a requester in making this determination.

(b) *Basis upon which fees are to be charged.* SBA will charge fees that recoup the full allowable direct costs it incurs. SBA will use the most efficient and least costly methods to comply with requests for documents made under the FOIA.

(1) Manual searches for records. SBA will charge $9 per hour for clerical personnel and where the identification of records pertinent to a request necessitates the use of professional personnel the search charge shall be $18 per hour.

(2) Computer searches for records. SBA will charge at the actual direct cost of providing the service. This will include the cost of operating the central processing unit (CPU) for that portion of operating time that is directly attributable to searching for records responsive to a FOIA request and operator/programmer salary apportionable to the search.

(3) Review of records. Only requesters who are seeking documents for commercial use may be charged for time SBA spends reviewing records to determine whether they are exempt from mandatory disclosure. It should be noted that charges may be assessed only for the initial review; i.e., the review undertaken the first time SBA analyzes the applicability of a specific exemption to a particular record or portion of a record. SBA may not charge for review at the administrative appeal level of an exemption already applied. However, records or portions of records withheld in full under an exemption which is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. The costs for such a subsequent review would be properly assessable, especially where that review is necessary due to a change in circumstances. SBA will charge $18 per hour for professional review of a requested record for possible disclosure.

(4) Duplication of records. SBA has established an agency-wide, per page charge for paper copy reproduction of documents of ten cents per page. This charge shall represent the reasonable direct costs of making such copies, taking into account the salary of the operators as well as the cost of the reproduction machinery. For copies prepared by computer, such as tapes or printouts, SBA shall charge the actual cost, including operator time, of production of the tape or printout. For other methods of reproduction or duplication, SBA will charge the actual direct costs of producing the document(s).

(5) Other charges. It should be noted that complying with requests for special services such as those listed below is entirely at the discretion of SBA. Neither the FOIA nor its fees structure cover these kinds of services. SBA will recover the full costs of providing services such as those enumerated below to the extent that SBA elects to provide them:

(i) Certifying that records are true copies;

(ii) Sending records by special methods such as express mail, etc.

(6) Restrictions on assessing fees. With the exception of requesters seeking documents for a commercial use, section 4(A)(iv) of the Freedom of Information Act, as amended, requires SBA to provide the first 100 pages of duplication and the first two hours of search time without charge. Moreover, this section prohibits SBA from charging fees to any requester, including commercial use requesters, if the cost of collecting a fee would be equal to or greater than the fee itself. These provisions work together, so that except for commercial use requesters, SBA would not begin to assess fees until after it had provided the free search and reproduction. For example, for a request that involved two hours and ten minutes of search time and resulted in 105 pages of documents, SBA would determine the cost of only 10 minutes of search time and only five pages of reproduction. If this cost was equal to or less than the cost to the agency of billing the requester and processing the fee collected, no charges would result. SBA's Freedom of Information/Appellate Office will be the entity within SBA which determines if the cost to the agency of billing the requester and processing the fee collected will be equal to or greater than the cost to be recovered.

(i) The elements to be considered in determining the "cost of collecting a fee" are the administrative costs to the agency of receiving and recording a requester's remittance, and processing the fee for deposit in the Treasury Department's special account (or the agency's account if the agency is permitted to retain the fee). The per-transaction cost to the Treasury to handle such remittances is negligible and should not be considered in the agency's determination.

(ii) For purposes of these restrictions on assessment of fees, the word "pages" refers to paper copies of a standard agency size which will normally be "8½ x 11" or "11 by 14." Thus, requesters would not be entitled to 100 microfiche or 100 computer disks, for example. A microfiche containing the equivalent of 100 pages or 100 pages of computer printout, however, might meet the terms of the restriction.

(iii) Similarly, the term "search time" in this context has as its basis, *manual search.* To apply this term to searches made by computer, SBA will determine the hourly cost of operating the central processing unit and the operator's hourly salary plus 16 percent. When the cost of the search (including the operator time and the cost of operating the computer to process a request) equals the equivalent dollar amount of two hours of the salary of the person performing the search, i.e., the operator, SBA will begin assessing charges for computer search.

(7) In practice, if SBA estimates that fees are likely to exceed $25, it shall notify the requester of the estimated amount of fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated. Such a notice shall offer a requester the opportunity to confer with agency personnel with the object of reformulating the request to meet his or her needs at a lower cost. If a requester avails himself or herself of the opportunity to reformulate the request, SBA will require that the requester provide a declaration to SBA agreeing to pay up to a specified amount of charges before SBA will satisfy the request.

(c) *Fees to be charged.* Categories of Requesters. There are four categories of FOIA requesters: Commercial use requesters; educational and non-commercial scientific institutions; representatives of the news media; and all other requesters. Specific levels of fees will be charged for each of these categories.

(1) Commercial use requesters. When SBA receives a request for documents for commercial use, it will assess charges which recover the full direct costs of searching for, reviewing for release, and duplicating the records sought. Requesters must reasonably describe the records sought. Commercial use requesters are not entitled to two hours of free search time nor 100 pages of reproduction of documents.

(2) Educational and non-commercial scientific institution requesters. SBA shall provide documents to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, requesters must show that the request is being made as authorized by and under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a non-commercial scientific institution) research. Requesters must reasonably describe the records sought.

(3) Requesters who are representatives of the news media. SBA shall provide documents to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, a requester must meet the criteria in section (a)(8) above, and his or her request must not be made for a commercial use. In reference to this class of requester, a request for records supporting the news dissemination function of the requester shall not be considered to be a request that is for a commercial use.

(4) All other requesters. SBA shall charge requesters who do not fit into any of the categories above fees which recover the full reasonable direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge. Moreover, requests from record subjects for records about themselves filed in agencies' systems of records will continue to be treated under the fee provisions of the Privacy Act of 1974 which permit fees only for reproduction. Requesters must reasonably describe the records sought.

(d) *Methods of assessing charges.* (1) Charging interest—notice and rate. SBA shall begin assessing interest charges on an unpaid bill starting on the 31st day following the day on which the billing was sent. Interest will be at the rate prescribed in Section 3717 of Title 31 U.S.C. and will accrue from the date of the billing.

(2) Charges for unsuccessful search. SBA may assess charges for time spent searching, even if the agency fails to locate the records or if records located are determined to be exempt from disclosure. In practice, if the agency estimates that search charges are likely to exceed $25, it shall notify the requester of the estimated amount of fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated. Such a notice shall offer the requester the opportunity to confer with SBA personnel with the object of reformulating the request to meet his or her needs at a lower cost.

(3) Aggregating requests. Except for requests that are for a commercial use, SBA may not charge for the first two hours of search time or for the first 100 pages of reproduction. However, a requester may not file multiple requests at the same time, each seeking portions of a document or documents solely in order to avoid payment of fees. When SBA reasonably believes that a requester or, on rare occasions, a group of requesters acting in concert, is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, the agency may aggregate any such requests and charge accordingly.

(4) Advance payments. SBA may not require a requester to make an advance payment, i.e., payment before work is commenced or continued on a request, unless:

(i) The agency estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250. Then, SBA will notify the requester of the likely cost and obtain satisfactory assurance of full payment where the requester has a history of prompt payment of FOIA fees, or require an advance payment of an amount up to the full estimated charges in the case of requesters with no history of payment; or

(ii) A requester has previously failed to pay a fee charged in a timely fashion (i.e., within 30 days of the date of the billing), SBA may require the requester to pay the full amount owed plus any applicable interest as provided above or demonstrate that he has, in fact, paid the fee, and to make an advance payment of the full amount of the estimated fee before the SBA begins to process a new request or a pending request from that requester.

(iii) When SBA acts under paragraphs (d) (1) or (2) of this section, the administrative time limits prescribed in subsection (a)(6) of the FOIA (i.e, 10 working days from receipt of initial requests and 20 working days from receipt of appeals from initial denial, plus permissible extensions of these time limits) will begin only after the agency has received fee payments described above.

(5) Payment of fees. The requester should make all checks or money orders payable to the U.S. Small Business Administration. All checks or money orders should be forwarded by the responsible SBA employee along with a completed SBA Form 772 to the Cashier's Office, SBA Central Office, 1441 L Street, NW., Washington, DC 20416.

(e) *Fee waivers.* SBA may furnish documents under these regulations without any charge or at a reduced charge if disclosure of the information is in the public interest because it is likely to contribute to public understanding of the operations or activities of the Government and is not primarily in the commercial interest of the requester. All

requests for a waiver or reduction of fees should be addressed to SBA's Freedom of Information Appellate Office, 2100 K Street, NW., Room 303, Washington, DC 20416. That office will render all determinations on such requests.

Date: December 7, 1987.

James Abdnor,

Administrator.

[FR Doc. 87-28820 Filed 12-15-87; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-42-AD; Amdt. 39-5810]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes equipped with Rolls Royce RB211-535C or -535E4 engines, which requires modifications to the electromagnetic protection shielding of the engine electrical/electronic control unit wires. This amendment is prompted by a review of the wiring installation between the engine and fuselage pressure seal, which has shown that not all essential engine electronic control unit wires requiring electromagnetic protection shielding are shielded. This condition, if not corrected, could lead to an electrical transient from a lightning strike to one engine, causing damage or malfunction to the unstruck engine's essential control unit; this may affect the thrust of the unstruck engine, as well as that of the struck engine.

DATE: Effective February 16, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Pasion, Aerospace Engineer, Propulsion Branch, ANM-140S; telephone (206) 431-1974. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modifications to certain Boeing Model 757 series airplanes equipped with Rolls Royce RB211-535C or -535E4 engines to improve the electromagnetic protection shielding of the engine electrical/electronic control unit wires, was published in the **Federal Register** on June 30, 1987 (52 FR 24304).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Four comments were received requesting that the initial compliance time of 60 days be increased. Commenters stated that the total work package is significant, involving 2+ days of work for crews of two people working continuously with no disruptions. Airplane wiring changes are involved, as is the incorporation of the engine manufacturer's service bulletins. The commenters indicated that incorporation times of up to 30 months were desired, and that a 60-day compliance time would cause significant economic and scheduling impact for those airlines with large fleets.

The FAA agrees that initial compliance with the AD can be extended somewhat. The FAA's objective in establishing the initial compliance time is to have the modifications accomplished in a reasonably short timespan based on the potential for adverse effects on both engine in the event of a severe lightning strike. The FAA has determined that the initial compliance time can be extended to one year without significantly compromising safety, and has revised the final rule accordingly.

One commenter requested that a wording change be made to the summary and supplementary information sections to delete reference to Rolls Royce engine wiring since the modification specifically addresses the airplane installation wiring. The FAA agrees and has deleted from the final rule all references to Rolls Royce engine wiring.

Since the date of publication of the NPRM, the manufacturer has revised Service Bulletin 757-71A0026 to clarify the wire coding information, circuit breaker nomenclature, various wire number callouts, and interval for lockstitch installation. The final rule has been revised to reflect this latest revision to the service bulletin. The FAA has determined that this change is clarifying in nature and does not increase the economic burden on any operator or the scope of the AD.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest requires the adoption of the rule with the changes previously noted.

It is estimated that 31 airplanes of U.S. registry will be affected by this AD, that it will take approximately 93 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Cost of parts is $193 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $121,303.

For these reasons, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 757 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 757 series airplanes equipped with Rolls Royce RB 211-535C or -535E4 engines, specified in Boeing Alert Service Bulletin 757-71A0026, Revision 1, dated September 24, 1987, certificated in any category. Compliance required within one year after the effective date of this AD, unless previously accomplished.

To minimize the potential for total thrust loss in both engines due to a lightning strike, accomplish the following:

A. Modify engine electrical and electronic control unit wiring in accordance with Boeing Alert Service Bulletin 757-71A0026, Revision 1, dated September 24, 1987, or later FAA-approved revision.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modification required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 16, 1988.

Issued in Seattle, Washington, on December 9, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-28830 Filed 12-15-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-NM-49-AD; Amdt. 39-5811]

Airworthiness Directives; McDonnell Douglas Model DC-9-10 Through -50, and C-9 (Military) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all McDonnell Douglas DC-9-10 through -50, and C-9 (Military) series airplanes, which currently requires inspection and repair, as necessary, of wing rear spar lower tee caps at wing station $X_{RS}=164.00$. This amendment requires expanding the inspections to include the wing rear spar upper caps, and incorporates a provision for optional eddy current inspections. This action is prompted by recent reports of cracks found in the wing rear spar upper caps. If this condition is not corrected, spar cracks may develop and progress to a point where the structural integrity of the wing is affected.

DATE: Effective February 16, 1988.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Michael N. Asahara, Sr., Aerospace Engineer, Airframe Branch, ANM-122L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6319.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations by superseding AD 81-13-02, Amendment 39-4136 (46 FR 31878; June 18, 1981), to require inspections for cracks and repair, as necessary, of the wing rear spar lower and upper caps, at wing station $X_{RS}=164.00$ on certain McDonnell Douglas DC-9 series airplanes, was published in the **Federal Register** on July 31, 1987 (52 FR 28566). The comment period for the proposal closed September 15, 1987.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the three comments received.

The first commenter expressed concern that McDonnell Douglas DC-9 Alert Service Bulletin A57-146 lacked sufficient detail to accomplish the proposed inspection on the wing rear spar upper caps. The FAA disagrees. A thorough review of the service bulletin indicates that adequate inspection instructions exist to provide the specific instructions to inspect for cracks in the wing rear spar upper caps. However, in order to clarify this point, paragraphs B. and E. of the final rule have been revised to include additional reference to the location in the service bulletin of the specific instructions applicable to the inspection and repair requirement.

The second commenter requested clarification of the proposed inspection requirements of paragraph A., asking if it is the intent of the proposal to require inspection of the wing rear spar upper caps only if a crack is found in the rear spar lower caps. The FAA notes that the commenter has correctly understood the proposed requirement. In order to eliminate any confusion on this point, the wording in paragraph A. of the final rule has been revised and a new paragraph B. has been added to state the inspection requirement more precisely.

The FAA has determined that this revision is for clarification purposes only; it will not impose any additional economic burden on any operator, nor will it expand the scope of the AD.

The third commenter indicated that he has been inspecting his airplanes in accordance with the procedures outlined in Revision 1 of McDonnell Douglas Alert Service Bulletin A57-146, dated April 13, 1984. The commenter requested that the final rule be changed to reflect Revision 1 of the service bulletin, since Revision 2 was merely a complete reissue of Revision 1, and did not change the initial inspection instructions from what was described in Revision 1. The FAA agrees, and has revised the AD accordingly.

Paragraph H. of the final rule has been revised to reflect that an FAA Principal Maintenance Inspector, rather than an FAA Maintenance Inspector, must be involved in requests by operators to adjust repetitive inspection intervals. The FAA has determined that this change will not increase the economic burden on any operator, nor will it increase the scope of the AD.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule, with the changes described above.

It is estimated that 530 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $42,400.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have significant economic effect on a substantial number of small entities because few, if any, Model DC-9 series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration

amends section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By superseding AD 81-13-02, Amendment 39-4136 (46 FR 31878; June 18, 1981), with the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9-10 through -50 and C-9 (Military) series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent fatigue cracking and possible structural failure of the wing rear spar upper and lower tee caps, accomplish the following:

A. Inspect the right- and left-hand wing rear spar lower caps in the area of the No. 2 flap hinge attachment bracket at wing station X_{BS}=164.00, in accordance with McDonnell Douglas DC-9 Alert Service Bulletin A57-146, Revision 1, dated April 13, 1984 (hereinafter referred to as ASB 57-146), or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region, as follows:

1. For airplanes with 60,000 or more landings on the effective date of this AD, accomplish the inspection in accordance with ASB 57-146 within the next 300 landings, unless already accomplished within the last 2,000 landings.

2. For airplanes with less than 60,000 landings and more than 34,999 landings on the effective date of this AD, unless already accomplished within the last 2,000 landings, inspect in accordance with ASB 57-146, in accordance with the following initial inspection schedule:

Accumulated landings	Initial inspection
35,000-44,999	2,000 landings.
45,000-54,999	1,000 landings.
55,000-59,999	500 landings.

3. For airplanes with less than 35,000 landings on the effective date of this AD, inspect in accordance with ASB 57-146 prior to the accumulation of 37,000 landings.

B. If cracks are found in the rear spar lower cap, before further flight accomplish visual and dye penetrant inspections for cracks in the rear spar upper cap, in accordance with ASB 57-146.

C. If no cracks are found, repeat the inspections required by paragraph A., above, as applicable, at intervals not to exceed 4,000 landings until such time as the preventative modification is accomplished in accordance with paragraph F., below.

D. If cracks in either the upper or lower spar caps have progressed beyond the limits indicated in paragraph (5) of "Accomplishment Instructions," ASB 57-146, prior to further flight, accomplish the permanent repair of the spar caps, in accordance with McDonnell Douglas DC-9 Service Rework Drawing SR09570019 and]060165 "G" Change or later FAA-approved service rework drawings.

E. If cracks in either the upper or lower spar caps have not progressed beyond the limits indicated in paragraph (5) of "Accomplishment Instructions," ASB 57-146, prior to further flight, accomplish one of the following:

1. The permanent repair of the spar caps, in accordance with McDonnell Douglas DC-9 Service Rework Drawing SR09570019 and]060165 "G" Change, or later FAA-approved service rework drawings contained in ASB 57-146; or

2. The temporary repair of the spar caps, identified in ASB 57-146 as]060271 "A" Change or later FAA-approved service rework drawing.

a. Subsequent to the accomplishment of the temporary repair of the spar caps, perform visual inspections of the spar caps at intervals not to exceed 1,500 landings, and perform eddy current inspections of the spar caps at intervals not to exceed 3,000 landings, in accordance with ASB 57-146, until such time as the crack preventative modification described in paragraph F., below, is accomplished.

b. If crack progression in either the upper or lower spar caps is identified during repetitive inspections, repair within 3,000 additional landings in accordance with ASB 57-146.

c. If new crack(s) are found in the rear spar, wing panel (skin), and/or temporary repair angles or doublers on airplanes with a temporary repair incorporated, prior to further flight, repair in manner approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

F. Accomplishment of crack preventative modification in accordance with McDonnell Douglas DC-9 Service Bulletin 57-146, dated May 18, 1987, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region, constitutes terminating action for this AD.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

H. Upon request of the operator, an FAA Principal Maintenance Inspector, subject to prior approval by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of that operator if the request contains substantiating data to justify the change for that operator.

I. Alternate means of compliance which provides an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-L65 (54-60). These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

This Amendment supersedes Amendment 39-3146.

This Amendment becomes effective February 16, 1988.

Issued in Seattle, Washington, on December 9, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-28829 Filed 12-15-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-ASW-32; Amdt. 39-5801]

Airworthiness Directives; Societe National Industrielle Aerospatiale (SNIAS) Model SA 360C and SA 365 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires repetitive inspections of the tail rotor hub and fairings of Aerospatiale Model SA 360C and SA 365 series helicopters. This amendment adds a dye penetrant inspection requirement, identifies approved changes or modifications to the tail rotor for certain helicopters, and eliminates further mandatory inspections of aircraft which incorporate the changes or modifications. These changes are prompted by revised manufacturer's service bulletins and availability of an improved tail rotor.

EFFECTIVE DATE: January 15, 1988.

Compliance: As indicated in the body of the AD.

ADDRESSES: The applicable service information may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support. The documents may be examined at the Office of the Regional Counsel, Federal Aviation Administration, Room 158, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: John Varoli, Manager, Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, APO New York 09667, or James H. Major, Rotorcraft Standards Staff, Department of Transportation, Federal Aviation Administration, Fort Worth, Texas 76193-0111, telephone number (817) 624-5117.

SUPPLEMENTARY INFORMATION: A proposal to amend Amendment 39-4190 (46 FR 42254), AD 81-14-51, which currently requires daily visual checks and a 50-hour repetitive visual inspection of the tail rotor fairings and hub on Aerospatiale Model SA 360C and SA 365 series helicopters was published in the **Federal Register** on September 23, 1987 (52 FR 35729). This amendment revises AD 81-14-51 to coincide or agree with certain service bulletins by adding an inspection. In addition, new paragraph (i) identifies service bulletins and approved procedures and modifications for the tail rotor head with the dual hub body and excludes further AD inspections whenever the helicopter incorporates this improved tail rotor design.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received. Accordingly, the proposal is adopted without change.

The FAA has determined that this amendment involves 3 helicopter models of which approximately 25 are registered in the United States, and it adds repetitive inspections but allows use of modifications to relieve further inspections for these models. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Regional Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By amending Amendment 39-4190 (46 FR 42254), AD 81-14-51, as follows:

(a) By revising the applicability statement to read as follows:

Societe National Industrielle Aerospatiale (SNIAS): Applies to Model SA 360C, SA 365C, and SA 365N helicopters certificated in any category (Airworthiness Docket No. 81-ASW-32;

(b) By revising paragraph (a) by inserting the words "Model SA 360C and SA 365C" between "for" and "helicopters";

(c) By revising paragraph (b) by inserting the words "Model SA 360C and SA 365C" between "those" and "helicopters"; and

(d) By adding new paragraphs (h) and (i) to read as follows:

* * * * *

(h) Within 50 hours' time in service after the effective date of this amendment and thereafter at intervals not to exceed 150 hours' time in service, inspect for cracks at the mating surfaces of the rotor hub and the external or outer fairing, after removing the fairing from the hub. Use a dye penetrant or equivalent inspection method.

(i) This AD does not apply to Model SA 365N helicopters that comply with section 2, Accomplishment Instructions, Service Bulletin 64.04, approved November 28, 1985, and to Model SA 360C and SA 365C helicopters that comply with Section 2, Accomplishment Instructions, Service Bulletin 65.17, dated December 17, 1985, which concerns the tail rotor head with dual hub body.

Note: Model SA 365N, S/N 6215 and onward, may have the tail rotor head with dual hub body installed at the factory.

* * * * *

This amendment becomes effective January 15, 1988.

This amendment amends Amendment 39-4190 (46 FR 42254), AD 81-14-51.

Issued in Fort Worth, Texas, on November 25, 1987.

Don P. Watson,

Acting Director, Southwest Region.

[FR Doc. 87-28832 Filed 12-15-87; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Fees for Rule Enforcement and Financial Reviews

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule and final schedule of fees; Correction.

SUMMARY: This notice corrects two errors which appeared in the Federal Register on December 4, 1987 (52 FR 46070).

FOR FURTHER INFORMATION CONTACT: Gerry Smith, Office of Executive Director, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, DC 20581. Telephone: (202) 254-8090.

The corrections to be made are as follows:

1. On page 46070, third column, line 36, change "and" to "an".

2. On page 46072, second column, in the chart, heading of third cloumn, remove "proposed".

Dated: December 10, 1987.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87-28828 Filed 12-15-87; 8:45 am]

BILLING CODE 6351-01-M

RAILROAD RETIREMENT BOARD

20 CFR Part 355

Implementation of Program Fraud Civil Remedies Act of 1986

AGENCY: Railroad Retirement Board.

ACTION: Final rule

SUMMARY: This regulation is required under the Program Fraud Civil Remedies Act of 1986 (PFCRA) because the Railroad Retirement Board (Board) is an authority within the meaning of that Act. The PFCRA establishes an administrative remedy against persons who make, submit or present fraudulent claims or statements to various federal authorities. This regulation is necessary for the Board to implement the provisions of the PFCRA.

EFFECTIVE DATE: December 16, 1987.

FOR FURTHER INFORMATION CONTACT: Stanley Jay Shuman, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4568, FTS 386-4568.

SUPPLEMENTARY INFORMATION: A proposed rule to add Subchapter E, Part 355, to the Board's regulations was published in the **Federal Register** on October 1, 1987 (52 FR 36790). No comments were received. Several typographical errors appeared in the proposed rule document, none of which changed the meaning or intent of the regulation. However, paragraph (a) of § 355.19 was inadvertently omitted from the proposed rule document, and paragraph (b) of § 355.19 was incorrectly labeled paragraph (a). The error is corrected herein. Since the omission did not change the intent of § 355.19, no

additional comment period will be required.

The PFCRA requires the promulgation of regulations by authorities in order to implement its provisions (31 U.S.C. 3809). The Board is an authority within the meaning of the PFCRA. These regulations are adopted from the final model regulations prepared by the President's Council on Integrity and Efficiency.

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no Regulatory Impact Analysis is required. In addition, this part does not impose any requirement for the collection of information within the meaning of the Paperwork Reduction Act of 1980.

List of Subjects in 20 CFR Part 355

Administrative practice and procedure, Fraud, Investigations, Organizations and functions (Government Agencies), Penalties, Railroad Retirement Board.

For the reasons set out in the Preamble, Chapter II, Title 20 of the Code of Federal Regulations is amended as follows:

1. Subchapter E, consisting of Part 355, is added to read as follows:

SUBCHAPTER E—ADMINISTRATIVE REMEDIES FOR FRAUDULENT CLAIMS OR STATEMENTS

PART 355—REGULATIONS UNDER THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

Sec.

355.1 Basis and purpose.
355.2 Definitions.
355.3 Basis for civil penalties and assessments.
355.4 Investigation.
355.5 Review by the reviewing official.
355.6 Prerequisites for issuing a complaint.
355.7 Complaint.
355.8 Service of complaint.
355.9 Answer.
355.10 Default upon failure to file and answer.
355.11 Referral of complaint and answer to the ALJ.
355.12 Notice of hearing.
355.13 Parties to the hearing.
355.14 Separation of functions.
355.15 Ex parte contracts.
355.16 Disqualification of reviewing official or ALJ.
355.17 Rights of parties.
355.18 Authority of the ALJ.
355.19 Prehearing conferences.
355.20 Disclosure of documents.
355.21 Discovery.
355.22 Exchange of witness lists, statements, and exhibits.
355.23 Subpoenas for attendance at hearing.
355.24 Protective order
355.25 Fees.
355.26 Form, filing and service of papers.
355.27 Computation of time.
355.28 Motions.
355.29 Sanctions.
355.30 The hearing and burden of proof.
355.31 Determining the amount of penalties and assessments.
355.32 Location of hearing.
355.33 Witnesses.
355.34 Evidence.
355.35 The record.
355.36 Post-hearing briefs.
355.37 Initial decision.
355.38 Reconsideration of initial decision.
355.39 Appeal to authority head.
355.40 Stays ordered by the Department of Justice.
355.41 Stay pending appeal.
355.42 Judicial review.
355.43 Collection of civil penalties and assessments.
355.44 Right to administrative offset.
355.45 Deposit in Treasury of United States.
355.46 Compromise or settlement.
355.47 Limitations.

Authority: 31 U.S.C. 3809.

§ 355.1 Basis and purpose.

(a) *Basis.* This part implements the Program Fraud Civil Remedies Act of 1986, Pub. L. No. 99–509, 6101–6104, 100 Stat. 1874 (October 21, 1986), to be codified at 31 U.S.C. 3801–3812. 31 U.S.C. 3809 of the statute requires each authority head to promulgate regulations necessary to implement the provisions of the statute.

(b) *Purpose.* This part—

(1) Establishes administrative procedures for imposing civil penalties and assessments against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious, or fraudulent claims or written statements to authorities or to their agents, and

(2) Specifies the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

§ 355.2 Definitions.

"ALJ" means an Administrative Law Judge detailed to the authority pursuant to 5 U.S.C. 3344.

"Authority" means Railroad Retirement Board.

"Authority head" means the three-member Railroad Retirement Board.

"Benefits" means, except as the context otherwise requires, anything of value, including but not limited to any advantage, preference, privilege, license, permit, favorable decision, ruling, status, or loan guarantee.

"Board" means Railroad Retirement Board.

"Claim" means any request, demand, or submission—

(a) Made to the authority for property, services, or money (including money representing grants, loans, insurance, or benefits);

(b) Made to a recipient of property, services, or money from the authority or to a party to a contract with the authority—

(1) For property or services if the United States—

(i) Provided such property or services;

(ii) Provided any portion of the funds for the purchase of such property or services; or

(iii) Will reimburse such recipient or party for the purchase of such property or services; or

(2) For the payment of money (including money representing grants, loans, insurance, or benefits) if the United States—

(i) Provided any portion of the money requested or demanded; or

(ii) Will reimburse such recipient or party for any portion of the money paid on such request or demand; or

(c) Made to the authority which has the effect of decreasing an obligation to pay or account for property, services, or money.

"Complaint" means the administrative complaint served by the reviewing official on the defendant under § 355.7.

"Defendant" means any person alleged in a complaint under § 355.7 to be liable for a civil penalty or assessment under § 355.3.

"Government" means the United States Government.

"Individual" means a natural person.

"Initial decision" means the written decision of the ALJ required by § 355.10 or § 355.37, and includes a revised initial decision issued following a remand or a motion for reconsideration.

"Investigating official" means the Inspector General of the Railroad Retirement Board or an officer or employee of the Office of the Inspector General designated by the Inspector General and serving in a position for which the rate of basic pay is not less than the minimum rate of basic pay for grade GS–16 under the General Schedule.

"Knows or has reason to know" means that a person, with respect to a claim or statement—

(a) Has actual knowledge that the claim or statement is false, fictitious, or fraudulent;

(b) Acts in deliberate ignorance of the truth or falsity of the claim or statement; or

(c) Acts in reckless disregard of the truth or falsity of the claim or statement.

"Makes", wherever it appears, shall include the terms presents, submits, and causes to be made, presented, or submitted. As the context requires, *making* or *made* shall likewise include the corresponding forms of such terms.

"Person" means any individual, partnership, corporation, association, private organization, state, political subdivision of a state, municipality, county, district, and Indian tribe, and includes the plural of that term.

"Presiding officer" means ALJ.

"Representative" means an attorney who is a member in good standing of the bar of any state, territory, or possession of the United States or of the District of Columbia.

"Reviewing official" means the General Counsel of the Board or his or her designee who is—

(a) Not subject to supervision by, or required to report to, the investigating official; and

(b) Not employed in the organizational unit of the authority in which the investigating official is employed; and

(c) Is serving in a position for which the rate of basic pay is not less than the minimum rate of basic pay for grade GS–16 under the General Schedule.

"Statement" means any representation, certification, affirmation, document, record, or accounting or bookkeeping entry made—

(a) With respect to a claim or to obtain the approval or payment of a claim (including relating to eligibility to make a claim); or

(b) With respect to (including relating to eligibility for)—

(1) A contract with, or a bid or proposal for a contract with; or

(2) A grant, loan, or benefit from the authority, or any state, political subdivision of a state, or other party, if the United States Government provides any portion of the money or property under such contract or for such grant, loan, or benefit, or if the Government will reimburse such state, political subdivision, or party for any portion of the money or property under such contract or for such grant, loan, or benefit.

§ 355.3 Basis for civil penalties and assessments.

(a) *Claims.* (1) Except as provided in paragraph (c) of this section, any person who makes a claim that the person knows or has reason to know—

(i) Is false, fictitious, or fraudulent;

(ii) Includes or is supported by any written statement which asserts a material fact which is false, fictitious, or fraudulent;

(iii) Includes or is supported by any written statement that—

(A) Omits a material fact;

(B) Is false, fictitious, or fraudulent as a result of such omission; and

(C) Is a statement in which the person making such statement has a duty to include such material fact; or

(iv) Is for payment for the provision of property or services which the person has not provided as claimed, shall be subject, in addition to any other remedy that may be prescribed by law, to a civil penalty of not more than $5,000 for each such claim.

(2) Each voucher, invoice, claim form, or other individual request or demand for property, services, or money constitutes a separate claim.

(3) A claim shall be considered made to an authority, recipient, or party when such claim is actually made to an agent, fiscal intermediary, or other entity, including any state or political subdivision thereof, acting for or on behalf of such authority, recipient, or party.

(4) Each claim for property, services, or money is subject to a civil penalty regardless of whether such property, services, or money is actually delivered or paid.

(5) If the Government has made any payment (including transferred property or provided services) on a claim, a person subject to a civil penalty under paragraph (a)(1) of this section shall also be subject to an assessment of not more than twice the amount of such claim or that portion thereof that is determined to be in violation of paragraph (a)(1) of this section. Such assessment shall be in lieu of damages sustained by the Government because of such claim. However, such assessment shall not be in lieu of any recovery of erroneous payments as authorized by section 10 of the Railroad Retirement Act or section 2(d) of the Railroad Unemployment Insurance Act.

(b) *Statements.* (1) Except as provided in paragraph (c) of this section, any person who makes a written statement that—

(i) The person knows or has reason to know—

(A) Asserts a material fact which is false, fictitious, or fraudulent; or

(B) Is false, fictitious, or fraudulent because it omits a material fact that the person making the statement has a duty to include in such statement; and

(ii) Contains or is accompanied by an express certification or affirmation of the truthfulness and accuracy of the contents of the statement, shall be subject, in addition to any other remedy that may be prescribed by law, to a civil penalty of not more than $5,000 for each such statement.

(2) Each written representation, certification, or affirmation constitutes a separate statement.

(3) A statement shall be considered made to an authority when such statement is actually made to an agent, fiscal intermediary, or other entity, including any state or political subdivision thereof, acting for or behalf of such authority.

(c)(1) In the case of any claim or statement made by any individual relating to any of the benefits listed in paragraph (c)(2) of this section received by such individual, such individual may be held liable for penalties and assessments under this section only if such claim or statement is made by such individual in making application for such benefits with respect to such individual's eligibility to receive such benefits.

(2) For purposes of this paragraph, the term "benefits" means any annuity or other benefit under the Railroad Retirement Act of 1974 which are intended for the personal use of the individual who receives the benefits or for a member of the individual's family.

(d) No proof of specific intent to defraud is required to establish liability under this section.

(e) In any case in which it is determined that more than one person is liable for making a claim or statement under this section, each such person may be held liable for a civil penalty under this section.

(f) In any case in which it is determined that more than one person is liable for making a claim under this section on which the Government has made payment (including transferred property or provided services), an assessment may be imposed against any such person or jointly and severally against any combination of such persons.

§ 355.4 Investigation.

(a) If an investigating official concludes that a subpoena pursuant to the authority conferred by 31 U.S.C. 3804(a) is warranted—

(1) The subpoena so issued shall notify the person to whom it is addressed of the authority under which the subpoena is issued and shall identify the records or documents sought;

(2) He or she may designate a person to act on his behalf to receive the documents sought; and

(3) The person receiving such subpoena shall be required to tender to the investigating official or the person designated to receive the documents a certification that the documents sought have been produced, or that such documents are not available and the reasons therefor, or that such documents, suitably identified, have

been withheld based upon the assertion of an identified privilege.

(b) If the investigating official concludes that an action under the Program Fraud Civil Remedies Act may be warranted, the investigating official shall submit a report containing the findings and conclusions of such investigation to the reviewing official.

(c) Nothing in this section shall preclude or limit an investigating official's discretion to refer allegations directly to the Department of Justice for suit under the False Claims Act or other civil relief, or to preclude or limit such official's discretion to defer or postpone a report or referral to avoid interference with a criminal investigation or prosecution.

(d) Nothing in this section modifies any responsibility of an investigating official to report violations of criminal law to the Attorney General.

§ 355.5 Review by the reviewing official.

(a) If, based on the report of the investigating official under § 355.4(b), the reviewing official determines that there is adequate evidence to believe that a person is liable under § 355.3 of this part, the reviewing official shall transmit to the Attorney General a written notice of the reviewing official's intention to issue a complaint under § 355.7.

(b) Such notice shall include—

(1) A statement of the reviewing official's reasons for issuing a complaint;

(2) A statement specifying the evidence that supports the allegations of liability;

(3) A description of the claims or statements upon which the allegations of liability are based;

(4) An estimate of the amount of money or the value of property, services, or other benefits requested or demanded in violation of § 355.3 this part;

(5) A statement of any exculpatory or mitigating circumstances that may relate to the claims or statements known by the reviewing official or the investigating official; and

(6) A statement that there is a reasonable prospect of collecting an appropriate amount of penalties and assessments. Such a statement may be based upon information then known or an absence of any information indicating that the person may be unable to pay such an amount.

§ 355.6 Prerequisites for issuing a complaint.

(a) The reviewing official may issue a complaint under § 355.7 only if—

(1) The Department of Justice approves the issuance of a complaint in a written statement described in 31 U.S.C. 3803(b)(1), and

(2) In the case of allegations of liability under § 355.3(a) with respect to a claim, the reviewing official determines that, with respect to such claim or a group of related claims submitted at the same time such claim is submitted (as defined in paragraph (b) of this section), the amount of money or the value of property or services demanded or requested in violation of § 355.3(a) does not exceed $150,000.

(b) For the purposes of this section, a related group of claims submitted at the same time shall include only those claims arising from the same transaction (*e.g.*, grant, loan, application, or contract) that are submitted simultaneously as part of a single request, demand, or submission.

(c) Nothing in this section shall be construed to limit the reviewing official's authority to join in a single complaint against a person, claims that are unrelated or were not submitted simultaneously, regardless of the amount of money or the value of property or services demanded or requested.

§ 355.7. Complaint.

(a) On or after the date the Department of Justice approves the issuance of a complaint in accordance with 31 U.S.C. 3803(b)(1), the reviewing official may serve a complaint on the defendant, as provided in § 355.8.

(b) The complaint shall state—

(1) The allegations of liability against the defendant, including the statutory basis for liability, an identification of the claims or statements that are the basis for the alleged liability, and the reasons why liability allegedly arises from such claims or statements;

(2) The maximum amount of penalties and assessments for which the defendant may be held liable;

(3) Instructions for filing an answer to request a hearing, including a specific statement of the defendant's right to request a hearing by filing an answer and to be represented by a representative; and

(4) That failure to file and answer within 30 days of service of the complaint may result in the imposition of the maximum amount of penalties and assessments without right to appeal.

(c) At the same time the reviewing official serves the complaint, he or she shall serve the defendant with a copy of these regulations.

§ 355.8 Service of complaint.

(a) Service of a complaint must be made by certified or registered mail or by delivery in any manner authorized by Rule 4(d) of the Federal Rules of Civil Procedure.

(b) Proof of service, stating the name and address of the person on whom the complaint was served, and the manner and date of service, may be made by—

(1) Affidavit of the individual making service;

(2) An acknowledged United States Postal Service return receipt card; or

(3) Written acknowledgment of the defendant or his representative.

§ 355.9. Answer.

(a) The defendant may request a hearing by filing an answer with the reviewing official within 30 days of service of the complaint. An answer shall be deemed to be a request for hearing.

(b) In the answer, the defendant—

(1) Shall admit or deny each of the allegations of liability made in the complaint;

(2) Shall state any defense on which the defendant intends to rely;

(3) May state any reasons why the defendant contends that the penalties and assessments should be less than the statutory maximum; and

(4) Shall state the name, address, and telephone number of the person authorized by the defendant to act as defendant's representative, if any.

§ 355.10 Default upon failure to file an answer.

(a) If the defendant does not file an answer within the time prescribed in § 355.9(a), the reviewing official may refer the complaint to the ALJ.

(b) Upon the referral of the complaint, the ALJ shall promptly serve on defendant in the manner prescribed in § 355.8, a notice that an initial decision will be issued under this section.

(c) If the defendant has failed to answer the complaint, the ALJ shall assume the facts alleged in the complaint to be true and, if such facts establish liability under § 355.3, the ALJ shall issue an initial decision imposing the maximum amount of penalties and assessments allowed under the statute.

(d) Except as otherwise provided in this section, by failing to file a timely answer, the defendant waives any right to further review of the penalties and assessments imposed under paragraph (c) of this section, and the initial decision shall become final and binding upon the parties 30 days after it is issued.

(e) If, before such an initial decision becomes final, the defendant files a motion with the ALJ seeking to reopen on the grounds that extraordinary circumstances prevented the defendant from filing an answer, the initial decision shall be stayed pending the ALJ's decision on the motion.

(f) If, on such motion, the defendant can demonstrate extraordinary circumstances excusing the failure to file a timely answer, the ALJ shall withdraw the initial decision in paragraph (c) of this section, if such a decision has been issued, and shall grant the defendant an opportunity to answer the complaint.

(g) A decision of the ALJ denying a defendant's motion under paragraph (e) of this section is not subject to reconsideration under § 355.38.

(h) The defendant may appeal to the authority head the decision denying a motion to reopen by filing a notice of appeal with the authority head within 15 days after the ALJ denies the motion. The timely filing of a notice of appeal shall stay the initial decision until the authority head decides the issue.

(i) If the defendant files a timely notice of appeal with the authority head, the ALJ shall forward the record of the proceeding to the authority head.

(j) The authority head shall decide expeditiously whether extraordinary circumstances excuse the defendant's failure to file a timely answer based solely on the record before the ALJ.

(k) If the authority head decides that extraordinary circumstances excused the defendant's failure to file a timely answer, the authority head shall remand the case to the ALJ with instructions to grant the defendant an opportunity to answer.

(l) If the authority head decides that the defendant's failure to file a timely answer is not excused, the authority head shall reinstate the initial decision of the ALJ, which shall become final and binding upon the parties 30 days after the authority head issues such decision.

§ 355.11 Referral of complaint and answer to the ALJ.

Upon receipt of an answer, the reviewing official shall file the complaint and answer with the ALJ.

§ 355.12 Notice of hearing.

(a) When the ALJ receives the complaint and answer, the ALJ shall promptly serve a notice of hearing upon the defendant in the manner prescribed by § 355.8. At the same time, the ALJ shall send a copy of such notice to the representative for the Government.

(b) Such notice shall include—

(1) The tentative time and place, and the nature of the hearing;

(2) The legal authority and jurisdiction under which the hearing is to be held;

(3) The matters of fact and law to be asserted;

(4) A description of the procedures for the conduct of the hearing;

(5) The name, address, and telephone number of the representative of the Government and of the defendant, if any; and

(6) Such other matters as the ALJ deems appropriate.

§ 355.13 Parties to the hearing.

(a) The parties to the hearing shall be the defendant and the authority.

(b) Pursuant to 31 U.S.C. 3730(c)(5), a private plaintiff under the False Claims Act may participate in these proceedings to the extent authorized by the provisions of that Act.

§ 355.14 Separation of functions.

(a) The investigating official, the reviewing official, and any employee or agent of the authority who takes part in investigating, preparing, or presenting a particular case may not, in such case or a factually related case—

(1) Participate in the hearing as the ALJ;

(2) Participate or advise in the initial decision or the review of the initial decision by the authority head, except as a witness or a representative in public proceedings; or

(3) Make the collection of penalties and assessments under 31 U.S.C. 3806.

(b) The ALJ shall not be responsible to, or subject to the supervision or direction of the investigating official or the reviewing official.

(c) Except as provided in paragraph (a) of this section, the representative for the Government may be employed anywhere in the authority, including in the offices of either the investigating official or the reviewing official.

§ 355.15 Ex parte contacts.

No party or person (except employees of the ALJ's office) shall communicate in any way with the ALJ on any matter at issue in a case, unless on notice and opportunity for all parties to participate. This provision does not prohibit a person or party from inquiring about the status of a case or asking routine questions concerning administrative functions or procedures.

§ 355.16 Disqualification of reviewing official or ALJ.

(a) A reviewing official or ALJ in a particular case may disqualify himself or herself at any time.

(b) A party may file with the ALJ a motion for disqualification of a reviewing official or an ALJ. Such motion shall be accompanied by an affidavit alleging personal bias or other reason for disqualification.

(c) Such motion and affidavit shall be filed promptly upon the party's discovery of reasons requiring disqualification, or such objections shall be deemed waived.

(d) Such affidavit shall state specific facts that support the party's discovery of such facts. It shall be accompanied by a certificate of the representative of record that it is made in good faith.

(e) Upon the filing of such a motion and affidavit, the ALJ shall proceed no further in the case until he or she resolves the matter of disqualification in accordance with paragraph (f) of this section.

(f)(1) If the ALJ determines that a reviewing official is disqualified, the ALJ shall dismiss the complaint without prejudice.

(2) If the ALJ disqualifies himself or herself, the case shall be reassigned promptly to another ALJ.

(3) If the ALJ denies a motion to disqualify, the authority head may determine the matter only as part of his or her review of the initial decision upon appeal, if any.

§ 355.17 Rights of parties.

Except as otherwise limited by this part, all parties may—

(a) Be accompanied, represented, and advised by a representative;

(b) Participate in any conference held by the ALJ;

(c) Conduct discovery;

(d) Agree to stipulations of fact or law, which shall be made part of the record;

(e) Present evidence relevant to the issues at the hearing;

(f) Present and cross-examine witnesses;

(g) Present oral arguments at the hearing as permitted by the ALJ; and

(h) Submit written briefs and proposed findings of fact and conclusions of law after the hearing.

§ 355.18 Authority of the ALJ.

(a) The ALJ shall conduct a fair and impartial hearing, avoid delay, maintain order, and assure that a record of the proceeding is made.

(b) The ALJ has the authority to—

(1) Set and change the date, time, and place of the hearing upon reasonable notice to the parties;

(2) Continue or recess the hearing in whole or in part for a reasonable period of time;

(3) Hold conferences to identify or simplify the issues, or to consider other matters that may aid in the expeditious disposition of the proceeding;

(4) Administer oaths and affirmations;

(5) Issue subpoenas requiring the attendance of witnesses and the

production of documents at depositions or at hearings;

(6) Rule on motions and other procedural matters;

(7) Regulate the scope and timing of discovery;

(8) Regulate the course of the hearing and the conduct of representatives and parties;

(9) Examine witnesses;

(10) Receive, rule on, exclude, or limit evidence;

(11) Upon motion of a party, take official notice of facts;

(12) Upon motion of a party, decide cases, in whole or in part, by summary judgment where there is no disputed issue of material fact;

(13) Conduct any conference, argument, or hearing on motions in person or by telephone; and

(14) Exercise such other authority as is necessary to carry out the responsibilities of the ALJ under this part.

(c) The ALJ does not have the authority to decide upon the validity of Federal statutes or regulations.

§ 355.19 Prehearing conferences.

(a) The ALJ may schedule prehearing conferences as appropriate.

(b) Upon the motion of any party, the ALJ shall schedule at least one prehearing conference at a reasonable time in advance of the hearing.

(c) The ALJ may use prehearing conferences to discuss the following:

(1) Simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings, including the need for a more definite statement;

(3) Stipulations, admissions of fact or as to the contents and authenticity of documents;

(4) Whether the parties can agree to submission of the case on a stipulated record;

(5) Whether a party chooses to waive appearance at an oral hearing and to submit only documentary evidence (subject to the objection of other parties) and written argument;

(6) Limitation of the number of witnesses;

(7) Scheduling dates for the exchange of witness lists and of proposed exhibits;

(8) Discovery;

(9) The time and place for the hearing; and

(10) Such other matters as may tend to expedite the fair and just disposition of the proceedings.

(d) The ALJ may issue an order containing all matters agreed upon by the parties or ordered by the ALJ at a prehearing conference.

§ 355.20 Disclosure of documents.

(a) Upon written request to the reviewing official, the defendant may review any relevant and material documents, transcripts, records, and other materials that relate to the allegations set out in the complaint and upon which the findings and conclusions of the investigating official under § 355.4(b) are based unless such documents are subject to a privilege under Federal law. Upon payment of fees for duplication, the defendant may obtain copies of such documents.

(b) Upon written request to the reviewing official, the defendant also may obtain a copy of all exculpatory information in the possession of the reviewing official or investigating official relating to the allegations in the complaint, even if it is contained in a document that would otherwise be privileged. If the document would otherwise be privileged, only that portion containing exculpatory information must be disclosed.

(c) The notice sent to the Attorney General from the reviewing official as described in § 355.5 is not discoverable under any circumstances.

(d) The defendant may file a motion to compel disclosure of the documents subject to the provisions of this section. Such a motion may only be filed with the ALJ following the filing of an answer pursuant to § 355.9.

§ 355.21 Discovery.

(a) The following types of discovery are authorized:

(1) Requests for production of documents for inspection and copying;

(2) Requests for admissions of the authenticity of any relevant document or of the truth of any relevant fact;

(3) Written interrogatories; and

(4) Depositions.

(b) For the purpose of this section and §§ 355.22 and 355.23, the term "documents" includes information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence. Nothing contained herein shall be interpreted to require the creation of a document.

(c) Unless mutually agreed to by the parties, discovery is available only as ordered by the ALJ. The ALJ shall regulate the timing of discovery.

(d) *Motions for discovery.* (1) A party seeking discovery may file a motion with the ALJ. Such a motion shall be accompanied by a copy of the requested discovery, or in the case of depositions, a summary of the scope of the proposed deposition.

(2) Within ten days of service, a party may file an opposition to the motion and/or a motion for protective order as provided in § 355.24.

(3) The ALJ may grant a motion for discovery only if he or she finds that the discovery sought—

(i) Is necessary for the expeditious, fair, and reasonable consideration of the issues;

(ii) Is not unduly costly or burdensome;

(iii) Will not unduly delay the proceeding; and

(iv) Does not seek privileged information.

(4) The burden of showing that discovery should be allowed is on the party seeking discovery.

(5) The ALJ may grant discovery subject to a protective order under § 355.24.

(e) *Depositions.* (1) If a motion for deposition is granted, the ALJ shall issue a subpoena for the deponent, which may require the deponent to produce documents. The subpoena shall specify the time and place at which the deposition will be held.

(2) The party seeking to depose shall serve the subpoena in the manner prescribed in § 355.8.

(3) The deponent may file with the ALJ a motion to quash the subpoena or a motion for a protective order within ten days of service.

(4) The party seeking to depose shall provide for the taking of a verbatim transcript of the deposition, which it shall make available to all other parties for inspection and copying.

(f) Each party shall bear its own costs of discovery.

§ 355.22 Exchange of witness lists, statements and exhibits.

(a) At least 15 days before the hearing or at such other time as may be ordered by the ALJ, the parties shall exchange witness lists, copies of prior statements of proposed witnesses, and copies of proposed hearing exhibits, including copies of any written statements that the party intends to offer in lieu of live testimony in accordance with § 355.33(b). At the time the above documents are exchanged, any party that intends to rely on the transcript of deposition testimony in lieu of live testimony at the hearing, if permitted by the ALJ, shall provide each party with a copy of the specific pages of the transcript it intends to introduce into evidence.

(b) If a party objects, the ALJ shall not admit into evidence the testimony of any witness whose name does not appear on the witness list or any exhibit not provided to the opposing party as provided above unless the ALJ finds good cause for the failure or that there is no prejudice to the objecting party.

(c) Unless another party objects within the time set by the ALJ, documents exchanged in accordance with paragraph (a) of this section shall be deemed to be authentic for the purpose of admissibility at the hearing.

§ 355.23 Subpoenas for attendance at hearing.

(a) A party wishing to procure the appearance and testimony of any individual at the hearing may request that the ALJ issue a subpoena.

(b) A subpoena requiring the attendance and testimony of an individual may also require the individual to produce documents at the hearing.

(c) A party seeking a subpoena shall file a written request therefor not less than 15 days before the date fixed for the hearing unless otherwise allowed by the ALJ for good cause shown. Such request shall specify any documents to be produced and shall designate the witnesses and describe the address and location thereof with sufficient particularity to permit such witnesses to be found.

(d) The subpoena shall specify the time and place at which the witness is to appear and any documents the witness is to produce.

(e) The party seeking the subpoena shall serve it in the manner prescribed in § 355.8. A subpoena on a party or upon an individual under the control of a party may be served by first-class mail.

(f) A party or the individual to whom the subpoena is directed may file with the ALJ a motion to quash the subpoena within ten days after service or on or before the time specified in the subpoena for compliance if it is less than ten days after service.

§ 355.24 Protective order.

(a) A party or a prospective witness or deponent may file a motion for a protective order with respect to discovery sought by an opposing party or with respect to the hearing, seeking to limit the availability or disclosure of evidence.

(b) In issuing a protective order, the ALJ may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

(1) That the discovery not be had;

(2) That the discovery may be had only on specified terms and conditions, including a designation of the time or place;

(3) That the discovery may be had only through a method of discovery other than that requested;

(4) That certain matters not be inquired into, or that the scope of discovery be limited to certain matters;

(5) That discovery be conducted with no one present except persons designated by the ALJ;

(6) That the contents of discovery or evidence be sealed;

(7) That a deposition after being sealed be opened only by order of the ALJ;

(8) That a trade secret or other confidential research, development, commercial information, or facts pertaining to any criminal investigation, proceeding, or other administrative investigation not be disclosed or be disclosed only in a designated way; or

(9) That the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the ALJ.

§ 355.25 Fees.

The party requesting a subpoena shall pay the cost of the fees and mileage of any witness subpoenaed in the amounts that would be payable to a witness in a proceeding in United States District Court. A check for witness fees and mileage shall accompany the subpoena when served, except that when a subpoena is issued on behalf of the authority, a check for witness fees and mileage need not accompany the subpoena.

§ 355.26 Form, filing and service of papers.

(a) *Form.* (1) Documents filed with the ALJ shall include an original and two copies.

(2) Every pleading and paper filed in the proceeding shall contain a caption setting forth the title of the action, the case number assigned by the ALJ, and a designation of the paper (*e.g.*, motion to quash subpoena).

(3) Every pleading and paper shall be signed by, and shall contain the address and telephone number of the party or the person on whose behalf the paper was filed, or his or her representative.

(4) Papers are considered filed when they are mailed. Date of mailing may be established by a certificate from the party or its representative or by proof that the document was sent by certified or registered mail.

(b) *Service.* A party filing a document with the ALJ shall, at the time of filing, serve a copy of such document on every other party. Service upon any party of any document other than the complaint or notice of hearing shall be made by delivering or mailing a copy to the party's last known address. When a party is represented by a representative, service shall be made upon such representative in lieu of the actual party.

(c) *Proof of service.* A certificate of the individual serving the document by personal delivery or by mail, setting forth the manner of service, shall be proof of service.

§ 355.27 Computation of time.

(a) In computing any period of time under this part or in an order issued thereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed by the Federal government, in which event it includes the next business day.

(b) When the period of time allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays observed by the Federal government shall be excluded from the computation.

(c) Where a document has been served or issued by mail, an additional five days will be added to the time permitted for any response.

§ 355.28 Motions.

(a) Any application to the ALJ for an order or ruling shall be by motion. Motions shall state the relief sought, the authority relied upon, and the facts alleged, and shall be filed with the ALJ and served on all other parties.

(b) Except for motions made during a prehearing conference or at the hearing, all motions shall be in writing. The ALJ may require that oral motions be reduced to writing.

(c) Within 15 days after a written motion is served, or such other time as may be fixed by the ALJ, any party may file a response to such motion.

(d) The ALJ may not grant a written motion before the time for filing responses thereto has expired, except upon consent of the parties or following a hearing on the motion, but may overrule or deny such motion without awaiting a response.

(e) The ALJ shall make a reasonable effort to dispose of all outstanding motions prior to the beginning of the hearing.

§ 355.29 Sanctions.

(a) The ALJ may sanction a person, including any party or representative for—

(1) Failing to comply with an order, rule, or procedure governing the proceeding;

(2) Failing to prosecute or defend an action; or

(3) Engaging in other misconduct that interferes with the speedy, orderly, or fair conduct of the hearing.

(b) Any such sanction, including but not limited to those listed in paragraphs (c), (d), (e) of this section, shall reasonably relate to the severity and nature of the failure or misconduct.

(c) When a party fails to comply with an order, including an order for taking a deposition, the production of evidence within the party's control, or a request for admission, the ALJ may—

(1) Draw an inference in favor of the requesting party with regard to the information sought;

(2) In the case of requests for admission, deem each matter of which an admission is requested to be admitted;

(3) Prohibit the party failing to comply with such order from introducing evidence concerning, or otherwise relying upon testimony relating to the information sought; and

(4) Strike any part of the pleadings or other submissions of the party failing to comply with such request.

(d) If a party fails to prosecute or defend an action under this part commenced by service of a notice of hearing, the ALJ may dismiss the action or may issue an initial decision imposing penalties and assessments.

(e) The ALJ may refuse to consider any motion, request, response, brief or other document which is not filed in a timely fashion.

§ 355.30 The hearing and burden of proof.

(a) The ALJ shall conduct a hearing on the record in order to determine whether the defendant is liable for a civil penalty or assessment under § 355.3 and, if so, the appropriate amount of any such civil penalty or assessment considering any aggravating or mitigating factors.

(b) The authority shall prove defendant's liability and any aggravating factors by a preponderance of the evidence.

(c) The defendant shall prove any affirmative defenses and any mitigating factors by a preponderance of the evidence.

(d) The hearing shall be open to the public unless otherwise ordered by the ALJ for good cause shown.

§ 355.31 Determining the amount of penalties and assessments.

(a) In determining an appropriate amount of civil penalties and assessments, the ALJ and upon appeal, the authority head, should evaluate any circumstances that mitigate or aggravate the violation and should articulate in their opinions the reasons that support the penalties and assessments they impose. Because of the intangible costs of fraud, the expense of investigating such conduct, and the need to deter others who might be similarly tempted, ordinarily double damages and a significant civil penalty should be imposed.

(b) Although not exhaustive, the following factors are among those that may influence the ALJ and the authority head in determining the amount of penalties and assessments to impose with respect to the misconduct (*i.e.*, the false, fictitious, or fraudulent claims or statements) charged in the complaint:

(1) The number of false, fictitious, or fraudulent claims or statements;

(2) The time period over which such claims or statements were made;

(3) The degree of the defendant's culpability with respect to the misconduct;

(4) The amount of money or the value of the property, services, or benefit falsely claimed;

(5) The value of the Government's actual loss as a result of the misconduct, including foreseeable consequential damages and the costs of investigation;

(6) The relationship of the amount imposed as civil penalties to the amount of the Government's loss;

(7) The potential or actual impact of the misconduct upon national defense, public health or safety, or public confidence in the management of Government programs and operations, including particularly the impact on the intended beneficiaries of such programs;

(8) Whether the defendant has engaged in a pattern of the same or similar misconduct;

(9) Whether the defendant attempted to conceal the misconduct;

(10) The degree to which the defendant has involved others in the misconduct or in concealing it;

(11) Where the misconduct of employees or agents is imputed to the defendant, the extent to which the defendant's practices fostered or attempted to preclude such misconduct;

(12) Whether the defendant cooperated in or obstructed an investigation of the misconduct;

(13) Whether the defendant assisted in identifying and prosecuting other wrongdoers;

(14) The complexity of the program or transaction, and the degree of the defendant's sophistication with respect to it, including the extent of the defendant's prior participation in the program or in similar transactions;

(15) Whether the defendant has been found, in any criminal, civil, or administrative proceeding to have engaged in similar misconduct or to have dealt dishonestly with the Government of the United States or of a state, directly or indirectly; and

(16) The need to deter the defendant and others from engaging in the same or similar misconduct.

(c) Nothing in this section shall be construed to limit the ALJ or the authority head from considering any other factors that in any given case may mitigate or aggravate the offense for which penalties and assessments are imposed.

§ 355.32 Location of hearing.

(a) The hearing may be held—

(1) In any judicial district of the United States in which the defendant resides or transacts business;

(2) In any judicial district of the United States in which the claim or statement in issue was made; or

(3) In such other place as may be agreed upon by the defendant and the ALJ.

(b) Each party shall have the opportunity to present argument with respect to the location of the hearing.

(c) The hearing shall be held at the place and at the time ordered by the ALJ.

§ 355.33 Witnesses.

(a) Except as provided in paragraph (b) of this section, testimony at the hearing shall be given orally by witnesses under oath or affirmation.

(b) At the discretion of the ALJ, testimony may be admitted in the form of a written statement or deposition. Any such written statement must be provided to all other parties along with the last known address of such witness, in a manner which allows sufficient time for other parties to subpoena such witness for cross-examination at the hearing. Prior written statements of witnesses proposed to testify at the hearing and deposition transcripts shall be exchanged as provided in § 355.22(a).

(c) The ALJ shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to—

(1) Make the interrogation and presentation effective for the ascertainment of the truth.

(2) Avoid needless consumption of time, and

(3) Protect witnesses from harassment or undue embarrassment.

(d) The ALJ shall permit the parties to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(e) At the discretion of the ALJ, a witness may be cross-examined on matters relevant to the proceeding without regard to the scope of his or her direct examination. To the extent permitted by the ALJ, cross-examination on matters outside the scope of direct examination shall be conducted in the manner of direct examination and may proceed by leading questions only if the witness is a hostile witness, an adverse party, or a witness identified with an adverse party.

(f) Upon motion of any party, the ALJ shall order witnesses excluded so that they cannot hear the testimony of other witnesses. This rule does not authorize exclusion of—

(1) A party who is an individual;

(2) In the case of a party that is not an individual, an officer or employee of the party designated by the party's representative; or

(3) An individual whose presence is shown by a party to be essential to the presentation of its case, including an individual employed by the Government engaged in assisting the representative for the Government.

§ 355.34 Evidence.

(a) The ALJ shall determine the admissibility of evidence.

(b) Except as provided herein, the ALJ shall not be bound by the Federal Rules of Evidence. However, the ALJ may apply the Federal Rules of Evidence where appropriate, *e.g.*, to exclude unreliable evidence.

(c) The ALJ shall exclude irrelevant and immaterial evidence.

(d) Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or by considerations of undue delay or needless presentation of cumulative evidence.

(e) Although relevant, evidence may be excluded if it is privileged under Federal law.

(f) Evidence concerning offers of compromise or settlement shall be inadmissible to the extent provided in Rule 408 of the Federal Rules of Evidence.

(g) The ALJ shall permit the parties to introduce rebuttal witnesses and evidence.

(h) All documents and other evidence offered or taken for the record shall be open to examination by all parties, unless otherwise ordered by the ALJ pursuant to § 355.24.

§ 355.35 The record.

(a) The hearing will be recorded and transcribed. Transcripts may be obtained following the hearing from the ALJ at a cost not to exceed the actual cost of duplication.

(b) The transcript of testimony, exhibits and other evidence admitted at the hearing, and all papers and requests filed in the proceeding constitute the record for the decision by the ALJ and the authority head.

(c) The record may be inspected and copied (upon payment of a reasonable fee) by anyone, unless otherwise ordered by the ALJ pursuant to § 355.24.

§ 355.36 Post-hearing briefs.

The ALJ may require the parties to file post-hearing briefs. In any event, any party may file a post-hearing brief. The ALJ shall fix the time for filing such briefs, not to exceed 60 days from the date the parties receive the transcript of the hearing or, if applicable, the stipulated record. Such briefs may be accompanied by proposed findings of fact and conclusions of law. The ALJ may permit the parties to file reply briefs.

§ 355.37 Initial decision.

(a) The ALJ shall issue an initial decision based only on the record, which shall contain findings of fact, conclusions of law, and the amount of any penalties and assessments imposed.

(b) The findings of fact shall include a finding on each of the following issues:

(1) Whether the claims or statements identified in the complaint, or any portions thereof, violate § 355.3;

(2) If the person is liable for penalties or assessments, the appropriate amount of any such penalties or assessments considering any mitigating or aggravating factors that he or she finds in the case, such as those described in § 355.31.

(c) The ALJ shall promptly serve the initial decision on all parties within 90 days after the time for submission of post-hearing briefs and reply briefs (if permitted) has expired. The ALJ shall at the same time serve all defendants with a statement describing the right of any defendant determined to be liable for a civil penalty or assessment to file a motion for reconsideration with the ALJ or a notice of appeal with the authority head. If the ALJ fails to meet the deadline contained in this paragraph, he or she shall notify the parties of the reason for the delay and shall set a new deadline.

(d) Unless the initial decision of the ALJ is timely appealed to the authority head, or a motion for reconsideration of the initial decision is timely filed, the initial decision shall constitute the final decision of the authority head and shall be final and binding on the parties 30 days after it is issued by the ALJ.

§ 355.38 Reconsideration of initial decision.

(a) Except as provided in paragraph (d) of this section, any party may file a motion for reconsideration of the initial decision within 20 days of receipt of the initial decision. If service was made by mail, receipt will be presumed to be five days from the date of mailing in the absence of contrary proof.

(b) Every such motion must set forth the matters claimed to have been erroneously decided and the nature of the alleged errors. Such motion shall be accompanied by a supporting brief.

(c) Responses to such motions shall be allowed only upon request of the ALJ.

(d) No party may file a motion for reconsideration of an initial decision that has been revised in response to a previous motion for reconsideration.

(e) The ALJ may dispose of a motion for reconsideration by denying it or by issuing a revised initial decision.

(f) When a motion for reconsideration is made, the time periods for appeal to the authority head contained in § 355.38, and for finality of the initial decision in § 355.36(d), shall begin on the date the ALJ issues the denial of the motion for reconsideration or a revised initial decision, as appropriate.

§ 355.39 Appeal to authority head.

(a) Any defendant who has filed a timely answer and who is determined in an initial decision to be liable for a civil penalty or assessment may appeal such decision to the authority head by filing a notice of appeal with the authority head in accordance with this section.

(b)(1) No notice of appeal may be filed until the time period for filing a motion for reconsideration under § 355.38 has expired.

(2) If a motion for reconsideration is timely filed, a notice of appeal must be filed within 30 days after the ALJ denies the motion or issues a revised initial decision, whichever applies.

(3) If no motion for reconsideration is timely filed, a notice of appeal must be filed within 30 days after the ALJ issues the initial decision.

(4) The authority head may extend the initial 30-day period for an additional 30 days if the defendant files with the authority head a request for an extension within the initial 30-day period and shows good cause.

(c) If the defendant files a timely notice of appeal with the authority head, the ALJ shall forward the record of the proceeding to the authority head.

(d) A notice of appeal shall be accompanied by a written brief specifying exceptions to the initial decision and reasons supporting the exceptions.

(e) The representative for the Government may file a brief in opposition to exceptions within 30 days

of receiving the notice of appeal and accompanying brief.

(f) There is no right to appear personally before the authority head.

(g) There is no right to appeal any interlocutory ruling by the ALJ.

(h) In reviewing the initial decision, the authority head shall not consider any objection that was not raised before the ALJ unless a demonstration is made of extraordinary circumstances causing the failure to raise the objection.

(i) If any party demonstrates to the satisfaction of the authority head that additional evidene not presented at such hearing is material and that there were reasonable grounds for the failure to present such evidence at such hearing, the authority head shall remand the matter to the ALJ for consideration of such additional evidence.

(j) The authority head may affirm, reduce, reverse, compromise, remand, or settle any penalty or assessment, determined by the ALJ in any initial decision.

(k) The authority head shall promptly serve each party to the appeal with a copy of the decision of the authority head. At the same time the authority head shall serve the defendant with a statement describing the defendant's right to seek judicial review.

(l) Unless a petition for review is filed as provided in 31 U.S.C. 3805 after a defendant has exhausted all administrative remedies under this part and within 60 days after the date on which the authority head serves the defendant with a copy of the authority head's decision, a determination that a defendant is liable under § 355.3 is final and is not subject to judicial review.

§ 355.40 Stays ordered by the Department of Justice.

If at any time the Attorney General or an Assistant Attorney General designated by the Attorney General transmits to the authority head a written finding that continuation of the administrative process described in this part with respect to a claim or statement may adversely affect any pending or potential criminal or civil action related to such claim or statement, the authority head shall stay the process immediately. The authority head may order the process resumed only upon receipt of the written authorization of the Attorney General.

§ 355.41 Stay pending appeal.

(a) An initial decision is stayed automatically pending disposition of a otion for reconsideration or of an appeal to the authority head.

(b) No administrative stay is available following a final decision of the authority head.

§ 355.42 Judicial review.

Section 3805 of title 31, United States Code, authorizes judicial review by an appropriate United States District Court of a final decision of the authority head imposing penalties or assessments under this part and specifies the procedures for such review.

§ 355.43 Collection of civil penalties and assessments.

Sections 3806 and 3808(b) of title 31, United States Code, authorize actions for collection of civil penalties and assessments imposed under this part and specify the procedures for such actions.

§ 355.44 Right to administrative offset.

The amount of any penalty or assessment which has become final, or for which a judgment has been entered under § 355.42 or § 355.43, or any amount agreed upon in a compromise or settlement under § 355.46, may be collected by administrative offset under 31 U.S.C. 3716, except that an administrative offset may not be made under this subsection against a refund of an overpayment of Federal taxes, then or later owing by the United States to the defendant.

§ 355.45 Deposit in Treasury of United States.

All amounts collected pursuant to this part shall be deposited as miscellaneous receipts in the Treasury of the United States, except as provided in 31 U.S.C. 3806(g).

§ 355.46 Compromise or settlement.

(a) Parties may make offers of compromise or settlement at any time.

(b) The reviewing official has the exclusive authority to compromise or settle a case under this part at any time after the date on which the reviewing official is permitted to issue a complaint and before the date on which the ALJ issues an initial decision.

(c) The authority head has exclusive authority to compromise or settle a case under this part at any time after the date on which the ALJ issues an initial decision, except during the pendency of any review under § 355.42 or during the pendency of any action to collect penalties and assessments under § 355.43.

(d) The Attorney General has exclusive authority to compromise or settle a case under this part during the pendency of any review under § 355.42 or of any action to recover penalties and assessments under 31 U.S.C. 3806.

(e) The investigating official may recommend settlement terms to the reviewing official, the authority head, or the Attorney General, as appropriate. The reviewing official may recommend settlement terms to the authority head, or the Attorney General, as appropriate.

(f) Any compromise or settlement must be in writing.

§ 355.47 Limitations.

(a) The notice of hearing with respect to a claim or statement must be served in the manner specified in § 355.8 within 6 years after the date on which such claim or statement is made.

(b) If the defendant fails to file a timely answer, service of a notice under § 355.10(b) shall be deemed a notice of hearing for purposes of this section.

(c) The statute of limitations may be extended by agreement of the parties.

Dated: December 9, 1987.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 87-28821 Filed 12-15-87; 8:45 am]

BILLING CODE 7905-01-M

PEACE CORPS

22 CFR Part 302

Organization

AGENCY: Peace Corps.

ACTION: Final rule.

SUMMARY: This rule updates information regarding the Peace Corps' organization: the methods whereby the public may secure information, make submittals, or request or obtain decisions, and statements of the general course and methods by which its functions are channeled and determined; a description of major Agency forms and where they may be obtained; and the location of the Agency's substantive rules of general applicability in the Code of Federal Regulations.

EFFECTIVE DATE: January 15, 1988.

FOR FURTHER INFORMATION CONTACT: John M. von Reyn, Chief, Paperwork and Records Management Branch, Office of Administrative Services, 202-254-6020.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Peace Corps has determined that this rule is not a major rule for the purpose of E.O. 12291 because it is not likely to result in an annual effect on the economy of $100 million or more.

Paperwork Reduction Act

This rule imposes no obligatory information requirements on the public.

Regulatory Flexibility Act of 1980

The Director certifies that this rule will not have a significant impact on a substantial number of small entities.

This rule implements the provisions of section 3 of the Administrative Procedures Act [5 U.S.C. 552] that require agencies to publish information regarding their organization, the methods whereby the public can secure information, make submittals, or request or obtain decisions and statements of the general course and methods by which its functions are channeled and determined; a description of major Agency forms and where they may be obtained; and the location of the Agency's substantive rules of general applicability in the Code of Federal Regulations.

A proposed rule was published in the **Federal Register** on September 25, 1987 (52 FR 36046). No comments were received during the thirty day comment period. The Agency is adopting the proposed rule as published.

List of Subjects in 22 CFR Part 302

Organization and functions (Government agencies).

Accordingly, Title 22, Code of Federal Regulations, is being amended by revising Part 302 as follows:

PART 302—ORGANIZATION

Sec.

302.1 Introduction.
302.2 Central and field organization, established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals, or request, or obtain decisions; and statements of the general course and methods by which its functions are channeled and determined.
302.3 Rules of procedure, description of forms available, the places at which forms may be obtained, and instructions as to the scope and content of all papers, reports, or examinations.
302.4 Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretation of general applicability formulated and adopted by the agency.

Authority: Sec. 4, Pub. L. 87-239, Stat. 612 (22 U.S.C. 2503, as amended); 5 U.S.C. 552; E.O. 12137, 44 FR 29023, 3 CFR, 1979 Comp., p. 389.

§ 302.1 Introduction.

The regulations of this part are issued pursuant to section 3 of the Administrative Procedure Act, 5 U.S.C. 552, effective July 4, 1967.

§ 302.2 Central and field organization, established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals, or request, or obtain decisions; and statements of the general course and methods by which its functions are channeled and determined.

(a) The following are statements of the central and field organization of the Peace Corps:

(1) *Central Organization*

(i) Director. As head of the Peace Corps, the Director is responsible for all the activities of the agency. He or she is assisted by a Deputy Director, a Chief of Staff, and the following staff units:

(A) The Office of the General Counsel which provides legal advice and assistance relating to Peace Corps programs and activities;

(B) The Office of Congressional Relations which serves as primary informational contact between Congress and the Peace Corps, advising the Director and other senior managers on governmental and legislative affairs;

(C) The Office of Public Affairs which promotes awareness of the Peace Corps, monitors agency news coverage and prepares/disseminates national news releases and other information about the Peace Corps. The Office also coordinates agency activities and maintains files relating to graphic, photographic and audiovisual services and works closely with the Advertising Council on placement on public service announcements;

(D) The office of Private Sector Relations/Development Education which coordinates private sector support and participation in Peace Corps activities;

(E) The Executive Secretariat which manages correspondence and other documents on behalf of the Director.

(ii) Office of the Associate Director for International Operations consists of the Regional Offices for Africa; Inter-America; and North Africa, Near East, Asia and Pacific; and the Office of Training and Program Support. The immediate office of the Associate Director includes the Overseas Staff Training and the United Nations Volunteer Program staff.

(A) The Regional offices are responsible for the negotiation, establishment and operation of Peace Corps projects overseas and for the training of Peace Corps Volunteers for such projects. They also provide, on behalf of the Director, policy guidance and immediate supervision to Peace Corps staff and operations overseas.

(B) The Office of Training and Program Support provides technical assistance and policy direction in the development of effective program and training strategies/designs, and coordinates a wide variety of program and training services.

(iii) The Office of the Associate Director for Management consists of the following offices:

(A) The Office of Medical Services which provides medical screening for applicants and health care services to Volunteers and in-country staff.

(B) The Office of Special Services which provides personal and administrative support to Peace Corps trainees and Volunteers, and their families.

(C) The Office of Personnel Policy and Operations which provides Agency personnel services.

(D) The Office of Financial Management which provides accounting, contracting and budget operations.

(E) The Office of Planning and Policy Analysis which provides support to the Agency in the areas of policy, planning, assessment and management information.

(F) The Office of Administrative Services which provides administrative and logistical support to the Agency.

(G) The Office of Information Resources Management which manages the Agency's information resources and central computer facility.

(H) The Office of Compliance which carries out Agency audit, investigation, internal controls and equal opportunity functions.

(iv) The Office of the Associate Director for Volunteer Recruitment and Selection consists of the following offices:

(A) The Office of Recruitment which directs the operational and managerial aspects of headquarers and domestic field recruitment activities in support of the recruitment of qualified Peace Corps trainees.

(B) The Office of Placement which conducts final placement, processing and orientation of Peace Corps applicants in preparation for final selection and training.

(2) Domestic Field Organization

Regional Peace Corps Recruitment Offices: (i) Chicago Regional Office, 175 West Jackson Boulevard, Room A-531, Chicago, Illinois 60604. (Oversees Area Offices in Atlanta, Chicago, Detroit, Kansas City and Minneapolis.)

(ii) New York Regional Office, 1515 Broadway, Room 3515, New York, New York 10036. (Oversees Area Offices in Miami, Puerto Rico, Washington, DC, Philadelphia, New York City and Boston.)

(iii) San Francisco Regional Office, 211 Main Street, Room 533, San Francisco, California 94105. (Oversees Area Offices in San Francisco, Seattle, Denver, Los Angeles, and Dallas.)

(3) Foreign Field Organization

(i) Africa Region

Benin, Cotonou
Botswana, Gaborone
Burundi, Bujumbura
Cameroon, Yaounde
Central African Republic, Bangui
Chad, N'Djamena
Gabon, Libreville
The Gambia, Banjul
Ghana, Accra
Guinea, Conakry
Kenya, Nairobi
Lesotho, Maseru
Liberia, Monrovia
Malawi, Lilongwe
Mali, Bamako
Mauritania, Nouakchott
Niger, Niamey
Rwanda, Kigali
Senegal, Dakar
Sierra Leone, Freetown
Swaziland, Mbabane
Tanzania, Dar es Salaam
Togo, Lome
Zaire, Kinshasa

(ii) Inter-America Region

Belize, Belize City
Costa Rica, San Jose
Dominican Republic, Santo Domingo
Eastern Caribbean, Bridgetown, Barbados
Ecuador, Quito
Guatemala, Guatemala City
Haiti, Port-au-Prince
Honduras, Tegucigalpa
Jamaica, Kingston
Paraguay, Asuncion
Turks and Caicos Islands (Santo Domingo, Dominican Republic)

(iii) North Africa, Near East Asia and Pacific Region

Cook Islands (Apia, Western Samoa)
Fiji, Suva
Federated States of Micronesia, Pohnpei
Kiribati (Honiara, Solomon Islands)
Marshall Islands, Majuro
Morocco, Rabat
Nepal, Kathmandu
Papua New Guinea, Port Moresby
Philippines, Manila
Republic of Palau (Pohnpei, F.S.M)
Seychelles, Victoria
Solomon Islands, Honiara
Sri Lanka, Colombo
Thailand, Bangkok
Tonga, Nuku'alofa
Tunisia, Tunis
Tuvalu (Suva, Fiji)
Western Samoa, Apia
Yemen Arab Republic, Sana'a

(b) Any person desiring information concerning a matter handled by the Peace Corps, or any persons desiring to make a submittal or request in connection with such a matter, should communicate either orally or in writing with the appropriate office. If the office receiving the communications does not have jurisdiction to handle the matter, the communication, if written, will be forwarded to the proper office, or, if oral, the person will be advised how to proceed.

§ 302.3 Rules of procedure, description of forms available, the places at which forms may be obtained, and instructions as to the scope and content of all papers, reports, or examinations.

Forms regarding the following listed matters and instructions relating thereto may be obtained upon application to the offices listed below.

Application for Peace Corps, Office of Recruitment, Room P–301.

Volunteer Service, Peace Corps, 806 Connecticut Avenue NW., Washington, DC 20526, *or* the Peace Corps area recruitment offices listed in § 302.2(a)(2).

§ 302.4 Substantive rules of general applicability adopted as authorized by law, and statement of general policy or interpretation of general applicability formulated and adopted by the agency.

The Peace Corps regulations published under the provisions of the Administrative Procedure Act are found in Part 301 of Title 22 of the Code of Federal Regulations and the **Federal Register**. These regulations are supplemented from time to time by amendments appearing initially in the **Federal Register**.

Dated: December 1, 1987.

Loret Miller Ruppe,

Director.

[FR Doc. 87–28624 Filed 12–15–87; 8:45 am]

BILLING CODE 5051–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 942

Surface Coal Mining and Reclamation Operations Under a Federal Program for Tennessee

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; technical amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) of the Department of the Interior (DOI) is making a technical amendment to the final rule promulgating a Federal program for the regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in the State of Tennessee, which was published in the **Federal Register** on October 1, 1984. The purpose of the amendment is to correct a typographical error omitting standards for revegetation success for areas to be developed for industrial, commercial, or residential use and for areas previously disturbed by mining that were not reclaimed to the regulatory requirements and that are remined or otherwise disturbed by surface coal mining operations.

EFFECTIVE DATE: December 16, 1987.

FOR FURTHER INFORMATION CONTACT: George C. Miller, Director, Knoxville Field Office, OSMRE, 530 Gay Street, SW, Knoxville, TN 37902; Telephone (615) 673–4504, or Patrick W. Boyd, Branch of Federal and Indian Programs, OSMRE, 1951 Constitution Avenue, NW, Washington, DC 20240; Telephone (202) 343–1864.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of Amendment
III. Procedural Matters

I. Background

On October 1, 1984, OSMRE promulgated a Federal program for the regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian land in Tennessee, including the surface operations and impacts incident to underground coal mining (49 FR 38874). Under section 504(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, the Secretary of the Interior (the Secretary) is required to promulgate a Federal program in a State for the failure of a State granted primary regulatory responsibility to adequately implement, enforce or maintain its program. Upon promulgation of a Federal regulatory program, the Secretary becomes the regulatory authority. Through delegation, the Director of OSMRE is the official directly responsible for the implementation of a Federal regulatory program.

Federal programs are promulgated by means of cross-referencing the permanent program regulations in 30 CFR Subchapters A, F, G, H, J, K, L, and M, which set the substantive standards. The Federal regulatory program for Tennessee is found in 30 CFR part 942. Sections of part 942 on various topics cross-reference the counterpart permanent program rules on those topics. Cross-referencing avoids duplication of the full text of the permanent regulatory program rules for each Federal program.

Where a particular permanent program regulation needed to be modified for use in the Tennessee Federal program, a paragraph was added to modify the permanent regulatory program standards applicable in Tennessee or to add requirements or standards. Where more than one standard needed to be modified in any particular permanent program rule, additional paragraphs have been added to the Federal program section. For example, additional performance standards for Tennessee were added to §§ 942.816 and 942.817 as paragraphs (b) through (h) and (b) through (f) respectively. This is one means of implementing the mandate of section 504(a) of SMCRA that in promulgating a Federal program the Secretary take into consideration relevant conditions in the State.

II. Discussion of Amendment

The revegetation performance standards contained in 30 CFR 816.116 (for surface mining) and 817.116 (for underground mining) state that the standards for success and statistically valid sampling techniques for measuring success shall be selected by the regulatory authority and included in an approved regulatory program. Both 30 CFR 816.116(b) and 817.116(b) provide minimum success standards for several types of postmining land uses, including grazing or pasture land in paragraph (b)(1); cropland in paragraph (b)(2); fish and wildlife habitat, recreation, shelterbelts, or forest products in paragraph (b)(3); areas to be developed for industrial, commercial, or residential use in paragraph (b)(4); and areas previously disturbed by mining in paragraph (b)(5). In establishing revegetation success standards for use in the Tennessee Federal program, 30 CFR 942.816(f) stated,

> In lieu of the requirements of section 816.116(b)(1) through (b)(6) of this chapter, the following revegetation success standards and sampling techniques shall be used by [OSMRE].

The paragraph should have read, "In lieu of the requirements of § 816.116(b)(1) through (b)(3) * * *." (Emphasis added.) The same typographical error was made in § 942.817(e) of the Tennessee Federal program rules. The effect of the typographical error was to create the impression that OSMRE had failed to include the standards at 30 CFR 816/817.116 (b)(4) and (b)(5) in the Tennessee Federal program rules. There was no § 816/817.116(b)(6) in the permanent program rules. OSMRE intends that the standards for revegetation success contained in 30 CFR 816/817.116 (b)(4) and (b)(5) apply to the Tennessee Federal program. This rulemaking will correct the typographical error. The correction is considered a technical amendment and no change in the meaning or application of the Tennessee Federal program rules is intended.

III. Procedural Matters

Executive Order 12291 and the Regulatory Flexibility Act

OSMRE has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291 because the rule is an administrative correction and has no economic effect on the public. The DOI has also determined that this document will not have a significant economic effect on a substantial number of small entities and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act.

National Environmental Policy Act

This rulemaking is not a major Federal action, but an administrative rule covered under previous rulemakings. Therefore, an environmental assessment is not required for this rulemaking which is covered under the environmental assessment and environmental impact statement prepared for the previous rulemaking.

Federal Paperwork Reduction Act

It has been determined that the information collection requirements do not change due to the corrections of this rulemaking and therefore, it is exempt from the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) and does not require clearance by the Office of Management and Budget.

List of Subjects in 30 CFR Part 942

Coal mining, Intergovernmental relations, Surface mining, Underground mining, Reporting and recordkeeping requirements.

Accordingly, OSMRE is amending 30 CFR Part 942 as set forth below.

Date: December 9, 1987.

James E. Cason,

Deputy Assistant Secretary—Land and Minerals Management.

PART 942—TENNESSEE

1. The authority citation for Part 942 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*, as amended.

2. Section 942.816 is amended by revising paragraph (f) as follows:

§ 942.816 Performance Standards—Surface Mining Activities.

* * * * *

(f) In lieu of the requirements of § 816.116 (b)(1) through (b)(3) of this chapter, the following revegetation success standards and sampling techniques shall be used by this Office.

* * * * *

3. Section 942.817 is amended by revising paragraph (e) as follows:

§ 942.817 Performance Standards—Underground Mining Activities.

* * * * *

(e) In lieu of the requirements of § 817.116 (b)(1) through (b)(3) of this chapter, the following revegetation success standards and sampling techniques shall be used by this Office.

* * * * *

[FR Doc. 87–28771 Filed 12–15–87; 8:45 am]

BILLING CODE 4310–05–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1155

Statement of Organization and Procedures

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Final rule.

SUMMARY: The Architectural and Transportation Barriers Compliance Board at its September 16, 1987, meeting adopted amendments to its Statement of Organization and Procedures, which sets forth the procedures for Board and Board committee meetings. The amendments were adopted to effect changes as a result of the Rehabilitation Act Amendments of 1986 (Pub. L. 99–506) which made several organization changes to Section 502. The amendments to the Statement of Organization and Procedures are being published so that all affected persons will be fully informed about procedures governing the meetings and to implement the act.

EFFECTIVE DATE: September 16, 1987.

FOR FURTHER INFORMATION CONTACT: Nicholas Chiarkas, General Counsel, Architectural and Transportation Barriers Compliance Board, 330 C Street, SW., Room 1010, Washington, DC, (202) 245–1801 (voice or TDD).

SUPPLEMENTARY INFORMATION: Pursuant to section 502 of the Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 391, as amended, the Architectural and Transportation Barriers Compliance Board (ATBCB or Board) adopted a Statement of Organization and Procedures on September 16, 1975. The Statement was published at 80 FR 1032 (1975) and codified at 36 CFR Part 1155. The Statement was amended by the Board on May 9, 1977; March 14, 1978; May 8, 1978; March 11, 1980; May 10, 1983; and May 12, 1986. On September 16, 1987, it was substantially revised primarily due to the Rehabilitation Act Amendments of 1986 (Pub. L. 99–506) which made several organization changes to Section 502 and passed in the version published here. Some of the major changes in the revised Statement of Organization and Procedures are:

(1) When the Chairperson is a public member, a Federal member will hold the position of Vice-Chairperson and vice-versa; (2) the position of Chairperson will alternate on an annual basis between a Federal member and a public member; (3) a public member whose term has expired may continue to serve until a successor has been appointed; (4) at least six of the members required for a quorum for a *Board* meeting shall be public members; (5) proxies shall not be counted for purposes of establishing a quorum for a meeting of the *Board*, (6) the General Counsel shall be nominated by the Chairperson; and (7) that Board Committee meetings shall be held in accordance with Robert's Rules of Order.

List of Subjects in 36 CFR Part 1155

Authority delegations (Government agencies), handicapped organizations and functions (Government agencies).

For the reasons stated in the preamble, Chapter XI of Title 36, Code of Federal Regulations, is amended by revising Part 1155 to read as follows:

PART 1155—STATEMENT OF ORGANIZATION AND PROCEDURES

Sec.

1155.1 Organization and membership.
1155.2 Board meetings.
1155.3 Committees.
1155.4 General Counsel.
1155.5 Fiscal accountability.
1155.6 Delegations.
1155.7 Amendments to the statement of organization and procedures.
1155.8 Amendments to the authorities and delegations.

Authority: 29 U.S.C. 792

§ 1155.1 Organization and membership.

(a) *Name and organization.* The name of this organization is the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as the "Board") as provided in section 502 of the Rehabilitation Act of 1973.

(b) *Authorization for the Board.* The statutory authorization for the Board is section 502 of the Rehabilitation Act of 1973, as amended.

(c) *Officers of the Board.* The presiding officers of the Board shall be a Chairperson and in his or her absence or disqualification a Vice-Chairperson. The Chairperson and Vice-Chairperson shall be elected by a majority of the fixed membership of the Board and shall serve for terms of one year. When the Chairperson is a member of the general public, the Vice-Chairperson shall be a Federal official; and when the Chairperson is a Federal official, the Vice-Chairperson shall be a member of the general public. Upon the expiration of the term as Chairperson of a member who is a Federal official, the subsequent Chairperson shall be a member of the general public; and vice versa. If no new Chairperson or Vice-Chairperson has been elected at the end of the one-year term, the incumbents shall continue to serve in that capacity until a successor Chairperson or Vice-Chairperson has been elected.

(d) *Membership.* The Board shall be composed of Presidentially appointed public members and the heads of each of the following departments or agencies (or their designees whose positions (or acting positions) are Executive Level IV or higher):

(1) Department of Education;
(2) Department of Health and Human Services;
(3) Department of Transportation;
(4) Department of Housing and Urban Development;
(5) Department of Labor;
(6) Department of Interior;
(7) Department of Defense;
(8) Department of Justice;
(9) General Services Administration;
(10) United States Postal Service; and
(11) Veterans Administration.

(e) *Board vacancies.* (1) If any public member becomes a Federal employee, such member may continue as a member of the Board for not longer than the sixty-day period beginning on the day he or she becomes such an employee.

(2) If any public member is unable to fulfill his or her obligation as a member, the member shall notify the Chairperson and the President.

(3) A public member appointed to fill a vacancy shall serve for the remainder of the term to which that member's predecessor was appointed.

(4) A public member whose term has expired may continue to serve until a successor has been appointed.

§ 1155.2 Board meetings.

Regular meetings of the Board shall ordinarily be held on the Wednesday following the second Tuesday of every other month and shall be planned for four hours duration, except as otherwise provided in paragraphs (a) (2) and (4) of this section. Whenever possible, all business shall be transacted at the regular meeting. The Board may elect to convene in executive sessions.

(a) *Prior notification.* (1) The Chairperson shall provide a written notice of scheduled Board meetings, and an agenda for the meeting, including supporting materials, to each Board member, ten (10) work days prior to the meeting.

(2) The Chairperson may cancel a regular meeting of the Board by giving written notice of the cancellation in place of the written notice of the scheduled Board meeting at least ten (10) work days prior to the meeting.

(3) Special meetings of the Board shall be called by the Chairperson to deal with important matters arising between regular meetings which require urgent action by the Board prior to the next regular meeting. Voting and discussion shall be limited to the subject matter which necessitated the call of the special meeting. All Board members shall be notified of the time, place, and exact purpose of the special meeting a reasonable time in advance.

(4) The Chairperson may reschedule a regular meeting of the Board to another date, no more than one month earlier or later than the regularly scheduled date.

(b) *Attendance.* (1) If a Board member is unable to attend a regularly scheduled meeting, he or she shall notify the Executive Director at his or her earliest convenience.

(2) A list of Board members present and those Board members absent shall become a part of the permanent record through its inclusion in the minutes.

(3) In order to maintain an orderly meeting, discussion shall be among Board members and the Executive Director. Board staff and Federal member staff may participate in the discussion of a specific issue only at the request of a Board member present at the meeting or the Executive Director, and upon recognition by the Chairperson.

(c) *Rules for Board meetings.* (1) Meetings of the Board shall be held in accordance with Robert's Rules of Order, except as otherwise prescribed herein.

(2) The Board shall not suspend the rules in taking an action concerning adoption, amendment or rescission of this Statement of Organization and Procedures and the Board's Authorities and Delegations.

(d) *Quorum.* (1) A quorum shall be the majority (12) of the fixed membership. At least six of the members required for a quorum shall be public members.

(2) Proxies shall not be counted for purposes of establishing a quorum.

(3) The presiding officer shall not call a meeting to order unless a quorum is present. If at anytime during the meeting the Chairperson or a member notices the absence of a quorum, it shall be his or her duty to declare the fact. However, debate on a question pending may continue after a quorum is no longer present.

(4) In the absence of a quorum the Board members present may move to recess in order to contact absent members and solicit their attendance.

(e) *Voting procedure.* (1) Only Board members or Federal member designees, Executive Level IV or higher, may vote.

(2) Except as otherwise prescribed herein, at a meeting at which there is a quorum a majority vote of the members present in person or by proxy is necessary for action by the Board.

(3) The presiding officer shall have the same right to vote as any other member.

(4) *Proxy voting.* (i) Except as provided in paragraph (d)(2) of this section, proxy voting shall be permitted.

(ii) Any member may give his or her directed or undirected proxy to any other Board member or any Federal member designee, Executive Level IV or higher, present at the meeting.

(iii) Proxies are to be given in writing and submitted to the Chairperson prior to or at the meeting.

(iv) A directed proxy shall be voided as to a specific issue if the question on which the vote is eventually taken differs from the question to which the proxy is directed.

(5) A requirement of a ⅔ vote shall mean ⅔ of the members present in person or by proxy, at a meeting at which there is a quorum, except as provided in §§ 1155.6(b), 1155.7 and 1155.8 of this part.

(f) *The order of business.* Except as otherwise prescribed herein, a proposal for Board action cannot be considered by the Board unless it is placed on the agenda by the Executive Committee.

(g) *The basic procedures.* (1) Any member wishing to submit a proposal for Board action will submit it directly to the Executive Committee and all subject matter committees, by delivering copies of the proposal to the Board office, addressed to the chairpersons of the committees. The committees will then handle the preparation of the proposal for Board action.

(2) Upon receipt of a proposal from a Board member, or a proposal originating from within a committee, subject matter committees will review the proposal, including determining whether the proposal is within their jurisdiction, and, if so, identifying the issues involved, and refining the proposal. Committees may request a report from staff or the member submitting the proposal. Each committee taking any action on the proposal will submit it with an accompanying report and recommendations to the Executive Committee.

(3) The Executive Committee may take action on a member's proposal without receiving a report from a subject matter committee when, after reviewing the proposal, it determines that the proposal does not need further development for Board consideration. The Executive Committee's review may include requesting a report from staff or the member submitting the proposal, or calling a meeting of the Executive Committee.

(4) When the Executive Committee receives a recommendation from the subject matter committee, the Executive Committee will review the recommendation and take appropriate action thereon. This may result in placing the recommendation on the next Board agenda or sending it back to the subject matter committee or to another committee, for appropriate action.

(h) *Agenda.* The Executive Committee places items of business on the Board agenda. A written notice of ten (10) work days to the full Board is required for an item to become part of the Board's agenda. The ten (10) days notice requirement may be waived upon a two-thirds vote by the Board to suspend the rules of order.

(i) *Discharge procedure.* Seventy-five (75) days after a proposal is first received by the Executive Committee, any member has a right to discharge the proposal. For purposes of this paragraph, a proposal is received by the Executive Committee the day it is delivered to the Chairperson of the Executive Committee at the Board office. In order to exercise a discharge, the discharging member must provide written notice to the Executive Committee, appropriate subject matter committee(s) and the Executive Director thirty (30) days prior to the next Board meeting. Upon the Executive Committee's receipt of a timely discharge notice, the proposal must be placed on the next regular Board agenda.

(j) *Request for legal opinion from the Department of Justice.* The Board may, by a majority vote, seek legal advice on any matter from the Office of Legal Counsel, United States Department of Justice. The Board shall not be bound by the opinion of the Office of Legal Counsel.

(k) *Corrections, additions, or approval of Board minutes.* (1) The Executive Director shall send draft minutes of the previous meeting to each Board member within fifty (50) days following the meeting. Any corrections shall be submitted in writing at or before the next Board meeting.

(2) The Board will approve the final minutes after all corrections and additions have been incorporated.

§ 1155.3 Committees.

The Board may, by a two-thirds vote, establish or dissolve standing committees, and change the number, size and jurisdiction of standing committees. Meetings of the committees shall be held in accordance with Robert's Rules of Order, except as otherwise prescribed herein. A committee may establish its own additional procedures provided that they do not conflict with the provisions of this Statement, and the Committee informs the Chairperson of the Board in writing of any additional procedures.

(a) *Executive Committee*—(1) *Composition.* The Executive Committee shall be composed of six members, three Federal and three public members, elected by the full Board annually. Its chairperson shall be appointed by the Chairperson of the Board. The six person membership includes the Chairperson and Vice-Chairperson of the Board.

(2) *Quorum.* A quorum in the Executive Committee shall be one-third the actual committee membership, present in person or by proxy, with at least two present in person. In the absence of a quorum, a meeting can be held only for the purpose of discussion and no vote may be taken.

(3) *Voting.* (i) Only members of the committee may vote in the committee meetings. Any other Board member may attend and participate in the meeting, but may not vote.

(ii) Any member may give his/her directed or undirected proxy to any other committee member present at the meeting. Proxies are to be given in writing and submitted to the chairperson of the committee prior to or at the committee meeting.

(iii) A directed proxy shall be voided as to a specific issue if the question on which the vote is eventually taken differs from the question to which the proxy is directed.

BEST COPY AVAILABLE

(b) *Subject matter committees*—(1) *Composition.* The Chairperson of the Board shall appoint an equal number of public and Federal members and a chairperson and a vice-chairperson for each subject matter committee, totalling at least four (4) members on each committee. Each chairperson may appoint an acting chairperson when both the chairperson and vice-chairperson are absent.

(2) *Terms.* The members of each committee will serve a term of one year corresponding to that of the chairperson, and continue their duties until their successors have been appointed.

(3) *Quorum.* A quorum in a subject matter committee shall be one-third of the committee membership, present in person or by proxy, with at least two present in person. In the absence of a quorum, a meeting may be held only for the purpose of discussion.

(4) *Voting.* (i) Only committee members or the member of the committee who holds the absent member's proxy may vote in the committee meetings. Any other Board member agency staff and the Board staff may attend and participate in meetings but may not vote.

(ii) Any member may give his or her directed or undirected proxy to any other committee member present at the meeting. Proxies are to be given in writing and submitted to the chairperson of the committee prior to or at the committee meeting.

(iii) A directed proxy shall be voided as to a specific issue if the question on which the vote is eventually taken differs from the question to which the proxy is directed.

(c) *Special committees.* The Chairperson, the Board, or a standing committee may appoint a special committee to carry out a specific task. A special committee shall dissolve upon completion of its task or when dissolved by its creator.

(d) *Minutes.* Each Committee will keep a written record of the proceedings.

§ 1155.4 General Counsel.

(a) The General Counsel is nominated by the Chairperson and confirmed by the Board. He or she is responsible to the Board under the supervision of the Executive Director.

(b) The General Counsel shall attend Board meetings and provide legal counsel when requested or when he or she deems it advisable and upon recognition by the Chairperson.

§ 1155.5 Fiscal accountability.

Board funds shall not substitute for resources an agency should spend for activities under its own research and development or other programmatic or administrative authority. However, the Board may augment current studies by additional funding to insure a focus for particular information on barriers confronting handicapped individuals.

§ 1155.6 Delegations.

(a) The Board may—

(1) By majority vote delegate to the Executive Committee authority to implement its decisions, and

(2) By two-thirds vote delegate to the Executive Committee any other of its authorities, to the extent permitted by law. A separate delegation is necessary for each action the Board desires the Executive Committee to implement.

(b) The Board may, to the extent permitted by law, delegate other duties to its officers, committees, or staff by a vote of two-thirds of the membership of the Board at the time the vote is taken.

(c) Unless so permitted in the original delegation, an officer, committee, or staff person shall not redelegate authority.

§ 1155.7 Amendments to the Statement of Organization and Procedures.

In order to adopt and amend the Statement of Organization and Procedures, a vote of two-thirds of the membership of the Board at the time the vote is taken shall be required.

§ 1155.8 Amendments to the Authorities and Delegations.

In order to adopt and amend the Authorities and Delegations, a vote of two-thirds membership of the Board at the time the vote is taken shall be required.

Thomas E. Harvey,

Chairperson, Architectural and Transportation Barriers Compliance Board.

[FR Doc. 87-28764 Filed 12-15-87; 8:45 am]

BILLING CODE 8820-BP-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 7

DEPARTMENT OF AGRICULTURE

36 CFR Part 296

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1312

DEPARTMENT OF DEFENSE

32 CFR Part 229

Protection of Archaeological Resources; Uniform Regulations

AGENCIES: Departments of the Interior, Agriculture, and Defense and Tennessee Valley Authority.

ACTION: Final rule.

SUMMARY: This final rule amends the standards for civil penalty amounts in the final uniform regulations to include determinations of archaeological value. The Archaeological Resources Protection Act of 1979 mandates that the archaeological or commercial value and the cost of restoration and repair of the archaeological resource involved be taken into account in assessing civil penalties for violations of the Act. The purpose of the amendment is to implement this provision of the Act in the final uniform regulations.

EFFECTIVE DATE: March 15, 1988.

FOR FURTHER INFORMATION CONTACT: Bennie C. Keel, National Park Service, Department of the Interior, Washington, DC, 202–343–4101; Lars Hanslin, Office of the Solicitor, Department of the Interior, Washington, DC, 202–343–7957; Evan I. DeBloois, U.S. Forest Service, Department of Agriculture, Washington, DC, 202–382–9425; Christina Ramsey, Office of the Assistant Secretary for Acquisition and Logistics, Department of Defense, Washington, DC, 202–695–7820; or Maxwell D. Ramsey, Office of Natural Resources, Tennessee Valley Authority, Norris, Tennessee, 615–632–1585.

SUPPLEMENTARY INFORMATION:

Background

This final rule amends the regulations implementing the provisions for civil penalty amounts in the Archaeological Resource Protection Act of 1979 ("Act"; Pub. L. 96–95; 93 Stat. 721; 16 U.S.C. 470aa–11). It was prepared by representatives of the Secretaries of the Interior, Agriculture, and Defense, and the Chairman of the Board of the Tennessee Valley Authority, as directed in section 10(a) of the Act.

The first purpose of the Act is to protect irreplaceable archaeological resources on public lands and Indian lands from unauthorized excavation, removal, damage, alteration, or defacement. As one of the enforcement provisions available to Federal land managers, the Act prescribes civil penalties for unauthorized use of archaeological resources. The civil penalties are to be based on standard determinatons of archaeological or commercial value and the costs of restoration and repair (section 7(2)(A) of the Act).

The final uniform regulations (43 CFR Part 7, 36 CFR Part 296, 32 CFR Part 229, and 18 CFR Part 1312) omit consideration of archaeological value in section—.16 Civil penalty amounts, paragraphs (a) (1) and (2). The amendment in this final rule revises those paragraphs to implement the provisions of the Act. Because consideration of this additional factor in assessing civil penalty amounts is mandated by the Act, no alternative approach is feasible.

The effect of the final rule is to provide consistent, standard enforcement regulations by which Federal land managers can fully exercise their authority pursuant to the Act. It affects persons who make unauthorized use of archaeological resources by providing clear guidance to Federal land managers in assessing civil penalties appropriate to the extent of violations.

Public comment was accepted for a 60-day period following publication of the proposed rule on March 31, 1987 (52 FR 10342). No written comments were received by any of the four agencies which proposed identical amendments to their respective titles of the Code of Federal Regulations. As a result, no changes were made in the final rule.

Statement of Effects

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). These determinations are based on findings that the rulemaking is directed toward Federal resource management, with no economic impact on the public.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Amendments Promulgation

The Departments of the Interior, Agriculture, and Defense and the Tennessee Valley Authority are promulgating identical amendments to the uniform regulations for protection of archaeological resources and are codifying these amendments in their respective titles of the Code of Federal Regualtions. Since the regulations are identical, the text of the amendments is set out only once at the end of this document.

TITLE 43—[AMENDED]

List of Subjects in 43 CFR Part 7

Penalties.

PART 7—PROTECTION OF ARCHAEOLOGICAL RESOURCES: UNIFORM REGULATIONS

1. The authority citation for Part 7 continues to read as follows:

Authority: Pub. L. 96–95, 93 Stat. 721 (16 U.S.C. 470aa–11) (sec. 10(a).) Related Authority: Publ. L. 59–209, 34 Stat. 225 (16 U.S.C. 432, 433); Pub. L. 86–523, 74 Stat. 220, 221 (16 U.S.C. 469), as amended, 88 Stat. 174 (1974); Pub. L. 89–665, 80 Stat. 915 (16 U.S.C. 470a–t), as amended, 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978), 94 Stat. 2987 (1980); Pub. L. 95–341, 92 Stat. 469 (42 U.S.C. 1996).

§ 7.16 [Amended]

2. Section 7.16 is amended by revising paragraphs (a)(1) and (a)(2) to read as set forth below.

William P. Horn,

Assistant Secretary for Fish and Wildlife and Parks.

TITLE 36—[AMENDED]

List of Subjects in 36 CFR Part 296

Penalties.

PART 296—PROTECTION OF ARCHAEOLOGICAL RESOURCES: UNIFORM REGULATIONS

1. The authority citation for Part 296 continues to read as follows:

Authority: Pub. L. 96–95, 93 Stat. 721 (16 U.S.C. 470aa–11) (sec. 10(a).) Related Authority: Pub. L. 59–209, 34 Stat. 225 (16 U.S.C. 469), as amended, 88 Stat. 174 (1974); Pub. L. 89–665, 80 Stat. 915 (16 U.S.C. 470a–t), as amended, 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978), 94 Stat. 2987 (1980); Pub. L. 95–341, 92 Stat. 469 (42 U.S.C. 1996).

§ 296.16 [Amended]

2. Section 296.16 is amended by revising paragraphs (a)(1) and (a)(2) to read as set forth below.

George S. Dunlop,

Assistant Secretary for Natural Resources and Environment.

TITLE 32—[AMENDED]

List of Subjects in 32 CFR Part 229

Penalties.

PART 229—PROTECTION OF ARCHAEOLOGICAL RESOURCES: UNIFORM REGULATIONS

1. The authority citation for Part 229 continues to read as follows:

Authority: Pub. L. 96–95, 93 Stat. 721 (16 U.S.C. 470aa–11) (sec. 10(a).) Related Authority: Pub. L. 59–209, 34 Stat. 225 (16 U.S.C. 432, 433); Pub. L. 86–523, 74 Stat. 220, 221 (16 U.S.C. 469), as amended, 88 Stat. 174 (1974); Pub. L. 89–665, 80 Stat. 915 (16 U.S.C. 470a–t), as amended, 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978), 94 Stat. 2987 (1980); Pub. L. 95–341, 92 Stat. 469 (42 U.S.C. 1996).

§ 229.16 [Amended]

2. Section 229.16 in 32 CFR Part 229 is amended by revising paragraphs (a)(1) and (a)(2) to read as set forth below.

Linda M. Bynum

Alternate OSD Federal Register Liaison Officer, Department of Defense.

TITLE 18—[AMENDED]

List of Subjects in 18 CFR Part 1312

Penalties.

PART 1312—PROTECTION OF ARCHAEOLOGICAL RESOURCES: UNIFORM REGULATIONS

1. The authority citation for Part 1312 continues to read as follows:

Authority: Pub. L. 96–95, 93 Stat. 721 (16 U.S.C. 470aa–11) (sec. 10(a).) Related Authority: Pub. L. 59–209, 34 Stat. 225 (16 U.S.C. 432, 433); Pub. L. 86–523, 74 Stat. 220, 221 (16 U.S.C. 469), as amended, 88 Stat. 174 (1974); Pub. L. 89–665, 80 Stat. 915 (16 U.S.C. 470a–t), as amended, 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978), 94 Stat. 2987 (1980); Pub. L. 95–341, 92 Stat. 469 (42 U.S.C. 1996).

§ 1312.16 [Amended]

2. Section 1312.16 in 18 CFR Part 1312 is amended by revising paragraphs (a)(1) and (a)(2) to read as set forth below.

C. H. Dean,

Chairman, Tennessee Valley Authority.

§ .16 Civil Penalty amounts.

(a) *Maximum amount of penalty.* (1) Where the person being assessed a civil penalty has not committed any previous violation of any prohibition in § .4 or of any term or condition included in a permit issued pursuant to this part, the maximum amount of the penalty shall be the full cost of restoration and repair of archaeological resources damaged plus the archaeological or commercial value of archaeological resources destroyed or not recovered.

(2) Where the person being assessed a civil penalty has committed any previous violation of any prohibition in § .4 or of any term or condition

included in a permit issued pursuant to this part, the maximum amount of the penalty shall be double the cost of restoration and repair plus double the archaeological or commercial value of archaeological resources destroyed or not recovered.

* * * * *

[FR Doc. 87-28886 Filed 12-15-87; 8:45 am]

BILLING CODES 4310-70, 3410-11, 3910-01, 8120-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-117; RM-5522]

Radio Broadcasting Services; Cambria, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a petition filed by E.G. Wallenbrock, this document substitutes Channel 235B1 for Channel 232A at Cambria, California, and modifies the Class A license for Station KOTR(FM), thereby providing that community with its first wide coverage area FM service. With this action, the proceeding is terminated.

EFFECTIVE DATE: January 22, 1988.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-117, adopted November 23, 1987, and released December 9, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under California, by substituting Channel 235B1 for Channel 232A at Cambria.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-28848 Filed 12-15-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-306; RM-5122, RM-5590 and RM-5627]

Radio Broadcasting Services; Golconda and Metropolis, IL and Reidland, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 288A to Metropolis, Illinois (instead of Channel 286A as proposed in the *Notice*), with a site restriction 3.6 kilometers north of the city, as its second FM service at the request of WMOK, Inc. In response to two counterproposals filed in this proceeding: Channel 286A is allotted to Golconda, Illinois, as a first FM service, with a 1.9 kilometer site restriction, at the request of Golconda Broadcasting; and at the request of Western Kentucky Broadcast Associates Channel 294A is allotted to Reidland, Kentucky, as that community's first FM service, with a transmitter site restriction of a least 3.3 kilometers north of Reidland. The spacing requirements for Channel 294A at Reidland, are met based on a construction permit issued to Station WWYN(FM), McKenzie, Tennessee, to relocate its transmitter to a new site (BPH8605191C), and conditioned on Station WWYN receiving a license for the new site. With this action, this proceeding is terminated.

DATES: Effective January 22, 1988. The window filing dates for Channel 288A at Metropolis, Illinois, and Channel 286A at Golconda, Illinois, will open on January 25, 1988, and close on February 24, 1988. The filing window for Channel 294A Reidland, Kentucky, will be announced at a future date.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-306, adopted November 20, 1987, and released December 9, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), of the Rules is amended for Golconda, Illinois, by adding Channel 286A, for Metropolis, Illinois, by adding Channel 288A, and for Reidland, Kentucky, by adding Channel 294A.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-28845 Filed 12-15-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-517; RM-5391 and RM-5581]

Radio Broadcasting Services; Midland and Alpena, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes FM Channel 227C2 for Channel 228A at Midland, Michigan, in response to a petition filed by JOSI Broadcasting Corporation. We shall also modify the license of Station WKQZ(FM) to specify operation on Channel 227C2. There is a site restriction 27.7 kilometers northeast of the community and Canadian concurrence has been obtained for this allotment. In response to a counterproposal filed in this proceeding by WATZ Radio, Inc., we shall allocate Channel 257C2 to Alpena, Michigan. Although there has been no elicitation of other expressions of interest in the Class C2 facility at Alpena, a staff study confirms that there is an additional equivalent channel avilable for such interests. We have also modified the license of Station WATZ-FM, to specify operation on Channel 257C2 in lieu of Channel 228A. Channel 257C2 can be allocated to Alpena, Michigan, at the current site of Station WATZ-FM. Canadian concurrence has been obtained for this allocation. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 22, 1988.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-517, adopted November 20, 1987, and released December 9, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments is amended under Michigan by removing Channel 228A at Midland and adding Channel 227C2, and by removing Channel 228A at Alpena and adding Channel 257C2.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-28846 Filed 12-15-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-219; RM-5748]

Radio Broadcasting Services; Hugo, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document, at the request of Harold E. Cochran, substitutes Channel 238C2 for Channel 237A at Hugo, Oklahoma, and modifies his license for Station KITX-FM to specify operation on the higher powered channel. Channel 238C2 can be allocated to Hugo and used at Station KITX-FM's present transmitter site in compliance with the Commission's minimum distance separation requirements. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 22, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-219, adopted November 23, 1987, and released December 9, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments for Oklahoma is amended by revising the entry for Hugo by deleting Channel 237A and adding Channel 238C2.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-28844 Filed 12-15-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-201; RM-5697, RM-6044, RM-6045]

Radio Broadcasting Services; Boscawen and Belmont, NH

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document, at the request of Steve Chartrand and New England Broadcasting Enterprises, allocates Channel 227A to Belmont, New Hampshire, as the community's first local FM service, and denies the request of Timothy Dodge to allocate Channel 227A to Boscawen, New Hampshire, as its first local FM service. Channel 227A can be allocated to Belmont in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.7 kilometers (2.3 miles) west to avoid a short-spacing to Station WMGX, Portland, Maine, and Station WMWV, Conway, New Hampshire. Canadian concurrence in the allotment has been received. With this action, this proceeding is terminated.

DATES: Effective January 25, 1988. The window period for filing applications will open on January 26, 1988, and close on February 25, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-201, adopted November 23, 1987, and released December 10, 1987.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73:

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments for New Hampshire is amended by adding the entry of Belmont, Channel 227A.

Federal Communications Commission.

Bradley P. Holmes,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-28864 Filed 12-15-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-81; RM-5610]

Radio Broadcasting Services; Los Alamos, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document, at the request of KBOM Limited Partnership, substitutes Channel 294C1 for Channel 294C at Los Alamos, New Mexico, and modifies its permit for Station KBOM to

operate on the lower-powered channel. Channel 294C1 can be allocated to Los Alamos in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 25, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order, MM Docket No. 87–81, adopted November 23, 1987, and released December 10, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments for Los Alamos, New Mexico, is amended by adding Channel 294C1 and removing Channel 294C.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–28866 Filed 12–15–87; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 87–218; RM–5753]

Radio Broadcasting Services; Alamogordo, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document, at the request of KINN, Inc., substitutes Channel 287C2 for Channel 288A at Alamogordo, New Mexico, and modifies the license of Station KINN–FM to specify the higher powered channel. Channel 287C2 can be allocated to Alamogordo and used at Station KINN–FM's present transmitter site, in compliance with the Commission's minimum distance separation requirements. Mexican concurrence has been received since Alamogordo is located within 320 kilometers of the United States-Mexican border. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 25, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–218, adopted November 23, 1987, and released December 10, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments for Alamogordo, New Mexico, is amended by removing Channel 288A and adding Channel 287C2.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–28865 Filed 12–15–87; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 87–217; RM–5721]

Radio Broadcasting Service; Myrtle Beach, SC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document, at the request of Grand Strand Broadcasting Co., substitutes Channel 269C2 for Channel 269A at Myrtle Beach, South Carolina, and modifies the license of Station WKZQ to specify operation on the higher powered channel. Channel 269C2 can be allocated to Myrtle Beach in compliance with the Commission's minimum distance separation requirements with a site restriction of 21.7 kilometers (13.5 miles) northeast to accommodate Grand Strand Broadcasting Co.'s desired site. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 25, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–217, adopted November 23, 1987, and released December 10, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments for Myrtle Beach, South Carolina is amended by removing Channel 269A and adding Channel 269C2.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–28867 Filed 12–15–87; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 70605–7141]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of bag limit reductions.

SUMMARY: The Secretary of Commerce (Secretary) reduces to zero the bag limits in the exclusive economic zone (EEZ) for king mackerel and Spanish mackerel from the Gulf migratory group. The Acting Director, Southeast Region, NMFS, has determined that the recreational allocations for the Gulf migratory group of 1.5 million pounds for king mackerel and 1.08 million pounds for Spanish mackerel will be reached on December 15, 1987. This reduction of the bag limits is necessary to protect the overfished king and Spanish mackerel resources.

EFFECTIVE DATE: Reduction of the bag limit to zero is effective at 0001 hours, local time, December 16, 1987, until 2400 hours, local time, June 30, 1988.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813–893–3722.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP), as amended, was developed by the South Atlantic and Gulf of Mexico Fishery Management Councils (Councils) under authority of the Magnuson Fishery Conservation and Management Act, and is implemented by regulations at 50 CFR Part 642. Amendment 2 to the FMP, which went into effect on June 30, 1987 (52 FR 23836, June 25, 1987), established separate allocations for the Gulf and Atlantic migratory groups of Spanish mackerel and provided for the reduction of a bag limit to zero when the appropriate recreational allocation is reached. The regulations effective June 30, 1987, implemented catch limits recommended by the Councils for the Gulf migratory group for the fishing year (July 1 through June 30). Those regulations set the recreational allocation for king mackerel at 1.5 million pounds and for Spanish mackerel at 1.08 million pounds (52 FR 25012, July 2, 1987). The management area for the Gulf migratory group of king mackerel extends from the Mexico/United States border (1) from November 1 through March 31, east and north to a line extending directly east from the Volusia/Flagler County, Florida boundary (29°25′ N. latitude) to the outer limit of the EEZ, and (2) from April 1 through October 31, east to a line extending directly west from the Monroe/Collier County, Florida boundary (25°48′ N. latitude) to the outer limit of the EEZ. The management area for the Gulf migratory group of Spanish mackerel extends from the Mexico/United States border east and north to a line extending directly east from the Dade/Monroe County, Florida boundary (25°20.4′ N. latitude) to the outer limit of the EEZ (see Figure 2 in Appendix A to 50 CFR Part 642).

Under 642.22(b), after consulting with the Councils, the Secretary is required to reduce to zero the bag limits for king and Spanish mackerel from a migratory group when the appropriate allocation for that group is reached, or is projected to be reached, and when that group is overfished, by publishing a notice in the **Federal Register**. The Acting Regional Director, based on current catch statistics, has determined that the recreational allocations of 1.5 million pounds for the Gulf migratory group of king mackerel and 1.08 million pounds for the Gulf migratory group of Spanish mackerel will be reached on December 15, 1987. He also finds, based upon the most recent stock assessments for these fisheries, that king mackerel and Spanish mackerel from the Gulf migratory group are overfished. Further, he has consulted with the Councils and they agree with this finding and concur in this action. Hence, the bag limits for king mackerel and Spanish mackerel from the Gulf migratory group are reduced to zero effective 0001 hours, local time, December 16, 1987, through June 30, 1988, the end of the current fishing year. During this period, king mackerel and Spanish mackerel from the Gulf migratory group caught by a recreational fisherman or anyone fishing under the bag limit in the EEZ must be returned immediately to the sea with a minimum of harm to the fish. Possession of any king mackerel or Spanish mackerel on board a recreational vessel in the Gulf of Mexico is prohibited.

Other Matters

This action is required by 50 CFR 642.22(b) and complies with E.O. 12291.

Authority: 16 U.S.C. 1801 *et seq.*

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 11, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

[FR Doc. 87–28899 Filed 12–15–87; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 52, No. 241
Wednesday, December 16, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

Control of Aerosols and Gases

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations governing the medical uses of byproduct material by removing the requirement that radioactive aerosols be administered to patients only in rooms that are at negative pressure relative to surrounding rooms. The proposed rule, developed in response to PRM–35–6, would allow the use of radioactive aerosols in locations such as intensive care units, critical care units, and patients' rooms. Evaluation of potential radiation hazards to hospital personnel showed minimal risk when a radioactive aerosol is used with a closed, shielded system either vented to the outside atmosphere through an air exhaust or a system which provides for collection and disposal of the aerosol. The proposed rule would allow physicians greater latitude in administering necessary clinical procedures to their patients. The proposed amendment clarifies that the requirement that certain medical procedures be performed only in rooms at negative pressure relative to surrounding rooms applies to radioactive gases but not to radioactive aerosols.

DATE: Comment period expires January 15, 1988. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Mail written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Deliver comments to: Room 1121, 1717 H Street, NW., Washington, DC, between 7:30 a.m. and 4:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Judith Foulke, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 443–7681.

SUPPLEMENTARY INFORMATION:

Background

In 1983, NRC began authorizing medical licensees to administer radioactive aerosols (see 48 FR 5217; February 4, 1983) to patients for diagnosing lung disease. The only safety measure required specific to this clinical procedure was that the licensee had to administer the radioactive aerosol "with a closed, shielded system that either is vented to the outside atmosphere through an air exhaust or provides for collection and disposal of the aerosol," (see 10 CFR 35.14(b)(8)). In a complete revision of 10 CFR Part 35, effective April 1, 1987, NRC added the requirement that aerosols be administered only in rooms that are at negative pressure (see § 35.205(b), 51 FR 36932; October 16, 1986). In response to a letter received in February 1987 that stated that application of the requirement would have a negative impact on health care delivery, medical licensees were temporarily exempted from the requirement in § 35.205(b) (see 52 FR 9292; March 24, 1987).

Petition for Rulemaking

On March 9, 1987, Mallinckrodt, Inc., submitted a petition for rulemaking which was docketed PRM–35–6 on March 11, 1987. A copy of the petition may be obtained from the Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. The petitioner requests that the Commission remove the requirement that radioactive aerosols be administered in rooms that are at negative pressure relative to surrounding rooms.

The petitioner submitted literature showing that, for many hospitals, TC–99m DTPA aerosol is the preferred lung ventilation imaging procedure. For critically ill patients who cannot be moved, it has been the only lung imaging technique available. If use of aerosols is restricted to negative pressure rooms, these patients would be deprived of the benefits of lung imaging.

The petitioner described a typical radioactive aerosol delivery system. Because the only radiation safety hazard is leakage of the aerosol, three potential leakage points external to the shield were identified in drawings. Two leakage points require patient compliance for safety; the frequencies of patient non-compliance based on clinical experience were 10% and 5%. Corresponding durations of leakage were 2–3 exhalations and 1–2 exhalations. These numbers were used to calculate the average administration loss per patient. This quantity was used to calculate the maximum number of clinical procedures that could be performed in an average room per week without exceeding the maximum permissible concentration for Tc–99m in an unrestricted area. The very large number (238) of treatments possible before exceeding the maximum permissible concentration greatly exceeds the busiest work load of 30 studies per week in a large hospital. The third potential leakage point is the junction between the manifold and the plastic patient breathing tube. Leakage has been found to be negligible during routine, proper use.

Conclusion

The NRC has examined Mallinckrodt's petition and supporting information and made a determination to grant the petition. The requirement for administering radioactive aerosols in rooms at negative pressure relative to their surroundings may adversely affect the public health and safety. Some patients requiring the clinical procedure cannot be moved safely to an appropriate room or another hospital that has the required facilities. These patients would not be able to be treated unless the restriction on the negative pressure is removed. Calculations show that worker health and safety does not require negative pressure rooms for administration of radioaerosols.

The NRC notes that relief from the negative pressure requirement of § 35.205(b) does not relieve licensees from the requirements to comply with other NRC regulations, orders, or license conditions limiting maximum permissible air concentrations in controlled and uncontrolled areas.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed regulation is the type of action described in 10 CFR 51.22(c)(2)(i). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed regulation.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget approval number 3150–0010.

Regulatory Analysis

The Commission has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The draft analysis is available for inspection in the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from (insert name, address, and telephone number of staff contact).

The Commission requests public comment on the draft regulatory analysis. Comments on the draft analysis may be submitted to the NRC as indicated under the **ADDRESSES** heading.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposed rule would remove a restriction imposed on any of the NRC's 2500 medical licensees that administer radioactive aerosols. The NRC has adopted size standards that classify a hospital as a small entity if its annual gross receipts do not exceed $3.5 million, and a private practice physician as a small entity if the physician's annual gross receipts are $1 million or less. Although some NRC medical licensees could be considered "small entities," the number that would fall into this category does not constitute a substantial number for purposes of the Regulatory Flexibility Act.

The purpose of the proposed regulation is to remove a restriction applicable to the administration of radioactive aerosols. This would benefit all medical licensees but would provide special benefits for smaller institutions by allowing the administration of a clinical procedure without imposing the burden of designing or construction additional facilities or modifying existing facilities.

Backfit Analysis

The NRC has determined that a backfit analysis is not required for this proposed rule because these amendments to not apply to 10 CFR Part 50 licensees.

List of Subjects in 10 CFR Part 35

Byproduct material, Drugs, Health facilities, Health professions, Incorporation by reference, Medical devices, Nuclear materials, Occupational safety and health, Penalty, Radiation protection, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposed to adopt the following amendment to 10 CFR Part 35.

PART 35—MEDICAL USES OF BYPRODUCT MATERIAL

1. The authority citation for Part 35 continues to read as follows:

Authority: Secs. 61, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 35.11, 35.13, 35.20 (a) and (b), 35.21 (a) and (b), 35.22, 35.23, 35.25, 35.27 (a), (c) and (d), 35.31(a), 35.49, 35.50 (a)–(d), 35.51 (a)–(c), 35.53 (a) and (b), 35.59 (a)–(c), (e)(1), (g) and (h), 35.60, 35.61, 35.70 (a)–(f), 35.75, 35.80 (a)–(e), 35.90, 35.92(a), 35.120, 35.200(b), 35.204 (a) and (b), 35.205, 35.220, 35.310(a), 35.315, 35.320, 35.400, 35.404(a), 35.406 (a) and (c), 35.410(a), 35.415, 35.420, 35.500, 35.520, 35.605, 35.606, 35.610 (a) and (b), 35.615, 35.620, 35.630 (a) and (b), 35.632 (a)–(f), 35.633 (a)–(i), 35.636 (a) and (b), 35.641 (a) and (b), 35.643 (a) and (b), 35.645 (a) and (b), 35.900, 35.910, 35.920, 35.930, 35.932, 35.934, 35.940, 35.941, 35.950, 35.960, 35.961, 35.970, and 35.971 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 35.14, 35.21(b), 35.22(b), 35.23(b), 35.27 (a) and (c), 35.29(b), 35.33 (a)–(d), 35.36(b), 35.50(e), 35.51(d), 35.53(c), 35.59 (d) and (e)(2), 35.59 (g) and (i), 35.70(g), (35.80(f), 35.92(b), 35.204(c), 35.310(b), 35.315(b), 35.404(b), 35.406 (b) and (d), 35.410(b), 35.415(b), 35.610(c), 35.615(d)(4), 35.630(c), 35.632(g), 35.634(j), 35.636(c), 35.641(c), 35.643(c) 35.645, and 35.647(c) are issued under sec. 161o, 68 Stat. 950 as amended (42 U.S.C. 2201(o)).

2. In § 35.205, paragraphs (b) and (e) are revised to read as follows:

§ 35.205 Control of aerosols and gases.

(b) A licensee shall administer radioactive gases only in rooms that are at negative pressure compared to surrounding rooms.

* * * * *

(e) A licensee shall check the operation of reusable collection systems each month, and measure the ventilation rates available in areas of radioactive gas use each six months.

Dated at Bethesda, Maryland, this 1st day of December, 1987.

For the Nuclear Regulatory Commission.

James M. Taylor,

Acting Executive Director for Operations.

[FR Doc. 87–28921 Filed 12–15–87; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87–ASO–17]

Proposed Designation of Transition Area, Williston, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate the Williston, Florida, transition area to accommodate instrument flight rule (IFR) operations at the Williston Municipal Airport. This action will lower the base of controlled airspace from 1200' to 700' above the surface in the vicinity of the airport. An instrument approach procedure is being developed to serve the airport and the controlled airspace is required for protection of IFR aeronautical operations.

DATE: Comments must be received on or before: January 20, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO–530, Manager, Airspace and Procedures Branch, Docket No. 87–ASO–17, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation

Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and sugestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postacard on which the following statement is made: "Comments to Airspace Docket No. 87–ASO–17." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Williston, Florida, transition area. This action will provide controlled airspace for aircraft executing a new instrument approach procedure to the Williston Municipal Airport. If the proposed designation of the transition area is found acceptable, the operating status of the airport will be changed to IFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Williston, Florida (New)

That airspace extending upward from 700' above the surface within a 7-mile radius of the Williston Municipal Airport (Lat. 29°21'30"N, Long. 82°28'15"W.).

Issued in East Point, Georgia, on December 2, 1987.

James L. Wright,

Manager, Air Traffic Division Southern Region.

[FR Doc. 87–28833 Filed 12–15–87; 8:45 am]

BILLING CODE 4910–13–M

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1310

Administrative Cost Recovery

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Proposed rule.

SUMMARY: TVA proposes to amend its administrative cost recovery regulations by adding a provision for the collection of a $2 fee to accompany applications for quota turkey hunt permits at TVA's Land Between The Lakes (LBL) in western Kentucky and Tennessee. The amendment is proposed under authority of the Tennessee Valley Authority Act of 1933, as amended, and Title V of the Independent Offices Appropriations Act of 1952 which authorize TVA to prescribe for certain services or things of value provided by TVA such charge as it determines to be fair and equitable.

DATE: Comments must be received by January 15, 1988.

ADDRESS: Comments should be sent to Tennessee Valley Authority, Office of the General Counsel, 400 West Summit Hill Drive, Knoxville, Tennessee 37902. All comments will be available for public examination during regular business hours at the following locations:

1. Knoxville-TVA Technical Library, Room E2 A1, 400 West Summit Hill Drive, Knoxville, Tn. 37902.
2. Chattanooga-TVA Technical Library, Room 100, 401 Chestnut Street, Chattanogga, Tn. 37401.
3. Muscle Shoals-TVA Technical Library, A100 NFDC Building, Muscle Shoals, A1. 35660
4. Golden Pond-Land Between The Lakes, Administrative Office, Golden Pond, Ky. 42231.

FOR FURTHER INFORMATION CONTACT: Elizabeth E. Thach, Director of Land Between The Lakes, Golden Pond, Kentucky 42231, (502) 924–5602.

SUPPLEMENTARY INFORMATION: Hunters at LBL must hold a State hunting license for the State in which they are hunting (Kentucky or Tennessee), and a hunter use permit from TVA for which TVA charges a fee. Due to the quality of the hunting experience offered, LBL is a very popular turkey hunting site. Because of the large number of people desiring to hunt turkey at LBL, TVA has decided to limit participation in the turkey hunts during peak use days of the hunting season by random selection of applicants for special quota turkey hunt permits as part of an intensively managed hunting program. The special quota turkey hunts will be implemented beginning in April 1988 for the first five days of the season. Limiting hunter density on these days should help reduce the risk of accidental injury and enhance the hunting experience. Actual quota hunt days will be publicized well in advance of each season. In order to participate in quota turkey hunts, hunters will be required to complete an application form which must be received by established deadlines. A drawing will be conducted by computer and a quota hunt permit or rejection notice mailed to the applicant.

The $2 application fee for LBL quota turkey hunt permits will recover administrative costs associated with processing the forms, conducting the drawing, and notifying applicants of rejection or selection. Applications received after the deadline would not be processed and fees would be returned to the applicants. TVA has determined that this proposed rule will not be a "major" rule under Executive Order No. 12291 and will not have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act.

TWA has determined in accordance with § 5.2.27 or TVA's procedures implementing the National Environmental Policy Act [48 FR 19264] that the proposed rule is of a type that does not have a significant impact on the human environment. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 18 CFR Part 1310

Government property, Hunting, Land, land sales.

For the reasons set forth in the preamble, TVA proposes to amend Title 18, Chapter XIII of the Code of Federal Regulations as follows:

PART 1310—ADMINISTRATIVE COST RECOVERY

1. The authority citation for 18 CFR Part 1310 continues to read as follows:

Authority. 16 U.S.C. 831–831dd, 31 U.S.C. 9701.

§ 1310.2 [Amended]

2. Section 1310.2 is amended by adding "and turkey hunt" after "deer hunt" where it appears in paragraph (c) in the heading and text.

§ 1310.3 [Amended]

3. Section 1310.3 is amended by adding "and turkey hunt" after "deer hunt" where it appears in paragraph (d) in the heading and text.

W.F. Willis,

General Manager.

[FR Doc. 87–28708 Filed 12–15–87; 8:45 am]

BILLING CODE 8120–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 128 and 143

Procedures for Clearance of Cargo Carried by Express Consignment Operators or Carriers

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs regulations to set forth revised special informal entry procedures applicable to the entry and clearance of cargo carried by the varius entities which comprise the express consignment industry. These regulations would further refine and expand the existing procedures which recognize the special needs of this growing industry. The member countries of the Customs Cooperation Council have recently examined the industry and associated issues and have adopted international guidelines which established various definitions, including the term "Express Consignment Operators or Carriers".

The overwhelming growth of this industry, which is expected to continue, requires Customs to provide more expedited clearance procedures. The proposed amendments would further promote uniform, fair, and consistent treatment of the various courier and express services, while at the same time better assuring the protection of the revenue in accord with all applicable laws and regulations.

DATES: Comments must be received on or before February 16, 1988.

ADDRESSES: Comments (preferably in triplicate) may be submitted to and inspected at the Regulations Control Branch, Customs Service Headquarters, Room 2324, 1301 Constitution Avenue, NW., Washington, DC 20229. Comments relating to the information collection aspects of the proposal should be addressed to Customs, as noted above, and also the Office of Information and Regulatory Affairs, Attention: Desk Officer for U.S. Customs Service, Office of Management and Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Operational aspects: Vincent Dantone, Office of Inspection and Control (202–566–5354);

Legal aspects: Jerry Laderberg, Entry Procedures & Penalties Division (202–566–5765).

SUPPLEMENTARY INFORMATION:

Background

All imported merchandise entering the customs territory of the U.S. is subject to procedures relating to entry and clearance. The procedures ensure the proper appraisement, valuation, and tariff classification of the merchandise for the purpose of collecting the lawful amount of duties, as well as compliance with all other laws and regulations administered and enforced by Customs. Different procedures are provided for the entry and clearance of merchandise depending upon its value. There are formal entry procedures set forth in Part 141, Customs Regulations (19 CFR Part 141), with certain exceptions, applicable to shipments of merchandise valued in excess of $1000, and informal entry procedures set forth in Part 143, Customs Regulations (19 CFR Part 143), for the most part limited to shipments of merchandise valued at $1000 or less.

Although the procedures for the informal entry of merchandise are less cumbersome and comprehensive than those for formal entry, they may still present an impediment to courier and express services.

The trend in the express consignment industry for time sensitive clearance of cargo and the processing of entry documents is well recognized by Customs. Because of the special needs of the growing express consignment industry, by T.D. 86–143, published in the **Federal Register** of July 22, 1986 (51 FR 26243), informal entry procedures were set forth in §§ 143.21(l) and 143.29, Customs Regulations (19 CFR 143.21(l), 143.29). These procedures have helped the industry and Customs cope with an ever increasing workload. However, Customs recognizes that the procedures could be improved. In reaching this conclusion, Customs has noted that major express consignment companies have averaged over a 400% increase in imported cargo carried during the last 2 years while Customs staffing levels have remained static as express industry facilities due to manpower constraints. Further, a 150% increase in volume is expected in the coming year. The Customs Cooperation Council recently examined the express consignment industry. It noted the problems raised by on-board and fast parcel services as well as the time-sensitive nature of such consignments. The Council's study, as

noted in the May 1, 1987 report of its Permanent Technical Committee (Document 34.040), highlighted the need for the Customs service of the Council's member countries to provide a rapid reliable control and clearance system for this type of traffic.

It has now been determined that more detailed and accurate information from the express consignment industry and its participation in the Customs data processing systems is necessary for Customs to streamline its processing. By providing certain advance information on incoming shipments through the automated data processing systems, and full reimbursement for services rendered, Customs would be able to assist the industry in expeditiously processing the workload while maintaining our enforcement posture.

Proposal

To set forth revised special informal entry procedures applicable to the express consignment industry, it is proposed to amend the Customs Regulations in title 19, Code of Federal Regulations (19 CFR Chapter I), by adding a new Part 128, Customs Regulations (19 CFR Part 128). The proposed new Part 128 defines an express consignment operator or carrier and certain other terms. It establishes an approval process for express consignment facilities that, in addition to other requirements, mandates participation in Customs data processing systems for entry and entry release processing. These procedures would be available to all operators, carriers, and other entities that can meet the criteria set out in these regulations.

Two types of installations presently utilized by the express consignment industry would be recognized. The first is a centralized hub facility which is a separate, unique, single purpose facility normally operating outside of Customs operating hours. The facility would have to be approved by the district director for entry filing, examination and release of express consignment shipments. The second is the express consignment carrier facility, which is a separate or shared specialized facility approved by the district director solely for the examination and release of express consignment shipments.

Because of the high volume of entries that the major overnight courier services handle under existing criteria, they could qualify to be designated as a port of entry. As such, Customs inspectional services would be provided at all times at no additional cost to the courier service. All expenses for providing the service would be allocated out of the annual Customs budget appropriations as at other designated ports of entry. Currently, in accordance with the User Charges Statute (31 U.S.C. 9701), the courier services must reimburse Customs for inspectional services occurring at places other than established ports of entry. This user fee statute was enacted to ensure that Federal Governmental services provided to individual recipients, as opposed to the general public, are self-sustaining to the greatest extent possible. The potential establishment of separate ports of entry for individual couriers would, in effect, be contrary to the Congressional intent concerning the user fee statute. Accordingly, by T.D. 87-65, published in the **Federal Register** of May 4, 1987 (52 FR 16328), the port of entry workload criteria were slightly modified to provide that no more than half of the minimum 2500 consumption entries to be filed at a port of entry can be attributed to one private party, which must generally compensate the Government for service provided under 31 U.S.C. 9701.

The proposed new regulations incorporate the current provisions of §§ 143.21(l) and 143.29, Customs Regulations (19 CFR 143.21(l), 143.29), with the following modifications. They provide for the filing of a written application and a process for Customs approval of exrpess consignment and hub facilities; establish advance manifest requirements; establish bond requirements; generally raise the informal entry ceiling to $1250 for those qualifying to use the procedures; eliminate the distinction between shipments valued at $250 or less and those valued in excess thereof; raise the value level of shipments which must be segregated if an advance manifest is used, from $5.00 to $25.00; streamline informal and formal entry procedures; require that all entry numbers be furnished to Customs in a Customs approved bar coded readable format; and permit the district director to waive production of entry documentation in certain cases. The district director's current authority to require the consolidation of shipments under one entry would also be extended. These amendments would further promote uniform, fair, and consistent treatment of the various courier and express services and make the procedures available to all operators, carriers, and other entities that can meet the criteria, while at the same time better assuring the protection of the revenue in accord with all applicable laws and regulations. Meetings have been held with industry representatives to advise them of the procedural changes and the benefits that will accrue to their industry if the changes are adopted.

The proposed new Part 128 provides for an application processing fee in connection with the facility approval process. It is Customs intent to initially implement a two teired fee system. A $500 fee would apply to the approval of facilities in existence at the time final regulations are published and to facilities which are changed or altered after having been previously approved. This would cover the exprenses of the district director's review of and response to the application, review of the proposed procedures by the port director and higher level Customs officials, as well as appropraite administrative costs. An application fee of $1000 would apply to the approval of a new or expanded facilities. This fee would cover, in addition to the expenses noted above, facility design review, including blueprint review for work flow and cargo security purposes, on-site meetings between company and Customs officials to discuss the facility design and the company's operational and procedural proposals. This fee system would be reviewed and revised periodically to reflect changes in processing expenses. Changes in the fee system would be published in the **Federal Register** and the Customs Bulletin.

Comments

Before adopting these proposed regulations, consideration will be given to any written comments (preferably in triplicate) timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on normal business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Customs Service Headquarters, Room 2324, 1301 Constitution Avenue, NW., Washington, DC 20229.

E.O. 12291 and Regulatory Flexibility Act

Because the proposed amendments do not meet the criteria for a "major rule" within the meaning of E.O. 12291, a regulatory impact analysis is not necessary. Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.)*, it is certified that the amendments would not have a significant economic impact on a substantial number of small entities. Accordingly, they are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Paperwork Reduction Act

The proposed regulations are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Accordingly, the document has been submitted to the Office of Management and Budget for review and comment pursuant to 44 U.S.C. 3504(h). Public comments relating to the information collection aspects of the proposal should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Office for U.S. Customs Service, Office of Management and Budget, Washington, DC 20503. A copy of the comments to the Office of Management and Budget should also be sent to Customs at the address set forth in the **ADDRESS** portion of this document.

Drafting Information

The principal author of this document was Arnold L. Sarasky, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 128

Carriers, Couriers, Customs duties and inspection, Express consignments, Imports.

19 CFR Part 143

Customs duties and inspection, Imports.

Proposed Amendments to the Regulations

It is proposed to amend title 19, Chapter I, Code of Federal Regulations, by adding a new Part 128, Customs Regulations (19 CFR Part 128), and to amend Part 143, Customs Regulations (19 CFR Part 143), be removing §§ 143.21(1) and 143.29, as set forth below:

PART 128—EXPRESS CONSIGNMENTS

1. The authority citation for Part 128 would read as follows:

Authority: 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), 1484, 1498, 1551, 1555, 1556, 1565, 1624.

2. Chapter I of title 19, Code of Federal Regulations (19 CFR Chapter I) would be amended by adding a new Part 128 to read as follows:

S-021999 0006(00)(15-DEC-87-12:31:52)

PART 128—EXPRESS CONSIGNMENTS

Subpart A—General

Sec.
128.0 Scope.
128.1 Definitions.

Subpart B—Administration

128.2 Express consignment carrier application and approval process.
128.3 Manifest requirements.
128.4 Bonds.
128.5 Articles not requiring entry.
128.6 Informal entry procedures.
128.7 Formal entry procedures.
128.8 Simplified entry document procedures.

Authority: 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), 1484, 1498, 1551, 1555, 1556, 1565, 1624.

Subpart A—General

§ 128.0 Scope.

This part sets forth requirements and procedures for the clearance of imported merchandise carried by express consignment operators and carriers, including couriers, under special procedures.

§ 128.1 Definitions.

For the purpose of this part:

(a) *Express consignment operator or carrier.* An "Express consignment operator or carrier" is a company operating in any mode or intermodally moving cargo by special express commercial service under closely integrated administrative control. Its services are offered to the public under advertised, guaranteed timely delivery on a door-to-door basis. An express consignment operator assumes liability to Customs for the articles in the same manner as if it is the sole carrier.

(b) *Cargo.* "Cargo" means any and all shipments imported into the customs territory of the United States by an express consignment operator or carrier whether manifested, accompanied, or unaccompanied.

(c) *Courier shipment.* A "courier shipment" is an accompanied express consignment shipment.

(d) *Hub.* A "Hub" is a separate, unique, single purpose facility normally operating outside of Customs operating hours approved by the district director for entry filing, examination, and release of express consignment shipments.

(e) *Express consignment carrier facility.* An "express consignment carrier facility" is a separate or shared specialized facility approved by the district director solely for the examination and release of express consignment shipments.

(f) *Closely integrated administrative control.* The term "closely integrated administrative control" means operations must be sufficiently integrated at both ends of the service (pick-up and delivery) so that the express consignment company can exercise a high degree of control over the shipments, particularly in regard to the reliability of information supplied for Customs purposes. Such control would be implemented by substantial common ownership between the local company and the foreign affiliate and/or by a very close contractual relationship between the local company and its foreign affiliate(s) (*e.g.*, a franchise arrangement).

(g) *Reimbursable.* "Reimbursable" means all costs, including normal and special enforcement operations, incurred at an express consignment operator's hub or an express consignment carrier facility that are required to be reimbursed to the Government.

Subpart B—Administration

§ 128.2 Express consignment carrier application and approval process.

(a) *Facility application.* Requests for approval of an express consignment carrier or hub facility must be in writing to the district director.

(b) *Application contents.* The application for approval of a express consignment carrier or hub facility must include the following:

(1) A full description of the facilities, including blueprints, floor plans and facility location(s).

(2) Statement of the general character of the express consignment operations.

(3) Estimated volume of transactions by:

(i) Formal entries.

(ii) Informal entries.

(iii) Shipments not requiring entry (see § 128.5).

(4) Application processing fee, as set forth in paragraph (e).

(5) List of principal company officials or officers.

(6) Projected start-up date, days and hours of operation.

(7) An agreement that the express consignment company will:

(i) Ensure that all cargo will be processed in the Customs Automated Commercial System (ACS) and associated modules, including, but not limited to Automated Broker Interface (ABI), Automated Manifest System (AMS), Cargo Selectivity, and Statement Processing.

(ii) Sign and implement a narcotics enforcement agreement with Customs.

(iii) Provide without cost to the Government, adequate office space, equipment, furnishings, supplies and security according to Customs specifications.

(iv) Timely pay all reimbursable costs, as determined by the district director.

(v) Pay to Customs all relocation, training and other costs and expenses incurred by Customs in relocating necessary staff to the company's hub express consignment carrier facility to provide or service to the company and to pay expenses incurred by Customs due to termination or decline of operations at the facility.

(c) *Changes or alternations to facility.* All proposed changes or alternations to an existing facility must be submitted in writing to the district director for approval prior to the implementation thereof and shall contain the information specified in paragraph (b).

(d) *Appeal of denial of application.* Any express consignment operator or carrier denied approval by the district director may file a written appeal with the appropriate regional commissioner within 14 calendar days from the date of denial.

(e) *Application processing fee.* Each operator of an express consignment hub or carrier facility will be charged a fee to establish under the provisions of 31 U.S.C. 9701. The fee will be periodically reviewed and revised to reflect changes in processing expenses and any changes thereto will be published in the Federal Register and Customs Bulletin.

Subpart C—Procedures

§ 128.3 Manifest requirements.

(a) *Additional information.* Express consignment operators and carriers shall provide the following manifest information in advance of the arrival of all shipments in addition to the information and documents otherwise required by the Customs Regulations:

(1) Country or origin of the merchandise.

(2) Shipper name, address and country.

(3) Ultimate consignee name and address.

(4) Specific description of the merchandise with tariff item numbers. All articles for which an entry is not required as noted in § 128.5 shall be separately listed and their entry exemption status noted.

(5) Quantity.

(6) Shipping weight.

(7) Value.

(b) *Sorting of cargo.* If shipments are sorted by country or origin of the merchandise when they arrive at the hub or express consignment facility or are so presented to Customs, the advance manifest information shall also be so listed.

(c) *Explanation of manifest amendments.* Amendments to the manifest to report shortages (merchandise manifested but not found) or overages (merchandise found but not manifested) shall be made on Customs Form 5931 and submitted to Customs within 72 hours of the arrival and entry of the importing conveyance.

§ 128.4 Bonds.

All express consignment operators or carriers shall be recognized by Customs as an international carrier, be approved as a carrier of bonded merchandise and have filed bonds on Customs Form 301, containing the bond conditions set forth in §§ 113.62, 113.63 and 113.64 of this chapter, to insure compliance with Customs requirements related to the importation and entry of merchandise as well as the carriage and custody of merchandise under Customs control.

§ 128.5 Articles not requiring entry.

All articles carried by an express consignment operator or carrier shall be entered except for those specifically exempt from entry by § 321, Tariff Act of 1930, as amended (19 U.S.C. 1321), and General Headnote 5, Tariff Schedules of the United States (19 U.S.C. 1202).

§ 128.6 Informal entry procedures.

(a) *Eligibility.* Informal entry procedures may generally be used for shipments not exceeding $1250 in value which are imported by express consignment operators and carriers. Such procedures, however, may not be used for prohibited or restricted merchandise, merchadise which is subject to a quota or other quantitative restraints, or in any instance in which the district director may require a formal entry under the provisions of § 143.22 of this chapter. In such case, individual shipments for the same consignee valued at $1250 or less may be consolidated on one entry.

(b) *Procedures.* Customs Form 3461, appropriately modified to cover all importations under the special procedures contained in this Part shall be submitted on a yearly basis with the first such form submitted prior to the commencement of hub or express consignment carrier facility operations. The party with the right to file entry may submit a copy of the invoice or the advance manifest, as described in § 128.3 in lieu of other control documents.

(c) *Alternative procedure.* The party with the right to file entry may be required to submit an individual Customs Form 3461 covering the eligible shipments on a daily basis or by flight basis. Commercial invoices or advance manifests shall be attached to the Customs Form 3461 which shall contain the entry number and other necessary information. A notation shall be placed on the Customs Form 3461 that the entry covers multiple shipments.

(d) *Low value shipments.* Shipments valued at $25 or less must be segregated from those valued at more than $25 if an advance manifest is used as the entry document.

(e) *Entry summary.* An entry summary (Customs Form 7501) must be presented in proper form, and estimated duties deposited, within 10 days of release of the merchandise under either the regular or alternative procedure described in this section.

§ 128.7 Formal entry procedures.

The district director may require a formal entry for an individual shipment or may require the consolidation of shipments under one such entry in accordance with Customs policies, procedures, and automated processing capabilities, or in accordance with the provisions of § 143.22 of this chapter. In such case, individual shipments for the same consignee valued at $1250 or less may be consolidated on one entry.

§ 128.8 Simplified entry document procedures.

(a) *Entry number.* All entry numbers must be funished to Customs in a Customs approved bar coded readable format.

(b) *Entry documentation waiver.* The district director may, at the time of entry, waive production of entry documentation for those entries designated as not requireing examination or review if the advance manifest requirements of § 128.3(a) of this chapter have been met.

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

1. The authority citation for Part 143 would continue to read as follows:

Authority: 19 U.S.C. 66, 1481, 1484, 1499, 1624.

§ 143.21 [Amended]

2. Section 143.21 would be amended by removing paragraph (l).

§ 143.29 [Removed]

3. Part 143 would be amended by removing § 143.29.

Commissioner of Customs

William von Raab,

Approved: November 10, 1987.

Francis A. Keating, II,

Assistant Secretary of the Treasury.

[FR Doc. 87-28890 Filed 12-15-87; 8:45 am]

BILLING CODE 4820-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 7E3532/P436; FRL-3302-2]

Pesticide Tolerance for 2-(2-Chlorophenyl)Methyl-4,4-Dimethyl-3-Isoxazolidinone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of the herbicide 2-(2-chlorophenyl)methyl-4,4-dimenthyl-3-isoxazolidinone in or on the raw agricultural commodity pumpkins. The proposed regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments, identified by the document control number [PP & E3532/P4436], must be received on or before January 15, 1988.

ADDRESSES:

By mail, submit written comments to:
Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 557-2310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 7E3532 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project, and the Agricultural Experiment Stations of Illinois and Oklahoma.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide 2-(2-chlorophenyl)methyl-4,4-dimethyl-3-isoxazolidinone in or on the raw agricultural commodity pumpkins at 0.1 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the eproposed tolerance include:

1. A rat teratology study with a maternal no-observed-effect level (NOEL) Of 100 milligrams (mg)/kilogram (kg)/day, a fetotoxic NOEL of 100 mg/kg/day and no teratogenic effects at the highest level tested (600 mg/kg/day).

2. A rabbit teratology study with a teratogenic NOEL of 700 mg/kg/day, a maternal NOEL of 240 mg/kg/day, and a fetoxicity NOEL of 240 mg/kg/day.

3. A 1-year dog feeding study with a NOEL of 12.5 mg/kg/day (500 ppm) tested at dose levels of 0, 100, 500, 2,500, and 5,000 ppm.

4. A 2-year rat feeding study with a NOEL of 4.3 mg/kg/day (100 ppm) for systemic effects and negative for oncogenic effects under the conditions of the study at all dose levels tested (20, 100, 500, 1,000 and 2,000 ppm).

5. A 2-year mouse feeding study with a NOEL of 15 mg/kg/day (100 ppm) for systemic effects and negative for oncogenic effects under the conditions of the study at all dose levels tested (20, 100, 500, 1,000 and 2,000 ppm).

6. Mutagenic studies: including an unscheduled DNA synthesis test, negative for mutagenicity; reverse mutation tests (two studies) (*Salmonella*) both negative with/without activation; a point mutation test (CHO/HGPT), weakly positive without activation; and an *in vivo* cytogenetic (chromosomal aberrations) test, negative for mutagenicity.

The acceptable daily intake (ADI), based on the 2-year rat feeding study (NOEL of 4.30 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.043 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 2.6 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.000017 mg/kg/day; the current action will increase the TMRC by 0.000001 mg/kg/day. Published tolerances utilize 0.04 percent of the ADI; the current action will utilize an additional 0.001 percent.

The nature of the residues is adquately understood and an adequate analytical method, gas chromatography, is available in the Pesticide Analytical Manual, Vol. II (PAM-II), for enforcement purposes. There is no expectation of secondary residues in meat and milk since pumpkins are not an animal feed commodity. There are currently no actions pending against the continued registration of the chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.425 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 7E3532/P436]. All written comments filed in response to this petition will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial

number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: December 3, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.425 is amended by adding and alphabetically inserting the raw agricultural commodity pumpkins, to read as follows:

§ 180.425 2-(2-chlorophenyl)methyl-4,4-dimethyl-3-isoxazolidinone; tolerances for residues.

* * * * *

Commodities	Parts per million
Pumpkins	0.1

[FR Doc. 87-28611 Filed 12-15-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 7E3537/P437; FRL-3302-3]

Pesticide Tolerance for Pendimethalin

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the herbicide pendimethalin and its metabolite in or on the raw agricultural commodity garlic. The proposed regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments, identified by the document control number [PP 7E3537/P437], must be received on or before January 15, 1988.

ADDRESSES:

By mail, submit written comments to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 557-2310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 7E3537 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project, and the Agricultural Experiment Stations of California and Oregon.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the herbicide pendimethalin [*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolite 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on the raw agricultural commodity garlic at 0.1 part per million (ppm). The petitioner proposed that this use of pendimethalin and its metabolite on garlic be limited to California, Nevada, and Oregon based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance include:

1. A 2-year dog feeding study (by capsule) with a no-observed-effect level (NOEL) of 12.5 milligrams (mg)/kilogram (kg)/day.

2. A 90-day rat feeding study with a NOEL of 500 ppm (50 mg/kg/day).

3. A three-generation rat reproduction study with a NOEL of 500 ppm (25 mg/kg/day).

4. A rat teratology study with teratogenic and fetotoxic NOELs of 500 mg/kg (highest dose tested).

5. A rabbit teratology study with a NOEL for teratogenic effects at 60 mg/kg (highest dose tested).

6. Mutagenicity studies as follows: a dominant lethal study negative at 2,500 ppm (highest dose tested); an Ames assay negative at 1,000 µg/plate (highest dose tested); a chromosomal aberration study, negative; a DNA repair study, negative; a mammalian cell, forward gene mutation assay, negative with S-9, inconclusive without S-9; a mouse host-mediated assay, negative at 16.6 mg/mouse (highest dose tested).

Data considered desirable but lacking include a rat feeding/oncogenicity study, currently being conducted and a mouse oncogenicity study.

The provisional acceptable daily intake (PADI), based on the 1-year dog feeding study (NOEL of 12.5 mg/kg) and using a 100-fold safety factor, is calculated to be 0.125 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 7.5 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.000228 mg/kg/day; the current action will increase the TMRC by less than 0.000001 mg/kg/day (0.4 percent). Published tolerances utilize 0.18 percent of the PADI; the currect action will utilize less than 0.001 percent of the PADI for purposes of this tolerance.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography with an electron capture detector, is available in the Pesticide Analytical Manual (PAM-II), for enforcement purposes. Secondary residues are not expected in meat or milk from the proposed use since garlic is not an animal feed commodity. There are currently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.361 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 7E3537/P437]. All written comments filed in response to this petition will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: December 3, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.361 is amended by adding new paragraph (c), to read as follows:

§ 180.361 Pendimethalin; tolerances for residues.

* * * * *

(c) Tolerances with regional registration, as defined in § 180.1(n), are established for the combined residues of the herbicide pendimethalin [*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolite 4-[(1-ethylpropyl)aminol]-2-methyl-3,5,-dinitrobenzyl alcohol in or on the following raw agricultural commodities as follows:

Commodities	Parts per million
Garlic	0.1

[FR Doc. 87-28612 Filed 12-15-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-30; RM-5562]

Radio Broadcasting Services; Dardanelle, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document dismisses a petition filed by Central Arkansas Broadcasting Company, Inc., which requested the substitution of FM Channel 271A for Channel 272A at Dardanelle, AR, and modification of its license for Station KWKK(FM). Petitioner filed comments advising it no longer desired to pursue the rule making proposal. No other comments were received.

With this action, this proceeding is terminated.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-30, adopted November 23, 1987, and released December 9, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-28847 Filed 12-15-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-535, RM-5808]

Radio Broadcasting Services; Atlantic, IA

AGENCY: Federal Communications Commission.

ACTION: Propose rule.

SUMMARY: This document requests comments on a petition by Valley Broadcasting, Inc., licensee of Station KJAN-FM, Channel 279C1, Atlantic, Iowa, requesting the modification of its license to specify operation on Channel 279C. Channel 279C can be allocated to Atlantic in compliance with the Commission's minimum distance separation requirements without a site restriction and can be used at the sites specified in Station KJAN-FM's license and outstanding construction permit (BPH-870302MN). In accordance with § 1.420(g) of the Commission's Rules, we are shall not accept competing expressions of interest in use of the higher powered channel at Atlantic nor require the petitioner to demonstrate the availability of an additional equivalent channel.

DATES: Comments must be filed on or before January 31, 1988, and reply comments on or before February 16, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554 In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: George R. Borsari, Jr., Esq., Borsari & Paxon, 2100 M Street, NW., Suite 610, Washington, DC, 20037, (Counsel to Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shaprio, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of

Proposed Rule Making, MM Docket No 87–535 adopted November 23, 1987, and released December 10, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87–28869 Filed 12–15–87; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 87–196; RM–5492]

Radio Broadcasting Services; Lafayette, LA

AGENCY: Federal Communication Commission.

ACTION: Proposed rule; denial of proposal.

SUMMARY: This document denies a petition filed by C.R. Crisler proposing the substitution of Channel 238C2 for Channel 238A at Lafayette, Louisiana. We find that the public interest cannot benefit from the proposal at this time, in view of the objections raised to the reopening of the filing window for acceptance of new applications, the burden on Commission resources that would result in processing those applications and the delay which would be caused in providing new service to the community. With this action, this proceeding is terminated.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–196, adopted November 23, 1987, and released December 10, 1987. The full text of this Commission decision is available for inspection and copying normal business hours in the FCC Dockets Branch (Room 230) 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Mark N. Lipp,

Chief, Allocations Branch Mass Media Bureau.

[FR Doc. 87–28870 Filed 12–15–87; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 87–465; FCC 87–336]

Broadcast Services; Elimination of TV-to-Land Mobile Interference

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has issued a *Notice of Proposed Rule Making/Notice of Inquiry* addressing the problem of objectionable interference between television stations operating on channel 14 or 69 and land mobile stations operating on frequencies adjacent to either channel. The *Notice of Proposed Rulemaking (NPRM)* solicits comment on a proposal to resolve such interference problems by requiring new television applicants for those channels, as well as applicants for site changes and power increases, to either comply with specified spacing criteria or negotiate privately with the affected land mobile operations to resolve the interference difficulties. Because, in some communities, television applicants may not be able to meet the spacing requirements or negotiate an interference protection agreement with land mobile licensees, the related *Notice of Inquiry* (NOI) seeks comment on the possibility of using channels 14 and 69 for other than broadcast television service, rather than allowing that spectrum to lie fallow.

DATES: Interested parties may file comments on or before January 19, 1988, and reply comments on or before February 3, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Louis Whitsett, Policy and Rules Division, Mass Media Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: The collection of information requirement contained in this proposed rule has been submitted OMB for review under section 3504(h) of the Paperwork Reduction Act. Persons wishing to comment on this collection of information requirement should direct their comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Office for Federal Communications Commission.

This is a summary of the Commission's *Notice of Proposed Rule Making/Notice of Inquiry* in MM Docket 87–465, adopted October 20, 1987, and released November 30, 1987.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making/Notice of Inquiry

1. The Commission initiates a two-pronged proceeding (*Notice of Proposed Rule Making/Notice of Inquiry*) aimed at solving the interference problems between television stations operating on channel 14 or 69, and adjacent-channel land mobile operations. Resolution of these interference issues would permit greater broadcast use of currently unused spectrum, and would allow the Commission to lift the current freeze on new channel 69 assignments. This TV-to-land mobile interference occurs primarily because the stronger television transmitter signals overpower the weaker nearby land mobile receiver signals. While there exist some technical solutions to the problem, such as filtering, the Commission has not found these measures to be cost effective. In reaching that conclusion, the Commission notes the considerable difficulty it had in resolving interference to land mobile operations in a case involving a UHF television station on channel 69 in Atlanta, Georgia. This Atlanta experience caused the Commission to suspend new channel 69 assignments pending the development of an adequate means of resolving the interference difficulties.

2. To address this problem, the Commission, in its *NPRM* proposes to require all new applicants for channels 14 or 69, as well as existing licensees requesting site changes and power increases on these channels, to satisfy certain technical criteria designed to protect adjacent-channel land mobile stations from UHF–TV interference. These criteria would require minimal geographical spacing between the proposed TV station and the existing adjacent-channel land mobile operations of frequencies within 3 MHz of the UHF–TV, channel. The degree of spacing would be less for TV stations not operating at maximum power. If the criteria cannot be meet, the Commission proposes granting an application for channel 14 or channel 69 if the TV applicant can get the affected land mobile licensees to agree to accept compensation for a certain amount of interference to the land mobile station, or to move to another frequency. The Commission asks whether the TV applicant should have to get agreements from all the affected land mobile licensees or only from most of them (e.g., 85%).

3. In some localities, we anticipate that a television applicant for a license on channel 14 or 69 may be able neither to comply with the technical criteria, nor obtain the needed land mobile consents, and, thus, those channels may, as a practical matter, be unusable for television service. In order that the channels not lie fallow, the item, in its *NOI* section, seeks public comment on two tentative proposals to allow flexible use of channels 14 and 69.

4. Under the first proposal, the television applicant who can neither meet the spacing criteria nor obtain land mobile consent would be permitted to apply to use channel 14 or 69 for other than broadcast television service. The flexible use applicant would file the application with the particular service being proposed. While there may be several methods to process such applications, the item tentatively recommends a "cutoff" procedure whereby the lead application would be placed on a cutoff list inviting competing applications for that *same* service by a certain date. This would be followed by a second cutoff list enumerating the applications filed in response to the first list and inviting the filing of petitions to deny against all of the applicants.

5. Although the *NOI* recommends allowing flexible use of channels 14 and 69, it is our preference to use these UHF channels for broadcasting if that is a viable option. To that end, we would give serious consideration to petitions to deny filed by a party making a convincing showing that it can either meet the spacing criteria or negotiate interference with land mobile stations. In addition, we want to evaluate legitimate proposals to move the allotment to communities where the channel can be used for television in order to satisfy our obligation under section 307(b) of the Communications Act. In that connection, for each vacant channel 14 or 69 allotment, we would provide a one time only window for the filing of petitions for rulemaking proposing relocation of the allotment to areas where television use would be possible. Following the close of that window, we would consider such petitions and applications for flexible use on a first come/first serve basis, i.e., when a petition to move the allotment is received, the Commission would suspend acceptance of any flexible use applications and *vice versa*.

6. In its second flexible use proposal, the *NOI* recommends that, where a new vacant channel 14 or 69 allotment is within a specified distance of existing adjacent channel land mobile operations, the allotment be designated as a "multiple use allotment." Such allotments would be available for use by not only television services but other services as well. Ideally, we would like to develop a comparative licensing process that would permit consideration of applicants for both the same service and for *different* services. To make this possible, the item encourages the development of comparative criteria that would be useful and relevant in evaluating and selecting among applicants regardless of their proposed service.

7. Finally, in the *NOI*, the Commission recognizes that the matters at issue in this proceeding may be affected by future Commission decisions in the advanced television systems (ATV) proceeding. Given the uncertainties regarding the spectrum needs of advanced television systems, the Commission has decided not to act on or implement any of the new broadcast or non-broadcast uses of channels 14 and 69 considered in the *NPRM/NOI* until it has had an opportunity to study the impact such use may have on ATV.

Ex Parte Information

8. This is a non-restricted notice and comment rule making proceeding. *See* § 1.1231 or the Commission's Rules, 47 CFR 1.1231, for rules governing permissible *ex parte* contacts.

Initial Regulatory Flexibility Analysis

9. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 603, the actions suggested in this proceeding would benefit broadcasters wishing to operate on television Channels 14 and 69, by allowing them to apply for currently vacant, frozen spectrum. The Commission believes that the proposed actions would thus provide optimum use of the spectrum, without increasing the danger of interference to nearby land mobile operators. Public comment is requested on the initial regulatory flexibility analysis set out in full in the Commission's complete decision. These comments must be filed in accordance with the same filing deadlines as comments on the rest of this *Notice of Proposed Rule Making/Notice of Inquiry*, but they must have a separate and distinct heading designating them as response to the initial regulatory flexibility analysis.

10. The Secretary shall cause a copy of the *Notice of Proposed Rule Making/Notice of Inquiry*, including the initial regulatory flexibility analysis to be sent to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with section 603(a) of the Regulatory Flexibility Act of 1980 (Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*) (1982).

Paperwork Reduction Act Statement

11. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose a new or modified information collection requirement on the public. Implementation of any new or modified requirement will be subject to approval by the Office of Management and Budget prescribed by the Act.

Comment Information

12. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before January 19, 1988 and reply comments on or before February 3, 1988. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–28868 Filed 12–15–87; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 52, No. 241
Wednesday, December 16, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

December 11, 1987.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Papework Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

New

- Food and Nutrition Service
- Evaluation of the Extended Alternative Issuance Demonstration On occasion
- State or local governments; Businesses or other for-profit; Small businesses or organizations; 2,863 responses; 437 hours; not applicable under 3504(h)
- Carol Olander (703) 756–3115

Reinstatement

- Food and Nutrition Service
- Report of Shipment Received over, short and/or damaged
- FNS–57
- On occasion
- State or local governments; 3,200 responses; 800 hours; not applicable under 3504(h)
- Sandy Robinson (703) 756–3660

Larry K. Roberson,
Acting Departmental Clearance Officer.

[FR Doc. 87–28906 Filed 12–15–87; 8:45 am]
BILLING CODE 3410–01–M

Office of Inspector General

Privacy Act of 1974; Computer Matching Programs—U.S. Department of Agriculture and U.S. Postal Service Personnel in Missouri Participating in U.S. Department of Agriculture Programs and Cross-State March of Food Stamp Program Participants in Illinois and Kansas

AGENCY: Office of Inspector General, USDA.

ACTION: Notice of matching programs—U.S. Department of Agriculture and U.S. Postal Service personnel in Missouri participating in U.S. Department of Agriculture programs and cross-State match of Food Stamp Program participants in Illinois and Kansas.

SUMMARY: The Office of Inspector General (OIG), U.S. Department of Agriculture (USDA), is providing notice that it intends to conduct a matching program to detect and prevent fraud and abuse in USDA programs. The match will compare personnel data files of the USDA and various Postal Service records with certain Food Stamp Program records for the purpose of identifying Federal personnel who nave received food stamp benefits to which they are not entitled. The match will be made under written agreements between USDA and each of the source agencies involved. Set forth below is the information required by paragraph 5f(1) of the Revised Supplemental Guidance for Conducting Computerized Matching Programs issued by the Office of Management and Budget, 47 FR 21656 (May 19, 1982). A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

FOR FURTHER INFORMATION CONTACT: Dianne Drew, Assistant Inspector General for Administration, U.S. Department of Agriculture, Office of Inspector General, Washington, D.C., 20250, telephone (202) 447–6915.

Report of Matching Programs: U.S. Department of Agriculture and U.S. Postal Service Personnel in Missouri Participating in U.S. Department of Agriculture Programs and Cross-State Wage Match of Food Stamp Program Participants in Illinois and Kansas.

a. Authority: Pub. L. 95–452, Inspector General Act of 1978, 5 U.S.C. App.

b. Program Description and Purpose: One of the responsibilities of OIG under the Inspector General Act of 1978 (Pub. L. 95–452) is to prevent and detect fraud and abuse in USDA programs. As part of the effort to meet this responsibility, OIG plans to match lists of food stamp participants in various States against personnel data files of the USDA and U.S. Postal Service (USPS) to detect underreporting of income in order to receive food stamp benefits without entitlement. This match will be done on a one-time basis for the State of Missouri and will also involve a cross match of Food Stamp Program participants in Missouri to participants in Illinois and Kansas.

All matches will be accomplished through the use of computer files and will identify common elements of USDA program files and respective Federal personnel. Such elements will include comparing social security numbers (SSN) or some combination of SSN with name and/or date of birth. OIG will follow up on these matches of common elements or "hits" through review of USDA program records and matching source records, and interviews of the "matching" individuals as necessary. Instances where this followup work identifies abuse or fraud may be referred to the program agency for

corrective action or to the proper authorities for prosecution, as appropriate.

c. Files to be used in this matching program are:

(1) U.S. Department of Agriculture:
(i) State agency food stamp recipient information files for Illinos, Kansas, and Missouri;
(ii) Central Personnel Data File (CPDF) within the Personnel and Payroll System for USDA Employees (USDA/OP–1), 49 FR 48071.

(2) U.S. Postal Service, USPS 050.020, Payroll System, 52 FR 6251.

d. Projected starting and ending dates: The matching programs for Illinois, Kansas, and Missouri are scheduled for fiscal year 1988.

e. Security safeguards: Computer files used in the matching program will be stored in secure libraries and access will be restricted to only those individuals who have a legitimate need to handle the material in order to accomplish the matches. The personal privacy of individuals identified on the files will be protected by strict compliance with the Privacy Act of 1974. Information concerning "non-matching" individuals will not be extracted for any purpose and source files will not be used for any matches without specific written agreement between USDA and the respective agency.

f. Disposition of source records and "hits": All files received will be destroyed or returned to their source at the completion of the matches. Resulting "hit" information may be retained in audit workpapers.

Dated: December 10, 1987.

Robert W. Beuley,
Inspector General.

[FR Doc. 87–28858 Filed 12–15–87; 8:45 am]
BILLING CODE 3410–23–M

Soil Conservation Service

Finding of No Significant Impact; North Fork Wolf River Watershed, TN

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the North Fork Wolf River Watershed, Fayette and Hardeman Counties, Tennessee.

FOR FURTHER INFORMATION CONTACT: Jerry S. Lee, State Conservationist, Soil Conservation Service, 675 Estes Kefauver FB—USCH, Nashville, TN 37203, telephone 615/736–5471.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional or national impacts on the environment. As a result of these findings, Jerry S. Lee, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for accelerated land treatment or erosion control and water quality maintenance. The planned works of improvement include conservation tillage systems, crop rotation, stripcropping, grassed waterways and outlets, tree planting and critical area treatment. Federal financial assistance will be provided only to accelerate technical assistance for land treatment.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Jerry S. Lee.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.)

Jerry S. Lee,
State Conservationist.

Date: December 8, 1987.

[FR Doc. 87–28838 Filed 10–15–87; 8:45 am]
BILLING CODE 3410–16–M

Finding of No Significant Impact; Big Creek Watershed, TN

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Big Creek Watershed, Shelby and Tipton Counties, Tennessee.

FOR FURTHER INFORMATION CONTACT: Jerry S. Lee, State Conservationist, Soil Conservation Service, 675 Estes Kefauver FB–USCH, Nashville, TN 37203, telephone 615/736–5471.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional or national impacts on the environment. As a result of these findings, Jerry S. Lee, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for accelerated land treatment or erosion control and water quality maintenance. The planned works of improvement include conservation tillage systems, crop rotation, stripcropping, grassed waterways and outlets, tree planting and critical area treatment. Federal financial assistance will be provided only to accelerate technical assistance for land treatment.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Jerry S. Lee.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372, which requires

BEST COPY AVAILABLE

intergovernmental consultation with State and local officials.)

Jerry S. Lee,

State Conservationist.

Date: December 8, 1987.

[FR Doc. 87-28839 Filed 12-15-87; 8:45 am]

BILLING CODE 3410-16-M

Finding of No Significant Impact; Beaver Creek Watershed, TN

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Beaver Creek Watershed, Fayette, Haywood, Shelby and Tipton Counties, Tennessee.

FOR FURTHER INFORMATION CONTACT: Jerry S. Lee, State Conservationist, Soil Conservation Service, 675 Estes Kefauver FB-USCH, Nashville, TN 37203, telephone 615/736-5471.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional or national impacts on the environment. As a result of these findings, Jerry S. Lee, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for accelerated land treatment or erosion control and water quality maintenance. The planned works of improvement include conservation tillage systems, crop rotation, stripcropping, grassed waterways and outlets, tree planting and critical area treatment. Federal financial assistance will be provided only to accelerate technical assistance for land treatment.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Jerry S. Lee.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials)

Jerry S. Lee,

State Conservationist.

Date: December 8, 1987.

[FR Doc. 87-28840 Filed 12-15-87; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

[Transmittal No. 06-10-88012-01; Project I.D. No. 06-10-88012-01]

New Mexico; Albuquerque Minority Business Development Center Application

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a three (3) year period, subject to available funds. The cost of performance for the first twelve (12) months is estimated at $194,118 for the project's performance period of July 1, 1988 to June 30, 1989. The MBDC will operate in the Albuquerque, New Mexico Standard Metropolitan Statistical Area (SMSA).

The first year's cost for the MBDC will consist of:

Name	Federal	Non-federal	Total
Albuquerque SMSA...	$165,000	$29,118 [1]	$194,118

[1] Can be a combination of cash, in-kind contribution and fee for service.

The funding instruments for the MBDC will be a cooperative agreement and competition is open to individuals, non-profit and for-profit organizations, local and state governments, American Indian Tribes and educational institutions.

The MBDC will provide management and technical assistance (M&TA) to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance (M&TA); and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance (M&TA); the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a three (3) year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA, based on such factors as an MBDC's satisfactory performance, the availabilty of funds, and Agency priorities.

Closing Date: The closing date for the receipt of application is January 31, 1988.

ADDRESS: MBDA—Dallas Regional Office, 1100 Commerce Street, Suite 7B23 Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Bobby Jefferson, Chief, Business Development Group, Dallas Regional Office, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

A pre-bid conference will be held in Dallas on January 8, 1988 at 10:00 a.m. at the following location: Earl Cabel Building, Federal Building, 1100 Commerce St., Room 5044, Dallas, Texas 75242.

Additional RFAs will be available at the conference site.

December 10, 1987.

Melda Cabrera,

Regional Director, Minority Business Development Agency.

Section B. Project Specifications

Program Number and Title: 11.800 Minority Business Development.

Project Name: Albuquerque MBDC.

Project Identification Number: 01-10-88012-01.

Project Start and End Dates: 07/01/88 to 06/30/89.

Project Duration: 12 Months.

Total Federal Funding (85%) $165,000.

Minimum Non-Federal Funding Sharing (15%) $29,118.

Total Project Cost (100%) $194,118.

Closing Date for Receipt of this Application: January 31, 1988.

Geographic Specification: The Minority Business Development Center shall offer assistance in the geographic area of: Albuquerque, New Mexico.

Eligibility Criteria: There are no eligibility restrictions for this project. Eligible applicants may include individuals, non-profit organizations, for-profit firms, local and state governments, American Indian Tribes, and educational institutions.

Project Period: The competitive award period will be for approximately three years consisting of three separate budget periods. Performance evaluations will be conducted, and funding levels will be established for each of three budget periods. The MBDC will receive continued funding, after the initial competitive year, at the discretion of MBDA based upon the availability of funds, the MBDC's performance, and Agency priorities.

MBDA's minimum levels of efforts:

Financial Packages $2,747,000
Billable M&TA $84,000
Number of Professional Staff 3
Procurements $5,493,000
Number of Clients 76

[FR Doc. 87-28878 Filed 12-15-87; 8:45 am]

BILLING CODE 3510-21-M

[Transmittal No. 06-10-88011-01; Project I.D. No. 06-10-88011-01]

Oklahoma, Oklahoma City Minority Business Development Center Application

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a three (3) year period, subject to available funds. The cost of performance for the first twelve (12) months is estimated at $194,118 for the project's performance period of July 1, 1988 to June 30, 1989. The MBDC will operate in the Oklahoma City, Oklahoma Standard Metropolitan Statistical Area (SMSA).

The first year's cost for the MBDC will consist of:

Name	Federal	Non-federal	Total
Oklahoma City SMSA...	$165,000	[1] $29,118	$194,118

[1] Can be a combination of cash, in-kind contribution and fee for service.

The funding instruments for the MBDC will be a cooperative agreement and competition is open to individuals, non-profit and for-profit organizations, local and state governments, American Indian Tribes and educational institutions.

The MBDC will provide management and technical assistance (M&TA) to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance (M&TA); and serve as a conduit of information and assistance regarding minority business.

Applciations will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance (M&TA); the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a three (3) year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA, based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for the receipt of application is January 31, 1988.

ADDRESS: MBDA—Dallas Regional Office, 1100 Commerce Street, Suite 7B23 Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Bobby Jefferson, Chief, Business Development Group, Dallas Regional Office, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

A pre-bid conference will be held in Dallas on January 8, 1988 at 10:00 a.m. at the following location: Earl Cabel Building, Federal Building, 1100 Commerce St., Room 5044, Dallas, Texas 75242.

Additional RFAs will be available at the conference site.

December 10, 1987.

Melba Cabrera,

Regional Director, Minority Business Development Agency.

Section B. Project Specifications

Program Number and Title: 11.800 Minority Business Development.

Project Name: Oklahoma City MBDC.

Project Identification Number: 01-10-88011-01.

Project Start and End Dates: 07/01/88 to 06/30/89.

Project Duration: 12 Months.

Total Federal Funding (85%) $165,000.

Minimum Non-Federal Funding Sharing (15%) $29,118.

Total Project Cost (100%) $194,118.

Closing Date for Receipt of this Application: January 31, 1988.

Geographic Specification: The Minority Business Development Center shall offer assistance in the geographic area of: Oklahoma City, Oklahoma.

Eligibility Criteria: There are no eligibility restrictions for this project. Eligible applicants may include individuals, non-profit organizations, for-profit firms, local and state governments, American Indian Tribes, and educational institutions.

Project Period: The competitive award period will be for approximately three years consisting of three separate budget periods. Performance evaluations will be conducted, and funding levels will be established for each of three budget periods. The MBDC will receive continued funding, after the initial competitive year, at the discretion of MBDA based upon the availability of funds, the MBDC's performance, and Agency priorities.

MBDA's minimum levels of efforts:

Financial Packages $2,747,000
Billable M&TA $84,000
Number of Professional Staff 3
Procurements $5,493,000
Number of Clients 76

[FR Doc. 87-28880 Filed 12-15-87; 8:45 am]

BILLING CODE 3510-21-M

[Transmittal No. 06-10-88013-01; Project I.D. No. 06-10-88013-01]

Texas; San Antonio Minority Business Development Center Application

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a three (3) year period, subject to available funds. The cost of performance for the first twelve (12) months is estimated at $442,218 for the project's performance period of July 1, 1988 to June 30, 1989. The MBDC will operate in the San Antonio, Texas Standard Metropolitan Statistical Area (SMSA).

The first year's cost for the MBDC will consist of:

Name	Federal	Non-federal	Total
San Antonio SMSA...	$375,800	$66,318*	$442,118

*Can be a combination of cash, in-kind contribution and fee for service.

The funding instruments for the MBDC will be a cooperative agreement and competition is open to individuals, non-profit and for-profit organizations, local and state governments, American Indian Tribes and educational institutions.

The MBDC will provide management and technical assistance (M&TA) to eligible clients for the establishment and operation of businesses. the MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance (M&TA); and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the need of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance (M&TA); the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a three (3) year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA, based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for the receipt of application is January 31, 1988.

ADDRESS: MBDA—Dallas Regional Office, 1100 Commerce Street, Suite 7B23 Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Bobby Jefferson, Chief, Business Development Group, Dallas Regional Office, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address

A pre-bid conference will be held in Dallas on January 8, 1988 at 10:00 a.m. at the following location: Earl Cabel Building, Federal Building, 1100 Commerce St., Room 5C44, Dallas, Texas 75242.

Additional RFAs will be available at the conference site.

December 10, 1987.

Melda Cabrera,

Regional Director, Minority Business Development Agency.

Section B. Project Specifications

Program Number and Title: 11.800 Minority Business Development.

Project Name: San Antonio MBDC.

Project Identification Number: 01–10–88013–01.

Project Start and End Dates: 07/01/88 to 06/30/89.

Project Duration: 12 Months.

Total Federal Funding (85%) $375,800.

Minimum Non Federal Funding Sharing (15%) $66,318

Total Project Cost (100%) $442,118.

Closing Date for Receipt of this Application: January 31, 1988.

Geographic Specification: The Minority Business Development Center shall offer assistance in the geographic area of: San Antonio, Texas.

Eligibility Criteria: There are no eligibility restrictions for this project. Eligible applicants may include individuals, non-profit organizations, for-profit firms, local and state governments, American Indian Tribes, and educational institutions.

Project Period: The competitive award period will be for approximately three years consisting of three separate budget periods. Performance evaluations will be conducted, and funding levels will be established for each of the three budget periods. The MBDC will receive continued funding, after the initial competitive year, at the discretion of MBDA based upon the availability of funds, the MBDC's performance, and Agency priorities.

MBDA's minimum levels of efforts:
Financial Packages $6,253,000
Billable M&TA $192,000
Number of Professional Staff 3
Procurements $12,507,000
Number of Clients 172

[FR Doc. 87–28879 Filed 12–15–87; 8:45 am]

BILLING CODE 3510–21–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Taiwan

December 11, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 17, 1987. For further information contact Pamela Smith, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port of call (202) 566–8791. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the import restraint limits for textiles and textile products in Groups I, II, and III, and certain specified individual limits within the groups, produced or manufactured in Taiwan and exported during 1987.

Background

A CITA directive dated December 23, 1986 (52 FR 447) established import restraint limits for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Groups I, II and III, and individual limits and sublimits within the groups, produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

The bilateral textile agreement of November 18, 1982, as amended and extended, concerning cotton wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products from Taiwan, provides, among other things, for percentage increases in certain categories during the agreement year for special shift, provided corresponding reductions in equivalent square yards are made in other specific limits (or sublimits) during the same agreement year, and for swing, provided the group limits are not exceeded, and carryover. Pursuant to the terms of the agreement, the import restraint limits established for cotton, wool and man-made fiber textile products for Categories 300–320, 360–369, 400–429, 464–469, 600–627 and 665–670, as a group (Group I), within the group individual Categories 301, 310/318, 317, 319, 320, 360, 361, 363, 369–L, 604, 611, 612, 614–P, 669–G, 669–P, 669–T, 670–A, 670–F, 670–H, 670–L, 670–T and 670–U; Categories 330–359, 431–459 and 630–659, as a group (group II), within the group individual Categories 331, 333/334, 335, 337, 341, 350, 351 352, 353/354/653/654, 359–H, 433, 434, 435, 436, 438, 440, 442, 443, 445/446, 447/448, 631, 632, 636, 637, 639, 640, 641, 643, 649, 650, 652, 659–B, 659–H, 659–I and 659–S; Categories 831–844 and 846–859, as a group (Group III), and Categories 845 and 870, are being adjusted, variously, for special shift, swing and carryover.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of The United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the **Federal Register**.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 11, 1987.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 23, 1986, issued to you by the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on December 17, 1987, the directive of December 23, 1986 is hereby further amended to include adjusted limits for the following categories, under the terms of the bilateral textile agreement of November 18, 1982, as amended and extended. [1]

Category	Adjusted 12-mo limit [1]
Group I:	
300–320, 360–369, 400–429, 464–469, 600–627 and 665–670, as a group.	656,991,641 square yards equivalent.
Sublevels within the Group:	
301	442,500 pounds.
310/318	6,354,180 square yards.
317	21,394,694 square yards.
319	20,176,581 square yards.
320	94,523,390 square yards.
360	895,922 numbers.
361	1,129,030 numbers.
363	12,544,196 numbers.
369–L [2]	2,282,750 pounds.
604	494,545 pounds.
611	1,334,467 square yards.
612	10,033,660 square yards.
614–P [3]	15,800,350 square yards.
669–F [4]	1,186,631 pounds.
669–P [5]	553,757 pounds.
669–T [6]	1,811,751 pounds.
670–F [7]	3,935,984 pounds of which not more than 115,912 pounds shall be in TSUSA number 706.3425 (670–T)
670–H [8]	33,357,108 pounds of which not more than 459,136 pounds shall be in TSUSA number 706.3405 (670–A)
670–L [9]	78,061,641 pounds of which not more than 3,574,203 pounds shall be in TSUSA number 706.3415 (670–U)
Group II:	
330–359, 431–459 and 630–659, as a group.	960,921,058 square yards equivalent
Sublevels within the Group:	
331	511,490 dozen pairs.
333/334	78,946 dozen.
335	97,162 dozen.
337	154,825 dozen.
341	403,745 dozen.
350	107,425 dozen.
351	347,215 dozen.
352	970,171 dozen.
353/354/653/654	235,200 dozen.
359–H [10]	4,244,525 dozen.
433	13,405 dozen.
434	9,952 dozen.
435	21,625 dozen.
436	4,482 dozen.
438	36,279 dozen.
440	10,303 dozen.
442	40,116 dozen.
443	4,201 dozen.
445/446	136,561 dozen.
447/448	18,555 dozen.
631	4,033,233 dozen pairs.
632	4,350,639 dozen pairs.
636	351,674 dozen.
637	392,854 dozen.
638	1,744,755 dozen.
639	5,127,664 dozen.
640	3,418,457 dozen.
641	754,418 dozen.
643	50,586 dozen.
649	682,308 dozen.
650	46,784 dozen.
652	1,511,dozen.
659–B [11]	1,575,195 pounds.
659–H [12]	5,334,478 pounds.
659–I [13]	3,918 687 pounds.
659–S [14]	4,447,942 pounds.
Group III:	
831–844 and 846–859, as a group.	4,926,532 square yards equivalent.
Other Categories:	
845	853,571 dozen.
870	5,283,801 pounds.

[1] The agreement provides, in part, that: (1) Specific limits or sublimits within a group may be exceeded by certain designated percentages, provided that the group limit is not exceeded; (2) certain specific limits or sublimits may be increased for carryforward; (3) special shift may be applied to certain categories, provided an equal amount in square yards equivalent is deducted from designated categories; and (4) administrative arrangements or adjustements may be made to resolve problems arising in the implementation of the agreement.

[1] These limits have not been adjusted to account for any imports exported after December 31, 1986.

[2] In Category 369–L, only TSUSA numbers 706.3210, 706.3650 and 706.4111.

[3] In Category 614–P, only TSUSA numbers 338.5040, 338.5045, 338.5051, 338.5056, 338.5061, 338.5065, 338.5069, 338.5072, 338.5075, 338.5079, 338.5084, 338.5087, 338.5092, 338.5095 and 338.5098.

[4] In Category 669–F, only TSUSA numbers 355.4520 and 355.4530.

[5] In Category 669–P, only TSUSA number 365.5000.

[6] In Category 669–T, only TSUSA numbers 368.1105 and 369.6210.

[7] In Category 670–F, only TSUSA numbers 706.3900 and 706.3425.

[8] In Category 670–H, only TSUSA numbers 706.4125 and 706.3405.

[9] In Category 670–L, only TSUSA numbers 706.3415, 706.4130 and 706.4235.

[10] In Category 359–H, only TSUSA numbers 702.0600 and 702.1200.

[11] In Category 659–B, only TSUSA numbers 384.1815 an 384.8022.

[12] In Category 659–H, only TSUSA numbers 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560, 703.1000, 703.1610, 703.1620, 703.1630, 703.1640, and 703.1650.

[13] In Category 659–I, only TSUSA numbers 384.2105, 384.2115, 384.2120, 384.2125, 384.2646, 384.2647, 384.2448, 384.2649, 384.2652, 384.8651, 384.8652, 384.8653, 384.8654, 384.9356, 384.9357, 384.9358, 384.9359, and 383.9365.

[14] In Category 659–S, only TSUSA numbers 381.2340, 381.3170, 381.9100, 381.9570, 384.1920, 384.2339, 384.8300, 384.8400 and 384.9353.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–28882 Filed 12–15–87; 8:45 am]

BILLING CODE 3510–DR–M

Announcement of Negotiated Settlement on Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Sri Lanka; Correction

December 11, 1987.

In footnote 1 of the letter to the Commissioner of Customers published in the **Federal Register** on December 3, 1987 (52 FR 45989), correct TSUSA number for Category 359–C to read 381.6510 instead of 381.0510.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–28883 Filed 12–15–87; 8:45 am]

BILLING CODE 3510–DR–M

Amendment of an Import Limit and Restraint Period for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Costa Rica

December 11, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 17, 1987. For further information contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to amend the import restraint limit for cotton and man-made fiber textile products in Category 340/640, produced or manufactured in Costa Rica and exported to the United States during the amended restraint period which began on May 3, 1987 and extends through May 2, 1988.

Background

A CITA directive dated July 6, 1987 (52 FR 25900) established a prorated import restraint limit for certain cotton and man-made fiber textile products in Category 340/640, produced or manufactured in Costa Rica and exported during the prorated period which began on May 3, 1987 and extends through December 31, 1987.

The United States, at the request of the Government of Costa Rica, has decided to replace the prorated limit with a full twelve-month limit. The amended limit will be for a twelve-month period which began on May 3, 1987 and extends through May 2, 1988.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the **Federal Register**.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 11, 1987.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on July 6, 1987 by the Chairman of the Committee for the Implementation of Textile Agreements concerning imports of certain cotton and man-made fiber textile products in Category 340/640, produced or manufactured in Costa Rica and exported during the prorated period which began on May 3, 1987 and extends through December 31, 1987.

Effective on December 17, 1987, the directive of July 6, 1987 is hereby amended to include an amended import restraint limit of 490,249 dozen [1] for cotton and man-made fiber textile products in Category 340/640, produced or manufactured in Costa Rica and exported during the new twelve-month import restraint period which began on May 3, 1987 and extends through May 2, 1987.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–28884 Filed 12–15–87; 8:45 am]

BILLING CODE 3510–DR–M

Announcement of Negotiated Settlement on an Import Limit for Certain Cotton Textile Products Produced or Manufactured in the Union of Soviet Socialist Republics

December 11, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority

[1] The limit has not been adjusted to account for any imports exported after May 2, 1987.

contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 17, 1987. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Categories 313/315/320pt., produced or manufactured in the Union of the Soviet Socialist Republics and exported during the five-month period August 1, 1987 through December 31, 1987, in excess of the designated limit.

Background

A CITA directive dated August 11, 1987 was published in the **Federal Register** (52 FR 30423) which established an import restraint limit for certain cotton textile products, produced or manufactured in the Union of Soviet Socialist Republics and exported during the twelve-month period which began on July 22, 1987 and extends through July 21, 1988.

During consultations held October 23–24, 1987 between the Governments of the United States and the Union of Soviet Socialist Republics, agreement was reached on a new bilateral textile agreement concerning imports into the United States of cotton sheeting and printcloth in Categories 313/315/320pt. The agreement establishes specific limits for Categories 313/315/320pt., produced or manufactured in the Union of Soviet Socialist Republics and exported during the period which began on August 1, 1987 and extends through December 31, 1988.

The United States Government has decided to control imports of Categories 313/315/320pt. at the agreed level for the first agreement period which begins on August 1, 1987 and extends through December 31, 1987.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982, (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the **Federal Register**.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 11, 1987.

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive cancels and supersedes the directive issued to you on August 11, 1987 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of cotton textile products in Categories 313-320pt.,[1] produced or manufactured in the Union of Soviet Socialist Republics and exported during the twelve-month period which began on July 22, 1987 and extends through July 21, 1988.

Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Textile Agreement of December 4, 1987, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on December 17, 1987, enter into the United States for consumption and withdrawal from warehouse for consumption, of certain cotton textile products in Categories 313/315320pt.,[2] produced or manufactured in the Union of Soviet Socialist Republics and exported during the five-month period which began on August 1, 1987 and extends through December 31, 1987, in excess of 6,000,000 square yards equivalent.[3]

Textile products in Categories 313/315/320pt. which has been exported to the United States prior to August 1, 1987 shall not be subject to this directive.

[1] Category 313 and in Category 320pt., sheeting in TSUSA items 320.——through 331.—— with statistical suffixes 38, 80 and 82.

[2] Categories 313, 315 and in Category 320, sheeting and printcloth in TSUSA items 320.—— through 331.——, with statistical suffixes 31, 38, 80 and 82.

[3] The limit has not been adjusted to account for any imports exported after July 31, 1987.

Textile products in Categories 315/320pt.[4] which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The limit set forth above is subject to adjustment in the future according to the provisions of the Bilateral Textile Agreement of October 24, 1987 between the Governments of the United States and the Union of Soviet Socialist Republics, which provide, in part, that any specific limit may be exceeded in any agreement period by carryforward and/or carryover of 11 percent, of which carryover shall not exceed 11 percent and carryforward shall not constitute more than 6 percent. No carryover shall be available in the first agreement period and no carryforward shall be available in the final agreement period.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–28885 Filed 12–15–87; 8:45 am]

BILLING CODE 3510–DR–M

Announcement of New Category Structure

December 11, 1987

The Committee for the Implementation of Textile Agreement, has determined to implement a new category structure, on January 1, 1988. In the event that the impending Harmonized System (HS) is not effective on January 1, 1988, the U.S. will implement the new category structure based on the Tariff Schedules of the United States Annotated (TSUSA). A Supplement which updates the 1987 TSUSA to 1988 and incorporates the new category structure is available from the Government Printing Office.

The interim CORRELATION based upon the TSUSA, to be used pending implementation of the HS, is available, at a cost of $30.00, from the Office of Textiles and Apparel, 14th and Constitution Avenue, NW., Room H3100, U.S. Department of Commerce, Washington, DC 20230, Attn: Interim CORRELATION.

[4] Category 315 and in Category 320pt., printcloth in TSUSA items 320.—— through 331.——, with statistical suffix 31.

The CORRELATION based upon the HS is also available, at a cost of $30.00, from the Office of Textiles and Apparel, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Room H3100, Washington, DC 20230, Attn: Proposed HS CORRELATION.

All interested parties should be aware that: 1. All shipments exported in 1987 will be charged to the appropriate unfilled 1987 limit.

2. For countries with a correct category and correct quantity visa system, all goods exported prior to January 1, 1988, should be covered by a visa showing the correct 1987 category number and unit of measurement. Entry will not be denied to merchandise which is properly visaed and exported in 1987 but which arrives in the U.S. in 1988. If the applicable 1987 quota is filled, this merchandise willbe charged to the applicable 1988 quota(s).

3. All goods exported on and after January 1, 1988 must be covered by a visa showing the correct 1988 category number and unit of measure. Under the Interim CORRELATION, merchandise will continue to be measured in square yards and pounds. Once the HS is implemented, merchandise which is currently measured in square yards or pounds will be measured in square meters and kilograms, and the visa requirements will be amended accordingly. Attached is a list of the new category structure with the corresponding units of measure.

4. Garments for boys is sizes greater than 24 months will require the appropriate men's and boys' category.

5. The following new categories can not be completely implemented under an interm arrangement:

(a) *Category 239:* In the 1988 TSUSA this category will appear only opposite the statistical provisions for cotton and man-made fiber infants' sets. Under the Interim CORRELATION, garments in sizes 0–24 months, other than infants' sets, will continue to take the appropriate women's girls' and infants' category.

(b) *Categories 439 and 839:* These categories can not be implemented in the 1988 TSUSA and will not appear in the interim CORRELATION.

(c) *Category 611:* In the 1988 TSUSA this category will continue to apply only to woven fabrics "of" non-continuous rayon or acetate yarn. It will not be limited to fabrics containing 85 percent or more by weight of artificial staple fibers until actual implementation of the HS.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

New Textile Category Structure

Categories numbered in the—

- 200 series are of cotton or man-made fiber.
- 300 series are of cotton.
- 400 series are of wool.
- 600 series are of man-made fiber.
- 800 series are of silk blends or non-cotton vegetable fibers.

Category	Description	Unit of Measure under the Iterim plan (TSUSA)	Unit of measure under HS
Yarn:			
200	Yarns put up for retail sale and sewing thread	Lb.	Kg.
201	Specialty yarns	Lb.	Kg.
300	Carded yarns	Lb.	Kg.
301	Combed yarns	Lb.	Kg.
400	Wool yarns	Lb.	Kg.
600	Textured filament yarn	Lb.	Kg.
603	Yarn containing 85% or more by weight artificial staple fiber	Lb.	Kg.
604	Yarn containing 85% or more by weight synthetic staple fiber	Lb.	Kg.
606	Non-textured filament yarn	Lb.	Kg.
607	Other staple fiber yarn	Lb.	Kg.
800	Silk blends and non-cotton vegetable fiber yarn	Lb.	Kg.
Fabric:			
218	Of yarns of different colors	Syd.	M2
219	Duck	Syd.	M2
220	Fabric of special weave	Syd.	M2
222	Knit fabric	Lb.	Kg.
223	Non-woven fabrics	Lb.	Kg.
224	Pile & Tufted fabrics	Syd.	M2
225	Denim	Syd.	M2
226	Cheesecloth, batistes, lawns, or violes	Syd.	M2
227	Oxford cloth	Syd.	M2
229	Special purpose fabric	Lb.	Kg.
313	Sheeting	Syd.	M2
314	Poplin & broadcloth	Syd.	M2
315	Printcloth	Syd.	M2
317	Twills	Syd.	M2
326	Sateens	Syd.	M2
410	Woven fabrics	Syd.	M2
414	Other wool fabrics	Lb.	Kg.
611	Woven fabrics containing 85% or more by weight art. staple	Syd.	M2
613	Sheeting	Syd.	M2
614	Poplin & broadcloth	Syd.	M2
615	Printcloth	Syd.	M2
617	Twills & sateens	Syd.	M2
618	Woven cellulosic filament	Syd.	M2
619	Polyester filament fabric, less than 5oz. per Syd.	Syd.	M2
620	Other non-cellulosic filament fabric	Syd.	M2

Category	Description	Unit of Measure under the Iterim plan (TSUSA)	Unit of measure under HS
621	Impression fabric	Lb.	Kg.
622	Glass fiber fabric	Syd.	M2
624	Woven man-made fiber fabric, containing more than 15% but less than 36% wool.	Syd.	M2
Staple/Filament combinations:			
625	Poplin & broadcloth	Syd.	M2
626	Printcloth	Syd.	M2
627	Sheeting	Syd.	M2
628	Twills & sateens	Syd.	M2
629	Other	Syd.	M2
810	Woven fabric of silk blends or non-cotton vegetable fiber	Syd.	M2
Apparel:			
239	Infants' apparel	Lb.	Kg.
330	Handkerchiefs	Doz.	Doz.
331	Gloves and mittens	Dpr.	Dpr.
332	Hosiery	Dpr.	Dpr.
333	M&B suit-type coats	Doz.	Doz.
334	Other M&B coats	Doz.	Doz.
335	W&G coats	Doz.	Doz.
336	Dresses	Doz.	Doz.
337	Playsuits, sunsuits, etc.	Doz.	Doz.
338	M&B knit shirts	Doz.	Doz.
339	W&G knit shirts & blouses	Doz.	Doz.
340	M&B shirts, not knit	Doz.	Doz.
341	W&G shirts & blouses, not knit	Doz.	Doz.
342	Skirts	Doz.	Doz.
345	Sweaters	Doz.	Doz.
347	M&B trousers, slacks & shorts	Doz.	Doz.
348	W&G trousers, slacks & shorts	Doz.	Doz.
349	Brassieres & body supporting garments	Doz.	Doz.
350	Dressing gowns, etc.	Doz.	Doz.
351	Nightwear and pajamas	Doz.	Doz.
352	Underwear	Doz.	Doz.
353	M&B down-filled coats	Doz.	Doz.
354	W&G down-filled coats	Doz.	Doz.
359	Other cotton apparel	Lb.	Kg.
431	Gloves and mittens	Dpr.	Dpr.
432	Hosiery	Dpr.	Dpr.
433	M&B suit-type coats	Doz.	Doz.
434	Other M&B coats	Doz.	Doz.
435	W&G coats	Doz.	Doz.
436	Dresses	Doz.	Doz.
438	Knit shirts & blouses	Doz.	Doz.
439	Infants' apparel	(1).	Kg.
440	Shirts & blouses, not knit	Doz.	Doz.
442	Skirts	Doz.	Doz.
443	M&B suits	No.	No.
444	W&G suits	No.	No.
445	M&B sweaters	Doz.	Doz.
446	W&G sweaters	Doz.	Doz.
447	M&B trousers, slacks, and shorts	Doz.	Doz.
448	W&G trousers, slacks, and shorts	Doz.	Doz.
459	Other wool apparel	Lb.	Kg.
630	Hankerchiefs	Doz.	Doz.
631	Gloves and mittens	Dpr.	Dpr.
632	Hosiery	Dpr.	Dpr.
633	M&B suit-type coats	Doz.	Doz.
634	Other M&B coats	Doz.	Doz.
635	W&G coats	Doz.	Doz.
636	Dresses	Doz.	Doz.
637	Playsuits, sunsuits, etc.	Doz.	Doz.
638	M&B knit shirts	Doz.	Doz.
639	W&G knit shirts & blouses	Doz.	Doz.
640	M&B shirts, not knit	Doz.	Doz.
641	W&G shirts and blouses, not knit	Doz.	Doz.
642	Skirts	Doz.	Doz.
643	M&B suits	No.	No.
644	W&G suits	No.	No.
645	M&B sweaters	Doz.	Doz.

Category	Description	Unit of Measure under the interim plan (TSUSA)	Unit of measure under HS
646	W&G sweaters	Doz.	Doz.
647	M&B trousers, slacks and shorts	Doz.	Doz.
648	W&G trousers, slacks and shorts	Doz.	Doz.
649	Brassieres & body supporting garments	Doz.	Doz.
650	Dressing gown, etc.	Doz.	Doz.
651	Nightwear and pajamas	Doz.	Doz.
652	Underwear	Doz.	Doz.
653	M&B down-filled coats	Doz.	Doz.
654	W&G down-filled coats	Doz.	Doz.
659	Other man-made fiber apparel	Lb.	Kg.
831	Gloves and mittens	Dpr.	Dpr.
832	Hosiery	Dpr.	Dpr.
833	M&B suit-type coats	Doz.	Doz.
834	Other M&B coats & jackets	Doz.	Doz.
835	W&G coats & jackets	Doz.	Doz.
836	Dresses	Doz.	Doz.
838	Knit shirts, blouses & tops	Doz.	Doz.
839	Infants' apparel	(1)	Kg.
840	Not knit shirts & blouses	Doz.	Doz.
842	Skirts	Doz.	Doz.
843	M&B suits	No.	No.
844	W&G suits	No.	No.
845	Sweaters of non-cotton vegetable fibers	Doz.	Doz.
846	Sweaters of silk	Doz.	Doz.
847	Trousers, slacks, & shorts	Doz.	Doz.
850	Robes & dressing gowns	Doz.	Doz.
851	Nightwear & pajamas	Doz.	Doz.
852	Underwear	Lb.	Kg.
858	Neckwear	Lb.	Kg.
859	Other apparel		
Made-Up & Miscellaneous Textiles:			
360	Pillowcases	No.	No.
361	Sheets	No.	No.
362	Bedspreads & Quilts	No.	No.
363	Terry & other pile towels	No.	No.
369	Cotton manufactures, nspf	Lb.	Kg.
464	Blankets	Lb.	Kg.
465	Floor coverings	Sft.	M²
469	Wool manufactures nspf	Lb.	Kg.
665	Floor coverings	Sft.	M²
666	Other furnishings	Lb.	Kg.
669	Man-made fiber manufactures, nspf	Lb.	Kg.
670	Flatgoods, handbags, & luggage	Lb.	Kg.
863	Towels	No.	No.
870	Luggage	Lb.	Kg.
871	Handbags and Flatgoods	Lb.	Kg.
899	Other made-ups	Lb.	Kg.

[1] Category does not exist under interim plan.

Note: Under the interim plan, all categories with women's and girls' (W&G) include infants'.

[FR Doc. 87–28861 Filed 12–11–87; 3:45 pm]

BILLING CODE 3510-DR-M

COMMODITY FUTURES TRADING COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of information collection.

SUMMARY: The Commodity futures Trading Commission has submitted information collection 3038–0013, "Hedging Exemptions", to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. The information collected is designed to assist the Commission in monitoring compliance with federal speculative position limits specified in Part 150 of the regulation under the Commodity Exchange Act.

ADDRESS: Persons wishing to comment on this information collection should contact Robert Neal, Office of Management and Budget, Room 3235, NEOB, Washington, DC 20503, (202) 395–7340. Copies of the submission are available from Joseph G. Salazar, Agency Clearance Officer, (202) 254–9735.

Title: Hedging Exemptions.

Control Number: 3038–0013.

Action: Extension.

Respondents: Businesses (excluding small businesses).

Estimated Annual Burden: 30 hours.

Estimated Number of Respondents: 10 (1 per year by 10 respondents).

Issued in Washington, DC on December 11, 1987.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87–28874 Filed 12–15–87; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Public Information Collection Requirement

Reason for This Notice: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Applicable Form and Applicable OMB Control Number: Prisoner of War (POW) Medal Application/Information; DD Form XXXX; No OMB Control Number.

Type of Request: New.

Annual Burden Hours: 3,380.

Annual Responses: 20,285.

Needs and Uses: The Prisoner of War (POW) Medal Application/Information may be used by former POWs or their next of kin to request issue of the POW Medal authorized by Pub. L. 99–145.

Affected Public: Former POWs or their next of kin.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Edward Springer at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

A copy of the information collection proposal may be obtained from Ms. Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone 202/746–0933.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 11, 1987.

[FR Doc. 87–28916 Filed 12–15–87; 8:45 am]

BILLING CODE 3810-01-M

Advisory Council on Dependents' Education; Meeting

AGENCY: Department of Defense Dependents Schools (DoDDS), Office of the Secretary of Defense, DOD.

ACTION: Notice of meeting.

SUMMARY: This notice set forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Dependents' Education. It also describes the functions of the Council. Notice of this meeting is required under the National Advisory Committee Act. Although the meeting is open to the public, because of space constraints, anyone wishing to attend the meeting should contact the DoDDS coordinator.

DATES: January 15, 1988, 9 a.m. to 4:30 p.m.; January 16, 1988, 9 a.m. to 4 p.m.

ADDRESS: January 15, 1988, Pentagon, Room 3E752, Washington, DC; January 16, 1988, Embassy Suites Hotel Conference Facility, 1300 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mrs. Kay Templeton Garvey, Public Affairs Officer, DODDS, 2461 Eisenhower Avenue, Alexandria, Virginia 22331–1100 (202/325–0867).

SUPPLEMENTARY INFORMATION: The Advisory Council on Dependents' Education is established under title XIV, section 1411, of Public Law 95–561, Defense Dependents' Education Act of 1978, as amended by title XII, section 1204(b)(3)(–(5), of Pub. L. 99–145, Department of Defense Authorization Act of 1986 (20 U.S.C., chapter 25A, section 929, Advisory Council on Dependents' Education). The Council is co-chaired by designees of the Secretary of Defense and the Secretary of Education. In addition to a representative of each of the Secretaries, 12 members are appointed jointly by the Secretaries. Members include representatives of educational institutions and agencies, professional employee organizations, unified military commands, school administrators, paretnts of DoDDS students, and one DoDDS student. The Director, DoDDS, serves as the Executive Secretary of the Council. The purpse of the Council is to advise the Secretary of Defense and the DoDDS Director about effective educational programs and practices that should be considered by DoDDS and to perform other tasks as may be required by the Secretary of Defense. The agenda includes an overview of the DoDDS budget process and responses to the recommendations made by the Council in its August meeting.

Linda M. Bynum,

Alterate OSD Federal Register Liaison Officer, Department of Defense.

December 11, 1987.

[FR Doc. 87–28916 Filed 12–15–87; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement

AGENCY: Department of Defense.

ACTION: Public information collection requirement.

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension—Reference Contact Letter; DIS FL 4

The Defense Investigative Service (DIS) is responsible for conducting personnel security investigations (PSIs) to determine an individual's suitability for a position of trust. This form is used to contact references not readily available for interview so that an appointment may be made to personally interview the reference to elicit information concerning the loyalty, character, and reliability of the person being investigated to determine his or her suitability for such a position. The increase in "responses" and "burden" hours are the consequence of an increased agency work force.

Individuals; Responses 27,506; Burden Hours 2,200.

OMB Desk Officer: Mr. Edward Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Edward Springer at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mrs. Pearl Rascoe-Harrison.

A copy of the information collection proposal may be obtained from Mrs. Pearl Rascoe-Harrison at WHS/DIOR, 1215 Jefferson Davis Highway, Suite

1204, Arlington, Virginia 22202–4302, telephone 202/746–0933.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 11, 1987.

[FR Doc. 87–28917 Filed 12–15–87; 8:45 am]

BILLING CODE 3810–01–M

Department of the Army

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 7 and 8 January 1988.

Time: 0800–1600 hours, each day.

Place: University of Idaho; Moscow, Idaho.

Agenda: The Army Science Board's Ad Hoc Subgroup on Water Supply and Management on Western Installations will meet for the purpose of writing the final draft of the report. This meeting is open to the public. Any person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sandra F. Gearhart,

Acting Administrative Officer, Army Science Board.

[FR Doc. 87–28834 Filed 12–15–87; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 6 and 7 January 1988.

Time: 0100–1600 hours, both days.

Place: The Pentagon, Washington, DC.

Agenda: The Army Science Board's Ad Hoc Subgroup on Competition in Contracting will meet to gather facts for the study. This meeting is open to the public. Any person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sandra F. Gearhart,

Acting Administrative Officer, Army Science Board.

[FR Doc. 87–28835 Filed 12–15–87; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers, Department of the Army

Availability of Roof Blister Pressure Relief Valve for Exclusive Licensing

In accordance with 37 CFR 404.7 announcement is made of the availability of a roof blister pressure relief valve for exclusive licensing. Inventors at the U.S. Army Cold Regions Research and Engineering Laboratory (USACRREL) have applied for a patent on a new roof blister pressure relief valve. The rights to the valve belong to the United States Government.

This new valve is used to relieve the internal pressure of roofing blisters, thereby preventing blister growth. It consists of a hollow threaded shaft covered by a membrane permeable to air but impermeable to water. Other than to set up mass production, no additional research and development is needed to begin manufacturing the device.

Under the authority of section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Pub. L. 99–502) and section 207 of title 35, United States Code, the Department of the Army as represented by USACRREL wishes to exclusively license rights to the roof blister pressure valve to a party interested in manufacturing and selling the valve.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Korhonen, U.S. Army Cold Regions Research and Engineering Laboratory, 72 Lyme Road, Hanover, NH 03755–1290, (603) 646–4436.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 87–28836 Filed 12–15–87; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER88–51–000, et al.]

Electric Energy, Inc., et al.; Electric Rate and Corporate Regulation Filings

December 10, 1987.

Take notice that the following filings have been made with the Commission:

1. Electric Energy, Inc.

[Docket No. ER88–51–000]

Take notice that on December 7, 1987, Electric Energy, Inc. (EEInc.) tendered for filing, at the request of the Commission Staff, additional information with respect to the two agreements filed in this proceeding, Modification No. 12 between EEInc. and the United States Department of Energy (DOE) and the Power Supply Agreement between EEInc. and its four Sponsoring Companies, Central Illinois Public Service Company (CIPS), Illinois Power Company (IP), Kentucky Utilities Company (KU) and Union Electric Company (UE).

Copies of the filing were served on DOE, the four Sponsoring Companies and the Illinois Commerce Commission.

Comment date: December 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Appalachian Power Company

[Docket Nos. ER87–105–005 and ER87–106–006]

Take notice that on December 4, 1987, Appalachian Power Company (Appalachian) tendered for filing pursuant to Commission Order dated October 30, 1987, its required compliance filing. Appalachian states that its compliance filing sets forth the calculation of the amounts in excess of the Commission-approved settlement rate levels collected by Appalachian from Kingsport Power Company and its Sales-for-Resale customers, together with interest computed under § 35.19a of the Commission's regulations. According to Appalachian, refund checks in the appropriate amounts were mailed to its wholesale customers on November 20, 1987.

Appalachian further states that a copy of its compliance filing was either served upon or supplied to all parties of record, each of its affected wholesale customers, the Virginia State Corporation Commission, the Public Service Commission of West Virginia, and the Tennessee Public Service Commission.

Comment date: December 28, 1987, in accordance with Standard Paragraph E at the end of this document.

3. Niagara Mohawk Power Corporation

[Docket No. ER87–418–002]

Take notice that on December 4, 1987, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing pursuant to Commission Order dated November 4, 1987, a compliance filing with a superseding rate schedule sheet setting forth revised rates reflecting a 14.30% rate of return on common equity. The compliance rates are $2.02 per kW per month (firm) and $2.77 per mWh (interruptible). Niagara Mohawk states that it has also filed revised Statement AV, Schedule 1, Sheet 1 of 7, for Period II and revised Statement BK, Schedules 1, 2, and 3, for Period II reflecting a return of 14.30%.

Copies of this filing have been served upon all parties affected by this proceeding.

Comment date: December 28, 1987, in accordance with Standard Paragraph E at the end of this notice.

4. Portland General Electric Company

[Docket No. ER88–129–000]

Take notice that on December 7, 1987, Portland General Electric Company (PGE) tendered for filing a Sales Agreement with the City of Santa Clara for the sale during a nineteen-month period beginning on October 1, 1987, of up to 379,920 MWh of firm energy surplus deliverable at rates not in excess of 40 MW per hour.

The contract rates for energy to be sold are based upon PGE's incremental cost production plus an additional amount for fixed charges (not exceeding fully distributed fixed charges) plus the costs of transmission.

PGE states the reason for the proposed Sales Agreement is to allow it to recover a portion of its fixed charges applicable to certain of its thermal generating resources during a short period of time when such thermal resources are not required for its system loads.

PGE requests an effective date of October 1, 1987 and therefore requests a waiver of the Commission's notice requirements.

Copies of the filing have been served upon the City of Santa Clara and the Oregon Public Utility Commission.

Comment date: December 28, 1987, in accordance with Standard Paragraph E at the end of this notice.

5. Tucson Electric Power Company

[Docket No. ER88–125–000]

Take notice that on December 7, 1987, Tucson Electric Power Company (Tucson) tendered for filing an Interconnection Agreement (the Agreement) between Tucson and the City of Azusa, California. The primary purpose of the Agreement is to establish the terms and conditions for the interconnection of the electrical systems of Tucson and the City of Azusa and the exchange of economy energy between the two systems. Tucson states that services may be provided under Section Schedule A to the Agreement entitled "Economy Energy Interchange."

Tucson requests an effective date of October 29, 1987, and therefore requests waiver of the Commission's notice requirements.

Tucson states that copies of the filing were served upon the City of Azusa.

Comment date: December 28, 1987, in accordance with Standard Paragraph E at the end of this notice.

6. Tucson Electric Power Company

[Docket No. ER88–126–000]

Take notice that on December 7, 1987, Tucson Electric Power Company (Tucson) tendered for filing an Interconnection Agreement (the Agreement) between Tucson and the City of Colton, California. The primary purpose of the Agreement is to establish the terms and conditions for the interconnection of the electrical systems of Tucson and the City of Colton and the exchange of economy energy between the two systems. Tucson states that services may be provided under Service Schedule A to the Agreement entitled "Economy Energy Interchange."

Tucson requests an effective date of October 29, 1987, and therefore requests waiver of the Commission's notice requirements.

Tucson states that copies of the filing were served upon the City of Colton.

Comment date: December 28, 1987, in accordance with Standard Paragraph E at the end of this document.

7. Tucson Electric Power Company

[Docket No. ER88–127–000]

Take notice that on December 7, 1987, Tucson Electric Power Company (Tucson) tendered for filing an Interconnection Agreement (the Agreement) between Tucson and the City of Banning, California. The primary purpose of the Agreement is to establish the terms and conditions for the interconnection of the electrical systems of Tucson and the City of Banning and the exchange of economy energy between the two systems. Tucson states that services may be provided under Service Schedule A to the Agreement entitled "Economy Energy Interchange."

Tucson requests an effective date of October 29, 1987, and therefore requests waiver of the Commission's notice requirements.

Tucson states that copies of the filing were served upon the City of Banning.

Comment date: December 28, 1987, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28897 Filed 12–15–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA88–2–53–000]

KN Energy, Inc.; Proposed Changes in FERC Gas Tariff

December 9, 1987.

Take notice that K N Energy, Inc. On December 3, 1987, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. The proposed changes will adjust K N's rates charged its jurisdictional customers pursuant to the Gas Research Institute charge adjustment provision (section 22) of K N's FERC Gas Tariff, Third Revised Volume No. 1. Such adjustment is to track the increased GRI rate set, effective January 1, 1988, per Opinion No. 283 issued on September 29, 1987. Copies of this filing were served upon the company's jurisdictional customers and interested public bodies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before December 16, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28898 Filed 12-15-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP88-96-000]

Shell Western E&P Inc.; Petition for Declaratory Order Disclaiming Jurisdiction

December 10, 1987.

Take notice that on November 25, 1987, Shell Western E&P Inc. (Shell Western), P.O. Box 2463, Houston, Texas 77252-2463, filed in Docket No. CP88-96-000 a petition for an order disclaiming jurisdiction under Section 1(b) of the Natural Gas Act over certain natural gas gathering facilities currently owned by Southern Natural Gas Company (Southern) in the Lips Ranch Field in Hidalgo and Brooks Counties, Texas, if the Lips Ranch facilities are acquired by Shell Western to further a settlement agreement between Shell Western and Southern.

Shell Western states that it owns, with others, natural gas production facilities operated by Hilliard Oil and Gas Incorporated in the Lips Ranch Field, in Brooks and Hidalgo Counties, Texas. It is stated that natural gas produced from the Lips Ranch Field presently is sold to Southern at the wellhead. It is also stated that Southern then takes the gas through the Lips Ranch facilities to the pipeline of Florida Gas Transmission Company (FGT). It is further stated that in settlement of certain claims and alleged liabilities, Southern's right, title and interest in and to the Lips Ranch facilities, on the condition that the Commission issue a declaratory order that disclaims jurisdiction under the Natural Gas Act over the Lips Ranch facilities if they are owned and operated by Shell Western.

It is stated that the Lips Ranch facilities consist of a 10.76 mile gathering system consisting of a main pipeline 10¾ inches in diameter running from FGT's pipeline measurement station in Hidalgo County to the Barbara Lips No. C-1 Well pipeline pig launching station in Brooks County. In addition, it is stated that a 4½-inch line runs from the main field line 0.33 mile to the Barbara Lips No. 2 Well and a 4½-inch line runs from the main field line 1.34 miles to the Barbara Lips No. A-1 Well.

Shell Western states that upon acquisition of the Lips Ranch facilities, it plans to perform a gathering service for itself and other working interest owners in the Lips Ranch Field. Shell Western also states that gathering services on behalf of other working interest owners would be performed by Shell Western on a contract basis without taking title to the gas gathered. It is stated that compression, if any, would be limited to that required for the gas to enter the line from low pressure wells.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 31, 1987, file with the Federal Energy Regulatory Commission, Washington DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commissions and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28895 Filed 12-15-87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-36151; FRL-3302-4]

Pesticide Registration Standard; Availability for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of draft Standard for comment.

SUMMARY: This notice announces the availability of a draft pesticide Registration Standard document for comment. The Agency has completed a review of the listed pesticide and is making available a document describing its regulatory conclusions and actions.

DATE: Written comments on the Registration Standard should be submitted on or before February 16, 1988.

ADDRESSES: Three copies of comments identified with the docket number listed with the Registration Standard should be submitted to: By mail: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, deliver comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment in response to this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice. The public docket and docket index will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: To request a copy of a Registration Standard, contact Frances Mann of the Information Services Section, in Rm. 236 at the address given above (703-557-3262). Requests should be submitted no later than January 15, 1988, to allow sufficient time for receipt before the close of the comment period.

For technical questions related to the Registration Standard, contact the Product Manager listed for that Standard, at the phone number given.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency conducts a systematic review of pesticides to determine whether they meet the criteria for continued registration under section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). That review culminates in the issuance of a Registration Standard, a document describing the Agency's regulatory conclusions and positions on the continued registrability of the pesticide. In accordance with 40 CFR 155.34(c), before issuing certain Registration Standards, the Agency makes the draft document available for public comment.

A draft Registration Standard for the following pesticide is now available:

Name of pesticide	Docket No.	Contact person
Chlorinated isocyanurates	2782-57-2	Jeff Kempter, Product Manager 32, 703-557-3964.

Copies of the Registration Standard may be obtained from the Agency at the address listed under **FOR FURTHER INFORMATION CONTACT.** Because of the length of the Standard and the limited number of copies available for distribution, only one copy can be provided by mail to any one individual or organization. The Registration Standard is also available for inspection and copying in EPA Regional offices at the addresses listed below after January 15, 1988.

List of EPA Regional Offices

Pesticides and Toxic Substances Branch, EPA—Region I, JFK Federal Building, Boston, MA 02203, Contact person: Marvin Rosenstein

Pesticides and Toxic Substances Branch, EPA—Region II, Woodbridge Avenue, Edison, NJ 08837, Contact person: Ernest Regna

Toxics and Pesticides Branch, EPA—Region III, 6th and Walnut Sts., Philadelphia, PA 19106, Contact person: Larry Miller

Pesticides and Toxic Substances Branch, EPA—Region IV, 345 Courtland St., NE., Atlanta, GA 30365, Contact person: Acting Chief

Pesticides and Toxic Substances Branch, EPA—Region V, 230 South Dearborn St., Chicago, IL 60604, Contact person: Phyllis Reed

Pesticides and Toxic Substances Branch, EPA—Region VI, 1201 Elm St., Dallas, TX 75270, Contact person: Norman Dyer

Pesticides and Toxic Substances Branch, EPA—Region VII, 324 East 11th St., Kansas City, MO 64106, Contact person: Leo Alderman

Toxic Substances Branch, EPA—Region VIII, 1860 Lincoln St., Suite 900, Denver, CO 80295, Contact person: C. Alvin York

Pesticides and Toxics Branch, EPA—Region IX, 215 Fremont St., San Francisco, CA 94105, Contact person: Rich Vaille

Pesticides and Toxic Substances Branch, EPA—Region X, 1200 6th Ave., Seattle, WA 98101, Contact person: Anita Frankel

Dated: December 1, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 87-28613 Filed 12-15-87; 8:45 am]

BILLING CODE 6560-50-M

[OPP-300174; FRL-3301-6]

Filing of Petition To Revoke Food Additive Regulation for Ethylene Oxide; Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing; Request for comments.

SUMMARY: This notice announces the filing of a petition requesting that the Agency revoke the food additive regulation in 21 CFR 193.200 for ethylene oxide (ETO) as a fumigant for controlling microorganisms and insect infestation in ground spices and other processed natural seasoning materials, and requests comments from interested and/or affected persons.

DATE: Written comment on this notice must be received on or before February 16, 1988.

ADDRESS: Written comments, identified by the document control number, [OPP-300174], should be submitted to: Information Services Branch, Program Management and Support Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail:

Anita Schmidt, Review Manager, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 1006, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703)-557-0481.

SUPPLEMENTARY INFORMATION: EPA has received a petition from Mr. Russell N. Stein, 178 Decker Rd., Andover NJ 07821, requesting that it revoke the food additive regulation for ethylene oxide on ground spices and processed seasonings. Section 193.200 sets a maximum allowable limit of 50 parts per million (ppm) of ethylene oxide in ground spices and other processed natural seasoning materials. A tolerance of 50 ppm is also established for residues of ethylene oxide in the raw agricultural commodities whole spices, black walnut meats, and copra (40 CFR 180.151).

Mr. Stein contends that the "present use of ethylene oxide fumigation on food products is an 'unsafe' practice and therefore should not be allowed a tolerance" under the directive of the Delaney Clause in section 409(c)(3)(A) (21 U.S.C 348(c)(3)(A)) of the Federal Food, Drug, and Cosmetic Act. In support of his petition, Mr. Stein contends that "ethylene oxide is an animal carcinogen and is a suspected human carcinogen," citing the Fourth Annual Report on Carcinogens, Summary 1985, U.S. Department of Health and Human Services, Public Health Service, and the June 22, 1984 Occupational Safety and Health Administration's Final Standard for occupational exposure to ethylene oxide (49 FR 25734; June 22, 1984). Mr. Stein also contends that the use of ethylene oxide on food is growing rapidly.

Mr. Stein also has requested that the Agency waive the fees normally required with a pesticide petition, citing the public interest criteria of PR Notice 77-4, dated July 15, 1977. The Agency has granted the waiver of fees.

The Agency is requesting comments on the petition and is particularly interested in information in the following areas:

1. Current use information for ethylene oxide on spices and seasonings;

2. Use information on alternatives to ethylene oxide on spices and seasonings;

3. Potential human health effects resulting from the revocation of the ethylene oxide food additive regulation, including risks of alternative treatment methods;

4. Residue levels of ethylene oxide in treated spices and seasonings; and

5. Impact that revocation of the food additive regulation would have on the herb, spice, and other affected industries.

Dated: December 2, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87-28510 Filed 12-15-87; 8:45 am]

BILLING CODE 6560-50-M

[PP 4G2988/T551; FRL-3301-5]

Renewal of Temporary Tolerances; American Cyanamid Co.

AGENCY: Environmental Protection Agency (EPA).

ACTION Notice.

SUMMARY: EPA is amending the notice of renewed temporary tolerances for residues of the herbicide AC 222,293 resulting from application of the sulfate salts in or on certain raw agricultural commodities.

DATE: These temporary tolerances expire June 3, 1988.

FOR FURTHER INFORMATION CONTACT: By mail:

Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-1800.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 22, 1987 (52 FR 27575), EPA announced a renewal of temporary tolerances for the herbicide AC 222,293 [a mixture of *m*-toluic acid (6-(4-isopropyl-4-methyl-*s*-oxo-2-imidazolin-2-yl)methylester) and *p*-toluic acid (2-(4-isopropyl-4-methyl-5-oxo-2-

imidazolin-2-yl)methylester)] to the American Cyanamid Co., Agricultural Research Division, P.O. Box 400, Princeton, NJ 08540, in connection with experimental use permit 241–EUP–109, for application in or on the raw agricultural commodities wheat, grain at 0.05 ppm and barley, grain at 0.5 ppm. This notice announces that the tolerance declaration is being amended to establish combined residues of AC 222,293 (ASSERT® herbicide [a mixture of methyl 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-*p*-toluate and methyl 6-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-*m*-toluate] and its acid metabolite, CL 263,840 [a mixture of 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-*m*-yl)-*p*-toluic acid] and 6-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-*m*-toluic acid] in or on the following raw agricultural commodities: wheat grain at 0.10 ppm, wheat straw at 2.00 ppm, barley grain at 0.10 ppm, barley straw at 2.00 ppm, and sunflower seed at 0.10 ppm.

Background information, data, and conditions of use were discussed in the **Federal Register** notice of July 22, 1987 (52 FR 27575).

Authority: 21 U.S.C. 346a(j).

Dated: December 2, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87–28511 Filed 12–15–87; 8:45 am]

BILLING CODE 6560–50–M

[PF–488; FRL–3301–4]

Pesticide Tolerance Petitions; Dennis Edwards et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the filing of pesticide petitions proposing the establishment of tolerances and/or regulations for residues of certain pesticide chemicals in or on certain agricultural commodities.

ADDRESS: By mail, submit written comments to: Information Services Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (TS–767C), Attention: Product Manager (PM) (named in the petition), Environmental Protection Agency, Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

In person, contact the PM named in each petition at the following office location/telephone number:

Product manager	Office location/ telephone number	Address
Dennis Edwards (PM 12)	Rm. 202, CM #2, 703–557–2386.	EPA, 1921 Jefferson Davis Hwy., Arlington, VA 22202.
Lois Rossi (PM 21)	Rm. 227, CM #2, 703–557–1900.	Do.
Richard Mountfort (PM 23)	Rm. 237, CM #2, 703–557–1830.	Do.
Robert Taylor (PM 25)	Rm. 245, CM #2, 703–557–1800.	Do.

SUPPLEMENTARY INFORMATION: EPA has received pesticide (PP) and/or food and feed additive (FAP) petitions as follows proposing the establishment and or amendment of tolerances or regulations for residues of certain pesticide chemicals in or on certain agricultural commodities.

Initial Filings

1. *PP 7F3558.* Mr. Bob McBrayer, 4350 E. Acampo St., Acampo, CA 95220, proposes amending 40 CFR Part 180 by establishing a regulation to exempt from the requirement of a tolerance the residues of the pesticide chemical sesame stalks in or on field crops vegetables, small fruits, nut trees, berries, deciduous fruits, citrus, grapes, and horticultural plants. (PM 21).

2. *PP 8F3573.* ICI Americas, Inc., Agricultural Products, Concord Pike & New Murphy Rd., Wilmington, DE 19897, proposes amending 40 CFR 180.411 by establishing a regulation to permit the residues of the herbicide [R]-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluazifop), both free and conjugated, and of [R]-butyl-2-[4-[[5-trifluoromethyl)-2-pyridinyl]oxy]phenoxy] propanoate (fluazifop-butyl), all expressed as fluazifop, in or on apples, grapes, pecans, and stone fruits at 0.03 ppm. The proposed analytical method for determining residues is nuclear magnetic resonance spectroscope. (PM 23).

3. *PP 8F3578.* Igene Biotechnology, Inc., 9110 Red Branch Rd., Columbia, MD 20145, proposes amending 40 CFR Part 180 by establishing a regulation for an exemption from the requirement of a tolerance for chitin-protein complex (poly-D-glucosamine) and urea. (PM 21).

4. *PP 8F3578.* Rhone-Poulenc Ag. Co., P.O. Box 12014, T.W. Alexander Drive, Research Triangle Park, NC 27709, proposes amending 40 CFR 180.407 by establishing a regulation for the insecticide thiodicarb (dimethy N,N-[thiobis[[(methylimino) carbonyl] oxy]]bis[ethanimidothioate]) and its metabolite methomyl (*S*-methy1 N-[(methylcarbamoyl)oxy]-thioacetimidate) in or on sweet corn forage at 40.0 ppm and peppers at 5.0 ppm. The proposed analytical method for determining residues is gas chromatography. (PM 12).

5. *PP 8F3579.* Ecogen, Inc., 2005 Cabot Blvd. West, Langhorne, PA 19047-1810, proposes amending 40 CFR Part 180 by establishing a regulation to exempt from the requirement of a tolerance the residues of the fungicide *Pseudomonas fluorescens* in or on cotton. (PM 21).

6. *FAP 8H5546.* Sandoz Crop Protection Corp., 341 East Ohio St., Chicago IL 60611, proposes amending 21 CFR 193.465 by establishing a regulation to permit the residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on palm oil at 0.05 ppm. (PM 25).

7. *FAP 8H5547.* American Cyanamid Co., Agricultural Research Division, P.O. Box 400, Princeton, NJ 08540, proposes amending 21 CFR Part 193 by establishing a regulation to exempt from the requirement of a tolerance the residues of the herbicide imazapyr (2-[4,5-dihydro-4-methyl-4-(1-methyl)-5-oxo-lH-imidazol-2-yl]-3-pyridinecarboxylic acid) in or on palm oil. (PM 25).

Authority: 21 U.S.C. 346a.

Dated: December 1, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87–28509 Filed 12–15–87; 8:45 am]

BILLING CODE 6560–50–M

[OPP–180749; FRL–33028]

Receipt of Applications for Specific Exemptions To Use Methyl 3-[[[[(4-Methoxy-6-Methyl-1,3,5-Triazin-2-YL) Amin]Carbonyl]Amino]Sulfonyl]-2-Thiophenecarboxylate; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the Illinois Department of Agriculture, and the Virginia Department of Agriculture and Consumer Services (hereafter referred to individually by State or collectively as "Applicants") for use of the unregistered product Harmony to control wild garlic in wheat in Illinois, and wheat and barley in Virginia. Harmony, manufactured by E.I. duPont de Nemours and Company, contains the unregistered active ingredient methyl 3-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl]amin]carbonyl]amino]sulfonyl]-2-thiophenecarboxylate. EPA is soliciting comment before making the decision whether or not to grant these specific exemption requests.

DATE: Comments must be received on or before December 31, 1987.

ADDRESS: Three copies of written comments, bearing the identifying notation "OPP–180749," should be submitted by mail to:

Information Services Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM# 2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Rm. 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday excluding legal holidays.

FOR FURTHER INFORMATION: By mail: Robert A. Forrest, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716C, CM# 2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–7889).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any registration provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicants have requested the Administrator to issue specific exemptions to permit the use of the unregistered product, Harmony, to control wild garlic in wheat and barley. Information in accordance with 40 CFR Part 166 was submitted as part of these requests.

The Applicants have requested a maximum of one postemergence application of Harmony. Applications will be made between the two-leaf and boot stage of wheat and barley when wild garlic is 6 to 12 inches high. A maximum of 0.67 ounce of product is proposed to be applied per acre in Illinois and Virginia. A maximum of 900,000 acres of wheat is proposed to be treated in Illinois, and a maximum of 100,000 acres of wheat and barley in Virginia. If all of the acreage were treated, a maximum of 37,688 pounds of product would be needed in Illinois, and a maximum of 4,188 pounds of product would be needed in Virginia.

Applications are proposed to be made using either aerial or ground equipment. All applications are proposed to be made by or under the direct supervision of certified applicators. Illinois and Virginia have requested authorization to make treatments through April 1988.

The Applicants claim that emergency conditions exist due to the presence of wild garlic bulblets in harvested wheat and barley. Grain sold with garlic bulblets present is generally docked on a per-bulblet basis. The Applicants claim that the new regulations under the U.S. Grain Standards Act which lower by two-thirds the amounts of wild garlic allowable in marketed wheat and barley have contributed to the need for a better means of controlling garlic. If these new standards cannot be met, prices will be docked severely or the grain may be refused altogether. In either event, the economic consequences could be substantial if growers are unable to control wild garlic in wheat and barley.

The Applicants claim that the registered alternatives currently available do not provide a sufficient level of control of wild garlic. The Applicants claim that wheat and barley growers have traditionally used 2,4-D and dicamba to control this weed. Specifically, the Applicants claim that these pesticides only provide 20 to 75 percent control of wild garlic.

This notice does not constitute a decision by EFA on the application itself. It is the Agency's policy to solicit public comment on applications involving unregistered active ingredients. Accordingly, interested persons may submit written views on this subject to the Program Management and Support Division at the address above. The comments must be received on or before December 31, 1987 and should bear the identifying notation "OPP–180749." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, CM# 2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemptions requested by the Illinois Department of Agriculture, and the Virginia Department of Agriculture and Consumer Services.

Dated: November 25, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87–28755 Filed 12–15–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. W–29]

Filing of FM Broadcast Applications

Release: December 8, 1987.

Notice is hereby given that applications for vacant FM broadcast allotment listed below may be submitted for filing during the period beginning December 8, 1987 and ending January 14, 1988 inclusive. Selection of a permittee from a group of acceptable applicants will be by the Comparative Hearing process.

Channel—258 A

Hamburg—AR
Little Rock—AR
Eldora—IA
Ruston—LA
Pittsfield—ME

Republic—MO
ST James—MO
Ripley—OH
Mount Union—PA
Reynoldsville—PA
Scranton—PA
Bryan—TX
Emporia—VA
Point Pleasant—WV

Channel—257 A

Bakersfield—CA

Channel—244A

Plainville—KS

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–28849 Filed 12–15–87; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1696]

Petitions for Reconsideration and Applications for Review of Actions in Rulemaking Proceedings

December 8, 1987.

Petitions for reconsideration and applications for review have been filed in the Commission rule making proceeding listed in this Public notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor, International Transcription Service (202–857–3800). Oppositions to these petitions and applications must be filed. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Hinesville, Georgia) (RM–5657) Number of petitions received: 1

Ssubject: Use of Certain Generally Accepted Accounting Principles in Part 32 of the Commission's Rules. (RM–5835) Number of petitions received: 1

Subject: Amendment of § 73.606(b), Table of Assignments TV Broadcast Stations. (Ventura, California) (MM Docket No. 85–390) Number of petitions received: 2

Subject: Amendment of § 73.202(b), Table of Allotments FM Broadcast Stations. (Churubusco, Huntington, Roanoke, and South Whitley, Indiana) (MM Docket No. 86–359, RM's 5369, 5587, 5664 & 5665) Number of petitions received: 1

Subject: Amendment of § 73.606(b), Table of Allotments, TV Broadcast Stations. (Santa Barbara, Ventura, And Bakersfield, California; Streator and Galesburg, Illinois. (MM Docket No. 85–251) Number of applications received: 2

Federal Communications Commission

William J. Tricarico,

Secretary.

[FR Doc. 87–28850 Filed 12–15–87; 8:45 am]

BILLING CODE 6712–01–M

Applications for Consolidated Proceeding; Dianne E. Ellis et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No	MM Docket No
A. Dianne E. Ellis	Linden, Alabama	BPH–860703MK	87–539
B. Terry C. King	Linden, Alabama	BPH–860703ML	
C. Linden Radio Joint Venture	Linden, Alabama	BPH–860707NE	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicant(s)
1. Comparative	All
2. Ultimate	All

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplication contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87–28842 Filed 12–15–87; 8:45 am]

BILLING CODE 6712–01–M

Applications for Consolidated Hearing; Gainesville Broadcasters et al.

1. The Commission has before it the following mutually exclusive applications for a new AM station:

Applicant	City/State	File No.	MM Docket No.
A. [illegible]	Gainesville, Fl	BP–861030AJ	87–536
B. Matthew Provenzano	Gainesville, Fl	BP–87030AD	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicant(s)
1. Air Hazard	B
2. Comparative	Both applicants
3. Ultimate	Both applicants

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87–28843 Filed 12–15–87; 8:45 am]

BILLING CODE 6712–01–M

Information Collection Requirement Approval by Office of Management and Budget

December 7, 1987.

The following information collection requirements have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). For further information contact Terry Johnson, Federal Communications Commission, telephone (202) 632–7513.

OMB No.: 3060–0029.

Title: Application for New Broadcast Station License.

Form No.: FCC 302.

A revised application form FCC 302 has been approved for use through 9/30/90. The December 1984 edition with a previous expiration of 9/30/87 will remain in use until revised forms are available.

OMB No.: 3060–0034.

Title: Application for Construction Permit for Noncommercial Educational Broadcast Station.

Form No.: FCC 340.

A revised application form FCC 340 has been approved for use through 9/30/90. The May 1985 edition with a previous expiration of 9/30/87 will remain in use until updated forms are available.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–28871 Filed 12–15–87; 8:45 am]

BILLING CODE 6712–01–M

Applications for Consolidated Proceeding

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City, and State	File No.	MM Docket No.
A. Hameed Ahmad; Juneau, Alaska.	BPH–840319CG	87–540
B. Golden Bear Communications General Partnership; Juneau, Alaska.	BPH–840907IA	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Financial Qualifications, B
2. Environmental Impact, A, B
3. Air Hazard, B
4. Comparative, A, B
5. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87–28872 Filed 12–15–87; 8:45 am]

BILLING CODE 6712–01–M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City, and State	File No.	MM Docket No.
A. Owen D. Woodward & J. David Bullion d/b/a Breckenridge Broadcasting Company; Stephenville, Texas.	BPH–850711PS	87–541
B. Michelle Anderton; Stephenville, Texas.	BPH–850712SJ	
C. Cross Timbers Broadcasters, a limited partnership; Stephenville, Texas.	BPH–850712SA	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and applicant(s)

1. Air Hazard, C
2. Comparative, A,B,C
3. Ultimate, A,B,C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87–28873 Filed 12–15–87; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Training and Fire Programs Directorate; Board of Visitors for the National Fire Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name: Board of Visitors (BOV) for the National Fire Academy (NFA).

Dates of Meeting: January 25–26, 1988.

Place: National Emergency Training Center, G Bldg., 2nd Floor Conference Room, Emmitsburg, Maryland 21727

Time:
January 25—8:30 a.m. to 5:00 p.m.
January 26—8:30 a.m. to agenda completion

Proposed Agenda: Old Business; New Business; Preparation of Annual Report

The meeting will be open to the public with seating available on a first-come, first-serve basis. Members of the general public who plan to attend the meeting should contact the Office of the Superintendent, National Fire Academy, Training and Fire Programs Directorate, 16825 South Seton Avenue, Emmitsburg, Maryland, 21727 (telephone number, 301–447–1123) on or before January 15, 1988.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Associate Director's Office, Training and Fire Programs Directorate, Federal Emergency Management Agency, Building N, National Emergency Training Center, Emmitsburg, MD, 21727. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: December 3, 1987.

Caesar A. Roy,

Deputy Associate Director, Training and Fire Programs.

[FR Doc. 87–28852 Filed 12–15–87; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–009831–007.

Title: New Zealand/U.S. Atlantic and Gulf Shipping Lines Rate Agreement.

Parties:
PACE Line
Columbus Line

Synopsis: The proposed amendment would add authority to serve inland and coastal points in the United States, Puerto Rico and the Virgin Islands via U.S. Atlantic, Gulf, Puerto Rican and Virgin Island agreement ports. The parties have requested a shortened review period.

Agreement No.: 202–010676–028.

Title: South Europe/U.S.A. Freight Conference.

Parties:
Achille Lauro, C.I.A.
Venezolana de Navegacion
Compania Trasatlantica Espanola, S.A.
Costa Container Lines, S.p.A.
Evergreen Marine Corporation (Taiwan) Ltd.
Farrell Lines, Inc.
Italia di Navigazione S.p.A.
Jugolinija
Jugooceanija
Lykes Lines
A. P. Moller-Maersk Line
Nedlloyd Lines
Sea-Land Service, Inc.
Trans Freight Lines
Zim Israel Navigation Company, Ltd.

Synopsis: The proposed amendment would suspend the operation of the Spanish Olive Section from January 18, 1988, through December 31, 1988.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: December 11, 1987.

[FR Doc. 87–28801 Filed 12–15–87; 8:45 am]

BILLING CODE 6730–01–M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200075.

Title: Long Beach Preferential Assisgnment Agreement.

Parties:
The City of Long Beach (City)
Koch Carbon, Inc. (Lessee)

Synopsis: The proposed agreement authorizes the lease and a non-exclusive preferential assignment of property located on Pier A in the Harbor District of the City of Long Beach. The term of the lease shall be for a period of five (5) years with seven (7) five-year renewal options.

Agreement No.: 224–200074.

Title:
Alabama State Docks Department Freight Handling Service Agreement

Parties:
Alabama State Docks Department
The Southern International Service Company, Inc. (SISCO)

Synopsis: The proposed agreement would grant SISCO authority to perform or have performed cargo and freight handling services at the Department's port facilities in Mobile, Alabama. The term of the agreement is for one year with automatic renewal for additional one-year terms.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: December 10, 1987.

[FR Doc. 87–28802 Filed 12–15–87; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank of New England Corp. et al.; Applications To Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 6, 1988.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Bank of New England Corporation*, Boston, Massachusetts; to engage *de novo* through its subsidiary, Conifer Life Insurance Company, Inc., Phoenix, Arizona, in underwriting, as reinsurer, credit life insurance and credit accident and health insurance directly related to extensions of credit by banking subsidiaries of Applicant pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y. This activity will be conducted in the states of Massachusetts, Connecticut, Maine, Rhode Island, New Hampshire, and Vermont.

B. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Mount Sterling National Holding Company*, Mount Sterling, Kentucky; to engage *de novo* through its subsidiary, Independence Financial, Inc., Mount Sterling, Kentucky, in the issuance and sale at retail of money orders and similar consumer-type payment instruments having a face-value of not more than $1,000 pursuant to § 225.25(b)(12) of the Board's Regulation Y. This activity will be conducted in the Commonwealth of Kentucky.

Board of Governors of the Federal Reserve System, December 10, 1987.

James McAfee,

Associated Secretary of the Board.

[FR Doc. 87–28804 Filed 12–15–87; 8:45 am]

BILLING CODE 6210–01–M

The Hong Kong and Shanghai Banking Corp.; Proposal To Engage in Certain Foreign Exchange Spot, Forward, Futures and Options Transactions

The Hong Kong and Shanghai Banking Corporation, Hong Kong; Kellett N.V., Curacao, Netherlands Antilles; HSBC Holdings B.V., Amsterdam, Netherlands; and Marine Midland Banks, Inc., Buffalo, New York (collectively "Applicants") have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) ("BHC Act") and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), for permisison to engage *de novo* through their indirect subisdiary, Carroll McEntee & McGinley Incorporated, New York, New York ("Company"), in the activities of trading as a principal in certain foreign exchange spot, forward, futures, and options transactions.

These activities would involve the trading of foreign currency futures, options and options on futures, and spot and forward currency transactions outside the hours when the foreign currency futures and options markets are open. The futures and options transactions would be executed through CM&M Futures, Inc., an affiliated futures commission merchant, on the Philadelphia Stock Exchange and the International Monetary Market of the Chicago Mercantile Exchange, and the spot and forward trades would generally be executed through Applicants' indirect subsidiary, Marine Midland Bank, N.A.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." A particular activity may be found to meet the "closely related to banking" test if it is demonstrated that banks have generally provided the proposed activity; that banks generally provide services that are operationally or functionally so similar to the proposed activity so as to equip them particularly well to provide the proposed activity; or that banks generally provide services that are so integrally related to the proposed activity as to require their provision in a specialized form. *National Courier Ass'n v. Board of Governors*, 516 F.2d 1229, 1237 (D.C. Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y, 49 Federal Register 806 (1984).

The Board has previously approved the activity of trading in foreign exchange spot and forward contracts for the company's own account by specific order under Section 4(c)(8) of the BHC Act (*See European-American Bancorp.* 63 Federal Reserve Bulletin 595 (1977)).

The Board has not previously approved the activity of dealing in foreign exchange futures, options, or options on futures for the company's own account as a primary activity under section 4(c)(8) of the BHC Act. The Board has permitted hedging with certain of these instruments as an incidental activity for companies engaging in futures commission merchant activities pursuant to § 225.25(b)(18)(ii) of Regulation Y (12 CFR 225.25(b)(18)(ii)).

Applicants state that the proposed activities are so closely related to banking or controlling banks as to be a proper incident thereto on the basis of their belief that banks engage in activites that are functionally and operationally similar to those involved in the application, including the purchase and sale of foreign currency for their own account.

In determining whether a particular activity is a proper incident to banking, the Board considers whether the performance of the activity by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. Applicants maintain that permitting bank holding companies to engage in the proposed activities would be procompetitive and would enable holding companies to provide greater convenience and increased services to customers. Applicants believe that the proposal will provide Company with a valuable risk management and market intelligence gathering tool and additional flexibility in its activities, thereby increasing its efficiency and financial strength. In addition, Applicants believe the proposal would not result in adverse effects.

Applicants state that the proposed foriegn exchange activity would be conducted at all times in accordance with the statement of policy concerning bank holding companies engaging in futures, forwards and options contracts on U.S. government and agency securities and money market

BEST COPY AVAILABLE

instruments adopted pursuant to § 225.142 of the Board's Regulation Y (12 CFR 225.142).

In publishing the proposal for comment, the Board does not take any position on issues raised by the proposal under the BHC Act. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the proposal meets or is likely to meet the standards of the BHC Act.

Comments are requested on whether the proposed activities are "so closely related to banking or managing or controlling banks as to be a proper incident thereto," and whether the proposal as a whole can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on these questions must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 14, 1988.

Board of Governors of the Federal Reserve System, December 10, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-28803 Filed 12-15-87; 8:45 am]

BILLING CODE 6210-01-M

Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 31, 1987.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *David E. Rainbolt,* Oklahoma City, Oklahoma, to acquire 25 percent; and Leslie J. Rainbolt Troszak, Oklahoma City, Oklahoma, to acquire 25 percent of the voting shares of First American Bancorporation, Inc., Stonewall, Oklahoma, and thereby indirectly acquire First American Bank, Stonewall, Oklahoma.

Board of Governors of the Federal Reserve System, December 10, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-28805 Filed 12-15-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Grants Administration; Debarment; Stephen E. Breuning

AGENCY: Department of Health and Human Services (HHS).

ACTION: Notice of debarment.

SUMMARY: This notice announces the debarment of Stephen E. Breuning, Ph.D. from eligibility for direct or indirect financial assistance under any discretionary program awarded or administered by the Department of Health and Human Services.

DATES: The debarment became effective August 26, 1987 and ends ten years from that date.

FOR FURTHER INFORMATION CONTACT: Wright Williamson, Policy Officer of Ethics and Science, Alcohol, Drug Abuse and Mental Health Administration, Public Health Service, 5600 Fishers Lane, Parklawn Building, Room 9-95, Rockville, Maryland 20857. Telephone: (301) 4432-4673.

SUPPLEMENTARY INFORMATION: Pursuant to 45 CFR Part 76, Stephen E. Breuning, Ph.D., Polk Center, Route 62, Polk, Pennsylvania 16342 has been debarred from receiving or applying for, directly or indirectly, any form of financial assistance under any discretionary program awarded or administered by the Department of Health and Human Services. The debarment applies to assistance provided through grants, cooperative agreements, fellowships, traineeships, loans, loan guarantees, and interests subsidies, as well as contracts, subcontracts, and subgrants supported by such assistance. It also debars Dr. Breuning from service or participation in the conduct or performance of an assisted project. The debarment become effective on August 26, 1987. After ten years from that date, Dr. Breuning may again apply to the Department of Health and Human Services for receipt of financial assistance.

This debarment action is based upon findings of an investigation conducted by the National Institute of Mental Health which concluded that Dr. Breuning "knowingly, willfully, and repeatedly engaged in misleading and deceptive practices in reporting results of research supported by or citing Public Health Service grants MH 32206 and MH 37449."

Specifically, the instances of misleading and deceptive practices set forth in the investigative report reflect a lack of integrity and honesty that is so compelling as to seriously and directly affect Dr. Breuning's present qualification to participate in HHS sponsored assistance. These findings clearly demonstrate the existence of the causes of debarment under 45 CFR 76.10 (d), (e), and (g).

Dated: December 8, 1987.

Henry G. Kirschenmann, Jr.,

Deputy Assistant Secretary for Procurement, Assistance and Logistics.

[FR Doc. 87-28902 Filed 12-15-87; 8:45 am]

BILLING CODE 4150-04-M

Grants Administration; Debarment; Charles J. Glueck

AGENCY: Department of Health and Human Services (HHS).

ACTION: Notice of suspension.

SUMMARY: This notice announces the suspension of Charles J. Glueck, M.D. from eligibility for direct or indirect financial assistance under any discretionary program awarded or administered by the Department of Health and Human Services.

DATES: The suspension became effective October 15, 1987 and is for a temporary period pending the completion of debarment proceedings.

FOR FURTHER INFORMATION CONTACT: Robert B. Lanman, Esq., Chief, National Institutes of Health Branch, Public Health Division, Office of General Counsel, 9000 Rockville Pike, Building 31, Room 2B-50, Bethesda, Maryland 20892. Telephone: (301) 496-4108.

SUPPLEMENTARY INFORMATION: Pursuant to 45 CFR Part 76, Charles J. Glueck, M.D., Director, The Cholesterol Center, The Jewish Hospital of Cincinnati, Inc., 3200 Burnet Avenue, Cincinnati, Ohio 45229, has been suspended from receiving or applying for, directly or indirectly, any form of financial assistance under any discretionary program awarded or administered by the Department of Health and Human Services. It also suspends Dr. Glueck from service or participation in the conduct or performance of an assisted project. The suspension became effective on October 15, 1987 and is for a temporary period pending the completion of debarment proceedings. This action is being taken pursuant to the HHS Financial Assistance Debarment and Suspension Regulations pertaining to grants and other forms of financial assistance, 45 Code of Federal Regulations, Part 76.

The basic for the suspension action is that there is reasonable evidence Dr. Glueck has committed irregularities of a serious nature which would be grounds for debarment under 45 CFR 76.10. In published papers, he misrepresented both the design and findings of a study supported by the National Institutes of Health. In conducting the study and reporting the results, he reached conclusions on the basis of his memory of the data, misrepresented data and otherwise seriously deviated from acceptable research practices. The seriousness of this misconduct was magnified by the fact that the conclusions of the paper could influence the course of treatment for children with elevated cholesterol levels.

Dated: December 8, 1987.

Henry G. Kirschenmann, Jr.,

Deputy Assistant Secretary for Procurement, Assistance and Logistics.

[FR Doc. 87-28900 Filed 12-15-87; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 77F-0304]

Glyptal Co.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal without prejedice to a future filing of a petition proposing that the food additive regulations concerning catalysts and cross-linking agents for epoxy resins be amended to include the morpholine salt of para-toluene sulfonic acid as a catalyst for epoxy resins.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administraion, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 7, 1977 (42 FR 54623), FDA published a notice that it had filed a petition (FAP 6B3237) from General Electric Co., 305 Eastern Ave., Chelsea, MA 02150, proposing that § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300) be amended by including the morpholine salt of para-toluene sulfonic acid as a catalyst for epoxy resins. This division of General Electric Co. was subsequently sold to Glyptal Co., Chelsea, MA, and Glyptal has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: December 7, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-28823 Filed 12-15-87; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Program Announcement for Grants for Two-Year Programs of Schools of Medicine or Osteopathy

The Health Resources and Services Administration announces that applications for Fiscal Year 1988 Grants for Two-Year Programs of schools of Medicine or Osteopathy are now being accepted under the authority of section 788(a) of the Public Health Service Act, as amended by Pub. L. 99-129.

Section 788(a) authorizes the award of grants to maintain and improve schools which provide the first or last two years of education leading to the degree of doctor of medicine or osteopathy. Grants provided under this authority to schools that were in existence on September 30, 1985, may be used for construction and purchase of equipment.

To be eligible for a grant under this authority, the applicant must be a public or nonprofit, private school providing the first or last two years of education leading to the degree of doctor of medicine or osteopathy and be accredited or be operated jointly with a school that is accredited by a recognized body or bodies approved for such purpose by the Secretary of Education.

The review of applications will take into consideration the following criteria:

1. The extent to which the project meets the intent of section 788(a) legislation;

2. The administrative and management ability to the applicant to carry out grant-supported objectives in a cost effective manner;

3. The adequacy of the qualifications and experience of the staff and faculty; and

4. The relative effectiveness of the proposed project in improving the quality of and/or access to medical education.

5. The extent to which the project is effective in its recruitment and retention of minority and disadvantaged students.

The Administration's budget request for Fiscal Year 1988 does not include funding for this program. This notice regarding applications does not reflect any change in this policy. However, should funds become available unexpectedly for this purpose, this contingency action will assure that grants can be awarded in a timely fashion consistent with the needs of the program as well as to provide for even distribution of funds throughout the fiscal year.

Application materials will be sent only upon request. Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D31), Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8C-22, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6880.

To receive consideration applications must meet the deadline of January 8, 1988, which means they must be either:

(1) *received* on or before the deadline date, or

(2) *postmarked* on or before the deadline date, and received in time for submission to the independent review group.

A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Should additional programmatic information be required, please contact: Multidisciplinary Resources Development Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building,

Room 4C–16, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6817.

The standard application and general instructions Form PHS 6025–1 HRSA Competing Training Grant Application and supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

This program is listed at 13.149 in the *Catalog of Federal Domestic Assistance.* Applications submitted in response to this announcement that request construction assistance are subject to intergovernmental review under provisions of Executive Order 12372, as supplemented by 42 CFR Part 100, Intergovernmental Review of Federal Programs. Applications submitted for program support only are not subject to intergovernmental review under these provisions.

Dated: November 5, 1987.

David N. Sundwall, M.D.

Administrator, Assistant Surgeon General.

[FR Doc. 87–28822 Filed 12–15–87; 8:45 am]

BILLING CODE 4160–15–M

Public Health Service

Office of Disease Prevention and Health Promotion; Public Hearings (7)

AGENCY: Office of the Assistant Secretary for Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (DHHS) and the Office of the Assistant Secretary for Health are announcing a series of public hearings for purposes of receiving testimony relative to the establishment of national health objectives for the Year 2000. Each of seven scheduled hearings will be a day and a half in length and will provide an opportunity for individuals to present oral testimony of up to ten minutes duration. The purpose of the testimony is to guide the drafting of health objectives within special areas of concern. The 1990 Objectives for the Nation were previously drafted by expert working groups in 1979 and have served as national targets for improved health in fifteen priority areas since 1980 (see *Promoting Health/Preventing Disease—Objectives for the Nation,* or *The 1990 Health Objectives for the Nation: A Midcourse Review).*

Regional sites were selected for the hearings so as to maximize the opportunity for individual, regional and local perspectives to be presented.

Date, Place and Principal Local Sponsor for Hearings

January 14–15, 1988, Birmingham, Alabama, University of Alabama School of Public Health

January 22–23, 1988, Los Angeles, California, University of California Los Angeles School of Public Health

January 27–28 1988, Houston, Texas, Southwest Center for Prevention Research and Texas Department of Health

February 5–6, 1988, Seattle, Washington, University of Washington School of Public Health and Community Medicine

February 18–19 1988, Denver, Colorado, University of Colorado Health Sciences Center

March 3–4, 1988, Detroit, Michigan, Wayne State Unviersity School of Medicine

March 10–11, 1988, New York, New York, National Center for Health Education

FOR FURTHER INFORMATION CONTACT: Written requests to participate in the hearing process by providing written and/or oral testimony should be sent to: Dr. Michael Stoto, Project Director, Year 2000 Health Objectives, Institute of Medicine, 2101 Constitution Avenue, Washington, DC 20418. Persons desiring additional information regarding conduct of the hearings, suggested approaches, priority areas for testimony, etc. should contact Dr. Stoto at (202) 334–3935.

Agenda: Open Public Hearings (dates listed above).

The PHS previously identified fifteen priority areas around which 226 quantified, time-limited national health objectives for 1990 were established. These hearings will solicit testimony on priority areas of concern for developing a successor set of national health objectives for the 1990s. Copies of a "blueprint" suggestive of topic areas for which individuals may wish to present testimony are available from the contact person listed above.

Since the time available within any hearing schedule is limited and since it is desirable that a wide range of relevant topics be addressed at each hearing, decisions on selection of individuals to testify and scheduling of the testimony will be made by the Office of Disease Prevention and Health Promotion and the Institute of Medicine. Notification of decisions on requests to testify will be made by the contact person listed above. At each hearing, several open periods of testimony will be scheduled to supplement testimony from individuals selected in advance of the hearings to testify. Those wishing to testify in these open periods will be allowed five minute periods to testify based on order of sign-up at the time of the hearing. The presiding officer of the hearing panel will make these determinations, as well as others arising during the course of the hearings. Individuals who are selected to provide oral testimony are strongly encouraged to submit written testimony at the time of their oral presentation. Additionally, individuals not selected to provide oral testimony, or who desire to submit only written testimony, are encouraged to provide written testimony. Written testimony should be forwarded to the contact person listed above by March 31, 1988. Earlier submission is encouraged.

Individuals who provide written and/or oral testimony should consider in their testimony, areas of disease prevention and health promotion, whether diseases, conditions, risk factors, or population groups, wherein concerted actions by public or private programs, practitioners, or individuals, using available or anticipated technology and resources, that can contribute to improved health status by Year 2000. General areas of concern, desirable goals, organizational and technical approaches with potential for success, surveillance issues, etc. are all appropriate areas for testimony.

SUPPLEMENTARY INFORMATION: Specific locations and daily schedules for the hearings are not available at this time, but will be available by contacting the contact person listed above.

A list of hearing panel members will be available at the hearing.

J.M. McGinnis,

Deputy Assistant Secretary for Health, Director, Office of Disease Prevention and Health Promotion.

[FR. Doc. 87–28905 Filed 12–45–87; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–050–08–7122–14–X218; A–23079]

Temporary Closure of Selected Public Lands in La Paz County, AZ, and San Bernardino County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Temporary closure of selected public lands in La Paz County, Arizona, and San Bernardino County, California, during the operation of the 1988 SCORE Parker 400 Off-Road Vehicle Race.

SUMMARY: The District Managers of the Yuma District, the California Desert District, and the Phoenix District jointly announce the temporary closure of selected public lands under their respective administration. This action is being taken to provide for public safety and prevent unnecessary environmental degradation during the official permitted running of the 1988 SCORE Parker 400 off-road vehicle race.

DATES: January 28, 1988, through January 31, 1988.

FOR FURTHER INFORMATION CONTACT: Merv Boyd, Concession Management Specialist, Havasu Resource Area, 3189 Sweetwater Avenue, Lake Havasu City, Arizona 86403, 602–855–8017; Phil Damon, Outdoor Recreation Planner, Needles Resource Area, P.O. Box 888, Needles, California 92363, 619–326–3896; or Mike Feeney, Natural Resource Specialist, Lower Gila Resource Area, 2015 West Deer Valley Road, Phoenix, Arizona 85027, 602–863–6711.

SUPPLEMENTARY INFORMATION: Specific restrictions and closure periods are as follows:

California Loop

1. The entire course is closed to public vehicle use from 6 a.m., Thurday, January 28, 1988, to 6 p.m. Sunday, January 31, 1988 (PST).

2. Between noon, Friday, January 29, 1988, and 3 p.m., Saturday, January 30, 1988 (PST), vehicles are prohibited within 1 mile of either side of existing roads making up the California Loop of the officially approved course. Access routes leading to the course are also closed. All closed routes will be posted throughout the closure period.

3. Spectator viewing is limited to four designed spectator areas located at:

a. Start/Finish area (approximately 5 miles east of Vidal Junction off State Route 62).

b. Vidal Junction (approximately 2 miles north of Vidal Junction adjacent to U.S. Highway 95).

c. Rice (approximately 18 miles west of Vidal Junction off State Route 62).

d. Thunder Alley (approximately 25 miles west of Vidal Junction off Cadiz Road).

Vehicle travel or parking outside these designated locations is prohibited. All vehicles operated within these four locations shall be legally registered for street and highway operation.

4. The previously used spectator viewing area located adjacent to U.S. Highway 95, approximately 18 miles north of Vidal Junction, is open *only* to official pitting activity. No spectators will be allowed at this location.

5. Spectators and vehicle parking along U.S. Highway 95 is prohibited.

6. All vehicles operated within designated pit areas shall be legally registered for street and highway operation.

Arizona Loop

1. The portion of the course comprised of BLM roads and ways is closed to public vehicle use from 6 a.m., Thursday, January 28, 1988, to 6 p.m., Sunday, January 31, 1988 (MST).

2. Vehicles are prohibited from the following five Wilderness Study Areas:

a. AZ–050–12 (Gibraltar Mountain)
b. AZ–050–14A/B (Cactus Plain)
c. AZ–050–15A (Swansea)
d. AZ–050–17 (East Cactus Plain)
e. AZ–050–71 (Buckskin Mountains)

3. The entire area encompassed by the Arizona Loop and all areas within 1 mile outside the Arizona Loop are closed to vehicles unless otherwise posted. Access routes leading to the course are closed to vehicles. All closed routes will be posted throughout the closure period.

4. Spectator viewing is limited to two designated spectator areas located at:

a. Arizona Start/Finish area (along Shea Road east of Parker, Arizona).

b. Bouse Road (about 1½ miles north of Bouse, Arizona).

Camping is allowed only in the two designated spectator areas. Vehicle travel or parking outside these designated locations is prohibited. All vehicles operated within these two locations shall be legally registered for street and highway operation.

5. Spectators and vehicle parking along Bouse Road, Shea Road, and Swansea Road is prohibited except for the two designated spectator areas.

6. All vehicles operated within designated pit areas shall be legally registered for street and highway operation.

Signs and maps directing the public to the Arizona and California spectator areas will be provided by the Bureau of Land Management and the event sponsor.

The above restrictions do not apply to emergency vehicles and vehicles owned by the United States, the States of Arizona and California, or the Counties of La Paz and San Bernardino. Vehicles under permit for operation by event participants must follow the race permit stipulations. Operators of permitted vehicles shall maintain a maximum speed limit of 30 mph on all BLM roads and ways. This speed limit shall not apply to vehicles entered in the race during race day, Saturday, January 30, 1988.

Authority for closure of public lands is found in 43 CFR Part 8340, Subpart 8341; 43 CFR Part 8360, Subpart 8364.1, and 43 CFR Part 8372. Persons who violate this closure order are subject to arrest and, upon conviction, may be fined not more than $1,000 and/or imprisoned for not more than 12 months.

J. Darwin Snell,

Yuma District Manager.

Date: November 8, 1987.

Gerald E. Hillier

California Desert District Manager.

Date: November 23, 1987.

Herman L. Kast

Acting Phoenix District Manager.

Date: December 8, 1987.

[FR Doc. 87–28815 Filed 12–15–87; 8:45 am]

BILLING CODE 4310–32–M

[AZ–010–08–4322–02]

Arizona Strip District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Arizona Strip District, Interior.

ACTION: Notice of Meeting.

SUMMARY: The Arizona Strip District Grazing Advisory Board will meet Monday, January 11, 1988 at the Holiday Inn, 850 South Bluff Street in St. George, Utah. Primary topics are range improvement projects and the District's resource management plan, update on land exchanges, and monitoring assistance.

FOR FURTHER INFORMATION CONTACT: G. William Lamb, District Manager, Arizona Strip District, 390 North 3050 East, St. George, Utah 84770 (Ph. 801/673–3545).

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Any person may attend, file a written statement by mail or appear before the Board at 9 a.m.

G. William Lamb,

District Manager.

Dated: December 7, 1987.

[FR Doc. 87–28812 Filed 12–16–87; 8:45 am]

BILLING CODE 4310–32–M

[AZ–010–08–4410–02]

Arizona Strip District Advisory Council

AGENCY: Bureau of Land Management, Arizona Strip District, Interior.

ACTION: Notice of Meeting.

SUMMARY: The Arizona Strip District Advisory Council will meet at the Hilton Inn, 1450 South Hilton Drive in St. George, Utah to discuss issues

concerning the districtwide Resource Management Plan now being developed on 2.8 million acres of public lands.

DATES: Wednesday, January 13, 1988 from 8 a.m. until 4:30 p.m. and Thursday, January 14 from 8 a.m. until noon.

FOR FURTHER INFORMATION CONTACT: G. William Lamb, District Manager, 390 North 3050 East, St. George, Utah 84770 (Ph. 801/673–3545).

SUPPLEMENTARY INFORMATION: Other matters on the agenda are election of officers and updates on district programs, including land exchanges and wilderness management plans. The meeting is open to the public. Interested persons may make oral statements at 8 a.m. Thursday or file written statements for the Council's consideration.

G. William Lamb,

Arizona Strip District Manager.

Dated: December 7, 1987.

[FR Doc. 87–28813 Filed 12–15–87; 8:45 am]

BILLING CODE 4310-32-M

Proposed Reinstatement of a Terminated Oil and Gas Lease; Alaska

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97–451), a petition for reinstatement of oil and gas lease AA–48110–AU has been received covering the following lands:

Kateel River Meridian, Alaska

T. 21 S., R. 22 E.,
Sec. 21 SE¼SE¼.
(40 acres.)

The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to $5 per acre per year, and royalty increased to 16⅔ percent. The $500 administrative fee and the cost of publishing this Notice have been paid. The required rentals and royalties accruing from September 1, 1987, the date of termination, have been paid.

Having met all the requirements for reinstatement of lease AA–48110–AU as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective September 1, 1987, subject to the terms and conditions cited above.

Kay F. Kletka,

Chief, Branch of Mineral Adjudication.

Dated: December 8, 1987.

[FR Doc. 87–28809 Filed 12–15–87; 8:45 am]

BILLING CODE 4310-JA-M

[AZ–020–08–4212–12; A 20346–T]

Realty Action; Exchange of Public Lands, Pinal County, AZ

BLM proposes to exchange public land in order to achieve more efficient management of the public land through consolidation of ownership.

The following described public lands are being considered for disposal by exchange pursuant to Section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

Gila and Salt River Meridian, Arizona

T. 5 S., R. 12 E.,
Secs. 8, 9, 10, 11.
T. 7 S., R. 13 E.,
Sec. 27, SE¼SW¼, SW¼SE¼;
Sec. 34, N½NW¼, SW¼NW¼.
Containing 2,760 acres, more or less.

Final determination on disposal will await completion of an environmental analysis.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this Notice will segregate the public lands, as described in this Notice, from appropriation under the public land laws, and the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

The segregation of of the above-described lands shall terminate upon issuance of a document conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Henri R. Bisson,

District Manager.

Date: November 3, 1987.

[FR Doc. 87–28814 Filed 12–15–87; 8:45 am]

BILLING CODE 4310-32-M

Minerals Management Service

[DES 87–37]

Pacific Outer Continental Shelf Region; Availability of the Draft Environmental Impact Statement and Locations and Dates of Public Hearings Regarding Proposed Lease Sale 91 in the Northern California Planning Area

The Minerals Management Service (MMS) has prepared a draft Environmental Impact Statement (EIS) relating to proposed 1989 Outer Continental Shelf (OCS) Oil and Gas Lease Sale 91 in the Northern California Planning Area. The proposed sale will offer for lease approximately 1.1 million acres. Single copies of the draft EIS can be obtained from the Minerals Management Service, Office of Leasing and Environment, 1340 West Sixth Street, Los Angeles, California 90017.

Copies of the final EIS are available for review at the following libraries: Corte Madera Library, 707 Meadowsweet Drive, Corte Madera, California; County of Humbolt, 636 F Street, Eureka, California; Documents Library Sonoma County, 3rd and E Streets Santa Rosa, California; Fairfax Library, 2097 Sir Francis Drake Boulevard, Fairfax, California; Healdburg Library, 221 Matheson Street, Healdsburg, California; John Steinbeck Library, 110 W. San Luis Street, Salinas, California; Long Beach Library and Information Center, 101 Pacific Avenue, Long Beach, California; Mendocino County Library, 353 N. Main Street, Ft. Bragg, California; Mendocino County Library, 105 N. Main Street, Ukiah, California; Mill Valley Public Library, 375 Throckmorton Avenue, Mill Valley, California; Monterey Public Library, 625 Pacific Street, Montery, California; Morro Bay Public Library, 410 Morro Bay Boulevard, Morro Bay, California; Novato Branch Library, 1720 Novato Boulevard, Novato, California; Pacific Grove Library, 550 Central Avenue, Pacific Grove, California; Pacific Public Library, Hilton at Palmetta, Pacifica, California; Petaluma Regional Library, 100 Fairgrounds Drive, Petaluma, California; Redwood City Library, 881 Jefferson Avenue, Redwood City, California; Richmond Public Library, Civic Center Plaza, Richmond, California; San Diego County Library, 5555 Overland Drive, San Diego, California; San Francisco Public Library, Civic Center, San Francisco, California; Santa Cruz Public Library, 224 Church Street, Santa Cruz, California; Santa Monica Pubic Library, 1343 6th Street, Santa Monica California; Sebastopol Public Library, 7140 Bodega Avenue, Sebastopol, California; and Stinson Library, 3470 Shoreline Highway, Stinson Beach, California.

In accordance with 30 CFR 256.26, public hearings pertaining to the draft EIS for proposed Sale 91 will be held at the following locations during the week of February 1–5, 1988:

Eureka, California Monday, February 1, 1988, from 9 a.m. to 8 p.m. or until all testimony has been heard, Red Lion Motor Inn, 1929 Fourth Street, Eureka, California.

Ft. Bragg, California Wednesday, February 3, 1988, from 9 a.m. to 8 p.m. or until all testimony has been heard,

Eagles Lodge, N. Corry Street, Ft. Bragg, California.

The purpose of the public hearings is to provide the Department of the Interior and the MMS with information from individuals, public and private groups, and Government Agencies to further evaluate the potential effects of the proposed lease sale. Pertinent testimony and comments will be addressed in the final EIS for Sale 91. Persons who wish to testify at these hearings are requested to sign in with the receptionist at the hearing.

Testimony will be received on a first-come-first-served basis, with all participants given a chance to testify for 10 minutes or less. Oral testimony may be supplemented by a written statement which, if submitted at a hearing, will be considered as part of the hearing record. Those unable to attend the hearing may submit written statements until the close of the comment period, February 12, 1988. Written statements will receive the same degree of consideration in the final EIS as oral testimony presented at the hearings. All commenters, including those submitting oral and written testimony, are asked to provide three printed copies of their testimony to the MMS at the address listed below. All comments concerning the draft EIS will be accepted through February 12, 1988, and should be addressed to: Regional Director, Minerals Management Service, Sale 91 EIS Comments, 1340 West Sixth Street, Los Angeles, California 90017.

Thomas A. Readinger

Acting Associate Director for Offshore Minerals Management.

Approved:

Bruce Blanchard Director,

Office of Environmental Project Review.

Date: December 10, 1987.

[FR Doc. 87–28808 Filed 12–15–87; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf Development Operations Coordination; Chevron U.S.A. Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0420, Block 154, Ship Shoal Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on December 4, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit: Telephone (504) 736–2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised Section 250.34 of Title 30 of the CFR.

Dated: December 7, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87–28811 Filed 12–15–87; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–242]

Certain Dynamic Random Access Memories, Components Thereof and Products Containing Same; Modification of Limited Exclusion Order

AGENCY: U.S. International Trade Commission.

ACTION: Notice is given that the Commission has modified the limited exclusion order issued on September 21, 1987, in the above-captioned investigation. Commission Action and Order, September 21, 1987, 52 FR 36640. As modified, the limited exclusion order prohibits the unlicensed importation of certain dynamic random access memories (DRAMs) of 64 and 256 kilobits, or any combinations thereof (such as DRAMs of 128 kilobits), manufactured abroad by Samsung Company, Ltd. and/or Samsung Semiconductor & Telecommunications Co., Ltd., or any of their affiliated companies, parents, subsidiaries, licensees, or other related business entities, or their successors or assigns, whether assembled or unassembled, or incorporated into a carrier of any form, including Single-Inline-Packages and Single-Inline-Modules, or assembled onto circuit boards of any configuration. The order also prohibits the unlicensed importation of computers (such as mainframe, personal, and small business computers), facsimile equipment, telecommunications switching equipment, and printers manufactured by Samsung Company, Ltd. and/or Samsung Semiconductor & Telecommunications Co., Ltd., or any of their affiliated companies, parents, subsidiaries, licensees, or other related business entities, or their successors or assigns, which contain infringing DRAMs of 64 or 256 kilobits (or any combinations thereof such as 128 kilobits) manufactured by Samsung Company, Ltd. and/or Samsung Semiconductor & Telecommunications Co., Ltd., or any of their affiliated companies, parents, subsidiaries, licensees, or other related business entities, or their successors or assigns.

Authority: The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 211.57 of the Commission's Rules of Practice and Procedure (19 CFR 211.57).

FOR FURTHER INFORMATION CONTACT: Judith M. Czako, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0359.

SUPPLEMENTARY INFORMATION: On September 21, 1987, the Commission determined to issue a limited exclusion order in the above captioned investigation. On November 24, 1987, pursuant to 19 U.S.C. 1337(g), the President disapproved the Commission's determination, for policy reasons. The Commission, on its own motion, determined to modify the original limited exclusion order. The Commission reconsidered the issues of the appropriate remedy, bonding, and the public interest in this investigation.

Notice of this investigation was published in the **Federal Register** of March 19, 1986 (51 FR 9537).

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with this investigation are available for

inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commisison's TDD terminal on 202–724–0002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 10, 1987.

[FR Doc. 87–28907 Filed 12–15–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–264]

Certain Mail Extraction Desks and Components Thereof; Designation of Investigation as More Complicated

AGENCY: U.S. International Trade Commission.

ACTION: Nonreview of an initial determination (ID) declaring the above-captioned investigation "more complicated" and extending the deadline for completion of the investigation by 6 months.

SUMMARY: Notice is hereby given that the Commission has determined not to review the presiding administrative law judge's (ALJ's) November 5, 1987, ID (Order No. 7) designating this investigation "more complicated" and extending the deadline for completion of the investigation by 6 months, i.e., until October 17, 1988.

FOR FURTHER INFORMATION CONTACT: Mitchell W. Dale, Esquire, Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–1641.

SUPPLEMENTARY INFORMATION: The authority for the Commission's action in this matter is found in section 337(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1337(b)(1)) and § 210.59 of the Commission's Rules of Practice and Procedure (19 CFR 210.59).

On November 5, 1987, the ALJ issued an ID (Order No. 7) designating this investigation "more complicated" and extending the deadline for completion of the investigation by 6 months. The ID was based on the involved nature of the subject matter of the investigation; the ALJ's need, because of the volume of other matters pending before her, for additional time in which to try the evidentiary hearing and issue an ID and the parties' need for additional time for discovery and trial preparation. No petitions for review or Government agency comments were received.

Although the Commission notes that it does not approve the ALJ's finding that it was proper for the parties to have suspended prehearing discovery pending its earlier review and reversal of an ID terminating the case (52 FR 41541 (Oct. 28, 1987)), the Commission nonetheless determines not to review the ALJ's extension of the deadline for completion of this investigation.

Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161. Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–724–002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 4, 1987.

[FR Doc. 87–28908 Filed 12–15–87; 8:45 am]

BILLING CODE 7020–02–M

Certain Minoxidil Powder, Salts and Compositions for Use in Hair Treatment; Commission Decision not to Review Initial Determination Terminating One Respondent on the Basis of a Settlement Agreement

[Investigation No. 337–TA–267]

AGENCY: U.S. International Trade Commission.

ACTION: Termination of respondent Mastey Distributors, Inc. on the basis of a settlement agreement.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) terminating Mastey Distributors, Inc. as a respondent in the above-captioned investigation on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Wayne W. Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–3395.

SUPPLEMENTARY INFORMATION: On November 6, 1987, the presiding administrative law judge issued an ID (Order No. 33) granting the joint motion of complainant The Upjohn Company and respondent Mastey Distributors, Inc. to terminate the investigation with respect to Mastey Distributors, Inc. on the basis of a settlement agreement. No petitions for review of the ID and no government agency or public comments were received.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and 19 CFR 210.53(h).

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 8, 1987.

[FR Doc. 87–28909 Filed 12–15–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–270]

Certain Noncontact Tonometers; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: P.A. Consulting Services, Ltd.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on December 9, 1987.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, DC 20436, no later that 10 days after publication of this notice in the **Federal Register.** Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Kenneth R. Mason,

Secretary

Issued: December 9, 1987.

[FR Doc. 87–28910 Filed 12–15–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–263]

Certain Office Filing Cabinets; Commission Decision Not To Review an Initial Determination Terminating Investigation on the Basis of a Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Nonreview of an initial determination (ID) terminating all respondents in the above-captioned investigation on the basis of a settlement agreement; termination of the investigation.

SUMMARY: The Commission has determined not to review an ID (Order No. 25) terminating respondents Tukaway Computer Cabinets, Inc., Desks, Inc., and Compania Internacional de Muebles de Acero from this investigation on the basis of a settlement agreement. Termination of these respondents terminates the investigation.

FOR FURTHER INFORMATION CONTACT: Paul R. Bardos, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

SUPPLEMENTARY INFORMATION: This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rule 210.53 (19 CFR 210.53).

On September 24, 1987, complainants and all respondents filed a joint motion (Motion No. 263–21) to terminate the investigation on the basis of a settlement agreement. The Commission investigative attorney filed a public interest statement supporting the motion to terminate the investigation. On November 6, 1987, the presiding administrative law judge issued an ID granting the joint motion to terminate the investigation on the basis of the settlement agreement. No petitions for review or Government agency or public comments were received.

Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.

Issued: December 7, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–28911 Filed 12–15–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–269]

Certain Picture-in-a-Picture Video Add-on Products and Components Thereof; Commission Decisions to Review and Reverse an Initial Determination Terminating the Investigation on the Basis of a Settlement Agreement and to Terminate the Investigation with Prejudice on the Basis of Certain Stipulations

AGENCY: U.S. International Trade Commission.

ACTION: Review and reversal of an initial determination terminating the investigation on the basis of a settlement agreement, termination of the investigation with prejudice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review and reverse an initial determination (ID) (Order No. 11) terminating the above-captioned investigation on the basis of a settlement agreement, and instead to terminate the investigation with prejudice on the basis of stipulations.

FOR FURTHER INFORMATION CONTACT: Stephen A. McLaughlin, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436, telephone 202–523–0421.

SUPPLEMENTARY INFORMATION: On June 17, 1987, complainant MultiVision Products, Inc. (MultiVision) filed a complaint alleging that certain proposed respondents had engaged in unfair trade practices, including misappropriation of trade secrets and fraud, in the importation and sale of articles, the effect or tendency of which is to destroy or substantially injure an efficiently and economically operated domestic industry. The complaint contained omissions of certain material facts regarding the existence and definition of the domestic industry. Subsequently, on October 8, 1987, Multivision and respondents moved to terminate this investigation on the basis of a settlement agreement whereby the respondents agreed to pay Multivision a certain sum of money contingent upon termination with prejudice of the investigation and dismissal of a related state court proceeding.

On October 23, 1987, the IA and Multivision jointly moved for termination of the investigation with prejudice based on the following stipulations:

1. Multivision failed to include in its complaint certain material facts regarding the alleged domestic industry's actual or proposed foreign activities.

2. Multivision's acknowledgement of the omissions of material fact from the complaint does not constitute an admission that the omissions were intentional or grossly negligent.

(Motion Docket No. 269–17). Despite this joint motion by the IA and Multivision, the ALJ issued the subject ID terminating the investigation on the basis of the settlement agreement rather than on the basis of the stipulations. The ALJ stated that his determination was based on the failure to establish culpability on the part of Multivision.

On November 13, 1987, the Commission investigative attorney (IA) filed a petition for review of the ID. On November 19, 1987, the complainant filed an opposition to the IA's petition. No other petitions for review or agency or public comments were received.

The Commission has determined to review and reverse the ID terminating

the investigation on the basis of a settlement agreement, and instead to terminate the investigation with prejudice on the basis of stipulations. The above-quoted stipulations clearly indicate that both the IA and Multivision agreed to terminate the investigation with prejudice on the basis of the stipulations and not upon any finding of culpability on the part of Multivision. In order to preserve the integrity of the Commission's *ex parte* process for determining whether to institute section 337 investigations, complainants must not be permitted to make misstatements and/or omissions of material fact in their complaints and then obtain setttlement agreement termination of the investigation following disclosure of their misstatements and/or omissions.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and 19 CFR 210.55 and 210.56.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 9, 1987.

[FR Doc. 87–28912 Filed 12–15–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–254]

Certain Small Aluminum Flashlights and Components Thereof; Extension of Administrative Deadline for Final Commission Determination

AGENCY: U.S. International Trade Commission.

ACTION: Extension of deadline for final Commission determination in the above-captioned investigation to Monday, January 25, 1988.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, telephone 202–523–0493. Hearing-impaired persons may contact the Commission's TDD terminal at 202–724–0002.

SUPPLEMENTARY INFORMATION: On October 1, 1987, the Commission determined to review an initial determination of no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the above-captioned investigation on the issues of patent validity, patent enforceability, patent infringement, trademark infringement, and injury. 52 FR 37538 (Oct. 7, 1987). Because of the complexity of the issues raised, the Commission has determined to extend the administrative deadline for completion of its review and issuance of the Commission's final determination to January 25, 1988.

Copies of all nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 9, 1987.

[FR Doc. 87–28913 Filed 12–15–87; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–3; Sub-No. 66]

Missouri Pacific Railroad Co.; Abandonment in Muskogee, Wagoner and Tulsa Counties, OK; Findings

The Commission has issued a certificate authorizing the Missouri Pacific Railroad Company to abandon its 46.1-mile line of railroad between milepost 100.2 at Muskogee and milepost 146.3 at Tulsa, in Muskogee, Wagoner, and Tulsa Counties, OK. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

Decided: December 9, 1987.

Noreta R. McGee,

Secretary.

[FR Doc. 87–28851 Filed 12–15–87; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Consent Decree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a consent decree in *United States v. Concord Electronics Corp.*, Civil Action No. 85–9664, was lodged with the United States District Court for the Southern District of New York on December 2, 1987. The Decree requires payment of a civil penalty of $36,000.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States v. Concord Electronics Corp.*, D.J. Ref. No. 90–5–1–1–12473.

The consent decree may be examined at the office of the United States Attorney, Southern District of New York, One St. Andrews Plaza, New York, New York 10007; at the Region II office of the Environmental Protection Agency, 27 Federal Plaza, New York, New York 10278; and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.70 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87–28841 Filed 12–15–87; 8:45 am]

BILLING CODE 4410–01–M

[Civil Action No. S–87–0914 RAR/JFM]

Lodging of Consent Decree Pursuant to the Clean Air Act; Ultrapower Energy Resources, Inc., et al.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on November 24, 1987, a proposed consent decree in *United States of America v. Ultrapower 2, A General Partnership; Ultrapower Energy Resources, Inc.; and Pacific Energy Resources, Inc.*, Civil Action No. S–87–0914 RAR/JFM, was lodged with the United States District Court for the Eastern District of California. The complaint sought the imposition of injunctive relief and civil penalties under the Clean Air Act against the defendants for failure to obtain a Prevention of Significant Deterioration (PSD) permit prior to construction and operation of its Westwood, California facility.

The consent decree requires the defendants to pay a civil penalty of $54,000. EPA Region IX issued a PSD permit for this facility on November 20, 1986, and defendants are awaiting final action on the permit by the Administrator of EPA. Under the terms of the consent decree, if the PSD permit is modified, the United States retains the right to seek judicial enforcement of the modified permit as of the date of any modification, and such judicial action may include a request for both civil penalties and injunctive relief.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Ultrapower 2, A General Partnership; Ultrapower Energy Resources, Inc.; and Pacific Energy Resources, Inc.*, D.J. Ref. 90–5–2–1–1097.

The proposed consent decree may be examined at the office of the United States Attorney, 3305 Federal Building, 650 Capitol Mall, Sacramento, California 95814, or the Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105. Copies of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. Copies of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87–28837 Filed 12–15–87; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

[Docket No. 86–87]

Robert L. Venman, M.D.; Denial of Application

On October 23, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Robert L. Venman, M.D., Porter Hospital, South Street, Middlebury, Vermont (Respondent) proposing to deny his application for a DEA Certificate of Registration dated July 3, 1986. The statutory basis for the Order to Show Cause was that Respondent's registration with the DEA would be inconsistent with the public interest as evidenced by his failure to keep complete and accurate records of the acquisition and dispensing of controlled substances, his acquisition of controlled substances by fraud and misrepresentation, and the material falsification of his application for registration.

Respondent, through counsel, requested a hearing by a letter dated November 20, 1986. The matter was docketed before Administrative Law Judge Mary Ellen Bittner. Following prehearing filings, a hearing was held in Boston, Massachusetts on April 28, 1987. On September 3, 1987, Judge Bittner issued her opinion and recommended ruling, findings of fact, conclusion of law and decision. Government counsel filed exceptions to the Administrative Law Judge's opinion, and Respondent's counsel filed a response. On October 19, 1987, the Administrative Law Judge transmitted the entire record to the Administrator. The Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon the findings of fact and conclusions of law as hereinafter set forth.

Respondent received his medical degree in 1965. Following his internship and surgical training he served as a surgeon in Vietnam for one year. During this time he used marijuana occasionally, took Valium, and drank beer, sometimes heavily. After leaving the Army, Respondent joined the staff of Porter Medical Center, a small general hospital in Middlebury, Vermont. Between 1973 and 1982 Respondent admitted to using codeine, alcohol, and occasionally smoking marijuana. He also indicated he may have begun using Percocet. Following a motocycle accident in 1982, Respondent increased his use of Percocet until, by 1986, Respondent was taking large doses of Percocet several times a day. Percocet is a Schedule II narcotic controlled substance.

In March 1984, a DEA Diversion Investigator conducted an investigation at the Porter Medical Center pharmacy in which he noted that four or five physicians had written 79 prescriptions for Schedule II controlled substances for office use. DEA order forms, not prescriptions, are required for such transactions. Respondent wrote eight of the 79 prescriptions. All were for Percocet. Civil complaints were filed against the hospital and some of the physicians, including the Respondent. On June 4, 1985, the United States District Court for the District of Vermont issued a consent decree which required Respondent to pay a $1,000 fine and enjoined him to maintain proper records with respect to the receipt and purchase of controlled substances.

After receiving information that Respondent was purchasing unusually large quantities of controlled substances, DEA and state investigators went to Respondent's office on May 22, 1986. Respondent produced his records as requested by investigators, conceding that they were not complete and accurate. Included in the records produced by Respondent were instances of dispensing of Percodan and Percocet to the family dog. In addition, after advising investigators that he had no controlled substances on hand, investigators discovered and inventoried quantities of Percocet, Tylenol #3, and Valium in a closet in Respondent's office. An audit of available records for the period April through December of 1985, revealed substantial shortages of Percodan, Prcocet, Tylenol #3, and Valium. These included an over 3,500 dosage unit shortage of Percodan and Percocet in the eight-month period.

On May 23, 1986, Respondent initially advised the investigators that he was taking four to eight Percodan or Percocet per day. He later indicated that it might be as high as 15 to 18 tablets a day. In response to a request from investigators, Respondent surrendered his DEA Certificate of Registration.

Respondent was admitted to the Ripley Program of the Brattleboro Retreat for treatment of substance abuse on June 3, 1986. He was discharged on July 1, 1986. On July 3, 1986, Respondent submitted an application for a DEA Certificate of Registration in Schedules II through V. Respondent indicated on that form that he had never surrendered a CSA registration. Respondent later stated that he thought he was applying for reinstatement of the registration he

surrendered on May 23, and that it was his understanding that the question only applied to some other previous registration.

On July 11, 1986, Respondent entered into a stipulation with the Vermont Board of Medical Practice which required the Respondent to comply with certain provisions including that he not possess or store controlled substances or dispense them from his office, that he would agree to random urine testing for two years and that he would obtain counselling and attend three Alcoholics and Narcotics Anonymous meetings per week for two years. Respondent's performance was to be reviewed by the Board after two years from July, 1986.

Respondent has been involved in several community activities regarding the areas of drug abuse since being released from the Battleboro Retreat.

The Administrative Law Judge recommended to the Administrator that Respondent be granted a registration subject to strict controls. The Administrator does not concur with the recommendation of the Administrative Law Judge. Base upon Respondent's historical lack of responsibility in handling controlled substances, and the extent of Respondent's abuse problem relative to his length of rehabilitation, the Administrator concludes that at this time Respondent's registration would be inconsistent with the public interest. After two years of successful completion of the requirements imposed by the Vermont State Board of Medical Practice, the Administrator will give serious consideration to granting Respondent a restricted DEA registration.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that the application for a DEA Certificate of Registration executed by Respondent on July 3, 1986, and any other pending applications submitted by Respondent be, and they hereby are, denied. This order is effective December 16, 1987.

John C. Lawn,
Administrator.

Dated: December 10, 1987.

[FR Doc. 87-28875 Filed 12-15-87; 8:45 am]
BILLING CODE 4410-09-M

[Docket No. 87-54]

Robert F. Witek, D.D.S.; Suspension of Registration

On April 23, 1987, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Robert F. Witek, D.D.S., P.O. Box 175, Mt. Prospect, Illinois (Respondent). The Order to Show Cause sought to revoke Respondent's DEA Certificate of Registration AW5065570 due to the fact that the State of Illinois Department of Registration and Education suspended his dental license and controlled substance license on June 30, 1986.

Respondent, through counsel, requested a hearing by letter dated July 1, 1987. The matter was docketed before Administrative Law Judge Mary Ellen Bittner. In response to an order for prehearing statements, counsel for the agency filed a Motion for Summary Disposition on July 30, 1987. The motion was supported by copies of documents regarding the suspension of Respondent's dental and controlled substance licenses by the State of Illinois Department of Registration and Education. On September 21, 1987, Respondent's counsel filed a response to the agency's motion. This response asserted that (1) it was a denial of due process to require Respondent to file a prehearing statement and permit the Government to file a Motion for Summary Disposition; (2) the State of Illinois had not held a hearing or made a final determination regarding Respondent's state dental and controlled substance licenses, and thus the proceeding is premature; and (3) revocation or suspension of Respondent's DEA registration without a hearing would be a denial of due process. Respondent did not deny that his state dental and controlled substance licenses had been summarily suspended. Judge Bittner issued her opinion and recommended decision on October 5, 1987.

The Administrative Law Judge found that Respondent was not currently licensed to handle controlled substances in the State of Illinois. She further found that the Controlled Substances Act does not require that a state action be final or that a hearing be held before the state agency. The law only requires that a DEA Certificate of Registration may be suspended or revoked where the registrant's state license has been suspended.

The Administrative Law Judge further found that the Drug Enforcement Administration does not have the statutory authority under the Controlled Substances Act to maintain a Certificate of Registration for a practitioner unless the practitioner is authorized by the state in which he practices to dispense controlled substances. See 21 U.S.C. 802(21). The Administrator has consistently so held. See *Emerson Emery, M.D.*, Docket No. 85-46, 51 FR 9543 (1986); *Avner Kauffman, M.D.*, Docket No. 85-8, 50 FR 34208 (1985); *Agostino Carlucci, M.D.*, Docket No. 85-20, 49 FR 33184 (1984).

The Administrative Law Judge further concluded that in a case such as this, a Motion for Summary Disposition is properly entertained and must be granted. It is settled that when no fact question is involved, or when the facts are agreed, a plenary adversary administrative proceeding is not required, even though a pertinent statute prescribes a hearing. In such situations it can be concluded that Congress did not intend administrative agencies to perform meaningless tasks. *U.S.* v. *Consolidated Mines and Smelting Co., Ltd.*, 445 F.2d 432, 453 (9th Cir. 1971). See *NLRB* v. *Interntional Association of Bridge, Structural and Ornamental Ironworkers, AFL-CIO*, 549 F.2d 634 (9th Cir. 1977); *Alfred Tennyson Smurthwaite, N.D.*, Docket No. 77-29, 43 FR 11873 (1978); *Philip E. Kirk, M.D.*, Docket No. 82-36, 48 FR 32887 (1983), aff'd *sub nom Kirk* v. *Mullen*, 749 F.2d 297 (6th Cir. 1984).

The Administrative Law Judge recommended that the Administrator suspend Respondent's DEA Certificate of Registration, that jurisdiction should be retained pending final action by the state licensing authorities, and that upon completion of the state proceedings, the Administrative Law Judge should take such action as is appropriate.

The Administrator adopts the opinion and recommended decision of the Administrative Law Judge in its entirety. The Administrator concludes that there is a lawful basis for the suspension of Respondent's DEA Certificate of Registration. The Administrator directs the Administrative Law Judge to retain jurisdiction of this matter, and upon completion of the state proceedings, to conduct further proceedings or make further recommendations as may be appropriate.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AW5065570 be, and it hereby is, suspended. The Administrator further orders that such registration shall remain suspended pending final action by the Illinois Department of Registration and Education regarding Respondent's authority to handle controlled substances. The suspension shall remain in effect as long as Respondent is not authorized to handle controlled substances in the State of Illinois. This order is effective December 16, 1987.

Dated: December 10, 1987.

John C. Lawn,
Administrator.

[FR Doc. 87-28876 Filed 12-15-87; 8:45 am]
BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act: Proposed Performance Standards for Program Year (PY) 1988

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of proposed revisions to the Secretary's Performance Standards; requests for comments.

SUMMARY: Section 106 of the Job Training Partnership Act (JTPA) requires the Secretary of Labor to prescribe performance standards for adult and youth training programs under Title II-A and dislocated worker programs under Title III. The Secretary may modify these performance standards no more than every two years, and such modifications cannot be retroactive. Based on new information obtained from participants after they leave JTPA programs, four additional postprogram performance standards are being proposed for the next two Program Years (PY) 88-89 (July 1, 1988-June 30, 1990). A new youth measure—the rate of youth employability enhancements—is proposed to replace the current youth entered employment rate. New numerical levels for the six existing standards for Title II-A are also proposed to reflect more recent JTPA program experience.

DATE: Written comments are invited from the public. Comments must be submitted on or before January 11, 1988.

ADDRESS: Comments should be addressed to the Assistant Secretary of Labor, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: Karen Greene, Chief, Adult and Youth Standards Unit.

FOR FURTHER INFORMATION CONTACT: Karen Greene. Telephone (202) 535-0687.

SUPPLEMENTARY INFORMATION:

A. Purpose of Performance Standards

The Secretary of Labor (Secretary) issues performance standards pursuant to section 106 of the Job Training Partnership Act (JTPA) in order to determine whether the basic objectives of JTPA, increased earnings and employment and reduced welfare dependency, are being met. On the basis of the Secretary's performance standards, Governors must set standards for each of their service delivery areas (SDAs). Since JTPA's inception, the seven measures set by the Secretary have remained unchanged. For Program Years (PY) 88-89 (July 1, 1988-June 30, 1989), the Secretary is proposing to add four postprogram standards and to replace the youth entered employment rate with a new measure of youth employability enhancements. New numerical levels for the six current standards are also proposed. The proposed issuance, appended to this notice, consolidates into one document the implementation instructions for all eleven performance measures.

B. Authority to Issue Performance Standards

Section 106 of the Act directs the Secretary to establish performance standards for Title II-A adult and youth and Title III dislocated worker programs.

C. Public Comment and Participation

The Department of Labor (Department) is committed to a participatory process in the development of performance standards through the periodic convening of State, SDA, private industry council (PIC) representatives, and members of public interest groups to address performance standards issues. Four meetings were held between June and October 1987 to provide the Department with necessary field information critical to the development of these standards. This request for comment is another important part of that process.

The Secretary especially requests comments on the following issues:

Youth Employability Enhancements. Would the proposed standard, as measured on the proposed JASR, yield information that is objective and consistent across SDAs? Would the data be of sufficient quality and comparability to provide the basis for a national performance standard? Is it appropriate to eliminate the youth entered employment rate?

Post-Program Standards. Does the Department's proposed approach of maintaining 11 standards impose too great an administrative burden on States and SDAs? Would it be more appropriate to eliminate comparable termination-based standards (entered employment rate, welfare entered employment rate and average wage at placement)?

Currently, in calculating all follow-up standards, adjustments are required to account for differences in the portion of respondents who are employed at termination as compared to those who are not placed. Research shows that those who are placed in jobs at termination are easier to contact and more likely to be employed at follow-up. Therefore an adjustment for differences in response rates between these two groups is necessary to have better estimates of the employment rate and other follow-up measures. Should the worksheet for adjusting performance measures be required in all instances, not just those where the response bias is minimal? What other adjustment procedures should be required for reporting follow-up data to ensure that bias is minimized?

Numerical Levels for Cost Standards. Are the proposed numerical costs levels (cost per entered employment and cost per positive termination) appropriate to promote more intensive and comprehensive serivces?

D. Rationale for the New Standards

In 1986 the Department announced its intention to begin the development of postprogram standards in order to encourage placement of adults in longer-term, more stable jobs. Now that JTPA postprogram data are available, the Secretary is able to set four standards that measure the long-term performance of the system. These new measures will focus program operators on the employment and earnings and job retention of adults three months after termination. This focus should strengthen the quality of program design and service delivery that leads to placement in longer-term, more stable jobs.

On the basis of its Workforce 2000 initiatives, youth program experience, and the intent of Congress as expressed in the JTPA legislation, the Department believes that more emphasis must be placed on intensive investments in youth within JTPA. The JTPA statute recognizes two legitimate outcomes for youth; placement and employability enhancement. The Department believes that it should be a goal of the UTPA system to ensure that a significant portion of youth who participate, whether they are placed in a job or receive employability enhancement, should receive competency-based instruction in either basic education or occupational skills. The Department further believes this objective should be reflected in the performance standards

system. This competency-based instruction could be provided either directly through JTPA or through formal linkage with other service providers, such as the secondary education, vocational education and post-secondary education systems or through structured work-site training. To begin this effort, the Department is proposing revisions to its youth standards to better account for youth competency attainment. The Department proposes to add a new employability enhancement standard, retain the positive termination rate, and discontinue a separate entered employment rate, which is already captured in the rate of positive terminations.

The current youth standards focus programs design on job placement. Concerns have been raised that the standards create incentives for quick job placement and discourage investments in basic education and occupational skills development for youth. The proposed standards do not deemphasize placement as a legitimate outcome, rather they emphasize that competency-based education, remediation, and job skills instruction are critical to future earnings, employment and welfare reduction for youth, particularly school dropouts, potential dropouts, and youth from AFDC welfare families, who are most at-risk of chronic unemployment.

E. Rationale for the New Numerical Levels

The Secretary's national numerical standards for PY 88–89 are set on the basis of the most recent JTPA performance data available (PY 86.) In general, performance under JTPA has improved with each successive year of experience, and as a consequence, SDAs have generally exceeded most of their standards. The numerical values of the standards are generally set so that if SDAs continue to perform in the same manner as they did in PY 86, 75% of the system should exceed their standards.

The proposed numerical standards for the two cost measures are set at a more lenient level than other standards. At the 25th percentile, the adult cost per entered employment is $3,800 and the youth cost per positive termination is $3,000. The proposed level for the adult cost standard represents the 10th percentile; while the youth standard has been retained at the same level since the beginning of JTPA. It is anticipated that setting a higher adult cost standard nationwide will encourage providing more comprehensive programs where appropriate and necessary.

The proposed standard for youth employability enhancements reflects the 25th percentile of previous performance in those SDAs that have fully developed youth competency systems providing basic education and job specific skills instruction.

The proposed numerical standard for the average wage at placement has been set above the 25th percentile to highlight the importance of placing adults in better paying jobs. The rate of employment at follow-up for welfare recipients is also set at slightly above the 25th percentile to emphasize the Departmental commitment to achieving more stable employment for welfare recipients, thereby reducing their dependence on welfare.

Signed at Washington, DC this 11th day of December, 1987.

Robert T. Jones,

Deputy Assistant Secretary for Employment and Training.

Appendix

Training and Employment Information Notice No. _____ January 1988.

Performance Standards for PY 1988

Authority: Job Training Partnership Act; Pub. L. 97–300, Section 106, Implementing Regulations, 20 CFR 629.46, March 15, 1983.

1. *Purpose.* To transmit to State JTPA Liaisons the Secretary's national numerical standards and implementing instructions for Program Years (PY) 88–89.

2. *Background.* Section 106 of JTPA directs the Secretary to establish performance standards for adult, youth, and dislocated worker programs. These standards are updated every two years based on the most recent JTPA program experience. The Secretary also issues instructions for implementing standards and parameter criteria for States to follow in adjusting the Secretary's Standards for SDAs.

3. *Performance Management Goals for PY 88.* Program Year 1988 (PY 88) will begin the third two-year cycle of the performance management system under JTPA. As the system matures, the effects of performance standards on program design, service delivery, and participants served have drawn increased attention. In response, the Department has set the following goals for the performance management system in PY 88. To encourage:

- Increased service to individuals at risk of chronic unemployment, particularly youth;
- The provision of training which leads to long-term employability;
- Increased basic skills and youth employment competency training; and
- The implementation of postprogram performance measures.

These goals are reflected in the proposed refinements to the Secretary's measures, national numerical levels, and Federal reporting requirements. An integral part of the Federal strategy for meeting these goals is to encourage Governors to use their discretion in allowing further adjustments to SDA standards and their authority in developing innovative incentive policies. Thus, SDAs will be rewarded for performance which not only exceeds numerical performance standards, but which addresses these broader performance management concerns. This issuance introduces new postprogram standards, a new measure of youth employability enhancements which replaces the current youth entered employment rate, and revised numerical levels of the current Title II-A standards. A new performance level is set for Title III programs, and the implementing instructions are updated to accommodate the new postprogram standards.

4. *Performance Measures for PY 88 for Title II–A.* Six of the current performances measures will be retained for PY 88. These measures are the entered employment rates for adults and welfare recipients, the average wage at placement, the youth positive termination rate, the cost per entered employment for adults and the cost per positive termination for youth.

A new measure of youth employability enhancements will replace the current youth entered employment rate. This measure strengthens the importance of increasing the long-term employability enhancements.

Four new measures of long-term performance introduced for PY 88, will focus on the employment, earnings and job retention of participants three months after termination. These measures are: an employment rate at follow-up for adults and welfare recipients, average weekly earnings of those employed at follow-up, and average weeks worked during the 13-week follow-up period.

5. *Secretary's National Numerical Standards for PY 88 for Title II–A.* The numerical standards are derived from PY 86 performance data reported on the JTPA Annual Status Report (JASR) and are generally set at a level which approximately 75% of the SDAs are expected to exceed. Continued improved performance in obtaining jobs for all JTPA participants is reflected in higher national entered employment rates for adults and welfare recipients than the levels set for these measures in PY 86. Although actual program costs have been steadily declining, the cost measures for adults and youth are set at more lenient levels in anticipation of more comprehensive programming and increased services to individuals in need of more intensive training.

The new employability enhancement rate is based upon employability enhancements reported on the PY 86 JTPA Annual Status Report and competency attainments from a sample of participants in the PY 86 Job Training Longitudinal Survey. These data show in PY 86 that 40% of the youth attained one or more competencies, at least 25% of the youth attained competencies in basic education or job specific skills and, on average, another 6% of the youth attained an employability enhancement that was not a youth competency attainment (e.g., returned to school or achived a major educational level). Thus, the employability enhancement standard is set at a level which most SDAs will exceed if their competency systems are fully developed.

The Secretary's Stanards for the average wage at placement has previously reflected a policy determined performance goal for the system that was considerably higher than actual program performance. Again this year the Secretary's average wage at placement standard was set at a higher level than other standards to emphasize the importance of placing participants in better than entry-level jobs.

Three of the four postprogram standards are set at the 25th percentile. The rate of employment at follow-up for welfare recipients is set at this higher level to reinforce the Department's commitment to long-term employment and reduced welfare dependency.

The Secretary's Standards for PY 88–89 are as follows:

Adults

A. *Entered Employment Rate: 68%.*
B. *Cost per Entered Employment: $4500.*
C. *Average Wage at Placement: $4.95.*
D. *Welfare Entered Employment Rate: 58%.*

Youth

A. *Positive Termiantion Rate: 75%.*
B. *Employability Enhancement Rate: 30%.*
C. *Cost per Positive Termination: $4900.*

Postprogram

A. *Follow-up Employment Rate: 60%.*
B. *Welfare Follow-up Employment Rate: 50%.*
C. *Weeks Worked in the Follow-up Period: 8.*
D. *Weekly Earnings of all Employed at Follow-up: $177.*

6. *Implementation Provisions.* The following implementation requirements must be followed:

A. *Required Standards.* Governors are required to set for each SDA a numerical performance standard for at least seven of the Secretary's Standards.

B. *Setting the Standards.* The Governor may set the SDA's standards by using the Secretary's numerical standards or by adjusting these standards. Such adjustments must conform to the Secretary's parameters described below:

1. Procedures must be:
- Responsive to the intent of the Act,
- Consistently applied among the SDAs,
- Objective and equitable throughout the State,
- In conformance with widely accepted statistical criteria;

2. Source data must be:
- Of public use quality,
- Available upon request;

3. Results must be:
- Documented,
- Reproducible; and

4. Adjustment factors must be limited to:
- Economic factors,
- Labor market conditions,
- Characteristics of the population to be served.
- Geographic factors,
- Types of services to be provided.

The Department has developed an adjustment methodology which is available for Governors to use at their option. The Department's methodology conforms to the parameter criteria cited above. Should the Governor choose to use an alternate methodology, or further adjust the Departmental model, it must conform to the parameter criteria and be documented in the Governor's Coordination and Special Services Plan prior to the program year to which it applies.

In the case of an appeal from an SDA concerning the imposition of a reorganization plan for failure to meet the performance standards for two consecutive years, the Secretary will make the final decision in accordance with section 106(h)(4) of the Act and 20 CFR 629.46(d)(6). In making this decision, the Secretary will be predisposed to uphold the Governor's determination concerning the application of the performance standards, if the Governor elects to use the nationally developed adjustment methodology to vary the performance standards. If the Governor, however, uses an alternative methodology to vary the standards, the Secretary will review, on a case-by-case basis, the validity of the methodology and its uniform application throughout the State.

The State Job Training Coordinating Council must have an opportunity to consider adjustments to the Secretary's Standards and to recommend variations.

C. *Performance Standards Definitions.* Governors must compute the performance of their SDAs according to the definitions included in the attachment and on the basis of data reported on the JASR.

D. *Application of the Performance Standards.* Performance standards are to be applied to all programs funded under section 202(a)(1) and incentive funds received under section 202(b)(3) of the Act. In applying the Secretary's Standards, Governors may select any combination from among the eleven measures to form the basis of incentive and sanction policies as long as the following criteria are met:

1. The Governor must designate at least seven Secretary's Standards for consideration in making awards.

2. An SDA cannot be precluded from receiving an incentive award in accordance with section 202(b)(3)(B) if it exceeds at least seven of the Secretary's Standards selected by the Governor and designated in the Governor's Coordination and Special Services Plan. Additional State standards and/or any undesignated Secretary's Standards can also be considered in making rewards.

3. Among those Secretary's Standards which a Governor designates for making incentive and sanction determinations, at least one "quality of placement" standard must be included—the average wage at placement or the weekly earnings at follow-up.

4. An SDA can only be sanctioned under Section 106(h) for failure to meet the Secretary's Standards. Sanctioning is required if an SDA fails to meet for two consecutive years seven of the Secretary's Standards designated by the Governor.

5. Eligibility for incentive awards pursuant to section 202(b)(3)(B) must be based on exceeding, not just meeting, standards.

6. To determine whether an SDA has exceeded a performance standard, Governors must use actual end-of-year program data to recalculate the performance standards.

7. Incentive policies may include adjustments to the incentive award amount based upon grant size, service to the hard-to-serve and expenditure level.

8. Governors must specify their incentive award policy under section 202(b)(3)(B) and sanctions policy under section 106(h). State sanctioning policy must include a definition of "failure to meet" and the timeframe that constitutes the period on which sanction action will be taken. The failure to receive incentive funds for two consecutive years does not necessarily constitute failure to meet the standards under Section 106(h).

E. *Performance Standards Provisions for Title III.* Governors are required to set an entered employment rate standard for their Title III formula-funded programs and are encouraged to establish an average wage at placement goal. Because there are no incentive or sanction provisions for Title III performance, the Title III standard serves as a guide for the expected level of performance. In addition, the Secretary is specifying a national goal of 64% for the entered employment rate. This goal has been established on the same basis as the Secretary's Standards for Title II–A. If Title III programs continue to perform in the same manner as they did in PY 86, 75% of the system should exceed the goal.

F. *Inquiries.* Questions concerning this issuance may be directed to Karen Greene on (202) 535–0667.

Attachment

Definitions for Performance Standards

The following defines the Title II–A performance standards:

Adult

1. *Entered Employment Rate*—Number of adults who entered employment at termination as a percentage of the total number of adults who terminated.

2. *Cost per Entered Employment*—Total expenditures for adults divided by the total number of adults who entered employment.

3. *Average Wage at Placement*—Number of adult welfare recipients who entered employment at termination as a percentage of the total number of adult welfare recipients who terminated.

Postprogram

5. *Follow-up Employment Rate*—Number of adult respondents who were employed during the 13th week after program termination divided by the total number of respondents (terminees who completed follow-up interview).

6. *Welfare Follow-up Employment Rate*—Number of adult welfare respondents who were unemployed during the 13th week after program termination, divided by the total number of adult welfare respondents.

7. *Weekly earnings at Follow-up*—Total gross weekly earnings of respondents who were employed at the 13th week divided by the total number of respondents employed at the 13th week.

8. *Weeks Worked in the Follow-up Period.*—Total number of weeks worked in the 13-week follow-up period for all

respondents divided by the total number of respondents.

Youth

9. *Positive Termination Rate*—Number of youth who entered employment or attained one of the youth employability enhancements as a percentage of the total number of youth who terminated.

10. *Employability Enhancement Rate*—Number of youth who attained one of the employability enhancements whether or not they also obtained a job as a percentage of the total number of youth who terminated.

Youth Employability Enhancements include:

a. Attained PIC-Recognized Youth Employment Competencies
b. Enter Non-Title II Training
c. Returned to Full-Time School
d. Completed Major Level of Education
e. Completed Program Objectives (14–15 year olds)

11. *Cost per Positive Termination*—Total expenditures for youth divided by the total number of youth who either entered employment or met one of the above employability enhancements.

Computation formulas, with relevant references to specific line items in the JTPA Annual Status Report, will not be available until the Federal reporting requirements are finalized. An addendum to the issuance will be published including JASR line item references at a later date.

[FR Doc. 87–28915 Filed 12–15–87; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: Office of Records Administration, National Archives and Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATE: Requests for copies must be received in writing on or before February 1, 1988. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESS: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of the Army, Office of the Chief Signal Officer, (N1–111–87–1). Records accumulated ca. 1940–60 pertaining to such facilitative matters as travel, finance and accounting, personnel assignments, procurement and supplies, and transportation. (Records documenting substantive programs and policies are permanent.)

2. Farm Credit Administration, Records and Projects Division (N1–103–87–2). Reports of examination and related work papers and reference material.

3. Farm Credit Administration, Records and Projects Division (N1–103–87–3). Copies of minutes of meetings of the Farm Credit Administration Board and the Federal Farm Credit Board other than the official minutes which are designated for permanent retention, background information on nominees for Board membership, and routine administrative records of both Boards.

4. Farm Credit Administration, Records and Projects Division (N1–103–87–4). Routine election material, background information on nominees for district Boards of Directors, and litigation case files in which the FCA is indirectly involved.

5. Farm Credit Administration, Records and Projects Division (N1–103–87–5). Closed loan case files.

6. The Federal Maritime Commission (N1–358–88–1). Reduction in the retention period of minutes and related records in Agreement Files (Terminals).

7. Department of Commerce, International Trade Administration (N1–151–88–1). Miscellaneous records of the Office of Strategic Information (OSI).

8. Department of Health and Human Services, Social Security Administration (N1–47–88–2). Reduction in retention period for claims materials relating to Retirement and Suvivors Insurance, Disability Insurance, and Supplemental Security Income.

9. Office of Personnel Management, Office of Testing and Examining (N1–146–87–3). Working papers pertaining to the development of assembled and unassembled examinations.

10. Tennessee Valley Authority, Office of Employee Relations, Division of Personnel (N1–142–88–1). Management Training and Development (Fast Track) Program assessment and selection data.

11. Tennessee Valley Authority, Office of Corporate Services, Division of Property and Services (N1–142–88–2). Inventory control system used by the Transportation Services Branch to track fuel and spare parts for TVA vehicles.

12. Department of Transportation National Highway Traffic Safety Administration, General Services Division (N1–416–86–1). Comprehensive schedule.

13. Department of the Treasury, Internal Revenue Service (N1–58–87–5). Records created in the development and use of the Workload Selection System.

Dated: December 10, 1987.

Claudine J. Weiher,

Acting Archivist of the United States.

[FR Doc. 87–28919 Filed 12–15–87; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL COUNCIL ON PUBLIC WORKS IMPROVEMENT

Meeting

The National Council on Public Works Improvement will hold a meeting open to the public on January 15, 1988, from 9:00 a.m. to 12:00 p.m. in Conference Room 4830 of the U.S. Department of Commerce, Main Entrance at 14th Street between Constitution and Pennsylvania Avenues, Washington, DC. If you are interested in attending this meeting, for security purposes you must contact the Council office at 653–0298, so a list of attendees can be provided to the Commerce Department security personnel.

The Council will meet with Advisory Group members to discuss the draft final report.

The National Council on Public Works Improvement was created by Congress to report to the President and the Congress on the state of the nation's infrastructure.

Nancy S. Rutledge,

Executive Director.

[FR Doc. 87–28806 Filed 12–15–87; 8:45 am]

BILLING CODE 6116-01-M

NATIONAL SCIENCE FOUNDATION

Committee Management; Establishment of Advisory Panel for EXPRES, etc.

The Assistant Director for Computer and Information Science and Engineering has determined that the establishment of the Advisory Panel for EXPRES and Related Multimedia Electronic Communication and Collaboration Technologies is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF) and other applicable law. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: Advisory Panel for EXPRES and Related Multimedia Electronic Communication and Collaboration Technologies.

Purpose: Primarily, to advise on the progress of technological advancement being made in the Experimental Research in Electronic Submission (EXPRES) Program, to recommend for further pursuit appropriate research areas and methodologies to foster and support the development and use of electronic communication and collaboration technologies for research and education in the sciences, and to advise of the merit of proposals submitted and the progress and impact (actual and probable) of awards made in this area. Additionally, the Panel provides oversight, general advice, and policy guidance to the programs (dealing with electronic communication and collaboration technologies) within the Division of Networking and Communications Research and Infrastructure.

M. Rebecca Winkler,

Committee Management Officer.

December 11, 1987.

[FR Doc. 87–28861 Filed 12–25–87; 8:45 am]

BILLING CODE 7555-01-M

Committee Management; Establishment of Committee To Review the Graduate Fellowship Program

The Deputy Director of the National Science Foundation has determined that the establishment of the Committee to Review the Graduate Fellowship Program is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF) and other applicable law. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: Committee to Review the Graduate Fellowship Program.

Purpose: To conduct a review of the Foundation's Graduate Fellowship Program, the Minority Graduate Fellowship Program, and other Foundation programs for direct support of graduate students.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 87–28862 Filed 12–15–87; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (P.L.) 97–415, the Nuclear Regulatory Commission (the Commission) is publishing this regular biweekly notice. P.L. 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from November 23, 1987 through December 4, 1987. The last biweekly notice was published on December 2, 1987 (52 FR 45883).

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resource Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By January 15, 1988 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Project Director*): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Carolina Power & Light Company, et al., Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendments: August 5, 1987

Description of amendment request: The proposed amendment would change Technical Specification Surveillance Requirement 4.6.1.2 to reference ANSI/ANS 56.8-1981, instead of the current reference ANSI N45.4-1972. This would allow the use of the mass-point method (also known as the mass-plot method) for calculating containment leakage. In addition, a paragraph is added to Bases section 3/4 6.1.2 to describe the basis of the proposed amendment. The licensee has also, in the same submittal, requested an exemption from Appendix J, paragraph III.A.3 to allow the use of the mass-point method for calculating containment leakage as described in ANSI/ANS 56.8-1981.

Basis for proposed no significant hazard consideration determination: The Commission has provided standards for determining whether a no significant hazard consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined that:

1. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. The Mass-Point technique for calculation of the containment leakage rate is a newer, more accurate and NRC staff-endorsed method. It, or any other calculational method used to determine containment leakage rates during testing, is not considered to be an initiator of any accident previously evaluated.

The Mass-Point technique is judged to be superior method for calculating containment leakage rates, and thereby a better method of verifying that leakage from the containment is maintained within allowable limits. By employing a more reliable calculational technique, the assessment of containment integrity, through integrated leak rate testing is enhanced. As such, the consequences of previously evaluated accidents are not negatively impacted.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed amendment provides for the use of a newer, more accurate technique for calculation of the leakage rate during a containment integrated leak rate test. No possibility of a new or different kind of accident is created since the technique used to calculate leak rates in itself is not considered to be the initiator of any accident, transient, incident, or event.

3. The proposed amendment does not involve a significant reduction in a margin of safety. The proposed change allows the use of the Mass-Point technique to calculate the leakage rate from the containment when performing a containment integrated leak rate test. The Mass-Point technique is a newer, more accurate method which has been endorsed by the NRC staff. By adopting this technique, the licensee will be able to make a more reliable determination of containment leakage during an integrated leak rate test. As such, the degree of confidence in containment integrity would be enhanced. Therefore, this proposed revision does not impact the margin of safety.

Based on the above reasoning, the licensee has determined that the proposed changes involve no significant hazards consideration. The NRC staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Accordingly, the Commission proposed to determine that the requested amendment does not involve a significant hazards consideration.

Local Public Document Room location: University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297.

Attorney for the licensee: R. E. Jones, General Counsel, Carolina Power & Light Company, P. O. Box 1551, Raleigh, NC 27602

NRC Project Director: Elinor G. Adensam

Carolina Power & Light Company, et al., Docket No. 50-324, Brunswick Steam Electric Plant, Unit No. 2, Brunswick County, North Carolina

Date of application for amendment: August 17, 1987

Description of amendment request: The licensee submitted a request on August 17, 1987 to revise the Brunswick Steam Electric Plant (BSEP), Unit 2, Technical Specifications (TS) to reflect modifications being made to the plant during the upcoming Reload 7 outage. These modifications are being done to bring the unit into compliance with the requirements of paragraph (c)(40) of 10 CFR 50.62 which states, in part:

> Each boiling water reactor must have a standby liquid control system with a minimum flow capacity and boron content equivalent in control capacity to 86 gallons per minute of 13-weight percent sodium pentaborate solution.

As stated in their October 10, 1985 submittal in response to reporting requirements in the ATWS rule, the licensee evaluated several options by which the equivalent injection rate requirement could be met. Carolina Power & Light Company has determined that two-pump operation with a sodium pentaborate solution concentration maintained at greater than or equal to 13-weight percent is the preferred option. Since the ATWS function of the standby liquid control system (SLCS) is a backup to other safety-related systems, new requirements due to the ATWS modifications are not needed in the SLCS section of the TS. This has been agreed to by the NRC staff. Only the areas of the TS that cover specific SLCS physical characteristics need to be revised as a result of 10 CFR 50.62.

The existing SLCS includes two positive displacement pumps connected in parallel. The SLCS pump motor control logic is currently configured so that only one of the two pumps may be operated at any time. Modifications are planned for the upcoming Reload 7 outage to permit two-pump operation. To account for the higher system pressures associated with two-pump operation, the SLCS pump relief valve setpoint will be increased from 1400 ± 50 psig to 1450 ± 50 psig. The licensee contacted the manufacturer and determined that the relief valves are capable of operating at the proposed setpoint without damage or malfunction. The portions of the SLCS affected by the increased setpoint were evaluated by the licensee and determined to be capable of performing at the increased pressure without compromising the system integrity or function. In addition, the licensee performed tests on Unit No. 2 during the Reload 6 outage in 1986 to verify that the SLCS is capable of operating under the increased pressures associated with two-pump operation.

Figure 3.1.5-1 has also been revised to set the lower limit for the sodium pentaborate concentration at 13-weight percent. This is consistent with the requirements of paragraph (c)(4) of 10 CFR 50.62.

An administrative change has been made to Surveillance Requirement 4.1.5.c.2. The current requirement is to demonstrate achievability of the minimum flow requirement of 41.2 gpm at a pressure of greater than or equal to 1190 psig. The revision specifies that this requirement is 41.2 gpm per pump, avoiding possible confusion under two-pump operation. The 86 gpm 13-weight percent sodium pentaborate requirements specified by paragraph (c)(4) of 10 CFR 50.62 are the values used in NEDE-24222, "Assessment of BWR Mitigation of ATWS, Volumes I and II," December 1979, for BWR/5 and BWR/6 plants with a 251-inch inside diameter vessel. NEDE-24222 recognized that different values would be

equivalent for smaller plants. NEDE-24222 states that a 66 gpm control liquid injection rate in a 218-inch diameter vessel, as used at BSEP, is equivalent to the 86 gpm injection rate for a 251-inch vessel. Maintaining the minimum flow requirement of 41.2 gpm per pump ensures that an injection rate in excess of 66 gpm will be achieved during two-pump operation.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a no significant hazard consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined that:

1. The proposed amendment does not involve a significant increase in the probability or consequences of any accident previously evaluated because the ATWS function of the SLCS merely provides a backup to other safety-related systems. The effects of the increase in the SLCS pump relief valve setpoint from 1400 ± 50 psig to 1450 ± 50 psig were evaluated, and it was determined that the system is capable of being operated at the increased pressure without compromising system integrity or function. The revision to Figure 3.1.5-1 ensures that the concentration of sodium pentaborate solution is maintained at or above 13-weight percent. This is in accordance with the requirements of 10 CFR 50.62. The change to Surveillance Requirement 4.1.5.c.2 is administrative in nature and, therefore, cannot increase the probability or consequences of any accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated because neither the safety function performed by the SLCS, nor the operability of the SLCS, is affected by the proposed TS revisions or the accompanying plant modifications. The proposed TS changes will ensure that the SLCS is maintained so that it is capable of fulfilling the operability requirements of 10 CFR 50.62.

3. The proposed amendment does not involve a significant reduction in a margin of safety. The proposed revisions are in accordance with the requirements of 10 CFR 50.62 and provide additional assurance that the SLCS is capable of safely shutting down the reactor should an ATWS event occur. The effects of the increase in the SLCS pump relief valve setpoint were evaluated, and it was determined that the system is capable of being operated at the increased pressure without compromising system integrity or function. The revision to Figure 3.1.5-1 ensures that the concentration of sodium pentaborate solution is maintained at or above 13-weight percent, which is more restrictive than the current specification. The revision to Surveillance Requirement 4.1.5.c.2 is administrative in nature and, therefore, cannot cause a decrease in the margin of safety. As such, the proposed amendment leads to an increase in the margin of safety.

Based on the above reasoning, the licensee has determined that the proposed changes involve no significant hazards consideration. The NRC staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Accordingly, the Commission proposed to determine that the requested amendment does not involve a significant hazards consideration.

Local Public Document Room location: University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297.

Attorney for licensee: R. E. Jones, General Counsel, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Project Director: Elinor G. Adensam

Carolina Power & Light Company, et al., Docket No. 50-324, Brunswick Steam Electric Plant, Unit No. 2, Brunswick County, North Carolina

Date of application for amendment: September 29, 1987, as supplemented November 24, 1987

Description of amendment request: The proposed amendment would change the reactor water level setpoint for the isolation of the Group 1 primary containment isolation valves from low level 2 to low level 3. The proposed amendment also corrects the existing master trip unit numbers to agree with current plant conventions.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a no significant hazard consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee evaluated the proposed changes in accordance with the standards in 10 CFR 50.92(c) and determined that:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previous evaluated. The setpoint change was evaluated with respect to several operating parameters, including the minimum critical power ratio (MCPR), peak vessel pressure, radiation release, and shutdown capability during abnormal operating transients. Fuel cladding integrity during a loss-of-coolant accident (LOCA) and the reactor response during an ATWS event were also evaluated. Results of this evaluation are provided in the GE Topical Report NEDC-30601-P, "Safety Review of Water Level Setpoint Change for Brunswick Steam Electric Plant, Units 1 and 2." As stated in Section 4.2.3 and 4.2.4 of that report, the change will not cause a reduction in MCPR, an increase in the peak pressure, an increase in radiation release, a cause of equipment damage, a reduction in plant shutdown capability, or a decrease in core cooling capability. The MSIV level setpoint change has no impact on LOCA events previously evaluated, nor does it cause consequences of accidents previously evaluated to be increased.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. Several operating parameters, including MCPR, peak vessel pressure, radiation release, and shutdown capability during abnormal operational transients were evaluated with respect to this change. Fuel cladding integrity during a LOCA and reactor response during and ATWS event were also evaluated, and the results provided in NEDC-30601-P. None of these evaluations indicated that any new or different type of accident would be created by the change. In addition, the present function and structure of the Group 1 isolation valves remains unchanged, thereby eliminating possible operator confusion and training problems that could lead to a new or different type of accident.

3. The proposed amendment does not involve a significant reduction in a margin of safety. The effects of the setpoint change for LOCA events has been reviewed, and it has been determined that the change has no impact. As stated in NEDC-30601-P, large and intermediate LOCA events will not be affected because the rapid depressurization and rapid inventory loss will cause the MSIV to close almost immediately after the accident, before any fuel failure could occur. Thus, the lower MSIV trip will not increase inventory loss from the reactor core or radiation release to the environment. For a small break LOCA, the highest peak cladding temperature for the worst case single failure (i.e., failure of the HPCI system) is considerably less than the 2200 F peak clad temperature limit. Therefore, the setpoint change will have no effect on the limiting maximum average planar linear hear generation rate (MAPLHGR).

For a loss of feedwater flow event under the proposed amendment, the reactor would not be isolated while HPCI and RCIC are operating. Reactor core isolation cooling system flow would compensate for steam flow through the turbine control valves to the main condenser, thereby maintaining water level above Low Level 3, keeping the MSIVs open, and preventing the safety/relief valves from opening. Thus, the MSIV setpoint change will not compromise core cooling capability for the loss of feedwater flow event. Furthermore, it reduces suppression pool heatup for this event because the main condenser is available for a longer time.

The Low Level 3 reactor water level setpoint for the Group 1 primary containment isolation system valves still "ensures the effectiveness of the instrumentation used to mitigate the consequences of accidents" as demonstrated by the evaluation in Sections 4 and 5 of NEDC-30601-P. Thus, for the reasons described above, the margin of safety is not reduced and may actually be increased.

Based on the above, the licensee has determined that the proposed amendment does not involve a significant hazards consideration. The NRC staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the requested amendment does not involve a significant hazards consideration.

Local Public Document Room location: University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297.

Attorney for licensee: R. E. Jones, General Counsel, Carolina Power & Light Company, P. O. Box 1551, Raleigh, North Carolina 27602

NRC Project Director: Elinor G. Adensam

Carolina Power & Light Company, North Carolina Eastern Municipal Power Agency, Docket No. 50-400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Dates of amendment request: May 26, 1987, as supplemented by submittal dated November 2, 1987.

Description of amendment request: The amendment would modify Specification 5.3 of the Technical Specifications (TS) to allow only storage and handling of fuel elements having a maximum fuel enrichment of 4.2 weight percent (w/o) U-235. The current TS restrict the maximum fuel enrichment to 3.9 w/o U-235. The Carolina Power & Light Company (CP&L or the licensee) submittal of May 26, 1987, includes a Westinghouse report, "Criticality Analysis of Shearon Harris Fuel Racks," January 1987, which supports the requested amendment.

Because use of the higher enrichment fuel (4.2 w/o U-235) in the reactor core will be demonstrated to be acceptable by a cycle specific reload safety evaluation performed prior to each fuel loading, any change in criticality potential related to the proposed amendment is only associated with the handling or storage of the new unirradiated fuel or spent fuel with the higher enrichment in the fuel storage racks. The licensee's May 26, 1987, submittal describes its criticality analysis, which demonstrates the existing fuel racks can safely accommodate new or spent fuel at the proposed enrichment.

The amendment will permit the storage of more highly enriched fuel elements designed to achieve longer cycle lengths and higher burnups. Under normal conditions, there are no changes in effluents from the plant because the fission product inventory associated with higher burnup is retained within the fuel cladding. Accidents and fuel failure scenarios would result in no significant increase in effluents because the most important isotopes are relatively short-lived and thus in equilibrium and not significantly changed with burnup.

Effluents released by the nuclear fuel cycle are little changed by high burnup. Chemical effluents may be slightly higher (less than one percent) in the range of 50,000 - 60,000 MWD/MT due to the logarithmic relationship of enrichment and separative work. Radiological effluents associated with the front end of the fuel cycle decrease due to reduced ore and yellow cake requirements as burnup increases. The release of relatively short-lived fission products would decrease since these fission products do not increase with burnup and fewer fuel assemblies are discharged. The potential release of long-lived radionuclides as effluents is essentially unchanged because the increase due to higher burnup is offset by the need for fewer fuel assemblies.

Under normal conditions shielding of spent fuel assemblies by the fuel pool water would result in insignificant increases in individual occupational exposure even with higher bundle specific activity. Cumulative occupational exposure will be reduced because fewer assemblies would be handled during a refueling; and refuelings are less frequent. Under accident scenarios, there would be no significant increase in radiation exposure because the major contributors are relatively short-lived gaseous or volatile radioisotopes that are in equilibrium and whose amounts are not significantly increased by burnup.

The major exception is Kr-85, which is a small contributor to the dose resulting from an accident. The expected increase in Kr-85 would not result in a significant change to accident doses.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether or not a no significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined and the NRC staff agrees that the proposed amendment will not:

(1)Involve a significant increase in the probability or consequences of an accident previously evaluated. Fuel handling accidents remain bounded by the original FSAR analysis. The only accident scenarios for which the probability of occurrence are affected by fuel enrichment involve criticality events during fuel handling and storage. The licensee's criticality safety analysis demonstrates that the calculated K_{eff} during fuel handling and storage is

BEST COPY AVAILABLE

adequate to ensure subcriticality for all defined accident conditions. Since subcriticality is maintained, no releases result from the above fuel handling criticality accident scenarios. Therefore, the consequences of these accidents are not increased.

(2)Create the possibility of a new or different kind of accident from any accident previously evaluated. The only potential impact of increased enrichment upon fuel storage and handling involves the potential for criticality, which has been addressed above.

(3)Involve a significant reduction in the margin of safety. The submitted criticality analysis demonstrates that there is adequate margin to ensure subcriticality of the fuel during storage and handling operations. The margin of safety of other fuel handling accidents remains within that included in the original FSAR Analysis.

Accordingly, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Richard B. Harrison Library, 1313 New Bern Avenue, Raleigh, North Carolina 27610

Attorney for licensee: R. E. Jones, General Counsel, Carolina Power & Light Company, P. O. Box 1551, Raleigh, North Carolina 27602

NRC Project Director: Elinor G. Adensam

Carolina Power & Light Company, North Carolina Eastern Municipal Power Agency, Docket No. 50-400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: November 23, 1987

Description of amendment request: The proposed change deletes Surveillance Requirement 4.4.11.1, which requires quarterly testing of the reactor coolant system (RCS) vent path block valves because it is redundant. The testing is already required by Technical Specification 4.0.5, which requires testing of these valves by the In-service Testing Program. Surveillance Requirement 4.4.11.2b will be modified to include the testing of the above cited block valves to demonstrate their operability at least once every 18 month interval. The RCS vent system provides a means of venting the reactor coolant system to enhance natural circulation following a loss-of-coolant accident.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards in 10 CFR 50.92(c) for determining whether a significant hazards consideration exists. A proposed amendment to an Operating License for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability of consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The licensee has evaluated the proposed amendment against the standards in CFR 50.92(c) and has determined:

(1) The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated because the remaining Technical Specification required surveillances provide adequate assurance of block valve operability. The RCS Head Vent System provides a means to vent noncondensible gases from the RCS which may inhibit core cooling during natural circulation. The proposed amendment does not affect the method in which the RCS Head Vent System fulfills this function nor does it result in a reduction in the confidence level of the system operating properly if required.

(2) The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. As stated, above, the requested change does not affect the method in which the RCS Head Vent System performs its intended safety function. In fact, there is no physical alteration to the facility whatsoever resulting from this amendment. As such, the proposed amendment cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed amendment does not involve a significant reduction in a margin of safety. The purpose of the requested amendment is to delete the testing required by Surveillance 4.4.11.1. Operability of the block valves will be adequately demonstrated by Surveillance Requirements 4.0.5 and the revised 4.4.11.2. In addition, by eliminating a test which degrades the RCS boundary during testing, the margin of safety is increased. Therefore, this change does not involve a significant reduction in a margin of safety.

Based on the above, the licensee has determined that the proposed amendment does not involve a significant hazards consideration. The NRC staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the requested amendment does not involve a significant hazards consideration.

Local Public Document Room location: Richard B. Harrison Library, 1313 New Bern Avenue, Raleigh, North Carolina 27610

Attorney for licensees: R. E. Jones, General Counsel, Carolina Power & Light Company, P. O. Box 1551, Raleigh, North Carolina 27602

NRC Project Director: Elinor G. Adensam

The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, Docket No. 50-440, Perry Nuclear Power Plant, Unit No. 1, Lake County, Ohio

Date of amendment request: September 11, 1987, as amended September 18, 1987

Description of amendment request: The proposed amendment would revise the Technical Specifications to allow a one-time extension of 16 local leak rate test (LLRT) intervals until the first refueling outage, beginning in January 1989. These tests would otherwise come due between January 24, 1988, and June 15, 1988.

Basis for proposed no significant hazards consideration determination: The licensee has provided an analysis pursuant to 10 CFR 50.91 as to whether the proposed amendment would involve a significant hazards consideration. The licensee has stated that the isolation valves listed on the table contained in their submittal were all tested successfully in early 1986. The total of the measured Type C leakage rates for these valves is not a significant portion (4.13%) of the allowable leakage limit (0.6 L_a). Reactor Coolant System Pressure Isolation Valve (PIV) leakage rates are all less than 5% of their allowable leakage rates. Deterioration in the overall integrity of isolation valves is normally a gradual process.

The licensee has further stated that NUREG/CR 4330, "Review of Light Water Reactor Regulatory Requirements," has shown that containment leakage is a relatively minor contributor to overall plant risk. In addition, the licensee states that inherent BWR design features would assist in maintaining the offsite doses below 10 CFR Part 100 limits.

The licensee also argues that the intent of the Technical Specification leak rate testing intervals for PIVs and containment isolation valves is to require testing of the isolation valves once every fuel cycle. A normal reactor fuel load is designed to provide an 18-month cycle with approximately 16 months of full power operations. Consequently, the primary containment/pressure isolation valves are normally exposed to 16 months of rated temperature conditions between each leak rate test. Since the initial leak rate tests at the Perry Nuclear Power Plant, these valves will have been subjected to rated temperature conditions approximately equal to one 18-month operating cycle by the first refueling outage.

On this basis, the licensee argues that granting the extension of the testing interval to the first refueling outage would not subject the valves to a cumulatively more harsh environment from a temperature/pressure/time standpoint than expected during an 18-month interval of full power operation. Consequently, the licensee believes that granting of the one-time extension would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated since the extension of the surveillance intervals is consistent with the intent of the regulations when considering the operating conditions to which the subject valves have been exposed; or

2. Create the possibility of a new type of accident or a different kind of accident from any accident previously analyzed in that current analyses assume certain values of containment leakage; therefore, new accident scenarios are not credible based upon scheduling of this testing alone; or

3. Involve a significant reduction in the margin of safety because, based on initial leak rate test results, these valves have exhibited a high degree of leak tight reliability. Additionally, the valves will be exposed to operating conditions consistent with those normally experienced between testing intervals. Furthermore, the leak rate historically experienced by these valves is only a small fraction of the allowable leak rate (0.6 L_a).

The Commission's staff has reviewed the licensee's analysis and concurs with their determination. Therefore, the staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Martin J. Virgilio.

Commonwealth Edison Company, Docket Nos. 50-254 and 50-265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of amendment request: October 6, 1987, as supplemented November 24, 1987

Description of amendment request: The proposed amendment would revise Technical Specifications (TS) 3.5.G, and associated bases, to allow a different method for ensuring the High Pressure Core Injection (HPCI) and Reactor Core Isolation Cooling (RCIC) systems discharge lines are filled.

Existing TS 3.5.G.2 requires that the discharge lines of both the low pressure (Low Pressure Core Injection and Core Spray) and the high pressure (HPCI and RCIC) Emergency Core Cooling Systems (ECCS) are maintained between 40 psig 90 psig by using an ECCS fill system pump. However, in actual operation only the low pressure systems need to use a fill pump. For the high pressure systems, ensuring filled discharge lines is achievable by maintaining an adequate level in the Contaminated Condensate Storage Tank, which is the normal water source for both HPCI and RCIC. This passive method for filling HPCI and RCIC discharge lines is preferable from a reliability point of view, rather than an active system dependent on a single fill pump. Furthermore, it is also more consistent with the actual plant instrumentation which only provides for pressure switches and control room alarms on the discharge lines of the low pressure systems.

This amendment request was originally noticed in the **Federal Register** (52 FR 39297) on October 21, 1987. Since then, the licensee has submitted a minor revision to TS 4.5.G.4, dated November 24, 1987. The revised TS would now require system venting every 24 hours, vice every month, whenever HPCI/RCIC are aligned to the Torus.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. In accordance with 10 CFR.91(a), the licensee has provided the following analysis in their amendment application addressing the three standards.

Commonwealth Edison (the licensee) has evaluated the proposed TS amendment request and determined that operation of Quad Cities in accordance with the proposed changes:

(1) Will not involve a significant increase in the probability or consequences of an accident previously evaluated because the change is in the conservative direction and therefore has lessened the probability or consequences of an accident as previously evaluated. Conservatism has been added by specifying a passive method for maintaining filled discharge lines in the high pressure cooling systems which is more reliable than an active method that is dependent on a single fill pump.

(2) Will not create the possibility of a new or different kind of accident from any accident previously evaluated because the change does not affect the requirement for maintaining filled discharge piping but only clarifies the actual method of ensuring filled discharge piping for RCIC and HPCI systems. The method utilized does not change the HPCI and RCIC system piping configurations or normal source of coolant nor does it change system setpoints or flow capacities. The only change relative to the method indicated by the current Technical Specifications is the valving out of an active component (ECCS fill pump) since a passive method provides the same function of maintaining filled discharge lines.

(3) Will not involve a significant reduction in the margin of safety since the proposed amendment does not affect the operation of the HPCI or RCIC systems. System setpoints and flow capacities remain the same.

The Commission has reviewed the licensee's TS amendment request and concurs with the analysis for no significant hazards consideration determination. Accordingly, the Commission proposes to determine the aforementioned amendment request does not involve a significant hazards consideration.

Local Public Document Room location: Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Attorney for licensee: Michael I. Miller, Esq., Isham, Lincoln, & Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602.

NRC Project Director: Daniel R. Muller

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: June 12, 1987, supplemented August 3, 1987.

Description of amendment request: The proposed amendment would revise the Technical Specifications to change the operability requirements of the containment fan cooler units, delete the requirements of their HEPA filters, charcoal adsorbers and associated fire protection and detection equipment and revise the amount of time one containment spray pump may be inoperable. The licensee has indicated that the revision to the Technical Specifications would increase the performance characteristics, operational flexibility and reliability of the essential service water system by reducing the flow requirements of the containment fan cooler units during a loss of coolant accident (LOCA). The reduction in service water flow would be accomplished by decreasing the heat removal requirements of the containment fan cooler units, and removing the HEPA filters and charcoal adsorbers from the fan cooler units. As a result of charcoal filter removal, the licensee has indicated that the Technical Specifications addressing the fan cooler charcoal filter dousing system and fire detection instrumentation would no longer be required. The licensee indicated that the change to increase the amount of time one containment spray pump may be inoperable is to provide operational flexibility and reduce cycling of the unit.

Basis for proposed no significant hazards consideration determination: 10 CFR 50.92 states that a proposed amendment will involve a no significant hazards consideration if the proposed amendment does not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident previously evaluated, or (3) involve a significant reduction in margin of safety.

The licensee provided the following analysis:

"...operation of Indian Point Unit No. 2 in accordance with this change would not:

1. involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed revisions are based on conservative analyses utilizing new, refined and more accurate methodologies. One analysis shows that with a reduction in fan cooler heat removal rate under post-LOCA accident conditions, containment pressure would be maintained well below its design value of 47 psig. The second analysis shows the fan cooler charcoal adsorbers can be removed without significantly affecting the radiological consequences of a postulated LOCA, and that the calculated off-site doses would remain within the 10 CFR Part 100 guidelines. If the charcoal adsorbers were removed, the reason for the charcoal fire detection instrumentation and dousing system would be eliminated and therefore the safety significance of its removal would become non-existent. Additionally, by increasing the containment spray pump out-of-service time, on-line maintenance can more readily be performed, which should enhance overall pump availability. Thus, the same safety criteria as previously evaluated are still met with the proposed changes. The allowance of additional out-of-service time for one spray pump is consistent with the allowable time approved for more recently licensed nuclear plants whose accident analyses have been found acceptable for licensing purposes.

2. create the probability of a new or different kind of accident from any accident previously evaluated. The proposed change to containment cooling system operability requirements does not modify the plant's configuration or operations, and therefore the identical postulated accidents are the only ones that require analysis and resolution. Nothing would be added or removed that would introduce a new or different kind of accident mechanism or initiating circumstances than that previously evaluated. The same is true for the proposed deletion of the HEPA filters and charcoal adsorbers associated with the containment fan cooler units. The original intent of these systems was to reduce the concentrations of radioiodines in the containment atmosphere following a LOCA. Their removal is consistent with current, state-of-the-art analysis and could not introduce a new or different postulated accident to the safety analysis of the plant. In fact, one potential accident is eliminated, i.e., a fire in the charcoal adsorbers themselves. This postulated accident had called out the need for a fire protection instrumentation and charcoal dousing system. Such a mitigation system would no longer be required should the potential fire hazard be eliminated by reason of the implementation of this proposed change to the Technical Specifications. Thus, the removal of a mitigation system for a potential hazard that no longer exists could not introduce a new or different accident than any previously evaluated.

The aspect of the proposed change which extends the amount of time a containment spray system may be inoperable during operation does not alter plant configuration or operation from that assumed in current analyses which bound those for Indian Point 2. A potentially longer time of inoperability for this system does not change the nature of the accident for which this engineered safeguard has been installed. Since no change to the system or its operation is involved, there is no potential for a new or different accident from any previously evaluated.

In general, the proposed changes do not adversely affect the ability of the plant's containment heat removal systems to perform their required safety functions, and allow the containment safeguards to mitigate the consequences of a design basis LOCA in a manner equivalent to that previously approved.

3. involve a significant reduction in a margin of safety. With the proposed change, all safety criteria previously evaluated are still met, remain conservative, and are in fact increased with respect to the service water system flow demands.

The safety function of the fan coolers is to recirculate and cool the containment atmosphere in the event of a loss of coolant accident, thereby reducing the likelihood that the containment pressure would exceed its design value of 47 psig. Worst case containment pressure transients during hypothetical loss of coolant accidents were reanalyzed as a basis for evaluating the proposed change in the minimum containment cooling system operability requirements. This reanalysis was conducted using the latest methodology/computer model. The analysis shows that even during the worst case LOCA with minimum safeguards (3 fan coolers, 1 containment spray pump) the maximum containment pressure does not exceed 40.5 psig, which is well below design value.

The proposed deletion of the requirement for the HEPA filters and the charcoal adsorbers has been analyzed to determine the effect on the margin of safety. The analysis shows that the containment fan cooler HEPA filters and charcoal adsorbers can be removed without significantly affecting the radiological consequences of a postulated LOCA, that the calculated off-site doses would remain within the 10 CFR Part 100 guidelines, and that the calculated control room doses would be consistent with those originally reported in the FSAR. An assessment of the potential impact to the environmental qualification of equipment due to this change was also conducted. The assessment concluded that the margins in the current environmental qualification program are not adversely affected by this change.

The proposed change in the amount of time a containment spray system can be inoperable during plant operation has also been reviewed to determine a potential effect on the margin of safety. With the new containment integrity analysis we have established that the IP-2 containment has substantial margins compared to its design pressure following a worst case loss of coolant accident."

The staff has reviewed the predicted offsite dose values contained in the licensee's submittal and compared them to the values contained in the current Final Safety Analysis Report. This comparison indicates that, in addition to the statement by the licensee that the values remain within 10 CFR Part 100 guidelines, the predicted offsite doses do not increase significantly.

Therefore, based on the above, the staff proposes to determine that the proposed changes would not constitute a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003

NRC Project Director: Robert A. Capra, Acting Director

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: September 8, 1987

Description of amendment request: The proposed amendments would change Technical Specification 5.3.1 "Fuel Assemblies" by increasing the maximum allowable fuel enrichment to 4.0 weight percent (w/o) U-235 from the present value of 3.5 w/o U-235.

Basis for proposed no significant hazards consideration determination: The principal hazards considerations associated with the proposed amendments are the potential effects on criticality safety from the use of more highly enriched fuel in the reactor core and from its storage as new fuel and as spent fuel.

The use of higher enrichment fuel in the reactor core will be demonstrated to be acceptable by cycle-specific reload safety evaluations (RSEs) performed prior to each fuel loading. For this demonstration the RSE will use the standard reload design methods described in the Topical Reports WCAP-9272 and 9273, "Westinghouse Reload Safety Evaluation Methodology."

The criticality aspects of storing the more highly enriched fuel (1) as new fuel in the new fuel dry storage racks and in the spent fuel pool, and (2) as spent fuel in the spent fuel pool racks, were analyzed in the licensee's letter of September 8, 1987. Preliminary review of these analyses by the NRC staff supports the licensee's conclusion that the existing new fuel and spent fuel storage racks can safely accommodate the higher enrichment fuel.

The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendments will not (1) involve a significant increase in the probability or consequences of an accident previously evaluated because criticality safety, the principal hazards consideration associated with using new fuel enriched to 4.0 w/o U-235, will not be significantly affected. Before any of the new fuel is loaded into the reactor core, its higher enrichment will be included in the cycle-specific reload safety evaluation, which considers in detail the effect of fuel enrichment on core operating parameters.

The higher enrichments will facilitate extended fuel cycles. An extended fuel cycle will not increase the fuel rod gap activity since the activity reaches an equilibrium value prior to the end of the current fuel cycle. Consequently, the off-site dose consequences of a fuel handling accident will not be increased significantly due to an extended fuel cycle.

Criticality analyses have shown that the existing new fuel and spent fuel storage facilities can safety accommodate the storage of new fuel enriched to 4.0 w/o U-235.

The proposed amendments will not (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed change only seeks to increase the enrichment of the fuel pellets. No hardware changes are necessary. The maximum power operation level will not be increased. Therefore, the requested change will not create a new or different kind of accident.

The proposed amendments will not (3) involve a significant reduction in a margin of safety because (a) the safety of using the more highly enriched fuel in the reactor core will be assured by a cycle-specific reload safety evaluation, and (b) the criticality evaluation provided by the licensee shows that the existing new and spent fuel storage facilities may safely be used for the more highly enriched fuel.

Based on the above considerations, the Commission proposes to determine that the above changes involve no significant hazards consideration.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: Kahtan N. Jabbour, Acting Director

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of amendment request: October 21, 1987

Description of amendment request: This amendment would modify the Technical Specifications for Hatch Units 1 and 2 with the following changes:

Change 1 would revise the formula for calculating Tau_b, the Option B Operating Limit Minimum Critical Power Ratio (OLMCPR) statistical scram speed limit as given in the existing Unit 2 Technical Specifications, would move the revised formula to the Bases section of the Technical Specifications, and would reference the plant procedures for a detailed discussion of how scram speed is calculated.

Change 2 would reduce the Option A MCPR limit for Unit 2 from 1.37 to 1.33 for all 8x8 fuel in order to maximize the MCPR margin for all scram speeds.

Change 3 would revise the Unit 2 Technical Specifications to add data to existing Figures 3.2.1-9 and 3.2.1-12 regarding new 9x9 type fuel that will be tested in Hatch 2 during cycle 8.

Change 4 would revise the Refueling and Design Features sections of the echnical Specifications for both Units 1 and 2 to allow a maximum loading of any four fuel assemblies around each source range monitor prior to a full core reload, while concurrently ensuring that all fuel designs from any fuel vendor will remain subcritical in such a four-bundle array by establishing an acceptance criterion based upon reactivity.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR Part 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee, in its October 21, 1987 submittal, provided the following evaluations of the proposed changes with regard to these three standards:

Proposed Change 1 does not involve a significant hazards consideration because it would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated because no change in plant operation will occur as a result of this change. The definitions of Tau, Tau_A, Tau_B, Tau_{avg}, and OLMCPR Option A and Option B will remain the same and will be monitored at the site in the same manner as before. The value for Tau_B will change as a result of a reevaluation of the BWR scram time data base. The new scram time distribution that was used to determine Tau_B for the Option B MCPR limit was reviewed and approved by the NRC in their consideration of the GEMINI application methodology.

2. Create the possibility of a new or different kind of accident from any previously analyzed because no change in plant equipment or operations will occur as a result of this change.

3. Involve a significant reduction in the margin of safety because the OLMCPR will continue to be based upon either actual measured scram speeds or a conservative assumption relative to scram speeds. Both of these methods have been previously approved by the NRC.

Proposed Change 2 does not involve a significant hazards consideration because it would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated because no change in equipment operations will occur as a result of this change. The new Option A MCPR value derived for use with GEMINI methodology will still ensure fuel design limits will be met because the initial operating value assumed in the LOCA analyses will be conservative for all operating conditions, and that with 50% confidence, 99.9% of the fuel rods will avoid boiling transition during a core wide transient.

2. Create the possibility of a new or different kind of accident from any previously analyzed because no change in plant equipment or operations will occur as a result of this change.

3. Involve a significant reduction in the margin of safety because the method used to determine the Option A limit is consistent with the application of GEMINI. This method has been reviewed and approved by the NRC for use by BWR utilities.

Proposed Change 3 does not involve a significant hazards consideration because it would not:

1. Involve a significant increase in the probability or consequence of an accident previously evaluated because:

a. This does not involve any change in ECCS equipment response since there is no change to ECCS equipment, configuration or setpoints.

b. Analyses performed by Advanced Nuclear Fuels Corporation (ANF) have determined that, in comparison to GE 8x8R fuel, the 9x9 fuel has an equivalent or improved ECCS-LOCA response. This is due to the lower stored energy in the fuel rods, better heat transfer characteristics, and less restrictive countercurrent flow as a result of a more open upper tie plate.

c. The 9x9 assemblies have been designed to withstand the same mechanical forces as the current fuel, and analyses have shown that they meet the operating and design safety limits.

d. ANF has determined that there will be less radioactivity released from the LFAs than GE's 8x8R fuel in the event of an accident in which fission gas is released.

e. The weight and mass distribution of the LFAs is very similar to the GE assemblies. (The 9x9 bundles weigh slightly less than their GE counterparts.)

f. The ANF bundles will be fully compatible with all fuel handling equipment including the fuel grapple.

g. The channel and number of bundle spacers will be exactly the same as the GE fuel.

h. This does not involve any change in the control rods or the control rod drive system.

i. ANF has determined that the enthalpy deposited in the 9x9 LFAs will not exceed 280 cal/gm in the unlikely event of a Control Rod Drop accident.

2. Create the possibility of a new or different kind of accident from any previously analyzed because no change in plant design or operation is involved except for relatively minor changes in the mechanical, thermal-hydraulic, and nuclear aspects of the fuel design for a small quantity of assemblies.

3. Involve a significant reduction in the margin of safety because the MCPR safety limit for the 9x9 LFAs is the same as the 8x8 assemblies and the operating limits for existing fuel are conservative for application to the LFAs. ANF has shown that their fuel complies with all Specified Acceptable Fuel Design Limits, and the performances delineated in 10 CFR 50.46 are complied with by conservative application of the B/P8DRB284H APLHGR limits to the LFAs.

Proposed Change 4 does not involve a significant hazards consideration because the changes would not:

1. Involve a significant increase in the probability or consequence of an accident previously evaluated because there will be a reduction in fuel handling operations and the number of core configurations. This reduction in operations and configurations will reduce the probability of occurrence of a fuel handling accident and a fuel loading error. It was reported in the Hatch 2 FSAR that any credibly postulated 2x2 fuel assembly array cannot become critical even under the most limiting conditions.

2. Create the possibility of a new or different kind of accident from any previously analyzed because no significant change in plant equipment or operations will occur as a result of this change.

3. Involve a significant reduction in the margin of safety because the analysis documented in the Hatch 2 FSAR shows that there is considerable margin to criticality for any limiting 2x2 fuel array. This conclusion has been reviewed and approved by the NRC as part of the initial licensing submittal for Hatch 2.

The staff has considered the proposed amendment and agrees with the licensee's evaluation of each of the proposed changes with respect to the three standards.

On this basis, the Commission has concluded that the requested changes meet the three standards and, therefore, has made a proposed determination that the amendment application does not involve a significant hazards consideration.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513

Attorney for licensee: Bruce W. Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: Kahtan N. Jabbour, Acting Project Director

Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of amendment request: September 4, 1987

Description of amendment request: The proposed amendment would revise Table 4.3.6-1, Control Rod Block Instrumentation Surveillance Requirements, of the Technical Specifications (TSs). The proposed amendment would delete the requirement to perform the daily Channel Functional Test for the Rod Pattern Control System low power setpoint (LPSP) and high power setpoint (HPSP). The Channel Functional Test will continue to be performed prior to startup and every 31 days thereafter; however, in the case of the high power setpoint, the requirement to perform the functional test every 31 days is applicable when the thermal power is greater than the low power setpoint.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee provided an analysis that addressed the above three standards in the amendment application.

1. No significant increase in the probability or the consequences of an accident previously evaluated results from this change because:

There have been no reported failures of this surveillance due to failures related to these trip units since River Bend Station (RBS) has been performing this daily Channel Functional Test. Additionally, a review of the NPRDS data base revealed no reported failures that could have been detected by this required daily Channel Functional Test. Therefore, the reliability of the system is adequately ensured by the performance of the Channel Functional Tests prior to startup and monthly thereafter. The change to the applicability of the HPSP is based on actual system design as was the intent. This change does not involve a design change or physical change to the plant, and therefore, does not increase the probability of a control rod drop or rod withdrawal accident. No other safety analyses as discussed in Final Safety Analysis Report (FSAR) Chapters 6 and 15 would be changed.

Thus, there is no increase in the probability or consequences of any accident previously evaluated.

2. This change would not create the possibility of a new or different kind of accident from any accident previously evaluated because:

This change is a clarification of intent. The reliability of the system is not changed by performance of the Channel Functional Tests prior to startup and monthly thereafter as shown by the absence of any failures of this STP at RBS during this daily performance. The NPRDS data identified no reported failures that could have been detected by this required daily Channel Functional Test. Additionally, this change does not involve a design change or physical change and therefore, does not change the system design, function, or operation as previously described in the RBS FSAR.

Thus, no new or different accident scenario is introduced by this revised frequency of surveillance and clarification of surveillance intent.

3. This change would not involve a significant reduction in the margin of safety because:

There have been no reported failures of this surveillance due to failures related to these trip units since RBS has been performing this daily Channel Functional Test. Therefore, the reliability of the system is adequately ensured by the performance of the Channel Functional Tests prior to startup and monthly thereafter. The clarification of applicability is consistent with the actual design. Additionally, the Technical Specification Bases do not define a margin of safety as applied to the daily Surveillance Requirement.

Thus, the margin of safety is not significantly reduced.

Since the proposed amendment is consistent with current design and adequately maintains the reliability of the RPCS, the proposed amendment does not increase the probability or consequences of any previously evaluated accidents, does not create the possibility of a new or different type of accident, and does not involve a significant reduction in a margin of safety. Therefore, Gulf States Utilities proposes that no significant hazards considerations are involved.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the analysis.

Local Public Document Room Location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

Attorney for licensee: Troy B. Conner, Jr., Esq., Conner and Wetterhahn, 1747 Pennsylvania Avenue, NW., Washington, DC 20006

NRC Project Director: Jose A. Calvo

Indiana and Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendments request: November 2, 1987 as supported by letter dated August 28, 1987.

Description of amendments request: The amendment would revise the Technical Specifications by adding limits on releases and test requirements for the incineration of contaminated waste oil in the Auxiliary Boiler System.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (51 FR 7751). One of these examples, (ii), involves a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. The proposed amendment is directly related to this example. The radioactive effluent releases and the procedures for review and analysis were previously approved under the Radiological Effluent Technical Specifications (RETS) program for DC Cook, Units 1 and 2. The implementation of the Technical Specifications for the RETS program overlooked the release pathway through the Auxiliary Boiler System although the releases have been accounted for and reported as appropriate. This proposed amendment would correct the oversight by adding the limits and test requirements to the Technical Specification. On this basis, the staff proposes to determine that the changes do not involve a significant hazards consideration.

Local Public Document Room location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Kenneth E. Perkins.

Long Island Lighting Company, Docket No. 50-322, Shoreham Nuclear Power Station, Suffolk County, New York

Date of amendment request: September 4, 1987 and supplemented on November 19 1987

Description of amendment request: The proposed amendment would revise the Technical Specification definition of Core Alteration (Section 1.0, definition 1.7) to exclude normal movements of in-core instruments. The footnotes to Sections 3.1.1, 4.1.3.2, 3.9.2, 3.9.5 and Table 3.3.1-1 would be revised for consistency with the proposed definition. The proposed amendment would also add a footnote to Surveillance Requirements 4.1.2.a such that surveillance for reactivity anomaly after Core Alteration conditions, (Operating Condition 5) during which there was no core change except for the return of control rods with their normal drive mechanism to their fully inserted position, would not be required.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3)

involve a significant reduction in a margin of safety.

The NRC staff has reviewed and agrees with the licensee's evaluation and determination that the proposed amendment does not constitute a significant hazards consideration by meeting each of the above three standards as follows.

These changes do not involve a significant increase in the probability or consequences of an accident previously evaluated. The normal movement of core instruments and the normal movement of control rods (i.e., in their drive system and returning to the fully inserted position) during Core Alteration conditions will not cause any of the following:

1. Decrease in core coolant temperature
2. Increase in reactor pressure
3. Decrease in reactor coolant flow rate
4. Reactivity and power distribution anomalies
5. Change in reactor coolant inventory

Since there will be no change in these reactor parameters, the proposed changes do not affect the probability or consequences of previously evaluated accidents.

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated because there is only an insignificant perturbation of reactivity involved in the normal movement of core instruments during Core Alteration conditions. The normal movement of control rods (i.e., in their drive mechanisms), which returns them to their fully inserted position, during Core Alteration conditions, does not affect the reactivity worth of any core component.

The proposed changes do not involve a significant reduction in margins of safety because normal movement of in-core instruments do not affect Technical Specification limits or limiting safety system settings. In addition, the normal movement of control rods (i.e., in their drive mechanisms) which returns them to their fully inserted position, does not affect the reactivity worth of any core components.

Based on the analysis above, the staff proposes to determine that the proposed amendment involves no significant hazards considerations.

Local Public Document Room location: Shoreham-Wading River Public Library, Route 25A, Shoreham, New York 11786

Attorney for licensee: W. Taylor Reveley, III, Esq., Hunton and Williams, P. O. Box 1535, Richmond, Virginia 23212

NRC Project Director: Walter R. Butler

Louisiana Power and Light Company, Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: August 28, 1987

Description of amendment request: The proposed changes would revise Technical Specification Limiting Condition for Operation (LCO) 3.1.1.1, Shutdown Margin - Any CEA Withdrawn and Technical Specification LCO 3.1.1.2, Shutdown Margin - All CEAs Inserted. The reason for these changes is to make the actual value of shutdown margin that is required when all CEAs are inserted (LCO 3.1.1.2) consistent with the value that was used in the Cycle 2 safety analysis. In addition, several administrative changes are being proposed to clarify LCOs 3.1.1.1 and 3.1.1.2 and make them consistent with normal plant operating procedures.

The proposed changes consist of the following:

1. Eliminate the Mode 2 Applicability and associated notes from LCO 3.1.1.2. Since Mode 2 requires a k-eff of equal to or greater than 0.99 and the Shutdown Margin LCO when all CEAs are inserted requires a shutdown margin of at least 1.0% (higher if T-cold is greater than 400° F), the two conditions are mutually exclusive. That is, it is impossible to satisfy the Shutdown Margin requirements of LCO 3.1.1.2 and, at the same time, achieve Mode 2 operation.
2. Delete surveillance requirements 4.1.1.2.1a and 4.1.1.2.2 because both of these requirements were applicable only during Mode 2 operation. Since LCO 3.1.1.2 will no longer be applicable in Mode 2, these surveillance requirements are superfluous.
3. Delete the reference to Modes 3, 4 and 5 from surveillance requirement 4.1.1.2.1b and incorporate the remaining requirements into associated with this LCO and it will be applicable whenever the LCO is applicable.
4. Change the index page and the headings of both LCO 3.1.1.1 and LCO 3.1.1.2 to refer to "full length CEAs" rather than "CEAs". This is merely a clarification to reflect the fact that Part-Length CEAs (PLCEAs) were not credited in the safety analysis that was performed to justify this change nor are they credited in the actual calculation of Shutdown Margin as discussed in the Definitions (Section 1.0) of the Technical Specifications.
5. Change the required value of Shutdown Margin in Figure 3.1-0 (LCO 3.1.1.2) from 4.15% to 4.10% when T-cold is greater than 500° F. This change simply reflects the actual value of Shutdown Margin that was assumed in the Cycle 2 Safety Analysis.

Although the proposed changes are being submitted to correct some minor inconsistencies between the current Shutdown Margin LCO's and the Cycle 2 safety analysis, it is anticipated that the proposed changes will remain bounding for Cycle 3 as well.

Basis for proposed no significant hazards consideration determination: The NRC staff proposes that the proposed changes do not involve a significant hazards consideration because, as required by the criteria of 10 CFR 50.92(c), operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of any accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in the margin of safety. The basis for this proposed finding is given below.

(1) The proposed change is primarily administrative and will therefore have no impact on the Cycle 2 safety analysis. If the reactor has a neutron multiplication factor (k-eff) of equal to or greater than 0.99 (Mode 2) it would be impossible to maintain a shutdown margin equal to or greater than 1.0% with all full-length CEAs inserted. The proposed change simply removes this impossible condition from the Technical Specifications. Changing the required Shutdown Margin when all full length CEAs are inserted and the RCS inlet temperature (T-cold) is greater than 500° F from 4.15% to 4.10% is being done to make the Technical Specification Shutdown Margin requirement consistent with the Cycle 2 safety analysis. That is, for those safety analysis events that are affected by Shutdown Margin with all CEAs inserted, a Shutdown Margin value of 4.10% was assumed. Since the proposed change is consistent with the safety analysis and since the results of the safety analysis have been shown to be acceptable for all events, the proposed change will not result in a significant increase in the probability or consequences of any accident previously evaluated.

(2) The proposed changes do not involve any new equipment, or procedures nor do they result in any physical change to plant systems, structures or components. Although approval of the proposed changes would allow minor revisions to the Shutdown Margin surveillance procedure, these revisions will be reviewed and approved by appropriate plant personnel prior to implementation as required by the Administrative Controls in the Technical Specifications. Thus, operation of the facility in accordance with the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The intent of these Technical Specifications is to ensure that the reactor remains subcritical following any design basis event (DBE) or anticipated operational occurrence (AOO). Since Mode 2 cannot be achieved under the conditions of LCO 3.1.1.2, removal of those portions of the LCO which involve Mode 2 operation is strictly an administrative change and will have no effect on the capability of the plant safety systems to maintain the reactor in a subcritical condition following any DBE or AOO. In addition, since the proposed Shutdown Margin value of 4.10% for LCO 3.1.1.2 was used as a direct input to the Cycle 2 safety analysis and since the results of the Cycle 2 safety analysis are acceptable for all events, the proposed changes will not involve a significant reduction in the margin of safety.

The Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (52 FR 7751) of amendments that are considered not likely to involve significant hazards consideration. Example (i) relates to a change which is purely administrative: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature.

With the exception of lowering the required Shutdown Margin (described in item 5), the proposed changes are similar to Example (i). Removing the Mode 2 Applicability from LCO 3.1.1.2 (described in item 2) is clearly an administrative change because Mode 2 cannot be acheived when all full-length CEAs are inserted. Similarly, deleting the surveillance requirements associated with Mode 2 operation and rearranging the remaining surveillance requirement (described in items 2 and 3), represent administrative changes to provide consistnecy within the Technical Specification identifying CEAs as full-length CEAs in the title of both LCOs (described in item 4) is strictly an editorial change consistent with definition of Shutdown Margin in Section 1.28 of the Technical Specifications.

Lowering the required Shutdown Margin from 4.15% to 4.10%, although not an administrative change, is consistent with the safety analysis and, as described previously, satisfies the criteria of 10 CFR 50.92(c).

The staff has reviewed the licensee's no significant hazards consideration analysis. Based on the review and above discussions the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122

Attorney for licensee: Bruce W. Churchill, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N St., NW., Washington, DC 20037

NRC Project Director: Jose A. Calvo

Louisiana Power and Light Company, Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana.

Date of amendment request: October 8, 1987.

Description of amendment request: The proposed change would revise the Action statements associated with Technical Specification Limiting Condition for Operation (LCO) 3.2.1, Linear Heat Rate and Technical Specification LCO 3.2.4, DNBR Margin. LCOs 3.2.1 and 3.2.4 currently require core power to be maintained less than the linear heat rate (LHR) and DNBR power operating limits calculated by the Core Operating Limits Supervisory System (COLSS). If COLSS is out of service, the LHR and DNBR must be maintained within a more restrictive set of limits based on the Core Protection Calculators (CPCs). With these limits not being maintained, corrective action must be initiated within 15 minutes to restore the LHR and DNBR to within the applicable set of limits (depending on whether or not COLSS is operable) within 1 hour or the plant must be in at least Hot Standby within the next 6 hours.

The proposed change adds a distinction between the Action requirements for exceeding a COLSS-calculated power operating limit and the Action requirements for exceeding a CPC calculated operating limit (when COLSS is out of service). When COLSS is in service, the present Action remains essentially unchanged except that the power level that must be maintained if the LHR or DNBR limits cannot be restored will be increased to be consistent with the present Technical Specification applicability. However, with COLSS out of service, the proposed change will replace the current 15-minute time limit for initiating corrective action with a requirement to return COLSS to service within 2 hours. The time allowed for restoration of the DNBR and LHR limits would then increase from 1 hour to 2 hours. If the DNBR and LHR limits are not restored within 2 hours, the proposed change would require reactor power to be reduced to less than or equal to 20% of Rated Thermal Power within the next 6 hours.

Basis for proposed no significant hazards consideration determination: The NRC staff proposes to determine that the proposed change does not involve a significant hazards consideration. As required by 10 CFR 50.92(c), a proposed change to an Operating License involves No Significant Hazards Consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in the margin of safety. The basis for this proposed finding is given below.

(1) The proposed change does not modify the requirement to operate within the alternate LHR and DNBR limits nor does it modify the actual LHR or DNBR limits themselves. The proposed change makes a distinction between the Action requirements associated with exceeding a COLSS calculated power operating limit and the Action requirements associated with exceeding a CPC-calculated operating limit following a loss of COLSS.

The primary consideration in extending the COLSS out of service time limit is the remote possibility of a slow, undetectable transient that degrades the LHR and/or DNBR slowly over the 2 hours and is then followed by an anticipated operational occurrence or an accident. By increasing the monitoring frequency of the CPC calculated values of LHR and DNBR from every 2 hours to once every 15 minutes, additional assurance will be provided that potential reductions in core thermal margin will be quickly detected and should it prove necessary, result in a decrease in reactor power and subsequent compliance with the existing COLSS out of service Technical Specification limits.

Changing the core power which must be maintained if the LHR and/or DNBR

limits cannot be restored is consistent with Technical Specification philosophy. That philosophy requires the reactor to be placed in an Operational Mode in which the LCO is no longer applicable if that LCO or its associated Action statements cannot be satisfied.

Therefore, the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) The proposed change does not alter the current power operating limits nor does it involve any changes to COLSS or CPC software. There has been no change to plant systems, structures or components nor will the proposed change affect the ability of any of the safety-related equipment required to mitigate anticipated operational occurrences or accidents. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The intent of LCOs 3.2.1 and 3.2.4 is to maintain the reactor within the range of initial conditions that was assumed in the Safety Analysis. Since there has been no change in the requirement to operate the reactor within the LHR and DNBR limits and no change to the actual LHR and DNBR limits themselves, the accident analyses described in Chapter 15 of the Final Safety Analysis Report will not be affected.

The staff has reviewed the licensee's no significant hazards consideration analysis. Based on the review and above discussions, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122

Attorney for Licensee: Bruce W. Churchill, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N St., NW., Washington, DC 20037

NRC Project Director: Jose A. Calvo

Louisiana Power and Light Company, Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: October 27, 1987

Description of amendment request: The proposed amendment will increase the low pressure turbine disc inspection interval based on installation of an improved disc design. In order to minimize the probability of turbine missile generation, Surveillance Requirement 4.3.4.2 directs that testing and inspection be conducted on various aspects of the turbine overspeed protection system. In particular, Surveillance Requirement 4.3.4.2e requires inspection of the low pressure turbine discs at least once per 40 months. The proposed change will increase the inspection interval for installed "heavy" discs, retain the 40-month inspection interval for "light" discs and clarify that the inspection interval refers to time periods of actual turbine operation.

Waterford 3 has replaced one low pressure turbine disc with a new Westinghouse design known as a heavy disc. The remaining two rotors will be replaced with the heavy disc at the upcoming second refueling outage. The Westinghouse heavy disc design resulted from efforts to minimize the efforts of stress corrosion-induced cracking. Disc bore keyways, a major source of stress corrosion cracking, have been eliminated and replaced by a disc/keyplate combination. The heavy disc has a lower yield strength than the light disc material, thereby reducing the likelihood of cracking and slowing the crack propagation rate should cracking occur. In addition, the extra mass of the heavy disc results in a reduction in the applied bore stresses.

The NRC staff has previously reviewed and approved methodologies for calculation of an acceptable low pressure turbine inspection interval. One such approach, Westinghouse Memorandum MSTG-1-P (June, 1981), bases the inspection interval on the time necessary for a disc crack to grow to 50% of the critical crack size, where the critical crack size would result in disc destruction at design overspeed. Westinghouse has performed calculations using the methodology of MSTG-1-P to certify to the licensee that the heavy disc design installed at Waterford 3 would allow an inspection interval of at least 60 months.

Basis for proposed no significant hazards consideration determination: The NRC staff proposes that the proposed changes do not involve a significant hazards consideration because, as required by the criteria of 10 CFR 50.92(c), operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in the margin of safety. The basis for this proposed finding is given below.

(1) The proposed changes meet the acceptance criteria of an approved methodology for determining the low pressure turbine disc inspection interval and, therefore, will not increase the probability or consequences of previously evaluated accidents.

(2) No new failure mechnisms or modes of operation will be introduced through adoption of the proposed changes. Therefore, the possibility of a new or different kind of accident has not been created.

(3) By utilizing an approved methodology, the licensee has preserved existing margins of safety based on critical crack growth.

The staff has reviewed the licensee's no significant hazards consideration analysis. Based on the review and above discussions, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122

Attorney for licensee: Bruce W. Churchill, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N St., NW., Washington, DC 20037

NRC Project Director: Jose A. Calvo

Louisiana Power and Light Company, Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: November 5, 1987, supercedes in its entirety previous amendment request dated July 29, 1987, published September 9, 1987 (52 FR 34012).

Description of amendment request: The proposed amendment will increase the maximum allowable internal containment pressure at Waterford 3 based on a reanalysis of the limiting Main Steam Line Break (MSLB) and Loss of Coolant Accident (LOCA) events. Technical Specification Figure 3.6-1 presently defines the maximum containment pressure for Modes 1-4 as a curve from 15.4 psia at 80° F to 14.9 psia at 120° F. The proposed change will replace the curve with a single pressure value to account for a lower analyzed peak containment pressure and revise the measurement units from "psia" to "inches water gauge" to facilitate performance of the surveillance requirements.

As noted in the Bases, the maximum containment pressure allowed under Technical Specification 3.6.1.4 ensures that the containment peak pressure resulting from either a LOCA or MSLB event will not exceed the containment design pressure of 44 psig. To satisfy this condition, Louisiana Power and Light Company (LP&L) conducted a series of analyses for LOCAs (a spectrum of break sizes) and MSLBs (a spectrum of break sizes and initial power levels) to determine the event which would produce the peak pressure in containment. These analyses, summarized in FSAR Tables 6.2-1 and 6.2-2, demonstrated that the peak containment pressure of 43.76 psig occurred for a 7.4765 ftB² MSLB from 75% power with the concurrent failure of a containment cooling train. The containment design pressure of 44 psig, therefore, allowed a margin of 0.2 psig over the calculated peak pressure. Because the allowable pressure range was small and, in anticipation of operational difficulties in maintaining containment pressure in such a narrow band, LP&L proposed (and the NRC accepted) Technical Specification 3.6.1.4 to define the maximum allowable containment pressure as a function of containment temperature, thereby allowing an operating pressure range slightly larger than 0.2 psig for containment temperatures below 120° F.

Although some operational flexibility was afforded through expressing maximum allowable containment pressure as a function of containment temperature, the narrow pressure range has placed undue operator attention on maintaining containment pressure within Technical Specification limits. To resolve this concern LP&L has reanalyzed the limiting MSLB and LOCA events.

The peak containment pressure analyses (those presently in Section 6.2 of the FSAR and the MSLB reanalysis) are performed using a modified version of the CONTEMPT-LT Mod 26 computer code. A description of the computer code and modification is contained in FSAR Appendix 6.2B. In the Waterford 3 SER (Section 6.2.1.1) the NRC reviewed the modified computer code and found it acceptable for containment analysis.

Peak containment pressure is a sensitive function of the amount of passive containment heat sink. To support various Cycle 1 and 2 analyses, LP&L had updated the pre-licensing estimates of passive containment heat sink and exposed surface area to reflect final construction activities and other station modifications. This updated information was used in the reanalysis of the limiting 75% power MSLB and the limiting LOCA. All other analysis assumptions and input data described in FSAR Section 6.2.1.1.3 were unchanged from the original analysis. Due primarily to condensation on the increased surface area, the peak containment pressure for the limiting MSLB case was reduced form 43.76 psig to 42.3 psig. Similarly, the limiting LOCA case was reduced from 43.3 psig to 41.1 psig.

With this reduction in limiting peak pressures, additional margin for the initial containment pressure governed by Technical Specification 3.6.1.4 is available. To define the initial containment pressure, LP&L has reanalyzed the limiting MSLB case from an initial pressure of 1.0 psig, resulting in a containment pressure of 43.71 psig - a margin of 0.29 psig to the containment design pressure.

The proposed change places a limit of 27 inches water gauge (INWG), or approximately 1.0 psig, on the maximum containment pressure during normal operating conditions. The proposed change accommodates 1.20 INWG to account for potential instrument error and approximately 6.8 INWG for conservatism.

Basis for proposed no significant hazards consideration determination: The NRC staff proposes that the proposed change does not involve a significant hazards consideration because, as required by the criteria of 10 CFR 50.92(c), operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in the margin of safety. The basis for this proposed finding is given below.

(1) The proposed change introduces no new effect into the previously evaluated accidents (MSLB/LOCA) other than updating the MSLB and LOCA to reflect plant changes in passive heat sinks. The MSLB and LOCA consequences (i.e., peak pressures) are reduced while still preventing overall peak containment design pressure. Therefore, there is no increase in the probablity or consequences of previously analyzed events.

(2) The purpose of Technical Specificaiton 3.6.1.4 is to prevent the maximum containment pressure during any MSLB/LOCA from exceeding the containment design pressure. The proposed change is the direct result of incorporating as-built passive heat sink data into the MSLB and LOCA analyses and thereby reducing the peak pressures. No new plant systems, modes of operation or setpoint changes have been introduced which could have an effect on the course of an accident. Therefore, the proposed change will not create the possibility of a new or different accident from any previously evaluated.

(3) Technical Specification 3.6.1.4 prevents exceeding the containment design pressure. The proposed change ensures that containment design pressure is not exceeded by placing a limit on maximum containment pressure during Modes 1-4, based on the most limiting containment pressure event, thereby preserving safety margin. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The staff has reviewed the licensee's no significant hazards consideration analysis. Based on the review and above discussions, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122

Attorney for licensee: Bruce W. Churchill, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N St., NW., Washington, DC 20037

NRC Project Director: Jose A. Calvo

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: November 2, 1987

Description of amendment request: By application for license amendment dated November 2, 1987, Northeast Nuclear Energy Company, et al. (the licensee), requested changes to the Technical Specifications (TS) for Millstone Unit No. 2. The proposed change to the TS would: (1) allow a maximum of 12 hours of continuous, planned inoperability for liquid and gaseous effluent monitoring instrumentation; (2) permit inoperability of liquid and gaseous effluent monitoring instruments for the purpose of obtaining samples, and (3) establish a period of 12 hours within which auxiliary sampling of radioactive gaseous effluents must be initiated if the established minimum number of effluent monitoring channels become inoperable.

Basis for proposed no significant hazards consideration determination: Technical Specifications 3.3.3.9, "Radioactive Liquid Effluent Monitoring Instrumentation", and 3.3.3.10, "Radioactive Gaseous Effluent Monitoring Instrumentation" provide Limiting Conditions for Operation and remedial action requirements for the subject instrumentation. At the present time, TS 3.3.3.9 and 10 allow gaseous

and liquid effluent monitoring instruments to be made inoperable for an unspecified period of time within the 30 day action period for the purpose of performing preplanned activities. The TS defines these preplanned activities as "...maintenance and performance of required tests checks and calibration."

The licensee has proposed a change to TS 3.3.3.9 and 10 to specify 12 hours as the allowable instrument outage time, for performance of preplanned activities, and to extend the definition of the preplanned activities to include "sampling."

The licensee has proposed an additional change to TS 3.3.3.10 which presently requires that sampling of radioactive gaseous effluent pathways be undertaken if the minimum specified number of the associated monitoring channels become inoperable. The licensee has proposed that such monitor begin within 12 hours of time that the monitoring channels are determined to be inoperable.

The proposed changes to TS 3.3.3.9 and 3.3.3.10 represent clarification of existing requirements. In the case of the 12 hour period for planned inoperability of the effluent monitoring channels, and the 12 hour period for initiating sampling when the gaseous effluent monitoring channels are inoperable, these periods had not been previously defined in the TS. In the case of adding "sampling" as a permitted, preplanned, instrument outage activity, "sampling" is expected to account for a small fraction (less than 10%) of total effluent monitoring instrument outage time and is thus, not significant in terms of overall equipment availability.

On March 6, 1986, the NRC published guidance in the **Federal Register** (51 FR 7751) concerning examples of amendments that are not likely to involve a significant hazards consideration. One example of amendments not likely to involve significant hazards considerations is example (i) which involves "A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature." The proposed changes to TS 3.3.3.9 and 10 clarify existing requirements. Accordingly, the proposed changes to the TS is within the scope of example (i) and thus, the staff proposes to determine that it involves no significant hazards considerations.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry and Howard, One Constitution Plaza, Hartford, Connecticut 06103.

NRC Project Director: John F. Stolz

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: October 19, 1987

Description of amendment request: The proposed amendment would change the ranges in Technical Specification Table 3.2.F for the reactor water level range and fuel zone range recorders. The wide range recorder range as observed on the control room panel would then be minus 165 to plus 60 inches and the fuel zone range indicator's range, which is located immediately adjacent to the wide range indicator, would then be minus 325 to plus 60 inches. The new recorder ranges, as shown in Technical Specification Table 3.2.F, encompass the original ranges. The licensee has changed these recorders as part of the modifications previously made in response to NRC Generic Letter 84-23, Reactor Vessel Water Level Instrumentation in BWR's and NUREG-0737, Item II.F.2. The modifications assist in overcoming the effects of high drywell temperature on reactor water level measurement by removing the Yarway temperature compensation features, rerouting instrument lines and by adding electronic reactor pressure compensation to the level measurement. The NRC staff has previously reviewed and approved, in a letter dated February 11, 1985, the licensee's plans to improve reactor water level measurement. The licensee indicates, that with the current implementation of these changes, the same actuation functions are provided at the same water levels as previously established. The only change proposed by this amendment is a change in the numerical range data used in TS Table 3.2.F to identify the specific recorders to reflect an upper end point for both recorder ranges of plus 60 inches. Accordingly, the staff finds that the change merely revises information used to identify the recorders and is administrative in nature.

The Licensee also discusses eight other proposed changes in TS Table 3.2.F which involve replacing dashes by the word "to", spelling out "inches" and spelling out the word "feet." These changes will alleviate confusion and are administrative in nature.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751) dated March 6, 1986. The changes proposed herein are representative of example (i), which is "a purely administrative change to technical specifications; for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature." The staff has reviewed and agrees with the licensee's evaluation as discussed above. Therefore, the staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126

Attorney for Licensee: Troy B. Conner, Jr., 1747 Pennsylvania Avenue, NW. Washington, DC 20006

NRC Project Director: Walter R. Butler

Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: November 9, 1987

Description of amendment request: The proposed amendment would change the Technical Specifications (TS) for the Hope Creek Generating Station by:

(1) adding the following definitions for spiral reload and spiral unload:

A spiral reload is a core loading methodology employed to refuel the core after a complete core unload. During a spiral reload the fuel is to be loaded into individual control cells (four bundles surrounding a control blade) in a spiral fashion centered on an SRM moving outward. Before initiating a spiral reload, up to four bundles may be loaded in the four bundle locations immediately surrounding each of the four SRMs to obtain the required channel count rate.

A spiral unload is a core unloading methodology employed to defuel when the complete core is to be unloaded. The core unload is performed by first removing the fuel from the outermost control cells (four bundles surrounding a control blade). Unloading continues in a spiral fashion by removing fuel from the outermost periphery to the interior of the core, symmetric about the SRMs, except for the four bundles around each of the four SRMs. When sixteen or less fuel bundles are in the core, four around each of the four SRMs, there is no need to maintain the required channel count rate.

(2) changing the Source Range Monitor (SRM) operability requirements to allow the SRM neutron count rate to drop below three counts per second during spiral reload and spiral unload when there are sixteen or less fuel bundles in the core comprising four or less fuel bundles in the four bundle locations immediately surrounding each of the four SRMs.

(3) deleting the surveillance requirement to verify that the SRM count rate is at least 0.7 cps or 3 cps "prior to and at least once per 24 hours whenever per item 2 above this count rate is not required."

(4) deleting the limiting conditions for operation and surveillance requirements in TS 3/4.10.7 concerning SRM requirements during the initial core loading.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated proposed changes 1 through 3 against the above criteria. With respect to criterion 1, it stated:

(i) . . . With the proposed changes to the Technical Specifications, after a complete core unload, HCGS would begin the refueling operation without inserting a portable neutron source and verifying an SRM channel count rate of 3 cps. Instead, two exposed bundles would be loaded into the core around each SRM in the positions which they would occupy for the subsequent cycle. If an SRM count rate of 3 cps is observed, then a spiral loading would proceed from the SRM instrument outward (see the discussion of Spiral Unload and Spiral Reload in Subparagraph (2) below). However, if sufficient counts are not observed, additional high exposure bundles may be inserted to complete the two-by-two array around each SRM in order to achieve 3 cps. These additional fuel bundles would not normally have been loaded into these locations and would solely be inserted in order to assist in satisfying the SRM count rate surveillance requirement. At this point if a minimum of 3 cps was not observed, refueling operations would be halted until the SRM instrumentation is checked. If the required count rate is observed, then the Spiral Reload would proceed from the SRM instrument outward eventually encountering the fuel bundles loaded around the other three SRMs.

The core configuration at this time would be different from the scheduled configuration for the next cycle in two manners. First, the core would only be partially loaded (i.e. up to 16 bundles) and second, the second pair of bundles loaded around each SRM to obtain the minimum count rate may be different from the bundles scheduled to occupy those locations. As long as the cold reactivities (zero voids) of the high exposure fuel bundles temporarily loaded around the SRMs are individually less than the cold reactivities of the respective bundles scheduled for the subject locations, the cold shutdown margin calculation performed for the scheduled core loading bounds the partially reloaded core (see Attachment 2). Hence, this criteria is required when temporarily loading the latter two bundles around an SRM in order to satisfy the SRM channel count rate operability requirements. This requirement is currently being satisfied and will continue to be met through the use of station administrative procedures. . . . . GE has performed fuel reactivity calculations to determine k-effective when four GE bundles, restricted to the cold reactivity criteria identified above and an uncontrolled lattice k-infinity of less than 1.31, are arranged in a two-by-two array surrounding an SRM with a minimum of 12-inches between them and any surrounding bundles. The analysis, based on the GE lattice physics models previously reviewed and approved by the NRC in GESTAR, indicate that for the conditions specified, k-effective will be less than 0.95 which bounds the highest enriched lattice designs allowed under GESTAR. As a result, the need for SRM count rates when sixteen or fewer bundles are in the RPV is unnecessary since an inadvertent criticality is not possible. . . . FSAR Section 15.4.7 discusses the accident analysis associated with a misplaced bundle. . . . PSE&G has re-evaluated the accident scenario in light of the proposed changes and has concluded that the results presented in FSAR Table 15.4-7 are still applicable, bounding the proposed changes.

Therefore, the proposed changes do not increase the probability or consequences of an accident previously analyzed.

With respect to criterion 2, it stated:

The proposed changes do not change the physical design or operation of the Source Range Monitors nor require any hardware modifications or core redesign. Rather, the proposed changes only require procedural revisions which indicate when the SRMs are to be declared operational and how the refueling sequence will be handled. . . . . This type of loading sequence simply describes the pattern to load or unload fuel and in no way changes the requirements for the incore nuclear instrumentation, i.e. SRMs, Intermediate Range Monitors (IRMs) and Local Power Range Monitors (LPRMs). The fact the SRMs need not be operable with sixteen or fewer fuel bundles in the core, simply reflects the GE criticality analysis which has no bearing on the loading sequence other than that discussed above. Therefore, the Technical Specifications are being revised to reflect the loading methodology simply to provide a better definition of the loading sequence thereby maintaining consistency with the proposed change.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

With respect to criterion 3, it stated:

. . . The proposed changes represent a condition associated with the SRMs which has been previously reviewed and approved by the NRC during the preparation of the Technical Specification Special Test Exceptions. Although the current exception identified in Technical Specification Section 3/4.10.7 is applicable to the initial core only, for that situation, the margin of safety for the SRMs is not reduced when the Limiting Conditions for Operation (LCO) are satisfied. One of these conditions is that no more than 16 bundles can be in the core at any one time. This specification and the GE analysis discussed above provide the basis for utilizing this same LCO for any subsequent core cycles provided the limitations stated in Subparagraph (1) above are satisfied. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The staff has reviewed the licensee's evaluation of the proposed changes 1 through 3 as discussed above and agrees with the licensee's determination.

The Commission has also provided guidance concerning the application of its standards set forth in 10 CFR 50.92 by providing certain examples (51 FR 7744). One of the examples, (i), of an amendment likely to involve no significant hazards consideration relates to "a purely administrative change to technical specifications."

Proposed change 4 as discussed above involves deletion of a Technical Specification that was applicable to the initial core loading only. The initial core loading was completed in early 1986 and the Technical Specification is no longer applicable. Removal of this Technical Specification therefore relates to this example.

On the basis of the above, the Commission proposes to determine that the proposed amendment involves no significant hazards considerations.

Local Public Document Room location: Pennsville Public library, 190 S. Broadway, Pennsville, New Jersey 08070

Attorney for licensee: Troy B. Conner, Jr., Esquire, Conner and Wetterhahn, 1747 Pennsylvania Avenue, NW., Washington, DC 20006

NRC Project Director: Walter R. Butler

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of amendment request: September 16, 1987, supplemented by submittal dated November 2, 1987.

Description of amendment request: The proposed license amendment would make changes in Section 6, Administrative Controls, of the Technical Specifications (TS) for Rancho Seco facility. These changes result from the recent restructuring of the management organization and expansion of the management staff.

A summary of the proposed changes follows:

- Table 6.2-1 - changes to establish minimum shift crew composition.
- Figure 6.2-1 - changes to reflect new positions and titles in the new management structures.
- Figure 6.2-2 - changes in the new plant organization under the new plant staffing plan.
- Changes throughout Section 6 to reflect new management titles and organizational units.
- Changes in Section 6.5.1 to describe the new Plant Review Committee (PRC) makeup, responsibilities and reporting authority.
- New Section 6.5.3, Technical Review and Controls, describes a new review and approval process for procedures, tests, experiments, and plant modifications.
- Section on *Environmental Reports* is removed from Appendix B to Section 6.9.6 of Appendix A of the License.
- Section 6.17 is changed to clarify "major changes" to radioactive waste treatment systems and to establish letter management control over such changes.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92 (c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has reviewed the proposed changes to Section 6 of the Technical Specifications against each of the criteria of 10 CFR 50.92, and concluded that plant operation with the above administrative changes would not:

1. Increase the probability of occurrence or consequences of a previously evaluated accident because the level of qualifications and experience of the positions or committees responsible for plant safety are increased.
2. Create the probability of an accident of a different type than previously evaluated because the safe operation of the plant is enhanced by the higher level of management qualifications and experience.
3. Significantly reduce any margin of safety because all levels of oversight of conduct of operation at Rancho Seco are increased.

On the basis of the above, the licensee concludes that the proposed changes do not constitute a significant hazard, or in any way endanger the health and safety of the public.

The Commission has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the requested amendment involves no significant hazards consideration.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California 95814

Attorney for licensee: David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P. O. Box 15830, Sacramento, California 95813

NRC Project Director: George W. Knighton

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of amendment request: October 1, 1987

Description of amendment request: Amendment request No. 164 proposes to make various modifications and additions to Rancho Seco Generating Station Technical Specifications (RSTS). The proposed amendment incorporates the most significant findings from the "Technical Review Report Evaluation of Rancho Seco Nuclear Generating Station Technical Specifications". Of the approximately 190 comments generated by this review, the District and the NRC agreed on Rancho Seco's short term implementation of the items addressed by this proposed amendment.

Proposed Amendment No. 164 would make changes to multiple sections of the technical specifications which impact various plant safety related systems. These impacted systems include (1) reactor coolant system, including reactor coolant pumps and pressurizer electromatic motor operated valve (EMOV); (2) control rod drive system, (3) decay heat removal system, and (4) reactor coolant system leak detection system. The proposed modifications to the technical specifications do not change the facility as described in Licensing Basis Documents and there would be no changes to the FSAR resulting from Proposed Amendment No. 164.

In various places throughout the Rancho Seco Technical Specifications, editorial changes are proposed to correct errors or clarify the text. These changes do not involve changes in intent of the specifications. Another proposed the change would delete existing specifications 3.1.2.6 and 3.1.2.7 and move their text to new sections 6.9.1.3 and 6.9.1.4, respectively. These specifications would be relocated to the appropriate section of the technical specifications because they address reporting requirements and are not considered Limiting Conditions for Operations.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a no significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not (1) involve a significant increase in probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The licensee proposes to make changes to multiple sections of the RSTS which affect various plant safety-related systems. These affected systems include: (1) reactor coolant system, including reactor coolant pumps and pressurizer electromatic motor operated valve (EMOV), (2) control rod drive system, (3) decay heat removal system, and (4) reactor coolant leak detection system. In all cases, however; the licensee proposed amendments are enhancements to the RSTS and provide additonal restrictions, limitations or control, and more closely conform to or are based on the Standard Technical Specifications, NUREG 0103, (Rev. 4) that are applicable to Rancho Seco.

The licensee, in the letter dated October 1, 1987, has performed a detailed analysis of all the proposed changes to the above criteria. The staff has reviewed the licensee's analysis and agrees with the licensee's conclusion's that the proposed changes involve no significant hazards consideration and that the proposed changes are comparable to changes the NRC has previously determined appropriate and which are reflected in NUREG 0103 (Rev. 4).

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California 95814

Attorney for licensee: David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P. O. Box 15830, Sacramento, California 95813

NRC Project Director: George W. Knighton

Tennessee Valley Authority, Dockets Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment requests: May 29, 1987 (TS 232)

Description of amendment requests: Tennessee Valley Authority proposes to modify the Browns Ferry Nuclear Plant, Units 1, 2, and 3 Technical Specifications to clarify the trip level setting for the Standby Gas Treatment System (SGTS) relative humidity heater denoted in Table 3.2.A. The current requirement of "less than or equal to 2000 cfm" would be changed to "greater than or equal to 2000 cfm and less than or equal to 4000 cfm."

The change would allow the relative humidity heater switch to perform its intended function of turning off the heater before a decreasing SGTS flow reaches 2000 cfm. This would prevent damage to the SGTS filter banks by turning off the heater before reaching a flow that would not adequately transfer the heat. An upper bound of 4000 cfm is imposed on the setpoint to ensure that the flow switches do not prevent the heaters from performing their intended function during normal blower operation. Technical Specification 3.7.B.2.c requires that each train operate with ± 10 percent of design flow (9000 cfm). Therefore, when the system is initiated, the airflow for an operable train would be greater than 4000 cfm and the heaters would perform their function.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The licensee addressed the above three standards in the amendment application and has determined that the proposed change: (1) would not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change to the trip level setting for the SGTS relative humidity heater more appropriately clarifies the intended function of the switch and precludes a condition that would allow the setting of a setpoint significantly below 2000 cfm and causing potential damage to the SGTS system. The direction of the setpoint movement is conservative in respect to the switch function which is turning off the heaters before reaching a flow that would not adequately transfer heat. Thus, the consequences of an accident previously evaluated may in fact be decreased by this change. In addition, the change does not result in any modification to the plant or system operation and is consistent with the plant design basis; (2) would not create the possibility of a new or different kind of accident from any accident previously evaluated. As stated in (1) above, the setpoint change is in a conservative direction. The change will not eliminate any protection functions of the SGTS and does not create any new accident mode; and (3) would not involve a significant reduction in a margin of safety. As stated in (1) above, the setpoint change is in a conservative direction and no functions or equipment changes are involved.

The staff has reviewed the licensee's no significant hazards consideration determination analysis. Based on the review and the above discussion, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Assistant Director: Gary G. Zech

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment requests: April 16, 1987 (TS 80)

Description of amendment requests: Tennessee Valley Authority proposes to modify the Sequoyah Nuclear Plant Units 1 and 2 Technical Specifications (TS) to delete Surveillance Requirement (SR) 4.6.1.8.d.4 for the emergency gas treatment system (EGTS) heaters. Also, revisions to SR 4.7.8.d.4 and 4.9.12.d.3 and the associated bases are proposed to reflect the minimum heater capacity required for the auxiliary building gas treatment system (ABGTS). SR 4.7.8.d.4 is applicable to the ABGTS for Modes 1 through 4 and SR 4.9.12.d.3, whenever irradiated fuel is in the spent fuel pool. A typographical error in SR 4.7.8.d.4 (unit 1 only) would also be corrected.

Basis for proposed no significant hazards consideration determination: Both the EGTS and ABGTS were constructed with heaters in the ductwork upstream of the air cleanup units. These heaters were installed to maintain the relative humidity of the airstream passing through the cleanup units at less than or equal to 70 percent.

TVA has performed a detailed calculation, EN DES Calculation TI-ECS-96, "Maximum Annulus Relative Humidity Resulting from a Loss of Coolant Accident (LOCA) or High Energy Line Break (HELB) Inside Containment." The maximum relative humidity as calculated by this analysis for the EGTS in the annulus after a LOCA or HELB inside containment would be approximately 60 percent (assuming the annulus was cooled to its normal operating average temperature of 105° Fahrenheit). This value is lower than the upper-bound relative humidity that the duct heaters were installed to maintain. As such, the duct heaters in EGTS are not considered by TVA as being required for safety.

Also, the annulus relative humidity calculation was performed assuming an annulus inleakage (from the outside environment) at a rate of 100 cfm. The offsite dose calculation for Sequoyah now assumes an annulus inleakage of 500 cfm (Sequoyah Final Safety Analysis Report [FSAR] subsection 15.5.3). The analysis points out that this would lower the annulus relative humidity for a given temperature, as the inleakage acts to "dilute" the steam leakage from containment. Therefore, using the 500 cfm inleakage rate, it is concluded that the relative humidity in the annulus can be as low as approximately 45 percent (assuming an average annulus temperature of 105° Fahrenheit) after a LOCA or HELB in containment.

Another TVA calculation, EN DES Calculation TI-ECS-4, "Determination of Requirements for the Relative Humidity Heater in the Auxiliary Building Gas Treatment System," was prepared to determine the heater requirements for the ABGTS. The analysis was performed to define realistic conditions (temperature and moisture content) for the air entering the ABGTS auction. These realistic conditions were defined

to replace the original calculation assumptions which were overly conservative. The resulting calculations determined that a heater capacity of 15.8 kW is required to reduce the relative humidity of the ABGTS airstream to the desired 70 percent level based on the assumed outside air conditions.

Based on the TVA evaluations performed, the SR for measuring the EGTS heater output is proposed to be deleted, and the SR for measuring the ABGTS heater output are proposed to be changed from ". . .32 kW ± 3.2 kW. . ." to "Verifying that the heaters will dissipate the energy necessary to maintain the relative humidity of the airstream to less than or equal to 70% prior to entering the filters,..." This has been shown by TVA calculation that 70 percent relative humidity can be equated to greater than or equal to 18 kW (15.8 kW required plus 2.2 kW safety margin) when the recorded voltage and current (from the surveillance test) are equated to the limiting voltage value of 422 V ac. This is the limiting voltage at the ABGTS heater terminals as determined by TVA calculation 0E2-EEBCAL001, "AC Auxiliary Power System Voltage and Loading Analysis." The recorded data will be equated to the analysis minimum requirement of 18 kW by using the following formula:

$Power_{ea} = (422)^2(1.73)\ I(recorded)/V(recorded)$

The TS for both EGTS and ABGTS have SRs that call for the systems to be operated with the heaters on for at least 10 hours, at least once every 31 days on a staggered test basis. This action is intended to reduce the buildup of moisture on the air cleanup filter banks to below acceptable limits. This ensures filter efficiency is above acceptable limits. This testing would continue to be performed at the above-stated intervals.

To ensure that the heaters are performing properly, they would continue to be tested once every 18 months to verify that they meet the manufacturer's ratings. This testing would be performed to identify heater degradation.

The Commission has provided standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). 10 CFR 50.91 requires that at the time a licensee requests an amendment, it must provide to the Commission its analyses, using the standards in Section 50.92 about the issue of no significant hazards consideration. Therefore, in accordance with 10 CFR 50.91 and 10 CFR 50.92 the licensee has performed and provided the following analysis.

(1) Is the probability of an occurrence or the consequences of an accident previously evaluated in the safety analysis report significantly increased?

No. The purpose of the heaters is to maintain the relative humidity of the airstream passing through the EGTS and ABGTS cleanup units to less than or equal to 70 percent. TVA analysis TI-ECS-98, "Maximum Annulus Relative Humidity Resulting from a Loss of Coolant Accident (LOCA) or High Energy Line Break (HELB) Inside Containment," indicated that the relative humidity in the annulus (EGTS suction) would remain well below 70 percent after a LOCA or HELB. As such, the EGTS heaters are not required for the proper operation of the system under postaccident conditions. TVA analysis TI-ECS-4, "Determination of Requirements for the Relative Humidity Heater in the Auxiliary Building Gas Treatment System," determined that the manufacturer's rated capacity of the ABGTS heaters was significantly greater than the capacity required to maintain the relative humidity to less than or equal to 70 percent. In both cases, the relative humidity of the airstream before the cleanup units will be sufficiently low to ensure the efficiencies of the air cleanup units meet or exceed their assumed analysis values. As such, these changes do not significantly increase the probability of occurrence or the consequences of an accident previously evaluated in the safety analysis report.

(2) Is the possibility for an accident of a new or different type than evaluated previously in the safety analysis report created?

No. The heaters were installed to ensure that the relative humidity of the EGTS and ABGTS airstreams was less than or equal to 70 percent before entering the cleanup units and to provide a method for periodically removing accumulated moisture from the filter banks. The proposed changes to the SRs do not adversely affect either of these functions. Therefore, these changes do not create the possibility for an accident of a new or different type than evaluated previously in the safety analysis report.

(3) Is the margin of safety significantly reduced?

No. The margin of safety provided by these heaters is to ensure the sufficiently low moisture content of the airstream through the filters to maintain filter efficiency. As these changes will not result in an excessive moisture content and lowered filter efficiency, there is no adverse impact on the offsite dose calculations. Thus, there is no significant reduction in the margin of safety.

Additionally, the staff notes that the typographical correction is strictly administrative and does not present a significant hazards consideration.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, the staff proposes to determine that the application for amendments involves no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Assistant Director: Gary G. Zech

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment requests: September 14, 1987 (TS 87-39)

Description of amendment requests: The proposed Technical Specification (TS) changes would correct inconsistencies between the Sequoyah (SQN) Unit 1 TS and the SQN Unit 2 TS, correct inconsistencies between requirements, and provide clarification for the intent of various specifications. Correction of these discrepancies would eliminate confusion over applicable requirements and eliminate the potential for error.

Basis for proposed no significant hazards consideration determination: The Commission has provided Standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). 10 CFR 50.91 requires that at the time a licensee requests an amendment, it must provide to the Commission its analyses, using the standards in Section 50.92, on the issue of no significant hazards consideration. Therefore, in accordance with 10 CFR 50.91 and 10 CFR 50.92, the licensee has performed and provided the following analysis:

TVA [Tennessee Valley Authority] has evaluated the proposed TS change and determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of SQN in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. These changes are to correct minor inconsistencies between requirements and discrepancies between plant design and requirements. Correcting these problems will eliminate confusion over applicable requirements and eliminate the potential for error. Eliminating the potential for error will reduce the probability of an occurrence.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated. These changes are to correct minor inconsistencies between requirements and discrepancies between plant design and requirements. No hardware changes were made to the plant. Correcting the inconsistencies between certain action statements and other requirements in the TS will eliminate confusion over applicable requirements and eliminate the potential for error. In this case, the error would be to operate in a plant configuration not previously analyzed. Correcting these inconsistencies should eliminate the potential for this type of error.

3. Involve a significant reduction in a margin of safety. These changes are to correct minor inconsistencies between requirements and discrepancies between plant design and requirements. Correcting these problems will eliminate confusion over applicable requirements and eliminate the potential for error. The margin of safety will be increased with the elimination of the potential for error.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, the staff proposes to determine that the application for amendments involves no significant hazards considerations.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Assistant Director: Gary G. Zech

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment requests: September 16, 1987 (TS 87-37)

Description of amendment requests: The Tennessee Valley Authority proposes to modify the Sequoyah Nuclear Plant (SQN) Units 1 and 2 Technical Specifications to add additional requirements for containment cooling for non-loss of coolant accident (LOCA) events. Revised calculations for a main steam line break (MSLB) inside containment (the most severe non-LOCA event for containment temperature) indicate that temperatures would exceed environmental qualification (EQ) limits for certain equipment in the lower compartment and pressurizer enclosure. The proposed change would impose limiting conditions for operation and associated surveillance requirements for the lower containment cooling fans to ensure that temperatures following an MSLB remain below the EQ limits.

Basis for proposed no significant hazards consideration determination: The Commission has provided Standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). 10 CFR 50.91 requires that at the time a licensee requests an amendment, it must provide to the Commission its analyses, using the standards in Section 50.92, on the issue of no significant hazards consideration. Therefore, in accordance with 10 CFR 50.91 and 10 CFR 50.92, the licensee has performed and provided the following analysis:

TVA has evaluated the proposed technical specification change and determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of SQN in accordance with the proposed amendment will not:

(1) involve a significant increase in the probability or consequences of an accident previously evaluated. The FSAR assumes the worst case condition for long-term cooling following a steam line break is a loss of offsite power with failure of one emergency power train. This condition requires the greatest amount of operator action and the longest time to achieve cold shutdown. The analyses demonstrate that the plant can be maintained safely at hot standby conditions for extended periods of time.

With only onsite power available, the plant can be maintained in a safe hot standby condition using the intact steam generators by supplying feedwater with the auxiliary feedwater system and venting steam through the secondary side, power-operated relief valves. The relief valves will be controlled to gradually reduce pressure and temperature as the core residual heat decays. Two of four steam generators are required to maintain the plant in this safe shutdown condition.

The FSAR considers the containment temperature response resulting from a LOCA to be bounding in all cases. No further consideration was given to the effects of long-term recovery from an MSLB or other less severe non-LOCA events, since the mass and energy release had ended within a short period of time. Therefore, the containment EQ curve was developed without considering the primary system as a major long-term heat source in establishing the most severe inside containment EQ time-dependent temperature profile. Use of the lower containment coolers for non-LOCA accident mitigation and the proposed technical specification requirements will ensure containment temperatures remain within EQ limits for all safety-related equipment required to remain functional following non-LOCA events.

(2) create the possibility of a new or different kind of accident than previously evaluated. The proposed change will not affect normal operation of the plant. A rigorous evaluation of the major heat sources present during the entire accident time frame has been performed to ensure equipment EQ limits are not exceeded. Modifications were made to upgrade the lower containment coolers to ensure reliable operability during accident conditions. All safety system interfaces have been evaluated to ensure that the required use of the coolers does not degrade other safety systems expected to be operable during the accident. Operator action during the accident is not a burden because a very flexible time period is allowed to complete the required actions. The proposed testing requirements do not require unusual plant configuration and thus do not create a different type of accident than previously evaluated.

(3) involve a significant reduction in a margin of safety. The proposed change adds technical specification requirements for the lower containment coolers since these coolers now have an assumed role in accident mitigation of non-LOCA events. This role is to keep containment temperature within operating limits of equipment required to maintain the safety of the plant. Continued reliable operation of safety-related equipment provides assurance that the margin of safety has not been reduced.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, the staff proposes to determine that the application for amendments involves no significant hazards considerations.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Assistant Director: Gary G. Zech

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: September 11, 1987.

Description of amendment request: The proposed amendment would increase the maximum isolation time for the containment mini-purge isolation valves, given in Technical Specification Table 3.6-1, from 3 seconds to 5 seconds.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The licensee has provided the following analysis of no significant hazards considerations using the Commission's standards:

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change is a relaxation of the closure time specified in Table 3.6-1 of Callaway Technical Specification 3/4.6.3 for the containment mini-purge system isolation valves (GT-HZ-

04, 05, 11 and -12) from 3 seconds to 5 seconds following receipt of a signal to close. The valves close to isolate containment upon receipt of a containment purge isolation signal (CPIS), as discussed in FSAR Sections 6.2.4 and 7.3, which can be generated by a number of different mechanisms, including low steamline pressure (lead-lag compensated), low pressurizer pressure, high containment pressure (Hi-1), high containment purge exhaust radioactivity, as well as manual actuation.

The subject valves are fully qualified to NUREG-0588 guidelines for post-accident operation inside the containment. The system operates during normal plant operation; therefore, the subject valves could be open at any time during normal operation.

There is no change to any hardware as a result of this Technical Specification change. There is no effect on the probability of any accident previously evaluated since the containment mini-purge system has no interface with high energy and/or potentially radioactive systems and is not involved in any postulated accidents other than for its isolation function.

Regarding the effects on the consequences of any accident previously evaluated due to the subject Technical Specification change, an evaluation has verified that the blowdown from containment to the auxiliary building following a LOCA, prior to full closure of the subject valves in the minipurge supply and exhaust lines, does not generate a harsh environment in the auxiliary building. The mini-purge supply and exhaust lines consist of a short run of non-Q, non-seismic duct inside containment coupled to ASME Class 2 pipe which leads to the containment penetration. Outside containment ASME Class 2 pipe leads away from the containment penetration and is then coupled to non-Q, non-seismic duct. The subject containment isolation valves are located on the ASME Class 2 pipe. For conservatism, it was assumed that the duct is not present and that the containment blows down through the purge lines to the auxiliary building and dumps into the rooms where the ASME Class 2 pipe changes to duct. This occurs in rooms 1506 and 1507 which are the only rooms through which the purge lines pass before exiting the auxiliary building. Due to the short duration of the blowdown coupled with the existence of adequate vent paths from rooms 1506 and 1507, the pressure, temperature and humidity effects are minimal. It was verified that the pressure, temperature and humidity values generated in rooms 1506 and 1507 were below the values in FSAR Section 3.11(B).5.7 for a mild environment (i.e., 110 degrees F, 16.1 psia, and 90% R.H.). Similarly, the minimal pressurization effects would have no adverse effect on any auxiliary building structures (e.g., walls, floors, and ceilings).

Regarding the effects on exclusion area boundary and low population zone doses due to the additional blowdown discussed above, a calculation has been performed verifying that the dose contribution due to the blowdown prior to mini-purge valve closure is not significant (less than 2%) compared to the doses calculated for the current LOCA analysis as discussed in FSAR Section 15.6.5. The new total doses are well within 10 CFR 100 limits. For this calculation, the activity is assumed to be released directly to the environment with no filtering. Likewise, if the blowdown were released into the auxiliary building, the dose contribution is minimal when compared with the 180-day total integrated doses previously used to evaluate equipment in rooms 1506 and 1507.

Relaxed closure time has no effect on the containment minimum pressure analysis for ECCS operation. FSAR Section 6.2.1.5 addresses the containment minimum pressure analysis and discusses those parameters that impact this analysis. This section of the FSAR concludes that the containment mini-purge system does not have a substantial effect on this analysis.

This change does not create the possibility of a new or different kind of accident from any accident previously evaluated. This change in stroke time is still within the guidelines set forth in Branch Technical Position CSB 6-4 which states under Item A, paragraph 7, that the maximum time for valve closure should not exceed five (5) seconds to assure that purge valves are closed before the onset of fuel failures following a LOCA.

The capability of the subject valves to close against the rising containment pressure following a large LOCA has been verified by the valve vendor, Fisher, as detailed in SLNRC 84-0004 dated January 16, 1984. This letter contains the results of analyses verifying that the mini-purge valves will close in their specified time against the maximum LOCA containment pressure (47.3 psig) including the effects of asymmetric flow into the valves due to the piping configuration. In reality, the valves will be closed prior to the time that the containment reaches its maximum pressure after a LOCA of 62 psia (i.e., closure in 8 seconds, including 3 seconds for signal generation and lag time, vs. greater than 100 seconds to reach peak containment pressure).

This change does not involve a significant reduction in a margin of safety. As indicated above, this change will have no significant effect on the post-accident pressure, temperature and humidity environments in the auxiliary building. Likewise, the dose contribution for exclusion area boundary and LPZ doses from the containment purge lines is negligible in comparison to the doses calculated for the current LOCA analysis. Additionally, the minimum containment pressure analysis remains unaffected by the proposed change.

Based on the previous discussions, the licensee concluded that the proposed amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated; does not create the possibility of a new or different kind of accident from any accident previously evaluated; does not involve a reduction in the required margin of safety. The staff has reviewed the licensee's no-significant-hazards-consideration determination and agrees with the licensee's analysis. The staff, therefore, proposes to determine that the licensee's request does not involve a significant hazards consideration.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Kenneth E. Perkins.

Virginia Electric and Power Company, Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of amendment request: September 22, 1987

Description of amendment request: The proposed amendments would modify North Anna Technical Specification Sections 4.8.1.1.3 and 4.8.2.3.2, which address the surveillance requirements for the emergency diesel generator (EDG) batteries and the station batteries, respectively.

The proposed Technical Specifications would:

(a) incorporate the parameters for the weekly and quarterly battery surveillance requirements into Table 4.8-3, "Battery Surveillance Requirements." The new table uses expected values and allowable values. During the weekly surveillance of the pilot cell, if the cell parameters are outside of the expected values but within the allowable limits, the battery is considered operable provided that within the next 24 hours all connected cells are inspected and their parameters are within the allowable limits. The battery parameters must then be restored to their expected limits within the next 6 days.

(b) establish an expected value of specific gravity for the quarterly test for each connected cell to be greater than or equal to 1.205 for the average of all cells, with no cell less than 1.195.

(c) establish an allowable limit for specific gravity at greater than or equal to 1.195 for the average of all connected cells, with no cell more than 0.020 below the average.

(d) allow substitution of battery charging or float current as indicative of an operable battery (station batteries only) when pilot cell specific gravity has decreased below the expected value or the average specific gravity of all connected cells has decreased below the allowable limit. The charging current is not used as an indicator of operability for the EDG batteries due to its temperature sensitivity and the wide band of temperatures that are encountered in the EDG rooms.

(e) establish a conservative expected limit for cell float voltage of greater than or equal to 2.13 volts on both the weekly and quarterly surveillances. If the temperature corrected voltage is below 2.13 volts, an equalizing charge is required to enhance cell life expectancy. However, the allowable acceptance limit for float voltage to determine battery operability remains unchanged from the present limit of greater than or equal to 2.08 volts.

(f) conservatively increase the total battery voltage limit from greater than or equal to 125 to greater than or equal to 129 volts. This increase in total battery voltage reflects the licensee's intention to maintain an average float voltage per cell of at least 2.15 volts.

(g) maintain the requirement that the electrolyte level should be maintained between the minimum and the maximum indication marks. However, for determining battery operability, the new allowable limit for electrolyte level is above the plates and not overflowing.

(h) require the performance of the quarterly surveillance within 7 days of a severe discharge or overcharge. For each quarterly test, an inspection for corrosion of each battery terminal and connector is to be performed. In addition, the average electrolyte temperature for the station batteries will be verified to be above 60 degrees F.

The surveillance requirement for the 18 month station battery service test is being revised to allow the use of simulated loads instead of the actual emergency loads. This change is intended to clarify the licensee's current method of performing this test. The proposed change will allow the once per 60 month discharge performance test to be performed in lieu of the battery service test in the same year for the station batteries. Additionally, the proposed Technical Specification will require performance of the discharge test every refueling outage for an EDG or station battery that has shown signs of degradation or has reached 85 percent of its expected service life for this application.

The specific wording of Technical Specification Sections 4.8.1.1.3.b.2, and 4.8.2.3.2.b.2 and b.3 of both Units 1 and 2 in the proposed amendments as submitted was different from that of the corresponding, NRC-approved, Westinghouse Standard Technical Specifications (STS) Sections 4.8.2.1.b.2 and b.3. At the request of the NRC staff during a telephone conversation with the licensee, the licensee agreed to adopt the Westinghouse STS wording.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed changes in the plant Technical Specifications in accordance with the standards of 10 CFR 50.92(c) and has determined that operation of North Anna Units 1 and 2 in accordance with these changes would not:

(1) involve a significant increase in the probability or consequences of an accident previously evaluated. The establishment of conservative expected values for the battery parameters adds assurance that corrective actions will be taken prior to a battery degrading to an unacceptable level. The requirement to perform the battery discharge test every refueling outage once the battery has shown signs of degradation is an additional assurance that battery performance will be monitored and action taken prior to the battery reaching an unacceptable level.

(2) create the possibility of a new or different kind of accident from any accident previously evaluated. These proposed changes do not involve any alterations to the physical plant or to procedures which would introduce any new or unique operational modes or accident precursors.

(3) involve a significant reduction in a margin of safety. The capacity of the batteries is not significantly affected by the proposed changes and, assuming operation at or above the proposed limits for determining battery operability, the batteries can perform their intended safety functions. The current safety analyses remain bounding, therefore, the margin of safety is not being significantly reduced.

The NRC staff agrees that the proposed changes to the Technical Specifications meet the criteria specified in 10 CFR 50.92(c) and, hence, proposes to determine that they involve no significant hazards considerations.

Local Public Document Room location: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093 and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Attorney for licensee: Michael W. Maupin, Esq., Hunton, Williams, Gay and Gibson, P.O. Box 1535, Richmond, Virginia 23212.

NRC Project Director: Herbert N. Berkow

Washington Public Power Supply System, Docket No. 50-397, WNP-2, Richland, Washington

Date of amendment request: February 9, 1987

Description of amendment request: This amendment, if approved, will modify Section 4.1.3.5 of the WNP-2 Technical Specifications pertaining to surveillance requirements for the control rod scram accumulators. The current specification requires that the alarm setpoint for the scram accumulator pressure detectors be verified to be in the range of 940 to 970 pounds per square inch gauge (psig). The revision would remove the upper limit of this allowable range, requiring simply that the setpoint be equal to or greater than 940 psig.

The licensee has made this request based on advice from General Electric that several operating nuclear stations have reported that hydraulic control unit (HCU) accumulator pressure switches have actuated below the limits stated in their plant technical specifications during regularly scheduled surveillance testing. These pressure switches trip on low HCU accumulator nitrogen pressure and alarm in the control room. The purpose of the proposed change is to allow a higher setpoint to provide adequate allowance to account for the downward instrument drift trends observed since plant startup.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or, (3) involve a significant reduction in a margin of safety.

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because the low

pressure setpoint will not be set below the present technical specification value and in fact may be set at a more conservative position.

The proposed change does not create the possibility of a new or different kind of accident than previously evaluated because the requested action is limited to the revision of the allowable alarm setpoint range and because the alarm setpoint may be set in a more conservative direction.

The proposed change does not involve a significant reduction in a margin of safety because a more conservative alarm setpoint actually increases the margin of safety.

Based on our review of the proposed modification, the Commission proposes to determine that the proposed change to the WNP-2 Technical Specifications involves no significant hazards consideration.

Local Public Document Room location: Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

Attorney for the Licensee: Nicholas Reynolds, Esquire, Bishop, Cook, Purcell and Reynolds, 1200 Seventeenth Street NW., Washington, DC 20036

NRC Project Director: George W. Knighton

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this biweekly notice. They are repeated here because the biweekly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Mississippi Power & Light Company, System Energy Resources, Inc., South Mississippi Electric Power Association, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: August 13, 1987, as revised October 23 and November 25, 1987.

Brief description of amendment request: The proposed amendment would provide interim changes to the Technical Specifications (TS) for the standby liquid control system (SLCS) and the ATWS recirculation pump trip (ATWS-RPT) system to reflect modifications to these systems. The modifications to these systems will be made during the second refueling outage to conform to 10 CFR 50.62, regarding anticipated transients without scram (ATWS). A third system required by 10 CFR 50.62, the alternate rod insertion (ARI) system, which will be installed during the second refueling outage, will not require changes to the TS at this time. The staff will provide guidance on a generic basis regarding TS requirements for the ATWS-RPT and ARI systems at a later date.

Date of publication of individual notice in **Federal Register:** December 4, 1987 at 52 FR 46139

Expiration date of individual notice: January 4, 1988

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Arizona Public Service Company et al., Docket No. STN 50-530, Palo Verde Nuclear Generating Station, Unit 3, Maricopa County, Arizona

Date of application for amendment: July 23, 1987, as supplemented November 6 and November 9, 1987

Brief description of amendment: The amendment authorizes sale and leaseback transactions by El Paso Electric Company relating to its ownership interest in Palo Verde, Unit 3.

Date of issuance: December 2, 1987

Effective date: December 2, 1987

Amendment No.: 1

Facility Operating License No. NPF-74: Amendment changes the license.

Date of initial notice in **Federal Register:** September 23, 1987 (52 FR 37585) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 2, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Phoenix Public Library, Business and Science Division, 12 East McDowell Road, Phoenix, Arizona 85004.

Boston Edison Company Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of application for amendment: June 2, 1987.

Brief Description of amendment: Change the Technical Specifications for rod instrumentation and operability requirements for APRM Upscale and Inoperative trip functions.

Date of issuance: November 30, 1987

Effective date: 30 days from date of issuance

Amendment No.: 110

Facility Operating License No. DPR-35: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 29, 1987 (52 FR 28372). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 30, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Boston Edison Company Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of application for amendment: July 8, 1987, as supplemented on August 5, 1987

Brief Description of amendment: The amendment revises Technical Specification 4.5.A.3.d to explicitly specify low pressure coolant injection (LPCI) pump performance necessary to comply with the current loss-of-coolant accident (LOCA) analysis for the Pilgrim Station.

Date of issuance: November 30, 1987

Effective date: 30 days from date of issuance

Amendment No.: 111

Facility Operating License No. DPR-35: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 26, 1987 (52 FR 32194) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 30, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: July 31, 1985, as supplemented November 8 and December 26, 1985, March 7, 1986, and July 1, 1987

Brief description of amendments: The amendments would add an action statement to Technical Specification 3/4.2.3, and would modify Figure 3.2-3 to delete the DNB limit line and add a graduated scale to allow a tradeoff of reactor coolant system flow against reactor thermal power level.

Date of issuance: November 24, 1987

Effective date: November 24, 1987

Amendment Nos.: 34 and 25

Facility Operating License Nos. NPF-35 and NPF-52. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 27, 1986 (51 FR 30563) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 24, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: July 27, 1987, as clarified by letter dated October 8, 1987

Brief description of amendments: The amendments modified the Technical Specifications to reflect a modification to the Unit 1 turbine trip circuitry.

Date of issuance: November 24, 1987

Effective date: November 24, 1987

Amendment Nos.: 35 and 26

Facility Operating License Nos. NPF-35 and NPF-52. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 9, 1987 (52 FR 34003) The October 8, 1987 submittal clarified certain aspects of the request. The substance of the changes noticed in the **Federal Register** and the proposed no signficant hazards consideration were not affected. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 24, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Duke Power Company, et al., Docket No. 50-414, Catawba Nuclear Station, Unit 2, York County, South Carolina

Date of application for amendment: June 19, 1987

Brief description of amendment: The amendment updated and changed a license condition to allow an extension of time for resolution of the accumulator tank instrumentation issue.

Date of issuance: November 25, 1987

Effective date: November 25, 1987

Amendment No.: 27

Facility Operating License No. NPF-52. Amendment revised the Operating License.

Date of initial notice in **Federal Register:** July 29, 1987 (52 FR 28375) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 25, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of application for amendment: June 9, 1987 and supplemented by letter dated August 7, 1987

Brief description of amendment: The amendment changes the Technical Specifications for Beaver Valley Unit No. 1 to impose requirements on new radiation monitors in the control room.

Date of issuance: November 24, 1987

Effective date: November 24, 1987

Amendment No. 119

Facility Operating License No. DPR-66. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 12, 1987 (52 FR 29915) The August 7, 1987 submittal clarifies the original submittal and did not affect the staff's published NSHC determination. Since the clarification is within the scope of the initial notice, no renotice is required. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 24, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of application for amendments: December 19, 1986, as supplemented June 22, 1987 and November 16, 1987.

Brief description of amendments: These amendments add license conditions which require implementation of Florida Power and Light Company's plan for the integrated scheduling of plant modifications for the Turkey Point Plant, Units 3 and 4 (the Plan). The Plan will result in implementation schedules for new and existing plant modifications and changes which reflect the importance of the items in relation to overall plant safety. In addition, the Plan will assure that the necessary engineering, safety assessments, design and implementation of modifications or changes are completed in a systematic and timely fashion.

Date of issuance: November 23, 1987

Effective date: November 23, 1987

Amendment Nos.: 126 and 120

BEST COPY AVAILABLE

Facility Operating Licenses Nos. DPR-31 and DPR-41: Amendments revised the License.

Date of initial notice in **Federal Register:** February 26, 1987 (52 FR 5854) The letters dated June 22, 1987 and November 16, 1987 provided updated I/S schedules and therefore did not change the initial determination as published in the **Federal Register**. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 23, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of application for amendments: January 6, 1986, as clarified May 16, 1986

Brief description of amendments: The amendments modified the Technical Specifications to allow operating personnel to work 12 hour shifts.

Date of issuance: November 24, 1987

Effective date: November 24, 1987

Amendment Nos.: 148 and 85

Facility Operating License Nos. DPR-57 and NPF-5. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 26, 1986 (51 FR 10460) The licensee's letter of May 16, 1986, clarified the initial request and did not present request which had not been considered at the time of the **Federal Register** notice. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 24, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50-424, VoGtle Electric Generating Plant, Unit 1, Burke County, Georgia

Date of application for amendment: August 26, 1987

Brief description of amendment: The amendment modified the Technical Specifications to revise the action requirements for inoperable Fuel Handling Building Post-Accident Ventilation System actuation instrumentation.

Date of Issuance: November 20, 1987

Effective Date: November 20, 1987

Amendment No.: 3

Facility Operating License No. NPF-68. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 7, 1987 (52 FR 37546) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 20, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: Burke County Library, 412 Fourth Street, Waynesboro, Georgia 30830

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit. No. 1, Dauphin County, Pennsylvania

Date of application for amendment: July 24, 1987

Brief description of amendment: The amendment revises the TSs to incorporate updated reactor coolant system heatup and cooldown limits for operation to 10 effective full power years.

Date of issuance: November 18, 1987

Effective date: November 18, 1987

Amendment No. 134

Facility Operating License No. DPR-50. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 9, 1987 (52 FR 34007) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 18, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania, 17126.

GPU Nuclear Corporation, et al, Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of application for amendment: March 5, 1987

Brief description of amendment: This amendment revised the Technical Specifications to: (1) increase the setpoint for reactor trips on high pressure from 2300 to 2355 psig; (2) raise the arming threshold for anticipatory reactor trip on turbine trip from the current 20% reactor power level to 45% reactor power level; (3) improve the language of the bases of the Technical Specification Safety Limit Section.

Date of issuance: December 1, 1987

Effective date: December 1, 1987

Amendment No.: 135

Facility Operating License No. DPR-50: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 22, 1987 (52 FR 13339) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 1, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Iowa Electric Light and Power Company, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: January 30, 1987

Brief description of amendment: The amendment revises the Duane Arnold Energy Center (DAEC) Facility Operating License No. DPR-49, extending the DAEC Integrated Plan two years beyond the current expiration date of May 3, 1987.

Date of issuance: November 25, 1987

Effective date: November 25, 1987

Amendment No.: 148

Facility Operating License No. DPR-49. Amendment revised paragraph 2.C.(6)2 of the Facility Operating License.

Date of initial notice in **Federal Register:** September 9, 1987 (52 FR 34012) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 25, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Louisiana Power and Light Company, Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: July 24, 1987

Brief description of amendment: The amendment revised the Operating License by adding to the number of approved locations for fuel assemblies in the fuel handling building, imposing minimum boration requirements for fuel inspection and/or reconstitution outside an approved storage rack, and deleting

reference to a completed one-time only inspection to verify the presence of Boraflex in all specified design locations in the spent fuel racks.

Date of issuance: November 20, 1987.

Effective date: November 20, 1987.

Amendment No.: 25

Facility Operating License No. NPF-38. Amendment revised the Operating License.

Date of initial notice in **Federal Register:** September 23, 1987 (52 FR 35794) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 20, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122

Mississippi Power & Light Company, System Energy Resources, Inc., South Mississippi Electric Power Association, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: July 1, 1987, as revised August 4, 1987

Brief description of amendment: The amendment deletes the requirement for post-accident flow monitoring instrumentation in the standby liquid control system and defers the installation date for post-accident neutron flux monitoring instrumentation from the second refueling outage to the third refueling outage.

Date of issuance: December 2, 1987

Effective date: December 2, 1987

Amendment No. 37

Facility Operating License No. NPF-29. This amendment revised the License.

Date of initial notice in **Federal Register:** August 26, 1987 (52 FR 32205) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 2, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154

Mississippi Power & Light Company, System Energy Resources, Inc., South Mississippi Electric Power Association, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Dates of application for amendment: July 6, 1987, as superseded October 23, 1987, and supplemented November 19, 1987

Brief description of amendment: The amendment provides one-time exceptions to Technical Specification 3.0.4 for use during the second refueling outage. The exceptions will allow entry into specified operational conditions without meeting the Limiting Condition for Operation, provided the requirements of associated action statements are met.

Date of issuance: December 4, 1987

Effective date: December 4, 1987

Amendment No.: 38

Facility Operating License No. NPF-29. This amendment revised the Technical Specifications.

Dates of initial notice in **Federal Register:** August 12, 1987 (52 FR 29921) and November 4, 1987 (52 FR 42363) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 4, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154

Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station Unit No. 3, Town of Waterford, Connecticut

Date of application for amendment: June 10, 1987

Brief description of amendment: This amendment revised the Millstone Unit No. 3 Technical Specification Section 4.3.4.2a to increase the main turbine control valve testing interval from weekly to monthly.

Date of issuance: November 30, 1987

Effective date: November 30, 1987

Amendment No.: 11

Facility Operating License No. NPF-49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 23, 1987 (52 FR 35801) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 30, 1987

No significant hazards consideration comments received: No.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station Unit No. 2, Town of Waterford, Connecticut

Date of application for amendment: August 28, 1987

Brief description of amendment: The change modified the Technical Specifications (TS) as follows: (1) the maximum linear heat rate shown in TS Figure 3.2.1 would be reduced from 15.6 to 14.0 Kw/ft, and a factor of 1.115 would be applied to the planar peaking for reactor operation during Cycle 8 beyond a core average burnup of 9500 MWD/MTU, and (2) the equations on TS Figure 3.2-3b would be deleted.

Date of issuance: November 18, 1987

Effective date: November 18, 1987

Amendment No.: 122

Facility Operating License No. DPR-65. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1987 (52 FR 35801) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 18, 1987

No significant hazards consideration comments received: No.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Waterford, Connecticut.

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: February 14, 1986, supplemented August 26, 1987.

Brief description of amendment: The amendment changes the expiration date of Facility Operating License (DPR-22) for the Monticello Nuclear Generating Plant, Unit No. 1, from June 19, 2007 to September 8, 2010. The change in expiration date will provide for 40 years of operation from the issuance of the Operating License.

Date of issuance: November 19, 1987.

Effective date: November 19, 1987.

Amendment No.: 53.

Facility Operating License No. DPR-22. Amendment revised the license.

Date of initial notice in **Federal Register:** May 7, 1986 (51 FR 16931). The licensee's letter dated August 26, 1987 merely provided additional information supporting the extension of the operating license. The additional information deals with data on occupational exposure, projection of changes in the low population zone, and changes in land use affecting dose calculations. The supporting information in no way changes or affects the proposed determination of no significant hazards considerations published in the **Federal Register** on May 7, 1987. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 19, 1987 and an Environmental Assessment dated October 15, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Minneapolis Public Library,

VOL 52 ISS 241 DE 16 1987 UMI

VOL 52 ISS 241 DE 16 1987 UMI

Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: July 17, 1987, as supplemented August 28, September 3 and September 16, 1987.
Brief description of amendment: The amendment revised the Technical Specifications to reflect the changes supported by analysis for the reload justifying Cycle 13 operation.
Date of issuance: November 25, 1987.
Effective date: November 25, 1987.
Amendment No.: 54.
Facility Operating License No. DPR-22. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** September 23, 1987 (52 FR 35784 at 35802). The licensee's letters dated August 28 and September 16, 1987 merely provided additional information necessary for the staff to complete the review of the reload analysis prepared by the licensee. The August 28 submittal transmitted proprietary information on GE8x8EB fuel designs. In the case of the September 16 submittal, the licensee provided a revised description and safety evaluation supporting changes that were submitted on July 27 and September 3, 1987. This supporting information does not substantially change the action notice or affect the proposed determination of no significant hazards consideration published in the **Federal Register** on September 23, 1987. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 25, 1987.
No significant hazards consideration comments received: No.
Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: May 1, 1986, as supplemented July 15 and October 7, 1987.
Brief description of amendment: The amendment revised the Technical Specifications (TS) to conform to the NRC Standard Technical Specifications for Appendix J testing, including the staff-approved modifications and exemptions. The changes also clarified and eliminated a number of interpretation problems. Specifically, the amendment revised the wording of TS Section 4.7.A.2, "Primary Containment Integrity," and associated bases to conform to the wording of NRC Standard TS (NUREG-0123). The amendment also (1) changed the airlock testing requirements for Type B testing; (2) increased the TS value of Pa, Peak Containment Accident Pressure, from 41 psig to 42 psig; (3) deleted the requirement for inerting system makeup monitoring as specified in Section 4.7.A.2.6; (4) revised the Bases for Sections 3.7 and 4.7 to reflect the above changes; and (5) added action statements consistent with NUREG-0123 to Section 3.7.A.2 on containment integrity limiting condition for operation.
Date of issuance: November 25, 1987.
Effective date: November 25, 1987.
Amendment No.: 55.
Facility Operating License No. DPR-22. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** August 13, 1986 (52 FR 29005) Information furnished by the licensee's letters dated July 15 and October 7, 1987 was necessary to complete the staff's review of the licensee's initial submittal. The additional information did not change the proposed no- significant-hazard determination in the initial notice. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 25, 1987.
No significant hazards consideration comments received: No.
Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Pennsylvania Power and Light Company, Docket No. 50-387 Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of application for amendment: March 27, 1986
Brief description of amendment: Correction of an error in section 3.6.6.3. regarding operability of drywell cooling fans.
Date of issuance: November 19, 1987
Effective date: November 19, 1987
Amendment No.: 75
Facility Operating License No. NPF-14. This amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** May 7, 1986 (51 FR 16932) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 19, 1987.
No significant hazards consideration comments received: No
Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Portland General Electric Company, Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: June 22, 1987
Brief description of amendment: The amendment revises Technical Specification Table 3.3-1, "Reactor Trip System Instrumentation" and Table 4.3-1, "Reactor Trip System Instrumentation Surveillance Requirements," as recommended in Generic Letter 85-09.
Date of issuance: December 1, 1987
Effective date: December 1, 1987
Amendment No.: 137
Facilities Operating License No. NPF-1: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** October 7, 1987 (52 FR 37550) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 1, 1987
No significant hazards consideration comments received: No.
Local Public Document Room location: Branford Price Millar Library, Portland State University, 731 S. W. Harrison St., Portland Oregon 97207

Power Authority of The State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York

Date of application for amendment: February 6, 1987
Brief description of amendment: The amendment deletes Technical Specifications for the Containment Atmosphere Sampling System. The Containment Atmosphere Sampling System was replaced by the Containment Hydrogen Monitoring System.
Date of issuance: November 24, 1987
Effective date: November 24, 1987
Amendment No.: 80
Facility Operating License No. DPR-64: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** March 25, 1987 (52 FR 9581) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 24, 1987
No significant hazards consideration comments received: No
Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Public Service Company of Colorado, Docket No. 50-267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of amendment request: June 25, 1987 (P-87124)
Brief description of amendment: Revises the Technical Specifications to ensure sufficient helium coolant flow to prevent overheating of the fuel while in the low power or shutdown mode.
Date of issuance: November 23, 1987
Effective date: 30 days after date of issuance.
Amendment No.: 57
Facility Operating License No. DPR-34. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** July 29, 1987 (52 FR 28386). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 23, 1987.
No significant hazards consideration comments received: No.
Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado

Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: August 12, 1987
Brief description of amendment: Revised the Technical Specification to reduce the emergency diesel generator air starting receiver minimum required pressure.
Date of issuance: November 24, 1987
Effective date: November 24, 1987
Amendment No.: 12
Facility Operating License No. NPF-57. This amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** October 7, 1987 (52 FR 37551) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 24, 1987.
No significant hazards consideration comments received: No
Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070

Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: August 18, 1987
Brief description of amendment: The amendment revised paragraph 2.C.(13) of the operating license to extend the required schedule for having four additional Safety Parameter Display System parameters operational.
Date of issuance: November 24, 1987
Effective date: November 24, 1987
Amendment No.: 13
Facility Operating License No. NPF-57. This amendment revised the License.
Date of initial notice in **Federal Register:** October 7, 1987 (52 FR 37551) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 24, 1987.
No significant hazards consideration comments received: No
Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: June 29, 1987 as supplemented October 1, 1987.
Brief description of amendment: The amendment revised the operating criteria for the control room and technical support center heating, ventilation and air conditioning system.
Date of issuance: December 3, 1987
Effective date: December 3, 1987
Amendment No.: 91
Facility Operating License No. DPR-54: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** September 9, 1987 (52 FR 34018) The supplemental information provided in the October 1, 1987 submittal consisted of copies of the four surveillance procedures which will implement the technical specification changes contained in the amendment. This information clarifies the initial application and does not constitute a change to the application as previously noticed. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 3, 1987
No significant hazards consideration comments received: No
Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California 95814

Southern California Edison Company, et al, Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of applications for amendments: August 5 and September 18, 1987
Brief description of amendments: The amendments revise Technical Specification 314.2.7 "Axial Shape Index" to change the AS1 limit to support extended fuel cycle operation.
Date of issuance: November 17, 1987
Effective date: November 17, 1987
Amendment Nos.: 62 and 51
Facility Operating License Nos. NPF-10 and NPF-15: Amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** October 7, 1987 (52 FR 37554) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 17, 1987
No significant hazards consideration comments received: No.
Local Public Document Room location: General Library, University of California at Irvine, Irvine, California 92713.

Washington Public Power Supply System Docket No. 50-397, WNP-2 Richland, Washington

Date of application for amendment: September 1, 1987
Brief description of amendment: This amendment revises Table 3.3.2.2, "Isolation Actuation Instrumentation Setpoints." For the trip setpoint for trip function 1.d, Primary Containment Isolation, Main Steam Line Tunnel Temperature - High, the Allowable Range is changed from "less than or equal to 150 degrees Fahrenheit" to "less than or equal to 164 degrees Fahrenheit."
Date of issuance: December 4, 1987
Effective date: December 4, 1987
Amendment No.: 48
Facility Operating License No. DPR-21: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** October 21, 1987 (52 FR 39309) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 4, 1987
No significant hazards consideration comments received: No
Local Public Document Room location: Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendments: August 26, 1987
Brief description of amendments: The amendments revised the laboratory sample analysis parameters for temperature and iodide concentration specified in the periodic iodine removal efficiency testing of charcoal absorbent required by Technical Specification

VOL 52 ISS 241 DEC 16 1987 UMI

15.4.11. The amendments also effected administrative changes to Technical Specifications 16.1 and 16.5.

Date of issuance: December 3, 1987
Effective date: December 3, 1987
Amendment Nos.: 109 and 112
Facility Operating License Nos. DPR-24 and DPR-27. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 21, 1987 (52 FR 39296 at 39310). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 3, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING (EXIGENT OR EMERGENCY CIRCUMSTANCES)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By January 15, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Project Director*): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, San Luis Opisbo County, California

Date of application for amendments: November 8, 1987
Brief description of amendments: The amendments authorize, on a one-time basis, the surveillance requirement for exercising turbine valves on Unit 1 to be deferred until seven days following Unit 2 return to power operation, but not later than January 26, 1988.
Date of issuance: November 18, 1987
Effective date: November 9, 1987
Amendment Nos.: 23 and 22
Facility Operating License No. DPR-80 and DPR-82: Amendments revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No. The Commission's related evaluation of the amendment, finding of emergency circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated November 18, 1987.

Attorney for licensee: Richard R. Locke, Esq., Pacific Gas and Electric Company, P. O. Box 7442, San Francisco, California 94120 and Bruce Norton, Esq., c/o Pacific Gas and Electric Company, P. O. Box 7442, San Francisco, California 94120.

Local Public Document Room location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California.

NRC Project Director: George W. Knighton

Dated at Bethesda, Maryland this 10th day of December 1987.

For the Nuclear Regulatory Commission.

Steven A. Varga,
Director, Division of Reactor Projects-I/II, Office of Nuclear Reactor Regulation.

[Doc. 87-28781 Filed 12-15-87; 8:45 am]
BILLING CODE 7590-01-D

[Docket No. 50-498]

Houston Power & Light Co. et al.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the schedular requirements of 10 CFR 50.71(e)(3)(i) to the Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company and City of Austin, Texas (the licensees) for the South Texas Project, Unit 1, located at the licensee's site in Matagorda County, Texas.

Environmental Assessment

Identification of Proposed Action: The proposed action would grant an exemption from the requirement of 10 CFR 50.71(e) to submit an updated Final Safety Analysis Report (UFSAR) for Unit 1 of the South Texas Project within 24 months of the issuance of the operating license. The operating license was issued for South Texas Project, Unit 1 on August 21, 1987. By letter dated October 5, 1987, the licensees requested an exemption to 10 CFR 50.71(e) which would defer submittal of the UFSAR for South Texas Unit 1 until one year following receipt of a low-power operating license for South Texas Unit 2 on the basis that the present FSAR applies to both units. It has been amended and will be continued to be amended until South Texas Project, Unit 2 is licensed.

The Need for the Proposed Action: 10 CFR 50.34 requires that, until South Texas Unit 2 receives an operating license, the information contained in the FSAR docketed with the operating license application be maintained current. Hence, if an extension to the submittal date for the UFSAR is not granted, the licensees would be required to maintain current both the present FSAR as well as the UFSAR until South Texas Unit 2 is licensed. Maintaining two versions of the same document for the two South Texas units would cause a hardship, could lead to ambiguities or confusion, and would serve no useful purpose if the existing FSAR is maintained up-to-date until Unit 2 is licensed.

Therefore, an extension is needed to eliminate the hardship of maintaining two versions of the same document. Until Unit 2 receives an operating license, the licensees have committed to maintain the present FSAR current for both units by periodically amending the document.

Environmental Impact of the Proposed Action: The proposed exemption affects only the required date for submitting the UFSAR and does not affect the risk of facility accidents. Thus, post-accident radiological releases will not differ from those determined previously, and the proposed exemption does not otherwise affect facility radiological effluents, or any significant occupational exposures. With regard to potential non-radiological impacts, the proposed exemption does not affect plant non-radiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no

VOL 52 ISS 241 DE 16 1987 UMI

measurable radiological or non-radiological environmental impacts associated with the proposed exemption.

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternatives either will have no environmental impact or will have a greater environmental impact. The principal alternative to the exemption would be to require an earlier date for submittal of the UFSAR. Such an action would not enhance the protection of the environment and would result in unnecessary hardship of maintaining two versions of the same document.

Alternative Use of Resources: This action does not involve the use of resources not considered previously in the Final Environmental Statement for South Texas Project, Units 1 and 2.

Agencies and Persons Consulted: The NRC staff reviewed the licensees' request and did not consult other agencies or persons.

Finding of No Significant Impact: The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the licensees' letter dated October 5, 1987. The letter is available for public inspection at the Local Public Document Rooms in the Wharton County Junior College, J.M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488 and in the Austin Public Library, 810 Guadalupe Street, Austin, Texas 78701.

Dated at Bethesda, Maryland, this 10th day of December, 1987.

For the Nuclear Regulatory Commission.

Jose A. Calvo,

Director, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 87–28923 Filed 12–15–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–293]

Boston Edison Co. (Pilgrim Nuclear Power Station); Exemption

I

Boston Edison Company (the licensee) is the holder of Facility Operating License No. DPR–35 which authorizes operation of Pilgrim Nuclear Power Station (the facility) at steady-state reactor power levels not in excess of 1998 megawatts thermal. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect. The facility consists of a boiling water reactor located at the licensee's site in Plymouth, Massachusetts. The facility is currently shutdown for refueling and modifications.

II

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.3 of Appendix E requires that each licensee at each site shall exercise with offsite authorities such that the State and local govenment emergency plans for each operating reactor site are exercised biennially, with full or partial participation by States and local governments, within the plume exposure pathway Emergency Planning Zone (EPZ).

The NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a) are (1) authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security, and (2) present special circumstances. Section 50.12(a)(2)(v) of 10 CFR describes the special circumstances in that the exemption would provide only temporary relief from the applicable regulations and the licensee has made good faith efforts to comply with the regulation.

III

By letter dated September 17, 1987, the licensee requested a one-time exemption from the schedular requirements of section IV.F.3 of Appendix E. The last biennial emergency preparedness exercise was a full participation exercise conducted at the Pilgrim Nuclear Power Station on September 5, 1985. The licensee requests that an exemption be granted to allow the next biennial exercise to be deferred from 1987 to the second quarter of 1988.

The licensee states that the Commonwealth of Massachusetts, the local governments within the EPZ and the two emergency reception center communities are in the process, with the assistance of the licensee, of implementing numerous improvements in their offsite emergency preparedness programs. These improvements include revision of the emergency plans of the local governments and the Commonwealth, the development of associated procedures, the development and implementation of training programs for officials and emergency personnel, and the upgrading of Emergency Operation Centers. The licensee expects the work to continue through early 1988. The licensee has informed the NRC that in view of these extensive ongoing efforts, the Commonwealth and the local governments have indicated that they are not able to fully participate in an exercises during calendar year 1987.

The activities to upgrade offsite emergency planning and preparedness are in response to a Federal Emergency Management Agency (FEMA) evaluation of the adequacy of offsite preparedness at Pilgrim. On September 5, 1986, FEMA informed the Commonwealth of Massachusetts that it was undertaking a self-initiated review of its September 29, 1982 Interim Finding on offsite emergency preparedness for the Pilgrim Nuclear Power Station because of concerns raised during meetings in the spring of 1986 and information received subseqent to those meetings from local officials, the Commonwealth, and other interested parties. Based on a review of the overall state of offsite emergency preparedness for Pilgrim, FEMA concluded, in an Interim Finding issued on August 4, 1987, that offsite radiology emergency planning and preparedness for Massachusetts was inadequate to protect the health and safety of the public in the event of an accident at the Pilgrim Nuclear Power Station. The August 4, 1987 Interim Finding superseded the previous Interim Finding of September 29, 1982.

FEMA identified six areas of major concern during the course of its review:

—Lack of evacuation plans for public and private schools and daycare centers.
—Lack of a reception center for people evacuating to the north.
—Lack of identifiable public shelters for the beach population.
—Inadequate planning for the evacuation of the special needs population.
—Inadequate planning for the evacuation of the transport dependent population.
—Overall lack of progress in planning and apparent diminution in emergency preparedness.

Boston Edison is assisting the Commonwealth and the local authorities in the improvement of their emergency response programs. These efforts have included an updated evacuation time estimate study and traffic management plan, a study to identify public shelters for protecting the beach population, and the identification of and provision for the special needs and transportation dependent populations within the EPZ. In addition, the licensee is providing professional planners to assist the local governments and the Commonwealth in upgrading their plans and in the development of a new training program for offsite emergency response personnel. Some training has been conducted to date and training will continue after the development of the new training program has been completed.

Onsite emergency preparedness has been evaluated by the NRC during inspections and exercises including the most recent onsite exercise conducted on December 10, 1986. The 1986 exercise included partial participation by the Commonwealth. The NRC inspection report for the 1986 exercise documented that Boston Edison's emergency response actions were adequate to provide protective measures for the healt and safety of the public. The licensee has held quarterly onsite drills in March, June and August 1987. The NRC inspection findings and the licensee's training drills provide assurance that the licensee has maintained a satisfactory capability to respond to an emergency at Pilgrim. In addition, the licensee conducted its annual onsite exercise December 9, 1987. This exercise tested the current level of onsite emergency preparedness at Pilgrim and included limited participation by the Commonwealth.

Since the last full participation biennial exercise at Pilgrim (in September 1985), the Commonwealth has participated on a limited basis with the licensee in the December 1986 exercise and the quarterly onsite drills in 1987. The March and June 1987 drills also included limited participation by several of the towns within the EPZ. The towns within the EPZ have also cooperated in the full scale siren test conducted by FEMA in September 1986. The Commonwealth has also partiicpated in full participation exercises at the Yankee Nuclear Power Station in June 1986 and at the Vermont Yankee Nuclear Generating Station on December 2, 1987.

The requested exemption is a temporary one and is necessary because ongoing emergency preparedness efforts will not be completed before early 1988. The licensee has made a good faith effort to comply with the regulation by assisting in the ongoing improvements to the Commonwealth and local offsite emergency response programs. The extensive efforts required to upgrade the offsite plans, implement the changes and conduct training preclude the conduct of a meaningful and effective full participation exercise in 1987. This situation constitutes the special circumstances described in 10 CFR 50.12(a)(2)(v). Further, the NRC staff believes that the public health and safety will be better served by the conduct of a full participation exercise following the completion of efforts to improve the Commonwealth and local government emergency response programs.

The NRC has required, and will continue to require, that the Pilgrim plant remain shut down until the emergency preparedness issues are dealt with to the satisfaction of the NRC. The determination whether to restart the Pilgrim plant will involve an evaluation by the NRC of the status of the resolution of the emergency planning issues identified by FEMA. The safety of the resumption of plant operation will be addressed by the NRC staff before restart is approved.

For these reasons, the Commission has thus determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letter dated September 17, 1987, as discussed above, is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security.

Accordingly, the Commission hereby approves the following exemption:

The Pilgrim Nuclear Power Station is exempt from the requirements of 10 CFR 50, Appendix E, Section IV.F.3 for the conduct of an offsite full participation emergency preparedness exercise in calendar year 1987, provided that this exercise be conducted prior to June 30, 1988.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the environment (52 FR 64493). December 9, 1987. A copy of the licensee's request for exemption dated September 17, 1987 is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360. Copies may be obtained upon written request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC, 20555, Attention: Director, Division of Reactor Projects I/II.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland this 9th day of December 1987.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Director, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

FR Doc. 87–28920 Filed 12–15–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos.: 50–295 and 50–304]

Commonwealth Edison Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR–39 and DPR–48 issued to Commonwealth Edison Company (the licensee), for operation of Zion Station, Units 1 and 2 located in Waukegan County, Illinois.

The amendment would clarify and upgrade the Technical Specifications concerning Zion Station's program for measuring the leakage through pressure isolation valves.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, or amended (the Act) and the Commission's regualtions.

By January 15, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operting license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularly the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons

VOL 52 ISS 241 DEC 16 1987 UMI

why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interst in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and corss-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Daniel R. Muller: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel—Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Michael Miller, Esq., Isham, Lincoln, and Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602, attorney for the license.

Nontimely filing of petitions for leave to interene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated November 13, 1987, which is available for public inspection at the Commisison's Public Document Room, 1717 H Street, NW., Washington, DC; Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Dated at Bethesda, Maryland, this 10th day of December, 1987.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Director, Project Directorate III–2, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 87–28924 Filed 12–15–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co. (Haddam Neck Plant); Exemption

I

The Connecticut Yankee Atomic Power Company (CYPACO, the licensee) is the holder of Facility Operating License NO. DPR–61 which authorizes operation of the Haddam Neck Plant (the facility) at power levels no greater than 1825 megawatts thermal. The facility is a single-unit pressurized water reactor (PWR) located at the licensee's site in Middlesex County, Connecticut. The License provides, among other things, that the Haddam Neck Plant is subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II

On November 19, 1980, the Commission published a revised section 10 CFR 50.48 and a new Apendix R to 10 CFR Part 50 regarding fire protection features of nuclear power plants. The revised § 50.48 and Appendix R became effective on February 17, 1981. Section III of Appendix R contains 15 subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. Two of these subsections, III.G and III.J are the subjects of the licensee's exemption requests.

Section III.G.2 of Appendix R requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of the following means:

a. Separation of cables and equipment and associated non-safety circuits of redundant trains by a fire barrier having a 3-hour rating. Structural steel forming a part of or supporting such fire barriers shall be protected to provide fire resistance equivalent to that required of the barrier;

b. Separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustible or fire hazards. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area; or

c. Enclosure of cable and equipment and associated non-safety circuits of one redundant train in a fire barrier having a 1-hour rating. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area.

Section III.G.3 of Appendix R requires that for areas where alternative or dedicated shutdown is provided, fire detection and a fixed fire suppression system shall also be installed in the area, room, or zone under consideration.

Section III.J of Appendix R requires that emergency lighting units with at least an 8-hour battery power supply shall be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes.

III

By letter dated March 19, 1981, the licensee requested exemptions from section III.G of Appendix R. This request, and subsequent submittals, resulted in the NRC granting one exemption from the requirements of section III.G on November 11, 1981. On March 1, 1982, the licensee submitted an initial reevaluation of the fire areas and zones identified in previous submittals. Additional information was submitted on June 18, 1986 and January 6, 1987, the licensee submitted additional exemption requests from the requirements of

sections III.G and III.J of Appendix R. The following is a list of CYAPCO exemption requests:

11. Primary Auxiliary Building (Fire Area A–1). An exemption was requested from the specific requirements of section III.G.2a to the extent that this area is not separated by 3-hour fire rated barriers from Fire Area W–1 which contains redundant shutdown system cables.

2. Primary Auxiliary Building Charging Metering Pump Cubicle (Fire Zone A–1D). An exemption was requested from the specific requirements of section III.G.2.a. to the extent that this fire zone is not separated by 3-hour rated barriers from fire zone containing redundant shutdown systems, cables, and associated circuits.

3. Service Building Locker Room (Fire Zone S–3B). An exemption was requested from specific requirements of section III.G.2.a to the extent that this area is not separated by 3-hour rated fire barriers from adjacent diesel generator rooms (Fire Areas D–1 and D–2) which contain redundant safe shutdown systems, cables, and associated circuits.

4. Control Room (Fire Area S–1). An exemption was requested from the specific requirements of section III.G.2.a to the extent that this area is not separated by 3-hour fire-rated barriers from the turbine building (Fire Area T–1) and the mechanical equipment room/instrument shop (Fire Area S–4).

5. Switchgear Room (Fire Areas S–2), Turbine Building (Fire Area T–1), and Cable Spreading Area (Fire Zone S–3A). Exemptions were requested from the specific requirements of section III.G.2.a to the extent that these areas/zones are not separated by 3-hour fire-rated barriers (including structural steel forming a part of or supporting such fire barriers) from areas containing redundant shutdown systems, cables, and associated circuits.

6. Turbine Building (Fire Area T–1), Switchgear Room (Fire Area S–2), Service Building Cable Spreading Area (Fire Zone S–3A), and Service Building Locker Room (Fire Zone S–3B). Exemptions were requested from the specific requirements of section III.G.2.a to the extent that these areas/zones are not separated by 3-hour fire-rated barriers from areas containing redundant shutdown systems, cables, and associated circuits.

7. Switchgear Room (Fire Area S–2). An exemption was requested from the specific requirements of section III.G.2.a to the extend that

8. Service Building Elevation 21 Feet 6 Inches (Fire Area S–3), Primary Auxiliary Building (Fire Area A–1), Mechanical Equipment Room/Instrument Shop (Fire Area S–4), and Maintenance Shops (Fire Area S–5). Exemptions were requested from the specific requirements of section III.G.2 to the extent that these areas are not separated by 3-hour fire-rated barriers from areas which contain redundant shutdown systems, cables, and associated circuits.

9. Service Building Men's Locker Room & Shower Area (S–9). The licensee requested an exemption from section III.G.2 to the extent that it requires physical separation and the installation of a smoke detection system to protect redundant trains of safe shutdown related cable and equipment.

10. Emergency Lighting. The licensee requested an exemption from section III.J to the extent that it requires emergency lighting units with at least an 8-hour battery power supply in all areas needed for operation of safe shutdown equipment and in access and egress routes, in particular, the areas where the licensee cannot meet these requirements are:

(a) A portion of general yard areas for access and egress,

(b) IN the immediate vicinity of the primary water storage tank (PWST),

(c) For manually operating CD–V–632 located near the demineralized water storage tank (DWST), and

(d) For manually operating LD–V–221 located near the vent stack.

The staff has reviewed in detail each of the 10 exemption requests identified above and concluded that the condition or circumstances which exist in exemption requests 1, 3, 4, 6, 7, and 8 are encompassed by the guidance issued in Generic Letter 86–10. According to the interpretations of Appendix R contained in the generic letter, no exemptions from the requirements of Appendix R are required for these locations. The staff considers the information presented in support of the exemption requests to constitute the required fire hazards analysis for each location.

The staff has also reviewed the remaining four exemption requests and has concluded that an acceptable basis for granting these exemptions exists. These exemptions are discussed below.

1.0 Primary Auxiliary Building Charging Metering Pump Cubicle (Fire Zone A–ID)

An exemption was requested from the specific requirements of section III.G.2.a to the extent that this fire zone is not separated by 3-hour rated barriers from fire zone containing redundant shutdown systems, cables, and associated circuits.

Discussion

One of two charging pumps or the charging metering pump is required to be operable to achieve safe shutdown in the event of a fire in the primary auxiliary building (PAB) area A–1. The two charging pumps and the charging metering pump are located on elevation 15 ft. 6 in. of the PAB, each within an individual cubicle. The three cubicles are open to a common area which the licensee has identified as fire zone A–IA. The door openings from the cubicles to the common area are formed by a partial wall in a "labyrinth" configuration. The charging metering pump cubicle is bounded on the three sides away from the common area by 3-hour fire-rated walls. The floor and ceiling are also fire rated.

Evaluation

The staff was concerned that a fire in any one of the pump cubicles or in the common area (zone A–1A) could damage both of the charging pumps and the charging metering pump. However, the combustible loading in the referenced areas, as represented by the licensee, is negligible. If all of the combustibles were consumed, the resulting fire would have a duration of less than 4 minutes, as determined by the ASTM E–119 standard time temperature curve. If a fire should occur, it would be detected by the existing smoke detection system in its formative stage, before significant room temperature rise or flame propagation occurred. An alarm would be transmitted automatically to the control room. The fire brigade would be dispatched to the scene and would put out the fire using manual fire fighting equipment. Pending arrival of the brigade, the donstruction and Configuration of the cubicles will provide reasonable assurance that at least one charging pump or the charging metering pump would remain free of fire damage. Therefore, the lack of a complete 3-hour fire-rated barrier at the entrance to the charging metering pump cubicle is not safety significant.

Based on the above evaluation, the staff concludes that the licensee's existing fire protection features provide an equivalent level of fire protection to that which would be achieved by literal compliance with Appendix R and, therefore, meets the underlying purpose of the rule. Therefore, the licensee's exemption request from the requirements of section III.G.2.a in the charging metering pump cubicle should be granted.

VOL 52 ISS 241 DE 16 1987 UMI

2.0 Switchgear Room (Fire Areas S-2), Turbine Building (Fire Area T-1), and Cable Spreading Area (Fire Zone S-3A)

Exemptions were requested from the specific requirements of Section III.G.2.a to the extent that these areas/zones are not separated by 3-hour fire-rated barriers (including structural steel forming a part of or supporting such fire barriers) from areas containing redundant shutdown systems, cables, and associated circuits.

Discussion

The licensee identified the following locations where unprotected steel exists:

- Inside the switchgear room where steel supports the floor of the control room;
- Inside the turbine building, where steel supports the control room floor; and
- Inside the cable spreading area where steel supports the switchgear room floor.

The combustible loading in these locations consists of significant quantities of cables and lube oil, but the hazard associated with these materials has been mitigated by automatic fire suppression systems.

Existing fire protection includes: (1) An automatic halon fire suppression system in the switchgear room; (2) an automatic sprinkler system for cable tray protection in the cable spreading area; (3) automatic fire detectors throughout the switchgear and cable spreading areas and in certain special hazards areas of the turbine building; (4) partial automatic sprinkler protection in the turbine building and (5) manual fire fighting equipment throughout these areas.

Conclusions

The locations where significant fire hazards exist in these areas and/or the locations where unprotected steel are present are now protected by automatic fire suppression systems. Under any credible fire scenario in these locations, a fire would be detected in its incipient stages by the existing fire detection systems or by operating personnel. In support of the in situ fire suppression systems, the fire brigade would be dispatched and would put out the fire before room temperatures rose sufficiently to affect the steel. Rapid fire propagation and room temperature rise is not expected to occur before the arrival of the brigade because the automatic fire suppression system would actuate to control the fire, limit temperature rise, and protect the steel. Therefore, coating of the steel with a fire resistant material is not necessary to assure the integrity of the subject barriers.

Based on the above evaluation, the staff concludes that the licensee's existing fire protection as well as additional proposed modifications provides an equivalent or superior level of fire protection and safety to that which would be achieved by literal compliance with Section III.G.2 of Appendix R and, therefore, meets the underlying purpose of the rule. Therefore, the licensee's request for exemption for unprotected steel in the subject areas should be granted.

3.0 Service Building Men's Locker Room & Shower Area (S-9)

The licensee requested an exemption from section 111.G.2 to the extent that it requires physical separation and the installation of a smoke detection system to protect redundant trains of safe shutdown related cable and equipment.

Discussion

The fire area is enclosed by noncombustible walls, floor and ceiling. Existing fire protection for the area consists of an automatic sprinkler system, manual hose stations, and portable fire extinguishers. Safe shutdown components located within the area consist of service water pump power cables. Cabling from both divisions are located within a single cable chase with no divisional separation. The cable chase is enclosed on three sides by two layers of gypsumboard and on the fourth side by concrete block.

The fire-hazard in the area, as represented by combustible materials, is negligible. All combustible materials compile a fuel load of approximately 14,000 BTU/sq. ft. which, if totally consumed, would correspond to a fire severity equivalent to about 10 minutes on the ASTM E-119 standard time temperature curve.

Conclusion

The existing fire protection for the area consists of both passive and active safety features. The gypsumboard and concrete block enclosure around the cable chase represents at least a one-hour fire-rated barrier. This affords an acceptable level of safety in consideration of the low in situ fuel loading stated in the discussion above. Reinforcing this protection is a complete, automatic sprinkler system that protects the entire men's locker and shower area. A water flow alarm from the sprinkler system is annunciated in the control room. In addition, portable fire extinguishers and hose stations are available for manual fire fighting. It is our opinion that this protection provides reasonable assurance that the shutdown related cables will be free of damage from a fire in the area.

Based on our evaluation, we conclude that any additional modifications to meet the literal requirements of section III.G.2 would not enhance fire safety above that provided by the existing fire protection systems. Therefore, the staff concludes that the licensee's existing fire potection meets the underlying purpose of the relevant section of Appendix R and the licensee's request for exemption should be granted.

4.0 Emergency Lighting

The licensee requested an exemption from Section 111.J to the extent that it requires emergency lighting units with at least an 8-hour battery power supply in all areas needed for operation of safe shutdown equipment and in access and egress routes. In particular, the areas where the licensee cannot meet these requirements are:

(a) A portion of general yard areas for access and egress,

(b) In the immediate vicinity of the primary water storage bank (PWST),

(c) For manually operating CD-V-632 located near the demineralized water storage tank (DWST), and

(d) For manually operating LD-V-221 located near the vent stack.

Discussion

Upon completion of the post-fire shutdown methodology, the licensee identified all locations where manual actions are required and determined the optimum travel paths for operating personnel to and from these areas.

With the exception of the locations identified above, the licensee has installed 8-hour battery powered lighting units per the requirements of Section III.J.

The licensee proposes to utilize the security perimeter lighting for a portion of the outside egress routes and one outside task and portable hand-held lighting units for the remaining task and routes of travel.

Conclusion

Based upon our review of the information, the staff has concluded: (1) That there are no obstructions or tripping hazards in the routes of travel; (2) that operators would not be required to perform shutdown tasks using both hands; and (3) that the licensee has a program to assure both the availability and operability of the flashlights, when needed.

The staff has also concluded that, given that the security lighting is powered from a separate diesel generator, the security lighting is not vulnerable to fire loss. The licensee has confirmed for the staff that an adequate level of illumination in the yard areas exists.

Based on the above, the staff considers the licensee's alternative lighting configuration to be equivalent to that achieved by literal conformance with Appendix R to 10 CFR Part 50 and, therefore, meets the underlying purpose of Section III.J of Appendix R. Therefore, the licensee's request for exemption from the requirements of Section III.J. in the subject locations should be granted.

10 CFR 50.12 Determinations

Pursuant to 10 CFR 50.12(a)(2), the Commission will not consider granting an exemption unless special circumstances are present. Item (ii) of the subject regulation includes special circumstances where application of the subject regulation would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of section III.G is to provide adequate protection of redundant components of safety-related equipment by limiting damage in the event of a fire at one safety-related component location so that the performance of the other redundant safety-related component is not affected. The licensee has installed automatic detection and suppression systems to prevent fire propagation and limit fire damage in lieu of separation of the components as prescribed by Appendix R. As described in the evaluation section of each exemption request, the staff has concluded that the existing fire protection systems provide equivalent or superior fire protection to that which would be provided by meeting the literal separation requirements of section III.G of Appendix R.

The underlying purpose of section III.J is to provide adequate illumination to assure the capability of performing all necessary safe shutdown functions as well as provide illumination for required movements into and out of the plant. In lieu of the 8-hour battery units specified by Appendix R, the licensee has proposed using security lighting and hand-held portable flashlights. The staff has reviewed the proposed alternative and has concluded, as described in the conclusion section of exemption number four that the security lighting system would be a reliable alternative and would provide an adequate level of illumination to perform all required safe shutdown functions.

In summary, the staff has concluded that the alternative fire protection provided in support of the exemptions meets or exceeds the fire protection which would otherwise occur if literal compliance with the separation requirements of Appendix R were required. In addition, the staff has concluded that the alternative use of security lighting and portable flashlights would meet the underlying purpose of section III.J by providing acceptable levels of illumination to assure that required safe shutdown functions and required personnel movements can be performed. Therefore, the staff concludes that "special circumstances" exist for the licensee's requested exemptions in that imposition of the literal requirements of the regulation in these particular circumstances is not necessary to achieve the underlying purposes of Appendix R to 10 CFR Part 50.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(2)(ii), special circumstances exist in that existing levels of emergency lighting and fire protection systems satisfy the underlying sections of Appendix R to 10 CFR Part 50. Further, the staff has concluded that the requested exemptions are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. Therefore, the Commission hereby grants the exemption requests from the requirements of section III.G and III.J of Appendix R to 10 CFR Part 50 described in section III above.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will have no significant impact on the environment (51 FR 17696, May 14, 1986; 51 FR 24458, July 3, 1986; and 52 FR 5509, February 23, 1987).

A copy of the Commission's concurrent Safety Evaluation related to this action and the above referenced submittals by the licensee are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 27th day of November 1987.

[FR Doc. 87-28025 Filed 12-15-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-3, issued to the Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1, located in Ottawa County, Ohio.

The proposed amendment would revise the provisions in the Davis-Besse Nuclear Power Station, Unit No. 1, Technical Specifications (TSs) relating to certain facility fire protection features, Limiting Conditions for Operation (LCO), Action Statements, and Surveillance Requirements (SR) in accordance with Toledo Edison Company's application dated December 7, 1987. Specifically, the proposed amendment would revise TS sections 3/4.7.10, 6.4 and 6.9. In addition, Bases section 3/4.7.10 would be revised. The proposed modifications represent an updating of the TSs to reflect current plant design, testing, and compensatory measures considered adequate and practical with regard to fire protection barriers. The changes proposed would identify scope and applicability of the LOCs, compensatory actions in event of inoperable fire barriers, clarify and/or simplify requirements, reformat certain sections for clarity, improve specificity, correct requirements to reflect the design, add surveillance requirements, and revise reporting and training requirements.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By January 15, 1988, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who

VOL 52 ISS 241 DEC 16 1987 UMI

wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases of each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Martin J. Virgilio: (petitioner's name and telephone number); (date Petition was mailed); (plant name); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated December 7, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Bethesda, Maryland, this 11th day of December, 1987.

For the Nuclear Regulatory Commission.

Albert W. De Agazio,

Project Manager, Project Directorate III—1, Division of Reactor Projects–III, IV, V, & Special Projects.

[FR Doc. 87–28922 Filed 12–15–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–275 and 50–323]

Pacific Gas and Electric Co.; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Prior Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses No. DPR–80 and DPR–82 issued to Pacific Gas and Electric Company (the licensee), for operation of Diablo Canyon Nuclear Power Plant, Units 1 and 2, located in San Luis Obispo County, California. The request for amendment was submitted by letter dated October 30, 1987 (Reference LAR 87–09).

The proposed amendments would allow diesel generator 1–3, which is used for both units, to be out of service for up to 14 days during the upcoming refueling outage of Unit 1 while Unit 2 is in operation. The 14-day period would be used for preventative maintenance and testing of this diesel generator. Diesel generators 2–1 and 2–2 on Unit 2 both have to be operable during this period.

Absent the proposed amendment, diesel generator 1–3 can be out of service for only three days while Unit 2 is in operation. According to the licensee, three days is not a sufficient period of time to perform the maintenance that is scheduled to be performed during the spring refueling outage of Unit 1. The proposed amendment would be a temporary extension during the upcoming refueling. After the maintenance is completed, the allowable outage time would revert to three days.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By January 14, 1988, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene must be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board Panel will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspects(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases of each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to George W. Knighton: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Richard R. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120 and Bruce Norton, Esq., c/o Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120, attorneys for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Bethesda, Maryland, this 9th day of December, 1987.

For the Nuclear Regulatory Commission.

Charles M. Trammell,

Project Manager, Project Directorate V, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 87–28782 Filed 12–15–87; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–24523]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

December 10, 1987.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by January 4, 1987 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant application(s) and/or declarant(s) at the addresses specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Synergy Group Incorporated (31–831)

Synergy Group Incorporated ("Synergy"), 175 Price Parkway, Farmingdale, New York 11735, has filed an application for exemption from the provisons of the Act pursuant to section 3(a)(3) thereof.

Synergy is a holding company whose 20 operating subsidiary companies distribute propane and other fuels by truck into containers installed at approximately 140,000 customer's locations in 17 states. The subsidiaries also sell appliances and equipment which use propane and engage in the sale, repair, and leasing of forklift trucks. For the fiscal year ended March 31, 1987, Synergy had revenues of $85,163,000.

On November 19, 1987, one of Synergy's wholly owned subsidiaries, SG Propane of New Hampshire, Inc. ("SGP"), acquired the assets of Claremont Gas Light Company, Inc. ("Claremont"). The acquisition was approved by the New Hampshire Public Utility Commission. The Claremont assets are being operated by SGP and consist of a propane-air, gas pipeline system which distributes propane to approximately 830 customers, all located in and about Claremont, New Hampshire. It is stated that the customer base has remained static for the past

three years (actually declined slightly) and that neither the customer base nor the revenues derived therefrom is expected to change appreciably in the foreseeable future. For the calendar year ended December 31, 1986, Claremont had revenues of $505,837. The revenues derived from SGP's operations of the system (after the acquisition) will amount to only 0.59 percent of the revenues of Synergy's consolidated subsidiaries.

Northeast Utilities et al. (70-7169)

Northeast Utilities ("Northeast"), 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, a registered holding company, and Housatonic Corporation ("Housatonic"), Selden Street, Berlin, Connecticut 06037, a newly formed corporation which Northeast proposes to acquire as a wholly owned subsidiary, have filed an application-declaration with the Commission pursuant to sections 6(a), 7, 9(a), 10, 11, 12(f) and 13(b) of the Act and Rules 45, 50, 80, 81, 86 and 90 thereunder.

On May 6, 1986, the Northeast system entered into an agreement with Trans-Canada Pipelines Limited ("Trans-Canada"), The Brooklyn Union Gas Company, Connecticut Natural Gas Corporation, Southern Connecticut Gas Company, J. Makowski Associates, Inc., and New Jersey Natural Resources Company providing for the execution of a general partnership agreement ("Agreement") in the Iroquois Gas Transmission System ("Iroquois Partnership"), a general partnership to be organized under the laws of the State of New York for the purpose of conducting a natural gas pipeline transmission business.The Iroquois Partnership will be formed for the purpose of constucting, owning, financing and operating a new, natural gas pipeline system extending from the U.S.-Canada border through New York and Connecticut, under the Long Island Sound and to Long Island. The Iroquois Partnership will engage in the transportation of natural gas through the new pipeline system for gas distribution companies located in Connecticut, including Northeast's wholly owned operating subsidiary, The Connecticut Light and Power Company ("CL&P"), New York and New Jersey. The pipeline will be constructed and operated on behalf of the Iroquois Partnership by TCPL Iroquois Ltd., an indirect, wholly owned subsidiary of Trans-Canada. The current projected in-service date of the pipeline is November 1, 1989.

Housatonic proposes that Housatonic execute the Agreement and generally meet the obligations and receive the benefits of a partner under the Iroquois Partnership. The total cost of the Iroquois Partnership poject is estimated to be $407 million. Housatonic expects to require up to $20 million to acquire a 17% undivided partnership interest in the Iroquois Partnership and to make capital contributions to and otherwise meet its obligations under the Agreement. Housatonic's proposed investment in the Iroquois Partnership would not exceed an aggregate amount of $20 million, without further authorization of the Commission.

Northeast proposes to acquire, and Housatonic proposes to issue and sell, 10,000 shares of Housatonic's 50,000 authorized but unissued shares of common stock, $100 par value per share, at a price of $1 million. Northeast further proposes to make capital contributions and/or open account advances to Housatonic at any one time outstanding through December 31, 1992, of up to $19 million aggregate principal amount. Housatonic also proposes to borrow up to $20 million from commercial banks and/or other lending institutions. Borrowings by Housatonic from lending institutions and amounts received by Housatonic from Northeast from the sale of Housatonic's common stock, capital contributions and open account advances would not aggregate more than $20 million.

Housatonic also proposes to enter into a service agreement with Northeast Utilities Service Company, a wholly owned service company subsidiary of Northeast, for the rendering at cost of administrative, financial, legal, accounting and other services.

Northeast has announced publicly that it is developing plans to divest CL&P's gas business by means of a spin-off to Northeast shareholders. The Northeast system's purpose of investing in the Iroquois Partnership is directly related to CL&P's desire to obtain additional gas supplies to meet expected load growth within its gas markets. Thus, it is expected that Housatonic's 17% interest in the Iroquois Partnership will be transferred on or before December 31, 1992 to the spun-off company acquiring CL&P's gas business as part of the divestiture.

Mississippi Power & Light Company (70-7461)

Mississippi Power & Light Company ("MP&L"), P.O. Box 1640, Jackson, Mississippi 39215-1640, a subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration pursuant to sections 6(a) and 7 of the Act and Rule 50(a)(5) thereunder.

MP&L proposes to establish a General and Refunding Mortgage ("Mortgage") in order to issue and sell, pursuant to negotiated public offerings or by private placements with institutional investors, one or more series of general and refunding bonds ("G&R Bonds") in an aggregate principal amount not to exceed $150 million. The G&R Bonds will be issued in one or more series under, and will be secured by, the Mortgage that will constitute a second mortgage lien (subordinate to the lien of MP&L's Mortgage and Deed of Trust, dated as a September 1, 1944, as supplemented) upon substantially all the properties and assets of MP&L. The terms and conditions of the Mortgage will be substantially similar to those required by the Commission in its *Statement of Policy Regarding First Mortgage Bonds subject to the Public Utility Holding Company Act of 1935* (HCAR No. 13105, February 16, 1956), except that G&R Bonds may be issued in amounts equal to (1) 70% of gross property additions, or 50% of Grand Gulf 1 rate deferral assets shown of MP&L's books; (2) the retirement of a like principal amount of first mortgage bond or G&R Bonds previously issued; or (3) a like amount of case deposited with the trustee.

MP&L proposes to use the proceeds from the issuance and sale or sales of the proposed new series of G&R Bonds for the financing and/or refinancing of the costs associated with MP&L's rate moderation plan as ordered by the Mississippi Public Service Commission in connection with MP&L's allocated portion of capacity, energy, and costs of Grand Gulf 1, the financing of MP&L's construction program, and for other corporate purposes.

The proposed new series of G&R Bonds would be sold at such price(s), would bear interest at such rate(s) per annum (estimated to be in the range of 13 to 15 percent) and would mature no later than approximately 20 years after the date of issue.

MP&L states that, due to MP&L's recent legal and regulatory problems and the fact that the proposed securities are to be issued under a new mortgage with terms and provisions different from those of its First Mortgage, it believes that the interests of MP&L, its inventors and consumers require that MP&L have the flexibility to sell the proposed new series of G&R Bonds by means of a negotiated public offerings or private placements with institutional investors in order to secure the advantages of an advance marketing effort and/or the best available terms.

MP&L therefore requests, pursuant to Rule 50(a)(5) under the Act, an exception from the competitive bidding requirements of Rule 50 so that MP&L can negotiate the terms of issuance and sale of the proposed new series of G&R Bonds. MP&L may proceed to negotiate the terms of the G&R Bonds.

Atlee M. Kohl (70-7463)

Atlee M. Kohl ("Kohl"), 3007 Skyway Circle North, Irving, Texas 75039, an individual, has filed an application pursuant to sections 9(a)(2) and 10 of the Act.

Kohl proposes to acquire, indirectly, common stock, $0.15 par value, of Great Falls Gas Company ("Great Falls"), a Montana corporation and a gas utility company, in an aggregate amount which will exceed 5% but will be less than 10% of the outstanding shares. The common stock will be acquired by certain affiliates of Kohl within a 24-month period following Commission approval of the acquisition. The proposed acquisition is to be made through (i) an open market purchase or purchases at prevailing market prices, (ii) a private purchase or purchases at negotiated prices, or (iii) any combination of the foregoing transactions. Great Falls common stock is presently being traded in the over-the-counter market at approximately $6.1875 per share (average between bid and asked prices).

Kohl's affiliates now own 9.6% of the outstanding shares of common stock of Chesapeake Utilities Corporation, a Delaware public-utility company, 9.7% of the outstanding common stock of Florida Public Utilities Company, a Florida public-utility company, and 4.6% of the outstanding common stock of Great Falls.

Connecticut Yankee Atomic Power Company (70-7464)

Connecticut Yankee Atomic Power Company ("Connecticut Yankee"), Selden Street, Berlin, Connecticut 06037-0218, a subsidiary of Northeast Utilities and of New England Electric System, both registered holding companies, has filed a declaration pursuant to sections 6(a) and 7 of the Act and Rule 62(b)(1) thereunder.

By order dated December 8, 1981 (HCAR No. 22306), Connecticut Yankee was authorized, among other things, to issue and sell up to $47,750,000 principal amount of its Series A 17% Sinking Fund Debentures, due 1996 ("Debentures"). A specified percentage of the Debentures was guaranteed severally by nine of the ten New England electric utilities ("Sponsors") which own the outstanding shares of Connecticut Yankee's common stock. As of October 1, 1987, $33,042,000 of these Debentures were outstanding.

Connecticut Yankee now proposes to amend the Indenture under which the Debentures were issued to exclude from the definition of "event of default" contained therein certain events or conditions, including bankruptcy, as they may apply to a Sponsor which has guaranteed 6% or less of the Debentures. The amendment is proposed in response to statements by Public Service Company of New Hampshire, a Sponsor which guaranteed 5.2355% of the Debentures, that it may become the subject of proceedings under the Federal Bankruptcy Code. The amendment would require the consent of holders of 66⅔% of the outstanding Debentures, and Connecticut Yankee is soliciting such consents.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-28859 Filed 12-15-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16166; (812-6726)]

Application; M.D.C. Mortgage Funding Corp. II

Date: December 10, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for an Amended Order Under the Investment Company Act of 1940 ("1940 Act").

Applicant: M.D.C. Mortgage Funding Corporation II.

Relevant 1940 Act Sections: Exemption requested pursuant to section 6(c) from all provisions of the 1940 Act

Summary of Application: Applicant seeks an amendment to a prior order (Investment Company Act Release No. 15571, February 9, 1987, "Prior Order") which exempts Applicant from all provisions of the 1940 Act to permit certain trusts formed by Applicant to issue and sell mortgage related securities and beneficial ownership interests in such trusts. Applicant seeks to amend the Prior Order to allow the trusts to use Private Mortgage Certificates and Funding Agreements as collateral for the mortgage related securities.

Filing Dates: The application was filed on May 18, 1987 and amended on November 12, and 25, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any request must be received by the SEC by 5:30 p.m., on January 4, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, in the case of an attorney-at-law, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549; Applicant: 3600 South Yosemite Street, Suite 900, Denver, Colorado 80237.

FOR FURTHER INFORMATION CONTACT: Thomas Mira, Staff Attorney (202) 272-3033, or Brion R. Thompson, Special Counsel (202) 272-3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations: The Prior Order permits certain issuer trusts, formed by Applicant ("Trusts"), to issue bonds ("Bonds") collateralized primarily by mortgage backed certificates guaranteed by the Government National Mortgage Association ("GNMA Certificates"), Mortgage Participation Certificates issued by the Federal Home Loan Mortgage Corporation ("FHLMC Certificates") and Guaranteed Mortgage Pass-Through Securities issued by the Federal National Mortgage Association ("FNMA Certificates"). Applicant now proposes that the Trusts use mortgage pass-through certificates issued by non-governmental or non-government sponsored entities ("Private Mortgage Certificates") as a means of securing additional collateral for the Bonds. The Private Mortgage Certificates will have been offered for sale to the public and will be rated in one of the two highest rating categories by an independent, nationally recognized, statistical rating agency.

2. In addition, Applicant proposes that the Trusts collateralize the Bonds with Funding Agreements to be entered into with various limited purpose entities and which will be secured by Mortgage Collateral (defined for this purpose as GNMA, FNMA and Private Certificates). Each Funding Agreement will be entered into by a Trust with a limited purpose entity affiliated with a concern engaged in the home-building or mortgage lending business or otherwise engaged in a mortgage-related business of

providing services to builders or lenders ("Participants"). The Participants may be in corporate, trust, general or limited partnership form and may include affiliates or the Applicant. Each of the Funding Agreements securing a series ("Series") of Bonds will provide that (i) the Trust make a loan to each Participant out of the proceeds of the sale of such Series, such loan to be evidenced by one or more promissory notes ("Notes"); (ii) each such Participant pledge Mortgage Collateral to the Trust as security for its loan; and (iii) each such Participant be obligated to repay its loan by causing payments on the Mortgage Collateral securing its Notes to be made directly to the Indenture Trustee for the Bondholders in amounts sufficient to pay such Participant's share of principal and interest on the Bonds, together with certain administrative expenses of the respective Trust. The Trust will in turn assign its entire right, title and interest in such Funding Agreements (other than the Trust's rights to receive fees, to indemnification and to reimbursement as provided for in the related Indenture), and in the related Notes and Mortgage Collateral to the Indenture Trustee as security for such Series of Bonds.

Applicant's Conditions: Applicant expressly consents to the following conditions with respect to the requested amended order:

A. Conditions Relating to the Mortgage Collateral for the Bonds

(1) Each Series of Bonds will be registered under the Securities Act of 1933 ("1933 Act"), unless offered in a transaction exempt from registration pursuant to section 4(2) of the 1933 Act.

(2) The bonds will be "mortgage related securities" within the meaning of section 3(a)(41) of the Securities Exchange Act of 1934. The Mortgage Collateral directly securing the Bonds will be limited to GNMA Certificates, FNMA Certificates, FHLMC Certificates, Private Mortgage Certificates and Funding Agreements.

(3) If new Mortgage Collateral is substituted for existing collateral securing a Series of Bonds, the substitute Mortgage Collateral will (i) be of equal or better quality than the collateral replaced; (ii) have similar payment terms and cash flows as the collateral for which it was substituted; (iii) be insured or guaranteed to the same extent as the collateral replaced; (iv) not affect the rating of the Bonds issued by any rating organization and (v) meet the conditions of paragraphs (2) above and (4) and (6) below. New Private Mortgage Certificates may be substituted for Private Mortgage Certificates initially pledged only in the event of default, late payments or a defect the collateral being replaced. New Funding Agreements may be substituted for initial Funding Agreements only if the substitution of the Mortgage Collateral securing such Funding Agreements would be permitted under this condition. In addition, new collateral may not be substituted for more than 40% of the aggregate face amount of the Mortgage Collateral initially pledged as collateral. In no event would any new Mortgage Collateral be substituted for any substitute Mortgage Collateral.

(4) All Mortgage Collateral, Funding Agreements, Notes, funds, accounts or other collateral securing a Series of Bonds will be held by the Indenture Trustee, or on behalf of the Indenture Trustee by an independent custodian. Neither the Indenture Trustee nor the custodian may be an affiliate (as the term "affiliate" is defined in the 1933 Act, Rule 405, 17 CFR 230.405) of the Applicant. The Indenture Trustee will be provided with a first priority perfected security or lien interest in and to all collateral securing a Series of Bonds.

(5) Each Series of Bonds will be rated in one of the two highest bond rating categories by at least one nationally recognized statistical rating organization that is not affiliated with the Applicant. The Bonds will not be considered redeemable securities within the meaning of section 2(a)(32) of the 1940 Act.

(6) The master servicer of the mortgage loans underlying Private Mortgage Certificates securing a Series of Bonds may not be an affiliate of the Indenture Trustee. If there is no master servicer for the mortgage loans underlying Private Mortgage Certificates securing a Series of Bonds, no servicer of those mortgage loans may be an affiliate of the Indenture Trustee. In addition, any master servicer and any servicer of a mortgage loan underlying Private Mortgage Certificates will be approved by FNMA or FHLMC as an "eligible seller/servicer" of conventional, residential mortgage loans. The agreement governing the servicing of mortgage loans underlying private Mortgage Certificates shall obligate the servicer to provide substantially the same services with respect to such mortgage loans as it is then currently required to provide in connection with the servicing of mortgage loans insured by FHA, guaranteed by VA or eligible for purchase by FNMA or FHLMC.

(7) No less often than annually, an independent pubic accountant will audit the books and records of the Trusts and, in addition, will report on whether the anticipated payments of principal and interest on the collateral securing each Series of Bonds continue to be adequate to pay the principal and interest on the Bonds in accordance with their terms. Upon completion of the auditor's report(s), copies will be provided to the Indenture Trustee.

B. Conditions Relating to Floating Rate Bonds

(1) Each class of adjustable or floating interest rate Bonds ("Floating Rate Bonds") will have set maximum interest rates (interest rate caps) which may vary from period to period as specified in the related prospectus.

(2) The Mortgage Collateral initially pledged to secure a Series of Bonds, including a Series of Bonds containing a class or classes of adjustable or Floating Rate Bonds, will be sufficient to pay the maximum amount of interest and principal due to such Bonds for the life of such Bonds.[1]

C. Conditions Relating to REMIC Election

(1) The election by a Trust to treat the arrangement by which any Series of Bonds is issued as a "real estate mortgate investment conduit" ("REMIC") pursuant to the Internal Revenue Code of 1986, as amended, will have no effect on the level of the expenses that would be incurred by any such Trust. If such an election is made, the Trust that elects to be treated as a REMIC will provide that all administrative fees and expenses in connection with the administration of the Trust will be paid or provided for in a manner satisfactory to the agency or agencies rating the Bonds. Each Trust that elects to be treated as a REMIC will provide for the payment of adminstrative fees and expenses in connection with the issuance of the Bonds and the administration of the Trust by one or more of the methods required under the Prior Order.

(2) Each Trust will ensure that the anticipated level of fees and expenses will be more adequately provided for regardless of which or all of the methods (which methods may be used in combination) are selected by such Trust to provide for the payments of such fees and expenses.

D. Conditions Relating to the Sale of Beneficial Interests

(1) Applicant will sell beneficial interests ("Beneficial Interests") only in such Trusts which issue a Series of Bonds collateralized by GNMA, FNMA and FHLMC Certificates or Funding Agreements secured by such certificates. Beneficial Interests will be offered and sold only to no more than 100 (1) institutional investors or (ii) non-institutional investors which are "accredited investors" as defined in Rule 501(a) of the 1933 Act. Institutional investors will have such knowledge and experience in financial and business matters as to be able to evaluate the risks of purchasing Beneficial Interests and understand the volatility of interest rate fluctuations as they affect the value of mortgates, mortgage related securities and residual interests therein. Non-institutional accredited investors will be limited to not more than 15, be required to purchase at least $200,000 of such Beneficial Interests and will have a net worth at the time of purchase that exceeds $1,000,000 (exclusive of their primary residence). Non-institutional accredited investors will have such knowledge and experience in financial and business matters, specifically in the field of mortgage related securities, as to be able to evaluate the risk of purchasing a Beneficial Interest and will have direct, personal and significant experience in making investments in mortgage related securities and residual interests therein. Owners of Beneficial Interests will be limited to mortgage lenders, thrift institutions, commercial and investment banks, savings and loan associations, pension funds, employee benefit plans, insurance companies, real estate investment trusts or other institutional or non-institutional investors as described above which customarily engage in the purchase of mortgages and mortgage related securities.

(2) Each sale of a Beneficial Interest will qualify as a transaction not involving any public offering within the meaning of Section 4(2) of the 1933 Act.

(3) Each sale of a Beneficial Interest will prohibit the transfer of such Beneficial Interest if there would be more than 100 beneficial owners of Beneficial Interest of any Trust at any time.

(4) Each sasle of a Beneficial Interest will require each purchaser thereof to represent that it is purchasing for investment and not for distribution and that it will hold such Beneficial Interest in its own name and not as nominee for undisclosed investors.

(5) Each sale of a Beneficial Interest will provide that (i) no owner of such Beneficial Interest may be affiliated with the Indenture Trustee and (ii) no holder of a Beneficial Interest may be affiliated with either the custodian of the Mortgage Collateral or the agency rating the Bonds of the relevant Series.

(6) No holder of a controlling interest in the Applicant (as the term "control" is defined in Rule 405 under the 1933 Act) will be affiliated with either (a) any custodian which may hold the Mortgage Collateral on behalf of the Indenture Trustee or (b) any statistical rating agency rating the Bonds.

(7) If any shares of the common stock of the Applicant were to be sold and such sale results in the transfer of control (as the term "control" is defined in Rule 405 under the 1933 Act) of the Applicant, the relief afforded in Rule 405 under the 1933 Act) or the Applicant, the relief afforded by an SEC order granted on the application would not apply to subsequent Bond offerings by the Trusts.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-28860 Filed 12-15-87; 8:45 am]

BILLING CODE 8010-01-M

[1] In the case of a Series of Bonds containing a class or classes of adjustable or Floating Rate Bonds, a number of mechanisms exist to ensure this representation will be valid notwithstanding subsequent potential increases in the interest rate applicable to the adjustable or Floating Rate Bonds. Procedures that have been identified to date for achieving this result include the use of (i) interest rate caps for the adjustable or Floating Rate Bonds; (ii) "inverse" Floating Rate Bonds (which pay a lower rate of interest as the rate increases on the corresponding "normal" Floating Rate Bonds); (iii) floating rate collateral (such as FNMA adjustable rate certificates) to secure the Bonds; (iv) interest rate swap agreements (under which the issuer of the Bonds would make periodic payments to a counterparty at a fixed rate of interest based on a stated principal amount, such as the principal amount of the Bonds in the floating rate class, in exchange for receiving corresponding periodic payments from the counterparty at a floating rate of interest based on the same principal amount); and (v) hedge agreements (including interest rate futures and option contracts, under which the issuer of the Bonds would realize gains during periods of rising interest rate sufficient to cover the higher interest payments that would become due during such periods on the floating rate class of Bonds. It is expected that other mechanisms may be identified in the future. Applicant will give the Staff of the SEC notice by letter of any such additional mechanisms before they are utilized, in order to give the Staff an opportunity to raise any questions as to the appropriateness of their use. In all cases, these mechanisms will be adequate to ensure the accuracy of the representation and will be adequate to meet the standards required for a rating of the Bonds in one of the two highest bond rating categories, and no Bonds will be issued for which this is not the case.

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of Reporting Requirements Submitted for Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the agency has made such a submission.

DATE: Comments should be submitted by January 15, 1988. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: William Cline, Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416, Telephone: (202) 653-8538.

OMB Reviewer: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395-7340.

Title: Size Standard Declaration.

Form No. SBA 480.

Frequency: On occasion.

Description of Respondents: Information is requested at the time that assistance is provided to the small business concern. This information is used to show that all SBIC financings are to be small business concerns as defined by the Act and Regulations.

Annual Responses: 4,200.

Annual Burden Hours: 1,050.

December 11, 1987.

William Cline,

Chief, Administrative Information Branch.

[FR Doc. 87-28892 Filed 12-15-87; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2292; Amendment #1]

Declaration of Disaster Loan Area; California

The above-numbered Declaration (52 FR 38830) is hereby amended to extend the filing deadline for filing applications for physical damage from December 7, 1987 to December 21, 1987. All other information remains the same; i.e., the termination date for filing applications for economic injury is the close of business on July 7, 1988.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008).

Dated: December 9, 1987.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 87-28817 Filed 12-15-87; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #6579]

Declaration of Disaster Loan Area; New York

The Counties of Albany, Columbia, Dutchess, Greene, Putnam, Rensselaer and Schenectady and the adjacent Counties of Delaware, Montgomery, Orange, Saratoga, Schoharie, Ulster, Washington, and Westchester, in the State of New York, constitute an Economic Injury Disaster Loan Area as a result of a severe rain and snow storm on October 4, 1987. Eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance until the close of business on September 9, 1988, at the address listed below:

Disaster Area 1 Office, Small Business Administration, 15-01 Broadway, Fair Lawn, New Jersey 07410

or other locally announced locations. The interest rate for eligible small business concerns without credit available elsewhere is 4 percent and 9 percent for eligible small agricultural cooperatives without credit available elsewhere.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: December 9, 1987.

James Abdnor,

Administrator.

[FR Doc. 87-28818 Filed 12-15-87; 8:45 am]

BILLING CODE 8025-01-M

[Delegation of Authority No 23-C, Revision 1]

Inspector General; Delegation of Authority and Line of Succession

Delegation of authority No. 23-C is hereby revised to effect a delegation of authority and to provide a line of succession from the Inspector General to certain officials in the Office of Inspector General as follows:

I. Pursuant to authority vested in me by the Inspector General Act of 1978, 92 Stat. 1101, in the event of the death, disability, absence, resignation, or removal of the Inspector General, Small Business Administration, the officials designated below, in the order indicated, and in the absence of the specific designation of another official in writing by the Inspector General or the Acting Inspector General, are hereby authorized to and shall serve as Acting Inspector General and shall perform the duties and are delegated the full authority and power ascribed to the Inspector General by law and regulation as well as those authorities delegated to the Inspector General by the Administrator, Small Business Administration:

1. Deputy Inspector General and Counsel to the Inspector General
2. Assistant Inspector General for Auditing
3. Assistant Inspector General for Investigations
4. Assistant Inspector General for Management and Policy

II. Anyone designated by the Inspector General as acting in one of the positions listed above remains in the line of succession; otherwise, the authority moves to the next position.

III. This delegation is not in derogation of any authority residing in the above officials relating to the operations of their respective programs nor does it affect the validity of any delegations currently in force and effect and not specifically cited as revoked or revised herein.

IV. The authorities delegated herein may not be redelegated.

Dated: November 23, 1987.

Charles R. Gillum,

Inspector General.

[FR Doc. 87-28819 Filed 12-15-87; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0326]

I.K. Capital Loan Company, Ltd.; License Revocation

Notice is hereby given that I.K. Capital Loan Company, Ltd. (IK), 9460 Wilshire Blvd., Beverly Hills, California 90212, has had its license revoked and no longer operates as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). IK was licensed by the Small Business Administration on October 20, 1983.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the revocation was effective December 2, 1987 and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

Dated: December 10, 1987.

[FR Doc. 87-28893 Filed 12-15-87; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Application for Amended Type Certificate to Include the Boeing Model 747-400 Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed type certification basis.

SUMMARY: This notice provides information and invites comments concerning the proposed type certification basis for the new Boeing Model 747-400. The publication of this nonrulemaking document is done in the interest of keeping the public informed. Public comment concerning the appropriateness of the proposed certification basis will be considered in determining the airworthiness standards applicable to the Model 747-400.

DATE: Comments must be received on or before February 15, 1988.

ADDRESS: Comments must be mailed in duplicate to the Federal Aviation Administration, Seattle Aircraft Certification Office, ANM-100S, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

FOR FURTHER INFORMATION CONTACT: William B. Ashworth, Manager, Seattle Aircraft Certification Office, ANM-100S, 9010 East Marginal Way South, Seattle, Washington 98108. telephone (206) 431-1905.

SUPPLEMENTARY INFORMATION:

Comments Invited

This notice of the proposed type certification basis of the Model 747-400 is part of the FAA's continuing efforts to keep the public informed of the type certification programs conducted by the FAA. It is in addition to the rulemaking process which provides the public an opportunity to participate directly in the establishment of regulatory standards. Interested parties are invited to provide comments, written data, views, or arguments relevant to the proposed type certification basis of the Boeing Model 747-400 as contained in this notice. Communications should be submitted in duplicate to the address specified above. All communications received kon or before the closing date specified will be considered by the Administrator before the amended type certification basis is established.

Availability of Additional Copies of Notice

Any person may obtain a copy of this notice by submitting a request to the address noted in the "ADDRESS" paragraph above or telephone (206) 431-1903.

Background

The Boeing Commercial Airplane Company applied on May 17, 1985, for a change to Type Certificate No. A2OWE to include the new Model 747-400. The Model 747-400 is a long range derivative of the currently certificated Model 747-300 that will be able to operate at heavier gross weights. It will incorporate four high-bypass ratio turbofan engines (Pratt & Whitney PW4000 Series, General Electric CF6-80C2 or Rolls Royce RB211-524G) with digital electronically-controlled engine and thrust management systems. The Model 747-400 will incorporate simplified and automated cockpit controls, and electronic cockpit displays to facilitate operation by two flight crewmembers. An optional fuel tank is being offered in the horizontal tail section. A Preliminary Type Board (PTB) Meeting with the Boeing Company was held on November 5, 1985. Following the PTB Meeting several meetings of FAA and Boeing specialists were held for further discussion and deliberation. The design has been finalized by Boeing, but complete substantiating data are yet to be submitted to the FAA.

The FAA considered whether the Model 747-400 should be approved as a new or an amended type design. The provisions of Part 21 address general and specific design changes that require an application for a new Type Certificate. Several meetings were held with the applicant in early 1987 to review the extent of the Model 747 design changes for the purpose of determining if the applicant should be required to make a new application for a type certificate. Based on those reviews, the FAA determined that the proposed changes are not extensive that a substantially complete investigation of compliance with the applicable regulations is required and the Model 747-400 ned not be considered a new type design. Therefore, the provisions of Part 21, Subpart D, which address the regulatory provisions for changes to type designs, were used to establish the certification basis for the Model 747-400.

Under the provisions of § 21.101(a) of the Federal Aviation Regulations (FAR), an applicant for a change to a type certificate must comply with either the regulations incorporated by reference in the type certificate (sometimes referred to as the "original certification basis") or with the applicable regulations in effect on the date of the application for the change. Section 21.101(b) further provides that, if the proposed change consists of a new design of a component, equipment installation, or system installation and that the regulations incorporated by reference in the type certificate do not provide adequate standards with respect to the proposed change, the applicant must comply with certain additional requirements in order to provide a level of safety equal to that established by the regulations incorporated by reference in the type certificate. These additional requirements are applicable regulations in effect on the date of application for the change and any special conditions established to provide a level of safety equal to that established by the regulations incorporated by reference in the type certificate. Special conditions contain ther safety standards found necessary to establish that level of safety for novel and unique design features, and are issued after public comment, in accordance with the rulemaking procedures of Part 11 of the FAR. Lastly, the applicant may elect to voluntarily comply with the provisions of any later amendment than that specified above, provided the applicant also complies with other later amendments that are directly related. Exemptions from the applicable airworthiness standards prescribed by § 21.101 also become part of the type certificate basis. Petitions for exemptions are granted or denied after public comment in accordance with the procedures of Part 11.

Notwithstanding compliance with the type certification basis established under the provisions of § 21.101, an applicant is entitled to a type certificate only if the Administrator finds that no feature or characteristic of the airplane makes it unsafe as outlined in § 21.21(b)(2).

Type Certification Process

The statutory prerequisite for the issuance of new or amended type certificate is a finding by the Administrator that the aircraft is of proper design, material, specification, construction and performance for safe operation and meets the prescribed standards, rules and regulations (Section 603(a) of the Federal Aviation Act of 1958 (Act), 49 U.S.C. 1423(e), as amended). Pursuant to section 603(a) and Part 21, a type certificate is issued after:

1. All applicable airworthiness, noise and engine emission regulations have been met, including the completion of the required functional and reliability tests to ensure that the airplane is considered safe in its operational environment; and

2. The Administrator has found no feature or characteristic that makes the airplane unsafe for the category in which certification is desired.

Proposed Type Certification Basis

The proposed type certification basis presented herein represents the type certification basis required by Part 21 that was established at the time of original application for 747 type design approval (April 22, 1966), and additional regulations based on exemptions, special conditions, and later regulatory amendments, pursuant to Part 21, which were either established by the FAA or elected by the applicant. The date of original application for the Model 747 established the original airworthiness certification basis to be Part 25 as amended by Amendments 25-1 through 25-8. At that time, Boeing elected to also comply with the provision of Amendments 25-15, 25-17, 25-18 and 25-20.

For those new design features of the Model 747-400 where the requirements of the original certification basis are judged to be inadequate, the applicable airworthiness provisions in effect on the date of the application for the amended type certification must be used (Part 25 as amended by Amendments 25-1 through 25-59). Therefore, for the Model 747-400, the FAA has determined that the provisions of certain later amendments should be made applicable. Furthermore, the applicant has elected to comply with many recent airworthiness standards which, with certain exceptions noted below, bring the certification basis to that specified by Part 25 as amended by Amendments 25-1 through 25-59.

In determining the certification basis, the FAA has considered the operating experience of the current Model 747 fleet and has not specified later amendments for design features which are the same as current models and for which satisfactory service experience has been demonstrated.

Certain design requirements provided for in later amendments to Part 25 are made applicable by the regulatory provisions of Part 121 to air carrier operations covered by that Part. Even though some of those design

BEST COPY AVAILABLE

VOL 52 ISS 241 DE 16 1987 UMI

requirements are not, and need not be, part of the type certification basis, they will apply to Part 121 operators. Those airplanes not in compliance with these requirements, indicated by *, will be modified after delivery to the operator, prior to being put into service. This has been done to accommodate those operators who prefer to take delivery of the airplane(s) and comply with those requirements made applicable by Part 121 before putting the airplane(s) into operation.

Based on the date of application and pursuant to § 21.101, the type certification basis of the Boeing Model 747–400 is: Part 25 of the FAR, "Airworthiness Standards: Transport Category Airplanes" effective February 1, 1965, as amended by Amendments 25–1 through 25–59 except as noted below:

FAR Section No.	Title	Thru Amendment 25–
Performance		
25.107	Takeoff speeds	41
25.109	Accelerate-stop distance	41
Controllability and Maneuverability		
25.149	Minimum control speed	41
Miscellaneous Flight Requirements		
25.251	Vibration and buffeting	22
Structure—General		
25.305	Strength and deformation	22
Flight Maneuver and Gust Conditions		
25.331	General	45
25.351	Yawing conditions	45
Supplementary Conditions		
25.365	Pressurized cabin loads	53
Fatigue Evaluation		
25.571	Damage-tolerance and fatigue evaluation of structure	9
Design and Construction—General		
25.607	Fasteners	22
25.631	Bird strike damage	(NA)**
Control Surfaces		
25.657	Hinges	22
Control Systems		
25.675	Stops	37
25.683	Operation tests	22
Personnel and Cargo Accommodations		
25.772	Pilot compartment doors	46
25.783	Doors	53
25.785	Seats, berths, safety belts, harnesses	50
25.787	Stowage compartments	31
25.789	Retention of items of mass in passenger and crew compartments.	45
Emergency Provisions		
25.809	Emergency exit arrangement	45
25.812*	Emergency lighting	31
Ventilation and Heating		
25.832*	Cabin ozone concentration	(NA)**
Fire Protection		
25.858	Cargo compartment fire detection systems	(NA)**
Lights		
25.1401	Anticollision light system	26
Miscellaneous Equipment		
25.1438	Pressurization and pneumatic systems	40
Operating Limitations		
25.1529	Instructions for continued airworthiness	(NA)**

*Compliance with a later amendment to this section is required for Part 121 operators.
**Not applicable—Since the original certification basis, which did not include this section, has been determined to be adequate, the requirements of this section do not apply to this type design.

Part 36 of the FAR as amended by Amendments 36–1 through 36–13, and any later amendments in existence at the time of certification. The Boeing Company has elected to comply with the Stage 3 noise level requirements.

Special Federal Aviation Regulation (SFAR) 27, as amended by Amendments 27–1 through 27–6 and any later amendments in existence at the time of certification.

The following special conditions, exemptions and equivalent safety findings are part of the 747–300 certification basis and will also be part of the 747–400 certification basis (Ref.: Type Certificate Data Sheet No. A20WE):

The special conditions include those enclosed with FAA letter to The Boeing Company dated February 20, 1970 and the following:

1. Special Condition 4A, revised to apply to airplanes with the landing gear load evener system deleted, was recorded as an enclosure to an FAA letter to The Boeing Company dated May 12, 1971.

2. Special Condition No. 25–61–NW–1 for occupancy not to exceed 32 passengers on the upper deck of airplanes with spiral staircase was transmitted to The Boeing Company by FAA letter dated February 26, 1975.

3. Special Condition No. 25–71–NW–3 for occupancy not to exceed 45 passengers on the upper deck of airplanes with straight segmented stairway was transmitted to The Boeing Company by FAA letter dated September 8, 1976.

4. Modification of Special Condition No. 25–71–NW–3 for occupancy not to exceed 110 passengers on the upper deck of airplanes with straight segmented stairway was transmitted to The Boeing Company by FAA letter dated August 3, 1981.

5. Special Condition No. 25–77–NW–4 (modification of the autopilot system to approve the airplane for use of the system under Category 111b landing conditions) was transmitted to The Boeing Company by FAA letter dated July 8, 1977.

Exemptions form FAR Part 25:

1. No. 1013A dated December 24, 1969—Exemption from § 25.471(b) to allow lateral displacement of the C.G. from the airplane centerline.

2. No. 1870A dated March 10, 1977—Allows three noncrewmembers on upper deck. No. 1870B dated October 26, 1981—Allows five noncrewmembers on upper deck of freighter airplane.

The following optional requirements are part of the 747–300 certification basis and will apply to the 747–400:

Ditching Provisions—§ 25.801.

Ice Protection Provisions—§ 25.1419.

Equivalent Safety Findings for the 747–300 exist with respect to:

Independently illuminated exit signs—§ 25.812(k)(2).

Equivalent Safety Findings for the Model 747–200–300 in accordance with the FAA letter dated June 16, 1969, exist with respect to:

Pilot compartment view—§ 25.773.

Additional Exemptions

As of the date of this notice, Boeing has not petitioned the FAA for any exemptions relative to the type certification of the Model 747–400 series airplanes.

Additional Special Conditions

At this time, the FAA has identified several additional novel design features that may require the promulgation of special conditions in order to provide appropriate safety standards. The Boeing Model 747–400 will have several digital electronic systems controlling essential and critical functions and a crew rest area located in the aft cabin above the main deck. Under the provisions of §§ 21.101(b)(2) and 21.16, the FAA is currently proposing to draft special conditions concerning the following items:

1. Functional reliability of digital electronic engine control and thrust management systems.

2. Lightning protection of digital electronic systems.

3. Protection from the effects of unwanted radio frequency (RF) energy.

4. Accommodations for an overhead crew rest area in the aft cabin.

These special conditions, and any others deemed necessary, will be proposed in a subsequent Notice(s) of proposed special condition pursuant to § 11.28 of Part 11 and all public comments received on that notice will be considered before the special conditions are issued.

Additional Design Review

Even though the Model 747–400 design meets the provisions of the applicable airworthiness, noise, and engine emission regulations and special conditions, the provisions of § 21.21(b)(2) require that no feature or characteristic makes the airplane unsafe. At this time the following subjects have been identified for further review and evaluation.

1. Passenger and cargo compartment decompression and evaluation of sudden pressurization of unpressurized compartments.

2. The number and spacing of passenger emergency exit doors.

3. Horizontal tail fuel leakage.

4. Pneumatic System bleed ducts.

Post Certification Activity

Finally, design evaluation does not end with the issuance of the type certificate. Regulations require aircraft owners and operators to submit various reports and data on the aircraft's service experience. The FAA continues to monitor the safety performance of the design after the type design is approved and the product is introduced into service. This is accomplished through the various reports and data the FAA receives daily as well as through post certification design reviews. The airworthiness standards such as Part 25, as well as the operational standards such as Parts 91, 121, and 125 are amended from time-to-time to consider new technologies and to upgrade the existing level of safety. If, during an evaluation, an unsafe condition is found as a result of service experience and that condition is likely to exist or develop in other products of the same type, the FAA issues an airworthiness directive (AD) under Part 39 to require a change to the type design or to define special inspection or operational limitations. In effect, these are also retroactive applications of required type design change.

Issued in Seattle, Washington, on December 9, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87–28831 Filed 12–15–87; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement; Tulsa, OK

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Tulsa, Oklahoma.

FOR FURTHER INFORMATION CONTACT: Frank N. Cunningham, Assistant Division Administrator, Federal Highway Administration, 200 N.W. Fifth Street, Room 454, Oklahoma City, Oklahoma 73102, Telephone: (405) 231–4725.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Oklahoma Department of Transportation (ODOT) and the City of Tulsa, will prepare an environmental impact statement (EIS) on a proposal to improve 71st Street South in Tulsa, Oklahoma. The proposed improvement would involve the reconstruction of the existing 71st Street South from Lewis Avenue eastward approximately four miles to Memorial Drive. Improvements to this segment of 71st Street South are considered necessary to provide for the existing and projected traffic demand as well as to enhance safety.

Alternatives under consideration include: (1) Taking no action; (2) adding two lanes to the existing facility to create a four-lane arterial; and (3) adding four lanes to the existing facility to create a six-lane arterial.

Letters describing the proposed project and soliciting comments have previously been sent to appropriate Federal, State, and local agencies during the Environmental Assessment stage of environmental processing. When completed, the draft EIS will be available for public and agency review and comment. A public hearing will be held. Public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues

VOL 52 ISS 241 DEC 16 1987 UMI

identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistant Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: December 7, 1987,

Frank N. Cunningham,

Assistant Division Administrator, Oklahoma City, Oklahoma.

[FR Doc. 87-28810 Filed 12-15-87; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: December 11, 1987.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 2224, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-1027
Form Number: 1120-PC
Type of Review: Resubmission
Title: U.S. Property and Casualty Insurance Company Income Tax Return
Description: Property and casualty insurance companies are required to file an annual return of income and pay the tax due. The data is used to insure that companies have correctly reported income and paid the correct tax.
Respondents: Businesses or other for-profit
Estimated Burden: 148,349 hours
Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5517, 1111 Constitution Avenue, NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Officer of Management and Budget, Room 3208, New Executive Office Building, washington, DC 20503

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 87-28887 Filed 12-15-87; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: December 11, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Comptroller of the Currency

OMB Number: 1557-0127
Form Number: FFIEC 001, FFIEC 008
Type of Review: Revision
Title: Annual Report of Trust Assets/ Special Report-Trust Department Activities/ Interagency Survey of Corporate Foreign Fiduciary Activities
Description: Collected data are needed to determine types, extent, and financial viability of fiduciary activities. Data are used to analyze, supervise, and examine bank fiduciary activities. Analytical reports are prepared from the data. National banks authorized to exercise fiduciary powers are the affected public.
Respondents: Businesses or other for-profit, Small businesses or organizations
Estimated Burden: 18,202 hours
Clearance Officer: Eric Thompson (202) 447-1632, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219
OMB Reviewer: Robert Fishman (202) 395-7340, Office of Management and Budget, Room 3228, New Executive Office Building, Washington, DC 20503

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87-28888 Filed 12-15-87; 8:45 am]

BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

Grants Program for Private, Non-Profit Organizations in Support of International Educational and Cultural Activities

The Office of Private Sector Programs of the United States Information Agency (USIA) announces a program of limited grant support for non-profit U.S. institutions and organizations in the private sector which fosters long-term communication and understanding between the United States and other countries through educational and cultural exchange.

Projects for grant support should be designed to increase mutual understanding between the people of the U.S. and other countries and to strengthen the ties which unite our societies. Projects must include an international people-to-people component and demonstrate a substantial contribution to long-term communication and understanding between the United States and other countries on subjects consistent with USIA themes and priorities. Programs must have an educational or cultural focus of significant long-term interest.

The Office of Private Sector Programs works with U.S. not-for-profit organizations on cooperative international group projects which introduce American and foreign participants to one another's traditions, arts, social and political structures, and international interests. Each private sector activity must meet the highest professional standards, be non-partisan, and address substantive areas of mutual interest.

USIA grant assistance will constitute only a portion of total project funding. Proposals should list other anticipated sources of support—both financial and in-kind. The project should be completed during the duration of the grant, which does not normally exceed one year. Most funding assistance is limited to participant travel and per diem requirements with modest contributions to cover administrative costs. Grants are not ordinarily given to support research projects, youth or youth-related activities or to fund publications or student exchanges. Priority consideration is normally given to projects that directly involve United States Information Service posts overseas in the selection of the participants and the development of the program.

The Office of Private Sector Programs is now considering projects whose activities will begin after May 1, 1988. Grant proposals are reviewed on a regular basis and should be submitted in final written form a minimum of four months prior to the commencement of the proposed program. Inquiries are welcome prior to submission of formal applications.

For further information, organizations interested in participating in this process should contact Dr. Raymond H. Harvey, Office of Private Sector Programs, Bureau of Educational and Cultural Affairs, United States Information Agency, 301 4th Street, NW., Washington, DC 20547, or call (202) 485-7348.

Dated: December 9, 1987.

Dr. Robert Francis Smith,

Director, Office of Private Sector Programs.

[FR Doc. 87-28827 Filed 12-15-87; 8:45 am]

BILLING CODE 8230-01-M

A Grants Program for Private Not-For Profit Organizations in Support of International Educational and Cultural Activities

The United States Information Agency (USIA) announces a program of selective assistance and limited grant support to non-profit activities of United States institutions and organizations in the Private Sector. The program is designed to increase mutual understanding between the people of the U.S. and other countries and to strengthen the ties which unite our societies. The information collection involved in this solicitation is covered by OMB Clearance Number 3116-0175, entitled "A Grants Program for Private, Non-Profit Organizations in Support of International Educational and Cultural Activities," announced in the Federal Register June 3, 1987.

Private sector organizations interested in working cooperatively with USIA on the following concept are encouraged to so indicate:

Bangladesh Parliamentary Exchange

The Office of Private Sector Programs will assist in supporting a legislative workshop that will bring ten young members of Bangladesh's recently elected Parliament to the U.S. to gain a better understanding of the U.S. Congress and its role in the political process. The Bangladeshi participants will be selected by USIA representatives abroad. The project, tentatively scheduled for February or March 1988, will be conceived and executed by a U.S. not-for-profit institution with expertise in the field of American political and legislative processes. The program design will inlcude substantive meetings with elected representatives, committee leaders and staff members. The participants will also examine a range of issues relevant to law-making and national development.

USIA is most interested in working with organizations that show promise for innovative and cost-effective programming; and with organizations that have potential for obtaining private-sector funding in addition to USIA support. Organizations must have the substantive expertise and logistical capability needed to successfully develop and conduct the above project and should also demonstrate a potential for designing programs which will have a lasting impact on their participants.

Interested organizations should submit a request for complete application materials—postmarked no later than fifteen days from the date of this notice—to the address listed below. The Office of Private Sector Programs will then forward a set of materials which contains proposal guidelines.

Office of Private Sector Programs, Bureau of Educational and Cultural Affairs (ATTN: Initiative Programs), United States Information Agency, 301 4th Street, SW., Washington, DC 20547

Dated: November 20, 1987.

Robert Francis Smith,

Director, Office of Private Sector Programs.

[FR Doc. 87-28826 Filed 12-15-87; 8:45 am]

BILLING CODE 8230-01-M

VOL 52 ISS 241 DE 16 1987 UMI

VOL 52 ISS 241 DEC 16 1987 UMI

Sunshine Act Meetings

Federal Register
Vol. 52, No. 241
Wednesday, December 16, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

December 10, 1987.

TIME AND DATE: 10:00 a.m. Thursday, December 17, 1987.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Western Fuels, Utah, Inc.*, Docket No. WEST 86-108-R, etc. (issues include whether the judge erred in finding the operator liable for violation of 30 CFR § 75.200.)
2. Consideration of possible revisions to Commission procedural Rules 40-43. 29 CFR § 2700.40 through 2700.43.

Any person intending to attend this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 20 CFR § 2706.105(a)(3) and § 2706.160(e).

CONTACT PERSON FOR MORE INFORMATION: Sandra G. Farrow (202) 653-5629, Acting Agenda Clerk.

Sandra G. Farrow
Acting Agenda Clerk.

[FR Doc. 87-28969 Filed 12-14-87; 12:27 pm]
BILLING CODE 6735-01-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

December 11, 1987.

TIME AND DATE: 10:00 a.m., Thursday, December 17, 1987.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: In addition to the previously announced items, the Commission will also consider and act upon the following:

3. *Otis Elevator Company*, Docket No. PENN 86-262. (Issues include consideration of Otis Elevator's Petition for Discretionary Review.)

It was determined by a unanimous vote of Commissioner's that this item be included in the meeting of December 17, 1987, and that no earlier announcement of the addition was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, phone (202) 653-5629.

Jean H. Ellen,
Agenda Clerk.

[FR Doc. 87-28970 Filed 12-14-87; 12:27 pm]
BILLING CODE 6735-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of December 14, 21, 28, 1987 and January 4, 1988.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of December 14

Thursday, December 17

9:30 a.m.
Periodic Briefing on Status of Operating Reactors and Fuel Facilities (Public Meeting)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of December 21—Tentative

Tuesday, December 22

10:00 a.m.
Briefing by Executive Branch (Closed—EX. 1)

Wednesday, December 23

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of December 28—Tentative

No Commission Meetings

Week of January 4—Tentative

Wednesday, January 6

10:00 a.m.
Briefing on Status of NRC Internal Drug Program (Public Meeting)

Thursday, January 7

10:00 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

2:00 p.m.
Briefing on Status of Maintenance Program and Policy Statement (Public Meeting)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note.—Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING) (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Andrew Bates (202) 634-1410.

Andrew L. Bates,
Office of the Secretary.
December 10, 1987.

[FR Doc. 87-28914 Filed 12-11-87; 4:49 pm]
BILLING CODE 7590-01-M

federal register

Wednesday
December 16, 1987

Part II

Environmental Protection Agency

40 CFR Part 60

Standards of Performance for New Stationary Sources; Industrial-Commercial-Institutional Steam Generating Units; Final Rule

VOL 52 ISS 241 DEC 16 1987 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-3276-4]

Standards of Performance for New Stationary Sources; Industrial-Commercial-Institutional Steam Generating Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Standards of performance under Subpart Db of 40 CFR Part 60 limiting emissions of sulfur dioxide (SO_2) from coal- and oil-fired industrial-commercial-institutional steam generating units and particulate matter (PM) from oil-fired industrial-commercial-institutional steam generating units were proposed in the Federal Register on June 19, 1986 (51 FR 22384). Today's action promulgates these standards under Subpart Db and also revises emission testing procedures under Method 19 of 40 CFR Part 60, Appendix A.

Standards of performance limiting emissions of nitrogen oxides (NO_x) and PM from fossil- and nonfossil-fuel-fired industrial-commercial-institutional steam generating units were promulgated on November 25, 1986 (51 FR 42768). The complete text of Subpart Db integrating the requirements for SO_2, NO_x, and PM is included in today's notice. This combined text is provided as a convenience to the reader and is *not* a repromulgation of the previously promulgated standards for NO_x and PM. An outline of the specific additions to Subpart Db resulting from today's action is provided in the administrative section of the preamble.

These standards implement section 111 of the Clean Air Act and are based on the Administrator's determination that industrial-commercial-institutional steam generating units cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. The intended effect of these standards is to require all new, modified, and reconstructed industrial-commercial-institutional steam generating units to reduce emissions of SO_2 and PM to the levels achievable by the best demonstrated system of continuous emission reduction, considering costs, nonair quality health and environmental impacts, and energy requirements.

EFFECTIVE DATE: December 16, 1987.

Under section 307(b)(1) of the Clean Air Act, judicial review of the actions taken by this notice is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings to enforce these requirements.

Incorporation by reference: The incorporation by reference of certain publications in these standards is approved by the Director of the Office of the Federal Register as of December 16, 1987.

ADDRESSES: Docket. Docket number A-83-27, containing information used in development of the standards, is available for public inspection between 8:00 a.m. and 3:00 p.m. Monday through Friday at the Central Docket Section (LE-131), South Conference Center, Room 4, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Porter or Mr. Walter Stevenson, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5251 or (919) 541-5264.

SUPPLEMENTARY INFORMATION: The following outline is provided to aid in reading the preamble to the final regulation.

I. Summary of Standards
- A. Applicability
- B. Sulfur Dioxide Standards
- C. Particulate Matter Standards

II. Summary of Changes to Proposed Standards
- A. Sulfur Dioxide Standards
- B. Sulfur Dioxide Compliance Provisions
- C. Particulate Matter Compliance Provisions
- D. Reporting Requirements

III. Summary of Impacts from the Promulgated Standards

IV. Public Participation

V. Significant Comments and Changes to the Proposed Standards
- A. Applicability
- B. Basis of Standard
- C. Standard for Sulfur Dioxide
- D. National Impacts
- E. Cost of the Standard
- F. Performance/Reliability of Demonstrated Technologies
- G. Secondary Environmental Impacts
- H. Emission Credits
- I. Emerging Technologies

VI. Administrative
- A. Outline of Additions to Subpart Db
- B. Revision of Method 19
- C. Relationship of Subpart Db to Operational Guidance and Plans to Develop Standards for Municipal Waste Combustors
- D. Docket
- E. Clean Air Act Procedural Requirements
- F. Office of Management and Budget Reviews
- G. Regulatory Flexibility Act Compliance

Background Information Documents. Because of printing and distribution costs, only a limited number of the background information document (BID) for the promulgated standards were printed. Distribution of these documents to industries is being coordinated by industry trade associations. Companies wishing to review the BID should contact their representative trade association. If the trade association does not have access to the BID, a copy will be provided for the use of their membership.

I. Summary of Standards

Standards of performance for new sources established under section 111 of the Clean Air Act reflect:

> * * * application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emissions reduction, any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated (Section 111(a)(1)).

For convenience, this will be referred to as "best demonstrated technology."

A. Applicability

The new source performance standards (NSPS) being adopted today apply to all new, modified, or reconstructed steam generating units with a heat input capacity greater than 29 MW (100 million Btu/hour) for which construction is commenced after June 19, 1986, except for electric utility steam generating units covered by 40 CFR Part 60, Subpart Da, or steam generating units covered under 40 CFR Part 60, Subpart J (Standards of performance for petroleum refineries). The definition of "steam generating unit" includes all devices that combust fuel and produce steam, hot water, or heat other fluids which are used as heat transfer media.

The owner or operator of any steam generating unit that is capable of combusting greater than 29 MW (100 million Btu/hour) of fuel must submit certain information as required by the General Provisions (40 CFR 60.11), including notification of the date of initial unit startup, and must maintain certain fuel use records.

Sulfur dioxide control requirements are established for steam generating units which combust coal, oil, coal/oil mixtures, or coal or oil with any other fuels.

Particulate matter emission limits are established for steam generating units combusting oil or mixtures of oil with any other fuels. The PM standard being adopted today for oil-fired steam generating units supplements PM emission standards adopted on November 25, 1986, for steam generating units combusting coal, wood, municipal solid waste, or fuel mixtures containing any of these fuels (51 FR 42768).

B. Sulfur Dioxide Standards

(1) Steam generating units combusting coal, either alone or in combination with other fuels, are required to achieve a 90 percent reduction in potential SO_2 emissions and meet an emission limit of 520 ng/J (1.2 lb/million Btu) heat input, except as noted below.

(2) Steam generating units combusting oil, either alone or in combination with other fuels, are required to achieve a 90 percent reduction in potential SO_2 emissions and meet an emission limit of 340 ng/J (0.8 lb/million Btu) heat input, except as noted below.

(3) Steam generating units combusting coal, oil, or a mixture of coal and oil, with or without other fuels, that have a Federally enforceable permit limiting the combustion of coal and oil to 30 percent or less of the maximum annual steam generating unit heat input capacity, are exempt from the percentage reduction requirement, but must meet certain emission limits. Coal-fired steam generating units are subject to an emission limit of 520 ng/J (1.2 lb/million Btu) heat input. Oil-fired steam generating units are subject to an emission limit of 130 ng/J (0.3 lb/million Btu) heat input.

(4) Steam generating units combusting coal and using an emerging SO_2 control technology must achieve a 50 percent reduction in potential SO_2 emissions and meet an emission limit of 260 ng/J (0.6 lb/million Btu) heat input.

(5) Steam generating units combusting oil and using an emerging SO_2 control technology must achieve a 50 percent reduction in potential SO_2 emissions and meet an emission limit of 170 ng/J (0.4 lb/million Btu) heat input.

(6) Steam generating units located in noncontinental areas (Hawaii, the Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, and the Northern Mariana Islands) are exempt from the percentage reduction requirements but must meet certain emission limits. Coal-fired steam generating units are subject to an emission limit of 520 ng/J (1.2 lb/million Btu) heat input. Oil-fired steam generating units are subject to an emission limit of 130 ng/J (0.3 lb/million Btu) heat input.

(7) Fluidized bed combustion (FBC) steam generating units combusting coal refuse must achieve an 80 percent reduction in potential SO_2 emissions and meet an emission limit of 520 ng/J (1.2 lb/million Btu) heat input.

(8) Duct burners operating as part of a supplementary-fired combined cycle system in which less than 30 percent of the total heat input to the steam generating unit is from the combustion of coal or oil in the duct burner are exempt from the percentage reduction requirements but must meet certain emission limits. Coal-fired steam generating units are subject to an emission limit of 520 ng/J (1.2 lb/million Btu) heat input. Oil-fired steam generating units are subject to an emission limit of 130 ng/J (0.3 lb/million Btu) heat input.

(9) Steam generating units combusting very low sulfur content oil are exempt from the percentage reduction requirements, but are subject to an emission limit of 130 ng/J (0.3 lb/million Btu) heat input.

(10) Continuous SO_2 emission monitoring is required for all coal- and oil-fired steam generating units. The SO_2 emission data collected through continuous monitoring are used to determine compliance with the standards on a continuous basis through the use of a 30-day rolling average emission rate and percent reduction level calculated each day. All continuous emission monitoring systems (CEMS) are subject to the quality assurance requirements in Appendix F, Procedure 1 (52 FR 21003; June 4, 1987). Method 6B stack sampling is allowed both as an alternative SO_2 monitoring method and to supplement CEMS data to meet the minimum data requirements (75 percent of steam generating unit operating hours during a steam generating unit operating day). For units firing low sulfur coal or oil without an SO_2 control technology, fuel sampling and analysis procedures are allowed as an alternative to CEMS or Method 6B. Quarterly reporting of all 30-day rolling average emission rates and percent reduction, as applicable, is also required.

(11) Except as provided below, all coal- or oil-fired steam generating units must conduct an initial 30-day compliance test.

(12) Steam generating units combusting only oil and that have a Federally enforceable permit limiting the combustion of oil to 10 percent or less of the maximum annual steam generating unit heat input capacity are not required to perform an initial 30-day compliance test but must perform an initial 24-hour compliance test.

C. Particulate Matter Standards

For steam generating units firing oil, either alone or in combination with other fuels, the particulate matter emission limit is 43 ng/J (0.1 lb/million Btu) heat input.

The opacity limit for steam generating units firing oil, alone or in combination with other fuels, is 20 percent opacity (6-minute average) with one 6-minute excursion per hour up to 27 percent opacity. The opacity standard applies at all times except during periods of startup, shutdown, or malfunction as provided by the General Provisions (40 CFR 60.11(c)).

Performance tests to determine compliance with the particulate matter emission limits are conducted using Method 5, 5B (51 FR 42839; November 26, 1986), or 17. Method 5B is used to test wet scrubbing systems; otherwise Methods 5 and 17 are used. Method 3 is used for gas analysis and Method 1 for the selection of sampling points.

Method 9 is used to determine compliance with the opacity standard. The steam generating unit owner or operator may elect to use the opacity monitor to determine compliance with the opacity standard under the General Provisions, as amended (52 FR 9778; March 26, 1987). Continuous opacity monitoring is required for all steam generating units except as provided for by the General Provisions (§ 60.11(b)). Excess emissions (opacity) reports are required to be submitted on a semiannual basis.

II. Summary of Changes to Proposed Standards

A. Sulfur Dioxide Standards

The final standards retain the 90 percent reduction requirements for SO_2 emissions that were included in the proposed standards. However, based on comments received after proposal, certain situations were identified where the impacts of achieving a 90 percent reduction were judged to be unreasonable. Emission limits remain applicable in all cases.

Under the proposed standards, SO_2 percent reduction requirements were not applicable to mixed-fuel-fired steam generating units (units firing mixtures of coal/wood or coal/municipal waste) that had an annual coal capacity factor of 30 percent or less. Under the final standards, this exemption from percent reduction requirements has been expanded to cover all low capacity factor steam generating units

VOL 52 ISS 241 DEC 16 1987 UMI

combusting coal or oil, including both mixed-fuel-fired applications and fossil-fuel-fired applications (units that combust only coal or oil). As with the proposed standards, to qualify for this exemption, the unit must have an annual coal and oil capacity factor of 30 percent or less and a Federally enforceable operating permit that limits annual coal and oil combustion to 30 or less of annual rated capacity.

An exemption from the percent reduction requirement has also been included in the final standards for steam generating units located in noncontinental areas (Hawaii, the Virgin Islands, Guam, American Samoa, Puerto Rico, and the Northern Mariana Islands).

Fluidized bed combustion units firing coal refuse are required to achieve an 80 percent reduction in SO_2 emissions. This less stringent provision was not included in the proposed standards, but was added to the final standards.

The final standards also include a provision exempting steam generating units combusting very low sulfur oil from percent reduction requirements.

B. Sulfur Dioxide Compliance Provisions

The proposed standards required all steam generating units to conduct a 30-day performance test during initial startup. The final standards include the 30-day performance test requirement for most steam generating units, but permit a 24-hour performance test for oil-fired steam generating units that have a Federally enforceable permit limiting combustion of oil to 10 percent or less of the maximum annual heat input capacity.

In the proposed regulation, SO_2 emission monitoring and calculation of 30-day rolling average emission rates and percent reduction levels would have been performed in accordance with Method 19 and Method 19A. The final standard specifies only one method, Method 19. Method 19 has been modified to incorporate certain relevant portions of Method 19A, and is being republished as part of today's action. The revised Method 19 includes SO_2, NO_x, and PM calculation procedures and addresses both steam generating units using SO_2 control devices as well as units combusting low sulfur compliance fuels. Method 19 has also been revised to include fuel sampling and analysis procedures for determining SO_2 emissions from steam generating units firing compliance fuels.

Quality assurance procedures for CEMS are set forth in 40 CFR Part 60, Appendix F, Procedure 1. Appendix F was promulgated on June 4, 1987 (52 FR 21003) and applies to CEMS installed under today's standards to monitor SO_2 emissions.

C. Particulate Matter Compliance Provisions

The particulate matter compliance provisions remain the same as those promulgated on November 25, 1986 (51 FR 42768), as amended by the addition of Method 5B as a compliance method for "wet" stacks along with Methods 5 and 17 for "dry" stacks. Method 5B was promulgated on November 26, 1986 (51 FR 42839).

D. Reporting Requirements

The reporting requirements remain essentially the same as those proposed, with one exception. Because the Appendix F quality assurance requirements for CEMS have been promulgated, quarterly reports required under Appendix F are now required to be submitted as part of the quarterly reports submitted under this regulation where CEMS are used.

III. Summary of Impacts From the Promulgated Standards

The projected national impacts associated with the final standards are summarized in Table 1.

TABLE 1.—NATIONAL IMPACTS

	IFCAM	Sales data
Air Emission Reductions:		
Sulfur Dioxide, thousand tons/yr	130–380	140
Particulate Matter, thousand tons/yr.	9–24	3
Liquid and Solid Wastes Generated:		
Liquid Wastes, million cubic ft/yr	Negligible	50
Solid Wastes, thousand tons/yr	Negligible	870
Energy Impacts:		
Increase in Natural Gas Use, trillion Btu/yr.	110–310	0
Cost Impacts:		
Total Annualized Cost, million $/yr.	5–50	120
Average Cost Effectiveness, $/ton.	40–130	800
Incremental Cost Effectiveness, $/ton.	0	1,400

Projected national impacts associated with the standards can vary considerably depending on the approach used to estimate these impacts. The original approach used by the Agency starts with estimates of the growth in national energy consumption projected by the Department of Energy. These projections are used to estimate energy consumption in new industrial-commercial-institutional steam generating units. These energy consumption estimates, along with projections of future fuel prices, serve as inputs to a computer model known as the "Industrial Fuel Choice Analysis Model" (i.e., IFCAM).

Based on these input assumptions, IFCAM projects a population of new steam generating units distributed by geographic area, unit size, and operating level based on historical patterns. For each projected new steam generating unit, the total cost associated with each type of fuel that could be fired, including the costs to comply with standards limiting SO_2 emissions, is calculated and the lowest cost alternative is selected for compliance. The results are then aggregated to yield estimates of national impacts associated with standards limiting SO_2 emissions.

Using this approach, "fuel switching" from coal or oil to natural gas can occur in response to standards limiting SO_2 emissions. For example, in the absence of SO_2 standards, it may be less expensive to combust coal or oil than natural gas. With SO_2 standards, however, it may be less expensive to combust natural gas than coal or oil. When fuel switching occurs, it results in lower costs and greater SO_2 emission reductions.

The type of fuel projected by IFCAM to be fired in each new steam generating unit as well as the likelihood of fuel switching occurring in response to standards, depends primarily on relative fuel prices. Given the uncertainty in projected fuel prices, a number of different fuel price scenarios were examined. The range of national impacts associated with those projections of fuel prices which are currently considered "most likely" is shown under the "IFCAM" column in Table 1.

A number of commenters stated that the approach used by the Agency to estimate national impacts (i.e., IFCAM) probably underestimated the costs and overestimated the emission reductions associated with the standards. Commenters suggested that both the amount of fuel switching projected to occur as well as the number of new steam generating units projected to be built were excessive. To respond to these concerns, an approach based on historical data was also used to estimate national impacts (shown under the "SALES DATA" column in Table 1).

This alternate approach uses annual steam generating unit sales statistics gathered by the American Boiler Manufacturing Association (ABMA) for the past five years to project a population of new industrial-commercial-institutional steam generating units expected to be built in the next five years. The costs and emission reductions associated with the recommended standards are estimated for each new coal- or oil-fired steam generating unit. No fuel switching is assumed to occur in response to standards limiting SO_2 emissions, and the relative market shares by fuel type are assumed to remain constant. The results are then aggregated to yield an alternative estimate of national impacts.

As shown in Table 1 the final standards result in significant reductions in SO_2 emissions from new industrial-commercial-institutional steam generating units. Table 1 shows the standards could, however, result in some increase in liquid and solid waste. The amount of liquid and solid waste generated depends on the amount of fuel switching that occurs. When steam generating units fuel switch from firing coal or oil to firing natural gas, the SO_2 standards would not result in any waste generation and the standards could, in fact, result in a net decrease in liquid or solid wastes. When fuel switching does not occur, the liquid or solid waste increase depends on the type of FGD system installed to control SO_2 emissions. Some systems generate only liquid wastes, others generate only solid wastes.

Impacts on energy consumption associated with the recommended standards also depend on the extent to which fuel switching occurs. At most, the standards would result in less than 5 percent (310 trillion Btu/yr) increase in the amount of natural gas consumed by industrial sources. Much of this increased natural gas consumption, however, would be balanced by a corresponding decrease in oil consumption. Overall, therefore, the final standards are viewed as having minimal energy impacts and are considered consistent with national energy policies directed toward reducing imports of oil and increasing use of domestic energy supplies.

In addition to the national impacts summarized in Table 1, industry specific economic impacts were also assessed for six industries which were considered likely to experience the most severe impacts. For these industries, product prices were projected to increase by less than 0.01 to 1.5 percent in 1990, assuming "full cost pass-through" of all increased costs associated with standards requiring a percent reduction in SO_2 emissions. Assuming "full cost absorption," return on assets was projected to decrease by 0.03 to 2.6 percentage points.

IV. Public Participation

Prior to proposal of the standards, interested parties were advised of a meeting of the National Air Pollution Control Techniques Advisory Committee (NAPCTAC) to discuss the standards under development. This meeting was held on May 1 and 2, 1985. The meeting was open to the public and each attendee was given an opportunity to comment on the standards. Several presentations to NAPCTAC were also made throughout the development of the proposed standards to solicit the views of committee members and interested members of the public. Additional meetings were held with affected industries at several times during development of the standards.

The standards were proposed on June 19, 1986 (51 FR 22384). The preamble to the proposed standards discussed the availability of the background information documents, which consisted of nine documents listed in the preamble. These background information documents described in detail the regulatory alternatives considered and the impacts of those alternatives. Public comments were solicited at the time of proposal, and copies of the background information documents were distributed.

To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed standards, a public hearing was held on September 4, 1986, at Research Triangle Park, North Carolina. The hearing was open to the public and each attendee was given an opportunity to comment on the proposed standards. Nineteen interested parties testified at the public hearing concerning issues relative to the proposed standards. A transcript of the public hearing was prepared and placed in Docket A–83–27.

The public comment period was from June 19, 1986, to October 2, 1986. A total of 99 comment letters were received and placed in Docket A–83–27. The comments have been carefully considered and, where determined to be appropriate by the Administrator, changes have been made in the standards.

V. Significant Comments and Changes to the Proposed Standards

Comments on the proposed standards were received from industry, trade associations, Federal agencies, State agencies, an environmental group, and the general public. A number of major issues were raised in the following areas: Applicability, Basis of Standard, Standard for SO_2, National Impacts, Cost, Performance/Reliability of Control Technology, Environmental Impacts, Emission Credits, and Emerging Technologies. Significant comments are discussed below. A summary of all comments and responses which are not discussed below can be found in the promulgation Background Information Document (BID), which is referred to in the **ADDRESSES** section of this preamble. The summary of comments and responses discussed below, as well as in the BID, serves as the basis for the revisions that have been made to the standards between proposal and promulgation.

A. Applicability

A number of commenters felt that steam generating units operating at low capacity utilization rates for oil or coal should be exempted from the SO_2 standards. They indicated that not all low capacity factor steam generating units would elect to use natural gas and said the cost to comply with the standards would be unreasonable for low capacity factor units combusting coal or oil, considering the small amount of SO_2 control obtained. Specifically, the commenters mentioned auxiliary steam generating units located at electric utility power plants which are used to start up main steam generating units, industrial steam generating units that are operated infrequently to provide "backup" steam or to meet seasonal demands (i.e., peaking units), mixed-fuel-fired steam generating units burning small amounts of coal or oil, and nonfossil-fuel-fired steam generating units that use oil or coal as a backup fuel during periods of unavailability of the nonfossil fuel.

Review and reconsideration of the initial analysis, recent steam generating unit sales data, and recent operations data from new steam generating units leads to the conclusion that some plants will install coal- or oil-fired steam generating units even where natural gas is the fuel of economic choice and despite promulgation of standards requiring a percent reduction in emissions from coal- and oil-fired steam generating units. To avoid imposing emission control requirements that could result in unreasonable impacts, the 30 percent annual capacity factor exemption in the proposed standards for mixed-fuel-fired units was extended in the final standards to include coal- and oil-fired units.

The owner or operator of such facilities must obtain a Federally enforceable permit limiting the annual capacity factor of the unit for coal and oil to 30 percent or less (see "Impact of New Fuel Prices on the Costs and Cost Effectiveness of SO_2 Emission Control of Industrial Coal- and Oil-Fired Model Steam Generating Units," 1987; "Alternative Estimates of National Impacts Based on Steam Generating Unit Sales Data," 1987). Although "low capacity factor" steam generating units are exempt from percent reduction

requirements, they are required to meet certain emission limits. Emissions of SO_2 from steam generating units operating at coal and oil annual capacity factors of 30 percent or less would be limited to 520 ng/J (1.2 lb/million Btu) heat input if coal is fired and 130 ng/J (0.3 lb/million Btu) if oil is fired (see "Assumptions and Procedures Used to Generate Model Boiler Impacts," 1987; "Availability of Very Low Sulfur Fuel Oil," 1987). Based on these emission limits, the exemption from percent reduction requirements for steam generating units operating at less than a 30 percent coal and oil utilization factor will reduce the cost of the final standards by up to 15 percent compared to no exemption, but results in less than a 2 percent increase in SO_2 emissions compared to no exemption.

Continuous emission monitoring (or fuel sampling and analysis), continuous compliance provisions, and quarterly reporting are required for all steam generating units, including "low capacity factor" units. If a decision is subsequently made to operate a "low capacity factor" steam generating unit at higher loads, the operating permit would have to be revised and compliance with the percent reduction requirement would be necessary.

Other commenters requested that an exemption from the percent reduction requirement be granted for steam generating units burning anthracite coal or anthracite mining waste (culm), as was done in Subpart Da for electric utility steam generating units. Some commenters also stated that other coal mining and washing wastes should be included in this exemption.

The exemption from the percent reduction requirement granted for anthracite in Subpart Da was provided to encourage reclamation of abandoned anthracite mines during new anthracite mining, resulting in environmental benefits such as improvement of mine drainage acid-water conditions, elimination of old mining scars on the topography, and eradication of dangerous fires in deep mines and culm banks. The exemption from the percent reduction requirement provided for anthracite under Subpart Da was to create a special local utility market for this fuel, and the environmental benefits associated with utility-scale reclamation were judged to outweigh environmental impacts from burning anthracite without a post-combustion SO_2 control system.

The smaller coal demand in the industrial-commercial-institutional steam generating unit market will not result in utility-scale mine reclamation even if an exemption from the percent reduction requirement were granted for anthracite (see "Electric Utility Steam Generating Units Background Information for Promulgated Emission Standards," 1979). Therefore, no special provisions for anthracite have been included in the final standards.

A different situation exists, however, with the firing of anthracite mining waste and other coal mining and washing wastes (collectively referred to as coal refuse). These wastes raise concerns similar to those addressed in the Subpart Da exemption for anthracite. These waste piles are not only unsightly, but they are responsible for acid-water drainage problems and can also lead to fires from spontaneous combustion. Therefore, it is important to encourage the use of these wastes as fuels in steam generating units (specifically fluidized bed combustion [FBC] steam generating units) to eliminate a potential environmental hazard. Consequently, a less stringent requirement of 80 percent reduction combined with an emission limit of 520 ng/J (1.2 lb/million Btu) has been provided for FBC steam generating units which fire coal refuse. This action balances the need to minimize air pollution from combustion of these wastes against the environmental benefits resulting from eliminating coal refuse piles.

One commenter said the final standards should include an exemption from the percent reduction requirement for steam generating units located in noncontinental areas, as was done in Subpart Da. The commenter said that, due to a lack of flexibility in fuel choice and the necessity of importing the reagent materials necessary for flue gas desulfurization (FGD) system operation, the costs associated with achieving a percent reduction in emissions could be exorbitant.

Facilities in noncontinental areas (Hawaii, the Virgin Islands, Guam, American Samoa, Puerto Rico, and the Northern Mariana Islands) constitute a subcategory subject to unique environmental and economic constraints in complying with this NSPS. Because of a lack of natural gas supplies, "fuel switching" to natural gas is not feasible. In addition, the cost of importing FGD reagent and other materials to noncontinental areas would make the costs associated with achieving a percent reduction in emissions much higher than on the continental mainland.

In light of these considerations, an exemption from the percent reduction requirement has been provided for steam generating units located in noncontinental areas, regardless of the capacity factor of the unit. Such facilities are, however, required to meet the SO_2 emission limitations discussed above for units operating at low capacity factors for coal or oil. These emission limits, as well as the fact that these facilities will be reviewed to ensure compliance with limitations established under the prevention of significant deterioration (PSD) program, will minimize the impact of these facilities on ambient air quality.

B. Basis of Standard

A number of commenters questioned the legal basis for establishing a percent reduction requirement as the basis of the standard. They said the percent reduction provision in section 111 of the Clean Air Act was intended to apply to utility steam generating units only, and is not appropriate for industrial-commercial-institutional steam generating units.

The percentage reduction requirement was enacted by the 1977 Amendments to the Act. Section 111(a)(1) defines the term "standard of performance" as follows:

> (A) with respect to any air pollutant emitted from a category of fossil fuel fired stationary sources * * * a standard—
> (i) establishing allowable emission limitations for such category of sources, and
> (ii) requiring the achievement of a percentage reduction in the emissions from such category of sources from the emissions which would have resulted from the use of fuels which are not subject to treatment prior to combustion.

Although the discussion of the percentage reduction requirement in the legislative history sometimes refers to particular types of fossil-fuel-fired sources, the term "boilers" is used generally and is not limited to utility steam generating units. The legislative history specifically mentions "industrial sources" and "mines, processing plants, and factories," and indicates that the Agency has the authority to include a percentage reduction requirement in an NSPS for fossil-fuel-fired sources; S. Rep. No. 564, 95th Cong., 1st Sess. 130 (1977); H.R. Rep. No. 294, 95th Cong., 1st Sess. 188 (1977) at 188–192; *Accord, Sierra Club* v. *Ruckelshaus*,. Civil Action No. 84–0325 (D.D.C. Sept. 4, 1985), at 5.

Some commenters asserted that the Agency concluded after promulgation of the utility steam generating unit NSPS that there was no obligation to revise the existing large industrial steam generating unit NSPS (Subpart D) to include a percent reduction requirement. The commenters referred to a brief filed by the Agency in *Sierra Club* v. *Ruckelshaus* in 1984.

The issue in *Sierra Club* was the scope of the nondiscretionary duties under section 111(b)(6). The Agency did not express any view in that case about the application of percentage reduction requirements under section 111(a)(1) to industrial-commercial-institutional steam generating units, but simply argued that section 111(b)(6) did not impose a nondiscretionary duty to promulgate revised NSPS for these steam generating units. Similarly, the utility steam generating unit NSPS rulemaking cited in that brief did not analyze the applicability of the percentage reduction requirement to non-utility steam generating units; 44 FR 33580 (June 11, 1979); 43 FR 42154 (Sept. 19, 1978).

Other commenters said that section 111 gives the Agency the flexibility to forego a percentage reduction where there is no demonstrated need for it, or where the costs are too high compared to the benefits, or where a percent reduction would create more problems than it solves. Several commenters said that an emission limit only, rather than a percent reduction requirement, should be established and sources should be allowed to achieve that limit by whatever means is appropriate for each source.

Section 111 does provide the flexibility to forego the percentage reduction requirement if the impacts associated with it would be unreasonable and exemption from percent reduction has been provided in the final standards where impacts would have been unreasonable. A thorough analysis of the economic, environmental, and energy impacts based on the exemptions included in the final standards was conducted, and no unreasonable impacts were identified. Therefore, the final standards promulgated under section 111 are considered reasonable.

The percent reduction requirement does not force a source to install any particular technological system of SO_2 emission reduction. It is simply a performance standard that is based on the performance capabilities of the "best demonstrated technology." Sources are free to use any technological system that is able to achieve emission reductions equal to or greater than that achievable by the "best demonstrated technology."

C. Standard for Sulfur Dioxide

Some commenters expressed concern that a 90 percent reduction requirement was too stringent to allow flexibility in selection of SO_2 control technology. They felt that a lower percent reduction requirement would allow the use of less expensive technologies, achieve comparable SO_2 control, and foster increased coal use in the future.

The issue of regulatory compliance flexibility of a 90 percent reduction requirement compared to lower percent reduction requirements was carefully evaluated. While it is true that lower percent reduction requirements would allow the use of a greater number of SO_2 control technologies, this alternative must be evaluated in relation to the requirements of section 111 of the Clean Air Act. Section 111 requires the NSPS to be established at the level achievable by the best demonstrated technology for which no unreasonable cost, environmental, or energy impacts have been identified. This "best demonstrated technology" is flue gas desulfurization and fluidized bed combustion, both of which have demonstrated 90 percent reductions in SO_2 emissions. In addition, the impacts associated with achieving a 90 percent reduction as required by the final standard are considered reasonable. Thus, the final standards require a 90 percent reduction in SO_2 emissions from coal and oil, except where unreasonable impacts would occur. In these cases, percent reduction is not required, but an emission limit based on use of low sulfur compliance fuel is applicable.

To provide some flexibility and to encourage the development of alternative SO_2 control technologies, a percent reduction requirement of 50 percent has been established for emerging technologies. This provision was discussed in the preamble to the proposed standards and is retained in the final standards and is discussed in more detail below.

Several commenters said the requirements in the Subpart Da electric utility NSPS should be the most stringent scenario considered for industrial-commercial-institutional steam generating units. They said there is no reason industrial-commercial-institutional units should be regulated more stringently than utility units.

Direct comparison of the standard for industrial-commercial-institutional steam generating units with the utility standard promulgated in 1979 is inappropriate for several reasons.

First, the design and operating characteristics of utility steam generating units and emission control systems are different from industrial-commercial-institutional units. Utility steam generating units are generally much larger. A typical electric utility unit would have a heat input capacity of about 1,450 MW (5,000 million Btu/hour). This compares to 44 MW (150 million Btu/hour) heat input capacity for a typical industrial-commercial-institutional unit, a 30-fold difference in size. Because of their large size, utility steam generating units and FGD systems are field erected and are usually custom designed for a specific site. Long-term fuel purchase contracts for up to 20 years are common. As a result, utility steam generating units and FGD systems can be designed to optimize site- and fuel-specific factors. Also, to handle the large quantities of flue gas generated, utility FGD systems typically consist of multiple parallel FGD modules (typically 4 or 5 modules), with each capable of handling part of the total flue gas. To ensure operating reliability of the total FGD system, an additional FGD module is frequently installed as a spare or backup module to be available during periods of FGD malfunction or for rotation during preventive maintenance and servicing of other FGD modules.

In contrast, industrial-commercial-institutional steam generating units and FGD systems are likely to be shop-assembled based on standard designs and have the ability to handle a wider range of fuels than typical utility steam generating units. Also, long-term fuel supply contracts specifying delivery of a fuel of well-defined quality are less common than in utility applications. Because of their smaller size, switching to natural gas or low sulfur oil during FGD system malfunctions is a viable alternative to installing a spare FGD module.

Second, at the time Subpart Da was promulgated, lime/limestone wet scrubbing was the predominant FGD technology used by utilities. Newer technologies, such as lime spray drying FGD, were still in the early stages of commercial application and concerns existed about the ability of these newer technologies to achieve high SO_2 reductions on a reliable basis. Today, a number of demonstrated FGD technologies are available for use by industrial-commercial-institutional steam generating units including sodium scrubbing, lime spray drying, and dual alkali FGD systems, as well as fluidized bed combustion. Based on experience gained with these technologies during the past decade, as well as various technical advantages of these technologies over wet lime/limestone FGD, industrial FGD systems are expected to be more efficient and reliable than utility FGD systems were at the time Subpart Da was adopted.

Because of the many differences between industrial-commercial-institutional and utility steam generating units, it is inappropriate to conclude that the standards being adopted today must mimic Subpart Da.

Some commenters said the proposed SO_2 emission limit of 86 ng/J (0.2 lb/million Btu) for an oil-fired steam generating unit without an FGD system was unrealistic. They said that oil with this sulfur content is not commercially available, and suggested sulfur contents ranging from 130 ng/J (0.3 lb/million Btu) to 260 ng/J (0.6 lb/million Btu) as low sulfur oil compliance alternatives.

The basis for the SO_2 emission limit of 86 ng/J (0.2 lb/million Btu) in the proposal was to provide an alternative means of demonstrating compliance with the percent reduction requirement. The sulfur content of this oil was so low that it appeared reasonable to assume that refining of the original crude oil had resulted in a 90 percent reduction in potential SO_2 emissions. This provision, therefore, was not based on an assessment of the availability of such oils, but merely an assessment of how low the sulfur content of an oil would need to be in order to reasonably ensure that a 90 percent reduction in its sulfur content had been achieved.

As a result of these comments, the basis for this provision was reviewed. A more detailed assessment than that done at the time of proposal was undertaken to determine the means by which most very low sulfur oils are produced. This assessment concluded that most very low sulfur oils, even those as low as 86 ng/J (0.2 lb SO_2/million Btu), are produced by distillation of very low sulfur content crude oils, and that little or no desulfurization may take place. The analysis also indicated that most desulfurized oils were not sold as very low sulfur content fuel oils, but were upgraded to gasoline or other higher cost products. As a result, there is no particular sulfur content that can reasonably be assumed to be the result of 90 percent reduction by fuel pretreatment (i.e., hydrodesulfurization). Consequently, the final standards contain no provisions similar to those proposed that provide an alternative means of demonstrating compliance with the 90 percent reduction requirement.

However, the final standards do exempt oil-fired steam generating units from the percent reduction requirements where the impacts associated with the percent reduction requirements are considered unreasonable. These steam generating units, however, are subject to an SO_2 emission limit, which in the case of oil-fired units is 130 ng/J (0.3 lb SO_2/million Btu).

Unlike the 86 ng/J (0.2 lb/million Btu) emission limit provided at proposal, the 130 ng/J (0.3 lb/million Btu) emission limit for steam generating units exempt from the percent reduction requirement is based on an assessment of the emissions, costs, and availability of such oils. As cited by the commenters, this assessment found that the lowest sulfur content specification placed on commercially available oils is generally 130 ng/J (0.3 lb/million Btu). Oils with such low sulfur contents, however, are widely available. In some areas, these oils may be residual oils and in other areas they may be distillate oils. In either case, such oils are available and the costs associated with their use are considered reasonable compared to higher sulfur content oils. Consequently, where low capacity factor oil-fired steam generating units are exempt from the percent reduction requirements in the final standards, they are subject to an SO_2 emission limit of 130 ng/J (0.3 lb/million Btu).

In reviewing the reasonableness of applying percent reduction requirements to higher capacity oil-fired steam generating units, reasonable impacts were noted for most oil-fired units. Unreasonable impacts were noted, however, for applying percent reduction requirements to very low sulfur oils. Thus, the final standards exempt from percent reduction requirements steam generating units firing very low sulfur oils with SO_2 emission rates less than 130 ng/J (0.3 lb/million Btu) because of unreasonable impacts.

The final standards exempt from percent reduction requirements duct burners used as part of combined-cycle systems. This exemption is included because of cost-effectiveness considerations and is analogous to the exemption from percent reduction for mixed-fuel-fired steam generating units that have an annual coal and oil capacity factor of less than 30 percent. The effect of exhaust gases supplied to the duct burner from upstream processes (e.g., gas turbine, internal combustion engines, kilns, etc.) is similar to the firing of wood or municipal waste with coal or oil in a mixed-fuel-fired steam generating unit. The cost-effectiveness considerations associated with the exemption of duct burners from percent reduction requirements are the same as those for both mixed-fuel-fired and fossil-fuel-fired steam generating units with low annual coal and oil capacity factors.

D. National Impacts

Several commenters felt that the proposed standards conflict with a national energy policy of encouraging the use of domestic coal and encourage further U.S. dependence on unreliable foreign energy supplies. One commenter expressed concern about any regulation that discouraged coal use, unless some assurance could be provided that the exodus from coal will not be to oil. Another said that recent national energy policy recommendations should be considered in developing these standards.

Revised fossil fuel price scenarios indicate that, with recent oil and gas prices, the costs of generating steam from oil and natural gas are competitive with those of generating steam from coal. In fact, based on economic factors alone, it is expected that natural gas and, to some extent, oil will claim the largest share of the industrial-commercial-institutional steam generating unit market even in the absence of the standards. Thus, the current level of oil and natural gas prices will have much more impact on coal use in industrial-commercial-institutional steam generating units than will the final standards.

In addition, the total amount of fossil fuel demand by industrial-commercial-institutional steam generating units is a very small percentage of total U.S. demand, and any changes in the fuel mix in this sector will not cause significant changes in U.S. energy markets or threaten U.S. energy security. For example, the national impacts analysis assumes that sales of new industrial-commercial-institutional steam generating units over the next 5 years will result in total annual fossil fuel consumption of 525 PJ (500 trillion Btu). This represents less than 2 percent of the total current U.S. oil market (about 32,500 PJ or 31,000 trillion Btu per year).

A number of commenters said the fuel price scenarios used to evaluate the impacts of the proposed standards were out-of-date. One commenter said that a greater range of energy prices and a spectrum of possible energy scenarios should be considered in evaluating the possible energy impacts of the standards. In addition, this commenter suggested that an energy scenario in which oil and gas prices increase substantially, leading to massive fuel switching from oil and gas to coal, be considered.

As a result of changes in fossil fuel prices since early 1986, the projected energy prices used to assess the impacts associated with the proposed standards were reviewed. This review led to development of revised projections of future energy prices. These revised projections reflect several different, but possible, energy scenarios and, as a result, lead to a wide range in projected prices. Two scenarios concerning future world oil prices, for example, were considered. Both reflect current "low" world oil prices, but one scenario assumes a gradual increase in world oil prices while the other assumes a rapid return to "high" oil prices.

Similar to the results of the analysis under the projection of future energy prices considered most likely at proposal (i.e., the high oil penetration scenario), these revised projections of future energy prices led the Industrial Fuel Choice Analysis Model (IFCAM) to project that new steam generating units will generally fire natural gas or oil. Very little, if any, coal is projected to be fired in new units. An energy scenario leading to massive fuel switching from oil and natural gas to coal, therefore, is considered improbable.

Using these revised projections of future energy prices, the potential national impacts associated with the final standards were examined ("Revised Impacts of Alternative Sulfur Dioxide New Source Performance Standards for Industrial Fossil Fuel-Fired Boilers," February 1987). Natural gas consumption in new steam generating units is projected by IFCAM to increase by about 120–330 PJ/yr (110–310 trillion Btu/yr) in 1990. This represents about 1.5 to 4.5 percent of natural gas consumption by all industrial sources. This projected increase in natural gas consumption, however, is projected to be accompanied by a similar decrease in national oil consumption. Coal consumption is not projected to be affected since little coal consumption by new steam generating units is projected by IFCAM even in the absence of an NSPS.

The final standards are also projected to reduce national SO_2 emissions by 120,000 to 320,000 Mg/yr (130,000 to 360,000 tons/yr) in 1990. The corresponding national annualized costs are projected to range from $5 to 50 million.

A number of commenters questioned whether fuel switching to natural gas would be as widespread as IFCAM projects. In response to these comments, the national impacts associated with the final standards were estimated based on historic steam generating unit sales data and the assumption that fuel switching from oil or coal to natural gas would not occur ("Estimation of National Impacts Based on Steam Generating Unit Sales Data," 1987). Using this approach, total national annual costs associated with the final standard are projected to be $120 million. Nationwide emissions of SO_2 are projected to decrease by 130,000 Mg/yr (140,000 tons/yr), resulting in an average cost effectiveness of $980/Mg ($890/ton). The national incremental cost effectiveness of the final standards relative to standards based on combustion of low sulfur fuel is projected to be about $1,600/Mg ($1,400/ton) of SO_2.

Depending on the extent to which sources elect to fuel switch to natural gas, the incremental cost effectiveness of the emission reduction requirement will range from zero (in the case of the complete substitution projected by IFCAM) to $1,600/Mg ($1,400/ton) (in the case of no change in fuel market shares). EPA believes that some fuel switching to natural gas will occur—a propensity this rule may foster—and that the real incremental cost effectiveness of the final standards is likely to be lower than the no fuel switching case described above. EPA views all of these estimated impacts—zero from IFCAM, $1,600/Mg ($1,400/ton) based on historical data, and some intermediate value based on some level of fuel switching—as reasonable.

A number of commenters questioned the potential impact of standards on the installation of new steam generating units and the replacement of old steam generating units. Some felt that the IFCAM analysis overestimated the total steam generating unit population because replacement steam generating units were treated as "new capacity." According to the commenters, as much as 80 percent of new units are installed as replacements for existing units. The commenters indicated that stringent standards could discourage these replacement projects, resulting in a further depression of the already sluggish industrial-commercial-institutional steam generating unit market and a net increase in SO_2 emissions compared to standards based on combustion of low sulfur fuel.

The number of new steam generating unit installations used by IFCAM to estimate national impacts is based on projections of growth in energy consumption developed by the Department of Energy. The projected number of new unit installations using this approach is about double the estimates made by other organizations, such as the American Boiler Manufacturers Association (ABMA). As shown by sales statistics, annual steam generating unit sales have decreased since 1970 due to lower growth in steam-consuming industries and energy conservation efforts, but appear to have stabilized since 1980. Thus, it is possible that emission reductions as well as costs attributed to the proposed standards may be overestimated to some extent. However, this does not significantly alter the overall balance between the costs and benefits of the standard. Even if fewer new steam generating units are built than projected, the SO_2 reductions achieved by the standard are still considered significant, both from individual units and from the source category as a whole. Also, while steam generating unit sales are lower than in 1970, new units are being built and will continue to be built in the future. As more and more units are constructed, further SO_2 reductions will be achieved by the standards being adopted today. The cost, environmental, and energy impacts of the final standards therefore are considered reasonable, even assuming lower population growth projections.

In response to comments concerning the proportion of new steam generating units that are replacements for existing steam generating units, a survey was conducted of steam generating units ordered between January 1981 and September 1984 ("Survey of New Industrial Boiler Projects—1981–1984," EPA–450/3–87–006, April 1987). Responses were received for 168 new projects, encompassing a total of 229 new steam generating units. Of these, 151 steam generating units were in the regulated size category and formed the basis for the analysis discussed below. Comparison with steam generating unit sales data collected by ABMA indicated that these units represent almost all of the industrial steam generating units in this size category sold between 1981 and 1984. The survey indicated that about 50 percent of new steam generating units, rather than 80 percent as suggested by the commenters, were for replacement of existing steam generating units. Assuming that recent declines in the price of oil and natural gas result in a curtailment of new steam generating units installed for the purpose of switching from oil or gas to coal, the percentage of new steam generating units sold as replacements for existing units will be even lower than indicated by the survey.

Many commenters noted that without an option to use low sulfur fuel, operating costs for new steam generating units will increase sufficiently to discourage their installation, thus inhibiting the replacement of existing units firing high sulfur fuels and delaying the reductions in SO_2 emissions associated with this replacement process.

New steam generating unit purchases can be divided into two categories: discretionary, meaning the purchase could be deferred if economics, environmental requirements, or other factors changed; and nondiscretionary, meaning a new unit must be installed. The above survey indicated that

VOL 52 ISS 241 DEC 16 1987 UMI

discretionary installations accounted for about half of the new steam generating unit projects surveyed. However, the survey found that many of these discretionary installations were relatively insensitive to cost changes. Nearly three-fourths of all projects would have proceeded as designed if costs increased by up to 20 percent. In almost all cases, the percent reduction requirement would increase costs by less than this amount. Therefore, while some projects could be affected by the NSPS, most of the new steam generating unit installations would remain viable, and are not expected to be discouraged or delayed by the final NSPS.

In response to comments suggesting an NSPS might actually result in delaying emission reductions due to a slowdown in new steam generating unit installations, data from the boiler replacement survey mentioned above were used to examine the change in overall SO_2 emissions from plants installing new industrial steam generating units. Analysis of SO_2 emissions before and after installation of the new steam generating units found that, although the new coal- and oil-fired steam generating units generally emitted less SO_2 per million Btu of fuel fired than the existing (replaced) steam generating units, the total annual emissions (i.e., tons/year) emitted by plants installing new steam generating units increased by roughly 70 percent. This increase results from (1) installation of new steam generating capacity that is not replacing existing units, (2) replacement of existing units with new units that are significantly larger, (3) fuel switches from natural gas and oil to coal for energy independence, and (4) continued operation of the existing steam generating units which were "replaced" by new units.

A large portion of the emissions increase was due to steam generating units installed either to switch base fuel (usually from gas or oil to coal) or to cogenerate electricity. Because these types of projects are sensitive to cost considerations and to provide conservative estimates, calculations were also made excluding these types of projects. Even without these significant sources of SO_2 emissions, total emissions at plants installing new steam generating units increased by roughly 20 percent after installation of new projects. These results indicate that installation of new steam generating units did not result in any "natural" decrease in overall SO_2 emissions. Based on further analysis of the survey data, however, applying a 90 percent reduction standard to the new steam generating units (assuming the standard did not affect the fuel choice and design of the projects) would have resulted in an estimated net reduction in SO_2 emissions from these plants of 25 to 30 percent.

Other commenters said that, by including replacement units in the analyses of new steam generating units, the proposal overestimated the actual emission reductions attributable to the standards.

Emissions from all new steam generating units (including those that replaced existing steam generating units) were correctly included as "new" capacity emissions in the impacts analyses. The SO_2 emission reduction attributed to the NSPS is the reduction in emissions from new steam generating units under the final standards compared to baseline emissions that would occur from the same units in the absence of the NSPS. Because SO_2 emissions from new industrial-commercial-institutional steam generating units can be reduced at reasonable cost, regardless of whether they are replacement or new capacity, they are covered by the final standards.

E. Cost of the Standard

Several commenters felt that the EPA cost analyses associated with the proposed standards were deficient or inaccurate. Commenters specifically mentioned that actual data, rather than estimates, should have been used for capital cost calculations, and that EPA should not use utility FGD cost data to estimate industrial-commercial-institutional unit FGD cost. Other commenters stated that the cost estimates did not adequately consider costs associated with sludge disposal, the need for backup SO_2 control during control system malfunction, coal transportation, or manufacturers' profit margins.

The cost estimates used to assess the impacts of various alternatives were generated from cost algorithms developed from data on industrial steam generating units supplied by vendors and no utility data were used. The validity of the cost algorithms was examined by comparison with costs associated with actual installations. The agreement between these algorithms and actual installations was found to be very good and was well within the general criteria of ± 30 percent for an individual unit which is normally associated with "budget cost" estimates. Validity of the costs used in the cost analyses was also confirmed by statements from several commenters, including some industry trade associations. This does not mean that the cost estimates generated by the cost algorithms will agree in every case with actual installed costs. Unique design requirements related to site-specific factors may well cause actual costs to be higher or lower than those generated by the cost algorithms used in the cost analyses. The costs generated by the cost algorithms, however, are considered representative of the costs associated with installation and operation of steam generating units and emission control systems and are appropriate for estimating total costs.

The cost analyses examined the costs associated with various emission control requirements for steam generating units as small as 29 MW (100 million Btu/hour) heat input capacity and as large as 117 MW (400 million Btu/hour) heat input capacity. Costs were also assessed for units of 44, 58, and 73 MW (150, 200 and 250 million Btu/hour). The effects of "economies of scale," therefore, were considered in these cost analyses.

Sludge disposal costs were included in the cost analyses. The costs reflect the typical costs associated with off-site land disposal of sludges from emission control systems. These costs were based on information provided by steam generating unit vendors and operators, and are considered representative of sludge disposal costs in general. They may, however, be lower or higher than actual costs experienced at specific locations where unique or site-specific requirements may apply.

The cost analyses assumed, based on operating data from a number of FGD systems on industrial steam generating units, that FGD systems are capable of 95 percent reliability with proper design, operation, and maintenance. The cost analyses, therefore, considered control system reliability and examined various approaches to reducing emissions during periods of control system malfunctions or servicing. These approaches included both the use of spare absorber modules and the firing of backup fuels such as natural gas. The assessment concluded that the costs associated with the use of spare absorber modules or the firing of very low sulfur fuels were of the same order of magnitude. Thus, either approach could be used in the cost analyses to represent the additional costs of reducing emissions during periods of emission control system malfunction. For convenience and ease of calculation, the cost analyses assumed the firing of natural gas. The capital and annualized costs of spare equipment to fire natural gas, such as valves, controls, etc., were also added to the control costs. Consequently, the cost

analyses considered the increased costs necessary to address reliability problems.

The coal prices used in the cost analyses were also developed specifically for industrial-commercial-institutional steam generating units. The coal transportation costs assumed single coal car rates to reflect the lack of volume discounts obtainable by utilities which use much greater quantities of fuel.

Thus, the costs associated with the final standards were developed specifically for industrial-commercial-institutional steam generating units, and these costs were carefully considered in developing the final standards.

One commenter said the high emissions baselines used in the cost analysis resulted in underestimating the cost effectiveness of the standard. The baseline used in the national impacts analysis reflects existing State Implementation Plan (SIP) emission limits within each Air Quality Control Region (AQCR). The baseline used in the "model boiler" cost analysis was chosen to represent a typical SIP emission limit. Other baselines could have been selected. However, if more stringent baselines were used, the annualized costs for SO_2 control at the revised baseline would also have to be increased to account for the additional compliance costs associated with more stringent baseline regulations. Use of different baselines, however, would not alter the analysis of incremental differences in emissions and costs among increasingly stringent alternatives. Varying assumptions regarding the baseline have no effect on these incremental comparisons. As a result, changes or refinements in baseline emission levels would have little effect on judging the reasonableness of the final standard.

Many commenters felt that the cost estimates associated with FGD systems were too low. Some said the costs of FGD systems are much greater for industrial-commercial-institutional steam generating units than for utility steam generating units due to lack of economies of scale, and this should be considered in calculating the impacts of the standards. Still other commenters said that because sodium once-through FGD was selected as the basis for the cost analysis, the costs were underestimated.

The economics of FGD systems are different for utility and industrial steam generating units. Because of larger unit size and the higher capacity factors of many utility units, operating costs generally play a more dominant role in the economics of FGD systems for utility units than they do for industrial units. Thus, the typical FGD system for a utility steam generating unit is frequently one which minimizes operating costs, often at the expense of higher capital costs. In contrast, the most attractive FGD system for an industrial steam generating unit is frequently one which minimizes capital costs, often at the expense of higher operating costs. For example, sodium FGD systems are characterized by relatively low capital costs, but higher operating costs due to the use of soda ash as a reagent. Lime spray drying systems, on the other hand, have relatively high capital costs, but relatively low operating costs due to the use of lime as a reagent. As one might expect, therefore, when the economics of these two FGD systems are compared, lime spray drying is less expensive for utility steam generating units, but sodium scrubbing is less expensive for many industrial steam generating units.

Sodium scrubbing is currently the most widely used FGD technology for reducing SO_2 emissions from industrial-commercial-institutional steam generating units. This is because sodium scrubbing is generally less expensive than other FGD technologies for many industrial-commercial-institutional units. Consequently, the sodium scrubbing cost algorithm was used prior to proposal to generate costs which were viewed as representative of the type of FGD system that would be most widely used to control SO_2 emissions from new industrial-commercial-institutional steam generating units.

In response to comments concerning the use of the sodium scrubbing cost algorithm in this manner, however, the costs of various types of FGD systems were reviewed and compared again. The cost of sodium scrubbing was generally found to be somewhat lower than the cost of other FGD systems, such as dual alkali and lime spray drying, as well as fluidized bed combustion. From the standpoint of overall project economics, the total annualized cost of the steam generating unit and SO_2 control system varied by less than 10 percent for all technologies examined. However, when only the cost associated with SO_2 control was considered, this variation was much larger, ranging from 30 to 100 percent. Therefore, because of variations in project-specific factors that could influence the choice of SO_2 control system, the use of any single technology as a "surrogate" for all types of SO_2 control systems in cost analyses was judged to be inappropriate. Consequently, "generic" FGD cost estimates were developed to represent the midpoint in the range of cost estimates for several types of industrial SO_2 control systems (specifically, sodium scrubbing, lime spray drying, dual alkali, and fluidized bed combustion). These generic FGD cost estimates were then used to represent the cost of FGD systems for industrial-commercial-institutional steam generating units. This approach resulted in somewhat higher FGD system cost estimates than at proposal, but did not lead to any significant differences in conclusions.

Two commenters said that both the national annualized costs and the individual steam generating unit costs associated with the standards would be much higher. In particular, the commenters said, the costs of achieving a percent reduction in emissions for steam generating units not switching to natural gas could be unreasonable.

As discussed earlier, the national cost impacts associated with the final standards were reassessed based on revised fuel price projections. In addition, the cost impacts on typical or individual steam generating units were also reassessed using these revised fuel price projections, assuming no fuel switching to natural gas occurred. As discussed earlier, several cases were identified in which the cost impacts associated with application of a percent reduction requirement were considered unreasonable. Consequently, the final standard provides exemptions from the percent reduction requirements in these cases. With these exemptions, the cost impacts associated with the final standards are considered reasonable.

Several commenters expressed concern that the capital costs of auxiliary fuel systems needed for startups, shutdowns, and malfunctions were not considered. According to the commenters, these costs are significant.

In many cases, steam generating units will be designed and constructed with alternative fuel firing capability even in the absence of the standards to allow greater flexibility in fuel selection and to provide for steam generating unit startup capability. To that extent, the only additional costs for firing alternative fuels such as natural gas during periods of FGD startup, shutdown, or malfunction would be the difference in the price between natural gas and the primary fuel. However, because not all units are designed with dual fuel capability, additional capital costs associated with switching to firing an alternative fuel during periods of malfunction were included in the cost analyses. For all model steam generating unit sizes analyzed (100, 150, 250 and

400 million Btu/hour), the capital cost of providing alternative fuel-firing capability to a coal-fired steam generating unit was about two to three percent of the total steam generating unit cost. The annualized cost of providing alternative fuel firing capability was three to four percent of the total annualized cost of the steam generating unit system. Therefore, the additional capital costs of providing very low sulfur fuel backup capability represent only a small percentage of the total steam generating unit costs while providing significant benefits in terms of additional SO_2 control.

F. Performance/Reliability of Demonstrated Technologies

Many commenters said there is inadequate proof that there are demonstrated SO_2 control technologies which can meet the 90 percent removal requirement on a continuous basis for industrial-commercial-institutional steam generating units. They contended that the performance of "demonstrated" technologies has been assessed for utility steam generating units, which have totally different design and operation requirements than industrial units. Other commenters questioned the adequacy of the data base for SO_2 control technologies on oil-fired steam generating units.

The performance data for FGD systems discussed in the "Summary of Regulatory Analysis," "Fossil Fuel-Fired Industrial Boilers-Background Information," and "SO_2 Technology Update Report" are based on experience with industrial steam generating units. Moreover, as also discussed, for several types of FGD systems this experience is supported by experience with utility FGD systems.

Sodium FGD systems are currently the most widely used FGD system on industrial steam generating units. Therefore, the industrial data base for this technology is more extensive than those for other FGD technologies. Both short- and long-term emissions data for 45 sodium FGD systems located at 18 different industrial sites show consistent SO_2 removal efficiencies of greater than 90 percent, and averaged greater than 96 percent. System reliabilities averaged near 98 percent. Most of the industrial experience with sodium FGD systems is on oil-fired steam generating units used in enhanced oil recovery which operate at fairly constant load. However, data were also gathered from sodium FGD systems operating on oil-fired steam generating units in other industrial applications which have more typical load swings.

Dual alkali FGD systems are also used on industrial-commercial-institutional steam generating units. Tests of dual alkali FGD systems operating on coal-fired steam generating units have shown short-term SO_2 removal efficiencies of greater than 90 percent, with long-term efficiencies of around 92 percent. Although dual alkali FGD systems have generally not been applied on oil-fired steam generating units, their performance should be similar to sodium FGD systems.

Although little long-term data are available to demonstrate 90 percent SO_2 removal levels with lime spray drying, short-term tests resulting in greater than 90 percent SO_2 removal indicate this process is capable of achieving these performance levels. Current removal rates as low as 70 percent reflect the fact that many commercial systems have not been required to achieve high removal levels, rather than any inherent limitation on the technology.

Lime and limestone FGD systems, because of higher capital and maintenance costs, have had limited application in the industrial sector. However, in a long-term test at an industrial steam generating unit that operated a lime/limestone FGD system, the SO_2 removal efficiency ranged from 91 to 94 percent. Removal efficiencies were insensitive to changes in steam generating unit load. In addition, lime and limestone wet FGD systems are proven processes in the utility industry. Lime and limestone FGD systems account for approximately 68 percent of existing utility FGD systems. Although few, if any, lime or limestone FGD systems are expected to be installed on industrial-commercial-institutional steam generating units due to economics, there are no technical limitations which would make this technology less effective on industrial steam generating units than on utility steam generating units.

Performance test data also demonstrate that FBC technology is capable of achieving 90 percent SO_2 removal at high reliabilities. A recent 30-day test on a bubbling bed FBC unit burning high sulfur coal (4000 ng SO_2/J, 9.3 lb/million Btu) showed SO_2 removal efficiencies averaging 93.5 percent. A second 30-day test conducted at a different site and combusting a low sulfur coal (470 ng SO_2/J, 1.1 lb/million Btu) showed an average SO_2 removal of 90 percent with greater than 99 percent reliability. During a 67-day period at this second site, the FBC unit had a reliability of 97 percent. In addition, vendors have stated that FBC units can be designed to achieve well over 90 percent SO_2 removal at high reliability levels.

Consequently, the ability of FGD and FBC systems to achieve a 90 percent SO_2 reduction on industrial steam generating units is well demonstrated. In addition, experience gained by utilities operating similar FGD systems serves to confirm the ability of these technologies to achieve 90 percent SO_2 reduction at high reliability levels.

Commenters also questioned the adequacy of the data base for SO_2 control technologies on steam generating units operated under conditions of load swings. According to the commenters, the variable operating modes and high capacity load swings typical of industrial operations can cause severe upsets in FGD efficiency and reliability.

The FGD system performance data base is primarily composed of data collected from industrial steam generating unit installations. These steam generating units were located at plants representative of the industrial-commercial-institutional steam generating unit population, including steam generating units operated under many different conditions. Steam generating units with average capacity utilization factors ranging from 5 to 100 percent were included in the data base. In addition, steam generating unit loads were varied during tests of individual units to simulate load swings that might be experienced in some industrial applications. Based on these data, SO_2 removal efficiency was found to be insensitive to changes in steam generating unit load over the ranges observed.

The primary concern for FGD systems operating on steam generating units which experience load swings is a sudden increase in the SO_2 loading. This can result from an increase in either the flue gas flow rate or the flue gas SO_2 concentration. As discussed in the "SO_2 Technology Update Report," changes in flue gas flow rate are matched by corresponding changes in the scrubbing solution flow rate according to a set liquid-to-gas (L/G) ratio. In a well designed and operated system, a safety margin is maintained in the L/G ratio to account for delays in control loop response; thus, an increase in flue gas flow rate would be adequately handled. Also, FGD systems which experience highly variable SO_2 loadings typically operate at high alkaline reagent concentrations. This provides a buffering capacity against large swings in solution pH caused by dramatic changes in SO_2 concentration. As a result, sufficient excess alkaline reagent is present to ensure adequate SO_2 removal performance during load swings.

A number of commenters questioned the reliability of FGD systems, expressing concern that these systems cannot meet the high operational availability demanded by many industrial operations. Others said that utility FGD reliability experience cannot be extrapolated to industrial applications because most utilities install spare scrubbers to maintain high reliabilities and do not experience the radical load fluctuations typical of industrial operations.

The reliability of various types of FGD systems for industrial applications was discussed in the "Background Information Document," the "Summary of Regulatory Analysis," and the "SO_2 Technology Update Report." As with the data on performance of SO_2 control systems, reliability data were gathered from a variety of industrial applications, with data from utility steam generating units used to supplement the industrial data.

Reliability data were reported for over 250 sodium FGD systems operating on industrial-commercial-institutional steam generating units firing coal and oil. Average long-term reliability levels for these units of 98–100 percent were reported for periods of time ranging from several months to several years. SO_2 removals during these periods averaged in excess of 90 percent.

Reliability and availability data were reported for seven dual alkali systems. One dual alkali system operating on an industrial coal-fired steam generating unit reported an availability of over 97 percent for a 12-month period. Other dual alkali systems operating on both industrial and utility steam generating units reported reliability and availability levels of 94 to 99 percent over similar lengths of time.

For lime spray drying systems, reliability levels ranging from 70 to 97 percent were reported for various sites surveyed. An examination of the reasons for the wide range in reported reliability levels indicated that the low reliability levels could have been improved or prevented with better operating and maintenance procedures. Although lime spray dryers today are typically operated at moderate performance levels, there is no reason to believe lime spray dryers cannot maintain high reliabilities achieving 90 percent SO_2 removal. In fact, one vendor of lime spray dryers is prepared to guarantee 95 percent reliability provided the operator follows a preventive maintenance program. This claimed reliability level is consistent with the two years of commercial operating data obtained from a 132 MW (450 million Btu/hour) coal-fired steam generating unit equipped with a lime spray dryer FGD that achieved in excess of 98 percent reliability.

As stated above, lime/limestone FGD systems have had limited application in the industrial sector. Therefore, most of the data on lime/limestone FGD system reliability are from utility steam generating units. However, during a long-term (85-day) performance test of a lime/limestone FGD system on an industrial steam generating unit, FGD system reliability was greater than 90 percent. Data from a utility lime/limestone FGD system firing coal indicate reliabilities close to 100 percent over a period of several years.

The above discussion indicates, therefore, that with proper operation and maintenance, high reliabilities can be achieved and maintained on industrial-commercial-institutional FGD and FBC systems operating at high SO_2 removal levels. To allow continued steam generating unit operation during periods of FGD system malfunction, backup FGD modules, common in the electric utility sector, can be installed or the unit can fire very low sulfur fuels, such as natural gas or very low sulfur oil.

One commenter said that an average 90 percent reduction using an FGD system is feasible only when a steam generating unit is using a high sulfur fuel, and that it is less feasible when a low sulfur fuel is used because of the lower concentration of SO_2 in the flue gas.

The ability of an FGD system to achieve high SO_2 removal efficiencies during combustion of low sulfur fuels is determined by the concentration of SO_2 in the flue gas exiting the FGD system. Test data from sodium and lime spray drying FGD systems and from FBC systems indicate SO_2 emissions of less than 15 ppm (equal to roughly 13 ng/J or 0.03 lb/million Btu) are achievable; in some tests, SO_2 levels of less than 5 ppm (4.3 ng/J [0.01 lb/million Btu]) were measured. This indicates that 90 percent removal is achievable with flue gases having uncontrolled emission rates as low as 130 ng/J (0.3 lb SO_2/million Btu). These performance levels measured in operating FGD systems are supported by kinetic data from laboratory studies and by FGD vendor claims. Consequently, the ability to achieve a 90 percent reduction when firing low sulfur fuels is considered well demonstrated.

G. Secondary Environmental Impacts

Several commenters said the impacts of standards "based" on the use of sodium FGD systems were not evaluated in relation to other regulations, especially State and local water quality regulations. They said the effluent produced by sodium FGD systems could cause wastewater disposal problems in some areas.

The limits imposed by existing regulation on the disposal of wastewater streams from sodium FGD systems were examined by reviewing current disposal practices for these types of wastes. Wastewater streams from sodium FGD systems are not considered hazardous wastes, even under the most stringent State or local regulations. In the West, disposal of these types of wastes is generally by deep well injection, above ground evaporation, or percolation ponds. In the East, disposal of these types of wastes is generally by direct discharge to a receiving water body or indirect discharge through a publicly owned treatment work (POTW). These streams are often treated prior to discharge to comply with the terms of applicable permits, State or local effluent limitations, water quality standards, or POTW pretreatment standards or limitations. Thus, while treatment may be necessary in some cases, these types of wastewater streams are currently being disposed of by several methods in compliance with Federal, State, and local regulations.

The cost algorithm for sodium FGD systems included costs for oxidation in order to reflect some form of treatment prior to disposal. In some cases, however, even with treatment of the wastewater streams, some forms of disposal, such as direct or indirect discharge, may not be permitted. This could happen in areas of high industrial usage where maximum pollutant loadings for the receiving water body or POTW has been reached. In addition, it is also possible in some cases that disposal by deep well injection, evaporation ponds, or landfill containers may not be permitted. This could happen in areas where concerns about possible contamination of underground aquifers effectively prohibit disposal of any liquid wastes by such means.

For this reason, as well as other reasons, the standards are not "based" on the use of sodium FGD systems alone, nor for that matter do the standards require the use of any particular FGD system or SO_2 control technology. Rather, the standards reflect the level of control that is achievable through the use of any one of several technologies, including sodium FGD, dual alkali FGD, lime/limestone FGD, lime spray drying FGD, and FBC. In addition, where an individual

confronted with the standard may view the "burden" of using these control technologies as excessive, "fuel switching" can be employed. In this manner, the necessity of using these SO_2 control technologies can be avoided.

As discussed throughout the "Background Information Document," the "SO_2 Control Technology Update Report," and the "Summary of Regulatory Analysis," the environmental (i.e., air, water, and solid waste), energy, cost, and economic impacts associated with use of all of the above mentioned SO_2 control technologies, as well as those associated with fuel switching, were reviewed and are considered reasonable. Consequently, in areas where disposal of wastewater streams from sodium FGD systems, or for that matter wastewater streams from any "wet" FGD system, is found to be very costly or essentially prohibited by local regulation, steam generating units would be expected to select an alternative approach to complying with the standards. Such alternatives could range from the use of "dry" SO_2 control systems (i.e., lime spray drying or FBC) to firing natural gas.

Other commenters expressed concern about the availability of adequate landfill capacity to dispose of FGD system waste. One added that State and local solid waste disposal regulations are forcing the closure of many existing landfills, making the siting of proximal landfills difficult and driving up disposal costs. Another said that, according to the proposal, the use of FGD systems could generate up to 15 times as much waste as the use of low sulfur coal, and there is no evidence in the record of landfill capacity sufficient to handle this large increase in waste.

Steam generating units do not generally operate as independent entities, but are most often part of an industrial plant which produces other wastes requiring disposal. In addition, coal-fired steam generating units generate fly ash which also requires disposal. Thus, use of an FGD system to control SO_2 emissions generally does not create a new problem (i.e., a need to dispose of wastes where no such need existed before).

As discussed in the "Summary of Regulatory Analysis," the quantity of solid waste generated by FGD technologies depends on the sulfur content of the fuel. In general, however, FGD technologies double to triple the quantity of solid waste generated compared to existing standards, rather than a fifteen-fold increase as suggested by the commenters. For example, a typical 44 MW (150 million Btu/hour) steam generating unit firing low sulfur coal without FGD generates about 3,200 Mg/year (3,500 tons/year) of solid waste (mainly steam generating unit blowdown and ash from PM control). The use of a dual alkali or lime spray drying FGD system to achieve 90 percent reduction in SO_2 emissions from the same steam generating unit firing the same low sulfur coal would generate an additional 1,200–2,100 Mg/year (1,300–2,300 tons/year) of solid waste in the form of FGD sludge. If a high sulfur coal were fired in this unit, the quantity of solid waste generated would increase by 6,600–6,800 Mg/year (7,300–7,500 tons/year).

In most cases, disposal of wastes generated by FGD systems presents no more of a problem than disposal of plant wastes or steam generating unit fly ash. As a result, FGD system wastes may generally be disposed of by the same means as these wastes. In fact, since the wastes from some industrial plants are considered toxic or hazardous and FGD system wastes are not, disposal of wastes from FGD systems may present less of a problem than disposal of other plant wastes.

Consequently, in those specific locations where landfill capacity may be limited, disposal of other plant wastes is likely to present as many problems—and in some cases more problems—as disposal of wastes from FGD systems. For individual plants, such constraints may necessitate substantial changes to the manufacturing process in order to minimize the wastes generated or to alter their characteristics. For the steam generating unit and SO_2 control system, this may necessitate selection of one type of control system over another (i.e., a "dry" system over a "wet" system, for example) or selection of an alternative fuel that generates little or no waste products.

H. Emission Credits

A number of commenters felt that emission credits should be granted for steam generating units firing waste materials, saying that the environmentally beneficial and cost effective use of waste fuels should be encouraged. Other commenters said the standard should credit the heat input from natural gas fired in combination with coal or oil when calculating SO_2 emission rates rather than requiring coal or oil to meet their respective emission limits without dilution credits.

Emission credits would allow a plant operator firing a sulfur-free fuel such as wood or natural gas in conjunction with coal or oil to emit SO_2 at the same overall rate as a steam generating unit firing only coal or oil. Stated another way, a steam generating unit firing a 50/50 mixture of coal and wood, or coal and natural gas, could have twice the SO_2 emissions with an emission credit as it could without an emission credit. As a result, emission credits deprive the public of the air quality benefits, in terms of reduced SO_2 emissions, associated with the combustion of nonsulfur-bearing fuels.

The effects of encouraging waste fuel use through emission credits were thoroughly examined and discussed in "Summary of Regulatory Analysis," "An Analysis of the Costs and Cost Effectiveness of SO_2 Control for Mixed Fuel-Fired Steam Generating Units," and "Impacts of New Fuel Prices on SO_2 Emission Credits for Cogeneration Systems and Mixed Fuel-Fired Steam Generating Units." These analyses show that granting emission credits for mixed-fuel-fired steam generating units results in very small reductions in costs while allowing significant increases in SO_2 emissions. As a result, the incremental cost effectiveness of the additional reduction in SO_2 emissions achieved by not providing emission credits is low, generally in the range of $220–330/Mg ($200–300/ton). These costs are considered reasonable. Consequently, the standards do not include emission credits for mixed-fuel-fired steam generating units firing waste fuels or natural gas in combination with coal or oil.

Firing waste fuels is economically attractive in many cases and results in reduced fuel costs for the plant operator. The absence of provisions for emission credits should not discourage the use of these wastes as steam generating unit fuels. In many cases, the disposal of such wastes in this manner would represent the most cost effective method of disposal regardless of the NSPS. In addition, the final standards include an exemption from the percent reduction requirement for steam generating units obtaining 30 percent or less of their rated annual heat input capacity from coal or oil. This provides substantial incentive to use wastes in order to reduce the amount of oil or coal burned in the steam generating unit.

Other commenters stated that emission credits should be allowed for cogeneration systems in recognition of the increased efficiency achieved by these systems over separate systems for steam and power generation.

Emission credits for cogeneration systems were also thoroughly examined and discussed in the "Summary of Regulatory Analysis," "An Analysis of the Costs and Cost Effectiveness of Allowing SO_2 Emission Credits for Cogeneration Systems," and "Impact of New Fuel Prices on SO_2 Emission Credits for Cogeneration Systems and Mixed Fuel-Fired Steam Generating Units." As with mixed-fuel-fired steam generating units, these analyses concluded that granting an emission credit for cogeneration steam generating units results in very small reductions in costs while allowing significant increases in SO_2 emissions. Therefore, the incremental cost effectiveness of the additional reductions in emissions achieved by not providing emission credits for cogeneration steam generating units is low, generally in the range of $220–660/Mg ($200–600/ton). These costs are considered reasonable.

Strong economic incentives exist for use of cogeneration. The absence of emission credits for cogeneration systems will not significantly offset these incentives. Consequently, the final standards do not include provisions for emission credits for cogeneration systems.

Some commenters stated that imposing a percentage reduction requirement on cogeneration steam generating units could severely affect the economics of cogeneration projects. According to the commenters, impacts on cogeneration systems would be more severe than on other industrial sectors because the increased costs cannot be "passed through" to the consumer.

The final standards will increase the cost of coal- and oil-fired cogeneration steam generating units. This could preclude some smaller, less profitable cogeneration projects. However, most coal- and oil-fired cogeneration steam generating units covered by the standards will not be severely affected. A cost analysis of the impact of standards on a typical coal-fired cogeneration steam generating unit showed that a percent reduction requirement increased total annualized costs by about 11 percent. The "Survey of New Industrial Boiler Projects" indicates that more than 80 percent of the cogeneration projects completed in 1981 through 1984 would have gone forward as designed even if costs increased by 10 percent, and more than 60 percent of the cogeneration projects would have gone forward as designed if costs increased by 20 percent.

In addition, many cogeneration projects will not be subject to final SO_2 standards at all. Given current fuel price projections, many new cogeneration projects are expected to be based on firing natural gas (in both gas turbine cogeneration systems and steam turbine cogeneration systems) or firing municipal solid waste. Cogeneration projects firing these fuels are not affected by the final standards.

Finally, new coal-fired cogeneration steam generating units compete with new coal-fired electric utility steam generating units that are subject to percent reduction requirements under Subpart Da. Thus, application of percent reduction to coal-fired cogeneration steam generating units under Subpart Db could be viewed as a "neutral" position which treats both utility steam generating units and industrial-commercial-institutional cogeneration steam generating units in a similar manner. Consequently, the final standards treat coal-fired cogeneration steam generating units just like any other coal-fired steam generating unit.

I. Emerging Technologies

Several commenters said that, because emerging technologies have not been "adequately demonstrated" as required by the Clean Air Act, a standard for emerging technologies cannot be established under section 111. Others expressed concern that establishing standards for emerging technologies could inhibit development and commercial demonstration of these technologies. Still other commenters stated that new or emerging technologies should be required to achieve the same performance levels that existing technologies are capable of achieving and that the standards should not include any special provisions for new or emerging technologies.

NSPS should be set so as to avoid unreasonable costs or other impacts; *Essex Chemical Corp. v. Ruckelshaus*, 486 F. 2d 42 (D. C. Cir. 1973). Standards requiring a high level of performance, such as 90 percent reduction, without a provision for emerging technologies, might discourage continued development of some new technologies. Owners and operators of new steam generating units could simply view the risks of using a new and untried emission control technology to achieve a 90 percent reduction in emissions as too great. Thus, to encourage the continued development of emission control technologies that show promise of achieving levels of performance comparable to those of existing technologies, but at lower cost or with other offsetting environmental or energy benefits, special provisions are needed which encourage the development and use of new technologies, while ensuring that SO_2 emissions will be minimized.

The final standard requiring a 50 percent reduction in SO_2 emissions while limiting emissions to 170 and 280 ng/J (0.4 and 0.6 lb/million Btu) heat input for oil and coal, respectively, appears to achieve this objective. The minimum percent reduction requirement of 50 percent should effectively eliminate the risk of failure for any technology which has the potential to achieve higher performance levels and, when combined with emission limits of 170 and 280 ng/J (0.4 and 0.6 lb/million Btu), minimize SO_2 emissions by limiting allowable emission rates to less than half the level that would result from the use of low sulfur fuel. The emission limits also encourage improvements in these technologies by requiring greater SO_2 reductions when firing higher sulfur fuels. For example, a technology may be initially tested at 50 percent SO_2 reduction on a steam generating unit firing low sulfur coal (less than 520 ng/J, 1.2 lb/million Btu), and then, based on the information gathered from these tests, improved to achieve increased percent reductions on higher sulfur coals in order to comply with the emission limit. For example, the 280 ng/J (0.6 lb/million Btu) emission limit for coal-fired units applying emerging technology will require units firing an 860 ng/J (2.0 lb/million Btu) coal to achieve 70 percent SO_2 reduction and units firing a 1700 ng/J (4.0 lb/million Btu) coal to achieve an 85 percent SO_2 reduction. Thus, the emerging technology provisions with both a 50 percent reduction requirement and emission limits of 170 and 280 ng/J (0.4 and 0.6 lb/million Btu) for oil and coal will encourage technology demonstrations while minimizing SO_2 emissions.

Several commenters said disallowance of credit for precombustion cleaning of fuel toward the percent reduction requirement for emerging technologies is inappropriate and counter to the philosophy of preferring the cleanup of fuels prior to combustion, rather than post-combustion cleanup.

While the allowance of fuel pretreatment credits toward the 90 percent reduction requirement is considered appropriate and is allowed in the final standards, allowing fuel pretreatment credits for emerging technologies is ill-suited to the purpose of the emerging technology provisions. The primary objective of the emerging technology provisions is to stimulate and encourage the development and use of emerging SO_2 control technologies which show promise of achieving significant emission reductions in the future. Fuel pretreatment credits are unwarranted for the intended purpose of demonstration of emerging technologies. The final standard, therefore, does not allow fuel pretreatment to be applied as credit against the percent reduction requirement for emerging technologies. However, the final standard has been

BEST COPY AVAILABLE

VOL 52 ISS 241 DE 16 1987 UMI

VOL 52 ISS 241 DEC 16 1987 UMI

amended to allow consideration of fuel pretreatment as an emerging technology if *all* of the required 50 percent reduction and the 170 and 260 ng/J (0.4 and 0.6 lb/million Btu) emission limit is achieved by the fuel pretreatment technology. This will serve to encourage the development of fuel pretreatment technologies that show promise of achieving significant SO_2 reductions.

One commenter suggested that the Agency should consider how it plans to limit the emerging technology provision to: (1) New technologies or processes which are unique relative to demonstrated technologies rather than simply modified versions of currently demonstrated technologies, and (2) those which are likely to be able to meet 90 percent removal after a reasonable demonstration and development time.

As in the proposed standards, the final standards include definitions of conventional technologies. In some cases, these definitions have been revised in response to the commenter's concerns. Technologies considered as nothing more than modified versions of existing demonstrated technologies will not be viewed as emerging technologies and will not be approved for installation or operation. Current examples of emerging technologies include injection of dry sorbents into the furnace of a steam generating unit (a.k.a., LIMB) and the use of electrons to enhance SO_2 or NO_x reactivity (E-beam). The definition of conventional "dry flue gas desulfurization technology" in the regulation has been revised to make it clear that it only includes processes that inject an alkaline slurry into the flue gas. It does not include processes that inject dry sorbent. The Agency recognizes that demonstration of an emerging technology may require installation and testing at several different steam generating units before it is considered demonstrated and intends to allow several installations of an emerging technology.

The emerging technology provisions will be reviewed regularly during the course of the review process associated with all NSPS. As a result of these reviews, emerging control technologies that have been demonstrated will be reclassified as conventional technologies and would be subjected to the same requirements as other conventional control technologies.

As with all NSPS, steam generating units subject to the final standards must notify the Agency within 30 days of the date of commencement of construction of the affected facility. If the owner or operator of the steam generating unit plans to use an emerging technology, and thereby operate under a 50 percent reduction requirement, a full and complete description of this technology must be submitted to the Agency along with a discussion of how or why this technology does not meet any of the definitions of conventional technologies. Technologies not considered emerging by the Agency will be treated as conventional technologies, and the steam generating unit owner or operator will be so notified. To ensure consistent application of the special provisions for emerging technologies, these provisions will not be delegated to the States and will remain with the Agency.

In summary, a 50 percent reduction requirement and a 260 ng/J (0.6 lb/million Btu) emission limit are applicable to emerging technologies applied to coal-fired steam generating units. A 50 percent reduction requirement and a 170 ng/J (0.4 lb/million Btu) emission limit are applicable to emerging technologies applied to oil-fired steam generating units. As specified in the final standards, emerging technologies are those that are not conventional techniques; and approval must be obtained from the Agency for application of an emerging technology. Review of emerging technology applications will be made only by the Agency and this authority will not be delegated. The Agency will not approve for emerging technology application (1) control technologies that are in fact only a minor variation of a conventional technology, or (2) technologies that do not promise at least a 50 percent SO_2 removal potential and an emission rate less than 260 ng/J or 170 ng/J (0.4 or 0.6 lb/million Btu) for coal and oil, respectively.

VI. Administrative

A. Outline of Additions to Subpart Db

Subpart Db, as published in today's **Federal Register**, includes both the provisions for NO_x and PM promulgated on November 25, 1986 (51 FR 42768) and the provisions for SO_2 and PM from oil-fired steam generating units promulgated today. The following list is provided as an aid to the reader in identifying the sections of Subpart Db that are being added or substantively revised by today's action.

Section 60.40b: Revised paragraphs (b) and (c), added paragraph (g).
Section 60.41b: Revised and added new definitions.
Section 60.42b: Added entire section.
Section 60.43b: Added paragraph (b).
Section 60.44b: No substantive changes.
Section 60.45b: Added entire section.
Section 60.46b: No substantive changes.
Section 60.47b: Added entire section.
Section 60.48b: No substantive changes.
Section 60.49b: Revised paragraph (b), added paragraphs (a)(3), (a)(4), (j), (k), (l), (m), and (n).

B. Revision of Method 19

Today's action also promulgates revisions to Method 19 of 40 CFR Part 60, Appendix A. These revisions include updating, reorganizing, and combining the existing Method 19 and the proposed Method 19A into the new Method 19. At the time of proposal of standards of performance for SO_2 on June 19, 1986 (51 FR 22384), Method 19 was applicable to determining SO_2 emissions and percent reduction for FGD-equipped steam generating units, and the proposed Method 19A was applicable to determining SO_2 emissions from steam generating units firing low sulfur content fuels without FGD controls. Method 19A included three alternatives for measuring SO_2 emissions: Continuous emissions monitoring systems (CEMS), Method 6B (stack testing), and fuel sampling and analysis procedures. Method 19 was originally adopted in 1979 as a method for determining compliance with the SO_2 emission limits and percent reduction requirements for electric utility steam generating units subject to 40 CFR Part 60, Subpart Da. Method 19A was proposed in 1983, but has not been promulgated.

The final SO_2 standards reference only the revised Method 19. Method 19 is now applicable to: (1) SO_2, NO_x, and PM emission calculations, (2) SO_2 percent reduction calculations for post-combustion control, (3) SO_2 percent reduction calculations for fuel pretreatment, and (4) fuel sampling and analysis procedures for compliance fuel-fired steam generating units. Additionally, Method 19 has been updated to incorporate new American Society of Testing and Materials (ASTM) procedures for analyzing the sulfur content in petroleum products (ASTM Method D1552–83) and in coal and coke (ASTM Method D4239–85). Additional information on Method 19 is available in Docket A–81–15.

C. Relationship of Subpart Db to Operational Guidance and Plans to Develop Standards for Municipal Waste Combustors

Today's action completes the rulemaking for Subpart Db. As such, Subpart Db now limits emissions of particulate matter, nitrogen oxides, and sulfur dioxide from the combustion of coal, oil, natural gas, wood, municipal solid waste, and mixtures of these fuels with other fuels in new, modified, or reconstructed industrial-commercial-institutional steam generating units.

Subpart Db includes standards limiting emissions of particulate matter from the combustion of municipal solid waste. In addition, Subpart Db includes standards limiting emissions of nitrogen oxides, if the steam generating unit combusts coal, oil, or natural gas with municipal solid waste. Similarly, Subpart Db includes standards limiting emissions of sulfur dioxide, if the steam generating unit combusts coal or oil with municipal solid waste.

In response to concerns regarding emissions from the combustion of municipal solid waste which are beyond those considered during the development of Subpart Db, the Agency issued operational guidance to States and Regional offices on June 26, 1987 regarding control technology applicable to municipal waste combustors. This guidance is for use in all ongoing prevention of significant deterioration (PSD) and nonattainment new source review (NSR) proceedings, as well as to all new permit applications.

Although Subpart Db limits emissions from combustion of municipal solid waste, Subpart Db should not be viewed as superseding the June 26, 1987, operational guidance on control technology for municipal solid waste combustors. This guidance will continue to be used by the Agency as the reference point in its oversight of all PSD and nonattainment NSR proceedings, as well as all new permit applications for municipal waste combustors.

The Agency also has announced its intention to develop new source performance standards limiting emissions from new, modified, or reconstructed municipal waste combustors under section 111 of the Clean Air Act (52 FR 25399). Depending on the nature of the final standards, they may supersede or complement those under Subpart Db. The Agency also intends to develop standards limiting emissions of one or more designated pollutants (pollutants not regulated under sections 108 to 110 or 112) in addition to developing standards limiting emissions of criteria pollutants under section 111. This will invoke section 111(d) and require the Agency to issue guidance for control of emissions from existing municipal waste combustors which, in turn, will require States to develop specific emission standards for existing municipal waste combustors.

D. Docket

The docket is an organized and complete file of all the information considered in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and affected industries to identify and locate documents readily so they can participate effectively in the rulemaking process. The statements of basis and purpose of the proposed and promulgated standards, the responses to significant comments, and the other contents of the docket (except for interagency review materials) will serve as the record in case of judicial review (section 307(d)(7)(A)).

E. Clean Air Act Procedural Requirements

The effective date of this regulation is December 16, 1987. Section 111 of the Clean Air Act provides that standards of performance or revisions thereof become effective on promulgation and apply to affected facilities for which construction, modification, or reconstruction was commenced after the date of proposal (51 FR 22384, June 19, 1986).

As prescribed by section 111, the promulgation of these standards is based on the Administrator's determination that industrial-commercial-institutional steam generating units contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. In accordance with section 117 of the Act, publication of these promulgated standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

This regulation will be reviewed not later than 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any NSPS promulgated under section 111(b) of the Act. An economic impact assessment was prepared for this regulation and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the standards to ensure that cost was carefully considered in determining the best demonstrated technology. Portions of the economic impact assessment are included in the background information documents for the proposed standards, and additional information is included in Docket A–83–27.

F. Office of Management and Budget Reviews

The information collection requirements associated with this regulation (those included in 40 CFR Part 60, Subpart A and Subpart Db) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB Control Number 2060–0072.

Under Executive Order 12291, the Administrator is required to judge whether a regulation is a "major rule" and therefore subject to the requirements for preparation of a Regulatory Impact Analysis (RIA). At the time of proposal, it was expected that this regulation could result in industry-wide annualized costs in the fifth year after the standards go into effect of more than the $100 million cutoff established as the first criterion for a "major rule" in the Order. In accordance with the Order, an RIA was prepared for this regulation. The RIA reviews the benefits, costs, and economic impacts associated with the regulatory alternatives that were considered. This rule was submitted to OMB for review under Executive Order 12291.

G. Regulatory Flexibility Act Compliance

The Regulatory Flexibility Act of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The Act specifically requires the completion of a Regulatory Flexibility Analysis in those instances where small business impacts are possible. Because these standards impose no adverse economic impacts on small businesses, a Regulatory Flexibility Analysis has not been conducted.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this regulation will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 60

Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Incorporation by reference, Industrial-commercial-institutional steam generating units.

Date: December 1, 1987.

Lee M. Thomas,

Administrator.

For the reasons set out in the preamble, Title 40, Chapter I of the Code

of Federal Regulations, is amended as set forth below.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

1. The authority citation for Part 60 continues to read as follows:

Authority: 42 U.S.C. 7411, 7414 and 7601(a).

2. Section 60.17 is amended by revising paragraphs (a)(1), (a)(3), (a)(7), (a)(8), (a)(9), (a)(10), (a)(24), (a)(25), (a)(26), (a)(27), (a)(28), and (a)(47); and by adding paragraphs (a)(48), (a)(49), (a)(50), (a)(51), (a)(52), and (a)(53) to read as follows:

§ 60.17 Incorporation by reference.

* * * * *

(a) * * *

(1) ASTM D388–77, Standard Specification for Classification of Coals by Rank, incorporation by reference (IBR) approved January 27, 1983, for §§ 60.41(f); 60.45(f)(4) (i), (ii), (vi); 60.41a; 60.41b; 60.251 (b), (c).

* * * * *

(3) ASTM D3176–74, Standard Method for Ultimate Analysis of Coal and Coke, IBR approved January 27, 1983, for § 60.45(f)(5)(i); Appendix A to Part 60, Method 19.

* * * * *

(7) ASTM D2015–77, Standard Test Method for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter, IBR approved January 27, 1983 for § 60.45(f)(5)(ii); § 60.46(g); Appendix A to Part 60, Method 19.

(8) ASTM D1826–77, Standard Test Method for Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter, IBR approved January 27, 1983, for §§ 60.45(f)(5)(ii); 60.46(g); 60.296(f); Appendix A to Part 60, Method 19.

(9) ASTM D240–76, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter, IBR approved January 27, 1983, for § 60.46(g); 60.296(f); Appendix A to Part 60, Method 19.

(10) ASTM D396–78, Standard Specification for Fuel Oils, IBR approved January 27, 1983, for §§ 60.40b; 60.41b; 60.111(b); 60.111a(b).

* * * * *

(24) ASTM D2234–76, Standard Methods for Collection of a Gross Sample of Coal, IBR approved January 27, 1983, for Appendix A to Part 60, Method 19.

(25) ASTM D3173–73, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke, IBR approved January 27, 1983, for Appendix A to Part 60, Method 19.

(26) ASTM D3177–75, Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke, IBR approved January 27, 1983, for Appendix A to Part 60, Method 19.

(27) ASTM D2013–72, Standard Method of Preparing Coal Samples for Analysis, IBR approved January 27, 1983, for Appendix A to Part 60, Method 19.

(28) ASTM D270–65 (Reapproved 1975), Standard Method of Sampling Petroleum and Petroleum Products, IBR approved January 27, 1983, for Appendix A to Part 60, Method 19.

* * * * *

(47) ASTM D3431–80, Standard Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons (Microcoulometric Method), IBR approved November 25, 1986, for Appendix A to Part 60, Method 19.

(48) ASTM D129–64 (reapproved 1978), Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), IBR approved for Appendix A to Part 60, Method 19.

(49) ASTM D1552–83, Standard Test Method for Sulfur in Petroleum Products (High Temperature Method), IBR approved for Appendix A to Part 60, Method 19.

(50) ASTM D1835–86, Standard Specification for Liquefied Petroleum (LP) Gases, to be approved for § 60.41b.

(51) ASTM D3286–85, Standard Test Method for Gross Calorific Value of Coal and Coke by the Isothermal-Jacket Bomb Calorimeter, IBR approved for Appendix A to Part 60, Method 19.

(52) ASTM D4057–81, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, IBR approved for Appendix A to Part 60, Method 19.

(53) ASTM D4239–85, Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods, IBR approved for Appendix A to Part 60, Method 19.

3. Subpart Db is revised to read as follows:

Subpart Db—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units

Sec.

60.40b Applicability and delegation of authority.
60.41b Definitions.
60.42b Standard for sulfur dioxide.
60.43b Standard for particulate matter.
60.44b Standard for nitrogen oxides.
60.45b Compliance and performance test methods and procedures for sulfur dioxide.
60.46b Compliance and performance test methods and procedures for particulate matter and nitrogen oxides.
60.47b Emission monitoring for sulfur dioxide.
60.48b Emission monitoring for particulate matter and nitrogen oxides.
60.49b Reporting and recordkeeping requirements.

Subpart Db—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units

§ 60.40b Applicability and delegation of authority.

(a) The affected facility to which this subpart applies is each steam generating unit that commences construction, modification, or reconstruction after June 19, 1984, and that has a heat input capacity from fuels combusted in the steam generating unit of greater than 29 MW (100 million Btu/hour).

(b) Any affected facility meeting the applicability requirements under paragraph (a) of this section and commencing construction, modification, or reconstruction after June 19, 1984, but on or before June 19, 1986, is subject to the following standards:

(1) Coal-fired affected facilities having a heat input capacity between 29 and 73 MW (100 and 250 million Btu/hour), inclusive, are subject to the particulate matter and nitrogen oxides standards under this subpart.

(2) Coal-fired affected facilities having a heat input capacity greater than 73 MW (250 million Btu/hour) and meeting the applicability requirements under Subpart D (Standards of performance for fossil-fuel-fired steam generators; § 60.40) are subject to the particulate matter and nitrogen oxides standards under this subpart and to the sulfur dioxide standards under Subpart D (§ 60.43).

(3) Oil-fired affected facilities having a heat input capacity between 29 and 73 MW (100 and 250 million Btu/hour), inclusive, are subject to the nitrogen oxides standards under this subpart.

(4) Oil-fired affected facilities having a heat input capacity greater than 73 MW (250 million Btu/hour) and meeting the applicability requirements under Subpart D (Standards of performance for fossil-fuel-fired steam generators; § 60.40) are also subject to the nitrogen oxides standards under this subpart and the particulate matter and sulfur dioxide standards under Subpart D (§ 60.42 and § 60.43).

(c) Affected facilities which also meet the applicability requirements under Subpart J (Standards of performance for petroleum refineries; § 60.104) are subject to the particulate matter and nitrogen oxides standards under this subpart and the sulfur dioxide standards under Subpart J (§ 60.104).

(d) Affected facilities which also meet the applicability requirements under Subpart E (Standards of performance for incinerators; § 60.50) are subject to the nitrogen oxides and particulate matter standards under this subpart.

(e) Steam generating units meeting the applicability requirements under Subpart Da (Standards of performance for electric utility steam generating units; § 60.40a) are not subject to this subpart.

(f) Any change to an existing steam generating unit for the sole purpose of combusting gases containing TRS as defined under § 60.281 is not considered a modification under § 60.14 and the steam generating unit is not subject to this subpart.

(g) In delegating implementation and enforcement authority to a State under section 111(c) of the Act, the following authorities shall be retained by the Administrator and not transferred to a State.

(1) Section 60.44b(f).
(2) Section 60.44b(g).
(3) Section 60.49b(a)(4).

§ 60.41b Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in Subpart A of this part.

"Annual capacity factor" means the ratio between the actual heat input to a steam generating unit from the fuels listed in § 60.42b(a), § 60.43b(a), or § 60.44b(a), as applicable, during a calendar year and the potential heat input to the steam generating unit had it been operated for 8,760 hours during a calendar year at the maximum steady state design heat input capacity. In the case of steam generating units that are rented or leased, the actual heat input shall be determined based on the combined heat input from all operations of the affected facility in a calendar year.

"Byproduct/waste" means any liquid or gaseous substance produced at chemical manufacturing plants or petroleum refineries (except natural gas, distillate oil, or residual oil) and combusted in a steam generating unit for heat recovery or for disposal. Gaseous substances with carbon dioxide levels greater than 50 percent or carbon monoxide levels greater than 10 percent are not byproduct/waste for the purposes of this subpart.

"Chemical manufacturing plants" means industrial plants which are classified by the Department of Commerce under Standard Industrial Classification (SIC) Code 28.

"Coal" means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American Society of Testing and Materials in ASTM D388–77, Standard Specification for Classification of Coals by Rank (IBR—see § 60.17), coal refuse, and petroleum coke. Coal-derived synthetic fuels, including but not limited to solvent refined coal, gasified coal, coal-oil mixtures, and coal-water mixtures, are also included in this definition for the purposes of this subpart.

"Coal refuse" means any byproduct of coal mining or coal cleaning operations with an ash content greater than 50 percent, by weight, and a heating value less than 13,900 kJ/kg (6,000 Btu/lb) on a dry basis.

"Combined cycle system" means a system in which a separate source, such as a gas turbine, internal combustion engine, kiln, etc., provides exhaust gas to a heat recovery steam generating unit.

"Conventional technology" means wet flue gas desulfurization (FGD) technology, dry FGD technology, atmospheric fluidized bed combustion technology, and oil hydrodesulfurization technology.

"Distillate oil" means fuel oils that contain 0.05 weight percent nitrogen or less and comply with the specifications for fuel oil numbers 1 and 2, as defined by the American Society of Testing and Materials in ASTM D396–78, Standard Specifications for Fuel Oils (incorporated by reference—see § 60.17).

"Dry flue gas desulfurization technology" means a sulfur dioxide control system that is located downstream of the steam generating unit and removes sulfur oxides from the combustion gases of the steam generating unit by contacting the combustion gases with an alkaline slurry or solution and forming a dry powder material. This definition includes devices where the dry powder material is subsequently converted to another form. Alkaline slurries or solutions used in dry flue gas desulfurization technology include but are not limited to lime and sodium.

"Duct burner" means a device that combusts fuel and that is placed in the exhaust duct from another source, such as a stationary gas turbine, internal combustion engine, kiln, etc., to allow the firing of additional fuel to heat the exhaust gases before the exhaust gases enter a heat recovery steam generating unit.

"Emerging technology" means any sulfur dioxide control system that is not defined as a conventional technology under this section, and for which the owner or operator of the facility has applied to the Administrator and received approval to operate as an emerging technology under § 60.49b(a)(4).

"Federally enforceable" means all limitations and conditions that are enforceable by the Administrator, including the requirements of 40 CFR Parts 60 and 61, requirements within any applicable State Implementation Plan, and any permit requirements established under 40 CFR 52.21 or under 40 CFR 51.18 and 40 CFR 51.24.

"Fluidized bed combustion technology" means combustion of fuel in a bed or series of beds (including but not limited to bubbling bed units and circulating bed units) of limestone aggregate (or other sorbent materials) in which these materials are forced upward by the flow of combustion air and the gaseous products of combustion.

"Fuel pretreatment" means a process that removes a portion of the sulfur in a fuel before combustion of the fuel in a steam generating unit.

"Full capacity" means operation of the steam generating unit at 90 percent or more of the maximum steady-state design heat input capacity.

"Heat input" means heat derived from combustion of fuel in a steam generating unit and does not include the heat input from preheated combustion air, recirculated flue gases, or exhaust gases from other sources, such as gas turbines, internal combustion engines, kilns, etc.

"Heat release rate" means the steam generating unit design heat input capacity (in MW or Btu/hour) divided by the furnace volume (in cubic meters or cubic feet); the furnace volume is that volume bounded by the front furnace wall where the burner is located, the furnace side waterwall, and extending to the level just below or in front of the first row of convection pass tubes.

"Heat transfer medium" means any material that is used to transfer heat from one point to another point.

"High heat release rate" means a heat release rate greater than 730,000 J/sec-m^3 (70,000 Btu/hour-ft^3).

"Lignite" means a type of coal classified as lignite A or lignite B by the American Society of Testing and Materials in ASTM D388–77, Standard Specification for Classification of Coals by Rank (IBR—see § 60.17).

"Low heat release rate" means a heat release rate of 730,000 J/sec-m^3 (70,000 Btu/hour-ft^3) or less.

"Mass-feed stoker steam generating unit" means a steam generating unit where solid fuel is introduced directly

VOL 52 ISS 241 DEC 16 1987 UMI

into a retort or is fed directly onto a grate where it is combusted.

"Maximum heat input capacity" means the ability of a steam generating unit to combust a stated maximum amount of fuel on a steady state basis, as determined by the physical design and characteristics of the steam generating unit.

"Municipal-type solid waste" means refuse, more than 50 percent of which is waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials, and noncombustible materials such as glass and rock.

"Natural gas" means (1) a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane; or (2) liquid petroleum gas, as defined by the American Society for Testing and Materials in ASTM D1835–82, "Standard Specification for Liquid Petroleum Gases" (IBR—see § 60.17).

"Noncontinental area" means the State of Hawaii, the Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, or the Northern Mariana Islands.

"Oil" means crude oil or petroleum or a liquid fuel derived from crude oil or petroleum, including distillate and residual oil.

"Petroleum refinery" means industrial plants as classified by the Department of Commerce under Standard Industrial Classification (SIC) Code 29.

"Potential sulfur dioxide emission rate" means the theoretical sulfur dioxide emissions (ng/J, lb/million Btu heat input) that would result from combusting fuel in an uncleaned state and without using emission control systems.

"Process heater" means a device that is primarily used to heat a material to initiate or promote a chemical reaction in which the material participates as a reactant or catalyst.

"Pulverized coal-fired steam generating unit" means a steam generating unit in which pulverized coal is introduced into an air stream that carries the coal to the combustion chamber of the steam generating unit where it is fired in suspension. This includes both conventional pulverized coal-fired and micropulverized coal-fired steam generating units.

"Residual oil" means crude oil, fuel oil numbers 1 and 2 that have a nitrogen content greater than 0.05 weight percent, and all fuel oil numbers 4, 5 and 6, as defined by the American Society of Testing and Materials in ASTM D396–78, Standard Specifications for Fuel Oils (IBR—see § 60.17).

"Spreader stoker steam generating unit" means a steam generating unit in which solid fuel is introduced to the combustion zone by a mechanism that throws the fuel onto a grate from above. Combustion takes place both in suspension and on the grate.

"Steam generating unit" means a device that combusts any fuel or byproduct/waste to produce steam or to heat water or any other heat transfer medium. This term includes any municipal-type solid waste incinerator with a heat recovery steam generating unit or any steam generating unit that combusts fuel and is part of a cogeneration system or a combined cycle system. This term does not include process heaters as they are defined in this subpart.

"Steam generating unit operating day" means a 24-hour period between 12:00 midnight and the following midnight during which any fuel is combusted at any time in the steam generating unit. It is not necessary for fuel to be combusted continuously for the entire 24-hour period.

"Very low sulfur oil" means a distillate oil or residual oil that when combusted without post combustion SO_2 control has an SO_2 emission rate equal to or less than 130 ng/J (0.30 lb SO_2/million Btu).

"Wet flue gas desulfurization technology" means a sulfur dioxide control system that is located downstream of the steam generating unit and removes sulfur oxides from the combustion gases of the steam generating unit by contacting the combustion gas with an alkaline slurry or solution and forming a liquid material. This definition applies to devices where the aqueous liquid material product of this contact is subsequently converted to other forms. Alkaline reagents used in wet flue gas desulfurization technology include, but are not limited to, lime, limestone, and sodium.

"Wet scrubber system" means any emission control device that mixes an aqueous stream or slurry with the exhaust gases from a steam generating unit to control emissions of particulate matter or sulfur dioxide.

"Wood" means wood, wood residue, bark, or any derivative fuel or residue thereof, in any form, including, but not limited to, sawdust, sanderdust, wood chips, scraps, slabs, millings, shavings, and processed pellets made from wood or other forest residues.

§ 60.42b Standard for sulfur dioxide.

(a) Except as provided in paragraphs (b), (c), or (d) of this section, on and after the date on which the performance test is completed or required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that combusts coal or oil shall cause to be discharged into the atmosphere any gases that contain sulfur dioxide in excess of 10 percent (0.10) of the potential sulfur dioxide emission rate (90 percent reduction) and that contain sulfur dioxide in excess of the emission limit determined according to the following formula:

$$E_s = (K_a H_a + K_b H_b)/(H_a + H_b)$$

where:

E_s is the sulfur dioxide emission limit, in ng/J or lb/million Btu heat input,
K_a is 520 ng/J (or 1.2 lb/million Btu),
K_b is 340 ng/J (or 0.80 lb/million Btu),
H_a is the heat input from the combustion of coal, in J (million Btu),
H_b is the heat input from the combustion of oil, in J (million Btu).

Only the heat input supplied to the affected facility from the combustion of coal and oil is counted under this section. No credit is provided for the heat input to the affected facility from the combustion of natural gas, wood, municipal-type solid waste, or other fuels or heat input to the affected facility from exhaust gases from another source, such as gas turbines, internal combustion engines, kilns, etc.

(b) On and after the date on which the performance test is completed or required to be completed under § 60.8 of this part, whichever comes first, no owner or operator of an affected facility that combusts coal refuse alone in a fluidized bed combustion steam generating unit shall cause to be discharged into the atmosphere any gases that contain sulfur dioxide in excess of 20 percent of the potential sulfur dioxide emission rate (80 percent reduction) and that contain sulfur dioxide in excess of 520 ng/J (1.2 lb/million Btu) heat input. If coal or oil is fired with coal refuse, the affected facility is subject to paragraph (a) or (d) of this section, as applicable.

(c) On and after the date on which the performance test is completed or is required to be completed under § 60.8 of this part, whichever comes first, no owner or operator of an affected facility that combusts coal or oil, either alone or in combination with any other fuel, and that uses an emerging technology for the control of sulfur dioxide emissions, shall cause to be discharged into the atmosphere any gases that contain sulfur dioxide in excess of 50 percent of the potential sulfur dioxide emission rate (50 percent reduction) and that contain sulfur dioxide in excess of the emission limit determined according to the following formula:

$$E_s = (K_a H_a + K_b H_b)/(H_c + H_d)$$

where:

E_s is the sulfur dioxide emission limit, expressed in ng/J (lb/million Btu) heat input,
K_c is 260 ng/J (0.60 lb/million Btu),
K_d is 170 ng/J (0.40 lb/million Btu),
H_c is the heat input from the combustion of coal, J (million Btu),
H_d is the heat input from the combustion of oil, J (million Btu).

Only the heat input supplied to the affected facility from the combustion of coal and oil is counted under this section. No credit is provided for the heat input to the affected facility from the combustion of natural gas, wood, municipal-type solid waste, or other fuels, or from the heat input to the affected facility from exhaust gases from another source, such as gas turbines, internal combustion engines, kilns, etc.

(d) On and after the date on which the performance test is completed or required to be completed under § 60.8 of this part, whichever comes first, no owner or operator of an affected facility listed in paragraphs (d) (1), (2), (3), or (4) of this section shall cause to be discharged into the atmosphere any gases that contain sulfur dioxide in excess of 520 ng/J (1.2 lb/million Btu) heat input if the affected facility combusts coal, or 130 ng/J (0.30 lb/million Btu) heat input if the affected facility combusts oil. Percent reduction requirements are not applicable to affected facilities under this paragraph:

(1) Affected facilities that have an annual capacity factor for coal and oil of 30 percent (0.30) or less and are subject to a Federally enforceable permit limiting the operation of the affected facility to an annual capacity factor for coal and oil to 30 percent (0.30) or less;

(2) Affected facilities located in a noncontinental area;

(3) Affected facilities combusting coal or oil, alone or in combination with any other fuel, in a duct burner as part of a combined cycle system where 30 percent (0.30) or less of the heat input to the steam generating unit is from combustion of coal and oil in the duct burner and 70 percent (0.70) or more of the heat input to the steam generating unit is from the exhaust gases entering the duct burner; or

(4) Affected facilities combusting very low sulfur oil.

(e) Except as provided in paragraph (f) of this section, compliance with the emission limit(s) and percent reduction requirements under this section are determined on a 30-day rolling average basis.

(f) Compliance with the emission limits under this section are determined on a 24-hour average basis for affected facilities which (1) have a Federally enforceable permit limiting the annual capacity factor for oil to 10 percent or less, (2) combust only oil which emits less than 130 ng/J (0.3 lb SO_2/million Btu), and (3) do not combust any other fuel.

(g) Except as provided in paragraph (i) of this section, the sulfur dioxide emission limits and percent reduction requirements under this section apply at all times, including periods of startup, shutdown, and malfunction.

(h) Reductions in the potential sulfur dioxide emission rate through fuel pretreatment are not credited toward the percent reduction requirement under paragraph (c) of this section unless:

(1) Fuel pretreatment results in a 50 percent or greater reduction in potential sulfur dioxide emissions and

(2) Emissions from the pretreated fuel (without combustion or post combustion sulfur dioxide control) are equal to or less than the emission limits specified in paragraph (c) of this section.

(i) An affected facility subject to paragraph (a), (b), or (c) of this section may combust very low sulfur oil or natural gas when the sulfur dioxide control system is not being operated because of malfunction or maintenance of the sulfur dioxide control system.

§ 60.43b Standard for particulate matter.

(a) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of this part, whichever comes first, no owner or operator of an affected facility which combusts coal or combusts mixtures of coal with other fuels, shall cause to be discharged into the atmosphere from that affected facility any gases that contain particulate matter in excess of the following emission limits:

(1) 22 ng/J (0.05 lb/million Btu) heat input,

(i) If the affected facility combusts only coal, or

(ii) If the affected facility combusts coal and other fuels and has an annual capacity factor for the other fuels of 10 percent (0.10) or less.

(2) 43 ng/J (0.10 lb/million Btu) heat input if the affected facility combusts coal and other fuels and has an annual capacity factor for the other fuels greater than 10 percent (0.10) and is subject to a Federally enforceable requirement limiting operation of the affected facility to an annual capacity factor greater than 10 percent (0.10) for fuels other than coal.

(3) 86 ng/J (0.20 lb/million Btu) heat input if the affected facility combusts coal or coal and other fuels and

(i) Has an annual capacity factor for coal or coal and other fuels of 30 percent (0.30) or less,

(ii) Has a maximum heat input capacity of 73 MW (250 million Btu/hour) or less,

(iii) Has a Federally enforceable requirement limiting operation of the affected facility to an annual capacity factor of 30 percent (0.30) or less for coal or coal and other solid fuels, and

(iv) Construction of the affected facility commenced after June 19, 1984, and before November 25, 1986.

(b) On and after the date on which the performance test is completed or required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that combusts oil or that combusts mixtures of oil with other fuels shall cause to be discharged into the atmosphere from that affected facility any gases that contain particulate matter in excess of 43 ng/J (0.10 lb/million Btu) heat input.

(c) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that combusts wood, or wood with other fuels, except coal, shall cause to be discharged from that affected facility any gases that contain particulate matter in excess of the following emission limits:

(1) 43 ng/J (0.10 lb/million Btu) heat input if the affected facility has an annual capacity factor greater than 30 percent (0.30) for wood.

(2) 86 ng/J (0.20 lb/million Btu) heat input if

(i) The affected facility has an annual capacity factor of 30 percent (0.30) or less for wood,

(ii) Is subject to a Federally enforceable requirement limiting operation of the affected facility to an annual capacity factor of 30 percent (0.30) or less for wood, and

(iii) Has a maximum heat input capacity of 73 MW (250 million Btu/hour) or less.

(d) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that combusts municipal-type solid waste or mixtures of municipal-type solid waste with other fuels, shall cause to be discharged into the

atmosphere from that affected facility any gases that contain particulate matter in excess of the following emission limits:

(1) 43 ng/J (0.10 lb/million Btu) heat input,

(i) If the affected facility combusts only municipal-type solid waste, or

(ii) If the affected facility combusts municipal-type solid waste and other fuels and has an annual capacity factor for the other fuels of 10 percent (0.10) or less.

(2) 86 ng/J (0.20 lb/million Btu) heat input if the affected facility combusts municipal-type solid waste or municipal-type solid waste and other fuels; and

(i) Has an annual capacity factor for municipal-type solid waste and other fuels of 30 percent (0.30) or less,

(ii) Has a maximum heat input capacity of 73 MW (250 million Btu/hour) or less,

(iii) Has a Federally enforceable requirement limiting operation of the affected facility to an annual capacity factor of 30 percent (0.30) for municipal-type solid waste, or municipal-type solid waste and other fuels, and

(iv) Construction of the affected facility commenced after June 19, 1984, but before November 25, 1986.

(e) For the purposes of this section, the annual capacity factor is determined by dividing the actual heat input to the steam generating unit during the calendar year from the combustion of coal, wood, or municipal-type solid waste, and other fuels, as applicable, by the potential heat input to the steam generating unit if the steam generating unit had been operated for 8,760 hours at the maximum design heat input capacity.

(f) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility subject to the particulate matter emission limits under paragraph (a), (b) or (c) of this section shall cause to be discharged into the atmosphere any gases that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity.

(g) The particulate matter and opacity standards apply at all times, except during periods of startup, shutdown or malfunction.

§ 60.44b Standard for nitrogen oxides.

(a) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that is subject to the provisions of this section and that combusts only coal, oil, or natural gas shall cause to be discharged into the atmosphere from that affected facility any gases that contain nitrogen oxides (expressed as NO_2) in excess of the following emission limits:

Fuel/Steam generating unit type	Nitrogen oxide emission limits ng/J (lb/million Btu) (expressed as NO_2) heat input
(1) Natural gas and distillate oil, except (4):	
(i) Low heat release rate	43 (0.10)
(ii) High heat release rate	86 (0.20)
(2) Residual oil:	
(i) Low heat release rate	130 (0.30)
(ii) High heat release rate	170 (0.40)
(3) Coal:	
(i) Mass-feed stoker	210 (0.50)
(ii) Spreader stoker and fluidized bed combustion	260 (0.60)
(iii) Pulverized coal	300 (0.70)
(iv) Lignite, except (v)	260 (0.60)
(v) Lignite mined in North Dakota, South Dakota, or Montana and combusted in a slag tap furnace	340 (0.80)
(vi) Coal-derived synthetic fuels	210 (0.50)
(4) Duct burner used in a combined cycle system:	
(i) Natural gas and distillate oil	86 (0.20)
(ii) Residual oil	170 (0.40)

(b) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that simultaneously combusts mixtures of coal, oil, or natural gas shall cause to be discharged into the atmosphere from that affected facility any gases that contain nitrogen oxides in excess of a limit determined by use of the following formula:

$$E_n = [(EL_{go} H_{go}) + (EL_{ro} H_{ro}) + (EL_c H_c)] / (H_{go} + H_{ro} + H_c)$$

where:

E_n is the nitrogen oxides emission limit (expressed as NO_2), ng/J (lb/million Btu)

EL_{go} is the appropriate emission limit from paragraph (a)(1) for combustion of natural gas or distillate oil, ng/J (lb/million Btu)

H_{go} is the heat input from combustion of natural gas or distillate oil,

EL_{ro} is the appropriate emission limit from paragraph (a)(2) for combustion of residual oil,

H_{ro} is the heat input from combustion of residual oil,

EL_c is the appropriate emission limit from paragraph (a)(3) for combustion of coal, and

H_c is the heat input from combustion of coal.

(c) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of this part, whichever comes first, no owner or operator of an affected facility that simultaneously combusts coal, oil, or natural gas shall cause to be discharged into the atmosphere any gases that contain nitrogen oxides in excess of the emission limit for the coal or oil, or mixture of these fuels with natural gas combusted in the affected facility, as determined pursuant to paragraph (a) or (b) of this section, unless the affected facility has an annual capacity factor for coal or oil, or mixture of these fuels with natural gas of 10 percent (0.10) or less and is subject to a Federally enforceable requirement that limits operation of the facility to an annual capacity factor of 10 percent (0.10) or less for coal, oil, or a mixture of these fuels with natural gas.

(d) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that simultaneously combusts natural gas with wood, municipal-type solid waste, or other solid fuel, except coal, shall cause to be discharged into the atmosphere from that affected facility any gases that contain nitrogen oxides in excess of 130 ng/J (0.30 lb/million Btu) heat input unless the affected facility has an annual capacity factor for natural gas of 10 percent (0.10) or less and is subject to a Federally enforceable requirement that limits operation of the affected facility to an annual capacity factor of 10 percent (0.10) or less for natural gas.

(e) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that simultaneously combusts coal, oil, or natural gas with byproduct/waste shall cause to be discharged into the atmosphere from that affected facility any gases that contain nitrogen oxides in excess of an emission limit determined by the following formula unless the affected facility has an annual capacity factor for coal, oil, and natural gas of 10 percent (0.10) or less and is subject to a Federally enforceable requirement which limits operation of the affected facility to an annual capacity factor of 10 percent (0.10) or less:

$$E_n = [(EL_{go} H_{go}) + (EL_{ro} H_{ro}) + (EL_c H_c)] / (H_{go} + H_{ro} + H_c)$$

where:

E_n is the nitrogen oxides emission limit (expressed as NO_2), ng/J (lb/million Btu)

EL_{go} is the appropriate emission limit from paragraph (a)(1) for combustion of natural gas or distillate oil, ng/J (lb/million Btu).

H_{go} is the heat input from combustion of natural gas, distillate oil and gaseous byproduct/waste, ng/J (lb/million Btu).

EL_{ro} is the appropriate emission limit from paragraph (a)(2) for combustion of residual oil, ng/J (lb/million Btu)

H_{ro} is the heat input from combustion of residual oil and/or liquid byproduct/waste.

EL_c is the appropriate emission limit from paragraph (a)(3) for combustion of coal, and

H_c is the heat input from combustion of coal.

(f) Any owner or operator of an affected facility that combusts byproduct/waste with either natural gas or oil may petition the Administrator within 180 days of the initial startup of the affected facility to establish a nitrogen oxides emission limit which shall apply specifically to that affected facility when the byproduct/waste is combusted. The petition shall include sufficient and appropriate data, as determined by the Administrator, such as nitrogen oxides emissions from the affected facility, waste composition (including nitrogen content), and combustion conditions to allow the Administrator to confirm that the affected facility is unable to comply with the emission limits in paragraph (e) of this section and to determine the appropriate emission limit for the affected facility.

(1) Any owner or operator of an affected facility petitioning for a facility-specific nitrogen oxides emission limit under this section shall:

(i) Demonstrate compliance with the emission limits for natural gas and distillate oil in paragraph (a)(1) of this section or for residual oil in paragraph (a)(2) of this section, as appropriate, by conducting a 30-day performance test as provided in § 60.46b(e). During the performance test only natural gas, distillate oil, or residual oil shall be combusted in the affected facility; and

(ii) Demonstrate that the affected facility is unable to comply with the emission limits for natural gas and distillate oil in paragraph (a)(1) of this section or for residual oil in paragraph (a)(2) of this section, as appropriate, when gaseous or liquid byproduct/waste is combusted in the affected facility under the same conditions and using the same technological system of emission reduction applied when demonstrating compliance under paragraph (f)(1)(i) of this section.

(2) The nitrogen oxides emission limits for natural gas or distillate oil in paragraph (a)(1) of this section or for residual oil in paragraph (a)(2) of this section, as appropriate, shall be applicable to the affected facility until and unless the petition is approved by the Administrator. If the petition is approved by the Administrator, a facility-specific nitrogen oxides emission limit will be established at the nitrogen oxides emission level achievable when the affected facility is combusting oil or natural gas and byproduct/waste in a manner that the Administrator determines to be consistent with minimizing nitrogen oxides emissions.

(g) Any owner or operator of an affected facility that combusts hazardous waste (as defined by 40 CFR Part 261 or 40 CFR Part 761) with natural gas or oil may petition the Administrator within 180 days of the initial startup of the affected facility for a waiver from compliance with the nitrogen oxides emission limit which applies specifically to that affected facility. The petition must include sufficient and appropriate data, as determined by the Administrator, on nitrogen oxides emissions from the affected facility, waste destruction efficiencies, waste composition (including nitrogen content), the quantity of specific wastes to be combusted and combustion conditions to allow the Administrator to determine if the affected facility is able to comply with the nitrogen oxides emission limits required by this section. The owner or operator of the affected facility shall demonstrate that when hazardous waste is combusted in the affected facility, thermal destruction efficiency requirements for hazardous waste specified in an applicable Federally enforceable requirement preclude compliance with the nitrogen oxides emission limits of this section. The nitrogen oxides emission limits for natural gas or distillate oil in paragraph (a)(1) of this section or for residual oil in paragraph (a)(2) of this section, as appropriate, are applicable to the affected facility until and unless the petition is approved by the Administrator. (See 40 CFR 761.70 for regulations applicable to the incineration of materials containing polychlorinated biphenyls (PCB's).)

(h) The nitrogen oxide standards under this section apply at all times including periods of startup, shutdown or malfunction.

§ 60.45b Compliance and performance test methods and procedures for sulfur dioxide.

(a) The sulfur dioxide emission standards under § 60.42b apply at all times.

(b) In conducting the performance tests required under § 60.8, the owner or operator shall use the methods and procedures in Appendix A of this part or the method and procedures as specified in this section, except as provided in § 60.8(b). Section 60.8(f) does not apply to this subpart. The 30-day notice required in § 60.8(d) applies only to the initial performance test unless otherwise specified by the Administrator.

(c) The owner or operator of an affected facility shall conduct performance tests to determine compliance with the percent of potential sulfur dioxide emission rate (% P_s) and the sulfur dioxide emission rate (E_s) pursuant to § 60.42b following the procedures listed below, except as provided under paragraph (d) of this section.

(1) The initial performance test shall be conducted over the first 30 consecutive operating days of the steam generating unit. Compliance with the sulfur dioxide standards shall be determined using a 30-day average. The first operating day included in the initial performance test shall be scheduled within 30 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of the facility.

(2) If only coal or only oil is combusted, the following procedures are used:

(i) The procedures in Method 19 are used to determine the hourly sulfur dioxide emission rate (E_{ho}) and the 30-day average emission rate (E_{so}). The hourly averages used to compute the 30-day averages are obtained from the continuous emission monitoring system of § 60.47b (a) or (b).

(ii) The percent of potential sulfur dioxide emission rate (% P_s) emitted to the atmosphere is computed using the following formula:

$$\% P_s = 100 (1 - \% R_g/100)(1 - \% R_f/100)$$

where:

% R_g is the sulfur dioxide removal efficiency of the control device as determined by Method 19, in percent.

% R_f is the sulfur dioxide removal efficiency of fuel pretreatment as determined by Method 19, in percent.

(3) If coal or oil is combusted with other fuels, the same procedures required in paragraph (c)(2) of this section are used, except as provided in the following:

(i) An adjusted hourly sulfur dioxide emission rate ($E_{ho}°$) is used in Equation 19–19 of Method 19 to compute an adjusted 30-day average emission rate ($E_{so}°$). The E_{ho} is computed using the following formula:

$$E_{ho}° = [E_{ho} - E_w(1 - X_k)]/X_k$$

where:

$E_{ho}°$ is the adjusted hourly sulfur dioxide emission rate, ng/J (lb/million Btu).

E_{ho} is the hourly sulfur dioxide emission rate, ng/J (lb/million Btu).

VOL 52 ISS 241 DEC 16 1987 UMI

VOL 52 ISS 241 DEC 16 1987 UMI

E_w is the sulfur dioxide concentration in fuels other than coal and oil combusted in the affected facility, as determined by the fuel sampling and analysis procedures in Method 19. ng/J (lb/million Btu). The value E_w for each fuel lot is used for each hourly average during the time that the lot is being combusted.

X_k is the fraction of total heat input from fuel combustion derived from coal, oil, or coal and oil, as determined by applicable procedures in Method 19.

(ii) To compute the percent of potential sulfur dioxide emission rate (% P_s), an adjusted % R_g (% R_g°) is computed from the adjusted E_{so}° from paragraph (b)(3)(i) of this section and an adjusted average sulfur dioxide inlet rate (E_{si}°) using the following formula:

$$\% R_g° = 100\,(1.0 - E_{so}°/E_{si}°)$$

To compute E_{si}°, an adjusted hourly sulfur dioxide inlet rate (E_{hi}°) is used. The E_{hi}° is computed using the following formula:

$$E_{hi}° = [E_{hi} - E_w(1 - X_k)]/X_k$$

where:

E_{hi}° is the adjusted hourly sulfur dioxide inlet rate, ng/J (lb/million Btu).

E_{hi} is the hourly sulfur dioxide inlet rate, ng/J (lb/million Btu).

(4) The owner or operator of an affected facility subject to paragraph (b)(3) of this section does not have to measure parameters E_w or X_k if the owner or operator elects to assume that X_k=1.0. Owners or operators of affected facilities who assume X_k=1.0 shall

(i) Determine % P_s following the procedures in paragraph (c)(2) of this section, and

(ii) Sulfur dioxide emissions (E_s) are considered to be in compliance with sulfur dioxide emission limits under § 60.42b.

(5) The owner or operator of an affected facility that qualifies under the provisions of § 60.42b(d) does not have to measure parameters E_w or X_k under paragraph (b)(3) of this section if the owner or operator of the affected facility elects to measure sulfur dioxide emission rates of the coal or oil following the fuel sampling and analysis procedures under Method 19.

(d) The owner or operator of an affected facility that combusts only oil emitting less than 130 ng/J (0.3 lb/million Btu) SO_2, has an annual capacity factor for oil of 10 percent (0.10) or less, and is subject to a Federally enforceable requirement limiting operation of the affected facility to an annual capacity for oil of 10 percent (0.10) or less shall:

(1) Conduct the initial performance test over 24 consecutive steam generating unit operating hours at full load;

(2) Determine compliance with the standards after the initial performance test based on the arithmetic average of the hourly emissions data during each steam generating unit operating day if a continuous emission measurement system (CEMS) is used, or based on a daily average if Method 6B or fuel sampling and analysis procedures under Method 19 are used.

(e) The owner or operator of an affected facility subject to § 60.42b(d)(1) shall demonstrate the maximum design capacity of the steam generating unit by operating the facility at maximum capacity for 24 hours. This demonstration will be made during the initial performance test and a subsequent demonstration may be requested at any other time. If the 24-hour average firing rate for the affected facility is less than the maximum design capacity provided by the manufacturer of the affected facility, the 24-hour average firing rate shall be used to determine the capacity utilization rate for the affected facility, otherwise the maximum design capacity provided by the manufacturer is used.

(f) For the initial performance test required under § 60.8, compliance with the sulfur dioxide emission limits and percent reduction requirements under § 60.42b is based on the average emission rates and the average percent reduction for sulfur dioxide for the first 30 consecutive steam generating unit operating days, except as provided under paragraph (d) of this section. The initial performance test is the only test for which at least 30 days prior notice is required unless otherwise specified by the Administrator. The initial performance test is to be scheduled so that the first steam generating unit operating day of the 30 successive steam generating unit operating days is completed within 30 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of the facility. The boiler load during the 30-day period does not have to be the maximum design load, but must be representative of future operating conditions and include at least one 24-hour period at full load.

(g) After the initial performance test required under § 60.8, compliance with the sulfur dioxide emission limits and percent reduction requirements under § 60.42b is based on the average emission rates and the average percent reduction for sulfur dioxide for 30 successive steam generating unit operating days, except as provided under paragraph (d). A separate performance test is completed at the end of each steam generating unit operating day after the initial performance test, and a new 30-day average emission rate, and percent reduction for sulfur dioxide are calculated to show compliance with the standard.

(h) Except as provided under paragraph (i) of this section, the owner or operator of an affected facility shall use all valid sulfur dioxide emissions data in calculating % P_s and E_{ho} under paragraph (c), of this section whether or not the minimum emissions data requirements under § 60.46b are achieved. All valid emissions data, including valid sulfur dioxides emission data collected during periods of startup, shutdown and malfunction, shall be used in calculating % P_s and E_{ho} pursuant to paragraph (c) of this section.

(i) During periods of malfunction or maintenance of the sulfur dioxide control systems when oil is combusted as provided under § 60.42b(i), emission data are not used to calculate % P_s or E_s under § 60.42b (a), (b) or (c), however, the emissions data are used to determine compliance with the emission limit under § 60.42b(i).

§ 60.46b Compliance and performance test methods and procedures for particulate matter and nitrogen oxides.

(a) The particulate matter emission standards and opacity limits under § 60.43b apply at all times except during periods of startup, shutdown, or malfunction. The nitrogen oxides emission standards under § 60.44b apply at all times.

(b) Compliance with the particulate matter emission standards under § 60.43b shall be determined through performance testing as described in paragraph (d) of this section.

(c) Compliance with the nitrogen oxides emission standards under § 60.44b shall be determined through performance testing as described in paragraph (e) or (f) of this section.

(d) The following procedures and reference methods are used to determine compliance with the standards for particulate matter emissions under § 60.43b.

(1) Method 3 is used for gas analysis when applying Method 5 or Method 17.

(2) Method 5, Method 5B, or Method 17 shall be used to measure the concentration of particulate matter as follows:

(i) Method 5 shall be used at affected facilities without wet flue gas desulfurization (FGD) systems; and

(ii) Method 17 may be used at facilities with or without wet scrubber systems provided the stack gas temperature does not exceed a temperature of 160 °C (320 °F). The procedures of sections 2.1 and 2.3 of Method 5B may be used in Method 17 only if it is used after a wet FGD system. Do not use Method 17 after wet FGD systems if the effluent is saturated or laden with water droplets.

(iii) Method 5B is to be used only after wet FGD systems.

(3) Method 1 is used to select the sampling site and the number of traverse sampling points. The sampling time for each run is at least 120 minutes and the minimum sampling volume is 1.7 dscm (60 dscf) except that smaller sampling times or volumes may be approved by the Administrator when necessitated by process variables or other factors.

(4) For Method 5, the temperature of the sample gas in the probe and filter holder is monitored and is maintained at 160 °C (320 °F).

(5) For determination of particulate matter emissions, the oxygen or carbon dioxide sample is obtained simultaneously with each run of Method 5, Method 5B or Method 17 by traversing the duct at the same sampling location.

(6) For each run using Method 5, Method 5B or Method 17, the emission rate expressed in nanograms per joule heat input is determined using:

(i) The oxygen or carbon dioxide measurements and particulate matter measurements obtained under this section,

(ii) The dry basis F factor, and

(iii) The dry basis emission rate calculation procedure contained in Method 19 (Appendix A).

(7) Method 9 is used for determining the opacity of stack emissions.

(e) To determine compliance with the emission limits for nitrogen oxides required under § 60.44b, the owner or operator of an affected facility shall conduct the performance test as required under § 60.8 using the continuous system for monitoring nitrogen oxides under § 60.48(b).

(1) For the initial compliance test, nitrogen oxides from the steam generating unit are monitored for 30 successive steam generating unit operating days and the 30-day average emission rate is used to determine compliance with the nitrogen oxides emission standards under § 60.44b. The 30-day average emission rate is calculated as the average of all hourly emissions data recorded by the monitoring system during the 30-day test period.

(2) Following the date on which the initial performance test is completed or is required to be completed under § 60.8 of this part, whichever date comes first, the owner or operator of an affected facility which combusts coal or which combusts residual oil having a nitrogen content greater than 0.30 weight percent shall determine compliance with the nitrogen oxides emission standards under § 60.44b on a continuous basis through the use of a 30-day rolling average emission rate. A new 30-day rolling average emission rate is calculated each steam generating unit operating day as the average of all of the hourly nitrogen oxides emission data for the preceding 30 steam generating unit operating days.

(3) Following the date on which the initial performance test is completed or is required to be completed under § 60.8 of this part, whichever date comes first, the owner or operator of an affected facility which has a heat input capacity greater than 73 MW (250 million Btu/hour) and which combusts natural gas, distillate oil, or residual oil having a nitrogen content of 0.30 weight percent or less shall determine compliance with the nitrogen oxides standards under § 60.44b on a continuous basis through the use of a 30-day rolling average emission rate. A new 30-day rolling average emission rate is calculated each steam generating unit operating day as the average of all of the hourly nitrogen oxides emission data for the preceding 30 steam generating unit operating days.

(4) Following the date on which the initial performance test is completed or required to be completed under § 60.8 of this part, whichever date comes first, the owner or operator of an affected facility which has a heat input capacity of 73 MW (250 million Btu/hour) or less and which combusts natural gas, distillate oil, or residual oil having a nitrogen content of 0.30 weight percent or less shall upon request determine compliance with the nitrogen oxides standards under § 60.44b through the use of a 30-day performance test. During periods when performance tests are not requested, nitrogen oxides emissions data collected pursuant to § 60.48b(g)(1) or § 60.48b(g)(2) are used to calculate a 30-day rolling average emission rate on a daily basis and used to prepare excess emission reports, but will not be used to determine compliance with the nitrogen oxides emission standards. A new 30-day rolling average emission rate is calculated each steam generating unit operating day as the average of all of the hourly nitrogen oxides emission data for the preceding 30 steam generating unit operating days.

(5) If the owner or operator of an affected facility which combusts residual oil does not sample and analyze the residual oil for nitrogen content, as specified in § 60.49b(e), the requirements of paragraph (iii) of this section apply and the provisions of paragraph (iv) of this section are inapplicable.

(f) To determine compliance with the emission limit for nitrogen oxides required by § 60.44b(a)(4) for duct burners used in combined cycle systems, the owner or operator of an affected facility shall conduct the performance test required under § 60.8 using the nitrogen oxides and oxygen measurement procedures in 40 CFR Part 60 Appendix A, Method 20. During the performance test, one sampling site shall be located as close as practicable to the exhaust of the turbine, as provided by section 6.1.1 of Method 20. A second sampling site shall be located at the outlet to the steam generating unit. Measurements of nitrogen oxides and oxygen shall be taken at both sampling sites during the performance test. The nitrogen oxides emission rate from the combined cycle system shall be calculated by subtracting the nitrogen oxides emission rate measured at the sampling site at the outlet from the turbine from the nitrogen oxides emission rate measured at the sampling site at the outlet from the steam generating unit.

§ 60.47b Emission monitoring for sulfur dioxide.

(a) Except as provided in paragraph (b) of this section, the owner or operator of an affected facility subject to the sulfur dioxide standards under § 60.42b shall install, calibrate, maintain, and operate continuous emission monitoring systems (CEMS) for measuring sulfur dioxide concentrations and either oxygen (O_2) or carbon dioxide (CO_2) concentrations and shall record the output of the systems. The sulfur dioxide and either oxygen or carbon dioxide concentrations shall both be monitored at the inlet and outlet of the sulfur dioxide control device.

(b) As an alternative to operating CEMS as required under paragraph (a) of this section, an owner or operator may elect to determine the average sulfur dioxide emissions and percent reduction by:

(1) Collecting coal or oil samples in an as-fired condition at the inlet to the steam generating unit and analyzing them for sulfur and heat content according to Method 19. Method 19 provides procedures for converting these measurements into the format to be used in calculating the average sulfur dioxide input rate, or

(2) Measuring sulfur dioxide according to Method 6B at the inlet or outlet to the sulfur dioxide control system. An initial stratification test is required to verify the adequacy of the Method 6B sampling

location. The stratification test shall consist of three paired runs of a suitable sulfur dioxide and carbon dioxide measurement train operated at the candidate location and a second similar train operated according to the procedures in Section 3.2 and the applicable procedures in Section 7 of Performance Specification 2. Method 6B, Method 6A, or a combination of Methods 6 and 3 or Methods 6C and 3A are suitable measurement techniques. If Method 6B is used for the second train, sampling time and timer operation may be adjusted for the stratification test as long as an adequate sample volume is collected; however, both sampling trains are to be operated similarly. For the location to be adequate for Method 6B 24-hour tests, the mean of the absolute difference between the three paired runs must be less than 10 percent.

(3) A daily sulfur dioxide emission rate, E_o, shall be determined using the procedure described in Method 6A, Section 7.6.2 (Equation 6A–8) and stated in ng/J (lb/million Btu) heat input.

(4) The mean 30-day emission rate is calculated using the daily measured values in ng/J (lb/million Btu) for 30 successive steam generating unit operating days using equation 19–20 of Method 19.

(c) The owner or operator of an affected facility shall obtain emission data for at least 75 percent of the operating hours in at least 22 out of 30 successive boiler operating days. If this minimum data requirement is not met with a single monitoring system, the owner or operator of the affected facility shall supplement the emission data with data collected with other monitoring systems as approved by the Administrator or the reference methods and procedures as described in paragraph (b) of this section.

(d) The 1-hour average sulfur dioxide emission rates measured by the CEMS required by paragraph (a) of this section and required under § 60.13(h) is expressed in ng/J or lb/million Btu heat input and is used to calculate the average emission rates under § 60.42b. Each 1-hour average sulfur dioxide emission rate must be based on more than 30 minutes of steam generating unit operation and include at least 2 data points with each representing a 15-minute period. Hourly sulfur dioxide emission rates are not calculated if the affected facility is operated less than 30 minutes in a 1-hour period and are not counted toward determination of a steam generating unit operating day.

(e) The procedures under § 60.13 shall be followed for installation, evaluation, and operation of the CEMS.

(1) All CEMS shall be operated in accordance with the applicable procedures under Performance Specifications 1, 2, and 3 (Appendix B).

(2) Quarterly accuracy determinations and daily calibration drift tests shall be performed in accordance with Procedure 1 (Appendix F).

(3) For affected facilities combusting coal or oil, alone or in combination with other fuels, the span value of the sulfur dioxide CEMS at the inlet to the sulfur dioxide control device is 125 percent of the maximum estimated hourly potential sulfur dioxide emissions of the fuel combusted, and the span value of the CEMS at the outlet to the sulfur dioxide control device is 50 percent of the maximum estimated hourly potential sulfur dioxide emissions of the fuel combusted.

§ 60.48b Emission monitoring for particulate matter and nitrogen oxides.

(a) The owner or operator of an affected facility subject to the opacity standard under § 60.43b shall install, calibrate, maintain, and operate a continuous monitoring system for measuring the opacity of emissions discharged to the atmosphere and record the output of the system.

(b) Except as provided in paragraphs (g) and (h) of this section, the owner or operator of an affected facility subject to the nitrogen oxides standard of § 60.44b(a) shall install, calibrate, maintain, and operate a continuous monitoring system for measuring nitrogen oxides emissions discharged to the atmosphere and record the output of the system.

(c) The continuous monitoring systems required under paragraph (b) of this section shall be operated and data recorded during all periods of operation of the affected facility except for continuous monitoring system breakdowns and repairs. Data is recorded during calibration checks, and zero and span adjustments.

(d) The 1-hour average nitrogen oxides emission rates measured by the continuous nitrogen oxides monitor required by paragraph (b) of this section and required under § 60.13(h) shall be expressed in ng/J or lb/million Btu heat input and shall be used to calculate the average emission rates under § 60.44b. The 1-hour averages shall be calculated using the data points required under § 60.13(b). At least 2 data points must be used to calculate each 1-hour average.

(e) The procedures under § 60.13 shall be followed for installation, evaluation, and operation of the continuous monitoring systems.

(1) For affected facilities combusting coal, wood or municipal-type solid waste, the span value for a continuous monitoring system for measuring opacity shall be between 60 and 80 percent.

(2) For affected facilities combusting coal, oil, or natural gas, the span value for nitrogen oxides is determined as follows:

Fuel	Span values for nitrogen oxides (PPM)
Natural gas	500
Oil	500
Coal	1,000
Mixtures	500(x + y) + 1,000z

where:

x is the fraction of total heat input derived from natural gas,

y is the fraction of total heat input derived from oil, and

z is the fraction of total heat input derived from coal.

(3) All span values computed under paragraph (e)(2) of this section for combusting mixtures of regulated fuels are rounded to the nearest 500 ppm.

(f) When nitrogen oxides emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks and zero and span adjustments, emission data will be obtained by using standby monitoring systems, Method 7, Method 7A, or other approved reference methods to provide emission data for a minimum of 75 percent of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating unit operating days.

(g) The owner or operator of an affected facility that has a heat input capacity of 73 MW (250 million Btu/hour) or less, and which has an annual capacity factor for residual oil having a nitrogen content of 0.30 weight percent or less, natural gas, distillate oil, or any mixture of these fuels, greater than 10 percent (0.10) shall:

(1) Comply with the provisions of paragraphs (b), (c), (d), (e)(2), (e)(3), and (f) of this section, or

(2) Monitor steam generating unit operating conditions and predict nitrogen oxides emission rates as specified in a plan submitted pursuant to § 60.49b(c).

(h) The owner or operator of an affected facility which is subject to the nitrogen oxides standards of § 60.44b(a)(4) is not required to install or operate a continuous monitoring system to measure nitrogen oxides emissions.

(Approved by the Office of Management and Budget under control number 2060–0072)

§ 60.49b Reporting and recordkeeping requirements.

(a) The owner or operator of each affected facility shall submit notification of the date of initial startup, as provided by § 60.7. This notification shall include:

(1) The design heat input capacity of the affected facility and identification of the fuels to be combusted in the affected facility,

(2) If applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under § 60.42b(d)(1), § 60.43(b)(a)(2), § 60.43b(a)(3)(iii), § 60.43b(c)(2)(ii), § 60.43b(d)(2)(iii), § 60.44b(c), § 60.44b(d), § 60.44b(e), or § 60.45b(d),

(3) The annual capacity factor at which the owner or operator anticipates operating the facility based on all fuels fired and based on each individual fuel fired, and,

(4) Notification that an emerging technology will be used for controlling emissions of sulfur dioxide. The Administrator will examine the description of the emerging technology and will determine whether the technology qualifies as an emerging technology. In making this determination, the Administrator may require the owner or operator of the affected facility to submit additional information concerning the control device. The affected facility is subject to the provisions of § 60.42b(a) unless and until this determination is made by the Administrator.

(b) The owner or operator of each affected facility subject to the sulfur dioxide, particulate matter and nitrogen oxides emission limits under § 60.42b, § 60.43b, and § 60.44b, shall submit to the Administrator the performance test data from the initial performance test and the performance evaluation of the CEMS using the applicable performance specifications in Appendix B.

(c) The owner or operator of each affected facility subject to the nitrogen oxides standard of § 60.44b who seeks to demonstrate compliance with those standards through the monitoring of steam generating unit operating conditions under the provisions of § 60.48b(g)(2) shall submit to the Administrator for approval a plan that identifies the operating conditions to be monitored under § 60.48b(g)(2) and the records to be maintained under § 60.49b(j). This plan shall be submitted to the Administrator for approval within 360 days of the initial startup of the affected facility. The plan shall:

(1) Identify the specific operating conditions to be monitored and the relationship between these operating conditions and nitrogen oxides emission rates (i.e., ng/J or lbs/million Btu heat input). Steam generating unit operating conditions include, but are not limited to, the degree of staged combustion (i.e., the ratio of primary air to secondary and/or tertiary air) and the level of excess air (i.e., flue gas oxygen level);

(2) Include the data and information that the owner or operator used to identify the relationship between nitrogen oxides emission rates and these operating conditions;

(3) Identify how these operating conditions, including steam generating unit load, will be monitored under § 60.48b(g) on an hourly basis by the owner or operator during the period of operation of the affected facility; the quality assurance procedures or practices that will be employed to ensure that the data generated by monitoring these operating conditions will be representative and accurate; and the type and format of the records of these operating conditions, including steam generating unit load, that will be maintained by the owner or operator under § 60.49b(j).

If the plan is approved, the owner or operator shall maintain records of predicted nitrogen oxide emission rates and the monitored operating conditions, including steam generating unit load, identified in the plan.

(d) The owner or operator of an affected facility shall record and maintain records of the amounts of each fuel combusted during each day and calculate the annual capacity factor individually for coal, distillate oil, residual oil, natural gas, wood, and municipal-type solid waste for each calendar quarter. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month.

(e) For affected facilities that: (1) Combust residual oil having a nitrogen content of 0.3 weight percent or less; (2) have heat input capacities of 73 MW (250 million Btu/hour) or less; and (3) monitor nitrogen oxides emissions or steam generating unit operating conditions under § 60.48b(g), the owner or operator shall maintain records of the nitrogen content of the oil combusted in the affected facility and calculate the average fuel nitrogen content on a per calendar quarter basis. The nitrogen content shall be determined using ASTM Method D3431–80, Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons (IBR—see § 60.17), or fuel specification data obtained from fuel suppliers. If residual oil blends are being combusted, fuel nitrogen specifications may be prorated based on the ratio of residual oils of different nitrogen content in the fuel blend.

(f) For facilities subject to the opacity standard under § 60.43b, the owner or operator shall maintain records of opacity.

(g) For facilities subject to nitrogen oxides standards under § 60.44b, the owner or operator shall maintain records of the following information for each steam generating unit operating day:

(1) Calendar date.

(2) The average hourly nitrogen oxides emission rates (expressed as NO_x) (ng/J or lb/million Btu heat input) measured or predicted.

(3) The 30-day average nitrogen oxides emission rates (ng/J or lb/million Btu heat input) calculated at the end of each steam generating unit operating day from the measured or predicted hourly nitrogen oxide emission rates for the preceding 30 steam generating unit operating days.

(4) Identification of the steam generating unit operating days when the calculated 30-day average nitrogen oxides emission rates are in excess of the nitrogen oxides emissions standards under § 60.44b, with the reasons for such excess emissions as well as a description of corrective actions taken.

(5) Identification of the steam generating unit operating days for which pollutant data have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken.

(6) Identification of the times when emission data have been excluded from the calculation of average emission rates and the reasons for excluding data.

(7) Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.

(8) Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system.

(9) Description of any modifications to the continuous monitoring system that could affect the ability of the continuous monitoring system to comply with Performance Specification 2 or 3.

(10) Results of daily CEMS drift tests and quarterly accuracy assessments as required under Appendix F, Procedure 1.

(h) The owner or operator of any affected facility in any category listed in paragraphs (h) (1) or (2) of this section is required to submit excess emission reports for any calendar quarter during which there are excess emissions from the affected facility. If there are no excess emissions during the calendar quarter, the owner or operator shall submit a report semiannually stating

VOL 52 ISS 241 DEC 16 1987 UMI

that no excess emissions occurred during the semiannual reporting period.

(1) Any affected facility subject to the opacity standards under § 60.43b(e) or to the operating parameter monitoring requirements under § 60.13(i)(1).

(2) Any affected facility that is subject to the nitrogen oxides standard of § 60.44b, and that

(i) Combusts natural gas, distillate oil, or residual oil with a nitrogen content of 0.3 weight percent or less, or

(ii) Has a heat input capacity of 73 MW (250 million Btu/hour) or less and is required to monitor nitrogen oxides emissions on a continuous basis under § 60.48b(g)(1) or steam generating unit operating conditions under § 60.48b(g)(2).

(3) For the purpose of § 60.43b, excess emissions are defined as all 6-minute periods during which the average opacity exceeds the opacity standards under § 60.43b(f).

(4) For purposes of § 60.48b(g)(1), excess emissions are defined as any calculated 30-day rolling average nitrogen oxides emission rate, as determined under § 60.46b(e), which exceeds the applicable emission limits in § 60.44b.

(i) The owner or operator of any affected facility subject to the continuous monitoring requirements for nitrogen oxides under § 60.48(b) shall submit a quarterly report containing the information recorded under paragraph (g) of this section. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter.

(j) The owner or operator of any affected facility subject to the sulfur dioxide standards under § 60.42b shall submit written reports to the Administrator for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter.

(k) For each affected facility subject to the compliance and performance testing requirements of § 60.45b and the reporting requirement in paragraph (j) of this section, the following information shall be reported to the Administrator:

(1) Calendar dates covered in the reporting period.

(2) Each 30-day average sulfur dioxide emission rate (ng/J or lb/million Btu heat input) measured during the reporting period, ending with the last 30-day period in the quarter; reasons for noncompliance with the emission standards; and a description of corrective actions taken.

(3) Each 30-day average percent reduction in sulfur dioxide emissions calculated during the reporting period, ending with the last 30-day period in the quarter; reasons for noncompliance with the emission standards; and a description of corrective actions taken.

(4) Identification of the steam generating unit operating days that coal or oil was combusted and for which sulfur dioxide or diluent (oxygen or carbon dioxide) data have not been obtained by an approved method for at least 75 percent of the operating hours in the steam generating unit operating day; justification for not obtaining sufficient data; and description of corrective action taken.

(5) Identification of the times when emissions data have been excluded from the calculation of average emission rates; justification for excluding data; and description of corrective action taken if data have been excluded for periods other than those during which coal or oil were not combusted in the steam generating unit.

(6) Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.

(7) Identification of times when hourly averages have been obtained based on manual sampling methods.

(8) Identification of the times when the pollutant concentration exceeded full span of the CEMS.

(9) Description of any modifications to the CEMS that could affect the ability of the CEMS to comply with Performance Specification 2 or 3.

(10) Results of daily CEMS drift tests and quarterly accuracy assessments as required under Appendix F, Procedure 1.

(11) The annual capacity factor of each fired as provided under paragraph (d) of this section.

(l) For each affected facility subject to the compliance and performance testing requirements of § 60.45b(d) and the reporting requirements of paragraph (j) of this section, the following information shall be reported to the Administrator:

(1) Calendar dates when the facility was in operation during the reporting period;

(2) The 24-hour average sulfur dioxide emission rate measured for each steam generating unit operating day during the reporting period that coal or oil was combusted, ending in the last 24-hour period in the quarter; reasons for noncompliance with the emission standards; and a description of corrective actions taken;

(3) Identification of the steam generating unit operating days that coal or oil was combusted for which sulfur dioxide or diluent (oxygen or carbon dioxide) data have not been obtained by an approved method for at least 75 percent of the operating hours; justification for not obtaining sufficient data; and description of corrective action taken.

(4) Identification of the times when emissions data have been excluded from the calculation of average emission rates; justification for excluding data; and description of corrective action taken if data have been excluded for periods other than those during which coal or oil were not combusted in the steam generating unit.

(5) Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.

(6) Identification of times when hourly averages have been obtained based on manual sampling methods.

(7) Identification of the times when the pollutant concentration exceeded full span of the CEMS.

(8) Description of any modifications to the CEMS which could affect the ability of the CEMS to comply with Performance Specification 2 or 3.

(9) Results of daily CEMS drift tests and quarterly accuracy assessments as required under Appendix F, Procedure 1.

(m) For each affected facility subject to the sulfur dioxide standards under § 60.42b for which the minimum amount of data required under § 60.47b(f) were not obtained during a calendar quarter, the following information is reported to the Administrator in addition to that required under paragraph (k) of this section:

(1) The number of hourly averages available for outlet emission rates and inlet emission rates.

(2) The standard deviation of hourly averages for outlet emission rates and inlet emission rates, as determined in Method 19, Section 7.

(3) The lower confidence limit for the mean outlet emission rate and the upper confidence limit for the mean inlet emission rate, as calculated in Method 19, Section 7.

(4) The ratio of the lower confidence limit for the mean outlet emission rate and the allowable emission rate, as determined in Method 19, Section 7.

(n) If a percent removal efficiency by fuel pretreatment (i.e., % R_f) is used to determine the overall percent reduction (i.e., % R_o) under § 60.45b, the owner or operator of the affected facility shall submit a signed statement with the quarterly report:

(1) Indicating what removal efficiency by fuel pretreatment (i.e., % R_f) was credited for the calendar quarter;

(2) Listing the quantity, heat content, and date each pretreated fuel shipment was received during the previous calendar quarter; the name and location of the fuel pretreatment facility; and the total quantity and total heat content of all fuels received at the affected facility during the previous calendar quarter;

(3) Documenting the transport of the fuel from the fuel pretreatment facility to the steam generating unit.

(4) Including a signed statement from the owner or operator of the fuel pretreatment facility certifying that the percent removal efficiency achieved by fuel pretreatment was determined in accordance with the provisions of Method 19 (Appendix A) and listing the heat content and sulfur content of each fuel before and after fuel pretreatment.

(o) All records required under this section shall be maintained by the owner or operator of the affected facility for a period of 2 years following the date of such record.

[Approved by the Office of Management and Budget under control number 2060-0135]

4. 40 CFR Part 60, Appendix A, is amended by revising Method 19 to read as follows:

Appendix A to Part 60—[Amended]

Method 19—Determination of Sulfur Dioxide Removal Efficiency and Particulate Matter, Sulfur Dioxide, and Nitrogen Oxides Emission Rates

1. Applicability and Principle

1.1 Applicability. This method is applicable for (a) determining particulate matter (PM), sulfur dioxide (SO_2), and nitrogen oxides (NO_x) emission rates; (b) determining sulfur removal efficiencies of fuel pretreatment and SO_2 control devices; (c) determining overall reduction of potential SO_2 emissions from steam generating units or other sources as specified in applicable regulations; and (d) determining SO_2 rates based on fuel sampling and analysis procedures.

1.2 Principle.

1.2.1 Pollutant emission rates are determined from concentrations of PM, SO_2, or NO_x, and oxygen (O_2) or carbon dioxide (CO_2) along with F factors (ratios of combustion gas volumes to heat inputs).

1.2.2 An overall SO_2 emission reduction efficiency is computed from the efficiency of fuel pretreatment systems (optional) and the efficiency of SO_2 control devices.

1.2.3 The sulfur removal efficiency of a fuel pretreatment system is determined by fuel sampling and analysis of the sulfur and heat contents of the fuel before and after the pretreatment system.

1.2.4 The SO_2 removal efficiency of a control device is determined by measuring the SO_2 rates before and after the control device.

1.2.5 The inlet rates to SO_2 control systems and when SO_2 control systems are not used, SO_2 emission rates to the atmosphere may be determined by fuel sampling and analysis (optional).

2. Emission Rates of Particulate Matter, Sulfur Dioxide, and Nitrogen Oxides

Select from the following sections the applicable procedure to compute the PM, SO_2, or NO_x emission rate (E) in ng/J (lb/million Btu). The pollutant concentration must be in ng/scm (lb/scf) and the F factor must be in scm/J (scf/million Btu). If the pollutant concentration (C) is not in the appropriate units, use the following table to make the proper conversion:

CONVERSION FACTORS FOR CONCENTRATION

From	To	Multiply by
g/scm	ng/scm	10^9
mg/scm	ng/scm	10^6
lb/scf	ng/scm	1.602×10^{12}
ppm SO_2	ng/scm	2.66×10^6
ppm NO_x	ng/scm	1.912×10^6
ppm SO_2	lb/scf	1.660×10^{-7}
ppm NO_x	lb/scf	1.194×10^{-7}

An F factor is the ratio of the gas volume of the products of combustion to the heat content of the fuel. The dry F factor (F_d) includes all components of combustion less water, the wet F factor (F_w) includes all components of combustion, and the carbon F factor (F_c) includes only carbon dioxide.

Note: Since F_w factors include water resulting only from the combustion of hydrogen in the fuel, the procedures using F_w factors are not applicable for computing E from steam generating units with wet scrubbers or with other processes that add water (e.g., steam injection)

2.1 Oxygen-Based F Factor, Dry Basis. When measurements are on a dry basis for both O_2 (%O_{2d}) and pollutant (C_d) concentrations, use the following equation:

$$E = C_d F_d [20.9/(20.9 - \%O_{2d})] \quad \text{Eq. 19-1}$$

2.2 Oxygen-Based F Factor, Wet Basis. When measurements are on a wet basis for both O_2 (%O_{2w}) and pollutant (C_w) concentrations, use either of the following:

2.2.1 If the moisture fraction of ambient air (B_{wa}) is measured:

$$E = [C_w F_w 20.9]/[20.9(1 - B_{wa}) - \%O_{2w}] \quad \text{Eq. 19-2}$$

Instead of actual measurement, B_{wa} may be estimated according to the procedure below. (Note: The estimates are selected to ensure that negative errors will not be larger than −1.5 percent. However, positive errors, or over-estimation of emissions, of as much as 5 percent may be introduced depending upon the geographic location of the facility and the associated range of ambient moisture):

2.2.1.1 $B_{wa} = 0.027$. This value may be used at any location at all times.

2.2.1.2 B_{wa} = Highest monthly average of B_{wa} that occurred within the previous calendar year at the nearest Weather Service Station. This value shall be determined annually and may be used as an estimate for the entire current calendar year.

2.2.1.3 B_{wa} = Highest daily average of B_{wa} that occurred within a calendar month at the nearest Weather Service Station, calculated from the data from the past 3 years. This value shall be computed for each month and may be used as an estimate for the current respective calendar month.

2.2.2 If the moisture fraction (B_{ws}) of the effluent gas is measured:

$$E = C_w F_d [20.9/[20.9(1 - B_{ws}) - \%O_{2w}] \quad \text{Eq. 19-3}$$

2.3 Oxygen-Based F Factor, Dry/Wet Basis.

2.3.1 When the pollutant concentration is measured on a wet basis (C_w) and O_2 concentration is measured on a dry basis (%O_{2d}), use the following equation:

$$E = [(C_w F_d)/(1 - B_{ws})]/[20.9/(20.9 - \%O_{2d})] \quad \text{Eq. 19-4}$$

2.3.2 When the pollutant concentration is measured on a dry basis (C_d) and the O_2 concentration is measured on a wet basis (%O_{2w}), use the following equation:

$$E = [C_d F_d 20.9]/[20.9 - O_{2w}/(1 - B_{ws})] \quad \text{Eq. 19-5}$$

2.4 Carbon Dioxide-Based F Factor, Dry Basis. When measurements are on a dry basis for both CO_2 (%CO_{2d}) and pollutant (C_d) concentrations, use the following equation:

$$E = C_d F_c (100/\%CO_{2d}) \quad \text{Eq. 19-6}$$

2.5 Carbon Dioxide-Based F Factor, Wet Basis. When measurements are on a wet basis for both CO_2 (%CO_{2w}) and pollutant (C_w) concentrations, use the following equation:

$$E = C_w F_c (100/\%CO_{2w}) \quad \text{Eq. 19-7}$$

2.6 Carbon Dioxide-Based F Factor, Dry/Wet Basis.

2.6.1 When the pollutant concentration is measured on a wet basis (C_w) and CO_2 concentration is measured on a dry basis (%CO_{2d}), use the following equation:

$$E = [C_w F_c/(1 - B_{ws})] (100/\%CO_{2d}) \quad \text{Eq. 19-8}$$

2.6.2 When the pollutant concentration is measured on a dry basis (C_d) and CO_2 concentration is measured on a wet basis (%CO_{2w}), use the following equation:

$$E = C_d (1 - B_{ws}) F_c (100/\%CO_{2w}) \quad \text{Eq. 19-9}$$

2.7 Direct-Fired Reheat Fuel Burning. The effect of direct-fired reheat fuel burning (for the purpose of raising the temperature of the exhaust effluent from wet scrubbers to above the moisture dew-point) on emission rates will be less than ±1.0 percent and, therefore, may be ignored.

2.8 Combined Cycle-Gas Turbine Systems. For gas turbine-steam generator combined cycle systems, determine the emissions from the steam generating unit or the percent reduction in potential SO_2 emissions as follows:

2.8.1 Compute the emission rate from the steam generating unit using the following equation:

$$E_{bo} = E_{co} + (H_s/H_b)(E_{co} - E_s) \quad \text{Eq. 19-10}$$

where:

E_{bo} = pollutant emission rate from the steam generating unit, ng/J (lb/million Btu).

E_{co} = pollutant emission rate in combined effluent, ng/J (lb/million Btu).

E_g = pollutant rate from gas turbine, ng/J (lb/million Btu).
H_b = heat input rate to the steam generating unit from fuels fired in the steam generating unit, J/hr (million Btu/hr).
H_g = heat input rate to gas turbine from all fuels fired in the gas turbine, J/hr (million Btu/hr).

2.8.1.1 Use the test methods and procedures section of Subpart GG to obtain E_{co} and E_w. Do not use F_w factors for determining E_g or E_{ss}. If an SO_2 control device is used, measure E_{co} after the control device.

2.8.1.2 Suitable methods shall be used to determine the heat input rates to the steam generating units (H_b) and the gas turbine (H_g).

2.8.2 If a control device is used, compute the percent of potential SO_2 emissions (% P_s) using the following equations:

$E_{ci} = E_{co} - (H_g/H_b)(E_{co} - E_g)$ Eq. 19–11

$\% P_s = 100\ (1 - E_{ss}/E_{ci})$ Eq. 19–12

where:

E_{ci} = pollutant rate from the steam generating unit, ng/J (lb/million Btu)
E_{ci} = pollutant rate in combined effluent, ng/J (lb/million Btu).

Use the test methods and procedures section of Subpart GG to obtain E_{co} and E_w. Do not use F_w factors for determining E_w or E_{ci}.

3. F Factors

Use an average F factor according to Section 3.1 or determine an applicable F factor according to Section 3.2. If combined fuels are fired, prorate the applicable F factors using the procedure in Section 3.3.

3.1 Average F Factors. Average F factors (F_d, F_w, or F_c) from Table 19–1 may be used.

TABLE 19–1.—F FACTORS FOR VARIOUS FUELS [1]

Fuel type	F_d		F_w		F_c	
	dscm/J	dscf/10^6 Btu	wscm/J	wscf/10^6 Btu	scm/J	scf/10^6 Btu
Coal:						
Anthracite [2]	2.71×10^{-7}	10,100	2.83×10^{-7}	10,540	0.530×10^{-7}	1,970
Bituminous [2]	2.63×10^{-7}	9,780	2.86×10^{-7}	10,640	0.484×10^{-7}	1,800
Lignite	2.65×10^{-7}	9,860	3.21×10^{-7}	11,950	0.513×10^{-7}	1,910
Oil [3]	2.47×10^{-7}	9,190	2.77×10^{-7}	10,320	0.383×10^{-7}	1,420
Gas:						
Natural	2.43×10^{-7}	8,710	2.85×10^{-7}	10,610	0.287×10^{-7}	1,040
Propane	2.34×10^{-7}	8,710	2.74×10^{-7}	10,200	0.321×10^{-7}	1,190
Butane	2.34×10^{-7}	8,710	2.79×10^{-7}	10,390	0.337×10^{-7}	1,250
Wood	2.48×10^{-7}	9,240			0.492×10^{-7}	1,830
Wood Bark	2.58×10^{-7}	9,600			0.516×10^{-7}	1,920
Municipal	2.57×10^{-7}	9,570			0.488×10^{-7}	1,820
Solid Waste						

[1] Determined at standard conditions: 20 °C (68 °F) and 760 mm Hg (29.92 in. Hg).
[2] As classified according to ASTM D388–77.
[3] Crude, residual, or distillate.

3.2 Determined F Factors. If the fuel burned is not listed in Table 19–1 or if the owner or operator chooses to determine an F factor rather than use the values in Table 19–1, use the procedure below:

3.2.1 Equations. Use the equations below, as appropriate, to compute the F factors:

$F_d = K[(K_{hd}\%H) + (K_c\%C) + (K_s\%S) + (K_n\%N) - (K_o\%O)]/GCV$ Eq. 19–13

$F_w = K[(K_{hw}\%H) + (K_c\%C) + (K_s\%S) + (K_n\%N) - (K_o\%O) + (K_w\%H_2O)]/GCV_w$ Eq. 19–14

$F_c = K(K_{cc}\%C)/GCV$ Eq. 19–15

(Note.—Omit the $\%H_2O$ term in the equations for F_w if %H and %O include the unavailable hydrogen and oxygen in the form of H_2O.)

where:

F_d, F_w, F_c = volumes of combustion components per unit of heat content, scm/J (scf/million Btu).
%H, %C, %S, %N, %O, and $\%H_2O$ = concentrations of hydrogen, carbon, sulfur, nitrogen, oxygen, and water from an ultimate analysis of fuel, weight percent.
GCV = gross calorific value of the fuel consistent with the ultimate analysis, kJ/kg (Btu/lb).
K = conversion factor, 10^{-5} (kJ/J)/(%) [10^{-6} Btu/million Btu].
$K_{hd} = 22.7$ (scm/kg)/[(3.64 (scf/lb)/(%)].
$K_c = 9.57$ (scm/kg)/[1.53 (scf/lb)/(%)].
$K_s = 3.54$ (scm/kg) [(0.57 (scf/lb)/(%)].
$K_n = 0.86$ (scm/kg [0.14 (scf/lb)/(%)].
$K_o = 2.85$ (scm/kg) [0.46 (scf/lb)/(%)].
$K_{hw} = 34.74$ (scm/kg) [(5.57 (scf/lb)/(%)].
$K_w = 1.30$ (scm/kg) [(0.21 (scf/lb)/(%)].
$K_{cc} = 2.0$ (scm/kg) [(0.321 (scf/lb)/(%)].

3.2.2 Use applicable sampling procedures in Section 5.2.1 or 5.2.2 to obtain samples for analyses.

3.2.3 Use ASTM D3176–74 (incorporated by reference—see § 60.17) for ultimate analysis of the fuel.

3.2.4 Use applicable methods in Section 5.2.1 or 5.2.2 to determine the heat content of solid or liquid fuels. For gaseous fuels, use ASTM D1826–77 (IBR—see § 60.17) to determine the heat content.

3.3 F Factors for Combination of Fuels. If combinations of fuels are burned, use the following equations, as applicable unless otherwise specified in applicable subpart:

$$F_d = \sum_{k=1}^{n} X_k F_{dk} \quad \text{Eq. 19-16}$$

$$F_w = \sum_{k=1}^{n} X_k F_{wk} \quad \text{Eq. 19-17}$$

$$F_c = \sum_{k=1}^{n} X_k F_{ck} \quad \text{Eq. 19-18}$$

where:

X_k = fraction of total heat input from each type of fuel k.

n = number of fuels being burned in combination.

4. Determination of Average Pollutant Rates

4.1 Average Pollutant Rates from Hourly Values. When hourly average pollutant rates (E_h), inlet or outlet, are obtained (e.g., CEMS values), compute the average pollutant rate (E_a) for the performance test period (e.g., 30 days) specified in the applicable regulation using the following equation:

$$E_a = (1/H) \sum_{j=1}^{n} E_{hj} \quad \text{Eq. 19-19}$$

where:

E_a = average pollutant rate for the specified performance test period, ng/J (lb/million Btu).
E_h = hourly average pollutant, ng/J (lb/million Btu).
H = total number of operating hours for which pollutant rates are determined in the performance test period.

4.2 Average Pollutant Rates from Other than Hourly Averages. When pollutant rates are determined from measured values representing longer than 1-hour periods (e.g., daily fuel sampling and analyses or Method 6B values), or when pollutant rates are determined from combinations of 1-hour and longer than 1-hour periods (e.g., CEMS and Method 6B values), compute the average pollutant rate (E_a) for the performance test period (e.g., 30 days) specified in the applicable regulation using the following equation:

$$E_a = \left[\sum_{j=1}^{D} (n_d E_d)_j\right] / \sum_{j=1}^{D} n_{dj} \quad \text{Eq. 19-20}$$

where:

E_a = average pollutant rate for each sampling period (e.g., 24-hr Method 6B sample or 24-hr fuel sample) or for each fuel lot (e.g., amount of fuel bunkered), ng/J (lb/million Btu).
n_d = number of operating hours of the affected facility within the performance test period for each E_d determined.
D = number of sampling periods during the performance test period.

5. Determination of Overall Reduction in Potential Sulfur Dioxide Emission

5.1 Overall Percent Reduction. Compute the overall percent SO_2 reduction ($\%R_o$) using the following equation:

$\%R_o = 100\ [1.0 - (1.0 - \%R_f/100)(1.0 - \%R_s/100)]$ Eq. 19–21

where:

$\%R_f$ = SO_2 removal efficiency from fuel pretreatment, percent.
$\%R_s$ = SO_2 removal efficiency of the control device, percent.

5.2 Pretreatment Removal Efficiency (Optional). Compute the SO_2 removal efficiency from fuel pretreatment ($\%R_f$) for the averaging period (e.g., 90 days) as specified in the applicable regulation using the following equation:

$$\%R_f = 100\ (1.0 - [\sum_{j=1}^{n} (\%S_{pj}/GCV_{pj})\ L_{pj}]/[\sum_{j=1}^{n} (\%S_{rj}/GCV_{rj})\ L_{rj}]) \quad \text{Eq. 19-22}$$

where:

$\%S_p$, $\%S_r$ = sulfur content of the product and raw fuel lots, respectively, dry basis weight percent.
GCV_p, GCV_r = gross calorific value for the product and raw fuel lots, respectively, dry basis, kg/kg (Btu/lb).
L_p, L_r = weight of the product and raw fuel lots, respectively, metric ton (ton).
n = number of fuel lots during the averaging period.

Note: In calculating $\%R_f$, include %S and GCV values for all fuel lots that are not pretreated and are used during the averaging period.

5.2.1 Solid Fossil (Including Waste) Fuel—Sampling and Analysis.

Note: For the purposes of this method, raw fuel (coal or oil) is the fuel delivered to the desulfurization (pretreatment) facility. For oil, the input oil to the oil desulfurization process (e.g., hydrotreatment) is considered to be the raw fuel.

5.2.1.1 Sample Increment Collection. Use ASTM D2234–76 (IBR—see § 60.17), Type I, Conditions A, B, or C, and systematic spacing. As used in this method, systematic spacing is intended to include evenly spaced increments in time or increments based on equal weights of coal passing the collection area.

As a minimum, determine the number and weight of increments required per gross sample representing each coal lot according to Table 2 or Paragraph 7.1.5.2 of ASTM D2234–76. Collect one gross sample for each lot of raw coal and one gross sample for each lot of product coal.

5.2.1.2 ASTM Lot Size. For the purpose of Section 5.2 (fuel pretreatment), the lot size of product coal is the weight of product coal from one type of raw coal. The lot size of raw coal is the weight of raw coal used to produce one lot of product coal. Typically, the lot size is the weight of coal processed in a 1-day (24-hour) period. If more than one type of coal is treated and produced in 1 day, then gross samples must be collected and analyzed for each type of coal. A coal lot size equaling the 90-day quarterly fuel quantity for a steam generating unit may be used if representative sampling can be conducted for each raw coal and product coal.

Note: Alternative definitions of lot sizes may be used, subject to prior approval of the Administrator.

5.2.1.3 Gross Sample Analysis. Use ASTM D2013–72 to prepare the sample, ASTM D3177–75 or ASTM D4239–85 to determine sulfur content (%S), ASTM D3173–73 to determine moisture content, and ASTM D2015–77 or ASTM D3286–85 to determine gross calorific value (GCV) (all methods cited IBR—see § 60.17) on a dry basis for each gross sample.

5.2.2 Liquid Fossil Fuel—Sampling and Analysis. See Note under Section 5.2.1.

5.2.2.1 Sample Collection. Follow the procedures for continuous sampling in ASTM D270–65 (Reapproved 1975) (IBR—see § 60.17) for each gross sample from each fuel lot.

5.2.2.2 Lot Size. For the purpose of Section 5.2 (fuel pretreatment), the lot size of a product oil is the weight of product oil from one pretreatment facility and intended as one shipment (ship load, barge load, etc.). The lot size of raw oil is the weight of each crude liquid fuel type used to produce a lot of product oil.

Note: Alternative definitions of lot sizes may be used, subject to prior approval of the Administrator.

5.2.2.3 Sample Analysis. Use ASTM D129–64 (Reapproved 1978), ASTM D1552–83, or ASTM D4057–81 to determine the sulfur content (%S) and ASTM D240–76 (all methods cited IBR—see § 60.17) to determine the GCV of each gross sample. These values may be assumed to be on a dry basis. The owner or operator of an affected facility may elect to determine the GCV by sampling the oil combusted on the first steam generating unit operating day of each calendar month and then using the lowest GCV value of the three GCV values per quarter for the GCV of all oil combusted in that calendar quarter.

5.2.3 Use appropriate procedures, subject to the approval of the Administrator, to determine the fraction of total mass input derived from each type of fuel.

5.3 Control Device Removal Efficiency. Compute the percent removal efficiency ($\%R_s$

of the control device using the following equation:

$$\%R_g = 100[1.0 - E_{so}/E_{si}] \quad \text{Eq. 19-23}$$

where:

E_{so}, E_{si} = average pollutant rate of the control device, outlet and inlet, respectively, for the performance test period, ng/J (lb/million Btu).

5.3.1 Use continuous emission monitoring systems or test methods, as appropriate, to determine the outlet SO_2 rates and, if appropriate, the inlet SO_2 rates. The rates may be determined as hourly (E_h) or other sampling period averages (E_a). Then, compute the average pollutant rates for the performance test period (E_{so} and E_{si}) using the procedures in Section 4.

5.3.2 As an alternative, as-fired fuel sampling and analysis may be used to determine inlet SO_2 rates as follows:

5.3.2.1 Compute the average inlet SO_2 rate (E_{di}) for each sampling period using the following equation:

$$E_{di} = K\,(\%S/GCV) \quad \text{Eq. 19-24}$$

where:

E_{di} = average inlet SO_2 rate for each sampling period d, ng/J (lb/million Btu)

% S = sulfur content of as-fired fuel lot, dry basis, weight percent.

GCV = gross calorific value of the fuel lot consistent with the sulfur analysis, kJ/kg (Btu/lb).

$K = 2\times10^7$[(kg)(ng)/(%)(J)]{2×10^4[(lb)(Btu/(%))(million Btu)}

After calculating E_{di} use the procedures in Section 4.2 to determine the average inlet SO_2 rate for the performance test period (E_{si}).

5.3.2.2 Collect the fuel samples from a location in the fuel handling system that provides a sample representative of the fuel bunkered or consumed during a steam generating unit operating day.

For the purpose of as-fired fuel sampling under Section 5.3.2 or Section 6, the lot size for coal is the weight of coal bunkered or consumed during each steam generating unit operating day. The lot size for oil is the weight of oil supplied to the "day" tank or consumed during each steam generating unit operating day.

For reporting and calculation purposes, the gross sample shall be identified with the calendar day on which sampling began. For steam generating unit operating days when a coal-fired steam generating unit is operated without coal being added to the bunkers, the coal analysis from the previous "as bunkered" coal sample shall be used until coal is bunkered again. For steam generating unit operating days when an oil-fired steam generating unit is operated without oil being added to the oil "day" tank, the oil analysis from the previous day shall be used until the "day" tank is filled again.

Alternative definitions of fuel lot size may be used, subject to prior approval of the Administrator.

5.3.2.3 Use ASTM procedures specified in Section 5.2.1 or 5.2.2 to determine the sulfur contents (%S) and gross calorific values (GCV).

6. Sulfur Retention Credit for Compliance Fuel

If fuel sampling and analysis procedures in Section 5.2.1 are being used to determine average SO_2 emission rates (E_{so}) to the atmosphere from a coal-fired steam generating unit when there is no SO_2 control device, the following equation may be used to adjust the emission rate for sulfur retention credits (no credits are allowed for oil-fired systems) (E_{di}) for each sampling period using the following equation:

$$E_{di} = 0.97\,K\,(\%S/GCV) \quad \text{Eq. 19-25}$$

where:

E_{di} = average inlet SO_2 rate for each sampling period d, ng/J (lb/million Btu)

%S = sulfur content of as-fired fuel lot, dry basis, weight percent.

GCV = gross calorific value of the fuel lot consistent with the sulfur analysis, kJ/kg (Btu/lb).

$K = 2\times10^7$[(kg)(ng)/(%)(J)] {2×10^4[(lb)(Btu/(%))(million Btu)}

After calculating E_{di} use the procedures in Section 4-2 to determine the average SO_2 emission rate to the atmosphere for the performance test period (E_{so}).

7. Determination of Compliance When Minimum Data Requirement Is Not Met

7.1 Adjusted Emission Rates and Control Device Removal Efficiency. When the minimum data requirement is not met, the Administrator may use the following adjusted emission rates or control device removal efficiencies to determine compliance with the applicable standards.

7.1.1 Emission Rate. Compliance with the emission rate standard may be determined by using the lower confidence limit of the emission rate (E_{so}^*) as follows:

$$E_{so}^* = E_{so} - t_{0.95}\,S_o \quad \text{Eq. 19-26}$$

where:

S_o = standard deviation of the hourly average emission rates for each performance test period, ng/J (lb/million Btu).

$t_{0.95}$ = values shown in Table 19-2 for the indicated number of data points n.

7.1.2 Control Device Removal Efficiency. Compliance with the overall emission reduction ($\%R_g$) may be determined by using the lower confidence limit of the emission rate (E_{so}^*) and the upper confidence limit of the inlet pollutant rate (E_{si}^*) in calculating the control device removal efficiency ($\%R_g$) as follows:

$$\%R_g = 100\,[1.0 - E_{so}^*/E_{si}^*] \quad \text{Eq. 19-27}$$

$$E_{si}^* = E_{si} + t_{0.95}\,S_i \quad \text{Eq. 19-28}$$

where:

S_i = standard deviation of the hourly average inlet pollutant rates for each performance test period, ng/J (lb/million Btu).

TABLE 19-2.—VALUES FOR $T_{0.95}$

n[1]	$t_{0.95}$	n[1]	$t_{0.95}$	n[1]	$t_{0.95}$
2	6.31	8	1.89	22-26	1.71
3	2.42	9	1.86	27-31	1.70
4	2.35	10	1.83	32-51	1.68
5	2.13	11	1.81	59-91	1.67
6	2.02	12-16	1.77	92-151.	1.66
7	1.94	17-21	1.73	152 or more.	1.65

[1] The values of this table are corrected for n-1 degrees of freedom. Use n equal to the number (H) of hourly average data points.

7.2 Standard Deviation of Hourly Average Pollutant Rates. Compute the standard deviation (S_o) of the hourly average pollutant rates using the following equation:

$$\sqrt{(1/H) - (1/H_r)}\quad\left(\sqrt{\left[\sum_{j=1}^{H}(E_{hj} - E_a)^2\right]/(H-1)}\right) \quad \text{Eq. 19-29}$$

where:

S = standard deviation of the hourly average pollutant rates for each performance test period, ng/J (lb/million Btu).

H_r = total numbers of hours in the performance test period (e.g., 720 hours for 30-day performance test period).

Equation 19-29 may be used to compute the standard deviation for both the outlet (S_o) and, if applicable, inlet (S_i) pollutant rates.

[FR Doc. 87-28216 Filed 12-15-87; 8:45 am]

BILLING CODE 6560-50-M

federal register

Wednesday
December 16, 1987

Part III

Environmental Protection Agency

40 CFR Parts 86 and 600

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines and Fuel Economy of Motor Vehicles; Emissions Certification and Test Procedures, Fuel Economy Test Procedures; Technical Amendments; Final Rule

VOL 52 ISS 241 DEC 16 1987 UMI

VOL 52 ISS 241 DE 16 1987 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 86 and 600

[AMS-FRL-3255-2]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines and Fuel Economy of Motor Vehicles; Emissions Certification and Test Procedures, Fuel Economy Test Procedures; Technical Amendments

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This final rule makes a variety of technical amendments to the procedures used to test vehicles and engines for compliance with emission standards. Principle among these amendments is the delay of the 1988 oxides of nitrogen (NO_x) exhaust emission standards for heavy-duty gasoline and diesel engines and certain light-duty trucks to the 1990 model year. The light-duty trucks affected are those with gross vehicle weights exceeding 6,000 lbs. The nonconformance penalties (NCPs) available for heavy-duty diesel engine NO_x emissions are also delayed to the 1990 model year. The changes are being made in accordance with a remand from the United States Court of Appeals for the District of Columbia Circuit. Also among these amendments is the inclusion of a special preconditioning procedure for diesel-fueled vehicles that have experienced either a long period of non-use or only very short, intermittent operation over an extended period of time immediately prior to emissions testing. The new procedure should result in more accurate measurement of particulate emissions from these vehicles. The remaining technical amendments correct minor errors that have been found in the vehicle certification and test procedure regulations, provide increased flexibility without affecting the stringency of applicable requirements, or make minor modifications to the regulatory language to improve its clarity.

DATE: This final rule is effective December 16, 1987. However, manufacturers may elect to delay test procedure-related changes it cannot easily implement immediately for up to six months following publication.

ADDRESS: Material relevant to this rulemaking may be obtained from the U.S. Environmental Protection Agency, Office of Mobile Sources, Emission Control Technology Division, Standards Development and Support Branch, 2565 Plymouth Road, Ann Arbor, MI 48105.

FOR FURTHER INFORMATION CONTACT: John Mueller, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, Telephone: (313) 668–4275.

SUPPLEMENTARY INFORMATION: This final rulemaking contains technical amendments to 40 CFR Part 86 (Control of Air Pollution for New Motor Vehicles and New Motor Vehicles Engines: Certification and Test Procedures) and 40 CFR Part 600 (Fuel Economy of Motor Vehicles). These amendments: (1) Delay the 1988 NO_x exhaust emission standards for heavy-duty gasoline and diesel engines and light-duty trucks exceeding 6,000 lbs. in gross vehicle weight to the 1990 model year; (2) allow a special preconditioning procedure to stabilize the exhaust systems of diesel-fueled light-duty vehicles and trucks (LDDs) that have experienced either an extended period of inactivity or intermittent, limited usage immediately prior to emissions testing; and (3) make other minor changes to the regulations. These technical amendments are briefly described below.

Heavy-duty Engine NO_x Standards

NO_x exhaust standards for 1988 and later model year light-duty trucks, heavy-duty gasoline and heavy-duty diesel engines were promulgated by EPA on March 15, 1985 [50 FR 10606]. These standards limit the NO_x exhaust emissions of heavy-duty vehicles or engines (HDVs) to 6.0 grams per brake horsepower-hour (g/BHP-hr), as measured under transient operating conditions. For light-duty trucks, the NO_x standards are 1.2 grams per vehicle mile (g/mi) for trucks up to and including 3,750 lbs. loaded vehicle weight (LVW), and 1.7 g/mi for trucks exceeding 3,750 lbs. LVW.

In response to the Agency's action, the Engine Manufacturers Association (EMA) and others sued EPA, arguing among other things that the 1988 implementation date for the NO_x standards affecting HDVs did not allow for four years of lead time, as required by section 202(a)(3)(B) of the Clean Air Act. EPA had provided a shorter lead time, since the statute also required promulgation of revised NOx standards by 1985, and since the lead time provided was adequate to meet the standards set. The United States Court of Appeals for the District of Columbia Circuit found that EPA nevertheless was required to provide four years of lead time and thus that the NO_x standards for all heavy-duty engines could not go into effect until the 1990 model year.[1] Since section 202(a)(3)(B)'s four-year lead time requirement applies to all vehicles with gross vehicle weights (GVW) exceeding 6,000 lbs, the court also found that the NO_x standard for heavier light-duty trucks (those exceeding 6,000 lbs. GVW) must also be delayed until 1990.

In response to the Court's remand, this technical amendment package changes the 1988 effective date of the NO_x standards to the 1990 model year. This delay in the effective date applies to heavy-duty engines and heavy light-duty trucks having a gross vehicle weight exceeding 6,000 lbs. As a result, the NO_x standards which were to have been superseded in the 1988 model year will continue in effect through the 1989 model year. These standards are 10.7 g/BHP-hr for HDVs and 2.3 g/mi for light-duty trucks over 6,000 lbs GVW. Light-duty trucks over 3,750 lbs LVW but under 6,000 lbs GVW remain subject to the 1.7 g/mi standard.

Two other provisions directly tied to the NO_x standards are also delayed. These are the NO_x non-conformance penalties and the NO_x averaging provisions. Since the delayed standard for light-duty trucks might force manufacturers to split some engine families between the older 2.3 g/mi standard and the 1.2/1.7 g/mi standards, an option is also included by which manufacturers may elect to certify some or all of their over 6,000 lb. GVW light-duty truck families to the 1.2/1.7 g/mi NO_x standards (and related regulatory provisions).

Special Preconditioning Procedure

At the EPA Public Workshop on Particulate Test Procedures held in July 1985, both Daimler-Benz and Peugeot submitted evidence which they said showed that "abnormal treatment" of light-duty diesels (LDDs) immediately prior to certification testing can have a substantial adverse effect on particulate test results. The claimed abnormal treatment consisted of long periods of non-use or only minimal operation and/or transportation of the vehicle or truck without its engine running. The claimed effect on emissions was an often drastic, but very temporary, increase in measured particulate. As the manufacturers pointed out, such an unrepresentative emissions increase could cause the vehicle to fail the more stringent particulate standards that became effective in the 1987 model year.

Both manufacturers argued that their laboratory tests show that the increase in particulate emissions is due to the inclusion of large, non-combustion related particles in the particulate sample. These large particles apparently are the result of exhaust system rusting and normal muffler deterioration. Long periods of minimal usage appear to lead to the accumulation of a large quantity of this material in the exhaust system. The accumulation may be further increased by the loosening of such material during the transporting of LDDs. This accumulated material is subsequently collected during compliance testing. In addition, the manufacturers claimed that these particles are the same as those emitted, but not measured, from gasoline-fueled vehicles which received similarly abnormal treatment prior to testing.

Manufacturers may have been permitted to precondition an LDD before conducting the emissions test to stabilize the exhaust system. As specified in § 86.132–82(a)(3), up to three cycles of the Urban Dynamometer Driving Schedule (UDDS) may be performed for this purpose. However, the manufacturers claimed their test data show that the current preconditioning procedure is insufficient to adequately purge the non-carbonaceous material from the exhaust systems of abnormally handled vehicles when testing at low particulate levels. As an alternative, Daimler-Benz recommended a special preconditioning cycle which would stabilize the exhaust systems over a relatively short period of operation. Daimler-Benz also subsequently submitted additional test data to support this recommendation.

During this period, Peugeot also provided the Agency with a suggested preconditioning procedure and supporting data. Peugeot's recommended preconditioning cycle is based upon a current driving schedule: the Highway Fuel Economy Driving Schedule. The special preconditioning suggested by Peugeot is composed of two highway fuel economy test schedules run in succession, with the dynamometer set to simulate twice the normal road load specified in § 86.129–80. This procedure is simpler, shorter, and, since it uses a current driving schedule, easier to implement than the cycle proposed by Daimler-Benz. Peugeot stated that its procedure is equivalent in its effect to the Daimler-Benz preconditioning cycle. Daimler-Benz has agreed that Peugeot's recommended procedure is satisfactory.

In reviewing the test data supplied by the manufacturers, the Agency finds that the significant concentration of non-carbonaceous matter collected from abnormally treated vehicles during the emissions test is not representative of normal vehicle operation, and was not observed in the baseline test data used to set the relevant standards. Consequently, allowing this unrepresentative particulate matter to be purged from the exhaust systems of abnormally treated vehicles should not affect the stringency of the standards. Therefore, EPA has decided to allow the special preconditioning procedure recommended by Peugeot for abnormally treated vehicles. Of course, the opportunity to use this new procedure will be available to any manufacturer whose LDD meets the criteria for abnormal treatment.

For the purposes of determining the availability of the special preconditioning procedure, an "abnormally treated" vehicle is defined as an LDD that is operated for less than five miles in the thirty-day period immediately prior to emissions testing. The standard preconditioning treatment of up to three urban diesel driving schedules will continue to be available for vehicles in storage for less than this time.

A vehicle which has not been in storage but has had non-carbonaceous matter loosened by transportation without engine operation is not included in the definition of an "abnormally treated" vehicle. While not judging the significance of this transportation-induced effect, EPA believes it can easily be avoided; the regulations do not require the manufacturers to deliver their vehicles to EPA's Motor Vehicle Emissions Laboratory for testing without the vehicles' engines running. Test vehicles may be driven to the testing facility, thus preventing any transportation-related loosening of non-carbonaceous material. (Advisory Circular 23A discusses the shipment of light-duty vehicles and trucks to the EPA for testing.) Therefore, EPA sees no need to include vehicles not driven to EPA's testing facility in the definition of an "abnormally treated" vehicle.

Particulate Test Procedure

A significant number of these technical amendments make minor changes to the heavy-duty diesel engine (HDDE) particulate test procedure. Because this test procedure will be used to certify HDDEs to the MY 1988 particulate standards, it is important that any uncertainties or questions be resolved. Therefore, EPA has been working closely with the Engine Manufacturers Association (EMA) to identify areas of the test procedure which should be changed or clarified to provide a more accurate measurement of particulate emissions.

Among these changes are a variety of amendments intended to clarify and increase the flexibility of the procedures for the storing and weighing of reference and sample particulate filters. Also included are amendments which will provide additional flexibility at the beginning of sampling to allow for transient start-up effects of the particulate sampling system. The remainder of the technical amendments concerning the HDDE particulate test procedure are intended to clarify ambiguous wording, allow the manufacturers more flexibility where possible and correct errors and past omissions.

Other Technical Amendments

The remaining amendments contained in this rulemaking make minor changes to allow more flexibility in complying with the applicable requirements, clarify the regulatory intent, or correct errors. Each of these minor amendments and the rationale for each change are summarized in the Appendix to this preamble.

Public Participation

By issuing these amendments directly as a final rule, EPA is foregoing the issuance of a Notice of Proposed Rulemaking (NPRM). Such a curtailed procedure is permitted by section 307(d) of the Clean Air Act when the Agency for good cause finds that issuance of a proposal is impracticable, unnecessary or contrary to the public interest. EPA finds that in this case. One purpose of this action is to conform the effective dates of the HDE NO_x standards to the D.C. Circuit's decision in *NRDC v. Thomas*. Since the court's 1986 opinion specified the required delay, the vehicle manufacturers have been forewarned of the change in effective dates, and there is no issue for public comment. The other revisions made by this rule are all minor and technical in nature as they make no significant changes to applicable regulatory requirements. For the same reasons, EPA finds that there is good cause to make these amendments effective on the date of publication.

Regulatory Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because the amendments make only minor and technical changes. Also, this regulation will not result in increased

[1] *Natural Resources Defense Council* v. *Thomas*, 805 F.2d 410, 436 (D.C. Cir. 1986).

BEST COPY AVAILABLE

VOL 52 ISS 241 DE 16 1987 UMI

costs for consumers, industries, or others, nor should it have adverse effects on competition, employment, investment, or productivity.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Reporting and Recordkeeping Requirements

The information collection requirements contained in the rules that this action amends have been approved by OMB and assigned OMB Control Number 2060-0104. The amendments contained in this final rule have no effect on the existing reporting or recordkeeping burden.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Administrator of EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities and, if so, perform a regulatory flexibility analysis. The technical amendments contained in this rulemaking will not increase the burden or cost of compliance for any segment of the automotive industry. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects

40 CFR Part 86

Administrative practice and procedure, Air pollution control, Gasoline, Labeling, Motor vehicles, Motor vehicle pollution, Reporting and recordkeeping requirements.

40 CFR Part 600

Administrative practice and procedure, Electric power, Energy conservation, Fuel economy, Gasoline, Labeling, Motor vehicles, Reporting and recordkeeping requirements.

Date: November 17, 1987.

Lee M. Thomas,

Administrator.

APPENDIX.—TABLE OF SPECIFIC CHANGES

Section	Change	Reason
1. Pt. 86 Authority	None.	
2. Pt. 600 Authority	None.	
3. 86.084–14(c)(7)(i)(A)(*3*)	Add "in each engine family."	Clarification.
(c)(11)(ii)(B)(*13*)	Delete "items." Add "or manufacturer" following "supplier."	Correction. Same as above.
4. 86.084–26(a)(4)(i)	Combine paragraphs (i) and (ii) and add provisions for mileage at testing.	Increase flexibility.
(a)(4)(ii)	Old paragraph (a)(4)(iii).	Renumber to accommodate above change.
5. 86.085–2	Add definition of an "abnormally treated vehicle."	Used in the special preconditioning cycle of § 86.132–82.
	Add the words "(and in the case of evaporative emission regulations, for gasoline-fueled heavy-duty vehicles)" to paragraph (c) of the definition of "useful life."	Clarification Full-life useful life applies for all HDGE emission standards, including evaporative standards.
6. 86.085–21(b)(5), (b)(6), (b)(7), (b)(8).	Add provisions regarding recommended maintenance and emission-data test fleet composition.	Inadvertently deleted by 48 FR 33463.
7. 86.087–8(a)(1)(i)	Change exhaust emissions to "(0.26 grams per vehicle kilometer)."	Correction for rounding error. Current value implies greater accuracy than achieved.
(a)(1)(ii)	Change exhaust emissions to "(2.1 grams per vehicle kilometer)."	Same as above.
(a)(1)(iii)	Change to "(0.63 grams per vehicle kilometer)."	Same as above.
(a)(i)(iv)	Change to "(0.12 grams per vehicle kilometer)."	Same as above.
8. 86.087–9(a)(1)(iv)	Change to "(0.16 grams per vehicle kilometer)."	Same as above.
(d)(1)(iii)	Change to "(1.4 grams per vehicle kilometer)."	Same as above.
9. 86.087–21(b)(7), (b)(8)	Add provisions regarding recommended maintenance and emission-data test fleet composition..	Inadvertently deleted by 40 FR 33463.
10. 86–088–9(a)(1)(iii)(B)	Add "and 6,000 lbs. or less gross vehicle weight."	Accommodate 2-year delay of 1988 NOx standard.
(a)(1)(iii)(C)	Add provisions for class 2a LDTs.	Same as above.
(a)(1)(iii)(D)	Formerly paragraph (a)(1)(iii)(C).	Same as above.
(d)(1)(iii)(B)	Add "and 6,000 lbs. or less gross vehicle weight."	Accommodate 2-year delay of 1988 NOx standard.
(d)(1)(iii)(C)	Add provisions for class 2a LDTs.	Same as above.
11. 86.088–10(a)(1)(i)(C)	Replace "6.0" with "10.6."	Same as above.
(a)(1)(ii)(C)	Same as above.	Same as above.
12. 86.088–11(a)(1)(iii)	Replace "6.0" with "10.7."	Same as above.
13. 86.088–21(b)(7), (b)(8)	Add provisions regarding recommended maintenance and emission data test fleet composition.	Inadvertently deleted by 40 FR 33463.
14. 86.088–35(a)(2)	Add "and heavy-duty vehicles optionally certified in accordance with the light-duty truck provisions."	Include special labeling requirements for heavy-duty vehicles certified in accordance with the light-duty truck provisions.
(a)(2)(iii)(E)	For light-duty trucks, provide separate weight related label statements..	Make possible statements of compliance with less stringent NOx standards.
(d)	Add "and heavy-duty vehicles optionally certified in accordance with the light-duty truck provisions."	Include special labeling requirements for heavy-duty vehicles certified in accordance with the light-duty truck provisions.
	Reword references to curb weight, gross vehicle weight rating and frontal area limits.	Clarify that all of the limits are applicable to the completed vehicle.
	For light-duty trucks, provide separate weight related label statements	Make possible statements of compliance with less stringent NOx standards.

APPENDIX.—TABLE OF SPECIFIC CHANGES—Continued

Section	Change	Reason
15. 86.090–9	Add section for 1990 LDT standards	Accommodate 2-year delay of 1988 NOx standard.
16. 86.090–10	Add section for 1990 HDG standards	Same as above.
17. 86.090–11	Add section for 1990 HDD standards	Same as above.
18. 86.091–21(b)(1)(ii)(A)	Delete "preliminary."	Correction.
(b)(1)(ii)(B)	Delete "preliminary."	Correction.
(b)(4)(iii)	Delete entire section.	Eliminate redundant wording.
(b)(5)(i)(A), (b)(5)(i)(B), (b)(5)(i)(C), (b)(5)(ii), (b)(5)(iii)(A), (b)(5)(iii)(B), (b)(5)(iv).	Combine sections (b)(4)(iii) and (b)(6)(iii) into one section	Same as above.
(b)(6)	Formerly section (b)(5)	Renumber to account for elimination of redundant wording.
(b)(7)	Formerly section (b)(6), old section (b)(6)(iii) deleted	Same as above.
19. 86.110–82(c)(3)	Change recommended minimum nominal filter loading from 2 mg to 0.5 mg.	Current recommended minimum is unnecessarily high given specifications for weighing balance and diesel particulate level.
	Specify "primary" in reference to filter	Clarify that the nominal filter load refers to the load on the primary filter.
20. 86.112–82(a)(3)	Change "contamints" to "contaminants."	Correction.
	Change parenthetical expression "(minimum 2 milligrams)" to "(minimum 0.5 milligrams)."	Make consistent with § 86.110–82(c)(3).
	Change allowable reference filter weight variation from 1.0 percent to 2.0 percent.	Current recommended value is unnecessarily stringent given change in minimum nominal filter loading in § 86.110–82.
21 86.118–78(c)	Replace " ' " with "–" in equation	Correction.
22. 86.123–78(a)(11)	Add parentheses to equation	Correction.
23. 86.132–82(a)(3)	Add optional preconditioning cycle for diesel-fueled light-duty vehicles and light-duty trucks.	Provide a more representative measurement of particulate emissions.
24. 86.139–82(d)	Add provision lengthening amount of time a particulate filter may be outside of weighing chamber prior to use.	Provide additional flexibility and make consistent with heavy-duty test procedures in § 86.1339(d).
25. 86.332–79(b)(11)	Add parentheses to equation	Correction.
	Defined concentrations in equation	Clarification.
26. 86.513–87(a)	Change unleaded fuel octane specification for motorcycles from "96" to "93.".	Make consistent with fuel used in testing LDVs, HDGVs, and HDGEs.
27. 86.523–78(a)(11)	Add parentheses to equation	Correction.
28. 86.884–7(a)(1)	Change Dynamometer control requirements to allow compliance using current transient dynamometry.	Provide additional facilities flexibility.
(a)(2)(v)	Add provision to allow ±10 ft-lbs of torque in the first 0.5 second of the acceleration modes.	Provide an allowance for negative torques.
(a)(3)(i)	Change to specify using the maximum horsepower developed during the preconditioning prior to the smoke cycle.	Correct to allow the use of available data during production engine audits.
(a)(3)(ii)	Delete "(within 50 RPM)."	Not needed with current transient dynamometry.
29. 86.884–12(a)	Specify where fuel temperature is to be measured	Clarification.
(c)(9)(iv)	Add "and reset" after "rechecked."	Provides improved accuracy of results for subsequent runs.
(c)(11)	Specify the check span response to be the linearity check	Clarify the definition.
30. 86.1105–87(b)(1)	Change 1988 implementation of NCPs for HDDE NOx emissions to 1990.	Accommodate 2-year delay of 1988 Ox standard.
31 86.1308–84(e)(2)(iii)	Add "case or."	Clarification.
32. 86.1310–88(b)(1)(iv)(A)	Add provision to allow ±20 °F(±11 °C) of primary and secondary dilution air in the first 10 seconds of sampling.	Allow for sampling system start-up transients.
(b)(3)(v)(D)	Change "0.457 cm" pipe dimension to "0.483 cm."	Correction.
(b)(6)(ii)(C)	Add provision to allow ±20 °F (±11 °C) of secondary dilution air in the first 10 seconds of sampling.	Same as above.
33. 86.1312–88 (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), (a)(8).	Add provisions regarding stabilization of reference filters and criteria regarding invalidation of reference filter weighings.	Clarification and increased flexibility of reference filter weighing procedure.
34. 86.1313–87	Change specification of RVP range in Table N87–1 from "8.7–9.2" to "8.0–9.2."	Make consistent with fuel used in testing LDVs and MCs when evap. testing is not involved.
35. 86.1319–84(c)(7)(iv)	Revise description of the variables in the calibration equation.	Clarification.
(e)(2)	Add instructions for determining the weight of a reference propane cylinder.	Clarification.
36. 86.1320–88(a)(1)(i)	Replace "upstream of" with "in series with."	Clarification.
	Add "or an NBS traceable flow calibration device" after "flow element."	Add flexibility.
(a)(1)(ii)	Add provision for checking flow system for leaks	Clarification.
(a)(3)	Replace "and" with "or" after "5 minutes."	Correction.
(a)(5)	Add "at least two additional" after "using."	Clarification.

APPENDIX.—TABLE OF SPECIFIC CHANGES—Continued

Section	Change	Reason
	Replace "are 10 percent above and 10 percent below the nominal sampling rate" with "bracket the typical operating range.".	Add flexibility.
(a)(6)	Delete "by more than ±1 percent" and "three."	Same as above.
	Add "by ±1.0 percent of the maximum operating range or ±2.0 percent of the point (whichever is smaller)" after "flow rates.".	Same as above.
(a)(6)(i)	Delete "-in 1 percent of" and "three."	Same as above.
	Add "using the criteria of (6) above" after "flow rates."	Same as above.
(a)(6)(ii)	Delete "three" and "that represents the data to within 1 percent at all points.".	Same as above.
	Add provision for accuracy of points on calibration curve	Same as above.
(a)(7)	Add provision for accuracy of secondary dilution flow measurement devices..	Same as above.
37. 86.1321–84 (a)(3)(i), (a)(3)(iii)	Differentiate optimization procedures for gasoline and diesel fueled engines.	Clarification.
38. 86.1327–84(f)(2)(iii)	Change the recommended insulation thickness to a minimum requirement.	Assure proper sampling.
39. 86.1327–88(f)(2)(i)(E)	Same as above	Same as above.
40. 86.1330–84(b)(1)	Add ", except as permitted by § 86.1335–84."	Correction.
(f)	Add provision requiring the manufacturer to specify inlet restrictions.	Clarification.
41. 86.1332–84(c)	Revise the calculation of the maximum mapping speed for gasoline and diesel engines.	Clarify the calculation for ungoverned engines.
(e)(1)(i)	Revise to allow equivalent curve fitting techniques for mapping gasoline engines.	Provide flexibility in numerical analysis.
42. 86.13.3–84(a)	Change "(f)(1) and (2)" to "(f)(1), (2), and (3)."	Correct an omission.
(a)(3)	Add provisions for determining the torque values of "closed rack motoring" points.	Clarification.
(b)	In the last line of the paragraph change "284 ft-lbs" to "294 ft-lbs.".	Numerical error.
(d), (d)(1), (d)(2)	Change terminology from automatic chokes to automatic cold start enhancement devices. Also specify (f)(1), (f)(2), or (f)(3) of Appendix I in the cycle specification.	Clarify requirements for alternate cold start system (e.g. diesels) and cycle, specifications.
(d)(3)	Change terminology from automatic chokes to automatic cold start enhancement devices. Also specify (f)(1) or (f)(3) of Appendix I in the cycle specification.	Same as above.
	Change "engines" to "gasoline engines."	Clarify requirements for gasoline engines.
(d)(4)	Add provision specifying cycle validation criteria for diesel engines.	Clarify requirements for diesel engines.
43 86.1334–84(a)(2)	Change soak time requirements	Provide flexibility in engine soak time requirements.
44. 86.1335–84(e)(1)	Add "for a minimum of 10 minutes" and "the forced cooldown apparatus shall be shut off during this measurement.".	Clarify forced cooldown requirement.
45. 86.1336–84	Change title from "Engine starting and restarting," to "Engine starting, restarting, and shutdown.".	Add reference to new engine shutdown procedures.
(d), (e)	Add new paragraph (d) applying to engine shutdown procedures and redesignate old paragraph (d) as (e).	Improve correlation by standardizing engine shutdown procedures.
(e)(2)(ii)	Allow conditional hot-start, resoak, and restart combinations	Provide flexibility in regulations.
46. 86.1337–84(a)(10)	Delete "cease sampling."	Remove an incorrect requirement.
(a)(11)	Reword to emphasize isolation of the exhaust system from the CVS.	Clarification.
47. 86.1337–88(a)(10)	Add "1" after "25±."	Correction.
(a)(10)(ii)	Add provision for adjusting sample flow with flow compensation.	Clarification.
48. 86.1338–84	Add "exhaust emission sample" to describe analyzer	Same as above.
49. 86.1339–88(a)	Replace "an open" with "a closed (to eliminate dust contamination) but unsealed (to permit humidity exchange).".	Clarification.
(g)	Replace entire paragraph with new defintion of particulate filter weight (P_f).	Correction.
(g)(1)	Delete entire paragraph	Not needed with new definition of particulate filter weight (P_f).
(g)(2)	Delete entire paragraph	Same as above.
50. 86.1341–84	Reword to more accurately describe the test validation criteria.	Clarification.
	Edit Figure N84–11	Correction and clarification.
51 86.1342–84(c)(3)	Remove "/T."	Correction.
(d)(5)	Revise dilution factor equation	Correction.
52. 86.1343–88(b)(8)	Add provision for use of real time flow rate equipment	Provide additional facilities flexibility.

APPENDIX.—TABLE OF SPECIFIC CHANGES—Continued

Section	Change	Reason
53. Pt. 86—Appendix I(f)	Reword test schedule headings as MVMA and EPA cycles. Also change several rpm and torque values, the record section heading, and several incorrect record seconds.	Clarification and correction.
54.600.306–86	Change reference § 500.307–86(b)(5) to § 600.307–86(c)	Correction.

For the reasons set forth in the preamble, 40 CFR Parts 86 and 600 are amended as follows:

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation for Part 86 continues to read as follows:

Authority: 42 U.S.C. 7521, 7522, 7525, 7541, 7542, and 7601.

2. Section 86.084–14 of Subpart A is amended by revising paragraphs (c)(7)(i)(A)(*3*) and (c)(11)(ii)(B)(*13*) to read as follows:

§ 86.084–14 Small-volume manufacturers certification procedures.

* * * * * *

(c) * * *
(7) * * *
(i) * * *
(A) * * *

(*3*) *Heavy-duty diesel engines.* The manufacturer shall select in each engine family the worst case emission data engine based on the highest fuel feed per stroke, primarily at the speed of maximum rated torque and secondarily at the rated speed.

* * * * * *

(11) * * *
(ii) * * *
(B) * * *

(*13*) Suppliers' and/or manufacturers' name and model number of any emission-related items identified in paragraphs (c)(11)(ii)(B) (*1*) through (*12*) of this section, if purchased from a supplier or manufacturer who uses the items in its own certified vehicle(s) or engine(s).

* * * * * *

3. Section 86.084–26 of Subpart A is amended by removing (a)(4)(iii) and revising paragraphs (a)(4) (i) and (ii) to read as follows:

§ 86.084–26 Mileage and service accumulation; emission measurements.

(a) * * *
(4) * * *

(i) *Durability-data vehicles.* (A) Unless otherwise provided for in § 86.085–23(a), each durability-data vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objectives of this procedure.

(B) Complete exhaust emission tests shall be made at test point mileage intervals that the manufacturer determines.

(C) At a minimum, two complete exhaust emission tests shall be made. The first test shall be made at a distance not greater than 6,250 miles. The last test shall be made at 50,000 miles.

(D) The mileage interval between test points must be of equal length except for the interval between zero miles and the first test and any interval before or after testing conducted in conjunction with vehicle maintenance as specified in § 86.085–25(a)(10).

(ii) The manufacturer may, at its option, alter the durability-data vehicle at the selected test point to represent emission-data vehicle(s) within the same engine/system combination and perform emission tests on the altered vehicle. Upon completion of emission testing, the manufacturer must return the test vehicle to the durability-data vehicle configuration prior to the continuation of mileage accumulation.

* * * * * *

4. Section 86.085–2 of Subpart A is amended by adding a new definition for "Abnormally treated vehicle" and revising paragraph (c) of the definition for "Useful life" to read as follows:

§ 86.085–2 Definitions.

* * * * * *

"Abnormally treated vehicle", any diesel light-duty vehicle or diesel light-duty truck that is operated for less than five miles in a 30 day period immediately prior to conducting a particulate emissions test.

* * * * * *

"Useful life" means:

* * * * * *

(c) For a gasoline-fueled heavy-duty engine family (and in the case of evaporative emission regulations, for gasoline-fueled heavy-duty vehicles), a period of use of 8 years or 110,000 miles, whichever first occurs.

* * * * * *

5. Section 86.085–21 is amended by adding and reserving paragraphs (b)(5) and (b)(6), and adding paragraphs (b)(7) and (b)(8) to read as follows:

§ 86.085–21 Application for certification.

* * * * * *

(b) * * *

(5) [Reserved]

(6) [Reserved]

(7) For each light-duty vehicle engine family, a statement of recommended maintenance and procedures necessary to assure that the vehicles (or engines) covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(8) For each light-duty vehicle engine family, the proposed composition of the emission-data test fleet and the durability-data test fleet.

* * * * * *

6. Section 86.087–8 of Subpart A is amended by revising paragraphs (a)(1)(i), (ii), (iii), and (iv) to read as follows.

§ 86.087–8 Emission standards for 1987 light-duty vehicles.

(a)(1) * * *

(i) *Hydrocarbons.* 0.41 grams per vehicle mile (0.26 grams per vehicle kilometer).

(ii) *Carbon monoxide.* 3.4 grams per vehicle mile (2.1 grams per vehicle kilometer).

(iii) *Oxides of nitrogen.* 1.0 grams per vehicle mile (0.63 grams per vehicle kilometer).

(iv) *Particulate emissions.* (diesels only). 0 20 gram per vehicle mile (0.12 grams per vehicle kilometer). A manufacturer may elect to include all or some of its diesel light-duty vehicle engine families in the particulate averaging program, provided that vehicles produced for sale in California or in designated high-altitude areas may be averaged only within each of these areas. If the manufacturer elects to average diesel light-duty vehicles and diesel light-duty trucks together in the particulate averaging program, its composite particulate standard applies to the combined set of diesel light-duty

VOL 52 ISS 241 DEC 16 1987 UMI

vehicles and diesel light-duty trucks included in the average and is calculated as defined in § 86.087–2.

* * * * *

7. Section 86.087–9 of Subpart A is amended by revising paragraphs (a)(1)(iv) and (d)(1)(iii) to read as follows:

§ 86.087–9 Emission standards for 1987 and later model year light duty trucks.

(a)(1) * * *

(iv) *Particulate emissions* (diesels only). 0.26 grams per vehicle mile (0.16 grams per vehicle kilometer). A manufacturer may elect to include all or some of its diesel light-duty truck engine families in the particulate averaging program, provided that trucks produced for sale in California or in designated high-altitude areas may be averaged only within each of those areas. If the manufacturer elects to average both diesel light-duty vehicles and diesel light-duty trucks together in the particulate averaging program, its composite particulate standard applies to the combined set of diesel light-duty vehicles and diesel light-duty trucks included in the average and is calculated as defined in § 86.087–2.

* * * * *

(d)(1) * * *

(iii) *Oxides of nitrogen.* 2.3 grams per vehicle mile (1.4 grams per vehicle kilometer).

* * * * *

8. Section 86.087–21 of Subpart A is amended by adding paragraphs (b)(7) and (b)(8) to read as follows:

§ 86.087–21 Application for certification.

* * * * *

(b) * * *

(7) For each light-duty vehicle engine family, a statement of recommended maintenance and procedures necessary to assure that the vehicles (or engines) covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(8) For each light-duty vehicle engine family, the proposed composition of the emission-data test fleet and the durability-data test fleet.

* * * * *

9. Section 86.088–9 of Subpart A is amended by revising paragraphs (a)(1)(iii) and (d)(1)(iii), to read as follows:

§ 86.088–9 Emission standards for 1988 and later model year light-duty trucks.

(a)(1) * * *

(iii) *Oxides of nitrogen.* (A) For light-duty trucks up to and including 3,750 lbs. loaded vehicle weight and 6,000 lbs. or less gross vehicle weight, 1.2 grams per vehicle mile (0.75 grams per vehicle kilometer).

(B) For light-duty trucks greater than 3,750 lbs. loaded vehicle weight and 6,000 lbs. or less gross vehicle weight, 1.7 grams per vehicle mile (1.1 grams per vehicle kilometer).

(C) For light-duty trucks 6,001 lbs. gross vehicle weight and greater, 2.3 grams per vehicle mile (1.4 grams per vehicle kilometer). As an option, a manufacturer may elect to certify all or some of its engine families for light-duty trucks of 6,001 lbs gross vehicle weight and greater according to paragraphs (a)(1)(iii)(A), or (a)(1)(iii)(B) of this section, as applicable for the loaded vehicle weight. Such vehicles could also be included in the averaging program of paragraph (a)(1)(iii)(D) of this section.

(D) A manufacturer may elect to include all or some of its light-duty truck engine families in paragraphs (a)(1)(iii)(A) and (a)(1)(iii)(B) of this section in the NO_x averaging program, provided that trucks produced for sale in California or in designated high altitude areas may be averaged only within each of those areas. Diesel and gasoline fueled engine families may not be averaged together. If the manufacturer elects to average together NO_x emissions of light-duty trucks subject to the standards of paragraphs (a)(1)(iii)(A), and (a)(1)(iii)(B) of this section, its composite NO_x standard applies to the combined fleets of light-duty trucks up to and including, and over 3,750 lbs. loaded vehicle weight and 6,000 lbs. or less gross vehicle weight included in the average and is calculated as defined in § 86.088–2.

* * * * *

(d)(1) * * *

(iii) *Oxides of nitrogen.* (A) For light-duty trucks up to and including 3,750 lbs. loaded vehicle weight and 6,000 lbs. or less gross vehicle weight, 1.2 grams per vehicle mile (0.75 grams per vehicle kilometer).

(B) For light-duty trucks greater than 3,750 lbs. loaded vehicle weight and 6,000 lbs. or less gross vehicle weight, 1.7 grams per vehicle mile (1.1 grams per vehicle kilometer).

(C) For light-duty trucks 6,001 lbs. gross vehicle weight and greater, 2.3 grams per vehicle mile (1.4 grams per vehicle kilometer). As an option, a manufacturer may elect to certify all or some of its engine families for light-duty trucks of 6,001 lbs. gross vehicle weight and greater according to paragraphs (d)(1)(iii)(A), or (d)(1)(iii)(B) of this section, as applicable for the loaded vehicle weight.

* * * * *

10. Section 86.088–10 of Subpart A is amended by revising the section heading and paragraphs (a)(1)(i)(C) and (a)(1)(ii)(C), to read as follows:

§ 86.088–10 Emission standards for 1988 and 1989 model year gasoline-fueled heavy-duty engines and vehicles.

(a)(1) * * *

(i) * * *

(C) *Oxides of nitrogen.* 10.6 grams per brake horsepower-hour, as measured under transient operating conditions.

(ii) * * *

(C) *Oxides of nitrogen.* 10.6 grams per brake horsepower-hour, as measured under transient operating conditions.

* * * * *

11. Section 86.088–11 is amended by revising paragraph (a)(1)(iii), to read as follows:

§ 86.088–11 Emission standards for 1988 and later model year diesel heavy-duty engines.

(a) * * *

(1) * * *

(iii) *Oxides of nitrogen.* 10.7 grams per brake horsepower-hour, as measured under transient operating conditions.

* * * * *

12. Section 86.088–21 of Subpart A is amended by adding paragraphs (b)(7) and (b)(8) to read as follows:

§ 86.088–21 Application for certification.

* * * * *

(b) * * *

(7) For each light-duty vehicle engine family, a statement of recommended maintenance and procedures necessary to assure that the vehicles (or engines) covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance and the equipment required

(8) For each light-duty vehicle engine family, the proposed composition of the emission-data test fleet and the durability-data test fleet

* * * * *

13. Section 86.088–35 of Subpart A is amended by revising the introductory text of paragraph (a)(2), and paragraphs (a)(2)(iii)(E), and (d) to read as follows:

§ 86.088–35 Labeling.

(a) * * *

(2) *Light duty trucks and heavy-duty vehicles optionally certified in accordance with the light-duty truck provisions.*

* * * * *

(iii) * * *

(E)(*1*) *Light-duty trucks* one of the prominent statements, as applicable:

(*i*) Labels for light-duty trucks certified to the oxides of nitrogen standard of 1.2 grams per vehicle mile shall include the following statement:

"This vehicle conforms to U.S. EPA regulations applicable to 19— Model Year New Light-Duty Trucks."

(*ii*) Labels for light-duty trucks certified to the oxides of nitrogen standard of 1.7 grams per vehicle mile shall include the following statement:

"This vehicle conforms to U.S. EPA regulations applicable to 19— Model Year New Light-Duty Trucks with a curb weight greater than 3,450 pounds."

(*iii*) Labels for light-duty trucks certified to the oxides of nitrogen standard of 2.3 grams per vehicle miles shall include the following statement:

"This vehicle conforms to U.S. EPA regulations applicable to 19— Model Year New Light Duty Trucks with a gross vehicle weight rating greater than 6,000 pounds."

(*2*) *Heavy-duty vehicles optionally certified in accordance with the light-duty truck provisions.* "This heavy-duty vehicle conforms to the U.S. EPA regulations applicable to 19— Model Year Light-Duty Trucks under the special provision of 40 CFR 86.085–1(b).

* * * * *

(d) Incomplete light-duty trucks and incomplete heavy-duty vehicles optionally certified in accordance with the light-duty truck provisions shall have one of the following prominent statements, as applicable, printed on the label required by paragraph (a)(2) of this section in lieu of the statement required by paragraph (a)(2)(iii)(E) of this section.

(1) *Light-duty trucks.* (i) Labels for light-duty trucks certified to the oxides of nitrogen standard of 1.2 grams per vehicle mile shall include the following statement:

"This vehicle conforms to U.S. EPA regulations applicable to 19— Model Year New Light-Duty Trucks when it does not exceed _____ pounds in curb weight, _____ pounds in gross vehicle weight rating, and _____ square feet in frontal area."

(ii) Labels for light-duty trucks certified to the oxides of nitrogen standards of 1.7 grams per vehicle mile shall include the following statement:

"This vehicle conforms to U.S. EPA regulations applicable to 19— Model Year New Light-Duty Trucks when it is between 3,450 pounds and _____ pounds in curb weight and it does not exceed _____ pounds in gross vehicle weight rating nor _____ square feet in frontal area."

(iii) Labels for light-duty trucks certified to the oxides of nitrogen standard of 2.3 grams per vehicle mile shall include the following statement:

"This vehicle conforms to U.S. EPA regulations applicable to 19— Model Year New Light-Duty Trucks when it is between 3,450 pounds and _____ pounds in curb weight, between 6,000 pounds and _____ pounds in gross vehicle weight rating and it does not exceed _____ square feet in frontal area."

(2) *Heavy-duty vehicles optionally certified in accordance with the light-duty truck provisions.* "This heavy-duty vehicle conforms to the U.S. EPA regulations applicable to 19— Model Year Light-Duty Trucks under the special provision of 40 CFR 86.085–1(b) when it does not exceed _____ pounds in curb weight, _____ pounds in gross vehicle weight rating, and _____ square feet in frontal area."

* * * * *

14. A new § 86.090–9 is added, to read as follows:

§ 86.090–9 Emission standards for 1990 and later model year light-duty trucks.

(a)(1) The standards set forth in paragraphs (a) through (c) of this section shall apply to light-duty trucks sold for principal use at other than a designated high-altitude location. Exhaust emissions from 1990 and later model year light-duty trucks shall not exceed:

(i) *Hydrocarbons.* 0.8 gram per vehicle mile (0.5 gram per vehicle kilometer).

(ii)(A) *Carbon monoxide.* 10 grams per vehicle mile (6.2 grams per vehicle kilometer).

(B) 0.50 percent of exhaust gas flow at curb idle (gasoline-fueled light-duty trucks only).

(iii) *Oxides of nitrogen.* (A) For light-duty trucks up to and including 3,750 lbs. loaded vehicle weight, 1.2 grams per vehicle mile (0.75 gram per vehicle kilometer).

(B) For light-duty trucks 3,751 lbs. and greater loaded vehicle weight, 1.7 grams per vehicle mile (1.1 grams per vehicle kilometer).

(C) A manufacturer may elect to include all or some of its light-duty truck engine families in the NO_x averaging program, provided that trucks produced for sale in California or in designated high-altitude areas may be averaged only within each of those areas. Diesel and gasoline-fueled engine families may not be averaged together. If the manufacturer elects to average together NO_x emissions of light-duty trucks subject to the standards of paragraphs (a)(1)(iii)(A) and (a)(1)(iii)(B) of this section, its composite NO_x standard applies to the combined fleets of light-duty trucks up to and including, and over 3,750 lbs. loaded vehicle weight included in the average and is calculated as defined in § 86.088–2.

(iv) *Particulate emissions* (diesel light-duty trucks only) 0.26 grams per vehicle mile (0.16 grams per vehicle kilometer). A manufacturer may elect to include all or some of its diesel light-duty truck engine families in the particulate averaging program, provided that trucks produced for sale in California or in designated high-altitude areas may be averaged only within each of those areas. If the manufacturer elects to average both diesel light-duty vehicles and diesel light-duty trucks together in the particulate averaging program, its composite particulate standard applies to the combined set of diesel light-duty vehicles and diesel light-duty trucks included in the average and is calculated as defined in § 86.085–2.

(2) The standards set forth in paragraphs (a)(1)(i), (a)(1)(ii)(A), (a)(1)(iii), and (a)(1)(iv) of this section refer to the exhaust emitted over a driving schedule as set forth in Subpart B of this part and measured and calculated in accordance with those procedures. The standard set forth in paragraph (a)(1)(ii)(B) of this section refers to the exhaust emitted at curb idle and measured and calculated in accordance with the procedures set forth in Subpart P of this part.

(b)(1) Fuel evaporative emissions from 1990 and later model year gasoline-fueled light-duty trucks shall not exceed:

(i) *Hydrocarbons.* 2.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in Subpart B of this part and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1990 and later model year light-duty truck.

(d)(1) Model year 1990 and later light-duty trucks sold for principal use at a designated high-altitude location shall be capable of meeting the following exhaust emission standards when tested under high-altitude conditions:

(i) *Hydrocarbons.* 1.0 grams per vehicle mile (0.62 grams per vehicle kilometer);

(ii) *Carbon Monoxide.* (A) 14 grams per vehicle mile (8.7 grams per vehicle kilometer).

(B) 0.50 percent of exhaust gas flow at curb idle (gasoline-fueled light-duty trucks only).

(iii) *Oxides of Nitrogen.* (A) For light-duty trucks up to and including 3,750 lbs.

VOL 52 ISS 241 DE 16 1987 UMI

loaded vehicle weight, 1.2 grams per vehicle mile (0.75 grams per vehicle kilometer).

(B) For light-duty trucks 3,751 lbs. and greater loaded vehicle weight, 1.7 grams per vehicle mile (1.1 grams per vehicle kilometer).

(iv) *Particulate emissions.* (diesel light-duty trucks only). 0.26 grams per vehicle mile (0.16 grams per vehicle kilometer).

(2) The standards set forth in paragraphs (d)(1)(i), (d)(1)(ii)(A), (d)(1)(iii), and (d)(1)(iv) of this section refer to the exhaust emitted over a driving schedule as set forth in Subpart B of this part and measured and calculated in accordance with those procedures. The standard set forth in paragraph (d)(1)(ii)(B) of this section refers to the exhaust emitted at curb idle and measured and calculated in accordance with the procedures set forth in Subpart P of this part.

(e)(1) Fuel evaporative emissions from 1990 and later model year gasoline-fueled light-duty trucks sold for principal use at a designated high altitude location shall not exceed 2.6 grams per test when tested under high-altitude conditions.

(2) The standard set forth in paragraph (e)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in Subpart B of this part and measured in accordance with those procedures.

(f) No crankcase emissions shall be discharged into the ambient atmosphere from any 1990 and later model year light-duty trucks sold for principal use at a designated high-altitude location.

(g)(1) Any light-duty truck that a manufacturer wishes to certify for sale at low altitude must be capable of meeting high-altitude emission standards (specified in paragraphs (d) through (f) of this section). The manufacturer may specify vehicle adjustments or modifications to allow the vehicle to meet high-altitude standards but these adjustments or modifications may not alter the vehicle's basic engine, inertia weight class, transmission configuration, and axle ratio.

(i) A manufacturer may certify unique configurations to meet the high-altitude standards but is not required to certify these vehicle configurations to meet the low-altitude standards.

(ii) Any adjustments or modifications that are recommended to be performed on vehicles to satisfy the requirements of paragraph (g)(1) of this section:

(A) Shall be capable of being effectively performed by commercial repair facilities, and

(B) Must be included in the manufacturer's application for certification.

(2) The manufacturer may exempt 1985 and later model year vehicles from compliance with the high-altitude emission standards set forth in paragraphs (d) and (e) of this section if the vehicles are not intended for sale at high altitude and if the following requirements are met. A vehicle configuration shall only be considered eligible for exemption if the requirements of either paragraph (g)(2)(i), (ii), (iii), or (iv) of this section are met.

(i) Its design parameters (displacement-to-weight ratio (D/W) and engine speed to-vehicle-speed ratio (N/V)) fall within the exempted range for that manufacturer for that year. The exempted range is determined according to the following procedure:

(A) The manufacturer shall graphically display the D/W and N/V data of all vehicle configurations it will offer for the model year in question. The axis of the abscissa shall be D/W (where (D) is the engine displacement expressed in cubic centimeters and (W) is the gross vehicle weight (GVW) expressed in pounds), and the axis of the ordinate shall be N/V (where (N) is the crankshaft speed expressed in revolutions per minute and (V) is the vehicle speed expressed in miles per hour). At the manufacturer's option, either the 1:1 transmission gear ratio or the lowest numerical gear ratio available in the transmission will be used to determine N–V. The gear selection must be the same for all N/V data points on the manufacturer's graph. For each transmission/axle ratio combination, only the lowest N/V value shall be used in the graphical display.

(B) The product line is then defined by the equation, $N/V = C(D/W)^{-0.9}$, where the constant, C, is determined by the requirement that all the vehicle data points either fall on the line or lie to the upper right of the line as displayed on the graphs.

(C) The exemption line is then defined by the equation, $N/V = C(0.84\ D/W)^{-0.9}$, where the constant, C is the same as that found in paragraph (g)(2)(i)(B) of this section.

(D) The exempted range includes all values of N/V and D/W which simultaneously fall to the lower left of the exemption line as drawn on the graph.

(ii) Its design parameters fall within the alternate exempted range for that manufacturer that year. The alternate exempted range is determined by substituting rated horsepower (hp) for displacement (D) in the exemption procedure described in paragraph (g)(2)(i) of this section and by using the product line $N/V = C(hp/W)^{-0.9}$.

(A) Rated horsepower shall be determined by using the Society of Automotive Engineers Test Procedure J 1349, or any subsequent version of that test procedure. Any of the horsepower determinants within that test procedure may be used, as long as it is used consistently throughout the manufacturer s product line in any model year.

(B) No exemptions will be allowed under paragraph (g)(2)(ii) of this section to any manufacturer that has exempted vehicle configurations as set forth in paragraph (g)(2)(i) of this section.

(iii) Its acceleration time (the time it takes a vehicle to accelerate from 0 to a speed not less than 40 miles per hour and not greater than 50 miles per hour) under high-altitude conditions is greater than the largest acceleration time under low-altitude conditions for that manufacturer for that year. The procedure to be followed in making this determination is:

(A) The manufacturer shall list the vehicle configuration and acceleration time under low-altitude conditions of that vehicle configuration which has the highest acceleration time under low-altitude conditions of all the vehicle configurations it will offer for the model year in question. The manufacturer shall also submit a description of the methodology used to make this determination.

(B) The manufacturer shall then list the vehicle configurations and acceleration times under high-altitude conditions of all those vehicle configurations which have higher acceleration times under high-altitude conditions than the highest acceleration time at low altitude identified in paragraph (g)(2)(iii)(A) of this section.

(iv) In lieu of performing the test procedure of paragraph (g)(2)(iii) of this section, its acceleration time can be estimated based on the manufacturer's engineering evaluation, in accordance with good engineering practice, to meet the exemption criteria of paragraph (g)(2)(iii) of this section.

(3) The sale of a vehicle for principal use at a designated high-altitude location that has been exempted as set forth in paragraph (g)(2) of this section will be considered a violation of section 203(a)(1) of the Clean Air Act.

15. A new § 86.090–10 is added, to read as follows:

§ 86.090–10 Emission standards for 1990 and later model year gasoline-fueled heavy duty engines and vehicles.

(a)(1) Exhaust emissions from new 1990 and later model year gasoline-fueled heavy-duty engines shall not exceed:

(i) For engines intended for use in all vehicles except as provided in paragraph (a)(3) of this section,

(A) *Hydrocarbons.* 1.1 grams per brake horsepower-hour, as measured under transient operating conditions.

(B) *Carbon monoxide.* (*1*) 14.4 grams per brake horsepower-hour, as measured under transient operating conditions.

(*2*) *Gasoline-fueled heavy-duty engines utilizing aftertreatment technology.* 0.50 percent of exhaust gas flow at curb idle.

(C) *Oxides of nitrogen.* 6.0 grams per brake horsepower-hour, as measured under transient operating conditions.

(ii) For engines intended for use only in vehicles with a Gross Vehicle Weight Rating of greater than 14,000 pounds.

(A) *Hydrocarbons.* 1.9 grams per brake horsepower-hour, as measured under transient operating conditions.

(B) *Carbon Monoxide.* (*1*) 37.1 grams per brake horsepower-hour as measured under transient operating conditions.

(*2*) *Gasoline-fueled heavy-duty engines utilizing after-treatment technology.* 0.50 percent of exhaust gas flow at curb idle.

(C) *Oxides of nitrogen.* (*1*) 6.0 grams per brake horsepower-hour, as measured under transient operating conditions.

(*2*) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over the operating schedule set forth in paragraph (f)(1) of Appendix I to this part, and measured and calculated in accordance with the procedures set forth in Subparts N or P.

(*3*)(*i*) A manufacturer may certify one or more gasoline-fueled heavy-duty engine configurations intended for use in all vehicles to the emission standards set forth in paragraph (a)(1)(ii) of this section: *Provided,* That the total model year sales of such configuration(s) being certified to the emission standards in paragraph (a)(1)(ii) of this section represent no more than 5 percent of total model year sales of all gasoline-fueled heavy-duty engines intended for use in vehicles with a Gross Vehicle Weight Rating of up to 14,000 pounds by the manufacturer.

(*ii*) The configurations certified to the emission standards of paragraph (a)(1)(ii) of this section under the provisions of paragraph (a)(3)(i) of this section shall still be required to meet the evaporative emission standards set forth in paragraphs (b)(1)(i)(A) and (b)(2)(i) of this section.

(b)(1) Evaporative emissions from 1988 and later model year gasoline-fueled heavy-duty vehicles shall not exceed:

(i) *Hydrocarbons.* (A) For vehicles with a Gross Vehicle Weight Rating of up to 14,000 pounds, 3.0 grams per test.

(B) For vehicles with a Gross Vehicle Weight Rating of greater than 14,000 pounds, 4.0 grams per test.

(2)(i) For vehicles with a Gross Vehicle Weight Rating of up to 26,000 pounds, the standards set forth in paragraph (b)(1) of this section refer to a composite sample of fuel evaporative emissions collected under the conditions set forth in Subpart M and measured in accordance with those procedures.

(ii) For vehicles with a Gross Vehicle Weight Rating of greater than 26,000 pounds, the standard set forth in paragraph (b)(1)(i)(B) of this section refers to the manufacturer's engineering design evaluation using good engineering practice (a statement of which is required in § 86.088–23(b)(4)(ii)).

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any new 1990 or later model year gasoline-fueled heavy-duty engine.

(d) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this section shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicle engines in accordance with applicable procedures in Subpart N or P of this part to ascertain that such test engines meet the requirements of paragraphs (a) and (c) of this section.

16. A new § 86.090–11 is added, to read as follows:.

§ 86.090–11 Emission standards for 1990 and later model year diesel heavy-duty engines.

(a)(1) Exhaust emissions from new 1990 and later model year diesel heavy-duty engines shall not exceed the following:

(i) *Hydrocarbons.* 1.3 grams per brake horsepower-hour, as measured under transient operating conditions.

(ii) *Carbon monoxide.* 15.5 grams per brake horsepower-hour, as measured under transient operating conditions.

(iii) *Oxides of nitrogen.* 6.0 grams per brake horsepower-hour, as measured under transient operating conditions.

(iv) *Particulate emissions.* 0.60 gram per brake horsepower-hour, as measured under transient operating conditions.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over the operating schedule set forth in paragraph (f)(2) of Appendix I to this part, and measured and calculated in accordance with the procedures set forth in Subpart N of this part, except as noted in § 86.088–23(c)(2)(i) and (ii).

(b)(1) The opacity of smoke emission from new 1990 and later model year diesel heavy-duty engines shall not exceed:

(i) 20 percent during the engine acceleration mode.

(ii) 15 percent during the engine lugging mode.

(iii) 50 percent during the peaks in either mode.

(2) The standards set forth in paragraph (b)(1) of this section refer to exhaust smoke emissions generated under the conditions set forth in Subpart I of this part and measured and and calculated in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the atmosphere from any new 1990 model year naturally aspirated diesel heavy-duty engine. This provision does not apply to engine using turbochargers, pumps, blowers, or superchargers for air induction.

(d) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this section shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicle engines in accordance with applicable procedures in Subpart I or N of this part to ascertain that such test engines meet the requirements of (a), (b), and (c) of this section.

17. Section 86.091–21 of Subpart A is amended by revising paragraphs (b)(1)(ii)(A) introductory text, and (b)(1)(ii)(B), (b)(5)(i), (b)(5)(ii), and (b)(6) by adding paragraphs (b)(5)(iii), (b)(5)(iv), and (b)(7) and by removing paragraph (b)(4)(iii) to read as follows:

§ 86.091–21 Application for certification.

* * * * *

(b) * * *

(1) * * *

(ii)(A) The manufacturer shall provide to the Administrator in the application for certification:

* * * * *

(B) The manufacturer may provide, in the application for certification, information relating to why certain parameters are not expected to be adjusted in actual use and to why the physical limits or stops used to establish the physically adjustable range of each parameter, or any other means used to inhibit adjustment, are effective in preventing adjustment of parameters on

in-use vehicles to settings outside the manufacturer's intended physically adjustable ranges. This may include results of any tests to determine the difficulty of gaining access to an adjustment or exceeding a limit as intended or recommended by the manufacturer.

* * * * *

(4) * * *

(ii) * * *

(5)(i)(A) A description of the test procedures to be used to establish the durability data or the exhaust emission deterioration factors required to be determined and supplied in § 86.091–23(b)(1).

(B) A statement of the useful life of each light-duty truck engine family or heavy-duty engine family.

(C) For engine families provided an alternative useful-life period under paragraph (f) of this section, a statement of that alternative period and a brief synopsis of the justification.

(ii) For heavy-duty diesel engine families, a statement of the primary intended service class (light, medium, or heavy) and an explanation as to why that service class was selected. Each diesel engine family shall be certified under one primary intended service class only. After reviewing the guidance in § 86.085–2, the class shall be determined on the basis of which class best represents the majority of the sales of that engine family.

(iii)(A) For each light-duty truck engine family and each heavy-duty engine family, a statement of recommended maintenance and procedures necessary to assure that the vehicles (or engines) covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(B) A description of vehicle adjustments or modifications necessary, if any, to assure that light-duty vehicles and light-duty trucks covered by a certificate of conformity conform to the regulations while being operated at any altitude locations, and a statement of the altitude at which the adjustments or modifications apply.

(iv) At the option of the manufacturer, the proposed composition of the emission-data test fleet or (where applicable) the durability-data test fleet.

(6)(i) (A) If the manufacturer elects to participate in the particulate averaging program for diesel light-duty vehicles and/or diesel light-duty trucks, or the particulate averaging program for heavy-duty diesel engines, the application must list the family particulate emission limit and the projected U.S. production volume of the family for the model year.

(B) The manufacturer shall choose the level of the family particulate emission limits, accurate to one-hundreth of a gram per mile, or one-hundreth of a gram per brake horsepower-hour for heavy-duty engines.

(C) The manufacturer may at any time during production elect to change the level of any family diesel particulate emission limit(s) by submitting the new limit(s) to the Administrator and by demonstrating compliance with the limit(s) as described in § 86.085–2 and § 86.091–28(b)(5)(i).

(ii)(A) If the manufacturer elects to participate in the NO_x averaging program for light-duty trucks, or the NO_x averaging program for heavy-duty engines, the application must list the family NO_x emission limit and the projected U.S. production volume of the family for the model year.

(B) The manufacturer shall choose the level of the family NO_x emission limits, accurate to one-tenth of a gram per mile, or to one-tenth of a gram per brake horsepower-hour for heavy-duty engines.

(C) The manufacturer may at any time during production elect to change the level of any family NO_x emission limit(s) by submitting the new limits to the Administrator and by demonstrating compliance with the limit(s) as described in § 86.088–2 and 86.091–28(b)(5)(ii).

(7)(i) For gasoline-fueled heavy-duty engines, the application must state whether the engine family is being certified for use in all vehicles regardless of their Gross Vehicle Weight Rating (see § 86.091–10 (a)(1)(i) and (a)(3)(i)), or, only for use in vehicles with a Gross Vehicle Weight Rating greater than 14,000 pounds.

(ii) If the engine family is being certified for use in all vehicles and is being certified to the emission standards application to gasoline fueled heavy-duty engines for use only in vehicles with a Gross Vehicle Weight Rating over 14,000 pounds under the provisions of paragraph (a)(3) of § 86.091–10, then the application must also attest that the engine family, together with all other engine families being certified under the provisions of paragraph (a)(3) of § 86.091–10, represent no more than 5 percent of model year sales of the manufacturer of all gasoline-fueled heavy-duty engines for use in vehicles with Gross Vehicle Weight Ratings of up to 14,000 pounds.

18. Section 86.110–82 of Subpart B is amended by revising paragraph (c)(3) to read as follows:

§ 86.110–82 Exhaust gas sampling system: diesel vehicles.

* * * * *

(c) * * *

(3) The recommended minimum loading on the primary 47 mm filter is 0.5 milligrams. Equivalent loadings (i.e., mass/stain area) are recommended for larger filters.

* * * * *

19. Section 86.112–82 of Subpart B is amended by revising paragraph (a)(3) and by adding paragraph (a) (4), (5), and (6) to read as follows:

§ 86.112–82 Weighing chamber (or room) and microgram balance specifications.

(a) * * *

(3) The environment shall be free from any ambient contaminants (such as dust) that would settle on the particulate filters during their stabilization.

(4) It is required that two reference filters remain in the weighing room at all times, and that these filters be weighed once each 24-hour period.

(5) If the weight of each or both of these two reference filters changes by more than ±2.0 percent of the nominal filter loading (recommended minimum of 0.5 milligrams) during the 24-hour period, then all filter weighings taken during the 24-hour period are invalid.

(6) Filters in the process of being stabilized during this period should be discarded. The reference filters shall be changed at least once per month.

* * * * *

20. Section 86.118–78 of Subpart B is amended by revising paragraph (c), to read as follows:

§ 86.118–78 Dynamometer calibration.

* * * * *

(c) *Calculations.* The road load power actually absorbed by the dynamometer is calculated from the following equation:

$$HP_d = \frac{(1/2)(W/32.2)(V_1^2 - V_2^2)}{550t}$$

where:

HP_d = Power, hp (kW).

W = Equivalent inertia weight, lb (kg).

V_1 = Initial velocity, ft/s (m/s) [55 mi/hr = 88.5 km/hr = 80.67 ft/s = 24.58 m/s].

V_2 = Final velocity, ft/s (m/s) [45 mi/hr = 72.4 km/hr = 66 ft/s = 20.11 m/s].

t = Elapsed time for rolls to coast from 55 mi/hr to 45 mi/hr (88.5 km/hr to 72.4 km/hr).

(Expressions in parentheses are for SI units.) When the coastdown is from 55 to 45 mi/hr (88.5 to 72.4 km/hr), the above equation reduces to:

$HP_d = 0.06073$ (W/t)
for SI units
$HP_d = 0.09984$ (W/t)

21. Section 86.123–78 of Subpart B is amended by revising paragraph (a)(11) to read as follows:

§ 86.123–78 Oxides of nitrogen analyzer calibration.

(a) * * *

(11) Calculate the efficiency of the NO_x converted by substituting the concentrations obtained into the following equation:

Percent Efficiency = [1 + (a–b)/(c–d)] × 100

where:

a = concentration obtained in step (8).
b = concentration obtained in step (9).
c = concentration obtained in step (6).
d = concentration obtained in step (7).

If converter efficiency is not greater than 90 percent corrective action will be required.

* * * * *

22. Section 86.132–82 of Subpart B is amended by revising paragraph (a)(3) and adding (a)(4) to read as follows:

§ 86.132–82 Vehicle preconditioning.

(a) * * *

(3) For those unusual circumstances where additional preconditioning is desired by the manufacturer, such preconditioning may be allowed with the advance approval of the Administrator.

(4) The Administrator may also choose to conduct or require the manufacturer to conduct additional preconditioning to insure that the evaporative emission control system is stabilized in the case of gasoline engines, or to insure that the exhaust system is stabilized in the case of diesel engines.

(i) *Gasoline-fueled vehicles.* (A) The additional preconditioning shall consist of an initial one hour minimum soak and, one, two, or three driving cycles of the UDDS, as described in paragraph (a)(2) of this section, each followed by a soak of at least one hour with engine off, engine compartment cover closed and cooling fan off.

(B) The vehicle may be driven off the dynamometer following each UDDS for the soak period.

(ii) *Diesel—fueled vehicles.* The preconditioning shall consist of either of the following:

(A) The additional preconditioning described in paragraph (a)(4)(i) of this section; or

(B) For abnormally treated vehicles, as defined in § 86.085–2, two Highway Fuel Economy Driving Schedules, found in Part 600 Appendix I, run in immediate succession, with the road load power set at twice the value obtained from § 86.129.80.

* * * * *

23. Section 86.139–82 of Subpart B is amended by revising paragraph (d) to read as follows:

§ 86.139–82 Diesel particulate filter handling and weighing.

* * * * *

(d)(1) If the filter is not used within one hour of its removal from the weighing chamber, it shall be re-weighed.

(2) The one hour limit may be replaced by an eight-hour limit if one or both of the following conditions are met:

(i) A stabilized filter is placed and kept in a sealed filter holder assembly with the ends plugged, or

(ii) A stabilized filter is placed in a sealed filter holder assembly, which is then immediately placed in a sample line through which there is no flow.

* * * * *

24. Section 86.332–79 of Subpart D is amended by revising paragraph (b)(11) to read as follows:

§ 86.332–79 Oxides of nitrogen analyzer calibration.

* * * * *

(b) * * *

(11) Calculate the efficiency of the NOx converter by substituting the concentrations obtained into the following equation:

Percent Efficiency = [1 + (a–b)/(c–d)] × 100

where:

a = concentration obtained in step (8).
b = concentration obtained in step (9).
c = concentration obtained in step (6).
d = concentration obtained in step (7).

The efficiency of the converter shall be greater than 90 percent. Adjustment of the converter temperature may be necessary to maximize the efficiency. If the converter does not meet the conversion-efficiency specifications, repair or replace the unit prior to testing. Repeat the procedures of this section with the repaired or new converter.

25. Section 86.513–87 of Subpart F is amended by revising paragraph (a) to read as follows:

§ 86.513–87 Fuel and engine lubricant specifications.

(a) Gasoline having the following specifications will be used by the Administrator in exhaust emission testing. Gasoline having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer for emission testing except that the lead and octane specifications do not apply.

Item designation	ASTM	Leaded	Unleaded
Octane, research, min	D2699	100	93
Pb (organic), g/liter (g/U.S. gal.)	D3237	[1] 0.026 (0.100 max)	[1] 0.013 (0.050 max)
Distillation Range:	D86		
IBP, °C(°F)		23.9–35 (75–95)	23.9–35 (75–95)
10 pct. point, °C(°F)		48.9–57.2 (120–135)	48.9–57.2 (120–135)
50 pct. point, °C(°F)		93.3–110 (200–230)	93.3–110 (200–230)
90 pct. point, °C(°F)		148.9–162.8 (300–325)	148.9–162.8 (300–325)
EP, °C(°F)		212.8(415)	212.8(415)
Sulfur, wt. pct., max	D1266	0.10	0.10
Phosphorus, g/liter (g/U.S. gal), max		0.0026 (0.01)	0.0013 (0.005)
RVP, KPa (psi)	D323	55.2–63.4 (8.0–9.2)	55.2–63.4 (8.0–9.2)
Hydrocarbon composition:			
Olefins, pct., max	D1319	10	10

Item designation	ASTM	Leaded	Unleaded
Aromatics, pct., max		35	35
Saturates		(2)	(2)

[1] Maximum.
[2] Remainder.

* * * * *

26. Section 86.523–78 of Subpart F is amended by revising paragraph (a)(11) to read as follows:

§ 86.523–78 Oxides of nitrogen analyzer calibration.

(a) * * *

(11) Calculate the efficiency of the NO_x converter by substituting the concentrations obtained into the following equation:

Percent Efficiency = [1 + (a–b)/(c–d)]x100

where:

a = concentration obtained in step (8).
b = concentration obtained in step (9).
c = concentration obtained in step (6).
d = concentration obtained in step (7).

If converter efficiency is not greater than 90 percent corrective action will be required.

27. Section 86.884–7 of Subpart I is amended by revising paragraphs (a)(1), (a)(2)(v), (a)(3)(i), and (a)(3)(ii) to read as follows:

§ 86.884–7 Dynamometer operation cycle for smoke emission tests.

(a) * * *

(1) *Idle Mode.* The engine is caused to idle for 5.0 to 5.5 minutes at the manufacturer's recommended curb idle speed. The dynamometer controls shall be set to provide the speed and load necessary to comply with the heavy-duty "curb idle" definition per § 86.084–2, in accordance with predominant engine application.

(2) * * *

(v) For electric dynamometer operation in speed mode, motoring assist may be used to offset excessive dynamometer inertia load when necessary. No negative flywheel torque shall occur during any of the three acceleration modes in paragraph (a)(2) of this section except for a maximum of 10ft-lbs. for the first 0.5 second of the mode.

(3) * * *

(i) Immediately upon the completion of the preceding acceleration mode, the dynamometer controls shall be adjusted to permit the engine to develop maximum horsepower at rated speed. This transition period shall be 50 to 60 seconds in duration. During the last 10 seconds of this period, the engine speed shall be maintained within 50 rpm of the rated speed, and the power (corrected, if necessary, to rating conditions) shall be no less than 95 percent of the maximum horsepower developed during the preconditioning prior to the smoke cycle.

(ii) With the throttle remaining in the fully open position, the dynamometer controls shall be adjusted gradually so that the engine speed is reduced to the intermediate speed. This lugging operation shall be performed smoothly over a period of 35±5 seconds. The rate of slowing of the engine shall be linear, within 100 rpm, as specified in § 86.884–13(c).

* * * * *

28. Section 86.884–12 of Subpart I is amended by revising paragraphs (a), (c)(9)(iv), and (c)(11) to read as follows:

§ 86.884–12 Test run.

(a) The temperature of the air supplied to the engine shall be between 68 °F and 86 °F. The engine fuel inlet temperature shall be 100 °F ±10 °F and shall be measured at a point specified by the manufacturer. The observed barometric pressure shall be between 28.5 inches and 31 inches Hg. Higher air temperature or lower barometric pressure may be used, if desired, but no allowance will be made for possible increased smoke emissions because of such conditions.

* * * * *

(c) * * *

(9) * * *

(iv) The smoke meter zero and full scale response may be rechecked and reset during the idle mode of each test sequence.

* * * * *

(11)(i) Check zero and reset if necessary.

(ii) Check span response (*linearity*) of the smokemeter by inserting neutral density filters.

(iii) If either zero drift *or the linearity check* is in excess of two percent opacity, the results shall be invalidated.

29. Section 86.1105–87 Subpart L is amended by revising the introductory texts of paragraphs (b), (b)(1) and (b)(2) to read as follows:

§ 86.1105–87 Emission standards for which nonconformance penalties are available.

* * * * *

(b) Effective in the model years indicated, NCPs will be available for the following emission standards:

(1) Diesel heavy-duty engine oxides of nitrogen emission standard of 6.0 grams per brake horsepower-hour, effective in the 1990 model year.

* * * * *

(2) Diesel heavy-duty engine particulate emission standard of 0.60 gram per brake horsepower-hour, effective in the 1988 model year.

* * * * *

30. Section 86.1308–84 of Subpart N is amended by revising paragraph (e)(2)(iii) to read as follows:

§ 86.1308–84 Dynamometer and engine equipment specifications.

* * * * *

(e) * * *

(2) * * *

(iii) Transfer of calibration from the case or master load cell to the flywheel torque measuring device shall be performed with the dynamometer operating at a constant speed. The flywheel torque measurement device readout shall be calibrated to the master load cell torque readout at a minimum of six loads approximately equally spaced across the full useful ranges of both measurement devices. (Note that good engineering practice requires that both devices have approximately equal useful ranges of torque measurement.) The transfer calibration shall be performed in a manner such that the accuracy requirements of paragraph (a)(2) of this section for the flywheel torque measurement device readout be met or exceeded.

* * * * *

31. Section 86.1310–88 of Subpart N is amended by revising paragraphs (b)(1)(iv)(A), (b)(3)(v)(D), and (b)(6)(ii)(C) to read as follows:

§ 86.1310–88 Exhaust gas sampling and analytical system; diesel engines.

* * * * *

(b) * * *

(1) * * *

(iv) * * *

(A) Shall have a temperature of 77°±9 °F (25°±5 °C). For the first 10 seconds of sampling, this specification is 77°±20 °F (25°±11 °C).

* * * * *

(3) * * *

(v) * * *

(D) 0.19 in (0.483 cm) minimum inside diameter.

* * * * *

(6) * * *

(ii) * * *

(C) The secondary dilution air shall be at a temperature of 77°±9 °F (25°±5 °C). For the first 10 seconds of sampling, this specification is 77°±20 °F (25°±11 °C).

* * * * *

32. Section 86.1312–88 of Subpart N is amended by revising paragraph (a)(3) and adding paragraphs (a)(4), (a)(5), (a)(6), (a)(7) and (a)(8) to read as follows:

§ 86.1312–88 Weighing chamber and microgram balance specifications.

(a) * * *

(3) The chamber (or room) environment shall be free of any ambient contaminates (such as dust) that would settle on the particulate filters during their stabilization. It is required that at least two unused reference filters remain in the weighing room at all times in covered (to reduce dust contamination) but unsealed (to permit humidity exchange) petri dishes. These reference filters shall be placed in the same general area as the sample filters. These reference filters shall be weighed within 4 hours of, but preferably at the same time as, the sample filter weighings.

(4) If the average weight of the reference filters changes between sample filter weighings by ±5.0 percent or more of the nominal filter loading (a recommended minimum of 5.3 milligrams), then all sample filters in the process of stabilization shall be discarded and the emissions tests repeated.

(5) If the average weight of the reference filters changes between sample filter weighings by more than −1.0 percent but less than −5.0 percent of the nominal filter loading (a weight loss) then the manufacturer has the option of either repeating the emissions test or adding the average amount of weight loss to the net weight of the sample.

(6) If the average weight of the reference filters changes between sample filter weighing by more than 1.0 percent but less than 5.0 percent of the nominal filter loading (a weight gain), then the manufacturer has the option of either repeating the emissions test or accepting the measured sample filter weight values.

(7) If the average weight of the reference filters changes between sample filter weighings by not more than ±1.0 percent, then the measured sample filter weights shall be used.

(8) The reference filters shall be changed at least once a month, but never between clean and used weighings of a given sample filter. More than one set of reference filters may be used. The reference filters shall be the same size and material as the sample filters.

* * * * *

33. Section 86.1313–87 of Subpart N is amended by revising paragraph (a)(1) to read as follows:

§ 86.1313–87 Fuel specifications.

(a) *Gasoline.* (1) Gasoline having the specifications listed in Table N87–1 will be used by the Administrator in exhaust emission testing. Gasoline having these specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust emission testing, except that the lead and octane specifications do not apply.

TABLE N87–1

Item	ASTM	Leaded	Unleaded
Octane, research, min.	D2699	98	93
Sensitivity, (min.)		7.5	7.5
Pb (organic), gm/U.S. gal. (g/liter)	D3237	[1] 0.100	[1] 0.050
		[1] 0.026	[1] 0.013
Distillation range:			
IBP, °F (°C)	D86	75–95	75–95
		(23.9–35)	(23.9–35)
10 percent point, °F (°C)	D86	120–135	120–135
		(48.9–57.2)	(48.9–57.2)
50 percent point, °F (°C)	D86	200–230	200–230
		(93.3–110)	(93.3–110)
90 percent point, °F (°C)	D86	300–325	300–325
		(148.9–162.8)	(148.9–162.8)
EP, °F, (maximum) (°C)	D86	415	415
		(212.8)	(212.8)
Sulphur, wt, pct. (max.)	D1266	0.10	0.10
Phosphorus, gm/U.S. gal. (g/liter) max.		0.01	0.005
		(0.0026)	(0.0026)
RVP, psi	D323	8.0–9.2	8.0–9.2
Hydrocarbon composition:			
Olefins, pct., max.	D1319	10	10
Aeromatics, pct., max.	D1319	35	35
Saturates	D1319	(2)	(2)

[1] Maximum.
[2] Remainder.

* * * * *

34. Section 86.1319–84 of Subpart N is amended by revising paragraphs (c)(7)(iv) and (e)(2) to read as follows:

§ 86.1319–84 CVS calibration.

* * * * *

(c) * * *

(7) * * *

(iv) A linear least squares fit is performed to generate the calibration equation which has the form:

$$V_o = D_o - M(X_o)$$

D_o and M are the intercept and slope constants, respectively, describing the regression lines.

* * * * *

(e) * * *

(2) Determine the weight of the reference propane cylinder to an accuracy of ±0.2 percent or less of the actual amount of propane discharged into the system.

* * * * *

35. Section 86.1320–88 of Subpart N is amended by revising paragraphs (a)(1), (a)(3), (a)(5), (a)(6), and adding paragraph (a)(7) to read as follows:

§ 86.1320–88 Gas meter or flow instrumentation calibration, particulate measurement.

(a) * * *

(1) (i) Install a calibration device in series with the instrument. A critical flow orifice, a bellmouth nozzle, a laminar flow element or an NBS traceable flow calibration device is required as the standard device.

(ii) The flow system should be checked for leaks between the calibration and sampling meters, including any pumps that may be part of the system, using good engineering practice.

* * * * *

(3) When the temperature and pressure in the system have stabilized, measure the indicated gas volume over a time period of at least 5 minutes or until a gas volume of at least ±1 percent accuracy can be determined by the calibration device. Record the stabilized air temperature and pressure upstream of the instrument and as required for the calibration device.

* * * * *

(5) Repeat the procedures of paragraphs (a) (2) through (4) of this section using at least two additional flow rates which bracket the typical operating range.

(6) If the air flow at standard conditions measured by the instrument differs from the standard measurement at any of the flow rates by ±1.0 percent of the maximum operating range or ±2.0 percent of the point (whichever is smaller), then a correction shall be made by either of the following two methods:

(i) Mechanically adjust the instrument so that it agrees with the calibration measurement at the specified flow rates using the criteria of paragraph (a)(6) of this section, or

(ii) Develop a continuous best fit calibration curve for the instrument (as a function of the calibration device flow measurement) from the calibration points to determine corrected flow. The points on the calibration curve relative to the calibration device measurements must be within ±1.0 percent of the maximum operating range or ±2.0 percent of the point (whichever is smaller).

(7) For double dilution systems, the accuracy of the secondary dilution flow measurement device should be within ±1.0 percent of the total flow through the filter.

* * * * *

36. Section 86.1321–84 of Subpart N is amended by revising paragraphs (a)(3)(i) and (a)(3)(ii) to read as follows:

§ 86.1321–84 Hydrocarbon analyzer calibration.

(a) * * *

(3) * * *

(i) For gasoline fueled engines, the procedures outlined in Society of Automotive Engineers (SAE) paper No. 770141, "Optimization of Flame Ionization Detector for Determination of Hydrocarbons in Diluted Automobile Exhaust"; author, Glen D. Reschke.

(ii) For diesel fueled engines, the HFID optimization procedures outlined in 40 CFR 86.331–79, except for the oxygen interference checks in § 86.331–79(d).

* * * * *

37. Section 86.1327–84 of Subpart N is amended by revising paragraph (f)(2)(iii) to read as follows:

§ 86.1327–84 Engine dynamometer test procedures; overview.

* * * * *

(f) * * *

(2) * * *

(iii) If the tubing is required to be insulated, the radial thickness of the insulation must be at least 1.0 inch. The thermal conductivity of the insulating material must have a value no greater than 0.75 BTU-in/hr/ft²/°F measured at 700 °F.

* * * * *

38. Section 86.1327–88 of Subpart N is amended by revising paragraph (f)(2)(i)(E) to read as follows:

§ 86.1327–88 Engine dynamometer test procedures; overview.

* * * * *

(f) * * *

(2) * * *

(i) * * *

(E) If the tubing is required to be insulated, the radial thickness of the insulation must be at least 1.0 inch. The thermal conductivity of the insulating material must have a value no greater than 0.75 BTU-in/hr/ft²/°F measured at 700 °F.

* * * * *

39. Section 86.1330–84 of Subpart N is amended by revising paragraphs (b)(1) and (f) to read as follows:

§ 86.1330–84 Test sequence, general requirements.

* * * * *

(b) * * *

(1) The temperature of the CVS dilution air shall be maintained above 68 °F (20 °C) throughout the test sequence, except as permitted by § 86.1335–84.

* * * * *

(f) *Diesel-Fueled Engines only.* (1)(i) Air inlet and exhaust restrictions shall be set to represent the average restrictions which would be seen in use in a representative application.

(ii) Inlet depression and exhaust backpressure shall be set with the engine operating at rated speed and wide open throttle, except for the case of inlet depression for naturally aspirated engines, which shall be set at maximum engine speed and nominal zero load (high idle).

(iii) The location at which the inlet depression and exhaust backpressure is measured shall be specified by the manufacturer.

(iv) The settings shall take place during the final mode of the preconditioning prior to determining the maximum torque curve.

(2)(i) The temperature of the inlet fuel to the engine shall not exceed 110 °F (or 130 °F during the first 10 seconds of the hot start test).

(ii) The pressure of the inlet fuel and the point at which it is measured shall be specified by the manufacturer.

* * * * *

40. Section 86.1332–84 of Subpart N is amended by revising paragraphs (c) (1), (2) and (e)(1)(i) to read as follows:

§ 86.1332–84 Engine mapping procedures.

* * * * *

(c) * * *

(1) *Gasoline-fueled engines.* (i) For ungoverned engines using the transient operating cycle set forth in paragraph (f)(1) of Appendix I to this part, the maximum mapping speed shall be no less than that calculated from the following equation:

Maximum speed=

$$\text{curb idle rpm} + \frac{105\ (\text{measured rated rpm} - \text{curb idle rpm})}{100}$$

or when a 3.0 percent drop in maximum horsepower occurs, whichever of the two is greater.

(ii) For ungoverned engines using the transient operating cycle set forth in paragraph (f)(3) of Appendix 1 to this part, the maximum mapping speed shall be no less than that calculated from the following equation:

Maximum speed=

$$\text{curb idle rpm} + \frac{115\ (\text{measured rated rpm} - \text{curb idle rpm})}{100}$$

or when a 3.0 percent drop in horsepower occurs, whichever of the two is greater.

(iii) For governed engines the maximum mapping speed shall be no less than either that speed at which the wide-open throttle torque drops off to zero, or the maximum speed as calculated for ungoverned engines (paragraph (c)(1)(i) of this section).

(2) *Diesel-fueled engines.* (i) For ungoverned engines the maximum mapping speed shall be no less than that calculated from the following equation:

Maximum speed=

$$\text{curb idle rpm} + \frac{113\ (\text{measured rated rpm} - \text{curb idle rpm})}{100}$$

or when a 3.0 percent drop in horsepower occurs, whichever of the two is greater.

(ii) For governed engines the maximum mapping speed shall be no less than either that speed at which wide-open throttle torque drops off to zero, or the maximum speed as calculated for ungoverned engines, (paragraph (c)(2)(i) of this section).

* * * * *

(e) * * *

(1) * * *

(i) Fit all data points recorded under paragraphs (d)(2) (vi) and (vii) of this section (100 rpm increments) with a cubic spline, Akima, or other technique approved in advance by the Administrator. The resultant curve shall be accurate to within ± 1.0 ft-lbs. of all recorded engine torques.

* * * * *

41. Section 86.1333–84 of Subpart N is amended by revising paragraphs (a) introductory text, (b), (d), and (e) and adding paragraph (a)(3) to read as follows:

§ 86.1333–84 Transient test cycle generation.

(a) The heavy-duty transient engine cycles for gasoline-and diesel-fueled engines are listed in Appendix I ((f)(1), (2), and (3) to this part). These second-by-second listings represent torque and rpm maneuvers characteristic of heavy-duty engines. Both rpm and torque are normalized (expressed as a percentage of maximum) in these listings.

* * * * *

(3) The EPA Engine Dynamometer Schedule for Heavy Duty Diesel Engines listed in Appendix I (f)(2) contains torque points referred to as "closed rack motoring." For reference cycle calculation, torque points shall take on unnormalized values determined in either of the following three ways:

(i) Negative 40 percent of the positive torque available at the associated speed point. The generation of this positive maximum torque curve is described in § 86.1332–84.

(ii) Map the amount of negative torque required to motor the engine between idle and maximum mapping speed and use this map to determine the amount of negative torque required at the associated speed point.

(iii) Determine the amount of negative torque required to motor the engine at idle and rated speeds and linearly interpolate using these two points.

(b) Example of unnormalization procedure. The following test point shall be normalized:

Percent RPM/43

Percent torque/82

Given the following values:

Measured Rated rpm=3800

Curb Idle rpm=600

Calculate actual rpm:

$$\text{Actual rpm} = \frac{\%\ \text{rpm (measured rated rpm} - \text{curb idle rpm})}{100} + \text{curb idle rpm}$$

Actual rpm=43 (3800 − 600)/100+600

Actual rpm=1976

Determine actual torque. Determine the maximum observed torque at 1976 rpm from the maximum torque curve. Then multiply this value (e.g. 358 ft-lbs) by 0.82. This results in an actual torque of 294 ft-lbs.

* * * * *

(d) *Cold Start Enhancement Devices.* The zero percent speed specified in the engine dynamometer schedules (Appendix I (f)(1), (f)(2), or (f)(3) to this part) shall be superseded by proper operation of the engine's automatic cold start enhancement device.

(1) During automatic cold start enhancement device operation a manual transmission engine shall be allowed to idle at whatever speed is required to produce a feedback torque of 0 ft-lbs. ±10 ft-lbs. (using, for example, clutch disengagement, speed to torque control switching, software overrides, etc.) at those points in Appendix I (f)(1), (f)(2), or (f)(3) to this part where both reference speed and reference torque are zero percent values.

(2) During automatic cold start enhancement device operation an automatic transmission engine shall be allowed to idle at whatever speed is required to produce a feedback torque of CITT ft-lbs. ±10 ft-lbs. (see (e)(2) of this section for definition of CITT) at those points in Appendix I (f)(1), (f)(2), or (f)(3) to this part where both reference speed and reference torque are zero percent values.

(3) For gasoline engines tested without an operating clutch, modification to the cycle validation criteria for this automatic cold start enhancement device high idle allowance is permitted only for the first 150 seconds of the cold cycle and the first 30 seconds of the hot cycle. After this, the cycles shall be run as specified in Appendix I (f)(1) or (f)(3) to this part. (See 86.1341–84 for allowances in the cycle validation criteria.)

(4) For diesel engines tested without an operating clutch, modification to the cycle validation criteria for this automatic cold start enhancement device high idle allowance is permitted only for up to the first 180 seconds of the cold cycle or up to the first 30 seconds of the hot cycle. However, the sum of the seconds deleted from the cold cycle plus

the sum of the seconds deleted from the hot cycle may not exceed 180 seconds. After this, the cycles shall be run as specified in Appendix I(f)(2) to this part. (See 86.1341–84 for allowances in the cycle validation criteria.)

* * * * *

42. Section 86.1334–84 of Subpart N is amended by revising paragraph (a)(2) to read as follows:

§ 86.1334–84 Pre-test engine and dynamometer preparation.

(a) * * *

(2) Following any practice runs or calibration procedures, the engine shall be turned off and allowed to soak at normal ambient conditions until the oil sump reaches a temperature between 68 °F and 86 °F (20 °C to 30 °C) for a minimum of 0.5 hr., or be cooled per § 86.1335–84.

* * * * *

43. Section 86.1335–84 of Subpart N is amended by revising paragraph (e)(1) to read as follows:

§ 86.1335–84 Optional forced cool-down procedure.

* * * * *

(e)(1) The cold cycle exhaust emission test may begin after a forced cool down only when the engine oil temperature is stabilized between 68 °F and 75 °F (20 °C and 24 °C) for a minimum of 10 minutes.

(i) This temperature measurement is to be made by a temperature measurement device immersed in the sump oil, the sensor part of which is not in contact with any engine surface

(ii) The forced cool down apparatus shall be shut off during this measurement. No engine oil change is permitted during the test sequence.

* * * * *

44. Section 86.1336–84 of Subpart N is amended by revising the section title, redesignating and revising paragraph (d) as (e), and adding a new paragraph (d), to read as follows:

§ 86.1336–84 Engine starting, restarting, and shutdown.

* * * * *

(d) *Engine shutdown.* Engine shutdown shall be performed in accordance with manufacturer's specifications.

(e) Test equipment malfunction.

(1) If a malfunction occurs in any of the required test equipment during the cold cycle portion of the test, the test shall be voided.

(2) If a malfunction occurs in any of the required test equipment (computer, gaseous emissions analyzer, etc.) during the hot cycle portion of the test, complete the full engine cycle before engine shut-down then resoak for 20 minutes.

(i) If the test equipment malfunction can be corrected before the resoak period has been completed the hot cycle portion of the test may be rerun.

(ii)(*A*) If the test equipment malfunction is corrected after the completion of the resoak period, then a preconditioning cycle must be run before the hot cycle. This consists of a full 20 minute transient cycle followed by a 20 minute soak and then the for-record hot cycle.

(*B*) In no case can the start of the cold cycle and the start of the hot cycle be separated by more than 4 hours.

45. Section 86.1337–84 of Subpart N is amended by revising paragraphs (a)(10) and (a)(11) to read as follows:

§ 86.1337–84 Engine dynamometer test run.

(a) * * *

(10) On the last record of the cycle immediately turn the engine off and start a hot soak timer. Sampling systems should continue to sample after the end of the test cycle until system response times have elapsed.

(11)(i) Immediately after the engine is turned off, turn off the engine cooling fan(s) if used.

(ii) Turn off the CVS blower or disconnect or otherwise isolate the exhaust system from the CVS.

(iii) As soon as possible, transfer the "cold start cycle" exhaust and dilution air bag samples to the analytical system and process the samples according to § 83.1340–84.

(iv) A stabilized reading of the exhaust sample on all analyzers shall be made within 20 minutes of the end of the sample collection phase of the test.

* * * * *

46. Section 86.1337–88 of Subpart N is amended by revising paragraph (a)(10) to read as follows:

§ 86.1337–88 Engine dynomometer test run.

(a) * * *

(10) Begin the transient engine cycles such that the first non-idle record of the cycle occurs at 25±1 seconds. The free idle time is included in the 25±1 seconds.

(i) During diesel particulate testing without the use of flow compensation, adjust the sample pump(s) so that the flow rate through the particulate sample probe or transfer tube is maintained at a value within ±5 percent of the set flow rate.

(ii) During diesel particulate sampling with the use of flow compensation (i.e. proportional control of sample flow), it must be demonstrated that the ratio of main tunnel flow to particulate sample flow does not change by more than ±5.0 percent of its set point value (except for the first 10 seconds of sampling). Note: for double dilution operation, sample flow is the net difference between the flow rate through the sample filters and the secondary dilution air flow rate.

(iii) Record the average temperature and pressure at the gas meter(s) or flow instrumentation inlet. If the set flow rate cannot be maintained because of high particulate loading on the filter, the test shall be terminated. The test shall be rerun using a lower flow rate and/or a larger diameter filter

* * * * *

47. Section 86.1338–84 of Subpart N is amended by revising paragraph (a)(1) to read as follows:

§ 86.1338–84 Emission measurement accuracy.

(a) * * *

(1) Good engineering practice dictates that exhaust emission sample analyzer readings below 15 percent of full scale chart deflection should generally not be used.

* * * * *

48. Section 86.1339–88 of Subpart N is amended by revising paragraphs (a), (g) and (h)(2) to read as follows:

§ 86.1339–88 Diesel particulate filter handling and weighing.

(a) At least 1 hour, but not more than 80 hours, before the test, place each filter in a closed (to eliminate dust contamination) but unsealed (to permit humidity exchange) petri dish and place in a weighing chamber meeting the specifications of § 86.1312–88 for stabilization.

* * * * *

(g) The particulate filter weight (P_f) is the sum of the net weight of the primary filter plus the net weight of the back-up filter.

(h) * * *

(2) After the emissions test, in removing the filters from the filter holder, the back-up filter is inverted on top of the primary filter. They must then be conditioned in the weighing chamber for at least one hour but not more than 80 hours. The filters are then weighed as a pair. This reading is the gross weight of the filters (P_f) and must be recorded (see § 86.1344–88(e)(18)).

* * * * *

49. Section 86.1341–84 of Subpart N is revised to read as follows:

§ 86.1341–84 Test cycle validation criteria.

(a) To minimize the biasing effect of the time lag between the feedback and reference cycle values, the entire engine speed and torque feedback signal sequence may be advanced or delayed in time with respect to the reference speed and torque sequence. If the feedback signals are shifted, both speed and torque must be shifted the same amount in the same direction.

(b) Brake horsepower-hour calculation. (1) Actual brake horsepower-hour shall be calculated using each pair of engine feedback speed and torque values recorded. This shall be done after any feedback data shift has occurred (see § 86.1341–84(a)), if this option is selected. This actual brake horsepower-hour figure is used for comparison to reference brake horsepower-hour (see § 86.1341–84 (b)(3) and (b)(4)) and for calculating brake specific emissions

(2) (i) The same methodology shall be used for integrating both reference and actual brake horsepower-hour.

(ii) If values must be determined between adjacent reference or adjacent measured values then linear interpolation must be used.

(iii) In integrating the reference and actual brake horsepower-hour, all negative torque values shall be set equal to zero and included.

(iv) If integration is performed at a frequency of less than 5 Hertz, and if, during a given time segment, the torque value changes from positive to negative or negative to positive, then the negative portion must be computed and set equal to zero.

(v) The positive portion is included in the integrated value.

(vi) All calculations shall be made to at least five significant digits.

(3) For diesel engines, the actual brake horsepower-hour for each cycle (cold and hot start) shall be between −15 percent and +5 percent of the integrated reference brake horsepower-hour, or the test is void.

(4) For gasoline engines, the actual brake horsepower-hour for the cold cycle shall be within ±5 percent of the reference brake horsepower-hour, or the test is void. The tolerance for the hot cycle shall be ±4 percent.

(c) Regression Line Analysis to Calculate Validation Statistics. (1) Linear regressions of feedback value on reference value shall be performed for speed, torque, and brake horsepower. This shall be done after any feedback data shift has occurred (see § 86.1341–84(a)), if this option is selected. The method of least squares shall be used, with the best fit equation having the form:

$y = mx + b$

Where:

y=The feedback (actual) value of speed (in rpm), torque (in ft-lbs), or brake horsepower

m=Slope of the regression line

x=The reference value (speed, torque, or brake horsepower)

b=The y intercept of the regression line

(2) The standard error of estimate (SE) of y on x and the coefficient of determination (r^2) shall be calculated for each regression line.

(3) It is recommended that this analysis be performed at 1 Hertz.

(4) For diesel engines, all reference torque values specified in Appendix I, (f)(2) as "closed rack motoring" and the associated feedback values shall be deleted from the calculation of cycle torque and power validation statistics.

(5) For a test to be considered valid, the criteria in Figure N84–11 must be met for both cold and hot cycles individually. Point deletions from the regression analyses are permitted where noted in Figure N84–11.

(d) If a dynamometer test run is determined to be void due to reasons such as experimental errors, or violation of validation statistics or integrated horsepower-hour criterion, then corrective action shall be taken. The engine shall then be (1) allowed to cool (naturally or forced) and the dynamometer test rerun per § 86.1337–84 or (2) be retested per § 86.1336–84(e).

FIGURE N84–11—REGRESSION LINE TOLERANCES

	Speed	Torque	BHP
Diesel Engines			
Standard error of estimate (SE) of Y on X	100 rpm	13 pct of power map maximum engine torque.	8 pct of power map maximum BHP.
Slope of the regression line, m	0.970 to 1.030	0.83–1.03 hot, 0.77–1.03 cold	0.89–1.03 (hot) 0.87-1.03 (cold).
Coefficient of determination, r^2	0.9700 [1]	0.8800 (hot) [1] 0.8500 (cold) [1]	0.9100.[1]
Y intercept of the regression line, b	±50 rpm	±15 ft-lb	±5.0 BHP.
Gasoline Engines			
Standard error of estimate (SE) of Y on X	100 rpm	10 pct (hot) 11 pct (cold) of power map max engine torque.	5 pct (hot) 6 pct (cold) of power map max. BHP.
Slope of the regression line	0.980 to 1.020	0.92–1.03 (hot) 0.88–1.03 (cold)	0.93–1.03 (hot) 0.89–1.03 (cold).
Coefficient of determination r^2	0.9700 [1]	0.9300 (hot) [1] 0.9000 (cold) [1]	0.9400 (hot) [1] 0.9300 (cold). [1]
Y intercept of the regression b	+25 (hot) ±40 (cold)	±4 pct (hot) ±5 pct (cold) of power map max. engine torque.	±2 pct (hot) ±2.5 pct (cold) of power map max. BHP.

[1] Minimum.

VOL 52 ISS 241 DEC 16 1987 UMI

PERMITTED POINT DELETIONS FROM REGRESSION ANALYSIS

Condition	Points to be deleted
First 24 seconds (#1) of free idle hot and cold cycles	Speed, Torque, BHP
Wide-open throttle and speed control, and torque feedback < torque reference	Torque, BHP.
Wide-open throttle and torque control, and feedback < speed reference	Speed, BHP.
Speed control, and gasoline-fueled engine and closed throttle and torque reference < torque feedback, and:	
A. Manual transmission, and reference torque not equal to zero, or	Torque, BHP.
B. Automatic transmission, and reference torque not equal to curb idle transmission torque	Same as above.
Speed control, and diesel engine, and reference torque equals "Closed Rack Motoring"	Same as above.
Gasoline-fueled engine, and equipped with cold-start enhancement device and first 150 seconds of cold cycle or first 30 seconds of hot cycle, and closed throttle, and no clutch (or with clutch engaged during idle periods) and:	
A. Manual transmission, and torque feedback is equal to zero (±10 ft lb), or	Speed, BHP.
B. Automatic transmission, and torque feedback is equal to curb idle transmission torque (±10 ft lb).	Same as above.
Diesel-fueled engine, and equipped with cold engine idle speed enrichment up to the first 180 seconds or cold cycle or up to the first 30 seconds of hot cycle, the sum of the seconds deleted from the cold cycle plus the sum of the seconds deleted from the hot cycle may not exceed 180 seconds and closed throttle and no clutch (or with clutch engaged during idle periods), and:	
A. Manual transmission, and torque feedback is equal to zero (±10 ft-lb)	Same as above.
B. Automatic transmission, and torque feedback is equal to curb idle transmission torque (±10 ft-lb).	Speed, BHP.
Speed control and engine equipped with an operating clutch, and clutch disengaged	Same as above.

(Approved by the Office of Management and Budget under control number 2000-0390)

50. Section 86.1342-84 of Subpart N is amended by revising paragraphs (c)(3) and (d)(5) to read as follows:

§ 86.1342-84 Calculations; exhaust emissions.

* * * * *

(c) * * *

$$(3)\quad CO_{mass} = \sum_{i=1}^{n}\left[\left(\frac{CO_d}{10^4}\right)_i \times (V_{mix})_i \times (Density_{CO}) \times (\Delta T)\right] - \left(\frac{CO_d}{10^4}\right)(1-1/DF) \times V_{mix} \times Density_{CO}$$

(d) * * *

(5) $DF = 13.4/[CO_{2e} + (HC_e + CO_e) \times 10^{-4}]$, or $DF = 13.4/CO_{2e}$.

* * * * *

51. Section 86.1343-88 of Subpart N is amended by revising paragraph (b)(8) to read as follows:

§ 86.1343-88 Calculations; particulate exhaust emissions (diesels only).

* * * * *

(b) * * *

(8)(i) Real time flow rate measurement and calculating devices are permitted under these regulations. The appropriate changes in the above calculations shall be made using sound engineering principles.

(ii) Other systems and options, as permitted under these regulations, may require calculations other than these, but these must be based on sound engineering principles and be approved in advance by the Administrator at the time the alternate system is approved.

* * * * *

Appendix I—Urban Dynamometer Schedules

52. Part 86, Appendix I of Subpart N is amended by changing the column heading in the chart in paragraph (f)(1) from "Record (section)" to "Record (seconds)", revising the normalized revolutions per minute and normalized torque values in paragraph (f)(1) for the following entries:

(f)(1) * * *

Record (seconds)	Percent: Normalized revolutions per minute	Percent: Normalized torque
* *	*	*
35	40.00	10.00
* *	*	*
44	0.0	0.0
45	0.0	0.0
46	0.0	0.0
47	0.0	0.0
48	0.0	0.0
49	0.0	0.0
* *	*	*
125	0.0	0.0
126	0.0	0.0
* *	*	*
386	0.0	0.0
* *	*	*
892	0.0	0.0
* *	*	*
942	0.0	0.0
* *	*	*
1,019	0.0	0.0
1,020	0.0	0.0
1,075	0.0	0.0
1,076	0.0	0.0
* *	*	*

by revising the column heading in the chart in paragraph (f)(2) from "Record (section)" to "Record (seconds)", revising the record column in paragraph (f)(2) at the 996th second thru the 999th such that the sequence of numbers should be changed from

996
977
998
999

to:

996
997
998
999

by revising Footnote 1 at the end of the table in paragraph (f)(2) to read "1 Closed rack motoring", changing the column heading in the chart in paragraph (f)(3) from "Record (section)" to "Record (seconds)", and revising the texts of paragraphs (f)(1) and (f)(3) to read as follows:

* * * * *

(f)(1) EPA Engine Dynamometer Schedule for Heavy-Duty Gasoline-Fueled engines. (Known as the "MVMA" Cycle).

* * * * *

(3) Optional EPA Engine Dynamometer Schedule for Heavy-Duty Gasoline-Fueled Engines. (Known as the EPA cycle.)

* * * * *

PART 600—FUEL ECONOMY FOR MOTOR VEHICLES

53. The authority citation for Part 600 continues to read as follows:

Authority: Title III of the Energy Policy and Conservation Act of 1975, Pub. L. 94-163, 89 Stat. 871, Title IV of the National Conservation Policy Act of 1978, Pub. L. 95-619, 92 Stat. 3206.

54. Section 600.306-86 of Subpart D, Fuel Economy of Motor Vehicles is amended by revising paragraph (c)(2) to read as follows:

§ 600.306-86 Labeling requirements.

* * * * *

(c) * * *

(2) The fuel economy label information may be included with the Automobile Information Disclosure Act label if the prominence and legibility of the fuel economy label is maintained. For this purpose, all fuel economy label information must be placed on a separate section in the label and may not be intermixed with the Automobile Information Disclosure Act label information, except for vehicle descriptions as noted in § 600.307-86(c).

* * * * *

[FR Doc. 87-27996 Filed 12-15-87; 8:45 am]

BILLING CODE 6560-50-M

VOL
52
ISS
241
DE
16
1987
UMI

federal register

Wednesday
December 16, 1987

Part IV

Environmental Protection Agency

Toxic Substances; Premanufacture Notices; Monthly Status Report for July 1987; Notice

BEST COPY AVAILABLE

VOL 52 ISS 241 DE 16 1987 UMI

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53099; FRL-3294-5]

Toxic Substances; Premanufacture Notices; Monthly Status Report for July 1987

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the Federal Register each month reporting the premanufacture notices (PMNs) and exemption requests pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for July 1987.

Nonconfidential portions of the PMNs and exemption requests may be seen in the Public Reading Room NE–G004 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS–53099]" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS–790), Office of Toxic Substances, Environmental Protection Agency, Rm. L–100, 401 M Street, SW., Washington, DC 20460, (202) 554–1305.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–613, 401 M Street, SW, Washington, DC 20460, (202) 382–3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the Federal Register as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during July; (b) PMNs received previously and still under review at the end of July; (c) PMNs for which the notice review period has ended during July; (d) chemical substances for which EPA has received a notice of commencement to manufacture during July; and (e) PMNs for which the review period has been suspended. Therefore, the July 1987 PMN Status Report is being published.

Dated: November 16, 1987.

Denise Devoe,

Acting Director, Information Management Division, Office of Toxic Substances.

Premanufacture Notices Monthly Status Report—July 1987

I. 218 Premanufacture Notices and Exemption Request Received During the Month

PMN No.	
P 87–1351	P 87–1419
P 87–1352	P 87–1420
P 87–1353	P 87–1421
P 87–1354	P 87–1422
P 87–1355	P 87–1423
P 87–1356	P 87–1424
P 87–1357	P 87–1425
P 87–1358	P 87–1426
P 87–1359	P 87–1427
P 87–1360	P 87–1428
P 87–1361	P 87–1429
P 87–1362	P 87–1430
P 87–1363	P 87–1431
P 87–1364	P 87–1432
P 87–1365	P 87–1433
P 87–1366	P 87–1434
P 87–1367	P 87–1435
P 87–1368	P 87–1436
P 87–1369	P 87–1437
P 87–1370	P 87–1438
P 87–1371	P 87–1439
P 87–1372	P 87–1440
P 87–1373	P 87–1441
P 87–1374	P 87–1442
P 87–1375	P 87–1443
P 87–1376	P 87–1444
P 87–1377	P 87–1445
P 87–1378	P 87–1446
P 87–1379	P 87–1447
P 87–1380	P 87–1448
P 87–1381	P 87–1449
P 87–1382	P 87–1450
P 87–1383	P 87–1451
P 87–1384	P 87–1452
P 87–1385	P 87–1453
P 87–1386	P 87–1454
P 87–1387	P 87–1455
P 87–1388	P 87–1456
P 87–1389	P 87–1457
P 87–1390	P 87–1458
P 87–1391	P 87–1459
P 87–1392	P 87–1460
P 87–1393	P 87–1461
P 87–1394	P 87–1462
P 87–1395	P 87–1463
P 87–1396	P 87–1464
P 87–1397	P 87–1465
P 87–1398	P 87–1466
P 87–1399	P 87–1467
P 87–1400	P 87–1468
P 87–1401	P 87–1469
P 87–1402	P 87–1470
P 87–1403	P 87–1471
P 87–1404	P 87–1472
P 87–1405	P 87–1473
P 87–1406	P 87–1474
P 87–1407	P 87–1475
P 87–1408	P 87–1476
P 87–1409	P 87–1477
P 87–1410	P 87–1478
P 87–1411	P 87–1479
P 87–1412	P 87–1480
P 87–1413	P 87–1481
P 87–1414	P 87–1482
P 87–1415	P 87–1483
P 87–1416	P 87–1484
P 87–1417	P 87–1485
P 87–1418	P 87–1486
P 87–1487	Y 87–212
P 87–1488	Y 87–213
P 87–1489	Y 87–214
P 87–1490	Y 87–215
P 87–1491	Y 87–216
P 87–1492	Y 87–217
P 87–1493	Y 87–218
P 87–1494	Y 87–219
P 87–1495	Y 87–220
P 87–1496	Y 87–221
P 87–1497	Y 87–222
P 87–1498	Y 87–223
P 87–1499	Y 87–224
P 87–1500	Y 87–225
P 87–1501	Y 87–226
P 87–1502	Y 87–227
P 87–1503	Y 87–228
P 87–1504	Y 87–229
P 87–1505	Y 87–230
P 87–1506	Y 87–231
P 87–1507	Y 87–232
P 87–1508	Y 87–233
P 87–1509	Y 87–234
P 87–1510	Y 87–235
P 87–1511	Y 87–236
P 87–1512	Y 87–237
Y 87–197	Y 87–238
Y 87–198	Y 87–239
Y 87–199	Y 87–240
Y 87–200	Y 87–241
Y 87–201	Y 87–242
Y 87–202	Y 87–243
Y 87–203	Y 87–244
Y 87–204	Y 87–245
Y 87–205	Y 87–246
Y 87–206	Y 87–247
Y 87–207	Y 87–248
Y 87–208	Y 87–249
Y 87–209	Y 87–250
Y 87–210	Y 87–251
Y 87–211	Y 87–277

II. 162 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	
P 87–1189	P 87–1224
P 87–1190	P 87–1225
P 87–1191	P 87–1226
P 87–1192	P 87–1227
P 87–1193	P 87–1228
P 87–1194	P 87–1229
P 87–1195	P 87–1230
P 87–1196	P 87–1231
P 87–1197	P 87–1232
P 87–1198	P 87–1233
P 87–1199	P 87–1234
P 87–1200	P 87–1235
P 87–1201	P 87–1236
P 87–1202	P 87–1237
P 87–1203	P 87–1238
P 87–1204	P 87–1239
P 87–1205	P 87–1240
P 87–1206	P 87–1241
P 87–1207	P 87–1242
P 87–1208	P 87–1243
P 87–1209	P 87–1244
P 87–1210	P 87–1245
P 87–1211	P 87–1246
P 87–1212	P 87–1247
P 87–1213	P 87–1248
P 87–1214	P 87–1249
P 87–1215	P 87–1250
P 87–1216	P 87–1251
P 87–1217	P 87–1252
P 87–1218	P 87–1253
P 87–1219	P 87–1254
P 87–1220	P 87–1255
P 87–1221	P 87–1256
P 87–1222	P 87–1257
P 87–1223	P 87–1258

P 87–1259	P 87–1305
P 87–1260	P 87–1306
P 87–1261	P 87–1307
P 87–1262	P 87–1308
P 87–1263	P 87–1309
P 87–1264	P 87–1310
P 87–1265	P 87–1311
P 87–1266	P 87–1312
P 87–1267	P 87–1313
P 87–1268	P 87–1314
P 87–1269	P 87–1315
P 87–1270	P 87–1316
P 87–1271	P 87–1317
P 87–1272	P 87–1318
P 87–1273	P 87–1319
P 87–1274	P 87–1320
P 87–1275	P 87–1321
P 87–1276	P 87–1322
P 87–1277	P 87–1323
P 87–1278	P 87–1324
P 87–1279	P 87–1325
P 87–1280	P 87–1326
P 87–1281	P 87–1327
P 87–1282	P 87–1328
P 87–1283	P 87–1329
P 87–1284	P 87–1330
P 87–1285	P 87–1331
P 87–1286	P 87–1332
P 87–1287	P 87–1333
P 87–1288	P 87–1334
P 87–1289	P 87–1335
P 87–1290	P 87–1336
P 87–1291	P 87–1337
P 87–1292	P 87–1338
P 87–1293	P 87–1339
P 87–1294	P 87–1340
P 87–1295	P 87–1341
P 87–1296	P 87–1342
P 87–1297	P 87–1343
P 87–1298	P 87–1344
P 87–1299	P 87–1345
P 87–1300	P 87–1346
P 87–1301	P 87–1347
P 87–1302	P 87–1348
P 87–1303	P 87–1349
P 87–1304	P 87–1350

III. 172 Premanufacture Notices and Exemption Requests for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

PMN No.	
P 87–921	P 87–957
P 87–922	P 87–958
P 87–923	P 87–959
P 87–924	P 87–960
P 87–925	P 87–961
P 87–926	P 87–962
P 87–927	P 87–963
P 87–928	P 87–964
P 87–929	P 87–965
P 87–930	P 87–966
P 87–931	P 87–967
P 87–932	P 87–968
P 87–933	P 87–969
P 87–934	P 87–970
P 87–935	P 87–971
P 87–936	P 87–972
P 87–937	P 87–973
P 87–938	P 87–974
P 87–939	P 87–975
P 87–940	P 87–976
P 87–941	P 87–977
P 87–942	P 87–978
P 87–943	P 87–979
P 87–944	P 87–980
P 87–945	P 87–981
P 87–946	P 87–982
P 87–947	P 87–983
P 87–948	P 87–984
P 87–949	P 87–985
P 87–950	P 87–986
P 87–951	P 87–987
P 87–952	P 87–988
P 87–953	P 87–989
P 87–954	P 87–990
P 87–955	P 87–991
P 87–956	P 87–992
P 87–993	P 87–1043
P 87–994	P 87–1044
P 87–995	P 87–1045
P 87–996	P 87–1046
P 87–997	P 87–1047
P 87–998	P 87–1048
P 87–999	P 87–1049
P 87–1000	P 87–1050
P 87–1001	P 87–1051
P 87–1002	P 87–1052
P 87–1003	P 87–1053
P 87–1004	Y 87–159
P 87–1005	Y 87–160
P 87–1006	Y 87–161
P 87–1007	Y 87–162
P 87–1008	Y 87–163
P 87–1009	Y 87–164
P 87–1010	Y 87–165
P 87–1011	Y 87–166
P 87–1012	Y 87–167
P 87–1013	Y 87–168
P 87–1014	Y 87–169
P 87–1015	Y 87–170
P 87–1016	Y 87–171
P 87–1017	Y 87–172
P 87–1018	Y 87–173
P 87–1019	Y 87–174
P 87–1020	Y 87–175
P 87–1021	Y 87–176
P 87–1022	Y 87–177
P 87–1023	Y 87–178
P 87–1024	Y 87–179
P 87–1025	Y 87–180
P 87–1026	Y 87–181
P 87–1027	Y 87–182
P 87–1028	Y 87–183
P 87–1029	Y 87–184
P 87–1030	Y 87–185
P 87–1031	Y 87–186
P 87–1032	Y 87–187
P 87–1033	Y 87–188
P 87–1034	Y 87–189
P 87–1035	Y 87–190
P 87–1036	Y 87–191
P 87–1037	Y 87–192
P 87–1038	Y 87–193
P 87–1039	Y 87–194
P 87–1040	Y 87–195
P 87–1041	Y 87–196
P 87–1042	Y 87–197

IV. 29 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity/generic name	Date of commencement
P 84–641	Generic name: Organo-modified pigment	May 26, 1987.
P 84–680	Generic name: Salt of dialkylphosphorodithioic acid	June 15, 1987.
P 84–1124	Generic name: Modified styrene-divinylbenzene polymer	July 13, 1987.
P 85–353	Generic name: Polymer of aliphatic diisocyanate, aliphatic glycols, aliphatic diacid, aromatic anhydride and alkylene oxides.	Jan. 6, 1986.
P 85–437	Generic name: Hydroxy-propyl-triazine	June 15, 1987.
P 85–480	Generic name: Cellulose ester	June 29, 1987.
P 85–543	2-Butenedioic acid (2)-, mono[2-[(1-oxo-2-propenyl)oxy]ethyl]-ester	June 20, 1987.
P 85–544	2-Propenoic acid, 2-methyl-, 7,7,9-trimethyl-4,13-dioxo-3,14-dioxa-5,12-diaza hexadecane-1,16-diylester	June 20, 1987.
P 85–545	2-Propenoicacid-3-(dimethylamino)-2,2-dimethyl-propylester	June 20, 1987.
P 85–546	2-Propenoic acid, 2-methyl-, 3,3,5–trimethyl-cyclohexylester	June 20, 1987.
P 85–547	2-Propenoic acid, 3,3,5-trimethylcyclohexylester	June 20, 1987.
P 85–1120	Generic name: High molecular weight linear saturated polyester	July 10, 1987.
P 86–1088	Generic name: Urethane acrylate with pendant hydroxy and carboxyl groups	Feb. 27, 1987.
P 86–1264	Generic name: Polyol ester of mixed normal and branched chain monocarboxylic acids	June 12, 1987.
P 87–349	Generic name: Partially crosslinked saturated polyester with medium number-average molecular weight	July 10, 1987.
P 87–352	Generic name: Partially crosslinked saturated polyester with medium number-average molecular weight	July 10, 1987.
P 87–469	Generic name: 2-Propenoic acid sodium salt, 2-propenoic acid	June 23, 1987.
P 87–562	Generic name: Isoindoline derivative	June 29, 1987.
P 87–718	Benzene, ethenyl-, polymer with 1,3-butadiene hydrogenated, containing antioxidants, vinyltriethoxysilane, peroxide, (1,1,4,4- tetramethyl-1,4-butanediyl) bis (1,1-dimethylethyl).	June 30, 1987.
P 87–839	Generic name: Sulfonium borate	July 21, 1987.
P 87–847	Generic name: Alkyl amine	July 6, 1987.
Y 86–136	Generic name: Polyurethane resin	June 17, 1987.

IV. 29 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Identity/generic name	Date of commencement
Y 87-116	Generic name: Polyester resin	June 25, 1987.
Y 87-159	Generic name: Modified oil	July 13, 1987.
Y 87-160	Generic name: Modified oil	July 20, 1987.
Y 87-161	Generic name: Modified oil	July 10, 1987.
Y 87-164	Generic name: Alkyd	July 25, 1987.
Y 87-166	2-Propenoic acid, 2-methyl-, polymer with 1-ethenyl- 2-pyrrolidine and ethyl-2-methyl-2-propenoate, 2-(dimethylamino)ethanol.	July 15, 1987.
Y 87-178	Generic name: Water reducible alkyd resin	July 20, 1987.

V. 18 PREMANUFACTURE NOTICES FOR WHICH THE PERIOD HAS BEEN SUSPENDED

PMN No.	
P 85-[illegible]	P 87-199
P 86-1076	P 87-902
P 86-1686	P 87-903
P 87-197	P 87-963
P 87-198	P 87-971
P 87-973	P 87-1028
P 87-[illegible]	P 87-1036
P 87-1009	P 87-1041
P 87-1010	P 87-1408

[FR Doc. 87-27006 Filed 12-15-87; 8:45 am]

BILLING CODE [illegible]-M

VOL 52 ISS 241 DEC 16 1987 UMI

federal register

Wednesday
December 16, 1987

Part V

Environmental Protection Agency

Toxic Substances; Premanufacture Notices; Monthly Status Report for August 1987; Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53100; FRL-3293-9]

Toxic Substances; Premanufacture Notices; Monthly Status Report for August 1987

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption requests pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for August 1987.

Nonconfidential portions of the PMNs and exemption requests may be seen in the Public Reading Room NE-G004 at the address below between 8:00 a.m. and 4:00 p.m., Monday thru Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS-53100]" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, Room L-100, 401 M Street SW., Washington, DC 20460, (202) 554-1305.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Room E-613, 401 M Street SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during August; (b) PMNs received previously and still under review at the end of August; (c) PMNs for which the notice review period has ended during August; (d) chemical substances for which EPA has received a notice of commencement to manufacture during August; and (e) PMNs for which the review period has been suspended. Therefore, the August 1987 PMN Status Report is being published.

Dated: November 16, 1987.

Denise Devoe,

Acting Director, Information Management Division, Office of Toxic Substances.

Premanufacture Notices Monthly Status Report—August 1987

I. 185 Premanufacture Notices and Exemption Request Received During the Month

PMN No.

P 87-1513	P 87-1581
P 87-1514	P 87-1582
P 87-1515	P 87-1583
P 87-1516	P 87-1584
P 87-1517	P 87-1585
P 87-1518	P 87-1586
P 87-1519	P 87-1587
P 87-1520	P 87-1588
P 87-1521	P 87-1589
P 87-1522	P 87-1590
P 87-1523	P 87-1591
P 87-1524	P 87-1592
P 87-1525	P 87-1593
P 87-1526	P 87-1594
P 87-1527	P 87-1595
P 87-1528	P 87-1596
P 87-1529	P 87-1597
P 87-1530	P 87-1598
P 87-1531	P 87-1599
P 87-1532	P 87-1600
P 87-1533	P 87-1601
P 87-1534	P 87-1602
P 87-1535	P 87-1603
P 87-1536	P 87-1604
P 87-1537	P 87-1605
P 87-1538	P 87-1606
P 87-1539	P 87-1607
P 87-1540	P 87-1608
P 87-1541	P 87-1609
P 87-1542	P 87-1610
P 87-1543	P 87-1611
P 87-1544	P 87-1612
P 87-1545	P 87-1613
P 87-1546	P 87-1614
P 87-1547	P 87-1615
P 87-1548	P 87-1616
P 87-1549	P 87-1617
P 87-1550	P 87-1618
P 87-1551	P 87-1619
P 87-1552	P 87-1620
P 87-1553	P 87-1621
P 87-1554	P 87-1622
P 87-1555	P 87-1623
P 87-1556	P 87-1624
P 87-1557	P 87-1625
P 87-1558	P 87-1626
P 87-1559	P 87-1627
P 87-1560	P 87-1628
P 87-1561	P 87-1629
P 87-1562	P 87-1630
P 87-1563	P 87-1631
P 87-1564	P 87-1632
P 87-1565	P 87-1633
P 87-1566	P 87-1634
P 87-1567	P 87-1635
P 87-1568	P 87-1636
P 87-1569	P 87-1637
P 87-1570	P 87-1638
P 87-1571	P 87-1639
P 87-1572	P 87-1640
P 87-1573	P 87-1641
P 87-1574	P 87-1642
P 87-1575	P 87-1643
P 87-1576	P 87-1644
P 87-1577	P 87-1645
P 87-1578	P 87-1646
P 87-1579	P 87-1647
P 87-1580	P 87-1648
P 87-1649	Y 87-255
P 87-1650	Y 87-256
P 87-1651	Y 87-257
P 87-1652	Y 87-258
P 87-1653	Y 87-259
P 87-1654	Y 87-260
P 87-1655	Y 87-261
P 87-1656	Y 87-262
P 87-1657	Y 87-263
P 87-1658	Y 87-264
P 87-1659	Y 87-265
P 87-1660	Y 87-266
P 87-1661	Y 87-267
P 87-1662	Y 87-268
P 87-1663	Y 87-269
P 87-1664	Y 87-270
P 87-1665	Y 87-271
P 87-1666	Y 87-272
P 87-1667	Y 87-273
P 87-1668	Y 87-274
P 87-1669	Y 87-275
P 87-1670	Y 87-276
Y 87-252	Y 87-278
Y 87-253	Y 87-279
Y 87-254	

II. 162 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN. No.

P 87-1351	P 87-1402
P 87-1352	P 87-1403
P 87-1353	P 87-1404
P 87-1354	P 87-1405
P 87-1355	P 87-1406
P 87-1356	P 87-1407
P 87-1357	P 87-1408
P 87-1358	P 87-1409
P 87-1359	P 87-1410
P 87-1360	P 87-1411
P 87-1361	P 87-1412
P 87-1362	P 87-1413
P 87-1363	P 87-1414
P 87-1364	P 87-1415
P 87-1365	P 87-1416
P 87-1366	P 87-1417
P 87-1367	P 87-1418
P 87-1368	P 87-1419
P 87-1369	P 87-1420
P 87-1370	P 87-1421
P 87-1371	P 87-1422
P 87-1372	P 87-1423
P 87-1373	P 87-1424
P 87-1374	P 87-1425
P 87-1375	P 87-1426
P 87-1376	P 87-1427
P 87-1377	P 87-1428
P 87-1378	P 87-1429
P 87-1379	P 87-1430
P 87-1380	P 87-1431
P 87-1381	P 87-1432
P 87-1382	P 87-1433
P 87-1383	P 87-1434
P 87-1384	P 87-1435
P 87-1385	P 87-1436
P 87-1386	P 87-1437
P 87-1387	P 87-1438
P 87-1388	P 87-1439
P 87-1389	P 87-1440
P 87-1390	P 87-1441
P 87-1391	P 87-1442
P 87-1392	P 87-1443
P 87-1393	P 87-1444
P 87-1394	P 87-1445
P 87-1395	P 87-1446
P 87-1396	P 87-1447
P 87-1397	P 87-1448
P 87-1398	P 87-1449
P 87-1399	P 87-1450
P 87-1400	P 87-1451
P 87-1401	P 87-1452

P 87-1453	P 87-1483	P 86-1634	P 87-1096	P 87-1143	P 87-1190
P 87-1454	P 87-1484	P 87-252	P 87-1097	P 87-1144	P 87-1191
P 87-1455	P 87-1485	P 87-786	P 87-1098	P 87-1145	P 87-1192
P 87-1456	P 87-1486	P 87-787	P 87-1099	P 87-1146	P 87-1193
P 87-1457	P 87-1487	P 87-1406	P 87-1100	P 87-1147	P 87-1194
P 87-1458	P 87-1488	P 87-1054	P 87-1101	P 87-1148	P 87-1195
P 87-1459	P 87-1489	P 87-1055	P 87-1102	P 87-1149	P 87-1196
P 87-1460	P 87-1490	P 87-1056	P 87-1103	P 87-1150	P 87-1197
P 87-1461	P 87-1491	P 87-1057	P 87-1104	P 87-1151	P 87-1198
P 87-1462	P 87-1492	P 87-1058	P 87-1105	P 87-1152	P 87-1199
P 87-1463	P 87-1493	P 87-1059	P 87-1106	P 87-1153	P 87-1200
P 87-1464	P 87-1494	P 87-1060	P 87-1107	P 87-1154	P 87-1201
P 87-1465	P 87-1495	P 87-1061	P 87-1108	P 87-1155	P 87-1202
P 87-1466	P 87-1496	P 87-1062	P 87-1109	P 87-1156	P 87-1203
P 87-1467	P 87-1497	P 87-1063	P 87-1110	P 87-1157	P 87-1204
P 87-1468	P 87-1498	P 87-1064	P 87-1111	P 87-1158	P 87-1205
P 87-1469	P 87-1499	P 87-1065	P 87-1112	P 87-1159	P 87-1206
P 87-1470	P 87-1500	P 87-1066	P 87-1113	P 87-1160	P 87-1207
P 87-1471	P 87-1501	P 87-1067	P 87-1114	P 87-1161	P 87-1208
P 87-1472	P 87-1502	P 87-1068	P 87-1115	P 87-1162	P 87-1209
P 87-1473	P 87-1503	P 87-1069	P 87-1116	P 87-1163	P 87-1210
P 87-1474	P 87-1504	P 87-1070	P 87-1117	P 87-1164	P 87-1211
P 87-1475	P 87-1505	P 87-1071	P 87-1118	P 87-1165	P 87-1212
P 87-1476	P 87-1506	P 87-1072	P 87-1119	P 87-1166	P 87-1213
P 87-1477	P 87-1507	P 87-1073	P 87-1120	P 87-1167	P 87-1214
P 87-1478	P 87-1508	P 87-1074	P 87-1121	P 87-1168	P 87-1215
P 87-1479	P 87-1509	P 87-1075	P 87-1122	P 87-1169	P 87-1216
P 87-1480	P 87-1510	P 87-1076	P 87-1123	P 87-1170	Y 87-198
P 87-1481	P 87-1511	P 87-1077	P 87-1124	P 87-1171	Y 87-199
P 87-1482	P 87-1512	P 87-1078	P 87-1125	P 87-1172	Y 87-200
		P 87-1079	P 87-1126	P 87-1173	Y 87-201
		P 87-1080	P 87-1127	P 87-1174	Y 87-202
		P 87-1081	P 87-1128	P 87-1175	Y 87-203
		P 87-1082	P 87-1129	P 87-1176	Y 87-204
		P 87-1083	P 87-1130	P 87-1177	Y 87-205
		P 87-1084	P 87-1131	P 87-1178	Y 87-206
		P 87-1085	P 87-1132	P 87-1179	Y 87-207
		P 87-1086	P 87-1133	P 87-1180	Y 87-208
		P 87-1087	P 87-1134	P 87-1181	Y 87-209
		P 87-1088	P 87-1135	P 87-1182	Y 87-210
		P 87-1089	P 87-1136	P 87-1183	Y 87-211
		P 87-1090	P 87-1137	P 87-1184	Y 87-212
		P 87-1091	P 87-1138	P 87-1185	Y 87-213
		P 87-1092	P 87-1139	P 87-1186	Y 87-214
		P 87-1093	P 87-1140	P 87-1187	Y 87-215
		P 87-1094	P 87-1141	P 87-1188	Y 87-216
		P 87-1095	P 87-1142	P 87-1189	

III. 191 Premanufacture Notices and Exemption Requests for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

PMN No.

P 85-1335	P 86-823
P 86-36	P 86-1526

IV. 15 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity/generic name	Date of commencement
P 85-36	Generic name: Substituted pyridine	June 2, 1986.
P 85-1022	Generic name: Barium lithol pigment	Nov. 22, 1985.
P 85-1343	Generic name: Silicon substituted organic amine	Jan. 27, 1986.
P 86-333	Generic name: Aromatic polyamide	July 22, 1987.
P 86-557	Generic name: 2,4-Diamino-5-para-acetylaminophenylazo) sulfocarbopolycyclic azo-hydroxysulfocarbopolycyclic azo-benzenesulfonic acid salt.	July 3, 1987.
P 86-578	Generic name: Dicyanate ester oligomer	July 6, 1987.
P 86-1007	Generic name: Acrylate functional polysiloxane	Aug. 5, 1986.
P 86-1600	Alkyl naphthalene sulfonic acid, compound with amine	Dec. 9, 1986.
P 87-247	Generic name: Thermoplastic elastomer	July 20, 1987.
P 87-702	Generic name: Butanamide, N-(4-alkylcarboxy phenyl)-3-oxo-	June 21, 1987.
P 87-703	Butanamide, N-(2,4-dimethylphenyl)-3-oxo-, sodium chloride	June 21, 1987.
P 87-738	Generic name: Amide soap blend	Oct. 29, 1987.
P 87-854	Generic name: Alkyl substituted 3,3-bis(phenyl) isobenzofuranone	July 12, 1987.
P 87-921	Generic name: Dimethyl, methylphenyl polysiloxane fluid	July 30, 1987.
P 87-924	Generic name: Dimethyl, methylphenyl polysiloxane fluid	July 30, 1987.

VOL
52
ISS
241
DE
16
1987
UMI

V. 21 PREMANUFACTURE NOTICES FOR WHICH THE PERIOD HAS BEEN SUSPENDED

PMN No.	
P 87-568	P 87-1155
P 87-569	P 87-1159
P 87-570	P 87-1201
P 87-1068	P 87-1212
P 87-1123	P 87-1213
P 87-1147	P 87-1220
P 87-1226	P 87-1385
P 87-1227	P 87-1387
P 87-1272	P 87-1456
P 87-1318	P 87-1511
P 87-1319	

[FR Doc. 87-28918 Filed 12-15-87; 8:45 am]

BILLING CODE 6560-50-M

federal register

Wednesday
December 16, 1987

Part VI

Environmental Protection Agency

Toxic Substances; Premanufacture Notices; Monthly Status Report for September 1987; Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53101; FRL-3294-6]

Toxic Substances; Premanufacture Notices; Monthly Status Report for September 1987

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption requests pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for September 1987.

Nonconfidential portions of the PMNs and exemption requests may be seen in the Public Reading Room NE–G004 at the address below between 8:00 a.m. and 4:00 p.m., Monday thru Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS–53101]" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS–790), Office of Toxic Substances, Environmental Protection Agency, Rm. L–100, 401 M Street, SW., Washington, DC 20460, (202) 554–1305.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–613, 401 M Street, SW., Washington, DC 20460, (202) 382–3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during September; (b) PMNs received previously and still under review at the end of September; (c) PMNs for which the notice review period has ended during September; (d) chemical substances for which EPA has received a notice of commencement to manufacture during September; and (e) PMNs for which the review period has been suspended. Therefore, the September 1987 PMN Status Report is being published.

Dated: November 16, 1987.

Denise Devoe,

Acting Director, Information Management Division, Office of Toxic Substances.

Premanufacture Notices Monthly Status Report—September 1987

I. 254 Premanufacture Notices and Exemption Request Received During the Month

PMN No.	
P 87–1671	P 87–1739
P 87–1672	P 87–1740
P 87–1673	P 87–1741
P 87–1674	P 87–1742
P 87–1675	P 87–1743
P 87–1676	P 87–1744
P 87–1677	P 87–1745
P 87–1678	P 87–1746
P 87–1679	P 87–1747
P 87–1680	P 87–1748
P 87–1681	P 87–1749
P 87–1682	P 87–1750
P 87–1683	P 87–1751
P 87–1684	P 87–1752
P 87–1685	P 87–1753
P 87–1686	P 87–1754
P 87–1687	P 87–1755
P 87–1688	P 87–1756
P 87–1689	P 87–1757
P 87–1690	P 87–1758
P 87–1691	P 87–1759
P 87–1692	P 87–1760
P 87–1693	P 87–1761
P 87–1694	P 87–1762
P 87–1695	P 87–1763
P 87–1696	P 87–1764
P 87–1697	P 87–1765
P 87–1698	P 87–1766
P 87–1699	P 87–1767
P 87–1700	P 87–1768
P 87–1701	P 87–1769
P 87–1702	P 87–1770
P 87–1703	P 87–1771
P 87–1704	P 87–1772
P 87–1705	P 87–1773
P 87–1706	P 87–1774
P 87–1707	P 87–1775
P 87–1708	P 87–1776
P 87–1709	P 87–1777
P 87–1710	P 87–1778
P 87–1711	P 87–1779
P 87–1712	P 87–1780
P 87–1713	P 87–1781
P 87–1714	P 87–1782
P 87–1715	P 87–1783
P 87–1716	P 87–1784
P 87–1717	P 87–1785
P 87–1718	P 87–1786
P 87–1719	P 87–1787
P 87–1720	P 87–1788
P 87–1721	P 87–1789
P 87–1722	P 87–1790
P 87–1723	P 87–1791
P 87–1724	P 87–1792
P 87–1725	P 87–1793
P 87–1726	P 87–1794
P 87–1727	P 87–1795
P 87–1728	P 87–1796
P 87–1729	P 87–1797
P 87–1730	P 87–1798
P 87–1731	P 87–1799
P 87–1732	P 87–1800
P 87–1733	P 87–1801
P 87–1734	P 87–1802
P 87–1735	P 87–1803
P 87–1736	P 87–1804
P 87–1737	P 87–1805
P 87–1738	P 87–1806
P 87–1807	P 87–1866
P 87–1808	P 87–1867
P 87–1809	P 87–1868
P 87–1810	P 87–1869
P 87–1811	P 87–1870
P 87–1812	P 87–1871
P 87–1813	P 87–1872
P 87–1814	P 87–1873
P 87–1815	P 87–1874
P 87–1816	P 87–1875
P 87–1817	P 87–1876
P 87–1818	P 87–1877
P 87–1819	P 87–1878
P 87–1820	P 87–1879
P 87–1821	P 87–1880
P 87–1822	P 87–1881
P 87–1823	P 87–1882
P 87–1824	P 87–1883
P 87–1825	P 87–1884
P 87–1826	P 87–1885
P 87–1827	P 87–1886
P 87–1828	P 87–1887
P 87–1829	P 87–1888
P 87–1830	P 87–1889
P 87–1831	P 87–1890
P 87–1832	P 87–1891
P 87–1833	P 87–1892
P 87–1834	P 87–1893
P 87–1835	P 87–1894
P 87–1836	P 87–1895
P 87–1837	P 87–1896
P 87–1838	P 87–1897
P 87–1839	P 87–1898
P 87–1840	P 87–1899
P 87–1841	P 87–1900
P 87–1842	P 87–1901
P 87–1843	P 87–1902
P 87–1844	P 87–1903
P 87–1845	P 87–1904
P 87–1846	Y 87–280
P 87–1847	Y 87–281
P 87–1848	Y 87–282
P 87–1849	Y 87–283
P 87–1850	Y 87–284
P 87–1851	Y 87–285
P 87–1852	Y 87–286
P 87–1853	Y 87–287
P 87–1854	Y 87–288
P 87–1855	Y 87–289
P 87–1856	Y 87–290
P 87–1857	Y 87–291
P 87–1858	Y 87–292
P 87–1859	Y 87–293
P 87–1860	Y 87–294
P 87–1861	Y 87–295
P 87–1862	Y 87–296
P 87–1863	Y 87–297
P 87–1864	Y 87–298
P 87–1865	Y 87–299

II. 177 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	
P 85–609	P 87–1155
P 85–620	P 87–1220
P 85–710	P 87–1513
P 85–719	P 87–1514
P 85–725	P 87–1515
P 86–635	P 87–1516
P 86–814	P 87–1517
P 86–1165	P 87–1518
P 86–1412	P 87–1519
P 86–1530	P 87–1520
P 86–1628	P 87–1521
P 86–1629	P 87–1522
P 87–10	P 87–1523
P 87–739	P 87–1524
P 87–760	P 87–1525
P 87–1068	P 87–1526
P 87–1147	P 87–1527

P 87–1528	P 87–1586	P 87–1644	P 87–1658
P 87–1529	P 87–1587	P 87–1645	P 87–1659
P 87–1530	P 87–1588	P 87–1646	P 87–1660
P 87–1531	P 87–1589	P 87–1647	P 87–1661
P 87–1532	P 87–1590	P 87–1648	P 87–1662
P 87–1533	P 87–1591	P 87–1649	P 87–1663
P 87–1534	P 87–1592	P 87–1650	P 87–1664
P 87–1535	P 87–1593	P 87–1651	P 87–1665
P 87–1536	P 87–1594	P 87–1652	P 87–1666
P 87–1537	P 87–1595	P 87–1653	P 87–1667
P 87–1538	P 87–1596	P 87–1654	P 87–1668
P 87–1539	P 87–1597	P 87–1655	P 87–1669
P 87–1540	P 87–1598	P 87–1656	P 87–1670
P 87–1541	P 87–1599	P 87–1657	
P 87–1542	P 87–1600		
P 87–1543	P 87–1601		
P 87–1544	P 87–1602		
P 87–1545	P 87–1603		
P 87–1546	P 87–1604		
P 87–1547	P 87–1605		
P 87–1548	P 87–1606		
P 87–1549	P 87–1607		
P 87–1550	P 87–1608		
P 87–1551	P 87–1609		
P 87–1552	P 87–1610		
P 87–1553	P 87–1611		
P 87–1554	P 87–1612		
P 87–1555	P 87–1613		
P 87–1556	P 87–1614		
P 87–1557	P 87–1615		
P 87–1558	P 87–1616		
P 87–1559	P 87–1617		
P 87–1560	P 87–1618		
P 87–1561	P 87–1619		
P 87–1562	P 87–1620		
P 87–1563	P 87–1621		
P 87–1564	P 87–1622		
P 87–1565	P 87–1623		
P 87–1566	P 87–1624		
P 87–1567	P 87–1625		
P 87–1568	P 87–1626		
P 87–1569	P 87–1627		
P 87–1570	P 87–1628		
P 87–1571	P 87–1629		
P 87–1572	P 87–1630		
P 87–1573	P 87–1631		
P 87–1574	P 87–1632		
P 87–1575	P 87–1633		
P 87–1576	P 87–1634		
P 87–1577	P 87–1635		
P 87–1578	P 87–1636		
P 87–1579	P 87–1637		
P 87–1580	P 87–1638		
P 87–1581	P 87–1639		
P 87–1582	P 87–1640		
P 87–1583	P 87–1641		
P 87–1584	P 87–1642		
P 87–1585	P 87–1643		

III. 178 Premanufacture Notices and Exemption Requests for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

PMN No.	
P 87–1217	P 87–1247
P 87–1218	P 87–1248
P 87–1219	P 87–1249
P 87–1220	P 87–1250
P 87–1221	P 87–1251
P 87–1222	P 87–1252
P 87–1223	P 87–1253
P 87–1224	P 87–1254
P 87–1225	P 87–1255
P 87–1226	P 87–1256
P 87–1227	P 87–1257
P 87–1228	P 87–1258
P 87–1229	P 87–1259
P 87–1230	P 87–1260
P 87–1231	P 87–1261
P 87–1232	P 87–1262
P 87–1233	P 87–1263
P 87–1234	P 87–1264
P 87–1235	P 87–1265
P 87–1236	P 87–1266
P 87–1237	P 87–1267
P 87–1238	P 87–1268
P 87–1239	P 87–1269
P 87–1240	P 87–1270
P 87–1241	P 87–1271
P 87–1242	P 87–1272
P 87–1243	P 87–1273
P 87–1244	P 87–1274
P 87–1245	P 87–1275
P 87–1246	P 87–1276
P 87–1277	P 87–1336
P 87–1278	P 87–1337
P 87–1279	P 87–1338
P 87–1280	P 87–1339
P 87–1281	P 87–1340
P 87–1282	P 87–1341
P 87–1283	P 87–1342
P 87–1284	P 87–1343
P 87–1285	P 87–1344
P 87–1286	P 87–1345
P 87–1287	P 87–1346
P 87–1288	P 87–1347
P 87–1289	P 87–1348
P 87–1290	P 87–1349
P 87–1291	P 87–1350
P 87–1292	P 87–1351
P 87–1293	P 87–1352
P 87–1294	P 87–1353
P 87–1295	P 87–1354
P 87–1296	P 87–1355
P 87–1297	P 87–1356
P 87–1298	P 87–1357
P 87–1299	P 87–1358
P 87–1300	Y 87–217
P 87–1301	Y 87–218
P 87–1302	Y 87–219
P 87–1303	Y 87–220
P 87–1304	Y 87–221
P 87–1305	Y 87–222
P 87–1306	Y 87–223
P 87–1307	Y 87–224
P 87–1308	Y 87–225
P 87–1309	Y 87–226
P 87–1310	Y 87–227
P 87–1311	Y 87–228
P 87–1312	Y 87–229
P 87–1313	Y 87–230
P 87–1314	Y 87–231
P 87–1315	Y 87–232
P 87–1316	Y 87–233
P 87–1317	Y 87–234
P 87–1318	Y 87–235
P 87–1319	Y 87–236
P 87–1320	Y 87–237
P 87–1321	Y 87–238
P 87–1322	Y 87–239
P 87–1323	Y 87–240
P 87–1324	Y 87–241
P 87–1325	Y 87–242
P 87–1326	Y 87–243
P 87–1327	Y 87–244
P 87–1328	Y 87–245
P 87–1329	Y 87–246
P 87–1330	Y 87–247
P 87–1331	Y 87–248
P 87–1332	Y 87–249
P 87–1333	Y 87–250
P 87–1334	Y 87–251
P 87–1335	Y 87–252

IV. 27 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity/generic name	Date of commencement
P83–949	Generic name: Polyglycidyl ethers of hydrocarbon novolac	July 17, 1987.
P86–389	Generic name: Azoxy bis (substituted phenyl)azo bis substituted naphthalenesulfonic acid, salt	June 30, 1987.
P86–505	Propane, 2,2-bis(p-(p-nitrophenoxy)phenyl)	July 27, 1987.
P86–521	Generic name: Brominated aromatic hydrocarbon	June 24, 1987.
P86–834	D,1-camphorquinone	Sept. 15, 1987.
P86–867	Siloxanes and silicones, Di-Me, Me hydrogen, reaction products with allyl glycidyl ether and polyethylene-polypropylene glycol allyl methyl ether.	July 20, 1987.
P86–1270	Generic name: Fatty acid modified alkyd resin	Mar. 31, 1987.
P86–1341	Generic name: Unsaturated aromatic hydrocarbon	June 25, 1987.
P86–1466	Generic name: Substituted benzenesulfonyl chloride	July 14, 1987.
P86–1467	Generic name: Substituted benzenesulfonamide	Dic.
P86–1761	Generic name: Saturated polyester resin	May 20, 1987.
P87–26	Generic name: 2-(2-Aminoethoxy)ethanol, ethanol, 2,2'-oxybis-, ethanol, 2,2'-[1,2-ethanediylbis(oxy)] bis-, ethanol, 2-[2-(2-aminoethoxy)ethoxy]-.	June 30, 1987.
P87–202	Generic name: Alkyl substituted cycloalkenoate	June 25, 1987.
P87–296	1-Penten-3-one, 2-methyl-1-(2,6,6-trimethyl-2-cyclohexen-1-yl)-	June 22, 1987.

VOL 52 ISS 241 DEC 16 1987 UMI

IV. 27 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture—Continued

PMN No.	Identity/generic name	Date of commencement
P87-300	Acetic acid, isothiocyanato, ethyl ester	June 18, 1987.
P87-452	3,6-Dimethyl-1-octyn-3-ol	June 10, 1987.
P87-672	4,7,11-trimethyl-4,6,10-dodecatrien-3-one	June 15, 1987.
P87-731	Generic name: Aqueous polyurethane dispersion	June 29, 1987.
P87-753	Amide of polycarboxylic acid	June 4, 1987.
P87-761	Generic name: Phenoxy modified epoxy ester resin	June 23, 1987.
P87-762	2-Butenal, 3-methyl-	July 1, 1987.
P87-789	Generic name: Reaction mixture of carbomonocyclic acid, sulfonated carbomonocyclic ester, alkylene glycol and dialkylene glycol.	July 6, 1987.
P87-835	Benzeneacetonitrile, alpha-hydroxy-3-phenoxy-, (S)-	June 23, 1987.
P87-868	Generic name: Tall oil fatty acid polyamide	July 20, 1987.
P87-914	Generic name: Modified epoxy resin	July 6, 1987.
P87-926	Generic name: Ethylene interpolymer	July 21, 1987.
P87-965	Generic name: Saturated polyester plasticizer	July 15, 1987.

V. 15 Premanufacture Notices for Which the Period Has Been Suspended

PMN No.	
P 86-1411	P 87-1292
P 87-804	P 87-1306
P 87-1066	P 87-1337
P 87-1104	P 87-1346
P 87-1192	P 87-1379
P 87-1218	P 87-1510
P 87-1265	P 87-1636
P 87-1273	

[FR Doc. 87-27007 Filed 12-15-87; 8:45 am]

BILLING CODE 6560-50-M

Reader Aids

Federal Register
Vol. 52, No. 241
Wednesday, December 16, 1987

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

45597–45800.....1
45801–45934.....2
45935–46050.....3
46051–46342.....4
46343–46444.....7
46445–46584.....8
46585–46730.....9
46731–46982.....10
46983–47364.....11
47365–47544.....14
47545–47686.....15
47687–47890.....16

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5748.....46729
5749.....46731
5750.....46733
5751.....46735
5752.....47365, 47545
Executive Orders:
12616.....46730
Administrative Orders:
Statements:
Dec. 7, 1987.....46728

4 CFR

21.....46445

5 CFR

351.....46051
540.....46051
551.....47687
870.....46343
874.....46343
1201.....47547
1204.....45597
1600.....45801
1605.....46314

7 CFR

8.....47660
301.....45597, 47367, 47688
319.....46052, 47372
352.....47373
401.....45598–45604
413.....47375
423.....45805, 47376
431.....47376
432.....47377
770.....45606
907.....46060, 46737, 46983
908.....46737
910.....46061, 46984
911.....46344
915.....46344
966.....46345
981.....45607, 45609
1900.....45806, 46348
1942.....47097
1944.....45807
1956.....46348, 47688
Proposed Rules:
52.....46486
401.....45830
735.....47009
905.....46366
959.....46366
966.....47576
971.....46366
985.....46600
987.....46366
1951.....45638

5 CFR

316a.....46738
Proposed Rules:
3.....46776
109.....46092
208.....46776
236.....46776
242.....46776
253.....46776

9 CFR

78.....47378
85.....45935
92.....45611, 47548
Proposed Rules:
145.....47014
147.....47014
316.....45639
350.....45639

10 CFR

Proposed Rules:
Ch. I.....47396
35.....47726
61.....47398
62.....47578
430.....46367, 47549

12 CFR

4.....46061
204.....46450, 47689
208.....46984
217.....47689
226.....45611
337.....47379
614.....46151
706.....46585
Proposed Rules:
202.....47589
205.....47591
210.....47112
226.....47592
229.....47112
701.....46601, 47014

13 CFR

102.....47699

14 CFR

21.....46348
25.....46348
39.....45612–45614, 45808–45810, 46064–46067, 46452, 46739, 46985–46995, 47387, 47551, 47702–47704
71.....45615, 45616, 46556, 46740–46742, 46995–46997, 47304, 47308, 47676
75.....47677
91.....47672
97.....45617, 46743

VOL 52 ISS 241 DEC 16 1987 UMI

121.....45910
135.....45910
1213.....45935
1221.....45811

Proposed Rules:
Ch. I.....45831
39.....45640, 45642, 45831, 46094, 46776, 47015, 47016, 47399–47401
43.....47680
71.....45644, 46778, 46779, 47017–47020, 47402, 47727
73.....47021
91.....47680

15 CFR

371.....45618
374.....45618
385.....46886
399.....46886, 47388
801.....46587

Proposed Rules:
18.....47597

16 CFR

6.....45619
13.....45937
305.....46888
1015.....45631

Proposed Rules:
13.....45645, 45970, 45972
453.....46706
1016.....47599

17 CFR

1.....46070, 47705
211.....46454
274.....46350

Proposed Rules:
34.....47022

18 CFR

271.....46072
389.....45823
1312.....47720

Proposed Rules:
1310.....47728

19 CFR

Proposed Rules:
4.....46602
128.....47729
143.....47729
177.....47601

20 CFR

355.....47705

Proposed Rules:
365.....47601
614.....46604

21 CFR

74.....45938
176.....46968
333.....47312
369.....47312

Proposed Rules:
182.....46968
352.....46095

22 CFR

302.....47714

Proposed Rules:
502.....47029
1506.....46779

23 CFR

Proposed Rules:
625.....47403
685.....45645

24 CFR

3280.....47552

Proposed Rules:
813.....46614
885.....46614

25 CFR

Proposed Rules:
177.....46781

26 CFR

1.....47554
31.....45632
54.....46747
35a.....46075
602.....46075, 46747, 47554

Proposed Rules:
1.....45635, 47609
48.....45901
54.....46782
602.....46782, 47609

27 CFR

9.....46589
19.....47557
25.....47557
240.....47557
250.....46592, 47557
270.....47557
275.....47557
285.....47557

Proposed Rules:
250.....46628

28 CFR

2.....46596

Proposed Rules:
701.....47406

29 CFR

1910.....46075, 46168
1915.....46075
1917.....46075
1918.....46075
1926.....46075, 46168
1928.....46075
2613.....47561
2617.....47561
2619.....47561, 47562
2621.....47563
2676.....47564

Proposed Rules:
103.....47029
1910.....47097

30 CFR

779.....47352
780.....47352
783.....47352
784.....45920, 47352
816.....47352
817.....45920, 47352
935.....46597
942.....47716

Proposed Rules:
904.....47411
935.....46377, 46379, 46783
952.....46095
953.....46097

31 CFR

351.....46455

Proposed Rules:
0.....45648

32 CFR

41.....46997
209.....47389
229.....47720
536.....45938
706.....46080
1900.....46456

Proposed Rules:
199.....46098, 47029

33 CFR

62.....46351
95.....47526
100.....46351
110.....46760
117.....46081, 47391
146.....47526
150.....47526
165.....46351
173.....47526
177.....47526

Proposed Rules:
165.....45973, 47413

34 CFR

668.....45712, 46353
674.....45738
675.....45738
676.....45738
690.....45712

Proposed Rules:
333.....46720
776.....47538
778.....46784
790.....46785

36 CFR

296.....47720
1155.....47717

37 CFR

Proposed Rules:
304.....45664

38 CFR

4.....46439
21.....45633

Proposed Rules:
21.....46494

39 CFR

224.....46998
225.....46998
226.....46998
227.....46998
228.....46998
229.....46998

40 CFR

52.....45634, 45958, 45959, 46463, 46762, 46764, 47392, 47565, 47566
60.....47826
81.....46081, 46465
82.....47486
85.....46354
86.....47858
123.....45823
144.....45788, 46946
180.....45824, 46019, 46598
260.....46946
264.....45788, 46946
265.....45788
270.....45788, 46946
271.....45634, 45788, 46466
600.....47858

Proposed Rules:
35.....46712
52.....46495, 46786, 47610
60.....47032
62.....46380
80.....47032
82.....47489
86.....47032
180.....47733, 47734
600.....47032
721.....46496

41 CFR

101–6.....45926
101–7.....45825
101–44.....47393
101–47.....46467
105–55.....46468
201–1.....46468
201–2.....46468
201–23.....46468
201–24.....46468

42 CFR

124.....46022
417.....47003
466.....47003
476.....47003

Proposed Rules:
435.....47414
436.....47414

43 CFR

4.....46355, 47097
7.....47720
3420.....46469
3460.....46469

Proposed Rules:
3450.....46499

44 CFR

65.....46501
67.....46505

Proposed Rules:
67.....46787, 47611

45 CFR

Proposed Rules:
233.....47420

46 CFR

4.....47526
5.....47526
26.....47526
35.....47526
78.....47526
97.....47526
109.....47526
167.....47526
185.....47526
196.....47526
197.....47526
560.....45960
586.....46356

Proposed Rules:
38.....45665
42.....47422
44.....47422
45.....47422

54.....45665
69.....46103
98.....45665
151.....45665
170.....47422
174.....47422
503.....45835
572.....46501
588.....46505

47 CFR

15.....45961
25.....45636
73.....45636, 45963–45965, 46598, 46599, 47004, 47567, 47722–47724
74.....47567
76.....45961, 46363
90.....47569

Proposed Rules:
1.....46628
15.....47615
43.....46628
73.....45974, 45975, 46629–46631, 47032, 47033, 47735, 47736
80.....45665

48 CFR

232.....47005
519.....47396
532.....47005
552.....47005
553.....47006
819.....46082
1801.....46765
1805.....46765
1807.....46765
1808.....46765
1809.....46765
1812.....46765
1813.....46765
1815.....46765
1827.....46765
1830.....46765
1831.....46765
1832.....46765
1836.....46765
1837.....46765
1852.....46765
1853.....46765
2401.....47395
2402.....47395

Proposed Rules:
31.....46043
245.....47427
2409.....46560
2412.....46560
2413.....46560
2415.....46560
2416.....46560
2417.....46560
2424.....46560
2427.....46560
2432.....46560
2434.....46560
2437.....46560
2442.....46560
2446.....46560
2451.....46560
2452.....46560
2453.....46560
2470.....46560
5706.....47033

49 CFR

1.....46364, 46478, 47007, 47097
571.....46479, 46480
1002.....46481
1007.....46481
1011.....45636, 46773
1052.....45966
1103.....46481
1150.....46481
1152.....45636, 46773
1160.....45827, 46481
1162.....46481
1169.....46481
1171.....46481
1177.....46481
1180.....46481
1182.....46481

Proposed Rules:
24.....45667
173.....46510, 46511
383.....47326
701.....46381

50 CFR

14.....46019
17.....46083, 46085
20.....46087
80.....47571
611.....45966, 46484
642.....47724
649.....46088
650.....46485
652.....47008
675.....45966, 46484
681.....47572

Proposed Rules:
17.....45976, 46106, 46334, 46335
20.....47428
21.....47428
655.....47034
658.....47615
663.....45668

LIST OF PUBLIC LAWS

Last List December 11, 1987
This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202–275–3030).

H.R. 3483/Pub. L. 100–185
Criminal Fine Improvements Act of 1987. (Dec. 11, 1987; 101 Stat. 1279; 7 pages) Price: $1.00

S. 960/Pub. L. 100–186
To designate "The Stars and Stripes Forever" as the national march of the United States of America. (Dec. 11, 1987; 101 Stat. 1286; 1 page) Price: $1.00

S. 1297/Pub. L. 100–187
De Soto National Trail Study Act of 1987. (Dec. 11, 1987; 101 Stat. 1287; 2 pages) Price: $1.00

S.J. Res. 136/Pub. L. 100–188
To designate the week of December 13, 1987, through December 19, 1987, "National Drunk and Drugged Driving Awareness Week." (Dec. 11, 1987; 101 Stat. 1289; 2 pages) Price: $1.00

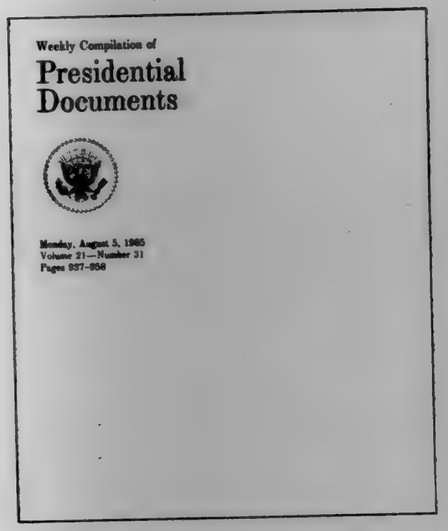
S.J. Res. 146/Pub. L. 100–189
Designating January 8, 1988, as "National Skiing Day." (Dec. 11, 1987; 101 Stat. 1291; 1 page) Price: $1.00

VOL
52
ISS
2
4
1
DE
16
1987
UMI

The authentic text behind the news . . .

The Weekly Compilation of **Presidential Documents**

Administration of Ronald Reagan



This unique service provides up-to-date information on Presidential policies and announcements. It contains the full text of the President's public speeches, statements, messages to Congress, news conferences, personnel appointments and nominations, and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. Each issue contains an Index of Contents and a Cumulative Index to Prior Issues.

Separate indexes are published periodically. Other features include lists of acts approved by the President and of nominations submitted to the Senate, a checklist of White House press releases, and a digest of other Presidential activities and White House announcements.

Published by the Office of the Federal Register, National Archives and Records Administration

Order Form

Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No.
☐☐☐☐☐☐☐–☐

Order No. _____

MasterCard and VISA accepted.

Credit Card Orders Only
Total charges $ _____
Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Customer's Telephone Nos.
Area Code Home Area Code Office

Charge orders may be telephoned to the GPO order desk at (202)783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday–Friday (except holidays)

ENTER MY SUBSCRIPTION FOR 1 YEAR TO: WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS (PD)
$64.00 Domestic; $80.00 Foreign
$105.00 if Domestic first-class mailing is desired.

PLEASE PRINT OR TYPE

Company or Personal Name
Additional address/attention line
Street address
City State ZIP Code
(or Country)

(Rev. 10-1-85)

(Rev. 10-1-85)

VOL
52
ISS
2
4
1
DE
16
1987
UMI

VOL
52
ISS
242
DE
17
1987
UMI

12-17-87
Vol. 52 No. 242

federal register

Thursday
December 17, 1987

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106
A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
52
ISS
242
DE
17
1987
UMI

12-17-87
Vol. 52 No. 242
Pages 47891-48078

federal register

Thursday
December 17, 1987

BEST COPY AVAILABLE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $168.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	275–3328
Problems with public subscriptions	275–3054

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	275–3328
Problems with public single copies	275–3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5240
Magnetic tapes	275–3328
Problems with Federal agency subscriptions	523–5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 52, No. 242
Thursday, December 17, 1987

Agency for Toxic Substances and Disease Registry
NOTICES
Superfund program:
Health assessments requests; interim procedures; correction, 47990

Agriculture Department
See also Soil Conservation Service
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015
NOTICES
Meetings:
Dairy Policy National Commission, 47953

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
Hawaii, 47954
Rhode Island, 47954

Coast Guard
RULES
Drawbridge operations:
West Virginia, 47923
Ports and waterways safety:
Hood Canal, WA; security zone, 47924
PROPOSED RULES
Boating safety:
Defect notification and first purchaser information, 47950
NOTICES
Meetings:
New York Harbor Traffic Management Advisory Committee, 47989

Commerce Department
See also International Trade Administration; Minority Business Development Agency; National Oceanic and Atmospheric Administration
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015
NOTICES
Agency information collection activities under OMB review, 47954, 47955
(2 documents)

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Sri Lanka, 47957

Customs Service
PROPOSED RULES
Organization and functions; field organization, ports of entry, etc.:
Chicago, IL, et al., 47948

Defense Department
See also Navy Department
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015
NOTICES
Meetings:
Science Board task forces, 47957, 47958
(3 documents)

Economic Regulatory Administration
NOTICES
Natural gas exportation and importation:
Associated Natural Gas, Inc., 47959
Texaco Gas Marketing Inc., 47959

Education Department
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015
PROPOSED RULES
Elementary and secondary education:
Indian education formula grant program; local educational agency's authority to count children to generate funds, 47951
NOTICES
Grants; availability, etc.:
National Institute on Disability and Rehabilitation Research—
Research fellowships, 47959

Energy Department
See also Economic Regulatory Administration; Energy Information Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015

Energy Information Administration
NOTICES
Agency information collection activities under OMB review, 47959

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Connecticut, 47925
Pesticide, food, and feed additive petitions:
Chlorpyrifos; correction, 47990
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015
Superfund program:
Extremely hazardous substances list, threshold planning quantities, and notification requirements; emergency planning and community right-to-know programs, 48072, 48073
(2 documents)
Toxic substances:
Health and safety data reporting—
List additions; correction, 47990

NOTICES
Agency information collection activities under OMB review, 47971
Water Quality Act of 1987; implementation:
Guidance documents availability, 47971, 47972
(2 documents)

Executive Office of the President
See Presidential Documents

Federal Aviation Administration
RULES
Air carriers certification and operation:
Special Federal Aviation Regulation No. 52; seat cushion flammability
Correction, 47991
Airworthiness directives:
Avions Marcel Dassault-Breguet Aviation; correction, 47990
PROPOSED RULES
Airworthiness directives:
Boeing, 47943, 47945
(2 documents)
Sud Aviation, 47946

Federal Communications Commission
RULES
Radio stations; table of assignments:
Alabama and Florida, 47935
PROPOSED RULES
Common carrier services:
National security emergency preparedness telecommunications service priority system, 47951

Federal Emergency Management Agency
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015
NOTICES
Disaster and emergency areas:
New York, 47972

Federal Energy Regulatory Commission
RULES
National Environmental Policy Act; implementation, 47897
Natural Gas Policy Act:
Pipelines; interstate transportation of gas for others; effects of partial wellhead decontrol, 47914
NOTICES
Hydroelectric applications, 47960
Applications, hearings, determinations, etc.:
ANR Pipeline Co., 47965
Arkla Energy Resources, 47965
East Tennessee Natural Gas Co. et al., 47966
Great Lakes Gas Transmission Co., 47966
Interstate Power Co., 47966

Federal Home Loan Bank Board
NOTICES
Federal home loan bank services; fee schedules, 48032
Receiver appointments:
Bohemian Savings & Loan Association, 47972
Surety Federal Savings & Loan Association, 47972

Federal Maritime Commission
NOTICES
Complaints filed:
Massachusetts Port Authority et al., 47972

Federal Reserve System
NOTICES
Applications, hearings, determinations, etc.:
Acklie, Duane W., et al., 47973
Citizens & Southern Corp., 47973
Community Bancorp, Inc., et al., 47973
Franklin Financial Services Corp., 47974
Keystone Financial Inc., 47974

Federal Trade Commission
NOTICES
International Energy Program; emergency international oil sharing; second plan of action implementation, 47974

Food and Drug Administration
RULES
GRAS or prior-sanctioned ingredients:
Cocoa butter substitute primarily from palm oil, 47918

General Services Administration
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015

Health and Human Services Department
See also Agency for Toxic Substances and Disease Registry; Food and Drug Administration; Health Care Financing Administration; National Institutes of Health; Social Security Administration
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015
NOTICES
Organization, functions, and authority delegations:
Information Resources Management Office
Correction, 47990

Health Care Financing Administration
RULES
Medicaid:
State agencies entering into Medicare Part B buy-in agreements, etc., 47926
PROPOSED RULES
Medicare and medicaid:
Health care facilities (skilled nursing and intermediate care); survey and certification
Correction, 47990

Hearings and Appeals Office, Energy Department
NOTICES
Special refund procedures; implementation, 47967

Housing and Urban Development Department
PROPOSED RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015

Indian Affairs Bureau
NOTICES
Grants; availability, etc.:
Indian child welfare program, 48062

Interior Department
See also Indian Affairs Bureau; Land Management Bureau; Minerals Management Service
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015

International Trade Administration
NOTICES
Antidumping:
Tapered roller bearings and parts, finished or unfinished, from—
Japan, 47955

Interstate Commerce Commission
NOTICES
Railroad operation, acquisition, construction, etc.:
Canadian Pacific Ltd. et al., 47980
Delaware & Hudson Railway Co. et al., 47980

Justice Department
See also Parole Commission; Prisons Bureau
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015
NOTICES
Pollution control; consent judgments:
Exxon Chemical Americas, 47981

Labor Department
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
California vegatation management program, 47976
Whiskey Mountain and Dubois Badlands wilderness study area Lander Resource Area, WY, 47977
Management framework plans, etc.:
Utah, 47977
Oil and gas leases:
Wyoming, 47978
(2 documents)
Opening of public lands:
Arizona, 47978
Realty actions; sales, leases, etc.:
Montana, 47978
Nevada; correction, 47979
Survey plat filings:
Colorado, 47979

Maritime Administration
PROPOSED RULES
Marine hull insurance; underwriters approval, 48077

Minerals Management Service
NOTICES
Outer Continental Shelf; development operations coordination:
Amoco Production Co., 47979
Hall-Houston Oil Co., 47979

Minority Business Development Agency
NOTICES
Business development center program applications:
New Jersey, 47956
Virgin Islands, 47956

National Aeronautics and Space Administration
RULES
Acquisition regulations
Correction, 47935
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Arts in Education Advisory Panel, 47981
Music Advisory Panel, 47981

National Institutes of Health
NOTICES
Meetings:
National Cancer Institute, 47975
(2 documents)
National Heart, Lung, and Blood Institute, 47975
National Institute of Child Health and Human Development, 47976
National Institute on Aging, 47976

National Oceanic and Atmospheric Administration
PROPOSED RULES
Financial aid to fisheries:
Interjurisdictional Fisheries Act; implementation
Correction, 47990

Navy Department
RULES
Navigation, COLREGS compliance exemptions:
USS Lake Champlain, 47922
USS Newport News, 47922
NOTICES
Environmental statements; availability, etc.:
Marine Corps Base, Camp LeJeune, NC; expansion, 47958

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Dairyland Power Cooperative, 47982
Northern States Power Co., 47982
Tennessee Valley Authority, 47983
Applications, hearings, determinations, etc.:
Gentile, Christopher D., 47983
Northern States Power Co., 47984

Parole Commission
RULES
Federal prisoners; paroling and releasing, etc.:
Information disclosure; associated costs, 47921
Paroling policy guidelines—
Salient Factor Scoring Manual; instructions, 47921

Pennsylvania Avenue Development Corporation
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015

Personnel Management Office
RULES
Retirement:
Law enforcement officers and firefighters, 47893
NOTICES
Meetings:
Federal Prevailing Rate Advisory Committee, 47985

Postal Service
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015

Presidential Documents
ADMINISTRATIVE ORDERS
Libya; emergency continuation (Notice of December 15, 1987), 47891

Prisons Bureau
RULES
Inmate control, custody, care, etc.:
Autopsies; authority to conduct, 48068

Public Health Service
See Agency for Toxic Substances and Disease Registry; Food and Drug Administration; National Institutes of Health

Securities and Exchange Commission
NOTICES
Applications, hearings, determinations, etc.:
Cash Reserve Management, Inc., et al., 47985

Selective Service System
PROPOSED RULES
Registrant processing, 47949

Small Business Administration
PROPOSED RULES
Small business size standards:
Construction and surveying services industries and subcontracting limitations, 47937
NOTICES
Disaster loan areas:
Mississippi, 47987

Social Security Administration
RULES
Social security benefits:
Noncovered employment, pension effect; methods of computing primary insurance amount, 47914

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
Aucilla River Watershed, FL, 47953
Hays Creek Watershed, VA, 47953

State Department
NOTICES
Meetings:
International Investment, Technology, and Development Advisory Committee, 47987
International Telegraph and Telephone Consultative Committee and International Radio Consultative Committee, 47988
Overseas Schools Advisory Council, 47988

Tennessee Valley Authority
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015
NOTICES
Agency information collection activities under OMB review, 47988

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Toxic Substances and Disease Registry Agency
See Agency for Toxic Substances and Disease Registry

Transportation Department
See also Coast Guard; Federal Aviation Administration; Maritime Administration
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 47994, 48015
(2 documents)

Treasury Department
See also Customs Service
NOTICES
Committees; establishment, renewals, terminations, etc.:
Preservation of Treasury Building Advisory Committee, 47989

United States Information Agency
RULES
Audiovisual materials; world-wide free flow (export-import)
Correction, 47991

Veterans Administration
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48015

Separate Parts In This Issue

Part II
Uniform relocation assistance and real property acquisition (19 departments and agencies), 47994

Part III
Federal Home Loan Bank Board, 48032

Part IV
Department of the Interior, Bureau of Indian Affairs, 48062

Part V
Department of Justice, Bureau of Prisons, 48068

Part VI
Environmental Protection Agency, 48072

Part VII
Department of Transportation, Maritime Administration, 48077

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders:
12543 (See Notice of Dec. 15, 1987)..... 47891
Administrative Orders:
Notices:
Dec. 15, 1987..... 47891

5 CFR
831..... 47893

7 CFR
21..... 48015

10 CFR
1039..... 48015

13 CFR
Proposed Rules:
121..... 47937

14 CFR
39..... 47990
121..... 47991
135..... 47991
1208..... 48015
Proposed Rules:
39 (3 documents)..... 47943–47945

15 CFR
11..... 48015

16 CFR
2 (2 documents)..... 47897, 47914
157..... 47897
284..... 47914
380..... 47897
1306..... 48015

19 CFR
Proposed Rules:
101..... 47948

20 CFR
404..... 47914

21 CFR
184..... 47918

22 CFR
502..... 47991

24 CFR
Proposed Rules:
42..... 47953
43..... 47953

26 CFR
2 (2 documents)..... 47921
549..... 48068

29 CFR
12..... 48015

32 CFR
259..... 48015
706 (2 documents)..... 47922
Proposed Rules:
1636..... 47949
1656..... 47949

33 CFR
117..... 47923
165..... 47924
Proposed Rules:
179..... 47950

34 CFR
15..... 48015
Proposed Rules:
251..... 47951

36 CFR
904..... 48015

38 CFR
25..... 48015

39 CFR
777..... 48029

40 CFR
4..... 48015
52..... 47925
180..... 47990
355 (2 documents)..... 48072
716..... 47990

41 CFR
105–51..... 48015
114–50..... 48015
128–18..... 48015

42 CFR
431..... 47926
435..... 47926
440..... 47926
441..... 47926
Proposed Rules:
405..... 47990
442..... 47990
488..... 47990
489..... 47990

44 CFR
25..... 48015

45 CFR
15..... 48015

46 CFR
Proposed Rules:
249..... 48077

47 CFR
73..... 47935
Proposed Rules:
64..... 47951

48 CFR
1852..... 47935

49 CFR
24..... 47994
25..... 48015

50 CFR
Proposed Rules:
253..... 47990

VOL
52
ISS
242
DE
17
1987
UMI

Federal Register
Vol. 52. No 242
Thursday, December 17, 1987

Presidential Documents

Title 3—

The President

Notice of December 15, 1987

Continuation of Libyan Emergency

On January 7, 1986, by Executive Order No. 12543, I declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of the Government of Libya. On January 8, 1986, by Executive Order No. 12544, I took additional measures to block Libyan assets in the United States. I transmitted a notice continuing this emergency to the Congress and the **Federal Register** on December 23, 1986. Because the Government of Libya has continued its actions and policies in support of international terrorism, the national emergency declared on January 7, 1986, and the measures adopted on January 7 and January 8, 1986, to deal with that emergency, must continue in effect beyond January 7, 1988. Therefore, in accordance with Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Libya. This notice shall be published in the **Federal Register** and transmitted to the Congress.

Ronald Reagan

THE WHITE HOUSE,
December 15, 1987.

[FR Doc. 87-29101
Filed 12-15-87; 3:52 pm]
Billing code 3195-01-M

VOL 52 ISS 242 DEC 17 1987 UMI

Rules and Regulations

Federal Register
Vol. 52, No. 242
Thursday, December 17, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 831

Retirement; Law Enforcement Officers and Firefighters

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations for the special retirement provisions for law enforcement officers and firefighters employed under the civil service retirement law. The regulations revise the current regulations in order to improve administration of the program by clarifying the methods and criteria for obtaining coverage under the special provisions.

EFFECTIVE DATE: Regulations effective January 19, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond J. Kirk, (202) 632–4682.

SUPPLEMENTARY INFORMATION: Section 8336(c) of title 5, United States Code, authorizes immediate retirement benefits at age 50 for Federal employees who have completed 20 years of Federal civilian service as a law enforcement officer or firefighter. Employees who are eligible to retire under this provision are mandatorily separated at age 55, or, under limited circumstances which warrant an extension of service, at age 60. Employees and their agencies each contribute an extra half percent of pay for this benefit. Section 8331 *et seq.* and these regulations promulgated at Subpart I of Part 831 of Title 5, Code of Federal Regulations, are applicable to the Civil Service Retirement System (CSRS) *only*. This section of law and these regulations do *not* apply to employees covered by the "new" retirement system—The Federal Employees' Retirement System (FERS)—established by Pub. L. 99–335.

On December 19, 1986, OPM published proposed regulations in the Federal Register (51 FR 45471) on this subject. During the comment period, OPM received 65 comments. The comments are addressed below.

Many comments addressed the proposed definition of administrative secondary positions. The proposed definition requires that experience in a primary position must be a mandatory prerequisite for a secondary position. Thus, Federal law enforcement or firefighting experience is required. Many of the comments pointed out that for some positions there are dual career tracks. For example, primary firefighters are often hired as fire inspectors, but some people become fire inspectors without first being a firefighter. They argue that it is unfair to deny early retirement coverage to those that fail to meet the transfer requirement because the agency has a dual career track.

We believe that the issue is primarily an agency staffing decision. If the position is truly one that does not require experience as a firefighter or law enforcement officer, then it should not be a secondary position. However, if there are some duties that do require the experience, the agency should establish two positions—one which contains those duties and requires the experience and a different position which does not contain those duties.

Other commenters pointed out that it is often to the government's advantage to recruit for administrative positions outside the government and that the proposed definition would effectively prevent that. We agree; therefore, we have revised the "mandatory prerequisite" definition from requiring "experience in a primary position" to "experience in a primary law enforcement or firefighting position, or equivalent experience outside the Federal government." Persons with non-Federal experience could qualify and be selected for the job, but would not qualify for early retirement coverage. Non-Federal experience would allow a position to meet the definition of a secondary position. An individual would still have to transfer from a primary position in the Federal service to retain coverage in a secondary position.

Since the revised definition of administrative positions would affect the coverage of many employees, the regulations now provide "grandfather" coverage for those employees who are in a presently covered secondary position on the effective date of these regulations. Employees will retain coverage as long as the employee remains in that position without a voluntary break in service and OPM does not revoke coverage under § 831.909(c).

Some commenters stated that the proposed requirement that an employee in a secondary position who has a voluntary break in service must meet the transfer requirement anew would create a recruiting problem and would be a hardship for employees who leave Federal service and later reenter. The final rule contains the same provision as the proposed rule. The law provides for continued coverage when an employee transfers directly from a primary position to a secondary position. The existing regulations go beyond the statute by permitting an employee who has met the transfer requirement once to be covered in a secondary position even following a subsequent voluntary break in service. The proposed regulations follow the statutory requirement stated above. Further, the purpose of the early retirement provisions is to ensure a young and vigorous workforce. We believe that this purpose is best served by encouraging employees to have a continuous career in the law enforcement and firefighting fields. This requirement refers to all voluntary breaks in service after the effective date of these regulations.

Several commenters stated that the list of evidence that is required from individuals requesting a coverage determination was too detailed. We believe that the information is required so OPM can make an informed decision. Another commenter objected to using the number of arrests made as a criterion. The commenter pointed out that the number of arrests made is not the only measure of a law enforcement officer. We agree; however, arrests are one valid criterion among many and we have retained the requirement to include that information.

Many comments indicated that the December 31, 1987, deadline for requesting a determination for past service was too short. We agree and have changed the deadline in the final regulations to September 30, 1989.

Several commenters objected to the retroactive withdrawal of coverage after an OPM review finds the position no longer warrants coverage. The final

VOL 52 ISS 242 DEC 17 1987 UMI

regulations change the effective date of the withdrawal to 30 days after the date of OPM's determination.

An Inspector General commented on the requirement that agency requests must be submitted by the agency head or his or her representative and that in no instance may a person below the level of the agency personnel director be designated as the agency head's representative. The Inspector General pointed out that the proposed regulations could result in potential interference with the independence of the Inspectors General. The final regulations still require statutory Inspectors General to submit requests for coverage through the agency head. However, the head of the agency must forward the requests to OPM.

One commenter asked for clarification of an individual's rights after OPM has made a final decision denying an agency request to cover a position. If an agency request has been denied and an individual believes that his or her individual service merits credit, the employee may still make an individual request under § 831.908.

The proposed regulations clarified that the 7½ percent withholding would not be made by the agency in the case of an employee who is not a primary or secondary law enforcement officer or firefighter but is detailed to a primary or secondary position. Several commenters asked if the converse is also true. The final regulations make clear that the position of record determines the coverage. Therefore, an employee who has been detailed or temporarily promoted from a covered position to a noncovered position continues to be covered. Conversely, an employee detailed or temporarily promoted to a covered position is not covered by the early retirement provisions.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that within the scope of the Regulatory Flexibility Act, these regulations will not have a significant economic impact on a substantial number of small entities because they affect Federal employees and retirees only.

List of Subjects in 5 CFR Part 831

Government employees, Administrative practice and procedure, Claims, Firefighter, Law enforcement officers, Pensions, Retirement.

Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM is amending Part 831 of Title 5 of the Code of Federal Regulations as follows:

PART 831—RETIREMENT

1. The authority citation for Subpart I of Part 831 is revised to read as follows:

Authority: 5 U.S.C. 8347.

2. Subpart I is revised to read as follows:

Subpart I—Law Enforcement Officers and Firefighters

Sec.

831.901 Applicability and purpose.
831.902 Definitions.
831.903 Conditions for coverage in primary positions.
831.904 Conditions for coverage in secondary positions.
831.905 Agency requests for OPM determination of primary positions.
831.906 Agency requests for OPM determination of secondary positions.
831.907 Evidence.
831.908 Requests from individuals.
831.909 OPM decisions.
831.910 Review of approved positions and certification to OPM.
831.911 Withholdings and contributions.
831.912 Mandatory separation.
831.913 Reemployment.
831.914 Review of decisions.

§ 831.901 Applicability and purpose.

(a) This subpart contains regulations of the Office of Personnel Management (OPM) to supplement 5 U.S.C. 8336(c), which establishes special retirement eligibility for law enforcement officers and firefighters employed under the Civil Service Retirement System: 5 U.S.C. 8331(3) (C) and (D), pertaining to basic pay; 5 U.S.C. 8334(a) (1) and (c), pertaining to deductions, contributions, and deposits; 5 U.S.C. 8335(b), pertaining to mandatory retirement; and 5 U.S.C. 8339(d), pertaining to computation of annuity.

(b) The regulations in this subpart are issued pursuant to the authority given to OPM in 5 U.S.C. 8347 to administer and prescribe regulations to carry out subchapter III of chapter 83, United States Code.

§ 831.902 Definitions.

In this subpart—

"Detention duties" means duties that require frequent direct contact in the detention, direction, supervision, inspection, training, employment, care, transportation, or rehabilitation of individuals suspected or convicted of offenses against the criminal laws of the United States or the District of Columbia or offenses against the punitive articles of the Uniform Code of Military Justice (chapter 47 of title 10, United States Code). (See 5 U.S.C. 8331(20).)

"Firefighter" means an employee, whose duties are *primarily* to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment. Also included in this definition is an employee engaged in this activity who is transferred to a supervisory or administrative position. (See 5 U.S.C. 8331(21).) An employee whose primary duties are the performance of routine fire prevention inspection is excluded from this definition.

"Frequent direct contact" means personal, immediate, and regularly-assigned contact with detainees while performing detention duties, which is repeated and continual over a typical work cycle.

"Law enforcement officer" means an employee, the duties of whose position are *primarily* the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including an employee engaged in this activity who is transferred to a supervisory or administrative position. (See 5 U.S.C. 8331(20).) The definition does not include an employee whose primary duties involve maintaining law and order, protecting life and property, guarding against or inspecting for violations of law, or investigating persons other than persons who are suspected or convicted of offenses against the criminal laws of the United States.

"Primary duties" are those duties of a position which—

(a) Are paramount in influence or weight; that is, constitute the basic reasons for the existence of the position;

(b) Occupy a substantial portion of the individual's working time over a typical work cycle; and

(c) Are assigned on a regular and recurring basis. Duties that are of an emergency, incidental, or temporary nature cannot be considered "primary" even if they meet the substantial portion of time criterion.

"Primary position" means a position whose primary duties are (a) to perform work directly connected with controlling and extinguishing fires or maintaining and using firefighter apparatus and equipment; or (b) investigating, apprehending, or detaining individuals suspected or convicted of offenses against the criminal laws of the United States.

"Secondary position" means a position that (a) is clearly in the law enforcement or firefighting field; (b) is in an organization having a law enforcement or firefighting mission: and (c) is either—

(1) Supervisory; i.e., a position whose primary duties are as a first-level supervisor of law enforcement officers or firefighters in primary positions; or

(2) Administrative; i.e., an executive, managerial, technical, semiprofessional, or professional position for which experience in a primary law enforcement or fire-fighting position, or equivalent experience outside the Federal government, is a mandatory prerequisite.

§ 831.903 Conditions for coverage in primary positions.

An employee's service in a position that has been approved as a primary position by OPM or its predecessor, the U.S. Civil Service Commission, is automatically covered under the provisions of 5 U.S.C. 8336(c). An employee who is not in a primary or secondary position and is detailed to a primary position is not covered under the provisions of 5 U.S.C. 8336(c).

§ 831.904 Conditions for coverage in secondary positions.

(a) An employee's service in a secondary position is covered under the provisions of 5 U.S.C. 8336(c) if the employee meets the following criteria:

(1) Employee is transferred directly (i.e., without a break in service exceeding 3 days) from a primary position to a secondary position; and

(2) If applicable, the employee has been continuously employed in secondary positions since transferring from a primary position without a break in service exceeding 3 days, except that a break in employment in secondary positions which begins with an involuntary separation (not for cause), within the meaning of section 8336(d)(1) of title 5, United States Code, is not considered in determining whether the service in secondary positions is continuous for this purpose.

(b) This requirement for continuous employment in a secondary position applies only to voluntary breaks in service beginning after January 19, 1988.

(c) An employee who is not in a primary or secondary position and is detailed to a secondary position is not covered under the provisions of 5 U.S.C. 8336(c).

(d) The service of an employee who is in a position on January 19, 1988 that has been approved as a secondary position by OPM or its predecessor, the U.S. Civil Service Commission, will continue to be covered under the provisions of 5 U.S.C. 8336(c) as long as the employee remains in that position without a voluntary break in service and coverage is not revoked by OPM under § 831.909(c).

§ 831.905 Agency requests for OPM determination of primary positions.

(a) After its analysis of the evidence required under § 831.907(a) (1) though (7) for a current position, an agency will submit a request to OPM for a determination that the duties of the position qualify the position as a primary position. The request for OPM approval must include the required evidence and a detailed statement of the agency's reasons why it believes the position meets the statutory and regulatory requirements.

(b) If the agency request is based on a finding that the primary duties of the position are detention duties which require the incumbent to have frequent direct contact with detainees, the agency will submit the information listed in § 831.907(a) (1) through (6) and (b) (1) through (5) and also a statement supporting its initial determination of "frequent direct contact" for OPM's concurrence in the determination of "frequent direct contact" and for OPM's determination that the position otherwise meets the criteria for a primary position.

§ 831.906 Agency requests for OPM determination of secondary positions.

After its analysis of the evidence listed under § 831.907(c) (1) through (3) for a current position, an agency will submit a request to OPM for a determination that the position meets the criteria for a secondary position. The request for OPM approval must include the required evidence and a detailed statement of the agency's reason why it believes the position meets the statutory and regulatory requirements.

§ 831.907 Evidence.

(a) When an agency makes a request to OPM for a determination that a position is a primary position, the request must be signed by the agency head or his or her representative. In no instance, however, may a person below the level of the agency personnel director be designated as the agency head's representative. A request from a statutory Inspector General must go through the agency head but must be submitted to OPM by the agency. The following documentation must be included in the request:

(1) The official position description annotated to show the percentage of time spent performing the various duties; or, if a position description is not required for the position or the position description is not current, a detailed narrative description of the duties and responsibilities including the knowledges, skills, and abilities required to perform the duties, and all other current agency documents describing the official duties of the position. In addition, if the position description is not current, an explanation as to why the position description has not been revised as well as a timetable for the proposed revision;

(2) The functional statement for the organization where the position is located and the organizational chart showing at least two levels above and below the level of the position;

(3) The critical and non-critical elements and performance standards for the position established by the agency under Part 430 of this chapter (or, if the position is not subject to Part 430, a statement of the effect);

(4) The evaluation statement, if any, explaining the classification of the position;

(5) The agency qualification and medical standards for entry and retention, or a statement that the standards are the same as the X–118 handbook standards;

(6) A statement concerning the current or proposed maximum entry age, if any; and

(7) For law enforcement officers, a list of the provisions of Federal criminal laws the incumbent is responsible for enforcing.

(b) If the agency request for an OPM determination as to whether a position is a primary position is based on an agency finding that the primary duties of the position are detention duties, the agency will include a statement supporting its initial determination of "frequent direct contact" and request OPM concurrence with its determination. This statement must include—

(1) The incumbent's worksite and official duty station, with a description of where contact with Federal detainees occurs;

(2) The frequency of contact with Federal detainees over a daily, weekly, monthly, or quarterly work cycle;

(3) The average duration of these contacts;

(4) The nature of the assigned duties which require the contacts (training, care, rehabilitation, etc.); and

(5) Any other pertinent information.

(c) When an agency makes a request for a determination that a position is a secondary position, the request must be signed by the agency head or his or her representative. In no instance, however,

VOL 52 ISS 242 DEC 17 1987 UMI

may a person below the level of the agency personnel director be designated as the agency head's representative. A request from a statutory Inspector General must go through the agency head but must be submitted to OPM by the agency. The following documentation must be included in the request:

(1) The documentation required under paragraphs (a) (1) through (7) of this section; and

(2) For an administrative position, certification that the position requires experience equivalent to that of a primary law enforcement or firefighting position; and

(3) For supervisory positions, certification that the position meets the requirements for a first-level supervisor.

(d) When OPM notifies the agency that official documentation is lacking or insufficient to meet the requirements under paragraphs (a), (b), and (c) of this section, agencies will submit the requested information and may submit any other material deemed appropriate (e.g., awards certificates, job applications, affidavits, job announcements, etc.). If the information requested is not received by OPM in a timely manner, OPM will make a decision based on the information contained in the file.

§ 831.908 Requests from individuals.

(a) The employee bears the burden of proof with respect to credit under 5 U.S.C. 8336(c). The employee must provide the agency, or OPM, with all pertinent information regarding duties performed to include, for law enforcement officers, a list of the provisions of Federal criminal law the incumbent is responsible for enforcing and arrests made; and, for firefighters, number of fires fought, names of fires fought, dates of fires, and position occupied while on firefighting duty.

(b) An employee who is currently serving in a position that has not been approved by OPM as a primary or secondary position, but who believes that his or her service is creditable as service in a primary or secondary position and that he or she satisfies the conditions for credit set forth above must be submitted to OPM through the current employing agency and the employing agency must submit an advisory opinion as to whether the position qualifies as a primary or secondary position. A request for a determination made directly to OPM by an employee, however, will not be accepted. The request will be returned by OPM to the employee for submission to the employee's agency for action. After its analysis of the evidence provided by the employee, the agency will submit a request to OPM for a determination and must include an advisory opinion to OPM as to whether it believes the individual's service in the position should or should not be credited and, if it qualifies, whether it should be a primary or secondary position. The agency's submission must include all evidence required under § 831.907 for a determination of primary and secondary positions.

(c) A current or former employee (or the survivor of a former employee) who believes that a period of past service in an unapproved position qualifies as service in a primary or secondary position and meets the conditions for credit must follow the procedures in paragraph (b) of this section. The request must be made to the agency where the claimed service was performed except as provided in paragraph (d) of this section. Based upon its analysis of official records and the individual's submissions, the agency will submit a request for a determination to OPM along with an advisory opinion as to whether the service should or should not be credited and, if credited, whether it qualifies as service in a primary or secondary position. The agency's submission must include all evidence required under § 831.907 for a determination of primary and secondary positions.

(d) For a current or former employee who performed service at an agency which is no longer in existence and for which there is no successor agency, OPM will accept, directly from the current or former employee (or the survivor of a former employee), a request for a determination as to whether a period of past service qualifies as service in a primary or secondary position and meets the conditions for credit.

(e) Requests received by the employing agency, the agency where past service as performed, or OPM, not later than September 30, 1989, may include any periods of previous service. After September 30, 1989, coverage in a position or credit for service will not be granted for a period greater than 1 year prior to the date that the request from an individual is received by the employing agency, the agency where past service was performed, or OPM. OPM may extend the time limits for filing when, in its judgment, the individual shows that he or she was prevented by circumstances beyond his or her control from making the request within the time limit.

§ 831.909 OPM decisions.

(a) OPM's decision on an agency request for a determination under §§ 831.905 and 831.906 will be issued in writing to the agency following submission of all evidence required by § 831.907 and any other evidence requested by OPM. If OPM approves the position, it will be designated as a primary position or as a secondary position.

(b) OPM's decision on the request from an individual submitted under §§ 831.908 (b) or (c) will be issued in writing to the individual, the current employing agency and/or the agency in which the past service was performed following submission of all evidence requested by OPM.

(c) OPM may revoke approval of a position under paragraph (a) of this section if it determines, through an on-site evaluation, classification review, information provided by the agency, or from any other source, that the formerly approved position no longer meets the requisite definition.

(d) An adverse OPM decision will include an explanation of the basis for the decision and a statement of the applicable reconsideration rights. When OPM's decision is directed to the agency, the agency must inform each employee whose rights or interests under Subchapter III of chapter 83, United States Code, are affected, that the decision of OPM may be individually reconsidered by OPM in accordance with § 831.109. A request for reconsideration must follow the procedures in § 831.908. The notice to each affected employee must include a copy of OPM's written decision, must be duly dated; and a copy must be entered as a permanent record in the employee's official personnel file. If OPM's decision is later reversed, the copy in the official personnel file must be removed.

(e) Agencies may not represent in any way (e.g. position descriptions, vacancy announcements, etc.) that a position is a primary or secondary position if OPM has not so determined with respect to that position.

§ 831.910 Review of approved positions and certification to OPM.

(a) An agency must review a currently approved primary or secondary position wherever there is a significant change that may affect its designation to assess whether, in its opinion, the position continues to warrant approval. The agency must provide certification of the results of the review to OPM.

(b) If an agency finds that a currently approved primary or secondary position no longer warrants coverage, it must request that OPM revoke the approval. The request must fully explain the material change(s) in the position and state the date the change(s) occurred. The withdrawal of approval is effective 30 days after the date of OPM's notice to the agency. Beginning with the effective date of the revocation of approval, the agency must stop withholding the additional deductions and must inform each affected employee of OPM's action. The notice to the employee(s) must include a full explanation of the basis for OPM's determination, and state the right to request reconsideration of the determination and the time limits for requesting reconsideration in accordance with § 831.109. A request for reconsideration must follow the procedures in § 831.908. Any excess deductions must be refunded to the employee after the expiration of the time limits for requesting reconsideration or exhaustion of the administrative remedies, and upon proper application to OPM.

(c) If the agency abolishes a primary or secondary position, the agency must notify OPM.

§ 831.911 Withholdings and contributions.

(a) Prior to the receipt of OPM's decision that a position is a primary or secondary position, the additional employee withholding for the incumbent of such a position and the agency contribution required by 5 U.S.C. 8334(a)(1) must not be made. Upon receipt of OPM approval of the position, the effective date of the additional withholding and agency contribution is retroactive to the beginning date of covered service in the primary or secondary position.

(b) Whenever it is finally determined that past service of a current or former employee was creditable under the provisions of 5 U.S.C. 8336(c), retroactive employee deductions and matching agency contributions due for such service must be made. The underwithholding of civil service retirement contributions from the employee's pay results in an overpayment of pay. The employing agency must pursue collection under appropriate procedures. The agency is responsible for submitting to OPM the employee's share as well as the agency's share of the additional contributions to the Civil Service Retirement and Disability Fund. This payment must be made within 30 days of the final decision that past service was creditable.

(c) The additional employee withholding and agency contribution for covered or creditable service properly made as required under 5 U.S.C. 8334(a)(1) or deposited under 5 U.S.C. 8334(c) are not separately refundable, even in the event that the employee or his or her survivor does not qualify for a special annuity computation under 5 U.S.C. 8339.

(d) An employee, upon proper application to the agency, or a former employee or eligible survivor, upon proper application to OPM, will be paid a refund, without interest, of erroneous additional withholdings or deposits for service which was not covered service.

(e) While an employee who does not hold a primary or secondary position is detailed or temporarily promoted to a primary or secondary position, the additional withholdings and agency contributions will not be made. While an employee who does hold a primary or secondary position is detailed or temporarily promoted to a position which is not a primary or secondary position, the additional withholdings and agency contributions will continue to be made.

§ 831.912 Mandatory separation.

(a) The mandatory separation provisions of 5 U.S.C. 8335(b) apply to all law enforcement officers and firefighters in primary and secondary positions. A mandatory separation under section 8335(b) is not an appealable action. Section 831.503 provides the procedures for requesting an exemption from mandatory separation.

(b) In the event an employee is separated mandatorily under 5 U.S.C. 8335(b), or is separated for optional retirement under 5 U.S.C. 8336(c), and OPM finds that all or part of the minimum service required for entitlement to immediate annuity was in a position which did not meet the requirements of a primary or secondary position and the conditions set forth in this subpart, such separation will be considered erroneous.

§ 831.913 Reemployment.

An employee who has been mandatorily separated under 5 U.S.C. 8335(b) is not barred from reemployment in any position except a primary position after age 60. Service by a reemployed annuitant is not covered by the provisions of 5 U.S.C. 8336(c).

§ 831.914 Review of decisions.

(a) An initial OPM decision under this subpart issued to an agency as to whether an encumbered position is a primary or secondary position or whether the service of a current or former employee meets the conditions for credit is subject to reconsideration under § 831.109, upon timely request for reconsideration. The 30-day time limit for requesting reconsideration begins on the date of the agency's notification to the affected individual in accordance with § 831.909(d).

(b) An initial OPM decision issued to an employee, former employee, or survivor as to whether a period of service met the requirements of this subpart as service of a law enforcement officer or firefighter during any period of service is subject to reconsideration under § 831.109.

[FR Doc. 87-28752 Filed 12-16-87; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2, 157, and 380

[Docket No. RM87-15-000; Order No. 486]

Regulations Implementing National Environmental Policy Act of 1969

Issued: December 10, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is issuing a final rule implementing the National Environmental Policy Act of 1969. The Commission's final rule states that the Commission will abide by the regulations of the Council on Environmental Quality (CEQ), 40 CFR Parts 1500–1508 (1987), unless those regulations are inconsistent with the Commission's statutory responsibilities. The final rule also promulgates regulations which supplement the regulations of the CEQ.

EFFECTIVE DATE: This rule is effective January 19, 1988.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lane, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357–8530.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is issuing a final rule to revise its regulations implementing the regulations of the Council on Environmental Quality

(CEQ) and the National Environmental Policy Act of 1969 (NEPA).[1] The regulations replace and elaborate on existing Commission regulations and procedures under NEPA.[2]

II. Background

Section 102(2)(C) of NEPA provides in part that all Federal agencies must include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement on (i) the environmental impact of the proposed action; (ii) any adverse environmental affects which cannot be avoided if the proposal is implemented; (iii) any reasonable alternative to the proposed action; (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and (v) any irreversible and irretrievable commitment of resources which would be involved if the proposed action were implemented. This detailed statement is generally referred to as an Environmental Impact Statement (EIS).

Section 102 also requires that, if agency planning and decisionmaking may have an impact on the human environment, an agency should use a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts to protect unquantified environmental amenities. NEPA also requires that an agency consult with other Federal agencies with jurisdiction by law or special expertise when preparing a EIS.

CEQ published its regulations implementing section 102 of the NEPA on November 29, 1978, in the **Federal Register**.[3] The CEQ regulations state goals and procedures for researching and solving environmental problems.[4]

On May 14, 1987, the Commission issued a notice of proposed rulemaking (NOPR).[5] This NOPR proposed to adopt by reference many of the CEQ regulations and elaborated on policies and procedures of the CEQ. In response, the Commission received 31 comments.[6]

[1] 42 U.S.C. 4321–4370a (1982).

[2] The Commission's current NEPA procedures for hydroelectric and gas projects are combined in the regulations and appendices contained in 18 CFR Part 2.

[3] See 40 CFR Parts 1500–1508 (1987).

[4] The Commission issued a Notice of Proposed Rulemaking (NOPR) in RM79–69–000 on August 20, 1979, 44 FR 50052 (Aug. 27, 1979). The Commission terminated this docket and incorporated the record in RM87–15–000.

[5] 52 FR 20314 (May 29, 1987).

[6] See Appendix A.

III. Discussion

As a Federal regulatory agency, the Commission does not initiate projects. The Commission's mission is to evaluate applications filed for natural gas, hydroelectric and electric projects. One of the Commission's responsibilities under NEPA is to determine whether an environmental impact statement should be prepared on a project. NEPA requires the preparation of environmental impact statements for major Federal actions that may have a significant impact on the human environment. To make this determination, the Commission (1) is requiring specific information from the applicant on the environmental impacts of the project and (2) has developed specific procedures for evaluating project applications.

All regulatory actions by the Commission are classified in one of three categories for purposes of environmental review: Those projects which normally require an EIS, those projects which normally do not have a significant environmental impact, and are therefore categorically excluded, and those projects for which no generic determination can be made. The latter projects will require an environmental assessment to determine whether they may have a significant impact, and therefore need an EIS, or will not have such an impact, and therefore require no further NEPA review.

These classifications give an applicant guidance on the environmental review that will normally be done on a particular type of project. For projects categorically excluded, the Commission will normally not prepare an EA or an EIS. For projects listed in the EIS category, the Commission will proceed directly to prepare an EIS, or in some situations, will prepare an EA to see if an EIS should be done. For projects listed in the EA category, the Commission will utilize the environmental report filed by the applicant and other information and prepare an environmental assessment. The result of this assessment may be either a finding that the project will not have a significant impact on the environment, followed by Commission issuance of a Finding of No Significant Impact (FONSI), or a decision that the project may have such an impact followed by preparation of an EIS.

Some commenters claim that the Commission did not properly consult with the CEQ in reissuing the NOPR.[7] The Commission disagrees. In addition to incorporating the comments of CEQ in the NOPR, various meetings and discussions were held between the Commission staff and CEQ staff. One outcome of these meetings was the decision by the Commission to issue a new NOPR rather than an immediate final rule, a decision applauded by one commenter, the American Rivers, Inc., Friends of the Earth, American Whitewater Affiliation, and the Izaak Walton League of America (American Rivers, Inc., *et al.*).

This final rule complies with and supplements the CEQ regulations. Since the Commission is voluntarily complying with CEQ regulations, there is no need to address a number of comments that raise the question whether those regulations are binding on the Commission as a matter of law.[8] The CEQ regulations by their terms are not binding on the Commission to the extent they are inconsistent with the Commission's statutory obligations.[9]

The final rule also changes the format of the NOPR, as proposed in the CEQ's comments. In the NOPR, the Commission actually incorporated the CEQ regulations into its own proposed rules, except for some CEQ language that it proposed to modify and a few provisions that it decided not to adopt. In its comments, CEQ points out that specific agency NEPA rules are supposed to supplement CEQ regulations by focusing on the requirements that are particular to each agency, rather than repeat or paraphrase CEQ's general regulations that speak to all Federal agencies.[10] In view of the CEQ's comments, the format of the final rule has been changed to focus on the Commission's particular requirements as a supplement to CEQ regulations, thereby avoiding the unnecessary repetition of general provisions in the CEQ regulations.

[7] See, e.g., Panhandle Eastern Pipe Line Company and Trunkline Gas Company (Panhandle and Trunkline), the Interstate Natural Gas Association of America (INGAA), and American Rivers, Inc., *et al.*

[8] See, e.g., CEQ, California Save Our Streams Council (S.O.S.), American Rivers, Inc., *et al.*, and the U.S. Department of the Interior, Office of Environmental Project Review (Interior). In support of this, these commenters cite Executive Orders 11514 and 11991, the CEQ regulations and court decisions in The Steamboaters v. F.E.R.C., 759 F. 2d 1385 (9th Cir. 1985) and People Against Nuclear Energy v. U.S. Nuclear Regulatory Commission, 678 F.2d 222 (D.C. Cir. 1982), rev'd on other grounds, 103 S.Ct. 1556 (1983). The commenters add that the Commission must adopt all of the CEQ regulations and supplement those regulations with its own NEPA regulations.

[9] 40 CFR 1507.3(b) (1987).

[10] 40 CFR 1507.3 (1987).

A. Projects Categorically Excluded, Subject to an EA, and Subject to an EIS

1. Categorical Exclusion

The CEQ regulations at § 1508.4 define the term "categorical exclusion" to mean a category of actions which do not individually or cumulatively have a significant effect on the human environment. The CEQ regulations allow the Commission to make a finding that certain actions have no such significant effect. If a project is categorically excluded neither an EA or EIS is then required. In the NOPR the Commission listed 31 projects in the categorical exclusion (CE) category. Commenters focused on:

(i) Whether the possibility of an EA was foreclosed because a project was listed in the CE category,

(ii) Suggested projects that should be added to or deleted from the list of projects, or

(iii) Requested clarification of terms describing projects in the list.

As a general response to these comments, environmental review is not foreclosed merely because a project is in the CE category. In addition, in the final rule the Commission is modifying several categorical exclusions, is not adding to the list of projects proposed for categorical exclusion in the NOPR, but is deleting one project from the list.

(a) *Possibility of an EA on a Project Categorically Excluded.* The CEQ is concerned that the nature of the Commission's environmental review of particular projects might be rigidly predetermined by the general classification of such projects. This is a misunderstanding of the Commission's intent. The general classification of a project indicates only how such a project will normally be treated. The classification of a project as categorically excluded, for example, does not automatically foreclose further environmental review in particular unusual circumstances. The existence of unusual circumstances may be manifest from the application itself, or derived from comments by interested persons in response to the application itself (after notice in the **Federal Register**) or from additional information sought by the staff.

The Commission is adopting one commenter's[11] suggestion that the Commission specify the circumstances when an EA or EIS will be prepared for a project normally categorically excluded. The commenter suggests the following exceptions: If the project may have an impact on Indian lands, units of the National Park System, National Wildlife Refuges, National Fish Hatcheries and other fish facilities, anadromous fish, endangered species, wilderness areas, wild and scenic rivers, wetlands, and other ecologically significant or critical areas, or if the environmental effects are uncertain. The situations described by this commenter are examples of projects that may have a significant environmental impact. However, there may be others and, thus, in making this determination, the Commission will not limit itself to only these.

(b) *Proposed Deletions from the CE Category.* Several commenters[12] asked the Commission to remove a number of projects from the list of categorical exclusions in the NOPR. These projects are: (1) Preliminary permits, (2) small conduit hydroelectric projects, (3) actions concerning reservation of lands and classification of United States lands as water power project sites under section 24 of the FPA, (4) annual charges (5) electric rate filings submitted by public utilities under section 205 and 206 of the Federal Power Act, (6) review of natural gas rate filings, including curtailment plans that do not have a major effect on an entire pipeline system, (7) surrender and amendment of water power licenses, preliminary permits and exemptions, (8) proposals to use water power project lands or waters for a variety of activities including piers, boat docks, and landings, and (9) actions which involve solely socio-economic impacts.

The Commission is only deleting one of these projects from the list. The Commission recognizes that any particular project included in the list could, in unusual circumstances, have an adverse effect on the environment. As discussed, the possibility of an EA is not foreclosed merely because a project is listed as a categorical exclusion.

(i) *Preliminary Permits.* Four commenters[13] said that preliminary permits should be removed because feasibility studies done under preliminary permits often involve significant ground distrubance activity. It has been the Commission's experience that preliminary permits rarely involve significant ground disturbance activity and the commenters provide no support for a contrary conclusion. Rather, activities under a preliminary permit generally involve merely field work to gather data on stream flows, resources, and other characteristics of the area. These activities would not have a significant impact on the human environment.

(ii) *Small Conduit Hydroelectric Projects.* Some commenters[14] recommend that the CE for small conduit hydroelectric projects be removed or limited substantially[15] since these projects often involve significant stream flows or major construction activity and the mandatory terms and conditions of fish and wildlife agencies do not constitute adequate environmental review.

By its very nature a small conduit hydroelectric project will not have an impact on stream flows since the water used to generate power is water previously removed from the stream for other purposes, such as irrigation and drinking. After the power is generated, the water is then used for the original purposes for which is was drawn. In addition, small conduit hydroelectric projects use water in existing conduits and are located at previously developed sites. For these reasons the typical project has little or no potential to affect historic sites, aquatic resources, terrestrial resources, or other environmental resources.

(iii) *FPA, Section 24.* Some commenters[16] argue that the CE for the reservation and classification of water power sites under section 24 of the FPA should be removed because the reverse process of rescinding power site reservations can open previously reserved public lands to various types of development. Under section 24, lands

[11] See e.g., U.S. Department of the Interior, Office of Environmental Project Review (Interior).

[12] See generally, the National Marine Fisheries Service (NMFS), American Rivers, Inc., *et al.*, the CEQ, Wisconsin Department of Natural Resources, (State of Wisconsin), Natural Resources Defense Council (NRDC), Washington Department of Ecology, and the Environmental Protection Agency.

[13] See *e.g.*, the NMFS, American Rivers, Inc. *et al.* S.O.S., State of Washington.

[14] See, *e.g.*, NMFS and American Rivers, Inc., *et al.*

[15] Save Our Streams, (S.O.S.) suggested that a categorical exclusion for small conduit hydroelectric proejcts be limited to those which:

a. Will not change the flow regime in the affected stream, canal or pipeline including but not limited to:

1. Rate and volume of flow;
2. Temperature;
3. Amounts of dissolved oxygen and nitrogen to a degree which would adversely affect aquatic life;
4. Timing of release;

b. New power lines not to exceed one mile in length nor located adjacent to a wild or scenic river;

c. No modifications in the existing surface elevation of the existing diversion;

d. No upstream or downstream passage of fish affected by the project.

e. Discharge from powerhouse not more than 300 feet from the toe of the diversion structure;

f. No violation of Federal or state water quality standard.

g. No impact on any site eligible for inclusion in the National Register of Historic Places;

h. No construction in the vicinity of any rare or endangered species.

[16] See, *e.g.*, American Rivers, Inc., *et al.*

VOL 52 ISS 242 DEC 17 1987 UMI

owned by the United States can be reserved as water power sites. Once the lands are so reserved, persons who wish to use them for other purposes may apply to the Commission for a determination that these other proposed uses would not damage or destroy the value of the lands as water power sites. The Commission may set restrictions on other uses of these lands to protect their water power value. However, except for determining compatibility with water power uses, the Commission does not approve or disapprove these nonpower developments. They are subject to the jurisdiction of other Federal agencies (such as the Bureau of Land Management which would have to approve any mining project on a reserved site), and it is these other agencies, not the Commission, that would be responsible for NEPA review.

(iv) *Annual Charges.* The Commission finds no support for the argument by S.O.S. that the CE for annual charges payments under section 10(e) of the FPA should be removed. The S.O.S. argues that low annual charges result in the subsidized transfers of Federal land and water resources to developers below market value.

The purpose of section 10(e) is to reimburse the United States Government for the cost of administering Part I of the Federal Power Act and recompensing the Federal government for the use, occupancy and enjoyment of its lands or other property. The Commission's rule governing land use charges has recently been revised to adopt a more accurate measure of the fair market value of the land.[17] As for the Commission's general annual charges, their assessment below a level S.O.S. would like to see hardly represents a transfer of Federal lands to private developers, any more than the Commission's failure to collect fees and charges from S.O.S. for the government's costs of considering its pleadings represents a Federal subsidy to that organization. The assessment of annual charges is purely an administrative function mandated by Congress to recover the Commission's costs. As such, it is appropriately categorically excluded.

(v) *Electric Rate Filings under Section 205 and 206 of the FPA.* The Natural Resources Defense Council (NRDC) argues that approval of electric rate filings under sections 205 and 206 of the FPA should not be in the CE category because they constitute Federal actions subject to NEPA, even though no facilities are being constructed.

It is true that the approval of rate filings constitutes a Federal action. However, the Commission has determined *In the Matter of Monongahela Power Co. et al.*, Docket No. ER87-330-000,[18] that the approval of wholesale electric rates is not a major Federal action significantly affecting the environment and therefore does not necessitate an EIS. This rule merely codifies the *Monongahela* decision.

(vi) *Curtailment.* The NOPR categorically excluded gas curtailment plans that do not have a major effect on an entire pipeline system. The State of Wisconsin argues that the Commission should categorically exclude only those gas curtailment plans that do not cause industries to switch fuels. The Commission recognizes that any curtailment of gas service could cause an industrial customer to switch fuels. The Commission also recognizes that fuel switching can have an impact on air quality. That is why the Commission limited the categorical exclusion for curtailment plans to interim or short-term plans, which do not have a major effect on a pipeline system. Such plans are normally unlikely to result in fuel switching and are thus not likely to have a long-term or widespread impact on air quality. As with all categorically exempted actions staff may seek additional information and perform an EA if circumstances warrant.

(vii) *Surrender and Amendment.* The Washington Department of Ecology and EPA claim that the categorical exclusion for surrender and amendments of water power licenses and preliminary permits should be limited to surrender and amendment of preliminary permits only. These commenters cite the work that must be done to remove hydroelectric facilities and restore the project site to its undeveloped condition. The Commission agrees. In the final rule the Commission is clarifying this CE to limit it to (1) the surrender and amendment of preliminary permits, (2) the surrender of water power project licenses and exemptions where no project works exist or no ground disturbing activity has occurred, and (3) amendments to water power licenses and exemptions that do not require ground disturbing activity or changes to project works or operation. These changes will ensure the potential environmental effects from any construction activity due to the surrender or amendment of a license or exemption will be considered.

(viii) *Proposals for Water Power Project Lands.* EPA and NMFS recommend that the categorical exclusion for the use of water power project lands or waters for a variety of activities including utility lines, piers, landings, and boat docks be eliminated, citing the need to study the potential effects on water quality and fisheries.

The Commission disagrees. It has been the Commission's experience that such projects normally do not have a significant effect on the environment. These projects are small and, before filing with the Commission, applicants are required to consult with the appropriate state and local environmental agencies to mitigate any impact.

(ix) *Socio-Economic Impact.* The CEQ objects to the categorical exclusion for projects having solely socio-economic impacts. While it agrees that an EIS is not required for such projects, once they are determined to have only socio-economic impacts, it points out that this standard is not self-defining.

The Commission recognizes that in accordance with the regulations of the CEQ and court decisions,[19] no EIS is required for a project that involves solely socio-economic impacts. However, the Commission agrees with CEQ that apart from specific types of projects that the Commission has already found to have solely socio-economic impacts, it is not self-evident which projects fall into this category. Thus, the Commission is eliminating this specific categorical exclusion in the final rule. In the future, when the Commission finds that a particular activity, not presently included in the CE category, generally involves solely socio-economic impacts, it will amend the CE category to include this particular activity. This will avoid unnecessary environmental review.

(c) *Suggestions for Addition to the CE Category.* Several commenters requested a number of projects be added to the categorical exclusion category or be clarified. In response, the Commission is clarifying and modifying several categories. In addition, the final rule modifies three categorical exclusions since the Commission is not requiring applicants to file additional information to qualify for the categorical exclusion.[20]

(i) *Uses of Water Power Projects Lands and Waters.* The Edison Electric Institute (EEI) proposed to modify the categorical exclusion for uses of water power project lands or waters, *i.e.*, the lands and waters which encompass the area surrounding the dam, (1) to add radial sub-transmission lines, communication lines and cables and (2) to broaden the structures and activities that could use water power project lands or waters, rather than limiting it to those specifically mentioned in the NOPR. EEI argues that the additions reflect current or anticipated advances in technology and will have no significant environmental impact.

The Commission agrees that radial sub-transmission lines and communications lines and cables should be added to this categorical exclusion. This is because these two additions are similar to electric utility distribution lines, which were included in the CE proposed in the NOPR.

The Commission is not adopting, however, the suggestion that any types of structures and activities that could use water project lands or waters should be categorically excluded. In proposing this CE, the Commission only included the specific types of activities that it believed would not normally have a significant effect on the environment. Any other proposed uses must be studied individually to determine the proper level of environmental review.

(ii) *Abandonment.* Some commenters[21] argue that the categorical exclusion for abandonment in place of minor natural gas pipelines would be of little use since the Commission defined a minor natural gas pipeline as one having short segments of buried pipe with an outside diameter of six inches or less. The commenters state that most six inch pipe has an outside diameter greater than six inches.

The Commission agrees. Therefore, the final rule clarifies that a minor natural gas pipeline is one having short segments of buried pipe with an inside, rather than an outside, diameter of six inches or less.[22]

(iii) *Removal of Minor Surface Facilities.* The Commission disagrees with suggestions that the categorical exclusion for the removal of surface facilities should be expanded to include all surface facilities, not just minor ones, such as taps, valves and metering stations.[23] For example, Texas Gas argues that the removal of a facility as large as a compressor station causes no more harm to the environment than the original construction and that once the facility is removed the land can revert to its former use.

This argument is not persuasive. The removal of a compressor station can involve effects as sedimentation, erosion, and the presence of contaminated hydrocarbons. Consideration may also have to be given to the methods being used to restore the site. For this reason, the Commission is limiting the CE to minor surface facilities.[24] In addition, this categorical exclusion has been modified, since the Commission is not requiring applicants to file additional information to qualify for this categorical exclusion. Specifically, this categorical exclusion is available in those instances where appropriate erosion control and site restoration will occur.[25]

(iv) *CE For Replacement of Essentially Equivalent Design Capacity.* Similarly, some commenters[26] advocate a categorical exclusion for replacement of pipelines of essentially equivalent designed delivery capacity. These commenters argue that such replacement pipelines place no additional burden on the environment because the trench area was already disturbed at the time of the original installation.

The Commission disagrees with this argument. Merely because land was disturbed when the trench was originally dug does not mean that replacing the old pipe with a new pipe will not disturb the environment. Such an action must be assessed in light of current land use and concerns about erosion, sediment control, impact on streams and soils threatened and endangered species and potential PCB contamination.

(v) *Conditions on CE for the Approval of Taps, Meters, and Regulating Facilities.* The Commission proposed a categorical exclusion for the approval of taps, meters and regulating facilities located on a right-of-way where there is an existing natural gas pipeline but only where (1) the land use of the vicinity has not changed since the original facilities were installed and (2) no significant non-jurisdictional facilities would be constructed in association with these facilities. Some commenters argue that these two conditions should be removed.

The Commission is not persuaded by these arguments. First, these commenters claim that the environmental impact of these facilities is insignificant regardless of whether these two conditions exist. The Commissioner disagrees. For instance, if a residential development is now present along the pipeline or if the area has been designated as a park or historic district, then the Commission must determine whether there might be a significant environmental impact to the area resulting from construction of the new facilities. This is also true if significant nonjurisdictional facilities such as cogeneration or other electrical power plants or industrial facilities were being built along with the jurisdictional facilities as an integral part of the same overall project.[27]

Second, the commenters make the arguments that these two conditions should be deleted just as the Commission has categorically excluded certain electric interconnections and wheeling projects that do not entail: (i) Construction of a new substation or expansion of the boundaries of an existing subsection; (ii) Construction of any transmission line that operates at more than 115 kilovolts and occupies more than ten miles of an existing right-of-way; or (iii) Construction of any transmission line more than one mile long if located on a new right-of-way.

This argument is puzzling since there is no inconsistency between the conditions attached to the CE for taps, meters and regulating facilities and

---

[17] The Commission recently issued a final rule revising its methodology for assessing Federal land use charges, Order No. 469, Revision of the Billing Procedures for Annual Charges for Administering Part I of the Federal Power Act and to the Methodology for Assessing Federal Land Use Charges, 52 FR 18201 (May 14, 1987). The purpose of this revision was to establish a rate for use of government lands based on fair market value.

[18] In the Matter of Monongahela Power Co., *et al.*, Order Accepting Rates for Filing Without Suspension, Denying Motion to Reject, Granting Waivers, Noting and Granting Interventions, Consolidated Proceedings, Denying Motion for an Evidentiary Hearing, Denying Motion for a Declaratory Order and Granting Exemptions, 39 FERC ¶ 61,350 (June 25, 1987); Order Denying Reh'g, 40 FERC ¶ 61,256 (Sept. 17, 1987).

[19] *See* Como-Falcon Community Coalition, Inc. v. U.S. Dept. of Labor, 609 F.2d 342 (8th Cir. 1979); Image of Greater San Antonio, Texas v. Brown, 570 F.2d 517 (5th Cir. 1978) and Breckinridge v. Rumsfeld, 537 F.2d 864 (6th Cir. 1976).

[20] For a further discussion of this issue, see Section C, Subsection 4, on Submission of Environmental Reports.

[21] *See, e.g.*, the American Gas Association (AGA), Tennessee, Transco, Consolidated and INGAA.

[22] One commenter, the Wisconsin Department of Natural Resources, supports the categorical exclusion for abandonment in place of pipelines only if various local utilities, state public commissions and environmental agencies are notified. The Commission notes that whether a particular person is notified of a project has no relevance to its environmental impact. The Commission reiterates that all project applications reviewed by it are noticed in the Federal Register. State agencies can then review the abandonment to determine the potential for groundwater contamination or whether the pipeline could act as a conductor for induced electric current.

[23] In response to a comment, the Commission clarifies that other minor surface facilities, other than taps, metering stations and valves, includes items such as minor surface pipe.

[24] The text of this CE is being modified slightly in the final rule to remove references to tap-related facilities, as an example of a minor surface facility. This in no way changes the CE. It is still available for minor surface facilities, which includes tap-related facilities, and has been done for purposes of clarity.

[25] For further discussion of this issue, see Section C, Subsection 4, on Submission of Environmental Reports.

[26] See, *e.g.*, Enron and INGAA.

[27] See Alice Henry v. F.P.C., 513 F.2d 395 (D.C. Cir. 1975).

those attached to the CE for interconnections and wheeling projects. While the two types of projects are different, the limitations on each CE have the same general purpose—to assure that only those projects that normally have no significant environmental impact are excluded from the requirement for individual environmental assessments. The actual limitations are different in the two cases because the projects themselves are different.

Finally, the commenters state that the taps, meters and regulating facilities located on an existing pipeline's right-of-way can be constructed under a blanket certificate even if the land use in the vicinity has changed since the original facilities were installed or significant non-jurisdictional facilities are constructed in conjunction with the jurisdictional facilities. They argue that the same type of environmental review should apply for these projects whether or not they are constructed under the blanket certificate program. The Commission disagrees. The Commission established the blanket certificate program to provide for expedited construction of routine pipeline projects without prior Commission approval. The procedures used to protect the environment under the blanket certificate program include (i) limiting the types of projects that can be constructed, (ii) requiring applicants to follow the conditions of § 157.206(d), which include guidelines for clearing rights-of-way and constructing facilities above ground and compliance with a wide range of Federal statutes, such as the National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.* (1982). The environmental review applicable to blanket certificates is specifically geared to the needs of that program and recognizes that new construction under the program is limited to routine pipeline projects. The same approach to environmental review is not necessarily suitable in other contexts.[28]

[28] However, the Commission is adopting two minor revisions to this CE. First, the Commission is requiring that the tap, meter or regulating facility be located completely within the natural gas pipeline's right-of-way. This is being done to assure that no adjacent right-of-way is impacted by the project. Second, this CE is available not only if these three facilities are located completely within a natural gas pipeline's land, but also if they are located completely within a compressor station. The Commission sees no reason to differentiate between where these three facilities could be located for purposes of this CE. The Commission believes that the impact on the environment is insignificant, assuming these two conditions are met, if these facilities are located within a compressor station or a natural gas pipeline's right-of-way.

(d) *Miscellaneous Projects Proposed For Addition.* The Commission is not persuaded by the comment of Transco that the list of CEs should be expanded to include looping on existing pipelines and making additions to existing pipeline facilities adjacent to or within current rights-of-way, and abandonments or removals of compression facilities where there is no increase in net emissions.

Generally, in the Commission's experience, looping may have significant environmental impacts even when adjacent to an existing right-of-way. These impacts are similar to those described for replacement of existing pipe—namely, possible concerns over land use, erosion and sediment control, the impact on streams, soils, and threatened and endangered species, and the potential for PCB contamination.[29] In addition, in these instances additional right-of-way is being taken and the environmental impacts of that taking must be studied.

One commenter, Texas Gas, asks if looping an existing pipeline on adjacent right-of-way owned by Texas Gas or others, would require an EIS. The ownership of a right-of-way is of little relevance to a project's potential environmental impact. The Commission will generally prepare an EA on these projects to determine whether an EIS is necessary.

Additionally, the Commission cannot generally assume that there is no need to conduct an environmental review of abandonments/removals of compression facilities simply because there is no net increase in emissions. As noted earlier, these actions can have the possible negative effects from erosion, sedimentation, methods used to restore the site and the potential for PCB contamination and therefore will require the Commission to perform an EA.

2. Projects Requiring an EIS

The final rule lists four types of projects for which it normally would prepare an EIS. Comments focused on only two types, *i.e.*, an EIS for major pipeline construction under NGA section 7 where there is no existing natural gas pipeline right-of-way and an EIS for projects at new dams with a total installed capacity of 20 MW or more.

(a) *Major Pipeline Construction.* First, the Commission is not opposed to the suggestion that a Commission EIS should be waived on a major pipeline construction project where the Mineral Management Service (MMS) or other Federal agency has already prepared an EIS in conjunction with the offshore leasing program. However, the Commission can adopt a draft or final EIS prepared by other Federal agencies only if the action previously reviewed and the proposed action are substantially the same, *i.e.*, the same project at the same site.[30] It has been the Commission's experience that EISs prepared by MMS on the offshore leasing program are not geared toward this required site-specific analysis. The Commission notes, however, that it is prepared to act as a cooperating agency, under § 1501.6 of the CEQ regulations, when the MMS is preparing an EIS. Thus, when the Commission is later asked to review a specific project, it would be more familiar with that project, thereby avoiding unnecessary delay.

Second, some commenters urge the Commission to provide a specific definition of a "major pipeline" basing it on the diameter and length of the pipe [31] or the cost of the facilities constructed.[32] Some commenters also suggest that the Commission should initially require an EA rather than an EIS when a major pipeline is constructed in any existing right-of-way.[33]

The Commission does not believe it should define a major pipeline by using specific criteria such as the diameter or length of pipe, or cost of the facilities constructed. These factors are not determinative of the potential impact on the human environment from the project. The Commission must determine whether a project involves major pipeline construction on a case-by-case basis.

The Commission also rejects suggestions to include major pipeline construction in the EA category when it is built in any existing right-of-way, such as railroad, highway or other utility rather than only when it is built in an existing natural gas pipeline right-of-way. The environmental impact of a pipeline project within an existing natural gas pipeline right-of-way can by substantially different and potentially less severe than environmental impact of the same kind of project within the

[29] PCBs (polychlorinated biphenyls) are chemical compounds which have been shown to cause cancer.

[30] *See* CEQ and 40 CFR 1506.3, which state that if the actions covered by the original EIS and the proposed action are substantially the same, the Commission can adopt that statement. In addition, the Commission may, where appropriate, incorporate by reverence state findings and conclusions into Commission NEPA documents. See § 1502.21 of the CEQ regulations.

[31] See Columbia.

[32] See Texas Gas and Enron.

[33] See, *e.g.*, AGA and Columbia.

right-of-way of another utility. For example, an electric utility transmission line may be built in terrain which is inappropriate for a pipeline. Thus, use of that right-of-way would not reduce, and might increase, the environmental effects of a pipeline project constructed within the right-of-way of that transmission line.

(b) *Construction of Dams.* In the NOPR, the Commission provided generally that the construction of new dams would be in the EIS category unless the dams had a total installed capacity of 20 MW or less, in which case an EA would normally be performed to determine whether an EIS was necessary. The rationale for treating dams of less than 20 MWs differently was the Commission's experience that only a small portion of dam projects requiring an EIS involved dams of less than 20 MWs.

Several commenters [34] oppose different treatment for the smaller dams, questioning the significance of the past experience cited in the NOPR. They argue that the electrical capacity of a dam is only one factor among many that could affect its environmental impact.

The final rule eliminates the artificial distinction between new dams with a capacity of more than 20 MW and those with a capacity of less than 20 MW. It recognizes that projects involving proposed new dam construction will normally require an EIS, but that the Commission may sometimes perform an EA to decide whether an EIS is necessary. The dam's electrical capacity will be one factor, among others, that the Commission will consider in specific circumstances to decide whether to do an EA first.

3. Projects Subject to an Environmental Assessment

The NOPR listed 13 actions that would normally require an environmental assessment. Generally, commenters argue that particular projects should be removed from the list or clarified. With the removal from the EA category of hydroelectric projects at new dams with a total installed capacity or 20 MW or less, the final rule lists 12 actions that would normally require an environmental assessment.

(a) *Processing Facilities.* In the final rule, the Commission is clarifying that only processing facilities (i) that are subject to the Commission's jurisdiction or (ii) are an integral part of a project under the jurisdiction of the Commission will be analyzed for their environmental effects. Some commenters [35] had apparently believed that the Commission would analyze all processing facilities.

(b) *Relicense Applications Under FPA Section 15.* The Commission classified relicense applications under section 15 of the FPA in the EA category. The Commission agrees with a commenter [36] maintaining that this classification is consistent with *Confederated Tribes and Bands of the Yakima Indian Nation v. FERC.* [37] Although the court in *Yakima* held that the Commission had in that particular case unreasonably failed to prepare an EIS, it did not hold that an EIS must first be prepared for every relicensing project, notwithstanding the contrary view of the American Rivers, Inc., *et al.* The Commission continues to believe that an EA will normally be necessary to determine whether relicensing applications will require an EIS or will require no further environmental review.

(c) *Blanket Certificates.* Several commenters [38] ask the Commission to stop its practice of preparing an EA on projects constructed under a blanket certificate that cost more than $5.2 million but less that $14.7 million.[39] They argue that eliminating an EA will expedite action. Requiring an EA for construction under a blanket certificate costing between $5.2 and $14.7 million is current Commission policy. In maintaining this practice, the rule imposes no new obligation. Projects costing less than $5.2 million are categorically excluded. The procedures used to protect the environment under the blanket certificate program include (i) limiting the types of projects that can be constructed, (ii) requiring applicants to follow the conditions of § 157.206(d), which include guidelines for clearing rights-of-way and (iii) constructing facilities above ground and compliance with a wide range of Federal statutes, such as the National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.* (1982). The environmental review applicable to blanket certificates is specifically geared to the needs of that program and recognizes that new construction under the program is limited to routine pipeline projects. The same approach to environmental review is not necessarily suitable in other contexts. Moreover, the Commission believes an EA is necessary because projects costing between $5.2 million and $14.7 million can have a significant environmental effect and therefore cannot be categorically excluded.

B. Environmental Decisionmaking

1. Preparation of an EA or an EIS by Third Parties

Unless a project is categorically excluded under the Commission's regulations, or classified as a project that will require an EIS, the Commission will prepare an EA to determine the environmental effects of the project. If the Commission concludes after preparing an EA that the project may have a significant effect on the human environment, the Commission will prepare an EIS. One commenter argues that third party contractors should be allowed to prepare an EA. It points out that CEQ regulations allow Federal agencies to permit an applicant to prepare an EA if the agency makes an independent evaluation of the information and takes responsibility for the scope and content of the EA. Similarly, CEQ regulations also permit contractors selected by a lead agency to prepare an EIS in some circumstances.

While the Commission expects to rely on its staff to prepare EAs and EISs in most situations, there may be occasions when it may rely on contractors to play a role in the process of environmental review. To the extent the Commission decides in individual situations to rely on contractors, it will develop procedures to assure independent evaluation by the staff and ultimate Commission responsibility for the scope and content of environmental documents.

2. Reliance on Other Agencies

Some commenters [40] argue that the Commission should sometimes defer its decisionmaking responsibilities to other agencies, which these commenters believe possess more technical expertise. This would mean, for example, that the Commission would rely on the determinations of various fish and wildlife and water quality agencies when evaluating the impacts of a proposed project on these resources. The Commission has not adopted this suggestion, since it has the responsibility to analyze the environmental impacts of a proposed pipeline, hydroelectric or electric project under the jurisdiction of the Commission. Moreover, the Commission

[34] See, *e.g.*, S.O.S., Friends of the River, and American Rivers, Inc., *et al*

[35] *See, e.g.*, Panhandle Eastern and Trunkline.

[36] *See*, the Edison Electric Institute.

[37] 746 F.2d 466 (9th Cir. 1984).

[38] *See*, Enron and AGA.

[39] The projects constructed are defined in §§ 157.202(b) (2), (3) and (6) of the Commission's regulations. Projects exceeding $14.7 million in costs cannot be constructed under a blanket certificate. Projects below $5.2 million constructed under a blanket certificate are categorically excluded.

[40] *See. e.g.*, Enron. Panhandle and Trunkline.

BEST COPY AVAILABLE

VOL 52 ISS 242 DEC 17 1987 UMI

VOL 52 ISS 242 DEC 17 1987 UMI

has the expertise and staff resources to satisfy this responsibility and court decisions such as *The Steamboaters v. FERC*[41] have clarified that the Commission cannot evade its NEPA responsibility by relying on another agency's environmental judgment. Certainly, the Commission will consider the comments and studies of other agencies in making those determinations. However, the Commission remains ultimately responsible for the environmental review mandated by NEPA for actions under its jurisdiction.

3. Finding of No Significant Impact

At the conclusion of the environmental assessment (EA) stage, the Commission will make one of two determinations. The Commission will either make a Finding of No Significant Impact (FONSI) or determine that the project may be a major Federal action having a significant effect on the human environment and thus proceed to prepare an EIS. The Commission will generally issue a FONSI on a project if proposed mitigation measures will render a project's environmental impacts insignificant. The Environmental Protection Agency (EPA), American Rivers, Inc., *et al.* and the National Marine Fisheries Service (NMFS) argue that where mitigation measures are cited to support a FONSI, the Commission should provide a review procedure before issuing the FONSI, during which agencies and the public may comment on the effectiveness of the proposed mitigation measures. The Commission sees no need to provide a comment period before deciding on the effectiveness of the mitigation measures used. Neither the CEQ regulations nor court decisions mandate such a comment period.[42] In addition, parties to the Commission's licensing or certificate proceedings have available other procedures, such as a petition for rehearing under Rule 713 of the Commission's Rules of Practice and Procedure, for presenting their views to the Commission also on the adequacy of mitigation measures.

The Commission describes in an EA how the mitigation measures proposed will render the environmental impact of a project insignificant. The Commission agrees with commenters that mitigation measures must consist of more than vague statements of good intentions. Mitigation measures must provide concrete solutions to negate potential environmental impacts. The other issued for the license or certificate will state mitigation measures adopted by the Commission.

4. Issues Involved in Preparing an EA

(a) *Consideration of the Environmental Effects of Non-Jurisdictional Facilities.* When the Commission considers the environmental impact of a project subject to its jurisdiction, it also considers the environmental impact of nonjurisdictional facilities which are to be constructed with, or are an integral part of, the project involving jurisdictional facilities. The Commission does this because Commission precedent, case law,[43] and the CEQ regulations require the Commission to consider the environmental impact of an entire project when considering whether to approve the portion of the project under the jurisdiction of the Commission. Some commenters[44] are concerned the Commission would use the EA process to exercise jurisdiction over non-jurisdictional facilities.

Although the Commission understands the commenters' concern, it believes they are unfounded. The Commission does not intend to exercise jurisdiction over nonjurisdictional facilities and is not using this process to exercise such jurisdiction. However, to ignore the environmental impact of these facilities when they are an integral part of an entire project that includes jurisdictional facilities would be to take too narrow a view of the Commission's NEPA responsibilities.

(b) *Cumulative Impacts.* The final rule states that the Commission will comply with the definition to the term "cumulative impact" in the CEQ regulations. Under this definition, "cumulative impact" is the effect on the environment which results from the incremental impact of the action when added to past, present and reasonably foreseeable effects of future actions regardless of the agency or person undertaking such actions. This definition is consistent with current Commission practice of assessing cumulative impacts.

Several commenters state that the Commission's interpretation and procedures in the hydroelectric area were contrary to the definition of cumulative impact in that two or more pending applications for hydroelectric projects were not a prerequisite for cumulative analysis.[45] The Commission has not said that it would do a cumulative impact analysis only when two or more projects are pending at a given river basin or waterway. The commenters correctly point out that, under the CEQ regulations, the cumulative impact of all "past, present and reasonably foreseeable future actions" must be assessed in determining the significance of the action.

(c) *Denial of an application based on an EA.* The final rule permits the Commission to deny an application on the merits either because the project is not viable or because the project will have significant adverse environmental impacts and mitigation measures to avoid these impacts are either nonexistent or impractical. Several commenters[46] agree with the Commission that an EIS is not necessary when a project is denied at the EA stage.

The rule does not adopt the suggestion of Tennessee Gas Pipeline to prepare an EIS in these situations if the applicant requests that one be prepared. An EIS is required only if a Commission action may have a significant effect on the environment. Where the project has been denied on the merits at the EA state, there is no longer a proposed Federal action that may have a significant environmental effect.

The rule adopts the suggestions of several commenters, *e.g.*, Enron, that where the Commission denies an application at the EA stage for environmental grounds, the Commission will provide an applicant with an explanation of the denial and continue to make the environmental review part of the applicant's record.

5. Preparation of an EIS

(a) *Format.* The final rule adds to the essential[47] elements required for an EIS under the CEQ regulations,[48] to include a staff conclusion section and a bibliography section, citing the literature reference in the EIS.[49] Some commenters[50] questioned whether the Commission should add these sections to the CEQ regulations and more specifically questioned why the Commission was adding a staff conclusion section since the CEQ regulations do not differentiate between the staff of an agency and the agency itself.

The Commission believes that these additions are necessary. First, the CEQ regulations encourage an agency to supplement the prescribed CEQ format to meet specific agency needs, as long as the format complies with the CEQ.[51] Second, these additions are made to conform the regulations to the Commission's current practice and to clarify that an environmental statement made by staff is not a statement of the Commission until it is accepted by the Commission.

(b) *Purpose and Need and Consideration of Alternatives.* An EIS contains a purpose and need statement and a consideration of alternatives. Several commenters[52] are concerned that if the applicant submits a statement of purpose and need, the statement will control and limit the number of alternatives considered by the Commission in evaluating the project. The Commission emphasizes that it will evaluate the purpose and need for a project on an individual project basis. It does not intend to be bound by and will not accept without further evaluation the purpose and need statement supplied by the applicant.[53]

The final rule includes provisions, supported by many commenters,[54] that the Commission will consider all reasonable alternatives, including the no-action alternative and alternatives outside of the jurisdiction of the Commission, when evaluating a project.[55] Some commenters[56] argue that this will cause undue delay and would result in undue costs. The Commission disagrees. It has been the Commission's experience that the consideration of all reasonable alternatives, as is the Commission's present practice and as required by CEQ regulations, does not unduly delay the issuance of environmental documents or add substantially to the cost of preparing those documents.

S.O.S. suggests that the Commission list the minimum number of alternatives that would be considered on each project. It argues that the Commission, in addition to considering the alternative of disapproval of a project, should also consider a location alternative, a size alternative, a source alternative, a fuel alternative, and a delay alternative for each project.[57] The Commission does not believe that it should require these alternatives to be considered on every project. Generally, depending on whether the project considered is a natural gas, electric or hyroelectric project, the Commission has considered the alternatives suggested by S.O.S. However, these alternatives may not be appropriate for every project. Thus, in the final rule, the Commission recognizes the alternatives mentioned by S.O.S. as illustrative of the alternatives that the Commission may consider on each project.

The Commission considers these alternatives in the context of whether to approve or disprove the project application. Some commenters, *e.g.* the P.C.L., objected to this. However, this practice simply reflects the Commission's regulatory mission. The Commission does not initiate projects. It merely approves projects, with or without modifications, or disapproves projects.

C. General Procedures

1. Commission Personnel Responsible For Implementing NEPA

In general, the preparation of NEPA documents on natural gas projects is done by the Office of Pipeline and Producer Regulation. The preparation of NEPA documents on hydroelectric projects is done by the Office of Hydropower Licensing.

The Department of the Interior asked the Commission to designated one person responsible for the Commission's NEPA compliance. The Commission's General Counsel or his or her designee, on behalf of the Commission, will be responsible for the overall review of the Commission's compliance with NEPA, except for issues in formal proceedings pending before an administrative law judge or the Commission acting as a collegial body.

2. Pre-filing Consultation

The final rule continues present Commission practice by requiring an applicant to consult, prior to filing, with appropriate Federal, regional, state and local entities.[58] During the consultation process, an applicant generally submits the application to the appropriate Federal, state or local agency and supplies the agency with information requested on the project. In addition, the Commission is complying with §§ 1501.2(d)(2) and 1502.5(b) of the CEQ regulations. Implementing these regulations does not change the Commission's current pre-filing consultation procedures.

Some commenters[59] argue that pre-filing consultation may be appropriate for larger, more complex projects requiring an EA or EIS, but that prefiling consultation is unproductive and could cause delay of routine projects. In contrast, the Commission agrees with other commenters[60] who point out that identifying environmental problems, through pre-filing consultation, facilitates the consultation with various environmental bodies required of the Commission under section 102(2) of NEPA, the Federal Power Act, and other statutes. Applicants also benefit from this process. The more work done before an application is filed, the less time the Commission is likely to need to process the application.[61]

The pre-filing consultation provision, however, does not require an applicant to wait indefinitely for an environmental agency to complete its review before submitting its application to the Commission. The rule requires the applicant to make a good faith effort to consult. In some circumstances, Congress has imposed time deadlines on

---

[41] 759 F.2d 1363 (9th Cir. 1985).

[42] For a more detailed discussion on the suggestion for a 30-day comment period prior to Commission action on an EA or FONSI, see the section on Public Participation.

[43] Alice Henry v. F.P.C., 513 F.2d 395 (D.C. Cir. 1975), as later discussed in Silentman v. Federal Power Commission, 566 F.2d 237 (D.C. Cir. 1977).

[44] See, *e.g.*, INGAA and AGA.

[45] See, *e.g.*, CEQ, NMFS, and Wisconsin Department of Natural Resources.

[46] See, *e.g.*, CEQ and S.O.S.

[47] The CEQ regulations require a cover sheet, summary, table of contents, list of preparers, list of agencies, organizations and persons to whom copies of the statement are sent and an index. The CEQ regulations also required the substance of the sections on purpose and need for the action, alternatives, affected environment, environmental consequences and the appendices, if any.

[48] 40 CFR 1502.10 (1987).

[49] In response to a comment the Commission clarifies that the page limits on an EIS, *i.e.* normally less than 150 pages and less than 300 pages for proposals of unusual scope or complexity, does not include material incorporated by reference.

[50] See *e.g.*, American Rivers, Inc. *et al.*

[51] 40 CFR 1502.10 (1987).

[52] See *e.g.*, S.O.S., Department of the Interior, CEQ and American Rivers, Inc., *et al.*

[53] The Washington Department of Ecology had questioned whether the Commission considers the effect of the project on current electric rates when evaluating the need for licensing a hydroelectric project, in an area where a regional power surplus exists. This is current Commission policy. The Commission considers the effect on electric rates over the life of the project when it evaluates the economic feasibility of the project. This evaluation involves comparing the cost of the hydroelectric project to the least expensive reasonable alternative power source.

[54] See *e.g.*, S.O.S., Planning and Conservation League (PCL).

[55] In response to one commenter, when a reasonable alternative arises from the hearing process, the Commission's practice is to supplement the EIS, thereby ensuring that all alternatives considered by the Commission are included in environmental documents.

[56] See *e.g.*, Colorado Interstate.

[57] S.O.S. did not specify the context it was using the terms "source alternative" or "fuel alternative", thus making it difficult for the Commission to respond.

[58] *See, e.g.*, the current Appendix B of Part 2, for the consultation required for natural gas projects and § 4.38 of the Commission's regulations for the consultation required of hydropower applicants.

[59] *See, e.g.*, Texas Eastern Transmission Corporation (Texas Eastern) and AGA.

[60] *See* The Washington Department of Ecology (State of Washington).

[61] In addition, as discussed in § 380.3(b) (4) and (5), an applicant must continue to make a good faith effort to:

(1) Submit applications for all Federal and state approvals as early as possible in the planning process; and

(2) Notify the Commission staff of all other Federal actions required for completion of the proposed action so that the staff may coordinate with other interested Federal agencies.

such consultations.[63] Even where no explicit deadlines exist, applicants will be permitted to file with the Commission if they can demonstrate their own good faith efforts to consult an undue and unjustified delay by the appropriate environmental agency.

One commenter, the American Rivers, Inc., *et al*, suggests more involvement by the Commission staff in pre-filing consultation and the preparation of environmental documents prior to an application being filed. The Commission has not adopted these suggestions. First, the Commission's implementation of the statutory provisions of NEPA and the FPA and the requirements under § 4.38 of the Commission's regulations meet the letter and spirit of the CEQ provisions. Second, the CEQ consultation regulations do not require the Commission to prepare environmental documents before an application has been filed.[64]

3. Preparation of Studies

Under the final rule, an applicant must also conduct those studies that Commission staff considers necessary or relevant to determine the impact of the proposal on the human environment and natural resources. The rule continues current Commission practice. Several commenters,[64] primarily representing regulated natural gas entities, argue that guidelines are needed to ensure that staff requests only information which is necessary and relevant, and studies that are justified, and avoid delays. For example, they suggest that the Commission specifically explain what studies or data could be requested; who could request the studies—the Commission or staff; what procedures would be established for protesting studies as too burdensome or costly; and when studies could be requested. The Commission is sympathetic to the concerns of these commenters and agrees that the staff should request only such information and studies as are necessary for a full environmental review. However, since the types of data and studies needed vary widely with the resources affected, it is unlikely that generic guidelines, that would be useful and applicable to the various jurisdictional activities regulated by the Commission, could be developed. If a person believes that a study or data request by the staff is unduly burdensome or otherwise inappropriate, it may ask the Commission for relief by filing a petition under the provisions of Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207.[65]

4. Submission of Environmental Reports

As proposed in the NOPR, the final rule continues the current practice of requiring an applicant to submit an environmental report (ER) for actions that require an EA or an EIS. The ER provides basic environmental information on the project.

The ER for hydroelectric projects must contain the information in 18 CFR Part 4.[66] The information in this ER varies depending on the type of project, but generally includes a description of the project area, and reports on water use and water quality, fish and wildlife resources, historic and archaeological resources, and recreational resources.

The environmental report for any natural gas project requiring an EA or EIS, except for prior notice filings under § 157.208,[67] must contain the information specified in Appendix A of Part 380.[68] This ER includes: (1) A description of the proposed action and the existing environment; (2) the environmental impact of the proposed action; (3) the measures proposed to enhance the environment or to guard against or mitigate adverse environmental effects; (4) any unavoidable adverse environmental effects; (5) the relationship between the short and long-term uses of the environment; (6) any irreversible and irretrievable commitment of resources; (7) the alternatives to the proposed action; and (8) any permits or other compliance required with Federal, State, or local regulations or statutes.

Normally projects placed in the categorical exclusion (CE) category are not required to be accompanied by an ER. However, the Commission proposed that for three actions in the CE category an applicant should provide certain additional information.[69] These three projects were (i) the approval of taps, meters, and regulating facilities located within a right-of-way where there is an existing natural gas pipeline, (ii) the abandonment in place of a minor natural gas pipeline, and (iii) the abandonment by removal of minor surface facilities.

For these three types of projects, applicants were asked to provide a brief explanation of why the application qualified for a CE and to provide environmental information sought by the Commission or its staff.

Some commenters[70] object to requiring this information. They argue that this requirement will increase costs and delays.

The Commission included these projects in the CE category on the basis of experience indicating they normally do not have a significant environmental impact. However, the Commission proposed requiring ER's for these projects because some individual projects within these categories could pose environmental concerns. In the final rule, the Commission has decided to condition the CE covering minor surface facilities to require appropriate erosion control and site restoration. While the final rule no longer requires an ER with all applications for these types of projects at issue, thereby treating them like other projects in the CE category, applicants have a continuing responsibility to provide sufficient information to show appropriate erosion control and site restoration at minor surface facilities, and to meet requests by the staff for environmental information in specific circumstances.

5. Abbreviated Report

The final rule adopts the proposal to eliminate the provisions in current Commission guidelines that allow an applicant to file an "abbreviated report" (AR) to support the conclusion that a natural gas proposal would not be a major Federal action significantly affecting the quality of the human environment. Commenters argue that the Commission should continue to allow

[63] For example, see section 401 of the Clean Water Act, 33 U.S.C. 1341 (1982).

[64] Section 1501.2(d)(2) provides generally that Federal agencies should consult early with appropriate state and local agencies, Indian tribes and with interested private persons and organizations when the agency's own involvement is reasonably foreseeable. The second sentence of § 1502.5(b) states that Federal agencies are encouraged to begin preparation of environmental assessments or environmental impact statements prior to an application being filed preferably jointly with applicable state and local agencies.

[64] See, *e.g.*, Tennessee Gas (Tennessee), Lone Star, Pacific Gas Transmission (PGT), Enron, Consumers Power (Consumers) and Columbia Gas.

[65] The Commission is not aware of any such petitions being filed.

[66] The Commission is eliminating the current Appendix A of Part 2 of the Commission's regulations because the requirements for an environmental report for specific hydropower projects can be found in Part 4 of the Commission's regulations.

[67] The environmental report requirement for prior notice filings is contained in § 157.208(c)(11) of the Commission's regulations.

[68] Appendix A of Part 380 is currently Appendix B of Part 2 of the Commission's regulations.

[69] An abandonment in place of a minor natural gas pipeline involves Commission approval to discontinue the use of the pipeline to transport gas and to leave the pipeline in the ground. The Department of Transportation, Office of Pipeline Safety, has regulations on procedures for abandonment of pipelines. An abandonment by removal, involves physically removing the facility from the site.

[70] *See, e.g.*, Panhandle Eastern and Trunkline, Texas Gas, Columbia and INGAA.

the abbreviated report.[71] They reason that the report allows the Commission to concentrate on significant issues without spending time compiling data which will not change the final determination.

The commenters misinterpret the effect of the elimination of the AR on the amount of environmental documentation an applicant must file. Under the AR provision, an applicant was still required to file information on the items currently described in Appendix B of Part 2. However, some applicants attempted to use the AR provisions to file brief conclusory statements, that their projects would not have a significant effect on the environment. Such statements were of little use to the Commission staff. Staff then had to request the appropriate information in Appendix B. So, the elimination of the AR will not require applicants to file any more information than in the past and will avoid the confusion that occasionally arises under existing regulations. As in the past, applicants are expected to tailor the amount and character of the environmental information they provide to the possible environmental effects of the project.

6. Time Limits On Preparation of Environmental Review

Several commenters[72] argue that the Commission's NEPA processes would be improved if the Commission set fixed time limits on the preparation of an EA, the completion of an EIS and the entire NEPA process. The time limits suggested ranged from 30 days to nine months to prepare an EA, to 18 months after an application is filed to prepare an EIS.

The Commission has reviewed these various suggestions and has concluded that general time limits for completion of the NEPA process are simply not feasible. The time required to prepare an individual EA may vary considerably depending on the sufficiency of the initial application or the complexity of the project proposed.

The Commission believes that a more reasonable approach is one suggested by five commenters,[73] and now followed as a normal part of the Commission's environmental review procedure—namely, the approach of telling an applicant who asks in specific circumstances, the approximate timeframe in which NEPA documents needed to evaluate the action will be completed. The Commission also notes that § 1500.5 of the CEQ regulations encourages steps to reduce delay in the NEPA process and that the Commission will be guided by that objective.

7. CEQ Referral

The NOPR proposed not to accept Part 1504 of the CEQ's regulations, which provides a mechanism for referring disputes to the CEQ concerning major Federal actions that might cause unsatisfactory environmental effects. Several commenters[74] disagree with the Commission's proposal and argue that the referral process could be helpful to the Commission and is not a threat to the Commission's autonomy.

The Commission wishes to cooperate as much as possible with other Federal agencies that may have a legitimate interest in significant environmental issues within the Commission's jurisdiction.[75] However, the purpose of these regulations is to set out the Commission's procedures implementing NEPA. The regulations do not purport to deal with the authority of other agencies to refer to the CEQ disputes involving major Federal actions within the Commission's jurisdiction or the authority of the CEQ to accept such referrals. In its comments, the CEQ notes that any recommendations it would make as a result of such a referral would not be binding on the Commission. Moreover, no trial-type proceeding has ever been referred to the CEQ by other agencies. Under the circumstances, the Commission cannot conclude that the referral provision would necessarily conflict with the Commission's obligation to provide a fair hearing to the parties in trial-type cases and to make its decision on the basis of the evidentiary record. The Commission reserves the right not to participate in a CEQ referral in circumstances where doing so would conflict with its adjudicatory responsibilities. The CEQ recognizes that its regulations are not binding to the extent they are inconsistent with an agency's statutory obligations.

8. Monitoring and Enforcement

Despite the existence of the Commission's present monitoring and enforcement program, several commenters[76] interpret the NOPR to claim that the Commission's responsibility to monitor and enforce mitigation measures, where applicable, is discretionary. This was not the Commission intent. The Commission recognizes it has an obligation to adopt a monitoring and enforcement program where applicable for any mitigation.

D. Public Participation

Commenters raised several issues concerning public participation at the EA or EIS stage. The issues raised included who would publish the notice of availability of an EIS, the Commission or the EPA; the availability or an EA or FONSI for public comment prior to Commission action; whether the Commission's regulations should provide for a minimum of 30 days to consider a final EIS before Commission action; the possibility of making an EA or EIS available at regional offices; the Commission's present intervention procedures in trial-type proceedings; and the use of NEPA documents in administrative proceedings.

1. Publication of the Notice of Availability of an EIS

In the NOPR, the Commission proposed to publish a notice of an EIS if the Environmental Protection Agency (EPA) fails to publish this notice, in accordance with § 1506.10 of the CEQ regulations, within 15 days after filing with EPA This CEQ section requires the EPA to publish in the **Federal Register** each week a notice of the environmental impact statements filed by Federal agencies in the preceding week.

The Commission proposed these provisions in the unlikely event that EPA, because of unforeseen problems, failed to meet time frames. The EPA and other commenters, such as CEQ, object to this proposal. First, the commenters state EPA has the obligation to publish the notice of availability of an EIS under CEQ regulations.[77] Second, the commenters state that the Commission's fears are unfounded because the maximum number of calendar days which normally expire between the official filing of an EIS and publication by EPA of the official notice, is twelve. In light of the comments, the Commission no longer sees the need for the proposed provisions providing for a

[71] *See, e.g.*, exas Eastern, Panhandle Eastern and Trunkline, and INGAA.

[72] See *e.g.*, Lone Star; Transcontinental Gas Pipeline Corporation (Transco); Texas Eastern; INGAA: Pacific Gas and Electric Company (PG&E); AGA; Enron; Consumers Power; and Panhandle Eastern and Trunkline.

[72] See, *e.g.*, Panhandle Eastern and Trunkline.

[74] See, e.g., American Rivers, Inc., *et al.*, CEQ and Friends of the River.

[75] In addition, section 10(j)(2) of the Federal Power Act, 16 U.S.C. 803(j)(2), requires the Commission and fish and wildlife agencies to coordinate in an attempt to resolve any inconsistencies between the recommendations of the fish and wildlife agencies and the purposes and requirements of Part I of the Federal Power Act or other applicable law.

[76] See, *e.g.* American Rivers, Inc., *et al.*, CEQ and the State of Wisconsin.

[77] Under the CEQ regulations the time frame for actions on a draft or final EIS in § 1506.10, *i.e.*, 90 days on a draft EIS and 30 days on a final EIS, begins upon publication by EPA of the notice of availability of the EIS.

back-up notice in case EPA fails to provide it.

2. Public Comments on EA's and FONSI's

In the NOPR, the Commission proposed to continue its current practice of giving notice of availability of an EA and of a FONSI in the order it issues on the project application. In addition the Commission will publish in the **Federal Register** some notices of the availability of EA's and FONSI's beyond those dealing with matters of national concern which are required to be published under the CEQ regulations. Some commenters [78] request the Commission make an EA or FONSI available for public review and comment in every case at least 30 days prior to Commission action. The commenters argue that the current Commission practice does not adequately foster NEPA goals of encouraging and facilitating public involvement in decisions which affect the quality of the human environment. The commenters add that meaningful public participation cannot be accomplished through agency rules which allow for decision to be made without notice to the public of the basis for the decisions.

The Commission has not adopted a strict 30-day period of notice and comment on an EA or FONSI on every project prior to Commission action. Neither the CEQ regulations nor court decisions interpreting NEPA specifically require the Commission to provide such a comment period.[79] However, on individual projects the Commission may adopt this suggestion. In addition, the Commission is implementing § 1501.4(e)(2) of the CEQ regulations and thus will make a FONSI available for 30 days prior to taking any action on a proposal that normally requires the preparation of an EIS or where the proposed action is without precedent.

Some commenters [80] state that the Commission is not implementing the CEQ provisions in 40 CFR 1506.10 requiring, in most circumstances, a minimum 30-day period between notice of the final EIS and Commission action. The commenters argue that without this notice public participation is denied and the potential for project delay is created through appeals to Commission orders. The commenters misinterpret the Commission's proposal. The Commission is complying with this section of the CEQ regulations. However, the CEQ regulations permit the Commission to issue the final EIS concurrently with a Commission order if a person has an opportunity to alter that decision by an appeal to the Commission.[81] That opportunity exists in the Commission's rehearing procedures in Rule 713 of the Commission's Rules of Practice and Procedure.[82] Parties in a Commission proceeding may petition for rehearing as a matter of right. In fact, a rehearing request must be filed before seeking judicial review of a Commission decision.[83] In general, the Commission considers and responds to the points made in a rehearing petition. In that response, the Commission will either agree or disagree, based on the merits of the petition and the relief sought, or clarify the final order.

3. Availability of an EA or an EIS at Regional Offices

The final rule adopts the proposal to make EAs and EISs available at regional offices on a case-by-case basis. Two commenters, the P.C.L. and Friends of the River, argue that every EA or EIS should be available at regional offices. The Commission recognizes it would be convenient to the public if EAs and EISs were routinely made available at regional offices. However, the costs and administrative burden of such a practice would be prohibitive and disproportionate to the public benefits. For a reasonable fee, environmental documents are available through the Division of Public Affairs and Legal Reference, 825 North Capitol Street NE., Washington, DC 20426, (202) 357–8118.

4. Motion to Intervene

A person may become a party to a proceeding by filing a motion to intervene under Rule 214 of the Commission's Rules of Practice and Procedure.[84]

Some commenters[85] express the concern that the proposed rule would permit unsubstantiated evidence and opinions on environmental issues to be admitted into evidence in trial-type proceedings without the opportunity for cross-examination. Other commenters complain that non-parties who may have an interest in the environmental issues may be excluded from the environmental review process.

Both comments misinterpret the Commission's position. Rule 214 of the Commission's Rules of Practice and Procedure requires a person to file a motion to intervene in order to become a party to a proceeding. Parties to a proceeding can introduce evidence at a formal hearing. This does not mean that only the views of parties are considered by the Commission. All comments received on a draft EIS are reviewed and responded to in a final EIS regardless of whether the commenters are intervenors in the proceeding. The EIS becomes a part of the record of the proceeding.

5. Use of NEPA Documents in Administrative Proceedings

One commenter, the NMFS, wants the Commission to discuss how environmental documents will be included as part of the record in an informal adjudication and formal rulemaking. The commenter wants such documents included in the record of an informal adjudication in the same manner as for informal rulemakings, and the documents included in the record of formal rulemakings in the same manner as for formal adjudications.

In an informal rulemaking the notice of a draft EIS, or EA with a FONSI, will be included in the notice of proposed rulemaking. A final EIS will be published prior to or simultaneously with a decision on the final rule. For adjudicatory proceedings, and EA or an EIS will be included as part of the record of the proceeding. Since the Commission does not use formal rulemaking, it need not establish procedures for formal rulemakings.

An informal adjudication is an adjudicative proceeding where a formal trial-type hearing has not been held.[86] Such proceedings are normally associated with the issuance of a natural gas pipeline certificate or hydroelectric license. In these situations, the Commission will make environmental documents available as discussed in this rule, *i.e.*, notice of an EA or an EA with a FONSI will be published in the Commission order and may be published in the **Federal Register**. A draft and final EIS will be made available as described in the CEQ procedures at § 1506.10.

NMFS states that NEPA requires the Commission to consider an EIS regardless of whether the EIS is introduced into the record of a formal adjudicatory hearing in making its decision. The Commission agrees. An EIS will be introduced into the record of the adjudication considering the project for which an EIS has been performed. In all situations where an EIS has been prepared, the Commission will consider and review the alternatives included in the EIS in reaching its decision.

E. Miscellaneous Issues

1. National Historic Preservation Act (NHPA)

The Department of the Interior urges the Commission to add regulations to implement the National Historic Preservation Act and the regulations of the Advisory Council on Historic Preservation (Advisory Council). In the NOPR, the Commission stated that insofar as NHPA compliance could be achieved through the NEPA process, the Commission would use that process. The Commission believes that it is unnecessary to add specific regulations for NHPA. The Commission now requires information on historic sites in an ER and consults with and reviews comments of the Advisory Council before it approves a project that may affect a historic or cultural site that is included in or eligible for inclusion in the National Register of Historic Places. Thus, the Commission has incorporated the substance of the NHPA into its procedures.

2. Comprehensive Plans

The State of Wisconsin requests clarification on the relationship between a comprehensive plan under FPA section 10(a) and an EIS or EA when the Commission consider an application for a hydroelectric project.

An EA or EIS conducted pursuant to NEPA considers the environmental effects of a specific hydroelectric project. This EA or EIS is included in the record of decision. The comprehensive plans under section 10(a) of the FPA consist of the entire record of the proceeding before the Commission. This record includes all information before the Commission including the EA or EIS, comments by interested parties, studies, as well as any comprehensive plan of a state.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) [87] generally requires a description and analysis of final rules that will have a significant economic impact on a substantial number of small entities. Specifically, if an agency promulgates a final rule under the Administrative Procedure Act (APA), a final RFA analysis must contain (1) a statement of the need for and objectives of the rule, (2) a summary of the issues raised by the public comments in response to any initial regulatory flexibility analysis, and the agency response to those comments, and (3) a description of significant alternatives to the rule consistent with the stated objectives of the applicable statute that the agency considered and ultimately rejected. An agency is not required to make an RFA analysis, however, if it certifies that a rule will not have "a significant economic impact on a substantial number of small entities."

In the NOPR, the Commission certified that these regulations would not have a significant economic impact on a substantial number of small entities. No comments addressed this discussion or the Commission's certification. These rules are procedural in nature and, moreover, insofar as they affect members of the public and impose obligations on them, merely reflect and implement requirements of existing statutes and regulations. Thus, pursuant to section 605(b) of the RFA, the Commission certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

V. Paperwork Reduction Act and Effective Date

The Paperwork Reduction Act (PRA) [88] and the Office of Management and Budget's (OMB)[89] regulations require that OMB approve certain information collection requirements imposed by agency rule. The provisions of this final rule have been submitted to OMB for its approval. Interested persons can obtain information on those provisions by contacting the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 (Attention: Ellen Brown, (202) 357–5311). Comments on the provisions of this final rule can be sent to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, Washington, DC 20503 (Attention: Desk Officer for the Federal Energy Regulatory Commission).

This rule will become effective January 19, 1988. However, if OMB has not approved this rule by that date the Commission will issue a notice temporarily suspending the effective date until OMB has approved the requirements.

List of Subjects

18 CFR Part 2

Environmental impact statements, Administrative practice and procedure, Electric power.

18 CFR Part 157

Administrative practice and procedure, Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 380

Environment, National Environmental Policy Act, Natural gas, Pipelines, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends Parts 2, 157 and 380 of Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Lois D. Cashell,

Acting Secretary.

Appendix A—List of Commentors for RM87–15–000

Note.—This appendix will not be published in the Code of Federal Regulations.

1. Lone Star Gas Company
2. Montana Department of Fish, Wildlife & Parks
3. Pacific Gas and Electric Company
4. Texas Gas Transmission Corporation
5. Pacific Gas Transmission Company
6. Southern California Edison Company
7. Columbia Gas System Service Corporation
8. Izaak Walton League of America Inc.
9. Wisconsin Department of Natural Resources*
10. Independent Petroleum Association of America
11. Council on Environmental Quality
12. Interstate Natural Gas Association of America
13. American Gas Association
14. Edison Electric Institute
15. ANR Pipeline Company and Colorado Interstate Gas Company
16. Tennessee Gas Pipeline Company
17. Panhandle Eastern Pipe Line Company and Trunkline Gas Company
18. Consumers Power Company
19. Natural Resources Defense Council, Inc.
20. Consolidated Gas Transmission Corporation
21. American Rivers Inc., Friends of the Earth, American Whitewater Affiliation, and the Izaak Walton League of America
22. Enron Interstate Pipelines

*These comments were filed after the close of the comment period.

---

[78] *See, e.g.*, the Izaak Walton League and NMFS.

[79] National Ass'n of Gov't Employees v. Rumsfeld, 418 F.Supp 1302 (E.D.Pa. 1976); Friends of the Earth, Inc. V. Butz, 406 F.Supp. 742 (D. Mont. 1975); Como Falcon Coalition v. U.S. Dept. of Labor, 465 F.Supp. 850 (D. Minn. 1978).

[80] See, *e.g.*, Izaak Walton League.

[81] 40 CFR 1506.10 (1987).

[82] See Mid-Tex Electric Cooperative, Inc. v. FERC, 773 F.2d 327 (D.C. Cir. 1985).

[83] Section 313(a) of the Federal Power Act, 16 U.S.C. 825*l*(a) (1982) and section 19(a) of the Natural Gas Act, 15 U.S.C. 717r (1982).

[84] 18 CFR 385.214 (1987).

[85] See, *e.g.*, Izaak Walton League and the State of Wisconsin.

[86] Sierra Ass'n for Environment v. FERC, 744 F.2d 661 (9th Cir. 1984).

[87] 5 U.S.C. 601–612 (1982).

[88] 44 U.S.C. 3501–20 (1982).

[89] 5 CFR 1320.12 (1987).

23. Texas Eastern Transmission Corporation
24. Friends of the River
25. Environmental Protection Agency
26. California Save Our Streams Council*
27. Transcontinental Gas Pipeline Corporation*
28. Washington Department of Ecology*
29. U.S. Department of the Interior, Office of Environmental Project Review*
30. National Marine Fisheries Service*
31. Planning and Conservation League*

PART 2—GENERAL POLICY AND INTERPRETATIONS

1. In Part 2, the authority citation is revised to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. No. 12009, 3 CFR 1978 Comp., p. 142; Federal Power Act, 16 U.S.C. 792–825r (1982); Natural Gas Act, 16 U.S.C. 717–717w (1982); Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982); Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601–2645 (1982); National Environmental Policy Act, 16 U.S.C. 4321–4370a (1982).

2. Section 2.80 is revised to read as follows:

§ 2.80 Detailed environmental statement.

(a) It will be the general policy of the Federal Energy Regulatory Commission to adopt and to adhere to the objectives and aims of the National Environmental Policy Act of 1969 (NEPA) in its regulations promulgated for statutes under the jurisdiction of the Commission, including the Federal Power Act, the Natural Gas Act and the Natural Gas Policy Act. The National Environmental Policy Act of 1969 requires, among other things, all Federal agencies to include a detailed environmental statement in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

(b) Therefore, in compliance with the National Environmental Policy Act of 1969, the Commission staff will make a detailed environmental statement when the regulatory action taken by the Commission under the statutes under the jurisdiction of the Commission will have a significant environmental impact. The specific regulations implementing NEPA are contained in Part 380 of the Commission's regulations.

§ 2.81 [Removed]

§ 2.82 [Removed]

Appendix A—[Removed]

3. In Part 2, §§ 2.81, 2.82 and Appendix A are removed.

Appendix B—[Redesignated as Appendix A to Part 380]

4. In Part 2, Appendix B is redesignated as Appendix A of Part 380 and its title is revised to read "Appendix A—Guidelines for the Preparation of Environmental Reports for Applications Under the Natural Gas Act, as Specified in § 380.3 of the Commission's Regulations."

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

5. In Part 157, the authority citation is revised to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717–717w (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. No. 12009, 3 CFR 1978 Comp., p. 142; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982).

6. In § 157.102, paragraph (b)(1)(v) is revised to read as follows:

§ 157.102 Contents of application and other pleadings.

* * * * *

(b) * * *

(1) * * *

(v) An environmental report as specified in Appendix A of Part 380 of this chapter, and

* * * * *

7. In § 157.208, paragraph (c)(11) is revised to read as follows:

§ 157.208 Construction, acquisition, operation, and miscellaneous rearrangement of facilities.

* * * * *

(c) * * *

(11) A concise analysis discussing the relevant issues outlined in Appendix A of Part 380 of this chapter. The analysis must identify the existing environmental conditions and the expected significant impacts that the proposed action, including proposed mitigation measures, will cause to the quality of the human environment, including impact expected to occur to sensitive environmental areas. When compressor facilities are proposed, the analysis must also describe how the proposed action will be made to comply with applicable State Implementation Plans developed under the Clean Air Act. The analysis must also include a description of the contacts made, reports produced, and results of consultations which took place to ensure compliance with the Endangered Species Act, National Historic Preservation Act and the Coastal Zone Management Act.

* * * * *

8. A new Part 380 is added to read as follows:

PART 380—REGULATIONS IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT

Sec.

380.1 Purpose.
380.2 Definitions and terminology.
380.3 Environmental information to be supplied by an applicant.
380.4 Projects or actions categorically excluded.
380.5 Actions that require an environmental assessment.
380.6 Actions that require an environmental impact statement.
380.7 Format of an environmental impact statement.
380.8 Preparation of environmental documents.
380.9 Public availability of NEPA documents and public notice of NEPA related hearings and public meetings.
380.10 Participation in Commission proceedings.
380.11 Environmental decisionmaking.

Appendix A—Guidelines for the Preparation of Environmental Reports for Applications Under the Natural Gas Act, as Specified in § 380.3 of the Commission's Regulations

Authority: National Environmental Policy Act of 1969, 42 U.S.C. 4321–4370a (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. No. 12009, 3 CFR 1978 Comp., p. 142.

§ 380.1 Purpose.

The regulations in this part implement the Federal Energy Regulatory Commission's procedures under the National Environmental Policy Act of 1969. These regulations supplement the regulations of the Council on Environmental Quality, 40 CFR Parts 1500 through 1508 (1986). The Commission will comply with the regulations of the Council on Environmental Quality except where those regulations are inconsistent with the statutory requirements of the Commission.

§ 380.2 Definitions and terminology.

For purposes of this part—

(a) "Categorical exclusion" means a category of actions described in § 380.4, which do not individually or cumulatively have a significant effect on the human environment and which the Commission has found to have no such effect and for which, therefore, neither an environmental assessment nor an environmental impact statement is required. The Commission may decide to prepare environmental assessments for the reasons stated in § 380.4(b).

(b) "Commission" means the Federal Energy Regulatory Commission.

(c) "Council" means the Council on Environmental Quality.

(d) "Environmental assessment" means a concise public document for which the Commission is responsible that serves to:

(1) Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.

(2) Aid the Commission's compliance with NEPA when no environmental impact statement is necessary.

(3) Facilitate preparation of a statement when one is necessary. Environmental assessments must include brief discussions of the need for the proposal, of alternatives as required by section 102(2)(E) of NEPA, of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

(e) "Environmental impact statement" (EIS) means a detailed written statement as required by section 102(2)(C) of NEPA. DEIS means a draft EIS and FEIS means a final EIS.

(f) "Environmental report" or ER means that part of an application submitted to the Commission by an applicant for authorization of a proposed action which includes information concerning the environment, the applicant's analysis of the environmental impact of the action, or alternatives to the action required by this or other applicable statutes or regulations.

(g) "Finding of no significant impact" (FONSI) means a document by the Commission briefly presenting the reason why an action, not otherwise excluded by § 380.4, will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. It must include the environmental assessment or a summary of it and must note other environmental documents related to it. If the assessment is included, the FONSI need not repeat any of the discussion in the assessment but may incorporate it by reference.

§ 380.3 Environmental information to be supplied by an applicant.

(a) An applicant must submit information as follows:

(1) For any proposed action identified in §§ 380.5 and 380.6, and environmental report with the proposal as prescribed in paragraph (c) of this section.

(2) For any proposal not identified in paragraph (a)(1) of this section, any environmental information that the Commission may determine is necessary for compliance with these regulations, the regulations of the Council, NEPA and other Federal laws such as the Endangered Species Act, the National Historic Preservation Act or the Coastal Zone Management Act.

(b) An applicant must also:

(1) Provide all necessary or relevant information to the Commission;

(2) Conduct any studies that the Commission staff considers necessary or relevant to determine the impact of the proposal on the human environment and natural resources;

(3) Consult with appropriate Federal, regional, State, and local agencies during the planning stages of the proposed action to ensure that all potential environmental impacts are identified. (The specific requirements for consultation on hydropower projects are contained in § 4.38 of this chapter and in section 4(a) of the Electric Consumers Protection Act, Pub. L. No. 99–495, 100 Stat. 1243, 1246 (1986));

(4) Submit applications for all Federal and State approvals as early as possible in the planning process; and

(5) Notify the Commission staff of all other Federal actions required for completion of the proposed action so that the staff may coordinate with other interested Federal agencies.

(c) *Content of an applicant's environmental report for specific proposals*—(1) *Hydropower projects.* The information required for specific project applications under Part 4 of this chapter.

(2) *Natural gas projects.* (i) For any application filed under the Natural Gas Act for any proposed action identified in §§ 380.5 or 380.6, except for prior notice filings under § 157.208, as described in § 380.5(b), the information identified in Appendix A of this part.

(ii) For prior notice filings under § 157.208, the report described by § 157.208(c)(11) of this chapter.

§ 380.4 Projects or actions categorically excluded.

(a) *General rule.* Except as stated in paragraph (b) of this section, neither an environmental assessment nor an environmental impact statement will be prepared for the following projects or actions:

(1) Procedural, ministerial, or internal administrative and management actions, programs, or decisions, including procurement, contracting, personnel actions, correction or clarification of filings or orders, and acceptance, rejection and dismissal of filings;

(2)(i) Reports or recommendations on legislation not initiated by the Commission, and

(ii) Proposals for legislation and promulgation of rules that are clarifying, corrective, or procedural, or that do not substantially change the effect of legislation or regulations being amended;

(3) Compliance and review actions, including investigations (jurisdictional or otherwise), conferences, hearings, notices of probable violation, show cause orders, and adjustments under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA);

(4) Review of grants or denials by the Department of Energy (DOE) of any adjustment request, and review of contested remedial orders issued by DOE;

(5) Information gathering, analysis, and dissemination;

(6) Conceptual or feasibility studies;

(7) Actions concerning the reservation and classification of United States lands as water power sites and other actions under section 24 of the Federal Power Act;

(8) Transfers of water power project licenses and transfers of exemptions under Part I of the Federal Power Act and Part 9 of this chapter;

(9) Issuance of preliminary permits for water power projects under Part I of the Federal Power Act and Part 4 of this chapter;

(10) Withdrawals of applications for certificates under the Natural Gas Act, or for water power project preliminary permits, exemptions, or licenses under Part I of the Federal Power Act and Part 4 of this chapter;

(11) Actions concerning annual charges or headwater benefits, charges for water power projects under Parts 11 and 13 of this chapter and establishment of fees to be paid by an applicant for a license or exemption required to meet the terms and conditions of section 30(c) of the Federal Power Act;

(12) Approval for water power projects under Part I of the Federal Power Act, of "as built" or revised drawings or exhibits that propose no changes to project works or operations or that reflect changes that have previously been approved or required by the Commission;

(13) Surrender and amendment of preliminary permits, and surrender of water power licenses and exemptions where no project works exist or ground disturbing activity has occurred and amendments to water power licenses and exemptions that do not require ground disturbing activity or changes to project works or operation;

(14) Exemptions for small conduit hydroelectric facilities as defined in § 4.30(b)(26) of this chapter under Part I of the Federal Power Act and Part 4 of this chapter;

(15) Electric rate filings submitted by public utilities, establishment of just and reasonable rates, and confirmation, approval, and disapproval of rate filings submitted by Federal power marketing agencies under sections 205 and 206 of the Federal Power Act;

(16) Approval of actions under sections 4(b), 203, 204, 301, 304, and 305 of the Federal Power Act relating to issuance and purchase of securities, acquisition or disposition of property, merger, interlocking directorates, jurisdictional determinations and accounting orders;

(17) Approval of electrical interconnections and wheeling under sections 202(b), 210, 211, and 212 of the Federal Power Act, that would not entail:

(i) Construction of a new substation or expansion of the boundaries of an existing substation;

(ii) Construction of any transmission line that operates at more than 115 kilovolts (KV) and occupies more than ten miles of an existing right-of-way; or

(iii) Construction of any transmission line more than one mile long if located on a new right-of-way;

(18) Approval of changes in land rights for water power projects under Part I of the Federal Power Act and Part 4 of this chapter, if no construction or change in land use is either proposed or known by the Commission to be contemplated for the land affected;

(19) Approval of proposals under Part I of the Federal Power Act and Part 4 of this chapter to authorize use of water power project lands or waters for gas or electric utility distribution lines, radial (sub-transmission) lines, communications lines and cables, storm drains, sewer lines not discharging into project waters, water mains, piers, landings, boat docks, or similar structures and facilities, landscaping or embankments, bulkheads, retaining walls, or similar shoreline erosion control structures;

(20) Action on applications for exemption under section 1(c) of the Natural Gas Act;

(21) Approvals of blanket certificate applications and prior notice filings under § 157.204 and §§ 157.209 through 157.218 of this chapter;

(22) Approvals of blanket certificate applications under §§ 284.221 through 284.224 of this chapter;

(23) Producers' applications for the sale of gas filed under §§ 157.23 through 157.29 of this chapter;

(24) Approval under section 7 of the Natural Gas Act of taps, meters, and regulating facilities located completely within an existing natural gas pipeline right-of-way or compressor station if company records show the land use of the vicinity has not changed since the original facilities were installed, and no significant nonjurisdictional facilities would be constructed in association with construction of the interconnection facilities;

(25) Review of natural gas rate filings, including any curtailment plans other than those specified in § 380.5(b)(5), and establishment of rates for transportation and sale of natural gas under sections 4 and 5 of the Natural Gas Act and sections 311 and 401 through 404 of the Natural Gas Policy Act of 1978;

(26) Review of approval of oil pipeline rate filings under Parts 340 and 341 of this chapter;

(27) Sale, exchange, and transportation of natural gas under sections 4, 5 and 7 of the Natural Gas Act that requires no construction of facilities;

(28) Abandonment in place of a minor natural gas pipeline (short segments of buried pipe of 6-inch inside diameter or less), or abandonment by removal of minor surface facilities such as metering stations, valves, and tops under section 7 of the Natural Gas Act so long as appropriate erosion control and site restoration takes place;

(29) Abandonment of service under any gas supply contract pursuant to section 7 of the Natural Gas Act;

(30) Approval of filing made in compliance with the requirements of a certificate for a natural gas project under section 7 of the Natural Gas Act or a preliminary permit, exemption, license, or license amendment order for a water power project under Part I of the Federal Power Act;

(b) *Exceptions to categorical exclusions.* (1) In accordance with 40 CFR 1508.4, the Commission and its staff will independently evaluate environmental information supplied in an application and in comments by the public. Where circumstances indicate that an action may be a major Federal action signficantly affecting the quality of the human environment, the Commission:

(i) May require an environmental report or other additional environmental information, and

(ii) Will prepare an environmental assessment or an environmental impact statement.

(2) Such circumstances may exist when the action may have an effect on one of the following:

(i) Indian lands;

(ii) Wilderness areas;

(iii) Wild and scenic rivers;

(iv) Wetlands;

(v) Units of the National Park System, National Refuges, or National Fish Hatcheries;

(vi) Anadromous fish or endangered species; or

(vii) Where the environmental effects are uncertain.

However, the existence of one or more of the above will not automatically require the submission of an environmental report or the preparation of an environmental assessment or an environmental impact statement.

§ 380.5 Actions that require an environmental assessment.

(1) An environmental assessment will normally be prepared first for the actions identified in this section. Depending on the outcome of the environmental assessment, the Commission may or may not prepare an environmental impact statement. However, depending on the location or scope of the proposed action, or the resources affected, the Commission may in specific circumstances proceed directly to prepare an environmental impact statement.

(b) The projects subject to an environmental assessment are as follows:

(1) Except as identified in §§ 380.4, 380.6 and 2.55 of this chapter, authorization under section 7 of the Natural Gas Act for the construction, replacement, or abandonment of compression, processing, or interconnecting facilities, onshore and offshore pipleines, metering facilities, LNG peak-shaving facilities, or other facilities necessary for the sale, exchange, storage, or transportation of natural gas;

(2) Prior notice filings under § 157.208 of this chapter for the rearrangement of any facility specified in §§ 157.202 (b)(3) and (6) of this chapter or the acquisition, construction, or operation of any eligible facility as specified in §§ 157.202 (b)(2) and (3) of this chapter;

(3) Abandonment or reduction of natural gas service under section 7 of the Natural Gas Act unless excluded under §§ 380.4 (a)(21), (28) or (29);

(4) Except as identified in § 380.6, conversion of existing depleted oil or natural gas fields to underground storage fields under section 7 of the Natural Gas Act.

(5) New natural gas curtailment plans, or any amendment to an existing curtailment plan under section 4 of the Natural Gas Act and sections 401 through 404 of the Natural Gas Policy Act of 1978 that has a major effect on an entire pipeline system;

(6) Licenses under Part I of the Federal Power Act and Part 4 of this chapter for construction of any water power project—existing dam;

(7) Exemptions under section 405 of the Public Utility Regulatory Policies Act of 1978, as amended, and §§ 4.30(b)(27) and 4.101–4.106 of this chapter for small hydroelectric power projects of 5 MW or less;

(8) Licenses for additional project works at licensed projects under Part I of the Federal Power Act whether or not these are styled license amendments or original licenses;

(9) Licenses under Part I of the Federal Power Act and Part 4 of this chapter for transmission lines only;

(10) Applications for new licenses under section 15 of the Federal Power Act;

(11) Approval of electric interconnections and wheeling under sections 202(b), 210, 211, and 212 of the Federal Power Act, unless excluded under § 380.4(a)(17); and

(12) Regulations or proposals for legislation not excluded under § 380.4(a)(2).

(13) Surrender of water power licenses and exemptions where project works exist or ground disturbing activity has occurred and amendments to water power licenses and exemptions that require ground disturbing activity or changes to project works or operations.

§ 380.6 Actions that require an environmental impact statement.

(a) Except as provided in paragraph (b) of this section, an environmental impact statement will normally be prepared first for the following projects:

(1) Authorization under section 3 or 7 of the Natural Gas Act for construction and operation of jurisdictional liquefied natural gas import/export facilities used wholly or in part to liquefy, store, or regasify liquefied natural gas transported by water;

(2) Certificate applications under section 7 of the Natural Gas Act to develop an underground natural gas storage facility except where depleted oil or natural gas producing fields are used;

(3) Major pipeline construction projects under section 7 of the Natural Gas Act using right-of-way in which there is no existing natural gas pipeline; and

(4) Licenses under Part I of the Federal Power Act and Part 4 of this chapter for construction of any unconstructed water power project.

(b) If the Commission believes that a proposed action identified in paragraph (a) of this section may not be a major Federal action significantly affecting the quality of the human environment, an environmental assessment, rather than an environmental impact statement, will be prepared first. Depending on the outcome of the environmental assessment, an environmental impact statement may or may not be prepared.

(c) An environmental impact statement will not be required if an environmental assessment indicates that a proposal has adverse environmental affects and the proposal is not approved.

§ 380.7 Format of an environmental impact statement.

In addition to the requirements for an environmental impact statement prescribed in 40 CFR 1502.10 of the regulations of the Council, an environmental impact statement prepared by the Commission will include a section on the literature cited in the environmental impact statement and a staff conclusion section. The staff conclusion section will include summaries of:

(a) The significant environmental impacts of the proposed action;

(b) Any alternative to the proposed action that would have a less severe environmental impact or impacts and the action preferred by the staff;

(c) Any mitigation measures proposed by the applicant, as well as additional mitigation measures that might be more effective;

(d) Any significant environmental impacts of the proposed action that cannot be mitigated; and

(e) References to any pending, completed, or recommended studies that might provide baseline data or additional data on the proposed action.

§ 380.8 Preparation of environmental documents.

The preparation of environmental documents, as defined in § 1508.10 of the regulations of the Council, on hydroelectric projects, is the responsibility of the Commission's Office of Hydropower Licensing, 400 First Street NW., Washington, DC 20426, (202) 376–9171. The preparation of environmental documents on natural gas projects is the responsibility of the Commission's Office of Pipeline and Producer Regulation, (202) 357–8500, 825 North Capitol Street NW., Washington, DC 20426. Persons interested in status reports or information on environmental impact statements or other elements of the NEPA process, including the studies or other information the Commission may require on these projects, can contact these sections.

§ 380.9 Public availability of NEPA documents and public notice of NEPA related hearings and public meetings.

(a)(1) The Commission will comply with the requirements of 40 CFR 1506.6 of the regulations of the Council for public involvement in NEPA.

(2) If an action has effects of primarily local concern, the Commission may give additional notice in a Commission order.

(b) The Commission will make environmental impact statements, environmental assessments, the comments received, and any underlaying documents available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552 (1982)). The exclusion in the Freedom of Information Act for interagency memoranda is not applicable where such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action. Such materials will be made available to the public at the Commission's Public Reference Room at 825 North Capitol Street NW., Room 1000, Washington, DC 20426 at a fee and in the manner described in Part 388 of this chapter. A copy of an environmental impact statement or environmental assessment for hydroelectric projects may also be made available for inspection at the Commission's regional office for the region where the proposed action is located.

§ 380.10 Participation in Commission proceedings.

(a) *Intervention proceedings involving a party or parties*—(1) *Motion to intervene.* (i) In addition to submitting comments on the NEPA process and NEPA related documents, any person may file a motion to intervene in a Commission proceeding dealing with environmental issues under the terms of § 385.214 of this chapter. Any person who files a motion to intervene on the basis of a draft environmental impact statement will be deemed to have filed a timely motion, in accordance with § 385.214, as long as the motion is filed within the comment period for the draft environmental impact statement.

(ii) Any person that is granted intervention after petitioning becomes a party to the proceeding and accepts the record as developed by the parties as of the time that intervention is granted.

(2)(i) *Issues not set for trial-type hearing.* An intervenor who takes a position on any environmental issue that has not yet been set for hearing must file a timely motion with the Secretary containing an analysis of its position on such issue and specifying any

differences with the position of Commission staff or an applicant upon which the intervenor wishes to be heard at a hearing.

(ii) *Issues set for trial-type hearing.* (A) Any intervenor that takes a position on an environmental issue set for hearing may offer evidence for the record in support of such position and otherwise participate in accordance with the Commission's Rules of Practice and Procedure. Any intervenor must specify any differences from the staff's and the applicant's positions.

(B) To be considered, any facts or opinions on an environmental issue set for hearing must be admitted into evidence and made part of the record of the proceeding.

(b) *Rulemaking proceedings.* Any person may file comments on any environmental issue in a rulemaking proceeding.

§ 380.11 Environmental decisionmaking.

(a) *Decision points.* For the actions which require an environmental assessment or environmental impact statement, environmental considerations will be addressed at appropriate major decision points.

(1) In proceedings involving a party or parties and not set for trial-type hearing, major decision points are the approval or denial of proposals by the Commission or its designees.

(2) In matters set for trial-type hearing, the major decision points are the initial decision of an administrative law judge or the decision of the Commission.

(3) In a rulemaking proceeding, the major decision points are the Notice of Proposed Rulemaking and the Final Rule.

(b) *Environmental documents as part of the record.* The Commission will include environmental assessments, findings of no significant impact, or environmental impact statements, and any supplements in the record of the proceeding.

(c) *Application denials.* Notwithstanding any provision in this Part, the Commission may dismiss or deny an application without performing an environmental impact statement or without undertaking environmental analysis.

9. In newly redesignated Appendix A of Part 380, guidelines (2), (3), and (8) are revised to read as follows:

Appendix A—Guidelines for the Preparation of Environmental Reports for Applications Under the Natural Gas Act, as Specified in § 380.3 of the Commission's Regulations.

* * * * *

(2) Pertain to actions under Part 380, Chapter I, Title 18, Code of Federal Regulations;

(3) Provide the basis for the preparation of environmental reports being prepared pursuant to Part 380 by applicants for the construction of pipeline facilities under the jurisdiction of the Commission; and

* * * * *

(8) These guidelines have been prepared to relate to a wide range of possible actions that could come before the Commission for consideration. The applicant is expected to make the detail of the environmental report commensurate with the complexity of the possible environmental impact of the proposed action. It is important to recognize that there is some duplication in the information requested. Often a section asks for an evaluation from a different viewpoint rather than absolutely new information. Upon review of the applicant's environmental report, staff may request additional informaiton.

[FR Doc. 28894 Filed 12-16-87; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Parts 2 and 284

[Docket No. RM87-34-053]

Natural Gas Pipelines After Partial Wellhead Decontrol; Rehearing

Issued: December 14, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Interim rule: Order granting rehearing solely for purposes of further consideration.

SUMMARY: The Federal Energy Regulatory Commission is granting rehearing of Order No. 500–B and the Order Explaining Crediting Provisions of Order No. 500 solely for the purpose of affording sufficient time to consider the numerous issues raised in the requests for rehearing of those orders. This action does not constitute a grant or denial of rehearing, either in whole or in part.

EFFECTIVE DATE: December 14, 1987.

FOR FURTHER INFORMATION CONTACT: Richard Howe, Jr., Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357–8274.

SUPPLEMENTARY INFORMATION:

Order Granting Rehearing Solely for Purposes of Further Consideration

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

On October 16, 1987, the Commission issued Order No. 500–B [1] denying rehearing in part, granting rehearing in part, and modifying Order No. 500.[2] On the same day, the Commission also issued an order explaining the take-or-pay crediting provisions of Order No. 500.[3] On November 12, 13 and 16, the Commission received eleven requests for rehearing of those orders.

In order to afford sufficient time to consider the issues raised in the rehearing requests, it is necessary to grant rehearing of Order No. 500–B and the explanatory order for the limited purpose of further consideration.

The Commission orders: Rehearing of Order No. 500–B and the Order Explaining Crediting Provisions of Order No. 500 is hereby granted for the limited purpose of further consideration. This action does not constitute a grant or denial of rehearing, either in whole or in part. As provided in § 385.713(d) of the Commission's Rules of Practice and Procedure, no answers to the requests for rehearing will be entertained by the Commission.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29016 Filed 12-16-87; 8:45 am]

BILLING CODE 6717-01-M

[1] 52 FR 39630 (Oct. 23, 1987).

[2] 52 FR 30334 (Aug. 14, 1987).

[3] 41 FERC ¶ 61,025 (1987).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors and Disability Insurance; Effect of Pension From Noncovered Employment

AGENCY: Social Security Administration, HHS.

ACTION: Final rules.

SUMMARY: In these regulations, we explain the modified methods of computing the primary insurance amount of a worker who is first eligible after 1985 for both Social Security old-age or disability insurance benefits and a pension based on his or her noncovered work. Section 113 of Pub. L. 98–21 (the Social Security Amendments of 1983) is intended to eliminate the windfall in Social Security benefits that goes to workers who spent many years in work not covered by Social Security but only a few years in covered work.

DATES: These rules are effective December 17, 1987. The statutory provisions which they implement are effective for workers who first become eligible after 1985 for old-age or disability insurance benefits and a pension from noncovered employment. Section 404.213(f) is added to this final rule to explain how we determine your total years of coverage for purposes of applying the modified computation in § 404.213(d) or the exception in § 404.213(e) if you receive a totalization benefit and a pension based on noncovered employment. We believe the addition of this section now clearly explains how we compute the benefit amount in these cases. We are accepting public comment for § 404.213(f) and will consider comments concerning this section that we receive on or before February 16, 1988. We will revise rules in the section if public comments warrant.

ADDRESSES: Send your written comments to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, MD 21203, or deliver to the Office of Regulations, Social Security Administration, 3–B–4, Operations Building, 6401 Security Boulevard, Baltimore, MD 21235 between 8:00 a.m. and 4:30 p.m. on regular business days.

FOR FURTHER INFORMATION CONTACT: Duane Heaton, Room 3–B–4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–6629.

SUPPLEMENTARY INFORMATION: The formulas used to compute primary insurance amounts (i.e., the basic amount from which a worker's monthly benefits are calculated) are weighted in favor of workers who had low earnings, presumably over many years of work in covered employment. For example, the formula now used most often takes 90 percent of a worker's average indexed monthly earnings up to a prescribed amount ($297 for workers newly eligible in 1986) in the first of 3 earnings brackets and much smaller precentages (32 percent and 15 percent) in the other 2 earnings brackets.

This weighting is advantageous for workers who have earned relatively low wages throughout their careers and for workers, such as the periodically unemployed, who have gaps in their earnings histories. However, for a worker who has only minimal coverage, but has spent most of his or her working career in noncovered work for which he or she receives a pension, weighting results in a windfall of Social Security benefits which Congress did no intend. That is, the worker with a low earnings history but not pension from noncovered work receives a relatively high replacement of former earnings when compared to the worker with a history of high covered earnings. This is what Congress intended. But where a worker with low earnings because of minimal covered employment also receives a pension from noncovered employment, the result is the unintended windfall of Social Security benefits.

Before the Social Security Amendments of 1983, we computed a worker's primary insurance amount based on his or her earnings in employment covered by Social Security, without regard to any pension based on noncovered employment to which the worker might be entitled. (However, the 1977 Amendments introduced a provision in section 334 of Pub. L. 95–216 whereby the benefits payable to the spouse or surviving spouse of a worker reduced if the spouse or surviving spouse is eligible for a Government pension based on his or her own noncovered employment by a Federal, State, or local government agency in the United States. (See 20 CFR 404.408a.)) Under the provisions of section 113 of Pub. L. 98–21, the primary insurance amount of a worker who is also entitled to a pension based on noncovered employment will, in most cases, be less than it would have been without this provision of the amendments.

We explain in these regulations that if a worker first becomes eligible after 1985 for both old-age or disability insurance benefits and a pension based on noncovered employment, we will use modified benefit formulas and consider the amount of his or her monthly pension when we compute the primary insurance amount for months that he or she is concurrently entitled to Social Security benefits and to a monthly pension. We also explain how we determine the amount of the monthly pension we will use when this amount affects the computation of the primary insurance amount.

Further, we explain how the two computation methods—the average-indexed-monthly-earnings method and the 1977 simplified old-start method—in use for workers who become eligible after 1985 will be modified because of the worker's eligibility for a monthly pension. We explain how we will recompute the primary insurance amount if a worker who first becomes eligible for Social Security benefits after 1985 later becomes entitled to a pension based on noncovered employment. Lastly, we explain how we will recompute because of additional earnings if the initial computation was affected by entitlement to a pension.

Certain workers who are entitled to monthly pensions based on noncovered employment are excluded by law from this modified computation. Workers excluded are those Federal employees and certain employees of nonprofit organizations who became covered under Social Security in 1984, railroad employees, and workers who have 30 years of Social Security coverage as defined for the purpose of computing the special minimum primary insurance amount (§§ 404.260 through 404.261).

Comments

These rules were published as a Notice of Proposed Rulemaking (NPRM) at 50 FR 49558 on December 3, 1985. We received comments from several people. Some commenters are displeased that the rules will result in lower Social Security benefits for them. As we have stated, these rules explain a provision of the Social Security Act which we are required to implement.

One commenter, a Federal employee, is concerned that her benefits will be reduced by 50 percent because of these rules. Again, we are required by law to implement this provision as provided by Congress.

Another commenter urged that we modify our rules to provide that military retirement pay of members of the Reserves and inactive duty pay be deemed covered employment for purposes of these rules. Such deeming is contrary to the provisions of sections 209 (third paragraph after subsection(s)) and 210(1) of the Social Security Act, and 20 CFR 404.1019 and 1059(c).

One commenter agrees with the rules, but suggests that we eliminate from our benefit computations any years of zero earnings after age 55. The commenter feels that this would eliminate the penalty for workers whose employer permits them to retire at age 55. However, section 215 of the Social Security Act and Subpart C of 20 CFR require that our computations be based on the worker's earnings at least up to the year he or she becomes eligible for benefits, minus no more than 5 years of low or no earnings. Therefore, we cannot routinely eliminate all years of zero earnings after age 55.

Finally, one commenter suggested several changes to clarify the language in the proposed rules. We have adopted these changes, the most notable of which is the addition of a sentence to the parenthetical in § 404.213(a)(3) to explain the effect of pensions from noncovered employment outside the United States.

Adoption of Proposed Rules

As indicated above, we made changes in response to the comments and are adopting these rules as proposed, except as otherwise stated.

Paragraphs (a) and (b) of § 404.243 are amended by adding the provision that excludes cost of living amounts in computing the primary insurance amount when you are eligible for a pension based on noncovered employment. This provision is contained in the statute (Pub. L. 98–21) but was omitted in the Notice of Proposed Rulemaking published at 50 FR 49558 on December 3, 1985. Since this provision is part of the statute and is nondiscretionary, we are including the provision in the final regulation without benefit of public comment.

Since the NPRM was published, the Federal Employees Retirement Act of 1986, Pub. L. 99–335 was enacted. Under section 304 thereof, a Federal employee covered by the Civil Service Retirement System (CSRS) can choose an "alternative form of annuity." An employee choosing this form of annuity may at the time of retirement withdraw in a lump sum the amount of contributions he or she paid into the CSRS. The individuals who so withdraw their contributions still receive a monthly CSRS annuity, but reduced appropriately to reflect the withdrawal. Accordingly, we have deleted the parenthetical sentence, "a withdrawal of contributions is not considered a lump-sum payment" from § 404.213(b)(1) to prevent misleading Federal employees who choose the "alternative form of annuity" under the CSRS into believing that the contributions they withdraw will not be used in computing the amount of the pension they receive based on noncovered employment.

Secion 404.213(f) is added to this final rule to explain how we take into account your foreign work, covered by a totalization agreement, when we compute your years of coverage for purposes of determining whether you are excluded altogether from the modified computation or are subject to the alternative formula of § 404.213(d). A partial explanation of this point in paragraph (d) in the Notice of Proposed Rulemaking is omitted from the final regulation.

Since we did not afford the public an opportunity to comment on this section when the NPRM was published, we are accepting public comments for a 60 day period. If public comments warrant, we will revise the rules in this section.

Regulatory Procedures

Executive Order 12291

The Secretary, in consultation with the Office of Management and Budget, has determined that this rule is not a major rule under the terms of Executive Order 12291, therefore, a regulatory impact analysis is not required. In addition, the Secretary has determined that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only benefit amounts payable to individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

Although these rules do not contain a new reporting requirement, we expect to ask 90,000 individuals annually to furnish information regarding their receipt of a pension from noncovered employment. We will collect this information on a Form SSA–150, Modified Benefit Formula Questionnaire (OMB No. 0960–0395). This form was approved by the Office of Management and Budget for use under section 3507, Pub. L. 96–511, the Paperwork Reduction Act of 1980.

(Catalog of Federal Domestic Assistance Programs Nos. 13.802 Social Security—Disability Insurance, 13.803 Social Security—Retirement Insurance.)

List of Subjects in 20 CFR Part 404

Administrative practice and procedures, Death benefits, Disability benefits, Old-Age, Survivors, and Disability Insurance.

Dated: July 8, 1987.

Dorcas R. Hardy,

Commissioner of Social Security.

Approved: August 21, 1987.

Otis R. Bowen,

Secretary of Health and Human Services.

Subpart C of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

PART 404—[AMENDED]

1. The authority citation for Subpart C continues to read as follows:

Authority: Secs. 202(a), 205(a), 215, and 1102 of the Social Security Act; 42 U.S.C. 402(a), 405(a), 415, and 1302.

2. Section 404.212 is amended by adding a new paragraph (b)(4) to read as follows:

§ 404.212 Computing your primary insurance amount from your average indexed monthly earnings.

* * * * *

(b) * * *

(4) We may use a modified formula, as explained in § 404.213, if you are entitled to a pension based on your employment which was not covered by Social Security.

* * * * *

3. A new § 404.213 is added to read as follows:

§ 404.213 Computation where you are eligible for a pension based on your noncovered employment.

(a) *When applicable.* Except as provided in paragraph (d) of this section, we will modify the formula prescribed in § 404.212 and in Appendix II of this Subpart in the following situations:

(1) You become eligible for old-age insurance benefits after 1985; or

(2) You become eligible for disability insurance benefits after 1985; and

(3) For the same months after 1985 that you are entitled to old-age or disability benefits, you are also entitled to a monthly pension(s) for which you first became eligible after 1985 based in whole or part on your earnings in employment which was not covered under Social Security. (Noncovered employment includes employment outside the United States which is not covered under the United States Social Security system. Pensions from noncovered employment outside the United States include both pensions from social insurance systems that base benefits on earnings but not on residence or citizenship, and those from private employers. However, no reduction resulting from entitlement to a pension based on employment covered by a totalization agreement (see §§ 404.1908 and 404.1918) will be made in the computation of a totalized benefit.)

(b) *Amount of your monthly pension that we use.* For purposes of computing your primary insurance amount, we consider the amount of your monthly pension(s) (or the amount prorated on a monthly basis) which is attributable to your noncovered work after 1956 and to which you are entitled (or potentially entitled) for the first month in which you become eligible for Social Security benefits. For this purpose only, we deem you to be entitled to a monthly pension for the first month in which you become eligible for Social Security benefits if you meet all the requirements for the pension except that you have not applied for it. In determining the amount of your monthly pension we will use, we consider the following:

(1) If your pension is not paid on a monthly basis or is paid in a lump-sum, we will allocate it proportionately as if it were paid monthly. We will allocate this the same way we allocate lump-sum payments for a spouse or surviving spouse whose benefits are reduced because of entitlement to a Government pension. (See § 404.408a.)

(2) If your monthly pension is reduced to provide a survivor's benefit, we will use the unreduced amount.

(3) If you become eligible for a monthly pension after the month in which you became eligible for old-age or disability insurance benefits, we will use the amount of the pension that is payable to you for the first full month you are eligible for it. See § 404.280ff for how we recompute your primary insurance amount because of your later entitlement to a monthly pension.

(4) If the monthly pension amount which we will use in computing your primary insurance amount is not a multiple of $0.10, we will round it to the next lower multiple of $0.10.

(c) *How we compute your primary insurance amount.* When you become entitled to old-age or disability insurance benefits and to a monthly pension, we will compute your primary insurance amount under the average-indexed-monthly-earnings method (§ 404.212) as modified by paragraph (c)(1) and (2) of this section. Where applicable, we will also consider the 1977 simplified old-start method (§ 404.241) as modified by § 404.243 and a special minimum primary insurance amount as explained in §§ 404.260 and 404.261. We will use the highest result from these three methods as your primary insurance amount. We compute under the average-indexed-monthly-earnings method, and use the higher primary insurance amount resulting from the application of paragraphs (c)(1) and (2) of this section, as follows:

(1) The formula in Appendix II, except that instead of the first percentage figure (i.e., 90 percent), we use—

(i) 80 percent if you initially become eligible for old-age or disability insurance benefits in 1986;

(ii) 70 percent for initial eligibility in 1987;

(iii) 60 percent for initial eligibility in 1988;

(iv) 50 percent for initial eligibility in 1989;

(v) 40 percent for initial eligibility in 1990 and later years, or

(2) The formula in Appendix II, minus one-half the portion of your monthly pension which is due to noncovered work after 1950 and for which you were eligible in the first month you became eligible for social security benefits. If the result is not a multiple of $0.10, we will round to the next lower multiple of $0.10. (See paragraph (b)(3) of this section if you are not eligible for a monthly pension in the first month you are eligible for Social Security benefits.) To determine the portion of your pension which is due to noncovered work after 1956, we consider the total number of years of work used to compute your pension and the percentage of those years which are after 1956, and in which your employment was not covered. We take that percentage of your total pension as the amount which is due to your noncovered work after 1956.

(d) *Modified computation.* The computation in paragraph (c) of this section is modified if you have more than 25 but fewer than 30 years of coverage as defined for the purpose of computing the special minimum primary insurance amount (see § 404.261). If you meet this condition, we will use the following percentage instead of the first percentage in Appendix II if the following percentage is larger than the percentage specified in paragraph (c) of this section:

(1) 80 percent if you have 29 years of coverage;

(2) 70 percent if you have 28 years of coverage;

(3) 60 percent if you have 27 years of coverage;

(4) 50 percent if you have 26 years of coverage;

If you later earn an additional year(s) of coverage, we will recompute your primary insurance amount, effective with January of the following year.

(e) *Exceptions.* The computations in paragraph (c) of this section do not apply in the following situations:

(1) You were entitled to benefits under the Railroad Retirement Act. (See Subpart O of this Part for a discussion of railroad retirement benefits.)

(2) You were entitled before 1986 to disability insurance benefits in any of the 12 months before you reach age 62 or again become disabled. (See § 404.251 for the appropriate computation.)

(3) You were a Federal employee newly hired after 1983 who was mandatorily covered. (See Subpart K of this Part for a discussion of coverage of Federal employees.)

(4) You were an employee of a nonprofit organization who was exempt from Social Security coverage on December 31, 1983 unless you were previously covered under a waiver certificate which was terminated prior to that date.

(5) You have 30 years of coverage as defined for the purpose of computing the special minimum primary insurance amount (see § 404.261).

(6) Your survivors are entitled to benefits on your record of earnings. (After your death, we will recompute the primary insurance amount to nullify the effect of any monthly pension, based in whole or in part on noncovered employment, to which you had been entitled.)

(f) *Entitlement to a totalization benefit and a pension based on noncovered employment.* If you are entitled to a totalization benefit and to a pension based on noncovered employment that is not covered by a totalization agreement, we count your coverage from a foreign country with which the United States (U.S.) has a totalization agreement and your U.S. coverage to determine if you meet the requirements for the modified computation in paragraph (d) of this section or the exception in paragraph (e)(5) of this section.

(1) Where the amount of your totalization benefit will be determined using a computation method that does not consider foreign earnings (see § 404.1918), we will find your total years of coverage by adding your—

(i) Years of coverage from the agreement country (quarters of coverage credited under § 404.1908 divided by four) and

(ii) Years of U.S. coverage as defined for the purpose of computing the special minimum primary insurance amount under § 404.261.

(2) Where the amount of your totalization benefit will be determined using a computation method that does consider foreign earnings, we will credit your foreign earnings to your U.S. earnings record and then find your total years of coverage using the method described in § 404.261.

4. Section 404.240 is amended by adding a sentence at the end to read as follows:

§ 404.240 Old-start method—general.

* * * We may use a modified computation, as explained in § 404.243, if you are entitled to a pension based on your employment which was not covered by Social Security.

5. A new § 404.243 is added to read as follows:

§ 404.243 Computation where you are eligible for a pension based on noncovered employment.

The provisions of § 404.213 are applicable to computations under the old-start method, except for paragraphs (c) (1) and (2) and (d) of that section. Your primary insurance amount will be whichever of the following two amounts is larger:

(a) One-half the primary insurance amount computed according to § 404.241 (before application of the cost of living amount); or

(b) The primary insurance amount computed according to § 404.241 (before application of the cost of living amount), minus one-half the portion of your monthly pension which is due to noncovered work after 1956 and for which you were eligible in the first month you became eligible for Social Security benefits. If the result is not a multiple of $0.10, we will round to the next lower multiple of $0.10. (See § 404.213 (b)(3) if you are not eligible for a monthly pension in the first month you are entitled to Social Security benefits.) To determine the portion of your pension which is due to noncovered work after 1956, we consider the total number of years of work used to compute your pension and the percentage of those years which are after 1956 and in which your employment was not covered. We take that percentage of your total pension as the amount which is due to your noncovered work after 1956.

6. Section 404.251 is amended by adding paragraph (c) to read as follows:

§ 404.251 Subsequent entitlement to benefits within 12 months after entitlement to disability benefits ended.

* * * * *

(c) *Disability before 1986; second entitlement after 1985.* When applying the rule in paragraph (b)(3) of this section, we must consider your receipt of a monthly pension based on noncovered employment. (See § 404.213). However, we will disregard your monthly pension if you were previously entitled to disability benefits before 1986 and in any of the 12 months before your second entitlement.

7. Section 404.280 is revised to read as follows:

§ 404.280 Recomputations.

At times after you or your survivors become entitled to benefits, we will recompute your primary insurance amount. Usually we will recompute only if doing so will increase your primary insurance amount. However, we will also recompute your primary insurance amount if you first became eligible for old-age or disability insurance benefits after 1985, and later become entitled to a pension based on your noncovered employment, as explained in § 404.213. There is no limit on the number of times your primary insurance amount may be recomputed, and we do most recomputations automatically. In the following sections, we explain:

(a) Why a recomputation is made (§ 404.281)

(b) When a recomputation takes effect (§ 404.282)

(c) Methods of recomputing (§§ 404.283 and 404.284)

(d) Automatic recomputations (§ 404.285)

(e) Requesting a recomputation (§ 404.286)

(f) Waiving a recomputation (§ 404.287) and

(g) Recomputing when you are entitled to a pension based on noncovered employment (§ 404.288).

8. Section 404.281 is amended by adding paragraph (f) to read as follows:

§ 404.281 Why your primary insurance amount may be recomputed.

* * * * *

(f) *Entitlement to a monthly pension.* We will recompute your primary insurance amount if in a month after you became entitled to old-age or disability insurance benefits, you become entitled to a pension based on noncovered employment, as explained in § 404.213. Further, we will recompute your primary insurance amount after your death to disregard a monthly pension based on noncovered employment which affected your primary insurance amount.

9. Section 404.282 is amended by adding the following sentences after the existing text:

§ 404.282 Effective date of recomputations.

* * * Additionally if you first became eligible for old-age or disability insurance benefits after 1985 and you later also become entitled to a monthly pension based on noncovered employment, we will recompute your primary insurance amount under the rules in § 404.213; this recomputed Social Security benefit amount is effective for the first month you are entitled to the pension. Finally, if your primary insurance amount was affected by your entitlement to a pension, we will recompute the amount to disregard the pension, effective with the month of your death.

10. Section 404.284 is amended in paragraph (a) by adding the following sentence after the existing text:

§ 404.284 Recomputations for people who reach age 62, or become disabled or die before age 62 after 1978.

* * * See § 404.288 for the rules on recomputing when you are entitled to a monthly pension based on noncovered employment.

11. Section 404.288 is added to read as follows:

§ 404.288 Recomputing when you are entitled to a monthly pension based on noncovered employment.

(a) *After entitlement to old-age or disability insurance benefits.* If you first become eligible for old-age or disability insurance benefits after 1985 and you later become entitled to a monthly pension based on noncovered employment, we may recompute your primary insurance amount under the rules in § 404.213. When recomputing, we will use the amount of the pension to which you are entitled or deemed entitled in the first month that you are concurrently eligible for both the pension and old-age or disability insurance benefits. We will disregard the rule in § 404.284(e) that the recomputation must increase your primary insurance amount by at least $1.

(b) *Already entitled to benefits and to a pension based on noncovered employment.* If we have already computed or recomputed your primary insurance amount to take into account your monthly pension, we may later recompute for one of the reasons explained in § 404.281. We will recompute your primary insurance amount under the rules in §§ 404.213 and 404.284. Any increase resulting from the recomputation under the rules of § 404.284 will be added to the most recent primary insurance amount which we had computed to take into account your monthly pension.

(c) *After your death.* If one or more survivors are entitled to benefits after your death, we will recompute the primary insurance amount as though it had never been affected by your entitlement to a monthly pension based in whole or in part on noncovered employment.

[FR Doc. 87-29005 Filed 12-16-87; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Part 184

[Docket No. 84G-0384]

Cocoa Butter Substitute Primarily From Palm Oil

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations on substances that are generally recognized as safe (GRAS) to include an alternate method of manufacture for cocoa butter substitute primarily from palm oil. The amendment provides for the safe use of cocoa butter substitute prepared by interesterification of partially saturated 1,2,3-triglycerides (derived from palm oil) and ethyl stearate in the presence of a lipase enzyme preparation. This action responds to a petition filed by Fuji Oil Co., Ltd.

DATES: Effective December 17, 1987. The Director of the Office of the Federal Register approves the incorporation by reference of certain publications in 21 CFR 184.1259 effective on December 17, 1987.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John W. Gordon, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION:

Background

Under the procedures described in 21 CFR 170.35, the Fuji Oil Co., Ltd., 6-1, Hachimancho, Minami-Ku, Osaka, Japan, submitted a petition (GRASP 5G0296) requesting that 21 CFR 184.1259 be amended to provide for the use of the cocoa butter substitute, primarily from palm oil, prepared by an alternate method of manufacture. The amendment would provide for the safe use of the ingredient when it is prepared by directed esterification of partially saturated 1,2,3-triglycerides (derived from palm oil) and ethyl stearate in the presence of a lipase enzyme from *Aspergillus niger* (*A. niger*).

FDA published a notice of the filing of this petition in the **Federal Register** of December 28, 1984 (49 FR 50477), and gave interested persons an opportunity to submit comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. FDA did not receive any comments in response to that notice.

The current regulation (§ 184.129) affirms the GRAS status of cocoa butter substitute primarily from palm oil prepared from the directed esterification of fully saturated 1,3-diglycerides (derived from palm oil) with the anhydride of food-grade oleic acid in the presence of the catalyst trifluoromethane sulfonic acid.

Cocoa butter substitute was not used in food prior to 1958, and therefore, it cannot qualify for GRAS status based on a history of common use in food (21 CFR 170.30(c)). However, the ingredient may be GRAS based on scientific procedures. Accordingly, FDA evaluated the cocoa butter substitute described in the subject petition based on this criterion (21 CFR 170.30(b)).

Data

In evaluating this petition, the agency considered three major issues:

1. Chemical composition of the cocoa butter substitute.

2. The safety of the cocoa butter substitute and its minor constituents.

3. The use of the ingredient in food.

Chemical Composition

The cocoa butter substitute primarily from palm oil (cocoa butter substitute) described in the petition is a mixture of triglycerides consisting of 1-palmitoyl-2-oleoyl-3-stearin, 2-oleoyl-1,3-dipalimitin, and 2-oleoyl-1,3-distearin. The constituent in the greatest abundance is 1-palmitoyl-2-oleoyl-3-stearin. Thus, the triglycerides in cocoa butter substitute contain the same fatty acids and the same glycerol components as found in a wide range of fats and oils that are considered GRAS.

The petitioner presented data to show that the chemical composition of the product is similar to natural cocoa butter with respect to fatty acid content and to the distribution of saturated and unsaturated fatty acids in the triglycerides. The only differences between the subject cocoa butter substitute and the cocoa butter substitute affirmed as GRAS in 21 CFR 184.1259 are the residues from the manufacturing process. The cocoa butter substitute described in the petition contains three new, minor constituents: Fatty acid ethyl esters, solvent residues (hexane), and residuals from the lipase enzyme preparation.

Safety

The subject petition relied mainly on the safety data developed to establish the safety of the cocoa butter substitute already regulated under § 184.1259. The petitioner supplemented these data by submitting reports of mutagenic and acute toxicity studies on its product. These reports stated that the material is not mutagenic, and that no compound-related effects were found in the acute toxicity study.

The petition described the source of the lipase enzyme preparation in the proposed method of manufacture of cocoa butter substitute as being from *A. niger* but provided no data on which to base a GRAS affirmation of this use of the enzyme. However, the agency has not always specified in GRAS affirmation regulations the precise enzyme preparations used in the manufacture of the particular GRAS ingredients. For example, in the GRAS affirmation of peptones (see the final rule published in the **Federal Register** of June 21, 1984; 49 FR 25428 and 25429), the agency identified the proteolytic enzymes that could be used to produce peptones as those "that are considered by FDA to be GRAS or that are regulated as food additives." Similarly, for cocoa butter substitutes, the agency concludes that any lipase enzyme preparation that is GRAS or regulated as a food additive for the proposed use can be used in the manufacture of cocoa butter substitute. Therefore, the agency has included this provision in § 184.1259(a), which identifies the ingredient.

The agency's review of the petition also revealed that essentially all of the residues from the enzyme preparation would be removed during processing of the ingredient following the enzyme reaction. Therefore, the agency concludes that specifications limiting residues of the enzyme preparation in the final product are unnecessary except for two minor constituents. The agency concludes that the residual levels of fatty acid ethyl esters (not more than 20 ppm) and of hexane (not more than 5 ppm) in the final product, as specified in the petition, are safe, but that the regulation should include specifications for these residues to assure these low levels (Refs. 1 and 2).

Use in Food

The petition requested that the ingredient be affirmed as GRAS for use in the same food categories as are listed in § 184.1259. Thus, FDA does not believe that granting the petition will lead to expanded use of the ingredient. The petition relies on the chemical similarity between the petitioned ingredient and the cocoa butter substitute affirmed as GRAS in § 184.1259 to assure the functional effect of the ingredient in food. The petition also states that the petitioned ingredient has been used successfully in Japan for the same purposes as the cocoa butter substitute affirmed as GRAS in § 184.1259. The agency believes that the chemical composition data are adequate to assure the functionality of the ingredient in food.

VOL 52 ISS 242 DEC 17 1987 UMI

Conclusions

The agency has evaluated the chemical composition data, the safety data, and other information contained in the petition. Based on these data, the agency concludes that cocoa butter substitute produced by this alternate method of manufacture is safe. Cocoa butter substitute is not eligible for GRAS status based on common use in food prior to January 1, 1958. However, information used to establish § 184.1259 and data in the petition showing the similarity between the cocoa butter substitute that is the subject of this petition and the cocoa butter substitute that is affirmed as GRAS in § 184.1259 are adequate to establish GRAS status for this ingredient based on scientific procedures.

This conclusion is based on the following:

1. Cocoa butter substitute currently listed in § 184.1259 is GRAS.

2. The composition of cocoa butter substitute prepared by the petitioned method is similar to the composition of cocoa butter substitute listed in § 184.1259.

3. Specifications contained in the petition are adequate to limit residual levels of fatty acid ethyl esters and hexane that result from the petitioned method of manufacture.

4. A lipase enzyme preparation that is GRAS or that is a regulated food additive is safe for use in the manufacture of cocoa butter substitute.

5. Cocoa butter substitute prepared by the petitioned method achieves its intended technical effect in food.

6. The change in the regulation is not expected to increase consumption of cocoa butter substitute.

Therefore, the agency is amending § 184.1259 to provide for this alternate method for manufacturing cocoa butter substitute primarily from palm oil.

The agency is aware that the filing notice described the reaction of partially saturated 1,2,3-triglycerides derived from palm oil and ethyl stearate catalyzed by a lipase enzyme preparation as a directed esterification reaction. However, the petition also referred to the reaction as an interesterification reaction. The agency finds that both of the descriptions are correct but concludes that the term "interesterification" is more descriptive of the reaction. Therefore, the agency has adopted the term "interesterification" in the regulation to describe the reaction.

In accordance with § 170.35(c)(2) (21 CFR 170.35(c)(2)) the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Dockets Management Branch (address above).

Environmental Effects

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25).

Economic Effects

In accordance with the Regulatory Flexibility Act, the agency has considered the potential effects that this rule would have on small entities, including small businesses, and has determined that the effect of this final rule is to maintain the approved uses of cocoa butter substitute primarily from palm oil. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency has determined that no significant impact on a substantial number of small entities would derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the potential economic effects of this final rule as defined by the Order. The agency has determined that the rule is not a major rule and that it will have no significant impact on small businesses. A copy of the threshold assessment supporting this determination is on file with the Docket Management Branch.

References

The following information has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons in that office between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum of November 30, 1984, from John Modderman to John W. Gordon.
2. Memorandum of January 17, 1985, from Sara H. Henry to John W. Gordon.

List of Subjects in 21 CFR Part 184

Food ingredients, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Food Safety and Applied Nutrition, Part 184 is amended as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR Part 184 continues to read as follows:

Authority: Secs. 201(s), 402, 409, 701, 52 Stat. 1046–1047 as amended, 1055–1056 as amended, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 342, 348, 371), 21 CFR 5.10, 5.61.

2. Section 184.1259 is amended by revising paragraph (a) and by adding paragraphs (b)(8) and (9) to read as follows:

§ 184.1259 Cocoa butter substitute primarily from palm oil.

(a) The common or usual name for the triglyceride 1-palmitoyl-2-oleoyl-3-stearin is "cocoa butter substitute primarily from palm oil." The ingredient is manufactured by—

(1) Directed esterification of fully saturated 1,3-diglycerides (derived from palm oil) with the anhydride of food-grade oleic acid in the presence of the catalyst trifluoromethane sulfonic acid (§ 173.395 of this chapter), or

(2) By interesterification of partially saturated 1,2,3-triglycerides (derived from palm oil) with ethyl stearate in the presence of a suitable lipase enzyme preparation that is either GRAS or has food additive approved for such use.

(b) * * *

(8) Residual fatty acid ethyl esters—not more than 20 parts per million as determined by a "Modification of Japan Institute of Oils and Fats: Analysis Method of Residual Ethyl Esters of Fatty Acids" issued by the Fuji Oil Co., which is incorporated by reference. Copies are available from the Division of Food and Color Additives, Center for Food Safety and Applied Nutrition (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(9) Hexane—not more than 5 parts per million as determined by the method of Dupuy et al., "Rapid Quantitative Determination of Residual Hexane in Oils by Direct Gas Chromatography," published in the "Journal of the American Oil Chemists' Society," Vol. 52, p. 118–120, 1975, which is incorporated by reference. Copies are available from the Division of Food and Color Additives, Center for Food Safety and Applied Nutrition (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

Dated: December 7, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87–28959 Filed 12–16–87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners; Costs Associated With Disclosure

AGENCY: United States Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The United States Parole Commission is making a procedural revision to its rule at 28 CFR 2.56(f) (Disclosure of Parole Commission Regional Office File) to conform with the particular Department of Justice regulation referenced therein.

EFFECTIVE DATE: January 19, 1988.

FOR FURTHER INFORMATION CONTACT: Alan J. Chaset, Deputy Director of Research and Program Development, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Telephone (301) 492–5980.

SUPPLEMENTARY INFORMATION: The U.S. Parole Commission is making a procedural change to one of its rules related to the disclosure of materials by the Commission.

28 CFR 2.56(f) contains the rules related to reproduction (photocopying) costs associated with the disclosure to prisoners and parolees of records contained in regional office files. Within that subsection is a parenthetical reference to a fee schedule set forth in the Department of Justice Regulations at 28 CFR 16.10.

The Department of Justice's regulation implementing the new fee provisions of the Freedom of Information Reform Act of 1986, Pub. L. 99–570, has now been issued in final form. This regulation became effective October 2, 1987. In order to implement the Department's regulation, minor changes need to be made to the text of 28 CFR 2.56(f) to conform that section to the new regulation.

This rule change will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Lists of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and parole.

PART 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 continues to read:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. 28 CFR 2.56(f) is revised to read as follows:

§ 2.56 Disclosure of Parole Commission Regional Office File.

* * * * *

(f) *Costs.* In any case in which billable costs exceed $8.00 (based upon the provisions and fee schedules as set forth in the Department of Justice regulation 28 CFR 16.10), requesters will be notified that they will be required to reimburse the United States for such costs before copies are released.

* * * * *

Dated: December 4, 1987.

Benjamin F. Baer,

Chairman, U.S. Parole Commission.

[FR Doc. 87–28961 Filed 12–16–87; 8:45 am]

BILLING CODE 4410-01-M

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners; Instructions to Salient Factor Scoring Manual

AGENCY: United States Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Parole Commission is making an addition to the instructions that accompany its Salient Factor Scoring Manual in its paroling policy guidelines contained in 28 CFR 2.20. This change is intended to make the manual and guidelines more comprehensive.

EFFECTIVE DATE: January 19, 1988.

FOR FURTHER INFORMATION CONTACT: Alan J. Chaset, Deputy Director of Research and Program Development, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Telephone (301) 492–5980.

SUPPLEMENTARY INFORMATION: As part of the paroling policy guidelines contained in 28 CFR 2.20, the Commission has developed various instructions as a guide in computing the salient factor score. Those instructions are included in a Salient Factor Score Manual that is part of the guidelines and that is keyed to the items in the Salient Factor Score. Item A deals with prior convictions and prior adjudications and provides instructions for scoring various kinds and types of prior convictions.

The term "adjudication withheld" is used by Florida courts to identify case dispositions in which a formal conviction is not entered at the time of sentencing. The withholding enables the defendant to retain his civil rights and not to be classified as a convicted felon. Although adjudication of guilt is withheld, the withholding is preceded by a finding of guilt made after a plea or trial. Thus, since the disposition "adjudication withheld" is characterized by an admission of guilt and/or a finding of guilt before a judicial body, dispositions of "adjudication withheld" should be counted as convictions by the Commission for salient factor scoring purposes. However, "adjudication withheld" should not be considered a conviction on which a forfeiture of street time can be based.

To clarify this conclusion and to avoid potential inconsistencies, the Commission is amending the Salient Factor Scoring Manual by adding a new instruction specifically addressing these Florida cases.

This rule change will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Lists of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and parole.

PART 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 continues to read:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

§ 2.20 [Amended]

2. The instructions that accompany the Salient Factor Scoring Manual of 28 CFR 2.20 are amended by adding a new instruction, A.13, to read as follows:

* * * * *

A.13 Adjudication Withheld (Florida). In Florida, the term "adjudication withheld" refers to a disposition in which a formal conviction is not entered at the time of sentencing, the purpose of which is to allow the defendant to retain his civil rights and not to be classified as a convicted felon. Since the disposition of adjudication withheld is characterized by an admission of guilt and/or a finding of guilt before a judicial body, dispositions of "adjudication withheld" are to be counted as convictions for salient factor scoring purposes. However, it is not considered a conviction on which forfeiture of street time can be based.

* * * * *

Dated: December 4, 1987.

Benjamin F. Baer,

Chairman, U.S. Parole Commission.

[FR Doc. 87-28980 Filed 12-16-87; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; U.S.S. LAKE CHAMPLAIN

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Under Secretary of the Navy has determined that U.S.S. LAKE CHAMPLAIN (CG-57) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval cruiser. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: December 2, 1987.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400; Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Under Secretary of the Navy, under authority delegated by the Secretary of the Navy, has certified that U.S.S. LAKE CHAMPLAIN (CG-57) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, the placement of the after masthead light, and the horizontal distance between the forward and after masthead lights, without interfering with its special functions as a naval cruiser. The Under Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Five of § 706.2 is amended by adding the following vessel:

Vessel	Number	Forward masthead light less than the required height above hull; Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light; Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions; Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(ii)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim; Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship; Annex I, sec. 3(a)	Aft masthead light less than ½ ship's length aft of forward masthead light; Annex I, sec. 3(a)	Percentage horizontal separation attained
U.S.S. LAKE CHAMPLAIN	CG-57						X	X	36

Date: December 2, 1987.

Approved:

H. Lawrence Garrett III,

Under Secretary of the Navy.

[FR Doc. 87-28850 Filed 12-16-87; 8:45 am]

BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; U.S.S. NEWPORT NEWS

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Under Secretary of the Navy has determined that U.S.S. NEWPORT NEWS (SSN-750) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval submarine. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: December 2, 1987.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400 Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 32 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Under Secretary of the Navy, under authority delegated by the Secretary of the Navy, has certified that U.S.S. NEWPORT NEWS (SSN-750) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(c), pertaining to the arc of visibility of the sternlight; Annex I, section 2(a)(i), pertaining to the height of the masthead light; Annex I, section 2(k), pertaining to the height and relative positions of the anchor lights; and Annex I, section 3(b), pertaining to the location of the sidelights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the vessel. The Under Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that U.S.S. NEWPORT NEWS (SSN-750) is a member of the SSN 688 class of

vessels for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to U.S.S. NEWPORT NEWS (SSN-750).

Morever, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table One of § 706.2 is amended by adding the following vessel:

Vessel	Number	Distance in meters of forward masthead light below minimum required height, § 2(a)(i), Annex I
U.S.S. NEWPORT NEWS	SSN-750	3.5

3. Table Three of § 706.2 is amended by adding the following vessel:

Vessel	Number	Masthead lights, arc of visibility; Rule 21(a)	Side lights, arc of visibility; Rule 21(b)	Stern light, arc of visibility; Rule 21(c)	Side lights, distance inboard of ship's sides in meters; § 3(c), Annex I	Stern light distance forward of stern in meters; Rule 21(c)	Forward anchor light, height above hull in meters; § 2 (k), Annex I	Anchor lights, relationship of aft light to forward light in meters; § 2 (k), Annex I
U.S.S. NEWPORT NEWS	SSN-750			225°	4.3	5.1	3.4	1.7 below.

Dated: December 2, 1987.

Approved:

H. Lawrence Garrett III,

Under Secretary of the Navy.

[FR Doc. 87-28949 Filed 12-16-87; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD13 87-11]

Drawbridge Operation Regulations; Deep River, WA

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: At the request of the Washington Department of Transportation (WDOT), the Coast Guard is temporarily changing the regulations for operation of the State Route 4 Bridge across Deep River. The temporary rule will provide that the swingspan of the bridge need not open for the passage of vessels. The construction of an adjacent fixed span replacement bridge will make it impossible for the swingspan to be opened. The existing bridge will be removed from the waterway upon completion of the new fixed highway bridge. The existing to-be-replaced bridge has not opened for the passage of vessels in four years. This change is intended to eliminate temporarily the requirement that the bridge open on signal after at least four hours advance notice. All operating regulations for the existing bridge will be revoked upon the completion of the new bridge and the removal of the existing bridge. This operating regulation provides for the reasonable needs of navigation.

EFFECTIVE DATE: November 16, 1987.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation and Waterways Management Branch, (Telephone: (206) 442-5864).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking has not been published for this temporary rule and it is being made effective in less than 30 days after Federal Register publication. A comment period has not been provided because this rule provides adequately for the reasonable needs of navigation on the waterway. Drawings for the adjacent bridge were circulated in a public notice prior to approval of a permit for the new bridge. These drawings showed the close proximity of the adjacent structures and made it clear that the construction of the new bridge would prohibit the operation of the swingspan.

Drafting Information

The drafters of this notice are: Austin Pratt, project officer, and Lieutenant Commander Lawrence I. Kiern, project attorney.

Discussion of the Proposed Regulations

The Washington Department of Transportation has asked the Coast Guard to approve a change to the operating regulations because the approved location of the replacement bridge makes operation of the existing swingspan impossible. It is not feasible to construct the new bridge at that location without interfering with the operation of the movable bridge.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. Navigation and marine related businesses will not be affected by this temporary rule because the subject bridge has not been required to open in over four years. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations is temporarily amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 (c)(5).

2. Section 117.1039 is temporarily amended to read as follows:

BEST COPY AVAILABLE

§ 117.1039 Deep River.

The draw of the Washington State highway bridge, mile 3.5, near Deep River, need not open for the passage of vessels during construction of the adjacent replacement bridge.

Dated: November 16, 1987.

G.A. Pennington,

Captain, U.S. Coast Guard, Acting Commander, 13th Coast Guard District.

[FR Doc. 87-27136 Filed 12-16-87; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD13 87-06]

Security Zone; Hood Canal, WA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule adopts regulations which establish a permanent security zone in the waters of Hood Canal immediately adjacent to the Naval Submarine Base, Bangor, Washington. The U.S. Navy has requested the establishment of this security zone to protect assets which are vital to the national interest. The northern and southern shoreside limits of the security zone have been established to coincide with the northern and southern land boundaries of the Submarine Base. The security zone extends westward into Hood Canal a sufficient distance to enhance the security of vessels at the Submarine Base by permitting early detection of unauthorized entry while avoiding interference with the through passage of vessels transiting Hood Canal.

EFFECTIVE DATE: January 19, 1988.

FOR FURTHER INFORMATION CONTACT: LT. G. M. Jacobson, (206) 442-5537. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: On September 14, 1987, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** for these regulations (52 FR 34687). Interested persons were requested to submit comments and one comment was received.

Drafting Information

The drafters of this final rule are LT. G. M. Jacobson, Project Officer, Port and Vessel Safety Branch, Thirteenth Coast Guard District, and Lieutenant A. W. Bogle, Project Attorney, Thirteenth Coast Guard District Legal Office.

Discussion of Comments

Only one comment was received in response to the publication of the notice of proposed rulemaking. This comment, submitted by the U.S. Navy, requested a change to the southern origin of the security zone from: latitude 47°43'24"N, longitude 122°44'37"W to latitude 47°43'17"N, longitude 122°44'44"W. This change shifts the next point of the security zone boundary to latitude 47°43'32"N, longitude 122°44'40"W. This change is necessary to cause the southern shoreside end point of the security zone to coincide with the southern land boundary of the Submarine Base as was contemplated in the notice of proposed rulemaking. As a result of a clerical error, the wrong latitude and longitude for the two southern points of the security zone had been published in the notice of proposed rulemaking. Additionally, the Navy suggested a clarification to the description of the Northern shoreside boundary of the security zone and has provided a latitude and longitude for this point. The clarification has no effect on the boundary of the security zone. The requested revisions have been incorporated into the final rule.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. Except for the small additional area added to allow the land boundary of Submarine Base and the southern boundary of the security zone to coincide, the area affected by this security zone is already restricted to navigation by the existing restricted zone. Even in the absence of this restricted zone, those interests affected would be primarily recreational, and the loss of the use of this part of the canal should not affect their use of the canal for navigation or other purposes except in a very minor way.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Final Regulations

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. Section 165.1302 is added to read as follows:

§ 165.1302 Bangor Naval Submarine Base, Bangor, WA.

(a) *Location.* The following is a security zone: The waters of the Hood Canal encompassed by a line commencing on the east shore of Hood Canal at latitude 47°43'17" N., longitude 122°44'44"W., thence to latitude 47°43'32" N., longitude 122°44'40" W.; thence to latitude 47°43'50" N., longitude 122°44'40" W.; thence to latitude 47°44'24" N., longitude 122°44'22" W.; thence to latitude 47°45'47" N., longitude 122°43'22" W.; thence to latitude 47°46'23" N., longitude 122°42'42" W.; thence to latitude 47°46'23" N., longitude 122°42'20" W.; thence to latitude 47°46'20" N., longitude 122°42'12" W.; thence southerly along the shoreline to the point of beginning.

(b) *Security zone anchorage.* The following is a security zone anchorage: Area No. 2. Waters of Hood Canal within a circle of 1,000 yards diameter centered on a point located at latitude 47°46'26" N., longitude 122°42'49" W.

(c) *Special Regulations.* (1) Section 165.33 paragraphs, (a), (e), and (f) do not apply to the following vessels or individuals on board those vessels:

(i) Public vessels of the United States, other than United States Naval vessels.

(ii) Vessels that are performing work at Naval Submarine Base Bangor pursuant to a contract with the United States Navy which requires their presence in the security zone.

(iii) Any other vessels or class of vessels mutually agreed upon in advance by the Captain of the Port and Commanding Officer, Naval Submarine Base Bangor. Vessels operating in the security zone under this exemption must have previously obtained a copy of a certificate of exemption permitting their operation in the security zone from the Security Office, Naval Submarine Base Bangor. This written exemption shall state the date(s) on which it is effective and may contain any further restrictions on vessel operations within the security zone as have been previously agreed upon by the Captain of the Port and Commanding Officer, Naval Submarine Base Bangor. The certificate of exemption shall be maintained on board the exempted vessel so long as such vessel is operating in the security zone.

(2) Any vessel authorized to enter or remain in the security zone may anchor in the security zone anchorage.

(3) Other vessels desiring access to this zone shall secure permission from the Captain of the Port through the Security Office of the Naval Submarine Base Bangor. The request shall be forwarded in a timely manner to the Captain of the Port by the appropriate Navy official.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and monitoring of this security zone by the U.S. Navy.

Dated: December 1, 1987.

T.J. Wojnar,

Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. 87-28008 Filed 12-16-87; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-3300-8]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Reasonably Available Control Technology for Belding Corticelli Thread Co.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Connecticut. This revision establishes and requires the use of reasonably available control technology (RACT) to control volatile organic compounds (VOC) emissions from the Belding Corticelli Thread Company (Belding) in Putnam, Connecticut. The intended effect of this action is to approve a source-specific RACT determination made by the State in accordance with commitments made in its Ozone Attainment Plan which was approved by EPA on March 21, 1984 (49 FR 10542). This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective January 19, 1988.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Room 2313, Boston, MA 02203; Public Information Reference Unit, EPA Library, 401 M Street SW., Washington, DC 20460; and the Air Compliance Unit, Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

FOR FURTHER INFORMATION CONTACT: David B. Conroy, (617) 565-3252; FTS 835-3252.

SUPPLEMENTARY INFORMATION: On March 25, 1987 (57 FR 9502), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Connecticut. The NPR proposed approval of State Order No. 8007 as a revision to the Connecticut SIP. The provisions of the Connecticut Department of Environmental Protection's (DEP's) State Order define and impose RACT on Belding as required by subsection 22a-174-20(ee), "Reasonably Available Control Technology for Large Sources," of Connecticut's Regulations for the Abatement of Air Pollution.

Under subsection 22a-174-20(ee), the Connecticut DEP determines and imposes RACT on all stationary sources with the potential to emit one hundred tons per year or more of VOC that are not already subject to RACT under Connecticut's regulations developed pursuant to the control techniques guidelines (CTG) documents. EPA approved this regulation on March 21, 1984 (49 FR 10542) as part of Connecticut's 1982 Ozone Attainment Plan. That approval was granted with the agreement that all source-specific RACT determinations made by the DEP would be submitted to EPA as source-specific SIP revisions.

EPA has reviewed State Order No. 8007 and has determined that the level of control required by this Order represents RACT for Belding. The application of RACT by Belding, which consists of installing pollution control equipment by December 31, 1987 on each of its thread coating machines that will be in operation after December 31, 1987, will reduce Belding's actual emissions from approximately 100 tons per year to less than 37 tons per year. The requirements of the State Order and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

Since submission of the formal SIP revision by the State of Connecticut, Belding has indicated to the Connecticut DEP that it may choose to shut down all of its thread coating machines by December 31, 1987 in order to achieve compliance with the State Order. This compliance strategy is consistent with the requirements of the State Order. Therefore, the requirements of the State Order regarding the pollution control equipment will only apply to Belding if Belding chooses to operate any of its thread coating machines after December 31, 1987.

Final Action

EPA is approving Connecticut State Order No. 8007 as a revision to the Connecticut SIP. The provisions of State Order No. 8007 define and impose RACT on the Belding Corticelli Thread Company to control VOC emissions as required by subsection 22a-174-20(ee) of Connecticut's regulations.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 16, 1988. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Date: December 7, 1987.

Lee M. Thomas,

Administrator.

Subpart H, Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart H—Connecticut

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.370 is amended by adding paragraph (c)(39) to read as follows:

§ 52.370 Identification of plan

* * * * *

(c) * * *

(39) Revisions to the State Implementation Plan submitted by the Connecticut Department of

Environmental Protection on August 24, 1987.

(i) Incorporation by reference.

(A) Letter from the Connecticut Department of Environmental Protection dated August 24, 1987 submitting a revision to the Connecticut State Implementation Plan.

(B) State Order No. 8007 for Belding Corticelli Thread Company dated July 13, 1987.

[FR Doc. 87-28505 Filed 12-16-87; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 431, 435, 440, and 441

[BERC-513-F]

Medicaid Program; Relations With Other Agencies, Miscellaneous Medicaid Definitions, Third Party Liability Quality Control, and Limitations on Federal Funds for Abortions

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: These final regulations (1) revise Medicaid rules to reflect current policy on State payment of cost sharing amounts under Medicare Part B "buy-in" agreements; (2) revise and clarify certain Medicaid definitions; (3) remove the requirement that State plans include third party liability quality control reviews as part of the State's Medicaid quality control system; and (4) provide for limitations on the use of Federal funds for abortion.

These final regulations allow States with Medicare Part B buy-in agreements the option of paying cost sharing amounts for Medicaid beneficiaries for those Medicare services that States do not cover in their Medicaid plans. States may pay cost sharing amounts under Medicare Part B buy-in agreements on all, some or none of the Part B Medicare services that are covered in the Medicaid plan.

We are revising definitions and clarifying ambiguities in several existing Medicaid regulations. The revisions are to the definitions of private duty nursing services, inpatient and outpatient, inpatient and outpatient hospital services, and other laboratory and x-ray services.

We are removing the requirement in our quality assurance regulations that States monitor third party liability errors as a part of their quality control system. Instead, we plan to issue regulations which encourage improved third party liability (TPL) operations by making them an integral component of State Medicaid Management Information System subject to periodic evaluation through systems performance reviews.

We are revising the Medicaid regulations to provide for limitations on the use of Federal funds for abortion, in accordance with previously enacted laws.

EFFECTIVE DATE: These regulations are effective January 19, 1988. State agencies have until 90 days after receipt of a revised State plan preprint to submit their plan amendments and required attachments. We will not hold a State to be out of compliance with the requirements of these final regulations if they submit the necessary preprint plan material by the date.

FOR FURTHER INFORMATION CONTACT:

Bill Lasowski, Relations with Other Agencies, (301) 597-1301

Thomas Hoyer, Miscellaneous Medicaid Definitions, (301) 594-9446

Lester Belsky, Third Party Liability, (301) 594-6710

Luisa Iglesias, Limitations on FFP for Abortions, (202) 245-0383.

I Background

On March 11, 1983, we published in the **Federal Register** at 48 FR 10378, a proposed rule (NPRM) to solicit comments on proposed changes to the regulations on Part B buy-in and Medicaid definitions. The revisions were intended to simplify and clarify regulations, delete requirements that are unnecessary or burdensome to States as well as to the public, and provide maximum flexibility to States while promoting patient health and safety.

The existing Medicare Part B buy-in provisions of the regulations have been cited as burdensome by States. States with buy-in agreements, under section 1843 of the Social Security Act (the Act), have been required to pay, in addition to the Part B premium, the Part B coinsurance and deductible amounts (cost sharing amounts) for all services provided to beneficiaries under Part B of Medicare, even if those same services were not covered in the Medicaid State plan. Some States objected to the payment of Medicare cost sharing amounts for services they had chosen to exclude from coverage under their Medicaid plans. In addition, the court, in *Fob James, et al.* v. *Richard Morris, et al.*, (U.S.D.C. M.D. Ala., N. Div., Civil Action No. 80-172-N), held that our interpretation of the policy set forth at 42 CFR 431.625 was not supported by the statute. (This case was incorrectly cited as *James* v. *Harris* in the NPRM. Copies of this opinion are available from HCFA upon request.)

We also included in the March 11, 1983 NPRM, revised Medicaid definitions of inpatient outpatient, inpatient and outpatient hospital services, private duty nursing services, inpatient psychiatric services and reserved beds. Our intent in proposing these revised definitions was to remove unintentional inconsistencies and avoid misinterpretation between definitions that appear in Parts 440 and 441 of these regulations.

On August 9, 1983, we published in the **Federal Register**, at 48 FR 36151, an NPRM to solicit comments on proposed changes to the Medicaid quality control claims processing and third party liability (TPL) requirements. In those proposed regulations, we included a proposal to remove the quality control systems requirement applicable to performing TPL reviews because those reviews were time consuming for States, and produced questionable data. In addition, past reviews have shown that TPL error rates, as calculated in accordance with existing procedures, have remained consistently low.

II. Response to Public Comments

In response to our request for comments on the March 11, 1983 publication, we received a total of 29 comments from physicians and physician associations, medical equipment suppliers, client advocacy groups, State agencies, a university, a State governor, and a member of the U.S. House of Representatives. In response to our request for comments on the August 9, 1983 publication, we received a total of six comments from States on the elimination of TPL quality control requirements.

A. Comments on the Buy-in Provisions

1. *Comment:* Some commenters argued that the revisions to 42 CFR 431.625 violate the requirements of section 1902(a)(15) of the Act. This section requires that when a State pays only a portion of the Medicare copayments and deductibles for those individuals who are entitled to both Medicare and Medicaid, that portion must be related to the beneficiary's income and resources. One commenter contends that this rule directly contradicts the statutory provision because it would allow States to reduce payment of Medicare coinsurance and deductibles for dually entitled individuals without any established justification based on either the income

or resources of the beneficiaries affected.

Response: Although there is no statutory basis to require States to pay the Part B cost sharing amounts on those Part B services that are not covered under the State Medicaid plan, if a State does choose to pay a portion of the cost sharing on noncovered services, it must be done in accordance with section 1902(a)(15) of the Act. We agree with the commenters that section 1902(a)(15) of the Act imposes an income related test to determine the amount that a recipient is required to pay. The district court, in *James v. Morris* concluded that this income related test does not apply when services are not covered in the State plan, unless a State elects to pay a part of the cost sharing for those noncovered services.

Therefore, we are revising § 431.625(c) to remove any ambiguity that if a State elects to pay a portion of the Medicare cost sharing amount for a noncovered service, the amount paid by a State must be reasonably related to an individual's income and resources. A State must define the term reasonably related in its State plan.

2. *Comment:* Two commenters believed that the proposal could be interpreted to permit States to terminate payment of all Medicare Part B cost sharing amounts. Another commenter questioned whether the proposed change could be interpreted to limit dually entitled individuals (persons entitled to both Medicare and Medicaid) to benefits provided under the State Medicaid plan and, thus, deprive them of the full Medicare benefits legally mandated for all Medicare beneficiaries. Two of these commenters recommended that we clarify our intent and publish a new NPRM accordingly.

Response: In the summary paragraph to the NPRM, we stated that the proposed regulations would "allow States the option of paying cost sharing amounts for Medicaid beneficiaries who are covered under Medicaid Part B buy-in agreements." It was not our intention that States could terminate payment on all Medicare Part B cost sharing amounts, as the summary may have inadvertently suggested. We believe that the subsequent discussion in the preamble and the regulation text made this clear. Rather, a State may choose to make cost sharing payments on all, some, or none of those Medicare Part B benefits that the State does not cover in its Medicaid State plan. When the amount paid by third parties is less than the State's Medicaid payment amount, we will continue to require that a State pay cost sharing amounts on those Medicare Part B Benefits that the State covers in its Medicaid plan.

Under this rule, when a State Medicaid agency elects not to pay the cost sharing charges for dually entitled individuals for services not covered in its State plan, such dually entitled individuals would remain entitled to the full, uniformly mandated range of Medicare benefits available for all Medicare beneficiaries, subject only to the requirements relating to deductibles and coinsurance which are uniformly applicable to all Medicare beneficiaries.

Morever, while commenters both agreed and disagreed with the proposed rule, virtually all commenters clearly understood the thrust of the rule. For this reason, it would be unnecessary for us to republish this rule in proposed form. However, we are revising § 431.625(c) to clarify that a State has the option of paying the deductible and coinsurance amounts "for those Medicare Part B services" not covered under the Medicaid State plan. We believe that this language is more precise than "on a full range of Medicare Part B services" which was used in the proposed regulation.

3. *Comment:* Some commenters contend that under the revised regulations, as State will be able to select the Part B services on which it will pay cost sharing amounts for dually entitled individuals. They conclude that this will establish a class distinction between Medicare beneficiaries with income to pay part B premiums and cost sharing amounts and those without income, and that benefits will vary widely from State to State. Several commenters were concerned that if States do not pay Part B cost sharing amounts on certain services, individuals eligible for both Medicare and Medicaid would be responsible for those payments, and that those individuals can least afford to pay Medicare cost sharing amounts. A commenter predicted that providers may refuse treatment, and individuals may be denied necessary health care.

Response: Congress has given the States discretion in selecting services to be covered under their Medicaid programs. We believe that a regulation requiring States to pay for services not covered under their plans improperly interferes with the flexibility intended by Congress. Moreover, the majority of Medicare Part B services are also covered Medicaid services under most State plans. The only Part B services not mandatorily covered under Medicaid are speech and physical therapy, services of podiatrists and chiropractors, and the rental of certain medical equipment. These services may be furnished under coverage options selected by the State under its State plan or may be covered in connection with one of the mandatory services (medical equipment, and speech and physical therapy may be covered as home health services). Further, individuals who cannot afford the Part B cost sharing amounts for uncovered services are no worse off than similarly situated individuals in States that do not have a buy-in agreement. If an individual paid the Part B premium, instead of the State, the individual would still be obligated to meet the cost sharing requirements of the Medicare program. We believe that an individual's inability to meet the cost sharing requirements of the Medicaid or Medicare programs does not result in unlawful class distinction because those individuals who are covered by a buy-in agreement, but who cannot afford the Part B cost sharing amounts are already in a more favorable position than other Medicaid recipient who are entitled to services covered by Medicare. There is an exemption from the "comparability of services" requirement to permit this result. The exemption to the comparability requirement, however, does not specify that States must pay the Medicare cost sharing amounts for recipients covered under a buy-in program. Nor does the exemption impose an additional comparability requirement with respect to the amounts of the Medicare cost sharing that a State pays for recipients under a buy-in program. Moreover, the buy-in program confers upon the individual eligible for both Medicare and Medicaid an additional benefit, which is beyond the scope of services that a State provides to other Medicaid recipients. When viewed as an additional benefit, rather than as part of the Medicaid services package, the recipient is hardly disadvantaged because the State elects not to cover any of the cost sharing obligations for Part B services that it does not cover for its Medicaid eligibles.

The effect on benefits will vary from State to State depending on how comprehensive the State plan is on coverage of services. All dually entitled individuals will remain entitled to the full scope of Medicare benefits subject to deductible and coinsurance requirements applicable to all Medicare beneficiaries.

Therefore, we believe that it is reasonable to require that individuals pay cost sharing amounts on Medicare Part B services that a State does not cover in its Medicaid plan. We also believe that if a State decides that it will

VOL 52 ISS 242 DEC 17 1987 UMI

be cost effective to pay certain cost sharing amounts for services not otherwise covered under the Medicaid State plan, then the State will continue to make those payments.

Finally, if providers refuse treatment, this result would be no different than would be the case if the State did not buy-in for Medicare Part B and the individual had only Medicaid covered services to rely on, or if the individual were not Medicaid eligible and could not afford the Part B cost sharing amounts. Furthermore, a State, by selecting what services it will cover under its Medicaid program has made a determination which services it believes are necessary for its Medicaid population. This regulation removes ambiguity by making it clear that the State is not obligated to pay the cost sharing amounts with respect to services that are covered by Medicare Part B, but not covered by Medicaid.

4. *Comment:* Three commenters expressed the view that our proposed revisions to the buy-in provision in 42 CFR 431.625 conflict with the intent of the buy-in agreement. The commenters believe that the buy-in agreement is intended to assure that individuals eligible for both Medicare and Medicaid receive the full scope of Medicare benefits even if they lack the income to pay Part B cost sharing amounts.

Response: We disagree with the commenters' view of the purpose of the buy-in provision and the buy-in agreement. We believe that the buy-in was enacted to permit States to take advantage (at a cost saving to the Medicaid program) of the coverage of services which is available under Medicare Part B to individuals who would qualify for Part B coverage if they paid their Part B premiums. We have not found any support in the legislative history of the buy-in for the proposition that States must pay the Medicare cost sharing amounts for any uncovered services by virtue of their electing to participate in a buy-in agreement. This view is supported by the *James* v. *Morris* decision. Under these final regulations, a State must continue to pay cost sharing amounts on Medicare Part B benefits that are covered in its State Medicaid plan (subject to State limits on reimbursement and amount, duration and scope of services as explained in the response to comment 8). We do not believe that this provision is contrary to the intent of buy-in agreements.

5. *Comment:* Two medical equipment suppliers believe that since Medicare is the primary payer under a buy-in agreement, the States should not control what are "covered" services and the resulting payments.

Response: The Medicare and Medicaid programs are designed with different coverage of services. While Medicare operates under uniform regulations that are applicable nationwide, the statutory framework of Medicaid gives States substantial leeway to offer different ranges of coverage, especially among optional services. Section 1902(a)(10)(A) establishes the services that are mandatory under Medicaid and gives States the option of covering certain additional services specified in section 1905(a). One purpose of this rule is to clarify each State's authority to establish what is or is not a covered optional benefit under its Medicaid program. The rule will remove a barrier if a State wishes to prevent situations where its program would give greater benefits to one Medicaid recipient than to another Medicaid recipient who is not entitled to Medicare coverage.

6. *Comment:* One State agency asked whether States would also have the option of not paying cost sharing amounts on Medicare services not covered under the State's Medicaid plan when a Medicaid recipient pays his own Part B premium.

Response: This comment is beyond the scope of these regulations. Under State buy-in agreements, States pay the Part B premium for those individuals included in their coverage groups. These groups include all individuals entitled to Medicare Part B who are receiving or are eligible for a category of assistance under Medicaid as specified in the State's buy-in agreement. Inclusion in one of the State coverage groups is the basis for buy-in coverage, and not whether the individual can actually pay his own premiums. Individuals who do not qualify for inclusion in one of these coverage groups are responsible for paying their own Medicare Part B premium. States are not required to pay cost sharing amounts for those individuals who pay their own Part B premiums in the case of services not covered under the Medicaid plan.

7. *Comment:* Three medical equipment suppliers predicted that the regulations will be difficult for home care and durable medical equipment suppliers to administer when billing and administering the collection of payments for services that are not covered under a State Medicaid plan, and that the increased administrative costs would be passed on to all customers. It will be particularly complex for companies doing business in multiple States.

Response: The burden of knowing what services are covered by Medicaid in the various States serviced rests upon each Medicaid provider. Under the buy-in agreement, the billing and collection practices imposed for services covered by Medicare but not covered under the State plan will work on the same principle as they do for Medicare-only beneficiaries. We recognize that these regulations might result in some administrative problems and increased costs for suppliers. However, we believe that suppliers already have administrative procedures in place for billing and collection of Medicare-only claims that can accommodate these changes and lessen the impact of administrative burden. In any event, we believe that the language in the Act and interpretation by the court in *James* v. *Morris* justify these changes.

8. *Comment:* One State agency asked whether States have the option to limit payment of Part B cost sharing amounts in accordance with State limitations imposed on Medicaid services covered under the State plan.

Response: Yes, if a State limits the amount, duration or scope of Medicaid services covered in the State plan, then the State may similarly limit payment of Medicare Part B cost sharing amounts on those same services in accordance with its Medicaid service limitations. For example, if a State plan provides that a State pays for a maximum of five home health visits per year, then the State must pay the copayments on each of those five visits, but is not required to do so on visits exceeding the fifth. Additional examples are in Part 7373 of the State Medicaid Manual.

9. *Comment:* One commenter asked how individuals eligible for both Medicare and Medicaid will be advised of the difference between the State's contribution and their own contribution if the individuals need Part B services which the State excludes under its Medicaid plan.

Response: Under 42 CFR 435.905, the State has the responsibility at the time Medicaid eligibility is established to inform individuals which services are covered under Medicaid. Should the State Medicaid benefit package change after eligibility is established, the State is required, under 42 CFR Subpart E, 431.200, 431.221, and 431.230, to mail a notice to individuals receiving Medicaid benefits at least 10 days before the State reduces services. Individuals thus should be aware of the services for which the State will pay.

10. *Comment:* One commenter asked who will determine the cost sharing amounts for Medicare services the State has chosen not to cover under its Medicaid plan.

Response: Records on cost sharing amounts are maintained by the Medicare carrier (the organization under contract to the Federal government to process Medicare Part B claims). Individuals needing information on cost sharing amounts can contact either the State Medicaid agency, or the appropriate Medicare carrier.

11. *Comment:* One State agency suggested that we add title IV–E recipients to the list in 42 CFR 431.625(d) of Medicaid recipients receiving cash payments for whom Federal financial participation (FFP) is available in State expenditures for Medicare Part B premiums, as such recipients may be eligible for Medicare Part B services.

Responses: Individuals receiving foster care and adoption assistance payments under title IV–E of the Act are eligible for Medicaid on the same basis as title IV–A recipients (Aid to Families with Dependent Children, AFDC). Sections 472(h) and 473(b) of title IV–E of the Act specify that individuals receiving foster care maintenance payments and adoption assistance payments, respectively, are deemed to be recipients of AFDC under title IV–A of the Act. These same individuals may also be eligible for Medicare Parts A and B if they receive Social Security disability insurance benefits under section 223 of the Act, or child's insurance benefits based on disability under section 202(d) of the Act. In response to this comment, we reexamined the list in § 431.625(d) and found that several other groups were missing. We have expanded the list to include not only the title IV–E recipients, but six other groups for whom State-paid Medicare Part B premiums FFP is currently available. Members of these groups are by statute considered to be recipients of Federal Supplemental Security Income (SSI) benefits, qualifying State Supplementary Payments or title IV–A benefits (AFDC). Therefore, they are encompassed within the authority of section 1903(a)(1) of the Act to provide for FFP in State expenditures for their Part B premiums.

12. *Comment:* Two commenters were opposed to our reference to the district court opinion of *James v. Morris.* Their objections were based on the fact that this is an unreported judicial decision that was not appealed to a higher court and has no precedential value.

Response: We are authorized to make changes to regulations in the interest of removing unnecessary requirements and constraints so that States have greater flexibility in administering the Medicaid program. We must ensure that regulations are clearly within the authority delegated by law and consistent with Congressional intent.

Although we have made reference to this court decision, the decision is not the sole basis for revising the regulations. As stated in the proposed rule, several States have objected to our current ambiguous rules. The court decision supports the need for revising the regulations. It was not intended that the court decision be understood as compelling these changes, but that it might help the public to better understand the changes. Moreover, it has binding effect in Alabama, and may be considered to be persuasive authority in other jurisdictions, especially since it is the only court decision on the issue it addresses.

B. Comments on Medicaid Definition Changes

1. *Comment:* We received a comment from a client advocacy group which objected to our revision, in the absence of specific new or revised legislative intent, of the definition of private duty nursing services, which describes the settings in which private duty nursing services can be furnished.

Response: In the original Medicaid legislation (the 1965 amendments to the Social Security Act), Congress listed private duty nursing services among the services that could be covered under the program, without defining them. By not defining the term "private duty nursing services" in the legislation or accompanying committee reports, Congress left the responsibility to us for developing a reasonable interpretation of this term. We are making this revision because the existing regulations have been misinterpreted to mean that a State providing private duty nursing services must provide those services in all three settings: The recipient's home, a hospital, or a skilled nursing facility. This was not our original intent. Our revision merely clarifies our original intent that States have flexibility, and may limit the provision of these services to any one or more of the three cited locations. We believe that our revision is a reasonable interpretation of the law and gives States maximum flexibility in covering this benefit. The private duty nursing benefit is an optional one, and States generally have considerable latitude in defining the scope of optional services. This flexibility serves as an incentive for States to elect coverage of these services, by allowing States to tailor optional services to the specific needs of their populations.

2. *Comment:* A State agency asked whether the revisions to the regulations at 42 CFR 440.160 and 441.151 specifying requirements for Medicaid coverage of inpatient psychiatric services affect coverage of psychiatric services furnished in general (nonpsychiatric) hospitals. One client advocacy group objected to the revised language in §§ 440.160 and 441.151, which requires that inpatient psychiatric services for individuals under age 21 be provided "in a psychiatric facility or an inpatient program in a psychiatric facility." Section 440.160 previously stated that those services be provided "in a facility or program," and § 441.151 specified that services be provided "by a psychiatric facility or an inpatient program in a psychiatric facility." The commenter contends that our revised language inappropriately excludes coverage of services under an accredited inpatient program when those services are not furnished "in" the psychiatric facility itself. Examples are day treatment in community settings for institutionalized children, and services to assist in the transition from institutional to community living.

Response: We are not making the proposed revisions to §§ 440.160 and 441.151 dealing with inpatient psychiatric services for individuals under age 21 because amendments to the Act made by Pub. L. 99–272 in regard to this benefit require that we reassess our policy before we revise the regulations.

3. *Comment:* We received comments from the two State agencies on our proposed revision to the inpatient hospital services definition in 42 CFR 440.10. One commenter suggested that the regulations be revised to require actual participation in Medicare by a hospital, rather than merely specify that the hospital meet the requirements for such participation. Another commenter expressed concern that, by specifying that hospitals must meet the Medicare requirements for participation as a hospital, rather than as a skilled nursing facility (SNF), the regulations might be interpreted as excluding coverage for services in hospital units that provide less than acute care, yet are not certified or operated as SNFs.

Response: Regarding the first issue, Medicaid regulations at 42 CFR 440.10(a)(3)(iii), in defining inpatient hospital services, have always required that hospitals meet the requirements for participation in Medicare, as opposed to actually requiring them to participate in Medicare. Our purpose in having a hospital meet the requirements for participation in Medicare is to ensure that the hospital staff and facilities meet certain standards of quality, without the reduction in State and provider flexibility that would occur if we made actual participation in Medicare a prerequisite for participation in

VOL 52 ISS 242 DEC 17 1987 UMI

Medicaid. However, States may make participation in Medicare a condition for Medicaid participation if they so choose. Regarding the second concern, our intent is simply to specify the conditions of participation that define a facility as a hospital under Medicaid. We believe the commenter mistook the change we proposed as intended to preclude the existence of distinct part SNFs or ICFs in hospital buildings. The revision would not have this effect.

3. *Comment:* We received comments from two State agencies, one university, two provider associations and one client advocacy group on our proposed revisions to the outpatient hospital services definition in 42 CFR 440.20(a). The comments all pertained to the provision that would allow a State to exclude from the definition those items and services that are not generally furnished by most hospitals in the State. The State agencies expressed support for any changes that would give them greater flexibility in this area. Several commenters were concerned that this revision would allow a State to exclude highly specialized outpatient hospital services that are not generally furnished by most hospitals in the State, yet are essential to meet the health needs of specific patient populations. These services might not be otherwise available, or might be available only in the more costly inpatient hospital setting. Additionally, one commenter expressed concern that in predominately rural States, a broad range of outpatient services might be concentrated in a small minority of larger, urban hospitals. These States could, under the definition proposed in the NPRM, exclude all of these services, since they are not "generally furnished by most hospitals in the State."

Response: We believe that our changes would not produce the results that the commenters anticipate. It was our intent that § 440.20(a)(4) permit States to exclude from the definition of "outpatient hospital services" only those broad generic categories of services (for example, dental services) that are not generally furnished by most hospitals in the State. Outpatient hospital services, as specified in § 440.20(a)(1), continue to include preventive, diagnostic, therapeutic, rehabilitative, or palliative services that are furnished to outpatients. Thus, States must continue to cover those generic services that are generally furnished by most hospitals, such as physicians' services, nursing services, and diagnostic tests. The commenters expressed concerns that mainly related to the treatment of specific illnesses (for example, cancer in children, sickle cell anemia, spina bifida), rather than generic service categories. The commenters apparently were concerned that the proposed revision would permit States to exclude individual items and services within a generally furnished category when they are associated with the treatment of specific medical conditions. We believe that this regulation would not have that effect. Under 42 CFR 440.230(c), a State may not arbitrarily deny or reduce the amount, duration or scope of a required service solely because of the recipient's diagnosis, type of illness, or condition. However, in view of the comments, we are clarifying in § 440.20(a)(4) that a State may exclude "types of items and services" rather than "items and services."

5. *Comment:* We received comments from two State agencies and one provider organization regarding our proposed definitions of the terms inpatient and outpatient in 42 CFR 435.1009, and 440.2(a). We proposed that inpatient satus be determined by a patient's stay of at least 24 hours or by the medical institution's decision to admit an individual as an inpatient with the expectation that he or she will receive room, board and professional services in the institution for a 24-hour period or longer, even if this expectation is not realized. Two commenters were concerned that certain outpatient visits might be inappropriately classified as inpatient stays under this provision. One noted that a hospital might routinely allege an "expectation" of an inpatient stay in all instances. The other commenter suggested that an individual who stays for less than 24 hours be recognized as an inpatient only when items or services typical of an inpatient stay are used. A third commenter expressed the opposite concern—that some inpatient stays might be classified inappropriately as outpatient visits. This commenter described a situation in which an individual is admitted as an outpatient, but subsequently develops a need for care that is far more intensive than originally anticipated, and dies or is discharged before 24 hours elapse.

Response: Regarding the first concern (outpatient visits inappropriately classified as inpatient stays), if a hospital attempts to bill inappropriately for an outpatient visit as if it were an inpatient stay, the hospital risks having the entire claim rejected. We believe that in the claims review process, States should be able to detect hospitals that have patterns of inappropriate classification of outpatient visits as inpatient stays. Some factors they might consider, for example, in evaluating these patterns are the nature of the conditions for which admission is made or the provision of items and services that they regard as typical of an inpatient stay. Due to the changing nature of inpatient and outpatient services, however, we believe that it would be difficult to develop a definitive, nationwide set of criteria identifying services that are "typically" inpatient.

Regarding the second concern (inpatient stays inappropriately classified as outpatient visits), under the new inpatient definition, as under the previous definition, the decision on whether or not to admit an individual as an inpatient remains with the provider. This gives the provider flexibility in dealing with individual cases. Thus, if a hospital outpatient's condition should suddenly deteriorate, the hospital could decide at that point to admit the individual as an inpatient.

C. Comments on Elimination of Third Party Liability (TPL) Quality Control Requirements

Comment: Three commenters were opposed to our removal of third party liability monitoring activities from State plan quality control review requirements in § 431.800. These commenters indicated that information from those reviews led to the identification of liable third parties and substantial recoveries, resulting in direct savings to State Medicaid programs. Even though States have the option to continue TPL reviews, one State contended that those reviews would be funded entirely by the State, and continued reviews, therefore, would be unlikely because of fiscal limitations. One State commented that technical assistance from Federal staff, proposed as an alternative to required reviews, had not been useful in the past.

Response: We are eliminating the requirement that States do TPL–QC reviews for several reasons. These reviews were a burden on State resources, and the reliability and utility of the data from the reviews, as they have been conducted, have been questionable. Moreover, because TPL quality control error rates, as currently calculated, have remained consistently low, we believe that continuing nationwide TPL quality control activities in the same manner as other quality control monitoring activities is not warranted.

Our interest in TPL has not diminished, however. We are merely changing the focus of Medicaid TPL oversight. We intend to continue with aggressive operational improvements and regulation changes to specify effective procedures for TPL identification, data matching and use of TPL information. TPL operations will become an integral component in State Medicaid Management Information Systems, subject to periodic evaluation through the System Performance review. In addition, we plan to notify States of model TPL practices that we have identified, focusing on the potential for substantial Medicaid savings and suggesting opportunities for States to establish cost effective TPL practices. States may, if they choose, continue their TPL quality control program or another case review system, and the administrative expenditures for such programs will be eligible for FFP in accordance with 42 CFR 433.15. We will no longer require the activities, however, as a part of State plan requirements relating to quality control systems.

D. Additional Technical Changes

Subpart E of Part 441 of the existing Medicaid rules specifies that FFP is available in State expenditures for abortions only if continuation of the pregnancy would endanger the mother's life, or the pregnancy is the result of rape or incest. Section 402 of Pub. L. 97–12 and later laws that appropriate funds for the Medicaid program, including section 204 of Pub. L. 98–619, prohibit the use of Federal funds to pay for abortions except when continuation of the pregnancy would endanger the mother's life. This provision is more restrictive than the provisions that were in effect when the regulations on abortions were last published.

We have revised Part 441 of the Medicaid regulations to reflect the limitation imposed by Pub. L. 97–12, and extended by later legislative documents that provide funds for the Medicaid program. The provision of FFP in State payments in cases of rape or incest is removed.

This is merely a conforming change. The provisions of Pub. L. 97–12 and the later legislative documents have been implemented as early as 1981 through instructions to the States and Regional Offices.

In addition to the revisions noted above, we are making a minor and technical revision to 42 CFR 440.30(c). Existing paragraph (c) requires that an independent laboratory participating in Medicaid must meet the requirements for participation in Medicare. We believe that, when the regulation was drafted, the intention was to refer to the Medicare requirements for independent laboratories. Consequently, we are revising § 440.30(c) by rephrasing it to clarify that "other laboratory and x-ray services" means services furnished by a laboratory that meets the Medicare conditions for coverage of services for independent laboratories under Part 405, Subpart M. We are rephrasing paragraph (c) to make it clear that 42 CFR 440.30 does not apply to any services furnished by a laboratory that is part of a hospital, skilled nursing facility or rural health clinic participating in the Medicare program. The conditions that apply to these laboratories are in 42 CFR Part 405, Subparts J, K and X, respectively.

In the March 11, 1983 NPRM, we proposed to clarify an ambiguity in existing Medicaid regulations at 42 CFR 447.40 concerning Medicaid payment for reserved beds. The clarification proposed in the March 11, 1983 publication has been accomplished by final regulations published on July 3, 1986 (51 FR 24484).

III. Revisions To The Regulations

A. We are adopting the proposed rule published on March 11, 1983 (48 FR 10378) as final with minor editorial corrections and the following revisions to the proposed regulations:

1. To the basis and purpose in § 431.625(a), we are adding a new paragraph (5) to reference section 1902(a)(15) of the Act.

2. In § 431.625, we are breaking paragraph (c) into two subparagraphs. In paragraph (c)(1), we are clarifying that a State has the option of paying the deductible and coinsurance amounts "for those Medicare Part B services" not covered under the State plan. This is more precise than "on a full range of Medicare Part B services" which appeared in the proposed regulation. In new paragraph (c)(2), we specify that when a State pays a portion of Medicare Part B cost sharing amounts, the amount paid must be reasonably related to a recipient's income and resources.

3. In § 431.625, we are breaking paragraph (d)(1) into two subparagraphs, revising the wording for clarity, and adding seven groups inadvertently omitted from the previous listing. Subparagraph (d)(1) is revised to set forth the basic rule regarding availability of FFP for payment of Medicare Part B premiums, and a new paragraph (d)(2) is added to indicate the exceptions to that rule. To new paragraph (d)(2), we are adding the following groups of individuals to the list of Medicaid recipients receiving cash payments for whom FFP is available in State expenditures for Medicare Part B premiums, since these recipients may also be eligible for Medicare benefits:

(a) Individuals receiving foster care maintenance payments and adoption assistance payments who, under title IV–E of the Act, are considered as receiving AFDC payments.

(b) Individuals required to be covered under 42 CFR 435.120, that is, blind or disabled individuals who, under section 1619(b) of the Act, are considered to be receiving SSI.

(c) Individuals who, in accordance with 42 CFR 435.115 and 436.114 are, for purposes of Medicaid eligibility, considered to be receiving AFDC. These are participants in a work supplementation program, or individuals denied AFDC because the payment would be less than $10.

(d) Recipients of Veterans Administration pensions who, under section 310(b) of Pub. L. 97–272, are considered to be eligible for SSI, mandatory State supplements, or AFDC.

(e) Disabled children living at home to whom the State provides Medicaid under section 1902(e)(3) of the Act.

(f) Individuals who, in accordance with section 406(h) of the Act, become ineligible for AFDC because of the collection or increased collection of child or spousal support, but remain eligible for Medicaid for four more months.

(g) Individuals who, in accordance with section 402(a)(37) of the Act, become ineligible for AFDC because they are no longer eligible for the disregard of earnings of $30 or of $30 plus one third of the remainder, but are considered as receiving AFDC for an additional period of time.

4. We are revising § 440.20(a)(4) to clarify that a Medicaid agency may exclude from the definition of outpatient hospital services those types of items and services that are not generally furnished by most hospitals in the State.

B. We are adopting the portions of the proposed rule dealing with third party liability, published on August 9, 1983 (48 FR 36151) as final. In 42 CFR 431.800, we are removing requirements for States to conduct third party liability quality control reviews in paragraphs (a), (b), (d) and (g).

C. We are making a technical revision to § 440.30(c) to clarify that "other laboratory and x-ray services" means services furnished by a laboratory that meets the Medicare conditions for coverage of services for independent laboratories, (42 CFR Part 405, Subpart M). Without the clarification, there could be confusion over whether the section referred to requirements for participation under Subpart M or the conditions in Subparts J, K, and X.

VOL 52 ISS 242 DEC 17 1987 UMI

respectively. This revision does not alter either coverage or billing provisions.

D. We are revising Subpart E of Part 441 by removing § 441.204 [Reserved] and § 441.205, Rape and Incest, and by making conforming changes to § 441.202, 441.206 and 441.208 to eliminate references to deleted § 441.205.

IV. Waiver of Proposed Rulemaking

We ordinarily publish notices of proposed rulemaking in the **Federal Register**, and offer the public an opportunity to comment on proposed rules. Such notices include a statement of the nature of the rulemaking proceeding, reference to the legal authority under which the rule is proposed, and the terms or substance of the proposed rule or a description of the subjects and issues involved. However, this requirement can be waived when we find good cause that such a notice and comment procedure is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and its reasons in the rule issued.

The revisions to Part 441, Subpart E relating to limitations on the use of Federal funds for abortions are merely those necessary to conform the regulation text to statutory provisions and appropriations documents that have been implemented as early as 1981 through instructions to States and the Regional Offices. Accordingly, we have concluded that issuance of these legislative changes for notice and comment would be unnecessary and contrary to the public interest. Therefore, we find good cause to waive the proposed rulemaking procedure.

With regard to the revisions to regulations at 42 CFR 440.30(c), we believe that, since these technical revisions are merely clarifications of our original intent, and in no way affect any existing practices in any State, it is unnecessary to publish them in proposed form. We further believe that no purpose would be served and it would not be in the public interest to delay publication of these revisions. Therefore, we find good cause to waive proposed rulemaking for the regulatory provisions in § 440.30(c).

V. Regulatory Impact Statement

Executive Order 12291 requires us to prepare and publish a regulatory impact analysis for any regulations that are likely to result in:

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices, for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- Significant adverse effects on competition, employment investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In addition, consistent with the Regulatory Flexibility Act (5 U.S.C. 601–612), we prepare and publish a regulatory flexibility analysis for regulations unless the Secretary certifies that the regulations will not have significant economic impact on a substantial number of small entities.

In the NPRM published on March 11, 1983 (48 FR 10378), we stated on assumption that about two-thirds of States with Medicare Part B buy-in agreements would elect not to pay cost sharing amounts for Medicaid recipients for those Medicare services that States do not cover in their Medicaid plans. We estimated that Federal savings resulting from this possible outcome would be $5 million in FY 1984 and $6 million FY 1985.

Comment: Two client advocacy groups disagreed with our estimate of the economic impact of these regulations. They believe that the impact will exceed $100 million, which would require us to prepare and publish a regulatory impact analysis under Executive Order 12291. Several commenters argued that the regulations would not result in State or Federal savings and might increase costs because some individuals, unable to pay Part B cost sharing amounts, may seek Part B services in a different setting where the service is covered under the Medicaid plan. If the Medicare service is covered under the State Medicaid plan, the State would be required to pay the cost sharing amounts.

Response: We believe that these comments reflect a misinterpretation of the intent of these regulations. Our estimate was based upon the assumption that States may choose to pay cost sharing amounts under Medicare Part B buy in agreements on all, some, or none of the Part B benefits that are not covered in the States' Medicaid plan. We believe that the commenters have included in their estimates cost sharing amounts for Part B benefits that are covered in the States' Medicaid plan.

For the final regulation, we are updating the assumptions and methodology involved with the previous estimate. We still contend that the major assumption affecting potential savings is the number of States that elect to exercise this option.

Updating the estimate involved surveying the twelve States that pay the highest amounts of premiums for Medicare buy-ins to determine their expected programmatic changes in response to this option. The survey indicates that some States would elect the option of not paying the coinsurance amounts, while several others expressed uncertainty about any potential changes. Thus, we are not able to conclude how States will respond to the change to current buy-in agreements. Absent this information it is not possible to develop a quantified estimate of FFP savings resulting from these changes to our current regulations. However, given current amounts of FFP paid as the Federal cost-sharing for these Part B services, and, furthermore, assuming that States' responses will range between not paying the cost-sharing amounts to paying the full cost-sharing amount for non-Medicaid-covered Part B services, potential Federal savings could range from $0 to 10 million annually. A State's savings would be 80 percent of actual Federal savings related to FFP paid to that State in any one year.

We expect a small impact of providers currently furnishing noncovered services for which States are paying copayment under Medicare. If States choose to discontinue paying copayment, there may be an effect on some providers, such as home health agencies. In view of the difficulty in predicting the response of States, it is not feasible to analyze this impact.

As noted in section II. A of the preamble, we are adding to the regulation seven groups of Medicaid recipients receiving cash payments to the list of Medicaid recipients for whom FFP is available to States for expenditures for Medicare Part B premiums. This change merely conforms the regulation to the statutory requirement and to what has already been implemented.

As noted in the NPRM, the revision to the definition of outpatient hospital services provides that the States may, at their discretion, exclude services not generally furnished as outpatient hospital services by most hospitals in a State. Data are not currently available to determine the extent to which States are now paying for these services or the extent to which they will choose to exercise this option. However, although it is not possible to estimate the budgetary impact of these provisions, based on our programmatic experience we believe that the economic effect is not significant.

By removing the requirement that States perform TPL quality control reviews, we believe that the accompanying Federal burden on States will be reduced and the States will have greater flexibility. It is not possible to estimate the economic impact this will have on State operations.

In view of the preceding discussion, this regulation does not require an analysis under either Executive Order 12291 or the Regulatory Flexibility Act. We have determined, and the Secretary certifies, that these final regulations will not have a significant economic impact on a substantial number of small entities.

VI. Reporting Requirements

This regulation does not contain information collection requirements under the Paperwork Reduction Act. Therefore, we have not submitted a copy of this rule to OMB for its review under the Paperwork Reduction Act.

List of Subjects

42 CFR Part 431

Grant programs-health, Health facilities, Medicaid, Privacy, Reporting and recordkeeping requirements.

42 CFR Part 435

Aid to Families with Dependent Children, Grant programs-health, Medicaid, Reporting and recordkeeping requirements, Supplemental Security Income (SSI), Wages.

42 CFR Part 440

Grant programs-health, Medicaid.

42 CFR Part 441

Family planning, Grant programs-health, Infants and children, Medicaid, Penalties, Prescription drugs, Reporting and recordkeeping requirements.

42 CFR Chapter IV is amended as set forth below:

PART 431—STATE ORGANIZATION AND GENERAL ADMINISTRATION

1. The authority citation for Part 431 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act, (42 U.S.C. 1302).

Subpart M—Relations With Other Agencies

2. Section 431.625 is amended by revising paragraph (a), by revising and redesignating paragraph (c) as paragraph (d) and by adding a new paragraph (c) to read as follows:

§ 431.625 Coordination of Medicaid with Medicare part B.

(a) *Basis and purpose.* (1) Section 1843(a) of the Act requests the Secretary to have entered into an agreement with any State that requested that agreement before January 1, 1970, or during calendar year 1981, under which the State could enroll certain Medicare-eligible recipients under Medicare part B and agree to pay their premiums.

(2) Section 1902(a)(10) of the Act (in clause (II) following subparagraph (D)), allows the State to pay the premium, deductibles, cost sharing, and other charges for recipients enrolled under Medicare part B without obligating itself to provide the range of part B benefits to other recipients; and

(3) Section 1903 (a)(1) and (b) of the Act authorizes FFP for State payment of Medicare part B premiums for certain recipients.

(4) This section—

(i) Specifies the exception, relating to part B coverage, from the requirement to provide comparable services to all recipients; and

(ii) Prescribes FFP rules concerning State payment for Medicare premiums and for services that could have been covered under Medicare.

(5) Section 1902(a)(15) of the Act requires that if a State chooses to pay only a portion of deductibles, cost sharing or other charges for recipients enrolled under Medicare Part B, the portion that is to be paid by a Medicaid recipient must be reasonably related to the recipient's income and resources.

* * * * *

(c) *Effect of payment of premiums on State liability for cost sharing.* (1) State payment of Part B premiums on behalf of a Medicaid recipient does not obligate it to pay on the recipient's behalf the Part B deductible and coinsurance amounts for those Medicare Part B services not covered in the Medicaid State plan.

(2) If a State pays on a recipient's behalf any portion of the deductible or cost sharing amounts under Medicare Part B, the portion paid by a State must be reasonably related to the recipient's income and resources.

(d) *Federal financial participation: Medicare Part B premiums*—(1) *Basic rule.* Except as provided in paragraph (d)(2) of this section, FFP is not available in State expenditures for Medicare Part B premiums for Medicaid recipients unless the recipients receive money payments under title I, IV–A, X, XIV, XVI (AABD or SSI) of the Act, or State supplements as permitted under section 1616(a) of the Act, or as required by section 212 of Pub. L. 93–66.

(2) *Exception.* FFP is available in expenditures for Medicare Part B premiums for the following groups:

(i) AFDC families required to be covered under §§ 435.112 and 436.116 of this subchapter, those eligible for continued Medicaid coverage despite increased income from employment;

(ii) Recipients required to be covered under §§ 435.114, 435.134, and 436.112 of this subchapter, those eligible for continued Medicaid coverage despite increased income from monthly insurance benefits under title II of the Act;

(iii) Recipients required to be covered under § 435.135 of this subchapter, those eligible for continued Medicaid coverage despite increased income from cost-of-living increases under title II of the Act;

(iv) Recipients of foster care maintenance payments or adoption assistance payments who, under Part E of title IV of the Act are considered as receiving AFDC;

(v) Individuals required to be covered under § 435.120 of this chapter, that is, blind or disabled individuals who, under section 1619(b) of the Act, are considered to be receiving SSI;

(vi) Individuals who, in accordance with §§ 435.115 and 436.114 of this chapter are, for purposes of Medicaid eligibility, considered to be receiving AFDC. These are participants in a work supplementation program, or individuals denied AFDC because the payment would be less than $10;

(vii) Certain recipients of Veterans Administration pensions during the limited time they are, under section 310(b) of Pub. L. 96–272, considered as receiving SSI, mandatory State supplements, or AFDC;

(viii) Disabled children living at home to whom the State provides Medicaid under section 1902(e)(3) of the Act;

(ix) Individuals who become ineligible for AFDC because of the collection or increased collection of child or spousal support, but, in accordance with section 406(h) of the Act, remain eligible for Medicaid for four more months; and

(x) Individuals who become ineligible for AFDC because they are no longer eligible for the disregard of earnings of $30 or of $30 plus one-third of the remainder, but, in accordance with section 402(a)(37) of the Act, are considered as receiving AFDC for a period of 9 to 15 months.

(3) No FFP is available in State Medicaid expenditures that could have been paid for under Medicare part B but were not because the person was not enrolled in part B. This limit applies to all recipients eligible for enrollment under part B, whether individually or through an agreement under section 1843(a) of the Act. However, FFP is available in expenditures required by §§ 435.914 and 436.901 of this subchapter for retroactive coverage of recipients.

Subpart P—Quality Control

3. Section 431.800 is amended by removing the definition of "Third-party

liability error" from paragraph (b), and revising paragraphs (a), (d)(4), and (i)(1) to read as follows:

§ 431.800 Medicaid quality control (MQC) system.

(a) *Basis and purpose*—(1) *Basis.* This subpart implements the following sections of the Act, which establish requirements for State plans and for payment of Federal financial participation (FFP) to States:

1902(a)(4) Administrative methods for proper and efficient operation of the State plan.

1903(u) Limitation of FFP for erroneous medical assistance expenditures.

(2) *Purpose.* This section establishes State plan requirements for a Medicaid quality control system designed to reduce erroneous expenditures by monitoring eligibility determinations, and claims processing.

* * * * *

(d) *Basic elements of an MQC eligibility system.* The agency—

* * * * *

(4) Must review any claims pertaining to each active case to identify erroneous payments resulting from—

(i) Ineligibility; and

(ii) Recipient understated or overstated liability.

* * * * *

(i) *Corrective action.* The agency must—

(1) Take action to correct any eligibility, or negative case action errors found in the sample cases;

* * * * *

PART 435—ELIGIBILITY IN THE STATES, THE DISTRICT OF COLUMBIA, THE NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA

1. The authority citation for Part 435 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. Section 435.1009 is amended by revising the definition of "inpatient" and by adding in alphabetical order the definition of "outpatient".

§ 435.1009 Definitions relating to institutional status.

* * * * *

"Inpatient" means a patient who has been admitted to a medical institution as an inpatient on recommendation of a physical or dentist and who—

(1) Receives room, board and professional services in the institution for a 24 hour period or longer, or

(2) Is expected by the institution to receive room, board and professional services in the insitution for a 24 hour period or longer even though it later develops that the patient dies, is discharged or is transferred to another facility and does not actually stay in the institution for 24 hours.

* * * * *

"Outpatient" means a patient of an organized medical facility or distinct part of that facility who is expected by the facility to receive, and who does receive, professional services for less than a 24-hour period regardless of the hour of admission, whether or not a bed is used or whether or not the patient remains in the facility past midnight.

* * * * *

PART 440—SERVICES: GENERAL PROVISIONS

1. The authority citation for Part 440 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. Section 440.2(a) is amended by revising the definition of "Outpatient" and by adding in alphabetical order the definition of "Inpatient".

§ 440.2 Specific definitions; definitions of services for FFP purposes.

(a) *Specific definitions.*

"Inpatient" means a patient who has been admitted to a medical institution as an inpatient on recommendation of a physician or dentist and who—

(1) Receives room, board and professional services in the institution for a 24 hour period or longer, or

(2) Is expected by the institution to receive room, board and professional services in the institution for a 24-hour period or longer even though it later develops that the patient dies, is discharged or is transferred to another facility and does not actually stay in the institution for 24 hours.

"Outpatient" means a patient of an organized medical facility, or distinct part of that facility who is expected by the facility to receive and who does receive professional services for less than a 24-hour period regardless of the hour of admission, whether or not a bed is used, or whether or not the patient remains in the facility past midnight.

* * * * *

3. Section 440.10 is amended by revising paragraph (a)(3)(iii) to read as follows. The introductory texts of paragraphs (a) and (a)(3) are republished.

§ 440.10 Inpatient hospital services, other than services in an institution for mental diseases.

(a) "Inpatient hospital services means services that—

* * * * *

(3) Are furnished in an institution that—

* * * * *

(iii) Except in the case of medical supervision of nurse-mid wife services, as specified in § 440.165, meets the requirements for participation in Medicare as a hospital; and

* * * * *

4. Section 440.20 is amended by revising paragraph (a)(3)(ii) and adding paragraph (a)(4) to read as follows. The introductory text of paragraphs (a) and (a)(3) are republished.

§ 440.20 Outpatient hospital services and rural health clinic services.

(a) *"Outpatient hospital services"* means preventive, diagnostic, therapeutic, rehabilitative, or palliative services that—

* * * * *

(3) Are furnished by an institution that—

* * * * *

(ii) Except in the case of medical supervision of nurse-midwife services, as specified in § 440.165, meets the requirements for participation in Medicare as a hospital; and

(4) May be limited by a Medicaid agency in the following manner: A Medicaid agency may exclude from the definition of "outpatient hospital services" those types of items and services that are not generally furnished by most hospitals in the State.

* * * * *

5. Section 440.30 is amended by reprinting the introductory text and revising paragraph (c) as follows:

§ 440.30 Other laboratory and X-ray services.

"Other laboratory and X-ray services" means professional and technical laboratory and radiological services—

* * * * * *

(c) Furnished by a laboratory that meets the Medicare conditions for coverage of services for independent laboratories.

6. Section 440.80 is revised to read as follows:

§ 440.80 Private duty nursing services.

"Private duty nursing services" means nursing services for recipients who require more individual and continuous care than is available from a visiting nurse or routinely provided by the nursing staff of the hospital or skilled nursing facility. These services are provided—

(a) By a registered nurse or a licensed practical nurse;

(b) Under the direction of the recipient's physician; and

(c) To a recipient in one or more of the following locations at the option of the State—

(1) His or her own home;

(2) A hospital; or

(3) A skilled nursing facility.

PART 441—SERVICES: REQUIREMENTS AND LIMITS APPLICABLE TO SPECIFIC SERVICES

1. The authority citation continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. Section 441.200 is revised to read as follows:

§ 441.200 Basis and purpose.

This subpart implements section 402 of Pub. L. 97–12, and subsequent laws that appropriate funds for the Medicaid program, including section 204 of Pub. L. 98–619. All of these laws prohibit the use of Federal funds to pay for abortions except when continuation of the pregnancy would endanger the mother's life.

3. Section 441.201 is revised to read as follows:

§ 441.201 Definition.

As used in this subpart, "physician" means a doctor of medicine or osteopathy who is licensed to practice in the State.

4. Section 441.202 is revised to read as follows:

§ 441.202 General rule.

FFP is not available in expenditures for an abortion unless the conditions specified in §§ 441.203 and 441.206 are met.

§ 441.205 [Removed]

5. Section 441.205 is removed.

6. Section 441.206 is revised to read as follows:

§ 441.206 Documentation needed by the Medicaid agency.

FFP is not available in any expenditures for abortions or other medical procedures otherwise provided for under § 441.203 if the Medicaid agency has paid without first having received the certifications and documentation specified in that section.

7. Section 441.208 is revised to read as follows:

§ 441.208 Recordkeeping requirements.

Medicaid agencies must maintain copies of the certifications and documentation specified in § 441.203 for 3 years under the recordkeeping requirements at 45 CFR 74.20.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: June 26, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: September 25, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87–28903 Filed 12–16–87; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86–455; RM–5068, RM–5337, RM–5756]

Radio Broadcasting Services; Andalusia, Brantley, and Georgiana, AL; and Crestview, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 282A to Brantley, Alabama (in lieu of Channel 282A as proposed by the *Notice*) in response to the petition of Stewart Marsh and Virgil Leon Strickland for first FM service at Brantley. At the request of Crestview Broadcasting Company, licensee of Station WAAZ–FM, Crestview, Florida, Channel 284C2 is substituted for Channel 285A and its license modified to specify the Class C2 Channel. In addition, Channel 279A is substituted for Channel 284A at Andalusia, Alabama, and the construction permit for Station WAAO–FM, modified accordingly, in order to accommodate the Brantley and Crestview allotments. The counterproposal of Mac Carter requesting the allotment of Channel 282A to Georgiana, Alabama, has been dismissed at Carter's request in order to consider allotting Channel 262C2 to Georgiana, as a conflicting proposal in Docket 86–470. With this action, this proceeding is terminated.

DATES: Effective January 22, 1988. The window period for filing applications for Channel 282A at Brantley, Alabama, will open on January 25, 1988, and close on February 24, 1988.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86–455, adopted November 23, 1987, and released December 10, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased form the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended for Andalusia, Alabama, by removing Channel 284A and adding Channel 279A; Brantley, Alabama, Channel 282A is added; and for Crestview, Florida, by removing Channel 285A and adding Channel 284C2.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–28863 Filed 12–16–87; 8:45 am]

BILLING CODE 6712-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1852

[NASA FAR Supplement Directive 85–9]

Miscellaneous Amendments to NASA FAR Supplement; Correction

AGENCY: Office of Procurement, Procurement Policy Division, NASA.

ACTION: Final rule, Correction.

SUMMARY: This document, published Thursday, December 10, 1987, beginning on page 46765, published amendments to the NASA Federal Acquisition Regulation Supplement (NFS), but inadvertently failed to remove sections which are no longer applicable.

FOR FURTHER INFORMATION CONTACT: W.A. Greene, Procurement Policy

Division (Code HP), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: (202) 452-2119.

S.J. Evans,

Assistant Administrator for Procurement.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1. The authority citation for 48 CFR Part 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

2. On page 46771, in the second column, amendatory instruction e., is corrected to read as follows:

e. Sections 1852.227–14, 1852.227–19, and 1852.227–86 are added and sections 1852.227–74 through 1852.227–81 and 1852.227–83 are removed to read as follows:

[FR Doc. 87–28982 Filed 12–16–87; 8:45 am]

BILLING CODE 7510-01-M

Proposed Rules

Federal Register

Vol. 52, No. 242

Thursday, December 17, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SMALL BUSINESS ADMINISTRATION

13 CFR PART 121

Small Business Size Standards for Construction and Surveying Services Industries and Subcontracting Limitations

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The Small Business Administration (SBA) is proposing to amend its size standards for the construction industry division (except heavy construction, not elsewhere classified, and dredging), and for the surveying services industry. In addition, subcontracting limitations, requiring that at least 15 percent of the contract labor value for general contractors and 25 percent for special trades must be performed with the winning contractor's work force on set-aside and 8(a) contracts, are being proposed for the construction industries. The proposed size standard revisions are pursuant to identical requirements of Pub. L. 99–591 and Pub. L. 99–661. The issuance of proposed rules to implement the public laws was made known to the public through an "Advance Notice of Proposed Rulemaking" (ANPRM) on March 17, 1987 (52 FR 8261).

Pub. L. 99–591 and 99–661 amend the Small Business Act in several areas. One amendment requires SBA to review four selected industry groups for the Fiscal Years 1984–86 to determine if the total dollar value of small business set-aside and SBA's 8(a) awards in any of these industries exceeds 30 percent of the value of overall Federal procurement awards in the respective industries. If so, the laws require SBA to lower the relevant industry size standard to a level that will likely reduce the total of small business set-aside and 8(a) awards to approximately 30 percent of total Federal procurements. SBA has conducted a review of Federal procurement awards in the following industry groups: Construction, architecture and engineering services (including surveying and mapping), shipbuilding and ship repair, and refuse systems and related services. Based on this review, SBA is proposing an amendment to its size standards in 26 industries. Pub. L. 99–591 and 99–661 also grant SBA the authority to establish segmented size standards to reflect special equipment, labor or geographic requirements. SBA is not proposing segmented size standards for the dredging and shipbuilding and ship repair industries that were presented for consideration in the March 17, 1987, ANPRM.

The legislation requiring the review of size standards also required that recipients of small business set-asides and 8(a) contracts agree to perform with its own employees: 50 percent of the cost of performance (excluding materials) of supply contracts (except for regular dealers); 50 percent of the cost of performance of service contracts; and, a similar requirement for construction, the proportion to be established by regulation. SBA proposes to amend its size regulation to implement these requirements, and in the case of construction is proposing that figures established in the SBA's regulation (13 CFR Part 124) for 8(a) firms be used as the reference point. This regulation states that "at least 15 percent of the contract labor value for general contractors and 25 percent of special trades, must be performed with the contractor's own work force." SBA encourages commentors to review closely these subcontracting limitations for construction as it wishes to establish percentages reflecting traditional industry practices in construction.

SBA is publishing this regulation for public comment as a step in the implementation of Pub. L. 99–591 and 99–661, which amended the Small Business Act to require adjustment of size standards to control the levels of small business set-aside and 8(a) awards in each SIC.

In addition to soliciting comments on the provisions of this Notice of Proposed Rulemaking, SBA is interested in receiving comments on any other methods for achieving the stated purposes of controlling the level of set-asides in Federal procurements. Commentors should address the elements of feasibility and impact relative to the existing method, when providing alternative approaches to the issue.

DATE: Comments to be submitted on or before February 16, 1988.

ADDRESSES: Address comments to: Monika Edwards Harrison, Chairperson, Size Policy Board, U.S. Small Business Administration, 1441 'L' Street, NW.—Room 600, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Gene VanArsdale, (202) 653–6586.

SUPPLEMENTARY INFORMATION: Pub. L. 99–591 (An Act making continuing appropriations for Fiscal Year 1987) and an identical provision of Pub. L. 99–661 (National Defense Authorization Act for Fiscal Year 1987) require the Small Business Administration to complete a review of its size standards in four industry groups: Construction (all Standard Industrical Classification (SIC) codes in Major Groups 15, 16, and 17 of the SIC system); Architecture and Engineering Services, including Surveying and Mapping Services (SIC Codes 8711, 8712, and 8713, respectively); Shipbuilding and Ship Repair (SIC Code 3731); and Refuse System and Related Services (SIC Code 4953).

It should be noted that the construction and architectural and engineering services industry groups include a number of 4-digit SIC industries with separate size standards. Construction includes nine industries in general construction and 17 special trade industries. Architectural and engineering services have three industries with size standards. In addition, the two industry groups have three size standards based on components of two 4-digit SIC industries. Consequently, 31 industries covering 34 size standards were reviewed.

This proposal describes the data sources and methodologies for identifying the industries in the four major groups in which the total of set-aside and 8(a) contract dollars expended between FY 1984 and 1986 exceeded 30 percent of Federal procurement awards and for developing lower size standards that will likely reduce the total of small business set-aside and 8(a) awards to approximately 30 percent for industries above that level. Proposed size standards are listed at the end of the proposed rule for those industries requiring adjustment. The

proposal also describes a proposal for subcontracting limitations at specific percentages for the construction industry. This is followed by a discussion of the reasons for not proposing segmented size standards for the dredging and shipbuilding and ship repair industries.

Percent of Set-Asides by Industry

Table 1 presents the average FY 1984–86 total of set-aside and 8(a) awards as a percentage of all Federal procurement dollars for each Standard Industrial Classification (SIC) industry designated in the law for review. Set-aside contracts plus 8(a) contracts exceed 30 percent of Federal procurements for all construction industries, except SIC Code 1629 (Heavy Construction, Not Elsewhere Classified, and its dredging component which has a distinct size standard), and for the surveying services industry, SIC Code 8713 (formerly a part of SIC–8911).

TABLE 1.—PROCUREMENT DATA RELATING TO INDUSTRIES COVERED BY PUB. L. 99–591[1]

[M=millions of dollars]

SIC	Present size standard	Set-aside plus 8(a) procurement dollars	Total federal procurement dollars	Percent set-aside and 8 (a) awards	Percent in excess of 30 percent	Dollars targetted to be shifted to unrestricted category by lowering the size standard
Construction: Building Construction						
1521*	$17.0M	$142.5M	$314.2M	45.3	15.3	$48.1M
1522*	17.0M	127.3M	326.5M	39.0	9.0	29.4M
1531*	17.0M	8.0M	17.5M	45.7	15.7	2.7M
1541*	17.0M	586.5M	1,073.9M	54.6	24.6	264.2M
1542*	17.0M	1,854.9M	2,868.1M	64.0	34.0	985.4M
Construction Other Than Building						
1611*	$17.0M	5390.7M	$732.6M	53.3	23.3	$170.7M
1622*	17.0M	65.1M	123.6M	52.6	22.6	28.0M
1623*	17.0M	155.0M	216.3M	71.7	41.7	90.2M
1629 (Less Dredging)	17.0M	237.9M	1,142.9M	20.8	0.0	0.0M
1629 (Dredging Component)	9.5M	50.8M	306.7M	16.6	0.0	0.0M
Special Trades:						
1711*	$7.0M	$390.4M	$558.2M	69.9	39.9	$222.7M
1721*	7.0M	96.0M	107.1M	89.6	59.6	63.9M
1731*	7.0M	262.3M	419.5M	62.5	32.5	136.3M
1741*	7.0M	8.1M	11.7M	68.9	38.9	4.6M
1742*	7.0M	15.5M	23.0M	67.7	37.7	8.7M
1743*	7.0M	1.2M	1.5M	78.7	48.7	0.7M
1751*	7.0M	13.5M	14.7M	91.7	61.7	9.1M
1752*	7.0M	8.7M	8.9M	88.2	58.2	5.8M
1761*	7.0M	126.1M	141.2M	89.3	59.3	83.7M
1771*	7.0M	43.6M	47.6M	91.5	61.5	29.3M
1781*	7.0M	3.9M	7.1M	55.4	25.4	1.6M
1791*	7.0M	10.0M	21.9M	45.9	15.9	3.5M
1793*	7.0M	5.2M	5.8M	90.0	60.0	3.5M
1794*	7.0M	83.9M	111.3M	84.4	54.4	60.5M
1795*	7.0M	7.6M	9.5M	80.0	50.0	4.8M
1796*	7.0M	9.2M	17.5M	52.6	22.6	4.0M
1799*	7.0M	66.1M	127.9M	51.7	21.7	27.8M
Shipbuilding and Ship Repair						
3731	1,000E	$424.0M	$5,526.9M	7.7	0.0	$0.0M
Refuse Systems						
4953	$6.0M	$16.2M	$72.4M	22.4	0.0	$0.0M
Engineering, Architectural and Surveying						
8711(A)	13.5M	143.4M	1,011.6M	14.2	0.0	0.0M
8711(B)	9.0M	32.0M	445.0M	7.2	0.0	0.0M
8711**(C)						0.0M
8712	2.5M	108.7M	434.7M	25.0	0.0	0.0M
8713*	2.5M	17.4M	23.4M	74.0	44.0	10.3M

*=Size Standard Change Required By Law.
8711(A)=Engineering Services for Military and Aerospace Equipment and Military Weapons.
8711(B)=Engineering Services for Marine Engineering and Naval Architecture Services.
8711(C)=Engineering Services Unrelated to Military or Aerospace Equipment or Marine and Naval Architecture Services.
8712=Architectural Services (Other Than Naval).
8713=Surveying Services.
**=SBA is unable to separate activities related to 8711 (C) from 8712 for statistical purposes related to the implementation of the 30 percent rule. Until better data are received which is unique to either activity, SBA will retain the present size standards in these activites.
[1] Procurement Data are shown as 1984–86 average annual dollars.

The variation by SIC for those industries exceeding 30 percent was from 43 to 71 percent of all Federal purchases for general construction industries and for special trades industries it was from 45 to 94 percent. Set-aside and 8(a) contracts for Shipbuilding and Ship Repair were substantially below 30 percent. Similarly, set-asides for Refuse Systems, SIC–4953, at 23 percent, were well below the 30 percent threshold. For SIC–8711 to 8713, Engineering Architecture and Surveying (formerly grouped together under SIC–8911), the set-asides plus 8(a) share of the three industries averaged 16 percent of all Federal procurements. However, SIC–8713, Surveying Services, had a set-aside and 8(a) share of 74 percent.

The last two columns of Table 1 provide information relating to the targets which the statutes require SBA to consider when lowering its size standards. The goal in revising the size standard of SIC–1521 (Single-Family Housing Construction), for example, is to reduce the present size standard of $17 million (first column) to a level that is likely to reduce set-asides to 30 percent. This would be achieved by shifting 15 percent (fifth column) of Federal revenues in the industry from the set-aside to unrestricted category. Based on average contract data over the 1984–86 period, $48 million dollars in Federal contracts (sixth column) would have to move from the set-aside to unrestricted category for this industry to meet the 30 percent level. The proposed size standard for SIC–1521 is expected to be effective in reducing set-asides by $48 million. Similar projections are provided in Table 1 for every industry affected by the law.

Data

The laws direct the SBA to adjust size standards based on Federal procurement patterns for any 4-digit SIC code industry classified in the four major industry groups. Data for making such a determination are gathered by the Federal Procurement Data Center (FPDC) of the General Services Administration. No other agency of Government gathers aggregated Federal procurement data. Table 1 was developed from the FPDC data.

To understand the strengths and weaknesses of data gathered by the FPDC, it is useful to understand how a size standard is utilized in the process of setting aside a contract for small business. To determine the appropriate size standard for a contract, the Federal contracting officer must determine the industry most closely associated with the contract in question. A firm must then meet the size standard test for eligibility to bid on the contract. It is important to note that the firm may only be peripherally involved in the industry associated with the size standard. Firms often produce goods and/or services associated with more than one industry. The proper category to calculate an industry's percentage of set-asides to total Federal procurements is the industry or SIC code associated with the contract award.

To date, contract data have not been gathered by the FPDC on an industry basis. The only industry data which SBA was able to obtain from the FPDC is the primary SIC code of the business establishment receiving the contract, not the SIC code identified with the contract itself. Thus only an approximation is available of the extent of 8(a) and set-asides purchases for the individual industries based on contract information. The data, nevertheless, are considered reasonably close to the results which would have been obtained had SBA been able to gather the data in the form specified in the law. For the industries studied, and especially for the smaller size firms of the industry, the SIC classification of the firm is most likely the SIC classification of the procurement. Beginning in 1989, FPDC will be collecting data on the SIC code of awarded Federal contracts, as requested by SBA.

Adjusting Industry Size Standards

The table at the end of this proposed rule shows the proposed size standards for those industries identified in Table 1 which exceeded the 30 percent level. A methodology for adjusting size standards was developed by considering how set-aside contracts are selected. The method assumes that by[4] eliminating from eligibility the larger small firms winning 8(a) or set-aside contracts it will be more difficult to set aside contracts. Consequently, the proportion of set-asides as a percent of total Federal procurement dollars would become lower.

A size standard is calculated which will eliminate from eligibility those larger small firms which have cumulatively been awarded set-aside and/or 8(a) contracts in excess of the 30 percent level. Table 2 illustrates this approach. All firms which received a set-aside or 8(a) contract in the industry are ranked by firm size (receipts from all sources). In the example, the largest small firm in the distribution had $6.9 million in sales with $4 million of its sales from set-aside and or 8(a) contracts. In order to achieve the desired 30 percent, $20 million in set-aside and/or 8(a) contracts would have to become unrestricted contracts. In this example, this is achieved by lowering the size standard to $5.8 million. This eliminates the largest small firms which have cumulatively been awarded set-aside and/or 8(a) contracts totaling $20 million.

TABLE 2.—HYPOTHETICAL EXAMPLE

Firms receiving set-aside and/or 8(a) contracts ranked by size of firm (M=millions of dollars)

Firm	Firm size	Total amount of the receipts awarded as firm's set-aside and/or 8(a) contracts over the year
A	$6.9M	[1] $4M
B	6.7M	[1] 1M
C	6.5M	[1] 5M
D	6.3M	[1] 3M
E	6.1M	[1] 3M
F	5.9M	[1] 4M
G	5.7M	[1] 3M

[1] Set the size standard to eliminate firms generating the targeted level of $20.0M in set-aside or 8(a) contracts by lowering the size standard from $7.0 to $5.8 million.

In order to calculate size standards using this method, SBA obtained microdata information from SBA's United States Establishment and Enterprise data base in which each contract awarded was identified with the size of firm winning the contract. SBA ranked firms active in the set-aside market by size of firm and these firms were cross-tabulated with awarded set-aside and 8(a) contracts to develop tables, such as Table 2, for each industry.

In the past SBA has also established a separate size standard for the activity of

base housing maintenance. This size standard was utilized if a contract involved the use of special trade contractors in different industries (plumbing, painting, plastering, carpentering, etc.). The size standard was $7 million (the same as all industries in special trades at that time) and it was utilized when three or more special trade activities were incorporated in the same contract.

The size standard for any contract composed of three or more special trade activities (formerly defined as a base housing maintenance) will now be the size standard of the special trade accounting for the greatest percentage of the total contract value. This is similar to the rule established for determining the size standard for other multiple-item contracts.

Subcontracting Limitations

The Advanced Notice of Proposed Rulemaking published March 17, 1987, stated that "SBA intends to use the statutory figure of 50 percent as its reference point for all service and supply (including manufacturing) industries, and the figures established in SBA's regulation (13 CFR Part 124) for 8(a) firms as the reference point for construction. This advance notice stipulated that "at least 15 percent of the contract labor value for general contractors and 25 percent of special trades must be performed with the contractor's own work force." There was in the public response to the March 17, 1987, notice, some favorable response to the figures of 25 percent and 15 percent as required levels for a contractors's own work force in special trades and general contracting, and they are retained in this proposed rule. In addition, public comment provided no special data to challenge the 50 percent figure for either supply or service contracts, although several submissions contained general discussion, pro or con, on the subcontracting limitations.

SBA is authorized to deviate from the 50 percent requirement for supply and service contracts for any industry where it is necessary to reflect conventional industry practices among business concerns that are below the industry category. Therefore, SBA is soliciting further comments concerning specific industry practices that would support any deviation from this proposal. In proposing the 15 and 25 percent subcontracting requirements for general contractors and special trades respectively, SBA is attempting to approximate traditional industry practices in construction. Any commentors who are able to provide information on traditional industry practices in the construction industries are encouraged to comment to the SBA.

Geographic Size Standards

In the Advance Notice of Proposed Rulemaking published on March 17, 1987, (52 FR 8261), SBA solicited comments on the subject of establishing separate geographic size standards for segments of the dredging and ship repair industries as authorized by the special segmentation provisions contained in Pub. L. 99–591 and Pub. L. 99–661. These segmented standards were:

SIC—3731 Shipbuilding and Ship Repair.

(At present this industry has a size standard of 1,000 employees).

(1) Nuclear ship repair and shipbuilding
(2) Shipbuilding (nonnuclear)
(3) Nonnuclear ship repair at:
  (a) Puget Sound/Portland
  (b) San Francisco
  (c) Los Angeles/Long Beach
  (d) San Diego
  (e) New England
  (f) New York/Philadelphia/New Jersey
  (g) Norfolk/Baltimore
  (h) Charleston
  (j) Jacksonville, Florida
  (j) Gulf Coast

SIC—1629 Heavy Construction, Not Elsewhere Classified—dredging component

(At present this industry has a size standard of $9.5 million in gross annual receipts).

(1) *Heavy Equipment/Dredging*
  (a) Northeast
  (b) Southeast
  (c) Gulf Coast
  (d) West Coast
  (e) Great Lakes
(2) *Light Equipment/Dredging*
  (a) Northeast
  (b) Southeast
  (c) Gulf Coast
  (d) West Coast
  (e) Great Lakes

SBA requested information which could establish significant differences within an industry based on capital equipment or special labor needs, or geographic requirements. SBA also sought the public's view as to whether the three statutory prerequisites which must be present before geographic segmentation of size standards may be established are present in the two industries. These prerequisites are: (1) The Government typically designates the area where work for such contracts is to be performed, (2) Government purchases comprise the major portion of the entire domestic market for such goods or services, and (3) due to the fixed location of facilities, high mobilization costs, or similar comments on the March 17, 1987, **Federal Register** AMPRM notice were received from private firms, industry associations, and Government agencies (e.g., Corps of Engineers). A majority of those commenting on the notice did not support segmented size standards for dredging. The comments included one dredging firm and one association that favored the concept of a regional standard, while four firms and two associations were opposed. Comments on segmented size standards for shipbuilding and ship repair were received as follows: Two firms and one association favored the concept, four firms and one association were opposed, and one association reserved comment on this issue until a proposed rule was issued.

The respondents raised several concerns regarding the proposed segmentation. Respondents in both industries opposed the idea of segmented size standards based on legal considerations. In dredging, respondents argued that dredges are mobile, and therefore, the statutory condition precluding competition from outside the regions listed above is not met. In ship repair, respondents argued that firms could change their area of operation by either leasing space in another shipyard or by moving operations. Moreover, ships themselves are mobile allowing for contracts on a national or coast-wide basis. As a result, firms often compete with firms outside their regions.

In response to these objections, SBA also sought out the opinions of the Army Corps of Engineers for the dredging industry and the Navy for the ship repair industry. The Corps stated that the third requirement for segmentation was not present and opposed the proposal. The Navy does not support either geographic or equipment based segmentation of the ship repair size standard and prefers to continue following the current policies and procedures for ship repair set-asides. SBA concludes that neither the dredging nor the ship repair industry meet the statutory requirement that it is unlikely to expect competition from business concerns located outside of the general areas where such concerns are located. Accordingly, SBA is not proposing segmented size standards for these two industries.

Compliance With Regulatory Flexibility Act and Executive Order 12291

This proposed rule if made final would have a significant effect on a substantial number of small firms as described in the Regulatory Flexibility Act. It would also constitute a major rule under E.O. 12291. The preceding information described the basis for this proposed rule, why it is being made, its objectives, and how it is to be implemented. The legal bases for this proposed rule are section 3 and 5(b) of the Small Business Act, 15 U.S.C. 632 and 634(b) and section 921 of Pub. L. 99–591. Below is an economic analysis of this proposed rule. It assesses the impact on small business eligibility (demographic impact) for SBA's programs, and the dollar impact on Federal procurements and the affected firms.

This rule would affect businesses within the construction and surveying industries in terms of their eligibility for SBA programs. Focusing on construction, as a proportion of total economic activity, Federal procurement represents only about 3 percent of all construction; nonetheless, it has significant implications for a certain segment of construction firms.

Because the law mandates reductions in the amount of set-aside contracting by changing the size standards, a number of firms will lose small business status, and consequently, lose eligibility for SBA programs. Also, some firms will not be successful in obtaining future Federal contracts as a result of a shift in contracts from the set-aside to the unrestricted method of Federal contracting as they had been in the past.

The proposed size standards have a distributional economic impact on the firms within an industry. The distributional economic impact for those firms losing small business eligibility may be assessed in terms of the demographic and dollar impacts. Those impacts are analyzed below.

The *demographic impact* is the number of firms which would be affected by the proposed rule. The broadest impact, and least consequential, simply quantifies the number of firms no longer defined as small business. SBA estimates that about 50,000 firms would lose small business status, or about 10 percent of a total of 500,000 construction and surveying firms listed in SBA's Small Business Data Base (SBDB). While this change can be disaggregated for each of the 26 industries affected, for convenience these results are presented for each major group in Table 3.

While these firms would lose small business status, the actual number of firms directly impacted would be less than 2 percent of the 500,000 firms because not all of these firms participate in Federal procurement or SBA's financial assistance programs. This smaller impact is estimated from an analysis of Federal procurement discussed below.

TABLE 3.—INDUSTRIES AND FIRMS AFFECTED BY PROPOSED SIZE STANDARDS

[B=billions of dollars]

Sic	Title	Number to firms	No. of firms losing small business status	Industry sales
(1)	(2)	(3)	(4)	(5)
15	Building Const	187,383	12,628	$55.7B
16	Non-Building Const	22,792	5,969	19.0B
17	Special Trades	293,002	31,880	58.5B
C	Const. Subtotal	503,177	48,477	$133.2B
8713	Surveying Services	6,226	1,319	0.6B
	Total—All Industries	509,403	49,796	$133.8B

Source: Small Business Data Base, USEEM, 1984.

To obtain a more accurate picture of the direct impact, SBA's two principal programs were examined for the demographic effect. First, in the procurement assistance program, the PASS [1] lists about 26,000 construction firms and 1,200 surveying firms. This is about 5 and one-half percent of the 500,000 listed in the Small Business Data Base. While not all firms interested in Federal procurement are listed in PASS, those firms listed are more likely to be directly affected by a size standard change than those in the industry in general.

Due to the proposed size standards, it is estimated that based on the PASS data, approximately 8,000 construction and surveying firms would lose small business status. This impact is summarized in the following table.

[1] PASS (Procurement Automated Source System) is a computerized list of small businesses interested in Federal contracting and their capabilities. Any firm can be listed by filling out a simple form. Inclusion in PASS is not mandatory and is intended to help procuring agencies in identifying small businesses interested in doing business with the Federal Government.

TABLE 4.—NUMBER OF FIRMS IN PASS LOSING SIZE STATUS

Sic	Description	Number in PASS	Losing small business status
15	Gen. Construction	1,610	276
16	Gen. Constr.-Non Building	6,403	1,519
17	Special Trades	17,829	5,465
C	Construction Subtotal	25,842	7,260

VOL 52 ISS 242 DEC 17 1987 UMI

VOL 52, ISS 242, DEC 17, 1987, UMI

TABLE 4.—NUMBER OF FIRMS IN PASS LOSING SIZE STATUS

Sic	Description	Number in PASS	Losing small business status
8713	Surveying Services	1,219	850
	Total—All Industries	27,061	8,110

Source: PASS, SBA Office of Procurement Assistance, data as of June 26, 1987.

The number of firms potentially impacted by the proposed rule is more likely to be closer to 8,000 firms or 1.6 percent of 500,000 firms shown in Table 3.

The number of guaranteed loans to firms made ineligible by the proposed size standards is small. Based on an analysis of SBA's major loan program, the Business Loans Program, an average of 901 loans per year to construction firms were made during FY 1984–86. No information is available as to the size of firms receiving these loans other than qualifying as small under the appropriate size standard. With a decline in eligibility of construction firms, either fewer loans would be made or the loans that would have been made to the newly ineligible firms would go to the remaining firms. If fewer loans were actually made, the impact could be on the same order of magnitude as firms losing eligibility as is shown in Table 3, that is, about a 10 percent decline based on the number of firms generally losing small business status. This would be a decrease of about 90 loans to construction firms per year.

The *dollar impact* of the proposed size standards can be broken out into three segments: General industry effect, procurement program effect, and financial program effect. First, the general industry effect is total sales (commercial and Federal) associated with the 50,000 firms losing small business status. As shown in Table 3, these firms generated $133.8 billion in industry sales. The proposed size standards will impact the sales generated by this group of firms. However, the impact is not on total industry sales, but those sales resulting from set-asides. This narrower impact has been analyzed as the procurement program effect.

The procurement program effect is estimated to equal $2.3 billion based on average 1984–86 levels. This is the value of Federal contracts which must be shifted away from small business set-asides to unrestricted contracts to meet the requirements of Pub. L. 99–591 that no more than 30 percent of total Federal contracts may be awarded as set-asides or 8(a) contracts in the specified industries. Table 5 shows this effect by major industry group.

TABLE 5.—SHIFT IN PROCUREMENT DOLLARS UNDER PROPOSED SIZE STANDARD

[B=billions of dollars]

Sic	Description	Procurement shift
15	Gen. Construction	$1.3B
16	Gen. Constr.-Non Building.	$0.3B
17	Special Trades	$0.7B
C	Construction Subtotal	$2.3B
8713	Surveying Services	Negligible
	Total—All Industries	$2.3B

Source: Special Tabulation of FPDC and SBDB/USEEM, 1984+1986 average.

In 1986 Federal procurements set aside for small business in construction totaled $4.5 billion. The shift of $2.3 billion away from set-asides would therefore bring about a 51 percent decline in construction dollars set aside for small business. This reduction would be incurred by an estimated 1,818 construction firms and 40 surveying firms according to a special tabulation of Federal Procurement Data Center and SBDB statistics for 1986. In 1986, 6,855 construction firms received set-aside contracts.

The estimated impact produced by implementing the law, $2.3 billion less in set-aside contracts, rests on the critical assumption that lowering the specified size standards will cause contracting agencies to replace that amount of set-asides with unrestricted contracts. Contracting agencies will be under no direct orders to reduce set-asides. It remains to be seen whether the indirect course of lowering size standards will have the required effect of reducing set-asides by more or less than $2.3 billion. If set-asides remain above 30 percent of total Federal procurements, then further adjustments to size standards will be considered.

Third, in SBA's major financial assistance program, the Business Loans Program, the dollar value of guaranteed loans which would have been received by those firms made ineligible by the proposed size standards reductions is estimated at about $14.6 million or about 0.5 percent of $3 billion of loans. This is derived from the estimated loss of 90 loans (see above) multiplied by the $162,000 average SBA loan amount for construction during 1984. Whether there actually will be a decrease in SBA's lending of this amount is uncertain, as this amount may simply be displaced to smaller firms which are still eligible. What could occur in some cases is a transfer rather than a net change in loans.

The economic analysis provided above focused on the distributional impacts of revised size standards. A broader economic analysis would also consider allocative impacts. These impacts are not examined, since they are expected to be minimal in the aggregate. For example, the allocation of resources between private and public purposes will not be affected. The overall level of Government spending for procurement will not change as a result of the size standards. Some arguments can be made that an efficiency gain on Federal procurements would occur as a result of lower size standards. These arguments would rest on the assumption that firms receiving unrestricted Federal procurements can perform at lower costs than small firms awarded set-aside procurements. These efficiency gains, if any, would be expected to be minimal for two reasons. First, competition between two or more small firms must exist before a contract may be set aside for small business. Second, set-asides are expected to be awarded at reasonable prices. Otherwise, the procuring agencies will issue unrestricted procurements if competition and reasonable pricing do not exist on the proposed set-asides. Thus the benefits in the form of cost savings to the Government are expected to be insignificant and were not quantitatively analyzed. Rather, the more relevant and more important distributional impacts are the focus of the economic analysis.

In addition, the proposed size standards are not expected to have an appreciable effect on the prices of goods and services, profit, growth, innovation, mergers, or foreign trade. The aggregated impact including firm failures, employment losses, community impact, and the effect on industry or the economy is not expected to be significant. The likelihood of firm failures and associated unemployment is very small if the proposed rule goes into effect, although there will likely be some individual firms which will lose Government contracts as a result of their loss of eligibility for set-aside contracts. However, as SBA states in its size standards regulations, 13 CFR 121.1(e), firms should not regard SBA's assistance "as permanent nor as the primary source of a firm's sales * * * and should plan for the day when they can compete without assistance."

SBA certifies that this proposed regulation contains no changed or special reporting or recordkeeping requirements which are subject to the Paperwork Reduction Act.

Lists of Subjects in 13 CFR Part 121

Government procurement, Government property, Grant programs-business, Loans programs-business, Small business.

Accordingly, the SBA proposes to amend Part 121 of 13 CFR as follows:

PART 121—[AMENDED]

1. The authority citation for Part 121 of 13 CFR would be revised to read as follows:

Authority: Pub. L. 99–591 and Pub. L. 99–661, Secs 3(a) and 5(b)(6) of the Small Business Act 15 U.S.C. 632(a) and 634(b)(6).

§ 121.2 [Amended]

2. In § 121.2(c)(2), Division C—Construction would be revised as follows:

Note: Upon adoption the "PROPOSED STANDARD" caption contained in Division C and Division I will be changed to read "FINAL RULE" to conform to the CFR format.

DIVISION C.—CONSTRUCTION

	Description—(N.E.C. = Not Elsewhere Classified)	Size standards in millions of dollars—Proposed Standard
Major Group 15—Building Construction—General Contractors and Operative Builders		
1521	General Contractors—Single-Family Houses	$2.0M
1522	General Contractors—Residential Buildings, Other than Single-Family	$9.75M
1531	Operative Builders	$1.25M
1541	General Contractors—Industrial Buildings and Warehouses	$5.25M
1542	General Contractors—Nonresidential Buildings, Other than Industrial Buildings and Warehouses	$3.50M
Major Group 16—Construction Other Than Building Construction—General Contractors		
1611	Highway and Street Construction	$4.00M
1622	Bridge, Tunnel and Elevated Highway Construction	$1.75M
1623	Water, Sewer, and Pipe Lines, Communication and Power Line Construction	$1.25M
1629	Heavy Construction, Except Dredging, N.E.C.	$17.0M
1629	Dredging and Surface Cleanup Activities	$9.5M
Major Group 17—Construction—Special Trade Contractors		
1711	Plumbing, Heating (Except Electric), and Air Conditioning	$1.25M
1721	Painting, Paper Hanging, and Decorating	$.50M
1731	Electrical Work	$1.50M
1741	Masonry, Stone Setting, and Other Stonework	$1.50M
1742	Plastering, Drywall, Acoustical, and Insulation Work	$.25M
1743	Terrazzo, Title, Marble, and Mosaic Work	$1.25M
1751	Carpentering	$.75M
1752	Floor Laying and Other Floor Work, N.E.C.	$.75M
1761	Roofing and Sheet Metal Work	$1.00M
1771	Concrete Work	$.50M
1781	Water Well Drilling	$.75M
1791	Structural Steel Erection	$4.50M
1793	Glass and Glazing Work	$1.00M
1794	Excavating and Foundation Work	$.50M
1795	Wrecking and Demolition Work	$3.75M
1796	Installation or Erection of Building Equipment, N.E.C.	$2.75M
1799	Special Trade Contractors, N.E.C.	$2.50M
—	Base Housing Maintenance	Deleted

3. In § 121.2(c)(2), Division I—Services is proposed to be amended by adding SIC–8713 to read as follows:

DIVISION I.—SERVICES

Major Group 87—Miscellaneous Services		
8713	Surveying Services	$.25M

* * * * *

4. Section 121.5 is proposed to be amended by adding a new paragraph (h):

§ 121.5 Small business for Government procurement.

(h) A concern may not be awarded a contract for a Government procurement as a small business concern unless the concern agrees that:

(1) In the case of a contract for services (except construction), the concern will perform at least 50 percent of the cost of the contract with its own employees;

(2) In the case of a contract for supplies or products (other than procurement from a regular dealer in such supplies or products), the concern will perform at least 50 percent of the cost of manufacturing the supplies or products (not including the cost of materials);

(3) In the case of a contract for general construction, the concern will perform at least 15 percent of the cost of the contract with its own employees (not including the cost of materials); and

(4) In the case of a contract for construction by special trade contractors, the concern will perform at least 25 percent of the cost of the contract with its own employees (not including the cost of materials).

Dated: December 11, 1987.

James Abdnor,

Administrator, U.S. Small Business Administration.

[FR Doc. 87–28891 Filed 12–16–87; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87–NM–150–AD]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede two existing airworthiness directives (AD), applicable to certain Boeing Model 737 series airplanes, which currently require inspection for cracking of the wing front spar upper chord and repair, if necessary. This proposal would combine the inspections presently required by both AD's, extend the area to be inspected, and require repetitive inspections of front spar area previously modified. This action is prompted by several reports of cracks up to 18 inches long on airplanes on which terminating action had been

BEST COPY AVAILABLE

completed. This condition, if not corrected, could compromise the ultimate load capability of the wing.

DATE: Comments must be received no later than February 26, 1988.

ADDRESS: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-150-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Owen E. Schrader, Airframe Branch, ANM-120S; telephone (206) 431-1923. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-150-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

On December 29, 1976, the FAA issued AD 74-01-01, Amendment 39-2799 (42 FR 2054; January 10, 1977), which requires inspection for cracks and repair, if necessary, of the wing front spar upper chord between stations 108 and 198. Cracking was later discovered outside of this area, and, on May 13, 1987, the FAA issued AD 87-05-52, Amendment 39-5627 (52 FR 18902; May 20, 1987), which requires inspection for cracks and repair, if necessary, of the wing front spar upper chord from the side of body to station 110 and between stations 195 and 206.

Recent service experience has disclosed cracks of up to 18 inches long on three airplanes that had incorporated the terminating action of AD 74-01-01. This cracking occurred approximately 13,000 landings after incorporation of the preventive modification. The cracking is attributed to stress corrosion resulting from stresses induced during modification. Therefore, the FAA has determined that continuing inspections are necessary for the areas inspected in accordance with AD 74-01-01 and AD 87-05-52, the area modified in accordance with AD 74-01-01, and a 19-inch segment outboard of the area required to be inspected by AD 87-05-52. This action is necessary to ensure the structural integrity of the wing structure.

The FAA has reviewed and approved Boeing Alert Service Bulletin 737-57A1081, Revision 10, dated July 16, 1987, which describes procedures for inspection and repairs for cracks in the wing front spar upper chord from front spar stations 90 to 225.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require inspections and repairs, as necessary, of the wing front spar upper chord, in accordance with the service bulletin previously mentioned, and would supersede AD 74-01-01 and AD 87-05-52.

It is estimated that 300 airplanes of U.S. registry would be affected by this AD, that it would take approximately 6 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $96,000.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Model 737 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By superseding AD 74-01-01, Amendment 39-2799 (42 FR 2054; January 10, 1977), and AD 87-05-52, Amendment 39-5627 (52 FR 18902; May 20, 1987), with the following new airworthiness directive:

§ 39.13 [Amended]

Boeing: Applies to Model 737 series airplanes, as listed in Boeing Alert Service Bulletin 737-57A1081, Revision 10, dated July 16, 1987, certificated in any category. Compliance required as indicated, unless previously accomplished.

To ensure structural integrity of the wing front spar upper chord structure, accomplish the following:

A. Within 100 landings after the effective date of this AD, unless previously accomplished within the last 900 landings, visually inspect for cracks in the forward side of the wing front spar upper chord from front spar station (FSS) 90 to FSS 225, both left and right wings, in accordance with Boeing Alert Service Bulletin 737-57A1081, Revision 10, dated July 16, 1987, or later FAA-approved revisions. Repeat these inspections at intervals not to exceed 1,000 landings.

B. Apply organic corrosion inhibitor after each inspection in accordance with Boeing Alert Service Bulletin 737-57A108a, Revision 10, dated July 16, 1987, or later FAA-approved revisions.

C. If cracks are found as a result of the inspections required by paragraph A., above, accomplish the following:

1. If cracks are less than two inches in length, stop drill prior to further flight, in accordance with Boeing Alert Service Bulletin 737-57A1081, Revision 10, dated July 16, 1987, or later FAA-approved revisions.

Thereafter, reinspect daily, using eddy current or dye penetrant inspection methods. If crack growth is observed, or prior to the accumulation of 400 hours time-in-service after stop drilling, whichever occurs first, repair in accordance with Boeing Alert Service Bulletin 737-57A1081, Revision 10, dated July 16, 1987, or later FAA-approved revisions. After repair, continue to inspect in accordance with paragraph A., above.

2. If cracks are equal to or greater than two inches in length, repair prior to further flight, in accordance with Boeing Service Bulletin 737-57A1081, Revision 10, dated July 16, 1987, or later FAA-approved revisions.

D. Installation of new and improved upper chord segment in accordance with Boeing Service Bulletin 737-57-1081, Revision 7, dated March 21, 1980, or later FAA-approved revisions, is considered terminating action for the repetitive inspections required by this AD for the structure replaced. However, the repetitive inspections required by paragraphs A. or C., above, as applicable, must continue for structure *not* replaced.

E. An alternate means of compliance or adjustment of the compliance time, which provide an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on December 10, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-28939 Filed 12-16-87; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 87-NM-155-AD]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, which currently requires structural inspection and repair, as necessary, of the forward lower cargo doorway frames. This action is prompted by reports that certain frame angles, used as an alternate repair method, are subject to cracking during installation. This action would require continued inspection and repair, as necessary, of the forward lower cargo doorway frames, in addition to the replacement of certain repair parts previously installed in accordance with the existing AD.

DATES: Comments must be received no later than February 26, 1988.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-155-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara J. Baillie, Airframe Branch, ANM-120S; telephone 431-1927. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-155-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

On June 16, 1986, the FAA issued AD 86-09-06, Amendment 39-5307 (51 FR 17324; May 12, 1986), to require the structural inspection and repair, as necessary, of the forward lower cargo doorway frames, in accordance with Boeing Service Bulletin 737-53-1051, Revision 3, dated July 12, 1985. That AD was prompted by numerous reports of cracking in both vertical frame members at the lower cargo doorway. Continued operation with undetected cracked frames could result in skin cracks and eventual rapid decompression.

Since issuance of that AD, it has been determined that the alternate repair method described in the subject service bulletin requires use of frame repair angles which are subject to cracking during installation.

The FAA has reviewed and approved Boeing Service Bulletin 737-53-1051, Revision 4, dated July 30, 1987, which describes new repair and modification kits for doorway frame cracks. The new kits contain parts made from a stainless steel alloy which is less susceptible to cracking.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD proposed which would supersede the existing AD; require inspection and repair, as necessary, of the forward lower cargo doorway frames; require reinspection of previously modified frames; and provide a terminating modification; in accordance with the service bulletin previously mentioned. The period for compliance with the initial inspection requirement, however, would remain the same as that required by the existing AD.

It is estimated that 186 airplanes of U.S. registry would be affected by this AD. (However, it is expected that only a few airplanes would require rework as a result of this action.) It would take approximately 350 hours per airplane to accomplish the required rework, the average labor cost would be $40 per hour, and parts would be $2,200. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $16,200 per airplane.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 737 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised) Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By superseding AD 86-09-06, Amendment 39-5307 (51 FR 17324; May 12, 1986), with the following new airworthiness directive:

§ 39.13 [Amended]

Boeing: Applies to Model 737 series airplanes listed in Boeing Service Bulletin 737-53-1051, Revision 4, dated July 30, 1987, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent rapid loss of cabin pressure resulting from undetected fram cracking, accomplish the following:

A. Prior to the accumulation of 6,000 landings after June 16, 1988, visually inspect the forward and aft body frames adjacent to the forward lower cargo door for cracks, in accordance with Flight Safety Inspection Program in Boeing Service Bulletin 737-53-1051, Revision 3, dated July 12, 1985, or later FAA-approved revisions. Repeat the inspections at intervals not to exceed 4,000 landings.

B. After the effective date of this AD, if cracks are found, prior to further flight, repair in accordance with Part III.A. or Part III.B., as applicable, of Boeing Service Bulletin 737-53-1051, Revision 4, dated July 30, 1987, or later FAA-approved revisions.

C. For airplanes that have had cracks repaired in accordance with Part III.A. of Boeing Service Bulletin 737-53-1051, initial release, dated June 16, 1978, or later FAA-approved revisions: Prior to the accumulation of 25,000 landings after the repair, and thereafter at intervals not to exceed 17,000 landings, visually inspect the frames for cracks in the area of the repair in accordance with Boeing Service Bulletin 737-53-1051, Revision 3, or later FAA-approved revisions. Parts found cracked must be repaired prior to further flight in accordance with an FAA-approved repair method.

D. For airplanes that have had cracks repaired in accordance with Part III.B. of Boeing Service Bulletin 737-53-1051, Revision 3: Prior to the accumulation of 3,000 landings after effective date of this AD, replace the repair parts with new airworthy repair parts in accordance with Boeing Service Bulletin 737-53-1051, Revision 4, or later FAA-approved revisions.

E. For airplanes that have had cracks repaired in accordance with the Boeing Model 737 Structural Repair Manual, Section 51-40-3, or with Part III.B. of Boeing Service Bulletin 737-53-1051, Revision 4, or later FAA-approved revisions, or in accordance with paragraph D., above: Prior to the accumulation of 6,000 landings after the repair and thereafter at intervals not to exceed 4,000 landings, visually inspect the frames for cracks in the area of the repair in accordance with Boeing Service Bulletin 737-53-1051, Revision 4, or later FAA-approved revisions. Parts found cracked must be repaired prior to further flight, in accordance with an FAA-approved repair method.

F. Modification of uncracked frames in accordance with the Preventative Modification of Boeing Service Bulletin 737-53-1051, Revision 3, dated July 12, 1985, or later FAA-approved revisions, constitutes terminating action for the requirements of this AD.

G. Airplanes with cracked frames may be flown unpressurized in accordance with FAR 21.197 and 21.199 to a maintenance base for repairs or replacement required by this AD.

H. For the purposes of complying with this AD, subject to acceptance by the assigned FAA Principal Maintenance Inspector, the number of landings may be determined by dividing each airplane's number of hours time in servive by the operator's fleet average time from takeoff to landing for the airplane type.

I. An alternate means of compliance or adjustment of the compliance time, which provide an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA Northwest Mountain Region.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on December 10, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-28941 Filed 12-16-87; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 87-NM-147-AD]

Airworthiness Directives; Sud Aviation Model Caravelle SE-210 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to certain Sud Aviation Model Caravelle SE-210 series airplanes, that would require inspections for cracking and repair, if necessary, of the wing lower skin panels adjacent to wing rib No. 31. This proposal is prompted by reports of cracking detected in the area around the ends of stiffeners K 8.5 and C 8.5. This condition, if not corrected, could lead to failure of the wing.

DATES: Comments must be received no later than February 12, 1988.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-147-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Aerospatiale, 316 Rue de Bayonne, 31060 Toulouse Cedex 03, France. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Golder, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-147-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The Direction General de L'Aviation Civile-France (DGAC) has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of cracking detected in the area around the wing lower skinpanels adjacent to rib No. 31 at the ends of stiffeners K 8.5 and C 8.5 on Sud Aviation Model Caravelle SE-210 series airplanes. The cracking is attributed to fatigue caused by the discontinuity of load path at the end of the stringers.

There have been two reports of cracking on aircraft that has accumulated approximately 5,000 and 21,300 landings, respectively. Cracking in this area, if not detected and corrected, could lead to failure of the wing.

Sud Aviation has issued Sud Service Bulletin No. 57-56, Revision 2, dated February 28, 1985, which describes procedures to detect and repair cracking of the wing lower skin adjacent to rib No. 31. The service bulletin also describes a preventive reinforcement procedure. The DGAC has classified this service bulletin as mandatory.

This airplane model is manufactured in France and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require inspection of the wing lower skin adjacent to rib No. 31, and repair, if necessary, in accordance with the service bulletin previously mentioned.

It is estimated that 32 airplanes of U.S. registry would be affected by this AD, that it would take approximately 8 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $10,240 for the initial inspection.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane ($320). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a); 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Sud Aviation: Applies to Caravelle Model SE-210 series airplanes, listed in Sud Aviation Caravelle Service Bulletin No. 57-56, Revision 2, dated February 28, 1985, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent failure of the wing, accomplish the following:

A. Within 100 landings after the effective date of this AD or prior to the accumulation of the number of landings specified in the schedule, below, whichever occurs later, accomplish the requirements of subparagraphs A.1. or A.2. below, as applicable.

Schedule

(1) 30,000 landings on airplanes whose maximum take-off weight [1] is 48 tons or less;

(2) 20,000 landings on airplanes whose maximum take-off weight [1] exceeds 48 tons but is no more than 52 tons;

(3) 10,000 landings on airplanes whose maximum take-off weight [1] exceeds 52 tons.

1. For airplanes without external doubler, perform visual and nondestructive testing inspections (NDI) for cracking adjacent to wing rib No. 31 in accordance with Sud Aviation Caravelle Service Bulletin No. 57-56, Revision 2, dated February 28, 1985.

2. For airplanes with external doublers, perform visual and radiographic inspections for cracking adjacent to wing rib No. 31 in accordancce with Sud Aviation Caravelle Service Bulletin No. 57-56, Revision 2, dated February 28, 1985.

B. If no cracks are detected, repeat the inspections required by paragraph A., above, at the intervals specified in Sud Aviation Caravelle Service Bulletin No. 57-56, Revision 2, dated February 28, 1985, Figure 1, Wing Lower Surface Inspection Frequencies.

C. Any cracks detected during the inspections required by paragraphs A. or B., above, must be repaired, prior to further flight, in accordance with Sud Aviation Caravelle Service Bulletin No. 57-56, Revision 2, dated February 28, 1985.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Standardization Branch, ANM-133, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Aerospatiale, 316 Rue de Bayonne, 31060 Toulouse Cedex 03, France. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on December 10, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-28940 Filed 12-16-87; 8:45 am]

BILLING CODE 4910-13-M

---

[1] Maximum take-off weight as defined in the FAA-approved airplane flight manual.

VOL 52 ISS 242 DEC 17 1987 UMI

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

Changes to the Customs Field Organization; Chicago, IL, Cleveland, OH, Fort Wayne, IN

AGENCY: U.S. Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations by changing the boundaries of the Chicago and Cleveland Customs Districts, and by designating the newly approved Customs facility at Fort Wayne, IN, as a Customs station. This change is necessary to place the Fort Wayne facility entirely within one Customs district. The Fort Wayne station will be within the Cleveland District and be supervised by the Indianapolis, IN, port of entry. These changes are proposed as part of Customs continuing efforts to obtain more efficient use of personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

DATE: Comments must be received on or before February 16, 1988.

ADDRESS: Comments (preferably in triplicate) should be submitted to and may be inspected at the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2324, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Joseph O'Gorman or John Lenihan, Office of Workforce Effectiveness and Development (202–566–9425).

SUPPLEMENTARY INFORMATION:

Background

The Customs Service field organization currently consists of seven geographical regions further divided into districts, with ports within each district. Customs ports of entry are locations (seaports, airports, or land border ports) where Customs officers or employees are assigned to accept entries of merchandise, collect duties, clear passengers, vehicles, vessels, and aircraft, examine baggage, and enforce the Customs, and related laws.

Similar activities take place at Customs stations. However, the significant difference between ports of entry and stations is that at stations, the Federal Government is reimbursed for:

(1) The salaries and expenses of its officers or employees for services rendered in connection with the entry and clearance of vessels; and

(2) Except as otherwise provided by the Customs Regulations, the expenses (including any per diem allowed in lieu of subsistence), but not the salaries of its officers or employees, for services rendered in connection with the entry or delivery of merchandise.

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, Customs is proposing to change the boundaries of the Chicago and Cleveland Customs Districts, and designate the newly approved Customs facility at Fort Wayne, IN, as a Customs station. The change in boundaries is necessary to ensure that all of the territory serviced by the Fort Wayne facility is entirely within one Customs district.

The area to be serviced by the Fort Wayne facility currently lies within both the Chicago and Cleveland Districts. The effect of the boundary changes would be to transfer jurisdiction over the northeast corner of Indiana from the Chicago District to the Cleveland District, and thereby put the entire Fort Wayne service area into the Cleveland District. The Cleveland District already has the two closest existing ports, Dayton, OH, and Indianapolis, IN, and the Fort Wayne facility is to be operated as a Customs station under the supervision of the port director at Indianapolis. Also, Baer Field, in Fort Wayne, is scheduled to become a designated user fee airport in November 1987.

User fee airports are those which, while not qualifying for designation as an international or landing rights airport, have been approved by the Commissioner to receive the services of Customs officers for processing aircraft entering the U.S. Inasmuch as the volume of business anticipated at these airports is insufficient to justify their designation as an international or landing rights airport, the availability of Customs services is not paid for out of the Customs appropriations from the General Treasury of the U.S. Instead, the services of the Customs officers are provided on a fully reimbursable basis to be paid for by the user fee airports on behalf of the recipients of the services.

If this proposal is adopted, the list of Customs regions, districts, and ports of entry, and the list of Customs stations, as set forth in §§ 101.3(b) and 101.4(c), Customs Regulations (19 CFR 101.3(b), 101.4(c)), will be amended to reflect the change in the district boundaries and the designation of a Customs station.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 81.4) and § 103.11(b) Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations Control Branch, Room 2324, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

Authority

These changes are proposed uder the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by E.O. No. 10289, September 17, 1951 (3 CFR 1949–1953 Comp. Ch. II) and pursuant to authority provided by Treasury Department Order No. 101–5, dated February 17, 1987 (52 FR 6282).

Executive Order 12291 and Regulatory Flexibility Act

Because this document relates to agency organization it is not subject to E.O. 12291. Accordingly, a regulatory impact analysis and the review prescribed by that E.O. are not required. For the same reason, this document is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Customs routinely makes adjustments to its field organization throughout the U.S. to accommodate the volume of Customs-related activity in various parts of the country. Although the proposal may have a limited effect upon some small entities in the area affected, it is not expected to be significant because adjusting the field organization in other areas has not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Act. Nor is it expected to impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Drafting Information

The principal author of this document was John Doyle, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Exports, Imports, Organization and functions (Government agencies).

Proposed Amendments

It is proposed to amend §§ 101.3 and 101.4, Customs Regulations (19 CFR 101.3, 101.4), as set forth below:

PART 101—[AMENDED]

1. The authority citation for Part 101 would continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 1, 66, 1202 (Gen. Hdnote. 11), 1624; Reorganizing Plan 1 of 1965; 3 CFR 1965 Supp.

§ 101.3 [Amended]

2. It is proposed to amend the list of Customs regions, districts, and ports of entry in § 101.3(b) in the following manner:

a. In the North Central Region under the column headed "Area", directly opposite "Chicago, Ill." the description would be revised to read as follows: "The State of Illinois lying north of latitude 39°N.; that part of the State of Indiana north of latitude 41°N. and west of longitude 86°W.; and the States of Iowa and Nebraska."

b. In the North Central Region, under the column headed "area", directly opposite "Cleveland, Ohio" the description would be revised to read as follows: "The States of Ohio, Kentucky; that part of the State of Indiana lying south of latitude 41°N. and east of longitude 86°W.; and the county of Erie in the State of Pennsylvania."

§ 101.4 [Amended]

3. It is proposed to amend the list of Customs stations in § 101.4(c) by inserting, in appropriate alphabetical order, in the listings for "Cleveland, Ohio." under the "District" column, "Fort Wayne, Ind." in the column headed "Customs stations", and on the same line, "Indianapolis" in the column headed "Port of entry having supervision".

William von Raab,

Commissioner of Customs.

Approved:

John P. Simpson,

Acting Assistant Secretary of the Treasury.

November 20, 1987.

[FR Doc. 87–28981 Filed 12–16–87; 8:45 am]

BILLING CODE 4820–02–M

SELECTIVE SERVICE SYSTEM

32 CFR Parts 1636 and 1656

Selective Service Regulations

AGENCY: Selective Service System.

ACTION: Proposed rule.

SUMMARY: Procedures for the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 *et seq.*) are revised to assure greater fairness and effeciency in administration in the processing of registrants.

DATES: Comment Date: Written comments received on or before February 16, 1988 will be considered.

Effective date: Subject to the comments received, the amendments are proposed to become effective upon publication in the Federal Register of a final rule.

ADDRESS: Written comments to: Selective Service System, ATTN: General Counsel, Washington, DC 20435.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, DC 20435, Phone (202) 724–1167.

SUPPLEMENTARY INFORMATION: These amendments to Selective Service Regulations are published pursuant to section 13(b) of the Military Selective Service Act (50 U.S.C. App. 463(b)) and Executive Order 11623. These Regulations implement the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

Discussion of Proposed Regulations

The removal of 32 CFR 1636.9(c) and (d) would terminate the authority of boards to classify a registrant in Class 1–A–O even though he had requested classification in Class 1–O and the authority to grant a classification in Class 1–O to a registrant even though he requested classification in Class 1–A–O. The present provisions are superficially attractive but in application they would present such problems as to raise the issue of essential fairness to the registrants concerned. The registrant best knows his own beliefs and the proposed removal of the provisions in question would facilitate his clear presentation of those beliefs to the board. The work of the board would be simplified in that it could appraise the character of the registrant's beliefs in terms of the criteria for only one class. The ever present temptation of a board to make a compromise decision between classification in Class 1–O and Class 1–A–O would be eliminated. The removal of the present provisions would simplify and clarify the disposition of any appeal which the registrant might take from a board's decision with respect to his claim for Class 1–O or Class 1–A–O. Removal of the provisions would enable the Selective Service System to implement the provisions of section 6(j) of the Military Selective Service Act in an orderly manner, simplify classification procedures for the board and enable the registrant more clearly to present his claim based on his peculiar knowledge of his beliefs.

Section 1656.5(a)(1)(iii) would prohibit employers of alternative service workers from requiring as a condition of such employment a commitment to any political or religious belief or doctrine or membership or non-membership in a political or religious group. This language reflects the long held Selective Service policy of planning not to approve an employer to employ alternative service workers in violation of the stated prohibition.

There appears to be an erroneous assumption that arrangements for performing alternative service are merely matters for agreement between the alternative service worker and the employer. This erroneous assumption reflects a failure to recognize the role which the Director of Selective Service System has under the Military Selective Service Act, particularly section 6(j) as amended in 1971, in the administration of the alternative service program. Although registrants entitled to perform alternative service in lieu of induction may propose jobs with named employers, such employers are not required to hire registrants and the Selective Service System is not required to approve the proposals. The Director, as provided in section 6(j) of Military Selective Service Act, is required to determine whether the work that would be performed by the alternative service worker would comply with the statutory requirement. This includes an appraisal of the work that the worker would be performing and the employer for whom he would be working. Failure of an alternative service worker to comply with the appropriate regulations and orders issued pursuant thereto would subject him to criminal penalties of imprisonment for a period not to exceed five years, a fine of not more than $250,000 or both. The same criminal penalties would apply to the employers of alternative service workers.

There is no legislation which purports to authorize the employment of alternative service workers under arrangements which would be inconsistent with the proposed

regulation. The Selective Service System cannot properly adopt a policy inconsistent with the stated provisions. To do so would raise very serious constitutional issues particularly under the First Amendment to the Constitution. Furthermore, were the Selective Service System to permit an alternative service employer to require alternative service workers to commit themselves to a statement of faith or require membership or non-membership in religious or political organizations, additional administrative burdens would be placed upon the alternative service office without any compensating benefits to the System. The alternative service office would have to make additional referrals of prospective alternative service workers for employment or would have to screen perspective referees on the basis of their willingness to commit themselves to the statements of faith which alternative service employers might require. Moreover, the permitting of employers of alternative service workers to require such workers to commit themselves to statements of faith would result in substantial but inappropriate pressures upon perspective alternative service workers. Churches could use the arrangements "to keep the lads in the fold" which would violate their rights under the Freedom of Exercise Clause in the First Amendment to the Constitution of the United States. The opportunities for alternative service employment would be inappropriately restricted without any compensating benefits to the prospective alternative service worker.

There could be little serious contention that the Selective Service System should permit employers of alternative service workers to engage in practices which if engaged in by the Selective Service System would be in violation of law. The Constitution and numerous Federal statutes express a policy that prohibits discrimination on the basis of religious belief or doctrine or membership or non-membership in any political or religious group. The Selective Service System does not have the legal authority to permit the implementation of a program for which it has statutory responsibility in a manner inconsistent with well recognized Federal policy.

Assuming—but without ascertaining—that the Congress by law can permit employers of alternative service workers to discriminate on the basis of religious or political belief of prospective alternative service workers, it is beyond reasonable doubt absent such satutory authority that the Selective Service System in carrying out its responsibilities under section 6(j) of the Military Service Act can neither engage in discrimination nor permit employers to discriminate in the implementation of the alternative service program that the Selective Service System is required to administer. Unless and until statutory law authorizes practices inconsistent with the proposed regulation, the Selective Service System would be acting irresponsibly in administering a program of alternative service in a manner inconsistent with the policy reflected in the text of the regulation.

There is nothing in the decision of the United States Supreme Court in *Corporation of the presiding Bishop of the Church of Jesus Christ of Latter-Day Saints* v. *Amos*, 107 S. Ct. 2862 (1987) inconsistent with the foregoing.

Interested persons are invited to submit written comments on the proposed regulations. Reference should be made to the number of the paragraph or section to which comments are directed. All written comments received in response to this notice of proposed rulemaking will be available for public inspection in the Office of the General Counsel from 9:00 a.m. to 4:00 p.m, Monday through Friday, except legal holidays.

As required by Executive Order 12291, I have determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), I have determined that these regulations do not have a significant economic impact on a substantial number of small entities.

List of Subjects in 32 CFR Parts 1636 and 1656

Armed forces—draft.

Dated: November 9, 1987.

Jerry D. Jennings,

Acting Director.

The proposed regulations are:

PART 1636—CLASSIFICATION OF CONSCIENTIOUS OBJECTORS

1. The authority citation for Part 1636 continues to read as follows:

Authority: Military Selective Service Act, 50 U.S.C. App. 451 et seq.; E.O. 11623.

§ 1636.9 [Amended]

2. Section 1636.9 (c) and (d) is removed and reserved.

PART 1656—ALTERNATIVE SERVICE

3. The authority citation for Part 1656 continues to read as follows:

Authority: Military Selective Service Act, 50 U.S.C. App. 451 et seq.; E.O. 11623.

4. Section 1656.5(a)(1)(iii) is revised to read:

§ 1656.5 [Amended]

(a) * * *
(1) * * *

(iii) Those who do not require as a condition of the employment of an ASW his commitment to any political or religious belief or doctrine or his membership or nonmembership in a political or religious group.

* * * * *

[FR Doc. 87–28976 Filed 12–16–87; 8:45 am]
BILLING CODE 8015-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 179

[CGD 77–115]

Defect Notification and First Purchaser Information

AGENCY: Coast Guard, DOT.

ACTION: Notice of extension of comment period.

SUMMARY: A supplementary notice of proposed rulemaking (52 FR 20115) published May 29, 1987, proposed amendments to the Defect Notification regulations in Part 179 of Title 33, Code of Federal Regulations. Public comments were invited by August 27, 1987. The notice was published in the Boating Safety Circular and distributed to approximately 21,000 recreational boat manufacturers, dealers, distributors and other interested parties. After the close of the comment period, a number of inflatable boat manufacturers and importers learned of the notice and requested copies of the notice and an opportunity to comment. Those manufacturers and importers could be adversely affected by the proposed amendments. Due to these requests, the comment period is being extended 60 days from the publication of this notice.

DATES: Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be submitted to Commandant (G–CMC/21), (CGD 77–115), U.S. Coast Guard, Washington, DC 20593–0001. Comments will be available for examination at the Marine Safety Council (G–CMC/21), Room 2110, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, between 8 a.m. and 3 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Alston Colihan, Office of Boating, Public, and Consumer Affairs, Boating Safety Division, (202) 267–0981.

SUPPLEMENTARY INFORMATION:

Request for Comments

Interested persons are invited to submit written views, data or arguments. Comments should include the name and address of the person making them and identify this notice [CGD 77–115]. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed.

All comments received will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons at the Marine Safety Council address noted above. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

The supplemental notice of proposed rulemaking published on May 29, 1987 provided that public comments should be received by August 27, 1987. The intended effect of the amendments proposed in the supplementary notice is to require boat and engine manufacturers to establish and maintain first purchaser lists and require marine dealers to furnish the manufacturers with the information necessary to establish those lists: The serial numbers of new boats and engines sold and the names and addresses of retail first purchasers of those products. The manufacturers would use the information to locate the purchasers of boats and engines which have been recalled for defects which create a substantial risk of personal injury to the public and for failures to comply with applicable regulations. The proposed amendments are needed because many manufacturers do not maintain sufficient first purchaser lists or cannot obtain the information from dealers. As a result, attempts to notify purchasers during recall campaigns are inadequate. Additional editorial changes would clarify confusing language in the Defect Notification regulations and would reflect changes in the applicability of the part. Since the Coast Guard feels that an affected segment of the public has not had sufficient opportunity to comment on the supplementary notice of proposed rulemaking, the time for public comment is extended to February 16, 1988.

Dated: December 14, 1987.

M.E. Gilbert,

Rear Admiral, U.S. Coast Guard, Chief, Office of Boating, Public and Consumer Affairs.

[FR Doc. 87–28987 Filed 12–16–87; 8:45 am]
BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

34 CFR Part 251

Formula Grants; Local Educational Agencies and Tribal Schools

AGENCY: Department of Education.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On October 5, 1987, the Department of Education published in the **Federal Register** a notice of proposed rulemaking (NPRM) concerning the documentation necessary to establish the eligibility of school children to be counted as "Indian" or "Alaska Native" under the Part A Formula Grants Program of the Indian Education Act. The NPRM provided for a comment period ending November 19, 1987 (52 FR 37260–37263).

In response to numerous requests, the Secretary extends the comment period.

DATE: The comment period for the October 5, 1987, NPRM is extended until March 16, 1988.

ADDRESSES: All comments concerning the proposed regulations should be addressed to John Sam, Acting Director, Indian Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education (Room 2177, FOB–6), 400 Maryland Avenue, SW., Washington, DC 20202. Telephone (202) 732–1887.

FOR FURTHER INFORMATION CONTACT: Hakim Khan, telephone number (202) 732–1887.

Dated: December 11, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87–29022 Filed 12–16–87; 8:45 am]
BILLING CODE 4000-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[General Docket No. 87–505; FCC 87–352]

National Security Emergency Preparedness Telecommunications Service Priority System

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend Subpart D and Appendices A and B to Part 64 of its Rules and Regulations governing (a) the system of priorities for restoration of vital private line services during emergency situations and (b) a precedence system to ensure that communications vital to the national interst will be afforded priority handling in all situations ranging from normal peacetime conditions to various stages of crises. Amendment of the rules is proposed in consideration of a petition filed by the Secretary of Defense, through the National Communications System (NCS), who contends that the Commission's Restoration Priority (RP) System no longer addresses today's needs for priority treatment of National Security Emergency Preparedness (NSEP) telecommunications service.

DATES: Interested parties may file comments on or before January 25, 1988, and reply comments on or before February 16, 1988. For general information on how to file comments, parties should direct inquiries to the Commission's Consumer Assistance and Small Business Division, telephone (202) 632–7000.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: James M. Talens, Chief, Domestic Services Branch, Common Carrier Bureau, telephone (202) 634–1800.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (*NPRM*) in General Docket No. 87–505, FCC 87–352, adopted November 2, 1987, and released December 2, 1987. The complete document may be inspected and copied during the weekday hours (excluding Federal holidays) of 9 a.m. to 4:30 p.m. in the Commission's Public Reference Room, Room 239, 1919 M Street NW., Washington, DC; or a transcript may be purchased from the Commission's duplicating contractor, International Transcription Services, 2100 M Street,

VOL 52 ISS 242 DEC 17 1987 UMI

NW., Suite 140, Washington, DC 20037, telephone (202) 857–3800.

Summary of Notice of Proposed Rulemaking

1. Initiation of this rulemaking is prompted by a petition filed April 1, 1987 by the Secretary of Defense in his capacity as the Executive Agent for NCS. Public Notice of the petition released by the Commission (*see* Public Notice No. 2826 (April 3, 1987)) elicited twelve comments and two reply comments. For the reasons set forth in the NPRM, the Commission proposes to (a) revise its current Rule § 64.401 and Appendix A to Rule Part 64 which contain the RP System for establishing priorities for restoring vital private line services during emergencies, and (b) delete § 64.402 and Appendix B to Rule Part 64 which dictate the Precedence System for public correspondence service provided by communications common carriers. Interested parties are encouraged to express their views of the proposed revisions and to submit specific editorial modifications to NCS' draft TSP system contained in Appendix A to the NPRM.

2. It has been suggested that the current RP System does not fully address today's needs for priority treatment of NSEP telecommunications services, and therefore should be replaced by an updated Telecommunications Service Priority (TSP) system having broader scope and applicability. The proposed TSP rules, together with regulations adopted by the Executive Office of the President, are intended to establish a uniform system of priorities for provisioning and restoration of NSEP telecommunications services both before and after invocation of the President's war emergency powers. *See* 47 U.S.C. 706.

3. The TSP system would permit communications common carriers to provide certain preferences among services and users when NSEP is involved without violating provisions of the Communications Act. The objective of the proposed system is to ensure that NSEP telecommunications needs are handled adequately without unduly interfering with those of the public, and the process is intended to modernize the means by which the nation is assured that essential communications facilities receive the highest priority in times of national emergency.

Note.—Since this Federal Register publication is only a brief summary of the *NPRM*, including Appendix A, interested parties are urged to examine the complete document which, as stated above, may be copied at the Commission's Public Reference Room or purchased from International Transcription Services).

Legal Basis

Authority for this action is contained in the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i) and 201–05, amended.

Ex Parte Presentations

This is a nonrestricted notice and comment rulemaking proceeding. For rules governing permissible *ex parte* contacts, *see* § 1.1200, *et seq.*, of equal the Commission's Rules, 47 CFR 1.1200, *et seq.*, as amended by the Commission's *Report and Order* in Gen. Docket No. 86–225 released May 22, 1987 (FCC 87–94), 2 FCC Rcd 3011, 52 FR 21051 (June 4, 1987); *partial reconsideration pending*, 2 FCC Rcd 4264, *Erratum*, 2 FCC Rdc 4265 (1987).

Initial Regulatory Flexibility Analysis

The impact of the proposed rules on large and small telecommunications providers will vary depending on the number of NSEP services provided. Written comments are requested on the initial regulatory flexibility analysis as prescribed by the *NPRM* pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*

List of Subjects in 47 CFR Part 64

Communications common carriers, Priority services in emergencies, Priority system, Restoration of common carrier intercity private line service, Public correspondence service facilities.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 87–28484 Filed 12–16–87; 8:45 am]

BILLING CODE 4712-01-M

Notices

Federal Register
Vol. 52, No. 242
Thursday, December 17, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

National Commission on Dairy Policy; Advisory Committee Meeting

Pursuant to provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), a notice is hereby given of the following committee meeting.

Name: National Commission on Dairy Policy.

Time And Place: 8:00 A.M. at the Sheraton National Hotel Columbia Pike and Washington Blvd. Arlington, Virginia.

Status: Open.

Matters to be considered: On January 4 and 5 the Commission will review draft findings on production controls and economic formula. The Commission will also conduct a final review of draft findings on trade, promotion, family farms, technology and milk price supports. The Commission will begin the process of making recommendations for its final report. The Commission will also discuss component pricing and milk and dairy product standards.

Written statements may be filed before or after the meeting with: Contact person named below.

CONTACT PERSON FOR MORE INFORMATION: Mr. T. Jeffrey Lyon, Assistant Director, National Commission on Dairy Policy, 1401 New York Avenue NW., Suite 1100, Washington, DC 20005, (202) 638–6222.

Signed at Washington, DC, this 13th day of December 1987.

David R. Dyer,

Executive Director, National Commission on Dairy Policy.

[FR Doc. 87–28972 Filed 12–16–87; 8:45 am]

BILLING CODE 3410-05-M

Soil Conservation Service

Finding of No Significant Impact; Aucilla River Watershed, FL

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Aucilla River Watershed, Jefferson County, Florida, and Brooks and Thomas Counties, Georgia.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, State Conservationist, Soil Conservation Service, 401 S.E. First Avenue, Room 248, Gainesville, Florida 32601, telephone (904) 377–0946.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, James W. Mitchell, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection. The planned works of improvement include accelerated technical assistance and federal cost sharing for the installation of land treatment measures.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting James W. Mitchell.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials)

James W. Mitchell,

State Conservationist.

Date: December 10, 1987.

[FR Doc. 87–28936 Filed 12–16–87; 8:45 am]

BILLING CODE 3410-16-M

Finding of No Significant Impact; Hays Creek Watershed, VA

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding to no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Hays Creek Watershed in Rockbridge and Augusta Counties, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. George C. Norris, State Conservationist, Soil Conservation Service, 400 North Eighth Street, Richmond, Virginia 23240–9999, telephone (804) 771–2455.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Norris, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for the protection of 9,876 acres of cropland, pastureland, and forestland in Rockbridge and Augusta Counties, Virginia. This protection will be accomplished by installation of soil and water conservation practices.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various

Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single-copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Norris, State Conservationist.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Executive Order 12372 regarding inter-government review of federal and federally-assisted programs and projects is applicable)

George C. Norris,

State Conservationist.

Date: December 10, 1987.

[FR Doc. 87-28971 Filed 12-16-87; 8:45 am]

BILLING CODE 3410-16-M

CIVIL RIGHTS COMMISSION

Hawaii Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Hawaii Advisory Committee to the Commission will convene at 9:00 a.m. and adjourn at 12:00 noon, on January 21, 1988, at the Waikiki Trade Center, 2255 Kuhio Avenue, 11th Floor conference room, Honolulu, Hawaii 96815. The purpose of the meeting is to review the work of the education subcommittee and to plan for implementation of the Hawaiian Homelands project.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Andre S. Tatibouet, or Philip Montez, Director of the Western Regional Division (213) 894-3437, TDD (213) 894-0508. Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, December 4, 1987.

Susan J. Prado,

Acting Staff Director.

[FR Doc. 87-28931 Filed 12-16-87; 8:45 am]

BILLING CODE 6335-01-M

Rhode Island Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Rhode Island Advisory Committee to the Commission will convene at 12:00 noon and adjourn at 3:00 p.m. on December 18, 1987, at the Rhode Island Human Rights Commission, 10 Abbott Park Place, Providence, RI 02903. The purpose of the meeting is (1) to discuss and approve the report "The Immigration Reform and Control Act of 1986: Civil Rights Issues in Implementing the Legalization and Employer-sanctions Programs," (2) to plan future SAC activities, and (3) to hear a presentation by the director of the Rhode Island Human Rights Commission on "Civil Rights Enforcement by the Rhode Island Human Rights Commission."

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson David Sholes (401-463-5600) or John I. Binkley, Director of the Eastern Regional Division at (202) 523-5264, (TDD 202/376-8117). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, December 10, 1987.

Susan J. Prado,

Acting Staff Director.

[FR Doc. 87-28932 Filed 12-16-87; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Agency Information Collections Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration
Title: Application for an Export Trade Certificate of Review
Form Number: Agency—ITA-4093P; OMB—0625-0125
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 40 respondents; 1,280 reporting hours
Needs and Uses: The Export Trading Company Act is intended to increase U.S. exports of goods and services primarily by removing two impediments: (1) Restrictions on bank investment and certain export financing, and (2) the uncertainty regarding the application of U.S. antitrust laws to export activity. Title 111 of the Act requires the Department of Commerce to establish a program to evaluate applications for antitrust Export Trade Certificates of Review, and with the concurrence of the Department of Justice, issue such certificates in appropriate cases. The information contained in the application is used by the Departments of Commerce and Justice in determining if a Cetificate should be issued.
Affected Public: State or local governments; businesses or other for-profit institutions; small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: John Griffen, 395-7340

Agency: International Trade Administration
Title: Format for Petition Requesting Relief Under U.S. Countervailing Duty Law
Form Number: Agency—ITA-366P; OMB—0625-0145
Type of Request: Revision of a currently approved collection
Burden: 44 respondents; 1,760 reporting hours
Needs and Uses: Under Section 702 of the Tariff Act, the Department of Commerce is required to conduct countervailing duty investigations when acceptable petitions are received from an interested party. The purpose of an investigation is to determine whether a foreign government is providing subsidies to a particular industry under investigation which provide the company(ies) producing and exporting that product to the U.S. an unfair advantage over U.S. producers. The information provided is used to determine whether a countervailing duty investigation is warranted.
Affected Public: Businesses or other for-profit institutions; small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: John Griffen 395-7340

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to John Griffen, OMB Desk Officer, Room 3228, New Executive Office Building, Washington, DC 20503.

Dated: December 11, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87-28990 Filed 12-16-87; 8:45 am]

BILLING CODE 3510-CW-M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: 1988 Dress Rehearsal—Reinterview Form and Reconciliation Record
Form Number: Agency—DX-806; OMB—NA
Type of Request: New
Burden: 17,037 respondents; 1,987 reporting hours
Needs and Uses: This collection is necessary to verify enumerators' work. Census reinterviewers will telephone or visit a sample of households to obtain address and household roster information and compare it to original census data to detect gross curbstoning.
Affected Public: Individuals or households
Frequency: One time
Respondent's Obligation: Mandatory
OMB Desk Officer: Francine Picoult, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3228 New Executive Office Building, Washington, DC 20503.

Dated: December 11, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87-28991 Filed 12-16-87; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

[A588-604]

Amendment to Final Determination of Sales at Less Than Fair Value and Amendment to Antidumping Duty Order; Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan

AGENCY: Notice.

SUMMARY: As a result of correction of clerical errors, the Department of Commerce (the Department) is amending its final determination in this investigation and its antidumping order and is directing the U.S. Customs Service to adjust the cash deposit rates as follows:

Manufacturer/producer/exporter	Weighted-average margin % amended final
Koyo Seiko Co., Ltd.	36.21
NTN Toyo Bearing Co., Ltd.	36.53
All Others	36.52

EFFECTIVE DATE: December 17, 1987.

FOR FURTHER INFORMATION CONTACT: David L. Binder (202-377-1779), Office of Investigations, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTAL INFORMATION:

Background

On August 10, 1987, in accordance with section 735 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d), the Department made its final determination that imports of tapered roller bearings from Japan were being sold at less than fair value (52 FR 30700, August 17, 1987).

On September 23, 1987, in accordance with section 735(d) of the Act (19 U.S.C. 1673d(d)), the ITC notified the Department of its determination that an industry in the United States is materialy injured by imports of tapered roller bearings from Japan. On October 6, 1987, pursuant to section 736 of the Act (19 U.S.C. 1673e), the Department published an antidumping duty order on tapered roller bearings from Japan (52 FR 37352, October 6, 1987).

After disclosure meetings were held with each respondent, Koyo Seiko Co., Ltd. ("Koyo"), an NTN Bearing Co., Ltd. ("NTN"), and the petitioner, the Timken Company, these parties submitted comments concerning possible clerical errors found. They requested that the Department correct these errors. The Department conductd a review based on these comments and made the following corrections:

Koyo

1. A correction was made on certain margin calculations to exclude movement charges in the cost of production for parts imported for further manufacture.

2. The program was changed to use the ESP offset as part of the calculation of constructed value (CV) of imported parts.

3. The program was amended to use the total constructed value for imported parts when comparing constructed value to merchandise further manufactured in the U.S.

4. The progam was corrected to properly allocate profit or loss between the imported components and value added.

NTN

1. A correction was made to the program to accurately calculate the foreign market value for certain imported components for further processing.

2. A correction was made to the program to accurately calculate certain constructed values.

3. The program was amended to make a circumstance of sale adjustment for home market credit expenses when the FMV was based on contructed value.

4. The cost test was changed to accurately handle certain packing included in the home market price.

5. The program was corrected to accurately make certain comparisons across the level of trade.

6. The program was corrected to make margin calculations for certain purchase price sales previously excluded.

7. Changes were made to the program to insure the use of accurate difference in merchandise adjustments.

8. Corrections were made to the program to include adjustments for R&D and interest expenses in calculating certain constructed values.

9. A program correction was made to include profit or loss in the calculation of value added.

10. A correction was made to the ESP program to correctly apply the adjustment for certain differences in credit.

11. Changes were made in our comparisons to accurately reflect

VOL 52 ISS 242 DEC 17 1987 UMI

certain matches as described in the Such or Similar Merchandise section of the final determination notice.

Suspension of Liquidation

The final determination and antidumping duty order on tapered roller bearings from Japan are amended to incorporate the changes in the calculations as set forth above. Accordingly, the Department will advise the U.S. Customs Service to adjust the cash deposit rates, on or after the date of the publication of this notice in the **Federal Register**, as follows:

Manufacturer/producer exporter	Weighted-average margin % amended final
Koyo Seiko Co., Ltd.	36.21
NTN Toyo Bearing Co., Ltd.	36.53
All Others	36.52

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

December 11, 1987.

[FR Doc. 87-29018 Filed 12-16-87; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Minority Business Development Center Program; Newark, NJ

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MEDC) Program to operate a MBDC for a three (3) year period, subject to available funds. The cost of performance for the first twelve months is estimated at $375,800 for the project performance of June 1, 1988 to May 31, 1989. The MBDC will operate in the Newark, New Jersey Standard Metropolitan Statistical Area (SMSA). The first year cost for the MBDC will consist of $375,800 in Federal funds and a minimum of $66,318 in Non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, non-profit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provided management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minoity businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer than a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minoity business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a three (3) year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

DATES: *Closing Date:* The closing date for applications is January 22, 1988. Applications must be postmarked on or before January 22, 1988.

ADDRESS: New York Regional Office, Minority Business Development Agency, Jacob K. Javits Federal Building, Room 3720, New York, New York 10278, (212) 264-3262.

FOR FURTHER INFORMATION CONTACT: Gina A. Sanchez, Regional Director New York Regional Office at (212) 264-3262.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information copies of application kits and applicable regulations can be obtained at the above address.

William R. Fuller,

Deputy Regional Director, New York Regional Office.

Date: December 7, 1987.

[FR Doc. 87-28957 Filed 12-16-87; 8:45 am]

BILLING CODE 3510-21-M

Minority Business Development Center Program; U.S. Virgin Islands

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate a MBDC for a three (3) year period, subject to available funds. The cost of performance for the first twelve months is estimated at $165,000 for the project performance of June 1, 1988 to May 31, 1989. The MBDC will operate in the U.S. Virgin Islands Standard Metropolitan Statistical Area (SMSA). The first year cost for the MBDC will consist of $165,000 in Federal funds and a minimum of $29,118 in Non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, non-profit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a three (3) year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

DATES: **Closing date: The closing date for applications is January 22, 1988. Applications must be postmarked on or before January 22, 1988.**

ADDRESS: New York Regional Office, Minority Business Development Agency, Jacob K. Javits Federal Building, Room 3720, New York, New York 10278, (212) 264-3262.

FOR FURTHER INFORMATION CONTACT: Gina A. Sanchez, Regional Director, New York Regional Office at (212) 264-3262.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information copies of application kits and applicable regulations can be obtained at the above address.

William R. Fuller,

Deputy Regional Director, New York Regional Office.

Dated: December 7, 1987.

[FR Doc. 87-28958 Filed 12-16-87; 8:45 am]

BILLING CODE 3510-21-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Sri Lanka

December 14, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 18, 1987. For further information contact Kimbang Pham, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 343-6580. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the current import restraint limits for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Sri Lanka and exported during the twelve-month period which began on June 1, 1987 and extends through May 31, 1988.

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 10, 1983, as amended, and at the request of the Government of Sri Lanka, the restraint limits for Categories 331, 333/633, 334, 337, 338, 350, 351, 363, 442, 445/446, 631, 634, 636/836, 640 and 644 are being increased for carryover.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be poublished in the **Federal Register**.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

December 14, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of May 12, 1987 concerning imports into the United States of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Sri Lanka and exported during the period which began on June 1, 1987 and extends through May 31, 1988.

Effective on December 18, 1987, the directive of May 12, 1987 is amended further to include the adjustments to the previously established restraint limits for the following categories, as provided under the terms of the bilateral agreement of May 10, 1983, as amended:[1]

Category	Adjusted restraint limit [1]
331	1,095,019 dozen.
333/633	34,121 dozen.
334	234,242 dozen.
337	119,221 dozen.
338	262,341 dozen.
350	52,947 dozen.
351	119,867 dozen.
363	7,226,670 numbers.
442	13,453 dozen.
445/446	104,343 dozen.
631	364,351 dozen pairs.
634	140,135 dozen.
636/836	169,950 dozen.
640	100,486 dozen.
644	25,985 dozen.

[1] The limits have not been adjusted to account for any imports exported after May 31, 1987.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-28909 Filed 12-16-87; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on B-1B Defensive Avionics; Change in Location of Advisory Committee Meeting

SUMMARY: The meeting of the Defense Science Board Task Force on B-1B Defensive Avionics schedules for December 22-23, 1987 at the Pentagon, Arlington, Virginia as published in the **Federal Register** (Vol. 52, No. 197, Page 38000-38001, Tuesday, October 13, 1987, FR Doc. 87-23644) will be held at the

[1] The provisions of the bilateral agreement provide, in part, that: (1) Specific limits may be exceeded by designated percentages, provided an equal amount in equivalent square yards is deducted from another specific limit; (2) specific limits may be increased by carryover and carryforward up to 11 percent of the applicable limit; and (3) administrative arrangements and adjustments may be made to resolve minor problems arising in the implementation of the agreement.

VOL 52 ISS 242 DEC 17 1987 UMI

Naval Research Laboratory, Washington, DC.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

December 15, 1987.

[FR Doc. 87-28977 Filed 12-16-87; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Defense Mapping Agency; Advisory Committee Meetings

SUMMARY: The Defense Science Board Task Force on Defense Mapping Agency will meet in closed session on February 2-3, and March 8-9, 1988 at DMA Hydrographic/Topographic Center, Washington, DC.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will study the Defense Mapping Agency and ascertain whether or not the mechanisms exists within DMA to meet the needs of weapons systems developers and operators with respect to resources, capabilities, and procedures.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1)(1982), and that accordingly these meetings will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer. Department of Defense.

December 15, 1986.

[FR Doc. 87-28978 Filed 12-16-87; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Follow on Forces Attack (FOFA); Advisory Committee Meetings

SUMMARY: The Defense Science Board Task Force on Follow on Forces Attack (FOFA) will meet in closed session on February 8-9, 1988 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will continue to review, in detail, classified material associated with conventional military capabilities in NATO to include special targeting requirements.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c) (1) (1982), and that accordingly these meetings will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer. Department of Defense.

December 15, 1986.

[FR Doc. 87-28979 Filed 12-16-87; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Land Acquisition for Expansion of Marine Corps Base, Camp Lejeune, Onslow County, NC

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Council on Environmental Quality Guidelines (40 CFR Part 1500), the Department of the Navy (DON), U.S. Marine Corps is preparing a DEIS for the proposed expansion of Marine Corps Base, Camp Lejeune.

During development of the current Master Plan, the need for increased training area resulted in development of a separate report entitled "Special Training Analysis, Camp Lejeune, NC." This report identified a need for additional land maneuver area and live fire weapons ranges to meet current training requirements. In the late spring of 1986, the International Paper Company advised the Base Commander of a willingness to sell a large parcel adjacent to the Base.

The geographic extent of the Marine Corps Base, Camp Lejeune has remained virtually unchanged since its establishment in 1941. The Marine Corps' organization, mission, doctrine and equipment, however, have continued to evolve with technological developments. This has resulted in changes in the structure of the Corps and development of new warfare tactics. These factors, coupled with increased firepower and mobility, have created demands for additional training land that currently are being partially met by utilizing other Department of Defense, Federal and State lands for some training evolutions.

The purpose of the proposal is to provide more realistic training in modern warfare tactics.

The proposed area being considered for acquisition generally lies north of Holly Ridge and is bounded by US 17 and NC 50 on the east and west and state roads 1104, 1105, 1107, and 1119 on the north. While International Paper Company (IPC) owns most of the acreage, there are over 100 private land holdings on the periphery or within the IPC parcel that also are under consideration for potential purchase.

Major considerations of the DEIS will include evaluations of noise, wetlands impacts, land use and necessary air space restrictions for artillery weapons firing. However, a full range of environmental, social and economic issues will be evaluated including mitigation of potential adverse impacts, to include avoidance of specific impacts where possible.

Public scoping is being conducted, to identify specific elements of the DEIS evaluation process in general, and to solicit assistance from public and private entities, and individuals. Scoping was initiated on 20 November by a letter to potentially affected entities advising of the proposed action and that public scoping meetings would be held in the Jacksonville, North Carolina vicinity on Sunday, 13 December 1987 at 3:00 p.m. in the gymnasium at the Rifle Range, Building RR8, located off NC 210 between U.S. 17 and NC 172; and in Raleigh, North Carolina on Monday, 14 December 1987 at 2:00 p.m. in the auditorium of the North Carolina Department of Transportation Building. In addition, informal scoping forums may be held in January 1988, in the vicinity of Holly Ridge, Haws Run or other locations should citizen interest dictate.

The Marine Corps wishes to ensure that all interested parties have the opportunity to focus the environmental analysis. Therefore, the scoping record will remain open and comments will be received until 30 January 1988. Individuals, agencies, and public or private organizations and citizens are encouraged to support the scoping process by commenting in writing and/or participating in the scoping meetings. Input data, information, comment, and questions should be directed to: Major Stuart Wagner, USMC, Joint Public Affairs Officer, Marine Corps Base, Camp Lejeune, North Carolina 28542-5201 (919) 451-5100.

When the DEIS is completed, a public notice of its availability will be made which will request review and comment by all interested parties. A Final Environmental Impact Statement will then be prepared to respond to the review comments.

December 11, 1987.

W.R. Babington, Jr.,

Commander, JAGS, U.S. Navy Federal Register Liaison Officer.

[FR Doc. 87-28948 Filed 12-16-87; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

[CFDA No. 84.133F]

Invitation for Applications for Research Fellowships Under the National Institute on Disability and Rehabilitation Research for Fiscal Year 1988

Purpose: Provides support directly to highly qualified individuals to conduct research on the rehabilitation of disabled persons. Individuals may propose research in any area to promote solutions to problems related to disability. NIDRR intends to award approximately eight Merit and eight Distinguished Fellowships, as described in the regulations governing this program.

Deadline for Transmittal of Applications: February 22, 1988.

Applications Available: December 18, 1987.

Available Funds: $465,000.

Estimated Range of Awards: $25,000 for Merit Fellowships; $30,000 for distinguished Fellowships; $1500 for fellowship expenses in each category.

Project Period: 12 months.

Applicable Regulations: National Institute on Disability and Rehabilitation Research Regulations, 34 CFR Part 356.

For applications or Information Contact: Louise Chappell, National Institute on Disability and Rehabilitation Research, U.S. Department of Education, 400 Maryland Avenue, SW., Switzer Building, Room 3070, Washington, DC, 20202. Telephone: (202) 732-1184; deaf and hearing impaired individuals may call (202) 732-1198 for TTY services.

Program Authority: 29 U.S.C. 761a(d).

Dated: December 14, 1987.

Madeleine Will,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 87-29023 Filed 12-16-87; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 87-49-NG]

Associated Natural Gas, Inc.; Order Approving Blanket Authorization To Import Natural Gas

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of order approving blanket authorization to import natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting blanket authorization to Associated Natural Gas, Inc. (ANGI), to import Canadian natural gas on a short-term basis. The order issued in ERA Docket No. 87-49-NG authorizes ANGI to import up to 36 Bcf of Canadian natural gas during a two-year term beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 11, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-29008 Filed 12-16-87; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 87-22-NG]

Texaco Gas Marketing Inc., Order Approving Blanket Authorization To Import Natural Gas

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of order approving blanket authorization to import natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting blanket authorization to Texaco Gas Marketing Inc. (TGMI) to import Canadian natural gas on a short-term basis. The order issued in ERA Docket No. 87-22-NG authorizes TGMI to import up to 73 Bcf of Canadian natural gas over a two-year term beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 11, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-29009 Filed 12-16-87; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of requests submitted for clearance to the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for approval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The listing does not contain information collection requirements contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, or extension; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses annually; (11) Annual respondent burden, i.e., an estimate of the total number of hours needed to respond to the collection; and (12) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed on or before January 19, 1988. Last notice issued Wednesday, December 2, 1987.

ADDRESS: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards, at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Carole Patton, Office of Statistical Standards (EI–70), Energy Information Administration, M.S. 1H/023, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585, (202) 586–2222.

SUPPLEMENTARY INFORMATION: If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this Notice, you should advise the OMB DOE Desk Officer of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–3084.

The energy information collection submitted to OMB for review were:

1. Federal Energy Regulatory Commission
2. FERC–314A
3. 1902–0066
4. Application for Small Producer Exemption
5. Extension
6. One time filing
7. Required to obtain or retain a benefit
8. Businesses or other for profit; small businesses or organizations
9. 90 respondents
10. 90 responses
11. 270 hours
12. The data collected are used by the Commission to evaluate and process independent producer applications for the sale of gas in interstate commerce under small producer certificates of public convenience and necessity as prescribed by section 7 of the Natural Gas Act.

1. Federal Energy Regulatory Commission
2. FERC–532
3. 1902–0055
4. Gas Producer Rate Filing
5. Extension
6. Annually; on occasion
7. Mandatory
8. Businesses or other for profit
9. 200 respondents
10. 1,948 responses
11. 14,667 hours
12. Information collection is mandatory to determine rates and charges received by large producers of natural gas dedicated to interstate commerce before November 9, 1978. An initial rate schedule when issuance of a certificate is requested and a notice of cancellation when abandonment is requested also are required.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. 93–275, Federal Energy Administration Act of 1974, (15 U.S.C. 764(a), 764(b), 772(b), and 790(a)).

Issued in Washington, DC, December 10, 1987.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 87–29010 Filed 12–16–87; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project Nos. 516–034 et al.]

Hydroelectric Applications, South Carolina Electric & Gas Co., Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Regulatory Commission and are available for public inspection:

a. *Type of Application:* Change in Land Rights.

b. *Project No.:* 516–034.

c. *Date Filed:* October 29, 1986.

d. *Applicant:* South Carolina Electric & Gas Company.

e. *Name of Project:* Saluda.

f. *Location:* Saluda River in Lexington County, South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Contact Person:* Mr. Randolph R. Mahan, Associate General Counsel, South Carolina Electric & Gas Company, Columbia, SC 29218, (803) 748–3538.

i. *FERC Contact:* Peter Lyse, (202) 376–9479.

j. *Comment Date:* January 14, 1988.

k. *Description of Application:* South Carolina Electric & Gas Company, licensee for the Saluda Project, seeks Commission authorization to dispose of approximately 72 acres of land currently located within the project boundary. The land, which is presently undeveloped, would be transferred to South Carolina Real Estate Corporation, which proposes to develop it for residential and recreational purposes. The proposed development, to be known as Bundrick Pointe, would include the construction of single and multiple family residences and condominiums, marinas, a community center and a public park. (A copy of the application may be obtained by interested parties directly from the licensee).

l. This notice also consists of the following standard paragraphs: B & C.

2 a. *Type of Application:* Amendment of License.

b. *Project No.:* 2370–010.

c. *Date Filed:* October 14, 1986.

d. *Applicant:* Pennsylvania Electric Company.

e. *Name of Project:* Deep Creek Project.

f. *Location:* On Deep Creek near the Village of Oakland, Garrett County, Maryland.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. William J. Madden, Jr., Bishop, Cook, Purcell, & Reynolds, 1200 17th Street, NW., Washington, DC 20036, (202) 853–9800.

i. *FERC Contact:* Michael Dees, (202) 376–9830.

j. *Comment Date:* January 19, 1988.

k. *Description of Application:* The proposed amendment to Pennsylvania Electric Company's existing licensed Project No. 2370 would consist of authorization to issue boat docking permits in excess of the number for which the licensee is authorized by article 35 of its license for the Deep Creek Project. Authority to issue the following boat dock permits at Millhouse Manor has been requested: Expand the number of slips from the existing 14 slips to 18 slips, and provide a boat rack to accommodate 6 beachable watercraft.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

3 a. *Type of Application:* Surrender of License.

b. *Project No.:* 3435–008.

c. *Date Filed:* October 2, 1987.

d. *Applicant:* The City of Hope, Arkansas.

e. *Name of Project:* Millwood Hydroelectric Project.

f. *Location:* On the Little River in Hempstead and Little River Counties, Arkansas.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Zachary D. Wilson, Attorney at Law, 321 Maple, P.O. Box 5578, N. Little Rock, AR 72119, (501) 378–4090.

i. *FERC Contact:* Nanzo T. Coley, (202) 376–9418.

j. *Comment Date:* January 19, 1988.

k. *Description of Proposed Surrender:* (1) A 15.5-foot-diameter steel penstock, about 300 feet long, tunneled through the concrete section of the dam and a 6.5-foot-diameter steel penstock about 100 feet long, connecting to an existing outlet pipe with a steel liner; (2) a

powerhouse containing two turbine-generator units rated at 3,000 kW and 600 kW for a total rated capacity of 3,600 kW; (3) a tailrace returning flow to the river about 100 feet downstream from the dam; (4) a 115-kV transmission line, approximately 5,000 feet long; and (5) appurtenant facilities.

The applicant estimates that average annual energy output would have been 13,786,000 kWh. Energy produced at the project would have been sold to the Southwest Electric Power Company.

l. This notice also consists of the following standard paragraphs: B, C, & D2.

4 a. *Type of Application:* Minor License.

b. *Project No.:* 8945–001.

c. *Date Filed:* October 10, 1986.

d. *Applicant:* Richard D. Ely.

e. *Name of Project:* Natchaug River Project.

f. *Location:* On the Natchaug River, in the Town of Windham, Windham County and the Town of Tolland, Mansfield County, Connecticut.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Richard D. Ely, P.O. Box 474, Storrs, CT 06268, (203) 486–5335.

i. *FERC Contact:* Tom Murphy, (202) 376–9829.

j. *Comment Date:* February 8, 1988.

k. *Description of project:* The proposed run-of-river project would utilize the U.S. Corps of Engineers' Mansfield Hollow Dam. The project would consist of installing two generating units along with trash racks in existing outlet conduits. The combined installed capacity will be 240 kW and the estimated average annual generation is 690 MWh. Power transmission will be by existing underground cable. The applicant estimates the cost of the project will be $187,000.

l. *Purpose of Project:* The project power generated would be sold to the Connecticut Power and Light Company.

m. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

5 a. *Type of Application:* Exemption (5MW or less).

b. *Project No.:* 10466–000.

c. *Date Filed:* September 3, 1987.

d. *Applicant:* Mega Renewables.

e. *Name of Project:* Walker/Digger Hydroelectric Project.

f. *Location:* On Digger Creek, near the town of Manton, in Tehama County, California (In Sections 19, 20 and 21 of T30N, R2E, MDB&M; and Sections 23 and 24 of T30N, RIE, MDB&M).

g. *Filed Pursuant to:* Section 408 of the Federal Energy Security Act, 16 U.S.C. 2705 and 2708 *as amended.*

h. *Applicant Contact:* Fred Castagna, Mega Renewables, 2576 Hartnell Avenue, Redding CA 96002, (916) 222–1414.

i. *FERC Contact:* Ahmad Mushtaq, (202) 376–1900.

j. *Comment Date:* January 19, 1988.

k. *Description of Project:* The proposed project would consist of: (1) An intake structure in the west bank of Digger Creek at elevation 3,085 feet m.s.l.; (2) a 48-inch-diameter, 2-mile-long diversion conduit; (3) a 42-inch-diameter, 1.8-mile-long steel penstock; (4) a powerhouse with a total installed capacity of 3,000 kW operating under a head of 725 feet; and (5) a 2,000-foot-long, 60-kV transmission line interconnecting the project to an existing Pacific Gas and Electric Company (PG&E) transmission line. The estimated average annual generation of 9.5 million kWh would be sold to PG&E.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D3a.

6 a. *Type of Application:* Preliminary Permit.

b. *Project No:* 9977–000.

c. *Date Filed:* April 21, 1986.

d. *Applicant:* The City of Augusta, Georgia.

e. *Name of Project:* New Savannah Bluff Hydro Project.

f. *Location:* On the Savannah River in Richmond County, Georgia, and Aiken County, South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a) – 825(r).

h. *Contact Person:* Mr. Charles T. Dillard, 701 Municipal Building, Augusta, GA 30911, (404) 821–1706.

i. *FERC Contact:* Ed Lee, (202) 376–9825.

j. *Comment Date:* January 19, 1988.

k. *Competing Application:* Project No. 9812–000 Date Filed: December 30, 1985.

l. *Description of Project:* The proposed project would be located at the U.S. Army Corps of Engineers' New Savannah Bluff Lock and Dam, and would consist of: (1) A proposed 1,000-foot-long headrace canal; (2) a new powerhouse containing one 7–MW generator; (3) a proposed 1,000-foot-long tailrace; (4) a proposed 4-mile-long 13.8-kV transmission line or equivalent; and (5) appurtenant facilities. The applicant estimates that the average annual generation would be 45,000 MWh. Project energy would be sold to a local utility company. The applicant estimates that the cost of the work to be performed under the permit would be $20,000.

m. This notice also consists of the following standard paragraphs: A8, A10, B, C, and D2.

7 a. *Type of Application:* Amendment of License.

b. *Project No:* 1889–007.

c. *Date Filed:* December 26, 1985.

d. *Applicants:* Western Massachusetts Electric Company.

e. *Name of Project:* Turners Falls Project.

f. *Location:* On the Connecticut River in Franklin County, Massachusetts, Windham County, Vermont, and Cheshire County, New Hampshire.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a) – 825(r).

h. *Contact Person:* Mr. J.F. Opeka, Northeast Utilities, P.O. Box 270, Hartford, CT 06141–0270, (203) 665–5000.

i. *FERC Contact:* Thomas O. Murphy on (202) 376–9829.

j. *Comment Date:* January 21, 1988.

k. *Description of Project:* The proposed expansion of the Turners Falls Project would consist of the installation of a new Unit 7 at the Cabot Station. No changes are planned to the dam, reservoir, gatehouse, or existing canal except for extending the canal forebay. The proposed changes consist of: (1) Extending the southerly end of the existing canal forebay approximately 80 feet to accommodate the new Unit 7 intake approach channel; (2) a new reinforced concrete intake located on the southeast side of the forebay; and (3) a new 175 feet by 55 feet reinforced concrete semi-outdoor type powerhouse located just south of Cabot Station and housing one vertical-shaft fixed blade propeller turbine and synchronous generator with an average capacity of 22,600 kW. The applicant estimates with the increased capacity of 22,600 kW the project output will increase by approximately 46,300,000 kWh per year.

l. This notice also consists of the following standard paragraphs: A3, A9, B, & C.

8 a. *Type of Application:* Amendment of License.

b. *Project No:* 2370–017.

c. *Date Filed:* October 14, 1987.

d. *Applicant:* Pennsylvania Electric Company.

e. *Name of Project:* Deep Creek Project.

f. *Location:* On Deep Creek near the Village of Oakland, Garrett County, Maryland.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a) – 825(r).

h. *Applicant Contact:* Mr. William J. Madden, Jr., Bishop, Cook, Purcell, & Reynolds, 1200 17th Street, NW., Washington, DC 20036, (202) 853–9800.

i. *FERC Contact:* Michael Dees, (202) 376–9030.

j. *Comment Date:* January 22, 1988.

k. *Description of Project:* The proposed amendment to Pennsylvania Electric Company's existing licensed Project No. 2370 would consist of authorization to issue boat docking permits in excess of the number for which the licensee is authorized by article 35 of its license for the Deep Creek Project. Authority to issue the following boat dock permits at Alpine Village and Silver Tree Inn has been requested: Alpine Village — expand the number of slips from the existing 15 slips to 25 slips; Silver Tree Inn — expand the number of slips from the existing 10 slips to 38 slips.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

9 a. *Type of Application:* Amendment of License.

b. *Project No.:* 2370–018.

c. *Date Filed:* October 14, 1987.

d. *Applicant:* Pennsylvania Electric Company.

e. *Name of Project:* Deep Creek Project.

f. *Location:* On Deep Creek near the Village of Oakland, Garrett County, Maryland.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. William J. Madden, Jr., Bishop, Cook, Purcell, & Reynolds, 1200 17th Street, NW., Washington, DC 20036, (202) 853–9800.

i. *FERC Contact:* Michael Dees, (202) 376–9030.

j. *Comment Date:* January 22, 1988.

k. *Description of Project:* The proposed amendment to Pennsylvania Electric Company's existing licensed Project No. 2370 would consist of authorization to issue boat docking permits in excess of the number for which the licensee is authorized by article 35 of its license for the Deep Creek Project. Authority to issue the following boat dock permits at Lakeforest Estates has been requested: Four single family three slip docks, one common dock facility to hold up to six boats, and one common dock facility to hold up to five boats.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

10 a. *Type of Application:* Transfer of License.

b. *Project No.:* 5130–005.

c. *Date Filed:* October 2, 1987.

d. *Applicants:* Floyd N. Bidwell and Mega Renewables.

e. *Name of Project:* Lost Creek #2.

f. *Location:* On Lost Creek partly within the Lassen National Forest in Shasta County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Transferor: Floyd N. Bidwell, P.O. Box 547, Cassell, CA 96019, (916) 335–2797.

Transferee: Fred G. Castagna, Mega Renewables, 2576 Hartnell Avenue, Redding, CA 96002, (916) 222–1414.

i. *FERC Contact:* Don Wilt, (202) 376–9807.

j. *Comment Date:* January 22, 1988.

k. *Description of Proposed Transfer of License:* Floyd N. Bidwell proposes to transfer the license for Project No. 5130 to Mega Renewables to facilitate financing for completion of the project. Transferee has proposed to construct, operate, and utilize the full output of the project in accordance with the license.

Mega Renewables is a general partnership organized under the laws of the State of California.

l. This notice also consists of the following standard paragraphs: B and C.

11 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 10203–000.

c. *Date Filed:* December 8, 1986.

d. *Applicant:* Mahoning Hydro Associates.

e. *Name of Project:* Mahoning Creek.

f. *Location:* On Mahoning Creek near Putneyville, Armstrong County, Pennsylvania.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contract:* Mr. David M. Coombe, Synergics, Inc., Suite 313, Annapolis, MD 21403, (301) 268–8820.

i. *FERC Contact:* Michael Dees, (202) 376–9830.

j. *Comment Date:* January 19, 1988.

k. *Competing Application:* Project No. 10169–000.

Date Filed: November 17, 1986.

Competition Due Date: January 13, 1988.

l. *Description of Project:* The proposed project would utilize the existing Corps of Engineers' Mahoning Creek Dam and reservoir and would consist of: (1) A proposed penstock 12 feet in diameter and 1,070 feet long; (2) a proposed reinforced concrete powerhouse 50 feet by 50 feet housing two 2,500-kW hydropower units; (3) a proposed tailrace 150 feet wide and 40 feet long; (4) a proposed 34.5-kV transmission line six miles long; and (5) appurtenant facilities. The estimated annual energy production is 16 GWh. Project power would be sold to Pennsylvania Electric Company. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $50,000.

m. This notice also consist of the following standard paragraphs: A8, A10, B, C, and D2.

12 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 10456–000.

c. *Date Filed:* August 12, 1987.

d. *Applicant:* Sugar Pine Hydro Limited.

e. *Name of Project:* Sugar Pine Hydroelectric Project.

f. *Location:* On Deer Creek, near the town of Nevada City, in Nevada County, California. (In Sections 9, 10 and 11 of T16N, R9E, MDB&M.)

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Dr. Roy McDonald, 1121 L Street, Suite 1000, Sacramento, CA 95814, (916) 447–1423.

i. *FERC Contact:* Ahmad Mushtaq, (202) 376–1900.

j. *Comment Date:* February 16, 1988.

k. *Description of Project:* The proposed project would consist of: (1) The Nevada Irrigation District's existing 92-foot-high, 325-foot-long dam; (2) an existing reservoir with a gross storage capacity of 1,400 acre-feet and surface area of 76 acres at elevation 2,896 feet m.s.l.; (3) an 36-inch-diameter diversion slide-gate structure at elevation 2,886 feet; (4) a 7,000-foot-long, 24-inch-diameter penstock; (5) a powerhouse with a total installed capacity of 600 kW operating under a head of 260 feet; and (6) a 0.4-mile-long, 12.5-kV transmission line interconnecting with an existing Pacific Gas and Electric Company (PG&E) transmission line. The applicant estimated average annual energy generation of 2.7 GWh will be sold to PG&E.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

13 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 10461–000.

c. *Date Filed:* August 31, 1987.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of Project:* Parishville Water Power Project.

f. *Location:* On the West Branch of the St. Regis River, in St. Lawrence County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. John H. Terry, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, NY 13202, (315) 428–6366.

i. *FERC Contact:* Thomas O. Murphy, (202) 376–9829.

j. *Comment Date:* February 16, 1988.

k. *Description of Project:* The proposed project would consist of: (1) An existing dam with an overall length of approximately 153 feet and a maximum height of 19 feet; (2) an approximately 2,561-foot-long, 8-foot-diameter riveted steel penstock; (3) an approximately 186-foot-long, 10-foot-diameter riveted steel penstock; (4) an operating 2,300 kW generating unit in an existing powerhouse; (5) an existing 70-acre reservoir at the spillway crest elevation of 884.5 feet msl; (6) an existing 400-foot-long, 45-foot-wide tailrace; and (7) appurtenant facilities.

The applicant owns all project facilities necessary for the operation of the project. The applicant proposes to study the feasibility of increasing the installed generating capacity in order to use the power to serve its customers needs. The applicant estimates that the cost of the work to be performed under the preliminary permit would be $100,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

14 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 10462–000.

c. *Date Filed:* August 31, 1987.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of Project:* Allens Falls Water Power Project.

f. *Location:* On the West Branch of the St. Regis River, in St. Lawrence County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. John H. Terry, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, NY 13202, (315) 428–6366.

i. *FERC Contact:* Thomas O. Murphy, (202) 376–9829.

j. *Comment Date:* February 16, 1988.

k. *Description of Project:* The proposed project would consist of: (1) An existing dam with an overall length of approximately 768 feet and a maximum height of 42 feet; (2) two-foot-high flashboards on the crest of the main spillway; (3) an approximately 10,230-foot-long, 7-foot-diameter riveted steel penstock; (4) an operating 4,200 kW generating unit in an existing powerhouse; (5) an existing 108-acre reservoir at the spillway crest elevation of 740.0 feet msl (without flashboards); (6) an existing 450-foot-long tailrace varying in widths between 40 and 60 feet; (7) an existing 2.35-mile-long, 115-kV transmission line; and (8) appurtenant facilities.

The applicant owns all project facilities necessary for the operation of the project. The applicant proposes to study the feasibility of increasing the installed generating capacity in order to use the power to serve its customers needs. The applicant estimates that the cost of the work to be performed under the preliminary permit would be $100,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

15 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 10471–000.

c. *Date Filed:* September 8, 1987.

d. *Applicant:* Westpac Utilities.

e. *Name of Project:* Dog Creek Dam Water Power Project.

f. *Location:* On Deer Creek, near the town of Nevada City, in Sierra County, California. (In Sections 24 and 25 of T20N, R17E, MDB&M and in Sections 30 and 31 of T20N, R18E, MDB&M.).

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Jack L. Byrom, Westpac Utilities, P.O. Box 30028, Reno, NV 89520–3028, (702) 689–3299.

i. *FERC Contact:* Ahmad Mushtaq, (202) 376–1900.

j. *Comment Date:* February 17, 1987.

k. *Description of Project:* The proposed project would consist of: (1) A 130-foot-high, 585-foot-long dam, with a gross storage capacity of 15,600 acre-feet and surface area of 370 acres at elevation 5,790 feet m.s.l.; (2) a 54-inch-diameter, 600-foot-long steel penstock; (3) a powerhouse to contain a generating unit with a rated capacity of 1,500 kW operating under a head of 130 feet; and (4) a 6,200-foot-long, 25-kV transmission line interconnecting with an existing Sierra Pacific Power Company (SPPC) transmission line. The applicant estimated average annual energy generation of 0.75 GWh will be sold to SPPC.

l. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

16 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 10498–000.

c. *Date Filed:* November 2, 1987.

d. *Applicant:* Upper Falls Hydro Associates.

e. *Name of Project:* Upper Falls Hydro Project.

f. *Location:* On Provo River in Utah County, Utah: Section 34, T5S, R2E: SLB&M.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Michael J. Graham, P.O. Box N, Manti, UT 84642.

i. *FERC Contact:* Jesse W. Short,(202) 376–9818.

j. *Comment Date:* February 16, 1987.

k. *Description of Project:* The proposed project would be located on private property and would consist of: (1) An existing 5- x 12-foot cutoff wall at a natural spring at elevation 5,400 feet m.s.l.; (2) an existing intake and cast iron pipe, 8 inches in diameter and 900 feet long; (3) a new powerhouse with an installed capacity of 100 kW under a 300 foot head; (4) a 150-foot-long tailrace to the Provo River; (5) a 12.47-kV transmission line, about 400 feet long; and (6) appurtenant facilities. The applicant estimates the average annual energy output to be 515,165 kWh. The applicant estimates the cost of studies to be $42,500.

l. *Purpose on Project:* Project energy would be sold to the local power company or to local municipalities.

m. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

17 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 10499–000.

c. *Date Filed:* November 2, 1987.

d. *Applicant:* Rocky Ford Hydro Associates.

e. *Name of Project:* Rocky Ford Hydro Project.

f. *Location:* On Sevier River in Sevier County, Utah: Sections 19, 30, 31, T22S, R1W; Sections 24, 25, 36, T22S, R2W; SLB&M.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Michael J. Grahan, P.O. Box N, Manti, UT 84642.

i. *FERC Contact:* Jesse W. Short, (202) 376–9816.

j. *Comment Date:* February 16, 1987.

k. *Description of Project:* The proposed project would be located on private property and Bureau of Land Management land and would consist of: (1) An existing 25-foot-high earthfill dam at elevation 5, 215 feet m.s.l.; (2) an existing reservior; (3) a new penstock, 60 inches in diameter and about 100 feet long; (4) a new powerhouse with an installed capacity of 150 kW under a 14 foot head; (5) a tailrance returning flow to the river a short distance downstream from the dam; (6) a 12.47 kV transmission line, about 2,000 feet long; and (7) appurtenant facilities. The applicant estimates the average annual energy output to be 885,063 kWh. The applicant estimates the cost of studies to be $15,000.

l. *Purpose on Project:* Project energy would be sold to local municipalities or to the local power company.

m. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

BEST COPY AVAILABLE

VOL 52 ISS 242 DEC 17 1987 UMI

Standard Paragraphs

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing development applications must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36 (1985)). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.30 (b) (1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit and development applications or notices of intent. Any competing preliminary permit or development application, or notice of intent to file a competing preliminary permit or development application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice.

A competing license application must conform with 18 CFR 4.30(b) (10) and (9) and 4.36.

A9. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: Mr. William C. Wakefield II, Acting Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203–RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—States, agencies established pursuant to federal law that have the authority to prepare a comprehensive plan for improving, developing, and conserving a waterway affected by the project, federal and state agencies exercising administration over fish and wildlife, flood control, navigation, irrigation, recreation, cultural and other relevant resources of the state in which the project is located, and affected Indian tribes are requested to provide comments and recommendations for terms and conditions pursuant to the Federal Power Act as amended by the Electric Consumers Protection Act of 1986, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. Recommended terms and conditions must be based on supporting technical data filed with the Commission along with the recommendations, in order to comply with the requirement in section 313(b) of the Federal Power Act, 16 U.S.C. 825*l*(b), that Commission findings as to facts must be supported by substantial evidence.

All other federal, state, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the statutes listed above. No other formal requests will be made. Responses should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If an agency does not respond to the Commission within the time set for filing, it will be presumed to have no comments. One copy of an agency's response must also be set to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments that they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: December 14, 1987.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–29017 Filed 12–16–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP87–134–002]

ANR Pipeline Co.; Compliance Filing

December 14, 1987.

Take notice that on December 4, 1987, ANR Pipeline Company ("ANR") tendered for filing to the Federal Energy Regulatory Commission ("Commission") proposed changes in Original Volume Nos. 1, 1–A and 2 of its F.E.R.C. Gas Tariff to become effective October 1, 1987. ANR states that the filing reflects compliance with the Commission's Order No. 472–B and its Order issued November 19, 1987 in Docket No. RP87–134–001. ANR further states that this filing completes the requirements established by the Commission in order to include an Annual Charges Adjustment Clause ("ACA") in its F.E.R.C. Gas Tariff.

The revised tariff sheets submitted with this filing are listed below:

Original Volume No. 1

Second Substitute Twelfth Revised Sheet No. 18
Substitute Second Revised Sheet No. 85
Substitute Original Sheet No. 86

Original Volume No. 1–A

Substitute Second Revised Sheet No. 16
First Revised Sheet No. 17
Substitute Second Revised Sheet No. 38
Substitute First Revised Sheet No. 58

Original Volume No. 2

Substitute Second Revised Sheet No. 16
Substitute Second Revised Sheet No. 17
Substitute Second Revised Sheet No. 18
Substitute Second Revised Sheet No. 19
Substitute Third Revised Sheet No. 20
Substitute Third Revised Sheet No. 21

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 21, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any party wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–29011 Filed 12–16–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP86–106–009]

Arkla Energy Resources, a Division of Arkla, Inc., Change in FERC GAS Tariff

December 14, 1987.

Take notice that Arkla Energy Resources (AER) on December 7, 1987 tendered for filing the following sheets to its FERC Gas Tariff:

Original Volume No. 1–A

Second Revised Sheet Nos. 1 through 4
Third Revised Sheet Nos. 5 and 6
Second Revised Sheet Nos. 7 through 116

AER states that such sheets are filed in compliance with Ordering Paragraph B of the Commission's Order dated June 26, 1987 in this docket. Such order required AER to file revised sheets within 30 days of any order on rehearing to revise AER's tariff to reflect the conditions imposed by the Commission on its approval of AER's offer of settlement in this proceeding. The Commission denied petitions for rehearing of the June 26, 1987 order by an order dated November 5, 1987. AER proposes an effective date of January 1, 1988 for these sheets.

Any person desiring to be heard or to protest AER's filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 21, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party

VOL 52 ISS 242 DEC 17 1987 UMI

must file a motion to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Lois Cashell,

Acting Secretary.

[FR Doc. 87-29012 Filed 12-16-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP71-15-024 et al.]

East Tennessee Natural Gas Company et al.; Filing of Pipeline Refund Reports

December 14, 1987.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports. The date of filing and docket number are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, on or before January 4, 1988. Copies of the respective filings are on file with the Commission and available for public inspection.

Lois D. Cashell,

Acting Secretary.

Appendix

Filing date	Company	Docket No.
9/25/87	East Tennessee Natural Gas Co.	RP71-15-024
9/30/87	Transwestern Pipeline Co.	RP84-85-004
10/8/87	Natural Gas Pipeline Company of America.	RP85-99-007
10/8/87	Sea Robin Pipeline Co.	RP85-89-005
10/8/87	United Gas Pipe Line Co.	RP85-90-007
10/30/87	Colorado Interstate Gas Co.	RP72-122-020
11/2/87	Tennessee Gas Pipeline Co.	TA82-2-5-021
11/3/87	Lone Star Gathering Co.	RP85-76-004
11/5/87	Valero Interstate Transmission Co.	RP85-86-003
11/10/87	Arkla Energy Resources	RP85-119-006
11/16/87	Tennessee Gas Pipeline Co.	CP79-477-003
11/19/87	Eastern Shore Natural Gas Co.	TA87-2-23-007

[FR Doc. 87-29013 Filed 12-16-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-1-51-002 and TA88-3-51-000]

Great Lakes Gas Transmission Co.; Proposed Changes in FERC Gas Tariff Under Purchased Gas Adjustment Clause Provisions

December 14, 1987.

Take notice that Great Lakes Gas Transmission Company ("Great Lakes") on December 7, 1987, tendered for filing Substitute Ninth Revised Sheet Nos. 57(i) and 57(ii) and Tenth Revised Sheet Nos. 57(i) and 57(ii) to its FERC Gas Tariff, First Revised Volume No. 1 which were proposed to be effective November 1, 1987 and January 1, 1988, respectively.

Great Lakes states that Substitute Ninth Revised Sheet Nos. 57(i) and 57(ii) reflect changes, which are effective November 1, 1987, in the price of gas purchased by Great Lakes from TransCanada Pipelines Limited ("TransCanada") for resale to Michigan Consolidated Gas Company, ANR Pipeline Company, Natural Gas Pipeline Company of America ("Natural") and Northern Minnesota Utilities. These price changes are the result of direct negotiations between these resale customers and TransCanada.

Great Lakes states that in addition, as the result of negotiations between Great Lakes and TransCanada, the price of natural gas purchased by Great Lakes for company use was reduced from $2.19810 per MMBtu to $2.03 per MMBtu.

Further, Grrat Lakes states that there were also included on these tariff sheets minor adjustments to other customers resulting from changes in the heat content of the gas purchased and updated allocation factors for distributing company use gas cost to the various Gas Purchase Contract Groups.

Great Lakes states that the purchased gas cost changes that were reflected on the above-mentioned tariff sheets were not available when Great Lakes filed its semi-annual surcharge adjustments on September 30, 1987. Those surcharge rates were approved by the Commission on October 29, 1987, subject to refund, and, except for Natural, were accordingly reflected on the tariff sheets tendered for filing. The surcharge rate for Natural was revised to reflect the level of volumes Natural indicated that it expects to purchase from Great Lakes as a result of the gas prices that will be in effect for the period commencing November 1, 1987 and ending April 30, 1988.

Great Lakes states that Tenth Revised Sheet Nos. 57(i) and 57(ii) were filed to reflect, in the appropriate sales rate schedules, the revised Gas Research Institute's 1988 Research and Development Program pursuant to the Commission's Opinion No. 283, issued on September 29, 1987. These tariff sheets were proposed to become effective January 1, 1988.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before December 21, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29014 Filed 12-16-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-30-000]

Interstate Power Co.; Filing

December 14, 1987.

Take notice that Interstate Power Company (Company) tendered for filing on December 7, 1987, the tariff sheets listed below:

First Revised Volume No. 2

Second Revised Sheet No. 2
Original Sheet No. 9C
First Revised Sheet No. 10
Original Sheet No. 18

First Revised Volume No. 2

Third Revised Sheet No. 2
First Revised Sheet No. 3
First Revised Sheet No. 4
First Revised Sheet No. 5
First Revised Sheet No. 6
First Revised Sheet No. 7
First Revised Sheet No. 8
First Revised Sheet No. 9
First Revised Sheet No. 9A
Original Sheet No. 19

Interstate Power states that the first group of First Revised Volume No. 2 sheets reduce the monthly demand charge in Interstate Power's gas transportation tariffs, to reflect the reduction in federal corporate income tax level under the Tax Reform Act of 1986.

Interstate Power submits the second group of First Revised Volume No. 2 sheets to include a new GT-1 gas transportation contract, and as a proposed tariff to provide a mechanism for Interstate to recover the annual charges assessed by the Commission—pursuant to Part 382 of the Commission's regulations. The proposed (ACA) clause is pursuant to the Commission's regulations promulgated in Order No. 472.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before December 21, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29015 Filed 12-16-87; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of proposed implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in disbursing $183,667,955.78 (plus accrued interest) obtained by the DOE under the terms of a consent order entered into with Shell Oil Company. The funds are being held in escrow following the settlement of claims and disputes arising from an Economic Regulatory Administration audit of Shell, a major integrated refiner marketing crude oil and refined petroleum products throughout the United States.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Comments should be filed in duplicate and display a conspicuous reference to Case Number KEF-0093.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director or Jonathan Rees, Staff Analyst Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585. (202) 586-2094 (Mann), (202) 586-2383 (Rees).

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy (DOE), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order tentatively establishes procedures to distribute to eligible claimants $183,667,955.78, plus accrued interest, obtained by the DOE under the terms of a consent order entered into with Shell Oil Company on March 26, 1987. The funds were paid by Shell towards the settlement of possible violations of the DOE price and allocation regulations relating to transactions by Shell involving the production, refining, and marketing of crude oil and petroleum products during the period January 1, 1973 through January 27, 1981 (the consent order period).

The Proposed Decision and Order sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow account funded by Shell. The DOE has tentatively decided that the Shell consent order fund will be divided into two pools. The first pool, consisting of $163,260,405.14 (plus accrued interest), will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy, 51 FR 27899 (August 4, 1986), under which crude oil overcharge revenues will be divided among the States, the United States Treasury, and eligible purchasers of crude oil and refined petroleum products. The remaining funds, $20,407,550.64 (plus accrued interest), will be made available to qualified purchasers of Shell refined petroleum products who file Applications for Refund. However, Applications for Refund should *not* be filed at this time. Appropriate public notice will be provided prior to the acceptance of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their submissions. Comments must be submitted within 30 days of publication of this notice in the **Federal Register** and should be sent to the address set forth at the beginning of this notice. All comments received will be available for public inspection between the hours of 1:00 p.m. and 5:00 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, DC 20585.

Date: December 10, 1987.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 10, 1987.

Poposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Name of Firm: Shell Oil Company.
Date of Filing: April 29, 1987.
Case Number: KEF-0093.

Under the procedural regualtions of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement procedures for the distribution of funds obtained by the DOE as a result of the agency's Regulations. *See* 10 CFR Part 205, Subpart V. Pursuant to the provisions of Subpart V, on April 29, 1987, the ERA filed a Petition for the Implementation of Special Refund Procedures to distribute funds received from Shell Oil Company under the terms of a March 26, 1987 consent order with Shell. In its Petition, the ERA requests that the OHA establish special procedures to make refunds in order to remedy the effects of the alleged regulatory violations that were settled in the Shell consent order.

I. Background

Shell is a major integrated refiner which produced and sold crude oil and a full range of refined petroleum products during the period of federal price controls. The firm was therefore subject to the Mandatory Petroleum Price and Allocation Regulations set forth at 6 CFR Part 150 and 10 CFR Parts 210, 211, and 212. During the course of controls, the ERA conducted an extensive audit of Shell's operations and, as a result of the audit, alleged that Shell had violated certain applicable DOE price and allocation regulations in its sales of crude oil and petroleum products. Settlement discussions were held, and on March 26, 1987, the ERA and Shell finalized a consent order (Consent Order No. RSHA00001Z) that resolved issues pertaining to Shell's crude oil and refined petroleum product operations during the period January 1, 1973 through January 27, 1981 (the consent order period). Pursuant to the terms of the consent order, Shell remitted to total of $183,667,955.78 (the consent order fund) [1] to the DOE for distribution

[1] This amount consists of the principal consent order amount of $180,000,000 plus $3,667,955.78 in interest which accrued prior to Shell's payment to the DOE. For accounting purposes the interest

Continued

through Subpart V. These funds are being held in an interest-bearing escrow account maintained at the Department of the Treasury pending a determination regarding their proper distribution. With interest, the amount in the Shell consent order escrow account had grown to $190,212,837.34 as of November 30, 1987.

II. Jurisdiction and Authority

The Subpart V regulations set forth general guidelines which may be used by the OHA in formulating and implementing a plan of distribution of funds received as a result of enforcement proceedings. The DOE policy is to use the Subpart V process to distribute such funds. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds, *see Office of Enforcement*, 9 DOE ¶ 82,508 (1981) and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

We have considered the ERA's Petition that we implement a Subpart V proceeding with respect to the Shell consent order fund and have determined that such a proceeding is appropriate. We will grant the ERA's request. This Proposed Decision and Order sets forth the OHA's tentative plan to distribute these funds. Comments are solicited.

III. Proposed Refund Procedures

Because the consent order resolves alleged violations involving both sales of crude oil and refined petroleum products, we propose to divide the consent order fund into two pools. *See Standard Oil Co. (Indiana)*, 10 DOE ¶85,048 (1982) (*Amoco*). The consent order identifies $160 million as being attributable to alleged crude oil violations and $20 million as being attributable to Shell's sales of refined petroleum products. 52 FR. 9695 (March 26, 1987). We therefore propose that $20,407,550.64 ($20 million plus the interest on that amount remitted by Shell) contained in the Shell escrow account, plus interest accrued on that amount, be made available for distribution to purchasers of Shell refined petroleum products who demonstrate that they were injured as a result of Shell's alleged regulatory violations. We further propose that the remaining $163,280,405.14, plus accrued interest, attributable to alleged crude oil violation amounts, be made available for disbursement under the applicable DOE policy and procedures which are discussed below.

remitted by Shell shall be considered as additional principal and shall be divided proportionately between the curde oil and refined product pools discussed below.

A. Crude Oil Claims

We propose that the funds in the crude oil pool be distributed in accordance with the Modified Statement of Restitutionary Policy (MSRP) which was issued by the DOE on July 26, 1986. 51 F.R. 27899 (August 4, 1986).[2] The MSRP, which was issued as a result of a court-approved Final Settlement Agreement in *In re the Department of Energy Stripper Well Exemption Litigation*, 653 F. Supp. 108 (D. Kan. 1986),[3] provides that crude oil overcharge revenues will be divided among the States, the United States Treasury, and eligible purchasers of crude oil and refined products. Under the MSRP, up to 20 percent of these crude oil overcharge funds will be reserved to satisfy valid claims by eligible purchasers of crude oil and refined petroleum products. Remaining funds are to be disbursed to the state and federal governments for indirect restitution also in accordance with the MSRP. In the present case, we have decided to reserve the full 20 percent, or $32,652,081.02 of the crude oil pool, plus an appropriate share of the accrued interest, for direct refunds to purchasers of crude oil and refined petroleum products who prove that they were injured by these alleged crude oil violations.[4]

The process which the OHA will use to evaluate claims based on alleged crude oil violations will be modeled after the process the OHA has used in Subpart V proceedings to evaluate claims based upon alleged overcharges involving refined products. *See Mountain Fuel Supply Co.*, 14 DOE ¶ 85,475 (1986).

As in non-crude oil cases, applicants will be required to document their purchase volumes and to prove that they were injured as a result of the alleged violations. We propose to utilize standards for the showing of injury which the OHA has developed in analyzing non-crude oil claims. *See, e.g., Dorchester Gas Corp.*, 14 DOE ¶ 85,240 (1986). These standards include a presumption that end-users and ultimate consumers whose businesses are unrelated to the petroleum industry absorbed the increased costs resulting from a consent order firm's alleged overcharges. *See A. Tarricone, Inc.*, 15 DOE ¶ 85,495 (1987). Reseller and retailer claimants must submit detailed evidence of injury, but may not rely upon the presumptions of injury utilized in refund cases involving refined petroleum products. *Id.* They can, however, use econometric evidence of the type employed in the OHA Report in *In Re: The Department of Energy Stripper Well Exemption Litigation*, 6 Fed. Energy Guidelines ¶ 90,507.

Refunds to eligible claimants will be calculated on the basis of a volumetric refund amount derived by dividing the funds available in the crude oil pool ($163,250,405.14 of Shell principal plus funds in all other cruide oil subaccounts) by the total consumption of petroleum products in the United States during the period of price controls (2,020,997,335,000 gallons). The crude oil volumetric refund amount in this proceeding is $.000080782098. In addition, after all valid claims are paid, unclaimed funds from the 20 percent claims reserve will be divided equally between federal and state governments. The federal government's share of the unclaimed funds will ultimately be deposited into the general fund of the Treasury of the United States.

We propose that the remaining 80 percent of the crude oil pool, or $130,608,324.12, be disbursed along with interest accrued on this amount in equal shares to the federal and state governments for indirect restitution. *See Stripper Well Exemption Litigation*, 16 DOE ¶ 85,200 at 88,386 (1987). If this proposal is adopted, we will direct the DOE's Office of the Controller to segregate this amount and distribute $85,304,162.06 in principal, plus appropriate interest, to the states and the same amount to the federal government. Refunds to the States will be in proportion to the consumption of petroleum products in each state during the period of price controls. The share (ratio) of the funds in the account which each state will receive if these procedures are adopted is contained in Exhibit H of the Settlement Agreement. These funds will be subject to the same limitations and reporting requirements as all other crude oil monies received by the states under the Settlement Agreement.

[2] In the Order implementing the MSRP, the OHA solicited comments and objections regarding the proper application of the MSRP to OHA refund proceedings involving alleged crude oil violations. On April 6, 1987, the OHA issued a notice which analyzes the comments that were submitted and explains the procedures which the Office will follow in processing applications filed under the Subpart V regulations for refunds from the crude oil overcharge funds. 52 F.R. 11737 (April 10, 1987).

[3] The Settlement Agreement resolves a number of matters, including the distribution of funds collected by the Court and the distribution of alleged crude oil violation amounts collected by the DOE in other cases.

[4] Under the Settlement Agreement, firms which apply for a portion of the Stripper Well funds generally must sign a waiver releasing their claims to any crude oil funds to be distributed by the OHA under Subpart V. Settlement Agreement, Part III. Accordingly, those firms that have executed a waiver will not be eligible for a refund from the Shell crude oil pool.

B. Refined Product Claims

With regard to the remainder of the Shell settlement fund, $20,407,550.64 in principal plus interest accrued on that amount, we propose to implement a two-stage refund process by which firms and individuals who purchased Shell refined petroleum products during the consent order period may submit Applications for Refund in the initial stage. From our experience with Subpart V proceedings, we expect that potential applicants will fall into the following categories of Shell refined product purchasers: (i) End-users, i.e., ultimate consumers; (ii) regulated entities, such as public utilities or cooperatives; and (iii) retailers, resellers, and refiners that resold Shell products.

In order to receive a refund, each claimant will be required to submit a schedule of its monthly purchases of Shell refined petroleum products during the consent order period. If the product was not purchased directly from Shell, the claimant must provide a statement setting forth its reasons for maintaining that the product originated with Shell.

In addition, a refiner, reseller, or retailer claimant, except those who choose to utilize the injury presumptions set forth below, will be required to make a detailed showing that it was injured by the alleged overcharges. This showing will generally consist of two distinct elements. First, a claimant will be required to show that it maintained "banks" of unrecouped increased product costs (banked costs) in excess of the refund claimed.[5] Second, because a showing of banks alone is not sufficient to establish injury, a claimant must provide evidence that market conditions precluded it from increasing its prices to pass through the additional costs associated with the alleged overcharges. *See National Helium Corp./Atlantic Richfield Co.*, 11 DOE ¶ 85,257 (1984), *aff'd sub nom Atlantic Richfield Co. v. DOE*, 618 F. Supp. 1199 (D. Del. 1985). Such a showing could consist of a demonstration that the firm suffered a competitive disadvantage as a result of its purchases from Shell. *Id.; see also Sid Richardson Carbon and Gasoline Company and Richardson Products Company/Shupbach and Streitmatter Gas Company*, 14 DOE ¶ 85,186 (1986).

[5] Claimants who have previously relied upon their banked costs in order to be eligible to receive refunds in other special refund proceedings should subtract those refunds from the cumulative banked costs submitted in this proceeding. *See* Husky Oil Co./Metro Oil Products, Inc., 16 DOE ¶ 85,090 at 88,179 (1987).

1. Presumptions for Claims Based Upon Refined Product Purchases

Our experience also indicates that the use of certain presumptions permits claimants to participate in the refund process without incurring inordinate expense, and ensure that refund claims are evaluated in the most efficient manner possible. *See, e.g., Marathon Petroleum Company*, 14 DOE ¶ 85,269 (1986) *(Marathon)*. Presumptions in refund cases are specifically authorized by the applicable DOE procedural regulations at 10 CFR 205.282(e). Accordingly, we propose to adopt the presumptions set forth below.

First, we will adopt a presumption that the alleged overcharges were dispersed equally among all of Shell's sales of refined petroleum products during the consent order period. In accordance with this presumption, refunds are to be made on a pro-rata or volumetric basis. In the absence of better information, a volumetric refund approach is appropriate because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices.

Under the volumetric approach, a claimant's allocable share of the refined product pool is equal to the number of gallons purchased times the per gallon refund amount (plus an appropriate share of the interest which has accrued on the Shell consent order fund).[6] In the present case, the per gallon refund amount is $0.000226. We derived this figure by dividing the consent order funds in the refined product refund pool ($20,407,550.64) by the approximate number of gallons of refined products subject to price and allocation controls sold by Shell during the consent order period (90,334,236,000 gallons). As in previous cases, we will establish a minimum refund amount of $15.00. We have found through our experience that the cost of processing claims in which refunds for amounts less than $15.00 are sought outweighs the benefits of restitution in those instances. *See, e.g., Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985).

In addition to the volumetric presumption, we also propose to adopt a number of presumptions regarding injury for claimants in each category listed below.

[6] Because we realize that the impact on an individual claimant may have been greater than the volumetric amount, we will allow any purchaser to file a refund application based upon a claim that an allocation on the basis of a specifically alleged overcharge amount should be used in considering its refund application. *See, e.g.*, Standard Oil Co. (Indiana)/Army and Air Force Exchange Service, 12 DOE ¶ 85,015 (1984).

a. *End-users.* In accordance with prior Subpart V proceedings, we propose to adopt the presumption that an end-user or ultimate consumer of Shell petroleum products whose business is unrelated to the petroleum industry was injured by the alleged overcharges settled by the consent order. *See, e.g., Texas Oil and Gas Corp.*, 12 DOE ¶ 85,069 at 88,209 (1984) *(TOGCO)*. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period, and were not required to keep records which justified selling price increases by reference to cost increases. Consequently, analysis of the impact of the alleged overcharges on the final prices of goods and services produced by members of this group would be beyond the scope of a special refund proceeding. *Id.* We therefore propose that end-users of Shell refined petroleum products need only document their purchase volumes from Shell during the consent order period to make a sufficient showing that they were injured by the alleged overcharges.

b. *Regulated Firms and Cooperatives.* We further propose that, in order to receive a full volumetric refund, a claimant whose prices for goods and services are regulated by a governmental agency, e.g., a public utility, or by the terms of a cooperative agreement, needs only to submit documentation of purchase volumes used by itself or, in the case of a cooperative, sold to its members.[7] However, a regulated firm or cooperative will also be required to cerfity that it will pass through any refund received to its customers or member-customers, provide us with a full explanation of how it plans to accomplish the restitution, and certify that it will notify the appropriate regulatory body or membership group of its receipt of the refund. *See Marathon*, 14 DOE at 88,515; *Office of Special Counsel*, 9 DOE ¶ 82,538 at 85,203 (1982). This latter requirement is based upon the presumption that, with respect to a regulated firm, any overcharges would have been routinely passed through to its customers through the operation of automatic adjustment mechanisms. Similarly, any refunds received would be passed through to its customers. With respect to a cooperative, in general, the cooperative agreements which control prices would ensure that the alleged overcharges and, similarly, refunds would be passed through to its member-

[7] A cooperative's sales to non-members will be treated in the same manner as sales by other resellers. *See* Marathon, 14 DOE at 88,515.

VOL 52 ISS 242 DEC 17 1987 UMI

customers. Accordingly, these firms will not be required to make a detailed demonstration of injury.

c. *Refiners, Resellers, and Retailers Seeking Refunds of $5,000 or Less.* We propose to adopt a presumption that a firm who resold Shell products and requests a small refund was injured by the alleged regulatory violations. Under the small claims presumption, a refiner, reseller, or retailer seeking a refund of $5,000 or less, exclusive of interest (i.e. who purchased less than 22,123,894 gallons of Shell refined petroleum products during the consent order period), will not be required to submit evidence of injury beyond documentation of the volume of Shell covered products it purchased during the consent order period. *See TOGCO.* As we have noted in numerous prior proceedings, there may be considerable expense involved in gathering the types of data necessary to support a detailed claim of injury; in some cases, that expense might possibly exceed the expected refund. Consequently, failure to allow simplified application procedures for small claims could deprive injured parties of their opportunity to obtain a refund. Furthermore, use of the small claims presumption is desirable in that it allows the OHA to process the large number of routine refund claims expected in an efficient manner.[9]

d. *Medium-Range Refiner, Reseller and Retailer Claimants.* In Lieu of making a detailed showing of injury, a refiner, reseller, or retalier claimant whose allocable share exceeds $5,000 may elect to receive as its refund the larger of $5,000 or 40 percent of its allocable share up to $50,000.[9] The use of this presumption reflects our conviction that these larger claimants were likely to have experienced some injury as a result of the alleged overcharges. *See Marathon,* 14 DOE at 88,515. In a number of prior special refund proceedings, we performed detailed economic analysis in order to determine product-specific levels of injury. *See, e.g., Mobil Oil Corp.,* 13 DOE ¶ 85,339 (1985). However, in *Gulf Oil Corp.,* 16 DOE ¶ 85,361 (1987) we determined that it was most efficient to adopt a single general presumptive level of injury of 40 percent for all medium-range claimants, regardless of the refined products they purchased, based upon the results of our analyses in prior proceedings. We therefore propose to adopt the 40 percent presumptive level of injury for all medium-range claimants in this proceeding. Consequently, an applicant in this group will only be required to provide documentation of its purchase volumes of Shell refined petroleum products during the consent order period in order to be eligible to receive a refund of 40 percent of its total volumetric share.[10]

e. *Sport Purchasers.* We propose to adopt a rebuttable presumption that a refiner, reseller or retailer that made only spot purchases from Shell did not suffer injury as a result of those purchases. As we have previously stated, spot purchasers tend to have considerable discretion as to the timing and market in which to make purchases and therefore would not have made sport market purchases from a firm at increased prices unless they were able to pass through the full amount of the firm's selling price to their own customers. *See Office of Enforcement,* 8 DOE ¶ 82,597 at 85,396–97 (1981). Accordingly, a spot purchaser claimant must submit specific and detailed evidence to rebut the spot purchaser presumption and to establish the extent to which it was injured as a result of its spot purchases from Shell.[11]

f. *Consignees.* A consignee agent is a firm that distributed covered products pursuant to a contractual agreement with a refiner, under which the refiner retained title to the products, specified the price to be paid by the purchaser and paid the consignee a commission based upon the volume of covered products it distributed. 10 CFR 212.31 (definition of "consignee agent"). As in previous Decisions, we propose to adopt the rebuttable presumption that consignees of Shell refined petroleum products were not injured as a result of their arrangement with their refiner/supplier. *See, e.g., Jay Oil Company,* 16 DOE ¶ 85,147 (1987). However, we also propose that a consignee may rebut this presumption of non-injury by establishing that "[its] sales volumes, and [its] corresponding commission revenues, declined due to the alleged uncompetitiveness of [the consent order firm's] practices." *See Gulf Oil Corp./C.F. Canter Oil Co.,* 13 DOE ¶ 85,388 at 88,962 (1986).

2. Allocation Claims

We also recognize that we may receive claims based upon Shell's alleged failure to furnish petroleum products that it was obliged to supply to the claimant under the DOE allocation regulations. *See* 10 CFR Part 211. We will evaluate refund applications based upon allocation claims by referring to the standards set forth in Decisions such as *Amoco,* 10 DOE at 88,220 and *OKC Corp./Town & Country Markets, Inc.* 12 DOE ¶ 85,094 (1984). Under those standards an allocation claimant first must demonstrate the existence of a supplier/purchaser relationship with the consent order firm and the likelihood that the consent order firm failed to furnish petroleum products that it was obliged to supply to the claimant under 10 CFR Part 211. Secondly, it should provide evidence that it had contemporaneously notified the DOE or otherwise sought redress from the alleged allocation violation. Finally, it must establish that it was injured and document the extent of the injury.

C. Distribution of Product Funds Remaining after First Stage

We propose that any refined product funds that remain after all first stage claims have been decided be distributed in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), Pub. L. 99–509, Title III. *See* Fed. Energy Guidelines ¶ 11,702 et seq. PODRA requires that the Secretary of Energy determine annually the amount of oil overcharge funds that will not be required to refund monies to injured parties in Subpart V proceedings and make those funds available to state governments for use in four energy conservation programs. PODRA, sections 3003(c) and (d). The Secretary has delegated these responsibilities to the OHA, and any refined product pool funds in the Shell consent order escrow account that the OHA determines will not be needed to effect direct restitution to injured Shell customers will be distributed in accordance with the provisions of PODRA.

[9] Claimants who attempt to make a detailed showing of injury in order to support a large refund claim but, instead, provide evidence that leads us to conclude that they passed through all of the alleged overcharges or are eligible for a refund of less than $5,000, will not be entitled to a $5,000 small claims threshold refund. *See* Union Texas Petroleum Corp./Arrow Enterprises, Inc., 15 DOE ¶ 85,087 (1986); Quaker State Oil Refining Corp./Campbell Oil Co., 15 DOE ¶ 85,089 (1986).

[9] That is, claimants who purchased between 22,123,894 gallons and 553,097,345 gallons of Shell refined petroleum products during the consent order period (medium-range claimants) may elect to utilize this presumption. Claimants who purchased more than 553,097,345 gallons may elect to limit their claim to $50,000.

[10] A medium-range claimant may elect not to receive a refund based upon this presumption and may instead attempt to show that it is eligible for a refund equal to its full allocable share by making a detailed showing of injury using the general criteria set forth above. However, as with the small claims presumption, the 40 percent presumption will not be available to medium-range claimants who submit a detailed injury showing which leads us to conclude that they are eligible for a refund of less than 40 percent of their volumetric share. *See* n.8 infra.

[11] In prior proceedings we have stated that refunds will be approved or sport purchasers who demonstrate that (i) they made the sport purchases for the purpose of ensuring a supply for their base period customers rather than in anticipation of financial advantage as a result of those purchases, and (ii) they were forced by market conditions to resell the product at a loss that was not subsequently recouped. *See* Quaker State Oil Refining Corp./Certified Gasoline Co., 14 DOE ¶ 85,465 (1986).

IV. Application for Refund

Applications for Refund should not be filed at this time. Detailed procedures for filing Applications will be provided in a final Decision and Order. Before disposing of any of the funds received as a result of the Shell consent order, we intend to publicize the distribution process in order to solicit comments on all aspects of the foregoing Proposed Decision and Order from interested parties. All comments must be filed within 30 days of the publication of this Proposed Decision in the **Federal Register.**

It Is Therefore Ordered That:

The refund amount remitted to the Department of Energy by Shell Oil Company pursuant to Consent Order No. RSHA00001Z, finalized on March 26, 1987, will be distributed in accordance with the foregoing Decision.

[FR Doc. 87–28962 Filed 12–16–87; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–3302–9]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.)* requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICR is available for review and comment.

FOR FURTHER INFORMATION CONTACT: Carla Levesque at EPA, (202) 382–2740 (FTS 382–2740).

SUPPLEMENTARY INFORMATION:

Office of Water

Title: National Survey of Pesticides in Drinking Water Wells. (EPA ICR #1191).

Abstract: EPA is analyzing water samples for pesticides and interviewing well owners/operators. The data will be used to estimate national level distribution of pesticide residues in wells and to assess the relationship among residues, agricultural pesticide use and hydrogeologic vulnerability. The findings will be used to develop pesticides and drinking water regulations.

Respondents: Community Water Systems, Rural Domestic Well Owners, State and Local Governments.

Estimated Annual Burden: 5,247 Hours

Frequency of Collection: One time only

Comments on the abstract on this notice may be sent to:

Carla Levesque, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM–223), Information and Regulatory System Division, Information Policy Branch, 401 M St., SW., Washington, DC. 20460

and

Tim Hunt, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3019), 726 Jackson Place, NW, Washington, DC. 20503.

Date: December 7, 1987.

Daniel J. Fiorino,

Director, Information Regulatory Systems Division.

[FR Doc. 87–28963 Filed 12–16–87; 8:45 am]

BILLING CODE 6560–50–M

[OW–FRL–3303–6]

Water Quality Act of 1987 Implementation; Final Guidance Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of two final guidance documents for implementation of requirements under the Water Quality Act of 1987 (WQA). These documents are: "Nonpoint Source Guidance" and "State Clean Water Strategies: Meeting the Challenges of the Future."

The "Nonpoint Source Guidance" describes in detail the requirements under the new WQA section 319, "Management of Nonpoint Sources of Pollution." The purpose of this document is to guide States in preparing their State Nonpoint Source Assessment Reports and management Programs. It also covers the process for EPA review and approval of State Reports and Programs, the several sources of Federal funding authorized to assist States in implementing approved Nonpoint Source Management Programs, and the process for awarding such funds. EPA will not issue new regulations to implement WQA section 319, and will, therefore, rely on the "Nonpoint Source Guidance" to direct implementation of these new requirements.

The purpose of "State Clean Water Strategies: Meeting the Challenges of the Future" is to provide States with a basic framework for integrating new WQA initiatives and existing program requirements, and targeting water quality programs in order to achieve the most beneficial environmental results and to make the most efficient and effective use of Federal and State resources. The process described in this guidance is not required by the WQA although it builds upon the requirements in WQA section 319 and is designed to improve overall State water quality planning and management.

DATE: Copies of these final guidance documents are available beginning today.

ADDRESSES: EPA will mail to those people who submitted comments on the final draft guidance documents: (1) A copy of these two documents; and (2) a responsiveness summary of the comments submitted to EPA. Others who want to receive copies of these final guidance documents may obtain them by contacting: for "Nonpoint Source Guidance," Mr. Carl Myers, Chief Nonpoint Sources Branch, WH–585, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, or telephoning him at (202) 382–7100; and for "State Clean Water Strategies: Meeting the Challenges of the Future," Ms. Betsy LaRoe, Office of Water, WH–556, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 or telephoning her at (202) 382–5705.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, Office of Water, at the above addresses and telephone numbers, or contact the EPA Regional Office nearest you.

Date: December 11, 1987.

Lawrence J. Jensen,

Assistant Administrator for Water.

[FR Doc. 87-29095 Filed 12-16-87; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-3303-5]

Water Quality Act of 1987 Implementation; Final Guidance Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of a final guidance document entitled "Clean Lakes Program Guidance." The purpose of this guidance is to provide States with the information necessary to complete the lake water quality assessments, which are required by section 314 of the Water Quality Act of 1987 (WQA) and to prepare and submit Clean Lakes Grant applications. This guidance is intended as a supplement to the existing Clean Lakes Regulation, 40 CFR Part 35, Subpart H, "Cooperative Agreements for Protecting and Restoring Publicly Owned Fresh Water Lakes." EPA will not be issuing new regulations to implement the requirements of WQA section 314. This guidance is, therefore, EPA's basic direction for implementing these requirements.

DATE: Copies of these final guidance documents are available beginning today.

ADDRESSES: EPA will mail to those people who submitted comments on the final draft guidance documents: (1) A copy of the final guidance document; and (2) a responsiveness summary of the comments submitted to EPA. Others who want to receive a copy of the final "Clean Lakes Program Guidance" may obtain it by contacting Mr. Frank Lapensee, Office of Water, Office of Water Regulations and Standards, WH-585, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 or telephoning him at (202) 382-7105.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, Office of Water, at the above address and telephone number, or contact the EPA Regional Office nearest you.

Date: December 11, 1987.

Lawrence J. Jensen,

Assistant Administrator for Water.

[FR Doc. 87-29096 Filed 12-16-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-801-DR]

Amendment to Notice of a Major Disaster Declaration; New York

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of New York (FEMA-801-DR), dated November 10, 1987, and related determinations.

DATED: December 8, 1987.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3614.

Notice: The notice of a major disaster for the State of New York, dated November 10, 1987, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe of November 10, 1987: The Counties of Putnam and Saratoga for Public Assistance only.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 87-28980 Filed 12-16-87; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL HOME LOAN BANK BOARD

Bohemian Savings and Loan Association, St. Louis, MO; Replacement of Conservator With a Receiver

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(D) of the Home Owners' Loan Act of 1933, as amened, 12 U.S.C. 1464(d)(6)(D)(1982), the Federal Home Loan Bank Board on December 11, 1987, duly replaced the Federal Savings and Loan Insurance Corporation as conservator for Bohemian Savings and Loan Association, St. Louis, Missouri, by the Federal Savings and Loan Insurance Corporation as sole receiver for the Association.

Dated: December 11, 1987.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Secretary.

[FR Doc. 87-29021 Filed 12-16-87; 8:45 am]

BILLING CODE 6720-01-M

Surety Federal Savings and Loan Association, Morganton, NC; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Surety Federal Savings and Loan Association, Morganton, North Carolina, on December 11, 1987.

Dated: December 14, 1987.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Secretary.

[FR Doc. 87-29020 Filed 12-16-87; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 87-27]

Massachusetts Port Authority v. The 8900 Lines et al.; Filing of Complaint and Assignment

Notice is given that a complaint filed by the Massachusetts Port Authority ("Massport") against a conference of water carriers operating under FMC Agreement No. 8900 (hereinafter "The 8900 Lines") was served December 11, 1987.

Massport alleges that The 8900 Lines and its member carriers, through the publication of an arbitrary surcharge as set forth in The 8900 Lines Freight Tariff No. 14, and more particularly, 2nd revised page 45, have violated various sections of the Shipping Act of 1984. Specific violations alleged include sections 10(b)(6)—unfair and unjustly discriminatory practices in the matter of rates; 10(b)(10)—assessment of a rate or charge that is unjustly discriminatory between shippers or ports; 10(b)(11)—making or giving any undue or unreasonable preference or advantage to ports and shippers that compete with Massport; 10(b)(12)—subjecting Massport to an unreasonable refusal to deal an undue or unreasonable prejudice or disadvantage; 10(c)(1)—imposition of a boycott upon Massport; 10(c)(2)—engaging in conduct that unreasonably restricts the use of intermodal services or technological innovations; and 10(b)(1)—imposition of an unjust and unreasonable regulation or practice; 46 U.S.C. app 1709 10(b)(6), 10(b)(10), 10(b)(11), 10(b)(12), 10(c)(1), 10(c)(2), and 10(d)(1).

This proceeding has been assigned to Administrative Law Judge Norman D. Kline ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by December 12, 1988, and the final decision of the Commission shall be issued by April 12, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 87-29006 Filed 12-16-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Change in Bank Control; Acquisition of Shares of Banks or Bank Holding Companies; Duane W. Acklie

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 4, 1988.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Duane W. and Phyllis A. Acklie,* Lincoln, Nebraska; to acquire 1.94 percent; and LRC, Inc., Lincoln, Nebraska, owned and controlled by Mr. and Mrs. Acklie, to acquire 6.68 percent of the voting shares of Packers Management Company, Inc., Omaha, Nebraska, and thereby indirectly acquire Packers Bank and Trust Company, Omaha, Nebraska.

Board of Governors of the Federal Reserve System, December 11, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-28952 Filed 12-16-87; 8:45 am]

BILLING CODE 6210-01-M

The Citizens and Southern Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to reduce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 7, 1988.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *The Citizens and Southern Corporation,* Atlanta, Georgia; Citizens and Southern Georgia Corporation, Atlanta, Georgia; and C&S Business Credit, Inc., Tucker, Georgia; to acquire certain assets of the factoring business of Citizens and Southern Commercial Corporation, Tucker, Georgia, and the factoring assets of Chemical Business Credit Corp., Long Island, New York, New York, and Chemical Bank, New York, New York (Chemical Factoring Assets), and thereby engage in the factoring business, including the making and acquiring of loans or other extensions of credit to clients pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 11, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-28953 Filed 12-16-87; 8:45 am]

BILLING CODE 6210-01-M

Community Bancorp, Inc. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed is this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the Offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 8, 1988.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Community Bancorp, Inc.,* Forest City, Pennsylvania; to acquire 42.96 percent of the voting shares of The First National Bank of Nicholson, Pennsylvania.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Indpendent Community Bancorp, Inc.*, Frankfort, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Kentucky Indpendent Bank, Inc., Frankfort, Kentucky.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota; to acquire 100 percent of the voting shares of Ranch National Bank, National Association, Scottsdale, Arizona.

Board of Governors of the Federal Reserve System, December 11, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-28954 Filed 12-16-87; 8:45 am]

BILLING CODE 6210-01-M

Franklin Financial Services Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.24) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than January 6, 1988.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Franklin Financial Services Corporation*, Chambersburg, Pennsylvania; to acquire 100 percent of the voting shares of The Mont Alto State Bank, Mont Alto, Pennsylvania.

Board of Governors of the Federal Reserve System, December 11, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-28955 Filed 12-16-87; 8:45 am]

BILLING CODE 6210-01-M

Keystone Financial, Inc. et al.; Applications To Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in nonbanking activitity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 6, 1988.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Keystone Financial Inc.*, Harrisburg, Pennsylvania; to engage *de novo* through its subsidiary, Keystone Community Development Corporation I, Harrisburg, Pennsylvania, a for-profit corporation, in acquiring, rehabilitating, managing and selling real estate to low-moderate income individuals and families; participating as investors in projects for commercial development benefiting low-moderate communities; and providing technical assistance to existing and start-up neighborhoods based on not-for-profit development organizations pursuant to § 225.25(b)(6) of the Board's Regulation Y. These activities will be conducted in central and east-central Pennsylvania.

2. *Keystone Financial Inc.*, Harrisburg, Pennsylvania; to engage *de novo* through its subsidiary, Keystone Community Development Corporation II, Harrisburg, Pennsylvania, a non-profit corporation, in acquiring, rehabilitating, managing and selling real estate to low-moderate income individuals and families; participating as investors in projects for commercial development benefiting low-moderate communities; and providing technical assistance to existing and start-up neighborhoods based on not-for-profit development organizations pursuant to § 225.25(b)(6) of the Board's Regulation Y. These activities will be conducted in central and east-central Pennsylvania.

Board of Governors of the Federal Reserve System, December 11, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-28956 Filed 12-16-87; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Second Plan of Action to Implement the International Energy Program

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission has informed the Attorney General that it has no objection to his approving the proposed Second Plan of Action to Implement the International Energy Program. Section 252 of the Energy Policy and Conservation Act, 42 U.S.C. 6272, grants limited antitrust and breach of contract defenses to oil companies who carry out a plan of action approved by the Attorney General during an oil supply emergency. Before approving a plan of action, the Attorney General must consult with the Federal Trade Commission. 42 U.S.C. 6272(d)(1). The Commission's advice must be published in the **Federal Register**. *Id.*

FOR FURTHER INFORMATION CONTACT: Marc G. Schildkraut, Deputy Assistant Director, Bureau of Competition, Federal Trade Commission, Washington, DC 20580, Telephone: (202) 326-2622.

SUPPLEMENTARY INFORMATION: The text of the Second Plan of Action was published in the **Federal Register** on August 21, 1987 (52 FR 31704). On December 7, 1987, the Commission sent the following letter to the Assistant Attorney General, Antitrust Division, who is the Attorney General's delegate:

Honorable Charles F. Rule, Assistant Attorney General, Antitrust Division, Department of Justice, Washington, DC 20530.

Dear Mr. Rule: We have received your letter requesting the Commission's advice on the adoption of the proposed Second Plan of Action and implementing amendments to the Voluntary Agreement. Section 252(d) of the Energy Policy and Conservation Act provides that plans of action may not be carried out unless approved by the Attorney General, after consultation with the Federal Trade Commission.

As required by Section 252(d), the Commission, through its staff, has participated from the beginning in the preparation of the proposed Second Plan of Action. The plan, in final form, resulted from continuing consultations between the Department of Energy, the Department of Justice, the Department of State, and the Commission, at staff level. It was, moreover, subject to comments from interested parties who cared to comment, and was the subject of a hearing open to the public, following publication in the **Federal Register** on August 21, 1987.

The Commission hereby advices that it has no objection to your approving the Second Plan of Action and implementing Voluntary Agreement amendments referred to in your letter of November 9, 1987. By registering no objection to the Plan, including Annex II, the Commission does not mean to suggest that it regards representations made by foreign governmental authorities as entitled to similar deference or legal treatment outside the Plan in the context of a foreign blocking statute, a foreign sovereign compulsion defense, or other circumstances.

In accordance with Section 252(d), a copy of this letter will be published in the **Federal Register.**

By direction of the Commission.

Emily H. Rock,

Secretary.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 87-28975 Filed 12-16-87; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute, Acrylonitrile Study Liaison Group; Meeting

Notice is hereby given of the meeting of the Acrylonitrile Study Liaison Group on January 20, 1988, Building 31, C Wing, Conference Room 9. This meeting will be sponsored by the National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892. The meeting will be open from 10 a.m. to adjournment for discussion of issues relating to the industrial hygiene protocol and exposure assessment strategy for the study. Attendance is open to the public but will be limited to space available.

Dr. David McB. Howell, Division of Cancer Etiology, National Cancer Institute, Building 31, Room 11A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-6927) will provide substantive program information, upon request.

Dated: December 14, 1987.

James B. Wyngaarden,

Director, NIH.

[FR Doc. 87-28993 Filed 12-16-87; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Institute, Biometry and Epidemiology Contract Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, National Institutes of Health, January 28, 1988, Building 31C, Conference Room 9, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on January 28 from 9 a.m. to 10 a.m. to discuss administrative matters and from 12 noon to 1 p.m. for a research presentation. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 28 from 10 a.m. to noon and from 1 p.m. to adjournment for the review, discussion and evaluation of individual contract proposals. The proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide a summary of the meeting and a roster of committee members upon request.

Dr. Harvey P. Stein, Executive Secretary, Biometry and Epidemiology Contract Review Committee, National Cancer Institute, Westwood Building, Room 804, National Institutes of Health, Bethesda, Maryland 20892 (301/496-7030) will furnish substantive program information.

Dated: December 7, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87-28992 Filed 12-16-87; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute, Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, February 21-25, 1988, at the Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, Maryland 20852.

The meeting will be open to the public on February 21, from 7:30 p.m. to approximately 8 p.m. to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public is limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C., and sec. 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 21 from approximately 8 p.m. to recess, and from 8 a.m. on February 22 to adjournment on February 25, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A-21, National

Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the Committee members.

Dr. David M. Monsees, Jr., Contracts, Clinical Trials and Training Review Section, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, Westwood Building, Room 550B, Bethesda, Maryland 20892, (301) 496–7361, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; 13.839, Blood Diseases and Resources Research, National Institutes of Health.)

Dated: December 7, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–28994 Filed 12–16–87; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Aging; National Advisory Council on Aging; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging (NIA), on February 4–5, 1988, in Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public on Thursday, February 4, from 10:30 a.m. until 12:30 p.m. for a status report by the Director, National Institute on Aging, a report on the Neurosciences and Neuropsychology of Aging, and a report on the meeting of the Advisory Committee to the Director, NIH. It will again be open to the public Friday, February 5, from 9:00 a.m. until adjournment for a report on the ad hoc Committee on Program, a report on the Epidemiology, Demography and Biometry Program, and a report on the Epidemiologic and Economic Data Resources for Research on Aging. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on February 4 from 1:30 p.m. to recess for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Because this meeting is scheduled so far in advance, it is suggested that you contact Mrs. June McCann, Council Secretary for the National Institute on Aging, National Institutes of Health, Building 31, Room 5C05, Bethesda, Maryland 20892, (301/496–9322), for specific information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Dated: December 7, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–28996 Filed 12–16–87; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Child Health and Human Development; National Advisory Child Health and Human Development Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, January 25–26, 1988, in Wilson Hall, Shannon Building (Building 1), National Institutes of Health, Bethesda, Maryland, and the meeting of the Subcommittee on Planning on January 25 from 8:30 a.m. to 9:30 a.m. in Building 31, Room 2A03.

The Council meeting will be open to the public on January 25 from 9:30 a.m. until 5:00 p.m. The agenda includes a report by the Director, NICHD, and a presentation by the Human Learning and Behavior Branch, Center for Research for Mothers and Children. The meeting will be open on January 26 immediately following the review of applications if any policy issues are raised which need further discussion. The Subcommittee meeting will be open on January 25 from 8:30 a.m. to 9:30 a.m. to discuss program plans and the agenda for the next Council meeting. Attendence by the public will be limited to space available.

In accordance with the provision set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on January 26 from 8:30 a.m. to completion of the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Council Secretary, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland 20892, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864, Population Research, and 13.865, Research for Mothers and Children, National Institutes of Health.)

Dated: December 7, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–28995 Filed 12–16–87; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–930–4311–09]

Availability of Draft Environmental Impact Statement; California Vegetation Management Program

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of draft environmental impact statement for the California Vegetation Management Program.

SUMMARY: Notice is hereby given of the availability of the Draft Environmental Impact Statement for the California Vegetation Management Program on BLM administered lands in California and northwest Nevada. The DEIS was prepared to address the impacts resulting from proposed manual, mechanical, prescribed burning and chemical control of vegetation on public lands. The DEIS also includes a risk assessment and worst-case analysis of impacts on human health from using herbicides as proposed by the program.

Comments on the DEIS are being solicited from interested parties.

A limited number of copies of the California Vegetation Management DEIS are available from: Mark Blakeslee, Bureau of Land Management, California State Office, 2800 Cottage Way, Sacramento, CA 95825 (916) 978–4725.

DATE: The public comment period is open for 60 days through February 15, 1988. Comments received after that data may not be considered in the Final EIS.

ADDRESSES: Written comments may be sent to the California Vegetation Management EIS Team Leader, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Mark Blakeslee, California State Office (916) 978–4725.

Dated: December 8, 1987.

Ronald D. Hofman,

Associate State Director.

[FR Doc. 87–28944 Filed 12–16–87; 8:45 am]

BILLING CODE 4310–46–M

[WY–030–08–4332–09]

Supplemental Environmental Impact Statement; Whiskey Mountain and Dubois Badlands Wilderness Study Area; Lander Resource Area, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Revision of preparation date and notification of intent to prepare a supplemental environmental impact statement for two wilderness study areas in the Lander Resources Area, Rawlins BLM District.

SUMMARY: The purpose of this notice is to revise the date of a previously announced notice of intent to prepare an environmental impact statement on the Whiskey Mountain and Dubois Badlands Wilderness Study Areas (WSAs) in the Lander Resource Area, in Central Wyoming from Fiscal Year 86 to Fiscal Year 88. The initial notice was published in the **Federal Register**, Vol. 50, No. 216, page 46361, on Thursday, November 7, 1985.

The other purpose of the notice is to solicit additional comments and concerns from the public to aid BLM in developing recommendations as to the suitability or nonsuitability of wilderness designations for the Whiskey Mountain and Dubois Badlands, WSAs.

DATES: Public comments on the proposal will be accepted until January 4, 1988.

FOR FURTHER INFORMATION CONTACT: Richard Bastin, District Manager, or Robert Janssen, Wilderness EIS Team Leader at (307) 324–7171 or send any correspondence to the following address before January 4, 1988: Bureau of Land Management, Rawlins District Office, P.O. Box 670, Rawlins, Wyoming 82310.

SUPPLEMENTARY INFORMATION: Public scoping meetings were conducted as originally scheduled on December 11 and 12, 1985.

However, since the initial supplemental EIS was not completed in time for the recommendations for these two WSAs to be included into the Final Resource Management Plan for the Lander Resource Area, and due to the length of time which has passed from the first notice, the public is again invited to comment on these two areas regarding; issues or concerns that should be considered in the recommendation for wilderness, resource values in the two areas which will augment BLM's current resource information, alternatives which should be considered, and any other factors that may be pertinent to the area's suitability or unsuitability as wilderness.

Geographic Area: The geographic area to be analyzed for impacts is Fremont County, Central Wyoming.

Maryln V. Jones,

Acting State Director, Wyoming.

December 7, 1987.

[FR Doc. 87–28946 Filed 12–16–87; 8:45 am]

BILLING CODE 4310–22–M

[UT–020–88–4212–08]

Salt Lake District; Intent To Amend Tooele Management Framework Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: The Bureau of Land Management (BLM), Salt Lake District proposes to amend planning decisions 1–1–1a, 1–1–2, and 1–1–4 of the Tooele Management Framework Plan (MFP). The proposed amendments would affect 8,739 acres of public land by removing this acreage from decision 1–1–4 (undesignated public lands) and including 140 acres in decision 1–1–2 (disposal lands) and 8,599 acres in decision 1–1–1a (retention lands).

The 140 acres proposed to be included in decision 1–1–2 are legally described as follows:.

T. 6 S., R. 18 W., SLM.
Section 4: W½E½SW¼;
Section 8, NE¼NE¼;
Section 9, W½NE¼NW¼, NW¼NW¼.

The 8,599 acres proposed to be included in decision 1–1–1a are legally described as follows:

T. 3 S., R. 8 W., SLM.
Section 3: SW¼SW¼;
Section 4: S½SE¼, SE¼SW¼;
Section 9: E½;
Section 10: NE¼NE¼, W½NE¼, NW¼, N½SW¼, NW¼SE¼;
Section 20: W½;
Section 29: W½;
Section 30: S½;
Section 31: All.
T. 4 S., R. 8 W., SLM.
Section 5: All;
Section 6: All;
Section 7: All;
Section 8: All;
Section 9: S½;
Section 17: All;
Section 18: All;
Section 20: All;
Section 21: NW¼, N½SW¼, SW¼NE¼, NW¼SE¼.
T. 4 S., R. 9 W., SLM.
Section 1: All.
T. 6 S., R. 8 W., SLM.
Section 10: N½NE¼;
Section 11: NW¼, N½SW¼, SE¼Sw¼.

The acreage figure for each amended decision would then be:

Decision 1–1–1a—1,266,569 acres
Decision 1–1–2—9,157 acres
Decision 1–1–4—628,467 acres.

The proposed amendment would allow for the disposal of 140 acres adjacent to the Last Chance Ranch and for the exchange of 360 BLM acres with 319.83 acres of land in the Andrus exchange proposal and 8,239 BLM acres with 6,827.72 acres of land in the Skull Valley Company exchange proposal.

The 140 acres of Public Land adjacent to the Last Chance Ranch subject to the proposed amendment are located 12 mile north of Gold Hill, Utah. The 360 acres of Public Land involved in the proposed Andrus exchange are located in the south end of Skull Valley 5 miles northeast of Dugway, Utah. The 8,239 acres of Public Land involved in the proposed Skull Valley Company exchange are located in the central portion of Skull Valley 24 miles southwest of the junction of the Skull Valley road and Interstate Highway 80.

An environmental assessment (EA) will be completed to evaluate the proposed amendment. Issues to be addressed include impacts to wildlife habitat, wetlands, water rights, public access, and public water reserves. The following resources/programs will be evaluated in the EA: Lands, vegetation, wildlife habitat, recreation, livestock grazing, watershed, realty, minerals, and archaeology.

The Last Chance Ranch proposes to obtain by direct sale those public land adjacent to its operation which have been unintentionally put into agricultural production. The BLM proposes to exchange lands with Andrus and Skull Valley Company for the purposes of wildlife habitat management, watershed protection, recreation management, range management, and to better implement the multiple use principles regulated by the Federal Land Policy and Management Act of 1976.

EA's will be prepared on each of these proposals simultaneously with the EA prepared on the proposed amendment of Tooele MFP decision 1–1–4. Public participation is requested to identify issues on the proposed amendment and/or the proposed disposal and exchanges. Oral and/or written comments should be made by January 15, 1988 to: Mr. Howard Hedrick, Pony Express Resource Area Manager, Bureau of Land Management, Salt Lake City District,

2370 South 2300 West, Salt Lake City, Utah 84119, phone (801) 524–5348.

Deane H. Zeller,

District Manager.

[FR Doc. 87–28851 Filed 12–16–87; 8:45 am]

BILLING CODE 4310–DQ–M

[WY–920–08–4111–15; W–80113]

Proposed Reinstatement of Terminated Oil and Gas Lease; Sublette County, WY

December 10, 1987.

Pursuant to the provisions of Pub. L. 97–451, 96 Stat. 2462–2466, and Regulation 43 CFR 3108.2–3 (a) and (b)(1), a petition for reinstatement of oil and gas lease W–80113 for lands in Sublette County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms of rentals and royalties at rates of $5 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this Federal Register notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W–80113 effective September 1, 1987, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 87–28867 Filed 12–16–87; 8:45 am]

BILLING CODE 4310–22–M

[WY–920–08–4111–15; W–82699]

Proposed Reinstatement of Terminated Oil and Gas Lease; Sweetwater County, WY

December 8, 1987.

Pursuant to the provisions of Pub. L. 97–451, 96 Stat. 2462–2466, and Regulation 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease W–82699 for lands in Sweetwater County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5 per acre, or fraction thereof, per year and 18¾ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this Federal Register notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W–82699 effective June 1, 1987, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 87–28945 Filed 12–16–87; 8:45 am]

BILLING CODE 4310–22–M

[AZ–940–08–4212–12; A–20347 (B)]

Reconveyed Land Opened to Entry; Pinal County, AZ

December 11, 1987.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action will open 3,160.00 acres of reconveyed land in Pinal County to the public land laws and the mining laws.

FOR FURTHER INFORMATION CONTACT: Lisa Schealman, Arizona State Office, (602) 241–5534.

SUPPLEMENTARY INFORMATION: On April 17, 1986, as authorized under section 206 of the Federal Land Policy and Management Act of October 21, 1976, the United States acquired the following land:

Gila and Salt River Meridian, Arizona

T. 7 S., R. 18 E.,
Sec. 14, NE¼, S½;
Sec. 16, all;
Sec. 17, E½NE¼, SW¼NE¼, NW¼NW¼, SE¼NW¼;
Sec. 23, NE¼, E½NW¼, N½SE¼;
Sec. 24, all;
Sec. 25, NE¼, E½NW¼, S½;
Sec. 26, N½S½, S½SE¼;
Sec. 27, E½NE¼.

Comprising 3,160.00 acres in Pinal County.

At 9:00 a.m. on January 19, 1988, the lands will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:00 a.m. on January 19, 1988, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

At 9:00 a.m. January 19, 1988, the lands will be opened to location and entry under the United States mining laws. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by the state law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determination in local courts.

Carol Burgar,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87–28930 Filed 12–16–87; 8:45 am]

BILLING CODE 4310–32–M

[MT–070–4212–13; M74131]

Realty Action; Montana

AGENCY: Bureau of Land Management, Butte District Office, Interior.

ACTION: Designation of additional public lands in Missoula County, Montana for disposal by exchange.

SUMMARY: BLM is engaged in a land exchange with Champion International. The preliminary notice segregating the exchange lands was published on July 2, 1987, Vol. 52, No. 127. The exchange proposal has been expanded to include additional lands, described below, which are segregated from entry under the mining laws, except the mineral leasing laws, effective upon publication of this amendment in the Federal Register.

Principal Meridian, Montana

T. 12 N., R. 16 W.,
Section 3, Lots 13, 14, NE¼SE¼;
Section 4, Lot 12, SW¼, W½SE¼.
T. 11 N., R. 15 W.,
Section 6, Lots 1, 2, 3, 4, 5, 6, 7 SE¼NW¼, E½SW¼, S½SE¼.
T. 12 N., R. 16 W.,
Section 6, Lots 1, 2, 3, 6, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼.

FOR FURTHER INFORMATION CONTACT: Darrell Sall, Area Manager, Garnet Resource Area, Bureau of Land Management, 3255 Fort Missoula Road, Missoula, Montana 59806.

J.A. Moorhouse,

District Manager.

December 8, 1987.

[FR Doc. 87–28960 Filed 12–16–87; 8:45 am]

BILLING CODE 4310–DN–M

[NV–930–08–4212–11; N–47511]

Realty Action; Lease for Recreation and Public Purposes; Elko County, NV; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction; notice of realty action.

EFFECTIVE DATE: December 17, 1987.

FOR FURTHER INFORMATION CONTACT: Rodney Harris, District Manager, 3900 E. Idaho St., Elko, Nevada 89801, (702) 738–4071.

SUPPLEMENTARY INFORMATION: FR Doc. 87–26734 appearing in 52 FR 44497 on November 19, 1987, contained incorrect information relative to termination of the segregative effect on the lands described therein. Said notice is hereby corrected to read that the segregative effect will terminate upon issuance of a patent or as specified in an opening order to be published in the Federal Register, whichever occurs first.

Date: December 11, 1987.

Rodney Harris,

District Manager.

[FR Doc. 87–28998 Filed 12–16–87; 8:45 am]

BILLING CODE 4310–HC–M

[CO–942–08–4520–12]

Colorado; Filing of Plats of Survey

December 10, 1987.

The plats of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10:00 a.m., December 10, 1987.

The plat representing the dependent resurvey of a portion of the subdivisional lines, T. 10 N., R. 74 W., Sixth Principal Meridian, Colorado for Group No. 816, was accepted November 23, 1987.

The plat representing the dependent resurvey of portions of the west boundary, the subdivisional lines, and the subdivision of sections 18 and 22, T. 10 N., R. 73 W., Sixth Principal Meridian Colorado for Group No. 816, was accepted November 23, 1987.

These surveys were executed to meet certain administrative needs of the United States Forest Service.

The plat representing the dependent resurvey of a portion of the subdivisional lines and boundaries of certain claims, T. 6 N., R. 94 W., Sixth Principal Meridian, Colorado for Group No. 827, was accepted November 30, 1987.

This survey was executed to meet certain administrative needs of this Bureau.

Marlin G. Livermore II,

Acting Chief, Cadastral Surveyor for Colorado.

[FR Doc. 87–28947 Filed 12–16–87; 8:45 am]

BILLING CODE 4310–JB–M

Minerals Management Service

Development Operations Coordination Document; Amoco Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0578, Block 215, portion, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Fourchon, Louisiana.

DATE: The subject DOCD was deemed submitted on December 10, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 144, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: December 10, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87–28937 Filed 12–16–87; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Hall-Houston Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Hall-Houston Oil Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 6825, Block 227, Main Pass Area, offshore Louisiana. Proposed plans for the above, area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on December 10, 1987. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Mr. Michael D. Joseph; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the

Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: December 10, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-28933 Filed 12-16-87; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31112]

Canadian Pacific Ltd. & Incan Ships Ltd.; Joint Application

AGENCY: Interstate Commerce Commission.

ACTION: Approval of joint application under 49 U.S.C. 11321.

SUMMARY: The Commission has approved a joint application by Canadian Pacific Ltd. (CPL) and Incan Ships Ltd. (Incan Ships) for CPL to purchase a controlling (100%) interest in Incan, and thus its wholly-owned subsidiary, Incan Superior, Ltd. (Incan Superior). Notice was published at 52 FR 37675 (October 8, 1987). No comments were received.

FOR FURTHER INFORMATION CALL: Joseph H. Dettmar, (202) 275-7246 [TTD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (DC Metropolitan area), (assistance for the hearing impaired is available through TTD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

Decided: December 10, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87-28974 Filed 12-16-87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31161]

Delaware and Hudson Railway Co.; Operating Agreement and Assignment of Trackage Rights; Springfield Terminal Railway Company; Exemption

Delaware and Hudson Railway Company (D&H) and Springfield Terminal Railway Company (ST) filed a notice of exemption for D&H's assignment to ST of its trackage rights over certain lines of Consolidated Rail Corporation (Conrail) and National Railroad Passenger Corporation (Amtrak). D&H and ST have entered an operating agreement under which ST will assume D&H's operations over the Conrail and Amtrak lines.

The following lines of Conrail are involved: (1) The Southern Tier Main Line between Binghamton, NY, and Buffalo, NY, a distance of approximately 212 miles, including all rights of D&H in the Buffalo Terminal, SK, and Bison Yards, and to Niagara Falls, NY, and Fort Erie, Ontario, Canada; (2) the Landover to RO Main Line between Landover, MD, and Potomac Yard, VA, a distance of approximately 10 miles; (3) the Port Road Main Line between Port and Perry, a distance of approximately. 40 miles; (4) the Enola Branch between Enola and Port, including all tracks in Enola Yard and Harrisburg Yard, a distance of approximately 40 miles; (5) the Royalton Branch between Roy and Shocks, a distance of approximately 12 miles; (6) the Buffalo Main Line between Kase and Rockvile, a distance of approximately 49 miles; (7) the Lehigh Line Lehigh Secondary Track between Oak Island, NJ, and Dupont, PA, a distance of approximately 166 miles; and (8) the Main Line between Allentown and Philadelphia, PA, a distance of approximately 90 miles.

The following lines of Amtrak are involved: (1) The Amtrak Main Line between State and Roy in the vicinity of Harrisburg, PA, a distance of approximately 10 miles; and (2) the Amtrak Northeast Corridor Main Line between Perryville, MD, and Landover, MD, a distance of approximately 69 miles.

D&H and ST are wholly-owned subsidiaries of Guilford Transportation Industries, Inc. (GTI), which also owns the Maine Central Railroad Company (MEC) and the Boston and Maine Corporation (B&M). As a result of the proposed transaction, it is intended that ST will provide service as good as, or better than, service now provided.

Since D&H and ST are members of the same corporate family, the transaction falls within the class of transactions that are exempt from the prior review requirements of 49 U.S.C. 11343. *See* 49 CFR 1180.2(d)(3). The carriers anticipate that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in competitive balance with carriers operating outside the corporate family.

Any employee affected by the transaction would normally be protected by the labor conditions set forth in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978) (*Norfolk and Western*), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. (1980) (*Mendocino*). These conditions satisfy the statutory requirements of 49 U.S.C. 10505(g)(2) for the transaction. However, in a decision in Finance Docket No. 30965, *Delaware and Hudson Railway Company—Lease and Trackage Rights Exemption—Springfield Terminal Railway Company* (not printed), served May 18, 1987, the Commission set for modified procedure a series of notices filed by the GTI carriers because labor interests raised issues related to the level of employee protection for the transactions. The Commission asked the parties to that proceeding to address several issues and present additional evidence, including similar existing and future notices and transactions, such as this one, involving the GTI carriers.

Since the May 18, 1987 decision, the Commission has published in the **Federal Register** several related notices of exemption by various GTI carriers and indicated that the underlying transactions will be considered in the Finance Docket No. 30965 proceeding.

In an October 26, 1987 decision in Finance Docket No. 30965, the Commission ordered GTI not to implement any of the pending D&H/ST transactions until it issued a decision on the merits of that proceeding. The labor interests have filed petitions asking the Commission to prevent implementation of the assignment of D&H's trackage rights to St. The Commission will issue a separate decision determining whether this transaction will be considered in the Finance Docket No. 30965 proceeding and whether the trackage rights assignment will be postponed pending resolution of that proceeding.

If, prior to the Commission's determination of the appropriate level of labor protection for these GTI transactions, D&H and ST consummate this transaction and provide employees with *Norfolk and Western* protection, they do so at their own risk. Should the Commission subsequently determine that a higher level of protection is required, the carriers will be required to provide employees with that greater protection.

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of petitions to revoke will not stay the transaction.

Decided: December 11, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-28973 Filed 12-16-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree; Exxon Chemical Americas

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on November 23, 1987, a proposed consent decree in *United States* v. *Exxon Chemical Americas*, Civil Action No. 871027, was lodged with the United States District Court for the Middle District of Louisiana. This consent decree settles a lawsuit filed simultaneously with the consent decree. The lawsuit, based on sections 301 and 309 of the Clean Water Act, 33 U.S.C. 301 and 309, seeks injunctive relief and civil penalties of up to $10,000 per day of violation before February 4, 1987, and $25,000 per day of violation on or after February 4, 1987. The complaint alleges, among other things, that the defendant discharged pollutants not authorized by its National Pollutant Discharge Elimination System ("NPDES") permit, thus violating Section 301, 33 U.S.C. 1311.

Under the terms of the proposed consent decree, the defendant has implemented, and will maintain and report on, several measures to prevent further violative discharges. These measures include mechanical changes, such as installing a backup motor for pumping untreated wastewater to a treatment facility, as well as operational changes, such as prohibiting the draining of untreated wastewater from storage tanks.

The consent decree also requires the defendant to pay a civil penalty of $40,000 for past violations of the Act. The consent decree also contains stipulated penalties for failure to comply with the terms of the consent decree.

The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, 10th and Pennsylvania Avenue, NW., Washington, DC 20530. All comments should refer to *United States* vs. *Exxon Chemical Americas*, D.J. Ref. 90-5-1-1-2892.

The proposed consent decree may be examined at the following offices of the United States Attorney and the Environmental Protection Agency ("EPA"):

EPA Region VI

Contact: Ronald Fisher, Office of Regional Counsel, U.S. Environmental Protection Agency, Region VI, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 655-2129.

United States Attorney's Office

Contact: Richard B. Launey, Assistant United States Attorney, Middle District of Louisiana, 352 Florida Street, Baton Rouge, LA 70801, (504) 389-0443.

Copies of the proposed consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1515, 10th and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy of the decree, please enclose a check for copying costs in the amount of $1.20 payable to Treasurer of the United States.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-28943 Filed 12-16-87; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arts in Education Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Arts in Education Advisory Panel (State Arts in Education Grants) to the National Council on the Arts will be held on January 6-7, 1988, from 8:30 a.m.-6:00 p.m., and on January 8, 1988, from 9:00 a.m.-4:00 p.m. in room MO-9 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on January 8, 1988 from 1:00 p.m.-4:00 p.m. The topic for discussion will be policy issues.

The remaining sessions of this meeting on January 6-7, 1988, from 8:30 a.m.-8:00 p.m. and on January 8, 1988, from 9:00 a.m.-1:00 p.m. are for the purpose of review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

December 10, 1987.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87-28929 Filed 12-16-87; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater Overview Section) to the National Council on the Arts will be held on January 4-5, 1988, from 9:00 a.m.-5:30 p.m. in room MO-7 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. The topic of discussion will be guidelines.

VOL 52 ISS 242 DEC 17 1987 UMI

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

December 10, 1987.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87–28927 Filed 12–16–87; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–409]

Environmental Assessment and Finding of No Significant Impact; Dairyland Power Cooperative

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR Part 50 Appendix E, Section IV.F.2 and 10 CFR 50.47(b)(7) to Dairyland Power Cooperative (the licensee).

Environmental Assessment

Identification of Proposed Action: The exemption will delete the requirement for an annual emergency preparedness exercise in 1987 at the permanently shutdown LaCrosse Boiling Water Reactor (LACBWR). The exemption would also delete the requirement that information on LACBWR emergency plans to made available to the public on a periodic basis.

LACBWR was permanently shutdown on April 30, 1987 and reactor defueling completed on june 11, 1987. The LACBWR operating License No. DPR–45 was modified to possess-but-not-operate status on August 4, 1987.

Need for Proposed Action: The exemption is needed to eliminate unnecessary requirements that were appropriate for an operating plant but not for the permanently shutdown LACBWR facility.

Environmental Impact of the Proposed Action: The proposed action is administrative only and will have no environmental impact.

Alternative Use of Resources: This action does not involve the use of resources.

Agencies and Persons Consulted: The licensee initiated this exemption action. The NRC staff is reviewing their request. No other agencies or persons were consulted.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For details with respect to this action, see the licensees application dated September 1, 1987 as revised October 1, 1987. Which is available in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the LaCrosse Public Library, 800 Main Street, LaCrosse, Wisconsin.

Dated at Bethesda, Maryland, this 10th day of December 1987.

For the Nuclear Regulatory Commission.

Lester S. Rubenstein,

Director, Standardization and Non-Power Reactor Project Directorate, Division of Reactor Projects III, IV, V and Special Projects Office of Nuclear Reactor Regulation.

[FR Doc. 87–29001 Filed 12–16–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–263]

Northern States Power Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulator Commission (the Commission) is issuing an exemption from the requirements of 10 CFR 50.62(c)(4), to Northern States Power Company (the licensee), for the Monticello Nuclear Generating Plant, located in Wright County, Minnesota.

Environmental Assessment

Identification of Proposed Acting: The exemption allows the use of a minimum flow rate of 26 GPM and the available sodium pentaborate concentration ranging from 13 weight percent (w/o) to 18 w/o depending on the volume of solution existing in the standby liquid control system (SLCS) storage tank. The flow rate and concentration of sodium pentaborate are different from existing requirements of 10 CFR 50.62(c)(4) consisting of a flow rate of 86 GPM and a concentration of 13.0 w/o of sodium pentaborate.

The exemption responds to the licensee's application for exemption dated August 18, 1987.

The Need for the Proposed Action: The exemption is needed because the licensee proposes to depart from 10 CFR 50.62(c)(4) requirements in view of the Monticello Nuclear Generating Plant having a reactor vessel diameter which is smaller than that used to establish the minimum flow and boron content requirements set forth in the regulation. For the Monticello reactor size, a lesser flow rate and different ranges in the concentration of sodium pentaborate solution will provide a negative reactivity injection in an anticipated transient without scram (ATWS) event equivalent to that called for by the regulation.

Environmental Impacts of the Proposed Action: The exemption provides a degree of protection for the Monticello reactor equivalent to that required by the regulation for reactors with larger reactor vessels for prompt injection of negative reactivity into a boiling water reactor pressure vessel in the event of an ATWS. Consequently, the probability of accidents has not been increased by the exemption and the post-accident radiological releases would not be greater than previously determined. The exemption does not otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this exemption.

The exemption does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the exemption.

Alternatives to the Proposed Action: Since the Commission has concluded that there are no significant environmental effects that would result from the action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested exemption. This would not reduce the environmental impacts attributable to this facility and would result in a larger expenditure of licensee resources to comply with the Commission's regulations.

Alternative Use of Resources: This action involves no use of resources not previously considered in the Final Environmental Statement related to operation of the Monticello Plant, dated November 1972.

Agencies and Persons Consulted: The Commission's staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, we conclude that the action will not have a significant effect on the quality of the human environment. The Commission has, therefore, determined not to prepare an environmental impact statement for the exemption.

For further details with respect to this action, see the application for the exemption dated August 18, 1987 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Wasahington, DC, and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Dated at Bethesda, Maryland, this 11th day of December 1987.

For the Nuclear Regulatory Commission.

David L. Wigginton,

Acting Director, Project Directorate III–3, Division of Reactor Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 87–28999 Filed 12–16–87; 8:45 am]

BILLION CODE, 7590–01–M

Tennessee Valley Authority, Yellow Creek Nuclear Plant, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an Order Revoking Construction Permit Nos. CPPR–172 and CPPR–173, which authorized construction of the Yellow Creek Nuclear Plant, Units 1 and 2, located in Tishomingo County, Mississippi. The construction permits are held by the Tennessee Valley Authority (TVA). The lastest construction completion dates in the permits are May 1, 1985 and May 1, 1986, respectively. On August 29, 1984, the Yellow Creek plant was officially cancelled by TVA. By letter dated October 24, 1985, TVA requested that the construction permits for Yellow Creek be withdrawn.

Environmental Assessment

Identification of Proposed Action: The proposed action is to issue an order that would terminate Construction Permit Nos. CPPR–172 and CPPR–173 for the Yellow Creek Nuclear Plant, Units 1 and 2. This action was requested by TVA because it does not plan to complete the plant.

The staff conducted an inspection of the Yellow Creek site on May 21, 1986 to determine, among other things, whether TVA's site stabilization plan, attached to the October 24, 1985 TVA letter, had been satisfactorily completed and to determine whether the site stabilization plan considered all critical site areas. A particular effort was made to inspect areas of the site that could be subject to continued erosion and contribute silt to surface waterbodies. Based on the inspection and its review of the site stabilization plan, the staff has not identified any area at the site that required attention that was not covered in the TVA's stabilization plan. Additionally, the site was found to be adequately stabilized and there were no areas where erosion could lead to detrimental offsite environmental impact.

The staff concludes, based on its review and inspection, that the Yellow Creek site is in an environmentally stable condition.

Need for Proposed Action: TVA has terminated construction of the nuclear power plant. This action by NRC would terminate the construction permits.

Environmental Impacts of the Proposed Action: This is a simple administrative action of terminating the outstanding permits to reflect the fact that there are no longer utilization facilities under construction at the Yellow Creek site and the site has been adequately stabilized.

Alternatives to the Proposed Action and Alternative Use of Resources: This action, for which there are no appropriate alternatives, does not involve the use of and, therefore, will not affect, available resources.

Agencies and Persons Consulted: The NRC staff reviewed TVA's request for termination of the construction permits and conducted the environmental review and inspection of the facility. The NRC did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for this proposed action. Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the TVA's request for termination of Construction Permit Nos. CPPR–172 and CPPR–173 dated October 24, 1985, and TVA's site stabilization report transmitted by the October 24 letter. These documents regarding the NRC staff's environmental assessment of the proposed action are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555. Correspondence concerning this facility will continue to be maintained at this location for at least one year.

Dated at Bethesda, Maryland, this 14th day of December 1987.

For the Nuclear Regulatory Commission.

Gary G. Zech,

Assistant Director for Projects, TVA Projects Division, Office of Special Projects.

[FR Doc. 87–29002 Filed 12–16–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 55–20674]

Christopher D. Gentile, (Senior Reactor Operator License No. 20359); Rescission of Suspension

I

Mr. Christopher D. Gentile (the Licensee) is holder of Senior Reactor Operator License No. 20359 (the License) authorizing Mr. Gentile to operate the controls of nuclear reactor at the Shearon Harris facility (the Facility). The license was issued by the Nuclear Regulatory Commission (NRC or Commission) on December 26, 1985, and is due to expire on December 26, 1987.

II

On November 10, 1987, the NRC issued an "Order Suspending License Effective Immediately" (Order) which suspended Mr. Gentile's License on the basis of the NRC's determination that he had failed a simulator operating examination administered to him by the NRC on February 25, 1987. Mr. Gentile's License was to remain suspended until he successfully completed either an NRC-administered operating test for the Facility or the next annual operating test administered by the Facility licensee (and observed by the NRC) as part of the NRC-approved requalification program. Should the Licensee fail to successfully complete an operating test at the Facility by December 26, 1987, License No. 20359 was to expire. Mr. Gentile requested a hearing with respect to this Order.

III

At the request of Mr. Gentile, the NRC's Executive Director for Operations met with him on November 25, 1987 in Bethesda, Maryland. Mr. Gentile expressed his concern regarding the simulator operating examination administered to him on February 25, 1987 claiming it was neither properly administered nor properly graded. Mr. Gentile argued that the November 10, 1987 Order was not an acceptable mechanism to resolve his concerns as it did not provide for the review of the grading of this examination and possible

BEST COPY AVAILABLE

VOL 52 ISS 242 DEC 17 1987 UMI

expurgation of the failure from his record. Accordingly, Mr. Gentile noted that he had not taken a utility-administered simulator examination in November 1987 as this would have had the effect of making his concern regarding the grading of the February 1987 examination moot. As a consequence, Mr. Gentile has not met the requirements of the Facility licensee's requalification program and, accordingly, cannot file a complete application for license renewal as called for by 10 CFR 55.57. Consequently, Mr. Gentile cannot avail himself of the timely renewal provisions of 10 CFR 55.55(b) and thus his license is due to expire on December 28, 1987.

Although the NRC Staff conducted an indepth review of Mr. Gentile's examination on two separate occasions, one in the Region and one in Headquarters, the Staff acknowledged that Mr. Gentile does not believe that his examination had been fairly and equitably reviewed. Consequently, the following course of conduct was agreed to by all parties at the meeting and during a subsequent phone call on December 8, 1987. The NRC will rescind the November 10, 1987 Order. Mr. Gentile agrees that he will not serve on-shift until he successfully completes a utility-administered simulator operating examination which will be observed by the NRC. He will take such an examination at the earliet possible time. Should he pass such an examination, he may resume licensed duties at the Facility in accordance with the provisions of the Commission's regulations in 10 CFR Part 55. Should he pass this examination, the NRC agrees to issue a letter declaring that the February 25, 1987 simulator operating examination is null and void and noting Mr. Gentile's continuing position that he disputes the results of that examination. Copies of that letter will be sent to the Facility licensee and will be placed in all appropriate agency files pertaining to Mr. Gentile's operator's license.

To assure that Mr. Gentile's License does not expire pending resolution of this matter, I have determined that a specific exemption pursuant to 10 CFR 55.11 is appropriate and has been granted in separate correspondence. Consequently, a renewal application filed by Mr. Gentile which complies with the provisions of 10 CFR 55.57(a)(1), (2), (3), and (6), shall be deemed adequate to satisfy the timely renewal provisions of 10 CFR 55.55(b), if filed on or before December 28, 1987. Mr. Gentile will supplement his renewal application by providing the information called for by 10 CFR 55.57(a)(4) and (5) upon his successful completion of the utility-administered simulator operating examination.

IV

Based upon the above agreed to course of conduct and particularly the Licensee's representation that he will not operate the controls of the facility until he has successfully completed the utility-administered simulator operating examination observed by the NRC, the suspension of the Licensee's senior reactor operator License imposed by the Order on November 10, 1987 is hereby rescinded.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 11 day of December, 1987.

[FR Doc. 87-29003 Filed 12-16-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-263]

Northern States Power Co., Monticello Nuclear Generating Plant; Exemption

I

The Northern States Power Company (the licensee) is the holder of Facility Operating License No. DPR-22 which authorizes operation of the Monticello Nuclear Generating Plant. The license provides, among other things, that it is subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility incorporates a boiling water reactor at the licensee's site located in Wright County, Minnesota.

II

By letter dated August 18, 1987, the licensee requested an exemption from the requirements of 10 CFR 50.62(c)(4), which establishes the minimum injection flow rate and the boron concentration for the standby liquid control system (SLCS).

Specifically, 10 CFR 50.62(c)(4) requires that each boiling water reactor must have a SLCS with minimum flow capacity equivalent in control capacity to 86 gallons per minute (GPM) with a boron concentration of 13 weight percent (w/o) sodium pentaborate. The licensee requests an exemption from this requirement to permit use of a minimum flow rate of 26 GPM and an available sodium pentaborate concentration ranging from 13.7% to 18 w/o depending on the volume in the existing SLCS storage tank. The B10 content of the boron in the dissolved sodium pentaborate solution would be enriched above the natural isotopic composition.

The requirement established by the regulation was intended to provide for prompt injection of negative reactivity into a boiling water reactor pressure vessel in the event of an anticipated transient without scram (ATWS) event. The reactor vessel size used to establish the required flow rate of 86 GPM and the sodium pentaborate concentration of 13 w/o was the large 251-inch diameter vessel used in the BWR/5 and BWR/6 designs. The Monticello reactor has a much smaller 206-inch diameter vessel. For the Monticello reactor a lesser flow rate, following the formula proposed by the licensee, will provide a negative reactivity injection in an ATWS event equivalent to that called for by the regulation for the larger 251-inch diameter boiling water reactor vessel. See Generic Letter 85-03, "Clarification of Equivalent Control Capacity for Standby Liquid Control Systems," January 28, 1985.

III

In this case, the flow rate-boron 10 concentration relationship established by the licensee's formula will provide the equivalent level of control capacity for the smaller Monticello reactor pressure vessel as that called for by the rule based on larger reactor pressure vessels. Requiring Monticello to provide the flow rate-boron 10 concentration capacity specified by the rule is not necessary to provide adequate negative reactivity in the event of an ATWS at Monticello. Thus, the Commission's staff finds that there are special circumstances in this case which satisfy the standards of 10 CFR 50.12(a)(2)(ii). As set forth in the Safety Evaluation of Amendment No. 56, issued concurrently with this Exemption, the staff has determined that operation under the revised Technical Specifications governing flow rate and boron-10 concentration will not endanger public health and safety and will not be inimical to the common defense and security.

IV

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12, an exemption is authorized by law and will not present an undue risk to the public health and safety, and is consistent with the common defense and security, and hereby grants the following exemption with respect to the requirements of paragraph (c)(4) of 10 CFR 50.62.

The licensee may operate the facility with flow rate and boron concentration requirements as set forth in sections 3.4 and 4.4 of the Monticello facility Technical Specifications.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this Exemption will have no significant impact on the environment as documented in the accompanying Environmental Assessment and Finding of No Significant Impact. This Exemption is effective upon issuance.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Director, Division of Reactor Projects-III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 11th day of December 1987.

[FR Doc. 87-29000 Filed 12-16-87; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGMENT

Federal Prevailing Rate Advisory Committee; Open Meeting

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on—

Wednesday, January 13, 1988
Wednesday, January 20, 1988
Wednesday, January 27, 1988

These meetings will start at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, DC.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives from five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives from five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Presonnel Management.

These scheduled meetings will start in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the abililty of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b (c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations, and related activities. These reports are available to the public, upon written request to the Committee's Secretary.

The public is invited to submit material in writing to the Chairman of Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW., Washington, DC 20415 (202) 632-9710.

Thomas E. Anfinson,

Chairman, Federal Prevailing Rate Advisory Committee.

December 10, 1987.

[FR Doc. 87-29010 Filed 12-16-87; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-16172; 812-6935]

Cash Reserve Management, Inc. et al.; Application

December 11, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application For Exemption Under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Cash Reserve Management, Inc., Municipal Cash Reserve Management, Inc., Hutton Government Fund, Inc., Hutton AMA Cash Fund, Inc., Hutton Investment Series Inc., Hutton VIP Fund, Hutton National Municipal Fund Inc., Hutton California Municipal Fund Inc., Hutton New York Municipal Fund Inc., Hutton Master Series, Hutton Institutional Fund Inc. and Hutton Municipal Series Inc. (the "Investment Companies"), SLBP Acquisition Corp. ("SLBP") and E.F. Hutton & Company Inc. ("E.F. Hutton" or the "Investment Adviser").

Relevant 1940 Act Sections: Exemption requested under section 6(c) from the provisions of section 15(a).

Summary of Applications: Applicants seek an order to permit the implementation without formal shareholder approval of new investment advisory agreements, approved by the Investment Companies' Boards of Directors/Trustees (the "Boards of Directors"), between the Investment Companies and E.F. Hutton, and to permit E.F. Hutton to receive from each Investment Company, subject to shareholder approval, any and all fees earned under the new agreements from the date on which SLBP first acquires more than 25% of the shares of Hutton Group (the "Assignment") until the date the new investment advisory agreements are approved or disapproved by shareholders of each respective Investment Company (the "Interim Period"), which period would be no longer than 120 days.

Filing Date: The application was filed on December 11, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on the application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on January 4, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Each of the Investment Companies (except Hutton VIP Fund) and E.F. Hutton & Company Inc.—31 West 52nd Street, New York, New York 10019; Hutton VIP Fund—11011 North Torrey Pines Road, La Jolla, California 92037; SLBP Acquisition Corp.—American Express Tower, World Financial Center, New York, New York 10285.

FOR FURTHER INFORMATION CONTACT: Houghton R. Hallock, Jr., Special Counsel (202) 272-3030 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is

VOL 52 ISS 242 DEC 17 1987 UMI

available for a fee from the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

Applicants' Representatives

1. Each of the Investment Companies is registered under the 1940 Act as an open-end management investment company and has E.F. Hutton as its investment adviser and distributor. The advisory fees of the Investment Companies range from 0.25% per annum of average daily net assets to 0.90% per annum of average daily net assets. E.F. Hutton is registered as a broker-dealer under the Securities Exchange Act of 1934 and as an investment adviser under the Investment Advisers Act of 1940 (the "Advisers Act"). G.T. Capital Management, Inc. ("G.T. Capital"), an investment adviser registered under the Advisers Act, serves as portfolio manager for three Series of Hutton Invesment Series Inc.: Pacific Series, European Series and Global Series. Hutton Investment Series Inc. and E.F. Hutton have entered into a portfolio management agreement for the Interim Period. SLBP is a wholly-owned subsidiary of Shearson Lehman Brothers Holdings Inc. ("Shearson Holdings"). Shearson Holdings is a majority-owned subsidiary of American Express Company.

2. Shearson Holdings and Hutton Group entered into a definitive Agreement and Plan of Merger (the "Merger Agreement") executed as of December 2, 1987. The Merger Agreement provides that the entire equity interest of Hutton Group would be acquired by SLBP (or by any other direct or indirect wholly-owned subsidiary of Shearson Holdings to which SLBP assigns its rights under the Merger Agreement) pursuant to a tender offer (the "Tender Offer"). The Tender Offer is conditional upon, among other things, approximately 51% of the outstanding shares of common stock of Hutton Group being validly tendered, and not withdrawn, prior to the expiration of the offer. The Tender Offer commenced on December 7, 1987, and is currently scheduled to expire on January 5, 1988.

3. In the event that the Tender Offer is successful, SLBP (or another Shearson Holdings wholly-owned subsidiary) will acquire in excess of 25% of the outstanding voting securities of Hutton Group. It is thus likely that, in the near future, the shares which SLBP will own will represent the largest single holding of shares of Hutton Group. The acquisition of Hutton Group shares may result in an assignment of the existing investment advisory agreements of each of the Investment Companies within the meaning of section 2(a)(4) of the 1940 Act, thus terminating each investment advisory agreement pursuant to its terms.

4. At meetings held by telephone on December 8 and 9, 1987, the Boards of Directors of each of the Investment Companies, including the members who are not "interested persons" of the applicable Investment Comapny as that term is defined inspection 2(a)(19) of the 1940 Act, with the advice and assistance of independent counsel, concluded unanimously that it is in the best interests of each Investment Company and its shareholders to file the application as a necessary step in implementing new advisory agreements during the Interim Period in a manner that would minimize the disruption in advisory services to each Investment Company. The Boards of Directors of the Investment Companies have scheduled in-person meetings during December for the formal consideration of the advisability of entering into new agreements providing for advisory services during the Interim Period. As part of that process, the Boards of Directors, with the advice and assistance of independent counsel, will comply with the requirements of section 15(c) of the 1940 Act.

Conditions

Applicants agree as conditions to the issuance of the exemptive order requested by the application that:

1. The new advisory agreements to be implemented during the Interim Period will have the same terms and conditions as the existing advisory agreements and the new portfolio management agreement to be implemented during the Interim Period will have the same terms and conditions as the existing portfolio management agreement.

2. In considering new advisory agreements to be implemented during the Interim Period, the Boards of Directors, including a majority of members who are not "interested persons" of the Investment Companies, will comply with the requirements of section 15(c) of the 1940 Act. Upon completion of their review, the application will be amended promptly to reflect the Directors' formal conclusions and the bases therefor.

3. Fees earned by E.F. Hutton and by G.T. Capital and paid by an Investment Company during the Interim Period in accordance with the terms of a new advisory agreement or new portfolio management agreement will be maintained in an interest-bearing escrow account, and amounts in the account will be paid to: (a) E.F. Hutton only upon approval by the shareholders of that Investment Company, or (b) in the absence of such approval, to the respective Investment Company.

4. E.F. Hutton will pay the costs of preparing and filing the application and the costs of holding all special meetings of the Investment Companies' shareholders necessitated by the Assignment, including the cost of proxy solicitations. Additionally, E.F. Hutton will pay the incremental costs necessitated by the Assignment in connection with the meetings of Investment Company shareholders which would otherwise be held by the Investment Companies.

5. E.F. Hutton will take all appropriate steps so that the scope and quality of advisory and other services provided to the Investment Companies during the Interim Period will be at least equivalent, in the judgment of the respective Boards of Directors, including a majority of the Directors who are not "interested persons", to the scope and quality of services previously provided. In the event of any material change in personnel providing services pursuant to the advisory agreements, E.F. Hutton will apprise and consult with the Board of Directors of the affected Investment Companies in order to assure that they, include a majority of the Directors who are not "interested persons," are satisfied that the services provided will not be diminished in scope or quality.

Applicants' Legal Conclusions

The requested order is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act for the following reasons:

1. Based on a number of factors, the Board of Directors of Hutton Group decided to pursue alternatives to maximize shareholder value. The Board's actions led to the Merger Agreement. Due to the broad public ownership of Hutton Group shares, the Tender Offer is the most efficient means as the first step to consummating the transaction. Because completion of the Tender Offer might be deemed to cause an assignment, and hence the termination, of the Investment Companies' existing investment advisory agreements, the Boards of Directors of the Investment Companies were required by the circumstances to consider appropriate actions in the best interests of the Investment Companies and their shareholders. The Boards determined, on a preliminary basis, that continuation of the existing advisory, distribution and operational arrangements is in the best interests of each of the Investment Companies and their shareholders and resolved to file the application.

2. It is not possible for the Investment Companies to obtain shareholder approval of new advisory agreements in accordance with section 15(a) of the 1940 Act prior to the Assignment. The Investment Companies had no advance notice of the proposed transaction. Shareholders' meetings require the preparation and clearance of proxy materials, as well as a sufficient solicitation period to obtain the requisite quorum. Although the Investment Companies are currently preparing these materials as expeditiously as possible, holding a special meeting of shareholders before the Assignment would be impossible as there would not be an adequate solicitation period to reasonably assure a quorum of shareholders present at the meeting.

3. There will be no diminution in the scope and quality of services provided to the Investment Companies. Applicants state that new advisory agreements to be implemented during the Interim Period will have the same terms and conditions as the existing agreements. Accordingly, each Investment Company will receive, during the Interim Period, the same investment advisory services, provided in the same manner and at the same fee levels, by essentially the same personnel as it received prior to the Assignment.

4. Applicants believe that the granting of the requested exemption would be within the spirt of Rule 15a-4 under the 1940 Act. The Commission's release proposing Rule 15a-4 suggests that where an assignment is foreseeable, the policy of the 1940 Act that shareholder approval be obtained prior to entering into an investment advisory relationship should not be thwarted by providing an exemption from section 15(a) of the 1940 Act, because in such a case, it would be reasonably practicable to obtain shareholder approval. Applicants submit that the situation at hand is similar to other types of assignments that are unforeseeable. The extremely rapid culmination of the Shearson Holdings-Hutton Group negotiations did not present, and the form of transaction deemed most appropriate by Shearson Holdings and Hutton Group did not permit, an opportunity to secure prior approval of new advisory agreements by shareholders of the Investment Companies.

5. Applicants submit that to deprive E.F. Hutton of its customary fees for the Interim Period for no reason other than the fact that the Tender Offer may technically result in an assignment of the Investment Companies' existing investment advisory agreements, would be a harsh result and an unreasonable penalty to attach to the transaction.

6. The Commission has previously granted exemptive relief substantially similar to that requested by the Applicants.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-28964 Filed 12-16-87; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2296]

Mississippi; Declaration of Disaster Loan Area

Warren County and the adjacent County of Hinds in the State of Mississippi constitute a disaster area because of damage from tornadoes and flooding which occurred on November 16, 1987. Applications for loans for physical damage may be filed until the close of business on February 9, 1988, and for economic injury until the close of business on September 12, 1988, at the address listed below:

Disaster Area 2 Office,
Small Business Administration,
120 Ralph McGill Blvd., 14th Fl.,
Atlanta, Georgia 30308

or other locally announced locations.

The interest rates are:

Homeowners With Credit Available Elsewhere	8.000%
Homeowners Without Credit Available Elsewhere	4.000%
Businesses With Credit Available Elsewhere	8.000%
Businesses Without Credit Available Elsewhere	4.000%
Businesses (EIDL) Without Credit Available Elsewhere	4.000%
Other (Non-Profit Organizations Including Charitable and Religious Organizations)	9.000%

The number assigned to this disaster is 229812 for physical damage and for economic injury the number is 658000.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008).

Date: December 11, 1987.

James Abdnor,

Administrator.

[FR Doc. 87-28965 Filed 12-16-87; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/1142]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting of the Advisory Committee on International Investment, Technology and Development on January 14, 1988 from 9:00 a.m. to 1:00 p.m. The meeting will be held in Conference Room 1107 of the Department of State, 2201 "C" Street, NW, Washington, DC 20520.

The agenda and approximate times topics will be discussed are below:

—9:00 Review of agenda and introduction of first speaker.

Professor Isaiah Frank, Johns Hopkins School for Advanced International Studies.

—9:05 Welcoming remarks.

Alan Larson, Acting Assistant Secretary of State, Economic and Business Affairs.

—9:20 Review of new draft of Code of Conduct on Transnational Corporations.

William Milam, Deputy Assistant Secretary of State, Economic and Business Affairs.

Followed by questions and comments by committee members.

—9:50 Discussion of investment questions at the OECD Committee on Investment and Multinational Enterprises.

Marilyn Meyers, Director, Office of Investment Affairs.

Followed by questions and comments by committee members.

—10:20 Coffee Break.

—10:40 Review of the negotiations on Trade Related Investment Measures at the Uruguay Round talks in Geneva.

Robert Cornell, Deputy Assistant Secretary, Department of the Treasury.

Followed by questions and comments by committee members.

—11:20 Explanation of the Investment Chapter of the U.S.-Canada Free Trade Agreement.

Robert Cornell—The negotiator of that chapter.

—11:40 A businessman's view of the FTA. Jules Katz, Government Research, Inc.

Followed by comments and questions by the members.

—12:00 A presentation on debt-equity swaps.

VOL 52 ISS 242 DEC 17 1987 UMI

L. Thomas Block, Senior Vice President, Chemical Bank.

Followed by questions and comment from the members.

—12:30 Discussion of topics for consideration at future meetings.

Marilyn Meyers.

—1:00 Meeting closes.

Access to the Department of State is controlled. Therefore, members of the public wishing to attend the meeting must contact the Office of Investment Affairs (202) 647–2585 in order to arrange admittance. Please use the "C" Street entrance.

December 9, 1987.

Robert C. Reis, Jr.,

Executive Secretary.

[FR Doc. 87–28936 Filed 12–16–87; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM–8/1145]

Legal Panel on International Telecommunications Law of the U.S. Organization for the International Telegraph and Telephone Consultative Committee and International Radio Consultative Committee; Meeting

The Department of State announces the fourth meeting of the Panel on International Telecommunications Law, which is under the auspices and authority of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) and International Radio Consultative Committee (CCIR). The Panel's meeting will convene on Thursday, January 14, 1988 in Room 1107, Department of State, 2201 C Street, NW., Washington, DC.

The meeting will begin at 3:00 p.m. Items to be discussed will include:

1. ITU Draft Constitution
2. Briefings on major upcoming ITU conferences
3. Announcement of new agenda items
4. Future work of the Panel

Members of the general public may attend the meeting and join in the discussion. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of the Deputy U.S. Coordinator for International Communications and Information Policy, Mr. Thomas J. Ramsey, State Department, Washington, DC.; telephone (202) 647–5832. All attendees must use the C Street entrance to the building.

Date: December 10, 1987.

Earl S. Barbely,

Chairman, U.S. CCITT National Committee.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 87–28934 Filed 12–16–87; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM–81/1143]

Overseas Schools Advisory Council; Meeting

The Overseas Schools Advisory Council, Department of State, will hold its Executive Committee meeting on Tuesday, January 19, 1988, at 9:30 a.m. in Conference Room 1205, Department of State Building, 2201 C Street, NW., Washington, DC. The meeting is open to the public.

Agenda items scheduled for discussion are as follows:

I. Council programs of education assistance
   (a) Final report of 1986 program and initial program report on 1987 program
   (b) Council's efforts in securing contributions for 1987 program
   (c) Recommendations of council's evaluation committee regarding projects submitted by regional overseas schools associations for 1988 program
   (d) Report of the subcommittee to increase the participation of U.S. corporations and foundations in council program
II. Highlights of forthcoming Carnegie report on urban education
III. Initial results of surveys regarding schools fund raising drives and activities of overseas schools regional associations
IV. Council communication with U.S. corporations and foundations
V. Selection of date of council's annual meeting

Access to the State Department is controlled. Members of the public desiring to attend the meeting may write to the Overseas Schools Advisory Council, Department of State, Room 234, SA–6, Washington, DC 20520 or telephone Ms. Joyce Bruce on area code 703–875–6220, prior to January 19. The public may participate in discussions at the Chairman's instructions.

Date: December 8, 1987.

Ernest N. Mannino,

Executive Secretary, Overseas Schools Advisory Council.

[FR Doc. 87–28926 Filed 12–16–87; 8:45 am]

BILLING CODE 4710–24–M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980, as Amended by Pub. L. 99–591; Information Collection Under Review by the Office of Management and Budget (OMB)

AGENCY: Tennessee Valley Authority.

ACTION: Information Collection Under Review by the Office of Management and Budget (OMB).

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), as amended by Pub. L. 99–591.

Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; Telephone: (202) 395–3084.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751–2523.

Type of Request: Regular submission.

Title of Information Collection: 1988 Interim Residential Survey: Customers of Municipal and Cooperative Distributors of TVA Power.

Frequency of Use: On occasion.

Type of Affected Public: Individuals or households.

Small Businesses or Organizations Affected: No.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 5,820.

Estimated Total Annual Burden Hours: 1,928.

Need For and Use of Information: The 1988 Interim Residential survey will provide information about how the residential customers served by the municipal and cooperative distributors of TVA power use electricity. This information is required for load forecasting and program planning by several different organizations within TVA.

John W. Thompson,

Manager of Corporate Services, Senior Agency Official.

[FR Doc. 87–28935 Filed 12–16–87; 8:45 am]

BILLING CODE 8120–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD1–87–089]

New York Harbor Traffic Management Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I), notice is hereby given of a meeting of the New York Harbor Traffic Management Advisory Committee to be held on January 7, 1988, in the Conference Room, second floor, U.S. Coast Guard Marine Inspection Office, Battery Park, New York, New York, beginning at 10:00 a.m.

The agenda for this meeting of the New York Harbor Traffic Management Advisory Committee is as follows:

1. Introductions.
2. Vessel Traffic Service New York update.
3. VTS Long-term System Improvement options.
4. Projected Cross-Hudson ferry route—Presentation.
5. Update Kill Van Kull/Newark Bay Dredging Project.
6. Bridge Administration—Issues and Trends.
7. Topics from the floor.
8. Review of agenda topics and selection of date for next meeting.

The New York Harbor Traffic Management Advisory Committee has been established by Commander, First Coast Guard District to provide information, consultation, and advice with regard to port development, maritime trade, port traffic, and other maritime interests in the harbor. Members of the Committee serve voluntarily without compensation from the Federal Government.

Attendance is open to the interested public. With advance notice to the Chairperson, members of the public may make oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

FOR FURTHER INFORMATION CONTACT: Commander W. Young, USCG, Executive Secretary, NY Harbor Traffic Management Advisory Committee, New York Vessel Traffic Service, Governors Island, New York, NY 10004; or by calling (212) 668–7954.

Dated: December 8, 1987.

R.L. Johanson,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 87–28968 Filed 12–16–87; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE TREASURY

Reestablishment of the Advisory Committee for the Preservation of the Treasury Building

The Department of the Treasury, pursuant to the Federal Advisory Committee Act of October 6, 1972, Pub. L. 92–463, as amended, and with the approval of the Secretary of the Treasury, announces the reestablishment of the Advisory Committee for the Preservation of the Treasury Building.

The primary purpose of the committee is to consult with and advise the Secretary of the Treasury and his staff upon request regarding various rehabilitation projects in the Main Treasury Building. The committee will also undertake active solicitation to raise funds to help finance some of these important undertakings as well as to encourage donors to contribute works of art and furnishings of historic importance to the Department of the Treasury.

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the Department of the Treasury has reestablished the Advisory Committee for the Preservation of the Treasury Building for a one-year period.

John F.W. Rogers,

Assistant Secretary of the Treasury (Management).

[FR Doc. 87–29004 Filed 12–16–87; 8:45 am]

BILLING CODE 4810–25–M

Corrections

Federal Register
Vol. 52, No. 242
Thursday, December 17, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 253

[Docket No. 70905-7205]

Interjurisdictional Fisheries

Correction

In proposed rule document 87-26943 beginning on page 44922 in the issue of Monday, November 23, 1987, make the following correction:

§ 253.3 [Corrected]

On page 44924, in the first column, in § 253.3, in paragraph (a)(1), in the first line of the formula, "Value" should read "Volume".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-00248; FRL-3297-2]

Pesticide Tolerances for Chlorpyrifos; Technical Amendment

Correction

In rule document 87-27552 beginning on page 45824 in the issue of Wednesday, December 2, 1987, make the following corrections:

§ 180.342 [Corrected]

1. On page 45825, in § 180.342(a), in the table, there should be a reference to footnote 1 after "2.0" in the parts per million column in the entry beginning "Vegetables, leafy".

2. In the same table, in the entry for walnuts, the parts per million should read "0.2" (with no footnote reference).

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 716

[OPTS-84027; FRL-3292-4]

Preliminary Assessment Information and Health and Safety Data Reporting; Addition of Chemicals

Correction

In rule document 87-26555 beginning on page 44826 in the issue of Friday, November 20, 1987, make the following corrections:

§ 716.120 [Corrected]

1. On page 44828, in § 716.120(a)(1), in the table at the bottom of the page, in the entry for CAS No. 6247-34-3, there should be an open parenthesis in front of "acetylamino)".

2. On page 44829, in the same table, in the entry for CAS No. 6424-85-7, "4-]" should read "4-[".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405, 442, 488, and 489

[HSQ-142-P]

Medicare and Medicaid; Survey and Certification of Health Care Facilities

Correction

In proposed rule document 87-26543 beginning on page 44300 in the issue of Wednesday, November 18, 1987, make the following correction:

On page 44300, in the second column, under **FOR FURTHER INFORMATION CONTACT**, the area code was omitted from the telephone number. The telephone number should read "(301) 594-3813".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Statement of Organization, Functions and Delegations of Authority; Office of Information Resources Management

Correction

In notice document 87-27976 beginning on page 46417 in the issue of Monday, December 7, 1987, make the following correction:

On page 46417, in the third column, in *Section AMM.10*, in the second and third lines from the bottom, "Assistant Secretary for Management, who report to the" should be removed.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Interim Procedures for Requesting Health Assessments

Correction

In notice document 87-26981 beginning on page 45018 in the issue of Tuesday, November 24, 1987, make the following correction:

On page 45018, in the third column, under **DATE**, in the second line, "February 22, 1987" should read "February 22, 1988".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-72-AD; Amdt. 39-5776]

Airworthiness Directives; Avions Marcel Dassault—Breguet Aviation Falcon 10 Series Airplanes

Correction

In rule document 87-26664 beginning

on page 44375 in the issue of Thursday, November 19, 1987, make the following correction:

§ 39.13 [Corrected]

On page 44376, in the second column, in § 39.13, in paragraph A., in the ninth line, "F100-262" should read "F10-262".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121 and 135

[Docket No. 25477; SFAR No. 52]

Special Federal Aviation Regulation No. 52; Extension of Compliance Date for Certain Large Airplanes Operated Under Part 135, in Other Than Commuter Air Carrier Operations, To Comply With Pending Seat Cushion Flammability Regulation

Correction

In rule document 87-27626 beginning on page 45910 in the issue of Wednesday, December 2, 1987, make the following correction:

On page 45911, in the second column, in the fifth and sixth lines, "October 1, 1983" should read "October 11, 1983".

BILLING CODE 1505-01-D

UNITED STATES INFORMATION AGENCY

22 CFR Part 502

[Rulemaking No. 4]

Propaganda as Educational and Cultural Materials; World-Wide Free Flow (Export-Import) of Audio-Visual Materials

Correction

FR Doc. 87-26516 beginning on page 47029 in the issue of Friday, December 11, 1987, corrected an interim rule. It was published in the "Proposed Rules" section of the issue. It should have appeared in the "Rules and Regulations" section.

BILLING CODE 1505-01-D

VOL
52
ISS
242
DE
17
1987
UMI

federal register

Thursday
December 17, 1987

Part II

Uniform Relocation Assistance and Real Property Acquisition Regulation for Federal and Federally Assisted Programs; Interim Final Rules, Final Rule, and Notice of Intent

Department of Agriculture
Department of Energy
National Aeronautics and Space Administration
Department of Commerce
Tennessee Valley Authority
Department of Labor
Department of Defense
Department of Education
Pennsylvania Avenue Development Corporation
Veterans Administration
Environmental Protection Agency
General Services Administration
Department of the Interior
Department of Justice
Federal Emergency Management Agency
Department of Health and Human Services
Department of Transportation
Department of Housing and Urban Development

VOL
52,
ISS
242
DE
17,
1987
UMI

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 24

[FHWA Docket No. 87-22]

Uniform Relocation Assistance and Real Property Acquisition Regulation for Federal and Federally Assisted Programs

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Interim final rule; request for comments.

SUMMARY: This regulation incorporates certain statutory amendments to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act) occasioned by passage of Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 Amendments), Pub. L. 100-17, 101 Stat. 246. The interim rule addresses only those amendments upon which the law is explicit and allows little, if any, administrative discretion or interpretation and for which a period of public notice and comment would be impractical. For the easy reference of the reader, the unchanged provisions of the existing regulation are reprinted in their entirety in order to present a complete regulation at a single source. Other changes made in the Uniform Act will require the development or modification of specific criteria which will be the subject of public notice and comment at a later date.

The immediate objective of today's interim final rule action is to provide implementing regulations for those Federal and State agencies that are currently able to allow payment of certain specified benefits as established by the 1987 Amendments for persons displaced on or after April 2, 1987.

DATES: The provisions of this interim final rule are effective December 17, 1987. For further information about implementation dates, see the discussion in the supplementary information section below. Comments must be received on or before February 16, 1988.

ADDRESS: Submit signed, written comments, preferably in triplicate, to FHWA Docket No. 87-22, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Barbara Reichart, Director, Office of Right-of-Way, HRW 1, (202) 366-0116; or Reid Alsop, Office of the Chief Counsel, HCC-40, (202) 366-1371. The address is Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. For specific program information, see individual agency submissions published elsewhere in this issue of the **Federal Register**.

SUPPLEMENTARY INFORMATION:

Background

In 1981, for the Vice President's Presidential Task Force on Regulatory Relief, State and local governments identified the Uniform Act as a good candidate for State and local regulatory relief. Therefore, in May 1982, the Office of Management and Budget (OMB) formed a Uniform Act Interagency Regulatory Review Working Group to develop uniform regulations to be implemented by each covered agency for the Uniform Act. On February 27, 1985, a Presidential Memorandum was signed and published in the **Federal Register** on March 5, 1985 (50 FR 8953), naming the Department of Transportation (DOT) as the agency with lead responsibility for the Uniform Act. The Secretary of the Department of Transportation delegated this responsibility to the Federal Highway Administration. On March 5, 1985 (50 FR 8953), DOT published in the **Federal Register** a model Uniform Act rule, which (in accordance with the President's February 27, 1985 memorandum) served as the basis for a proposed common Uniform Act rule for the 16 other affected agencies (50 FR 8955). The proposed common rule was issued for comment by those 16 agencies on May 28, 1985. After consideration of comments, the disparate regulations of all affected agencies were superseded by the common rule which was published as a final rule on February 27, 1986 (51 FR 7000). This common rulemaking effort, applicable to both direct Federal programs and projects and federally-assisted programs and projects undertaken by State or local agencies, achieved consistency in regulations among the separate Federal agencies. To a significant extent, this common rulemaking effort presaged many of the statutory changes to the Uniform Act made by the 1987 Amendments. In the administrative area, for example, the Amendments specifically designate the DOT as lead agency and require it, in coordination with other Federal agencies, to issue rules, establish procedures and make interpretations to implement provisions of the Uniform Act. In the substantive area, with the major exception of payment levels or criteria that were set by statute, the common rulemaking effort granted greater flexibility and discretion to State and local agencies, a theme reiterated in the 1987 Amendments.

On Tuesday, May 19, 1987 (52 FR 18768) the FHWA issued a Notice describing significant changes in the law and general plans to implement those changes. On Tuesday, December 1, 1987 (52 FR 45667) the FHWA issued a Notice of Regulatory Intent giving further notice of the specific regulatory actions that it and the other affected Federal agencies will take to implement the 1987 Amendments and the reasons for issuing this interim final rule. This interim final rule is intended to assist those Federal and State agencies that are now willing and able to implement the non-controversial provisions of the 1987 Amendments, which are described below. This interim final rule will be followed by a notice of proposed rulemaking (NPRM), that will seek comments on implementing all provisions of the 1987 Amendments. The NPRM will be followed by a final rule that will replace this interim final rule prior to the date the 1987 Amendments become mandatory, which is on or before April 2, 1989.

Implementation Dates

An implementation date prior to December 17, 1987, may be established by a Federal agency for some or all of its programs. However, it must be applied so that displacees in like circumstances are treated in a uniform and consistent manner. Such date shall not be prior to April 2, 1987, the date of enactment of the 1987 Amendments. For Department of Transportation (DOT) direct Federal projects, displacing agencies may elect to apply this regulation to any person displaced after April 2, 1987. For DOT federally-assisted programs or projects, displacing agencies that lack authority under current State law to comply with the interim final rule shall continue to comply with 49 CFR Part 25 until such authority is obtained. Part 25 will be rescinded on April 2, 1989, by the separate DOT regulatory action published elsewhere in this issue of the **Federal Register**.

changes in the statutory payment limits made by the 1987 Amendments. For the reader's easy reference, the location of these nondiscretionary changes are simply identified below, by subpart, without further discussion. To better enable agencies to relate interim final rule changes to the existing common rule, subpart, section and paragraph references in this preamble are cited in generic form, i.e., a simple dash has been substituted for the CFR part number. Where a nondiscretionary change has *not* been made or a change of another nature has been made, these actions are discussed. There are no changes at this time in Subparts B and C.

Subpart A—General

Section 24.1 Purpose.

A new paragraph (c) has been added to refer specifically to the 1987 Amendments which are being promulgated in the interim final rule. This language will simply help to distinguish the interim final rule from the earlier common rule during this transition period.

Section 24.2 Definitions.

In paragraph 24.2(c)(6)(iii) the dollar amounts have been changed to reflect the new statutory limits for payments under the cited sections.

Subpart D—Payment for Moving and Related Expenses

Section 24.302 Fixed payment for moving expenses—residential moves.

For eligible residential displacees who elect to be reimbursed on the basis of a payment schedule as an alternative to reimbursement for actual moving and related expenses, the 1987 Amendments eliminated the ceiling that had been set for the moving expense payment and the fixed amount for a dislocation allowance. Instead, "an expense and dislocation allowance" has been authorized, in accordance with a schedule established by the lead agency. Historically, the moving expense allowance had been established by each state and then approved and published in the **Federal Register** annually by the Federal Highway Administration. This schedule became the basis for all such alternative payments by other Federal agencies. FHWA intends to develop the schedule from data provided by the State highway agencies as in the past and then publish the schedule as a notice in the **Federal Register**. The current fixed payment schedule was published as a Notice in the **Federal Register** on December 30, 1986 (51 FR 47097) and will remain in effect until April 2, 1989 for those State and local Federal-aid grant recipients that lack authority to comply with the 1987 Amendments or are not required to do so under this interim final rule.

The interim final rule contains language to reflect the statutory elimination of set amounts and to establish the basis for a revised schedule for such moves. The methodology States will use to develop data for the revised schedule will be similar to that used in the past, while at the same time allowing States to take into consideration geographic variables that may affect moving expenses. The schedule is expected to reflect a logical relationship between the eligible expenses to be covered by the dislocation allowance and the probability that such expenses will be incurred by the displaced person or household instead of a fixed amount payable equally to all residential displacements.

Section 24.304 Fixed payment for moving expenses nonresidential moves.

In paragraphs 24.304(a) and 24.304(c) the dollar amounts have been changed to reflect the new statutory minimum and maximum payments. An eligible displaced business retains the option of receiving a payment for actual moving and related expenses so that the change in the new minimum payment level does not reduce the displacee's financial protection under the law. In paragraph 24.304(d), the amount of payment an eligible displaced nonprofit organization may receive has not been changed.

The 1987 Amendments provide an opportunity to review and revise, if necessary, the criteria to be met in determining eligibility for, and the amount of, an "in lieu of moving" payment as an alternative business allowance. As any significant change to the current criteria should be subject to public notice and comment, such changes are not being included in the interim final rule. As the amount of payment for a nonprofit organization is really a product of the current criteria, there is no strong basis for arbitrarily setting a different amount, such as the new statutory minimum, until the feasibility of criteria for payment to such businesses is adequately explored. To apply the new minimum, which could be interpreted as a reduction in benefits, without a corresponding analysis of alternative payment criteria could result in inconsistent treatment of displacees in otherwise similar circumstances. While the entire subject of criteria for all affected displacees under this section will be dealt with in the forthcoming notice of proposed rulemaking, early comments will be accepted on all criteria but are especially invited on the question of criteria for nonprofit organizations.

Subpart E—Replacement Housing Payments

Section 24.401 Replacement housing payment for 180-day homeowner—occupants.

In paragraph 24.401(b) the dollar amount has been changed to reflect the new statutory limit for this payment. A new sentence has been added to reflect the changed time limit imposed on payments computed under this section by section 408 of the 1987 Amendments.

Additional language has been included in paragraph 24.401(d) to allow displacing agencies to use an alternative method to determine increased mortgage interest costs. The alternative approach, or "buydown" method, was previously acceptable only for use in computing such costs under the Last Resort Housing provisions in § 24.602 because the method of computing such costs under section 203 of the Uniform Act was set by statute. The 1987 Amendments have now eliminated the statutory "annuity" formula. FHWA has included the "buydown" method in the interim final rule for displacing agencies to elect to use as an alternative for all such computations. Although its application has been widespread in Last Resort Housing situations, some agencies may not be familiar with it nor has it been subject to general notice and comment. As the Congress recognized when it amended section 203 of the Uniform Act, it will be necessary to modify the "annuity" method in order to avoid or reduce "windfall" or unwarranted payments during periods of inflation and high mortgage interest rates. For these reasons, the "buydown" method is included at this time only as a permitted alternative and early comments are invited on it or other possible alternative procedures for computing such costs.

In paragraph 24.401(f) the dollar amount has been changed to reflect the new statutory limit for payment under the cited section.

Section 24.402 Replacement housing payment for 90-day occupants.

In paragraph 24.402(a) the dollar amount has been changed to reflect the new statutory limit for this payment.

In paragraph 24.402(b)(1), the dollar amount and the computation factor have been changed to reflect the new statutory limit for the amount and the time period for financial assistance. The

statement in the law that the computation of a payment under this paragraph to a low-income displaced person shall take into account such person's income is not being specifically addressed in the interim final rule because this statement requires administrative interpretation and any changes in the method of computation is properly subject to public notice and comment. As a practical matter, the current last resort housing provision offers some protection to such displacees.

Paragraph 24.402(c)(1) dealing with the amount of a downpayment has been rewritten to reflect the new statutory limit for such payments and to remove the matching requirement which was eliminated by the 1987 Amendments. This paragraph also sets forth the change under which downpayment assistance may be based on the cost of renting a comparable replacement dwelling.

Also, the language formerly found in paragraph 24.402(c)(2) has been rewritten and placed in Appendix A at 24.402(c). Numbered paragraph 24.402(c)(3), application of payment, has been changed to 24.402(c)(2).

Section 24.403 Additional rules governing replacement housing payments.

In paragraph 24.403(b) the dollar amounts have been changed to reflect the new statutory limits for payments under the cited sections.

Subpart F—Mobile Homes

In §§ 24.503, 24.504 and 24.505(a) the dollar amounts have been changed to reflect the new statutory limits for payment under the cited sections.

Subpart G—Last Resort Housing

Section 24.601(b) Basic rights of persons to be displaced.

For clarity, a sentence has been added at the end of this paragraph to reflect the time limit imposed on payments computed under § 24.401 by section 406 of the 1987 Amendments. This sentence is essentially identical to the sentence added at § 24.401(b) for the same reason.

Appendix A—Additional Information

Section 24.402 Replacement housing payment for 90-day occupants.

The discussion in § 24.402 has been expanded to include the intent of the downpayment assistance provision and guidance on the prudent application of agency discretion.

Section 24.602 Methods of providing replacement housing.

The paragraph permitting the use of the "buydown" method in computing an increased mortgage interest payment has been eliminated as that method has been included as an acceptable alternative method in § 24.401.

Appendix B—Statistical Report Form

In the instructions for completing line 13 of the form, the dollar amounts in the example have been changed to reflect the new statutory limit for the section 204 of the Uniform Act portion of the payment used in the example.

Future Steps

In establishing a Federal lead agency, the 1987 Amendments built upon the earlier governmentwide common rule effort by the Executive Branch which achieved consistency among the almost 20 Federal departments and agencies that are affected by the Uniform Act. However, without specific statutory authority to develop and publish a governmentwide single rule, this earlier effort required each affected Federal agency to take separate, albeit simultaneous, verbatim rulemaking actions. The 1987 Amendments now provide the authority to streamline this process and to have a governmentwide single rule published at a single location in the CFR which is applicable to all Federal programs. The intent of Congress, that "the lead agency rules should provide sufficient direction to preclude the need for the issuance of regulations by other Federal agencies" (H.R. Rep. No. 99–665, 99th Cong., 2d Sess. 92 (1986)), should minimize the burden on State and local agencies. Congress recognized that actual implementation of the 1987 Amendments would probably require a phase-in period to allow for conforming action by State legislatures, if necessary, for federally-assisted programs and therefore set a statutory effective date of no later than April 2, 1989.

It is recognized that many non-Federal agencies whose activities are covered by the Uniform Act will be unable to comply with the 1987 Amendments. This is the reason that the 1987 Amendments in section 418 provided for delay in their effective date. Displacing agencies that are unable to comply with this interim final rule should continue to comply with the provisions of the common Uniform Act rule published on February 27, 1986 (51 FR 7000). The governmentwide common rule will remain in effect, for programs providing Federal financial assistance to displacing agencies, until the date, on or before April 2, 1989, that the 1987 Amendments become mandatory. Displacing agencies that currently are unable to comply with the new provisions added by this interim final rule are encouraged to comply with this interim final rule or with the final rule that will succeed it as soon as they are able to do so. The FHWA has prepared model State enabling legislation that is designed to permit full compliance with the Uniform Act, as amended. Copies are available from the contacts for further information, listed above.

The assurances provision of this interim final rule at § 24.4 has not been changed. The implementation of this provision as to specific programs or projects is entirely the responsibility of the Federal funding agency involved. However, the use of this provision by the Federal funding agency is encouraged to determine which of its grantee agencies are proceeding under the provisions of this interim final rule.

Many States and Federal agencies administering direct Federal activities already have the necessary statutory authority and are eager to implement the 1987 Amendments. This interim final rule permits them to do so. Further, many Federal agencies are able to move toward the single-rule streamlined process now and have done so by rescinding their agency-specific rule and cross referencing today's interim final rule as the governing regulation for their programs as described in the 17-agency common rule published elsewhere in today's **Federal Register**. Other agencies will take this action at a later date but not later than April 2, 1989.

There are several other specific changes in the Uniform Act made by the 1987 Amendments that will be proposed in a notice of proposed rulemaking to be published after the start of the new year. Comments on that rulemaking will be solicited and incorporated into the final Uniform Act regulation.

Regulatory Impact

The FHWA has determined that this action does not constitute a major rule under Executive Order 12291 or a significant rule under the regulatory policies and procedures of the Department of Transportation.

The FHWA believes that circumstances warrant the issuance of this rulemaking action without notice or an opportunity for prior public comment. As previously stated, the statutory amendments that are incorporated in this rulemaking action address specific and fixed relocation costs and benefits. The statutory payment limits authorized by the 1987 Amendments are explicit and require little, if any, administrative interpretation or discretion. For this reason, a period for public comment is unnecessary.

Many States and Federal agencies administering direct Federal activities currently have the necessary statutory authority to implement certain provisions of the 1987 Amendments. To delay the promulgation of the amendments contained in this rulemaking action would deprive many parties from receiving what they are entitled to under the law.

For the foregoing reasons, the FHWA finds good cause to make this regulation effective without prior notice or opportunity for comment and without a 30-day delay in effective date under the Administrative Procedure Act, 5 U.S.C. 553 (b) and (d). Accordingly, the provisions that are contained in this rulemaking action are effective as provided by the section entitled "Dates."

While the FHWA does not anticipate that there will be any substantive public comment on the general issue of the statutory provisions themselves, there may be some procedural comments on the provisions contained in this interim final rule. For this reason, publication of this interim final rule without an opportunity for prior comment, but with a request for comments following publication is consistent with the Department of Transportation's regulatory policies. Any comments that are submitted specifically to this docket will be fully considered in determining the need for future revisions in conjunction with a notice of proposed rulemaking (NPRM) which will be published separately at a later date and which will address several other provisions mandated by the 1987 Amendments.

The economic impacts of this rulemaking that will occur are primarily mandated by the statutory provisions themselves. For this reason, a full regulatory evaluation is not required. Based on information available to FHWA at this time and under the criteria of the Regulatory Flexibility Act, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act Requirements

Today's rulemaking does not affect any of the sections that contain paperwork requirements subject to review by OMB under Pub. L. 96–511, the Paperwork Reduction Act of 1980. These sections are §§ 24.102(e), 24.103(b), 24.104(c), 24.203(a), 24.203(c), 24.205(b), 24.207(g), and 24.303(b). It remains the responsibility of each affected Federal agency to obtain program-specific OMB approval for reporting requirements contained in this rule.

In consideration of the foregoing, the FHWA hereby amends title 49, Code of Federal Regulations, Subtitle A, by adding Part 24 as set forth below.

List of Subjects in 49 CFR Part 24

Real property acquisition, Relocation assistance, Reporting and recordkeeping requirements, Transportation.

Issued on: December 11, 1987.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

PART 24—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Subpart A—General

Sec.
24.1 Purpose.
24.2 Definitions.
24.3 No duplication of payments.
24.4 Assurances, monitoring and corrective action.
24.5 Manner of notices.
24.6 Administration of jointly-funded projects.
24.7 Federal agency waiver of regulations.
24.8 Compliance with other laws and regulations.
24.9 Recordkeeping and reports.
24.10 Appeals.

Subpart B—Real Property Acquisition

24.101 Applicability of acquisition requirements.
24.102 Basic acquisition policies.
24.103 Criteria for appraisals.
24.104 Review of appraisals.
24.105 Acquisition of tenant-owned improvements.
24.106 Expenses incidental to transfer of title to the agency.
24.107 Certain litigation expenses.
24.108 Donations.

Subpart C—General Relocation Requirements

24.201 Purpose.
24.202 Applicability.
24.203 Relocation notices.
24.204 Availability of comparable replacement dwelling before displacement.
24.205 Relocation assistance advisory services.
24.206 Eviction for cause.
24.207 General requirements— claims for relocation payments.
24.208 Relocation payments not considered as income.

Subpart D—Payments for Moving and Related Expenses

24.301 Payment for actual reasonable moving and related expenses—residential moves.
24.302 Fixed payment for moving expenses—residential moves.
24.303 Payment for actual reasonable moving and related expenses—nonresidential moves.
24.304 Fixed payment for moving expenses— nonresidential moves.
24.305 Ineligible moving and related expenses.

Subpart E—Replacement Housing Payments

24.401 Replacement housing payment for 180-day homeowner-occupants.
24.402 Replacement housing payment for 90-day occupants.
24.403 Additional rules governing replacement housing payments.

Subpart F—Mobile Homes

24.501 Applicability.
24.502 Moving and related expenses—mobile homes.
24.503 Replacement housing payment for 180-day mobile homeowner-occupants.
24.504 Replacement housing payment for 90-day mobile home occupants.
24.505 Additional rules governing relocation payments to mobile home occupants.

Subpart G—Last Resort Housing

24.601 Applicability.
24.602 Methods of providing replacement housing.

Appendix A to Part 24—Additional Information

Appendix B to Part 24—Statistical Report Form

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note); and 49 CFR 1.48(dd).

Subpart A—General

§ 24.1 Purpose.

The purpose of this part is to promulgate rules to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*), in accordance with the following objectives:

(a) To ensure that owners of real property to be acquired for Federal and federally-assisted projects are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation and relieve congestion in the courts, and to promote public confidence in Federal and federally-assisted land acquisition programs; and

(b) To ensure that persons displaced as a result of Federal or federally-assisted projects are treated fairly, consistently, and equitably so that such persons will not suffer disproportionate

injuries as a result of projects designed for the benefit of the public as a whole; and

(c) To implement those provisions of the Uniform Relocation Act Amendments of 1987 (Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub. L. 100-17, 101 Stat. 246) that are explicit and are not subject to administrative discretion or interpretation.

§ 24.2 Definitions.

(a) *Agency.* The term "Agency" means the Federal agency, State or State agency which acquires the real property or displaces a person (see § 24.2(f)).

(b) *Business.* The term "business" means any lawful activity, except a farm operation, that is conducted:

(1) Primarily for the purchase, sale, lease, and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or

(2) Primarily for the sale of services to the public; or

(3) Solely for the purpose of § 24.303, conducted primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or

(4) By a nonprofit organization that has established its nonprofit status under applicable Federal or State law.

(c) *Comparable replacement dwelling.* The term "comparable replacement dwelling" means a dwelling which is:

(1) Decent, safe, and sanitary as described in § 24.2(e).

(2) Functionally similar to the displacement dwelling with particular attention to the number of rooms and living space. (See Appendix A of this part.)

(3) In an area that is not subject to unreasonable adverse environmental conditions, is not generally less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and is reasonably accessible to the person's place of employment.

(4) On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, or greenhouses. (See also § 24.403(a)(2).)

(5) Currently available to the displaced person on the private market. However, a comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance. (See Appendix A of this part.)

(6) Within the financial means of the displaced person.

(i) A replacement dwelling purchased by a homeowner in occupancy for at least 180 days prior to initiation of negotiations (180-day homeowner) is considered to be within the homeowner's financial means if the homeowner is paid the full price differential as described at § 24.401(c), all increased mortgage interest costs as described at § 24.401(d) and all incidental expenses as described at § 24.401(e).

(ii) A replacement dwelling rented by a displaced person is considered to be within his or her financial means if the monthly rent at the replacement dwelling does not exceed the monthly rent at the displacement dwelling, after taking into account any rental assistance which the person receives under this part. If the cost of any utility service is included in either rent, an appropriate adjustment must be made if necessary to ensure that like circumstances are compared. For a person who paid little or no rent before displacement, the market rent of the displacement dwelling may be used when computing costs (see Appendix A of this part, § 24.402(b)(1)).

(iii) Whenever a $22,500 replacement housing payment under § 24.401 or a $5,250 replacement housing payment under § 24.402 would be insufficient to ensure that a comparable replacement dwelling is available on a timely basis to a person, the Agency shall provide additional or alternative assistance under the last resort housing provisions at Subpart G of this part, which may include increasing the replacement housing payment so that a replacement dwelling is within the displaced person's financial means.

(d) *Contribute materially.* The term "contribute materially" means that during the 2 taxable years prior to the taxable year in which displacement occurs, or during such other period as the Agency determines to be more equitable, a business or farm operation:

(1) Had average annual gross receipts of at least $5,000; or

(2) Had average annual net earnings of at least $1,000; or

(3) Contributed at least 33⅓ percent of the owner's or operator's average annual gross income from all sources.

(4) If the application of the above criteria creates an inequity or hardship in any given case, the Agency may approve the use of other criteria as determined appropriate.

(e) *Decent, safe, and sanitary dwelling.* The term "decent, safe, and sanitary dwelling" means a dwelling which meets applicable housing and occupancy codes. However, any of the following standards which are not met by an applicable code shall apply, unless waived for good cause by the Federal agency funding the project. The dwelling shall:

(1) Be structurally sound, weathertight, and in good repair.

(2) Contain a safe electrical wiring system adequate for lighting and other electrical devices.

(3) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system.

(4) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. There shall be a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.

(5) Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.

(6) For a displaced person who is handicapped, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.

(f) *Displaced person*—(1) *General.* The term "displaced person" means any person (defined at § 24.2(m)) who moves from the real property or moves his or her personal property from the real property:

(i) As a direct result of the Agency's acquisition of such real property in whole or in part for a project. This includes any person who moved from the real property as a result of the initiation of negotiations as described at § 24.2(k); or

(ii) As a result of a written order from the acquiring Agency to vacate such real property for the project; or

(iii) As a result of the Agency's acquisition of, or written order to vacate, for a project, other real property on which the person conducts a business or farm operation. Eligibility as a displaced person under this paragraph applies only for purposes of obtaining relocation assistance advisory services under § 24.205 and moving expenses under § 24.301, § 24.302, or § 24.303.

(2) *Persons not displaced.* The following is a nonexclusive listing of persons who do not qualify as a displaced person under this part.

(i) A person who moves before the initiation of negotiations (see also § 24.403(e)); or

(ii) A person who initially enters into occupancy of the property after the date of its acquisition for the project; or

(iii) A person who is not required to relocate permanently as a direct result of a project. Such determination shall be made by the Agency in accordance with any guidelines established by the Federal agency funding the project (see also Appendix A of this part); or

(iv) A person whom the Agency determines is not displaced as a direct result of a partial acquisition; or

(v) A person who, after receiving a notice of relocation eligibility (described at § 24.203), is notified in writing that he or she will not be displaced for a project. Such notice shall not be issued unless the person has not moved and the Agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility; or

(vi) An owner-occupant who voluntarily sells his or her property (as described at § 24.101(a) in Appendix A of this part) after being informed in writing that if a mutually satisfactory agreement of sale cannot be reached, the Agency will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to this part; or

(vii) A person who retains the right of use and occupancy of the real property for life following its acquisition by the Agency; or

(viii) A person who retains the right of use and occupancy of the real property for a fixed term after its acquisition by the Department of the Interior under Pub. L. 93-477 or Pub. L. 93-303.

(g) *Dwelling.* The term "dwelling" means the place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit.

(h) *Farm operation.* The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(i) *Federal agency.* The term "Federal agency" means any department, agency, or instrumentality in the Executive Branch of the Government, any wholly owned Government corporation, and the Architect of the Capitol, the Federal Reserve Banks and branches thereof.

(j) *Federal financial assistance.* The term "Federal financial assistance" means any Federal grant, loan, or contribution, except a Federal guarantee or insurance.

(k) *Initiation of negotiations.* The term "initiation of negotiations" means the delivery of the initial written offer by the Agency to the owner or the owner's representative to purchase real property for a project for the amount determined to be just compensation, unless applicable Federal program regulations specify a different action to serve this purpose. However:

(1) If the Agency issues a notice of its intent to acquire the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the "initiation of negotiations" means the date the person moves from the property. (See also § 24.505(c).)

(2) In the case of a permanent relocation to protect the public health and welfare, under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (Pub. L. 96-510, or "Superfund") the "initiation of negotiations" means the formal announcement of such relocation or the Federal or federally-coordinated health advisory where the Federal Government later decides to conduct a permanent relocation.

(l) *Owner of displacement dwelling.* A displaced person is considered to have met the requirement to own a displacement dwelling if the person holds any of the following interests in real property acquired for a project:

(1) Fee title, a life estate, a 99-year lease, or a lease, including any options for extension, with at least 50 years to run from the date of acquisition; or

(2) An interest in a cooperative housing project which includes the right to occupy a dwelling; or

(3) A contract to purchase any of the interests or estates described in paragraphs (l) (1) or (2) of this section, or

(4) Any other interest, including a partial interest, which in the judgment of the Agency warrants consideration as ownership.

(m) *Person.* The term "person" means any individual, family, partnership, corporation, or association.

(n) *Salvage value.* The term "salvage value" means the probable sale price of an item, if offered for sale on the condition that it will be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which it is adaptable and capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis.

(o) *State.* The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territories of the Pacific Islands, or a political subdivision of any of these jurisdictions.

(p) *State agency.* The term "State agency" means any department, agency or instrumentality of a State or of a political subdivision of a State, or two or more States, or of two or more political subdivisions of a State or States.

(q) *Tenant.* The term "tenant" means a person who has the temporary use and occupancy of real property owned by another.

(r) *Uniform Act.* The term "Uniform Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894; 42 U.S.C. 4601), and amendments thereto.

§ 24.3 No duplication of payments.

No person shall receive any payment under this part if that person receives a payment under Federal, State, or local law which is determined to have the same purpose and effect as such payment under this part. (See Appendix A of this part, § 24.3.)

§ 24.4 Assurances, monitoring and corrective action.

(a) *Assurances.* Before a Federal agency may approve any grant to, or contract or agreement with, a State agency under which Federal financial assistance will be made available for a project which results in real property acquisition or displacement that is subject to the Uniform Act, the State agency must provide appropriate assurances that it will comply with the Uniform Act and this part. A State agency's assurances under section 305

of the Uniform Act must contain specific reference to the State law which the Agency believes provides an exception to sections 301 or 302 of the Uniform Act. If, in the judgment of the Federal agency, Uniform Act compliance will be served, a State agency may provide these assurances at one time to cover all subsequent federally assisted programs or projects.

(b) *Monitoring and corrective action.* The Federal agency will monitor compliance with this part, and the State agency shall take whatever corrective action is necessary to comply with the Uniform Act and this part. The Federal agency may also apply sanctions in accordance with applicable program regulations.

(c) *Prevention of fraud, waste, and mismanagement.* The Agency shall take appropriate measures to carry out this part in a manner that minimizes fraud, waste, and mismanagement.

§ 24.5 Manner of notices.

Each notice which the Agency is required to provide to a property owner or occupant under this part, except the notice described at § 24.102(b), shall be personally served or sent by certified or registered first-class mail, return receipt requested, and documented in Agency files. Each notice shall be written in plain, understandable language. Persons who are unable to read and understand the notice must be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.

§ 24.6 Administration of jointly-funded projects.

Whenever two or more Federal agencies provide financial assistance to an Agency or Agencies to carry out functionally or geographically related activities which will result in the acquisition of property or the displacement of a person, the Federal agencies may by agreement designate one such agency as the cognizant Federal agency. At a minimum, the agreement shall set forth the federally assisted activities which are subject to its terms and cite any policies and procedures, in addition to this part, that are applicable to the activities under the agreement. Under the agreement, the cognizant Federal agency shall assure that the project is in compliance with the provisions of the Uniform Act and this part. All federally assisted activities under the agreement shall be deemed a project for the purposes of this part.

§ 24.7 Federal agency waiver of regulations.

The Federal agency funding the project may waive any requirement in this part not required by law if it determines that the waiver does not reduce any assistance or protection provided to an owner or displaced person under this part. Any request for a waiver shall be justified on a case-by-case basis.

§ 24.8 Compliance with other laws and regulations.

The implementation of this part shall be in compliance with all applicable laws and implementing regulations, including the following:

(a) Section I of the Civil Rights Act of 1866 (42 U.S.C. 1982 *et seq.*).

(b) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*).

(c) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 *et seq.*), as amended.

(d) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

(e) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 790 *et seq.*).

(f) Executive Order 12250—Leadership and Coordination of Non-Discrimination Laws.

(g) Executive Order 11063—Equal Opportunity and Housing, as amended by Executive Order 12259.

(h) Executive Order 11246—Equal Employment Opportunity.

(i) Executive Order 11625—Minority Business Enterprise.

(j) Executive Order 12259—Leadership and Coordination of Fair Housing in Federal Programs.

(k) The Flood Disaster Protection Act of 1973 (Pub. L. 93–234).

(l) Executive Orders 11988, Floodplain Management, and 11990, Protection of Wetlands.

(m) The Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*).

§ 24.9 Recordkeeping and reports.

(a) *Records.* The Agency shall maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this part. These records shall be retained for at least 3 years after each owner of a property and each person displaced from the property receives the final payment to which he or she is entitled under this part.

(b) *Confidentiality of records.* Records maintained by an Agency in accordance with this part are confidential regarding their use as public information, unless applicable law provides otherwise.

(c) *Reports.* The Agency shall submit a report of its real property acquisition and displacement activities under this part if required by the Federal agency funding the project. A report will not be required more frequently than every 3 years, or as the Uniform Act provides, unless the Federal funding agency shows good cause.

§ 24.10 Appeals.

(a) *General.* The Agency shall promptly review appeals in accordance with the requirements of applicable law and this part.

(b) *Actions which may be appealed.* A person may file a written appeal with the Agency in any case in which the person believes that the Agency has failed to properly determine the person's eligibility for, or the amount of, a payment required under § 24.106 or § 24.107, or a relocation payment required under this part. The Agency shall consider a written appeal regardless of form.

(c) *Time limit for initiating appeal.* The Agency may set a reasonable time limit for a person to file an appeal. The time limit shall not be less than 60 days after the person receives written notification of the Agency's determination on the person's claim.

(d) *Right to representation.* A person has a right to be represented by legal counsel or other representative in connection with his or her appeal, but solely at the person's own expense.

(e) *Review of files by person making appeal.* The Agency shall permit a person to inspect and copy all materials pertinent to his or her appeal, except materials which are classified as confidential by the Agency. The Agency may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.

(f) *Scope of review of appeal.* In deciding an appeal, the Agency shall consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal.

(g) *Determination and notification after appeal.* Promptly after receipt of all information submitted by a person in support of an appeal, the Agency shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the person a copy. If the full relief requested is not granted, the Agency shall advise the person of his or her right to seek judicial review.

(h) *Agency official to review appeal.* The Agency official conducting the review of the appeal shall be either the head of the Agency or his or her authorized designee. However, the official shall not have been directly involved in the action appealed.

Subpart B—Real Property Acquisition

§ 24.101 Applicability of acquisition requirements.

(a) *General.* The requirements of this subpart apply to any Agency acquisition of real property for a Federal or federally assisted project, except:

(1) Voluntary transactions that meet the criteria specified in Appendix A of this part, § 24.101(a).

(2) The acquisition of real property from a Federal agency, State, or State agency, if the acquiring Agency does not have the authority to acquire the property through condemnation.

(b) *Less-than-full-fee interest in real property.* The requirements of this Subpart apply to the acquisition of a life estate or a life use, to acquisition by leasing where the lease term, including option(s) for extension, is 50 years or more, and to the acquisition of permanent easements. (See also Appendix A of this part, § 24.101(b).)

(c) *Federally-assisted projects.* For federally-assisted projects the provisions of §§ 24.102, 24.103, 24.104, and 24.105 apply to the extent practicable under State law. (See § 24.4(a).)

§ 24.102 Basic acquisition policies.

(a) *Expeditious acquisition.* The Agency shall make every reasonable effort to acquire the real property expeditiously by negotiation.

(b) *Notice to owner.* As soon as feasible, the owner shall be notified of the Agency's interest in acquiring the real property and the basic protections provided to the owner by law and this part. (See also § 24.203.)

(c) *Appraisal and invitation to owner.* Before the initiation of negotiations, the real property shall be appraised and the owner or the owner's designated representative shall be given an opportunity to accompany the appraiser during the appraiser's inspection of the property.

(d) *Establishment and offer of just compensation.* Before the initiation of negotiations, the Agency shall establish an amount which it believes is just compensation for the real property. The amount shall not be less than the approved appraisal of the fair market value of the property, taking into account the value of allowable damages or benefits to any remaining property. (See also § 24.104.) Promptly thereafter, the Agency shall make a written offer to the owner to acquire the property for the full amount believed to be just compensation.

(e) *Summary statement.* Along with the initial written purchase offer, the owner shall be given a written statement of the basis for the offer of just compensation, which shall include:

(1) A statement of the amount offered as just compensation. In the case of a partial acquisition, the compensation for the real property to be acquired and the compensation for damages, if any, to the remaining real property shall be separately stated.

(2) A description and location identification of the real property and the interest in the real property to be acquired.

(3) An identification of the buildings, structures, and other improvements (including removable building equipment and trade fixtures) which are considered to be part of the real property for which the offer of just compensation is made. Where appropriate, the statement shall identify any separately held ownership interest in the property, e.g., a tenant-owned improvement, and indicate that such interest is not covered by the offer.

(f) *Basic negotiation procedures.* The Agency shall make reasonable efforts to contact the owner or the owner's representative and (1) discuss its offer to purchase the property including the basis for the offer of just compensation, and (2) explain its acquisition policies and procedures, including its payment of incidental expenses in accordance with § 24.106. The owner shall be given reasonable opportunity to consider the offer and present material which the owner believes is relevant to determining the value of the property and to suggest modification in the proposed terms and conditions of the purchase. The Agency shall consider the owner's presentation.

(g) *Updating offer of just compensation.* If the information presented by the owner, or a material change in the character or condition of the property, indicates the need for new appraisal information, or if a significant delay has occurred since the time of the appraisal(s) of the property, the Agency shall have the appraisal(s) updated or obtain a new appraisal(s). If the latest appraisal information indicates that a change in the purchase offer is warranted, the Agency shall promptly reestablish just compensation and offer that amount to the owner in writing.

(h) *Coercive action.* The Agency shall not advance the time of condemnation, or defer negotiations or condemnation or the deposit of funds with the court, or take any other coercive action in order to induce an agreement on the price to be paid for the property.

(i) *Administrative settlement.* The purchase price for the property may exceed the amount offered as just compensation when reasonable efforts to negotiate an agreement at that amount have failed and an authorized Agency official approves such administrative settlement as being reasonable, prudent, and in the public interest. When Federal funds pay for or participate in acquisition costs, a written justification shall be prepared which indicates that available information (e.g., appraisals, recent court awards, estimated trial costs, or valuation problems) supports such a settlement.

(j) *Payment before taking possession.* Before requiring the owner to surrender possession of the real property, the Agency shall (1) pay the agreed purchase price to the owner, or (2) in the case of a condemnation, deposit with the court, for the benefit of the owner, an amount not less than the Agency's approved appraisal of the fair market value of such property, or the court award of compensation in the condemnation proceeding for the property. In exceptional circumstances, with the prior approval of the owner, the Agency may obtain a right-of-entry for construction purposes before making payment available to an owner.

(k) *Uneconomic remnant.* If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the Agency shall offer to acquire the uneconomic remnant along with the portion of the property needed for the project. An uneconomic remnant is a remaining part of the property in which the owner is left with an interest that the Agency determines has little or no utility or value to the owner.

(l) *Inverse condemnation.* If the Agency intends to acquire any interest in real property by exercise of the power of eminent domain, it shall institute formal condemnation proceedings and not intentionally make it necessary for the owner to institute legal proceedings to prove the fact of the taking of the real property.

(m) *Fair rental.* If the Agency permits a former owner or tenant to occupy the real property after acquisition for a short term or a period subject to termination by the Agency on short notice, the rent shall not exceed the fair market rent for such occupancy.

§ 24.103 Criteria for appraisals.

(a) *Definition of appraisal.* An appraisal is a written statement independently and impartially prepared by a qualified appraiser setting forth an

opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

(b) *Standards of appraisal.* The format and level of documentation for an appraisal depend on the complexity of the appraisal problem. The Agency shall develop minimum standards for appraisals consistent with established and commonly accepted appraisal practice for those acquisitions which, by virtue of their low value or simplicity, do not require the in-depth analysis and presentation necessary in a detailed appraisal. A detailed appraisal shall be prepared for all other acquisitions. A detailed appraisal shall reflect nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisition. An appraisal must contain sufficient documentation, including valuation data and the appraiser's analysis of that data, to support his or her opinion of value. At a minimum, the appraisal shall contain the following items:

(1) The purpose and/or the function of the appraisal, a definition of the estate being appraised, and a statement of the assumptions and limiting conditions affecting the appraisal.

(2) An adequate description of the physical characteristics of the property being appraised (and, in the case of a partial acquisition, an adequate description of the remaining property), a statement of the known and observed encumbrances, if any, title information, location, zoning, present use, an analysis of highest and best use, and at least a 5-year sales history of the property.

(3) All relevant and reliable approaches to value consistent with commonly accepted professional appraisal practices. When sufficient market sales data are available to reliably support the fair market value for the specific appraisal problem encountered, the Agency, at its discretion, may require only the market approach. If more than one approach is utilized, there shall be an analysis and reconciliation of approaches to value that are sufficient to support the appraiser's opinion of value.

(4) A description of comparable sales, including a description of all relevant physical, legal, and economic factors such as parties to the transaction, source and method of financing, and verification by a party involved in the transaction.

(5) A statement of the value of the real property to be acquired and, for a partial acquisition, a statement of the value of the damages and benefits, if any, to the remaining real property.

(6) The effective date of valuation, date of appraisal, signature, and certification of the appraiser.

(c) *Influence of the project on just compensation.* To the extent permitted by applicable law, the appraiser shall disregard any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.

(d) *Owner retention of improvements.* If the owner of a real property improvement is permitted to retain it for removal from the project site, the amount to be offered for the interest in the real property to be acquired shall be not less than the difference between the amount determined to be just compensation for the owner's entire interest in the real property and the salvage value (defined at § 24.2(n)) of the retained improvement.

(e) *Qualifications of appraisers.* The Agency shall establish criteria for determining the minimum qualifications of appraisers. Appraiser qualifications shall be consistent with the level of difficulty of the appraisal assignment. The Agency shall review the experience, education, training, and other qualifications of appraisers, including review appraisers, and utilize only those determined to be qualified.

(f) *Conflict of interest.* No appraiser or review appraiser shall have any interest, direct or indirect, in the real property being appraised for the Agency that would in any way conflict with the preparation or review of the appraisal. Compensation for making an appraisal shall not be based on the amount of the valuation. No appraiser shall act as a negotiator for real property which that person has appraised, except that the Agency may permit the same person to both appraise and negotiate an acquisition where the value of the acquisition is $2,500, or less.

§ 24.104 Review of appraisals.

The Agency shall have an appraisal review process and, at a minimum:

(a) A qualified reviewing appraiser shall examine all appraisals to assure that they meet applicable appraisal requirements and shall, prior to acceptance, seek necessary corrections or revisions.

(b) If the reviewing appraiser is unable to approve or recommend approval of an appraisal as an adequate basis for the establishment of just compensation, and it is determined that it is not practical to obtain an additional appraisal, the reviewing appraiser may develop appraisal documentation in accordance with § 24.103 to support an approved or recommended value.

(c) The review appraiser's certification of the recommended or approved value of the property shall be set forth in a signed statement which identifies the appraisal reports reviewed and explains the basis for such recommendation or approval. Any damages or benefits to any remaining property shall also be identified in the statement.

§ 24.105 Acquisition of tenant-owned improvements.

(a) *Acquisition of improvements.* When acquiring any interest in real property, the Agency shall offer to acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property to be acquired, which it requires to be removed or which it determines will be adversely affected by the use to which such real property will be put. This shall include any improvement of a tenant-owner who has the right or obligation to remove the improvement at the expiration of the lease term.

(b) *Improvements considered to be real property.* Any building, structure, or other improvement, which would be considered to be real property if owned by the owner of the real property on which it is located, shall be considered to be real property for purposes of this Subpart.

(c) *Appraisal and establishment of just compensation for tenant-owned improvements.* Just compensation for a tenant-owned improvement is the amount which the improvement contributes to the fair market value of the whole property or its salvage value, whichever is greater. (Salvage value is defined at § 24.2(n).)

(d) *Special conditions.* No payment shall be made to a tenant-owner for any real property improvement unless:

(1) The tenant-owner, in consideration for the payment, assigns, transfers, and releases to the Agency all of the tenant-owner's right, title, and interest in the improvement; and

(2) The owner of the real property on which the improvement is located disclaims all interest in the improvement; and

(3) The payment does not result in the duplication of any compensation otherwise authorized by law.

(e) *Alternative compensation.* Nothing in this Subpart shall be construed to deprive the tenant-owner of any right to reject payment under this Subpart and to obtain payment for such property interests in accordance with other applicable law.

§ 24.106 Expenses incidental to transfer of title to the Agency.

The owner of the real property shall be reimbursed for all reasonable expenses the owner necessarily incurred for:

(a) Recording fees, transfer taxes, documentary stamps, evidence of title, boundary surveys, legal descriptions of the real property, and similar expenses incidental to conveying the real property to the Agency. However, the Agency is not required to pay costs solely required to perfect the owner's title to the real property; and

(b) Penalty costs and other charges for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and

(c) The pro rata portion of any prepaid real property taxes which are allocable to the period after the Agency obtains title to the property or effective possession of it, whichever is earlier.

Whenever feasible, the Agency shall pay these costs directly so that the owner will not have to pay such costs and then seek reimbursement from the Agency.

§ 24.107 Certain litigation expenses.

The owner of the real property shall be reimbursed for any reasonable expenses, including reasonable attorney, appraisal, and engineering fees, which the owner actually incurred because of a condemnation proceeding, if:

(a) The final judgment of the court is that the Agency cannot acquire the real property by condemnation; or

(b) The condemnation proceeding is abandoned by the Agency other than under an agreed-upon settlement; or

(c) The court having jurisdiction renders a judgment in favor of the owner in an inverse condemnation proceeding or the Agency effects a settlement of such proceeding.

§ 24.108 Donations.

Nothing in this part shall prevent a person, after being informed of the right to receive just compensation, based on an appraisal of the real property, from making a gift or donation of real property or any part thereof, or any interest therein, or of any compensation paid therefor, to the Agency. The Agency is responsible for assuring that an appraisal of the real property is obtained unless the owner releases the Agency from such obligation.

Subpart C—General Relocation Requirements

§ 24.201 Purpose.

This Subpart prescribes general requirements governing the provision of relocation payments and other relocation assistance in this part.

§ 24.202 Applicability.

These requirements apply to the relocation of any displaced person as defined at § 24.2(f).

§ 24.203 Relocation notices.

(a) *General information notice.* As soon as feasible, a person scheduled to be displaced shall be furnished with a general written description of the Agency's relocation program which does at least the following:

(1) Informs the person that he or she may be displaced for the project and generally describes the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s).

(2) Informs the person that he or she will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the person successfully relocate.

(3) Informs the person that he or she will not be required to move without at least 90 days' advance written notice (see paragraph (c) of this section), and informs any person to be displaced from a dwelling that he or she cannot be required to move permanently unless at least one comparable replacement dwelling has been made available.

(4) Describes the person's right to appeal the Agency's determination as to eligibility for, or the amount of, any relocation payment for which the person may be eligible.

(b) *Notice of relocation eligibility.* Eligibility for relocation assistance shall begin on the date of initiation of negotiations (defined in § 24.2(k)) for the occupied property. When this occurs, the Agency shall promptly notify all occupants in writing of their eligibility for applicable relocation assistance.

(c) *Ninety-day notice—(1) General.* No lawful occupant shall be required to move unless he or she has received at least 90 days advance written notice of the earliest date by which he or she may be required to move.

(2) *Timing of notice.* The displacing agency may issue the notice 90 days before it expects the person to be displaced or earlier.

(3) *Content of notice.* The 90-day notice shall either state a specific date as the earliest date by which the occupant may be required to move, or state that the occupant will receive a further notice indicating, at least 30 days in advance, the specific date by which he or she must move. If the 90-day notice is issued before a comparable replacement dwelling is made available, the notice must state clearly that the occupant will not have to move earlier than 90 days after such a dwelling is made available. (See § 24.204(a).)

(4) *Urgent need.* In unusual circumstances, an occupant may be required to vacate the property on less than 90 days advance written notice if the Agency determines that a 90-day notice is impracticable, such as when the person's continued occupancy of the property would constitute a substantial danger to health or safety. A copy of the Agency's determination shall be included in the applicable case file.

§ 24.204 Availability of comparable replacement dwelling before displacement.

(a) *General.* No person to be displaced shall be required to move from his or her dwelling unless at least one comparable replacement dwelling (defined at § 24.2(c)) has been made available to the person. Where possible, three or more comparable replacement dwellings shall be made available. A comparable replacement dwelling will be considered to have been made available to a person, if:

(1) The person is informed of its location; and

(2) The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and

(3) Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.

(b) *Circumstances permitting waiver.* The Federal agency funding the project may grant a waiver of the policy in paragraph (a) of this section in any case where it is demonstrated that a person must move because of:

(1) A major disaster as defined in § 102(c) of the Disaster Relief Act of 1974 (42 U.S.C. § 5121); or

(2) A presidentially declared national emergency; or

(3) Another emergency which requires immediate vacation of the real property, such as when continued occupancy of the displacement dwelling constitutes a substantial danger to the health or safety of the occupants or the public.

(c) *Basic conditions of emergency move.* Whenever a person is required to relocate for a temporary period because

BEST COPY AVAILABLE

VOL 52 ISS 242 DEC 17 1987 UMI

VOL 52 ISS 242 DEC 17 1987 UMI

of an emergency as described in paragraph (b) of this section, the Agency shall:

(1) Take whatever steps are necessary to assure that the person is temporarily relocated to a decent, safe, and sanitary dwelling; and

(2) Pay the actual reasonable out-of-pocket moving expenses and any reasonable increase in monthly housing costs incurred in connection with the temporary relocation; and

(3) Make available to the displaced person as soon as feasible, at least one comparable replacement dwelling. (For purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from the temporarily-occupied dwelling.)

§ 24.205 Relocation assistance advisory services.

(a) *General.* The Agency shall carry out a relocation assistance advisory program which satisfies the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 *et seq.*), and Executive Order 11063 (27 FR 11527), and offers the services described in paragraph (b) of this section. If the Agency determines that a person occupying property adjacent to the real property acquired for the project is caused substantial economic injury because of such acquisition, it may offer the services to such person.

(b) *Services to be provided.* The advisory program shall include such measures, facilities, and services as may be necessary or appropriate in order to:

(1) Determine the relocation needs and preferences of each person to be displaced and explain the relocation payments and other assistance for which the person may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This shall include a personal interview with each person.

(2) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable replacement dwellings, and explain that the person cannot be required to move unless at least one comparable replacement dwelling is made available as set forth in § 24.204(a).

(i) As soon as feasible, the Agency shall inform the person in writing of the specific comparable replacement dwelling and the price or rent used for establishing the upper limit of the replacement housing payment (see § 24.403 (a) and (b)) and the basis for the determination, so that the person is aware of the maximum replacement housing payment for which he or she may qualify.

(ii) Where feasible, housing shall be inspected prior to being made available to assure that it meets applicable standards. (See § 24.2 (c) and (e).) If such an inspection is not made, the person to be displaced shall be notified that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be decent, safe, and sanitary.

(iii) Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require an Agency to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

(iv) All persons, especially the elderly and handicapped, shall be offered transportation to inspect housing to which they are referred.

(3) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable and suitable commercial and farm properties and locations. Assist any person displaced from a business or farm operation to obtain and become established in a suitable replacement location.

(4) Minimize hardships to persons in adjusting to relocation by providing counseling, advice as to other sources of assistance that may be available, and such other help as may be appropriate.

(5) Supply persons to be displaced with appropriate information concerning Federal and State housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal and State programs offering assistance to persons to be displaced.

(c) *Coordination of relocation activities.* Relocation activities shall be coordinated with project work and other displacement-causing activities to ensure that, to the extent feasible, persons displaced receive consistent treatment and the duplication of functions is minimized.

§ 24.206 Eviction for cause.

Eviction for cause must conform to applicable State and local law. Any person who has lawfully occupied the real property, but who is later evicted for cause on or after the date of the initiation of negotiations, retains the right to the relocation payments and other assistance set forth in this part. For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves or the date a comparable replacement dwelling is made available, whichever is later.

§ 24.207 General requirements—claims for relocation payments.

(a) *Documentation.* Any claim for a relocation payment shall be supported by such documentation as may be reasonably required to support expenses incurred, such as bills, certified prices, appraisals, or other evidence of such expenses. A displaced person must be provided reasonable assistance necessary to complete and file any required claim for payment.

(b) *Expeditious payments.* The Agency shall review claims in an expeditious manner. The claimant shall be promptly notified as to any additional documentation that is required to support the claim. Payment for a claim shall be made as soon as feasible following receipt of sufficient documentation to support the claim.

(c) *Advance payments.* If a person demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship, the Agency shall issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.

(d) *Time for filing.* (1) All claims for a relocation payment shall be filed with the Agency within 18 months after:

(i) For tenants, the date of displacement;

(ii) For owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.

(2) This time period shall be waived by the Agency for good cause.

(e) *Multiple occupants of one displacement dwelling.* If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the Agency, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if the Agency determines that two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments.

(f) *Deductions from relocation payments.* An Agency shall deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. Similarly, a Federal agency shall, and a State agency may, deduct from relocation payments any rent that the displaced person owes the Agency; provided that no deduction shall be made if it would prevent the displaced person from obtaining a comparable replacement dwelling as required by § 24.204. The Agency shall not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor.

(g) *Notice of denial of claim.* If the Agency disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, it shall promptly notify the claimant in writing of its determination, the basis for its determination, and the procedures for appealing that determination.

§ 24.208 Relocation payments not considered as income.

No relocation payment received by a displaced person under this part shall be considered as income for the purpose of the Internal Revenue Code of 1954, or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

Subpart D—Payment for Moving and Related Expenses

§ 24.301 Payment for actual reasonable moving and related expenses—residential moves.

Any displaced owner-occupant or tenant of a dwelling who qualifies as a displaced person (defined at § 24.2(f)) is entitled to payment of his or her actual moving and related expenses, as the Agency determines to be reasonable and necessary, including expenses for:

(a) Transportation of the displaced person and personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the Agency determines that relocation beyond 50 miles is justified.

(b) Packing, crating, unpacking, and uncrating of the personal property.

(c) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances, and other personal property.

(d) Storage of the personal property for a period not to exceed 12 months, unless the Agency determines that a longer period is necessary.

(e) Insurance for the replacement value of the property in connection with the move and necessary storage.

(f) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

(g) Other moving-related expenses that are not listed as ineligible under § 24.305, as the Agency determines to be reasonable and necessary.

§ 24.302 Fixed payment for moving expenses residential moves.

Any person displaced from a dwelling or a seasonal residence is entitled to receive an expense and dislocation allowance as an alternative to a payment for actual moving and related expenses under § 24.301. This allowance shall be determined according to the applicable schedule approved by the Federal Highway Administration.

§ 24.303 Payment for actual reasonable moving and related expenses—nonresidential moves.

(a) *Eligible costs.* Any business or farm operation which qualifies as a displaced person (defined at § 24.2(f)) is entitled to payment for such actual moving and related expenses, as the Agency determines to be reasonable and necessary, including expenses for:

(1) Transportation of personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the Agency determines that relocation beyond 50 miles is justified.

(2) Packing, crating, unpacking, and uncrating of the personal property.

(3) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property, including substitute personal property described at § 24.303(a)(12). This includes connection to utilities available nearby. It also includes modifications to the personal property necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property. (Expenses for providing utilities from the right-of-way to the building or improvement are excluded.)

(4) Storage of the personal property for a period not to exceed 12 months, unless the Agency determines that a longer period is necessary.

(5) Insurance for the replacement value of the personal property in connection with the move and necessary storage.

(6) Any license, permit, or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, or certification.

(7) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

(8) Professional services necessary for (i) planning the move of the personal property, (ii) moving the personal property, and (iii) installing the relocated personal property at the replacement location.

(9) Relettering signs and replacing stationery on hand at the time of displacement that are made obsolete as a result of the move.

(10) Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of the lesser of:

(i) The fair market value of the item for continued use at the displacement site, less the proceeds from its sale. (To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the Agency determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.); or

(ii) The estimated cost of moving the item, but with no allowance for storage. (If the business or farm operation is discontinued, the estimated cost shall be based on a moving distance of 50 miles.)

(11) The reasonable cost incurred in attempting to sell an item that is not to be relocated.

(12) Purchase of substitute personal property. If an item of personal property which is used as part of a business or farm operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:

(i) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or

(ii) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the Agency's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.

(13) Searching for a replacement location. A displaced business or farm operation is entitled to reimbursement for actual expenses, not to exceed $1,000, as the Agency determines to be

reasonable, which are incurred in searching for a replacement location, including:

(i) Transportation.

(ii) Meals and lodging away from home.

(iii) Time spent searching, based on reasonable salary or earnings.

(iv) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site.

(14) Other moving-related expenses that are not listed as ineligible under § 24.305, as the Agency determines to be reasonable and necessary.

(b) *Notification and inspection.* The following requirements apply to payments under this section:

(1) The Agency shall inform the displaced person, in writing, of the requirements of paragraphs (b) (2) and (3) of this section as soon as possible after the initiation of negotiations. This information may be included in the relocation information provided to the displaced person as set forth in § 24.203.

(2) The displaced person must provide the Agency reasonable advance written notice of the approximate date of the start of the move or disposition of the personal property and a list of the items to be moved. However, the Agency may waive this notice requirement after documenting its file accordingly.

(3) The displaced person must permit the Agency to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move.

(c) *Self-moves.* If the displaced person elects to take full responsibility for the move of the business or farm operation, the Agency may make a payment for the person's moving expenses in an amount not to exceed the lower of two acceptable bids or estimates obtained by the Agency or prepared by qualified staff. At the Agency's discretion, a payment for a low cost or uncomplicated move may be based on a single bid or estimate.

(d) *Transfer of ownership.* Upon request and in accordance with applicable law, the claimant shall transfer to the Agency ownership of any personal property that has not been moved, sold, or traded in.

(e) *Advertising signs.* The amount of a payment for direct loss of an advertising sign which is personal property shall be the lesser of:

(1) The depreciated reproduction cost of the sign, as determined by the Agency, less the proceeds from its sale; or

(2) The estimated cost of moving the sign, but with no allowance for storage.

§ 24.304 Fixed payment for moving expenses—nonresidential moves.

(a) *Business.* A displaced business (except an outdoor advertising display business or a nonprofit organization) may be eligible to choose a fixed payment in lieu of a payment for actual moving and related expenses. The payment shall equal the average annual net earnings of the business, as computed in accordance with paragraph (e) of this section, but not less than $1,000 nor more than $20,000. The displaced business is eligible for the payment if the Agency determines that:

(1) The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless the Agency demonstrates that it will not suffer a substantial loss of its existing patronage; and

(2) The business is not part of a commercial enterprise having another establishment, which is not being acquired by the Agency, and which is under the same ownership and engaged in the same or similar business activities. (For purposes of this part a remaining business facility that did not contribute materially to the income of the displaced person during the 2 taxable years prior to displacement shall not be considered "another establishment."); and

(3) The business contributed materially to the income of the displaced person during the 2 taxable years prior to displacement (see § 24.2(d)).

(b) *Determining the number of businesses.* In determining whether two or more displaced legal entities constitute a single business which is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which:

(1) The same premises and equipment are shared;

(2) Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;

(3) The entities are held out to the public, and to those customarily dealing with them, as one business; and

(4) The same person or closely related persons own, control, or manage the affairs of the entities.

(c) *Farm operation.* A displaced farm operation (defined at § 24.2(h) may choose a fixed payment in lieu of a payment for actual moving and related expenses in an amount equal to its average annual net earnings as computed in accordance with paragraph (e) of this section, but not less than $1,000 nor more than $20,000. In the case of a partial acquisition of land which was a farm operation before the acquisition, the fixed payment shall be made only if the Agency determines that:

(1) The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or

(2) The partial acquisition caused a substantial change in the nature of the farm operation.

(d) *Nonprofit organization.* A displaced nonprofit organization may choose a fixed payment in lieu of a payment for actual moving and related expenses of $2,500, if the Agency determines that it:

(1) Cannot be relocated without a substantial loss of existing patronage (membership or clientele). A nonprofit organization is assumed to meet this test, unless the Agency demonstrates otherwise; and

(2) Is not part of an enterprise having at least one other establishment engaged in the same or similar activity which is not being acquired by the Agency.

(e) *Average annual net earnings of a business or farm operation.* The average annual net earnings of a business or farm operation are one-half of its net earnings before Federal, State, and local income taxes during the 2 taxable years immediately prior to the taxable year in which it was displaced. If the business or farm was not in operation for the full 2 taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the 2 taxable years prior to displacement, projected to an annual rate. Average annual net earnings may be based upon a different period of time when the Agency determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's spouse, and dependents. The displaced person shall furnish the Agency proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence which the Agency determines is satisfactory.

§ 24.305 Ineligible moving and related expenses.

A displaced person is not entitled to payment for:

(a) The cost of moving any structure or other real property improvement in which the displaced person reserved ownership. However, this part does not preclude the computation under § 24.401(c)(4)(iii); or

(b) Interest on a loan to cover moving expenses; or

(c) Loss of goodwill; or

(d) Loss of profits; or

(e) Loss of trained employees; or

(f) Any additional operating expenses of a business or farm operation incurred because of operating in a new location; or

(g) Personal injury; or

(h) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the Agency; or

(i) Expenses for searching for a replacement dwelling; or

(j) Physical changes to the real property at the replacement location of a business or farm operation except as provided in § 24.303(a)(3); or

(k) Costs for storage of personal property on real property already owned or leased by the displaced person.

Subpart E—Replacement Housing Payments

§ 24.401 Replacement housing payment for 180-day homeowner-occupants.

(a) *Eligibility.* A displaced person is eligible for the replacement housing payment for a 180-day homeowner-occupant if the person:

(1) Has actually owned and occupied the displacement dwelling for not less than 180 days immediately prior to the initiation of negotiations; and

(2) Purchases and occupies a decent, safe, and sanitary replacement dwelling within 1 year after the later of the following dates:

(i) The date the person receives final payment for the displacement dwelling or, in the case of condemnation, the date the required amount is deposited in the court, or

(ii) The date the person moves from the displacement dwelling.

(b) *Amount of payment.* The replacement housing payment for an eligible 180-day homeowner-occupant may not exceed $22,500. (See also § 24.403(b).) The payment under this section is limited to the amount necessary to relocate to a comparable replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling, or the date such person is initially offered a comparable replacement dwelling, whichever is later. The payment shall be the sum of:

(1) The amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling, as determined in accordance with paragraph (c) of this section; and

(2) The increased interest costs and other debt service costs to be incurred in connection with the mortgage(s) on the replacement dwelling, as determined in accordance with paragraph (d) of this section; and

(3) The reasonable expenses incidental to the purchase of the replacement dwelling, as determined in accordance with paragraph (e) of this section.

(c) *Price differential.*—(1) *Determination of price differential.* The price differential to be paid under paragraph (b)(1) of this section is the amount which must be added to the acquisition cost of the displacement dwelling to provide a total amount equal to the lesser of:

(i) The reasonable cost of a comparable replacement dwelling as determined in accordance with § 24.403(a); or

(ii) The purchase price of the decent, safe, and sanitary replacement dwelling actually purchased and occupied by the displaced person.

(2) *Mixed-use and multifamily properties.* If the displacement dwelling was part of a property that contained another dwelling unit and/or space used for nonresidential purposes, and/or is located on a lot larger than typical for residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered its acquisition cost when computing the price differential.

(3) *Insurance proceeds.* To the extent necessary to avoid duplicate compensation, the amount of any insurance proceeds received by a person in connection with a loss to the displacement dwelling due to a catastrophic occurrence (fire, flood, etc.) shall be included in the acquisition cost of the displacement dwelling when computing the price differential. (Also see § 24.3.)

(4) *Owner retention of displacement dwelling.* If the owner retains ownership of his or her dwelling, moves it from the displacement site, and reoccupies it on a replacement site, the purchase price of the replacement dwelling, shall be the sum of:

(i) The cost of moving and restoring the dwelling to a condition comparable to that prior to the move; and

(ii) The cost of making the unit a decent, safe, and sanitary replacement dwelling (defined at § 24.2(e)); and

(iii) The current fair market value for residential use of the replacement site (see Appendix A of this part, § 24.401(c)(4)(iii)), unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site; and

(iv) The retention value of the dwelling, if such retention value is reflected in the "acquisition cost" used when computing the replacement housing payment.

(d) *Increased mortgage interest costs.* The displacing agency may use either the "annuity" method or the "buydown" method to determine the amount to be paid to a displacee under § 24.401(b)(2). The "annuity" method provides for a payment based upon the present value of the increase in interest costs that results when the mortgage interest rate on the replacement dwelling exceeds the mortgage interest rate on the displacement dwelling. The "buydown" method provides a lump sum payment which could be used to reduce the amount of a mortgage on the replacement dwelling to an amount which could be amortized with the same repayment schedule as that remaining for the mortgage(s) on the displacement dwelling. Payments under either method include other debt service costs, if not paid as incidental costs, and shall be based only on bona fide mortgages that were a valid lien on the displacement dwelling for at least 180 days prior to the initiation of negotiations. Once the Agency determines which method is to be used, that method must be applied in like manner throughout the Agency's program or projects except that, in the case of a Federal agency, the method selected may differ from State to State as long as the same method is used throughout its programs or projects in any given State. Paragraphs (d)(1)–(5) of this section shall apply to use of the annuity method:

(1) The payment shall be based on the unpaid mortgage balance on the displacement dwelling or the new mortgage amount, whichever is less.

(2) The payment shall be based on the remaining term of the mortgage on the displacement dwelling or the actual term of the new mortgage, whichever is shorter.

(3) The interest charge on the new mortgage shall not exceed the prevailing interest rate currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.

(4) The present value of the increased interest costs shall be computed at the prevailing interest rate paid on savings deposits by commercial banks in the area in which the replacement dwelling is located.

(5) Purchaser's points and loan origination or assumption fees, but not seller's points, shall be paid to the extent:

(i) They are not paid as incidental expenses;

(ii) They do not exceed rates normal to similar real estate transactions in the area; and

(iii) The Agency determines them to be necessary. The computation of such points and fees shall be based on the unpaid mortgage balance on the displacement dwelling or the new mortgage amount, whichever is less.

(e) *Incidental expenses.* The incidental expenses to be paid under paragraph (b)(3) of this section or § 24.402(c)(1) are those necessary and reasonable costs actually incurred by the displaced person incident to the purchase of a replacement dwelling, and customarily paid by the buyer, including:

(1) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees.

(2) Lender, FHA, or VA application and appraisal fees.

(3) Loan origination or assumption fees that do not represent prepaid interest.

(4) Certification of structural soundness and termite inspection when required.

(5) Credit report.

(6) Owner's and mortgagee's evidence of title, e.g., title insurance, not to exceed the costs for a comparable replacement dwelling.

(7) Escrow agent's fee.

(8) State revenue or documentary stamps, sales or transfer taxes (not to exceed the costs for a comparable replacement dwelling).

(9) Such other costs as the Agency determines to be incidental to the purchase.

(f) *Rental assistance payment for 180-day homeowner.* A 180-day homeowner-occupant, who is eligible for a replacement housing payment under § 24.401(a) but elects to rent a replacement dwelling, is eligible for a rental assistance payment not to exceed $5,250, computed and disbursed in accordance with § 24.402(b).

§ 24.402 Replacement housing payment for 90-day occupants.

(a) *Eligibility.* A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed $5,250 for rental assistance, as computed in accordance with paragraph (b) of this section, or downpayment assistance, as computed in accordance with paragraph (c) of this section, if such displaced person:

(1) Has actually and lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotations; and

(2) Has rented, or purchased, and occupied a decent, safe, and sanitary replacement dwelling within 1 year (unless the Agency extends this period for good cause) after:

(i) For a tenant, the date he or she moves from the displacement dwelling, or

(ii) For an owner-occupant, the later of:

(A) The date he or she receives final payment for the displacement dwelling, or in the case of condemnation, the date the required amount is deposited with the court; or

(B) The date he or she moves from the displacement dwelling.

(b) *Rental assistance payment.*—(1) *Amount of payment.* An eligible displaced person who rents a replacement dwelling is entitled to a payment not to exceed $5,250 for rental assistance. (See also § 24.403(b).) Such payment shall be 42 times the amount obtained by subtracting the average monthly rent of the displacement dwelling for a reasonable period prior to displacement, as determined by the Agency (for an owner-occupant or tenant who pays little or no rent, the average cost for rent shall be the fair market rent; see Appendix A of this part, Subpart E), from the lesser of:

(i) The monthly rent for a comparable replacement dwelling; or

(ii) The monthly rent for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person.

(2) *Utility services.* Any utility service which is included in the monthly rent for either the displacement dwelling or the comparable replacement dwelling must be included when computing the rental assistance payment. Appropriate adjustments to reflect the cost of utility services shall be made, if necessary to ensure that like circumstances are compared.

(3) *Manner of disbursement.* The payment under this section shall be disbursed in a lump sum, unless the Agency determines on a case-by-case basis, for good cause, that the payment should be made in installments.

(c) *Downpayment assistance payment.*—(1) *Amount of payment.* A displaced person eligible for a rental assistance payment may, in lieu of accepting such rental assistance payment, elect to apply that computed payment to a downpayment, including related incidental expenses, for a replacement dwelling. At the Agency's discretion, an eligible displaced tenant or owner who does not meet the 180-day ownership/occupancy requirement may receive a downpayment assistance payment not to exceed $5,250, except that an eligible displaced owner may not receive a downpayment assistance payment which exceeds the payment that such person would otherwise have received under § 24.401(b) had the 180-day eligibility criterion been met. An Agency's discretion to provide the maximum payment shall be exercised in a uniform and consistent manner, so that eligible displaced persons in like circumstances are treated equally. In the case of a Federal agency, the method selected may differ from State to State as long as the same method is used throughout its programs or projects in any given State. A displaced person eligible to receive a payment as a 180-day owner-occupant under § 24.401(b) is not eligible for this payment. (See also Appendix A of this part, § 24.402(c)).

(2) *Application of payment.* The full amount of the replacement housing payment for downpayment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses.

§ 24.403 Additional rules governing replacement housing payments.

(a) *Determining cost of comparable replacement dwelling.* The upper limit of a replacement housing payment shall be based on the cost of a comparable replacement dwelling (defined at § 24.2(c)).

(1) If available, at least three comparable replacement dwellings shall be examined and the payment computed on the basis of the dwelling most nearly representative of, and equal to, or better than, the displacement dwelling. An adjustment shall be made to the asking price of any dwelling, to the extent justified by local market data (see also § 24.205(b)(2)(i)). An obviously overpriced dwelling may be ignored.

(2) If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site, (e.g., the site is significantly smaller or does not contain a swimming pool), the value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the payment. If the acquisition of a portion of a typical residential property causes the displacement of the owner from the dwelling and the remainder is a buildable residential lot, the Agency may offer to purchase the entire property. If the owner refuses to sell the remainder to the Agency, the fair market value of the remainder may be added to the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment.

(3) To the extent feasible, comparable replacement dwellings shall be selected from the neighborhood in which the displacement dwelling was located or, if that is not possible, in nearby or similar neighborhoods where housing costs are generally the same or higher.

(b) *Applicability of last resort housing.* Whenever a $22,500 replacement housing payment under § 24.401 or a $5,250 replacement housing payment under § 24.402 would be insufficient to ensure that a comparable replacement dwelling is available on a timely basis to a person, the Agency shall provide additional or alternative assistance under the last resort housing provisions at Subpart G, which may include increasing the replacement housing payment so that a replacement dwelling is within the displaced person's financial means as described in § 24.2(c)(6)).

(c) *Inspection of replacement dwelling.* Before making a replacement housing payment or releasing a payment from escrow, the Agency or its designated representative shall inspect the replacement dwelling and determine whether it is a decent, safe, and sanitary dwelling as defined at § 24.2(e).

(d) *Purchase of replacement dwelling.* A displaced person is considered to have met the requirement to purchase a replacement dwelling, if the person:

(1) Purchases a dwelling; or

(2) Purchases and rehabilitates a substandard dwelling; or

(3) Relocates a dwelling which he or she owns or purchases; or

(4) Constructs a dwelling on a site he or she owns or purchases; or

(5) Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases.

(e) *Occupancy requirements for displacement or replacement dwelling.* No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in this part for a reason beyond his or her control, including:

(1) A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the President, the Federal agency funding the project, or the Agency; or

(2) Another reason, such as a delay in the construction of the replacement dwelling, military reserve duty, or hospital stay, as determined by the Agency.

(f) *Conversion of payment.* A displaced person who initially rents a replacement dwelling and receives a rental assistance payment under § 24.402(b) is eligible to receive a payment under § 24.401 or § 24.402(c) if he or she meets the eligibility criteria for such payments, including purchase and occupancy within the prescribed 1-year period. Any portion of the rental assistance payment that has been disbursed shall be deducted from the payment computed under § 24.401 or § 24.402(c).

(g) *Payment after death.* A replacement housing payment is personal to the displaced person and upon his or her death the undisbursed portion of any such payment shall not be paid to the heirs or assigns, except that:

(1) The amount attributable to the displaced persons period of actual occupancy of the replacement housing shall be paid.

(2) The full payment shall be disbursed in any case in which a member of a displaced family dies and the other family member(s) continue to occupy a decent, safe, and sanitary replacement dwelling.

(3) Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.

Subpart F—Mobile Homes

§ 24.501 Applicability.

This subpart describes the requirements governing the provision of relocation payments to a person displaced from a mobile home and/or mobile homesite who meets the basic eligibility requirements of this part. Except as modified by this subpart, such a displaced person is entitled to a moving expense payment in accordance with Subpart D of this part and a replacement housing payment in accordance with Subpart E of this part to the same extent and subject to the same requirements as persons displaced from conventional dwellings.

§ 24.502 Moving and related expenses—mobile homes.

A tenant or owner-occupant displaced from a mobile home or mobile homesite is entitled to a payment for the cost of moving his or her personal property on an actual cost basis in accordance with § 24.301 or, as an alternative, on the basis of a fixed payment under § 24.302. (However, if the mobile home is not acquired but the owner obtains a replacement housing payment under one of the circumstances described at § 24.503(c), the owner is not eligible for payment for moving the mobile home.) Paragraphs (a), (b) and (c) of this section apply to payments for actual moving expenses under § 24.301:

(a) A displaced mobile homeowner, who moves the mobile home to a replacement site, is eligible for the reasonable cost of disassembling, moving, and reassembling any attached appurtenances (such as porches, decks, skirting, and awnings) which were not acquired, anchoring of the unit, and utility "hook-up" charges.

(b) If a mobile home requires repairs and/or modifications so that it can be moved and/or made decent, safe and sanitary, and the Agency determines that it would be practical to relocate it, the reasonable cost of such repairs and/or modifications is reimbursable.

(c) A nonreturnable mobile home park entrance fee is reimbursable to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced from a mobile home park or the Agency determines that payment of the fee is necessary to effect relocation.

§ 24.503 Replacement housing payment for 180-day mobile homeowner-occupants.

(a) A displaced owner-occupant of a mobile home is entitled to a replacement housing payment, not to exceed $22,500, under § 24.401 if:

(1) The person both owned the displacement mobile home and occupied it on the displacement site for at least 180 days immediately prior to the initiation of negotiations;

(2) The person meets the other basic eligibility requirements at § 24.401(a); and

(3) The Agency acquires the mobile home and/or mobile home site, or the mobile home is not acquired by the Agency but the owner is displaced from the mobile home because the Agency determines that the mobile home:

(i) Is not and cannot economically be made decent, safe, and sanitary; or

(ii) Cannot be relocated without substantial damage or unreasonable cost; or

(iii) Cannot be relocated because there is no available comparable replacement site; or

(iv) Cannot be relocated because it does not meet mobile home park entrance requirements.

(b) If the mobile home is not actually acquired, but the Agency determines that it is not practical to relocate it, the acquisition cost of the displacement dwelling used when computing the price differential amount, described at § 24.401(c), shall include the salvage value or trade-in value of the mobile home, whichever is higher.

VOL 52 ISS 242 DEC 17 1987 UMI

VOL 52 ISS 242 DEC 17 1987 UMI

§ 24.504 Replacement housing payments for 90-day mobile home occupants.

A displaced tenant or owner-occupant of a mobile home is eligible for a replacement housing payment, not to exceed $5,250, under § 24.402 if:

(a) The person actually occupied the displacement mobile home on the displacement site for at least 90 days immediately prior to the initiation of negotiations;

(b) The person meets the other basic eligibility requirements at § 24.402(a); and

(c) The Agency acquires the mobile home and/or mobile home site, or the mobile home is not acquired by the Agency but the owner or tenant is displaced from the mobile home because of one of the circumstances described at § 24.503(c).

§ 24.505 Additional rules governing relocation payments to mobile home occupants.

(a) *Replacement housing payment based on dwelling and site.* Both the mobile home and mobile home site must be considered when computing a replacement housing payment. For example, a displaced mobile home occupant may have owned the displacement mobile home and rented the site or may have rented the displacement mobile home and owned the site. Also, a person may elect to purchase a replacement mobile home and rent a replacement site, or rent a replacement mobile home and purchase a replacement site. In such cases, the total replacement housing payment shall consist of a payment for a dwelling and a payment for a site, each computed under the applicable section in Subpart E. However, the total replacement housing payment under Subpart E shall not exceed the maximum payment (either $22,500 or $5,250) permitted under the section that governs the computation for the dwelling. (See also § 24.403(b).)

(b) *Cost of comparable replacement dwelling.* (1) If a comparable replacement mobile home is not available, the replacement housing payment shall be computed on the basis of the reasonable cost of a conventional comparable replacement dwelling.

(2) If the Agency determines that it would be practical to relocate the mobile home, but the owner-occupant elects not to do so, the Agency may determine that, for purposes of computing the price differential under § 24.401(c), the cost of a comparable replacement dwelling is the sum of (i) the value of the mobile home, (ii) the cost of any necessary repairs or modifications, and (iii) the estimated cost of moving the mobile home to a replacement site.

(c) *Initiation of negotiations.* If the mobile home is not actually acquired, but the occupant is considered displaced under this part, the "initiation of negotiations" is the initiation of negotiations to acquire the land, or, if the land is not acquired, the written notification that he or she is a displaced person under this part.

(d) *Person moves mobile home.* If the owner is reimbursed for the cost of moving the mobile home under this part, he or she is not eligible to receive a replacement housing payment to assist in purchasing or renting a replacement mobile home. The person may, however, be eligible for assistance in purchasing or renting a replacement site.

(e) *Partial acquisition of mobile home park.* The acquisition of a portion of a mobile home park property may leave a remaining part of the property that is not adequate to continue the operation of the park. If the Agency determines that a mobile home located in the remaining part of the property must be moved as a direct result of the project, the owner and any tenant shall be considered a displaced person who is entitled to relocation payments and other assistance under this part.

Subpart G—Last Resort Housing

§ 24.601 Applicability.

(a) *Basic determination to provide last resort housing.* A person cannot be required to move from his or her dwelling unless at least one comparable replacement dwelling is made available to the person. Whenever an Agency determines that a replacement housing payment under Subpart E would not be sufficient to provide a comparable replacement dwelling on a timely basis to the person, the Agency is authorized to take appropriate measures under this Subpart to provide such a dwelling. The Agency's obligation to ensure that a comparable replacement dwelling is available shall be met when such a dwelling, or assistance necessary to provide such a dwelling, is offered under the provisions of this Subpart.

(b) *Basic rights of persons to be displaced.* The provisions of this Subpart do not deprive any displaced person of any rights the person may have under the Uniform Act or any implementing regulations. The Agency shall not require any displaced person to accept a dwelling provided by the Agency under the procedures in this Subpart (unless the Agency and the displaced person have entered into a contract to do so) in lieu of any acquisition payment or any relocation payment for which the person may otherwise be eligible. A 180-day homeowner-occupant who is eligible for a payment under § 24.401 is entitled to a reasonable opportunity to purchase a comparable replacement dwelling. However, the actual amount of assistance shall be limited to the amount necessary to relocate to a comparable replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling or the date the person is initially offered a comparable replacement dwelling, whichever is later. (See Appendix A of this part, § 24.601(b).)

§ 24.602 Methods of providing replacement housing.

Agencies shall have broad latitude in implementing this Subpart, but implementation shall be on a reasonable cost basis. The methods of providing last resort housing include, but are not limited to:

(a) Rehabilitation of and/or additions to an existing replacement dwelling.

(b) The construction of a new replacement dwelling.

(c) The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest-free.

(d) A replacement housing payment in excess of the limits set forth in § 24.401 or § 24.402. A rental assistance subsidy under this Subpart may be provided in installments or in a lump sum.

(e) The relocation and, if necessary, rehabilitation of a dwelling.

(f) The purchase of land and/or a replacement dwelling by the displacing agency and subsequent sale or lease to, or exchange with, a displaced person.

(g) The removal of barriers to the handicapped.

Appendix A to Part 24—Additional Information

This appendix provides additional information to explain the intent of certain provisions of this part.

Subpart A—General

Section 24.2(c) Definition of comparable replacement dwelling.

The requirement in § 24.2(c)(2) that a comparable replacement dwelling be "functionally similar" to the displacement dwelling means that it must perform the same function, provide the same utility, and be capable of contributing to a comparable style of living as the displacement dwelling. While it need not possess every feature of the displacement dwelling, the principal features must be present.

Generally, functional similarity is an objective standard, reflecting the range of purposes for which the various features of a dwelling may physically be used. However, in determining whether a replacement dwelling is functionally similar to the displacement dwelling, the Agency may consider reasonable trade-offs in specific features when the replacement unit is "equal or better than" the displacement dwelling.

For example, if the displacement dwelling contains a pantry and a similar dwelling is not available, a replacement dwelling with ample kitchen cupboards may be acceptable. Insulated and heated space in a garage might prove an adequate substitute for basement workshop space. A dining area may substitute for a separate dining room. Under some circumstances, attic space could substitute for basement space for storage purposes, and vice versa. Only in unusual circumstances may a comparable replacement dwelling contain fewer rooms or consequentially less living space than the displacement dwelling. Such may be the case when a decent, safe, and sanitary replacement dwelling (which by definition is "adequate to accommodate" the displaced person) may be found to be "functionally similar" to a larger but very run-down substandard displacement dwelling.

Section 24.2(c)(5) requires that a comparable replacement dwelling for a person who is not receiving assistance under any government housing program before displacement must be currently available on the private market without any subsidy under a government housing program.

A public housing unit may qualify as a comparable replacement dwelling only for a person displaced from a public housing unit; a privately-owned dwelling with a housing program subsidy tied to the unit may qualify as a comparable replacement dwelling only for a person displaced from a similarly subsidized unit or public housing; a housing program subsidy to a person (not tied to the building), such as a HUD Section 8 Existing Housing Program Certificate or a Housing Voucher, may be reflected in an offer of a comparable replacement dwelling to a person receiving a similar subsidy or occupying a privately-owned subsidized unit or public housing unit before displacement.

However, nothing in this part prohibits an Agency from offering, or precludes a person from accepting, assistance under a government housing program, even if the person did not receive similar assistance before displacement. However, the Agency is obligated to inform the person of his or her options under this part. (If a person accepts assistance under a government housing program, the rental assistance payment under § 24.402 would be computed on the basis of the person's actual out-of-pocket cost for the replacement housing.)

Section 24.2(f)(2) Persons not displaced.

Section 24.2(f)(2)(iii) recognizes that there are circumstances where the acquisition of real property takes place without the intent or necessity that an occupant of the property be displaced. Because such occupants are not considered "displaced persons" under this part, great care must be exercised to ensure that they are treated fairly and equitably. For example, if the tenant-occupant of a dwelling will not be displaced, but is required to relocate temporarily in connection with the project, the temporarily-occupied housing must be decent, safe and sanitary and the tenant must be reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including moving expenses and increased housing costs during the temporary relocation.

It is also noted that any person who disagrees with the Agency's determination that he or she is not a displaced person under this part may file an appeal in accordance with § 24.10.

Section 24.2(k) Initiation of negotiations.

This section of the part provides a special definition for acquisitions and displacements under Pub. L. 96–510 or Superfund. These activities differ under Superfund in that relocation may precede acquisition, the reverse of the normal sequence. Superfund is a program designed to clean up hazardous waste sites. When such a site is discovered, it may be necessary, in certain limited circumstances, to alert the public to the danger and to the advisability of moving immediately. If a decision is made later to permanently relocate such persons, those who had moved earlier would no longer be on site when a formal, written offer to acquire the property was made and thus would lose their eligibility for a replacement housing payment. In order to prevent this unfair outcome, we have provided a definition which is based on the public health advisory or announcement of permanent relocation.

Section 24.3 No duplication of payments.

This section prohibits an Agency from making a payment to a person under this part that would duplicate another payment the person receives under Federal, State, or local law. The Agency is not required to conduct an exhaustive search for such other payments; it is only required to avoid creating a duplication based on the Agency's knowledge at the time a payment under this part is computed.

Section 24.9(c) Reports.

This paragraph allows Federal agencies to require the submission of a report on activities under the Uniform Act no more frequently than once every three years. The report, if required, will cover activities during the Federal fiscal year immediately prior to the submission date. In order to minimize the administrative burden on Agencies implementing this part, a basic report form (see Appendix B of this part) has been developed which, with only minor modifications, would be used in all Federal and federally-assisted programs or projects.

Subpart B—Real Property Acquisition

Section 24.101(a) General.

The provisions of this subpart apply to real property acquisition for the following types of Federal or federally-assisted programs or projects:

(1) Those carried out under the threat of eminent domain, including amicable agreements under the threat of such power.

(2) Where there is an intended, planned, or designated project area, and all or substantially all of the property within that area is eventually intended to be acquired. Such acquisitions are subject to the requirements of this subpart whether or not the Agency has or intends to use the power of eminent domain.

Provided it does not conflict with the foregoing, an Agency may determine that the requirements of this subpart do not apply to an acquisition if all of the following conditions are present:

(1) No specific site or property needs to be acquired, although the Agency may limit its search for alternative sites to a general geographic area.

(2) The property to be acquired is not part of an intended, planned, or designated project area where all or substantially all of the property within the area is eventually to be acquired.

(3) The Agency will not acquire the property in the event negotiations fail to result in an amicable agreement, and the owner is so informed.

Acquisitions meeting the foregoing criteria are classified as voluntary transactions. The essence of a voluntary transaction is the conditions surrounding the transaction, not the type of transaction itself. A voluntary transaction may involve a donation, an exchange, or a market sale, if the transaction is without compulsion on the part of the Agency.

In those situations where an Agency wishes to purchase more than one site within a geographic area on a "voluntary transaction" basis, it is intended that all owners be treated similarly.

Although the displacement of the owner-occupant of the real property as a result of a voluntary transaction is not subject to this part (see § 24.2(f)(2)(vi)), the displacement of a tenant-occupant of the real property is subject to this part.

Section 24.101(b) Less-than-full-fee interest in real property.

This provision provides a benchmark beyond which the requirements of the subpart clearly apply to leases. However, the Agency may apply the regulations to any less-than-full-fee acquisition which is short of 50 years but which in its judgment should be covered.

Section 24.102(d) Establishment of offer of just compensation.

The initial offer to the property owner may not be less than the amount of the Agency's approved appraisal, but may exceed that amount if the Agency determines that a greater amount reflects just compensation for the property.

Section 24.102(f) Basic negotiation procedures.

It is intended that an offer to an owner be adequately presented, and that the owner be properly informed. Personal, face-to-face contact should take place, if feasible, but this

section is not intended to require such contact in all cases.

Section 24.102(i) Administrative settlement.

This section provides guidance on administrative settlement as an alternative to judicial resolution of a difference of opinion on the value of a property, in order to avoid unnecessary litigation and congestion in the courts.

All relevant facts and circumstances should be considered by an Agency official delegated this authority. Appraisers, including reviewing appraisers, must not be pressured to adjust their estimate of value for the purpose of justifying such settlements. Such action would invalidate the appraisal process.

Section 24.102(j) Payment before taking possession.

It is intended that a right-of-entry for construction purposes be obtained only in the exceptional case, such as an emergency project, when there is no time to make an appraisal and purchase offer and the property owner is agreeable to the process.

Section 24.102(m) Fair Rental.

Section 301(6) of the Uniform Act limits what an Agency may charge when a former owner or previous occupant of a property is permitted to rent the property for a short term or when occupancy is subject to termination by the Agency on short notice. Such rent may not exceed "the fair rental value * * * to a short-term occupier." The Agency's right to terminate occupancy on short notice (whether or not the renter also has that right) supports the establishment of a lesser rental than might be found in a longer, fixed-term situation.

Section 24.103(b) Standards of appraisal.

In paragraph (b)(3) of this section, it is intended that all relevant and reliable approaches to value be utilized. However, where an Agency determines that the market approach will be adequate by itself because of the type of property being appraised and the availability of sales data, it may limit the appraisal assignment to the market approach.

Section 24.103(c) Influence of the project on just compensation.

As used in this section, the term "project" is intended to mean an undertaking which is planned, designed, and intended to operate as a unit.

Because of the public knowledge of the proposed project, property values may be affected. A property owner should not be penalized because of a decrease in value caused by the proposed project nor reap a windfall at public expense because of increased value created by the proposed project.

Section 24.103(f) Conflict of interest.

The overall objective is to minimize the risk of fraud and mismanagement and to promote public confidence in Federal and federally-assisted land acquisition practices. Recognizing that the costs may outweigh the benefits in some circumstances, the part provides that the same person may both appraise and negotiate an acquisition, if the value is $2,500 or less. However, it should be noted that all appraisals must be reviewed in accordance with § 24.104. This includes appraisals of real property valued at $2,500, or less.

Section 24.104 Review of appraisals.

This section recognizes that Agencies differ in the authority delegated to the review appraiser. In some cases the reviewer establishes the amount of the offer to the owner and in other cases the reviewer makes a recommendation which is acted on at a higher level. It is also within Agency discretion to decide whether a second review is needed if the first review appraiser establishes a value different from that in the appraisal report or reports on a property.

Before acceptance of an appraisal, the review appraiser must determine that the appraiser's documentation, including valuation data and the analyses of that data, demonstrates the soundness of the appraiser's opinion of value. The qualifications of the review appraiser and the level of explanation of the basis for the reviewer's recommended or approved value depend on the complexity of the appraisal problem. For a low value property requiring an uncomplicated valuation process, the reviewer's approval, endorsing the appraiser's report, may satisfy the requirement for the reviewer's statement.

Section 24.106 Expenses incidental to transfer of title to the agency.

Generally, the Agency is able to pay such incidental costs directly and, where feasible, is required to do so. In order to prevent the property owner from making unnecessary out-of-pocket expenditures and to avoid duplication of expenses, the property owner should be informed early in the acquisition process of the Agency's intent to make such arrangements. In addition, it is emphasized that such expenses must be reasonable and necessary.

Section 24.108 Donations.

This section provides that the Agency must obtain an appraisal and offer the full amount of just compensation due unless the owner, after being fully informed of such policies, releases the Agency from these obligations.

Subpart C—General Relocation Requirements

Section 24.204(a) Availability of comparable replacement dwelling before displacement.

This provision requires that no one may be required to move from a dwelling without one comparable replacement dwelling having been made available. In addition, this part requires that, "Where possible, three or more comparable replacement dwellings shall be made available." Thus the basic standard for the number of referrals required under this part is three. Only in situations where three comparable replacement dwellings are not available (e.g., when the local housing market does not contain three comparable dwellings) may the Agency make fewer than three referrals.

Section 24.205 Relocation assistance advisory services.

Section 24.205(b)(2)(iii) is intended to emphasize that if the comparable replacement dwellings are located in areas of minority concentration, minority persons should, if possible, also be given opportunities to relocate to replacement dwellings not located in such areas.

Section 24.206 Eviction for cause.

Basic eligibility for assistance is established on the basis of facts existing as of the date of the initiation of negotiations. Once the Agency has determined that a person has satisfied such requirements, there is no basis for changing that determination.

Section 24.207 General requirements claims for relocation payments.

Section 24.207(a) allows an Agency to make a payment for low cost or uncomplicated moves without additional documentation, as long as the payment is limited to the amount of the lowest acceptable bid or estimate.

Subpart E—Replacement Housing Payments

Section 24.401 Replacement housing payment for 180-day homeowner-occupants.

The provision in § 24.401(c)(4)(iii) to use the current fair market value for residential use does not mean the Agency must have an appraisal made. Any reasonable method at arriving at the fair market value may be used.

Section 24.402 Replacement housing payment for 90-day occupants.

The provision in § 24.402(b)(1) to use the fair market rent for the displacment dwelling is intended to address the computation of payments for homeowner-occupants (who, of course, paid no rent before displacement) and those unusual situations in which a tenant is paying an unreasonably low rent and a payment based on such rent would provide a windfall. The provision is not intended to apply in those situations where the use of the fair market rent would result in a hardship because of the displaced person's income or other special circumstances.

The downpayment assistance provisions in § 24.402(c) are intended to limit such assistance to the amount of the computed rental assistance payment for a tenant or an eligible homeowner. It does, however, provide the latitude for agency discretion in offering downpayment assistance which exceeds the computed rental assistance payment, up to the $5,250 statutory maximum. This does not mean, however, that such agency discretion may be exercised in a selective or indiscriminate fashion. The displacing agency should develop a policy which affords equal treatment for persons in like circumstances and this policy should be applied uniformly throughout the agency's programs or projects.

For purposes of this section, the term downpayment means the downpayment ordinarily required to obtain conventional loan financing for the decent, safe, and sanitary dwelling actually purchased and occupied. However, if the downpayment actually required of a displaced person for the purchase of the replacement dwelling exceeds the amount ordinarily required, the amount of the downpayment may be the amount which the agency determines is necessary.

Subpart F—Mobile Homes

Section 24.503(c) Replacement housing payment for 180-day mobile homeowner-occupants.

A 180-day owner-occupant who is displaced from a mobile home on a rented site may be eligible for a replacement housing payment for a dwelling computed under § 24.401 and a replacement housing payment for a site computed under § 24.402. A 180-day owner-occupant of both the mobile home and the site, who relocates the mobile home, may be eligible for a replacement housing payment under § 24.401 to assist in the purchase of a replacement site or, under § 24.402, to assist in renting a replacement site.

Subpart G—Last Resort Housing

Section 24.601(a) Basic determination to provide last resort housing.

No additional guidelines for implementation are included in the part because additional requirements would tend to limit the flexibility considered necessary or appropriate to provide comparable replacement housing on a timely basis.

Section 24.601(b) Basic rights of persons to be displaced.

This paragraph affirms the right of a 180-day homeowner-occupant, who is eligible for a replacement housing payment under § 24.401, to a reasonable opportunity to purchase a comparable replacement dwelling. However, it should be read in conjunction with the definition of "owner of displacement dwelling" at § 24.2(1). The Agency is not required to provide persons owning only a fractional interest in the displacement dwelling a greater level of assistance to purchase a replacement dwelling than the Agency would be required to provide such persons if they owned fee simple title to the displacement dwelling. If such assistance is not sufficient to buy a replacement dwelling, the Agency may provide additional purchase assistance or rental assistance.

Section 24.602 Methods of providing replacement housing.

The use of cost effective means of providing replacement housing is implied throughout the part. The term "reasonable cost" is used here to underline the fact that while innovative means to provide housing are allowed, they should be cost-effective.

Appendix B to Part 24—Statistical Report Form

This appendix sets forth the statistical information which may be collected from Agencies in accordance with § 24.9(c).

General

1. *Report coverage.* This report covers all relocation and real property acquisition activities under a Federal or a federally assisted project or program subject to the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, as amended (herein called the "Uniform Act").

2. *Report period.* Activities shall be reported on a Federal Fiscal Year basis, i.e., October 1–September 30, for the year in which the report is required.

3. *Where and when to submit report.* Submit an original and two copies of this report to (*Name and Address of Federal Agency*) as soon as possible after September 30, but *NOT LATER THAN NOVEMBER 15,* of the year in which the report is due.

4. *How to report relocation payments.* The full amount of a relocation payment shall be reported as if disbursed in the year during which the payment was approved, regardless of whether the payment is to be paid in installments.

5. *How to report dollar amounts.* Round off all money entries in Parts B and C to the nearest dollar.

6. *Statutory references.* The references in parentheses in Part B indicate the section of the Uniform Act that authorizes the cost.

PART A. Persons displaced

Report in Part A the number of persons ("households," "businesses, including nonprofit organizations," and "farms") who were permanently displaced during the report year by project or program activities and moved to their replacement dwelling or location. This includes businesses, nonprofit organizations and farms which, upon displacement, discontinued operations. The category "households" includes all families and individuals. A family shall be reported as "one" household, *not* by the number of people in the family unit. Persons shall be reported according to their status as "owners" or "tenants" of the property from which displaced.

PART B. Relocation payments and expenses

Columns (a) and (b). Report in Column (a) the number of claims approved during the report year. Report in Column (b) the total amount represented by the claims reported in Column (a).

Line 10b, Column (b). Report in Column (b) the amount of increased mortgage interest costs that was included in the total amount approved for Replacement Housing Payments for Homeowners on Line 10a, Column (b). Leave Line 10b, Column (a) blank.

Line 13. Report in Column (a) the number of households displaced by project or program activities which were provided assistance in accordance with section 206(a) of the Uniform Act. Report in Column (b) the total financial assistance under section 206(a) allocable to the households reported in Column (a). (If a household received financial assistance under section 203 or section 204 as well as under section 206(a) of the Uniform Act, report the household as a claim in Column (a), but in Column (b) report only the amount of financial assistance allocable to section 206(a). For example, if a tenant-household receives a payment of $7,000 to rent a replacement dwelling, the sum of $5,250 shall be included on Line 11, Column (b), and $1,750 shall be included on Line 13, Column (b).)

Line 14. Report on Line 14 all administrative costs incurred during the report year in connection with providing relocation advisory assistance and services under section 205 of the Uniform Act.

PART C—Real property acquisition subject to Uniform Act

Line 16, Columns (a) and (b). Report in Column (a) all parcels acquired during the report year where title or possession was vested in the acquiring agency during the reporting period. (Include parcels acquired without Federal financial assistance, if there was or will be Federal financial assistance in other phases of the project or program.) Report in Column (b) the total of the amounts paid, deposited in court, or otherwise made available to a property owner pursuant to applicable law in order to vest title or possession in the acquiring agency.

Line 17. Report on Line 17 the number of parcels reported on Line 16 that were acquired by condemnation where price disagreement was involved. Leave Line 17, Column (b), blank.

PART D—Relocation appeals filed during report year

Line 18. Report on Line 18 the total number of relocation appeals filed during the report year by a person alleging the Agency failed to properly determine the person's eligibility for, or the amount of, a relocation payment required under these regulations.

BILLING 4910-22-M

VOL 52 ISS 242 DEC 17 1987 UMI

Form Approved
OMB No: 2105-0508
Exp. Date: 6/30/89
Attachment
Appendix B

Model Uniform Act Report

Part A. Persons Displaced by Activities Subject to the Uniform Act During Report Year

	Item	Total (a)	No. of Owners (b)	No. of Tenants (c)
1	Households *(Families and Individuals)*			
2	Businesses and Nonprofit Organizations			
3	Farms			

Part B. Relocation Payments and Expenses Under Uniform Act During Report Year

	Item		No. of Claims (a)	Amount (b)
4	Payments for Moving Expenses for Households	Actual Expenses (Section 202(a))		
5		Fixed Payment Including Dislocation Allowance (Section 202(b))		
6	Payments for Moving Expenses for Business and Nonprofit Organizations	Actual Expenses (Section 202(a))		
7		Payment in Lieu of Actual Expenses (Section 202(c))		
8	Payment for Moving Expenses for Farms	Actual Expenses (Section 202(a))		
9		Payment in Lieu of Actual Expenses (Section 202(c))		
10a				
10b	Amount on Line 10a Attributable to Increased Mortgage Interest Costs			
11	Rental Assistance Payment *(Tenants and Certain Others) (Section 204(1))*			
12	Downpayment Assistance *(Tenants and Certain Others) (Section 204(2))*			
13	Housing Assistance as Last Resort *(Section 205(a))*			
14	Relocation Advisory Assistance and Services Cost *(Section 206)*			
15	Total *(Sum of Lines 4 through 14 Excluding Line 10b)*			

Part C. Real Property Acquisition Subject to Uniform Act During Report Year

	Item	No. of Parcels (a)	Compensation (b)
16	Total Parcels Acquired		
17	Total Parcels Acquired by Condemnation Included on Line 16 *(where price disagreement was involved)*		

Part D. Relocation Grievances Filed During Report Year

	Item	Total No.
18	Relocation Grievances Filed in Connection with Project / Program	

113

[FR Doc. 87-28855 Filed 12-16-87; 8:45 am]
BILLING CODE 4910-22-C

DEPARTMENT OF AGRICULTURE

7 CFR PART 21

DEPARTMENT OF ENERGY

10 CFR PART 1039

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR PART 1208

DEPARTMENT OF COMMERCE

15 CFR PART 11

TENNESSEE VALLEY AUTHORITY

18 CFR PART 1306

DEPARTMENT OF LABOR

29 CFR PART 12

DEPARTMENT OF DEFENSE

32 CFR PART 259

DEPARTMENT OF EDUCATION

34 CFR PART 15

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR PART 904

VETERANS' ADMINISTRATION

38 CFR PART 25

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 4

GENERAL SERVICES ADMINISTRATION

41 CFR PART 105-51

DEPARTMENT OF THE INTERIOR

41 CFR PART 114-50

DEPARTMENT OF JUSTICE

41 CFR PART 128-18

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR PART 25

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR PART 15

DEPARTMENT OF TRANSPORTATION

49 CFR PART 25

Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs

AGENCIES: Department of Agriculture; Department of Commerce; Department of Defense; Department of Education; Department of Energy; Department of Health and Human Services; Department of the Interior; Department of Justice; Department of Labor, Department of Transportation; Environmental Protection Agency; Federal Emergency Management Agency; General Services Administration; National Aeronautics and Space Administration; Pennsylvania Avenue Development Corporation; Tennessee Valley Authority; Veterans' Administration.

ACTION: Interim final rule; request for comments.

SUMMARY: This interim final rule provides for the partial implementation of the Uniform Relocation Act Amendments of 1987 (1987 Amendments) (Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub. L. 100-17, 101 Stat. 132). The 1987 Amendments make several changes to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), 42 U.S.C. 4601-4655 (1982). One of the primary purposes of the 1987 Amendments was to establish a governmentwide single rule, published at a single location in the Code of Federal Regulations (CFR) to implement the provisions of the Uniform Act. The 1987 Amendments become fully applicable on April 2, 1989. This interim final rule is intended to do two things. First, it provides a transition from the existing governmentwide common rule on the Uniform Act, published at 17 separate places in the Code of Federal Regulations to a governmentwide single rule appearing at 49 CFR Part 24. Secondly, it provides a means whereby Federal programs, that are able to implement the explicit, nondiscretionary provisions of the 1987 Amendments, may do so. A more detailed discussion of the implementation of the 1987 Amendments is contained in the U.S. Department of Transportation (DOT) interim final rule which appears elsewhere in this **Federal Register**, and in DOT's recent notice of regulatory intent on this subject at 52 FR 45667.

DATES: The effective date of the interim final rule and the date by which comments must be received are as stated in the agency specific preambles.

ADDRESSES: See individual agencies below.

FOR FURTHER INFORMATION CONTACT: See individual agencies below.

SUPPLEMENTARY INFORMATION:

Currently 17 Federal agencies have codified in 17 different places in the Code of Federal Regulations (CFR) a governmentwide verbatim common rule to implement the Uniform Act. This common rule was published in the February 27, 1986 **Federal Register** (51 FR 6999-7040). This document removes the text of this common rule from all but one of the 17 places by no later than April 2, 1989. The actual implementation date will vary from agency to agency depending upon program authority and administrative need.

The instrument for this removal (rescission) is an interim final rule with a request for public comments. An interim final action is used instead of a proposed action because the Department of Transportation (DOT), the lead agency for the Uniform Act, interprets the 1987 Amendments to call for a single governmentwide rule codified in one instead of 17 places in the Code of Federal Regulations. This interpretation is based upon the language of the Uniform Act and its legislative history. Section 213(a) of the Uniform Act, as amended, directs the lead agency to "develop, publish, and issue * * * such regulations as may be necessary to carry out this Act" with the "active participation" of the Department of Housing and Urban Development and other concerned Federal agencies. Congress intended that "the lead agency rules should provide sufficient direction to preclude the need for the issuance of regulations by other Federal agencies", in order to "insure uniformity and minimize burdens on State and local agencies", H.R. Rep. 99-665, 99th Cong. 2d Sess. 92 (1986); and that "there be a single uniform set of Federal regulations, so that State and local governments do not have to bear the administrative expense of following multiple sets of Federal regulations". 133 Cong. Rec. S1560 (daily ed. February 3, 1987).

Therefore, in the future all changes to the single governmentwide rule could be proposed and then made by DOT, with participation of, but no action by, the other affected Federal agencies. This is consistent with the statute and the expressed intent of Congress in the House Report, would simplify implementation of the Uniform Act, and would reduce administrative burdens upon Federal agencies when revisions to the Uniform Act regulations are proposed. However, this approach would mean that other Federal agencies will no longer be publishing their own full text rules implementing the Uniform

Act in their Chapter of the Code of Federal Regulations, and State or local agencies receiving Federal financial assistance from such agencies would have to refer to the single governmentwide rule at 49 CFR Part 24 to find the full text of the regulations implementing the Uniform Act. Public comments are requested on this approach. Subject to consideration of any comments received, this interim final rule will become the final rescission and a Notice of such final action will appear in the Federal Register.

Also, this document inserts for all agencies other than DOT in their respective parts of the CFR merely a cross reference to the full text rule appearing in the Department of Transportation's part of the CFR at 49 CFR Part 24. The instrument for this replacement is an interim final rule with a request for public comments. An interim final action is used versus a proposed action to take immediate advantage of those benefits of the new statute which do not require discretion by the Federal Government. This document provides for a transition period to allow those Federal programs that are able to take immediate advantage of the explicit, non-discretionary benefits provided by the new law to do so, while enabling other Federal programs to continue operating under the common rule.

Subject to consideration of any comments received, this interim final rule will become final and a Notice of such final action will appear in the Federal Register. In this document, each of the 16 affected agencies (besides DOT) is indicating appropriate effective dates (no later than April 2, 1989) for this replacement for each of their programs.

For a more detailed discussion of the entire rulemaking approach (including a DOT notice of proposed rulemaking—to reflect provisions of the new statute which require discretion by the Federal Government—to appear later), see DOT's interim final rule with a request for public comments which appears elsewhere in this Federal Register. In addition, see DOT's recent notice of regulatory intent on this subject at 52 FR 45557.

Executive Order 12291

Executive Order 12291 requires that a regulatory impact analysis be prepared for "major" rules which are defined in the Order as any rule that has an annual effect on the national economy of $100 million or more, or certain other specified effects. Some of the changes in the 1987 Amendments are administrative or procedural, which should result in savings to Federal, State, and local agencies in administering the Uniform Act. Other changes alter benefit levels, which should result in a modest increase in amounts paid under the Uniform Act.

However, we do not believe that the regulations will have an annual economic effect of $100 million or more or the other effects listed in the Order. For this reason, we have determined that these regulations are not a major rule within the meaning of the Order.

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act (5 U.S.C. 605(b)) requires that for each rule with a "significant economic impact on a substantial number of small entities", an analysis be prepared describing the rule's impact on small entities and identifying any significant alternatives to the rule that would minimize the economic impacts on small entities.

The provisions of the Uniform Act which provide the benefits covered by the proposed rule have not changed substantially. The primary impact of the 1987 Amendments is expected to be an increase in benefits provided to small businesses, the elimination of unnecessary administrative requirements imposed on State and local agencies, and the consequent reduction of burden on those affected entities.

Paperwork Reduction Act

This interim final rule does not contain or impose any new or revised collection of information requirements subject to the Paperwork Reduction Act, other than those already approved. If any such requirements are subsequently proposed in implementing the 1987 Amendments, they will be submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act, Pub. L. 96-511.

DEPARTMENT OF AGRICULTURE

7 CFR Part 21

DATES: The amendment to § 21.1 is effective January 19, 1988. The revision of Part 21 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to Mr. Frank Gearde, Jr., Director, Office of Operations, United States Department of Agriculture, Room 113-W, Administration Building, 14th and Independence Avenue, SW, Washington, DC, 20250. Comments will be available for review at the above address from 9:00 a.m. to 3:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Frank W. Bright, Realty Specialist, Office of Operations, United States Department of Agriculture, Room 1566-South Building, 14th and Independence Avenue, SW, Washington, DC, 20250, Area Code 202, Telephone No. 447-5225. Office hours Monday through Friday from 8:00 a.m. to 4:30 p.m.

List of Subjects in 7 CFR Part 21.

Real property acquisition, Relocation assistance.

Title 7 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., November 24, 1987.

John J. Franke, Jr.,
Assistant Secretary for Administration.

PART 21—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 21 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 21.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) *Purpose.*" and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 21.1 Purpose and applicability.

(a) *Purpose.* * * *

* * * * *

(b) *Applicability.* (1) Regulations applicable to those programs which are able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. The implementation date for each program affected by this section is listed below:

Direct federal activities.....January 19, 1988.
Federally-assisted activities...as soon as state law permits, but no later than April 2, 1989.

(2) Until April 2, 1989, the provisions of this part are applicable only to those activities which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note).

3. Part 21 is revised to read as set forth below:

PART 21—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 231, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 21.1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

DEPARTMENT OF ENERGY

10 CFR Part 1039

DATES: The amendment to § 1039.1 is effective January 19, 1988. The revision of Part 1039 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to: Office of Project and Facilities Management, United States Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Donald G. Trost, MA-222, Chief, Real Property Branch, Real Property and Facilities Management Division, United States Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, (202) 586-1191, John Herrick, Esq. GC-34, United States Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585 (202) 586-0905.

List of Subjects in 10 CFR Part 1039

Real property acquisition, Relocation assistance.

Title 10 of the Code of Federal Regulations is amended as set forth below.

Lawrence F. Davenport,
Assistant Secretary, Management and Administration.

PART 1039—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 1039 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 1039.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) *Purpose.*" and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 1039.1 Purpose and Applicability.

(a) *Purpose.*

* * * * *

(b) *Applicability.* (1) After January 19, 1988, the Department of Energy will be able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) and will be governed by implementing regulations set forth in 49 CFR Part 24.

(2) Until April 2, 1989, the provisions of this part are applicable only to those program activities which were undertaken prior to (effective date of this section) and which, therefore, were unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, (42 U.S.C. 4601 note).

3. Part 1039 is revised to read as set forth below:

PART 1039—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 1039.1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-255, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1208

DATES: This revision of Part 1208 is effective January 19, 1988. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to Facilities Management Office, Code NXG, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Gitta Haber, 202-453-1958.

List of Subjects in 14 CFR Part 1208

Uniform relocation assistance, Real property, Relocation, Federally assisted programs, Housing, Real property acquisition, Relocation requirements, Replacement housing, Mobile homes, Moving and related expenses, Relocation assistance.

Title 14 of the Code of Federal Regulations is amended by revising Part 1208 as set forth below.

November 23, 1987.

James C. Fletcher,
Administrator.

PART 1208—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 1208.1 Uniform Relocation Assistance and Real Property Acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act

VOL 52 ISS 242 DEC 17 1987 UMI

of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–255, 42 U.S.C. 4601 note) are set forth in 24 CFR Part 24.

DEPARTMENT OF COMMERCE

[Docket No. 71159–7259]

15 CFR Part 11

DATES: The amendment to § 11.1 is effective January 19, 1988. The revision of Part 11 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to: Office of Administrative Services Management, United States Department of Commerce, Room 6319, HCHB, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mary DiGiulian, Director, Office of Administrative Services Management, United States Department of Commerce, Washington, DC 20230 (202–377–0884).

ADDITIONAL SUPPLEMENTARY INFORMATION: For federally assisted activities funded by the Department of Commerce, compliance with the 1987 Amendments and government-wide implementing regulation at 49 CFR Part 24 depends upon the legal authority possessed by the recipient of the Federal assistance. Therefore, the date that the Department's program activities become subject to the government-wide regulation is the date the recipient of Federal assistance is legally able to comply, but not later than April 2, 1989.

The collection of information requirements contained in this rule have been approved under OMB No. 0605–0020.

List of Subjects in 15 CFR Part 11

Real property acquisition, relocation assistance, reporting and recordkeeping requirements.

Title 15 of the Code of Federal Regulations is amended as set forth below.

Hugh L. Brennan,

Director, Office of Procurement and Administrative Services.

PART 11—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 11 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

2. Section 11.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) *Purpose.*" and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 11.1 Purpose and applicability.

(a) *Purpose.* * * *

* * * * *

(b) *Applicability.* (1) Regulations applicable to those recipients of Federal assistance who are able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. Such recipients will be governed by 49 CFR Part 24 as soon as they are legally able to comply but not later than April 2, 1989.

(2) Until April 2, 1989, the provisions of this part are applicable only to those recipients of Federal assistance who are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note).

3. Part 11 is revised to read as set forth below:

PART 11—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

§ 11.1 Uniform relocation and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–255, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1306

DATES: The amendment to § 1306.1 in amendatory instruction 2 is effective January 19, 1988. The amendments in amendatory instructions 3 and 4 are effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESS: Comments should be sent to: Edward S. Christenbury, General Counsel, Tennessee Valley Authority, E11 B33, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Comments received will be available for public inspection at Technical Library, Tennessee Valley Authority, E2 B7, 400 West Summit Hill Drive, Knoxville, Tennessee 37902, from 8:00 a.m. to 4:45 p.m. Monday through Friday except legal holidays.

FOR FURTHER INFORMATION CONTACT: James E. Fox, Deputy General Counsel, Tennessee Valley Authority, E11 B36, 400 West Summit Hill Drive, Knoxville, Tennessee 37902, 615–632–4151.

ADDITIONAL SUPPLEMENTARY INFORMATION: Titles I and II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646, 84 Stat. 1894, 42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note) (Uniform Act, as amended) will govern relocation assistance by TVA; and relocation assistance under those titles will be governed by implenting regulations set forth in Subpart A and Subparts C through G of 49 CFR Part 24.

The Tennessee Valley Authority (TVA) has determined that it is able to comply expeditiously with the relocation provisions of the 1987 Amendments, and with Subpart A and Subparts C through G of the government-wide interim final rule on this subject, published by the Department of Transportation (DOT) as 49 CFR Part 24, elsewhere in todays' **Federal Register**. Therefore, as of the effective date of this regulation, TVA programs will be governed by those portions of the DOT regulation. TVA is not adopting Subpart B of the DOT regulation concerning real property acquisition because section 213(c) of the Uniform Act, as amended, is applicable to TVA as to the DOT relocation assistance regulations implementing Titles I and II but not to the DOT real property acquisition regulations implementing Title III of the Uniform Act, as amended.

The DOT rule published elsewhere in today's **Federal Register** is basically the same as the common relocation rule that was adopted by 17 Federal departments and agencies on February 27, 1986 (51 FR 7000) (except for certain nondiscretionary changes contained in the 1987 Amendments). The primary purpose of this rulemaking action is to enable all agencies to cross reference to a single government-wide rule and to permit compliance with nondiscretionary provisions of the 1987 Amendments. TVA did not adopt that government-wide prior common rule, but has been operating under similar relocation rules at 18 CFR Part 1306. However, as a result of the 1987 Amendments, section 213 of the Uniform Act, as amended, now requires that all Federal agencies use a single government-wide regulation in implementing the Uniform Act, as amended, except as noted above with respect to TVA. Further, section 213(c) of the Uniform Act, as amended, now specifically provides that the government-wide relocation regulation implementing Titles I and II of the Uniform Act, as amended, shall apply to TVA.

Because of the specific language of section 213(c) and because this rulemaking action does not result in any material change in TVA's regulations applicable to, and its interpretation of, Titles I and II of the Uniform Act, as amended, TVA finds good cause that prior notice or an opportunity for prior comments is unnecessary and therefore makes this rule effective as an interim final rule without such prior notice or opportunity for prior comment. However, comments are invited on this change.

List of Subjects in 18 CFR Part 1306

Real property acquisition, Relocation assistance.

Title 18 of the Code of Federal Regulations is amended as set forth below.

Part 1306—RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

1. The authority citation for Part 1306 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note); 40 Stat. 56, as amended (16 U.S.C. 831–831dd).

2. Section 1306.1 is revised to read as follows. This amendment is effective January 19, 1988.

§ 1306.1 Purpose and applicability.

(a) *Purpose.* The purpose of the regulations and procedures in this Subpart A is to implement Uniform Relocation Assistance and Real Property acquisition Policies Act of 1970 (Pub. L. 91–646, 84 Stat. 42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, Stat. 246–256, 42 U.S.C. 4601 note) (Uniform Act, as amended).

(b) *Applicability.* (1) Titles I and II of the Uniform Act, as amended, govern relocation assistance by TVA. For TVA program activities undertaken after January 19, 1988, relocation assistance under those titles will be governed by implementing regulations set forth in Subpart A and Subparts C through G of 49 CFR Part 24, in lieu of sections 1306.2 through 1306.17 and 1306.23 of this part.

(2) For program activities undertaken prior to January 19, 1988, relocation assistance will (until April 2, 1989) be governed by §§ 1306.2 through 1306.17 and § 1306.23.

(3) Regulations and procedures for complying with the real property acquisition provisions to Title III of the Uniform Act, as amended, are set forth in this part.

3. Section 1306.1(b) is revised to read as follows. This amendment is effective April 2, 1989.

§ 1306.1 Purpose and applicability.

* * * * *

(b) *Applicability.* (1) Titles and I and II of the Uniform Act, as amended, govern relocation assistance by TVA. For TVA program activities undertaken after April 1, 1989, relocation assistance under those titles will be governed by implementing regulations set forth in Subpart A and Subparts C through G of 49 CFR Part 24.

(2) Regulations and procedures for complying with the real property acquisition provisions of Title III of the Uniform Act, as amended, are set forth in this part.

§§ 1306.2 through 1306.17 [Removed]; §§ 1306.18 through 1306.22 [Redesignated as §§ 1306.2 through 1306.6]

4. Sections 1306.2 through 1306.17 and 1306.23 are removed and §§ 1306.18 through 1306.22 are redesignated as §§ 1306.2 through 1306.6. This amendment is effective April 2, 1989.

W.F. Willis,

General Manager.

DEPARTMENT OF LABOR

29 CFR Part 12

DATES: The amendment to § 12.1 is effective January 19, 1988. The revision of Part 12 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to Office of the Assistant Secretary for Administration and Management, Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. The public may inspect all comments received at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Joseph McGovern, Division of Space and Telecommunications Management, Room S–1513. Telephone (202) 523–8401. (This is not a toll free number).

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of Labor is adopting interim final regulations required by the 1987 Amendments. These regulations provide for a phased rescission of the substantive portions of Part 12, and substitute a cross-reference to the Department of Transportation regulations at 49 CFR Part 24, which, after April 2, 1989, will be the only regulations implementing the Uniform Act. For federally assisted activities funded by the Department, compliance with the 1987 Amendements depends upon the legal authority possessed by the recipient of Federal assistance. Therefore, the implementation date for the Federal assistance programs funded by the Department is as soon as the recipient of the assistance is able to comply, but not later than April 2, 1989.

List of Subjects in 29 CFR Part 12

Acquisition of real property, relocation assistance.

Title 29 of the Code of Federal Regulations is amended as set forth below.

Dennis E. Whitfield,

Deputy Secretary of Labor.

PART 12—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERALLY AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 12 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

2. Section 12.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) *Purpose.*" and the paragraphs currently designated

VOL 52 ISS 242 DEC 17 1987 UMI

(a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 12.1 Purpose and applicability.

(a) *Purpose.* * * *

* * * * *

(b) *Applicability.* (1) Regulations applicable to those programs which are able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. The implementation date for each program affected by this section is as soon as possible but not later than April 2, 1989.

(2) Until April 2, 1989, the provisions of this part are applicable only to those programs which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note).

3. Part 12 is revised to read as set forth below:

PART 12—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

§ 12.1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–255, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

DEPARTMENT OF DEFENSE

32 CFR Part 259

DATES: The amendment to § 259.1 is effective January 19, 1988. The revision of Part 259 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to Mr. Jerome Liess, Department of the Army, Office of the Chief of Engineers, Room 5132, Pulaski Building, 20 Massachusetts Avenue NW., Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. Jerome Liess, telephone number (202) 272–0517.

ADDITIONAL SUPPLEMENTARY INFORMATION: Part 259 is amended and revised in the following manner. The provisions of the interim final rule found at 49 CFR Part 24 are effective 30 days after publication in the **Federal Register** for Department of Defense directly funded programs and as soon as possible but not later than April 2, 1989 for Department of Defense federally assisted programs. After April 2, 1989 all direct federal and federally assisted programs will be covered by the final rules. The procedures for processing of applications for assistance and appeals under the Act remain the same as under existing regulations.

List of Subjects in 32 CFR Part 259

Real property acquisition, Relocation assistance, Relocation requirements, Payments for moving and related expenses, Replacement housing payment, Mobile homes, Last resort housing.

Title 32 of the Code of Federal Regulations is amended as set forth below.

December 1, 1987.

Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

PART 259—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 259 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

2. Section 259.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) *Purpose.*" and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 259.1 Purpose and applicability.

(a) *Purpose.* * * *

* * * * *

(b) *Applicability.* (1) Regulations applicable to those programs which are able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. The implementation date for each program affected by this section is listed below:

Direct Federal Activities—January 19, 1988.

Federally assisted Activities—as soon as state law permits, but no later than April 2, 1989.

(2) Until April 2, 1989, the provisions of this part are applicable only to those programs which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note.

3. Part 259 is revised to read as set forth below:

PART 259—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894, (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

§ 259.1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

DEPARTMENT OF EDUCATION

34 CFR Part 15

DATES: The amendment to § 15.1 takes effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of the amendment to § 15.1, call or write the Department of Education contact person. The total revision of 34 CFR Part 15 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESS: Comments should be sent to Sarah L. Kemble, Office of the General Counsel, U.S. Department of Education, Room 4121, 400 Maryland Avenue, SW., Washington, DC, 20202; (202) 732–2730.

FOR FURTHER INFORMATION CONTACT: Sarah L. Kemble (202) 732–2730.

ADDITIONAL SUPPLEMENTARY INFORMATION: The regulations apply to programs administered by the U.S Department of Education where a Federal agency, a State or a State agency, may compel surrender of privately owned real property or displacement of residents of that property, because the property is needed for a federally assisted project.

The 1987 Amendments provide that States and State agencies shall implement the changes made by those amendments and their implementing regulations no later than April 2, 1989. This provision gives States and State agencies time to conform their own legal authority to the changes in the Federal law. Accordingly, these interim final regulations provide for a two-step revision of Part 15. On April 2, 1989 Part 15 is revised to substitute a cross-reference to the Department of Transportation regulations which will then be the only regulations substantively implementing the Federal law governing relocation assistance and real property acquisition.

For projects funded by the Department of Education, compliance with the 1987 Amendments depends upon the legal authority possessed by the recipient of Federal assistance. Therefore, the implementation date for the Federal assistance programs funded by the Department is as soon as the recipient of the assistance is legally able to comply, but not later than April 2, 1989.

Assessment of Educational Impact

Based on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 15

Real property acquisition, Relocation assistance.

Dated: December 14, 1987.

William J. Bennett,

Secretary of Education.

The Secretary amends Part 15 of Title 34 of the Code of Federal Regulations as follows:

PART 15—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for this Part 15 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

2. Section 15.1 is amended by revising the section heading, adding "(a) *Purpose.*" Before the undesignated introductory text, redesignating paragraphs (a) and (b) as paragraphs (a)(1) and (a)(2) respectively, and adding a new paragraph (b) to read as follows:

§ 15.1 Purpose and applicability.

(a) *Purpose* * * *

* * * * *

(b) *Applicability.* (1) Regulations applicable to those programs which are able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. The implementation date for each program affected by this rule is as soon as the recipient of Federal assistance has authority to comply but not later than April 2, 1989.

(2) Until April 2, 1989 the provisions of this part are applicable only to those programs which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note).

3. Part 15 is revised to read as set forth below:

PART 15—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note).

§ 15.1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance Act of 1970 (Pub. L. 91–646, 84 Stat. 1894, 42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–255, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Part 904

DATES: The amendment to § 904.1 is effective January 19, 1988. The revision of Part 904 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to Mr. Reginald Robinson, Director, Business Relations, Pennsylvania Avenue Development Corporation, Suite 1220N, 1331 Pennsylvania Avenue, NW., Washington, DC 20004. Phone: (202) 724–9068.

FOR FURTHER INFORMATION CONTACT: Mr. Reginald Robinson, Director, Business Relations, Pennsylvania Avenue Development Corporation, Suite 1220N, 1331 Pennsylvania Avenue, NW., Washington, DC 20004. Phone: (202) 724–9068.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Pennsylvania Avenue Development Corporation (PADC) has determined that it is able to comply with the provisions of the 1987 Amendments and the provisions of the interim final rule on this subject published by DOT elsewhere in today's issue of the **Federal Register**. Therefore, after January 19, 1988, PADC programs will be governed by the DOT regulations.

List of Subjects in 36 CFR Part 904

Real property acquisition, Relocation assistance.

Title 36 of the Code of Federal Regulations is amended as set forth below:

M.J. Brodie,

Executive Director.

PART 904—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 904 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

2. Section 904.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) *Purpose.*" and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

VOL 52 ISS 242 DEC 17 1987 UMI

c. A new paragraph (b) is added to read as set forth below.

§ 904.1 Purpose and applicability.

(a) *Purpose.* * * *

* * * * *

(b) *Applicability.* (1) After January 19, 1988, the Pennsylvania Avenue Development Corporation will be able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note) and will be governed by implementing regulations set forth in 49 CFR Part 24.

(2) Until April 2, 1989, the provisions of this part are applicable only to those program activities which were undertaken prior to January 19, 1988, and which therefore were unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note).

3. Part 904 is revised to read as set forth below:

PART 904—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

§ 904.1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–255, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

VETERANS ADMINISTRATION

38 CFR Part 25

DATES: The amendment to 38 CFR 25.1 is to be effective January 19, 1988. The revision of Part 25 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESS: Comments should be sent to: The Administrator of Veterans Affairs (271A), 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, Room 132, of the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except for holidays) until February 26, 1987.

FOR FURTHER INFORMATION CONTACT: Alan Maurer, Director, Special Programs, Office of Facilities, (202) 233–3398.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Veterans Administration (VA) is proposing to amend its regulations implementing amendments to the URA contained in 38 CFR Part 25, as a result of legislation enacted on April 2, 1987, and known as the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note). The VA will adopt these government-wide amendments to the regulations as set forth by the Department of Transportation. Certain sections of Title 38 CFR will be amended by inserting the revised regulations in those parts.

The VA has determined that it is able to comply with the provisions of the 1987 amendments to the Act and the government-wide implementing regulation at 49 CFR Part 24, immediately with respect to direct Federal activities. Therefore the VA's direct Federal activities become subject to the government-wide regulation on January 19, 1988. For federally-assisted activities compliance depends upon the legal authority possessed by the recipient of the Federal assistance. Therefore, the implementation date for all of the VA's federally assisted activities is the date the recipient of Federal assistance is legally able to comply, but not later than April 2, 1989.

List of Subjects in 38 CFR Part 25

Real property acquisition, Relocation assistance.

Title 38 of the Code of Federal Regulations is amended as set forth below.

Approved: November 20, 1987.

Thomas K. Turnage,

Administrator.

PART 25—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 25 is revised to read as follows:

Authority: Section 213, Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

2. Section 25.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) *Purpose.*" and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 25.1 Purpose and applicability.

(a) *Purpose.* * * *

* * * * *

(b) *Applicability.* (1) Regulations applicable to those programs which are now able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17 101 Stat. 246–256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. The implementation date for each program affected by this rule is listed below:

Veterans Administration, January 19, 1988.

Federally assisted, as soon as State law permits, but no later than April 2, 1989.

(2) Until April 2, 1989, the provisions of this part are applicable only to those programs which are unable to comply with the Surface Transportation and Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note).

3. Part 25 is revised to read as set forth below:

PART 25—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

§ 25.1 Uniform relocation

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–255, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 4

[FRL–3302–5]

DATES: The revision of Part 4 is effective April 2, 1989. Comments must be submitted on or before February 16, 1988.

ADDRESSES: Comments should be sent to Marshall Schy, Grants Administration Division (PM–216), 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Marshall Schy (see address above), 202–382–5298.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Environmental Protection Agency (EPA) is not adopting at this time the interim final rule published by The Department of Transportation elsewhere in today's **Federal Register**. For administrative reasons and to effect a smoother transition to the changes contained in the 1987 amendments to the Uniform Relocation Act (URA), EPA believes that implementation of these changes for its assistance recipients should be deferred to the final rulemaking process which the statute mandates for completion by April 2, 1989. EPA activities involving the URA will continue to be covered by the existing government-wide common rule found at 40 CFR Part 4 until the final rulemaking process is complete. When that occurs, EPA's URA activities will be covered by the government-wide final rule that DOT will issue at 49 CFR Part 24.

The EPA programs that involve the URA are the Wastewater Treatment Construction Grant program and the Superfund program. However, in keeping with Executive Order 12316 and the interagency agreement between EPA and the Federal Emergency Management Agency (FEMA), URA activities for the Superfund program will be implemented by FEMA according to their regulations. Persons concerned with the implementation of URA activities under Superfund should consult FEMA's action on this subject elsewhere in today's **Federal Register**.

List of Subjects in 40 CFR Part 4

Real property acquisition, Relocation assistance.

December 4, 1987

Anthony Musick,

Acting Assistant Administrator for Administration and Resources Management.

PART 4—UNIFORM RELOCATION ASSISTANT AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Public Law 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

§ 4.1 Uniform relocation assistance and real property acquisition.

Effective April 2, 1989, regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17, 101 Stat. 246–255, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105–51

DATES: The amendment to § 105–51.001 is effective January 19, 1988. The revision of Part 105–51 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to Mrs. Hilary Peoples, Director, Acquisition Policy Division, General Services Administration, Public Buildings Service, 18th and F Streets, NW., Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mrs. Hilary Peoples, Director, Acquisition Policy Division (202–566–1508), or Mr. James W. McMahon, Acquisition Policy Division (202–566–1269), General Services Administration, 18th and F Streets, NW., Washington, DC 20405. Office hours Monday–Friday from 8:00–4:30 p.m., e.t.

ADDITIONAL SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that it is able to comply with the provisions of the 1987 Amendments and the provisions of the interim final rule published by Department of Transportation elsewhere in today's issue of the **Federal Register**. Therefore, after January 19, 1988, GSA programs will be governed by DOT regulations.

List of Subjects in 41 CFR Part 105–51

Real property acquisition, Relocation assistance.

Title 41 of the Code of Federal Regulations is amended as set forth below.

Dated: December 4, 1987.

T.C. Golden,

Administrator of General Services.

PART 105–51—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 105–51 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

2. Section 105–51.001 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) *Purpose.*" and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 105–51.001 Purpose and applicability.

(a) *Purpose.* * * *

* * * * *

(b) *Applicability.* (1) After January 19, 1988, the General Services Administration will be able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note) and will be governed by implementing regulations set forth in 49 CFR Part 24.

(2) Until April 2, 1989, the provisions of this part are applicable only to those program activities which were undertaken prior to January 19, 1988 and which therefore were unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note).

3. Part 105–51 is revised to read as set forth below:

BEST COPY AVAILABLE

PART 105–51—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

§ 105–51.001 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–255, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

DEPARTMENT OF THE INTERIOR

41 CFR Part 114–50

DATES: The amendment to § 114–50.301 is effective January 19, 1988. The revision of Part 114-50 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to Billy Lee Hart, Chief, Property Management Division, Office of Acquisition and Property Management, Room 5508, Department of the Interior, Washington, DC 20240, Phone: (202) 343–3336.

FOR FURTHER INFORMATION CONTACT: Billy Lee Hart, (202) 343–3336.

ADDITIONAL SUPPLEMENTARY INFORMATION: Federal agencies are promulgating jointly an interim final rule to implement cost-effective policies and procedures governing the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Public Law 100–17. This rule provides a transition from the existing government wide common rule on the Uniform Act, published at 17 separate places in the Code of Federal Regulations to a government-wide single rule appearing at 49 CFR Part 25.

The Department of the Interior has determined that it could comply with the 1987 Amendments upon their date of enactment for direct Federal programs. Therefore, the implementation date for direct Federal activities is April 2, 1987. Accordingly, any person displaced by such activities after April 2, 1987, would be covered by the governmentwide regulation in 49 CFR Part 24. For federally assisted activities compliance depends upon the legal authority possessed by the recipient of the Federal financial assistance. Therefore, the implementation date for all of the Department's federal assistance programs is as soon as the recipient is legally able to comply, but not later than April 2, 1989.

The Department of the Interior has determined that it is unnecessary to request prior notice and comment on this document under the Administrative Procedure Act, 5 U.S.C. (b) (B), because the Department of Transportation rule that is being cross-referenced implements nondiscretionary benefit provisions of the Surface Transportation and Uniform Relocation Assistance Act of 1987. The discretionary provisions of the Act will be the subject of a later notice of proposed rulemaking to be issued by the Department of Transportation.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The rule implements benefit changes made by the Surface Transportation and Uniform Relocation Assistance Act of 1987 and is not expected to have an annual economic effect of $100 million or more or to significantly affect small entities. The primary impact of the changes made by the Act is expected to be an increase in benefits provided to small businesses and the elimination of unnecessary administrative requirements.

This document does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* The requirements contained in the current 41 CFR Part 114–50 were approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1084–0010.

The Department hereby determines that this document is not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 and does not require the preperation of an environmental impact statement or assessment.

The author of this document is Billy Lee Hart, Chief, Property Management Division, Office of Acquisition and Property Management.

List of Subjects in 41 CFR Part 114–50

Relocation assistance, Real property acquisition.

Title 41 of the Code of Federal Regulations is amended as set forth below.

Joseph W. Gorrell,

Principal Deputy Assistant Secretary Policy, Budget and Administration.

December 1, 1987.

PART 114–50—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 114–50 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

2. Section 114–50.301 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) *Purpose.*" and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 114–50.301–1 Purpose and applicability.

(a) *Purpose.* * * *

* * * * *

(b) *Applicability.* (1) Regulations applicable to those programs which are able to comply with the Surface Transportation and Uniform Relocation Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. The implementation date for each program affected by this section is listed below:

Direct Federal activities—Persons displaced after April 2, 1987.

Federally-assisted activities—As soon as state law permits, but not later than April 2, 1989.

(2) Until April 2, 1989, the provisions of this part are applicable only to those programs which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note).

3. Part 114–50 is revised to read as set forth below:

PART 114–50—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

§ 114–50.301–1 Uniform relocation and real property acquisition

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646, 84 Stat, 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–255, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

DEPARTMENT OF JUSTICE

41 CFR Part 128–18

DATES: The amendment to § 128–18.5001–1 is effective January 19, 1988. The revision of Subpart 128–18.50 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to Mr. Benjamin F. Burrell, Department of Justice, Director, Facilities and Property Management Staff, Suite 700, 1425 K Street, NW., Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: Mr. Benjamin F. Burrell, Department of Justice, Director, Facilities and Property Management Staff, Suite 700, 1425 K Street, NW., Washington, DC 20530. Telephone: (202) 633–2995.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of Justice is participating with other federal agencies to implement the provisions of the Uniform Relocation Act Amendments of 1987 (1987 Amendments) (Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub. L. 100–17, 101 Stat.132). The primary purpose of the 1987 Amendments is to establish a single rule as opposed to the existing common rule.

The Department of Transportation has been designated as the lead agency in the implementation of the Uniform Act. Therefore, the single rule is located in the Department of Transportation's portion of the Code of Federal Regulations at 49 CFR Part 24.

List of Subjects in 41 CFR Subpart 128–18.50

Real property acquisition, Relocation assistance.

Title 41 of the Code of Federal Regulations is amended as set forth below.

Harry H. Flickinger,

Assistant Attorney General for Administration.

PART 128–18—ACQUISITION OF REAL PROPERTY

Subpart 128–18.50—Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs

1. The authority citation for Subpart 128–18.50 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

2. Section 128–18.5001–1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) *Purpose*" and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 128–18.5001–1 Purpose and applicability.

(a) *Purpose.* * * *

* * * * *

(b) *Applicability.* (1) After January 19, 1988, the Department of Justice will be able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note). That act designates the Department of Transportation (DOT) as the lead agency for implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ,Pub. L. 91–646, 84 Stat. 1984 (42 U.S.C. 4601) as amended. Therefore, after January 19, 1988, the Department of Justice will be governed by DOT's implementing regulations set forth in 49 CFR Part 24.

(2) Until April 1, 1989, the provisions of this part are applicable only to those program activities which were undertaken prior to January 19, 1988, and which therefore were unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note).

PART 128–18—ACQUISITION OF REAL PROPERTY

3. Subpart 128–18.50 is revised to read as set forth below:

Subpart 128–18.50—Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100–17, 101 Stat. 246–256 (42 U.S.C. 4601 note).

§ 128–18.5001–1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–255, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 25.

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 25

DATES: The amendments to § 25.1 is effective January 19, 1988. The revision of Part 25 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESS: Comments should be sent to Charles D. Robinson, Federal Emergency Management Agency, 500 C. Street, SW., Washington, DC 20472, (202) 646–3805.

FOR FURTHER INFORMATION CONTACT: Charles D. Robinson at (202) 646–3805.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency provides permanent relocation assistance to residents, businesses, and community facilities by authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, *as amended*, and section 2(c)(1) Executive Order 12580. The revision to Part 25 will apply to permanent relocation programs beginning on or after January 19, 1988.

List of Subjects in 44 CFR Part 25

Real property acquisition, Relocation assistance.

Title 45 of the Code of Federal Regulations is amended as set forth below.

Dave McLaughlin,
Deputy Associate Director.

PART 25—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 25 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 25.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) *Purpose.*" and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 25.1 Purpose and applicability.

(a) *Purpose.* * * *

* * * * *

(b) *Applicability.* (1) Regulations applicable to those program activities which are abled to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. Title 49 Part will apply to Superfund Relocation Assistance Programs beginning on or after January 19, 1988.

(2) Until April 2, 1989, the provisions of this part are applicable only to those program activities which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note).

3. Part 25 is revised to read as set forth below:

PART 25—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Titled IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 25.1 Uniform relocation assistance and real property acquisition

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 15

DATES: The amendment to § 15.1 is effective January 19, 1988. The revision of Part 15 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be mailed or hand delivered to: Office of Procurement, Assistance and Logistics, Department of Health and Human Services, Room 513-D, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington DC, 20201. Comments will be available for public inspection in Room 517-D at the same address, during regular business hours.

FOR FURTHER INFORMATION CONTACT: Gary Houseknecht, Division of Assistance and Cost Policy at the above address, or by calling (202) 245-7568.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of Health and Human Services has determined that it can comply with the provisions of the Surface Transportation and Uniform Relocation Assistance Act of 1987 immediately with respect to direct federal development. Therefore, the implementation date for direct federal activities is January 19, 1988. For federally-assisted activities, compliance depends upon the legal authorities possessed by the recipient of the federal assistance award. Therefore, the implementation date for all of the Department's federal assistance programs is as soon as the recipient of the award is legally able to comply, but not later than April 2, 1989.

List of Subjects in 45 CFR Part 15

Real property acquisition, Relocation assistance.

Title 44 of the Code of Federal Regulations is amended as set forth below.

Dated: November 20, 1987.

Otis R. Bowen,
Secretary of Health and Human Services.

PART 15—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 15 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4633) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 15.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) *Purpose.*" and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 15.1 Purpose and applicability.

(a) *Purpose.* * * *

* * * * *

(b) *Applicability.* (1) Regulations applicable to those programs which are able to comply with the Surface Transportation and Uniform Relocation Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. The implementation date for each program affected by this rule is listed below:

Direct federal activities—January 19, 1988.

Federally-assisted activities—as soon as state law permits, but no later than April 2, 1989.

(2) Until April 2, 1989, the provisions of this part are applicable only to those programs which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat 246-256, 42 U.S.C. 4601 note).

3. Part 15 is revised to read as set forth below:

PART 15—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4633) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 15.1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601 et seq.), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

DEPARTMENT OF TRANSPORTATION

[FHWA Docket No. 87-22]

49 CFR Part 25

DATES: The amendment to § 25.1 is effective December 17, 1987. The removal of Part 25 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESS: Submit written and signed comments, preferably in triplicate, to FHWA Docket No. 87-22, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Barbara Reichart, Director, Office of Right of Way, HRW-1, FHWA, (202) 366-0116, or Reid Alsop, Office of Chief Counsel, HCC-40, FHWA, (202) 366-1371, 400 7th Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday.

ADDITIONAL SUPPLEMENTARY INFORMATION: The reasons for making the changes set forth below, are described in detail in the above common preamble and in the preamble to the Department of Transportation (DOT) interim final rule which appears elsewhere in this **Federal Register**. One of the primary reasons is to allow those Federal programs that are able to do so, to take immediate advantage of explicit nondiscretionary benefits provided by the 1987 Amendments. This would be accomplished by allowing direct Federal programs to operate under the DOT interim final rule (49 CFR Part 24). Within DOT direct Federal programs are those that are undertaken solely by one of DOT's component agencies. The DOT interim final rule (49 CFR Part 24) is made fully applicable to DOT direct Federal programs on the date specified in the amendments to § 25.1 below.

With regard to DOT Federal-aid programs that provide financial assistance to State and local agencies, the date that such programs could implement the DOT interim final rule would depend on the authority of the State and local grant recipient to comply with the 1987 Amendments. Some such recipients already have such authority while others are awaiting the enactment of necessary State enabling legislation. Generally, the specific date that a Federal-aid recipient could implement the interim final rule in 49 CFR Part 24 would be the date provided in the assurances the recipient must submit, in accordance with the Uniform Act, to the Federal funding agency.

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation.

The FHWA believes that circumstances warrant the issuance of this rulemaking action without notice or an opportunity for prior comment. The DOT interim final rule, which appears elsewhere in this **Federal Register**, implements the nondiscretionary provisions of the 1987 Amendments, and is effective upon date of publication, in order to enable those agencies that are able to utilize those provisions to do so expeditiously. This cross referencing action amends § 25.1 to make that DOT interim final rule fully applicable to those DOT funded programs that are able to utilize it. Accordingly, for the same reasons set forth in the DOT interim final rule, a period for public comment on this cross reference is unnecessary.

The FHWA finds good cause to make this regulation effective without prior notice or opportunity for comment and without a 30-day delay in effective date under the Administrative Procedure Act, 5 U.S.C. 553(b). Accordingly, the provisions that are contained in this rulemaking action are effective as provided by the section entitled "Dates."

While the FHWA does not anticipate that there will be any useful public comment on the general issue of the statutory provisions themselves, there may be some comments on the effect of the cross referencing provisions contained in this interim final rule. For this reason, publication of this interim final rule without an opportunity for prior comment, but with a request for comments following publication is consistent with the Department of Transportation's regulatory policies. Any comments that are submitted specifically to this docket will be fully considered.

The interim final rule in 49 CFR Part 24 will be made applicable to persons that have not been displaced, and to property that has not been acquired, as of the implementation date established in § 25.1 below. This accords with the policy followed with previous changes in Uniform Act requirements.

Because DOT, as the government's lead agency for the Uniform Act, is issuing a single government-wide rule for implementing the Uniform Act at 49 CFR Part 24, the action taken below by DOT differs slightly from that being taken by other affected Federal agencies. Since the new single Uniform Act rule will be set out in its entirety in 49 CFR Part 24 of the DOT regulations, it is not necessary to replace the existing DOT common rule, appearing at 49 CFR Part 25 with a cross reference to the government-wide rule in Part 24. Rather, Part 25 would be rescinded on April 2, 1989, the date the 1987 Amendments become fully applicable.

List of Subjects in 49 CFR Part 25

Real property acquisition, Relocation assistance, Reporting and recordkeeping requirements, Transportation.

Title 49 of the Code of Federal Regulations is amended as set forth below.

Issued on: December 11, 1987.

R.A. Barnhart,
Federal Highway Administrator, Federal Highway Administration.

PART 25—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 25 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note); and 49 CFR 1.48(dd).

2. Section 25.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) *Purpose.*" and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2), respectively.

c. A new paragraph (b) is added to read as set forth below.

VOL 52 ISS 242 DEC 17 1987 UMI

§ 25.1 Purpose and applicability.

(a) *Purpose.* * * *

* * * * *

(b) *Applicability.* (1) Regulations applicable to those programs which are able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. The implementation date for each program affected by this section is listed below:

Direct Federal Highway Activities, April 2, 1987.

Federally Assisted Activities, as soon as possible after April 2, 1987 but no later than April 2, 1989.

(2) Until April 2, 1989, the provisions of this part are applicable only to those programs which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–256, 42 U.S.C. 4601 note).

PART 25—[REMOVED AND RESERVED]

3. Part 25 is removed and reserved effective April 2, 1989.

[FR Doc. 87–28854 Filed 12–16–87; 8:45 am]

BILLING CODE 3410-89-M; 6450-01-M; 7510-01-M; 3510-FB-M; 4510-23-M; 8120-02-M; 3810-01-M; 4000-01-M; 7830-01-M; 8320-01-M; 8025-50-M; 6820-23-M; 4310-RF-M; 4410-01-M; 6710-01-M; 4150-04-M; 4910-62-M

POSTAL SERVICE

39 CFR Part 777

Implementation of the Uniform Relocation Act Amendments of 1987

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule amends the Postal Service's relocation regulations to make them consistent with Title IV of Pub. L. 100–17, the Uniform Relocation Act Amendments of 1987. Specifically, these amendments (1) increase the potential fixed payment in lieu of actual moving and related expenses for business and farm moves, (2) change the method of determining the maximum downpayment assistance for displaced 90 day owners and tenants, and increase that assistance, (3) increase the maximum benefits for displaced 180 and 90 day owner occupants, (4) change the formula for computing the amount of rental assistance to increase that assistance, and (5) increase the maximum replacing housing payment.

EFFECTIVE DATE: January 13, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Philip E. Wilson, (202) 268–3111.

List of Subjects in 39 CFR Part 777

Real property acquisition, Relocation assistance.

For the reasons explained in the SUMMARY above, 39 CFR Part 777 is amended as follows:

PART 777—RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

1. The authority citation for Part 777 continues to read as follows:

Authority: 39 U.S.C. 401.

§ 777.23 [Amended]

2. In § 777.23, the introductory text of paragraphs (e) and (g) are amended by removing the words "not less than $2,500 nor more than $10,000" and substituting the words "not less than $1,000 nor more than $20,000".

§ 777.24 [Amended]

3. In § 777.24, paragraph (b)(2) is amended by removing "15,000" and adding "$22,500"; paragraphs (e)(2), the introductory text of (f), and (f)(4) are amended by removing "$4,000" and adding "$5,250"; paragraph (f)(2) is amended to remove "48" wherever it appears and to add "42".

4. Paragraph (g) of § 777.24 is revised to read as follows:

§ 777.24 Replacement housing payments.

* * * * *

(g) *Downpayment assistance.* Downpayment assistance, not to exceed $5,250, is available to 90 day owner occupants and 90 day tenants. This $5,250 amount may be considered to include the full amount of the required downpayment and incidental expenses.

* * * * *

§ 777.26 [Amended]

5. In § 777.26, paragraph (b)(3) is amended by removing "$15,000" and adding "$22,500", and paragraph (b)(4) is amended by removing "$4,000" and adding "$5,250".

§ 777.27 [Amended]

6. In § 777.27, paragraph (c)(4) is amended by removing the words "$4,000 and $15,000" and by adding the words "$5,250 and $22,500".

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87–28804 Filed 12–16–87; 8:45 am]

BILLING CODE 7710-12-M

VOL
52
ISS
2
4
2
DE
17
1987
UMI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 42 and 43

[Docket No. R-87-1396; FR-2257]

Uniform Relocation Act Amendments of 1987

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of intent.

SUMMARY: This Notice explains why the Department of Housing and Urban Development is not participating in today's multi-agency publication of the interim rule by the Department of Transportation (DOT) partially implementing the Uniform Relocation Act Amendments of 1987. The Department intends to publish its part of this interagency undertaking as soon as HUD's legislative review obligations have been fulfilled.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, 451 7th Street, SW., Room 10276, Washington, DC 20410-0500. Telephone (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), including its amendments by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 Amendments), apply to programs administered by HUD.

The Department had intended to publish a separate preamble to go along with the interim rule, published elsewhere in today's edition of the **Federal Register** by DOT, that would have discussed the application of the interim rule to, and the rule's impact on, HUD's programs and existing regulations. That separate preamble is not being published today, however, because under applicable law (see sec. 7(o) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(o)), HUD must submit to the responsible congressional committees an agenda of all its rules that are under development. Any rule that is on that agenda "may not be published for comment prior to or during the first period of 15 calendar days of continuous session of Congress [and,] [i]f within such period, either Committee notifies the Secretary * * * that it intends to review any rule * * * on the agenda, the Secretary shall submit * * * such rule * * * at least 15 calendar days of continuous session prior to its being published for comment in the **Federal Register**."

HUD identified this rule as one in its proposed stage, in the Department's *Semiannual Regulatory Agenda* published on October 26, 1987 (see 52 FR 40358, 40386), and the Committees requested the rule for review. As a consequence, the preamble that HUD would have published today as part of DOT's rule cannot be published until the statutory 15-day period has expired. On the expiration of that period, HUD will publish a separate agency-specific preamble, referencing DOT's rule.

Dated: December 9, 1987.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 87-28677 Filed 12-16-87; 8:45 am]

BILLING CODE 4210-32-M

federal register

Thursday
December 17, 1987

Part III

Federal Home Loan Bank Board

Prices for Federal Home Loan Bank Services; Notice

VOL 52 ISS 242 DEC 17 1987 UMI

FEDERAL HOME LOAN BANK BOARD

[No. 87-1226]

Prices for Federal Home Loan Bank Services

Date: December 10, 1987.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice of prices for Federal Home Loan Bank Services.

SUMMARY: The Office of District Banks and the Office of Policy And Economic Research of the Federal Home Loan Bank Board ("Board") are publishing, pursuant to delegated authority, the prices charged by the Federal Home Loan Banks ("FHLBanks") for (1) processing and settlement of items ("negotiable order of withdrawal or NOW") and; (2) demand deposit accounting ("DDA") and other services offered to member institutions.

EFFECTIVE DATE: December 17, 1987.

FOR FURTHER INFORMATION CONTACT: Richard J. Hotaling, (202) 377-6715, or William J. Carey, (202) 377-6656, Office of District Banks, Federal Home Loan Bank Board, 1700 G Streeet, NW., Washington DC 20552.

SUPPLEMENTARY INFORMATION: Section 11(e) of the Federal Home Loan Bank Act ("Bank Act") (12 U.S.C. 1431(e)) authorizes the Federal Home Loan Banks (1) to accept demand deposits from member institutions, (2) to be drawees of payment instruments, (3) to engage in collection and settlement of payment instruments drawn on or issued by members and eligible institutions, and (4) to engage in such incidental activities as are necessary to the exercise of such authority. Section 11(e)(2)(B) of the Bank Act (12 U.S.C. 1431(e)(2)(B)) requires the Federal Home Loan Banks to charge fees for services authorized in that section, which fees are "to be determined and regulated by the Board consistent with the principles set forth in section 11A(c) of the Federal Reserve Act." Board regulations at 12 CFR 534.6 require that the Director of the Office of District Banks and the Director of the Office of Policy and Economic Research (or their designees) review, approve, and publish these fees at least annually. The fees for 1987 will be published at this time, but compliance for 1987 will be determined in 1988 when data for the entire year is available. The regulations require the FHLBanks to follow four basic pricing principles as follows:

(1) Services must be priced explicitly.

(2) Services must be available to member and nonmember depository institutions on an equal basis.

(3) Over the long run, fees must cover direct and indirect costs and must also cover an imputed cost that includes taxes paid and the return on capital that would have been provided if the services had been furnished by a private firm.

(4) Interest on float must be charged at the Federal Funds rate.

In 1980, the Board developed a methodology to determine compliance with these four principles, which is based on discounted cash flows from the NOW and DDA services. Since the FHLBanks had very few assets employed in the provision of these services and only projections of future income from NOW services, the methodology adopted at that time was appropriate. Compliance with the pricing principles focused on a five-year time span to recover all direct and indirect costs of these services.

At the end of 1985, the FHLBanks completed five years of NOW processing services. Both NOW services and DDA type services are mature activities with an asset base and normal income flows. In recognition of this evolution, the Board developed an up-to-date methodology substantially similar to that adopted by the Federal Reserve Board to monitor pricing of these services.

The following section summarizes the adopted methodology, which will continue to ensure that FHLBank NOW and DDA services are not priced in a manner that would provide unfair competition to private firms.

Methodology

Two major issues arise in determining appropriate pricing methodology. First, competitor firms must be identified. Second, adjustments must be made for the taxes and return on capital that prices of competitor firms must cover. This adjustment is sometimes referred to as a Private Sector Adjustment Factor ("PSAF").

The methodology was developed based on bank holding companies as competitor firms. Although firms in other industries could be chosen as competitors, commercial banks are generally the most frequent competitors in item processing and related services. Similarly, the Federal Reserve Bank also has chosen bank holding companies as competitors for development of adjustment for taxes and the imputed cost of capital.

Adjustment for Taxes and Return on Capital

In order to compare competitor data to the FHLBanks, several broad assumptions were established as follows:

(A) NOW and DDA services may be combined under the Board's pricing approval methodology.

(B) Compliance with NOW/DDA pricing guidelines is on an individual FHLBank basis.

(C) One set of bank holding company data will be applied to FHLBanks, rather than applying regional competitor data to regional FHLBanks.

(D) Federal Home Loan Bank data, which is required for the NOW/DDA pricing methodology, may be determined on an individual FHLBank basis as follows: (1) NOW/DDA prices; (2) earnings on balances generated from item processing; (3) direct and indirect costs; and (4) assets employed in NOW/DDA services. Based on the previous assumptions, appropriate bank holding company data and FHLBank data can be incorporated into the pricing methodology. The pricing methodology is as follows:

(A) Federal Home Loan Bank NOW/DDA costs are adjusted (increased) for the cost of financing the assets (primarily plant and equipment) employed in the provision of NOW/DDA services.

(B) NOW/DDA costs are increased for sales taxes that would have been paid if subject to such tax.

(C) NOW/DDA costs are adjusted for the cost of float at the Fed Funds rate.

(D) Imputed income taxes are applied to pre-tax NOW/DDA income using a three-year average from bank holding company data (35.24% rate).

(E) The after tax rate of return on capital from NOW/DDA services is compared to the after tax return on capital of bank holding companies (12.65% rate).

These adjustment factors ensure that the NOW/DDA services are priced in a competitive manner. Also, the factors are similar to the adjustments made by the Federal Reserve Board and represent a conservative approach consistent with the intent of Congress, that pricing encourage competition and efficiency in the provision of these services.

In accordance with these principles, the Director of the Office of District Banks and the Director of the Office of Policy and Economic Research have reviewed the current 1987 prices for Federal Home Loan Bank services which are published herewith. In early 1987 compliance with the pricing principles was tested based upon projected levels of service for each FHLBank. Final compliance and approval for 1987 will be determined in early 1988 when data for the entire year is available. At that time 1988 prices will be published and preliminary compliance tests for 1988 will be performed so that the Board's monitoring of the pricing is continuous. The services and their prices which are published herewith are divided into two categories: (1) NOW Services involved in the processing and settlement of items drawn on or issued by member institutions ("Schedule A"); and (2) services relating to demand deposit accounts and other services maintained by member institutions with the FHLBanks ("Schedule B").

The services described in the attached schedules are not identical for any two FHLBanks, as each FHLBank's program is tailored to meet the needs of the member institutions in the FHLBank's district. Furthermore, the volume of services rendered varies significantly among the districts, with the result that the costs of providing the services also vary from district to district. In light of these considerations, the Board continues its practice of approving separate district fee structures rather than adopting a uniform pricing scheme. This policy is consistent with the congressional intent that pricing encourage competition.

It is not required that each processing step or transaction performed by a FHLBank be specifically priced. This policy permits the FHLBanks to establish fee schedules that are in line with the marketing practices of providers of correspondent services in each district.

The directors of the Office of District Banks and the Office of Policy and Economic Research of the Federal Home Loan Bank Board hereby give notice of the following fee schedules for Federal Home Loan Bank services:

Schedule A: Item Processing and Settlement Services (1987 NOW Services)

DISTRICT 1.—FEDERAL HOME LOAN BANK OF BOSTON

(Service not provided)

DISTRICT 2.—FEDERAL HOME LOAN BANK OF NEW YORK (1987 NOW SERVICES)

Service	Fee
Settlement (per month)	$250.00
Minimum Monthly Fee	250.00
Standard Intercept (per item)	.050
Standard Intercept-Delayed Check (per item)	.035
Check Safekeeping:	
First 50,000 items/month (per item)	.025
50,001 to 100,000 items/month (per item)	.020
100,001 plus items/month (per item)	.010
Check Bulkfiling:	
First 50,000 items/month (per item)	.030
50,001 to 100,000 items/month (per item)	.025
100,001 plus items/month (per item)	.015
Statement Rendering:	
Bulk Filing items (per statement)	.30
Check Safekeeping items (per statement)	.05
Item Returns (per item)	3.25
Item Returns without entry (per item)	6.00
Late Return Premium	.25
FRB Large Dollar Notification	4.250
Photocopies (per copy)	2.50
Original Item Retrieval (per item)	4.00
Datafax High Dollar Items—Front only (per item)	1.50
Datafax High Dollar Items—Both Sides (per item)	2.00
Counter Item Filming (per item)	.030
Counter Item Sorting (per item)	.030
Notices or Advertising Inserts (per insert)	.010
Monthly History Microfiche (per 100,000 items)	0.00
Monthly History Microfiche-Additional Copies (per fiche card)	1.00
Cycle Changes (per cycle)	25.00
Cycle Exception Maintenance (per mo. per account)	.50
Data Center Conversions (per conversion)	500.00

DISTRICT 3.—FEDERAL HOME LOAN BANK OF PITTSBURGH (1987 NOW SERVICES)

Services	Fee
Inclearing:	
First 25,000 items/month (per item)	$0.0360

DISTRICT 3.—FEDERAL HOME LOAN BANK OF PITTSBURGH (1987 NOW SERVICES)—Continued

Services	Fee
25,001–58,500 items/month (per item)	0.0335
58,501–91,500 items/month (per item)	.0310
91,501–125,000 items/month (per item)	.0285
125,001–158,500 items/month (per item)	.0260
158,501–191,500 items/month (per item)	.0235
Over 191,500 items/month (per item)	.0210
Backroom:	
Truncated	
0–25,000 (per item)	.0370
25,001–58,500 (per item)	.0355
58,501–91,500 (per item)	.0340
91,501–125,000 (per item)	.0325
125,001–158,500 (per item)	.0310
158,501–191,500 (per item)	.0295
191,501-plus (per item)	.0280
Modified Backroom Reduce above prices by (per item)	.01
Non-truncated	
0–25,000 (per item)	.0470
25,001–58,500 (per item)	.0455
58,501–91,500 (per item)	.0440
91,501–125,000 (per item)	.0425
125,001–158,500 (per item)	.0410
158,501–191,500 (per item)	.0395
191,501-plus (per item)	.0380
Over-the Counter Checks (per item)	.15
Return Call (per item)	.75
Late Return Call (per item)	.85
Items Over $2,500 Returned to FRB (per item)	4.25
Check Copies (per item)	3.00
Check Retrieval (per item)	1.50
Statement & Report Postage	[1]
Statement Envelopes:	
Small Standardized (per envelope)	.05
Small Customized (per envelope)	.07
Large (per envelope)	.46
Mid-cycle statement rendering:	
Purged Statement (per item—minimum charge of $2.50)	.50
Non-purged Statement (per statement)	2.50
Minimum Charge: (per month)	200.00

[1] Actual cost.

Notes: Transportation of checks or reports between Federal Home Loan Bank's designated distribution points and the individual financial institution is at the expense of the financial institution.

DISTRICT 4.—FEDERAL HOME LOAN BANK OF ATLANTA (1987 NOW SERVICES)

Services	Fee
Settlement Only (per month)	$100.00
Daily Delivery (Same Day and Next Day):	
1st 50,000 (per item)	.040
Over 50,000 (per item)	.035
Bulk Filing:	
1st 50,000 (per item)	.045
2nd 50,000 (per item)	.040
3rd 50,000 (per item)	.030
Over 150,000 (per item)	.025
Statement Matching:	
1st 50,000 (per item)	.070
2nd 50,000 (per item)	.065
3rd 50,000 (per item)	.055
Over 150,000 (per item)	.050
Special Statements (IRA, Savings, etc.)	.020/statement
Multiple Statement Inserts[1]	.010/statement
Truncation:	
1st 50,000 (per item)	.030
2nd 50,000 (per item)	.025
3rd 50,000 (per item)	.020
Over 150,000 (per item)	.015
Return Items	3.00

DISTRICT 4.—FEDERAL HOME LOAN BANK OF ATLANTA (1987 NOW SERVICES)—Continued

Services	Fee
Large Dollar Return Items	4.00
Facsimile:	
Large Dollar (per item)	2.50
On Request (per item)	2.00
Bookeeping and Acc't No. Rejects (per item)	2.50
Over-the-Counter Items (per item)	.035
Photocopies (per item)	2.50
Without Entry Items[2]	3.50
Finesort (Check Number)—Special Accounts	.02
Custom Coding (for mergers, branch acquisitions and sales, etc.)	100.00/hour
Special Requests (i.e., 50 or more photocopies per request or customer account, etc.)	25.00/hour
Special Handling (if required by 2 or more account number formats resulting from mergers, conversions, branch acquisitions, etc.; *charging will begin four months after effective date if still required*)	500.00/month

[1] More than one insert per statement (first insert per statement is free).

[2] A Without Entry Item is a check which is sent back to the depositing institution to secure proper endorsement or obtain a refund for a forged endorsement or signature.

Notes: The minimum monthly billing for service options (other than Settlement Only) is $100.00.
Prices for all options include data transmission to on-line or in-house processors.
Actual item delivery expense will be charged to the institution as incurred, including postage under "Statement Matching" above.

DISTRICT 5.—FEDERAL HOME LOAN BANK OF CINCINNATI (1987 NOW SERVICES)

Items/Month	Service: Daily return unsorted	Daily return sorted	Truncation	Bulk filing w/out stuffing	Bulk filing with stuffing
0 to 50,000	$.0060	$.0400	$.0400	$.0425	$.0775
50,001 to 100,000	.0050	.0250.0	.0250	.0275	.0625
100,001 to 150,000	.0050	.0150.0	.0150	.0175	.0525
150,001 and over	.0040	.0090.0	.0090	.0115	.0465

Special Services	Fee
Settlement Only (per month—flat fee)	$200.00
Check Retrieval or Inspection of Original Item (per item)	1.50
Photocopy (per copy)	1.00
Advertising Insertion (per item)	.02
Posted "on-us" (per item)	.03
Statement Stuffing for Truncated Statement (per statement)	.01
Return Items Processed by Bank (per item)	2.50
Additional Sorting Upon Request:	
Fine Sorting (per item)	.005
Cycle Sorting (per item)	.005
Large Dollar Return Notification (per item)	2.00
Multiple Service Discount on Basic Service, if FHLBank Check Deposit User (the following percentage off Basic Service Fees:)	5.00%

DISTRICT 6.—FEDERAL HOME LOAN BANK OF INDIANAPOLIS (1987 NOW SERVICES)

Items per-month	Service: Safe keeping	Turnaround (daily or cycled)	Complete
0 to 5,000	$.045	$.053	$.077
5,001 to 10,000	.037	.048	.075
10,001 to 15,000	.036	.044	.073
15,001 to 25,000	.031	.037	.072
25,001 to 50,000	.030	.033	.070
50,001 to 75,000	.026	.030	.066
75,001 to 100,000	.023	.027	.065
100,001 to 125,000	.021	.024	.064

VOL 52 ISS 242 DEC 17 1987 UMI

DISTRICT 6.—FEDERAL HOME LOAN BANK OF INDIANAPOLIS (1987 NOW SERVICES)—Continued

Service			
Items per-month	Safe keeping	Turnaround (daily or cycled)	Complete
125,001 to 150,000	.019	.022	.063
150,001 to 175,000	.017	.020	.062
175,001 and up	.014	.016	.059

Ancillary service	Fee
Settlement Only (per month) ($2.00/journal entry plus)	$100.00
Minimum Processing Fee (per month)	40.00
Over-the-Counter Items (per item)	.095
No MICR/OTC	.50
Photocopies and Fascimiles	2.00
Encoding Errors	2.75
Certified Checks	1.00
Late Returns	.25
Invalid Returns	.50
Large Dollar Signature Verification	.50
Return Items—Indiana	1.75
Invalid Accounts	.50
Return Items—Michigan	2.25

DISTRICT 7.—FEDERAL HOME LOAN BANK OF CHICAGO (1987 NOW SERVICES)

Service				
Items per month	Daily returns	24-hour delay	Bulk file	Truncation
0 to 50,000	$.026	$.025	$.024	$.021
50,001 to 100,000	.025	.024	.023	.020
100,001 to 200,000	.024	.023	.022	.019
200,001 to 300,000	.023	.022	.021	.018
300,001 to 400,000	.022	.021	.020	.017
400,001 to 500,000	.021	.020	.019	.016
500,001 to 750,000	.020	.019	.018	.015
750,001 to 1,000,000	.019	.018	.017	.014
1,000,001 to 1,250,000	.018	.017	.016	.013
1,250,001 to 1,500,000	.017	.016	.015	.012
1,500,001 and over	.016	.015	.014	.011

Ancillary service	Fee
Counter Items (per item)	$0.01
Return Items:	
0–100 items	4.00
101–500 items	3.50
501–1,000 items	3.00
1,001–2,500 items	2.50
2,501 or more items	2.00
Statement Preparation (per item)	.025
Photocopies (per item)	3.00
Facsimile of items (per page)	2.00
Cash Letter Facsimile (per page)	2.00
Special Sorts (per item)	.0075
Monthly Recap (per item)	.0025
Data Transmission (per item):	
0–10,000 items ($10 month minimum)	.004
10–001–50,000 items ($50 month minimum)	.004
50,001–100,000 items (no minimum)	.003
100,001 or more items (no minimum)	[50.002
NOW settlement only (per month)	200.00

Ancillary service	Fee
NOW Minimum Monthly Charge (per month)	200.00

DISTRICT 8.—FEDERAL HOME LOAN BANK OF DES MOINES (1987 NOW Services)

Services					
Item processing—monthly volume level	Basic fee (truncated)	Daily [1,2] cycle	Cycle/ Monthly [2]	Return items	
				Monthly volume level	Fee
1 to 25,000	$.021	$.017	$.020	1–2,000	$2.50
25,001 to 50,000	.017	.013	.016	2,001–3,000	2.00
50,001 to 75,000	.015	.011	.014	3,001–4,000	1.50
75,001 to 175,000	.013	.009	.012	4,001,–7,500	1.00
175,001 to 400,000	.012	.008	.011	7,501–10,000	.75
400,001 to 750,000	.010	.007	.010	10,001 & Over	.50
750,001 to 1,100,000	.009	.006	.009		
1,100,001 to 1,500,000	.008	.005	.008		
1,500,001 to 4,000,000	.006	.004	.007		
4,000,001 to 6,500,000	.0058	.004	.007		
6,500,001 to 9,000,000	.0054	.003	.006		
9,000,001 & Over	.0052	.003	.006		

[1] 15% surcharge for same day daily return.
[2] Fees for daily and cycle/monthly return are in addition to the basic fee.

Other Services	
Service	Fee
Posting File (per item)	$.0005
Reject Re-entry (per reject)	.04
Stop Payments (per stop)	5.00
Large Dollar Notification (per notification)	3.00
Photocopies/Microfilm Copies (per copy)	2.75
Counter Items With Microfilm (per item)	.04
Counter Items Without Micro Encoding (per item)	.10
Original Item Return (per item)	2.75
Certified Checks (per item)	.50
Signature Verification (per page)	1.00
Fascimile Transmission (per transmission)	1.50
Telephone Advice on Missing Account No. (per item)	.50
Telephone Check Inquiry (per inquiry)	1.00
Daily Settlement Reporting (per month)	25.00
Microfiche—Monthly Reports (per month)	25.00
Microfilm (per item)	.01
Research/Audit (per hour)	20.00

Minimum charge of $250.00 per month will apply for total NOW services.

DISTRICT 9.—FEDERAL HOME LOAN BANK OF DALLAS (1987 NOW SERVICES)

Service		
Basic service-items/month	Cycle-Daily	Truncated
Tier 1: 0 to 50,000	$.0325	$.0275
Tier 2: 50,001 to 100,000	.0300	.0250
Tier 3: 100,001 to 150,000	.0250	.0200
Tier 4: 150,001 to 200,000	.0200	.0150
Tier 5: 200,001 to 500,000	.0150	.0100
Tier 6: 500,001 to 1,000,000	.0100	.0075
Tier 7: 1,000,000 and Over	.0080	.0050
Commercial Accounts (additional per item)		.0200
Counter Items Integration (per item)		.0325
Counter Items (per item capture/microfilm only)		.0100

	Items/Month	
Return Items:		
Tier 1	1–500	$1.50
Tier 2	501 & Over	1.00

Note: Does not include Federal Reserve Bank surcharges which are passed through to our customers.

Special services (per item)	Fee
Photocopies	$.50
Account Number Rejects	(1)
Original Check Retrieval (per check)	1.50
Settlement Only (non-processing customers per month)	50.00
Postage Costs	(2)

[1] No Charge.
[2] Actual costs.

District 10.—Federal Home Loan Bank of Topeka (1987 NOW Services)

Return items per month	Fee per item
Processing fees:	
1 to 50	$2.50
51 to 2,500	1.00
2,501 to 4,000	.75
4,001 to 5,000	.50
5,001 to 6,000	.50
6,001 to 8,000	.25
8,001 to 12,000	.20
12,001 & over	.15

Items per month	Truncated	Cycled
1 to 10,000 (per item)	$.020	$.035
10,001 to 25,000 (per item)	.018	.034
25,001 to 50,000 (per item)	.015	.031
50,001 to 100,000 (per item)	.013	.026
100,001 to 200,000 (per item)	.011	.020
200,001 to 250,000 (per item)	.011	.020
250,001 to 300,000 (per item)	.010	.015
300,001 to 500,000 (per item)	.010	.015
500,001 to 750,000 (per item)	.009	.013
750,001 to 1,000,000 (per item)	.008	.011
1,000,001 & over (per item)	.007	.010

Other services	Fee
Minimum Monthly Processing Fee	$500.00
Settlement—(w/FHLB processing)	(1)
Settlement Only (per month)	100.00
Item Retrieval (Photocopy—per item)	2.00
Mass Photocopy Requests (per hour)	12.00
(per item)	.015
Over-The-Counter Items (Microfilmed and Filed—per item)	.03
Facsimile Transmissions (listing of paid items—per transmission)	1.50
Large Item Return Notification (per item over $2,500)	3.00

[1] No charge.

District 11.—Federal Home Loan Bank of San Francisco (1987 NOW Services)

Service	Volume price based on total items per month		
	0 to 250,000	250,001 to 750,000	750,000 plus
Basic capture service (Min. charge $500/mo.):			
Capture/finesort/microfilm	$0.042	$0.037	$0.032
Return item processing	2.00	1.75	1.50
Comprehensive NOW Service (Min. charge $750/mo.)			
Capture/file/microfilm/finesort	.042	.037	.032
Statement preparation (truncated)	.15	.14	.13
Statement preparation (standard)	.35	.30	.28
Return item processing	2.00	1.75	1.50
Over-the-counter items	.045	.045	.045
Statement inserts	.03	.03	.03

Miscellaneous services	Fee
Late return item transmission—after 2:00 p.m. (per item)	$.25
Second request on previously reconciled adjustment (per occurrence)	10.00
Truncated item retrieval (per item)	3.00
Generic envelopes (each)	.025
Reconciliation of member books—special research (per hour)	25.00
Microfilm—second copy of film daily (per month)	75.00
—special request copy (per copy)	5.00
Same day microfiche—2 copies with hardcopy processed item listing and exceeded dollar report (per month)	75.00
—hardcopy exceeded dollar report only (per month)	65.00
—additional microfiche (per copy)	1.00
Special fine sort (per item)	.04
Photocopies (per copy)	2.50
Non-standard statement inserts (per insert)	.05
MICR line alterations (per item)	4.00
DDA Account Maintenance Fee:	
Regular DDA Account (per month)	10.00
Zero-Balance Account (per month)	25.00
Supplementary Service Fee:	
Thirty day advance notice is required on all branch sales, branch mergers, branch acquisitions or service bureau changes.	
Custom Programming:	
1. Breakout of items by routing transit number and/or branch number (incl. listing)	2,000.00
2. Breakout and capture of items (Processed items list/microfilm/commingled with other items for service bureau)	3,000.00
3. Breakout, capture, and separate tape produced, including above items	4,500.00
4. Selective account programming (maximum 50 accounts) in addition to regular programming requirements	1,500.00
5. One-half of the original programming fee will be assessed in the event of a cancellation notice given less than 7 days in advance of effective date	
Statement Handling:	
Set-up fee/branch outsort of items	250.00
Standard statement rendition (close-out statements) (each)	.50
Non-standard statement rendition:	
—first 90 days (each)	.75
—after 90 days (each)	1.00

District 12.—Federal Home Loan Bank of Seattle (1987 NOW Services)

Service Item	Fee
Base Per Item Fees:	
Daily Return of Items to Member (per item)	$0.025
Truncation of all Items by Bank (per item)	.025
Bulk File of Items, Returned to Member (per item)	.030
Bulk File of Items with Statement Handling (per item)	.050
Truncated Account Statement Handling (per statement)	.060
Volume Credits Per Item:	
25,001 to 50,000 items per month (per item)	.0025
50,001 to 75,000 items per month (per item)	.0025
75,001 to 100,000 items per month (per item)	.0025
100,001 to 200,000 items per month (per item)	.0025
200,001 to 400,000 items per month (per item)	.0050
400,001 to 600,000 items per month (per item)	.0050
600,001 or more items per month (per item)	.0025

VOL 52 ISS 242 DEC 17 1987 UMI

DISTRICT 12.—FEDERAL HOME LOAN BANK OF SEATTLE (1987 NOW SERVICES)—Continued

Service item	Fee
Other Fees:	
Large Dollar Signature and Other Verifications (each)	.75
Return (NSFs, etc.) Item Handling (each)	.80
Photocopy Requests (NOW User) (each)	1.00
Research Requests (NOW User) (each)	1.00
Photocopy Requests (Non-User) (each)	5.00
Research Requests (Non-User) (each)	5.00
Special Fine Sorts (per item)	.01
Burst or Fold only for Statements (per statement) (Minimum of $30.00 per month)	.005

Schedule B: Demand Deposit and Other Services (1987 DDA Services)

DISTRICT 1.—FEDERAL HOME LOAN BANK OF BOSTON

Services	Fee
Checks and Items Paid (per item)	$.14
Deposits (per item)	.20
Debit/Credit Memos:	
Federal Reserve Settlement (per item) [1]	.40
Internal Transfers and Zero Balance Transfers	([2])
Others Transfers (per transfer)	.10
Domestic Wire Transfers:	
In (per wire)	4.00
Out (per wire)	6.50
Telephone Advices	([2])
International Wire Transfers	([3])
Account Maintenance (per month)	6.50
Special Statements (per statement)	2.50
Stop Payment Orders (per item)	6.50
Account Reconciliation:	
Paper Issues (per item)	.065
Magnetic Tape Issues (per item)	.035
Paid Only Reconcilement, Daily Advices, Monthly Reports, Audit Confirmations, Voided Items Input, Zero-Balance Transfer & Fine Sort of Items	([2])
Look-up and Photocopies of Checks (per item)	2.50
Truncation (per item)	.01
Depository Transfer Service (per item)	.20

[1] Federal Reserve Settlements include ACH, Series E-Bond Redemption, Cash Letter Settlements (Inclearings and Outclearings), Regulation D Reserve Pass-Throughs, Treasury Tax and Loan Settlements.
[2] No charge.
[3] Fee varies based on current international rates and cable remittance fees.
Notes: All prices are subject to change.
All collected IDEAL WAY deposits earn immediate interest paid in hard dollars monthly via credit to the member's account at month end. Interest rates are set daily.
Fees for services are paid in hard dollars monthly via a debit to the member's account.
No reserve requirements.

DISTRICT 2.—FEDERAL HOME LOAN BANK OF NEW YORK (1987 DDA SERVICES)

Service		Fee	
	Per Item Fees **Deposit Services**	Unencoded	Encoded
First 100,000 items/month		$.070	$.050
100,001 to 300,000 items/month		.065	.045
300,001 plus items/month		.060	.040
Early Delivery Discount (weekdays)			
5:30 p.m. Deadline		.015	.010
7:00 p.m. Deadline		.005	.005
Special Service Fees			
Saturday Premium (per item)			$.01
Cash Letter Deposit (per deposit)			.50

DISTRICT 2.—FEDERAL HOME LOAN BANK OF NEW YORK (1987 DDA SERVICES)—Continued

Service	Fee
Return Item (per item)	1.25
Return Item (undersored) (per item)	8.75
Domestic Collections (per item)	15.00
Foreign Collection (per item)	6.00
Bond Collection (minimum)	40.00
Return Coupons (per return)	6.50
Unendorsed Return Coupons (per return)	15.00
Security Coupon Collection (per envelope)	3.50
Photocopies (per copy)	5.00
Savings Bond Redemption (per transmittal)	3.00
Reject Repairs (encoded only per item)	.10
Lockbox Service	
Remittance Processing (per item)	$.125
Check Deposit (per check)	.050
Return Item (per check)	1.250
Exception Item (per item)	.100
Photocopies (per copy)	5.000
Set-Up Fees	
Coupon Formats (per format)	250.00
Data Center Programming (per data center)	250.00
Daily Reports Microfiche (per item)	.001
Daily Reports Microfiche—Additional copies per month (per set)	15.00
Coin & Currency Service	
Shipments	([1])
Cash Order [2] (per order)	$10.00
Cash Return (per return)	10.00
Rolled Coin (per roll)	.06
Deposits	
Currency Verification (per $1000)	.70
Coin Verification (loose coin) (per bag)	.70
Coin Verification (rolled coin) (per bag)	10.00
Disbursement Services	
Checks and Money Orders	
First 10,000 items/month (per item)	$.24
10,001 to 25,000 (per item)	.17
25,001 plus items/month (per item)	.13
Zero Reconcilement Premium	
Issuance reported via magnetic tape (per item)	.03
Issuance reported via paper (per item)	.05
Funds Transfer	
Wires In (per wire)	$2.00
Wires Out (per wire)	8.00
Safekeeping Services	
Maintenance (less than 25 securities) (per month)	$33.00
(more than 25 securities) (per month)	75.00
Per Item Charge (physical securities) (per month)	5.00
(book entries) (per month)	2.50
Purchases and Sales (per transaction)	30.00
Maturities (per transaction)	10.00
Coupons (per transaction)	4.00
Miscellaneous Correspondent Services	
Depository Transfer Checks (per check)	$3.00
Savings Bond Redemption (per transmittal	3.00
Savings Bond Sales (per transmittal)	1.50
Federal Recurring Payments (per transaction)	3.00
Automated Clearing House Transactions (per transaction)	3.00
Treasury Tax and Loan Accounts (per transaction)	3.00
Electronic Daily Advice Reporting (EDAR) Consolidated Balance Reporting Transaction Detail	([3])
Settlement Only (per service) (per month)	250.00
Paper Items (per item)	1.50

[1] Price varies by location.
[2] Cash orders must be placed and funded one day prior to delivery.
[3] Fees for special services will be negotiated based on the number of transactions.
Note: A minimum monthly service charge of $250 applies to the Lockbox Service.

VOL 52 ISS 242 DEC 17 1987 UMI

DISTRICT 3.—FEDERAL HOME LOAN BANK OF PITTSBURGH (1987 DDA SERVICES)

Service	Fee
Deposit Processing Service:	
Deposit Ticket Entry (per entry)	$0.25
Deposit Transfer Voucher (per entry)	1.75
Mail Deposit Ticket Entry (per entry)	2.25
Deposit Item Processing, Items Per Month:	
0–25,000 (per item)	.03250
25,001–58,500 (per item)	.03195
58,501–91,500 (per item)	.03140
91,501–125,000 (per item)	.03085
125,001–158,500 (per item)	.03030
158,501–191,500 (per item)	.02975
191,500 and over (per item)	.02920
Deposit Item Encoding, Items Per Month:	
0–25,000 (per item)	.0275
25,001–58,500 (per item)	.0270
58,501–91,500 (per item)	.0265
91,501–125,000 (per item)	.0260
125,001–158,500 (per item)	.0255
158,501–191,500 (per item)	.0250
191,500 and over (per item)	.0245
Deposit Item Return (per item)	1.50
Deposit Item Photocopy (per item)	3.00
Deposit Pickup (per pickup)	6.25
Check and Money Order Clearing Service:	
Clearing Item Processing (per item)	.11
Clearing Item Reconciliation Copy Processing:	
By Manual Input (per item)	.06
By Magnetic Tape Input (per item)	.03
Clearing Item Fine Sorting for Return with Bank Statements (per item)	.06
Stop Payment Orders (per entry)	0.75
Imprinting Checks and Money Orders	[1]
Standard Earnings Checks (per item)	.05
Wire Transfer of Funds:	
Outgoing Wires:	
Receiving Bank On-line (Federal Reserve) (per transfer)	6.00
Receiving Bank Off-line (Federal Reserve) (per transfer)	9.25
Incoming Wires (per transfer)	3.50
ACH Debit/Credit (per item)	.05
Lockbox Service:	
Lockbox Item Processing (per item)	.11
Deposit Item Processing (per item)	.035
Deposit Ticket Entry (per entry)	.25
Transportation (per month) (per institution)	20.00
Account Maintenance (per acct./month)	8.00
Account Overdraft Penalty	[2]
Collection Service:	
Foreign Items:	
West (per item, plus drawee bank charges)	10.00
East (per item, plus drawee bank charges)	5.00
Bonds (East Only) (per bond)	10.25
Bond Coupons:	
West (per envelope)	3.25
East (per envelope)	3.25
EASTERN COIN AND CURRENCY SERVICE:	
Requisition:	
Currency (per strap)	.25
Coin (per bag)	.95
Coin (per box)	2.50
Deposit:	
Currency/Food Coupons (per $1,000 or part thereof)	.70
Coin (per bag)	1.75
Transportation:	
Zone 1 (per stop)	16.50
Zone 2 (per stop)	25.50
WESTERN COIN AND CURRENCY SERVICE:	
Requisition:	
Currency (per $1,000 or part thereof)	.25
Coin (per box)	1.50
Deposit:	
Currency (per $1,000 or part thereof)	.70

DISTRICT 3.—FEDERAL HOME LOAN BANK OF PITTSBURGH (1987 DDA SERVICES)—Continued

Service	Fee
Coin:	
Unsorted (per $1,000 or part thereof)	7.50
Sorted (per $1,000 or part thereof)	1.25
Food Coupons:	
Unsorted (per $1,000 or part thereof)	3.00
Sorted (per $1,000 or part thereof)	1.75
Transportation:	
Western Pennsylvania (per stop)	11.85
West Virginia:	
Zone 1 (per stop)	29.50
Zone 2 (per stop)	35.20
SAFEKEEPING AND INVESTMENT SERVICE:	
Trade Executed (per transaction)	10.00
Receipt of Security:	
Physical Form (per transaction)	14.00
DTC (per transaction)	9.00
Book Entry (per transaction)	8.00
Delivery of Security:	
Physical Form (per transaction)	14.00
DTC (per transaction)	9.00
Book Entry (per transaction)	8.00
Redemption at Maturity:	
Physical Form (per transaction)	14.00
DTC (per transaction)	9.00
Book Entry (per transaction)	8.00
Income Collection:	
Physical Form (per collection, per issue)	4.00
DTC (per collection, per issue)	4.00
Book Entry (per collection, per issue)	2.00
Safekeeping Account Maintenance (per month)	10.00
Switch Account/Pledge:	
Physical Form (per transaction)	12.00
Book Entry (per transaction)	8.00
Retail-Repo Custodial Service (per month)	30.00
SAFEKEEPING CHARGE FOR ADVANCE COLLATERAL:	
Assignment of Collateral for Outstanding Advances, Advance Commitments, Letters of Credit, and Interest Rate Swaps	[3]
Physical Delivery of Collateral for Outstanding Advances, Advance Commitments, Letters of Credit, and Interest Rate Swaps	[4]

[1] Direct cost pass-through from supplier.
[2] Greater of $75 or the interest on the amount of the overdraft calculated at a daily interest rate that is equal to the highest advance rate plus 3%.
[3] Greater of $2.00 per million or $10.00 per month.
[4] Greater of $4.00 per million or $10.00 per month.

DISTRICT 4.—FEDERAL HOME LOAN BANK OF ATLANTA (1987 DDA SERVICES)

Service	Fee
Checks paid [1] (per item):	
Monthly statement with items fine sorted	$0.12
Monthly statement with items truncated	.08
Photocopies (non-truncated accounts only) (per item)	2.00
Stop payment (per item)	5.00
Without entry items	[2] 3.50
Deposit Transfer Checks (DTC) (per item)	4.00
Wire transfers:	
In (per item)	[2] 3.00
Out (per item)	[2] 4.00
Phone advice (per item)	[2] 2.50
Account reconciliation service:	
Full reconciliation—magnetic tape ($20.00 min./mo.) (per issue)	.0325
Full reconciliation—paper issue ($20.00 min./ mo.):	
Encoded amounts (per issue)	.0475
Unencoded amounts (per issue)	.07
Partial reconciliation ($10.00 min./mo.) (per paid item)	.03
Deposit processing:	
Unencoded checks (per item)	[3] .06
Encoded checks (per item)	[3] .04
Foreign checks (per item)	3.50
Bond coupons (per envelope)	3.50

BEST COPY AVAILABLE

VOL 52 ISS 242 DEC 17 1987 UMI

DISTRICT 4.—FEDERAL HOME LOAN BANK OF ATLANTA (1987 DDA SERVICES)—Continued

Service	Fee
Deposited checks returned (per entry)	2.50
Automated Clearinghouse (ACH) Service:	
Originating—$15.00 per tape plus (per item)	.07
Receiving—$100.00 settlement per month plus (per item)	.05
Settlement only services:	
Automated Clearinghouse (ACH) (per month)	100.00
Currency and Coin (per month)	100.00
Treasury Tax and Loan (TT&L) (per entry)	3.50
Savings Bonds (per entry)	3.50
Deposit of items at Fed (per month)	100.00
Non-cash collections (per entry)	3.50
Currency and coin service (full): $100.00 settlement/month plus (per order)	3.50

[1] The checks paid charge includes at no additional charge: Monthly account maintenance, internal transfers, special statement drops, and return of items not paid.

[2] A "Without Entry Item" is a check which is sent back to the depositing institution to secure proper endorsement or to obtain a refund for a forged endorsement or signature.

[3] Federal Reserve charges are reflected in these prices. Any changes in Federal Reserve prices may result in adjustments to these prices.

Notes: Overdrafts incur a penalty calculated at 4% over the current short-term variable advance rate, with a minimum charge of $50.00 per occurrence.

Check printing costs are charged directly to the institution.

Special requests (i.e., 50 or more items per photocopy request, etc.) will be charged on a basis of $25.00 per hour.

Magnetic tapes sent to members and not returned to the Bank within 90 days will be billed at $12.00 per tape.

DISTRICT 5.—FEDERAL HOME LOAN BANK OF CINCINNATI (1987 DDA SERVICES)

Demand deposit account services	Per item charge
Reconciled Paid Items	$.075
Magnetic Tape Reconciliation	.045
Advice Reconciliation	.045
Fine Sorting	.01
Check and Money Order Truncation	(1)
Stop Payments	6.00
Wire Transfer-In	2.00
Wire Transfer-In—Telephone Confirmation	3.00
Wire Transfer-Out	5.00
Charges	.12
Credits	.12
Photocopies	1.00
Large Dollar Return Notification	2.00
Settlement Agent with Federal Reserve:	
ACH (per active month)	100.00
Treasury Tax and Loan (per active month)	100.00
Bond Activity (per active month)	100.00
Currency and Coin (per active month)	100.00
Check Deposits (per active month)	200.00

Settlement day option	Per item charge	Earnings incentive
Money Orders:		
1-Day	$0.01	1.5 days.
2-Day	0.03	(2) -0-
3-Day	0.05	(2) -0-
Tuesday Weekly	0.09	(2) -0-
Official Checks:		
1-Day	0.01	2.5 days.[2]

Settlement day option	Per item charge	Earnings incentive
2-Day	0.03	.75 days.[2]
Special Transfer Account:		
2-Day	.10	(2) -0-

If checks are needed to transfer member's balances to other demand accounts or to satisfy internal bookkeeping requirements, the following Alternative Disbursement option is provided:

Check deposit service—Cincinnati Operations Center	Fee	
	Unencoded	Encoded
Cincinnati City	$.0275	$.015
Cincinnati RCPC (Special)	.0275	.015
U.S. Treasury	.0275	.015
Cincinnati RCPC	.0475	.035
Columbus City/RCPC	.0475	.035
Louisville City/RCPC	.0475	.035
Other FRB (1-Day)	.0825	.070
Other FRB (2-Day)	.0925	.080

Volume discounts on all items when total deposited items fall within below listed categories:

Discounts	Monthly volume range
7.5%	100,001-200,000
15.0%	200,000+

Additional services	Per item charge
Photocopy (per item)	$1.00
Dishonored Items:	
Returned to Association (per item)	2.00
Automatically Re-deposited	(4)
Non-Cash Collection Service—Minimum:	
Non-Cash Item (per item)	5.00
Security Coupon Collection (per envelope)	5.00
Coupon Return Item (per item)	10.00
Foreign Item (per item)	5.00
Food Stamp Cash Letter (per cash letter)	1.00
Municipal Bonds (per item)	5.00
U.S. Treasury and Gov't Agency Coupons	(5)
Depository Transfer Checks (DTC) (per item)	5.00
Cash Letter Fee (per letter)	(6) .50

Check deposit service—Cleveland Operations Center	Fee	
	Unencoded	Encoded
Cleveland City	$.0275	$.015
Cleveland RCPC (Special)	.0275	.015
U.S. Treasury	.0275	.015
Cleveland RCPC	.0475	.035
Columbus City/RCPC	.0475	.035

Check deposit service—Cleveland Operations Center	Fee	
	Unencoded	Encoded
Other FRB	.0625	.070

Volume discounts on all items when total deposited items fall within below listed categories:

Discount	Monthly volume range
7.5%	100,001–200,000
15.0%	200,000+

Additional services	Per Item Charge
Photocopy (per item)	$1.00
Dishonored Items:	
Returned to Association (per item)	2.00
Automatically Re-deposited	(7)
Non-Cash Collection Service—Minimum:	
Non-Cash Item (per item)	5.00
Security Coupon Collection (per envelope)	5.00
Coupon Return Item (per item)	10.00
Foreign Item (per item)	5.00
Food Stamp Cash Letter (per cash letter)	1.00
Municipal Bonds (per item)	5.00
U.S. Treasury and Gov't Agency Coupons	(8)
Depository Transfer Checks (DTC) (per item)	5.00
Cash Letter Fee (per letter)	(9) .50

Check deposit service—Nashville Operations Center	Fee	
	Unencoded	Encoded
Nashville City	$.0375	$.025
Nashville RCPC	.0475	.035
U.S. Treasury	.0275	.015
Nashville NOW On-Us	.0275	.015
DDA On-Us	.0275	.015
Louisville RCPC (10)	.0675	.055
Other FRC	.0775	.065

Volume discounts on all items when total deposited items fall within below listed categories:

Discounts	Monthly volume range
7.5%	100,001–200,000
15.0%	200,000+

Additional services	Per item charge
Photocopy (per item)	$1.00
Dishonored Items:	
Returned to Association (per item)	2.00
Automatically Re-deposited	(11)
Non-Cash Collection Service—Minimum:	
Non-Cash Item (per item)	5.00

Additional services	Per item charge
Security Coupon Collection (per envelope)	5.00
Coupon Return Item (per item)	10.00
Foreign Item (per item)	5.00
Food Stamp Collection (per cash letter)	1.00
Municipal Bonds (per item)	5.00
U.S. Treasury and Gov't Agency Coupons	(12)
Depository Transfer Checks (DTC) (per item)	5.00
Cash Letter Fee (per letter)	(13) .50

Preparation charge	Fee
Currency and coin service—Members in Kentucky & Ohio:	
Currency (per order)	$8.25
Wrapped coin (per box)	1.75
Deposits of Coin and Currency:	
Strapped currency (per strapped deposit)	5.00
Currency (per mixed or unfilled straps)	6.00
Coin-loss (same denomination) (per bag)	2.00
Coin-loss (mixed denomination) (per bag)	4.00
Coin-wrapped (same denomination) (per bag)	4.00
Coin-wrapped (mixed denomination) (per bag)	8.00
Members in Nashville Federal Reserve Territory:	
Preparation Charge:	
Currency and/or loose coin (per order)	2.50
Wrapped coin (per roll)	.03375
Deposits of Currency and Coin (per occurrence)	1.00
Safekeeping Service—Receive or Deliver (Per Transaction):	
Book Entry	15.00
Physical	25.00
Redemption (Per Transaction):	
Book Entry	15.00
Physical	25.00
Interest Coupons (Per Transaction)	$4.00
Pledges (Per Transaction):	
Book Entry	15.00
Physical	25.00
Account Maintenance (per month)	15.00
Safekeeping Account Maintenance (per month)	25.00
Retail Repurchase Account Maintenance (per month)	15.00
Contemporaneous Reserve Settlement (per month)	$100.00

VOL 52 ISS 242 DE 17 1987 UMI

Preparation charge	Fee
Lockbox Services:	
OCR Standard Item Fee	$.15
Includes: Courier pickup at lockbox, Microfilming of check and document, Transmission to service bureau, Management reports, Check deposit fee (encoding & clearing), Certain exception handling.	
Additional Services/Fees:	
Lockbox rental	[14]
Photocopies (per copy)	1.00
Hot File Update (Add or Delete) (per update)	.50
Hot File Update (Magnetic Tape) (per tape)	[10] 0.00
Courier/postage	[14]
Dishonored Check Item:	
a. Returned to Association (per item)	2.00
b. Automatically Re-deposited (per item)	[15]
Reject or Unmatched Item	[16]
Other desired services	[14]

[1] No charge.
[2] The earnings incentive is an interest payment on float days which is credited monthly to the issuing association's demand account.
[3] The earnings incentive is an interest payment on float days which is credited monthly to the issuing association's demand account.
[4] Check deposit per item fee.
[5] No charge.
[6] $.25 per "Cash Letter" when depositing over 100,000 items per month.
[7] Check deposit per item fee.
[8] No charge.
[9] $.25 per "Cash Letter" when depositing over 100,000 items per month.
[10] Louisville RCPC items deposited within a mixed cash letter by 7:00 p.m. Monday–Thursday.
[11] Check deposit per item fee.
[12] No charge.
[13] $.25 per "Cash Letter" when depositing over 100,000 items per month.
[14] Actual cost.
[15] The per item check processing fee for the member's region.
[16] No fee.

DISTRICT 6.—FEDERAL HOME LOAN BANK OF INDIANAPOLIS (1987 DDA SERVICES)

Cash management service	Paid check charge	Advices	
		Paper	Tape
Quarterly transaction volume:			
First 3,750	$.13	$.05	$.025
Next 9,000	.11	.04	.02
Next 12,250	.09	.04	.02
Next 25,000	.08	.03	.015
All over 50,000	.07	.02	.01

Stop payments (per stop)	$6.00
Maintenance fee (per month)	25.00
Photocopies (per copy)	$2.00
Fine sort numeric sequence (per item)	.016

Collected balances will earn at an interest rate that approximates the 91 day Treasury Bill rate.

Other services	Michigan	Indiana
Transit item deposit program:		
Preencoded:		
City items	$.021	$.02
RCPC items	.021	.02
Other district items	.052	.05
Encoding errors	.30	.30
Unencoded:		
City items	.08	.08
RCPC items	.08	.08
O.D. items	.08	.08
Return items	.75	.75
Coupons (per envelope)	3.20	4.25
Lockbox services:		
Per deposit item received	.25	.35
Truncation of coupons	.02	.02
Coin and currency program:		
Metropolitan areas of Indianapolis & Detroit—per delivery by armored truck service	$25.00	$26.00
Outside metropolitan areas:		
Fees vary depending upon the distances involved		
Rolled Coin (per roll)	.35	.35

	Fee
Wire transfer services:	
In (per transfer) domestic	$2.00
Out (per transfer) domestic	4.00
International wires	17.00
Depository transfer checks (per check	2.00
Automated Clearinghouse (ACH) service:	
Per tape	5.00
Per item (originator)	.02
Settlement only	50.00
Listing (paper)	5.00
Treasury tax and loan settlement service:	
Per transaction	2.00
Charge card transaction:	
Per transaction	1.50

DISTRICT 7.—FEDERAL HOME LOAN BANK OF CHICAGO (1987 DDA SERVICES)

Services, monthly volume	Fee		
	Nontruncated accounts		Truncated accounts
A. *Demand Accounts:*			
Items Processed:			
0 to 7,500	$0.110		$0.090
7,501 to 10,000	.100		.080
10,001 to 12,500	.090		.070
12,501 to 15,000	.080		.060
15,001 to 25,000	.075		.055
25,001 and over	.070		.050
Alternative Demand Disbursement Service:			
800 Series—Next Day Remittance		(1)	
900 Series—Three Day Remittance (per item issued)		$0.050	
Ancillary Services Fees:			
Special Sorts (per item)		.0075	
Recons:			
Non-Encoded Items (per item)		.055	
Encoded Items (per item)		.020	
Magnetic Tape Items (per item)		.020	
Stop Payments (per stop placed)		7.00	
Photocopies (per item)		3.00	
Account Maintenance (per account per month)		10.00	
Additional Statements (per statement)		5.00	
Request for Money Order Forms		(2)	
Postage/Courier		(3)	
ACH Services		(3)	
Dial-A-Statement:			
Per month or		25.00	
Per year or		250.00	
Per statement		1.00	
B. *Deposit Processing:*			
Checks Deposit Drawn on:			
Federal Home Loan Bank of Chicago, FHLB Intercept Customers:			
Postal Money Orders		.015	
U.S. Treasury Check		.015	
City of Chicago Financial Institutions:			
0–10,000		.030	
10,001–25,000		.028	
25,001 and over		.026	
Non-Federal Reserve Chicago RCPC (clearinghouse items):			
0–10,000		.036	
10,001–25,000		.0.34	
25,001 and over		.032	
Chicago RCPC Financial Institutions (Routing Numbers 0711, 0712, 0719, 2711, 2712, 1719):			
0–10,000		.048	
10,001–25,000		.046	
25,001 and over		.044	
Transit Items—Other Federal Reserve Office Financial Institutions:			
0–10,000		.075	
10,001–25,000		.073	
25,001 and over		.071	
Selected High Dollar Endpoints		.035	
Ancillary Service Fees:			
Check Encoding (per item)		.035	
Return Items:			
Re-Deposits		(3)	
Charge Backs (per item)		1.00	
Noncash Collection Items:			
Coupons (per envelope)		2.50	
Foreign Items		(4)	
Food Stamps Deposited (per item)		.02	
Coin and Currency Orders (per copy/per branch)		2.00	
Visa/Mastercard Deposits		2.00	

	Minneapolis region	
	Encoded items	Non-encoded items
City and Local	$0.0275	$0.0500
Regional RCPC	.0450	.0675
Regional Premium	.0575	.0800
County	.0525	.0750
Transit	.0875	.1100

	St. Louis region	
	Encoded items	Non-encoded items
City and Local	$0.0345	$0.0570
Regional RCPC	.0375	.0600
Regional Premium	.0425	.0650
County	.0400	.0625
Transit	.0745	.0970

C. *Money Transfers:*	
Wire Transfers:	
In	$3.00
Repetative Wires	4.00
Out	4.00
Telephone Advice	2.00
Quick Deposit Drafts	4.00
D. *Safekeeping:*	
Receipt or Delivery:	
Book Entry Item	30.00
Physical Item	40.00
Coupon Collection	5.00
Collection at Maturity	(5)
Annual Maintenance (billed quarterly):	
Par Amount Under $5 million	150.00
Par Amount $5 million or Over (per million)	40.00
Monthly Reports	(5)
Registration Fees	(5)
Transfer to or from Pledge Status	50.00
Maintenance of Collateral for FHLB Advances:	
Place Note and Mortgage in Vault:	
Deliver with listing only	1.00
Deliver with listing and computer tape	.75
Remove Note and Mortgage from Vault	.75
Annual Maintenance Charge (per quarter)	.50

[1] No charge. [2] Actual cost. [3] No charge. [4] Actual cost. [5] No charge. [6] Actual cost.

DISTRICT 8.—FEDERAL HOME LOAN BANK OF DES MOINES (1987 DDA SERVICES)

DDA Service Activity	Fee
Account Maintenance	$6.00
Account Reconciliation	6.00
Check Printing Costs	(1)
Drafts Paid:	
Truncated	.045
Non-Truncated	.055
Controlled Disbursement	.060
Stop Payments	7.00
Ledger Credits	.30
Ledger Debits	.20
Bankwires in:	
—Without Phone Advice	2.50
—With Phone Advice	3.50
Bankwires Out:	
—Without Phone Advice	4.00

VOL 52 ISS 242 DEC 17 1987 UMI

DISTRICT 8.—FEDERAL HOME LOAN BANK OF DES MOINES (1987 DDA SERVICES)—Continued

DDA Service Activity	Fee
—With Phone Advice	6.00
Special Cut-off Statements	3.00
Account Reconciliation Tape Issues	.02
Issue Encoding	.045
Pre-encoded Issues	.030
Safekeeping Transactions	10.00
ACH Transaction	(1)
Miscellaneous Charges/Special Processing	(1)
Pledge, Agreements	20.00
ACH Settlement Charges	.50
Entry Fee for all items	.003
Re-enter Rejects	.04
Encoding Fee (Des Moines, Minneapolis & St. Louis)	.0225
Encoding Fee (Kansas City)	.025
Data Transmission (per transmission)	1.50
Fine Sort "on-us" items	.005
Printed Reports—Standard (per report)	1.00
plus (per page)	.05
Optional	(*)
plus (per page)	.05
Minimum monthly billing	40.00
Facsimile Transaction (per transmission)	1.50
Account Transaction Info. (per call)	1.00
Miscellaneous Charges/Special Processing	(*)
Food Stamps Deposited (Des Moines, Kansas City, and St. Louis)	.02
Food Stamps Deposited (Minneapolis)	.04
Coupons/Per Envelope	2.50

Deposited Item Charges	Minneapolis	Des Moines	St. Louis	Kansas City
Local	$.020	$.025	$.027	$.019
Regional	.0375	.035	.030	
Regional Premium	.050	.04	.035	
Country	.045		.0325	.029
Out of State	.080	.0525	.067	.079

Deposit Processing Fee Schedule

Check Clearing Fees	Encoded	Unencoded
a. Des Moines Center (*)		
Local	$.025	$.0475
Regional	.035	.0575
Regional—Premium	.040	.0625
Transit	.0525	.075
b. Minneapolis Center (*)		
Local	.020	$0425
Regional	.0375	.060
Regional—Premium	.050	.0725
Country	.045	.0675
Transit	.080	.1025
c. Kansas City Center (*)		
Local	.019	.044
Country	.029	.054
Transit	.079	.104
d. St. Louis Center (*)		
Local	.027	.0495
Regional	.030	.0525
Regional—Premium	.035	.0575
Country	.0325	.055
Transit	.067	.0895

Other Fees at the Four	Fee
Regional Processing Centers:	
Return Items	$.75
Food Coupons	.02
Bond Coupons (per envelope)	2.50
Large Dollar Notification (Reg. J) (per item)	3.00

DISTRICT 8.—FEDERAL HOME LOAN BANK OF DES MOINES (1987 DDA SERVICES)—Continued

DDA Service Activity	Fee
Return Items-Special Handling:	
Subtotal by office	1.50
Individual Entries (per entry)	.50
Telephone Notification Less Than $2,500 (per item)	.60
Balance/Availability Reporting (per month)	30.00
Endpoint Analysis (per day)	20.00
Non-Processable Items (Pre-Encoded) (per item)	.15
Photocopies (per copy)	2.75
Research (per hour)	20.00
Currency/Coin Orders	2.00
Foreign Currency Deposits (per deposit)	5.00
Foreign Currency Orders (per order)	2.50
Per Cash Deposit (Credit Tickets):	
Standard Packaging	.50
Non-Standard Packaging	10.00
Special Cash Orders/ Deposits	(*)
Collection Item (Non-Local Banks) (per item)	3.50
Federal Reserve Bank Settlement Entries (per entry)	.50

Additional Services (St. Louis Center)	
Package Sort I:	
(Pre-encoded items representing 100% of association's daily work)	
Local	$.0195
Regional	.023
Country	.029
Transit	.067
Package Sort II:	
(Pre-encoded items that do not represent 100% of association's daily work)	
Local	.024
Regional	.024
Country	.029
Transit	.0675
Package Sort III:	
(Deposits containing only pre-encoded transit items)	
(items not payable in the St. Louis Fed. zone)	
Pre-encoded Transit items	.0725

Statement Rendering Service	Fee
Statement Per Month-Non-Truncated:	
First 5,000	$.18
Next 5,000	.165
Over 10,000	.15
Statement Per Month-Truncated	.05
Statement Inserts	.005
Surcharge for One Cycle Per Month (percentage)	10%
Fine sort counter items for statement insertion	.005
Sort counter items without MICR	.02

Lockbox Service	Fee
1. Basic Service (7):	
Mortgage	$.12–.20
Consumer	.09–.13
Retail-Commercial	.07–.15
Wholesale-Commercial	.15–.45
Credit Card	.07–.11
Data Capture and Transit	.015–.030
2. Item Preparation Charge; Data Entry	.05
3. Microfilm Remittances and/or Checks	.01
4. Credit/Posting Adjustment Advise	.25
5. Photocopies	
Recurring	.05
On Request	.25
6. Telecopies	
Recurring	.55
On Request	1.50
7. Microfilm Copies	2.75
8. Payment Discount	.25
9. Telephone Inquiry or Notification	1.00
10. Foreign Item Processing	
U.S. Dollars	.75

VOL 52 ISS 242 DEC 17 1987 UMI

DISTRICT 8.—FEDERAL HOME LOAN BANK OF DES MOINES (1987 DDA SERVICES)—Continued

DDA Service Activity	Fee
Foreign Currency	3.50
11. Process Cash Payment	1.00
12. Wire Transfer of Funds	6.50
13. Daily Float Summary (monthly charge)	50.00
14. Courier/Postage	[8]
15. Storage (Envelopes and remittance material retained unsorted for 14 days and destroyed)	[9]
16. Minimum Monthly Billing (excluding actual charges)	175.00
17. New Account Set-up [10]	50.00–500.00
18. Special Services	[11]

Automated Clearing House ("ACH") and Electronic Funds Transfer ("EFT") Services	Fee
ACH Pass-Through (Receiving):	
1. Pick up ACH tape from local FRB and transmit/deliver to data processor (per tape)	$1.00
(plus per item)	.01
2. Process multiple tapes from FRB and transmit/deliver one consolidated tape to data processor (per tape)	1.00
(plus per item)	.01
3. Receive properly formatted ACH transmission from data processor and deliver to local FRB (per tape)	1.00
(plus per item)	.01
4. Produce system output tape (withut processing any input) (per tape)	1.00
ACH Origination File:	
Receive properly formatted ACH data entry tape from data processor for entry into Federal Reserve ACH system (per tape)	5.00
(plus per item)	.05
Reformat ACH File For Transmission:	
Receive ACH tape from local FRB or data processor and reformat for data transmission (i.e., change blocking function) (per tape—additional charge)	1.50
ACH File Creation:	
Receive unformatted source data from financial institution or data processor, create ACH file and enter into Federal Reserve ACH system. (Includes data conversion; i.e., keypunching) (per tape)	5.00
(plus per item)	.10
Surcharges For Next-Day Settlement (Credits & debits orginated) (per item)	.06
Warehouse entries for future settlement (per item)	.0025
Telephone advice (per day)	2.00
Messenger/delivery	[12]
Miscellaneous	[12]

Visa/Mastercard Processing Service	Fee
Monthly Settlement (Merchant Program, Cardholder Program, or both)	$55.00
Sales Drafts and Cash Advance Tickets Deposited	.01
Adjustments, Returns, Corrections, Income Distributions (All entries)	.50

NOTE—Fees will be charged through the members' account analysis.

[1] Actual cost

[2] At a quoted rate.

[3] Actual cost

[4] 10% discount per item on processing fees only is given when monthly volume exceeds 200,000 items.

[5] A 10% discount per item on processing fees only is given when monthly volume exceeds 200,000 items.

[6] Standard order fee plus actual charges.

[7] Open envelope; screen per instructions; and verify payee signature and amount. Record date on check, remittance, envelope or correspondence as requested. Balanced checks to remittances and post credits to account specified. A specific fee is negotiated in the ranges shown above depending upon the number and degree of difficulty of task requirements of individual members.

[8] Actual cost.

[9] Beyond 14 days price negotiated.

[10] A one time charge.

[11] Price negotiated.

[12] Actual/negotiated rate.

NOTE—Associations that have changed Data Processors and have more than one MICR account number corresponding to one statement account number are subject to additional fees.

DISTRICT 9.—FEDERAL HOME LOAN BANK OF DALLAS (1987 DDA SERVICES)

Demand deposit account service	Fee
Checks/Money Orders paid:	
Checks Returned (per item)	$.15
Checks Truncated (per item)	.13
Reconciliation of Check/Money Order:	
—Magnetic tape (per item)	.02
—MICR (per item)	.07
Fine Sort (per item)	.006

DISTRICT 9.—FEDERAL HOME LOAN BANK OF DALLAS (1987 DDA SERVICES)—Continued

Demand deposit account service	Fee
Credits/Adjustments (per item)	[1]
Wire Transfer:	
—In	2.00
—Out	4.00
Stop Payments (per item)	5.00
Exception Item Return (per item)	2.50
Depository Transfer Checks (per item)	4.00
Photocopy (per item)	2.50
Account Maintenance (for accounts with more than 1,000 transactions per month) (per association)	25.00
Voids	[1]
Credits/Adjustments	[1]
Account Activity Reporting	[2]
Checks/Money Order Forms (above standard check)	[2]
Paid Items Mailed to Association	[3]
Overdrafts (per daily occurrence and interest at special variable advance rate plus 3%)	50.00

	Deposit processing fees			
	Dallas	New Orleans	Little Rock	Houston
Deposit Items:				
Postal Money Orders, U.S. Treasury Checks (per item)	$.022	$.025	$.025	$.025
Local Items (per item)	.022	.025	.025	.025
RCPC Items (per item)	.026	.025	.035	.040
Other Fed Items (per item)	.065	.060	.0625	.065
Encoding Charge (per item)	.025	.025	.020	.025
Returned Items (per item)	1.50	1.50	1.50	1.50
Non-Cash Collection Services:				
Security Coupons (per envelope)	2.75	2.50	2.50	2.75
Food Stamps and Coupons (per deposit)	1.50	1.50	1.50	1.50
Foreign Items (per item)	6.50	6.50	2.50	6.50
All Others (Drafts, Etc.) (per item)	2.75	2.50	2.50	2.75

DISTRICT 9.—FEDERAL HOME LOAN BANK OF DALLAS (1986 DDA SERVICES)

Coin and currency services	Fees
Preparation and handling fees:	
Delivery ($5.00 minimum):	
Coin (per roll)	$.10
Currency (per strap)	.50
Deposit ($5.00 minimum):	
Coin (per bag)	.75
Currency (per strap)	.65
Emergency orders (additional per hour)	75.00
Security charge (per $1000 delivered or deposited)	.18
Delivery charges (a one-way transfer charge plus $.50 per bag of coin and/or currency picked up or delivered):	
Dallas, El Paso, Houston, or San Antonio delivery (per shipment)	20.00
All other in Texas ($20.00 plus) (per mile between Federal Reserve city and delivery point)	.12
Little Rock center deliveries	[4]
New Orleans city delivery (one-way) (per shipment)	15.00
All other in Louisiana (per round trip from New Orleans based on Louisiana tariffs)	40.00–75.00
Southern Mississippi (one-way per shipment)	45.00
Registered Mail	[5]
Delay of armored carrier (per fifteen (15) minute interval or fraction thereof)	18.00

Automated Clearing House ("ACH") Processing	Fees
Set-up fees:	
ACH standard format	$50.00
Non-standard format	500.00
Origination fees:	
ACH standard format (per tape)	15.00
Non-standard format (per tape)	30.00

Automated Clearing House ("ACH") Processing	Fees
Transaction fees ($50.00 minimum per month):	
Receiving debits/credits (per item)	.10
Originating debits/credits (per item)	.10
Manual return item advice (per item)	4.00
Format changes (per change)	500.00

Additional correspondent services	
Reserve pass-through services	(5)
Settlement services:	
NOW processing customers	(5)
All others (per month)	$50.00

[1] No charge.
[2] Toll free by telephone.
[3] Actual costs.
[4] Call FHLBank for price quote.
[5] Actual postage cost.
[6] No charge.

Note: Fees incurred in the process of collecting non-cash items will be passed through to the depositing institution. These charges will be added to the service fees shown above.

District 10.—Federal Home Loan Bank of Topeka (1987 DDA Services)

DDA Service	Fee
Full Service Demand Plus Accounting (includes Automatic Branch control reconciliation, reporting of full account activity) (per item):	
—Cycle	$.15
—Truncated	.12
Electronic Transmission of Disbursement	.10
Basic Demand Plus Accounting (standard summary statement, must be able to process magnetic tapes) (per item):	
—Cycle	.11
—Truncated	.08
Large Item Return Notification ($2,500 and over) (per item)	3.00
Treasury:	
Wire Transfers:	
Incoming (per item)	$2.00
Outgoing (per item)	4.00
Pass-Through Reserves (per month)	25.00
Transaction Fees:	
Federal Reserve Book-Entry Eligible Securities including Treasuries, Agencies, FNMA, FHLMC Mortgage-Backed Certificates (per receipt and redemption)	2.50
MBSCC Depository Eligible GNMA Mortgage-Backed Certificates (per receipt and redemption)	10.00
Physical Securities; DTC Eligible Securities and Book-Entry New York Federal Reserve Eligible Securities (per receipt and redemption)	40.00
Interest Payment Fees:	
Interest payments other than Mortgage-Backed Principal and Interest Payments	(1)
Mortgage-Backed Principal and Interest monthly payments (per advice)	2.50
Safekeeping Account Maintenance Fee (per month)	(5)
Segregation and Pledge Activity Fees:	
Segregated Account Maintenance (per association—per month)	(1)
Joint Custody Service (per receipt)	2.50
Pledge or Segregated Service (per receipt pledged or released)	10.00

Processing fees	Kansas City—Enc/Unenc	Oklahoma City—Enc/Unenc	Topeka—Enc/Unenc	Omaha—Enc/Unenc	Wichita—Enc/Unenc	Denver—Enc/Unenc
Deposit processing:						
Local	$.025/.05	$.025/.038	$.02/.033	$.025/.038	$.02/.04	$.015/.033
RCPC	.035/.06	.038/.051	.039/.052	.038/.051	.025/.045	.023/.041
Country	.035/.06	.038/.051	.039/.052	.038/.051	.025/.045	.029/.047
Transit	.065/.11	.067/.08	.067/.08	.067/.08	.075/.095	.057/.085

Returns (per item)	$.80
Collections (per item)	2.50
Coin and Currency (per phone call)	2.50
Courier and Armored Car Costs	(3)
Mass Photocopy Requests (per item)	12.00
(plus per item)	.15
Statement Matching:	
Truncated Statement	.05
Cycled Statement (per check up to 50 checks plus .01 per check thereafter)	.15
Insert	.01

[1] No charge.
[2] A monthly charge of 1/12 of 1/100 of 1% of par balance of the first $300 million of portfolio. A monthly charge of 1/12 of 1/200 of 1% on the balance over $300 million. Fee is calculated on the month-end par balance of each account. The fee is charged on the 15th day of the following month.
[3] Actual cost.

Notes: FHLBank provides postage at cost and associations will provide latex envelopes. FHLBank provides deposit tickets at no charge and has no reserve requirements for DDA account balances.

District 11.—Federal Home Loan Bank of San Francisco (1987 DDA Services)

Depository Services	Fee
Deposit Processing Services	
Depository Service Charges (minimum charge)	$300.00
Deposit Processing	
5:30 P.M. Deposit Deadline:	
Encoded Items deposited [1]	
Mixed (per item)	.105
Group Sort (per item)	.15
Encoding Fee (per item)	.02
8:30 P.M. Deposit Deadline:	
Encoded Items Deposited	
Twelve District (per item)	.045
Out of Region (per item)	.08
Encoding Fee (per item)	.015
10:30 P.M. Deposit Deadline:	
Encoded Items Deposited	
Twelve District (per item)	.045
Out of Region (per item)	.08
Encoding Fee (per item)	0.02
Other Charges:	
Deposit Ticket (per ticket)	1.10
Commercial Deposits (per ticket)	1.10
Returned Items (per item)	1.00
End-Point Deposit Analyses Reports (per month)	30.00
Monthly Account Maintenance (per account)	15.00
Collection Services	
Clean Collection (per item)	7.50
Documentary Collection (per item)	15.00
Savings Bonds (per transmittal)	7.50
Coupon Collection (per envelope)	15.00
Foreign Drafts [2]	
Foreign Collection (per item)	20.00
Canadian Cash Letter (per item)	1.00
Returned Items (per item)	7.50
Food Coupons (per item)	.15
Coin and Currency Services	
Furnished ($3.00 per order, plus)	
Currency (per $1,000)	.65
Coin (per roll)	.07
Deposited ($1.50 per deposit)	
Currency (loose, per $1,000)	.90
Coin Ordered (per roll)	.09
Other Charges	
Late Cash Order (per order)	25.00
Adjustments over $5.00 (per adjustment)	5.00
Coordination of Transportation (per branch)	12.00
Basic Account Services	
Monthly Account Maintenance	
Regular Accounts (per account)	15.00

DISTRICT 11.—FEDERAL HOME LOAN BANK OF SAN FRANCISCO (1987 DDA SERVICES)—Continued

Depository Services	Fee
Zero Balance Accounts (per account)	30.00
Checks Paid (per item)	0.115
Checks Deposited (per item)	1.00
Items Returned (per item)	1.00
Stop Payments (per item)	7.50
Daily Statements	(3)
Out-of-Cycle	5.00
Photocopies (per copy)	3.00
ACH Debits/Credits (per settlement transaction)	0.25
Incoming Wires (per wire)	6.00
Photocopies (per wire)	3.00
Outgoing Wires (per wire)	9.00
Immediate Advice (per wire)	10.00
Book Transfers (per transaction)	6.00
Service Wire (per wire)	5.00
Passthrough Reserve Services (per month)	100.00
Overdraft Charges (minimum charge)	(4)
Special Research (per hour)	30.00
Account Reconcilement Services	
Full Reconciliation	
Monthly Account Maintenance	
Standard (per account)	50.00
Non-standard (per account)	75.00
Checks Paid (per item)	0.115
Truncated Checks (per item)	0.065
Issue Input Method	
MICR (per item)	0.115
Tape (per item)	0.055
Transmission Input (per transmission)	5.00
Partial Reconciliation	
Monthly Account Maintenance (per account)	30.00
Checks Paid (per item)	0.115
Truncated Checks (per item)	0.065
Miscellaneous Services	
Fine Sort (per item)	0.03
Microfilm (per roll)	10.00
Magnetic Tape Output (paid checks):	
(Per tape, plus)	25.00
(Per item)	.02
Data Transmission:	
(Per transmission, plus)	5.00
(Per item)	0.025
Stop Payment (per item)	7.50
Range Stops, less than 50 (per consecutive range)	25.00
Range Stops, greater than 50 (per consecutive range)	50.00
Microfiche Reports (per fiche)	3.00
Audit List of Issues (per list)	1.00

[1] A mixed presentment is defined as a cash letter for which 33 percent of the total number of items represents end points other than the five direct send banks. If desired, the nondirect send portion of the group can be presented on a separate cash letter for processing against a more favorably priced deadline (i.e., 8:30). This definition of "mixed" presentment will cause the deposits of two institutions to be reclassified to the higher priced "group" presentment for the 5:30 deadline.
[2] All Canadian items over $500 and all non-Canadian foreign items must be submitted as a foreign collection.
[3] No charge.
[4] Bank's Overnight Cash Needs Rate plus 2% (rate published by Bank's Credit Service.)

DISTRICT 12.—FEDERAL HOME LOAN BANK OF SEATTLE (1987 DDA SERVICES)

Service	Fee
Demand Accounts	
Monthly Account Maintenance (per account)	$4.00
Account Funding:	
ACH Cash Concentration Service (per transfer)	1.00
Wire Transfers:	
One in and one out each day	(1)
Additional incoming wires (per wire)	2.00
Additional outgoing wires (per wire)	3.00
International wires (per wire)	22.00
Customer wires (per wire)	3.00

DISTRICT 12.—FEDERAL HOME LOAN BANK OF SEATTLE (1987 DDA SERVICES)—Continued

Service	Fee
Mail-in Deposits (per deposit)	.25
Inter-Bank Account Transfers	(1)
Paid Items:	
CheckOne Account (per item)	.0775
CheckOne-Plus Account ($25.00 per tape, plus) (per item)	.0775
MasterOne Account, Mag Tape Input (per item)	.085
MasterOne Account, Check Copy Input (per item)	.105
Substandard MICR Item Manual posting (per item)	.25
Stop Payments:	
Prior to 2:30 pm PST deadline (per stop)	3.50
After 2:30 pm PST deadline (per stop)	5.00
Photocopy/Research Requests:	
Audit Request Item Research (per item)	.25
All Other Photocopy/Research	(1)
Large Dollar Verifications:	
$10,000 endorsement verification	(1)
$100,000 signature verification	(1)
Miscellaneous and Out of Pocket Expense	(2)
Pledged Securities (Collateral) Services Fee Schedule	
Service Item	
Monthly Account Maintenance	25.00
Custody:	
Book Entry (per security)	1.25
Definitive (per security)	2.25
Eurodollar (per security)	2.25
Receipt/Delivery/Redemption:	
Book Entry (per transaction)	12.50
Definitive (per transaction)	25.00
Eurodollar (per transaction)	35.00
Account Switch:	
Book-Entry, between a collateral account and a regular safekeeping account (per transaction)	12.50
Book Entry, between collateral accounts (per transaction)	15.50
Definitive, between a collateral account and a regular safekeeping account (per transaction)	25.00
Definitive, between collateral accounts (per transaction)	28.00
Income Collection:	
Principal and Interest payments (P&I) (per transaction)	5.00
Other income collections (per transaction)	(4)
Audit Verifications (per inquiry)	8.00
PC Interface per Month (includes all reports)	100.00
Miscellaneous and Out-of-Pocket Expenses Shipping, registration, etc	(4)
Securities Safekeeping Fee Schedule	
Monthly Account Maintenance	0.00
Custody:	
Book Entry (per security)	.75
Definitive (per security)	2.00
Eurodollar (per security)	2.00
Receipt/Delivery/Redemption:	
Book Entry (per transaction)	9.50
Definitive (per transaction)	22.50
Eurodollar (per transaction)	30.00
Account Switch:	
Book-Entry, between regular safekeeping accounts (per transaction)	9.50
Book Entry, between regular safekeeping account and a collateral account (per transaction)	12.50
Definitive, between regular safekeeping accounts (per transaction)	22.00
Definitive, between regular safekeeping account and a collateral account (per transaction)	25.00
Income Collection:	
Principal and Interest payments (P&I) (per transaction)	5.00
Other income collections (per transaction)	(3)
Audit Verifications (per inquiry)	8.00
PC Interface per Month (includes all reports)	100.00
Miscellaneous and Out-of-Pocket Expenses Shipping, registration, etc	(4)
Settlement Services	
ACH Settlement (per entry)	.25
Contemporaneous Reserve Settlement (per month)	25.00
NOW Account Settlement (per month)	125.00
Federal Reserve Settlement (per month)	125.00

VOL 52 ISS 242 DE 17 1987 UMI

DISTRICT 12.—FEDERAL HOME LOAN BANK OF SEATTLE (1987 DDA SERVICES)—Continued

Service	Fee
Mortgage Custody Services	
GNMA Pools Schedule of Fees	
Mortgage File Review (per file)	2.50
Additions To File (per file)	2.50
Withdrawals Of File (per file)	3.00
Annual File Maintenance (per file with a $150 annual minimum)	1.00
Audit or Review of File (per file)	2.50

[1] No charge. [2] As required. [3] No charge. [4] As required. [5] No charge. [6] As required.

Notes

[1] The above fees assume:
use of standard GNMA Custodial Agreement
all files received are in good order
no additional duties are to be performed by FHLB outside of those listed above.

(2) All out-of-pocket expenses, such as postage and courier fees, are charged on a cost pass-thru basis.

(3) The above fees do not apply to the custody of mortgages pledged as collateral to the FHLB of advances under the "Advances Agreement, Pledge Agreement and Security Agreement".

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 87-28898 Filed 12-16-87; 8:45 am]

BILLING CODE 6725-01-M

federal register

Thursday
December 17, 1987

Part IV

Department of the Interior

Bureau of Indian Affairs

Indian Child Welfare Act Grant Program; Availability of Title II Funds; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

FY 88 Indian Child Welfare Act Grant Programs; Availability of Title II Funds December 11, 1987

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This announcement is being published in anticipation of an appropriation for the Indian Child Welfare Act. This act makes available grant funds from the Bureau of Indian Affairs, Department of the Interior, for the purpose of improving child welfare services to Indian children and families.

DATES: The closing date for receipt of applications for this program is February 19, 1988.

ADDRESSES: Bureau of Indian Affairs' area offices are listed in Part IV of this announcement. BIA/Division of Social Services, Code 450, Rm. 310–S, 1951 Constitution Ave., NW., Washington, DC 20245.

FOR FURTHER INFORMATION CONTACT: The Bureau of Indian Affairs' area office nearest to the applicant, or David Hickman, Acting Chief, Division of Social Services, address given above; telephone (202) 343–6434.

SUPPLEMENTARY INFORMATION: The Assistant Secretary—Indian Affairs is announcing procedures necessary to apply for grant funds under Title II of the Indian Child Welfare Act. Applications for single-year programs as well as renewal applications for existing multi-year projects will be accepted. The available funding for all applications is $7.6 million. This includes approximately $2.6 million for new single-year applications. It is important that applicants carefully review requirements detailed in the announcement related to deadlines, indirect costs, and page limitations. If an application is not received by the close of business on February 19, 1988, or if the applicant does not itemize indirect costs in their proposed budget, their application will not be reviewed. If an application is longer than the established page limitation, only the first forty pages of the application will be reviewed.

Authority: The Indian Child Welfare Act, Pub. L. 95–608 authorizes the utilization of funds for grants to Indian tribes, organizations, and multi-service Indian centers.

Part I. General Information

(a) Background

This announcement provides information on opportunities to apply for Indian Child Welfare Act grant funds for FY 88. The policies established by the Indian Child Welfare Act of 1978 (ICWA Pub. L. 95–608, 25 U.S.C. 1902, 25 U.S.C. 1931 and 1982), for which these grant funds may be used are:

(1) To prevent separation of Indian children from their families when possible;

(2) When separation is necessary, to reunite Indian children with their families as soon as possible;

(3) When reunification is not possible, to find permanent families through permanent placement with extended families or through adoption; and

(4) To carry out work with Indian children and their families in accordance with the preferences of the ICWA, following procedures and practices which reflect the unique values of Indian culture.

An applicant for an Indian Child Welfare Act Grant may submit only *one* grant application of this program during this application period (refer to 25 CFR 23.21(b)).

(b) BIA Indian Child Welfare Grant Program Purpose

The purposes of Bureau of Indian Affairs' Indian Child Welfare grants as specifically stated in the law are:

(1) The establishment and operation of Indian child and family service programs which promote the stability of Indian families, and

(2) The provision of non-Federal matching shares for other Federal financial assistance programs for "on or near" reservation programs which contribute to that same purpose.

These purposes are further defined in Pub. L. 95–608 sections 201 and 202 or 25 U.S.C. 1931 and 1932, or 25 CFR 23.22. The objective of every Indian child and family service program shall be to prevent the breakup of Indian families, and insure that the permanent removal of an Indian child from the custody of his/her parent or Indian custodian shall be a last resort.

(c) Eligible Applicants

The governing body of any tribe or tribes, or any nonprofit off-reservation Indian organization or multi-service Indian center, may apply individually or as a consortium for a grant. No tribe may submit more than one application.

A consortium is an agreement or association of two or more eligible applicants.

New applications for projects of one year duration, as well as renewal applications for multi-year applications originally funded in FY 86 may be submitted in response to this announcement.

Part II. Available Funds

The appropriation for this program this year is $7.6 million. This includes funding for existing multi-year programs.

Approximately 2.5 million dollars will be available for single year grant applications nationwide this funding period. Grants will be awarded to individual tribes, organizations, or to consortia of tribes and organizations within the following categories:

(a) A maximum of up to $50,000 for eligible applicants with a total service area population of 2,500 or less;

(b) A maximum of up to $75,000 for eligible applicants with a total service area population greater than 2,500 but less than 5,000;

(c) A maximum of up to $100,000 for eligible applicants with a total service area population greater than 5,000 but less than 7,500;

(d) A maximum of up to $150,000 for eligible applicants with a total service area population of 7,500 but less than 15,000;

(e) A maximum of $300,000 for eligible applicants with a total service area of greater than 15,000.

Applicants in the State of Alaska will be allowed a 25 percent cost of living adjustment to the total maximum amount for which they may apply.

Notwithstanding the above grant guidelines, consortia having a total service area population of 5,000 or less, may apply for a maximum grant of up to $100,000 because of the greater administrative costs associated with operating a small consortium. Consortia with service area populations greater than 5,000 must comply with the grant guidelines set above.

Service area population means the total number of Indians eligible for service under 25 CFR 23.2(d)(2) and/or (3) in the geographical area to which the tribe, or organization, or multi-service center can realistically provide the services proposed in the application. The service area population is used only to determine maximum grant allocations that a tribe, multi-service center, or organization may be eligible to receive. These population figures must be based on identifiable statistical resources.

In lieu of an indirect cost rate, all costs associated with the administration of proposed projects shall be line itemed. Due to the limited amount of program funds, administrative costs will be carefully scrutinized in relation to proposed funds used for direct services. Applications not complying with this requirement will not be accepted for review.

In accordance with 25 CFR 23.25(a)(8), the reasonableness and relevance of the estimated costs for the project are considered in the rating of all project applications. Administrative costs are only allowable within the funding specified by the grant formula, and limitations specified in this announcement. Applicants will not be funded for more than their demonstrated need, as specifically addressed in 25 CFR 23.24 and 23.25. The statistical requirements established in these regulations, as well as the tribe's multi-service center's, or organization's prior service record will be used in determining need. Examples of necessary data include the number of actual or estimated Indian family breakups, and the number of persons who will receive direct services from any portion of the proposed program, by program area.

In accordance with 25 CFR 23.27(c)(3), if an applicant has been a grantee during the preceding fiscal year and proposes to continue essentially the same service program, the applicant, at the time of application, must provide a satisfactory evaluation from the area office along with the other materials required in this subsection.

A satisfactory evaluation means at a minimum, the timely submission of all fiscal and programmatic reports, including utilization of the corrective analysis form when programmatic changes are necessary. At no time may any Indian tribe, organization, or multi-service center which is either an eligible individual applicant in accordance with 25 CFR 23.21 or a member of a consortium, receive Indian Child Welfare Act grant funds greater than a maximum grant of $300,000 through a direct grant or through subgranting procedures with approved applicants.

Part III. Application and Selection Criteria

(a) Statutory Authority

The Indian Child Welfare Program from the Bureau of Indian Affairs is authorized by Title II of Pub. L. 95–608, The Indian Child Welfare Act (25 U.S.C. 1901 et seq., 25 CFR Part 23). The appropriation for the grant program is $7,600,000. The central office will retain 10 percent of the total available funding, to assure funding for any applicant who may appeal a denial at the area office level. If these funds are not utilized for appeals they will be redistributed to the area offices.

(b) The Closing Date for Receipt of Applications

The closing date for receipt of all applications under this Program Announcement is February 19, 1988. Applications for Indian Child Welfare Act Grants must be received in the appropriate Bureau of Indian Affairs' Social Services Area/Agency Office, as specified in 25 CFR 23.28, on or before 4:15 p.m., or the applicable close of business for that office on the closing date of the application period. Post marks will not be considered as meeting the deadline for applications received after the application deadline. The names and addresses of Bureau Social Service Area Offices and staff are listed at the end of this announcement. Hand delivered applications are accepted during the normal working hours Monday through Friday.

Applications which do not meet this criteria are considered late applications and will not be considered in the current competition.

(c) Program Priorities

Indian Child Welfare Act grants are for the purpose of:

(1) Establishment and operation of Indian children and family service programs. In accordance with the policy in 25 CFR 23.2 to emphasize the design and funding of programs to promote the stability of Indian families, program priorities have been established to be utilized by area offices in the competitive review process when more than one application obtains the same competitive score. These priorities re-emphasize the programmatic interest in maintaining the family and preventing out-of-home placements. Program priorities are listed below in descending order:

(a) Operation and maintenance of facilities for the counseling and treatment of Indian families and for the temporary custody of Indian children.

(b) Family assistance (including homemaker and home counselors), day care, after school care, recreational activities, respite care, and employment.

(c) A system for tribes or Indian organizations to license or otherwise regulate Indian foster and adoptive homes or the preparation and implementation of child welfare codes within their legal jurisdictional authority, or pursuant to a state-tribal and/or Indian organization agreement.

(d) Guidance, legal representation, and advice to Indian families involved in tribal, state or federal child custody proceedings.

(e) Employment of professional and other trained personnel to assist the tribal court in the disposition of domestic relations and child welfare matters.

(f) Education and training of Indians (including tribal court judges and staff) in skills relating to child and family assistance and service programs.

(g) Subsidy programs under which Indian adoptive children may be provided support comparable to that for which they would be eligible as foster children, taking into account the appropriate state standards of support for maintenance and medical needs.

(h) Home improvement programs.

(i) Other programs designed to meet the purpose of the Act. Planning or feasibility grants may be undertaken for any one of the above listed program purposes. These applications will be ranked according to the priority of the program under consideration.

(2) Providing non-Federal matching shares for other Federal financial assistance programs as prescribed in 25 CFR 23.43. The order of priority of matching share grants will correlate with the purpose of the program receiving the match.

(d) Content of the Application

The application shall be no longer than 40 pages, double spaced excluding the appendix. The table of contents and indices will not be counted toward the maximum length. It is recommended that the appendix be no longer than 20 pages. Any application whose narrative exceeds 40 pages will not be reviewed past page 40.

The application shall include standard form 424 and the following information:

(1) Name and address of Indian tribal governing body(s) or Indian organization applying for a grant,

(2) Descriptive name of project,

(3) Grant funds requested,

(4) The unduplicated client service population directly benefiting from the project,

(5) Length of project,

(6) Beginning date,

(7) Project budget categories or items,

(8) Program narrative statement (including third year plans if appropriate),

(9) Certification or evidence of request by Indian tribe or board of Indian organization (preferably covering the duration of the proposed project),

(10) Evidence of substantial community support for the proposed program. This request may be in the form of a tribal resolution, an endorsement included in the grant application or such other forms as the

BEST COPY AVAILABLE

tribal constitution or current practice requires.

(11) Name and address of the Bureau office to which an application is submitted.

(12) Date application is submitted to the Bureau, and

(13) Additional information pertaining to grant applications for funds to be used as matching shares.

Information included in the appendix should relate specifically to the application. The appendix may include, but is not limited to, the following: Resolutions, support letters, position descriptions, fiscal management/accounting certification, operational monitoring system, non-profit status documentation.

(e) Evaluation Criteria

The content of the application and the following factors are considered in the competitive review of these grant applications:

(1) The degree to which an applicant demonstrates in the program narrative an understanding of the social service problems or issues impacting the client population which the applicant proposes to serve.

(If an applicant identifies alcohol or drug abuse as a major problem or issue impacting Indian children and families, they must also clearly address current efforts to coordinate existing resources to attack this problem. This may include information on the development or contents of the Tribal Action Plan specified under section 4208 of the Omnibus Drug and Alcohol Abuse Act of 1988).

(2) The degree to which and the methods by which the applicant intends to fulfill the purpose of the grant, specifically relating to goals and the objectives of the program to the issues and problems impacting the client population. (The proposed methods outlined in the application should have an established basis for operation, e.g., a tribal placement program requires tribally established licensing or placement standards on which to operate, or a program to assist the tribal court requires a tribal code and a tribal court with which to work, etc.)

(3) Whether the applicant presents narrative, quantitative data, and demographics of the client population to be served. Examples of such data include:

(a) The number of actual or estimated Indian child placements outside the home;

(b) The number of actual or estimated Indian family breakups; and

(c) The need for a directly related preventive program. (Refer to Part II for further explanation).

(4) The relative accessibility which the Indian population to be served under a specific proposal already has to existing child and family service programs emphasizing prevention of Indian family breakup.

Factors to be considered in determining accessibility include:

(a) Cultural barriers;

(b) Discrimination against Indians;

(c) Inability of potential Indian clientele to pay for services;

(d) Lack of programs which provide free service to indigent families;

(e) Technical barriers created by existing public or private programs;

(f) Availability of transportation to existing programs;

(g) Distance between the Indian community to be served under the proposal and the nearest existing programs;

(h) Quality of service provided to Indian clientele; and

(i) Relevance of service provided to specific needs of Indian clientele.

(5) The proper justification of the extent to which the proposed program would duplicate any existing child and family service program emphasizing prevention of Indian family breakup, taking into consideration all the factors listed in paragraphs (1), (2), (3), and (4) of this section. Proper justification must be given for any duplication of services.

(6) Evidence of substantial community support for the proposed program from the Indian community or communities to be served. Such support may be evidenced by:

(a) Letters of support from individuals and families to be served;

(b) Local Indian community representation in and control over the Indian entity requesting the grant;

(c) Letters from local social service or social service related agencies familiar with the applicant's past work experience.

(7) The explanation of proposed facilities and of the structure of the tribal or Indian organization including the structure of the particular unit within the organization requesting grant funds, and the position description of any position to be funded with grant funds, identifying qualifications, responsibilities, and lines of supervision.

(8) The reasonableness and relevance of the estimated costs of the proposed program or service.

An application shall not receive a preliminary approval unless a review of the application determines that it:

(a) Contains all the information required in "D. Content of an Application."

(b) Receives at least the minimum score of 85 in a competitive review under the scoring process using the selection criteria established in regulation,

(c) If an applicant has been a grantee during the year immediately preceding the year for which an application is being made, and has made an application to continue essentially the same service program, satisfactory evaluation(s) from the Area office review of the program must be provided in addition to the other materials required in this subsection.

(f) Single Year Grant Review Process

The BIA's Assistant Secretary or his/her designated representative shall select for grants under the Indian Child Welfare Act those proposals which will in his/her judgment best promote the purposes of the Act. Such selection will be made through a review process in which each application will be scored competitively using the BIA review criteria listed above at the appropriate Bureau Social Service Office referred to in 25 CFR 23.30, 23.31, or 23.33. Grant applications will be reviewed by a panel of reviewers qualified by training and/or experience in human services to Indian populations. These recommendations will be used by the Assistant Secretary's designated representative to preliminarily approve or disapprove all single year grant applications, and make funding recommendations to the Central Office. The Assistant Secretary has final funding authority.

(g) Procedures for Submissions of Multi-Year Renewal Applications

The Assistant Secretary may award grants for the third year of approved multi-year project proposals as authorized in 25 CFR 23.37. *No new multi-year projects shall be considered in the FY 88 application period.* Funding of projects is subject to the availability of funding in accordance with 25 CFR 23.27(e). Only current grantees who have FY 87 approved multi-year projects may submit renewal applications.

Three copies of the following information must be submitted to the appropriate agency or area office by current multi-year project grantees in the renewal application:

(1) New SF–424

(2) Updated information required in 25 CFR 23.24, 23.25, 23.26 and 23.27(c)(3).

(3) Updated Operational Monitoring System (OMS)

(4) Proposed budget

Grantees must have a satisfactory evaluation of the current year of their multi-year project from the Area Office in order to be considered for funding for subsequent project years (25 CFR 23.27(c)(3)).

As stated in 25 CFR 23.27(3), requests (e.g. resolutions) from tribal governing bodies or Indian organizations which cover the duration of the multi-year project will fulfill the requirements specified 25 CFR 23.26 and do not need to be resubmitted on an annual basis. Resolutions that were only for one year of the project must be updated for the year which the grantee is submitting a renewal application.

Grantees must comply with 25 CFR Part 276 in terms of both financial and performance reporting requirements. Failure to meet and comply with regulatory requirements can result in suspension, cancellation and/or termination of program funds. The OMS for a multi-year renewal application must demonstrate a developmental approach to the delivery of the proposed child and family service project (25 CFR 23.37(d)(2)). In revising or updating the OMS, renewal applicants should submit an OMS–2. If your OMS–2 does not require updating please note in your renewal application that you are *not* submitting a revised OMS–2.

(h) Renewal Application Review

Upon submission of the initial application and the renewal application, the revised area/agency certification form will be completed by the appropriate area/agency office specified in 25 CFR 23.30 or 23.31. The applicant must include a satsifactory evaluation of their existing ICWA program (25 CFR 23.27(c)(3)) to include with their renewal application.

Materials submitted for renewal shall not be subject to competitive review. The Area social worker or designated social services staff shall review renewal applications for compliance with 25 CFR Part 23 and 25 CFR Part 276. The Area social worker or designated social services staff shall make recommendations based on this review.

(i) Renewal Application Funding

Funding shall be in accordance with the formula published in the **Federal Register** (25 CFR 23.27(e)(1)). Funding after the first year of a multi-year project will depend upon the grantee's progress in achieving the objectives in the project according to the approved work plan submitted in the previous year(s) of the project (25 CFR 23.37(f)), demonstrated need and the availability of funds.

Part IV. List of BIA Area Offices—BIA Area Offices; Area Social Workers

Aberdeen—Dean Krahulec, 115 4th Avenue, SE, Aberdeen, SD 57401, 605–225–0250, extension 351.

Albuquerque—Robert C. Carr, P.O. Box 26567, Albuquerque, NM 87125–6567, 505–766–3321.

Anadarko—Jerry Bridges, P.O. Box 368, Anadarko, OK 73005, 405–247–6673, extension 257.

Billings—Bill Weber, 316 N. 26th Street, Billings, MT 59101, 406–657–6651.

Juneau—Jimmie Clemmons, P.O. Box 3–8000, Juneau, AK 99802–1219, 907–586–7611.

Minneapolis—Rosalie Clark, Chamber of Commerce Building, 15 South Fifth Street, 10th Floor, Minneapolis, MN 55402, 612–349–3614.

Muskogee—Alice Allen, Old Federal Building, Muskogee, Ok 74401, 918–687–2507.

Navajo—Nancy Evans, P.O. Box M, Window Rock, AZ 86515, 602–871–5151.

Phoenix—Elizabeth Black Owl, One North First St., P.O. Box 10, Phoenix, AZ 85004, 602–241–2262.

Portland—Karen Grey Eyes, 1425 NE Irving St., Portland, OR 97208, 503–231–6783/6785.

Sacramento—Ben Chavarie, Community Service Officer, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825, 916–978–4691.

Eastern—Division of Social Services, 1951 Constitution Avenue, NW., Code 1000, Washington, DC 20245, 703–235–3179.

W.P. Ragsdale,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 87–28928 Filed 12–16–87; 8:45 am]

BILLING CODE 4310–02–M

VOL
52
ISS
242
DE
17
1987
UMI

federal register

Thursday
December 17, 1987

Part V

Department of Justice

Bureau of Prisons

28 CFR Part 549

Control, Custody, Care, Treatment, and Instruction of Inmates; Authority to Conduct Autopsies; Final Rule

VOL
52
ISS
242
DE
17
1987
UMI

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 549

Control, Custody, Care, Treatment, and Instruction of Inmates; Authority to Conduct Autopsies

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons is publishing its final rule on Authority to Conduct Autopsies. The rule describes the conditions under which a Warden, pursuant to rules prescribed by the Director, Bureau of Prisons, may order an autopsy under his own authority, and those conditions requiring the written consent of another party. The final rule is primarily intended to meet the statutory requirement of 18 U.S.C. 4045.

EFFECTIVE DATE: December 17, 1987.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 770, 320 1st Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Hank Jacob, Office of General Counsel, Bureau of Prisons, phone 202/272–6874.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is publishing its final rule on Authority to Conduct Autopsies. A proposed rule on this subject was published in the **Federal Register** on April 1, 1987 (at 52 FR 10530 et seq.). Interested persons were invited to submit comments on the proposed rule. Members of the public may submit comments concerning the final rule by writing the previously cited address. These comments will be considered but will receive no response in the **Federal Register**.

Title 18 U.S.C. 4045, authorizes the Warden, pursuant to rules prescribed by the Director, Bureau of Prisons, to order an autopsy and related scientific or medical tests to be performed on the body of a deceased inmate of the facility in the event of homicide, suicide, fatal illness or accident, or unexplained death. The autopsy or tests may be ordered in one of these situations only when the Warden determines that the autopsy or test is necessary to detect a crime, maintain discipline, protect the health or safety of other inmates, remedy official misconduct, or defend the United States or its employees from civil liability arising from the administration of the facility. An autopsy or post-mortem operation not meeting the conditions specified above requires the written consent of a person authorized to permit such an autopsy or post-mortem operation. Based on the fact that the rule is primarily intended to meet the statutory requirement of 18 U.S.C. 4045, and because the Bureau received no public comment on its proposed rule, the Bureau of Prisons finds good cause under 5 U.S.C. 533(d) to publish its final rule without a delay in the effective date. The final rule, in § 549.80(c)(2), is clarified to state that Bureau staff may not release the body to a funeral home until the funeral home agrees in writing that no preparation for burial, including embalming, should be performed until a final decision is made on the need for an autopsy.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 549

Prisoners.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), Chapter V of 28 CFR is amended as set forth below.

Dated: December 9, 1987.

J. Michael Quinlan,

Director, Bureau of Prisons.

In consideration of the foregoing, amend Subchapter C of 28 CFR, Chapter V, by adding a new Subpart G consisting of § 549.80 to Part 549.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 549—MEDICAL SERVICES

I. The authority citation for Part 549 is revised to read as follows:

Authority: 5. U.S.C. 301; 18 U.S.C. 3621, 4001, 4005, 4042, 4045, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99

II. In Part 549, add a new Subpart G to read as follows:

Subpart G—Authority to Conduct Autopsies

Sec.

549.80 Authority to conduct autopsies.

Subpart G—Authority to Conduct Autopsies

§ 549.80 Authority to conduct autopsies.

(a) The Warden may order an autopsy and related scientific or medical tests to be performed on the body of a deceased inmate of the facility in the event of homicide, suicide, fatal illness or accident, or unexplained death. The autopsy or tests may be ordered in one of these situations only when the Warden determines that the autopsy or test is necessary to detect a crime, maintain discipline, protect the health or safety of other inmates, remedy official misconduct, or defend the United States or its employees from civil liability arising from the administration of the facility.

(1) The authority of the Warden under this section may not be delegated below the level of Acting Warden.

(2) Where the Warden has the authority to order an autopsy under this provision, no non-Bureau of Prisons authorization (e.g., from either the coroner or from the inmate's next-of-kin) is required. A decision on whether to order an autopsy is ordinarily made after consultation with the attending physician, and a determination by the Warden that the autopsy is in accordance with the statutory provision. Once it is determined that an autopsy is appropriate, the Warden shall prepare a written statement authorizing this procedure. The written statement is to include the basis for approval.

(b) In any situation other than as described in paragraph (a) of this section, the Warden may order an autopsy or post-mortem operation, including removal of tissue for transplanting, to be performed on the body of a deceased inmate of the facility with the written consent of a person (e.g., coroner, or next-of-kin, or the decedent's consent in the case of tissue removed for transplanting) authorized to permit the autopsy or post-mortem operation under the law of the State in which the facility is located.

(1) The authority of the Warden under this section may not be delegated below the level of Acting Warden.

(2) When the conducting of an autopsy requires permission of the family or next-of-kin, the following message is to be included in the telegram notifying the family or next-of-kin of the death: "Permission is requested to perform a complete autopsy". Also inform the family or next-of-kin that they may telegraph the institution *collect* with their response.

Where permission is not received from the person (e.g., coroner or next-of-kin) authorized to permit the autopsy or post-mortem operation, an autopsy or post-mortem operation may not be performed under the conditions of this paragraph (b).

(c) In addition to the provisions of paragraphs (a) and (b) of this section, each institution also is expected to abide by the following procedures.

(1) Staff shall ensure that the state laws regarding the reporting of deaths are followed.

(2) Time is a critical factor in arranging for an autopsy, as this ordinarily must be performed within 48 hours. While a decision on an autopsy is pending, no action should be taken that will affect the validity of the autopsy results. Therefore, while the body may be released to a funeral home, this should be done only with the written understanding from the funeral home that no preparation for burial, including embalming, should be performed until a final decision is made on the need for an autopsy.

(3) Medical staff shall arrange for the approved autopsy to be performed.

(4) To the extent consistent with the needs of the autopsy or of specific scientific or medical tests, provisions of state and local laws protecting religious beliefs with respect to such autopsies are to be observed.

[FR Doc. 87–28986 Filed 12–16–87; 8:45 am]

BILLING CODE 4410–18–M

VOL
52
ISS
242
DE
17
1987
UMI

federal register

Thursday
December 17, 1987

Part VI

Environmental Protection Agency

40 CFR Part 355
Extremely Hazardous Substances List; Final Rules

VOL 52 ISS 242 DEC 17 1987 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 355

[FRL—3303-3]

Extremely Hazardous Substances List

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On November 17, 1986, the U.S. Environmental Protection Agency (EPA) proposed the deletion of 40 substances from the list of "extremely hazardous substances" promulgated by the Agency under section 302 of the Emergency Planning and Community Right-to-Know Act of 1986, Title III of the Superfund Amendments and Reauthorization Act of 1986. Today's final rule removes one of those substances, bacitracin, from the list of extremely hazardous substances.

EFFECTIVE DATE: This rule becomes effective on December 17, 1987.

ADDRESS: The record supporting this rulemaking is contained in the Superfund Docket located in Room Lower Garage at the U.S. EPA, 401 M Street, SW., Washington, DC. 20460. The docket is available for inspection by appointment only between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday, excluding federal holidays. The docket phone number is 202–382–3046. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Carrie Wehling, Office of General Counsel, LE–132S, U.S. EPA, 401 M Street, SW., Washington, DC 20460, (202) 382–7706. The Chemical Emergency Preparedness Hotline can also be contacted for further information at 1–800–535–0202, in Washington, DC at 1–202–479–2449.

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline:

I. Statutory Authority
II. Delisting of Bacitracin
III. Effective Date
IV. Regulatory Analyses

I. Statutory Authority

This regulation is issued under sections 302 and 328 of the Emergency Planning and Community Right-to-Know Act of 1986 ("the Act").

II. Delisting of Bacitracin

On October 17, 1986, the President signed into law the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), Pub. L. No. 99–499 (1986). Title III of SARA established a program designed to encourage state and local planning and preparedness for spills or releases of hazardous substances and to provide the public and local governments with information concerning potential chemical hazards in their communities. This program is codified as the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001–11050.

Subtitle A of the Act establishes the framework for local emergency planning. Under section 302, a facility which has present an "extremely hazardous substance" in excess of its "threshold planning quantity" ("TPQ") must notify the State emergency planning commission and participate, as necessary, in local emergency planning activities.

On November 17, 1986, EPA published the statutorily-designated list of "extremely hazardous substances" and their associated TPQs in an interim final rule, as required by section 302. 51 FR 41570. On the same day, EPA proposed the deletion of a number of substances, including bacitracin, from the list of extremely hazardous substances based on the fact that they did not meet the Agency's criteria for acute toxicity. 51 FR 41593.

On November 23, 1987, EPA published a notice of availability of its further study on the long-term toxicity of bacitracin. 52 FR 44921. In that notice, EPA stated that, based on its analysis of the toxicity of bacitracin, the Agency has no reason to believe that the substance should remain on the list of extremely hazardous substances.

Also on November 23, 1987, the District Court for the District of Columbia issued an order in *A.L. Laboratories, Inc.* V. *Environmental Protection Agency*, Civ. Action No. 87–1991–OG (and consolidated cases) requiring EPA to remove bacitracin from the list of extremely hazardous substances under section 302 of the Act.

As a result of the Court's order and in light of the absence of information suggesting that bacitracin may result in toxic or other effects upon exposure to a release of the substance into the environment, EPA today is delisting bacitracin from the list of "extremely hazardous substances" subject to emergency planning and notification requirements under this Act.

As a result of today's action, EPA is no longer considering comments on one aspect of the November 23, 1987 notice of availability, *i.e.* whether bacitracin should be delisted. However, because the bacitracin study sets forth several general criteria for evaluation of long-term toxic effects, EPA is still requesting comment on the study and those criteria for purposes of future listings and delistings from the extremely hazardous substances list under section 302.

III. Effective Date

As indicated in the opening section of this preamble, this rule is effective immediately. Section 553(d) of the Administrative Procedure Act ("APA") generally requires the publication of a rule no less than 30 days prior to its effective date. However, under section 553(d)(1), the Agency may suspend the 30 day effective date requirement for a rule which relieves a restriction. Because this rule provides relief from regulatory requirements previously applicable to persons handling large amounts of bacitracin, EPA is suspending the 30 day effective date requirement for this delisting.

IV. Regulatory Analyses

Because this delisting is not a "major" rule as defined under Executive Order 12291, no regulatory impact analysis has been prepared in connection with this final rule.

In addition, because this delisting will not have a significant impact on a substantial number of small entities, no analysis of the impacts of this rule on small entities is required under the Regulatory Flexibility Act of 1980.

List of Subjects in 40 CFR Part 355

Chemicals, Hazardous substances, Extremely hazardous substances, Community right-to-know, Chemical accident prevention, Chemical emergency preparedness, Threshold planning quantity, Reportable quantity, Community emergency response plan, Contingency planning, Reporting and recordkeeping requirements.

Dated: December 10, 1987.

Lee M. Thomas,

Administrator.

For the reasons set out in the Preamble, Part 355 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 355—EMERGENCY PLANNING AND NOTIFICATION

1. The authority citation for Part 355 is revised to read as follows:

Authority: 42 U.S.C. 11002, 11003, 11004, 11025, 11028, and 11029 (1986).

Appendix A—[Amended]

2. Appendix A to Part 355 is amended to remove the following entry:

CAS No.	Chemical name	. . .
1405–87–4	Bacitracin	. . .

Appendix B—[Amended]

3. Appendix B to Part 355 is amended to remove the following entry:

CAS No.	Chemical name	. . .
1405–87–4	Bacitracin	. . .

[FR Doc. 87–29007 Filed 12–16–87; 9:27 am]

BILLING CODE 6560–50–M

40 CFR Part 355

Extremely Hazardous Substances List

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On November 17, 1986, the U.S. Environmental Protection Agency (EPA) proposed the deletion of 40 substances from the list of "extremely hazardous substances" promulgated by the Agency under section 302 of the Emergency Planning and Community Right-to-Know Act of 1986, Title III of the Superfund Amendments and Reauthorization Act of 1986. Today EPA is taking final action to remove three of those substances from the list of extremely hazardous substances.

EFFECTIVE DATE: This rule becomes effective on December 17, 1987.

ADDRESS: The record supporting this rulemaking is contained in the Superfund Docket located in Room Lower Garage at the U.S. EPA, 401 M Street, SW., Washington, DC 20460. The docket is available for inspection by appointment only between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday, excluding federal holidays. The docket phone number is 202–382–3046. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Carrie Wehling, Office of General Counsel, LE–132S, U.S. EPA, 401 M Street, SW., Washington, DC 20460 (202) 382–7706. The Chemical Emergency Preparedness Hotline can also be contacted for further information at 1–800–535–0202, in Washington, DC, at 1–202–479–2449.

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline:

I. Statutory Authority
II. Today's Rulemaking
III. Effective Date
IV Regulatory Analyses

I. Statutory Authority

This regulation is issued under section 302 and 328 of the Emergency Planning and Community Right-to-Know Act of 1986 ("the Act").

II. Today's Rulemaking

On October 17, 1986, the President signed into law the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), Pub. L. No. 99–499 (1986). Title III of SARA established a program designed to encourage state and local planning and preparedness for spills or releases of hazardous substances and to provide the public and local governments with information concerning potential chemical hazards in their communities. This program is codified as the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001–11050. Subtitle A of the Act establishes the framework for local emergency planning. Under section 302, a facility which has present an "extremely hazardous substance" in excess of its "threshold planning quantity" ("TPQ") must notify the State emergency planning commission andparticipate, as necessary, in local emergency planning activities.

On November 17, 1986, EPA published the statutorily-designated list of 402 "extremely hazardous substances" and their associated TPQs in an interim final rule, as required by section 302.51 FR 41570. On the same day, EPA proposed the deletion of 40 substances from the list of extremely hazardous substances based on the fact that they did not meet the Agency's criteria for acute toxicity. 51 FR 41593.

Based on public comment on this proposal, EPA announced on April 22, 1987, that it had deferred the proposed delisting of these substances, pending an evaluation of the long-term effects from short-term exposure to each of the substances proposed for delisting. 52 FR 13388.

On November 23, 1987, the District Court for the District of Columbia issued an order in *A.L. Laboratories, Inc.* v. *Environmental Protection Agency*, Civ. Action No. 87–1991–OG (and consolidated cases) requiring EPA to remove four of the substances proposed for delisting from the list of extremely hazardous substances under section 302 of the Act. The basis for the Court's order was its reasoning that Congress did not intend to include in the statutorily-designated list substances listed due to clerical error.

In response to the Court's order, EPA has published a final rule removing one of those substances, bacitracin, from the section 302 list. Today EPA is taking final action to delist the remaining three substances subject to the Court's order: Dibutyl phthalate, dimethyl phthalate, and dioctyl phthalate. In addition, EPA believes that the remaining 36 substances originally proposed for delisting on November 17, 1986 are indistinguishable from the four substances subject to the Court's order with respect to their status on the list of "extremely hazardous substances". As a result, EPA intends to issue a final rule within the next 30 days deleting the other 36 substances proposed for delisting on November 17, 1986. Upon the effective date of that rule, those substances will no longer be subject to the emergency planning and notification requirements under the Act.

III. Effective Date

As indicated in the opening section of this preamble, this rule is effective immediately. Section 553(d) of the Administrative Procedure Act ("APA") generally requires the publication of a rule no less than 30 days prior to its effective date. However, under section 553(d)(1), the Agency may suspend the 30 day effective date requirement for a rule which relieves a restriction. Because this rule provides relief from regulatory requirements previously applicable to persons handling large amounts of these substances, EPA is suspending the 30 day effective date requirement for this delisting.

IV. Regulatory Analyses

Because this delisting is not a "major" rule as defined under Executive Order 12291, no regulatory impact analysis has been prepared in connection with this final rule.

In addition, because this delisting will not have a significant impact on a substantial number of small entities, no analysis of the impacts of this rule on small entities is required under the Regulatory Flexibility Act of 1980.

List of Subjects in 40 CFR Part 355

Chemicals, Hazardous substances, Extremely hazardous substances, Community right-to-know, Chemical accident prevention, Chemical emergency preparedness, Threshold planning quantity, Reportable quantity, Community emergency response plan, Contingency planning, Reporting and recordkeeping requirements.

Dated: December 10, 1987.

Lee M. Thomas,

Administrator.

For the reasons set out in the Preamble, Part 355 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 355—EMERGENCY PLANNING AND NOTIFICATION

1. The authority citation for Part 355 continues to read as follows:

Authority: 42 U.S.C. 11002, 11003, 11004, 11023, 11035, 11028, and 11029 (1986).

Appendix A—[Amended]

2. Appendix A to Part 355 is amended to remove the following entries:

CAS No.	Chemical name	...
• • • • •		
84-74-2	Dibutyl Phthalate.	...
• • • • •		
131-11-3	Dimethyl Phthalate.	...
• • • • •		
117-84-0	Dioctyl Phthalate.	...

Appendix B—[Amended]

3. Appendix B to Part 355 is amended to remove the following entries:

CAS No.	Chemical name	...
• • • • •		
84-74-2	Dibutyl Phthalate.	...
• • • • •		
117-84-0	Dioctyl Phthalate.	...
131-11-3	Dimethyl Phthalate.	...

[FR Doc. 87-29096 Filed 12-16-87; 9:28 am]

BILLING CODE 8320-30-M

federal register

Thursday
December 17, 1987

Part VII

Department of Transportation

Maritime Administration

46 CFR Part 249

Approval of Underwriters for Marine Hull Insurance, Extension of Comment Period

VOL 52 ISS 242 DEC 17 1987 UMI

VOL
52
ISS
242
DE
17
1987
UMI

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 249

[Docket R-101]

Approval of Underwriters for Marine Hull Insurance

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Proposed Rulemaking: Extension of comment period.

SUMMARY: This notice extends the comment period for a Notice of Proposed Rulemaking (NPRM) that MARAD has issued concerning its policies with respect to the placement of hull insurance on subsidized and Title XI program vessels (52 F.R. 38481, October 16, 1987). American Maritime Transport, Inc. (AMT) has requested a one-month extension of the comment period due to end on December 15, 1987. AMT stated in its request that in an effort to provide detailed information regarding the impact of the current rules, it is undertaking an extensive review of its past operations. It also hopes to provide detailed estimates of the impact of the proposed rule. The analyses are time consuming and cannot, according to AMT, be completed by the deadline. While MARAD would normally believe one month to be an excessive extension after a 60-day comment period, in view of the impending holidays, MARAD hereby grants the requested extension of the comment period, in order to allow AMT and other affected parties more time to prepare comments.

DATE: NPRM comment period expiration date is extended until January 15, 1988.

ADDRESS: Send the original and two copies of comments to the Secretary, Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. To expedite review of the comments, the agency requests, but does not require, submission of an additional ten (10) copies of the comments. All comments will be made available for inspection during normal business hours at this address. Commenters wishing MARAD to acknowledge receipt should enclose a self-addressed and stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: William B. Ebersold, Office of the Associate Administrator for Maritime Aids, Maritime Administration, Washington, D.C. 20590, Tel. (202) 366-0364.

Dated: December 15, 1987

By Order of the Maritime Administrator:

James E. Saari,

Secretary, Maritime Administration.

[FR Doc. 87-29107 Filed 12-16-87; 10:23 am]

BILLING CODE 4910-81-M

VOL
52
ISS
2
42
2
DE
17
1987
UMI

Reader Aids

Federal Register
Vol. 52, No. 242
Thursday, December 17, 1987

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

45597–45800.....1
45801–45934.....2
45935–46050.....3
46051–46342.....4
46343–46444.....7
46445–46584.....8
46585–46730.....9
46731–46982.....10
46983–47364.....11
47365–47544.....14
47545–47686.....15
47687–47890.....16
47891–48078.....17

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5748.....46729
5749.....46731
5750.....46733
5751.....46735
5752.....47365, 47545
Executive Orders:
12543 (See Notice of Dec. 15, 1987).....47891
12616.....46730
Administrative Orders:
Notices:
Dec. 15, 1987.....47891
Statements:
Dec. 7, 1987.....46728

4 CFR

21.....46445

5 CFR

351.....46051
540.....46051
551.....47687
831.....47893
870.....46343
874.....46343
1201.....47547
1204.....45597
1600.....45801
1605.....46314

7 CFR

8.....47660
21.....48015
301.....45597, 47367, 47688
319.....46052, 47372
352.....47373
401.....45596–45604
413.....47375
423.....45805, 47376
431.....47376
432.....47377
770.....45606
907.....46060, 46737, 46983
908.....46737
910.....46061, 46984
911.....46344
915.....46344
966.....46345
981.....45607, 45609
1900.....45806, 46348
1942.....47097
1944.....45807
1956.....46348, 47688
Proposed Rules:
52.....46486
401.....45830
735.....47009
905.....46366
959.....46366
966.....47576
971.....46366
985.....46600
987.....46366
1951.....45638

8 CFR

316a.....46738
Proposed Rules:
3.....46776
109.....46092
208.....46776
236.....46776
242.....46776
253.....46776

9 CFR

78.....47378
85.....45935
92.....45611, 47548
Proposed Rules:
145.....47014
147.....47014
316.....45639
350.....45639

10 CFR

1039.....48015
Proposed Rules:
Ch. I.....47398
35.....47726
61.....47398
62.....47578
430.....46367, 47549

12 CFR

4.....46061
204.....46450, 47689
208.....46984
217.....47689
226.....45611
337.....47379
614.....46151
706.....46585
Proposed Rules:
202.....47589
205.....47591
210.....47112
226.....47592
229.....47112
701.....46601, 47014

13 CFR

102.....47699
Proposed Rules:
121.....47937

14 CFR

21.....46348
25.....46348

39.....45612–45614, 45808–45810, 46064–46067, 46452, 46739, 46985–46995, 47387, 47551, 47702–47704, 47990
71.....45615, 45616, 46556, 46740–46742, 46995–46997, 47304, 47308, 47676
75.....47677
91.....47672
97.....45617, 45743
121.....45910, 47991
135.....45910, 47991
1208.....48015
1213.....45935
1221.....45811

Proposed Rules:
Ch. I.....45831
39.....45640, 45642, 45831, 46094, 46776, 47015, 47016 47399–47401, 47943–47946
43.....47680
71.....45644, 46778, 46779, 47017–47020, 47402, 47727
73.....47021
91.....47680

15 CFR
11.....48015
371.....45618
374.....45618
385.....46886
399.....46886, 47388
801.....46587

Proposed Rules:
18.....47597

16 CFR
6.....45619
13.....45937
305.....46888
1015.....45631

Proposed Rules:
13.....45645, 45970, 45872
453.....46706
1016.....47599

17 CFR
1.....46070, 47705
211.....46454
274.....46350

Proposed Rules:
34.....47022

18 CFR
2.....47897, 47914
157.....47897
271.....46072
284.....47914
380.....47897
389.....45620
1306.....48015
1312.....47720

Proposed Rules:
1310.....47728

19 CFR

Proposed Rules:
4.....46602
101.....47908
128.....47729
143.....47729
177.....47601

20 CFR
355.....47705
404.....47914

Proposed Rules:
365.....47601
614.....46604

21 CFR
74.....45938
176.....46966
184.....47918
333.....47312
369.....47312

Proposed Rules:
182.....46966
352.....46095

22 CFR
302.....47714
502.....47991

Proposed Rules:
502.....47029
1506.....46779

23 CFR

Proposed Rules:
625.....47403
635.....45645

24 CFR
3280.....47552

Proposed Rules:
42.....47953
43.....47953
813.....46614
885.....46614

25 CFR

Proposed Rules:
177.....46781

26 CFR
1.....47554
31.....45632
35a.....46075
54.....46747
602.....46075, 46747, 47554

Proposed Rules:
1.....45835, 47609
48.....45901
54.....46782
602.....46782, 47609

27 CFR
9.....46589
19.....47557
25.....47557
240.....47557
250.....46592, 47557
270.....47557
275.....47557
285.....47557

Proposed Rules:
250.....46628

28 CFR
2.....46596, 47921
549.....48068

Proposed Rules:
701.....47406

29 CFR
12.....48015
1910.....46075, 46168
1915.....46075
1917.....46075
1918.....46075
1926.....46075, 46168
1928.....46075
2613.....47561
2617.....47561
2619.....47561, 47562
2621.....47563
2676.....47564

Proposed Rules:
103.....47029
1910.....47097

30 CFR
779.....47352
780.....47352
783.....47352
784.....45920, 47352
816.....47352
817.....45920, 47352
935.....46597
942.....47716

Proposed Rules:
904.....47411
935.....46377, 46379, 46783
952.....46095
953.....46097

31 CFR
351.....46455

Proposed Rules:
0.....45648

32 CFR
41.....46997
209.....47389
229.....47720
259.....48015
536.....45938
706.....46080, 47922
1900.....46456

Proposed Rules:
199.....46096, 47029
1636.....47949
1656.....47949

33 CFR
62.....46351
95.....47526
100.....46351
110.....46760
117.....46081, 47391, 47923
146.....47526
150.....47526
165.....46351, 47924
173.....47526
177.....47526

Proposed Rules:
165.....45973, 47413
179.....47950

34 CFR
15.....48015
668.....45712, 46353
674.....45738
675.....45738
676.....45738
690.....45712

Proposed Rules:
251.....47951
333.....46720
776.....47538
778.....46784
790.....46785

35 CFR
296.....47720
904.....48015
1155.....47717

37 CFR

Proposed Rules:
304.....45664

38 CFR
4.....46439
21.....45633
25.....48015

Proposed Rules:
21.....46494

39 CFR
224.....46998
225.....46998
226.....46998
227.....46998
228.....46998
229.....46998
777.....48029

40 CFR
4.....48015
52.....45634, 45958, 45959, 46463, 46762, 46764, 47392, 47565, 47566, 47925
60.....47826
61.....46681, 46465
82.....47486
85.....46354
86.....47856
123.....45823
144.....45788, 46946
180.....45824, 46019, 46598, 47900
260.....46846
264.....45788, 46946
265.....45788
270.....45788, 46946
271.....45634, 45788, 46466
355.....48072
600.....47856
716.....47990

Proposed Rules:
35.....46712
52.....46495, 46786, 47610
60.....47032
62.....46380
80.....47032
82.....47489
86.....47032
180.....47733, 47734
600.....47032
721.....46496

41 CFR
101–6.....45926
101–7.....45825
101–44.....47393
101–47.....46467
105–51.....48015
105–55.....46468
114–50.....48015
128–18.....48015
201–1.....46468
201–2.....46468
201–23.....46468
201–24.....46468

42 CFR
124.....46022
417.....47003
431.....47926
435.....47926

440.....47926
441.....47926
466.....47003
476.....47003

Proposed Rules:
405.....47990
435.....47414
436.....47414
442.....47990
488.....47990
489.....47990

43 CFR
4.....46355, 47097
7.....47720
3420.....46469
3460.....46469

Proposed Rules:
3450.....46499

44 CFR
25.....48015
65.....46501
67.....46505

Proposed Rules:
67.....46787, 47611

45 CFR
15.....48015

Proposed Rules:
233.....47420

46 CFR
4.....47526
5.....47526
26.....47526
35.....47526
78.....47526
97.....47526
109.....47526
167.....47526
185.....47526
196.....47526
197.....47526
560.....45960
586.....46356

Proposed Rules:
38.....45665
42.....47422
44.....47422
45.....47422
54.....45665
69.....46103
98.....45665
151.....45665
170.....47422
174.....47422
249.....48077
503.....45835
572.....46501
588.....46505

47 CFR
15.....45961
25.....45636
73.....45636, 45963–45965, 46598, 46599, 47004, 47567, 47722–47724, 47935
74.....47567
76.....45961, 46363
90.....47569

Proposed Rules:
1.....46628
15.....47615
43.....46628
64.....47951
73.....45974, 45975, 46629–46631, 47032, 47033, 47735, 47736
80.....45665

48 CFR
232.....47005
519.....47396
532.....47005
552.....47005
553.....47006
819.....48062
1801.....46765
1805.....46765
1807.....46765
1808.....46765
1809.....46765
1812.....46765
1813.....46765
1815.....46765
1827.....46765
1830.....46765
1831.....46765
1832.....46765
1836.....46765
1837.....46765
1852.....46765, 47935
1853.....46765
2401.....47395
2402.....47395

Proposed Rules:
31.....46043
245.....47427
2409.....46560
2412.....46560
2413.....46560
2415.....46560
2416.....46560
2417.....46560
2424.....46560
2427.....46560
2432.....46560
2434.....46560
2437.....46560
2442.....46560
2446.....46560
2451.....46560
2452.....46560
2453.....46560
2470.....46560
5706.....47033

49 CFR
1.....46364, 46478, 47007, 47097
24.....47994
25.....48015
571.....46479, 46480
1002.....46481
1007.....46481
1011.....45636, 46773
1052.....45966
1103.....46481
1150.....46481
1152.....45636, 46773
1160.....45827, 46481
1162.....46481
1169.....46481
1171.....46481
1177.....46481
1180.....46481
1182.....46481

Proposed Rules:
24.....45667
173.....46510, 46511
383.....47326
701.....46381

50 CFR
14.....46019
17.....46083, 46085
20.....46087
80.....47571
611.....45966, 46484
642.....47724
649.....46088
650.....46485
652.....47008
675.....45966, 46484
681.....47572

Proposed Rules:
17.....45976, 46106, 46334, 46335
20.....47428
21.....47428
253.....47990
655.....47034
658.....47615
663.....45668

LIST OF PUBLIC LAWS

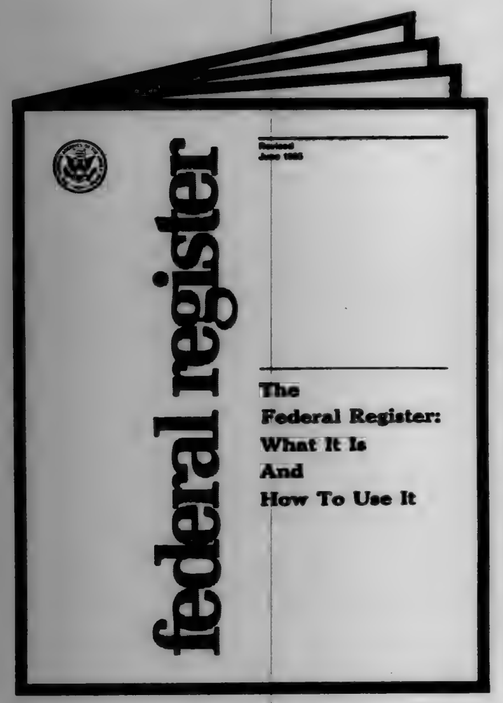
Last List December 16, 1987

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202–275–3030).

S.J. Res. 35/Pub. L. 100–190
Relating to the commemoration of January 28, 1988, as a "National Day of Excellence." (Dec. 14, 1987; 101 Stat. 1292; 1 page) Price: $1.00

H.R. 2939/Pub. L. 100–191
Independent Counsel Reauthorization Act of 1987. (Dec. 15, 1987; 101 Stat. 1293; 16 pages) Price: $1.00

VOL
52
ISS
2
4
2
DE
17
1987
UMI



Announcing the Latest Edition

The Federal Register: What It Is and How to Use It

A Guide for the User of the Federal Register—Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem.

Price $4.50

Order Form

Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402

Enclosed is $_____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐☐-☐

Order No. _____

Master Card and VISA accepted.

Credit Card Orders Only
Total charges $ _____
Fill in the boxes below.

Customer's Telephone Nos.
Area Code Home — Area Code Office

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month / Year ☐☐☐☐

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday - Friday (except holidays)

Please send me _____ copies of **The Federal Register - What It Is and How To Use It,** at $4.50 per copy, Stock No. 022-003-01116-1

Please Print or Type

Name - First, Last

Company name or additional address line

Street address

City — State — ZIP Code

(or Country)

(Rev. 11 – 85)

VOL
52
ISS
2
4
2
DE
17
1987
UMI

VOL
52
ISS
2
4
3
DE
18
1987
UMI

12-18-87
Vol. 52 No. 243

federal register

Friday
December 18, 1987

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106
A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
52
ISS
243
DE
18
1987
UMI

12-18-87
Vol. 52 No. 243
Pages 48079-48178

federal register

Friday
December 18, 1987

BEST COPY AVAILABLE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $188.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202-783-3238
Magnetic tapes	275-3328
Problems with public subscriptions	275-3054

Single copies/back copies:

Paper or fiche	783-3238
Magnetic tapes	275-3328
Problems with public single copies	275-3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523-5240
Magnetic tapes	275-3328
Problems with Federal agency subscriptions	523-5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 52, No. 243
Friday, December 18, 1987

Agricultural Marketing Service
RULES
Lemons grown in California and Arizona, 48080
Oranges (navel) grown in Arizona and California, 48080

Agriculture Department
See also Agricultural Marketing Service; Commodity Credit Corporation; Food Safety and Inspection Service
RULES
Import quotas and fees:
Sugar; allocations, 48079
NOTICES
Committees; establishment, renewals, terminations, etc.:
National Forest System Law Enforcement Advisory Council, 48135
Ground water quality policy, 48135
Import quotas and fees:
Sugar—
Quota period determination, 48136

Alcohol, Tobacco and Firearms Bureau
RULES
Firearms:
Munitions import list; articles importation, 48096

Antitrust Division
NOTICES
Freedom of Information Act; implementation:
Publication list; correction, 48164
National cooperative research notifications:
Bell Communications Research, Inc., 48164
Corporation for Open Systems International, 48164

Blind and Other Severely Handicapped, Committee for Purchase From
See Committee for Purchase From the Blind and Other Severely Handicapped

Commerce Department
See Foreign-Trade Zones Board; International Trade Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration

Committee for Purchase From the Blind and Other Severely Handicapped
NOTICES
Procurement list, 1988:
Additions and deletions, 48143, 48144
(2 documents)

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Thailand, 48143

Commodity Credit Corporation
RULES
Loan and purchase programs:
Honey price support program, 48081

Commodity Futures Trading Commission
NOTICES
Contract market proposals:
MidAmerica Commodity Exchange, Inc.—
Long-Term U.S. Treasury notes, 48144

Copyright Royalty Tribunal
NOTICES
Meetings; Sunshine Act, 48177

Employment and Training Administration
NOTICES
Meetings:
Job Corps Center Assessment Advisory Committee, 48164

Employment Standards Administration
NOTICES
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 48165

Energy Department
See Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department

Environmental Protection Agency
NOTICES
Environmental statements; availability, etc.:
agency statements—
Comment availability, 48153
Weekly receipts, 48154
Meetings:
Biotechnology Science Advisory Committee, 48155

Farm Credit Administration
RULES
Organization:
Director compensation
Correction, 48093

Federal Communications Commission
PROPOSED RULES
Radio stations; table of assignments:
Arizona, 48130
California, 48131
Texas, 48132
(3 documents)
Washington, 48133
West Virginia, 48133
Television stations; table of assignments:
New York, 48131
NOTICES
Agency information collection activities under OMB review, 48155
Common carrier services:
National Exchange Carrier Association; average schedule revisions, 48156
Applications, hearings, determinations, etc.:
Hartke Communications Corp. et al., 48156
PN Radio Co. et al., 48156

VOL 52 ISS 243 DEC 18 1987 UMI

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 48177

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Central Illinois Light Co. et al., 48145
Natural gas certificate filings:
Tennessee Gas Pipeline Co. et al., 48145
Small power production and cogeneration facilities; qualifying status:
Archer-Daniels-Midland Co. et al., 48147
Applications, hearings, determinations, etc.:
Wyoming-California Pipeline Co. et al., 48148

Federal Maritime Commission
NOTICES
Complaints filed:
Lake Charles Stevedores, Inc., et al., 48157

Federal Mediation and Conciliation Service
NOTICES
Meetings:
President's Mediation and Conciliation Advisory Committee, 48157

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
Lasalocid and oxytetracycline, 48095
Oxytetracycline hydrochloride soluble powder, 48094
NOTICES
Grants and cooperative agreements:
Animal drug bound residues in tissues; analytical methodology development and improvement studies, 48158
Orphan drug products; safety and effectiveness clinical studies, 48159
Meetings:
Advisory committees, panels, etc., 48159

Food Safety and Inspection Service
RULES
Meat and poultry inspection:
Inspection coverage in processing establishments; procedures, 48084

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Nevada, 48137

Health and Human Services Department
See also Food and Drug Administration; Health Care Financing Administration; Public Health Service
NOTICES
Agency information collection activities under OMB review, 48157

Health Care Financing Administration
RULES
Medicare:
Supplementary medical insurance premiums, 48112
PROPOSED RULES
Medicare and medicaid:
Miscellaneous conforming amendments, 48127

Health Resources and Services Administration
See Public Health Service

Hearings and Appeals Office, Energy Department
NOTICES
Special refund procedures; implementation, 48149

Immigration and Naturalization Service
RULES
Nonimmigrants; documentary requirements; waivers, etc.:
Guam; aliens applying as nonimmigrant visitors for business or pleasure; visa waiver, 48082

Independent Counsel Office
RULES
Privacy Act; implementation, 48097

Interior Department
See also Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office
NOTICES
Wilderness inventory decisions, 48160

International Trade Administration
NOTICES
Applications, hearings, determinations, etc.:
Catholic University of America et al., 48137
Pennsylvania State University, 48137
Research Foundation of State University of New York, 48138
Rutgers University et al., 48138

Interstate Commerce Commission
NOTICES
Motor carriers:
Compensated intercorporate hauling operations, 48163

Justice Department
See Antitrust Division; Immigration and Naturalization Service

Labor Department
See Employment and Training Administration; Employment Standards Administration; Occupational Safety and Health Administration

Land Management Bureau
RULES
Mineral leasing:
Hardrock minerals, 48124
NOTICES
Environmental statements; availability, etc.:
Lemhi and Medicine Lodge wilderness study areas, ID, 48161
Realty actions; sales, leases, etc.:
Oregon, 48162
Survey plat filings:
California, 48162, 48163
(4 documents)
Wilderness inventory decisions [Editorial Note: For a document on this subject, see Interior Department.], 48160

National Bureau of Standards
NOTICES
Meetings:
Visiting Committee, 48138
Weights and Measures National Conference, 48138

National Oceanic and Atmospheric Administration
NOTICES
Permits:
Foreign fishing, 48139

National Park Service
NOTICES
Environmental statements; availability, etc.:
Big Cypress National Preserve, FL, 48163

National Science Foundation
NOTICES
Meetings:
Design, Manufacturing, and Computer-Integrated Engineering Advisory Committee, 48166

Nuclear Regulatory Commission
RULES
Byproduct, source and special nuclear material; domestic licensing:
Regional licensing program, 48092
NOTICES
Abnormal occurrence reports:
Quarterly reports to Congress, 48166
Environmental statements; availability, etc.:
Indiana & Michigan Power Co., 48169
Petitions; Director's decisions:
Houston Lighting & Power Co., 48169
Applications, hearings, determinations, etc.:
Tennessee Valley Authority, 48170, 48171
(2 documents)

Occupational Safety and Health Administration
RULES
State plans; development, enforcement, etc:
South Carolina, 48103

Office of Independent Counsel
See Independent Counsel Office

Public Health Service
See also Food and Drug Administration
NOTICES
Meetings:
National Nutrition Monitoring System; information and data scientific review; study; correction, 48160

Securities and Exchange Commission
PROPOSED RULES
Securities:
Options; multiple trading, 48125
NOTICES
Consolidated Tape Association and quotation plans; amendments, 48172
Meetings; Sunshine Act, 48177
Self-regulatory organizations; proposed rule changes:
MBS Clearing Corp., 48173
Self-regulatory organizations; unlisted trading privileges:
Midwest Stock Exchange, Inc., 48175
(2 documents)

State Department
NOTICES
Meetings:
Historical Diplomatic Documentation Advisory Committee, 48176
International Radio Consultative Committee, 48176
International Telegraph and Telephone Consultative Committee, 48176

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program submission:
Ohio, 48125

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Treasury Department
See Alcohol, Tobacco and Firearms Bureau

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
6.....48079
907.....48080
910.....48080
1434.....48081

8 CFR
212.....48082
214.....48082
238.....48082
245.....48082
248.....48082
299.....48082

9 CFR
303.....48084
381.....48084

10 CFR
30.....48092
40.....48092
70.....48092

12 CFR
611.....48093

17 CFR
Proposed Rules:
240.....48125

21 CFR
520.....48094
558.....48095

27 CFR
47.....48096

28 CFR
Ch. VII.....48097

29 CFR
1952.....48103

30 CFR
Proposed Rules:
935.....48125

42 CFR
401.....48112
405.....48112
408.....48112
Proposed Rules:
409.....48127
410.....48127
416.....48127
421.....48127
441.....48127
489.....48127

43 CFR
3560.....48124

47 CFR
Proposed Rules:
73 (8 documents).....48130–48133

Rules and Regulations

Federal Register
Vol. 52, No. 243
Friday, December 18, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 6

Allocations of Sugar Import Quotas; Other Specified Countries or Areas

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This rule modifies the allocation provisions governing sugar import quotas for those countries or areas which are designated as "Other Specified Countries or Areas" (more commonly known as the "basket category"). This rule modifies the maximum quota allocated to each basket country. Each country in the basket category will receive an annual quota equal to its pro rata share of the percentage quota for the basket, or 5,770 short tons, whichever is greater.

EFFECTIVE DATE: January 1, 1988.

FOR FURTHER INFORMATION CONTACT: John Nuttall, Foreign Agricultural Service, Department of Agriculture, Room 6095-South, 14th and Independence Avenue SW., Washington, DC 20250. Telephone: (202) 447–2916.

SUPPLEMENTARY INFORMATION: This rule involves a foreign affairs function of the United States. Accordingly, the provisions of 5 U.S.C. 553 do not apply and no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule has been reviewed under Department of Agriculture procedures required by Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major" since the rule does not have any of the effects specified in those documents.

Presidential Proclamation No. 4941 of May 5, 1982 (47 FR 19661) established a country-by-country quota system for the importation of sugar into the United States. Under the import quota allocation provisions established under the Proclamation, each country was allocated a specific percentage allocation of the quota if that allocation was .7 percent or greater. A specified percentage of the total quota amount was allocated to a group of countries specified in the Proclamation and designated as "Other Specified Countries or Areas" (more commonly known as the "basket category"). The percentage allocation of the quota to the basked category was pooled and each country competed on a first-come-first-serve basis for the entire allocation.

Proclamation No. 4941 further provided that notwithstanding the allocation provisions set forth in the Proclamation, the Secretary may, after consultation with the U.S. Trade Representative, the Department of State, and the Department of the Treasury, issue regulations modifying the allocation provisions governing "Other Specified Countries or Areas" if the Secretary determines that such modifications are appropriate to provide such countries and areas reasonable access to the United States sugar market.

These allocation provisions were modified in an interim rule published in the **Federal Register** on August 11, 1982 (47 FR 34769) to provide that each country in the basket category would have a specific annual quota. Under that interim rule, each country received a quota allocation equal to its pro rata share of the quota allocation for the basket category, or 16,500 short tons, whichever was greater.

The interim rule (47 FR 34769) was adopted as a final rule with a modification and was published in the **Federal Register** on December 6, 1985 (50 FR 49919). The final rule modified the maximum level allocated to individual countries in the basket category. Each country received a quota allocation equal to its pro rata share of the quota allocation for the basket category, or 12,500 short tons, whichever is greater.

The final rule (50 FR 49919) was further modified by an interim rule published in the **Federal Register** on December 18, 1986 (51 FR 45295) which reduced the maximum quota allocated to each basket country to a level equal to its pro rata share of the percentage allocation for the basket category, or 7,500 short tons, whichever is greater. No comments were received with respect to the interim rule.

This rule finalizes the interim rule (51 FR 45295) with a modification by revising the quota amount each basket country will receive to a level equal to its pro rata share of the percentage allocation for the basket category, or 5,770 short tons, whichever is greater.

After consultation with the United States Trade Representative, the Department of State, and the Department of the Treasury, the Secretary of Agriculture has determined that the modification of the allocation provisions covering the basket category is appropriate to provide countries or areas in the basket category with reasonable access to the U.S. sugar market. It has also been determined that these provisions are appropriate to carry out U.S. obligations under the General Agreement on Tariffs and Trade.

List of Subjects in 7 CFR Part 6

Agricultural commodities, Foreign Trade, Imports, Quotas, Sugar.

Accordingly, 7 CFR Part 6 Subpart-Sugar Import Quotas is amended as follows:

PART 6—[AMENDED]

1. The authority citation for Subpart-Sugar Import Quotas (§§ 6.90–6.93) continues to read as follows:

Authority: Section 201, Trade Expansion Act of 1962 (19 U.S.C. 1821); Presidential Proclamation 4941, May 5, 1982 (47 FR 19661); Headnotes 2 and 3, Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202).

2. Section 6.91(a)(2) is revised to read as follows:

§ 6.91 Allocation of individual import quotas.

(a) * * *

(2) 5,770 short tons, raw value.

* * * * *

Signed at Washington, DC on December 15, 1987.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 87–29077 Filed 12–15–87; 4:02 pm]

BILLING CODE 3410-10-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 664]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 664 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period December 18, 1987, through December 24, 1987. Such action is needed to balance the supply of fresh navel oranges with the demand for such oranges during the period specified due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: Regulation 664 (§ 907.964) is effective for the period December 18, 1987, through December 24, 1987.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2528–S, P.O. Box 96456, Washington, DC 20090–6456. telephone: (202) 447–5120.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order 907 (7 CFR Part 907), as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of the use of volume regulations on small entities as well as larger ones.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 123 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order, and approximately 4,065 producers in California and Arizona. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $100,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

This action is consistent with the marketing policy for 1987–88 adopted by the Navel Orange Administrative Committee (Committee). The Committee met publicly on December 15, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a 10 to 1 vote, a quantity of navel oranges deemed advisable to be handled during the specified week. The Committee reports that the market for navel oranges is improving.

Based on consideration of supply and market conditions, and the evaluation of alternatives to the implementation of prorate regulations, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. To effectuate the declared purposes of the Act, it is necessary to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

For the reasons set forth in the preamble, 7 CFR Part 907 is amended as follows:

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. The authority citation for 7 CFR Part 907 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 907.964 is added to read as follows:

§ 907.964 Navel Orange Regulation 664.

The quantity of navel oranges grown in California and Arizona which may be handled during the period December 18, 1987, through December 24, 1987, are established as follows:

(a) District 1: 744,000 cartons;
(b) District 2: 64,303 cartons;
(c) District 3: 40,000 cartons;
(d) District 4: 16,000 cartons.

Dated: December 16, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc. 87–29221 Filed 12–17–87; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 910

[Lemon Reg. 592]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 592 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 250,000 cartons during the period December 20 through December 26, 1987. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: Regulation 592 (§ 910.892) is effective for the period December 20 through December 26, 1987.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act", 7 U.S.C. 601–674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1987–88. The committee met publicly on December 15, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by an 11 to 0 vote, a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the demand for lemons is easier, with lessened demand due to inclement weather in the eastern states.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 910.892 is added to read as follows:

§ 910.892 Lemon Regulation 592.

The quantity of lemons grown in California and Arizona which may be handled during the period December 20 through December 26, 1987, is established at 250,000 cartons.

Dated: December 16, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87–29220 Filed 12–17–87; 8:45 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1434

Honey Price Support Regulations Governing 1986–1990 Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule adopts, without change, the interim rules published in the **Federal Register** on March 5, 1987 (52 FR 6775) and on April 10, 1987 (52 FR 11617). The interim rules amended the regulations to (1) extend the final date in which price support loans and purchase agreements are available to producers from January 31 to March 31 of the year following the year in which the honey is produced and extracted, (2) provide that the Secretary of Agriculture shall make price support available to producers through loans, purchases or other operations as determined and announced annually by the Secretary, (3) provide that the honey container requirements may be waived by the Community Credit Corporation (CCC) when producers agree to redeem, under the lower loan repayment option provision and within a period of time determined by CCC, honey pledged as collateral for price support loans, and (4) provide certain miscellaneous amendments.

EFFECTIVE DATE: December 18, 1987.

FOR FURTHER INFORMATION CONTACT: Harold Connor, Cotton Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013. Phone: (202) 447–8223.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation (7 CFR Part 1434) have been approved by the Office of Management and Budget (OMB) in accordance with the provisions of 44 U.S.C. Chapter 35, and have been assigned OMB clearance numbers 0560–0040 and 0560–0087.

This final rule has been reviewed under U.S. Department of Agriculture (USDA) procedures established in accordance with provisions of Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified "not major." It has been determined that provisions of this final rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

It has been determined that this action is not expected to have any significant impact on the quality of the human environment. In addition, it has been determined this action will not adversely affect environmental factors such as wildlife habitat, water quality, air quality, and land use and appearance. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

The title and number of the Federal Assistance Program to which this final

rule applies are: Title—Commodity Loans and Purchases; Number 10.051, as found in the Catalog of Federal Domestic Assistance.

Interim Rules

On March 5, 1987, an interim rule was published in the **Federal Register** at 52 FR 6775 which amended the Honey Price Support Regulations governing 1986–1990 crops. The interim rule amended the regulations at 7 CFR 1434.4(a) and 1434.6(b) to extend the final date in which price support loans and purchase agreements are available to producers from January 31 to March 31 of the year following the year in which the honey is produced and extracted. The extension of the price support availability period will (1) permit producers and cooperatives to take full advantage of the recent amendment to the regulations which permits honey producers to repay their price support loans at the price support level or at a lower level as determined by the Secretary and (2) minimize the quantity of honey which CCC would acquire.

On April 10, 1987, an interim rule was published in the **Federal Register** at 52 FR 11617 which amended the Honey Price Support Regulations governing 1986–1990 crops. The interim rule amended the regulations at 7 CFR 1434.1, 1434.2, 1434.7, and 1434.34 to provide: (1) That the Secretary of Agriculture shall make price support available to producers through loans, purchases or other operations as determined and announced annually by the Secretary, (2) that the honey container requirements may be waived by Commodity Credit Corporation (CCC) when producers agree to redeem, under the lower loan repayment option provision and within a period of time determined by CCC, honey pledged as collateral for price support loans, and (3) for certain other miscellaneous amendments.

The annual determination of the method by which price support would be made available will permit the Secretary to maintain the competitive relationship of honey in domestic and export markets after taking into consideration the cost of producing honey, supply and demand conditions, and world prices of honey. The waiver of honey container requirements will permit producers who agree to redeem honey pledged as collateral, to use the type of containers suitable for their own purposes rather than use the type of containers required by the regulations. The miscellaneous amendments delete certain provisions and definitions which are confusing.

Comment periods were provided with respect to both interim rules but no comments were received. Accordingly it has been determined that both interim rules should be adopted as final rules without any changes.

List of Subjects in 7 CFR Part 1434

Honey, Loan programs—agriculture, Price support programs, Warehouse.

Final Rule

Accordingly, the interim rules published at 52 FR 6775 and 52 FR 11617, which amended 7 CFR Part 1434, are hereby adopted as final rules without any change.

Authority: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714(b); sec. 5, 62 Stat. 1072 (15 U.S.C. 714c); secs. 201, 401, 63 Stat. 1052, 1054, as amended (7 U.S.C. 1446, 1421).

Signed at Washington, DC on December 14, 1987.

Milton Hertz,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 87-29111 Filed 12-17-87; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 212, 214, 238, 245, 248, and 299

[INS Number: 1054-87]

Guam Visa Waiver

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule implements the visa waiver provisions provided in section 14 of the Omnibus Territories Act, Pub. L. 99-396, whereby the nonimmigrant visa requirement is waived for certain aliens applying as nonimmigrant visitors for business or pleasure solely for admission into and stay on Guam for a period not to exceed fifteen days. It facilitates travel to Guam, while insuring through limitations on periods of authorized stay, hearing rights, adjustment of status eligibility, through a carrier contract requirement and sanctions for carrier violations, that Guam is protected from an influx of immigration law violators.

EFFECTIVE DATE: December 18, 1987.

FOR FURTHER INFORMATION CONTACT: Dwight S. Faulkner, Assistant Chief Inspector, Immigration and Naturalization Service, 425 I Street, NW—Room 7123, Washington, DC 20536, Telephone: (202) 633-3995.

SUPPLEMENTARY INFORMATION: In pursuant of tourism and commercial expansion, the government of Guam has long sought relief from the requirement that all aliens entering Guam for business or pleasure be in possession of valid nonimmigrant visas. The visa requirement is applicable to Guam in that in a geographical sense, and pursuant to the terms of the Immigration and Nationality Act, Guam is a part of the United States.

The Guam visa waiver legislation stipulates that the waiver must not represent a threat to the welfare, safety, or security of the United States, its territories and commonwealths. Yet, as stated in the Senate and House Records, the Congressional intent supports an initially liberal application; in particular, countries with visa denial rates through 16% for the preceding year. Therefore, a country whose refusal rate exceeds the 16.9% limitation would only be given consideration if that country established a United States preinspection station within its territorial boundaries, as preinspection minimizes potential threats by stopping them at their source. The waiver then applies to visitors from countries within geographical proximity to Guam and who thus maintain a traditional cultural interchange. It also applies to visitors from countries which, although not geographically proximate to Guam, have a substantial volume of traffic into Guam and extend reciprocal privileges to citizens of the United States. In addition, as Congress did not intend for Guam to become an avenue for circumvention of normal refugee processing, countries deemed by the Department of State to be of special humanitarian concern are excluded from participation.

Entry under this section bars the alien from adjustment of status to temporary or permanent resident; change of nonimmigrant status; extension of stay; or the right to an exclusion or deportation hearing, other than on the basis of a request for asylum, thus paralleling the visa waiver pilot program.

The issue of carrier liability is addressed in the House Report of August 27, 1986, which states in pertinent part, "In addition to the obligations that this provision would impose on the Immigration and Naturalization Service, the program that it would establish necessarily imposes responsibilities on the airliner who must cooperate with its controls, especially with regard to preclearance." Accordingly, the carrier must be prepared to establish that each alien it transports without a visitor's visa was prima facie eligible for the visa waiver, because the carrier is subject to fine pursuant to section 273 of the Immigration and Nationality Act for transporting any alien not in possession of an unexpired visitor's visa, as required, unless the requirement is waived pursuant to this part. The carrier contract and ticket restrictions parallel the visa waiver pilot program, thereby substantiating the intent of Congress regarding carrier responsibility.

Implementation of the terms of the visa waiver is contingent upon the establishment on Guam of an adequate arrival/departure control system and a determination that such waiver does not represent a threat to the welfare, safety or security of the United States, any threat to be dealt with on a country by country basis, resulting in the Commissioner's immediate removal of that country from the list. The Attorney General, the Secretary of State, and the Secretary of the Interior, after consultation with the Governor of Guam, shall jointly detemine that these conditions have been met.

Compliance with 5 U.S.C. as to notice of proposed rulemaking and delayed effective date is impracticable and contrary to public interest as the revision has been mandated by an amendment to the Immigration and Nationality Act by Pub. L. 99-396.

In accordance with 5 U.S.C. 605(b) the Commissioner of Immigration certifies that this rule does not have a significant economic impact on a substantial number of small entities. This is not a major rule within the meaning of section 1(b) of E.O. 12291.

The information collection requirements contained in this document have been submitted to the Office of Management and Budget for review in accordance with the provisions of the Paperwork Reduction Act.

List of Subjects

8 CFR Part 212

Administrative practice and procedure, Aliens, Passports and visas.

8 CFR Part 214

Administrative practice and procedure, Aliens.

8 CFR Part 238

Administrative practice and procedure, Aliens, Transportation lines.

8 CFR Part 245

Administrative practice and procedure, Aliens, Permanent resident status, Temporary resident status.

8 CFR Part 248

Adjustment of status, Administrative practice and procedure, Aliens.

8 CFR Part 299

Forms, Reporting and recordkeeping requirements.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. The authority citation for Part 212 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1184, 1225, 1226, 1228, 1252, 8 CFR Part 2.

2. In § 212.1, existing paragraphs (e) through (j) are redesignated (f) through (k), and a new paragraph (e) is added to read as follows:

§ 212.1 Documentary requirement for nonimmigrants.

* * * * *

(e) *Aliens entering Guam pursuant to section 14 of Pub. L. 99-396, "Omnibus Territories Act."* (1) A visa is not required of an alien who is a citizen of a country enumerated in paragraph (e)(3) of this section who:

(i) Is classifiable as a vistor for business or pleasure;

(ii) Is solely entering and staying on Guam for a period not to exceed fifteen days;

(iii) Is in possession of a round-trip nonrefundable and nontransferable transportation ticket bearing a confirmed departure date not exceeding fifteen days from the date of admission to Guam;

(iv) Is in possession of a completed and signed Visa Waiver Information Form (Form I-736);

(v) Waives any right to review or appeal the immigration officer's determination of admissibility at the port of entry at Guam; and

(vi) Waives any right to contest any action for deportation, other than on the basis of a request for asylum.

(2) An alien is eligible for the waiver provision if all of the eligibility criteria in paragraph (e)(1) of this section have been met prior to embarkation and the alien is a citizen of a country that:

(i) Has a visa refusal rate of 16.9% or less, or a country whose visa refusal rate exceeds 16.9% and has an established preinspection or preclearance program, pursuant to a bilateral agreement with the United States under which its citizens traveling to Guam without a valid United States visa are inspected by the Immigration and Naturalization Service prior to departure from that country;

(ii) Is within geographical proximity to Guam, unless the country has a substantial volume of nonimmigrant admissions to Guam as determined by the Commissioner and extends reciprocal privileges to citizens of the United States;

(iii) Is not designated by the Department of State as being of special humanitarian concern; and

(iv) Poses no threat to the welfare, safety or security of the United States, its territories, or commonwealths.

Any potential threats to the welfare, safety, or security of the United States, its territories, or commonwealths will be dealt with on a country by country basis, and a determination by the Commissioner of the Immigration and Naturalization Service that a threat exists will result in the immediate deletion of that country from the listing in paragraph (e)(3) of this section.

(3) The following countries now meet the eligibility criteria as stated in paragraph (e)(2) of this section:

Australia, Brunei, Burma, Indonesia, Japan, Malaysia, Nauru, New Zealand, Papua New Guinea, Singapore, Solomon Islands, the United Kingdom (including citizens of the colony of Hong Kong), Vanuatu, and Western Samoa.

(4) Admission under this section renders an alien ineligible for:

(i) Adjustment of status to temporary or permanent resident;

(ii) Change of nonimmigrant status; or

(iii) Extension of stay.

(5) A transportation line bringing any alien to Guam pursuant to this section shall:

(i) Enter into a contract on Form I-760, made by the Commissioner of the Immigration and Naturalization Service in behalf of the government;

(ii) Transport only an alien who is a citizen and in possession of a valid passport of a country enumerated in paragraph (e)(3) of this section;

(iii) Transport only an alien in possession of a round-trip, nontransferable transportation ticket:

(A) Bearing a confirmed departure date not exceeding fifteen days from the date of admission to Guam,

(B) Valid for a period of not less than one year,

(C) Nonrefundable except in the country in which issued or in the country of the alien's nationality or residence,

(D) Issued by a carrier which has entered into an agreement described in part (5)(i) of this section, and

(E) Which the carrier will unconditionally honor when presented for return passage; and

(iv) Transport only an alien in possession of a completed and signed Visa Waiver Information Form I–736.

PART 214—NONIMMIGRANT CLASSES

3. The authority citation for Part 214 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1184, 8 CFR Part 2.

4. In § 214.2(b)(1) the following sentence is added at the end of the existing paragraph:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(b) * * *

(1) * * * Those B–1 and B–2 visitors admitted pursuant to the waiver provided at § 212.1(e) of this Chapter may be admitted to and stay on Guam for a period not to exceed fifteen days and are not eligible for extension of stay.

* * * * *

PART 238—CONTRACTS WITH TRANSPORTATION LINES

5. The authority citation for Part 238 is revised to read as follows:

Authority: 8 U.S.C. 1103, 1228.

6. In § 238.3 paragraph (a) is revised to read as follows:

§ 238.3 Aliens in immediate and continuous transit.

(a) *Form I–246 agreements.* A transportation line bringing aliens to the United States pursuant to § 212.1(f)(1) of this chapter shall enter into an agreement on Form I–426. Such agreement shall be negotiated directly by the Central Office and the head offices of the transportation lines.

* * * * *

7. In Part 238 a new § 238.5 is added to read as follows:

§ 238.5 Aliens entering Guam pursuant to section 14 of Pub. L. 99–396, "Omnibus Territories Act".

(a) *Form I–760 agreements.* A transportation line bringing aliens to Guam under the visa waiver provisions of § 212.1(e) of this Chapter shall enter into an agreement on Form I–760. Such agreements shall be negotiated directly by the Central Office and head offices of the transportation lines.

(b) [Reserved]

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR PERMANENT RESIDENCE

8. The authority citation for Part 245 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1154, 1159, 1182, 1255, 8 CFR Part 2.

9. In § 245.1(b) a new paragraph (b)(11) is added to read as follows:

§ 245.1 Eligibility.

* * * * *

(b) * * *

(11) Any alien admitted as a visitor under the visa waiver provisions of § 212.1(e) of this chapter.

* * * * *

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

10. The authority citation for Part 248 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1184, 1258, 8 CFR Part 2.

11. In § 248.2 a new paragraph (e) is added to read as follows:

§ 248.2 Ineligible classes.

* * * * *

(e) Any alien admitted as a visitor under the visa waiver provisions of § 212.1(e) of this chapter.

PART 299—IMMIGRATION FORMS

12. The authority citation for Part 299 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 8 CFR Part 2.

13. § 299.1 is amended by adding the following immediately before the entry "ICAO" in numerical sequence:

§ 299.1 Prescribed forms.

* * * * *

I–736 (7–23–87)—Guam Visa Waiver Information

I–760 (7–22–87)—Agreement Between Transportation Line, Operating Between Foreign Territory and Guam, and United States.

* * * * *

Dated: November 19, 1987.

Alan C. Nelson,

Commissioner, Immigration and Naturalization service.

Dated: November 4, 1987.

Joan M. Clark,

Assistant Secretary, Bureau of Consular Affairs, Department of State.

Dated: November 10, 1987.

Kittie Baier,

Principal Deputy Assistant Secretary, Territorial and International Affairs, Department of the Interior.

Dated: November 19, 1987.

Joe Ada,

Governor of Guam.

[FR Doc. 87–28963 Filed 12–17–87; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 303 and 381

[Docket No. 87–002F]

Experimentation With Procedures for Determining Intensity of Inspection Coverage in Processing Establishments; Waivers of Provisions of Regulations

AGENCY: Food Safety and Inspection Service (FSIS), USDA.

ACTION: Final rule.

SUMMARY: On March 30, 1987, the Administrator, FSIS, published an interim final rule with request for comments, thereby initiating a period of experimentation as the first step in changing the Federal inspection system in establishments conducting post-slaughter preparation of meat food products and/or post-slaughter and evisceration processing of poultry products to a "discretionary inspection" (DI) system; that is, one in which the frequency and the manner of government inspection are based on consideration relevant to effective regulation of such products and protection of the public health and welfare. Such a change is called for by 1986 amendments to the Federal Meat Inspection Act (FMIA) and is authorized by the Poultry Products Inspection Act (PPIA). The object of the experimentation is to determine whether and, if so, to what extent the intensity of Federal inspection of meat food and poultry products exceeds that which FSIS should consider or deem necessary under these statutes. During the period of experimentation, the frequency of government inspection at some official establishments is being reduced. To the extent that this or other conditions and methods of inspection coverage are identified as conflicting with current provisions of the regulations, such provisions are to be waived for the period of experimentation.

FSIS has reviewed the information, views, and arguments submitted during the comment period and is now publishing a final rule. Except for a clarification in wording, the provisions of this final rule do not differ from those of the iterim rule.

FSIS now anticipates publication of a proposal to amend the Federal meat and the poultry products inspection regulations to include the new and revised provisions needed for full implementation of a DI system in the near future. The provisions for experimentation set forth herein will be rescinded upon completion of that rulemaking, unless the experimentation period has been terminated earlier.

EFFECTIVE DATE: December 18, 1987.

FOR FURTHER INFORMATION CONTACT: Judith A. Segal, Director, Policy and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–6525.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Effect on Small Entities

The Administrator, FSIS, has determined that this final rule is not a major rule under Executive Order 12291. It is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The Administrator also has determined that this action will not have a significant economic impact on a substantial number of small entities, in accordance with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*).

The basis for these determinations includes the fact that waiver of certain provisions of the regulations and other aspects of this experimentation affect only a limited number of processing establishments subject to inspection under the FMIA and/or the PPIA for a limited period. Any economic benefits which might indirectly result from inclusion in pilot testing (e.g., reduction in payments for inspection program employees working overtime) are relatively small and affect only a portion of the establishments in which pilot tests are conducted, and selecting all establishments within a designated site that are found to satisfy the establishment performance criteria is further reducing the opportunity for any adverse effect on competition. Both the number of establishments selected and the length of time during which they are included in a pilot test of DI procedures is not being extended beyond that which is needed to test the program variables under consideration in establishments with different characteristics. FSIS selected only 14 establishments initially and plans to select not more than about 200 in all, or approximately 3 percent of the federally inspected establishments that will be subject to the fully implemented DI system. Moreover, the Agency is conducting pilot testing in most establishments for only 3 to 6 months, with termination of the experimentation period expected by the end of the spring of 1988. As particular pilot tests are ended, the Agency returns to pre-experimentation conditions and methods of inspection coverage until full implementation of the DI system; at that time, all establishments (including those previously selected for pilot testing) will be evaluated.

Background

The Secretary of Agriculture's duties include implementation of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*) to prevent the preparation or processing and distribution of meat, meat food products, and poultry products which are adulterated or misbranded or not properly marked, labeled, and packaged (21 U.S.C. 453 (g) and (h), 457, 458, 601 (m) and (n), 607, and 610). Responsibility for exercising the functions of the Secretary contained in the FMIA and PPIA has been delegated to the Administrator, FSIS (7 CFR 2.17(g) and 2.55(a)(2)). Among those functions are administration of the inspection requirements for meat food and poultry products and sanitation practices in establishments preparing or processing such products for commerce or otherwise subject to inspection under the FMIA or PPIA (21 U.S.C. 455, 456, 605, 606, and 608) and the issuance of rules and regulations executing provisions of these Acts (21 U.S.C. 463(b) and 621).

Late last year the Congress of the United States amended the inspection requirements for meat food products in section 6 of the FMIA (21 U.S.C. 606). Pursuant to the Processed Products Inspection Improvement Act of 1986, Title IV of the Futures Trading Act of 1986 (FTA) (Pub. L. 99–641), rather than requiring the Secretary to cause inspectors appointed for that purpose to make "an examination and inspection of all meat food products prepared for commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment," such examination and inspection is to be:

> conducted with such frequency and in such manner as the Secretary considers necessary, as provided in rules and regulations issued by the Secretary, taking into account such factors as the Secretary considers to be appropriate. . . [FTA, section 403(a)].

Three such factors are specified in the statute: the nature and frequency of processing operations at an establishment, the adequacy and reliability of the processing controls and sanitary procedures at an establishment, and the history of compliance with inspection requirements in effect under the FMIA by the operator of an establishment or anyone responsibly connected with the business (i.e., any partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity) that operates that establishment.

By so amending the FMIA, Congress authorized the Department, for a 6-year period,* to base the frequency with which and the manner in which meat food products are examined and inspected by program employees on considerations relevant to the effective regulation of meat food products and the protection of the public health and welfare. The legislation also reflects Congressional recognition that full implementation of a new system of government inspection of post-slaughter processing operations will take time: Title IV and the amendments made thereby became effective on the date of enactment (November 10, 1986), except that sections 6, 9, and 21 of the FMIA (21 U.S.C. 606, 609, and 621), as in effect immediately before that date, "apply with respect to establishments until the Secretary . . . first issues rules and regulations to implement the amendments made by section 403(a)" (FTA, section 408). This rulemaking has initiated implementation of those amendments; however, it is only the first step in a process intended to assure an orderly transition to the "discretionary inspection" (DI) system mandated by the recent amendments to the FMIA.

*Not later than 6 years after the date of enactment, Congress is to evaluate the operation and effects of the amendments made by section 403 of the FTA for the purpose of determining whether to extend or modify the operation of such amendments and enact such legislation as may be necessary to efficiently and effectively carry out the FMIA. (FTA section 407).

VOL 52 ISS 243 DEC 18 1987 UMI

This rulemaking also has initiated changes that will result in the institution of a DI system for operations processing products from poultry carcasses that have passed post mortem inspection. The PPIA authorizes the Department to vary the frequency and the manner of government inspection in establishments conducting post-slaughter and evisceration processing of poultry products based on effective regulation and public protection considerations. In particular, section 6(b) (21 U.S.C. 455(b)) requires the Secretary to cause government inspectors to make "post mortem inspection of the carcass of each bird processed, and at any time such quarantine, segregation and reinspection as he deems necessary of poultry and poultry products capable of use as human food in each official establishment processing such poultry or poultry products for commerce or otherwise subject to inspection. . ."

The Administrator of FSIS now believes that the frequency and manner of reinspection by program employees of poultry products made from poultry previously slaughtered and eviscerated and found to be not adulterated that is "deem[ed] necessary" should be varied, taking into account the same factors as those considered appropriate under the amended FMIA. To date, however, the rules and regulations and other aspects of inspection coverage have been basically comparable to those prescribed pursuant to the narrower pre-amendment authority in the FMIA. Therefore, exercising the authority to implement a DI system of inspection presents orderly transition concerns under the PPIA as well.

The Department supported the 1986 amendments to the FMIA, as well as administering the PPIA to institute the same approach to the inspection of comparable processing operations, because it believes that the efficiency and effectiveness of the meat and poultry inspection program in utilizing available resources to maximize the level of compliance with regulatory requirements, and thus achievement of the purposes of the FMIA and PPIA (see 21 U.S.C. 451 and 602 and FTA, section 402), can be improved by adjusting the frequency and the manner of government inspection. However, before modifying the inspection system as a whole and fully implementing a DI system, rules regarding the frequency and the manner of government inspection should be tested in order to assess their adequacy and appropriateness and thereby protect the integrity and effectiveness of the inspection program.

In particular, the Administrator of FSIS concluded that procedures for determining whether and, if so, to what extent the intensity of inspection coverage in some processing establishments exceeds that which should be considered or deemed necessary under the FMIA, as amended (21 U.S.C. 606), or the PPIA (21 U.S.C. 455) and for designing the conditions and methods of inspection coverage in such establishments should be tested in a small-scale, experimental setting in order to obtain sufficient information on which to base final amendments to varous portions of the Federal meat inspection and the poultry products inspection regulations. Therefore, the first rules and regulations issued in implementing the amendments made by section 403(a) of the FTA to section 6 of the FMIA (21 U.S.C. 606) and instituting a comparable DI system under the PPIA consisted of provisions for conducting pilot tests of such DI system in establishments subject to inspection under the FMIA (9 CFR 303.2) or the PPIA (9 CFR 381.3(c)–(e)).

The Administrator also concluded that the Federal meat inspection regulations should address the waiver for limited periods of provisions of those regulations to provide for situations in which alternative courses of action are appropriate and do not conflict with either the purposes or the provisions of the statute. In particular, the Administrator determined that, despite potential or actual conflicts with provisions of the regulations, such alternative courses of action should be pursued in administering the FMIA in order to permit (1) appropriate and necessary action in the event of a public health emergency and (2) experimentation so that new procedures, equipment, and/or processing techniques may be tested to facilitate definite improvements. In both of these classes of cases, the waiver decision reflects a judgment that certain provisions of the regulations as applied in specific situations should be temporarily suspended in order to achieve the purposes of the FMIA and that the alternative course of action pursued during such a limited period is not inconsistent with FMIA provisions.

The inclusion of such a rule in the Federal meat inspection regulations (9 CFR 303.1(g)) specified Agency policy for carrying out its statutory responsibilities and conducting the inspection program. The poultry products inspection regulations already included such a rule (9 CFR 381.3(b)). However, the emergency situations provided for in the poultry products inspection regulations were limited to those that are "national" in scope. Since such waivers also may better enable FSIS to take appropriate and necessary action in response to an emergency in a smaller geographic area and the focus of concern here is assuring adequate public health protection, the Administrator determined that the words "public health" should be substituted for "national" in § 381.3(b) of the regulations (9 CFR 381.3(b)).

Nineteen submissions (17 written comments and 2 oral presentations) were received during the 30 days following publication of the interim final rule. (Two additional persons subsequently submitted comments that include views already expressed by others referred to herein.) Comments were submitted by 9 individuals, 3 of whom further identified themselves (1 as a concerned citizen who formerly worked in a plant that manufactured processed meat products, 1 as a consumer, and 1 as a USDA food inspector who has worked in packing plants). Comments also were submitted on behalf of food inspectors by their union representative and by a United States Senator, a State department of agriculture, and 7 industry members (1 processing company, 4 trade associations of meat packers, processors, and/or purveyors, and 2 trade associations of food processing companies).

Comments from individuals, the food inspectors union, and the Senator expressed opposition to the interim final rule, to changing the inspection system, and/or to a DI system. Comments from the State department of agriculture and industry members expressed support for the discretionary inspection concept and/or for implementation of a DI system; 7 of these commenters addressed the interim final rule, and 5 of them expressed views or concerns about features of the anticipated DI system or the implementing regulations.

FSIS wishes to point out that the March 30 notice requested comments concerning the interim final rule and stated that interested members of the public will have an opportunity to comment on the design of the DI system and specific proposed regulatory changes when the Agency proposes the regulations needed for full implementation of a DI system (52 FR 10028). Nevertheless, a number of commenters addressed issues involved in changing to a DI system, including the types of regulatory provisions and Agency decisionmaking believed to be

appropriate for full implementation of a DI system, rather than or in addition to the interim final rule. FSIS has reviewed all of the comments submitted, but its consideration of those that go beyond the question at hand—whether any changes should be made to the interim final rule (52 FR 10028)—has been limited. As indicated in the March 30 notice, FSIS is conducting pilot testing in order to obtain additional information before proposing final amendments to the Federal meat and the poultry products inspection regulations and to provide a meaningful opportunity to the public to participate in a rulemaking to consider the new and revised provisions needed for full implementation of a DI system (52 FR 10030, 10031). FSIS has not yet reached conclusions on issues such as whether or not various criteria for evaluating the performance of establishments should be further refined or supplemented before proposing their application to all establishments conducting post-slaughter preparation of meat food products and/or post-slaughter and evisceration processing of poultry products.

Of the commenters expressing opposition, only 3 addressed the interim final rule, and they also are against changing to a DI system. Two of these commenters contended that FSIS is proposing to lower the standards of inspection and will do so on a permanent basis, not just temporarily, and one of them feels the proposal to experiment with reducing the frequency of inspection of meat and poultry products will jeopardize the products' wholesomeness. Both basically view the inspection laws as addressing "Dollars versus public safety" concerns that have not changed. The third opposes suspension of the regulations because consumers will think that products bearing the inspection legend have been inspected when they have been only monitored. This commenter contended that the inspection program for poultry has become a disaster and DI will lead to the same in processing if not worse, questioned how food inspectors can insure that processing plants are using inspected meats and poultry products when they no longer get daily inspection, and called for a change of direction at the Washington level to make an effective inspection program the first priority.

Other commenters opposing changes in the system of government inspection expressed similar views and concerns. They believe that plants will not comply with sanitation or product requirements if inspectors are not present or the frequency of government inspection is reduced, that most plants cannot be trusted to take responsibility for some of their own inspection since the companies' objective is making a profit, that industry is going to be permitted to regulate itself, that FSIS is not or will not be adequately protecting consumers, and/or that an increase in foodborne illnesses may or will result from implementation of DI, with 1 predicting that DI will result in an annual economic effect of over $100 million due to increased food poisoning-related medical bills. In criticizing current FSIS enforcement and the 1986 law amending the FMIA or in questioning cutting back on inspection activities and asking that the DI system be reevaluated, two of these commenters cited figures on salmonella in poultry and annual rates of foodborne illness and deaths. One of them also referred to an assurance, given to him and another Senator by the Administrator, that passage of the bill to amend the FMIA would not result in involuntary reassignments of meat inspectors and requested information on inspector employment and steps intended to be taken under the DI system to ensure full and adequate inspection of all meat and poultry. In addition, 1 commenter took the position that DI should not interfere with inspector overtime: inspectors working over 8 hours should be compensated and plants working over 8 hours a shift should be charged.

Of the commenters favoring DI, 6 expressed support for FSIS experimentation under the interim final rule. FSIS's action was supported as a first step approach to implement a DI system, an initiative to test the procedures and protocol for implementing provisions of the 1986 law amending the FMIA, moving forward in a timely manner on the issue, or utilizing a trial period to gain some practical experience in DI so that final regulations will offer maximum protection of the food supply at a minimum burden to industry. One commenter stated general support for the interim final rule and another fully supported the procedures outlined therein, believing this to be a logical first step and information-gathering process in line with implementation of a DI program. Five of these commenters, all trade associations, indicated interest in assisting or working with FSIS during implementation of a DI system. One of them also commended FSIS for the recent finalization of comprehensive canning regulations, which it believed will serve as a very strong foundation in building a DI program for this industry segment, and encouraged the inclusion of canning establishment coverage in the current experimentation program. Another recommended including several State inspected processing operations in the pilot study and soliciting State officials' cooperation and support to make the pilot program more meaningful because of the anticipated ramifications and impact on inspection frequency determinations for such operations.

Commenters indicated that they favor DI in order to modernize the inspection program, because the processor bears the burden of complying with the Department's rules and regulations, or as permitting the utilization of inspection resources where they are most needed, more efficient and cost-decreasing usage of available inspection personnel nationwide, or Agency and industry realization of production efficiencies from sources such as expanded operating hours and a lessened need to incur overtime inspection costs. One commenter believes a DI program is feasible and cost effective for canning and freezing operations because processing operations and product safety requirements are the same whether or not products contain meat or poultry ingredients. Another believes that by reducing overtime costs a DI program should make small meat packers more cost competitive in the marketplace, thereby enabling them to modernize and improve product quality.

Aspects or provisions of the interim final rule were critiqued by 4 of the commenters favoring DI. As regards evaluation of the performance of establishments (9 CFR 303.2 (b)(1) and (c)(1) and 381.3 (d)(1) and (e)(1)), 1 commenter feels that for a corporation with multiple domestic processing establishments, the evaluation concerning compliance information and competency of those conducting the operation should be applied to the total corporation rather than to individual plant sites, and that such a change would be in direct cooperation with this company's approach to centralized Quality Assurance. This commenter also expressed the view that a company's ability to respond to and its manner of correcting noncompliance situations are more critical in evaluating an establishment's performance than the 10-year record of noncompliance criterion. Another commenter took the position that the Department seems to be placing undue emphasis on compliance history elements that may be outdated and may not necessarily portray a proper picture of existing conditions (which is what the Department should primarily evaluate)

VOL 52 ISS 243 DEC 18 1987 UMI

because management changes, application of tighter controls, or correction of improper FSIS inspection procedures erroneously pointing to noncompliance could negate the validity of past records. This commenter believes that decisions concerning the frequency, type, and intensity of inspection should be based primarily on the adequacy of processing controls in the establishment to assure production of safe, wholesome, and properly labeled products and that the application of proper controls demonstrates management commitment to assure regulatory compliance.

In addition, 2 commenters characterized criteria for evaluating an establishment's performance, particularly the management competence factor and the substantial and recent noncompliance criterion (9 CFR 303.2 (b)(1)(ii) and (c)(1)(i) and 381.3 (d)(1)(ii) and (e)(1)(i)), as subjective. One of them suggested that more objective criteria, including the health risk of the operation, be used in determining "eligibility" for DI and contended that the plant's processing controls should be the most important factor in such a determination and that the adequacy of such controls should outweigh the more subjective compliance and management attitudes factors. The other requested that FSIS develop an objective profile of its intended "disqualifiers" and consider whether an official warning letter for a minor or technical FMIA violation constitutes such documented noncompliance. One commenter also noted that their initial evaluations seem to indicate the "screening process" is more complex than necessary and cautioned the Department to avoid creating an overly restrictive, cumbersome, bureaucratic maze.

As regards determinations involving the characteristics of establishments (9 CFR 303.2 (b)(2) and (c)(2)(i) and 381.3 (d)(2) and (e)(2)(i)), 1 commenter took issue with FSIS Directive 1030.2, which ranks pizza assembly as "medium" complexity when meat components are bought from sources outside the plant. This commenter feels that such a classification is unjustified, and at odds with a 1983 staff report, and suggested that pizza assembly establishments be reclassified as "simple" processing because their handling of meat is limited to slicing already inspected meat and placing it on the product and this is analogous to operations FSIS classifies as "simple".

The submissions from 3 of these commenters and 2 others favoring DI also included views and concerns about full implementation of a DI system by the Department, some of which are similar to comments on the interim final rule. To 1 commenter, a crucial concern is that decisions be made in an objective manner and be based on plant performance criteria that evolve from considering critical public health risks, uninfluenced by unrelated matters. A second hopes and expects that the final DI regulation will be more detailed than the interim final rule and is especially interested in the type of inspection to be conducted under the DI system (e.g., the types and frequency of tests and the composition of inspection teams). One commenter foresees the likelihood that initial implementing rules will require modification, urges the Department to conduct another rulemaking before full implementation, and views industry input as necessary to assure adequate program testing and review. According to this commenter, demonstrated controls are in place in plants with approved total quality control systems and other plants should be required to demonstrate their in-house control programs to the Department, with an on-site assessment, in order to be considered for "periodic inspection". According to this commenter, demonstration of processing control should be limited to items directly related to product safety, adulteration, and misbranding. Another commenter hopes that FSIS will not make total quality programs a prerequisite for a lesser degree of inspectional presence because this would result in the possibility of other plants continually incurring overtime inspection costs, despite a compliance history warranting a lesser degree of physical inspector presence, which would tend to put the smaller packer at a disadvantage.

As regards establishment evaluations, one commenter favors addressing the nature and frequency of inspection as a function of processing controls, taking the position that such controls should be adequate to meet the complexity, volume, and size of the operations. According to this commenter, plant initiated actions to correct deficiencies are part of any praoperly designed control program and isolated observations of noncompliance may not adequately describe overall conditions; the Department should clearly identify the specific criteria necessary to disqualify a plant for periodic inspection and verifiable noncompliance instances should be carefully documentd before a plant is considered "ineligible". Another commenter took the position that those establishments considered and "rejected" for DI by the Agency should be provided with a notice, since rejection may have adverse economic and/or competitive consequences, and requested that the regulations include a notice which specifies the issues on which the firm did not meet the qualifying criteria and provides an opportunity for appeal.

FSIS's consideration of the comments received indicates that the scope and purpose of the experimentation period and the anticipated changes in the Federal inspection system are not clear to some members of the public. First, the only establishments affected by this rule are ones in which meat food products and/or poultry products are made from livestock previously slaughtered and/or poultry previously slaughtered and eviscerated in official establishments (9 CFR 303.2(a) and 381.3(c)). When fully implemented, the DI system will apply to all establishments preparing or processing such products, but not to livestock slaughter or poultry slaughter and evisceration operations in packing and other official establishments. The system of ante- and post-mortem inspection is not being changed (see 21 U.S.C. 455 and 603–605).

Second, issues that concern a number of commenters have already been considered by Congress during its deliberations on the 1986 amendments to the FMIA. Those deliberations resulted in amendments to the inspection requirements for meat food products and a recognition of the Department's authority under the PPIA to institute a comparable system for poultry products processed beyond slaughter and evisceration. Congress concluded (FTA, section 402), and FSIS agrees, that the 1986 amendments further effective government regulation of processed products and protection of the health and welfare of consumers (21 U.S.C. 602).

Third, the primary change called for under the anticipated system of inspection is the exercise of greater discretion by the Department in utilizing inspection program resources (21 U.S.C. 455(b) and 606(a)(2)). The responsibility of regulated industry members to prepare or process products only in compliance with statutory requirements and not to do business in adulterated or misbranded products or products required to be inspected unless they have been inspected and passed (21 U.S.C. 458(a) and 610) is unchanged. The standards for determining if product is adulterated or misbranded (21 U.S.C. 453((g) and (h) and 601 (m) and (n)), including the requirement that products bear an inspection legend (21 U.S.C. 453(h)(12) and 601(n)(12)), also are unchanged.

Thus, the fundamental task for FSIS in implementing a DI system is to decide how best to manage available program resources to maximize compliance with sanitation and product requirements under the FMIA or the PPIA in federally inspected establishments preparing meat food products and/or processing poultry products beyond slaughter and evisceration. To date, FSIS has focused on the procedures to be used by the Agency in determining the frequency and manner of government inspection under a DI system, particularly whether and, if so, to what extent the intensity of inspection coverage exceeds that which FSIS should consider or deem necessary. Inherent in such determinations is the exercise of judgment by FSIS. The factors appropriate for consideration in a DI system, including those specified by Congress (21 U.S.C. 602(a)(2)), are not precise measures to be applied in a rote manner. The FMIA and PPIA commit determinations about the frequency and manner of government inspection of meat food products and reinspection of poultry products to the Department's discretion.

The criteria specified in the interim final rule for use during the period of experimentation indicate the types of decisions that the Agency must make under a DI system. Among other things, the provisions call for establishment-by-establishment evaluations of performance and characteristics (9 CFR 303.2(b) and 381.3(d)) because Congress has directed that the situations in particular establishments preparing meat food products be taken into account (21 U.S.C. 602(a)(2)) and because FSIS believes that the conditions and methods of its inspection coverage should reflect the particular regulatory situation at an establishment. Similarly, while FSIS believes that the procedures used in an establishment to control the production process, environment, and resulting product are an important component of the performance evaluation (9 CFR 303.2(b)(1)(iii) and 381.3(d)(1)(iii)), their adequacy and reliability depend in part on the competence of establishment management (9 CFR 303.2(b)(1)(ii) and 381.3(d)(1)(ii)). Additionally, compliance history (9 CFR 303.2(b)(1)(i) and 381.3(d)(1)(i)) is a factor that should be considered in making a predictive judgment about the probability of future noncompliance (9 CFR 303.2(c)(1) and 381.3(e)(1)). (See 21 U.S.C. 606(a)(2) (B) and (C).) Moreover, the criteria in these provisions denote the Agency's intention to consider corrective actions and other responses to establishment deficiencies and noncompliance with applicable regulatory requirements (including, but not limited to, those involving critical public health risks) by taking into account the demonstrated ability and commitment of management (9 CFR 303.2(b)(1)(ii) (B) and (C) and 381.3(d)(1)(ii) (B) and (C)) and both the nature and frequency of any documented instances of noncompliance (9 CFR 303.2(c)(1)(i) and 381.3(e)(1)(i)).

Of the establishments initially selected for pilot testing, one prepares canned products. As testing proceeds, FSIS anticipates that additional establishments with canning operations will be identified for review and, if found by the Agency to satisfy its selection criteria, included in pilot tests. While institution of a DI system of Federal inspection may well have ramifications for State inspection programs, this period of experimentation is being conducted pursuant to the Federal meat and the poultry products inspection regulations to initiate implementation of amendments to the FMIA and to exercise existing authority under the PPIA. Therefore, only federally inspected establishments have been or will be identified for review.

During the period of experimentation, FSIS is using the assessment of establishment performance in selecting establishments for inclusion in pilot tests, and a focus of that testing is reducing the frequency of inspection by meat and poultry inspection program employees. However, as indicated above, when fully implemented, the DI system will apply to all establishments preparing meat food products and/or processing poultry products beyond slaughter and evisceration. At that time, FSIS will, in accordance with criteria developed after further rulemaking, evaluate all such establishments in order to make determinations about the frequency and the manner of government inspection. Those criteria will not be used to specify classes of establishments. (I.e., FSIS will not be "reject[ing]" establishments or classifying them as "ineligible".) Instead, the objective will be to determine the conditions and methods of inspection coverage that are appropriate in the circumstances presented, and at a given establishment, such conditions and methods might include various modifications of previous inspection coverage.

As information is obtained from pilot testing and existing regulations are reviewed, FSIS is considering the range of regulatory issues presented by full implementation of a DI system. These issues include concerns of some commenters, such as compliance with the requirement that products be prepared or processed only from livestock previously slaughtered and/or poultry previously slaughtered and eviscerated in official establishments and the appropriate categorization of processing operations by complexity. FSIS has concluded, however, that except for the clarification in wording discussed below, the provisions of the interim final rule should not be changed. The Agency encourages these commenters and other interested members of the public to participate in the upcoming rulemaking on the new and revised provisions needed for full implementation of DI system.

Provisions of the Final Rule

The provisions in this final rule include the factors that appear appropriate for consideration in assessing the performance of an establishment to determine whether the intensity of inspection coverage can be reduced while continuing to assure effective regulation of products and protection of the public health and welfare (9 CFR 303.2(b)(1) and 381.3(d)(1)), as well as the factors that appear appropriate for consideration in assessing the characteristics of an establishment on which to base the level of Federal inspection and other conditions and methods of government inspection during such experimentation (9 CFR 303.2(b)(2) and 381.3(d)(2)). For purposes of both meat food product and poultry product inspection, criteria are specified to take into account the factors included in section 6(a)(2) of the amended FMIA (21 U.S.C. 606(a)(2); section 403(a) of the FTA): Nature and frequency of processing operations (9 CFR 303.2(b)(2) and 381.3(d)(2)), adequacy and reliability of processing controls and sanitary procedures (9 CFR 303.2(b)(1) (ii) and (iii) and 381.3(d)(1) (ii) and (iii)), and history of compliance with inspection requirements (9 CFR 303.2(b)(1)(i) and 381.3(d)(1)(i)).

FSIS is using the information being obtained during the experimentation period to decide whether the criteria set forth in these provisions should be further refined or supplemented before their application to all establishments conducting post-slaughter preparation of meat food products and/or post-slaughter and evisceration processing of poultry products is proposed as part of the upcoming rulemaking on a proposal to amend the Federal meat inspection regulations and the poultry products inspection regulations to include the new and revised provisions needed for full implementation of a DI system. FSIS

VOL 52 ISS 243 DEC 18 1987 UMI

currently anticipates completion of that rulemaking by the end of the spring of 1988. The final rule so amending the regulations also will rescind the provisions for experimentation with DI procedures set forth herein, unless such experimentation period has been terminated earlier.

FSIS is selecting establishments for inclusion in a pilot test from those the Administrator identifies for review (9 CFR 303.2(a) and 381.3(c)). The Agency expects that the number of establishments selected for pilot tests may increase from the initial group of 14 to as many as 200 as groups of establishments in new, limited geographical sites are phased in over the course of the experimentation period. Such sites are being designated on the basis of their suitability for generating information to satisfy evaluation needs. The length of time during which establishments are included in a pilot test is being varied depending on the testing involved and is not expected to exceed 3 to 6 months in most establishments.

An establishment so identified may be selected for inclusion in the pilot testing of procedures for reducing the intensity of inspection coverage if, and only if, evaluation of the performance of the establishment (1) reveals, in records compiled no earlier than 10 years before, no documented instances of substantial and recent noncompliance with applicable regulatory requirements and (2) evidences the competence and control procedures needed to assure and monitor compliance with applicable regulatory requirements (9 CFR 303.2(c)(1) and 381.3(e)(1)). The "substantial and recent" criterion is intended to assure that in assessing compliance history (9 CFR 303.2(b)(1)(i) and 381.3(d)(1)(i)), both the nature and frequency of noncompliance with process, environment, and/or product requirements are taken into account for an appropriate length of time. Thus, noncompliance is regarded as substantial when, for example, it involves the preparation of adulterated product that could pose a serious public health threat if distributed to consumers or recurring failures that could be considered indicative of a lack of regard for the public health or welfare; and, within the 10-year time limit on record documentation, the more substantial the violation, the longer it is to be regarded as sufficiently recent for consideration. The second performance evaluation criterion reflects the assessment of both management's knowledge of appropriate manufacturing practices and applicable regulatory requirements, demonstrated ability to apply that knowledge in a timely and consistent manner, and commitment to correcting deficiencies noted by inspection program employees and otherwise assuring compliance with applicable regulatory requirements (9 CFR 303.2(b)(1)(ii) and 381.3(d)(1)(ii)) and the procedures used to control the production process, environment, and resulting product in order to assure and monitor compliance with requirements of the FMIA or PPIA and rules and regulations promulgated thereunder (9 CFR 303.2(b)(1)(iii) and 381.3(d)(1)(iii)). The objective is to include an establishment in pilot testing only if there are adequate indications that the probability of future noncompliance at such establishment is low.

In any establishment included in such a pilot test, during experimentation the conditions and methods of inspection coverage of operations other than the slaughter of livestock or the slaughter and evisceration of poultry, including the frequency of government inspection, are being determined by the inspection program based on (1) an evaluation of the characteristics of the particular establishment, (2) the significance of potential health consequences of noncompliance, and (3) the availability of meat and poultry inspection program employees (referred to as "Program" and "Inspection Service" employees in the Federal meat inspection and the poultry products inspection regulations, respectively) (9 CFR 303.2(c)(2)(i) and 381.3(e)(2)(i)). Drawing upon its experience in regulating a broad range of establishments with differing characteristics and allocating inspection program resources, FSIS developed tentative guidelines for use in making these determinations during pilot testing. Thus, for example, in assessing processing operation complexity (9 CFR 303.2(b)(2)(i) and 381.3(d)(2)(i)), FSIS is categorizing operations as involving product preparation or processing that is "simple", "medium", or "complex" by applying Directive 1030.2 (Documentation of Processing and Combination Assignments, 4/22/85, which is available for public inspection and copying in the Policy Office). FSIS also is utilizing a three category approach in assessing certain other establishment characteristics (9 CFR 303.2(b)(2) (iii), (iv), and (vi) and 381.3(d)(2) (iii), (iv), and (vi)): production volume (highest total product volume during any quarter within the preceding year as less than 60,000; 60,000 to 1,000,000; or more than 1,000,000 pounds), establishment size (less than 12,000; 12,000 to 80,000; or more than 80,000 square feet), and the scope of any livestock slaughter or poultry slaughter and evisceration operations (none, part time, or full time) also being conducted (but to which the DI system will not apply) at an establishment which makes meat food products and/or makes poultry products that are processed further (i.e., a "combination" establishment).

The Federal meat inspection regulations (9 CFR Chapter III, Subchapter A) and the poultry products inspection regulations (9 CFR Part 381) will continue to apply to establishments in which FSIS is pilot testing except to the extent that the frequency of Federal inspection or other conditions and methods of inspection coverage determined to be appropriate for the period of experimentation are identified as conflicting with provisions of the regulations (9 CFR 303.2(c)(2)(ii) and 381.3(e)(2)(ii)). To that extent, the Administrator will waive such provisions for the period of experimentation, in accordance with §§ 303.1(g) and 381.3(b) of the regulations (9 CFR 303.1(g) and 381.3(b)), which set forth Agency policy as to when the temporary suspension of provisions of the regulations comports with its responsibilities in administering the FMIA and the PPIA. Consistent with that policy, any such waivers permit the testing of new procedures that are expected to facilitate definite improvements and do not conflict with statutory purposes or provisions.

Finally, FSIS is repeating the words "frequency of" before the second reference to "Federal inspection" in §§ 303.2(c)(2)(i) and 381.3(e)(2)(i) of the regulations (9 CFR 303.2(c)(2)(i) and 381.3(e)(2)(i)), consistent with the opening phrase of these provisions. FSIS has concluded that this minor clarification should be made to avoid an inadvertent and potentially confusing shorthand.

As already discussed, this final rule has been in effect for several months on an interim basis. The Agency has determined that it should continue in effect, with the minor change in wording now included for clarification. Therefore, the action taken today is effective upon publication.

List of Subjects

9 CFR Part 303

Meat inspection.

9 CFR Part 381

Poultry products inspection.

On the basis of the foregoing, the Federal meat inspection regulations (Part 303) and the poultry products inspection regulations (Part 381) are amended as follows:

PART 303—[AMENDED]

1. The authority citation for Part 303 is added to read as follows and the authority citation following § 303.1 is removed:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438 (21 U.S.C. 71 *et seq.*, 601 *et seq.*, Pub. L. 99–641, Title IV, 100 Stat. 3556, 3567–72, 33 U.S.C. 466–466k); Pub. L. 96–511; 94 Stat. 2812 (44 U.S.C. 3501 *et seq.*).

2. Section 303.1(g) is revised to read as follows:

§ 303.1 Exemptions.

* * * * *

(g) The Administrator may in specific classes of cases waive for limited periods any provisions of the regulations in this subchapter in order to permit appropriate and necessary action in the event of a public health emergency or to permit experimentation so that new procedures, equipment, and/or processing techniques may be tested to facilitate definite improvements: *Provided*, That such waivers of the provisions of such regulations are not in conflict with the purposes or provisions of the Act.

3. Part 303 is further amended by adding a new § 303.2 to read as follows:

§ 303.2 Experimentation: Intensity of inspection coverage.

(a) Pursuant to the Processed Products Inspection Improvement Act of 1986, Title IV of the Futures Trading Act of 1986 (Pub. L. 99–641), in establishments preparing products at which inspection under the Act and regulations is required, the frequency with which and the manner in which meat food products made from livestock previously slaughtered in official establishments are examined and inspected by Program employees is to be based on considerations relevant to effective regulation of meat food products and protection of the health and welfare of consumers. In order to test procedures for use in making such determinations and, in particular, for determining whether and, is so, to what extent the intensity of inspection coverage exceeds that which should be considered necessary pursuant to section 6 of the Act, as amended by section 403(a) of the Futures Trading Act of 1986, the Administrator is initiating experimentation of a new system of inspection for reviewing the performance of establishments and for designing the supervision and other conditions and methods of inspection coverage. For the period of such experimentation, the Administrator shall identify establishments for review, and the frequency and the manner of inspection by Program employees shall be determined on the basis of the results of those reviews and be otherwise in accordance with this section.

(b) The determinations referred to in paragraph (a) of this section shall be made by the program and shall reflect evaluations of the performance and the characteristics and such establishments.

(1) In assessing the performance of an establishment, the following factors are appropriate for consideration:

(i) The history of compliance with applicable regulatory requirements by the person conducting operations at such establishment or by anyone responsibly connected with the business conducting operations at such establishment, as "responsibly connected" is defined in section 401(g) of the Act,

(ii) the competence of the person conducting operations at such establishment, as indicated by:

(A) Knowledge of appropriate manufacturing practices and applicable regulatory requirements,

(B) Demonstrated ability to apply such knowlege in a timely and consistent manner, and

(C) Commitment to correcting deficiencies noted by Program employees and otherwise assuring compliance with applicable regulatory requirements, and

(iii) The procedures used in such establishment to control the production process, environment, and resulting product in order to assure and monitor compliance with the requirements of the Act and the rules and regulations promulgated thereunder.

(2) In assessing the characteristics of an establishment, the following factors are appropriate for consideration:

(i) The complexity of the processing operation(s) conducted at such establishment,

(ii) The frequency with which each such operation is conducted at such establishment,

(iii) The volume of product resulting from each such operation at such establishment,

(iv) Whether and to what extent slaughter operations also are conducted at such establishment,

(v) What, if any, food products not regulated under this Act or the Poultry Products Inspection Act also are prepared at such establishment, and

(vi) The size of such establishment.

(c)(1) For the period of experimentation described in paragraph (a) of this section, the frequency of inspection by Program employees of operations other than slaughter may be reduced in an establishment in which the procedures referred to therein are being tested if and only if the evaluation of the performance of such establishment described in paragraph (b)(1) indicates that there are:

(i) No instances, documented in records compiled no earlier than 10 years before, of substantial and recent noncompliance with applicable regulatory requirements (taking into account both the nature and frequency of any such noncompliance), and

(ii) The competence and control procedures needed to assure and monitor compliance with applicable regulatory requirements.

(2) (i) The frequency of Federal inspection and other conditions and methods of inspection coverage in any establishment in which the frequency of Federal inspection is reduced shall be based on:

(A) The evaluation of the characteristics of such establishment described in paragraph (b)(2) of this section,[1]

(B) The significance of potential public health consequences of noncompliance, and

(C) The availability of Program employees.

(ii) To the extent that such frequency of inspection or other conditions and methods of inspection coverage are identified as conflicting with provisions of the regulations in this subchapter, the Administrator will waive such provisions for the period of experimentation, in accordance with § 303.1(g) of this subchapter.

PART 381—[AMENDED]

4. The authority citation for Part 381 continues to read as follows:

Authority: 71 Stat. 441, 82 Stat. 791, as amended, 21 U.S.C. 451 *et seq.*; 76 Stat. 663 (7 U.S.C. 450 *et seq.*), unless otherwise noted.

5. Section 381.3(b) is amended by removing the word "national" and inserting, in its place, the words "public health".

6. Section 381.3 is further amended by adding new paragraphs (c) through (e) to read as follows:

[1] These evaluations will be based upon guidelines developed by FSIS and the complexity categorization in FSIS Directive 1030.2 (Documentation of Processing and Combination Assignments, 4/22/85). The guidelines and Directive will be available for public inspection and copying in the Policy Office, Room 3168, South Agriculture Building, 14th Street and Independence Avenue, SW., Washington, DC.

VOL 52 ISS 243 DEC 18 1987 UMI

§ 381.3 Administration.

* * * * *

(c) Pursuant to section 6 of the Act, the Administrator believes that, in establishments processing poultry products at which inspection under the Act and regulations is required, the frequency with which and the manner in which poultry products made from poultry previously slaughtered and eviscerated in official establishments are reinspected by Inspection Service employees should be based on considerations relevant to effective regulation of poultry products and protection of the health and welfare of consumers. In order to test procedures for use in making such determinations and, in particular, for determining whether and, if so, to what extent the intensity of inspection coverage exceeds that which should be deemed necessary pursuant to section 6 of the Act, the Administrator is initiating experimentation of a new system of inspection for reviewing the performance of establishments and for designing the supervision and other conditions and methods of inspection coverage. For the period of such experimentation, the Administrator shall identify establishments for review, and the frequency and the manner of inspection by Inspection Service employees shall be determined on the basis of the results of those reviews and be otherwise in accordance with this section.

(d) The determinations referred to in paragraph (c) of this section shall be made by the Inspection Service and shall reflect evaluations of the performance and the characteristics of such establishments.

(1) In assessing the performance of an establishment, the following factors are appropriate for consideration:

(i) The history of compliance with applicable regulatory requirements by the person operating such establishment or by anyone responsibly connected with the business operating such establishment, as "responsibly connected" is defined in section 18(a) of the Act,

(ii) The competence of the person operating such establishment, as indicated by:

(A) Knowledge of appropriate manufacturing practices and applicable regulatory requirements,

(B) Demonstrated ability to apply such knowledge in a timely and consistent manner, and

(C) Commitment to correcting deficiencies noted by Inspection Service employees and otherwise assuring compliance with applicable regulatory requirements, and

(iii) The procedures used in such establishment to control the production process, environment, and resulting product in order to assure and monitor compliance with the requirements of the Act and the rules and regulations promulgated thereunder.

(2) In assessing the characteristics of an establishment, the following factors are appropriate for consideration:

(i) The complexity of the processing operation(s) conducted at such establishment,

(ii) The frequency with which each such operation is conducted at such establishment,

(iii) The volume of product resulting from each such operation at such establishment,

(iv) Whether and to what extent slaughter and evisceration operations also are conducted at such establishment,

(v) What, if any, food products not regulated under this Act or the Federal Meat Inspection Act also are processed at such establishment, and

(vi) The size of such establishment.

(e)(1) For the period of experimentation described in paragraph (c) of this section, the frequency of inspection by Inspection Service employees of operations other than slaughter and evisceration may be reduced in an establishment in which the procedures referred to therein are being tested if and only if the evaluation of the performance of such establishment described in paragraph (d)(1) indicates that there are:

(i) No instances, documented in records compiled no earlier than 10 years before, of substantial and recent noncompliance with applicable regulatory requirements (taking into account both the nature and frequency of any such noncompliance), and

(ii) The competence and control procedures needed to assure and monitor compliance with applicable regulatory requirements.

(2)(i) The frequency of Federal inspection and other conditions and methods of inspection coverage in any establishment in which the frequency of Federal inspection is reduced shall be based on:

(A) The evaluation of the characteristics of such establishment described in paragraph (d)(2) of this section,[1]

(B) The significance of potential public health consequences of noncompliance, and

(C) The availability of Inspection Service employees.

(ii) To the extent that frequency of inspection or other conditions and methods of inspection coverage are identified as conflicting with provisions of the regulations in this part, the Administrator will waive such provisions for the period of experimentation, in accordance with paragraph (b) of this section.

Done at Washington, DC, on December 14, 1987.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 87-29007 Filed 12-17-87; 8:45 am]

BILLING CODE 3410-DM-M

[1] These evaluations will be based upon guidelines developed by FSIS and the complexity categorization in FSIS Directive 1030.2 (Documentation of Processing and Combination Assignments, 4/22/85). The guidelines and Directive will be available for public inspection and copying in the Policy Office, Room 3168, South Agriculture Building, 14th Street and Independence Avenue, SW., Washington, DC.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40 and 70

Domestic Licensing of Byproduct, Source, and Special Nuclear Material; Revision of List of Non-Agreement States in Region III

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations pertaining to non-Agreement States in Region III to reflect the removal of Illinois and Iowa from its list of non-Agreement States because they have become Agreement States. The amendments are being made to inform affected licensees and members of the public of the change in status of these two States.

EFFECTIVE DATE: December 18, 1987.

FOR FURTHER INFORMATION CONTACT: Donnie H. Grimsley, Director, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: In January 1986, Iowa became an Agreement State and in July 1987, Illinois became the NRC's most recent Agreement State. Inadvertently overlooked when the two States became Agreement States were several places in the NRC's regulations that continued to refer to Illinois and Iowa as non-Agreement States in NRC's Region III. These amendments correct this oversight.

Because these amendments deal solely with the status of Agreement and non-Agreement States, the notice and comment provisions of the Administrative Procedure Act do not apply under 5 U.S.C. 553(b)(A). These amendments are effective upon publication in the **Federal Register**. Good cause exists to dispense with the usual 30-day delay in the effective date, because the amendments are of a minor and administrative nature, dealing with the change in the status of these two States.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

List of Subjects

10 CFR Part 30

Byproduct material, Governmental contracts, Intergovernmental relations, Isotopes, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

Government contracts, Hazardous materials—transportation, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 70

Hazardous materials—transportation, Material control and accounting, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear materials.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Parts 30, 40, and 70.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for Part 30 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

2. In § 30.6, paragraph (b)(2)(iii) is revised to read as follows:

§ 30.6 Communications.

* * * * *

(b) * * *

(2) * * *

(iii) *Region III.* The regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region III non-Agreement States: Indiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region III, Material Licensing Section, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

* * * * *

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

3. The authority citation for Part 40 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

4. In § 40.5, paragraph (b)(2)(iii) is revised to read as follows:

§ 40.5 Communications.

* * * * *

(b) * * *

(2) * * *

(iii) *Region III.* The regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region III non-Agreement States: Indiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region III, Material Licensing Section, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

* * * * *

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

5. The authority citation for Part 70 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

6. In § 70.5, paragraph (b)(2)(iii) is revised to read as follows:

§ 70.5 Communications.

* * * * *

(b) * * *

(2) * * *

(iii) *Region III.* The regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region III non-Agreement States: Indiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region III, Material Licensing Section, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

* * * * *

Dated at Bethesda, Maryland, this 8th day of December 1987.

For the Nuclear Regulatory Commission.

James M. Taylor,

Acting Executive Director for Operations.

[FR Doc. 87-29087 Filed 12-17-87; 8:45 am]

BILLING CODE 7590-01-M

FARM CREDIT ADMINISTRATION

12 CFR Part 611

Organization; Director Compensation; Correction

AGENCY: Farm Credit Administration.

ACTION: Final rule; correction.

SUMMARY: The Farm Credit Administration (FCA) is correcting a typographical error in the authority citation for the final rule relating to the compensation of members of Farm Credit System district boards. The final rule implements Farm Credit Administration Order No. 866 and § 5.5 of the Farm Credit Act of 1971, as amended, 12 U.S.C. 2226, as the statute authorizes the FCA to approve the compensation paid to district directors for undertaking certain functions or activities. The final rule appeared in the **Federal Register** on September 25, 1987 (52 FR 36012).

FOR FURTHER INFORMATION CONTACT: Joanne P. Ongman, Attorney, Office of

BEST COPY AVAILABLE

VOL 52 ISS 243 DE 18 1987 UMI

General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090, (703) 883–4020, TDD (703) 883–4444.

PART 611—[CORRECTED]

A technical correction is made to amendatory instruction No. 1 (52 FR 36013, September 25, 1987) to reflect the correct authority citation for Part 611. The corrected amendatory instruction reads as follows:

1. The authority citation for Part 611 continues to read as follows:

Authority: 12 U.S.C. 2031, 2091, 2182, 2183, 2216–2216k, 2243, 2244, 2250, 2252.

Dated: December 15, 1987.

David A. Hill,

Secretary, Farm Credit Administration Board.

[FR Doc. 87–29116 Filed 12–17–87; 8:45 am]

BILLING CODE 6705–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Animal Drugs, Feeds, and Related Products; Oxytetracycline Hydrochloride Soluble Powder

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by I. D. Russell Co. Laboratories. The NADA provides for the safe and effective use of oxytetracycline hydrochloride soluble powder in the drinking water of turkeys. The conditions of use are amended to reflect that they were found to be effective as a result of the National Academy of Sciences/National Research Council (NAS/NRC) evaluation of oxytetracycline.

EFFECTIVE DATE: December 18, 1987.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Center for Veterinary Medicine (HFV–133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION: I. D. Russell Co. Laboratories, 2463 Harrison, Box 411268, Kansas City, MO 64141, has filed a supplement to NADA 130–435 to provide for the use of oxytetracycline hydrochloride soluble powder in the drinking water of turkeys. The drug is for the control of infectious synovitis caused by: (1) *Mycoplasma synoviae* susceptible to oxytetracycline, (2) the control of hexamitiasis caused by *Hexamita meleagridis* susceptible to oxytetracycline, and (3) in growing turkeys, the control of complicating bacterial organisms associated with bluecomb (transmissible enteritis, coronaviral enteritis) susceptible to oxytetracycline. The supplemental NADA complies with the NAS/NRC evaluation of oxytetracycline hydrochloride soluble powder, which was concurred by FDA (35 FR 7089; May 5, 1970). The suplemental NADA is approved and the regulations are amended in 21 CFR 520.1660d by revising paragraph (e) to reflect the approval and to state those conditions of use which were classified as effective by NAS/NRC.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25).

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 520 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360 (i)); 21 CFR 5.10 and 5.83.

2. Section 520.1660d is amended by revising paragraph (e) to read as follows:

§ 520.1660d Oxytetracycline hydrochloride soluble powder.

* * * * *

(e) *Conditions of use.* (1) It is used in drinking water as follows:

(i) *Chickens*—(A)(*1*) *Amount per gallon.* 200 to 400 milligrams.

(*2*) *Indications for use.* Control of infectious synovitis caused by *Mycoplasma synoviae* susceptible to oxytetracycline.

(*3*) *Limitations.* Prepare a fresh solution daily. Administer 7 to 14 days. Not to be used for more than 14 consecutive days. Use as sole source of drinking water. Do not use in birds producing eggs for human consumption.

(B)(*1*) *Amount per gallon.* 400 to 800 milligrams.

(*2*) *Indications for use.* Control of chronic respiratory disease (CRD) and air sac infections caused by *Mycoplasma gallisepticum* and *E. coli* susceptible to oxytetracycline; control of fowl cholera caused by *Pasteurella multocida* susceptible to oxytetracycline.

(*3*) *Limitations.* Prepare a fresh solution daily. Administer 7 to 14 days. Not to be used for more than 14 consecutive days. Use as sole source of drinking water. Do not use in birds producing eggs for human consumption.

(ii) *Turkeys*—(A)(*1*) *Amount per gallon.* 200 to 400 milligrams.

(*2*) *Indications for use.* Control of hexamitiasis caused by *Hexamita meleagridis* susceptible to oxytetracycline.

(*3*) *Limitations.* Prepare a fresh solution daily. Administer 7 to 14 days. Not to be used for more than 14 consecutive days. Use as sole source of drinking water. Do not use in birds producing eggs for human consumption. Withdraw 5 days prior to slaughter.

(B)(*1*) *Amount per gallon.* 400 milligrams.

(*2*) *Indications for use.* Control of infectious synovitis caused by *Mycoplasma synoviae* susceptible to oxytetracycline.

(*3*) *Limitations.* Prepare a fresh solution daily. Administer 7 to 14 days. Not to be used for more than 14 consecutive days. Use as sole source of drinking water. Do not use in birds producing eggs for human consumption. Withdraw 5 days prior to slaughter.

(C)(*1*) *Amount.* 25 milligrams per pound of body weight.

(*2*) *Indications for use.* Growing turkeys. Control of complicating bacterial organisms associated with bluecomb (transmissible enteritis, coronaviral enteritis) susceptible to oxytetracycline.

(*3*) *Limitations.* Prepare a fresh solution daily. Administer 7 to 14 days. Not to be used for more than 14 consecutive days. Use as sole source of drinking water. Do not use in birds producing eggs for human consumption. Withdraw 5 days prior to slaughter.

(2) [Reserved]

Dated: December 9, 1987.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 87–29037 Filed 12–17–87; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lasalocid and Oxytetracycline.

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Hoffmann-La Roche, Inc., providing for safe and effective use of a Type C cattle feed manufactured from separately approved lasalocid sodium and oxytetracycline (monoalkyl trimethyl ammonium salt) Type A articles. The feed is used for improved feed efficiency, increased rate of weight gain, and reduction of incidence and severity of liver abscesses in beef cattle fed in confinement for slaughter.

EFFECTIVE DATE: December 18, 1987.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Center for Veterinary Medicine (HFV–126), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

SUPPLEMENTARY INFORMATION: Hoffmann-La Roche, Inc., Nutley, NJ 07110, filed NADA 140–579 providing for use of lasalocid sodium to 10 to 30 grams per ton or 25 to 30 grams per ton in combination with oxytetracycline at 7.5 grams per ton in Type C cattle feeds. Currently approved 15, 20, 33.1, or 50 percent lasalocid Type A articles are combined with 10- or 50-gram-per-pound oxytetracycline(monoalkyl trimethyl ammonium salt) Type A articles to make a Type C cattle feed used for improved feed efficiency, increased rate of weight gain, and reduction of incidence and severity of liver abscesses in beef cattle fed in confinement for slaughter. The NADA is approved and § 558.311(e)(1) is amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(ii) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

2. Section 558.311 is amended by adding to paragraph (e)(1) in the table a second entry in item (vi) and a second entry in item (vii), to read as follows:

§ 558.311 Lasalocid.

* * * * *

(e) * * *

(1) * * *

Lasalocid sodium activity in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
* * *	* * *	* * *	* * *	* * *
(vi)	Oxytetracycline 7.5	Cattle: for improved feed efficiency and reduction of incidence and severity of liver abscesses.	In complete feeds, for beef cattle fed in confinement for slaughter, feed continuously at 100 to 360 mg/head/day lasalocid and 75 mg/head/day oxytetracycline. As monoalkyl (C_8-C_{18}) trimethyl ammonium oxytetracycline.	000004
(vii)	Oxytetracycline 7.5	Cattle: for improved feed efficiency, increased rate of weight gain, and reduction of incidence and severity of liver abscesses.	In complete feeds, for beef cattle fed in confinement for slaughter, feed continuously at 250 to 360 mg/head/day lasalocid and 75 mg/head/day oxytetracycline As monoalkyl (C_8-C_{18}) trimethyl ammonium oxytetracycline.	000004
* * *	* * *	* * *	* * *	* * *

VOL 52 ISS 243 DEC 18 1987 UMI

3. § 558.450 *Oxytetracycline* is amended by adding new paragraph (d)(2)(ii), to read as follows:

§ 558.450 Oxytetracycline.

* * * * *

(d) * * *

(2) * * *

(ii) Lasalocid as in § 558.311.

Dated: December 8, 1987.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 87-29036 Filed 12-17-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 47

[T.D. ATF-265]

Importation of Articles on United States Munitions Import List

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule [Treasury decision].

SUMMARY: This final rule amends regulations in 27 CFR Part 47 to allow the importation of United States (U.S.) manufactured firearm parts into the United States without providing certification and documentation that the parts were not furnished to foreign governments under any foreign assistance or sales program of the United States.

The principal purpose of this change is to conform the definition to the U.S. Munitions Import List which covered firearms as well as all component parts for firearms.

EFFECTIVE DATE: December 18, 1987.

FOR FURTHER INFORMATION CONTACT: Carmen L. Alston, Bureau of Alcohol, Tobacco and Firearms, Telephone No. (202) 566-7151.

SUPPLEMENTARY INFORMATION:

Background

The Arms Export Control Act (22 U.S.C. 2778(b)(1)) provides that regulations shall be issued to prohibit the return of U.S. manufactured firearms furnished to foreign governments by the United States under the Act or any other foreign assistance or sales program of the United States.

On April 21, 1985, ATF published a final rule (50 FR 14380 (1985)) implementing section 233 of the Trade and Tariff Act of 1984 which amended the Gun Control Act of 1968. The Trade and Tariff Act added a new subsection (e) to 18 U.S.C. 925 allowing federally licensed importers to import certain surplus military firearms, either foreign or U.S. manufactured, classified as curios or relics. In order to implement the addition to the law, ATF required that all importers provide additional documentary evidence, under penalties of perjury, certifying that U.S. manufactured firearms classified as curios or relics had not been furnished to foreign governments under any foreign assistance or sales program of the United States.

Additionally, on October 18, 1985 (50 FR 42157 (1980)), ATF published a final rule revising the definition of the term "Firearms" in 27 CFR Part 47 which implements the importation provisions of the Arms Export Control Act. The principal purpose of this change is to conform the definition to the U.S. Munitions Import List which covered firearms as well as all component parts for firearms. However, this amendment also had the effect of precluding the importation of component parts for firearms of U.S. manufacture prohibited from importation by section 2778(b)(1).

ATF recognized that this amendment posed a needless burden on firearms importers and manufacturers by requiring the additional documentary evidence on U.S. manufactured firearm parts being returned to the United States. In addition, ATF received a petition from the Springfield Armory in Geneseo, Illinois, requesting ATF to exclude component parts of firearms from the additional documentary requirement by removing firearm parts from § 47.57.

Accordingly, this final rule defines "military firearms and ammunition" in 27 CFR 47.57 to exclude component parts for such firearms and ammunition.

Because component parts for firearms and ammunition will continue to be covered by the U.S. Munitions Import List, ATF will continue to control the importation of firearm parts by requiring the submission of an ATF Form 6 Part I (5330.3A), Application and Permit for Importation of Firearms, Ammunition and Implements of War.

Furthermore, applications by licensed importers to import frames or receivers alone of surplus military curio or relic firearms, whether of U.S. or foreign manufacture, will not be approved under 18 U.S.C. 925(e). Surplus military firearms are not classified as curios or relics unless they are assembled in their original military configuration and applications to import such firearms will continue not to be approved.

Administrative Procedure Act

Under § 47.54, the functions conferred under section 38 of the Arms Export Control Act of 1976 are excluded from the operation of Chapter 5 (Administrative Procedure) of Title 5, United States Code, with respect to Rule Making and Adjudicating. Such functions are concerned with "a military or foreign affairs function of the United States." Accordingly, this regulation may be adopted without prior publication of a notice of proposed rulemaking or opportunity for hearing.

Regulatory Flexibility Act

Because a notice of proposed rulemaking is not required for this final rule under 5 U.S.C. 553(b), the provisions of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1165, 5 U.S.C. 601 et seq.) relating to the preparation of a regulatory flexibility analysis are not applicable to this final rule.

Executive Order 12291

This document is not subject to Executive Order 12291 of February 17, 1981 (46 FR 13193 (1981)) because it concerns a military or foreign affairs function of the United States.

Paperwork Reduction Act

The information collection requirements contained in this final rule have been approved by the Office of Management and Budget pursuant to 3507 of the Paperwork Reduction Act of 1980 (OMB Control No. 1512-0017).

Drafting Information

The principal author of this final rule is Teri H. Byers, Tax Compliance Branch, Bureau of Alcohol, Tobacco and Firearms, (202) 566-7602.

List of Subjects in 27 CFR Part 47

Administrative practice and procedure, Arms control, Arms and munitions, Authority delegations, Customs duties and inspection, Imports, Penalties, Reporting and recordkeeping requirements.

Authority and Issuance

PART 47—[AMENDED]

Paragraph 1. The authority citation for Part 47 continues to read as follows:

Authority: 22 U.S.C. 2778.

§ 47.57 [Amended]

Par. 2. Section 47.57 is amended by adding a new paragraph (d) and an OMB Control number to read as follows:

§ 47.57 U.S. military firearms or ammunition.

* * * * *

(d) For the purpose of this section, the term "military firearms and ammunition" includes all firearms and ammunition furnished to foreign governments under a foreign assistance or sales program of the United States as set forth in paragraph (a) of this section. The term does not include component parts of firearms and ammunition.

(Approved by the Office of Management and Budget under OMB Control No. 1512-0017)

Signed: November 18, 1987.

W.T. Drake,

Acting Director.

Approved: December 3, 1987.

Francis A. Keating, II,

Assistant Secretary (Enforcement).

[FR Doc. 87-29040 Filed 12-17-87; 8:45 am]

BILLING CODE 4810-31-M

OFFICE OF INDEPENDENT COUNSEL

28 CFR Ch. VII

Production or Disclosure of Material or Information of the Office of Independent Counsel

AGENCY: Office of Independent Counsel.

ACTION: Final rule.

SUMMARY: On October 29, 1987, the Office of Independent Counsel issued a proposed regulation to amend Title 28 of the Code of Federal Regulations by adding Chapter VII, consisting of Part 700, Subpart A (Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974) and Subpart B (Exemption of the Office of Independent Counsel's Systems of Records Under the Privacy Act.) Subpart A relates to individual access to records pursuant to the Privacy Act and the obligations of the Office of Independent Counsel to assure the security, accuracy and completeness of the records. Subpart B exempts the Office of Independent Counsel's systems of records entitled "General Files System of the Office of Independent Counsel (OIC/001)" and "Freedom of Information Act/Privacy Act Files (OIC/002)." The records contained in these systems relate to official investigations and to internal policy decisions. The exemption is necessary to prevent delay or interference with the Office's ongoing criminal investigation and to protect that investigation. It is also necessary to protect the privacy of third parties and the identities of confidential sources involved in the investigation. The exemption will help the Office's investigation to proceed more expeditiously and effectively.

EFFECTIVE DATE: December 18, 1987.

ADDRESS: Office of Independent Counsel, Suite 701 West, 555 Thirteenth Street, NW., Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Pamela Krems, 202-383-8989.

SUPPLEMENTARY INFORMATION: The Office of Independent Counsel operates pursuant to two distinct and separate sources of authority. On December 4, 1986, Attorney General Edwin Meese III filed and application for appointment of an Independent Counsel with the Division for the Purpose of Appointing Independent Counsels of the United States Court of Appeals for the District of Columbia Circuit. On December 19, 1986, the Special Division of the Court of of Appeals filed an order appointing Lawrence E. Walsh as Independent Counsel in the Iran/Contra matter. Order Appointing Independent Counsel, *In re Oliver L. North, et al.*, Div. No. 86-6 (Dec. 19, 1986).

On March 5, 1987, Attorney General Meese issued a regulation that created an "Office of Independent Counsel: Iran/Contra" and provided that office with the same jurisdiction and powers that it already possessed under the Ethics in Government Act, 28 U.S.C. 591-598, and the December 19, 1986 court order appointing Independent Counsel Walsh. 52 FR 7270 (Mar. 10, 1987), 9241 (Mar. 23, 1987) (to be codified at 28 CFR Parts 600 and 601. The "Office of Independent Counsel" and the "Office of Independent Counsel: Iran/Contra" are in actuality one and the same office. This proposed regulation is issued by Independent Counsel under both grants of authority.

The proposed regulation was published on November 4, 1987 (52 FR 42314) and the public was invited to comment on it. No public comments were received. The final regulation is identical to the proposed regulation.

This order relates primarily to individuals rather than to small business entities. However, as required by the Regulatory Flexibility Act, 5 U.S.C. 601-612, the Office hereby states that this regulation will not have a significant economic impact on a substantial number of small business entities.

List of Subjects in 28 CFR Part 700

Privacy.

Dated: December 14, 1987.

Lawrence E. Walsh,

Independent Counsel.

For the reasons set forth in the preamble, and pursuant to the authority vested in me by the Ethics in Government Act, 28 U.S.C. 591-598, the December 19, 1986 Court order, and the authority delegated to me by the Attorney General pursuant to the Attorney General's regulation issued on March 5, 1987, 52 FR 7270 (Mar. 10, 1987), 9241 (Mar. 23, 1987), and 5 U.S.C. 552a, Title 28 of the Code of Federal Regulations is amended by adding Chapter VII—Office of Independent Counsel, consisting of Part 700, to read as follows:

CHAPTER VII—OFFICE OF INDEPENDENT COUNSEL

PART 700—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION OF THE OFFICE OF INDEPENDENT COUNSEL

Subpart A—Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974

Sec.
700.10 General provisions.
700.11 Request for access to records.
700.12 Responses to requests for access to records.
700.13 Form and content of Office responses.
700.14 Classified information.
700.15 Records in exempt systems of records.
700.16 Access to records.
700.17 Fees for access to records.
700.18 Appeals from denials of access.
700.19 Preservation of records.
700.20 Requests for correction of records.
700.21 Records not subject to correction.
700.22 Request for accounting of record disclosures.
700.23 Notice of subpoenas and emergency disclosures.
700.24 Security of systems of records.
700.25 Use and collection of social security numbers.
700.26 Employee standards of conduct.
700.27 Other rights and services.

Subpart B—Exemption of the Office of Independent Counsel's Systems of Records—Limited Access

700.31 Exemption of the Office of Independent Counsel's Systems of Records—Limited Access

Authority Citation: 5 U.S.C. 552a.

Subpart A—Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974

§ 700.10 General provisions.

(a) *Purpose and scope.* The subpart contains the regulations of the Office of Independent Counsel implementing the Privacy Act of 1974, 5 U.S.C. 552a. The regulations apply to all records that are contained in systems of records maintained by the Office of Independent Counsel and that are retrieved by an individual's name or personal identifier. These regulations set forth the procedures by which an individual may seek access under the Privacy Act to records pertaining to him, may request correction of such records, or may seek an accounting of disclosures of such records by the office.

(b) *Transfer of law-enforcement records.* The head of the Office, or his designee, is authorized to make written requests under 5 U.S.C. 552a(b)(7) for transfer of records maintained by other agencies that are necessary to carry out

VOL
52
ISS
243
DE
18
1987
UMI

an authorized law-enforcement activity of the Office.

(c) *Definitions.* As used in this subpart, the following terms shall have the following meanings:

(1) "Agency" has the meaning given in 5 U.S.C. 551(1) and 5 U.S.C. 552a(a)(1).

(2) "Record" has the same meaning given in 5 U.S.C. 552(a)(4).

(3) "Request for access" means a request made pursuant to 5 U.S.C. 552a(d)(1).

(4) "Request for correction" means a request made pursuant to 5 U.S.C. 552a(d)(2).

(5) "Request for an accounting" means a request made pursuant to 5 U.S.C. 552a(c)(3).

(6) "Requester" means an individual who makes either a request for access, a request for correction, or a request for an accounting.

(7) "System of records" means a group of any group of any records under the control of the Office from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to that individual.

§ 700.11 Request for access to records.

(a) *Procedure for making requests for access to records.* An individual may request access to a record about him by appearing in person or by writing the Office. A requester in need of guidance in defining his request may write to the FOIA/PA Officer, Office of Independent Counsel, Suite 701 West, 555 Thirteenth Street, NW, Washington, DC. 20004. Both the envelope and the request itself should be marked: "Privacy Act Request."

(b) *Description of records sought.* A request for access to records must describe the records sought in sufficient detail to enable Office personnel to locate the system of records containing the record with a reasonable amount of effort. Whenever possible, a request for access should describe the nature of the records sought, the date of the record or the period in which the record was compiled, and the name or identifying number of the system of records in which the requester believes the record is kept.

(c) *Agreement to pay fees.* The filing of a request for access to a record under this subpart shall be deemed to constitute an agreement to pay all applicable fees charged under § 700.17 up to $25.00. The Office shall confirm this agreement in its letter of acknowledgment to the requesters. When filing a request, a requester may specifiy a willingness to pay a greater amount, if applicable.

(d) *Verification of identity.* Any individual who submits a request for access to records must verify his identity in one of the following ways, unless the notice published in the **Federal Register** describing the relevant system of records provides otherwise.

(1) Any requester making a request in writing must state in his request his full name, current address, and date and place of birth. In addition, a requester must provide with his request an example of his signature, which shall be notarized. In order to facilitate the identification and location of the requested records, a requester may also, at his option, include in his request his Social Security number.

(2) Any requester submitting a request in person may provide to the Office a form of Official photographic identification, such as a passport or an identification badge. If a requester is unable to produce a form of photographic identification, he may provide to the Office two or more acceptable forms of identification (such as a driver's license or credit card) bearing his name and address.

(e) *Verification of guardianship.* The parent or guardian of a minor (or the guardian of a person judicially determined to be incompetent) who submits a request for access to the records of the minor or incompetent must establish:

(1) His own identity and the identity of the subject of the record, as required in paragraph (d) of this section,

(2) That he is the parent or guardian of the subject of the record, which may be proved by providing a copy of the subject's birth certificate showing parentage or by providing a court order establishing the guardianship, and

(3) That he seeks to act on behalf of the subject of the record.

§ 700.12 Responses to requests for access to records.

(a) *Authority to grant or deny requests.* The head of the Office, or his designee, is authorized to grant or deny any request for access to a record.

(b) *Initial action by the Office.* When the Office receives a request for access to a record in its possession, the Office shall promptly determine whether another Government agency is better able to determine whether the record is exempt, to any extent, from access. If the Office determines that it is the agency best able to determine whether the record is exempt, to any extent, from access, then the Office shall respond to the request. If the Office determines that it is not the agency best able to determine whether the record is exempt from access, the Office shall respond to the request, after consulting with the agency best able to determine whether the record is exempt from access. Under ordinary circumstances, the agency that generated or originated a requested record shall be presumed to be the agency best able to determine whether the record is exempt from access. However, nothing in this section shall prohibit the agency that generated or originated a requested record from consulting with the Office, if the agency that generated or originated the requested record determines that the Office has an interest in the requested record or the information contained therein.

(c) *Law-enforcement information.* Whenever a request for access is made for a record containing information that relates to an investigation of a possible violation of criminal law or to a criminal law-enforcement proceeding and that was generated or originated by another agency, the Office shall consult with that other agency, as appropriate.

(d) *Classified information.* Whenever a request for access is made for a record containing information that has been classified, or that may be eligible for classification, by another agency under the provision of Executive Order 12356 or any other Executive order concerning the classification of records, the Office shall refer the responsibilities for responding to the request to the agency that classified the information or should consider the information for classification. Whenever a record contains information that has been derivatively classified by the Office because it contains information classified by another agency, the Office shall refer the responsibility for responding to the request to the agency that classified the underlying information; however, such referral shall extend only to the information classified by the other agency.

(e) *Agreements regarding consultations.* No provision of this section shall preclude formal or informal agreements between the Office and another agency, to eliminate the need for consultations concerning requests or classes of requests.

(f) *Date for determining responsive records.* In determining records responsive to a request for access, the Office ordinarily will include only those records within the Office's possession and control as of the date of its receipt of the request.

§ 700.13 Form and content of Office responses.

(a) *Form of notice granting request for access.* After the Office has made a determination to grant a request for access in whole or in part, the Office shall so notify the requester in writing. The notice shall describe the manner in which access to the record will be granted and shall inform the requester of any fees to be charged in accordance with § 700.17.

(b) *Form of notice denying request for access.* When the Office denies a request for access in whole or in part it shall so notify the requester in writing. The notice shall be signed by the head of the Office, or his designee, and shall include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reason or reasons for the denial, including the Privacy Act exemption or exemptions that the Office has relied upon in denying the request and a brief explanation of the manner in which the exemption or exemptions apply to each record withheld; and

(3) A statement that the denial may be appealed under § 700.18(a) and a description of the requirements of that subsection.

(c) *Record cannot be located or has been destroyed.* If a requested record cannot be located from the information supplied, or is known or believed to have been destroyed or otherwise disposed of, the Office shall so notify the requester in writing.

(d) *Medical records.* When an individual requests medical records pertaining to himself that are not otherwise exempt from individual access, the Office may advise the individual that the records will be provided only to a physician, designated by the individual, who requests the records and establishes his identity in writing. The designated physician shall determine which records should be provided to the individual and which records should not be disclosed to the individual because of possible harm to the individual or another person.

§ 700.14 Classified information.

In processing a request for access to a record containing information that is classified or classifiable under Executive Order 12356 or any other Executive order concerning the classification of records, the Office shall review the information to determine whether it warrants classification. Information that does not warrant classification shall not be withheld from a requester on the basis of 5 U.S.C. 552a(k)(1). The Office shall, upon receipt of any appeal involving classified or classifiable information, take appropriate action to ensure compliance with the provisions of Executive Order 12356.

§ 700.15 Records in exempt systems of records.

(a) *Law-enforcement records exempted under subsections (j)(2) and (k)(2).* Before denying a request by an individual for access to a law-enforcement record that has been exempted from access pursuant to 5 U.S.C. 552a(k)(2), the Office must review the requested record to determine whether information in the record has been used or is being used to deny the individual any right, privilege, or benefit for which he would otherwise be eligible or to which he would otherwise be entitled under federal law. If so, the Office shall notify the requester of the existence of the record and disclose such information to the requester, except to the extent that the information would identify a confidential source. In cases when disclosure of information in a law-enforcement record could reasonably be expected to identify a confidential source, the record shall not be disclosed to the requester unless the Office is able to delete from such information all material that would identify the confidential source.

(b) *Employee background investigations.* When a requester requests access to a record pertaining to a background investigation and the record has been exempted from access pursuant to 5 U.S.C. 552a(k)(5), the record shall not be disclosed to the requester unless the Office is able to delete from such record all information that would identify a confidential source.

§ 700.16 Access to records.

(a) *Manner of access.* The Office, once it has made a determination to grant a request for access, shall grant the requester access to the requested record by—

(1) Providing the requester with a copy of the record or

(2) Making the record available for inspection by the requester at a reasonable time and place.

The Office shall in either case charge the requester applicable fees in accordance with the provisions of § 700.17. If the Office provides access to a record by making the record available for inspection by the requester, the manner of such inspection shall not unreasonably disrupt the operations of the Office.

(b) *Accompanying person.* A requester appearing in person to review his records may be accompanied by another individual of his own choosing. Both the requester and the accompanying person shall be required to sign a form stating that the Office of Independent Counsel is authorized to disclose the record in the presence of both individuals.

§ 700.17 Fees for access to records.

(a) *When charged.* The Office shall charge fees pursuant to 5 U.S.C. 552a(f)(5) for the copying of records to afford access to individuals unless the Office, in its discretion, waives or reduces the fees for good cause shown. The Office shall charge fees only at the rate of $0.10 per page. For materials other than paper copies, the Office may charge the direct costs of reproduction, but only if the requester has been notified of such costs before they are incurred. Fees shall not be charged when they would amount, in the aggregate, for one request or for a series of related requests, to less than $3.00. However, the Office may, in its discretion, increase the amount of this minimum fee.

(b) *Notice of estimated fees in excess of $25.* When the Office determines or estimates that the fees to be charged under this section may amount to more than $25, the Office shall notify the requester as soon as practicable of the actual or estimated amount of the fee, unless the requester has indicated in advance his willingness to pay a fee as high as that anticipated. (If only a portion of the fee can be estimated readily, the Office shall advise the requester that the estimated fee may be only a portion of the total fee.) When the estimated fee exceeds $25 and the Office has so notified the requester, the Office will be deemed not to have received the request for access to records until the requester has agreed to pay the anticipated fee. A notice to a requester pursuant to this paragraph shall offer him the opportunity to confer with Office personnel with the object of reformulating his request to meet his needs at a lower cost.

(c) *Form of payment.* Requesters must pay fees by check or money order made payable to the Treasury of the United States.

(d) *Advance deposits.* (1) When the estimated fee chargeable under this section exceeds $25, the Office may require a requester to make an advance deposit of 25 percent of the estimated fee or an advance payment of $25, whichever is greater.

(2) When a requester has previously failed to pay a fee charged under this part, the requester must pay the Office the full amount owed and make an advance deposit of the full amount of any estimated fee before the Office shall

VOL 52 ISS 243 DEC 18 1987 UMI

be required to process a new or pending request for access from that requester.

§ 700.18 Appeals from denials of access.

(a) *Appeals to Independent Counsel.* When the Office denies in whole or part a request for access to records, the requester may appeal the denial to Independent Counsel within 30 days of his receipt of the notice denying his request. An appeal to Independent Counsel shall be made in writing, addressed to the Office of Independent Counsel, Suite 701 West, 555 Thirteenth Street, NW., Washington, DC 20004. Both the envelope and the letter of appeal itself must be clearly marked: "Privacy Act Appeal."

(b) *Action on appeals.* Unless Independent Counsel otherwise directs, he or his designee shall act on all appeals under this section, except that: A denial of a request for access by Independent Counsel, or his designee, shall constitute the final action of the Office on that request.

(c) *Form of action on appeal.* The disposition of an appeal shall be in writing. A decision affirming in whole or in part the denial of a request for access shall include a brief statement of the reason or reasons for the affirmance, including each Privacy Act exemption relied upon and its relation to each record withheld, and a statement that judicial review of the denial is available in the United States District Court for the judicial district in which the requester resides or has his principal place of business, the judicial district in which the requested records are located, or the District of Columbia. If the denial of a request for access is reversed on appeal, the requester shall be so notified and the request shall be processed promptly in accordance with the decision on appeal.

§ 700.19 Preservation of records.

The Office shall preserve all correspondence relating to the requests it receives under this subpart, and all records processed pursuant to such requests, until such time as the destruction of such correspondence and records is authorized pursuant to Title 44 of the United States Code. Under no circumstances shall records be destroyed while they are the subject of a pending request for access, appeal, or lawsuit under the Act.

§ 700.20 Requests for correction of records.

(a) *How made.* Unless a record is exempted from correction and amendment, an individual may submit a request for correction of a record pertaining to him. A request for correction must be made in writing. The request must identify the particular record in question, state the correction sought, and set forth the justification for the correction. Both the envelope and the request for correction itself must be clearly marked: "Privacy Act Correction Request."

(b) *Initial determination.* Within 10 working days of receiving a request for correction, the Office shall notify the requester whether his request will be granted or denied, in whole or in part. If the Office grants the request for correction in whole or in part, it shall advise the requester of his right to obtain a copy of the corrected record, in releasable form, upon request. If the Office denies the request for correction in whole or in part, it shall notify the requester in writing of the denial. The notice of denial shall state the reason or reasons for the denial and advise the requester of his right to appeal.

(c) *Appeals.* When a request for correction is denied in whole or in part, the requester may appeal the denial to Independent Counsel within 30 days of his receipt of the notice denying his request. An appeal to Independent Counsel shall be made in writing, shall set forth the specific item of information sought to be corrected, and shall include any documentation said to justify the correction. An appeal shall be addressed to the Office of Independent Counsel, Suite 701 West, 555 Thirteenth Street, NW., Washington, DC 20004. Both the envelope and the letter of appeal itself must be clearly marked: "Privacy Act Correction Appeal."

(d) *Determination on appeal.* Independent Counsel, or his designee, shall decide all appeals from denials or requests to correct records. All such appeals shall be decided within 30 working days of receipt of the appeal, unless there is good cause to extend this period. If the denial of a request is affirmed on appeal, the requester shall be so notified in writing and advised of—

(1) The reason or reasons the denial has been affirmed,

(2) The requester's right to file a Statement of Disagreement, as provided in paragraph (e) of this section, and

(3) The requester's right to obtain judicial review of the denial in the United States District Court for the judicial district in which the requester resides or has his principal place of business, the judicial district in which the record is located, or the District of Columbia.

If the denial is reversed on appeal, the requester shall be so notified and the request for correction shall be remanded to the Office for processing in accordance with the decision on appeal.

(e) *Statements of disagreement.* A requester whose appeal under this section is denied shall have the right to file a Statement of Disagreement with the Office of Independent Counsel, Suite 701 West, 555 Thirteenth Street, NW., Washington, DC 20004, within 30 days of receiving notice of denial of his appeal. Statements of disagreement may not exceed one typed page per fact disputed. Statements exceeding this limit shall be returned to the requester for condensation. Upon receipt of a statement of disagreement under this section, Independent Counsel, or his designee, shall have the statement included in the system of records in which the disputed record is maintained and shall have the disputed record marked so as to indicate—

(1) That a statement of disagreement has been filed, and

(2) Where in the system of records the statement of disagreement may be found.

(f) *Notices of correction or disagreement.* Within 30 working days of the correction of a record, the Office shall advise all agencies to which it previously disclosed the record that the record has been corrected. Whenever an individual has filed a statement of disagreement, the Office shall append a copy of the statement to the disputed record whenever the record is disclosed. The Office may also append to the disputed record any written statement it has made giving the Office's reasons for denying the request to correct the record.

§ 700.21 Records not subject to correction.

The following records are not subject to correction or amendment as provided in § 700.20:

(a) Transcripts of testimony given under oath or written statements made under oath;

(b) Transcripts of grand jury proceedings, judicial proceedings, or quasi-judicial proceedings that constitute the official record of such proceedings;

(c) Presentence records that are the property of the courts, but may be maintained by the Office in a system of records; and

(d) Records duly exempted from correction pursuant to 5 U.S.C. 552a(j) or 552a(k) by notice published in the **Federal Register.**

§ 700.22 Request for accounting of record disclosures.

(a) An individual may request the Office to provide him with an accounting of those other agencies to which the Office has disclosed the record, and the date, nature, and purpose of each disclosure. A request for an accounting must be made in writing and must identify the particular record for which the accounting is requested. The request also must be addressed to the Office and both the envelope and the request itself must clearly be marked: "Privacy Act Accounting Request."

(b) The Office shall not be required to provide an accounting to an individual to the extent that the accounting relates to—

(1) Records for which no accounting must be kept pursuant to 5 U.S.C. 552a(c)(1),

(2) Disclosures of records to law-enforcement agencies for lawful law-enforcement activities, pursuant to written requests from such law-enforcement agencies specifying records sought and the law-enforcement activities for which the records are sought, under 5 U.S.C. 552a (c)(3) and (b)(7), or

(3) Records for which an accounting need not be disclosed pursuant to 5 U.S.C. 552a (j) or (k).

(c) A denial of a request for an accounting may be appealed to Independent Counsel in the same manner as a denial of a request for access, with both the envelope and the letter of appeal itself clearly marked: "Privacy Act Accounting Appeal."

§ 700.23 Notice of subpoenas and emergency disclosures.

(a) *Subpoenas.* When records pertaining to an individual are subpoenaed by a grand jury, court, or quasi-judicial authority, the official served with the subpoena shall be responsible for ensuring that written notice of its service is forwarded to the individual. Notice shall be provided within 10 working days of the service of the subpoena or, in the case of a grand jury subpoena, within 10 working days of its becoming a matter of public record. Notice shall be mailed to the last known address of the individual and shall contain the following information: The date the subpoena is returnable, the court or quasi-judicial authority to which it is returnable, the name and number of the case of proceeding, and the nature of the records sought. Notice of the service of a subpoena is not required if the system of records has been exempted from the notice requirement of 5 U.S.C. 552a(e)(8), pursuant to 5 U.S.C. 552a(j), by a Notice of Exemption published in the **Federal Register.**

(b) *Emergency disclosures.* If the record of an individual has been disclosed to any person under compelling circumstances affecting the health or safety of any person, as described in 5 U.S.C. 552a(b)(8), the individual to whom the record pertains shall be notified of the disclosure at his last known address within 10 working days. The notice of such disclosure shall be in writing and shall state the nature of the information disclosed, the person or agency to whom it was disclosed, the date of disclosure, and the compelling circumstances justifying the disclosure. The officer who made or authorized the disclosure shall be responsible for providing such notification.

§ 700.24 Security of systems of records.

(a) The Office Administrator or Security Officer shall be responsible for issuing regulations governing the security of systems of records. To the extent that such regulations govern the security of automated systems of records, the regulations shall be consistent with the guidelines developed by the National Bureau of Standards.

(b) The Office shall establish administrative and physical controls to prevent unauthorized access to its systems of records, to prevent the unauthorized disclosure of records, and to prevent the unauthorized disclosure of records, and to prevent the physical damage or destruction of records. The stringency of such controls shall reflect the sensitivity of the records the controls protect. At a minimum, however, the Office's administrative and physical controls shall ensure that—

(1) Records are protected from public view,

(2) The area in which records are kept is supervised during business hours to prevent unauthorized persons from having access to the records, and

(3) Records are inaccessible to unauthorized persons outside of business hours.

(c) The Office shall establish rules restricting access to records to only those individuals within the Office who must have access to such records in order to perform their duties. The Office also shall adopt procedures to prevent the accidental disclosure of records or the accidental granting of access to records.

§ 700.25 Use and collection of social security numbers.

(a) Each system manager of a system of records that utilizes Social Security numbers as a method of identification without statutory authorization, or authorization by regulation adopted prior to January 1, 1975, shall take steps to revise the system to avoid future collection and use of the Social Security numbers.

(b) The Office shall take such measures as are necessary to ensure that employees authorized to collect information from individuals are advised that individuals may not be required to furnish Social Security numbers without statutory or regulatory authorization and that individuals who are requested to provide Social Security numbers voluntarily must be advised that furnishing the number is not required and that no penalty or denial of benefits will flow from the refusal to provide it.

§ 700.26 Employee standards of conduct.

(a) The Office shall inform its employees of the provisions of the Privacy Act, including the Act's civil liability and criminal penalty provisions. The Office also shall notify its employees that they have a duty to—

(1) Protect the security of records,

(2) Assure the accuracy, relevance, timeliness, and completeness of records,

(3) Avoid the unauthorized disclosure, either verbal or written, of records, and

(4) Ensure that the Office maintains no system of records without public notice.

(b) Except to the extent that the Privacy Act permits such activities, an employee of the Office of Independent Counsel shall:

(1) Not collect information of a personal nature from individuals unless the employee is authorized to collect such information to perform a function or discharge a responsibility of the Office;

(2) Collect from individuals only that information that is necessary to the performance of the functions or to the discharge of the responsibilities of the Office;

(3) Collect information about an individual directly from that individual, whenever practicable;

(4) Inform each individual from whom information is collected of—

(i) The legal authority that authorizes the Office to collect such information,

(ii) The principal purposes for which the Office intends to use the information,

(iii) The routine uses the Office may make of the information, and

(iv) The effects upon the individual of not furnishing the information;

(5) Maintain all records that are used by the agency in making any determination about any individual with

VOL 52 ISS 243 DEC 18 1987 UMI

such accuracy, relevance, timeliness, and completeness as to assure fairness to the individual in the determination;

(6) Except as to disclosures to an agency or pursuant to 5 U.S.C. 552a(b)(2), make reasonable efforts, prior to disseminating any record about an individual, to assure that such records are accurate, relevant, timely, and complete;

(7) Maintain no record concerning an individual's religious or political beliefs or activities, or his membership in associations or organizations, unless—

(i) The individual has volunteered such information for his own benefit,

(ii) A statute expressly authorizes the Office to collect, maintain, use or disseminate the information, or

(iii) The individual's beliefs, activities, or membership are pertinent to and within the scope of an authorized law-enforcement or correctional activity;

(8) Notify the head of the Office of the existence or development of any system of records that has not been disclosed to the public;

(9) When required by the Act, maintain an accounting in the prescribed form of all disclosures of records by the Office to agencies or individuals whether verbally or in writing;

(10) Disclose no record to anyone, except within the Office, for any use, unless authorized by the Act;

(11) Maintain and use records with care to prevent the inadvertent disclosure of a record to anyone; and

(12) Notify the head of the Office of any record that contains information that the Act or the foregoing provisions of this paragraph do not permit the Office to maintain.

(c) Not less than once a year, the head of each Office shall review the systems of records maintained by that Office to ensure that the Office is in compliance with the provisions of the Privacy Act.

§ 700.27 Other rights and services.

Nothing in this subpart shall be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under 5 U.S.C. 552a.

Subpart B—Exemption of the Office of Independent Counsel's Systems of Records Under the Privacy Act

§ 700.31 Exemption of the Office of Independent Counsel's Systems of Records—Limited Access.

(a) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4); (d); (e)(1), (2) and (3); (e)(4) (G), (H) and (I); (e) (5) and (8); (f); and (g):

(1) General Files System of the Office of Independent Counsel (OIC/001). These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1), (k)(2), and (k)(5).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because making available to a record subject the accounting of disclosures from records concerning him/her would reveal investigative interest on the part of the Office of Independent Counsel as well as the recipient agency. This would permit record subjects to impede the investigation, e.g., destroy evidence, intimidate potential witnesses, or flee the area to avoid inquiries or apprehension by law-enforcement personnel. Moreover, the release of the accounting of disclosures made under subsection (b) of the Act, including those disclosures permitted under the routine uses published for these systems would permit the subject of an investigation of an actual or potential criminal, civil or regulatory violation to determine whether he is the subject of an investigation or to obtain valuable information concerning the nature of the investigation, material compiled during the investigation, and the identity of witnesses and informants. Disclosure of the accounting would, therefore, present a serious impediment to law enforcement. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record; such notice requirement under subsection (f)(1) of the Act is specifically exempted for this system of records.

(2) From subsection (c)(4) because an exemption is being claimed under subsection (d) of the Act. This system is exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act. Subsection (c)(4), therefore, is inapplicable to this system of records.

(3) From subsection (d) because the records contained in this system relate to official federal investigations. Individual access to these records contained in this system would inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation, of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his activities, of the identities of witnesses and informants, or would provide information that could enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement because they could prevent the successful completion of the investigation, reveal confidential informants, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. Individual access also could constitute an unwarranted invasion of the personal privacy of third parties who are involved in an investigation. Amendment of the records would interfere with ongoing criminal-law enforcement proceedings and impose an impossible administrative burden.

(4) From subsections (e) (1) and (5) because, in the course of criminal or other law-enforcement investigation, cases and matters, the Office of Independent Counsel may occasionally obtain information concerning actual or potential violations of law that are not strictly within its authority or jurisdiction, or may compile information, the accuracy of which is unclear or which is not strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate and necessary to retain all information that may aid in establishing patterns of criminal activity. Moreover, it would impede the specific investigative process if it were necessary to ensure the relevance, accuracy, timeliness and completeness of all information obtained. In particular, this would restrict the ability of trained investigators, intelligence analysts, and government attorneys to exercise their judgment in reporting on information and investigations.

(5) From subsection (e)(2) because, in a criminal or other law-enforcement investigation, the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement. In such circumstances, the subject of the investigation or prosecution would be informed of the existence of the investigation and would therefore be able to avoid detection, apprehension, or legal obligations or duties, as well as to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

(6) From subsection (e)(3) because compliance with the requirements of this subsection during the course of an investigation could impede the information-gathering process, thus hampering the investigation. Furthermore, such requirements could compromise the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

(7) From subsections (e)(4) (C) and (H) because this system is exempt from the individual-access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(8) From subsection (e)(4)(I) because the categories of sources of records in this system have been published in the **Federal Register** in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in these systems, exemption from this provision is necessary in order to protect the confidentiality of the sources of criminal and other law-enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(9) From subsection (e)(8) because the individual-notice requirements of subsection (e)(8) could present a serious impediment to law enforcement through interference with the Office of Independent Counsel's ability to issue subpoenas and the disclosure of its investigative techniques and procedures.

(10) From subsection (f) because this system is exempt from the individual-access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act. Furthermore, such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or prosecution pending or future.

(11) From subsection (g) because this system is exempt from the individual-access and amendment provisions of subsection (d) and the provisions of subsection (f) pursuant to subsections (j) and (k) of the Privacy Act.

(c) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4), (G), (H) and (I); (e) (5) and (8); (f) and (g):

(1) Freedom of Information Act/ Privacy Act Files (OIC/002). These exemptions apply to the extent that information in this system is subject to exemption pursuant ot 5 U.S.C. 552a(j)(2), (k)(1), (k)(2,) and (k)(5).

(d) Because this system contains Office of Independent Counsel criminal law-enforcement investigatory records, exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the disclosure accounting would permit the subject(s) of criminal investigations under investigation or in litigation to obtain valuable information concerning the nature of that investigation, matter or case and present a serious impediment to law-enforcement activities.

(2) From subsection (c)(4) because an exemption is being claimed for subsection (d) of the Act, rendering this subsection inapplicable to the extent that this system of records is exempted from subsection (d).

(3) From subsection (d) because access to the records contained in this system would inform the subject of criminal investigation or case of the existence of such, and provide the subject with information that might enable him to avoid detection, apprehension or legal obligations, and present a serious impediment to law enforcement and other civil remedies. Amendment of the records would interfere with ongoing criminal law-enforement proceedings and impose an impossible administrative burden.

(4) From subsection (e)(1) because in the courses of criminal investigations, matters or cases, the Office of Independent Counsel often obtains information concerning the violation of laws other than those relating to an active case, matter, or investigation. In the interests of effective law enforcement and criminal litigation, it is necessary that the Office of Independent Counsel retain this information since it can aid in establishing patterns of activity and provide valuable leads for future cases that may be brought within the Office of Independent Counsel.

(5) From subsection (e)(2) because collecting information to the greatest extent possible from the subject individual of a criminal investigation or prosecution would present a serious impediment to law enforcement. In such circumstances, the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection, apprehension, or legal obligations and duties.

(6) From subsection (e)(3) because providing individuals supplying information with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement. In those circumstances, it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information, and endanger the life and physical safety of confidential informants.

(7) From subsection (e)(4) (G), (H) and (I) because this system of records is exempt from the individual-access and amendment provisions of subsection (d) and the rules provisions of subsection (f).

(8) From subsection (e)(5) because, in the collection of information for law-enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would inhibit the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(9) From subsection (e)(8) because the individual-notice requirements of subsection (e)(8) could present a serious impediment to law enforcement, i.e., this could interfere with the Office of Independent Counsel's ability to issue subpoenas and could reveal investigative techniques and procedures.

(10) From subsection (f) because this system has been exempted from the individual-access and amendment provisions of subsection (d).

(11) From subsection (g) because the records in this system are generally compiled for law-enforcement purposes and are exempt from the individual-access and amendment provisions of subsections (d) and (f), this rendering subsection (g) inapplicable.

[FR Doc. 87-29069 Filed 12-17-87; 8:45 am]
BILLING CODE 2210-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

[Docket No. T-022]

South Carolina State Plan; Final Approval Determination

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final State Plan Approval.

SUMMARY: This document amends Subpart C of 29 CFR Part 1952 to reflect the Assistant Secretary's decision granting final approval to the South Carolina State plan. As a result of this affirmative determination under section 18(e) of the Occupational Safety and Health Act of 1970, Federal OSHA standards and enforcement authority no longer apply to occupational safety and health issues covered by the South Carolina plan, and authority for Federal concurrent jurisdiction is relinquished.

Federal enforcement jurisdiction is retained over private sector maritime and employment on military bases. Federal jurisdiction remains in effect with respect to Federal Government employers and employees.

EFFECTIVE DATE: December 15, 1987.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3637, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone (202) 523-8148.

SUPPLEMENTARY INFORMATION:

Introduction

Section 18 of the Occupational Safety and Health Act of 1970 (the "Act") provides that States which desire to assume responsibility for the development and enforcement of occupational safety and health standards may do so by submitting, and obtaining Federal approval of, a State plan. Procedures for State plan submission and approval are set forth in regulations at 29 CFR Part 1902. If the Assistant Secretary, applying the criteria set forth in section 18(c) of the Act and 29 CFR Parts 1902.3 and 1902.4, finds that the plan provides or will provide for State standards and enforcement which are "at least as effective" as Federal standards and enforcement, initial approval is granted.

A State may commence operations under its plan after this determination is made, but the Assistant Secretary retains discretionary Federal enforcement authority during the initial approval period as provided by section 18(e) of the Act. A State plan may receive initial approval even though, upon submission, it does not fully meet the criteria set forth in 29 CFR 1902.3 and 1902.4 if it includes satisfactory assurances by the State that it will take the necessary "developmental steps" to meet the criteria within a 3-year period. 29 CFR 1902.2(b). The Assistant Secretary publishes a notice of "certification of completion of developmental steps" when all of a State's developmental commitments have been satisfactorily met. 29 CFR 1902.34.

When a State plan that has been granted initial approval is developed sufficiently to warrant a suspension of concurrent Federal enforcement activity, it becomes eligible to enter into an "operational status agreement" with OSHA. 29 CFR 1954.3(f). A State must have enacted its enabling legislation, promulgated State standards, achieved an adequate level of qualified personnel, and established a system for review of contested enforcement actions. Under these voluntary agreements, concurrent Federal enforcement will not be initiated with regard to Federal occupational safety and health standards in those issues covered by the State plan, where the State program is providing an acceptable level of protection.

Following the initial approval of a complete plan, or the certification of a developmental plan, the Assistant Secretary must monitor and evaluate actual operations under the plan for a period of at least one year to determine, on the basis of actual operations under the plan, whether the criteria set forth in section 18(c) of the Act and 29 CFR 1902.3, 1902.4 and 1902.37 are being applied. An affirmative determination under section 18(e) of the Act (usually referred to as "final approval" of the State plan) results in the relinquishment of authority for Federal concurrent jurisdiction in the State with respect to occupational safety and health issues covered by the plan. 29 U.S.C. 667(e). To enable OSHA to evaluate State performance in relation to the foregoing criteria, State participation in OSHA's computerized Integrated Management Information System is required.

An additional requirement for final approval consideration is that a State must meet the compliance staffing levels, or benchmarks, for safety and health compliance officers established by OSHA for that State. This requirement stems from a 1978 Court Order by the U.S. District Court for the District of Columbia (*AFL-CIO* v. *Marshall*, C.A. No. 74-406), pursuant to a U.S. Court of Appeals decision, that directed the Assistant Secretary to calculate for each State plan state the number of enforcement personnel needed to assure a "fully effective" enforcement program.

History of the South Carolina Plan and Its Compliance Staffing Benchmarks

South Carolina Plan

On May 8, 1972, South Carolina submitted an occupational safety and health plan in accordance with section 18(b) of the Act and 29 CFR Part 1902, Subpart C. On May 24, 1972, a notice was published in the **Federal Register** (37 FR 10535) concerning submission of the plan, announcing that initial Federal approval was at issue and offering interested persons an opportunity to submit data, views and arguments concerning the plan. Because of the wide interest anticipated in the first State plan proposals, notice was also given that an informal public hearing on the plan would be held on July 10, 1972, in Columbia, South Carolina.

In response to comments on South Carolina's initial submission notice and testimony received at the informal hearing, the State submitted modifications to the plan on September 13, 1972. Notice of receipt of the modifications and an invitation for public comments on the plan as modified, as well as an opportunity to request an informal hearing, was published in the **Federal Register** on September 28, 1972 (37 FR 20289). Comments on the amended plan were received from the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO). In response to these comments as well as OSHA's review of the plan modifications, South Carolina made additional changes in its plan. Since there were no objections which were outstanding on the plan, as amended, no further public hearing was held.

On December 6, 1972, the Assistant Secretary published a notice granting initial approval of the South Carolina plan as a developmental plan under section 18(b) of the Act (37 FR 25932). The plan provides for a program patterned in most respects after that of the Federal Occupational Safety and Health Administration.

The South Carolina State plan covers all occupational safety and health issues except private sector maritime employment, and employment on military bases. The South Carolina Department of Labor is designated as having responsibility for administering the plan throughout the State. The day-to-day administration of the plan is directed by the South Carolina Division of Occupational Safety and Health.

The plan provides for the initial adoption by South Carolina of all Federal occupational safety and health standards, contained in 29 CFR Parts 1910, 1926, and 1928, and for the adoption of future Federal standards after public hearings. The plan requires employers to furnish employment and a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm, and to comply with all occupational safety and health standards promulgated by the agency. Employees are likewise required to comply with all standards and regulations applicable to their conduct. The plan contains provisions similar to Federal procedures governing emergency temporary standards; imminent danger proceedings; coverage under the general duty clause; variances; safeguards to protect trade secrets; protection of employees against discrimination for exercising their rights under the plan; and employer and employee rights to participate in inspection and review proceedings. Appeals of citations, penalties and abatement periods are heard by the South Carolina Occupational Health and Safety Review Board. Decisions of the Review Board may be appealed to the Court of Common Pleas.

The notice of initial approval noted a few distinctions between the Federal and South Carolina Programs. The State plan does not cover safety and health in private sector maritime employment or employment on military bases.

The Assistant Secretary's initial approval of the South Carolina developmental plan, a general description of the plan, a schedule of required developmental steps and a provision for discretionary concurrent Federal enforcement during the period of initial approval were codified in the Code of Federal Regulations (29 CFR Part 1952, Subpart C; 37 FR 25932 (December 6, 1972)).

In accordance with the State's developmental schedule, all major structural components of the plan were put in place and appropriate documentation submitted for OSHA approval during the three-year period ending December 31, 1975. These "developmental steps" included: amendments to the South Carolina Occupational Safety and Health Act; promulgation of State occupational safety and health standards and program regulations; and establishment of a public employee program. In completing these developmental steps, the State developed and submitted for Federal approval all components of its enforcement program including, among other things, legislative amendments, management information system, merit staffing system, regulations for inspections, citations and proposed penalties, recordkeeping and reporting regulations, and a safety and health poster for private and public employees.

These submissions were carefully reviewed by OSHA; after opportunity for public comment and modification of State submissions, where appropriate, the major plan elements were approved by the Assistant Secretary as meeting the criteria of section 18 of the Act and 29 CFR 1902.3 and 1902.4. The South Carolina subpart of 29 CFR Part 1952 was amended to reflect each of these approval determinations (see 29 CFR 1952.94).

On May 9, 1975, OSHA entered into an operational status agreement with the State of South Carolina. A **Federal Register** notice was published on June 26, 1975 (40 FR 27024), announcing the signing of the agreement. (The agreement was subsequently amended, 49 FR 30173, July 27, 1984.) Under the terms of that agreement, OSHA voluntarily suspended the application of concurrent Federal enforcement authority with regard to Federal occupational safety and health standards in all issues covered by the South Carolina plan.

On August 3, 1976, in accordance with procedures at 29 CFR 1902.34 and 1902.35, the Assistant Secretary certified that South Carolina had satisfactorily completed all developmental steps (41 FR 32424). In certifying the plan, the Assistant Secretary found the structural features of the program—the statue, standards, regulations, and written procedures for administering the plan—to be at least as effective as corresponding Federal provisions. Certification does not entail findings or conclusions by OSHA concerning adequacy of actual plan performance. As has already been noted, OSHA regulations provide that certification initiates a period of evaluation and monitoring of State activity to determine, in accordance with section 18(e) of the Act, whether the statutory and regulatory criteria for State plans are being applied in actual operations under the plan and whether final approval should be granted.

On January 31, 1978 OSHA published notice in the **Federal Register** (43 FR 4073) requesting public comment on a petition requesting withdrawal of OSHA approval of the South Carolina plan. The petition was submitted by the President of the Carolina Brown Lung Association. A second petition was subsequently filed by the national American Federation of Labor-Congress of Industrial Organizations (AFL-CIO). On April 21, 1978 notice was published in the **Federal Register** (43 FR 17003) requesting public comments on the AFL-CIO petition to withdraw approval of the South Carolina State Plan and providing an additional time period for public comment on the Carolina Brown Lung Association petition, which was requested by the South Carolina General Assembly's Textile Studies Subcommittee. Both petitions alleged specific performance deficiencies in enforcement of the cotton dust standard and prosecution of contested cotton dust cases and in such other areas as hazard recognition, review procedures, inspection scheduling, health referrals, and response to major Federal Program changes. In addition, the Carolina Brown Lung Association petition alleged deficiencies in employee training and education, and the AFL-CIO petition alleged legislative and regulatory deficiencies.

OSHA's investigation of all allegations contained in the petitions revealed that charges of legislative and regulatory deficiencies were unfounded. Although the South Carolina Act does not mirror the Federal Act, the South Carolina Plan, along with its implementing regulations, provide coverage and employee rights comparable to that of the Federal Act. In addition, OSHA's investigation revealed that where performance deficiencies existed, they had been corrected or considerable improvement had been demonstrated by South Carolina, especially since the filing of the petitions. Based on the findings of OSHA's investigation, a **Federal Register** notice (44 FR 13013) was published on March 9, 1979, which denied both petitions to withdraw approval of the South Carolina State Plan.

South Carolina Benchmarks

In 1978, the Assistant Secretary was directed by the U.S. District Court for the District of Columbia (*AFL-CIO* v. *Marshall*, C.A. No. 74-406), pursuant to a U.S. Court of Appeals decision, to calculate for each State plan State the number of enforcement personnel (compliance staffing benchmarks) needed to assure a "fully effective" enforcement program. In 1980, OSHA submitted a Report to the Court containing the benchmarks and requiring South Carolina to allocate 39 safety compliance officers and 60 industrial hygienists to conduct inspections under the plan.

In September 1984 the South Carolina State designee in conjunction with OSHA completed a review of the components and requirements of the 1980 compliance staffing benchmarks established for South Carolina. Pursuant to an initiative begun in August 1983 by the State plan designees as a group with OSHA, and in accord with the formulas and general principles established by that group for individual State revision of the benchmarks, South Carolina reassessed the staffing necessary for a "fully effective" occupational safety and health program in the State. This reassessment resulted in a proposal to OSHA contained in comprehensive documents of revised staffing benchmarks of 17 safety and 12 health compliance officers. After the opportunity for public comment and service on the AFL-CIO, the Assistant Secretary approved these revised staffing requirements on January 17, 1986 (51 FR 2481).

VOL 52 ISS 243 DEC 18 1987 UMI

VOL 52 ISS 243 DEC 18 1987 UMI

History of the Present Proceedings

Procedures for final approval of State plans are set forth at 29 CFR Part 1902, Subpart D. On September 25, 1987, OSHA published notice (52 FR 36048) of the eligibility of the South Carolina State plan for determination under section 18(e) of the Act as to whether final approval of the plan should be granted. The determination of eligibility was based on monitoring of State operations for at least one year following certification, State participation in the Federal-State Integrated Management Information System, and staffing which meets the revised State staffing benchmarks.

The September 25 **Federal Register** notice set forth a general description of the South Carolina plan and summarized the results of Federal OSHA monitoring of State operations during the period from December 1, 1985 through January 31, 1987. In addition to the information set forth in the notice itself, OSHA submitted, as part of the record in this rulemaking proceeding, extensive and detailed exhibits documenting the plan, including copies of the State legislation, administrative regulations and procedural manuals under which South Carolina operates its plan, and copies of all previous **Federal Register** notices regarding the plan.

A copy of the December 1985–January 1987 Evaluation Report of the South Carolina plan ("18(e) Evaluation Report"), which was extensively summarized in the September 25 proposal and which provided the principal factual basis for the proposed 18(e) determination, was included in the record. Copies of all OSHA evaluation reports on the plan since its certification as having completed all developmental steps were made part of the record.

To assist and encourage public participation in the 18(e) determination, copies of the complete record were maintained in the OSHA Docket Office in Washington, DC, in the OSHA Region IV Office in Atlanta, Georgia, and the South Carolina Department of Labor in Columbia. Summaries of the September 25 proposal, with an invitation for public comments were published in South Carolina on October 2, 1987.

The September 25 proposal invited interested persons to submit, by October 30 written comments and views regarding the South Carolina plan, and whether final approval should be granted.

An opportunity to request an informal public hearing also was provided. One hundred and twenty-seven (127) comments were received in response to this notice. No requests for an informal hearing were received.

Summary and Evaluation of Comments Received

During this proposed rulemaking OSHA has encouraged interested members of the public to provide information and views regarding operations under the South Carolina plan, to supplement the information already gathered during OSHA monitoring and evaluation of plan administration.

In response to the September 25 **Federal Register** notice, OSHA received comments from 109 private employers, 12 State and local government entities, 1 consulting firm (2 comments), 2 safety associations, 1 attorney on behalf of one of the above-referenced safety associations, and 1 university.

All of the one-hundred and twenty-seven (127) comments expressed support for final approval on the grounds of State competence, responsiveness, and specific knowledge of local conditions. Several of these comments indicated that the State has established an outstanding safety and health program without adversarial relations with local industries, and that a climate of working together has gone far to stop costly accidents and to protect workers in South Carolina. Comments further express preference for State enforcement rather than Federal, because State inspectors are better able to deal with State-specific concerns. The comments also praise the State's effectiveness in reducing workplace injuries and illnesses, and praise the competency of South Carolina officials.

One initial comment (which was later updated) received from the consulting firm found fault with the State's response to asbestos hazards. The updated letter recommended final approval of the plan and indicated that the previous comments were only constructive suggestions for improvement of the South Carolina program.

Edgar L. McGowan, Commissioner of the South Carolina Department of Labor, responded to the initial comment made by the consulting firm regarding South Carolina's performance in the area of protection of workers and the public in asbestos removal. The response indicated that during fiscal years 1985, 1986 and 1987 (ending June 30) the State inspected 68 asbestos removal sites. The response also indicated that the State cooperates closely with the Department of Health and Environmental Control (DHEC), which has the responsibility of training removers, receiving notification of contracts, and inspecting the sites to assure public protection.

Findings and Conclusions

As required by 29 CFR 1902.41, in considering the granting of final approval to a State plan, OSHA has carefully and thoroughly reviewed all information available to it on the actual operation of the South Carolina State plan. This information has included all previous evaluation findings since certification of completion of the State plan's developmental steps, especially data for the period of December 1, 1985 through January 31, 1987 and information presented in written submissions. Findings and conclusions in each of the areas of performance are as follows:

(1) *Standards.* Section 18(c)(2) of the Act requires State plans to provide for occupational safety and health standards which are at least as effective as Federal standards. Such standards where not identical to the Federal must be promulgated through a procedure allowing for consideration of all pertinent factual information and participation of all interested persons (29 CFR 1902.4(b)(2)(iii)); must, where dealing with toxic materials or harmful physical agents, assure employee protection throughout his or her working life (29 CFR 1902.4(b)(2)(i)); must provide for furnishing employees appropriate information regarding hazards in the workplace through labels, posting, medical examinations, etc. (29 CFR 1902.4(b)(2)(vi)); must require suitable protective equipment, technological control, monitoring, etc. (29 CFR 1902.4(b)(2)((vii)); and where applicable to a product must be required by compelling local conditions and not pose an undue burden on interstate commerce (29 CFR 1902.3(c)(2)).

As documented in the approved South Carolina State plan and OSHA's evaluation findings made a part of the record in this 18(e) determination proceeding, and as discussed in the September 25 notice, the South Carolina plan provides for the adoption of standards and amendments thereto which are in most cases identical to Federal standards. The State's law and regulations, previously approved by OSHA and made a part of the record in this proceeding include provisions addressing all of the structural requirements for State standards set out in 29 CFR Part 1902.

In order to qualify for final State plan approval, a State program must be found to have adhered to its approved procedures (29 CFR 1902.37(b)(2)); to have timely adopted identical or at least as effective standards, including emergency temporary standards and standards amendments (29 CFR 1902.37(b)(3)); to have interpreted its standards in a manner consistent with Federal interpretations and thus to demonstrate that in actual operation State standards are at least as effective as the Federal (29 CFR 1902.37(b)(4)); and to correct any deficiencies resulting from administrative or judicial challenge of State standards (29 CFR 1902.37(b)(5)).

As noted in the "18(e) Evaluation Report" and summarized in the September 25, 1987 **Federal Register** notice, South Carolina has generally adopted standards in a timely manner which are identical to Federal standards.

When a State adopts Federal standards, the State's interpretation and application of such standards must ensure consistency with Federal interpretation and application. South Carolina has generally adopted standards interpretations, which are at least as effective as the Federal. OSHA's monitoring has found that the State's application of its standards is comparable to Federal standards application. No challenges to standards have occurred in South Carolina.

Therefore, in accordance with section 18(c)(2) of the Act and the pertinent provisions of 29 CFR 1902.3, 1902.4 and 1902.37, OSHA finds the South Carolina program in actual operation to provide for standards adoption, correction when found deficient, interpretation and application, in a manner at least as effective as the Federal program.

(2) *Variances.* A State plan is expected to have the authority and procedures for the granting of variances comparable to those in the Federal program (29 CFR 1902.4(b)(2)(iv)). The South Carolina State plan contains such provisions in both law and regulations which have been previously approved by OSHA. In order to qualify for final State plan approval permanent variances granted must assure employment equally as safe and healthful as would be provided by compliance with the standard (29 CFR 1902.37(b)(6)); temporary variances granted must assure compliance as early as possible and provide appropriate interim employee protection (29 CFR 1902.37(b)(7)). As noted in the 18(e) Evaluation Report and the September 25 notice, four permanent variances were granted during the reporting period.

Action on these requests was in accordance with the State's procedures and the granted variances provided protection equivalent to that provided under the standard. No temporary variances were requested during the evaluation period.

Accordingly, OSHA finds that the South Carolina program effectively grants variances from its occupational safety and health standards.

(3) *Enforcement.* Section 18(c)(2) of the Act and 29 CFR 1902.3(d)(1) require a State program to provide a program for enforcement of State standards which is and will continue to be at least as effective in providing safe and healthful employment and places of employment as the Federal program. The State must require employer and employee compliance with all applicable standards, rules and orders (29 CFR 1902.3(d)(2)) and must have the legal authority for standards enforcement including compulsory process (29 CFR 1902.4(c)(2)).

The South Carolina Occupational Safety and Health Act and implementing regulations previously approved by OSHA, establish employer and employee compliance responsibility and contain legal authority for standards enforcement in terms substantially identical to those in the Federal Act. In order to be qualified for final approval, the State must have adhered to all approved procedures adopted to ensure an at least as effective compliance program (29 CFR 1902.37(b)(2)). The "18(e) Evaluation Report" data show no lack of adherence to such procedures.

(a) *Inspections.* A plan must provide for inspection of covered workplaces, including in response to complaints, where there are reasonable grounds to believe a hazard exists (29 CFR 1902.4(c)(2)(i)). As noted in the September 25, 1987 **Federal Register** notice South Carolina recently adopted a procedure similar to OSHA's for handling non-formal complaints by a letter to the employer. Data contained in the 18(e) Evaluation Report indicate the State responded to 34.8% of safety complaints and 20.2% of health complaints with an inspection. Complaints responded to by letter was comparable to OSHA. (Evaluation Report, pages 41 and 42).

In order to qualify for final approval, the State program, as implemented, must allocate sufficient resources toward high-hazard workplaces while providing adequate attention to other covered workplaces (29 CFR 1902.37(b)(8)). Data contained in the 18(e) Evaluation Report indicate that 100% of both State programmed safety and programmed health inspections were conducted in high-hazard industries. (Evaluation report, page 38).

(b) *Employee notice and participation in inspections.* In conducting inspections the State plan must provide an opportunity for employees and their representatives to point out possible violations through such means as employee accompaniment or interviews with employees (29 CFR 1902.4(c)(2)(ii)). The State's procedures require compliance officers to provide this opportunity. During the evaluation period, 95.4% of initial inspections included either employee representatives on the walkaround or interviews with employees. OSHA has concluded that employee representation is properly provided in State inspections. (Evaluation Report, pages 47 and 48).

In addition, the State plan must provide that employees be informed of their protections and obligations under the Act by such means as the posting of notices, (29 CFR 1902.4(c)(2)(iv)) and provide that employees have access to information on their exposure to regulated agents and access to records of the monitoring of their exposure to such agents (29 CFR 1902.4(c)(vi)).

To inform employees and employers of their protections and obligations, South Carolina requires that a poster, which was previously approved by OSHA (41 FR 9547) be displayed in all covered workplaces. Requirements for the posting of the poster and other notices such as citations, contests, hearings and variance applications, are set forth in the previously approved State law and regulations which are substantially identical to Federal requirements. Information on employee exposure to regulated agents and access to medical and monitoring records is provided through State standards, including the Access to Employee Exposure and Medical Records standard and the Hazard Communication standard. Both of these standards were amended to make the definition of the "Designated Representative" identical to OSHA's. Federal OSHA's evaluation concluded that the State's performance is satisfactory.

(c) *Nondiscrimination.* A State is expected to provide appropriate protection to employees against discharge or discrimination for exercising their rights under the State's program including provision for employer sanctions and employee confidentiality (29 CFR 1902.4(c)(2)(v)). The South Carolina Act and regulations provide for discrimination protection equivalent to that provided by Federal OSHA. The State investigated 21 discrimination complaints during the evaluation period. Of the investigated complaints, (5) 23.8% were found to have merit and (4) 80.0% of the meritorious cases were settled or litigated. One case

is still pending. This compared very favorably with Federal experience. (Evaluation Report pp. 64–65.)

(d) *Restraint of imminent danger; protection of trade secrets.* A State plan is required to provide for the prompt restraint of imminent danger situations, (29 CFR 1902.4(c)(2)(vii) and to provide adequate safeguards for the protection of trade secrets (29 CFR 1902.4(c)(2)(viii)). The State has provisions concerning imminent danger and protection of trade secrets in its law, regulations and field operations manual which are similar to the Federal. The 18(e) Evaluation Report indicates that there were no imminent danger situations identified. (Evaluation Report, p. 53.) There were no Complaints About State Program Administration (CASPA's) filed concerning the protection of trade secrets during the reporting period. (Evaluation Report, p. 71.)

(e) *Right of entry; advance notice.* A State program is expected to have authority for right of entry to inspect and compulsory process to enforce such right equivalent to the Federal program (section 18(c)(3) of the Act and 29 CFR 1902.3(e)). Likewise, a State is expected to prohibit advance notice of inspection, allowing exception thereto no broader than the Federal program (29 CFR 1902.3(f)). The South Carolina Occupational Safety and Health Act authorizes the Commissioner to enter and inspect all covered workplaces in terms substantially identical to those in the Federal Act. In addition, South Carolina law allows the Commissioner to apply for a warrant from the State courts to permit entry into such establishments that have refused entry for the purpose of inspection or investigation. The South Carolina law likewise prohibits advance notice, and implementing procedures for exceptions to this prohibition are substantially identical to the Federal.

In order to be found qualified for final approval, a State is expected to take action to enforce its right of entry when denied (29 CFR 1902.37(b)(9)) and to adhere to its advance notice procedures. South Carolina had 15 denials of entry during this evaluation period, was successful in obtaining warrants for 11 of them, and gained entry voluntarily for the other 4. The 18(e) Evaluation Report indicates that 17 instances of advance notice procedures were used and in all cases the State's use of its procedures were proper.

(f) *Citations, penalties, and abatement.* A State plan is expected to have authority and procedures for promptly notifying employers and employees of violations identified during inspections, for the proposal of effective first-instance sanctions against employers found in violation of standards and for prompt employer notification of such penalties (29 CFR 1902.4(c)(2) (x) and (xi)). The South Carolina plan through its law, regulations and field operations manual, which have all been previously approved by OSHA, has established a system similar to the Federal for prompt issuance of citations to employers delineating violations and establishing reasonable abatement periods requiring posting of such citations for employee information and proposing penalties.

In order to be qualified for final approval, the State, in actual operation, must be found to conduct competent inspections in accordance with approved procedures and to obtain adequate information to support resulting citations (29 CFR 1902.37(b)(10)), to issue citations, proposed penalties and failure-to-abate notifications in a timely manner (29 CFR 1902.37(b)(11)), to proposed penalties for first instance violations that are at least as effective as those under the Federal program (29 CFR 1902.37(b)(12)), and to ensure abatement of hazards including issuance of failure-to-abate notices and appropriate penalties (29 CFR 1902.37(b)(13)).

Procedures for the South Carolina Occupational Safety and Health Compliance Program are set out in the South Carolina Field Operations Manual, which is patterned after the Federal manual, and thus the State follows inspection procedures, including documentation procedures, which are similar to the Federal. The evaluation report notes overall adherence by South Carolina to these procedures. South Carolina cites an average of 3.0 violations per programmed safety inspection with citations and 2.3 violations per programmed health inspection with citations; and 20.5% of safety and 21.2% of health violations cited as serious by the State was comparable to Federal performance during the evaluation period. (Evaluation Report, p. 51.)

South Carolina's lapse time from last day of inspection to issuance of citation averaged 12.8 days for safety and 11.3 days for health, both of which compare favorably with Federal performance during the period. (Evaluation Report, p. 68).

South Carolina's procedures for calculation of penalties are similar to Federal OSHA. However, there are some differences between the two programs, for example, the minimum penalty that can be proposed, number of penalty levels, multi-instance penalty, etc. The evaluation report indicates that the average proposed penalties for serious violations were $292 for safety and $400 for health. (Evaluation Report, pp. 56–58).

South Carolina conducts a lower percent of follow-up inspections to assure abatement of cited violations (1.8% of not-in-compliance inspections) than does Federal OSHA. In the past the State required a follow-up inspection on all cited violations except other-than-serious. However, the State reduced the number of follow-up inspections because over the past two years the State issued only one or two failure-to-abate notices. State abatement periods averaged 8.2 days for serious safety and 17.6 days for serious health violations. (Evaluation Report, pp. 54–55.)

(g) *Contested cases.* In order to be considered for initial approval and certification, a State plan must have authority and procedures for employer contest of citations, penalties and abatement requirements at full administrative or judicial hearings. Employees must also have the right to contest abatement periods and the opportunity to participate as parties in all proceedings resulting from an employer's contest (29 CFR 1902.4(c)(2)(xii)). South Carolina's procedures for employer contest of citations, penalties and abatement requirements and for ensuring employees rights are contained in the law, regulations and field operations manual made a part of the record in this proceeding and are similar to the Federal procedures which the exception of the expanded employee right to contest terms and conditions of citations as well as abatement dates. Appeals of citations, penalties and abatement periods are heard by the South Carolina's Occupational Health and Safety Review Board and may be further appealed to the Court of Common Pleas.

During the evaluation period, 6.9% of safety inspections with citation, and 12.2% of health inspections with citation, resulted in contests. This level is higher than the precentage of contests federally. The report indicates that the higher rate of contested cases is attributed to fewer settlements reached at the pre-contest level and concludes that the State's performance in this area is as effective as Federal OSHA. (Evaluation Report, pp. 60 and 63.)

To qualify for final approval, the State must seek review of any adverse adjudications and take action to correct any enforcement program deficiencies resulting from adverse administrative or judicial determinations (29 CFR 1902.37(b)(14)). The State had no adverse decisions which would require review or corrective action. Accordingly, OSHA finds that the South Carolina plan effectively reviews contested cases.

(h) *Enforcement conclusion.* In summary, the Assistant Secretary finds that enforcement operations provided under the South Carolina plan are competently planned and conducted, and are overall at least as effective as Federal OSHA enforcement.

(4) *Public employee program.* Section 18(c)(6) of the Act requires that a State which has an approved plan must maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program must be as effective as the standards contained in an approved plan. 29 CFR 1902.3(j) requires that a State's program for public employees be as effective as the State's program for private employees covered by the plan.

South Carolina's plan provides a program in the public sector which is very similar to that in the private sector, except that no penalties are proposed for other-than-serious violations. Additionally, employers in the public sector may be given a two-thirds credit on proposed penalties for serious violations if they certify that the funds saved will be utilized to correct the violations, provide safety and health training to employees, or improve other elements of their safety and health programs.

During the evaluation period, South Carolina conducted 70 public sector inspections, citing 122 violations of which 17.2% were classified as serious. The proportion of inspections dedicated to the public sector (3% of total inspections during the evaluation period) was appropriate to the needs of public employees. (Evaluation Report, pp. 23 and 26.)

Injury and illness rates for State and local government employment are lower than in the private sector (1985: all case rate—5.8; lost workday case rate—2.7.). The State and local government lost workday case rate did not change from 2.7 in 1984, while the private sector rate had a slight increase from 2.7 to 2.8.

Because South Carolina's performance in the public sector compares very favorably to that in the private sector, OSHA concludes that the South Carolina program meets the criterion in 29 CFR 1902.3(j).

(5) *Staffing and resources.* Section 18(c)(4) of the Act requires State plans to provide the qualified personnel necessary for the enforcement of standards. In accordance with 29 CFR 1902.37(b)(1), one factor which OSHA must consider in evaluating a plan for final approval is whether the State has a sufficient number of adequately trained and competent personnel to discharge its responsibilities under the plan.

The South Carolina plan provides for 17 safety compliance officers and 12 industrial hygienists as set forth in the South Carolina FY 1987 grant. This staffing level meets the approved, revised, fully effective benchmarks for South Carolina for safety and health staffing, as discussed elsewhere in this notice.

The State provides a comprehensive training program for new compliance personnel and refresher and specialized training for experienced staff, which includes attendance at the OSHA Training Institute and in-house and field training exercises.

As noted in the **Federal Register** notice announcing certification of the completion of developmental steps for South Carolina (41 FR 32424) all personnel under the plan meet civil service requirements under the State merit system, which was found to be in substantial conformity with the Standards for a Merit System of Personnel Administration by the U.S. Office of Personnel Management.

Because South Carolina has allocated sufficient enforcement staff to meet the revised benchmarks for that State, and personnel are trained and competent, the requirements for final approval set forth in 29 CFR 1902.37(b)(1), and in the 1978 Court Order in *AFL–CIO* v. *Marshall, supra,* are being met by the South Carolina plan.

Section 18(c)(5) of the Act requires that the State devote adequate funds to administration and enforcement of its standards. The South Carolina plan was funded at $2,606,014 in FY 1987. (Fifty percent of the funds were provided by Federal OSHA and 50% were provided by the State.)

As noted in the 18(e) Evaluation Report, South Carolina's funding is judged sufficient in absolute terms; moreover, the State allocates its resources to the various aspects of the program in a manner similar to OSHA. On this basis, OSHA finds that South Carolina has provided sufficient funding for the various activities carried out under the plan.

(6) *Records and reports.* State plans must assure that employers in the State submit reports to the Secretary in the same manner as if the plan were not in effect (section 18(c)(7) of the Act and 29 CFR 1902.3(k)). The plan must also provide assurances that the designated agency will make such reports to the Secretary in such form and containing such information as he may from time to time require (section 18(c)(8) of the Act and 29 CFR 1902.3(1)).

South Carolina's employer recordkeeping requirements are equivalent to those of Federal OSHA, and the State participates in the BLS Annual Survey of Occupational Illnesses and Injuries. As noted elsewhere in this notice, the State participates and has assured its continuing participation with OSHA in the Integrated Management Information System as a means of providing reports on its activities to OSHA.

For the foregoing reasons, OSHA finds that South Carolina has met the requirements of sections 18(c) (7) and (8) of the Act on employer and State reports to the Secretary.

(7) *Voluntary compliance program.* A State plan is required to undertake programs to encourage voluntary compliance by employers by such means as conducting training and consultation with employers and employees (29 CFR 1902.4(c)(2)(xiii)).

South Carolina does not differentiate between employers and employees when conducting training sessions in the public sector. In the public sector, 5,754 public sector employers and employees participated in 128 training sessions.

For the private sector, 1,375 employers participated in 62 training sessions, while 13,254 employees participated in 598 training sessions.

South Carolina has established a Voluntary Protection Program (VPP) identical to the Federal program. The program recognizes exemplary safety and health programs as a means of expanding worker protection. Establishments which meet the program criteria will be removed from the general schedule inspection list for one year from the date of the establishment's approval. There is currently one establishment particiating on this program.

In the private sector, South Carolina provides on-site consultative services to employers under a cooperative agreement with OSHA made pursuant to section 7(c)(1) of the Act and 29 CFR Part 1908. On-site consultation for the public sector is provided under the South Carolina plan.

Accordingly, OSHA finds that South Carolina has established and is administering an effective voluntary compliance program.

(8) *Injury and illness statistics.* As a factor in its 18(e) determination, OSHA must consider the Bureau of Labor Statistics Annual Occupational Safety and Health Survey and other available Federal and State measurements of

VOL 52 ISS 243 DEC 18 1987 UMI

program impact on worker safety and health (29 CFR 1902.37(b)(15)). The 1984 and 1985 Bureau of Labor Statistics injury and illness rates for South Carolina (private sector all case rate for 1984 was 6.9% and for 1985 was 7.1%; lost workday case rate for 1984 was 2.7 and for 1985 was 2.8%) were lower than rates in the States where Federal OSHA provides enforcement coverage. In 1985, the all case incidence rates and the lost workday case rates for the private sector, manufacturing and construction experienced a mix of increases and decreases in South Carolina, the rates of increase were within the acceptable range established under OSHA's State Plan Activities Measures and the absolute rates in each case for 1985 were lower than corresponding rates in Federal States. In addition, the percent change in lost workday cases for the State's five most hazardous industries were all within the acceptable range when compared to the change in rates under Federal jurisdiction.

OSHA finds that the trends in injury and illness statistics in South Carolina compared favorably with those in States with Federal enforcement.

Decision

OSHA has carefully reviewed the record developed during the above described proceedings, including all comments received thereon. The present **Federal Register** document sets forth the findings and conclusions resulting from this review.

In light of all the facts presented on the record, the Assistant Secretary has determined that the South Carolina State plan for occupational safety and health, which has been monitored for at least one year subsequent to certification, is in actual operation at least as effective as the Federal program and meets the statutory criteria for State plans in section 18(e) of the Act and implementing regulations at 29 CFR Part 1902. Therefore, the South Carolina State plan is hereby granted final approval under section 18(e) of the Act and implementing regulations at 29 CFR Part 1902, effective December 15, 1987.

Under this 18(e) determination, South Carolina will be expected to maintain a State program which will continue to be at least as effective as operations under the Federal program in providing employee safety and health at covered workplaces. This requirement includes submitting all required reports to the Assistant Secretary as well as submitting plan supplements documenting State-initiated program changes, changes required in response to adverse evaluation findings, and responses to mandatory Federal program changes. In addition, South Carolina must continue to allocate sufficient safety and health enforcement staff to meet the benchmarks for State staffing established by the Department of Labor, or any revision to those benchmarks.

Effect of Decision

The determination that the criteria set forth in section 18(c) of the Act and 29 CFR Part 1902 are being applied in actual operations under the South Carolina plan terminates OSHA authority for Federal enforcement of its standards in South Carolina, in accordance with section 18(e) of the Act, in those issues covered under the State plan. Section 18(e) provides that upon making this determination "the provisions of sections 5(a)(2), 8 (except for the purpose carrying out subsection (f) of this section), 9, 10, 13, and 17, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 9 or 10 before the date of determination."

Accordingly, Federal authority to issue citations for violation of OSHA standards (sections 5(a)(2) and 9); to conduct inspections (except those necessary to conduct evaluations of the plan under section 18(f), and other inspections, investigations or proceedings necessary to carry out Federal responsibilities which are not specifically preempted by section (18)(e)) (section 8); to conduct enforcement proceedings in contested cases (section 10); to institute proceedings to correct imminent dangers (section 13); and to propose civil penalties or initiate criminal proceedings for violations of the Federal Act (section 17) is relinquished as of the effective date of this determination.

Federal authority under provisions of the Act not listed in section 18(e) is unaffected by this determination. Thus, for example, the Assistant Secretary retains his authority under section 11(c) of the Act with regard to complaints alleging discrimination against employees because of the exercise of any right afforded to the employee by the Act although such complaints may be initially referred to the State for investigation. Any proceeding initiated by OSHA under sections 9 and 10 of the Act prior to the date of this final determination would remain under Federal jurisdiction. The Assistant Secretary also retains his authority under section 6 of the Act to promulgate, modify or revoke occupational safety and health standards which address the working conditions of all employees, including those in States which have received an affirmative 18(e) determination. In the event that a State's 18(e) status is subsequently withdrawn and Federal authority reinstated, all Federal standards, including any standards promulgated or modified during the 18(e) period, would be Federally enforceable in the State.

In accordance with section 18(e), this determination relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the South Carolina plan, and OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, for example, Federal OSHA retains its authority to enforce all provisions of the Act, and all Federal standards, rules or orders which relate to safety or health in private sector maritime employment and employment on military bases. In addition Federal OSHA may subsequently initiate the exercise of jurisdiction over any issue (hazard, industry, geographical area, operation or facility) for which the State is unable to provide effective coverage for reasons not related to the required performance or structure of the State plan.

As provided by section 18(f) of the Act, the Assistant Secretary will continue to evaluate the manner in which the State is carrying out its plan. Section 18(f) and regulations at 29 CFR Part 1955 provide procedures for the withdrawal of Federal approval should the Assistant Secretary find that the State has subsequently failed to comply with any provision or assurance contained in the plan. Additionaly, the Assistant Secretary is required to initiate proceedings to revoke an 18(e) determination and reinstate concurrent Federal authority under procedures set forth in 29 CFR 1902.47, *et seq.*, if his evaluations show that the State has substantially failed to maintain a program which is at least as effective as operations under the Federal program, or if the State does not submit program change supplements to the Assistant Secretary as required by 29 CFR Part 1953.

Explanation of Changes to 29 CFR Part 1952

29 CFR Part 1952 contains, for each State having an approved plan, a subpart generally describing the plan and setting forth the Federal approval status of the plan. 29 CFR 1902.43(a)(3) requires that notices of affirmative 18(e) determinations be accompained by changes to Part 1952 reflecting the final approval decision. This notice makes changes to Subpart C of Part 1952 to reflect the final approval of the South Carolina plan.

The table of contents for Part 1952, Subpart C, has been revised to reflect the following changes.

Section 1952.94, Final approval determinations, which formerly was reserved, has been completed to reflect the determination granting final approval of the plan. The section contains a more accurate description of the current scope of the plan than the one contained in the initial approval decision.

Section 1952.95, Level of Federal enforcement, has been changed to reflect the State's 18(e) stauts. This replaces the former description of the relationship of State and Federal enforcement under an Operational Status Agreement which was entered into on May 9, 1975 and amended May 23, 1984. Federal concurrent enforcement authority has been relinquished as part of the present 18(e) determination for South Carolina and the Operational Status Agreement is not longer in effect. Section 1952.95 describes the issues where Federal authority has been terminated and the issues where it has been retained in accordance with the discussion of the effects of the 18(e) determination set forth earlier in the present **Federal Register** notice.

Regulatory Flexibility Act

OSHA certifies pursuant to the Regulatory Act of 1980 (5 U.S.C. 601, *et seq.*) that this rulemaking will not have a significant economic impact on a substantial number of small entities. Final approval will not place small employers in South Carolina under any new or different requirements nor would any additional burden be placed upon the State government beyond the responsibilities already assumed as part of the approved plan. Certification to this effect was previously forwarded to the Chief Counsel for Advoacy, Small Business Administration.

List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law enforcement, Occupational safety and health.

(Sec. 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR Part 1902 (Sec. 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR Part 1902, Secretary of Labor's Order No. 9–83 (48 FR 35736))

Signed at Washington, DC, this 15th day of December 1987.

John A. Pendergrass,

Assistant Secretary.

PART 1952—[AMENDED]

Accordingly, Subpart C of 29 CFR Part 1952 is hereby amended as follows:

1. The authority citation for Part 1952 continues to read:

Authority: Secs. 8, 18, Occupational Safety and Health Act 1970 (29 U.S.C. 657, 667); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), or 9–83 (48 FR 35736), as applicable.

2. Section 1952.94 is added and 1952.95 is revised to read as follows:

§ 1952.94 Final approval determination.

(a) In accordance with section 18(e) of the Act and procedures in 29 CFR Part 1902, and after determination that the State met the "fully effective" compliance staffing benchmarks as revised in 1984 in response to a Court Order in *AFL–CIO* v. *Marshall* (CA 74–406), and was satisfactorily providing reports to OSHA through participation in the Federal-State Integrated Management Information System, the Assistant Secretary evaluated actual operations under the South Carolina State plan for a period of at least one year following certification of completion of developmental steps (41 FR 32424). Based on the 18(e) Evaluation Report for the period of December 1, 1985 through January 31, 1987, and after opportunity for public comment, the Assistant Secretary determined that in operation the State of South Carolina's occupational safety and health program is at least as effective as the Federal program in providing safe and healthful employment and places of employment and meets the criteria for final State plan approval in section 18(e) of the Act and implementing regulations at 29 CFR Part 1902. Accordingly, the South Carolina plan was granted final approval and concurrent Federal enforcement authority was relinquished under section 18(e) of the Act effective December 15, 1987.

(b) The plan which has received final approval covers all activities of employers and places of employment in South Carolina except for private sector maritime, and military bases.

(c) South Carolina is required to maintain a State program which is at least as effective as operations under the Federal program; to submit plan supplements in accordance with 29 CFR Part 1953; to allocate sufficient safety and health enforcement staff to meet the benchmarks for State staffing established by the U.S. Department of Labor, or any revisions to those benchmarks; and, to furnish such reports in such form as the Assistant Secretary may from time to time require.

§ 1952.95 Level of Federal enforcement.

(a) As a result of the Assistant Secretary's determination granting final approval to the South Carolina plan under section 18(e) of the Act, effective December 15, 1987, occupational safety and health standards which have been promulgated under section 6 of the Act do not apply with respect to issues covered under the South Carolina plan. This determination also relinquishes concurrent Federal OSHA authority to issue citations for violations of such standards under sections 5(a)(2) and 9 of the Act; to conduct inspections and investigations under section 8 (except those necessary to conduct evaluation of the plan under section 18(f) and other inspections, investigations, or proceedings necessary to carry out Federal responsibilities not specifically preempted by section 18(e)); to conduct enforcement proceedings in contested cases under section 10; to institute proceedings to correct imminent dangers under section 13; and to propose civil penalties or initiate criminal proceedings for violations of the Federal Act under section 17. The Assistant Secretary retains jurisdiction under the above provisions in any proceeding commenced under sections 9 or 10 before the effective date of the 18(e) determination.

(b)(1) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occuaptional safety and health issues covered by the South Carolina plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification) as well as provisions of general industry standards (29 CFR Part 1910) appropriate to hazards found in these employments, and employment on military bases. Federal jurisdiction is also retained with respect to Federal government employers and employees.

VOL 52 ISS 243 DEC 18 1987 UMI

(2) In addition, any hazard, industry, geographical area, operation or facility over which the State is unable to effectively exercise jurisdiction for reasons not related to the required performance or structure of the plan shall be deemed to be an issue not covered by plan which has received final approval, and shall be subject to Federal enforcement. Where enforcement jurisdiction is shared between Federal and State authorities for a particular area, project, or facility, in the interest of administrative practicability Federal jurisdiction may be assumed over the entire project or facility. In either of the two aforementioned circumstances, Federal enforcement may be exercised immediately upon agreement between Federal OSHA and the State designated agency.

(c) Federal authority under provisions of the Act not listed in section 18(e) is unaffected by final approval of the plan. Thus, for example, the Assistant Secretary retains his authority under section 11(c) of the Act with regard to complaints alleging discrimination against employees because of the exercise of any right afforded to the employee by the Act, although such complaints may be referred to the State for investigation. The Assistant Secretary also retains his authority under section 6 of the Act to promulgate, modify or revoke occupational safety and health standards which address the working conditions of all employees, including those in States which have received an affirmative 18(e) determination, although such standards may not be federally applied. In the event that the State's 18(e) status is subsequently withdrawn and Federal authority reinstated, all Federal standards, including any standards promulgated or modified during the 18(e) period, would be federally enforceable in that State.

(d) As required by section 18(f) of the Act, OSHA will continue to monitor the operations of the South Carolina State program to assure that the provisions of the State plan are substantially complied with and that the program remains at least as effective as the Federal program. Failure by the State to comply with its obligations may result in the revocation of the final determination under section 18(e), resumption of Federal enforcement, and/or proceedings for withdrawal of plan approval.

[FR Doc. 87-29078 Filed 12-17-87; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 401, 405 and 408

[BERC-402-FC]

Medicare Program; Supplementary Medical Insurance Premiums

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: These rules amend the Medicare regulations that deal with supplementary medical insurance (SMI) premiums.

These changes are necessary to conform our rules to changes made in the Medicare laws since the rules were last published.

The purpose is to ensure that those who must apply our rules are not misled or confused by content that fails to reflect statutory changes and modified policy.

DATES: These regulations are effective January 19, 1988.

Consideration will be given to comments received or postmarked no later that March 17, 1988.

ADDRESS: Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health and Human Services, Attention: BERC-402-FC, P.O. Box 26676, Baltimore, Maryland 21207.

In commenting, please refer to file code BERC-402-FC. If you prefer, you may deliver your comments to Room 309-G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, DC, or to Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

Comments will be available for public inspection as they are received, beginning approximately three weeks from today, in Room 309-G of the Department's offices at 200 Independence Ave., SW., Washington, DC 20201, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

FOR FURTHER INFORMATION CONTACT: Denis Garrison, (301) 594-9435.

SUPPLEMENTARY INFORMATION:

I. Purpose and Scope

These amendments conform HCFA regulations on SMI premiums (Part 405, Subpart I) to statutory changes enacted since Subpart I was last published. Because most of Subpart I was last published in 1968, it also needed updating to reflect administrative and procedural changes. For example, group payments must now be sent to the HCFA Premium Collection Center, instead of to the SSA Payment Center. As part of our ongoing project to assign a separate part to each major aspect of the Medicare program, we redesignated the premium provisions under a new Part 408. When the existing rules contained confusing language or incorrect cross-references, we also revised to clarify and correct.

II. Background

The SMI program is the voluntary Medicare Part B program that pays all or part of the costs for physicians' services, outpatient services, home health services, services furnished by rural health clinics, ambulatory surgical centers, and comprehensive outpatient rehabilitation facilities, and certain other medical and health services not covered by hospital insurance (Medicare Part A).

The SMI program is available to individuals who are entitled to hospital insurance and to U.S. residents who have attained age 65 and are citizens or are aliens lawfully admitted for permanent residence who have resided in the United States for five consecutive years. This program requires enrollment and payment of monthly premiums.

III. Changes in the Law and the Rules

The principal statutory and policy changes and the conforming changes to the regulations are discussed below.

A. Effect of Late Enrollment and Reenrollment

1. Statutory provisions

Before enactment of section 945 of Pub. L. 98-499, an individual could not enroll more than twice, and there was an annual general enrollment period that lasted from January 1 to March 31 of each calendar year. Section 945 amended sections 1837, 1838, 1839 of the Act to remove the two-enrollment limitation and establish an unlimited general enrollment period that began when the individual's initial enrollment period ended. (The initial enrollment period is a 7-month period beginning 3 months before the month the individual first meets the eligibility requirements for Medicare and ending with the third month after that first month of eligibility).

Section 945 was effective April 1, 1981. Section 2151 of Pub. L. 97-35 further amended sections 1837-1839 of the Act to eliminate continuous open enrollment, (that is, to restore the annual 3-month enrollment period) effective October 1, 1981, but retained the

provision allowing an unlimited number of reenrollments. Since the law requires that the monthly premium be increased for individuals who enroll after expiration of their initial enrollment periods and for those who reenroll, the enrollment provisions of sections 945 and 2151 also affected the way the premium increase would be determined.

2. Conforming Changes

The effect of these changes in the law is reflected in §§ 408.24 through 408.26 of the regulations.

B. Determination and Promulgation of Premium Amounts

1. Statutory Provisions

Section 124 of Pub. L. 97-248, as amended by section 606 of Pub. L. 98-21 (the Social Security Amendments of 1983) amended section 1839(a) of the Act to change the method of determining premiums for 1984 and 1985:

- Beginning with 1984, the SMI premium must be calculated on the basis of 50 percent of the actuarial rate for the aged (roughly 25 percent of program costs).
- Beginning with 1983, the promulgation date is September instead of December and the new premium is effective in January rather than July (to correspond to the date for cost-of-living increases in social security benefits).

Section 2302 of Pub. L. 98-369 further amended section 1839 of the Act to require that the SMI premium continue to be based on 50 percent of the actuarial rate for two more years—1986 and 1987, and included a hold-harmless provision, applicable during these two years, to ensure that the increase in the standard monthly premium will not result in a decrease in social security cash benefits in certain circumstances. The hold-harmless provision was not applied in 1986 since there was no increase in the standard monthly premium for that year. Section 9313 of Pub. L. 99-272 extends the section 2302 provisions for one more year, through 1988.

Section 2338(a) of Pub. L. 98-369 provided that, in determining the premium for late enrollment in SMI, the months during which an employer group health plan was primary payer for individuals age 65 to 69 be excluded.

Section 9001(c) of Pub. L. 99-509 provided technical clarification of the hold-harmless provision noted above. That clarification affects the procedural instructions but does not require any change in the regulations.

Section 9201 (a) and (c) of Pub. L. 99-272 amended sections 1837 and 1862 of the Act to remove the age-70 upper limit so that the employer group health plan is primary to Medicare for individuals age 65 or older, as long as they are covered under the employer plan on the basis of current employment.

Section 9219(a) of that same law amended section 1839 of the Act to provide that, in determining the premium for late enrollment in SMI (or in hospital insurance for individuals who must pay premiums for that program), the months of coverage under an employer group health plan are to be excluded even if the employer has fewer than 20 employees and even if the individual is not entitled to, or eligible for, hospital insurance. (In neither of the two latter circumstances would the employer plan be primary to Medicare.) Since, as discussed above, the age 70 cap has been removed, these provisions apply to individuals age 65 or older.

Section 9319(c) of Pub. L. 99-509 provides that, for disabled Medicare beneficiaries, months of employer group health plan coverage be excluded in determining the premium for late enrollment. The disabled beneficiary must be covered under a large employer group health plan as an employee, employer, individual associated with the employer in a business relationship, or family member of any of the foregoing. This provision is effective for months of coverage under a large employer plan from January 1987 through December 1991, and affects premiums due for any month from January 1987 onward. (A "large" employer group health plan is a plan that covers employees of at least one employer that had 100 or more employees on the majority of business days during the preceding calendar year.)

2. Conforming Changes

The rules on special enrollment periods for the aged and disabled are set forth in a new § 405.216. The other amendments discussed above are reflected in §§ 405.216, 408.20 and 408.24 of the new Part 408.

C. Collection of Premiums That Exceed Social Security Cash Benefits

1. Statutory Provisions

Under previous law, there was a minimum Social Security primary insurance amount of $122. Section 2201 of Pub. L. 97-35 amended section 215 of the Act to eliminate that minimum for beneficiaries who first become eligible after October 1981, and for all other beneficiaries beginning March 1982. Section 2 of Pub. L. 97-123 restored the minimum benefits for all individuals who first became eligible before January 1, 1982 (and for some individuals who become eligible in 1982-1991).

This means that, for an individual who becomes eligible on or after January 1, 1982 and whose benefits are based on very low earnings, the monthly benefit may be less than the monthly SMI premium. The billing procedures used in this situation are the same procedures used in the past when other situations resulted in monthly benefits that were less than the amount of the premium. The monthly benefit serves to pay part of the premium and the insured individual is required to pay the difference through direct remittance.

2. Conforming Changes

The above described billing procedures are set forth in § 408.63 and conforming language appears in §§ 408.6, 408.8, and 408.43.

IV. Regulatory Impact Statement

Executive Order 12291 (E.O. 12291) requires us to prepare and publish a regulatory impact analysis for any regulations that are likely to meet criteria for a "major rule". A major rule is one that would result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or any geographical regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In addition, consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), we prepare and publish a regulatory flexibility analysis for regulations unless the Secretary certifies that the regulations will not have a significant impact on a substantial number of small entities.

These regulations are technical and conforming changes necessary to implement certain statutory provisions. In themselves, they will have no effects requiring an analysis under E.O. 12291. Further, the Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. Therefore, neither a regulatory impact analysis nor a regulatory flexibility analysis has been prepared.

V. Paperwork Reduction Act

These regulations impose no additional reporting or recordkeeping provisions requiring OMB clearance.

BEST COPY AVAILABLE

VOL 52 ISS 243 DE 18 1987 UMI

VI. Waiver of Notice of Proposed Rulemaking

These amendments make no substantive changes other than those that are discussed in this preamble and are required to conform our rules to changes in the law, or to reflect current practice and procedures.

With respect to the law, they conform to other regulations that implement those changes, or if other regulations have not been issued, merely reflect the language of the law without further interpretation or elaboration. With respect to administrative practice and procedures, they include nothing that is not already set forth in general instructions issued by HCFA.

We therefore find that notice and opportunity for public comment before final rules is unnecessary. However, we recognize that the process of redesignating and clarifying the rules carries the risk of unintentional alteration. For that reason, we will consider comments received within 60 days after publication of these rules. Although we cannot acknowledge individual comments, if we revise these rules, we will discuss all timely comments in the preamble to the revised rules.

List of Subjects

42 CFR Part 405

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Laboratories, Medicare, Nursing homes, Reporting and recordkeeping requirements, Rural areas, X-rays.

42 CFR Part 408

Administrative practice and procedure, Health insurance, Medicare, Premiums.

Redesignation Table

42 CFR Part 405, Subpart I

Old section	New section
405.901	408.2
405.902(a)	Removed as unnecessary
405.902 (a)(1) and (a)(2)	408.20(b).
405.902(b)	408.22.
405.902(b)(1)	408.24.
Examples	408.26.
405.902(c)	408.27.
405.903(a)	408.4(a).
405.903(b), first sentence.	408.100.
405.903(b), rest of the paragraph.	408.4(b).
405.904, uncoded introduction.	408.6(a)(1) and 408.8(c).
405.904(a)	408.42 and 408.43.
405.904(b)	408.44.
405.904(c)	408.42.
405.904(d)	408.6(c).
405.904(e)	408.6(b)(3) and 408.60(a).
405.906	408.4(c).
405.908, uncoded introduction.	408.60(a).
405.908(a)–(c)	408.60(d).
405.911(a), first & third sentences.	408.40(a).
405.911(a), second sentence.	408.40(c).
405.911(b)	408.40(b).
405.911(c)	Deleted as duplicative and unnecessary.
405.912(a), except second parenthetical statement.	408.46(a).
405.912(a), parenthetical statement.	408.3.
405.912(b)	408.46(b).
405.913(a), first sentence.	408.46(a)(2).
405.913(a), second sentence.	408.47(a)(1).
405.941(f), rest of paragraph.	408.88(a).
Example	408.88(b).
405.942 (revised per changed practice).	408.84(b).
405.946(a)	408.84(a).
405.946(a), last sentence, and (b).	Deleted as duplicative of 405.841(d).
405.947(a)	408.92.
405.947(b)	408.92(b)(2).
405.948(a)	408.86(a).
405.948(b)	408.86(b).
405.948(c)	408.86(c).
405.949	408.90.
405.956(a)	408.50(a).
405.956(a), Examples	408.50(c).
405.956(b) (revised to reflect simplified practice).	408.68(b).
405.957(a)	408.68(b).
405.957(b)	408.100(b).
405.958(a)	Deleted as inconsistent with 405.958(b).
405.958(b)	408.68(a).
405.959(a)	408.102(a).
405.959(b)(1)	408.102(b).
405.959(b)(2)	408.102(c).
405.959(c)	408.104.
405.960(a)	408.71.
405.960(b)	408.52.
405.962	408.110.
405.964	408.112.

42 CFR Chapter IV is amended as set forth below:

A. Part 405, Subpart B is amended as follows:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart B—Supplementary Medical Insurance Benefits; Enrollment, Coverage, Exclusions, and Payment

1. The authority citation for Subpart B continues to read as follows:

Authority: Secs. 1102, 1836, 1837, 1838, and 1871 of the Social Security Act (42 U.S.C. 1302, 1395a, 1395p, 1395q, and 1395hh).

2. A new § 405.216 is added and the table of contents is amended to reflect the addition.

§ 405.216 Special enrollment periods related to coverage under an employer group health plan.

(a) *General rules.* Special enrollment periods (SEPs) are 7-month periods available to individuals who meet the general requirements of this paragraph (a), and the special conditions set forth in paragraph (b) or (c) of this section, as appropriate.

(1) They are eligible to enroll in SMI on the basis of age or disability, but not on the basis of end-stage renal disease.

(2) When first eligible to enroll in SMI (4th month of their initial enrollment period),

(i) They were covered under an employer group health plan; or

(ii) They enrolled in SMI during their initial enrollment period.

(3) Except as provided in paragraph (a)(4) of this section, they maintained coverage under either an employer group health plan or SMI for all months after the initial enrollment period.

(4) *Exception:* If an individual failed to enroll during any SEP because employer group health plan coverage was restored before the end of that SEP, that failure to enroll in SMI is not considered a break in coverage that would preclude another SEP now or in the future.

(b) *Specific rules: Individual age 65 or over.* Individuals entitled on the basis of age must meet the following conditions:

(1) They have been covered, on the basis of current employment, under an employer group health plan as defined in section 162(i)(3) of the Internal Revenue Code of 1954; and

(2) They are no longer covered under such a plan on the basis of current employment.

(c) *Specific rules: Disabled individual.* Individuals entitled on the basis of disability (but not on the basis of end-stage renal disease), must meet the following conditions:

(1) They have been covered under a large employer group health plan that meets the definition in § 5000(b) of the Internal Revenue Code of 1954;

(2) They had this coverage as an employee, employer, individual associated with the employer in a business relationship, or as a family member of one of the foregoing; and

(3) They no longer have the coverage described in this paragraph (c).

(d) *Beginning of special enrollment period: Individual age 65 or over.* For an aged individual—

(1) Before May 1986, the SEP began with whichever of the following resulted in earlier SMI entitlement:

(i) The first day of the third month before the month in which the individual attained age 70, if employer group health plan coverage continued to age 70.

(ii) The first day of the first month in which the individual was no longer enrolled in an employer plan on the basis of current employment.

(2) In and after May 1986, the SEP begins on the first day of the first month in which the individual is no longer enrolled in an employer plan on the basis of current employment.

(e) *Beginning of special enrollment period: Disabled individual.* For a disabled individual under age 65, the SEP begins with the first day of the first month after December 1986 in which the individual is no longer covered under an employer plan as described in paragraph (c) of this section. Because the provisions applicable to disabled individuals expire on December 31, 1991, the last SEP available under those provisions will begin with January 1992.

(f) *Beginning of special enrollment period: Partial coverage month.* When employer plan coverage ends before the end of a month, the following rules apply—

(1) If the individual enrolls in SMI before the end of the partial coverage month, the SEP begins with that month.

(2) If the individual does not enroll in SMI before the end of the partial coverage month, the SEP begins with the following month.

(g) *Beginning of Entitlement*—(1) *Enrollment or reenrollment before May 1986.* (i) If an individual enrolled during the 3 months before attainment of age 70, entitlement began with the month of attainment of age 70; and

(ii) If an individual enrolled during the month of attainment of age 70, or during any of the 3 following months, entitlement began with the month after the month of enrollment.

(2) *Enrollment or reenrollment in and after May 1986.* (i) If an individual enrolls during the first month of nonenrollment in an employer group health plan, which is the first month of the SEP, entitlement begins with the first day of that month.

(ii) If an individual enrolls during the last 6 months of the SEP, entitlement begins with the month after the month of enrollment.

3. Subpart I, consisting of §§ 405.901 to 405.964, is redesignated and revised as a new Part 408.

B. The sections removed from Subpart I of Part 405 are redesignated as a new Part 408 and revised to read as follows:

PART 408—PREMIUMS FOR SUPPLEMENTARY MEDICAL INSURANCE

Subpart A—General Provisions

Sec.
- 408.1 Statutory basis.
- 408.2 Scope and purpose.
- 408.3 Definitions.
- 408.4 Payment obligations.
- 408.6 Methods and priorities for payment.
- 408.8 Grace period and termination date.
- 408.10 Claim for monthly benefits pending concurrently with request for SMI enrollment.

Subpart B—Amount of Monthly Premium

- 408.20 Standard monthly premium.
- 408.22 Increased premiums for late enrollment and for reenrollment.
- 408.24 Individual who enrolled or reenrolled before April 1, 1981 or after September 30, 1981.
- 408.25 Individual who enrolled or reenrolled between April 1 and September 30, 1981.
- 408.26 Examples.
- 408.27 Rounding the monthly premium.

Subpart C—Deduction from Monthly Benefits

- 408.40 Deduction from monthly benefits: Basic rules.
- 408.42 Deduction from railroad retirement benefits.
- 408.43 Deduction from social security benefits.
- 408.44 Deduction from civil service annuities.
- 408.45 Deduction from age 72 special payments.
- 408.46 Effect of suspension of social security benefits.
- 408.47 Overdue premiums for months in a closed taxable year.
- 408.50 When premiums are considered paid.
- 408.52 Change from direct remittance to deduction.
- 408.53 Change from partial direct remittance to full deduction.

Subpart D—Direct Remittance; Individual Payment

- 408.60 Direct remittance: Basic rules.
- 408.62 Initial and subsequent billings.
- 408.63 Billing procedures when monthly benefits are less than monthly premiums.
- 408.65 Payment options.
- 408.68 When premiums are considered paid.
- 408.70 Change from quarterly to monthly payments.
- 408.71 Change from deduction or State payment to direct remittance.

Subpart E—Direct Remittance: Group Payment

- 408.80 Basic rules.
- 408.82 Conditions for group billing.
- 408.84 Billing and payment procedures.
- 408.86 Responsibilities under group billing arrangement.
- 408.88 Refund of group payments.
- 408.90 Termination of group billing arrangement.
- 408.92 Change from group payment to deduction or individual payment.

Subpart F—Termination and Reinstatement of Coverage

- 408.100 Termination of coverage for nonpayment of premiums.
- 408.102 Reconsideration of termination.
- 408.104 Reinstatement procedures.

Subpart G—Collection of Unpaid Premiums; Refund of Excess Premiums After the Death of the Enrollee

- 408.110 Collection of unpaid premiums.
- 408.112 Refund of excess premiums after the enrollee dies.

Authority: Secs. 1102, 1810, 1837–1840, 1843, 1871 and 1881(d) of the Social Security Act (42 U.S.C. 1302, 1395i–2, 1395p, 1395q, 1395r, 1395s, 1395v, 1395hh, and 1395rr(d)), and the Federal Claims Collection Act (31 U.S.C. 3711).

Subpart A—General Provisions

§ 408.1 Statutory basis.

(a) This part implements certain provisions of sections 1837 through 1840 and 1881(d) of the Social Security Act (the Act) and conforms to other

regulations that implement section 1843 of the Act. Section 1838(b) requires regulations to establish when an individual's coverage ends because of nonpayment of premiums. It also specifies that those regulations may provide a grace period for payment of overdue premiums without loss of coverage. Section 1839 sets forth the specific procedures for determining the amount of the monthly premium and section 1840 establishes the rules for payment of premiums. Section 1843 provides that a State may enter into a buy-in agreement to secure SMI coverage for certain individuals by enrolling them in the SMI program and paying the premiums on their behalf. Section 1881(d) provides entitlement to Medicare benefits related to the donation of a kidney without payment of premiums, deductibles, or coinsurance.

(b) The Federal Claims Collection Act (31 U.S.C. 3711), as implemented by 4 CFR Parts 101–105, provides the basic authority for recovery of debts owed the United States Government and specifies the conditions for the suspension or termination of collection action. Departmental regulations at 45 CFR Part 430, updated by a final rule published on January 5, 1987 (52 FR 260) set forth procedures for the exercise of the Department's authority to collect and dispose of debts and we intended to complement rules applicable to particular programs. HCFA rules are set forth at 42 CFR Part 401, Subpart F.

§ 408.2 Scope and purpose.

(a) This part sets forth the policies and procedures for determining the amount of monthly supplementary medical insurance (SMI) premiums, for the payment, collection, or refund of premiums, for termination of coverage because of nonpayment of premiums, and for reinstatement of coverage if certain conditions are met. It conforms to Subpart B of Part 405 of this chapter, which sets forth the requirements for State buy-in agreements. These policies are intended to protect enrollee coverage to the maximum degree compatible with maintaining the integrity of the SMI program.

(b) Policies that apply to premiums required from certain individuals in order to become entitled to Medicare Part A hospital insurance benefits, are set forth in Part 406 of this chapter.

§ 408.3 Definitions.

As used in this part, unless the context indicates otherwise—

Enrollee means an individual who is enrolled in the SMI program under Medicare Part B.

Taxable year means the 12-month period (calendar or fiscal year) for which the individual files his or her income tax return.

§ 408.4 Payment obligations.

(a) *Month for which payment is due.* (1) A payment is due for each month, beginning with the first month of SMI coverage and continuing through the month of death or, if earlier, the month in which coverage terminates.

(2) A premium is due for the month of death, if SMI coverage is still in effect, even though the individual dies on the first day of the month.

(b) *Overdue premiums.* (1) Overdue premiums constitute an obligation enforceable against the enrollee or the enrollee's state.

(2) Overdue premiums are collected—

(i) By deduction from social security or railroad retirement benefits or Federal civil service annuities;

(ii) Directly from the enrollee or the enrollee's estate; or

(iii) By offset against any SMI payments payable to the enrollee or the enrollee's estate.

(3) Interest is not charged on overdue premiums, except under a State buy-in agreement, as provided in § 408.6(c)(4).

(c) *Premiums not required for certain kidney donors.* (1) No premiums are required for SMI benefits related to the donation of a kidney if the donor is not an enrollee.

(2) A kidney donor who is an enrollee is not relieved of the obligation for premiums.

§ 408.6 Methods and priorities for payment.

(a) *Methods of payment.*—(1) *General rules.* Premiums are paid by one of the following four methods:

(i) Payment by a State under a buy-in agreement.

(ii) Deduction from monthly railroad retirement of social security cash benefits or Federal civil service annuities.

(iii) Direct remittance on an individual basis, by or on behalf of the enrollee.

(iv) Direct remittance on a group basis, by an employer, union, lodge or other organization, or by an entity of State or local government.

(2) *Special situations.* (1) If the monthly social security benefit or age 72 special benefit is less than the monthly premium, the benefit is withheld and the enrollee is required to pay the balance through direct remittance. (This situation may arise if the individual first becomes eligible for social security benefits after December 31, 1981, and is, therefore, not eligible for the fixed minimum, or receives age 72 special benefits that are reduced because the individual receives a Government pension.)

(ii) If the monthly railroad retirement benefit or civil service annuity payment is less than the premium, the monthly payment is not withheld and the enrollee is required to pay the total premium by direct remittance.

(b) *Priorities for payment.* (1) If an enrollee is enrolled under a State buy-in agreement—

(i) SMI premiums may not be deducted from monthly cash benefits or annuities; and

(ii) The enrollee may not be required to pay by direct remittance.

(2) If an enrollee is not covered under a State buy-in agreement, but is receiving a monthly benefit or an annuity specified in paragraph (a)(1)(ii) of this section—

(i) The premiums are deducted from that benefit or annuity; or

(ii) If the monthly benefit or payment is less than the monthly premium, the rules of paragraph (a)(2) of this section apply.

(3) If an enrollee is neither covered under a State buy-in agreement, nor receiving monthly benefits or annuity payments, the premiums must be paid totally by direct remittance.

(c) *Payment by a State under a buy-in agreement.* (1) A buy-in agreement is an agreement under which a State, through enrollment and payment of SMI premiums, secures SMI benefits for individuals who are eligible for that program and also eligible for certain other cash or medical benefits. (Policies on enrollment under State buy-in agreements are contained in Subpart B of Part 405 of this chapter.)

(2) The State pays the premiums for each month for which an individual is covered under the agreement.

(3) If an individual's coverage under a State buy-in agreement terminates, his coverage continues on an individual enrollment basis. The premiums are then deducted from benefits, as set forth in Subpart C of this part, or paid by direct remittance in accordance with Subpart D or Subpart E of this part.

(4) Policy on collection of premiums from buy-in States is set forth in a **Federal Register** notice published on September 30, 1985 at 50 FR 39784.

§ 408.8 Grace period and termination date.

(a) *Grace period.* (1) For all initial premium payments (monthly or quarterly), and subsequent monthly payments, the grace period ends with the last day of the third month after the billing month.

(2) For subsequent quarterly payments, the grace period ends with the last day of each 3-month period for which the enrollee is billed.

(3) For payments that are required because of suspension of monthly benefits, the grace period ends the last day of the fourth month after the end of the enrollee's taxable year.

(4) For payments required because the monthly benefit is less than the monthly premium, the grace period ends on April 30 of the year following the calendar year for which the premiums are due.

(b) *Extension of grace period: Last day is nonwork day.* If the last day of the grace period is a Saturday, Sunday, legal holiday, or a day that, by statute or executive order, is a nonwork day for Federal employees, the grace period is extended to the next succeeding work day.

(c) *Termination date.* The end of the grace period is the termination date for SMI coverage if overdue premiums have not been paid by that date in accordance with § 408.68.

(d) *Extension of grace period for good cause.* (1) HCFA may reinstate entitlement, without interruption of coverage, if the individual shows good cause for failure to pay within the initial grace period, and pays all overdue premiums within three calendar months after the termination date.

(2) Good cause will be found if the individual establishes, by a credible statement, that failure to pay premiums within the initial grace period was due to conditions over which he or she had no control, or which he or she could not reasonably have been expected to foresee.

§ 408.10 Claim for monthly benefits pending concurrently with request for SMI enrollment.

(a) If it is clear that an individual who applies for social security or railroad retirement benefits and for SMI will be entitled to monthly benefits, the application for monthly benefits is processed simultaneously with the request for SMI enrollment.

(1) If monthly benefits are paid, the SMI premiums are deducted from those benefits.

(2) If monthly benefits are suspended (for instance, because the individual's earnings exceed the maximum allowed by law), the enrollee is billed for direct remittance.

(b) If it is clear that an individual will be entitled to SMI, but there is substantial question as to eligibility for monthly benefits, the request for SMI enrollment is processed separately.

(1) When SMI enrollment is approved, the enrollee is billed for direct remittance.

(2) When the application for monthly benefits is adjudicated, the following rules apply:

(i) If monthly benefits are paid, the SMI premiums are deducted from those benefits, with appropriate adjustments for any premiums already paid by direct remittance.

(ii) If the application for monthly benefits is approved but the benefits are suspended, the grace period is as set forth in § 408.8(a)(3).

(iii) If the application for monthly benefits is denied, the grace period is as set forth in § 408.8(a)(1).

Subpart B—Amount of Monthly Premiums

§ 408.20 Standard monthly premium.

(a) *Basic provisions.* (1) The law established a monthly premium of $3 for the initial period of the program. It also set forth criteria and procedures for the Secretary to follow each December, beginning with December 1968, to determine and promulgate the standard monthly premium for the 12-month period beginning with July of the following year.

(2) The law was amended in 1983 to require that the Secretary promulgate the standard monthly premium in September of that year, and each year thereafter, to be effective for the 12 months beginning with the following January.

(3) The standard monthly premium applies to individuals who enroll during their initial enrollment periods. In other situations, that premium may be increased or decreased as specified in this subpart.

(b) *Criteria and procedures for the period from July 1976 through December 1983, and for periods after December 1988.* (1) For periods from July 1976 through December 1983, the Secretary determined and promulgated as the standard monthly premium (for disabled as well as aged enrollees) the lower of the following:

(i) The actuarial rate for the aged.

(ii) The monthly premium promulgated the previous December for the year beginning July 1, increased by a percentage that is the same as the latest cost-of-living increase in old age insurance benefits that occurred before the current promulgation. (Because of the change in the effective dates of the premium amount (under paragraph (a)(2) of this section), there was no increase in the standard monthly premium for the period July 1983 through December 1983.)

(2) For periods after December 1988, the Secretary will determine the standard monthly premium in the manner specified in paragraph (b)(1) of this section, but promulgate it in September, for the following calendar year.

(c) *Premiums for calendar years 1984 through 1988.* For calendar years 1984 through 1988, the standard monthly premium for all enrollees—

(1) Is equal to 50 percent of the actuarial rate for enrollees age 65 or over, that is, is calculated on the basis of 25 percent of program costs without regard to any cost-of-living increase in old age insurance benefits; and

(2) Is promulgated in the preceding September.

(d) *Special provisions for calendar years 1987 and 1988*—(1) *Limitation on increase of standard premium.* If there is no cost-of-living increase in old age insurance benefits or disability insurance benefits effective for December 1986, or December 1987, the standard monthly premium for the succeeding year is not increased.

(2) *Nonstandard premiums for certain cases.* (i) A nonstandard premium may be established in individual cases if the following conditions are met:

(A) The individual is entitled to old age or disability benefits for the months of November and December, and actually receives the coresponding benefit checks in December and January.

(B) There is a cost-of-living increase in old age or disability benefits but, wholly or partly because of an increase in the standard monthly premium, the beneficiary would receive a lower cash benefit in January than he or she received in December.[1] (To the extent that a benefit reduction is the result of any factor other than the premium increase, the nonstandard premium provision does not apply.)

(ii) The nonstandard premium is the greater of the following:

(A) The premium paid for December.

(B) The standard premium promulgated for January, reduced as necessary to compensate for the fact that the cost of living increase was less than the increase in the standard premium.

(iii) A nonstandard premium established under paragraph (d)(2)(ii) of this section continues in effect for the rest of the calendar year even if later

[1] Cost-of-living increases are effective in December, and premium increases are effective in January. However, since premiums for each month are collected in the preceding month, both increases affect the amount of the check for December, which is mailed in January.

VOL 52 ISS 243 DEC 18 1987 UMI

there are retroactive adjustments in benefit payments. (The only thing that could affect the nonstandard premium is a determination that the individual had not established, or had lost, entitlement to monthly benefits for November or December.)

(iv) A nonstandard premium is subject to increase for late enrollment or reenrollment as required under other sections of this subpart. The increase is based on the amount of the standard premium and added to the nonstandard premium.

§ 408.23 Increased premiums for late enrollment and for reenrollment.

For an individual who enrolls after expiration of his or her initial enrollment period or reenrolls after termination of a coverage period, the standard monthly premium determined under § 408.20 is increased by ten percent for each full twelve months in the periods specified in §§ 408.24 and 408.25.

§ 408.24 Individuals who enrolled or reenrolled before April 1, 1981 or after September 30, 1981.

(a) *Enrollment.* For an individual who first enrolled before April 1, 1981 or after September 30, 1981, the period *includes* the number of months elapsed between the close of the individual's initial enrollment period and the close of the enrollment period in which he or she first enrolled, and *excludes* the following:

(1) The three months of January through March 1968, if the individual first enrolled before April 1968.

(2) Any months before January 1973 during which the individual was precluded from enrolling or reenrolling by the 3-year limitation on enrollment or reenrollment that was in effect before October 30, 1972.

(3) Any months in or before a period of coverage under a State buy-in agreement.

(4) For an individual under age 65, any month before his or her current continuous period of entitlement to hospital insurance.

(5) For an individual age 65 or older, any month before the month he or she attained age 65.

(6) For premiums due for months beginning with September 1984 and ending with May 1986, the following:

(i) Any months after December 1982 during which the individual was—

(A) Age 65 to 69;

(B) Entitled to hospital insurance (Medicare Part A); and

(C) Covered under an employer group health plan by reason of current employment in accordance with § 405.340 of this chapter.

(ii) Any months of SMI coverage for which the individual enrolled during a special enrollment period as provided in section 9319(c) of Pub. L. 99–509 and § 405.216 of this chapter.

(7) For premiums due for months beginning with June 1986, the following:

(i) Any months after December 1982 during which the individual was:

(A) Age 65 or over; and

(B) Covered, by reason of current employment, under an employer group health plan that meets the definition of § 162(i)(3) of the Internal Revenue Code of 1954.

(ii) Any months of SMI coverage for which the individual enrolled during a special enrollment period as provided in section 9319(c) of Pub. L. 99–509 and § 405.216 of this chapter.

(8) For premiums due for months beginning with January 1987, the following:

(i) Any months after December 1986 and before January 1992 during which the individual was:

(A) A disabled Medicare beneficiary under age 65;

(B) Not eligible for Medicare on the basis of end stage renal disease, under § 406.13 of this chapter; and

(C) Covered, as an employee, employer, individual associated in a business relationship with an employer, or family member of any of the foregoing, under an employer group health plan meeting the definition in § 5000(b) of the Internal Revenue Code of 1954.

(ii) Any months of SMI coverage for which the individual enrolled during a special enrollment period as provided in section 9319(c) of Pub. L. 99–509 and § 405.216 of this chapter.

(b) *Reenrollment.* For an individual who reenrolled before April 1, 1981 or after September 30, 1981, the period:

(1) *Includes* the following: (i) The number of months elapsed between the close of the individual's initial enrollment period and the close of the enrollment period in which he or she first enrolled; plus

(ii) The number of months elapsed between the individual's initial period of coverage and the close of the enrollment period in which he or she reenrolled; plus

(iii) The number of months elapsed between each subsequent period of coverage and the close of the enrollment period in which he or she reenrolled.

(2) *Excludes* the following:

(i) The periods specified in paragraphs (a)(1) through (a)(8) of this section; and

(ii) Any month before April 1981 during which the individual was precluded from reenrolling by the two-enrollment limitation in effect before that date.

§ 408.25 Individual who enrolled or reenrolled between April 1 and September 30, 1981.

(a) *Basic rules.* Except as specified in paragraph (b) of this section, the rules set forth in § 408.24 apply to an individual who enrolled or reenrolled between April 1 and September 30, 1981.

(b) *Exception.* For an individual who enrolled or reenrolled between April 1 and September 30, 1981, the months to be counted ran through the month in which he or she reenrolled. (During those 6 months, continuous open enrollment was in effect and there was no 3-month "general enrollment period".)

§ 408.26 Examples.

Example 1. Mr. J, who became age 65 and otherwise eligible for enrollment in November 1965, first enrolls in March 1968. The months to be included in determining the amount of the increase in Mr. J's premiums begin with June 1966 (the first month after the close of his initial enrollment period and extend through December 1967 (the period January through March of 1968 is excluded in determining the total months) for a total of 19 months. Since there is only one full 12-month period in 19 months, Mr. J's premiums will be 10 percent greater than if he had enrolled in his initial enrollment period.

Example 2. Mr. V, who enrolled in December 1965, voluntarily terminates his enrollment effective midnight December 31, 1967. He enrolls for a second time in January 1969. The months to be included in determining the amount of the increase in Mr. V's premiums are January 1968 through March 1969, a total of 15 months. Since this totals one full 12-month period. Mr. V's monthly premium, will be increased by 10 percent.

Example 3. Ms. N becomes age 65 in July 1965 and first enrolls in December 1967. She pays premiums increased by 10 percent above the regular rate, beginning July 1968, the first month of her SMI coverage. Ms. N fails to pay the premiums for the calendar quarter ending June 30, 1970, and her coverage is terminated on that date, the end of her grace period. Ms. N enrolls for a second time in January 1971. The months to be included in determining the amount of the increase in Ms. N's premiums are June 1968 through December 1967, a total of 19 months, and July 1970 through March 1971, a total of 9 months, for a grand total of 28 months. Since this totals two full 12-month periods, Ms. N's monthly premium will be increased by 20 percent.

Example 4. Mr. X attained age 65 in August 1966 and enrolled during his initial enrollment period. His coverage was terminated effective June 30, 1968, for nonpayment of premiums. He reenrolls in March 1973. For purposes of computing any applicable premium increase, he will not be charged any months between March 1971 (the end of the last general enrollment period during which he was eligible to reenroll under the law in effect before October 30, 1972) and January 1973. Therefore, he will be charged 36 months (July 1968–March 1971 plus January 1973–March 1973) and his premiums for his second period of coverage will be increased 30 percent.

Example 5. Ms. C, who attained age 65 in August 1973, had two periods of supplementary medical insurance coverage, both of which were terminated because of nonpayment of premiums: August 1973 through April 1975 and July 1977 through August 1978. She reenrolls in July 1981. The months to be included in determining the amount of premium increase are May 1975 through March 1977 (23 months) and April 1981 through July 1981 (4 months) for a total of 27 months. The 31 months from September 1978 through March 1981 may not be counted because Ms. C was prevented from reenrolling by the two-enrollment limitation in effect before April 1, 1981. For Ms. C, the standard monthly premium would be increased by 20 percent.

§ 408.27 Rounding the monthly premium.

Any monthly premium that is not multiple of 10 cents is rounded to the nearest multiple of 10 cents, and any odd mulitple of 5 cents is rounded to the next higher multiple of 10 cents.

Subpart C—Deduction from Monthly Benefits

§ 408.40 Deduction from monthly benefits: Basic rules.

(a) *Deduction from monthly benefits.* (1) Enrollees who are receiving monthly benefits do not have the option of paying by direct remittance to avoid deduction.

(2) If the enrollee is entitled to more than one type of monthly benefit, the order of priority for deduction is as follow:

(i) Railraod retirement benefits.

(ii) Social security benefits.

(iii) Civil service annuities.

(b) *Deduction from initial or reinstated benefits.* When an enrollee receives a monthly benefit check after an initial award or after a period of suspension, that check is, if administratively feasible, reduced or increased to deduct unpaid premiums or refund premiums paid in advance by direct remittance.

(c) *Ongoing deductions.* The premium for each month is deducted from the cash benefit for the preceding month, e.g., the premium for March is deducted from the benefit for February, which is paid at the beginning of March.

§ 408.42 Deduction from railroad retirement benefits.

(a) *Responsibility for deductions.* If an enrollee is entitled to railroad retirement benefits, his or her SMI premiums are deducted from those benefits by the Railroad Retirement Board (RRB) even though he or she is also entitled to social security benefits or a civil service annuity, or both.

(b) *Action when benefits are suspended.* If the railroad retirement benefits are suspended, the RRB sends premium notices requesting direct remittance, to be made in accordance with the rules set forth in Subpart D of this part.

§ 408.43 Deduction from social security benefits.

SSA, acting as HCFA's agent, deducts the premiums from the monthly social security benefits if the enrollee is not entitled to railroad retirement benefits. (If the benefit is less than the monthly premium, the benefit is withheld and the enrollee is required to pay the balance through direct remittance.)

§ 408.44 Deduction from civil service annuities.

(a) *Responsibility for deductions.* If an enrollee is not entitled to railroad retirement benefits or social security benefits, and is receiving a civil service annuity, the premiums are deducted from that annuity by the Office of Personnel Management (OPM) on the basis of a notice from SSA indicating that the annuitant is entitled to SMI.

(b) *Deduction of spouse's premiums.* If the annuitant's spouse is also enrolled for SMI and is not entitled to a civil service annuity or to social security or railroad retirement benefits, and the annuitant gives written consent, OPM also deducts the spouse's premium from the annuitant's monthly check.

(c) *Withdrawal of annuitant's consent.* (1) If an annuitant wishes to withdraw consent for deduction of the spouse's premium, he or she must send written notice of withdrawal to OPM.

(2) The withdrawal notice is effective with the third month after the month in which it is received, or with the month specified in the notice, whichever is later.

§ 408.45 Deduction from age 72 special payments.

(a) *Deduction of premiums.* SMI premiums are deducted from age 72 special payments made under section 228 of the Act or the payments are withheld under procedures that correspond to the rules set forth in §§ 408.40 and 408.43.

(b) *Collection of premiums while age 72 special payments are suspended.* If the age 72 special payments are suspended, HCFA or its agent notifies the enrollee to pay premiums by direct remittance, in accordance with the rules set forth in § 408.60.

(c) *Grace period.* The grace period ends with the last day of the third month after the billing month.

(d) *Resumption of age 72 special payments.* (1) If age 72 special payments are resumed before the end of the grace period and all premium arrears can be deducted from those special payments, SMI coverage continues and the enrollee need not pay by direct remittance.

(2) Subsequent special payments are reduced by the amount of the premium for as long as the enrollee receives special payments.

§ 408.46 Effect of suspension of social security benefits.

(a) *Benefit payments to be resumed during the taxable year.* (1) If social security benefit payments are scheduled to be resumed during the enrollee's current taxable year, the enrollee is not billed.

(2) The enrollee may, if he or she wishes, pay the premiums during suspension of benefits.

(b) *Benefit payments not to be resumed during the enrollee's current taxable year.* (1) If social security benefits are suspended for a period that will not permit collection of all premiums due from monthly benefits payable in the enrollee's current taxable year, HCFA or its agents bill the enrollee and require direct remittance in accordance with Subpart D of this part.

(2) The first billing is for whatever premiums are necessary to place the enrollee in a quarterly cycle.

(3) Thereafter, the billing is on a quarterly basis. (Quarters for different enrollees are staggered throughout the year.)

(4) The enrollee has the option of paying premiums for more than one quarter at the same time.

§ 408.47 Overdue premiums for months in a closed taxable year.

(a) *Reasons for overdue premiums.* An enrollee may have overdue

VOL 52 ISS 243 DEC 18 1987 UMI

VOL
52
ISS
243
DE
18
1987
UMI

premiums for a closed taxable year for either of the following reasons:

(1) The monthly social security benefits were suspended.

(2) The request for SMI enrollment was adjudicated with coverage retroactive to the enrollee's previous taxable year.

(b) *Payment of overdue premiums for a closed taxable year.* (1) If the premiums are overdue because of suspension of social security benefits—

(i) The enrollee is billed at the end of his or her taxable year; and

(ii) The grace period ends with the last day of the fourth month after the close of the enrollee's taxable year.

(2) If the premiums are overdue because SMI enrollment was adjudicated with retroactive coverage and cannot be collected from past due or current monthly benefits—

(i) The enrollee is billed immediately after adjudication; and

(ii) The grace period ends with the last day of the third month after the billing month.

(3) The bill indicates that, unless the arrears are paid by the last day of the grace period, coverage will end on that day.

(c) *Example.* Mr. H became entitled to supplementary medical insurance effective July 1980. He was entitled to monthly benefits, but reported work and earnings which precluded payment of those monthly benefits. Although billed, he paid no premium by direct remittance. Mr. H's taxable year ends May 31 because he reports his earnings for fiscal years ending on that date. Early in May 1981, Mr. H is notified of his unpaid premiums ($105.60) for the fiscal year ending May 31, 1981, and advised that those premiums are overdue and should be paid promptly. Without good cause, Mr. H fails to pay by September 30, 1981, despite the May notice advising him that the termination date is September 30. Mr. H's supplementary medical insurance coverage is terminated effective midnight September 30, 1981.

§ 408.50 When premiums are considered paid.

(a) *Actual deduction.* A premium is considered paid if it is actually deducted from a monthly benefit check. Therefore—

(1) The premium is "paid" even if SSA later finds that the benefit was paid in error; but

(2) A finding that a monthly benefit was erroneously withheld does not constitute payment of the premium for that month. Since there was no payment, there was no deduction. The enrollee is billed and continuance of coverage depends on payment of premiums before the end of the grace period or extended grace period.

(b) *Payment within the grace period.* Overdue premiums are considered paid within the grace period in the following situations:

(1) *Benefits are resumed during the grace period.* (i) Monthly cash benefit payments are payable for the last month of the initial grace period or for earlier months on the basis of a notice filed by the enrollee before the initial grace period ends; and

(ii) Those payments are sufficient to permit deduction of all overdue premiums.

(2) *Annual accounting report or other report submitted during the grace period shows a benefit is due.* (i) Before the end of the grace period, the enrollee submits a report clearly showing that monthly cash benefits, previously withheld, are payable for one or more months of a closed taxable year; and

(ii) Those benefits are sufficient to permit deduction of the full amount of the overdue premiums.

(3) Premium arrears are paid by direct remittance. The enrollee makes a direct remittance payment of all overdue premiums before the end of the grace period.

(c) *Examples.* (1) Mr. C, who became entitled to SMI in July 1978, was entitled to monthly social security benefits of $300. His premium rate was $8.20. He was paid $291.80 for each month from July to December 1978. In 1979, SSA determined that Mr. C's work and earnings in *1978* precluded any benefit payments for that year. Mr. C would not be found to owe any premiums for July through December 1978. He would, of course, have to refund the full $300 a month overpayment to SSA.

(2) (i) Ms. M also become entitled in July 1978. On the basis of Ms. M's report of work and earnings, her monthly benefits for July through December 1978 were withheld and SMI premiums could not be deducted. She was billed but made no premium payments during 1978. In January 1979, Ms. M is notified of the overdue premiums for her closed taxable year and of the fact that her SMI coverage will terminate April 30, 1979 unless the overdue premiums are paid by then. Ms. M's monthly benefits continue suspended and she fails to pay the premiums. Consequently, her SMI coverage is terminated as of April 30, 1979. In March 1980, Ms. M submits an annual report that she did not work in December 1978. A benefit for that month is paid subsequently.

(ii) If Ms. M had submitted the report of the benefit due before the end of the grace period (April 30, 1979), it would have permitted deduction of all her overdue premiums and continuation of SMI coverage. Because the report was not submitted before April 30, 1979, Ms. M's coverage cannot be reinstated.

§ 408.52 Change from direct remittance to deduction.

If a direct remittance enrollee becomes entitled to monthly benefits—

(a) The SMI premiums are deducted from those benefits; and

(b) The enrollee is notified of the deduction and of any adjustment of the initial benefit check that is required to collect overdue premiums or refund premiums paid in advance.

§ 408.53 Change from partial direct remittance to full deduction.

If a benefit that was less than the premium (and therefore required direct remittance of the difference) is increased to an amount equal to, or greater than, the premium—

(a) The full premium is paid from the benefit; and

(b) Any amounts the enrollee had paid toward premiums not yet due are refunded.

Subpart D—Direct Remittance: Individual Payment

§ 408.60 Direct remittance: Basic rules.

(a) Premiums not deducted from monthly benefits under Subpart C of this part or paid by a State buy-in agreement must be paid by direct remittance to HCFA or its agents, by or on behalf of the enrollee.

(b) Quarterly payment is preferred as more cost-effective, but monthly payment is accepted if the enrollee is unwilling or unable to make quarterly payments or is also paying hospital insurance premiums, which must be paid every month.

(c) HCFA, directly or through its agents, sends quarterly or monthly premium bills and includes an addressed return envelope with the bill.

(d) The individual must—

(1) Send a check or money order that is drawn payable to "HCFA Medicare Insurance" and show the enrollee's name and claim number as it appears on the Medicare card; and

(2) Return the bill with the check or money order in the preaddressed envelope.

§ 408.62 Initial and subsequent billings.

(a) *Monthly billing.* (1) The first premium bill is for the period from the first month of coverage (or the first month of change from deduction or State buy-in payment) through the end of the first month after the month of billing.

(2) Subsequent billings are for periods of one month.

(b) *Quarterly billing.* (1) The first premium bill is for the period from the first month of coverage (or of change from deduction or State buy-in payment) through the third month after the month of billing.

(2) Subsequent billings are for periods of three months.

§ 408.63 Billing procedures when monthly benefits are less than monthly premiums.

If monthly benefits are less than monthly premiums, the following procedures apply:

(a) *Notice of amount due.* At the beginning of SMI entitlement, and at the beginning of each succeeding calendar year, SSA—

(1) Notifies the enrollee of the amount of benefits payable for the rest of the year and the total premiums due for those same months; and

(2) Bills the enrollee for the difference.

(b) *Notice of amount overdue.* At the beginning of each succeeding calendar year, SSA—

(1) Notifies the enrollee of any amounts overdue for premiums for the preceding calendar year; and

(2) Indicates that if the amount still overdue on April 30 is equal to or greater than the premium for 3 months, SMI coverage will terminate on that date.

§ 408.65 Payment options.

(a) The enrollee is not asked to pay premiums at the time of enrollment but is instructed to pay them upon receipt of a premium bill from HCFA or its agents.

(b) However, if the enrollee wishes, he or she may pay from one to 12 months or from one to four quarters at the time of enrollment.

§ 408.68 When premiums are considered paid.

(a) *Payment by check.* The premium is considered paid if the check is paid by the bank the first or second time it is presented for payment.

(b) *Payment within the grace period.* (1) A premium is considered paid within the grace period if it is delivered personally, or mailed on or before the last day of that period.

(2) A premium payment is considered to have been mailed 7 days before it is received by HCFA.

§ 408.70 Change from quarterly to monthly payments.

If an enrollee requests change from quarterly to monthly payment—

(a) If the enrollee is paid up under the quarterly cycle, the first monthly bill is for one month.

(b) If the enrollee is not paid up under the quarter system, the first bill includes all premiums due.

§ 408.71 Change from deduction or State payment to direct remittance.

(a) *Basis for change.* An SMI enrollee is required to pay by direct remittance in any of the following circumstances:

(1) The enrollee's entitlement to social security or railroad retirement benefits ends for any reason other than death.

(2) The premiums can no longer be deducted from the civil service annuity of the enrollee or the enrollee's spouse.

(3) The enrollee no longer qualifies for coverage under a State buy-in agreement, and is not entitled to social security or railroad retirement monthly benefits.

(b) *Billing.* When any of the events specified in paragraph (a) of this section occurs (or as soon thereafter as possible), HCFA or its agents bill the enrollee for direct remittance, in accordance with this subpart.

Subpart E—Direct Remittance: Group Payment

§ 408.80 Basic rules.

(a) *Sources of group payment.* An employer, a lodge, union, or other organization may pay SMI premiums on behalf of one or more enrollees.

(b) *Informal arrangement.* Enrollees may turn over their premium notices to their employer, union, lodge, or other organization and that organization may send a single payment (with the premium notices attached so that the payments can readily be identified with the appropriate enrollees) to the HCFA Premium Collection Center. Prompt payment is essential since SMI coverage terminates if premiums are not paid by the end of the grace period.

(c) *Group billing arrangement.* HCFA may send a single notice for the premiums due from a group of enrollees if the following conditions are met:

(1) The group payer—

(i) Uses funds other than the enrollees' to pay all or a substantial part of the premiums; or

(ii) Deducts the premiums from periodic payments it makes to the enrollees in the group.

(2) The enrollee's rights are protected and enrollees are not required to pay the costs of having their premiums paid on a group basis.

§ 408.82 Conditions for group billing.

HCFA agrees to a group billing arrangement only if the following conditions are met:

(a) Conditions the group payer must meet. The group payer submits a written request for group billing—

(1) Showing that all or part of the payments are made from the payer's funds or from funds due the enrollees and in the payer's possession; and

(2) Agreeing not to charge the enrollees for the service of paying the premiums or for the administrative costs such as recordkeeping and postage.

(b) *Enrollees eligible for group payment.* (1) Group payment may be made only on behalf of individuals who are already enrolled and are being billed for direct remittance.

(2) Group payment may not be made for enrollees whose premiums are being deducted from monthly benefits in accordance with Subpart C of this part or being paid by the State under a buy-in agreement.

(c) *Protection of enrollee's rights.* The use of group billing must not jeopardize the enrollees' right—

(1) To confidentiality of personal information;

(2) To terminate enrollment;

(3) To resume individual payment of premiums if he or she wishes; and

(4) To receive notice of any action that affects the SMI benefits.

(d) *Authorization by the enrollee.* (1) To ensure maximum feasible protection of the rights specified in paragraph (c) of this section, each enrollee must give written authorization as specified in § 408.84(a)(2).

(2) A group payer that is not an entity of State or local government must submit all enrollee authorizations to HCFA.

(3) A group payer that is an entity of State or local government may retain the authorizations and certify to HCFA that it has on file an authorization for each enrollee included in the group.

(4) It is on the basis of the enrollee's authorization that HCFA sends the group payer information about each enrollee, as necessary to carry out the group payment function.

(e) *Size of group.* The number of enrollees must be at least 20, which is the minimum size sufficient to make group billing efficient. (Smaller groups may use the informal procedure described in § 408.80(b).)

§ 408.84 Billing and payment procedures.

(a) *Initial premium notice.* (1) HCFA or its agent always sends the initial premium notice to the enrollee.

(2) An enrollee who wishes to have the premiums paid on a group basis must give the notice to the group payer, along with written authorization for sending subsequent notices to the group payer and for release of the information required for the group payment process.

(b) *Monthly billings.* Group premiums are billed on a monthly basis. However, the group payer may pay up to 12 months in advance.

(c) Group payers must make their payments within 30 days after billing, to avoid infringing on the 90-day grace period during which the premiums may be paid by the enrollee if he or she is dropped from the group.

(d) *Effect of group payment.* Payment by a group payer is considered payment by the enrollee.

§ 408.86 Responsibilities under group billing arrangement.

(a) *Enrollee responsibilities.* (1) The enrollee is still responsible for premium payments; the group payer simply acts as his agent. If the agent fails to pay, or identifies the payment incorrectly, SSA notifies both the agent and the enrollee that the enrollee's account is delinquent. If an enrollee fails to take action on that notice, entitlement is terminated for nonpayment of premiums.

(2) The enrollee must promptly notify both SSA and the group payer of any change of address.

(b) *Group payer's responsibilities.* The group payer must—

(1) Make premium payments promptly upon receipt of notices;

(2) Promptly notify both HCFA and the enrollee when it drops an enrollee from the group;

(3) Make payments in a way that facilitates efficient and economical processing; and

(4) Maintain the confidentiality of the personal information obtained from HCFA for the group payment process.

(c) *HCFA responsibilities.* HCFA—

(1) Sends the bill to the group payer upon authorization from the enrollee;

(2) Notifies both the payer and the enrollee if the payer fails to make timely payments; and

(3) Refunds excess premiums in accordance with § 408.88.

§ 408.88 Refund of group payments.

(a) *Basis for refund.* Group payments are refunded only in the following circumstances:

(1) The premium was for a month after the month in which the enrollee's SMI coverage terminated or the enrollee died.

(2) The premium was for a month after the month in which the group payer gave notice (before the 26th day of that month) that the enrollee was no longer eligible for group payment and was being dropped from the group.

(b) *Example.* F is the wife of J who is a retiree of Corporation X. That corporation pays premiums on behalf of all of its retirees and their dependents. F obtains a divorce from J on October 20 and thus disqualifies herself for further premium payments by the corporation. The corporation gives notice on November 10 that a refund is due because F has been dropped from the list of persons for whom it has agreed to pay premiums. The premium paid for December would be refunded to the group payer.

(c) *To whom refund is made.* (1) HCFA ordinarily refunds to the group payer the premiums specified in paragraph (a) of this section.

(2) However, if HCFA has information that clearly shows those premiums were paid from the enrollee's funds, it sends the refund to the enrollee.

§ 408.90 Termination of group billing arrangement.

(a) A group billing arrangement may be terminated either by the group payer or by HCFA upon 30 days' notice.

(b) HCFA may terminate the arrangement if it finds that the group payer is not acting in the best interest of the enrollees or that, for any other reason, the arrangement has proved inconvenient for HCFA.

§ 408.92 Change from group payment to deduction or individual payment.

(a) *Enrollee excluded from group payment arrangement because of entitlement to monthly benefits.* (1) When an enrollee becomes entitled to monthly benefits from which premiums can be deducted as specified in Subpart C of this part. HCFA notifies the group payer to discontinue payment for that enrollee.

(2) In order to maintain confidentiality, HCFA does not explain to the group payer the reason for excluding the enrollee from the group payment arrangement.

(3) the enrollee's premiums are thereafter deducted from the monthly benefits, in accordance with Subpart C of this part.

(b) *Enrollee no longer eligible for the group.* (1) When an enrollee is no longer eligible to be included in the group (for instance because he or she is no longer employed by the group payer or has terminated union or lodge membership), the group payer must promptly notify HCFA and the enrollee.

(2) HCFA or its agents resume sending individual bills to the enrollee, for direct remittance subject to the grace period and termination dates specified in § 408.8.

Subpart F—Termination and Reinstatement of Coverage

§ 408.100 Termination of coverage for nonpayment of premiums.

(a) *Effective date of termination.* Termination is effective on the last day of the grace period. The determination is not made until 15 days after that day to allow for processing of remittances mailed late in the grace period, as provided in § 408.68.

(b) *Notice of termination.* (1) SSA sends the enrollee notice of termination between 15 and 30 days after the end of the grace period and includes information regarding the enrollee's right of appeal.

(2) HCFA notifies any intermediary or carrier that had previously been informed that the enrollee had met the SMI deductible for the year in which the termination is effective.

§ 408.102 Reconsideration of termination.

(a) *Basic rules.* Coverage may be reinstated without interruption of benefits if the following conditions are met:

(1) the enrollee appeals the termination by the end of the month following the month in which SSA sent the notice of termination.

(2) The enrollee alleges and it is found that the enrollee did not receive timely and adequate notice that the premiums were overdue.

(3) The enrollee pays, within 30 days after SSA's subsequent request for payment, all premiums due through the month in which he or she appealed the termination.

(b) *Basis for reinstating coverage.* coverage may be reinstated if the evidence establishes one of the following:

(1) The enrollee acted diligently to pay the premiums or to request relief upon receiving a premium notice very late in the grace period or shortly after its end. and the delayed notice was not the enrollee's fault. (For example, if the billing notice was misaddressed or lost in the mail, it would not be the enrollee's fault; if the enrollee had moved and not notified SSA of the new address, he or she would be responsible for the delay.)

(2) On the basis of information given by SSA, the enrollee could reasonably have believed that the premiums were being paid by deduction from benefits or by some other means. (An example would be a notice indicating that premiums would be paid by a State Medicaid agency or a group payer or would be deducted from the spouse's civil service annuity.)

(c) *No basis for reinstating coverage.* Coverage may not be reinstated if the enrollee—

(1) Received timely and adequate notice but failed to pay within the grace period, for example because of insufficient income or resources; or

(2) Appealed the termination more than one month after the month in which SSA sent the termination notice.

§ 408.104 Reinstatement procedures.

(a) *Request for payment.* If the conditions of § 408.102(a) (1) and (2) are met, SSA sends written notice requesting the enrollee to pay, within 30 days, all premiums due through the month in which the enrollee appealed the termination.

(b) *Reinstatement of coverage.* If SSA receives the requested payment within 30 days, it sets aside the termination and reinstates the enrollee's coverage without interruption.

Subpart G—Collection of Unpaid Premiums; Refund of Excess Premiums After the Death of the Enrollee

§ 408.110 Collection of unpaid premiums.

(a) *Basis and scope.*—(1) *Basis.* Under the Federal Claims Collection Act of 1966 (31 U.S.C. 3711), HCFA is required to collect any debts due it but is authorized to suspend or terminate collection action on debts of less than $20,000 when certain conditions are met. (See 4 CFR, Parts 101–105 for general rules implementing the Federal Claims Collection Act.) As indicated in § 408.4, unpaid premiums are debts owed the Federal Government by the enrollee or the enrollee's estate.

(2) *Scope.* This section sets forth the methods of collection used by HCFA and the circumstances under which HCFA terminates or renews collection action. The regulations in this section apply to hospital insurance premiums as well as SMI premiums.

(b) *Collection of unpaid premiums.* Generally, HCFA will attempt to collect unpaid premiums by one of the following methods:

(1) By billing enrollees who pay the premiums directly to HCFA or to a designated agent in accordance with § 408.60.

(2) By deduction from any benefits payable to the enrollee or the estate of a deceased enrollee under Title II or XVIII of the Social Security Act, the Railroad Retirement Act or any act administered by the Office of Personnel Management in accordance with § 408.4(b) and Subpart C of this part (Deduction from Monthly Benefits); or

(3) By billing the estate of a deceased enrollee.

(c) *Termination of collection action.* HCFA terminates collection action on unpaid premiums under either of the following circumstances, if the cost of collection exceeds the amount of overdue premiums:

(1) The individual is not entitled to benefits under the Acts listed in paragraph (b)(2) of this section, is not currently enrolled for SMI or premium hospital insurance, and demonstrates, to HCFA's satisfaction, that he or she is unable to pay the debt within a reasonable time.

(2) The individual has been dead more than 27 months (the maximum time allowed for claiming SMI benefits), and the legal representative of his or her estate demonstrates, to HCFA's satisfaction, that the estate is unable to pay the debt within a reasonable time.

(d) *Renewal of collection efforts.* HCFA renews collection efforts in either of the following circumstances, if the cost of collection does not exceed the amount of the overdue premiums:

(1) The individual enrolls again for premium hospital insurance or SMI. (Payment of overdue premiums is not a prerequisite for reenrollment.)

(2) The individual becomes entitled or reentitled to social security or railroad retirement benefits or a Federal civil service annuity.

§ 408.112 Refund of excess premiums after the enrollee dies.

If HCFA has received premiums for months after the enrollee's death, HCFA refunds those premiums as follows:

(a) To the person or persons who paid the premiums or, if the premiums were paid by the enrollee, to the representative of the enrollee's estate, if any.

(b) If refund cannot be made under paragraph (a) of this section, HCFA refunds the premiums to the enrollee's survivors in the following order of priority:

(1) The surviving spouse, if he or she was either living in the same household with the deceased at the time of death, or was, for the month of death, entitled to monthly social security or railroad retirement benefits on the basis of the same earnings record as the decreased beneficiary;

(2) The child or children who were, for the month of death, entitled to monthly social security or railroad retirement benefits on the basis of the same earnings record as the deceased (and, if there is more than one child, in equal parts to each child);

(3) The parent or parents who were, for the month of death, entitled to monthly social security or railroad retirement benefits on the basis of the same earnings record as the deceased (and, if there is more than one parent, in equal parts to each parent);

(4) The surviving spouse who was not living in the same household with the deceased at the time of death and was not, for the month of death, entitled to monthly social security or railroad retirement benefits on the basis of the same earnings record as the deceased beneficiary;

(5) The child or children who were not entitled to monthly social security or railroad retirement benefits on the basis of the same earnings record as the deceased (and, if there is more than one child, in equal parts to each child);

(6) The parent or parents who were not entitled to monthly social security or railroad retirement benefits on the basis of the same earnings record as the deceased (and, if there is more than one parent, in equal parts to each parent).

If none of the listed relatives survives, no refund can be made.

C. Technical amendments.

§ 401.601 [Amended]

1. In § 401.601(d)(2)(iv), reference to "§ 405.962" is changed to "§ 408.110".

§ 405.212 [Amended]

2. In § 405.212(e), "(see § 405.902)" is changed to "under Subpart B of Part 408 of this chapter,".

§ 405.223 [Amended]

3. In § 405.223(b), "Subpart I of this part." is changed to "Part 408 of this chapter.".

§ 405.226 [Amended]

4. In § 405.226, the phrase "Subpart I of this part," is changed to "Part 408 of this chapter.".

§ 405.705 [Amended]

5. In § 405.705(d), "405.962" is changed to "408.110".

(Catalog of Federal Domestic Assistance Program No. 13.774 Medicare—Supplementary Medical Insurance)

Dated: July 6, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: October 22, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87–29062 Filed 12–17–87; 8:45 am]

BILLING CODE 4120-01-M

VOL 52 ISS 243 DEC 18 1987 UMI

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3560

[AA-650-08-4133-02-2410; Circular No. 2507]

Hardrock Minerals; Final Action To Correct Latent Ambiguity

AGENCY: Bureau of Land Management, Interior.

ACTION: Final action to correct latent ambiguity.

SUMMARY: The Bureau of Land Management has become aware of the existence of a latent ambiguity in the renewal terms applicable to a limited number of hardrock leases issued by the Bureau after October 9, 1964, on Lease Form 4–1100 (dated September 1962). In an effort to resolve the problems caused by this ambiguity, the Bureau will offer to give the holders of the affected hardrock leases an opportunity to elect to obtain a one-time renewal of the lease term identical to that of the term granted in the original lease, 20 years, with all subsequent renewals to be for a term of ten years, the requirement in the existing hardrock leasing regulations. This one-time renewal will be in lieu of the renewal for a term of 10 years applicable to other hardrock leases (43 CFR 3561.3).

EFFECTIVE DATE: January 19, 1988.

ADDRESS: Any inquiries or suggestions should be sent to: Director (650), Bureau of Land Management, Room 3610, Main Interior Bldg., 1800 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mary Linda Ponticelli, (202) 343–3258.

SUPPLEMENTARY INFORMATION: A proposed action to correct the latent ambiguity in a small number of hardrock leases was published in the **Federal Register** on August 21, 1987 (52 FR 31643), with a 30-day comment period. One comment was received and it expressed support for the action.

For hardrock leases issued prior to October 9, 1964, the then current regulations provided for a lease term of 5 or 10 years with a right to renew the lease "for successive periods of like duration." (43 CFR 200.37(f)). The language providing for renewal "for successive periods of like duration" was included in Lease Form 4–1100 (dated September 1962). In 1963, 43 CFR 200.37(f) was rewritten and renumbered as 43 CFR 3221.4(f). In October 1964, 43 CFR 3221.4(f) was amended to provide for an initial lease term not to exceed 20 years for hardrock leases, with renewals to be for a term not to exceed 10 years.

An ambiguity arose when the Bureau of Land Management issued approximately 7 hardrock leases after the effective date of the October 1964 amendment to 43 CFR 3221.4(f) using Lease Form 4–1100 (dated September 1962), which Form continued to use for renewal purposes the language "for successive periods of like duration in accordance with regulation 43 CFR 200.37(f)." This language appeared to grant a lessee the right to renew a lease for a period of 20 years, the initial term of hardrock leases granted after the October 1964 revision of the hardrock leasing regulations. Later versions of Lease Form 4–1100 corrected the language relating to the renewal term to bring it into compliance with the provisions of 43 CFR 3221.4(f), as amended, making it clear that the renewal of a hardrock lease could be for a term not to exceed 10 years. Currently, the renewal limitation on hardrock leases is contained in 43 CFR 3561.3.

When this final action becomes effective, the holders of the seven or so leases that are affected by this ambiguity will be given the opportunity to request that their leases be renewed once for a period of 20 years, rather than the 10 years required by 43 CFR 3561.3 of the existing regulations, with all subsequent renewals to be for the term required by the existing regulations. Therefore, the holders of these seven or so hardrock leases should, if they desire an initial renewal term of 20 years, file a request with the appropriate State Office of the Bureau of Land Management, citing this Action document and requesting a renewal of their hardrock lease for a 20-year term.

The principal author of this final action document is Mary Linda Ponticelli, Division of Solid Mineral Leasing, Bureau of Land Management, assisted by the staff of the Division of Legislation and Regulatory Management, Bureau of Land Management, and the staff of the Office of the Solicitor, Department of the Interior.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

This action document will directly affect only approximately seven hardrock leases. The effect of the action will be equally applicable to all of the affected leases, regardless of the size of the entity holding them.

There are no information collection requirements contained in this Action document requiring the approval of the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects 43 CFR Part 3560

Government contracts, Mineral royalties, Public lands—mineral resources, Surety bonds.

This final action is carried out under the authority of Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), including the Act of February 7, 1927 (30 U.S.C. 281–287); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359); section 402 of Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix) as it relates to the Act of March 4, 1917 (16 U.S.C. 520); Title II of the National Industrial Recovery Act of June 16, 1933 (40 U.S.C. 401, 403(a) and 406); the 1935 Emergency Relief Appropriations Act of April 8, 1935 (48 Stat. 115, 118); section 55 of Title I of the Act of August 24, 1935 (49 Stat. 750, 781); the Act of July 22, 1937 (50 Stat. 522, 525, 530), as amended by the Act of July 28, 1942 (7 U.S.C. 1011(c), 1018) and section 3 of the Act of June 28, 1952 (66 Stat. 285); section 3 of the Act of September 1, 1949 (30 U.S.C. 192c); the Act of June 30, 1950 (16 U.S.C. 508(b)); the Act of June 8, 1926 (30 U.S.C. 291–293); the Act of March 3, 1933 (47 Stat. 1487), as amended by the Act of June 5, 1936 (49 Stat. 1482) and the Act of June 29, 1936 (49 Stat. 2026); section 10 of the Act of August 4, 1939 (43 U.S.C. 387) as it relates to the Act of October 8, 1964 (16 U.S.C. 460n et seq.); the Act of November 8, 1965 (16 U.S.C. 460q et seq.); the Act of October 1, 1968 (16 U.S.C. 90c et seq.); the Act of October 17, 1972 (16 U.S.C. 460dd et seq); section 6 of the Act of November 8, 1965 (16 U.S.C. 460q et seq.) as it relates to section 3 of the Act of September 1, 1949 (30 U.S.C. 192(c)); sections 403, 404, and 1312 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 460mm–4) as it relates to section 10 of the Act of August 4, 1939, as amended (43 U.S.C. 387); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and the Independent Offices Appropriation Act (31 U.S.C. 9701).

J. Steven Griles,

Assistant Secretary of the Interior.

November 25, 1987.

[FR Doc. 87–29024 Filed 12–17–87; 8:45 am]

BILLING CODE 4310-84-M

Proposed Rules

Federal Register

Vol. 52, No. 243

Friday, December 18, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–25192; File No. S7–25–87]

Multiple Trading of Options

AGENCY: Securities and Exchange Commission.

ACTION: Rescheduling of date of public hearing; extension of time for comment and for requests to appear at the hearing; and request for additional comment.

SUMMARY: The Securities and Exchange Commission ("Commission") announced today that the public hearing on multiple trading of options, previously scheduled to take place on November 23, 1987 has been rescheduled for February 11, 1988. The Commission is extending until January 25, 1988, the date by which those interested in testifying at the public hearing should notify the Commission; until February 1, 1988, the date by which written testimony is due; and until February 11, 1988, the date for the submission of all other comments. Finally, the Commission is seeking additional comment on certain issues related to the proceeding.

DATES: The public hearing will be held on February 11, 1988, at 9:30 a.m. Requests to appear at the public hearing should be received by January 25, 1988. Those scheduled to appear at the hearing must submit an original and ten copies of their written statements by February 1, 1988. All other written comments must be received by February 29, 1988, and must be submitted in triplicate.

ADDRESSES: The public hearing will be held in Room 1C30 at the Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Those wishing to appear at the hearing should contact Holly H. Smith, Esq., (202) 272–2406, Special Counsel, Division of Market Regulation, Mail Stop 5–1, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549, and should send copies of their written testimony to her. All other written comments should refer to File No. S7–25–87 and be addressed to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of all written submissions and the transcript of the public hearing will be available at the Commission's Public Reference Room, at the above address, in File No. S7–25–87.

FOR FURTHER INFORMATION CONTACT: Holly H. Smith, Esq., (202) 272–2406, Special Counsel, Division of Market Regulation, Securities and Exchange Commission, Mail Stop 5–1, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: On June 18, 1987, the Commission issued a release commencing a proceeding on the multiple trading of options to consider whether to: (1) Adopt a policy permitting the multiple trading of options on exchange-listed stocks; and/or (2) amend the rules of the options exchanges to remove restrictions on the multiple trading of options.[1] A public hearing in connection with the proceeding was scheduled to take place on November 23, 1987.[2] On November 13, 1987, however, the Commission issued an order postponing the hearing until February 1988 in order that interested parties would have additional time to develop their testimony and prepare written comments.[3] The Commission has now set February 11, 1988 as the hearing date.

Request for Additional Comment: By letter, dated October 16, 1987, eight members of the U.S. House of Representatives Committee on Energy and Commerce requested that the Commission consider a variety of issues in connection with its proceeding on the multiple trading of options.[4] In particular, the House Letter requests that the Commission consider: (1) The impact of multiple trading on the regional exchanges; (2) the costs of establishing duplicative trading facilitics in various markets; and (3) the competitive cost of diverting the resources of the U.S. securities exchanges into inter-exchange competition and away from meeting competition from foreign markets. The Commission requests that commentators specifically address these and other issues raised in the House Letter.

By the Commission.

Dated: December 14, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–29044 Filed 12–17–87; 8:45 am]

BILLING CODE 8010-01-M

[1] *See* Securities Exchange Act Release No. 24613 (June 18, 1987), 52 FR 23849.

[2] *See* Securities Exchange Act Release No. 24931 (September 21, 1987), 52 FR 36045.

[3] *See* Securities Exchange Act Release No. 25110 (November 13, 1987) 52 FR 44447.

[4] *See* letter from Congressman John D. Dingell, *et al.*, U.S. House of Representatives, Committee on Energy and Commerce, to David S. Ruder, Chairman, Securities and Exchange Commission, dated October 16, 1987 ("House Letter"). The House Letter has been placed in File No. S7–25–87 in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Ohio; Proposed Regulatory Program Amendment; Performance Bonds

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing receipt of a proposed amendment package submitted by Ohio as a modification to the State's permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining control and Reclamation Act of 1977 (SMCRA).

The amendments submitted consist of proposed changes to make discretionary, rather than mandatory, the denial of a permit by the Chief of the Ohio Department of Natural Resources, Division of Reclamation (the Chief) if the applicant has ever forfeited a coal or surface mining bond or security; to

See also Securities Exchange Act Release No. 24931 (September 21, 1987), 52 FR 36045, in which the Commission requested comment on a letter from Senator Alan Cranston, *et al.*, U.S. Senate, Committee on Banking, Housing, and Urban Affairs, to David S. Ruder, Chairman, Commission, dated August 19, 1987 ("Senate Letter"). The Senate Letter has also been placed in File No. S7–25–87 in the Commission's Public Reference Room.

VOL 52 ISS 243 DEC 18 1987 UMI

create a coal mining performance bond fund; to enable the Chief to execute reclamation performance bonds as a surety for coal mine operators under the performance bond fund; and to allow a Phase II bond release to be made for all or part of the area affected under a permit.

This notice sets forth the times and locations that the Ohio program proposed amendments will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed for the public hearing, if one is requested.

DATES: Written comments must be received on or before 4:00 p.m. January 19, 1988; if requested, a public hearing on the proposed amendment is scheduled for 1:00 p.m. on January 12, 1988; and requests to present oral testimony at the hearing must be received on or before 4:00 p.m. January 4, 1988.

ADDRESSES: Written comments and requests to testify at the hearing should be directed to Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, Room 202, 2242 South Hamilton Road, Columbus, OH 43232; Telephone (614) 866–0578. If a hearing is requested, it will be held at the same address.

Copies of the Ohio program, the amendment, a listing of any scheduled public meeting, and all written comments received in response to this notice will be available for public review at the following locations, during normal business hours Monday through Friday, excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Room 5131, 1100 L Street, NW., Washington, DC 20240.

Office of Surface Mining Reclamation and Enforcement, Eastern Field Operations, Ten Parkway Center, Pittsburgh, PA 15220.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 2242 South Hamilton Road, Columbus, OH 43232.

Ohio Division of Reclamation, Fountain Square, Building B–3, Columbus, OH 43224.

Each requester may receive, free of charge, one single copy of the proposed amendment by contacting the OSMRE Columbus Field Office.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield (Director), (614) 866–0578.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

On August 16, 1982, the Ohio program was made effective by the conditional approval of the Secretary of the Interior. Information pertinent to the general background, revision, modifications, and amendements to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Discussion of the Proposed Amendments

By letter dated November 16, 1987 (Administration Record No. OH–0994), the Ohio Department of Natural Resources, Division of Reclamation (ODNR) submitted proposed amendments to the Ohio program at Ohio Revised Code (ORC) section 1513.07, 1513.08, and 1513.16; a new ORC section 1513.081; and a new corresponding rule at Ohio Administrative Code (OAC) section 1501:13-7-09. The proposed changes are briefly summarized below:

The proposed amendment would modify ORC section 1513.07(E)(5) to delete the mandatory denial of a permit by the Chief if the applicant, any partner of the applicant, or any principal officer or shareholder if the applicant is a corporation, has ever failed to comply with ORC Chapter 1513 or has ever forfeited a coal or surface mining bond or security.

ORC section 1513.07(E)(6) would be modified to give the Chief discretionary authority to deny a permit for the reasons deleted from ORC 1513.07(E)(5). Clarification would also be provided of what interests constitute ownership or control of a business entity.

ORC section 1513.08(B) would be modified to allow an operator to obtain a performance bond from the newly created coal mining performance bond fund if authorized by the Chief.

A new section ORC 1513.081 would be created which establishes the coal mining performance bond fund from which the Chief may execute nontransferable surety bonds for coal mining operations not subject to any existing cessation orders. The fund would be supported by a one-time, nonrefundable permium of one thousand dollars paid by the operator for each performance bond and by a tonnage fee of fifty cents per ton of coal mined from the area covered by the bond. Upon release of the bond, operators would receive a refund of the fifty-cent coal tonnage fees paid by the operator for the bonded permit less twelve percent. In the event of bond forefeiture, the Chief may transfer up to two thousand five hunderd dollars per acre from the coal mining performance bond fund to the reclamation forefeiture fund created by ORC section 1513.18(A). Provisions are also included in ORC section 1513.081 for the monthly payment of tonnage fees by the operator and for the issuance of cessation orders by the Chief for nonpayment of fees.

ORC section 1513.16(F)(3)(b) would be modified to allow the Chief to grant a release of performance bonds for all or part of the area affected under a permit.

A new OAC section 1501:13–7–09 would be created reiterating the changes of ORC sections 1513.07(E)(5) and (E)(6), 1513.08(B), 1513.081, and 1513.16(F)(3)(b). OAC section 1501:13–7–09 would also additionally describe permitted areas eligible for bonding, procedures for submission of performance bond applications, criteria for denial of bond applications by the Chief, payment of monthly tonnage fees, replacement of bonds by an operator, and release of bonds by the Chief.

The full text of the proposed program amendments submitted by Ohio is available for public inspection at the addresses listed above. The Director now seeks public comment on whether the proposed amendments are no less effective than the Federal regulations. If approved, the amendments will become part of the Ohio program.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17, OSMRE is now seeking comment on whether the amendments proposed by ODNR satisfy the requirements of 30 CFR 732.15 for approval of State program amendments. If the amendments are deemed adequate, they will become part of the Ohio program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanation in support of the commenter's recommendations. Comments received after the time indicated under **"DATES"** or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by the close of business on January 4, 1988. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSMRE officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. A summary of the meeting will be included in the Administrative Record.

Public Meeting

Persons wishing to meet with OSMRE representatives to discuss the proposed amendment may request a meeting at the Columbus Field Office by contacting the person listed under **"FOR FURTHER INFORMATION CONTACT."** All such meetings will be open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSMRE is exempt from requirement to prepare a Regulatory Impact Analysis, and regulatory review by OMB is not required.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by OMB under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935:

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Date: December 7, 1987.

Carl C. Close,

Assistant Director, Eastern Field Operations.

[FR Doc. 87–29086 Filed 12–17–87; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 409, 410, 416, 421, 441, and 489

[BERC-245-P]

Miscellaneous Medicare and Medicaid Amendments

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: This proposal would amend regulations pertaining to the following matters:

1. Listing of Medicare Part A deductible and coinsurance amounts.
2. Limits on amounts of antigens covered under Medicare Part B.
3. Requirement for certain equipment in ambulatory surgical centers (ASCs).
4. Agreements with intermediaries and carriers and coordination with PROs.
5. Federal financial participation in State expenditures for skilled nursing facility services furnished to individuals under age 21.
6. Bases for denying a provider agreement.

The amendments are necessary to implement a change in the Medicare law, to reflect the revision of the Bankruptcy Code, to correct an unintentional omission, and to simplify or update other regulations.

DATE: To ensure consideration, comments must be mailed or delivered to one of the addresses specified below and must be received by 5 p.m. on February 16, 1988.

ADDRESSES: Mail comments to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: P.O. Box 26676, Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to one of the following addresses:

Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave. SW., Washington, DC, or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to file code BERC–245–P. Comments will be available for public inspection as they are received, beginning approximately three weeks from today, in Room 309–G of the Department's offices at 200 Independence Ave., SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone: 202–245–7890).

FOR FURTHER INFORMATION CONTACT:

Stanley Katz, (301) 594–8561, for changes that pertain to ASCs.

Luisa V. Iglesias, (202) 245–0383, for all other changes.

SUPPLEMENTARY INFORMATION: The specific amendments and the reasons for proposing them are discussed below:

A. Amounts of Hospital Insurance Deductible and Coinsurance

1. Current Regulations

Current rules pertaining to Medicare Part A deductibles and coinsurance include tables showing the amunts from the beginning of the program through 1983. Deductible and coinsurance amounts are determined each year in accordance with formulas prescribed by the Medicare statute. The amounts for each calendar year are published in the **Federal Register** no later than October 1 of the preceding year. We have determined that updating the rules to reflect each change is unnecessary because the following practices ensure that all concerned are promptly informed:

- Many newspapers and most publications aimed at retired persons pick up the information and reprint it.
- With the OASDI check mailed December 3 or January 3, SSA includes a stuffer prepared by HCFA.
- "Direct deposit" beneficiaries whose checks are mailed directly to their banks or other financial institutions are notified separately.
- Bills for premiums have the information printed on the bills, and beneficiaries whose SMI premiums are paid by third parties (employer, lodge, etc.) are also separately notified.

VOL 52 ISS 243 DEC 18 1987 UMI

• The information goes to the Railroad Retirement Board so they can notify their beneficiaries.

2. Proposed Changes

We would revise §§ 409.82, 409.83, and 409.85 to remove the tables and clarify that the amounts are published in the Federal Register for each calendar year no later than October 1 of the preceding year.

B. Limits on Amounts of Antigens

1. Current Regulations

Current regulations do not provide for antigens as a separate service because, before enactment of section 1861(s)(2)(G) of the Medicare statute, antigens were covered only as "incident to" a physician's services.

2. Legislative Change

Section 938 of Pub. L. 98–499 amended the definition of medical and other health services to include an antigen administered by a qualified person other than the physician who prepares the antigen "subject to quantity limitations prescribed in regulations by the Secretary".

3. Amendment to the Regulations

We would amend Part 410 of the Medicare rules to add a § 410.64 to set forth the conditions under which Medicare Part B pays for antigens. On the basis of consultation with allergists, we propose to limit the amount to be prepared at one time, for administration by a qualified person other than the physician who prepares the antigen, to the amount sufficient for a period of not more than 12 weeks. The purpose of this limitation is to ensure that the antigens retain their potency and effectiveness. We realize that there is some risk by allowing the antigens to be administered by someone other than the physician who prepares them.

We specifically request suggestions as to how this risk can be minimized.

C. Conditions for Coverage of Ambulatory Surgical Center (ASC) Services

1. Current Regulations

Under § 416.44(c), the ASC must have available in the operating room emergency equipment, including a thoracotomy set (for cutting through the rib cage into the chest cavity).

2. Proposed Changes

We propose to revise § 416.44(c) to remove the requirement for thoracotomy set because—

• Thoracotomy sets are used to permit open heart massage, which is no longer the preferred method for resuscitation of patients with heart disease.

• It is unlikely that it would be needed in connection with the surgical procedures performed in ASCs.

• Use of this equipment by medical personnel inexperienced in handling it could be risky.

We would, however, include emergency medical equipment in the list of items that the ASC must make available if the medical staff requests it. This means that a throacotomy set would be required if the medical staff considered it necessary.

D. Intermediary Agreements, Carrier Contracts, and Coordination with PROs

1. Current Regulations

Current Medicare Rules (§§ 421.100, 421.200, and 421.204)—

• Specify certain functions that must be included in the agreement or contract; and

• Provide that either party must give 90-day notice if it intends not to renew a carrier contract at the end of its term.

The first provision might appear to preclude other functions; the second has proved to be more stringent than necessary.

2. Proposed Changes

We would amend §§ 421.100 and 421.200 to make clear the following:

1. HCFA's agreement with an intermediary or contract with a carrier may require the intermediary or carrier to perform functions in addition to those listed in the rules.

2. The PRO performs reconsiderations of its determinations.

3. The intermediary or carrier takes appropriate action on PRO determinations, as well as those for which the intermediary or carrier itself made a determination because the PRO had not assumed review responsibility.

We would also—

• Revise § 421.204 to remove the requirement for 90-day notice of intent not to renew a carrier contract and require instead that notice be "in accordance with the provisions of the contract"; and

• Add a parallel provision (§ 421.111) applicable to intermediary agreements.

E. Federal Financial Participation (FFP) in State Expenditures for Skilled Nursing Facility Services Furnished to Individuals under 21

1. Current Regulations

Section 441.11 of the Medicaid rules provides that FFP in State payments for individuals in a facility may continue for up to 30 days after the Medicaid agency terminates or does not renew the facility's provider agreement if—

• The individual was admitted to the facility before the effective date of termination or expiration of the provider agreement; and

• The agency makes reasonable efforts to transfer the individual to another facility or to alternate care.

Through an oversight, SNF care for individuals under 21 was not included the list of services subject to the 30-day continuation.

2. Proposed Change

We would amend § 441.11(c) to add SNF care for individuals under 21.

F. Bases for Denial of Provider Agreements

1. Current Regulations

Section 489.12(a)(3) of the Medicare rules provides that HCFA may refuse to enter into or renew a provider agreement with a provider or potential provider that has been adjudged bankrupt or insolvent.

2. Inconsistency With Bankruptcy Code

Section 525 of the Revised Bankruptcy Code (11 U.S.C. 525) prohibits a "government unit" from denying a "license, permit, charter, franchise or other similar grant to" [a person] solely because the person has been a debtor under that title or a bankrupt under the Bankruptcy Act. The purpose of the prohibition is to ensure that the intent of the Code (i.e., to afford the bankrupt individual or entity the opportunity for a "fresh start") is not frustrated.

3. Change in the Regulations

Since the current provision of § 489.12(a)(3) conflicts with section 525 of the revised bankruptcy code (it specifies that "bankruptcy" or "insolvency" is of itself a basis for denial of a provider agreement), we would revise it to specify that an agreement may be denied if the entity is unable to assure compliance with the requirements of the Medicare statute (title XVIII of the Act).

Regulatory Impact Statement

Executive Order 12291

Executive Order 12291 requires us to prepare and publish an initial regulatory impact analysis for any proposed rule that is likely to have an annual impact of $100 million or more on the economy, cause a major increase in costs or prices, or meet other threshholds specified in section 1(b) of the Order. The Secretary has determined that these proposals will have little, if any, impact

and that a regulatory impact analysis is not required.

Regulatory Flexibility Act

Consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), we prepare and publish an initial regulatory flexibility analysis for any proposed rule unless the Secretary certifies that the rule would not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we consider all providers and suppliers of services to be small entities. As indicated above, these proposals are expected to have very slight if any economic impact on any group.

Therefore, we have determined, and the Secretary certifies, that this proposed rule would not have a significant economic impact on a substantial number of small entities, and that an initial regulatory flexibility analysis is not required.

Response to Comments

Because of the many comments we receive in response to proposed rules, we cannot acknowledge or reply to them individually. However, we will consider all timely comments and discuss them in the preamble to the final regulations.

List of Subjects

Health facilities, Medicare.

42 CFR Part 410

Medical and other services, Medicare.

42 CFR Part 416

Health facilities, Health professions, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 421

Administrative practice and procedure, Health facilities, Health professions, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 441

Family planning, Grant programs-health, Infants and children, Medicaid, Penalties, Prescription drugs, Reporting and recordkeeping requirements.

42 CFR Part 489

Health facilities, Medicare.

42 CFR Chapter IV would be amended as set forth below:

A. Part 409 is amended as follows:

PART 409—MEDICARE BENEFITS, LIMITATIONS, AND EXCLUSIONS

1. The authority citation continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh) unless otherwise noted.

2. Section 409.82 is amended by revising paragraphs (b) and (c) to remove the tables and clarify applicability of deductible amounts, to read as follows:

§ 409.82 Inpatient hospital deductible.

* * * * *

(b) Specific deductible amounts. The specific deductible amounts for each calendar year are published in the Federal Register no later than October 1 of the preceding year.

(c) *Exception to published amounts.* If the total hospital charge is less than the deductible amount applicable for the calendar year in which the services were furnished, the deductible is the amount of the charge.

3. Section 409.83 is amended by revising paragraphs (b) and (c) to remove the tables and clarify applicability of the co-insurance amounts, to read as follows:

§ 409.83 Inpatient hospital coinsurance.

* * * * *

(b) *Specific coinsurance amounts.* The specific coinsurance amounts for each calendar year are published in the Federal Register no later than October 1 of the preceding year.

(c) *Exceptions to published amounts.* (1) If the actual charge to the patient for the 61st through the 90th day of inpatient hospital services is less than the coinsurance amount applicable for the calendar year in which the services were furnished, the coinsurance amount is the actual charge per day.

(2) If the actual charge to the patient for the 91st through the 150th day (lifetime reserve days) is less than the coinsurance amount applicable for the calendar year in which the services were furnished, the beneficiary is deemed to have elected not to use the days because he or she would not benefit from using them.

4. Section 409.85 is amended by revising paragraphs (b) and (c) to remove the tables and clarify applicability of the SNF coinsurance amounts, to read as follows:

§ 409.85 Skilled nursing facility (SNF) care coinsurance

* * * * *

(b) *Specific coinsurance amounts.* The specific SNF coinsurance amounts for each calendar year are published in the Federal Register no later than October 1 of the preceding year.

(c) *Exception to published amounts.* If the actual charge to the patient is less than the coinsurance amount applicable for the calendar year in which the services were furnished, the coinsurance amount is the actual charge per day.

B. Part 410 is amended as follows:

PART 410—SUPPLEMENTARY MEDICAL INSURANCE (SMI) BENEFITS

1. The authority citation continues to read as follows:

Authority: Secs. 1102, 1832, 1833, 1835, 1861(r), (s), and (cc), 1871, and 1881 of the Social Security Act (42 U.S.C. 1302, 1395(k), 1395l, 1395n, 1375x(r), (s), and (cc), 1395hh, and 1395rr).

2. A new § 410.64 is added, and the table of contents is amended to reflect this change.

§ 410.64 Antigens: Scope and conditions.

Medicare Part B pays for—

(a) Antigens that are furnished as services incident to a physician's professional services; or

(b) A supply of anitgens sufficient for not more than 12 weeks, prepared by a doctor of medicine or osteopathy and administered by or under the supervision of—

(1) The physician who prepared the antigen; or

(2) Another physician.

C. Part 416 is amended as set forth below:

PART 416—AMBULATORY SURGICAL SERVICES

1. The authority citation continues to read as follows:

Authority: Secs. 1102, 1832(a)(2), 1833, 1863, and 1864 of the Social Security Act (42 U.S.C. 1302, 1395k(a)(2), 1395l, 1395z, and 1395aa).

2. Section 416.44 is amended by revising paragraph (c) to remove the requirements for thoracotomy set and add "medical equipment" to the list of items that the ASC must make available if the medical staff requests it, to read as follows:

§ 416.44 Condition for coverage—environment.

* * * * *

(c) *Standard: Emergency equipment.* Emergency equipment available to the operating rooms must include at least the following:

(1) Emergency call system.

(2) Oxygen.

(3) Mechanical ventilatory assistance equipment including airways, manual breathing bag, and ventilator.

(4) Cardiac defibrillator.

(5) Cardiac monitoring equipment.

(6) Tracheostomy set.

(7) Laryngoscopes and endotracheal tubes.

VOL 52 ISS 243 DEC 18 1987 UMI

(8) Suction equipment.

(9) Emergency medical equipment, and supplies specified by the medical staff.

* * * * *

D. Part 421 is amended as set forth below:

PART 421—INTERMEDIARIES AND CARRIERS

1. The authority citation continues to read as follows:

Authority: Secs. 1102, 1815, 1816, 1833, 1842, 1861(u), 1871, 1874, and 1875 of the Social Security Act (42 U.S.C. 1302, 1395g, 1395h, 1395l, 1395u, 1395x(u), 1395hh, 1395kk, and 1395ll), and 42 U.S.C. 1395b–1.

2. Section 421.100 is amended by revising the introductory text and paragraphs (a) and (f) to read as follows:

§ 421.100 Intermediary functions.

An agreement between HCFA and an intermediary specifies the functions to be performed by the intermediary, which must include, but are not necessarily limited to, the following:

(a) *Coverage.* (1) The intermediary assures that it makes payments only for services that are:

(i) Furnished to Medicare beneficiaries;

(ii) Covered under Medicare; and

(iii) In accordance with PRO determinations when they are services for which the PRO has assumed review responsibility under its contract with HCFA.

(2) The intermediary takes appropriate action to reject or adjust the claim if—

(i) The intermediary or the PRO determines that the services furnished or proposed to be furnished were not reasonable, not medically necessary, or not furnished in the most appropriate setting; or

(ii) The intermediary determines that the claim does not properly reflect the kind and amount of services furnished.

* * * * *

(f) *Reconsideration of determinctions.* The intermediary must establish and maintain procedures approved by HCFA for the reconsideration of its determinations to deny payments to an individual or to the provider that furnished services to the individual. The PRO performs reconsideration of cases in which it made a determination subject to reconsideration.

3. A new § 421.111 is added to read as follows:

§ 421.111 Provision for automatic renewal of agreements.

Agreements under this subpart may contain an automatic renewal provision, continuing the agreements from term to term unless either party gives notice, within timeframes specified in the agreement, of its intention not to renew the agreement.

4. Section 421.200 is amended by revising the introductory text and paragraph (a) to read as follows:

§ 421.200 Carrier functions.

A contract between HCFA and a carrier specifies the functions to be performed by the carrier, which must include, but are not necessarily limited to, the following:

(a) *Coverage.* (1) The carrier assures that payment is made ony for services that are:

(i) Furnished to Medicare beneficiaries;

(ii) Covered under Medicare; and

(iii) In accordance with PRO determinations when they are services for which the PRO has assumed review responsibility under its contract with HCFA.

(2) The carrier takes appropriate action to reject or adjust the claim if—

(i) The carrier or the PRO determines that the services furnished or proposed to be furnished were not reasonable, not medically necessary, or not furnished in the most appropriate setting;

(ii) The carrier determines that the claim does not properly reflect the kind and amount of services furnished.

* * * * *

5. Section 421.204 is revised to remove the requirement for a 90-day notice of intent not to renew a carrier contract, and require instead that notice be in accordance with the contract, to read as follows:

§ 421.204 Provision for automatic renewal of contracts.

Contracts under this subpart may contain an automatic renewal provision, continuing the contract from term to term unless either party gives notice, within timeframes specified in the contract, of its intention not to renew the contract.

E. Part 441 is amended as set forth below:

PART 441—SERVICES: REQUIREMENTS AND LIMITS APPLICABLE TO SPECIFIC SERVICES

1. The authority citation continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302) unless otherwise noted.

2. In § 441.11 the term "subchapter" is changed to "chapter" wherever it appears; the introductory text of paragraph (c) is reprinted, and a new paragraph (c)(8) is added, to read as follows:

§ 441.11 Continuation of FFP for institutional services.

* * * * *

(c) *Services for which FFP may be continued.* FFP may be continued for any of the following services, as defined in Subpart A of Part 440 of this chapter:

* * * * *

(8) Skilled nursing facility services for individuals under 21.

F. Part 489 is amended as set forth below:

PART 489—PROVIDER AGREEMENTS UNDER MEDICARE

1. The authority citation continues to read as follows:

Authority: Secs. 1102, 1861, 1864, 1866, and 1871 of the Social Security Act (42 U.S.C. 1302, 1395x, 1395aa, 1395cc, and 1395hh).

§ 489.12 [Amended]

2. Section 489.12 is amended by revising paragraph (a)(3) and revising paragraph (b), to read as follows:

() *Bases for denial.** * *

(3) The provider or prospective provider is unable to give satisfactory assurances of compliance with the requirements of title XVIII of the Act.

(b) [Reserved]

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program; No. 13.773, Medicare—Hospital Insurance, and No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: June 12, 1987.

Willam L. Roper,

Administrator, Health Care Financing Administration.

Approved: July 8, 1987.

Otis R. Bowne,

Secretary.

[FR Doc. 87–28904 Filed 12–17–87; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87–543, RM–5617]

Radio Broadcasting Services; Arizona City, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by The Alpha Group, licensee of Station KXMK(FM) (Channel 292A), Arizona City, Arizona, seeking the substitution of Channel 293A for Channel 292A and modification of its license accordingly.

DATES: Comments must be filed on or before February 1, 1988, and reply comments on or before February 16, 1988.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner and its consultant, as follows: John Saathoff, Station KXMK(FM), P.O. Box 2587, Arizona City, AZ 85223 (on behalf of petitioner) and C.R. Crisler, Double Eagle Broadcast Services Co., P.O. Box 6324, Fort Smith, AR 72906 (consultant).

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–543, adopted November 25, 1987, and released December 14, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–29056 Filed 12–17–87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87–538, RM–5872]

Radio Broadcasting Services; Searles Valley, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Debra D. Carrigan seeking the deletion of Channel 283A at Searles Valley, CA on the basis of its lack of community status. In addition, Federal Aviation Administration imposed constraints may render the Class A channel incapable of providing a 70 dBu signal.

DATES: Comments must be filed on or before February 1, 1988, and reply comments on or before February 16, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Jerrold Miller, Esq., Miller & Fields, P.C., P.O. Box 33003, Washington, DC 20033.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–538, adopted November 1, 1987, and released December 11, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–29054 Filed 12–17–87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87–537, RM–6039]

Television Broadcasting Services; Kingston and Oneonta, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Mohawk-Hudson Council on Educational Television, Inc., proposing the deletion of noncommercial educational Channel No. 42 from Oneonta, New York, and its reallocation to Kingston, New York. Channel No. 42 can be allocated to Kingston in compliance with the Commission's minimum distance separation requirements with a site restriction of 15.3 kilometers (9.5 miles) northwest to avoid a short-spacing to Station WGBY-TV, Channel 57, Springfield, Massachusetts, and to Channel 42which is proposed for allocation to Philadelphia for land mobile use in Gen. Docket 85–172, 50 FR 25587, June 20, 1987. Canadian concurrence in the allocation at Kingston is required since the community is located within 250 miles of the U.S.-Canadian border.

DATES: Comments must be filed on or before February 1, 1988, and reply comments on or before February 16, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Robert A. Woods, Malcolm G. Stevenson, Schwartz, Woods & Miller, Suite 208, The Palladium, 1325–18th Street, NW., Washington, DC 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–537, adopted November 12, 1987, and released December 11, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M

VOL 52 ISS 243 DEC 18 1987 UMI

Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration of court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–29052 Filed 12–17–87; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 87–545, RM–6046]

Radio Broadcasting Services; Hereford, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Don Werlinger d/b/a The Broadcast Development Group, Inc., proposing the allotment of Channel 278C2 to Hereford, Texas, as a second local FM service.

DATES: Comments must be filed on or before February 1, 1988, and reply comments on or before February 16, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Don Werlinger, P.O. 1223, Lockhart, Texas 78644 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–545 adopted November 25, 1987, and released December 11, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87–29050 Filed 12–17–87; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 87–534, RM–6067]

Radio Broadcasting Services; Lubbock, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Barton Broadcasting Company, permittee of FM Station KEJS, Channel 292A at Lubbock, Texas, proposing the substitution of Channel 293C2 for Channel 292A and modification of its construction permit to specify operation on the higher class channel. A site restriction of 3.6 kilometers (2.2 miles) east of the community is required.

DATES: Comments must be filed on or before February 1, 1988, and reply comments on or before February 16, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Thomas L. Root, Esquire, Jill L. Rygwalski, Esquire, Thomas L. Root, P.C., 2021 L Street, NW., Suite 750, Washington, DC 20036 (Counsels for petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–534, adopted November 23, 1987, and released December 11, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87–29053 Filed 12–17–87; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 87–546, RM–6068]

Radio Broadcasting Services; Marble Falls, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Don Werlinger d/b/a The Broadcast Development Group, Inc., proposing the allotment of Channel 300A to Marble Falls, Texas, as that community's first FM service. The channel requires a site restriction 2.9 kilometers (1.8 miles) southwest of the community. The proposal also requires concurrence of the Mexican government.

DATES: Comments must be filed on or before February 1, 1988, and reply comments on or before February 16, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Don Werlinger, P.O. Box 1223, Lockhart, Texas 78644 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–546 adopted November 25, 1987, and released December 11, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87–29051 Filed 12–17–87; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 87–547, RM–6093]

Radio Broadcasting Services; Kelso, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by P–N–P Broadcasting, Inc. proposing the allotment of Channel 233A to Kelso, Washington, as that community's first local FM station. A site restriction of 6.8 kilometers (4.2 miles) west of the community is required. In addition, concurrence of the Canadian government is required.

DATES: Comments must be filed on or before February 1, 1988, and reply comments on or before February 16, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Duane J. Polich, President, P–N–P Broadcasting, Inc., 9235 N.E. 175th, Bothell, Washington 98011 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–547, adopted November 25, 1987, and released December 11, 1987.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87–29055 Filed 12–17–87; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 87–544, RM–6070]

Radio Broadcasting Services; Ravenswood, WV

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Ohio River Broadcasting proposing the allotment of Channel 284A to Ravenswood, West Virginia, as that community's second local FM station. A site restriction of 8.8 kilometers (5.5 miles) north of the community is required. In addition, concurrence of the Canadian government is required.

DATES: Comments must be filed on or before February 1, 1988, and reply comments on or before February 16, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Rex Osborne, President, Ohio River Broadcasting, Radio Station WMOV, P.O. Box 647 Ravenswood, WV 26164 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–544, adopted November 25, 1987 and released December 14, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed

BEST COPY AVAILABLE

Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-29057 Filed 12-17-87; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 52, No. 243
Friday, December 18, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

National Forest System Law Enforcement Advisory Council; Intent To Establish

AGENCY: Office of the Secretary, USDA.

ACTION: Notice; intent to establish advisory committee.

SUMMARY: The Office of the Secretary hereby gives notice of his intent to establish a National Forest System Law Enforcement Advisory Council. The public may send written comments on establishment of the Council and/or to nominate persons to the Council.

DATE: Comments must be received by January 4, 1988.

ADDRESSES: Send written comments to F. Dale Robertson, Chief (5300), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090.

The public may inspect comments received on this proposal in the office of the Director, Fiscal & Public Safety Staff, Room 701 RPE, Rosslyn Plaza East, Arlington, Virginia, between the hours of 8:30 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Cecil L. Wilson, Law Enforcement Branch, Fiscal & Public Safety Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090, (703/235-8484).

SUPPLEMENTARY INFORMATION: In the last 2 decades, law enforcement has become an increasingly important aspect of management of the National Forest System as increases in criminal activity within the Forests have mirrored growth in criminal activity in the rest of the society. The recent enactment of the National Forest Drug Control Act of 1986 (16 U.S.C. 559b-f) is evidence of the growing need for increased law enforcement activities in the management of the National Forest System. Accordingly, the Secretary has determined that it is necessary and in the public interest to establish a National Forest System Law Enforcement Advisory Council to assist the Secretary in the protection of the public who use National Forest System lands and their property, employees, forest resources, and Federal property.

The Council will consist of 9-13 members who shall serve 2-year terms. The chairperson shall be the Deputy Chief for Administration of the Forest Service with a non-Federal member serving as the vice-chairperson. The Director of the Forest Service Fiscal and Public Safety Staff shall serve as Secretary. The other members will be appointed by the Secretary of Agriculture. The Council members shall be selected to reflect a spectrum of natural resource and law enforcement interests, expertise, and experience. Members may be chosen from National Forest user groups, industry, academia, State and local governments, professional and natural resources-oriented organizations, labor organizations, urban and rural interests, consumer groups, and the public at large.

The Council's purpose is to advise the Secretary on development and administration of law enforcement within the Forest Service. Specific areas in which the Council will advise are:

(1) Enforcement of Federal laws and regulations relating to the National Forest System;

(2) Cooperation with State and local law enforcement agencies in the enforcement of all States and local laws on lands within the boundaries of the National Forest System;

(3) Aid to States in all ways that are practical in the enforcement of the law of the States concerning livestock, the prevention and extinguishing of forest fires, and the protection of fish and wildlife;

(4) Aid to other Federal agencies in the performance of their duties as they relate to the National Forest System; and

(5) Eradication, prevention, detection, and investigation of controlled substances on National Forest System lands.

In conducting its business, the Council shall seek the views and advice of a variety of public interest groups, Government, organizations, and concerned individuals.

All meetings will be open to the public except when a determination is made in writing by the Secretary that any or all portions of a meeting should be closed in accordance with 5 U.S.C. 552b(c).

Persons wishing to comment on the Council's purpose, responsibility, and composition or to nominate individuals for membership should reply to this notice in writing to the Chief of the Forest Service at the address and by the date indicated.

John F. Franke, Jr.,

Assistant Secretary for Administration.

Date: December 15, 1987.

[FR Doc. 87-29113 Filed 12-17-87; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Policy for Ground Water Quality

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: The Department of Agriculture has adopted a formal policy for ground water quality protection and enhancement. This policy provides general guidance to the agencies in the Department for helping to protect water users and the natural environment from exposure to harmful amounts of substances in ground water, especially in rural areas and communities, and to enhance ground water quality where appropriate. The USDA supports the prudent use and careful management of soil, crop, and livestock nutrients as well as manufactured agricultural chemicals to prevent unacceptable contamination of ground water in agriculture and silviculture. Emphasis is given to programs and practices that encourage prudent management actions that can minimize or obviate the need for imposing statutory or regulatory restrictions on the use of chemicals that are essential for economical, efficient, and sustainable agricultural production. The full text of the policy statement is provided below.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald B. Buckhalt, Director of Public Liaison, U.S. Department of Agriculture, Room 241-E, Washington, DC 20250, (202) 447-2798.

USDA Policy for Ground Water Quality

Purpose

This statement documents and sets forth the policy of the United States Department of Agriculture (USDA) to

VOL 52 ISS 243 DEC 18 1987 UMI

protect and enhance ground water quality.

Background

Ground water quality is important to all Americans, and it is the intent of the Department of Agriculture to assure that its programs and activities reflect that importance. There exists evidence that the quality of ground water may be affected by contamination from many sources, including some occurring naturally and some induced by agricultural and silvicultural practices. The Nation's farmers, ranchers, and foresters have need to prudently use agricultural chemicals to provide the food and fiber necessary for improving the quality of life of all mankind, and to meet the needs of a growing population and an expanding economy.

This ground water policy statement is issued to improve the management, coordination, and effectiveness of USDA assistance to farmers, ranchers, foresters, State and local government agencies, and other water users in rural areas.

USDA General Policy for Ground Water Quality

With the need to continue the prudent and sustained use of the Nation's renewable natural resources, it is the policy of USDA to help protect water users and the natural environment from exposure to harmful substances in ground water, especially in rural areas, and to enhance ground water quality where appropriate.

Accordingly, USDA will:

a. Support the purdent use and careful management of nutrients and other agricultural chemicals in agriculture and silviculture with the objective of avoiding future ground water contamination. Where ground water quality enhancement is needed, foster alternative crop management systems, improvements in the management of nutrients and crops, and reductions in the use of chemicals as appropriate.

b. Advocate and foster programs, activities, and practices that can prevent the harmful contamination of ground water from agricultural, silvicultural, and other rural sources to minimize, or make unnecessary, regulatory restrictions on the use of chemicals essential to agricultural production.

USDA Policy for Research, Information-Education and Technology Transfer

a. Continue to conduct and support research, monitoring, assessment, and evaluation of: (1) Factors affecting the movement of nutrients and agricultural chemicals in soils, (2) effectiveness of efforts to protect ground water quality, (3) procedures to predict the effects of changes in chemical management, (4) effects of agricultural and silvicultural practices on chemical movement in ground water, (5) economic benefits of agricultural chemical uses, (6) economic effects of various strategies to reduce ground water contamination, and (7) relative hazards to animal and human health of substances in soil and ground water.

b. Provide both nationwide and site-specific information, education, and technical assistance to private landowners to encourage them to use agricultural and silvicultural practices, including non-chemical methods of pest control, that can minimize the risks of ground water contamination levels that are harmful to public health and the environment.

c. Provide information and education to people and communities in rural areas about methods to maintain safe wells; to avoid local contamination by pathogens, agricultural chemicals, other nutrients, and other substances; to obtain tests of ground water quality; and to treat their water to remove natural and artificial contaminants where needed.

USDA Policy for Cooperation and Coordination

a. Strive to assure that Departmental policies and programs are implemented in a manner that encourages agricultural and silvicultural practices that avoid harmful levels of contamination in ground water.

b. Coordinate with state agencies, other federal agencies, manufacturers, and others to help ensure that they adequately consider the needs of agricultural and silvicultural lands users to use nutrients and pesticides correctly to maintain productivity of soil, plant, and animal resources. Coordinate with and encourage agencies, manufacturers and others to help agricultural and silvicultural land users, through technology transfer, to demonstrate how they may avoid or minimize adverse affects on ground water quality.

Peter C. Myers,

Acting Secretary.

December 14, 1987.

[FR Doc. 87-29026 Filed 12-17-87; 8:45 am]

BILLING CODE 3410-01-M

Determination of Quota Period and Import Quotas for Sugar

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: This notice establishes a sugar import quota period of January 1, 1988 through December 31, 1988 and an import quota of 708,280 short tons, raw value, for such period.

EFFECTIVE DATE: January 1, 1988.

FOR FURTHER INFORMATION CONTACT: John Nuttall, Foreign Agricultural Service, Department of Agriculture, Washington, DC 20250, Telephone: (202) 447-2916.

SUPPLEMENTARY INFORMATION: Presidential Proclamation No. 4941 of May 5, 1982, amended Headnote 3 of Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (TSUS) to establish a system of import quotas for foreign sugar coming into the United States. Under the terms of Headnote 3, the Secretary of Agriculture established an annual sugar import quota period of October 1–September 30 beginning October 1, 1982. (47 FR 34812.)

Presidential Proclamation No. 4941 also permits the Secretary of Agriculture, after consultations with the U.S. Trade Representative and the Department of State, to establish quota periods for other than quarterly periods, if he determines that such periods are appropriate to give due consideration in the United States sugar market to the interests of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade. This notice announces the Secretary of Agriculture's determinations, after the appropriate consultations, that the sugar import quota period shall begin on January 1, 1988 and terminate on December 31, 1988 and that the import quota for such period shall be 708,280 short tons, raw value.

Notice

Notice is hereby given that, in accordance with the requirements of Headnote 3, Subpart A, Part 10, Schedule 1 of the TSUS, I have determined that up to 708,280 short tons, raw value, of sugar described in items 155.20 and 155.30 of the TSUS may be entered or withdrawn from warehouse for consumption during the period January 1, 1988 through December 31, 1988. Of the 708,280 short tons, raw value, 2,000 short tons, raw value, are reserved for specialty sugars from countries listed in paragraph (c)(ii) of Headnote 3 and 6,280 short tons, raw value, are reserved as a quota adjustment amount allocated in accordance with paragraph (c)(iii) of Headnote 3.

I have also determined that this quota amount (708,280 short tons, raw value) and quota period give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

In conformity with the above, paragraph (a)(i) of Headnote 3, Subpart A, Part 10, Schedule 1 of the TSUS is modified to read as follows:

3. (a)(i) The total amount of sugars, sirups and molasses described in items 155.20 and 155.30, the products of all foreign countries entered, or withdrawn from warehouse for consumption, during the period January 1, 1988 through December 31, 1988 shall not exceed in the aggregate 708,280 short tons, raw value. Of this amount, the total amount permitted to be imported for purposes of paragraph (c)(i) of this headnote (the total base quota amount) shall be 700,000 short tons, raw value; 2,000 short tons, raw value, may only be used for the importation of "specialty sugars," as defined by the United States Trade Representative in accordance with paragraph (c)(ii) of this headnote; and the remaining 6,280 short tons, raw value, may only be imported for the purposes specified in paragraph (c)(iii) of this headnote (the quota adjustment amount).

Signed at Washington, DC, on December 15, 1987.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 87-29076 Filed 12-15-87; 4:02 pm]

BILLING CODE 3410-10-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 42-87]

Foreign-Trade Zone 89, Las Vegas, NV: Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Nevada Development Authority (NDA), grantee of Foreign-Trade Zone 89, requesting authority to expand the zone to include four additional sites totalling 903 acres in the Las Vegas area, within the Las Vegas Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 11, 1987.

The Las Vegas zone was approved in November 1983, and comprises four sites (53 acres) in Las Vegas and Clark County, Nevada. The requested expansion would involve four additional sites, totalling 903 acres, in the Las Vegas area: (a) Hughes Airport Center (292 acres), bounded by Paradise Road, White Drive, Chaparral Road, Pilot Road and Gilespie Road, (b) Whitney Mesa Business Center (38 acres), Sunset Road and Ramrod Street, (c) North Las Vegas Business Center (37 acres), Craig Road and North 5th Street, and (d) AMPAC Development Company Business Park (536 acres), Gibson Road.

The additional sites are being requested to provide a broader range of facilities for prospective zone users. The Board will consider whether the number of separate sites being requested is needed to serve the public interest.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Joseph Lowry (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; John Heinrich, District Director, U.S. Customs Service, Pacific Region, 300 South Ferry Street, Terminal Island, San Pedro, California 90731; and Colonel Tadahiko Ono, District Engineer, U.S. Army Engineer District Los Angeles, P.O. Box 2711, Los Angeles, California 90053–2325.

Comments concerning the proposed expansion are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before February 1, 1988.

A copy of the application is available for public inspection at each of the following locations:

Office of the Port Director, U.S. Customs Service, International Arrivals Building, P.O. Box 11049, Las Vegas, Nevada 89111;

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Pennsylvania Avenue NW., Room 1529, Washington, DC 20230.

Dated: December 14, 1987.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 87-29100 Filed 12-17-87; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Catholic University of America et al.; Consolidated Decision on Applications for Duty-Free Entry of ICP-MS

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 87–298. *Applicant:* The Catholic University of America.
Intended Use: See notice at 52 FR 42028.

Docket Number: 87–302. *Applicant:* University of California-LLNL.
Intended Use: See notice at 52 FR 42029.

Docket Number: 87–304. *Applicant:* University of California-LLNL.
Intended Use: See notice at 52 FR 42029.

Instrument: Inductively Coupled Plasma Mass Spectrometer, Model Plasma Quad.

Manufacturer: VG Isotopes, Ltd., United Kingdom.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides simultaneous qualitative and semi-qualitative data for major, minor and trace constituents and abundance sensitivity of at least 10–5 for both high and low mass.

The capability of each of the foreign instruments described above is pertinent to each applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-29102 Filed 12-17-87; 8:45 am]

BILLING CODE 3510-DS-M

Pennsylvania State University; Consolidated Decision on Applications for Duty-Free Entry of Electro Optical Extensometers

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 87–083.
Intended use: See notice at 52 FR 4164.

Docket Number: 87–244.
Intended use: See notice at 52 FR 30841.

Applicant: The Pennsylvania State University.

Instrument: Optical Extensometers.

Manufacturer: Zimmer, OHG, West Germany.

Advice Submitted By: National Bureau of Standards, November 4, 1987.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States.

Reasons: The foreign instruments provide a resolution of 0.16 μm at 10 Hz and measurement of specimens at temperatures up to 1600°C.

The National Bureau of Standards advises in its memorandum that (1) the capability of each of the foreign instruments described above is pertinent to each applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87–29103 Filed 12–17–87; 8:45 am]

BILLING CODE 3510-DS-M

Research Foundation of the State University of New York; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 87–303. *Applicant:* The Research Foundation of the State University of New York, P.O. Box 9, Albany, NY 12201–0009. *Instrument:* X–Y–Z and Rotation Stage for NRD Press. *Manufacture:* NRD Corporation, Japan. *Intended Use:* See notice at 52 FR 42029, November 2, 1987.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: This is a compatible accessory for an instrument previously imported for the use of the applicant. The instrument and accessory were made by the same manufacturer.

We know of no domestic accessory which can be readily adapted to the instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87–29104 Filed 12–17–87; 8:45 am]

BILLING CODE 3510-DS-M

Rutgers University, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301. Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 87–289. *Applicant:* Rutgers University, Procurement and Contracting, P.O. Box 1089, Piscataway, NJ 08854. *Instrument:* Portable Dilution Refrigerator. *Manufacturer:* D.Ph.S.R.M., CEN Saclay, France. *Intended Use:* See notice at 52 FR 42027, November 2, 1987. *Reasons For This Decision:* The foreign article provides a minimum temperature of ≃ 50 millikelvin.

Docket Number: 87–290. *Applicant:* Rutgers University, Procurement and Contracting, P.O. Box 1089, Piscataway, NJ 08854. *Instrument:* Dilution Refrigerator. *Manufacturer:* Oxford Instruments, United Kingdom. *Intended Use:* See notice at 52 FR 37357, October 6, 1987. *Reasons For This Decision:* The foreign article provides temperatures as low as 5 mK.

Docket Number: 87–215. *Applicant:* University of Washington, Department of Chemistry, BG–10, Seattle, WA 98195. *Instrument:* Molecular Beam Equipment. *Manufacturer:* Australian National University, Australia. *Intended Use:* See notice at 52 FR 30942, August 18, 1987. *Reasons For This Decision:* The foreign article is capable of measuring spectra of molecular clusters to 1 part in 1,000,000 in the region of 3000 cm^{-1}.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States. The capability of each of the foreign instruments described above is pertinent to each applicant's intended purposes. We know of no instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87–29105 Filed 12–17–87; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

Visiting Committee; Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the National Bureau of Standards' Visiting Committee will meet Tuesday, January 26, 1988, from 8:30 a.m. to 4:30 p.m., and Wednesday, January 27, 1988, from 8:30 a.m. to 10:00 a.m., in Lecture Room A, Administration Building, National Bureau of Standards, Gaithersburg, Maryland; from 2:00 p.m. to 3:00 p.m. in Room 5854, Department of Commerce, Washington DC.

The NBS Visiting Committee is composed of five members prominent in the fields of science and technology and appointed by the Secretary of Commerce.

The purpose of the meeting is to consider the implications of the legislation presently under consideration by Congress.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting. Any person wishing to attend the meeting should inform Peggy Webb, Office of the Director, National Bureau of Standards, Gaithersburg, MD 20899, telephone 301–975–2411.

Ernest Ambler,

Director.

Date: December 14, 1987.

[FR Doc. 87–29118 Filed 12–17–87; 8:45 am]

BILLING CODE 3510-13-M

National Conference on Weights and Measures; Interim Meetings

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice meeting.

SUMMARY: Notice is hereby given that the Interim Meetings of the National Conference on Weights and Measures will be held January 11 through January 15, 1988, at the National Bureau of Standards, Gaithersburg, Maryland. The meeting is open to the public.

The National Conference on Weights and Measures is an organization of weights and measures enforcement officials of the States, counties, and cities of the United States, and private sector representatives. The interim meetings of the Conference, as well as the annual meeting to be held next July (a notice will be published in the **Federal Register** prior to such meeting), brings together enforcement officials, other government officials, and representatives of business, industry, trade associations, and consumer organization to discuss subjects that relate to the field of weights and measures technology and administration.

Pursuant to section 2(5) of its Organic Act (15 U.S.C. 272(5)), the National Bureau of Standards acts as a sponsor of the National Conference on Weights and Measures in order to promote uniformity among the States in the complex of laws, regulations, methods, and testing equipment that comprises regulatory control by the States of commercial weighing and measuring.

DATE: The meeting will be held January 11–15, 1988.

Location of Meeting: The National Bureau of Standards, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: Albert D. Tholen, Executive Secretary, National Conference on Weights and Measures, P.O. Box 3137, Gaithersburg, Maryland 20878; telephone: (301) 975–4009.

Ernest Ambler,

Director.

Date: December 11, 1987.

[FR Doc. 87–29106 Filed 12–17–87; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Permits; Foreign fishing

This document publishes for public review a summary of applications received by the Secretary of State requesting permits for foreign vessels to fish in the exclusive economic zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801 *et seq.*).

Send comments on applications to:

Fees and Permits Branch (F/TS21), National Marine Fisheries Service, Department of Commerce, Washington, DC 20235.

or, send comments to the Fishery Management Council(s) which review the application(s), as specified below:

Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01906, 617/231–0422.

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, 320 South New Street, Dover, DE 19901, 302/674–2331.

Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407, 803/571–4366.

Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Banco De Ponce Building, Suite 1108, Hato Rey, PR 00918, 809/753–4926.

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Blvd., Tampa, FL 33609, 813/228–2815.

Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Building, Suite 420, 2000 S.W. First Avenue, Portland, OR 97201, 503/221–6352.

Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510, 907/274–4563.

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813, 808/523–1368.

For further information contact John D. Kelly or Shirley Whitted (Fees and Permits Branch, 202–673–5319).

The Magnuson Act requires the Secretary of State to publish a notice of receipt of all applications for such permits summarizing the contents of the applications in the **Federal Register**. The National Marine Fisheries Service, under the authority granted in a memorandum of understanding with the Department of State effective November 29, 1983, issues the notice on behalf of the Secretary of State.

Individual vessel applications for fishing in 1988 have been received from the Governments shown below.

Dated: December 14, 1987.

Carmen J. Blondin,

Special Associate for Trade, National Marine Fisheries Service.

Fishery codes and designation of Regional Fishery Management Councils which review applications for individual fisheries are as follows:

Code	Fishery	Regional fishery management councils
ABS	Atlantic Billfishes and Sharks.	New England, Mid Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA	Bering Sea and Aleutian Islands Groundfish.	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic Ocean.	New England, Mid-Atlantic.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Pacific Groundfish (Washington, Oregon and California).	Pacific.
PBS	Pacific Billfishes and Sharks.	Western Pacific.

Activity codes which specify categories of fishing operations applied for are as follows:

Activity code	Fishing operations
1	Catching, processing and other support.
2	Processing and other support only.
3	Other support only.
*	Vessel(s) in support of U.S. vessels Joint Venture).
**	Cargo transport vessels with fish finding equipment on board will receive an activity code 2 to enable them to perform both scouting as well as support activities

Joint Venture

SPECIES

[In metric tons]

Country	Northwest Atlantic Ocean Fisheries			
	Illex Squid	Mackerel	Hakes	
			Silver	Red
Faroe Islands [1]	2000	1000 (*3000)	9500	1000
Poland [2] (amendment correction)		3600 (*16200)		

[1] Faroe Islands' partner: Mayflower Group International Gloucester, MA.
[2] Polish partner: Scan Ocean, Inc., Gloucester, MA.
*Directed fishing.

Correction

The Polish amendment for the mackeral request was incorrectly listed in the previously published notice dated December 4, 1987, 52FR46112. The corrected amounts are listed above.

The following list of vessels was referenced in the notice published December 4, 1987, 52FR46112:

Nation, Vessel name and Vessel type	Application number	Fishery	Activity
GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA			
Geng Hai, Large stern trawler	CH-88-0001	BSA, WOC	1*
		GOA	2*
Kai Chuang, Large stern trawler	CH-88-0003	BSA, WOC	1*
		GOA	2*
Yan Yuan 1, Large stern trawler	CH-88-0002	BSA, WOC	1*
		GOA	2*
Yan Yuan No. 2, Large stern trawler	CH-88-0006	BSA, WOC	1*
		GOA	2*
Yun Hai, Large stern trawler	CH-88-0007	BSA, WOC	1*
		GOA	2*
GOVERNMENT OF DENMARK			
Ice Flower, Cargo/transport vessel	DA-88-0003	NWA	3
Ice Pearl, Cargo/transport vessel	DA-88-0009	NWA	3
Iceberg, Cargo/transport vessel	DA-88-0001	NWA	3
Iceblink, Cargo/transport vessel	DA-88-0002	NWA	3
Iceport, Cargo/transport vessel	DA-88-0004	NWA	3
Snowdrop, Cargo/transport vessel	DA-88-0007	NWA	3
GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC			
Bodo Uhse, Large stern trawler	GC-88-0040	NWA	1*
Bruno Apitz, Large stern trawler	GC-88-0053	NWA	1*
Willi Bredel	GC-88-0002	NWA	1*
Eduard Claudius, Large stern trawler	GC-87-0059	NWA	1*
Ehm Welk, Large stern trawler	GC-88-0041	NWA	1*
Lichtenhagen, Cargo/transport vessel	GC-88-0055	NWA	3
Ludwig Renn, Large stern trawler	GC-88-0054	NWA	1*
Reutershagen, Cargo/transport vessel	GC-88-0056	NWA	3
GOVERNMENT OF ICELAND			
Olaf I Gardastovu, Factory ship	IC-88-0004	BSA, GOA	2*
GOVERNMENT OF JAPAN			
Banshu Maru No. 6, Large stern trawler	JA-88-0373	NWA	1*
Banshu Maru No. 7, Large stern trawler	JA-88-0374	NWA	1*
Taiyo Maru No. 83, Medium stern trawler	JA-88-0360	NWA	1*
Zao Maru, Large stern trawler	JA-88-0361	NWA	1*
GOVERNMENT OF THE REPUBLIC OF KOREA			
Chaog Yang Ho, Large stern trawler	KS-88-0003	BSA,	1*
		GOA	2*
Coral Star, Cargo/transport vessel	KS-88-0135	BSA, GOA	3
Crystal Dahlia, Large stern trawler	KS-88-0034	BSA,	1*
		GOA	2*
Dae Jin No. 21, Large stern trawler	KS-88-0136	BSA,	1*
		GOA	2*
Dae Sung Ho, Large stern trawler	KS-88-0051	BSA, WOC	1*
		GOA	2*
Daejin No. 52, Large stern trawler	KS-88-0037	BSA,	1*
		GOA	2*
No. 99 Tae Baek, Cargo/transport vessel	KS-88-0079	BSA, GOA	3
Dongsan-Ho, Large stern trawler	KS-88-0039	BSA,	1*
		GOA	2*
Gae Cheog Ho, Factory ship	KS-88-0112	BSA, GOA	2*
Gae Cheog Ho No. 2, Cargo/transport vessel	KS-88-0090	BSA, GOA	3
Gae Yang Ho, Large stern trawler	KS-88-0001	BSA,	1*
		GOA	2*
Han Kil Ho, Medium stern trawler	KS-88-0044	BSA,	1*
		GOA	2*
Hanil Ho, Medium stern trawler	KS-88-0107	BSA,	1*
		GOA	2*
Joon Sung Ho, Large stern trawler	KS-88-0137	BSA, WOC,	1*
		GOA	2*
Kyung Yang Ho, Large stern trawler	KS-88-0085	BSA,	1*
		GOA	2*
Nam Bug Ho, Large stern trawler	KS-88-0033	BSA,	1*
		GOA	2*
Nam Joo Ho, Tanker fuel/water	KS-88-0146	BSA, GOA	3
No. 103 Nam Chang, Cargo/transport vessel	KS-88-0141	BSA, GOA	3
No. 29 Tae Baek, Factory ship	KS-88-0091	BSA, GOA	2*
No. 501 Dong Soo, Cargo/transport vessel	KS-88-0119	BSA, GOA	3
No. 602 Tae Woong, Medium stern trawler	KS-88-0105	BSA,	1*
		GOA	2*
No. 70 Oyang Ho, Large stern trawler	KS-88-0048	BSA	1*
		GOA	2*
No. 71 Dong Bang, Large stern trawler	KS-88-0121	BSA, GOA	1*
No. 77 Dong Bang, Cargo/transport vessel	KS-88-0118	BSA, GOA	3
No. 9 Jeong Woo, Cargo/transport vessel	KS-88-0139	BSA, GOA	3
No. 1 Han Sung, Large stern trawler	KS-88-0106	BSA,	1*
		GOA	2*
No. 3 Chil Bo San Ho, Cargo/transport vessel	KS-88-0074	BSA,GOA	3
No. 5 Chil Bo San Ho, Cargo/transport vessel	KS-88-0075	BSA,GOA	3
No. 6 Chil Bo San Ho, Cargo/transport vessel	KS-88-0076	BSA,GOA	3
No. 7 Sang Won, Medium stern trawler	KS-88-0041	BSA,	1*
		GOA	2*
Ocean Express, Cargo/transport vessel	KS-88-0142	BSA,GOA	3
Odaeyang No. 106, Cargo/transport vessel	KS-88-0099	BSA,GOA	3
Oryong No. 501, Large stern trawler	KS-88-0123	BSA,	1*
		GOA	2*
Oryong No. 503, Large stern trawler	KS-88-0095	BSA,	1*
		GOA	2*
Oyang Ho, Large stern trawler	KS-88-0006	BSA,	1*
		GOA	2*
Pung Yang Ho, Large stern trawler	KS-88-0004	BSA,	1*
		GOA	2*

Nation, Vessel name and Vessel type	Application number	Fishery	Activity
Reefer No. 1, Cargo/transport vessel	KS-88-0147	BSA,GOA	3
Reefer No. 2, Cargo/transport vessel	KS-88-0148	BSA,GOA	3
Reefer No. 3, Cargo/transport vessel	KS-88-0149	BSA,GOA	3
Reefer No. 6, Cargo/transport vessel	KS-87-0150	BSA,GOA	3
Reefer No. 5, Cargo/transport vessel	KS-88-0098	BSA,GOA	3
Salvia, Large stern trawler	KS-88-0103	BSA,GOA	3
Shin An Ho, Large stern trawler	KS-88-0047	BSA,	1*
		GOA	2*
Khana, Cargo/transport vessel	KS-88-0145	BSA,GOA	3
Shin Yang Ho, Large stern trawler	KS-88-0122	BSA,	1*
		GOA	2*
Sunflower No. 7, Large stern trawler	KS-88-0002	BSA,	1*
		GOA	2*
Tae Baek Ho, Large stern trawler	KS-88-0042	BSA,	1*
		GOA	2*
Tae Woong Ho, Large stern trawler	KS-88-0143	BSA,	1*
		GOA	2*
Tae Yang No. 12, Cargo/transport vessel	KS-88-0081	BSA,GOA	3
Yuyang Ho, Large stern trawler	KS-88-0104	BSA,	1*
		GOA	2*
*GOVERNMENT OF THE NETHERLANDS			
Alida, Large stern trawler	NL-88-0006	NWA	1*
Annie Hillina, Medium stern trawler	NL-88-0027	NWA	1*
Ariadne, Medium stern trawler	NL-88-0009	NWA	1*
Astrid, Large stern trawler	NL-88-0028	NWA	1*
Cornelis Vrolijk Fzn, Medium stern trawler	NL-88-0014	NWA	1*
Dirk Dirk, Large stern trawler	NL-88-0026	NWA	1*
Friesland, Medium stern trawler	NL-88-0031	NWA	1*
Geertruid Margreta, Large stern trawler	NL-88-0032	NWA	1*
Hendrika Johanna, Medium stern trawler	NL-88-0025	NWA	1*
Holland, Large stern trawler	NL-88-0023	NWA	1*
Prins Bernard, Large stern trawler	NL-88-0007	NWA	1*
Zeeland, Large stern trawler	NL-88-0022	NWA	1*
*GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC			
Admiral Arciszewski, Large stern trawler	PL-88-0081	NWA	1*
Altair, Large stern trawler	PL-88-0115	BSA,WOC,NWA	1*
		GOA	2*
Amarel, Large stern trawler	PL-88-0046	BSA,WOC,NWA	1*
		GOA	2*
Andromeda, Large stern trawler	PL-88-0088	NWA	1*
Antares, Large stern trawler	PL-88-0037	BSA,WOC,NWA	1*
		GOA	2
Antoni Garnuszewksi, Cargo transport vessel	PL-88-0106	BSA,WOC,NWA	3
		GOA	
Aquarius, Large stern trawler	PL-88-0103	BSA,WOC,NWA	1*
		GOA	2*
Aquila, Large stern trawler	PL-88-0097	BSA,WOC,NWA	1*
		GOA	2*
Arcturus, Large stern trawler	PL-88-0036	BSA,WOC,NWA	1*
		GOA	2*
Awior, Large stern trawler	PL-88-0060	BSA,WOC,NWA	1*
		GOA	2*
Bogar, Large stern trawler	PL-88-0085	BSA,WOC,NWA	1*
		GOA	2*
Buran, Cargo/transport vessel	PL-88-0033	BSA,WOC,NWA	3
		GOA	
Cassiopeia, Large stern trawler	PL-88-0099	BSA,WOC,NWA	1*
		GOA	2*
Dalmor 2, Large stern trawler	PL-88-0114	BSA,WOC,NWA	1*
		GOA	2*
Delfin, Large stern trawler	PL-88-0065	BSA,WOC,NWA	1*
		GOA	2*
Denebola, Large stern trawler	PL-88-0075	BSA,WOC,NWA	1*
		GOA	2*
Denebola, Large stern trawler	PL-88-0075	BSA, WOC, NWA	1*
		GOA	2*
Dzieci Polskie, Cargo/transport vessel	PL-88-0091	BSA, GOA, NWA WOC	3
Garnela, Large stern trawler	PL-88-0008	BSA, WOC, NWA	1*
		GOA	2*
Gdynski Kosynier, Cargo/transport vessel	PL-88-0090	BSA, WOC, NWA	3
		GOA	
Gemini, Large stern trawler	PL-88-0048	BSA, WOC, NWA	1*
		GOA	2*
Gopio, Medium stern trawler	PL-88-0057	BSA, WOC, NWA	1*
		GOA	2*
Grinwal, Large stern trawler	PL-88-0007	BSA, WOC, NWA	1*
		GOA	2*
Hajduk, Large stern trawler	PL-88-0066	BSA, WOC, NWA	1*
		GOA	2*
Halniak, Cargo/transport vessel	PL-88-0029	BSA, WOC, NWA	3
		GOA	
Humbak, Large stern trawler	PL-88-0019	BSA, WOC, NWA	1*
		GOA	2*
Indus, Large stern trawler	PL-88-0094	BSA, WOC, NWA	1*
		GOA	2*
Kalmar, Large stern trawler	PL-88-0039	BSA, WOC, NWA	1*
		GOA	2*
Kantar, Large stern trawler	PL-88-0116	NWA	1*
Kapitan Ledochowski, Cargo/transport vessel	PL-88-0087	BSA, GOA, NWA WOC	3
Kaszuby 2, Cargo/transport vessel	PL-88-0027	BSA, GOA, NWA WOC	3

VOL 52 ISS 243 DE 18 1987 UMI

Nation, Vessel name and Vessel type	Application number	Fishery	Activity
Kocheve, Cargo/transport vessel	PL-88-0116	BSA, GOA, NWA	3
		WOC	
Kokas, Large stern trawler	PL-88-0050	BSA, WOC, NWA	1*
		GOA	2*
Kulbin, Large stern trawler	PL-88-0117	NWA	1*
Kunatika, Large stern trawler	PL-88-0021	NWA	1*
Laskara, Large stern trawler	PL-88-0024	NWA	1*
Lewanter, Cargo/transport vessel	PL-88-0030	BSA, GOA, NWA	3
		WOC	
Manta, Large stern trawler	PL-88-0052	BSA, WOC, NWA	1*
		GOA	2*
Merlin, Large stern trawler	PL-88-0034	BSA, WOC, NWA	1*
		GOA	2*
Mezury, Cargo/transport vessel	PL-88-0098	BSA, GOA, NWA	3
		WOC	
Mors, Large stern trawler	PL-88-0063	BSA, WOC, NWA	1*
		GOA	2*
Mustel, Large stern trawler	PL-88-0012	BSA, WOC, NWA	1*
		GOA	2*
Orcyn, Large stern trawler	PL-88-0077	BSA, WOC, NWA	1*
		GOA	2*
Orlan, Large stern trawler	PL-88-0078	BSA, WOC, NWA	1*
		GOA	2*
Otol, Large stern trawler	PL-88-0011	BSA, WOC, NWA	1*
		GOA	[illegible]
Parma, Large stern trawler	PL-88-0084	BSA, WOC, NWA	1*
		GOA	[illegible]
Perseus, Large stern trawler	PL-88-0004	BSA, WOC, NWA	1*
		GOA	2*
Pollux, Large stern trawler	PL-88-0006	BSA, WOC, NWA	1*
		GOA	[illegible]
Prof. Bogucki, Large stern trawler	PL-88-0107	BSA, WOC, NWA	1*
		GOA	2*
Regulus, Large stern trawler	PL-88-0095	BSA, WOC, NWA	1*
		GOA	[illegible]
Relun, Large stern trawler	PL-88-0080	BSA, WOC, NWA	1*
		GOA	[illegible]
Sagitta, Large stern trawler	PL-88-0040	BSA, WOC, NWA	1*
		GOA	2*
Sirius, Large stern trawler	PL-88-[illegible]	BSA, WOC, NWA	1*
		GOA	2*
Solano, Cargo/transport vessel	PL-88-0112	NWA	[illegible]
Tazar, Large stern trawler	PL-88-0054	BSA, WOC, NWA	1*
		GOA	2*
Terral, Cargo/transport vessel	PL-88-0066	NWA	3
Tornado, Cargo/transport vessel	PL-88-0113	NWA	3
Tunek, Large stern trawler	PL-88-0045	BSA, WOC, NWA	1*
		GOA	2*
Vega, Large stern trawler	PL-88-0055	BSA, WOC, NWA	1*
		GOA	2*
Wales, Large stern trawler	PL-88-0009	BSA, WOC, NWA	1*
		GOA	2*
Wloczmik, Large stern trawler	PL-88-0020	BSA, WOC, NWA	1*
		GOA	2*
GOVERNMENT OF THE U.S.S.R.			
15 Syezd Profsoyuzov, Large stern trawler	UR-88-0087	BSA	1*
Alexandr Krasv, Large stern trawler	UR-88-0003	BSA	1*
Amurskiy Bereg, Cargo/transport vessel	UR-88-0750	BSA, GOC, WOC	[illegible]
Baganovo, Large stern trawler	UR-88-0758	BSA	1*
Bereg Nadezdy, Cargo/transport vessel	UR-88-0754	BSA, GOA, WOC	[illegible]
Chukotskyi Bereg, Cargo/transport vessel	UR-88-0749	BSA, GOA, WOC	3
Dalniy Vostok, Factory ship	UR-88-0783	BSA	1*
Danko, Large stern trawler	UR-88-0001	BSA	1*
Fyodor Kranov, Large stern trawler	UR-88-0206	BSA	1*
Gaikan Batarshin, Large stern trawler	UR-88-0190	BSA	1*
Kamchatskiy Bereg, Cargo/transport vessel	UR-88-0755	BSA, GOA, WOC	[illegible]
Kargat, Large stern trawler	UR-88-0196	BSA	1*
Katangli, Large stern trawler	UR-88-0016	BSA	1*
Khrustalnyi Bereg, Cargo/transport vessel	UR-88-0732	BSA, GOA, WOC	[illegible]
Kizir, Large stern trawler	UR-88-0061	BSA	1*
Mys Chasovoy, Large stern trawler	UR-88-0176	BSA	1*
Mys Elagna, Large stern trawler	UR-88-0165	BSA	1*
Mys Grotovyi, Large stern trawler	UR-88-0092	BSA	1*
Mys Onekhova, Large stern trawler	UR-88-0017	BSA	1*
Mys Shelikhova, Large stern trawler	UR-88-0703	BSA	1*
Mys Tamyr, Large stern trawler	UR-88-0186	BSA	1*
Mys Vodopadny, Large stern trawler	UR-88-0546	BSA	1*
Mys Yudina, Large stern trawler	UR-88-0025	BSA	1*
Ostrov Karaginskiy, Cargo/transport vessel	UR-88-0255	BSA, GOA, WOC	3
Ostrov Lisyanskogo, Cargo/transport vessel	UR-88-0254	BSA, GOA, WOC	[illegible]
Ostrov Shmidta, Cargo/transport vessel	UR-88-0256	BSA, GOA, WOC	[illegible]
Ostrov Shokalskogo, Cargo/transport vessel	UR-88-0257	BSA, GOA, WOC	[illegible]
Paudzha, Large stern trawler	UR-88-0706	BSA	1*
Pogranichnik Sretnskov, Large stern trawler	UR-88-0225	BSA	1*
Poyma, Large stern trawler	UR-88-0201	BSA	1*
Revolutsioner, Large stern trawler	UR-88-0187	BSA	1*
Soiuz-3, Large stern trawler	UR-88-0235	BSA	1*
Solnechnyi Bereg, Cargo/transport vessel	UR-88-0485	BSA, GOA, WOC	3
Sovetsk, Factory ship	UR-88-0777	BSA, NWA	1*
Sovgavanskiy Komsomolets, Large stern trawler	UR-88-0580	BSA	1*
Sulak, Factory ship	UR-88-0238	BSA	1*
Svetlaya, Large stern trawler	UR-88-0080	BSA	1*
Taezhyi Bereg, Cargo/transport vessel	UR-88-0770	BSA, GOA, WOC	3
Tarkhansk, Cargo/transport vessel	UR-88-0795	BSA, GOA, WOC	3

Nation, Vessel name and Vessel type	Application number	Fishery	Activity
Tymovsk, Large stern trawler	UR-88-0046	BSA	1*
Ulbanskiy Zaliv, Cargo/transport vessel	UR-88-0803	BSA, GOA, WOC	3
Ussuriskaia Taiga, Cargo/transport vessel	UR-88-0752	BSA, GOA, WOC	3
Vasilii Polechuk, Cargo/transport vessel	UR-88-0804	BSA, GOA, WOC	3
Vasiliy Vinevitin, Large stern trawler	UR-88-0014	BSA	1*
Vladivostok, Factory ship	UR-88-0786	BSA	1*
Vostochnyi Bereg, Cargo/transport vessel	UR-88-0761	BSA, GOA, WOC	3
Yubiley Oktiabria, Large stern trawler	UR-88-0064	BSA	1*
German Matern, Cargo/transport vessel	UR-88-0786	BSA, GOA, WOC	3
Ivan Dvorskij, Large stern trawler	UR-88-0391	NWA	1*

[FR Doc. 87-29112 Filed 12-17-87; 8:45 am]
BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Negotiated Settlement on Import Restraint Limit for Certain Cotton Textile Products Produced or Manufactured in Thailand

December 15, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 21, 1987. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 343-6581. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the import restraint limit for cotton textile products in Category 369-L, produced or manufactured in Thailand and exported during the extended restraint period which began on August 19, 1987 and extends through December 31, 1987.

Background

A CITA directive dated September 15, 1987 (52 FR 35302) established an import restraint limit for cotton textile products in Category 369-L, produced or manufactured in Thailand and exported during the ninety-day period which began on August 19, 1987 and extended through November 16, 1987.

During consultations held November 11-13, 1987 between the Governments of the United States and Thailand, under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 27 and August 8, 1983, as amended and extended, agreement was reached to extend the restraint period and increase the limit for Category 369-L for the period August 19, 1987 through December 31, 1987. The United States Government will continue to control imports of Category 369-L at the agreed level.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tarriff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the **Federal Register**.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 15, 1987.

Comissioner of Customs,
Department of the Treasury, Washington, DC [illegible]

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on September 15, 1987 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton textile products, produced or manufactured in Thailand and exported during the ninety-day period which began on August 19, 1987 and extended through November 16, 1987.

Effective on December 21, 1987, the directive of September 15, 1987 is amended to extend the import restraint period for Category 369-L [1] for the period August 19, 1987 through December 31, 1987 at an increased level of 510,000 pounds.[2]

Textile products in Category 369-L which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

Import charges made to the ninety-day restraint period are to be retained. Additional charges will be made as data become available.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-29099 Filed 12-17-87; 8:45 am]
BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1988; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1988 services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: January 19, 1988.

[1] In Category 369-L, only TSUSA numbers 706.3210, 706.3650 and 706.4111.

[2] The restraint limit has not been adjusted to account for imports exported after August 18, 1987.

VOL 52 ISS 243 DE 18 1987 UMI

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On October 9, 1987, the Committee for Purchase from the Blind and Other Severely Handicapped published notice (52 FR 37819) of additions to Procurement List 1988, December 10, 1987 (52 FR 46926).

Additions

After consideration of the relevant matter presented, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77 and 41 CFR 51–2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the services listed.

c. The action will result in authorizing small entities to provide the services procured by the Government.

Accordingly, the following services are hereby added to Procurement List 1988.

Laundry Service

Acoma/Canoncito/Laguna PHS Indian Hospital, Acomita, New Mexico

Laundry Service

Zuni PHS Indian Hospital, Zuni, New Mexico

C.W. Fletcher,

Executive Director.

[FR Doc. 87–29072 Filed 12–17–87; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1988; Proposed Addition and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to and Deletions from Procurement List.

SUMMARY: The Committee has received proposals to add to and delete from Procurement List 1988 a commodity to be produced and services to be provided by workshops for the blind or other severely handicapped.

Comments Must be Received on or Before: January 18, 1988.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51–2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Addition

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following service to Procurement List 1988, December 10, 1987 (52 FR 46926):

Janitorial/Custodial, Federal Supply Service Depot, 4100 W. 76th Street, Chicago, Illinois.

Deletions

It is proposed to delete the following commodity and services from Procurement List 1988, December 10, 1987 (52 FR 46926):

Commodity

Tube, Mailing and Filing, 8110–00–412–4410

Service

Pallet Repair, Naval Supply Center, Cheatham Annex, Williamsburg, Virginia.

C.W. Fletcher,

Executive Director.

[FR Doc. 87–29073 Filed 12–17–87; 8:45 am]

BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

MidAmerica Commodity Exchange Proposed Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The MidAmerica Commodity Exchange, Inc. ("MCE") has applied for designation as a contract market in futures on Long-Term U.S. Treasury notes. The Director of the Division of Economic Analysis of the Commodity Futures Trading Commission ("Commission"), acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before February 16, 1988.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the MCE Long-Term Treasury note futures contract.

FOR FURTHER INFORMATION CONTACT: Naomi Jaffe, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, (202) 254–7227.

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions of the proposed futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the terms and condition can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the MCE in support of the application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the MCE in support of the application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, by the specified date.

Issued in Washington, DC on December 14, 1987.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 87–29038 Filed 12–17–87; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER87–680–000 et al.]

Central Illinois Light Co. et al.; Electric Rate and Corporate Regulation Filings

December 14, 1987.

Take notice that the following filings have been made with the Commission:

1. Central Illinois Light Company

[Docket No. ER87–680–000]

Take notice that on December 8, 1987, Central Illinois Light Company (CILCO) tendered for filing an amendment to it's original filing of this Docket with regard to Section 35.27 of the Commission's Regulations. The original filing was made to revise CILCO's Wholesale Rate MW–4, applicable to the Village of Riverton, Illinois, to reflect changes in CILCO's tax structure due to the Tax Reform Act of 1986. CILCO made this filing in voluntary compliance with the Federal Energy Regulatory Commission (FERC) Order No. 475.

Comment date: December 28, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Duke Power Company

[Docket Nos. EL87–11–002, EL87–18–002, EL87–20–003]

Take notice that on December 7, 1987, Duke Power Company tendered for filing pursuant to Commission Order dated August 3, 1987 a compliance report setting forth a summary of refunds and their computation. Duke Power Company states that it made the required refunds on November 23, 1987.

Comment date: December 28, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. Ogden Martin Systems of Fairfax, Inc.

[Docket No. ER87–76–000]

Take notice that on December 4, 1987, Ogden Martin Systems of Fairfax, Inc. (Ogden Fairfax) tendered for filing with the Federal Energy Regulatory Commission an amendment to its initial rate schedule and supporting documentation previously filed on October 16, 1987. The amendment provides documentation that Ogden Fairfax's initial rate for the sale of capacity and corresponding energy to Virginia Electric and Power Company (Virginia Power) will be equal to or less than Virginia Power's avoided cost over the term of the agreement.

Comment date: December 28, 1987, in accordance with Standard Paragraph E at the end of this document.

4. Utah Power & Light Company

[Docket No. ER88–130–000]

Take notice that on December 7, 1987, Utah Power & Light Company (UP&L) tendered for filing a Notice of Cancellation for the Resale Electric Service Agreement with CP National Corporation for the purchase of wholesale power and energy. UP&L requests that the Resale Electric Service Agreement cancellation be made effective as of January 1, 1987, which is the date UP&L last supplied power under such agreement.

UP&L requests that the Commission's notice requirements in 18 CFR 35.3 be waived, as provided for in 18 CFR Section 35.11, in order to allow the cancellation to be made effective on the date requested and on the date transactions last occurred under the Agreement.

Comment date: December 28, 1987, in accordance with Standard Paragraph E at the end of this notice.

5. Virginia Electric and Power Company

[Docket No. ER88–131–000]

Take notice that on December 9, 1987, Virginia Electric and Power Company (Company) tendered for filing Rate Schedule TS–M, Transmission Service for Municipal Electric Systems. The Company requests an effective date sixty days from the date of filing. Pursuant to the rate schedule, the Company will provide Firm Transmission and Non-Firm Transmission over the Company's transmission and distribution facilities for Customers as those terms are defined in the rate schedule.

Copies of the filing have been served on each of the Company's wholesale municipal customers in Virginia, Virginia Municipal Electric Association Number One and the Virginia State Corporation Commission.

Comment date: December 28, 1987, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–29084 Filed 12–17–87; 8:45am]

BILLING CODE 6717-01-M

[Docket Nos. CP88–104–000 et al.]

Tennessee Gas Pipeline Co. et al.; Natural Gas Certificate Filings

December 15, 1987.

Take notice that the following filings have been made with the Commission:

1. Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

[Docket No. CP88–104–000]

Take notice that on December 3, 1987, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP88–104–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide a transportation service for CNG Trading Company (CNG), a marketer, under the certificate issued in Docket No. CP87–115–000 on June 18, 1987, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the application that is on file with the Commission and open to public inspection.

Tennessee states that pursuant to a transportation agreement dated October 13, 1987, as amended November 20, 1987, it proposes to transport natural gas on an interruptible basis for CNG from points of receipt listed in Exhibit "A" of the agreement to delivery points also listed in Exhibit "A", which transportation service involves interconnections between Tennessee and various transporters.

Tennessee further states that the maximum daily and annual quantities would be 650,000 dekatherms and 5,475,000 dekatherms, respectively. Tennessee advises that service under § 284.223(a) commenced October 26, 1987, as reported in Docket No. ST88–729 (filed November 20, 1987).

Comment date: January 29, 1988, in accordance with Standard Paragraph G at the end of this notice.

2. Transcontinental Gas Pipe Line Corporation

[Docket No. CP88–76–000]

Take notice that on November 13, 1987, Transcontinental Gas Pipe Line

Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP88-76-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon in place and by removal 1.41 miles of offshore pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon 1.41 miles of 8-inch pipeline and appurtenant facilities extending from the South Pelto Block 10 "A" platform (SP 10A) to the South Pelto Block 11 "F" platform (SP 11F), offshore Louisiana. Applicant states that the facilities were installed pursuant to budget-type authorization in Docket No. CP76-55, to permit new gas purchased by Applicant at SP 10A to flow to SP 11F for measurement and further transportation to shore. It is stated that the producer-operator of the platforms constructed a line between SP 10A and the adjacent "B" platform in that block (SP 10B), and the gas production from SP 10A was diverted from its original SP 11F route to the new line to SP 10B, for measurement with SP 10B gas and transportation to shore.

Applicant avers that the new routing and handling is more efficient than the old, and eliminates the need for the line to SP 11F proposed to be abandoned. Applicant indicates that at the request of the producer-operator, the pipeline would be removed from the SP 10A and SP 11F platforms, but otherwise would be abandoned in place.

Comment date: January 5, 1988, in accordance with Standard Paragraph F at the end of this notice.

3. Northern Natural Gas Company, Division of Enron Corp.

[Docket No. CP88-112-000]

Take notice that on December 4, 1987, Northern Natural Gas Company Division of Enron Corp., (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP88-112-000, an application pursuant to section 7(b) of the Natural Gas Act for permission to abandon and remove two 3,100 horsepower (hp) compressor units and related facilities located in Calcasieu Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern states that due to its reduced production and acquisitions in the gulf coast, two 3,100 hp compressor units and associated facilities are no longer needed at the Starks Compressor Station. Pursuant to a gas exchange agreement dated September 12, 1980, Northern indicates that it delivered a portion of its gulf coast production to Transcontinental Gas Pipe Line Corporation (Transco) for redelivery to Texas Eastern Transmission Corporation at Northern's Starks Compressor Station. Because of the reduced production in the gulf coast area, Northern states that it now delivers this production to Transco at the Johnson's Bayou Plant, and these circumstances make it unnecessary for Northern's gulf coast production to be delivered to the Starks Compressor Station. Northern further States that Northern and Transco entered into a transportation agreement whereby Transco will deliver this production directly to Houstion Pipe Line Company near Bammel, Texas, negating the need for deliveries at the Starks Compressor Station.

Northern further states that it has suspended operation of the Starks Compressor Station and anticipates no further operation of the facilities to be required. Northern also states that it proposes to utilize said compressors elsewhere on Northern's system or sell them to potential buyers.

Comment date: January 5, 1988, in accordance with Standard Paragraph F at the end of this notice.

4. Associated Natural Gas Company a division of Arkansas Western Gas Company and Associated Natural Gas Company

[Docket No. CP87-101-000]

Take notice that on December 1, 1987, Associated Natural Gas Company, a division of Arkansas Western Gas Company (ANG Division), P.O. Box 1288, Fayetteville, Arkansas 72702-1288, and Associated Natural Gas Company (Associated), 405 West Park Street, Blytheville, Arkansas 71215 (Applicants), filed in Docket No. CP87-101-000 a joint application, pursuant to sections 7(b), 7(c) and 7(f) of the Natural Gas Act (NGA), for authorization to permit Associated to abandon certain natural gas facilities, for a certificate of public convenience and necessity authorizing the ANG division to acquire by merger and to operate those same facilities, for a Section 7(f) service area determination covering a portion of the Associated facilities to be acquired, for an Order No. 63 blanket certificate, and for a declaratory order, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically the Applicants have requested a certificate of public convenience and necessity authorizing the ANG Division to acquire by merger and operate the facilities of Associated which are subject to the Commission's jurisdiction. It is stated that Associated would be merged into Arkansas Western Gas Company (AWG), a natural gas public utility which serves approximately 78,000 local distribution customers in northwest Arkansas. The Applicants assert that, upon the merger, the acquired Associated facilities would be maintained and operated through the ANG Division, which would be an operating division of AWG. It is asserted that the sales and services currently provided by Associated would continue without interruption or change upon the proposed merger.

Applicants state that the jurisdictional facilities to be acquired by the ANG Division include approximately 263 miles of natural gas transmission facilities located in the States of Missouri and Arkansas, and a 55,000 barrel liquified natural gas plant located near Blytheville, Arkansas. Additionally, because it is indicated that Associated would cease to exist upon the merger, the Applicants have further requested that Associated be authorized to abandon those same jurisdictional facilities. It is further stated that the total cost to AWG for the acquisition is $31,294,600, of which $4,470,605 represents an amount for Associated's jurisdictional facilities.

In conjunction with the requested certificate and abandonment authorization, the ANG Division has also requested the Commission for a service area determination under section 7(f) of the NGA covering the above jurisdictional facilities to be acquired from Associated, and within which the ANG Division may extend or enlarge such facilities without further authorization from the Commission.

The Applicants have further requested that the Commission issue a declaratory order confirming that neither the proposed acquisition and operation of Associated's facilities, nor the issuance of the Certificate to the ANG Division, will alter or affect the status of Associated's existing non-jurisdictional facilities which would also be acquired by the ANG Division, or of the existing non-jurisdictional facilities of AWG.

The Applicants further assert that, upon the merger, AWG intends to deliver natural gas through its existing intrastate facilities to interstate pipelines for subsequent redelivery to the ANG Division for use as system supply. The Applicants request a declaratory order confirming that AWG's deliveries of gas would not be deemed to be either the interstate sale for resale or transportation of natural gas, and that AWG would not be required to obtain any authorization from the Commission under the NGA or the Natural Gas Policy Act (NGPA) to engage in such deliveries.

Finally, the Applicants state that it is their understanding that AWG would, upon the completion of the merger and acquisition of Associated, become a local distribution company for the purposes of the NGPA and the Order No. 63 blanket certificate regulations under § 284.224 of the Commission's Regulations 18 CFR 284.224. Accordingly, it is requested that AWG be issued, pursuant to § 284.222, a blanket certificate authorizing AWG to engage in the interstate transportation, sale, and assignment of natural gas to third-parties through its intrastate facilities to the same extent and in the same manner intrastate pipelines are authorized to engage in such activities under NGPA sections 311 and 312.

Comment date: January 5, 1988, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraph

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29085 Filed 12-17-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF88-117-000 et al.]

Archer-Daniels-Midland Company et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

December 15, 1987.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. Archer-Daniels-Midland Company

[Docket No. QF88-117-000]

On November 30, 1987, Archer-Daniels-Midland Company (Applicant), of 4666 Faries Parkway, Decatur, Illinois 62526, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Decatur, Illinois. The facility will consist of 5 boilers and 4 steam turbine generating units. Steam produced by the facility will be used for process. The net electric power production capacity of the facility will be 100 MW. The primary energy source will be coal. Installation of the facility began in August, 1985.

2. Northeast Cogen, Inc.

[Docket No. QF88-111-000]

On November 24, 1987, Northeast Cogen, Inc. (Applicant), of 130 W. Main Street, Ft. Wayne, Indiana 46802, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Solvay, New York. The facility will consist of two combustion turbine generating units. Steam produced by the facility will be sold to a manufacturing company or companies. The net electric power production capacity of the facility will be 40 MW. The primary energy source will be natural gas. Installation of the facility is scheduled to begin in the spring of 1988.

3. San Gorgonio Farms, Inc.

[Docket No. QF85-234-001]

On November 16, 1987, San Gorgonio Farms, Inc. (Applicant), of 21515 Hawthorne Boulevard, Suite 1059, Torrance, California 90503, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility is located on Whitewater Hill, North Palm Springs, California. The facility presently consists of two hundred two wind turbines with a combined electric generating capacity of 31 NW. Applicant proposes the addition of diesel generation to the facility to firm-up existing wind turbine capacity.

Standard Paragraph:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party

must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29062 Filed 12-17-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP87-479-000, Docket No. CP85-437-000, Docket No. CP85-552-000]

Wyoming-California Pipeline Co., Mojave Pipeline Co., and Kern River Gas Transmission Co; Application To Supply Natural Gas for Enhanced Oil Recovery in California, Intent To Supplement Environmental Impact Statement and Request for Comments on Its Scope

December 14, 1987.

Introduction

An application for the construction and operation of a natural gas pipeline has been filed with the Federal Energy Regulatory Commission (FERC) by Wyoming-California Pipeline Company (WyCal), pursuant to section 7(c) of the Natural Gas Act and 18 CFR 157, Subpart E. The pipeline would transport natural gas from various sources outside of California to the Bakersfield, California area for use in enhanced oil recovery (EOR) and related cogeneration projects. Producers of crude oil in the San Joaquin Valley would use the natural gas as boiler fuel to create steam which would be injected into the oil fields to produce crude oil not recoverable by primary recovery methods. Some of the steam would also be used to generate electricity. The producers currently use crude oil and a limited amount of natural gas for steam generation; the WyCal project would allow substitution of natural gas for the crude oil now used, and may allow entry in the market of producers which presently cannot get authority to burn oil due to air pollution restrictions.

WyCal would transport natural gas purchased by the producers. WyCal would not own the gas transported through the pipeline.

Background

Two other applications have been filed with the Commission to serve the EOR market. Specifically, in Docket No. CP85-552-000, Kern River Gas Transmission Company has proposed to build an 837 mile pipeline. In Docket No. CP85-437-000, Mojave Pipeline Company has proposed to build a 389 mile pipeline. Notice of the Commission's intent to prepare a draft environmental impact statement for these proposals was published in the **Federal Register** (50 FR 34,174).

WyCal proposes to follow essentially the same route as Kern River has proposed, to Las Vegas, Nevada, and then connect to the route proposed by Mojave via a connection identified as the East Las Vegas route, identified in the staff's final environmental impact statement (FEIS) to be released this week. The proposed WyCal pipeline deviates from the Kern River proposal at the northern end of the project for approximately 52 miles. Since the proposed WyCal project is basically the same as the Kern River and the Mojave project, a significant amount of work has already been completed as to the environmental impact caused by the construction and operation of the pipeline. The supplement issued to this notice will only address those areas of the WyCal project which deviate from the East Las Vegas route, and the Mojave and Kern River proposals.

Notice of Intent

Notice is hereby given that the staff of the FERC has determined that approval of this project would be a major Federal action significantly affecting the quality of the human environment. Therefore, pursuant to § 2.82(b) of the Commission's Rules of Practice and Procedure (18 CFR 2.82(b)), a supplement to the FEIS to be issued in Docket Nos. CP85-437-000 and CP85-552-000 will be prepared.

The Proposed WyCal Pipeline

The map attached hereto shows the location of the proposed WyCal pipeline and compressor stations. The total project is approximately 1,006.8 miles long, and will affect approximately 6,102 acres of Federal, state, private, and Indian lands during operation. The project would cross sixteen counties in four states, extending between Lincoln County, Wyoming, and the Bakersfield, California area.

The WyCal proposal would require the construction of four compressor stations. Facilities and equipment at the compressor stations would include compressors and a building to house them, buildings for storage, instrumentation and control, a communications tower, gas coolers, water supply, wastewater system, and electrical supply.

WyCal proposes to use a 100-foot-wide construction right-of-way (ROW) disturbing approximately 12,204 acres of land during construction. The compressor stations for the project would require approximately an additional 10 acres each. In addition to the facilities discussed above, several staging areas, of approximately 12 acres each, will be used for construction, and storage.

A permanent ROW of approximately 50 feet would be maintained. Except at aboveground facilities, access roads, and where the ROW crosses formerly wooded areas, the ROW could be used as it was before construction as long as structures were not built.

Construction of the WyCal Pipeline Project would be within or near:

Uinta National Forest (UT)
Manti-La Sal National Forest (UT)
Fishlake National Forest (UT)
Dixie National Forest (UT)
Moapa River Indian Reservation (NV)
Jean Off-Road-Vehicle Recreation Area (NV)
Sunrise Mountain Natural Area (NV)
Rainbow Gardens Natural Area (NV)
Fort Mohave Indian Reservation (AR)
Havasu National Wildlife Refuge (AR)
Edwards Air Force Base (CA)
California Desert Conservation Area (CA)
Pacific Crest National Scenic Trail (CA)
Elk Hills Naval Petroleum Reserve (CA)

Cooperating Agencies

The federal agencies that were asked to cooperate in the production of the Mojave and Kern River EIS will likewise be contacted in this case.

Any request agencies desiring cooperating agency status should send a request describing how they would like to be involved to: Lois Cashell, Acting Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

The request should reference Docket No. CP87-479-000 and should be received by January 14, 1988. Additional information about this project, including maps of limited areas of the proposed routes, and FERC's involvement in the EIS/EIR may be obtained from Mr. Robert K. Arvedlund, Environmental Analysis Branch, OPPR, at the address on this page or by telephone: (202) 357-9091. Mr. Arvedlund should be sent a copy of any request for cooperating agency status.

Cooperating agencies are encouraged to participate in the scoping process and to provide information to the FERC. Cooperating agencies are also welcome to suggest format and content modifications to facilitate ultimate adoption of the EIS; however the FERC will decide what modifications will be adopted in light of production constraints.

Comment and Scoping Procedure

A copy of this notice has been distributed to Federal, state, and local agencies, public interest groups, and parties to the FERC proceedings. Interested readers of this notice are encouraged to comment on anticipated environmental concerns associated with the project. Comments will be used by the FERC to identify the issues which require in-depth environmental analysis.

Comments (on the scope of the supplement to the FEIS) should also be addressed to the Secretary, Federal Energy Regulatory Commission. Recommendations that the EIS address specific issues should be supported with a detailed explanation of the need to consider such issues. Written comments should be submitted by January 14, 1988, and reference to Docket No. CP87-479-000. Mr. Arvedlund should also be sent a copy of the scoping comments.

Mailing Lists

Organizations and individuals receiving this Federal notice of intent to prepare a suplement to the FEIS have been selected to ensure public awareness of these projects and public involvement in the review process under NEPA. The supplement to the FEIS will be sent automatically to addresseees on the Federal Energy Regulatory Commission's official service list for the Mojave, Kern River, and WyCal projects, and to the appropriate Federal agencies, and state clearinghouses in states where each project is located.

Lois Cashell,

Acting Secretary.

[FR Doc. 87-29080 Filed 12-17-87; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of $206,764.89 (plus accrued interest) obtained as a result of a Consent Order which the DOE entered into with Eastern Oil Company of Tampa, Florida (Case No. KEF-0085). The fund will be available to certain identified wholesale customers and unidentified retail customers of Eastern motor gasoline, diesel fuel, and kerosene.

DATE AND ADDRESS: Applications for Refund of a portion of the consent order fund must be filed within 90 days of publication of this notice in the **Federal Register** and should be addressed to: The Eastern Oil Company Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All applications should conspicuously display a reference to Case No. KEF-0085.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order relates to a Consent Order entered into by Eastern Oil Company of Tampa, Florida. The Consent Order settled possible pricing violations with respect to the firm's sales of motor gasoline, diesel fuel, and kerosene to certain identified wholesale customers and unidentified retail customers during the November 1, 1973 through October 31, 1974 consent order period.

The Office of Hearings and Appeals previously issued a Proposed Decision and Order which tentatively established a two-stage refund procedure and solicited comments from interested parties concerning the proper disposition of the consent order fund. The Proposed Decision and Order discussing the distribution of the consent order funds was issued on April 21, 1987. 52 FR 15311 (April 28, 1987).

As the Decision and Order indicates, Applications for Refunds from the consent order fund may now be filed. Applications will be accepted provided they are postmarked no later than 90 days after publication of this Decision and Order in the **Federal Register.**

Applications will be accepted from the identified wholesale customers and unidentified retail customers who purchased motor gasoline, diesel fuel, and kerosene from Eastern during the period November 1, 1973 through October 31, 1974. The specified information required in an Application for Refund is set forth in the Decision and Order. The Decision and Order also addresses the distribution of any funds remaining after the processing of first-stage claims is completed.

Dated: December 14, 1987.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order

December 14, 1987.

Name of Firm: Eastern Oil Company.

Date of Filing: December 3, 1986.

Case Number: KEF-0085.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) of the DOE may request the Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. In accordance with the provisions of Subpart V, on December 3, 1986, the ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a Consent Order which the DOE entered into with Eastern Oil Company (Eastern).

I. Background

Eastern is a "reseller-retailer" of petroleum products as that term was defined in 10 CFR 212.31. Eastern sells motor gasoline, diesel fuel, and kerosene in the states of Florida, Kentucky, and Tennessee. An ERA audit of the firm's records revealed possible violations of the Mandatory Petroleum Price Regulations at 10 CFR Part 212, Subpart F. As a result, on November 17, 1977, the ERA issued a Remedial Order in which it found that Eastern had overcharged its retail and wholesale customers in sales of motor gasoline, diesel fuel and kerosene during the period November 1, 1973 thorugh October 31, 1974. Subsequently, on February 5, 1986, Eastern entered into a Consent Order with the DOE in order to settle its disputes with the DOE concerning the transactions covered by the Remedial Order.[1] The Consent Order states that Eastern does not admit that it committed any violations.

Eastern has remitted to the DOE a total of $206,764.89 to settle alleged overcharges during the period November 1, 1973 through October 31, 1974 (the consent order period). This amount consists of: (i) $115,383 for alleged overcharges (plus interest through December 31, 1985) in sales to retail customers of diesel fuel and kerosene and certain identified wholesale customers of motor gasoline, diesel fuel,

[1] Eastern appeal of the November 17, 1977 Remedial Order was denied in large part, but the case was remanded to the ERA for reconsideration of specified issues and recalculation of the violation amount. *See Eastern Oil Co.*, 3 DOE § 80.108 (1979). The ERA issued a Revised Remedial Order, which was again appealed by Eastern. The appeal was denied, with certain modifications regarding the disposition of the refunds. *See Eastern Oil Co.*, 9 DOE § 80.129 (1982). On July 22, 1985, the ERA issued an Order for Disposition of Refunds (Disposition Order), which was appealed to OHA by Eastern. The Appeal was settled by the Consent Order.

and kerosene: [2] (ii) $85,000 for alleged overcharges (plus interest through December 31, 1985) in retail sales of motor gasoline; and (iii) $6,381.89 in interest on the firm's installment payments of the consent order amounts.[3]

On April 21, 1987, the OHA issued a Proposed Decision and Order (PDO) setting forth a tentative plan for the distribution of the Eastern consent order funds. 52 FR 15371 (April 28, 1987). We stated in the PDO that the basic purpose of a special refund proceeding is to make restitution for injuries that were suffered as a result of alleged or adjudicated violations of the DOE regulations. In order to effect restitution in this proceeding, we proposed to establish a claims procedure whereby applications for refund would be accepted from customers who can demonstrate that they were injured as a result of Eastern's alleged overcharges during the consent order period.

In establishing the procedures proposed in the PDO, we relied on information in the Revised Remedial Order issued to Eastern. An exhibit to that Order identifies the wholesale customers allegedly overcharged by Eastern and lists the total alleged overcharge amounts in retail sales of motor gasoline, diesel fuel, and kerosene. Based on this information, we found in the PDO that the identified wholesale customers and the unidentified retail customers are most likely the parties who were adversely affected by Eastern's alleged overcharges, and accordingly, we proposed that they be the parties eligible for refunds in this proceeding.

In the PDO we also proposed to adopt a number of presumptions concerning injury. These presumptions excuse certain categories of refund applicants that purchased Eastern products from making a detailed demonstration of injury, thus simplifying the refund process for these applicants. For example, we tentatively found that end-users (ultimate consumers) whose businesses are unrelated to the petroleum industry would not be required to provide a detailed demonstration that they were injured by Eastern's alleged overcharges. Additionally, we proposed a small-claims presumption regarding resellers of Eastern products (including retailers and refiners). Under such a presumption, a claimant seeking total refunds of $5,000 or less (excluding interest) is not required to submit any evidence of injury, beyond establishing the volume of Eastern products it purchased during the settlement period. Resellers seeking over $5,000 and spot purchasers would be required to provide a more detailed injury showing.

In order to give notice to all potentially affected parties, a copy of the PDO was published in the Federal Register and comments regarding the proposed refund procedures were solicited. We received comments concerning our proposed procedures from Eastern and from United Petroleum (United), one of the wholesale customers identified in the Revised Remedial Order. These comments will be addressed below in our discussion of the final procedures to be adopted for this proceeding.

II. Jurisdiction and authority

The procedural regulations of the DOE set forth general guidelines which may be used by OHA in formulating and implementing a plan of distribution for funds received as a result of enforcement proceedings. 10 CFR Part 205, Subpart V. The DOE policy is to use the Subpart V process to distribute such funds. For a more detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds, *see Office of Enforcement*, 8 DOE ¶82,597 (1981) (*Vickers*). As we stated in the PDO, we have reviewed the record in the present case and have determined that a Subpart V proceeding is an appropriate mechanism for distributing the consent order fund. We will therefore grant the ERA's petition and assume jurisdiction over the Eastern consent order fund.

III. Refund Procedures

A. Refund Claimants

The consent order fund will be distributed to Eastern customers who were adversely affected by the firm's alleged overcharges. As we indicated in the PDO, Exhibit B to the Revised Remedial Order issued to Eastern and the amounts by which they were allegedly overcharged. This exhibit also lists the total overcharge amounts in retail sales of motor gasoline, diesel fuel, and kerosene. Five of the identified customers, who are listed in the Appendix to this Decision and Order, and the unidentified retail customers of Eastern motor gasoline, diesel fuel, and kerosene are most likely to be the parties who were adversely affected by any Eastern overcharges during the consent order period.[4]

In its comments regarding the Proposed procedures, Eastern contends that one of the identified customers, United, is not entitled to a refund. In support of this contention, Eastern asserts that it has previously proven that United was not overcharged. *See* May 7, 1987 letter from J. Danforth Browne, Esq., Eastern's counsel, to Richard W. Dugan, Associate Director of the Office of Hearings and Appeals. Eastern's argument is unpersuasive. All issues regarding the merits of the Eastern enforcement proceeding were resolved as a result of the Consent Order entered into between Eastern and the DOE. We do not intend to reopen that proceeding.[5] Among the issues before us in this special refund proceeding are: (i) How to allocate the consent order fund, and (ii) whether applicants suffered economic injury. We will not adopt Eastern's suggestion that we should now find that United is not eligible for a refund in this proceeding. Instead, we will establish a claims procedure in which we will accept refund applications from United and the other customers indicated above.

B. Showing of Injury

In order to be eligible for a refund, an applicant must establish that it was injured as a result of Eastern's alleged overcharges. To demonstrate injury, a reseller claimant must provide evidence that it would have maintained its prices for the covered products purchased from Eastern at the same level had the overcharges not occurred. Accordingly, a reseller claimant should show that at the time of its purchases from Eastern, market conditions would not permit it to increase its prices to pass through the additional costs associated with the overcharges.[6] *See Office of Enforcement*, 10 DOE ¶85,056 (1983); *see also Office of Enforcement*, 10 DOE ¶85,029 (1982). In addition, the reseller must show that it maintained a "bank" of unrecovered increased product costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices.[7] The maintenance of a bank will not, however, automatically establish injury. *See Tenneco Oil Co./Chevron U.S.A.*, 10 DOE ¶85,014 (1982).

The comments filed by United relate to the required showing of injury. United protests that the burden of proof for resellers claiming refunds over the proposed $5,000 small claims threshold will be unduly burdensome and time consuming and will discourage refund claimants from applying. *See* June 12, 1987 letter from Catherine Zoller of United Petroleum to Diane Wasch, OHA Staff Analyst. United also states that it no longer retains the necessary cost "bank" information to make the injury showing and contends that since it was identified as a overcharged customer it should not be required to submit further proof of injury.

United has misunderstood the purpose of the injury showing. Although United is eligible for a potential refund of $75,824 based upon the findings in the Eastern enforcement proceeding, the question remains whether or not United passed through any or all of the alleged overcharges to its customers. If it did pass through the alleged overcharges, it did not suffer economic injury as a result of Eastern's pricing practices. In that case, it would not be eligible for a refund. *See* 10 CFR 205.280 ("This Subpart establishes special procedures pursuant to which refunds may be made to injured persons * * *"). The burden of proof lies with the company to prove injury. *See Inland U.S.A., Inc./UCO Oil Co.*, 13 DOE ¶85,288 (1985), *reconsideration denied*, 13 DOE ¶85,394 (1986).

United's argument that it no longer has information regarding its banks of unrecouped costs provides no basis for changing the injury showing required in this proceeding.[8] If United disposed of its records, that action was prematurely taken. The firm has been provided notice at all stages of the Eastern enforcement proceeding and this refund proceeding. The firm was therefore certainly aware of the ongoing proceedings involving Eastern's alleged overcharges and should have maintained the records necessary to defend its interests. Moreover, until an amendment to the recordkeeping regulations on February 5, 1985, United, like all firms in the petroleum industry, was required to maintain records regarding its pricing of petroleum products during the period of controls. *See* 50 FR 4957 (February 5, 1987) (preamble to amendment to 10 CFR 201.1 eliminating recordkeeping for most firms). The preamble to the February 5 amendment put firms on notice that they might wish to retain voluntarily their records in order to support Subpart V claims. We therefore reject United's argument that it should not be required to make a showing of injury.

1. The Small Claims Presumption

As proposed in the PDO, we will establish a small claims presumption of injury for applicants requesting refunds of $5,00 or less. The principal purpose of the small claims presumption is to permit claimants to participate in the refund process without incurring inordinate expenses, and to enable OHA to consider the refund applications in the most efficient way possible in view of the limited resources available. *See McCarty Oil Co.*, 13 DOE ¶ 85,012 at 88,035 (1985). Making a detailed showing of injury may be too complicated and burdensome for resellers who purchased relatively small amounts of covered products from Eastern. For example, such firms may have limited accounting and data-retrieval capabilities and may therefore be unable to produce the records necessary to prove that they did not pass on the overcharges to their own customers. The cost to the applicant and to the government of compiling and analyzing information sufficient to make a detailed showing of injury should also not exceed the amount of the refund to be gained. We thus shall adopt a small claims presumption in this proceeding. *See, e.g., Aztex Energy Co.*, 12 DOE ¶85,116 (1984); *Marion Corp.*, 12 DOE ¶85,014 at 88,031–88,032 (1984). Any reseller applicant claiming a refund of $5,000 or less, based upon the potential refund amounts set forth in the Appendix to this Decision and Order need not make a detailed showing of injury in order to be eligible to receive a refund. These applicants need only document their purchases from Eastern.[9]

2. Spot Purchasers

We further adopt our proposal that resellers that made spot purchases from Eastern are ineligile to receive a refund, even a refund below the threshold level, unless they can make a showing that rebuts the presumption that they were not injured. Spot purchasers tend to have considerable discretion as to where and when to make purchases and would therefore not have made spot purchases unless they were able to pass through the full amount of the alleged overcharges to their own customers. *See Vickers*, 8 DOE at 85,369–97. Accordingly, any reseller claimant who was a spot purchaser must submit evidence to rebut the spot purchaser presumption and establish the extent to which it was injured as a result of its spot purchases.

3. End-Users

In the PDO, we made a tentative finding that end-users and ultimate consumers of Eastern covered products whose businesses are unrelated to the petroleum industry were injured by the overcharges addressed in this proceding. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the time covered by the Consent Order, and thus were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the overcharges on the final price of non-petroleum goods and services would be beyond the scope of a special refund proceeding. *See Office of Enforcement*, 10 DOE ¶ 85,072 (1983): *see also Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), and cases cited therein. We have received no comments objecting to this finding. We will therefore adopt our proposal that end-users of petroleum products purchased from Eastern need only document their purchases from the

---

[2] In the Consent Order, Eastern agreed to pay $150,598, the total amount of the alleged overcharges (plus interest) in sales to these categories of customers, minus any payments already made by Eastern to any of the identified customers. The firm was given credit by the ERA for two payments totalling $35,215 which it made prior to the execution of the Consent Order to two of seven identified customers, Martin Oil Company and Unoco Oil Company. These customers have signed releases attesting that their claims against Eastern under the terms of the Disposition Order (*see* n.1, *supra*) have been satisfied in full and waiving any further claim to a refund. The firm has therefore remitted $115,383 ($150,598 minus $35,215) to the DOE to compensate for the alleged overcharges to five wholesale customers and its retail customers of diesel fuel and kerosene.

[3] We have proportionally increased the principal amounts allocated to the various customer groups to reflect the installment interest. The amounts allocated to the customer groups are:

Identified customers: $101,026.66
Retail diesel sales: $11,228.43
Retail kerosene sales: $6,803.52
Retail motor gasoline sales: $87,708.26

[4] The two identified Eastern customers who have already received direct payments from the firm (Martin Oil Co. and Unoco Oil Co.) will not be eligible to receive refunds in this proceeding. *See* n.2. They are therefore not listed in the appendix.

[5] We note, however, that in its initial Appeal of the 1977 Remedial Order, Eastern provided no evidence to substantiate its claim that United was not overcharged, and, accordingly, we rejected this contention. *Eastern Oil Co.*, 3 DOE ¶80,108 at 80,540–80,541 (1979).

[6] Generally, this showing is made by use of the "competitive disadvantage" methodology. Under this methodology, the prices paid by the applicant to the consent order firm during each month of the consent order period are compared with average market prices as reported in *Platt's Oil Price Handbook and Oilmanac*. *See Tenneco Oil Co./Mid-Continent Systems, Inc.*, 10 DOE ¶ 85,009 (1982).

[7] Retailer and reseller applicants will be required to submit bank information in connection with sales made from the first month in which they purchased Eastern products through July 14, 1979 and April 30, 1980, respectively, the dates on which the banking requirement for retailers and most resellers terminated. 44 FR 42541 (July 19, 1979); 45 FR 29546 (May 2, 1980).

[8] In accordance with our previously stated position regarding firms that do not have contemporaneous cost bank data, we will permit United to reconstruct or approximate its cost banks using profit margin data. *See, e.g., Husky Oil Co.*, 13 DOE ¶ 85,045 at 88,113–114 (1985); *Union Texas Petroleum Corp./Arrow Enterprises, Inc.*, 15 DOE ¶85,087 (1986).

[9] United and any other reseller whose calcuiated refund (excluding interest) exceeds the threshold amount may elect to apply for a refund of $5,000 without being required to make a detailed demonstration of injury.

firm to make a sufficient showing that they were injured by the alleged overcharges.

C. Calculation of Refund Amounts

As we stated in the PDO, the use of the information in the Revised Remedial Order and the Disposition Order will result in refunds which most closely correspond to the injuries which the Eastern customers probably experienced. Specifically, we note that (i) the ERA audit of Eastern was thorough and relatively narrow in scope; (ii) the Consent Order is limited to the same time period and the same products as the audit; and (iii) the Consent Order states that it is intended to resolve the disputes concerning Eastern's compliance with the remedial provisions of the Revised Remedial Order, as modified by the Disposition Order.

We thus proposed that the allocable share of the consent order fund for each of the five identified Eastern customers who succesfully meets the specified injury requirements be equal to the amount by which it was allegedly overcharged, plus the interest on this amount through December 31, 1985, and a propostional amount of the installment interest. With the exception of Eastern's comments concerning United, which we have rejected in Part IIIA, *supra*, we have received no adverse comments on this proposed allocation on the consent order funds. Hence we will adopt it. The maximum potential refund for each identified customer is listed in the Appendix to this Decision. In addition, interest which has accrued on the money in the escrow account will be added to the refund of each successful applicant in proportion to the size of its refund.

We will also adopt a volumetric refund methodology to allocate the funds attributable to Eastern's alleged overcharges in its retail motor gasoline, diesel fuel, and kerosene sales.[10] In this case, there will be a separate volumetric refund amount for each of the three products. We have chosen to use three separate volumetric amounts because the overcharge amounts listed in the Revised Remedial Order, when considered in conjunction with Eastern sales volume data, lead us to the conclusion that the per gallon amount of overcharges for the three products varies widely. We thus shall utilize three different volumetric refund amounts in order to distribute the refund monies in a manner which more closely approximates the claimants' actual injury. *See, e.g., E.B. Lynn Oil Co.*, 14 DOE ¶ 85,228 (1986); *Blex Oil, Inc.*, 13 DOE ¶ 85,019 (1985).

We have determined the volumetric refund factors by dividing the three product pools by the estimated total volume of the relevant product sold by Eastern to its retail customers during the consent order period. This results in per gallon refund amounts of $0.0039974 for motor gasoline, $0.03337951 for diesel fuel, and $0.0139813 for kerosene.[11] A successful claimant's refund will be based on the number of gallons of the product(s) it purchased from Eastern during the consent order period multiplied by the applicable volumetric refund amount(s). In addition, the interest which has accrued on the money in escrow will be added to each successful applicant's refund in proportion to the size of its refund.

As in prior cases, only claims for at least $15 will be processed. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982). *See also* 10 CFR 205.286(b).

D. Application for Refund Procedures

We have determined that the procedures described in the PDO are the most equitable and efficacious means of distributing the Eastern consent order fund. Accordingly, we will now accept Applications for Refund from eligible customers who purchased petroleum products from Eastern during the period November 1, 1973 through October 31, 1974. There is no official application form. Applications for Refund should be written or typed on business letterhead or personal stationery. The following information should be included in all Applications for Refund:

The consent order firm's name (Eastern Oil Company) and case number (KEF–0085) and the applicant's name and address should be prominently displayed on the first page.

The name, position title, and telephone number of a person who may be contacted by us for additional information concerning the application.

The manner in which the applicant used Eastern's petroleum products, i.e., whether it was a reseller, retailer, or end-user.

The volume of Eastern motor gasoline, diesel fuel, or kerosene that the applicant purchased in each month of the period of time for which it is claiming it was injured by the alleged overcharges. If the product was not purchased directly from Eastern, the claimant must include a statement setting forth the reasons for believing the product originated from the firm.

A statement of whether the applicant was in any way affiliated with Eastern. If so, the applicant should state the nature of the affiliation.

A statement of whether there has been any change in ownership of the entity that purchased petroleum products from Eastern since the end of the consent order period. If so, the name and address of the current (or former) owner should be provided.

A statement of whether the applicant is or has been involved as a party in any DOE or private Section 210 enforcement actions. If these actions have been terminated, the applicant should furnish a copy of any final order issued in the matter. If the action is ongoing, the applicant should describe the action and its current status. The applicant is under a continuing obligation to keep the OHA informed of any change in status during the pendency of its Application for Refund. *See* 10 CFR 205.9(d).

The following signed statement:

I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief.

In addition, United and any other reseller or retailer applicant who wishes to claim a refund in excess of $5,000 must also:

(i) State whether it maintained banks of unrecouped product cost increases and furnish the OHA with monthly bank calculations from the beginning of the consent order period until the end of the banking regulations (July 14, 1979 for retailers; April 30, 1980 for most resellers); and

(ii) Submit evidence to establish that it did not pass through the alleged overcharge to its customers. For example, a firm may submit weighted average monthly purchase prices for each product purchased from Eastern for each month of the consent order period and compare those prices with average prices in the firm's market area for each of those months. (In the absence of an accurate market survey provided by the applicant, the OHA will use the market price information contained in *Platt's Oil Price Handbook and Oilmanac.*)

All Applications should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585. The applications must be filed in duplicate and must be received within 90 days from the date of publication of this Decision and Order in the **Federal Register**. A copy of each application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals, Forrestal Building, Room 1E–234, 1000 Independence Avenue, SW., Washington, DC 20585. Any applicant that believes that its application contains confidential information must so indicate on the first page of its Application and submit two additional copies of its Applications from which the material alleged to be confidential has been deleted together with a statement specifying why the information is alleged to be privileged or confidential.

E. Distribution of Funds Remaining after First Stage

Any funds that remain after all first stage claims have been decided will be distributed in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), Pub. L. 99–509, Title III. *See* Fed. Energy Guidelines ¶ 11,702 et seq. PODRA requires that the Secretary of Energy determine annually the amount of oil overcharge funds that will not be required to refund monies to injured parties in Subpart V proceedings and make those funds available to state governments for use in four energy conservation programs. PODRA sections 3003(c) and (d). The Secretary has delegated these responsibilities to the OHA, and any funds in the Eastern consent order escrow account that the OHA determines will not be needed to effect direct restitution to injured Eastern customers will be distributed in accordance with the provisions of PODRA.

It Is Therefore Ordered That:

(1) Applications for Refund from the funds remitted to the Department of Energy by Eastern Oil Company pursuant to the Consent Order executed on February 6, 1986, may now be filed.

(2) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register**.

George G. Breznay,

Director, Office of Hearings and Appeals.

Date: December 14, 1987.

Appendix.—Eastern Oil Company, Case No. KEF–0085

I. Identified customers	Potential refund
Northside Propane Gas Co.	$3,846.12
Robert South	$12,960.97
United Petroleum, Inc.	$70,804.83
Anthony Llanes	$5,441.48

Appendix.—Eastern Oil Company, Case No. KEF–0085—Continued

I. Identified customers	Potential refund
Highway Transport Co.	$3,048.85

II. Unidentified customers	Volumetric refund amount
Diesel Retail Customers	$0.03337951
Kerosene Retail Customers	$0.0139813
Gasoline Retail Customers	$0.0039974

[FR Doc. 87–29120 Filed 12–17–87; 8:45 am]

BILLING CODE 6450–01–M

[10] We recognize that the impact on an individual purchaser could have been greater than the applicable volumetric refund amount, and we will allow any purchaser to file a refund application based on a claim that it suffered a disproportionate share of the alleged overcharges. *See, e.g., Amtel, Inc.*, 12 DOE ¶ 85,073 at 88, 233–34 (1984); *Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./Siouxland Propane Co.*, 12 DOE ¶ 85,064 at 88,164 (1984).

[11] These figures differ from the volumetric refund factors proposed in the PDO as a result of a recalculation of the total volume of each product sold.

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3303-9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared November 30, 1987 through December 4, 1987 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5075/76. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in **Federal Register** dated April 24, 1987 (52 FR 13749).

Draft EISs

ERP No. D–AFS–D02003–VA, Rating EC2, South Coeburn Field, Natural Gas Pipeline and Road Construction and Drilling Development, Approval, Clinch Ranger District, Jefferson National Forest, Wise and Scott Counties, VA. **SUMMARY:** EPA's review identified deficiencies in stream and riparian definitions, wetland identification, sediment service and controls, groundwater impacts, and the alternatives and analysis section.

ERP No. D–BOP–D81015–PA, Rating EC2, Schuylkill Federal Correctional Institution Complex, Construction and Operation, Schuylkill County, PA. **SUMMARY:** EPA expressed concern with the requested additional information on waste disposal, public utilities service, and other support services for the proposed facility.

ERP No. D–FHW–B40066–00, Rating EO2, US 7 in Bennington, VT Improvements, US 7 to US 7/VT–67A Interchange; VT–9 in Bennington, VT and NY–7 in Hoosick, NY Improvements, VT–9 or NY–7 to US 7-VT–67A Interchange or VT–9 east of Bennington Village, Funding, Bennington County, VT and Rensselaer County, NY. **SUMMARY:** An onsite inspection by EPA will be required to determine if wetland impacts in the build corridors are avoidable and/or significant. Once the least environmentally damaging alternative is identified, unavoidable impacts to special aquatic sites must be mitigated on at least a 1:1 value basis. EPA recommends that a closed drainage system be installed through the Bennington Aquifer Protection Area should alternative 5 or 5A be selected, that current de-icing practices be reevaluated, and that alternative de-icing measures be considered. EPA also requests that additional air quality analysis be conducted for full disclosure of air quality impacts. Finally, EPA requests a meeting with FHWA and Vermont's Agency of Transportation to discuss EPA's comments.

ERP No. D–FHW–E40709–00, Rating LO, US 27/Central Bridge and Approach Roads Replacement, Newport, NY to Cincinnati, OH, Ohio River, Funding and 404 Permit, Campbell County, KY and Hamilton County, OH. **SUMMARY:** ERP No. D–FHW–F40294–OH, Rating EC2, Trotwood Connector Construction, OH–49 to US 35 and Turner Road Extension, Turner Road/Wolf Road Intersection to the Trotwood Connector, Funding and 404 Permit, Montgomery County, OH. **SUMMARY:** EPA noted concern with potential project impacts on air quality and adverse noise levels within the community. In addition, clarification of the rationale for selecting the preferred alignment alternatives was requested in the final EIS.

ERP No. D–FRC–K05050–CA, Rating LO, EL Portal Hydroelectric Project, Construction, Operation and Maintenance, License, Merced River, Maripose County, CA. **SUMMARY:** EPA expressed support for the no action alternative recommended by FERC staff, particularly in light of the Merced River Wild and Scenic River Act which prohibits hydropower developments on the river segment where the El Portal project is proposed.

Final EISs

ERP No. F–AFS–J65137–MT, Gallatin National Forest, Land and Resource Management Plan, Implementation, Madison, Carbon, Gallatin, Park, Meagher, and Sweet Grass Counties, MT. **SUMMARY:** The document does not provide sufficient information on its monitoring program to address EPA's concerns regarding timely detection and remediation of adverse environmental

VOL 52 ISS 243 DE 18 1987 UMI

BEST COPY AVAILABLE

impacts. EPA has requested the guidance documents indicated in the final Forest Plan be provided to assist in our determination of the monitoring program's adequacy.

ERP No. F-AFS-J65139-MT, Deerlodge National Forest, Land and Resource Management Plan, Implementation, Silver Bow, Powell, Deerlodge, Madison, Jefferson and Granite Counties, MT. **SUMMARY:** The document partially addressed EPA's comments on the draft EIS. EPA is concerned that the extent and frequency of the present monitoring plan is insufficient to detect and remedy adverse impacts on a timely basis. EPA would like to participate in review of the guidance documents for this monitoring plan and the application of the environmental impact analysis process to specific projects.

ERP No. F-CDB-K36093-CA, Adoption-Telegraph Canyon Creek Flood Control Project, Community Development Block Grant Funds, City of Chula Vista, San Diego County, CA. **SUMMARY:** EPA stated that it would not object to HUD's release of funds for the project provided that the conditions previously agreed upon by the COE and FWS in the 1983 final EIS remain a part of the project.

ERP No. F-COE-E6157-TN, Mill Creek Basin Flood Damage Reduction Plan, Mill and Sevenmile Creeks, Dry Dam Construction, Implementation, Davidson and Williamson Counties, TN. **SUMMARY:** EPA does not anticipate significant adverse environmental consequences form the proposed action.

ERP No. F-COE-35038-OH, Ashtabula Harbor, Dredging and Confinement of Polluted Sediments, Implementation, Ashtabula County, OH. **SUMMARY:** We concur with the COE and the plan for the dredging and disposal of Ashtabula Harbor sediments. We commend the COE on its carefully conceived plan which, if implemented with appropriate operational modifications, will result in tangible environmental benefits to the Ashtabula River, and, in turn, to Lake Erie.

ERP No. F-COE-G35016-LA, Lake Pontchartrain and Lake Maurepas Clam Shell Dredging, 10-year Permit Renewal, Section 10 and 404 Permit, Livingston, Jefferson and St. Charles Parishes, LA. **SUMMARY:** EPA has no objections to the proposed action with appropriate mitigation. Such mitigation should be included in any permits issued for this project.

ERP No. F-COE-G35017-LA, Atchafalaya, East Cote Blanche and Four League Bays, Oyster Shell Dredging Operation, Section 10 and 404 Permit, Iberia, St. Mary, Terrebonne and Vermilion Parishes, LA. **SUMMARY:** EPA has no objections to the proposed action with appropriate mitigation. Mitigation stipulations, including compensatory mitigation, should be considered in permit stipulations.

ERP No. F-COE-G36139-TX, El Paso Southeast Area Local Flood Control Plan, Implementation, 404 Permit, City of El Paso, El Paso County, TX. **SUMMARY:** The document adequately responded to EPA comments issued on the draft EIS and has no objections to the project as proposed.

ERP No. F-DOE-E00005-SC, Savannah River Plant Alternative Cooling Water Systems for C- and K-Reactors and D-Area Powerhouse, Construction and Operation, Implementation, Aiken, Barnwell and Allendale Counties, SC. **SUMMARY:** EPA concludes that DOE has not demonstrated a reasonable assurance that the DOE preferred once—through cooling tower system will assure the "protection and propagation of a balanced indigenous population of shellfish, fish and wildlife" as required for a section 316(a) variance to the South Carolina Water Quality Standards. The recirculating alternative, which is both clearly permittable and environmentally preferrable, should therefore be selected by DOE in the ROD for implementation.

ERP No. F-FHW-B40064-ME, Sears Island Marine Dry Cargo Terminal and Access Road Construction, Funding, Section 404 and 10 Permits, Waldo County, ME. **SUMMARY:** EPA has raised environmental objections to this project under NEPA and now recommends that the section 404 permit and federal grants be denied for the Sears Island proposal. This decision is based on EPA's position that the substantial adverse environmental impacts that the project would cause are both avoidable and unnecessary in light of the availability of a practicable, less environmentally damaging alternative at Mack Point.

ERP No. F-FHW-G40036-TX, Beltway 8 Section VI Circumferential Freeway Construction, US 59 South to I-45 South, Funding, City of Houston, Harris County, TX. **SUMMARY:** EPA finds the document satisfactorily responds to those areas of concern within EPA's jurisdiction and expertise and has no objection to the proposed action.

ERP No. F-FHW-L40157-AK, Eagle River Loop Road Connection to Hiland Drive/Glenn Highway Interchange, Funding, 404 Permit, Anchorage, AK. **SUMMARY:** EPA continues to have environmental concerns regarding residential noise impacts and secondary growth effects.

ERP No. F-MMS-A02221-00, 1988 Central, Western and Eastern Gulf of Mexico, Outer Continental Shelf (OCS) Oil/Gas Sales Nos. 113, 115, and 116, Lease Offerings, TX, AL, FL, LA and MS. **SUMMARY:** EPA expressed its continuing objection to unrestricted leasing in the Gulf planning areas and urged the MMS to adopt leasing stipulations to protect topographic highs and live bottoms. EPA also noted that such stipulation had been proposed for sale #113, the first of the three 1988 Gulf sales that will occur.

ERP No. F-SFW-L64034-AK, Selawik National Wildlife Refuge Comprehensive Conservation Plan, Wilderness Review and Wild River Plan, Implementation, Kotzebue Sound, AK. **SUMMARY:** Monitoring activities have been identified as necessary to ensure that selection of the preferred alternative does not result in adverse impacts. EPA's concern is that such activities may not occur without the additional funding that has also been identified as necessary. EPA has suggested that implementation of activities which require monitoring be delayed until funding can also be assured.

ERP No. F-SFW-L64035-AK, Nowitna National Wildlife Refuge Comprehensive Conservation Plan, Wilderness Review and Wild River Plan, Implementation, Yukon River Valley, AK. **SUMMARY:** Monitoring activities have been identified as necessary to ensure that selection of the preferred alternative does not result in adverse impacts. EPA's concern is that such activities may not occur without the additional funding that has also been identified as necessary. EPA suggested that implementation of activities which require monitoring be delayed until funding can also be assured.

Dated: December 15, 1987.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 87-29123 Filed 12-17-87; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3303-8]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075, EPA.

Availability of Environmental Impact Statements Filed December 7, 1987 Through December 11, 1987 Pursuant to 40 CFR 1506.9

EIS No. 870435, Draft, AFS, CA, Gallatin Marina (Formerly Eagle Lake Marina) Future Development Policy, Implementation, 404 Permit, Lassen National Forest, Lassen County, CA, Due: February 1, 1988, Contact: Steve Young (916) 257-2151.

EIS No. 870436, Final, BLM, ID, Medicine Lodge Resource Area, Wilderness Study Areas Recommendations, Wilderness Designation or Nondesignation, Sand Mountain and Snake River Islands WSAs, Bonneville, Fremont and Jefferson Counties, ID, Due: January 18, 1988, Contact: Lloyd Ferguson (208) 529-1020.

EIS No. 870437, Final, BLM, ID, Lemhi Resource Area WSA Recommendation, Wilderness Designation and Nondesignation, Eighteenmile Wilderness Study Area, Salmon District, Lemhi Country, ID, Due: January 18, 1988, Contact: Gary Wyke (208) 334-1952.

EIS No. 870438, Draft, AFS, CA, OR, Rogue River National Forest, Land and Resource Management Plan, Implementation, Jackson, Klamath, Josephine and Douglas Counties, CA and Siskiyou County, OR, Due: April 1, 1988, Contact: Steven Deitemeyer (503) 776-3600.

EIS No. 870439, Draft, MMS, CA, Northern California OCS Oil and Gas Sale No. 91, Lease Offerings, Humboldt and Mendocino Counties, CA, Due: February 1, 1988, Contact: Steven Alcorn (213) 894-6741.

EIS No. 870440, Final, BLM, UT, San Juan Resource Area, Resource Management Plan, Implementation, San Juan County, UT, Due: January 18, 1988, Contact: Steve Howard (801) 524-3127.

EIS No. 870441, Draft, BLM, CA, NV, California Vegetation Management Program, Implementation, Orange, Riverside, Kern, Inyo, and Modoc Counties, CA and NV, Due: February 15, 1988, Contact: Carl Rountree (916) 978-4722.

Amended Notices

EIS No. 870312, Draft, AFS, Gifford Pinchot National Forest, Land and Resource Management Plan, Implementation, Clark, Lewis, Klicktat, Cowlitz, Skamania and Yakima Counties, WA, Due: January 30, 1988, Contact: Lloyd DeWerff (206) 696-7552.

Published FR 9-25-87—Review period extended.

Dated December 15, 1987.

William D. Dickerson,

Acting Director, Office of Federal Activities.

[FR Doc. 87-29122 Filed 12-17-87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-00087; FRL-33044]

Biotechnology Science Advisory Committee; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: There will be a 1-day meeting of the Biotechnology Science Advisory Committee. The meeting will be open to the public. The Committee will be informed of and discuss issues associated with rulemaking for biotechnology within the Offices of Toxic Substances and Pesticide Programs. The Committee will also discuss confidentiality issues and be informed of recent produce reviews.

DATE: The meeting will be held on Tuesday, January 5, 1988, starting at 10 a.m. and ending at approximately 5 p.m.

ADDRESS: The meeting will be held at: The Crystal City Marriott Hotel, 1999 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Environmental Protection Agency, The TSCA Assistance Office, Office of Pesticides and Toxic Substances (TS-799), 401 M Street SW., Washington, DC 20460, (202-554-1404).

SUPPLEMENTARY INFORMATION: Attendance by the public will be limited to available space. The TSCA Assistance Office will provide summaries of the meeting at a later date.

Dated: December 15, 1987.

Victor J. Kimm,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 87-29157 Filed 12-17-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

December 10, 1987.

The Federal Communications Commission has submitted the following information collection requirements to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Copies of the submissions may be purchased from the Commission's copy contractor, Interior Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. For further information on these submissions contact Terry Johnson, Federal Communications Commission, (202) 634-1535. Persons wishing to comment on these information collections should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0171
Title: Section 73.1125, Station main studio location
Action: Extension
Respondents: Businesses (including small businesses)
Frequency of Response: On occasion
Estimated Annual Burden: 36 Responses; 18 Hours
Needs and Uses: A licensee of an AM, FM, or TV broadcast station is required to notify the Commission when the station's main studio is relocated. This information informs the Commission of a change in mailing address and is used to ensure that the station is located within the principal community contour.

OMB Number: 3060-0176
Title: Section 73.1510, Experimental Authorizations
Action: Extension
Respondents: Businesses (including small businesses)
Frequency of Response: On occasion
Estimated Annual Burden: 30 Responses; 60 Hours
Needs and Uses: A licensee of an AM, FM, or TV broadcast station seeking an experimental authorization must file an informal application with the Commission describing the nature and purpose of experimentation. The information is used by Commission staff to ensure that the experimentation will not cause interference to another station.

OMB Number: 3060-0157
Title: Section 73.99, Presunrise service authorization (PSRA) and postsunset service authorization (PSSA)
Action: Extension
Respondents: Businesses (including small businesses)
Frequency of Response: On occasion
Estimated Annual Burden: 150 Responses; 38 Hours
Needs and Uses: A licensee of an AM radio broadcast station desiring to use a presunrise or postsunset service authorization must submit a letter of intent to the Commission. The letter is used by Commission staff to maintain complete technical information about the station and to ensure that interference is not caused to other stations.

OMB Number: 3060-0178
Title: Section 73.1560, Operating power and mode tolerances
Action: Extension

Respondents: Businesses (including small businesses)
Frequency of Response: On occasion
Estimated Annual Burden: 1,189 Responses; 1,189 Hours
Needs and Uses: Licensees of AM, FM, or TV broadcast stations must file a notification with the Commission when operating at reduced power for more than 10 consecutive days and upon restoration of normal operations. If normal operations cannot be restored within 30 days, licensees must file a written request for additional time. This information is used by the Commission to maintain complete and accurate technical information about station operations.

OMB Number: 3060–0207
Title: Section 73.961, Tests of the Emergency Broadcast System
Action: Extension
Respondents: Businesses (including small businesses)
Frequency of Response: Recordkeeping requirement
Estimated Annual Burden: 11,000 Recordkeepers; 13,750 Hours
Needs and Uses: This information is needed to maintain accurate records and documentation of broadcast station compliance with Commission rules, locate Emergency Broadcast System equipment failures, and to enhance and encourage station participation in the national, state, and local Emergency Broadcast System.

Federal Communications Commission.
William Tricarico,
Secretary.
[FR Doc. 87–29061 Filed 12–17–87; 8:45 am]
BILLING CODE 6712–01–M

Comment Dates Extended on Remand of Average Schedule Revisions

December 4, 1987.

On December 4, 1987, the Chief, Common Carrier Bureau extended [1] the comment and reply filing dates on the National Exchange Carrier Association's [NECA] September 17, 1985 proposed average schedule revisions, the data filed by NECA on September 15, 1987, and the record that was before the United States Court of Appeals for the District of Columbia Circuit in *City of Brookings et al. v. Federal Communications Commission.*[2] The original notice was published in the **Federal Register** November 12, 1987 (52 FR 43399).

As a consequence of the availability of additional information to the public, and the need to afford additional time for the analysis of that data, initial comments may be filed on or before January 5, 1988, and reply comments may be filed on or before February 3, 1988.

Persons wishing to file comments or reply comments should file five copies with the Secretary of the Federal Communications Commission (Room 222); two copies with the Policy and Program Planning Division, Common Carrier Bureau (Room 544); and one copy with the International Transcription Service (Room 245). [3] All comments and replies should be captioned: "In the Common Carrier Matter of: *City of Brookings* Remand Proceeding."

For further information, contact Kent Nilsson at (202)–632–6363.

Subject: Commission approval of National Exchange Carrier Association proposed revisions to the average schedules pursuant to 47 CFR 69.606(a).

Federal Communications Commission.
William J. Tricarico,
Secretary.
[FR Doc. 87–29060 Filed 12–17–87; 8:45 am]
BILLING CODE 6712–01–M

[1] Order in the Matter of Extensions of Time for Filing Comments in the *City of Brookings* Remand Proceeding, DA 87–1761 (released Dec. 4, 1987).

[2] *City of Brookings Municipal Telephone Company, et al. v. Federal Communications Commission*, 822 F.2d 1153, 1171 (D.C. Cir. 1987).

[3] All room references are to the Commission's Offices at 1919 M St., NW., Washington, DC 20554.

Applications for Consolidated Hearing; Hartke Communications Corp. et al.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant	City/State	File No.	MM Docket No.
A. Hartke Communications Corp.	Key West, Florida.	BPCT–870212KJ.	87–546
B. Conch Republic Television, Inc.	Key West, Florida.	BPCT–870331LV.	
C. Penny Drucker.	Key West, Florida.	BPCT–870331IW.	

2. Purusant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

Air Hazard, A
Comparative, A, B, C
Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857–3800.

Roy J. Stewart,
Chief, Video Services Division, Mass Media Bureau.
[FR Doc. 87–29058 Filed 12–17–87; 8:45 am]
BILLING CODE 6712–01–M

Applications for Consolidated Proceeding; PN Radio Co. et al

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM Docket No.
A. PN Radio Company.	Roswell, NM	BPH–850711NQ.	87–542
B. Integrated Broadcast Management, Inc.	Roswell, NM	BPH–850712IW.	
C. Robert C. Martin, Dwight Williams and Anna Rosales Williams d/b/a Serious Note Broadcasting.	Roswell, NM	BPH–850712RW.	
D. FM Roswell Limited Partnership.	Roswell, NM	BPH–850712RY.	
E. Majorie S. Moore.	Roswell, NM	BPH–850712RU (Dismissed).	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR. 19347, May 29, 1986. The letter shown before each applicant's name above is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant

1. Air Hazard, C
2. Comparative, A, B, C, D
3. Ultimate, A, B, C, D

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857–3800).

W. Jan Gay,
Assistant Chief, Audio Services Division, Mass Media Bureau.
[FR Doc. 87–29059 Filed 12–17–87; 8:45 am]
BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 87–29]

Lake Charles Stevedores, Inc. v. Lake Charles Harbor and Terminal District; Filing of Complaint and Assignment

Notice is given that a complaint filed by Lake Charles Stevedores, Inc. ("Stevedores") against the Lake Charles Harbor and Terminal District ("District") was served December 14, 1987. Stevedores alleges that District has violated sections 10(b)(11), 10(b)(12) and 10(d), Shipping Act of 1984, 46 U.S.C. app. 1709(b)(11), (b)(12), and (10)(d), through the allocation of work by District in connection with (1) the unloading of United States Department of Agriculture export cargo from railcars or trucks for temporary storage at warehouses at the Port of Lake Charles and (2) the furnishing of stevedoring services at District's Bulk Terminal No. 1.

This proceeding has been assigned to Administrative Law Judge Joseph N. Ingolia ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by December 14, 1988, and the final decision of the Commission shall be issued by April 14, 1989.

Joseph C. Polking,
Secretary.
[FR Doc. 87–29025 Filed 12–17–87; 8:45 am]
BILLING CODE 6730–01–M

FEDERAL MEDIATION AND CONCILIATION SERVICE

President's Advisory Committee on Mediation and Conciliation; Meeting

Pursuant to section 10 of the Federal Advisory Committee Act (Pub. 92–463, as amended) notice is hereby given that a meeting of the President's Advisory Committee on Mediation and Conciliation will be held on Wednesday, January 6, 1988 from 10:30 a.m. to 5:00 p.m. in the ninth floor Ching Room of the Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427.

The purpose of the meeting is to consider the Committee's Report to the President, and to the Director of the Federal Mediation and Conciliation Service, and to formulate positions and recommendations to be presented in the Report. As this involves the discussion of views concerning existing or proposed legislation, and possible impact on collective bargaining positions, the meeting will be closed pursuant to 5 USC 552b(c)(9)(B).

Further information regarding this meeting may be obtained from Mr. Dennis R. Minshall, Executive Director, President's Advisory Committee on Mediation and Conciliation, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427, or call (202) 653–5290. Dated: January 14, 1988.

Kay McMurray,
Director, Federal Mediation and Conciliation Service.
[FR Doc. 87–29041 Filed 12–17–87; 8:45 am]
BILLING CODE 6372–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on December 4, 1987.

Social Security Administration

(Call Reports Clearance Officer on 301–965–41149 for copies of package)

1. Annual Report of Earnings—0960–0057—These forms are used by the Social Security Administration to obtain earnings information from beneficiaries so that the proper amount of benefits can be paid. The respondents are individuals or households. Respondents: Individuals or households. Number of Respondents: 1,500,000; Frequency of Response: Occasionally; Estimated Annual Burden: 250,000 hours.

OMB Desk Officer: Elana Norden.

Health Care Financing Administration

(Call Reports Clearance Officer on 301–594–1238 for copies of package)

1. Medicare Questionnaire—Beneficiary Incentives to Participate in Alternative Health Plans (AHPs)—NEW—This data collection will be used to study Medicare beneficiaries preferences among AHPs. This will allow HCFA to predict the effect of new capitation policies on the numbers of beneficiaries joining AHPs. Respondents: 2,200; Frequency of Response: One-time; Estimated Annual Burden: 1,100 hours.

2. Preclearance-Development of Outcome-Based Quality Measures for Home Health Services—NEW—The purpose of this project is to develop and test improved measures of quality of Medicare home health services based on patient outcomes. Respondents: Individuals or households. Number of Respondents: 1; Frequency of Response: One-time; Estimated Annual Burden: 1 hour.

OMB Desk Officer: Allison Herron.

VOL 52 ISS 243 DEC 18 1987 UMI

Office of Human Development Services

(Call Reports Clearance Officer on 202-472-4415 for copies of package)

1. Revised Head Start Program Information Report—0980-0017—Head Start programs use this report to collect data in order to ascertain the status of the delivery of service to children and their families. Respondents: State or local governments, Non-profit institutions, Small businesses or organizations. Number of Respondents: 1,920; Frequency of Response: One-time; Estimated Annual Burden: 6,720 hours.

2. Quarterly Estimate of Expenditures for Foster Care and Adoption Assistance—0980-0130—To determine the State's funding needs for the following three programs: (1) Non-voluntary Foster Care, (2) Voluntary Foster Care, and (3) Adoption Assistance. Respondents: State or local governments. Number of Respondents: 51; Frequency of Response: Quarterly; Estimated Annual Burden: 2,244 hours.

3. Quarterly Statement of Expenditures for Foster Care and Adoption Assistance—0980-0131—To determine the States actual expenditures for each of the following program activities: (1) Non-voluntary Foster Care, (2) Voluntary Foster Care, and (3) Adoption Assistance. Respondents: State or local governments. Number of Respondents: 51; Frequency of Response: Quarterly; Estimated Annual Burden: 3,264 hours.

OMB Desk Officer: Shannah Koss-McCallum.

Family Support Administration

(Call Reports Clearance Officer on 202-245-0652 for copies of package)

1. OCSE-Local-2 Statistical Form—NEW—This information will be used to monitor the improved collection performance of State and local child support agencies in accordance with the mandates of PL 98-378. States are required to submit quarterly statistics for 150 counties and/or localities operating child support programs. Respondents: State or local governments. Number of Respondents: 51; Frequency of Response: Quarterly; Estimated Annual Burden: 204 hours.

OMB Desk Officer: Elana Norden.

Public Health Services

(Call Reports Clearance Officer on 202-245-2100 for copies of package)

Food and Drug Administration

1. Medical Device Reporting—0910-0201—This regulation requires a manufacturer or importer of medical devices to report to FDA whenever they possess information suggesting a device has caused or contributed to a death or serious injury, or has malfunctioned and likely to cause or contribute to a death or serious injury. Importers are required to establish and maintain files or reports and records of this information. Respondents: Businesses or other for-profit, Small businesses or organizations. Number of Respondents: 691; Frequency of Response: Occasionally; Estimated Annual Burden: 70,260 hours.

Alcohol, Drug Abuse and Mental Health Administration

1. Seroprevalence of HIV Infection Among IV Drug Users in Selected Cities—New—This study is designed to establish an ongoing monitoring system to estimate the extent of HIV infection among intravenous drug users in selected cities and to provide information on the demographic and behavioral variables of this population. The study will provide prevalence rates and trends in support of Federal planning and research into the problem of AIDS among IV drug users. Respondents: Individuals or households. Number of Respondents: 6,000; Frequency of Response: One-time; Estimated Annual Burden: 6,000 hours.

Office of the Assistant Secretary for Health

1. Assessment of the Development and Implementation of State AIDS Contact Notification Programs—New—Indidivudals who test positive for HIV antibody are encouraged to notify their sexual and needle sharing partners of their infected status and to encourage them to seek testing. States have taken different approaches to implement contact notification, which has been used traditionally in the prevention of venereal disease. An analyses of several of these approaches will be conducted to assist policymakers in making recommendations. Respondents: State or local governments. Number of Respondents: 50; Frequency of Response: Single-time; Estimated Annual Burden: 113 hours.

OMB Desk Officer: Shannah Koss-McCallum.

As mentioned above, copies of the information collection clearance packages can be obtained by calling the Reports Clearance Officer, on one of the following numbers:

SSA: 301-965-4149
PHS: 202-245-2100
HCFA: 301-594-1238
FSA: 202-245-0652

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503. ATTN: (name of OMB Desk Officer).

Date: December 15, 1987.

James F. Trickett,

Deputy Assistant Secretary, Administrative and Management Services.

[FR Doc. 87-29093 Filed 12-17-87; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 87N-0270]

Studies for Developing Procedures to Evaluate the Safety of Bound Drug Residues; Availability of Grants (Cooperative Agreement); Request for Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is amending the notice that announced the anticipated availability of approximately $300,000 for Fiscal Year 1988 for cooperative agreements to support studies for developing procedures to evaluate the safety of drug residues that are bound to tissues of food-producing animals (52 FR 39281; October 21, 1987). The notice is being amended to require that applicants submit an original application and six copies instead of two copies. This action is necessary in order to provide a complete copy with attachments to each of several reviewers, concurrently. The Office of Management and Budget has approved the six-copy requirement for this purpose.

FOR FURTHER INFORMATION CONTACT: David B. Batson, Center for Veterinary Medicine (HFV-500), Food and Drug Administration, 5600 Fishers Lane, Rm. 6-89, Rockville, MD 20857, 301-443-6510.

SUPPLEMENTARY INFORMATION: In FR Doc. 87-24434, appearing on page 39283, third column, in the **Federal Register** of Wednesday, October 21, 1987, under "VIII. SUBMISSION REQUIREMENTS," the first sentence is revised in part to read "The original and six copies of the completed Grant Application Form PHS 398 (Rev. 9/86) * * *."

Dated: December 11, 1987

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-29034 Filed 12-17-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 87N-0267]

Clinical Studies of Safety and Effectiveness of Orphan Products; Availability of Grants; Request for Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is amending the notice that announced the anticipated availability of funds for Fiscal Year 1988 for awarding grants to support clinical trials on safety and effectiveness of orphan products (52 FR 39996; October 26, 1987). The notice is being amended to clarify the disposition of applications judged to be nonresponsive to the request and to require that applicants submit an original application and six copies instead of two copies. This latter action is necessary in order to provide a complete copy with attachments to each of several reviewers concurrently. The Office of Management and Budget has approved the six-copy requirement for this purpose.

FOR FURTHER INFORMATION CONTACT: Carol A. Wetmore, Office of Orphan Products Development (HF-35), Food and Drug Administration, 5600 Fishers Lane, Rm. 12A-40, Rockville, MD 20857, 301-443-4903.

SUPPLEMENTARY INFORMATION: In FR Doc. 87-24648, appearing on page 39998 in the **Federal Register** of Monday, October 26, 1987, the following revisions are made:

1. In the second column, under "VI. B. *Review Criteria,*" the second sentence is revised to read "Applications that are judged to be nonresponsive will be returned to the applicant."

2. In the third column, under "VII. SUBMISSION REQUIREMENTS," the first sentence is revised in part to read as follows "The original and six copies of the completed Grant Application Form PHS 398 (Rev. 9/86) * * *."

Dated: December 11, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-29033 Filed 12-17-87; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meetings: The following advisory committee meetings are announced:

Fertility and Maternal Health Drugs Advisory Committee

Date, time, and place. January 14 and 15, 1988, 9 a.m., Conference Rm. G, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing January 14, 1988, 9 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; open public hearing, January 15, 1988, 9 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; Philip A. Corfman, Center for Drug Evaluation and Research (HFN-810), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3510.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in obstetrics and gynecology.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

Open committee discussion. On January 14, 1988, the committee will discuss the potential utility of estrogen pellets for the treatment of menopausal symptoms. On January 15, 1988, the committee will discuss the risks and benefits of oral contraceptives containing more than 50 micrograms of estrogen.

Obstetrics-Gynecology Devices Panel

Date, time, and place. January 29, 1988, 9 a.m., Auditorium, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, 9 a.m. to 12 m.; open committee discussion, 1 p.m. to 5 p.m.; Colin M. Pollard, Center for Devices and Radiological Health (HFZ-470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring MD 20910, 301-427-7555.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before January 6, 1988, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss the safety and effectiveness of medical devices used for in vitro fertilization.

FDA public advisory committee meeting may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting the listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published

in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

Details on the agenda, questions to be addressed by the committee, and a current list of committee members are available from the contact person before and after the meeting. Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, Rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, approximatley 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: December 11, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87–29035 Filed 12–17–87; 8:45 am]

BILLING CODE 4160–01–M

Public Health Service

Announcement of Study To Provide Scientific Review of National Nutrition Monitoring System Information and Data; Correction

AGENCY: Office of the Assistant Secretary for Health, Department of Health and Human Services.

ACTION: Correction of study notice.

SUMMARY: On November 30, 1987, the Department of Health and Human Services and the United States Department of Agriculture announced in the **Federal Register** (52 FR 45504) that the Life Sciences Research Office of the Federation of American Societies for Experimental Biology is undertaking a scientific review of National Nutrition Monitoring System information and data. Two members of the ad hoc Export Panel on National Nutrition Monitoring listed in the notice were inadvertently omitted. These were Mildred Kaufman, M.S., University of North Caroline, Chapel Hill, NC, and Milton Z. Nichaman, M.D., D.Sc., University of Texas School of Public Health, Houston, TX. The other members of the committee are C. Wayne Callaway, M.D., George Washington University Medical Center, Washington, DC; Oral Capps, Jr., Ph.D., Texas A&M University, College Station, TX; Catherine Cowell, Ph.D., New York City Department of Health, New York, NY; Peter R. Dallman, M.D., University of California, San Francisco, CA; Ronald N. Forthofer, Ph.D., University of Texas School of Public Health, Houston, TX; A. Catharine Ross, Ph.D., Medical College of Pennsylvania, Philadelphia, PA; Howard G. Schutz, Ph.D., University of California, Davis, CA. On December 2, 1987, the panel elected Dr. Nichaman to serve as its chairman.

Dated: December 14, 1987.

J.M. McGinnis,

Deputy Assistant Secretary for Health (Disease Prevention and Health Promotion).

[FR Doc. 87–29094 Filed 12–17–87; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[AA–340–08–4333–08]

Wilderness Inventory Decisions

AGENCY: Office of the Secretary, Interior.

ACTION: Amendment of wilderness inventory decisions.

SUMMARY: This notice amends previous wilderness inventory decisions by the Bureau of Land Management with respect to areas under 5,000 acres that no longer qualify for wilderness study because of changes in the status of adjacent Federal lands. Eighteen areas containing 31,616 acres are being deleted.

EFFECTIVE DATE: January 19, 1988.

ADDRESS: Any comments received prior to the effective date will be considered. Comments should be addressed to: Keith H. Corrigall, Chief, Branch of Wilderness Resources, Bureau of Land Management, Main Interior Building Room 2661, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Questions about particular wilderness study areas should be directed to the appropriate Bureau of Land Management State Directors, whose addresses appear at the end of this notice (Appendix A). Questions about the nationwide aspects of the program should be directed to Keith Corrigall, Chief, Branch of Wilderness Resources, Bureau of Land Management, Main Interior Building Room 2661, Washington, DC 20240, telephone (202) 343–6064.

Amendment of Wilderness Inventory Decisions

Under the Bureau of Land Management Wilderness Inventory Handbook, issued September 27, 1978, the Department specified that a roadless area of public lands possessing wilderness characteristics could be identified as a wilderness study area despite being smaller than 5,000 acres if it was "contiguous with lands managed by another agency which have been formally determined to have wilderness or potential wilderness values * * *." More than 150 wilderness study areas were identified under this criterion.

Subsequently Congress has released from wilderness study status the roadless lands contiguous to 18 of the wilderness study areas the Department identified under the criterion. These wilderness study areas are listed in Table 1. As a consequence of that congressional action, the Department's rationale for identifying 18 wilderness study areas listed in Table 1 is no longer valid. The contiguous lands they depended upon for identification as wilderness study areas no longer satisfy the applicable criterion under the Wilderness Inventory Handbook.

Under the Wilderness Inventory Handbook, the Department also specified that a roadless area of public lands possessing wilderness characteristics could be identified as a wilderness study area despite being smaller than 5,000 acres if:

(2) The public has indicated strong support for study of a particular area of less than 5,000 acres and it is demonstrated that it is clearly and obviously of sufficient size as to make practicable its preservation and use in an unimpaired condition, and of a size suitable for wilderness management, or

(3) They are contiguous with an area of less than 5,000 acres of other Federal lands administered by an agency with authority to study and preserve wilderness lands, and the combined total is 5,000 acres or more.

None of the 18 wilderness study areas listed in Table 1 qualifies under either criterion. A review of the case files and records data shows that at the time of the wilderness inventory none of the 18 areas wae subject to strong public support.

With respect to criterion (3), although the lands contiguous to each of the wilderness study areas listed in Table 1 are administered by an agency with authority to study and preserve wilderness lands, Congress has supplanted the general authority to study the lands by declaring specifically that the contiguous lands will not be further considered for wilderness preservation. As a result, the Wilderness Inventory Handbook's criterion (3) is not applicable.

The Department has analyzed the environmental effects of the proposed action announced in this notice in an environmental assessment. The Department finds that it will have no significant impact on the environment. The environmental assessment is available for public review. Requests for review of the environmental assessment should be made to Keith Corrigall, Chief, Branch of Wilderness Resources, Bureau of Land Management, Main Interior Building Room 2661, Washington, DC 20240.

The 18 wilderness study areas listed in Table 1 have been determined to qualify no longer for wilderness study area status, and they are deleted from that status effective 30 days after publication of this action in the **Federal Register**. The areas will thereupon cease to be subject to the Bureau of Land Management's interim Management Policy for Lands Under Wilderness Review.

J. Steven Griles,

Assistant Secretary.

December 15, 1987.

TABLE 1.—DELETED WILDERNESS STUDY AREAS

Name	Number	Acreage	County	Contiguous forest service area	Released by Public Law No.
California:					
Tepusquet Peak	CA–010–007	1,024	Santa Barbara.	Miranda Pine, Tepquesquet Peak	98–425
Spoor Canyon	CA–010–036	240	Santa Barbara.	Fox Mountain	98–425
Cuyama	CA–010–037	1,014	Santa Barbara.	Fox Mountain, Cuyama	98–425
Independence Creek	CA–010–057	3,510	Inyo	Independence Creek	98–425
Wonoga Peak	CA–010–058	3,530	Inyo	Wonoga Peak	98–425
Tinemaha	CA–010–059	3,280	Inyo	Tinemaha	98–425
Rock Creek West	CA–010–070	414	Mono	Rock Creek West, Whiskey Creek	98–425
Excelsior (South ½)	CA–010–088	3,300	Mono	Deep Wells, Excelsior	98–425
Carson-Iceberg	CA–010–105B	1,040	Mono	Toiyabe	98–425
Machesna [1]	CA–010–108	520	San Luis Obispo.	Machesna Mountain	98–425
North Fork America	CA–040–102	50	Placer	North Fork American	98–425
Tuolumne River	CA–040–201	3,005	Tuolumne	Tuolumne River	98–425
Washington:					
Cache Creek	OR–6–10	951 [2]	Asotin	Mountain Sheep	98–326
Utah:					
Big Hollow	UT–020–105	3,593	Tooele	Stansbury Mountain (Deseret Peak)	98–428
Wyoming:					
South Paint Rock	WY–010–236	660	Big Horn	Cloud Peak Contiguous	98–550
Paint Rock	WY–010–239	2,770	Big Horn	Cloud Peak Contiguous	98–550
East Fork	WY–040–106	1,415	Sublette	Green/Sweetwater	98–550
Mill Creek	WY–040–335	1,300	Fremont	Green/Sweetwater	98–550
Total (18 Units)		31,616			

[1] A portion of the Machesna area containing 80 acres, contiguous to the Machesna Wilderness designated by Congress, is not being deleted and remains a wilderness study area.

[2] An additional 1,723 acres were previously released from the Cache Creek area by Congress. The total acreage of the area is 2,674 acres, a more accurate recalculation of the acreage previously cited, 2,935 acres.

Appendix A

State Offices

U.S. Department of the Interior
Bureau of Land Management

California: (916) 978–4730, 2800 Cottage Way, Sacramento, California 95825.

Oregon: (503) 231–6832, 825 NE Multnomah Street, Post Office Box 2965, Portland, Oregon 97208.

Utah: (801) 524–3137, 324 South State Street, Salt Lake City, Utah 84111–2303.

Wyoming: (307) 778–2073, 2515 Warren Avenue, Post Office Box 1828, Cheyenne, Wyoming 82003.

[FR Doc. 87–29075 Filed 12–17–87; 8:45 am]

BILLING CODE 4310–84–M

Bureau of Land Management

[ID–030–08–4332–01]

Environmental Impact Statement; Availability; Idaho State Office, ID

AGENCY: Bureau of Land Management, Interior.

VOL 52 ISS 243 DEC 18 1987 UMI

ACTION: Notice of availability of the Lemhi and Medicine Lodge Wilderness final environmental impact statements.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared final environmental impact statements (FEIS) which assesses the environmental consequences of managing three WSAs as wilderness, non-wilderness, or partial wilderness. The alternatives assessed in the EISs incldue: (1) A "no wilderness" alternative: (2) an "all wilderness" alternative: and (3) "partial wilderness" alternative for each WSA. The names of the three WSAs considered in the EISs, their total acreage, and the proposed action for each WSA are as follows:

Lemhi EIS, FES 87-67

Eighteenmile WSA—24,922 acres: 14,796 acres are recommended as suitable for wilderness designation: 10,126 acres are recommended as nonsuitable for wilderness.

Medicine Lodge EIS, FES 87-68

Sand Mountain WSA—21,100 acres: all nonsuitable for wilderness designation.

Snake River Island WSA—770 acres: all nonsuitable for wilderness designation.

These Bureau of Land Management wilderness proposals will ultimately be forwarded by the Secretary of the Interior and President to Congress. The final decision on wilderness designation rests with Congress.

In any case, no final decision on these proposals can be made during the 30 days following the publication in the **Federal Register** of the Environmental Protection Agencies' notice of the filing of these EISs. This complies with the Council on Environmental Quality Regulations 40 CFR 1506.106(2).

SUPPLEMENTARY INFORMATION: A limited number of copies of the Lemhi FEIS may be obtained from the District Manager, Salmon District Office, Box 430, Salmon, Idaho, 83467, and copies of the Medicine Lodge FEIS from the District Manager, Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401. Copies are available for inspection at the following locations:

Department of the Interior, Bureau of Land Management, 18th C Streets, NW., Washington DC 20240.

Bureau of Land Management, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706.

FOR FURTHER INFORMATION, CONTACT: George Nelson, Wilderness Program Leader, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706, Telephone: (208) 334-1616.

Date: December 9, 1987.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 87-28740 Filed 12-17-87; 8:45 am]

BILLING CODE 4310-GG-M

[OR 43466; OR-080-09-4212-14: GP8-037]

Realty Action; Notice of Direct Sale Benton County, Oregon

December 11, 1987.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

The following described public land has been examined and determined to be suitable for transfer out of Federal ownership by direct sale under the authority of section 203 and 209 of the Federal Land Policy and Management Act of 1976, as amended (90 Stat. 2050; 43 U.S.C. 1713 and 90 Stat. 2757; 43 U.S.C. 1719), at not less than the fair market value:

Willamette Meridian, Oregon

T. 13 S., R. 5 W.,
Sec. 3, Lot 6.

Containing 0.51 acre in Benton County, Oregon.

The land has not yet been appraised. Anyone wishing to know the appraised value may inquire at the address shown below.

Upon publication of this notice in the **Federal Register**, the above-described land will be segregated from appropriation under the public land laws, including the mining laws, except the mineral leasing laws. The segregative effect of this notice of realty action shall terminate upon issuance of the patent, upon publication in the **Federal Register** of a termination of the segregation or 270 days from the date of publication, whichever occurs first.

The parcel is difficult and uneconomic to manage as a part of the public lands and is not suitable for management by another Federal department of agency. The parcel is suitable for agricultural production and has been farmed for many years inadvertently, without authorization. The sale is consistent with the Westside Management Framework Plan and the public interest will be served by offering this parcel for sale.

The parcel is being offered to the Venell Farms, Inc., using direct sale procedures authorized under 43 CFR 2711.3-3. The parcel will be sold to Venell Farms, Inc., at fair market value without competitive bidding. The land will be conveyed subject to a reservation to the United States for rights-of-way for ditches or canals under the Act of August 20, 1890 (26 Stat. 391; 43 U.S.C. 945);

Detailed information concerning the sale is available for review at the Salem District Office.

For a period of 45 days from the date of publication of this notice, interested parties may submit comments regarding the proposed sale of the land to the Alsea Area Manager, 1717 Fabry Road SE, Salem, OR 97306. Any adverse comments will be reviewed by the Salem District Manager, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this action will become the final determination of the Department of the Interior.

John H. Mears,

Alsea Area Manager.

[FR Doc. 87-29039 Filed 12-17-87; 8:45 am]

BILLING CODE 4310-33-M

[CA-940-07-4520-12; Group 623]

Filing of Plat of Survey; California

December 7, 1987.

1. This plat of the following decribed land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, Kern County

T. 28 S., R. 40 E. and
T. 28 S., R. 39 E.

a. This plat, representing the correctiave dependent resurvey of the south boundary (which includes a portion of the Seventh Standard Parallel South), Township 28 South, Range 40 East, a portion of the south boundary of Township 28 South, Range 39 East, and the east and west boundaries and subdivisional lines, Township 28 South, Range 40 East, Mount Diablo Meridian, California, under Group No. 623, was accepted October 27, 1987.

Mount Diablo Meridian, Kern County

T. 29 S., R. 40 E.

b. This plat, in three (3) sheets, represents the corrective dependent resurvey of the Seventh Standard Parallel South through Range 40 East, a portion of the south boundary, and the subdivisional lines, Township 29 South, Range 40 East, Mount Diablo Meridian, California under Group No. 623, was accepted October 23, 1987.

2. This plat will immediateldy become the basis record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

3. This plat was executed to meet certain administrative needs of the Bureau.

4. All inquires relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 87-29027 Filed 12-17-87; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-07-4520-12; C-17-87]

Filing of Plat of Survey; California

December 7, 1987.

1. This supplemental plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, Mariposa County

T. 4 S., R. 18 E.

2. This supplemental plat of the S½ of section 21, Township 4 South, Range 18 East, Mount Diablo Meridian, California, was accepted October 29, 1987.

3. This supplemental plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This supplemental plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 87-29028 Filed 12-17-87; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-07-4520-12; Group 962]

Filing of Plat of Survey; California

December 7, 1987.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, San Benito County

T. 16 S., R. 7 E.

2. This plat, representing the dependent resurvey of a portion of the subdivisional lines, and the survey of the subdivision of section 20, Township 16 South, Range 7 East, Mount Diablo Meridian, California, under Group No. 962, was accepted October 29, 1987.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the National Park Service, Pinnacles National Monument.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 87-29029 Filed 12-17-87; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-07-4520-12; Group 921]

Filing of Plat of Survey; California

December 7, 1987.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

San Bernardino Meridian, Imperial County

T. 12 S., R. 16 E.

2. This plat, representing the dependent resurvey of a portion of the west boundary, a portion of the south boundary of section 30, the survey of the subdivision of section 30, and the metes and bounds survey of Lot 13, in section 30, Township 12 South, Range 16 East, San Bernardino Meridian, California, under Group No. 921, was accepted November 13, 1987.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 87-29030 Filed 12-17-87; 8:45 am]

BILLING CODE 4310-40-M

National Park Service

Availability of an Environmental Assessment; Big Cypress National Preserve; FL

AGENCY: Big Cypress National Preserve, Florida, National Park Service, Interior.

ACTION: Notice of availability of an environmental assessment.

SUMMARY: Notice is hereby given pursuant to § 9.52(b) of Title 36 Part 9, Subpart B of the Code of Federal Regulations of the availability for review of and comment on an environmental assessment for an oil and gas Plan of Operations substantially modified and resubmitted by Shell Western E & P Inc., for the purpose of conducting geophysical seismic exploration surveys in the Big Cypress National Preserve.

DATE: Comments received by February 16, 1988, will be entered into the official records.

ADDRESSES: Copies of the environmental assessment are available for review at:

Big Cypress National Preserve, S.R. Box 110, Satinwood Drive, Ochopee, Florida 33943, Telephone (813) 695-2000.

Office of Science and Natural Resources, Southeast Regional Office, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303, Telephone (404) 331-4916.

Miami-Dade Public Library, 101 West Flagler, Miami, Florida 33130.

Collier County Public Library, 650 Central Avenue, Naples, Florida 33940.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Fagergren, Superintendent, Big Cypress National Preserve.

Dated: December 11, 1987.

Robert M. Baker,

Regional Director, Southeast Region.

[FR Doc. 87-29031 Filed 12-17-87; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Intent to Engage in Compenssted Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

VOL 52 ISS 243 DEC 18 1987 UMI

1. *Parent Corporation:* Macfield, Inc. P.O. Box 737 Madison, North Carolina 27025

Wholly-Owned Subsidiaries which will participate in the operations:

(A) Macfield Spinning, Inc., P.O. Box 1462, Sanford, North Carolina 27330—North Carolina
(B) Federal Spinning, Inc., P.O. Box 158, Sanford, North Carolina 27330—North Carolina
(C) Imperial Cotton, Inc., P.O. Box 1462, Sanford, North Carolina 27330—North Carolina
(D) Imperial Spinning, Inc., P.O. Box 580, Wallace, North Carolina 28466—North Carolina

2. Pine Wood Furniture, Inc., Saddleback Cove, P.O. Box 820, Travelers Rest, SC [NHRI]

Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Pine Wood Express, Inc. (Incorporated in the state of SC), Saddleback Cove, P.O. Box 820, Travelers Rest, SC 29690.

Norete R. McGee,

Secretary.

[FR Doc. 87-29066 Filed 12-17-87; 8:45 am]

BILLING CODE 7025-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

List of Publications; Correction

This Notice is to correct information regarding the inspection of Antitrust Division publications listed in a Federal Register Notice published at 52 FR 34329-34330 (September 10, 1987). The Department of Justice no longer maintains Reading Room 1266 at 10th and Pennsylvania Avenue, NW. Arrangements to inspect the publications listed may be made by contacting Antitrust Division Library personnel at (202) 633-2431.

Date: December 10, 1987.

Charles F. Rule,

Assistant Attorney General.

[FR Doc. 87-29064 Filed 12-17-87; 8:45 am]

BILLING CODE 4410-01-M

National Cooperative Research Notification; Bell Communications Research, Inc.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 et seq. ("the Act"), Bell Communications Research, Inc. ("Bellcore") has filed written notifications, on behalf of Bellcore and NEC Corporation, simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties of the joint venture and (2) the nature and objectives of the joint venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the joint venture, and its general areas of planned activities, are given below.

Bellcore is a Delaware corporation with its principal place of business at 290 W. Mt. Pleasant Avenue, Livingston, New Jersey 07039.

NEC is a Japanese corporation with its principal place of business at 33-1, Shiba 5-chome, Minato-Ku, Tokyo 108, Japan.

Bellcore and NEC entered into an agreement effective October 1, 1987 to collaborate on cooperative theoretical and experimental studies in high speed and coherent optical devices and systems research to better understand the applications for exchange and exchange access services of technology and equipment useful for optical transmission including broadband ISDN and to demonstrate feasibility of research concepts by experimental prototypes and experimental systems of such technologies and equipment.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 87-29070 Filed 12-17-87; 8:45 am]

BILLING CODE 4410-01-M

National Cooperative Research Notification; Corporation for Open Systems International

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 et seq. ("the Act"), the Corporation for Open Systems International ("COS") has filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission on November 16, 1987, disclosing a change in the membership of COS. The additional written notification was filed for the purpose of extending the protections of section 4 of the Act, limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On May 14, 1986, COS filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the Federal Register pursuant to section 6(b) of the Act on June 11, 1986, 51 FR 21260. COS filed additional written notifications on August 6, 1986, September 30, 1986, January 2, 1987, March 24, 1987, June 12, 1987, July 23, 1987, October 5, 1987, and October 23, 1987. The Department published notices in the Federal Register in response to these additional notifications on September 4, 1986 (51 FR 31735), October 28, 1986 (51 FR 39434), February 13, 1987 (52 FR 4671), April 24, 1987 (52 FR 13769), July 21, 1987 (52 FR 27473), October 7, 1987 (52 FR 37539), November 9, 1987 (52 FR 43138), and December 4, 1987 (52 FR 46130), respectively. COS filed an additional written notification on July 31, 1987, which was published on December 15, 1987 (52 FR 47642).

On November 2, 1987, Bell Atlantic and VANCE Systems became parties to COS; on November 10, 1987, Southwestern Bell Telephone Company became a party to COS; and on October 15, 1987, Convergent Technologies withdrew as a member of COS.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 87-29071 Filed 12-17-87; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Corps Center Assessment Advisory Committee; Meeting

A public meeting of the Job Corps Advisory Committee will be held on Thursday and Friday, January 21 and 22, 1988, commencing at 9:00 a.m., in Room N-3437 A and B, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC.

The purpose of the meeting is to continue discussions which were initiated in the Committee's first meeting on November 6 and 7, 1987, of recommendations to improve the Job Corps Center Assessment (capacity reduction) system.

Individuals or organizations wishing to submit written statements pertaining to Job Corps center assessment should send 20 copies to Peter E. Rell, Director, Office of Job Corps, U.S. Department of Labor, Room N-4508, Washington, DC 20210. Telephone (202) 535-0500. Papers will be accepted and included in the record of the meeting if received on or before January 15, 1988.

Roger D. Semerad,

Assistant Secretary of Labor.

Signed at Washington, DC, this 8th day of December 1987.

[FR Doc. 87-29121 Filed 12-17-87; 8:45 am]

BILLING CODE 4510-30-M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effectvie date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3504, Washington, DC 20210.

Withdrawn General Wage Determination Decision

This is to advise all interested parties that the Department of Labor is withdrawing, from the date of this notice, General Wage Determination No. AL87-17 dated January 2, 1987.

Agencies with construction projects pending to which this wage decision would have been applicable should request a project wage determination using form SF-308 (Part 1 (29 CFR), § 1.5). Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR 1.6(c)(2)(i)(A), the incorporation of the withdrawn decision in contract specifications, the opening of bids for which is within ten (10) days of this notice, need not be affected.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

Listing by Location (index)—pp. xxi-xxii
Listing by Decision (index)—p. xlix

Volume II

Illinois:
IL87-1 (Jan. 2, 1987)—pp. 69-70,76
IL87-2 (Jan. 2, 1987)—pp. 98-99
IL87-8 (Jan. 2, 1987)—pp. 142,144
IL87-11 (Jan. 2, 1987)—p. 158
IL87-13 (Jan. 2, 1987)—p. 177
IL87-15 (Jan. 2, 1987)—p. 197
IL87-16 (Jan. 2, 1987)—p. 207
IL87-17 (Jan. 2, 1987)—p. 216
Indiana:
IN87-2 (Jan. 2, 1987)—p. 252
IN87-3 (Jan. 2, 1987)—p. 269
IN87-5 (Jan. 2, 1987)—p. 293
Ohio:
OH87-29 (Jan. 2, 1987)—pp. 832-833

Volume III

None.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts." This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the Country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 11th day of December 1987.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 87-28877 Filed 12-17-87; 8:45 am]

BILLING CODE 4510-27-M

VOL 52 ISS 243 DEC 18 1987 UMI

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Design, Manufacturing, and Computer-Integrated Engineering; Open Meeting

National Science Foundation announces the following meeting:

Name: Advisory Committee for Design, Manufacturing, and Computer-Integrated Engineering (DMCE).
Date and Time: Jan. 6–7, 1988
9:00 a.m.–5:00 p.m., Jan. 6
9:00 a.m.–3:00 p.m., Jan. 7
Place: National Science Foundation, 1800 G Street, NW., Washington, DC, Room 540.
Type of Meeting: Open.
Contact Person: Dr. Michael J. Wozny, Division Director, DMCE, Room 1108, National Science Foundation, Telephone: 202/357–7508.
Summary Minutes: Dr. Wozny.
Purpose of Meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to the Division of Design, Manufacturing, and Computer-Integrated Engineering.
Summarized Agenda: Discussions on issues, opportunities and future directions for the Division in Design, Manufacturing, and Computer-Integrated Engineering; discussion of the DMCE budget for FY 1987; discussion of budget issues with the NSF Assistant Director for Engineering, as well as other items.

M. Rebecca Winkler,
Committee Management Officer.

[FR Doc. 87–29065 Filed 12–17–87; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrences for Second Quarter CY 1987; Dissemination of Information

Section 208 of the Energy Reorganization Act of 1974, as amended requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incidents at NRC licensees were determined to be abnormal occurrences (AOs) using the criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950). These abnormal occurrences are described below, together with the remedial actions taken. These events are also being included in NUREG–0090, Vol. 10, No. 2 ("Report to Congress on Abnormal Occurrences: April–June 1987"). This report will be available in the NRC's Public Document Room, 1717 H Street, NW., Washington, DC about three weeks after the publication date of this **Federal Register** Notice.

Nuclear Power Plants

There were no AOs at the nuclear power plants.

Other NRC Licensees

(Industrial Radiographers, Medical Institutions, Industrial Users, etc.)

AO 87–9—Diagnostic Medical Misadministration

The general AO criterion notes that an event involving a moderate or more severe impact on public health or safety can be considered an abnormal occurrence.

Date and Place—On January 21, 1987, a 66-year-old female at Halifax-South Boston Community Hospital, South Boston, Virginia, received 782 microcuries of I–131 instead of a 100-microcurie dose usually given for a thyroid scan.

Nature and Probable Consequences—The purpose of the scan was to rule out the presence of a substernal thyroid, following removal of the normal thyroid many years ago. The thyroid scan and confirming computerized axial tomography (CAT) scan demonstrated the presence of a nonfunctional substernal thyroid.

No adverse effects to the patient are expected from the reported misadministration. The dose to the whole body was estimated as 0.37 rem (assuming a 15% thyroid tissue uptake) and a thyroid tissue dose of 625 rem. Patients are often administered radioiodine following surgical or radioactive thyroid removal to check for hidden thyroid tissue.

Cause or Causes—The misadministration was caused by the nuclear medicine technician's misinterpretation of the dose calibrator value.

Actions Taken To Prevent Recurrence

Licensee—The nuclear medicine technician was instructed to verify that the dose was within the proper range for a given procedure and to check with the radiologist prior to administration.

NRC—A telephonic contact was made to the radiologist reporting this misadministration for additional information and assurance that corrective action had been taken. The incident will be reviewed during the next NRC routine inspection at the hospital.

AO 87–10—Therapeutic Medical Misadministration

The general AO criterion notes that an event involving a moderate or more severe impact on public health or safety can be considered an abnormal occurrence.

Date and Place—From April 20–22, 1987, a patient treated on the cobalt-60 teletherapy unit at St. Peter's Medical Center, New Brunswick, New Jersey, received a radiotherapy administration of 600 rads to the lumbar spine area, which was not the prescribed treatment site.

Nature and Probable Consequences—A patient, diagnosed as having breast cancer with metastasis to the bone, was undergoing treatment to the thoracic spine of 3000 rads in 15 fractionated doses of 200 rads each. She had previously undergone palliative treatment to the lumbar spine and sacral hip areas and still retained the tattoo marks for those treatment fields. The technologist mistakenly used these tattoos to position the patient for treatment, rather than the tattoos defining the thoracic spine treatment area.

During the course of treatment, the patient was treated as both an in-patient and out-patient. The misadministration occurred while the patient was an in-patient. During treatment set-up on April 20, 21 and 22, 1987, the patient's gown was only raised far enough to expose the tattoos in the previously treated lumbar spine and sacral hip areas and the technologist involved mistakenly assumed that the lumbar spine tattoos defined the currently prescribed treatment field. Had the technologist raised the gown to expose the entire back, the tattoos in the thoracic spine area would have been seen.

The technologists involved with the patient's treatment noted that the light field was larger than the tattooed field, but assumed the discrepancy was due to skin shifting and did not notify the supervising technologist, radiation oncologist, or medical physicist. When the patient returned for treatment on April 23, 1987 as an out-patient, the gown she wore opened in the back and the entire back was exposed during treatment set-ups. The technologists then realized that the patient had been erroneously treated in the lumbar spine area, rather than the prescribed thoracic spine area. They immediately notified the supervising technologist and radiation oncology physician.

The consequence of this incident was that a patient received an unprescribed dose to the lumbar spine of 600 rads. The patient's referring physician and radiotherapist concluded that the dose would have no detrimental clinical effect due to the patient's current disease state.

Cause or Causes—The causes are attributed to human errors, including failures to comply with established procedures, i.e.,

1. The technologist did not expose the patient's entire back during treatment set-up;
2. The two technologists did not perform all simulation and set-up procedures together;
3. The technologist who originally simulated, tattooed and set up the patient for the initial treatments did not realize the error in subsequent set-ups; and
4. The technologists did not follow established procedures in the event the light field does not match the patient tattoo marks, which require notifying the supervising technologist, the radiation oncologist, or the medical physicist.

Actions Taken to Prevent Recurrence

Licensee—The licensee's immediate and planned corrective actions included: A review of internal policies to evaluate possible changes to prevent further misadministrations; a training session with all technologists to review the incident and internal policies; special training sessions for the technologists involved and review of all their work; and immediate probation of the two technologists.

NRC—A senior Region I NRC inspector conducted a routine inspection of the teletherapy program and review of the misadministration on April 28, 1987. No violations of NRC regulations were associated with this incident. An NRC medical consultant is reviewing the case.

AO 87–11—Diagnostic Medical Misadministration

The general AO criterion notes that an event involving a moderate or more severe impact on public health or safety can be considered an abnormal occurrence.

Date and Place—On June 3, 1987, NRC received written notification that on May 20, 1987, a patient at the National Institutes of Health, Bethesda, Maryland, received 120 millicuries of technetium-99m pertechnetate rather than the prescribed radiopharmaceutical, 10 millicuries of gallium-67 citrate.

Nature and Probable Consequences—A patient, scheduled to be injected with 10 millicuries of gallium-67 on May 20, 1987, was administered a radiopharmaceutical on that day and asked to return on May 22 for a scan. The patient study did not show the typical gallium-67 citrate uptake and an energy spectrum obtained by the gamma camera indicated that technetium-99m had been injected, and not the prescribed gallium-67.

The radiopharmacist reviewed the usage records for May 20, 1987 and discovered a 3.3 milliliter excess of gallium-67. The only technetium-99m radiopharmaceutical which could not be accounted for was technetium-99 pertechnetate. The radiopharmacist concluded that approximately 120 millicuries of technetium-99m in 3.3 milliliters were withdrawn by mistake by the radiopharmacist and was not assayed for activity in a dose calibrator. This radiopharmaceutical was then dispensed to a physician who administered it to the patient.

The licensee informed the NRC that the Chief of the Nuclear Medicine Department, the Chief of the Radiopharmacy and the Chief of the Radiation Safety Branch were notified as soon as the midadministration was discovered. The referring physician was notified by written memorandum. The patient experienced no adverse effect from this misadministration but received the following unwarranted approximate organ doses:

Tissue	Rads
Bladder Wall	10.2
Gastrointestinal Tract:	
Stomach Wall	6.1
Upper Large Intestinal Wall	14.4
Lower Large Intestinal Wall	13.2
Red Marrow	2.0
Testes	1.1
Thyroid	15.6
Brain	1.4
Whole Body	1.3

Cause or Causes—The causes are attributed to failure on the part of the radiopharmacist to read labels on stock solutions and the failure to assay for activity before administration to the patient.

Actions Taken to Prevent Recurrence

Licensee—All radiopharmacy personnel have been retrained in the existing policies requiring that all labels be checked and all radiopharmaceuticals assayed in a dose calibrator before being dispensed.

NRC—Region I reviewed this incident during a routine inspection of the licensee on June 8–12, 1987. One apparent violation, failure to assay the dose before administration to the patient, was associated with this incident.

AO 87–12—NRC Order Issued To Remove a Hospital's Radiation Safety Officer.

One of the AO examples notes that serious deficiency in management or procedural controls in major areas can be considered an abnormal occurrence.

Date and Place—On June 15, 1987, an Order Modifying License, Effective Immediately, was issued to Milford Memorial Hospital, Milford, Delaware. The action was based on (1) the falsification of daily constancy checks of the dose calibrator by the licensee's two technologists, and (2) the falsification of records of Radiation Safety Committee (RSC) meetings by the Radiation Safety Officer (RSO) for about 15 years.

Nature and Probable Consequences—As part of an NRC inspection at Milford Hospital on December 17, 1986, an NRC inspector reviewed the records of daily constancy checks performed on the dose calibrator. The inspector observed that during a period of time in 1986, the recorded results of the constancy checks were almost always the same value. In the presence of the licensee's RSO at the time, the inspector asked one of the two licensee technologists reponsible for performing the constancy checks if these tests had been performed. She initially stated that the constancy checks had been performed daily.

However, when the technologist performed the constancy check procedure a short time later in the presence of the inspector and obtained a significantly different value than previously recorded, she admitted that she had recorded data in the past without actually performing the check. The other technologist also admitted that she had documented the results of daily constancy checks without having performed the checks. Subsequent to the inspection, the investigation determined that these records were falsified for the period May 6, 1986 through December 17, 1986.

Although the RSO at that time stated that he had performed an audit of these specific records of constancy checks on November 16, 1986, he did not recognize that the records had been falsified. Apparently, the RSO verified that records of constancy checks existed, but he did not assess the accuracy of the records.

During an inteview with investigators from the NRC Office of Investigations (OI) on May 18, 1987, the Assistant Administrator of the hospital stated that during a review of previous RSC meeting minutes, he noticed that there were minutes for a January 20, 1987

meeting that he neither attended nor was given notice of despite his previous instructions to the RSO that he or the Hospital Administrator be present at those meetings. As a result of his inquiries he had found that these RSC meetings, which were required by the license to be conducted quarterly, had not been conducted for at least the past year, but that the RSO had created a record each quarter to represent that the meetings had occurred.

The RSO subsequently admitted to OI investigators that no RSC meetings had been held since approximately 1970, but that false records had been prepared to indicate that the meetings had occurred. These false records had been presented to NRC inspectors during the various NRC inspections as evidence that the RSC meetings had occurred, as required. Specific meeting minutes of the RSC also had been provided to the NRC, in letters dated April 7, and May 14, 1982, to resolve NRC concerns regarding the licensee's application for license renewal dated February 23, 1982.

The consequence of these occurrences was a reduction in the level of safety associated with the use of licensed material by this licensee. No specific hazard was identified.

Cause or Causes—The causes of these occurrences appear to be a lack of adequate management control by the licensee and a lack of integrity on the part of individual members of the licensee's staff.

Actions Taken to Prevent Recurrence

Licensee—The licensee suspended the RSO (a physician) from his duties as RSO shortly after determining that he had falsified the records. Subsequent to the NRC Order, the licensee suspended him from all duties but later permitted him to function in accord with the restriction specified by the NRC Order. The licensee is conforming to the various provisions of the NRC Order described below.

NRC—The June 15, 1987 Order required: (1) The removal of the RSO; (2) the suspension of the RSO's authorization to independently use or supervise the use of licensed material as currently permitted by the license; (3) the performance of monthly independent audits of the licensee's radiation safety program by an independent party; and (4) a review of the Radiation Safety Program by the new RSO, correction of deficiencies identified, and certification by the licensee to the NRC that the nuclear medicine program is being operated safely and in accordance with NRC requirements.

A subsequent NRC inspection has shown that the licensee is in compliance with the Order.

AO 87-13—Significant Breakdown in Management and Procedural Controls at an Industrial Radiography Licensee

One of the AO examples notes that a major deficiency in management or procedural controls in major areas can be considered an abnormal occurrence.

Date and Place—On June 17, 1987, the NRC issued an Order Modifying License (Effective Immediately) to United States Testing Company, Inc., Unitech Services Group (USTU), San Leandro, California, which required the licensee to temporarily cease all operations until certain specified corrective actions were taken.

Nature and Probable Consequences—During an indepth special safety inspection on February 10 through June 1, 1987 of USTU in San Leandro, California, it was determined that the large radiography firm had committed numerous violations of NRC and Agreement State requirements. Based on initial findings, a Confirmatory Action letter (CAL) was sent to the licensee regarding radiation safety certification of radiographers and radiographer assistants on February 13, 1987. Upon completion of the full inspection, which covered the licensee's activities from January 1, 1985 to March 1, 1987, NRC issued the previously mentioned Order Modifying License on June 17, 1987.

At the time of the inspection, USTU was licensed by the NRC and several Agreement States to perform industrial radiography. The licensee employed approximately 200–300 radiographers, assistant radiographers and trainees, and conducted radiographic operations at 11 locations under NRC jurisdiction and 35 locations under Agreement State jurisdiction. As the result of the inspection, it was determined that the licensee was (1) allowing individuals to perform radiography after failing one or more certification examinations, (2) allowing individuals to perform radiography before all training and examinations were completed, and (3) allowing individuals with expired certifications to perform radiography. Also, three radiation overexposures and associated evaluations were not reported. In addition, numerous other radiation safety violations associated with field audits, radiation surveys, inoperable survey instruments, surveillance over high radiation areas, and proper maintenance and equipment inspections were indentified at NRC and Agreement State locations.

Deficient implementation of radiation safety requirements by this licensee resulted in the use of radiactive materials by inadequately trained personnel, thereby endangering themselves and co-workers. In fact, the NRC inspection was initiated by an incident on February 5, 1987, involving the overexposure of inadequately trained personnel (a radiographer and an assistant radiographer) at a USTU job site in Arizona, an Agreement State. This event was reported as Agreement State abnormal occurrence AS81-1 ("Breakdown in Management and Procedural Controls at an Industrial Radiography Licensee") in NUREG-0090, Vol. 10, No. 1 ("Report to Congress on Abnormal Occurrences: January-March 1987").

Cause or Causes—The root cause appears to be attributed to widespread disregard for compliance with regulatory requirements. However, the event remains under investigation by the NRC Office of Investigations, and a complete understanding of all contributing causes awaits their report.

Actions Taken To Prevent Reccurence

Licensee—As discussed further below, the licensee has taken, or is taking, appropriate actions in response to the February 13, 1987 CAL, and the June 17, 1987 NRC Order.

NRC—Initial findings of the NRC indepth special safety inspection indicated that the licensee was using radiographers that had not received required radiation safety training. The CAL issued on February 15, 1987, required a licensee official to verify in writing that assigned radiographers, by name, have received appropriate training. Subsequent inspections by the NRC and Agreement States have verified licensee conformance with the CAL.

The Order Modifying License incorporated a two-phase action plan. The licensee is required to enlist a consultant to assist in performing an assessment of program deficiencies and necessary corrective actions. In the interim, the licensee may continue operations only if very stringent on-site management controls are in place as prescribed by the Order. This includes assignment of a qualified Radiation Safety Officer (RSO) at each major project site or centralized facilities for temporary job sites, with responsibility for radiation safety program implementation and the authority to shut down any operations not in regulatory compliance.

The NRC Region V staff has reviewed the training and certification documentation of the new Radiation Safety Officers submitted in compliance with the Order. All documentation was acceptable.

A reinspection schedule has been established which will examine the actions taken by the licensee, pursuant to the Order, at selected job sites under NRC and Agreement State jurisdiction.

The consultant's action plan has been evaluated and approved with minor revisions by Region V as stipulated in the Order.

On September 25, 1987, NRC Information Notice No. 87-45 ("Recent Safety-Related Violations of NRC Requirements by Industrial Radiography Licensees") was issued to all NRC licensees authorized to possess and use sealed sources for industrial radiography to inform them of the event.

Dated in Washington, DC, this 14th day of December 1987.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 87-29083 Filed 12-17-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana and Michigan Power Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licensees DPR-58 and DPR-74, issued to Indiana and Michigan Electric Company (the licensee), for the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, located in Berrien County, Michigan.

Environmental Assessment

Identification of Proposed Action

The amendments would change the name of the Indiana and Michigan Electric Company in the facility Operating Licenses to correspond to the new name—Indiana and Michigan Power Company.

The amendments would respond to the licensee's application dated October 5, 1987.

The Need for the Proposed Action

The proposed amendments are needed to recognize the official name change of the licensee and to update the Facility Operating Licenses, DPR-58 and DPR-74. The change does not in any way affect or alter the licensee's assets, financial condition, corporate structure or corporate organization. It is a change in name only.

Environmental Impacts of the Proposed Action

The proposed amendments do not affect the probability or consequences of accidents nor do they otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with these proposed amendments.

The proposed amendments do not affect nonradiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed amendments.

Alternatives to the Proposed Action

Since the Commission has concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

Alternative Use of Resources

These actions involve no use of resources not previously considered in the Final Environmental Statement related to operation of the D.C. Cook Nuclear Plant.

Agencies and Persons Consulted

The Commission's staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed amendments.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for the amendments dated October 5, 1987 which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Bethesda, Maryland, this 3rd day of December, 1987.

For the Nuclear Regulatory Commission.

Kenneth E. Perkins,

Director Project Directorate III-3, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 87-29090 Filed 12-17-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-498 OL and 50-499 OL]

Houston Lighting and Power Co. (South Texas Project, Units 1 and 2); Issuance of Director's Decision Under 10 CFR 2.206 (DD-87-20)

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has denied a Petition under 10 CFR 2.206 filed by Mr. Lanny Sinkin on behalf of Citizens Concerned About Nuclear Power, Inc. The petitioner asked the Nuclear Regulatory Commission (NRC) to reopen the record in the South Texas Nuclear Project licensing hearings based upon the testimony given by NRC witnesses during hearings on April 1987 before the Senate Committee on Government Affairs. The petitioner alleged that the testimony of these witnesses before this Congressional Committee sheds doubt on the credibility of NRC personnel in the South Texas Nuclear Project licensing hearings.

The petitioner's request has been denied for the reasons fully described in the "Director's Decision Under 10 CFR 2.206," issued on this date, which is available for public inspection at the Commission's Public Document Room, 1717 H. Street NW., Washington, DC 20555, and the Local Public Document Rooms for the South Texas Nuclear Project located at the Austin Public Library, 810 Guadalupe Street, Austin, Texas 78701 and at the Wharton County Junior College, J.M. Hodges Learning Center, 911 Bowling Highway, Warton, Texas 77488.

A copy of the Decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). As provided in this regulation, the Decision will constitute the final action of the Commission twenty-five (25) days after issuance, unless the Commission, on its own motion, institutes review of the Decision within that time period.

Dated at Bethesda, Maryland, this 13th day of December, 1987.

For the Nuclear Regulatory Commission.
Thomas E. Murley,
Director, Office of Nuclear Reactor Regulation.
[FR Doc. 87-29091 Filed 12-17-87; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority Sequoyah Nuclear Plant, Units 1 and 2; Exemption

I

The Tennessee Valley Authority (the licensee) is the holder of Facility Operating Licenses No. DPR-77 and DPR-79 which authorize operation of the Sequoyah Nuclear Plant, Units 1 and 2, respectively. These licenses provide that, among other things, the facility is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The Sequoyah facility consists of two pressurized water reactors located at the licensee's site in Hamilton County, Tennessee.

II

General Design Criterion (GDC) 56 of Appendix A to 10 CFR Part 50 requires that each line that is connected directly to the containment atmosphere and penetrates primary reactor containment shall be provided with containment isolation valves. The combination of valves, automatic or locked closed, and the location of valves, one inside and one outside containment, are specified in GDC 56. These requirements must be met unless it can be demonstrated that the containment isolation provisions for a specific class of lines are acceptable on some other defined basis.

As part of the original design of Sequoyah Nuclear Plant Units 1 and 2, TVA relied upon certain closed systems as the outside containment isolation barrier to meet the Commission's regulations, specifically GDC-55 and 56, on some "other defined basis." The NRC staff issued NUREG-0011, dated March 1979, which documents the acceptability of TVA's compliance with the GDC; however the staff did not specifically address the acceptability of an "other defined basis" for any containment isolation configurations.

Subsequent to the development of the TMI Action Plan, NRC staff policy has been established that closed systems outside containment are not generally acceptable as an isolation barrier for lines covered by GDC 55 and 56.

As a result of an NRC staff inspection conducted at Sequoyah in March 1986, apparent discrepancies in system compliance with the containment isolation requirements were identified. These findings led to a general reassessment of the containment isolation design and the "other defined basis" assumptions made for the Sequoyah Nuclear Plant, Units 1 and 2.

Subsequent to discussions with TVA, by letter dated January 2, 1987 TVA redesignated certain existing system line isolation valves as containment isolation valves. The Commission's requirements, however, could not be met in every isolated case. In most of the cases evaluated, the explicit requirements of GDC 55 and 56 could be satisfied by valve redesignation, thereby imposing them to the associated operability, surveillance, and testing requirements. For those cases where the staff requirements could not be met, TVA has requested an exemption from the GDC.

This exemption addresses the Sequoyah Nuclear Plant, Units 1 and 2, containment isolation valves in the vacuum relief lines with respect to the valve location requirements only.

The vacuum relief penetrations at the Sequoyah Nuclear Plant, Units 1 and 2, provide a containment isolation design consisting of a single automatic isolation valve located outside containment and a spring-loaded vacuum relief check valve in series.

Both of these redundant isolation valves are located outside the primary containment. Thus, while the licensee has provided a design that complies with the requirements of GDC 56 in terms of the number valves, there is deviation from the explicit GDC requirements with regard to valve location. Therefore, by submittal dated February 3, 1987, supplemented by letter dated April 8, 1987, the licensee has requested an exemption from the requirements of GDC 56 for the isolation provisions of the containment vacuum relief lines. Specifically, the exemption is from the requirements of GDC 56 regarding valve location.

With regard to the adequacy of redundant isolation, the staff concludes that with both the spring-loaded check valves and the automatic butterfly valves cited as containment isolation valves, the design is adequate for assuring redundancy in achieving containment isolation. The basis for this conclusion is the fact that the first outer isolation valve, the automatic butterfly valve, is bolted directly to the containment penetration sleeve thereby essentially extending the containment. The penetration sleeve between primary containment and the butterfly valve has been evaluated by the licensee to demonstrate that stresses in the penetration sleeve are well below allowable values in accordance with Branch Technical Position MEB 3-1. Therefore, a break in the penetration sleeve between the first valve and the containment need not be considered. Therefore, this design essentially extends the containment to include the butterfly valves. Furthermore, it is the staff's judgment that no improvement to plant safety would be achieved by modification of the isolation design to fully comply with the GDC, and therefore is not warranted, nor necessary to achieve the underlying purpose of the rule. Therefore, the staff finds that an exemption from the requirements of GDC 56 in the case of the containment vacuum relief lines is justified.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances as provided in 10 CFR 50.12(a)(2)(ii) are present justifying the exemption; namely, that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule in that the licensee's design provides two, redundant means of isolation, and that implementing the required modifications to meet the location requirements would not significantly enhance plant safety.

The Commission hereby grants an exemption from the requirements of GDC 56 of Appendix A to 10 CFR Part 50 to the licensee for operation of Sequoyah Nuclear Plant, Units 1 and 2, in that the vacuum relief lines can be isolated using a spring-loaded check valve in series with a butterfly valve both of which will be located outside primary containment.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will have no significant impact on the environment (52 FR 46866, December 10, 1987).

For further details with respect to this section, see the request for exemption dated February 3, 1987, as supplemented April 8, 1987, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of December 1987.

For the Nuclear Regulatory Commission.
Stewart D. Ebneter,
Director, Office of Special Projects.
[FR Doc. 87-29088 Filed 12-17-87; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority (Sequoyah Nuclear Plant, Units 1 and 2); Exemption

I

The Tennessee Valley Authority (the licensees) is the holder of Facility Operating Licenses No. DPR-77 and DPR-79 which authorize operation of the Sequoyah Nuclear Plant, Units 1 and 2, respectively. These licenses provide that, among other things, the facility is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The Sequoyah facility consists of two pressurized water reactors located at the licensee's site in Hamilton County, Tennessee.

II

General Design Criterion (GDC) 55 of Appendix A to 10 CFR Part 50 requires that each reactor coolant pressure boundary line penetrating the primary reactor containment be provided with containment isolation valves. The combination of valves is to be one inside and one outside containment and either automatic or locked closed. The GDC does allow for a demonstration of acceptability on some other defined basis.

As part of the original design of Sequoyah Nuclear Plant, Units 1 and 2, TVA relied upon certain closed systems as the outside containment isolation barrier to meet the Commission's regulations, specifically GDC-55 and 56, on some "other defined basis." The NRC staff issued NUREG-0011, dated March 1979, which documents the acceptability of TVA's compliance with the GDC; however, the staff did not specifically address the acceptability of an "other defined basis" for any containment isolation configurations.

Subsequent to the development of the TMI Action Plan, NRC staff policy has been established that closed systems outside containment are not generally acceptable as an isolation barrier for lines covered by GDC 55 and 56.

As a result of an NRC staff inspection conducted at Sequoyah in March 1986, apparent discrepancies in system compliance with the containment isolation requirements were identified. These findings led to a general reassessment of the containment isolation design and the "other defined basis" assumptions made for the Sequoyah Nuclear Plant, Units 1 and 2.

Subsequent to discussions with TVA, by letter dated January 2, 1987 TVA redesignated certain existing system line isolation valves as containment isolation valves. The Commission's requirements, however, could not be met in every isolated case. In most of the cases evaluated, the explicit requirements of GDC 55 or 56 could be satisfied by valve redesignation, thereby imposing them to the associated operability, surveillance, and testing requirements. For those cases where the staff requirements could not be met, TVA has requested an exemption from the GDC.

This exemption addresses the Sequoyah Nuclear Plant, Units 1 and 2, containment isolation valves in the Residual Heat Removal (RHR) System loop supply line with respect to the valve location requirements only.

The containment isolation provisions for the Sequoyah Nuclear Plant, Units 1 and 2 RHR System reactor coolant loop supply (discharge line) through penetration X-17 utilizes a check value and a motor-operated remote manual valve inside containment and a water seal and closed system outside containment. The licensee has designated this inboard remote manual valve as a containment isolation valve. This valve, therefore, is subject to appropriate operability, surveillance and testing requriements, and thereby, in combination with the inboard check valve, satisfies the redundancy requrements of GDC 55. While the designation of the motor-operated valve as a containment isolation valve is necessary, this change does not bring the isolation design into compliance with the requirements of GDC 55.

Although the licensee has provided an isolation design which satisfies the GDC in terms of redundancy of valves, it is not in compliance with the requirement of GDC 55 concerning valve location. The location of both containment isolation valves inside containment clearly does not satisfy the criteria of GDC 55 which specifies a valve inside and outside containment. Allowances for valve location are made in cases where it is impractical to locate valves on either side of the containment, e.g., in a situation where location of an isolation valve inside containment would mean it could be submerged following an accident.

Consequently, by letter dated February 3, 1987, supplemented by leter dated April 8, 1987, the licensee requested an exemption from the valve location requirement of GDC 55 for the RHR loop supply line. The licensee contends that an exemption is warranted on the basis that the isolation capability for this line was technically adequate and that further modification to the design was not cost effective.

The licensee has designed the remote manual valve in the RHR loop supply line to the loop 1 and 3 hot legs as a containment isolation valve. This line has multiple isolation provisions; a remote manual valve and two missile-protected check valves inside containment and a closed system outside containment.

The licensee has stated that in addition to the check valve and the remote manual isolation valve there are other isolation barriers that provide protection against leakage to the environment from these penetrations. First, the system outside containment is a closed system designed to seismic Category 1 standards and meets at least Safety Class 2 design requirements. Secondly, these lines are suplied by two RHR pumbs which are interconnected to provide a water seal at a pressure sufficient to preclude containment atmospheric leakage.

The NRC staff recognizes that both the water seal and the closed system outside containment are equivalent to a valve as an isolation barrier since both of these barriers can withstand a single active failure. The staff has evaluated the Sequoyah isolation design and exemption request for the RHR loop supply line and concludes that the exemption is justified on the grounds that the existing redundant isolation capability, in consideration of both the water seal and closed system outside containment, provides reasonable assurance against offsite releases and, therefore, application of GDC 55 in these particular circumstances is not necessary to achieve the purpose of the criterion.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption—namely, that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule in that the licensee's design meets the underlying intent of GDC 55 which is to provide a redundant means of

VOL 52 ISS 243 DEC 18 1987 UMI

isolation. The design does this by providing a spring-loaded check valve in series with a remote manual isolation combined with a water seal and a closed system outside containment.

The Commission hereby grants an exemption from the requirements of GDC 55 of Appendix A to 10 CFR Part 50 to the licensee for operation of the Sequoyah Nuclear Plant, Units 1 and 2, in that the RHR loop supply line to the loop 1 and 3 hot legs can be isolated using two check valves and a remote manual valve all of which are located inside containment.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will have no significant impact on the environment (52 FR 46869, December 10, 1987).

For further details with respect to this action, see the request for exemption dated February 3, 1987, as supplemented April 8, 1987, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of December.

For the Nuclear Regulatory Commission.

Steward D. Ebneter,

Director, Office of Special Projects.

[FR Doc. 87-29089 Filed 12-17-87; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-25193; File Nos. 4-218 and 57-433]

Joint Industry Plan; Filing and Summary Effectiveness of Amendments and Order Withdrawing Amendments to the Consolidated Quotation Plan and Consolidated Transaction Plan Fee Schedules

On December 7, 1987, the participants in the Consolidated Tape Association ("CTA") and Consolidated Quotation System ("CQS") submitted amendments to the Plan governing the operation of the consolidated quotation reporting system ("CQ Plan") and the Plan governing the operation of the consolidated transaction reporting system ("CTA Plan").[1]

[1] The participants originally submitted the amendments on March 31, 1987. *See* Securities Exchange Release No. 24334 (April 13, 1987), 52 FR 12997. On August 12, 1987, the participants withdrew those amendments and refiled them pursuant Rule 11Aa3-2(c)(4). *See* Securities Exchange Act Release No. 24797 (August 13, 1987), 52 FR 31108. On December 7, 1987, the participants again withdrew the amendments and resubmitted them pursuant to Rule 11Aa3-2(c)(4). *See* letter dated December 7, 1987, from Carrie E. Dwyer, Senior Vice President and General Counsel, American Stock Exchange ("Amex"), to Kathryn V. Natale, Assistant Director, Division of Market Regulation. The Commission requested that the participants resubmit the amendments to allow the Commission adequate time to review them and to review the comment letters already submitted on the proposal.

[2] "Network B" refers to the consolidated data stream of transaction and quotation data on eligible securities that are listed on the Amex or that are traded on another exchange but substantially meet the Amex listing standards.

[3] Examples of "Other Services" are services that allow customers to: (1) Obtain real-time stock market information over the telephone through an automated process involving a computer-generated voice; or (2) obtain real-time stock market information over a leased printer located in their homes or offices.

[4] *See* Securities Exchange Act Release No. 20216 (September 23, 1986), 48 FR 44299, in which the Commission approved amendments to the CTA and CQ Plans authorizing the Plan administrators (*i.e.*, the New York Stock Exchange and the Amex) to engage in market tests and pilot programs of limited scope and duration without the prior approval of the Operating Committee or, implicitly, the Commission.

[5] *See* letters dated June 5, 1987, from Paul Zurkowski, President, Information Industry Association ("IIA"); August 25, 1987, from Carrie E. Dwyer, Senior Vice President and General Counsel, Amex; September 29, 1987, for Tess Lander-Mickley, Vice President, Reuters Information Services, Inc.; and October 27, 1987, from Kenneth B. Allen, Senior Vice President, Government Relations, IIA, to Jonathan G. Katz, Secretary, SEC.

[6] It is important to note that the Commission recently considered and approved similar changes to the CTA and CQ Network A Fee Schedule. *See* Securities Exchange Act Release No. 24130 (February 20, 1987), 52 FR 6413.

Continued

I. Description of the Amendments

The amendments revise Network B[2] fees to accommodate "Other Services" (services subscribers offer costomers that differ from conventional services);[3] raise the Network B analysis programs charge; and establish a single, lower fee for receipt of Network B last sale and bid-ask data by nonprofessional subscribers. The amendments also make several conforming and technical changes.

First, the amendments incorporate into the CTA and CQ Plans new fees for Other Services that are substantially lower than other professional Network B charges. In effect, the new fees charge the broker-dealer or vendor on the basis of "device equivalency" as if the broker-dealer or vendor were serving its customers by manual interrogation of a last sale data base.

Second, the amendments reduce the monthly fees vendors pay to provide their nonprofesional customers with Network B data. Previously vendors paid $5.00 under the CTA Plan and $4.00 under the CQ Plan. The amendment provides for a single, combined monthly fee of $3.00 for CTA and CQ data.

Finally, the amendments increase the monthly Network B analysis programs charge from $50.00 to $200.00. Under the old fee schedule, use of CTA and CQ data for other categories of computer programs (for example, compilation of stock tables and operations control programs) required payment of a monthly fee of $200.00. Thus, the fee increases merely brings the fee for the analysis program classification in line with similar classifications.

The participants stated that they designed the amendments to permit wider dissemination of market data by making it less expensively available to investors. They believe that the new fees also offer greater flexibility to broker-dealers and vendors in designing new market data services. Finally, the participants stated that they believe the amendments fulfill the national market system objectives of dissemination of last sale information and thus are consistent with Section 11A of the Securities Exchange Act of 1943.

II. Summary Effectiveness of the Amendments

Rule 11Aa3-2 provides that the Securities and Exchange Commission ("Commission") may, upon publication of notice of the amendment, summarily put into effect for 120 days an amendment to a national market system plan. The Commission first must determine, however, that is necessary or appropriate in the public interest, for the protection of investors or the maintenance of fair and orderly markets, to remove impediments to, and perfect mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act. The Commission believes that granting summary effectiveness for these amendments is consistent with the Act.

First, the fees for "Other Services" already had been in effect under experimental authority granted the CQS and CTA prior to their submission to the Commission for approval.[4] Further, making these fees a permanent part of the CTA and CQ Plan fee structure and reducing the non-professional fees will enable a greater number of investors to receive last sale and quotation data and should encourage innovation among broker-dealers and vendors in creating new methods of providing information to customers.

The Commission also believes that the increase in the fee subscribers pay for the program analysis classification is consistent with the Act. The Commission believes the increase corrects an apparent inequity among the charges for different computer program classifications.

The Commission received several comment letters on the proposed amendments.[5] The 120-day period will afford the Commission adequate time to carefully consider those comments. Further, while the Commission reviews the comment letters, the Plan participants will be able to apply the modified fee schedule, rather than reverting to the old schedule during this interim period.[6]

III. Request for Comment

To assist the Commission in determining whether to approve permanently the amendments, interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of this submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 8, 1988.

IV. Withdrawal of Amendments to the CTA and CQ Plans

As noted above, the CTA and CQ Network B Participants requested that the Commission order withdrawn the amendments to the CTA and CQ Plans submitted on August 12, 1987.

It is therefore ordered, That the above-described amendments be withdrawn.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 14, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-29115 Filed 12-17-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25194; File No. SR-MBS-87-10]

Self-Regulatory Organizations; Proposed Rule Change by MBS Clearing Corp.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 8, 1987, the MBS Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is the MBS Clearing Corporation's (MBSCC) procedures regarding the physical withdrawal of securities eligible ("Eligible Securities") for deposit in MBSCC's Depository Division. The procedures will be in effect for the period starting on November 24, 1987, and ending 60 days from the date of publication of the notice.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change clarifies and sets forth MBSCC's policy regarding the physical withdrawal of Eligible Securities. The policy covers Eligible Securities subject to the Public Securities Association's ("PSA") Good Delivery Guideline for securities issued by the Government National Mortgage Association ("GNMA"), as adopted on December 29, 1986, as well as those not subject to PSA's guideline. The PSA guideline was announced together with a schedule by GNMA and PSA for the conversion of GNMA securities into book-entry form.

The policy substantially limits, but does not altogether prohibit, the withdrawal of securities subject to PSA's Good Delivery Guideline. Securities not subject to the guideline may be withdrawn by MBSCC Participants and registered in the name of the Participant or the name of a customer of the Participant. Securities subject to the guideline may be withdrawn and registered in a Participant's name only if the Participant is legally required to obtain or maintain physical possession of the securities.

Participants may otherwise request physical withdrawal of securities on behalf of a customer only if the customer is legally required to obtain or maintain physical possession of the securities or the customer, to the best of the Participant's knowledge, does not intend to trade or deliver for financing purposes the withdrawn securities.

At the present time, GNMA securities with the following coupon rates have been converted to book-entry form and are subject to the PSA guideline: 5.50%–7.49%, 16.00%–17.50%, 14.00%–15.99%, and 13.00%–13.99%. On April 27, 1987, PSA and MBSCC modified the conversion schedule of GNMA securities. For additional coupons, notice will be given of coupons to be designated as specified for book-entry settlement 45 days in advance of the issuance date of new pools of coupons.

In response to concerns raised by various commentators, MBSCC has further revised the withdrawal policy to make it clear that a Participant may make a request to withdraw securities subject to the PSA Good Delivery Guideline if it is legally required to maintain, as well as obtain, physical possession of securities. The phrase "legally required to obtain or maintain physical possession" is expanded to include those legal requirements imposed by any rule or regulation of any governmental agency, self-regulatory organization as defined in the Securities Exchange Act of 1934 or designated contract market as defined in the Commodity Exchange Act. In addition, the policy has been revised to enable the Participant, or its customer, to obtain

BEST COPY AVAILABLE

securities in time to comply with such legal requirements.

Consistent with PSA's Good Delivery Guideline, the policy essentially ensures that securities subject thereto will be cleared and settled in book-entry form through a registered clearing agency. The policy is designed to reduce physical withdrawal requests for book-entry eligible securities subject to the guideline and encourage the centralized processing of mortgage-backed securities transactions. By placing reasonable restrictions on the physical withdrawal of mortgage-backed securities subject to the PSA guideline, the proposed rule change will both foster PSA's mandate for book-entry settlement of certain transactions and significantly reduce delays, unmatched transaction orders and other human errors often associated with the physical delivery and transfer of certificates.

The proposed rule change is consistent with Section 17A of the Securities Exchange Act of 1934 in that it encourages the processing and facilitation of securities clearance and settlement of mortgage-backed securities, thereby reducing current inefficient procedures and costs to issuers and investors of mortgaged-backed securities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBSCC does not believe that any burden will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

While written comments have not been generally solicited, MBSCC has submitted responses to comments submitted to the Commission. In response to certain concerns raised by the Chicago Board of Trade regarding the obtaining of GNMA certificates for collateral purposes relating to Collateralized Depository Receipts, MBSCC has made revisions to the proposed rule change discussed in Item 3(a) above.

In a separate rule filing to MBSCC's Depository Division rules (SR–MBS–87–7, submitted July 24, 1987), MBSCC has responded to concerns raised by some commentators regarding the submission of claims under a GNMA or other similar guarantee on behalf of Participants. The Depository Division rules have been amended to make clear that MBSCC, in filing claims for payment under any guarantee, will be acting solely as agent for its Participants, except in certain circumstances, where MBSCC or a third-party lender have made principal and interest advances.

Representatives of PSA and GNMA have had the opportunity to review the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 8, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: December 14, 1987.

Exhibit A—MBSCC Procedure for Physical Withdrawal of Despository Eligible Securities

The following is MBSCC's Procedure for physical withdrawal of securities from the MBSCC Depository. The Procedure covers securities that are *not* yet subject to PSA's Good Delivery Guideline, as adopted by PSA on December 29, 1986, *as well as those* subject to the Guideline. This Procedure limits almost in its entirety the withdrawal of securities that are subject to PSA's Good Delivery Guideline. This is consistent with PSA's and GNMA's intent to move vigorously to a book-entry settlement environment for GNMA securities.

Securities Not Yet Subject to Good Delivery Guideline

In the case of securities not yet subject to the Good Delivery Guideline, a Participant will be permitted to withdraw Securities held by the Depository upon the Participant's submission of a request on the form prescribed by MBSCC. The Participant must specify whether the securities should be registered in the name of the Participant or the name of a customer of the Participant. Assuming that the request is made within the appropriate cut-off times prescribed by MBSCC, securities will be processed within four-to-twelve hours of such request.

Securities Subject to Good Delivery Guideline

MBSCC will honor requests to withdraw securities subject to the PSA Good Delivery Guideline in a Participant's name only in the unlikely event that the Participant is legally required to obtain or maintain physical possession of securities. Other Participants may submit requests for withdrawal of securities only if they request that the securities be registered in the name of a customer who is legally required to obtain or maintain physical possession of the securities or who, to the best of the Participant's knowledge, does not intend to trade, or deliver for financing purposes, the securities withdrawn. For purposes hereof, a Participant or its customer will be deemed legally required to obtain or maintain physical possession of securities if obligated to do so under any applicable law or any rule or regulation of any governmental agency, any self-regulatory organization as defined in the Securities Exchange Act of 1934, or any designated contract market as defined in the Commodity Exchange Act (including, in the case of a self-regulatory organization or designated contract market which is a Participant in the Depository, the rules or regulations of such self-regulatory organization or designated contract market).

Assuming a request for withdrawal satisfies the foregoing guidelines and is made within the appropriate cut-off times and on forms prescribed by MBSCC, MBSCC will make the securities available (a) seven calendar days from the date of withdrawal request, or (b) on such earlier date as the Participant requesting the withdrawal certifies to MBSCC is necessary to enable the Participant or its customer to comply with any applicable legal requirement. Participants should advise their customers that payment will be required on settlement date, even though the physical security may be received sometime thereafter.

By making a request for the withdrawal of securities, a MBSCC Depository Participant represents to the Depository that the withdrawal will satisfy the foregoing guidelines. Abuse of this policy will subject the offending Participant's continued participation in the Depository to review by the MBS Clearing Corporation Board of Directors.

[FR Doc. 87–29114 Filed 12–17–87; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

December 14, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Gallagher (Arthur J.) & Co., Common Stock, $1.00 Par Value (File No. 7–0866)
Johnston Industries, Inc. Common Stock, $.10 Par Value (File No. 7–0867)
Regal Beloit, Common Stock, No Par Value (File No. 7–0868)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 6, 1988, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–29042 Filed 12–17–87; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

December 14, 1987.

The above named national securities exchange had filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Bethlehem Corp. (The) Common Stock, No Par Value (File No. 7–0836)
Brown-Forman Inc., Class A Common Stock, $.15 Par Value (File No. 7–0837)
Baruch-Foster Corp., Common Stock, $.50 Par Value (File No. 7–0838)
BIC Corp., Common Stock, $1.00 Par Value (File No. 7–0839)
Bio-Rad Laboratories, Inc., Class A Common Stock, $1.00 Par Value (File No. 7–0840)
Bio-Rad Laboratories, Inc., Class B Common Stock, $1.00 Par Value (File No. 7–0841)
Buckhorn Inc., Common Stock, $1.00 Par Value (File No. 7–0842)
Baker (Michael) Corporation, Common Stock, $1.00 Par Value (File No. 7–0843)
Baldwin Technology Company, Inc., Class A Common Stock, $.01 Par Value (File No. 7–0844)
Blount, Inc., Class A Common Stock, $1.00 Par Value (File No. 7–0845)
Belvedere Corporation, Common Stock, $.10 Par Value (File No. 7–0846)
Bowne & Co., Inc., Common Stock, $1.00 Par Value (File No. 7–0847)
Boddie-Noell Restr Pptys, Common Stock, $1.00 Par Value (File No. 7–0848)
Bowmar Instrument Corp., Common Stock, No Par Value (File No. 7–0849)
Bamberger Plymers, Common Stock, $.01 Par Value (File No. 7–0850)
Brad Ragan, Inc., Common Stock, $1.00 Par Value (File No. 7–0851)
Barnwell Industries, Inc., Common Stock, $.50 Par Value (File No. 7–0852)
BRT Realty Trust, Shares of Beneficial Interest, $2.00 Par Value (File No. 7–0853)
BDS Bancorp. Inc., Common Stock, No Par Value (File No. 7–0854)
Bush Industries, Inc., Class A Common Stock, $.10 Par Value (File No. 0855)
Bermuda Star Line, Inc., Common Stock, $.01 Par Value (File No. 7–0856)
BSN Corporation, Common Stock, $.03 Par Value (File No. 7–0857)
Buell Industries, Inc., Common Stock, $1.00 Par Value (File No. 7–0858)
Bowl America Incorporated, Class A Common Stock, $.10 Par Value (File No. 7–0859)
Casablanca Industries, Inc., Common Stock, $.50 Par Value (File No. 7–0860)
Camco, Incorporated, Common Stock, $1.00 Par Value (File No. 7–0861)
Curtice-Burns Foods, Inc., Class A Common Stock, $2.22 Par Value (File No. 7–0862)
Cosmopolitan Care Corp., Common Stock, $.01 Par Value (File No. 7–0863)
Claremont Capital Corp., Common Stock, $1.00 Par Value (File No. 7–0864)
Compudyne Corp., Common Stock, $.75 Par Value (File No. 7–0865)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 6, 1988, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–29043 Filed 12–17–87; 8:45 am]

BILLING CODE 8010–01–M

VOL 52 ISS 243 DEC 18 1987 UMI

DEPARTMENT OF STATE

[CM-8/1144]

Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on January 4, 1988 at the Institute for Telecommunication Sciences, 325 Broadway, Boulder, Colorado. The meeting will begin at 1:30 p.m.

Study Group 6 deals with matters relating to the propagation of radio waves in and through the ionosphere. The purpose of the meeting is to review preparations for the international meeting of Study Group 6 in the Spring of 1988.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. Requests for further information should be directed to Mr. Richard Shrum, State Department, Washington, DC 20520; telephone (202) 647-2592.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

Date: December 7, 1987.

[FR Doc. 87-29109 Filed 12-17-87; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/1147]

Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group C of the U.S. Organization for the International Telegraph and Telephone Counsultative Committee (CCITT) will meet on January 15, 1987 at 9:30 a.m. at the Marriott Hotel at Newark Airport.

The purpose of the meeting will be to discuss contributions and other preparations for the final meeting of Study Group XV in April.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. Prior to the meeting, persons who plan to attend should so advise Cindy Perfumo: (201) 234-4047.

Date: December 14, 1987.

Earl S. Barbely,

Director, Office of Technical Standards and Development, Chairman, U.S. CCITT National Committee.

[FR Doc. 87-29108 Filed 12-17-87; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/1146]

Advisory Committee on Historical Diplomatic Documentation; Meeting

The Advisory Committee on Historical Diplomatic Documentation will meet on January 7, 1988, at 9:00 a.m. in Room 1105 of the Department of State.

The Advisory Committee advises the Bureau of Public Affairs, and in particular the Office of the Historian, concerning problems connected with preparation of the documentary series entitled *Foreign Relations of the United States* and other responsibilities of that Office. Of particular importance are editorial and publishing practice and questions related to declassification of official records as specified in Executive Order 12356 (April 2, 1982).

In accordance with section 10(d) of the Advisory Committee Act (Pub. L. 92-463) it has been determined that certain discussions during the meeting will necessarily involve consideration of matters recognized as not subject to public disclosure under 5 U.S.C. 552b (c)(1), and that the public interest requires that such activities be withheld from disclosure. The meeting will therefore be closed when such discussions take place from 2 p.m. to 5 p.m. on Thursday, January 7, and from 9 a.m. to 5 p.m. on Friday, January 8.

Persons wishing to attend the open portion of the meeting should come before 9:00 a.m. on January 7 to the Diplomatic Entrance of the Department of State at 22nd and C Streets NW., Washington, DC. They will be escorted to Room 1105 and at the conclusion of the open portion of the meeting back to the Diplomatic Entrance.

Questions concerning the meeting should be directed to William Z. Slany, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC 20520; telephone (202) 663-1122.

December 14, 1987.

William Z. Slany,

Executive Secretary.

[FR Doc. 87-29110 Filed 12-17-87; 8:45 am]

BILLING CODE 4710-11-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 243
Friday, December 18, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COPYRIGHT ROYALTY TRIBUNAL

TIME AND DATE: Wednesday, January 13, 1988, 10:00 a.m.

PLACE: 1111 20th Street, NW., Suite 450, Washington, DC 20036.

STATUS: Closed pursuant to a vote taken December 14, 1987.

MATTERS TO BE CONSIDERED: Adjudication in the 1985 cable royalty fee distribution proceeding.

CONTACT PERSON FOR MORE INFORMATION: Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1111 20th Street NW, Suite 450, Washington, DC 20036, 202-653-5175.

Dated: December 16, 1987.

Mario F. Aguero,

Chairman.

[FR Doc. 87-29174 Filed 12-16-87; 1:09 pm]

BILLING CODE 1410-09-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 1:50 p.m. on Monday, December 14, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider a recommendation regarding the Corporation's assistance agreement with an insured bank.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Mr. Dean S. Marriott, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(4) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4) and (c)(9)(B)).

Dated: December 15, 1987.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

Deputy Executive Secretary.

[FR Doc. 87-29126 Filed 12-16-87; 10:02 am]

BILLING CODE 6714-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [52 FR 47096 December 11, 1987].

STATUS: Closed meeting.

PLACE: 450 5th Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Tuesday, December 8, 1987.

CHANGES IN THE MEETING: Time change/deletion/additional item.

A closed meeting scheduled for Wednesday, December 16, 1987, at 2:30 p.m., has been rescheduled for Wednesday, December 16, 1987, at 1:45 p.m.

The following item will not be considered at a closed meeting scheduled for Wednesday, December 16, 1987, at 1:45 p.m.:

Settlement of injunctive action.

The following additional item will be considered at a closed meeting scheduled for Wednesday, December 16, 1987, at 1:45 p.m.:

Status report of judicial proceeding.

Commissioner Cox, as duty officer, determined that Commission business required the above changes.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Brent Taylor at (202) 272-2014.

Jonathan G. Katz,

Secretary.

December 14, 1987.

[FR Doc. 87-29172 Filed 12-16-87; 1:08 pm]

BILLING CODE 8010-01-M

VOL
52
ISS
2
43
DE
18
1987
UMI

Reader Aids

Federal Register
Vol. 52, No. 243
Friday, December 18, 1987

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

45597–45800	1
45801–45934	2
45935–46050	3
46051–46342	4
46343–46444	7
46445–46584	8
46585–46730	9
46731–46982	10
46983–47364	11
47365–47544	14
47545–47686	15
47687–47890	16
47891–48078	17
48079–48178	18

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5748 ... 46729
5749 ... 46731
5750 ... 46733
5751 ... 46735
5752 ... 47365, 47545

Executive Orders:
12543 (See Notice of Dec. 15, 1987) ... 47891
12616 ... 46730

Administrative Orders:
Notices:
Dec. 15, 1987 ... 47891
Statements:
Dec. 7, 1987 ... 46728

4 CFR

21 ... 46445

5 CFR

351 ... 46051
540 ... 46051
551 ... 47687
831 ... 47893
870 ... 46343
874 ... 46343
1201 ... 47547
1204 ... 45597
1600 ... 45801
1605 ... 46314

7 CFR

6 ... 48079
8 ... 47660
21 ... 48015
301 ... 45597, 47367, 47688
319 ... 46052, 47372
352 ... 47373
401 ... 45598–45604
413 ... 47375
423 ... 45805, 47376
431 ... 47376
432 ... 47377
770 ... 45606
907 ... 46060, 46737, 46983, 46060
908 ... 46737
910 ... 46061, 46984, 48080
911 ... 46344
915 ... 46344
966 ... 46345
981 ... 45607, 45609
1434 ... 48081
1900 ... 45806, 46348
1942 ... 47097
1944 ... 45807
1956 ... 46348, 47688

Proposed Rules:
52 ... 46486
401 ... 45830
735 ... 47009
905 ... 46366
959 ... 46366
966 ... 47576
971 ... 46366
985 ... 46600
987 ... 46366
1951 ... 45638

8 CFR

212 ... 48082
214 ... 48082
238 ... 48082
245 ... 48082
248 ... 48082
299 ... 48082
316a ... 46738

Proposed Rules:
3 ... 46776
109 ... 46092
208 ... 46776
236 ... 46776
242 ... 46776
253 ... 46776

9 CFR

78 ... 47378
85 ... 45935
92 ... 45611, 47548
303 ... 48084
381 ... 48084

Proposed Rules:
145 ... 47014
147 ... 47014
316 ... 45639
350 ... 45639

10 CFR

30 ... 48092
40 ... 48092
70 ... 48092
1039 ... 48015

Proposed Rules:
Ch. I ... 47398
35 ... 47726
61 ... 47398
62 ... 47578
430 ... 46367, 47549

12 CFR

4 ... 46061
204 ... 46450, 47689
208 ... 46984
217 ... 47689
226 ... 45611
337 ... 47379
611 ... 48093
614 ... 46151
706 ... 46585

Proposed Rules:
202 ... 47589
205 ... 47591

210 47112
226 47592
229 47112
701 ..... 46601, 47014

13 CFR

102 47699

Proposed Rules:

121 47937

14 CFR

21 46348
25 46348
39 ..... 45612–45614, 45808–45810, 46064–46067, 46452, 46739, 46985–46995, 47387, 47551, 47702–47704, 47990
71 ..... 45615, 45616, 46556, 46740–46742, 46995–46997, 47304, 47308, 47676
75 47677
91 47672
97 ..... 45617, 46743
121 ..... 45910, 47991
135 ..... 45910, 47991
1206 48015
1213 45935
1221 45811

Proposed Rules:

Ch. I 45831
39 ..... 45640, 45642, 45831, 46094, 46776, 47015, 47016 47399–47401, 47943–47945
43 47680
71 ..... 45644, 46778, 46779, 47017–47020, 47402, 47727
73 47021
91 47680

15 CFR

11 48015
371 45618
374 45618
385 46886
399 ..... 46886, 47388
801 46587

Proposed Rules:

18 47597

16 CFR

6 45619
13 45937
305 46888
1015 45631

Proposed Rules:

13 ..... 45645, 45970, 45972
453 46706
1016 47599

17 CFR

1 ..... 46070, 47705
211 46454
274 46350

Proposed Rules:

34 47022
240 48125

18 CFR

2 ..... 47897, 47914
157 47897
271 46072
284 47914
380 47897
389 45823
1306 48015
1312 47720

Proposed Rules:

1310 47726

19 CFR

Proposed Rules:

4 46602
101 47908
126 47729
143 47729
177 47601

20 CFR

355 47705
404 47914

Proposed Rules:

365 47601
614 46604

21 CFR

74 45938
176 46968
184 47918
333 47312
369 47312
520 48094
558 48095

Proposed Rules:

182 46968
352 46095

22 CFR

302 47714
502 47991

Proposed Rules:

502 47029
1506 46779

23 CFR

Proposed Rules:

625 47403
635 45645

24 CFR

3280 47552

Proposed Rules:

42 47953
43 47953
813 46614
885 46614

25 CFR

Proposed Rules:

177 46781

26 CFR

1 47554
31 45632
35a 46075
54 46747
602 ..... 46075, 46747, 47554

Proposed Rules:

1 ..... 45835, 47609
48 45901
54 46782
602 ..... 46782, 47609

27 CFR

9 46589
19 47557
25 47557
47 48096
240 47557
250 ..... 46592, 47557
270 47557
275 47557
285 47557

Proposed Rules:

250 46628

28 CFR

Ch. VII 48097
2 ..... 46596, 47921
549 48068

Proposed Rules:

701 47406

29 CFR

12 48015
1910 ..... 46075, 46168
1915 46075
1917 46075
1918 46075
1926 ..... 46075, 46168
1928 46075
1952 48103
2613 47561
2617 47561
2619 ..... 47561, 47562
2621 47563
2676 47564

Proposed Rules:

103 47029
1910 47097

30 CFR

779 47352
780 47352
783 47352
784 ..... 45920, 47352
816 47352
817 ..... 45920, 47352
935 46597
942 47716

Proposed Rules:

904 47411
935 ..... 46377, 46379, 46783, 48125
952 46095
953 46097

31 CFR

351 46455

Proposed Rules:

0 45648

32 CFR

41 46997
209 47389
229 47720
259 48015
536 45938
706 ..... 46080, 47922
1900 46456

Proposed Rules:

199 ..... 46098, 47029
1636 47949
1656 47949

33 CFR

62 46351
95 47526
100 46351
110 46760
117 ..... 46081, 47391, 47923
146 47526
150 47526
165 ..... 46351, 47924
173 47526
177 47526

Proposed Rules:

165 ..... 45973, 47413
179 47950

34 CFR

15 48015
668 ..... 45712, 46353
674 45738
675 45738
676 45738
690 45712

Proposed Rules:

251 47951
333 46720
776 47538
778 46784
790 46785

36 CFR

296 47720
904 48015
1155 47717

37 CFR

Proposed Rules:

304 45664

38 CFR

4 46439
21 45633
25 48015

Proposed Rules:

21 46494

39 CFR

224 46998
225 46998
226 46998
227 46998
228 46998
229 46998
777 48029

40 CFR

4 48015
52 ..... 45634, 45958, 45959, 46463, 46762, 46764, 47392, 47565, 47566, 47925
60 47826
81 ..... 46081, 46465
82 47486
85 46354
86 47858
123 45823
144 ..... 45788, 46946
180 ..... 45824, 46019, 46598, 47990
260 46946
264 ..... 45788, 46946
265 45788
270 ..... 45788, 46946
271 ..... 45634, 45788, 46466
355 48072
600 47858
716 47990

Proposed Rules:

35 46712
52 ..... 46495, 46786, 47610
60 47032
62 46380
80 47032
82 47489
86 47032
197 ..... 47733, 47734
600 47032

721 46496

41 CFR

101–6 45926
101–7 45825
101–44 47393
101–47 46467
105–51 48015
105–55 46468
114–50 48015
128–18 48015
201–1 46468
201–2 46468
201–23 46468
201–24 46468

42 CFR

124 46022
401 48112
405 48112
408 48112
417 47003
431 47926
435 47926
440 47926
441 47926
466 47003
476 47003

Proposed Rules:

405 47990
409 48127
410 48127
416 48127
421 48127
435 47414
436 47414
441 48127
442 47990
488 47990
489 ..... 47990, 48127

43 CFR

4 ..... 46355, 47097
7 47720
3420 46469
3460 46469
3560 48124

Proposed Rules:

3450 46499

44 CFR

25 48015
65 46501
67 46505

Proposed Rules:

67 ..... 46787, 47611

45 CFR

15 48015

Proposed Rules:

233 47420

46 CFR

4 47526
5 47526
26 47526
35 47526
78 47526
97 47526
109 47526
167 47526
185 47526
196 47526
197 47526
560 45960
586 46356

Proposed Rules:

38 45665
42 47422
44 47422
45 47422
54 45665
69 46103
98 45665
151 45665
170 47422
174 47422
249 48077
503 45835
572 46501
588 46505

47 CFR

15 45961
25 45636
73 ..... 45636, 45963–45965, 46598, 46599, 47004, 47567, 47722–47724, 47935
74 47567
76 ..... 45961, 46363
90 47569

Proposed Rules:

1 46628
15 47615
43 46628
64 47951
73 ..... 45974, 45975, 46629–46631, 47032, 47033, 47735, 47736, 48130–48133
80 45665

48 CFR

232 47005
519 47396
532 47005
552 47005
553 47006
819 46082
1801 46765
1805 46765
1807 46765
1808 46765
1809 46765
1812 46765
1813 46765
1815 46765
1827 46765
1830 46765
1831 46765
1832 46765
1836 46765
1837 46765
1852 ..... 46765, 47935
1853 46765
2401 47395
2402 47395

Proposed Rules:

31 46043
245 47427
2409 46560
2412 46560
2413 46560
2415 46560
2416 46560
2417 46560
2424 46560
2427 46560
2432 46560
2434 46560
2437 46560
2442 46560
2446 46560
2451 46560
2452 46560
2453 46560
2470 46560
5706 47033

49 CFR

1 ..... 46364, 46478, 47007, 47097
24 47994
25 48015
571 ..... 46479, 46480
1002 46481
1007 46481
1011 ..... 45636, 46773
1052 45966
1103 46481
1150 46481
1152 ..... 45636, 46773
1160 ..... 45827, 46481
1162 46481
1169 46481
1171 46481
1177 46481
1180 46481
1182 46481

Proposed Rules:

24 45667
173 ..... 46510, 46511
383 47326
701 46381

50 CFR

14 46019
17 ..... 46083, 46085
20 46087
80 47571
611 ..... 45966, 46484
642 47724
649 46088
650 46485
652 47008
675 ..... 45966, 46484
681 47572

Proposed Rules:

17 ..... 45976, 46106, 46334, 46336
20 47428
21 47428
253 47990
655 47034
658 47615
663 45668

S. 578/Pub. L. 100–192
To amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail. (Dec. 16, 1987; 101 Stat. 1309; 1 page)
Price: $1.00

LIST OF PUBLIC LAWS

Last List December 17, 1987
This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202–275–3030).

VOL 52 ISS 243 DEC 18 1987 UMI

VOL
52
ISS
243
DE
18
1987
UMI

Would you like to know...

if any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the *LSA (List of CFR Sections Affected)*, the *Federal Register Index*, or both.

LSA • List of CFR Sections Affected

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes—such as revised, removed, or corrected.

$24.00 per year

Federal Register Index

The Index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.

$22.00 per year

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register.

Note to FR Subscribers:
FR Indexes and the LSA (List of CFR Sections Affected) are mailed automatically to regular FR subscribers.



Order Form Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐-☐

Order No. _____

MasterCard and VISA accepted.

Credit Card Orders Only

Total charges $_____

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Customer's Telephone Nos.
Area Code Home | Area Code Office

Charge orders may be telephoned to the GPO order desk at (202)783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays).

Please enter the subscription(s) I have indicated

___ **LSA** List of CFR Sections Affected $24.00 a year domestic, $30.00 foreign

___ **Federal Register Index** $22.00 a year domestic, $27.50 foreign

PLEASE PRINT OR TYPE

Company or Personal Name

Additional address/attention line

Street address

City State ZIP Code

(or Country)

(Rev 10-1-85)

VOL
52
ISS
2
4
3
DE
18
1987
UMI

VOL
52
ISS
244
DEC
21
1987
UMI

12-21-87
Vol. 52 No. 244

federal register

Monday
December 21, 1987

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106
A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
52
ISS
2
4
4
DE
21
1987
UMI

12-21-87
Vol. 52 No. 244
Pages 48179-48390

federal register

Monday
December 21, 1987

BEST COPY AVAILABLE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $188.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	275–3328
Problems with public subscriptions	275–3054

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	275–3328
Problems with public single copies	275–3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5240
Magnetic tapes	275–3328
Problems with Federal agency subscriptions	523–5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 52, No. 244
Monday, December 21, 1987

Agriculture Department
See Animal and Plant Health Inspection Service; Federal Crop Insurance Corporation; Rural Electrification Administration; Soil Conservation Service

Air Force Department
NOTICES
Meetings:
Air Force Reserve Officer Training Corps Advisory Committee, 48316

Alcohol, Tobacco and Firearms Bureau
PROPOSED RULES
Alcohol; viticultural area designations:
Wild Horse Valley, CA, 48279

Animal and Plant Health Inspection Service
RULES
Plant-related quarantine, domestic:
Fire ant, imported, 48161
Mediterranean fruit fly, 48181
PROPOSED RULES
Plant-related quarantine, domestic:
Hawaiian fruits and vegetables to Alaska; Sharwil avocados, 48272

Army Department
NOTICES
Meetings:
Science Board, 48316, 48317
(2 documents)

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Census Bureau
NOTICES
Surveys, determinations, etc.:
Retail sales and inventories; annual, 48312

Coast Guard
RULES
Drawbridge operations:
North Carolina, 48263
Ports and waterways safety:
Arrivals, departures, hazardous conditions, and dangerous cargoes; notifications, 48264
NOTICES
Navigation rules:
Alternative compliance certificates, 48358

Commerce Department
See Census Bureau; Foreign-Trade Zones Board; International Trade Administration; National Oceanic and Atmospheric Administration

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Mexico, 48315

Customs Service
RULES
Vessels in foreign and domestic trades:
Small vessels; reporting requirements, 48194

Defense Department
See Air Force Department; Army Department

Education Department
NOTICES
Grants; availability, etc.:
American Indian vocational rehabilitation service projects program, 48375
Handicapped youth program—
Secondary education and transitional services, 48371
National Institute on Disability and Rehabilitation Research—
Funding priorities, 48378

Employment and Training Administration
NOTICES
Job Training Partnership Act:
Titles II-A and III programs annual status report, 48338

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Kansas, 48265
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Oklahoma, 48285
Toxic substances:
Asbestos; information release, 48286
NOTICES
Agency information collection activities under OMB review, 48389
Toxic and hazardous substances control:
Significant adverse reactions; records and reports—
Chlorendic acid/anhydride, 48321

Equal Employment Opportunity Commission
RULES
Federal equal employment opportunity:
Discrimination complaints and appeals
Correction, 48263

Executive Office of the President
See Presidential Documents; Trade Representative, Office of United States

Federal Aviation Administration
RULES
Airworthiness directives:
Garrett, 48184
Glaser-Dirks, 48186
TEXTRON Lycoming, 48187
Control zones, 48191

VOL 52 ISS 244 DEC 21 1987 UMI

PROPOSED RULES
Airworthiness directives:
SIAI-Marchetti S.p.A., 48274
Restricted areas, 48274
NOTICES
Advisory circulars; availability, etc.:
Airship design criteria and airship certification, 48359
Environmental statements; availability, etc.:
Halls Crossing, UT, 48359
Organization, functions, and authority delegations:
Salina, KS, 48360

Federal Communications Commission
RULES
Radio broadcasting:
Unlimited-time operation by existing AM daytime-only radio broadcast stations, etc., 48288
NOTICES
Rulemaking proceedings; petitions filed, granted, denied, etc.; correction, 48321

Federal Crop Insurance Corporation
RULES
Crop insurance; various commodities:
Potatoes, 48182

Federal Deposit Insurance Corporation
RULES
Practice and procedure rules:
Deposits placed by deposit brokers and depository institutions; reporting requirements, 48183
NOTICES
Meetings; Sunshine Act, 48361

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Stratton Energy Associates et al., 48318
Applications, hearings, determinations, etc.:
Gas Gathering Corp., 48317
Northern Natural Gas Co., 48318
Tennessee Gas Pipeline Co., 48318
Texas Eastern Transmission Corp., 48317
Texas Railroad Commission, 48320
Williams Natural Gas Co., 48318

Federal Maritime Commission
NOTICES
Agreements filed, etc., 48321, 48322
(2 documents)

Federal Reserve System
NOTICES
Applications, hearings, determinations, etc.:
Marshall & Ilsley Corp., 48322
Northern Trust Corp., 48322
Royal Windsor Holding Corp., 48324
Saban, S.A., et al., 48323
Thompson, Burton J., et al., 48323

Federal Trade Commission
PROPOSED RULES
Prohibited trade practices:
Ogilvy & Mather International, Inc., 48276
NOTICES
Premerger notification waiting periods; early terminations, 48324

Food and Drug Administration
NOTICES
Color additives:
FD&C Red No. 3; data request for specific uses, 48326

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Ohio
Honda of America Manufacturing, Inc., 48312

General Services Administration
NOTICES
Travel regulations:
Relocation; real estate origination fee reimbursement limitation, etc., 48325

Harry S. Truman Scholarship Foundation
PROPOSED RULES
Nondiscrimination on basis of handicap in federally-conducted programs and activities, 48297

Health and Human Services Department
See Food and Drug Administration; Health Care Financing Administration; National Institutes of Health; Public Health Service

Health Care Financing Administration
PROPOSED RULES
Medicaid:
Medicaid providers, overpayments; refund of Federal share, 48290

Health Resources and Services Administration
See Public Health Service

Housing and Urban Development Department
RULES
Low income housing:
Housing assistance payments (Section 8)—
Fair market rent schedules for existing housing, moderate rehabilitation, housing voucher, etc., 48205
Mortgage and loan insurance programs:
Allegany Reservation of Seneca Nation of Indians, 48197
PROPOSED RULES
Low income housing:
Housing assistance payments (Section 8)—
Fair market rents for new construction and substantial rehabilitation, 48278
Mortgage and loan insurance programs:
State housing agency projects; prohibited lease terms, 48276

Information Security Oversight Office
RULES
National security information program; standard forms (SF 189), 48367

Interior Department
See also Land Management Bureau; Reclamation Bureau
PROPOSED RULES
Acquisition regulations:
Formal source selection procedures; organizational conflicts of interest, 48301

Internal Revenue Service
NOTICES
Meetings:
Art Advisory Panel, 48360

International Trade Administration
NOTICES
Antidumping:
Strontium nitrate from Italy, 48313
Countervailing duties:
Litharage, red lead, and lead stabilizers from Mexico, 48313

Interstate Commerce Commission
NOTICES
Meetings; Sunshine Act, 48361

Justice Department
PROPOSED RULES
Privacy Act; implementation, 48279
NOTICES
Privacy Act; systems of records, 48335, 48337
(2 documents)

Labor Department
See Employment and Training Administration

Land Management Bureau
NOTICES
Coal management program:
Unita-Southwestern Utah Federal Coal Production Region, 48327
Realty actions; sales, leases, etc.:
Arizona; correction, 48363
Withdrawal and reservation of lands:
Nevada; correction, 48362

National Archives and Records Administration
PROPOSED RULES
Freedom of Information and Privacy Acts; implementation, 48280

National Foundation on the Arts and the Humanities
RULES
Freedom of Information Act; implementation:
Uniform fee schedule and administrative guidelines, 48265

National Institutes of Health
NOTICES
Meetings:
National Institute of Diabetes and Digestive and Kidney Diseases, 48327

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Bering Sea and Aleutian Islands groundfish
Correction, 48362
PROPOSED RULES
Fishery conservation and management:
Gulf of Alaska, and Bering Sea and Aleutian Islands groundfish, 48303
NOTICES
Permits:
Marine mammals, 48315

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Florida Power Corp., 48351
Southern California Edison Co. et al., 48352
Petitions; Director's decisions:
Government Accountability Project et al., 48352
Applications, hearings, determinations, etc.:
Arkansas Power & Light Co., 48348, 48349
(3 documents)
Houston Lighting & Power Co. et al., 48350

Office of United States Trade Representative
See Trade Representative, Office of United States

Postal Service
PROPOSED RULES
Domestic Mail Manual:
Business reply mail accounting fees; penalty regulations revision, 48281

Presidential Documents
EXECUTIVE ORDERS
Committees; establishment, renewals, terminations, etc.:
Mediation and Conciliation, President's Advisory Committee (EO 12617), 48179

Public Health Service
See also Food and Drug Administration; National Institutes of Health
RULES
Health planning and resources development:
Medical facility construction and modernization; services provision for persons unable to pay
Correction, 48362

Reclamation Bureau
NOTICES
Power marketing plans, etc.:
Navajo Generating Station, AZ, 48328

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
Arizona Electric Power Cooperative, Inc., 48311

Securities and Exchange Commission
RULES
Accounting bulletins, staff:
Properties securing mortgage loans; financial statement requirements, 48193
Freedom of Information Act; implementation:
Uniform fee schedule and administrative guidelines, 48191
NOTICES
Self-regulatory organizations; proposed rule changes:
New York Stock Exchange, Inc., 48354, 48355
(2 documents)
Applications, hearings, determinations, etc.:
M.D.C. Asset Investors Funding Corp., 48353

Small Business Administration
NOTICES
Disaster loan areas:
Pennsylvania, 48357

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
Love Creek Watershed, DE, 48312

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Trade Representative, Office of United States
NOTICES
Generalized System of Preferences:
International Trade Commission public report; availability, 48353

Transportation Department
See also Coast Guard; Federal Aviation Administration
NOTICES
Aviation proceedings:
Agreements filed; weekly receipts, 48358
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 48358
Hearings, etc.—
Pan AM Express, Inc., 48357
Taquan Air Service, Inc., 48357

Treasury Department
See Alcohol, Tobacco and Firearms Bureau; Customs Service; Internal Revenue Service

Truman, Harry S., Scholarship Foundation
See Harry S. Truman Scholarship Foundation

United States Information Agency
NOTICES
Grants; availability, etc.:
Private non-profit organizations in support of international educational and cultural activities, 48360

Separate Parts In This Issue

Part II
Information Security Oversight Office, 48367

Part III
Department of Education, 48371

Part IV
Department of Education, 48375

Part V
Department of Education, 48378

Part VI
Environmental Protection Agency, 48389

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders:
12462 (Amended by EO 12617) 48179
12617 48179

7 CFR
301 (2 documents) 48181
422 48182
Proposed Rules:
318 48272

12 CFR
304 48183

14 CFR
39 (3 documents) 48184–48187
71 48191
Proposed Rules:
39 48274
71 48274
73 48274

16 CFR
Proposed Rules:
13 48276

17 CFR
200 48191
211 48193

19 CFR
4 48194

24 CFR
200 48197
203 48197
204 48197
213 48197
220 48197
221 48197
222 48197
226 48197
227 48197
235 48197
237 48197
240 48197
888 48205
Proposed Rules:
236 48276
888 48278

27 CFR
Proposed Rules:
9 48279

28 CFR
Proposed Rules:
16 48279

29 CFR
1613 48263

32 CFR
2003 48367

33 CFR
117 48263
160 48264

36 CFR
Proposed Rules:
1202 48280
1258 48280

39 CFR
Proposed Rules:
111 48281

40 CFR
52 48265
Proposed Rules:
52 48285
763 48286

42 CFR
124 48362
Proposed Rules:
433 48290

45 CFR
1100 48265
Proposed Rules:
1803 48297

47 CFR
73 48266

48 CFR
Proposed Rules:
1409 48301
1415 48301
1452 48301

50 CFR
611 48362
675 48362
Proposed Rules:
611 48303
672 48303
675 48303

Federal Register
Vol. 52, No. 244
Monday, December 21, 1987

Presidential Documents

Title 3—

The President

Executive Order 12617 of December 17, 1987

President's Advisory Committee on Mediation and Conciliation

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Advisory Committee Act as amended (5 U.S.C. App. 1), and in order to extend the life of the President's Advisory Committee on Mediation and Conciliation, it is hereby ordered that Section 4(b) of Executive Order No. 12462 of February 17, 1984, as amended, is further amended to read: "The Committee shall terminate 60 days after the Committee submits its report to the President and the Director of the Federal Mediation and Conciliation Service, or no later than September 30, 1988, unless sooner extended."

Ronald Reagan

THE WHITE HOUSE,
December 17, 1987.

[FR Doc. 87-29300
Filed 12-17-87; 4:17 pm]
Billing code 3195-01-M

VOL
52
ISS
244
DE
21
1987
UMI

Rules and Regulations

Federal Register
Vol. 52, No. 244
Monday, December 21, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 87-159]

Imported Fire Ant Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that amended the list of generally infested areas under the imported fire ant quarantine and regulations by adding areas in counties in Alabama, Arkansas, Georgia, Mississippi, North Carolina, and Texas. It also quarantined the state of Oklahoma, and designated areas in three countries in Oklahoma as generally infested areas.

EFFECTIVE DATE: January 20, 1988.

FOR FURTHER INFORMATION CONTACT: Charles H. Bare, Staff Officer, Plant Protection and Survey Section, Program Planning Staff, PPQ, APHIS, USDA, Room 643, Federal Building, Hyattsville, MD 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule published in the Federal Register and effective September 1, 1987 (52 FR 32907-32912, Docket Number 87-077), we amended the regulations in 7 CFR 301.81 by adding Oklahoma to the list of quarantined states, designating areas in 3 counties in Oklahoma as generally infested areas, and adding to the list of generally infested areas 6 counties in Alabama, 2 counties in Arkansas, 11 counties in Georgia, 2 counties in Mississippi, 11 counties in North Carolina, and 42 counties in Texas. We also made nonsubstantive, editorial changes. Our proposal invited the submission of written comments, which were required to be postmarked or received on or before November 2, 1987.

We received one comment that did not address our interim rule. The facts presented in the interim rule still provide a basis for this rule.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an estimated annual effect on the economy of approximately $37,500; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

This action affects the interstate movement of regulated articles from specified areas in Alabama, Arkansas, Georgia, Mississippi, North Carolina, Oklahoma, and Texas. Thousands of small entities move these articles interstate from the above mentioned states, and many more thousands of small entities move these articles interstate from other states.

However, based on information compiled by the Department, we have determined that approximately 896 small entities move these articles interstate from the specified areas in those states. Further, the overall economic impact from this action is estimated to be approximately $37,500.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

Paperwork Reduction Act

The interim rule contained no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Imported fire ant, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR Part 301 and that was published at 52 FR 32907-32912 on September 1, 1987.

(Authority: 7 U.S.C. 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.17, 2.51, and 371.2(c).

Done at Washington DC, this 15th day of December, 1987.

Donald Houston,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87-29163 Filed 12-18-87; 8:45 am]
BILLING CODE 3410-34-M

7 CFR Part 301

[Docket No. 87-160]

Mediterranean Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that quarantined an area in Los Angeles County in California because of the Mediterranean fruit fly and restricted the interstate movement of regulated articles from the quarantined area.

EFFECTIVE DATE: January 20, 1988.

FOR FURTHER INFORMATION CONTACT: Eddie Elder, Chief Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, Room 661, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301—436–6365.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule published in the **Federal Register** September 2, 1987, and effective August 27, 1987 (52 FR 33218–33224, Docket Number 87–120), we amended the "Domestic Quarantine Notices" by adding a new Subpart 301.78, Mediterranean Fruit Fly (referred to as the regulations). The regulations quarantined an area in Los Angeles County, California, and restricted the interstate movement of regulated articles from the quarantined area to prevent the spread of the Mediterranean fruit fly. Comments on the interim rule were required to be postmarked or received on or before November 2, 1987. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

This amendment affects the interstate movement of regulated articles from a portion of Los Angeles County, California. It appears that there is very little commercial activity that may be affected by this rule in the quarantined area. Specifically, the quarantined area is comprised of private residences and small wholesale dealers and shops. The small entities that may be affected by this regulation appear to consist of approximately 15 nurseries, 40 wholesale produce dealers (of which only 15 sell regulated articles), 75 mobile fruit vendors, five open fruit stands, and one farmers' market. Although these are small entities, they sell regulated articles primarily for local intrastate, not interstate, movement. Also, many of the retail shops and nurseries sell other items in addition to the regulated articles so that the effect, if any, of this regulation on these entities appears to be minimal. Further, the number of affected entities is small compared with the thousands of small entities that move these articles interstate from nonquarantined areas in California and other states.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation, Mediterranean fruit fly, Incorporation by reference.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR Part 301 and that was published at 52 FR 33218–33224 on September 2, 1987.

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2 (c).

Done in Washington DC, this 15th day of December, 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87–29164 Filed 12–18–87; 8:45 am]

BILLING CODE 3410–34–M

Federal Crop Insurance Corporation

7 CFR Part 422

[Doc. No. 5036S]

Potato Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of extension of sales closing date.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the sales closing date for accepting applications for potato crop insurance in New Mexico, Oklahoma, and Texas, effective for the 1988 crop year only. This action is necessary because the policy for insuring potatoes contains administrative clarification of the procedures as they relate to production history and loss adjustment. This information has recently been provided to agents leaving an insufficient amount of time for marketing purposes. Therefore, additional time for applications to be accepted is being provided accordingly. The intended effect of this notice is to advise all interested parties of the extension of the sales closing date and to comply with the provisions of the potato crop insurance regulations with respect to the Manager's authority to extend sales closing dates.

EFFECTIVE DATE: December 21, 1987.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: The closing date for accepting applications for potato crop insurance in New Mexico, Oklahoma, and Texas is November 30.

Because of the delay in providing agents with clarification as to production history and loss adjustment relative to the current policy provisions resulting in a foreshortened marketing period, FCIC is extending the sales closing date in all counties in New Mexico, Oklahoma, and Texas, where potato crop insurance is offered.

Under the provisions of 7 CFR 422.7(b), the sales closing date for accepting applications may be extended by placing the extended date on file in the service office and by publishing a notice in the **Federal Register** upon determination that no adverse selectivity will result from such extension. If adverse conditions develop during such period, FCIC will immediately discontinue acceptance of applications.

Notice

Accordingly, pursuant to the authority contained in 7 CFR 422.7(b), the Federal Crop Insurance Corporation herewith gives notice that the sales closing date for accepting applications for potato insurance in all counties in New Mexico, Oklahoma, and Texas, where such insurance is offered, is hereby extended through the close of business on December 24, effective for the 1988 crop year only.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Done in Washington, DC, on December 8, 1987.

Edward D. Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 87–29143 Filed 12–18–87; 8:45 am]

BILLING CODE 3410–08–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 304

Reporting Requirements on Deposits Placed by Deposit Brokers and Depository Institutions

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is changing from monthly to quarterly the frequency with which each FDIC-insured bank with combined fully insured brokered deposits and fully insured deposits placed directly by depository institutions in excess of either the bank's total capital and reserves or five percent of the bank's total deposits must report their holdings of such deposits to the FDIC. The purpose of this reporting requirement is to provide the FDIC with timely information on each FDIC-insured bank's involvement with insured brokered deposits and insured deposits of depository institutions. After collecting monthly reports for three years, the FDIC believes that it will be able to adequately monitor those banks with an extensive reliance on such insured funds from reports filed less frequently than monthly. The final monthly reports will be collected as of December 31, 1987. The first quarterly reports will be collected as of March 31, 1988.

EFFECTIVE DATE: January 20, 1988.

FOR FURTHER INFORMATION CONTACT: Robert F. Storch, Planning and Program Development Specialist, Federal Deposit Insurance Corporation, Division of Bank Supervision, 550 17th Street, NW., Washington, DC 20429, telephone (202) 898–6903.

SUPPLEMENTARY INFORMATION:

Background

In July 1984, the FDIC issued an interim final rule, effective August 6, 1984, requiring reports from each FDIC-insured bank for every month in which it held combined brokered deposits and "fully insured deposits of financial institutions" in excess of either the bank's total capital and reserves or five percent of its total deposits. 49 FR 27487 (1984). The first reports to be filed under the interim rule by banks subject to the reporting requirement were due within ten days after July 31, 1984. Upon issuing the interim rule, the FDIC provided a 60-day comment period ending September 4, 1984. The FDIC also established January 15, 1985, as the expiration date for the interim rule, intending to review the comments on the regulation and to issue a permanent rule by that date.

In December 1984, the FDIC adopted a final rule, effective January 16, 1985, concerning the reporting of deposits placed by deposit brokers and other depository institutions that differed somewhat in scope from the interim rule. 49 FR 48909 (1984). Thus, as suggested by many who offered comments on the interim rule, the final rule requires that only "fully insured" brokered deposits (and fully insured deposits placed directly by depository institutions) be subject to the monthly reporting requirement, not all brokered deposits as had been the case in the interim rule. The narrowed scope of the final rule has resulted in the gathering of information directly in line with the FDIC's concerns about deposit brokerage.

The FDIC's decision to adopt reporting requirements for deposits placed by deposit brokers and depository institutions followed the June 20, 1984, ruling by the Federal District Court for the District of Columbia that a regulation issued jointly three months earlier by the FDIC and the Federal Home Loan Bank Board to limit the insurance coverage of funds placed with an insured depository institution either by or through a deposit broker was illegal. Moreover, many depository institutions have placed funds in fully insured amounts directly with banks around the country based solely on the rate of interest paid without regard to the financial condition of these banks. Because of its concerns about the misuse of such deposits by a significant number of banks, the FDIC determined that the establishment of a periodic reporting requirement would assist the FDIC in identifying institutions which exhibit an increasing reliance on fully insured deposits placed by brokers and depository institutions and which may be developing or experiencing financial difficulties.

Change in Reporting Frequency

Both before and during the time period this reporting requirement has been in effect, the FDIC has collected certain information on brokered deposits in quarterly Reports of Condition from insured banks. However, banks have 30 days (and in some cases 45 days) after the end of a calendar quarter in which to submit their Reports of Condition. In addition, the FDIC has no other source of information on fully insured deposits placed by depository institutions. Because of the speed with which large dollar amounts of these types of funds can be gathered by a depository institution, the FDIC initially determined that it would be appropriate to monitor such activity on a monthly basis. Early identification of insured banks with a significant volume of such fully insured deposits permits the FDIC to promptly ascertain the reasons for the acquisition of and the intended usage of deposits placed by deposit brokers and depository institutions.

While the FDIC's concern about the consequences of the inappropriate use by a bank of brokered deposits has not diminished since the interim rule first established a monthly reporting system, the FDIC has assessed the value of the information gathered under this three year old reporting requirement and now believes that it can reduce the reporting frequency from monthly to quarterly and still satisfy the objective of the regulation. In this regard, once an insured bank files an initial report, the data the bank files thereafter generally has not changed significantly from month to month. Furthermore, the only source of deposit data which can routinely provide the FDIC with an indication as to whether an individual insured bank might have surpassed the threshold for reporting, the Report of Condition, is collected on a quarterly

VOL 52 ISS 244 DEC 21 1987 UMI

basis. Thus, during months other than those at the end of a calendar quarter, the FDIC cannot necessarily conclude that the absence of a report from any particular bank means that the bank is not subject to the reporting requirement.

The change from monthly to quarterly reporting will become effective January 20, 1988. Hence, the final monthly report required of an insured bank with combined fully insured brokered deposits and fully insured deposits placed directly by depository institutions in excess of either the bank's total capital and reserves or five percent of the bank's total deposits would be prepared as of December 31, 1987. The first quarterly report date as of which an insured bank would need to measure the combined amount of such deposits for purposes of determining whether it must file a report would be March 31, 1988.

Procedural Requirements

The Board of Directors finds that the solicitation of public comments on this amendment to § 304.6 of the FDIC's rules and regulations is not necessary because the amendment is minor in nature and because the FDIC solicited comments on the substance of this regulation's reporting requirement in 1984 prior to its adoption as a final rule. Because comments are not being requested on this amendment pursuant to section 553 of the Administrative Procedures Act (5 U.S.C. 553), the Regulatory Flexibility Act (5 U.S.C. 601–612) is not applicable.

The amendment reduces from monthly to quarterly the frequency of a reporting requirement that applies to all FDIC-insured banks with fully insured brokered deposits and fully insured deposits placed directly by depository institutions that exceed specified levels and does not affect or limit a bank's operations. Thus, the effect of this amendment will be to reduce the burden that this reporting requirement imposes on banks with such deposits. The reporting requirement contained in this amended rule has been reviewed by the Office of Management and Budget pursuant to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3504(h)) and has been assigned control number 3064–0074.

The FDIC is promulgating this regulation under its authority granted in sections 7, 9, and 10(b) of the Federal Deposit Insurance Act. 12 U.S.C. 1817, 1819, and 1820(b).

List of Subjects in 12 CFR Part 304

Administrative practice and procedure, Bank deposit insurance, Banks, Banking, Foreign banks, Banking, Reporting and recordkeeping.

Accordingly, the FDIC hereby amends 12 CFR Part 304 as set forth below.

PART 304—FORMS, INSTRUCTIONS, AND REPORTS

1. The authority citation for Part 304 continues to read as follows:

Authority: 5 U.S.C. 552; 12 U.S.C. 1817, 1818, 1819, 1820.

2. Paragraph (a) of § 304.6 is revised to read as follows:

§ 304.6 Report of fully insured brokered deposits and fully insured deposits placed directly by depository institutions.

(a) *Filing.* (1) Within ten days after the end of each calendar quarter, each insured bank shall report the data described in paragraph (a)(2) of this section to the appropriate FDIC regional director—bank supervision if the total amount of the bank's fully insured brokered deposits and fully insured deposits placed directly by depository institutions as of the end of that calendar quarter was in excess of either the bank's total capital and reserves or five percent of the bank's total deposits on such date;

(2) If a report is required by paragraph (a)(1) of this section, it must be in letter form, signed by an executive officer of the bank, and contain the following bank data, as of the end of the calendar quarter in question: Total fully insured brokered deposits, total fully insured deposits placed directly by depository institutions, total assets, total loans and leases (net of unearned income), total deposits, and total capital and reserves. The report must also include the range of rates paid on fully insured brokered deposits and fully insured deposits placed directly by depository institutions received during the reporting quarter. Dollar amounts may be rounded to the nearest thousand.

* * * * *

By Order of the Board of Directors. Dated at Washington, DC, this 24th day of November, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87–29125 Filed 12–18–87; 8:45 am]

BILLING CODE 6714–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86–ANE–10; Amdt. 39–5725]

Airworthiness Directives; Garrett Turbine Engine Company (GTEC), TPE331–25AA, –25AB, –25DA, –25DB, –25FA, –43A, –43BL, –47A, –55B, and –61A Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) to require a one-time inspection of the second stage turbine stator for misassembled cooling jets. It also adds another model engine and another part number stator to the applicability and retains the previous repetitive inspection requirement for severe warpage of the stator seal plate assembly on TPE331 Pre-Century series engines. This amendment is needed to prevent misassembled and warped stators from causing inteference between the second stage rotor and the second stage turbine stator seal plate assembly which may result in an uncontained failure of the second stage turbine rotor assembly.

DATES: Effective December 21, 1987.

Compliance—As indicated in the body of the AD.

Incorporation by Reference

Approved by the Director of the Federal Register as of December 21, 1987.

ADDRESSES: The applicable alert service bulletins may be obtained from: Garrett Airline Service Division, Technical Publications Department 65–70, P.O. Box 29003, Phoenix, Arizona 85072; telephone (602) 225–2969/2973. A copy of the alert service bulletins is contained in Rules Docket No. 86–ANE–10, at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Stephen Kolb, Supervisory Aerospace Engineer, Propulsion Branch, ANM–140L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514–6327.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–5275 (51 FR 12589; April 17, 1986), AD 86–08–06, which requires inspection of certain TPE331 engines for warpage of the second stage turbine stator seal plate assemblies. Contact between the seal plate assembly and the second stage turbine rotor assembly could result in uncontained separation of the rotor assembly. After issuing AD 86–08–06, Amendment 39–5275, the FAA has determined that an unknown number of second stage stator assemblies have been misassembled during manufacture and installed in engines with the cooling air jets facing the wrong direction.

This amended AD requires a one-time radiographic inspection to determine cooling air jet orientation, continues to require the repetitive radiographic inspections to detect warpage, and requires engine repairs as necessary. These inspections are required to prevent misassembled and warped stators from interfering with the second stage rotor. Contact between these assemblies has resulted in four reported cases of uncontained separation of the second stage turbine rotor assembly. This amendment also adds Model TPE331–61A engines and all model engines with part Number 865037–80 stators to the applicability inasmuch as the same problems may exist with these items. The –61A model was thought to be permanently out of service when Amendment 39–5275 was issued, and the Part Number 865037–80 stator is a recently introduced item.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT**".

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by Reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) amends § 39.13 of Part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By amending Amendment 39–5275, Airworthiness Directive (AD) No. 86–08–06, (51 FR 12989; April 17, 1986), as follows. The AD is restated in its entirety for clarity.

Garrett Turbine Engine Company (GTEC): Applies to GTEC Model TPE331–25AA, –25DA, –25AB, –25DB, –25FA, –43A, –43BL, –47A, –55B, and –61A turboprop engines.

Compliance is required as indicated unless already accomplished. To prevent uncontained failure of the second stage turbine rotor assembly, accomplish the following:

(a) Radiographically inspect Part Number 865037–10 through –70 second stage turbine stator seal plate assemblies installed in TPE331–25AA, –25AB, –25DA, –25DB, –25FA, –43A, –43BL, –47A and –55B turboprop engines within the next 200 engine hours time in service after April 18, 1986, or prior to the next 500 engine hours time in service since the last engine overhaul, whichever comes later, and at intervals not to exceed 300 engine hours thereafter in accordance with the accomplishment instructions of Garrett Alert Service Bulletin TPE331–A72–0522, Revision 2, dated July 1, 1987, except that use of prior issues of this service bulletin are acceptable for inspections conducted before the effective date of this amendment.

(b) Radiographically inspect Part Number 865037–80 second stage turbine stator seal plate assemblies installed in TPE331–25AA, –25AB, –25DA, –25DB, –25FA, –43A, –43BL, –47A, and –55B turboprop engines and Part Number 865037–10 through –80 stator assemblies installed in TPE331–61A turboprop engines within the next 200 engine hours time in service after the effective date of this amendment, or prior to the next 500 engine hours time in service since the last engine overhaul, whichever comes later, and at intervals not to exceed 300 engine hours thereafter in accordance with the accomplishment instructions of Garrett Alert Service Bulletin TPE331–A72–0522, Revision 2, dated July 1, 1987.

(c) Radiographically inspect Part Number 865037–10 through –80 second stage turbine stator seal plate assemblies installed in TPE331–25AA, –25AB, –25DA, –25DB, –25FA, –43A, –43BL, –47A, –55B, and –61A turboprop engines within the next 200 engine hours time in service after the effective date of this amendment, to determine cooling jet orientation, in accordance with the accomplishment instructions of Garrett Alert Service Bulletin TPE331–A72–0560, dated July 1, 1987. This is a one-time requirement.

Note.—The radiographic film obtained from a previously inspected engine can be used to determine compliance with paragraph (c) of this amendment.

(d) Remove the engine from service prior to further flight if the second stage turbine stator seal plate assembly fails to meet the above service bulletin radiographic inspection standards for misassembly or warpage. Repair the engine per the accomplishment instructions of the applicable service bulletin before return to service.

Note.—GTEC has also provided instructions for accomplishing an interim rotational check of the engine in paragraph 2.A. in Garrett Alert Service Bulletin TPE331–A72–0522, dated July 1, 1987. The FAA has approved and encourages operators to perform this inspection at 25 hour intervals until the radiographic inspection is accomplished; however, the rotational check is not mandatory.

Aircraft may be ferried in accordance with the provisions of FAR's 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Los Angeles Aircraft Certification Office, Federal Aviation Administration, Northwest Mountain Region, 4344 Donald Douglas Drive, Long Beach, California 90808.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Los Angeles Aircraft Certification Office, may adjust the compliance time specified in this AD.

Garrett Alert Service Bulletins TPE331–A72–0522, Revision 2, dated July 1, 1987, "Engine—Turbine Section—Inspect Second Stage Stator Assembly" and TPE331–A72–0560, dated July 1, 1987, "Engine—Turbine Section—Inspect Second Stage Stator Assembly" identified and described in this document, are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Garrett Airline Service Division, Technical Publications Department 65–70, P.O. Box 29003, Phoenix, Arizona 85072; telephone (602) 225–2969/2973. These documents also may be examined at the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, Room 311, Rules Docket No. 86–ANE–10, between the hours of 8:00 a.m. and 4:30

VOL 52 ISS 244 DEC 21 1987 UMI

Federal holidays.

This amendment becomes effective on December 21, 1987.

This amendment amends Amendment 39-5275 (51 FR 12989; April 17, 1986), AD 86-09-05.

Issued in Burlington, Massachusetts, on September 2, 1987.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 87-29180 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 87-ANE-32; Amdt. 39-5785]

Airworthiness Directives; Glaser-Dirks Model DG-400

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Glaser-Dirks Model DG-400 motor gliders which requires inspection and replacement of certain engine cables and terminal connectors. The engine cables involved are the starter electrical cable and electrical bonding cables at the engine mounting area. This action was prompted by several instances of cable terminal connectors cracking due to engine vibration. The cause of this failure was found to be insufficient terminal connector strength to withstand engine vibration. This condition, if not corrected, could result in inability to obtain power in flight with the possible consequences of an uncontrolled landing.

DATES: *Effective*—December 23, 1987. *Compliance Schedule*—As prescribed in the body of the AD.

Incorporation by Reference

Approved by the Director of the Federal Register as of December 23, 1987.

ADDRESSES: The technical information and modification parts specified in this AD may be obtained from Messrs. Glaser-Dirks Flugzeugbau GmbH, Im Schollengarten 19-20, 7520 Bruchsal 4, Federal Republic of Germany; telephone 07257-1071. A copy of the technical note is contained in the Rules Docket, Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Mr. Heinz Hellebrand, Brussels Aircraft Certification Office, Europe, Africa, and Administration, c/o American Embassy, 15 Rue de la Loi B-1040, Brussels, Belgium; telephone 513.38.30 Ext. 2710, or Mr. Raymond J. O'Neill, ANE-174, Federal Aviation Administration, New England Region, New York Aircraft Certification Office, 181 S. Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone (516) 791-7421.

SUPPLEMENTARY INFORMATION: Glaser-Dirks had determined that damage due to cracking may occur on the engine terminal connectors of cables 18w (engine mounting frame ground), 44w (positive terminal on the starter motor) and 20w (which bridges the right hand lower rubber engine mount). This type of damage has been caused by engine vibration in several instances. The manufacturer has issued Technical Note TN 826/19, dated March 3, 1987, which requires a visual inspection of the suspect cables and a modification to reinforce certain terminal connectors and replace cable 20w with a thinner more flexible component. The applicability of these modifications varies with different work number airplanes between 4-1 through 4-178. The Luftfahrt-Bundesamt (LBA), which has responsibility and authority to maintain the continuing airworthiness of these motor gliders in the Federal Republic of Germany, has issued AD 87-109, Glaser-Dirks, on motor gliders operated under the Federal Republic of Germany registration. The FAA relies upon the certification of the LBA, combined with FAA review of pertinent documentation, in finding compliance of the design of these gliders with the applicable United States airworthiness requirements, and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Glaser-Dirks Technical Note TN 826/19 and the issuance of AD 87-109 Glaser-Dirks by the LBA. Based on the foregoing, the FAA has determined that the condition addressed by Glaser-Dirks Technical Note TN 826/19 is an unsafe condition that may exist on other products of the same type design certificated for operations in the United States. Therefore, an AD is being issued to require inspection, modification, and replacement, as necessary, of cable terminal connectors and certain cable assemblies.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this

Conclusion

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding to § 39.13 the following new airworthiness directive (AD):

Glaser-Dirks Flugzeugbau GmbH: Applies to Model DG-400, work numbers 4-1 through 4-178 certificated in any category.

Compliance is required as indicated unless already accomplished. To prevent cracking of engine cable terminal connectors which could result in inability to obtain power in flight, accomplish the following:

(a) Within the next 5 hours time-in-service after the effective date of this AD, and thereafter prior to each engine start, until accomplishment of paragraph c, check the terminals of cables 44w, 18w, and 20w for any signs of wear, chafing, or cracks in accordance with the methods indicated in Procedure (1) of Glaser-Dirks, Technical Note TN 826/19, dated March 3, 1987:

(1) Procedure 1(A) applies to work numbers 4-1 to 4-105 inclusive.

Note. This check may be performed by the pilot.

(b) If any signs of wear, chafing, or cracks exist, before further flight, modify and replace in accordance with paragraph (c) of this AD.

(c) Within 90 days after the effective date of this AD, unless previously accomplished as required by paragraph (b), replace terminal connectors for cables 18w and 44w, and cable 20w, if applicable, in accordance with Procedure 2 of Glaser-Dirks Technical Note TN 826/19 and Glaser-Dirks Service Instruction 1/9/86, dated March 10, 1987:

(1) Part I of Service Instruction 1/9/86 applies to work numbers 4-1 to 4-105.

(2) Part II of Service Instruction 1/9/86 applies to work numbers 4-106 to 4-150.

(3) Part III of Service Instruction 1/9/86 applies to work numbers 4-151 to 4-178.

Motor gliders affected by this AD may be ferried in accordance with the provisions of FAR Section 21.197 and 21.199 to a base where the AD may be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Brussels Aircraft Certification Office, AEU-100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, 15 Rue de la Loi B-1040, Brussels, Belgium; telephone 513.38.30 ext. 2710 or the Manager, New York Aircraft Certification Office, Federal Aviation Administration, New England Region, 181 S. Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone (516) 791-6880.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Brussels Aircraft Certification Office or the Manager, New York Aircraft Certification Office, may adjust the compliance time specified in this AD.

Glaser-Dirks Technical Note TN 826/19, dated March 3, 1987, and Service Instruction 1/9/86, dated March 10, 1987, identified and described in this document, are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Glaser-Dirks Flugzeugbau GmbH, Im Schollengarten 19-20, D-7520 Bruchsal 4, Federal Republic of Germany. These documents may also be examined at the Office of the Regional Counsel, Rules Docket No. 87-ANE-32, Room 311, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

This amendment becomes effective on December 23, 1987.

Monte R. Belger,

Acting Director, New England Region.

[FR Doc. 87-29178 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 86-ANE-39; Amdt. 39-5787]

Airworthiness Directives; TEXTRON Lycoming (formerly Avco Lycoming TEXTRON) Model LTS101 Series Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

SUMMARY: This action publishes in the Federal Register and makes effective to all persons an amendment adopting a new airworthiness directive (AD) which combines and amends the requirements of three priority letter AD's 86-22-08, 87-10-10 RI (which amended priority letter AD 87-10-10), and 87-12-11, which were previously made effective as to all known U.S. owners and operators of TEXTRON Lycoming (formerly Avco Lycoming TEXTRON) Model LTS101 series turboshaft engines by individual priority letters. This AD requires inspections and maintenance actions to monitor and ensure the satisfactory condition of the engine lubrication system and the integrity of the Number 3 bearing in the rear bearing support housing (RBSH) and the Number 4 bearing in the engine gearbox. This AD is needed to prevent an uncontained failure of the power turbine (PT) disk which could result from failure of the Number 3 or the Number 4 bearings.

DATES: Effective on December 23, 1987, as to all persons except those persons to whom the respective provisions were made immediately effective by priority letter AD 86-22-08, issued October 30, 1986; priority letter AD 87-10-10 RI, issued June 16, 1987; and priority letter AD 87-12-11, issued June 16, 1987, which have been combined into this amendment.

Comments for inclusion in the docket must be received on or before February 23, 1988.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 23, 1987.

Compliance Schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service documents may be obtained from Textron Lycoming, Service Engineering Division, LTS101 Product Support, 652 Oliver Street, Williamsport, PA 17701, or may be examined in the Regional Rules Docket at the New England Region, Office of the Regional Counsel, Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Comments on the amendment may be mailed in duplicate to:

Federal Aviation Administration, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 86-ANE-39, 12 New England Executive Park, Burlington, MA 01803

or delivered in duplicate to Room 311 at the above address.

Comments delivered must be marked: "Docket No. 86-ANE-39".

Comments may be inspected at the New England Region, Office of the Regional Counsel, Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robbin Goulet, Engine Certification Branch, ANE-141, Engine Certification Office, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803; telephone (617) 273-7089.

SUPPLEMENTARY INFORMATION: On October 30, 1986, priority letter AD 86-22-08 was issued, and on June 16, 1987, priority letter AD's 87-10-10 RI and 87-12-11 were issued and were made effective immediately to all known U.S. owners and operators of TEXTRON Lycoming Model LTS101 series turboshaft engines. The priority letter AD's require inspections and maintenance actions to monitor and ensure the satisfactory condition of the engine lubrication system and the integrity of the Number 3 and Number 4 bearings. Priority letter AD action was necessary to prevent an uncontained failure of the PT disk which could result from failure of the Number 3 bearing in the RBSH or the Number 4 bearing in the engine gearbox.

There have been two uncontained PT disk failures on LTS101-750 series engines which resulted from failure of the Number 3 bearing. In one case, failure was attributed to progressive deterioration of the bearing, and in the second case, failure was attributed to insufficient lubrication. The LTS101-750 series engine Number 3 bearing assembly and lubrication system type design is similar to those in all LTS101 series model engines. There have been several additional cases of Number 3

VOL 52 ISS 244 DEC 21 1987 UMI

modes in which the PT disk was retained.

In addition, there have been two uncontained PT disk failures on LTS101–650 series engines which resulted from failure of the Number 4 bearing. The investigations aimed at identifying the cause of the Number 4 bearing failures are continuing. The LTS101–650 series Number 4 bearing and power pinion gear assembly type design is similar to those in all LTS101 series model engines. There have been several additional Number 4 bearing failure cases in which the PT disk was retained.

Two of the four uncontained disk failures were each preceded by several debris monitor cockpit indication light illuminations due to metal contamination. In one of the four cases, the light was not illuminated due to a breakage in the indication light system wiring. In another case, the light was not illuminated due to an excessive build-up of carbon on the debris monitor. The Number 4 bearing failure can result in loss of, or erratic PT speed (Np) indication, in addition to the debris monitor indication light illumination. The Np signal was lost prior to both of the uncontained failures attributed to Number 4 bearing failures. In all four cases, fragments from the failed disks damaged the other engine resulting in loss of power. In three of the four cases, fragments severed the tail rotor driveshaft resulting in loss of tail rotor control.

The requirements of priority letter AD's 86–22–08 and 87–10–10 R1, contained in this rule are being amended to change the visual inspection of the appropriate debris monitor for metal contamination from a daily requirement to a 50-hour repetitive requirement. They are also being amended to eliminate the requirement to perform a clogging inspection of the Number 2 and Number 3 bearing oil jets upon a debris monitor cockpit indication light or upon visual inspection of the appropriate debris monitor under certain conditions. The FAA has determined that based on the reliability of the debris monitor indication light system(s) which is provided by the daily functional check, a 50-hour repetitive inspection will achieve a satisfactory level of safety.

The requirement to perform a clogging inspection of the Number 2 and Number 3 bearing oil jets under the above stated conditions is being eliminated, because although it helps to determine whether the RBSH and oil feed ring will need to be cleaned of carbon when disassembled, this AD retains a priority letter inspection requirement which ensures reassembly of essentially

may have been used as an aid in determining if the bearings were subjected to insufficient lubrication; however, these conditions are noticeable upon bearing inspection during the disassembly.

The requirements of priority letter AD 86–22–08 are being amended to eliminate the daily visual inspection of the RBSH scavenge debris monitor for varnish and/or carbon. The FAA has determined that the requirements of this AD preclude a condition whereby significant varnish and/or carbon buildup would occur and prevent metal from bridging the debris monitor magnetic contacts.

The pressure ranges specified for the engine oil pump output pressure check have been changed in this AD with respect to the ranges given in priority letter AD's 87–10–10 R1 and 86–22–08. The check will have to be repeated if it was performed in accordance with the above priority letter requirements, in the absence of documentation verifying that the pump was set at a value within the applicable range given in this AD.

This AD requires: (1) Maintenance action upon illumination of the debris monitor cockpit indication light that is wired to the RBSH scavenge debris monitor and/or the airframe mounted full flow scavenge debris monitor, (2) a functional check of the full flow and RBSH, if so configured, scavenge debris monitor indication light system(s) each day of operation, (3) a 1-time oil pump pressure output check, (4) repetitive oil acidity checks under certain conditions, (5) a 1-time inspection of the front face of the Number 4 bearing cage for cracking or metal release, (6) a 50-hour repetitive visual inspection of the RBSH scavenge debris monitor, if so configured, otherwise an inspection of the full flow scavenge debris monitor for metal contamination, and (7) maintenance action following engine assembly under certain conditions, a change in engine oil type, downward adjustment of the oil pump output pressure, and/or exceedance of the appropriate engine maintenance manual limit for the clogging inspection of the Number 2 and Number 3 bearing oil jets.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the three priority letter AD's effective immediately by individual letters issued on October 30, 1986, and June 16, 1987, to all known U.S. owners and operators of certain TEXTRON Lycoming model LTS101 series turboshaft engines. These conditions still exist and the AD's published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make them effective as to all persons.

Although this action is in the form of a final rule which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedures, comments are invited on the rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above.

All communications received on or before the closing date for comments will be considered by the Director. This rule may be amended further in light of comments received. Comments that provide a factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effectiveness of the AD and determining whether additional rulemaking is needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available for examination in the Rules Docket at the address given above. A report summarizing each FAA-public contact, concerned with the substance of this AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 86–ANE–39". The postcard will be date/time stamped and returned to the commenter.

The FAA has determined that this is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is

Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Engines, Safety, Incorporation by Reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding to § 39.13 the following new airworthiness directive (AD):

TEXTRON Lycoming (formerly Avco Lycoming Textron): Applies to TEXTRON Lycoming Model LTS101 series turboshaft engines.

Compliance is required as indicated, unless already accomplished.

To prevent an uncontained failure of the power turbine (PT) disk, which could result from failure of the Number 3 or Number 4 bearings, accomplish the following:

(a) Visually inspect the rear bearing support housing (RBSH) scavenge debris monitor (if installed) for metal contamination, prior to further flight, whenever the debris monitor cockpit indication light that is wired to the RBSH scavenge debris monitor is illuminated. If metal debris is evident, accomplish paragraphs (a)(1) and (a)(2) below, prior to further flight. If no metal debris is evident, and the RBSH and airframe mounted full flow scavenge debris monitors are wired in conjunction with the same cockpit indication light, proceed to paragraph (b) below; otherwise, if no metal debris is evident, the engine may be returned to service.

Notes: 1. If metal debris is found, it should be retained as an aid in accomplishing the lubrication system contamination troubleshooting requirements of paragraph (a)(2) below.

2. If metal debris is not found, illumination of the cockpit indication light may have been caused by a short in the indication system. Troubleshoot and correct the indication system in accordance with the appropriate aircraft maintenance manual instructions.

(1) Disassemble the RBSH assembly to correct the cause of metal debris contamination, and inspect the Number 2 and Number 3 bearings and associated components.

NOTE: Refer to the appropriate engine maintenance manual instructions.

(2) Accomplish the lubrication system contamination troubleshooting requirements in accordance with the procedure given in the

RBSH assembly.

(b) Visually inspect the full flow scavenge debris monitor for metal contamination, prior to further flight, whenever the debris monitor cockpit indication light that is wired to the full flow scavenge debris monitor is illuminated. If metal debris is evident, accomplish the following applicable paragraph below ((b)(1), (b)(2), or (b)(3)), prior to further flight. Otherwise, if no metal debris is evident, the engine may be returned to service.

Notes: 1. If metal debris is found, it should be retained as an aid in accomplishing the lubrication system contamination troubleshooting steps as referenced below.

2. If metal debris is not found, on the debris monitor, illumination of the cockpit indication light may have been caused by a short in the indication system. Troubleshoot in accordance with the appropriate aircraft maintenance manual instructions.

3. The gearbox chip detector, the PT speed (Np) and gas producer speed (Ng) pickups, and the RBSH scavenge debris monitor can be used to isolate the source of metal contamination. Refer to the appropriate engine maintenance manual Lubrication System Contamination Troubleshooting section and Avco Lycoming TEXTRON Customer Service Letter (CSL) 035 R–1 for additional guidance.

(1) If metal other than fuzz is found on the full flow scavenge debris monitor, disassemble the engine or affected module to determine and correct the source of metal. If only metal fuzz is found on the full flow scavenge debris monitor but the engine is not fitted with an RBSH scavenge debris monitor, disassemble the engine or affected module to determine and correct the source of metal.

Notes: 1. For the purpose of this AD, fuzz is defined as fine hair-like particles not having a discernible length, width, or diameter when visually inspected.

2. Refer to the appropriate engine maintenance manual instructions.

(2) If only metal fuzz, as defined above, is found on the full flow scavenge debris monitor, engines fitted with an RBSH scavenge debris monitor may be returned to service provided all of the following conditions are met:

(i) No other cockpit indication light illuminations have occurred within the previous 50 hours in service due to only fuzz on the full flow scavenge debris monitor.

Note: Cockpit indication light illuminations within the previous 50 hours in service need not be considered for counting purposes of this paragraph if the engine gearbox was disassembled and the Number 4 bearing was inspected subsequent to those cockpit indication light illuminations.

(ii) No metal contamination is evident on the RBSH scavenge debris monitor upon visual inspection.

(iii) The lubrication system contamination troubleshooting procedures identified in the appropriate engine maintenance manual section are accomplished.

(3) If any of the conditions in paragraph (b)(2)(i) through (b)(2)(iii) above are not met,

determine and correct the source of metal.

Note: Refer to the appropriate engine maintenance manual instructions.

(c) Check, each day of operation, the continuity of the RBSH scavenge debris monitor, if so configured, and the full flow scavenge debris monitor cockpit indication light system(s) by removing the monitor(s), shorting the magnetic contacts, and ensuring that the cockpit indication light(s) illuminates. If the light does not illuminate, correct the condition prior to further flight.

Notes: 1. Refer to the appropriate aircraft maintenance manual for corrective action.

2. FAA approved RBSH and full flow scavenge debris monitor indication light systems which permit the continuity to be checked from the aircraft cockpit, coupled with other appropriate checks, may be approved as an equivalent means of compliance to this paragraph by the Manager, Engine Certification Office, New England Region.

(d) Check the engine oil pump output pressure within 50 hours in service after receipt of priority letter AD 87–10–10 or priority letter AD 86–22–08, otherwise within 50 hours in service after the effective date of this AD, and immediately following an oil pump change and whenever oil pressure adjustment is required, as set forth below. If an engine oil pump output pressure check has been accomplished per the requirements of priority letter AD 87–10–10 R1 or priority letter AD 86–22–08 and documentation does not exist verifying that the pump was set at a value within the revised range given in the table herein, accomplish this check, as set forth below, within 50 hours in service of the effective date of this AD.

(1) Install a tee fitting in the line connecting the oil pressure transmitter to the engine oil pump, and install a direct reading wet pressure gauge (any gauge ranging from 0–125 up to 200 psig, calibrated to ± 2.0 percent at 100 psig) and an orifice of 0.025 inches in the line between the tee fitting and the wet pressure gauge.

CAUTION: Ensure that the orifice is installed in the line between the tee fitting and the wet pressure gauge and not in the oil pressure supply line to the engine.

(2) Start the engine and warm the oil to 150 degrees Fahrenheit minimum. Increase the gas producer speed (Ng) to 95 percent. Stabilize at this Ng for at least one minute.

(3) Adjust the engine oil pressure, in accordance with the table given below, by removing the lockwire from the slotted oil pressure adjustment slug on the right side of the oil pump and filter housing assembly, and turning the slug clockwise to increase pressure or counterclockwise to decrease pressure (one turn equals approximately 15 psig). If, prior to the above adjustment, the engine oil pump pressure indicated 70 psig or less for the LTS101–750 series engines, or 56 psig or less for the LTS101–600 and LTS101–650 series engines, prior to further flight, disassemble the RBSH assembly and inspect the Number 2 and Number 3 bearings and associated components.

VOL 52 ISS 244 DE 21 1987 UMI

Engine model	Specified range
LTS101-600A-2/-650B-1/-650B-1A/-550C-2/-650C-3/-650C-3A/-750B-1/-750C-1	80-100 psig
LTS101-600A-3/-750A-1/-750A-3/-750B-2	90-100 psig

Note: Refer to the appropriate engine maintenance manual instructions.

(4) Verify that the aircraft oil pressure indicator indicates in the green arc when the oil pump is properly adjusted. If, upon completion of the check, the aircraft pressure gauge does not indicate in the green arc, the aircraft indicating system must be checked and corrected.

Note: Refer to the appropriate aircraft maintenance manual instructions.

(5) Remove the wet gauge, orifice, and tee fitting, and reconnect the oil pressure transmitter.

(6) Ensure that the slotted oil pressure adjustment slug is lockwired after proper adjustment.

Note: Accomplishment of the oil pump output pressure check at new production engine acceptance testing or at engine installation by the engine or aircraft manufacturer, respectively, is considered an equivalent means of compliance with the requirement of the above paragraph for the initial check within 50 hours in service for engines with no time in service upon receipt of priority letter AD 87-10-10 or priority letter AD 88-22-08, otherwise upon the effective date of this AD.

(e) Conduct an oil acidity check in accordance with the procedure given in the appropriate engine maintenance manual, Chapter 71-00-00, as follows:

(1) Check the oil acidity within 25 hours in service after receipt of priority letter AD 87-10-10 or priority letter AD 88-22-08, otherwise within 25 hours in service after the effective date of this AD, or within 50 hours in service since the last oil change, whichever occurs later, and repeat at intervals not to exceed 25 hours in service until the oil pump filter and engine oil are changed.

(2) Thereafter, perform an initial oil acidity check within 50 hours in service after the oil pump filter and engine oil are changed, and repeat at intervals not to exceed 25 hours in service until the oil pump filter and engine oil are changed.

(3) If the oil acidity check limit, as specified in the appropriate engine maintenance manual, Chapter 71-00-00, is exceeded, prior to further flight, flush the engine lubrication system (including airframe-supplied oil cooler, tank, lines, etc.) and change the oil pump filter and engine oil.

Notes: 1. Refer to the appropriate engine maintenance manual instructions.

2. Information regarding the availability of approved acidity test kits may be obtained by contacting TEXTRON Lycoming, LT101 Product Support.

(f) Visually inspect the Number 4 power pinion gear roller bearing for cage cracks or metal release, within 25 hours in service after receipt of priority letter AD 87-12-11, otherwise within 25 hours in service after the effective date of this AD, by removing the Np indicator cover from the front of the gearbox. evident in the bearing area, prior to further flight, disassemble the gearbox to correct the condition.

(2) If no cracking or metal release is noted, reinstall the Np indicator cover.

Notes: 1. Removal and installation of the Np indicator cover should be accomplished in accordance with the appropriate engine maintenance manual and Avco Lycoming TEXTRON Maintenance Alert Notice, MA-LTS-101-72-00-0015, Revision 1, dated September 5, 1986.

2. Inspection of the Number 4 bearing at new production engine assembly by the engine manufacturer is considered an equivalent means of compliance with the above requirement for engines with no time in service upon receipt of priority letter AD 87-12-11, otherwise upon the effective date of this AD.

(g) Visually inspect the RBSH scavenge debris monitor, if so configured, otherwise inspect the full flow scavenge debris monitor within 50 hours in service after the effective date of this AD, and thereafter at intervals not to exceed 50 hours in service since last inspection, for metal contamination. If metal debris of sufficient quantity to illuminate the debris monitor cockpit indication light is evident on the respective debris monitor, prior to further flight, accomplish paragraphs (a)(1) and (a)(2) of this AD. If metal debris is found, it should be retained as an aid in accomplishing the lubrication system contamination troubleshooting steps as required by paragraph (a)(2).

Note: Individual chips, flakes, slivers, nuggets of metal, or fuzz accumulation of sufficient dimension to bridge the magnetic contacts and illuminate the debris monitor cockpit indication light, though it has not done so prior to this repetitive inspection, are also cause for rejection. Metal of insufficient quantity to illuminate the debris monitor cockpit indication light is acceptable and may be cleaned from the debris monitor upon completion of this repetitive inspection.

(h) Following assembly of an engine in which the PT module was built-up with a used RBSH and/or a used oil feed ring, conduct a post-build engine run-up and inspect the RBSH assembly in accordance with step 1.7 of Avco Lycoming TEXTRON CSL 047, dated October 10, 1986, prior to return to service. If a clogging inspection value of 2.5 psig is exceeded, clean and inspect the RBSH and oil feed ring in accordance with steps 1.1 through 1.7 of Avco Lycoming TEXTRON CSL 047, dated October 10, 1986.

Note: Accomplishment of a clogging inspection of the Number 2 and Number 3 bearing oil jets prior to RBSH disassembly, may be advantageous under certain conditions. Refer to the appropriate engine maintenance manual instructions.

(i) If the type of oil is changed, conduct a clogging inspection of the Number 2 and 3 bearing oil jets in accordance with the procedure given in the appropriate engine maintenance manual, Chapter 79-30-00 for LTS101-600A-2/-600A-3/-750A-1 engines and Chpater 72-00-00 for the remaining LTS101 engine models, not less than 5 hours and not to exceed 10 hours in service after of 5.0 psig is exceeded, accomplish paragraph (k) below.

(j) If at any time, excluding initial engine oil pump installation, the pump output presure is or was adjusted downward, prior to further flight, conduct a clogging inspection of the Number 2 and Number 3 bearing oil jets in accordance with the procedure given in the appropriate engine maintenance manual, Chapter 79-30-00 for LTS101-600A-2/-600A-3/-750A-1 engines and Chapter 72-00-00 for the remaining LTS101 engine models. If the clogging inspection limit of 5.0 psig is exceeded, accomplish paragraph (k) below.

(k) If the limit for the clogging inspection of the Number 2 and Number 3 bearing oil jets of 5.0 psig is exceeded during accomplishment of paragraph (i) or (j) above, or during accomplishment of the applicable TEXTRON Lycoming engine maintenance manual periodic clogging inspection requirement, prior to further flight, accomplish the following:

(1) Disassemble the RBSH assembly to correct the cause of clogging, and inspect the Number 2 and Number 3 bearings and associated components.

Note: Refer to the appropriate engine maintenance manual instructions.

(2) Clean and inspect the RBSH and oil feed ring in accordance with Avco Lycoming TEXTRON CSL 047, dated October 10, 1986.

Note: Any time the clogging inspection results of the Number 2 and Number 3 bearing oil jets are recorded to document compliance with paragraph (h), (i), (j), or (k) of this AD, it is recommended that the actual gauge Number 2 value be recorded in the engine logbook.

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request of an owner or operator, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Engine Certification Office, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803.

Upon submission of substantiating data by an owner or operator, through an FAA maintenance inspector, the Manager, Engine Certification Office, New England Region, may adjust the compliance schedule specified in this AD.

Certain maintenance procedures shall be done in accordance with Avco Lycoming TEXTRON CSL 047, dated October 10, 1986. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from TEXTRON Lycoming, Williamsport Division, LT101 Product Support, 652 Oliver Street, Williamsport, PA 17701, or may be examined in the Regional Rules Docket at the New England Region, Office of the Regional Counsel, Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, or at the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC.

This amendment becomes effective December 23, 1987, as to all persons respective provisions were made immediately effective by priority letter AD 88-22-08, issued October 30, 1988; priority letter AD 87-10-10 R1, issued June 16, 1987; and priority letter AD 87-12-11, issued June 16, 1987, which have been combined into this amendment.

Issued in Burlington, Massachusetts, on November 19, 1987.

Monte R. Belger,

Acting Director, New England Region.

[FR Doc. 87-29179 Filed 12-16-87; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 87-AGL-23]

Alteration of the Chicago Meigs Airport, IL, Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the published hours for the Chicago Meigs Airport Control Zone to reflect the current effective hours which are 0600 to 2200 hours, local time, daily.

EFFECTIVE DATE: 0901 GMT, March 10, 1988.

ADDRESS: The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, ACL—530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The current published description of the Chicago Meigs Airport Control Zone lists the effective hours from 0600 to 2400 hours, local time, daily. The airport manager has advised the FAA that the actual effective hours are from 0600 to 2200 hours, local time, daily. This action reflects the change.

Aeronautical maps and charts will continue to reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

This amendment to Part 71 of the Federal Aviation Regulations Regulations (14 CFR Part 71) is to alter the published effective hours of the Chicago Meigs Airport Control Zone to reflect the current effective hours which are 0600 to 2200 hours, local time, daily.

Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 2, 1987.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to alter the published hours for the Chicago Meigs Airport Control Zone.

Further, this amendment is a minor technical rule in which the public would not be particularly interested. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary and that good cause exists for making this amendment effective coincident with the next charting date.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Control zones, aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 71 of the FAR (14 CFR Part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 14 CFR 11.69

§ 71.171 [Amended]

2. Amend § 71.171 as follows:

Within a 3-mile radius of Meigs Airport (lat. 41°51'30"N., long. 87°36'30"W.) from 0600 to 2200 hours, local time, daily.

Issued in Des Plaines, Illinois, on December 4, 1987.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 87-29146 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6744; 34-25197; 35-24525; 39-2138; IC-16173; IA-1099; File No. S7-26-87]

The Freedom of Information Reform Act of 1986

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: As mandated by the Freedom of Information Reform Act of 1986 (Pub.L. 99-570), the Securities and Exchange Commission is adopting as final its interim rules to implement the recent amendments to the Freedom of Information Act, including those outlined in the Office of Management and Budget uniform fee schedule guidelines (5 U.S.C. 552(a)(4)(A)(i)). In addition, the Securities and Exchange Commission is revising 17 CFR 200.80, Appendix E, which sets forth the specific schedule of fees for all records services, and making various minor changes throughout § 200.80, and certain appendixes to conform the rules with present practices and conditions.

EFFECTIVE DATE: January 20, 1988.

FOR FURTHER INFORMATION CONTACT: John D. Heine, Office of Consumer Affairs and Information Services, at the above address or by telephone at (202) 272-7444.

SUPPLEMENTARY INFORMATION: The Freedom of Information Reform Act of 1986 (Pub.L. 99-570) ("Reform Act") amended the Freedom of Information Act ("FOIA") by modifying the terms of Exemption 7 and by supplying new provisions relating to the charging of fees for document retrieval and copying. The Reform Act specifically required the Office of Management and Budget ("OMB") to develop and issue, pursuant to notice-and-comment procedures, guidelines governing the uniform treatment of FOIA fees by all Federal agencies. Further, the Reform Act required all Federal agencies to

VOL 52 ISS 244 DEC 21 1987 UMI

notice and comment procedures, implementing fee provisions of the Act to conform to OMB guidelines. The regulations were to be effective 180 days after the effective date of the Reform Act, which was October 27, 1986.

On January 16, 1987, OMB issued for comment its "Proposed Fee Schedule and Administrative Guidelines" and issued a "Final Fee Schedule and Guidelines" on March 27, 1987. Since the Commission's regulations must conform to the OMB guidelines, it was impracticable to issue final regulations by the due date of April 25, 1987, while also providing a prior notice and comment period.

The Commission chose to follow an alternative procedure. The interim rules that the Commission adopted on June 18, 1987 to implement the Reform Act were given retroactive effectiveness as of April 25, 1987, without prior notice and comment. The amendments being made to the Commission's fee schedule were also given retroactive effectiveness as of April 25, 1987, and were subject to a notice and comment period of 30 days following publication. However, fees for services have been assessed under whichever set of rules (the agency's previous rules or the interim rules) has been more favorable to the requester. Thirty days after publication, fees will be assessed only according to the Commission's final rule. Four letters of comment were received during the comment period.

Section-by-Section Analysis of Comments

Waiver or reduction of fees 17 CFR 200.80 (e)(4).

Three commenters took issue with the Commission's proposed standard for granting a waiver of fees. The Department of Justice expressed concern that the standard lacked "substantive specificity" and enclosed a copy of a memorandum of April 2, 1987, from the Department's Office of Information and Privacy. The memorandum suggests that the language of the rules require a consideration of the substance of six factors listed by the Department: The subject matter of the request; the informative value of the records to be disclosed; the likelihood that disclosure will contribute to the general public's understanding; the significance of that understanding; the existence and magnitude of a commercial interest; and the nature of the primary interest to be served by disclosure and included its substance in the proposed language concerning fee waivers.

Commission augment the present language with a detailed definition of the statutory phrase "contribute significantly to public understanding of the operations or activities of government." The commenter quotes statements by Representatives Glenn English and Tom Kindness as a proper basis for such additional language. Information would constitute a significant contribution if it "is new; supports public oversight of agency operations, including the quality of agency activities and the effect of agency policy or regulations on public health or safety; or otherwise confirms or clarifies data on past or present operations." Cong. Rec. H. 9464 (daily ed. October 8, 1986). The revised rule was drafted to incorporate ideas about fee waiver reflected in sources other than the statute itself. Careful attention was given to the legislative history, and the language of the rule on this point embodies the essence of the remarks cited. In fact, the Commission's rule could arguably include a broader range of information than that covered by the specific language cited by the commenter.

The third commenter admits that the proposed rule conforms with the law but suggests that the Commission's rule also provide for fee waivers when requesters seek information regarding violations of law, wrongdoing by a government agency or administrative error. The rule as drafted would allow a waiver of fees for such requests provided that the other conditions for waiver were met. However, to grant fee waivers solely on the basis of the nature of material requested would clearly not be in keeping with the language of the Reform Act, which also establishes eligibility for waivers on the basis of how the information will be used.

Classification of Freedom of Information Act Requestors for Purposes of Assessing Fees 17 CFR 200.80(e)(10)(1).

The Commission received letters from three commenters dealing with this section as it defines the phrase "representatives of the news media." One commenter explicitly states that OMB's guidelines unnecessarily qualify the phrase by specifying that representatives of news media deal with "recent events and happenings." Another would have Commission regulations define "representative of the news media" solely by function as anyone publishing or disseminating information, a proposal specifically rejected by OMB in its final guidelines (see 52 FR 10015). The third commenter excludes any consideration of the intended purpose of the request or the information at issue, a suggestion also at odds with OMB guidelines.

Each of these commenters suggests explicitly or implicitly that agencies are not bound by OMB's guidelines in drafting regulations concerning this subject. However, the Reform Act requires that each agency set up a schedule of fees which shall "conform to the guidelines which shall be promulgated, pursuant to notice and receipt of public comment, by the Director of the Office of Management and Budget." The language of the interim rules is consistent with OMB's guidelines.

Aggregation of Requests 17 CFR 200.80(e)(12).

One commenter suggested that the Commission further qualify this provision of its rules to (1) emphasize a presumption that requests filed at greater than thirty day intervals are not subject to being aggregated and (2) prohibit agencies from aggregating requests for unrelated information made by the same party. While OMB's guidelines mention thirty days as a "reasonable belief" standard for aggregation, this and any other specific time period is rejected because it would unduly limit agencies attempting to prevent this abuse of the fee provisions. Therefore no time limit was included in the Commission's rule regulating this area.

With regard to the second point, the language of the rule is clear that aggregating a series of requests is allowed only when a party divides one request into a series. This language clearly meets the concern raised by the commenter.

Advance Payment 17 CFR 200.80(e)(13).

The Commission received one comment on this section. The commenter expressed concern that the Commission's formulation in this area failed to emphasize a preference against collecting fees in advance. The rule as proposed is clear that advance payment may be required only in circumstances which are clearly defined in language that closely tracks the OMB guidelines.

Final Regulatory Flexibility Analysis

The final regulatory flexibility analysis has been prepared in accordance with 5 U.S.C. 604. Please contact John D. Heine at (202) 272–7444 in order to receive a copy of the analysis.

Administrative practice and procedure, Freedom of information, Privacy, Securities.

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Accordingly, the interim rule amending 17 CFR Part 200 which was published at 52 FR 24145 on June 29, 1987, is adopted as a final rule without change.

By the Commission.
Dated: December 15, 1987.

Jonathan G. Katz,
Secretary.

[FR Doc. 87–29201 Filed 12–18–87; 8:45 am]
BILLING CODE 8010–01–M

---

17 CFR Part 211

[Release No. SAB 71A]

Staff Accounting Bulletin No. 71A

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: Staff Accounting Bulletin No. 71 ("SAB 71"), which was released on August 12, 1987, expressed the staff's views regarding the requirements for financial statements of properties securing mortgage loans. Since the issuance of SAB 71, the staff has received inquiries about its position concerning (1) determining the adequacy of the borrower's equity in the underlying property; (2) the financial statements to be included for loan arrangements reported as investments in real estate ("investment-type arrangements") in filings under the Securities Act of 1933 ("Securities Act"), and the Securities Exchange Act of 1934 ("Exchange Act"); and (3) the application of SAB 71 to loans entered into prior to the date of its issuance. This staff accounting bulletin addresses these issues.

DATE: December 15, 1987.

FOR FURTHER INFORMATION CONTACT: Jeffrey C. Jones or John M. Riley, Office of the Chief Accountant (202/272–2130); or Howard P. Hodges, Jr., Joseph S. Aleknavage (202/272–2553), or Lester J. Shapiro (202/272–3322), Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

Jonathan G. Katz,
Secretary.
December 15, 1987.

PART 211—[AMENDED]

Accordingly, Part 211 of Title 17 of the Code of Federal Regulations is amended by adding Staff Accounting Bulletin No. 71A to the table found in Subpart B.

STAFF ACCOUNTING BULLETIN NO. 71A

The staff herein adds questions 3, 4, 5, 6, 7, and 8 to Section I of Topic 1 of the Staff Accounting Bulletin Series. The staff also herein rescinds the last two sentences of the fifth paragraph of the interpretive response in question 1 of Section I of Topic 1. Section I discusses financial statement requirements.

Topic 1: Financial Statements

* * * * *

I. Financial Statements of Properties Securing Mortgage Loans

** * * * *

Question 3: The interpretive response to question 1 indicates that the staff believes that the borrower's equity in an operating property is adequate to support accounting for the transaction as a mortgage loan when the borrower's initial investment meets the criteria in paragraph 11 of Statement of Financial Accounting Standards No. 66 ("SFAS 66") and the borrower's payments of principal and interest on the loan are adequate to maintain a continuing investment in the property which meets the criteria in paragraph 12 of SFAS 66. It is the staff's view that meeting these criteria is the only way the borrower's equity in the property is considered adequate to support accounting for the transaction as a mortgage loan?

Interpretive Response: No. It is the staff's position that the determination of whether loan accounting is appropriate for these arrangements should be made by the registrant and its independent accountants based on the facts and circumstances of the individual arrangements, using the guidance provided in the February 10, 1986 Notice to Practitioners ("Notice"). As stated in the Notice, loan accounting may not be appropriate when the lender participates in expected residual profit and has virtually the same risks as those of an owner, or joint venturer. In the Notice, the staff indicated that if the lender has virtually the same risk as an owner, or joint venturer, the essential test that needs to be addressed is whether the borrower has and is expected to continue to have a substantial amount at risk in the project.[1] The criteria described in SFAS 66 provide a "safe harbor" for determining whether the borrower has a substantial amount at risk in the form of a substantial equity investment. The borrower may have a substantial amount at risk without meeting the criteria described in SFAS 66.

Question 4: What financial statements should be included in filings made under the Securities Act regarding investment-type arrangements that individually amount to 10% or more of total assets?

Interpretive Response: In the staff's view, separate audited financial statements should be provided for any investment-type arrangement that constitutes 10% or more of the greater of (i) the amount of minimum proceeds or (ii) the total assets of the registrant, including the amount of proceeds raised, as of the date the filing is required to be made. Of course, the narrative information required by items 14 and 15 of Form S–11 should also be included with respect to these investment-type arrangements.

Question 5: What information must be provided under the Securities Act for investment-type arrangements that individually amount to less than 10%?

Interpretive Response: No specific financial information need be presented for investment-type arrangements that amount to less than 10%. However, where such arrangements aggregate more than 20%, a narrative description of the general character of the properties and arrangements should be included that gives an investor an understanding of the risks and rewards associated with these arrangements. Such information may, for example, include a description of the terms of the arrangements, participation by the registrant in expected residual profits, and property types and locations.

Question 6: What financial statements should be included in annual reports filed under the Exchange Act with respect to investment-type arrangements

[1] Regarding the composition of the borrower's investment, paragraph 9b of the Notice indicates that the borrower's investment may include the value of land or other assets contributed by the borrower, net of encumbrances. The staff emphasizes that such paragraph indicates, "" * * recently acquired property generally should be valued at no higher than cost * * *". Thus, for such recently acquired property, appraisals will not be sufficient to justify the use of a value in excess of cost.

BEST COPY AVAILABLE

that constitute 10% or more of the registrant's total assets?

Interpretive Response: In annual reports filed with the Commission, the staff has advised registrants that separate audited financial statements should be provided for each non-consolidated investment-type arrangement that is 20% or more of the registrant's total assets. While the distribution is on-going, however, the percentage may be calculated using the greater of (i) the amount of the minimum proceeds or (ii) the total assets of the registrant, including the amount of proceeds raised, as of the date the filing is required to be made. In annual reports to shareholders registrants may either include the separate audited financial statements for 20% or more non-consolidated investment-type arrangements or, if those financial statements are not included, present summarized financial information for those arrangements in the notes to the registrant's financial statements.

The staff has also indicated that separate summarized financial information (as defined in Rule 1-02.(aa) of Regulation S-X) should be provided in the footnotes to the registrant's financial statements for each non-consolidated investment-type arrangement that is 10% or more but less than 20%. Of course, registrants should also make appropriate textual disclosure with respect to material investment-type arrangements in the "business" and "property" sections of their annual reports to the Commission.[2]

Question 7: What information should be provided in annual reports filed under the Exchange Act with respect to investment-type arrangements that do not meet the 10% threshold?

Interpretive Response: The staff believes it will not be necessary to provide any financial information (full or summarized) for investment-type arrangements that do not meet the 10% threshold. However, in the staff's view, where such arrangements aggregate more than 20%, a narrative description of the general character of the properties and arrangements would be necessary. The staff believes that information should be included that would give an investor an understanding of the risks and rewards associated with these arrangements. Such information may, for example, include a description of the terms of the arrangements, participation by the registrant in expected residual profits, and property types and locations. Of course, disclosure regarding the operations of such components should be included as part of the Management's Discussion and Analysis where there is a known trend or uncertainty in the operations of such properties, either individually or in the aggregate, which would be reasonably likely to result in a material impact on the registrant's future operations, liquidity or capital resources.

Question 8: What consideration will be given by the staff to those registrants that are unable to obtain the requisite information with respect to investment-type arrangements entered into prior to SAB 71?

Interpretive Response: For transactions with unaffiliated parties closed before December 15, 1987, the staff has taken the position that the disclosures contemplated by SABs 71 and 71A should be included unless the registrant has no contactual right to such information and cannot practicably obtain such information. In that event, the filing in which the information otherwise would be included should clearly state that the information is not included because the registrant has no contractual right to the information and cannot otherwise practicably obtain the information.

For transactions with unaffiliated parties closed on or after December 15, 1987, the staff believes that the information should be included in all filings. The staff believes information with respect to any transaction with an affiliate is available to the registrant and should therefore be provided regardless of the date of the transaction.

[FR Doc. 87-29198 Filed 12-18-87; 8:45 am]

BILLING CODE 8010-01-M

[2] Registrants are reminded that in filings on Form 8-K that are triggered in connection with an acquisition of an investment-type arrangement, separate audited financial statements are required for any such arrangement that individually constitutes 10% or more.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 87-150]

Customs Regulations Amendments Concerning Reporting Requirements for Small Vessels

AGENCY: Customs Service; Treasury.

ACTION: Interim rule; solicitation of comments.

SUMMARY: This document sets forth interim amendments to the Customs Regulations to implement recent legislative changes to enhance Customs enforcement of the currency reporting and controlled substances laws and assist in preventing the importation of merchandise contrary to law. The statutory changes concern reporting requirements for individuals and vessels, penalties, searches and seizures. To clarify vessel reporting requirements and to implement new vessel reporting requirements for small vessels arriving in the Miami, Florida, Customs District, operations of small vessels arriving in that area will be required to stop at one of 14 designated locations and, through a clearly marked Customs telephone, report their arrival to the U.S. to Customs before proceeding to their destination. In addition to the reporting requirements, the amendments also implement legislative provisions which provide for civil and criminal monetary penalties and for the seizure and forefeiture of conveyances used to transport unmanifested merchandise or controlled substances as well as the merchandise thereon.

This action is being taken as part of Customs continuing efforts to interdict the smuggling of controlled substances and other merchandise being introduced contrary to law into the southern Florida area and to enforce the currency reporting laws. These regulations will close a loophole in interdiction efforts concerning the significant number of small vessels arriving in that area carrying controlled substances, unreported monetary instruments, or undeclared merchandise.

DATES: Effective: December 21, 1987. Written comments must be received on or before February 19, 1988.

ADDRESS: Written comments (preferably in triplicate) may be submitted to and inspected at the Regulations Control Branch, Customs Service Headquarters, Room 2324, 1301 Constitution Avenue NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: (Operational matters) Glenn Ross, Office of Passenger Enforcement and Facilitation (202-566-5607) or (Legal matters) Larry L. Burton, Carriers, Drawback and Bonds Division (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

The Anti-Drug abuse Act of 1986 (Pub. L. 99-570) (the Act), made various changes to the Tariff Act of 1930 relating to the arrival in the U.S. and the reporting to Customs of persons and transportation conveyances; penalties; search and seizure of persons and conveyances; forfeiture and disposition of articles and conveyances; the Customs Forfeiture Fund; aviation

smuggling; preclearance; and investigation matters such as records production; undercover Customs operations, informer compensation; and the exchange of information with domestic and foreign Customs and law enforcement agencies. The reporting requirements are consolidated in section 433, Tariff Act of 1930, as amended (19 U.S.C. 1433), which provides, in pertinent part, that vessels must generally report to Customs immediately upon their arrival in the U.S. and in such manner as the Secretary of the Treasury may prescribe by regulation. The Act further amended section 401(k), Tariff Act of 1930, as amended (19 U.S.C. 1401(k)), to clarify that a vessel arriving in the U.S. after visiting a hovering vessel or a point or place where it has received merchandise is deemed to be arriving from a foreign port or place and that controlled substances are generally to be considered as prohibited merchandise. The Act further amended section 594, Tariff Act of 1930, as amended (19 U.S.C. 1594), relating to the seizure and forfeiture of conveyances used for the importation of prohibited merchandise, by narrowing and clarifying the previously existing exceptions to the seizure and forfeiture provisions of that section. This document implements the arrival, reporting, and conveyance seizure and forfeiture provisions of the Act as to "small vessels", as defined. Initially, special procedures for reporting arrivals of small vessels will be limited to arrivals within the Miami, Florida, Customs District, as defined in § 101.3(b), Customs Regulations (19 CFR 101.3(b)). Operations of small vessels arriving in the U.S. in that area will be required to stop at one of 14 small vessel reporting locations before proceeding to their intended destination and, through a clearly marked Customs telephone, immediately report their arrival to Customs. The Customs officer answering the call will ask for information such as: vessel registration number, name of vessel, owner name, operator/passenger name(s), date(s) of birth, foreign ports or places visited, duration of stay, foreign acquisitions, and user fee decal number, if any. The Customs officer will then instruct the vessel operator that the vessel may proceed or that further action, which may include inspection/examination at another location, is required. The District Director of Customs at Miami will retain the authority to change the nature of reporting locations, their number, or locations. However, initially the following 14 small vessel reporting stations are being designated within the Miami, Florida, Customs District:

Vessels Entering The Southern & Western Portions of the Miami District

1. A & B Marina 700 St., Key West, Florida 33040.
2. Tavernier Creek Marina, P.O. Box 1000, Tavernier, Florida 33070.
3. Faro Blanco Marine Resort, 1996 Overseas Highway, Marathon, Florida 33050.

Vessels Entering The Northern Portion of the Miami District

1. Government Cut, Phillips 66 Marine, Watson Island, 1050 MacArthur Causeway, Miami, Florida 33132.
2. Haulover Cut, Bakers Haulover Marina; 10800 Collins Ave., Miami Beach, Florida 33154.
3. Port Everglades Cut, Lauderdale Marina, 1900 S.E. 15th St., Ft. Lauderdale, Florida 33316.
4. Hillsboro Inlet, Sands Harbor Marina/Hotel, 125 North Riverside Dr., Pompano Beach, Florida 33062.
5. The Cove Marina, 1755 S.E. 3rd Court, Deerfield Beach, Florida 33441.
6. Boynton Beach Inlet, Lake Worth Boating Center, 7848 South Federal Highway, Hypoloxo, Florida 33462.
7. Lake Worth Inlet (AKA Palm Beach), Sailfish Marina, 98 Lake Drive, Palm Beach Shores, Florida 33404.
8. Jupiter Inlet, Jupiter Marina, Route 1, Jupiter, Florida 33494.
9. St Lucie Inlet, Sailfish Marina, 3565 Southeast St., Stuart, Florida 33477.
10. Ft. Pierce Inlet, Pelican Yacht Club, 1120 Seaway Dr., Ft. Pierce, Florida 33454.
11. Sebastian Inlet, Sebastian Inlet Marina and Trading, 1580 U.S. 1, P.O. Box 1507, Sebastian, Florida 32958.

In addition to establishing procedures for reporting the arrival of small vessels in the Miami area, new § 4.2a, Customs Regulations (19 CFR 4.2a), also implements the provisions of the Act which provide for civil monetary penalties for the failure to report arrival and additional civil monetary penalties if unmanifested merchandise is found by Customs on board a non-reporting vessel. The vessel manifest penalties of section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), are made applicable if the merchandise found on board a non-reporting vessel consists of controlled substances. Criminal monetary penalties and imprisonment are provided for if the failure to report arrival is intentional and if controlled substances are found on board the non-reporting vessel. The civil penalty includes seizure and forfeiture provisions related to the vessel and the merchandise in addition to the monetary penalties.

To clarify the vessel reporting requirements applicable to all vessels, § 4.2, Customs Regulations (19 CFR 4.2), is being amended to provide that vessel reporting requirements may be supplemented by local instructions and that a Customs officer may require documents and papers deemed necessary for the inspection/examination of vessels as well as cargo and persons on board. In addition, the new § 4.2a(b), Customs Regulations (19 CFR 4.2a(b)), will provide that small vessels in the Miami District will be considered to have arrived when they come to rest within the waters of that district, whether at anchor or at a dock, in any harbor or other location.

These new regulations are part of Customs continuing efforts to combat the problem of drug smuggling by vessel and to more specifically deal with techniques developed by drug smugglers utilizing small vessels for that purpose. Customs will now have greater control over small vessel movements in the southern Florida area because these vessels will now be required to go to designated reporting locations and immediately report their arrival. Thus, smugglers will not be able to proceed to private docks and unload contraband before continuing to their intended destination and then reporting their arrival to Customs. This was possible under the previously existing law and regulations which permitted the report of arrival to be delayed for as long as 24 hours after arrival in the U.S. The remaining provisions of the Anti-Drug Abuse Act of 1986 will be the subject of other **Federal Register** documents.

Comments

Before adopting these interim regulations as a final rule, consideration will be given to any written comments (preferably in triplicate) timely submitted. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on normal business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Customs Service Headquarters, Room 2324, 1301 Constitution Avenue, NW., Washington, DC 20229.

Inapplicability of Notice and Delayed Effective Date Requirements

Inasmuch as these amendments implement a statutory change which is

already effective and because of critical drug interdiction requirements in southern Florida, it is deemed to be in the public interest to make the regulatory changes as soon as possible. Accordingly, the normal advance notice and public procedure are unnecessary pursuant to 5 U.S.C. 553(b)(B). For the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Executive Order 12291

Because this document will not result in a "major rule" as defined in E.O. 12291, a regulatory impact analysis is not required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for interim regulations, the provisions of the Regulatory Flexiblity Act (5 U.S.C. 601 *et seq.*) do not apply.

Drafting Information

The principal author of this document was Arnold L. Sarasky, Regulations Control Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 4

Cargo vessels, Coastal zone, Customs duties and inspection, Fishing vessels, Freight, Harbors, Imports, Maritime carriers, Reporting and recordkeeping requirements, Seamen, Vessels and Yachts.

Amendments to the Regulations

Part 4, Customs Regulations (19 CFR Part 4), is amended as set forth below:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The general authority for Part 4 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), 1624, and 46 U.S.C. 2, 3.

2. Part 4 is amended by removing footnote 3.

3. Section 4.2(a) is revised to read as follows:

§ 4.2 Reports of arrival of vessels.

(a) The report of arrival of vessels, required by section 433, Tariff Act of 1930, as amended (19 U.S.C. 1433), except as prescribed in § 4.2a of this chapter, or as supplemented in local instructions issued by the district director and made available to interested parties by posting in Customs offices, publication in a newspaper of general circulation, and other appropriate means, shall be made by any means of communication to the district director or to a Customs officer assigned to board a vessel. The Customs officer may require the production of any documents or papers deemed necessary for the proper inspection/examination of a vessel, cargo, passengers, or crew.

* * * * *

4. Part 4 is amended by adding a new § 4.2a to read as follows:

§ 4.2a Small vessel reporting of arrival, Miami District.

(a) *Scope.* This section imposes special requirements for the report of arrival from any foreign port or place by small vessels whose intended destination is at a point within the jurisdiction of the Miami, Florida, Customs District, as defined in § 101.3(b) of this chapter. The operators of small vessels will be required to immediately report their arrival in the U.S., as prescribed by § 4.2(a) of this chapter, or as supplemented in local instructions issued by the district director and made available to interested parties by posting in Customs offices, publication in a newspaper of general circulation within the Miami District, and other appropriate means, by proceeding to locations designated by the District Director of Customs, Miami, Florida, prior to proceeding to their destination. The report will be made through a clearly marked Customs telephone. After securing some information from the person reporting, the Customs officer responding to the report of arrival will instruct the vessel operator that the vessel may proceed or that further action, which may include inspection/examination at another location, is required.

(b) *Definitions.* For the purposes of this section:

(1) "*Foreign port or place*" includes a hovering vessel as defined in section 401(b), Tariff Act of 1930, as amended, 19 U.S.C. 1401(k), and any point in the Customs waters beyond the territorial sea or on the high seas at which a vessel arriving in a port or place in the U.S. has received merchandise.

(2) "*Small vessel*" includes any vessel of less than 5 net tons, and any private pleasure vessel, regardless of displacement.

(3) "*Arrival of a vessel*" occurs when a small vessel comes to rest within the waters of the Miami District, whether at anchor or at a dock, in any harbor or other location.

(c) *Vessels entering the southern and western portions of the Miami District.* The operators of vessels arriving from a foreign port of place with an intended destination at a point south of the entrance to Biscayne Bay known as Broad Creek, which is north of Key Largo between Swan Key and Board Key, or that portion of the west coast of the State of Florida within the Miami Customs District as described in § 101.3(b), of this chapter, shall immediately report their arrival by the use of special clearly marked Customs telephones provided for that purpose, at the Customs designated location in the Florida Keys nearest to their intended destination point, before proceeding to their destination point.

(d) *Vessels entering the northern portion of the Miami District.* The operators of vessels arriving from a foreign port or place with an intended destination at or north of the entrance to Biscayne Bay known as Broad Creek, which is north of Key Largo and between Swan Key and Board Key, shall immediately report their arrival by the use of special clearly marked Customs telephones provided for that purpose, at the Customs designated location nearest the point at which the Biscayne Bay may be first entered or the intracoastal waterway may be first entered through a "cut", "channel", or "inlet", before proceeding to their destination point. This provision shall apply to vessels whose intended destination is on the Florida mainland or the barrier islands east of the intracoastal waterway.

(e) *Penalties.*—(1) *Civil penalty.* The master or person in charge of any vessel who fails to report arrival as required under this section is liable for a civil penalty of $5,000 for the first violation, and $10,000 for each subsequent violation. Any vessel used in connection with any such violation is subject to seizure and forfeiture.

(2) *Criminal penalty.* In addition to the civil penalty prescribed for violation of this section, the master or person in charge of any vessel who intentionally fails to report arrival as required by this section is liable, upon conviction, for a fine of not more than $2,000 or imprisonment for 1 year, or both. If the vessel is found to have, or to have had, on board any merchandise the importation of which is prohibited, such individual is liable for an additional fine of not more than $10,000 or imprisonment for not more than 5 years, or both.

(3) *Additional civil penalty.* If any merchandise, other than sea stores, is imported or brought into the U.S. aboard a vessel which has failed to report arrival as prescribed by this section, the master or person in charge of the vessel shall be liable for a civil penalty equal to the value of the merchandise, and the merchandise may be seized and forfeited, unless properly entered by the importer or consignee. If any of the merchandise consists of a controlled substance listed in section 584, Tariff Act of 1930, as amended 19 U.S.C. 1584, the penalties prescribed in that section shall apply.

Michael H. Lane,

Acting Commissioner of Customs.

Approved: December 14, 1987.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 87-29161 Filed 12-18-87; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 200, 203, 204, 213, 220, 221, 222, 226, 227, 235, 237, and 240

[Docket No. R-87-1357, FR-2382]

Mortgage Insurance for the Allegany Reservation of the Seneca Nation of Indians

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Interim rule.

SUMMARY: A new Section 203(q) of the National Housing Act authorizes the Secretary of HUD to insure mortgages on certain leased property in Salamanca, New York, within the Allegany Reservation of the Seneca Nation of Indians. The leases terminate in February 1991 unless renewed and the terms of renewal are uncertain. This rule explains the conditions under which the Secretary will insure mortgages on the leased property.

DATES: *Effective date:* Under section 7(o)(3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(3)), no part of this interim rule can become effective until after the first period of 30 calendar days of continuous session of Congress which occurs after the date of the rule's publication. HUD will publish a notice in the Federal Register of the effective date of §§ 200.163, 203.43c, 203.43j, 203.45, 203.50, 204.1, 220.1, 221.1, 222.1, 226.1, 227.501, 235.1, 237.5, and 240.1 of this rule following expiration of the 30-session-day waiting period. No part of this rule will become effective until HUD's separate notice concerning those sections is published announcing a specific effective date. The effective date for all other sections cannot precede the effective date of the rule on the revised Temporary Mortgage Assistance Payments (TMAP) program (52 FR 6908), published on March 5, 1987, for which an effective date has not been published. An announcement of an effective date for such sections will be published in the Federal Register. HUD's best estimate of the revised TMAP program effective date is early June 1988.

Comment due date: February 19, 1988.

ADDRESS: All comments concerning this proposed rule should be addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Persons submitting comments should include their names, addresses, and telephone numbers and refer to the docket number and title indicated in the heading of this rule. All comments submitted will be available for public inspection in the Office of the Rules Docket Clerk at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: John Coonts, Deputy Director, Insured Single Family Housing, Departemnt of Housing and Urban Development, Room 9266, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 755-3046. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: A new section 203(q) of the National Housing Act (12 U.S.C. 1709(q)) was enacted by Pub. L. 99-601, November 5, 1986. This new provision authorizes the Secretary of HUD to insure mortgages on certain leased property within the Allegany Reservation of the Seneca Nation of Indians in the State of New York, without regard to statutory restrictions which would ordinarily prohibit mortgage insurance. A mortgage would be insured under section 203(b) of the National Housing Act as modified by section 203(q) of the Act and would be an obligation of the Special Risk Insurance Fund (SRIF) created by section 238 of the Act. (Under all SRIF programs, a periodic mortgage insurance premium is required by regulations instead of a one-time premium.)

Section 203(q) was needed before mortgage insurance could be granted because the property in question involves ground leases with terms expiring in February 1991 (with certain rights of extension). Section 201(a) of the National Housing Act requires leased property covered by an insured mortgage to be either "(1) under a lease for not less than ninety-nine years which is renewable or (2) under a lease having a period of not less than ten years to run beyond the maturity date of the mortgage * * *." The second test clearly cannot be satisfied since the leases will expire in less than ten years. The first test is partially met since the leases involved are 99-year leases. However, their renewability is subject to complicating factors which, in the absence of section 203(q), would preclude mortgage insurance at this time. The Department has interpreted the statute as requiring a lease giving the lessee an absolute right to renew on specific terms. As discussed further in the following section, the leases in question do not provide for specific terms of renewal.

Background

The property affected by Pub. L. 99-601 and this rule consists of that part of the City of Salamanca, New York which is located on the Allegany Reservation of Seneca Nation of Indians and subject to ground leases expiring in February 1991. These ground leases were given by the Seneca Nation pursuant to the Act of February 19, 1875, 18 Stat. 330, which was enacted to ratify existing leases granted by the Seneca Nation and to clarify the future authority of the Seneca Nation to lease land in the Allegany Reservation. The 1875 law provided for continuation of existing leases for five years (until February 1880) with rights of renewal for periods of up to twelve years. Prior to expiration of the first twelve-year renewal period, Congress enacted the Act of September 30, 1890, 26 Stat. 558 which amended the 1875 law to allow renewals for periods up to 99 years. The subsequent renewals of the leases were for periods of 99 years which will expire in February 1991.

The 1875 law specified the manner of renewal. The "owner or owners of improvements" on leased lands at the time a lease term expires "shall be entitled" to lease renewal on "such conditions as may be agreed upon" with the Seneca Nation, up to the maximum allowed renewal period. If the parties to the lease cannot agree on conditions of renewal, the 1875 law states that they shall each appoint a "referee" (arbitrator) to "fix and determine the terms of said lease and the amount of annual rent to be paid." If agreement is not reached the two referees shall choose a third person to act with them. The decision of a majority of the persons so chosen shall be "final and binding" upon the parties. The lease forms used by the Seneca Nation adopted this renewal provision from the 1875 law.

For approximately 18 years, the Seneca Nation has been engaged in

discussions regarding lease renewal terms with the Salamanca Indian Lease Authority, which was created in 1969 by N.Y. *Public Authorities Law* section 179 *et seq.* (McKinney 1987). There is no clear authority for the Authority to bind individual lessees to any negotiated terms of renewal. In any event, HUD understands that the discussions between the Authority and the Seneca Nation are not likely to be successful in the near future. We are not aware of direct discussions between individual lessees and the Seneca Nation regarding lease renewal. We are not aware of any appointment of arbitrators by any party. The resulting uncertainty regarding the future rent or any other terms of lease renewals, and the possibility that agreement on renewal terms might not be reached before the leases terminate, if ever, means that the property interests which lessees may hold now and in the future are too uncertain to be accepted by prudent lenders as adequate security for long-term mortgage loans.

Currently, no private lending institutions will make uninsured mortgage loans for any property in Salamanca, NY which is subject to a lease expiring in February 1991. FHA-insured or VA-guaranteed mortgages have not been available for many years.

Purpose of the Rule

This rule is intended to make mortgage insurance available on terms which will permit prudent lenders to resume lending on the basis of the current leases. The rule should relieve a lender of its concern over the uncertain and possibly short-term property interests offered as security for mortgages.

The legislative history of section 203(q) suggests that Congress did not intend to authorize insurance of mortgages secured by property on short-term ground leases without regard to the prospects for renewal. Instead, it was assumed that the leases would be renewed for a longer term so that the ultimate security would be property which a mortgagor could hold for the life of the mortgage. For example, Congressman Lundine stated during floor debate:

> This measure is revenue neutral. Further, it does not represent an unreasonable risk for FHA. The law under which these leases were ratified clearly allows for renewal of the leases; the only unresolved question is the terms of renewal. 132 Cong. Rec. H 8593 (daily ed. September 29, 1986).

HUD recognizes that it cannot obtain absolute assurance of a timely renewal of the lease and that, consequently, there is some risk that any mortgage loan insured under this rule could ultimately become an unsecured loan—if there is never a renewal or replacement lease—or that the existence of security may be in doubt during any gap between the February 1991 termination date and a later renewal or replacement lease. Several provisions of this rule are designed to increase the chances that the lease will be renewed in a timely manner or, at least, that arbitration on a new lease will be instituted if a negotiated renewal is not possible.

The Department does not believe that Congress intended the Department to disregard the special difficulties presented by long-term mortgages secured by renewable leases with an impending termination date. Instead, we interpret the law as permitting HUD to relax the normal requirements for leasehold mortgages only if HUD reasonably expects appropriate steps to be taken toward renewal of the leases for periods commensurate with the mortgage terms.

Summary of Rule Provisions

New 24 CFR 203.43j contains the basic requirements for mortgage insurance for homes on property subject to Allegany Reservation ground leases.

Paragraph (a) (Title) establishes a special title requirement to substitute for § 203.37. Title to the leasehold must be held through a lease meeting two requirements: The lease must have a termination date in February 1991, and it must provide for renewal in accordance with the renewal scheme established by the 1875 and 1890 laws. This requirement represents an interpretation of the provision in section 203(q)(1)(B) that the insured mortgage "be secured by property on land that * * * is subject to a lease entered into for a term of 99 years pursuant to" the 1875 and 1890 laws. In the opinion of HUD, Congress intended to extend the coverage of section 203(q) to all residential leases on the Allegany Reservation with February 1991 termination dates, including a group of leases executed in 1944 for the remainder of the term of 99-year leases which had been cancelled for nonpayment of rent. (For background on the cancellation, *see U.S. v. Forness*, 125 F.2d 928 (2d Cir. 1942)). The reference to "99 years" in the statute should not be read narrowly to exclude leases which, in effect, completed a 99-year term and which present the same problem as the "true" 99-year leases. Paragraph (a) specifically excludes a mortgage secured by a replacement or renewal of a lease scheduled to terminate in February 1991, or by any other right of occupancy. This effectively establishes February 1991 as the outside date for insurance under this rule.

Paragraph (b) (Provisions of mortgage) provides for additional material to be added as a rider to the approved New York mortgage form to address the special title circumstances, including authorization for the mortgagee to act for the mortgagor with regard to lease renewal, at mortgagor's expense, and special default provisions. HUD expects each mortgagor to pursue the issue of lease renewal with the Seneca Nation in a timely manner. Separate discussions could occur for each individual lease, many mortgagors/lessees could act together, or mortgagors/lessees may be represented by an entity such as the City of Salamanca or the Salamanca Indian Lease Authority. While we do not expect to draft mortgage language authorizing the mortgagee to negotiate on behalf of the mortgagor, mortgagees will be expected to keep track of a mortgagor's progress toward lease renewal. If recourse to arbitration is necessary because the lease has not been renewed by a date to be specified in the mortgage rider, and the mortgagor fails to pursue arbitration, the mortgagor will be in default under the mortgage and the mortgagee will be authorized through a power of attorney to name an arbitrator and take other steps to pursue arbitration, including seeking any needed assistance from a court. The mortgagee will also be able to foreclose based on the default.

Paragraph (c) (Secretary's agreement with mortgagor) requires a HUD-mortgagor agreement on steps to be taken toward lease renewal. At the discretion of the Secretary, other parties such as the Seneca Nation could be added. HUD would prefer to require an agreement which includes the Seneca Nation as a party, whereby the parties to each lease agree to commence arbitration. If the Seneca Nation is not agreeable to this approach, HUD expects each mortgagor to notify the Seneca Nation of the mortgagor's intent to renew the lease and to take appropriate steps to pursue arbitration if the lease has not been renewed by a date to be specified in the agreement. A power of attorney would enable HUD to pursue arbitration if necessary, including seeking any needed assistance from a court. Thus, HUD as well as the mortgagee would be legally entitled to take steps to ensure that the lease renewal rights are exercised through arbitration if negotiations do not succeed by a specified date, although HUD expects to rely on the mortgagee to take necessary action unless the mortgage has been assigned, or the leasehold conveyed, to HUD. Nothing in any of these documents would require the parties to continue arbitration if agreement on renewal terms is reached.

Paragraph (d) (Certification) requires the mortgagor to certify receipt of certain disclosures about the lease situation. The disclosure must include a discussion of the fact that a mortgagor will remain liable for the balance of the mortgage principal even if the ground lease for the mortgagor's home is not renewed. Other risks expected to be disclosed are: The lack of assurance that the Seneca Nation will be interested in lease renewal on terms agreeable to the mortgagor, the power of arbitrators to issue a binding award requiring the mortgagor to renew the lease on unacceptable terms, the possible need to commence and pay for litigation to enforce the mortgagor's right of renewal, the fact that failure by the mortgagor to pursue arbitration after a specified date will be a mortgage default, the requirement that the mortgagor must give a power of attorney to the mortgagee and HUD, and the possible serious difficulty in selling the home until the ground lease is renewed. This disclosure requirement ensures that mortgagors will not be ignorant of the special risks presented by purchasing and mortgaging a short-term renewable leasehold estate.

Paragraph (e) (Purchase by owner-occupant) excludes from coverage of the rule any mortgages from investors or occupants purchasing a second home, or mortgages for refinancing. The rule is intended only to facilitate mortgage lending to owner-occupants purchasing a principal residence, since the primary purpose of section 203(q) is to make mortgage loans available to persons who could not otherwise obtain financing for purchase of their homes. However, public comment on this question is specifically requested. Paragraph (f) (Relationship of income to housing expense) ensures that under § 203.33(a) the adequacy of the mortgagor's income would be tested against estimated future lease payments after renewal. Current rentals do not represent market value, will definitely increase substantially in any renewal lease, and should not be used in the mortgage credit analysis. Since the purpose of § 203.33(a) is to ensure that a mortgagor will be able to meet expenses, HUD expects initially to use as the estimated future rent level the highest level proposed by the Seneca Nation in negotiations until HUD has reason to conclude that a lesser rent level is a likely outcome of negotiations or arbitration.

Paragraph (g) (Suspension of insurance) provides for possible suspension of further issuance of commitments to insure mortgages under this rule. A suspension could be for the remaining life of the program (through February 1991) or for a lesser period specified by the Secretary. A suspension could be imposed prior to February 19, 1990, if the rate of 90-day delinquencies during a specified period exceeds the general rate of 90-day delinquencies for all one-to-four family properties in the State of New York. A suspension could be imposed after February 18, 1990, based on consideration of the probable costs to the Special Risk Insurance Fund of further commitments, measured by certain factors such as rate and amount of claims payments.

Section 203(q) of the National Housing Act authorizes mortgage insurance only under section 203(b) of the Act (as modified by section 203(q)). Therefore, §§ 203.43c (cooperative units) and 203.50 (rehabilitation loans) and Parts 213 (cooperative units), 220 (urban renewal), 221 (low costs and moderate income), 222 (servicemen, 226 (armed services housing for civilian employees), 227 (armed services housing for impacted areas), 235 (lower income homeownership), 237 (special mortgage insurance for low- and moderate-income families) and 240 (fee title purchase) are each amended to add the new § 203.43j to the list of Part 203 provisions which are inapplicable to such programs.

HUD has also determined that all mortgage insurance applications under this rule should be processed by HUD under the prior approval procedure rather than through the Direct Endorsement procedure. Section 200.163(a)(2) is amended to exclude section 203(q) from the list of Direct Endorsement programs. HUD also does not regard this program as appropriate for coinsurance and § 204.1 is amended to exclude this program from the coinsurance regulations. Section 203.45(g) has been amended to exclude graduated payment mortgages from this rule, since the negative amortization feature of such mortgages would increase the already greater-than-ordinary risk of mortgages insured under this rule.

The regulations which ordinarily govern the maximum amount for section 203(b) mortgages (§§ 203.18–203.18c) are also applicable to mortgages authorized by this rule. Because of the unusual title situation, however, HUD will issue special instructions regarding determination of value.

HUD has also amended Subparts B (Contract Rights and Obligations) and C (Servicing Responsibilities) of Part 203 to include provisions applicable if a default occurs prior to either negotiated renewal of the lease on a long-term basis (at least five years beyond the mortgage term) or renewal on the basis of an arbitration award (i.e., while the current lease situation persists). After renewal the ordinary provisions would apply. In this context, HUD is permitting renewal lease terms shorter than the normal requirement of ten years beyond the mortgage term to balance the need for adequate mortgage security against the Seneca Nation's preference for shorter lease terms. The changes to Subparts B and C are similar to changes made as part of the recent rules for the Hawaiian home lands mortgage insurance program under Section 247 of the National Housing Act (52 FR 8064 and 28470), published on March 6 and July 30, 1987, and the Indian reservations mortgage insurance program under Section 248 of the Act (52 FR 21866), published on June 9, 1987, which provide for assignment of mortgages in default.

HUD believes that mortgages are unlikely to express sufficient interest in the program if they must make insurance claims on a "business as usual" basis during the uncertain situation concerning the eventual terms and conditions of the leases, with the real possibility of litigation and the possibility the leases will terminate. Section 203.350 is amended by adding a new paragraph (d), which provides that HUD will accept assignment of section 203(q) mortgages in the case of a 90-day default in payment, or in the case of any 30-day default if the leasehold estate has terminated before the mortgage has been assigned or title to the leasehold conveyed to HUD. In the case of any other default, assignment is at HUD's discretion.

A mortgage which is not receiving monthly payments should be able to take action to protect its interests within a definite period of time. It may not be possible for a mortgagee to expeditiously acquire through foreclosure any valuable interest, as long as the lease renewal is uncertain, and HUD considers it reasonable to give mortgages the option of direct assignment of the mortgage. The mortgage may also be in default because of a mortgagor's failure to take actions needed to renew the lease (see § 203.43j(b)). If the mortgagor continues to make monthly payments and the mortgagee takes actions toward renewal on behalf of the mortgagor (as the mortgage will permit), there may be no need for assignment. However, at some

point the lease renewal situation may become so complex, particularly in terms of litigation, that it would not be reasonable to expect an insured lender to voluntarily expend its time and efforts (even on a reimbursable basis) to remain involved in the situation. In such a case, HUD has reserved the option of accepting assignment.

In addition to the usual requirements for mortgages to report on delinquent mortgagors to HUD, HUD will require mortgagees to report on other defaults including mortgagor failure to take actions to renew the lease.

Because of the potential for rapid changes in the situation beyond control of the mortgagor, HUD does not regard the Temporary Mortgage Assistance Payments program (52 FR 6906), published on March 5, 1987, as appropriate for section 203(q) mortgages before the leases have been renewed, and therefore assignment will be permitted but no TMAP will be provided. Nevertheless, the changes to Subparts B and C of Part 203 are interrelated to changes which will be made by the TMAP rule and for this reason the effective date of these changes and changes to certain sections in other Parts will be delayed until the TMAP rule is effective.

A new 24 CFR 203.439a contains the special provisions for filing claims on defaulted section 203(q) mortgages. Paragraph (a) provides that the special provisions of this section are applicable to mortgages on leaseholds *prior* to renewal, and not to mortgages on leaseholds *subsequent* to renewal. If and when the lease is renewed, mortgagees will then treat defaulted mortgages on Allegany Reservation ground leases as any other mortgage in regard to the forbearance assignment process, TMAP and foreclosure. Paragraph (b) provides for payment of claims whenever an assignment is accepted under the new § 203.350(d). Paragraph (c) addresses title questions by providing exceptions to the usual requirements on title quality and title evidence. It also states that the new rule on claims without conveyance of title (§ 203.366) does not apply.

A new 24 CFR 203.666 is added. This section contains the provisions for forbearance assignment relief when a defaulted mortgage on a pre-renewal lease is assigned to the Secretary. Some distinctions are made between assignments for monetary and non-monetary defaults. In both cases the mortgagee must provide information relevant for consideration of forbearance when assignment is requested. HUD retains broad discretion to forbear, which it may exercise with reference to the current lease situation as well as the individual mortgagor's situation. At a minimum, however, a mortgagor whose payment default was the grounds for assignment will receive the same consideration for forbearance as any other non-section 203(q) assignment case.

Technical amendments for filing claims and assigning defaulted mortgages on pre-renewal leaseholds have been made to §§ 203.355, 203.604(b), 203.640(a), 203.645(a) and 203.654.

Procedural Requirements

The Department is publishing this rule for effect as an interim rule that solicits public comment. With the current ground leases expiring in February 1991, we believe that time is of the essence if the special purposes of this rule are to be achieved, *i.e.*, providing for at least a limited home mortgage market in Salamanca, New York prior to renewal of the leases. We believe it to be in the public interest that the benefits provided in this rule be made available with an absolute minimum of procedural delay and that the Congress concurs in this assessment. The provisions authorizing this special mortgage insurance were extracted from omnibus housing legislation which had earlier passed the House of Representatives (when it became apparent that it was unlikely such legislation would be enacted in 1986), and passed as a separate law. In the current Congress, the House of Representatives has passed an amendment to Pub. L. 99-601 which would *require*, rather than simply authorize, the Secretary of HUD to insure these mortgages. We believe that both of these Congressional actions demonstrate a sense of urgency in the Congress that this program be quickly implemented.

This rule does not constitute a "major rule" as that term is defined in section (b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10276, 451 Seventh Street, SW. Washington, DC 20410.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule only provides for a limited number of mortgages on homes in Salamanca, N.Y., to be insured during a limited period of time. It should provide new economic opportunities equally to large and small entities by enabling them to obtained mortgage loans on a financially feasible basis for the first time in recent years.

Information collection requirements contained in this rule have been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Comments relating to information collection requirements should be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for HUD. After OMB review and approval, the public will be notified of the OMB control number assigned these requirements through a technical amendment to this rule.

This rule was listed as item 983 in the Department's Semiannual Agenda of Regulations (published at 52 FR 40358, 40380) on October 26, 1987, under Executive Order 12291 and the Regulatory Flexibility Act.

The mortgage insurance program listed in the Catalog of Federal Domestic Assistance under the following number would be covered by this rule: 14.117.

List of Subjects in 24 CFR Parts 200, 203, 204, 213, 220, 221, 222, 226, 227, 235, 237, and 240

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs: Housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Miniminum Property Standards, Incorporation by reference, Home improvement, Solar energy, Cooperatives, Urban renewal, Rental housing, Projects, Condominiums, Low and moderate income housing, Displaced families, Single family housing, Military personnel, Government employees, Federally affected areas: Defense housing, Homeownership, Grant programs: Housing and community development, Fee title purchase.

Accordingly, 24 CFR Parts 200, 203, 204, 213, 220, 221, 222, 226, 227, 235, 237 and 240 are amended as follows:

PART 200—INTRODUCTION

1. The authority citation for Part 200 continues to read as follows:

Authority: Titles I and II, National Housing Act (12 U.S.C. 1701–1715z–16); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Section 200.163(a)(2) is revised to read as follows:

§ 200.163 Direct endorsement.

(a) * * *

(2) Single family mortgages insured under any of the programs listed in paragraph (a)(1) of this section pursuant to sections 223, 225, 238(c), 244, 247, or 248 of the National Housing Act, or under section 203(b) of the Act as modified by section 203(g), are not eligible for processing under this section. The provision contained in 24 CFR 221.55 which permits a builder-mortgagor to sell a property to a displaced family on a deferred basis is not available in the Direct Endorsement program.

* * * * *

PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS

3. The authority citation for Part 203 continues to read as follows:

Authority: Secs. 203, and 211, National Housing Act (12 U.S.C. 1709, 1710, 1715(b)); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)). In addition, Subpart C is also issued under sec. 230, National Housing Act (12 U.S.C. 1715u).

4. Section 203.43c(a) is revised to read as follows:

§ 203.43c Eligibility of mortgages involving a dwelling unit in a cooperative housing development.

* * * * *

(a) The provisions of §§ 203.16a, 203.17, 203.18, 203.18a, 203.18b 203.23, 203.24, 203.26, 203.37, 203.38, 203.43b, 203.43h, 203.43i, 203.43j, 203.44, 203.49 and 203.50 of this part do not apply to mortgages insured under section 203(n) of the National Housing Act.

* * * * *

5. Part 203 is amended by adding a new §203.43j to read as follows:

§ 203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

A mortgage on a leasehold estate covering a one- to four-family residence located on the Allegany Reservation of the Seneca Nation of Indians in the State of New York is eligible for insurance if the mortgage meets the requirements of this subpart as modified by this section.

(a) *Title.* This section applies only to a mortgage which:

(1) Does not meet the requirements of § 203.37;

(2) Is on a leasehold under a lease with a termination date in February 1991, which provides for renewal in accordance with the Act of February 19, 1875 (18 Stat. 330) and the Act of September 30, 1890 (26 Stat. 558).

A mortgage may not be on a leasehold created by a lease which is executed after the effective date of this section as a renewal or replacement of a lease described in paragraph (a)(2) of this section. A mortgage may not be secured by any other right of occupancy created in lieu of a leasehold after the effective date of this section by agreement of the Seneca Nation, court order, law or any other means.

(b) *Provisions of mortgage.* The Secretary will prescribe special mortgage provisions in the form of a mortgage rider in order better to secure the mortgagee, including:

(1) Authorization for the mortgagee to exercise the option of lease renewal if the mortgagor fails to do so, and to recover from the mortgagor authorized expenses incurred to obtain lease renewal; and

(2) Making a mortgagor failure to take steps necessary for less renewal an event of default under the mortgage.

(c) *Secretary agreement with mortgagor.* The mortgagor must enter into an agreement with the Secretary and such other parties as the Secretary may require regarding actions to be taken to obtain either a renewal of the lease or a new lease.

(d) *Certification.* The borrower must certify that it has received disclosures, in a form prescribed by the Secretary, explaining the status of the lease and the consequences of nonrenewal. The disclosure shall include a discussion of the fact that a mortgagor who does not obtain a lease renewal and loses the right of occupancy will remain liable for the outstanding balance of the mortgage.

(e) *Purchase by owner-occupant.* The mortgagor must be a purchaser intending to occupy the property as a principal residence. Mortgages may not be used to refinance existing mortgages.

(f) *Relationship of income to housing expense.* For purposes of § 203.33(a), the total prospective housing expense shall include the Secretary's estimate of future lease payments during the term of the mortgage rather than lease payments in effect at the time of application.

(g) *Suspension of commitments.* The Secretary may suspend the issuance of commitments to insure mortgages under this section, for the entire period during which commitments could otherwise be issued for insurance under this section (i.e., through February 18, 1991) or for such lesser period as the Secretary may specify, by providing thirty days notice of suspension in the **Federal Register.** Regardless of its duration, a suspension to be imposed prior to February 19, 1990, will be based on a determination by the Secretary that, for mortgages insured during a specified period, the rate of monetary defaults (as measured by 90 day delinquencies) for mortgages insured under this section exceeds the rate of such monetary defaults for all insured mortgages on one- to four-family properties in the State of New York. A suspension to be imposed after February 18, 1990, will be based on a consideration by the Secretary of the probable costs to the Special Risk Insurance Fund of further commitments to insure under this section, as measured by such factors as the current and projected rate and amount of claims payments, together with other significant current and projected costs as determined by the Secretary, including a review of the actual and projected monetary default rate (as measured by 90 day delinquencies) and the actual and projected rate of lease renewal through negotiation and arbitration.

6. Section 203.45(g) is revised to read as follows:

§ 203.45 Eligibility of graduated payment mortgages.

* * * * *

(g) This section shall not apply to a mortgage that meets the requirements of §§ 203.18(c), (d), (e) or (f), 203.43, 203.43a, 203.43b, 203.43j, or 203.49.

* * * * *

7. Section 203.50(i) is revised to read as follows:

§ 203.50 Eligibility of rehabilitation loans.

* * * * *

(i) Rehabilitation loans which do not involve the insurance of advances, the refinancing of outstanding indebtedness or the purchase of the property need not be a first lien on the property but shall not be junior to any lien other than a first mortgage. The provisions of

§§ 203.15, 203.19, 203.23, 203.24, 203.28, and 203.43j shall not be applicable to such loans.

* * * * *

8. Section 203.350 is amended by redesignating the current paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

§ 203.350 Assignment of defaulted mortgage.

* * * * *

(d) *Assignment of mortgages authorized by section 203(q), National Housing Act.* Notwithstanding the provisions of paragraph (a) of this section, the Secretary will, upon application by the mortgagee, agree to accept assignment of any mortgage authorized by section 203(q) of the National Housing Act (§ 203.43j of this part) if

(1) The mortgagor has been in default for more than 90 days for failure to make a monthly payment,

(2) The requirements of § 203.666 are satisfied, and

(3) The date of default occurs before the mortgagor and the lessor execute a lease renewal or a new lease with a term of not less than five years beyond the maturity date of the mortgage, or with a terms established by an arbitration award.

If the default is non-monetary, the date of default occurs prior to an action described in paragraph (d)(3) of this section, the requirements of § 203.666 are satisfied, and the mortgagor has been in default for more than 30 days, the Secretary may in his or her discretion, upon application by the mortgagee, agree to accept an assignment of the mortgage. If the leasehold estate has terminated before the mortgage has been assigned, or title to the property conveyed, to the Secretary, and the mortgage is in default for any reason for more than 30 days, the Secretary will, upon application by the mortgagee, agree to accept an assignment of the mortgage.

9. The introductory text of § 203.355 is revised to read as follows:

§ 203.355 Acquisition of property.

With respect to defaulted mortgages on property located on Indian land insured pursuant to section 248 of the National Housing Act (§ 203.43h of this part), the mortgagee shall comply with §§ 203.350(b) and 203.664 of this part. With respect to defaulted mortgages on property located on Hawaiian home lands insured pursuant to section 247 of the National Housing Act (§ 203.43i of this part), the mortgagee shall comply with §§ 203.350(c) and 203.665 of this part. With respect to defaulted mortgages on property located on the Allegany Reservation of the Seneca Nation of Indians authorized by section 203(q) of the National Housing Act (§ 203.43j of this part) the mortgagee shall comply with §§ 203.350(d) and 203.666 of this part, provided that the mortgagor and the lessor have not executed a lease renewal or a new lease either with a term of not less than five years beyond the maturity date of the mortgage, or with a term established by arbitration award. With respect to all other mortgages, including mortgages authorized by section 203(q) if the preceding sentence is inapplicable, the mortgagee shall take one of the following actions within one year from the date of default, or within any additional time as is approved by the Secretary or is authorized by §§ 203.345, 203.346, or §§ 203.650 through 203.658.

* * * * *

10. Part 203 is amended by adding a new undesignated center heading and a new § 203.439a, to read as follows:

Mortgages on Property in Allegany Reservation of Seneca Indians

§ 203.439a Mortgages on property in Allegany Reservation of Seneca Nation of Indians authorized by section 203(q) of the National Housing Act.

(a) *Applicability.* This section shall apply to mortgages authorized by section 203(q) of the National Housing Act (§ 203.43j of this part) only when the date of default occurs before the mortgagor and the lessor execute a lease renewal or a new lease either with a term of not less than five years beyond the maturity date of the mortgage, or with a term established by an arbitration award.

(b) *Claims.* In addition to other actions which the mortgagee may take pursuant to this subpart in order to receive insurance benefits, a mortgagee shall be entitled to receive such benefits when the Secretary has agreed to accept assignment of a mortgage in accordance with § 203.350(d) and the mortgagee has complied with §§ 203.351 and 203.353.

(c) *Exceptions.* Notwithstanding § 203.366, title to a leasehold estate conveyed to the Commissioner is not required to be marketable as to the term of the lease, provided that the mortgagee has taken any actions required by the Secretary to attempt to obtain a long-term renewal of the lease. Title evidence will be required in a form satisfactory to the Commissioner (see § 203.385) unless the Commissioner agrees to accept title to a leasehold estate without title evidence.

11. Paragraph (b) of § 203.604 is revised to read as follows:

§ 203.604 Contact with the mortgagor.

(a) * * *

(b) The mortgagee must have a face-to-face interview with the mortgagor, or make a reasonable effort to arrange such a meeting, before three full monthly installments due on the mortgage are unpaid. If default occurs in a repayment plan arranged other than during a personal interview, the mortgagee must have a face-to-face meeting with the mortgagor, or make a reasonable attempt to arrange such a meeting within 30 days after such default and at lease 30 days before foreclosure is commenced, or at least 30 days before assignment is requested if the mortgage is insured on Hawaiian home land pursuant to section 247 or Indian land pursuant to section 248 or if assignment is requested under § 203.350(d) for mortgages authorized by section 203(q) of the National Housing Act.

* * * * *

12. Paragraph (a) introductory text, of 203.640 is revised to read as follows:

§ 203.640 Temporary mortgage assistance payments.

(a) The Secretary may make temporary mortgage assistance payments [TMAP] to the mortgagee on behalf of a mortgagor who owns the property, except for property subject to a mortgage insured pursuant to section 247 (see § 203.665) or section 248 of the National Housing Act (see § 203.664) or a mortgage authorized by section 203(q) of the National Housing Act (see § 203.666), when the following conditions are met:

* * * * *

13. Paragraph (a) of § 203.645 is revised to read as follows:

§ 203.645 Assignment of mortgage, with forbearance.

(a) For a mortgage other than one insured pursuant to section 247 or section 248 of the National Housing Act (§ 203.43i or § 203.43h of this part) or authorized by section 203(q) of the National Housing Act (§ 203.43j of this part), the Secretary will accept an assignment and provide forbearance if the conditions of § 203.640 (a)(1) through (a)(6) except (a)(4)(ii) are met, and the Secretary determines that assignment is necessary to avoid foreclosure and TMAP would be inappropriate in the case of the mortgagor. Among other grounds, TMAP will be determined to be inappropriate if the mortgagee refuses to accept TMAP (in violation of § 203.658(b)), or if extension of the mortgage maturity (by not more than 10 years after the original maturity) would be necessary in order for the mortgagor to afford repayment, and the mortgagee is unwilling to extend the maturity date. TMAP will also be determined to be inappropriate if a mortgagor is unable to execute the documents required by the Secretary to assure repayment of a TMAP loan (§ 203.640(b)(7)), where the inability to execute the necessary documents is caused by circumstances beyond the mortgagor's control. For mortgages insured pursuant to section 247 of the National Housing Act, see §§ 203.350(c) and 203.665. For mortgages insured pursuant to section 248 of the National Housing Act, see §§ 203.350(b) and 203.664. For mortgages insured pursuant to section 203(q) of the National Housing Act, see §§ 203.350 (d) and 203.666.

* * * * *

14. Part 203 is amended by revising § 203.654 to read as follows:

§ 203.654 Final decision.

The Secretary will promptly advise the mortgagor and the mortgagee of the final decision in writing. If the Secretary determines to approve TMAP, or to accept an assignment of the mortgage and provide forbearance in accordance with § 203.645, or to provide forbearance in accordance with § 203.664, § 203.665 or § 203.666, the mortgagor will be asked to meet with the Secretary's representative to discuss the amount and term of the payments that the mortgagor will be required to make under the TMAP or forbearance agreement to be executed. If the Secretary determines not to approve TMAP, and neither to accept an assignment of the mortgage under § 203.645 nor to provide forbearance in accordance with § 203.664, § 203.665 or § 203.666, the Secretary will advise the mortgagor of the findings and the specific criteria not met by the mortgagor.

15. Part 203 is amended by adding a new undesignated center heading and a new § 203.666 to read as follows:

Assignment and Forbearance—Property in Allegany Reservation of Seneca Indians

§ 203.666 Processing defaulted mortgages on property in Allegany Reservation of Seneca Nation of Indians.

(a) *Applicability.* This section applies to mortgages authorized by section 203(q) of the National Housing Act (§ 203.43j) only if the default occurred before the mortgagor and the lessee either with a term of not less than five years beyond the maturity date of the mortgage, or with a term established by an arbitration award.

(b) *Assignment (mandatory acceptance).* Before a mortgagee requests the Secretary to accept an assignment of a mortgage under the first sentence of § 203.350(d) where the mortgagor is in monetary default, the mortgagee must submit documents showing that the requirements of § 203.604 have been met and must provide all information in its possession concerning the mortgagor's eligibility for relief as set forth in § 203.664(b)(1)(i) through (v) and (b)(2) through (b)(4). Temporary mortgage assistance payments (TMAP) shall not be available.

(c) *Assignment (discretionary acceptance).* Before a mortgagee requests the Secretary to exercise his or her discretion to accept an assignment of a mortgage under the second sentence of § 203.350(d) where the mortgagor is in non-monetary default, the mortgagee must provide all information in its possession concerning the mortgagor's eligibility for relief as set forth in § 203.664(b)(1)(iii) through (v) and (b)(2) through (b)(4). TMAP shall not be available.

(d) *Forbearance.* The Secretary may make forbearance relief on any terms and conditions which he or she in his or her discretion deems appropriate, *provided:* that if assignment is requested for a monetary default, the Secretary will, at a minimum, provide forbearance relief in accordance with §§ 203.646 through 203.649.

PART 204—COINSURANCE

16. The authority citation for Part 204 continues to read as follows:

Authority: Secs. 244 and 211, National Housing Act (12 U.S.C. 1715z-9 and 1715b); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 204.1 [Amended]

17. Section 204.1 is amended by adding, to the list of excepted provisions, immediately after "203.43i Eligibility of mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

18. The authority citation for Part 213 is revised to read as follows:

Authority: Secs. 211, 213, National Housing Act (12 U.S.C. 1715b, 1715e); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 213.751 [Amended]

19. Section 213.751(b) is amended by adding, immediately after "203.439 Mortgages insured on Hawaiian home lands pursuant to section 247 of the National Housing Act.", the following:

203.439a Mortgages on property in Allegany Reservation of Seneca Nation of Indians authorized by section 203(q) of the National Housing Act.

* * * * *

20. Section 213.800 is revised to read as follows:

§ 213.800 Cross reference.

All of the provisions of Subpart C, Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act shall apply to mortgages insured under section 213 of the National Housing Act, except §§ 203.665 and 203.666.

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

21. The authority citation for Part 220 continues to read as follows:

Authority: Secs. 207, 211, 220, National Housing Act (12 U.S.C. 1713, 1715b, 1715k); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 220.1 [Amended]

22. Section 220.1(a) is amended by adding to the list of excepted provisions, immediately after "203.43i Eligibility of mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

* * * * *

§ 220.251 [Amended]

23. Section 220.251(a) is amended by adding at the end of the list of excepted provisions, the following:

203.439a Mortgages on property in Allegany Reservation of Seneca Nation of Indians authorized by section 203(q) of the National Housing Act.

24. Section 220.900 is revised to read as follows:

§ 220.900 Cross-reference.

All of the provisions of Subpart C, Part 203 of the chapter concerning the responsibilities of servicers of mortgages insured under section 203 of the National Housing Act apply to mortgages covering 1- to 11-family dwellings insured under section 220 of the National Housing Act, except §§ 203.664 through 203.666.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

25. The authority citation for Part 221 continues to read as follows:

Authority: Secs. 211, 221, National Housing Act (12 U.S.C. 1715b, 1715l); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 221.1 [Amended]

26. Section 221.1(a) is amended by adding, to the list of excepted provisions, immediately after "§ 203.43i Eligibility of mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

* * * * *

§ 221.251 [Amended]

27. Section 221.251(a) is amended by adding, to the end of the list of excepted provisions, the following:

203.439a Mortgages on property in Allegany Reservation of Seneca Nation of Indians authorized by section 203(q) of the National Housing Act.

28. Section 221.800 is revised to read as follows:

§ 221.800 Cross-reference.

All of the provisions of Subpart C, Part 203 of the chapter concerning the responsibilities of servicers of mortgages insured under section 203 of the National Housing Act apply to mortgages covering one- to four-family dwellings to be insured under section 221 of the National Housing Act, except §§ 203.664 through 203.666.

PART 222—SERVICEMEN'S MORTGAGE INSURANCE

29. The authority citation for Part 222 continues to read as follows:

Authority: Secs. 211, 222, National Housing Act (12 U.S.C. 1715b, 1715m); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 222.1 [Amended]

30. Section 222.1(a) is amended by adding to the list of exempted provisions, immediately after "203.43i Eligibility of mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

* * * * *

§ 222.251 [Amended]

31. Section 222.251(a) is amended by adding to the list of excepted provisions, immediately after "203.439 Mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.439a Mortgages on property in Allegany Reservation of Seneca Nation of Indians authorized by section 203(q) of the National Housing Act.

* * * * *

32. Section 222.400 is revised to read as follows:

§ 222.400 Cross-reference.

All of the provisions of Subpart C, Part 203 of this chapter concerning the responsibilities of servicers of mortgages insured under section 203 of the National Housing Act apply to mortgages insured under section 222 of the National Housing Act, except §§ 203.664 through 203.666.

PART 226—ARMED SERVICES HOUSING—CIVILIAN EMPLOYEES [SEC. 809]

33. The authority citation for Part 226 continues to read as follows:

Authority: Secs. 211, 807, and 809, National Housing Act (12 U.S.C. 1715b, 1748f, 1748h-1); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 226.1 [Amended]

34. Section 226.1(a) is amended by adding, to the list of excepted provisions, immediately after "203.43i Eligibility of mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

* * * * *

§ 226.251 [Amended]

35. Section 226.251(a) is amended by adding, immediately after "203.439 Mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.439a Mortgages on property in Allegany Reservation of Seneca Nation of Indians authorized by section 203(q) of the National Housing Act.

* * * * *

36. Section 226.300 is revised to read as follows:

§ 226.300 Cross-reference.

All of the provisions of Subpart C, Part 203 of this chapter concerning the responsibilities of servicers of mortgages insured under section 203 of the National Housing Act apply to mortgages insured under section 809 of the National Housing Act, except §§ 203.664 through 203.666.

PART 227—ARMED SERVICES HOUSING—IMPACTED AREAS [SEC. 810]

37. The authority citation for Part 227 continues to read as follows:

Authority: Secs. 211, 807, 810, National Housing Act (12 U.S.C. 1715b, 1748f, 1748h-z); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 227.501 [Amended]

38. Section 227.501(b) is amended by adding, in the list of excepted provisions, immediately after "203.43i Eligibility of mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

* * * * *

§ 227.751 [Amended]

39. Section 227.751(a) amended by adding, immediately after "203.439 Mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.439a Mortgages on property in Allegany Reservation of Seneca Nation of Indians authorized by section 203(q) of the National Housing Act.

40. Section 227.800 is revised to read as follows:

§ 227.800 Cross-reference.

All of the provisions of Subpart C, Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act shall apply to individual mortgages insured under section 810 of the National Housing Act, except §§ 203.664 through 203.666.

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

41. The authority citation for Part 235 continues to read as follows:

Authority: Secs. 211, 235, National Housing Act (12 U.S.C. 1715b, 1715z); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 235.1 [Amended]

42. Section 235.1(a) is amended by adding to the list of excepted provisions, immediately after "203.43i Eligibility of mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

* * * * *

§ 235.201 [Amended]

43. Section 235.201(a) is amended by adding to the list of excepted provisions, immediately after "203.439 Mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.439a Mortgages on property in Allegany Reservation of Seneca Nation of Indians authorized by section 203(q) of the National Housing Act.

* * * * *

PART 237—SPECIAL MORTGAGE INSURANCE FOR LOW AND MODERATE INCOME FAMILIES

44. The authority citation for Part 237 continues to read as follows:

Authority: Secs. 203, 211, 237, National Housing Act (12 U.S.C. 1709, 1715b, 1715z-2); sec. (d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

45. Section 237.5 is revised to read as follows:

§ 237.5 Cross-reference.

To be eligible for insurance under this subpart, a mortgage must meet all of the eligibility requirements for insurance under Part 203, Subpart A of this chapter; or under Part 220, Subpart A of this chapter; or under Part 221, Subpart A of this chapter; or under Part 234, Subpart A of this chapter, except that in addition to meeting such eligibility requirements, the mortgage must comply with the special requirements of this subpart. Mortgages and loans processed under the Direct Endorsement program set forth in § 200.163, mortgages insured on Hawaiian home lands or Indian land pursuant to section 247 or 248 of the National Housing Act or mortgages insured under section 203(b) of the Act as modified by section 203(q), are not eligible under this subpart.

PART 240—MORTGAGE INSURANCE ON LOANS FOR FEE TITLE PURCHASE

46. The authority citation for Part 240 continues to read as follows:

Authority: Secs. 211 and 240, National Housing Act (12 U.S.C. 1715b, 1715z-5); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 240.1 [Amended]

47. Section 240.1 is amended by adding to the list of excepted provisions, immediately after "203.43i Eligibility of mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

* * * * *

48. Section 240.400 is revised to read as follows:

§ 240.400 Cross-reference.

All of the provisions of Subpart C, Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to loans for the purchase of the fee simple title of property which are insured under section 240 of the National Housing Act, except §§ 203.664 through 203.666.

Dated: November 17, 1987.

James E. Schoenberger,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 87-29092, Filed 12-18-87; 8:45 am]

BILLING CODE 4210-27-M

---

24 CFR Part 888

[Docket No. N-87-1712; FR-2377]

Section 8 Housing Assistance Payments Program; Fair Market Rent Schedules for Use in the Existing Housing Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program and Housing Voucher Program

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of fair market rents.

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to publish Fair Market Rents periodically, but not less frequently than annually. The Department published proposed Fair Market Rents for the Section 8 Existing Housing Program on August 28, 1987 (52 FR 32672) and solicited public comment. Today's document is the first of two announcements of effective FY-1988 Fair Market Rent schedules for the Section 8 Existing Housing Certificate Program (Part 882, Subparts A and B) including space rentals by owners of manufactured homes under the Section 8 Existing Housing Certificate Program (Part 882, Subpart F); the Section 8 Moderate Rehabilitation Program (Part 882, Subparts D and E); and Section 8 existing housing assisted under Part 886, Subparts A and C (Section 8 loan management and property disposition programs). In addition, FMRs are used to determine payment standard schedules in the Housing Voucher Program.

EFFECTIVE DATE: These Fair Market Rents are effective on December 21, 1987.

FOR FURTHER INFORMATION CONTACT: Cecelia D. Livingston, Housing Voucher Division, Office of Elderly and Assisted Housing, telephone (202) 755-6477. For technical information on the development of schedules for specific areas or the method used for the rent calculations, contact Michael R. Allard, Economic and Market Analysis Division, Office of Economic Affairs, telephone (202) 755-5577. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes a housing assistance program to aid lower income families in renting decent, safe, and sanitary housing. Assistance payments are limited by Fair Market Rents (FMRs) (or payment standards based on FMRs in the Housing Voucher Program) established by HUD for different areas.

In general, the FMR for an area is the amount that would be needed to rent privately owned, decent, safe, and sanitary rental housing of a modest (nonluxury) nature with suitable amenities.

Proposed Fair Market Rents

The Department proposed fiscal year 1988 FMRs for Section 8 existing housing on August 28, 1987 (52 FR 32672). These FMRs reflect estimated rent levels as of April 1, 1988. The criteria and methodology used by HUD in developing the proposed FMRs appear at 24 CFR Part 888, Subpart A and have been in use since 1983.

The elements used by HUD in developing FMRs are: (1) The 45th percentile rent (that is, the rent below which 45 percent of the standard quality rental housing units are distributed); (2) rents based on units occupied by recent movers (households who moved within two years before the date of the survey data used in these calculations); and (3) exclusion from the data base of public housing units and recently competed housing (units built within two years of the survey dates). (See 24 CFR 888.113). The FMRs for manufactured from spaces are based on the 45th percentile rent for manufactured home spaces. (See 24 CFR 888.113(a)).

In establishing the proposed FMRs, HUD used the most accurate data available. Data used to compute the FY-1988 FMRs include the 1980 Census data, post-1980 American Housing Survey (AHS) data and reliable area

specific data submitted by public commenters in the development of the FY–1986 and FY–1987 FMRs.

This year's proposed FMRs were calculated by updating last year's final FMRs one additional year to April 1, 1988, based on the most recent CPI data available on average annual changes for rents and utilities. The FMRs have been calculated for each Primary Metropolitan Statistical Area (PMSA), Metropolitan Statistical Area (MSA), and nonmetropolitan county.

In the August 28, 1987 notice, the Department proposed EMRs with modest increases for most market areas. No increases were proposed for the following areas: Brazoria, TX PMSA; Galveston-Texas City, TX PMSA; Houston, TX PMSA; Owensboro, KY MSA, the State of Alaska, Puerto Rico and the Virgin Islands.

The year's proposed FMRs for manufactured homes spaces were calculated by updating last year's FMRs to April 1, 1988, using the most current average annual change in the CPI residential rent index (with heating costs included in the rent factored out). The FMRs for 15 nonmetroplitan counties were held at last year's levels as a result of previous definitional changes of metropolitan areas.

FMR Schedules in this Notice

In accordance with the procedures announced in the proposed notice, today's notice announces effective FMRs for all FMR areas. The proposed notice provided that the FMRs announced in today's notice would be set either at the level proposed in the August 28, 1987 notice, or at the existing fiscal year 1987 level (see 52 FR 15630 published April 29, 1987, or 52 FR 24381 published June 30, 1987). The proposed notice provided that if HUD proposed an increase to the FMR level, the FMRs would be set at the proposed level unless a comment was received that supported a lower FMR and the comment was accompanied by adequate supporting data.[1] In such a case, the existing FMR would be republished.

This procedure differs from the procedure used in fiscal year 1987. Last year, HUD published a notice of proposed FMRs followed by two announcements of final FMRs. Unlike this year's procedure, the first announcement made a proposed FMR final only if no commenter opposed the proposed FMR, or if all comments supported the proposed FMR. If any comment was submitted in opposition to a proposed FMR, HUD held the FMR at the existing level until the comment and supporting data were analyzed and the second notice was published. As discussed in the August 28, 1987 notice, HUD believes that this procedure may have "chilled" the submission of comments from parties supporting increases to FMR levels in excess of the FMRs proposed by HUD. (*I.e.*, Some potential commenters may have believed that their comment would only delay the effectiveness of HUD's *proposed* increase—without any assurance that a *greater* increase would be made.) The procedure used in today's notice eliminates this chilling effect.

The Department received 80 comments involving 82 FMR areas. All of these comments supported FMRs equal to or higher than the proposed FMRs published on August 28, 1987. All FMRs published for effect in today's notice, therefore, are at the level proposed in the August 28, 1987 publication. The FMRs are listed in two parts—Schedule B (Fair Market Rents for Existing Housing) and Schedule D (Fair Market Rents for Manufactured Home Spaces in the Section 8 Existing Housing Certificate Program).

The FMRs announced today may be revised for the 82 FMRs covered by public comments. The FMR areas that are subject to change are identified by an asterisk placed before the name of the FMR area in Schedules B and D. Following the publication of this notice, HUD will review all public comments, including those comments that did not include adequate supporting data. Based on the information contained in the comments, as supplemented by information collected from the field offices, HUD will publish a second announcement making any necessary revisions to the FMR schedules and including an analysis and to the comments.

Other Matters

A Finding of No Significant Impact with respect to the environment as required by the National Environmental Policy Act (42 U.S.C. 4321–4374) is unnecessary, since the Section 8 Existing Housing program is categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.20(d).

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this Notice does not have a significant economic impact on a substantial number of small entities because FMRs reflect the rents for similar quality units in the area. Therefore, FMRs do not change the rent from that which would be charged if the project were not in the Section 8 program.

This document does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the ducument indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (Section 8).

Accordingly, the Fair Market Rent Schedules are proposed to be amended as follows:

Date: December 12, 1987.

Thomas T. Demery,

Assistant Secretary for Housing-Federal Housing Commissioner.

Section 8 Fair Market Rent Schedules for Use in The Existing Housing Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program and Housing Voucher Program Schedules B & D—General Explanatory Notes

1. Geographic Coverage

a. FMRs for Existing Housing (Schedule B) are established for all Metropolitan Statistical Areas (MSAs), Primary Metropolitan Statistical Areas (PMSAs), nonmetropolitan counties, and county equivalents in the United States, District of Columbia, Puerto Rico, the Virgin Islands, and Guam. FMRs also are established for nonmetropolitan parts of counties in the New England States.

b. FMRs for Manufactured Home spaces in the Section 8 Certificate Program (Schedule D) are established for all MSAs, PMSAs, selected nonmetropolitan counties, and the residual nonmetropolitan portion of each State.

c. The current 338 MSAs and PMSAs are those established by the Office of Management and Budget effective October 10, 1986.

2. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in Schedules B and D are listed alphabetically by MSA–PMSA and nonmetropolitan county within each State.

b. The constituent counties (and New England towns and cities) included in each MSA and PMSA are listed immediately following the MSA–PMSA names in each State listed in Schedule B. All of the constituent parts of an MSA that are in more than one State can be identified by consulting the listings for each applicable State.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

d. The New England towns and cities included in a nonmetropolitan part of a county are listed immediately following the county name.

e. The FMRs are listed by dollar amount on the first line beginning with the FMR area name.

BILLING CODE 4210-27-M

[1] The August 28, 1987 publication stated that commenters would be required to submit sufficient information (including a full description of the local data and the methodology that was used) to justify any proposed changes. We stated that such information may include local housing market studies, rental market surveys or other comprehensive rental market data showing the 45th percentile rent levels for standard quality rental housing units. This data must reflect the rent levels that exist within the entire market area (Metropolitan Statistical Area, Primary Metropolitan Statistical Area, or nonmetropolitan county); must exclude units built within the last two years of the survey; should not be drawn solely from vacant units; and should approximate the same proportion of units by structure type and date of construction that exists in the local inventory. For areas where gross rents have increased significantly as a result of taxes or the costs of fuel and utilities applicable to a major portion of the FMR areas, HUD required commenters to submit data relating to these increased costs to justify revision of the FMRs. This data must be adequately described in order to facilitate evaluation and comparison with the tax, fuel and utility costs data used in the Department's FMR calculations, and must be representative of the rental inventory. (For a complete discussion of adequate supporting data, see 52 FR at 32673).

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: ALABAMA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANNISTON, AL MSA COUNTY(IES): CALHOUN	225	277	326	409	458
BIRMINGHAM, AL MSA COUNTY(IES): BLOUNT, JEFFERSON, ST CLAIR, SHELBY, WALKER	268	325	393	478	535
COLUMBUS, GA-AL MSA COUNTY(IES): RUSSELL	237	285	337	422	474
DOTHAN, AL MSA COUNTY(IES): DALE, HOUSTON	267	323	381	475	533
FLORENCE, AL MSA COUNTY(IES): COLBERT, LAUDERDALE	242	295	348	431	483
GADSDEN, AL MSA COUNTY(IES): ETOWAH	210	256	302	378	423
HUNTSVILLE, AL MSA COUNTY(IES): MADISON	269	326	384	480	537
MOBILE, AL MSA COUNTY(IES): BALDWIN, MOBILE	278	337	398	496	557
MONTGOMERY, AL MSA COUNTY(IES): AUTAUGA, ELMORE, MONTGOMERY	246	300	352	441	494
TUSCALOOSA, AL MSA COUNTY(IES): TUSCALOOSA	258	314	370	462	518

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BARBOUR	194	235	277	346	388	BIBB	188	228	270	337	377
BULLOCK	195	240	282	353	395	*BUTLER	182	222	261	326	366
CHAMBERS	192	233	274	343	384	CHEROKEE	192	233	274	343	384
CHILTON	188	229	270	337	377	CHOCTAW	210	256	302	378	423
CLARKE	210	256	302	378	423	CLAY	192	233	274	343	384
CLEBURNE	192	233	274	343	384	COFFEE	194	235	277	346	388
CONECUH	210	256	302	378	423	COOSA	192	233	274	343	384
*COVINGTON	194	235	277	346	388	CRENSHAW	198	240	282	353	395
CULLMAN	234	284	335	419	469	DALLAS	210	256	302	378	423
DE KALB	221	268	315	393	442	ESCAMBIA	178	217	254	319	358
FAYETTE	188	229	270	337	377	FRANKLIN	188	228	268	335	375
GENEVA	194	235	277	346	388	GREENE	188	229	270	337	377
HALE	188	229	270	337	377	HENRY	194	235	277	346	388
JACKSON	221	268	315	393	442	LAMAR	168	229	270	337	377
LAWRENCE	234	284	335	419	469	LEE	240	291	343	429	481
LIMESTONE	199	242	285	356	399	LOWNDES	198	240	282	353	395
MACON	210	255	301	376	421	MARENGO	210	256	302	378	423
MARION	188	228	268	335	375	MARSHALL	206	251	294	368	408
MONROE	210	256	302	378	423	MORGAN	234	284	335	419	469
PERRY	210	256	302	378	423	PICKENS	188	229	270	337	377
PIKE	210	255	301	376	421	RANDOLPH	192	233	274	343	384
SUMTER	210	256	302	378	423	TALLADEGA	192	233	274	343	384
TALLAPOOSA	192	233	274	343	384	WASHINGTON	210	256	302	378	423
WILCOX	210	256	302	378	423	WINSTON	188	228	268	335	375

S T A T E: ALASKA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANCHORAGE, AK MSA COUNTY(IES): ANCHORAGE	448	545	641	801	897

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALEUTIAN I.	532	646	760	950	1064	BETHEL	532	646	760	950	1064
BRISTOL BAY	532	646	760	950	1064	DILLINGHAM	532	646	760	950	1064
FAIRBKS-N.ST	438	532	626	783	877	HAINES	532	646	760	950	1064
JUNEAU	532	646	760	950	1064	KENAI-PENIN	438	532	626	783	877
KETCH-GATEWY	532	646	760	950	1064	KOBUK	532	646	760	950	1064
KODIAK ISLND	532	646	760	950	1064	MATANUSKA-SU	438	532	626	783	877
NOME	532	646	760	950	1064	NORTH SLOPE	532	646	760	950	1064
P.WLS-O.HTCH	532	646	760	950	1064	SITKA	532	646	760	950	1064
SKGWY-YKT-AN	532	646	760	950	1064	SE FAIRBANKS	438	532	626	783	877
VALDEZ-CORDO	438	532	626	783	877	WADE HAMPTON	532	646	760	950	1064
WRNGLL-PTRBR	532	646	760	950	1064	YKN-KOYKK	532	646	760	950	1064

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: ARIZONA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHOENIX, AZ MSA COUNTY(IES): MARICOPA	379	457	539	677	764
TUCSON, AZ MSA COUNTY(IES): PIMA	359	438	515	644	721

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
APACHE	260	315	376	470	526	COCHISE	268	326	382	478	537
COCONINO	333	405	476	596	667	GILA	270	329	388	484	541
GRAHAM	268	326	382	479	537	GREENLEE	268	326	382	479	537
LAPAZ	338	412	484	605	678	MOHAVE	338	412	484	605	678
NAVAJO	263	319	376	470	526	PINAL	270	329	388	484	541
SANTA CRUZ	268	326	382	479	537	YAVAPAI	333	405	476	596	667
YUMA	338	412	484	605	678						

STATE: ARKANSAS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FAYETTEVILLE-SPRINGDALE, AR MSA COUNTY(IES): WASHINGTON	251	304	358	447	501
FORT SMITH, AR-OK MSA COUNTY(IES): CRAWFORD, SEBASTIAN	243	296	348	436	488
LITTLE ROCK-NORTH LITTLE ROCK, AR MSA COUNTY(IES): FAULKNER, LONOKE, PULASKI, SALINE	290	351	413	517	579
MEMPHIS, TN-AR-MS MSA COUNTY(IES): CRITTENDEN	258	317	374	464	522
PINE BLUFF, AR MSA COUNTY(IES): JEFFERSON	240	293	345	432	483
TEXARKANA, TX-TEXARKANA, AR MSA COUNTY(IES): MILLER	240	292	344	430	481

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ARKANSAS	204	247	292	364	408	ASHLEY	194	235	277	347	388
BAXTER	231	281	332	414	465	BENTON	240	291	343	429	481
BOONE	231	281	332	414	465	BRADLEY	194	235	277	347	388
CALHOUN	195	240	283	351	393	CARROLL	231	281	332	414	465
CHICOT	194	235	277	347	389	CLARK	214	260	305	383	429
CLAY	217	264	310	388	435	CLEBURNE	227	276	325	406	455
CLEVELAND	201	244	288	359	402	COLUMBIA	195	240	283	351	392
CONWAY	200	243	287	358	400	CRAIGHEAD	255	308	363	453	506
CROSS	205	251	295	369	408	DALLAS	195	240	283	351	393
DESHA	194	235	277	347	389	DREW	194	235	277	347	388
FRANKLIN	181	219	258	322	361	FULTON	227	276	325	406	455
GARLAND	214	260	305	382	429	GRANT	201	244	288	359	402
GREENE	217	264	310	388	435	HEMPSTEAD	195	240	284	356	398
HOTSPRING	214	260	305	382	429	HOWARD	195	240	284	356	398
INDEPENDENCE	227	276	325	406	455	IZARD	227	276	325	406	455
JACKSON	227	276	325	406	455	JOHNSON	200	243	287	358	400
LAFAYETTE	195	240	284	356	398	LAWRENCE	217	264	310	388	435
LEE	205	251	296	369	408	LINCOLN	194	235	277	347	388
LITTLE RIVER	199	240	284	356	398	LOGAN	181	219	258	322	361
MADISON	231	281	332	414	465	MARION	231	281	332	414	465
MISSISSIPPI	235	287	337	421	472	MONROE	175	213	251	313	350
MONTGOMERY	214	260	305	382	429	NEVADA	199	240	284	356	398
NEWTON	231	281	332	414	465	OUACHITA	195	237	278	349	392
PERRY	200	243	287	358	400	PHILLIPS	205	251	296	369	408
PIKE	214	260	305	382	429	POINSETT	217	264	310	388	435
POLK	216	262	308	385	432	POPE	200	243	287	358	400
PRAIRIE	175	213	251	313	350	RANDOLPH	217	264	310	388	435
ST FRANCIS	205	251	296	369	408	SCOTT	181	219	258	322	361
SEARCY	231	281	332	414	465	SEVIER	199	240	284	356	398
SHARP	227	276	325	406	455	STONE	227	276	325	406	455
UNION	195	240	283	351	392	VAN BUREN	227	276	325	406	455
WHITE	227	276	325	406	455	WOODRUFF	227	276	325	406	455
YELL	200	243	287	358	400						

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: CALIFORNIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANAHEIM-SANTA ANA, CA PMSA	330	443	757	948	1080
COUNTY(IES): ORANGE					
BAKERSFIELD, CA MSA	367	445	524	695	734
COUNTY(IES): KERN					
CHICO, CA MSA	322	391	460	575	644
COUNTY(IES): BUTTE					
FRESNO, CA MSA	334	407	479	598	670
COUNTY(IES): FRESNO					
*LOS ANGELES-LONG BEACH, CA PMSA	471	564	656	840	949
COUNTY(IES): LOS ANGELES					
MERCED, CA MSA	315	383	451	580	657
COUNTY(IES): MERCED					
MODESTO, CA MSA	362	427	504	630	705
COUNTY(IES): STANISLAUS					
OAKLAND, CA PMSA	510	631	748	930	1041
COUNTY(IES): ALAMEDA, CONTRA COSTA					
*OXNARD-VENTURA, CA PMSA	453	550	647	809	907
COUNTY(IES): VENTURA					
REDDING, CA MSA	334	387	479	598	670
COUNTY(IES): SHASTA					
*RIVERSIDE-SAN BERNARDINO, CA PMSA	385	484	529	684	771
COUNTY(IES): RIVERSIDE, SAN BERNADIN					
SACRAMENTO, CA MSA	394	421	604	732	776
COUNTY(IES): EL DORADO, PLACER, SACRAMENTO, YOLO					
SALINAS-SEASIDE-MONTEREY, CA MSA	401	487	672	717	803
COUNTY(IES): MONTEREY					
*SAN DIEGO, CA MSA	439	534	626	783	876
COUNTY(IES): SAN DIEGO					
SAN FRANCISCO, CA PMSA	588	880	817	1018	1139
COUNTY(IES): MARIN, SAN FRANCISC, SAN MATEO					
*SAN JOSE, CA PMSA	558	531	736	963	1057
COUNTY(IES): SANTA CLARA					
SANTA BARBARA-SANTA MARIA-LOMPOC, CA MSA	453	556	648	811	908
COUNTY(IES): SANTA BARBAR					
SANTA CRUZ, CA PMSA	509	618	728	910	1020
COUNTY(IES): SANTA CRUZ					
SANTA ROSA-PETALUMA, CA PMSA	448	548	641	801	897
COUNTY(IES): SONOMA					
STOCKTON, CA MSA	311	378	442	585	659
COUNTY(IES): SAN JOAQUIN					
VALLEJO-FAIRFIELD-NAPA, CA PMSA	417	478	559	807	870
COUNTY(IES): NAPA, SOLANO					
VISALIA-TULARE-PORTERVILLE, CA MSA	312	380	447	647	709
COUNTY(IES): TULARE					
YUBA CITY, CA MSA	278	338	398	520	583
COUNTY(IES): SUTTER, YUBA					

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALPINE	367	445	524	695	734
CALAVERAS	367	445	524	695	734
DEL NORTE	334	407	479	598	670
HUMBOLDT	345	419	493	616	691
INYO	367	445	524	655	734
LAKE	334	407	479	598	670
MADERA	303	368	433	543	606
MENDOCINO	334	407	517	654	670
MONO	367	445	524	655	734
PLUMAS	307	372	438	547	614
SAN LUIS OBI	415	504	594	742	831
SISKIYOU	307	372	438	547	614
TRINITY	334	407	479	598	670

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AMADOR	307	445	524	695	734
COLUSA	277	337	397	498	558
GLENN	277	337	397	498	558
IMPERIAL	348	422	497	621	695
KINGS	345	388	434	541	606
LASSEN	307	372	438	547	614
MARIPOSA	367	445	524	695	734
MODOC	307	372	438	547	614
NEVADA	414	506	587	735	822
*SAN BENITO	393	388	463	585	667
SIERRA	431	500	587	735	822
TEHAMA	307	372	438	547	614
TUOLUMNE	367	445	524	695	734

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: COLORADO

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOULDER-LONGMONT, CO PMSA	378	460	542	677	758
COUNTY(IES): BOULDER					
COLORADO SPRINGS, CO MSA	295	362	427	534	598
COUNTY(IES): EL PASO					
DENVER, CO PMSA	360	426	502	624	700
COUNTY(IES): ADAMS, ARAPAHOE, DENVER, DOUGLAS, JEFFERSON					
FORT COLLINS-LOVELAND, CO MSA	344	418	491	615	689
COUNTY(IES): LARIMER					
GREELEY, CO MSA	298	361	425	532	596
COUNTY(IES): WELD					
PUEBLO, CO MSA	287	359	423	530	594
COUNTY(IES): PUEBLO					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALAMOSA	287	359	423	530	594
BACA	259	312	362	453	509
CHAFFEE	328	399	469	587	657
CLEAR CREEK	328	399	469	587	657
COSTILLA	287	359	423	530	594
CUSTER	329	399	469	587	657
DELORES	297	359	423	530	594
ELBERT	254	309	362	453	509
GARFIELD	373	452	533	667	746
GRAND	392	474	558	698	783
HINSDALE	392	474	558	698	783
JACKSON	392	474	558	698	783
KIT CARSON	254	309	362	453	509
LA PLATA	330	386	467	583	654
LINCOLN	259	312	362	453	509
MESA	373	452	533	667	746
MOFFAT	373	452	533	667	746
MONTROSE	392	474	558	698	783
OTERO	259	312	362	453	509
PARK	329	399	469	587	657
PITKIN	392	474	558	698	783
RIO BLANCO	373	452	533	667	746
ROUTT	392	474	558	698	783
SAN JUAN	297	359	423	530	594
SEDGWICK	254	308	362	453	508
TELLER	329	399	469	587	657
YUMA	254	309	362	453	509

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ARCHULETA	297	359	423	530	594
BENT	259	312	362	453	509
CHEYENNE	254	308	362	453	509
CONEJOS	297	359	423	530	594
CROWLEY	259	312	362	453	509
DELTA	392	474	558	698	783
EAGLE	392	474	558	698	783
FREMONT	329	399	469	587	657
GILPIN	329	399	469	587	657
GUNNISON	392	474	558	698	783
HUERFANO	297	359	423	530	594
KIOWA	259	312	362	453	509
LAKE	329	399	469	587	657
LAS ANIMAS	297	359	423	530	594
LOGAN	254	308	362	453	509
MINERAL	297	359	423	530	594
MONTEZUMA	297	359	423	530	594
MORGAN	254	309	362	453	509
OURAY	392	474	558	698	783
PHILLIPS	254	308	362	453	509
PROWERS	259	312	362	453	509
RIO GRANDE	297	359	423	530	594
SAGUACHE	297	359	423	530	594
SAN MIGUEL	392	474	558	698	783
SUMMIT	392	474	558	698	783
WASHINGTON	254	309	362	453	509

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: CONNECTICUT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
★BRIDGEPORT-MILFORD, CT PMSA COUNTY: FAIRFIELD TOWNS OF BRIDGEPORT, EASTON, FAIRFIELD, MONROE, SHELTON, STRATFORD, TRUMBULL COUNTY: NEW HAVEN TOWNS OF ANSONIA, BEACON FALLS, DERBY, MILFORD, OXFORD, SEYMOUR	403	485	577	729	908
BRISTOL, CT PMSA COUNTY: HARTFORD TOWNS OF BRISTOL, BURLINGTON COUNTY: LITCHFIELD TOWNS OF PLYMOUTH	337	409	481	602	675
DANBURY, CT PMSA COUNTY: FAIRFIELD TOWNS OF BETHEL, BROOKFIELD, DANBURY, NEW FAIRFIEL, NEWTOWN, REDDING, RIDGEFIELD, SHERMAN COUNTY: LITCHFIELD TOWNS OF BRIDGEWATER, NEW MILFORD	438	531	635	781	875
HARTFORD, CT PMSA COUNTY: HARTFORD TOWNS OF AVON, BLOOMFIELD, CANTON, EAST GRANBY, EAST HARTFOR, EAST WINDSOR, ENFIELD, FARMINGTON GLASTONBURY, GRANBY, HARTFORD, MANCHESTER, MARLBOROUGH, NEWINGTON, ROCKY HILL, SIMSBURY, SOUTH WINDSO SUFFIELD, WEST HARTFOR, WETHERSFIELD, WINDSOR, WINDSOR LOCK COUNTY: LITCHFIELD TOWNS OF BARKHAMSTED, NEW HARTFORD COUNTY: MIDDLESEX TOWNS OF EAST HADDAM COUNTY: NEW LONDON TOWNS OF COLCHESTER COUNTY: TOLLAND TOWNS OF ANDOVER, BOLTON, COLUMBIA, COVENTRY, ELLINGTON, HEBRON, SOMERS, STAFFORD, TOLLAND, VERNON WILLINGTON	405	494	577	727	810
MIDDLETOWN, CT PMSA COUNTY: MIDDLESEX TOWNS OF CROMWELL, DURHAM, EAST HAMPTON, HADDAM, MIDDLEFIELD, MIDDLETOWN, PORTLAND	341	415	489	612	685
NEW BRITAIN, CT PMSA COUNTY: HARTFORD TOWNS OF BERLIN, NEW BRITAIN, PLAINVILLE, SOUTHINGTON	361	438	516	645	723
NEW HAVEN-MERIDEN, CT MSA COUNTY: MIDDLESEX TOWNS OF CLINTON, KILLINGWORTH COUNTY: NEW HAVEN TOWNS OF BETHANY, BRANFORD, CHESHIRE, EAST HAVEN, GUILFORD, HAMDEN, MADISON, MERIDEN, NEW HAVEN NORTH BRANFO, NORTH HAVEN, ORANGE, WALLINGFORD, WEST HAVEN, WOODBRIDGE	436	531	625	782	875
•NEW LONDON-NORWICH, CT-RI MSA COUNTY: NEW LONDON TOWNS OF BOZRAH, EAST LYME, FRANKLIN, GRISWOLD, GROTON, LEDYARD, LISBON, MONTVILLE, NEW LONDON NORTH STONIN, NORWICH, OLD LYME, PRESTON, SALEM, SPRAGUE, STONINGTON, WATERFORD COUNTY: WINDHAM TOWNS OF CANTERBURY	388	472	554	693	777
NORWALK, CT PMSA COUNTY: FAIRFIELD TOWNS OF NORWALK, WESTON, WESTPORT, WILTON	484	564	684	829	919
•STAMFORD, CT PMSA COUNTY: FAIRFIELD TOWNS OF DARIEN, GREENWICH, NEW CANAAN, STAMFORD	488	590	696	858	972
WATERBURY, CT MSA COUNTY: LITCHFIELD TOWNS OF BETHLEHEM, THOMASTON, WATERTOWN, WOODBURY COUNTY: NEW HAVEN TOWNS OF MIDDLEBURY, NAUGATUCK, PROSPECT, SOUTHBURY, WATERBURY, WOLCOTT	351	426	501	627	702

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HARTFORD COUNTY TOWNS OF HARTLAND	337	409	481	602	675
LITCHFIELD COUNTY TOWNS OF CANAAN, COLEBROOK, CORNWALL, GOSHEN HARWINTON, KENT, LITCHFIELD, MORRIS, NORFOLK, NORTH CANAAN, ROXBURY, SALISBURY, SHARON, TORRINGTON, WARREN WASHINGTON, WINCHESTER	370	453	532	668	748
MIDDLESEX COUNTY TOWNS OF CHESTER, DEEP RIVER, ESSEX, OLD SAYBROOK WESTBROOK	418	506	596	745	834
NEW LONDON COUNTY TOWNS OF LEBANON, LYME, VOLUNTOWN	299	364	428	536	600
★TOLLAND COUNTY TOWNS OF MANSFIELD, UNION	404	491	577	722	809
WINDHAM COUNTY TOWNS OF ASHFORD, BROOKLYN, CHAPLIN, EASTFORD, HAMPTON KILLINGLY, PLAINFIELD, POMFRET, PUTNAM, SCOTLAND, STERLING, THOMPSON, WINDHAM, WOODSTOCK	357	434	511	638	716

STATE: DELAWARE	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
WILMINGTON, DE-NJ-MD PMSA COUNTY(IES): NEW CASTLE	387	439	522	682	778

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KENT	269	328	384	485	537
SUSSEX	288	316	384	485	537

STATE: DIST. OF COLUMBIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
•WASHINGTON, DC-MD-VA MSA COUNTY(IES): WASHINGTON	412	501	590	741	830

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: FLORIDA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BRADENTON, FL MSA COUNTY(IES): MANATEE	336	409	482	602	674
DAYTONA BEACH, FL MSA COUNTY(IES): VOLUSIA	326	394	464	581	651
FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL PMSA COUNTY(IES): BROWARD	369	447	526	658	737
FORT MYERS-CAPE CORAL, FL MSA COUNTY(IES): LEE	348	420	494	618	693
FORT PIERCE, FL MSA COUNTY(IES): MARTIN, ST LUCIE	346	420	494	618	693
FORT WALTON BEACH, FL MSA COUNTY(IES): OKALOOSA	231	280	330	413	462
GAINESVILLE, FL MSA COUNTY(IES): ALACHUA, BRADFORD	293	356	419	524	586
JACKSONVILLE, FL MSA COUNTY(IES): CLAY, DUVAL, NASSAU, ST JOHNS	306	372	439	548	614
LAKELAND-WINTER HAVEN, FL MSA COUNTY(IES): POLK	276	336	395	495	555
MELBOURNE-TITUSVILLE-PALM BAY, FL MSA COUNTY(IES): BREVARD	317	380	447	560	627
MIAMI-HIALEAH, FL PMSA COUNTY(IES): DADE	376	449	525	662	738
NAPLES, FL MSA COUNTY(IES): COLLIER	355	430	507	635	711
*OCALA, FL MSA COUNTY(IES): MARION	258	311	365	456	511
ORLANDO, FL MSA COUNTY(IES): ORANGE, OSCEOLA, SEMINOLE	338	412	484	605	658
PANAMA CITY, FL MSA COUNTY(IES): BAY	245	299	352	441	491
PENSACOLA, FL MSA COUNTY(IES): ESCAMBIA, SANTA ROSA	274	334	392	491	550
SARASOTA, FL MSA COUNTY(IES): SARASOTA	364	443	521	650	729
TALLAHASSEE, FL MSA COUNTY(IES): GADSDEN, LEON	289	350	413	516	577
TAMPA-ST. PETERSBURG-CLEARWATER, FL MSA COUNTY(IES): HERNANDO, HILLSBOROUGH, PASCO, PINELLAS	303	368	433	542	608
WEST PALM BEACH-BOCA RATON-DELRAY BEACH, FL MSA COUNTY(IES): PALM BEACH	353	422	491	600	661

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BAKER	223	270	318	397	445
CHARLOTTE	334	407	479	598	670
*COLUMBIA	205	251	295	368	413
DIXIE	205	251	295	368	413
FRANKLIN	189	229	269	337	378
GLADES	334	407	479	598	670
HAMILTON	205	251	295	368	413
HENDRY	334	407	479	598	670
HOLMES	220	268	314	392	440
*JACKSON	197	238	280	351	393
LAFAYETTE	205	251	295	368	413
LEVY	258	311	365	456	511
MADISON	205	251	295	368	413
OKEECHOBEE	240	292	343	429	482
SUMTER	256	309	355	456	511
TAYLOR	205	251	295	368	413
*WAKULLA	189	229	269	337	378
*WASHINGTON	189	229	269	337	378

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CALHOUN	189	229	269	337	378
CITRUS	256	309	365	456	511
DE SOTO	240	292	343	429	482
FLAGLER	258	312	368	460	516
GILCHRIST	205	251	295	368	413
GULF	189	229	269	337	378
HARDEE	240	292	343	429	482
HIGHLANDS	240	292	343	429	482
INDIAN RIVER	346	420	494	618	693
JEFFERSON	189	229	269	337	378
LAKE	269	327	384	481	539
LIBERTY	189	229	269	337	378
MONROE	392	476	630	753	818
PUTNAM	258	312	368	460	516
SUWANNEE	205	251	295	368	413
UNION	205	251	295	368	413
WALTON	257	311	367	459	514

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

BEST COPY AVAILABLE

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: GEORGIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBANY, GA MSA COUNTY(IES): DOUGHERTY, LEE	254	307	363	454	508
ATHENS, GA MSA COUNTY(IES): CLARKE, JACKSON, MADISON, OCONEE	282	320	376	470	526
ATLANTA, GA MSA COUNTY(IES): BARROW, BUTTS, CHEROKEE, CLAYTON, COBB, COWETA, DE KALB, DOUGLAS, FAYETTE, FORSYTH, FULTON, GWINNETT, HENRY NEWTON, PAULDING, ROCKDALE, SPALDING, WALTON	355	430	504	631	705
AUGUSTA, GA-SC MSA COUNTY(IES): COLUMBIA, MCDUFFIE, RICHMOND	267	322	376	470	526
CHATTANOOGA, TN-GA MSA COUNTY(IES): CATOOSA, DADE, WALKER	285	346	407	509	571
COLUMBUS, GA-AL MSA COUNTY(IES): CHATTAHOOCHE, COLUMBUS	237	285	337	422	474
*MACON-WARNER ROBINS, GA MSA COUNTY(IES): BIBB, HOUSTON, JONES, PEACH	263	322	386	474	526
SAVANNAH, GA MSA COUNTY(IES): CHATHAM, EFFINGHAM	267	325	383	478	536

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
APPLING	219	266	314	392	439
BACON	206	250	294	368	413
BALDWIN	209	254	299	374	419
BARTON	222	270	319	398	447
BERRIEN	217	263	310	388	434
BRANTLEY	206	250	294	368	413
BRYAN	253	294	347	433	486
BURKE	210	255	300	376	421
CAMDEN	243	294	347	433	486
CARROLL	253	305	359	449	501
CHATTOOGA	222	270	319	398	447
CLINCH	206	250	294	368	413
COLQUITT	212	257	302	378	424
CRAWFORD	178	216	254	318	355
DAWSON	200	247	287	356	395
DODGE	214	260	302	379	419
EARLY	214	260	302	379	424
ELBERT	202	246	289	361	405
EVANS	219	266	314	392	439
FLOYD	222	270	319	398	447
GILMER	238	289	339	425	476
GLYNN	243	294	347	433	486
GRADY	214	260	302	379	424
HABERSHAM	221	268	317	395	443
HANCOCK	214	260	302	379	419
HARRIS	216	263	305	380	424
HEARD	235	286	336	421	471
JASPER	214	260	302	379	419
JEFFERSON	210	255	300	376	421
JOHNSON	214	260	302	379	419
LANIER	217	263	310	388	434
LIBERTY	243	294	347	433	486
LONG	243	294	347	433	486
LUMPKIN	200	247	287	356	395
MACON	214	260	302	379	424
MERIWETHER	235	286	336	421	471
MITCHELL	214	260	302	379	424
MONTGOMERY	216	264	310	382	424
MURRAY	238	289	339	425	476
PICKENS	238	289	339	425	476
PIKE	196	238	281	351	392
PULASKI	214	260	302	379	419
QUITMAN	212	257	302	378	424
RANDOLPH	214	260	302	379	424
SCREVEN	216	264	310	382	424
STEPHENS	232	285	332	417	464
SUMTER	237	290	342	427	479
TALIAFERRO	210	255	300	376	421
TAYLOR	214	260	302	379	424
TERRELL	214	260	302	379	424
TIFT	217	263	310	388	434
TOWNS	200	247	287	356	395
TROUP	241	290	340	424	472
TWIGGS	178	216	254	318	355
UPSON	196	238	281	351	392
WARREN	210	255	300	376	421

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATKINSON	206	250	294	368	413
BAKER	214	260	302	379	424
BANKS	197	241	283	353	395
BEN HILL	217	263	310	388	434
BLECKLEY	214	260	302	379	419
BROOKS	217	263	310	388	434
BULLOCH	219	266	314	392	439
CALHOUN	214	260	302	379	424
CANDLER	219	266	314	392	439
CHARLTON	214	259	302	373	413
CLAY	214	260	302	379	424
COFFEE	206	250	294	368	413
COOK	217	263	310	388	434
CRISP	212	257	302	378	424
DECATUR	214	260	302	379	424
DOOLY	214	260	302	379	424
ECHOLS	217	263	310	388	434
EMANUEL	210	255	300	376	421
FANNIN	238	289	339	425	476
FRANKLIN	197	241	283	353	395
GLASCOCK	210	255	300	376	421
GORDON	221	270	319	398	447
GREENE	200	243	286	357	399
HALL	280	342	406	506	570
HARALSON	222	270	319	398	447
HART	197	241	283	353	395
IRWIN	217	263	310	388	434
JEFF DAVIS	219	266	314	392	439
JENKINS	210	255	300	376	421
LAMAR	196	238	281	351	392
LAURENS	209	254	299	374	419
LINCOLN	210	255	300	376	421
LOWNDES	217	263	310	388	434
MCINTOSH	243	294	347	433	486
MARION	216	263	305	380	424
MILLER	214	260	303	379	424
MONROE	178	216	254	318	355
MORGAN	200	243	286	357	399
OGLETHORPE	200	243	286	357	399
PIERCE	206	250	294	368	413
POLK	222	272	319	398	447
PUTNAM	214	260	302	379	419
RABUN	200	247	287	356	395
SCHLEY	216	263	305	380	424
SEMINOLE	214	260	302	379	424
STEWART	216	263	305	380	424
TALBOT	212	257	302	378	424
TATTNALL	219	266	314	392	439
TELFAIR	214	260	302	379	419
THOMAS	248	300	353	443	495
TOOMBS	219	266	314	392	439
TREUTLEN	214	260	302	379	419
TURNER	217	263	310	388	434
UNION	200	247	287	356	395
WARE	206	250	294	368	413
WASHINGTON	214	260	302	379	419

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: GEORGIA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
WAYNE	219	266	314	392	439
WHEELER	214	260	302	378	419
WHITFIELD	238	289	338	425	476
WILKES	210	255	300	376	421
WORTH	214	260	302	379	424

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
WEBSTER	216	263	305	380	424
WHITE	200	247	287	358	395
WILCOX	214	260	302	378	419
WILKINSON	214	260	302	379	419

STATE: HAWAII

HONOLULU, HI MSA
COUNTY(IES): HONOLULU

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
	416	506	595	748	826

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HAWAII	408	495	581	728	815
MAUI	408	495	581	728	815

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
*KAUAI	408	495	581	728	815

STATE: IDAHO

BOISE CITY, ID MSA
COUNTY(IES): ADA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
	347	422	497	620	695

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	270	329	387	483	542
BEAR LAKE	281	341	401	502	563
BINGHAM	283	344	401	502	563
BOISE	270	329	387	483	542
BONNEVILLE	303	367	433	541	607
BUTTE	303	367	433	541	607
CANYON	270	329	387	483	542
CASSIA	287	348	411	513	575
CLEARWATER	281	341	401	502	563
ELMORE	270	329	387	483	542
FREMONT	303	367	433	541	607
GOODING	287	348	411	513	575
JEFFERSON	303	367	433	541	607
KOOTENAI	281	341	401	502	563
LEMHI	303	367	433	541	607
LINCOLN	287	348	411	513	575
MINIDOKA	287	348	411	513	575
ONEIDA	281	341	401	502	563
PAYETTE	270	329	387	483	542
SHOSHONE	281	341	401	502	563
TWIN FALLS	287	348	411	513	575
WASHINGTON	270	329	387	483	542

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BANNOCK	283	344	401	502	563
BENEWAH	281	341	401	502	563
BLAINE	287	348	411	513	575
BONNER	281	341	401	502	563
BOUNDARY	281	341	401	502	563
CAMAS	287	348	411	513	575
CARIBOU	283	344	401	502	563
CLARK	303	367	433	541	607
CUSTER	303	367	433	541	607
FRANKLIN	281	341	401	502	563
GEM	270	329	387	483	542
IDAHO	281	341	401	502	563
JEROME	287	348	411	513	575
LATAH	281	341	401	502	563
LEWIS	281	341	401	502	563
MADISON	303	367	433	541	607
NEZ PERCE	281	341	401	502	563
OWYHEE	270	329	387	483	542
POWER	283	344	401	502	563
TETON	303	367	433	541	607
VALLEY	270	329	387	483	542

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: ILLINOIS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AURORA-ELGIN, IL PMSA COUNTY(IES): KANE, KENDALL	398	486	573	715	803
BLOOMINGTON-NORMAL, IL MSA COUNTY(IES): MCLEAN	297	362	426	532	596
CHAMPAIGN-URBANA-RANTOUL, IL MSA COUNTY(IES): CHAMPAIGN	289	351	414	519	579
CHICAGO, IL PMSA COUNTY(IES): COOK, DU PAGE, MCHENRY	388	477	558	701	783
DAVENPORT-ROCK ISLAND-MOLINE, IA-IL MSA COUNTY(IES): HENRY, ROCK ISLAND	318	386	465	568	636
*DECATUR, IL MSA COUNTY(IES): MACON	289	351	414	519	579
JOLIET, IL PMSA COUNTY(IES): GRUNDY, WILL	400	487	575	717	805
KANKAKEE, IL MSA COUNTY(IES): KANKAKEE	286	347	409	511	573
LAKE COUNTY, IL PMSA COUNTY(IES): LAKE	410	498	585	734	822
PEORIA, IL MSA COUNTY(IES): PEORIA, TAZEWELL, WOODFORD	335	407	478	599	670
ROCKFORD, IL MSA COUNTY(IES): BOONE, WINNEBAGO	304	370	435	543	608
ST. LOUIS, MO-IL MSA COUNTY(IES): CLINTON, JERSEY, MADISON, MONROE, ST CLAIR	303	369	435	546	611
SPRINGFIELD, IL MSA COUNTY(IES): MENARD, SANGAMON	305	371	436	545	610

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	227	275	324	405	454
BOND	249	304	357	446	500
BUREAU	276	336	396	495	554
CARROLL	256	311	367	459	513
CHRISTIAN	262	318	374	468	525
CLAY	234	284	335	418	469
CRAWFORD	234	284	335	418	469
DE KALB	299	363	427	534	598
DOUGLAS	249	304	357	446	500
EDWARDS	227	275	324	405	454
FAYETTE	234	284	335	418	469
FRANKLIN	265	321	379	474	531
GALLATIN	210	254	301	375	420
HAMILTON	227	275	324	405	454
HARDIN	210	254	301	375	420
IROQUOIS	260	316	371	465	521
JASPER	234	284	335	418	469
JO DAVIESS	256	311	367	459	513
KNOX	289	326	382	480	536
LAWRENCE	234	284	335	418	469
LIVINGSTON	260	315	371	465	521
MCDONOUGH	249	303	353	439	488
MARION	234	284	335	418	469
MASON	260	312	369	456	507
MERCER	243	295	347	435	488
MORGAN	260	312	369	456	507
OGLE	256	311	367	459	513
PIATT	249	304	357	446	500
POPE	210	254	301	375	420
PUTNAM	276	336	396	495	554
RICHLAND	234	284	335	418	469
SCHUYLER	227	275	324	405	454
SHELBY	262	318	374	468	525
STEPHENSON	256	311	367	459	513
VERMILION	260	315	371	465	521
WARREN	249	303	353	439	488
WAYNE	227	275	324	405	454
WHITESIDE	313	380	447	560	627

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALEXANDER	210	254	301	375	420
BROWN	227	275	324	405	454
CALHOUN	253	308	363	453	507
CASS	260	312	368	456	507
CLARK	249	304	357	446	500
COLES	249	304	357	446	500
CUMBERLAND	249	304	357	446	500
DE WITT	249	304	357	446	500
EDGAR	249	304	357	446	500
EFFINGHAM	234	284	335	418	469
FORD	260	315	371	465	521
FULTON	276	336	396	495	554
GREENE	253	308	363	453	507
HANCOCK	243	295	347	435	488
HENDERSON	243	295	347	435	488
JACKSON	265	321	379	474	531
JEFFERSON	255	309	368	459	511
JOHNSON	210	254	301	375	420
LA SALLE	313	380	447	560	627
LEE	313	380	447	560	627
LOGAN	260	312	369	468	507
MACOUPIN	262	318	374	468	525
MARSHALL	276	336	396	495	554
MASSAC	210	254	301	375	420
MONTGOMERY	262	318	374	468	525
MOULTRIE	262	318	374	468	525
PERRY	249	304	357	446	500
PIKE	227	275	324	405	454
PULASKI	210	254	301	375	420
RANDOLPH	249	304	357	446	500
SALINE	210	254	301	375	420
SCOTT	260	312	368	456	507
STARK	276	336	396	495	554
UNION	210	254	301	375	420
WABASH	227	275	324	405	454
WASHINGTON	249	304	357	446	500
WHITE	227	275	324	405	454
WILLIAMSON	265	321	379	474	531

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: INDIANA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDERSON, IN MSA	248	303	355	445	499
COUNTY(IES): MADISON					
BLOOMINGTON, IN MSA	269	326	384	481	538
COUNTY(IES): MONROE					
CINCINNATI, OH-KY-IN PMSA	269	318	375	469	522
COUNTY(IES): DEARBORN					
ELKHART-GOSHEN, IN MSA	263	318	375	469	525
COUNTY(IES): ELKHART					
EVANSVILLE, IN-KY MSA	277	328	385	483	540
COUNTY(IES): POSEY, VANDERBURGH, WARRICK					
FORT WAYNE, IN MSA	277	333	388	487	540
COUNTY(IES): ALLEN, DE KALB, WHITLEY					
GARY-HAMMOND, IN PMSA	320	380	456	571	640
COUNTY(IES): LAKE, PORTER					
INDIANAPOLIS, IN MSA	270	328	386	482	540
COUNTY(IES): BOONE, HAMILTON, HANCOCK, HENDRICKS, JOHNSON, MARION, MORGAN, SHELBY					
KOKOMO, IN MSA	274	334	391	490	549
COUNTY(IES): HOWARD, TIPTON					
LAFAYETTE-WEST LAFAYETTE, IN MSA	289	352	414	518	580
COUNTY(IES): TIPPECANOE					
LOUISVILLE, KY-IN MSA	254	308	361	456	504
COUNTY(IES): CLARK, FLOYD, HARRISON					
MUNCIE, IN MSA	239	287	338	419	469
COUNTY(IES): DELAWARE					
SOUTH BEND-MISHAWAKA, IN MSA	271	327	382	474	527
COUNTY(IES): ST JOSEPH					
TERRE HAUTE, IN MSA	245	299	349	433	481
COUNTY(IES): CLAY, VIGO					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	244	298	345	431	483	BARTHOLOMEW	275	336	395	494	554
BENTON	234	284	336	419	469	BLACKFORD	221	269	316	395	443
BROWN	276	336	395	494	554	CARROLL	234	284	336	419	469
CASS	242	295	347	433	486	CLINTON	234	284	336	419	469
CRAWFORD	202	245	288	362	406	DAVIESS	228	276	326	408	458
DECATUR	276	336	395	494	554	DUBOIS	202	245	288	362	406
FAYETTE	238	286	336	419	469	FOUNTAIN	234	284	336	419	469
FRANKLIN	238	286	336	419	469	FULTON	227	275	323	406	454
GIBSON	263	318	375	469	525	GRANT	224	269	316	395	443
GREENE	228	276	326	408	456	HENRY	221	269	316	395	443
HUNTINGTON	241	294	345	431	483	JACKSON	276	336	395	494	554
JASPER	244	297	349	437	489	JAY	221	269	316	395	443
JEFFERSON	263	318	375	469	525	JENNINGS	276	336	395	494	554
KNOX	224	280	326	408	456	KOSCIUSKO	250	303	356	438	489
LAGRANGE	250	304	357	447	501	LA PORTE	266	322	378	474	532
LAWRENCE	253	308	363	454	508	MARSHALL	244	297	348	437	489
MARTIN	228	276	326	408	456	MIAMI	242	295	347	433	486
MONTGOMERY	234	284	336	419	469	NEWTON	244	297	349	437	489
NOBLE	249	304	357	447	501	OHIO	263	318	375	469	525
ORANGE	202	245	288	362	406	OWEN	268	325	383	478	536
PARKE	234	284	336	419	469	PERRY	202	245	288	362	406
PIKE	263	318	375	469	525	PULASKI	244	297	349	437	489
PUTNAM	242	295	346	433	485	RANDOLPH	221	269	316	395	443
RIPLEY	263	318	375	469	525	RUSH	234	284	336	419	469
SCOTT	250	305	359	448	503	SPENCER	202	245	288	362	406
STARKE	244	297	349	437	489	STEUBEN	249	304	357	447	501
SULLIVAN	234	284	336	419	469	SWITZERLAND	263	318	375	469	525
UNION	238	286	336	419	469	VERMILLION	242	294	343	426	472
WABASH	227	276	323	406	454	WARREN	234	284	336	419	469
WASHINGTON	274	329	387	485	543	WAYNE	239	287	338	419	469
WELLS	246	297	348	433	483	WHITE	234	284	336	419	469

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: IOWA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CEDAR RAPIDS, IA MSA COUNTY(IES): LINN	309	374	440	552	618
DAVENPORT-ROCK ISLAND-MOLINE, IA-IL MSA COUNTY(IES): SCOTT	318	386	455	568	636
DES MOINES, IA MSA COUNTY(IES): DALLAS, POLK, WARREN	307	373	439	551	616
DUBUQUE, IA MSA COUNTY(IES): DUBUQUE	286	346	407	509	571
IOWA CITY, IA MSA COUNTY(IES): JOHNSON	324	394	463	579	649
OMAHA, NE-IA MSA COUNTY(IES): POTTAWATTAMI	281	340	401	501	563
SIOUX CITY, IA-NE MSA COUNTY(IES): WOODBURY	278	338	398	498	558
WATERLOO-CEDAR FALLS, IA MSA COUNTY(IES): BLACK HAWK, BREMER	310	376	442	554	621

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	234	285	336	420	469
ALLAMAKEE	247	300	354	442	496
AUDUBON	248	302	356	444	498
BOONE	283	343	403	504	565
BUENA VISTA	240	296	347	434	488
CALHOUN	248	302	356	444	498
CASS	256	308	363	454	508
CERRO GORDO	268	328	381	476	535
CHEROKEE	247	300	354	442	496
CLAY	243	295	347	434	488
CLINTON	278	335	395	494	554
DAVIS	234	288	336	420	469
DELAWARE	276	338	396	494	554
DICKINSON	243	298	347	434	488
FAYETTE	247	300	354	442	496
FRANKLIN	245	298	351	438	492
GREENE	248	302	356	444	498
GUTHRIE	248	302	356	444	498
HANCOCK	245	298	351	438	492
HARRISON	298	308	363	455	509
HOWARD	247	300	354	442	496
IDA	248	302	356	444	498
JACKSON	276	338	396	494	554
JEFFERSON	259	314	369	462	518
KEOKUK	243	295	347	434	487
LEE	260	316	371	464	521
LUCAS	234	286	336	420	469
MADISON	262	319	374	468	525
MARION	262	319	374	468	525
MILLS	285	300	363	455	509
MONONA	248	302	356	444	498
MONTGOMERY	255	300	363	455	509
O BRIEN	243	298	347	434	488
PAGE	265	300	363	455	509
PLYMOUTH	248	302	356	444	498
POWESHIEK	268	328	386	461	517
SAC	248	302	356	444	498
SIOUX	243	298	347	434	488
TAMA	258	313	368	461	517
UNION	234	286	335	420	469
WAPELLO	276	334	394	493	552
WAYNE	234	286	335	420	469
WINNEBAGO	248	298	351	438	492
WORTH	245	298	351	438	491

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	234	285	335	420	469
APPANOOSE	234	285	335	420	469
BENTON	242	294	346	433	486
BUCHANAN	247	300	354	442	496
BUTLER	245	298	354	442	496
CARROLL	248	302	356	444	498
CEDAR	276	336	395	494	554
CHEROKEE	248	302	356	444	498
CLARKE	234	285	335	420	469
CLAYTON	247	300	354	442	496
CRAWFORD	248	302	356	444	498
DECATUR	234	285	335	420	469
DES MOINES	280	340	401	464	521
EMMET	243	298	347	434	488
FLOYD	248	298	351	438	492
FREMONT	285	308	363	455	509
GRUNDY	247	300	354	442	496
HAMILTON	248	302	356	444	498
HARDIN	268	313	368	461	517
HENRY	260	316	371	464	521
HUMBOLDT	248	302	356	444	498
IOWA	242	294	346	433	485
JASPER	262	319	374	468	526
JONES	242	294	346	433	485
KOSSUTH	246	298	351	438	492
LOUISA	260	316	371	464	521
LYON	263	298	347	434	488
MAHASKA	234	286	335	420	469
MARSHALL	258	313	368	461	517
MITCHELL	245	298	351	438	492
MONROE	234	285	335	420	469
MUSCATINE	260	316	371	464	521
OSCEOLA	243	295	347	434	488
PALO ALTO	243	295	347	434	488
POCAHONTAS	248	302	356	444	498
RINGGOLD	234	285	335	420	469
SHELBY	258	308	363	455	509
STORY	283	342	403	504	565
TAYLOR	234	285	335	420	469
VAN BUREN	234	285	335	420	469
WASHINGTON	242	294	346	433	485
WEBSTER	248	302	356	444	498
WINNESHIEK	247	300	354	442	496
WRIGHT	248	302	356	444	498

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: KANSAS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MO-KS MSA COUNTY(IES): JOHNSON, LEAVENWORTH, MIAMI, WYANDOTTE	292	354	416	520	582
LAWRENCE, KS MSA COUNTY(IES): DOUGLAS	311	377	444	555	622
TOPEKA, KS MSA COUNTY(IES): SHAWNEE	282	343	402	504	564
WICHITA, KS MSA COUNTY(IES): BUTLER, HARVEY, SEDGWICK	300	364	433	538	601

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEN	197	238	281	351	394
ATCHISON	227	275	324	405	454
BARTON	226	277	326	407	456
BROWN	227	275	324	405	454
CHAUTAUQUA	197	238	281	351	394
CHEYENNE	199	241	284	356	398
CLAY	248	302	356	444	497
COFFEY	248	302	356	444	497
COWLEY	197	238	281	351	394
DECATUR	199	241	284	356	398
DONIPHAN	227	275	324	405	454
ELK	197	238	281	351	394
ELLSWORTH	246	299	352	441	493
FORD	234	284	334	418	469
GEARY	248	302	356	444	497
GRAHAM	199	241	284	356	398
GRAY	234	284	334	418	469
GREENWOOD	248	302	356	444	497
HARPER	228	277	326	407	456
HODGEMAN	234	284	334	418	469
JEFFERSON	215	262	308	384	431
KEARNY	234	284	334	418	469
KIOWA	228	277	326	407	456
LANE	234	284	334	418	469
LINN	197	238	281	351	394
LYON	248	302	356	444	497
MARION	248	302	356	444	497
MEADE	234	284	334	418	469
MONTGOMERY	208	253	298	373	418
MORTON	234	284	334	418	469
NEOSHO	208	253	298	373	418
NORTON	199	241	284	356	398
OSBORNE	199	241	284	356	398
PAWNEE	228	277	326	407	456
POTTAWATOMIE	248	302	356	444	497
RAWLINS	198	241	284	356	398
REPUBLIC	246	299	352	441	493
RILEY	248	302	356	444	497
RUSH	228	277	326	407	456
SALINE	246	299	352	441	493
SEWARD	234	284	334	418	469
SHERMAN	198	241	284	356	398
STAFFORD	228	277	326	407	456
STEVENS	234	284	334	418	469
THOMAS	199	241	284	356	398
WABAUNSEE	248	302	356	444	497
WASHINGTON	246	299	352	441	493
WILSON	197	238	281	351	394

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDERSON	197	238	281	351	394
BARBER	228	277	326	407	456
BOURBON	197	238	281	351	394
CHASE	248	302	356	444	497
CHEROKEE	208	253	298	373	418
CLARK	234	284	334	418	469
CLOUD	246	299	352	441	493
COMANCHE	228	277	326	407	456
CRAWFORD	208	253	298	373	418
DICKINSON	248	302	356	444	497
EDWARDS	228	277	326	407	456
ELLIS	199	241	284	356	398
FINNEY	234	284	334	418	469
FRANKLIN	215	261	307	383	429
GOVE	199	241	284	356	398
GRANT	234	284	334	418	469
GREELEY	234	284	334	418	469
HAMILTON	234	284	334	418	469
HASKELL	234	284	334	418	469
JACKSON	227	275	324	405	454
JEWELL	248	299	352	441	493
KINGMAN	228	277	326	407	456
LABETTE	208	253	298	373	418
LINCOLN	246	299	352	441	493
LOGAN	199	241	284	356	398
MCPHERSON	262	318	375	469	524
MARSHALL	248	302	356	444	497
MITCHELL	246	299	352	441	493
MORRIS	248	302	356	444	497
NEMAHA	227	275	324	405	454
NESS	234	284	334	418	469
OSAGE	215	262	308	384	431
OTTAWA	246	299	352	441	493
PHILLIPS	199	241	284	356	398
PRATT	228	277	326	407	456
RENO	262	318	375	469	524
RICE	262	318	375	469	524
ROOKS	199	241	284	356	398
RUSSELL	199	241	284	356	398
SCOTT	234	284	334	418	469
SHERIDAN	199	241	284	356	398
SMITH	199	241	284	356	398
STANTON	234	284	334	418	469
SUMNER	228	277	326	407	456
TREGO	199	241	284	356	398
WALLACE	199	241	284	356	398
WICHITA	234	284	334	418	469
WOODSON	197	238	281	351	394

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: KENTUCKY	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CINCINNATI, OH-KY-IN PMSA	280	318	375	459	521
COUNTY(IES): BOONE, CAMPBELL, KENTON					
CLARKSVILLE-HOPKINSVILLE, TN-KY MSA	253	331	415	503	589
COUNTY(IES): CHRISTIAN					
EVANSVILLE, IN-KY MSA	277	328	389	483	540
COUNTY(IES): HENDERSON					
HUNTINGTON-ASHLAND, WV-KY-OH MSA	282	342	403	504	568
COUNTY(IES): BOYD, CARTER, GREENUP					
LEXINGTON-FAYETTE, KY MSA	295	358	421	527	590
COUNTY(IES): BOURBON, CLARK, FAYETTE, JESSAMINE, SCOTT, WOODFORD					
LOUISVILLE, KY-IN MSA	254	308	361	450	504
COUNTY(IES): BULLITT, JEFFERSON, OLDHAM, SHELBY					
OWENSBORO, KY MSA	231	280	330	412	461
COUNTY(IES): DAVIESS					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	217	264	308	380	426	ALLEN	183	222	261	326	366
ANDERSON	270	330	387	484	542	BALLARD	222	269	316	396	444
BARREN	231	280	331	412	464	BATH	217	263	310	388	435
BELL	235	287	337	421	472	BOYLE	263	318	376	470	526
BRACKEN	217	263	310	388	435	BREATHITT	223	270	318	398	446
BRECKINRIDGE	214	260	306	382	428	BUTLER	183	222	261	326	366
CALDWELL	232	282	334	417	467	CALLOWAY	222	269	316	396	444
CARLISLE	222	269	316	396	444	CARROLL	223	271	318	399	446
CASEY	213	258	304	380	426	CLAY	200	243	286	357	400
CLINTON	217	264	308	380	426	CRITTENDON	232	282	334	417	467
CUMBERLAND	217	264	308	380	426	EDMONSON	183	222	261	326	366
ELLIOTT	200	243	287	358	401	ESTILL	263	318	376	470	526
FLEMING	217	263	310	388	435	FLOYD	236	288	338	423	474
FRANKLIN	270	330	387	484	542	FULTON	222	269	316	396	444
GALLATIN	223	271	318	399	446	GARRARD	263	318	376	470	526
GRANT	223	271	318	399	446	GRAVES	222	269	316	396	444
GRAYSON	214	260	305	382	428	GREEN	217	264	308	380	426
HANCOCK	225	273	322	403	450	HARDIN	242	295	346	433	485
HARLAN	235	287	337	421	472	HARRISON	196	238	280	351	394
HART	183	222	261	326	366	HENRY	199	242	284	356	398
HICKMAN	222	269	316	396	444	HOPKINS	232	282	334	417	467
JACKSON	200	243	286	357	400	JOHNSON	236	288	338	423	474
KNOTT	223	270	318	398	446	KNOX	206	251	295	383	412
LARUE	214	260	306	382	428	LAUREL	200	279	351	365	400
LAWRENCE	200	243	287	358	401	LEE	223	270	318	398	446
LESLIE	223	270	318	398	446	LETCHER	223	270	318	398	446
LEWIS	217	263	310	388	435	LINCOLN	263	318	376	470	526
LIVINGSTON	201	244	288	359	402	LOGAN	233	284	335	419	469
LYON	201	244	288	359	402	MCCRACKEN	232	272	321	396	444
MCCREARY	217	264	308	380	426	MCLEAN	225	273	322	403	450
MADISON	263	318	379	470	526	MAGOFFIN	236	288	338	423	474
MARION	214	260	305	382	428	MARSHALL	232	272	321	396	444
MARTIN	236	288	338	423	474	MASON	217	263	310	388	435
MEADE	242	295	346	433	485	MENIFEE	217	264	310	388	435
MERCER	270	330	387	484	542	METCALFE	183	222	261	326	366
MONROE	183	222	261	326	366	MONTGOMERY	217	263	310	388	435
MORGAN	217	264	310	388	435	MUHLENBERG	232	282	334	417	467
NELSON	214	260	305	382	428	NICHOLAS	196	238	280	351	394
OHIO	225	273	322	403	450	OWEN	223	271	318	399	446
OWSLEY	223	270	318	398	446	PENDLETON	223	271	318	399	446
PERRY	223	270	318	398	446	PIKE	236	288	338	423	474
POWELL	196	238	280	351	394	PULASKI	217	264	308	380	426
ROBERTSON	217	263	310	388	435	ROCKCASTLE	200	243	286	357	400
ROWAN	217	263	310	388	435	RUSSELL	213	258	304	380	426
SIMPSON	233	284	335	419	469	SPENCER	199	242	284	356	398
TAYLOR	217	264	308	380	426	TODD	201	244	286	359	402
TRIGG	201	244	288	359	402	TRIMBLE	199	242	284	356	398
UNION	225	273	322	403	450	WARREN	233	284	335	419	469
WASHINGTON	214	260	305	382	428	WAYNE	217	264	308	380	426
WEBSTER	226	273	322	403	460	WHITLEY	235	287	337	421	472
WOLFE	223	270	318	398	446						

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: LOUISIANA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALEXANDRIA, LA MSA COUNTY(IES): RAPIDES	248	301	355	444	496
BATON ROUGE, LA MSA COUNTY(IES): ASCENSION, E BATON ROUG, LIVINGSTON, W BATON ROUG	312	378	445	556	623
HOUMA-THIBODAUX, LA MSA COUNTY(IES): LAFOURCHE, TERREBONNE	276	335	394	492	552
LAFAYETTE, LA MSA COUNTY(IES): LAFAYETTE, ST MARTIN	312	378	445	556	623
LAKE CHARLES, LA MSA COUNTY(IES): CALCASIEU	251	302	353	440	492
MONROE, LA MSA COUNTY(IES): OUACHITA	247	300	353	442	494
NEW ORLEANS, LA MSA COUNTY(IES): JEFFERSON, ORLEANS, ST BERNARD, ST CHARLES, ST JOHN THE, ST TAMMANY	343	417	491	613	687
SHREVEPORT, LA MSA COUNTY(IES): BOSSIER, CADDO	281	341	403	503	563

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ACADIA	214	260	306	382	428
ASSUMPTION	185	225	263	330	370
BEAUREGARD	171	208	245	307	343
*CALDWELL	170	207	243	304	340
CATAHOULA	211	256	302	378	423
CONCORDIA	211	256	302	378	423
EAST CARROLL	170	207	243	304	340
EVANGELINE	205	248	292	366	410
GRANT	211	256	302	378	423
IBERVILLE	177	215	253	317	355
JEFFERSON DA	171	208	245	307	343
LINCOLN	220	269	316	394	442
MOREHOUSE	170	207	243	304	340
PLAQUEMINES	310	375	442	553	618
RED RIVER	220	269	316	394	442
SABINE	220	269	316	394	442
ST JAMES	185	225	263	330	370
ST MARY	252	308	361	452	506
TENSAS	170	207	243	304	340
VERMILION	214	260	306	382	428
WASHINGTON	200	243	286	357	401
WEST CARROLL	170	207	243	304	340
WINN	211	256	302	378	423
ALLEN	171	208	245	307	343
AVOYELLES	211	256	302	378	423
BIENVILLE	220	269	316	394	442
CAMERON	171	208	245	307	343
CLAIBORNE	220	269	316	394	442
DE SOTO	220	269	316	394	442
E FELICIANA	177	215	253	317	355
FRANKLIN	170	207	243	304	340
IBERIA	252	308	361	452	506
JACKSON	170	207	243	304	340
LA SALLE	211	256	302	378	423
MADISON	170	207	243	304	340
NATCHITOCHES	220	269	316	394	442
POINTE COUPE	177	215	253	317	355
RICHLAND	170	207	243	304	340
ST HELENA	177	215	253	317	355
ST LANDRY	205	248	292	366	410
TANGIPAHOA	200	243	286	357	401
UNION	170	207	243	304	340
VERNON	211	256	302	378	423
WEBSTER	191	233	274	342	383
W FELICIANA	177	215	253	317	355

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: MAINE	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
*BANGOR, ME MSA COUNTY: PENOBSCOT TOWNS OF BANGOR, BREWER, EDDINGTON, GLENBURN, HAMPDEN, HERMON, HOLDEN, KENDUSKEAG, OLD TOWN, ORONO ORRINGTON, PENOBSCOT IN, VEAZIE	300	365	429	537	602
COUNTY: WALDO TOWNS OF WINTERPORT	316	376	425	475	540
LEWISTON-AUBURN, ME MSA COUNTY: ANDROSCOGGIN TOWNS OF AUBURN, GREENE, LEWISTON, LISBON, MECHANIC FAL, POLAND, SABATTUS	368	469	592	664	798
*PORTLAND, ME MSA COUNTY: CUMBERLAND TOWNS OF CAPE ELIZABE, CUMBERLAND, FALMOUTH, FREEPORT, GORHAM, GRAY, NORTH YARMOU, PORTLAND, RAYMOND SCARBOROUGH, SOUTH PORTLA, STANDISH, WESTBROOK, WINDHAM, YARMOUTH					
COUNTY: YORK TOWNS OF BUXTON, HOLLIS, OLD ORCHARD	395	481	585	706	791
PORTSMOUTH-DOVER-ROCHESTER, NH-ME MSA COUNTY: YORK TOWNS OF BERWICK, ELIOT, KITTERY, NORTH BERWIC, SOUTH BERWIC, WELLS, YORK					

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDROSCOGGIN COUNTY TOWNS OF DURHAM, LEEDS, LIVERMORE, LIVERMORE FA MINOT, TURNER, WALES	274	324	383	469	518
AROOSTOOK COUNTY	279	339	400	499	559
CUMBERLAND COUNTY TOWNS OF BALDWIN, BRIDGTON, BRUNSWICK, CASCO HARPSWELL, HARRISON, NAPLES, NEW GLOUCEST, POWNAL, SEBAGO	309	375	441	548	610
FRANKLIN COUNTY	291	329	391	463	526
HANCOCK COUNTY	293	348	408	509	568
KENNEBEC COUNTY	293	356	419	525	587
KNOX COUNTY	283	344	405	507	568
LINCOLN COUNTY	279	338	399	499	558
OXFORD COUNTY	291	329	391	463	526
PENOBSCOT COUNTY TOWNS OF ALTON, ARGYLE, BRADFORD, BRADLEY, BURLINGTON CARMEL, CARROLL, CHARLESTON, CHESTER, CLIFTON, CORINNA, CORINTH, DEXTER, DIXMONT, DREW, EAST MILLINO, EDINBURG ENFIELD, ETNA, EXETER, GARLAND, GRAND FALLS, GREENBUSH, GREENFIELD, HOWLAND, HUDSON, KINGMAN, LAGRANGE, LAKEVILLE LEE, LEVANT, LINCOLN, LOWELL, MATTAWAMKEAG, MAXFIELD, MEDWAY, MILFORD, MILLINOCKET, MOUNT CHASE, NEWBURGH, NEWPORT NORTH PENOBS, PASSADUMKEAG, PATTEN, PLYMOUTH, PRENTISS, SEBOEIS, SPRINGFIELD, STACYVILLE, STETSON, SUMMIT, TWOMBLY WEBSTER, WHITNEY, WINN, WOODVILLE	241	293	345	433	484
PISCATAQUIS COUNTY	319	430	463	540	633
SAGADAHOC COUNTY	279	338	399	499	558
SOMERSET COUNTY	283	344	405	507	568
WALDO COUNTY TOWNS OF BELFAST, BELMONT, BROOKS, BURNHAM, FRANKFORT FREEDOM, ISLESBORO, JACKSON, KNOX, LIBERTY, LINCOLNVILLE, MONROE, MONTVILLE, MORRILL, NORTHPORT, PALERMO, PROSPECT SEARSMONT, SEARSPORT, STOCKTON SPR, SWANVILLE, THORNDIKE, TROY, UNITY, WALDO	283	344	405	507	568
WASHINGTON COUNTY	353	416	525	540	656
YORK COUNTY TOWNS OF ACTON, ALFRED, ARUNDEL, BIDDEFORD, CORNISH, DAYTON KENNEBUNK, KENNEBUNKPOR, LEBANON, LIMERICK, LIMINGTON, LYMAN, NEWFIELD, PARSONSFIELD, SACO, SANFORD, SHAPLEIGH WATERBORO					

STATE: MARYLAND	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BALTIMORE, MD MSA COUNTY(IES): ANNE ARUNDEL, BALTIMORE, CARROLL, HARFORD, HOWARD, QUEEN ANNES, BALTIMORE	349	424	499	624	699
COLUMBIA, MD MSA COUNTY(IES): COLUMBIA	444	535	635	792	888
CUMBERLAND, MD-WV MSA COUNTY(IES): ALLEGANY	258	307	359	444	496
HAGERSTOWN, MD MSA COUNTY(IES): WASHINGTON	289	361	413	517	578
*WASHINGTON, DC-MD-VA MSA COUNTY(IES): CALVERT, CHARLES, FREDERICK, MONTGOMERY, PRINCE GEORG	412	501	590	741	830
WILMINGTON, DE-NJ-MD PMSA COUNTY(IES): CECIL	367	439	522	652	776

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CAROLINE	273	327	385	482	540
GARRETT	358	315	371	463	519
ST MARYS	359	434	507	635	703
TALBOT	312	379	446	558	624
WORCESTER	282	344	401	501	561

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DORCHESTER	280	340	401	501	561
KENT	285	347	408	511	571
SOMERSET	280	340	401	501	561
WICOMICO	333	407	476	502	561

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: MASSACHUSETTS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MA PMSA	630	644	759	948	1062
COUNTY: BRISTOL TOWNS OF MANSFIELD, NORTON, RAYNHAM					
COUNTY: ESSEX TOWNS OF LYNN, LYNNFIELD, NAHANT, SAUGUS					
COUNTY: MIDDLESEX TOWNS OF ACTON, ARLINGTON, ASHLAND, AYER, BEDFORD, BELMONT, BOXBOROUGH, BURLINGTON, CAMBRIDGE, CARLISLE CONCORD, EVERETT, FRAMINGHAM, GROTON, HOLLISTON, HOPKINTON, HUDSON, LEXINGTON, LINCOLN, LITTLETON, MALDEN MARLBOROUGH, MAYNARD, MEDFORD, MELROSE, NATICK, NEWTON, NORTH READIN, READING, SHERBORN, SHIRLEY SOMERVILLE, STONEHAM, STOW, SUDBURY, TOWNSEND, WAKEFIELD, WALTHAM, WATERTOWN, WAYLAND, WESTON, WILMINGTON WINCHESTER, WOBURN.					
COUNTY: NORFOLK TOWNS OF BELLINGHAM, BRAINTREE, BROOKLINE, CANTON, COHASSET, DEDHAM, DOVER, FOXBOROUGH, FRANKLIN, HOLBROOK MEDFIELD, MEDWAY, MILLIS, MILTON, NEEDHAM, NORFOLK, NORWOOD, QUINCY, RANDOLPH, SHARON, STOUGHTON, WALPOLE WELLESLEY, WESTWOOD, WEYMOUTH, WRENTHAM					
COUNTY: PLYMOUTH TOWNS OF CARVER, DUXBURY, HANOVER, HANSON, HINGHAM, HULL, KINGSTON, LAKEVILLE, MARSHFIELD, MIDDLEBOROUG NORWELL, PEMBROKE, PLYMOUTH, PLYMPTON, ROCKLAND, SCITUATE					
COUNTY: SUFFOLK TOWNS OF BOSTON, CHELSEA, REVERE, WINTHROP					
COUNTY: WORCESTER TOWNS OF BERLIN, BOLTON, HARVARD, HOPEDALE, LANCASTER, MENDON, MILFORD, SOUTHBOROUGH, UPTON					
*BROCKTON, MA PMSA	396	478	599	726	814
COUNTY: BRISTOL TOWNS OF EASTON					
COUNTY: NORFOLK TOWNS OF AVON					
COUNTY: PLYMOUTH TOWNS OF ABINGTON, BRIDGEWATER, BROCKTON, EAST BRIDGEW, HALIFAX, WEST BRIDGEW, WHITMAN					
FALL RIVER, MA-RI PMSA	350	417	501	580	640
COUNTY: BRISTOL TOWNS OF FALL RIVER, SOMERSET, SWANSEA, WESTPORT					
FITCHBURG-LEOMINSTER, MA MSA	383	464	547	665	756
COUNTY: MIDDLESEX TOWNS OF ASHBY					
COUNTY: WORCESTER TOWNS OF ASHBURNHAM, FITCHBURG, LEOMINSTER, LUNENBURG, WESTMINSTER					
LAWRENCE-HAVERHILL, MA-NH PMSA	435	515	617	755	784
COUNTY: ESSEX TOWNS OF AMESBURY, ANDOVER, BOXFORD, GEORGETOWN, GROVELAND, HAVERHILL, LAWRENCE, MERRIMAC, METHUEN, NEWBURY NEWBURYPORT, NORTH ANDOVE, SALISBURY, WEST NEWBURY					
LOWELL, MA-NH PMSA	407	495	577	685	787
COUNTY: MIDDLESEX TOWNS OF BILLERICA, CHELMSFORD, DRACUT, DUNSTABLE, LOWELL, PEPPERELL, TEWKSBURY, TYNGSBOROUGH, WESTFORD					
NEW BEDFORD, MA MSA	367	401	474	580	640
COUNTY: BRISTOL TOWNS OF ACUSHNET, DARTMOUTH, FAIRHAVEN, FREETOWN, NEW BEDFORD					
COUNTY: PLYMOUTH TOWNS OF MARION, MATTAPOISETT, ROCHESTER					
*PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA PMSA	369	412	486	582	679
COUNTY: BRISTOL TOWNS OF ATTLEBORO, NORTH ATTLEB, REHOBOTH, SEEKONK					
COUNTY: NORFOLK TOWNS OF PLAINVILLE					
COUNTY: WORCESTER TOWNS OF BLACKSTONE, MILLVILLE					
PITTSFIELD, MA MSA	354	438	563	624	703
COUNTY: BERKSHIRE TOWNS OF CHESHIRE, DALTON, HINSDALE, LANESBOROUGH, LEE, LENOX, PITTSFIELD, RICHMOND, STOCKBRIDGE					
*SALEM-GLOUCESTER, MA PMSA	473	572	674	842	943
COUNTY: ESSEX TOWNS OF BEVERLY, DANVERS, ESSEX, GLOUCESTER, HAMILTON, IPSWICH, MANCHESTER, MARBLEHEAD, MIDDLETON, PEABODY ROCKPORT, ROWLEY, SALEM, SWAMPSCOTT, TOPSFIELD, WENHAM					
*SPRINGFIELD, MA MSA	362	440	513	640	719
COUNTY: HAMPDEN TOWNS OF AGAWAM, CHICOPEE, EAST LONGMEA, HAMPDEN, HOLYOKE, LONGMEADOW, LUDLOW, MONSON, MONTGOMERY, PALMER RUSSELL, SOUTHWICK, SPRINGFIELD, WESTFIELD, WEST SPRINGF, WILBRAHAM					
COUNTY: HAMPSHIRE TOWNS OF BELCHERTOWN, EASTHAMPTON, GRANBY, HUNTINGTON, NORTHAMPTON, SOUTHAMPTON, SOUTH HADLEY					
*WORCESTER, MA MSA	367	461	528	663	741
COUNTY: WORCESTER TOWNS OF AUBURN, BARRE, BOYLSTON, BROOKFIELD, CHARLTON, CLINTON, DOUGLAS, DUDLEY, EAST BROOKFI, GRAFTON HOLDEN, LEICESTER, MILLBURY, NORTHBOROUGH, NORTHBRIDGE, NORTH BROOKF, OXFORD, PAXTON, PRINCETON, RUTLAND SHREWSBURY, SPENCER, STERLING, SUTTON, UXBRIDGE, WEBSTER, WESTBOROUGH, WEST BOYLSTO, WORCESTER					

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
*BARNSTABLE COUNTY	474	586	686	836	937
BERKSHIRE COUNTY TOWNS OF ADAMS, ALFORD, BECKET, CLARKSBURG, EGREMONT FLORIDA, GREAT BARRIN, HANCOCK, MONTEREY, MOUNT WASHIN, NEW ASHFORD, NEW MARLBORO, NORTH ADAMS, OTIS, PERU SANDISFIELD, SAVOY, SHEFFIELD, TYRINGHAM, WASHINGTON, WEST STOCKBR, WILLIAMSTOWN, WINDSOR	312	379	446	557	624
BRISTOL COUNTY TOWNS OF BERKLEY, DIGHTON, TAUNTON	368	417	481	580	657
*DUKES COUNTY	474	585	685	836	937
FRANKLIN COUNTY	362	429	501	630	702
HAMPDEN COUNTY TOWNS OF BLANDFORD, BRIMFIELD, CHESTER, GRANVILLE HOLLAND, TOLLAND, WALES	326	396	486	582	653
HAMPSHIRE COUNTY TOWNS OF AMHERST, CHESTERFIELD, CUMMINGTON, GOSHEN HADLEY, HATFIELD, MIDDLEFIELD, PELHAM, PLAINFIELD, WARE, WESTHAMPTON, WILLIAMSBURG, WORTHINGTON	424	491	621	724	841
*NANTUCKET COUNTY	474	585	685	836	937
PLYMOUTH COUNTY TOWNS OF WAREHAM	368	408	478	582	659
WORCESTER COUNTY TOWNS OF ATHOL, GARDNER, HARDWICK, HUBBARDSTON NEW BRAINTRE, OAKHAM, PETERSHAM, PHILLIPSTON, ROYALSTON, SOUTHBRIDGE, STURBRIDGE, TEMPLETON, WARREN, WEST BROOKFI WINCHENDON	345	407	491	602	669

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: MICHIGAN	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANN ARBOR, MI PMSA COUNTY(IES): WASHTENAW	382	464	547	683	766
BATTLE CREEK, MI MSA COUNTY(IES): CALHOUN	259	314	369	463	519
BENTON HARBOR, MI MSA COUNTY(IES): BERRIEN	288	350	410	513	575
*DETROIT, MI PMSA COUNTY(IES): LAPEER, LIVINGSTON, MACOMB, MONROE, OAKLAND, ST CLAIR, WAYNE	355	427	498	621	692
FLINT, MI MSA COUNTY(IES): GENESEE	272	331	391	489	546
*GRAND RAPIDS, MI MSA COUNTY(IES): KENT, OTTAWA	255	313	366	457	516
JACKSON, MI MSA COUNTY(IES): JACKSON	285	345	408	507	568
KALAMAZOO, MI MSA COUNTY(IES): KALAMAZOO	297	357	420	518	575
LANSING-EAST LANSING, MI MSA COUNTY(IES): CLINTON, EATON, INGHAM	311	373	437	542	605
MUSKEGON, MI MSA COUNTY(IES): MUSKEGON	253	307	361	453	506
SAGINAW-BAY CITY-MIDLAND, MI MSA COUNTY(IES): BAY, MIDLAND, SAGINAW	281	335	398	499	558

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALCONA	226	275	324	405	454	ALGER	223	270	310	386	447
ALLEGAN	262	319	374	468	525	ALPENA	226	275	324	405	454
ANTRIM	283	342	403	504	565	ARENAC	248	301	356	444	498
BARAGA	231	280	330	413	463	BARRY	264	321	378	472	529
BENZIE	283	342	403	504	565	BRANCH	284	321	378	472	529
CASS	257	311	366	459	513	CHARLEVOIX	283	342	403	504	565
CHEBOYGAN	226	275	324	405	454	CHIPPEWA	223	270	320	399	447
CLARE	248	302	356	444	498	CRAWFORD	226	275	324	405	454
DELTA	223	270	320	398	447	DICKINSON	231	293	345	431	484
EMMET	283	342	403	504	565	GLADWIN	248	302	356	444	498
GOGEBIC	231	280	330	413	463	GRD TRAVERSE	283	342	403	504	565
GRATIOT	284	344	404	506	567	HILLSDALE	281	340	401	502	563
HOUGHTON	231	280	330	413	463	HURON	255	309	363	455	509
IONIA	265	320	376	469	525	IOSCO	248	302	356	444	498
IRON	231	280	330	413	463	ISABELLA	284	344	404	506	567
KALKASKA	283	342	403	504	565	KEWEENAW	231	280	330	413	463
LAKE	260	316	371	464	521	LEELANAU	283	342	403	504	565
LENAWEE	281	340	401	502	563	LUCE	223	270	320	398	447
MACKINAC	223	270	320	398	447	MANISTEE	283	342	403	504	565
MARQUETTE	283	342	403	504	565	MASON	260	316	371	464	521
MECOSTA	260	316	371	464	521	MENOMINEE	283	342	403	504	565
MISSAUKEE	283	342	403	504	565	MONTCALM	262	319	374	468	525
MONTMORENCY	226	275	324	405	454	NEWAYGO	260	316	371	464	521
OCEANA	252	305	359	451	504	OGEMAW	248	302	356	444	498
ONTONAGON	231	280	330	413	463	OSCEOLA	260	316	371	464	521
OSCODA	226	275	324	405	454	OTSEGO	226	275	324	405	454
PRESQUE ISLE	226	275	324	405	454	ROSCOMMON	248	302	356	444	498
ST JOSEPH	264	321	378	472	529	SANILAC	255	309	363	455	509
SCHOOLCRAFT	223	270	320	398	447	SHIAWASSEE	280	339	400	500	561
TUSCOLA	255	309	363	455	509	VAN BUREN	257	311	366	459	513
WEXFORD	283	342	403	504	565						

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: MINNESOTA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DULUTH, MN-WI MSA	288	343	404	506	567
COUNTY(IES): ST LOUIS					
FARGO-MOORHEAD, ND-MN MSA	289	351	413	518	580
COUNTY(IES): CLAY					
MINNEAPOLIS-ST. PAUL, MN-WI MSA	359	435	516	645	720
COUNTY(IES): ANOKA, CARVER, CHISAGO, DAKOTA, HENNEPIN, ISANTI, RAMSEY, SCOTT, WASHINGTON, WRIGHT					
ROCHESTER, MN MSA	305	370	436	545	610
COUNTY(IES): OLMSTED					
ST. CLOUD, MN MSA	291	353	415	520	582
COUNTY(IES): BENTON, SHERBURNE, STEARNS					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AITKIN	261	318	374	468	524	BECKER	260	317	372	466	522
BELTRAMI	251	305	358	448	503	BIG STONE	232	283	333	417	466
BLUE EARTH	291	352	408	504	557	BROWN	247	301	354	443	495
CARLTON	263	320	374	468	524	CASS	245	297	351	439	491
CHIPPEWA	232	283	333	417	466	CLEARWATER	251	305	358	448	503
COOK	261	318	374	468	524	COTTONWOOD	232	283	333	417	466
CROW WING	248	287	372	460	512	DODGE	238	286	338	420	471
DOUGLAS	260	317	372	466	522	FARIBAULT	247	301	354	443	495
FILLMORE	241	292	345	431	481	FREEBORN	284	345	407	508	569
GOODHUE	251	305	356	443	495	GRANT	260	317	372	466	522
HOUSTON	241	292	345	431	481	HUBBARD	251	305	358	448	503
ITASCA	263	320	374	468	524	JACKSON	240	289	338	420	467
KANABEC	261	318	374	468	524	KANDIYOHI	274	333	391	490	548
KITTSON	251	305	358	448	503	KOOCHICHING	261	318	374	468	524
LAC QUI PARL	232	283	333	417	466	LAKE	261	318	374	468	524
LAKE OF WOOD	251	305	358	448	503	LE SUEUR	272	331	388	485	544
LINCOLN	240	289	338	420	467	LYON	240	289	338	420	467
MCLEOD	274	333	391	490	548	MAHNOMEN	251	305	358	448	503
MARSHALL	251	305	358	448	503	MARTIN	247	301	354	443	495
MEEKER	274	333	391	490	548	MILLE LACS	261	318	374	468	524
MORRISON	245	297	351	439	491	MOWER	241	292	345	431	482
MURRAY	240	289	338	420	467	NICOLLET	272	331	388	485	544
NOBLES	260	289	338	420	467	NORMAN	251	305	358	448	503
OTTER TAIL	260	317	372	466	522	PENNINGTON	251	305	358	448	503
PINE	261	318	374	468	524	PIPESTONE	240	289	338	420	467
*POLK	251	305	358	448	503	POPE	260	317	372	466	522
RED LAKE	251	305	358	448	503	REDWOOD	232	283	333	417	466
RENVILLE	274	333	391	490	548	RICE	284	345	407	508	569
ROCK	240	289	338	420	467	ROSEAU	251	305	358	448	503
SIBLEY	272	331	388	485	544	STEELE	284	345	407	508	569
STEVENS	280	317	372	466	522	SWIFT	232	283	333	417	466
TODD	245	297	351	439	491	TRAVERSE	260	317	372	466	522
WABASHA	251	305	358	443	495	WADENA	245	297	351	439	491
WASECA	247	301	354	443	495	WATONWAN	247	301	354	443	495
WILKIN	260	317	372	466	522	WINONA	242	293	345	431	482
YELLOW MEDIC	232	283	333	417	466						

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: MISSISSIPPI

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BILOXI-GULFPORT, MS MSA COUNTY(IES): HANCOCK, HARRISON	246	300	353	442	494
JACKSON, MS MSA COUNTY(IES): HINDS, MADISON, RANKIN	313	380	448	560	628
MEMPHIS, TN-AR-MS MSA COUNTY(IES): DE SOTO	258	317	374	464	522
PASCAGOULA, MS MSA COUNTY(IES): JACKSON	269	326	383	481	539

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	216	251	295	391	423
AMITE	180	218	257	321	360
BENTON	201	245	289	362	405
CALHOUN	236	287	338	422	477
CHICKASAW	243	287	338	426	474
CLAIBORNE	180	218	257	321	360
CLAY	233	271	318	399	447
COPIAH	190	231	272	340	381
FORREST	234	285	335	418	469
GEORGE	183	222	262	327	366
GRENADA	181	220	258	323	362
HUMPHREYS	208	253	298	372	416
ITAWAMBA	222	269	317	397	444
JEFFERSON	180	218	257	321	360
JONES	236	274	309	351	391
LAFAYETTE	236	287	338	422	474
LAUDERDALE	232	281	332	415	465
LEAKE	199	242	286	358	401
LEFLORE	236	262	308	401	432
LOWNDES	257	310	366	458	508
MARSHALL	201	245	289	362	405
MONTGOMERY	181	220	258	323	362
NEWTON	199	242	286	358	401
OKTIBBEHA	223	271	318	399	447
PEARL RIVER	234	285	335	418	469
PIKE	216	251	295	391	423
PRENTISS	201	245	289	362	405
SCOTT	199	242	286	358	401
SIMPSON	190	231	272	340	381
STONE	234	285	335	418	469
TALLAHATCHIE	218	264	310	387	436
TIPPAH	201	245	289	362	405
TUNICA	218	264	310	387	436
WALTHALL	180	218	257	321	360
WASHINGTON	208	253	298	372	416
WEBSTER	233	271	318	399	447
WINSTON	233	271	318	399	447
YAZOO	264	321	377	472	529

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALCORN	215	261	307	383	430
ATTALA	181	220	258	323	362
BOLIVAR	208	253	298	372	416
CARROLL	181	220	258	323	362
CHOCTAW	233	271	318	399	447
CLARKE	234	284	332	415	465
COAHOMA	218	264	310	387	436
COVINGTON	183	222	262	327	366
FRANKLIN	180	218	257	321	360
GREENE	183	222	262	327	366
HOLMES	181	220	258	323	362
ISSAQUENA	208	253	298	372	416
JASPER	234	284	332	415	465
JEFFERSON DA	183	222	262	327	366
KEMPER	234	284	332	415	465
LAMAR	234	285	335	418	469
LAWRENCE	180	218	257	321	360
LEE	235	287	336	420	469
LINCOLN	180	218	257	321	360
MARION	234	285	335	418	469
MONROE	222	269	317	397	444
NESHOBA	199	242	286	358	401
NOXUBEE	223	271	318	399	447
PANOLA	218	264	310	387	436
PERRY	183	222	262	327	366
PONTOTOC	243	287	338	426	474
QUITMAN	218	264	310	387	436
SHARKEY	208	253	298	372	416
SMITH	199	242	286	358	401
SUNFLOWER	208	253	298	372	416
TATE	218	264	310	387	436
TISHOMIGO	201	245	289	362	405
UNION	243	287	338	426	474
WARREN	264	321	377	472	529
WAYNE	183	222	262	327	366
WILKINSON	180	218	257	321	360
YALOBUSHA	181	220	258	323	362

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: MISSOURI	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBIA, MO MSA COUNTY(IES): BOONE	282	343	405	506	568
JOPLIN, MO MSA COUNTY(IES): JASPER, NEWTON	218	268	312	391	438
KANSAS CITY, MO-KS MSA COUNTY(IES): CASS, CLAY, JACKSON, LAFAYETTE, PLATTE, RAY	297	354	416	520	582
ST. JOSEPH, MO MSA COUNTY(IES): BUCHANEN	232	281	332	414	465
ST. LOUIS, MO-IL MSA COUNTY(IES): FRANKLIN, JEFFERSON, ST CHARLES, ST LOUIS, ST. LOUIS	303	369	435	546	611
SPRINGFIELD, MO MSA COUNTY(IES): CHRISTIAN, GREENE	242	296	347	435	486

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	221	268	315	396	443
ATCHISON	209	255	300	375	420
BARRY	204	247	293	366	409
BATES	199	241	284	355	399
BOLLINGER	234	285	335	418	470
CALDWELL	209	255	301	375	420
CAMDEN	224	271	318	399	447
CARROLL	215	262	308	384	432
CEDAR	199	241	284	355	399
CLARK	221	268	315	396	443
COLE	245	298	350	439	491
CRAWFORD	214	261	306	383	430
DALLAS	204	247	293	368	409
DE KALB	209	255	300	375	420
DOUGLAS	193	235	276	345	386
GASCONADE	214	261	306	383	430
GRUNDY	221	268	315	396	443
HENRY	199	241	284	355	399
HOLT	209	255	300	375	420
HOWELL	193	235	276	345	386
JOHNSON	224	272	320	401	448
LACLEDE	224	271	318	399	447
LEWIS	219	265	312	389	433
LINN	221	268	315	396	443
MCDONALD	204	247	293	366	409
MADISON	234	285	335	418	470
MARION	219	265	312	389	433
MILLER	224	271	318	399	447
MONITEAU	245	298	350	439	491
MONTGOMERY	214	261	306	383	430
NEW MADRID	193	235	276	345	386
OREGON	193	235	276	345	386
OZARK	193	235	276	345	386
PERRY	234	285	335	418	470
PHELPS	249	302	355	450	504
POLK	204	247	293	366	409
PUTNAM	221	268	315	396	443
RANDOLPH	214	261	306	383	430
RIPLEY	193	235	276	345	386
STE GENEVIEV	234	285	335	418	470
SALINE	215	262	308	384	432
SCOTLAND	221	268	315	396	443
SHANNON	193	235	276	345	386
STODDARD	193	235	276	345	386
SULLIVAN	221	268	315	396	443
TEXAS	193	235	276	345	386
WARREN	214	261	306	383	430
WAYNE	193	235	279	348	389
WORTH	209	255	300	375	420

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDREW	232	281	332	414	465
AUDRAIN	245	298	350	439	491
BARTON	199	241	284	355	399
BENTON	199	241	284	355	398
BUTLER	193	235	279	348	389
CALLAWAY	245	298	350	439	491
CAPE GIRARDE	234	285	335	418	470
CARTER	193	235	279	348	389
CHARITON	215	262	308	384	432
CLINTON	209	255	300	375	420
COOPER	245	298	350	439	491
DADE	204	247	293	366	409
DAVIESS	209	255	301	375	420
DENT	214	261	306	383	430
DUNKLIN	193	235	276	345	386
GENTRY	209	255	300	375	420
HARRISON	209	255	301	375	420
HICKORY	199	241	284	355	398
HOWARD	245	298	350	439	491
IRON	234	285	335	418	470
KNOX	221	268	315	396	443
LAWRENCE	204	247	293	366	409
LINCOLN	214	261	306	383	430
LIVINGSTON	221	268	315	396	443
MACON	214	261	306	383	430
MARIES	214	261	306	383	430
MERCER	209	255	301	375	420
MISSISSIPPI	193	235	276	345	386
MONROE	214	261	306	383	430
MORGAN	224	271	318	399	447
NODAWAY	217	255	306	375	420
OSAGE	245	298	350	439	491
PEMISCOT	193	235	276	345	386
PETTIS	215	262	308	384	432
PIKE	214	261	306	383	430
PULASKI	224	271	318	399	447
RALLS	219	265	312	389	433
REYNOLDS	193	235	276	345	386
ST CLAIR	199	241	284	355	399
ST FRANCOIS	234	285	335	418	470
SCHUYLER	221	268	315	396	443
SCOTT	234	285	335	418	470
SHELBY	214	261	306	383	430
STONE	204	247	293	366	409
TANEY	204	247	293	366	409
VERNON	199	241	284	355	399
WASHINGTON	214	261	306	383	430
WEBSTER	204	247	293	366	409
WRIGHT	193	235	276	345	386

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: MONTANA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BILLINGS, MT MSA COUNTY(IES): YELLOWSTONE	334	407	479	598	670
GREAT FALLS, MT MSA COUNTY(IES): CASCADE	288	350	413	516	577

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEAVERHEAD	287	349	411	513	575
BLAINE	268	325	383	479	536
CARBON	270	328	387	484	542
CHOUTEAU	268	325	383	479	536
DANIELS	268	325	383	479	536
DEER LODGE	287	349	411	513	575
FERGUS	270	328	387	484	542
GALLATIN	317	389	460	570	641
GLACIER	268	325	383	479	536
GRANITE	287	349	411	513	575
JEFFERSON	287	349	411	513	575
LAKE	293	357	419	525	588
LIBERTY	268	325	383	479	536
MCCONE	270	328	387	484	542
MEAGHER	287	349	411	513	575
MISSOULA	293	357	419	525	588
PARK	287	349	411	513	575
PHILLIPS	268	325	383	479	536
POWDER RIVER	270	328	387	484	542
PRAIRIE	270	328	387	484	542
RICHLAND	270	328	387	484	542
ROSEBUD	270	328	387	484	542
SHERIDAN	268	325	383	479	536
STILLWATER	270	328	387	484	542
TETON	268	325	383	479	536
TREASURE	270	328	387	484	542
WHEATLAND	270	328	387	484	542
YL-ST-NT-PK	287	349	411	513	575

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIG HORN	270	328	387	484	542
BROADWATER	287	349	411	513	575
CARTER	270	328	387	484	542
CUSTER	270	328	387	484	542
DAWSON	270	328	387	484	542
FALLON	270	328	387	484	542
FLATHEAD	293	357	419	525	588
GARFIELD	270	328	387	484	542
GOLDEN VALLE	270	328	387	484	542
HILL	268	325	383	479	536
JUDITH BASIN	270	328	387	484	542
LEWIS+ CLARK	328	405	477	596	668
LINCOLN	293	357	419	525	588
MADISON	287	349	411	513	575
MINERAL	293	357	419	525	588
MUSSELSHELL	270	328	387	484	542
PETROLEUM	270	328	387	484	542
PONDERA	268	325	383	479	536
POWELL	287	349	411	513	575
RAVALLI	293	357	419	525	588
ROOSEVELT	268	325	383	479	536
SANDERS	293	357	419	525	588
SILVER BOW	287	349	411	513	575
SWEET GRASS	270	328	387	484	542
TOOLE	268	325	383	479	536
VALLEY	268	325	383	479	536
WIBAUX	270	328	387	484	542

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: NEBRASKA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LINCOLN, NE MSA COUNTY(IES): LANCASTER	286	347	408	511	572
OMAHA, NE-IA MSA COUNTY(IES): DOUGLAS, SARPY, WASHINGTON	281	340	401	502	563
SIOUX CITY, IA-NE MSA COUNTY(IES): DAKOTA	278	338	398	498	558

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	256	311	368	458	512
ARTHUR	217	263	309	387	433
BLAINE	210	255	299	374	421
BOX BUTTE	238	291	341	427	478
BROWN	210	255	299	374	421
BURT	229	279	328	410	460
CASS	230	275	324	404	454
CHASE	217	263	309	387	433
CHEYENNE	210	255	299	374	421
COLFAX	229	279	328	410	460
CUSTER	210	255	299	374	421
DAWSON	217	263	309	387	433
DIXON	248	301	356	443	498
DUNDY	217	263	309	387	433
FRANKLIN	256	311	366	458	512
FURNAS	217	263	309	387	433
GARDEN	210	255	299	374	421
GOSPER	217	263	309	387	433
GREELEY	210	255	299	374	421
HAMILTON	256	311	366	458	512
HAYES	217	263	309	387	433
HOLT	214	262	307	383	427
HOWARD	256	311	366	458	512
JOHNSON	229	275	324	404	454
KEITH	217	263	309	387	433
KIMBALL	210	255	299	374	421
LINCOLN	217	263	309	387	433
LOUP	210	255	299	374	421
MADISON	248	301	356	443	498
MORRILL	210	255	299	374	421
NEMAHA	226	275	324	404	454
OTOE	226	275	324	404	454
PERKINS	217	263	309	387	433
PIERCE	248	301	356	443	498
POLK	226	275	324	404	454
RICHARDSON	226	275	324	404	454
SALINE	226	275	324	404	454
SCOTTS BLUFF	244	294	341	424	472
SHERIDAN	210	255	299	374	421
SIOUX	210	255	299	374	421
TRAVER	226	275	324	404	454
THURSTON	229	279	328	410	460
WAYNE	248	301	356	443	498
WHEELER	210	255	299	374	421
ANTELOPE	248	301	356	443	498
BANNER	210	255	299	374	421
BOONE	229	279	328	410	460
BOYD	210	255	299	374	421
BUFFALO	256	311	366	458	512
BUTLER	226	275	324	404	454
CEDAR	248	301	356	443	498
CHERRY	210	255	299	374	421
CLAY	256	311	366	458	512
CUMING	229	279	328	410	460
DAWES	210	255	299	374	421
DEUEL	210	255	299	374	421
DODGE	229	279	328	410	460
FILLMORE	226	275	324	404	454
FRONTIER	217	263	309	387	433
GAGE	291	303	356	447	501
GARFIELD	210	255	299	374	421
GRANT	217	263	309	387	433
HALL	256	311	366	458	512
HARLAN	226	311	366	458	512
HITCHCOCK	217	263	309	387	433
HOOKER	217	263	309	387	433
JEFFERSON	226	275	324	404	454
KEARNEY	226	311	366	458	512
KEYA PAHA	214	262	307	383	427
KNOX	248	301	356	443	498
LOGAN	217	263	309	387	433
MCPHERSON	217	263	309	387	433
MERRICK	256	311	366	458	512
NANCE	229	279	328	410	460
NUCKOLLS	256	311	366	458	512
PAWNEE	226	275	324	404	454
PHELPS	256	311	366	458	512
PLATTE	229	279	328	410	460
RED WILLOW	217	263	309	387	433
ROCK	214	262	307	383	427
SAUNDERS	226	275	324	404	454
SEWARD	226	275	324	404	454
SHERMAN	210	255	299	374	421
STANTON	248	301	356	443	498
THOMAS	217	263	309	387	433
VALLEY	210	255	299	374	421
WEBSTER	256	311	366	458	512
YORK	226	275	324	404	454

STATE: NEVADA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LAS VEGAS, NV MSA COUNTY(IES): CLARK	488	491	579	724	811
*RENO, NV MSA COUNTY(IES): WASHOE	499	506	714	892	1000

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
*CHURCHILL	356	428	504	629	706
ELKO	356	428	504	629	706
EUREKA	383	428	504	629	706
LANDER	356	428	504	629	706
*LYON	356	428	504	629	706
NYE	383	428	504	629	706
STOREY	356	428	504	629	706
*CARSON CITY	356	428	504	629	706
*DOUGLAS	356	428	504	629	706
ESMERALDA	383	428	504	629	706
HUMBOLDT	356	428	504	629	706
LINCOLN	353	428	504	629	706
MINERAL	356	428	504	629	706
PERSHING	356	428	504	629	706
WHITE PINE	353	428	504	629	706

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: NEW HAMPSHIRE	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LAWRENCE-HAVERHILL, MA-NH PMSA	423	515	617	705	784
COUNTY: ROCKINGHAM TOWNS OF ATKINSON, BRENTWOOD, DANVILLE, DERRY, EAST KINGSTO, HAMPSTEAD, KINGSTON, NEWTON, PLAISTOW SALEM, SANDOWN, SEABROOK, WINDHAM					
LOWELL, MA-NH PMSA	407	495	577	699	797
COUNTY: *HILLSBOROUG TOWNS OF PELHAM					
*MANCHESTER, NH MSA	381	463	544	680	765
COUNTY: *HILLSBOROUG TOWNS OF BEDFORD, GOFFSTOWN, MANCHESTER					
COUNTY: *MERRIMACK TOWNS OF ALLENSTOWN, HOOKSETT					
COUNTY: ROCKINGHAM TOWNS OF AUBURN, CANDIA					
NASHUA, NH PMSA	425	516	607	760	851
COUNTY: *HILLSBOROUG TOWNS OF AMHERST, BROOKLINE, HOLLIS, HUDSON, LITCHFIELD, MERRIMACK, MILFORD, MONT VERNON, NASHUA WILTON					
COUNTY: ROCKINGHAM TOWNS OF LONDONDERRY	395	481	565	706	791
PORTSMOUTH-DOVER-ROCHESTER, NH-ME MSA					
COUNTY: ROCKINGHAM TOWNS OF EXETER, GREENLAND, HAMPTON, NEW CASTLE, NEWFIELDS, NEWINGTON, NEWMARKET, NORTH HAMPTO PORTSMOUTH, RYE, STRATHAM					
COUNTY: STRAFFORD TOWNS OF BARRINGTON, DOVER, DURHAM, FARMINGTON, LEE, MADBURY, MILTON, ROCHESTER, ROLLINSFORD SOMERSWORTH					

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BELKNAP COUNTY	331	399	485	578	645
*CARROLL COUNTY	327	397	487	584	654
*CHESHIRE COUNTY	371	449	530	662	732
COOS COUNTY	305	370	436	544	610
*GRAFTON COUNTY	340	414	497	605	681
*HILLSBOROUG COUNTY TOWNS OF ANTRIM, BENNINGTON, DEERING, FRANCESTOWN	418	508	597	745	836
GREENFIELD, GREENVILLE, HANCOCK, HILLSBOROUGH, LYNDEBOROUGH, MASON, NEW BOSTON, NEW IPSWICH, PETERBOROUGH, SHARON TEMPLE, WEARE, WINDSOR					
*MERRIMACK COUNTY TOWNS OF ANDOVER, BOSCAWEN, BOW, BRADFORD, CANTERBURY	408	495	583	730	818
CHICHESTER, CONCORD, DANBURY, DUNBARTON, EPSOM, FRANKLIN, HENNIKER, HILL, HOPKINTON, LOUDON, NEWBURY, NEW LONDON NORTHFIELD, PEMBROKE, PITTSFIELD, SALISBURY, SUTTON, WARNER, WEBSTER, WILMOT					
ROCKINGHAM COUNTY TOWNS OF CHESTER, DEERFIELD, EPPING, FREMONT	418	508	597	746	836
HAMPTON FALL, KENSINGTON, NORTHWOOD, NOTTINGHAM, RAYMOND, SOUTH HAMPTO					
STRAFFORD COUNTY TOWNS OF MIDDLETON, NEW DURHAM, STRAFFORD	370	451	533	666	735
SULLIVAN COUNTY	331	399	466	581	652

S T A T E: NEW JERSEY	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
*ALLENTOWN-BETHLEHEM, PA-NJ MSA	303	368	430	542	604
COUNTY(IES): WARREN					
ATLANTIC CITY, NJ MSA	363	442	518	648	727
COUNTY(IES): ATLANTIC, CAPE MAY					
BERGEN-PASSAIC, NJ PMSA	506	614	728	910	1019
COUNTY(IES): BERGEN, PASSAIC					
*JERSEY CITY, NJ PMSA	350	425	500	625	700
COUNTY(IES): HUDSON					
MIDDLESEX-SOMERSET-HUNTERDON, NJ PMSA	462	570	670	839	939
COUNTY(IES): HUNTERDON, MIDDLESEX, SOMERSET					
*MONMOUTH-OCEAN, NJ PMSA	422	511	602	753	844
COUNTY(IES): MONMOUTH, OCEAN					
*NEWARK, NJ PMSA	394	478	563	703	788
COUNTY(IES): ESSEX, MORRIS, SUSSEX, UNION					
*PHILADELPHIA, PA-NJ PMSA	347	419	492	615	687
COUNTY(IES): BURLINGTON, CAMDEN, GLOUCESTER					
TRENTON, NJ PMSA	436	529	620	779	872
COUNTY(IES): MERCER					
VINELAND-MILLVILLE-BRIDGETON, NJ PMSA	350	425	500	625	700
COUNTY(IES): CUMBERLAND					
WILMINGTON, DE-NJ-MD PMSA	367	439	522	652	776
COUNTY(IES): SALEM					

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: NEW MEXICO

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBUQUERQUE, NM MSA COUNTY(IES): BERNALILLO	336	408	480	600	673
LAS CRUCES, NM MSA COUNTY(IES): DONA ANA	267	324	381	477	534
SANTA FE, NM MSA COUNTY(IES): LOS ALAMOS, SANTE FE	391	475	560	699	783

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CATRON	241	293	345	431	482
CIBOLA	241	293	345	431	482
CURRY	249	302	356	445	498
EDDY	288	350	413	516	577
GUADALUPE	249	302	356	445	498
HIDALGO	241	293	345	431	482
LINCOLN	262	318	374	468	524
MCKINLEY	334	406	478	598	669
OTERO	262	318	374	468	524
RIO ARRIBA	224	272	320	400	448
SANDOVAL	283	344	405	506	567
SAN MIGUEL	249	302	356	445	498
SOCORRO	262	318	374	468	524
TORRANCE	249	302	356	445	498
VALENCIA	241	293	345	431	482
CHAVES	261	318	374	468	524
COLFAX	249	302	356	445	498
DE BACA	249	302	356	445	498
GRANT	241	293	345	431	482
HARDING	249	302	356	445	498
LEA	288	350	413	516	577
LUNA	241	293	345	431	482
MORA	249	302	356	445	498
QUAY	249	302	356	445	498
ROOSEVELT	249	302	356	445	498
SAN JUAN	334	406	478	598	669
SIERRA	262	318	374	468	524
TAOS	262	318	374	468	524
UNION	249	302	356	445	498

STATE: NEW YORK

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBANY-SCHENECTADY-TROY, NY MSA COUNTY(IES): ALBANY, GREENE, MONTGOMERY, RENSSELAER, SARATOGA, SCHENECTADY	309	371	438	551	613
BINGHAMTON, NY MSA COUNTY(IES): BROOME, TIOGA	279	335	396	489	549
BUFFALO, NY PMSA COUNTY(IES): ERIE	282	342	403	504	563
ELMIRA, NY MSA COUNTY(IES): CHEMUNG	281	342	403	504	565
GLENS FALLS, NY MSA COUNTY(IES): WARREN, WASHINGTON	291	354	418	520	583
*NASSAU-SUFFOLK, NY PMSA COUNTY(IES): NASSAU, SUFFOLK	488	606	712	891	996
*NEW YORK, NY PMSA COUNTY(IES): BRONX, KINGS, NEW YORK, PUTNAM, QUEENS, RICHMOND, ROCKLAND, WESTCHESTER	378	468	536	671	781
NIAGARA FALLS, NY PMSA COUNTY(IES): NIAGARA	271	328	385	483	541
ORANGE COUNTY, NY PMSA COUNTY(IES): ORANGE	372	482	531	664	744
POUGHKEEPSIE, NY MSA COUNTY(IES): DUTCHESS	422	513	604	755	846
ROCHESTER, NY MSA COUNTY(IES): LIVINGSTON, MONROE, ONTARIO, ORLEANS, WAYNE	331	403	477	596	663
SYRACUSE, NY MSA COUNTY(IES): MADISON, ONONDAGA, OSWEGO	282	348	403	511	573
UTICA-ROME, NY MSA COUNTY(IES): HERKIMER, ONEIDA	284	305	363	456	569

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEGANY	248	286	349	437	486
CAYUGA	291	354	416	520	583
CHENANGO	288	350	411	514	575
COLUMBIA	274	333	395	490	548
DELAWARE	267	324	385	478	536
FRANKLIN	264	321	377	472	529
GENESEE	271	328	387	483	541
*JEFFERSON	284	345	406	507	569
OTSEGO	287	348	385	478	536
SCHOHARIE	287	326	383	478	536
SENECA	291	354	416	520	583
SULLIVAN	288	350	414	506	578
ULSTER	341	414	488	609	683
YATES	272	330	389	487	543
CATTARAUGUS	245	297	349	437	490
CHAUTAUQUA	261	318	374	468	525
CLINTON	275	331	389	483	531
CORTLAND	298	362	427	534	598
ESSEX	265	321	377	472	529
FULTON	237	288	339	425	475
HAMILTON	264	321	377	472	529
LEWIS	284	345	406	507	569
ST LAWRENCE	271	328	387	483	541
SCHUYLER	274	332	392	490	549
STEUBEN	274	332	392	490	549
TOMPKINS	298	362	427	534	598
WYOMING	272	330	387	483	541

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: NORTH CAROLINA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ASHEVILLE, NC MSA COUNTY(IES): BUNCOMBE	255	310	365	458	510
*BURLINGTON, NC MSA COUNTY(IES): ALAMANCE	253	307	361	451	505
CHARLOTTE-GASTONIA-ROCK HILL, NC-SC MSA COUNTY(IES): CABARRUS, GASTON, LINCOLN, MECKLENBURG, ROWAN, UNION	284	342	401	501	560
FAYETTEVILLE, NC MSA COUNTY(IES): CUMBERLAND	243	295	345	430	488
GREENSBORO--WINSTON-SALEM--HIGH POINT, NC MSA COUNTY(IES): DAVIDSON, DAVIE, FORSYTH, GUILFORD, RANDOLPH, STOKES, YADKIN	266	324	380	476	534
HICKORY, NC MSA COUNTY(IES): ALEXANDER, BURKE, CATAWBA	233	282	333	416	467
JACKSONVILLE, NC MSA COUNTY(IES): ONSLOW	241	294	346	433	485
RALEIGH-DURHAM, NC MSA COUNTY(IES): DURHAM, FRANKLIN, ORANGE, WAKE	305	371	437	546	611
WILMINGTON, NC MSA COUNTY(IES): NEW HANOVER	255	310	365	458	510

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEGHANY	230	277	325	406	446	ANSON	233	278	325	407	448
ASHE	230	277	325	406	446	AVERY	230	277	325	406	446
BEAUFORT	255	310	365	455	510	BERTIE	255	310	365	455	510
BLADEN	246	300	352	441	493	BRUNSWICK	231	281	331	414	464
CALDWELL	230	278	326	411	459	CAMDEN	246	295	344	428	476
CARTERET	239	291	342	429	481	CASWELL	231	280	330	413	463
CHATHAM	305	371	437	546	611	CHEROKEE	199	242	286	358	401
CHOWAN	246	295	344	428	476	CLAY	199	242	286	358	401
CLEVELAND	230	277	325	406	446	COLUMBUS	241	293	345	431	483
CRAVEN	239	291	342	429	481	CURRITUCK	280	336	396	478	536
DARE	246	295	344	428	476	DUPLIN	216	262	308	384	431
EDGECOMBE	239	291	342	429	481	GATES	246	295	344	428	476
GRAHAM	199	242	286	358	401	GRANVILLE	221	268	315	395	442
*GREENE	223	270	318	399	448	HALIFAX	239	291	342	429	481
HARNETT	223	270	318	399	446	HAYWOOD	231	281	332	415	466
HENDERSON	251	306	360	450	504	HERTFORD	255	310	365	455	510
HOKE	216	262	308	384	431	HYDE	246	295	344	428	476
*IREDELL	231	280	330	409	457	JACKSON	239	291	342	429	479
JOHNSTON	236	287	338	422	474	JONES	239	291	342	429	481
LEE	236	287	338	422	474	LENOIR	239	291	342	429	481
MCDOWELL	230	277	325	406	448	MACON	251	305	360	450	505
MADISON	251	306	360	450	504	MARTIN	255	310	365	458	510
MITCHELL	230	277	325	406	446	MONTGOMERY	232	278	325	407	448
MOORE	233	278	325	407	455	NASH	245	298	351	440	491
NORTHAMPTON	239	291	342	429	481	PAMLICO	239	291	342	428	481
PASQUOTANK	246	295	344	428	476	*PENDER	211	257	302	377	423
PERQUIMANS	246	295	344	428	476	PERSON	221	268	315	395	442
PITT	255	310	365	455	510	POLK	230	277	325	406	446
RICHMOND	232	278	325	407	455	*ROBESON	209	250	294	368	412
ROCKINGHAM	231	280	330	413	463	RUTHERFORD	230	277	325	406	446
SAMPSON	223	270	318	395	446	SCOTLAND	206	250	295	368	412
STANLY	228	277	327	409	457	SURRY	216	265	311	389	436
SWAIN	199	242	286	358	401	TRANSYLVANIA	251	306	360	450	504
TYRRELL	246	295	344	428	476	VANCE	221	268	315	395	442
WARREN	221	268	315	394	442	WASHINGTON	246	295	344	428	476
WATAUGA	230	277	325	406	446	WAYNE	223	270	318	399	446
WILKES	230	277	325	406	446	WILSON	245	298	351	440	492
YANCEY	230	277	325	406	446						

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: NORTH DAKOTA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BISMARCK, ND MSA COUNTY(IES): BURLEIGH, MORTON	289	351	414	517	580
FARGO-MOORHEAD, ND-MN MSA COUNTY(IES): CASS	289	351	413	518	580
GRAND FORKS, ND MSA COUNTY(IES): GRAND FORKS	275	334	394	491	551

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	244	298	350	439	490
BENSON	251	305	358	448	503
BOTTINEAU	244	298	350	439	490
BURKE	244	298	350	439	490
DICKEY	251	305	358	448	503
DUNN	244	298	350	439	490
EMMONS	221	268	315	396	442
GOLDEN VALLY	244	298	350	439	490
GRIGGS	251	305	358	448	503
KIDDER	221	268	315	396	442
LOGAN	251	305	358	448	503
MCINTOSH	251	305	358	448	503
MCLEAN	221	268	315	396	442
MOUNTRAIL	244	298	350	439	490
OLIVER	221	268	315	396	442
PIERCE	244	298	350	439	490
RANSOM	228	276	326	407	455
RICHLAND	228	276	326	407	455
SARGENT	228	276	326	407	455
SIOUX	221	268	315	396	442
STARK	244	298	350	439	490
STUTSMAN	251	305	358	448	503
TRAILL	228	276	326	407	455
WARD	244	298	350	439	490
WILLIAMS	244	298	350	439	490

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BARNES	251	305	358	448	503
BILLINGS	244	298	350	439	490
BOWMAN	244	298	350	439	490
CAVALIER	251	305	358	448	503
DIVIDE	244	298	350	439	490
EDDY	251	305	358	448	503
FOSTER	251	305	358	448	503
GRANT	221	268	315	396	442
HETTINGER	244	298	350	439	490
LA MOORE	251	305	358	448	503
MCHENRY	244	298	350	439	490
MCKENZIE	244	298	350	439	490
MERCER	221	268	315	396	442
NELSON	251	305	358	448	503
PEMBINA	251	305	358	448	503
RAMSEY	251	305	358	448	503
RENVILLE	244	298	350	439	490
ROLETTE	251	305	358	448	503
SHERIDAN	221	268	315	396	442
SLOPE	244	298	350	439	490
STEELE	228	276	326	407	455
TOWNER	251	305	358	448	503
WALSH	251	305	358	448	503
WELLS	251	305	358	448	503

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

BEST COPY AVAILABLE

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: OHIO

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AKRON, OH PMSA	287	349	411	514	575
COUNTY(IES): PORTAGE, SUMMIT					
CANTON, OH MSA	251	305	358	448	503
COUNTY(IES): CARROLL, STARK					
CINCINNATI, OH-KY-IN PMSA	260	318	375	469	522
COUNTY(IES): CLERMONT, HAMILTON, WARREN					
CLEVELAND, OH PMSA	300	365	428	535	600
COUNTY(IES): CUYAHOGA, GEAUGA, LAKE, MEDINA					
COLUMBUS, OH MSA	286	344	406	508	573
COUNTY(IES): DELAWARE, FAIRFIELD, FRANKLIN, LICKING, MADISON, PICKAWAY, UNION					
DAYTON-SPRINGFIELD, OH MSA	265	323	376	472	514
COUNTY(IES): CLARK, GREENE, MIAMI, MONTGOMERY					
HAMILTON-MIDDLETOWN, OH PMSA	292	356	418	523	585
COUNTY(IES): BUTLER					
HUNTINGTON-ASHLAND, WV-KY-OH MSA	281	342	403	504	566
COUNTY(IES): LAWRENCE					
LIMA, OH MSA	266	323	380	476	534
COUNTY(IES): ALLEN, AUGLAIZE					
LORAIN-ELYRIA, OH PMSA	282	344	405	506	567
COUNTY(IES): LORAIN					
MANSFIELD, OH MSA	240	294	344	431	482
COUNTY(IES): RICHLAND					
PARKERSBURG-MARIETTA, WV-OH MSA	262	317	374	468	524
COUNTY(IES): WASHINGTON					
STEUBENVILLE-WEIRTON, OH-WV MSA	269	327	383	480	539
COUNTY(IES): JEFFERSON					
TOLEDO, OH MSA	305	371	437	546	612
COUNTY(IES): FULTON, LUCAS, WOOD					
WHEELING, WV-OH MSA	265	322	380	475	532
COUNTY(IES): BELMONT					
YOUNGSTOWN-WARREN, OH MSA	266	323	380	474	534
COUNTY(IES): MAHONING, TRUMBULL					

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	238	287	336	418	470
ASHTABULA	280	341	402	503	562
BROWN	238	287	336	418	470
CLINTON	242	296	347	435	486
COSHOCTON	217	265	312	386	435
DARKE	242	296	347	435	486
ERIE	274	333	392	489	549
GALLIA	262	317	374	468	524
HANCOCK	258	312	368	458	516
HARRISON	241	294	346	431	484
HIGHLAND	238	287	336	418	470
HOLMES	255	310	365	456	511
JACKSON	234	286	335	418	470
LOGAN	258	312	368	458	516
MEIGS	231	280	331	413	463
MONROE	268	315	371	465	520
MORROW	236	288	338	418	470
NOBLE	260	315	371	465	520
PAULDING	271	328	386	484	543
PIKE	234	285	335	418	470
PUTNAM	262	317	374	468	524
SANDUSKY	274	333	392	489	549
SENECA	241	291	346	433	484
TUSCARAWAS	255	310	365	456	511
VINTON	267	317	374	468	524
WILLIAMS	271	329	386	484	543

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ASHLAND	263	320	376	471	526
ATHENS	249	307	361	450	504
CHAMPAIGN	254	308	364	454	509
COLUMBIANA	249	302	356	445	499
CRAWFORD	241	294	346	433	484
DEFIANCE	271	329	386	484	543
FAYETTE	242	296	347	435	486
GUERNSEY	257	311	367	458	514
HARDIN	258	312	368	459	516
HENRY	271	329	386	484	543
HOCKING	231	280	331	413	463
HURON	241	294	346	433	484
KNOX	234	285	335	418	470
LAKE	234	285	335	418	470
MARION	254	308	364	454	509
MEDINA	242	296	347	435	488
MORGAN	260	315	371	465	520
MUSKINGUM	242	294	346	433	484
OTTAWA	274	333	392	489	549
PERRY	231	280	331	413	463
PREBLE	264	321	377	472	528
ROSS	242	296	347	435	486
SCIOTO	234	285	335	418	470
SHELBY	242	296	347	435	488
VAN WERT	262	317	374	469	524
WAYNE	263	320	376	471	526
WYANDOT	241	294	346	433	484

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: OKLAHOMA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ENID, OK MSA					
COUNTY(IES): GARFIELD	292	355	418	523	586
FORT SMITH, AR-OK MSA					
COUNTY(IES): SEQUOYAH	243	296	348	436	488
LAWTON, OK MSA					
COUNTY(IES): COMANCHE	251	305	360	450	504
OKLAHOMA CITY, OK MSA					
COUNTY(IES): CANADIAN, CLEVELAND, LOGAN, MCCLAIN, OKLAHOMA, POTTAWATOMIE	317	381	448	549	618
TULSA, OK MSA					
COUNTY(IES): CREEK, OSAGE, ROGERS, TULSA, WAGONER	318	386	455	568	637

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	156	340	281	350	389
ATOKA	172	210	247	308	345
BECKHAM	217	263	310	388	435
BRYAN	207	251	295	370	414
CARTER	207	251	295	370	414
CHOCTAW	172	210	247	308	345
COAL	172	210	247	308	345
CRAIG	249	303	356	446	500
DELAWARE	194	237	278	347	389
ELLIS	222	271	319	397	447
GRADY	206	250	294	368	412
GREER	217	263	310	388	435
HARPER	222	271	319	397	447
HUGHES	200	243	286	357	400
JEFFERSON	206	250	294	368	412
KAY	257	312	369	460	515
KIOWA	217	263	310	388	435
LE FLORE	172	210	247	308	345
LOVE	207	251	295	370	414
MCINTOSH	200	243	286	357	400
MARSHALL	207	251	295	370	414
MURRAY	207	251	295	370	414
NOBLE	257	312	368	460	515
OKFUSKEE	200	243	286	357	400
OTTAWA	249	303	356	446	500
PAYNE	246	298	351	439	492
PONTOTOC	207	251	295	370	414
ROGER MILLS	217	263	310	388	435
STEPHENS	205	250	294	368	412
TILLMAN	206	250	294	368	412
WASHITA	217	263	310	388	435
WOODWARD	222	271	319	397	447

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALFALFA	222	271	319	397	447
BEAVER	222	271	319	397	447
BLAINE	222	271	319	397	447
CADDO	206	250	294	368	412
CHEROKEE	196	240	281	350	389
CIMARRON	222	271	319	397	447
COTTON	206	250	294	368	412
CUSTER	217	263	310	388	435
DEWEY	222	271	319	397	447
GARVIN	207	251	295	370	414
GRANT	257	312	368	460	515
HARMON	217	263	310	388	435
HASKELL	172	210	247	308	345
JACKSON	217	263	310	388	435
JOHNSTON	207	251	295	370	414
KINGFISHER	257	312	368	460	515
LATIMER	172	210	247	308	345
LINCOLN	246	298	351	439	492
*MCCURTAIN	172	210	247	308	345
MAJOR	222	271	319	397	447
MAYES	258	313	370	462	517
MUSKOGEE	200	243	286	357	400
NOWATA	249	303	356	446	500
OKMULGEE	200	243	286	357	400
PAWNEE	246	298	351	439	492
PITTSBURG	172	210	247	308	345
PUSHMATAHA	172	210	247	308	345
SEMINOLE	205	249	294	363	404
TEXAS	222	271	319	397	447
WASHINGTON	249	303	356	446	500
WOODS	222	271	319	397	447

S T A T E: OREGON

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
EUGENE-SPRINGFIELD, OR MSA					
COUNTY(IES): LANE	353	430	506	633	708
MEDFORD, OR MSA					
COUNTY(IES): JACKSON	351	427	502	628	703
*PORTLAND, OR PMSA					
COUNTY(IES): CLACKAMAS, MULTNOMAH, WASHINGTON, YAMHILL	301	367	441	570	631
SALEM, OR MSA					
COUNTY(IES): MARION, POLK	330	402	473	591	662

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BAKER	322	391	460	575	644
CLATSOP	313	381	448	559	627
COOS	336	408	481	600	673
CURRY	336	408	481	600	673
DOUGLAS	336	408	481	600	673
GRANT	322	391	460	575	644
HOOD RIVER	341	414	487	610	682
JOSEPHINE	336	408	481	600	673
LAKE	307	373	440	550	616
LINN	330	399	470	587	657
MORROW	322	391	460	575	644
TILLAMOOK	313	381	448	559	627
UNION	322	391	460	575	644
WASCO	341	414	487	610	682

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BENTON	328	399	470	587	657
COLUMBIA	313	381	448	559	627
CROOK	341	414	487	610	682
DESCHUTES	341	414	487	610	682
GILLIAM	322	391	460	575	644
HARNEY	307	373	440	550	616
JEFFERSON	341	414	487	610	682
KLAMATH	307	373	440	550	616
LINCOLN	313	381	448	559	627
MALHEUR	307	373	440	550	616
SHERMAN	341	414	487	610	682
UMATILLA	322	391	460	575	644
WALLOWA	322	391	460	575	644
WHEELER	322	391	460	575	644

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: PENNSYLVANIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
*ALLENTOWN-BETHLEHEM, PA-NJ MSA COUNTY(IES): CARBON, LEHIGH, NORTHAMPTON	303	388	430	542	604
ALTOONA, PA MSA COUNTY(IES): BLAIR	270	327	385	481	538
BEAVER COUNTY, PA PMSA COUNTY(IES): BEAVER	388	347	408	511	572
ERIE, PA MSA COUNTY(IES): ERIE	310	377	443	554	621
HARRISBURG-LEBANON-CARLISLE, PA MSA COUNTY(IES): CUMBERLAND, DAUPHIN, LEBANON, PERRY	321	386	455	568	636
JOHNSTOWN, PA MSA COUNTY(IES): CAMBRIA, SOMERSET	261	319	374	468	525
LANCASTER, PA MSA COUNTY(IES): LANCASTER	324	394	463	580	649
*PHILADELPHIA, PA-NJ PMSA COUNTY(IES): BUCKS, CHESTER, DELAWARE, MONTGOMERY, PHILADELPHIA	347	419	492	616	687
PITTSBURGH, PA PMSA COUNTY(IES): ALLEGHANY, FAYETTE, WASHINGTON, WESTMORELAND	302	367	431	539	604
READING, PA MSA COUNTY(IES): BERKS	303	380	433	542	607
*SCRANTON--WILKES-BARRE, PA MSA COUNTY(IES): COLUMBIA, LACKAWANNA, LUZERNE, MONROE, WYOMING	248	303	353	435	493
SHARON, PA MSA COUNTY(IES): MERCER	287	340	411	514	578
STATE COLLEGE, PA MSA COUNTY(IES): CENTRE	346	421	496	619	694
WILLIAMSPORT, PA MSA COUNTY(IES): LYCOMING	261	319	374	468	525
YORK, PA MSA COUNTY(IES): ADAMS, YORK	292	355	417	522	585

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ARMSTRONG	301	366	430	538	603
BRADFORD	250	304	358	447	500
CAMERON	254	308	362	453	508
CLEARFIELD	258	314	370	462	517
CRAWFORD	256	310	366	458	513
FOREST	247	301	354	442	496
FULTON	243	296	348	435	487
HUNTINGDON	243	296	348	435	487
JEFFERSON	258	314	370	462	517
LAWRENCE	256	310	366	458	513
MIFFLIN	251	305	358	449	502
NORTHUMBRLND	270	314	370	462	517
POTTER	254	308	362	453	508
SNYDER	251	305	358	449	502
SUSQUEHANNA	250	304	358	447	500
UNION	290	340	418	519	585
WARREN	256	310	366	458	513

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEDFORD	243	296	348	435	487
BUTLER	286	346	428	536	599
CLARION	247	301	354	442	496
CLINTON	254	308	360	449	502
ELK	254	308	362	453	508
FRANKLIN	277	338	398	497	555
GREENE	258	314	370	462	517
INDIANA	301	365	430	538	603
JUNIATA	251	305	359	448	502
MCKEAN	254	308	362	453	508
MONTOUR	258	314	370	462	517
*PIKE	290	339	418	519	565
SCHUYLKILL	280	333	398	483	528
SULLIVAN	250	304	358	447	500
TIOGA	250	304	358	447	500
VENANGO	247	301	354	442	496
*WAYNE	278	339	398	498	559

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: RHODE ISLAND

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FALL RIVER, MA-RI PMSA					
COUNTY: *NEWPORT TOWNS OF LITTLE COMPT, TIVERTON	350	417	501	580	640
*NEW LONDON-NORWICH, CT-RI MSA					
COUNTY: *WASHINGTON TOWNS OF HOPKINTON, WESTERLY	388	472	554	693	777
*PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA PMSA					
COUNTY: PROVIDENCE TOWNS OF BURRILLVILLE, CENTRAL FALL, CUMBERLAND, LINCOLN, NORTH SMITHF, PAWTUCKET, SMITHFIELD WOONSOCKET	340	412	485	595	679
*PROVIDENCE, RI PMSA					
COUNTY: BRISTOL TOWNS OF BARRINGTON, BRISTOL, WARREN	380	429	503	630	702
COUNTY: KENT TOWNS OF COVENTRY, EAST GREENWI, WARWICK, WEST WARWICK					
COUNTY: *NEWPORT TOWNS OF JAMESTOWN					
COUNTY: PROVIDENCE TOWNS OF CRANSTON, EAST PROVIDE, FOSTER, GLOCESTER, JOHNSTON, NORTH PROVID, PROVIDENCE, SCITUATE					
COUNTY: *WASHINGTON TOWNS OF EXETER, NARRAGANSETT, NORTH KINGST, RICHMOND, SOUTH KINGST					

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KENT COUNTY TOWNS OF WEST GREENWI	324	394	464	579	648
*NEWPORT COUNTY TOWNS OF MIDDLETOWN, NEWPORT, PORTSMOUTH	423	514	605	756	847
*WASHINGTON COUNTY TOWNS OF CHARLESTOWN, NEW SHOREHAM	324	394	464	579	649

S T A T E: SOUTH CAROLINA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDERSON, SC MSA					
COUNTY(IES): ANDERSON	231	280	329	413	462
AUGUSTA, GA-SC MSA					
COUNTY(IES): AIKEN	267	322	376	470	526
CHARLESTON, SC MSA					
COUNTY(IES): BERKELEY, CHARLESTON, DORCHESTER	285	347	409	510	572
CHARLOTTE-GASTONIA-ROCK HILL, NC-SC MSA					
COUNTY(IES): YORK	284	342	401	501	560
COLUMBIA, SC MSA					
COUNTY(IES): LEXINGTON, RICHLAND	288	351	414	517	578
FLORENCE, SC MSA					
COUNTY(IES): FLORENCE	234	284	335	419	469
GREENVILLE-SPARTANBURG, SC MSA					
COUNTY(IES): GREENVILLE, PICKENS, SPARTANBURG	252	306	361	451	506

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ABBEVILLE	203	247	292	361	400
BAMBERG	211	258	303	380	425
BEAUFORT	262	319	376	469	526
CHEROKEE	203	246	290	363	408
CHESTERFIELD	202	245	288	361	405
COLLETON	262	319	376	469	526
DILLON	202	245	288	361	405
FAIRFIELD	199	242	285	356	399
GREENWOOD	203	247	292	361	406
HORRY	245	298	350	438	491
HERSHAW	229	277	326	409	458
*LAURENS	203	247	292	361	406
MCCORMICK	199	242	285	356	399
MARLBORO	202	245	288	361	405
OCONEE	250	305	359	449	503
SALUDA	199	242	285	356	399
UNION	203	246	290	363	408

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLENDALE	211	258	303	386	425
BARNWELL	211	258	303	380	425
CALHOUN	217	266	314	384	429
CHESTER	203	246	290	363	408
CLARENDON	229	277	326	409	458
DARLINGTON	202	245	288	361	405
EDGEFIELD	196	242	285	356	399
GEORGETOWN	245	298	350	438	491
HAMPTON	262	319	376	469	526
JASPER	262	319	376	469	526
LANCASTER	218	267	315	389	434
LEE	229	277	326	409	458
MARION	202	245	288	361	405
NEWBERRY	196	242	285	356	399
ORANGEBURG	211	258	303	380	425
SUMTER	228	277	326	409	458
WILLIAMSBURG	245	298	350	438	491

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: SOUTH DAKOTA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RAPID CITY, SD MSA COUNTY(IES): PENNINGTON	264	318	370	459	514
SIOUX FALLS, SD MSA COUNTY(IES): MINNEHAHA	279	338	388	498	558

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AURORA	238	286	335	419	469
BENNETT	215	261	308	385	431
BROOKINGS	233	280	327	407	460
BRULE	235	284	335	419	469
BUTTE	258	312	366	459	514
CHARLES MIX	235	284	335	419	469
CLAY	235	284	335	419	469
CORSON	215	261	308	385	431
DAVISON	238	286	335	419	469
DEUEL	210	252	301	373	414
DOUGLAS	235	284	335	419	469
FALL RIVER	258	312	366	459	514
GRANT	233	280	327	407	460
HAAKON	215	261	308	385	431
HAND	238	286	335	416	463
HARDING	256	312	366	459	514
HUTCHINSON	238	284	335	419	469
JACKSON	215	261	308	385	431
JONES	215	261	308	385	431
LAKE	204	248	291	365	409
LINCOLN	238	286	335	419	469
MCCOOK	204	248	291	365	409
MARSHALL	227	278	326	409	458
MELLETTE	215	261	308	385	431
MOODY	204	248	291	365	409
POTTER	215	261	308	385	431
SANBORN	238	286	335	419	469
SPINK	227	278	326	409	458
SULLY	215	261	308	385	431
TRIPP	215	261	308	385	431
UNION	235	284	335	419	469
YANKTON	235	284	335	419	469

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEADLE	238	286	335	416	463
BON HOMME	235	284	335	419	469
BROWN	253	307	359	449	502
BUFFALO	215	261	308	385	431
CAMPBELL	215	261	308	385	431
CLARK	210	252	301	373	414
CODINGTON	233	280	327	407	460
CUSTER	256	312	366	459	514
DAY	227	278	326	409	458
DEWEY	215	261	308	385	431
EDMUNDS	227	278	326	409	458
FAULK	227	278	326	409	458
GREGORY	215	261	308	385	431
HAMLIN	210	252	301	373	414
HANSON	238	286	335	419	469
HUGHES	280	344	401	502	560
HYDE	215	261	308	385	431
JERAULD	238	286	335	419	469
KINGSBURY	204	248	291	365	409
LAWRENCE	262	312	366	459	514
LYMAN	215	261	308	385	431
MCPHERSON	227	278	326	409	458
MEADE	264	318	370	459	514
MINER	204	248	291	365	409
PERKINS	215	261	308	385	431
ROBERTS	227	278	326	409	458
SHANNON	215	261	308	385	431
STANLEY	280	344	401	502	560
TODD	215	261	308	385	431
TURNER	238	286	335	419	469
WALWORTH	215	261	308	385	431
ZIEBACH	215	261	308	385	431

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: TENNESSEE

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHATTANOOGA, TN-GA MSA					
COUNTY(IES): HAMILTON, MARION, SEQUATCHIE	285	346	407	509	571
CLARKSVILLE-HOPKINSVILLE, TN-KY MSA					
COUNTY(IES): MONTGOMERY	263	331	415	503	555
JACKSON, TN MSA					
COUNTY(IES): MADISON	288	311	360	459	517
JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA MSA					
COUNTY(IES): CARTER, HAWKINS, SULLIVAN, UNICOI, WASHINGTON	239	290	341	427	478
KNOXVILLE, TN MSA					
COUNTY(IES): ANDERSON, BLOUNT, GRAINGER, JEFFERSON, KNOX, SEVIER, UNION	262	320	378	470	526
MEMPHIS, TN-AR-MS MSA					
COUNTY(IES): SHELBY, TIPTON	258	317	374	464	522
NASHVILLE, TN MSA					
COUNTY(IES): CHEATHAM, DAVIDSON, DICKSON, ROBERTSON, RUTHERFORD, SUMNER, WILLIAMSON, WILSON	312	380	447	558	626

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEDFORD	224	282	320	398	447
BLEDSOE	234	285	335	419	469
CAMPBELL	190	232	275	342	380
CARROLL	211	256	302	378	423
CLAIBORNE	190	232	275	342	380
COCKE	213	258	303	380	426
CROCKETT	215	260	306	384	430
DECATUR	230	281	330	413	462
DYER	215	260	306	384	430
FENTRESS	211	258	305	380	427
GIBSON	215	260	306	384	430
GREENE	209	254	298	373	419
HAMBLEN	221	268	317	395	443
HARDEMAN	230	281	330	413	462
HAYWOOD	220	276	315	394	441
HENRY	211	256	302	378	423
HOUSTON	194	236	278	347	388
JACKSON	183	225	266	333	370
LAKE	215	260	306	384	430
LAWRENCE	224	282	320	398	447
LINCOLN	253	305	359	449	501
MCMINN	234	285	336	419	469
MACON	211	258	303	380	427
MAURY	224	282	320	398	447
MONROE	224	276	322	403	451
MORGAN	190	232	275	342	380
OVERTON	211	258	305	380	427
PICKETT	211	256	303	380	427
PUTNAM	217	263	310	386	434
ROANE	224	276	322	403	451
SMITH	211	258	305	380	427
TROUSDALE	211	258	305	386	427
WARREN	217	263	310	388	434
WEAKLEY	211	256	302	378	423
BENTON	211	256	302	378	423
BRADLEY	234	285	335	419	469
CANNON	211	258	305	380	427
CHESTER	230	281	330	413	462
CLAY	183	225	266	333	370
COFFEE	224	282	320	398	447
CUMBERLAND	211	256	302	380	427
DE KALB	211	256	305	380	427
FAYETTE	220	268	315	394	441
FRANKLIN	253	305	359	449	501
GILES	224	282	320	398	447
GRUNDY	234	285	335	419	469
HANCOCK	209	254	298	373	419
HARDIN	230	281	330	413	462
HENDERSON	230	281	330	413	462
HICKMAN	224	282	320	398	447
HUMPHREYS	184	236	278	347	388
JOHNSON	203	248	291	364	407
LAUDERDALE	220	276	315	394	441
LEWIS	222	270	319	398	447
LOUDON	224	276	322	403	451
MCNAIRY	230	281	330	413	462
MARSHALL	224	282	320	398	447
MEIGS	234	285	335	419	469
MOORE	224	282	320	398	447
OBION	218	268	306	386	430
PERRY	222	270	319	398	447
POLK	234	285	335	419	469
RHEA	234	286	335	419	469
SCOTT	190	232	275	342	380
STEWART	194	236	278	347	388
VAN BUREN	217	263	310	388	434
WAYNE	223	270	319	398	447
WHITE	217	263	310	388	434

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: TEXAS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ABILENE, TX MSA COUNTY(IES): TAYLOR	184	346	407	500	571
AMARILLO, TX MSA COUNTY(IES): POTTER, RANDALL	262	318	375	488	524
AUSTIN, TX MSA COUNTY(IES): HAYS, TRAVIS, WILLIAMSON	336	403	474	593	664
BEAUMONT-PORT ARTHUR, TX MSA COUNTY(IES): HARDIN, JEFFERSON, ORANGE	301	365	430	538	602
BRAZORIA, TX PMSA COUNTY(IES): BRAZORIA	314	381	449	561	628
BROWNSVILLE-HARLINGEN, TX MSA COUNTY(IES): CAMERON	267	324	381	476	534
BRYAN-COLLEGE STATION, TX MSA COUNTY(IES): BRAZOS	353	430	505	632	708
CORPUS CHRISTI, TX MSA COUNTY(IES): NUECES, SAN PATRICIO	308	374	440	551	617
*DALLAS, TX PMSA COUNTY(IES): COLLIN, DALLAS, DENTON, ELLIS, KAUFMAN, ROCKWALL	296	364	427	535	598
EL PASO, TX MSA COUNTY(IES): EL PASO	264	319	376	470	527
FORT WORTH-ARLINGTON, TX PMSA COUNTY(IES): JOHNSON, PARKER, TARRANT	296	364	427	535	598
GALVESTON-TEXAS CITY, TX PMSA COUNTY(IES): GALVESTON	293	356	419	524	587
HOUSTON, TX PMSA COUNTY(IES): FORT BEND, HARRIS, LIBERTY, MONTGOMERY, WALLER	280	340	400	500	560
KILLEEN-TEMPLE, TX MSA COUNTY(IES): BELL, CORYELL	250	315	371	464	520
LAREDO, TX MSA COUNTY(IES): WEBB	245	299	351	439	493
LONGVIEW-MARSHALL, TX MSA COUNTY(IES): GREGG, HARRISON	297	360	424	529	593
LUBBOCK, TX MSA COUNTY(IES): LUBBOCK	221	277	363	460	507
MC ALLEN-EDINBURG-MISSION, TX MSA COUNTY(IES): HIDALGO	266	323	379	474	532
MIDLAND, TX MSA COUNTY(IES): MIDLAND	341	414	487	610	683
ODESSA, TX MSA COUNTY(IES): ECTOR	339	412	484	605	678
SAN ANGELO, TX MSA COUNTY(IES): TOM GREEN	286	348	410	513	575
SAN ANTONIO, TX MSA COUNTY(IES): BEXAR, COMAL, GUADALUPE	291	349	413	519	577
SHERMAN-DENISON, TX MSA COUNTY(IES): GRAYSON	261	316	373	466	522
TEXARKANA, TX-TEXARKANA, AR MSA COUNTY(IES): BOWIE	240	292	344	430	481
TYLER, TX MSA COUNTY(IES): SMITH	300	364	429	536	600
VICTORIA, TX MSA COUNTY(IES): VICTORIA	366	444	523	655	733
WACO, TX MSA COUNTY(IES): MCLENNAN	248	297	349	433	482
WICHITA FALLS, TX MSA COUNTY(IES): WICHITA	270	328	387	483	541

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDERSON	228	276	325	406	456
ANGELINA	265	320	378	472	529
ARCHER	218	265	312	391	437
ATASCOSA	234	284	336	420	469
BAILEY	220	269	317	393	438
BASTROP	232	281	331	415	465
BEE	251	306	360	449	504
BORDEN	214	262	307	384	430
BREWSTER	195	236	277	347	390
BROOKS	251	306	360	449	504
BURLESON	234	283	334	417	467
CALDWELL	232	281	331	415	465
CALLAHAN	226	274	321	402	452
CARSON	237	287	339	424	474
CASTRO	237	287	339	424	474
CHEROKEE	228	276	325	406	456
CLAY	218	266	312	391	437
ANDREWS	195	236	277	347	390
ARANSAS	251	306	360	449	504
ARMSTRONG	237	287	339	424	474
AUSTIN	269	326	385	480	538
BANDERA	234	284	336	420	469
BAYLOR	218	266	312	391	437
BLANCO	214	262	307	384	431
BOSQUE	200	243	285	358	400
BRISCOE	237	287	339	424	474
BROWN	220	269	317	393	438
BURNET	214	262	307	384	431
CALHOUN	245	299	351	439	493
CAMP	209	253	300	374	420
CASS	240	292	343	430	480
CHAMBERS	278	338	397	497	556
CHILDRESS	218	266	312	391	437
COCHRAN	220	269	317	393	438

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: TEXAS

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COKE	204	248	293	365	408
COLLINGSWORT	237	287	339	424	474
COMANCHE	226	274	321	402	452
COOKE	250	304	358	447	502
CRANE	195	236	277	347	390
CROSBY	220	269	317	393	438
DALLAM	237	287	339	424	474
DEAF SMITH	237	287	339	424	474
DE WITT	245	298	351	439	493
DIMMIT	211	258	303	378	424
DUVAL	251	306	360	449	504
EDWARDS	217	266	311	383	426
FALLS	200	243	285	358	400
FAYETTE	232	281	331	415	465
FLOYD	220	269	317	393	438
FRANKLIN	240	292	343	430	480
FRIO	234	284	336	420	469
GARZA	220	269	317	393	438
GLASSCOCK	214	262	307	384	430
GONZALES	245	298	351	439	493
GRIMES	234	283	334	417	467
HALL	237	287	339	424	474
HANSFORD	237	287	339	424	474
HARTLEY	237	287	339	424	474
HEMPHILL	237	287	339	424	474
HILL	248	298	349	437	489
HOOD	269	326	384	480	538
HOUSTON	236	286	338	423	473
HUDSPETH	195	236	277	347	390
HUTCHINSON	237	287	339	424	474
JACK	218	266	312	391	437
JASPER	251	306	360	449	504
JIM HOGG	239	289	342	428	478
JONES	226	274	321	402	452
KENDALL	234	284	336	420	469
KENT	226	274	321	402	452
KIMBLE	204	248	292	365	408
KINNEY	217	266	311	383	426
KNOX	220	269	317	393	438
LAMB	220	269	317	393	438
LA SALLE	211	258	303	378	424
LEE	232	281	331	415	465
LIMESTONE	200	243	285	358	400
LIVE OAK	251	306	360	449	504
LOVING	195	236	277	347	390
*MCCULLOCH	204	248	292	365	408
MADISON	241	292	344	430	481
MARTIN	214	262	307	384	430
MATAGORDA	269	326	384	480	538
MEDINA	234	284	336	420	469
MILAM	232	281	331	415	465
MITCHELL	226	274	321	402	452
MOORE	237	287	339	424	474
MOTLEY	220	269	317	393	438
NAVARRO	200	243	285	358	400
NOLAN	226	274	321	402	452
OLDHAM	237	287	339	424	474
PANOLA	228	276	325	406	456
PECOS	195	236	277	347	390
PRESIDIO	195	236	277	347	390
REAGAN	204	248	292	365	408
RED RIVER	240	292	343	430	480
REFUGIO	251	306	360	449	504
ROBERTSON	234	283	334	417	467
RUSK	228	276	325	406	456
SAN AUGUSTIN	208	253	299	374	418
SAN SABA	220	269	317	393	438
SCURRY	226	274	321	402	452
SHELBY	208	253	299	374	418
SOMERVELL	200	243	285	358	400
STEPHENS	226	274	321	402	452
STONEWALL	226	274	321	402	452
SWISHER	237	287	339	424	474
TERRY	220	269	317	393	438
TITUS	240	292	343	430	480
COLEMAN	220	269	317	393	438
COLORADO	269	326	384	480	538
CONCHO	204	248	292	365	408
COTTLE	218	266	312	391	437
CROCKETT	204	248	292	365	408
CULBERSON	195	236	277	347	390
DAWSON	214	262	307	384	430
DELTA	240	292	343	430	480
DICKENS	220	269	317	393	438
DONLEY	237	287	339	424	474
EASTLAND	226	274	321	402	452
ERATH	226	274	321	402	452
FANNIN	250	304	358	447	502
FISHER	226	274	321	402	452
FOARD	218	266	312	391	437
FREESTONE	200	243	285	358	400
GAINES	195	236	277	347	390
GILLESPIE	234	284	336	420	469
GOLIAD	245	298	351	439	493
GRAY	237	287	339	424	474
HALE	220	269	317	393	438
HAMILTON	214	262	307	384	431
HARDEMAN	218	266	312	391	437
HASKELL	226	274	321	402	452
HENDERSON	228	276	325	406	456
HOCKLEY	218	266	312	391	437
HOPKINS	240	292	343	430	480
HOWARD	214	262	307	384	430
HUNT	250	304	358	447	502
IRION	204	248	292	365	408
JACKSON	245	298	351	439	493
JEFF DAVIS	195	236	277	347	390
JIM WELLS	251	306	360	449	504
KARNES	192	234	275	344	385
KENEDY	251	306	360	449	504
KERR	234	284	336	420	469
KING	220	269	317	393	438
KLEBERG	251	306	360	449	504
LAMAR	240	292	343	430	480
LAMPASAS	214	262	307	384	431
LAVACA	245	298	351	439	493
LEON	241	292	344	430	481
LIPSCOMB	237	287	339	424	474
LLANO	214	262	307	384	431
LYNN	220	269	317	393	438
MCMULLEN	251	306	360	449	504
MARION	209	253	300	374	420
MASON	204	248	292	365	408
MAVERICK	217	266	311	383	426
MENARD	204	248	292	365	408
MILLS	220	269	317	393	438
MONTAGUE	218	266	312	391	437
MORRIS	240	292	343	430	480
NACOGDOCHES	265	320	378	472	529
NEWTON	251	306	360	449	504
OCHILTREE	237	287	339	424	474
PALO PINTO	226	274	321	402	452
PARMER	237	287	339	424	474
POLK	265	320	378	472	529
RAINS	216	265	308	382	422
REAL	217	266	311	383	426
REEVES	195	236	277	347	390
ROBERTS	237	287	339	424	474
RUNNELS	220	269	317	393	438
SABINE	208	253	299	374	418
SAN JACINTO	265	320	378	472	529
SCHLEICHER	204	248	292	365	408
SHACKLEFORD	226	274	321	402	452
SHERMAN	237	287	339	424	474
STARR	208	252	298	371	416
STERLING	204	248	292	365	408
SUTTON	204	248	292	365	408
TERRELL	195	236	277	347	390
THROCKMORTON	226	274	321	402	452
TRINITY	241	303	357	445	500

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: TEXAS

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
TYLER	241	292	344	430	481
UPTON	214	262	307	384	430
VAL VERDE	217	266	311	383	426
WALKER	274	334	393	492	550
WASHINGTON	241	293	344	430	481
WHEELER	237	287	339	424	474
WILLACY	251	306	360	449	504
WINKLER	195	236	277	347	390
WOOD	209	253	300	374	419
YOUNG	218	266	312	391	437
ZAVALA	217	266	311	383	428

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
UPSHUR	209	253	300	374	420
UVALDE	217	266	311	383	428
VAN ZANDT	218	266	309	382	422
WARD	195	236	277	347	390
WHARTON	269	326	384	480	538
WILBARGER	218	266	312	391	437
WILSON	192	234	275	344	385
WISE	269	326	384	480	538
YOAKUM	220	269	317	393	438
ZAPATA	208	252	298	371	416

STATE: UTAH

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PROVO-OREM, UT MSA	275	334	392	480	569
COUNTY(IES): UTAH					
SALT LAKE CITY-OGDEN, UT MSA	321	383	458	564	635
COUNTY(IES): DAVIS, SALT LAKE, WEBER					

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEAVER	300	365	430	536	601
CACHE	277	336	398	495	555
DAGGETT	343	416	489	612	685
EMERY	343	416	489	612	685
GRAND	343	416	489	612	685
JUAB	300	365	430	536	601
MILLARD	300	365	430	536	601
PIUTE	300	365	430	536	601
SAN JUAN	343	416	489	612	685
SEVIER	300	365	430	536	601
TOOELE	277	336	398	495	555
WASATCH	343	416	489	612	685
WAYNE	300	365	430	536	601

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOX ELDER	277	336	398	495	555
CARBON	343	416	489	612	685
DUCHESNE	343	416	489	612	685
GARFIELD	300	365	430	536	601
IRON	300	365	430	536	601
KANE	300	365	430	536	601
MORGAN	343	416	489	612	685
RICH	277	336	398	495	555
SANPETE	300	365	430	536	601
SUMMIT	343	416	489	612	685
UINTAH	343	416	489	612	685
WASHINGTON	328	394	465	580	651

STATE: VERMONT

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
	388	472	554	693	777

*BURLINGTON, VT MSA
COUNTY: CHITTENDEN TOWNS OF BURLINGTON, CHARLOTTE, COLCHESTER, ESSEX, HINESBURG, JERICHO, MILTON, RICHMOND, ST. GEORGE SHELBURNE, SOUTH BURLIN, WILLISTON, WINOOSKI
COUNTY: FRANKLIN TOWNS OF GEORGIA
COUNTY: GRAND ISLE TOWNS OF GRAND ISLE, SOUTH HERO

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADDISON COUNTY	311	377	444	554	621
BENNINGTON COUNTY	316	388	455	566	638
CALEDONIA COUNTY	305	321	378	473	530
CHITTENDEN COUNTY TOWNS OF BOLTON, BUELS, HUNTINGTON, UNDERHILL, WESTFORD	559	437	515	644	721
ESSEX COUNTY	305	321	378	473	530
FRANKLIN COUNTY TOWNS OF BAKERSFIELD, BERKSHIRE, ENOSBURG, FAIRFAX, FAIRFIELD, FLETCHER, FRANKLIN, HIGHGATE, MONTGOMERY, RICHFORD, ST. ALBANS, ST. ALBANS, SHELDON, SWANTON	320	356	410	511	571
GRAND ISLE COUNTY TOWNS OF ALBURG, ISLE LA MOTT, NORTH HERO	305	321	378	473	530
LAMOILLE COUNTY	305	321	378	473	530
ORANGE COUNTY	288	350	410	511	571
ORLEANS COUNTY	305	321	378	473	530
RUTLAND COUNTY	300	375	430	536	602
WASHINGTON COUNTY	310	388	455	566	638
WINDHAM COUNTY	308	350	430	535	601
WINDSOR COUNTY	300	364	430	539	601

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: VIRGINIA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHARLOTTESVILLE, VA MSA COUNTY(IES): ALBEMARLE, FLUVANNA, GREENE, CHARLOTTESVI	330	402	472	591	661
DANVILLE, VA MSA COUNTY(IES): PITTSYLVANIA, DANVILLE	253	307	361	451	505
JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA MSA COUNTY(IES): SCOTT, WASHINGTON, BRISTOL	239	290	341	427	478
LYNCHBURG, VA MSA COUNTY(IES): AMHERST, CAMPBELL, LYNCHBURG	272	338	389	475	545
NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA MSA COUNTY(IES): GLOUCESTER, JAMES CITY, YORK, CHESAPEAKE, HAMPTON, NEWPORT NEWS, NORFOLK, POQUOSON, PORTSMOUTH, SUFFOLK VIRGINIA BEA, WILLIAMSBURG	316	379	437	538	601
RICHMOND-PETERSBURG, VA MSA COUNTY(IES): CHARLES CITY, CHESTERFIELD, DINWIDDIE, GOOCHLAND, HANOVER, HENRICO, NEW KENT, POWHATAN, PRINCEGEORGE COLONIAL HEI, HOPEWELL, PETERSBURG, RICHMOND	302	363	424	531	595
ROANOKE, VA MSA COUNTY(IES): BOTETOURT, ROANOKE, ROANOKE, SALEM	265	322	378	474	531
*WASHINGTON, DC-MD-VA MSA COUNTY(IES): ARLINGTON, FAIRFAX, LOUDOUN, PRINCEWILLIA, STAFFORD, ALEXANDRIA, FAIRFAX, FALLS CHURCH, MANASSAS MANASSAS PRK	412	501	590	741	830

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ACCOMACK	258	301	350	432	483
AMELIA	218	265	312	391	438
AUGUSTA	264	321	377	472	529
BEDFORD	218	277	327	408	457
BRUNSWICK	207	251	295	370	414
BUCKINGHAM	219	265	312	391	438
CARROLL	223	270	318	399	446
CLARKE	265	322	378	474	531
CULPEPER	275	334	394	492	551
DICKENSON	226	274	324	405	453
FAUQUIER	275	334	394	492	551
FRANKLIN	228	277	327	408	457
GILES	263	320	378	470	526
GREENSVILLE	207	251	295	370	414
HENRY	265	322	378	473	530
ISLE OFWIGHT	214	260	302	377	414
KING GEORGE	312	379	446	557	625
LANCASTER	240	293	345	431	483
LOUISA	278	337	394	492	551
MADISON	279	337	394	492	551
MECKLENBURG	207	251	295	370	414
MONTGOMERY	321	389	457	574	641
NORTHAMPTON	256	301	350	432	483
NOTTOWAY	219	265	312	391	438
PAGE	265	322	378	474	531
PRINCEEDWARD	219	265	312	391	438
RAPPAHANNOCK	275	334	394	492	551
ROCKBRIDGE	264	321	377	472	529
RUSSELL	253	307	361	451	506
SMYTH	223	270	318	399	446
SPOTSLYVANIA	312	379	446	557	625
SUSSEX	207	251	295	370	414
WARREN	265	322	378	474	531
WISE	255	308	363	453	508
BEDFORD	228	277	327	408	457
CLIFTON FORG	264	321	377	472	529
EMPORIA	207	251	295	370	414
FREDERICKBUR	312	379	446	557	625
HARRISONBURG	264	321	377	472	529
MARTINSVILLE	265	322	378	473	530
RADFORD	321	389	457	574	641
STAUNTON	264	321	377	472	529
WINCHESTER	266	323	378	474	531

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEGHANY	264	321	377	472	529
APPOMATTOX	267	321	375	470	526
BATH	264	321	377	472	529
BLAND	223	270	318	399	446
BUCHANAN	253	307	361	451	506
CAROLINE	312	379	446	557	625
CHARLOTTE	219	265	312	391	438
CRAIG	207	251	295	369	413
CUMBERLAND	219	265	312	391	438
ESSEX	246	293	345	431	483
FLOYD	263	320	375	470	526
FREDERICK	265	321	378	474	531
GRAYSON	223	270	318	399	446
HALIFAX	219	265	312	391	438
HIGHLAND	264	321	377	472	529
KING + QUEEN	240	293	345	431	483
KING WILLIAM	240	293	345	431	483
LEE	226	274	324	405	453
LUNENBURG	219	265	312	391	438
MATHEWS	240	293	345	431	483
MIDDLESEX	240	293	345	431	483
NELSON	232	281	331	414	464
NORTHUMBERLD	240	293	345	431	483
ORANGE	279	337	394	492	551
PATRICK	228	277	327	408	457
PULASKI	263	320	375	470	526
RICHMOND	240	293	345	431	483
ROCKINGHAM	264	321	377	472	529
SHENANDOAH	265	322	378	474	531
SOUTHAMPTON	214	260	302	377	414
SURRY	214	260	302	377	414
TAZEWELL	253	307	361	451	506
WESTMORELAND	240	293	345	431	483
WYTHE	242	294	341	422	471
BUENA VISTA	264	321	377	472	529
COVINGTON	264	321	377	472	529
FRANKLIN	207	251	295	370	414
GALAX	223	270	318	399	446
LEXINGTON	264	321	377	472	529
NORTON	254	307	362	452	507
SOUTH BOSTON	219	265	312	391	438
WAYNESBORO	264	321	377	472	529

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: WASHINGTON	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BELLINGHAM, WA MSA					
COUNTY(IES): WHATCOM	333	406	477	609	670
BREMERTON, WA MSA					
COUNTY(IES): KITSAP	335	408	479	599	672
OLYMPIA, WA MSA					
COUNTY(IES): THURSTON	347	421	496	620	695
RICHLAND-KENNEWICK-PASCO, WA MSA					
COUNTY(IES): BENTON, FRANKLIN	351	476	560	700	784
SEATTLE, WA PMSA					
COUNTY(IES): KING, SNOHOMISH	335	408	476	615	677
SPOKANE, WA MSA					
COUNTY(IES): SPOKANE	293	347	409	523	578
TACOMA, WA PMSA					
COUNTY(IES): PIERCE	289	351	413	537	599
VANCOUVER, WA PMSA					
COUNTY(IES): CLARK	268	314	391	509	571
YAKIMA, WA MSA					
COUNTY(IES): YAKIMA	305	370	435	545	611

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	249	302	354	444	498	ASOTIN	322	390	460	574	644
CHELAN	300	364	430	535	600	CLALLAM	324	393	463	578	649
COLUMBIA	322	390	460	574	644	COWLITZ	301	366	430	538	604
DOUGLAS	300	364	430	535	600	FERRY	249	302	354	444	498
GARFIELD	322	390	460	574	644	GRANT	289	302	354	444	498
GRAYS HARBOR	324	393	463	578	649	ISLAND	330	402	472	591	661
JEFFERSON	324	393	463	578	649	KITTITAS	274	332	392	491	549
KLICKITAT	301	366	430	538	604	LEWIS	301	366	430	538	604
LINCOLN	249	302	354	444	498	MASON	324	393	463	578	649
OKANOGAN	274	332	392	491	549	PACIFIC	324	393	463	578	649
PEND OREILLE	249	302	354	444	498	SAN JUAN	330	402	472	591	661
SKAGIT	330	402	472	591	661	SKAMANIA	301	366	430	538	604
STEVENS	249	302	354	444	498	WAHKIAKUM	301	366	430	538	604
WALLA WALLA	322	390	460	574	644	WHITMAN	322	390	460	574	644

S T A T E: WEST VIRGINIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHARLESTON, WV MSA					
COUNTY(IES): KANAWHA, PUTNAM	342	418	489	611	685
CUMBERLAND, MD-WV MSA					
COUNTY(IES): MINERAL	258	307	369	444	496
HUNTINGTON-ASHLAND, WV-KY-OH MSA					
COUNTY(IES): CABELL, WAYNE	282	342	403	504	566
PARKERSBURG-MARIETTA, WV-OH MSA					
COUNTY(IES): WOOD	262	317	374	468	524
STEUBENVILLE-WEIRTON, OH-WV MSA					
COUNTY(IES): BROOKE, HANCOCK	289	327	383	480	535
WHEELING, WV-OH MSA					
COUNTY(IES): MARSHALL, OHIO	285	322	380	475	532

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BARBOUR	215	261	307	385	431	BEARELEY	235	287	337	422	472
BOONE	245	296	349	436	489	BRAXTON	215	261	307	385	431
CALHOUN	284	332	389	500	592	CLAY	245	296	349	436	488
DODDRIDGE	239	292	344	429	481	FAYETTE	225	273	322	402	451
GILMER	261	313	380	471	518	GRANT	235	287	337	422	472
GREENBRIER	225	273	322	402	451	HAMPSHIRE	235	287	337	422	472
HARDY	235	287	337	422	472	HARRISON	284	332	389	500	552
JACKSON	284	332	389	500	552	JEFFERSON	235	287	337	422	472
LEWIS	215	261	307	385	431	LINCOLN	236	287	337	422	472
LOGAN	236	287	337	422	472	MCDOWELL	228	278	326	408	458
MARION	290	352	418	518	579	MASON	236	287	337	422	472
MERCER	231	282	332	415	465	MINGO	256	287	337	422	472
MONONGALIA	290	352	414	518	579	MONROE	236	284	332	415	465
MORGAN	235	287	337	422	472	NICHOLAS	235	273	322	402	451
PENDLETON	235	287	337	422	472	PLEASANTS	290	352	414	518	579
POCAHONTAS	225	273	322	402	451	PRESTON	290	352	414	518	579
RALEIGH	236	284	327	408	458	RANDOLPH	215	261	307	385	431
RITCHIE	208	252	296	370	414	ROANE	284	332	389	500	552
SUMMERS	236	284	332	415	465	TAYLOR	239	292	344	429	481
TUCKER	215	261	307	385	431	TYLER	208	252	296	369	414
UPSHUR	215	261	307	385	431	WEBSTER	225	273	322	402	451
WETZEL	249	301	355	443	497	WIRT	208	252	296	369	414
WYOMING	236	284	327	408	458						

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: WISCONSIN	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
APPLETON-OSHKOSH-NEENAH, WI MSA COUNTY(IES): CALUMET, OUTAGAMIE, WINNEBAGO	261	318	375	469	524
DULUTH, MN-WI MSA COUNTY(IES): DOUGLAS	288	343	404	506	567
EAU CLAIRE, WI MSA COUNTY(IES): CHIPPEWA, EAU CLAIRE	259	316	372	464	520
GREEN BAY, WI MSA COUNTY(IES): BROWN	261	318	377	469	524
JANESVILLE-BELOIT, WI MSA COUNTY(IES): ROCK	289	352	414	518	580
KENOSHA, WI PMSA COUNTY(IES): KENOSHA	310	378	444	556	622
LA CROSSE, WI MSA COUNTY(IES): LA CROSSE	308	375	442	552	618
MADISON, WI MSA COUNTY(IES): DANE	309	377	445	548	620
MILWAUKEE, WI PMSA COUNTY(IES): MILWAUKEE, OZAUKEE, WASHINGTON, WAUKESHA	306	371	437	546	612
MINNEAPOLIS-ST. PAUL, MN-WI MSA COUNTY(IES): ST CROIX	359	435	516	645	720
RACINE, WI PMSA COUNTY(IES): RACINE	290	352	416	519	581
SHEBOYGAN, WI MSA COUNTY(IES): SHEBOYGAN	268	325	383	479	537
WAUSAU, WI MSA COUNTY(IES): MARATHON	261	318	375	469	524

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	267	323	381	477	535
BARRON	254	308	363	454	510
BUFFALO	241	292	345	430	483
CLARK	254	309	363	454	510
CRAWFORD	229	280	328	411	460
DOOR	240	289	340	419	469
FLORENCE	229	280	328	411	460
FOREST	249	302	355	445	497
GREEN	249	302	353	439	486
IOWA	240	291	343	428	481
JACKSON	241	292	345	430	483
JUNEAU	267	323	381	477	535
LAFAYETTE	240	291	343	428	481
LINCOLN	249	302	355	445	497
MARINETTE	234	283	330	413	460
MENOMINEE	234	285	335	419	470
OCONTO	229	280	328	411	460
PEPIN	241	292	345	430	483
POLK	254	308	363	454	510
PRICE	234	285	335	419	470
RUSK	234	285	335	419	470
SAWYER	234	285	335	419	470
TAYLOR	234	285	335	419	470
VERNON	229	280	328	411	460
WALWORTH	279	338	398	497	558
WAUPACA	234	285	335	419	470
WOOD	267	323	381	477	535
ASHLAND	234	285	335	419	470
BAYFIELD	234	285	335	419	470
BURNETT	234	285	335	419	470
COLUMBIA	244	295	346	435	487
DODGE	244	295	348	435	487
DUNN	254	309	363	454	510
FOND DU LAC	287	345	383	469	536
GRANT	240	291	343	428	481
GREEN LAKE	261	318	375	469	524
IRON	234	285	335	419	470
JEFFERSON	279	338	398	497	558
KEWAUNEE	240	289	343	419	469
LANGLADE	249	302	355	445	497
MANITOWOC	249	289	349	419	468
MARQUETTE	234	285	335	419	470
MONROE	241	292	346	430	483
ONEIDA	249	302	355	445	497
PIERCE	241	292	345	430	483
PORTAGE	267	323	381	477	535
RICHLAND	240	291	343	428	481
SAUK	244	295	348	435	487
SHAWANO	234	289	335	419	470
TREMPEALEAU	241	292	346	430	483
VILAS	249	302	355	445	497
WASHBURN	234	285	335	419	470
WAUSHARA	234	286	335	419	470

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: WYOMING	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CASPER, WY MSA					
COUNTY(IES): NATRONA	384	467	548	686	769
CHEYENNE, WY MSA					
COUNTY(IES): LARAMIE	318	384	455	571	637

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBANY	246	302	357	445	494	BIG HORN	252	307	362	450	504
CAMPBELL	246	302	357	445	494	CARBON	246	302	357	445	494
CONVERSE	246	302	357	445	494	CROOK	246	307	361	450	504
FREMONT	246	302	357	445	494	GOSHEN	246	302	357	445	494
HOT SPRINGS	252	307	362	450	504	JOHNSON	246	302	357	445	494
LINCOLN	246	302	357	445	494	NIOBRARA	246	302	357	445	494
PARK	252	307	362	450	504	PLATTE	246	302	357	445	494
SHERIDAN	340	416	489	609	686	SUBLETTE	246	302	357	445	494
SWEETWATER	246	302	357	445	494	TETON	323	389	460	576	647
UINTA	246	302	357	445	494	WASHAKIE	252	307	362	450	504
WESTON	252	307	362	450	504						

STATE: GUAM	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NONMETROPOLITAN COUNTIES					
GUAM	399	480	567	709	797

STATE: PUERTO RICO	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AGUADILLA, PR MSA					
COUNTY(IES): AQUADELLA	225	275	325	405	455
ARECIBO, PR MSA					
COUNTY(IES): ARECIBO	330	400	470	590	660
CAGUAS, PR PMSA					
COUNTY(IES): CAGUAS	275	330	390	490	545
MAYAGUEZ, PR MSA					
COUNTY(IES): MAYAGUEZ	225	275	325	405	455
PONCE, PR MSA					
COUNTY(IES): PONCE	320	390	460	575	645
SAN JUAN, PR PMSA					
COUNTY(IES): SAN JUAN	320	390	460	575	645

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALL OTHER	215	265	310	390	435

STATE: VIRGIN ISLANDS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NONMETROPOLITAN COUNTIES					
-CHAR.AMALIE	355	435	510	640	715
ST. THOMAS	335	410	480	600	670
ST. CROIX	300	365	430	540	600

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: ALABAMA	66	76
MSA: ANNISTON, AL	69	77
MSA: BIRMINGHAM, AL	97	107
MSA: COLUMBUS, GA-AL	88	97
MSA: DOTHAN, AL	64	73
MSA: FLORENCE, AL	77	83
MSA: GADSDEN, AL	69	77
MSA: HUNTSVILLE, AL	97	107
MSA: MOBILE, AL	78	84
MSA: MONTGOMERY, AL	78	83
MSA: TUSCALOOSA, AL	90	103
EXCEPTION COUNTY: LIMESTONE	81	89
EXCEPTION COUNTY: MARSHALL	81	89
NON METRO STATE: ALASKA	202	202
MSA: ANCHORAGE, AK	224	224
EXCEPTION COUNTY: KETCHIKAN	202	214
NON METRO STATE: ARIZONA	93	118
MSA: PHOENIX, AZ	129	153
MSA: TUCSON, AZ	93	129
NON METRO STATE: ARKANSAS	38	42
MSA: FAYETTEVILLE-SPRINGDALE, AR	61	65
MSA: FORT SMITH, AR-OK	35	38
MSA: LITTLE ROCK-NORTH LITTLE ROCK, AR	52	54
MSA: MEMPHIS, TN-AR-MS	80	89
MSA: PINE BLUFF, AR	28	30
MSA: TEXARKANA, TX-TEXARKANA, AR	106	119
EXCEPTION COUNTY: BENTON	53	55
EXCEPTION COUNTY: LITTLE RIVER	88	99
NON METRO STATE: CALIFORNIA	145	190
PMSA: ANAHEIM-SANTA ANA, CA	339	339
MSA: BAKERSFIELD, CA	136	207
MSA: CHICO, CA	145	190
MSA: FRESNO, CA	207	233
PMSA: LOS ANGELES-LONG BEACH, CA	165	276
MSA: MERCED, CA	145	190
MSA: MODESTO, CA	216	233
PMSA: OAKLAND, CA	235	307

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
* PMSA: OXNARD-VENTURA, CA	212	319
MSA: REDDING, CA	145	190
* PMSA: RIVERSIDE-SAN BERNARDINO, CA	140	221
MSA: SACRAMENTO, CA	167	199
MSA: SALINAS-SEASIDE-MONTEREY, CA	207	260
* MSA: SAN DIEGO, CA	217	273
PMSA: SAN FRANCISCO, CA	252	328
PMSA: SAN JOSE, CA	299	349
MSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA	171	260
PMSA: SANTA CRUZ, CA	219	274
PMSA: SANTA ROSA-PETALUMA, CA	219	263
MSA: STOCKTON, CA	216	233
PMSA: VALLEJO-FAIRFIELD-NAPA, CA	228	260
MSA: VISALIA-TULARE-PORTERVILLE, CA	145	190
MSA: YUBA CITY, CA	145	190
EXCEPTION COUNTY: SAN LUIS OBI	198	233
NON METRO STATE: COLORADO	N/A	N/A
PMSA: BOULDER-LONGMONT, CO	222	243
MSA: COLORADO SPRINGS, CO	136	153
PMSA: DENVER, CO	253	273
MSA: FORT COLLINS-LOVELAND, CO	129	145
MSA: GREELEY, CO	129	145
MSA: PUEBLO, CO	129	145
EXCEPTION COUNTY: ALAMOSA	108	129
EXCEPTION COUNTY: ARCHULETA	129	145
EXCEPTION COUNTY: BACA	108	129
EXCEPTION COUNTY: BENT	108	129
EXCEPTION COUNTY: CHAFFEE	129	145
EXCEPTION COUNTY: CHEYENNE	108	129
EXCEPTION COUNTY: CLEAR CREEK	129	145
EXCEPTION COUNTY: CONEJOS	108	129
EXCEPTION COUNTY: COSTILLA	108	129
EXCEPTION COUNTY: CROWLEY	108	129
EXCEPTION COUNTY: CUSTER	129	145
EXCEPTION COUNTY: DELTA	129	145
EXCEPTION COUNTY: DELORES	129	145
EXCEPTION COUNTY: EAGLE	208	233
EXCEPTION COUNTY: ELBERT	108	129
EXCEPTION COUNTY: FREMONT	129	145
EXCEPTION COUNTY: GARFIELD	208	233
EXCEPTION COUNTY: GILPIN	164	189
EXCEPTION COUNTY: GRAND	129	145
EXCEPTION COUNTY: GUNNISON	129	145
EXCEPTION COUNTY: HINSDALE	129	145

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: HUERFANO	108	129
EXCEPTION COUNTY: JACKSON	129	145
EXCEPTION COUNTY: KIOWA	108	129
EXCEPTION COUNTY: KIT CARSON	108	129
EXCEPTION COUNTY: LAKE	129	145
EXCEPTION COUNTY: LA PLATA	129	145
EXCEPTION COUNTY: LAS ANIMAS	108	129
EXCEPTION COUNTY: LINCOLN	108	129
EXCEPTION COUNTY: LOGAN	108	129
EXCEPTION COUNTY: MESA	129	145
EXCEPTION COUNTY: MINERAL	108	129
EXCEPTION COUNTY: MOFFAT	208	233
EXCEPTION COUNTY: MONTEZUMA	129	145
EXCEPTION COUNTY: MONTROSE	129	145
EXCEPTION COUNTY: MORGAN	108	129
EXCEPTION COUNTY: OTERO	108	129
EXCEPTION COUNTY: OURAY	129	145
EXCEPTION COUNTY: PARK	129	145
EXCEPTION COUNTY: PHILLIPS	108	129
EXCEPTION COUNTY: PITKIN	208	233
EXCEPTION COUNTY: PROWERS	108	129
EXCEPTION COUNTY: RIO BLANCO	208	233
EXCEPTION COUNTY: RIO GRANDE	108	129
EXCEPTION COUNTY: ROUTT	208	233
EXCEPTION COUNTY: SAGUACHE	108	129
EXCEPTION COUNTY: SAN JUAN	129	145
EXCEPTION COUNTY: SAN MIGUEL	129	145
EXCEPTION COUNTY: SEDGWICK	108	129
EXCEPTION COUNTY: SUMMIT	208	233
EXCEPTION COUNTY: TELLER	108	129
EXCEPTION COUNTY: WASHINGTON	108	129
EXCEPTION COUNTY: YUMA	108	129
NON METRO STATE: CONNECTICUT	134	134
PMSA: BRIDGEPORT-MILFORD, CT	172	172
PMSA: BRISTOL, CT	134	134
PMSA: DANBURY, CT	131	131
PMSA: HARTFORD, CT	146	146
PMSA: MIDDLETOWN, CT	146	146
PMSA: NEW BRITAIN, CT	146	146
MSA: NEW HAVEN-MERIDEN, CT	131	131
MSA: NEW LONDON-NORWICH, CT-RI	125	125
PMSA: NORWALK, CT	161	161
PMSA: STAMFORD, CT	161	161
MSA: WATERBURY, CT	134	134

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: DELAWARE	67	67
PMSA: WILMINGTON, DE-NJ-MD	120	120
NON METRO STATE: DIST. OF COLUMBIA	155	155
MSA: WASHINGTON, DC-MD-VA	162	162
NON METRO STATE: FLORIDA	83	83
MSA: BRADENTON, FL	119	119
MSA: DAYTONA BEACH, FL	106	106
PMSA: FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL	171	171
MSA: FORT MYERS-CAPE CORAL, FL	111	111
MSA: FORT PIERCE, FL	81	81
MSA: FORT WALTON BEACH, FL	83	83
MSA: GAINESVILLE, FL	83	83
MSA: JACKSONVILLE, FL	77	89
MSA: LAKELAND-WINTER HAVEN, FL	83	83
MSA: MELBOURNE-TITUSVILLE-PALM BAY, FL	97	97
PMSA: MIAMI-HIALEAH, FL	138	135
MSA: NAPLES, FL	83	83
MSA: OCALA, FL	83	83
MSA: ORLANDO, FL	97	97
MSA: PANAMA CITY, FL	83	83
MSA: PENSACOLA, FL	83	83
MSA: SARASOTA, FL	111	111
MSA: TALLAHASSEE, FL	77	77
MSA: TAMPA-ST. PETERSBURG-CLEARWATER, FL	111	111
MSA: WEST PALM BEACH-BOCA RATON-DELRAY BEACH, FL	140	140
EXCEPTION COUNTY: BAKER	75	87
EXCEPTION COUNTY: WAKULLA	75	87
* EXCEPTION COUNTY: Columbia	83	83
NON METRO STATE: GEORGIA	60	60
MSA: ALBANY, GA	58	58
MSA: ATHENS, GA	60	60
MSA: ATLANTA, GA	93	99
MSA: AUGUSTA, GA-SC	81	83
MSA: CHATTANOOGA, TN-GA	59	77
MSA: COLUMBUS, GA-AL	88	97
MSA: MACON-WARNER ROBINS, GA	58	59
MSA: SAVANNAH, GA	67	77
EXCEPTION COUNTY: BRYAN	60	66
EXCEPTION COUNTY: TWIGGS	52	58
NON METRO STATE: HAWAII	N/A	N/A

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: HONOLULU, HI	N/A	N/A
NON METRO STATE: IDAHO	108	108
MSA: BOISE CITY, ID	116	135
NON METRO STATE: ILLINOIS	102	110
PMSA: AURORA-ELGIN, IL	196	211
MSA: BLOOMINGTON-NORMAL, IL	115	115
MSA: CHAMPAIGN-URBANA-RANTOUL, IL	94	94
PMSA: CHICAGO, IL	207	222
MSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	126	132
MSA: DECATUR, IL	126	126
PMSA: JOLIET, IL	207	222
MSA: KANKAKEE, IL	92	92
PMSA: LAKE COUNTY, IL	196	211
MSA: PEORIA, IL	170	187
MSA: ROCKFORD, IL	167	178
MSA: ST. LOUIS, MO-IL	96	111
MSA: SPRINGFIELD, IL	110	117
NON METRO STATE: INDIANA	56	73
MSA: ANDERSON, IN	63	63
MSA: BLOOMINGTON, IN	55	59
PMSA: CINCINNATI, OH-KY-IN	108	113
MSA: ELKHART-GOSHEN, IN	81	81
MSA: EVANSVILLE, IN-KY	74	79
MSA: FORT WAYNE, IN	70	94
PMSA: GARY-HAMMOND, IN	100	115
MSA: INDIANAPOLIS, IN	88	100
MSA: KOKOMO, IN	81	93
MSA: LAFAYETTE-WEST LAFAYETTE, IN	75	111
MSA: LOUISVILLE, KY-IN	79	87
MSA: MUNCIE, IN	60	68
MSA: SOUTH BEND-MISHAWAKA, IN	93	97
MSA: TERRE HAUTE, IN	59	73
EXCEPTION COUNTY: ADAMS	57	75
EXCEPTION COUNTY: BLACKFORD	64	73
EXCEPTION COUNTY: GIBSON	60	73
EXCEPTION COUNTY: GRANT	64	73
EXCEPTION COUNTY: HENRY	64	73
EXCEPTION COUNTY: JAY	64	73
EXCEPTION COUNTY: MARSHALL	74	78
EXCEPTION COUNTY: RANDOLPH	64	73

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: SULLIVAN	57	69
EXCEPTION COUNTY: VERMILLION	57	69
EXCEPTION COUNTY: WAYNE	64	73
EXCEPTION COUNTY: WELLS	57	75
NON METRO STATE: IOWA	80	95
MSA: CEDAR RAPIDS, IA	100	117
MSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	126	132
MSA: DES MOINES, IA	108	115
MSA: DUBUQUE, IA	100	124
MSA: IOWA CITY, IA	100	115
MSA: OMAHA, NE-IA	95	110
MSA: SIOUX CITY, IA-NE	87	97
MSA: WATERLOO-CEDAR FALLS, IA	100	117
NON METRO STATE: KANSAS	77	88
MSA: KANSAS CITY, MO-KS	95	116
MSA: LAWRENCE, KS	79	91
MSA: TOPEKA, KS	77	88
MSA: WICHITA, KS	81	90
EXCEPTION COUNTY: JEFFERSON	74	85
EXCEPTION COUNTY: OSAGE	74	85
NON METRO STATE: KENTUCKY	73	80
PMSA: CINCINNATI, OH-KY-IN	105	113
MSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	77	83
MSA: EVANSVILLE, IN-KY	73	79
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	83	83
MSA: LEXINGTON-FAYETTE, KY	99	104
MSA: LOUISVILLE, KY-IN	79	86
MSA: OWENSBORO, KY	84	100
NON METRO STATE: LOUISIANA	78	90
MSA: ALEXANDRIA, LA	77	89
MSA: BATON ROUGE, LA	89	105
MSA: HOUMA-THIBODAUX, LA	76	86
MSA: LAFAYETTE, LA	83	97
MSA: LAKE CHARLES, LA	88	104
MSA: MONROE, LA	77	89
MSA: NEW ORLEANS, LA	94	109
MSA: SHREVEPORT, LA	83	97
EXCEPTION COUNTY: GRANT	79	87

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: WEBSTER	78	90
NON METRO STATE: MAINE	119	137
MSA: BANGOR, ME	119	137
MSA: LEWISTON-AUBURN, ME	91	91
MSA: PORTLAND, ME	148	168
MSA: PORTSMOUTH-DOVER-ROCHESTER, NH-ME	119	137
NON METRO STATE: MARYLAND	120	120
MSA: BALTIMORE, MD	180	180
MSA: CUMBERLAND, MD-WV	120	120
MSA: HAGERSTOWN, MD	151	151
MSA: WASHINGTON, DC-MD-VA	162	162
PMSA: WILMINGTON, DE-NJ-MD	120	120
EXCEPTION COUNTY: ST MARYS	164	164
NON METRO STATE: MASSACHUSETTS	146	146
PMSA: BOSTON, MA	139	150
PMSA: BROCKTON, MA	139	139
PMSA: FALL RIVER, MA-RI	91	91
MSA: FITCHBURG-LEOMINSTER, MA	109	109
PMSA: LAWRENCE-HAVERHILL, MA-NH	131	140
PMSA: LOWELL, MA-NH	131	140
MSA: NEW BEDFORD, MA	126	126
PMSA: PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA	125	125
MSA: PITTSFIELD, MA	135	135
PMSA: SALEM-GLOUCESTER, MA	139	150
MSA: SPRINGFIELD, MA	107	107
MSA: WORCESTER, MA	94	94
NON METRO STATE: MICHIGAN	110	122
PMSA: ANN ARBOR, MI	157	170
MSA: BATTLE CREEK, MI	95	110
MSA: BENTON HARBOR, MI	110	122
PMSA: DETROIT, MI	154	164
MSA: FLINT, MI	134	134
MSA: GRAND RAPIDS, MI	100	109
MSA: JACKSON, MI	110	110
MSA: KALAMAZOO, MI	116	119
MSA: LANSING-EAST LANSING, MI	129	149
MSA: MUSKEGON, MI	100	102
MSA: SAGINAW-BAY CITY-MIDLAND, MI	117	117

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

BEST COPY AVAILABLE

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: BARRY	91	105
EXCEPTION COUNTY: IONIA	110	122
EXCEPTION COUNTY: OCEANA	96	98
EXCEPTION COUNTY: SHIAWASSEE	128	128
EXCEPTION COUNTY: VAN BUREN	110	114
NON METRO STATE: MINNESOTA	79	79
MSA: DULUTH, MN-WI	81	92
MSA: FARGO-MOORHEAD, ND-MN	123	140
MSA: MINNEAPOLIS-ST. PAUL, MN-WI	157	157
MSA: ROCHESTER, MN	114	114
MSA: ST. CLOUD, MN	100	100
EXCEPTION COUNTY: POLK	121	137
NON METRO STATE: MISSISSIPPI	78	90
MSA: BILOXI-GULFPORT, MS	89	106
MSA: JACKSON, MS	97	119
MSA: MEMPHIS, TN-AR-MS	89	89
MSA: PASCAGOULA, MS	77	89
EXCEPTION COUNTY: STONE	78	90
NON METRO STATE: MISSOURI	62	69
MSA: COLUMBIA, MO	88	95
MSA: JOPLIN, MO	62	69
MSA: KANSAS CITY, MO-KS	95	116
MSA: ST. JOSEPH, MO	91	97
MSA: ST. LOUIS, MO-IL	96	111
MSA: SPRINGFIELD, MO	64	70
EXCEPTION COUNTY: ANDREW	86	93
NON METRO STATE: MONTANA	N/A	N/A
MSA: BILLINGS, MT	161	179
MSA: GREAT FALLS, MT	136	153
EXCEPTION COUNTY: BEAVERHEAD	129	145
EXCEPTION COUNTY: BIG HORN	129	145
EXCEPTION COUNTY: BLAINE	93	108
EXCEPTION COUNTY: BROADWATER	129	145
EXCEPTION COUNTY: CARBON	129	145
EXCEPTION COUNTY: CARTER	93	108
EXCEPTION COUNTY: CHOUTEAU	93	108
EXCEPTION COUNTY: CUSTER	129	145
EXCEPTION COUNTY: DANIELS	93	108

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: DAWSON	129	145
EXCEPTION COUNTY: DEER LODGE	129	145
EXCEPTION COUNTY: FALLON	93	108
EXCEPTION COUNTY: FERGUS	93	108
EXCEPTION COUNTY: FLATHEAD	129	145
EXCEPTION COUNTY: GALLATIN	129	145
EXCEPTION COUNTY: GARFIELD	93	108
EXCEPTION COUNTY: GLACIER	93	108
EXCEPTION COUNTY: GOLDEN VALLE	93	108
EXCEPTION COUNTY: GRANITE	129	145
EXCEPTION COUNTY: HILL	93	108
EXCEPTION COUNTY: JEFFERSON	129	145
EXCEPTION COUNTY: JUDITH BASIN	93	108
EXCEPTION COUNTY: LAKE	129	145
EXCEPTION COUNTY: LEWIS+ CLARK	129	145
EXCEPTION COUNTY: LIBERTY	93	108
EXCEPTION COUNTY: LINCOLN	129	145
EXCEPTION COUNTY: MCCONE	93	108
EXCEPTION COUNTY: MADISON	129	145
EXCEPTION COUNTY: MEAGHER	129	145
EXCEPTION COUNTY: MINERAL	129	145
EXCEPTION COUNTY: MISSOULA	129	145
EXCEPTION COUNTY: MUSSELSHELL	129	145
EXCEPTION COUNTY: PARK	129	145
EXCEPTION COUNTY: PETROLEUM	93	108
EXCEPTION COUNTY: PHILLIPS	93	108
EXCEPTION COUNTY: PONDERA	93	108
EXCEPTION COUNTY: POWDER RIVER	129	145
EXCEPTION COUNTY: POWELL	129	145
EXCEPTION COUNTY: PRAIRIE	93	108
EXCEPTION COUNTY: RAVALLI	129	145
EXCEPTION COUNTY: RICHLAND	93	108
EXCEPTION COUNTY: ROOSEVELT	93	108
EXCEPTION COUNTY: ROSEBUD	129	145
EXCEPTION COUNTY: SANDERS	129	145
EXCEPTION COUNTY: SHERIDAN	93	108
EXCEPTION COUNTY: SILVER BOW	129	145
EXCEPTION COUNTY: STILLWATER	93	108
EXCEPTION COUNTY: SWEET GRASS	93	108
EXCEPTION COUNTY: TETON	93	108
EXCEPTION COUNTY: TOOLE	93	108
EXCEPTION COUNTY: TREASURE	129	145
EXCEPTION COUNTY: VALLEY	93	108
EXCEPTION COUNTY: WHEATLAND	93	108
EXCEPTION COUNTY: WIBAUX	93	108
EXCEPTION COUNTY: YL-ST-NT-PK	129	145

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: NEBRASKA	80	98
MSA: LINCOLN, NE	109	115
MSA: OMAHA, NE-IA	95	110
MSA: SIOUX CITY, IA-NE	97	97
NON METRO STATE: NEVADA	102	118
MSA: LAS VEGAS, NV	216	241
MSA: RENO, NV	216	241
NON METRO STATE: NEW HAMPSHIRE	108	119
PMSA: LAWRENCE-HAVERHILL, MA-NH	131	140
PMSA: LOWELL, MA-NH	131	140
MSA: MANCHESTER, NH	123	134
PMSA: NASHUA, NH	150	150
MSA: PORTSMOUTH-DOVER-ROCHESTER, NH-ME	119	136
NON METRO STATE: NEW JERSEY	111	111
MSA: ALLENTOWN-BETHLEHEM, PA-NJ	109	109
MSA: ATLANTIC CITY, NJ	170	170
PMSA: BERGEN-PASSAIC, NJ	228	229
PMSA: JERSEY CITY, NJ	221	221
PMSA: MIDDLESEX-SOMERSET-HUNTERDON, NJ	259	259
PMSA: MONMOUTH-OCEAN, NJ	199	240
PMSA: NEWARK, NJ	214	221
PMSA: PHILADELPHIA, PA-NJ	189	189
PMSA: TRENTON, NJ	167	167
PMSA: VINELAND-MILLVILLE-BRIDGETON, NJ	147	147
PMSA: WILMINGTON, DE-NJ-MD	120	120
NON METRO STATE: NEW MEXICO	97	111
MSA: LAS CRUCES, NM	97	111
MSA: ALBUQUERQUE, NM	108	125
MSA: SANTA FE, NM	97	111
EXCEPTION COUNTY: SANDOVAL	102	116
NON METRO STATE: NEW YORK	129	129
MSA: ALBANY-SCHENECTADY-TROY, NY	160	160
MSA: BINGHAMTON, NY	96	96
PMSA: BUFFALO, NY	117	117
MSA: ELMIRA, NY	103	103

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: GLENS FALLS, NY	129	129
PMSA: NASSAU-SUFFOLK, NY	174	225
PMSA: NEW YORK, NY	181	181
PMSA: NIAGARA FALLS, NY	113	113
PMSA: ORANGE COUNTY, NY	125	125
MSA: POUGHKEEPSIE, NY	166	166
MSA: ROCHESTER, NY	146	146
MSA: SYRACUSE, NY	119	119
MSA: UTICA-ROME, NY	109	109
NON METRO STATE: NORTH CAROLINA	54	67
MSA: ASHEVILLE, NC	77	89
MSA: BURLINGTON, NC	77	89
MSA: CHARLOTTE-GASTONIA-ROCK HILL, NC-SC	77	89
MSA: FAYETTEVILLE, NC	77	89
MSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC	77	89
MSA: HICKORY, NC	54	67
MSA: JACKSONVILLE, NC	54	67
MSA: RALEIGH-DURHAM, NC	77	89
MSA: WILMINGTON, NC	77	89
EXCEPTION COUNTY: BRUNSWICK	64	76
EXCEPTION COUNTY: CURRITUCK	101	101
EXCEPTION COUNTY: MADISON	54	76
NON METRO STATE: NORTH DAKOTA	99	115
MSA: BISMARCK, ND	141	156
MSA: FARGO-MOORHEAD, ND-MN	124	140
MSA: GRAND FORKS, ND	108	133
NON METRO STATE: OHIO	72	72
PMSA: AKRON, OH	106	108
MSA: CANTON, OH	77	77
PMSA: CINCINNATI, OH-KY-IN	108	113
PMSA: CLEVELAND, OH	116	116
MSA: COLUMBUS, OH	100	117
MSA: DAYTON-SPRINGFIELD, OH	77	77
PMSA: HAMILTON-MIDDLETOWN, OH	87	90
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	84	84
MSA: LIMA, OH	100	100
PMSA: LORAIN-ELYRIA, OH	124	124
MSA: MANSFIELD, OH	95	95
MSA: PARKERSBURG-MARIETTA, WV-OH	84	84
MSA: STEUBENVILLE-WEIRTON, OH-WV	75	75

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: TOLEDO, OH	126	170
MSA: WHEELING, WV-OH	77	77
MSA: YOUNGSTOWN-WARREN, OH	95	95
EXCEPTION COUNTY: CHAMPAIGN	72	78
EXCEPTION COUNTY: OTTAWA	100	134
EXCEPTION COUNTY: PREBLE	72	72
EXCEPTION COUNTY: PUTNAM	81	81
EXCEPTION COUNTY: VAN WERT	81	81
NON METRO STATE: OKLAHOMA	75	81
MSA: ENID, OK	75	81
MSA: FORT SMITH, AR-OK	85	98
MSA: LAWTON, OK	76	83
MSA: OKLAHOMA CITY, OK	78	86
MSA: TULSA, OK	83	89
EXCEPTION COUNTY: LE FLORE	34	37
EXCEPTION COUNTY: MAYES	75	81
NON METRO STATE: OREGON	137	145
MSA: EUGENE-SPRINGFIELD, OR	161	166
MSA: MEDFORD, OR	137	145
PMSA: PORTLAND, OR	180	200
MSA: SALEM, OR	161	166
NON METRO STATE: PENNSYLVANIA	77	77
MSA: ALLENTOWN-BETHLEHEM, PA-NJ	109	109
MSA: ALTOONA, PA	100	100
PMSA: BEAVER COUNTY, PA	88	88
MSA: ERIE, PA	100	100
MSA: HARRISBURG-LEBANON-CARLISLE, PA	113	113
MSA: JOHNSTOWN, PA	100	100
MSA: LANCASTER, PA	104	104
PMSA: PHILADELPHIA, PA-NJ	189	189
PMSA: PITTSBURGH, PA	91	91
MSA: READING, PA	104	104
MSA: SCRANTON--WILKES-BARRE, PA	92	92
MSA: SHARON, PA	77	77
MSA: STATE COLLEGE, PA	77	77
MSA: WILLIAMSPORT, PA	77	77
MSA: YORK, PA	104	104
EXCEPTION COUNTY: SUSQUEHANNA	77	77
NON METRO STATE: RHODE ISLAND	119	119

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: FALL RIVER, MA-RI	91	91
MSA: NEW LONDON-NORWICH, CT-RI	125	125
PMSA: PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA	125	125
PMSA: PROVIDENCE, RI	125	125
NON METRO STATE: SOUTH CAROLINA	60	60
MSA: ANDERSON, SC	60	60
MSA: AUGUSTA, GA-SC	81	83
MSA: CHARLESTON, SC	77	77
MSA: CHARLOTTE-GASTONIA-ROCK HILL, NC-SC	77	89
MSA: COLUMBIA, SC	67	77
MSA: FLORENCE, SC	60	60
MSA: GREENVILLE-SPARTANBURG, SC	67	67
NON METRO STATE: SOUTH DAKOTA	85	99
MSA: RAPID CITY, SD	85	99
MSA: SIOUX FALLS, SD	119	134
NON METRO STATE: TENNESSEE	60	60
MSA: CHATTANOOGA, TN-GA	53	77
MSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	77	83
MSA: JACKSON, TN	60	60
MSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	83	83
MSA: KNOXVILLE, TN	67	67
MSA: MEMPHIS, TN-AR-MS	89	89
MSA: NASHVILLE, TN	89	106
NON METRO STATE: TEXAS	65	81
NON METRO STATE: TEXAS	65	81
MSA: ABILENE, TX	56	63
MSA: AMARILLO, TX	104	109
MSA: AUSTIN, TX	94	111
MSA: BEAUMONT-PORT ARTHUR, TX	97	111
PMSA: BRAZORIA, TX	108	126
MSA: BROWNSVILLE-HARLINGEN, TX	77	89
MSA: BRYAN-COLLEGE STATION, TX	94	106
MSA: CORPUS CHRISTI, TX	81	106
PMSA: DALLAS, TX	83	106
MSA: EL PASO, TX	108	122
PMSA: FORT WORTH-ARLINGTON, TX	83	106

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: GALVESTON-TEXAS CITY, TX	105	118
PMSA: HOUSTON, TX	112	131
MSA: KILLEEN-TEMPLE, TX	97	106
MSA: LAREDO, TX	67	83
MSA: LONGVIEW-MARSHALL, TX	88	103
MSA: LUBBOCK, TX	103	106
MSA: MC ALLEN-EDINBURG-MISSION, TX	88	106
MSA: MIDLAND, TX	106	111
MSA: ODESSA, TX	106	111
MSA: SAN ANGELO, TX	89	97
MSA: SAN ANTONIO, TX	77	89
MSA: SHERMAN-DENISON, TX	83	97
MSA: TEXARKANA, TX-TEXARKANA, AR	106	119
MSA: TYLER, TX	83	87
MSA: VICTORIA, TX	65	81
MSA: WACO, TX	86	97
MSA: WICHITA FALLS, TX	50	67
EXCEPTION COUNTY: CALLAHAN	55	61
EXCEPTION COUNTY: CLAY	59	65
EXCEPTION COUNTY: HOOD	70	88
EXCEPTION COUNTY: JONES	55	61
EXCEPTION COUNTY: WISE	70	88
NON METRO STATE: UTAH	N/A	N/A
MSA: PROVO-OREM, UT	129	145
MSA: SALT LAKE CITY-OGDEN, UT	145	161
EXCEPTION COUNTY: BEAVER	93	108
EXCEPTION COUNTY: BOX ELDER	93	108
EXCEPTION COUNTY: CACHE	93	108
EXCEPTION COUNTY: CARBON	129	145
EXCEPTION COUNTY: DAGGETT	93	108
EXCEPTION COUNTY: DUCHESNE	93	108
EXCEPTION COUNTY: EMERY	129	145
EXCEPTION COUNTY: GARFIELD	93	108
EXCEPTION COUNTY: GRAND	129	145
EXCEPTION COUNTY: IRON	93	108
EXCEPTION COUNTY: JUAB	93	108
EXCEPTION COUNTY: KANE	93	108
EXCEPTION COUNTY: MILLARD	93	108
EXCEPTION COUNTY: MORGAN	93	108
EXCEPTION COUNTY: PIUTE	93	108
EXCEPTION COUNTY: RICH	93	108
EXCEPTION COUNTY: SAN JUAN	93	108
EXCEPTION COUNTY: SANPETE	93	108
EXCEPTION COUNTY: SEVIER	93	108

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: SUMMIT	93	108
EXCEPTION COUNTY: TOOELE	108	120
EXCEPTION COUNTY: UINTAH	129	145
EXCEPTION COUNTY: WASATCH	93	108
EXCEPTION COUNTY: WASHINGTON	93	108
EXCEPTION COUNTY: WAYNE	93	108
*NON METRO STATE: VERMONT	112	129
*MSA: BURLINGTON, VT	112	129
NON METRO STATE: VIRGINIA	86	86
MSA: CHARLOTTESVILLE, VA	86	86
MSA: DANVILLE, VA	86	86
MSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	83	83
MSA: LYNCHBURG, VA	77	77
MSA: NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA	121	121
MSA: RICHMOND-PETERSBURG, VA	110	110
MSA: ROANOKE, VA	83	83
MSA: WASHINGTON, DC-MD-VA	102	102
EXCEPTION COUNTY: APPOMATTOX	75	75
EXCEPTION COUNTY: CRAIG	81	81
NON METRO STATE: WASHINGTON	118	137
MSA: BELLINGHAM, WA	118	152
MSA: BREMERTON, WA	118	152
MSA: OLYMPIA, WA	118	152
MSA: RICHLAND-KENNEWICK-PASCO, WA	161	161
PMSA: SEATTLE, WA	150	211
MSA: SPOKANE, WA	129	145
PMSA: TACOMA, WA	134	158
PMSA: VANCOUVER, WA	158	185
MSA: YAKIMA, WA	109	136
NON METRO STATE: WEST VIRGINIA	80	80
MSA: CHARLESTON, WV	85	89
MSA: CUMBERLAND, MD-WV	120	120
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	83	83
MSA: PARKERSBURG-MARIETTA, WV-OH	83	83
MSA: STEUBENVILLE-WEIRTON, OH-WV	75	75
MSA: WHEELING, WV-OH	77	77
EXCEPTION COUNTY: WIRT	81	81
NON METRO STATE: WISCONSIN	88	95

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: APPLETON-OSHKOSH-NEENAH, WI	110	117
MSA: DULUTH, MN-WI	81	92
MSA: EAU CLAIRE, WI	102	111
MSA: GREEN BAY, WI	108	115
MSA: JANESVILLE-BELOIT, WI	108	115
PMSA: KENOSHA, WI	114	122
MSA: LA CROSSE, WI	97	105
MSA: MADISON, WI	162	169
PMSA: MILWAUKEE, WI	125	132
MSA: MINNEAPOLIS-ST. PAUL, MN-WI	157	157
PMSA: RACINE, WI	117	124
MSA: SHEBOYGAN, WI	88	95
MSA: WAUSAU, WI	88	95
NON METRO STATE: WYOMING	N/A	N/A
MSA: CASPER, WY	216	233
MSA: CHEYENNE, WY	129	154
EXCEPTION COUNTY: ALBANY	129	154
EXCEPTION COUNTY: BIG HORN	129	154
EXCEPTION COUNTY: CAMPBELL	216	233
EXCEPTION COUNTY: CARBON	216	233
EXCEPTION COUNTY: CONVERSE	216	233
EXCEPTION COUNTY: CROOK	129	154
EXCEPTION COUNTY: FREMONT	216	233
EXCEPTION COUNTY: GOSHEN	125	154
EXCEPTION COUNTY: HOT SPRINGS	129	154
EXCEPTION COUNTY: JOHNSON	129	154
EXCEPTION COUNTY: LARAMIE	129	154
EXCEPTION COUNTY: LINCOLN	129	154
EXCEPTION COUNTY: PARK	129	154
EXCEPTION COUNTY: PLATTE	129	154
EXCEPTION COUNTY: SHERIDAN	216	233
EXCEPTION COUNTY: SUBLETTE	129	154
EXCEPTION COUNTY: SWEETWATER	216	233
EXCEPTION COUNTY: TETON	129	154
EXCEPTION COUNTY: UINTA	129	154
EXCEPTION COUNTY: WASHAKIE	129	154
EXCEPTION COUNTY: WESTON	129	154

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

•BRKPT PRINTS

[FR Doc. 87-29182 Filed 12-18-87; 8:45 am]

BILLING CODE 4210-27-C

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1613

Equal Employment Opportunity in the Federal Government; Complaints of Discrimination; Correction

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule; correction.

SUMMARY: EEOC is correcting an error in Appendix A to 29 CFR Part 1613 which appeared in the Federal Register on October 30, 1987. (52 FR 41919).

FOR FURTHER INFORMATION CONTACT: Kathleen Oram, Office of Legal Counsel, (202) 634-6590.

SUPPLEMENTARY INFORMATION: The EEOC published a final rule adopting comprehensive changes in the investigation of discrimination complaints in the federal sector and in the appellate and enforcement procedures used by the Commission on October 30, 1987 (52 FR 41919). Appendix A to Part 1613 contained an error, which is discussed briefly below and corrected by this notice.

Clarence Thomas,

Chairman.

PART 1613—[CORRECTED]

The following correction is made in 29 CFR Part 1613, Equal Employment Opportunity in the Federal Government: Complaints of Discrimination published in the Federal Register on October 30, 1987 (52 FR 41919). On p. 41933, second column, line 42, change "(between 40 and 70)" to "(over 40)."

[FR Doc. 87-29160 Filed 12-10-87; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5-87-007]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Wrightsville Beach, NC

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Town of Wrightsville Beach, North Carolina, the Coast Guard is changing the regulations governing the operation of the drawbridge across the AICWW, mile 283.1, at Wrightsville Beach, North Carolina. This change is being made to alleviate the tariff congestion and delays to people living and working in Wrightsville Beach that have resulted from a steady increase in vehicular traffic and bridge openings for the past three years. This action will accommodate the needs of vehicular traffic, while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on January 20, 1988.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, telephone (804) 398-6222.

SUPPLEMENTARY INFORMATION: On April 10, 1987, the Coast Guard published proposed rules (52 FR 11695) concerning this amendment. The Commander, Fifth Coast Guard District, also published the proposal as a Public Notice dated April 10, 1987. In each notice, interested persons were given until May 27, 1987, to submit comments.

Drafting Information: The drafters of these regulations are Ann B. Deaton, Project Officer, and CDR Robert J. Reining, Project Attorney, Fifth Coast Guard District Legal Staff.

Discussion of Comments

In late 1986, the Town of Wrightsville Beach, North Carolina, requested a change in the drawbridge regulations governing operation of the bridge across the AICWW, mile 283.1, at Wrightsville Beach, North Carolina, to extend the hourly opening schedule now in effect from May through October to year-round. A proposed rule was published in the Federal Register (52 FR 11695) on April 10, 1987. As a result of the proposed rule, 30 letters were received. 27 of these favored the proposed change in regulations. One of the favorable responses was a petition signed by 40 individuals. One response supported a year-round hourly opening schedule, but requested that the hours of restriction begin at 6 a.m. or 6:30 a.m. instead of 7 a.m. Two of the responses were from boaters who opposed the hourly openings on a year-round basis because of the lack of docking facilities and anchoring space for vessels awaiting the next scheduled hourly opening.

Since the suggestion that the hourly opening schedule begin at 6 a.m. rather than 7 a.m. was the only one of its kind, and the 7 a.m. to 7 p.m. schedule is acceptable to all of the others who support the change, the proposed schedule is considered to be in the public interest. The comments of the two opponents to the proposal have been considered, and it is felt that once boaters know what the schedule is, they may plan their transits accordingly, thus avoiding any lenghty delays at the bridge.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This conclusion is based on the fact that the regulation will have no effect on commercial navigation, or on any industries that depend on waterborne transportation. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-01(g).

2. Section 117.821(c) is revised to read as follows:

§ 117.821 Atlantic Intracoastal Waterway, Bogue Sound to Wrightsville Beach.

* * * * *

(c) The draw of the SR 74 bridge, mile 283.1, at Wrightsville Beach:

(1) Shall open on signal from 7 p.m. to 7 a.m.

(2) Shall open only on the hour for the passage of pleasure vessels from 7 a.m. to 7 p.m. However, if a pleasure vessel is approaching the drawbridge and cannot reach the draw exactly on the hour, the drawtender may delay the hourly opening up to 10 minutes past the hour for the passage of the approaching pleasure vessel and any other pleasure vessels that are waiting to pass.

(3) Shall open on signal for public vessels of the United States, State or local vessels used for public safety, commercial vessels, and vessels in distress.

Dated: November 19, 1987.

A.D. Breed,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 87-29207 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 160

[CGD 87-055]

Notifications of Arrivals, Departures, Hazardous Conditions, and Dangerous Cargoes

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the advance notice of arrival and departure regulations by deleting the requirement in 33 CFR 160.209 that ships bound for ports on the Great Lakes notify the Ninth District Commander prior to entering the Snell Locks, Massena, NY. This action is necessary because the Coast Guard presently receives information on ships entering the locks at Massena, NY from the Saint Lawrence Seaway Development Corporation. This action will eliminate duplicate reporting requirements and reduce the cost and burden to the marine industry and the Coast Guard.

EFFECTIVE DATE: December 21, 1987.

ADDRESSES: Persons desiring to comment on the information collection requirements should submit their comments to: Office of Regulatory Policy, Office of Management and Budget (OMB), 726 Jackson Place, NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Joel R. Whitehead, Project Manager, Office of Marine Safety, Security, and Environmental Protection, phone (202) 267-0494.

SUPPLEMENTARY INFORMATION: The Ports and Waterways Safety Act of 1972, 33 U.S.C. 1221 *et seq.*, as amended by the Port and Tanker Safety Act of 1978, authorizes the Secretary to require vessels destined for a port or place subject to the jurisdiction of the United States to give a prearrival notice to the cognizant Captain of the Port (COTP). This prearrival notice must be given in sufficient time to permit advance vessel traffic planning and must include any information the Secretary determines necessary to control the vessel and protect the port and marine environment. Under the regulations in 33 CFR 160.207, vessels of 1600 gross tons or more must provide the COTP an advance notice 24 hours prior to arrival. The required notice provides the COTP with a list of vessels and cargoes entering and departing ports. This information enables the COTP to effectively monitor and control the movement of vessels and to deny entry to vessels because they have previously been identified as posing a threat to the safety, security or environment of U.S. ports.

This regulation deletes a duplicate reporting requirement. Vessels bound for the Great Lakes are required to notify the Commander, Ninth Coast Guard District twenty-four hours before arrival at the Snell Locks, Massena, New York. Vessels entering the Great Lakes also give the Saint Lawrence Seaway Development Corporation an advance notice prior to arrival at the Snell Locks. In turn, the Saint Lawrence Seaway Development Corporation submits a daily report of vessel arrivals to the District Commander, making a separate notice by the vessel to the District Commander unnecessary. Vessels entering the Great Lakes are still required by § 160.207 to give the cognizant COTP of each destination port at least twenty-four hours advance notice of arrival.

Deleting the regulation would eliminate duplicate recordkeeping requirements on the marine industry. The Coast Guard would also recognize a small but significant savings in both manpower and money because it will no longer be necessary to receive notices of arrival that are already collected by the Saint Lawrence Seaway Development Corporation.

In accordance with 5 U.S.C. 553 a Notice of Proposed Rulemaking was not published for this regulation. In this case, notice and public procedure are unnecessary. The existing rule requires vessels to provide an advance notice of arrival to the Commander of the Ninth Coast Guard District which duplicates the advance notice of arrival given to the Saint Lawrence Seaway Development Corporation. Since the regulation does not serve a useful purpose and promulgation of this rulemaking relieves the public of an unnecessary information reporting requirement, good cause exists for making it effective in less than 30 days from the date of publication.

Regulatory Evaluations

This regulation is considered to be non-major under Executive Order 12291 and nonsignificant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). Since this rule reduces the information reporting requirements for the marine industry, the economic impact of this rule is so minimal that further evaluation is unnecessary. Deleting the regulation would eliminate duplicate recordkeeping requirements on the marine industry. The Coast Guard would also recognize a small but significant savings in both manpower and money because it will no longer be necessary to receive notices of arrival already collected by the Saint Lawrence Seaway Development Corporation. Since the impact of this final rule is expected to be minimal, the Coast Guard certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This final rule reduces the burden on the public by deleting the information reporting requirements of 33 CFR 160.209 in compliance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Persons desiring to comment on the information collection requirements should submit their comments to OMB as indicated under "Addresses".

Environmental Impact—Categorical Exclusion

The Coast Guard has considered the environmental impact of this rulemaking and concluded that preparation of an environmental assessment or environmental impact statement is not necessary. This regulatory project has been thoroughly reviewed by the Coast Guard and has been determined to be categorically excluded from further environmental documentation as provided for in 10 CFR 51.22(c)(3). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

List of Subjects in 33 CFR Part 160

Notifications of arrivals, Departures, Hazardous conditions, and certain dangerous cargoes.

In consideration of the foregoing the Coast Guard is amending Part 160, Subchapter P of Chapter I, Title 33, Code of Federal Regulations, as follows:

PART 160—[AMENDED]

1. The authority citation for Part 160 is revised to read as follows:

Authority: 33 U.S.C. 1221; 49 CFR 1.46.

§ 160.209 [Removed and Reserved]

2. Section 160.209 is removed and reserved.

Dated: December 11, 1987.

J.W. Kime,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety Security and Environmental Protection.

[FR Doc. 87-29208 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 3299-4]

Approval and Promulgation of Implementation Plans; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a request from the Kansas Department of Health and Environment which was submitted on March 29, 1986, pertaining to operating and construction permit fees. EPA reviewed these regulations and found that these rules satisfy the requirements of section 110(a)(2)(K) of the Clean Air Act, as amended. This action removes a deficiency in the Kansas SIP.

DATE: The effective date of this rulemaking is January 20, 1988.

ADDRESSES: Copies of the submittal are available for public inspection at:

Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101;

Public Information Reference Unit, Environmental Protection Agency Library, 401 M Street, SW., Washington, DC 20460;

Bureau of Air Quality and Radiation Control, Kansas Department of Health and Environment, Forbes Field, Topeka, Kansas 66620.

FOR FURTHER INFORMATION CONTACT: Robert J. Chanslor at (913) 236-2893; FTS 757-2893.

SUPPLEMENTARY INFORMATION: On February 25, 1987 (52 FR 5558), EPA published a proposed rulemaking for revised Kansas regulations pertaining to fees for construction and operating permits. These regulations are K.A.R. 28-19-7, *Definitions;* K.A.R. 28-19-8, *Reporting required;* K.A.R. 28-19-9, *Time schedule for compliance;* and K.A.R. 28-19-14, *Permits required.* Also, EPA proposed approval of revisions to K.A.R. 28-19-31, *Emission limitations,* and K.A.R. 28-19-45, *Open burning prohibited.* The revisions and EPA's rationale for approval were discussed in detail in the proposed rulemaking cited above and will not be restated here. No public comments were received on the proposed rulemaking.

Action: EPA approves revisions to K.A.R. 28-19-7, *Definitions;* K.A.R. 28-19-8, *Reporting required;* K.A.R. 28-19-9, *Time schedule for compliance;* K.A.R. 28-19-14, *Permits required;* K.A.R. 28-19-31, *Emission limitations;* and K.A.R. 28-19-45, *Open burning prohibited.*

The Office of Management and Budget has exempted this rulemaking from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Intergovernmental relations, Reporting and recordkeeping requirements, and Incorporation by reference.

Note.—Incorporation by reference of the SIP for the state of Kansas was approved by the Director of the Federal Register on July 1, 1982.

Date: September 11, 1987.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

40 CFR Part 52 is amended as follows:

Subpart R—Kansas

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.870 is amended by adding paragraph (c)(19) as follows:

§ 52.870 Identification of plan.

* * * * *

(c) * * *

(19) Revised Kansas regulations pertaining to fees for permits to construct and operate were submitted by the Kansas Department of Health and Environment on March 27, 1986.

(i) Incorporation by reference.

(A) Kansas Administrative Regulations (KAR) 28-19-7, 28-19-8, 28-19-9, 28-19-14, 14(a) and 14(b), 28-19-31, 28-19-45, which became effective on May 1, 1986.

(B) Letter of March 27, 1986 to EPA from the State of Kansas Department of Health and Environment.

(C) Letter of September 15, 1987 to EPA from the State of Kansas Department of Health and Environment.

[FR Doc. 87-28099 Filed 12-18-87; 8:45 am]

BILLING CODE 6560-50-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Part 1100

Statement for the Guidance of the Public; Organization, Procedures and Availability of Information

AGENCY: National Foundation on the Arts and the Humanities.

ACTION: Final rule.

SUMMARY: The National Foundation on the Arts and the Humanities (NFAH) amends its Freedom of Information Act (FOIA) regulation to incorporate changes effected by the Freedom of Information Reform Act of 1986 and guidelines published by the Office of Management and Budget (OMB) on March 27, 1987, 52 FR 10012. This rule replaces the existing regulation at 45 CFR 1100 which was published in the **Federal Register** on April 17, 1979 in order to include the Institute of Museum Services which was added to the NFAH pursuant to Pub. L. 97-394 (December 30, 1982) and Pub. L. 98-306 (May 31, 1984).

EFFECTIVE DATE: December 21, 1987.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy Joselson, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., Washington, DC 20506 or call (202) 786-0322.

SUPPLEMENTARY INFORMATION: The National Foundation on the Arts and the Humanities published a proposed rule to implement the Freedom of Information Reform Act on May 18, 1987, and invited comment. The NFAH received two letters of comment. One comment criticized the proposed rule's definition of "commercial use request" at § 1101.1(b) and stated that requests from public interest groups, labor unions, libraries, and the news media should not be treated as commercial use requests. The National Foundation on the Arts and the Humanities will carefully consider the use made of the requested information as is advised by OMB rather than the identity of the requestor. There is no basis in the statute on which to give preference to one group of requestors over another. The NFAH rejects a presumption that particular requestors fall outside of this definition.

One commenter criticized the proposed rule's definition of "educational institution" at section 1101(e), and

suggested including all entities recognized by the Internal Revenue Service as "organized and operated exclusively for * * * educational purposes, 26 U.S.C. 501(c)(3) within the definition. The NFAH believes this interpretation is too general to provide useful guidance for the imposition of fees under the Freedom of Information Act. The definition in the proposed rule adopted OMB's guidance and was adapted from the Department of Education definition in 20 U.S.C. 1681(c) which is sufficiently broad to permit assessment of fees consistent with the statutory scheme. Therefore, no change is made to the definition of "educational institutional."

One comment requested simpler and less restrictive fee waiver regulations as being more consistent with Congressional intent. Another comment urged rejection of the Department of Justice Fee Wavier Policy Guidance issued on April 12, 1987, suggesting it to be inconsistent with Congressional intent. After carefully considering these comments the final regulation adopts the fee waiver guidance issued by the Department of Justice. The NFAH will carefully review requests under the FOIA to ensure compliance with the statute. The Justice Department represents the Foundation and its member agencies in litigation arising under the FOIA and the NFAH will therefore abide by these standards. The NFAH notes too, that many of these above comments have also been addressed by the Office of Management and Budget.

This rule is not a major rule under Executive Order 12291. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small business entities. This rule does not contain information collection requirements that require approval by the Office of Management and Budget pursuant to 44 U.S.C. 3551. *et.seq.*

List of Subjects in 45 CFR Part 1100

Administrative practice and procedures, Freedom of Information Act.

For the reasons set out in the preamble, 45 CFR Part 1100 is revised to read as follows:

PART 1100—STATEMENT FOR THE GUIDANCE OF THE PUBLIC—ORGANIZATION, PROCEDURE AND AVAILABILITY OF INFORMATION

Sec.
1100.1 Definitions.
1100.2 Organization.
1100.3 Availability of information to the public.
1100.4 Current index.
1100.5 Agency procedures for handling request for documents.
1100.6 Fees.
1100.7 Foundation report of actions.

Authority: 5 U.S.C. 552, as amended by Pub. L. 99–570, 100 Stat. 3207.

§ 1100.1 Definitions.

(a) "Agency" means the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum Services, or the Federal Council on the Arts and the Humanities.

(b) "Commercial use request" means a request by or on behalf of anyone who seeks information for a use or purpose that furthers the commercial trade or profit interests of the requestor (or the person on whose behalf the request is made.) The agency must determined the use to which a requestor will put the document. Where the agency has reasonable cause to doubt the use to which a requestor will put the records sought or the use is not clear from the request, the agency may seek additional clarification. The requestor fears the burden of demonstrating the use or purpose of the information requested.

(c) "Direct costs" mens those expenditures which an agency actually incurs in searching for and duplication documents to respond to a Freedom of Information Act (FOIA) request. In the case of commercial use requests, the term shall also include expenditures for reviewing documents.

(d) "Duplication" means the process of making a copy of a document necessary to respond to a FOIA request. Such copies may be in the form of paper, microfilm, machine readable documents, or other materials.

(e) "Educational institution" means a preschool, elementary, or secondary school, an institution of graduate or undergraduate higher education, an institution of profesional education, or an institution of vocational education, which operates a program or programs of scholarly research.

(f) "Non-commercial scientific institution" means an institution that is not operated on a "commercial use" basis as defined in paragraph (b) of this section and which is operated solely for the purposes of conducting scientific research the results of which are not intended to promote any particular product or industry.

(g) "Representative of the news media" means any person actively gathering news for an entity that is organized and operated to publish or broadcast information that is about current events or that would be of current interest to the public. Freelance journalists may be regarded as working for a news organization if they can demonstrate a sound basis for expecting publication though that organization, even though not actually employed by it.

(h) "Review" means the process of examining a document located in response to a commercial use request to determine whether any portion is permitted to be withheld. Review includes processing documents for disclosure, including all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(i) "Search" means all the time that is spent looking for material that responds to a request, including page-by-page or line-by-line identification of material in documents. Searches may be done manually or by computer using exisiting programs.

§ 1100.2 Organization.

The National Foundation on the Arts and the Humanities was established by the National Foundation on the Arts and the Humanities Act of 1965, 20 U.S.C. 951 *et seq.* The Foundation is composed of the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum Services, and the Federal Council on the Arts and the Humanities. The Institute of Museum Services became a part of the National Foundation on the Arts and the Humanities pursuant to Pub. L. 97–394 (December 30, 1982) and Pub. L. 98–306 (May 31, 1984). Each Endowment is headed by a Chairman and has an advisory national council composed of 26 presidential appointees. The Institute of Museum Services is headed by a Director and has a National Museum Services Board composed of 15 presidential appointees. The Federal Council on the Arts and the Humanities, comprised of Executive branch officials and appointees of the legislative branch, is authorized to make agreements to indemnify against loss or damage for certain exhibitions and advise on arts and humanities matters.

§ 1100.3 Availability of information to the public.

(a) All inquiries, or requests should be addressed to the appropriate agency. Descriptive brochures of the organization, programs, and function of each agency are available upon request. Inquiries involving work of the National Endowment for the Arts should be addressed to the National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506. The telephone number of the National Endowment for the Arts is (202) 682–5400. Requests or inquiries involving the National Endowment for the Humanities should be addressed to the National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, DC 20506. The telephone number of the National Endowment for the Humanities is (202) 786–0310. Requests or inquiries involving the Institute of Museum Services should be addressed to the Institute of Museum Services, 1100 Pennsylvania Avenue, NW., Washington, DC 20506. The telephone number of the Institute of Museum Services is (202) 786–0536.

(b) The head of each agency is responsible for the effective administration of the Freedom of Information Act. The head of each agency pursuant to this responsibility hereby directs that every effort be expended to facilitate service to the public with respect to the obtaining of information and records.

(c) Requests for access to records of the National Endowment for the Arts, the National Endowment for the Humanities, or the Institute of Museum Services may be filed by mail with the General Counsel of the National Endowment for the Arts, the Deputy Chairman of the National Endowment for the Humanities, or the Public Affairs Officer of the Institute of Museum Services, as is appropriate. Requests for access to records of the Federal Council on the Arts and the Humanities should be directed to the attention of the National Endowment for the Humanities. All requests should reasonably describe the record or records sought. Requests submitted should be clearly identified as being made pursuant to the Freedom of Information Act.

§ 1100.4 Current index.

Each agency shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated and which is required to be made available pursuant to 5 U.S.C. 552(a) (1) and (2). Publication and distribution of such indices has been determined by the Foundation to be unnecessary and impracticable. The indices will be provided upon request at a cost not to exceed the direct cost of the duplication.

§ 1100.5 Agency procedures for handling requests for documents.

(a) Upon receiving a request for documents in accordance with the rules of this part, the General Counsel of the National Endowment for the Arts, Deputy Chairman of the National Endowment for the Humanities, or the Public Affairs Officer of the Institute of Museum Services, as is appropriate, shall determine whether or not the request shall be granted in whole or in part.

(1) The determination shall be made within ten (10) days (excepting Saturdays, Sundays, and legal holidays) after receipt of such request.

(2) The requestor shall be notified of the determination and the reasons that support it. When a request is denied in whole or in part, the requestor, will be notified of his or her rights to appeal the determination to the head of the agency.

(b) (1) Any party whose request for documents has been denied in whole or in part may file an appeal no later than ten (10) working days following receipt of the notification of denial. Appeals must be addressed to the Chairman, National Endowment for the Arts, Washington, DC 20506, the Chairman, National Endowment for the Humanities, Washington, DC 20506, or the Director Institute of Museum Services, Washington, DC 20506, as is appropriate.

(2) The head of the agency or his delegatee shall make a determination with respect to the appeal within twenty (20) days (excepting Saturdays, Sundays, and legal holidays) after the agency has received the appeal, except as provided in paragraph (c) of this section. If, on appeal, the denial is upheld either in whole or in part, the head of the agency shall notify the party submitting the appeal of the judicial review provisions of 5 U.S.C. 552(a)(4)(B).

(c) In unusual circumstances, the time limits prescribed to determine a request for documents with respect to initial actions or actions on appeal may be extended by written notice from the General Counsel of the National Endowment for the Arts, the Deputy Chairman of the National Endowment for the Humanities, or the Public Affairs Officer of the Institute of Museum Services as is appropriate. The notice shall describe the reason for the extension and the date on which the determination is expected to be made. No notice shall specify a date that would result in an extension of more than ten (10) days (excepting Saturdays, Sundays, and legal holidays). As is used in this paragraph, "unusual circumstances" means:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a volumious amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having a substantial subject-matter interest in the request.

§ 1100.6 Fees.

(a) *Categories of Fees.* Fees will be charged according to the Category of the FOIA request.

(1) *Commercial use requests.* The agency will assess charges to recover the full direct cost of searching for, reviewing, and duplicating the requested document. The agency may recover the cost of searching for and reviewing records even if there is ultimately no disclosure.

(2) *Requests from educational and non-commercial scientific institutions.* The agency will charge for duplication costs. To qualify for this category the requestor must show: (1) That requested records are being sought under the auspices of a qualified institution as defined in § 1100.1 (e) or (f) of this part; (2) the records are not sought for commercial use; and (3) the records are being sought in furtherance of scholarly or scientific research of the institution.

(3) *Requests by representatives of the news media.* The agency will charge duplication costs for the requests in this category.

(4) *All other requests.* All other requests shall be charged fees which, recover the full reasonable cost for searching for and duplicating the requested records.

(b) *General fee schedule.* The agency shall use the most efficient and least costly method to comply with requests for documents made under the FOIA. The agency will charge fees to recover all allowable direct costs incurred. The agency may charge fees for searching for and reviewing requested documents even if the documents are determined to be exempt from disclosure or cannot be located. If search charges are likely to exceed $25, the agency shall notify the requestor, unless the requestor has indicated in advance the willingness to

VOL 52 ISS 244 DEC 21 1987 UMI

VOL 52 ISS 244 DEC 21 1987 UMI

pay higher fees. The following fees shall be charged in accordance with paragraph (a) of this section.

(1) *Searches*—(i) *Manual:* The fee charged will be the salary rate(s) (i.e., basic pay plus 16.1 percent) of the employee(s) conducting the search.

(ii) *Computer:* The fee charged will be the actual direct cost of providing the service including the cost of operating the central processing unit for the operating time that is directly attributed to searching for records responsive to a request and the operator/programmer salary apportionable to the search.

(2) *Review:* The fee charged will equal the salary rate(s) (basic pay plus 16.1 percent) of the employee(s) conducting the review.

(3) *Duplication:* Copies of documents photocopied on one-side of a 8½ x 11 inch sheet of paper will be provided at $.10 per page. Photocopies on two sides of a single 8½ x 11 inch sheet of paper will be provided at $.20 per page. For duplication of other materials, the charge will be the direct cost of duplication.

(c) *Restrictions on charging fees.* (1) Except for documents provided in response to a commercial use request, the first 100 pages of duplication or the first two (2) hours of search time shall be provided at no charge. For the purposes of this section, two (2) hours of search time by computer entitles the requestor to two (2) hours of computer operator salary translated into computer search costs. Computer search costs consist of operator salary plus central proceeding unit operating time costs for the duration of the search.

(2) Fees shall not be charged to any requestor, including commercial use requestors, if the cost of collecting a fee would be equal to or greater than the fee itself.

(d) *Waiver or reduction of fees.* (1) Documents shall be furnished without charge or at reduced charge if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor.

(2) The following factors shall be used to determine whether a fee will be waived or reduced:

(i) The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government";

(ii) The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;

(iii) The contribution to an understanding of the subject by the general public likely to result from disclosure: Whether disclosure of the requested information will contribute to "public understanding";

(iv) The significance of the contribution to public understanding: Whether disclosure is likely to contribute "significantly" to public understanding of government operations or activities;

(v) The existence and magnitude of a commercial interest: Whether the requestor has a commercial interest that would be furthered by the disclosure; and if so

(vi) The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

(e) *Assessment and collection of fees.* (1) Interest will accrue from the date the bill is mailed if the fee is not paid within thirty (30) days. Interest will be assessed at the rate prescribed in 31 U.S.C. 3717.

(2) If the agency reasonably believes that a requestor(s) is making multiple requests to avoid the assessment of fees, the agency may aggregate such requests and charge accordingly.

(3) The agency may request an advance payment of the fee if

(i) The allowable charges are likely to exceed $250; or

(ii) The requestor has failed previously to pay a fee in a timely fashion.

(4) When the agency requests an advance payment, the time limits prescribed in section (a)(6) of the Freedom of Information Act will begin only after the agency has received full payment.

§ 1100.7 Foundation report of actions.

On or before March 1 of each calendar year, each member agency of the National Foundation on the Arts and the Humanities shall submit a report of its activities with regard to public information requests during the preceding calendar year to the Speaker of the House of Representatives and to the President of the Senate. The report shall include:

(a) The number of determinations made by each member agency of the National Foundation on the Arts and the Humanities not to comply with requests for records made to the agency under the provisions of this part and the reasons for each such determination;

(b) The number of appeals made by persons under such provision, the result of such appeals, and the reasons for the action upon each appeal that results in the denial of information;

(c) The names and titles or positions of each person responsible for the denial of records requested under the provisions of this part and the number of instances of participation for each;

(d) The results of each proceeding conducted pursuant to 5 U.S.C. 552(a)(4)(F), as amended, including a report of the disciplinary action taken against the officer of employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(e) A copy of every rule made by the Foundation implementing the provisions of the FOIA.

(f) A copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section; and

(g) Such other information as indicates efforts to administer the provisions of the FOIA, as amended.

Lynne V. Cheney,

Chairman, National Endowment for the Humanities.

Date: December 14, 1987.

Francis S.M. Hodsoll,

Chairman, National Endowment for the Arts.

Date: December 14, 1987.

Lois Burke Shepard,

Director, Institute of Museum Services.

Date: December 14, 1987.

[FR Doc. 87-29083 Filed 12-16-87; 8:45 am]

BILLING CODE 7537-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-131; FCC 87-356]

Radio Broadcasting Services; Unlimited-time Operation by Existing AM Daytime-Only Radio Broadcast Stations; Discontinuance of Authorization of Additional Daytime-only Stations; and Minimum Power of Class III Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC has amended its Rules to (1) permit unlimited-time operations for existing daytime-only AM radio broadcast stations on the AM regional channels, and on two clear channels: 940kHz and 1550 kHz; (2) discontinue the authorization of new daytime-only stations; and (3) reduce the generally applicable minimum power of Class III AM radio broadcast stations from 0.5 kW to 0.25 kW. This action is needed to relieve daytime-only stations and the listening public from the disadvantages of limitations on their hours of operation under present rules. The revised rules will make possible unlimited-time operation by qualifying daytime-only stations on the above-noted channels.

EFFECTIVE DATE: The rule amendments enter into effect December 1, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Vicki Assevero or Louis C. Stephens, Policy and Rules Division, Mass Media Bureau, (202) 254-3394.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* in MM Docket No. 87-131, adopted November 18, 1987, and released December 1, 1987. This *Report and Order* may be consulted and will be available for copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this *Report and Order* may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M St. NW., Washington, DC 20037.

Summary of Report and Order

1. Having previously opened the way for unlimited-time operation for most daytime-only AM radio broadcast stations operating on the 14 foreign clear channels, the FCC took similar action for those assigned to the regional AM channels and to 940 kHz and 1550kHz. Pursuant to the newly adopted rule amendments, the Commission has calculated and informed each qualifying daytime-only station the power, within a range of .001 kW (1 watt) to 0.5 kW, that it may use for broadcasting during nighttime hours with the antenna systems they are licensed to start using at sunrise. The authorized power was set at levels calculated to provide required interference protection to foreign and domestic stations.

2. Daytime-only stations authorized to operate during nighttime hours with power sufficient to enable them to provide a field strength of at least 141 mV/m at 1 kilometer from their transmitters will be reclassified as Class II–B stations if on 940 kHz or 1550 kHz or as Class III if on any of the 41 regional channels.

3. None of the stations permitted to operate during nighttime hours are required to provide interference protection to each other. They are, however, required to protect: (1) Foreign stations, (2) existing unlimited-time stations, and (3) new and changed unlimited-time stations for which construction permits had been issued or applications tendered no later than December 1, 1987. The reclassified stations may apply, under regular procedures, for nighttime power increases, up to the maximum generally permitted for the class of channel occupied, consistent with requisite protection against interference to other stations.

4. Stations reclassified as Class II–S or III–S are not required to provide the generally required minimum signal to their principal cities nighttime, nor are they required to meet the requirement generally applicable to stations that regularly operate during nighttime hours, that they broadcast at least 4 hours between 6 p.m. and midnight. Stations reclassified as Class II-B, II-C or III are required to meet the latter requirement, but, so long as their nighttime powers were limited to those initially authorized by the Commission, they are exempted from the minimum city signal requirement.

5. Also, the minimum power of stations on regional channels is reduced from 0.5 kW to 0.25 kW. The few Class IV stations assigned to regional channels that already, exceptionally operate at 0.25 kW without interference protection, will then be reclassified as Class III stations, thereafter entitled to protection.

6. Individual stations will be notified of the powers they may use during nighttime hours and the date when nighttime operations may start, in Orders to Show Cause why the station's license should not be modified to permit such operations.

7. Finally, the assignment of additional daytime-only AM stations on 940 kHz, 1550 kHz, and the 41 regional Am channels is discontinued.

8. With reference to the Regulatory Flexibility Act of 1980, 5 U.S.C. 603, the revised rules will have a beneficial impact on small daytime-only AM Stations that will be enabled, through more extended hours of operation, to provide enhanced services to the public, and thereby compete more effectively with existing unlimited-time AM and FM stations.

9. The Secretary of the Commission is directed to send a copy of the *Report and Order* in this proceeding to the Chief Counsel for Advocacy of the Small Business Administration in accordance with the Regulatory Flexibility Act.

10. *Paperwork Reduction Act Statement:* The rule changes have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified norm, information, collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

11. Authority for the rule changes is contained in sections. 4(i), 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303, and 307.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communcations Commission.

William J. Tricarico,

Secretary.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. Section 73.21 is amended by adding a new sentence at the end of paragraphs (a)(2)(ii) introductory text and (a)(2)(iv); revising paragraph (a)(2)(v), the first sentence of paragraph (b) introductory text, and paragraph (b)(1); adding new paragraph (b)(3); and revising the Table in Note 4, to read as follows:

§ 73.21 Classes of AM broadcast channels and stations.

(a) * * *

(2) * * *

(ii) * * * A former Class III–D station operating on 940 or 1550 kHz that is authorized to operate during nighttime hours will be reclassified as Class II–B notwithstanding the fact that its authorized nighttime power is less than 0.25 kW, if its RMS field strength at 1 kilometer is 141 mV/m or higher.

* * * * *

(iv) *Class II–D Stations.* * * * No application will be accepted for new Class II–D (daytime-only) stations on 940 kHz or 1550 kHz.

(v) *Class II–S Stations.* Class II–S stations are former Class II–D stations that have been authorized to operate nighttime on the 14 channels listed in § 73.25(c) or on 940 kHz or 1550 kHz, at powers that are less than 0.25 kW and insufficient to enable their RMS field strength at 1 kilometer to attain the level of 141 mV/m or higher. (Stations on 940 kHz or 1550 kHz whose nighttime power is 0.25 kW or higher, or whose RMS at 1 kilometer is 141 mV/m or higher, shall be classified as Class II–B stations.) Class II–S stations operate without

protection from interference nighttime, but receive protection from interference during the daytime. No Class II–S station shall be authorized with nighttime power less than 0.001 kW (one watt).

* * * * *

(b) *Regional Channel.* A regional channel is one on which several stations may operate with powers set out in (1), (2), and (3) of this paragraph (b). * * *

(1) *Class III Stations.* A station designated as Class III operates on a regional channel, and is designed to render service primarily to a principal center of population and in the rural area contiguous thereto. Except as provided in paragraphs (b)(2) and (b)(3) of this section, a Class III station operates with a power not more than 5 kW, and not less than 0.25 kW unless its RMS field strength at 1 kilometer attains the level of 141 mV/m or higher.

* * * * *

(3) *Class III–S Station.* A Class III–S station is a former daytime-only station that operates on a regional channel with a nighttime power that is less than 0.25 kW and insufficient to enable its RMS field strength at 1 kilometer to attain the level of 141 mV/m or higher. Class III–S stations operate without protection from interference nighttime, but receive protection from interference during the daytime. No Class III–S station shall be authorized with a nighttime power less than 0.001 kW (one watt).

* * * * *

Note 4: * * *

INTERNATIONAL AND DOMESTIC CLASSIFICATIONS OF STATIONS AND CHANNELS

International classes of AM stations	Corresponding U.S. classes of AM stations	Classes of Channels available in U.S. for each class of station
Class A	I–A	Clear channels.
	I–B	Do.
	I–N	Do.
Class B	II	Do.
	II–A	Do.
	II–B	Do.
	II–C	Do.
	II–D	Do.
	II–S	Do.
	III	Regional channels.
	III–S	Do.
Class C	IV	Local channels.

3. Section 73.24 is amended by revising the second sentence of paragraph (j) of this section to read as follows:

§ 73.24 Broadcast facilities; showing required.

* * * * *

(j) * * * The following categories of stations need not demonstrate the ability to provide such coverage during nighttime operation: (1) Daytime-only AM stations; and (2) former daytime-only stations that were reclassified as Class II–B or II–S on 940 or 1550 kHz or as Class II–C or II–S on the 14 frequenceis listed in § 74.25(c) or as unlimited-time Class III or III–S stations on regional channels, and have not since been authorized to increase nightime power.

* * * * *

§ 73.25 [Amended]

4. Section 73.25 is amended by removing the second sentence from paragraph (c).

5. Section 73.26 is amended by revising the first sentence of paragraph (a) up to the colon, and by adding a new paragraph (c), as follows:

§ 73.26 Regional channels; Class III stations.

(a) The following frequencies are designated as regional channels and are assigned for use by Class III and Class III–S stations: * * *

* * * * *

(c) No application for new daytime-only stations will be accepted on the channels listed in paragraph (a) of this section.

6. Section 73.29 is revised to read as follows:

§ 73.29 Class IV stations on regional channels.

No license will be granted for the operations of a Class IV station on a regional channel.

7. Section 73.31 is amended by revising the table in paragraph (a) to read as follows:

§ 73.31 Rounding of nominal power specified on applications.

(a) * * *

Nominal power (kW)	Figure cited down to nearest figure (kW)
Below 0.25	0.001
0.25 to 0.99	0.01
1 to 9.9	0.1
10 to 50	1

8. Section 73.99 is amended by adding a new paragraph (l), as follows:

§ 73.99 Presunrise service authorization (PSRA) and Postsunset service authorization (PSSA).

* * * * *

(l) The authorization of unlimited-time operation by daytime-only stations that are reclassified as Class II–S or Class III–S stations will not affect their right to operate during prescribed presunrise and postsunset hours in accordance with PSRA's and PSSA's issued pursuant to this section.

9. Section 73.182 is amended by revising the second sentence of paragraph (a)(3) up to the semicolon, to read as follows:

§ 73.182 Engineering standards of allocation.

(a) * * *

(3) * * * They operate with powers not less than 0.25 kW and not more than 5 kW, and are normally protected to the 1500 uV/m goundwave contour nighttime and the 500 uV/m groundwave contour daytime; * * *

10. On the line in the table in § 73.182(s) which starts with the "III" in the first column, the text in the third colum that now reads "0.5 kW to 5 kW" is revised to read "0.25 kW to 5 kW".

11. Footnote [2] to the table in § 73.182(s) is revised to read as follows:

* * * * *

[2] For adjacent channel, see paragraph (t) of this section.

* * * * *

12. Immediately preceding the last line of the table in § 73.182(s) an entry is added as follows:

Class of station	Class of channel used	Permissible power	Signal strength contour of area protected from objectionable interference [1]		Permissible interfering signal on same channel [2]	
			Day [3]	Night	Day	Night [4]
III–S	...do...	0.25 kW to 5 kW (daytime) less than 0.25 kW nighttime.	500 uV/m	Not prescribed.	...do...	Not prescribed

[1] When a station is already limited by interference from other stations to a contour of higher values than that normally protected for its class, this contour shall be the established standard for such station with respect to interference from all other stations.
[2] For adjacent channel, see paragraph (t) of this section.
[3] Groundwave.
[4] Skywave field strength for 10 percent or more of the time.

* * * * *

13. Section 73.1740(a)(1)(i) is revised to read as follows:

§ 73.1740 Minimum operating schedule.

(a) * * *

(1) * * *

(i) Daytime-only AM stations and former daytime-only AM stations that have been reclassified as Class II–S or III–S need comply only with the minimum requirements for operation between 6 a.m. and 6 p.m., local time.

* * * * *

14. Section 73.3571 is amended by adding a new paragraph (d)(5), to read as follows:

§ 73.3571 Processing of AM broadcast station applications.

* * * * *

(d) * * *

(5) The following special procedures will be followed in authorizing Class II–D daytime-only stations on 940 and 1550 kHz, and Class III daytime-only stations on the 41 regional channels listed in § 73.26(a), to operate unlimited-time.

(i) Each eligible daytime-only station in the foregoing categories will receive an Order to Show Cause why its license should not be modified to specify operation during nighttime hours with the facilities it is licensed to start using at local sunrise, using the power stated in the Order to Show Cause, that the Commission finds is the highest nighttime level—not exceeding 0.5 kW—at which the station could operate without causing prohibited interference to other domestic or foreign stations, or to co-channel or adjacent channel stations for which pending applications were filed before December 1, 1987.

(ii) Stations accepting such modification shall be reclassified. Those authorized in such Show Cause Orders to operate during nighttime hours with a power of 0.25 kW or more, or with a power that, although less than 0.25 kW, is sufficient to enable them to attain RMS field strengths of 141 mV/m or more at 1 kilometer, shall be redesignated as Class II–B stations if they are assigned to 940 or 1550 kHz, and as unlimited-time Class III stations if they are assigned to regional channels.

(iii) Stations accepting such modification that are authorized to operate during nighttime hours at powers less than 0.25 kW, and that cannot with such powers attain RMS field strengths of 141 mV/m or more at 1 kilometer, shall be redesignated as Class II–S stations if they are assigned to 940 or 1550 kHz, and as Class III–S stations if they are assigned to regional channels.

(iv) Applications for new stations may be filed at any time on 940 and 1550 kHz and on the regional channels. Also, stations assigned to 940 or 1550 kHz, or to the regional channels, may at any time, regardless of their classifications, apply for power increases up to the maximum generally permitted. Such applications for new or changed facilities will be granted without taking into account interference caused to Class II–S or Class III–S stations, but will be required to show interference protection to other classes of stations, including stations that were previously classified as Class II–S or Class III–S, but were later reclassified as Class II–B or Class III unlimited-time stations as a result of subsequent facilities modifications that permitted power increases qualifying them to discountinue their "S" subclassification.

* * * * *

[FR Doc. 87–29049 Filed 12–18–87; 8:45 am]
BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 52, No. 244
Monday, December 21, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 318

[Docket No. 87-150]

Sharwil Avocados to Alaska

AGENCY: Animal and Plant Health Inspection Services, USDA.

ACTION: Proposed rule.

SUMMARY: We propose to amend the "Hawaiian Fruits and Vegetables" regulations to allow movement of Sharwil avocados, under a limited permit, from Hawaii to Alaska. Our proposal would:

a. Delete the "at least 0.5 centimeter" length requirement for attached stems.

b. Delete the current requirement that there by "no Trifly host material within 100 feet of the packing facility."

The interstate movement of avocados from Hawaii must be regulated to prevent spread of the Mediterranean fruit fly, the melon fly, and the Oriental fruit fly. It appears, however, that the Sharwil variety of avocado will not be a host to these fruit flies when harvested and handled in compliance with our proposed amendment to the "limited movement to Alaska" requirements.

DATES: Consideration will be given only to comments postmarked or received on or before January 5, 1988.

ADDRESSES: Send original and two copies of written comments to Steven B. Farbman, Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6506 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 87-150. Comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. L.H. Tengan, Staff Officer, Program Planning Staff, PPQ, APHIS, USDA, Room 643, Federal Building, 6506 Belcrest Road, Hyattsville, MD 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION:

Background

The "Hawaiian Fruits and Vegetables" regulations (contained in 7 CFR 318.13 *et seq.*, and referred to below as the regulations), among other things, regulate the interstate movement from Hawaii of avocados in a raw or unprocessed state. Regulation is necessary to prevent spread of the Mediterranean fruit fly (*Ceratitis capitata* (Wied.)); the melon fly (*Dacus cucurbitae* (Coq.)); and the Oriental fruit fly (*Dacus dorsalia* (Heldel)). These fruit flies, commonly referred to as "Trifly," infest Hawaii, but do not occur in the other 49 states.

We proposed to certify Hawaiian Sharwil avocados for movement to Alaska after Department research [1] established that Sharwil avocados with attached stems are not hosts of Trifly for at least 24 hours after being picked from a tree (the fruit cannot have fallen to the ground). The rulemaking was finalized in a document published in the **Federal Register** (52 FR 8863-8865, Docket Number 87-003) on March 20, 1987. The new regulation not only established stringent requirements to ensure that Sharwil avocados are picked and packed in cartons impervious to Trifly within the 24-hour safe period, but also prohibited interstate movement of Sharwil avocados from Alasks to other states. (Alaska is safe from infestation because Trifly cannot survive that state's cold winters.)

Stem Size

The regulations authorize movement of Sharwil avocados only if the stem is attached. This requirement (which would not be changed by this proposal) assures that the fruit has been picked from the tree, while in a mature green stage, when the firmness of the fruit renders it unattractive and virtually impervious to Trifly. Ripe avocados have no stems because the soft fruit falls to the ground, leaving the stems attached to the branches.

[1] Documents concerning this research may be obtained from Mr. L.H. Tengan, Staff Officer, Program Planning Staff, PPQ, APHIS, USDA, Room 643, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8247.

The current "attached stem" provisions, in § 318.13-4g(a) and (c), require that Sharwil avocados have an attached stem at least 0.5 centimeter in length. However, the traditional Hawaiian avocado harvesting practice of flush cutting leaves an attached stem 0.5 cetimeter or less in length. If stems are not cut flush to the fruit, they will protrude and can puncture and tear other fruit during handling and packing, serioulsy reducing marketability. Since any length of attached stem is enough to ensure freedom from Trifly infestation during the initial 24 hours after a Sharwil avocado is picked, we are proposing to revise the "attached stem" requirement in the regulations to delete the requirement as to its length.

100 Foot Requirement

Current paragraph (d)(1) of § 318.13-4g requires that there be "no Trifly host material within 100 feet of the packing facility." This requirement was originally proposed to ensure that no Trifly populations would become established close enough to the packing facility to present a significant threat of the flies invading the facility and infesting Sharwil avocados before they could be packed. Experience and continuing research have revealed, however, that this "100 foot" requirement is unnecessary.

Even if an active Trifly infestation existed within 100 feet of the facility, the flies would be unable to get into the packing facility. This is because the packing facility requirements that were included in the March 20, 1987, amendment to the regulations have proven effective and enforceable:

a. Current § 318.12-4g(d)(2) requires that the packing facility be maintained free of Trifly.

b. Current § 318.13-4g(d)(1) requires that the packing facility be maintained free of all Trifly host material.

c. Current § 318.13-4g(d)(3) requires that all doors and other openings to the packing facility are maintained under conditions determined by an inspector as adequate to prevent the entry of Trifly.

Finally, additional research has been performed, clearly establishing that Triflies will not infest even the most severely damaged green Sharwil avocado during the initial 24 hours after the fruit is picked.

Additional Research

Our initial "limited movement to Alaska" proposal was based on a combination of laboratory and field studies. One in partucular involved the inspection, by Department entomologists, of the 38,241 Sharwil avocados picked during Hawaii's January-March 1985 harvesting season. The inspecions were performed within the 24-hour post-picking "safe" period, after each avocado reached the packing house. No Trifly eggs or larvae were found.

We continued this procedure through the 1986 and 1987 harvesting seasons, until the total number of harvested Sharwil avocados subjected to pre-packing inspection totaled 114,112 avocados. Particular attention was given to avocados with surface damage, including sunburn, abrasions, and other wounds and mechanical injuries. Again, no Trifly eggs or larvae were found—even when severely damaged avocados were exposed to Trifly after the fruit had been moved to a laboratory.

We believe that this research provides the last piece of evidence needed to demonstrate that the "100 foot" requirement is unnecessary and can be deleted without increasing the risk of spreading Trifly to the United States mainland.

Footnote

Current § 318.13-4g(d)(1) includes a statement in parentheses, informing readers that a list of Trifly host material will be attached to compliance agreements with packers, may be obtained from Plant Protection and Quarantine offices in Hawaii, and may be obtained by writing the Deputy Administrator in Hyattsville, Md.

Under our proposal, the substance of this statement would remain the same, but it woluld be reformatted as proposed footnote "2" to § 318.13-4g(d)(1). The purpose of this proposed change is to maintian consistency in our treatment of this type of informational statement in our Title 7 regulations.

Miscellaneous

This doucument would also make certain nonsubstantive changes in the regulations for the purposes of clarity.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this proposed rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productiveiy, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

We do not believe that the two changes that we are proposing will affect the marketing of Hawaiian Sharwil avocados moved for sale in Alaska. There is no reason to believe that, because of this amendment, the number of avocados that would be moved to Alaska from Hawaii would increase or decrease.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Comment Period

Donald L. Houston, Administrator of the Animal and Plant Health Inspection Service, has determined that this rulemaking proceeding should be expedited by allowing a 15-day comment period on the proposal. Only one person has expressed an interest in exporting Sharwil avocados from Hawaii to Alaska. The harvesting period for his avocados will begin soon. To qualify for movement to Alaska, under both the current and proposed regulations, the avocados must be picked before they begin to ripen on the tree. Thus, a longer comment period could cause substantial economic losses for this person.

List of Subjects in 7 CFR Part 318

Agricultural commodities, Avocados, Fruit, Guam, Hawaii, Plant diseases, Plant pests, Plants (agriculture), Puerto Rico, Quarantine, Transportation, Virgin Islands.

Accordingly, it is proposed to amend 7 CFR Part 318 as follows:

PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

1. The authority citation for 7CFR Part 318 would continue to read as follows:

Authority: U.S.C. 150dd, 150ee, 150ff, 151-167; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 318.13-4g, paragraph (a) would be amended by removing "which is at least 0.5 centimeter in length".

3. In § 318.13-4g, paragraph (c) would be amended by removing "at least 0.5 centimeter in length".

4. In § 318.13-4g, paragraph (d)(1) would be revised and a new footnote 2 would be added as follows:

§ 318.13-4g Administrative instructions specifying conditions for limited permits for Sharwil avocados for movement to Alaska based on certain harvesting and handling provisions.

* * * * *

(d) * * *

(1) The packing facility is maintained free of all Trifly host material,[2] other than Sharwil avocados packed in accordance with the provisions of paragraph (e) of this section.

* * * * *

§ 318.13-5 [Amended]

5. In § 318.13-5, footnote "1", and the reference to the footnote, would be redesignated as "3".

§ 318.13-13 [Amended]

6. In § 318.13-13, footnotes "2" and "3", and the references to the footnotes, would be redesignated as "4" and "5", respectively.

Done in Washington, DC, this 16th day of December 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87-29205 Filed 12-18-87; 8:45 am]

BILLING CODE 3410-34-M

[2] A list of Trifly host material will be attached to each compliance agreement with a packer. This list may also be obtained from Plant Protection and Quarantine offices in Hawaii (listed in telephone directories) or by writing National Programs, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

BEST COPY AVAILABLE

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-CE-29-AD]

Airworthiness Directives; SIAI-Marchetti S.p.A., Models F260, F260B, F260C, and F260D Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of NPRM comment period.

SUMMARY: This action extends the comment period of the subject NPRM which proposes inspection or modification of the main wing spar of SIAI-Marchetti S.p.A., Models F260, F260B, F260C, and F260D airplanes to preclude structural failure.

DATES: Extends comment period of Docket No. 87-CE-29-AD to January 30, 1988.

FOR FURTHER INFORMATION CONTACT:

Mr. M. Dearing, Brussels Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 513.38.30, extension 2710; or Mr. J. P. Dow, Sr., FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: The FAA issued an NPRM on September 17, 1987, applicable to SIAI-Marchetti S.p.A., Models F260, F260B, F260C, and F260D airplanes, which was published in the **Federal Register** on October 1, 1987 (52 FR 36787). This Notice would require initial and recurrent visual or dyepenetrant inspections of the main wing spar to detect cracks, and if cracks are found, modification of the main wing spar. This action would prevent undetected crack growth in this area.

Subsequent to December 1, 1987, which was the closing date for comments on this NPRM, a telegraphic request was received from Fox 51 Ltd., the United States representative for SIAI-Marchetti S.p.A., to reopen the comment period to allow sufficient time to comment on the proposed rule. This representative stated he had also received notification from owners of the airplanes that they too desire to comment on the NPRM, but were unable to do so before the comment period closed. Accordingly, the FAA believes it is in the public interest to reopen and extend the comment period in order to allow any comments deemed necessary.

This document involves only an extension of a comment period for a proposed regulation. Therefore, I certify that this action (1) is not a "major rule" under the provisions of Executive Order 12291, (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A regulatory evaluation has not been prepared for this action as the anticipated impact is so minimal.

List of Subjects in 14 CFR Part 39

Air Transportation, Aviation safety, Aircraft, Safety.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR by revising the effective date of the comment period for Docket No. 87-CE29-AD as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85.

§ 39.13 [Amended]

2. By adding the following new date for comment:

Dates: Comments must be received on or before January 30, 1988.

Issued in Kansas City, Missouri on December 9, 1987.

Paul K. Bohr,

Director, Central Region.

[FR Doc. 87-29148 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 73

[Airspace Docket No. 87-ASO-9]

Proposed Alteration of Restricted Areas, Cape Canaveral, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to consolidate, redesignate and simplify the restricted airspace associated with the Kennedy Space Center. The proposals would simplify charting by consolidating and reducing the total number of restricted areas from ten to five. The proposals would also change the time of designation of each area to better reflect actual use and change the published locations of the areas from "Cape Kennedy" to "Cape Canaveral" to reflect earlier congressional action. In addition, the Continental Control Area would be amended to incorporate these changes. These proposed alterations resulted from recommendations made during an FAA conducted on-site review of special use airspace associated with the Kennedy Space Center.

DATES: Comments must be received on or before February 1, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Southern Region, Attention: Manager, Air Traffic Division, Docket No. 87-ASO-9, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9253.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, aeronautical, economic and energy aspects of the proposals. Send comments on environmental and land use aspects to: Headquarters, AFSC/DEMV, Andrews AFB, MD 20334-5000 telephone: (301) 981-2663. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ASO-9." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposals

The FAA is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to consolidate, redesignate and simplify the restricted areas associated with Cape Canaveral and the Kennedy Space Center, FL. The proposal would reconfigure existing Restricted Areas R-2921, R-2922, R-2923, R-2924, R-2925, R-2926, R-2927, R-2928 and R-2930. These areas are used during space shuttle launches and recoveries as well as various other missile operations at the Kennedy Space Center. The proposals would reduce the total number of restricted areas from ten to five and reduce the volume of restricted airspace associated with the existing R-2927 by raising the floor of the area 3,000 feet and moving the boundaries of the existing R-2924 and R-2925 to the north approximately one-half mile. Additional restricted airspace would be designated above and below the existing R-2921 and 2922. Restricted Areas R-2923, R-2924, R-2925 and the eastern part of R-2926 would be consolidated into two congruent restricted areas to be designated R-2932 and R-2933. R-2932 will extend from the surface to but not including 5,000 feet above mean sea level (MSL), with a time of use of "continuous." R-2933 will extend from 5,000 feet MSL to unlimited, with a time of use of "intermittent by NOTAM." R-2931 will be excluded from R-2932 and R-2933 in the same manner that it is now excluded from the current R-2924 and R-2925.

The southern boundary of the proposed areas R-2932 and R-2933 would be relocated 30 seconds of latitude north of the existing boundary of R-2924 and R-2925. This action would be taken in order to move the areas clear of private buildings located on the north side of Port Canaveral. The new boundary would be completely over Government-owned land.

Present Restricted Areas R-2921, R-2922, R-2928, part of R-2926 and additional airspace above and below the present R-2921 and R-2922 will be consolidated into a single area and designated as R-2934. R-2934 would extend from the surface to unlimited with a time of use of "intermittent by NOTAM." The same portion of airspace overlying private property which is now excluded from the existing R-2926 would also be excluded from the new area R-2934.

The existing Restricted Area R-2930, plus that part R-2927 at and above 11,000 feet MSL, and the narrow section of airspace between the south side of R-2927 and R-2930 would be consolidated into a single designated R-2935. The base of the new area, R-2935, would be 11,000 feet MSL. This new area, R-2935, would extend from 11,000 feet MSL, continuing above the present FL 180 upper limit of the existing R-2927 to unlimited. The time of use for R-2935 would be "intermittent by NOTAM."

This proposal would also correct the location listed for the above areas, including R-2931, to read Cape Canaveral, FL, vice Cape Kennedy, FL. The Continental Control Area would also be amended to reflect these changes.

These changes would simplify charting, enable more efficient use of airspace and enhance safety through aligning the areas to provide better compatibility of airspace activation consistent with the FAR Part 91.102 Space Flight Operations Area established for the Kennedy Space Center. Sections 71.151 and 73.29 of Parts 71 and 73 of the Federal Aviation Regulations were republished in Handbook 7400.6C dated January 2, 1987.

The FA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 73

Aviation safety, Continental control areas, Restricted areas.

The Proposed Amendments

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.151 [Amended]

2. § 71.151 is amended as follows:

R-2921 Cape Kennedy, FL [Remove]

R-2922 Cape Kennedy, FL [Remove]

R-2925 Cape Kennedy, FL [Remove]

R-2926 Cape Kennedy, FL [Remove]

R-2927 Cape Kennedy, FL [Remove]

R-2928 Cape Kennedy, FL [Remove]

R-2930 Cape Kennedy, FL [Remove]

R-2931 Cape Kennedy, FL [Remove]

R-2931 Cape Canaveral, FL [New]

R-2933 Cape Canaveral, FL [New]

R-2934 Cape Canaveral, FL [New]

R-2935 Cape Canaveral, FL [New]

PART 73—SPECIAL USE AIRSPACE

3. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 73.29 [Amended]

4. § 73.29 is amended as follows:

R–2921 Cape Kennedy, FL [Remove]

R–2922 Cape Kennedy, FL [Remove]

R–2923 Cape Kennedy, FL [Remove]

R–2924 Cape Kennedy, FL [Remove]

R–2925 Cape Kennedy, FL [Remove]

R–2926 Cape Kennedy, FL [Remove]

R–2927 Cape Kennedy, FL [Remove]

R–2928 Cape Kennedy, FL [Remove]

R–2930 Cape Kennedy, FL [Remove]

R–2931 Cape Kennedy, FL [Amended]

In the title, by removing the words "Cape Kennedy" and substituting the words "Cape Canaveral."

R–2932 Cape Canaveral, FL [New]

Boundaries. Beginning at lat. 28°39'20" N., long. 80°42'40" W.; to lat. 28°41'40" N., long. 80°35'00" W.; thence 3 nautical miles from and parallel to the shoreline; to lat. 28°25'00" N., long. 80°30'30" W.; to lat. 28°25'00" N., long. 80°38'00" W.; to lat. 28°34'00" N., long. 80°39'30" W.; to the point of beginning, excluding the area within a 2-statute-mile radius circle centered at lat. 28°27'54" N., long. 80°32'07" W.

Designated altitudes. Surface to but not including 5,000 feet MSL.

Times of use. Continuous.

Controlling agency. FAA, Miami ARTCC.

Using agency. U.S. Air Force, Eastern Space and Missile Center/ROS, Cape Canaveral AFS, FL.

R–2933 Cape Canaveral, FL [New]

Boundaries. Beginning at lat. 28°39'20" N., long. 80°42'40" W.; to lat. 28°41'40" N., long. 80°35'00" W.; thence 3 nautical miles from and parallel to the shoreline; to lat. 28°25'00" N., long. 80°30'30" W.; to lat. 28°25'00" N., long. 80°38'00" W.; to lat. 28°34'00" N., long. 80°39'30" W.; to the point of beginning, excluding the area within a 2-statute-mile radius circle centered at lat. 28°27'54" N., long. 80°32'07" W.; from 5,000 feet MSL to and including 15,000 feet MSL.

Designated altitudes. 5,000 feet MSL to unlimited.

Times of use. Intermittent, activated by NOTAM normally 24 hours in advance.

Controlling agency. FAA, Miami ARTCC.

Using agency. U.S. Air Force, Eastern Space and Missile Center/ROS, Cape Canaveral AFS, FL.

R–2934 Cape Canaveral, FL [New]

Boundaries. Beginning at lat. 28°49'10" N., long. 80°50'45" W.; to lat. 28°51'15" N., long. 80°47'15" W.; to lat. 28°51'15" N., long. 80°42'20" W.; thence 3 nautical miles from and parallel to the shoreline; to lat. 28°41'40" N., long. 80°35'00" W.; to lat. 28°39'20" N., long. 80°42'40" W.; to lat. 28°34'00" N., long. 80°39'30" W.; to lat. 28°25'00" N., long. 80°36'00" W.; to lat. 28°25'00" N., long. 80°41'45" W.; to lat. 28°31'20" N., long. 80°43'50" W.; to lat. 28°36'00" N., long. 80°47'02" W.; to the point of beginning, excluding that airspace below 1,200 feet AGL west of a line from lat. 28°31'20" N., long. 80°43'50" W.; to lat. 28°28'48" N., long. 80°40'30" W.; to lat. 28°25'00" N., long. 80°40'30" W.

Designated altitudes. Surface to unlimited.

Times of use. Intermittent, activated by NOTAM normally 24 hours in advance.

Controlling agency. FAA, Miami ARTCC.

Using agency. U.S. Air Force, Eastern Space and Missile Center/ROS, Cape Canaveral AFB, FL.

R–2935 Cape Canaveral, FL [New]

Boundaries. Beginning at lat. 28°47'20" N., long. 81°05'00" W.; to lat. 28°58'00" N., long. 80°47'00" W.; thence 3 nautical miles from and parallel to the shoreline; to lat. 28°51'15" N., long. 80°42'20" W.; to lat. 28°51'15" N., long. 80°47'15" W.; to lat. 28°40'10" N., long. 80°50'45" W.; to lat. 28°38'00" N., long. 80°47'02" W.; to lat. 28°31'20" N., long. 80°43'50" W.; to lat. 28°25'00" N., long. 80°41'45" W.; to lat. 28°25'00" N., long. 80°30'30" W.; thence 3 nautical miles from and parallel to the shoreline; to lat. 28°19'00" N., long. 80°33'30" W.; to lat. 28°19'00" N., long. 80°46'30" W.; to the point of beginning.

Designated altitudes. 11,000 feet MSL to unlimited.

Times of use. Intermittent, activated by NOTAM normally 24 hours in advance

Controlling agency. FAA, Miami ARTCC.

Using agency. U.S. Air Force, Eastern Space and Missile Center/ROS, Cape Canaveral AFS, FL.

Issued in Washington, DC., on December 10, 1987.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87–29149 Filed 12–18–87; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9149]

Public Comment Period; Ogilvy & Mather International, Inc.

AGENCY: Federal Trade Commission.

ACTION: Notice of period for public comment on petition to reopen and modify the order.

SUMMARY: Ogilvy Group, Inc. (formerly named Ogilvy & Mather International, Inc.), a corporate respondent in the order in Docket No. 9149, has petitioned the Federal Trade Commission to modify in certain respects a 1983 consent order against Ogilvy & Mather International, Inc., concerning the misrepresentation of drug products. This document announces the public comment period on the petition.

DATE: Deadline for filing comments in this matter is January 13, 1988.

ADDRESS: Comments should be sent to the Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580. Requests for copies of the request should be sent to the Public Reference Branch, Room 130.

FOR FURTHER INFORMATION CONTACT: Terrence J. Boyle, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, (202) 326–3016.

SUPPLEMENTARY INFORMATION: The order against Ogilvy & Mather International, Inc. in Docket No. 9149 was published at 48 FR 2316 on January 19, 1983. The petitioner, Ogilvy Group, Inc., successor to Ogilvy & Mather International, is an advertising agency. The order prohibits Ogilvy & Mather International from employing any trade name for any drug which represents that such drug contains an active ingredient which it does not contain or does not contain in therapeutically significant quantities; from misrepresenting that any such drug is new or involves a new mechanical or scientific principle; from misrepresenting any test or study concerning any drug product; and certain other representations without substantiation. The petition to modify was placed on the public record on December 14, 1987.

List of Subjects in 16 CFR Part 13

Drugs.

Emily H. Rock,

Secretary.

[FR Doc. 87–29154 Filed 12–18–87; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Part 236

[Docket No. R–87–1349; FR–1997]

State Agency Amendments—Prohibited Lease Terms

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would prohibit the use of specific lease provisions in projects financed by State housing agencies. This proposal would implement a statutory provision (section 202(b) (3) of the Housing and Community Development Amendments of 1978) that requires HUD to assure that leases used in connection with certain multifamily projects with mortgages covered by HUD insurance or non-insured State-agency projects assisted under Section 236 of the National Housing Act do not contain unreasonable terms and conditions. The prohibitions contained in this rule were made applicable to other HUD housing programs by earlier rulemakings.

DATES: Comments must be received by: February 19, 1988.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, Room 6182, 451 Seventh Street, SW., Washington, DC 20410. Telephone number (202) 426–3970. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 202(b) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1b(b)) (1978 Amendments) requires the Secretary to assure that "leases approved by the Secretary * * * do not contain unreasonable terms and conditions." (While HUD does not approve the form of lease used by non-insured State-agency projects, the State agency, which is the contract administrator on behalf of the Secretary, does approve the lease.) Section 202(b) applies to multifamily housing projects assisted under section 236 or section 221(d) (3) (BMIR) of the National Housing Act, or under section 101 of the Housing and Urban Development Act of 1965 (Rent Supplement). In addition, the provision applies to projects which were assisted under any of these programs before being acquired by the Secretary and sold subject to a Secretary-held or-insured mortgage and subject to an agreement (in effect while receiving Troubled Projects Operating Subsidy under section 201 of the 1978 Act) which provides that the low-and moderate-income character of the projects will be maintained.

The Department issued a final rule on September 23, 1983 (effective October 23, 1983) that set forth specific provisions that could not be included in a lease used in a project assisted under any of these three authorities. Additionally, the rule advised that HUD would require landlords to use the model lease, as set out in HUD Handbook 4350.3, *Occupancy Requirements of Subsidized Multifamily Housing Programs.* The Handbook requires HUD approval of any variations of the model lease; it also provides that leases containing any of the prohibited provisions will not be approved. The final rule of September 23, 1983 also explained that HUD would require landlords to use the model lease because.

> Use of [the] model lease enables the Department to discharge more efficiently its responsibility to monitor the operation of affected projects for compliance with section 202(b) (3) of the 1978 Act. However, use of the model lease does not preclude landlords from making changes thereto (not including the prohibited provisions enumerated in this rule), provided written approval for the changes is first obtained from the Department. In this regard, HUD will consider revisions proposed to bring the model lease into compliance with State or local law and with property management practices generally accepted in the project's market area. (48 FR 43310, 43312)

HUD also advised that the September 23, 1983 final rule was not being made applicable to State-assisted uninsured section 236 projects. The Department discussed at length in that rule its reasons for not extending the coverage of section 202 of the 1978 Amendments to projects financed and supervised by State agencies. See 48 FR at 43312. The principal reasons advanced by the Department for not extending coverage of section 202 to State-assisted section 236 projects were "the lack of clear congressional intent on this point" and the fact that "the Department's proposed authorization legislation submitted in both 1982 included a proposal to remove uninsured, State-assisted projects from the coverage of section 201, which would also have the effect of removing such projects from [the] coverage of section 202." *Id.* The rule concluded with the advisory, however, that "if the Department's legislative proposal is rejected by the Senate or in conference, the Department will propose an extension of this rule to cover such projects." *Id.* The Department's proposal was rejected, and today's proposed rule would make the prohibited lease terms policy applicable to State-assisted uninsured section 236 projects.

Findings and Certifications

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410.

This rule would not constitute a "major rule" as that term is defined in section 1(d) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. An analysis of the rule indicates that it would not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned certifies that this rule would not have a significant economic impact on a substantial number of small entities. The rule merely sets forth prohibited legal practices.

This rule is listed as Item No. 951 in the Department's Semiannual Agenda of Regulations published on October 26, 1987 (52 FR 40374) under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program numbers are 14.103 and 14.149.

List of Subjects in 24 CFR Part 236

Low and moderate income housing, Mortgage insurance, Rent subsidies, Taxes, Utilities, Projects.

Accordingly, the Department would amend 24 CFR Part 236 as follows:

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENT FOR RENTAL PROJECTS

1. The authority citation for Part 236 would continue to read as follows:

Authority: Secs. 211 and 236, National Housing Act (12 U.S.C. 1715b, 1715z–1); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. In § 236.75, paragraphs (a) and (b) introductory text would be revised to read as follows:

§ 236.75 Form of lease and occupancy agreement.

(a) In the case of a HUD-insured project, a tenant or cooperative member

who is to pay less than the fair market rental shall be acquired to execute a lease or occupancy agreement, as appropriate, that must be in a form approved by the Commissioner and that does not contain any of the lease clauses prohibited under paragraph (b) of this section. In the case of a non-insured State-agency project, the lease approved by the State agency also cannot contain any of the prohibited lease clauses set forth in paragraph (b) of this section.

(b) In addition to prohibiting the inclusion of lease clauses of the nature described below in new leases or occupancy agreements covered by paragraph (a) of this section, such clauses shall be deleted from existing leases and occupancy agreements either by amendment to the leases or occupancy agreements or by execution of a new lease or occupancy agreement.

* * * * *

Dated: November 19, 1987.

Thomas T. Demery,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 87-29166 Filed 12-18-87; 8:45 am]

BILLING CODE 4210-27-M

---

24 CFR Part 888

[Docket No. N-87-1751; FR-2423]

Section 8 Housing Assistance Payments Program; Fair Market Rents for New Construction and Substantial Rehabilitation—Detroit, MI; Special Revision

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Proposed Fair Market Rents.

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to establish Fair Market Rents (FMRs) periodically, but not less frequently than annually. This document proposes to amend the Fiscal Year 1986 Fair Market Rent Schedule to establish new Firm Market Rents for the Detroit market area in the State of Michigan. These rents are necessary to provide fair market rents comparable to market rents for new construction in this market area.

DATES: Comment Due Date: January 20, 1988.

ADDRESSES: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support Division, Office of Insured Multifamily Housing Development, 451 Seventh Street SW., Washington, DC 20410-0500, telephone (202) 426-7624. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) (the Act) authorizes a system of housing assistance payments to aid lower income families in renting decent, safe, and sanitary housing. These programs, known collectively as the Section 8 Housing Assistance Payments Program, provide assistance payments for lower income families for a variety of housing options, including new construction and substantial rehabilitation.

Under these programs, HUD or public housing agencies (PHAs) make rental assistance payments on behalf of eligible families to owners. When families lease an eligible unit, the housing assistance payment is made and is based upon the difference between the total housing expense and the total family contribution. Initial contract rents, plus an allowance for utilities generally may not exceed area-wide Fair Market Rents (FMRs) established by the Department. FMRs are based primarily on the level of rentals paid for recently completed or newly constructed dwelling units of modest design within each market area as determined by HUD Field Office staff. In addition, for the Fair Market Rents most recently promulgated by the Department (see the August 7, 1986 **Federal Register**, 51 FR 28486), these rents reflected the Department's cost containment efforts in relation to housing assistance provided in the Section 8 New Construction and Substantial Rehabilitation Programs.

This Document

This document proposes a special revision to the entire Fiscal Year 1986 Fair Market Rent applicable to the Detroit, Michigan market area. The 1986 FMRs reflected data submitted by the Detroit Office, as well as the cost containment efforts implemented for all 1986 New Construction and Substantial Rehabilitation Rents. While the data submitted by the field office was proper, it reflected comparables all built during the 1970s because there has been no construction of modestly designed rental housing in Detroit for the past several years. (Moreover, the Detroit market area experienced an economic decline during 1983 and 1984.) HUD's procedures, which are consistent with sound appraisal practices, permit the use of such comparables, which are then adjusted for all variables, including age. Further, where comparables do not exist, HUD procedures permit the use of an interpolation technique to arrive at indicated FMRs. Although the use of interpolation and adjustments to establish rents are sound principles and techniques, the best data for "market rents" would be that from recently constructed projects, as it would necessarily reflect current conditions in the marketplace with respect to financing, vacancy rates, etc., and would provide a degree of assurance that rents so derived should be adequate to support new projects, all factors being equal.

The HUD Field Office has requested that the Department propose new rents for the Detroit market area. Careful analysis of this request and reanalysis of the 1986 FMRs for this market area indicate that the rents resulting from the application on the aforementioned techniques, when modified to reflect the Department's cost containment policies, are not adequate, even when it is clear that there has been compliance with the Department's cost containment guidelines with respect to project design. Therefore, an upward adjustment of the 1986 FMRs for this market area is needed. Accordingly, the Department is proposing a revision of the entire 1986 schedule applicable to the Detroit market area. It is intended that when this schedule is published for effect, its applicability will be the same as set forth in the preamble to the original Fiscal Year 1986 schedule, published on August 7, 1986, at 51 FR 28486.

Other Information

HUD regulations in 24 CFR Part 50, implementing section 102(2)(c) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities and programs specified in § 50.20. Since the FMRs proposed in this Notice are within the exclusion set forth in § 50.20(1), no environmental assessment is required, and no environmental finding has been prepared.

The Catalog of Federal Domestic Assistance Program number and title for the activities covered by this Notice are 14.156, Lower Income Housing Assistance Program (Section 8).

Accordingly, the following amendment to the 1986 Fair Market Rent schedule is proposed for the Detroit, Michigan market area:

SCHEDULE A.—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION

[Including Housing Finance and Development Agencies' Programs]

[Region 5—Detroit office market: Detroit]

Structure type	Number of bedrooms				
	0	1	2	3	4+
Detached			703	774	901
Semi-Detached/Row	434	470	576	673	777
Walkup	362	448	528	620	719
Elevator 2-4 STY	397	473	549		
Elevator 5+ STY	396	456	631		

Dated: December 10, 1987.

Thomas T. Demery,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 87-29165 Filed 12-18-87; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 650; Ref: Notice No. 639]

Wild Horse Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Reopening of comment period.

SUMMARY: This notice reopens the comment period for Notice No. 639 (52 FR 34924, September 16, 1987). Notice No. 639 proposed establishment of a viticultural area in Napa and Solano Counties to be known as Wild Horse Valley. The comment period is being reopened for thirty days as a result of a request made by Mr. Ken Volk, President of Santa Lucia Winery Inc., owner of a bonded winery located in Templeton, California. Santa Lucia Winery Inc. is concerned about the proposal since it claims it owns brand labels and advertisements with the trademark "Wild Horse." The winery is concerned about the impact the proposed Wild Horse Valley viticultural area name may have on use of their trademark. Santa Lucia Winery Inc. would like to inspect the petition and related correspondence prior to submitting a comment on the notice of proposed rulemaking.

DATE: Comments must be received on or before January 20, 1988.

ADDRESS: Comments should be addressed to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, DC 20226, 202-566-7626.

SUPPLEMENTARY INFORMATION:

Background

On September 16, 1987, ATF published Notice No. 639, proposing an approximately 3,300 acre (or 5.16 square mile) viticultural area located five miles east of the City of Napa, California. The action was based on a petition received from John Newmeyer of Napa and four other interested persons. There are currently no bonded wineries in the proposed viticultural area but according to the petitioner two small wineries are planned. The comment period for the proposed Wild Horse Valley viticultural area closed on November 2, 1987.

On October 30, 1987 (2 days prior to the closing of the comment period), Santa Lucia Winery Inc. requested a 30-day extension of the comment period. Santa Lucia Winery Inc. markets a number of wines with the brand name Wild Horse and trade names Wild Horse Winery, Wild Horse Cellars and Wild Horse. They have been using the name Wild Horse on their wine labels since December 3, 1985. They would like more time to review the Wild Horse Valley petition and submit a comment because they claim they own the trademark "Wild Horse." They believe that consumers may become confused (as to the origin of wines) if both names Wild Horse Valley and Wild Horse can appear on wine labeling and advertising.

Disclosure of Comments

Written comments or suggestions may be inspected by any person at the ATF Reading Room, Office of Public Affairs and Disclosure, Room 4412, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC, during normal business hours.

Drafting Information

The principal author of this document is Edward A. Reisman, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

This notice is issued under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended, 27 U.S.C. 205.

Approved: December 14, 1987.

Stephen E. Higgins,

Director.

[FR Doc. 87-29151 Filed 12-18-87; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 8-87]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: The Department of Justice proposes to exempt a Privacy Act system of records from subsections (c)(3) and (d) of the Privacy Act, 5 U.S.C. 522a. This system is the "Central Index File and Associated Records, JUSTICE/OSC-001." Records contained in this system relate to official Federal investigations and matters of law enforcement. The exemptions are needed to protect ongoing investigations, as well as the privacy of third parties and the identities of confidential sources involved in such investigations.

DATE: Submit any comments by January 20, 1988.

ADDRESS: Address all comments to J. Michael Clark, Assistant Director, General Services Staff, Justice Management Division, Department of Justice, Room 6402, 601 D Street, NW, Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: J. Michael Clark, (202) 272-6474.

SUPPLEMENTARY INFORMATION: In the notice section of today's **Federal Register**, the Department of Justice provides a description of the "Central Index File and Associated Records, JUSTICE/OSC-001.".

Pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative practice and procedure, Courts, Freedom of information, Privacy and Sunshine Acts.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, it is proposed to amend 28 CFR Part 16 by adding § 16.78 as set forth below.

Dated: December 7, 1987.

Harry H. Flickinger,

Assistant Attorney General for Administration.

PART 16—[AMENDED]

1. The authority for Part 16 continues to read as follows:

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483a unless otherwise noted:

2. It is proposed to amend 28 CFR Part 16 by adding § 16.78 to read as follows:

§ 16.78 Exemption of the Special Counsel for Immigration-Related, Unfair Employment Practices Systems.

(a) The following system of records is exempt from 5 U.S.C. 552a(c)(3) and (d).

(1) Central Index File and Associated Records, JUSTICE/OSC–001.

The exemptions apply to the extent that information in their system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of an investigation to obtain valuable information concerning the nature of that investigation. This would permit record subjects to impede the investigation, e.g., destroy evidence, intimidate potential witnesses, or flee the area to avoid inquiries.

(2) From subsection (d) because access to the records contained in this system might compromise ongoing investigations, reveal confidential informants, or constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation.

[FR Doc. 87–29129 Filed 12–18–87; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Parts 1202 and 1258

NARA Fee Schedule; Proposed Rulemaking

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will revise fees charged by the National Archives and Record Administration (NARA) for reproduction of records created by other Federal agencies and transferred to the custody of the Archivist of the United States, donated historical materials, and records filed with the Office of the Federal Register. This regulation also proposes to set fees for reproductions made pursuant to Privacy Act requests for NARA administrative records and to FOIA requests for accessioned records. The fees are changed to reflect the current costs of providing the reproduction services.

DATE: Comments must be received on or before January 20, 1988.

ADDRESS: Comments should be sent to Director, Program Policy and Evaluation Division, National Archives and Record Administration (NAA), Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Adrienne C. Thomas or Nancy Allard at 202–523–3214 (FTS 523–3214).

SUPPLEMENTARY INFORMATION: In past years, the NARA reproduction fee schedule has been applicable to Privacy Act and FOIA requests for NARA administrative records as well as to routine reference requests and FOIA requests for records transferred to the custody of the Archivist of the United States. The NARA reproduction fee schedule proposed in § 1258.12 will apply only to routine reference requests for records transferred to the custody of the Archivist. To facilitate revision of reproduction fees in response to changing costs, we are proposing to issue fees for FOIA requests for records transferred to the custody of the Archivist of the United States in a new § 1258.11. Proposed changes to the FOIA fee schedule will continue to be published for public comment in a notice of proposed rulemaking.

The proposed fee schedule in § 1258.12 does not differentiate between customer or NARA selection (tabbing) of documents for electrostatic and negative microfilm copies. We have determined that the work that NARA staff must perform in preparing the records for reproduction is essentially the same whether the customer or NARA selects the documents. Therefore, we are eliminating the $0.05 per copy or frame surcharge for NARA tabbed documents.

This proposed rule also estimates in § 1202.50 a separate fee for reproductions of NARA administrative records in response to Privacy Act requests. NARA recently established a separate fee schedule for reproduction of NARA administrative records at 36 CFR 1250.40 (52 FR 29517), as required by the Freedom of Information Reform Act. As we pointed out in that rulemaking, the uniform fee provisions of the Reform Act do not apply to FOIA requests for records transferred to the custody of the Archivist of the United States because a superceding statute, 44 U.S.C. 2116(c), exists.

This rule is not a major rule for the purpose of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small business entities.

List of Subjects

36 CFR Part 1201

Privacy Act.

36 CFR Part 1258

Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend Chapter XII of Title 36 of the Code of Federal Regulations as follows:

PART 1202—REGULATIONS IMPLEMENTING THE PRIVACY ACT OF 1974

1. The authority citation for Part 1202 continues to read as follows:

Authority: 44 U.S.C. 2104(a); 5 U.S.C. 552a.

2. Section 1202.50 is revised to read as follows:

§ 1202.50 Records available at a fee.

The system manager shall provide one electrostatic copy of a record to a requester at a fee of $0.35 per page if NARA makes the copy or $0.10 per page if the requester makes the copy a NARA self-service copier.

PART 1258—FEES

3. The authority citation for Part 1258 continues to read as follows:

Authority: 44 U.S.C. 2116(c).

4. Section 1258.2 is amended by revising paragraph (a) and adding paragraph (c)(10) as follows:

§ 1258.2 Applicability.

(a) Except as otherwise provided in this section, fees for the reproduction of NARA archival records, donated historical materials, and records filed with the Office of the Federal Register are as set forth in § 1258.12.

* * * * *

(c) * * *

(10) The fees for reproductions of archival records made in response to FOIA requests are set forth in § 1258.11.

5. Section 1258.11 is added to read as follows:

§ 1258.11 Fees for reproduction of archival records in response to FOIA requests.

(a) *Electrostatic copies.*

(1) Paper to paper (up to 11 in. by 17 in.):

NARA makes the copy	$0.35
Customer makes the copy on a NARA self-service copier	0.10

(2) Oversized electrostatic copies (per foot): $2.15 (plus $0.20 per foot for vellum paper)

(3) Microfilm to paper:

	Up to 11 in. by 17 in.	18 in. by 24 in.
Work done by customer	$ .30	$ .80
NARA performs the work:		
First copy per roll	1.85	[illegible]
Next consecutive frame or duplicate	[illegible]	1.30
Next nonconsecutive frame	[illegible]	1.50

(b) *Other processes.*

Fees for other reproduction processes not listed in § 1258.11 are computed upon request.

6. Section 1258.12 is revised to read as follows:

§ 1258.12 Fee schedule.

(a) *Authentication:* $2.00

(b) *Still photography:*

(1) Copy negatives (Black & white):

4 in. by 5 in.	$4.40
8 in. by 10 in.	6.00

(2) Copy negatives (Color):

4 in. by 5 in.	$10.85
8 in. by 10 in.	23.30

(3) Slides (from an existing negative):

2 in. by 2 in. (Black & White)	$2.00
2 in. by 2 in. (Color)	2.45

(4) Aerial photographic reproductions:

10 in. by 10 in. direct duplicate negative	$6.95
10 in. by 10 in. contact print	5.50
14 in. by 14 in.	8.70
18 in. by 18 in.	9.20
20 in. by 24 in.	10.20
24 in. by 30 in.	13.25
40 in. by 41 in.	19.55

(c) *Electrostatic copying:*

(1) Paper to paper (up to 11 in. by 17 in.):

Customer makes the copy at a NARA self-service copier	$.10
NARA makes the copy	.35
(2) Oversized electrostatic copies (per foot):	$2.15
Add per foot for vellum paper	.20
(3) Red-line copies	1.15

(4) *Microfilm to paper:*

From positive:	Up to 11 in. by 17 in.	18 in. by 24 in.
Work done by customer	$.30	[illegible]
NARA performs the work:		
First copy per roll	1.85	2.35
Next consecutive frame or duplicate	[illegible]	1.30
Next nonconsecutive frame	[illegible]	1.50

(e) *Microfilm:*

	16mm Rotary	16mm Planetary	[illegible] Planetary	35mm Oversize
(1) Negative (per frame):	.28	.36	.97	.43
(2) Next generation (per foot)	[illegible]	.31	.33	[illegible]
(3) Direct duplicate: (per foot):	[illegible]	.32	[illegible]	[illegible]

(f) *Diazo microfiche duplication (per fiche):* $1.05

(g) *Technical services:*

	Regular	Overtime
Photographer (per hour)	$11.00	$16.50
Microfilm preparation (per hour)	9.50	14.25
Sound & video recordings	11.50	17.25

(h) *Preservation of records.* In order to preserve certain records which are in poor physical condition, NARA may restrict customers to a choice of photostatic or microfilm copies instead of electrostatic copies.

(i) *Unlisted processes.* Fees for reproduction processes not listed in § 1258.12 are computed upon request.

5. Section 1258.16 is revised to read as follows:

§ 1258.16 Effective date.

The fees in § 1258.12 are effective on March 1, 1988.

Dated: November 16, 1987.

Frank G. Burke,

Acting Archivist of the United States.

[FR Doc. 87–29068 Filed 12–18–87; 8:45 am]

BILLING CODE 7515–01–M

POSTAL SERVICE

39 CFR Part 111

Revision of Regulations for Penalty Business Reply Mail Accounting Fees

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service proposes changing the current regulations regarding penalty business reply mail (BRM) to conform more closely to requirements which apply to commercial customers, and to help integrate BRM with the Official Mail Accounting System (OMAS). OMAS is an automated accounting system for official mail revenue.

DATES: The deadline for submitting comments on this proposal is on or before January 20, 1988.

ADDRESSES: Address written comments to the General Manager, Official & International Mail Accounting Division, U.S. Postal Service, Washington, DC 20260–5230. Copies of written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8621, 475 L'Enfant Plaza West, SW., Washington, DC 20260.

FOR FURTHER INFORMATION CONTACT: James S. Stanford, (202) 268–3250.

SUPPLEMENTARY INFORMATION: There are three significant changes in the proposed regulations. The first change establishes two methods of paying for BRM. Under one new payment method, agencies are billed through OMAS by establishing a BRM account. Agencies pay an annual accounting fee for each post office ZIP Code where they wish to be billed for returned BRM. This method is recommended for agency locations that project an annual BRM volume of more than 1,000 pieces. Under the other new payment method, agency locations that project a volume of 1,000 pieces or less pay postage and a higher per piece fee, using penalty mail postage meters or stamps when the returned BRM is delivered.

Under current penalty mail BRM regulations, Federal agencies pay only one accounting fee for each assigned permit number, regardless of how many post offices handle their returned BRM. Also, they do not have the option of paying upon delivery. This policy was established when penalty mail BRM accounting was centralized at Postal Service Headquarters. At that time, there was no feasible alternative for Federal agencies to pay upon delivery for BRM without requiring prepayment, which is prohibited by section 3201 of Title 39, U.S. Code.

The new payment methods we propose have been made available because of the decentralization of penalty mail accounting under OMAS, and because agencies may now pay for BRM postage with penalty mail postage meters and stamps. These methods allow us to conform penalty BRM payments to the payment options and fee structure available to our commercial customers. They ensure the proper application of the BRM fee structure to penalty mail, while providing each Federal agency with the option of using the most cost-effective BRM payment method at each BRM return location.

The second proposed change is that Postal Service Headquarters, rather than local post offices, will assign penalty mail BRM permit numbers. This will

prevent agencies from having duplicate numbers, and will allow us to conform to the very successful procedures used to assign permit imprint numbers to Federal agencies. We expect that, in most cases, this new procedure will not require agencies to change their existing BRM permit numbers.

The third proposed change requires Federal agencies to apply for a BRM authorization at each post office where they wish to have BRM returned. Only one application is required, as long as the permit remains active and the information on the application form does not change. In ensures that the correct agency code (and subcode, if desired) is recorded in OMAS, and that the agency has designated its desired BRM payment option for that location.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed amendments to the Domestic Mail Manual, which is incorporated by reference in the code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal service.

PART 111—[AMENDED]

1. The authority citation in 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

PART 137—OFFICIAL MAIL

2. In 137.276, revise g to read as follows:

137.276 Penalty Reply Mail

* * * * *

g. Penalty Business Reply

(1) General. An agency may pay for penalty business reply mail (BRM) by setting up a BRM account or by paying for BRM upon delivery of the mail. Under a BRM account, the agency will be billed an annual accounting fee by each post office ZIP Code where its mail will be returned, the appropriate postage, and a per piece charge. Under the "payment upon delivery" option, the agency pays the appropriate postage and a per piece charge. In both cases, the agency will be billed an annual BRM permit fee for each assigned permit number. The postage, fees, and charges are the same as in 917.3.

(2) Applying for a BRM permit. An agency must apply for an authorization to use a business reply permit at each post office where its business reply mail will be returned. An agency must complete and submit to each post office a copy of Form 3614, *Application for a BRM Permit* (Exhibit 137.276g(2)), which must include the following:

(*a*) BRM permit number (only Postal Service Headquarters may assign BRM permit numbers—see 137.252 for a list of authorized BRM permit numbers.)

(*b*) Agency code.

(*c*) Agency subcode (if desired)

() Whether the agency desires to set up a BRM account.

Each agency will be assessed a BRM *permit* fee each year by the Official & International Mail Accounting Division at Postal Service Headquarters. At each post office where an agency wishes to set up a BRM account, the post office that handles the account will assess a BRM *account* fee by completing Form 3638–C, *Fee Assessment for Official Mail*, and returning the original copy to the agency. (An agency cannot pay in cash for any official mail transaction.) A contractor may submit an application on behalf of the agency if it is signed by an authorized agency representative.

(3) Formatting BRM. Penalty business reply mail envelopes must bear the address of one of the authorized agencies listed in 137.252, or one of their component units. Envelopes must be printed in the format required by 917.5, with the following exceptions:

(*a*) The address may be printed, typewritten, or handstamped directly on the mailpiece, or a printed gummed label may be affixed in the address area. The address must not be handwritten. All other preparation requirements for the address side in 917.5 must be met.

(*b*) The legend require by 917.524 must read *Postage Will Be Paid By* (name of authorized agency).

Exception: The legend must not appear on Postal Service business reply mail.

(*c*) The space for the permit holder's used described in 917.525e must include the statement, *Official Business, Penalty for Private Use $300.* Space above this statement may be used for return address, logos, distribution codes, etc.

(*d*) Exhibit 137.276g(3)(d) illustrates the penalty business reply mail format.

(4) Renewing a BRM Permit and BRM Account.

(*a*) An agency is automatically billed by Postal Service Headquarters an annual fee for each authorized BRM permit. See 917.33a.

(*b*) If an agency elects the BRM account option, it will also receive an *Annual Fee Renewal Notice* from the post office at which its BRM is delivered. An agency must indicate on the notice which permit options it wishes to renew, and return the notice to the post office by the renewal deadline. If the agency fails to renew an established BRM account, the account will be closed and postage for the BRM mail will be collected under the "payment upon delivery" option described below.

(*c*) If any agency elects the "payment upon delivery" option, no action is necessary for renewal.

(5) Paying BRM Postage and Fees.

(*a*) BRM Account Option. Each post office will record all BRM returned to it each day. It will prepare for each agency a Form 3582–A, *Postage Due Bill*, as a daily record of mail charged to the agency's BRM account, and will submit the form to the agency with its mail. Each accounting period, each post office will summarize BRM activity through the Official Mail Accounting System (OMAS). Postal Service Headquarters will distribute this information to agencies in a quarterly OMAS report.

(*b*) Payment Upon Delivery Option. Under this option, an agency must use penalty mail postage meter strips or penalty mail stamps to pay for BRM when the mail is delivered. The meter strip must be in the exact amount of the postage due, and bear the current date. Postage collected under this option will be included in the overall OMAS postage total, but will not appear under the BRM total.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposed is adopted.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

BILLING CODE 7710-12-M

Application for a BRM Permit

This permit allows the holder to distribute business reply cards, envelopes, self-mailers, cartons, and labels prepared and mailed for return without prepayment of postage under Section 917, Domestic Mail Manual (DMM). First-Class rates and the additional per piece charge for business reply mail will be paid on all pieces returned under this privilege. The permit holder must prepare mailing pieces in accordance with DMM 917, and understands that failure to conform with these requirements may be considered basis for revocation of this permit. The annual business reply permit fee and the annual accounting fee, if payment is from a BRM account, must accompany this form. If permit is not renewed by December 31, BRM will not be delivered.

Permit Holder's Name, Street Address, City & State, ZIP + 4 code

Telephone Number	Federal Agency Code - Subcode

Post Office to which application is submitted (include City & State, ZIP + 4 code):

Signature & Title of Applicant	Date

The Postmaster must complete and return bottom portion to applicant.

Permit Number	Date Issued	BRM Account yes no

You are authorized to distribute business reply cards, envelopes, self-mailers, cartons, and labels under the provisions of Domestic Mail Manual (DMM) 917. Your permit number must appear on each item and you must notify this office of any name or address change or permit cancellation. Only mail prepared in accordance with DMM 917 will be accepted as business reply mail. You must renew your permit by December 31 each year, or BRM will not be delivered.

Permit Number	BRM Permit Fee Receipt Number
BRM Account yes ☐ no ☐	BRM Account Fee Receipt Number
Date Issued	Postmaster's Signature

Permit Holder's Name, Street Address, City & State, ZIP + 4 code

Exhibit 137.276g(2) - Form 3614, *Application for a BRM Permit*

PS Form **3614** January 1988

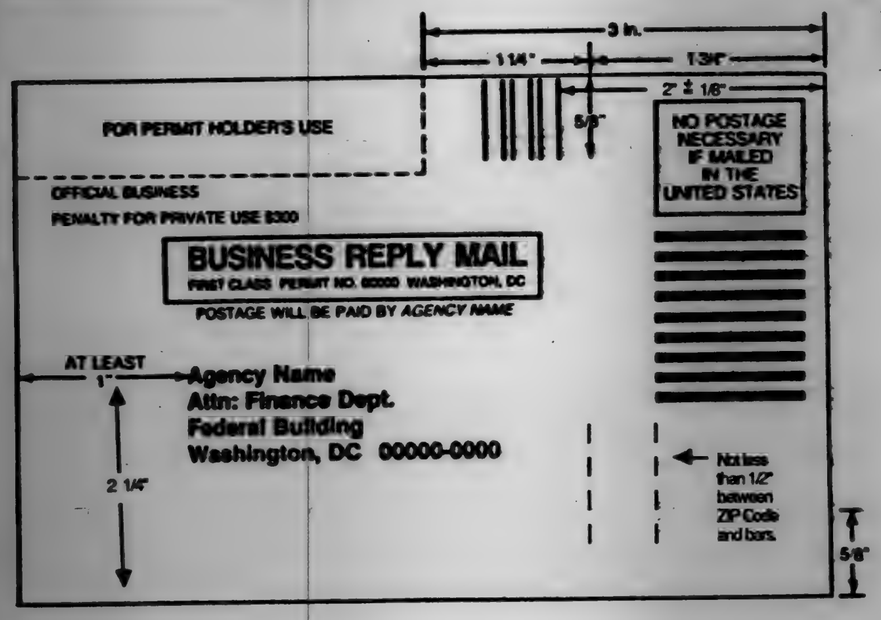


Exhibit 137.276g((3)(d) - Penalty Business Reply Mail Format

[FR Doc. 87-28985 Filed 12-18-87; 8:45 am]
BILLING CODE 7710-12-C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3303-7]

Approval and Promulgation of Implementation Plans; State of Oklahoma; Stack Height Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes approval of Oklahoma's Regulation 1.4.2(b) "Stack Height Limitation" which was submitted by the Governor on April 30, 1986. Regulation 1.4.2(b) is at least as stringent as the recent revisions to EPA's Stack Height Regulations, except for the inclusion of one definition.

Each State was required to review its State Implementation Plan (SIP) for consistency within nine months of final promulgation of the stack height regulations. The intended effect of this action is to formally document that Oklahoma has satisfied their obligations under section 406 of the Clean Air Act to review its SIP with respect to EPA's revised stack height regulations and to propose approval of the State's revised regulation.

DATES: Comments must be received at the Region 6 office by January 20, 1988. Public comment on this submittal is requested and will be considered before taking final action.

ADDRESSES: Written comments on this action should be addressed to Thomas Diggs of the EPA Region 6, Air Programs Branch, SIP/NSR Section (address below). Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-AN), 1201 Elm Street, Dallas, Texas 75270.

Oklahoma State Department of Health, Air Quality Service, 1000 Northeast 10th Street, P.O. Box 53551, Oklahoma City, Oklahoma 73152.

FOR FURTHER INFORMATION CONTACT: Gregg C. Guthrie, Air Programs Branch, EPA Region 6, 1201 Elm Street, Dallas, Texas 75270, telephone (214) 655-7214 or (FTS) 255-7214. Reference Docket File Number OK-86-1.

SUPPLEMENTARY INFORMATION: On February 8, 1982 (47 FR 5864), EPA promulgated final regulations limiting stack height credits and other dispersion techniques as required by section 123 of the Clean Air Act (the Act). These regulations were challenged in the U.S. Court of Appeals for the D.C. Circuit by the *Sierra Club v. EPA*, 719 F. 2d 436. On October 11, 1983, the court issued its decision ordering EPA to reconsider portions of the stack height regulations, reversing certain portions and upholding other portions.

On February 28, 1984, the electric power industry filed a petition for a writ of certiorari with the U.S. Supreme Court. On July 2, 1984, the Supreme Court denied the petition (104 S. Ct. 3571), and on July 18, 1984, the Court of Appeals' mandate was formally issued, implementing the court's decision and requiring EPA to promulgate revisions to the stack height regulations within six months. The promulgation deadline was ultimately extended to June 27, 1985.

Revisions to the stack height regulations were proposed on November 9, 1984 (49 FR 44878), and finalized on July 8, 1985 (50 FR 27892). The revisions redefine a number of specific terms including "excessive concentrations," "dispersion technique," "nearby," and other important concepts, and modified some of the bases for determining good engineering practice (GEP) stack height. Pursuant to section 406(d)(2) of the Act, all states were required to (1) review and revise, as necessary, their state implementation plans (SIPs) to include provisions that limit stack height credits and dispersion techniques in accordance with the revised regulations and (2) review all existing emission limitations to determine whether any of these limitations have been affected by stack height credits above GEP or any other dispersion techniques. For any limitations so affected, states were to prepare revised limitations consistent with their revised SIPs. All SIP revisions and revised emission limits were to be submitted to EPA within nine months of promulgation, as required by section 406.

Plan Review

The State of Oklahoma found its SIP needed revision to include the provisions in the revised Federal regulations. EPA received the revision on June 9, 1986, from the Oklahoma State Department of Health (OSDH). EPA reviewed the revision and developed an evaluation report.[1] This evaluation report is available for inspection by interested parties during normal business hours at the EPA Region 6 office. The State's regulation meets all of EPA's criteria for approval, with the exceptions of acceptable definitions of "Emission Limitation and Emission Standard", and "Dispersion Technique".

The States regulation 1.4 is their Permitting and New Source Review Program. Regulation 1.4.2(b) "Stack Height Limitation" is part of regulation 1.4 and therefore will apply to all new or modified sources as required in 40 CFR (old 51.18(1)) 51.164. All existing sources have been reviewed and found to be in compliance with regulation 1.4.2(b) therefore satisfying the requirements of 40 CFR (old 51.12(j)) 51.118(a).

EPA's review has found Oklahoma's regulation to be at least as stringent as the Federal regulations. Regulation 1.4.2(b) does not provide for excluding stack heights in existence before December 31, 1970 [See 40 CFR (old § 51.12(k)) 51.118(b)], and the definition of "Dispersion Technique" does not include source process parameters or stack parameters; smoke management; or woodburning and open burning episodic restrictions. Specifically, the definition of "Dispersion Technique" does not include the Federal exemptions in paragraphs (iii) and (iv) under paragraph (c) of 40 CFR (old § 51.1(jj)(2)(ii)) 51.100 (jj)(2)(ii). The definition of "Good Engineering Practice" provides only the Commissioner of the OSDH authority to require a field study or fluid modeling study to verify the GEP stack height. (EPA's definition gives the authority to EPA, the State, or the local control agency.) EPA believes that is acceptable because under the current Federal regulations, EPA has authority to require a field study or fluid modeling study to verify the GEP stack height.

The State definitions adopted in 1.4.2(b) are similar to Federal definitions. The State has not, however, included the definition of "Emission Limitation and Emission Standard" in its regulation. EPA request that the OSDH add this definition or a schedule to adopt this definition during the public comment period. The State's definition of "Dispersion Technique" does not prohibit manipulation of source process parameters and stack parameters to increase final exhaust gas plume rise. EPA notified the State of the discrepancy and the State has agreed to revise the definition in a November 6, 1987, letter.

Proposed Action

EPA is proposing approval of the SIP revision for Oklahoma Regulation 1.4.2(b) "Stack Height Limitation". EPA will not take final action until the State amends the definitions as outlined above.

[1] Evaluation Report for the Oklahoma Regulation 1.4.2(b) "Stack Height Limitation".

VOL 52 ISS 244 DEC 21 1987 UMI

Regulatory Process

Under 5 U.S.C. 605(b), I certify SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 146 FR 8709).

The Office of Management and Budget has exempted this rule from the requirement of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Sulfur oxides.

Authority: 42 U.S.C. 7401–7642.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 87–29117 Filed 12–18–87; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Part 763

[OPTS–62035; FRL–3305–1]

Asbestos; Proposed Release of Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Release of additional information.

SUMMARY: EPA requests comment on its intention to release publicly, under the authority of section 14(a)(4) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2613(a)(4), three documents that disclose some information currently treated as Confidential Business Information (CBI) because this information is relevant to the Agency's rulemaking proceeding to ban and phase out the use of asbestos (50 FR 3738, January 29, 1986). EPA will soon place in the public rulemaking docket three major documents containing analyses necessary to support the asbestos rulemaking and developed using information currently treated by EPA as CBI. These documents are: The Asbestos Exposure Assessment, the Asbestos Modeling Study, and the Regulatory Impact Analysis. To permit effective comment on these analyses, EPA is proposing the complete release of these documents without deleting the CBI contained in them. To limit the public disclosure of CBI, the documents generally contain aggregated data rather than specific pieces of information that were claimed as CBI. Further, EPA does not intend to release the underlying CBI data used in creating these documents. This notice describes the types of information EPA proposes to release and the process for commenting on the Agency's proposal to release it. The three documents will not be placed in the public docket until after the close of the comment period on this notice. EPA will also provide notice to all affected persons at least five days prior to any disclosure of information claimed confidential.

DATES: Comments on this notice must be received by EPA on or before January 20, 1988.

ADDRESS: Submit written comments, identified by the docket control number (OPTS–62036B), in triplicate to: Document Processing Center (TS–790), Room L–100, Office of Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–543, 401 M St. SW., Washington, DC 20460, (202–554–1404).

SUPPLEMENTARY INFORMATION:

I. Background

EPA, on January 29, 1986, proposed a rule under section 6 of TSCA which would ban immediately the manufacture, import, and processing of certain asbestos products, and would phase out the remaining products over a ten-year period. This proposal outlined several options for implementing the ban and phase out and allowed five months for public comment. EPA received approximately 200 written comments. Further public input occurred in legislative and cross-examination hearings in July and October of 1986.

Some of the information upon which the proposal was based was gathered in the years 1979, 1980, and 1981. EPA has updated its information base with data collected in 1986 telephone survey and a 1986–1987 Asbestos Exposure Assessment Questionnaire, both conducted by EPA's contractor, ICF Incorporated. Using this updated information base, EPA has revised many of the analyses supporting the rulemaking proceeding. In the near future, EPA intends to place three documents which obtain the revised analyses in the public docket for comment: the Asbestos Exposure Assessment, the Asbestos Modeling Study, and the Regulatory Impact Analysis (RIA). The Asbestos Exposure Assessment analyzes the occupational exposure to asbestos and asbestos releases from manufacturing plants and commercial operations in the United States. The Asbestos Modeling Study analyzes the ambient exposure levels resulting from the release of asbestos to the atmosphere from industrial and commercial sources. The RIA contains discussions of the costs and benefits of various regulatory options; a regulatory flexibility analysis, including distribution analysis, community impact analysis, small business impacts, and international trade impacts; appendices on models and computational procedures, survey results, use and substitutes analyses, health effects and studies, the cost of converting capital equipment from asbestos-using processes, producer surplus loss determination, economic impacts data and analyses, and sensitivity analysis.

Information used in producing the revised analyses was obtained from numerous sources; some of the information is public, some claimed confidential. The CBI used in the revised analyses was derived from the sorices: The 1986 EPA telephone survey responses, the 1986–1987 Asbestos Exposure Assessment Questionnaire responses, and reports submitted under the Asbestos Reporting Requirements Rule promulgated under the authority of section 8(a) of TSCA (40 CFR 763.60, *et seq.*). The revised analyses were primarily based on information obtained through the 1986 telephone survey and the 1986–1987 Asbestos Exposure Assessment Questionnaire, because the survey and questionnaire provided more recent information than the reports under the Asbestos Reporting Requirements Rule. The form used by ICF Incorporated in conducting the 1986 telephone interview, as well as the cover letter and questionnaires from the Asbestos Exposure Assessment Questionnaire have been placed in the public docket established for the rulemaking (OPTS–62036). The public docket is located in room NE–G004, 401 M Street, Washington, DC 20460.

The Asbestos Reporting Requirements Rule, promulgated on July 30, 1982, required persons who manufactured, imported, mined, or processed asbestos before the date of the rule to report on their respective activities. The reported information included data on the quantity and use of asbestos, annual imports and exports, worker exposure, and utilization of pollution control equipment. This data base was the primary information source used for creating documents to support the proposed rule.

The revised analyses reflected in the three documents to be released for comment rely heavily on the Asbestos Reporting Requirements Rule for only two types of information: Production volumes for all product categories and exposure information for products that are no longer being maufactured in the United States. Other information from the reporting rule was only used either

in cases where no equivalent data were available from the 1986 telephone survey or questionnaire, or in cases where both old and new data were needed to determine a rate of change. For example, to determine a baseline rate of asbestos consumption, it was necessary to look at two different amounts of asbestos consumed at two different points in time.

The telephone survey and the Asbestos Exposure Assessment Questionnaire were conducted at the end of 1986 and the beginning of 1987, after the promulgation of the Occupational Safety and Health Administration's (OSHA) regulations lowering the Permissible Exposure Level for occupational exposure to asbestos (51 FR 22612, June 20, 1986). The 1986 telephone survey updated and expanded the data base provided by the Asbestos Reporting Requirements Rule. In addition to contracting the manufacturers, importers, and miners who reported to EPA under the Asbestos Reporting Requirements Rule, ICF Incorporated also contacted new entrants into the asbestos market and several manufacturers of substitute fibers and products.

The Asbestos Exposure Assessment Questionnaire sought to assess occupational exposure and air release information from mining and milling of asbestos, primary and secondary manufacturing of asbestos-containing products, and nonmanufacturing operations using both U.S. produced and imported asbestos-containing products. A significant amount of the information gathered from these questionnaires was claimed by the responding companies to be CBI.

Much of the data from the telephone survey, the Asbestos Exposure Assessment Questionnaire, and the Asbestos Reporting Requirements Rule has been treated by EPA as CBI because many persons initially requested that information they supplied be treated as CBI. EPA has not evaluated the validity of these initial CBI claims. The analyses and information derived from these data have also been treated by EPA as CBI. To produce versions of EPA's new analyses which would not disclose CBI directly or indirectly, many of the tables and numbers used to create the three revised documents would have to be deleted or obfuscated before the documents could be placed in the public docket. If EPA did this, however, EPA believes it may be virtually impossible for interested persons to comment on the Agency's analysis. The large amount of data deleted or obfuscated due to CBI considerations would impede the disclosure of the factual materials used by EPA in developing the final rule.

Accordingly, EPA intends to place the Asbestos Exposure Assessment, the Asbestos Modeling Study, and the RIA in the public docket with no tables or information deleted due to CBI considerations. This action may cause some information claimed as CBI to be disclosed. Therefore, EPA is proposing to invoke its authority under TSCA section 14(a)(4) to disclose CBI that is relevant in this TSCA rulemaking proceeding. EPA will make all reasonable efforts to limit disclosure of CBI when making these three documents public by releasing in most cases data aggregated on a product category basis, thus allowing adequate public comment, while maintaining the confidentiality of most company-specific data obtained through the reporting rule, the questionnaire, and the telephone survey.

II. Authority and Rationale for the Release of Information

Section 14(a) of TSCA generally prohibits release of CBI "obtained * * * under [TSCA]." Information "obtained" under TSCA includes all the data from the Asbestos Reporting Requirements Rule, the Asbestos Exposure Assessment Questionnarie, and the 1986 telephone survey. Section 14(a)(4), however, provides that CBI

> may be disclosed when relevant in any proceeding under this Act, except that disclosure in such a proceeding shall be made in such a manner as to preserve confidentiality to the extent practicable without impairing the proceeding.

EPA's procedural rules governing release of CBI under seciton 14(a)(4) are found at 40 CFR 2.306(i). Section 2.306(i)(2) provides that EPA may not release CBI under section 14(a)(4) until affected businesses have been informed that the Agency is considering making the information available to the public and have been afforded a reasonable opportunity to comment. After considering any timely comments, the EPA General Counsel is to determine whether the information is relevant to the subject of an identified rulemaking proceeding, and the EPA office conducting the proceeding is to determine whether the public interest would be served by making the CBI available to the public. Any affected businesses are to be given at least five days notice prior to making the information available to the public.

EPA is not at this time challenging the validity of the underlying claims that certain information is CBI. However, EPA does believe that well informed public comment on the revised analyses in the three documents would be virtually impossible without release of the information in the documents currently being treated by EPA as CBI. Pursuant to 40 CFR 2.306(i)(2), this notice provides an opportunity for affected businesses and the public to comment on the proposed disclosure of the CBI to support the asbestos ban and phase out rulemaking. It also sets forth the preliminary reasoning of the EPA General Counsel as to the relevance of the information to the asbestos rulemaking and the reasoning of the EPA Office of Toxic Substances regarding the public interest to be served by releasing the information. If EPA determines after the comment period for this notice that this information may be disclosed, EPA will notify the businesses affected by the release of information which may be CBI through a Federal Register notice at least five days before the Agency intends to place the three revised support documents in the public docket.

EPA's preliminary conclusion is that the CBI discussed in this notice and contained in the three documents is relevant to the asbestos ban and phase out rulemaking and that it is in the public interest to make the CBI available to the public to allow full and effective comment on this important and complex rulemaking.

First, the information is relevant to the asbestos ban and phase out rulemaking proceeding because it provides the basis for a determination, required under section 6(a) of TSCA, as to whether asbestos activities present an unreasonable risk of injury to human health or the environment. The Asbestos Exposure Assessment, the Asbestos Modeling Study, and the RIA also provide the technical analysis required under section 6(c)(1) of TSCA. Under this section, EPA must consider the following factors when determining whether activities involving a chemical substance or mixture present an unreasonable risk:

(1) The effects of such substance or mixture on health and the magnitude of the exposure of human beings to such substance or mixture.

(2) The effects of such substance or mixture on the environment and the magnitude of the exposure of the environment to such substance or mixture.

(3) The benefits of such substance or mixture for various uses and the availability of substitutes for such uses.

(4) The reasonably ascertainable economic consequences of the rule, after consideration of the effect on the national economy, small business,

technological innovation, the environment, and public health.

Second, it is in the public interest to release the information to ensure that interested persons can adequately comment on the Agency's revised analyses. Well documented analyses would enable the public to judge the validity of EPA's analytical methods and findings. Further, thorough documentation would facilitate informed comment that could improve the final rule for the ban and phase out of asbestos.

Third, a less complete release of information, including only ranges of data or limited classes of information, would not allow effective public comment given the complexity of the issues and the documents involved at this stage in the rulemaking. In the Federal Register of June 13, 1983, EPA announced the disclosure of aggregate statistics of CBI Asbestos Reporting Requirement Rule data. These procedures were followed in developing analyses in support of the proposed ban and phase out rule. While disclosure of broad ranges was adequate for comment on the analyses used to support the proposed rule, EPA believes that employing these procedures for the public versions of the revised analyses for the final rule would significantly hamper public comment.

The 1983 data aggregation procedures used for asbestos data provided that individual CBI components of an aggregate be afforded certain minimum levels of protection before the aggregate could be publicly disclosed. This generally means that a numerical range was disclosed instead of a specific aggregate figure. Narrower ranges generally provide less protection than broader ranges. The broad ranges that would be necessary to protect CBI for the analyses for the final rule, however, would create vagueness and generality that would hamper the public's ability to analyze the data and comment effectively. The size of the range that would be required if EPA used the 1983 procedures is dependant on the number of CBI components of the aggregate and the proportional distribution of the numbers comprising the aggregate figure. Generally, the smaller the number of companies in a particular mining, milling, or product category, the greater the range created to mask the individual components. Because many asbestos categories used in the revised analyses have few producers, the resulting ranges necessary to be protective of CBI would in some cases be quite large.

Further, because different classes of information are often interrelated, it is extremely difficult to isolate and protect any specific type of information. For example, the protection of production volumes would also require curtailing the release of the number of workers involved because companies that have asserted CBI claims have argued that in many asbestos mining, milling, or manufacturing industries there is a close correlation between the number of workers involved and the amount of product.

Fourth, the release of information claimed and currently treated as CBI is also mitigated by the fact that some of that information probably does not qualify as CBI under the standards of section 14(a) of TSCA. During the 1986 telephone survey, companies were asked whether they would like to claim the information they submitted as CBI. Some of the information obtained from the survey was available to the public, and therefore not eligible for treatment as CBI. EPA sought to clarify CBI claims and subsequently sent a letter asking companies to verify that EPA had properly recorded the facts they submitted, and to clarify what information, if any, the companies specifically claimed as CBI. Only 3.8 percent of the contracted parties specifically requested that their information continue to be treated as CBI. When revising the analyses, EPA decided to continue treating information from the survey as CBI, because the Agency was not certain that all parties who responded to the telephone survey received the letter or that those that did receive the letter understood that failure to affirm their claims that their data was CBI could result in disclosure of the submitted information.

EPA is therefore proposing to release complete versions of the Asbestos Exposure Assessment, the Asbestos Modeling Study, and the Regulatory Impact Analysis as part of the section 6 rulemaking proceeding for the ban and phase out of asbestos. Businesses which provided information through the 1982 Asbestos Reporting Requirements Rule, the 1986–1987 Asbestos Exposure Assessment Questionnaire, or the 1986 telephone survey should be aware that part of the information they submitted could be disclosed. However, EPA will preserve the confidentiality of information to the fullest extent practicable without impairing the rulemaking proceeding by releasing aggregated data on a mining, milling, or product category basis. EPA will not further protect individual components of aggregates by creating broad ranges around the aggregate figures to protect the individual values. As noted earlier, EPA has concluded that such ranges would not give persons sufficient information to comment effectively on these documents. However, most of the companies in the asbestos industry are in product categories comprised of sufficient numbers of producers to ensure that the confidentiality of information provided by individual companies in these categories would be protected through the release of aggregated data.

Available data indicates that more than half of the companies in the asbestos industry are in only four product categories: non-roof coatings, roof coatings, disc brake pads, and drum brake linings. Each of these four categories is comprised of over ten companies. The majority of companies in the asbestos industry would thus be afforded much protection through the release of information aggregated on a product category basis in these documents. While EPA is proposing to release these three documents with some CBI revealed in them, EPA is not proposing to release the underlying logs from the telephone surveys, the exposure questionnaires, or the Asbestos Reporting Requirements Rule reports, because such additional disclosure would not be necessary to allow an adequate opportunity for comment.

This section 14(a)(4) action is limited to the information released in the three documents. Should EPA decide to release information not contained within these three documents, and currently treated as CBI, the Agency would proceed separately under 40 CFR Part 2. However, once the three documents are released, EPA may use the information released in these three documents in subsequent analyses and public documents as part of the asbestos ban and phase out rulemaking without further notice.

EPA believes the proposed release of information currently treated as CBI in the Asbestos Exposure Assessment, the Asbestos Modeling Study, and the Regulatory Impact Analysis is necessary to allow effective public comment on these documents. Persons who wish to comment in opposition to this proposed released of information currently treated as CBI should specify alternatives to this release of information which would enable adequate public comment on the three documents, or they should explain how the public would be able to comment adequately on the new documents without any disclosure of the information treated as CBI.

III. Types of Information To Be Released

This unit outlines the types of information which are proposed to be released in the Asbestos Exposure Assessment, the Asbestos Modeling Study, and the Regulatory Impact Analysis, so that companies may determine whether information they provided to EPA is likely to be included in this proposed release.

Much of the analysis used in creating the support documents divided asbestos use on a product-by-product basis, with mining and milling retained as a separate category. The uses of asbestos and asbestos substitutes generally have been divided into 35 product categories.

Product Category

1. Commercial paper
2. Rollboard
3. Millboard
4. Pipeline wrap
5. Beater-Add gaskets
6. High-Grade electrical paper
7. Roofing felt
8. Acetylene cylinders
9. Flooring felt
10. Corrugated paper
11. Specialty paper
12. Vinyl-asbestos (V/A) floor tiles
13. Diaphragms
14. Asbestos-cement (A/C) pipes
15. Asbestos-cement (A/C) flat sheet
16. Asbestos-cement (A/C) corrugated sheet
17. Asbestos-cement (A/C) shingles
18. Drum brake linings
19. Disc Brake pads (light and medium weight vehicles)
20. Disc brake pads (heavy weight vehicles)
21. Brake blocks
22. Clutch facings
23. Automatic transmission components
24. Friction materials
25. Asbestos protective clothing
26. Asbestos thread, yarn, and other cloth
27. Sheet gaskets
28. Asbestos packings
29. Roof coatings and cements
30. Non-roofing coatings, compounds, and sealants
31. Asbestos-reinforced plastics
32. Misssile liner
33. Sealant tape
34. Battery separators
35. Arc chutes

The analyses used in creating the Asbestos Exposure Assessment, the Asbestos Modeling Study, and the RIA were based on numerous types of information. An example of these analyses is the determination of the total costs that would be imposed on society should the rule be promulgated. The total costs incurred by a ban and phase out of asbestos use is the sum of total producer loss and total consumer loss. To determine consumer loss, EPA looked at the prices of asbestos-containing products and substitute products. Using these prices in conjunction with the Agency's projections of the unregulated level of use of asbestos-containing products, and the Agency's estimates of the market share that a substitute product would capture if asbestos were to be banned, the Agency estimated total consumer loss. To determine producer loss, EPA analyzed the cost of converting the capital equipment used in manufacturing asbestos products, and information on production volumes. Adding the producer and consumer losses together, the Agency estimated the total monetary loss that would be accrued with a ban and phase out of asbestos products.

This estimate is a fundamental part of the cost-benefit analysis for the asbestos ban and phase out rulemaking. As evidenced by this example, many types of information integral to the Agency's analyses must be cited.

EPA will protect information on individual firms as far as practicable by releasing data aggregated by mining, milling, or product category. However, in cases where there are few companies, or even a single company, in a production or use area, non-ranged numbers for that production or use area would be released. To facilitate public comment on EPA's economic and exposure modeling, the following types of information could be released on a mining, milling, or product category basis in most cases.

1. Aggregate numbers of workers and other people exposed to occupational and nonoccupational asbestos release, and the duration, magnitude, and level of this exposure.

2. Manufacturers of products containing asbestos and products containing asbestos substitutes.

3. Location of asbestos mining and manufacture (plant sites).

4. Name and specific types of asbestos substitutes (There are two main divisions of asbestos substitutes. Fibers, such as ceramic or metallic fibers, have been used as substitutes for asbestos fiber. There are also substitute products which act as functional substitutes for asbestos products. For example, polyvinylchloride pipe acts as a functional substitute for asbestos cement pipes.)

5. Aggregate amounts of asbestos and non-asbestos fiber used, consumed, mined or released.

6. Aggregate production volumes for both mining and manufacture of asbestos and asbestos substitute fiber and products.

7. Market prices of asbestos products and asbestos product substitutes. (These prices are likely available to the public, and thus may not be CBI.)

8. Aggregate numbers of miners, manufacturers, importers, and exporters in a particular product area for both asbestos and asbestos substitute fiber and products.

9. Aggregate numbers of mining, manufacturing, or processing sites for asbestos products.

10. Aggregate amounts of asbestos and asbestos substitutes imported and exported.

11. Numbers of workers subject to lay offs due to a restriction of the manufacture of asbestos products. (This may be calculated on a community basis, which in some cases may mean a single plant, rather than a product category basis.)

12. Aggregate costs of options, such as the cost of labelling, which effectively releases production volume information.

13. Costs of converting capital used to mine or manufacture asbestos or asbestos-containing products to other uses.

14. Asbestos coefficients (percent of asbestos in a product), which reflect the amount of asbestos used in manufacturing a product. (This can be directly calculated from the fifth and sixth type of information listed.)

15. Consumption/production ratios, related to imports and exports (Consumption/production ratios are the amount of asbestos or an asbestos product consumed in the United States divided by the amount of asbestos or an asbestos product produced in the United States. This can be directly calculated from the sixth and tenth type of information listed.)

List of Subjects in 40 CFR Part 763

Environmental protection, Hazardous substances, Reporting and recordkeeping requirements, Asbestos.

Dated: December 11, 1987.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 87–29283 Filed 12–18–87; 8:45 am]

BILLING CODE 6560–50–M

VOL 52 ISS 244 DEC 21 1987 UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 433

[BQC-68-P]

Medicaid Program; Refunding of Federal Share of Overpayments Made to Medicaid Providers

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend the Medicaid regulations to specify the requirements and procedures under which States are allowed 60 days following the date of discovery of an overpayment to a Medicaid provider to recover or attempt to recover the overpayment before the Federal share must be credited to HCFA. The Federal Government will share in any overpayments that the State documents it is unable to recover because the debts of the provider have been discharged in bankruptcy or the provider is out of business.

The proposed regulations would implement section 9512 of the Consolidated Omnibus Budget Reconciliation Act of 1985.

DATE: To be considered, comments must be mailed or delivered to the appropriate address, as provided below, and must be received by 5:00 p.m. on February 19, 1988.

ADDRESS: Address comments in writing to: Health Care Financing Administration, Department of Health and Human Services, Attention: BQC-68-P, P.O. Box 26676, Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to one of the following locations:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, DC., or

Room 132, East High Rise Building, 6325 Security Boulevard Baltimore, MD.

Please address a copy of comments on information collection requirements to: Office of Information and Regulatory Affairs, Attention: Allison Herron, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

In commenting, please refer to file code BQC-68-P. Comments will be available for public inspection as they are received, beginning approximately 3 weeks after publication, in Room 309-G of the Departmental offices at 200 Independence Ave., SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

FOR FURTHER INFORMATION CONTACT: David Greenberg, (301) 594-6229.

SUPPLEMENTARY INFORMATION:

Background

Federal grants to the States are authorized under title XIX (Medicaid) of the Social Security act (the Act) to provide financial sharing in medical assistance to certain needy individuals. Medicaid programs are financed jointly with Federal and State funds and are administered by the State. A State administers its Medicaid program in accordance with a State Medicaid plan approved by the Administrator of HCFA.

In carrying out the Medicaid program, the State Medicaid agency pays institutional providers of services (e.g., hospitals, long-term care facilities, and health maintenance organizations) and noninstitutional providers of services (e.g., clinics, laboratories, and physicians) for medical assistance furnished to eligible Medicaid recipients. HCFA pays the Federal share of expenditures for the Medicaid program to the State on a quarterly basis according to the percentages described in section 1903 and the formula described in section 1905(b) of the Act. In general, the State estimates its funding requirements prior to the start of each quarter of a fiscal year. HCFA reviews this projection and grants the State a sum to cover the Federal share of estimated allowable payments to be made by the State to providers in accordance with the State plan. This sum is referred to as Federal financial participation (FFP).

Within 30 days after the end of each quarter, each State submits an accounting report (Form HCFA-64, Quarterly Statement of Expenditures) showing its actual expenditures during the quarter that has ended. After deferring the Federal share of questioned expenditures and disallowing the Federal share of unallowable expenditures, HCFA compares allowable FFP to the amount previously advanced to the State for that quarter. Any adjusting of amounts owed HCFA or the State is reflected in a subsequent grant award.

Improper payments occur from time to time in any large claims processing system. Under Medicaid, some improper State payments during a quarter may not be detected by the Federal Government or the State until after the State has submitted its expenditure report for that quarter to HCFA. Consequently, the Federal Government unknowingly participates in overpayments made by the State agency, as these amounts are included in the expenditures reported to HCFA prior to discovery of the overpayments.

Federal laws provide for the recovery of the Federal share of Medicaid overpayments. The Federal Claims Collection Act of 1966 (FCCA), 31 U.S.C. 3711, as amended by the Debt Collection Act of 1982, requires each Federal agency to attempt to collect money owed the Federal Government from claims generated through agency activities. This requirement of the FCCA is implemented in regulations at 45 CFR Parts 30 and 101 through 105. In addition, section 1903(d)(2)(A) of the Social Security Act specifically requires that FFP for Medicaid be reduced or increased to the extent of any overpayment or underpayment that the Secretary determines was made to a State in any prior quarter. Section 1903(d)(3) of the Act provides that the Secretary must consider the pro rata Federal share of the net amount recovered during any quarter by a State to be an overpayment, to be adjusted under the provisions of section 1903(d)(2) of the Act. Under section 1903(d)(2) of the Act, HCFA adjusts FFP for the quarter in which any overpayment is reported. This offset is contingent upon a State notifying HCFA of an improper payment to a provider, or upon discovery of overpayments through HCFA, HHS, or GAO audit processes. Before enactment of the Consolidated Omnibus Budget Reconciliation Act of 1985 (discussed in detail in the next section of this document), if a State reported an overpayment or if an overpayment was discovered in a Federal review, the Federal share of the overpayment amount was subject to immediate refund by the State through the grant award process under the provisions of section 1903 of the Act.

Legislative Changes

Section 9512 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), Pub. L. 99-272, enacted on April 7, 1986, amended section 1903(d) of the Social Security Act to change the refund requirements for overpayments made to Medicaid providers. Section 9512 added a section 1903(d)(2)(C) to provide that a State has 60 days from discovery of an overpayment to a person or other entity to recover or attempt to recover that overpayment before the Federal share of the overpayment must be refunded to HCFA through an adjustment in its FFP payment. Sections 1903(d)(2) (C) and (D) further provide that an adjustment to the FFP payment to the State must be made at the end of the 60-day period, whether or not the overpayment has been recovered by the State, unless the State has been unable to recover the overpayment because the overpayment is a debt that has been discharged in bankruptcy or is otherwise uncollectable from a provider. Section 9512 of COBRA is effective for all overpayments identified for quarters beginning on or after October 1, 1985.

Discussion and Provisions of the Proposed Regulations Definition of Overpayment.

For purposes of implementing section 9512 of COBRA, we propose to define an overpayment in these regulations as the amount which is paid by the State Medicaid agency to a person or other entity in excess of the amount that is proper under section 1902 of the Act and which is required to be refunded to HCFA under section 1903 of the Act. (In this document, "person or other entity" is referred to as a "provider" in accordance with the definition at 42 CFR 400.203 of the Medicaid regulations.) Some examples of situations that may constitute overpayments are: Duplicate payments; payments for noncovered services; payments to the wrong provider; and payments at incorrect rates. Situations involving excessive provider reimbursement attributable to rate-setting methods or aggregate payments that are higher than the Medicare upper payment limit also may be considered overpayments. However, determining whether an amount paid to an institutional provider under any rate-setting system is considered an overpayment that is recoverable under these proposed regulations would depend on the manner in which the State pursues recovery of the excess amounts. If an overpayment to an institutional provider for a prior year's reported costs is discovered and the State recovers that overpayment solely through a reduction in the provider's per diem rate for a subsequent year, that overpayment would not be subject to the requirements of these proposed regulations. In this case, no refund of the Federal share explicitly related to the original overpayment would be required. However, if, in addition to or instead of reducing the current per diem rate, the State chooses to recover any excess amounts previously paid by a lump sum repayment, by an installment repayment plan, or by withholding a portion of future payments to the provider, an overpayment subject to these proposed regulations would exist and the Federal share of that amount would have to be refunded according to the provisions of sections 1903(d) (2) and (3) of the Act. Therefore, we would consider excessive provider payments attributable to rate-setting systems as overpayments subject to these proposed regulations only if recovery is pursued for discrete amounts (and not if recovery is pursued by reducing future per diem rates). We propose this policy because it would not be administratively feasible for States to adjust properly for unallowable costs under the provisions of these proposed regulations where a State pursues recovery of those amounts solely through reductions in current per diem rates.

Cases involving third party liability would not be subject to these proposed regulations since, by definition, such situations do not constitute overpayments but rather represent payments that would be allowable had another payer not been legally responsible for them. In addition, the statute clearly distinguishes third party liability situations from overpayments subject to section 1903(d)(2)(C) of the Act. Section 1903(d)(2)(B) of the Act provides that a refund to the Federal Government is not due until the State has been reimbursed by the liable third party. Section 1903(d)(2)(C) requires the State to refund the Federal share of a provider overpayment following a 60-day period, whether or not recovery has been made. Likewise, probate collections from the estates of deceased Medicaid recipients would not be subject to these proposed regulations, as they represent the recovery of payments properly made from resources later determined to be available to the State.

The Conference Report accompanying COBRA refers only to overpayments made to providers (H. Rep. No. 453, 99th Cong., 1st Sess., 548 (1985)). In view of this Congressional intent and our past practice not to consider overpayments due to recipient eligibility errors to be overpayments to providers, these proposed regulations would not be applicable to eligibility-related overpayments. The Federal share of overpayments involving recipients must be refunded immediately following discovery, as required under section 1903(d)(2)(A) of the Act, if the overpayment occurs during a period for which Medicaid Quality Control (MQC) systems are not in effect. For periods during which these systems are in effect, the Federal Government recoups recipient overpayment dollars exclusively on the basis of MQC penalties and States are not required to refund these amounts in accordance with section 1903(d)(2)(A) of the Act. These proposed regulations also would not apply to overpayments involving administrative costs. Therefore, the Federal share of all overpayments involving administrative costs must be refunded immediately following discovery, as required by section 1903(d)(2)(A) of the Act.

Discovery of Overpayments

Overpayments are discovered in various ways: The State or a provider may recognize upon a routine review that a payment error has occurred or a Federal review may discover an overpayment that a State should have discovered but has not.

Section 1903(d)(C) of the Act allows a State 60 days from the date of discovery of an overpayment to recover or attempt to recover the overpayment from a provider before the State must refund the Federal share of the overpayment to HCFA. Since discovery signifies the date on which the 60-calendar day recovery period commences, it is necessary to establish rules of discovery.

In these regulations, we propose to provide that discovery of overpayments resulting from situations other than fraud or abuse occurs on the earliest of the following (1) The date on which any State Medicaid agency official or other State official first notifies a provider in writing of an overpayment, according to State policies and procedures, and specifies a dollar amount that is subject to recovery; (2) the date on which a provider initially acknowledges a specific overpaid amount to the State in writing; or (3) the date any State official or fiscal agent of the State initiates a formal action to recoup a specific overpaid amount from a provider without having first notified the provider in writing.

In our definition of discovery, we propose to specify that initiating a formal recoupment action substitutes for written notification by the State or provider indicating the existence of an overpayment. Some States or their fiscal agents maintain negative (credit) balance reports listing individual Medicaid providers and the amounts they owe the State (i.e., accounts receivable). Sometimes a State will initiate recoupment of an overpayment by reducing a future payment to a provider without having first given notice of its intent to do so, especially if the overpayment amount is small. The statutory purpose of discovery is to establish the starting date for an overpayment recovery period. Therefore, if an overpayment amount

has been entered on a negative balance report for the purpose of initiating recoupment without prior notice to the provider, the 60-day recovery period may be said to have begun with the negative balance report entry.

Discovery of overpayments resulting from fraud or abuse situations would occur on the date of the final written notice of an overpayment that the State sends to the provider specifying a dollar amount subject to recovery. We are proposing that discovery in fraud or abuse cases does not occur until final written notification to the provider in order to permit State officials adequate time to conduct the necessary investigations and to resolve the legal issues peculiar to these situations.

If a Federal review at any time reveals that a State has failed to discover an overpayment or has discovered an overpayment amount but failed to either (1) send written notice of the overpayment to the provider specifying a dollar amount subject to recovery under the applicable standard State policies and procedures, or (2) initiate a formal recoupment action against the provider without prior notice, under these proposed regulations we would deem discovery to have occurred on the date the Federal official first notifies the State of the overpayment in writing and specifies a dollar amount that is subject to recovery. This provision reflects our belief that failure of the State, for any reason, to discover an overpayment and either notify the provider in writing of the overpayment or initiate a formal action to recoup a specific overpaid amount from a provider without such notice does not relieve the State of its liability to refund the Federal share of the overpayment. The State must refund the Federal share of the overpayment at the end of the 60-day period after discovery by the Federal official, unless the State notifies HCFA that the debt has been discharged in bankruptcy or is otherwise uncollectable in accordance with section 1903(d)(2)(D) of the Act.

We are not proposing in the regulations to prescribe the details of the form that the State's notice to the provider must take if the State notifies the provider in writing rather than initiates a formal recoupment action without prior notice. Under the proposed regulations, written notification may indicate either a tentative or final overpayment amount to be recovered. This notification may or may not constitute a formal demand for repayment or mention any appeal rights. However, regardless of the form of the State's notice, under these proposed regulations written notification would occur at the point where the State documents its communication by giving the provider written notice regarding a specific dollar amount subject to recovery. Similarly, the form of the notice is not prescribed when the provider prompts discovery by initiating contact with the State agency. What is significant is that the State Medicaid agency has been notified in writing of the specific overpayment subject to recovery or the provider has acknowledged a specific overpaid amount.

We believe the changes to section 1903(d) of the Act made by section 9512 of COBRA would support interpretation of the term "discovery" to mean the date on which any State official first specifies an overpayment amount for purposes of internal review and followup. However, under this interpretation, discovery could significantly pre-date written communication of the overpayment amount to the provider or initiation of a formal recoupment action without prior notice and might not afford the State sufficient time for the overpayment to be verified and the notice to be processed within the State agency or for a negative balance report entry to be made before the 60-day period begins.

A State's partial collection of an overpayment amount from a provider during the 60-day recovery period would not extend the 60-day time limit following discovery allowed the State for seeking to recover the total outstanding balance. The outstanding balance would still be due to HCFA upon expiration of the 60-day recovery period.

Sometimes, during the 60-day recovery period, a State makes a downward or upward adjustment to the overpayment amount originally communicated between the State and the provider. If these adjustments are made in accordance with the approved State plan, Federal Medicaid law and regulations, and the appeals resolution processes specified in State administrative policies and procedures, these adjustments would be subject to specific conditions: Downward adjustments to the original overpayment amount, while reducing the total dollar amount subject to State recovery, would not change the 60-day recovery period for the outstanding balance. Upward adjustment to the original overpayment amount also would not change the 60-day period for recovery of the original amount. However, the incremental amount would be subject to its own 60-day recovery period beginning on the date of the State's written notice to the provider regarding the additional overpayment amount.

Adjustments to Federal Payment

The new section 1903(d)(2)(C) of the Act, added by section 9512 of COBRA, specifies that an adjustment in the FFP payment to the State reflecting the Federal share of the overpayment must be made at the end of the 60-day recovery period following discovery. In accordance with sections 1903(d)(2) (A) and (B) of the Act (which contain language unaffected by COBRA), States report their Medicaid expenditures quarterly (on the Form HCFA–64 Quarterly Statement of Expenditures) and FFP payments to States are adjusted through the HFCA grant award process. The HCFA–64 Quarterly Statement of Expenditures is due to HCFA 30 days after the end of each quarter. Consequently, we are proposing to require States to credit HCFA with the Federal share of overpayments on the Form HCFA–64 submitted for the quarter in which the 60-day period following discovery ends.

Requiring the credit of the Federal share of overpayments on the expenditure statement submitted for the quarter in which the 60-day period ends, rather than requiring an immediate refund, would assure consistent application of the statute and simplify the administrative process. It also may result in allowing the State more than 60 days after discovery to pursue recovery and credit HCFA with the refund. For example, if the overpayment is discovered on April 1 (the first day of the third quarter of the Federal fiscal year), the 60-day period would end May 30. However, the Form HFCA–64 for the third quarter covers the period extending to June 30. In this instance, the State would actually have 90 days after discovery before crediting HCFA with the Federal share of the overpayment. If, for example, discovery is made on May 2, the 60-day period would end on July 2 and the Federal share of the overpayment amount would not have to be reported until the submission of the expenditure statement for the fourth quarter, which ends September 30, or nearly 150 days after discovery. (Since an expenditure statement is due to HCFA 30 days after the end of each quarter, the State would, in fact, have an additional 30 days beyond the timeframes cited in the examples before actually crediting HCFA with the Federal share of the overpayment amounts.) As stated earlier, we believe this procedure is the most administratively feasible alternative which remains consistent with the requirements of the Act for submittal of quarterly expenditure statements and subsequent adjustment of the FFP payment through the grant award process.

On occasion, it may be necessary for States to submit claims for FFP to adjust the Federal share of overpayment amounts previously credited to HCFA because of downward adjustments to the original overpayment amount based on the approved State plan, Federal Medicaid law and regulations, and the resolution processes specified in State administrative policies and procedures. Under these regulations, we pepose to require States to submit these retroactive claims for FFP on the Form HCFA–64. The normal 2-year filing limit for retroactive claims would not apply to these adjustments, as downward adjustments to overpayment amounts are not retroactive claims but merely reflect the reclaiming of costs previously claimed.

For purposes of adjusting the FFP payment, the changes made to section 1903(d)(2) by section 9512 of COBRA do not require us to consider whether the State is able to recover the overpayment by the end of the 60-day period, except for uncollectable amounts discussed in the following section of this preamble. We recognize that the overpayment debt collection process followed by the State is sometimes prolonged and legally complicated. However, the plain wording of sections 1903(d)(2) (C) and (D) does not permit the Federal Government to delay adjustment to FFP by allowing the State a recovery period of more than 60 days while the State awaits the exhaustion of provider appeals or judicial review, or the execution of repayment plans. (Regulations under 45 CFR 201.66 do permit repayment of Federal funds by an installment plan in limited situations where the amount of the repayment exceeds 2½ percent of the estimated annual State share for the program. The proposed regulations in this document do not alter the provisions of § 201.66 and are compatible with that section.) In addition, as explained previously, States usually will have longer than the 60 days after discovery because of the additional 30 days allowed following the end of each quarter before the mandatory Form HCFA–64 expenditure statements are due.

It has been HCFA's longstanding position that the Federal Government's responsibility to participate financially in State Medicaid expenditures does not encompass FFP for excessive or erroneous State Medicaid expenditures. Consequently, the Federal share of overpayments must be returned to the Federal Government within the statutorily defined timeframe because the overpayments represent excessive claims for Federal reimbursement. The Medicaid statute does not contemplate that the Federal Government absorb or share in any loss resulting from payments not made in accordance with the approved State plan, except as provided under section 1903(d)(2)(D) in cases where the overpayment is a debt that cannot be collected because the provider has gone bankrupt or the debt is otherwise uncollectable.

Overpayments Involving Providers Who are Bankrupt or Out of Business

New section 1903(d)(2)(D) of the Act, added by section 9512 of COBRA, provides that a State is not required to refund the Federal share of overpayments that constitute debts that have been discharged in bankruptcy or that are otherwise uncollectable.

Under Federal law, a debtor who files a bankruptcy petition receives an automatic stay from demands from creditors as of the day he or she files the bankruptcy petition in Federal court. Therefore, the State is prevented, as of the date of filing of the bankruptcy petition, from any recovery unless the court at a later date denies the bankruptcy petition or some portion of the debt is recovered later through a court-approved discharge of bankruptcy. Because of this automatic stay and the State's inability to recover during the period between the filing of the provider's bankruptcy petition and the court's adjudication of that petition, we propose not to require States to refund the Federal share of overpayment made to a provider declaring bankruptcy as of the date the bankruptcy petition is filed with the Federal court, provided the State is also noted as a creditor on the bankruptcy petition in the amount of the Medicaid overpayment. However, States would be required to credit HCFA with the Federal share of any overpayment amounts that they recover under a court-approved discharge of bankruptcy on the first Form HCFA–64 filed after receipt of those funds. Further, States would be required to credit HCFA with the Federal share of any overpayments to a provider whose petition for bankruptcy is denied in Federal court on the later of the next Form HCFA–64 submission following the date of the court decision or the Form HCFA–64 submission for the quarter in which the 60-day period following discovery of the overpayment ends.

On the basis of the explicit wording in the Conference Committee Report on COBRA (H.R. Rep. No. 453, 99th Cong., 1st Sess., 546 (1985)), we propose to define debts as "otherwise being uncollectable" for purposes of these regulations strictly as debts of providers who are "out of business." A State would not be liable for the refund of the Federal share of an overpayment if the provider is out of business and the overpayment is not collectable under State law and administrative procedures. In asserting that a provider is out of business, the State would be required to document its efforts to locate the party and its assets. Such efforts would have to be consistent with applicable State law, policies, and procedures and would have to include pursuit of the party and its assets across State lines in an attempt to recover the overpayment if such action is permitted under applicable State law and administrative procedures. The State also would be required to provide an affidavit or certification from the appropriate State legal authority establishing that the provider is out of business and that the overpayment cannot be collected under State law and procedures and the effective date of that determination under State law. Transfer of ownership within the State would not exempt a State from the requirement to refund the Federal share of an overpayment, unless State law and procedures deem a provider who has transferred ownership to be out of business and preclude collection of the overpayment from the provider.

In situations in which a State is not liable for refunding the Federal share of an overpayment because the provider is either bankrupt or out of business, the State still would be required to notify the provider that an overpayment exists. If the provider files a bankruptcy petition or is certifiably out of business before the 60-day recovery period following discovery ends, the State would not be required to refund the Federal share of the overpayment on its subsequent Form HCFA–64 unless the court has denied the bankruptcy petition. If the 60-day recovery period ends before the provider files the bankruptcy petition or is certifiably out of business, the State would be required to credit HCFA with the Federal share of the overpayment on the next Form HCFA–64 submission. The State would be permitted to reclaim FFP for any unrecovered amount, citing section 1903(d)(2)(D) of the Act as authority, if, at a later date, the provider files for bankruptcy or goes out of business and the State has not been able to make complete recovery. Overpayments credited to HCFA could be reclaimed only if, prior to the date on which the

BEST COPY AVAILABLE

VOL 52 ISS 244 DEC 21 1987 UMI

provider files the Bankruptcy petition or the date on which the provider is declared certifiably out of business, the State vigorously pursues recovery without complete success, at least according to its standard policy as prescribed in applicable State law and administrative procedures.

Effective Date of Legislative Provisions

COBRA was enacted on April 7, 1986. Nonetheless, section 9512 specifies that the provisions for the recovery of the Federal share of overpayments apply to overpayments that are identified for quarters beginning on or after October 1, 1985. Based on the language of the Conference Committee report, we are proposing to interpret overpayments that are "identified for these quarters" to mean overpayments that "occur and are discovered" during any quarter beginning on or after October 1, 1985. The date upon which an overpayment occurs would be the date upon which a State, using its normal method of reimbursement for a particular class of provider (e.g., check, interfund transfer), makes the payment involving unallowable costs to a provider. Two time periods would be involved in implementing the overpayment recovery policy:

The Federal share of overpayments that occurred in quarters before October 1, 1985 but are discovered after October 1, 1985, and for which the Federal share has not been refunded to HCFA, would have to be credited on the Form HCFA–64 submission that is due to HCFA immediately following discovery.

The Federal share of all overpayments that occur and are discovered in quarters beginning on or after October 1, 1985 would be required to be credited to HCFA on the Form HCFA–64 for the quarter in which the 60-day period following discovery ends. For the period between October 1, 1985 (the effective date of section 9512 of COBRA) and 60 days after publication of these proposed regulations as final regulations, States have been instructed, through an issuance in section 2853 of the *State Medicaid Manual*, on this method of crediting HCFA with the Federal share of overpayments for which the 60-day recovery period has ended in accordance with section 1903(d)(2)(C) of the Social Security Act. A state may be found not liable for refund of the Federal share only if the provider is found to be bankrupt or certifiably out of business (provided that the State has pursued collection without complete success at least according to its standard policy and can document these efforts).

Change to Regulations

We propose to amend the Medicaid regulations by adding a new Subpart F to 42 CFR Part 433, State Fiscal Administration, to reflect the changes made to section 1903(d)(2) of the Act by section 9512 of COBRA. Also, we would add a provision for recordkeeping requirements in accordance with established policy and procedures for the Medicaid program under 45 CFR Part 74, Subpart D.

In summary, the new subpart would include a definition of an overpayment and specify the applicability of the requirements, when discovery of an overpayment occurs, the requirements for refunds to HCFA, the exceptions to the refund requirements for overpayments to providers who are bankrupt or are out of business, how adjustments to the FFP payment are to be made, and recordkeeping requirements.

Response to Public Comments

Because of the large volume of public comments we normally receive on notices of proposed rulemaking, we cannot acknowledge or respond to them individually. However, we will consider any public comments received by the date specified in the Date section of this document and respond to them in the final regulations document that we publish.

Regulatory Impact Analysis

Executive Order 12291

Executive Order 12291 (E.O. 12291) requires us to prepare and publish an initial regulatory impact analysis for any regulations that are likely to meet the criteria for a "major rule." A major rule is one that would result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or any geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

These proposed regulations would conform the Medicaid regulations to the amendments to section 1903(d)(2) of the Social Security Act made by section 9512 of COBRA, which are already in effect.

We have determined that these proposed regulations are not a major rule. However, there will be minimal administrative costs to State Medicaid agencies in terms of developing a tracking system for identifying overpayments made to Medicaid providers and refunding the Federal share of those overpayments in a timely manner, in accordance with the provisions of the regulations.

Regulatory Flexibility Act

We prepare and publish an initial regulatory flexibility analysis, consistent with the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 through 612) for rules unless the Secretary certifies that the rule would not have a significant economic impact on a substantial number of small entities. We have determined, and the Secretary certifies, that these proposed regulations, when published as final regulations, will not have a significant economic impact on a substantial number of small entities. These regulations will affect State agencies, which are not considered small entities, in that they are required to refund the Federal share of overpayments made to Medicaid providers. Medicaid providers will be affected indirectly by the regulations in that States will be vigorously pursuing them during the 60 days following discovery of overpayments to obtain refunds of overpaid amounts, the Federal share of which the State must refund to HCFA at the end of the 60 days. Therefore, a regulatory flexibility analysis has not been prepared.

Paperwork Reduction Act

Sections 433.316, 433.318, 433.320, and 433.322 of these proposed regulations contain information collection and recordkeeping requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980. We have submitted the regulations to OMB. A notice will be published in the **Federal Register** when approval is obtained.

List of Subjects in 42 CFR Part 433

Administrative practice and procedure, Claims, Grant programs-health, Medicaid, Reporting and recordkeeping requirements.

PART 433—[AMENDED]

42 CFR Part 433 is amended as set forth below:

1. The authority citation for Part 433 is revised to read as follows:

Authority: Secs. 1102, 1902(a)(4), 1902(a)(18), 1902(a)(25), 1902(a)(45), 1903(a)(3), 1903(d)(2), 1903(d)(5), 1903(o), 1903(p), 1903(r), 1912, and 1917 of the Social Security Act (42 U.S.C. 1302, 1396a(a)(4), 1396a(a)(18), 1396a(a)(25), 1396a(a)(45), 1396b(a)(3), 1396b(d)(2), 1396b(d)(5), 1396b(o), 1396b(p), 1396b(r), 1396k, and 1396(p).

2. The authority statements preceding Subpart B and following §§ 433.32, 433.33, 433.34, 433.35, 433.112, and 433.116 are removed.

3. The table of contents for Part 433 is amended by adding a new Subpart F, consisting of §§ 433.300 through 433.322, to read as follows:

PART 433—STATE FISCAL ADMINISTRATION

* * * * *

Subpart F—Refunding of Federal Share of Medicaid Overpayments to Providers

Sec.
433.300 Basis.
433.302 Scope of subpart.
433.304 Definitions.
433.310 Applicability of requirements.
433.312 Basic requirements for refunds.
433.316 When discovery of overpayments occurs and its significance.
433.318 Overpayments involving providers who are bankrupt or out of business.
433.320 Procedures for refunds to HCFA.
433.322 Maintenance of records.

* * * * *

4. A new Subpart F, consisting of §§ 433.300 through 433.322, is added to read as follows:

Subpart F—Refunding of Federal Share of Medicaid Overpayments to Providers

§ 433.300 Basis.

This subpart implements—

(a) Section 1903(d)(2)(A) of the Act, which directs that quarterly Federal payments to the States under title XIX (Medicaid) of the Act are to be reduced or increased to make adjustment for prior overpayments or underpayments that the Secretary determines have been made.

(b) Section 1903(d)(2) (C) and (D) of the Act, which provides that a State has 60 days from discovery of an overpayment for Medicaid services to recover or attempt to recover the overpayment from the provider before adjustment in the Federal Medicaid payment to the State is made; and that adjustment will be made at the end of the 60 days, whether or not recovery is made, unless the State is unable to recover from a provider because the overpayment is a debt that has been discharged in bankruptcy or is otherwise uncollectable.

(c) Section 1903(d)(3) of the Act, which provides that the Secretary will consider the pro rata Federal share of the net amount recovered by a State during any quarter to be an overpayment.

§ 433.302 Scope of subpart.

This subpart sets forth the requirements and procedures under which States have 60 days following discovery of overpayments made to providers for Medicaid services to recover or attempt to recover that amount before the States must refund the Federal share of these overpayments to HCFA, with certain exceptions.

§ 433.304 Definitions.

As used in this subpart—

"Discovery" (or "discovered") means identification by any State Medicaid agency official or other State official, the Federal Government, or the provider of an overpayment, and the communication of that overpayment finding or the initiation of a formal recoupment action without notice as described in § 433.316

"Overpayment" means the amount paid by a Medicaid agency to a provider which is in excess of the amount that is allowable for services furnished under section 1902 of the Act and which is required to be refunded under section 1903 of the Act.

"Provider" (in accordance with § 400.203) means any individual or entity furnishing Medicaid services under a provider agreement with the Medicaid agency.

"Recoupment" means any formal action by the State or its fiscal agent to initiate recovery of an overpayment without advance official notice by reducing future payments to a provider.

"Third party" (in accordance with § 433.136) means any individual, entity, or program that is or may be liable to pay for all or part of the expenditures for medical assistance furnished under a State plan.

§ 433.310 Applicability of requirements.

(a) *General rule.* Except as provided in paragraphs (b) and (c) of this section, the provisions of this subpart apply to—

(1) Overpayments made to providers that are discovered by the State;

(2) Overpayments made to providers that are initially discovered by the provider and made known to the State agency; and

(3) Overpayments that are discovered throught Federal reviews.

(b) *Third party payments and probate collections.* The requirements of this subpart do not apply to—

(1) Cases involving third party liability because, in these situations, recovery is sought for a Medicaid payment that would have been made had another party not been legally responsible for payment; and

(2) Probate collections from the estates of deceased Medicaid recipients, as they represent the recovery of payments properly made from resources later determined to be available to the State.

(c) *Unallowable costs paid under rate-setting systems.* (1) Unallowable costs for a prior year paid to an institutional provider under a rate-setting system that a State recovers through an adjustment to the per diem rate for a subsequent period do not constitute overpayments that are subject to the requirements of this subpart. In such cases, no refund of the Federal share explicitly related to the original overpayment is required.

(2) Unallowable costs for a prior year paid to an institutional provider under a rate-setting system that a State seeks to recover in a lump sum, by an installment repayment plan, or through reduction of future payments to which the provider would otherwise be entitled constitute overpayments that are subject to the requirements of this subpart.

§ 433.312 Basic requirements for refunds.

(a) *Basic rules.* (1) Except as provided in paragraph (b) of this section, the Medicaid agency has 60 days from the date of discovery of an overpayment to a provider to recover or seek to recover the overpayment before the Federal share must be refunded to HCFA.

(2) The agency must refund the Federal share of overpayments at the end of the 60-day period following discovery in accordance with the requirements of this subpart, whether or not the State has recovered the overpayment from the provider.

(b) *Exception.* The agency is not required to refund the Federal share of an overpayment made to a provider when the State is unable to recover the overpayment amount because the provider has been determined bankrupt or out of business in accordance with § 433.318.

(c) *Applicability.* (1) The requirements of this subpart apply to overpayments made to Medicaid providers that occur and are discovered in any quarter that begins on or after October 1, 1985.

(2) The date upon which an overpayment occurs is the date upon which a State, using its normal method of reimbursement for a particular class of provider (e.g., check, interfund transfer), makes the payment involving unallowable costs to a provider.

§ 433.316 When discovery of overpayments occurs and its significance.

(a) *General rule.* The date on which an overpayment is discovered is the beginning date of the 60-calendar day period allowed a State to recover or seek to recover an overpayment before

a refund of the Federal share of an overpayment must be made to HCFA.

(b) *Requirements for notification.* Unless a State official or fiscal agent of the State chooses to initiate a formal recoupment action against a provider without first giving written notification of its intent, a State Medicaid agency official or other State official must notify the provider in writing of any overpayment it discovers in accordance with State agency policies and procedures and must take reasonable actions to attempt to recover the overpayment in accordance with State law and procedures.

(c) *Overpayments resulting from situations other than fraud or abuse.* An overpayment resulting from a situation other than fraud or abuse is discovered on the earliest of—

(1) The date on which any Medicaid agency official or other State official first notifies a provider in writing of an overpayment and specifies a dollar amount that is subject to recovery;

(2) The date on which a provider initially acknowledges a specific overpaid amount in writing to the Medicaid agency; or

(3) The date on which any State official or fiscal agent of the State initiates a formal action to recoup a specific overpaid amount from a provider without having first notified the provider in writing.

(d) *Overpayments resulting from fraud or abuse.* An overpayment that results from fraud or abuse is discovered on the date of the final written notice of the State's overpayment determination that a Medicaid agency official or other State official sends to the provider.

(e) *Overpayments identified through Federal reviews.* If a Federal review at any time indicates that a State has failed to identify an overpayment or a State has identified an overpayment but has failed to either

(1) Send written notice of the overpayment to the provider that specifies a dollar amount subject to recovery or

(2) Initiate a formal recoupment from the provider without having first notified the provider in writing, HCFA will consider the overpayment as discovered on the date that the Federal official first notifies the State in writing of the overpayment and specifies a dollar amount subject to recovery.

(f) *Effect of changes in overpayment amount.* Any adjustment in the amount of an overpayment during the 60-day period following discovery (made in accordance with the approved State plan, Federal law and regulations governing Medicaid, and the appeals resolution process specified in State administrative policies and procedures) has the following effect on the 60-day recovery period:

(1) A downward adjustment in the amount of an overpayment subject to recovery that occurs after discovery does not change the original 60-day recovery period for the outstanding balance.

(2) An upward adjustment in the amount of an overpayment subject to recovery that occurs during the 60-day period following discovery does not change the 60-day recovery period for the original overpayment amount. A new 60–day period begins for the incremental amount only, beginning with the date of the state's written notification to the provider regarding the upward adjustment.

(g) *Effect of partial collection by State.* A partial collection of an overpayment amount by the State from a provider during the 60-day period following discovery does not change the 60-day recovery period for the original overpayment amount due to HCFA.

§ 433.316 Overpayments involving providers who are bankrupt or out of business.

(a) *Basic rules.* (1) The agency is not required to refund the Federal share of an overpayment made to a provider as required by § 433.312(a) to the extent that the State is unable to recover the overpayment because the provider has been determined bankrupt or out of business in accordance with the provisions of this section.

(2) The agency must notify the provider that an overpayment exists in any case invoving a bankrupt or out-of-business provider and, if the debt has not been determined uncollectable, take reasonable actions to recover the overpayment during the 60-day recovery period in accordance with policies prescribed by applicable State law and administrative procedures.

(b) *Overpayment debts that the State need not refund.* Overpayments are considered debts that the State is unable to recover within the 60-day period following discovery if the following criteria are met:

(1) The provider has filed for bankruptcy, as specified in paragraph (c) of this section; or

(2) The provider has gone out of business and the State is unable to locate the provider and its assets, as specified in paragraph (d) of this section.

(c) *Bankruptcy.* The agency is not required to refund to HCFA the Federal share of an overpayment at the end of the 60-day period following discovery, if—

(1) The provider has filed for bankruptcy in Federal court at the time of discovery of the overpayment or the provider files a bankruptcy petition in Federal court before the end of the 60-day period following discovery; and

(2) The State is on record with the court as a creditor of the petitioner in the amount of the Medicaid overpayment.

(d) *Out of business.* (1) The agency is not required to refund to HCFA the Federal share of an overpayment at the end of the 60-day period following discovery if the provider is out of business on the date of discovery of the overpayment or if the provider goes out of business before the end of the 60-day period following discovery.

(2) A provider is considered to be out of business on the effective date of a determination to that effect established under State law. The agency must—

(i) Document its efforts to locate the party and its assets. These efforts must be consistent with applicable State policies and procedures; and

(ii) Make available an affidavit or certification from the appropriate State legal authority establishing that the provider is out of business and that the overpayment cannot be collected under State law and procedures and citing the effective date of that determination under State law.

(e) *Circumstances requiring refunds.* If the 60-day recovery period has expired before an overpayment is found to be uncollectable under the provisions of this section, if the State recovers an overpayment amount under a court-approved discharge of bankruptcy, or if a bankruptcy petition is denied, the agency must refund the Federal share of the overpayment in accordance with the procedures specified in § 433.320.

§ 433.320 Procedures for refunds to HCFA.

(a) *Basic requirements.* (1) The agency must refund the Federal share of overpayments that are subject to recovery to HCFA through a credit on its Quarterly Statement of Expenditures (Form HCFA–64).

(2) The Federal share of overpayments subject to recovery must be credited on the Form HCFA–64 report submitted for the quarter in which the 60-day period following discovery, established in accordance with § 433.316, ends.

(3) A credit on the Form HCFA–64 must be made whether or not the overpayment has been recovered by the State from the provider.

(b) *Reclaiming overpayment amounts previously refunded to HCFA.* If the amount of an overpayment is adjusted downward after the agency has credited HCFA with the Federal share, the agency may reclaim the amount of the downward adjustment on the Form HCFA–64. Under this provision—

(1) Downward adjustment to an overpayment amount previously credited to HCFA is allowed only if it is properly based on the approved State plan, Federal law and regulations governing Medicaid, and the appeals resolution processes specified in State administrative policies and procedures.

(2) The 2-year filing limit for retroactive claims for Medicaid expenditures does not apply. A downward adjustment is not considered a retroactive claim but rather a reclaiming of costs previously claimed.

(c) *Expiration of 60-day recovery period.* If an overpayment has not been determined uncollectable in accordance with the requirements of § 433.316 at the end of the 60-day period following discovery of the overpayment, the agency must refund the Federal share of the overpayment to HCFA in accordance with the procedures specified in paragraph (a) of this section.

(d) *Court-approved discharge of bankruptcy.* If the State recovers any portion of an overpayment under a court-approved discharge of bankruptcy, the agency must refund to HCFA the Federal share of the overpayment amount collected on the next quarterly expenditure report that is due to HCFA for the period that includes the date on which the collection occurs.

(e) *Bankruptcy petition denied.* If a provider's petition for bankruptcy is denied in Federal court, the agency must credit HCFA with the Federal share of the overpayment on the later of—

(1) The Form HCFA–64 submission due to HCFA immediately following the date of the decision of the court; or

(2) The Form HCFA–64 submission for the quarter in which the 60-day period following discovery of the overpayment ends.

(f) *Reclaim of refunds.* (1) If a provider is determined bankrupt or out of business under this section after the 60-day period following discovery of the overpayment ends and the State has not been able to make complete recovery, the agency may reclaim the amount of the Federal share of any unrecovered overpayment amount previously refunded to HCFA. HCFA allows the reclaim of a refund by the agency if the agency submits to HCFA documentation that it has made reasonable efforts to obtain recovery.

(2) If the agency reclaims a refund of the Federal share of an overpayment—

(i) In bankruptcy cases, the agency must submit to HCFA a statement of its efforts to recover the overpayment during the period before the petition for bankruptcy was filed; and

(ii) In out-of-business cases, the agency must submit to HCFA a statement of its efforts to locate the provider and its assets and to recover the overpayment during any period before the provider is found to be out of business in accordance with § 433.316.

(e) *Supporting reports.* The agency must report the following information to support each Quarterly Statement of Expenditures Form HCFA–64:

(1) Amounts of overpayments not collected during the quarter but refunded because of the expiration of the 60-day period following discovery;

(2) Upward and downward adjustments to amounts credited in previous quarters;

(3) Amounts of overpayments collected under court-approved discharges of bankruptcy;

(4) Amounts of previously reported overpayments to providers certified as bankrupt or out of business during the quarter; and

(5) Amounts of overpayments previously credited and reclaimed by the State.

§ 433.322 Maintenance of records.

The Medicaid agency must maintain a separate record of all overpayment activities for each provider in a manner that satisfies the retention and access requirements of 45 CFR Part 74, Subpart D.

(Catalog of Federal Domestic Assistance Program No. 13.714—Medical Assistance Program)

Dated: July 8, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: October 23, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87–29156 Filed 12–18–87; 8:45 am]

BILLING CODE 4120–01–M

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

45 CFR Part 1803

Nondiscrimination on the Basis of Handicap

AGENCY: Harry S. Truman Scholarship Foundation.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed regulation applies to programs or activities conducted by the Harry S. Truman Scholarship Foundation the provisions of section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap.

DATES: To be assured of consideration, comments must be in writing and must be received on or before February 19, 1988. Comments should refer to specific sections in the regulation where appropriate.

ADDRESSES: Comments should be sent to: Malcolm C. McCormack, Executive Secretary, Harry S. Truman Scholarship Foundation, 712 Jackson Place, NW., Washington, DC 20006.

Comments received will be available for public inspection in 712 Jackson Place, NW., Washington, DC 20006, from 8:30 a.m. to 5:00 p.m., Monday through Friday. Copies of this notice will be made available on tape for those with impaired vision. They may be obtained at the above address.

FOR FURTHER INFORMATION CONTACT: Malcolm C. McCormack, Executive Secretary, Harry S. Truman Scholarship Foundation, 712 Jackson Place, NW., Washington, DC 20006, (202) 395–4831 (voice) or Mr. Daniel A. Searing (202) 724–7678 (TDD).

Background: The purpose of this proposed rule is to apply to programs and activities conducted by the Harry S. Truman Scholarship Foundation ("Foundation") the provisions of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), as amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Sec. 119, Pub. L. 95–602, 92 Stat. 2982) and by the Rehabilitation Act Amendments of 1986 (Pub. L. 99–506, 100 Stat. 1810). Section 504 of the Rehabilitation Act of 1973 states that

> No otherwise qualified individual with handicaps in the United States, * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance *or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments of this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978. Copies of any proposed regulation shall be submitted to appropriate authorizing committees of the Congress, and such regulation may take effect no earlier than the thirtieth day after*

the date on which such regulation is so submitted to such committees.

29 U.S.C. 794 (1978 amendment italicized).

This regulation has been reviewed by the Department of Justice. It is an adaptation of a prototype prepared by the Department of Justice under Executive Order 12250 (45 FR 72995, 3 CFR, 1980 Comp., p. 298) and distributed to Executive agencies.

The suggested prototype regulation has been modified to apply § 504 in the context of the Foundation's particular and limited activities. The Foundation is an independent Executive agency with a very limited statutory mandate. Its single function is "to award scholarships to persons who demonstrate outstanding potential for and who plan to pursue a career in public service." Pub. L. 93–642, 88 Stat. 2276, 20 U.S.C. 2001, 2005. Applicants are evaluated solely on the basis of their potential for leadership in public service and their academic performance. *See* 45 CFR 1801.21.

The Foundation has only limited contact with the public at large. All candidates for scholarships must first be nominated by their institutions of higher learning. *See* 45 CFR 1801.10. The Foundation reviews applications, schedules interviews with semifinalists before regional review panels, and awards scholarships based on its evaluations. *See* 45 CFR Part 1801.

Moreover, the Foundation has only four full-time employees and owns no offices or facilities. Its only office is a small one in space furnished by the General Services Administration and is subject to GSA's regulations. Its regional interviews are conducted in meeting rooms temporarily provided by non-federal entities.

As a result of adapting the prototype regulation to the unique posture of the Foundation, this regulation and its preamble are shorter and apply to the Foundation's programs more precisely and more meaningfully than would the prototype. This regulation has also been reviewed by the Equal Employment Opportunity Commission under Executive Order 12067 (43 FR 28967, 3 CFR, 1978 Comp., p. 206).

This regulation is not a major rule within the meaning of Executive Order No. 12291 (46 FR 13193, 3 CFR, 1981 Comp., p. 127) and, therefore, a regulatory impact analysis has not been prepared.

This regulation does not have an impact on small entities. It is not, therefore, subject to the Regulatory Flexibility Act, 5 U.S.C. 601–612.

Section-By-Section Analysis

Section 1803.1. Purpose.

Section 1803.1 states the purpose of the proposed rule.

Section 1803.2. Application.

The proposed regulation applies to all programs or activities conducted by the Foundation.

Section 1803.3. Definitions.

The definitions are self-explanatory, and are drawn mostly from the prototype regulation. Note particularly, however, the following:

The definition of "qualified individual with handicaps" adopts the existing definition of "qualified handicapped person" with respect to services in the coordination regulation for programs receiving Federal financial assistance. 28 CFR 41.32(b). Under this definition, a qualified individual with handicaps is an individual with handicaps who meets the essential eligibility requirements for participation in the program or activity. With regard to Foundation awarded scholarships, superior academic performance is one of the essential eligibility requirements. *Cf. Southeastern Community College* v. *Davis*, 442 U.S. 397 (1979).

The definition of "section 504" makes clear that, as used in this regulation, "section 504" applies only to programs or activities conducted by the Foundation and not to federally assisted programs or activities.

Section 1803.4. Self-evaluation.

The self-evaluation requirement is patterned on similar requirements in section 504 regulations for federally assisted programs.

Section 1803.5. Notice.

Section 1803.5 requires the Foundation to disseminate sufficient information to employees, applicants, participants, beneficiaries, and other interested persons to apprise them of rights and protections afforded by section 504 and this regulation. Methods of providing this information may include the publication of such information in Foundation pamphlets and other publications.

Section 1803.6. General prohibitions against discrimination.

Section 1803.6 is an adaptation of the corresponding section of the section. 504 coordination regulation applicable to programs or activities receiving Federal financial assistance. *See* 28 CFR 41.51. Paragraph (a) restates the nondiscrimination mandate of section 504. Paragraph (b) establishes the general principles for analyzing whether any particular Foundation action violates this mandate. Paragraph (c) assures that methods of administration which appear neutral on their face do not work to deny qualified individuals with handicaps an effective opportunity to participate in the Foundation's activities. Paragraph (d) requires the Foundation to the greatest feasible extent to administer its programs and activities in a setting integrated to the needs of qualified individuals with handicaps, *i.e.*, in a setting that enables individuals with handicaps to interact with nonhandicapped persons to the fullest practicable extent.

Section 1803.7. Program accessibility: existing facilities.

Paragraph (a) requires that the agency's program or activity, when viewed in its entirety, be readily accessible to and usable by qualified individuals with handicaps. It also makes clear that the agency is not required to make each of its existing facilities accessible. (§ 1803.7(a)).

The Foundation, as already noted, is a small agency that relies on the General Services Administration and others to provide its small regular offices and its occasional meeting places. Paragraph (b) requires the Foundation to request GSA to make any structural changes that the Foundation determines are necessary to ensure accessibility for individual(s) with handicaps to the Foundation programs or activities.

Paragraph (c) assures qualified individual(s) with handicaps access to programs and activities conducted in other buildings made temporarily available for Foundation use. Paragraph (d) outlines how this section will be administered.

Provisions concerning a "time period for compliance" and a "transition plan" included in other prototype section 504 regulations have been omitted as being unnecessary to the Foundation's present and contemplated programs and activities.

Section 1803.8. Program accessibility: new construction and alterations.

Section 1803.8 adopts the language of the prototype regulation concerning new construction and alterations, although the likelihood of the Foundation ever undertaking such new construction or alterations is remote.

Section 1803.9. Employment.

Section 1803.9 prohibits employment discrimination on the basis of handicap. Consistent with the decision in *Prewitt* v. *United States Postal Service*, 662 F.2d 292 (5th Cir. 1981), this section provides that the standards, requirements and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), as elaborated in regulations of the Equal Employment Opportunity Commission ("EEOC") at 29 CFR Part 1613, are applicable under section 504 to employment by the Foundation.

Section 1803.10. Communications.

Section 1803.10 recognizes the Foundation's commitment to assuring that interested persons, including those with impaired vision or hearing, can communicate with the Foundation and obtain information about the Foundation's programs and about their rights under this regulation. Auxiliary aids will be used in the scholarship interview process where necessary and use of a telecommunications device for deaf persons will be obtained as necessary to communicate with the Foundation's administrative office. Paragraph (b) requires the Foundation to take appropriate steps to inform individuals with handicaps of their section 504 rights under the Foundations's programs or activities. The Foundation's obligations are limited, however, by paragraph (c) of this section. *See Southeastern Community College v. Davis*, 442 U.S. 397 (1979).

Section 1803.12. Compliance procedures.

Paragraph (a) specifies that paragraphs (c) through (1) of this section establish the procedures for processing complaints other than employment complaints. Paragraph (b) provides that the Foundation will process employment complaints according to procedures established in existing regulations of the EEOC (29 CFR Part 1613) pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

Paragraph (d) requires the Foundation to accept and investigate all complete complaints over which it has jurisdiction. If the agency determines that it does not have jurisdiction over a complaint, it shall promptly notify the complainant, and make reasonable efforts to refer the complaint to the appropriate government entity.

Paragraph (g) requires the Foundation to provide the complainant with the results of the investigation, along with a description of the remedy, and notice of the right to appeal, in writing.

List of Subjects in 45 CFR Part 1803

Blind, Civil rights, Deaf, Disabled, Discrimination against handicapped, Equal employment opportunity, Federal buildings and facilities, Handicapped, Nondiscrimination, Physically handicapped.

For the reasons set forth in the preamble, Chapter XXVIII of Title 45 of the Code of Federal Regulations, entitled "Harry S. Truman Scholarship Program," is proposed to be amended by adding Part 1803 as follows:

PART 1803—NONDISCRIMINATION ON THE BASIS OF HANDICAP

Sec.
1803.1 Purpose.
1803.2 Application.
1803.3 Definitions.
1803.4 Self-evaluation.
1803.5 Notice.
1803.6 General prohibitions against discrimination.
1803.7 Program accessibility: Existing facilities.
1803.8 Program accessibility: New construction and alterations.
1803.9 Employment.
1803.10 Communications.
1803.11 Compliance procedures.

Authority: 29 U.S.C. 794.

§ 1803.1 Purpose.

This part effectuates section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by executive agencies.

§ 1803.2 Application.

This part applies to all programs or activities conducted by the Foundation, except for programs or activities conducted outside the United States that do not involve individual(s) with handicaps in the United States.

§ 1803.3 Definitions.

For purposes of this part, the term—

"Assistant Attorney General" means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

"Auxiliary aids" means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs or activities conducted by the Foundation.

"Complete complaint" means a written statement containing:

(1) Date and nature of the alleged violation of section 504;

(2) The complainant's name and address; and

(3) The signature of the complainant or of someone authorized to act on his or her behalf.

Complaints filed on behalf of classes or third parties shall describe or identify, by name if possible, the alleged victims of discrimination.

"Executive Secretary" means the Executive Secretary of the Harry S. Truman Scholarship Foundation.

"Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other conveyances, or other real or personal property.

"Foundation" means the Harry S. Truman Scholarship Foundation.

"General Counsel" means the General Counsel of the Harry S. Truman Scholarship Foundation.

"Individual with handicaps" means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

As used in this definition, the phrase:

(1) "Physical or mental impairment" includes—

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism.

(2) "Major life activities" includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) "Has a record of such an impairment" means has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) "Is regarded as having an impairment" means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the Foundation as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits

major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition, but is treated by the Foundation as having such an impairment.

"Qualified individual with handicaps" means an individual with handicaps who meets the essential eligibility requirements for participation in, or receipt of benefits from, any Foundation program or activity. For purposes of employment, "qualified individual with handicaps" means "qualified handicapped person" as defined in 29 CFR 1613.702(f), which is made applicable to this part by § 1803.10.

"Section 504" means section 504 of the Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 394, 29 U.S.C. 794, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93–516, 88 Stat. 1617; the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub. L. 95–602, 92 Stat. 2955; and by the Rehabilitation Act amendments of 1986, Pub. L. 99–506, 100 Stat. 1810. As used in this part, section 504 applies only to programs or activities conducted by the Foundation and not to federally assisted programs.

§ 1803.4 Self-evaluation.

(a) The Foundation shall, within one year of the effective date of this part, evaluate, with the assistance of interested persons, including individuals with handicaps or organizations representing individuals with handicaps, its current policies and practices, and the effects thereof, that do not or may not meet the requirements of this part, and, to the extent modification of any such policies and practices is required, the Foundation shall proceed to make the necessary modification.

(b) The Foundation shall, for at least three years following completion of the evaluation required under paragraph (a) of this section, maintain on file and make available for public inspection—

(1) A description of areas examined and any problems identified; and

(2) A description of any modifications made

§ 1803.5 Notice.

The Foundation shall make available to employees, applicants, participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the programs or activities conducted by the Foundation as the Executive Secretary finds necessary to apprise such persons of the protections against discrimination assured them by section 504 of this regulation.

§ 1803.6 General prohibitions against discrimination.

(a) No qualified individual with handicaps shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity subject to this part.

(b) The Foundation may not, either directly or through arrangements with others, on the basis of handicap—

(1) Discriminate against a qualified individual with handicaps in the award or renewal of scholarships, through selection criteria or otherwise;

(2) Deny a qualified individual with handicaps the opportunity to participate as a member of boards or panels used to screen scholarship applicants;

(3) Deny a qualified individual with handicaps the opportunity to participate as a member of planning or advisory boards; or

(4) Otherwise subject a qualified individual with handicaps to discrimination.

(c) The Foundation may not, either directly or through arrangements with others, utilize criteria or methods of administration the purpose or effect of which would—

(1) Subject qualified individuals with handicaps to discriminate on the basis of handicap; or

(2) Defeat or substantially impair accomplishment of the objectives of a program or activity with respect to individuals with handicaps.

(d) The Foundation shall administer programs and activities in the most feasibly integrated setting appropriate to the needs of qualified individuals with handicaps.

§ 1803.7 Program accessibility: Existing facilities.

(a) The Foundation shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with handicaps. This paragraph does not necessarily require the Foundation to make each of its existing facilities accessible to and usable by individuals with handicaps, but no qualified individual with handicaps shall be denied the benefit of, be excluded from participation in, or otherwise be subjected to discrimination under any of the Foundation's programs and activities because any of the Foundation's facilities are inaccessible to or unusable by individuals with handicaps.

(b) When the Foundation uses facilities leased or otherwise provided by the General Services Administration (GSA), it shall request GSA to make any structural changes that the Foundation determines are required to provide necessary accessibility for individuals with handicaps, and shall inform that agency of any complaints regarding accessibility by individuals with handicaps.

(c) The Foundation periodically uses meeting rooms or similar facilities made available by non-federal entities. In any instances in which such temporarily used facilities are not readily accessible to qualified individuals with handicaps, the Foundation shall make alternative arrangements so that such qualified individuals with handicaps can participate fully in the Foundation's activity.

(d) This section does not require the Foundation to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where Foundation personnel believe that the proposed action would fundamentally alter a program or activity or would result in undue financial and administrative burdens, the Foundation has the burden of proving that compliance with paragraph (a) of this section would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the Executive Secretary after considering all agency resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or such burdens, the Foundation shall take other action not resulting in such an alteration or such burdens, but would nevertheless ensure that, to the maximum extent possible, individuals with handicaps receive the benefits and services of the programs or activities.

§ 1803.8 Program accessibility: new construction and alterations.

Each building or part of a building that is constructed or altered by, on behalf of, or for the use of the Foundation shall be designed, constructed, or altered so as to be readily accessible to and usable by individuals with handicaps. The definitions, requirements, and standards of the Architectural Barriers Act (42 U.S.C. 4151–4157), as established in 41 CFR 101–19.600 to 101–19.607, apply to buildings covered by this section.

§ 1803.9 Employment.

No qualified individual with handicaps shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity conducted by the Foundation. The definitions, requirements and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), as established by the Equal Employment Opportunity Commission in 29 CFR Part 1613, shall apply to employment in Federally conducted programs or activities.

§ 1803.10 Communications.

(a) The Foundation shall take appropriate steps to assure that interested persons, including persons with impaired vision or hearing, can effectively communicate with the Foundation and obtain information as to the existence and availability of the Foundation's programs and activities.

(1) The Foundation shall furnish appropriate auxiliary aids where necessary to afford an individual with handicaps an equal opportunity to participate in the scholarship interview process or other programs or activities conducted by the Foundation.

(i) In determining what type of auxiliary aid is necessary, the Foundation shall give primary consideration to the requests of the individual with handicaps.

(ii) The Foundation need not provide individually prescribed devices or other devices of a personal nature.

(2) Where the Foundation communicates with applicants and beneficiaries by telephone, a telecommunication device for deaf persons or equally effective telecommunication device shall be used.

(b) The Foundation shall take appropriate steps to provide individuals with handicaps with information regarding their section 504 rights under the Foundation's programs or activities.

(c) This section does not require the Foundation to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where Foundation personnel believe that the proposed action would fundamentally alter a program or activity or would result in undue financial and administrative burdens, the Foundation has the burden of proving that compliance with paragraphs (a) and (b) of this section would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the Executive Secretary after considering all Foundation resources available for use in the funding and operation of a conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or such burdens, the Foundation shall take other action not resulting in such an alteration or such burdens, but would nevertheless ensure that, to the maximum extent possible, individuals with handicaps receive the benefits and services of the programs or activities.

§ 1803.11 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in programs or activities conducted by the Foundation.

(b) The Foundation shall process complaints alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR Part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) Responsibility for implementation and operation of this section shall be vested in the Executive Secretary.

(d) The Foundation shall accept and investigate all complete complaints for which it has jurisdiction. All complete complaints must be filed within 180 days of the alleged act of discrimination. The Foundation may extend this time period for good cause.

(e) If the Foundation receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate government entity.

(f) The Foundation shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is used by the Foundation that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), or section 502 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 792), is not readily accessible to and usable by individuals with handicaps.

(g) The Foundation shall notify the complainant of the results of the investigation within 90 days of the receipt of a complete complaint over which it has jurisdiction. Notification must be in a letter, and must include—

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation discovered; and

(3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 90 days of receipt from the agency of the letter required by paragraph (f) of this section. The Foundation may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the General Counsel.

(j) The Foundation shall notify the complainant of the results of the appeal within 90 days of the receipt of the request. If the Foundation determines that it needs additional information from the complainant, it shall have 90 days from the date it receives the additional information to make its determination on the appeal.

(k) The time limits cited in paragraphs (g) and (h) of this section may be extended with the permission of the Assistant Attorney General.

(l) The Foundation may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated.

Malcolm M. McCormack,
Executive Secretary.

Dated: December 1, 1987.

[FR Doc. 87–29067 Filed 12–18–87; 8:45 am]
BILLING CODE 8155–01–M

DEPARTMENT OF THE INTERIOR

48 CFR Parts 1409, 1415 and 1452

Department of the Interior Acquisition Regulations; Formal Source Selection Procedures; Organizational Conflicts of Interest

AGENCY: Department of the Interior.

ACTION: Proposed rule.

SUMMARY: This rule would amend the Department of the Interior Acquisition Regulation to establish procedures for formal source selection. This rule would also add coverage on organizational conflicts of interest pertaining to automatic data processing systems acquisitions.

DATE: Comments must be received on or before February 19, 1988.

ADDRESS: Interested parties may obtain copies of the proposed source selection handbook referenced in this rule from the Acquisition and Assistance Division, Office of Acquisition and Property Management, Department of the

Interior, Room 5526, Washington, DC 20240. Written. comments on the proposed rule and handbook should be submitted to the above address.

FOR FURTHER INFORMATION CONTACT: Mr. William Opdyke, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Management, Department of the Interior, Washington, DC 20240, telephone (202) 343–3433.

SUPPLEMENTARY INFORMATION: This proposed rule concerns internal agency procedures for source selection in certain acquisitions conducted using competitive proposals and further implements the source selection policies and procedures prescribed by Federal Acquisition Regulation Subpart (FAR) 15.6. This rule also implements FAR 9.505 regarding limitations on future contracting for ADP systems in order to resolve organizational conflicts of interest.

Primary Author

The primary author of this rule is Mr. William Opdyke, Office of Acquisition and Property Management, telephone (202) 343–3433.

Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act

The Department has determined that this rule is not a major rule under Executive Order 12291 since it proposes to impose future contracting limitations only on those contractors which developed specifications for ADP systems under previous contracts.

Such action is required in order to prevent organizational conflicts of interest and to implement the requirements of FAR Subpart 9.5. The Department also certifies that this rule will not have a significant economic effect on a substantial number of small entities or other parties eligible to contract with the Department since it will only affect those contractors which agree, by entering into contracts for development of ADP system specifications, not to compete on future data systems containing such specifications without required approvals.

This rule does not contain any new information collection requirements.

List of Subjects in 48 CFR Parts 1409, 1415 and 1452

Government procurements.

For the reasons set out in the preamble, Chapter 14 of Title 48 of the Code of Federal Regulations is proposed to be amended as set forth below.

Date: November 13, 1987.

Joseph W. Gorrell,

Principal Deputy Assistant Secretary of the Interior.

PARTS 1409, 1415 AND 1452—[AMENDED]

1. The authority citation for 48 CFR Parts 1409, 1415, and 1452 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c), and 5 U.S.C. 301.

2. A new Subpart 1409.5 is added to read as follows:

PART 1409—CONTRACTOR QUALIFICATIONS

* * * * *

Subpart 1409.5—Organizational Conflicts of Interest

Sec.
1409.505 General.
1409.505–2 Preparing specifications or work statements.
1409.508 Solication provision and contract clause.

Subpart 1409.5—Organizational Conflicts of Interest

1409.505 General.

1409.505–2 Preparing specifications or work statements.

(a) In accordance with the requirements of Part 306, Chapter 4 of the Department Manual (306 DM 4), it is the policy of the Department that any contractor or subcontractor which prepared and furnished specifications (including mandatory requirements or evaluated optional features as defined in Federal Information Resources Management Regulation 201–2.001) to be used by a bureau or office in a competitive acquisition for an automatic data processing system is ineligible to furnish this system, either as a contractor or subcontractor, except with the written approval of the Assistant Secretary—Policy, Budget, and Administration.

(b) Request for exceptions to the policy in paragraph (a) above shall be submitted by head of the contracting activity, through the Assistant Solicitor—Procurement and Patents, to the Director, Office or Information Resources Management for further action. Each request shall include—

(1) An analysis of the facts involving the actual or potential conflict of interest, including a complete description of the contract under which the specifications were developed and the contract under which the exception is requested;

(2) A discussion of the actions to be taken for avoiding, neutralizing, or mitigating the conflict,

(3) An analysis of benefits and detriments to the Government if the exception is approved;

(4) An analysis of benefits and detriments to the Government if the exception is not approved; and

(5) A statement regarding why approval of the exception would be in the best interests of the Government.

1409.508 Solicitation provision and contract clause.

(a) The contracting officer shall insert the clause at 1452.209–70, Limitation of Future Contracting—Automatic Data Processing, in all solicitations and contracts for preparation and delivery of specifications, including mandatory requirements and evaluated optional features, for use in acquiring automatic data processing systems.

(b) The contracting officer shall insert the clause at 1452.209–71. Organizational Conflicts of Interest—Automatic Data Processing, in all solicitations and contracts for automatic data processing systems which utilize, or are based on, specifications, (including mandatory requirements and evaluated optional features) prepared and delivered under a previous contract (to be identified in paragraph (a) of the clause).

PART 1415—CONTRACTING BY NEGOTIATION

3. Section 1415.612 is added to Subpart 1415.6 to read as follows:

1415.612 Formal source selection.

(a) Except as provided in paragraph (b) below, the procedures contained in the "Department of the Interior Source Evaluation Board Handbook" shall be used in the conduct of competitive negotiated acquisitions when:

(1) The estimated cost of the acquisition, including options, is significant in relation to the bureau's annual acquisition budget or involves a multiple year, long-term contractual relationship; and

(2) The acquisition is of a highly sensitive nature or of critical importance in fulfilling a bureau mission need and warrants the direct attention or participation of bureau senior management in the acquisition process; or

(3) Bureau procedures prescribe use for certain types of competitive negotiated acquisitions; or

(4) The head of the contracting activity determines that use is appropriate for a particular acquisition.

(b) The following acquisitions are not subject to the procedures in this section:

(1) Any acquisition using sealed bids under FAR Part 14;

(2) Any acquisition using competitive proposals under FAR Part 15 where price or cost to the Government is the sole or principal evaluation factor (i.e., the cost/price factor weight is 90 to 100 percent of the total weight); and

(3) Any acquisition for architect-engineering services under FAR Subpart 36.6.

(c) Acquisitions subject to the procedures in paragraph (a) shall be determined by the head of the contracting activity and identified in the advance procurement summary report required by Part 404, Chapter 6 of the Departmental Manual (404 DM 6). Each identified acquisition shall be accompanied by an individual contract plan when the summary report is submitted to the Director, Office of Acquisition and Property Management. When action is initiated on each such acquisition, copies of the following documents shall be promptly forwarded to the Director, Office of Acquisition and Property Management:

(1) Any redelegation of authority made pursuant to paragraph (d);

(2) Memorandum establishing the Source Evaluation Board;

(3) Source Selection Plan; and

(4) Source Selection Statement.

(d) For acquisitions conducted under this section, the Source Selection Authority shall be the head of the contracting activity. This authority may be redelegated in accordance with bureau procedures appoved by the Director, Office of Acquisition and Property Management.

(e) Copies of the handbook referenced in paragraph (a) may be obtained upon request from the Office of Acquisition and Property Management, Office of the Secretary, U.S. Department of the Interior, Washington, DC 20240.

PART 1452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Sections 1452.209–70 and 1452.209–71 are added to read as follows:

1452.209–70 Limitation on Future Contracting—Automatic Data Processing.

As prescribed in 1409.508(a), insert the following clause in all solicitations and contracts for preparation and delivery of specifications, including mandatory requirements and evaluated optional features, for use in acquiring automatic data processing systems:

Limitation on Future Contracting—Automatic Data Processing—Department of the Interior (87)

(a) This contract includes requirements for the preparation and delivery of specifications, which may include mandatory requirements and evaluated optional features as defined in Federal Information Resources Management Regulation 201–2.001, for use in a future solicitation for competitively acquiring an automatic data processing (ADP) system.

(b) Pursuant to Department of the Interior Acquisition Regulation 1409.505–2, it has been determined that performance of this contract may give rise to an organizational conflict of interest if the contractor is permitted to furnish the ADP system which utilizes, or is based on, specifications prepared and furnished by this contractor under the contract. Accordingly, the attention of all prospective offerors is invited to FAR Subpart 9.5—Organizational Conflicts of Interest.

(c) The nature of the organizational conflict involves the potential for the contractor, in performing the work under this contract, to gain an unfair competitive advantage over other sources with respect to furnishing the ADP system under a future acquisition.

(d) The contractor agrees to remain ineligible as a prime contractor or subcontractor to perform the work to be described in any future solicitation(s) for an ADP system which uses, or is based on, the specifications developed under this contract.

(e) The restriction in paragraph (d) above may be waived only upon the written approval of the Assistant Secretary—Policy, Budget, and Administration. Requests for waiver shall be submitted to the contracting officer and contain sufficient information to demonstrate how the potential for conflict of interest will be avoided, neutralized or mitigated.

(f) The contractor agrees to include the provisions of this clause including this paragraph (f) in each subcontract awarded under this contract for preparation and delivery of the specifications described in paragraph (a).

(End of clause)

1452.209–71 Organizational Conflicts of Interest—Automatic Data Processing.

As prescribed in 1409.508(b), insert the following clause in all solicitations and contracts for automatic data processing systems which utilize specifications, including mandatory requirements and evaluated option features, prepared and delivered under a previous contract (to be identified):

Organizational Conflicts of Interest—Automatic Data Processing—Department of the Interior (87)

(a) The solicitation contains specifications, including mandatory requirements and evaluated optional features as defined in Federal Information Resources Management Regulation 201–2.001, which were furnished, or are based on work performed, under contract *(contract number)* with *(name of contractor and address)*.

(b) Pursuant to the requirements of FAR Subpart 9.5 and Department of the Interior Acquisition Regulation 1409.505–2, *(name of contractor)* and any of its subcontractors which furnished specifications of the type specified in paragraph (a) above in *contract number)* are ineligible to participate in this acquisition except with the written approval of the Assistant Secretary—Policy, Budget, and Administration.

(c) Requests for exception to the restrictions in paragraph (b) above shall be made in writing to the contracting officer and contain sufficient information to demonstrate how the potential for conflict of interest will be avoided, neutralized or mitigated if the contractor or subcontractor is allowed to participate.

(d) The contractor agrees that if after award it discovers an organizational conflict of interest with respect to this contract, an immediate and full disclosure shall be made in writing to the contracting officer and a request for exception under paragraph (c) above shall be included. Based upon such disclosure and request, the contracting officer may terminate the contract for convenience if such action is determined to be in the Government's best interest.

(e) In the event the contractor was aware of an organizational conflict of interest prior to award of this contract and did not request an exception under paragraph (c) above, the contracting officer may terminate this contract for default.

(f) The contractor agrees to include the provisions of this clause including this paragraph (f) in each subcontract awarded under this contract for preparation and delivery of the specifications described in paragraph (a) above.

(End of clause)

[FR Doc. 87–29124 Filed 12–18–87; 8:45 am]
BILLING CODE 4310–RF–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 672, and 675

[Docket No. 71267–7267]

Foreign Fishing; Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues a proposed rule to implement Amendment 16 to the Fishery Management Plan (FMP) for the Groundfish of the Gulf of Alaska and Amendment 11a to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. Proposed regulatory changes would, if approved, (1) require catcher/processor and mothership processor vessels operating

in the Gulf of Alaska and in the Bering Sea and Aleutian Islands area to maintain aboard a transfer log and to report information weekly about groundfish production and transfers and off-loading of groundfish products; (2) respecify prohibited species for domestic and foreign fisheries of the Gulf of Alaska and three other categories of species in the Gulf of Alaska foreign fisheries; (3) remove the reserve category for some species of groundfish in the Gulf of Alaska; (4) rename target quotas (TQ) as total allowable catches (TAC) for groundfish of the Gulf of Alaska; (5) change the starting date of the public comment period for proposed annual specifications for the Gulf of Alaska; and (6) expressly authorize inseason reapportionments of domestic annual processing to joint venture processing for the Gulf of Alaska. The regulations implementing these amendments are intended to promote full accounting of groundfish catches in both management areas and to make clear the species in the Gulf of Alaska that are considered to be prohibited species. These regulatory changes are necessary to adjust to the changing nature of the Alaska groundfish fisheries that are being increasingly dominated by U.S. fishermen.

DATE: Written comments must be received on or before Saturday, January 30, 1988.

ADDRESSES: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine fisheries Service, P.O. Box 1668, Juneau, AK 99802–1668. Copies of the amendments and their environmental assessment and regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) may be obtained by contacting the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510, 907–274–4563. Comments on the environmental assessment prepared for this action are particularly requested.

Comments on the information collection requirement of this rule should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for NOAA.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Biologist, NMFS), 907–586–7230.

SUPPLEMENTARY INFORMATION: Domestic and foreign groundfish fisheries in the exclusive economic zones (EEZ) of the Gulf of Alaska (GOA) and of the Bering Sea and Aleutian Islands are a (BSAI) are managed in accordance with the two FMPs, which were developed by the North Pacific Fishery Management Council (Council) under authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act), and implemented by regulations appearing at 50 CFR 611.92 and 611.93 and Parts 672 and 675.

The Council invited management proposals from the general public, other agencies, and the two FMP Plan Teams, and set a deadline of December 12, 1986, for receiving proposals that would amend the FMPs for Groundfish of the Gulf of Alaska and for the Groundfish Fishery of the Bering Sea and Aleutians Islands Area.

Proposals received by the deadline were ranked by the Council's Plan Teams for the two FMPs. The Plan Teams prepared draft EA/RIR/IRFAs for the proposals for public comment as required by the National Environmental Policy Act of 1969, Executive Order 12291, and NOAA policy. The Council reviewed these documents at its March 18–20, 1987, meeting and decided to release for public comment the analyses of those proposals that the Council determined should be considered further. At its May 20–22, 1987, meeting, the Council considered public testimony and the recommendations of its Advisory Panel (AP), Scientific and Statistical Committee (SSC), and the Plan Teams.

Common to both FMPs were proposals to change current reporting requirements of catcher/processor and mothership processor vessels. Certain segments of the industry considered the changes to be too burdensome, and they opposed them. In view of this opposition, the Council decided not to take action on the changes to reporting requirements for either of the FMPs during its May 20–22, 1987, meeting. Instead, the Council appointed a subcommittee to work with NMFS to develop reporting requirements that would be acceptable to the industry, but which would also meet the needs of NMFS to account for total groundfish catches. The Council set aside the reporting requirements of Amendment 11 to the BSAI FMP, adopted the remainder, and sent that part of the amendment forward for review by the Secretary of Commerce. Therefore, the current amendment to the BSAI FMP being proposed in this action is numbered Amendment 11a. The Council also deferred further action on all parts of Amendment 16 to the GOA FMP until its September 23–25, 1987, meeting to allow the subcommittee time to complete its assignment concerning the reporting requirements and until it could review the newly reorganized text of the GOA FMP.

At its September 23–25, 1987, meeting, the Council adopted the recommendations of its subcommittee on reporting requirements and reviewed the other parts of GOA Amendment 16. On the basis of advice from the AP and the SSC, and public testimony, the Council approved for submission to the Secretary of Commerce the following parts of Amendment 16 to the GOA FMP: (1) Reorganized FMP text to make it easier to read and implement, including changing the term "target quota" to "total allowable catch"; (2) added a new definition of acceptable biological catch (ABC), (3) added a new section to the FMP on vessel safety; and (4) changed reporting requirements. The changes to reporting requirements adopted by the Council are the same as those in Amendment 11a to the BSAI FMP.

A description of and the reasons for the two management proposals that would be implemented by this proposed rule are as follows:

1. Changes in reporting requirements for catcher/processor and mothership processor vessels—regulations governing both the Gulf of Alaska and Bering Sea-Aleutians Islands Area.

Current regulations require operations of catcher/processor and mothership processor vessels to (1) notify the Regional Director of the times and positions of fishing activity when such vessels start or stop fishing activity and (2) submit to the Regional Director weekly groundfish catch and receipt reports. These regulations, which implement Amendment 14 to the GOA FMP and Amendment 10 to the BSAI FMP, are found at §§ 672.5(a)(3) and 675.5(a)(3), respectively (50 FR 43193, October 24, 1985; and 52 FR 8592, March 19, 1987).

NMFS uses the weekly catch and receipt reports during management of the groundfish fisheries as they progress during the fishing season. These reports are considered to be estimates of the amounts of groundfish caught and/or received, and are not in lieu of the requirements for submission to the Alaska Department of Fish and Game of State of Alaska fish tickets, which serve as the official confirmation report of groundfish caught and/or received. When catcher/processor and mothership processor vessels land their catches shoreside, the accuracy of catch information reported on State of Alaska fish tickets, which can be verified by observing the off-loading, shorting, and weighing of the catch at processing establishments, is used to confirm the earlier submitted weekly catch and receipt reports. In this manner, NMFS is able to guard against gross under-reporting of catch or misrepresentation of the species caught.

Catcher/processor and mothership processor vessels often transfer of off-load groundfish products at sea for direct transshipment to destinations in the United States or to foreign nations. Groundfish products may never come ashore where NMFS can verify the accuracy of the reported catch, and no system exists to verify the accuracy of either the State fish tickets or the weekly catch reports submitted by catcher/processor and mothership processor vessels. Thus, NMFS is unable to enforce effectively those regaulations, such as bycatch restrictions and quotas, that require an accurate accounting of the amounts of each groundfish species harvested. Accurate accounting by NMFS is necessary for management of the groundfish resources.

Quantities of fish being harvested and/or processed off Alaska by U.S. catcher/processor and mothership processor vessels are increasing with market demand and the growth in numbers of U.S. vessels. Groundfish catches by all U.S. vessels in 1987 reached 306,000 metric tons (mt) as compared to 144,000 mt in 1986 (excluding catches by joint venture operations). About 58 percent of the total, or 178,000 mt, was taken by catcher/processor and mothership processor vessels. In 1988, these quantities will increase markedly. More quantities of groundfish products, therefore, will be transferred or off-loaded at sea for direct transshipment to destinations, which will further reduce accurate accounting by NMFS. Therefore, NMFS has a need for operators of catcher/processor and mothership processor vessels to maintain onboard a Cargo Transfer/offloading Log, in which records of groundfish transfers or off-loadings can be kept.

NMFS also has a need to receive current reports of processed groundfish products that were transferred or off-loaded at sea. Such reports would provide an accurate baseline against which to compare amounts of product aboard vessels during boarding inspections. Thus, inspections could be conducted more efficiently, which would benefit fishermen and processors who otherwise could lose work time caused by an inefficient inspection. Current reports are also necessary to verify actual results of at-sea transfers and off-loadings of product. Otherwise, vessel operators could subsequently change the onboard transfer log for economic gain.

The Council, therefore, proposes more effectively to manage the groundfish fisheries by requiring catcher/processor and mothership processor vessels to maintain aboard a Cargo Transfer/Offloading Log and to report transferred or off-loaded products on a Product Transfer Report as follows:

A. New requirement for an onboard Cargo Transfer/Offloading Log. Operators of catcher/processor and mothership processor vessels will be required to maintain aboard their vessels a Cargo Transfer/Offloading Log. For each transfer or off-loading of any fishery product from a regulated vessel in the EEZ, outside the EEZ, within any States' territorial waters, or within the internal waters of any State, the Cargo Transfer/Offloading Log will contain the following information: (1) The time, date, and location of the transfer of off-loading; (2) the product weight and product type, by species or species group; (3) the name and permit number of the vessel receiving the product or, if to a shoreside location, the name of the location and commercial facility receiving the product; and (4) the intended port or destination of the receiving vessel if transferred to another vessel.

If either a catcher/processor or mothership processor vessel were to receive product from another vessel it must be logged in as being "received". This is necessary for at-sea inspections. If product were not logged, the vessel would appear to be under-logging its catch (i.e., product that is not accounted for in the weekly catch/receipt reports). Vessels receiving product, such as a refrigerated transport vessel, are not required to maintain the Cargo Transfer/Offloading Log unless they are also operating as a catcher/processor or mothership/processor.

B. *New requirement of reports of transferred product weight.* Operators of catcher/processor and mothership processor vessels will be required to submit a Product Transfer Report. This report will be required for any Sunday through Saturday period if a transfer were made. It must include the product weight and the number of cartons transferred or off-loaded by product type by species or species group.

Part of the recommendations made by the Council's appointed subcommittee and adopted by the Council for inclusion in Amendments 16 and 11a included a requirement for operators of catcher/processor and mothership processor vessels to report information on the number of cartons and the representative weight of a carton by product type. The subcommittee intended that NMFS should use this information to compare currently reported round weights of groundfish caught or received to build a database for future use in determining conversion rates from round weight to product weight.

Vessel operators do not weigh the raw groundfish catch prior to processing it. They determine round weight by counting product weight and converting the product weight back to round weight by use of product recovery rates determined by the vessel operator. The reporting of product weight and carton number simply identifies the operator's basis for determining round weight. The inclusion of product weight and carton numbers is largely at the request of industry representatives who wish to clarify the basis for their round weight determinations. To accurately report round weight requires vessel operators to use an accurate product recovery rate, which they have determined on a seasonal and geographic basis as opposed to any arbitrary rates that the government might set at this time. Fishermen are very familiar with the conversion methods and accounting employed in the proposed system.

Thus, these new reporting requirements will allow NMFS to acquire information on conversion factors representing many fishing seasons, product types, and fishing areas. Once the degree of variability is understood, NMFS will be better able to compare processed amounts in vessels' holds with reported catches to determine accuracy of reported catches. NMFS would better understand production aboard vessels to determine whether gross violations in reporting had occurred.

The Council believes that this information would effectively improve management of the groundfish fisheries over the long term and proposes changes in the current requirements for weelky catch reports by catcher/processor and mothership processor vessels as follows:

The presently required weekly catch report by catcher/processor and mothership processor vessels would be renamed "Weekly Catch/Receipt and Production Report". In addition to other currently required information, the proposed regulation would require information on the number of cartons and unit net weight of a carton of processed fish by species or species group.

The Council finds that the above changes in reporting requirements will

markedly increase NMFS's ability to meet its groundfish management responsibilities. The Cargo Transfer/Offloading Log would be a permanent record maintained aboard the vessel that would be completed by vessel personnel and presented to enforcement officers at sea for inspection. It contains the basic information that the vessel will normally transmit by radio or telex to its home office. Upon receipt of the radio or telex information, the home office would then use that information to prepare the weekly summary or Product Transfer Report for submission to NMFS either by telex, phone, or mail. Although the vessel operator could transmit the report directly to NMFS, in practice the vessel operator usually transmits to his home office, which then forwards a completed report to NMFS. There is no requirement to maintain the Product Transfer Report aboard the vessel, only the Cargo Transfer/Offloading Log, which is the basis for the Product Transfer Report. The Cargo Transfer/Offloading Log is a physical document that is maintained aboard the vessel for inspection at sea.

The Product Transfer Report contains detailed information that is not in the Weekly Catch/Receipt and Production Report, which only provides quantities received but not the source or time and place of receipt that may be necessary to resolve illegal logging violations. Cargo transport vessels are not required to submit weekly reports, since they are not "catcher/processor" or "mothership processor" vessels.

Although the Cargo Transfer/Offloading Log does provide the same type of information as the Product Transfer Report, it is a cumulative report, whereas the Product Transfer Report is a summary. To eliminate the need to transmit all of the information in the Cargo Transfer/Offloading Log, which is used only for at-sea enforcement, the Product Transfer Report requires only summary information for the week and does not require detailed data such as latitude and longitude or product listing for each transfer during the week. The Product Transfer Report can also be used to verify on-board logs and insure that they are not changed at a later date to reflect false information.

The Weekly Catch/Receipt and Production Report is for reports of catch in round weight, numbers of cartons of production, and total product weight produced for the week. Reports of catch include those by catcher vessels that are delivered to catcher/processor or mothership processor vessels. Such reports are made in behalf of the catcher vessels. The weekly report does not and is not intended to include products received from another vessel. The information on products received from another vessel is only required in the Cargo Transfer/Offloading Log and is needed so at-sea enforcement units can determine the products' origin during an inspection. The receipt of products information is not needed for inseason management and therefore is not required in the weekly reports.

2. Definition of prohibited species in the GOA FMP:

The Council proposed a new definition of prohibited species for the Gulf of Alaska to address three problems. First, FMP section 6.4.1 presently defines unallocated species as "those species and species groups which must be immediately returned to the sea by vessels operating in the groundfish fishery." However, the FMP does not clearly specify these species as prohibited, and which must be avoided, and if caught, returned to the sea with a minimum of injury.

Second, the "unallocated species" definition is not consistent with references to prohibited species elsewhere in the FMP and its implementing regulations. Section 8.3.1.1(C) of the FMP currently specifies prohibited species restrictions simply as "in accordance with existing State and Federal statutes". Separate prohibited species restrictions are specified for foreign fisheries under FMP section 8.3.2.1(B). These restrictions are more explicit about avoiding and not retaining six species groups. However, explicit language does not exist that identifies unallocated species as prohibited species. Misconstruing unallocated and prohibited species as different categories of species is possible.

Third, reliance on "other applicable law" to define which species are prohibited created a potential enforcement problem. For example, citing groundfish fishermen found to be retaining incidentally-caught king crab from the Gulf of Alaska may have been unenforceable because king crabs are not listed as prohibited species in the GOA regulations at § 672.20(e)(1) (i), (ii), and (iii). Further, in the absence of a king crab FMP, Federal regulations do not exist to restrict the catch of king crabs in the Gulf of Alaska. Thus, an offending vessel would have to be registered in Alaska for State restrictions on king crab catches to apply. If the vessel were not registered in Alaska, no other existing State or Federal statutes or regulations would be violated with respect to retention of king crabs taken in the EEZ.

The Council recommends that four categories of species or species groups in the Gulf of Alaska should be defined in the GOA FMP, one of which is prohibited species. Prohibited species include any of the species of Pacific salmon (*Oncorhynchus* spp.), steelhead trout (*Salmo gairdneri*), Pacific halibut (*Hippoglossus stenolepis*), Pacific herring (*Clupea harengus pallasi*), king crab (*Paralithodes* spp., and *Lithodes* spp.) and Tanner crab (*Chionoecetes* spp.). The other three categories are: Target species, "other species", and non-specified species. Target species include pollock, Pacific cod, flounders, sablefish, rockfish, and thornyhead rockfish. "Other species" include Atka mackerel, squid, sculpins, sharks, skates, eulachon, smelts, capelin, and octopus. "Non-specified species" are those taken incidentally in the groundfish fisheries but which are not managed by the GOA FMP. Catch records for non-specified species need not be kept.

The Council proposes that the species identified above be designated as prohibited species. It also proposes the three other species categories.

3. Other GOA FMP modifications which require regulatory changes:

Regulatory changes are proposed to § 672.20 (c) and (f) to implement changes in sections 4.2.1.1 and 4.2.3.1 of the GOA FMP, which currently invites public comments on preliminary specifications and apportionments of groundfish target quotas, prohibited species catch (PSC) limits for fully utilized groundfish species and species groups, and PSC limits for Pacific halibut, respectively, for 30 days following publication of a notice in the Federal Register. Public comments are invited for 30 days following the date of filing of the notice with the Office of the Federal Register, rather than its date of publication. This change is intended to clarify when the public comment period begins. The intent is to establish a deadline for submitting comments that is closer to the Council's deadline, which is usually reached either on or before the Council meeting when final recommendations for specifications and apportionments for a new fishing year are made.

For consistency with regulations implementing the BSAI FMP, the term target quota (TQ) has been replaced with total allowable catch (TAC) throughout the regulations. The Council recommends removal of the reserve category for certain species of groundfish, because the reserve category is no longer necessary. The relevant species are sablefish, "other rockfish", shelf demersal rockfish, and thornyhead rockfish. In 1986 and 1987, the Secretary had apportioned the reserves for these species to domestic fisheries for domestic processing (DAP) at the start of the year, since they were determined to be "fully utilized" by domestic fisheries for domestic processing (DAP) fishermen. Hence, the reserve category served no useful purpose. Reserves, therefore, shown in Table 1 of 50 CFR Part 672, are proposed to be set at twenty percent of the TAC only for pollock, Pacific cod, flounders, and "other species".

4. Regulatory changes in addition to those implementing the FMP amendments:

The Secretary proposes a regulatory change to § 672.20 explicitly to authorize reapportionments of surplus domestic annual processing (DAP) to joint venture processing (JVP). Current regulatory language at § 672.20(d) only explicitly pertains to apportionment of surplus domestic annual harvest (DAH) to total allowable level of foreign fishing (TALFF). Although previous reapportionments of excess DAP to JVP have been made, based on the implied authority of existing regulations and the Magnuson Act, the Council has concluded that such reapportionments would be less confusing to the public and the affected industry if the regulations expressly stated that authority. This proposed regulatory change is consistent with and implements existing GOA FMP text at section 5.5.2.3 (reorganized section 4.4.2) providing that "should the initial DAP exceed timely expectations of actual harvest, the Regional Director shall reapportion the excess DAP to JVP, if needed * * * ". This regulatory change, of itself, will not impact the industry since it serves only to clarify potential regulatory actions; it does not alter current management procedures, and it does not reduce amounts available to domestic processors; rather, it allows available amounts to be transferred to JVP operations only when it has been verified that DAP operators will not use their full allocations.

Classification

This proposed rule is published under section 304(a)(1) of the Magnuson Act, as amended by Pub. L. 99–659, which requires the Secretary of Commerce to publish regulations proposed by a Council within 15 days of receipt of the amendment and regulations. At this time the Secretary has not determined that the amendments that regulations would implement are consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making these determinations, will take into account the data and comments received during the comment period.

The Council prepared an environemntal assessment (EA) for these amendments describing the impact on the environment as a result of this rule. A copy of the EA may be obtained from the Council at the address above and comments on it are requested. The proposed regulations establishing reserves for certain groundfish species, changing the public comment period for proposed annual specifications, changing TQ to TAC, and expressly authorizing inseason reapportionments of excess DAP to JVP are categorically excluded from the requirement to prepare an EA by NOAA Directive 02–10.

The Administrator of NOAA determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination is based on the RIR/IRFA prepared by the Council. A copy of the RIR/IRFA may be obtained from the Council at the address above.

The Council prepared an IRFA as part of the regulatory impact review which concludes that this proposed rule, if adopted, would have significant effects on small entities. These effects have been discussed in the RIR/IRFA. A copy of this analysis may be obtained from the Council at the address listed above.

This rule contains new collection-of-information requirements subject to the Paperwork Reduction Act (PRA). A requst to collect this information has been submitted to the Office of Management and Budget for review under section 3504(h) of the PRA.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of Alaska. This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

List of Subjects

50 CFR Part 611

Fisheries, Foreign fishing.

50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

Dated: December 15, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Parts 611, 672, and 675 are proposed to be amended as follows:

PART 611—[AMENDED]

1. The authority citation for 50 CFR Part 611 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 971 *et seq.*, 22 U.S.C. 1971 *et seq.*, and 16 U.S.C. 1361 *et seq.*

2. In § 611.92, paragraph (b) and Table 1 and paragraph (c)(1) heading and (c)(1)(i) are revised to read as follows:

§ 611.92 Gulf of Alaska groundfish fishery.

* * * * *

(b) *Categories of species.* Four categories of species are recognized for regulatory purposes and they are set forth in Table 1. The term "groundfish" means species in all categories except the "prohibited species" category.

(1) The term "target species" means, for purposes of this section, species that are commercially important and are generally targeted upon by the groundfish fishery. They include pollock, Pacific cod, flounders, sablefish, rockfish, and thornyhead rockfish. Records of the catch or receipt of each target species or species group must be kept.

(2) The term "other species" means, for purposes of this section, species that currently have only slight economic value and are not generally targeted upon, but which are significant components of the ecosystem or have economic potential. They include sculpins, sharks, skates, eulachon, smelts, capelin, octopus, Atka mackerel, and squid. The total allowable catch (TAC) for these species as a category is set at five percent of the combined quotas of the TACS of the target species. Records of the catch or receipt of "other species" must be kept.

(3) The term "prohibited species" means, for purposes of this section, Pacific herring (*Clupea harengus pallasi*); salmonids (*Salmonidae*); Pacific halibut (*Hippoglossus stenolepis*); king crab (*Paralithodes* spp. and *Lithodes* spp.); and Tanner crab (*Chionoecetes* spp.). Except to the extent that their harvest is authorized under other applicable law, the catch or receipt of these species must be minimized and, if caught or received, they must be returned to the sea immediately in accordance with § 611.11 of this part. Records must be maintained as required by §§ 611.9, 611.90(e)(2), and this section. Any species of fish for which there is no foreign allocation must be treated in the same manner as "prohibited species" and records must be maintained of any catches or receipts of these species, except for "non-specified species." Catches or receipts of "non-specified species" must be

treated in the same manner as "prohibited species" but records are not required of catches or receipts of these species.

(4) The term "non-specified species" means, for purposes of this section, species that are not listed in paragraphs (b) (1), (2), and (3) of this section and are not managed under authority of other fishery management plans or under authority of the International Pacific Halibut Commission. Catch records need not be kept.

TABLE 1.—CATEGORIES OF SPECIES INVOLVED IN THE GULF OF ALASKA GROUNDFISH FISHERY

Target species [1]	"Other species" [2]	Prohibited species [3]	Non-specified species [4]
Pollock, Pacific cod, flounders, sablefish, rockfish, and thornyhead rockfish.	Sculpins, sharks, skates, eulachon, smelts, capelin, octopus, Atka mackerel, and squid.	Pacific herring (*Clupea harengus pallasi*); salmonids (Salmonidae); Pacific halibut (*Hippoglossus stenolepis*); king crab (*Paralithodes* spp. and *Lithodes* spp.); Tanner crab *Chionoecetes* spp.).	All species not included in these categories.

[1] Commercially important; specific TAC applies to each species or species group; records must be maintained.
[2] The target quota for these species as a category is set at five percent of the combined target quotas of the target species. Records of the catch or receipt of "other species" must be kept.
[3] Except to the extent that their harvest is authorized under other applicable law, the catch or receipt of these species must be minimized and, if caught or received, they must be returned to the immediately in accordance with § 611.11 of this part. Records must be maintained as required by these §§ 611.9, 611.90(e)(2), and this section. Any species of fish for which there is no foreign allocation must be treated in the same manner as "prohibited species" and records must be maintained of any catches or receipts of these species, except for non-specified species.
[4] The term "non-specified species" means for purposes of this section those species that are not listed in paragraph (b) (1), (2), and (3) of this section and are not managed under authority of other fishery management plans or under authority of the International Pacific Halibut Commission. Catch records need not be kept.

(c) * * *

(1) *TACs, TALFFs, Reserves, and PSC limits.*

(i) See 50 CFR 672, Subpart B, for procedures to determine total allowable catches (TACs), domestic annual processing (DAP), joint venture processing (JVP), reserves, total allowable level of foreign fishing (TALFF), and prohibited species catch (PSC) limits. Species listed in paragraph (b)(3) and Table 1 of this section as "prohibited species", species listed in paragraph (b)(4) of this section as "non-specified species", and species for which the TALFF is zero, including species for which a PSC limit has been specified, will be treated in the same manner as prohibited species under § 611.11.

* * * * *

PARTS 672 AND 675—[AMENDED]

3. The authority citation for 50 CFR Parts 672 and 675 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

4. In § 672.3, paragraph (a) is revised to read as follows:

§ 672.3 Relation to other laws.

(a) *Federal law.* For regulations governing foreign fishing for groundfish in the Gulf of Alaska, see 50 CFR 611.92; for those governing foreign fishing for groundfish in the Bering Sea and Aleutian Islands, see 50 CFR 611.93. For regulations governing fishing for groundfish in the Bering Sea and Aleutian Islands by vessels of the United States, see 50 CFR Part 675; for those governing salmon fishing off Alaska, see 50 CFR Part 674; for those governing permits and certificates of inclusion for the taking of marine mammals, see 50 CFR 216.24. For regulations governing fishing for halibut by vessels of the United States, see the regulations of the International Pacific Halibut Commission at 50 CFR 301.

* * * * *

5. In § 672.5, paragraph (a)(3)(iv) introductory text and (a)(3)(iv)(E) are revised and new paragraphs (a)(3)(iv)(G) and (a)(3)(v) are added to read as follows:

§ 672.5 Reporting requirements.

(a) * * *

(3) * * *

(iv) After notification of starting fishing by a vessel under paragraph (a)(3)(i) of this section, and continuing until that vessel's entire catch or cargo of fish has been off-loaded, the operator of that vessel must submit a weekly catch/receipt and product transfer report, including reports of zero tons caught, or received, for each weekly period, Sunday through Saturday, GMT, or for each portion of such a period. The catch/receipt and product transfer report must be sent to the Regional Director within one week fo the end of the reporting period through such means as the Regional Director will prescribe upon issuing that vessel's permit under § 672.4 of this part. This report must contain the following information:

* * * * *

(E) The number of cartons of fish product, and the estimated unit net weight, in kilograms or pounds, of a carton of processed fish by species or species group produced by that vessel during the reporting period:

* * * * *

(G) The product weight, rounded to the nearest one-tenth of a metric ton (0.1 mt) and the number of cartons transferred or off-load by product type and by species or species group.

(v) For each transfer or off-loading of fish product in the EEZ, outside the EEZ, within any State's territorial waters, or within the internal waters of any State, the operator or each fishing vessel must record, in a separate transfer log, the following information within twelve hours of the completion of the transfer or off-loading:

(A) The time and date (GMT) and location (in geographic coordinates, or if within a port, the name of the port) the transfer or off-loading began and was completed;

(B) The product weight and product type, by species or species group of all fish product transferred or off-loaded to the nearest one-tenth of a metric ton (0.1 mt);

(C) The name and permit number of the vessel receiving the product or, if off-loaded to a shoreside location, the name of the location and commercial facility receiving the product; and

(D) The intended port of destination of the receiving vessel if transferred to another vessel.

* * * * *

6. In § 672.20, paragraph (a)(2)(i) is redesignated as (a)(2)(ii), paragraph (a)(2) introductory text is revised, a new paragraph (a)(2)(i) is added, and Table 1 and paragraphs (c)(1), (d)(2) and (d)(5)(i), (e)(1), and the third sentence of (f)(2)(i) are revised to read as follows:

§ 672.20 General limitations.

(a) * * *

(2) *Total Allowable Catch (TAC).* The Secretary, after consultation with the North Pacific Fishery Management Council (Council), will specify the annual TAC for each calendar year for each target species and the "other species" category, and will apportion the TACs among DAP, JVP, reserves, and total allowable level of foreign fishing (TALFF).

(i) The sum of the TACs specified must be within the OY range of 16,000 to 800,000 mt for target species and the "other species" category. Initial reserves are established for pollock, Pacific cod, flounder, and "other species", which are equal to twenty percent of the TACs for these species or species groups.

* * * * *

TABLE 1.—INITIAL (AS OF JANUARY 1, EACH YEAR) TOTAL ALLOWABLE CATCH (TAC), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS. TAC DAH+RESERVE+TALFF; DAH DAP+JVP

Species	Area [1]	Code	TAC	DAH	DAP	JVP	Reserve	TALFF
Pollock	W/C	701						
	Outside Shelikof							
	E							
	(Total)							
Pacific cod	W	702						
	C							
	E							
	(Total)							
Flounders	W	129						
	C							
	E							
	(Total)							
Sablefish	W	703					NA[2]	
	C							
	W. Yakutat							
	SE/Eastern Yakutat							
	(Total)							
Other rockfish [3]	W	849					NA[2]	
	C							
	E							
	(Total)							
Shelf demersal rockfish [4]	SEO						NA[2]	
Thornyheads	G–W	749					NA[2]	
Other sp. [5]	G–W							

[1] See Figure 1 of § 672.20 for description of regulatory area and districts.
[2] W=Western, C=Central, E=Eastern, G–W=Gulf-Wide, SE=Southeast.
[3] The category "other rockfish" includes all fish of the genus (Sebastes) except the category shelf demersal rockfish as defined in footnote 3 below and Sebastolobus (Thornyhead rockfish).
[4] Shelf demersal rockfish include Sebastes paucispinus (Bocaccio), S. nebulosus (China rockfish), S. caurinus Copper rockfish, S. malliger (Quillback rock fish), S. proiger (Redstripe rockfish), S. helvomaculatus (Rosethorn rockfish), S. brevispinis (Silvergrey rockfish), S. nigrocinctus (Tiger rockfish), S. rubberrimis (Yelloweye rockfish), S. pinningera (Canary rockfish).
[5] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, octopus, Atka mackerel, and squid. The TAC is equal to 5 percent of the TACs of the target species.

* * * * *

(c) * * *

(1) *Notices of harvest limits and PSC limits.* As soon as practicable after October 1 of each year, the Secretary, after consultation with the Council, will publish a notice in the **Federal Register** specifying preliminary annual TAC, DAP, JVP, TALFF, reserve, and applicable PSC amounts for each target species, the "other species" category, and species determined to be fully utilized by the DAP fisheries. The preliminary specifications of DAP and JVP will be the amounts harvested during the previous year plus any additional amounts the Secretary finds will be harvested by the U.S. fishing industry. These additional amounts will reflect as accurately as possible the projected increases in U.S. harvesting and processing and the extent to which U.S. harvesting and processing will occur during the coming year. Public comment on these amounts will be accepted by the Secretary for 30 days after the notice is filed for public inspection with the Office of the Federal Register. The Secretary will consider timely comments and, after consultation with the Council, specify the final PSC limits and annual TAC for each target species and the "other species" category, and apportionments thereof among DAP, JVP, TALFF, and reserves. These final amounts will be published as a notice in the **Federal Register** on or about January 1 of each year. These amounts will replace the corresponding amounts for the previous year.

* * * * *

(d) * * *

(2) *Apportionment of surplus DAP to JVP and surplus DAH to TALFF.* Under paragraph (d)(5) of this section, and as soon as practicable after April 1, June 1, and August 1, and on such other dates as he determines necessary, the Secretary will apportion to JVP any part of the DAP amounts that he determines will not be processed by U.S. processors, and may apportion to TALFF any part of the DAH amounts that he determines will not be harvested by U.S. fishermen during the remainder of the year.

* * * * *

(5) * * *

(i) *General.* The Secretary, under paragraphs (d)(1) and (d)(2) of this section, may apportion to TALFF only those amounts which he determines will not be harvested by vessels of the United States during the remainder of the fishing year, and will apportion to JVP only those amounts he determines will be harvested by vessels of the United States during the remainder of the fishing year but will not be processed by U.S. processors. The amount of reserve which the Regional Director determines will be harvested by vessels of the United States may, at the discretion of the Secretary, either be apportioned to DAP or JVP, or retained in the reserves as eligible for later apportionment under paragraph (d) of this section.

* * * * *

(e) * * *

(1) Prohibited species, for the purpose of this part, are any of the species of Pacific salmon (*Oncorhynchus* spp.), steelhead trout (Salmo gairdneri), Pacific halibut (*Hippoglossus stenolepis*), Pacific herring (*Clupea harengus pallasi*), king crab (*Paralithodes* spp., and *Lithodes* spp.) and Tanner crab (*Chionoecetes* spp.) caught by a vessel regulated under this part while fishing for groundfish in the Gulf of Alaska, unless retention is authorized by other applicable law, including the regulations of the International Pacific Halibut Commission.

* * * * *

(f) * * *

(2) * * *

(i) * * * Public comments on the proposed halibut PSC limits will be accepted by the Secretary for 30 days after the notice is filed for public inspection with the Office of the Federal Register. * * *

* * * * *

PART 675—[AMENDED]

7. In § 675.5, paragraphs (a)(3)(iv) introductory text and (a)(3)(iv)(E) are revised and new paragraphs (a)(3)(iv)(G) and (a)(3)(v) are added to read as follows:

§ 675.5 Reporting requirements.

(a) * * *

(3) * * *

(iv) After notification of starting fishing by a vessel under paragraph (a)(3)(i) of this section, and continuing until that vessel's entire catch or cargo of fish has been off-loaded, the operator of that vessel must submit a weekly catch/receipt and product transfer report, including reports of zero tons caught or received, for each weekly period, Sunday through Saturday, GMT, or for each portion of such a period. The catch/receipt and product transfer report must be sent to the Regional Director within one week of the end of the reporting period through such means as the Regional Director will prescribe upon issuing that vessel's permit under § 675.4 of this part. This report must contain the following information:

* * * * *

(E) The number of cartons of product, and the unit net weight, in kilograms or pounds, or a carton of processed fish by species or species group produced by that vessel during the reporting period;

* * * * *

(G) The product weight, rounded to the nearest one-tenth of a metric ton (0.1 mt) and the number of cartons transferred or off-loaded by product type and by species or species group.

(v) For each transfer or off-loading of fish product in the EEZ, outside the EEZ, within any State's territorial waters, or within the internal waters of any State, the operator of each fishing vessel must record, in a separate transfer log, the following information within twelve hours of the completion of the transfer or off-loading:

(A) The time and date (GMT) and location (in geographic coordinates, or if within a port, the name of the port) the transfer or off-loading began and was completed;

(B) The product weight and product type, by species or species group of all fish products transferred or off-loaded to the nearest one-tenth of a metric ton (0.1 mt);

(C) The name and permit number of vessel receiving the product or, if off-loaded to a shoreside location, the name of the location and commercial facility receiving the product; and

(D) The intended port of destination of the receiving vessel if transferred to another vessel.

* * * * *

§§ 611.92, 672.20, 672.22 and 672.24 [Amended]

8. In addition to the amendments set forth above, remove the initials "TQ" and add. in their place, the initials "TAC" in the following places:

§ 611.92(c)(2)(ii)(A);

Newly redesignated § 672.20(a)(2)(ii) introductory text and (ii)(A) and (B), (b)(1), and (c)(2)(i) and (ii) and (iii)(A) and (B);

§ 672.22(a)(1)(iii), (2)(i)(B) and (iii), and (3)(vi);

§ 672.24(b)(1), (2), and (3)(i) and (ii).

[FR Doc. 87-29119 Filed 12-16-87; 2:45 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 52, No. 244
Monday, December 21, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Arizona Electric Power Cooperative, Inc.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Finding of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, as amended, the Council on Environmental Quality Regulations (40 CFR Parts 1500 through 1508), and REA Environmental Policy and Procedures (7 CFR Part 1794), has made a Finding of No Significant Impact (FONSI) with respect to construction of a 230 kV transmission line on single pole steel structures in Cochise County, Arizona by Arizona Electric Power Cooperative, Inc. (AEPCO).

FOR FURTHER INFORMATION CONTACT: Martin G. Seipel, Director, Southwest Area—Electric, Room 0205, South Agriculture Building, Rural Electrification Administration, Washington, DC 20250, telphone (202) 382-8848.

SUPPLEMENTARY INFORMATION: REA, in conjunction with a request for construction approval from AEPCO, required that AEPCO develop environmental support information reflecting the potential impacts of the project. The information supplied by AEPCO is contained in an Environmental Analysis (EVAL) and Addendum I to the EVAL. Included as part of its environmental review process, REA held interagency and public scoping meetings in August, 1985. The EVAL with Addendum, input from the meetings held, and input from the public and certain Federal and State agencies have been used by REA to develop its Environmental Assessment (EA). REA has concluded that the EA represents an accurate assessment of the environmental impacts of the proposed project and that the impacts are acceptable.

The proposed project consists of constructing a single circuit 230 KV transmission line within a 24.7 meter (90 ft) right-of-way (ROW) which would connect the Apache Generating Station (AGS) which is located approximately 16 km (10 mi) south of the city of Willcox with the proposed 230/69 kV San Rafael Substation which would be located near the city of Sierra Vista. The length of line varies from 60 km (37 mi) for the recommended route to 96.5 km (60 mi) for the longest alternative route. The recommended alternative is considerably shorter than the others because it would originate at the new Butterfield Tap Substation which would be constructed on the Apache to Pantano 230 kV transmission line approximately 24 km (15 mi) west of AGS. The other alternative routes would originate at the AGS switchyard. All of the alternative routes would terminate at the San Rafael Substation. The Butterfield Tap Site would require 0.81 hectare (ha) (2.0 ac) of land and the San Rafael Substation would require 0.97 ha (2.4 ac) of land.

REA has concluded that the proposed project will have no effect on wetlands, floodplains, important farmland, prime forest land or rangeland, threatened or endangered species or critical habitat, visual quality and property listed or eligible for listing in the *National Register of Historic Places*. Certain impacts resulting from the proposed project are unavoidable such as the clearing of vegetation for the ROW and crossing the San Pedro River Management Area. No other matters of environmental concern have come to REA's attention.

Alternatives examined for the proposed project included no action and upgrading existing facilities. Alternative line routes, structure types and substation sites were also evaluated. REA determined that there is a need for the new line and that constructing the new line along the recommended route is an environmentally acceptable alternative for AEPCO to maintain reliable service for present customers and provide for future load growth.

Based upon the environmental support information provided, information provided at the REA conducted scoping meetings, and public input, REA prepared an EA concerning the proposed project and its impacts. As a result of its independent evaluation, REA has concluded that approval of financing assistance enabling AEPCO to construct the proposed project would not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, REA has reached a FONSI with respect to the proposed project. The preparation of an environmental impact statement is not necessary.

Copies of REA's EA, FONSI and the EVAL with Addendum can be obtained from the offices of REA in the South Agriculture Building, Room 0205, 14th and Independence Avenue SW., Washington, DC 20250 or at the office of AEPCO at 1000 South Highway 80, Benson, Arizona 85602, during regular business hours. Copies of the documents are being sent to various Federal and State agencies and will also be available for review at the offices of Sulfur Springs Valley Electric Cooperative, Inc., 316 Bartow Drive, Sierra Vista, Arizona 85635 and at public libraries in Benson, Tombstone, Sierra Vista and Pearce-Sunsites. REA will take no final action with respect to AEPCO's request for financing assistance for at least thirty (30) days after publication of this notice in the **Federal Register** and in newspapers of general circulation in Cochise County.

Any comments should be sent to REA at the address given above. All comments received during the 30-day period will be considered. This program is listed in the Catalog of Federal Domestic Assistance under No. 10.8509—Rural Electrification Loans and Loan Guarantees. For the reasons set forth in the final rule related Notice to 7 CFR Part 3015, Subpart V, this program is excluded from the scope of Executive Order 312372 which requires intergovernmental consultation with state and local officials.

Date: December 16, 1987.

Harold V. Hunter,

Administrator.

[FR Doc. 87-29206 Filed 12-18-87; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Finding of No Significant Impact; Love Creek Watershed, DE

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council of Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); and the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Love Creek Watershed, Sussex County, Delaware.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas E. Hawkins, State Conservationist, Soil Conservation Service, 9 E. Loockerman Street, Suite 207, Dover, Delaware 19901–7377, telephone (302–678–0750).

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment.

As a result of these findings, Douglas E. Hawkins, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection. The planned works of improvement include conservation tillage, terraces, grassed waterways, land use conversion, and accelerated technical assistance for land treatment.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Douglas E. Hawkins.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance Under No. 10.904, Watershed Protection and Flood Prevention Program, and is subject to the provision of Executive Order 12372 which requires intergovernmental consultation with State and local officials)

Douglas E. Hawkins,

State Conservationist.

December 14, 1987.

[FR Doc. 87–29129 Filed 12–18–87; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Bureau of the Census

Annual Survey of Retail Sales and Inventories; Determination

In accordance with Title 13, United States Code, sections 131, 182, 224, and 225, I have determined that various government agencies need the 1987 annual retail trade data to provide a sound statistical basis for the formation of policy and that these data also serve a variety of public and business needs. This annual survey is a continuation of similar surveys that we have conducted each year since 1951 (except 1954). It provides, on a comparable classification basis, annual sales, purchases of merchandise, accounts receivable balances, and year-end inventories for 1986 and 1987. These data are not available publicly on a timely basis from nongovernmental or other governmental sources.

The Census Bureau will require a selected sample of firms operating retail establishments in the United States (with sales size determining the probability of selection) to report in the 1987 Annual Retail Trade Survey. The sample will provide, with measurable reliability, statistics on the specified subjects.

We will furnish report forms to the firms covered by this survey and will require their submission within 20 days after receipt. Copies of the forms are available upon written request to the Director, Bureau of the Census, Washington, DC, 20233.

I have directed, therefore, that an annual survey be conducted for the purpose of collecting these data.

Dated: December 15, 1987.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 87–29168 Filed 12–18–87; 8:45 am]

BILLING CODE 3510–07–M

Foreign-Trade Zones Board

[Order No. 388]

Resolution and Order Approving Application of Greater Cincinnati Foreign-Trade Zone, Inc., for Subzone for Honda in Shelby County, Ohio

Proceedings of the Foreign-Trade Zones Board, Washington, DC.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board had adotped the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Greater Cincinnati Foreign-Trade Zone, Inc., grantee of FTZ 46, filed with the Foreign-Trade Zones Board (the Board) on February 6, 1986, requesting special-purpose subzone status for the auto and motorcycle engine manufacturing plant of Honda of America Manufacturing, Inc., in Shelby County, Ohio, adjacent to the Dayton Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority To Establsih A Foreign-Trade Subzone In Shelby County, Ohio

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Greater Cincinnati Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone No. 46, has made application (filed February 6, 1986, Docket 6–86, 51 FR 7306) in due and proper form to the Board for authority to establish a special-purpose subzone at the automobile and motorcycle engine plant of Honda of America Manufacturing, Inc. (Honda), in Shelby County, Ohio, adjacent to the Dayton Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, therefore, in accordance with the application filed February 6, 1986, the Board hereby authorizes the establishment of a subzone at the Honda plant in Shelby County, Ohio, designated on the records of the Board as Foreign-Trade Subzone No. 46D at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditons and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from federal, state, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, opertion, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the District Army Engineer with the grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, The Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, DC this 11th day of December, 1987, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Gilbert B. Kaplan,

Acting Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 87–29193 Filed 12–18–87; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

[A–475–104]

Strontium Nitrate From Italy; Final Results of Antidumping Duty Administrative Review and Revocation

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review and revocation.

SUMMARY: On September 8, 1987, the Department of Commerce published the preliminary results of its administrative review and intent to revoke on strontium nitrate from Italy. The review covers the only known manufacturer/exporter of this merchandise and the period June 1, 1985 through May 31, 1986.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. The final results of review are unchanged from those presented in the preliminary results, and we revoke the antidumping duty order on strontium nitrate from Italy.

DATE: EFFECTIVE DATE: December 21, 1987.

FOR FURTHER INFORMATION CONTACT: Richard P. Bruno or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–5255.

SUPPLEMENTARY INFORMATION:

Background

On September 8, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 33857) the preliminary results of its administrative review and intent to revoke the antidumping duty order on strontium nitrate from Italy (46 FR 32864, June 25, 1981). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of strontium nitrate, a chemical compound $Sr(NO_3)_2$, currently classifiable under item 421.7400 of the Tariff Schedules of the United States Annotated and under item 2834.29.20 of the Harmonized System.

The review covers the only known manufacturer/exporter, Societa Bario e Derivati S.p.A. ("SABED"), and the period June 1, 1985 through May 31, 1986.

Final Results of the Review and Revocation

We invited interested parties to comment on the preliminary results. We received no comments. The final results of review are unchanged from those presented in the preliminary results of review, and we determine that no margins exist from the period June 1, 1985 through May 31, 1986.

For the reasons set forth in the preliminary results of review and intent to revoke, we are satisfied that there is no likelihood of resumption of sales at less than fair value by SABED. Accordingly, we revoke the antidumping duty order on strontium nitrate from Italy. This revocation applies to all unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after May 14, 1984, the date of our tentative determination to revoke the order.

The Department will instruct the Customs Service not to assess antidumping duties on all appropriate entries.

This administrative review, revocation, and notice are in accordance with section 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1) and (c)) and §§ 353.53a and 353.54 of the Commerce Regulations (19 CFR 353.53a and 353.54).

Date: December 14, 1987.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 87–29194 Filed 12–18–87; 8:45 am]

BILLING CODE 3510–DS–M

[C–201–005]

Litharge, Red Lead and Lead Stabilizers From Mexico; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an

BEST COPY AVAILABLE

administrative review of the countervailing duty order on litharge, red lead and lead stabilizers from Mexico. We preliminarily determine the total bounty or grant to be *de minimis* during the period January 1, 1985 through December 31, 1986. We invite interested parties to comment on these preliminary results.

DATE: Effective Date: December 21, 1987.

FOR FURTHER INFORMATION CONTACT: Stephen Nyschot or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerec, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On October 21, 1986, the Department of Commerece ("the Department") published in the **Federal Register** (51 FR 37319) the final results of its last administrative review of the countervailing duty order on litharge, red lead, and lead stabilizers from Mexico (47 FR 54847, December 6, 1982). On December 8, 1986 and December 31, 1986, three Mexican exporters and the Mexican government requested, in accordance with 19 CFR 355.10, an administrative review of the order. We published the initiation of the administrative review on January 21, 1987 (51 FR 2747). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to this Harmonized System ("HS") by January 1, 1988. In view of this, we will be providing both the appropriate Tariff Schedules of the United States Annotated ("TSUSA") item numbers and the appropriate HS item numbers with our product descriptions on a test basis, pending Congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item number(s) as well as the TSUSA item number(s) in all new petitions filed with the Department. A reference copy of the proposed Harmonized System schedule is available for consultation at the Central Records Unit, Room B–099, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Additionally, all Customs officies have reference copies, and petitioners may contact the Import Specicalist at their local Customs office to consult the schedule.

Imports covered by this review are shipments of Mexican litharge, red lead, and lead stabilizers, which include lead compounds "not specifically provided for" ("NSPF") and pigments containings lead NSPF. Such merchandise is currently classifiable under the following TSUSA item numbers: Litharge, 473.5200; red lead, 473.5600; lead compounds NSPF, 419.0400; and pigments containing lead NSPF, 473.9000. These products are currently classifiable under HS item numbers 2824.10.00—0, 3206.49.50—2, 3212.90.00—2, 2824.20.00—2, 3206.20.00—2, 3206.30.00—1, 3207.10.00—2, 3207.30.00—1, and 3212.90.00—2. We invite comments from all interested parties on these HS classifications. The review covers the period from January 1, 1985 through December 31, 1986 and 11 programs.

Analysis of Programs

(1) FOMEX

The Fund for the Promotion of Exports of Mexican Manufactured Products ("FOMEX") is a trust of the Mexican Treasury Department, with the National Bank of Foreign Trade acting as trustee for the program. The National Bank of Foreign Trade, through financial institutions, makes FOMEX loans available at preferential rates to Mexican exporters and U.S. importers for two purposes: pre-export financing and export financing. We consider both pre-export and export FOMEX loans to confer export bounties or grants since these loans are given only on merchandise destined for export. We found that the annual interest rate for dollar-denominated FOMEX export financing ranged from 5.50 to 6.70 percent during the period of review. The annual interest rate for peso-denominated FOMEX pre-export financing was 39.60 percent to the one manufacturer of this merchandise that received such loans during the period of review. Although this manufacturer claims that these pre-export loans were not based on exports of litharge, it was not able to produce documentation supporting this assertion. Therefore, we have assumed, as the best information available, that these pre-export loans are countervailable.

We consider the benefit from loans to occur when the interest is paid. Interest on FOMEX pre-export loans is paid at maturity, and interest on FOMEX export loans is pre-paid. Accordingly, we calculated benefits from all FOMEX pre-export loans on which interest was paid during the period of review and from all FOMEX export loans that were received during the period of review.

We have sufficient information to measure effective interest rates for both peso-denominated and dollar-denominated loans during the period of review. (See final results of administrative review on fabricated automotive glass from Mexico (51 FR 44652, December 11, 1986).) To determine the effective interest rate benchmark for peso loans, we calculated the average spread between the Costo Porcentual Promedio (CPP) rates, i.e., the average cost of short-term funds to banks, and the effective rates reported by the Banco de Mexico in its monthly publication, Indicadores Economicos (I.E.), for the period 1982 through 1984, the only period for which we have I.E. rates. The effective interest rate benchmark for 1985 is the sum of this average spread and the average CPP rate for 1985. In this way, we calculated a benchmark of 86.31 percent for pre-export peso loans obtained in 1985. There were no pre-export FOMEX loans in 1986 for this merchandise.

To determine the effective interest rate benchmark for dollar loans, we used the quarterly weighted-average interest rates published in the Federal Reserve Bulletin, which were 12.85 percent in 1985 and 10.42 percent in 1986.

Three of the four know exporters of this merchandise used FOMEX loans during the period of review. Because we found that the exporters were able to tie their FOMEX export loans to exports to specific countries, we measured the benefit only from FOMEX export loans tied to U.S. shipments. We allocated each company's benefit from export loans over the value of its total U.S. shipments during each year of the period of review. Because exporters were not able to tie their FOMEX pre-export loans to exports to specific countries, we measured the benefit from all FOMEX pre-export loans. We allocated each company's benefit from pre-export loans over the value of its total export shipments. In both cases, we weight-averaged the resulting benefits by each company's proportion of total exports of this merchandise to the United States during each year of the period of review. We preliminarily determine the benefit from FOMEX to be 0.02 percent *ad valorem* for the 1985 period and 0.01 percent *ad valorem* for the 1986 period.

(2) Import Duty Reductions and Exemptions

The Mexican government grants import duty reductions and exemptions on machinery, spare parts, and tools to companies located in free zones or border areas. If the company transports the imported equipment to other areas of Mexico, it must pay the full duty. Since these reductions and exemptions are limited to companies located in specific regions of the country, we consider this program to be a domestic bounty or grant.

One firm used this program in 1985, but not in 1986. That firm used the imported equipment for producing litharge sold in Mexico and abroad. To calculate the benefit, we took the difference between the actual import duties paid and what the payment would have been absent the reduction, and allocated the result over the firm's total 1985 sales of litharge. We then weight-averaged the resulting benefit by the firm's proportion of total exports of this merchandise to the United States during 1985. We preliminarily determine the benefit from this program to be 0.02 percent ad valorem for the 1985 period and zero for the 1986 period.

(3) Other Programs

We also examined the following programs and preliminarily find that exporters of litharge, red lead, and lead stabilizers did not use them during the review period:

(A) Article 15 loans;
(B) Certificates of Fiscal Promotion (CEPROFI);
(C) State tax incentives;
(D) Fund for Industrial Development (FONEI);
(E) Guarantee and Development Fund for Medium and Small Industries (FOGAIN);
(F) Certificado de Devolucion de Impuestos (CEDI);
(G) NDP preferential discounts;
(H) Bancomext loans; and
(I) Accelerated depreciation.

Preliminary Results of Review

As a result of our review, we preliminarily determine the total bounty or grant to be 0.04 percent ad *Valorem* during the 1985 period and 0.01 percent ad *Valorem* during the 1986 period. The Department considers any rate less than 0.50 percent to be de *minimis*.

The Department intends to instruct the Customs Service to liquidate, without regard to countervailing duties, all shipments of this merchandise exported on or after January 1, 1985 and on or before December 31, 1986.

The Department also intends to instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. The deposit waiver shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday afterwards. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.10.

Gilbert B. Kaplan,
Acting Assistant Secretary for Import Administration.

Date: December 14, 1987.

[FR Doc. 87–29195 Filed 12–18–87; 8:45 am]
BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

Marine Mammals; Application for Permit; Sea Life Park (P10D)

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: Sea Life Park, Makapuu Point, Waimanalo, Hawaii 96795.
2. *Type of Permit:* Public Display.
3. *Name and Number of Marine Mammals:* False killer whale (*Pseudorca crassidens*)—4.
4. *Type of Take:* Import from Taigi, Japan for captive maintenance.
5. *Period of Activity: 2 Years.*

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are availble for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Rm 805, Washington, DC;
Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731–7415.

Nancy Foster,
Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

Date: December 15, 1987.

[FR Doc. 87–29175 Filed 12–18–87; 8:45 am]
BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amendment and Adjustment To Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Mexico

December 14, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive

published below to the Commissioner of Customs to be effective on December 22, 1987. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port, or call (202) 535–9481. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the import restraint limits for cotton and man-made fiber textile products in Categories 341/641 and 625, produced or manufactued in Mexico and exported during the period January 1, 1987 through December 31, 1987. AS a result, the limits for Categories 341/641 and 625, which are currently filled, will re-open.

Background

CITA directives dated November 28, 1986 (51 FR 43960) and April 7, 1987 (52 FR 12230), respectively, established import restraint limits for cotton and man-made fiber textile products in Categories 341/641 and 625, among others, produced or manufactured in Mexico and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended and extended, between the Governments of the United States and the United Mexican States, and at the request of the Government of the United Mexican States, the current limit for Categores 341/641 is being increased for carryforward. In addition, the current minimum consultation level for Category 625 is being increased and converted to a designated consultation level.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 29754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 20768) and in Statistical Headnote 5, Schedule 3 of the *Tariff Schedules of The United States Annotated (1987).*

Adopted by the United States of the Harmonized Commodity (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the **Federal Register.**

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 14, 1987.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directives of November 28, 1986 and April 7, 1987, issued to you by the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactuerd in Mexico and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on December 22, 1987, the directives of November 28, 1987 and April 7, 1987 are hereby amended to include amended and adjusted limits for cotton and man-made fiber textile products in the following categories, pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended and extended [1]

Category	2-mo. limit [1]
341/641	734,827 dozen.
625	250,000 pounds.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1986.

The Committee has the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreeements.

[FR Doc. 87–29141 Filed 12–16–87; 11:14 am]

BILLING CODE 3510-DR-M

[1] The agreement provides, in part, that: (1) Specific limits and sublimits may be exceeded by swing in any agreement period; (2) these same limits may be adjusted for carryforward and carryover up to 11 percent of the applicable category limit or sublimit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force Reserve Officer Training Corps Advisory Committee; Meeting

November 30, 1987.

The Air Force Reserve Officer Training Corps (AFROTC) Advisory Committee will meet on January 26, 1988, from 8:15 a.m. to 4:30 p.m. and on January 27, 1988, from 8:15 a.m. to 12:00 p.m. at Headquarters Air Force Reserve Officer Training Corps, Building 500, Room 19, Maxwell Air Force Base (AFB), Alabama.

The AFROTC Advisory Committee meets to offer advice, views, and recommendations regarding the educational mission of AFROTC. The Committee is an external source of expertise and serves in an advisory capacity to the Commander, Air Training Command and the Commandant, AFROTC.

The meeting is open to the public.

For further information, contact: Air Force Reserve Officer Training Corps Advisory Committee, Mr. John D. Pickett, Jr., Project Officer, AFROTC/XPX, Maxwell AFB, Alabama 36112–6663, telephone (205) 293–7856.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 87–29128 Filed 12–18–87; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 11 and 12 January 1988.

Times of Meetings: 0800—1630 hours, 11 January 1988, 0800—1430 hours, 12 January 1988.

Place: Sandia National Lab, Albuquerque, NM.

Agenda: The Army Science Board Ad Hoc Subgroup for Tactical Applications of Directed Energy Weapons (DEW) will meet to be briefed on National labs and Air Force programs. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202) 695–3039 or 695–7046.

Sandra F. Gearhart,

Acting Administrative Officer, Army Science Board.

[FR Doc. 87–29171 Filed 12–16–87; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 11 and 12 January 1988.

Times of Meetings: 0800–1630 hours, 11 January 1988; 0800–1430 hours, 12 January 1988.

Place: Sandia National Lab, Albuquerque, NM.

Agenda: The Army Science Board Ad Hoc Subgroup for Tactical Applications of Directed Energy Weapons (DEW) will meet to be briefed on National labs and Air Force programs. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202) 695–3039 or 695–7046.

Sandra F. Gearhart,

Acting Administrative Officer, Army Science Board.

[FR Doc. 87–29170 Filed 12–18–87; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP88–125–000]

Request Under Blanket Authorization; Gas Gathering Corp.

December 16, 1987.

Take notice that on December 10, 1987, Gas Gathering Corporation (GGC), P.O. Box 519, Hammond, Louisiana 70404, filed in Docket No. CP88–125–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to transport natural gas on behalf of Delta Pipeline Company (Delta), under the authorization issued in Docket No. CP86–129–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

GGC states that pursuant to a gas transportation agreement dated September 30, 1987, it proposes to transport natural gas on behalf of Delta. It is further stated that although the primary term of the transportation agreement ran from September 30, 1987, through November 1, 1987, the parties have the option to continue the transaction on a month to month basis thereafter. GGC indicates that it would receive the gas in the Bayou Bouillon Field, St. Martin Parish, Louisiana and that it would redeliver the gas to Transcontinental Gas Pipe Line Corporation, for Delta's account, at the Sherburne meter station, Pointe Coupee Parish, Louisiana. GGC estimates that the volume of gas to be transported on a peak day would be 6,000 MMBtu, the volume of gas to be transported on an average day would be 2,700 MMBtu and the annual average would be 985,000 MMBtu.

It is stated that the proposed service is currently being performed pursuant to the 120-day self implementing provisions of § 284.223(a)(1) of the Regulations. GGC notes that the service was initiated October 1, 1987, on an interruptible basis under GGC's Rate Schedule IT–1 and that the transaction was reported in Docket No. ST88–405–000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–29160 Filed 12–18–87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85–177–046

Texas Eastern Transmission Corp.; ERRATA Correction to Compliance Filing

December 14, 1987.

Take notice that on December 9, 1987, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing Original Sheet Nos. 121 and 470 of its FERC Gas Tariff, Volume No. 2.

Texas Eastern states that these tariff sheets are to replace certain tariff sheets included in Appendix E of a filing that it made on November 16, 1987 to comply with orders issued by the Commission on December 19, 1986 and October 15, 1987 in this proceeding. The tariff sheets, as corrected, reflect Texas Eastern's agreement that in the event that small customers served under Rate Schedules GS and CD–2 reduce their annual contract quantities, the annual quantity entitlements of such customers will not be reduced below their newly nominated annual contract quantities.

A copy of the filing has been served upon each of Texas Eastern's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 21, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29079 Filed 12-18-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP85-206-032 and RP85-206-030]

Compliance Filing; Northern Natural Gas Co.

December 15, 1987.

Take notice that on December 7, 1987, Northern Natural Gas Company, Division of Enron Corporation, tendered for filing First Revised First Substitute Second Revised Sheet No. 4g.2, which had inadvertently been omitted from its November 27, 1987 filing in Docket No. RP85-206-030.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before December 22, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Any person intervening in Docket No. RP85-206-030 does not need to intervene again.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29161 Filed 12-18-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-178-024]

Filing of Refund Report; Tennessee Gas Pipeline Co., a Division of Tenneco Inc.

December 16, 1987.

Take notice that on November 5, 1987, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) filed its report of refunds pursuant to Article VII of the Stipulation and Agreement (April 11, 1986) in the above-referenced docket.

Tennessee states that on October 15, 1987, it refunded $86,172,512, including principal and interest, to its sales and transportation customers for the period February 1, 1986 through July 31, 1987. The refund was made in accord with section 8 of Article I of the Stipulation.

Tennessee states that copies of the refund report have been mailed to all affected state regulatory commissions and that customers were served with calculations supporting the refunds on October 15, 1987 when the refunds were made.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests must be filed on or before January 4, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29162 Filed 12-18-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-32 et al.]

Conference; Williams Natural Gas Co. (Formerly Northwest Central Pipeline Corp.)

December 11, 1987.

Take notice that a conference will be convened in this proceeding on December 21, 1987, at 9:00 a.m. at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC, for the purpose of discussing sales services to be offered in conjunction with Order No. 436/500 open access transportation services.

Williams Natural Gas Company (WNG) has indicated that it has undertaken discussions and correspondence, with its jurisdictional sales customers and others, concerning revisions to the Order No. 436 Stipulation and Agreement (and, to the extent necessary, the related applications) filed with the Commission in certain of the above-referenced dockets on July 18, 1986, to comply with the "Order Approving Contested Settlement As Modified and Conditioned" and related orders issued February 20, 1987 and the "Order Denying Rehearing and Modifying and Clarifying Order" issued November 4, 1987 in certain of the above-referenced dockets. WNG indicates that such revised Stipulation may impact WNG's general rate case filed January 23, 1987 in Docket No. RP87-33 and the related applications filed in Docket No. CP87-171, CP87-172 and CI87-239 and the proceedings in Docket Nos. TA87-3-43 and TA88-1-43.

The parties and the Commission Staff are invited to attend. Persons wishing to become parties must move to intervene pursuant to the Commission's regulations (18 CFR 385.214) and must have their motions granted.

For additional information, contact Russell Mamone (202-357-5744).

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29061 Filed 12-18-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER88-134-000 et al.]

Stratton Energy Associates et al.; Electric Rate and Corporate Regulation Filings

December 16, 1987.

Take notice that the following filings have been made with the Commission:

1. Stratton Energy Associates

[Docket No. ER88-134-000]

Take notice that on December 11, 1987, Stratton Energy Associates (SEA) tendered for filing with the Federal Energy Regulatory Commission (Commission), pursuant to 18 CFR 35.1 and 35.12, a proposed initial rate schedule applicable to sales at wholesale of electric energy and capacity to Central Maine Power Company (CMP) from a biomass wood-to-energy facility to be located in Stratton, Maine (Facility). This initial rate schedule is a negotiated Power Purchase Agreement for the ARS Carrabassett Power Project between SEA and CMP (Agreement) and has been designated SEA Rate Schedule No. 1.[1]

[1] The original Agreement was between ARS Group, Inc. and CMP. Under the Agreement ARS Group, Inc. may assign its rights under the Agreement, subject to CMP's written consent. ARS Group, Inc. assigned its rights under the Agreement to SEA pursuant to that certain Agreement of Assignment and Assumption dated December 5, 1986. CMP gave its written consent to the assignment pursuant to that certain Consent to Assignment and Assumption dated December 29, 1986.

SEA has given notice that the Facility is a biomass-fired small power production facility with a net electric power production capacity of 37 megawatts. The Facility was certified by the Commission as a "qualifying facility" under Section 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA). *ARS Group, Inc.*, Docket No. QF86-514-000, 35 FERC ¶62.221 (May 2, 1986). As such, SEA states that the Facility is exempt from regulation under the Public Utility Holding Company Act and from certain state laws and regulations, but remains subject to the Commission's jurisdication under the Federal Power Act.

SEA requests waiver of the Commission's rule requiring that rate schedules be filed no more than one hundred-twenty (120) days prior to the date on which service is to commence under an initial rate schedule. This requirement is intended to prevent the use of stale data in developing the test period for cost-of-service based rates. Section 35.3(b) of the Commission's regulations allows the Commission to waive the one hundred-twenty (120) day notice period in appropriate circumstances. Since the rates are formula rates based on state forecasts and the buyer's costs, and do not involve SEA's costs for a particular test period, this requirement is not applicable.

SEA also seeks waiver of the Commission's regulations regarding cost-of-service documentation. The Commission has recognized, in other cases,[2] that the cost-of-service data requirements contained in § 35.12(b)(5) of its regulations are irrelevant insofar as they would require a small power producer to substantiate its cost-of-service. SEA requests this waiver on the grounds that this information is not relevant because rates are initially based on state-forecasted rates and then on the buyer's costs, and are not dependent upon the seller's costs.

SEA seeks waiver of the Commission's regulations regarding the Uniform System of Accounts prescribed for public utilities and licensees subject to the provisions of the Federal Power Act specified by 18 CFR Parts 101 and 104. Since rates are initially based upon state-forecasted rates and then upon the buyer's costs, this information and the need for uniformity in the seller's accounting systems are unnecessary. Moreover, this requirement imposes a substantial hardship and an undue burden upon SEA as it requires more detailed accounting than SEA would otherwise undertake.

SEA seeks waiver of the Commission's regulations regarding certain accounts and reports required by 18 CFR Parts 41, 50, and 141. SEA seeks this waiver of the basis that such information and reports are irrelevant because the rates under the contract are not to be determined by SEA's costs. Therefore, it is not necessary to protect the public in general by requiring strict complicance with these sections.

SEA also petitions the Commission to waive commission rules that the Commission has previously determined not to be necessarily applicable to qualifying facilities such as the SEA Facility. These include regulations regarding accounting practices, reporting requirements, annual charges, dispositions of property and consolidations, securities issuances and assumptions of liability and the holding of interlocking directorate positions as they may apply to a biomass wood-to-energy facility.

Comment-date: December 30, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Alamito Company

[Docket No. EC87-16-000]

Take notice that on December 8, 1987, Alamito Company tendered for filing an amendment to its application to request an order authorizing it to acquire preferred stock and debt securities of public utilities subject to the limitation that Alamito and its affiliates and subsidiaries shall not at any time hold, own, or possess any preferred stock or debt securities of any public utility in an amount greater than one percent of the capital stock for funded debt outstanding of the public utility subject to the provision of the Federal Power Act.

Comment date: December 30, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. Black Hills Power and Light Company, an assumed business name of Black Hills Corporation

[Docket No. ER88-133-000]

Take notice that on December 10, 1987, Black Hill Power and Light Company, an assumed business name of Black Hills Corporation tendered for filing the Agreement for Transmission Service and the Common Use of Transmission Systems, dated as of January 1, 1986 (New Agreement), among Black Hills, Basin Electric Power Cooperative, Tri-County Electric Association, Inc., Black Hills Electric Cooperative, Inc., and Butte Electric Cooperative, Inc. (all cooperatives referred to as Cooperatives) in replacement of and to supersede the Contract for Electric Transmission Service dated March 12, 1975 (Former Agreement) among Black Hills and the Cooperatives, filed with the Commission and designated Black Hills Power and Light Company, Rate Schedule FPC No. 22 and Exhibit A to Rate Schedule FPC No. 22.

Black Hills requests waiver of the Commission's notice requirements to permit this rate schedule to become effective January 1, 1986, this date being the date on which service commenced.

The New Agreement provides for Black Hills to continue to render transmission service to the Cooperatives within a defined transmission area as set forth in the New Agreement, but in addition provides for the joint planning and use of the parties respective transmission systems, for a charge to be made for a Black Hills' transmission addition and for additions to the transmission system when needed and extends the term to December 31, 2020.

Copies of the filing were served upon the parties to the New Agreement, the South Dakota Public Utilities Commission, the Wyoming Public Service Commission and the Montana Public Service Commission.

Comment date: December 30, 1987, in accordance with Standard Paragraph E at the end of this notice.

4. Interstate Power Company

[Docket No. ER88-132-000]

Take notice that on December 10, 1987, Interstate Power Company tendered for filing Amendment No. 5 dated September 22, 1986 (the Amendment) to Interconnection Agreement dated May 1, 1964, as supplemented, with Commonwealth Edison Company, proposed effective on October 28, 1987, per Rule 35.11 (11 CFR 35.11), relating to interconnection points of certain electric transmission facilities between Interstate and Edison at the Quad Cities Nuclear Power Station Substation near Cordova, Rock Island County, Illinois, in which facilities Iowa-Illinois Gas and Electric Company also has an interest.

This Amendment No. 5 to the 1964 Agreement shall become effective as of October 28, 1987. On October 28, 1987, there occurred the in-service condition of Interstate's 345kV electric transmission facilities and Circuit between the Quad Cities Station Substation and its Rock Creek Substation as provided under the Facilities Connection Agreement (Quad

[2] *See, Wheelabrator Frye, Inc.*, Docket Nos. EL82-7-000 and EL82-12-000, 19 FERC ¶61,266 (1982).

Cities Substation—Rock Creek Transmission) (Interstate Power Company, Rate Schedule FERC No. 127, as supplemented) filed with the Federal Energy Regulatory Commission in October, 1986, dated September 2, 1986. Such Amendment No. 5 shall continue in effect until termination in accordance with the provisions of the May 1, 1964 Interconnection Agreement, as supplemented.

Interstate states a complete copy of the filing has been mailed to Edison, the Utilities Division of the Iowa Department of Commerce, the Illinois Commerce Commission, and the Minnesota Public Utilities Commission

Interstate states that Commonwealth has filed a Certificate of Concurrence to the Rate Schedule Supplement filed by Interstate.

Comment date: December 30, 1987, in accordance with Standard Paragraph E at the end of this notice.

5. Metropolitan Edison Company

[Docket No. ER87-34-001]

Take notice that on December 10, 1987, Metropolitan Edison Company (Met-Ed) tendered for filing pursuant to Commission Order dated June 23, 1987 revised rate sheets to reflect an agreed upon reduction in Met-Ed's rates. Met-Ed's states that the rate sheets reflect a rate reduction in the amount of $165,000 on an annual basis. Met-Ed also states that it requests waiver of the prior notice requirements of the Commission's regulations and an effective date of January 1, 1988 for the rate sheets.

Copies of the filing have been served upon all affected customers and the Pennsylvania Public Utilities Commission.

Comment date: December 30, 1987, in accordance with Standard Paragraph E at the end of this notice.

6. Southern California Edison Company

[Docket No. ER87-365-000]

Take notice that on December 10, 1987, Southern California Edision Company (Edison) tendered for filing an amendment to reflect the Tax Reform Act of 1986 in resale rates.

Copies of this filing have been served upon all parties affected by this proceeding.

Comment date: December 30, 1987, in accordance with Standard Paragraph E at the end of this document.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a part must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29183 Filed 12-18-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP87-71-000]

Railroad Commission of Texas; Preliminary Findings

Issued: December 15, 1987.

In the matter of Railroad Commission of Texas, Brown No. 1, NGPA Section 102, JD No. 80-45067 and H.E. Wilcox No. 1, NGPA Section 108, JD No. 80-44765.

On July 7, 1980, the Railroad Commission of the State of Texas (Texas) notified the Commission that it had made an affirmative determination under section 503 of the Natural Gas Policy Act of 1978 (NGPA) that gas produced from the H.E. Wilcox No. 1 well was stripper well natural gas as defined in NGPA section 108. Similarly, on July 15, 1983, Texas notified the Commission of its affirmative determination that gas produced from the Brown No. 1 well was from a new, onshore reservoir as defined in NGPA section 102(c)(1)(C). The determinations would have become final within 45 days after the Commission received notice thereof, but the Commission advised Texas and each applicant within 45 days of receiving each notice that the notice lacked sufficient information to permit Commission review of the determination, thereby tolling the 45-day period. The information that accompanied the notice regarding the stripper well determination failed to include the well's total production for the qualifying period, and to establish that the well's maximum efficient rate of flow is no more than 60 Mcf per production day. The information regarding the new, onshore well determination contained conflicts in identification of producing zones.

The Commission and Texas have repeatedly sought to obtain the information that would allow Commission review of the notices. In followup letters to the applicants sent in August 1986 and January 1987, the Commission advised that if the required information were not received, the two aforementioned determinations might be reversed and that refunds might consequently be required. No responses to those letters have been received.

Section 503 of the NGPA empowers the Commission to review a jurisdictional agency's well category determination, and requires the Commission to reverse any determination not supported by substantial evidence in the record on which the determination was made.

In Subpart B of Part 274 of its regulations, the Commission established filing requirements for applications for well category determinations, and established the minimum information requirements for a jurisdictional agency's notice of a well category determination: a copy of the application, all information required by §§ 274.201-274.208 of the Commission's regulations to be filed with the jurisdictional agency, and an explanatory statement that is sufficient to enable a person examining the notice to ascertain the basis for the determination without reference to information or data not contained therein.

Because the notices of the subject determinations have been deficient for a considerable period of time, and the applicants for the determinations have not supplied the data necessary for review of the determinations, we will, consistent with our actions in *Delta Gas Corporation*,[1] issue preliminary findings pursuant to 18 CFR 275.202(a)(1)(i) that the determinations are not supported by substantial evidence.

The Commission orders:

(A) Pursuant to § 275.202 of the Commission's regulations and section 503 of the NGPA, the Commission finds preliminarily that the determinations by Texas at issue in these proceedings are unsupported by substantial evidence in the record on which the determinations were made.

(B) Jurisdictional agencies, interested parties, or any other parties may, within 30 days after issuance of this notice, submit written comments and request an informal conference with the Commission's staff.

[1] 35 FERC ¶61,097 (1986); 36 FERC ¶61,188 (1986).

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29159 Filed 12-18-87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-830027; FRL-3304-3]

Chlorendic Acid/Anhydride; Request for Records and Reports Regarding Significant Adverse Reactions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that EPA is requiring manufacturers, importers, processors, and distributors of chlorendic acid and chlorendic anhydride to submit records and reports of allegations that these substances cause significant adverse reactions to health or the environment. This Toxic Substances Control Act (TSCA) section 8(c) action is necessary so that health risks of exposure to chlorendic acid/anhydride can be evaluated.

DATE: Records and reports should be submitted by February 4, 1988.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St. SW., Washington, DC 20460, Telephone: (202) 554-1404.

SUPPLEMENTARY INFORMATION: Under the authority of section 8(c) of TSCA, chemical manufacturers, processors, importers, and distributors must maintain records of significant adverse reactions to health or the environment alleged to have been caused by chemical substances or mixtures and, upon request, submit or make the records available to the Agency. Regulations specifying these recordkeeping and reporting requirements are codified at 40 CFR Part 717. EPA can notify those responsible for reporting by letter and/or by announcing such requirements for submitting copies of records by a notice in the **Federal Register**. A **Federal Register** notice will be used when a large number of respondents is expected, or because of confidentiality claims for corporate identity.

Therefore, pursuant to 40 CFR 717.17 this notice requires the submission of records of significant adverse reactions to health or the environment alleged to have been caused by chlorendic acid (CAS No. 115-28-6) and chlorendic anhydride (CAS No. 115-27-5). This notice also requires reporting of records kept pursuant to this Part that cite as the cause of a significant adverse reaction a mixture, article, site discharge, or company process/operation that contains or involves chlorendic acid/anhydride where the significant adverse reaction could reasonably be attributed in whole or in part to such substances or a synergistic reaction of these substances in combination with another (other) substance(s).

The report shall contain the company name and address, the name and telephone number of a contact person, and at a minimum be in the form of a copy of the abstract of the allegation record that is required to be kept pursuant to 40 CFR 717.15(b)(2). Records currently on file or recorded as of publication of this notice must be submitted no later than February 4, 1988. Copies of records should bear the docket number 8cF-1287-0001 and must be submitted to:

Document Processing Center (TS-790), Rm. L-100, Office of Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460, ATTN: Section 8(c) Report.

Approved by the Office of Management and Budget under control number 2070-0017.

Dated: December 7, 1987.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 87-29158 Filed 12-18-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1696]

Petions for Reconsideration and Applications for Review of Actions in Rulemaking Proceedings; Correction

On December 16, 1987, at 52 FR 47756, the Commisison published a Public Notice (Report No. 1696) announcing the filing of petitions for reconsideration in proceedings involving the TV Table of Assignments, the FM Table of Allotments, and the Use of Certain Generally Accepted Accounting Principles in Part 32. The due date for oppositions was inadvertently omitted. That date is January 4, 1988.

William J. Tricarico,

Secretary.

[FR Doc. 87-29274 Filed 12-18-87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; Cunard Steamship Co. et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 207-009498-008.

Title: Atlantic Container Line Agreement.

Parties:

The Cunard Steam-Ship Company, plc
Incotrans BV
Compagnie Generale Maritime
Rederiaktiebolaget Soya (Soya)
Aktiebolaget Svenska Amerika Linien
Rederiaktiebolaget Transatlantic

Synopsis: The proposed amendment would expand the geographic scope of the agreement to include U.S. St. Lawrence River and Great Lakes ports and points via such ports and would specifically exclude West Coast Canadian ports. It would also set forth conditions under which Soya could carry certain wheeled and non-containerizable cargoes. It would require the unanimous consent of the parties to admit new participants to the agreement and provides for the withdrawal of any party upon two years' notice given on, or after, May 15, 1999. Further, the amendment would make certain technical and administrative changes to the agreement.

Agreement No.: 202-010268-010.

Title: Australia/Eastern U.S.A. Shipping Conference.

Parties:

Columbus Line
PACE Line

Synopsis: The proposed amendment would expand the geographic scope of the agreement to include U.S. coastal or interior points via U.S. Atlantic and Gulf ports. The parties have requested a shortened review period.

Agreement No.: 203–011153–001.
Title: Hanjin Container Lines, Ltd. Korea Shipping Corporation Facilitation Agreement.
Parties:
Hanjin Container Lines, Ltd.
Korea Shipping Corporation
Synopsis: The proposed amendment would permit the parties to lease each other space and other accommodations and facilities obtained from connecting inland carriers. The parties have requested a shortened review period.
Agreement No.: 232–011159.
Title: American Transport Line Ltd./ South Atlantic Cargo Shipping N.V. (Atlanticargo) Space Charter Agreement.
Parties:
American Transport Line, Ltd.
South Atlantic Cargo Shipping N.V. (Atlanticargo)
Synopsis: The proposed agreement would permit the parties to charter space on one another's vessels, to interchange containers and related equipment and to rationalize sailings in the trade between ports in Europe and ports in the United States. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.
Joseph C. Polking,
Secretary.
Dated: December 15, 1987.
[FR Doc. 87–29185 Filed 12–18–87; 8:45 am]
BILLING CODE 6730–01–M

Agreement(s) Filed; Georgia Ports Authority

The Federal Martime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–010906–001.
Title Georgia Ports Authority Terminal Agreement.
Parties:
Georgia Ports Authority.
United Arab Shipping Co.
Synopsis: The proposed agreement amends the provision for charge of rental, wharfage and designated services specified in the basic agreement to provide for a single unit charge to be reflected in a separate schedule to be submitted to the Federal Maritime Commission as agreement amendments in advance of the effective date of such charges.

By Order of the Federal Maritime Commission.
Joseph C. Polking,
Secretary.
Dated: December 16, 1987.
[FR Doc. 87–29184 Filed 12–18–87; 8:45 am]
BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Marshall & Ilsley Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted through out the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 8, 1988.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Marshall & Ilsley Corporation,* Milwaukee, Wisconsin; to acquire Richter Schroeder Company, Inc., Milwaukee, Wisconsin, and thereby engage in arranging commercial real estate equity financing pursuant to section 225.25(b)(14) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 15, 1987.
James McAfee,
Associate Secretary of the Board.
[FR Doc. 87–29134 Filed 12–18–87; 8:45 am]
BILLING CODE 12–31–M

Northern Trust Corp., Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 11, 1988.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Saban, S.A.,* Panama City, Panama; to acquire 5.05 percent of the voting shares of Republic New York Corporation, New York, New York, and thereby indirectly acquire The Williamsburgh Savings Bank, Brooklyn, New York, and Republic National Bank of New York, New York, New York.

2. *The Summit Bancorporation,* Summit, New Jersey; to acquire 100 percent of the voting shares of Ultra Bancorporation, Bridgewater, New Jersey, and thereby indirectly acquire First National Bank of Central Jersey, Bridgewater, New Jersey.

3. *The Summit Bancorporation,* Summit, New Jersey; to acquire 9.9 percent of the voting shares of Central Jersey Bancorp. Freehold Township, New Jersey, and thereby indirectly acquire Central Jersey Bank & Trust Company, Freehold Township, New Jersey.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Altanta, Georgia 30303:

1. *AmSouth Bancorporation,* Birmingham, Alabama; to acquire 100 percent of the voting shares of Gulf First Holding Corporation, Panama City, Florida, and Gulf Coast Holding Corporation, Panama City, Florida, and thereby indirectly acquire The First National Bank of Panama City, Panama City, Florida.

2. *First Community Bancshares, Inc.,* Rome, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of First Rome Bank, Rome, Georgia.

3. *SouthTrust Corporation,* Birmingham, Alabama; to acquire 80 percent of the voting shares of Melton's Bank, Liberty, Tennessee.

C. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Lincoln Financial Corporation,* Fort Wayne, Indiana; to acquire 100 percent of the voting shares of Wabanc, Inc., Wabash, Indiana, and thereby indirectly acquire The First National Bank in Wabash, Wabash, Indiana.

D. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Anmer Corporation,* Neligh, Nebraska; to become a bank holding company by acquiring 84.45 percent of the voting shares of The National Bank of Neligh, Neligh, Nebraska.

2. *Telluride Bancorp., Ltd.,* Telluride, Colorado; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of Telluride, Telluride, Colorado.

Board of Governors of the Federal Reserve System, December 15, 1987.
James McAfee,
Associate Secretary of the Board.
[FR Doc. 87–29136 Filed 12–18–87; 8:45 am]
BILLING CODE 6210–01–M

Change in Bank Control Notices, Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 11, 1988.

A. Federal Reserve Bank of Kansas City (Thomas M./ Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Burton J. and Bonnie L. Thompson,* Osborne, Kansas; to acquire 35 percent of the voting shares of Osborne Bankshares, Inc., Osborne, Kansas, and thereby indirectly acquire First State Bank and Trust Company, Osborne, Kansas.

2. *Noreen Gregory,* Osborne, Kansas; to acquire 24.5 percent of the voting shares of Osborne Bankshares, Inc., Osborne, Kansas, and thereby indirectly acquire First State Bank and Trust Company, Osborne, Kansas.

3. *James T. and Debra J. Eilert,* Osborne, Kansas; Osborne, Kansas; to acquire 10 percent of the voting shares of Osborne Bankshares, Inc., Osborne, Kansas, and thereby indirectly acquire First State Bank and Trust Company, Osborne, Kansas.

4. *Ernestine Mick,* Downs, Kansas; to acquire 10 percent of the voting shares of Osborne Bankshares, Inc., Osborne, Kansas, and thereby indirectly acquire

Saban S.A. et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

First State Bank and Trust Company, Osborne, Kansas.

5. *Jake C. and Elberta J. Yunk,* Osborne, Kansas; to acquire 7.5 percent of the voting shares of Osborne Bankshares, Inc., Osborne, Kansas, and thereby indirectly acquire First State Bank and Trust Company, Osborne, Kansas.

6. *Jonathan A. and Candace J. Hammond,* Osborne, Kansas; to acquire 2.5 percent of the voting shares of Osborne Bankshares, Inc., Osborne, Kansas, and thereby indirectly acquire First State Bank and Trust Company, Osborne, Kansas.

7. *Paul S. and Eugenia Mae Gregory,* Osborne, Kansas; to acquire 5.5 percent of the voting shares of Osborne Bankshares, Inc., Osborne, Kansas, and thereby indirectly acquire First State Bank and Trust Company, Osborne, Kansas.

8. Osborne Bankshares, Inc., *Frances L. and James Marvin Leadabrand,* Osborne, Kansas; to acquire 5.0 percent of the voting shares of Osborne Bankshares, Inc., Osborne, Kansas, and thereby indirectly acquire First State Bank and Trust Company, Osborne, Kansas.

Board of Governors of the Federal Reserve System, December 15, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-29137 Filed 12-8-87; 8:45 am]

BILLING CODE 6210-01-M

Royal Windsor Holding Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and §225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in §225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted through out the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 30, 1987.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georiga 30303.

1. *Royal Windsor Holding Corporation,* New Orleans, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Jefferson Guaranty Bank, Metairie, Louisiana.

In connection with this application, Applicant has also applied to acquire Jefferson Financial Services, Inc., Metairie, Louisiana, and thereby engage in date processing activities pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 17, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-29299 Filed 12-18-87; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of he Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 120187 AND 121187

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
(1) Robert M. Bass, Bell and Howell Company, Bell and Howell Company	88-0309	12/01/87
(2) Total Compagnie Francaise des Petroles, Total Petroleum (North America) Ltd., Total Petroleum (North America) Ltd.	88-0298	12/02/87
(3) N.V. Medicopharma, Martin and Ruth Sachnoff, Pennex Products Co., Inc.	88-0306	12/02/87
(4) Baptist General Convention of Texas, Gaston Episcopal Hospital, Gaston Episcopal Hospital	88-0307	12/02/87
(5) Spear, Leeds & Kellogg, Allegheny International, Inc., Allegheny International, Inc.	88-0308	12/02/87
(6) IRT Property Company, Harte-Teeter Properties, Inc., Harte-Teeter Properties, Inc.	88-0372	12/02/87
(7) International Paper Company, Colgate-Palmolive Company, The Kendall Company	88-0269	12/03/87
(8) International Paper Company, Arvey Corporation, Arvey Corporation	88-0316	12/03/87
(9) General Electric Company, Holiday Corporation, Embassy Suites, Inc.	88-0340	12/03/87
(10) Kenneth R. Thomson, Thomas E. Worrell, Jr., 1-Bluefield Daily Telegraph, 2-Princeton Times	88-0366	12/03/87
(11) Masao Nangaku, a natural person John B. Anderson, a natural person, M & R Investment Co., Inc.	88-0123	12/04/87
(12) Louis J. Rousset, Kaufman and Broad, Inc., Coastal States Life Insurance Company	88-0164	12/04/87
(13) S.E. McCreles Trust, Vernon Savings & Loan Association, FSA State Reserve	88-0247	12/04/87
(14) CSR Limited, Samuel A. Horvitz Testamentary Trust, Mack Industries, Inc.	88-0312	12/04/87
(15) Firemen's Fund Corporation, Sabine Royalty Trust, Sabine Royalty Trust	88-0336	12/04/87
(16) Firemen's Fund Corporation, Mesa Royalty Trust, Mesa Royalty Trust	88-0347	12/04/87
(17) The Fulcrum III Limited Partnership, CNW Corporation, CNW Corporation	88-0373	12/04/87
(18) Pitney Bowes Inc., Baldwin Cooke Company, Baldwin Cooke Company	88-0379	12/04/87

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 120187 AND 121187—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
(19) Montedison S.p.A., BMF Services, Inc., BMF Services, Inc.	88-0400	12/04/87
(20) Ford Motor Company, Imperial Corporation of America, ICA Mortgage Corporation	88-0407	12/04/87
(21) Phillips Beverage Company, Alco Standard Corporation, Ed Phillips & Sons Co. and Phillips Products Company	88-0410	12/04/87
(22) K.A.C., Inc., Richard Hensley, Dayton Extruded Plastics, Inc. and Sandlin Properties	88-04119	12/04/87
(23) K.A.C., Inc., Robert Buhrman, Dayton Extruded Plastics, Inc. and Sanlin Properties	88-0412	12/04/87
(24) R.T. Holding S.A., International Cheese Co., Inc., International Cheese Co., Inc.	88-0422	12/04/87
(25) Coeur d'Alene Mines Corporation, Royal Apex Silver, Inc., Royal Apex Silver, Inc.	88-0436	12/04/87
(26) First Chicago Corporation, Brown Jordan Company Limited Partnership, American Lantern Company Division	88-0273	12/05/87
(27) Cadbury Schweppes PLC, American Brands, Inc., Taylor Food Products, Inc.	88-0296	12/07/87
(28) Hygeia NV, Bergen Brunswig Corporation, Bergen Brunswig Medical Supply Company	88-0380	12/07/87
(29) Schering Aktiengesellschaft, Tosoh Corporation, Tosoh Corporation	88-0383	12/07/87
(30) GTE Corporation, The Times Mirror Company, Times Mirror Press	88-0386	12/07/87
(31) B/S Investments, Champion Spark Plug Company, UPE plus voting securities of Debibiss Electron Corp.	88-0398	12/07/87
(32) Bunzl plc, Seymour Grubman, Papercraft, Inc.	88-0342	12/08/87
(33) Union Pacific Corporation, The Beard Company, The Beard Company	88-0389	12/08/87
(34) John M. Goode, Motorola, Inc., Motorola, Inc.	88-0390	12/08/87
(35) SHM Holdings, Inc., Holiday Corporation, Holiday Inns, Inc.	88-0394	12/08/87
(36) The BOC Group, p.l.c., Baxter Travenol Laboratories, Inc., Baxter Healthcare Corporation and Caremark, Inc.	88-0395	12/08/87
(37) Quatro Limited, Quixote Corporation, LaserVideo, Inc.	88-0409	12/08/87
(38) Hooker Corporation Limited, P.I. Acquisition, P.I. Acquisition	88-0414	12/08/87
(39) Hooker Corporation Limited, Parisian, Inc., Parisian, Inc.	88-0415	12/08/87
(40) Edward J. DeBartolo, Edward J. DeBartolo, Rivercenter Associates	88-0417	12/08/87
(41) The DeWitt and Lila Wallace Trust, Pergamon Holding Foundation, The Webb Company	88-0431	12/08/87
(42) Voting Trust of Hallmark Cards, Inc., ECL Investments, S.A., Univisa, Inc.	88-0442	12/08/87
(43) Welsh, Carson, Anderson & Stowe IV, Decision Industries Corporation, Decision Industries Corporation	88-0464	12/08/87
(44) Dominion Textile Inc., Morgan Stanley Group Inc., Burlington Fabrics I Inc.	88-0291	12/09/87
(45) Societe Alsacienne de Supermarcher, S.A., Apollo Supermarkets Company, Apollo Supermarkets Company	88-0332	12/09/87
(46) English China Clays P.L.C., J.L. Shiely Company, J.L. Shiely Company	88-0401	12/09/87

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 120187 AND 121187—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
(47) Colgate-Palmolive Company, Minnetonka Corporation, Minnetonka, Inc.	88-0425	12/09/87
(48) Pergamon Holding Foundation, Alco Gravure Industries, Inc., Alco Gravure Industries, Inc.	88-0323	12/10/87
(49) LHS Corp HealthWest Foundation, HealthWest Foundation	88-0358	12/10/87
(50) LHS Corp., Northridge Hospital Foundation, Northridge Hospital Foundation	88-0359	12/10/87
(51) Roger S. Penske, Detroit Diesel Corporation, Detroit Diesel Corporation	88-0360	12/10/87
(52) General Motors Corporation, Detroit Diesel Corporation, Detroit Diesel Corporation	88-0361	12/10/87
(53) Merv Griffin, Hilton Hotels Corporation, Hilton Hotels Corporation	88-0381	12/10/87
(54) Merv Griffin, The Prudential Insurance Company of America, The Prudential Insurance Company of America	88-0382	12/10/87
(55) E.I. Du Pont De Nemours & Company, Incorporated, Royal Dutch Petroleum Company, Shell Offshore Inc.	88-0413	12/10/87
(56) W.R. Grace & Co., National Medical care, Inc., National Medical care, Inc.	88-0423	12/10/87
(57) Ferranti plc Pentamation Enterprises, Inc., Pentamation Enterprises, Inc.	88-0452	12/10/87
(58) The Yasuda Mutual Life Insurance Company, Paine Webber Group Inc., Paine Webber Group Inc.	88-0461	12/10/87
(59) Owens & Minor, Inc., David Levitsky, Leon Stotter, Inc.	88-0465	12/10/87
(60) Dominion Textile Inc., Waynesboro Textiles, Inc., Wayn-Tex Division of WT	88-0472	12/10/87
(61) Midland Financial Co., Victor Savings & Loan Association, Horizon Financial Corporation, et., al.	88-0474	12/10/87
(62) Sun Company, Inc., PS Group, Inc., Statex Petroleum, Inc.	88-0480	12/10/87
(63) BBC Brown Boveri & Company Ltd., Newco (Proposed BBC joint venture name), Newco (Proposed BBC joint venture name)	88-2524	12/11/87
(64) ASEA AB, Newco, Newco	88-0373	12/11/87
(65) Basf Aktiengesellschaft, Tennessee, Inc., Mid Louisiana Gas Company and Creole Pipeline Corp.	88-2145	12/11/87
(66) Noble Drilling Corporation, General Electric Company, General Electric Credit Corporation/TIFD IV	88-0392	12/11/87
(67) General Electric Company, Noble Drilling Corporation, Noble Drilling Corporation	88-0395	12/11/87
(68) Electrowatt Ltd., Borg Warner Holdings Corporation, Borg Warner Holdings Corporation,	88-0416	12/11/87
(69) Ametek, Inc., Pfizer, Inc., Pfizer, Inc.	88-0447	12/11/87
(70) Imo Delaval Inc., IFINT S.A., IFINT-incom Inc.	88-0459	12/11/87
(71) The RTZ Corporation PLC, Franklyn R. Gorell, Season-all Industries, Inc.	88-0477	12/11/87
(72) Robert M. Bass, Allegis Corporation, Allegis Corporation	88-0455	12/11/87

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Contact Representative, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, DC 20580, (202) 326-3100.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 87-29155 Filed 12-18-87; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR A-40, Supp. 26]

Federal Travel Regulations

AGENCY: Federal Supply Service, GSA.

ACTION: Notice of changes to Federal Travel Regulations.

SUMMARY: GSA has issued GSA Bulletin FPMR A-40, Supplement 26, transmitting changed pages amending the provisions of Federal Travel Regulations (FTR), FPMR 101-7, to establish a limitation on the amount which may be reimbursed for a loan origination fee, to increase the maximum dollar amount for reimbursement of allowable real estate sale and purchase expenses incident to a change of official station, and to modify the prohibition against contracting with third-party relocation companies for the provision of services similar to those offered by General Services Administration (GSA) through its travel and transportation services programs.

EFFECTIVE DATE: a. The revised provisions of the FTR, Chapter 2, Part 2-6, pertaining to reimbursement levels are effective for employees whose effective date of transfer is on or after October 1, 1987. For purposes of these regulations, the effective date of transfer is the date the employee reports for duty at the new official station.

b. The revised provisions of FTR, Part 2-12, pertaining to relocation service contracts are effective October 1, 1987.

FOR FURTHER INFORMATION CONTACT: Staff members, Regulations and Policy Division (FTS 557-1253, 557-1256, or 557-7525 (for non-FTS use AC 703)).

SUPPLEMENTARY INFORMATION: GSA, in consultation with the Office of Management and Budget, has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects.

GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least cost to society.

The impetus for these rule changes derives from three sources. The change dealing with certain loan fees has been formulated in response to recommendations by the General Accounting Office. The annual updates to the maximum amounts that may be reimbursed for expenses incurred by transferred employees for the sale and purchase of residences are required by 5 U.S.C. 5724a(a)(4)(B). The change allowing agencies to contract with third-party relocation companies for the administration of GSA's centralized household goods program results from experience gained utilizing third-party relocation service contracts.

Explanation of Changes

a. Paragraph 2–6.2d(1)(b) is revised to establish a general limitation of 1 percent on the amount which may be reimbursed for a loan origination fee incurred by an employee when purchasing a residence at a new official station. A higher percentage may be reimbursed if an employee shows by clear and convincing evidence that the higher rate is customary in the area of an employee's new residence and that it does not include prepaid interest, points, or a mortgage discount. The reimbursements for loan origination fees, loan assumption fees, and loan transfer fees are intended to cover a lending institution's charges for administrative-type costs involved in extending credit. However, there is no requirement for itemization of such costs within the percentage rate authorized or approved for payment.

b. Paragraph 2–6.2g(1) and (2) are amended to reflect a 1.8 percent increase in maximum reimbursements for real estate expenses. The dollar maximum for reimbursement of allowable expenses incurred for the sale of the residence at the old official station is increased from $16,873 to $17,177, and the dollar maximum for reimbursement of expenses related to purchase of a new residence at the new official station is increased from $8,437 to $8,589.

c. Paragraph 2–12.6b(1) is revised to allow agencies to incorporate GSA's centralized household goods traffic management program into their relocation service contracts to the extent that third-party service companies may administer such a program on behalf of the agency.

Accordingly, the Federal Travel Regulations are amended as follows:

Chapter 2. Relocation Allowances

1. **Authority:** Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 5 U.S.C. 5707; E.O. 11609, July 22, 1971, E.O. 12466, February 27, 1984, and E.O. 12522, June 24, 1985.

Part 6. Allowances for Expenses Incurred in Connection With Residence Transactions

2. Paragraphs 2–6.2d(1)(b) and 2–6.2g are revised to read as follows:

2–6.2 *Reimbursable and nonreimbursable expenses.*

* * * * *

d. *Miscellaneous Expenses.*

(1) *Reimbursable items.* The expenses listed below are reimbursable in connection with the sale and/or purchase of a residence, provided they are customarily paid by the seller of a residence in the locality of the old official station or by the purchaser of a residence at the new official station, to the extent they do not exceed specifically stated limitations, or in the absence thereof, amounts customarily paid in the locality of the residence.

(a) * * *

(b) Loan origination fees and similar charges such as loan assumption fees and loan transfer fees. A loan origination fee is a fee paid by the borrower to compensate the lender for administrative-type expenses incurred in originating and processing a loan. Reimbursement for a loan assumption fee or a loan transfer fee or a similar charge also may be allowed, if it is assessed in lieu of a loan origination fee and reflects charges for services similar to those covered by a loan origination fee. An employee may be reimbursed for these fees in an amount not in excess of 1 percent of the loan amount without itemization of the lender's administrative charges. Reimbursement may exceed 1 percent only if the employee shows by clear and convincing evidence that: (1) The higher rate does not include prepared interest, points, or a mortgage discount; and (2) the higher rate is customarily charged in the locality where the residence is located.

* * * * *

g. *Overall limitations.* The total amount of expenses that may be reimbursed is as follows:

(1) In connection with the sale of the residence at the old official station, reimbursement shall not exceed 10 percent of the actual sale price or $17,177, whichever is the lesser amount.

(2) In connection with the purchase of a residence at the new official station, reimbursement shall not exceed 5 percent of the purchase price or $8,589, whichever is the lesser amount.

* * * * *

Part 12. Use of Relocation Service Companies

3. Paragraph 2–12.6b(1) is revised to read as follows:

2–12.6 *Form and scope of relocation service contracts*

* * * * *

b. * * *

(1) GSA has established certain travel and transportation programs that agencies are required to use. Examples are the centralized household goods traffic management program, the airline services contracts, and travel management center contracts. While similar services may be offered by relocation companies, agencies cannot use them. However, this restriction does not prohibit agencies from incorporating the GSA centralized household goods traffic management program, as a mandatory services source, into contracts with relocation service companies. Thus, relocation companies may act as third-party service firms to administer GSA's centralized household goods traffic management program on behalf of the contracting agency.

* * * * *

Dated: November 25, 1987.

T.C. Golden,

Administrator of General Services.

[FR Doc. 87–29142 Filed 12–18–87; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 76N–0366]

Provisionally and Permanently Listed Uses of FD&C Red No. 3 and its Lakes; Postponement of Final Date for Submission of Data for Specific Uses; Request for Use Data in Pet and Animal Food

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is postponing the final date for the submission of information pertaining to the sale and use of FD&C Red No. 3 and its lakes by persons interested in the continued use of this color additive (in food, drugs, and cosmetics). The new date will be February 1, 1988. This action responds to requests by manufacturers for additional time to compile and tabulate the requested information. In addition, FDA is requesting that all persons interested in the continued use of FD&C Red No. 3 and its lakes in pet and animal food products also respond to the request for information.

DATE: The new final date for the submission of specific use data for FD&C Red No. 3 and its lakes is February 1, 1988.

ADDRESS: All information is to be submitted to the Division of Food and Color Additives (HFF–330), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Center for Food Safety and Applied Nutrition (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5676.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 19, 1987 (52 FR 44485), FDA published a notice requesting that all persons interested in the food, drug, and cosmetic applications of FD&C Red No. 3 and its lakes to submit information pertaining to the sale and use of FD&C Red No. 3 and its lakes in these products. In that notice the agency established December 21, 1987, as the final date for submission of these data to the agency. The agency received comments from several potential respondents and trade associations requesting a postponement of the final date for submission of these data. The comments indicated that compiling the information requested will take longer than the original final date of December 21, 1987. The comments requested extensions that ranged from 30 to 60 days.

In order that respondents have the opportunity to provide the agency with information it needs, the agency is postponing the final date for the submission of use information on FD&C Red No. 3 and its lakes until February 1, 1988.

In the November 19, 1987, notice, the agency explained that the requested information will be used to assess potential exposure and to allocate (section 706(b)(8) of the Federal Food, Drug, and Cosmetic Act) the allowable safe uses of FD&C Red No. 3 if allocation is necessary and appropriate based upon the agency's evaluation of available toxicological data. The confidentiality of this and all information submitted to FDA will be maintained in accordance with 21 CFR 71.15.

In the November 19, 1987, notice, the agency inadvertently omitted specific mention of animal and pet food product applications as a class about which information is requested. FDA is hereby correcting that omission by requesting that information it requested in the November 19, 1987, notice also be submitted by persons interested in the continued use of FD&C Red No. 3 and its lakes in animal and pet food products.

Dated: December 15, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87–29032 Filed 12–18–87; 8:45 am]

BILLING CODE 4160–01–M

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the National Diabetes Advisory Board's meeting dates which will be January 11–12, 1988. The meetings will begin at 8:30 a.m. and end at approximately 5 p.m. each day. The primary location is Marriott's Mountain Shadows Resort, 5641 East Lincoln Drive, Scottsdale, Arizona 85253. Other portions of the meeting will be held in research and health-care facilities located in the area. The primary purpose of the meeting is to discuss the Board's activities and to continue evaluation of the implementation of the long-range plan to combat diabetes mellitus. Although the entire meeting will be open to the public, attendance will be limited to space available. Notice of the meeting room will be posted in the hotel lobby.

For any further information, please contact Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, 1801 Rockville Pike, Suite 500, Rockville, Maryland 20852, (301) 496–6045. His office will provide, for example, a membership roster of the Board and an agenda and summaries of the actual meetings.

Dated: December 14, 1987.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 87–29222 Filed 12–18–87; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–920–08–4121–10]

Utah, Colorado; Uinta-Southwestern Utah Federal Coal Production Region

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice cancelling the Uinta-Southwestern Utah Federal Coal Production Region and opening the twenty-six county area to lease by application.

SUMMARY: On November 9, 1979, the Bureau of Land Management (BLM) established the Uinta-Southwestern Utah Federal Coal Production Region for the management of federally owned coal (44 FR 65197). Recent assessments indicate that industry interest, based on market conditions and existing potential production capacities, does not justify the federally initiated coal lease sale program procedures of 43 CFR Part 3420. In accordance with 43 CFR 3400.5, this notice decertifies the Uinta-Southwestern Utah Federal Coal Production Region. Further, this notice designates Federal coal reserves in the twenty-six county area of Utah and Colorado as open to lease by application in accordance with 43 CFR Part 3425.

EFFECTIVE DATE: January 20, 1988.

FOR FURTHER INFORMATION CONTACT: Max Nielson (801) 524–3004, Utah State Office, Bureau of Land Management, 324 South State Street, Suite 301, Salt Lake City, Utah 84111–2303.

SUPPLEMENTARY INFORMATION: The Uinta-Southwestern Utah Federal Coal Production Region was established by the Bureau of Land Management (BLM) on November 9, 1979, together with a number of other regions to implement competitive coal leasing under regulations contained in 43 CFR Part 3420. The Uinta-Southwestern Utah Region includes the following counties: In Utah—Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Iron, Kane, Morgan, San Juan, Sanpete, Sevier, Summitt, Uintah, Utah, Wasatch, Washington, and Wayne. In Colorado—Delta, Garfield, Gunnison, Mesa, Montrose, Ouray, Pitkin, and San Miguel. The coal production region was estimated to contain sufficient Federal coal deposits to justify offering coal leases through the competitive leasing process set out in 43 CFR Part 3420.

A long-range regional market analysis was prepared and made available for public review and comment in

September 1987. This market analysis and the public comments were then reviewed and discussed by the Regional Coal Team (RCT) at its October 27, 1987 meeting. Based on this review, the RCT concluded that existing coal production capacity is sufficient to meet near-term regional needs. Consequently, the RCT recommended that the Uinta-Southwestern Utah Federal Coal Production Region should be decertified and that lease by application procedures should be implemented to satisfy near-term leasing needs.

The expected benefits are a substantial savings in administrative costs to both the Federal Government and the States of Utah and Colorado, while retaining a responsive leasing process for the coal industry. No additional social, economic, or environmental impacts are anticipated as a result of this change in the method of leasing. The Uinta-Southwestern Utah Regional Coal Team will fully participate in coal lease consideration in the lease by application mode. If the demand for Federal coal increases significantly, regional coal activity planning procedures can be reactivated through recertification of the Uinta-Southwestern Utah Federal Coal Production Region.

In accordance with 43 CFR 3400.5, this notice is to advise the public that the Uinta-Southwestern Utah Federal Coal Production Region is decertified, thereby declaring that the Federal coal reserves in those counties of Utah and Colorado listed above will be leased under 43 CFR Part 3425 (lease by application) rather than under 43 CFR Part 3420.

Any applications for Federal coal leasing being processed prior to this notice shall continue to be processed according to the procedures in effect at the time of applications.

Applications under 43 CFR 3425.1–5 shall be accepted by the BLM to lease Federal coal in the twenty-six counties named above. Three copies of the application shall be filed in either the Utah State Office of the BLM, 324 South State, Suite 301, Salt Lake City, Utah 84111–2303 or the Colorado State Office of the BLM, 2850 Youngfield Street, Denver, Colorado 80215–7076 (depending on the location of the application area).

Dated: December 14, 1987.

Robert F. Burford,

Director, Bureau of Land Management.

[FR Doc. 87–29132 Filed 12–18–87; 8:45 am]

BILLING CODE 4310-DQ-M

Bureau of Reclamation

Adoption of Navajo Power Marketing Plan

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of adoption.

SUMMARY: On December 1, 1987, C. Dale Duvall, Commissioner of Reclamation, adopted a Navajo Power Marketing Plan (Plan) on behalf of the Secretary of the Interior, pursuant to section 107 of the Hoover Power Plant Act of 1984 (98 Stat. 1333) (Act). That Act provides that electrical capacity and energy associated with the United States' interest in the Navajo Generating Station which is in excess of the pumping requirements of the Central Arizona Project (CAP) and certain needs for desalting and protective pumping facilities (Navajo Surplus) shall be marketed and exchanged by the Secretary of Energy in a manner which optimizes the availability of Navajo Surplus and provides financial assistance in the timely construction and repayment of construction costs of authorized features of the CAP. The Act also provides that rates for Navajo Surplus shall not exceed levels that allow for an appropriate savings for the power contractors.

The adopted Plan, a cooperative effort among Federal, State, public, and private agencies, provides the criteria to be used in the sale and exchange of capacity and energy from Navajo determined to be surplus to the needs of CAP after the completion of the New Waddell Dam. The New Waddell Dam is a regulatory storage feature of the CAP which will allow for operating flexibility to increase winter season pumping and reduce summer season pumping, thereby providing an enhanced power resource during the peak load season of the Southwest.

At Reclamation's request, the Western Area Power Administration (Western) initiated and administered a public process to obtain comments on the Plan prior to its adoption. A notice requesting comments on the proposed Plan was published in the **Federal Register** on September 4, 1987. Western conducted a public information forum on the Plan in Phoenix, Arizona, on September 21, 1987, and a public comment forum in Phoenix, Arizona, on September 28, 1987. The period for accepting comments ended on October 5, 1987. Western received three oral comments at the public comment forum and six written comments prior to the end of the comment period. All comments supported the proposed Plan and recommended that the Plan be adopted without change as quickly as possible.

Consultation with the Secretary of Energy, the Governor of Arizona, and the Central Arizona Water Conservation District, as required by the Act, was documented by the receipt of letters concurring in the Plan from the Secretary of Energy, acting by and through the Administrator of Western, the Governor of Arizona, and the President of the Board of Directors of the Central Arizona Water Conservation District.

DATES: As provided in Part X of the Plan, it will become effective January 20, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Benedict R. Radecki, Acting Chief, Division of Power, Bureau of Reclamation, 18th and C Streets, NW., Washington, DC 20240. Phone (202) 343–4890.

SUPPLEMENTARY INFORMATION: The United States has acquired an entitlement to 24.3 percent of generation available at Navajo for use by CAP pursuant to the Colorado River Basin Project Act (32 U.S.C. 1501, *et seq.*) The CAP is a Reclamation multipurpose water resource development and management project in Arizona. During initial years of construction of the CAP, the United States entitlement to Navajo power was sold on an interim basis to various public and private utilities (Layoff). The Layoff contracts were subject to withdrawal of power as needed by the United States. Notice of final withdrawal was given to all Layoff contractors, and the Layoff contracts terminated on May 31, 1987.

Section 107(c) of the Act provides that a power marketing plan be adopted by the Secretary of the Interior to provide for the marketing and exchange of Navajo Surplus. In order to provide for the interim marketing of Navajo Surplus during the initial delivery and pump testing of the CAP and during the pre-New Waddell Dam period, an Interim Navajo Power Marketing Plan (Interim Plan) was developed and adopted by the Commissioner of Reclamation on March 17, 1986.

The adopted Plan provides that the Interim Plan will terminate upon expiration of all contracts entered into pursuant to the Interim Plan. Contracts entered into under the Interim Plan will expire upon 1 year notice given by Western subsequent to September 30, 1989; but no later than the date of initial operation of regulatory storage at New Waddell Dam.

The adopted Plan contains the criteria for the sale and exchange of Navajo Surplus, including a description of the power to be marketed, eligibility criteria, contact provisions, ratesetting procedures, and revenue collection and distribution criteria, after termination of the contracts under the Interim Plan. The ratesetting procedures in the adopted Plan were developed in order to accomplish the requirements of the Act to market and exchange Navajo Surplus at "rates [that] shall not exceed levels that allow for an appropriate saving for the contractor." The rates in the adopted Plan will provide annual revenues for repayment of costs associated with the marketing and exchange of Navajo Surplus. An additional rate component is included pursuant to section 107(d) of the Act to provide for repayment of funds advanced by CAWCD for authorized features of CAP.

National Environmental Policy Act

In compliance with the National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality regulations, and the Department of the Interior regulations for compliance with NEPA, Reclamation completed an Environmental Impact Statement on the Regulatory Storage Division, Central Arizona Project, Statement No. INT FES 84–4, February 10, 1984. The environmental impact statement describes six alternatives for the proposed construction and operation of the Regulatory Storage Division of the CAP. The alternatives described provide for CAP regulatory storage, flood control for the Salt and Gila Rivers through the Phoenix metropolitan area, and concurrent and coincident aspects of the Safety of Dams program. A No Action alternative is also described. The environmental impact statement fulfills the requirements of Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands), and the requirements of the Nationwide Permit in accordance with the provisions of section 404 of the Clean Water Act.

In addition, Western prepared an environmental assessment dealing with the potential effects of the sale of Navajo Surplus at expected rates on wholesale power supply costs. As a result of these studies, Reclamation determined that the adopted Plan met the criteria for a Finding of No Significant Impact (FONSI No. LC–87–2 dated November 16, 1987). Copies of the environmental impact statement, environmental assessment, and FONSI will be made available to interested persons upon request.

Date: December 14, 1987.

C. Dale Duvall,

Commissioner.

The text of the adopted Plan is as follows:

Navajo Power Marketing Plan

I. Purpose and Scope

Section 107 of the Hoover Power Plant Act requires that a power marketing plan be developed to provide for marketing and exchanging of Navajo Surplus to provide financial assistance in the timely construction and repayment of construction costs of authorized features of the Central Arizona Project.

A. This Plan has been developed based upon data contained in the report by Reclamation entitled "Central Arizona Project Power Marketing and Water Supply Study—October 1985" to meet the requirements of the Hoover Power Plant Act and provide for the sale and Exchange of Navajo Surplus for the benefit of the Central Arizona Project as provided in section 107 of the Hoover Power Plant Act.

B. This Plan recognizes the obligation of the United States to use its entitlement to electrical capacity and energy from Navajo to provide necessary power for the pumping requirements of the Central Arizona Project and any such needs for desalting and protective pumping facilities as may be required under section 101(b)(2)(B) of the Colorado River Basin Salinity Control Act. For the purposes of this Plan, Reclamation has determined that the Navajo Surplus peaking resource identified in section V.A and V.B of this Plan is not required to meet the needs for desalting and protective pumping facilities as may be required under section 101(b)(2)(B) of the Colorado River Basin Salinity Control Act; however, the Navajo Surplus identified in section V.C will be considered in meeting these needs.

C. The Plan provides that Western, working closely with Reclamation and CAWCD, will be the primary marketing entity responsible for the sale and Exchange of Navajo Surplus in accordance with applicable Federal law and regulations. Western may utilize exchange, banking, purchase agreements, or integration with other resources to fulfill any purpose of this Plan. CAWCD will act as a marketing entity solely for the purpose of establishing and causing to be collected the Additional Rate Component.

D. This Plan sets rates and parameters for the establishment of rates, not exceeding levels that allow for an appropriate saving for the contractor, that will provide revenues from the sale and Exchange of Navajo Surplus for the purposes of: Payment of the operation and maintenance costs associated with Navajo Surplus; utilization and assignment of the revenues derived from the Additional Rate Component at least sufficient to make repayment and establish reserves for repayment of $175,000,000 (or more) of funds advanced by CAWCD to Reclamation for construction of authorized features of the Central Arizona Project pursuant to the Plan Six Cost Sharing Agreement; recovery of capital costs, including interest, of authorized features of the Central Arizona Project allocated to power; and recovery of capital costs of authorized features of the Central Arizona Project allocated to irrigation that are determined to be beyond the irrigators' ability to repay.

II. Authorities

The authorities under which this Plan is developed are: A. Federal Reclamation laws (43 U.S.C. 372 *et seq.*, and all Acts amendatory thereof or supplementary thereto); in particular, the Colorado River Basin Project Act (Pub. L. 90–537); and the Hoover Power Plant Act of 1984 (Pub. L. 98–381).

B. Rules, regulations, and agency agreements of Western and Reclamation issued or made pursuant to applicable law.

III. Definitions

The following terms wherever used herein shall have the following meanings: A. "Additional Rate Component" shall mean the rate component(s) established, charged and caused to be collected by CAWCD to recover the CAWCD Advanced to Reclamation, plus interest thereon, pursuant to section 107 of the Act and to Chapter 21, Laws of the State or Arizona, Thirty-Seventh Legislature, Second Regular Session, 1986.

B. "Authority" shall mean the Arizona Power Authority.

C. "Authority's Final Hoover Power Marketing Plan" shall mean the Arizona Power Authority's marketing plan entitled "Final Hoover Power Marketing, Post-1987" dated June 7, 1985.

D. "Central Arizona Project" or "CAP" shall mean the Reclamation multipurpose water resource development and management project in Arizona authorized by the Colorado River Basin Project Act, as amended (43 U.S.C. 1501 *et. seq.*)

E. "CAWCD" shall mean the Central Arizona Water Conservation District.

F. "CAWCD Advance to Reclamation" shall mean the advance of

$175,000,000 (or more) to Reclamation by CAWCD for authorized features of the Central Arizona Project in accordance with the Plan Six Cost Sharing Agreement.

G. "Colorado River Basin Salinity Control Act" shall mean the Colorado River Basin Salinity Control Act of 1974, as amended, (43 U.S.C. 1591 *et. seq.*)

H. "Conformed Criteria" shall mean the Conformed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects published in the **Federal Register** (49 FR 50583) on December 29, 1984.

I. "Date of Initial Operation" shall mean the date of initial test pumping into regulatory storage at New Waddell Dam, as determined by Reclamation.

J. "Exchange" shall mean any arrangements providing for delivery of capacity and energy to Western by an Exchange Contractor during an Operating Year and the return of such capacity and energy to the Exchange Contractor by Western from Navajo in the same Operating Year.

K. "Exchange Contractor" shall mean a contractor which enters into a Long-Term Exchange Contract.

L. "Exchange Energy Account" shall mean the record of Exchanges between Western and an Exchange Contractor.

M. "Hoover Power Plant Act" or "Act" shall mean the Hoover Power Plant Act of 1984 (Pub. L. 98–381).

N. "Hoover Schedule B Capacity and Energy" shall mean the capacity and energy from the Boulder Canyon Project described in section 105(a)(1)(B) of the Act which is available to the Authority.

O. "Hoover Schedule C Excess Energy" shall mean the energy from the Boulder Canyon Project described in section 105(a)(1)(C) of the Act which is available to the Authority.

P. "Interim Plan" shall mean the Interim Navajo Power Marketing Plan adopted by the Commissioner of Reclamation on March 17, 1986.

Q. "Layoff Contract" shall mean the contract(s) entered into as of September 30, 1969, between certain non-Federal entities and Western for the sale of the Navajo Entitlement.

R. "Long-Term Contracts" shall mean the Long-Term Peaking Sales Contracts and the Long-Term Exchange Contracts.

S. "Long-Term Peaking Sales Contract" shall mean a contract between Western and a contractor for sale of Navajo Surplus for a period of years ending September 30, 2011.

T. "Long-Term Exchange Contract" shall mean a contract between Western and an Exchange Contractor for Exchange of Navajo Surplus for a period of years ending September 30, 2011.

U. "Navajo" shall mean the Navajo Generating Station, the thermal generating power plant located near Page, Arizona, and associated transmission facilities.

V. "Navajo Entitlement" shall mean the United States entitlement of 24.3 percent of the generation from Navajo.

W. "Navajo Surplus" shall mean capacity and energy associated with the Navajo Entitlement which is in excess of the pumping requirements of the Central Arizona Project and any such needs for desalting and protective pumping facilities as may be required under section 101(b)(2)(B) of the Colorado River Basin Salinity Control Act.

X. "New Waddell Dam" or "New Waddell Reservoir" shall mean the regulatory storage facilities constructed on the Agua Fria River as a feature of the CAP.

Y. "Offpeak" shall mean those hours during a day that are not considered Onpeak.

Z. "Onpeak" shall mean the hours during a day, except Sunday, that are between 9:00 a.m. to 9:00 p.m. mountain standard time during the Summer Season.

AA. "Operating Year" shall mean the period beginning October 1 and ending September 30 of the next succeeding year.

BB. "Plan" shall mean this Navajo Power Marketing Plan.

CC. "Plan Six Cost Sharing Agreement" shall mean the agreement among the United States, the Central Arizona Water Conservation District, the Flood Control District of Maricopa County, the Salt River Project Agricultural Improvement and Power District and Salt River Valley Water Users' Association, the Arizona cities of Chandler, Glendale, Mesa, Phoenix, Scottsdale, and Tempe, the State of Arizona, and the city of Tucson for funding of Plan Six facilities of the Central Arizona Project, Arizona, and for other purposes, dated April 15, 1986, and any amendments or supplements thereto.

DD. "Reclamation" shall mean the Bureau of Reclamation, Department of the Interior.

EE. "Summer Season" shall mean the period from May 1 through September 30 of any year.

FF. "Western" shall mean the Western Area Power Administration, Department of Energy.

GG. "Winter Season" shall mean the period from October 1 through April 30 of the next succeeding year.

IV. Element

This Plan includes the following elements: A. The estimated amounts of Navajo Surplus used in devleoping this Plan were obtained from data contained in a report by Reclamation, entitled "Central Arizona Project Power Marketing and Water Supply Study—October 1985," and the "Central Arizona Project, Surplus/Shortage Pumping Power Profile (Revision No. 1)," dated October 1986, prepared by CAWCD/Arizona Department of Water Resources.

B. Optimization of Navajo Surplus will be achieved through several means: (1) Delivering maximum amounts of water from the Colorado River in the Winter Season for storage in the New Waddell Reservoir and then serving CAP water demands in the Summer Season from water previously placed in storage, and on a daily basis, delivering maximum amounts of CAP water Onpeak from the limited aqueduct storage and recharging that storage to the extent possible Offpeak, thereby making Navajo Surplus available when electrical loads in the marketing area are at their peak and thus enhancing the value of the Navajo resource; (2) CAWCD contracting with the Authority for Hoover Schedule B Capacity and Energy and CAWCD receiving Hoover Schedule B Capacity and Energy pursuant to paragraph E of this section and using it to meet CAP pumping requirements in part, (3) CAWCD contracting with the Authority for Hoover Schedule C Excess Energy and CAWCD receiving the Hoover Schedule C Excess Energy pursuant to paragraph F of this section and using it to meet CAP pumping requirements in part; and (4) using CAP and Western operating flexibility.

C. In order to enhance the value of Navajo Surplus to maximize financial assistance to CAP, the proposed CAP operation will utilize daily energy management, weekly energy management, and seasonal power management as described in paragraph B of this section. Except for scheduling adjustments to achieve operating flexibility, to the extent possible CAP pumping will be Offpeak to optimize Onpeak availability of Navajo Surplus.

D. CAP pumping will be maximized during the Winter Season, to the extent possible, within the physical and legal limitations of moving CAP water through the CAP aqueduct. Any Winter Season energy deficiencies are intended to be met through exchanges or through a combination of exchange, banking, purchase agreements or integration with other resources.

E. This Plan includes, for purposes of the Authority's Final Hoover Power Marketing Plan, the recapture of Hoover Schedule B Capacity and Energy pursuant to the Authority's Final Hoover Power Marketing Plan, as further provided for in a resolution of the Board of Directors of CAWCD which is attached hereto as Appendix A, and incorporated by reference herein, for the benefit of CAWCD: (1) after October 1, 1991, if requested by CAWCD pursuant to the provisions of Appendix A, or (2) upon the Date of Initial Operation, but (3) not later than December 31, 1994.

F. The Authority's Final Hoover Power Marketing Plan states that "the Authority intends to allocate and sell" Hoover Schedule C Excess Energy "in a manner which is consistent with such adopted [Navajo Marketing] Plan". In order to accomplish the goals of this Plan, this Plan assumes that all Hoover Schedule C Excess Energy available to the Authority will be marketed by the Authority in accordance with the Hoover C energy sales contracts dated as of April 15, 1987, as follows:

1. From June 1, 1987, until recapture of Hoover Schedule B Capacity and Energy for CAWCD is completed, to Authority contractors taking capacity and energy in a manner calculated to equalize load factors between Hoover Schedule A Capacity and Hoover Schedule B Capacity. (This provision contemplates that increasing amounts of Hoover Schedule C Excess Energy will be marketed with Hoover Schedule B Capacity as increased amounts of that capacity become available.)

2. After recapture of Hoover Schedule B Capacity and Energy has been completed, pursuant to the Authority's power sales contracts with its contractors, dated as of September 15, 1986, on the basis of a first right of refusal to Authority contractors which are then utilizing Hoover Schedule B Capacity and Energy, pro rata to the amount of capacity being taken.

3. To CAWCD, on the basis of a first right of refusal, at any time after June 1, 1987, until recapture of Hoover Schedule B Capacity and Energy has been completed, to the extent that the amount of Hoover Schedule C Excess Energy, if made available under contract with the United States to be marketed by the Authority in the current contract year (October through September), shall exceed 400 GWh, but not exceed 800 GWh. During the same period, Hoover Schedule C Excess Energy over 800 GWh shall be marketed, if available, on the basis of first right of refusal, 50 percent to CAWCD and 50 percent to other Authority contractors. Delivery pursuant to this section shall be made only at a time and to the extent that the capacity of Authority's contractors is not being utilized to generate Hoover Schedule A energy or Hoover Schedule B energy, or if other capacity is made available by Western for said delivery.

G. Termination of the Long-Term Contracts on September 30, 2011, will not terminate this Plan. So long as Navajo operates and there is Navajo Surplus, Western shall continue to market Navajo Surplus under this Plan with such amendments or revisions as may be adopted by the Secretary of the Interior, after consultation with the Secretary of Energy, CAWCD, and the Governor of Arizona and as provided by law, including the authorities set forth in section II. Contractors with Long-Term Peaking Sales Contracts and contractors with Long-Term Exchange Contracts whose contracts terminate in 2011 shall be given the first opportunity for new long-term sales contracts and new long-term exchange contracts for approximately the same amounts of power contained in the terminated contracts with available capacity and energy distributed pro rata among contractors. Such new contracts shall be entered into prior to October 1, 2007.

V. Power To Be Marketed or Exchanged

Contracts entered into pursuant to the interim Plan shall expire as follows:

(1) After consultation by Western with Reclamation and CAWCD, upon 1 year notice given by Western subsequent to September 30, 1989; but in any event, (2) after such notice as Western deems appropriate, upon the Date of Initial Operation. The Interim Plan shall terminate upon expiration of all contracts entered into pursuant to the Interim Plan. Navajo Surplus to be sold or Exchanged under this Plan consists of the following:

A. Capacity and energy will be available for sale on a long-term basis generally during the Summer Season. Capacity and energy will be available for delivery during the Summer Season and the Winter Season Onpeak and Offpeak. Capacity available for sale will be 400 MW, less the capacity used for Exchange purposes under paragraph B of this section. There will be 760 kwh of energy per year available for sale to a contractor for each kW of contract capacity.

B. A maximum of 150 MW of the 400 MW available under pargraph A of this section may be used for Exchanges on a long-term basis. Energy scheduled from an Exchange Contractor will be returned to such Exchange Contractor on a one-kWh-for-one-kWh basis under terms provided in a Long-Term Exchange Contract. There will be 760 kWh of energy per year available to an Exchange Contractor for each kW of contract capacity Exchanged.

C. Any capacity or energy not sold or Exchanged in accordance with paragraphs A and B of this section may, as determined by Western, in cooperation with CAWCD and Reclamation, be sold under appropriate long-term or short-term arrangements or integrated with the Federal system and sold by Western under arrangements developed in cooperation with CAWCD and Reclamation.

D. Any capacity or energy determined to be available under paragraph C of this section, up to 30 MW, will be made available first to Reclamation for the purposes of the Colorado River Basin Salinity Control Act.

E. Delivery of capacity and energy provided in paragraphs A and B of this section is subject to the following:

1. In the event of an outage, curtailment, or derating (or any combination thereof) of the generating capabilities at Navajo, each contractor's right to receive capacity and energy shall be as follows:

a. Capacity shall be reduced on a pro rata basis among all contractors and CAWCD.

b. Energy will be affected as follows:

(i) If the energy produced by the Navajo Entitlement is equal to or greater than an average of 3,500 GWh per year in the current and immediately prior Operating Year, then the contractor is entitled to the full 760 kWh per KW per year.

(ii) If the total energy produced by the Navajo Entitlement is less than an average of 3,500 GWh per year in the current and immediately prior Operating Year, then either (1) each contractor's right to receive energy may be reduced by Western, and if reduced, the reduction shall be on a pro rata basis among all contractors and CAWCD, or (2) at the contractor's option, energy may be scheduled to Western, on a one-for-one basis at times and amounts mutually acceptable to Western and the contractor, to replace the energy which would have otherwise been lost by pro rata reduction.

2. If in the Operating Year in which the Date of Initial Operation occurs, contract entitlements cannot be delivered, such entitlements shall be reduced among all contractors pro rata.

3. In September of each Operating Year, each Exchange Contractor shall supply Western with a schedule of proposed deliveries of energy during the Winter Season equal to the amount to which the Exchange Contractor will be entitled during the following Operating Year. Western may upon 24 hours notice cancel a day's delivery in the event that Western finds that the energy is not

needed for pumping and could not be sold at a rate higher than the Navajo Surplus energy rates described in section VIII.A.2. In the event that the Exchange Contractor, because of emergency conditions, would have to supply Exchange energy from oil-fired or gas-fired resources, the Exchange Contractor may notify Western and be relieved of its obligation under the schedule for the period of time until it is able to supply such Exchange energy without using oil-fired or gas-fired generation.

4. In the event of an outage, curtailment, or derating (or any combination thereof) of the Navajo transmission system, Western will use its best efforts to deliver Navajo Surplus to the contractors, in amounts as close to each contrctor's Navajo Surplus entitlement or pro rata share of such entitlement as possible, using the available Navajo transmission system. Upon appropriate arrangements, Westen may assist the contractors in the event of such outage, curtailment, or derating of the Navajo transmission system by arranging alternative emergency transmission service with third parties or on Western's transmission system as determiend to be available in the sole judgement of Western.

5. Each Long-Term Exchange Contract will provide for an Exchange Energy Account. It is generally intended that the account will contain a balance of energy owed to the Exchange Contractor. Under some circumstances, the balance of the Exchange Energy Account may be reversed whereby the Exchange Contractor will owe energy to Western. Under either circumstance, energy can be scheduled by the Exchange Contractor at any time for credit to his Exchange Energy Account provided Western has adequate pumping loads or sales opportunities to use the energy. It is not intended that Western would accept energy for resale when such resale would be at rates less than Navajo Surplus energy rates described in Section VIII.A.2. Energy deliveries by an Exchange Contractor to balance its Exchange Energy Account must be at times and amounts mutually acceptable to Western and to the Exchange Contractor.

6. Except as provided in paragraph 7 of this section, energy deliveries by Western under Long-Term Contracts will be scheduled at least 24 hours in advance, as mutually agreed between the contractor and Western, and such deliveries will be contingent only on the output of Navajo.

7. Capacity and energy, not scheduled at least 24 hours in advance, may be ordered by a contractor under a Long-Term Contract through appropriate dispatch channels. Such requested capacity and energy may be supplied, at Western's discretion, after coordinating with CAWCD, either through rapid pump unloading (estimated 100 percent loaded to 0 percent within 10 minutes) or from other resources available to Western. Such delivery not scheduled at least 24 hours in advance may be limited to 8 hours per day. A charge shall be assessed to a contractor as a start-up cost for each occurrence of a request for an increase in delivery not scheduled at least 24 hours in advance. The accounting for energy delivered under the provisions of this paragraph shall be identical to accounting for energy scheduled 24 hours in advance.

VI. Eligibility

Navajo Surplus will be offered for sale and Exchange in accordance with the requirements of this section.

A. Capacity and energy will be offered for sale in the following order of priority, in accordance with part IV, section A of the Conformed Criteria:

1. Federal preference entities within Arizona.
2. Federal preference entities within the Boulder City marketing area.
3. Federal preference entities in adjacent Federal marketing areas.
4. Non-preference entities in the Boulder City marketing area.

B. In the event that a potential contractor fails to place capacity and energy under contract within a reasonable period, as specified by Western and in accordance with the terms and conditions offered by Western, the amounts of capacity and energy not placed under contract will be reoffered in accordance with the order of priority specified in paragraph A of this section.

C. Arizona entities, regardless of preference status, shall have first opportunity for electrical capacity and energy Exchange rights as necessary to implement this Plan. Western, in consultation with CAWCD and Reclamation, may determine that any capacity and energy not subscribed to by Arizona entities for Exchange may be offered for long-term sale in the order of priority stated in paragraph A of this section or may be offered to non-Arizona entities for Exchange.

VII. Contract Provisions

Western, after consultation with Reclamation and CAWCD, shall enter into all power sales and Exchange contracts necessary to carry out the provisions of this Plan in selling and exchanging capacity and energy pursuant to section V. Navajo Surplus shall be marketed, and Exchange rights granted by Western on behalf of the Secretary of the Interior, under contracts consistent with this Plan and the Conformed Criteria. Contracts for sale or Exchange of Navajo Surplus made pursuant to this Plan shall include, but not be limited to, the following provisions:

A. Each Long-Term Peaking Sales Contract shall become effective upon its execution, the implementation of which, including all terms, covenants, and conditions related to delivery of capacity and energy and all appropriate payments therefore, shall begin on the first day within the Summer Season following the Date of Initial Operation. Contractors shall be given at least 60 days written notice prior to the Date of Initial Operation. If contract entitlements are reduced pursuant to section V.E.2, each contractor shall be charged only for the amount of capacity and the energy made available to the contractor in that Operating Year. Each Long-Term Peaking Sales Contract shall terminate on September 30, 2011.

B. Each Long-Term Exchange Contract shall become effective upon its execution, the implemention of which, including all terms, covenants, and conditions related to the Exchange of capacity and energy and all appropriate payments therefore, shall begin upon the Date of Initial Operation. Contractors shall be given at least 60 days written notice prior to the Date of Initial Operation. Each Long-Term Exchange Contract shall provide for an Exchange Energy Account. It is the intent of this Plan that the Exchange Energy Accounts will be balanced to zero annually. However, in the event that such balance owed Western is not reduced to zero, the Long-Term Exchange Contract shall include provisions for a carryover of such balance to the subsequent Operating Year or for payment to Western. In the event that such balance owed the Exchange Contractor is not reduced to zero, the Long-Term Exchange Contract shall include provisions for a carryover of such balance to the subsequent Operating Year to be credited against the Exchange Contractor's scheduled delivery. Prior to the Date of Initial Operation, each Exchange Contractor shall receive an estimate of the amount of capacity and energy which will be available to it during the first Operating Year, and the Exchange Contractor shall propose a schedule of Winter Season energy delivery to Western in the same amount as Reclamation's estimate of the available return of energy. If contract entitlements are reduced pursuant to section V.E.2., each Exchange Contractor shall be charged only for the amount of capacity made available to the Exchange Contractor in that Operating Year. Each Long-Term Exchange Contract shall terminate on September 30, 2011.

C. Any Long-Term Contract may, at the contractor's request, contain a provision that if the New Waddell Dam is not scheduled to be completed by a certain date the contractor may terminate the Long-Term Contract on or before a date established in the contract.

D. Contract entitlements will be measured or calculated at the 500 kV bus at the Navajo Generating Station. Capacity and energy, less losses, will be scheduled and delivered at a voltage of 500 kV to contractors at either Westwing Switchyard or McCullough Switchyard or at such other points and voltages on the Navajo system as Western and the contractor shall agree. Any necessary transmission service beyond the contractor's point(s)-of-delivery will be the responsibility of the contractor.

E. CAWCD shall be a party to contracts for the sale or Exchange of Navajo Surplus for the limited purpose of establishing and collecting the Additional Rate Component.

F. Written metering and scheduling instructions shall be agreed upon between Western and the contractor, in consultation with CAWCD and Reclamation, prior to any deliveries under this Plan. The metering and scheduling instructions shall provide the operating and accounting procedures for such deliveries. Metering and scheduling instructions are intended to implement terms of the contract, not to modify or amend it, and therefore are subordinate to the contract. The implementation shall be the responsibility of Western and the contractor. After consultation with Reclamation and CAWCD, Western and the contractor may modify these instructions, as necessary, to reflect changing power system conditions. In the event the contractor fails or refuses to execute the initial metering and scheduling instructions or any revised instructions Western determines to be necessary, Western shall develop and implement temporary instructions until initially acceptable instructions have been developed and executed by Western and the contractor.

VIII. Ratesetting Procedures

In order to accomplish the requirements of the Act to market and Exchange Navajo Surplus "for the purposes of optimizing the availability of Navajo Surplus and providing financial assistance in the timely construction and repayment of construction costs of authorized features of the Central Arizona project," and the provisions, "That rates shall not exceed levels that allow for an appropriate saving for the contractor," rates for Navajo Surplus sales and Exchanges shall be established and modified in accordance with the following provisions:

A. Long-term capacity and energy described in section V.A shall be sold at rates which will provide financial assistance in the timely repayment of the CAWCD Advance to Reclamation, plus interest thereon, and repayment of costs of authorized features of CAP to be repaid by power revenues. The following rates do not exceed a level that will allow for an appropriate saving for the contractor. The rates shall be composed of a capacity rate and an energy rate calculated in the following manner:

1. The capacity rate will be fixed for the term of the Long-Term Peaking Sales Contract at (a) the Additional Rate Component established by CAWCD, plus (b) an amount which when added to the Additional Rate Component shall total $72 per kW-year. The annual rate of $72 per kW-year shall be billed to each contractor in a monthly amount of $6 per kW based on the amount of each contractor's capacity entitlement.

2. The energy rate will be based on the actual annual operating costs associated with the Navajo Entitlement in the prior Operating Year plus a charge for Western's costs associated with Navajo. The Western charge will be based on Western's actual costs of services performed under this Plan, including appropriate administrative expenses. The annual operating costs will be determined in a similar manner as the generation operating charge, generation energy charge, and transmission operating charge in the Layoff Contracts. The energy rate will be a mills per kWh rate calculated by dividing the total costs described above by the total annual kWh available to the United States in the same Operating Year. The energy rate will be applied monthly to each kWh delivered.

B. Long-term Exchanges described in section V.B. shall be Exchanged at a one-for-one energy Exchange rate plus the following charges, which do not exceed a level that will allow for an appropriate saving for the contractor.

1. The capacity rate described in paragraph A.1 of this section.
2. A charge for Western's cost associated with Navajo as described in paragraph A.2 of this section.
3. If a balance remains in favor of Western in the Exchange Energy Account at the close of any Operating Year, Western may require a settlement of the account in cash at 115 percent of the Navajo Surplus energy rate described in paragraph A.2 of this section.

C. For capacity and energy not scheduled at least 24 hours in advance as described in section V.E.7, the charge shall be $4,000 each occurrence of a request for an increse in delivery. This charge shall be in addition to the charges for capacity and energy described in paragraphs A and B of this section.

D. Capacity and energy described in sections V.C and V.D shall be sold at rates established by Western, after consultation with CAWCD and Reclamation. Such rates may include an Additional Rate Component.

E. Because of the Act's requirements for noncost-based rates, the rates established pursuant to this Plan are not suitable to the required review of Western's rates by the Federal Energy Regulatory Commission. All rates promulgated by the Administrator of Western under this Plan shall be a final act of the Secretary of Energy and shall be subject to review pursuant to the judicial review provided by the Administrative Procedure Act (5 U.S.C. 553, *et seq.*).

IX. Revenue Collection and Distribution

Western will bill and collect in accordance with the rates and charges for the sale or Exchange of Navajo Surplus, including the Additional Rate Component for CAWCD.

A. Western shall distribute all revenues collected from the application of the rates and charges in the following manner:

1. First, revenues will be deposited into the Lower Colorado River Basin Development Fund to pay all costs of operation and maintenance determined to be associated with the sale and Exchange of Navajo Surplus, including Western's costs.

2. Second, revenues derived from the collection of the Additional Rate Component by Western for CAWCD will be paid directly to CAWCD or its nominee for repayment and establishment of reserves for repayment of the CAWCD Advance to Reclamation plus interest thereon.

3. Third, any revenues remaining will be deposited into the Lower Colorado River Basin Development Fund to repay other CAP obligations.

B. In the event that the revenues and resulting funds available to make the

BEST COPY AVAILABLE

VOL 52 ISS 244 DEC 21 1987 UMI

repayments referenced in this Plan are insufficient for that purpose, the United States shall be under no obligation, by reason of this Plan, to supply funds to make up such insufficiency or to reduce any repayment obligations referenced in this Plan.

X. Effective Date

This Plan will become effective 30 days after publication in the **Federal Register** following adoption by the Secretary of the Interior.

XI. Consultation

This Plan is deemed most acceptable in accordance with section 107(c) of the Hoover Power Plant Act as evidenced by the concurrences below from the Western Area Power Administration (Secretary of Energy), the Governor of Arizona, and the Central Arizona Water Conservation District.

Adopted:

Dated: December 1, 1987.

D. Dale Duvall,

Commissioner of Reclamation.

Concurrences:

Western Area Power Administration:

William H. Clagett,

Administrator.

The State of Arizona:

Evan Mecham,

Governor.

Central Arizona Water Conservation District:

Rod J. McMullin,

President.

Appendix A—Resolution of the Board of Directors of the Central Arizona Water Conservation District

August 6, 1987.

Whereas, the proposed Navajo Power Marketing Plan includes, for purposes of the Arizona Power Authority's Final Hoover Power Marketing Plan of June 7, 1985, the recapture of Hoover Schedule B Capacity and Energy pursuant to the Authority's Final Hoover Power Marketing Plan for the benefit of the Central Arizona Water Conservation District ("CAWCD") (1) after October 1, 1991, if requested by CAWCD pursuant to the provisions of this Resolution, or (2) upon the Date of Initial Operation, but (3) not later than December 31, 1994; and

Whereas, in order to obtain Hoover Schedule B Capacity and Energy pursuant to the Authority's Final Hoover Power Marketing Plan, CAWCD must, among other requirements, deliver a written request to the Arizona Power Authority ("Authority") to recapture Hoover Schedule B Capacity and Energy after the Secretary of the Interior adopts the Navajo Power Marketing Plan; and

Whereas, the Authority's Final Hoover Power Marketing Plan provides that, upon compliance by CAWCD with the conditions of paragraph 5 of the Summary contained in the Authority's Final Hoover Power Marketing Plan and not later than 90 days after receipt of the written request for recapture from CAWCD, the Authority will issue the notice of recapture and it is assumed that the Authority will use its best efforts to issue such notice prior to the next quarterly advance, if any, required of CAWCD by the Plan Six Cost Sharing Agreement; and

Whereas, It is necessary and desirable to further define and clarify the circumstances under which CAWCD will request and the Authority will recapture Hoover Schedule B Capacity and Energy pursuant to the Authority's Final Hoover Power Marketing Plan for the benefit of CAWCD in order to promote wide support for the final Navajo Power Marketing Plan; and

Whereas, The proposed Navajo Power Marketing Plan prepared for the consideration of the Secretary of the Interior has been presented to the Board of Directors of the CAWCD for its approval, including Appendix A which contains this Resolution; and

Whereas, To the best of the knowledge of the Board of Directors of CAWCD, this Resolution is consistent with the obligations of CAWCD's Hoover Power Sales Contract with the Authority;

Now, therefore, be it resolved, That, subject to the adoption by the Secretary of the Interior of the Navajo Power Marketing Plan ("Plan") in substantially the form presented to the Board of Directors for its consideration on this date, the Board of Directors approves the terms and conditions thereof, including but not limited to the following resolutions.

Be it further resolved, That terms used in this Resolution which are defined in the Plan shall have the meanings ascribed to them in the Plan.

Be it further resolved, That CAWCD agrees that, except as provided in the next resolved clause herein, any written request for recapture delivered to the Authority by CAWCD prior to October 1, 1992, will be delivered only after Reclamation has determined that construction of New Waddell Dam has sufficiently advanced that the Date of Initial Operation is scheduled to occur within 27 months.

Be it further resolved, That CAWCD agrees that it will not, prior to October 1, 1989, deliver a written request for recapture to the Authority. CAWCD further agrees that any written request for recapture, not occasioned by a determination by Reclamation that construction of New Waddell Dam has sufficiently advanced that the Date of Initial Operation is scheduled to occur within 27 months, will be delivered to the Authority prior to October 1, 1992 only upon the occurrence of the events described in subsections a and b as follows:

a. CAWCD has advanced to the escrow account or subaccount for New Waddell Dam called for in the Plan Six Cost Sharing Agreement, and Congress has appropriated, funds collectively equivalent to seventy-two percent (72%) or more of the current estimated construction costs of $452.6 million for New Waddell Dam or CAWCD has advanced $110 million. Funds shall be considered appropriated by Congress for New Waddell Dam if actually spent, contractually obligated, or specifically designated in a Department of the Interior request that has resulted in appropriations legislation or continuing resolution passed by Congress and signed by the President. Funds shall be considered advanced by CAWCD when deposited in the escrow account or subaccount.

b. The CAWCD Board of Directors has formally determined in its sole discretion that, in order to continue to make the payments required of CAWCD by the Plan Six Cost Sharing Agreement, it is required that CAWCD issue or cause to be issued revenue bonds. In making this determination, the CAWCD Board will take into account revenues from Interim Plan sales and Plan sales of Navajo Surplus prior to recapture, effects of any renegotiation of the CAWCD contribution schedule in the Plan Six Cost Sharing Agreement, and the oral and written comments of interested parties delivered to CAWCD at and after a public meeting called for receiving such comments. The CAWCD Board will also take into account a reasonable reserve level and not more than the $17 million currently forecast for underground storage and recovery projects. Such dollar limit is not intended to limit the CAWCD Board from considering additional expenditures for such projects from other revenue sources.

Be it further resolved, That, in the event that CAWCD fails to advance at least $110 million of the $175 million required by the Plan Six Cost Sharing Agreement by the end of the schedule defined therein, or any extension thereof under the current terms of that Agreement, or any extension thereof hereafter negotiated, or Congress and CAWCD fail to appropriate and advance funds collectively equivalent to seventy-two percent (72%) or more of the current estimated construction costs of $452.6 million for New Waddell Dam, then CAWCD agrees that its amount of recapturable Hoover Schedule B Capacity and Energy shall be reduced in each Operating Year thereafter to an amount determined by multiplying (1) the total amount of Hoover Schedule B Capacity and Energy available to the Authority in that Operating Year under the Authority's contract with Western for electric service by (2) a fraction in which the numerator is the amount of total funds of the $175 million, exclusive of interest penalties and additional contributions, actually advanced by CAWCD and withdrawn by the United States, and the denominator is $175 million. The resulting reduced amount of recapturable Hoover Schedule B Capacity and Energy is hereinafter referred to as the "Reduced Recapturable Amount." In the event of such failure after recapture has been completed or partially completed, CAWCD shall, within 30 days, tender in each Operating Year thereafter a relinquishment to the Authority of such amounts of Hoover Schedule B Capacity and Energy as are being delivered and are determined by the above formula to be in excess of the Reduced Recapturable Amount. Each such relinquishment shall take effect and remain in effect when and so long as (1) CAWCD is relieved of its financial obligations to the Authority with respect to such relinquished Hoover Schedule B Capacity and Energy as provided in CAWCD's Hoover Power Sales Contract with the Authority, dated as of September 15, 1988 (including any amendments thereof), or (2) CAWCD is satisfactorily indemnified against such financial obligations. It is the intent of this Resolution that the "Eligible Entities," as defined in CAWCD's Hoover Power Sales Contract with the Authority, shall receive such amounts of Hoover Schedule B Capacity and Energy pursuant to section 30 of CAWCD's Hoover Power Sales Contract with the Authority as to total 14.04 percent (14.04%) of the Hoover Schedule B Capacity and Energy available to CAWCD under this Resolution and CAWCD's Hoover Power Sales Contract with the Authority.

I, the undersigned, as Secretary of the Central Arizona Water Conservation District, hereby certify that the foregoing is a true and correct copy of the resolutions duly adopted by the Board of Directors of the Central Arizona Water Conservation District at a meeting thereof, duly called and held on August 6, 1987, at which a quorum was present and acting throughout. I further certify that said resolutions have not been modified or revoked since their adoption and are still in full force and effect.

Signed this 8th day of August, 1987.

Marilyn H. Ronstadt,

Secretary.

[FR Doc. 87-29074 Filed 12-18-87; 8:45 am]

BILLING CODE 4310-09-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 7-87]

Privacy Act of 1974; Notice of New System

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is given that the Department of Justice, Special Counsel for Immigration-Related, Unfair Employment Practices (OSC), proposes to establish a new system of records entitled, "Central Index File and Associated Records, JUSTICE/OCS-001." This system is established to maintain investigatory and law enforcement records concerning charges filed with the OSC by or on behalf of persons alleging immigration-related employment discrimination. The system will also include charges filed with other law enforcement entities that have been referred to OSC pursuant to section 102 of the Immigration Reform Control Act of 1986 (8 U.S.C. 1324b) to provide relief for injured persons and to enforce the prohibition of immigration-related, unfair employment practices.

In the Proposed Rules Section of today's **Federal Register**, OSC also proposes to exempt portions of the system from subsection (c)(3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). The exemption is needed to protect ongoing investigations, as well as the privacy of third parties and the identities of confidential sources involved in such investigations.

Title 5 U.S.C. 552a(e) (4) and (11) provide that the public be provided a 30-day period in which to comment on the routine uses of a new system; the Office of Management and Budget (OMB), which has oversight responsibilities under the Act, requires that it be given a 60-day period in which to review the system. However, the Department has requested a waiver of the 60-day requirement.

Therefore, please submit any comments by January 20, 1988. The public, OMB and Congress are invited to send written comments to J. Michael Clark, Assistant Director, General Services Staff, Justice Management Division, Department of Justice, Room 6402, 601 D Street NW., Washington, DC 20530.

In accordance with Privacy Act requirements, the Department of Justice has provided a report on the proposed system to the Director, OMB, the President of the Senate, and the Speaker of the House of Representatives.

December 7, 1987.

Harry H. Flickinger,

Assistant Attorney General for Administration.

JUSTICE/OSC-001

SYSTEM NAME:

Central Index File and Associated Records, JUSTICE/OSC-001.

SYSTEM LOCATION:

U.S. Department of Justice, Special Counsel for Immigration-Related, Unfair Employment Practices (OSC), 1100 Connecticut Avenue, NW., Washington, DC 20036 and Federal Records Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

These persons may include: Subjects of investigations, victims, potential witnesses and representatives on behalf of individuals and other correspondents on subjects directed or referred to OSC in potential or actual cases and matters of concern to OSC.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of (1) alphabetical indices bearing names of the individuals identified above and (2) the associated record to which the indices relate containing the general and particular records of all OSC correspondence, cases, matters, and memoranda, including but not limited to investigative reports, correspondence to and from OSC, internal memoranda, legal papers, evidentiary materials and exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 8 U.S.C. 1324b; and 29 CFR Part 44.

PURPOSE OF THE SYSTEM:

This system has been established to maintain investigatory and law enforcement records concerning charges filed with OSC by or on behalf of individuals alleging immigration-related employment discrimination. The system also contains charges filed with other law enforcement entities that have been referred to OSC pursuant to section 102 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1324b) to provide

VOL 52 ISS 244 DEC 21 1987 UMI

relief for injured parties and to enforce prohibition of immigration-related, unfair employment practices.

Employees and officials of the Department may access the system to make decisions in the course of investigations and legal proceedings; to assist in preparing responses to correspondence from persons outside the Department; to prepare budget requests and various reports on the work product of OSC; and to carry out any other authorized internal duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) A record relating to a possible or potential violation of law may be disseminated to the appropriate Federal, State or local agency charged with the responsibility to enforce or implement such law; (2) in the course of an investigation or litigation of a case or matter, a record may be disseminated to a Federal, State or local agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information or has the expertise in an official or technical capacity to analyze information relating to the investigation, trail or hearing and the dissemination is reasonably necessary to elicit such information or expert analysis or to obtain the cooperation of a prospective witness or informant; (3) a record relating to a case or matter, or any facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which OSC is authorized to appear, when the United States, or any agency or subdivision thereof, is a part of litigation or has an interest in litigation and such records are determined by OSC to be arguably relevant to the litigation; (4) a record relating to a case or matter may be disseminated to an actual or potential party of litigation or the party's attorney (a) to negotiate or discuss such matters as settlement of the case or matter or (b) to conduct a formal or informal discovery proceeding; (5) a record relating to a case or matter that has been referred to OSC for investigation may be disseminated by OSC to referring agencies to notify such agency of the status of the case or matter or of any determination that has been made; (6) a record may be disseminated to the United States Commission on Civil Rights in response to its request and pursuant to 42 U.S.C. 1975d; (7) a record may be disseminated to volunteer student workers and students working under a work-study program as is necessary to enable them to perform their assigned duties; (8) information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case could reasonably be expected to constitute an unwarranted invasion of personal privacy; (9) information in the system may be disclosed as is necessary to respond to inquiries by Members of Congress on behalf of individual constituents that are subjects of OSC records; and (10) records may be disclosed to the National Archives and Records Administration and to the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Information in this system is stored on index cards, in file jackets, and on computer disks or tapes.

RETRIEVABILITY:

Entries are arranged alphabetically and are retrieved from the computer by names of the individuals covered by this system of records. Information may also be retrieved from file jackets by an assigned number appearing in the manual index.

SAFEGUARDS:

Information in manual and computer form is safeguarded and protected in accordance with applicable Department security regulations for systems of records. Only those employees with the need to know in order to perform their duties will be able to access the information. Access to records in the computer system is restricted through use of password encryption; access to both the manual and computer system is restricted by locks on storage facilities.

RETENTION AND DISPOSAL:

Records are maintained in the system while current and required for official Government use. When no longer needed on an active basis, the paper files are transferred to the Federal Records Center, Suitland, Maryland, and some records are transferred to computer tape and stored in accordance with Departmental security regulations for systems of records. A request for Records Disposition Authority is pending approval of the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Special Counsel for Immigration-Related, Unfair Employment Practices, U.S. Department of Justice, Post Office Box 65490, NW, Washington, DC 20035.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager listed above.

RECORDS ACCESS PROCEDURES:

Part of this system is exempted from this requirement under 5 U.S.C. 552a(k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access shall be made in writing, with the envelope and letter clearly marked "Privacy Access Request." Include in the request the full name of the individual, his or her current address, date and place of birth, notarized signature (28 CFR 16.41(b)), the subject of the case or matter as described under "categories of records in the system," and any other information which is known and may be of assistance in locating the records, such as the name of the immigration-related employment discrimination case or matter involved, where and when the discrimination occurred, and the name of the judicial district involved. The requester will also provide a return address for transmitting the information. Access requests should be directed to the System Manager listed above.

CONTESTING RECORDS PROCEDURES:

Individuals desiring to contest or amend information should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORDS SOURCE CATEGORIES:

Sources of information contained in this system include the individual covered by the system and may include any agency or person who has provided (or has offered to provide) information related to the law enforcement responsibilities of OSC.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted parts of this system from subsections (c)(3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

[FR Doc. 87-2913 Filed 12-18-87; 8:45 am]
BILLING CODE 4410-01-M

[AAG/A Order No. 9-87]

Privacy Act of 1974; Notice of New System

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is given that the Department of Justice, Special Counsel for Immigration-Related, Unfair Employment Practices (OSC), proposes to establish a new system of records entitled, "Correspondence Relating to Immigration-Related, Unfair Employment Practices from Persons Outside the Department of Justice, JUSTICE/OSC-002." The purpose of this system is to maintain records of correspondence pertaining to immigration-related employment discrimination from persons outside the Department and copies of OSC responses to the correspondence.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be provided a 30-day period in which to comment on the routine uses of a new system; the Office of Management and Budget (OMB), which has oversight responsibilities under the Act, requires that it be given a 60-day period in which to review the system. However, the Department has requested a waiver of the 60-day requirement.

Therefore, please submit any comments by January 20, 1988. The public, OMB and Congress are invited to send written comments to J. Michael Clark, Assistant Director, General Services Staff, Justice Management Division, Department of Justice, Room 6402, 601 D Street NW., Washington, DC 20530.

In accordance with Privacy Act requirements, the Department of Justice has provided a report on the proposed system to the Director, OMB, the President of the Senate, and the Speaker of the House of Representatives.

Dated: December 7, 1987.

Harry H. Flickinger,

Assistant Attorney General for Administration.

JUSTICE/OSC-002

SYSTEM NAME:

Files on Correspondence Relating to Immigration-Related, Unfair Employment Practices from Persons Outside the Department of Justice, JUSTICE/OSC-002.

SYSTEM LOCATION:

U.S. Department of Justice, Special Counsel for Immigration-Related, Unfair Employment Practices (OSC), 1100 Connecticut Avenue, NW., Washington, D.C. 20536 and Federal Records Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who communicate in writing, in person or by telephone, who are filing complaints, requests for information or action; or individuals who are providing expressions of opinion regarding immigration-related, unfair employment matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains original correspondence regarding immigration-related, unfair employment matters and responses thereto. The system may also contain cover letters or notes to Department attorneys or other employees from Department personnel referring or commenting on correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 8 U.S.C. 1324b; and 28 CFR Part 44.

PURPOSE OF THE SYSTEM:

The purpose of this system is to maintain records of correspondence pertaining to immigration-related employment discrimination from persons outside the Department and copies of the OSC responses to the correspondence.

Employees and officials of the Department may access the system to ensure proper disposition of incoming mail; to determine the status and content of responses to correspondence; to respond to inquiries from OSC personnel, Office of Legislative Affairs, and from Congressional offices regarding the status of correspondence; to prepare budget requests and various reports on the work product of OSC; and to carry out any other authorized internal duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) A record relating to a case or matter, or any facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which OSC is authorized to appear, when the United States, or any agency or subdivision thereof, is a part of litigation or has an interest in litigation and such records are determined by OSC to be arguably relevant to the litigation; (2) a record relating to a case or matter may be disseminated to an actual or potential party of litigation or the party's attorney (a) to negotiate or discuss such matters as settlement of the case or matter or (b) to conduct a formal or informal discovery proceeding; (3) a record may be disseminated to volunteer student workers and students working under a work-study program as is necessary to enable them to perform their assigned duties; (4) information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy; (5) information may be disclosed as is necessary to respond to inquiries by Members of Congress on behalf of individual constituents that are subjects of OSC records; and (6) records may be disclosed to the National Archives and Records Administration and to the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in the system is stored on index cards, in file jackets, and on computer disks or tapes.

RETRIEVABILITY:

Entries are arranged alphabetically and are retrieved from the computer by names of the individuals covered by this system of records. Information may also be retrieved from file jackets by an assigned number appearing in the manual index.

SAFEGUARDS:

Information in manual and computer form is safeguarded and protected in accordance with applicable Department security regulations for systems of records. Only those employees with the need to know in order to perform their duties will be able to access the information. Access to the records in the computer system is restricted by use of password encryption; access to records in both the manual and computer system is restricted by locks on storage facilities.

RETENTION AND DISPOSAL:

Citizen correspondence unrelated to matters within the jurisdiction of OSC is destroyed after appropriate disposition and within ninety days from the date of the correspondence. All other records are disposed of in accordance with General Records Schedule 14, items 3, 4, and 7.

SYSTEM MANAGER(S) AND ADDRESS:

Special Counsel for Immigration-Related, Unfair Employment Practices, U.S. Department of Justice, Post Office Box 65490, NW., Washington, DC 20035.

NOTIFICATION PROCEDURE:

Same as above.

RECORDS ACCESS PROCEDURES:

Direct the request to the system manager listed above. Clearly mark the envelope and letter "Privacy Access Request;" provide the full name and notarized signature of the individual who is the subject of the record, his/her date and place of birth, or any other identifying number or information which may assist in locating the record; and a return address.

CONTESTING RECORDS PROCEDURES:

Individuals desiring to contest or amend information should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORDS SOURCE CATEGORIES:

Sources of information contained in this system are the original correspondents, persons acting on behalf of original correspondents, and employees and officials of the Department responsible for the disposition of the correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 87-29130 Filed 12-16-87; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act; Annual Status Report for Titles II-A and III Programs

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed revisions to the Annual Status Report; request for comments.

SUMMARY: The Department of Labor is requesting comments on proposed changes to the Job Training Partnership Act Annual Status Report for Titles II-A and III programs. The proposed revisions extend and update the reporting system in order to provide data for improved adjustments to the new youth employability enhancement and postprogram performance standards introduced in Program Year 1988, to more adequately identify more difficult-to-serve portions of the JTPA population, and to collect information on SDA-level funding availability.

DATE: Comments must be submitted on or before January 15, 1988.

ADDRESS: Comments should be addressed to the Assistant Secretary of Labor for Employment and Training, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Attention: Karen Greene. Comments should also be sent to the OMB reviewer, James Mason: Telephone: (202) 395-6880; Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Karen Greene. Telephone (202) 535-0687.

SUPPLEMENTARY INFORMATION: The Department of Labor is proposing changes in the JTPA Annual Status Report (JASR). The proposed revisions have been forwarded to the Office of Management and Budget for review pursuant to the provisions of the Paperwork Reduction Act. The Department is also publishing the proposed revisions in the Federal Register in order to obtain broad comment on the Department's intended reporting requirements for Program Year 1988. Upon completion of the OMB review, the Department will notify the JTPA system of any resulting changes or adjustments.

A. Authority and Purpose of the JTPA Annual Reporting Requirements

Reporting instructions are necessary to comply with the Job Training Partnership Act's (JTPA's) provisions regarding the Secretary's responsibilities and authority for setting performance standards and for recordkeeping and reporting as indicated below.

- Section 106—*Performance Standards.* This section directs the Secretary to prescribe standards for adult and youth programs under Title II-A and dislocated worker programs under Title III. To set performance standards, the Secretary must have data on performance. In addition, this section directs the Secretary to establish parameters within which governors may vary standards for service delivery areas (SDAs) based on local economic factors, the characteristics of the population to be served and the types of services provided. The Departmental adjustment approach, that satisfies these parameter criteria, requires data collection on those factors that have a significant effect on performance and vary sufficiently across SDAs to warrant an adjustment to standards.
- Section 165—*Reports, Recordkeeping, and Investigations.* This section requires federal grant recipients to maintain records and report information regarding program performance as specified by the Secretary. This section also requires reporting of expenditures at a level adequate to ensure statutory compliance.
- Section 160—*Administrataive Provisions.* The Secretary is directed at (d) (1) to submit an annual report to the Congress summarizing th achievements of the program. Such a report will include data on program performance.

These proposed revisions are intended to extend and update the reporting system. The justification for having reporting at the service delivery area (SDA) level has not changed since the initial establishment of the reporting requirements, namely:

- Date on program performance, participant characteristics and local economic conditions must be available at the SDA level to set standards.
- Federal reporting is the most cost effective method for collecting program performance and participant characteristics. In addition, such a system ensures the consistency of the data across SDAs.
- Without SDA-level data, objective and defensible local standards cannot be set, because the effects on performance of varying local conditions cannot be systematically predicted.

B. Reasons for the Revisions

These revisions are being proposed for several reasons:

- Whether JTPA programs are serving the more difficult-to-serve has been the subject of increasing concern. Identifying more adequately those participants with the most severe barriers to employment and adjusting the performance standards for varying levels of service to these groups will address this concern.
- Attainment of youth employment competencies is an integral part of the employability enhancement outcome. Yet, unlike other program outcomes, competency attainments are locally defined, lack comparability across SDAs and are subject to much systemwide criticism. Two changes are proposed that maintain local flexibility in prescribing specific competencies, while responding to the lack of reporting consistency: (1) Increase the number of skill areas required for reporting a competency attainment to two out of the three skill areas. This ensures that every youth counted as a competency attainment has received either basic education or job specific skills training. (2) Establish minimum criteria for reporting competency attainment in pre-employment/work maturity—the skill area subject to the most variability. (3) For clarification the seven components of a "sufficiently developed" youth employment competency system are delineated.
- Program costs and competency attainments differ widely depending on whether youth are enrolled in pre-employment/work maturity, basic skills and/or job specific skill programs. Reporting of attainments by individual skill areas will enable the Department to improve its adjustment models by accounting for differences in youth employment competency strategies.
- Whether SDAs are underexpending JTPA funds, particularly in youth programs, is an issue of statutory compliance and programmatic concern. More precise reporting of net funds available to SDAs will yield improved information on SDA-level expenditure rates.

C. Proposed Changes

The Department is proposing the following additions to the JTPA Annual Status Report:

Performance Outcomes

- Youth Placed Who Also Attained A Youth Employability Enhancement.

A subset of entered employment needed to calculate the proposed youth performance measure—the rate of employability enhancements.

- Completed Program Objectives (14–15 year olds).

A subset of employability enhancement added to document those youth who attain positive outcomes in specialized early intervention programs.

Barriers to Employment

- Minimal Work History (no job over 3 months for the same employer in last 5 years).
- Reading Skills Below the 7th Grade Level.
- Long-Term AFDC Recipient (24 or more months).

These three elements identify those harder-to-serve in the JTPA population. Research supports that serving participants with long welfare histories, little or no work experience and deficits in basic skills significantly lowers employment and average wage while raising costs.

Program Expenditures

- Total Available Federal Funds.
- Incentive Grants (Title II-A only).

Will provide the only source of sub-State allocation information necessary to analyze expenditure levels and how incentives may influence under-expenditure problems.

Youth Competency Attainment

- Attained Any Competency Area.
- Pre-Employment/Work Maturity Skills.
- Basic Education Skills
- Job Specific Skills

Will be used to develop adjustments to youth standards that account for differences in local youth employment competency programs.

The Department is proposing the following clarifications and redefinitions:

- Attained PIC-Recognized Youth Competency.

Redefined as total number of youth at termination who have demonstrated proficiency in at least two skill areas in which the terminee was deficient at enrollment.

- Follow-up earnings question.

Earnings question is split into two questions on "hours worked and hourly pay". Resulting information will be more accurate than simply inquiring about "earnings".

- Appendix B: Youth Employment Competencies.

The seven elements of a "sufficiently developed" youth employment competency system are moe fully described enabling States to monitor their local youth competency programs for procedural comparability when reporting attainments. Minimum requirements for the reporting of attainments in the pre-employment/work maturity skill area are also proposed to ensure more substantive consistency in a skill area subject to great variation within and among States.

Some changes are recommended which have no policy implications, but reduce the number of elements on the form. For example, the following three subsets of youth employability enhancements are combined into one outcome:

- Entered Non-Title II Training.
- Returned to Full-Time School.
- Completed Major Level of Education.

The method of data collection and reporting will not be changed as a result of these revisions. The data collected from these reports (1) enable the Secretary to establish performance standards at the national level, (2) allow Governors to adjust standards for SDAs and (3) provide Governors with a basis for measuring performance against the standards.

Most of the additional reporting items and redefinitions directly relate to the Department's focus on increasing service to those youth who are at risk of chronic unemployment. The proposed new youth measure allows SDAs to receive credit for statutorily mandated youth outcomes that were previously understated in the performance management system. The definitional change in the reporting of attained youth competencies not only ensures greater consistency in reporting SDA employability enhancement performance, but also addresses systemwide concern about the varying quality of youth competency training. Knowledge of reading deficiencies should lead to an increase in the provision of basic educational services as part of the current training programs. Tracking of attained competencies by individual skill areas will provide critical programmatic information that will improve furure modeling adjustments.

The remaining proposed reporting additions are participant characteristics that identify those facing serious barriers to employment. Without nationwide data, the Department is unable to document the extent to which JTPA is serving those most in need of employment and training assistance. More importantly, the optional adjustment model used by most States to set SDA performance standards cannot adequately account for the severity of client needs or the difficulty in providing service to severely disadvantaged participants. Without holding SDAs harmless for serving the most disadvantaged, there are strong incentives for programs to serve the most employable in order to exceed their standards.

D. Public Comment

In the development of these proposed revisions, meetings were held between June and October to obtain feedback from individuals from all sectors of the JTPA system regarding actual field experiences. In all, over 60 State and local policy makers, administrators, technicians and service providers, and other interested individuals participated in the various discussions held on the proposed revisions. This request for comment is another important part of that process.

The Secretary especially requests comments on whether data on additional barriers to employment (minimal work history, reading skills below the 7th grade level, and long-term AFDC recipient should be collected on every participant as part of the Federal data system.

E. Cost to the System

The changes included in this request are not expected to increase the reporting burden for SDAs, since most of

VOL 52 ISS 244 DEC 21 1987 UMI

the information is either already being collected at the local level or involves self-reporting by the participants at program entry. The possible exception is the collection of participant reading level skills below the 7th grade. The collection of participant reading skill level may involve procedures which SDAs are not currently undertaking. An estimated 25% of all JTPA participants are already being assessed for reading, either through enrollment in a classroom training program, in Title II–B where assessment for reading and math is required, or in those SDAs that require universal assessment. Programs serving students and some post high school attendees may use school records. Therefore, many participants are not expected to require assessment or contribute to additional data collection costs. Although costs of assessment may vary, using an average cost of $2.00 per test for the remaining 55% of JTPA enrollees or approximately $430,000 participants, results in an additional cost of $860,000 nationally.

F. OMB Submission

The document appended to this notice has been submitted to OMB for review under the Paperwork Reduction Act as a revision to a currently approved information collection system.

Signed at Washington, DC, this 16th day of December 1987.

Roberts T. Jones,

Acting Assistant Secretary for Employment and Training.

Appendix—JTPA Annual Status Report (JASR)

1. Purpose

The JTPA Annual Status Report (JASR) displays cumulative data on participation, termination, performance measures and the socio-economic characteristics of all terminees on an annual basis. The information will be used to determine levels of program service and performance measures. Selected information will be aggregated to provide quantitative program accomplishments on a local, State, and national basis.

2. General Instructions

The Governor will submit: (1) A combined Statewide JASR for Title II Formula and National Reserve (Column D only) and (2) for Title II–A (Columns A–C) a separate JASR for *each* designated Service Delivery Area (SDA). (A Statewide summary of these SDA data need not be submitted.) Grantees may determine whether the reports are submitted on JASR forms or as a computer printout, with data, including signature and title, date signed and telephone number, arrayed as indicated on the JASR form. If revisions are made to the JASR data after the reporting deadline, revised copies of the JASR should be submitted to DOL as soon as possible according to the required reporting procedures.

Note.—For JASR reporting purposes, Title II–A shall refer to programs operated with funds authorized under section 202(a) of the Act or otherwise distributed by the Governor under section 202(b)(3) (six percent) of the Act—incentive grants for service to the hard-to-serve and programs exceeding performance standards. Do not include data on (six percent) funds authorized under section 202(b)(3) for technical assistance. Participants and expenditures under Title I, section 123 (8%) and 124 (3%), and expenditures under Title II, section 202(b)(4) (five percent) and any participants, if applicable, are likewise excluded from the JASR.

Note.—Participant and expenditure information under Title II–B, Summer Youth Employment and Training Program (SYETP), is also excluded from the JASR.

SDAs should not terminate from Title II–A *youths* who participate in the Title II–B Summer Program unless they are not expected to return to Title II–A for further employment, training and services.

If these youths receive concurrent employment, training and/or services under both Titles II–A and II–B, they are to be considered participants in both titles for purposes of recording actual number of weeks participated, dollars expended, and other pertinent data.

If, however, these youths do not receive Title II–A employment, training and/or services while participating in Title II–B, this period is *not* to be included in the calculation of actual number of weeks participated in Title II–A at Line 30, Column C.

The reporting period begins on the starting data of each JTPA program year, as stated in section 161 of the Act. Reports are due in the national and regional offices no later than 45 days after the end of each program year. Two copies of the JASR are to be provided to: Employment and Training Administration, U.S. Department of Labor, ATTN: TSVR—Rm. S–5306, 200 Constitution Avenue NW., Washington, DC 20210.

At the same time an additional copy of the JASR it is to be provided to the appropriate Regional Administrator for Employment and Training in the DOL regional office that includes the State in which the JTPA recipient is located.

3. Facsimile of Form.

See the following page.

4. Instructions for Completing the JTPA Annual Status Report (JASR)

a. *State/SDA Name, Number and Address.* Enter the name and address of the State agency that will administer the grant recipient's program (Title III report). Enter the name, *ETA assigned SDA number* and address of the designated SDA subrecipient, as appropriate (Title II–A report).

b. *Report Period.* Enter in "From" the beginning date of the designated JTPA program year and enter in "To" the ending date of that program year.

c. *Signature and Title* (at bottom of the page). The authorized official signs here and enters his/her title.

d. *date Signed.* Enter the date the report was signed by the authorized official.

e. *Telephone Number.* Enter the area code and telephone number of the authorized official.

5. General Information

For purposes of the JASR, the Total Adults and Adults (Welfare) columns will include terminees age 22 years and older. Thus, the column breakouts are based strictly on age rather than on program strategy. The youth column will include terminees who were age 14–21 at the time of elgibility determination. The Dislocated Workers column may include adults and youth, as applicable.

Unless otherwise indicated, data reported on characteristics of terminees should be based on information collected at the time of eligibility determination.

Characteristics Information Obtained on an Individual at the Time of Elibibility Determination for the Recipient's JTPA Program Should Not be Updated When the Individual Terminates From the JTPA Program.

Column Headings

Column A *Total Adults*

This column will contain an entry for each appropriate item for *all* adult participants in Title II–A only.

Column B *Adults (Welfare)*

This column will contain an entry for each appropriate item for adult participants in Title II–A who were welfare recipients or whose family received cash payments under AFDC (SSA Title IV), General Assistance (State or local government), or the Refugee Assistance Act of 1980 (PL 96–212) at the time of JTPA eligibility determination. For reporting and performance standards purposes, exclude those individuals who receive only SSI (SSA Title XVI) from entries in Column B.

Note.—Column B is a sub-breakout of Column A; therefore, Column B should be less than or equal to Column A for each line entry.

Column C *Youth*

This column will contain an entry for each appropriate item for all participants, aged 12–21, in Title II–A only.

Column D *Dislocated Workers*

This column will contain an entry for each appropriate item for *all* participants in Title III who were determined to be eligible dislocated workers.

Note.—Columns A, B, and C apply to Title II–A only. Column D applies to Title III only. All information regarding a given participant must be entered in the same column, e.g., Column C for a youth in Title II–A.

The sum of the entries (all SDAs in a State) in Columns A and C, Item I.A., Total Participants, of the JASR should equal the entry in Column A, Item III.A.1., Total Participants, of the JSSR, for the same recipient, that includes the final quarter of the same program year. The entry in Column D, Item I.A. of the Statewide JASR for Title III should be the sum of the entries in Columns B and C, Item III.A. of the JSSR, for the same recipient, that includes the final quarter of the same program year for the same grant.

The sum of the entries (all SDAs in a State) in Column A and C, Item I.B., Total Terminations, of the JASR should equal the entry in Column A, Item III.B.1., Total Terminations, of the JSSR, for the same recipient, that includes the final quarter of the same program year. The entry in Column D, Item I.B. of the statewide JASR for Title III should be the sum of the entries in Columns B and C, Item III.B. of the JSSR, for the same recipient, that includes the final quarter of the same program year for the same grant.

Section I—Participation and Termination Summary

Section I displays the program's accomplishments in terms of the total cumulative number of participants in the program and the number and types of terminations from the program, as of the end of the reporting period.

Entries for Items I.A. and I.B. are cumulative from the beginning of the program year through the end of the reporting period.

Item I.A.—Total Participants

Enter by column the total number of participants who are or were receiving employment, training or services (except post-termination services) funded under that program title through the end of the reporting period, including both those on board at the beginning of the designated program year and those who have entered during the program year. If individuals receive concurrent employment, training and/or services under more than one title, they are to be considered participants in both titles for purposes of recording actual number of weeks participated, dollars expended, and other pertinent data.

"Participant" means any individual who has: (1) Been determined eligible for participation upon intake; and (2) started receiving employment, training, or servcies (except post-termination services) funded under the Act, following intake. Individuals who receive *only* outreach and/or intake and initial assessment services or postprogram follow-up are excluded.

Participants who have transferred from one title to another, or between programs of the same title, should be recorded as terminations from the title or program of initial participation and included as participants in the title or program into which they have transferred.

Item I.B.—Total Terminations

Enter by column the total number of participants terminated after receiving employment, training, or services (except post-termination services) funded under that program title, for any reason, from the beginning of the program year through the end of the reporting period. This item is the sum of Items I.B.1. through I.B.3.

"Termination" means the separation of a participant from a given title of the Act who is no longer receiving employment, training, or services (except post-termination services) funded under that title.

Note.—Individuals may continue to be considered as participants for a single period of 90 days after last receipt of employment and/or training funded under a given title. During the 90-day period, individuals may or may not have received services. For purposes of calculating average weeks participated, this period between "last receipt of employment and/or training funded under a given title" and actual date of termination is defined as "inactive status" and is not to be included in Line 30.

Item I.B.1.—Entered Unsubsidized Employment

Enter by column the total number of participants who, at termination, entered full- or part-time unsubsidized employment through the end of the reporting period. Unsubsidized employment means employment not financed from funds provided under the Act and includes, for JTPA reporting purposes, entry into the Armed Forces, entry into employment in a registered apprenticeship program, and terminees who became self-employed.

Item I.B.1.a.—Also Attained Any Youth Employability Enhancement

Enter the total number of youth who (1) entered unsubsidized employment, Item I.B.1., and (2) *also* attained any one of the five youth employability enhancements (as defined in Item I.B.2. below). *This item is a sub-breakout of Item I.B.1.*

Item I.B.2.—Youth Employability Enhancement Terminations

Enter the total number of youth who were terminated under one of the Youth Employability Enhancements through the end of the report period. "Youth Employability Enhancement" means an outcome for youth, other than entered unsubsidized employment, which is recognized as enhancing long-term employability and contributing to the potential for a long-term increase in earnings and employment. Outcomes which meet this requirement shall be restricted to the following: (1) Attained PIC-Recognized Youth Employment Competencies (two or more); (2) Entered Non-Title II Training; (3) Returned to Full-Time School; (4) Completed Major Level of Education; or (5) Completed Program Objectives (14–15 year olds).

Note.—For reporting purposes, *a youth shall not be counted in this item, if s/he entered unsubsidized employment,* and shall be counted in only *one* of these categories, even though more than one outcome may have been achieved.

Item I.B.2.a.—Attained PIC-Recognized Youth Employment Competencies

Enter the total number of youth who, at termination, have demonstrated proficiency as defined by the PIC in two or more of the following three skill areas in which the terminee was deficient at enrollment: pre-employment/work maturity, basic education, or job-specific skills. Competency gains must be achieved through program participation and be tracked through sufficiently developed systems that must include: quantifiable learning objectives, related curricula/training modules, pre- and post-assessment, employability planning, documentation, and certification. This item is a sub-breakout of Item I.B.2.

Note.—Termination of participants who received basic education skills and/or job specific skills training funded under 8% programs may be counted under this item as long as they were first enrolled in a youth employment competency system operated under 78% funds.

Appendix B defines the minimal structural and procedural elements of a

sufficiently developed youth employment competency system as well as the minimal requirements for ensuring consistency in the reporting of competency attainment in the pre-employment/work maturity skill area.

Item I.B.2.b.—Completed Program Objectives (14–15 year olds)

Enter the total number of youth (ages 14 and 15 only) who, at termination, had completed a program objective. This item is a sub-breakout of Item I.B.2.

Note.—For Column C, (1) Item I.B.2.b. cannot be greater than Item II.3., (2) the sum of Items I.B.2.a. and I.B.2.b. cannot be greater than Item I.B.2. and (3) Item I.B.1. plus Item I.B.2. plus Item I.B.3. must equal Item I.B.

Item I.B.3.—All Other Terminations

Enter by column the total number of participants who were terminated for reasons other than those in Items I.B.1. and I.B.2., successful or otherwise, through the end of the reporting period. *Include intertitle transfers here.*

Section II—Terminee Performance Measures Information

Section II displays performance measures/parameters information. As indicated previously, data reported on characteristics of terminees should be based on information collected at time of eligibility determination unless otherwise indicated.

Governors may develop any participant record which meets the requirements of § 629.35(c) and (d) of the JTPA regulations. The DOL/ETA *Technical Assistance Guide: The JTPA Participant Record,* dated May 1983, may be used as a reference.

Line Item Definitions and Instructions

Sex

Line 1 Male
Line 2 Female

Distribute the terminees by column according to Sex. The sum of Lines 1 and 2 in each column should equal Item I.B. in that column.

Age

Line 3 14–15
Line 4 16–17
Line 5 18–21
Line 6 22–29
Line 7 30–54
Line 8 55 and over

Distribute the terminees by column according to Age. The sum of Lines 3 through 8 in each column should equal Item I.B. in that column.

Education Status

Line 9 School Dropout
Line 10 Student
Line 11 High School Graduate or Equivalent (No Post-High School)
Line 12 Post-High School Attendee

Distribute the terminees by column according to Education Status. The sum of Lines 9 through 12 in each column should equal Item I.B. in that column.

Family Status

Line 13 Single Head of Household with Dependent(s) Under Age 18.

Enter the total number of terminees by column for whom the above Family Status Classification applies.

Race/Ethnic Group

Line 14 White (Not Hispanic)
Line 15 Black (Not Hispanic)
Line 16 Hispanic
Line 17 American Indian or Alaskan Native
Line 18 Asian or Pacific Islander

Distribute the terminees by column according to the Race/Ethnic Groups listed above. For purposes of this report, Hawaiian Natives are to be recorded as "Asian or Pacific Islander". The sum of Lines 14 through 18 in each column should equal Item I.B. in that column.

Other Barriers to Employment

Line 19 Limited English Language Proficiency
Line 20 Handicapped
Line 21 Offender
Line 22 Minimal Work History
Line 23 Reading Skills Below 7th Grade
Line 24 Long-Term AFD Recipient

Enter the total number of terminees by column for whom each of the above Other Barriers to Employment apply.

U.C. Status

Line 25 Unemployment Compensation Claimant

Enter the total number of terminees by column for whom the above Unemployment Compensation Status classification applies.

Labor Force Status

Line 26 Unemployed: 15 or More Weeks of Prior 26 Weeks
Line 27 Not in Labor Force

Enter the total number of terminees by column for whom each of the above Labor Force Status classifications apply.

Welfare Grant Information

Line 28 Welfare Grant Type: AFDC
Line 29 GA/RCA

Distribute by column the total number of adult and youth welfare terminees who, at eligibility determination, were receiving (or whose family was receiving) cash payments under AFDC (SSA Title IV), GA, General Assistance (State or local government) or RCA (Refugee Cash Assistance) of the Refugee Assistance Act of 1980 (PL 96–212). If a welfare recipient terminee (or his/her family) received AFDC cash payments, include such terminee on Line 28. A welfare recipient termineee (or his/her family) who received cash payments under GA and/or RCA, but *not* AFDC, should be included on Line 29. The sum of Lines 28 and 29 in Column B, Adults (Welfare), should equal Item I.B. in that column. The sum of Lines 28 and 29 in Column C, Youth, should be the same as or less than Item I.B. in that column.

Other Program Information

Line 30 Average Weeks Participated

Enter by column the average number of weeks of participation in the program for all terminees. Weeks of participation include the period from the date an individual becomes a participant in a given title through the date of a participant's last receipt of employment and/or training funded under that title. Exclude the period of up to 90 days during which an individual may remain in an inactive status prior to termination. Time in inactive status for all terminees should not be counted toward the actual number of weeks participated. Inactive status is defined as that period between "last receipt of employment and/or training funded under a given title" and actual date of termination. See note at Item I.B.

To calculate this entry: Count the number of days participated for each terminee, including weekends, from his/her date of entry into the program until his/her last receipt of employment and/or training. For those who receive services only, use date of last receipt of such services. Divide this result by 7. This will give the number of weeks participated for that terminee. Sum all the terminees' weeks of participation and divide the result by the number of terminees, as entered (by column) in Item I.B. This entry should be reported to the nearest whole week.

Line 31 Average Hourly Wage at Termination

Enter by column the average hourly wage at termination for the total number of terminees in Item I.B.1.

To calculate this entry: Sum the hourly wage at termination for all the terminees shown in Item I.B.1. Divide the result by the number of terminees shown in Item I.B.1.

Hourly wage includes any bonuses, tips, gratuities and commissions earned.

Line 32 Total Program Costs (Federal Funds)

Enter the total accrued expenditures, through the end of the reporting period, of the funds allocated to SDAs under section 202(a) of the Act or otherwise distributed by the Governor to SDAs under section 202(b)(3)—incentive grants for services to the hard-to-serve and programs exceeding performance standards— for Title II–A programs in Columns A and C (includes costs of services to participants aged 14–21), as appropriate, for *all* participants served. Do not include expenditures on funds authorized under section 202(b)(3) for technical assistance. Exclude expenditures under Title I sections 123 (8%) and 124 (3%) and Title II section 202(b)(4) (5%). Enter the total accrued expenditures of Title III funds received by the Governor under section 301 of the Act in Column D only, for *all* Title III participants served through the end of the reporting period. Include expenditures of Federal funds only, both Formula and Discretionary National Reserve.

Note: Entries will be made to the nearest dollar. The JASR program cost data will be compiled on an accrual basis. If the recipient's accounting records are not normally maintained on an accrual basis, the accrual information should be developed through an analysis of the records on hand or on the basis of best estimates.

The sum of the entries in Columns A and C, Line 32, Total Program Costs, of the JASR (i.e., total for the State's SDAs under Title II–A) should equal the entry in Column A, Item I.A.1., Total Program Expenditures, of the JSSR, and the entry in Column C, Line 32 of the JASR should equal the entry in Column A, Item II. of the JSSR, for the same recipient, that includes the final quarter of the same program year. The entry in Column D, Line 32, of the Statewide JASR for Title III should be the sum of the entries in Columns B and C, Item I.A. of the JSSR, for the same recipient, that includes the final quarter of the same program year for the same grant.

Line 33 Total Available Federal Funds

Enter the total Federal funds available for the Title II–A or Title III program described on this report including (1) unexpended funds carried over from previous program years, (2) funds allocated or awarded for this program year, and (3) any reallocation that *increased or decreased* the amount of funds available for expenditure through the end of this reporting period. Enter *all* Title II–A funds (Adults and Youth) in Column A and all Title III funds in Column D. Title II–A funds include those allocated to the SDA by the Governor under section 202(a) of the Act, as well as incentive grants for services to the hard-to-serve and for programs exceeding performance standards under section 202(b)(3). Exclude funds authorized under section 202(b)(3) (8%) for technical assistance to SDAs and funds received for activities under sections 123 (8%) and 124 (3%) and section 202(b)(4) (5%). Title III funds include *all* formula amounts received under section 301(a) and *all* Discretionary awards received under section 301(b).

Line 34 New Incentive Grants (Title II–A only)

Enter the total amount of *new* incentive grants funds awarded to the SDA during this reporting period for services to the hard-to-serve and for programs exceeding performance standards under section 202(b)(3). Do not include incentive grants funds awarded in previous program years that remained available for expenditure during this program year. *This line is a sub-breakout of Line 33, Total Available Federal Funds.*

Section III—Follow-up Information

Section III displays information based on follow-up data which must be collected through participant contact to determine an individual's labor force status and earnings, if any, during the 13th full calendar week after termination and the number of weeks s/he was employed during the 13-week period. Follow-up data should be collected from participants whose 13th full calendar week after termination ends during the program year (the follow-up group). Thus, follow-up will be conducted for individuals who terminate during the first three quarters of the program year and the last quarter of the previous program year.

Follow-up data will be collected for the following terminees: Title II–A adults, adult welfare recipients, and Title III dislocated workers (Columns A, B, and D). No follow-up information is required for Title II–A youth (Column C).

The procedures used to collect the follow-up data are at the discretion of the Governors. However, in order to ensure consistency of data collection and to guarantee the quality of the follow-up information, follow-up procedures must satisfy certain criteria. (See the Follow-up Guidelines included in these JASR instructions, Appendix A.)

Note. Every precaution must be taken to prevent a "response bias" which could arise because it may be easier to contact participants who were employed at termination than those who were not and because those who entered employment are more likely to be employed at follow-up. Special procedures have been developed by which SDAs and States can monitor response bias. If your response rates for those who were and were not employed at termination differ by more than 5 percentage points, the follow-up entries for the JASR must be calculated using the "Worksheet for Adjusting Follow-up Performance Measures" in the Follow-up Technical Assistance Guide. If the response rates differ by 5 percentage points or less, the following instructions for completing Lines 35–37 may be used.

Line 35 Employment Rate (At Follow-up)

Enter by column the employment rate at follow-up.

Calculate the employment rate by dividing the total number of respondents who were employed (full-time or part-time) during the 13th full calendar week after termination by the total number of respondents (i.e., terminees who completed follow-up interviews). Then multiply the result by 100. This entry should be reported to the nearest one decimal (00.0).

Line 36 Average Weekly Earnings of Employed (At Follow-up)

Enter by column the average weekly earnings of those employed (full-time or part-time) at follow-up.

Calculate the (before-tax) average weekly earnings by multiplying the hourly wage by the number of reported hours for each respondent employed at follow-up; and, if appropriate, add tips, overtime, bonuses, etc. Divide the sum of weekly earnings for all respondents employed during the 13th full calendar week after termination by the number of respondents employed at the time of follow-up. Respondents not employed at follow-up are not included in this average. This entry should be reported to the nearest whole dollar.

Weekly earnings include any wages, bonuses, tips, gratuities, commissions *and* overtime pay earned.

Line 37 Average Number of Weeks Worked in Follow-up Period

Enter by column the average number of weeks worked.

To calculate the average number of weeks worked (full-time or part-time), divide the sum of the number of weeks worked during the 13 full calendar weeks after termination for all respondents who worked, by the *total* number of all respondents, whether or not they worked any time during this 13-week follow-up period. This entry should be reported to the nearest one decimal (00.0).

Line 38 Sample size

Enter by column the size of the actual sample selected to be contacted for follow-up. (For Title III only, a *statewide* sample of dislocated workers must be selected. For Title II–A, i.e., adults and

adult welfare recipients, SDA samples must be selected.)

Note.—If oversampling was used, the sample size should include all those selected, not just the required minimum sample size. Those deceased or severely incapacitated to the point of being unable to respond at follow-up may be excluded from the sample size.

Line 39 Response Rate

Enter by column the overall response rate, i.e., the percentage of complete surveys obtained.

To calculate the overall response rate, divide the number of terminees with complete follow-up information by the total number of terminees included in the follow-up sample (Line 38) and multiply by 100. This entry should be reported to the nearest whole percent.

Note.—Complete follow-Up information consists of substantive answers to the required follow-up questions and may not include "don't know", "no answer" or "don't remember".

Section IV—Youth Employment Competency Attainment Information

Section IV displays information relevant to youth employment competency attainment as defined by the PIC. Regardless of termination type, the following data represent the total cumulative number of individuals that attained a youth employment competency in any of the three skill areas and the numbers of individuals who attained a competency in (1) pre-employment/work maturity, (2) basic education and/or (3) job specific skills.

Note.—Termination of participants who received basic education skills and/or job specific skills training funded under 8% programs may be counted under this item as long as they were initially enrolled in a youth employment competency system operated under 78% funds.

Appendix B defines the minimal structural and procedural elements of a sufficiently developed youth employment competency system as well as the minimal requirements for ensuring consistency in the reporting of competency attainment in the pre-employment/work maturity skill area.

Line 40 Attained Any Competency Area

Enter in Column C the total unduplicated number of youth terminees who were enrolled in a youth employment competency component and who attained a competency in at least one skill area.

Note.—Lines 41–43 are *not* sub-breakouts of Line 40 because one individual may attain several competencies and may be recorded *on more than one of* Lines 41–43. That individual may be recorded only once on Line 40, thus, Lines 41–43 *need not* sum to Line 40.

Line 41 Pre-Employment/Work Maturity Skills

Enter in Column C the number of youth terminees who attained a competency in the pre-employment/work maturity skill area.

Line 42 Basic Education Skills

Enter in Column C the number of youth terminees who attained a competency in the basic education skill area.

Line 43 Job Specific Skills

Enter in Column C the number of youth terminees who attained a competency in the job specific skill area.

Note: An entry of "0" on any of Lines 41–43 may indicate that the PIC has determined that a specific skill area is not necessary to become employment competent in their local labor market.

Appendix A—Follow-up Guidelines

To ensure consistent data collection and as accurate information as possible, procedures used to obtain follow-up information must satisfy the following criteria:

- Participant contact should be conducted by telephone or in person. Mail questionnaires may be used in those cases where an individual does not have a telephone or cannot be reached.
- Participant contact must occur as soon as possible after the 13th full calendar week after termination but no later than the 17th calendar week after termination.
- Data reported are to reflect the individual's labor force status and earnings during the 13th full calendar week after termination and the number of weeks she/he was employed throughout the 13-week period after termination.
- Interview questions developed by DOL (see following Exhibit) must be used to determine the follow-up information reported on the JASR. These questions are also included in the *Follow-up Technical Assistance Guide.*

Respondents must be told that responding is voluntary and that information provided by them will be kept confidential. Other questions may be included in the interview. Attitudinal questions may precede DOL questions, but questions related to employment and earnings must follow.

Exhibit—Minimum Postprogram Data Collection Questions

A. I want to ask you about the week starting on Sunday, _____, and ending on Saturday, _____, which was (last week/two/three/four weeks ago).

1. Did you do any work for pay during that week?

_____ Yes [Go to 2]
_____ No [Go to C]

2. How many hours did you work in that week?

_____ Hours

3. How much did you get paid per hour?

_____ Dollars per hour

4. How much extra, if any, did you earn from tips, overtime, bonuses, commissions, or any work you did on the side, before deductions?

_____ Dollars

B. Now I want to ask you about the entire 13 weeks from Sunday, _____, to Saturday, _____.

5. Including the week we just talked about, how many weeks did you work at all for pay during the 13-week period?

_____ Weeks [Go to end]

Alternative Questions

C. If answered "NO" to Question 1:

Now I want to ask you about the entire 13 weeks from Sunday, _____, to Saturday, _____.

6. Did you do any work for pay during that 13-week period?

_____ Yes [Go to 7]
_____ No [Go to end]

7. How many weeks did you do any work at all for pay during that 13-week period?

- Attempts must be made to contact *all* individuals unless terminee populations are large enough to use sampling.
- At least six attempts may need to be made to contact enough individuals in the follow-up group to obtain the required response rate.
- For each SDFA (Title II–A) or combined Statewide (Title III Formula and Naitonal Reserve) report (JASR), minimum response rates of 70% are required for each of the following six groups: among adults, those who entered employment at termination and those who did not enter employment at termination; among welfare recipients, those who entered employment at termination and those who did not enter employment at termination; and among dislocated workers, those who entered employment at termination and those who did not enter employment at termination. The response rate is calculated as the number of terminees with complete follow-up information divided by the total number of terminees included in the group eligible for follow-up.

Sampling Procedures

Where sampling is used to obtain participant contact information, it is necessary to have a system which ensures consistent random selection of sample participants from *all* terminees in the group requiring follow-up.

- No participant in the follow-up group may be arbitrarily excluded from the sample.
- Procedures used to select the sample must conform to generally accepted statistical practice, e.g., a table of random numbers or other random selection techniques must be used.
- The sample selected for contact must meet minimum sample size requirements indicated in Table 1.

The use of sampling will depend on whether the terminee populations are large enough to provide estimates which meet minimum statistical standards. If the number of terminees for whom follow-up is required is less than 138, sampling cannot be used. In such cases attempts must be made to contact all the appropriate terminees.

Minimum Sample Sizes for Follow-up

To determine the minimum number of terminees to be included in the follow-up sample, refer to Table 1 in the following instructions. Find the row in the left-hand column that contains the planned number of terminees for each of the groups requiring follow-up: adults, welfare recipients and dislocated workers. The required minimum sample size is given in the middle column of that row. The last column gives sampling percentages that will assure that the minimum sample size is obtained.

Note: The welfare recipients in the adult sample may be used as part of the welfare sample. In this case, an additional number of welfare recipients must be randomly selected to provide a supplemental sample large enough to meet the same accuracy requirements as other groups requiring follow-up. To determine the minimum size of this supplemental welfare sample, find the row in the left-hand column of Table 1 that contains the planned *total* number of welfare recipients requiring follow-up. From the corresponding entry in the middle column, subtract the number of welfare recipients included in the adult sample. The remainder represents the minimum size of the supplemental sample of welfare recipients required for contact.

TABLE 1.—MINIMUM SAMPLE SIZES FOR FOLLOW-UP

Number of terminees in follow-up population	Minimum sample size	Sampling percentages
1–137	All	100
138–149	137	94
150–159	143	92
160–169	148	89
170–179	154	87
180–189	159	85
190–199	164	84
200–224	175	82
225–249	185	78
250–274	194	74
275–299	202	71
300–349	217	67
350–399	228	62
400–449	240	57
450–499	250	53
500–599	265	50
600–749	282	44
750–999	302	36
1,000–1,499	325	30
1,500–1,999	338	22
2,000–2,999	352	17
3,000–4,999	364	12
5,000 or more	383	7.3

Correcting for Differences in Response Rates

Different response rates for those terminees who entered employment at termination and those who did not are expected to bias the performance estimates because those who entered employment at termination are more likely to be employed at follow-up. It is assumed that those who were employed at termination are easier to locate than those who were unemployed because the interviewer has more contact sources (e.g., name of employer). The resulting response bias can artificially inflate performance results at follow-up.

To account for this problem, separate response rates should be calculated for those who were employed at termination and for those who were not. These separate response rates should be calculated for three groups: all adult II-A terminees, welfare recipients and Title III terminees.

For each group, if the response rates of those employed at termination and those not employed differ by more than 5 percentage points, then the "Worksheet for Adjusting Follow-up Performance Measures" in the Follow-up Technical Assistance Guide must be used to correct the follow-up measures for that group.

Appendix B—PIC-Recognized Youth Employment Competencies

A. General Description of Youth Employment Competency Skill Areas

- *Pre-employment skills* include world of work awareness, labor market knowledge, occupational information, values clarification and personal understanding, career planning and decision making, and job search techniques (resumes, interviews, applications, and follow-up letters). They also encompass survival/daily living skills such as using the phone, telling time, shopping, renting an apartment, opening a bank account, and using public transportation; *and*
- *Work maturity skills* include positive work habits, attitudes, and behavior such as punctuality, regular attendance, presenting a neat appearance, getting along and working well with others, exhibiting good conduct, following instructions and completing tasks, accepting constructive criticism from supervisors and co-workers, showing initiative and reliability, and assuming the responsibilities involved in maintaining a job. This category also entails developing motivation and adaptability, obtaining effective coping and problem-solving skills, and acquiring an improved self image.
- *Basic education skills* include reading comprehension, math computation, writing, speaking, listening, problem solving, reasoning, and the capacity to use these skills in the workplace.
- *Job-specific skills*—Primary job-specific skills encompass the proficiency to perform actual tasks and technical functions required by certain occupational fields at entry, intermediate or advanced levels. Secondary job-specific skills entail familiarity with and use of set-up procedures, safety measures, work-related terminology, recordkeeping and paperwork formats, tools, equipment and materials, and breakdown and clean-up routines.

B. Sufficiently Developed Systems for Youth Employment Competencies

A sufficiently developed youth employment competency system must include the following structural and procedural elements:

1. Quantifiable Learning Objectives

- PIC-recognized competency statements that are quantifiable, employment-related, measurable, verifiable learning objectives that specify the proficiency to be achieved as a result of program participation.

Employment competencies/quantifiable learning objectives approved by the PIC as relevant to the SDA must include a description of the skills/knowledge/attitudes/behavior to be taught, the levels of achievement to be attained, and the means of measurement to be used to demonstrate competency accomplishment. The level of achievement selected should enhance the youth's employability and opportunities for postprogram employment.

2. Related Curricula, Training Modules, and Approaches

• Focused curricula, training modules, or behavior modification approaches which teach the employment competencies in which youth are found to be deficient.

Such related activities, components, or courses must encompass participant orientation, work-site supervisor/instructor/community volunteer training, and staff development endeavors as appropriate. They also must include, as appropriate, relevant agreements, manuals, implementation packages, instructions, and guidelines. A minimum duration of training must be specified which allows sufficient time for a youth to achieve those skills necessary to attain his/her learning objectives.

3. Pre-Assessment

• Assessment of participant employment competency needs at the start of the program to determine if youth require assistance and are capable of benefitting from available services.

A minimum level of need must be established before a participant is eligible to be tracked as a potential "attained PIC-recognized youth employment competency" outcome. All assessment techniques must be objective, unbiased and conform to widely accepted measurement criteria. Measurement methods used must contain clearly defined criteria, be field tested for utility and accuracy, and provide for the training/preparation of all raters/scorers.

4. Post-Assessment (Evaluation)

• Evaluation of participant achievement at the end of the program to determine if competency-based learning gains took place during project enrollment.

Intermediate checking to track progress is encouraged. All evaluation techniques must be objective, unbiased and conform to widely accepted evaluation criteria. Measurement methods used must contain clearly defined criteria, be field tested for utility and accuracy, and provide for the training/preparation of all raters/scorers.

5. Employability Development Plans [EDP]

• Employability development plans/individual education plans which use assessment results in assigning participants to appropriate learning activities/sites in the proper sequence to promote participant growth and development, remedy identified deficiencies, and build upon strengths.

Employability development planning is an interactive process between program and youth. It should be completed soon after enrollment and be updated periodically.

6. Documentation

• Maintenance of participant records and necessary reporting of competency-based outcomes to document intra-program learning gains achieved by youth.

SDAs are responsible for maintaining (1) copies of all competency statements and (2) evidence of their approval by the PIC. Program records must encompass:

(a) Pre-test/assessment documentation which substantiates deficiencies in PIC-recognized youth employment competencies at program entry;

(b) Substantiation that youth were enrolled in JTPA activities with operative curriculum and/or training modules to teach the competencies identified as deficiencies;

(c) Post-test/evaluation documentation which substantiates attainment of PIC-recognized competencies during the program period; and,

(d) A copy of the participant EDP, and copies of all certificates awarded, as well as any other documents which serve as proof of gain.

7. Certification

• Proof of youth employment competency attainment in the form of a certificate for participants who achieve predetermined levels of proficiency to use as evidence of this accomplishment to assist them in entering the labor market.

C. Guidelines for Ensuring Consistency in the Reporting of Pre-Employment/Work Maturity Skill Competencies

In order for an attainment to be reported in the area of preemployment/work maturity, at least one PIC-certified competency statement must be developed/quantified and capability/ability demonstrated in each of the following 11 core competencies—provided that at least 5 of these learning objectives were achieved during program intervention:

1. Making Career Decisions
2. Using Labor Market Information
3. Preparing Résumes
4. Filling Out Applications
5. Interviewing
6. Being Consistently Punctual
7. Maintaining Regular Attendance
8. Demonstrating Positive Attitudes/Behavior
9. Presenting Appropriate Appearance
10. Exhibiting Good Interpersonal Relations
11. Completing Tasks Effectively

Appendix C—Definitions of Terms Necessary for Completion of Reports

Employment/Training Services

Assessment—services are designed to initially determine each participant's employability, aptitudes, abilities and interests, through interviews, testing and counseling to achieve the applicant's employment related goals.

Follow-Up—is the collection of information on a terminee's employment situation at a specified period after termination from the program.

Intake—includes the screening of an applicant for eligibility to determine: (1) Whether the program can benefit the individual; (2) the employment and training activities and services which would be appropriate for that individual; (3) availability of an appropriate employment and training activity; (4) a decision on selection for participation and (5) dissemination of information on the program.

Outreach—activity involves the collection, publication and dissemination of information on program services directed toward economically disadvantaged and other individuals eligible to receive JTPA training and support services.

Youth Employability Enhancement Termination

An outcome for youth, other than entered unsubsidized employment, which is recognized as enhancing long-term employability and contributing to the potential for long-term increase in earnings and employment. The five youth employability enhancement outcomes are:

(1) Demonstrated proficiency in youth employment competencies as defined by the PIC *two or more* of the following three skill areas in which the terminee was deficient at enrollment: pre-employment/work maturity, basic education, or job-specific skills.

(2) Entered an employment/training program not funded under Title II of the JTPA.

(3) Returned to full-time school if, at time of entry, the participant was *not* attending school and had *not* obtained a high school diploma or equivalent.

(4) Completed, during enrollment, a level of educational achievement which had not been reached at entry. Levels of educational attainment are elementary, secondary, and post-secondary. Completion standards shall be governed by State standards or, at the Governor's discretion, local standards at the elementary level; shall include a high school diploma, GED Certificate or equivalent at the secondary level, and shall require a diploma or other written certification of completion at the post-secondary level. NOTE: To obtain credit, the completion of a given level of education must be included in the individual's employability development plan.

(5) Completed program objectives as defined in approved exemplary youth project plans if, at time of entry, the participant was 14 or 15 years of age.

Education Status

School Dropout—An adult or youth (aged 14–21) who is not attending school full-time and has not received a high school diploma or a GED certificate.

Student—An adult or youth (aged 14–21) who has not received a high school diploma or GED certificate and is enrolled full-time in an elementary, secondary or postsecondary-level vocational, technical, or academic school or is between school terms and intends to return to school.

High School Graduate or Equivalent (No Post-High School)—An adult or youth (age 14–21) who has received a high school diploma or GED Certificate, but who has not attended any postsecondary vocational, technical, or academic school.

Post High School Attendee—An adult or youth (aged 14–21) who has received a high school diploma or GED certificate and has attended (or is attending) any postsecondary-level vocational, technical, or academic school.

Family Status

Single Head of Household—A single, abandoned, separated, divorced or widowed individual who has responsibility for one or more dependent children under age 18.

Race/Ethnic Group

White (Not Hispanic)—A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Black (Not Hispanic)—A person having origins in any of the black racial groups of Africa.

Hispanic—A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin (including Spain), regardless of race.

Note.—Among persons from Central and South American countries, only those who are of Spanish origin, descent, or culture should be included in the Hispanic category. Persons from Brazil, Guiana, and Trinidad, for example, would be classified according to their race, and would not necessarily be included in the Hispanic category. Also, the Portugese should be excluded from the Hispanic category and should be classified according to their race.

American Indian or Alaskan Native—A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

Asian or Pacific Islander—A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent (e.g., India, Pakistan, Bangladesh, Sri Lanka, Nepal, Sikkim, and Bhutan), or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa. Hawaiian natives are to be recorded as Asian or Pacific Islanders.

Other Barriers To Employment

Limited English Language Proficiency—Inability of an applicant, whose native language is not English, to communicate in English, resulting in a job handicap.

Handicapped Individual—Refer to section 4(10) of the Act. Any individual who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment.

Note.—This definition will be used for performance standards purposes, but is not required to be used for program eligibility determination (section 4(8)(E)).

Offender—For reporting purposes, the term "offender" is defined as any adult or youth who requires assistance in overcoming barriers to employment resulting from a record of arrest or conviction (excluding misdemeanors).

Minimal Work History—An adult or youth who did not work for the same employer for longer than 3 consecutive months in the five years prior to JTPA eligibility determination.

Reading Skills Below 7th Grade Level—An adult or youth assessed as having English reading skills below the 7th grade level on a generally accepted standardized test.

Long-Term AFDC Recipient—An adult or youth welfare recipient who had received (or whose family had received) cash payments under AFDC (SSA Title IV) for any 24 or more of the 30 months prior to eligibility determination.

U.C. Status

Unemployment Compensation Claimant—Any individual who has filed a claim and has been determined monetarily eligible for benefit payments under one or more State or Federal unemployment compensation programs, and who has not exhausted benefit rights or whose benefit year has not ended.

Labor Force Status

Employed—(a) An individual who, during the 7 consecutive days prior to application to a JTPA program, did any work at all: (i) As a paid employee; (ii) in his or her own business, profession or farm, or (iii) worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family; or (b) an individual who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time off, and whether or not seeking another job. (This term includes members of the Armed Forces on active duty, who have not been discharged or separated; participants in registered apprenticeship programs; and self-employed individuals.)

Employed Part-Time—An individual who is regularly scheduled for work less than 30 hours per week.

Unemployed—An individual who did not work during the 7 consecutive days prior to application for a JTPA program, who made specific efforts to find a job within the past 4 weeks prior to application, and who was available for work during the 7 consecutive days prior to application (except for temporary illness).

Unemployed: 15 OR MORE WEEKS OF PRIOR 26 WEEKS—An individual who is unemployed at the time of eligibility determination and has been unemployed for any 15 or more of the 26 weeks immediately prior to such determination.

Not in Labor Force—A civilian 14 years of age or over who did not work during the 7 consecutive days prior to application for a JTPA program and is not classified as employed or unemployed.

Welfare Grant Information

Welfare Recipient—An individual who receives (or whose family receives) cash payments under AFDC (SSA Title IV), General Assistance (State or local government), or the Refugee Assistance Act of 1980 (PL 96–212) at the time of JTPA eligibility determination. For reporting and performance standards purposes, *exclude* those individuals who receive only SSI (SSA Title XVI). •

Program Costs

Accrued Expenditures—The allowable charges incurred during the program year to date requiring provision of funds for: (1) goods and other tangible

property received; and (2) costs of services performed by employees, contractors, subrecipients, and other payees.

Note.—These charges do not include "resources on order", i.e., amounts for contracts, purchase orders and other obligations for which goods and/or services have not been received.

[FR Doc. 87-29107 Filed 12-18-87; 8:45 am]
BILLING CODE 4910-08-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-368]

Arkansas Power and Light Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-6, issued to Arkansas Power and Light Company (the licensee), for operation of the Arkansas Nuclear One, Unit 2 located in Russellville, Arkansas.

The amendment would revise the provisions in the Technical Specifications relating to change out of the station batteries and changes in the battery tests, in accordance with the licensee's application for amendment dated September 17, 1987.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By January 20, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petitions for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceedings on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Jose A. Calvo: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of the Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth St., NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 17, 1987, which is available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, DC and at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Dated at Bethesda, Maryland, this 15th day of December, 1987.

For the Nuclear Regulatory Commission.

George F. Dick, Jr.,

Project Manager, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 87-29108 Filed 12-18-87; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-368]

Arkansas Power and Light Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-6, issued to Arkansas Power and Light Company (the licensee), for operation of the Arkansas Nuclear One, Unit 2 located in Russellville, Arkansas.

Pursuant to 10 CFR 50.90, the licensee has proposed an amendment that would revise the provisions in the Technical Specifications relating to an increase in refueling water tank and safety injection tank boron concentration, in accordance with the licensee's application for amendment dated October 28, 1987.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By January 20, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceedings, but such an amended petition must satisfy the specificity requirements decribed above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram identification Number 3737 and the following message addressed to Jose A. Calvo; petitioner's name and telephone number; petition was mailed October 28, 1987; Arkansas Nuclear One, Unit 2 and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and the Nicholas S. Reynolds, Esq., Bishop, Lieberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 28, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Dated at Bethesda, Maryland, this 15th day of December, 1987.

For the Nuclear Regulatory Commission

George F. Dick, Jr.,

Project Manager, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Projects Office of Nuclear Reactor Regulation.

[FR Doc. 87-29190 Filed 12-18-87; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-368]

Arkansas Power and Light Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-6, issued to Arkansas Power and Light Company (the licensee), for operation of the Arkansas Nuclear One, Unit 2 located in Russellville, Arkansas.

Pursuant to 10 CFR 50.90, the licensee has proposed an amendment that would revise the provisions in the Technical Specifications relating to boric acid makeup tank boron concentration reduction, in accordance with the licensee's application for amendment dated October 28, 1987.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By January 20, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of

VOL 52 ISS 244 DEC 21 1987 UMI

Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above data, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reason why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceedings, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intevene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram identification Number 3737 and the following message addressed to Jose A. Calvo; petitioner's name and telephone number; petition was mailed October 28, 1987; Arkansas Nuclear One, Unit 2 and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Esq., Bishop, Lieberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 28, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Dated at Bethesda, Maryland, this 15th day of December, 1987.

For the Nuclear Regulatory Commission.

George F. Dick, Jr.,

Project Manager, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 87–29101 Filed 12–18–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–498]

Houston Lighting and Power Co. et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination

In the matter of Houston Lighting and Power Company, City Public Service Board of San Antonio, Central Power and Light Company, and City of Austin, Texas.

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No NPF–71, issued to Houston Lighting & Power Company, et al. (the licensee), for operation of the South Texas Project Unit 1 facility located in Matagorda County, Texas.

The amendment would increase the allowable response times for overtemperature delta-T and overpower delta-T instrumentation from 6.5 seconds to 8.0 seconds. The maximum acceptable response time is given in Table 3.3–2 of the Technical Specifications, NUREG–1255, for South Texas Project Unit 1.

This action is in response to the licensee's application for amendment dated November 12, 1987. Subsequently, on December 9, 1987, the licensee requested that this amendment request be treated as an exigent situation because without the amendment, the startup of the unit may not be able to proceed. The determination of whether or not the time response represents a constraint on startup cannot be made until tests scheduled for December 18, 1987 are completed. The licensee has stated that startup and operation at higher power levels will be delayed if the technical specification amendment is needed but not implemented in time. The staff concurs with the need to expedite the amendment process for the following reason:

The staff has examined the schedule for activities between initial criticality and commercial operation and finds that it provides for a methodical and safe power ascension program. It incorporates hold points to conduct tests and provides for NRC staff assessments. Attempts to compress the activities into a shorter period of time would compromise safe power operation. Accordingly, the staff concludes that delay in initial criticality is likely to result in a delay in eventual power operation of the facility and involves an emergency that could result in delay in start of power production. Since the amendment does not involve a significant hazards consideration, the usual 30-day notice period is being reduced to 15 days.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

Resistance temperature detectors (RTDs) provide measurement of reactor coolant temperatures which are processed electronically and used in the reactor trip system. The licensee has performed analysis to determine the effect of increasing the response time from 6.5 seconds to 8 seconds. The analyses have considered the following accident scenarios shown below with the FSAR section which contains the description: 15.6.5—Large Break LOCA; 15.6.5—Small Break LOCA; 15.4.8—Rod Ejection Long Term Mass; 6.2—Containment Subcompartment and Long Term Mass and Energy Release; 15.6.3—Steam Generator Tube Rupture; 3.6—Blowdown Reactor Vessel and Loop Forces; 15.6.5—Post-LOCA Long-Term Core Cooling; 6.3.2.5—Hot Leg Switchover to Prevent Potential Boron Precipitation; 13.5.2—Emergency Response Guidelines; 15.4.2—Uncontrolled RCCA Bank Withdrawal at Power; 15.2.3—Loss of Load/Turbine Trip; 15.6.1—Inadvertent opening of a Pressurizer Safety or Relief Valve Event; 15.4.6—Uncontrolled Boron Dilution at Power; 15.1.5—Steamline Rupture at Power.

The NRC staff has evaluated the results of the above analyses and concluded that the performance of the reactor trip system would be acceptable with a RTD response time of 8.0 seconds. Based on this assessment, the requested change will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because all the computed consequences meet the same acceptance criteria used in the previous review. As a result, the trip system would function in such a way as to maintain the required temperatures and pressures.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because the technical Specifications currently in force already incorporates a major part of the time delay of 8.0 seconds. In addition, the licensee has stated that no physical modifications are involved in making this change.

(3) Involve a significant reduction in the margin of safety because the analyses show that there is minimal impact on the consequences of design basis accidents.

Accordingly, the Commission proposes to determine that this change does not involve significant hazards considerations.

If the proposed determination becomes final, an opportunity for a hearing will be published in the **Federal Register** at a later date and any hearing request will not delay the effective date of the amendment.

If the Commission decides in its final determination that the amendment does involve a significant hazards consideration, a notice of opportunity for a prior hearing will be published in the **Federal Register** and, if a hearing is granted, it will be held before any amendment is issued.

The Commission is seeking public comments on this proposed determination of no significant hazards consideration. Comments on the proposed determination may be telephone to Jose A. Calvo, Director, Project Directorate—IV, by collect call to (301) 492–7460, or submitted in writing to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. All comments received by January 5, 1988, will be considered in reaching a final determination. A copy of the application may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Local Public Document Room, Wharton County Junior College, J.M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488 and in the Austin Public Library, 810 Guadalupe Street, Austin, Texas 78701.

Dated at Bethesda, Maryland, this 15th day of December, 1987.

For the Nuclear Regulatory Commission.

Jose A. Calvo,

Director, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Project, Officer of Nuclear Reactor Regulation.

[FR Doc. 87–29192 Filed 12–18–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–302]

Florida Power Corp.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix A to 10 CFR Part 50 to the Florida Power Corporation (the licensee), for the Crystal River Unit 3 Nuclear Generating Plant, located in Crystal River, Florida.

Environmental Assessment

Identification of Proposed Action

The proposed exemption would allow temporary relief from the requirements of General Design Criterion-17 (GDC–17) for the Crystal River Unit 3 Nuclear Generating Plant.

The Need for the Proposed Action

The proposed exemption is needed on a temporary basis in order to allow the diesel generators to be operated at the maximum calculated accident load, which would, in turn, permit plant operation during the next cycle until modifications could be made which would bring the plant into compliance with GDC–17.

Environmental Impact of the Proposed Action

The proposed exemption does not involve any measurable environmental impacts. The diesel generators will remain operable and, with the proposed compensatory measures, capable of performing their function. Consequently, the Commission concludes that there are no significant radiological impacts associated with the proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impact associated with the proposed exemption.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impacts associated with the proposed exemption, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the exemption would be to require literal compliance with GDC–17. Such action would not enhance the protection of the environment, and would result in unjustified costs to the licensee as the plant could not restart from its current refueling outage.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the Final Environmental Statement for the Crystal River Unit 3 Nuclear Generating Plant.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult with any other agencies or persons.

Finding of No Significant Impact

Based on the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment. The Commission has, therefore, determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the applicatin for exemption dated December 14, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Crystal River Public Library, 668 NW. First Avenue, Crystal River, Florida 32629.

Dated at Bethesda, Maryland, this 15th day of December 1987.

For the Nuclear Regulatory Commission.

Harley Silver,

Acting Director, Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 87–29186 Filed 12–18–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–206, 50–361, and 50–362]

Southern California Edison Co., et al.; Environmental Assessment and Finding of No Significant Impact

The United States Nuclear Regulatory Commission (the Commission) is considering approval under 10 CFR 50.80 of the corporate restructuring of Southern California Edison Company (SCE), co-owner and co-licensee for the San Onofre Nuclear Generating Station (SONGS), Units 1, 2, and 3.

Environmental Assessment

Identification of Proposed Action

By letters dated August 25 and December 3, 1987, SCE advised the Commission of a proposed corporate restructuring which will result in SCE becoming a wholly-owned subsidiary of a newly-formed holding company. The holding company is referred to as "SCE Holding Company," although no formal name has yet been selected. Pursuant to the restructuring, SCE Holding Company would become the sole holder of SCE common stock and the current holders of SCE common stock would become holders of SCE Holding Company common stock on a share-for-share basis. SCE will remain as co-holder of the licenses for the three SONGS nuclear units. The Chairman of the SCE Board of Directors will continue in that capacity and will also serve as the Chairman of the Board of Directors for SCE Holding Company.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of control of a license, after notice to interested persons, upon the Commission's determination that the proposed transferee of a license is qualified to be holder of the license and the transfer of control is otherwise consistent with applicable provisions of law, regulation, and orders of the Commission. Notice of the proposed action was published in the **Federal Register** on December 9, 1987. (52 FR 46694.)

The Need for the Proposed Action

SCE stated that the purpose of the corporate restructuring is to more clearly separate SCE utility and non-utility businesses, thereby insulating utility ratepayers from any risks associated with unregulated ventures and facilitating state and federal regulatory review of utility operations. In addition, the proposed reorganization will enhance the ability of management to respond to non-utility business opportunities as they arise. This flexibility will improve the financial strength and stability of the overall corporation.

Environmental Impact of Proposed Action

The proposed corporate restructuring of SCE will not affect the management or operation of the SONGS units and will not reduce the funds available to carry out activities required by the SONGS Operating Licenses (e.g., the environmental protection programs). On this basis, the Commission concludes that there are no significant radiological or non-radiological impacts associated with the proposed action.

Alternate Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statements for the three SONGS units.

Agencies and Persons Consulted

The Commission's staff reviewed the licensee's request in consultation with the California Public Utilities Commission.

Finding of no Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed action. Based on the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

Dated at Bethesda, Maryland, this 16th day of December, 1987.

George M. Knighton,

Director, Project Directorate V, Division of Reactor Projects III, IV, V and Special Projects.

[FR Doc. 87–29187 Filed 12–18–87; 8:45 am]

BILLING CODE 7590–01–M

Issuance of Director's Decision Regarding Agency Response to Chernobyl Accident

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a "Decision Pursuant to 10 CFR 2.206" concerning the petition dated May 1, 1987, filed by Mr. Thomas Carpenter on behalf of the Government Accountability Project (GAP) and others (Petitioners) requesting that the Commission take action on the basis of the accident that occurred at the Chernobyl nuclear reactor. Specifically, the Petitioners requested that the NRC suspend further licensing of nuclear facilities in the United States pending a study and report of the accident at the Chernobyl plant. Further, the Petitioners requested that the NRC (1) review the findings of the final report for the applicability of these findings to facilities licensed by the NRC, (2) request public comments on whether the record should be reopened to consider new issues raised in the final report that are material to any pending licensing proceeding or current license, and (3) evaluate the need for the corrective actions identified in the petition.

The Director, Office of Nuclear Reactor Regulation, has determined that the Petitioners' request that (1) the NRC complete a study and prepare a final report of the Chernobyl accident and (2) review the findings of the final report for applicability to currently licensed facilities or facilities under construction have, in effect, already been granted. The additional relief, beyond these items, sought by the Petitioners' request pursuant to 10 CFR 2.206 is denied. The reasons for this Decision are explained in the "Director's Decision Under 10 CFR 2.206," DD–87–21, which is available for public inspection in the Commission's Public Document Room located at 1717 H Street NW., Washington, DC. A copy of the Decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of the Decision unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Bethesda, Maryland, this 15th day of December 1987.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 87–29188 Filed 12–18–87; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Review and Solicitation of Public Comment: International Trade Commission Public Report Assessing Economic Impact of Proposed Modifications of the List of Articles Eligible for Duty-Free Treatment Under the U.S. Generalized System of Preferences (GSP): 1987 Annual Review

As indicated in a previous notice of August 4 (52 FR 28896), the GSP Subcommittee of the Trade Policy Staff Committee hereby notifies interested parties of the opportunity to comment on the public version of the International Trade Commission (ITC) report assessing the domestic economic impact of proposed changes in the list of eligible items under the 1987 Annual Review of the Generalized System of Preferences. The report is available from the ITC by calling Louise Gillen at the Office of Industries at (202) 252–1296. The USITC is located at 500 E Street, NW., in Washington, DC. The report is also available for review by appointment at the GSP Information Center, Office of the USTR in Washington, DC; the GSP Information Center can be contacted at (202) 395–6971.

All comments concerning the ITC report should be submitted in 20 copies, in English, to the Chairman of the GSP Subcommittee, Trade Policy Staff Committee, 600 17th Street, NW., Room 517, Washington, DC 20506. Comments must be received no later than close of business on Monday, January 11, 1987. Information submitted will be subject to public inspection by appointment with the staff of the GSP Information Center, except for information granted "business confidential" status pursuant to 15 CFR 2007.7. If the document contains business confidential information, twenty copies of a nonconfidential version of the submission along with twelve copies of the confidential version must be submitted. In addition, the document containing confidential information should be clearly marked "confidential" at the top and bottom of each and every page of the document. The version that does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of each and every page (either "public version" or "non-confidential").

Questions concerning the comment period or any other aspect of the GSP program may be directed to the GSP Information Center at (202) 395–6971.

Donald M. Phillips,

Chairman, Trade Policy Staff Committee.

[FR Doc. 87–29238 Filed 12–18–87; 8:45 am]

BILLING CODE 3190–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22–17311]

Application and Opportunity for Hearing; M.D.C. Asset Investors Funding Corp.

December 15, 1987.

Notice is hereby given that M.D.C. Asset Investors Funding Corporation ("the Company") has filed an application ("Application"), pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (hereinafter sometimes referred to as the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Bankers Trust Company (the "Trustee") under an Indenture, as amended, dated August 1, 1987, providing for the issuance of mortgage collateralized bonds ("Bonds") in series ("Series"), by the Company and either Bankers Trust Company, Security Pacific National Bank or such other entity identified as such in the indenture supplements, with respect to each such Series of Bonds ("Indenture Supplements"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under the aforementioned indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of that section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture of the same obligor. The Company alleges that:

1. Each Series of Bonds is secured by the pledge of collateral by the Company to the Trustee under such Indenture and Indenture Supplements. A default under the Indenture or Indenture Supplement for any Series of Bonds does not cause a default under the Indenture or Indenture Supplement for any other Series of Bonds.

2. Each Series of Bonds is secured by collateral which includes, *inter alia*, various mortgage-backed certificates, mortgage participation certificates, conventional mortgage loans and other mortgage loans secured by mortgages or deeds of trust on single-family residences ("Mortgage Loans"). The Application relates only to the trusteeship under the Indenture and Indenture Supplements with respect to Series of Bonds secured by mortgage collateral consisting in whole or in part of Mortgage Loans.

3. The Company intends to purchase certain general coverage insurance policies or performance bonds (such as pool insurance policies, special hazard insurance policies, mortgagor bankruptcy bonds, repurchase bonds, and performance bonds, hereinafter "General Coverage Policies") providing coverage for more than one Series of Bonds in the circumstances where the Indenture and Indenture Supplements with respect to each Series of Bonds would be under the trusteeship of the same Trustee, subject to the requirement that any such utilization will not result in a downgrading of the rating of the Bonds of any such Series by any rating agency rating such Bonds.

BEST COPY AVAILABLE

4. With respect to the General Coverage Policies, a servicer or master servicer rather than the Trustee generally will be required to present, or to cause to be presented, claims to the respective issuers of the pool insurance policy, the special hazard insurance policy and the mortgagor bankruptcy insurance. The Trustee's relationship with such policies will be limited to (i) physical custody of such insurance policies or performance bonds because they constitute part of the trust estate pledged to secure a Series of Bonds and (ii) the succession to the rights and powers of the master servicer pursuant to the terms of the master servicing agreement until a new master servicer is appointed. The Trustee will be primarily responsible for the presentment of claims under only two of the General Coverage Policies, specifically the Repurchase Bonds and the Performance Bonds.

5. In the event that General Coverage Policies are utilized to provide coverage for more than one Series of Bonds, the bondholders of each such Series of Bonds would rank *pari passu* with respect to their right to such General Coverage Policies. The Trustee, or the master servicer, as applicable, would be required either to pay such claim from amounts held or present such claim to the issuer of the policy for payment in the order in which such claim was received and under a mandatory tie-breaker system with respect to the receipt of more than one claim on the same day any one of which claims would exhaust the coverage under such General Coverage Policy.

6. The administrative efforts and expense, and the premium costs, of providing separate General Coverage Policies for each Series of Bonds is enormous and unduly burdensome both on the part of the Applicant and the issuers of such General Coverage Policies and it has become difficult to obtain General Coverage Policies for single Series Bonds. To the extent that an issuer is willing to issue a General Coverage Policy, such issuers has expressed a strong desire that any such General Coverage Policy be utilized to provide coverage for more than one Series of Bonds. To the extent that an issuer is unwilling to issue a General Coverage Policy for a Series of Bonds, the Applicant is required to make substantial cash or cash equivalent deposits partially or entirely in lieu thereof into an account or fund in order to satisfy the rating agency requirements for such Series Bonds.

7. The public interest is not well served by a requirement that results in the procurement of separate General Coverage Policies for each Series of Bonds since it is costly, economically inefficient and unduly burdensome to both the Applicant and the issuers of such General Coverage Policies and, ultimately, the purchasers of the Bonds. Addiitonally, the requirment of separate General Coverage Policies for each Series of Bonds is unnecessary for the protection of investors in that (i) the Indenture and Indenture Supplements will be structured to prevent the Trustee from being in a conflict situation as between different Series of Bonds, (ii) the statutory conflict-of-interest provisions will remain in full force in the Indenture in the event that a conflict situation ever arises, (iii) the trust estate with respect to each Series of Bonds structured as comtemplated by the Application will initially have access to an amount of coverage under the General Coverage Policies at least equal to, or in most cases greater than, the coverage that would have been provided had separate General Coverage Policies been issued, and (iv) the rating agencies have revised their standards to allow the use of General Coverage Policies as contemplated by the Application while continuing to assign such Series of Bonds their highest credit rating. The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rule of Practice of the Commission in connection with this matter.

For detailed statement of the matters of fact and law asserted, all persons are referred to the Application as amended, which is on file at the office of the Commission in the Public Reference Room, File Number 22–17311, 450 Fifth Street NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than January 11, 1988, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commisison, 450 Fifth Street, NW., Washington, 20549.

At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and for the protection of investors, unless a hearing is ordered by the Commission. For the Commission, by the Division of Corporation Finance, pursuant to delegated autority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–29173 Filed 12–18–87; 8:45 am]

BILLING CODE 8010–M

[Release No. 34–25201; File No. SR–NYSE–87–44]

Self-Regulatory Organizations; of Filing and Order Granting Accelerated Approval of Proposed Rule Change by New York Stock Exchange, Inc., Relating to Auxiliary Closing Procedures for Orders Relating to Expiring Stock Index Contracts

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 14, 1987, the New York Stock Exchange ("NYSE" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change adds auxiliary closing procedures for assisting in handling the order flow associated with the concurrent expiration of stock index futures, stock index options and options on stock index futures on December 18, 1987. It specifies procedures substantively identical to those used on September 18, 1987 and on several earlier expiration Fridays. Only the dates and the list of pilot stocks (due to name changes and the substitution of stocks as a consequence of changes in market weighting) has changed.

Specifically, the auxiliary procedures provide that market-at-the-close stock orders in 50 pilot stocks relating to index arbitrage positions must be received by 3:30 p.m. on December 18. The Exchange will promptly disseminate the size of substantial market order imbalances (50,000 shares or more) as of 3:30 in the pilot stocks. The procedures also ban entry of market-at-the-close orders in the pilot stocks after 3:30 p.m. unless orders (A) offset the imbalances and (B) are not for the purpose of liquidating an index arbitrage position.

The Exchange characterizes the proposed rule change as a Rule of the Board of Directors of the Exchange. The proposed rule change supersedes all other Exchange rules and policies inconsistent with it.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in Sections A, B, and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. *Purpose*—The purpose of the proposed rule change is to comply with the request of the Commission that the Exchange repeat the June 19 closing procedures on September 18 and on subsequent concurrent expirations of stock index futures, stock index options and options on stock index futures. (*See* letter to Robert J. Birnbaum, President, NYSE, from Richard G. Ketchum, Director, SEC, dated September 16, 1987. The proposed rule change will make the procedures a rule of the Exchange.

2. *Statutory Basis*—The basis under the 1934 Act for the proposed rule change is section 6(b)(5), which requires that rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the 1934 Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the 1934 Act. Confirmation to the industry of the Exchange's intention to comply with the Commission's request that the Exchange repeat the closing procedures specified by the proposed rule change should occur as soon as possible to permit investors and firms to plan accordingly. Moreover, the procedures contain no substantive changes from the procedures used on previous expiration Fridays. Accordingly, the Exchange seeks action by the Commission in time to permit notification of interested parties well in advance of the December 18 expiration.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a securities exchange, and in particular, the requirements of section 6 and the rules and regulations thereunder. The market-on-close procedures described herein have been utilized on the prior five Expiration Fridays (the quarterly expiration when stock index futures, stock index options and options on stock index futures have simultaneous expirations). These procedures were part of efforts by the Commission and the self-regulatory organizations to address stock market volatility that has been associated with certain index arbitrage trading strategies on Expiration Fridays. By requiring submission of market-at-close orders early and disseminating imbalances, the NYSE could attract contra-side interest to alleviate imbalances caused by the closing of index arbitrage positions. The procedures have proven to be operational successes, and have significantly contributed to the smooth handling of the increased order flow associated with these expirations.

The Commission finds good cause for approving this rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that the Commission desires to notify market participants as soon as possible of the Exchange's, intention to repeat these procedures on the upcoming December 18, 1987 expiration. Moreover, the procedures contain no substantive changes from the procedures utilized by the NYSE on September 18 and several earlier Expiration Fridays.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that maybe withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the NYSE. All submissions should refer to the file number in the caption above and should be submitted by January 11, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: December 16, 1987.

[FR Doc. 87–29199 Filed 12–18–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–25202; File No. SR–NYSE–87–43]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by New York Stock Exchange, Inc., Relating to Auxiliary Opening Procedures for Orders Relating to Expiring Stock Index Contracts

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 14, 1987, the New York Stock Exchange ("NYSE" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

VOL 52 ISS 244 DEC 21 1987 UMI

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change adds auxiliary opening procedures for assisting in handling the order flow associated with the concurrent expiration of stock index futures, stock index options and options on stock index futures on December 18, 1987. It specifies procedures identical to those used on June 19, 1987 (SR–NYSE–87–17; Release No. 34–24596 (June 16, 1987)) and September 18, 1987 (SR–NYSE–87–30; Release No. 34–24916 (September 11, 1987)). Only the dates and the list of pilot stocks (due to name changes and the substitution of stocks as a consequence of changes in market weighting) have changed.

Specifically, the auxiliary procedures provide that stock orders relating to opening-price settling contracts must be received by 9:00 a.m. on December 18. The Exchange will promptly disseminate the size of substantial market order imbalances (50,000 shares or more) as at 9:00 in 50 pilot stocks.

The Exchange will make SuperDot available to accept orders at 7:30. The Exchange will also raise the order size eligibility for the Opening Automation Reporting Service ("OARS") to 30,099 shares—in effect, raising SuperDot's pre-opening order size parameters. The procedures confine orders relating to opening-price settling contracts to market orders and require them to be appropriately identified. The procedures also ban "limit-at-the-opening" orders and apply on December 18 the reduced waiting periods for second and subsequent price indications that the Commission recently approved.[1]

The Exchange characterizes the proposed rule change as a Rule of the Board of Directors of the Exchange. The proposed rule change supersedes all Exchange rules and policies inconsistent with it.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in Sections A, B, and C below.

[1] SR–NYSE–87–14 (Release No. 34–24880 (September 4, 1987)).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. *Purpose*—The purpose of the proposed rule change is to establish procedures to augment the NYSE's regular opening procedures on December 18, 1987. The auxiliary procedures will assist in integrating stock orders relating to expiring contracts into the Exchange's opening procedures in a manner that will assure an efficient market opening in each stock as close to 9:30 a.m. as possible.

The Exchange believes that settling index contracts based upon the opening prices of the constituent stocks, and thereby permitting use of the Exchange's time-tested opening procedures, provides the best mechanism for handling the accompanying stock volume. Earlier this year, the Exchange, the Chicago Mercantile Exchange, Inc. and the New York Futures Exchange, Inc. altered or added index contracts specifying that settlement pricing will occur based upon the opening prices on expiration Fridays. They also have provided that trading in opening-price settling contracts will cease at the close on the preceding day. The Exchange anticipates that these changes will divert to the opening approximately 75 percent of the stock order flow related to expiring index contracts. The proposed rule change establishes auxiliary procedures to help accommodate the diverted order flow.

The special dissemination of a picture of substantial market order imbalances in the 50 pilot stocks as of 9:00 will provide off-Floor participants with a picture of the unique impact of the index-related orders, and will allow ample opportunity for them to react to it. Because the regular opening procedures will otherwise operate, an off-Floor participant will, as always, be able to obtain a minute-to-minute Floor picture through his Floor broker. Similarly, the pre-opening application of the ITS Plan will be in effect. Moreover, if it becomes evident that a significant change from the preceding day's closing price is in the offing, the specialist can, with the approval of a Floor Official, disseminate regular price indications over the tape as needed.

The particular purposes of several of the procedures deserves elaboration.

9:00 Cut-Off. The 9:00 cut-off for entry of stock orders relating to opening-price settling contracts assures that the upper limit of the order flow created by unwinding index-related positions is known at 9:00. The specialist can retrieve the orders in OARS at 9:00 and combine them with the manual orders, creating a complete picture of all the orders. If the picture shows an imbalance of 50,000 shares or more, he will notify off-Floor participants of the imbalance within the first several minutes after 9:00. This allows a half hour or more to react.

Preclusion of Limit-at-the-Opening Orders. Preclusion of limit-at-the-opening orders simplifies the specialist's task in opening his market. These orders cannot be entered into the electronic display book. Consequently, their acceptance would complicate the specialist's task by requiring him to keep a separate, manual tally. Customers are free to enter regular limit orders.

Applicability of Revised Price Indications Waiting Period. SR–NYSE–87–14, noted above, describes the purpose of reducing the waiting period following second and subsequent price indications.

2. *Statutory Basis*—The basis under the 1934 Act for the proposed rule change is section 6(b)(5), which requires that rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the 1934 Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange created an ad hoc Expiration Procedures Committee consisting of its Floor Directors, other representatives from the Floor, upstairs traders and institutional brokers. The proposed rule change reflects the consensus reached by the committee. The Exchange received no written comments following either the June expiration or the September expiration concerning the procedures.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the 1934 Act. Confirmation to the industry of the Exchange's intention to repeat the June 19 and September 18 procedures should occur as soon as possible to permit investors and firms to plan accordingly. Moreover, the procedures contain no substantive changes from the June 19 and Sepetember 18 procedures, on which there has been ample opportunity for comment. Accordingly, the Exchange seeks action by the Commission in time to permit notification of interested parties well in advance of the December 18 exemption.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of section 6 and the rules and regulations thereunder. The Commission believes that basing the settlement of index products on opening, as opposed to closing prices, on December 18 may help to accommodate index-related share volume. The proposed auxiliary procedures are intended to ensure that the Exchange may efficiently process sizable order flow at the open. The Commission believes that these procedures should work to reduce order imbalances at the open, and thus dampen potential volatility. In this regard, the procedures worked well during the June and September expirations and the December expiration should provide the Commission with another opportunity to assess whether these procedures are sufficient in dampening expiration volatility at the opening, or whether additional measures are necessary.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because the proposed rule change will enable the Exchange to quickly implement and notify market participants about procedures that it believes will appropriately address any index-related heightened share volume at the open on December 18, 1987.

IV. Solicitations of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all writtten statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 11, 1988.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

Dated: December 16, 1987.

[FR Doc. 87–29200 Filed 12–18–87; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area # 2299]

Declaration of Disaster Loan Area; Pennsylvania

The City of Williamsport, Lycoming County, in theState of Pennsylvania constitutes a disaster area because of damage from a fire which occurred on December 6, 1987. Applications for loans for physical damage may be filed until the close of business on February 15, 1988, and for economic injury until the close of business on September 16, 1988, at the address listed below: Disaster Area 2 Office, Small Business Administration, 120 Ralph McGill Blvd., 14th Fl., Atlanta, Georgia 30308, or other locally announced locations.

The interest rates are:

	Percent
Homeowners With Credit Available Elsewhere	8.000
Homeowners Without Credit Available Elsewhere	4.000
Businesses With Credit Available Elsewhere	8.000
Businesses Without Credit Available Elsewhere	4.000
Businesses (EIDL) Without Credit Available Elsewhere	4.000
Other (Non-profit Organizations Including Charitable and Religious Organizations)	9.000

The number assigned to this disaster is 229905 for physical damage and for economic injury the number is 658200.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Date: December 16, 1987.

James Abdnor,
Administrator.

[FR Doc. 87–29197 Filed 12–18–87; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[(Order 87–12–36), Docket 45127]

Application of Pan Am Express, Inc., For Certificate

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of order to show cause.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Pan Am Express, Inc., fit and awarding it a certificate of public convenience and necessity to engage in interstate and overseas scheduled air transportation.

DATE: Persons wishing to file objections should do so no later than December 30, 1987.

ADDRESSES: Objections and answers should be filed in Docket 45127 and addressed to the Documentary Services Division, Department of Transportation, 400 7th Street SW., Room 4107, Washington, DC, 20590, and should be served on the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Janet A. Davis, Air Carrier Fitness Division, P–56, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590, (202) 366–2341.

Dated: December 14, 1987.

Matthew V. Scocozza,
Assistant Secretary for Policy and International Affairs.

[FR Doc. 87–29144 Filed 12–18–87; 8:45 am]

BILLING CODE 4910–62–M

[Order 87–12–35, Docket No. 45122]

Application of Taquan Air Service, Inc., For Certificate

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Taquan Air Service, Inc., fit and awarding it a certificate of public convenience and

necessity to engage in interstate and overseas scheduled air transportation.

DATE: Persons wishing to file objections should do so no later than December 30, 1987.

ADDRESS: Objections and answers should be filed in Docket 45122 and addressed to the Documentary Services Division (C-55, Room 4107), U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590 and should be served upon parties listed in Attachement A to the order.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy A. Lusby, Air Carrier Fitness Division (P-56, Room 6420), U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, (202) 366-2337.

Dated: December 14, 1987.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 87-29145 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-62-M

Aviation Proceedings; Agreements Filed During the Week Ending December 11, 1987

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 408, 409, 412, and 414. Answers may be filed within 21 days of date of filing.

Docket No. 45338

Parties: Members of International Air Transport Association
Date Filed: December 07, 1987
Subject: So. Pacific Excursion Fares Seasonality
Proposed Effective Date: April 1, 1988

Docket No. 45339 R-1—R-3

Parties: Members of International Air Transport Association
Date Filed: December 07, 1987
Subject: Adjusting Lebanese Currency
Proposed Effective Date: December 15, 1987/February 1, 1988

Docket No. 45345

Parties: Members of International Air Transport Association
Date Filed: December 08, 1987
Subject: Amendments to Provisions for Conduct of Traffic Confs
Proposed Effective Date: To C-20 for action

Docket No. 45352

Parties: The Fidelity Funds and Fidelity Management & Research Company
Date Filed: December 9, 1987
Subject: Application of the Fidelity Funds and Fidelity Management Trust Company pursuant to 14 CFR 303.54 request an exemption from 49 U.S.C. section 1378(a)(5) and (6), to the extent necessary to allow the Funds and Fidelity Trust, to own up to 20 percent of the outstanding voting securities of more than one air carrier or other issuer the ownership of which is restricted by sections 1378(a)(5) and (6).

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 87-29139 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed During the Week Ending December 11, 1987

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et. seq.*). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 45336

Date Filed: December 7, 1987
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 4, 1988

Description: Application of International, S.A. pursuant to section 402 of the Act and Subpart Q of the Regulations requests a foreign air carrier permit to engage in scheduled and charter foreign air transportation of property and mail as follows: For the Dominican Republic via intermediate points as permitted to San Juan, Puerto Rico, Miami, Florida and/or New York, New York.

Docket No. 45348

Date Filed: December 8, 1987
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: January 5, 1988

Description: Application of Haiti Trans Air, S.A. pursuant to section 402 of the Act and Subpart Q of the Regulations, applies for a foreign air carrier permit to engage in scheduled, non-scheduled and charter air transportation of persons, property and mail between points in Haiti, on the one hand, and Miami, Florida, and New York, New York on the other hand.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 87-29140 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

[CGD 11-87-06]

Vessel Certificates and Exemptions Under the International Regulations for Preventing Collisions at Sea (72 COLREGS)

AGENCY: Coast Guard, DOT.

ACTION: Notice of granting of certificates of alternative compliance to vessels.

SUMMARY: This notice lists the commercial vessel granted a Certificate of Alternative Compliance. The vessel which, due to its special construction and purpose, cannot comply fully with certain provisions of the International Regulations for Preventing Collisions at Sea (72 COLREGS) without interfering with the vessel's special functions. The intent of this notice is to allow the mariner to be aware of the listing of these commercial vessels that have been granted a Certificate of Alternative Compliance.

EFFECTIVE DATE: December 8, 1987.

FOR FURTHER INFORMATION CONTACT: LCDR F. L. McClain, Eleventh Coast Guard District Marine Safety Division, Union Bank Building Suite 709, 400 Oceangate, Long Beach, CA 90822. Telephone (213) 499-5330.

SUPPLEMENTARY INFORMATION: Under the provisions of subsection 1605(c) of Title 33 United States Code, the Coast Guard publishes, in the **Federal Register**, a listing of vessels granted Certificates of Alternative Compliance. Certificates of Alternative Compliance are based on a determination that a vessel cannot comply fully with International Rules of light(s), shape(s), and sound signal provisions without interference with the vessel's special function. The alternative allowed results in the closest possible compliance with Annex I of the 72 COLREGS. These vessels are incapable of complying with the 72 COLREGS light provisions. The following commercial vessel is not in compliance with the 72 COLREGS and has been issued a Certificate of Alternative Compliance.

Vessel and Official Number

The following vessel's sidelights are forward of the masthead light:

M/V RIG ENGINEER.....507458

Dated: December 10, 1987.

A. Bruce Baran,

Rear Admiral, U.S. Coast Guard Commander, Eleventh Coast Guard District.

[FR Doc. 87-29209 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[File Nos. FAA P-8110-2 and AC 21.17-1]

Advisory Circular Availability; Airship Design Criteria

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Availability of Federal Aviation Administration Report Number FAA P-8110-2, "Airship Design Criteria," and Advisory Circular No. 21.17-1, "Type Certification—Airships"

SUMMARY: Federal Aviation Administration Report Number FAA P-8110-2, "Airship Design Criteria," issued November 2, 1987, provides acceptable airworthiness requirements for the type certification of conventional, near equilibrium, nonrigid airships. These Airship Design Criteria are referenced in Advisory Circular (AC) No. 21.17-1, "Type Certification—Airships" dated September 30, 1987, as an acceptable means, but not the only means, for the type certification of conventional, nonrigid airships. AC No. 21.17-1 also provides general guidance relative to airship type certification.

FOR FURTHER INFORMATION CONTACT: Mr. Lyle C. Davis, Aerospace Engineer, Policy and Procedures Branch, AWS-110, Telephone (202) 267-9583.

SUPPLEMENTARY INFORMATION: Federal Aviation Regulations (FAR) 21 was amended effective April 13, 1987, to provide procedures for the type certification and airworthiness certification of special classes of aircraft. Special classes of aircraft include gliders (including self-launching gliders), airships, and other kinds of aircraft that would be eligible for a standard airworthiness certification but for which no airworthiness standards have as yet been established as a separate part of subchapter C of the FAR. Airworthiness standards for these special classes of aircraft are designated in new FAR 21.17(b).

The FAA airship design criteria are contained in FAA document FAA P-8110-2 titled "Airship Design Criteria" dated November 2, 1987. This report contains the design requirements necessary to provide an equivalent level of safety to that prescribed in FAR 21.17(b) for special classes of aircraft. These criteria provide an acceptable certification basis for airships certificated in the normal category that have a passenger seating configuration, excluding pilot seats, of nine seats or less. For airships containing larger numbers of passengers, these criteria would require further consideration. These Airship Design Criteria are referenced in Advisory Circular (AC) No. 21.17-1, "Type Certification—Airships," dated September 30, 1987, as an acceptable means for the type certification of conventional, nonrigid airships.

AC No. 21.17-1 describes two acceptable criteria, but not the only means, for the type certification of airships that may be used by an applicant in showing compliance with new § 21.17(b) of Part 21 of the FAR. This AC also provides procedures and additional criteria necessary to obtain a U.S. type certificate for airships. Procedures are provided for other persons to develop and obtain FAA approval for their own design criteria, which may utilize all or part of the criteria specified in FAA P-8110-2.

Both the criteria specified in FAA P-8110-2 and the AC are helpful documents for persons interested in obtaining a U.S. type certificate for an airship. These criteria may be revised as the need arises. As experience is gained with U.S. airship certification programs, the FAA may consider establishing airship airworthiness standards as a separate part of the FAR.

How To Obtain Copies

Copies of FAA P-8110-2, "Airship Design Criteria" and AC No. 21.17-1, "Type Certification—Airships" may be obtained by contacting the U.S. Department of Transportation, Utilization and Storage Section, M-443.2, Room 2314, Nassif Building, Washington, DC 20590.

Issued in Washington, DC, on December 10, 1987.

Thomas E. McSweeny,

Manager, Aircraft Engineering Division, Office of Airworthiness.

[FR Doc. 87-29176 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-13-M

Intent To Prepare Environmental Impact Statement; Halls Crossing, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent.

SUMMARY: The FAA, acting as lead agency, is issuing this notice public that Draft and Final Environmental Impact Statements (EIS) will be prepared for the siting and development of a new airport near Halls Crossing, Utah.

FOR FURTHER INFORMATION CONTACT: Mrs. Barbara Johnson, Federal Aviation Administration, Airports District Office, 10455 East 25th Avenue, Suite 301, Aurora, CO 80010. Telephone: (303) 340-5527.

SUPPLEMENTARY INFORMATION:

Proposed Action and Alternatives

The proposed action is the siting and development of a General Utility Stage I Airport near Halls Crossing, Utah. The new airport would be designed to accommodate aircraft of 12,500 or less. Potential alternatives to be evaluated include:

a. A new airport on Glen Canyon National Recreational Area in the vicinity of Halls Crossing, Utah.

b. A new airport off Glen Canyon National Recreation Area land on Bureau of Land Management land in the vicinity of Halls Crossing, Utah.

c. No-Build (continue using existing dirt airstrip at Halls Crossing as is).

d. Other reasonable and prudent alternatives which have potential.

An informational packet on the proposed action is available at the following locations:

FAA, Denver Airports District Office, 10455 East 25th Avenue, Suite 301, Aurora, CO 80010
National Park Service (NPS), Ranger Station, Halls Crossing, P.O. Box 5110, Lake Powell, Utah 84533
National Park Service (NPS), District Office, Bullfrog, P.O. Box 4304, Lake Powell, Utah 84533
Monticello Library, 66 North Main, P.O. Box 879, Monticello, Utah 84535
Bureau of Land Management, Moab District Office, 82 East Dogwood, P.O. Box 970 Moab, Utah 84532
Bureau of Land Management, San Juan Resource Area Office, 435 N. Main, Monticello, UT 84535
San Juan County Courthouse, Attn: Rick Bailey, P.O. Box 9, 117 S. Main, Monticello, Utah 84535
NPS Headquarters Building, 441 North Navajo Drive, P.O. Box 1057, Page, Arizona 86040

Scoping Process

In order to ensure that all significant issues related to the proposed action are indentified, a public participation meeting (scoping meeting) will be held to receive public input regarding the issues which the public feels should be addressed in the EIS. The meeting will be held at the following time and place:

VOL 52 ISS 244 DEC 21 1987 UMI

January 20, 1988, Wednesday, 7:00 p.m., San Juan County Courthouse, 117 S. Main, Monticello, Utah

Letters containing environmental concerns must be received by January 30, 1988, at the Federal Aviation Administration. Airports District Office, 10455 East 25th Avenue, Aurora, CO 80010, in order to be given consideration. Letters should be to the attention of Mrs. Barbara Johnson.

Approximate Release of Draft EIS: June 1988.

Approximate Release of Final EIS: August 1988.

Issued in Seattle, Washington, December 15, 1987.

Edward G. Tatum,

Manager, Airports Division.

[FR Doc. 87-29177 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-13-M

Flight Service Station Closure; Salina, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Notice is hereby given that on January 2, 1988, the Flight Service Station at Salina, Kansas will be closed. Thereafter, services to the general public at Salina, Kansas, will be provided by the Flight Service Station at Wichita, Kansas.

This information will be reflected in the next issue of the FAA Organizational Statement.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Kansas City, Missouri, on December 7, 1987.

Clarence E. Newbern,

Assistant Manager, Air Traffic Division.

[FR Doc. 87-29150 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in Washington, DC.

DATE: The meeting will be held January 13, 1988.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, CC:AP:V, 1111 Constitution Avenue NW., Room 2575, Washington, DC 20224, Telephone No. (202) 566-9259 (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), that a closed meeting of the Art Advisory Panel will be held on January 13 in Room 3029 beginning at 9:30 a.m., Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in section 552b(c) (3), (4), (6), and (7) of Title 5 of the United States Code, and that the meeting will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978. (43 FR 52122.)

Lawrence B. Gibbs,

Commissioner.

[FR Doc. 87-29196 Filed 12-18-87; 8:45 am]

BILLING CODE 4830-01-M

UNITED STATES INFORMATION AGENCY

Grants Program for Private Non-For-Profit Organizations in Support of International Educational and Cultural Activities

The United States Information Agency (USIA) announces a program of selective assistance and limited grant support to non-profit activities of United States institutions and organizations in the Private Sector. The program is designed to increase mutual understanding between the people of the U.S. and other countries and to strengthen the ties which unite our societies. The information collection involved in this solicitation is covered by OMB Clearance Number 3116-0175, entitled "A Grants Program for Private, Non-Profit Organizations in Support of International Educational and Cultural Activities," announced in the **Federal Register** June 3, 1987.

Private sector organizations interested in working cooperatively with USIA on the following concept are encouraged to so indicate:

A Security Affairs Workshop: The Role of Domestic Factors. The Office of Private Sector Programs (E/P) will assist in supporting a four-day security affairs workshop for political leaders and policy analysts from the Atlantic Alliance. The program will compare security policies among four case-study countries (the United Kingdom, the United States, West Germany, and one other nation recommended by the grantee institution) with particular emphasis on examining the domestic factors which have contributed to the formulation and/or acceptance of arms control and disarmament policies. Ideally, this workshop will take place in the United Kingdom or West Germany in May or June 1988. Participants will also include representatives from The Netherlands, Belgium, France, Spain, Portugal, Denmark and Italy.

USIA is most interested in working with organizations that show promise for innovative and cost-effective programming; and with organizations that have potential for obtaining private-sector funding in addition to USIA support. Organizations must have the substantive experties and logistical capability needed to successfully develop and conduct the above project and should also demonstrate a potential for designing programs which will have a lasting impact on their participants.

Interested organizations should submit a request for complete application materials—postmarked no later than fifteen days from the date of this notice—to the address listed below. The Office of Private Sector Programs will then forward a set of materials which contains proposal guidelines.

Office of Private Sector Programs, Bureau of Educational and Cultural Affairs, (ATTN: Initiative Programs) United States Information Agency, 301 4th Street SW., Washington, DC 20547.

Dated: December 4, 1987.

Robert Francis Smith,

Director, Office of Private Sector Programs.

[FR Doc. 87-29133 Filed 12-18-87; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register

Vol. 52, No. 244

Monday, December 21, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:05 a.m. on Tuesday, December 15, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider: (1) Matters relating to the possible failure of certain insured banks; and (2) requests for financial assistance, pursuant to section 13(c) of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: December 16, 1987.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

Deputy Executive Secretary.

[FR Doc. 87-29260 Filed 12-17-87; 1:29 pm]

BILLING CODE 6714-01-M

INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 10:00 am., Tuesday, December 22, 1987.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423.

STATUS: Short Notice of Open Special Conference.

PURPOSE: The purpose of the conference is for the Commission to discuss among themselves, and to vote on, the agenda item. Although the conference is open for public observation, no public participation is permitted.

MATTER TO BE DISCUSSED:

Finance Docket No. 30555—*Northwestern Pacific Acquiring Corporation and Eureka Southern Railroad Company—Exemption From 49 U.S.C. 10901 and 11301.*

CONTACT PERSON FOR MORE INFORMATION: Alvin H. Brown, Office of Government and Public Affairs Telephone: (202) 275-7252.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29288 Filed 12-17-87; 3:24 pm]

BILLING CODE 7035-01-M

Corrections

Federal Register
Vol. 52, No. 244
Monday, December 21, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 675

[Docket No. 70878-7250]

Foreign Fishing; Groundfish of the Bering Sea and Aleutian Island Area

Correction

In rule document 87-27767 beginning on page 45966 in the issue of Thursday, December 3, 1987, make the following correction:

On page 45966, in the third column, under **EFFECTIVE DATES:**, in the second line, "January 4, 1988" should read "December 30, 1987."

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 124

Medical Facility Construction and Modernization; Requirements for Provision of Services to Persons Unable To Pay

Correction

In rule document 87-27316 beginning on page 46022 in the issue of Thursday, December 3, 1987, make the following corrections:

1. On page 46027, in the third column, in the seventh line, the first section reference should read "124.511(b)(1)(i)".

2. On page 46028, in the second column, in footnote 2, in the next to the last line, the citation should read "291c(e)(1)".

3. On page 46029, in the first column, in the eighth line, the section reference should read "§ 124.511(b)(1)(iii)(A)".

4. On the same page, in the second column, in the 29th line, "faor" should read "for".

5. On the same page, in the third column, in the first complete paragraph, in the fourth line, "an" should read "any".

6. On the same page, in the same column, in the last paragraph, in the fourth line, "oif" should read "of".

7. On page 46030, in the first column, in the first complete paragraph, in the fifth line, "for" should read "from".

8. On the same page, in the same column, in the last paragraph, in the 13th line, "facilities" should read "facility".

9. On the same page, in the second column, in the first paragraph, in the 13th line, "obligations" should read "obligation".

10. On the same page, in the third column, in the eighth line, "base levels" should read "base compliance levels".

11. On the same page, in the same column, in the first complete paragraph, in the 13th line, "prescribed" should read "prescribe"; in the 30th line, "obligation" should read "alternative"; and in the 39th line, "this" should read "thus".

12. On page 46031, in the first column, in the 14th line, "they provide" should read "they must provide".

13. On the same page, in the third column, in the ninth line, "**Federal Register**" should read "the **Federal Register**".

§ 124.502 [Corrected]

14. On page 46032, in the third column, in § 124.502(m)(2), in the 20th line, "of" should read "or".

§ 124.503 [Corrected]

15. On page 46033, in the first column, in § 124.503(b)(3)(ii), in the first line, "of justifiable" should read "of a justifiable".

§ 124.507 [Corrected]

16. On page 46035, in the first column, in § 124.507, in paragraph (b)(2)(i)(B), in the first line "apply" was misspelled, and in the fourth line, "upon application" should read "upon proper application"; in paragraph (b)(2)(iii), in the fourth line, "will be" should read "will not be"; and in paragraph (c)(2), in the first line, "*Preservice*" should read "*Postservice*".

§ 124.509 [Corrected]

17. On page 46036, in the first column, in § 124.509(d), in the second line, the section reference should read "§ 124.515".

§ 124.510 [Corrected]

18. On the same page, in the second column, in § 124.510(b), in the 14th line, the OMB control number should read "0915-0103".

§ 124.511 [Corrected]

19. On the same page, in the second column, in § 124.511, in paragraph (a) introductory text, in the first line, "that" should read "that a"; in paragraph (a)(1)(iv), in the second line, "complainants" should read "complainant"; and in paragraph (a)(3), in the 12th line, "with applicable" should read "with the applicable".

20. On the same page, in the third column, in § 124.511(b)(1)(iii), in the sixth line, "establish" should read "eligible".

§ 124.513 [Corrected]

21. On page 46038, in the first column, in § 124.513(d)(2)(i)(B), in the fourth line, "of each" should read "for each".

§ 124.514 [Corrected]

22. On the same page, in the third column, in § 124.514(d), in the next to the last line, "on" should read "or".

§ 124.515 [Corrected]

23. On the same page, in the same column, in § 124.515(a), in the 12th line, "with requirements" should read "with the requirements".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-943-08-4220-11; N-6029, Nev-051786]

Proposed Continuation and Modification of Withdrawals; Nevada

Correction

In notice document 87-26311 beginning on page 43683 in the issue of Friday, November 13, 1987, make the following corrections:

1. On page 43683, in the third column, under **DATE**, the second line should read "February 11, 1988".

2. On the same page, in the same column, under **Mount Diablo Meridian**, the fifth line should read: "SW¼NW¼ NE¼, N½NW¼SW¼NE¼,"; and the 10th line should read: "NE¼SE¼ SW¼NW¼, N½SE¼NW¼,".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-040-08-4212-12; A 9603; A23098]

Realty Action; Designation of Public Lands to be Included in State Exchange in Cochise, Pinal, Graham, and Greenlee Counties, AZ; Cancellation of Segregation of Public Land in Cochise County

Correction

In notice document 87-27937 appearing on page 46425 in the issue of Monday, December 7, 1987, commas should be removed in the following places:

a. Under T. 7 S., R. 16 E., Sec. 14, after "SW¼".

b. Under T. 7 S., R. 17 E., Sec. 31, after "N½".

c. Under T. 8 S., R. 17 E., Sec. 6, after "S½", and Sec. 29, after "W½".

d. Under T. 9 S., R. 17 E., Sec. 24, after "S½".

e. Under T. 9 S., R. 18 E., Sec. 18, after "N½", and Sec. 30, after "N½".

f. Under T. 11 S., R. 32 E., Sec. 3, after "S½".

g. Under T. 15 S., R. 22 E., Sec. 24, after the first "N½", Sec. 29, after "S½" and Sec. 29 after the second "N½".

h. Under T. 16 S., R. 22 E., Sec. 4, after "N½", Sec. 6, after "E½", Sec. 8, after "N½", Sec. 12, after "S½", Sec. 18, after "N½", and Sec. 21, after "W½".

BILLING CODE 1505-01-D

VOL
52
ISS
244
DE
21
1987
UMI

federal register

Monday
December 21, 1987

Part II

Information Security Oversight Office

32 CFR Part 2003

National Security Information Standard Forms; Final Rule

VOL
52
ISS
2
4
4
DE
21
1987
UMI

INFORMATION SECURITY OVERSIGHT OFFICE

32 CFR Part 2003

National Security Information Standard Forms

AGENCY: Information Security Oversight Office (ISOO).

ACTION: Final rule.

SUMMARY: This is an amemdment to 32 CFR 2003.20. In recent months, questions have been raised about the intended scope of the term "classifiable information," a term that has been used in the Standard Form 189, "Classified Information Nondisclosure Agreement," since it was first issued in September 1983. On August 3, and 11, 1987, ISOO published definitions of the term "classifiable information" in the **Federal Register.** These definitions were designed to clarify the meaning of this term and to demonstrate that it applies to a very narrow class of information. Subsequently, it has become evident that further clarification is desirable for purposes of alleviating concern and dispelling confusion about the actual scope of the nondisclosure obligation in regard to such information. Relevant explanatory information circulated by ISOO since August 1987 has proved useful in further clarifying the intended reach of the term "classifiable information." As a result, ISOO has determined that it would be desirable to amend its published definition to incorporate such further explanation. The revised definition does not change the substance of the term "classifiable information" in each executed nondisclosure agreement, but may, nevertheless, prove useful to a better understanding by affected employees of their nondisclosure obligations. While ISOO will include this definition in future reprints of the Standard Form 189, it is intended to apply to all editions of the Form.

EFFECTIVE DATE: December 21, 1987.

FOR FURTHER INFORMATION CONTACT: Steven Garfinkel, Director, ISOO. Telephone: (202) 535–7251.

SUPPLEMENTARY INFORMATION: This amendment to 32 CFR Part 2003 is issued pursuant to section 5.2(b)(7) of Executive Order 12356.

List of Subjects in 32 CFR Part 2003

Classified information, Executive orders, Information, National security information, Security information.

32 CFR Part 2003 is amended as follows:

PART 2003—NATIONAL SECURITY INFORMATION—STANDARD FORMS

1. The authority citation for 32 CFR Part 2003 continues to read:

Authority: Sec. 5.2(b)(7) of E.O. 12356.

Subpart B—Prescribed Forms

2. Section 2003.20(h)(1) is revised to read as follows:

§ 2003.20 Classified Information Nondisclosure Agreement: SF 189; Classified Information Nondisclosure Agreement (Industrial/Commercial/Non-Government): SF 189–A.

* * * * * *

(h) * * *

(1)(i) As used in paragraph 1 of SF 189, the term "classifiable information" refers to two categories of information only: (a) Unmarked *classified* information, including oral communications; and (b) *unclassified* information that meets the standards for classification and is in the process of a classification determination. "Classifiable information" does *not* refer to currently unclassified information that may be subject to possible classification at some future date, but is not currently in the process of a classification determination. Therefore, the only circumstances under which a party to SF 189 might violate its terms by disclosing *unclassified* information are when a party knows, or reasonably should know, that such information is in the process of a classification determination and requires interim protection as provided in section 1.1(c) of Executive Order 12356 or any other statute of Executive order that requires interim protection for certain unclassified information while a classifiction determination is pending.

(ii) A party to SF 189 may be liable for disclosing "classifiable information" only if: (a) He or she knows that the unmarked information is classified, or meets the standards for classification and is in the process of a classification determination, whether the unauthorized disclosure is willful or negligent; or (b) he or she should know that the unmarked information is classified, or meets the standards for classification and is in the process of a classification determination, in which case the unauthorized disclosure is negligent. In no instance could a party to SF 189 be liable for violating its nondisclosure provisions by disclosing unmarked information when, at the time of the disclosure, there was no basis to suggest, other than pure speculation, that the information was classified or in the process of a classification determination.

* * * * * *

Dated: December 16, 1987.

Steven Garfinkel,

Director, Information Security Oversight Office.

[FR Doc. 87–29152 Filed 12–18–87; 8:45 am]

BILLING CODE 6820–AC–M

VOL
52
ISS
244
DE
21
1987
UMI

federal register

Monday
December 21, 1987

Part III

Department of Education

Office of Special Education and Rehabilitative Services

Secondary Education and Transitional Services for Handicapped Youth Program; Notice of Final Annual Funding; Fiscal Year 1988

VOL
52
ISS
2
4
4
DE
21
1987
UMI

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Secondary Education and Transitional Services for Handicapped Youth Program

AGENCY: Department of Education.

ACTION: Notice of final annual funding priorities.

SUMMARY: The Secretary announces final annual funding priorities for the Secondary Education and Transitional Services for Handicapped Youth Program to ensure effective use of funds and to direct funds to areas of identified need during fiscal year 1988.

EFFECTIVE DATE: These final funding priorities take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of these annual funding priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Edward Wilson, Secondary Education and Transitional Services Branch, Office of Special Education Programs. Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3096—M/S 2313), Washington, DC 20202. Telephone: (202) 732–1121.

SUPPLEMENTARY INFORMATION: The Secondary Education and Transitional Services for Handicapped Youth Program is authorized by section 628 of Part C of the Education of the Handicapped Act (20 U.S.C. 1425), as amended by Pub. L. 99–457. This program supports research, development, demonstration, evaluation, and other types of projects that: (1) Strengthen and coordinate activities to assist in the transition to postsecondary education, vocational training, competitive employment, continuing education, or adult services for handicapped youth; (2) stimulate the improvement and development of programs for secondary special education; and (3) stimulate the improvement of the vocational and life skills of handicapped students to enable them to be better prepared for transition to adult life and services.

These final annual funding priorities target: (1) Projects for youth with severe handicaps to be prepared for and placed in supported work prior to their leaving school, and (2) projects to improve existing tracking systems for youth who complete or leave secondary education and to improve secondary education practices based on continued analysis of outcome data.

Summary of Comment and Response

A notice of proposed annual funding priorities was published in the **Federal Register** on September 10, 1987 (52 FR 34370). The public was given thirty days in which to comment. One comment was received from a professional organization in response to the notice of proposed annual funding priorities. The comment and the Department's response are summarized below:

Comment: One commenter expressed concern that projects funded under Priority (1), "Training and employment models for youth with severe handicaps" would be limited if focused only on severely handicapped youth and if supported employment models were the only outcome desired.

Response: No change has been made. This priority has been designed to develop school-based models for preparing and placing severely handicapped youth in supported employment. This priority is intended to stimulate the development of an educational option that is not generally made available by public schools.

Priorities

In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3), the Secretary will give an absolute preference to applications addressing the following priorities:

(a) Priority 1: Training and Employment Models For Youth With Severe Handicaps

This priority supports school and community based projects for youth with severe handicaps to be prepared for and placed in supported work prior to leaving school. Models funded under this competition are expected to emphasize the following: (1) Collaboration with employers and measurement of employer satisfaction; (2) program evaluation with outcome measures to determine initial and continuing employment status; (3) working relationships between education agencies and supported work efforts at the State and/or local level; and (4) working partnerships with families that demonstrate a commitment to maximizing independence. The outcome of these models is to place youth with severe handicaps in supported employment. Supported employment must include paid employment in integrated work settings and ongoing support from adult service agencies.

(b) Priority 2: Secondary and Transition Services Follow-Up/Follow-Along Projects

This priority supports school and community-based projects to improve tracking systems for youth who complete or leave secondary programs and to revise curriculum and/or program options based on continued analysis of outcome data. Models funded under this competition are expected to emphasize the following: (1) A commitment to enhance existing procedures for a follow-up/follow-along system for all youth who complete or leave secondary education, and (2) revision of existing program options to improve outcomes for youth with handicaps completing or leaving school. Placement status of youth in the community must be the performance standard used to target these outcomes.

Program Authority: 20 U.S.C. 1425.

(Catalog of Federal Domestic Assistance No. 84.158; Secondary Education & Transitional Services Programs for Handicapped Persons)

Dated: December 4, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87–29203 Filed 12–18–87; 8:45 am]

BILLING CODE 4000-01-M

VOL
52
ISS
244
DE
21
1987
UMI

federal register

Monday
December 21, 1987

Part IV

Department of Education

Invitation of Applications for New Awards Under the Vocational Rehabilitation Service Projects for American Indians With Handicaps Program for Fiscal Year 1988; Notice

BEST COPY AVAILABLE

VOL
52
ISS
244
DE
21
1987
UMI

DEPARTMENT OF EDUCATION

[CFDA No. 84.128H]

Invitation of Applications for New Awards Under the Vocational Rehabilitation Service Projects for American Indians With Handicaps Program for Fiscal Year 1988

Purpose: This program supports projects that provide vocational rehabilitation services to American Indians with handicaps who reside on Federal and State reservations. Governing bodies of Indian tribes and consortia of such bodies located on Federal and State reservations may apply for these grants.

Deadline for Transmittal of Applications: March 31, 1988.

Applications Available: January 25, 1988.

Available Funds: $804,000.

Estimated Range of Awards: $180,000 to $220,000.

Estimated Average Size of Awards: $200,000.

Estimated Number of Awards: 4.

Project Period: 12 Months to 36 Months.

Applicable Regulations: (a) Regulations governing the Vocational Rehabilitation Service Projects for American Indians with Handicaps Program (34 CFR Part 369 and 371); and (b) the Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, and 78.

For Applications or Information Contact: Frank S. Caracciolo, Office of Developmental Programs, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue SW., Room 3320 Switzer Building, MS 2312, Washington, DC 20202. Telephone: (202) 732–1340.

Program Authority: 29 U.S.C. 750.

Dated: December 15, 1987.

Madeleine Will,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 87–29204 Filed 12–18–87; 8:45 am]

BILLING CODE 4000–01–M

VOL
52
ISS
244
DE
21
1987
UMI

federal register

Monday
December 21, 1987

Part V

Department of Education

National Institute on Disability and Rehabilitation Research; Final Funding Priorities for Fiscal Year 1988; Notice

VOL 52 ISS 244 DEC 21 1987 UMI

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research; Final Funding Priorities for Fiscal Year 1988

AGENCY: Department of Education.

ACTION: Notice of final funding priorities for fiscal year 1988.

SUMMARY: The Secretary of Education announces final funding priorities for research activities to be supported under the Rehabilitation Engineering Center (REC) program of the National Institute on Disability and Rehabilitation Research (NIDRR) in fiscal year 1988.

EFFECTIVE DATE: These priorities take effect either 45 days after publication in the Federal Register or later if Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Betty Jo Berland, National Institute on Disability and Rehabilitation Research (Telephone: (202) 732-1139). Deaf and hearing-impaired individuals may call (202) 732-1198 for TTY services.

SUPPLEMENTARY INFORMATION: Authority for the Rehabilitation Engineering Center program of NIDRR is contained in section 204(b)(2) of the Rehabilitation Act of 1973, as amended. Under this program, awards are made to public and private agencies and organizations including institutions of higher education, Indian tribes, and tribal organizations. NIDRR can make awards for up to sixty months.

NIDRR supports a program of Rehabilitation Engineering Centers (RECs) that conduct coordinated programs of advanced research of an engineering or technological nature. RECs work to develop systems for the exchange of technical and engineering information and to improve the distribution of technological devices and equipment to individuals with handicaps. Each REC must be located in a clinical rehabilitation setting and is encouraged to collaborate with institutions of higher education.

Each REC conducts a program of research, scientific evaluation, and training that advances the state of the art in technology or its application; contributes substantially to the solution of rehabilitation problems; and becomes an acknowledged center of excellence in a given subject area. RECs are encouraged to develop practical applications for their research through scientific evaluation activities that validate their findings as well as related findings of other centers. RECs generally conduct training programs to disseminate and encourage utilization of new rehabilitation engineering knowledge through such means as development of or contribution to undergraduate and graduate texts and curricula, in-service training, continuing education, and the distribution of information and appropriate technology. Each REC must ensure that all training and information materials developed by the Center are presented in several formats that will be accessible to individuals with various types of sensory and mobility impairments.

NIDRR regulations authorize the Secretary to establish research priorities by reserving funds to support particular research activities (see 34 CFR 353.32). NIDRR will conduct, not later than three years after the establishment of any REC, one or more reviews of the activities and achievements of the Center, to include review by peers. Continued funding depends at all times on satisfactory performance and accomplishment in accordance with the provisions of 34 CFR 75.253.

NIDRR published a Notice of Proposed Priorities in the Federal Register on August 21, 1987 at 52 FR 31730. NIDRR received some comments on these proposed priorities. While many of the comments made good suggestions, NIDRR believes that the meritorious suggestions are either encompassed or implied in the scope of the priorities as proposed. Therefore, no changes were made to the priorities as proposed. A summary of the comments and the Secretary's responses to them is included at the end of this notice.

The publication of these final priorities does not bind the Federal Government to fund projects in any of these areas. Funding of particular projects depends on the availability of funds and on the number and quality of the applications that are received in response to the priorities. The closing date notice for these Centers was published on August 24, 1987 in the Federal Register. The closing date was October 30, 1987. Prospective applicants were advised to base their applications on the proposed priorities. As the closing date has passed, NIDRR is no longer soliciting applications in this program.

Final Priorities (1)

Improved Wheelchair and Seating Design

Nearly one million Americans with handicaps use wheelchairs as their primary means of mobility. These individuals need wheelchairs that are safer, more reliable, more durable, more versatile, and adaptable to personal requirements if they are to achieve their full potentials for independent and productive lives. Current wheelchair frames are often unstable or fragile, and the chairs are not suitable for different terrains or in all vocational, educational, recreational, or independent living settings that are important for complete community integration of individuals who use wheelchairs. Wheelchair power systems are short-term, and practical backup power systems are needed. Disabled individuals need control systems for powered wheelchairs that are durable and reliable, and can be adapted for easy use by persons with different types of functional limitations.

Wheelchair seating systems are critical for the sustained use of wheelchairs. Many disabled individuals are able to return to work, school, or community living in wheelchairs, if they have customized seating that provides appropriate support for soft tissues and for posture.

A critical element of any Center to be supported under this priority will be the involvement of disabled individuals and their families in the planning, implementation, and evaluation of the Center's activities. An REC in wheelchair development must emphasize the development of practical products and include opportunities for cooperation with industry in the various stages of product development, testing, and marketing. The Center must develop a knowledge base on the current state-of-the-art in wheelchair and seating design, maintain an information base in its area of expertise, and provide technical assistance to rehabilitation counselors, clinicians, and other providers of rehabilitation technology services. A Center in this area must make particular efforts to establish linkages with Independent Living Centers, spinal cord injury centers, and brain injury centers to obtain needs assessments and evaluations of its products.

An absolute priority is announced for an REC in this area to:

- Conduct a survey of wheelchair sale/repair establishments to assess the frequency and type of malfunctions of commercially marketed manual and electric wheelchairs and establish a research program which focuses on developing wheelchairs which do not exhibit the defects found in the survey;
- Develop new designs for both manual and powered wheelchairs that are safer and more reliable, taking into account the needs of disabled individuals of all ages;

- Develop innovative designs for manual wheelchairs that are stronger and more durable, and test the potential use of new, lightweight materials;
- Design wheelchairs that are suitable for a variety of employment and independent living activities and adaptable for various environments;
- Develop new wheelchair power systems to provide longer-lasting and more reliable power, and secondary power sources;
- Develop new wheelchair controls with appropriate back-up systems that are reliable, manageable, and adaptable;
- Design and develop cost-effective customized seating systems which will provide appropriate individual support, and also develop modular seating systems which can be used in wheelchairs as well as on other suitable bases;
- Develop training materials and provide training for rehabilitation clinicians and for wheelchair users, family members, and personal attendants in the appropriate prescription and use of wheelchairs and seating;
- Provide a resource for training of engineers and scientists in rehabilitation engineering, by hosting guest investigators from other RECs, public agencies, and private industry, or by designating Center staff for temporary assignments with other RECs; and
- Conduct two state-of-the-art studies, one on manual wheelchairs and one on electric wheelchairs.

Prosthetics and Orthotics

Several million individuals have impaired limb or spinal functions that can be ameliorated by appropriate use of effective technological devices and systems. These systems include orthoses that are implanted to replace or supplement body systems and prostheses that are attached to trunk or limbs to extend functional capacity. These types of devices are needed for disabled persons of all ages.

Existing devices and systems are often cumbersome, uncomfortable, expensive, of limited capacity, or insufficiently versatile for use in the necessary range of educational, vocational, and independent living settings. However, the state-of-the-art in such fields as electronics, materials development, computer-assisted design, and computer-assisted manufacture is sufficiently advanced to support the development of prosthetic and orthotic devices that are more reliable, adaptable, comfortable, and affordable, and provide greater enhancement of function.

A critical element of any Center to be supported under this prioirity will be the involvement of disabled individuals and their families in the planning, development, and review of the work of the Center. A Center in this area must serve as a national resource for information on prosthetics, orthotics, and robotics; and maintain a database on the results of research in this area. The Center must participate in the development of a system of professional exchange of researchers and clinicians with other relevant RECs, research projects sponsored by NIDRR or other agencies, Independent Living Centers, and private industry.

An absolute priority is announced for an REC in this area to:

- Conduct a program of research and development in the application of computer-aided design and computer-aided manufacture to produce improved prosthetic and orthotic devices of all types;
- Develop applications for new and improved materials (stronger, lightweight, more durable, tissue compatible) in the fabrication of prostheses and orthoses;
- Develop design criteria for prosthetic and orthotic devices intended to improve functioning in all joints;
- Evaluate current techniques for prescribing and fitting prostheses and orthoses and the accompanying control mechanisms, and develop standard procedures based on principles of biomechanics and functional requirements for the devices;
- Develop materials and provide training to clinicians, disabled consumers, rehabilitation practitioners, prosthetists and orthotists, and other relevant parties in the prescription, use, maintenance, and assessment of these aids and devices;
- Develop linkages with sources for the manufacture and distribution of these devices to assure that the most appropriate devices are prescribed, used, and evaluated; and
- Conduct at least one state-of-the-art study on prosthetics and orthotics.

Transportation Systems for Persons with Disabilities

Individuals with disabilities are often further handicapped by the inaccessibility of public transportation and the inadequacy of adaptations for personal licensed vehicles. Many persons with disabilities could live independently in the community, increase their vocational and earning potential, and participate in a full-range of educational and recreational activities if they had greater personal mobility for travel in local and distant areas. Disabled individuals of all ages share the need for improved transportation systems to enhance their personal mobility.

There are no standards for the adaptation of personal vehicles to accommodate disabled individuals as drivers or passengers. Adaptations may compromise the structural stability and safety of the vehicles, may not provide safe and rapid exit from the vehicle or easy boarding, and may include control devices that are ineffective, unsafe, or otherwise inadequate. Seating systems and systems for securing wheelchairs in the vehicles are often unsafe and ineffective. Individuals with hearing deficits need alerting systems to facilitate safer driving.

Mass transit systems are often unsafe or inaccessible for those with mobility, cognitive, and sensory impairments. Again, safe and secure seating and wheelchair anchoring systems, emergency exit systems, and signal systems to promote the mobility of sensory impaired individuals are needed to make public transportation more accessible to persons with disabilities.

Any Center to be supported under this priority must provide for the substantial involvement of disabled persons and their families in the planning, implementation, and assessment of Center activities, especially in the assessment of needs, the nomination of products to be tested, and the evaluation of devices and systems. An REC in this area must provide for linkages with other appropriate agencies involved in the provision or regulation of public and private transportation and with private sector sources to promote the manufacture, distribution, and testing of new devices and systems. The center should serve as a national resource for information on vehicular adaptations and modifications of mass transit systems.

An absolute priority is announced for an REC to:

- Evaluate existing devices to provide safe seating and secure tie-downs for wheelchairs in both automobiles and mass transit vehicles, and develop and test new devices and systems;
- Design, develop, and test methods to provide access to and exit from personal vehicles while maintaining the structural integrity of the vehicle;
- Design, develop, and test control systems to enable persons with disabilities to drive automobiles, assuring that the control systems do not compromise the vehicle's compliance with standards set by the Society of Automotive Engineers and the United States Department of Transportation;

• Design, develop, and test safety devices such as emergency systems for use in exiting vehicles after accidents or power failures; alerting devices for hearing impaired drivers; and guidance systems to enable individuals with visual, hearing, or cognitive deficits to safely use mass transit;

• Develop materials and provide training to engineers; disabled drivers; personal attendants; rehabilitation counselors; operators of public transportation, taxicabs, and livery services; and other appropriate individuals in the adaptation and use of safe devices;

• Serve as a center of excellence in the topic, providing for the exchange of experts with industry, other public agencies, and other research and engineering centers; and

• Conduct at least one state-of-the-art study each in the areas of mass transit and personal licensed vehicles.

Evaluation of Rehabilitation Technology

Many assistive devices and other rehabilitation technologies are rarely prescribed by clinicians and are even less frequently used by persons with disabilities. Often, these devices have not been adequately tested, nor have professional and consumer responses to them been assessed. Inventors, designers, developers, or manufacturers may not have the capability to design or conduct adequate product tests. In some instances, the techniques for measurement and testing are themselves inadequate and the development and refinement of assessment methods is a prerequisite to product evaluation.

NIDRR believes that appropriate evaluation of rehabilitation technology is necessary to ensure the safety, utility, practicality, and appropriateness of devices for persons with disabilities. Adequate assessment will also increase the frequency with which clinicians make appropriate prescriptions and consumers make effective use of new technologies.

A critical element of any Center to be funded in response to this priority will be the involvement of disabled individuals in the planning, implementation, and review of the Center's activities, and specifically in the process of selecting technologies to be tested and specifying certain consumer-oriented performance criteria. A center in this area must serve as a national resource for information on establishing evaluation standards and the results of evaluation studies.

An absolute priority in announced for an REC to:

• Design and develop performance criteria and protocols for testing rehabilitation devices for the purpose of evaluating the effectiveness of the devices to restore, replace or supplement function;

• Provide a resource for technical assistance on the adaptation and implementation of evaluation protocols for product developers and manufacturers in both the private and public sectors to increase the frequency and improve the quality of product evaluation;

• Conduct direct evaluations of selected new or untested rehabilitation technologies to assess the effectiveness of the device;

• Advance the state-of-the-art in technology evaluation by developing, testing, or refining measurement methods and standard evaluation protocols;

• Develop and disseminate to service providers and disabled persons information on both testing methods and the results of tests performed by or in conjunction with the Center, assuring that all information packages are accessible to individuals with various types of disabilities;

• Provide opportunities for professional development through the temporary exchange of staff with other RECs, other government agencies such as the National Science Foundation (NSF), private industry, or other relevant organizations; and

• Conduct at least one comprehensive study of the state-of-the-art study in an important area of product evaluation, and serve as a national resource on evaluation of rehabilitation technology.

Quantification of Human Physical Performance

Effective rehabilitation is dependent on the reliable and valid measurement of changes in physical performance at various stages of the rehabilitation process. Failure to accurately assess physical capacities can lead to years of ineffective treatment.

Technological capability exists to support the development of accurate diagnostic instruments. Accurate initial diagnosis is a prerequisite to the prescription of appropriate therapeutic interventions. Measures of change in physical performance permit the assessment of rehabilitation outcomes and the redirection of treatment regimens when necessary. Such assessments are important to all aspects of physical restoration, vocational rehabilitation, and preparation for independent living. An REC in this area should capitalize on existing technologies to develop preciae instrumentation to measure baseline values of physical capability prior to rehabilitation and to track changes in performance subsequent to therapeutic intervention(s).

A critical element of any Center to be established under this priority will be the involvement of disabled individuals and family members in the planning and conduct of the Center's activities, particularly in reviewing the consumer acceptability of the various instruments and tests. The center will serve as a repository of knowledge and information on quantification of human performance.

An absolute priority is announced for an REC to:

• Design and develop safe, reliable, easy-to-use, accurate, and affordable instruments to measure active and passive range of motion and strength in the extremities and trunk;

• Design and develop instruments to measure neuromuscular system functions (i.e. spasticity) and test the effects of treatment interventions such as surgery, orthoses, exercise, functional electrical stimulation (FES), and others, on neuromuscular performance and restoration of function;

• Develop and test complete assessment systems to accurately evaluate the full range of physical performance at various stages of the rehabilitation process;

• Prepare and disseminate instructional packages in the use of new measurement instruments, and provide direct and indirect training for rehabilitation clinicians in the use of these instruments; and

• Provide for the advancement of knowledge in this area by conducting at least one state-of-the-art study in quantification of human performance and participate in time-limited professional exchange programs with NSF, National Institutes of Health (NIH), other RECs, or other appropriate agencies.

Augmentative Communication Devices

The inability to communicate in easily understood language isolates an individual and renders education, employment, or social interaction extremely difficult. The loss of effective speech can result from a birth anomaly, childhood disease, trauma, cancer, stroke, and a variety of other neurological disorders. Recent developments in systems for synthetic speech and speech recognition indicate a potential to assist communications through technology. However, existing systems are slow and difficult to operate, yield unrealistic speech, and

cannot produce print output with speed or accuracy.

An REC in this area should extend the current state of technology, develop a thorough knowledge base on the subject and serve as a national resource for information on communication devices. A critical element of any Center to be supported in this priority area will be the involvement of disabled individuals and their families in the planning, conduct, and review of all activities of the Center.

An absolute priority is announced for an REC to:

• Develop communication devices that improve the speed and accuracy of voice or print outputs;

• Develop methods and interface devices to enable individuals with a wide range of disabling conditions and functional impairments to use these augmentative communication systems;

• Develop appropriate materials for dissemination of information about augmentative communications technology to clinicians, educators, counselors, and persons with disabilities, assuring that the materials are accessible in appropriate media for individuals with all types of functional limitations;

• Provide training and technical assistance to individuals with disabilities, their family members and attendants, rehabilitation practitioners and educators on the selection, use, and maintenance of systems that augment communications;

• Develop and implement appropriate strategies to involve manufacturers and distributors in the process of making useful devices available to disabled persons;

• Provide opportunities for exchange of engineers and scientists with other RECs, NSF, NIH, National Aeronautics and Space Administration (NASA), or other appropriate sources; and

• Conduct at least one state-of-the-art study on a significant aspect of augmentative communication devices.

Technologies to Promote "Hearing" in Deaf and Hearing Impaired Individuals

Individuals who are hearing impaired due to conductive, sensorineural, mixed, or central hearing deficits may benefit from the use of comfortable and effective hearing aids. Hearing aid technology has advanced significantly in recent years, and the state-of-the-art is such that substantial further improvements can now be made in the amplification, filtering, and frequency responses to improve the quality of the sound perceived by the user.

Deaf individuals can benefit from technologies which convert sound into tactile or visual signals. These technologies include vibrotactile devices, alarm lights and other instrumental alerts. Improved hearing aids and other devices must be developed for all age groups, and for persons with multiple handicaps, in order to facilitate education, employment, and independent living.

An REC to further develop these technologies must include deaf and hearing impaired individuals and their family members in planning and conducting its activities, must maintain an information resource in the subject, and must interface with manufacturers and distributors to promote widespread dissemination of the latest technologies. The center should serve as a national resource for information on technologies for hearing impaired individuals.

An absolute priority is announced for an REC to:

• Develop performance standards, and evaluate selected hearing aid systems for quality of amplification, frequency response, and filtration systems in clinical as well as laboratory environments;

• Design and develop new hearing aid systems that are reliable, affordable, attractive, and produce an improved quality of sound;

• Design and develop new technologies to recognize and reproduce sounds from various sources, using alternative sensory signals such as light, vibration, or tactile stimuli;

• Design and develop new, reliable alerting systems to provide deaf and hearing impaired individuals with warnings of emergencies of hazardous conditions;

• Design and develop diagnostic and prescriptive instruments and criteria to facilitate the appropriate use of these new technologies by deaf and hearing impaired individuals;

• Develop information and training materials in various media that are accessible to people with all types of disabilities, and provide training to disabled individuals and family members, clinicians, educators, counselors, third-party payers, programs for the elderly, Independent Living programs, and industry in the selection, use and maintenance of optimum technologies for "hearing"; and

• Conduct at least one state-of-the-art study on hearing aid technology and one on alternate technologies for deaf persons, and participate in the exchange of engineers and researchers with other RECs, NSF, NIH, industry, or service agencies.

Functional Electrical Stimulation

Electrical stimulation is commonly used as a rehabilitation tool with people who have neurological impairments, spinal cord injuries, scoliosis, and other medical problems. Functional Electrical Stimulation (FES) is probably best known to the public for the work that has been done over the past twenty-five years to restore limited standing and ambulation to spinal cord injured patients. However, while these experiments have received widespread media attention, FES has a much broader application in treating people experiencing a variety of neuromuscular, musculoskeletal, and other medical problems. Potential beneficiaries of FES include individuals with neuromuscular or idiopathic spinal deformities; persons with prosthetic joints; individuals with cerebral lesions due to stroke or head injury; and persons with urinary incontinence, as well as those with spinal cord injuries.

The current challenge is to develop and refine technology to extend the application of FES to other types of impairments, to improve electrodes and implantation to make FES devices more practical to use, to increase the value of FES in spinal cord injury, and to evaluate and disseminate the technology.

A critical element of any Center to be funded in response to this priority will be the involvement of disabled individuals in the planning, conduct, and evaluation of Center activities. The centers will participate in the exchange of engineers and scientists with other research and development institutions. The center must emphasize the development of practical products, and must cooperate with industry to promote manufacture, distribution, and evaluation of FES systems.

An absolute priority is announced for an REC to:

• Develop and maintain a comprehensive information base on FES, disseminating materials in accessible format to persons with disabilities, clinicians, Independent Living programs, counselors, third-party payers, and others, and coordinate the collation of research data and product information from other Centers or projects studying FES.

• Design, develop, and evaluate FES devices and systems, including personal controls for activation and feedback, to promote standing and walking for individuals with lower extremity neuromuscular impairments;

• Design, develop and evaluate improved devices and intervention

VOL
52
ISS
244
DE
21
1987
UMI

systems to increase hand and arm function in individuals with upper extremity impairments;

• Design, develop, and test external orthotic devices to improve the function, safety, and reliability of FES systems for both upper and lower extremities;

• Design and develop FES and hybrid FES/orthotic systems to stabilize trunk musculature or correct trunk deformities; and

• Conduct comprehensive state-of-the-art studies in several significant aspects of functional electrical stimulation.

Modifications to Jobs, Worksites, and Educational Settings

Disabled individuals can have significantly more employment options and educational opportunities if worksites and classrooms are modified and tasks are restructured to accommodate functional limitations. Current technology can support effective modifications to work stations, work equipment, classrooms, laboratories, auxiliary locations (such as cafeterias, lockers, or recreation areas), and improved access to all areas of schools or workplaces. Site modification is a particularly valuable approach to assisting employees and students who acquire disabilities to remain in their occupations.

The restructuring the jobs and job tasks can enable individuals with various types of functional limitations to perform tasks and jobs they would otherwise be unable to manage. These adaptations may include changing the sequence of tasks, automating parts to some tasks, coverting signals from light to sound or vice-versa, or modifying taks to utilize new tools or other technological developments.

A critical element of any Center to be supported under this priority will be the involvement of disabled individuals in the planning, conduct, and assessment of Center activities, including but not limited to, the clinical testing of proposed modifications. An REC in this area must serve as a national resource of information on the subject; must see that its findings are incorporated in other relevant databases; and must provide an opportunity for the exchange of engineers, industrial psychologists, scientists, and rehabilitation practitioners with other RECs, state rehabilitation agencies, industry, rehabilitation facilities, and other relevant resources. The Center must also develop appropriate linkages with industry—as both employers of disabled individuals and as manufacturers of adaptive equipment—to ensure that adaptations are available and used.

An absolute priority is announced for an REC to:

• Develop criteria and standards for effective modifications to school and work sites, and document the most effective means for adapting different types of environments;

• Design and develop technologies to mechanize and automate parts of production systems to enable disabled persons to perform job or educational tasks, and develop systems to reorganize tasks;

• Develop information and training programs on the use of these modifications, and provide training to disabled individuals, employers, educators, independent living programs, rehabilitation counselors, and other engineers or scientists; and

• Conduct one or more state-of-the-art studies on modifications to jobs, worksites and educational settings.

Access to Computers and Electronic Equipment

Persons with disabilities constitute a significant potential market for computers, peripherals, and other electronic devices. Disabled persons have at minmum the same needs to use computers and other electronic equipment for work, education, or independent living, as do persons without disabilities. In addition, disabled persons may have specialized uses for computers and electronic equipment to replace or extend functional abilities. However, such equipment (both hardware and software) is often inaccessible to individuals with various types of functional impairments. Computer inaccessibility may result from software reliance on visual, sound, or spoken commands, color coding, or performing two or ore functions simultaneously. Hardware switches or operating keys may be physically or visually inaccessible to individuals with disabilities.

There is evidence that manufacturers are interested in making equipment accessible, but they often do not find it cost-effective to develop the necessary adaptations to accommodate the compete range of functional impairments that may be present in potential users. NIDRR proposes to support a Center to design and develop alternative access systems for standard computers and electronic devices. A critical element of such a Center will be the involvement of disabled individuals in planning, conducting, and reviewing the activities of the Center, including in the assessment of needs and the evaluation of Center products. The Center must participate in the exchange of experts with other RECs, private industry, and other appropriate public and private agencies.

An absolute priority is announced to an REC to:

• Design and develop performance criteria for accessible computer hardware and software and other electronic devices;

• Investigate the feasibility of a standard keyboard transfer function using a serial port, to enable disabled persons to access standard computers with personal interface devices;

• Design, develop, and test new interface aids to accommodate various specific functional impairments of persons with brain injury, language disorders, upper extremity disorders, spinal injuries, sensory deficits, and other disabling conditions;

• Establish effective linkages with manufacturers and distributors of standard computers to assure testing, acceptance, and incorporation of design modifications;

• Develop and disseminate accessible informational materials and training programs to make manufacturers, distributors, disabled persons, educators, rehabilitation counselors, and others, aware of the availability of and able to use computer access systems; and

• Conduct at least one state-of-the-art study on access to computers and electronic equipment.

Low Back Pain

Low back pain is a common disabling condition, leading to lost work time and costly health care, and seriously impairing the quality of the lives of affected individuals. Diagnosed low back pain accounts for ten percent of all reported chronic conditions and is the most frequent cause of activity limitation in persons under age sixty-four. There are over one million adults disabled by low back pain, and the incidence of temporary disability is another million per year. It is estimated that low back injuries account for one-fifth of workers' compensation awards, and are among the more costly types of claims.

A critical element of any Center to be funded under this priority is the involvement of disabled individuals in planning, conducting, and reviewing all Center activities. Such a Center must become a national repository of information on the topic area; and must provide for the exchange of scientists and engineers with other RECs, NSF, NIH, NASA, or other relevant sources. In particular, this Center must interface with other NIDRR research endeavors in spinal cord injury, prosthetics and orthotics, custom seating designs, and worksite modification.

An absolute priority is announced for an REC to:

• Identify risk factors for low back pain and develop intervention strategies which reduce the incidence of low back pain;

• Develop accurate measurement tools to assess the factors that contribute to low back pain;

• Study the use and effectivenes of currently available orthotic devices in the treatment of low back pain, and design and evaluate new orthotic devices;

• Evaluate the effectiveness of current interventions (movement, manipulation, and exercise) to reduce or eliminate low back pain;

• Assess persons not effectively treated by current intervention techniques to determine specific characteristics which predict therapeutic outcomes;

• Develop worksite modifications to reduce or eliminate low back injury, pain from injury, and lost work time;

• Develop accessible information and training materials on the latest technologies for amelioration of low back pain for clinicians, disabled persons, third-party payers, vocational counselors and employers; and

• Conduct at least one state-of-the-art study on low back pain.

Rehabilitation Technology Transfer

A major effort is required to ensure that disabled individuals receive and use the appropriate technological devices. Advances in the development of rehabilitation technology frequently are not reflected in the manufacturing, distribution, prescription, purchase, and use of appropriate technology.

Barriers to optimum use may result from lack of market knowledge, concerns about product liability, lack of incentives for production, lack of qualified technology service providers, or lack of awareness of resources to finance rehabilitation technology purchases. NIDRR proposes to establish a major effort to stimulate the production and marketing of technologies, enhance rehabilitation technology service delivery networks, elevate the qualifications of technology service providers, and assist in making new research knowledge available for existing technology data bases addressing consumers and professionals.

A critical element of any Center to be funded under this priority is the involvement of disabled individuals in planning, conducting, and reviewing all Center activities. Such a Center must become a national repository of information on techniques of technology transfer and training technologists, and must provide for the exchange of scientists and engineers with other RECs, NSF, NIH, NASA, or other relevant sources.

This Center must interface with other NIDRR research endeavors in technology, and will assist in the provision of knowledge derived from technology research to existing consumer-oriented data bases. This Center must work closely with private industry, and with the Regional Rehabilitation Continuing Education Program (RRCEP) and other training resources to promote the adoption of improve training for rehabilitation technologists. This Center will need to propose and develop productive linkages with the new REC on Technology Evaluation and also with the two Centers that NIDRR is establishing pursuant to the Rehabilitation Act Amendments of 1986 to disseminate rehabilitation technology.

An absolute priority is announced for an REC in this area to:

• Investigate issues of product safety and product liability as barriers to the development and manufacture of rehabilitation technology;

• Investigate existing service delivery systems for rehabilitation technology in order to design and test an improved national network for delivery of rehabilitation technology;

• Develop and test accessible training materials and packages, arrange for the adoption of new training programs, and develop criteria to assess qualifications of rehabilitation technologists, in order to ensure that services to individuals with handicaps include expert technology consultation and products;

• Conduct market studies to assess the needs and characteristics of potential user populations, to stimulate production and distribution of products, and to identify resources to finance purchase of technologies by individuals with disabilities;

• Collate information from other RECs and other sources to provide reliable input on technology to data bases, such as ABLEDATA, serving consumers, service providers, and manufacturers; and

• Conduct at least one state-of-the-art study in each of the areas of technology distribution and training of technologists.

Analysis of Comments and Changes

In response to the Secretary's invitation in the Notice of Proposed Priorities, fifty-two parties submitted comments on the proposed regulations. An analysis of the comments and the changes in the regulations since publication of the notice of proposed priorities follows.

Substantive issues are grouped according to those that are applicable generally to all or most priorities, and those that are applicable to individual priorities. The general comments are discussed first, followed by those that pertain to specific priorities. Technical and other minor changes—and changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Inclusion of Individuals With Cognitive Impairments in Various Priorities

Comments: One commenter suggested that individuals with cognitive impairments, including mental retardation, are often overlooked as potential consumers of technology, and urged that individuals with these disabilities be included as providers of input and feedback for the Centers and for the evaluation of technology.

Discussion: The Secretary believes that the priorities as stated imply that the Centers must involve individuals with all types of disabilities, as appropriate, in Center activities. NIDRR intends that all Centers achieve this goal and will address this issue in grant negotiations and program monitoring.

Changes: None.

General Involvement of RECs with Clinicians

Comments: Several commenters noted that RECs should work closely with clinicians, including physical, occupational, and speech therapists, teachers, nurses, counselors, physicians, and others, in the assessment of technology needs and the evaluation of products.

Discussion: The Secretary agrees that this is an important component of all Centers and that clinicians and disabled consumers are the major sources of input and feedback. However, this is implied within the priorities as stated.

Changes: None.

Inclusion of Reference to Individuals with Communication Impairments

Comments: One commenter recommended that each priority should mention specifically that individuals with speech, hearing, and communicative disorders are among the target populations.

Discussion: The Secretary expects that Centers will address the needs of all appropriate disability target populations. However, the Secretary

prefers not to list all disability groups, but to advise prospective applicants generally that appropriate target groups should not be overlooked.

Changes: None.

Number of Centers and Funding Levels

Comments: Several commenters suggested that the Secretary should also invite comments on the proposed number of Centers and funding levels for the Centers.

Discussion: Proposed priorities are announced for comment because they have a quasi-regulatory effect in that they impose programmatic constraints on prospective applicants that are not explicitly stated in legislation. Funding levels are target estimates, and funding estimates are not considered to be regulatory actions, since the legislation does not imply any funding level or funding range for these projects. The Secretary is, however, pleased to consider comments on funding levels or other issues independent of this public comment process.

Changes: None.

Emphasis on Very Young and Elderly Populations

Comments: One commenter stated the priorities should place emphasis on the technology needs of disabled persons under three years and over sixty-five years of age.

Discussion: The current priorities do not preclude an applicant from focusing on any age group, and the mandate of NIDRR clearly includes these two age groups.

Transportation Systems

Comments: One commenter suggested that the priority on transportation systems should be broadened to include research on driver evaluations and techniques for matching equipment to disabled individuals.

One commenter suggested that the Center on Transportation systems should address the development of wheelchair batteries that are more suitable for airline travel than current wet cell or dry cell batteries.

One commenter recommended that the priority on transportation systems address policy issues in mass transit, such as elimination of barriers and public participation in policy development.

One commenter suggested that the priority on transportation systems should include increased emphasis on psychological and cognitive factors associated with the use of mass transit or personal licensed vehicles.

Discussion: The Secretary agrees that driver evaluation and equipment prescription are important issues and notes that applicants are not precluded from addressing these issues in their approach to the priority as stated. NIDRR also will consider adopting priorities for research and development projects in these areas.

Similarly, prospective applicants may address the need for research on more transportable battery power systems under the present priority; however, the Secretary does not believe that all applicants should be required to address the development of batteries.

The Secretary does not believe the policy issues or issues of cognitive problems in the use of transportation technology would be addressed most effectively in the context of an Engineering Center. Instead, NIDRR encourages prospective applicants to consider addressing these issues, as well as those of driver evaluation, equipment prescription, and transportable batteries, through discrete grants in the Field-Initiated and Innovation competitions.

Changes: None.

Quantification of Human Performance

Comments: One commenter recommended that the priority on Quantification of Human Physical Performance should include assessment of the cognitive demands that assistive devices place on their users.

Several commenters stated that additional aspects of physical performance, such as speed, accuracy, endurance, steadiness, and coordination should be included in the priority for an REC in quantification of human physical performance.

Discussion: The Secretary agrees that assessment of cognitive needs is an important issue. However, NIDRR believes that this issue should be addressed through one or more discrete projects directed specifically to this issue. Thus, NIDRR will consider developing priorities for research and demonstration projects in this area. Interested parties are also reminded that they may apply for Field-Initiated Research grants to conduct studies of this topic.

The current priority states that the Center should develop technology to improve the evaluation of "the full range of physical performance", and thus includes the specific factors mentioned by commenters.

Changes: None.

Functional Electrical Stimulation

Comments: One commenter recommended that peripheral vascular disease be included among the disabilities to be addressed by the Center on functional electrical stimulation.

Discussion: NIDRR believes that this is an important issue that will require specialized expertise and effort. Accordingly, NIDRR is considering announcing a priority for a specific project in this area in the near future.

Changes: None.

Low Back Pain

Comments: One commenter suggested that the REC on low back pain should be required to evaluate acupuncture as a current therapeutic technique.

Discussion: The current priority does not preclude a Center from scientifically evaluating acupuncture. However, NIDRR does not believe that all applicants should be required to evaluate this modality. NIDRR suggests that interested prospective applicants consider submitting a Field-Initiated Research application in this area.

Changes: None.

Augmentative Communication Devices

Comments: One commenter suggested that the priority on augmentative communication devices should include the development of systems that allow equal access by individuals who are speech or hearing impaired and deaf-blind persons to emergency response systems.

One commenter recommended that the priorities include an emphasis on the impact of the telecaption decoder on English language development among people who are prelingually deaf.

Discussion: The Secretary agrees that emergency response systems that are effective for speech-and-hearing-impaired and deaf-blind persons are a needed development. However, NIDRR has already made plans to address this issue through the Small Business Innovative Research (SBIR) program.

Similarly, it could be useful to study the effect of telecaption decoders on language development and other factors in persons who are prelingually deaf. However, NIDRR intends to address this issue through separate priorities in the SBIR program or through discrete research grants.

Changes: None.

Wheelchair Development

Comments: One commenter suggested that the priority on wheelchair development should include a greater focus on seating and on studies of wheelchair performance in a real environment.

Discussion: The secretary believes that the issues included in the priority are important and need to be addressed.

At the same time, applicants are not precluded from adding topics or focusing their applications on other key issues, as long as all requirements of the priority are addressed. NIDRR reminds interested parties that there are other programs, including Field-Initiated Research (FIR), Innovation Grants, and SBIR, under which such research could be pursued.

Changes: None.

(20 U.S.C. 761a, 762)

(Catalog of Federal Domestic Assistance No. 84.133E, National Institute on Disability and Rehabilitation Research)

Dated: December 4, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87-29202 Filed 12-18-87; 8:45 am]

BILLING CODE 4000-01-M

VOL
52
ISS
244
DE
21
1987
UMI

federal register

Monday
December 21, 1987

Part VI

Environmental Protection Agency

Agency Information Collection Activities Under the Office of Management and Budget Review; Notice

VOL
52
ISS
244
DE
21
1987
UMI

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3303-2]

Agency Information Collection Activities Under the Office of Management and Budget Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICR is available for review and comment.

FOR FURTHER INFORMATION CONTACT: Carla Levesque at EPA, (202) 382-2740 (FTS 382-2740).

SUPPLEMENTARY INFORMATION:

Office of Pesticides and Toxic Substances

Title: Toxic Chemical Release Inventory Reporting Form—Title III (EPA ICR #1363)

Abstract: Under section 313, of SARA Title III, owners and operators of facilities in SIC Code 20–39 that manufacture, process or use chemicals [from a list of 309 individual chemicals and 20 additional categories) in excess of threshold quantities must complete a toxic chemical release inventory form and file it with the Administrator of the EPA and the appropriate State authorities annually, beginning July 1, 1988.

EPA must publish a toxic chemical release form for reporting releases, and must maintain a data base containing the collected information, for general use by the public.

Respondents: Manufacturers, Processors, and Users (SIC Code 20–39) Having more than 10 Employees.

Estimated Burden: 13,017,417 hours.

Frequency of Collection: Annually.

Comments on the abstracts on this notice may be sent to:

Carla Levesque, U.S. Environmental Protection Agency, Office of Standard and Regulation (PM–223), Information and Regulatory Systems Division, 401 M St., SW, Washington, DC 20460

and

Marcus Peacock, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3010), 726 Jackson Place, NW., Washington, DC 20503.

Date: December 18, 1987.

Daniel Florino,

Director, Information Regulatory Systems Division.

[FR Doc. 87–29353 Filed 12–18–87; 11:47 am]

BILLING CODE 6560-50-M

VOL
52
ISS
244
DE
21
1987
UMI

Reader Aids

Federal Register
Vol. 52, No. 244
Monday, December 21, 1987

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

45587–45800.....1
45801–45934.....2
45935–46050.....3
46051–46342.....4
46343–46444.....7
46445–46584.....8
46585–46730.....9
46731–46982.....10
46983–47364.....11
47365–47544.....14
47545–47686.....15
47687–47890.....16
47891–48078.....17
48079–48178.....18
48179–48390.....21

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5748.....46729
5749.....46731
5750.....46733
5751.....46735
5752.....47365, 47545
Executive Orders:
12462.....48179
12543 (See Notice of Dec. 15, 1987).....47891
12616.....46730
12617.....48179
Administrative Orders:
Notices:
Dec. 15, 1987.....47891
Statements:
Dec. 7, 1987.....46728

4 CFR

21.....46445

5 CFR

351.....46051
540.....46051
551.....47687
831.....47893
870.....46343
874.....46343
1201.....47547
1204.....45597
1600.....45801
1605.....46314

7 CFR

6.....48079
8.....47660
21.....48015
301...45597, 47367, 47688, 48181
319.....46052, 47372
352.....47373
401.....45598–45604
413.....47375
422.....48182
423.....45805, 47376
431.....47376
432.....47377
770.....45606
907.....46060, 46737, 46983, 48080
908.....46737
910.....46061, 46984, 48080
911.....46344
915.....46344
966.....46345
981.....45607, 45609
1434.....48081
1900.....45806, 46348
1942.....47097
1944.....45807
1956.....46348, 47686
Proposed Rules:
52.....46486
318.....48272
401.....45830
735.....47009
905.....46366
959.....46384
966.....47576
971.....46366
985.....46600
987.....46366
1951.....45638

8 CFR

212.....48082
214.....48082
238.....48082
245.....48082
248.....48082
299.....48082
316a.....46738
Proposed Rules:
3.....46776
109.....46092
208.....46776
236.....46776
242.....46776
253.....46776

9 CFR

78.....47378
85.....45935
92.....45611, 47548
303.....48084
381.....48084
Proposed Rules:
145.....47014
147.....47014
318.....45639
350.....45639

10 CFR

30.....48092
40.....48092
70.....48092
1039.....48015
Proposed Rules:
Ch. I.....47398
35.....47726
61.....47398
62.....47578
430.....46367, 47549

12 CFR

4.....46061
204.....46450, 47689
208.....46984
217.....47689
226.....45611
304.....48163
337.....47379
611.....48093

VOL 52 ISS 244 DEC 21 1987 UMI

614 46151
706 46585

Proposed Rules:
202 47589
205 47591
210 47112
226 47592
229 47112
701 ..... 46601, 47014

13 CFR
102 47699

Proposed Rules:
121 47937

14 CFR
21 46348
25 46348
39 ..... 45612–45614, 45808–45810, 46064–46067, 46452, 46739, 46985–46995, 47387, 47551, 47702–47704, 47990, 48184–48187
71 ..... 45615, 45616, 46556, 46740–46742, 46995–46997, 47304, 47308, 47676, 48191
75 47677
91 47672
97 ..... 45617, 46743
121 ..... 45910, 47991
135 ..... 45910, 47991
1206 48015
1213 45935
1221 45811

Proposed Rules:
Ch. I 45831
39 ..... 45640, 45642, 45831, 46094, 46776, 47015, 47016, 47399–47401, 47943–47946, 48274
43 47680
71 ..... 45644, 46778, 46779, 47017–47020, 47402, 47727, 48274
73 ..... 47021, 48274
91 47680

15 CFR
11 48015
371 45618
374 45618
385 46886
399 ..... 46886, 47388
801 46587

Proposed Rules:
18 47597

16 CFR
6 45619
13 45937
305 46888
1015 45631

Proposed Rules:
13 ..... 45645, 45970, 45972, 48276
453 46706
1016 47599

17 CFR
1 ..... 46070, 47705
200 48191
211 ..... 46454, 48193
274 48350

Proposed Rules:
34 47022
240 48125

18 CFR
2 ..... 47897, 47914
157 47897
271 46072
284 47914
380 47897
389 45823
1306 48015
1312 47720

Proposed Rules:
1310 47728

19 CFR

Proposed Rules:
4 ..... 46602, 48194
101 47908
128 47729
143 47729
177 47601

20 CFR
355 47705
404 47914

Proposed Rules:
365 47601
614 46604

21 CFR
74 45938
176 46968
184 47918
333 47312
369 47312
520 48094
558 48095

Proposed Rules:
182 46968
352 46095

22 CFR
302 47714
502 47991

Proposed Rules:
502 47029
1506 46779

23 CFR

Proposed Rules:
625 47403
635 45645

24 CFR
200 48197
203 48197
204 48197
213 48197
220 48197
221 48197
222 48197
226 48197
227 48197
235 48197
237 48197
240 48197
888 48205
3280 47552

Proposed Rules:
42 47953
43 47953
236 48276
813 46614
885 46614
888 48278

25 CFR

Proposed Rules:
177 46781

26 CFR
1 47554
31 45632
35a 46075
54 46747
602 ..... 46075, 46747, 47554

Proposed Rules:
1 ..... 45835, 47609
48 45901
54 46782
602 ..... 46782, 47609

27 CFR
9 46589
19 47557
25 47557
47 48096
240 47557
250 ..... 46592, 47557
270 47557
275 47557
285 47557

Proposed Rules:
9 48279
250 46625

28 CFR
Ch. VII 48097
2 ..... 46596, 47921
549 48068

Proposed Rules:
16 48279
701 47406

29 CFR
12 48015
1613 48263
1910 ..... 46075, 48168
1915 46075
1917 46075
1918 46075
1926 ..... 46075, 48168
1928 46075
1952 48103
2613 47561
2617 47561
2619 ..... 47561, 47562
2621 47563
2676 47564

Proposed Rules:
103 47029
1910 47097

30 CFR
779 47352
780 47352
783 47352
784 ..... 45920, 47352
816 47352
817 ..... 45920, 47352
935 46597
942 47716

Proposed Rules:
904 47411
935 ..... 46377, 46379, 46783, 48125
952 46095
953 46097

31 CFR
351 46455

Proposed Rules:
0 45848

32 CFR
41 46997
209 47389
229 47720
259 48015
538 45938
706 ..... 46080, 47922
1900 46456
2003 48367

Proposed Rules:
199 ..... 46098, 47029
1636 47949
1656 47949

33 CFR
62 48351
95 47526
100 46351
110 46760
117 ..... 46081, 47391, 47923, 48263
146 47526
150 47526
160 48264
165 ..... 46351, 47924
173 47526
177 47526

Proposed Rules:
165 ..... 45973, 47413
179 47950

34 CFR
15 48015
668 ..... 45712, 46353
674 45738
675 45738
676 45738
690 45712

Proposed Rules:
251 47951
333 46720
776 47538
778 46784
790 46785

36 CFR
296 47720
904 48015
1155 47717

Proposed Rules:
1202 48280
1258 48280

37 CFR

Proposed Rules:
304 45664

38 CFR
4 46439
21 45633
25 48015

Proposed Rules:
21 46494

39 CFR
224 46998
225 46998
226 46998
227 46998
228 46998
229 46998
777 48029

Proposed Rules:
111 48281

40 CFR
4 48015
52 ..... 45634, 45958, 45959, 46483, 46762, 46764, 47392, 47565, 47566, 47925, 48265
60 47826
81 ..... 46081, 46465
82 47486
85 46354
86 47858
123 45823
144 ..... 45788, 46948
180 ..... 45824, 46019, 46598, 47990
260 46946
264 ..... 45788, 46946
265 45788
270 ..... 45788, 46948
271 ..... 45634, 45788, 46466
355 48072
600 47858
716 47990

Proposed Rules:
35 46712
52 ..... 46495, 46786, 47610, 48285
60 47032
62 46380
80 47032
82 47489
86 47032
180 ..... 47733, 47734
600 47032
721 46498
763 48286

41 CFR
101–6 45926
101–7 45825
101–44 47393
101–47 46467
105–51 48015
105–55 46468
114–50 48015
128–18 48015
201–1 46468
201–2 46468
201–23 46468
201–24 46468

42 CFR
124 ..... 46022, 48362
401 48112
405 48112
408 48112
417 47003
431 47926
435 47926
440 47926
441 47926
466 47003
476 47003

Proposed Rules:
405 47990
409 48127
410 48127
416 48127
421 48127
433 48290
435 47414
436 47414
441 48127
442 47990
488 47990
489 ..... 47990, 48127

43 CFR
4 ..... 46355, 47097
7 47720
3420 46469
3460 46469
3560 48124

Proposed Rules:
3450 46499

44 CFR
25 48015
65 46501
67 46505

Proposed Rules:
67 ..... 46787, 47611

45 CFR
15 48015
1100 48265

Proposed Rules:
233 47420
1803 48297

46 CFR
4 47526
5 47526
26 47526
35 47526
78 47526
97 47526
109 47526
167 47526
185 47526
196 47526
197 47526
560 45960
586 46356

Proposed Rules:
38 45665
42 47422
44 47422
45 47422
54 45665
69 46103
96 45665
151 45665
170 47422
174 47422
249 48077
503 45835
572 46501
586 46505

47 CFR
15 45961
25 45636
73 ..... 45636, 45963–45965, 46596, 46599, 47004, 47567, 47722–47724, 47935, 48266
74 47567
76 ..... 45961, 48363
90 47569

Proposed Rules:
1 48628
15 47615
43 48628
64 47951
73 ..... 45974, 45975, 48629–48631, 47032, 47033, 47735, 47736, 48130–48133
80 45665

48 CFR
232 47005
519 47398
532 47005
552 47005
553 47006
819 46082
1801 46765
1805 46765
1807 46765
1808 46765
1809 46765
1812 46765
1813 46765
1815 46765
1827 46765
1830 46765
1831 46765
1832 46765
1836 46765
1837 46765
1852 ..... 46765, 47935
1853 46765
2401 47395
2402 47395

Proposed Rules:
31 46043
245 47427
1409 48301
1415 48301
1452 48301
2409 46560
2412 46560
2413 46560
2415 46560
2416 46560
2417 46560
2424 46560
2427 46560
2432 46560
2434 46560
2437 46560
2442 46560
2446 46560
2451 46560
2452 46560
2453 46560
2470 46560
5706 47033

49 CFR
1 ..... 46364, 46478, 47007, 47097
24 47994
25 48015
571 ..... 46479, 46480
1002 46481
1007 46481
1011 ..... 45636, 46773
1052 45966
1103 46481
1150 46481
1152 ..... 45636, 46773
1160 ..... 45827, 46481
1162 46481
1169 46481
1171 46481
1177 46481
1180 46481
1182 46481

Proposed Rules:
24 45667
173 ..... 46510, 46511
383 47326
701 46381

50 CFR
14 46019
17 ..... 46083, 46085
20 46087
80 47571
611 ..... 45966, 46484, 48362
642 47724
649 46088
650 46485
652 47008
675 ..... 45966, 46484, 48362
681 47572

Proposed Rules:
17 ..... 45976, 46106, 46334, 46336
20 47428
21 47426
253 47990
611 48303
655 47034
658 47615
663 45668
672 48303
675 48303

LIST OF PUBLIC LAWS

Last List December 18, 1987

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202–275–3030).

H.J. Res. 425/Pub. L. 100–193

Making further continuing appropriations for the fiscal year ending September 30, 1988, and for other purposes. (Dec. 16, 1987; 101 Stat. 1310; 1 page) Price: $1.00

BEST COPY AVAILABLE

VOL 52 ISS 244 DEC 21 1987 UMI

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $595.00 domestic, $148.75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, DC 20402. Charge orders (MSA, MasterCard, CHOICE, or GPO Deposit Account) may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday–Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$9.00	Jan. 1, 1987
3 (1986 Compilation and Parts 100 and 101)	11.00	[1] Jan. 1, 1987
4	14.00	Jan. 1, 1987
5 Parts:		
1–1199	25.00	Jan. 1, 1987
1200–End, 6 (6 Reserved)	9.50	Jan. 1, 1987
7 Parts:		
0–45	25.00	Jan. 1, 1987
46–51	16.00	Jan. 1, 1987
52	23.00	Jan. 1, 1987
53–209	18.00	Jan. 1, 1987
210–299	22.00	Jan. 1, 1987
300–399	10.00	Jan. 1, 1987
400–699	15.00	Jan. 1, 1987
700–899	22.00	Jan. 1, 1987
900–999	26.00	Jan. 1, 1987
1000–1059	15.00	Jan. 1, 1987
1060–1119	13.00	Jan. 1, 1987
1120–1199	11.00	Jan. 1, 1987
1200–1499	18.00	Jan. 1, 1987
1500–1899	9.50	Jan. 1, 1987
1900–1944	25.00	Jan. 1, 1987
1945–End	26.00	Jan. 1, 1987
8	9.50	Jan. 1, 1987
9 Parts:		
1–199	18.00	Jan. 1, 1987
200–End	16.00	Jan. 1, 1987
10 Parts:		
0–199	29.00	Jan. 1, 1987
200–399	13.00	Jan. 1, 1987
400–499	14.00	Jan. 1, 1987
500–End	24.00	Jan. 1, 1987
11	11.00	July 1, 1987
12 Parts:		
1–199	11.00	Jan. 1, 1987
200–299	27.00	Jan. 1, 1987
300–499	13.00	Jan. 1, 1987
500–End	27.00	Jan. 1, 1987
13	19.00	Jan. 1, 1987
14 Parts:		
1–59	21.00	Jan. 1, 1987
60–139	19.00	Jan. 1, 1987
140–199	9.50	Jan. 1, 1987
200–1199	19.00	Jan. 1, 1987
1200–End	11.00	Jan. 1, 1987
15 Parts:		
0–299	10.00	Jan. 1, 1987
300–399	20.00	Jan. 1, 1987
400–End	14.00	Jan. 1, 1987

Title	Price	Revision Date
16 Parts:		
0–149	12.00	Jan. 1, 1987
150–999	13.00	Jan. 1, 1987
1000–End	19.00	Jan. 1, 1987
17 Parts:		
1–199	14.00	Apr. 1, 1987
200–239	14.00	Apr. 1, 1987
240–End	19.00	Apr. 1, 1987
18 Parts:		
1–149	15.00	Apr. 1, 1987
150–279	14.00	Apr. 1, 1987
280–399	13.00	Apr. 1, 1987
400–End	9.50	Apr. 1, 1987
19 Parts:		
1–199	27.00	Apr. 1, 1987
200–End	5.50	Apr. 1, 1987
20 Parts:		
1–399	12.00	Apr. 1, 1987
400–499	23.00	Apr. 1, 1987
500–End	24.00	Apr. 1, 1987
21 Parts:		
1–99	12.00	Apr. 1, 1987
100–169	14.00	Apr. 1, 1987
170–199	16.00	Apr. 1, 1987
200–299	5.50	Apr. 1, 1987
300–499	26.00	Apr. 1, 1987
500–599	21.00	Apr. 1, 1987
600–799	7.00	Apr. 1, 1987
800–1299	13.00	Apr. 1, 1987
1300–End	6.00	Apr. 1, 1987
22 Parts:		
1–299	19.00	Apr. 1, 1987
300–End	13.00	Apr. 1, 1987
23	16.00	Apr. 1, 1987
24 Parts:		
0–199	14.00	Apr. 1, 1987
200–499	26.00	Apr. 1, 1987
500–699	9.00	Apr. 1, 1987
700–1699	18.00	Apr. 1, 1987
1700–End	12.00	Apr. 1, 1987
25	24.00	Apr. 1, 1987
25 Parts:		
§§ 1.0–1.60	12.00	Apr. 1, 1987
§§ 1.61–1.169	22.00	Apr. 1, 1987
§§ 1.170–1.300	17.00	Apr. 1, 1987
§§ 1.301–1.400	14.00	Apr. 1, 1987
§§ 1.401–1.500	21.00	Apr. 1, 1987
§§ 1.501–1.640	15.00	Apr. 1, 1987
§§ 1.641–1.850	17.00	Apr. 1, 1987
§§ 1.851–1.1000	27.00	Apr. 1, 1987
§§ 1.1001–1.1400	16.00	Apr. 1, 1987
§§ 1.1401–End	20.00	Apr. 1, 1987
2–29	20.00	Apr. 1, 1987
30–39	13.00	Apr. 1, 1987
40–49	12.00	Apr. 1, 1987
50–299	14.00	Apr. 1, 1987
300–499	15.00	Apr. 1, 1987
500–599	8.00	[2] Apr. 1, 1988
600–End	6.00	Apr. 1, 1987
27 Parts:		
1–199	21.00	Apr. 1, 1987
200–End	13.00	Apr. 1, 1987
28	23.00	July 1, 1987
28 Parts:		
0–99	16.00	July 1, 1987
100–499	7.00	July 1, 1987
500–899	24.00	July 1, 1987
900–1899	10.00	July 1, 1987
1900–1910	27.00	July 1, 1986
1911–1925	6.50	July 1, 1987

Title	Price	Revision Date
1926	10.00	July 1, 1987
1927–End	23.00	July 1, 1987
30 Parts:		
0–199	16.00	[3] July 1, 1985
200–699	8.50	July 1, 1987
700–End	18.00	July 1, 1987
31 Parts:		
0–199	12.00	July 1, 1987
200–End	16.00	July 1, 1987
32 Parts:		
1–39, Vol. I	15.00	[4] July 1, 1984
1–39, Vol. II	19.00	[4] July 1, 1984
1–39, Vol. III	18.00	[4] July 1, 1984
1–189	17.00	July 1, 1986
190–399	23.00	July 1, 1987
400–629	21.00	July 1, 1987
630–699	13.00	July 1, 1986
700–799	15.00	July 1, 1987
800–End	16.00	July 1, 1986
33 Parts:		
1–199	27.00	July 1, 1986
200–End	19.00	July 1, 1987
34 Parts:		
1–299	20.00	July 1, 1987
300–399	11.00	July 1, 1987
400–End	23.00	July 1, 1987
35	9.00	July 1, 1987
36 Parts:		
1–199	12.00	July 1, 1987
200–End	19.00	July 1, 1987
37	13.00	July 1, 1987
38 Parts:		
0–17	21.00	July 1, 1986
18–End	15.00	July 1, 1986
39	13.00	July 1, 1987
40 Parts:		
1–51	21.00	July 1, 1987
52	26.00	July 1, 1987
53–60	24.00	July 1, 1987
61–80	12.00	July 1, 1987
81–99	25.00	July 1, 1987
*100–149	23.00	July 1, 1987
150–189	18.00	July 1, 1987
190–399	27.00	July 1, 1986
400–424	22.00	July 1, 1987
425–699	21.00	July 1, 1987
700–End	27.00	July 1, 1987
41 Chapters:		
1, 1–1 to 1–10	13.00	[5] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[5] July 1, 1984
3–6	14.00	[5] July 1, 1984
7	6.00	[5] July 1, 1984
8	4.50	[5] July 1, 1984
9	13.00	[5] July 1, 1984
10–17	9.50	[5] July 1, 1984
18, Vol. I, Parts 1–5	13.00	[5] July 1, 1984
18, Vol. II, Parts 6–19	13.00	[5] July 1, 1984
18, Vol. III, Parts 20–52	13.00	[5] July 1, 1984
19–100	13.00	[5] July 1, 1984
1–100	10.00	July 1, 1987
101	23.00	July 1, 1987
102–200	11.00	July 1, 1987
201–End	8.50	July 1, 1987
42 Parts:		
1–60	15.00	Oct. 1, 1986
61–399	10.00	Oct. 1, 1986
400–429	20.00	Oct. 1, 1986

Title	Price	Revision Date
430–End	15.00	Oct. 1, 1986
43 Parts:		
1–999	14.00	Oct. 1, 1986
1000–3999	24.00	Oct. 1, 1986
4000–End	11.00	Oct. 1, 1986
44	17.00	Oct. 1, 1986
45 Parts:		
1–199	13.00	Oct. 1, 1986
200–499	9.00	Oct. 1, 1986
500–1199	18.00	Oct. 1, 1986
1200–End	13.00	Oct. 1, 1986
46 Parts:		
1–40	13.00	Oct. 1, 1986
41–69	13.00	Oct. 1, 1986
70–89	7.00	Oct. 1, 1986
90–139	11.00	Oct. 1, 1986
140–155	8.50	[6] Oct. 1, 1985
156–165	14.00	Oct. 1, 1986
166–199	13.00	Oct. 1, 1986
200–499	19.00	Oct. 1, 1986
500–End	9.50	Oct. 1, 1986
47 Parts:		
0–19	17.00	Oct. 1, 1986
20–39	18.00	Oct. 1, 1986
40–69	11.00	Oct. 1, 1986
70–79	17.00	Oct. 1, 1986
80–End	20.00	Oct. 1, 1986
48 Chapters:		
1 (Parts 1–51)	21.00	Oct. 1, 1986
1 (Parts 52–99)	16.00	Oct. 1, 1986
2	27.00	Dec. 31, 1986
3–6	17.00	Oct. 1, 1986
7–14	23.00	Oct. 1, 1986
15–End	22.00	Oct. 1, 1986
49 Parts:		
1–99	10.00	Oct. 1, 1986
100–177	24.00	Oct. 1, 1986
178–199	19.00	Oct. 1, 1986
200–399	17.00	Oct. 1, 1986
400–999	21.00	Oct. 1, 1986
1000–1199	17.00	Oct. 1, 1986
1200–End	17.00	Oct. 1, 1986
50 Parts:		
1–199	15.00	Oct. 1, 1986
200–End	25.00	Oct. 1, 1986
CFR Index and Findings Aids	27.00	Jan. 1, 1987
Complete 1987 CFR set	595.00	1987
Microfiche CFR Edition:		
Complete set (one-time mailing)	155.00	1983
Complete set (one-time mailing)	125.00	1984
Complete set (one-time mailing)	115.00	1985
Subscription (mailed as issued)	185.00	1986
Subscription (mailed as issued)	185.00	1987
Individual copies	3.75	1987

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1987. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] No amendments to this volume were promulgated during the period July 1, 1985 to June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

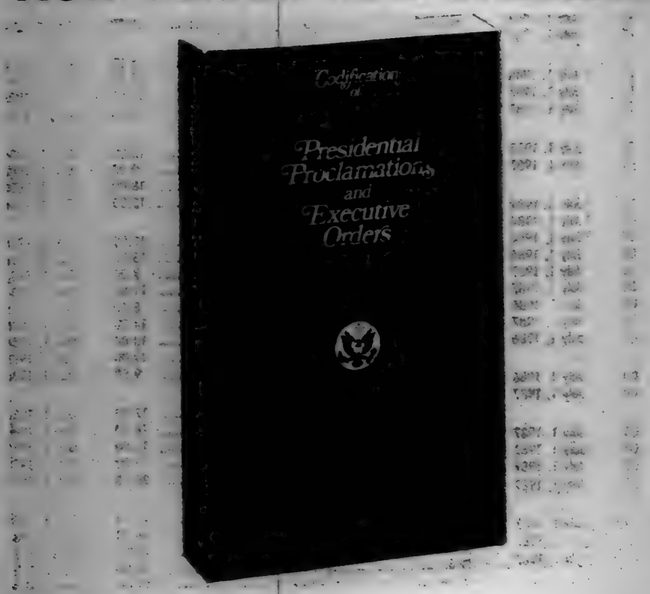
[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing these parts.

[5] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing these chapters.

[6] No amendments to this volume were promulgated during the period Oct. 1, 1985 to Sept. 30, 1986. The CFR volume issued as of Oct. 1, 1985 should be retained.

VOL
52
ISS
2
4
4
DE
21
1987
UMI

New edition now available....



For those of you who must keep informed about **Presidential Proclamations and Executive Orders,** there is a convenient reference source that will make researching these documents much easier.

Arranged by subject matter, this edition of the *Codification* contains proclamations and Executive orders that were issued or amended during the period January 20, 1961, through January 20,1985, and which have a continuing effect on the public. For those documents that have been affected by other proclamations or Executive orders, the codified text presents the amended version. Therefore, a reader can use the *Codification* to determine the latest text of a document without having to "reconstruct" it through extensive research.

Special features include a comprehensive index and a table listing each proclamation and Executive order issued during the 1961-1985 period—along with any amendments—an indication of its current status, and, where applicable, its location in this volume.

Published by the Office of the Federal Register, National Archives and Records Administration

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

MAIL ORDER FORM To:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ *check,* ☐ *money order, or charge to my*

Deposit Account No. ☐☐☐☐☐☐–☐ *Order No.* _____

Charge orders may be telephoned to the GPO order desk at (202)783-3238 from 8:00a.m. to 4:00p.m. eastern time, Monday-Friday (except holidays)

Credit Card Orders Only

Total charges $ _____. Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Master Charge Interbank No. ☐☐☐☐

★6105

Please send me _____ *copies of the* ***Codification of Presidential Proclamations and Executive Orders*** *at $20.00 per copy. Stock No. 022-022-00110-0*

NAME—FIRST, LAST

COMPANY NAME OR ADDITIONAL ADDRESS LINE

STREET ADDRESS

CITY | STATE | ZIP CODE

(or) COUNTRY

PLEASE PRINT OR TYPE

(Revised 10-15-85)

VOL
52
ISS
2
4
4
DE
21
1987
UMI

VOL
52
ISS
245
DE
22
1987
UMI

12-22-87
Vol. 52 No. 245

federal register

Tuesday
December 22, 1987

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106
A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
52
ISS
245
DE
22
1987
UMI

12-22-87
Vol. 52 No. 245
Pages 48391-48510

federal register

Tuesday
December 22, 1987

BEST COPY AVAILABLE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $188.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	275–3328
Problems with public subscriptions	275–3054

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	275–3328
Problems with public single copies	275–3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5240
Magnetic tapes	275–3328
Problems with Federal agency subscriptions	523–5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 52, No. 245
Tuesday, December 22, 1987

Agriculture Department
See Farmers Home Administration

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Centers for Disease Control
NOTICES
Agents GA, GB, VX, mustard (H, HD, T), and Lewisite (L), low doses; long-term exposure, potential adverse effects; health and safety recommendations, 48458

Commerce Department
See also International Trade Administration
NOTICES
Agency information collection activities under OMB review, 48454
(2 documents)

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
East Germany, 48455
Uruguay, 48456

Consumer Product Safety Commission
PROPOSED RULES
Poison prevention packaging requirements; conjugated estrogens tablets, exemption, 48450

Defense Department
RULES
Contractors receiving contract awards ($10 million or more), 48431
PROPOSED RULES
Freedom of Information Act; implementation:
Uniform fee schedule and administrative guidelines, 48452
NOTICES
Meetings:
Science Board, 48457
Science Board task forces, 48456, 48457
(3 documents)

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Abbott Laboratories, 48465
Eli Lilly Industries, Inc., 48465
Hoffmann-La Roche Inc., 48466
Johnson Matthey, Inc., 48466
Minn-Dak Growers Association, 48466

Employment and Training Administration
NOTICES
Adjustment assistance:
Alcan Rolled Products Co. et al., 48468
Delco Systems Operations, 48468
Minneapolis Electric Steel Castings Co. et al., 48469

Energy Department
See Energy Research Office; Federal Energy Regulatory Commission

Energy Research Office
NOTICES
Meetings:
Energy Research Advisory Board, 48457

Farmers Home Administration
RULES
Program regulations:
Construction and repair and housing—
Planning and performing site development work; correction, 48391

Federal Aviation Administration
RULES
Air traffic operating and flight rules, etc.:
Airplane operation and foreign air carrier security rules, 48508
Airworthiness directives:
Boeing, 48392
Standard instrument approach procedures, 48394
Transition areas, 48393
(2 documents)
PROPOSED RULES
Airport radar service areas, 48484
Transition areas, 48448, 48449
(2 documents)
NOTICES
Organization, functions, and authority delegations:
Daggett, CA, 48480

Federal Communications Commission
RULES
Radio services, special:
Maritime services—
VHF public coast stations, 48439
Radio stations; table of assignments:
Arkansas, 48438
Utah, 48439
NOTICES
Rulemaking proceedings; petitions filed, granted, denied, etc., 48458

Federal Deposit Insurance Corporation
PROPOSED RULES
Power inconsistent with Federal deposit insurance law:
Insurance and real estate underwriting, etc., 48447

Federal Energy Regulatory Commission
RULES
Electric Consumers Protection Act; interpretations, 48398
Electric utilities (Federal Power Act):
Hydroelectric projects; fish and wildlife agencies reimbursement fees, 48398
Natural Gas Policy Act, etc.:
Purchased gas adjustment regulations, 48407

Federal Maritime Commission
NOTICES
Automated tariff filing and information system; functionality, 48504

Federal Reserve System
NOTICES
Applications, hearings, determinations, etc.:
Kirkpatrick & Co., 48458

Financial Management Service
See Fiscal Service

Fiscal Service
RULES
Bonds and notes, U.S. Savings:
Investment yields and maturity periods tables, 48422

Food and Drug Administration
NOTICES
Meetings:
Advisory committees, panels, etc., 48461

General Services Administration
NOTICES
Property management:
Wildlife order conveyance—
Naval Research Transmitter Site, Roma, TX, 48458

Health and Human Services Department
See Centers for Disease Control; Food and Drug Administration; Health Care Financing Administration

Health Care Financing Administration
RULES
Medicaid:
Qualified pregnant women, children under 5, and newborn children; coverage
Correction, 48438

Interior Department
See Land Management Bureau; Minerals Management Service; National Park Service; Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
RULES
Income taxes:
Personal interest; nonbusiness interest deduction limitation, 48407
PROPOSED RULES
Income taxes:
Personal interest; nonbusiness interest deduction limitation; cross reference, 48452

International Trade Administration
NOTICES
Export trade certificates of review, 48454

Interstate Commerce Commission
RULES
Rail carriers:
Abandonment and discontinuance, rail line exemption; financial assistance offers, 48440

Justice Department
See also Drug Enforcement Administration
NOTICES
Pollution control; consent judgments:
Combustion Engineering, Inc., et al., 48465

Labor Department
See also Employment and Training Administration
RULES
Program Fraud Civil Remedies Act; implementation, 48492
Right to Financial Privacy Act; implementation, 48419
NOTICES
Organization, functions, and authority delegations:
Employment Standards, Assistant Secretary, 48466

Land Management Bureau
NOTICES
Oil and gas leasing:
Simultaneous oil and gas leases; rental reduction, 48463

Minerals Management Service
NOTICES
Outer Continental Shelf; development operations coordination:
Conoco Inc., 48463
Shell Offshore Inc., 48464

National Foundation on the Arts and the Humanities
NOTICES
Agency information collection activities under OMB review, 48470

National Institute for Occupational Safety and Health
See Centers for Disease Control

National Park Service
NOTICES
National Register of Historic Places:
Pending nominations—
Arizona et al., 48464

Nuclear Regulatory Commission
PROPOSED RULES
Practice rules:
Domestic licensing proceedings—
Geologic repository for disposal of high-level radioactive waste; negotiated rulemaking advisory committee, 48447
NOTICES
Environmental statements; availability, etc.:
Indiana & Michigan Power Co., 48470
Wisconsin Electric Power Co., 48471
Meetings:
Reactor Safeguards Advisory Committee, 48473
(2 documents)
Applications, hearings, determinations, etc.:
Cleveland Electric Illuminating Co. et al., 48473
Commonwealth Edison Co., 48474
Held, David W., 48475
Indiana & Michigan Power Co., 48475

Personnel Management Office
NOTICES
Excepted service:
Schedules A, B, and C; positions placed or revoked—
Update, 48476

Postal Rate Commission
NOTICES
Visits to facilities, 48477

Postal Service
RULES
Domestic Mail Manual:
Miscellaneous amendments, 48436

Public Health Service
See Centers for Disease Control; Food and Drug Administration

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 48482

Small Business Administration
RULES
Procurement assistance:
Procurement automated source system; fee schedule, 48391
NOTICES
License surrenders:
College Venture Equity Corp., 48477

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program submission:
Illinois, 48421

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See also Federal Aviation Administration
RULES
Aviation proceedings:
Airline service quality performance, 48395
NOTICES
Agency information collection activities under OMB review, 48477

Treasury Department
See also Fiscal Service; Internal Revenue Service
NOTICES
Agency information collection activities under OMB review, 48480, 48481
(4 documents)

Separate Parts In This Issue

Part II
Department of Transportation, Federal Aviation Administration, 48484

Part III
Department of Labor, 48492

Part IV
Federal Maritime Commission, 48504

Part V
Department of Transportation, Federal Aviation Administration, 48506

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

VOL 52 ISS 245 DEC 22 1987 UMI

VOL 52 ISS 245 DEC 22 1987 UMI

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
1924.....48391
1944.....48391

10 CFR
Proposed Rules:
2.....48447

12 CFR
Proposed Rules:
332.....48447

13 CFR
125.....48391

14 CFR
39.....48392
71 (2 documents).....48393
97.....48394
106.....48508
129.....48508
234.....48395
255.....48395
Proposed Rules:
71 (3 documents).....48448, 48449, 48484

15 CFR
Proposed Rules:
1700.....48450

18 CFR
2.....48398
4.....48398
11.....48398
154.....48407
270.....48407
273.....48407
375 (2 documents).....48398, 48407
381.....48407

21 CFR
1.....48407
602.....48407
Proposed Rules:
1.....48452

26 CFR
19.....48419
22.....48492

30 CFR
913.....48421

31 CFR
316.....48422
342.....48422
351.....48422

33 CFR
40a.....48431
Proposed Rules:
285.....48452

38 CFR
111.....48436

42 CFR
435.....48438
436.....48438

47 CFR
73 (2 documents).....48438, 48439
80.....48439

48 CFR
1011.....48440
1152.....48440

Rules and Regulations

Federal Register
Vol. 52, No. 245
Tuesday, December 22, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1924 and 1944

Revision and Redesignation; Planning and Performing Site Development Work; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Correction to final rule.

SUMMARY: The Farmers Home Administration corrects a final rule published on May 22, 1987 at 52 FR 19282 with an effective date of June 22, 1987. Several amendments incorrectly identified the removed text. The intended effect of this action is to correctly identify the removed text so it will not be carried over into the revised regulation.

EFFECTIVE DATE: December 22, 1987.

FOR FURTHER INFORMATION CONTACT: James A. Weibel, Senior Loan Officer, Single Family Housing Processing Division, Farmers Home Administration, USDA, Room 5346, South Agriculture Building, Washington, DC 20250. Telephone (202) 382–1485.

SUPPLEMENTARY INFORMATION: In the final rule published on Friday, May 22, 1987, Amendment 4 to Part 1924, Subpart A, and amendments 17 and 18 to Subpart E of Part 1944, were incomplete in the wording of the amendatory language. Amendment No. 4 changed a reference in § 1924.5(d)(2). Amendment No. 17 changed a reference in § 1944.212(p)(3). Amendment No. 18 changed a reference in paragraph (c)(1) and in the introductory text of paragraph (d)(1) of § 1944.222.

Therefore, the **Federal Register** of May 22, 1987 (52 FR 19282) is corrected as follows:

1. On page 19283, third column, line 4 of Amendment No. 4, insert "Exhibit A of" in the parenthesis before the word "FmHA".

2. On page 19302, in the first column, in line 5 of Amendment No. 17, change the parenthetical phrase to read "(FmHA Instructions 1924–A and 424.5)."

3. On page 19302, in the first column, in the 6th line, under Amendment No. 18, change the parenthetical phrase to read, "(FmHA Instruction 1924–A and 424.5)."

Date: December 16, 1987.

Vance L. Clark,
Administrator, Farmers Home Administration.

[FR Doc. 87–29292 Filed 12–21–87; 8:45 am]
BILLING CODE 3410–07–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 125

Procurement Automated Source System

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration (SBA) is hereby amending its regulations establishing a schedule of fees for services provided in conjunction with the Procurement Automated Source System.

EFFECTIVE DATE: January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Robert J. Moffitt, Deputy Associate Administrator for Procurement Assistance, 1441 L Street NW., Room 600, Washington, DC 20416, (202) 653–6535.

SUPPLEMENTARY INFORMATION: The Small Business Administration maintains the Procurement Automated Source System (PASS) through a private contractor and allows small and large businesses and Government agencies direct access to the system by use of a PASS identification number (PASS ID). Formerly SBA charged direct access users only $24 an hour for on-line time.

Because direct access PASS users receive a valuable benefit and the system is expensive to operate, the SBA is establishing a schedule of fees that is more reflective of the cost and value of on-line PASS use in § 125.10(b). The schedule will charge non-SBA PASS users $50 per hour of PASS usage, and each PASS ID holder will be charged a minimum monthly fee of $50 which will be offset against its first hour of PASS usage. The rate of $50 per hour is supported by a recent cost analysis of PASS time. Each PASS user is entitled to two copies of the PASS User Guide for each PASS ID it uses. There will also be a charge for extra copies of the PASS User Guide and other materials.

With implementation of a fee schedule, the private contractor will be responsible for billing non-SBA direct access users quarterly. Direct access users include nongovernmental organizations and Government agencies.

The Notice of Proposed Rulemaking (NPRM) concerning PASS fees was published in the **Federal Register** on August 25, 1987, with a 30-day comment period. SBA received three comment letters. Two of the commenters expressed the view that $50 per hour for PASS use was too high and would be a deterrent to future use and, therefore, the per hour price should remain at $24. The third commenter objected to the implementation of a monthly minimum charge. That commenter suggested that the SBA either refrain altogether from implementing a monthly minimum charge or, in the alternative, exempt not-for-profit educational institutions from such minimum charge.

SBA has carefully considered these comments. For the reasons set forth above, we have chosen to retain the $50 per hour charge and the $50 monthly minimum charge, however. SBA believes that such fees are neither unreasonable nor unduly burdensome, either for profitmaking or for not-for-profit organizations. The increase in charges is required by the continuing increase in the costs of operating the PASS system.

Such charges are still well below any comparable commercial system and well below the actual costs of operation. Moreover, this is the first time PASS fees have been increased since 1981. Such fees comport with the President's stated policy that users of government services should pay a portion of the costs of such services.

The final rule is virtually identical to the proposed rule published on August 25, 1987, with minor changes in the language to improve clarity. The term "nongovernmental organizations" has been substituted for "large commercial firms" to clarify that the PASS system is available to not-for-profit institutions as well as to for-profit businesses. The language describing the hourly and

minimum charges has been revised to clarify that fractions of an hour over and above the first hour of PASS use will be charged on a pro rata basis. Finally, the word "monthly" in reference to user billing has been changed to "quarterly" to reflect current billing practices.

Compliance With Executive Order 12291, The Regulatory Flexibility Act (5 U.S.C. 601, et seq.), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

Executive Order 12291

For the purposes of E.O. 12291, SBA has determined that this final rule is not a major rule because it will not have an annual effect on the economy of $100 million or more; or cause a major increase in costs for consumers, individuals, industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based businesses to compete with foreign-based businesses in domestic or export markets.

Regulatory Flexibility Act

For purposes of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), SBA certifies that this rule will not have a significant economic impact on a substantial number of small entities. The vast majority of entities potentially affected by this rule would not be considered small for purposes of the Regulatory Flexibility Act.

Paperwork Reduction Act

This rule will not impose any reporting or recordkeeping requirements which would be subject to the Paperwork Reduction Act, 44 U.S.C. ch. 35.

List of Subjects in 13 CFR Part 125

Government procurement, Small business, Technical assistance.

For reasons set forth above, Title 13, Part 125 of the Code of Federal Regulations, is amended as follows:

PART 125—[AMENDED]

1. The authority citation for Part 125 is revised to read as follows:

Authority: Secs. 5(b)(6), 8 and 15 of the Small Business Act, 72 Stat. 384, as amended (15 U.S.C. 631. *et seq.*), 31 U.S.C. 9701, 9702, 96 Stat. 1051).

§ 125.10 [Redesignated as § 125.11]

2. Section 125.10 is redesignated as § 125.11.

§ 125.9 [Redesignated as § 125.10 and Amended]

3. Section 125.9(i) is redesignated as § 125.10, Procurement Automated Source System (PASS) and amended by redesignating the third through ninth sentences as paragraph (a) "Inclusion in PASS," and by adding a new paragraph (b) to read as follows:

§ 125.10 [Amended]

* * * * *

(b) *Access to PASS.* Government agencies and nongovernmental organizations that provide substantial prime contracting and/or subcontracting opportunities to small business firms may be provided direct access to PASS if they so desire. All those with direct access to PASS (Pass users) will receive an identification number (PASS ID) and will be charged $50 per hour for PASS usage with a minimum monthly charge of $50 per PASS ID. Each fraction of an hour over and above the first hour will be charged on a pro rata basis. All users will be billed quarterly, and all fees will be paid directly to the private contractor selected by SBA to operate PASS. The contractor will bill SBA on a monthly basis for the operation of PASS in accordance with the current contract provisions minus any fees it collects from non-SBA users. Each PASS ID entitles a direct access user to two PASS User Guides at no charge. Additional copies of the User Guides and copies for anyone without a PASS ID can be purchased from SBA or the contractor for $25 each. The on-line usage fee, User Guide fee and any other related fee may be changed by SBA from time to time as required to reflect increased costs. Any fee change will be effective upon publication of a notice in the **Federal Register**.

Dated: December 7, 1987.

James Abdnor,

Administrator.

[FR Doc. 87-29246 Filed 12-21-87; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-161-AD; Amdt. 39-5815]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, which requires inspection and replacement, as necessary, of the nacelle strut midspar fuse pins. This action amends the applicability and is prompted by the discovery by the manufacturer that three additional airplanes may have had the older style fuse pins installed as an option in production. This condition, if not corrected, could result in failure of the pin and separation of the engine from the airplane.

EFFECTIVE DATE: January 19, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Dan R. Bui, Airframe Branch, ANM-120S; telephone (206) 431-1919. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The FAA issued AD 86-22-01, Amendment 39-5437 (51 FR 36002; October 8, 1986), to require periodic inspection, or replacement, of older style nacelle strut midspar fuse pins to prevent their failure by fatigue initiated by corrosion. Failure of a pin can lead to separation of the affected engine from the airplane.

This amendment is prompted by the discovery by the manufacturer that three airplanes, which may have had the older style fuse pins installed as an option in production, were not included in the effectivity of Boeing Service Bulletin 747-54-2063, Revision 4, dated June 6, 1986, which was referenced in the applicability statement of AD 86-22-01.

The FAA has reviewed and approved Revision 5 to Boeing Service Bulletin 747-54-2063, dated September 24, 1987, which adds three foreign-operated airplanes to the effectivity of the service bulletin.

The aforementioned additional airplanes are not registered in the United States. However, the FAA has determined it is necessary to amend the existing AD to add the additional airplanes because, in accordance with existing provisions of the bilateral airworthiness agreements, the FAA must issue the AD to advise foreign regulatory agencies of an unsafe condition that may exist or develop on affected foreign-registered airplanes.

Because this amendment in no way changes the substantive requirements of the existing AD, and because the change in applicability of the existing AD does not affect any U.S. operator, the FAA has determined that notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days.

For this reason, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedure (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities.

List of Subjects in CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By amending AD 86-22-01, Amendment 39-5437 (51 FR 36002; October 8, 1986), by revising the applicability statement to read as follows:

BOEING: Applies to Model 747 series airplanes, listed in Boeing Service Bulletin 747-54-2063, Revision 5, dated September 24, 1987, certificated in any category. Compliance required as indicated, unless previously accomplished.

This amends AD 86-22-01, Amendment 39-5437.

This amendment becomes effective January 19, 1988.

Issued in Seattle, Washington, on December 15, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-29249 Filed 12-21-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-AWP-30]

Revision to Window Rock, AZ, Transition Area

AGENCY: Federal Aviation Administration, DOT.

ACTION: Correction to final rule.

SUMMARY: An error was noted in the final rule regarding revision to Window Rock, AZ transition area that was published in the **Federal Register** on November 19, 1987, (52 FR 44377) (Airspace Docket No. 87-AWP-30). This action corrects that error.

EFFECTIVE DATE: 0901 UTC, January 14, 1988.

FOR FURTHER INFORMATION CONTACT: Frank Torikai, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration (FAA), 15000 Aviation Boulevard, Lawndale, California 90261, telephone (213) 297-1648.

SUPPLEMENTARY INFORMATION:

History

Federal Register document 87-26666, published on November 19, 1987, revised the description of the Window Rock, AZ, transition area. An error was discovered in the geographical description of the revised transition area and this action corrects that error.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certifed that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation Safety, Transition area.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document (87-26666), as published in the **Federal Register** on November 19, 1987, is corrected as follows:

Window Rock, AZ [Revised]

By removing "to lat. 35°31'07" N., long. 109°58'32" N.," and substituting "to lat. 35°31'07" N., long. 109°58'32" W.,".

Issued in Los Angeles, California, on December 3, 1987.

Jacqueline L. Smith,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 87-29251 Filed 12-21-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-ASW-33]

Establishment of Transition Area; Berclair, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule will establish a transition area at Berclair, TX. The development of a standard instrument approach procedure (SIAP) by the Department of Navy to the Navy Auxiliary Landing Field (NALF) located at Goliad Airport, Berclair, TX, has made this action necessary. The intended effect of this action is to provide adequate controlled airspace for aircraft executing the SIAP to Goliad NALF. Coincident with this action, the airport status will change from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: 0901 UTC, March 10, 1988.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On August 14, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing a transition area at Berclair, TX (52 FR 32562).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C, dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will establish a 700-foot transition area to be located at Goliad NALF, Berclair, TX. The development by the Department of Navy of an SIAP serving the Goliad NALF has necessitated the action. The effect of this action will provide adequate controlled airspace for aircraft executing this SIAP. Coincident with this action, the airport status will change from VFR to IFR.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" and DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Berclair, TX [New]

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Goliad NALF (latitude 28°36'30" N., longitude 97°36'33" W.), within 4 miles each side of the 315° radial of the Goliad TACAN (latitude 28°37'25" N., longitude 97°37'30" W.), and extending from the 8.5-mile radius area to 11.5 miles northwest of the airport; excluding that portion that coincides with the Beeville, TX, Transition Area.

Issued in Forth Worth, TX, on December 2, 1987.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 87-29252 Filed 12-21-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 25497; Amdt. No. 1363]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFS-230), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC, on December 11, 1987.

Robert L. Goodrich,

Director of Flight Standards.

Adoption of The Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

PART 97—[AMENDED]

1. The authority citation for Part 97 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421, and 1510; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983; and 14 CFR 11.49(b)(2)).

§§ 97.23, 97.25, 97.27, 97.29 97.31, 97.33 and 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective March 10, 1988*

Chester, CT—Chester, RNAV RWY 17, Amdt. 1
Meriden, CT—Meriden Markham Muni, VOR RWY 36, Amdt. 1
Meriden, CT—Meriden Markham Muni, NDB RWY 36, Amdt. 5
Oxford, CT—Waterbury-Oxford, NDB RWY 18, Amdt. 3
Oxford, CT—Waterbury-Oxford, NDB RWY 36, Amdt. 4
Oxford, CT—Waterbury-Oxford, ILS RWY 36, Amdt. 7
Oxford, CT—Waterbury-Oxford, RNAV RWY 18, Amdt. 3
Bedford, MA—Laurence G Hanscom Fld, NDB RWY 11, Amdt. 19
Bedford, MA—Laurence G Hanscom Fld, ILS RWY 11, Amdt. 22
Fishers Island, NY—Elizabeth Field, VOR-A, Amdt. 5
Monticello, NY—Sullivan County Intl, NDB RWY 15, Amdt. 5
Monticello, NY—Sullivan County Intl, ILS RWY 15, Amdt. 4
Block Island, RI—Block Island State, VOR/DME RWY 10, Amdt. 1
Block Island, RI—Block Island State, NDB RWY 10, Amdt. 1
Block Island, RI—Block Island State, VOR RWY 28, Amdt. 1
Newport, RI—Newport State, NDB RWY 4, Amdt. 2
Westerly, RI—Westerly State, VOR-A, Amdt. 9
Westerly, RI—Westerly State, NDB RWY 7 Amdt. 1
Westerly, RI—Westerly State, LOC RWY 7, Amdt. 3

** * * Effective February 11, 1988*

Gainesville, GA—Lee Gilmer Memorial, LOC RWY 4, Amdt. 4
Gainesville, GA—Lee Gilmer Memorial, NDB RWY 4, Amdt. 4
Metter, GA—Metter Muni, NDB RWY 10, Amdt. 2
Lexington, KY—Blue Grass, ILS RWY 22, Amdt. 10
Winston Salem, NC—Smith Reynolds, ILS RWY 33, Amdt. 25
Brenham, TX—Bernham Muni, NDB RWY 16, Amdt. 3

** * * Effective January 14, 1988*

San Diego (El Cajon), CA—Gillespie Field, LOC-D, Amdt. 6
Raleigh-Durham, NC—Raleigh Durham, ILS RWY 23R, Amdt. 3
Mayaguez, PR—Mayaguez, NDB RWY 09, Orig., CANCELLED
Manistee, MI—Manistee Co-Blacker, VOR RWY 9, Amdt. 8
Manistee, MI—Manistee CO-Blacker, VOR RWY 27, Amdt. 8
Houston, TX—Houston Intercontinental, ILS RWY 26, Amdt. 11
Manitowoc, WI—Manitowoc County, VOR RWY 17, Amdt. 12
Manitowoc, WI—Manitowoc County, VOR RWY 35, Amdt. 11
Manitowoc, WI—Manitowoc County, ILS RWY 17, Amdt. 1

** * * Effective December 4, 1987*

Rocky Mount, NC—Rocky Mount-Wilson, ILS RWY 4, Amdt. 12

** * * Effective November 27, 1987*

Linden, NJ—Linden, NDB-B, Amdt. 4
Manville, NJ—Kupper, VOR-A, Amdt. 4

§ 97.23 [Amended]

The FAA published an Amendment in Docket No. 25451, Amdt. No. 1361 to Part 97 of the Federal Aviation Regulations (VOL 52 FR No. 230 Page 45618; dated Tuesday, December 1, 1987) under § 97.23 effective 14 JAN 88 which is hereby amended as follows:

Fairbanks, AK—Fairbanks, Intl, HI-ILS RWY 19R, Amdt. 1 EFF 14 JAN 88 is hereby rescinded.

[FR Doc. 87-29250 Filed 12-21-87; 8:45 am]

BILLING CODE 4910-13-M

Office of the Secretary

14 CFR Parts 234 and 255

[Docket No. 44827 Amdt. Nos. 234-3 and 255-5]

Airline Service Quality Performance

AGENCY: Office of the Secretary, DOT.

ACTION: Interim final rule; request for comments.

SUMMARY: In response to a request from the Air Transport Association (ATA), the Department is amending its rule on airline service quality performance to allow computerized reservations system (CRS) vendors 10 days, instead of 5 days, to include in their CRS displays the flight delay and cancellation information submitted by the participating carriers. The Department also is amending the on-time performance code portion of Part 255 to require participating carriers to assign a letter code to flights scheduled to operate three times or less during a month in their reports to CRS vendors. These changes are effective immediately to give carriers sufficient time to make adjustments; however, comments are requested on them and changes may be made later in response to comments. In addition, a reply to a question posed by Pan American World Airways (Pan Am)

VOL 52 ISS 245 DEC 22 1987 UMI

is discussed and appended to this document for information purposes.

DATES: This amendment is effective on December 22, 1987. Comments should be filed in Docket 44827 and received no later than January 6, 1988.

ADDRESS: Documentary Services Division, C–55, U.S. Department of Transportation, 400 7th Street SW., Room 4107, Washington, DC 20590. Six copies should be submitted. Commenters should include a self-addressed postcard if they desire notification of receipt of their comments by the Department.

FOR FURTHER INFORMATION CONTACT: Sam Whitehorn or Gwyneth Radloff, at 400 7th Street, SW., Washington, DC 20590, (202) 366–9307; Barry Molar, at the above address or by phone at (202) 366–9285; Shelton Jackson, at the above address or by phone at (202) 366–5397; or Robin Caldwell, at the above address or by phone at (202) 366–9059.

SUPPLEMENTARY INFORMATION: By a final rule published in the **Federal Register** on September 9, 1987, the Department of Transportation (DOT or Department) added a new Part 234, which requires 14 air carriers to submit certain flight performance data to the Department each month for public dissemination, and to CRS vendors for incorporation into their primary schedule and availability displays. The information provided to vendors must be in the form of a single-digit on-time performance code summarizing each flight's monthly performance as reported in the data submitted to DOT. The carriers must deliver their monthly summary codes to their CRS vendors by the fifteenth day of the following month. The final rule also amended 14 CFR 255.4 to require CRS vendors to include that information on their primary schedule and availability displays within 5 days after receiving it. In addition, the carriers must provide this information to consumers, upon request, through the carriers' ticketing or reservations agents.

ATA Request

In an October 2, 1987 letter to DOT, the Air Transport Association (ATA) requested a permanent waiver of the 5-day display requirement in § 255.4(e)(1) in favor of a 10-day period. ATA stated that the most efficient mechanism for transmitting the on-time performance codes is for the carriers to insert them as an additional data element in the tapes they submit to the vendors to update their CRS schedules. The rule's monthly deadlines for submitting and displaying the summary codes preclude easy integration into the existing process for updating the CRS schedule displays, since CRS vendors generally arrange their loading dates during low usage periods for their computer systems, which usually occur on weekends. These loading dates are arranged a year or more in advance.

Because of the varying lead times needed by carriers and the use of weekends, data submitted, for example, on the 15th of any month, particularly if it falls on a Thursday or Friday, may not be loaded by a vendor until the following weekend (the 24th or 25th) to accommodate the preparation and loading schedules of the carriers, third party transmitters and the vendors. Consequently, ATA believes that, although vendors usually will achieve a shorter turn-around time, a 10 day period will give them the flexibility they need to mesh the requirements of the rule with existing industry practice, without incurring the unnecessary costs of creating an independent reporting system for this data. A copy of the ATA letter has been placed in Docket 44827.

We believe that ATA's request has merit. In developing the disclosure rule, we sought to minimize the impact of the requirements on the carriers and maximize the usefulness of the information provided to consumers. Amending the rule will not affect the usefulness of the data to consumers, and any possible adverse impact of delaying the availability of the next month's data to consumers for an extra 5 days will be minimal. It also should eliminate the costs to carriers of creating and maintaining a separate updating system to accommodate our rule.

In addition, ATA pointed out that § 255.4(e)(1) does not reflect the involvement of third parties in the transmission of the data to the CRS vendors, although the preamble recognized their role. ATA asks that third parties be mentioned in that section. We have made this technical change. ATA also asked the Department to clarify the meaning of "within" and "less than" 15 minutes. We addressed this definition in the Reporting Directive issued by the DOT's Research and Special Programs Administration, Office of Aviation Information Management (OAIM) on October 5, 1987.

De Minimis Flight Codes

The Department also is amending the on-time performance code requirements. In response to questions posed by two carriers with respect to compliance with Parts 234 and 255, we are requiring that carriers assign the letter "U" as the code for any flight scheduled to operate three times or less during a month in their report to CRS vendors. This change recognizes that if a flight has a small number of operations in one month, the delay rate may be somewhat misleading to consumers. This may be particularly true where a carrier adds a flight with only a few operations during a holiday period. A minimal number of operations may be an unreliable basis for indicating the on-time performance of that particular flight when its on-time performance code is displayed the next month. Therefore, number codes for these flights shall not be reported by carriers for CRS display purposes. This is consistent with the treatment of new flights, which are given the letter code "N". Carriers must continue to submit on-time performance data on these flights to the Department.

We therefore are amending 14 CFR 255.4(e)(1) to extend the 5-day deadline to 10 days to accommodate the existing system for updating schedules and to include a reference to third parties.

In addition, we are amending § 234.8 (a) and (b)(4) to require carriers to assign the letter code "U" to any flight that operates three times or less during a month in their reports to CRS vendors.

Pan Am Request

In an October 20 letter to DOT, Pan American, who was not signatory to ATA's request, stated that it supports the ATA request if DOT clarifies the CRS vendors' obligation to load each month's on-time performance data for all carriers, including the vendors own data, at the same time. Pan American believes that carriers that are also vendors will be able to manipulate the timing of loading of their on-time performance data to place themselves in the most favorable competitive position. Pan American urges the Department to issue an information directive clarifying the vendors, obligation to load all of a month's data at the same time and further suggests that a specific date be set for loading, *e.g.*, the third Saturday of the following month.

On November 4, 1987, American Airlines sent DOT a letter that supported the ATA request and called Pan Am's concern unfounded, because 14 CFR 255.4(d) requires a vendor to apply the same standards of care and timeliness to loading information concerning other carriers as it applies to the loading of its own data. Our reply to Pan Am's letter stressed that DOT's current rules explicitly prohibit these actions by carrier/vendors.

Copies of Pan Am's letter, American's letter and our reply have been placed in the docket.

Procedural Matters

While we are adopting the 10-day and "U" provisions immediately, we request comments on them. Our decision to make this change now is predicated on the impending requirements of Parts 234 and 255 for carriers to provide on-time performance data to vendors and for vendors to load and display the data in CRS's. These requirements take effect during the month of December; to avoid any confusion, immediate adoption is required. If comments demonstrate a need for a subsequent change, we will do so.

Under section 553(d) of the Administrative Procedure Act, the Department finds good cause to issue this final rule without prior notice and opportunity for comment. The amendment relieves a restriction and will enable CRS vendors to meet the CRS display requirements of the rule and integrate the required data into their current system for updating information. Immediate adoption will give carriers submitting data to CRS vendors, or to a third party for transmission to the vendors, sufficient time to make the necessary adjustments; notice and comment procedures would not permit this.

The Department has determined that this rule is not major within the meaning of Executive Order 12291 or significant under the Department's regulatory policies and procedures. This amendment will make only minor changes that will ease implementation of the CRS display requirement. A regulatory evaluation was prepared in developing the initial rule and is available in the docket. Therefore, no further evaluation is necessary. I certify that this rule will not have a significant economic impact on a substantial number of small entities for the purposes of the Regulatory Flexibility Act. None of the affected certificated air carriers or CRS vendors are small businesses within the meaning of the Act. The Department also has concluded that this rule will not have a significant impact on the environment under the National Environmental Policy Act. The rule does not impose any additional paperwork reporting requirements.

List of Subjects

14 CFR Part 234

Advertising, Air carriers, Consumer protection, Reporting requirements, Travel agents.

14 CFR Part 255

Advertising, Air carriers, Air transportation-foreign, Antitrust, Consumer protection, Essential air service, Travel agents.

Issued in Washington, DC, on December 11, 1987.

Jim Burnley,

Secretary of Transportation.

For the reasons set forth in the preamble, the Department amends Title 14, Chapter II, Subchapter A of the Code of Federal Regulations as follows:

PART 234—AIRLINE SERVICE QUALITY PERFORMANCE REPORTS

1. The authority for Part 234 continues to read:

Authority: 49 U.S.C. 1302, 1324, 1374, 1377 and 1381; 5 U.S.C. 553(e) and 14 CFR 302.38.

2. Section 234.8(a) is amended by revising the second sentence to read as follows:

§ 234.8 Calculation of on-time performance codes.

(a) * * * The calculations shall be performed for each reportable flight, except those scheduled to operate three times or less during a month. * * *

3. Section 234.8(b)(4) is revised to read as follows:

(b) * * *

(4) In the case of a new flight, carriers shall assign a performance code consisting of the letter "N." A flight that is not a new flight shall be assigned the performance code calculated for the flight that it replaces, even if the two flights do not have the same flight number. In the case of a flight scheduled to operate three times or less during a month, carriers shall assign a performance code consisting of the letter "U."

* * * * *

PART 255—CARRIER-OWNED COMPUTER RESERVATION SYSTEMS

1. The authority of Part 255 continues to read:

Authority: 49 U.S.C. 1302, 1324, 1374, 1381, 1389 and 1502.

2. Section 255.4(e)(1) is revised to read as follows:

§ 255.4 Display of information.

* * * * *

(e) * * *

(1) Within 10 days after receiving the information from participating carriers or third parties, each vendor shall include in all primary schedule and availability displays the on-time performance code for each nonstop flight segment and one-stop or multi-stop single plane flight, for which a participating carrier provides a code.

* * * * *

Editorial Note: This Appendix will not appear in the Code of Federal Regulations.

Mr. David M. O'Connor,
Special Counsel, Government and International Affairs, Pan American World Airways, Inc., 1660 L Street, NW., Washington, DC 20036.

Dear Mr. O'Connor: Thank you for your letter of October 20, 1987, requesting clarification of the procedures for loading the new on-time flight performance codes into CRS vendor flight displays, as required by our recent Airline Service Quality Rule.

You have asked whether our new rule would permit a carrier vendor to incorporate its own flight performance codes into its CRS on a different schedule than that used for other carriers. You suggest that the vendors, under the rule, could load their own data as early as the first of the month or as late as the 20th of the month. This flexibility then could give such vendors an advantage over other carriers in certain circumstances. You claim that this flexibility contravenes the Department's intention to provide consumers with simple, straightforward information on each flight's on-time performance. To address this potential problem, you suggest that a specific date be used for all loading of data or that the loading be done in accordance with a set schedule for the vendors and other carriers.

Under 14 CFR 255.4(d)(1), vendors are required to apply the same standards of care and *timeliness* to loading information concerning other carriers as to the loading of their own data. This provision clearly would prohibit the types of actions you view as possible. The Department would be concerned if vendors appeared to be loading their own data and other carriers' during different time periods, or if the loading dates fluctuated from month to month. We trust that all of the carriers subject to the rule are aware of this potential problem and will not hesitate to bring it to our attention. In addition, as you note, our recent rule does not envision providing vendors with the opportunity to manipulate the loading of data to provide themselves with a more favorable position *vis-a-vis* their competitors. If such circumstances do arise, the Department has ample authority to address the situation under the CRS rules and section 411 of the Federal Aviation Act.

We do not see a need to set a specific date for loading the on-time performance codes, although our rule requires that the data be available on CRS screens within 5 days of receipt by the vendor. (As you note, the Air Transport Association has asked that vendors be given 10 days to load the data.) The rule does provide some flexibility in an effort to minimize costs to the carriers and vendors.

Sincerely,

Matthew V. Scocozza,
Assistant Secretary for Policy and International Affairs.

[FR Doc. 87–29138 Filed 12–21–87; 8:45 am]
BILLING CODE 4910–62–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 2

[Docket No. RM87-36-001, et al.]

Interpretation of Comprehensive Plans Under Section 3 of the Electric Consumers Protection Act

Issued: December 16, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order granting rehearing solely for the purpose of further consideration.

SUMMARY: On October 20, 1987, the Federal Energy Regulatory Commission (Commission) issued a final rule (Order No. 481), published at 52 FR 39905 (October 26, 1987), interpreting a state or Federal "comprehensive plan" under section 3(b)(4) of the Electric Consumers Protection Act of 1986. In this order, the Commission grants rehearing of its decision solely for the purpose of further consideration.

EFFECTIVE DATE: December 16, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lane, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 357-8530.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

On October 20, 1987, the Commission issued a final rule (Order No. 481) interpreting a state or a Federal "comprehensive plan" under section 3(b)(4) of the Electric Consumers Protection Act of 1986.[1]

Pursuant to 18 CFR 385.713 (1987), the Commission has received six timely requests for rehearing in this proceeding.[2] In order to review more fully the arguments raised, the Commission grants rehearing of the order solely for the purpose of further consideration. This order is effective on the date of issuance. This action does not constitute a grant or denial of the requests on their merits in whole or in part.

Pursuant to Rule 713(d) of the Commission's Rules of Practice and Procedure (18 CFR 385.713(d) (1987), no answers to the requests for rehearing will be entertained by the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29239 Filed 12-21-87; 8:45 am]

BILLING CODE 6717-01-M

[1] Pub. L. 99-495, 100 Stat. 1234 (1986).

[2] State of California Water Resources Control Board, Commonwealth of Kentucky Department for Environmental Protection, Vermont Agency of Natural Resources, New York State Department of Environmental Conservation, State of Minnesota Department of Natural Resources, and American Rivers *et al.* The State of Washington Department of Ecology and the Northwest Power Planning Council filed requests for rehearing out-of-time.

---

18 CFR Parts 4, 11, and 375

[Docket No. RM87-6-000; Order No. 487]

Fees for Hydroelectric Project Applications to Reimburse Fish and Wildlife Agencies

Issued: December 16, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is establishing fees to be paid by certain hydroelectric license or exemption applicants to reimburse fish and wildlife agencies for their costs in setting mandatory terms and conditions for those projects.

EFFECTIVE DATE: This rule is effective January 21, 1988.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lane, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8530.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is adopting new regulations governing applications from hydroelectric licenses and exemptions to implement section 7(c) of the Electric Consumers Protection Act of 1986 (ECPA),[1] which amended section 30 of the Federal Power Act (FPA).[2] The rule requires hydroelectric license and exemption applicants for projects that are required to meet the terms and conditions of fish and wildlife agencies under section 30(c) of the FPA to reimburse those agencies for any reasonable costs incurred in setting terms and conditions to protect fish and wildlife resources. The fish and wildlife agencies to be reimbursed under the rule are the U.S. Department of Commerce, National Marine Fisheries Service (NMFS), the U.S. Department of the Interior, United States Fish and Wildlife Service (USFWS) and the state agency responsible for fish and wildlife resources.

II. Background

ECPA was enacted on October 16, 1986. Section 7(c) of ECPA amended section 30 of the FPA to add a new section 30(e). The new section requires the Commission to establish fees that will be adequate to reimburse fish and wildlife agencies for any reasonable costs incurred in connection with studies or reviews they carry out in establishing terms and conditions pursuant to section 30(c) of the FPA.[3]

This fee provision applies to applicants for projects "required to meet the terms and conditions set by fish and wildlife agencies under [section 30(c) of the FPA]".[4] Projects within the scope of FPA section 30(c) must meet the terms and conditions that the USFWS, NMFS, and state fish and wildlife agencies each determine are appropriate for the protection of fish and wildlife resources.[5] The terms and conditions established by these agencies are commonly referred to as "mandatory terms and conditions."

Prior to ECPA, two categories of applicants were subject to the terms and conditions of fish and wildlife agencies under FPA section 30(c). These were applicants for exemptions from licensing under section 30 of the FPA (conduit exemptions) and applicants for exemptions from licensing requirements under sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (PURPA) (5-MW exemptions).[6] Section 8(a) of ECPA amended section 210 of PURPA to establish a third category of applicants subject to these terms and conditions. This new section states that projects located at new dams or diversions must "[meet] the terms and conditions set by fish and wildlife agencies under the same procedures as provided for under section 30(c) of the Federal Power Act" in order to be eligible for benefits under section 210 of PURPA (PURPA benefits).[7] Therefore, in addition to conduit exemption applicants and 5-MW exemption applicants, license applicants seeking PURPA benefits for projects located at new dams or diversions are now within the mandatory terms and conditions requirement of section 30(c) of the FPA.

Section 8(b) of ECPA, however, excepts four classes of projects located at a new dam or diversion seeking PURPA benefits from having to meet terms and conditions under section 30(c) of the FPA. These are: (1) Projects for which the application was filed and accepted before ECPA's enactment; [8] (2) projects for which an application was filed before ECPA's enactment but accepted for filing within three years after enactment; [9] (3) projects for which the application was filed after ECPA's enactment but before April 16, 1988, if the applicant can successfully demonstrate that it had committed "substantial monetary resources" relating to the filing of an acceptable application before the date of enactment; [10] and (4) projects located at a Government dam at which non-Federal hydroelectric development is permissible.[11] The fee requirement of section 30(e) of the FPA therefore does not apply to new dam or diversion license applicants seeking PURPA benefits that fall within these four classes, since these applicants are excepted from having to meet terms and conditions under FPA section 30(c). Regarding exemptions, however, section 8(c) of ECPA states that "[n]othing in this Act shall affect the application of section 30(c) of the Federal Power Act to any exemption issued after the enactment of this Act." Pursuant to section 8(c) of ECPA, therefore, no new dam or diversion exemption applicant seeking PURPA benefits is exempted from having to meet the terms and conditions of fish and wildlife agencies under FPA section 30(c).[12]

To implement the fee requirement in ECPA, the Commission, on March 18, 1987, published a notice of proposed rulemaking (NOPR).[13] Twenty-five commenters responded to the NOPR.[14] In response to requests from the NMFS and USFWS, the Commission also held a public hearing on the NOPR on June 15, 1987.[15]

III. Discussion

A. Overview

Under this rule, a prospective new dam or diversion license applicant must inform each fish and wildlife agency in writing whether it will seek PURPA benefits. Similarly, a prospective exemption applicant must notify each fish and wildlife agency that it will seek an exemption from licensing. Within the comment period during the second stage consultation process, [16] a fish and wildlife agency will provide an applicant with an estimate of the costs it will incur in setting mandatory terms and conditions for the proposed project. An agency may provide a potential applicant with updated cost estimates. When the application is filed, an applicant must file this most recent estimate with the Commission along with a cash payment of 50 percent of the estimated fees or a bond for 100 percent of the estimated fees. If an applicant does not pay the appropriate amount or post a bond, its application will be rejected.

Within 60 days after the date for setting mandatory terms and conditions, or 60 days after an application is withdrawn, rejected or dismissed, a fish and wildlife agency must file with the Commission a final statement of costs for determining mandatory terms and conditions. After receiving this statement, the Commission will submit a bill to the applicant stating any amounts to be paid by, or refunded to, the applicant.

Any amounts owed must be paid within 45 days after the bill is issued. Similarly, the Commission will notify the Treasury to refund any overpayments within 45 days from the date of the bill. The Commission will not grant a license or exemption until the applicant pays the full amount of fees owed.

Disputes concerning the bill must be submitted within 45 days from the date the bill is issued. A disputing applicant has the burden of proof in showing that an agency's cost statement is unreasonable. However, the agency must provide, upon request, the applicant and the Commission with any documentation supporting its cost statement. The Director of the Office of Hydropower Licensing (OHL) will determine the reasonableness of a disputed cost statement in writing. This decision is appealable to the Commission.

B. General Comments

Generally, commenters support the Commission's efforts to implement the fees requirement contained in ECPA.[17] Some commenters argue that the Commission did not adequately consult with interested Federal and state agencies prior to issuing the NOPR.[18] They further argue that the proposed fee system is administratively and fiscally unworkable and should be withdrawn so that the Commission can consult with interested agencies prior to issuing new proposed regulations.

The Commission disagrees. The Commission staff met with representatives of the USFWS and NMFS prior to issuing the NOPR. A public hearing was also held on the NOPR. To the extent that certain agencies express concerns regarding the mechanics of receiving reimbursements, the Commission believes that these administrative issues can be resolved outside of this rulemaking.[19]

---

[1] Pub. L. No. 99-495, 100 Stat. 1243 (1986).

[2] 16 U.S.C. 823a (1982).

[3] This new section 30(e) of the FPA states:

> [t]he Commission, in addition to the requirements of section 10(e), shall establish fees which shall be paid by an applicant for a license or exemption for a project that is required to meet the terms and conditions set by fish and wildlife agencies under subsection (c). Such fees shall be adequate to reimburse the fish and wildlife agencies referred to in subsection (c) for any reasonable costs incurred in connection with any studies or other reviews carried out by such agencies for purposes of compliance with this section. The fees shall, subject to annual appropriations Acts, be transferred to such agencies by the Commission for use solely for purposes of carrying out such studies and shall remain available until expended.

[4] *Id.*

[5] Prior to the amendment by ECPA, section 30(c) of the FPA authorized only the USFWS and state fish and wildlife agencies to set mandatory terms and conditions. Section 7(b) of ECPA amended section 30(c) of the FPA to include NMFS as an agency with mandatory conditioning authority.

[6] 16 U.S.C. 2705, 2708 (1982).

[7] Section 210(j)(3) of PURPA as added by section 8(a) of ECPA.

[8] *See* section 8(b)(2) of ECPA.

[9] *See* section 8(b)(3) of ECPA.

[10] *See* section 8(b) of ECPA.

[11] *See* section 8(a) of ECPA.

[12] Section 8(d) of ECPA also requires the Commission to conduct a study as to whether PURPA benefits should be available to hydroelectric projects at new dams or diversions.

[13] Fees for Hydroelectric Project Applications to Reimburse Fish and Wildlife Agencies, 52 FR 8463 (Mar. 18, 1987); IV FERC Stats. and Regs. ¶ 32,426.

[14] The list of commenters is contained in Appendix A.

[15] The list of participants is contained in Appendix B.

[16] Prior to filing an application, a potential applicant must undergo a three stage consultation process with the appropriate Federal and state agencies. 18 CFR 4.38(b)(2)(iv) (1987).

[17] *See e.g.*, Alabama Power Company, Edison Electric Institute, Georgia Power, State of Wisconsin Department of Natural Resources (Wisconsin), Mega Renewables, State of Nevada Department of Wildlife, Utah Office of Planning and Budget, State of Washington, Department of Game (Washington Game), Long Lake Energy Corporation (Long Lake), National Hydropower Association, New Hampshire Fish and Game, Idaho Fish and Game, and the State of Wyoming Game and Fish Department (Wyoming).

[18] *See* The National Wildlife Federation and Friends of the Earth (National Wildlife Federation), the U.S. Department of the Interior (Interior), the State of Colorado, Division of Wildlife (Colorado), and the International Association of Fish and Wildlife Agencies. Comments were submitted by both the Fish and Wildlife Service and the Office of Environmental Project Review at the Department of the Interior. Comments by both are substantially similar and they are referred to jointly as Interior.

[19] *See* U.S. Department of the Interior, the U.S. Department of Commerce, and Colorado.

Commission staff will work closely with these agencies to resolve these matters.

C. Applicability of ECPA Fees

The NOPR proposed that fees would be charged for applications filed either before or after ECPA's enactment to reimburse any agency costs incurred after ECPA. The final rule does not adopt this proposed provision. In this rule, fees will apply only to applications filed after the effective date of this rule for costs incurred after this rule's effective date. The Commission is adopting the proposal in response to several commenters that argue that it would be unfair to subject applicants to fees retroactively.[20] Furthermore, the Commission believes that, in order to arrange for any necessary funding, a potential applicant must know, in advance, what fee liability will attach when the application is filed.

The NOPR proposed that fees would apply only if a license or exemption application was actually filed. Several commenters argue that agencies should be reimbursed for some or all of their costs even if an application is never subsequently filed.[21]

The Commission emphasizes that ECPA specifically states that fees are to be paid by "applicants." The Commission believes that Congress would have specifically so stated if it had intended that fees would apply to those individuals who never file an application. In fact, Congress did not provide for this type of fee.

The U.S. Department of the Interior suggests that if the final rule does not expand the definition of "applicant", the Commission should require developers to undergo what are now pre-filing consultations after they submit a formal application. However, the purpose of those consultations is to determine whether a project is feasible and to what extent fish and wildlife studies are necessary. Therefore, the Commission declines to adopt this suggestion.

Some commenters argue that costs incurred after a license or exemption is issued, such as monitoring, compliance and enforcement costs, should also be reimbursed.[22] As with costs incurred if no application is filed, the Commission does not believe that reimbursement for these activities was intended by ECPA. Also, requiring reimbursement of monitoring, compliance and enforcement costs would impose an open-ended obligation on licensees and exemptees. Licensees and exemptees would never be able to determine their costs liability throughout the life of the project. This would place an inordinate burden on developers, particularly small developers.

The New York Department of Environmental Consideration (New York) states that since the NOPR proposed that an applicant could indicate that it would seek PURPA benefits after the initial stage of consultation, a fish and wildlife agency learning later of such an intent would have to reconstruct the record of its expenditures. The Commission recognizes that in these circumstances, an agency may have to reconstruct a record of review costs in order to support a request for reimbursement. The Commission does not believe that this requirement is unreasonably burdensome. The Commission will permit the agency to assess reasonable costs incurred to develop this cost reconstruction and include them in the agency's cost statement.

The NOPR proposed to reimburse only those costs that were incurred in the process of establishing mandatory terms and conditions. Several commenters argue that costs not specifically related to setting mandatory terms and conditions should also be reimbursable,[23] including costs related to "other environmental concerns" provided for under section 210 of PURPA.[24] ECPA clearly states, however, that only fish and wildlife review and study costs are eligible for reimbursement. Therefore, the Commission will allow reimbursement only for costs incurred in the process of setting mandatory terms and conditions.

Washington Fisheries suggests that the definition of a fish and wildlife agency should be expanded to include Indian tribes that participate in the consultation and review process in establishing terms and conditions. The Commission disagrees. While Indian tribes may perform functions similar to a state agency in this area, ECPA specifically provides for reimbursement only for state and Federal agencies.

D. Procedures for Implementing ECPA Fees

1. Fee Schedules

In the NOPR, the Commission proposed that agencies would be reimbursed for the actual costs they incurred in performing reviews and studies. Some commenters argue that, instead of actual costs, the Commission should establish a standard filing fee or estimated schedule of payments.[25] They suggest that the Commission establish a fee ceiling so that applicants would know the limits of their fees liability. Furthermore, they reason that estimates of actual fees do not provide an applicant with adequate notice of its potential liability.

The Commission does not believe that it is appropriate at this time to establish a representative fee structure to fully reimburse all the various fish and wildlife agencies for their actual costs of reviews and studies. The costs incurred by the agencies for a given project in one state may be appreciably different from those in another. For example, states with a large number of pending proposals can spread their administrative costs over all these projects. On the other hand, states that consider only a few applications would incur greater unit costs for studies and reviews. Also, the need for certain types of studies may be more common in some states than in others, allowing states conducting more studies to spread their costs over a greater number of projects. Since the Commission does not believe that it can establish a workable fee schedule at this time, it will not establish a fee ceiling in this proceeding. However, as the Commission gains experience in these matters, it will consider whether standard fees or a fee ceiling might be appropriate. For the present, the Commission believes that the cost estimates provided by /the agencies during the pre-filing consultation process should normally provide an applicant with a reasonable assessment of its fees liability. Therefore, an artificial fee ceiling is not necessary to provide adequate notice of potential liability.

2. Pre-Payment of Estimated Costs

In the NOPR, the Commission proposed that an applicant would pay, when it files its application, 50 percent of the costs the agencies estimated they will incur at the second stage of consultations.[26] Several commenters argue that this up-front payment is unduly burdensome.[27] By contrast, Washington Fisheries suggests that 75 percent of the estimated costs is more appropriate. The Small Business Administration (SBA) suggests that as an alternative to this cash payment, an applicant should be allowed to use another mechanism to guarantee payment, such as a surety bond, letter of credit, or corporate guarantee.

In response to SBA's comments, the Commission will allow an applicant to post an unlimited term surety bond for 100 percent of the estimated costs as an alternative to the 50 percent cash payment proposed in the NOPR. The Commission is requiring that a bond be from a company that is on the Department of the Treasury's (Treasury) list of approved surety companies. Approved companies are listed in Treasury's Circular 570, which is published every year in the **Federal Register**. If a company providing a bond is subsequently deemed to be unacceptable pursuant to Treasury's regulations, the applicant must acquire a new bond from an approved company. The Commission is permitting the use of bonds, since they would decrease the financial burden on the applicant, while guaranteeing payment to the agencies.

The NOPR proposed that an estimate would be based on an amount developed in the second stage of consultations. However, the Commission believes that if an agency bases the amount on its most recent cost estimate, the cash payment or the bond will more closely approximate an agency's final costs. The regulations require an applicant to file copies of the most recent cost estimates provided by the agencies together with the cash payment or bond when it files its application.

The SBA also suggests that the Commission modify the 50 percent payment requirement, on a case-by-case basis, if an applicant cannot supply a bond. The Commission recognizes that this might reduce the burden on individual applicants. However, as the Commission explained in the NOPR, the reason for requiring this 50 percent payment is to assure that an agency's total costs will be reimbursed. The Commission believes that to allow applicants to pay less than this amount would not meet that objective. Moreover, to involve the Commission in these individual determinations without having an application on file for reference would not be administratively feasible.

3. Filing Deadlines

In the NOPR, the Commission proposed to require an agency to submit a bill to the Commission 45 days after it establishes mandatory terms or conditions or 45 days after an application was withdrawn, rejected or dismissed. In response to several commenters that argue that the 45-day limit was inadequate,[28] the Commission is extending the 45-day period to 60 days. Furthermore, an agency may request, in writing, additional time for submitting these cost statements.[29] However, an agency that does not submit a cost statement or extension request within the prescribed time period waives its right to collect fees for that project.

The NOPR proposed that fish and wildlife agencies would be required to submit mandatory terms and conditions for new dams and diversions seeking PURPA benefits within 60 days after the Commission issues a notice accepting the application for filing.[30] Some commenters argue that the 60-day period is inadequate.[31]

The 60-day period for setting mandatory terms and conditions for new dam and diversion projects proposed in the NOPR reflects current Commission practice. The Commission currently provides agencies 60 days to establish mandatory terms and conditions for projects proposed for exemption from licensing.[32] Therefore, the Commission believes that 60 days is sufficient time to allow an agency to establish terms and conditions for a new dam or diversion project. The Commission will consider, however, an agency's written request for an extension of time to set terms and conditions.

The Commission also is not adopting a suggestion of Washington Game that the Commission notify state agencies 20 days prior to the end of the application comment period. In the Commission's experience state agencies already receive public notices routinely. For the Commission to provide a second notice would be redundant and unnecessarily burdensome.

4. Cost Estimate Procedures

The National Hydropower Association argues that agencies should be required to inform both the applicant and the Commission if it appears at any time that an agency's initial or revised cost estimate would be substantially exceeded. The Commission recognizes that an inaccurate estimate might greatly prejudice an applicant. Therefore, in order to keep an applicant informed of its cost liability, the final rule requires agencies to notify a potential applicant or applicant and the Commission if the agency expects that its initial or revised cost estimate would be exceeded by more than 25 percent.

The commenter also suggests that the Commission should provide applicants with semi-annual statements of accrued reimbursable costs in order to further apprise an applicant of its fees liability. The Commission does not believe that it is necessary to establish such a system. An applicant can request this information directly from the agency.

Several commenters request that the final rule make clear that an agency's initial cost estimate could be modified as reviews and studies progress.[33] The Commission emphasizes that all estimated costs can be revised as the agency acquires better data on a specific project. However, it is requiring that the amount of the bond posted or cash payment made by an applicant when it files an application to be based on the agency's most recent cost estimate before the application is filed.

5. Review Procedures

In the dispute resolution procedures outlined in the NOPR, an applicant would be required to pay any undisputed amounts to the Commission within 45 days after the final bill was issued to the applicant by the Commission. The final rule adopts a different approach. In order to ensure that an agency's costs are reimbursed and to prevent spurious appeals, the final rule requires a disputing applicant to pay the full amount of the bill, subject to refund, pending the outcome of any dispute resolution proceedings.

Several commenters suggest that, when the Director of OHL makes a determination as to the reasonableness of agency costs or necessity of studies and reviews, the Director must support any decision in writing.[34] The final rule adopts this suggestion.

---

[20] *See e.g.*, Mega Renewables, Long Lake, National Hydropower Association.

[21] *See e.g.*, Washington Game, State of Washington, Department of Fisheries (Washington Fisheries).

[22] *See e.g.*, National Wildlife Federation, U.S. Department of Commerce, U.S. Department of the Interior.

[23] *See e.g.*, National Wildlife Federation, U.S. Department of Commerce.

[24] *See* New York.

[25] *See e.g.*, Long Lake, National Hydropower Association.

[26] *See* note 16, *infra*.

[27] *See* National Hydropower Association, Long Lake, Small Business Administration.

[28] *See* U.S. Department of the Interior, Wyoming, U.S. Department of Commerce.

[29] There may be instances in which a fish and wildlife agency incurs conditioning-related costs after the prescribed time period for filing mandatory terms and conditions. The Commission will determine the appropriate reimbursements to be made in these instances on a case-by-case basis. *See* Scott Paper Company, 34 FERC ¶ 61,216 (1986) (If a fish and wildlife agency informs the Commission, within the prescribed time period for filing mandatory terms and conditions, that it is unable to set mandatory terms and conditions because of a lack of information, the Commission will keep the application on file and give the applicant a chance to file any reasonably necessary information found lacking by the agency).

[30] Commission regulations already specify the time in which fish and wildlife agencies must establish terms and conditions for conduit exemptions and 5–MW exemptions. 18 CFR 4.93 and 4.105 (1987).

[31] *See* U.S. Department of the Interior, Wyoming, U.S. Department of Commerce.

[32] *See* note 32, *supra*.

[33] *See* U.S. Department of the Interior, National Wildlife Federation.

[34] *See e.g.*, National Wildlife Foundation, Washington Game.

Several commenters disagree with the proposal in the NOPR to allow the Director of OHL to review agency cost statements disputed by applicants.[35]

These commenters argue that the agencies alone should determine what studies are necessary. They state that it is the agency's responsibility, not the Commission's, to establish the scope of the studies. They argue that since fish and wildlife agencies establish terms and conditions, it is not appropriate for the Commission to disallow these types of expenditures on the basis that certain studies were unnecessary.

The Commission disagrees. ECPA specifically provide that fish and wildlife agencies should be reimbursed "for any reasonable costs" in performing studies and reviews. Since the Commission is responsible for establishing fees to reimburse "reasonable costs," it necessarily has the authorty to determine whether the costs submitted by agencies are reasonable. The Commission has a statutory obligation under ECPA to ensure that agencies are not unreasonable in making their cost statements and study requirements under FPA section 30(c). The Commission however, will give due weight to the agencies expertise and judgment in making these determinations. Therefore, the Director of OHL is granted the authority to review the cost statements submitted by agencies, if disputed by the applicants. This review may be based on documentation submitted by the agency as well as the applicant. In determining whether the costs submitted are reasonable, the Director of OHL will consider such factors as (1) whether the time spent reviewing the project was reasonable, (2) whether the costs submitted were in line with the time spent reviewing the project and Federal expenditure guidelines, (3) whether the studies completed were duplicative, or not reasonable considering the fish and wildlife resources affected by the proposed project, and (4) whether the costs were not necessary to set terms and conditions for that project.

Some commenters state that the dispute resolution procedures in the NOPR improperly placed the burden of proof on the agencies, rather than the contesting applicant.[36] In the final rule, the Commission is placing the burden on the applicant to show that an agency's cost are unreasonable. However, the Commission recognizes that the agency has the documentation that an applicant would need to make this showing. Therefore, the final rule requires the agency to supply the disputing applicant or the Commission with the documentation necessary to support its costs statement.

Washington Game requests that the Commission define what "reasonable costs" are. Similarly, New York recommends that the final rule describe the types of studies and project review activities that are reimbursable.

While the final rule establishes general guidelines for review of an agency's costs, the Commission cannot adequately define all the costs that can be termed reasonable in a generic rulemaking because it cannot enumerate all of the studies and reviews that an agency may deem reimburseable. Instead, it will rely on agencies to interpret the statute and submit cost statements for those costs they believe should be chargeable.

Wisconsin and the National Hydropower Association suggest that as part of any review of reasonableness, the Director of OHL consider factors other than those enumerated in the NOPR. The Commission does not believe it is necessary to specify all of the evidence that can be submitted in a cost dispute. If an applicant wishes to introduce the intial estimate as part of the record in a dispute proceeding, it may do so.

Several commenters express a concern that they might not have an opportunity to appeal a decision of the Director of OHL that certain cost were not reimbursable.[37] The Commission emphasizes that any decision by the Director of OHL may be appealed to the full Commission.[38]

The National Wildlife Federation suggests that the final rule establish specific time frames in which the Director of OHL must act to review costs disputed by applicants and make payments to the agencies. The Commission declines to do so since to establish review deadlines may force premature decisions in instances where additional analysis is required to reach an informed decision. The Commission will act as expeditiously as possible in making any payments to the agencies.

Long Lake states that under 31 U.S.C. 3711(a)(2) the Commission cannot compromise a claim of more than $20,000.[39] To make sure that disputed proceedings involve amounts less than $20,000, the commenter suggests that the Director of OHL only consider the amount of fees in dispute, not the total amount for which the applicant may be liable. However, the dispute resolution proceedings in this rule establish an applicant's fee liability. This is the amount of the claim the United States has against the applicant, not a "compromise" of that claim within the meaning of 31 U.S.C. 3711(a)(2).

6. ECPA Fees and FPA Section 10(e) Charges

The NOPR proposed that any fees collected by the NMFS and USFWS would be deducted from the annual charges assessed against hydroelectric licensees under section 10(e) of the FPA.[40] These annual charges reimburse the Federal government for the costs of administering Part I of the FPA. The Commission is clarifying that, the USFWS and NMFS must deduct any fees paid into their Treasury accounts in a given year from the amount they submit to the Commission when they report their annual costs under Part I of the FPA. These agencies file an annual report to the Commission to enable the Commission to determine the annual charges the Commission assesses against licensees, pursuant to section 10(e) of the FPA.

The U.S. Department of the Interior and the U.S. Department of Commerce request that the Commission clarify the difference between cost reimbursement under FPA section 10(e) and the fees collected under this rule.

Under FPA section 10(e), the Commission establishes annual charges that are assessed against licensees to reimburse the entire Federal Government's cost in administering Part I of the FPA. These charges are paid into the Commission's treasury account and are used to offset the Commission's appropriations.

By contrast, fees charged and collected under this rule are to reimburse specific agencies for work performed on specific projects. Fees will be deposited in a suspense account until the entire fee on a specific project is collected. Fees paid in full will be reported to the Treasury Department in the receipt account designated by the USFWS and the NMFS to receive these amounts. Fees collected to reimburse state agencies will be sent from the suspense account to the appropriate state agency.

[35] *See*, U.S. Department of the Interior, U.S. Department of Commerce, National Wildlife Federation.

[36] *See e.g.*, National Wildlife Federation.

[37] *See e.g.*, National Wildlife Federation.

[38] 18 CFR 385.1902 (1987).

[39] 31 U.S.C. 3711(a)(2) (1982) states that "[t]he head of an executive or legislative agency * * * may compromise a claim of the Government of not more than $20,000 (excluding interest) that has not been referred to another executive or legislative agency for further collection action." For claims exceeding this amount, the authority to accept any compromise rests solely with the Department of Justice. 4 CFR 103.1(b) (1987).

[40] 16 U.S.C. 803(e) (1982).

7. Cost Reimbursement Procedure

The Commission believes it is important to clarify its role in collecting study and review costs on behalf of the fish and wildlife agencies. While the Commission will attempt to collect these fees, it will not be liable to any agency for amounts that are not collected. If the total amount collected on behalf of several agencies is not sufficient to meet all of the agencies' costs, the amount the Commission does collect will be distributed to the agencies on a *pro rata* basis, with one exception. That is, if an agency's final cost statement is greater than its most recent statement to the applicant at the time of filing, the difference between the estimate and the final costs will not be reimbursed to that agency until any amounts owed to the other agencies have been paid.

Long Lake asks whether the fees assessed under the rule are to be treated as a debt to the United States. Long Lake suggests that the final rule incorporate debt collection provisions into the Commission's regulations.

The Commission considers these fees to be debts to the Federal government and therefore subject to the debt collection provisions contained in 31 U.S.C. 3711 and 4 CFR Parts 103 and 104. Since the Commission is bound by these provisions, it believes that it is not necessary to incorporate them into its regulations.

New York argues that the final rule should include specific provisions for reimbursements of costs from each competing applicant at a proposed site. The Commission does not believe additional regulations are necessary. This situation is already accommodated in the regulations proposed and adopted in this final rule.

The U.S. Department of the Interior argues that the proposed billing procedures are inconsistent with its procedures; that the proposed reimbursement procedures are unworkable; and that the USFWS cannot commence work on a project without advance payment of all the estimated review and study costs. Instead of the reimbursement procedures outlined in the NOPR, the commenter proposed an alternative mechanism.

The Commission believes, however, that it is not possible to fashion a rule that can take into account all of the internal procedures of the various fish and wildlife agencies. The Commission also declines to adopt the commenter's alternative proposal since, among other reasons, the commenter's proposal requires a potential applicant to pay, in full, the estimated review and study costs even if an application is never subsequently filed and includes payments for review and study costs after a license or exemption is issued.

E. Miscellaneous Issues

The final rule adopts a suggestion that the definitions of "cost statement" and "supporting documentation" in the NOPR be merged [41] since the terms are essentially the same.

The NOPR proposed that a potential new dam or diversion license applicant would be required to notify resource agencies, at the initial stage of consultation, if it intended to seek PURPA benefits. The Commission adopts the U.S. Department of Interior's suggestion that this notice must be in writing, with a copy to the Commission.

Long Lake argues that the NOPR implied that a state agency would not be reimbursed if it was unable to establish terms and conditions. The Commission did not intend this result. The Commission clarifies that an agency would be reimbursed for its costs even if it is unable to set terms or conditions.

The National Wildlife Federation and the U.S. Department of the Interior state that in the NOPR, the definition of "mandatory terms and conditions" did not refer to ECPA or to the Fish and Wildlife Coordination Act [42] and suggest that the Commission include a reference to these statutes in the definition of "mandatory terms and conditions." The Commission does not believe such a reference is necessary because the definition proposed in the NOPR is adequate to describe the types of reviews and studies for setting terms and conditions that are reimbursable.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) [43] generally requires a description and analysis of a final rule that will have a significant economic impact on a substantial number of small entities.[44] Specifically, if an agency promulgates a final rule under the Administrative Procedure Act [45], a final RFA analysis must contain (1) a statement of the need for an objective of the rule, (2) a summary of the issues raised by the public comments in response to any initial regulatory flexibility analysis, and the agency response to those comments, and (3) a description of significant alternatives to the rule consistent with the stated objectives of the applicable statute that the agency considered and ultimately rejected.

The broad purpose of the RFA is to ensure more careful and informed agency consideration of rules that may significantly affect small entities and to encourage analysis of these rules as well as the agency's consideration of alternative approaches that may better resolve any unnecessary costly or adverse effects on small entities.

In this preamble, the Commission presents its reasons for this agency action, its objectives, and the legal basis for this rulemaking. As discussed, the rule establishes fees to be paid to the Commission by hydroelectric applicants to reimburse Federal and state fish and wildlife agencies for the costs of reviews and studies in establishing mandatory terms and conditions under section 30(e) of the FPA. The rule does not duplicate, overlap or conflict with any other relevant Federal rule.

This rule would affect applicants for:

1. Projects exempt from licensing under section 30 of the FPA (conduit exemptions);
2. Projects exempt from licensing under section 405 or 408 of PURPA (5–MW exemptions); and
3. Certain projects at new dams and diversions seeking benefits under section 210 of PURPA.

In 1986, there were 17 applications filed for conduit exemptions, 39 applications filed for 5–MW exemptions, and 33 applications filed for PURPA benefits at new dams or diversions. Of these applications the Commission estimates that 90 percent were filed by small entities under the definition in the RFA.[46]

The Commission realizes that the proposed fee requirement may have a significant impact on a substantial number of small entities. If a proposal may have significant economic impact on a substantial number of small entities, section 603(c) of the RFA requires the Commission to discuss significant alternatives to the proposal.

The NOPR specifically requested comments as to how to reduce the economic impact on small entities. The final rule adopts a suggestion that will significantly reduce this burden. In the final rule, an applicant may post a surety bond in lieu of paying 50 percent

[41] *See* U.S. Department of the Interior and U.S. Department of Commerce.

[42] 16 U.S.C. 661–666c (1982).

[43] 5 U.S.C. 601–602 (1982).

[44] *Id.* at section 604(a).

[45] *Id.* at section 553.

[46] The RFA defines a small entity as a small business, small organization or small governmental jurisdiction. Small businesses are defined under the Act as for-profit enterprises which are independently owned and operated and are not dominant in their field

VOL 52 ISS 245 DEC 22 1987 UMI

of the estimated review and study costs upon filing an application.

Additionally, the Commission could consider reducing or eliminating fees for small entities. However, in establishing the fees in this rule, the Commission is implementing the mandate of Congress in ECPA that fish and wildlife agencies be reimbursed for the costs of reviews or studies incurred in certain types of hydroelectric projects. Therefore, the Commission believes that in this rulemaking, it has met the purposes of the RFA given the constraints set by ECPA.

V. Paperwork Reduction Act Statement

The information collection provisions in this final rule are being submitted to the Office of Management and Budget (OMB) for its approval under the Paperwork Reduction Act [47] and OMB's regulations.[48] Interested persons can obtain information on the information collection provisions in this rule by contracting the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (Attention: Ellen Brown (202) 357-5311). Comments on the information collection provisions can be sent to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, Washington, DC 20503 (Attention: Desk Officer for the Federal Energy Regulatory Commission).

VI. Effective Date

This final rule is effective January 21, 1988. If OMB has not approved this final rule by the effective date of this rule, the effective date of the rule will be suspended. In case of such suspension, the Commission will issue a public notice to that effect.

List of Subjects

18 CFR Part 4

Electric power, Reporting and recordkeeping requirements.

18 CFR Part 11

Electric power, Reporting and recordkeeping requirements.

18 CFR Part 375

Authority delegations (Government agencies), Seals and insignia, Sunshine Act.

In consideration of the foregoing, the Commission amends Parts 4, 11, and 375, Chapter I Title 18, Code of Federal Regulations, as set forth below.

[47] 44 U.S.C. 3501–3520 (1982).
[48] 5 CFR 1320.12 (1987).

By the Commission.
Lois D. Cashell,
Acting Secretary.

PART 4—LICENSES, PERMITS, EXEMPTIONS, AND DETERMINATION OF PROJECT COSTS

1. The authority citation in Part 4 is revised to read as follows:

Authority: Federal Power Act, 16 U.S.C. 791a–825r, as amended by the Electric Consumers Protection Act of 1986, Pub. L. No. 99–495; Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601–2645 (1982), Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); EO 12009, 3 CFR 142 1978 Comp. p. 142.

2. In § 4.30, paragraph (b)(9) is revised to read as follows:

§ 4.30 Applicability and definitions.

(b) * * *

(9) "Fish and wildlife agencies" means that the United States Fish and Wildlife Service, the National Marine Fisheries Service, and any state agency with administrative management over fish and wildlife resources of the state or states in which a small conduit hydroelectric power project, or a qualifying hydroelectric small power production facility, as defined in § 292.203(c) of this chapter, is or will be located.

* * * * *

3. In § 4.32, paragraph (c)(4) is added to read as follows:

§ 4.32 Acceptance for filing or rejection.

* * * * *

(c) * * *

(4) For an application for a license seeking benefits under section 210 of the Public Utility Regulatory Policies Act of 1978, as amended, for a project that would be located at a new dam or diversion, circulate the public notice issued for the application under paragraph (c)(2)(i) of this section to interested agencies at the time the applicant is notified that the application is accepted for filing. If a particular agency does not comment within 60 days from the date of issuance of the notice, that agency will be presumed to have no comment on or objection to the license requested. Any comments submitted by a fish and wildlife agency must include any specific terms or conditions that the agency has determined are necessary to prevent loss of, or damage to, fish and wildlife resources or otherwise to carry out the provisions of the Fish and Wildlife Coordination Act, except those terms or conditions that may be included in Exhibit E of the license application.

* * * * *

4. In § 4.38, paragraph (a) is amended by adding a new sentence to the end of the paragraph to read as follows:

§ 4.38 Pre-filing consultation requirements.

(a) * * * An applicant for an exemption from licensing or an applicant for a license seeking benefits under section 210 of the Public Utility Regulatory Policies Act, as amended, for a project that would be located at a new dam or diversion must, in addition to meeting the requirements of this section, comply with the consultation requirements in § 4.301.

* * * * *

5. A new Subpart M, consisting of §§ 4.300 through 4.305, is added to read as follows:

Subpart M—Fees Under Section 30(c) of the Act

Sec.
4.300 Purpose, definitions, and applicability
4.301 Notice to fish and wildlife agencies and estimation of fees prior to filing.
4.302 Fees at filing.
4.303 Post-filing procedures.
4.304 Payment.
4.305 Enforcement.

§ 4.300 Purpose, definitions, and applicability.

(a) *Purpose.* This subpart implements the amendments of section 30 of the Federal Power Act enacted by section 7(c) of the Electric Consumers Protection Act of 1986 (ECPA). It establishes procedures for reimbursing fish and wildlife agencies for costs incurred in connection with applications for an exemption from licensing and applications for licenses seeking benefits under section 210 of the Public Utility Regulatory Policies Act of 1978, as amended, for a project that would impound or divert the water of a natural watercourse by means of a new dam or diversion.

(b) *Definitions.* For the purposes of this subpart—

(1) "Cost" means an expenditure made by a fish and wildlife agency:

(i) On or after the effective date of this regulation for an application filed on or after the effective date of this regulation; and

(ii) Directly related to setting mandatory terms and conditions for a proposed project pursuant to section 30(c) of the Federal Power Act.

(2) "Cost statement" means a statement of the total costs for which a fish and wildlife agency requests reimbursement including an itemized schedule of costs including, but not limited to, costs of fieldwork and testing, contract costs, travel costs, personnel costs, and administrative and overhead costs.

(3) "Mandatory terms and conditions" means terms and conditions of a license or exemption that a fish and wildlife agency determines are appropriate to prevent loss of, or damage to, fish and wildlife resources pursuant to section 30(c) of the Federal Power Act.

(4) "New dam or diversion license applicant" means an applicant for a license for a project that would impound or divert the water of a natural watercourse by means of a new dam or diversion, as defined in section 210(k) of the Public Utility Regulatory Policies Act of 1978, as amended.

(5) "PURPA benefits" means benefits under section 210 of the Public Utility Regulatory Policies Act of 1978, as amended.

(6) "Section 30(c) application" means an application for an exemption from licensing or a new dam or diversion license application seeking PURPA benefits.

(c) *Applicability.* Except as provided in paragraph (d) of this section, this subpart applies to:

(1) Any application for exemption filed on or after the effective date of these regulations for costs incurred by fish and wildlife agencies after the effective date of these regulations;

(2) Any new dam or diversion license application seeking PURPA benefits filed on or after April 16, 1988;

(3) Any new dam or diversion license application seeking PURPA benefits filed after the effective date of this regulation, but before April 16, 1988, if the applicant fails to demonstrate in a monetary resources petition filed with the Commission pursuant to § 292.208 of this chapter that, before October 16, 1986, it had committed substantial monetary resources directly related to the development of the proposed project and to the diligent and timely completion of all requirements of the Commission for filing an acceptable application; and

(4) Any new dam or diversion license application seeking PURPA benefits filed after the effective date of this regulation, if the application is not accepted for filing before October 16, 1989.

(d) *Exceptions.* (1) This subpart does not apply to any new dam or diversion license application seeking PURPA benefits if the moratorium described in section 8(e) of ECPA is in effect. The moratorium will end at the expiration of the first full session of Congress following the session during which the Commission reports to Congress on the results of the study required under section 8(d) of ECPA.

(2) This subpart does not apply to any new dam or diversion license application seeking PURPA benefits for a project located at a Government dam, as defined in section 3(10) of the Federal Power Act, at which non-Federal hydroelectric development is permissible.

§ 4.301 Notice to fish and wildlife agencies and estimation of fees prior to filing.

(a) *Notice to agencies*—(1) *New dam or diversion license applicants.* During the initial stage or pre-filing agency consultation under § 4.38(b)(1), a prospective new dam or diversion license applicant must inform each fish and wildlife agency consulted in writing with a copy to the Commission whether it will seek PURPA benefits.

(2) *Exemption applicants.* During the initial stage of pre-filing agency consultation under § 4.38(b)(1), a prospective exemption applicant must notify each fish and wildlife agency consulted that it will seek an exemption from licensing.

(b) *Estimate of fees.* Within the comment period provided in § 4.38(b)(2)(iv), a fish and wildlife agency must provide a prospective section 30(c) applicant with a reasonable estimate of the total costs the agency anticipates it will incur to set mandatory terms and conditions for the proposed project. An agency may provide an applicant with an updated estimate as it deems necessary. If an agency believes that its most recent estimate will be exceeded by more than 25 percent, it must supply the prospective applicant or applicant with a new estimate and submit a copy to the Commission.

§ 4.302 Fees at filing.

(a) *Filing requirement.* A section 30(c) application must be accompanied by a fee or a bond, together with copies of the most recent cost estimates provided by fish and wildlife agencies pursuant to § 4.301(b).

(b) *Amount.* The fee required under paragraph (a) of this section must be in an amount equal to 50 percent of the most recent cost estimates provided by fish and wildlife agencies pursuant to § 4.301(b). In lieu of this amount, an applicant may provide an unlimited term surety bond from a company on the Department of Treasury's list of companies certified to write surety bonds. Applicants bonded by a company whose certification by the Department of the Treasury lapses must provide evidence of purchase of another bond from a certified company. A bond must be for an amount no less than 100 percent of the agencies' most recent cost estimates pursuant to § 4.301(b).

(c) *Failure to file.* The Commission will reject a section 30(c) application if the applicant fails to comply with the provisions of paragraphs (a) and (b) of this section.

§ 4.303 Post-filing procedures.

(a) *Submission of cost statement*—(1) *Accepted applications.* Within 60 days after the last date for filing mandatory terms and conditions pursuant to § 4.32(c)(4) for a new dam or diversion license application seeking PURPA benefits, § 4.93(b) for an application for exemption of a small conduit hydroelectric facility, or § 4.105(b)(1) for an application for case-specific exemption of a small hydroelectric power project, a fish and wildlife agency must file with the Commission a cost statement of the reasonable costs the agency incurred in setting mandatory terms and conditions for the proposed project. An agency may request, in writing, along with any supporting documentation an extension of this 60-day period.

(2) *Rejected, withdrawn or dismissed applications.* The Director of the Office of Hydropower Licensing (Director) will, by letter, notify each fish and wildlife agency if a section 30(c) application is rejected, withdrawn or dismissed. Within 60 days from the date of notification, a fish and wildlife agency must file with the Commission a cost statement of the reasonable costs the agency incurred prior to the date the application was rejected, withdrawn, or dismissed. An agency may submit a written request for an extension of this 60-day period along with any supporting documentation.

(b) If an agency has not submitted a cost statement or extension request within the time provided in paragraph (a)(2) of this section, it waives its right to receive fees for that project pursuant to this subpart.

(c) *Billing.* After the Commission receives a cost statement from all fish and wildlife agencies as required by paragraph (a) of this section, the Commission will bill the section 30(c) applicant. The bill will show:

(1) The cost statement submitted to the Commission by each fish and wildlife agency;

(2) Any amounts already paid by the applicant pursuant to § 4.302; and

(3)(i) The amount due, if the amount already paid by the applicant pursuant to § 4.302 is less than the total of all the cost statements; or

(ii) The amount to be refunded to the applicant, if the amount already paid by

BEST COPY AVAILABLE

VOL 52 ISS 245 DEC 22 1987 UMI

the applicant pursuant to § 4.302 is more than the total of all the cost statements.

(d) Within 45 days from the date of a bill issued under paragraph (b) of this section, a section 30(c) applicant must pay in full to the Commission any remaining amounts due on the cost statements regardless of whether any of these amounts are in dispute.

(e) *Dispute procedures*—(1) *When to dispute.* Any dispute regarding the reasonableness of any fish and wildlife agency cost statement must be made within 45 days from the date of a bill issued under paragraph (b) of this section.

(2) *Assessment of disputed cost statements* The burden of showing that an agency's cost statement is unreasonable is on the applicant. However, a fish and wildlife agency must supply the disputing applicant and the Commission with the documentation necessary to support its cost statement. The Director of the Office of Hydropower Licensing will determine the reasonableness of a disputed fish and wildlife agency cost statement. The Director's decision will be in writing. The Director will notify the disputing applicant and the fish and wildlife agency of the decision by letter. Any decision of the Director may be appealed by either party pursuant to 18 CFR 385.1902. In deciding whether or not a disputed cost statement is reasonable, the Director will review the application, the disputed cost statement and any other documentation relating to the particular environmental problems associated with the disputing applicant's proposed project. The Director will consider such factors as:

(i) The time the fish and wildlife agency spent reviewing the application;

(ii) The proportion of the cost statement to the time the fish and wildlife agency spent reviewing the application;

(iii) Whether the fish and wildlife agency's expenditures conform to Federal expenditure guidelines for such items as travel, per diem, personnel, and contracting; and

(iv) Whether the studies conducted by the agency, if any, are duplicative, limited to the proposed project area, unnecessary to determine the impacts to or mitigation measures for the particular fish and wildlife resources affected by the proposed project, or otherwise unnecessary to set terms and conditions for the proposed project.

(3) *Unreasonable cost statements.* If the Director determines that a disputed fish and wildlife agency cost statement is unreasonable, the disputing applicant and the fish and wildlife agency will be afforded 45 days from the date of notification to attempt to reach an agreement regarding the reimbursable costs of the agency. If the disputing applicant and the fish and wildlife agency fail to reach an agreement on the disputed cost statement within 45 days from the date of notification, the Director will determine the costs that the agency should reasonably have incurred.

(f) *Refunds.* (1) If the amount paid by a section 30(c) applicant under § 4.302 exceeds the total amount of the cost statements submitted by fish and wildlife agencies under paragraph (a) of this section, the Commission will notify the Treasury to refund the difference to the applicant within 45 days from the date of the bill issued to the applicant under paragraph (b) of this section.

(2) If the amount paid by a section 30(c) applicant exceeds the amount determined to be reasonable by the Director pursuant to paragraph (d)(2) of this section, the Commission will notify the Treasury to refund the difference to the applicant within 45 days of the resolution of all dispute proceedings.

§ 4.304 Payment.

(a) A payment required under this subpart must be made by check payable to the United States Treasury. The check must indicate that the payment is for "ECPA Fees."

(b) If a payment required under this subpart is not made within the time period prescribed for making such payment, interest and penalty charges will be assessed. Interest and penalty charges will be computed in accordance with 31 U.S.C. 3717 and 4 CFR Part 102.

(c) The Commission will not issue a license or exemption, unless the applicant has made full payments of any fees due under § 4.303(c).

§ 4.305 Enforcement

(a) The Commision may take any appropriate action permitted by law if a section 30(c) applicant does not make a payment required under this subpart. The Commission will not be liable to any fish and wildlife agency for failure to collect any amounts under this subpart.

(b) If the Commission is unable to collect the full amount due by a section 30(c) applicant on behalf of more than one agency, the amount the Commission does collect will be distributed to the agencies on a *pro-rata* basis except if an agency's cost statement is greater than its most recent estimate to the applicant under § 4.301(b), then the difference between the estimate and the cost statement will not be reimbursed until any amounts owed to other agencies have been paid.

PART 11—[AMENDED]

6. The authority citation for Part 11 is revised to read as follows:

Authority: Federal Power Act, 16 U.S.C. 791a–825r (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); EO 12009, 3 CFR 1978 Comp., p. 142.

7. In § 11.1, paragraph (f) is added to read as follows:

§ 11.1 Costs of administration

* * * * *

(f) In making their annual reports to the Commission on their costs in administering Part I of the Federal Power Act, the United States Fish and Wildlife Service and the National Marine Fisheries Service are to deduct any amounts that were deposited into their Treasury accounts during that year as reimbursements for conducting studies and reviews pursuant to section 30(e) of the Federal Power Act.

PART 375—THE COMMISSION

8. The authority citation for Part 375 continues to read as follows:

Authority: Electric Consumers Protection Act of 1986, Pub. L. 99–495; Department of Energy Organization Act, 42 U.S.C. 7101–7352, EO 12009, 3 CFR 1978 Comp., p. 142; Administrative Procedure Act, 5 U.S.C. 553; Federal Power Act, 16 U.S.C. 791–828c, as amended; Natural Gas Act, 15 U.S.C. 717–717w, as amended; Natural Gas Policy Act of 1978, 15 U.S.C. 3361 *et seq.*; Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601 *et seq.*, as amended.

9. In § 375.314, paragraph (ff) is added to read as follows:

§ 375.314 Delegations to the Director of the Office of Hydropower Licensing.

* * * * *

(ff) Pass upon the reasonableness of disputed agency cost statements pursuant to § 4.303(d) of this chapter.

* * * * *

Note: This Appendices will not appear in the Code of Federal Regulations.

Appendix A

(1) Alabama Power Company
(2) Dairyland Power Cooperative
(3) Edison Electric Institute
(4) Georgia Power Company
(5) Long Lake Energy Corporation
(6) Mega Renewables
(7) National Hydropower Association
(8) National Wildlife Federation and Friends of the Earth
(9) State of Colorado, Department of Natural Resources, Division of Wildlife
(10) State of Idaho, Department of Wildlife
(11) State of Nevada, Department of Wildlife
(12) State of New Hampshire, Fish and Game Department
(13) State of New York, Department of Environmental Conservation
(14) State of Pennsylvania, Pennsylvania Game Commission (filed out-of-time)
(15) State of Utah, Resource Development Coordinating Committee
(16) State of Vermont, Agency of Environmental Consideration [1]
(17) State of Washington, Department of Fisheries
(18) State of Washington, Department of Game
(19) State of Wisconsin, Department of Natural Resources
(20) State of West Virginia, Department of Natural Resources
(21) State of Wyoming, Game and Fish Department
(22) United States Department of Commerce
(23) United States Department of the Interior, Fish and Wildlife Service
(24) United States Department of the Interior, Office of Environmental Project Review [2]
(25) United States Small Business Administration.

Appendix B

(1) International Association of Fish and Wildlife Agencies
(2) National Hydropower Association
(3) United States Department of Commerce, National Marine Fisheries Service
(4) United States Department of the Interior, Fish and Wildlife Service.

[FR 87–29241 Filed 12–21–87; 8:45am]
BILLING CODE 6717–01–M

---

18 CFR Parts 154, 270, 273, 375 and 381

[Docket No. RM86–14–000; Order No. 483]

Revisions to the Purchased Gas Adjustment Regulations; Suspension of Effective Date

December 16, 1987.

AGENCY: Federal Energy Regulatory Commission DOE.

ACTION: Final Rule; Notice of Suspension of Effective Date of Order.

SUMMARY: On November 10, 1987, the Federal Energy Regulatory Commission (Commission) issued a final rule in Docket No. RM86–14–000. (52 FR 43854 (Nov. 17, 1987)). This notice suspends the rule's effective date of December 17, 1987, for 30 days in order to provide the Office of Management and Budget (OMB) additional time to review the final rule's information collection provisions.

EFFECTIVE DATE: The final rule in this docket is effective January 29, 1988.

FOR FURTHER INFORMATION CONTACT: Andrew S. Katz, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, Phone: (202) 357–8020.

SUPPLEMENTARY INFORMATION: Pursuant to its regulations, OMB has requested additional time to review the information collection provisions in Order No. 483, Revisions to the Purchased Gas Adjustment Regulations.[1] The Commission, therefore, suspends the effective date of Order No. 483 until January 29, 1988.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 87–29240 Filed 12–17–87; 4:57 pm]
BILLING CODE 6717–01–M

[1] Vermont's original comments supported the rule. It later rescinded its support.

[2] The comments by the Department of the Interior, Fish and Wildlife Service, and the Office of Environmental Project Review are substantially similar and the two are jointly referred to as the U.S. Department of the Interior in the preamble.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[T.D. 8168]

Income Taxes; Limitation on Deduction for Nonbusiness Interest: Personal Interest

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to the treatment of personal interest and the treatment and determination of qualified residence interest. The text of the temporary regulations set forth in this document also serves as the text of the proposed regulations for the notice of proposed rulemaking on this subject in the Proposed Rules section of this issue of the **Federal Register**. Changes to the applicable tax law were made by the Tax Reform Act of 1986. The regulations affect taxpayers other than corporations who have paid or accrued personal interest during a taxable year, and taxpayers who have paid or accrued interest on debt secured by a principal or second residence.

DATES: The regulations are effective for taxable years beginning after December 31, 1986.

FOR FURTHER INFORMATION CONTACT: Sharon L. Hall of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attention: CC:LR:T) (202) 566–3288 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document amends the Income Tax Regulations (26 CFR Part 1) and the Table of OMB Control Numbers (26 CFR Part 602) to provide rules under section 163(h) of the Internal Revenue Code of 1986. Section 163(h) was added to the Code by section 511(b) of the Tax Reform Act of 1986 (Pub. L. 99–514, 100 Stat. 2246).

Explanation of Statutory Provisions

Section 163(h)(1) provides that in the case of a taxpayer other than a corporation, no deduction shall be allowed under Chapter 1 of the Internal Revenue Code for personal interest paid or accrued during the taxable year. Section 163(h)(2) defines personal interest as any interest otherwise allowable as a deduction under Chapter 1 of the Internal Revenue Code other than (a) interest paid or accrued on indebtedness properly allocable to the conduct of a trade or business (other than the trade or business of performing services as an employee), (b) investment interest, (c) interest taken into account under section 469 in computing income or loss from a passive activity, (d) qualified residence interest, or (e) interest payable under section 6601 on any unpaid portion of the tax imposed by section 2001 for the period during which an extension of time for payment of such tax is in effect under section 6163, 6166 or 6166A (as in effect before its repeal by the Economic Recovery Tax Act of 1981).

Section 163(h)(3) defines qualified residence interest as interest paid or accrued on debt that is secured by a qualified residence at the time such interest is paid or accrued. Under section 163(h)(3)(B), however, interest expense constitutes qualified residence interest only to the extent that the underlying debt, when added to the principal balance of all other debt previously secured by the qualified residence, does not exceed the lesser of (a) the fair market value of the qualified residence, or (b) the sum of the taxpayer's basis in the qualified residence (adjusted only by the cost of any improvements) plus the amount of

[1] *See* 5 CFR 1320.12 (1987).

VOL 52 ISS 245 DEC 22 1987 UMI

qualified indebtedness (secured medical and educational debt). Section 163(h)(3)(C) provides that for purposes of this limitation the taxpayer's basis in the qualified residence shall not be less than the principal balance of debt incurred prior to August 16, 1986, and secured by the qualified residence on August 16, 1986. Section 163(h)(3)(D) provides that, except as provided in regulations, any determination with respect to the limitation on the amount of qualified residence interest shall be made at the time the debt is incurred.

Qualified indebtedness is defined in section 163(h)(4) as debt secured by a qualified residence which is incurred after August 16, 1986, to pay for certain medical and educational expenses, which are paid or incurred within a reasonable period of time before or after such debt is incurred.

Section 163(h)(5) defines qualified residence as the principal residence of the taxpayer and one other residence designated by the taxpayer.

Explanation of Regulatory Provisions

The regulations adopt an annual test to determine whether a taxpayer's debt secured by a qualified residence ("secured debt") exceeds the section 163(h)(3)(B) limitation on qualified residence interest. An annual approach was chosen rather than a test applied only at the time a debt is incurred because an annual approach takes account of reductions in the principal balance of secured debt and, therefore, removes the incentive to refinance a secured debt in order to redetermine the limitation. Moreover, an annual test accounts more appropriately for lines of credit, the balance of which may fluctuate from year to year.

The regulations apply the annual test by comparing the section 163(h)(3)(B) limitation with the average principal balance of the debt during the taxable year. The average balance was selected over the principal balance of the debt on a particular day during the year (such as the first day of the year or the day on which the principal balance is the highest) because the average balance more accurately reflects the amount of debt outstanding over the course of the year and is more closely associated with the amount of interest paid.

Under the regulations, a taxpayer's basis in a residence (the "adjusted purchase price") is determined as of the end of each year, instead of at the time a debt is incurred. By providing for determination of the adjusted purchase price at the end of each year, the regulations permit a taxpayer to apply a single overall limitation to all secured debts, rather than a separate limitation for each debt. In addition, the use of an end-of-year adjusted purchase price permits taxpayers to take advantage of increases in the adjusted purchase price due to home improvements without the need to refinance debt.

In contrast, however, the regulations generally require the fair market value of the residence to be determined as of the time a debt is incurred. Limiting the fair market value determination to the date a debt is incurred will minimize controversy between taxpayers and the Service because the residence's fair market value with respect to any particular debt will be determined only once and because an independent appraisal ordinarily is conducted in connection with arm's length lending transactions.

In the case of a qualified residence that is real property, the regulations provide an irrebuttable presumption that the fair market value is no less than the adjusted purchase price of the residence as of the end of the current taxable year. This presumption further reduces controversy between taxpayers and the Service over fair market value. It is believed that, in a broad range of circumstances, fair market value will in fact be at least as great as the adjusted purchase price.

These simplifications permit a taxpayer to determine whether all interest expense on secured debt is qualified residence interest by comparing the sum of the average balances for the taxable year of all secured debt to the adjusted purchase price determined as of the end of the year. If this sum is less than the adjusted purchase price, all of the interest paid or accrued on the secured debt is qualified residence interest. If the combined average balance exceeds the adjusted purchase price, the taxpayer must determine the amount of qualified residence interest using either the "simplified method" or the "exact method." (A taxpayer may use a different method for each qualified residence in each taxable year.)

Under the simplified method, the amount of qualified residence interest is determined by miltiplying the total interest paid or accrued on all of the debt secured by a qualified residence by a fraction, the numerator of which is the adjusted purchase price and the denominator of which is the combined average balance. Any disallowed interest is treated as personal interest, the deduction for which is phased out over the period 1987 through 1990.

If a taxpayer wishes to take advantage of qualified indebtedness (secured medical and educational debt) or wishes to trace interest expense on secured debt to expenditures other than personal expenditures, the taxpayer must use the exact method. Under the exact method, the amount of qualified residence interest is determined on a debt-by-debt basis by comparing each debt to the applicable debt limit determined for that debt. If the average balance for any debt is less than its applicable debt limit, all of the interest paid or accrued on that debt is qualified residence interest. If the average balance exceeds its applicable debt limit, only a portion of the interest on the debt is qualified residence interest. The treatment of the remaining interest on the debt is determined by the use of the proceeds of the debt. If, for example, the proceeds of the debt were used to purchase investment assets, the remaining interest is investment interest subject to section 163 (d).

The applicable debt limit for any debt is determined in two steps. First, the taxpayer determines the lesser of (a) the fair market value of the residence at the time the debt was secured, and (b) the sum of the adjusted purchase price (determined as of the end of the taxable year) plus the amount of qualified indebtedness for that debt and for all previously secured debt. Second, the taxpayer subtracts the average balance (or, if less, the applicable debt limit) of all previously secured debts from the amount so determined.

The regulations provide guidance on the determination of the amount of qualified indebtedness (*i.e.*, the amount of debt used to pay for qualified medical and educational expenses). If at least 90 percent of the proceeds of a secured debt are used to pay for qualified medical and educational expenses, the amount of qualified medical and educational expenses, the amount of qualified indebtedness is the average balance of the debt. If less than 90 percent of the proceeds of a secured debt are used to pay for such expenses, the amount of qualified indebtedness is the lesser of the average balance of the debt or the amount used to pay such expenses, reduced by principal payments on the debt in prior taxable years. The regulations provide rules for determining whether proceeds of a debt are used to pay for qualified medical or educational expenses. In general, a taxpayer may treat proceeds as being so used if medical or educational expenditures are made within 90 days before or after the date a debt is incurred. A taxpayer may also treat proceeds as being used to pay for such expenditures if the debt is traceable to such expenditures under the tracing rules provided in § 1.163–8T.

The regulations also provide guidance regarding the determination of the aggregate outstanding principal amount of debt which was incurred on or before August 16, 1986 and secured by the qualified residence before August 16, 1986, (*i.e.*, the amount of grandfathered debt). In general, in any year, the grandfathered amount of such debt is the average balance of the debt during the taxable year. The regulations also permit a debt incurred to refinance a grandfathered debt to itself be treated as a grandfathered debt. In cases where the taxpayer has borrowed new amounts after August 16, 1986, on a grandfathered debt or refinanced a grandfathered debt with a larger debt, the regulations provide appropriate limits on the grandfathered amount.

The regulations require that in order to be considered secured by a qualified residence, a debt must be secured by an instrument that makes the interest of the debtor in the qualified residence specific security for the payment of the debt and that is recorded in accordance with applicable State law. The regulations provide that a debt will be considered to be secured notwithstanding the fact that under an applicable State or local homestead law or other debtor protection law in effect on August 16, 1986, the security interest is ineffective or the enforceability of the security interest is restricted. This provision, which is consistent with provisions contained in pending technical corrections legislation, is intended to allow the benefit of the mortgage interest deduction despite state law impediments to securing mortgage debt. A taxpayer may elect to treat a debt that is secured by a qualified residence as if it were not secured by the residence.

The regulations provide guidance regarding the definition of a residence for purposes of section 163(h). They provide generally that a residence includes a house, condominium, cooperative, mobile home, boat or similar property which provides basic living accommodations, including sleeping space and toilet and cooking facilities. Additionally, if a portion of a residence is not used for residential purposes (*e.g.*, a room used as a home office), that portion does not qualify as a residence. In such cases, the taxpayer must allocate the fair market value and basis in the property (but not the average balance or interest on the debt) between the portion of the property used as a residence and the portion not so used.

Special Analyses

The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis therefore is not required. A general notice of proposed rulemaking is not required by 5 U.S.C. 553 for temporary regulations. Accordingly, the temporary regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

The collection of information requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under section 3507 of the Paperwork Reduction Act.

Drafting Information

The principal author of these regulations is Sharon L. Hall of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

List of Subjects

26 CR 1.61–1—1.281–4

Income taxes, Taxable income, Deductions, Exemptions.

26 CFR Part 602

Reporting and recordkeeping requirements.

Amendments to the Regulations

For the reasons set out in the preamble, Title 26, Chapter 1, Subchapter A, Part 1 and Part 602 of the Code of Federal Regulations is amended as set forth below.

PART 1—[AMENDED]

Paragraph 1. The authority for Part 1 is amended by adding the following citation:

Authority: 26 U.S.C. 7805. * * * Section 1.163–9T also issued under 26 U.S.C. 163 (h) (3) (D). * * *

Par. 2. The following new §§ 1.163–9T and 1.163–10T are added immediately after § 1.163–8T.

§ 1.163–9T Personal interest (temporary).

(a) *In general.* No deduction under any provision of Chapter 1 of the Internal Revenue Code shall be allowed for personal interest paid or accrued during the taxable year by a taxpayer other than a corporation.

(b) *Personal interest*—(1) *Definition.* For purposes of this section, personal interest is any interest expense other than—

(i) Interest paid or accrued on indebtedness properly allocable (within the meaning of § 1.163–8T) to the conduct of trade or business (other than the trade or business of performing services as an employee),

(ii) Any investment interest (within the meaning of section 163(d)(3)),

(iii) Any interest that is taken into account under section 469 in computing income or loss from a passive activity of the taxpayer,

(iv) Any qualified residence interest (within the meaning of section 163(h)(3) and § 1.163–10T), and

(v) Any interest payable under section 6601 with respect to the unpaid portion of the tax imposed by section 2001 for the period during which an extension of time for payment of such tax is in effect under section 6163, 6166, or 6166A (as in effect before its repeal by the Economic Recovery Tax Act of 1981).

(2) *Interest relating to taxes*—(i) *In general.* Except as provided in paragraph (b)(2)(iii) of this section, personal interest includes interest—

(A) Paid on underpayments of individual Federal, State or local income taxes and on indebtedness used to pay such taxes (within the meaning of § 1.168–8T), regardless of the source of the income generating the tax liability;

(B) Paid under section 453(e)(4)(B) (interest on deferred tax resulting from certain installment sales) and section 1291(c) (interest on deferred tax attributable to passive foreign investment companies); or

(C) Paid by a trust, S corporation, or other pass-through entity on underpayments of State or local income taxes and on indebtedness used to pay such taxes.

(ii) *Example.* A, an individual, owns stock of an S corporation. On its return for 1987, the corporation underreports its taxable income. Consequently, A underreports A's share of that income on A's tax return. In 1989, A pays the resulting deficiency plus interest to the Internal Revenue Service. The interest paid by A in 1989 on the tax deficiency is personal interest, notwithstanding the fact that the additional tax liability may have arisen out of income from a trade or business. The result would be the same if A's business had been operated as a sole proprietorship.

(iii) *Certain other taxes.* Personal interest does not include interest—

(A) Paid with respect to sales, excise and similar taxes that are incurred in connection with a trade or business or an investment activity;

(B) Paid by an S corporation with respect to an underpayment of income tax from a year in which the S corporation was a C corporation or with respect to an underpayment of the taxes

imposed by sections 1374 or 1375, or similar provision of State law; or

(C) Paid by a transferee under section 6901 (tax liability resulting from transferred assets), or a similar provision of State law, with respect to a C corporation's underpayment of income tax.

(3) *Cross references.* See § 1.163–8T for rules for determining the allocation of interest expense to various activities. See § 1.163–10T for rules concerning qualified residence interest.

(C) *Effective date*—(1) *In general.* The provisions of this section are effective for taxable years beginning after December 31, 1986. In the case of any taxable year beginning in calendar years 1987 through 1990, the amount of personal interest that is nondeductible under this section is limited to the applicable percentage of such amount.

(2) *Applicable percentages.* The applicable percentage for taxable years beginning in 1987 through 1990 are as follows:

1987: 35 percent
1988: 60 percent
1989: 80 percent
1990: 90 percent

§ 1.163–10T Qualified residence interest (temporary).

(a) *Table of contents.* This paragraph (a) lists the major paragraphs that appear in this section 1.163–10T.

(a) Table of contents.
(b) Treatment of qualified residence interest.
(c) Determination of qualified residence interest when secured debt does not exceed the adjusted purchase price.
(1) In general.
(2) Examples.
(d) Determination of qualified residence interest when secured debt exceeds adjusted purchase price—Simplified method.
(1) In general.
(2) Treatment of interest paid or accrued on secured debt that is not qualified residence interest.
(3) Example.
(e) Determination of qualified residence interest when secured debt exceeds adjusted purchase price—Exact method.
(1) In general.
(2) Determination of applicable debt limit.
(3) Example.
(4) Treatment of interest paid or accrued with respect to secured debt that is not qualified residence interest.
(i) In general.
(ii) Example.
(iii) Special rule of debt is allocated to more than one expenditure.
(iv) Example.
(f) Special rules.
(1) Special rules for personal property.
(i) In general.
(ii) Example.
(2) Special rule for real property.
(i) In general.
(ii) Example.
(g) Selection of method.
(h) Average balance.
(1) Average balance defined.
(2) Average balance reported by lender.
(3) Average balance computed on a daily basis.
(i) In general.
(ii) Example.
(4) Average balance computed using the interest rate.
(i) In general.
(ii) Points and prepaid interest.
(iii) Examples.
(5) Average balance computed using average of beginning and ending balance.
(i) In general.
(ii) Example.
(6) Highest principal balance.
(7) Other methods provided by the Commissioner.
(8) Anti-abuse rule.
(i) [Reserved.]
(j) Determination of interest paid or accrued during the taxable year.
(1) In general.
(2) Special rules for cash-basis taxpayers.
(i) Points deductible in year paid under section 461(g)(2).
(ii) Points and other prepaid interest described in section 461(g) (1).
(3) Examples.
(k) Determination of adjusted purchase price and fair market value.
(1) Adjusted purchase price.
(i) In general.
(ii) Adjusted purchase price of a qualified residence acquired incident to divorce.
(iii) Examples.
(2) Fair market value.
(i) In general.
(ii) Examples.
(3) Allocation of adjusted purchase price and fair market value.
(l) [Reserved.]
(m) Grandfathered amount.
(1) Substitution for adjusted purchase price.
(2) Determination of grandfathered amount.
(i) In general.
(ii) Special rule for lines of credit and certain other debt.
(iii) Fair market value limitation.
(iv) Examples.
(3) Refinancing of grandfathered debt.
(i) In general.
(ii) Determination of grandfathered amount.
(4) Limitation on terms of grandfathered debt.
(i) In general.
(ii) Special rule for nonamortizing debt.
(iii) Example.
(n) Qualified indebtedness (secured debt used for medical and educational purposes).
(1) In general.
(i) Treatment of qualified indebtedness.
(ii) Determination of amount of qualified indebtedness.
(iii) Determination of amount of qualified indebtedness for mixed-use debt.
(iv) Example.
(v) Prevention of double counting in year of refinancing.
(vi) Special rule for principal payments in excess of qualified expenses.
(2) Debt used to pay for qualified medical or educational expenses.
(i) In general.
(ii) Special rule for refinancing.
(iii) Other special rules.
(iv) Examples.
(3) Qualified medical expenses.
(4) Qualified educational expenses.
(o) Secured debt.
(1) In general.
(2) Special rule for debt in certain States.
(3) Time at which debt is treated as secured.
(4) Partially secured debt.
(i) In general.
(ii) Example.
(5) Election to treat debt as not secured by a qualified residence.
(i) In general.
(ii) Example.
(iii) Allocation of debt secured by two qualified residences.
(p) Definition of qualified residence.
(1) In general.
(2) Principal residence.
(3) Second residence.
(i) In general.
(ii) Definition of residence.
(iii) Use as a residence.
(iv) Election of second residence.
(4) Allocations between residence and other property.
(i) In general.
(ii) Special rule for rental of residence.
(iii) Examples.
(5) Residence under construction.
(i) In general.
(ii) Example.
(6) Special rule for the time-sharing arrangements.
(q) Special rules for tenant-stockholders in cooperative housing corporations.
(1) In general.
(2) Special rule where stock may not be used to secure debt.
(3) Treatment of interest expense of the cooperative described in section 216(a)(2).
(4) Special rule to prevent tax avoidance.
(5) Other definitions.
(r) Effective date.

(b) *Treatment of qualified residence interest.* Except as provided below, qualified residence interest is deductible under section 163(a). Qualified residence interest is not subject to limitation or otherwise taken into account under section 163(d) (limitation on investment interest), section 163(h)(1) (disallowance of deduction for personal interest), section 263A (capitalization and inclusion in inventory costs of certain expenses) or section 469 (limitations on losses from passive activities). Qualified residence interest is subject to the limitation imposed by section 263(g) (certain interest in the case of straddles), section 264(a) (2) and (4) (interest paid in connection with certain insurance), section 265(a)(2) (interest relating to tax-exempt income), section 266 (carrying charges), section 267(a)(2) (interest with respect to transactions between related taxpayers) section 465 (deductions limited to amount at risk), section 1277 (deferral of interest deduction allocable to accrued market discount), and section 1282 (deferral of interest deduction allocable to accrued discount).

(c) *Determination of qualified residence interest when secured debt does not exceed adjusted purchase price*—(1) *In general.* If the sum of the average balances for the taxable year of all secured debts on a qualified residence does not exceed the adjusted purchase price (determined as of the end of the taxable year) of the qualified residence, all of the interest paid or accrued during the taxable year with respect to the secured debts is qualified residence interest. If the sum of the average balances for the taxable year of all secured debts exceeds the adjusted purchase price of the qualified residences (determined as of the end of the taxable year), the taxpayer must use either the simplified method (see paragraph (d) of this section) or the exact method (see paragraph (e) of this section) to determine the amount of interest that is qualified residence interest.

(2) *Examples.*

Example (1). T purchases a qualified residence in 1987 for $65,000. T pays $6,500 in cash and finances the remainder of the purchase with a mortgage of $58,500. In 1988, the average balance of the mortgage is $58,000. Because the average balance of the mortgage is less than the adjusted purchase price of the residence ($65,000), all of the interest paid or accrued during 1988 on the mortgage is qualified residence interest.

Example (2). The facts are the same as in example (1), except that T incurs a second mortgage on January 1, 1988, with an initial principal balance of $2,000. The average balance of the second mortgage in 1988 is $1,900. Because the sum of the average balance of the first and second mortgages ($59,900) is less than the adjusted purchase price of the residence ($65,000), all of the interest paid or accrued during 1988 on both the first and second mortgages is qualified residence interest.

Example (3). P borrows $50,000 on January 1, 1988 and secures the debt by a qualified residence. P pays the interest on the debt monthly, but makes no principal payments in 1988. There are no other debts secured by the residence during 1988. On December 31, 1988, the adjusted purchase price of the residence is $40,000. The average balance of the debt in 1988 is $50,000. Because the average balance of the debt exceeds the adjusted purchase price ($10,000), some of the interest on the debt is not qualified residence interest. The portion of the total interest that is qualified residence interest must be determined in accordance with the rules of paragraph (d) or paragraph (e) of this section.

(d) *Determination of qualified residence interest when secured debt exceeds adjusted purchase price—Simplified method*—(1) *In general.* Under the simplified method, the amount of qualified residence interest for the taxable year is equal to the total interest paid or accrued during the taxable year with respect to all secured debts multiplied by a fraction (not in excess of one), the numerator of which is the adjusted purchase price (determined as of the end of the taxable year) of the qualified residence and the denominator of which is the sum of the average balances of all secured debts.

(2) *Treatment of interest paid or accrued on secured debt that is not qualified residence interest.* Under the simplified method, the excess of the total interest paid or accrued during the taxable year with respect to all secured debts over the amount of qualified residence interest is personal interest.

(3) *Example.* R's principal residence has an adjusted purchase price on December 31, 1988, of $105,000. R has two debts secured by the residence, with the following average balances and interest payments:

Debt	Date secured	Average balance	Interest
Debt 1	June 1983	$80,000	$8,000
Debt 2	May 1987	40,000	4,800
Total		120,000	12,800

The amount of qualified residence interest is determined under the simplified method by multiplying the total interest ($12,800) by a fraction (expressed as a decimal amount) equal to the adjusted purchase price ($105,000) of the residence divided by the combined average balances ($120,000). For 1988, this fraction is equal to 0.875 ($105,000/$120,000). Therefore, $11,200 ($12,800 × 0.875) of the total interest is qualified residence interest. The remaining $1,600 in interest ($12,800–$11,200) is personal interest, even if (under the rules of § 1.163–8T) such remaining interest would be allocated to some other category of interest.

(e) *Determination of qualified residence interest when secured debt exceeds adjusted purchase price—Exact method*—(1) *In general.* Under the exact method, the amount of qualified residence interest for the taxable year is determined on a debt-by-debt basis by computing the applicable debt limit for each secured debt and comparing each such applicable debt limit to the average balance of the corresponding debt. If, for the taxable year, the average balance of a secured debt does not exceed the applicable debt limit for that debt, all of the interest paid or accrued during the taxable year with respect to the debt is qualified residence interest. If the average balance of the secured debt exceeds the applicable debt limit for that debt, the amount of qualified residence interest with respect to the debt is determined by multiplying the interest paid or accrued with respect to the debt by a fraction, the numerator of which is the applicable debt limit for that debt and the denominator of which is the average balance of the debt.

(2) *Determination of applicable debt limit.* For each secured debt, the applicable debt limit for the taxable year is equal to

(i) The lesser of—

(A) The fair market value of the qualified residence as of the date the debt is first secured, and

(B) The adjusted purchase price of the qualified residence as of the end of the taxable year,

(ii) Reduced by the average balance of each debt previously secured by the qualified residence.

For purposes of paragraph (e)(2)(ii) of this section, the average balance of a debt shall be treated as not exceeding the applicable debt limit of such debt. See paragraph (n)(1)(i) of this section for the rule that increases the adjusted purchase price in paragraph (e)(2)(i)(B) of this section by the amount of any qualified indebtedness (certain medical and educational debt). See paragraph (f) of this section for special rules relating to the determination of the fair market value of the qualified residence.

(3) *Example.* (*i*) R's principal residence has an adjusted purchase price on December 31, 1988, of $105,000. R has two debts secured by the residence. The average balances and interest payments on each debt during 1988 and fair market value of the residence on the date each debt was secured are as follows:

Debt	Date secured	Fair market value	Average balance	Interest
Debt 1	June 1983	$100,000	$80,000	$8,000
Debt 2	May 1987	140,000	40,000	4,800
Total			120,000	12,800

(*ii*) The amount of qualified residence interest for 1988 under the exact method is determined as follows. Because there are no debts previously secured by the residence, the applicable debt limit for Debt 1 is $100,000 (the lesser of the adjusted purchase price as of the end of the taxable year and the fair market value of the residence at the time the debt was secured). Because the average balance of Debt 1 ($80,000) does not exceed its applicable debt limit ($100,000), all of the interest paid on the debt during 1988 ($8,000) is qualified residence interest.

(*iii*) The applicable debt limit for Debt 2 is $25,000 ($105,000 (the lesser of $140,000 fair market value and $105,000 adjusted purchase price) reduced by $80,000 (the average balance of Debt 1)). Because the average balance of Debt 2 ($40,000) exceeds its applicable debt limit, the amount of qualified residence interest on Debt 2 is determined by multiplying the amount of interest paid on the debt during the year ($4,800) by a fraction equal to its applicable debt limit divided by its average balance ($25,000/$40,000 = 0.625). Accordingly, $3,000 ($4,800 x 0.625) of the interest paid in 1988 on Debt 2 is qualified residence interest. The character of the remaining $1,800 of interest paid on Debt 2 is determined under the rules of paragraph (e)(4) of this section.

(4) *Treatment of interest paid or accrued with respect to secured debt that is not qualified residence interest*—(i) *In general.* Under the exact method, the excess of the interest paid or accrued during the taxable year with respect to a secured debt over the amount of qualified residence interest with respect to the debt is allocated under the rules of § 1.163–8T.

(ii) *Example.* T borrows $20,000 and the entire proceeds of the debt are disbursed by the lender to T's broker to purchase securities held for investment. T secures the debt with T's principal residence. In 1990, T pays $2,000 of interest on the debt. Assume that under the rules of paragraph (e) of this section, $1,500 of the interest is qualified residence interest. The remaining $500 in interest expense would be allocated under the rules of § 1.163–8T. Section 1.163–8T generally allocates debt (and the associated interest expense) by tracing disbursements of the debt proceeds to specific expenditures. Accordingly, the $500 interest expense on the debt that is not qualified residence interest is investment interest subject to section 163(d).

(iii) *Special rule if debt is allocated to more than one expenditure.* If—

(A) The average balance of a secured debt exceeds the applicable debt limit for that debt, and

(B) Under the rules of § 1.163–8T, interest paid or accrued with respect to such debt is allocated to more than one expenditure,

the interest expense that is not qualified residence interest may be allocated among such expenditures, to the extent of such expenditures, in any manner selected by the taxpayer.

(iv) *Example.* (*i*) C borrows $80,000 secured by a qualified residence. C uses (within the meaning of § 1.163–8T) $20,000 of the proceeds in C's trade or business, $20,000 to purchase stock held for investment and $20,000 for personal purposes. In 1990, C pays $6,000 in interest on the debt and, under the rules of § 1.163–8T, $2,000 in interest is allocable to trade or business expenses, $2,000 to investment expenses and $2,000 to personal expenses. Assume that under paragraph (e) of this section, $2,500 of the interest is qualified residence interest and $3,500 of the interest is not qualified residence interest.

(*ii*) Under paragraph (e)(4)(iii) of this section, C may allocate up to $2,000 of the interest that is not qualified residence interest to any of the three categories of expenditures up to a total of $3,500 for all three categories. Therefore, for example, C may allocate $2,000 of such interest to C's trade or business and $1,500 of such interest to the purchase of stock.

(f) *Special rules*—(1) *Special rules for personal property*—(i) *In general.* If a qualified residence is personal property under State law (*e.g.*, a boat or motorized vehicle)—

(A) For purposes of paragraphs (c)(1) and (d)(1) of this section, if the fair market value of the residence as of the date that any secured debt (outstanding during the taxable year) is first secured by the residence is less than the adjusted purchase price as of the end of the taxable year, the lowest such fair market value shall be substituted for the adjusted purchase price.

(B) For purposes of paragraphs (e)(2)(i)(A) and (f)(1)(i)(A) of this section, the fair market value of the residence as of the date the debt is first secured by the residence shall not exceed the fair market value as of any date on which the taxpayer borrows any additional amount with respect to the debt.

(ii) *Example.* D owns a recreational vehicle that is a qualified residence under paragraph (p)(4) of this section. The adjusted purchase price and fair market value of the recreational vehicle is $20,000 in 1989. In 1989, D establishes a line of credit secured by the recreational vehicle. As of June 1, 1992, the fair market value of the vehicle has decreased to $10,000. On that day, D borrows an additional amount on the debt by using the line of credit. Although under paragraphs (e)(2)(i) and (f)(1)(i)(A) of this section, fair market value is determined at the time the debt is first secured, under paragraph (f)(1)(i)(B) of this section, the fair market value is the lesser of that amount or the fair market value on the most recent date that D borrows any additional amount with respect to the line of credit. Therefore, the fair market value with respect to the debt is $10,000.

(2) *Special rule for real property*—(i) *In general.* For purposes of paragraph (e)(2)(i)(A) of this section, the fair market value of a qualified residence that is real property under State law is presumed irrebuttably to be not less than the adjusted purchase price of the residence as of the last day of the taxable year.

(ii) *Example.* (*i*) C purchases a residence on August 11, 1987, for $50,000, incurring a first mortgage. The residence is real property under State law. During 1987, C makes $10,000 in home improvements. Accordingly, the adjusted purchase price of the residence as of December 31, 1988, is $60,000. C incurs a second mortgage on May 19, 1988, as of which time the fair market value of the residence is $55,000.

(*ii*) For purposes of determining the applicable debt limit for each debt, the fair market value of the residence is generally determined as of the time the debt is first secured. Accordingly, the fair market value would be $50,000 and $55,000 with respect to the first and second mortgage, respectively. Under the special rule of paragraph (f)(2)(i) of this section, however, the fair market value with respect to both debts in 1988 is $60,000, the adjusted purchase price on December 31, 1988.

(g) *Selection of method.* For any taxable year, a taxpayer may use the simplified method (described in paragraph (d) of this section) or the exact method (described in paragraph (e) of this section) by completing the appropriate portion of Form 8598. A taxpayer with two qualified residences may use the simplified method for one residence and the exact method for the other residence.

(h) *Average balance*—(1) *Average balance defined.* For purposes of this section, the term "average balance" means the amount determined under this paragraph (h). A taxpayer is not required to use the same method to determine the average balance of all secured debts during a taxable year or of any particular secured debt from one year to the next.

(2) *Average balance reported by lender.* If a lender that is subject to section 6050H (returns relating to mortgage interest received in trade or business from individuals) reports the average balance of a secured debt on Form 1098, the taxpayer may use the average balance so reported.

(3) *Average balance computed on a daily basis*—(i) *In general.* The average balance may be determined by—

(A) Adding the outstanding balance of a debt on each day during the taxable year that the debt is secured by a qualified residence, and

(B) Dividing the sum by the number of days during the taxable year that the residence is a qualified residence.

(ii) *Example.* Taxpayer A incurs a debt of $10,000 on September 1, 1989, securing the debt with A's principal residence. The residence is A's principal residence during the entire taxable year. A pays current interest on the debt monthly, but makes no principal payments. The debt is, therefore, outstanding for 122 days with a balance each day of $10,000. The residence is a qualified residence for 365 days. The average balance of the debt for 1989 is $3,342 (122 x $10,000/365).

(4) *Average balance computed using the interest rate*—(i) *In general.* If all accrued interest on a secured debt is paid at least monthly, the average balance of the secured debt may be determined by dividing the interest paid or accrued during the taxable year while the debt is secured by a qualified residence by the annual interest rate on the debt. If the interest rate on a debt varies during the taxable year, the lowest annual interest rate that applies to the debt during the taxable year must be used for purposes of this paragraph (h)(4). If the residence securing the debt is a qualified residence for less than the entire taxable year, the average balance of any secured debt may be determined by dividing the average balance determined under the preceding sentence by the percentage of the taxable year that the debt is secured by a qualified residence.

(ii) *Points and prepaid interest.* For purposes of paragraph (h)(4)(i) of this section, the amount of interest paid during the taxable year does not include any amount paid as points and includes prepaid interest only in the year accrued.

(iii) *Examples—Example (1).* B has a line of credit secured by a qualified residence for the entire taxable year. The interest rate on the debt is 10 percent throughout the taxable year. The principal balance on the debt changes throughout the year. B pays the accrued interest on the debt monthly. B pays $2,500 in interest on the debt during the taxable year. The average balance of the debt ($25,000) may be computed by dividing the total interest paid by the interest rate ($25,000 = $2,500/0.10).

Example (2). Assume the same facts as in example 1, except that the residence is a qualified residence, and the debt is outstanding, for only one-half of the taxable year and B pays only $1,250 in interest on the debt during the taxable year. The average balance of the debt may be computed by first dividing the total interest paid by the interest rate ($12,500 = $1,250/0.10). Second, because the residence is not a qualified residence for the entire taxable year, the average balance must be determined by dividing this amount ($12,500) by the portion of the year that the residence is qualified (0.50). The average balance is therefore $25,000 ($12,500/0.50).

(5) *Average balance computed using average of beginning and ending balances*—(i) *In general.* If—

(A) A debt requires level payments at fixed equal intervals (*e.g.*, monthly, quarterly) no less often than semi-annually during the taxable year,

(B) The taxpayer prepays no more than one month's principal on the debt during the taxable year, and

(C) No new amounts are borrowed on the debt during the taxable year,

the average balance of the debt may be determined by adding the principal balance as of the first day of the taxable year that the debt is secured by the qualified residence and the principal balance as of the last day of the taxable year that the debt is secured by the qualified residence and dividing the sum by 2. If the debt is secured by a qualified residence for less than the entire period during the taxable year that the residence is a qualified residence, the average balance may be determined by multiplying the average balance determined under the preceding sentence by a fraction, the numerator of which is the number of days during the taxable year that the debt is secured by the qualified residence and the denominator of which is the number of days during the taxable year that the residence is a qualified residence. For purposes of this paragraph (h)(5)(i), the determination of whether payments are level shall disregard the fact that the amount of the payments may be adjusted from time to time to take into account changes in the applicable interest rate.

(ii) *Example.* C borrows $10,000 in 1988, securing the debt with a second mortgage on a principal residence. The terms of the loan require C to make equal monthly payments of principal and interest so as to amortize the entire loan balance over 20 years. The balance of the debt is $9,652 on January 1, 1990, and is $9,450 on December 31, 1990. The average balance of the debt during 1990 may be computed as follows:

Balance on first day of the year: $9,652
Balance on last day of the year: $9,450

$$\text{Average balance:} \quad \frac{\$9{,}652 + \$9{,}450}{2} = \$9{,}551$$

(6) *Highest principal balance.* The average balance of a debt may be determined by taking the highest principal balance of the debt during the taxable year.

(7) *Other methods provided by the Commissioner.* The average balance may be determined using any other method provided by the Commissioner by form, publication, revenue ruling, or revenue procedure. Such methods may include methods similar to (but with restrictions different from) those provided in paragraph (h) of this section.

(8) *Anti-abuse rule.* If, as a result of the determination of the average balance of a debt using any of the methods specified in paragraphs (h) (4), (5), or (6) of this section, there is a significant overstatement of the amount of qualified residence interest and a principal purpose of the pattern of payments and borrowing on the debt is to cause the amount of such qualified residence interest to be overstated, the district director may redetermine the average balance using the method specified under paragraph (h)(3) of this section.

(i) [Reserved.]

(j) *Determination of interest paid or accrued during the taxable year*—(1) *In general.* For purposes of determining the amount of qualified residence interest with respect to a secured debt, the amount of interest paid or accrued

during the taxable year includes only interest paid or accrued while the debt is secured by a qualified residence.

(2) *Special rules for cash-basis taxpayers*—(i) *Points deductible in year paid under section 461(g)(2).* If points described in section 461(g)(2) (certain points paid in respect of debt incurred in connection with the purchase or improvement of a principal residence) are paid with respect to a debt, the amount of such points is qualified residence interest.

(ii) *Points and other prepaid interest described in section 461(g)(1).* The amount of points or other prepaid interest charged to capital account under section 461(g)(1) (prepaid interest) that is qualified residence interest shall be determined under the rules of paragraphs (c) through (e) of this section in the same manner as any other interest paid with respect to the debt in the taxable year to which such payments are allocable under section 461(g)(1).

(3) *Examples.*

Example (1). T designates a vacation home as a qualified residence as of October 1, 1987. The home is encumbered by a mortgage during the entire taxable year. For purposes of determining the amount of qualified residence interest for 1987, T may take into account the interest paid or accrued on the secured debt from October 1, 1987, through December 31, 1987.

Example (2). R purchases a principal residence on June 17, 1987. As part of the purchase price, R obtains a conventional 30-year mortgage, secured by the residence. At closing, R pays 2½ points on the mortgage and interest on the mortgage for the period June 17, 1987 through June 30, 1987. The points are actually paid by R and are not merely withheld from the loan proceeds. R incurs no additional secured debt during 1987. Assuming that the points satisfy the requirements of section 461(g) (2), the entire amount of points and the interest paid at closing are qualified residence interest.

Example (3). (*i*) On July 1, 1987, W borrows $120,000 to purchase a residence to use as a vacation home. W secures the debt with the residence. W pays 2 points, or $2,400. The debt has a term of 10 years and requires monthly payments of principal and interest. W is permitted to amortize the points at the rate of $20 per month over 120 months. W elects to treat the residence as a second residence. W has no other debt secured by the residence. The average balance of the debt in each taxable year is less than the adjusted purchase price of the residence. W sells the residence on June 30, 1990, and pays off the remaining balance of the debt.

(*ii*) W is entitled to treat the following amounts of the points as interest paid on a debt secured by a qualified residence—

1987	$120 = $20 × 6 months;
1988	$240 = $20 × 12 months;
1989	$120 = $20 × 6 months.
Total	$480

All of the interest paid on the debt, including the allocable points, is qualified residence interest. Upon repaying the debt, the remaining $1,920 ($2,400 − $480) in unamortized points is treated as interest paid in 1990 and, because the average balance of the secured debt in 1990 is less than the adjusted purchase price, is also qualified residence interest.

(k) *Determination of adjusted purchase price and fair market value*—(1) *Adjusted purchase price*—(i) *In general.* For purposes of this section, the adjusted purchase price of a qualified residence is equal to the taxpayer's basis in the residence as initially determined under section 1012 or other applicable sections of the Internal Revenue Code, increased by the cost of any improvements to the residence that have been added to the taxpayer's basis in the residence under section 1016(a)(1). Any other adjustments to basis, including those required under section 1033(b) (involuntary conversions), and 1034(e) (rollover of gain or sale of principal residence) are disregarded in determining the taxpayer's adjusted purchase price. If, for example, a taxpayer's second residence is rented for a portion of the year and its basis is reduced by depreciation allowed in connection with the rental use of the property, the amount of the taxpayer's adjusted purchase price in the residence is not reduced. See paragraph (m) of this section for a rule that treats the sum of the grandfathered amounts of all secured debts as the adjusted purchase price of the residence.

(ii) *Adjusted purchase price of a qualified residence acquired incident to divorce.* [Reserved.]

(iii) *Examples—Example (1).* X purchases a residence for $120,000. X's basis, as determined under section 1012, is the cost of the property, or $120,000. Accordingly, the adjusted purchase price of the residence is initially $120,000.

Example (2). Y owns a principal residence that has a basis of $30,000. Y sells the residence for $100,000 and purchases a new principal residence for $120,000. Under section 1034, Y does not recognize gain on the sale of the former residence. Under section 1034(e), Y's basis in the new residence is reduced by the amount of gain not recognized. Therefore, under section 1034(e), Y's basis in the new residence is $50,000 ($120,000 − $70,000). For purposes of section 163(h), however, the adjusted purchase price of the residence is not adjusted under section 1034(e). Therefore, the adjusted purchase price of the residence is initially $120,000.

Example (3). Z acquires a residence by gift. The donor's basis in the residence was $30,000. Z's basis in the residence, determined under section 1015, is $30,000. Accordingly, the adjusted purchase price of the residence is initially $30,000.

(2) *Fair market value*—(i) *In general.* For purposes of this section, the fair market value of a qualified residence on any date is the fair market value of the taxpayer's interest in the residence on such date. In addition, the fair market value determined under this paragraph (k)(2)(i) shall be determined by taking into account the cost of improvements to the residence reasonably expected to be made with the proceeds of the debt.

(ii) *Example.* In 1988, the adjusted purchase price of P's second residence is $65,000 and the fair market value of the residence is $70,000. At that time, P incurs an additional debt of $10,000, the proceeds of which P reasonably expects to use to add two bedrooms to the residence. Because the fair market value is determined by taking into account the cost of improvements to the residence that are reasonably expected to be made with the proceeds of the debt, the fair market value of the residence with respect to the debt incurred in 1988 is $80,000 ($70,000 + $10,000).

(3) *Allocation of adjusted purchase price and fair market value.* If a property includes both a qualified residence and other property, the adjusted purchase price and the fair market value of such property must be allocated between the qualified residence and the other property. See paragraph (p)(4) of this section for rules governing such an allocation.

(l) [Reserved].

(m) *Grandfathered amount*—(1) *Substitution for adjusted purchase price.* If, for the taxable year, the sum of the grandfathered amounts, if any, of all secured debts exceeds the adjusted purchase price of the qualified residence, such sum may be treated as the adjusted purchase price of the residence under paragraphs (c), (d) and (e) of this section.

(2) *Determination of grandfathered amount*—(i) *In general.* For any taxable year, the grandfathered amount of any secured debt that was incurred on or before August 16, 1986, and was secured by the residence continuously from August 16, 1986, through the end of the taxable year, is the average balance of the debt for the taxable year. A secured debt that was not incurred and secured on or before August 16, 1986, has no grandfathered amount.

(ii) *Special rule for lines of credit and certain other debt.* If, with respect to a debt described in paragraph (m)(2)(i) of this section, a taxpayer has borrowed any additional amounts after August 16, 1986, the grandfathered amount of such debt is equal to the lesser of—

(A) The average balance of the debt for the taxable year, or

(B) The principal balance of the debt as of August 16, 1986, reduced (but not below zero) by all principal payments after August 16, 1986, and before the first day of the current taxable year.

For purposes of this paragraph (m)(2)(ii), a taxpayer shall not be considered to have borrowed any additional amount with respect to a debt merely because accrued interest is added to the principal balance of the debt, so long as such accrued interest is paid by the taxpayer no less often than quarterly.

(iii) *Fair market value limitation.* The grandfathered amount of any debt for any taxable year may not exceed the fair market value of the residence on August 16, 1986, reduced by the principal balance on that day of all previously secured debt.

(iv) *Examples—Example (1).* As of August 16, 1986, T has one debt secured by T's principal residence. The debt is a conventional self-amortizing mortgage and, on August 16, 1986, it has an outstanding principal balance of $75,000. In 1987, the average balance of the mortgage is $73,000. The adjusted purchase price of the residence as of the end of 1987 is $50,000. Because the mortgage was incurred and secured on or before August 16, 1986 and T has not borrowed any additional amounts with respect to the mortgage, the grandfathered amount is the average balance, $73,000. Because the grandfathered amount exceeds the adjusted purchase price ($50,000), T may treat the grandfathered amount as the adjusted purchase price in determining the amount of qualified residence interest.

Example (2). (*i*) The facts are the same as in example (1), except that in May 1988, T also obtains a home equity line of credit that, on August 16, 1986, has a principal balance of $40,000. In November 1986, T borrows an additional $10,000 on the home equity line, increasing the balance to $50,000. In December 1988, T repays $5,000 of principal on the home equity line. The average balance of the home equity line in 1987 is $45,000.

(*ii*) Because T has borrowed additional amounts on the line of credit after August 16, 1986, the grandfathered amount for that debt must be determined under the rules of paragraph (m)(2)(ii) of this section. Accordingly, the grandfathered amount for the line of credit is equal to the lesser of $45,000, the average balance of the debt in 1987, and $35,000, the principal balance on August 16, 1986, reduced by all principal payments between August 17, 1986, and December 31, 1986 ($40,000–$5,000). The sum of the grandfathered amounts with respect to the residence is $108,000 ($73,000 + $35,000). Because the sum of the grandfathered amounts exceeds the adjusted purchase price ($50,000), T may treat the sum as the adjusted purchase price in determining the qualified residence interest for 1987.

(3) *Refinancing of grandfathered debt*—(i) *In general.* A debt incurred and secured on or before August 16, 1986, is refinanced if some or all of the outstanding balance of such a debt (the "original debt") is repaid out of the proceeds of a second debt secured by the same qualified residence (the "replacement debt"). In the case of a refinancing, the replacement debt is treated as a debt incurred and secured on or before August 16, 1986, and the grandfathered amount of such debt is the amount (but not less than zero) determined pursuant to paragraph (m)(3)(ii) of this section.

(ii) *Determination of grandfathered amount*—(A) *Exact refinancing.* If—

(*1*) The entire proceeds of a replacement debt are used to refinance one or more original debts, and

(*2*) The taxpayer has not borrowed any additional amounts after August 16, 1986, with respect to the original debt or debts,

the grandfathered amount of the replacement debt is the average balance of the replacement debt. For purposes of the preceding sentence, the fact that proceeds of a replacement debt are used to pay costs of obtaining the replacement debt (including points or other closing costs) shall be disregarded in determining whether the entire proceeds of the replacement debt have been used to refinance one or more original debts.

(B) *Refinancing other than exact refinancings*—(*1*) *Year of refinancing.* In the taxable year in which an original debt is refinanced, the grandfathered amount of the original and replacement debts is equal to the lesser of—

(*i*) The sum of the average balances of the original debt and the replacement debt, and

(*ii*) The principal balance of the original debt as of August 16, 1986, reduced by all principal payments on the original debt after August 16, 1986, and before the first day of the current taxable year.

(*2*) *In subsequent years.* In any taxable year after the taxable year in which an original debt is refinanced, the grandfathered amount of the replacement debt is equal to the least of—

(*i*) The average balance of the replacement debt for the taxable year,

(*ii*) The amount of the replacement debt used to repay the principal balance of the original debt, reduced by all principal payments on the replacement debt after the date of the refinancing and before the first day of the current taxable year, or

(*iii*) The principal balance of the original debt on August 16, 1986, reduced by all principal payments on the original debt after August 16, 1986, and before the date of the refinancing, and further reduced by all principal payments on the replacement debt after the date of the refinancing and before the first day of the current taxable year.

(C) *Example*—(*1*) *Facts.* On August 16, 1986, T has a single debt secured by a principal residence with a balance of $150,000. On July 1, 1988, T refinances the debt, which still has a principal balance of $150,000, with a new secured debt. The principal balance of the replacement debt throughout 1988 and 1989 is $150,000. The adjusted purchase price of the residence is $100,000 throughout 1987, 1988 and 1989. The average balance of the original debt was $150,000 in 1987 and $75,000 in 1988. The average balance of the replacement debt is $75,000 in 1988 and $150,000 in 1989.

(*ii*) *Grandfathered amount in 1987.* The original debt was incurred and secured on or before August 16, 1986 and T has not borrowed any additional amounts with respect to the debt. Therefore, its grandfathered amount in 1987 is its average balance ($150,000). This amount is treated as the adjusted purchase price for 1987 and all of the interest paid on the debt is qualified residence interest.

(*iii*) *Grandfathered amount in 1988.* Because the replacement debt was used to refinance a debt incurred and secured on or before August 16, 1986, the replacement debt is treated as a grandfathered debt. Because all of the proceeds of the replacement debt were used in the refinancing and because no amounts have been borrowed after August 16, 1986, on the original debt, the grandfathered amount for the original debt is its average balance ($75,000) and the grandfathered amount for the replacement debt is its average balance ($75,000). Since the sum of the grandfathered amounts ($150,000) exceeds the adjusted purchase price of the residence, the sum of the grandfathered amounts may be substituted for the adjusted purchase price for 1988 and all of the interest paid on the debt is qualified residence interest.

(*iv*) *Grandfathered amount in 1989.* The grandfathered amount for the placement debt is its average balance ($150,000). This amount is treated as the adjusted purchase price for 1989 and all of the interest paid on the mortgage is qualified residence interest.

(4) *Limitation on term of grandfathered debt*—(i) *In general.* An original debt or replacement debt shall not have any grandfathered amount in any taxable year that begins after the date, as determined on August 16, 1986, that the original debt was required to be repaid in full (the "maturity date"). If a replacement debt is used to refinance more than one original debt, the maturity date is determined by reference to the original debt that, as of August 16, 1986, had the latest maturity date.

(ii) *Special rule for nonamortizing debt.* If an original debt was actually incurred and secured on or before

August 16, 1986, and if as of such date the terms of such debt did not require the amortization of its principal over its original term, the maturity date of the replacement debt is the earlier of the maturity date of the replacement debt or the date 30 years after the date the original debt is first refinanced.

(iii) *Example.* C incurs a debt on May 10, 1986, the final payment of which is due May 1, 2006. C incurs a second debt on August 11, 1990, with a term of 20 years and uses the proceeds of the second debt to refinance the first debt. Because, under paragraph (m)(4)(i) of this section, a replacement debt will not have any grandfathered amount in any taxable year that begins after the maturity date of the original debt (May 1, 2006), the second debt has no grandfathered amount in any taxable year after 2006.

(n) *Qualified indebtedness (secured debt used for medical and educational purposes)*—(1) *In general*—(i) *Treatment of qualified indebtedness.* The amount of any qualified indebtedness resulting from a secured debt may be added to the adjusted purchase price under paragraph (e)(2)(i)(B) of this section to determine the applicable debt limit for that secured debt and any other debt subsequently secured by the qualified residence.

(ii) *Determination of amount of qualified indebtedness.* If, as of the end of the taxable year (or the last day in the taxable year that the debt is secured), at least 90 percent of the proceeds of a secured debt are used (within the meaning of paragraph (n)(2) of this section) to pay for qualified medical and educational expenses (within the meaning of paragraphs (n)(3) and (n)(4) of this section), the amount of qualified indebtedness resulting from that debt for the taxable year is equal to the average balance of such debt for the taxable year.

(iii) *Determination of amount of qualified indebtedness for mixed-use debt.* If, as of the end of the taxable year (or the last day in the taxable year that the debt is secured), more than ten percent of the proceeds of a secured debt are used to pay for expenses other than qualified medical and educational expenses, the amount of qualified indebtedness resulting from that debt for the taxable year shall equal the lesser of—

(A) The average balance of the debt, or

(B) The amount of the proceeds of the debt used to pay for qualified medical and educational expenses through the end of the taxable year, reduced by any principal payments on the debt before the first day of the current taxable year.

(iv) *Example.* (*i*) C incurs a $10,000 debt on April 20, 1987, which is secured on that date by C's principal residence. C immediately uses (within the meaning of paragraph (n)(2) of this section) $4,000 of the proceeds of the debt to pay for a qualified medical expense. C makes no principal payments on the debt during 1987. During 1988 and 1989, C makes principal payments of $1,000 per year. The average balance of the debt during 1988 is $9,500 and the average balance during 1989 is $8,500.

(*ii*) Under paragraph (n)(1)(iii) of this section, C determines the amount of qualified indebtedness for 1988 as follows:

Average balance		$9,500
Amount of debt used to pay for qualified medical expenses	$4,000	
Less payments of principal before 1988	$0	
Net qualified expenses		$4,000

The amount of qualified indebtedness for 1988 is, therefore, $4,000 (lesser of $9,500 average balance or $4,000 net qualified expenses). This amount may be added to the adjusted purchase price of C's principal residence under paragraph (e)(2)(i)(B) of this section for purposes of computing the applicable debt limit for this debt and any other debt subsequently secured by the principal residence.

(*iii*) C determines the amount of qualified indebtedness for 1989 as follows:

Average balance		$8,500
Amount of debt used to pay for qualified medical expenses	$4,000	
Less payments of principal before 1988	$1,000	
Net qualified expenses		$3,000

The amount of qualified indebtedness for 1989 is, therefore, $3,000 (lesser of $8,500 average balance or $3,000 net qualified expenses).

(v) *Prevention of double counting in year of refinancing*—(A) *In general.* A debt used to pay for qualified medical or educational expenses is refinanced if some or all of the outstanding balance of the debt (the "original debt") is repaid out of the proceeds of a second debt (the "replacement debt"). If, in the year of a refinancing, the combined qualified indebtedness of the original debt and the replacement debt exceeds the combined qualified expenses of such debts, the amount of qualified indebtedness for each such debt shall be determined by multiplying the amount of qualified indebtedness for each such debt by a fraction, the numerator of which is the combined qualified expenses and the denominator of which is the combined qualified indebtedness.

(B) *Definitions.* For purposes of paragraph (n)(1)(v)(A) of this section—

(*1*) The term "combined qualified indebtedness" means the sum of the qualified indebtedness (determined without regard to paragraph (n)(1)(v) of this section) for the original debt and the replacement debt.

(*2*) The term "combined qualified expenses" means the amount of the proceeds of the original debt used to pay for qualified medical and educational expenses through the end of the current taxable year, reduced by any principal payments on the debt before the first day of the current taxable year, and increased by the amount, if any, of the proceeds of the replacement debt used to pay such expenses through the end of the current taxable year other than as part of the refinancing.

(C) *Example.* (*1*) On August 11, 1987, C incurs a $8,000 debt secured by a principal residence. C uses (within the meaning of paragraph (n)(2)(i) of this section) $5,000 of the proceeds of the debt to pay for qualified educational expenses. C makes no principal payments on the debt. On July 1, 1988, C incurs a new debt in the amount of $8,000 secured by C's principal residence and uses all of the proceeds of the new debt to repay the original debt. Under paragraph (n)(2)(ii) of this section $5,000 of the new debt is treated as being used to pay for qualified educational expenses. C makes no principal payments (other than the refinancing) during 1987 or 1988 on either debt and pays all accrued interest monthly. The average balance of each debt in 1988 is $4,000.

(*ii*) Under paragraph (n)(1)(iii) of this section, the amount of qualified indebtedness for 1988 with respect to the original debt is $4,000 (the lesser of its average balance ($4,000) and the amount of the debt used to pay for qualified medical and educational expenses ($5,000)). Similarly, the amount of qualified indebtedness for 1988 with respect to the replacement debt is also $4,000. Both debts, however, are subject in 1988 to the limitation in paragraph (n)(1)(v)(A) of this section. The combined qualified indebtedness, determined without regard to the limitation, is $8,000 ($4,000 of qualified indebtedness from each debt). The combined qualified expenses are $5,000 ($5,000 from the original debt and $0 from the replacement debt). The amount of qualified indebtedness from each debt must, therefore, be reduced by a fraction, the numerator of which is $5,000 (the combined qualified expenses) and the denominator of which is $8,000 (the combined qualified indebtedness). After application of the limitation, the amount of qualified indebtedness for the original debt is $2,500 ($4,000 x ⅝). Similarly, the amount of qualified indebtedness for the replacement debt is $2,500. Note that the total qualified indebtedness for both the original and the replacement debt is $5,000 ($2,500 + $2,500). Therefore, C is entitled to the same amount of qualified indebtedness as C would have been entitled to if C had not refinanced the debt.

(vi) *Special rule for principal payments in excess of qualified expenses.* For purposes of paragraph (n)(1)(iii)(B), (n)(1)(v)(B)(*2*) and (n)(2)(ii) of this section, a principal payment is taken into account only to the extent that the payment, when added to all prior payments, does not exceed the amount used on or before the date of the payment to pay for qualified medical and educational expenses.

(2) *Debt used to pay for qualified medical or educational expenses*—(i) *In general.* For purposes of this section, the proceeds of a debt are used to pay for qualified medical or educational expenses to the extent that—

(A) The taxpayer pays qualified medical or educational expenses within 90 days before or after the date that amounts are actually borrowed with respect to the debt, the proceeds of the debt are not directly allocable to another expense under § 1.163–8T(c)(3) (allocation of debt; proceeds not disbursed to borrower) and the proceeds of any other debt are not allocable to the medical or educational expenses under § 1.163–8T(c)(3), or

(B) The proceeds of the debt are otherwise allocated to such expenditures under § 1.163–8T.

(ii) *Special rule for refinancings.* For purposes of this section, the proceeds of a debt are used to pay for qualified medical and educational expenses to the extent that the proceeds of the debt are allocated under § 1.163–8T to the repayment of another debt (the "original debt"), but only to the extent of the amount of the original debt used to pay for qualified medical and educational expenses, reduced by any principal payments on such debt up to the time of the refinancing.

(iii) *Other special rules.* The following special rules apply for purposes of this section.

(A) Proceeds of a debt are used to pay for qualified medical or educational expenses as of the later of the taxable year in which such proceeds are borrowed or the taxable year in which such expenses are paid.

(B) The amount of debt which may be treated as being used to pay for qualified medical or educational expenses may not exceed the amount of such expenses.

(C) Proceeds of a debt may not be treated as being used to pay for qualified medical or educational expenses to the extent that:

(*1*) The proceeds have been repaid as of the time the expense is paid;

(*2*) The proceeds are actually borrowed before August 17, 1986; or

(*3*) The medical or educational expenses are paid before August 17, 1986.

(iv) *Examples—Example (1).* A pays a $5,000 qualified educational expense from a checking account that A maintains at Bank 1 on November 9, 1987. On January 1, 1988, A incurs a $20,000 debt that is secured by A's residence and places the proceeds of the debt in a savings account that A also maintains at Bank 1. A pays another $5,000 qualified educations expense on March 15 from a checking account that A maintains at Bank 2. Under paragraph (n)(2) of this section, the debt proceeds are used to pay for both educational expenses, regardless of other deposits to, or expenditures from, the accounts, because both expenditures are made within 90 days before or after the debt was incurred.

Example (2). B pays a $5,000 qualified educational expense from a checking account on November 1, 1987. On November 30, 1987, B incurs a debt secured by B's residence, and the lender disburses the debt proceeds directly to a person who sells B a new car. Although the educational expense is paid within 90 days of the date the debt is incurred, the proceeds of the debt are not used to pay for the educational expense because the proceeds are directly allocable to the purchase of the new car under § 1.163–8T(c)(3).

Example (3). On November 1, 1987, C borrows $5,000 from C's college. The proceeds of this debt are not disbursed to C, but rather are used to pay tuition fees for C's attendance at the college. On November 30, 1987, C incurs a second debt and secures the debt by C's residence. Although the $5,000 educational expense is paid within 90 days before the second debt is incurred, the proceeds of the second debt are not used to pay for the educational expense, because the proceeds of the first debt are directly allocable to the educational expense under § 1.163–8T(c)(3).

Example (4). On January 1, 1988, D incurs a $20,000 debt secured by a qualified residence. D places the proceeds of the debt in a separate account (*i.e.*, the proceeds of the debt are the only deposit in the account). D makes payments of $5,000 each for qualified educational expenses on September 1, 1988, September 1, 1989, September 1, 1990, and September 1, 1991. Because the debt proceeds are allocated to educational expenses as of the date the expenses are paid, under the rules of § 1.163–8T(c)(4), the following amounts of the debt proceeds are used to pay for qualified educational expenses as of the end of each year:

1988: $5,000
1989: $10,000
1990: $15,000
1991: $20,000

Example (5). During 1987 E incurs a $10,000 debt secured by a principal residence. E uses (within the meaning of paragraph (n)(2)(i) of this section) all of the proceeds of the debt to pay for qualified educational expenses. On August 20, 1988, at which time the balance of the debt is $9,500, E incurs a new debt in the amount of $9,500 secured by E's principal residence and uses all of the proceeds of the new debt to repay the original debt. Under paragraph (n)(2)(ii) of this section, all of the proceeds of the new debt are used to pay for qualified educational expenses.

(3) *Qualified medical expenses.* Qualified medical expenses are amounts that are paid for medical care (within the meaning of section 213(d)(1) (A) and (B)) for the taxpayer, the taxpayer's spouse, or a dependent of the taxpayer (within the meaning of section 152), and that are not compensated for by insurance or otherwise.

(4) *Qualified educational expenses.* Qualified educational expenses are amounts that are paid for tuition, fees, books, supplies and equipment required for enrollment, attendance or courses of instruction at an educational organization described in section 170(b)(1)(A)(ii) and for any reasonable living expenses while away from home while in attendance at such an institution, for the taxpayer, the taxpayer's spouse or a dependent of the taxpayer (within the meaning of section 152) and that are not reimbursed by scholarship or otherwise.

(o) *Secured debt*—(1) *In general.* For purposes of this section, the term "secured debt" means a debt that is on the security of any instrument (such as a mortgage, deed of trust, or land contract)—

(i) That makes the interest of the debtor in the qualified residence specific security for the payment of the debt,

(ii) Under which, in the event of default, the residence could be subjected to the satisfaction of the debt with the same priority as a mortgage or deed of trust in the jurisdiction in which the property is situated, and

(iii) That is recorded, where permitted, or is otherwise perfected in accordance with applicable State law.

A debt will not be considered to be secured by a qualified residence if it is secured solely by virtue of a lien upon the general assets of the taxpayer or by a security interest, such as a mechanic's lien or judgment lien, that attaches to the property without the consent of the debtor.

(2) *Special rule for debt in certain States.* Debt will not fail to be treated as secured solely because, under an applicable State or local homestead law or other debtor protection law in effect on August 16, 1986, the security interest is ineffective or the enforceability of the security interest is restricted.

(3) *Times at which debt is treated as secured.* For purposes of this section, a debt is treated as secured as of the date on which each of the requirements of paragraph (o)(1) of this section are satisfied, regardless of when amounts are actually borrowed with respect to the debt. For purposes of this paragraph (o)(3), if the instrument is recorded within a commercially reasonable time after the security interest is granted, the

VOL 52 ISS 245 DEC 22 1987 UMI

VOL 52 ISS 245 DEC 22 1987 UMI

instrument will be treated as recorded on the date that the security interest was granted.

(4) *Partially secured debt*—(i) *In general.* If the security interest is limited to a prescribed maximum amount or portion of the residence, and the average balance of the debt exceeds such amount or the value of such portion, such excess shall not be treated as secured debt for purposes of this section.

(ii) *Example.* T borrows $80,000 on January 1, 1991. T secures the debt with a principal residence. The security in the residence for the debt, however, is limited to $20,000. T pays $8,000 in interest on the debt in 1991 and the average balance of the debt in that year is $80,000. Because the average balance of the debt exceeds the maximum amount of the security interest, such excess is not treated as secured debt. Therefore, for purposes of applying the limitation on qualified residence interest, the average balance of the secured debt is $20,000 (the maximum amount of the security interest) and the interest paid or accrued on the secured debt is $2,000 (the total interest paid on the debt multiplied by the ratio of the average balance of the secured debt ($20,000) and the average balance of the total debt ($80,000)).

(5) *Election to treat debt as not secured by a qualified residence*—(i) *In general.* For purposes of this section, a taxpayer may elect to treat any debt that is secured by a qualified residence as not secured by the qualified residence. An election made under this paragraph shall be effective for the taxable year for which the election is made and for all subsequent taxable years unless revoked with the consent of the Commissioner.

(ii) *Example.* T owns a principal residence with a fair market value of $75,000 and an adjusted purchase price of $40,000. In 1988, debt A, the proceeds of which were used to purchase the residence, has an average balance of $15,000. The proceeds of debt B, which is secured by a second mortgage on the property, are allocable to T's trade or business under § 1.163–8T and has an average balance of $25,000. In 1988, T incurs debt C, which is also secured by T's principal residence and which has an average balance in 1988 of $5,000. In the absence of an election to treat debt B as unsecured, the applicable debt limit for debt C in 1988 under paragraph (e) of this section would be zero dollars ($40,000−$15,000−$25,000) and none of the interest paid on debt C would be qualified residence interest. If, however, T makes or has previously made an election pursuant to paragraph (o)(5)(i) of this section to treat debt B as not secured by the residence, the applicable debt limit for debt C would be $25,000 ($40,000−$15,000), and all of the interest paid on debt C during the taxable year would be qualified residence interest. Since the proceeds of debt B are allocable to T's trade or business under § 1.163–8T, interest on debt B may be deductible under other sections of the Internal Revenue Code.

(iii) *Allocation of debt secured by two qualified residences.* [Reserved.]

(p) *Definition of qualified residence*—(1) *In general.* The term "qualified residence" means the taxpayer's principal residence (as defined in paragraph (p)(2) of this section), or the taxpayer's second residence (as defined in paragraph (p)(3) of this section).

(2) *Principal residence.* The term "principal residence" means the taxpayer's principal residence within the meaning of section 1034. For purposes of this section, a taxpayer cannot have more than one principal residence at any one time.

(3) *Second residence*—(i) *In general.* The term "second residence" means—

(A) A residence within the meaning of paragraph (p)(3)(ii) of this section,

(B) That the taxpayer uses as a residence within the meaning of paragraph (p)(3)(iii) of this section, and

(C) That the taxpayer elects to treat as a second residence pursuant to paragraph (p)(3)(iv) of this section.

A taxpayer cannot have more than one second residence at any time.

(ii) *Definition of residence.* Whether property is a residence shall be determined based on all the facts and circumstances, including the good faith of the taxpayer. A residence generally includes a house, condominium, mobile home, boat, or house trailer, that contains sleeping space and toilet and cooking facilities. A residence does not include personal property, such as furniture or a television, that, in accordance with the applicable local law, is not a fixture.

(iii) *Use as a residence.* If a residence is rented at any time during the taxable year, it is considered to be used as a residence only if the taxpayer uses it during the taxable year as a residence within the meaning of section 280A(d). If a residence is not rented at any time during the taxable year, it shall be considered to be used as a residence. For purposes of the preceding sentence, a residence will be deemed to be rented during any period that the taxpayer holds the residence out for rental or resale or repairs or renovates the residence with the intention of holding it out for rental or resale.

(iv) *Election of second residence.* A taxpayer may elect a different residence (other than the taxpayer's principal residence) to be the taxpayer's second residence for each taxable year. A taxpayer may not elect different residences as second residences at different times of the same taxable year except as provided below—

(A) If the taxpayer acquires a new residence during the taxable year, the taxpayer may elect the new residence as a taxpayer's second residence as of the date acquired;

(B) If property that was the taxpayer's principal residence during the taxable year ceases to qualify as the taxpayer's principal residence, the taxpayer may elect that property as the taxpayer's second residence as of the date that the property ceases to be the taxpayer's principal residence; or

(C) If property that was the taxpayer's second residence is sold during the taxable year or becomes the taxpayer's principal residence, the taxpayer may elect a new second residence as of such day.

(4) *Allocations between residence and other property*—(i) *In general.* For purposes of this section, the adjusted purchase price and fair market value of property must be allocated between the portion of the property that is a qualified residence and the portion that is not a qualified residence. Neither the average balance of the secured debt nor the interest paid or accrued on secured debt is so allocated. Property that is not used for residential purposes does not qualify as a residence. For example, if a portion of the property is used as an office in the taxpayer's trade or business, that portion of the property does not qualify as a residence.

(ii) *Special rule for rental of residence.* If a taxpayer rents a portion of his or her principal or second residence to another person (a "tenant"), such portion may be treated as used by the taxpayer for residential purposes if, but only if—

(A) Such rented portion is used by the tenant primarily for residential purposes,

(B) The rented portion is not a self-contained residential unit containing separate sleeping space and toilet and cooking facilities, and

(C) The total number of tenants renting (directly or by sublease) the same or different portions of the residence at any time during the taxable year does not exceed two. For this purpose, if two persons (and the dependents, as defined by section 152, of either of them) share the same sleeping quarters, they shall be treated as a single tenant.

(iii) *Examples—Example (1).* D, a dentist, uses a room in D's principal residence as an office which qualifies under section 280A(c)(1)(B) as a portion of the dwelling unit used exclusively on a regular basis as a place of business for meeting with patients in the normal course of D's trade or business. D's adjusted purchase price of the property is $65,000; $10,000 of which is allocable under paragraph (o)(4)(i) of this section to the room used as an office. For purposes of this section, D's residence does not include the room used as an office. The adjusted purchase price of the residence is, accordingly, $55,000. Similarly, the fair market value of D's residence must be allocated between the office and the remainder of the property.

Example (2). J rents out the basement of property that is otherwise used as J's principal residence. The basement is a self-contained residential unit, with sleeping space and toilet and cooking facilities. The adjusted purchase price of the property is $100,000; $15,000 of which is allocable under paragraph (o)(4)(i) of this section to the basement. For purposes of this section, J's residence does not include the basement and the adjusted purchase price of the residence is $85,000. Similarly, the fair market value of the residence must be allocated between the basement unit and the remainder of the property.

(5) *Residence under construction*—(i) *In general.* A taxpayer may treat a residence under construction as a qualified residence for a period of up to 24 months, but only if the residence becomes a qualified residence, without regard to this paragraph (p)(5)(i), as of the time that the residence is ready for occupancy.

(ii) *Example.* X owns a residential lot suitable for the construction of a vacation home. On April 20, 1987, X obtains a mortgage secured by the lot and any property to be constructed on the lot. On August 9, 1987, X begins construction of a residence on the lot. The residence is ready for occupancy on November 9, 1989. The residence is used as a residence within the meaning of paragraph (p)(3)(iii) of this section during 1989 and X elects to treat the residence as his second residence for the period November 9, 1989, through December 31, 1989. Since the residence under construction is a qualified residence as of the first day that the residence is ready for occupancy (November 9, 1987), X may treat the residence as his second residence under paragraph (p)(5)(i) of this section for up to 24 months of the period during which the residence is under construction, commencing on or after the date that construction is begun (August 9, 1987). If X treats the residence under construction as X's second residence beginning on August 9, 1987, the residence under construction would cease to qualify as a qualified residence under paragraph (p)(5)(i) on August 8, 1989. The residence's status as a qualified residence for future periods would be determined without regard to paragraph (p)(5)(i) of this section.

(6) *Special rule for time-sharing arrangements.* Property that is otherwise a qualified residence will not fail to qualify as such solely because the taxpayer's interest in or right to use the property is restricted by an arrangement whereby two or more persons with interests in the property agree to exercise control over the property for different periods during the taxable year. For purposes of determining the use of a residence under paragraph (p)(3)(iii) of this section, a taxpayer will not be considered to have used or rented a residence during any period that the taxpayer does not have the right to use the property or to receive any benefits from the rental of the property.

(q) *Special rules for tenant-stockholders in cooperative housing corporations*—(1) *In general.* For purposes of this section, a residence includes stock in a cooperative housing corporation owned by a tenant-stockholder if the house or apartment which the tenant-stockholder is entitled to occupy by virtue of owning such stock is a residence within the meaning of paragraph (p)(3)(ii) of this section.

(2) *Special rule where stock may not be used to secure debt.* For purposes of this section, if stock described in paragraph (q)(1) of this section may not be used to secure debt because of restrictions under local or State law or because of restrictions in the cooperative agreement (other than restrictions the principal purpose of which is to permit the tenant-stockholder to treat unsecured debt as secured debt under this paragraph (q)(2)), debt may be treated as secured by such stock to the extent that the proceeds of the debt are allocated to the purchase of the stock under the rules of § 1.163–8T. For purposes of this paragraph (q)(2), proceeds of debt incurred prior to January 1, 1987, may be treated as allocated to the purchase of such stock to the extent that the tenant-stockholder has properly and consistently deducted interest expense on such debt as home mortgage interest attributable to such stock on Schedule A of Form 1040 in determining his taxable income for taxable years beginning before January 1, 1987. For purposes of this paragraph (q)(2), amended returns file after December 22, 1987, are disregarded.

(3) *Treatment of interest expense of the cooperative described in section 216(a)(2).* For purposes of section 163(h) and § 1.163–9T (disallowance of deduction for personal interest) and section 163(d) (limitation on investment interest), any amount allowable as a deduction to a tenant-stockholder under section 216(a)(2) shall be treated as interest paid or accrued by the tenant-stockholder. If a tenant-stockholder's stock in a cooperative housing corporation is a qualified residence of the tenant-shareholder, any amount allowable as a deduction to the tenant-stockholder under section 216(a)(2) is qualified residence interest.

(4) *Special rule to prevent tax avoidance.* If the amount treated as qualified residence interest under this section exceeds the amount which would be so treated if the tenant-stockholder were treated as directly owning his proportionate share of the assets and liabilities of the cooperative and one of the principal purposes of the cooperative arrangement is to permit the tenant-stockholder to increase the amount of qualified residence interest, the district director may determine that such excess is not qualified residence interest.

(5) *Other definitions.* For purpose of this section, the terms "tenant-stockholder," "cooperative housing corporation" and "proportionate share" shall have the meaning given by section 216 and the regulations thereunder.

(r) *Effective date.* The provisions of this section are effective for taxable years beginning after December 31, 1986.

PART 602—[AMENDED]

Par. 3. The authority for Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.10 [Amended]

Par. 4. Section 602.101(c) is amended by inserting in the appropriate place in the table "§ 1.163–10T . . . 1545–1009."

There is need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impractical to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Lawrence B. Gibbs,
Commissioner of Internal Revenue.

Approved: December 15, 1987.

O. Donaldson Chapoton,
Assistant Secretary of the Treasury.

[FR Doc. 87–29272 Filed 12–21–87; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 19

Right to Financial Privacy Act of 1978; Final Implementation Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of final rulemaking.

SUMMARY: These final regulations authorize Department of Labor units to

VOL 52 ISS 245 DEC 22 1987 UMI

request financial records from a financial institution pursuant to the formal written request procedure established by the Right to Financial Privacy Act of 1978 and would set forth the conditions under which such requests may be made. Section 1108(2) of that Act requires that the formal written request be authorized by regulations promulgated by the head of the agency or department. These final regulations will enable Department of Labor units to utilize the formal written request procedure to obtain financial records.

EFFECTIVE DATE: January 21, 1988.

FOR FURTHER INFORMATION CONTACT: Sofia P. Petters, Counsel for Administrative Legal Services, Office of the Solicitor, U.S. Department of Labor, Room N–2428, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 523–8188.

SUPPLEMENTARY INFORMATION: The Right to Financial Privacy Act of 1978, 92 Stat. 3697, 12 U.S.C. 3401 *et seq.*, limits government access to financial records of customers of financial institutions. In order for government agencies to obtain such records, the Act requires that there be either customer authorizations, authorized search warrants, judicial or administrative subpoenas, or formal written requests by a governmental authority. Formal written requests may only be made pursuant to a regulatory authorization promulgated by the head of the agency or department, 12 U.S.C. 3408(2).

In order to assist those departmental agencies or units that have no statutory administrative subpoena power, this final regulatory authorization is needed to comply with 12 U.S.C. 3408(2).

This rule was originally published for public comment as a proposed rule in the **Federal Register** on April 2, 1985 (50 FR 13049). Comments were to be submitted until May 2, 1985. No comments were received. Inasmuch as no comments have been received, the proposed rule is adopted as the final rule. No changes have been made except for a punctuation change in § 19.1(a) wherein a parenthesis is being closed.

Classification

This rule is procedural in character in that it implements the formal written request procedure established by the Right to Financial Privacy Act of 1978. Therefore, the rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

The Department believes that the rule will have no "significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96–354, 91 Stat. 1164 (5 U.S.C. 605(b)). The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. This conclusion is reached because the rule is procedural in character in that it implements the formal written request procedure established by the Right to Financial Privacy Act of 1978 and thus no significant economic impact is expected with respect to small entities, nor with respect to other entities as well. Accordingly, no regulatory flexibility analysis is required.

Paperwork Reduction Act

This rule is not subject to section 3504(h) of the Paperwork Reduction Act, since it does not contain a collection of information requirement.

List of Subjects in 29 CFR Part 19

Privacy.

Accordingly, a new Part 19 is added to Subtitle A of Title 29 of the Code of Federal Regulations to read as follows:

PART 19—RIGHT TO FINANCIAL PRIVACY ACT

Sec.
19.1 Definitions.
19.2 Purpose.
19.3 Authorization.
19.4 Contents of request.
19.5 Certification.

Authority: Sec. 1108, Right to Financial Privacy Act of 1978, 92 Stat. 3697 *et seq.*, 12 U.S.C. 3401 *et seq.*, (5 U.S.C. 301); and Reorganization Plan No. 6 of 1950.

§ 19.1 Definitions.

For purposes of this regulation, the term:

(a) "Financial institution" means any office of a bank, savings bank, card issuer as defined in section 103 of the Consumer Credit Protection Act (15 U.S.C. 1602(n)), industrial loan company, trust company, savings and loan, building and loan, or homestead association (including cooperative banks), credit union, consumer financial institution, located in any State or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

(b) "Financial record" means an original of, a copy of, or information known to have been derived from, any record held by a financial institution pertaining to a customer's relationship with the financial institution.

(c) "Person" means an individual or a partnership of five or fewer individuals.

(d) "Customer" means any persons or authorized representative of that person who utilized or is utilizing any service of a financial institution, or for whom a financial institution is acting or has acted as a fiduciary, in relation to an account maintained in the person's name.

(e) "Law enforcement inquiry" means a lawful investigation or official proceeding inquiring into a violation of or failure to comply with any criminal or civil statute or any regulation, rule, or order issued pursuant thereto.

(f) "Departmental unit" means those offices, divisions bureaus, or other components of the Department of Labor authorized to conduct law enforcement inquiries.

(g) "Act" means the Right to Financial Privacy Act of 1978.

§ 19.2 Purpose.

The purpose of these regulations is to authorize Departmental units to request financial records from a financial institution pursuant to the formal written request procedure authorized by section 1108 of the Act, and to set forth the conditions under which such requests may be made.

§ 19.3 Authorization.

Departmental units are hereby authorized to request financial records of any customer from a financial institution pursuant to a formal written request under the Act only if:

(a) No administrative summons or subpoena authority reasonably appears to be available to the Departmental unit to obtain financial records for the purpose for which the records are sought;

(b) There is reason to believe that the records sought are relevant to a legitimate law enforcement inquiry and will further that inquiry;

(c) The request is issued by the Assistant Secretary or Deputy Under Secretary heading the Departmental unit requesting the records, or by a senior agency official designated by the head of the Departmental unit. Officials so designated shall not delegate this authority to others;

(d) The request adheres to the requirements set forth in § 19.4; and

(e) The notice requirements set forth in section 1108(4) of the Act, or the requirements pertaining to delay of notice in section 1109 of the Act are satisfied, except in situations where no notice is required (e.g., section 1113(g)).

§ 19.4 Contents of request.

The formal written request shall be in the form of a letter or memorandum to an appropriate official of the financial institution from which financial records are requested. The request shall be signed by an issuing official of the requesting Departmental unit, as specified in § 19.3(c). It shall set forth that official's name, title, business address and business phone number. The request shall also contain the following:

(a) The identity of the customer or customers to whom the records pertain;

(b) A reasonable description of the records sought;

(c) Any other information that the issuing official deems appropriate, e.g., the date on which the requesting Departmental unit expects to present a certificate of compliance with the applicable provisions of the Act, the name and title of the individual to whom disclosure is to be made, etc.

(d) In cases where customer notice is delayed by a court order, a copy of the court order shall be attached to the formal written request.

§ 19.5 Certification.

Prior to obtaining the requested records pursuant to a formal written request, a senior official designated by the head of the requesting Departmental unit shall certify in writing to the financial institution that the Departmental unit has complied with the applicable provisions of the Act.

Signed at Washington, DC, this 14th day of December, 1987.

Dennis E. Whitfield,

Deputy Secretary of Labor.

[FR Doc. 87–29287 Filed 12–21–87; 8:45 am]

BILLING CODE 4510–23–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

Removal of Condition (c) From the Illinois Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: OSMRE is announcing the removal of the condition listed at 30 CFR 913.11(c) ["Condition (c)"] placed on the Secretary's approval of the Illinois permanent regulatory program (hereinafter referred to as the Illinois program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Condition (c) required the State to adopt a policy statement or otherwise amend its program to the effect that the best technology currently available (BTCA) for sediment control required the use of sedimentation ponds. Subsequently, the United States District Court for the District of Columbia remanded the Federal rules establishing sedimentation ponds or other siltation structures with point source discharges as BTCA, thus rendering the original Illinois rules no less effective than the current Federal regulations governing sediment control measures.

EFFECTIVE DATE: December 22, 1987.

FOR FURTHER INFORMATION CONTACT: James F. Fulton, Director, Springfield Field Office, Office of Surface Mining Reclamation and Enforcement, 600 East Monroe Street, Room 20, Springfield, Illinois 62701; Telephone: (217) 492–4495.

SUPPLEMENTARY INFORMATION:

I. Background on the Illinois Program

On June 1, 1982, the Secretary of Interior conditionally approved the Illinois permanent regulatory program. Information pertinent to the general background, revisions, modifications, and amendments to the Illinois program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Illinois program can be found in the June 1, 1982 **Federal Register** (47 FR 23883 *et seq.*). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 913.11, 913.15 and 913.16.

II. Secretary's Findings on Condition (c)

As discussed in Finding 14.7 of the program approval notice (47 FR 23861–23862, June 1, 1982), Illinois uses the term "siltation structures" when establishing the performance standards for sediment control at 62 IAC 1816.46 and 1817.46. As originally promulgated, the corresponding Federal rules at 30 CFR 816.46 and 817.46 used the more limiting term "sedimentation ponds" because, as explained in the preamble to those rules (44 FR 15159, March 13, 1979), OSMRE had determined that BTCA for sediment control required the use of sedimentation ponds. Since the Illinois definition of "siltation structures" at 62 IAC 1701.5 ("a device, or devices, used to remove, collect or otherwise control runoff so that resulting outflow will meet applicable effluent standards") includes structures other than sedimentation ponds, the Secretary, with the State's concurrence, imposed condition (c) on his approval of the Illinois program.

As codified at 30 CFR 913.11(c), condition (c) required that Illinois adopt a policy statement or otherwise amend its program to indicate that sedimentation ponds are BTCA for sediment control. It also specified that if the State desired to approve any other technology, OSMRE would first have to review and approve it as an experimental practice or a program amendment.

On September 26, 1983, the Secretary revised 30 CFR 816.46 and 817.46, replacing the requirement for sedimentation ponds with one for siltation structures in recognition of the fact that treatment facilities other than sedimentation ponds may also qualify as BTCA for sediment control (48 FR 44034). However, the Federal definitions of "siltation structure" and its subset of "other treatment facilities" continued to be more restrictive than the Illinois definition of "siltation structure" in that the Federal rules required that any such structure have a point-source discharge.

On July 15, 1985, the United States District Court for the District of Columbia remanded 30 CFR 816.46(b)(2) and 817.46(b)(2) to the extent that they require the use of siltation structures, as defined in 30 CFR 816.46(a) and 817.46(a), as BTCA for sediment control (*In re: Permanent Surface Mining Regulation Litigation II*, Civil Action No. 79–1144). The court found that the Secretary had (1) failed to articulate a satisfactory explanation for requiring siltation structures in every instance, and (2) without reasoned analysis, dismissed evidence in the administrative record pointing to potential negative impacts of siltation structures. In particular, the court questioned the Secretary's assertion that structures with point-source discharges must be required as BTCA because there is no technical basis on which to judge the effectiveness of alternative sediment control measures.

On November 20, 1986, the Secretary suspended 30 CFR 816.46(b)(2) and 817.46(b)(2), which required that all surface drainage from disturbed areas be passed through a siltation structure prior to leaving the permit area, to comply with the court's decision (51 FR 41952 *et seq.*). This means that the regulatory authority must determine BTCA for sediment control on a case-by-case basis in a manner consistent with the Federal definition of BTCA at 30 CFR 701.5. As in the Illinois program, siltation structures with point-source

discharge will no longer be required as BTCA for sediment control in every instance.

The Federal rules at 30 CFR 816.45(a), 816.46(b)(1), 817.45(a) and 817.46(b)(1) continue to require that, in accordance with section 515(b)(10)(B)(i) of SMCRA, sediment control measures be designed, constructed and maintained to prevent additional contributions of suspended solids to streamflow or runoff outside the permit area to the extent possible using the best technology currently available.

The corresponding Illinois regulations at 62 IAC 1816.45(a), 1816.42(a)(1), 1817.45(a) and 1817.42(a)(1), respectively, contain provisions which are identical or substantively similar to these Federal rules. In addition, the Illinois definition of "best technology currently available" at 62 IAC 1701.5 is virtually identical to the corresponding Federal definition at 30 CFR 701.5.

Therefore, the Secretary finds that the suspension of the Federal rules requiring the use of structures with point-source discharges as BTCA for sediment control renders the Illinois program no less effective than the Federal regulations concerning the use of BTCA for sediment control. Hence, condition (c) can be removed.

III. Public Comment

On July 29, 1987, OSMRE requested public comment on its proposal to remove condition (c) (52 FR 28309–28310). No comments were received during the comment period, which closed on August 28, 1987.

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i), comments were also solicited from various Federal agencies. No substantive comments were received.

IV. Secretary's Decision

Based on the above findings, the Secretary is removing the condition of approval of the Illinois program codified at 30 CFR 913.11(c). He is amending 30 CFR Part 913 to implement this decision. This final rule is being made effective immediately since consistency of State and Federal standards is required by SMCRA.

V. Procedural Requirements

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared for this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that the removal of this condition will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 913

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Date: December 14, 1987.

James E. Cason,

Deputy Assistant Secretary—Land and Minerals Management.

PART 913—ILLINOIS

30 CFR Part 913 is amended as follows:

1. The authority citation for Part 913 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

§ 913.11 [Amended]

2. In § 913.11, paragraph (c) is removed.

[FR Doc. 87–29270 Filed 12–21–87; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Parts 316, 342, and 351

[Department of the Treasury Circulars No. 553, Tenth Revision; Public Debt Series No. 3–67, Second Revision; and No. 1–80, Second Revision]

U.S. Savings Bonds and Notes; Tables Reflecting Investment Yields and Maturity Periods

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Notice providing update of tables showing the redemption values and investment yields of United States Savings Bonds/Notes

SUMMARY: This notice updates the tables set forth in the offering circulars for Series E/EE savings bonds and savings notes. The tables reflect the redemption values and investment yields for accrual dates occurring November 1, 1987 through April 1, 1988, for Series E/EE savings bonds and savings notes.

DATE: Effective Date: December 22, 1987.

FOR FURTHER INFORMATION CONTACT: Jacqueline L. Jackson, Attorney Adviser, Office of the Chief Counsel, Bureau of the Public Debt, Washington, DC 20239–0001, (202) 376–4320.

SUPPLEMENTARY INFORMATION: This notice updates the tables reflecting the investment yields of Series E/EE savings bonds and savings notes. Offering circulars No. 653 (Series E), No. 1–80 (Series EE) and Public Debt Series No. 3–67 (Saving Notes) are hereby supplemented by the addition of tables showing the redemption values and investment yields for accrual dates occurring November 1, 1987 through April 1, 1988. It shou1d be noted that, for the first time, the tables reflect the market-based variable yields described in the offering circulars at 31 CFR 316.8(b)(2)(C)(iii) for Series E savings bond, 31 CFR 351.2(f)(2) for Series EE savings bonds, and 31 CFR 342.2a(b)(2) for savings notes. It should also be noted that the values shown apply only where the securities are actually paid. They do not form the basis for future accruals.

Procedural Requirements

This notice is not considered a "major rule" for purposes of Executive Order 12291. A regulatory impact analysis, therefore, is not required.

The notice and public procedures of the Administrative Procedure Act are inapplicable, pursuant to 5 U.S.C. 553(a)(2). As no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply.

List of Subjects in 31 CFR Parts 316, 342, and 351

Bonds, Government securities.

Dated: November 18, 1987.

Gerald Murphy,

Fiscal Assistant Secretary.

Accordingly, pursuant to the authority of Department of the Treasury Circular No. 653, Tenth Revision (31 CFR, Part 316), Public Debt Series No. 3–67, Second Revision (31 CFR Part 342), and No. 1–80, Second Revision, (31 CFR Part 351); the following updated tables are provided:

BILLING CODE 4810–40–M

U.S. SAVINGS BONDS, SERIES E - REDEMPTION VALUES AND INVESTMENT YIELDS FOR ACCRUAL DATES OCCURRING NOV 1, 1987 THRU APR 1, 1988

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00

ISSUE DATES	ACCRUAL DATE(1)	REDEMPTION VALUES DURING HALF-YEAR PERIOD FOLLOWING ACCRUAL DATE (VALUES INCREASE ON FIRST DAY OF PERIOD)							ACTUAL YIELD(2)	MARKET YIELD(3)	MINIMUM YIELD(4)
11/47 THRU 11/47	11/1/87	51.74	129.34	258.68	517.36	1034.72	2586.80	5173.60	8.75%	8.75%	8.50%
12/47 THRU 4/48	12/1/87	52.56	131.41	262.82	525.64	1051.28	2628.20	5256.40	8.75%	8.75%	8.50%
5/48 THRU 5/48	11/1/87	50.90	127.26	254.52	509.04	1018.08	2545.20	5090.40	8.75%	8.75%	8.50%
6/48 THRU 10/48	12/1/87	51.74	129.34	258.68	517.36	1034.72	2586.80	5173.60	8.75%	8.75%	8.50%
11/48 THRU 11/48	11/1/87	50.10	125.26	250.52	501.04	1002.08	2505.20	5010.40	8.75%	8.75%	8.50%
12/48 THRU 4/49	12/1/87	50.92	127.29	254.58	509.16	1018.32	2545.80	5091.60	8.75%	8.75%	8.50%
5/49 THRU 5/49	11/1/87	49.31	123.28	246.56	493.12	986.24	2465.60	4931.20	8.75%	8.75%	8.50%
6/49 THRU 10/49	12/1/87	51.39	128.48	256.96	513.92	1027.84	2569.60	5139.20	8.75%	8.75%	8.50%
11/49 THRU 11/49	11/1/87	49.77	124.43	248.86	497.72	995.44	2488.60	4977.20	8.75%	8.75%	8.50%
12/49 THRU 4/50	12/1/87	50.40	126.01	252.02	504.04	1008.08	2520.20	5040.40	8.75%	8.75%	8.50%
5/50 THRU 5/50	11/1/87	48.82	122.04	244.08	488.16	976.32	2440.80	4881.60	8.75%	8.75%	8.50%

(1) ACCRUAL DATE SHOWN IS FOR BONDS OF THE FIRST ISSUE DATE LISTED -- ADD ONE MONTH FOR EACH SUCCESSIVE MONTH OF ISSUE.
(2) ACTUAL INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(3) MARKET BASED VARIABLE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(4) GUARANTEED MINIMUM YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
NOTE: ADDITIONAL INVESTMENT INFORMATION IS OBTAINABLE FROM FEDERAL RESERVE BANKS AND THE BUREAU OF THE PUBLIC DEBT, SAVINGS BOND OPERATIONS OFFICE, 200 THIRD ST., PARKERSBURG, WV 26102-1328.

U.S. SAVINGS BONDS, SERIES E - REDEMPTION VALUES AND INVESTMENT YIELDS FOR ACCRUAL DATES OCCURRING NOV 1, 1987 THRU APR 1, 1988

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00

ISSUE DATES	ACCRUAL DATE(1)	REDEMPTION VALUES DURING HALF-YEAR PERIOD FOLLOWING ACCRUAL DATE (VALUES INCREASE ON FIRST DAY OF PERIOD)						ACTUAL YIELD(2)	MARKET YIELD(3)	MINIMUM YIELD(4)
6/50 THRU 10/50	12/1/87	123.71	247.42	494.84	989.68	2474.20	4948.40	8.75%	8.75%	8.50%
11/50 THRU 11/50	11/1/87	119.83	239.66	479.32	958.64	2396.60	4793.20	8.75%	8.75%	8.50%
12/50 THRU 12/50	12/1/87	121.59	243.18	486.36	972.72	2431.80	4863.60	8.75%	8.75%	8.50%
1/51 THRU 4/51	1/1/88	121.59	243.18	486.36	972.72	2431.80	4863.60	8.75%	8.75%	8.50%
5/51 THRU 5/51	11/1/87	117.79	235.58	471.16	942.32	2355.80	4711.60	8.75%	8.75%	8.50%
6/51 THRU 6/51	12/1/87	119.54	239.08	478.16	956.32	2390.80	4781.60	8.75%	8.75%	8.50%
7/51 THRU 10/51	1/1/88	119.54	239.08	478.16	956.32	2390.80	4781.60	8.75%	8.75%	8.50%
11/51 THRU 11/51	11/1/87	115.76	231.52	463.04	926.08	2315.20	4630.40	8.75%	8.75%	8.50%
12/51 THRU 12/51	12/1/87	117.43	234.86	469.72	939.44	2348.60	4697.20	8.75%	8.75%	8.50%
1/52 THRU 4/52	1/1/88	117.43	234.86	469.72	939.44	2348.60	4697.20	8.75%	8.75%	8.50%

(1) ACCRUAL DATE SHOWN IS FOR BONDS OF THE FIRST ISSUE DATE LISTED -- ADD ONE MONTH FOR EACH SUCCESSIVE MONTH OF ISSUE.
(2) ACTUAL INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(3) MARKET BASED VARIABLE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(4) GUARANTEED MINIMUM YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
NOTE: ADDITIONAL INVESTMENT INFORMATION IS OBTAINABLE FROM FEDERAL RESERVE BANKS AND THE BUREAU OF THE PUBLIC DEBT, SAVINGS BOND OPERATIONS OFFICE, 200 THIRD ST., PARKERSBURG, WV 26102-1328.

U.S. SAVINGS BONDS, SERIES E - REDEMPTION VALUES AND INVESTMENT YIELDS FOR ACCRUAL DATES OCCURRING NOV 1, 1987 THRU APR 1, 1988

ISSUE PRICE / DENOMINATION		$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500. / 10000.			
ISSUE DATES	ACCRUAL DATE(1)	REDEMPTION VALUES DURING HALF-YEAR PERIOD FOLLOWING ACCRUAL DATE (VALUES INCREASE ON FIRST DAY OF PERIOD)							ACTUAL YIELD(2)	MARKET YIELD(3)	MINIMUM YIELD(4)
5/52 THRU 5/52	1/1/88	116.99	233.98	467.96	935.92	2339.80	4679.60	46796.	8.75%	8.75%	8.50%
6/52 THRU 8/52	2/1/88	117.25	234.50	469.00	938.00	2345.00	4690.00	46900.	8.75%	8.75%	8.50%
9/52 THRU 9/52	11/1/87	113.57	227.14	454.28	908.56	2271.40	4542.80	45428.	8.75%	8.75%	8.50%
10/52 THRU 10/52	12/1/87	114.98	229.96	459.92	919.84	2299.60	4599.20	45992.	8.75%	8.75%	8.50%
11/52 THRU 11/52	1/1/88	114.98	229.96	459.92	919.84	2299.60	4599.20	45992.	8.75%	8.75%	8.50%
12/52 THRU 2/53	2/1/88	115.29	230.58	461.16	922.32	2305.80	4611.60	46116.	8.75%	8.75%	8.50%
3/53 THRU 3/53	11/1/87	111.65	223.30	446.60	893.20	2233.00	4466.00	44660.	8.75%	8.75%	7.50%
4/53 THRU 4/53	12/1/87	113.03	226.06	452.12	904.24	2260.60	4521.20	45212.	8.75%	8.75%	7.50%
5/53 THRU 5/53	1/1/88	113.03	226.06	452.12	904.24	2260.60	4521.20	45212.	8.75%	8.75%	7.50%
6/53 THRU 8/53	2/1/88	113.31	226.62	453.24	906.48	2266.20	4532.40	45324.	8.75%	8.75%	7.60%
9/53 THRU 9/53	11/1/87	109.73	219.46	438.92	877.84	2194.60	4389.20	43892.	8.75%	8.75%	7.60%
10/53 THRU 10/53	12/1/87	111.13	222.26	444.52	889.04	2222.60	4445.20	44452.	8.75%	8.75%	7.60%
11/53 THRU 11/53	1/1/88	111.13	222.26	444.52	889.04	2222.60	4445.20	44452.	8.75%	8.75%	7.60%
12/53 THRU 2/54	2/1/88	111.42	222.84	445.68	891.36	2228.40	4456.80	44568.	8.75%	8.75%	7.70%
3/54 THRU 3/54	11/1/87	107.92	215.84	431.68	863.36	2158.40	4316.80	43168.	8.75%	8.75%	7.70%
4/54 THRU 4/54	12/1/87	109.29	218.58	437.16	874.32	2185.80	4371.60	43716.	8.75%	8.75%	7.70%
5/54 THRU 5/54	1/1/88	109.29	218.58	437.16	874.32	2185.80	4371.60	43716.	8.75%	8.75%	7.70%
6/54 THRU 8/54	2/1/88	109.58	219.16	438.32	876.64	2191.60	4383.20	43832.	8.75%	8.75%	7.80%
9/54 THRU 9/54	11/1/87	106.13	212.26	424.52	849.04	2122.60	4245.20	42452.	8.75%	8.75%	7.81%
10/54 THRU 10/54	12/1/87	107.54	215.08	430.16	860.32	2150.80	4301.60	43016.	8.75%	8.75%	7.81%
11/54 THRU 11/54	1/1/88	107.54	215.08	430.16	860.32	2150.80	4301.60	43016.	8.75%	8.75%	7.80%
12/54 THRU 2/55	2/1/88	107.80	215.60	431.20	862.40	2156.00	4312.00	43120.	8.75%	8.75%	7.90%
3/55 THRU 3/55	11/1/87	104.38	208.76	417.52	835.04	2087.60	4175.20	41752.	8.75%	8.75%	7.90%
4/55 THRU 4/55	12/1/87	105.74	211.48	422.96	845.92	2114.80	4229.60	42296.	8.75%	8.75%	7.90%
5/55 THRU 5/55	1/1/88	105.74	211.48	422.96	845.92	2114.80	4229.60	42296.	8.75%	8.75%	7.90%
6/55 THRU 8/55	2/1/88	106.02	212.04	424.08	848.16	2120.40	4240.80	42408.	8.75%	8.75%	8.00%
9/55 THRU 9/55	11/1/87	102.69	205.38	410.76	821.52	2053.80	4107.60	41076.	8.75%	8.75%	8.00%
10/55 THRU 10/55	12/1/87	104.07	208.14	416.28	832.56	2081.40	4162.80	41628.	8.75%	8.75%	8.00%
11/55 THRU 11/55	1/1/88	104.07	208.14	416.28	832.56	2081.40	4162.80	41628.	8.75%	8.75%	8.00%
12/55 THRU 2/56	2/1/88	104.33	208.66	417.32	834.64	2086.60	4173.20	41732.	8.75%	8.75%	8.10%
3/56 THRU 3/56	11/1/87	101.05	202.10	404.20	808.40	2021.00	4042.00	40420.	8.75%	8.75%	8.10%
4/56 THRU 4/56	12/1/87	103.89	207.78	415.56	831.12	2077.80	4155.60	41556.	8.75%	8.75%	8.10%
5/56 THRU 5/56	1/1/88	103.89	207.78	415.56	831.12	2077.80	4155.60	41556.	8.75%	8.75%	8.10%
6/56 THRU 8/56	2/1/88	104.12	208.24	416.48	832.96	2082.40	4164.80	41648.	8.75%	8.75%	8.20%
9/56 THRU 9/56	11/1/87	100.83	201.66	403.32	806.64	2016.60	4033.20	40332.	8.75%	8.75%	8.20%
10/56 THRU 10/56	12/1/87	102.00	204.00	408.00	816.00	2040.00	4080.00	40800.	8.75%	8.75%	8.20%
11/56 THRU 11/56	1/1/88	102.00	204.00	408.00	816.00	2040.00	4080.00	40800.	8.75%	8.75%	8.20%
12/56 THRU 1/57	2/1/88	102.60	205.20	410.40	820.80	2052.00	4104.00	41040.	8.75%	8.75%	8.10%
2/57 THRU 5/57	1/1/88	103.99	207.98	415.96	831.92	2079.80	4159.60	41596.	8.75%	8.75%	8.10%

(1) ACCRUAL DATE SHOWN IS FOR BONDS OF THE FIRST ISSUE DATE LISTED -- ADD ONE MONTH FOR EACH SUCCESSIVE MONTH OF ISSUE.
(2) ACTUAL INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(3) MARKET BASED VARIABLE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(4) GUARANTEED MINIMUM YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.

NOTE: ADDITIONAL INVESTMENT INFORMATION IS OBTAINABLE FROM FEDERAL RESERVE BANKS AND THE BUREAU OF THE PUBLIC DEBT, SAVINGS BOND OPERATIONS OFFICE, 200 THIRD ST., PARKERSBURG, WV 26102-1328.

U.S. SAVINGS BONDS, SERIES E - REDEMPTION VALUES AND INVESTMENT YIELDS FOR ACCRUAL DATES OCCURRING NOV 1, 1987 THRU APR 1, 1988

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.			
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
ISSUE DATES	ACCRUAL DATE(1)	REDEMPTION VALUES DURING HALF-YEAR PERIOD FOLLOWING ACCRUAL DATE (VALUES INCREASE ON FIRST DAY OF PERIOD)							ACTUAL YIELD(2)	MARKET YIELD(3)	MINIMUM YIELD(4)
6/57 THRU 6/57	11/1/87	101.15	202.30	404.60	809.20	2023.00	4046.00	40460.	8.75%	8.75%	8.20%
7/57 THRU 7/57	12/1/87	102.32	204.64	409.28	818.56	2046.40	4092.80	40928.	8.75%	8.75%	8.20%
8/57 THRU 11/57	1/1/88	102.32	204.64	409.28	818.56	2046.40	4092.80	40928.	8.75%	8.75%	8.20%
12/57 THRU 12/57	11/1/87	99.53	199.06	398.12	796.24	1990.60	3981.20	39812.	8.75%	8.75%	8.00%
1/58 THRU 1/58	12/1/87	100.71	201.42	402.84	805.68	2014.20	4028.40	40284.	8.75%	8.75%	8.00%
2/58 THRU 5/58	1/1/88	100.71	201.42	402.84	805.68	2014.20	4028.40	40284.	8.75%	8.75%	8.00%
6/58 THRU 6/58	11/1/87	97.95	195.90	391.80	783.60	1959.00	3918.00	39180.	8.75%	8.75%	8.00%
7/58 THRU 7/58	12/1/87	99.08	198.16	396.32	792.64	1981.60	3963.20	39632.	8.75%	8.75%	8.25%
8/58 THRU 11/58	1/1/88	99.08	198.16	396.32	792.64	1981.60	3963.20	39632.	8.75%	8.75%	8.25%
12/58 THRU 12/58	11/1/87	96.38	192.76	385.52	771.04	1927.60	3855.20	38552.	8.75%	8.75%	8.25%
1/59 THRU 1/59	12/1/87	97.51	195.06	390.12	780.24	1950.60	3901.20	39012.	8.75%	8.75%	8.50%
2/59 THRU 5/59	1/1/88	97.53	195.06	390.12	780.24	1950.60	3901.20	39012.	8.75%	8.75%	8.50%
6/59 THRU 7/59	3/1/88	97.26	194.52	389.04	778.08	1945.20	3890.40	38904.	8.75%	8.75%	8.50%
8/59 THRU 8/59	11/1/87	94.19	188.38	376.76	753.52	1883.80	3767.60	37676.	8.75%	8.75%	8.25%
9/59 THRU 9/59	12/1/87	95.25	190.50	381.00	762.00	1905.00	3810.00	38100.	8.75%	8.75%	8.25%
10/59 THRU 11/59	1/1/88	95.25	190.50	381.00	762.00	1905.00	3810.00	38100.	8.75%	8.75%	8.25%
12/59 THRU 1/60	3/1/88	95.45	190.90	381.80	763.60	1909.00	3818.00	38180.	8.75%	8.75%	8.25%
2/60 THRU 2/60	11/1/87	92.45	184.90	369.80	739.60	1849.00	3698.00	36980.	8.75%	8.75%	8.50%
3/60 THRU 3/60	12/1/87	93.51	187.02	374.04	748.08	1870.20	3740.40	37404.	8.75%	8.75%	8.50%
4/60 THRU 5/60	1/1/88	93.51	187.02	374.04	748.08	1870.20	3740.40	37404.	8.75%	8.75%	8.50%
6/60 THRU 7/60	3/1/88	93.67	187.34	374.68	749.36	1873.40	3746.80	37468.	8.75%	8.75%	8.50%
8/60 THRU 8/60	11/1/87	90.73	181.46	362.92	725.84	1814.60	3629.20	36292.	8.75%	8.75%	8.50%
9/60 THRU 9/60	12/1/87	91.78	183.56	367.12	734.24	1835.60	3671.20	36712.	8.75%	8.75%	8.50%
10/60 THRU 11/60	1/1/88	91.78	183.56	367.12	734.24	1835.60	3671.20	36712.	8.75%	8.75%	8.50%
12/60 THRU 1/61	3/1/88	91.95	183.90	367.80	735.60	1839.00	3678.00	36780.	8.75%	8.75%	8.50%
2/61 THRU 2/61	11/1/87	89.05	178.10	356.20	712.40	1781.00	3562.00	35620.	8.75%	8.75%	8.50%
3/61 THRU 3/61	12/1/87	90.07	180.14	360.28	720.56	1801.40	3602.80	36028.	8.75%	8.75%	8.50%
4/61 THRU 5/61	1/1/88	90.07	180.14	360.28	720.56	1801.40	3602.80	36028.	8.75%	8.75%	8.50%
6/61 THRU 7/61	3/1/88	90.34	180.68	361.36	722.72	1806.80	3613.60	36136.	8.75%	8.75%	8.50%
8/61 THRU 8/61	11/1/87	87.51	175.02	350.04	700.08	1750.20	3500.40	35004.	8.75%	8.75%	8.50%
9/61 THRU 9/61	12/1/87	88.48	176.96	353.92	707.84	1769.60	3539.20	35392.	8.75%	8.75%	8.50%
10/61 THRU 11/61	1/1/88	88.48	176.96	353.92	707.84	1769.60	3539.20	35392.	8.75%	8.75%	8.50%
12/61 THRU 1/62	3/1/88	88.72	177.44	354.88	709.76	1774.40	3548.80	35488.	8.75%	8.75%	8.50%
2/62 THRU 2/62	11/1/87	85.93	171.86	343.72	687.44	1718.60	3437.20	34372.	8.75%	8.75%	8.50%
3/62 THRU 3/62	12/1/87	86.55	173.10	346.20	692.40	1731.00	3462.00	34620.	8.75%	8.75%	8.50%
4/62 THRU 5/62	1/1/88	86.55	173.10	346.20	692.40	1731.00	3462.00	34620.	8.75%	8.75%	8.50%
6/62 THRU 7/62	3/1/88	86.78	173.56	347.12	694.24	1735.60	3471.20	34712.	8.75%	8.75%	8.50%
8/62 THRU 8/62	11/1/87	84.01	168.02	336.04	672.08	1680.20	3360.40	33604.	8.75%	8.75%	8.50%
9/62 THRU 9/62	12/1/87	84.63	169.26	338.52	677.04	1692.60	3385.20	33852.	8.75%	8.75%	8.50%

(1) ACCRUAL DATE SHOWN IS FOR BONDS OF THE FIRST ISSUE DATE LISTED -- ADD ONE MONTH FOR EACH SUCCESSIVE MONTH OF ISSUE.
(2) ACTUAL INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(3) MARKET BASED VARIABLE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(4) GUARANTEED MINIMUM YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
NOTE: ADDITIONAL INVESTMENT INFORMATION IS OBTAINABLE FROM FEDERAL RESERVE BANKS AND THE BUREAU OF THE PUBLIC DEBT, SAVINGS BOND OPERATIONS OFFICE, 200 THIRD ST., PARKERSBURG, WV 26102-1328.

BEST COPY AVAILABLE

U.S. SAVINGS BONDS, SERIES E - REDEMPTION VALUES AND INVESTMENT YIELDS FOR ACCRUAL DATES OCCURRING NOV 1, 1987 THRU APR 1, 1988

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

ISSUE DATES	ACCRUAL DATE(1)	REDEMPTION VALUES DURING HALF-YEAR PERIOD FOLLOWING ACCRUAL DATE (VALUES INCREASE ON FIRST DAY OF PERIOD)							ACTUAL YIELD(2)	MARKET YIELD(3)	MINIMUM YIELD(4)
10/62 THRU 11/62	1/1/88	84.63	169.26	338.52	677.04	1692.60	3385.20	33852.	8.75%	8.75%	8.50%
12/62 THRU 1/63	2/1/88	84.96	169.92	339.84	679.68	1699.20	3398.40	33984.	8.75%	8.75%	8.50%
2/63 THRU 2/63	11/1/87	82.31	164.62	329.24	658.48	1646.20	3292.40	32924.	8.75%	8.75%	8.50%
3/63 THRU 3/63	12/1/87	82.69	165.38	330.76	661.52	1653.80	3307.60	33076.	8.75%	8.75%	8.50%
4/63 THRU 5/63	1/1/88	82.69	165.38	330.76	661.52	1653.80	3307.60	33076.	8.75%	8.75%	8.50%
6/63 THRU 7/63	2/1/88	83.31	166.62	333.24	666.48	1666.20	3332.40	33324.	8.75%	8.75%	8.50%
8/63 THRU 8/63	11/1/87	80.68	161.36	322.72	645.44	1613.60	3227.20	32272.	8.75%	8.75%	8.50%
9/63 THRU 9/63	12/1/87	81.08	162.16	324.32	648.64	1621.60	3243.20	32432.	8.75%	8.75%	8.50%
10/63 THRU 11/63	1/1/88	81.08	162.16	324.32	648.64	1621.60	3243.20	32432.	8.75%	8.75%	8.50%

(1) ACCRUAL DATE SHOWN IS FOR BONDS OF THE FIRST ISSUE DATE LISTED -- ADD ONE MONTH FOR EACH SUCCESSIVE MONTH OF ISSUE.
(2) ACTUAL INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(3) MARKET BASED VARIABLE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(4) GUARANTEED MINIMUM YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.

NOTE: ADDITIONAL INVESTMENT INFORMATION IS OBTAINABLE FROM FEDERAL RESERVE BANKS AND THE BUREAU OF THE PUBLIC DEBT, SAVINGS BOND OPERATIONS OFFICE, 200 THIRD ST., PARKERSBURG, WV 26102-1328.

U.S. SAVINGS BONDS, SERIES E - REDEMPTION VALUES AND INVESTMENT YIELDS FOR ACCRUAL DATES OCCURRING NOV 1, 1987 THRU APR 1, 1988

ISSUE PRICE	$18.75	$37.50	$56.25	$ 75.00	$150.00	$375.00	$ 750.00	$ 7500.			
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			

ISSUE DATES	ACCRUAL DATE(1)	REDEMPTION VALUES DURING HALF-YEAR PERIOD FOLLOWING ACCRUAL DATE (VALUES INCREASE ON FIRST DAY OF PERIOD)								ACTUAL YIELD(2)	MARKET YIELD(3)	MINIMUM YIELD(4)
12/63 THRU 1/64	3/1/88	81.59	163.18	244.77	326.36	652.72	1631.80	3263.60	32636.	8.75%	8.75%	8.50%
2/64 THRU 2/64	11/1/87	79.01	158.02	237.03	316.04	632.08	1580.20	3160.40	31604.	8.75%	8.75%	8.50%
3/64 THRU 3/64	12/1/87	79.39	158.78	238.17	317.56	635.12	1587.80	3175.60	31756.	8.75%	8.75%	8.50%
4/64 THRU 5/64	1/1/88	79.39	158.78	238.17	317.56	635.12	1587.80	3175.60	31756.	8.75%	8.75%	8.50%
6/64 THRU 7/64	3/1/88	79.92	159.84	239.76	319.68	639.36	1598.40	3196.80	31968.	8.75%	8.75%	8.50%
8/64 THRU 8/64	11/1/87	77.40	154.80	232.20	309.60	619.20	1548.00	3096.00	30960.	8.75%	8.75%	8.50%
9/64 THRU 9/64	12/1/87	77.78	155.56	233.34	311.12	622.24	1555.60	3111.20	31112.	8.75%	8.75%	8.50%
10/64 THRU 11/64	1/1/88	77.78	155.56	233.34	311.12	622.24	1555.60	3111.20	31112.	8.75%	8.75%	8.50%
12/64 THRU 1/65	3/1/88	78.27	156.54	234.81	313.08	626.16	1565.40	3130.80	31308.	8.75%	8.75%	8.50%
2/65 THRU 2/65	11/1/87	75.80	151.60	227.40	303.20	606.40	1516.00	3032.00	30320.	8.75%	8.75%	7.50%
3/65 THRU 3/65	12/1/87	76.17	152.34	228.51	304.68	609.36	1523.40	3046.80	30468.	8.75%	8.75%	7.50%
4/65 THRU 5/65	1/1/88	76.17	152.34	228.51	304.68	609.36	1523.40	3046.80	30468.	8.75%	8.75%	7.50%
6/65 THRU 7/65	3/1/88	76.59	153.18	229.77	306.36	612.72	1531.80	3063.60	30636.	8.75%	8.75%	7.50%
8/65 THRU 8/65	11/1/87	74.18	148.36	222.54	296.72	593.44	1483.60	2967.20	29672.	8.75%	8.75%	7.60%
9/65 THRU 9/65	12/1/87	74.56	149.12	223.68	298.24	596.48	1491.20	2982.40	29824.	8.75%	8.75%	7.60%
10/65 THRU 11/65	1/1/88	74.56	149.12	223.68	298.24	596.48	1491.20	2982.40	29824.	8.75%	8.75%	7.60%
12/65 THRU 12/65	12/1/87	74.79	149.58	224.37	299.16	598.32	1495.80	2991.60	29916.	8.75%	8.75%	7.50%
1/66 THRU 4/66	1/1/88	74.79	149.58	224.37	299.16	598.32	1495.80	2991.60	29916.	8.75%	8.75%	7.50%
5/66 THRU 5/66	11/1/87	72.44	144.88	217.32	289.76	579.52	1448.80	2897.60	28976.	8.75%	8.75%	7.60%
6/66 THRU 6/66	12/1/87	73.18	146.36	219.54	292.72	585.44	1463.60	2927.20	29272.	8.75%	8.75%	7.60%
7/66 THRU 10/66	1/1/88	73.18	146.36	219.54	292.72	585.44	1463.60	2927.20	29272.	8.75%	8.75%	7.60%
11/66 THRU 11/66	11/1/87	70.88	141.76	212.64	283.52	567.04	1417.60	2835.20	28352.	8.75%	8.75%	7.70%
12/66 THRU 12/66	12/1/87	71.66	143.32	214.98	286.64	573.28	1433.20	2866.40	28664.	8.75%	8.75%	7.70%
1/67 THRU 4/67	1/1/88	71.66	143.32	214.98	286.64	573.28	1433.20	2866.40	28664.	8.75%	8.75%	7.70%
5/67 THRU 5/67	11/1/87	69.39	138.78	208.17	277.56	555.12	1387.80	2775.60	27756.	8.75%	8.75%	7.80%
6/67 THRU 6/67	12/1/87	70.17	140.34	210.51	280.68	561.36	1403.40	2806.80	28068.	8.75%	8.75%	7.80%
7/67 THRU 10/67	1/1/88	70.17	140.34	210.51	280.68	561.36	1403.40	2806.80	28068.	8.75%	8.75%	7.80%
11/67 THRU 11/67	11/1/87	67.98	135.96	203.94	271.92	543.84	1359.60	2719.20	27192.	8.75%	8.75%	7.90%
12/67 THRU 12/67	12/1/87	68.79	137.58	206.37	275.16	550.32	1375.80	2751.60	27516.	8.75%	8.75%	7.90%
1/68 THRU 4/68	1/1/88	68.79	137.58	206.37	275.16	550.32	1375.80	2751.60	27516.	8.75%	8.75%	7.90%
5/68 THRU 5/68	11/1/87	66.63	133.26	199.89	266.52	533.04	1332.60	2665.20	26652.	8.75%	8.75%	8.00%
6/68 THRU 6/68	12/1/87	67.43	134.86	202.29	269.72	539.44	1348.60	2697.20	26972.	8.75%	8.75%	8.00%
7/68 THRU 10/68	1/1/88	67.43	134.86	202.29	269.72	539.44	1348.60	2697.20	26972.	8.75%	8.75%	8.00%
11/68 THRU 11/68	11/1/87	65.29	130.58	195.87	261.16	522.32	1305.80	2611.60	26116.	8.75%	8.75%	8.10%
12/68 THRU 12/68	12/1/87	66.20	132.40	198.60	264.80	529.60	1324.00	2648.00	26480.	8.75%	8.75%	8.10%
1/69 THRU 4/69	1/1/88	66.20	132.40	198.60	264.80	529.60	1324.00	2648.00	26480.	8.75%	8.75%	8.10%
5/69 THRU 5/69	11/1/87	64.11	128.22	192.33	256.44	512.88	1282.20	2564.40	25644.	8.75%	8.75%	8.20%
6/69 THRU 6/69	12/1/87	66.75	133.50	200.25	267.00	534.00	1335.00	2670.00	26700.	8.75%	8.75%	7.90%
7/69 THRU 7/69	11/1/87	64.63	129.26	193.89	258.52	517.04	1292.60	2585.20	25852.	8.75%	8.75%	8.00%

(1) ACCRUAL DATE SHOWN IS FOR BONDS OF THE FIRST ISSUE DATE LISTED -- ADD ONE MONTH FOR EACH SUCCESSIVE MONTH OF ISSUE.
(2) ACTUAL INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(3) MARKET BASED VARIABLE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(4) GUARANTEED MINIMUM YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.

NOTE: ADDITIONAL INVESTMENT INFORMATION IS OBTAINABLE FROM FEDERAL RESERVE BANKS AND THE BUREAU OF THE PUBLIC DEBT, SAVINGS BOND OPERATIONS OFFICE, 200 THIRD ST., PARKERSBURG, WV 26102-1328.

U.S. SAVINGS BONDS, SERIES E - REDEMPTION VALUES AND INVESTMENT YIELDS FOR ACCRUAL DATES OCCURRING NOV 1, 1987 THRU APR 1, 1988

ISSUE PRICE	$18.75	$37.50	$56.25	$ 75.00	$150.00	$375.00	$ 750.00	$ 7500.
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.

ISSUE DATES	ACCRUAL DATE(1)	REDEMPTION VALUES DURING HALF-YEAR PERIOD FOLLOWING ACCRUAL DATE (VALUES INCREASE ON FIRST DAY OF PERIOD)								ACTUAL YIELD(2)	MARKET YIELD(3)	MINIMUM YIELD(4)
8/69 THRU 8/69	12/1/87	64.80	129.60	194.40	259.20	518.40	1296.00	2592.00	25920.	8.75%	8.75%	8.00%
9/69 THRU 11/69	1/1/88	64.80	129.60	194.40	259.20	518.40	1296.00	2592.00	25920.	8.75%	8.75%	8.00%
12/69 THRU 12/69	4/1/88	65.14	130.28	195.42	260.56	521.12	1302.80	2605.60	26056.	8.75%	8.75%	8.09%
1/70 THRU 1/70	11/1/87	63.10	126.20	189.30	252.40	504.80	1262.00	2524.00	25240.	8.75%	8.75%	8.10%
2/70 THRU 2/70	12/1/87	63.24	126.48	189.72	252.96	505.92	1264.80	2529.60	25296.	8.75%	8.75%	8.10%
3/70 THRU 5/70	1/1/88	63.24	126.48	189.72	252.96	505.92	1264.80	2529.60	25296.	8.75%	8.75%	8.10%
6/70 THRU 6/70	4/1/88	63.53	127.06	190.59	254.12	508.24	1270.60	2541.20	25412.	8.75%	8.75%	8.20%
7/70 THRU 7/70	11/1/87	61.53	123.06	184.59	246.12	492.24	1230.60	2461.20	24612.	8.75%	8.75%	8.19%
8/70 THRU 8/70	12/1/87	61.70	123.40	185.10	246.80	493.60	1234.00	2468.00	24680.	8.75%	8.75%	8.19%
9/70 THRU 11/70	1/1/88	61.70	123.40	185.10	246.80	493.60	1234.00	2468.00	24680.	8.75%	8.75%	8.20%
12/70 THRU 12/70	4/1/88	61.82	123.64	185.46	247.28	494.56	1236.40	2472.80	24728.	8.75%	8.75%	8.29%
1/71 THRU 1/71	11/1/87	59.89	119.78	179.67	239.56	479.12	1197.80	2395.60	23956.	8.75%	8.75%	7.99%
2/71 THRU 2/71	12/1/87	60.03	120.06	180.09	240.12	480.24	1200.60	2401.20	24012.	8.75%	8.75%	7.99%
3/71 THRU 5/71	1/1/88	60.03	120.06	180.09	240.12	480.24	1200.60	2401.20	24012.	8.75%	8.75%	7.99%
6/71 THRU 6/71	4/1/88	60.20	120.40	180.60	240.80	481.60	1204.00	2408.00	24080.	8.75%	8.75%	8.00%
7/71 THRU 7/71	11/1/87	58.30	116.60	174.90	233.20	466.40	1166.00	2332.00	23320.	8.75%	8.75%	8.26%
8/71 THRU 8/71	12/1/87	58.43	116.86	175.29	233.72	467.44	1168.60	2337.20	23372.	8.75%	8.75%	8.24%
9/71 THRU 11/71	1/1/88	58.43	116.86	175.29	233.72	467.44	1168.60	2337.20	23372.	8.75%	8.75%	8.24%
12/71 THRU 12/71	4/1/88	58.57	117.14	175.71	234.28	468.56	1171.40	2342.80	23428.	8.75%	8.75%	8.25%
1/72 THRU 1/72	11/1/87	56.73	113.46	170.19	226.92	453.84	1134.60	2269.20	22692.	8.75%	8.75%	8.50%
2/72 THRU 2/72	12/1/87	56.87	113.74	170.61	227.48	454.96	1137.40	2274.80	22748.	8.75%	8.75%	8.50%
3/72 THRU 5/72	1/1/88	56.87	113.74	170.61	227.48	454.96	1137.40	2274.80	22748.	8.75%	8.75%	8.50%
6/72 THRU 6/72	4/1/88	57.02	114.04	171.06	228.08	456.16	1140.40	2280.80	22808.	8.75%	8.75%	8.49%
7/72 THRU 7/72	11/1/87	55.24	110.48	165.72	220.96	441.92	1104.80	2209.60	22096.	8.75%	8.75%	8.49%
8/72 THRU 8/72	12/1/87	55.36	110.72	166.08	221.44	442.88	1107.20	2214.40	22144.	8.75%	8.75%	8.49%
9/72 THRU 11/72	1/1/88	55.36	110.72	166.08	221.44	442.88	1107.20	2214.40	22144.	8.75%	8.75%	8.50%
12/72 THRU 12/72	4/1/88	55.47	110.94	166.41	221.88	443.76	1109.40	2218.80	22188.	8.75%	8.75%	8.50%
1/73 THRU 1/73	11/1/87	53.72	107.44	161.16	214.88	429.76	1074.40	2148.80	21488.	8.75%	8.75%	8.50%
2/73 THRU 2/73	12/1/87	53.86	107.72	161.58	215.44	430.88	1077.20	2154.40	21544.	8.75%	8.75%	8.50%
3/73 THRU 5/73	1/1/88	53.86	107.72	161.58	215.44	430.88	1077.20	2154.40	21544.	8.75%	8.75%	8.51%
6/73 THRU 6/73	4/1/88	53.97	107.94	161.91	215.88	431.76	1079.40	2158.80	21588.	8.75%	8.75%	8.50%
7/73 THRU 7/73	11/1/87	52.28	104.56	156.84	209.12	418.24	1045.60	2091.20	20912.	8.75%	8.75%	8.50%
8/73 THRU 8/73	12/1/87	52.40	104.80	157.20	209.60	419.20	1048.00	2096.00	20960.	8.75%	8.75%	8.50%
9/73 THRU 11/73	1/1/88	52.40	104.80	157.20	209.60	419.20	1048.00	2096.00	20960.	8.75%	8.75%	8.51%
12/73 THRU 12/73	12/1/87	51.53	103.06	154.59	206.12	412.24	1030.60	2061.20	20612.	8.75%	8.75%	8.51%
1/74 THRU 4/74	1/1/88	51.53	103.06	154.59	206.12	412.24	1030.60	2061.20	20612.	8.75%	8.75%	8.50%
5/74 THRU 5/74	11/1/87	49.92	[illegible].84	149.76	199.68	399.36	998.40	1996.80	19968.	8.75%	8.75%	8.50%
6/74 THRU 6/74	12/1/87	50.04	100.08	150.12	200.16	400.32	1000.80	2001.60	20016.	8.75%	8.75%	8.50%
7/74 THRU 10/74	1/1/88	50.04	100.08	150.12	200.16	400.32	1000.80	2001.60	20016.	8.75%	8.75%	8.50%

(1) ACCRUAL DATE SHOWN IS FOR BONDS OF THE FIRST ISSUE DATE LISTED -- ADD ONE MONTH FOR EACH SUCCESSIVE MONTH OF ISSUE.
(2) ACTUAL INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(3) MARKET BASED VARIABLE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(4) GUARANTEED MINIMUM YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.

NOTE: ADDITIONAL INVESTMENT INFORMATION IS OBTAINABLE FROM FEDERAL RESERVE BANKS AND THE BUREAU OF THE PUBLIC DEBT, SAVINGS BOND OPERATIONS OFFICE, 200 THIRD ST., PARKERSBURG, WV 26102-1328.

U.S. SAVINGS BONDS, SERIES E - REDEMPTION VALUES AND INVESTMENT YIELDS FOR ACCRUAL DATES OCCURRING NOV 1, 1987 THRU APR 1, 1988

ISSUE PRICE	$18.75	$37.50	$56.25	$ 75.00	$150.00	$375.00	$ 750.00	$ 7500.
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.

ISSUE DATES	ACCRUAL DATE(1)	REDEMPTION VALUES DURING HALF-YEAR PERIOD FOLLOWING ACCRUAL DATE (VALUES INCREASE ON FIRST DAY OF PERIOD)								ACTUAL YIELD(2)	MARKET YIELD(3)	MINIMUM YIELD(4)
11/74 THRU 11/74	11/1/87	48.46	96.92	145.38	193.84	387.68	969.20	1938.40	19384.	8.75%	8.75%	8.50%
12/74 THRU 12/74	12/1/87	48.57	97.14	145.71	194.28	388.56	971.40	1942.80	19428.	8.75%	8.75%	8.51%
1/75 THRU 4/75	1/1/88	48.57	97.14	145.71	194.28	388.56	971.40	1942.80	19428.	8.75%	8.75%	8.51%
5/75 THRU 5/75	11/1/87	47.05	94.10	141.15	188.20	376.40	941.00	1882.00	18820.	8.75%	8.75%	8.50%
6/75 THRU 6/75	12/1/87	47.15	94.30	141.45	188.60	377.20	943.00	1886.00	18860.	8.75%	8.75%	8.50%
7/75 THRU 10/75	1/1/88	47.15	94.30	141.45	188.60	377.20	943.00	1886.00	18860.	8.75%	8.75%	8.50%
11/75 THRU 11/75	11/1/87	45.68	91.36	137.04	182.72	365.44	913.60	1827.20	18272.	8.75%	8.75%	8.49%
12/75 THRU 12/75	12/1/87	45.77	91.54	137.31	183.08	366.16	915.40	1830.80	18308.	8.75%	8.75%	8.50%
1/76 THRU 4/76	1/1/88	45.77	91.54	137.31	183.08	366.16	915.40	1830.80	18308.	8.75%	8.75%	8.50%
5/76 THRU 5/76	11/1/87	44.33	88.66	132.99	177.32	354.64	886.60	1773.20	17732.	8.75%	8.75%	8.50%
6/76 THRU 6/76	12/1/87	44.42	88.84	133.26	177.68	355.36	888.40	1776.80	17768.	8.75%	8.75%	8.51%
7/76 THRU 10/76	1/1/88	44.42	88.84	133.26	177.68	355.36	888.40	1776.80	17768.	8.75%	8.75%	8.51%
11/76 THRU 11/76	11/1/87	43.03	86.06	129.09	172.12	344.24	860.60	1721.20	17212.	8.75%	8.75%	8.50%
12/76 THRU 12/76	12/1/87	43.15	86.30	129.45	172.60	345.20	863.00	1726.00	17260.	8.75%	8.75%	8.50%
1/77 THRU 4/77	1/1/88	43.15	86.30	129.45	172.60	345.20	863.00	1726.00	17260.	8.75%	8.75%	8.50%
5/77 THRU 5/77	11/1/87	41.78	83.56	125.34	167.12	334.24	835.60	1671.20	16712.	8.75%	8.75%	8.50%
6/77 THRU 6/77	12/1/87	41.89	83.78	125.67	167.56	335.12	837.80	1675.60	16756.	8.75%	8.75%	8.50%
7/77 THRU 10/77	1/1/88	41.89	83.78	125.67	167.56	335.12	837.80	1675.60	16756.	8.75%	8.75%	8.50%
11/77 THRU 11/77	11/1/87	40.56	81.12	121.68	162.24	324.48	811.20	1622.40	16224.	8.75%	8.75%	7.50%
12/77 THRU 12/77	12/1/87	40.66	81.32	121.98	162.64	325.28	813.20	1626.40	16264.	8.75%	8.75%	7.50%
1/78 THRU 4/78	1/1/88	40.66	81.32	121.98	162.64	325.28	813.20	1626.40	16264.	8.75%	8.75%	7.50%
5/78 THRU 5/78	11/1/87	37.56	75.12	112.68	150.24	300.48	751.20	1502.40	15024.	8.75%	8.75%	8.58%
6/78 THRU 6/78	12/1/87	37.56	75.12	112.68	150.24	300.48	751.20	1502.40	15024.	8.75%	8.75%	8.64%
7/78 THRU 10/78	1/1/88	37.56	75.12	112.68	150.24	300.48	751.20	1502.40	15024.	8.75%	8.75%	8.64%
11/78 THRU 11/78	11/1/87	36.46	72.92	109.38	145.84	291.68	729.20	1458.40	14584.	8.75%	8.75%	8.69%
12/78 THRU 12/78	12/1/87	36.46	72.92	109.38	145.84	291.68	729.20	1458.40	14584.	8.75%	8.75%	8.74%
1/79 THRU 4/79	1/1/88	36.46	72.92	109.38	145.84	291.68	729.20	1458.40	14584.	8.75%	8.75%	8.74%
5/79 THRU 5/79	11/1/87	35.48	70.96	106.44	141.92	283.84	709.60	1419.20	14192.	8.79%	8.75%	8.79%
6/79 THRU 6/79	12/1/87	35.56	71.12	106.68	142.24	284.48	711.20	1422.40	14224.	8.83%	8.75%	8.83%
7/79 THRU 10/79	1/1/88	35.56	71.12	106.68	142.24	284.48	711.20	1422.40	14224.	8.83%	8.75%	8.83%
11/79 THRU 11/79	11/1/87	34.60	69.20	103.80	138.40	276.80	692.00	1384.00	13840.	8.83%	8.75%	8.83%
12/79 THRU 12/79	12/1/87	34.60	69.20	103.80	138.40	276.80	692.00	1384.00	13840.	8.83%	8.75%	8.83%
1/80 THRU 4/80	1/1/88	34.60	69.20	103.80	138.40	276.80	692.00	1384.00	13840.	8.83%	8.75%	8.83%
5/80 THRU 5/80	11/1/87	33.68	67.36	101.04	134.72	269.44	673.60	1347.20	13472.	8.82%	8.75%	8.82%
6/80 THRU 6/80	12/1/87	33.68	67.36	101.04	134.72	269.44	673.60	1347.20	13472.	8.82%	8.75%	8.82%

(1) ACCRUAL DATE SHOWN IS FOR BONDS OF THE FIRST ISSUE DATE LISTED -- ADD ONE MONTH FOR EACH SUCCESSIVE MONTH OF ISSUE.
(2) ACTUAL INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(3) MARKET BASED VARIABLE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(4) GUARANTEED MINIMUM YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.

NOTE: ADDITIONAL INVESTMENT INFORMATION IS OBTAINABLE FROM FEDERAL RESERVE BANKS AND THE BUREAU OF THE PUBLIC DEBT, SAVINGS BOND OPERATIONS OFFICE, 200 THIRD ST., PARKERSBURG, WV 26102-1328.

U.S. SAVINGS BONDS, NOTES - REDEMPTION VALUES AND INVESTMENT YIELDS FOR ACCRUAL DATES OCCURRING NOV 1, 1987 THRU APR 1, 1988

ISSUE PRICE	$20.25	$40.50	$60.75	$81.00			
DENOMINATION	25.00	50.00	75.00	100.00			

ISSUE DATES	ACCRUAL DATE(1)	REDEMPTION VALUES DURING HALF-YEAR PERIOD FOLLOWING ACCRUAL DATE (VALUES INCREASE ON FIRST DAY OF PERIOD)				ACTUAL YIELD(2)	MARKET YIELD(3)	MINIMUM YIELD(4)
5/67 THRU 5/67	11/1/87	76.23	152.46	228.69	304.92	8.75%	8.75%	8.50%
6/67 THRU 6/67	12/1/87	76.59	153.18	229.77	306.36	8.75%	8.75%	8.50%
7/67 THRU 10/67	1/1/88	76.59	153.18	229.77	306.36	8.75%	8.75%	8.50%
11/67 THRU 11/67	11/1/87	74.16	148.32	222.48	296.64	8.75%	8.75%	8.50%
12/67 THRU 12/67	12/1/87	74.53	149.06	223.59	298.12	8.75%	8.75%	8.50%
1/68 THRU 4/68	1/1/88	74.53	149.06	223.59	298.12	8.75%	8.75%	8.50%
5/68 THRU 5/68	11/1/87	72.18	144.36	216.54	288.72	8.75%	8.75%	7.50%
6/68 THRU 6/68	12/1/87	73.35	146.70	220.05	293.40	8.75%	8.75%	7.50%
7/68 THRU 10/68	1/1/88	73.35	146.70	220.05	293.40	8.75%	8.75%	7.50%
11/68 THRU 11/68	11/1/87	71.05	142.10	213.15	284.20	8.75%	8.75%	7.60%
12/68 THRU 12/68	12/1/87	71.43	142.86	214.29	285.72	8.75%	8.75%	7.60%
1/69 THRU 4/69	1/1/88	71.43	142.86	214.29	285.72	8.75%	8.75%	7.60%
5/69 THRU 5/69	11/1/87	69.17	138.34	207.51	276.68	8.75%	8.75%	7.70%
6/69 THRU 6/69	12/1/87	69.50	139.00	208.50	278.00	8.75%	8.75%	7.70%
7/69 THRU 10/69	1/1/88	69.50	139.00	208.50	278.00	8.75%	8.75%	7.70%
11/69 THRU 11/69	11/1/87	67.33	134.66	201.99	269.32	8.75%	8.75%	7.80%
12/69 THRU 12/69	12/1/87	67.64	135.28	202.92	270.56	8.75%	8.75%	7.80%
1/70 THRU 4/70	1/1/88	67.64	135.28	202.92	270.56	8.75%	8.75%	7.80%
5/70 THRU 5/70	11/1/87	65.52	131.04	196.56	262.08	8.75%	8.75%	7.90%
6/70 THRU 6/70	12/1/87	65.81	131.62	197.43	263.24	8.75%	8.75%	7.90%
7/70 THRU 10/70	1/1/88	65.81	131.62	197.43	263.24	8.75%	8.75%	7.90%

(1) ACCRUAL DATE SHOWN IS FOR BONDS OF THE FIRST ISSUE DATE LISTED -- ADD ONE MONTH FOR EACH SUCCESSIVE MONTH OF ISSUE.
(2) ACTUAL INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(3) MARKET BASED VARIABLE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(4) GUARANTEED MINIMUM YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
NOTE: ADDITIONAL INVESTMENT INFORMATION IS OBTAINABLE FROM FEDERAL RESERVE BANKS AND THE BUREAU OF THE PUBLIC DEBT, SAVINGS BOND OPERATIONS OFFICE, 200 THIRD ST., PARKERSBURG, WV 26102-1328.

U.S. SAVINGS BONDS, SERIES EE - REDEMPTION VALUES AND INVESTMENT YIELDS FOR ACCRUAL DATES OCCURRING NOV 1, 1987 THRU APR 1, 1988

ISSUE PRICE	$25.00	$37.50	$50.00	$100.00	$250.00	$500.00	$2500.00	$5000.
DENOMINATION	50.00	75.00	100.00	200.00	500.00	1000.00	5000.00	10000.

ISSUE DATES	ACCRUAL DATE(1)	REDEMPTION VALUES DURING HALF-YEAR PERIOD FOLLOWING ACCRUAL DATE (VALUES INCREASE ON FIRST DAY OF PERIOD)								ACTUAL YIELD(2)	MARKET YIELD(3)	MINIMUM YIELD(4)
1/80 THRU 4/80	1/1/88	49.32	73.98	98.64	197.28	493.20	986.40	4932.00	9864.	9.90%	8.75%	9.90%
5/80 THRU 10/80	11/1/87	47.14	70.71	94.28	188.56	471.40	942.80	4714.00	9428.	9.64%	8.75%	9.64%
11/80 THRU 4/81	11/1/87	45.42	68.13	90.84	181.68	454.20	908.40	4542.00	9084.	9.50%	8.75%	9.50%
5/81 THRU 10/81	11/1/87	43.70	65.55	87.40	174.80	437.00	874.00	4370.00	8740.	9.54%	8.75%	9.54%
11/81 THRU 4/82	11/1/87	41.66	62.49	83.32	166.64	416.60	833.20	4166.00	8332.	9.24%	8.75%	9.24%
5/82 THRU 10/82	11/1/87	39.72	59.58	79.44	158.88	397.20	794.40	3972.00	7944.	9.00%	8.75%	9.06%
11/82 THRU 4/83	11/1/87	38.38	57.57	76.76	153.52	383.80	767.60	3838.00	7676.	8.76%	8.75%	7.51%

(1) ACCRUAL DATE SHOWN IS FOR BONDS OF THE FIRST ISSUE DATE LISTED -- ADD ONE MONTH FOR EACH SUCCESSIVE MONTH OF ISSUE.
(2) ACTUAL INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(3) MARKET BASED VARIABLE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
(4) GUARANTEED MINIMUM YIELD (ANNUAL PERCENTAGE RATE) FROM DATE OF ISSUE OR BEGINNING OF FIRST ACCRUAL PERIOD ON OR AFTER NOVEMBER 1, 1982, WHICHEVER IS LATER, TO THE ACCRUAL DATE SHOWN.
NOTE: ADDITIONAL INVESTMENT INFORMATION IS OBTAINABLE FROM FEDERAL RESERVE BANKS AND THE BUREAU OF THE PUBLIC DEBT, SAVINGS BOND OPERATIONS OFFICE, 200 THIRD ST., PARKERSBURG, WV 26102-1328.

[FR Doc. 87-28052 Filed 12-21-87; 8:45 am]
BILLING CODE 8810-40-C

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 40a

Defense Contracting; Reporting Procedures on Defense Related Employment

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule.

SUMMARY: This rule is the fiscal year 1987 revision of the section listing DOD contractors receiving contract awards of $10 million or more. This part is published to comply with the provisions of section 1, Pub. L. 97–295, October 12, 1982; 10 U.S.C. 2397.

EFFECTIVE DATE: September 30, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. J.R. Sungenis, Director for Information Operations and Reports, Washington Headquarters Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302. Telephone (202) 746–0334.

List of Subjects in 32 CFR Part 40a

Armed Forces, Conflict of interests, Government employees, Government procurement, Reporting and recordkeeping requirements.

Accordingly, 32 CFR Part 40a is revised to read as follows:

PART 40a—DEFENSE CONTRACTING: REPORTING PROCEDURES ON DEFENSE RELATED EMPLOYMENT

Authority: 10 U.S.C. 2397.

§ 40a.1 Department of Defense contractors receiving contract awards of $10 million or more.

Fiscal Year 1987:

AAI Corp.
ACC Construction Co., Inc.
ALS Corp.
AM General Corp.
ARE Mfg. Co., Inc.
AT&T Information Systems
AT&T Technologies, Inc.
A & S Tribal Industries
Abbott Laboratories
Aberici, J.S. Construction Co.
Abex Corp.
Accudyne Corp.
Action Mfg. Co.
Acurex Corp.
Addsco Industries, Inc.
Advanced Marine Enterprises
Advanced Technology, Inc.
Aerojet General Corp.
Aerospace Corp., The
Agip Petroli Spa
Airspace Technology Corp.
Aksarben Foods
Alabama Power Co.
Alascom, Inc.
Aleman Food Service, Inc.
Aleutian Constructors
Algernon Blair, Inc.
Alice Tankships
Alliance Health System
Allied Corp.
Alpha Industries, Inc.
Altus Corp.
Amelco Corp.
Amerada Hess Corp.
American Airlines, Inc.
American Cyanamid Co., Inc.
American Development Corp.
American Dredging Co.
American Electronic Laboratories
American Express Co.
American Fuel Cell & Coated Fabrics Co.
American Management Systems, Inc.
American President Lines, Ltd.
American Satellite Co.
American Seating Co.
American Systems Corp.
American Telephone & Telegraph Co.
American Trans Air, Inc.
Ametek, Inc.
Amex Systems, Inc.
Amoco Corp.
Amoroso, S.J. Construction Co.
Ampex Corp.
Amron Corp.
Amstar Technical Products Co.
Analysis & Technology, Inc.
Analytic Sciences Corp., The
Analytic Services, Inc.
Analytical Systems Engineering Corp.
Analytics, Inc.
Andersen, Arthur & Co.
Anglo Petroleum, Ltd.
Anker Kolen Maatschappij BV
Applied Research, Inc.
Aquidneck Systems International
Arcwel Corp.
Argosystems, Inc.
Arinc Research Corp.
Arkla, Inc.
Arral Industries, Inc.
Artco Contracting, Inc.
Ashland Petroleum Co.
Astronautics Corp. of America
Atkinson, Guy F. Co.
Atlantic Marine, Inc.
Atlantic Research Corp.
Atlantic Richfield Co.
Atlas Processing Co.
Aul Instruments, Inc.
Austin Co., The
Automar III Corp.
Automated Machine Products, Inc.
Automated Sciences Group, Inc.
Avco Corp.
Avondale Industries, Inc.
Aydin Corp.
B & C Corp.
BBN Communications Corp.
BDM Corp., The
BDM Services Co.
BEI Electronics, Inc.
BH Aircraft Co., Inc.
BP North America, Inc.
Bahrain National Oil
Baldy Brothers Constructors
Ball Corp.
Barnes & Reinecke, Inc., Delaware
Barnhart, Douglas E., Inc.
Barrett Refining Corp.
Base Ten Systems, Inc.
Basil, Frank E., Inc. of Delaware
Bates, Ted Worldwide, Inc.
Bath Iron Works Corp.
Battelle Memorial Institute
Battenfeld American, Inc.
Bauwens, Peter
Baxter Healthcare Corp.
Bay Tankers, Inc.
Bean Dredging Corp.
Beatrice Companies, Inc.
Bechtel Constructors Corp.
Beech Aerospace Services, Inc.
Beech Aircraft Corp.
Belcher New England, Inc.
Bell Helicopter Textron & Boeing Co., JV
Bell Helicopter Textron, Inc.
Belleville Shoe Mfg. Co.
Bendix Field Engineering Corp.
Beretta USA Corp.
Berry Construction, Inc.
Bertucci, Anthony Construction Co.
Betac Corp.
Bethlehem Steel Corp.
Bilfinger & Berger Bauaktienge
Black Construction Corp.
Black River Constructors
Blaw Knox Corp.
Blinderman Construction Co., Inc.
Blount Brothers Corp.
Blue Cross & Blue Shield of Rhode Island
Bodell Construction
Boeing Co., The
Boeing Technical Operations
Bollinger Machine Shop & Shipyard, Inc.
Bolt Beranek & Newman, Inc.
Booz Allen & Hamilton, Inc.
Boro Developers, Inc.
Boston Gas Co.
Bozell, Jacobs, Kenyon & Eckhardt
Braintree Maritime Corp.
Braswell Shipyards, Inc.
Brinderson Corp.
British Aerospace PLC
Broadmoor Corp.
Brown, Dayton T., Inc.
Browning Construction Co.
Brunswick Corp.
Bulova Systems & Instruments Corp.
Bundesamt Fuer Wehrtechnik Und

Beschoffung
Burch, R.A. Construction Co., Inc.
Burlington Industries, Inc.
Burnside Ott Aviation Training Center
Burtek, Inc.
Butt Construction Co., Inc.
C3, Inc.
C Construction Co., Inc.
CACI International, Inc.
CAS, Inc.
CBC Enterprises, Inc.
CBI Na-Con, Inc.
CDI Marine Co.
CER, Inc.
CFM International, Inc.
CFS Aircargo, Inc.
CRS Group & Metcalf Eddy
Caddell Construction Co., Inc.
Cadillac Gage Company
Caelter Industries, Inc.
Calcasieu Refining Co.
California Microwave, Inc.
California Pacific Associates
Calspan Corp.
Camel Mfg. Co.
Campbell, E.C., Inc.
Campbells Soup Inter-America, Inc.
Canonie Constructors, Inc.
Cantu Services, Inc.
Carbon Hill Mfg. Co.
Caribbean Gulf Refining Corp.
Carnation Co.
Carnegie Mellon University
Carolina Power & Light Co.
Carothers Construction, Inc.
Case, Inc.
Case, J.I. Co.
Caterpillar, Inc.
Cates Construction, Inc.
Centel Business Information Systems
Centex Construction Co.
Central Gulf Lines, Inc.
Central Texas College
Centre Mfg. Co., Inc.
Cessna Aircraft Co., Inc.
Chamberlain Mfg. Corp.
Champion Spark Plug Co.
Chase Manhattan Corp.
Chemical Waste Management
Chesapeake & Potomac Telephone Co.
Chevron USA, Inc.
Chouest Edison Offshore, Inc.
Chromalloy American Corp.
Chrysler Corp.
Cibro Sales Corp.
Cincinnati Electronics Corp.
Cincinnati Milacron, Inc.
Citgo Petroleum Corp.
City Public Service (San Antonio, TX)
Clark Enterprises, Inc.
Clement Brothers Co.
Cleveland Pneumatic Co.
Coastal Eagle Point Oil Co.
Coastal Refining & Marketing
Coated Sales, Inc.
Cobro Corp.
Coca-Cola Co., Inc.
College of Lake County
Collins International Service Co.
Colonnas Shipyard, Inc.
Colorado Springs, City of
Colsa, Inc.
Colt Industries, Inc.
Comarco, Inc.
Combustion Engineering, Inc.
Comptek Research, Inc.
Computer Data Systems, Inc.
Computer Dynamics, Inc.
Computer Engineering Associates
Computer Science Innovations
Computer Sciences Corp.
Computer Technology Associates
Computervision Corp.
Comstock Communications, Inc.
Conax Corp.
Condec Corp.
Connor Harben Construction Co., Inc.
Conoco, Inc.
Consolidated Electronic Countermeasures, ITT & Westinghouse, JV
Construcciones Aeronauticas SA
Continental Maritime Industries
Continental Maritime of San Diego
Contraves Goerz Corp.
Control Data Corp.
Cook, J.W. & Sons, Inc.
Coopers & Lybrand
Cornell University
Cosmo Oil Co., Ltd.
Couch, Inc.
Craft Machine Works, Inc.
Crane Co.
Crawford Technical Services, Inc.
Cray Research, Inc.
Cross Systems, Inc.
Cubic Communications, Inc.
Cubic Corp.
Cummins Engine Co., Inc.
Curtiss Wright Corp.
DCS Corp.
DGWT Netherlands
Daimler Benz AG
Daniel, Mann, Johnson, Mendenhall
Dartco Mfg., Inc.
Data General Corp.
Dataproducts New England, Inc.
Datatape, Inc.
Day & Zimmerman, Inc.
Dayton Power & Light Co.
Deere & Co.
Deere, John Co.
Deere, John Technologies International
Defense Research, Inc.
Del Jen, Inc.
Del Monte Corp.
Delta Industries, Inc.
Delta Petroleum Co., Inc.
Denro, Inc.
Design & Construction Associates
Designers & Planners, Inc.
Detyens Shipyards, Inc.
Deutsche Bundespost
Deval Corp.
Devils Lake Sioux Mfg. Corp.
Diagnostic Retrieval Systems, Inc.
Diamond, Arnold M., Inc.
Diamond Shamrock Refining & Marketing
Dick Corp.
Digital Equipment Corp.
Dillingham Construction
Donat GERG
Dongsan Construction & Engineering
Dowty Aerospace Co.
Drake, Donald M. Co.
Draper, Charles Stark Laboratories
Dravo Corp.
Dresser Industries, Inc.
Du Pont, E.I. De Nemours & Co.
Duracell, Inc.
Dynalec Corp.
Dynamic Controls Corp.
Dynamic Science, Inc.
Dynamics Research Corp.
Dynaspan Services Co.
Dynateria, Inc.
Dyncorp, Inc.
Dynetics, Inc.
E G & G, Inc.
E G & G Washington Analytical Services Center
E Systems, Inc.
EC Corp., The
EDP Enterprises, Inc.
ESL, Inc.
Eagle Technology, Inc.
Earth Technology Corp.
Eastman Kodak Co.
Eastport International, Inc.
Eaton Corp.
Edo Corp.
Educational Computer Corp.
El Paso Refining, Inc.
Electro Design Mfg.
Electro Methods, Inc.
Electronic Data Systems Corp.
Electronic Warfare Associates
Electrospace Systems, Inc.
Elle Petroleum Corp.
Emco, Inc.
Emerson Electric Co.
Engineered Air Systems, Inc.
Engineering & Economics Research
Entwistle Co., Inc. (The)
Environmental Health Research & Testing
Environmental Science & Engineering
Environmental Tectonics Corp.
Essex Cryogenics of Missouri
Essex Electro Engineers, Inc.
Evaluation Research Corp.
Evergreen International Airlines
Ex Cell O Corp.
Expander Transport Corp.
Expeditor Transport Corp.
Exporter Transport Corp.
Expressor Transport Corp.
Extender Transport Corp.
Exxon Corp.
FEL Corp.
FMC Corp.
FMS Corp.
FN Mfg., Inc.

Fabrique Nationale Hestal SA
Fairchild Weston Systems, Inc.
Fairey Engineering, Ltd.
Falcon Carriers, Inc.
Falcon Systems, Inc.
Fansteel, Inc.
Farfield Co., The
Farrell Lines, Inc.
Fastrax, Inc.
Federal Cartridge Corp.
Federal Computer Corp.
Federal Data Corp.
Federal Data Systems, Inc.
Federal Electric Corp.
Fednav USA, Inc.
Fiber Materials, Inc.
Fibercom, Inc.
Figgie International, Inc.
Firestone Tire & Rubber Co.
Fischback & Moore International
Flameco Engineering, Inc.
Flight International Group, Inc.
Flight Systems, Inc.
Flightsafety International, Inc.
Florida Power & Light Co.
Fluke, John Mfg. Co., Inc.
Flying Tiger Line, Inc.
Fokker BV
Ford Aerospace Communications Corp.
Freightliner Corp.
Frontier Engineering, Inc.
Fruin Colnon Corp.
G & C Enterprises, Inc.
GA Technologies, Inc.
GEC Avionics, Ltd.
GNB, Inc.
GTE Government Systems, Inc.
GTE Products Corp. (Delaware)
GTE Telecom, Inc.
Garrett Corp.
Gates Construction Corp.
Gates Learjet Corp.
Gay, Robert Construction Co.
General Battery Corp.
General Defense Corp.
General Dynamics Corp.
General Electric Co.
General Foods Corp.
General Instrument Corp. (Delaware)
General Mills, Inc.
General Motors Corp.
General Offshore Corp.
General Physics Corp.
General Railroad Equipment & Services
General Research Corp.
General Ship Corp.
General Signal Corp.
Genrad, Inc.
Gentex Corp.
Geo Centers, Inc.
Geodynamics Corp.
Georgia Institute of Technology
Georgia Power Co.
Gibbs & Cox, Inc.
Giga Tronics, Inc.
Global Associates, JV
Global Petroleum Corp.
Goodrich, B.F. Co.
Goodyear Tire & Rubber Co.
Gould Computer Systems, Inc.
Gould, Inc.
Graham Contracting, Inc.
Grammtech, Inc.
Granite Construction Co.
Great Lakes Dredge & Dock Co.
Greenbrier Industries, Inc.
Grey Advertising, Inc.
Grizzly Construction, Inc.
Groathouse Construction, Inc.
Grumman Aerospace Corp.
Grumman Corp.
Gulf Coast Trailing Co.
Gulfstream Aerospace Corp. (Delaware)
H & H Aerospace Design, Inc.
HLJ Construction & Management Group
HR Textron, Inc.
HRB Singer, Inc.
Halifax Engineering, Inc.
Halter Marine, Inc.
Hamilton Enterprises, Inc.
Hamilton Technology, Inc.
Hanson Construction Co.
Harbert International, Inc.
Harnischfeger Corp.
Harris Corp.
Harris, Magnavox Systems Co., JV
Harsco Corp.
Harvard Industries, Inc.
Hawaiian Airlines, Inc.
Hawaiian Electric Co., Inc.
Hawaiian Telephone Co.
Haworth Industries, Inc.
Hayes International Corp.
Hazeltine Corp.
Head, Inc.
Heckenthorn Mfg. Co.
Held & Francke
Henderson, H.F. Industries
Hensel Phelps Construction Co.
Hercules Engines, Inc.
Hercules, Inc.
Hermes Consolidated, Inc.
Hewlett Packard Co.
Hochtief AG
Hoffman La Roche, Inc.
Hollingsworth, John R. Co.
Holmes & Narver, Inc.
Holmes & Narver/Morrison Knudson
Holston Defense Corp.
Honam Oil Refinery Co., Ltd.
Honeywell Bull, Inc.
Honeywell, Inc.
Hooks, Mike, Inc.
Horizons Technology, Inc.
Howmet Turbine Components Corp.
Hudson Institute, Inc.
Hughes Aircraft Co.
Hunt Building Corp.
Hydroscience, Inc.
Hyman, George Construction Co.
Hyster Co.
Hyundai Engineering & Construction
ICI Americas, Inc.
ICSD Corp.
IIT Research Institute
ILC Industries, Inc.
ISC Defense Systems, Inc.
ITT & Varo, JV
ITT Corp.
Iber, C. & Sons, Inc.
Ibex, Ltd., Inc.
Ibis Corp.
Idemitsu Kosan Co., Ltd.
Imo Delaval
Imperial Oil Co., Inc.
Imperial Tooling & Mfg., Inc.
Indian Bar Co., Inc.
Industrial Acoustics Co.
Information Development & Applications
Information Spectrum, Inc.
Information Systems Networks Corp.
Infotec Development, Inc.
Ingersoll Rand Co.
Institute for Defense Analysis
Integrated Microcomputer Systems
Integrated Systems Analysts
Inter Marine USA
Interco, Inc.
Intercontinental Mfg. Co.
Intermetrics, Inc.
International Business Machines Co.
International Business Services, Inc.
International Marine Carrier
International Terminal Operating Co.
Interstate Airlines, Inc.
Interstate Electronics Corp.
Irvin industries, Inc.
Iscar Blades, Ltd.
Israel Aircraft Industries, Ltd.
Isratex, Inc.
Itek Corp.
Jackson Construction
Jacksonville Shipyards, Inc.
James, T.L. & Co., Inc.
Japan Aircraft Mfg. Co.
Jaycor
Jersey Central Power & Light Co.
Johns Hopkins University
Johnson Energy Co.
Jonathan Corp., The
Jones Group, Inc., The
Jones, J.A. Construction Co.
Jones, John T. Construction Co.
Jowett, Inc.
Junghans Feinwerktechik
KDI Precision Products, Inc.
Kaiser Aerospace & Electronics Co.
Kaiser Engineers, Inc.
Kaman Aerospace Corp.
Kaman Corp.
Kaman Sciences Corp.
Kansas Power & Light Co., Inc.
Kasler Corp.
Kay & Associates, Inc.
Keco Industries, Inc.
Kellogg Sales Co.
Kelsey Hayes Co.
Kemenash, D. & Associates, Inc.
Key Holding Corp.
Kidde, Inc.
Kimberly Clark Corp.

Kirkpatrick Leavenworth, Inc.
Kisco Co., Inc.
Koehring Co.
Kokusai Denshin Denwa Co., Ltd.
Kollmorgen Corp.
Konoike Construction Co.
Korea Electric Power Corp.
Korean Air Lines Co., Ltd.
Kovatch Corp.
Kraus, Peter
Kuwait National Petroleum Co.
LSI Avionic Systems
LTV Aerospace & Defense Co.
LTV Corp., The
Laguna Industries, Inc.
Lake Shore, Inc.
Laketon Refining, Inc.
Landoll Corp.
Lane Construction Corp.
Lansing, Inc.
Lavino, E.J. & Co.
Leal Petroleum Corp.
Lear Siegler, Inc.
Lenzar Optics Corp.
Lewis Management & Services Co.
Libby Corp.
Liberty Construction, Inc.
Life Cycle Engineering, Inc.
Light Helicopter Turbine Engine Co.
Lilly, David B., Co., Inc.
Little, Arthur D., Inc.
Litton Industries, Inc.
Litton Systems, Inc.
Local Contractors, Inc.
Lock Twenty Six Constructors
Lockheed Corp.
Lockheed Electronics Co.
Lockheed Missiles & Space Co.
Lockheed Shipbuilding Co.
Locus, Inc.
Loggins Meat Co.
Logicon, Inc.
Logistics Management Institute
Lone Star General Contractors
Loral Corp.
Loral Electro Optical Systems
Loral Hycor, Inc.
Loral Rolm Mil Spec Computers
Lord & Son Construction Co.
Lott Constructors, Inc.
Lott, H.A., Inc.
Louisville Gas & Electric Co., Inc.
Luhr Brothers, Inc.
Lukens Steel Co.
Lundy Electronics & Systems
Lyda, Inc.
Lykes Brothers Steamship Co., Inc.
MC General, Inc.
MK Ferguson Co.
MPB Corp.
M/A Com, Inc.
M/A Com Linkabit Corp.
Magnavox Electronic Systems Co.
Magnavox Government & Industrial Electronics Co.
Magnavox Overseas, Ltd.
Majestic Metal Fabricating Co.
Management & Technical Services Co.
Management Consulting & Research, Inc.
Mandex, Inc.
Mantech Field Engineering Corp.
Mantech International Corp.
Mapco, Inc.
Mar, Inc.
Marable, W.M., Inc.
Maremont Corp.
Marine Hydraulics International
Marinette Marine Corp.
Marion Laboratories, Inc.
Martin Baker Aircraft Co., Ltd.
Martin Electronics, Inc.
Martin Marietta, Diehl Co's., Thorn & Thomson, JV
Martin Marietta Corp.
Mason Chamberlain, Inc.
Massachusetts Institute of Technology
Massachusetts, University of
Mast Construction Co.
Matra
Maxwell Laboratories, Inc.
Maya Construction Co.
McCarthy Construction & Mark Diversified, Inc., JV
McCarty Corp., The
McDermott, Inc.
McDonnell Douglas Corp.
McDonnell Douglas Helicopter
McDonnell Douglas Inco, Inc.
McDonnell Douglas Training System
McKee, Robert E., Inc.
McLaughlin Research Corp.
McMullan, Robert & Son, Inc.
McMullen, John J. Associates, Inc.
McRae Industries, Inc.
Meintzer, J.E. & Sons, Inc.
Menasco, Inc.
Merck & Co., Inc.
Mergentine Corp.
Merritt Meridian Construction Corp.
Mesa Services International
Messerschmitt Boelkow Blohm
Metal Trades, Inc.
Metcalf & Eddy, Inc.
Metro Machine Corp.
Mi Ryung Construction Co., Ltd.
Michelson Organization
Midland Ross Corp.
Midwest Construction Co.
Milcom Systems Corp.
Miller Herman, Inc.
Miller Holzwarth, Inc.
Mills Mfg. Corp.
Miltope Corp.
Mine Safety Appliances Co.
Minnesota Mining & Mfg. Co.
Minowitz Mfg. Co., Inc.
Mip Instandsetzungsbetric
Mission Research Corp.
Mississippi Tank & Mfg. Co.
Mitre Corp.
Mitsunaga Construction
Mobil Oil Corp.
Monarch Aviation, Inc.
Monty, Ike J., Inc.
Moog, Inc.
Moon Engineering Co., Inc.
Morrison Knudsen Corp.
Morrison Knudsen Engineers, Inc.
Mortenson, M.A. Co.
Morton Thiokol, Inc.
Motor Oils Hellas Corinth Refinery
Motorola Communications & Electronics
Motorola, Inc.
Munro & Co., Inc.
Murry, E.E. Construction Co., Inc.
NCR Corp.
NL Industries
NVE Constructors, Inc.
Nabisco Brands, Inc.
Nasin, J.S. Co.
Natco Limited Partnership
National Academy of Sciences
National Business Service Enterprises, Inc.
National Forge Co.
National Projects, Inc.
National Steel & Shipbuilding Co.
National Structure, Inc.
National Systems Management
Navajo Refining Co.
Navistar International Transportation Corp.
Nec Overseas Market Development
Needham, Inc.
Nero & Associates, Inc.
Network Solutions, Inc.
Network Systems Corp.
New Hampshire Ball Bearings
New Mexico State University
Newberg Brinderson, JV
Newhall Refining Co., Inc.
Newport News Shipbuilding & Dry Dock Co.
Nichols Research Corp.
Nimas Corp.
Nippon Hodo Co., Ltd.
Norden Systems, Inc.
Norfolk Dredging Co., Inc.
Norfolk Shipbuilding & Dry Dock Corp.
Northern Electrical Contractors
Northern Precision Laboratories
Northern Telecom, Inc. (Delaware)
Northland Associates, Inc.
Northrop Corp.
Northrop Services, Inc.
Northrop Worldwide Aircraft Services, Inc.
Northwest Airlines, Inc.
Northwest Marine Iron Works
Nova Group, Inc.
Nuclear Cooling, Inc.
Nuclear Metals, Inc.
OAO Corp.
ORC Industries, Inc.
OTO Melara SPA
Ocean Star Shipping, Inc.
Ocean Technology, Inc.
Ohbayashi Corp.
Ohio State University
Okinawa Electric Power Co.
Okinawa Sekiyu Seiser Co.
Olin Corp.
Optic Electronic Corp.

Opto Mechanik, Inc.
Ori, Inc.
Oshkosh Truck Corp.
Osterfield, H.J. Co., Inc.
Otto Heil Hoch, Tief, Strass
PA GMBH
PCC Technical Industries, Inc.
Paceco, Inc.
Pacer Systems, Inc.
Pacific Architects & Engineers
Pacific Gas & Electric Co.
Pan Am Support Service, Inc.
Pan Am World Services, Inc.
Pan American World Airways, Inc.
Parker Hannifin Corp.
Parsons, Ralph M. Co., The
Patrol Ofisi A S Genel Mud
Patty Precision Products Co.
Peat Marwick Main & Co.
Peco Enterprises, Inc.
Pence, Howard W., Inc.
Penn Metal Fabricators, Inc.
Pennsylvania Shipbuilding Co.
Pennsylvania State University
Pensacola Construction Co.
Perceptronics, Inc.
Perkin Elmer Corp., The
Peterson Builders, Inc.
Petroleos Del Mediterraneo SA
Petrophil Corp.
Pevarnik Brothers, Inc.
Pfizer, Inc.
Phelps, Inc.
Philadelphia Ship Maintenance Co.
Philip Morris Companies, Inc.
Phoenix International
Phrobis, Ltd.
Physics International Co.
Picker International, Inc.
Pine Bluff Sand & Gravel Co.
Pines R.H. Corp., The
Pioneer & Co.
Piqua Engineering, Inc.
Planning Research Corp.
Planning Systems, Inc.
Plastics Research Corp.
Pneumo Abex Corp.
Potomac Electric Power Co.
Power Conversion, Inc.
Price Ciri Construction, JV
Pride Refining Co.
Prism Construction Co.
Procter & Gamble Co., The
Propper International, Inc.
Public Service Co. of New Mexico
Puerto Rico Sun Oil Co., Inc.
Puget Sound Tug & Barge Co.
Pulse, Inc.
Pum Yang Construction Co., Ltd.
Purdue University
Purdy Corp.
Purvis Systems, Inc.
Q E D Systems, Inc.
Quaker Oats Co, The
Quality Apparel Mfg.
Quest Research Corp.
Questech, Inc.
Quintron Corp.
R & D Associates
R & D Constructors, Inc. (Michigan)
R G & B Contractors, Inc.
RC Construction Co., Inc.
RCA Corp.
RCA Global Communications, Inc.
RCR General Contractors, Inc.
RDL, Inc.
RJO Enterprises, Inc.
RJR Nabisco, Inc.
Raab Karcher GMBH
Racal Dana Instruments, Inc.
Radian Corp.
Radian, Inc.
Rail Co.
Rand Corp, The
Rauh GMBH
Ravenna Arsenal, Inc.
Raymond Engineering, Inc.
Rayovac Corp.
Raytheon Co.
Raytheon Service Co.
Raytheon Technical Assistance Co.
Raytheon Mediterranean Systems Co.
Recon Optical, Inc.
Redondo Construction Corp.
Reeves Brothers, Inc.
Refinery Associates, Inc.
Reflectone, Inc.
Research Triangle Institute
Resource Consultants, Inc.
Rexnord, Inc.
Rexon Technology Corp.
Reynolds, H.G. Co., Inc.
Reynolds, R. J. Tobacco Co.
Rice, James Ed
Right Away Foods Corp.
Riverside Research Institute
Roberts, J.R. Corp.
Rockwell International Corp.
Roebbelen Engineering, Inc.
Rohr Industries, Inc.
Rolls Royce, Inc.
Rosemount, Inc.
Rossenblatt M. & Son, Inc.
Royal Norwegian Naval Material
Royal Ordnance Ammunition, Ltd.
Rubber Crafters of West Virginia
Rutter Rex, J.H. Mfg. Co.
Ryan Walsh Stevedoring Co.
SCI Technology, Inc.
SKF Industries, Inc.
SMS Data Products Group, Inc.
SRI International
SRS Technologies
Sachs Freeman Associates, Inc.
Sacramento Municipal Utility District
San Diego Community College
San Diego Diversified Builders
Sanders Associates, Inc.
Sargent Fletcher Co.
Saudi Maintenance Co. Siyanco
Scallop Corp.
Schafer, W.J. Associates, Inc.
Schneider, Inc.
Science Applications Intnl. Corp.
Scientific Atlanta, Inc.
Sea Land Service, Inc.
Sechan Electronics, Inc.
Selm Servizi Elettrici Montedi
Salma Apparel Corp.
Semcor Corp.
Sequa Corp.
Serv Air, Inc.
Service Engineering Co., Inc.
Sharp Construction Co., Inc.
Shelf Stable Foods, Inc., Texas
Shell Co. of the Islands
Shell Oil Co.
Shin Il Engineering, Ltd.
Shindongah Construction Co., Ltd.
Siemens AG
Siemens Capital Corp.
Sierracin Corp.
Sikorsky Support Services, Inc.
Simmonds Precision Products
Simtec, Inc.
Simula, Inc.
Singer Co., The
Sippican, Inc.
Slocomb, J.T. Co.
Softech, Inc.
Solar Flame, Inc.
Soltek of San Diego
Somague Frais, JV
Sonalysts, Inc.
Sonicraft, Inc.
Sooner Defense of Florida, Inc.
South Carolina Electric & Gas Co.
Southern Air Transport, Inc.
Southern California Edison Co.
Southern California Gas Co.
Southern Packaging & Storage Co.
Southern Research Institute
Southwest Marine, Inc.
Southwest Marine, San Francisco
Southwest Mobile Systems Corp.
Southwest Research Institute
Southwestern Bell Telephone Co.
Space Applications Corp.
Space Communication Co.
Space Data Corp.
Sparta, Inc.
Sparton Corp.
Sparton Electronics Florida
Spears Associates, Inc.
Speegle Construction, Inc.
Sperry Corp.
Staatsbauamt
Standard Oil Co.
Standard Products Co., The
Stanford Leland Jr. University
Stanford Telecommunications
Star Dynamics, Inc.
State Paving & The Brewer Co. of Florida, JV
Stearns Catalytic World Corp.
Stearns Roger, Inc.
Stemaco Products, Inc.
Sterling Federal Systems, Inc.
Steuart Petroleum Co.
Stewart-Warner Corp.
Still GMBH
Stone & Webster Engineering
Stone & Webster, Inc.
Stroh, Harry A. Associates, Inc.
Stumpf & Mueller
Stuyvesant Dredging Co.

Sun Microsystems, Inc.
Sun Refining & Marketing Co.
Sundstrand Corp.
Sundstrand Data Control, Inc.
Sundt Corp.
Sundt Parsons Actus Corp., JV
Sunkyong, Ltd.
Superior Engineering Electronic Co.
Support Systems Associates, Inc.
Supreme Beef Processors, Inc.
Sverdrup Technology, Inc.
Swedlow, Inc.
Swiftships, Inc.
Syntex Laboratories, Inc.
Syscon Corp.
System Development Corp.
System Planning Corp.
Systems Engineering Associates
Systems Management America Corp.
Systems Research & Applications
Systems Research Laboratories, Inc.
Systron Donner Corp.
TBG, Inc.
TRW, Inc.
Tacoma Boatbuilding Co.
Tadiran Electronic Industries
Talley Defense Systems, Inc.
Tan-Tex Industries Corp.
Target Corp.
Taylor Group, Inc.
Taywood, Berg, Riedel, JV
Technical Systems, Inc.
Technicon Data Systems Corp.
Technology Applications
Technology/Scientific Services
Tecom, Inc.
Tektronix, Inc.
Teledyne, Inc.
Teledyne Industries, Inc.
Telephonics Corp.
Telos Corp.
Templeton Construction Co.
Tennessee Apparel Corp.
Tennessee State Technical Institute at Memphis
Tennier Industries, Inc.
Terra Contracting Co., Inc.
Tesoro Alaska Petroleum Co.
Tetra Tech, Inc.
Texaco, Inc.
Texas Instruments, Inc.
Texas Power & Light Co.
Texcel International, Inc.
Texstar, Inc.
Textron, Inc.
Therm, Inc.
Thomas & Marker Construction Co.
Thompson, J. Walter Co.
Todd Pacific Shipyards Corp.
Todd Shipyards Corp.
Tohoku Denryoku K K
Tokyo Denryoku K K
Torrington Co., The
Tower Air, Inc.
Tracor Applied Sciences, Inc.
Tracor, Inc.
Tracor Instruments Austin, Inc.
Tracor Marine, Inc.
Tracor MBA
Trans World Airlines, Inc.
Transtechnology Corp.
Transway International
Trataros Industries, Ltd.
Treadwell Corp.
Trepte Construction Co.
Triad Microsystems, Inc.
Tymco, Inc.
Ultrasystems, Inc.
Ultrasystems Western Constructors
Unidynamics Corp.
Unified Industries, Inc.
Union Carbide Corp.
Union Corp.
Union Explosivos Rio Tinto SA
Uniroyal, Inc.
Unisys Corp.
United Air Lines, Inc.
United Airlines Services Corp.
United Engineers & Constructors
United States Lines, Inc.
United Technologies Corp.
United Telecontrol Electronics, Inc.
Universal Energy Systems, Inc.
University of Arizona
University of California, Berkeley
University of California, San Diego
University of Dayton
University of Illinois
University of Maryland
University of New Mexico
University of Southern California
University of Texas System
University of Washington
Upjohn Co., The
Urdan Industries USA, Inc.
Utah Power & Light Co.
Utah State University
VSE Corp.
Vac-Hyd Corp.
Valdez Tankship
Valentec Dayron, Inc.
Valleydale Packers, Inc.
Vanco Industries, Inc.
Varian Associates, Inc.
Varo, Inc.
Veda International, Inc.
Velcon Filters, Inc.
Ver Val Enterprises, Inc.
Verac, Inc.
Vickers, Inc.
Viereck Co., Inc., The
Vinnell Corp.
Vitro Corp.
Vivian Tankships
Wang Laboratories, Inc.
Warehouses Services Agency
Waterman Steamship Corp.
Watkins-Johnson Co.
Welco Enterprises, Inc.
Wells Marine, Inc.
West Coast Construction, Inc.
Western Petroleum Co.
Western States Construction Co.
Western Union International, Inc.
Westinghouse Electric Corp.
Westminster Co., Inc.
Weston, Roy F., Inc.
Whitesell Green, Inc.
Whittaker Corp.
Wickes Co.'s, Inc.
Willard Co., The
Willbros Butler Engineers, Inc.
Williams International Corp.
Williams Steel Industries, Inc.
Winfield Mfg. Co,, Inc.
Wood-Hopkins Contracting Co.
Woods Hole Oceanographic Institute
Woodville Polymer Engineering
Woodward Governor Co.
World Airways, Inc.
Wright Contracting, Inc.
Wylie, C. E. Construction Co.
Xerox Corp.
Yonkers Contracting Co., Inc.
You One Construction Co., Ltd.
Young & Rubicam, Inc.
Zachry, H.B. Co. International
Zantop International Airlines, Inc.
Zaroco, Inc.
Zenith Data Systems Corp.
Zenith Electronics Corp.

Linda Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.
December 17, 1987.

[FR Doc. 87-29301 Filed 12-21-87; 8:45 am]
BILLING CODE 3851-01-M

POSTAL SERVICE

39 CFR Part 111

Domestic Mail Manual; Miscellaneous Amendments

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby describes the numerous miscellaneous revisions consolidated in the Transmittal Letter for issue 25 of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations, see 39 CFR 111.1.

Most of the revisions are minor, editorial, or clarifying. Substantive changes, such as the new regulations on drug paraphernalia and ballistic knives, the revised regulations on the minimum ZIP + 4 coding requirement, and the revised merchandise return service regulations, have previously been published in the Federal Register.

DATE: Effective Date: December 20, 1987.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 268-2960.

SUPPLEMENTARY INFORMATION: The Domestic Mail Manual has been amended by the publication of a transmittal letter for issue 25, dated December 20, 1987. The text of all published changes is filed with the Director of the Federal Register.

Subscribers to the Domestic Mail Manual receive these amendments automatically from the Government Printing Office.

The following excerpt from the Summary of Changes section of the transmittal letter for issue 25 covers the minor changes not previously described in interim or final rules published in the Federal Register.

Note.—This is a complete issue of the DMM, including changes announced in the Postal Bulletin through October 29, 1987. All future issues of the DMM will also be complete issues. This issue includes an updated index and a new Glossary of Forms that lists every form mentioned in the DMM.

Summary of Changes

1. Section 122.15. *Return Address,* and 912.44b. *How to Mail* (Certified Mail) are revised to more specifically state that the Postal Service requires that pieces of Express Mail and certified mail must bear the sender's return address if the customer requests a return receipt (PB 21641, 10–15–87).

2. Exhibits 122.63*b, e, f, m, n, o, p, q,* and *r,* in section 122.63. *Assignment of ZIP Codes,* are revised to include updated ZIP Code listings as shown in *Postal Bulletin* 21641, 10–15–87; PB 21642, 10–22–87; PB 21643, 10–29–87.

3. * * *

4. Section 124.63g, *Live Animals,* is revised to allow shipments of pigeons by Express Mail in specifically approved containers. No other warm blooded animals are mailable without specific authorization by the Office of Classification and Rates Administration.

5. Exhibit 125.2. *Conditions Applied to Mail Addressed to Military Post Offices Overseas,* (Conditions Table) is no longer published in the DMM. The *Conditions Table* will be published in its entirety approximately twice a year, with periodic updates, in the *Postal Bulletin.*

6. Section 131, is given a new heading, *Responsibilities,* and is revised to reflect that the Director, Office of Classification and Rates Administration delegated only to the General Managers of the Rates and Classification Centers (RCCs) the authority to decide customer appeals of field mail classification decisions and to clarify that other field managers must refer requests for exceptions to mail preparation or classification requirements to the Rates and Classification Center (PB 21640, 10–8–87).

7. Section 136, *Mixed Classes of Mail,* is revised by the addition of new section 136.9, *Priority Mail Drop Shipment Service,* to describe this new optional service to expedite the movement of First-, second-, third-, and fourth-class mail from one domestic postal facility to another through the Priority Mail network (PB 21640, 10–8–87).

8. Section 137. *Official Mail,* is revised by the addition of new section 137.272b(5), *Mail of the U.S. Postal Service,* which provides specific guidance on official mail of the Postal Service. Also, the exhibits of absentee balloting materials are changed to show in the indicium, "39 USC 3406" reflecting codification in Title 39, United States Code, of the August 1986 consolidation of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975.

9. Section 137.15, *Forwarding Mailing Records for Franked Mail,* is revised to implement the new Franked Mail Sampling System—Outside Washington Subsystem, which becomes effective January 16, 1988. The new system is designed to improve statistical revenue estimates for countable, franked mail and non-prepaid special services which originate from, or are sent to, district or state offices of Members of Congress or other authorized users of the franking privilege.

10. Section 144.1. *Postage Meters,* is revised by the addition of new section 144.14, *Possession,* to require anyone who has a postage meter to have both a valid postage meter license and a rental agreement with the meter manufacturer.

11. Section 144.49. *Ad Plates,* lists postal markings (endorsements) that are permissible for display in the ad plate area of metered mail pieces. Section 144.492 is revised to include endorsements for "ZIP + 4" and "ZIP + 4 Presort" (PB 21643, 10–29–87).

12. In section 159.4. *Dead Mail,* section 159.42, *Insured and COD Matter,* is revised to reflect that postal facilities handling undeliverable mail should no longer hold third-class single-piece rate mail, fourth-class mail, and articles found loose in the mail, but should send dead letters to the dead letter daily and dead parcels to the dead parcel branch weekly. Section 159.5. *Dead Letter Branches and Service Areas,* is revised to reflect changes in regional dead letter service areas (PB 21640, 10–8–87). Section 159.52. *Dead Parcel Branches,* is also revised to reflect changes in service areas.

13. Section 296. *Claims Procedures,* is revised to reflect that an Express Mail refund claim may be filed at any post office.

14. * * *

15. Sections 323, 366, 368 are revised and new section 365.5. *Residual Pieces,* is added to more clearly define residual pieces of Presorted First-Class mailings and ZIP + 4 First-Class mailings and to clarify which postage rates are chargeable for residual pieces (PB 21643, 10–29–87).

16. Sections 467, 667, and 767, contain second- third- and fourth-class mail pallet regulations. These sections are revised primarily to reflect adoption of a new national pallet application and to make the regulations consistent from class to class, where appropriate. The only major changes that affect mail preparation are:

a. An increase in the maximum weight for fourth-class packages; and,

b. The specification of strict criteria for the placement and print size of extraneous information on pallet labels. Specific sections that are revised are: 467.2, 467.3; 667.1, 667.66, 667.7, 667.8; 767.5, and 767.6.

17. In Chapter 4. *Second-Class Mail,* sections 411.34, 411.333, 411.354, and 468.2c are revised to clarify eligibility for the Intra-SCF rate. The Intra-SCF rate can be applied to addressed pieces that are not mailed at in-county rates and are mailed and delivered within the SCF of mailing (PB 21640, 10–8–87).

18. Section 643.1 is revised and retitled. *Revocation for Cause.* Section 643.2 is deleted and 643.3. *Revocation for Nonuse,* is renumbered. 643.2. These changes are made to eliminate repetition and to clarify that the General Manager of the Rates and Classification Center (RCC) is authorized to revoke special bulk third-class rate privileges for cause, with provision for appeal through the RCC to the Director. Office of Classification and Rates Administration. USPS Headquarters. Washington. DC 20260–5360 (PB 21635. 9–3–87).

19. In section 911. *Registered Mail,* section 911.31a is revised to specifically prohibit acceptance of envelopes made to Tyvek, plastic, and glossy surfaces in the domestic registered mail service.

20. * * *

21. In section 941. *Money Orders,* sections 941.141 and .142 are revised to direct carriers to instruct customers to retain the receipt part of Form 6387. *Rural Money Order Transaction.*

22. The following sections have been revised and in some instances restructured for clarity and to standardize format and terminology. No substantive changes were intended to be made.

915, Special Delivery
916, Special Handling
931, Certificates of Mailing
932, Return Receipts
933, Restricted Delivery
941.1, Money Orders
950–952, Alternate Delivery Services

23. Minor, non-substantive changes have also been made to 122.16d. 123.617,

123.65, 133.1, 137.275(1), 141.13, 144.62, 621.1*b*, 911.521*b* (3), 917.52, 917.56c, 942.2 942.13, 942.2, 953.3 and 953.4.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

2. In consideration of the foregoing, the table at the end of § 111.3(e) is amended by adding at the end thereof the following:

§ 111.3 Amendments to the Domestic Mail Manual

* * * * *

Transmittal letter for issue	Dated	Federal Register Publication
25	Dec. 30, 1987	52 FR—

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87–29235 Filed 12–21–87; 8:45 am]

BILLING CODE 7710–12–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 435 and 436

[BERC–304–CN]

Medicaid Program; Coverage of Qualified Pregnant Women and Children and Newborn Children; Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule that incorporated in the Medicaid regulations several mandatory eligibility groups of qualified pregnant women and certain children under 5 and newborn children of Medicaid-eligible women, published in the **Federal Register** of Monday, November 9, 1987 (52 FR 43063).

FOR FURTHER INFORMATION CONTACT: Richard Strauss, 301–594–6529.

SUPPLEMENTARY INFORMATION: The following corrections are made in FR Document 87–25763 appearing on page 43063 in the issue of November 9, 1987:

§ 435.3 [Corrected].

1. On page 43071, in § 435.3, paragraph (a)—

a. The statutory citation "1902(a) (second paragraph after (44))" is corrected to "1902(a) (second paragraph after (47))";

b. In the statutory citation "1902(j)", the word "progran" is corrected to "program";

c. In the statutory citation "1905(a)", the numeral "(18)" is corrected to "(21)".

§ 435.301 [Corrected]

2. On page 43072, in § 435.301, paragraph (b)(1)(iii), the cross-reference to "§ 435.119" is corrected to "§ 435.117".

§ 436.2 [Corrected]

3. On page 43072, in § 436.2—

a. The statutory citation "1902(a)(a) (third paragraph after 37)" is corrected to "1902(a) (second paragraph after (47))";

b. The statutory citation "1905(a) (clause following (18))" is corrected to "1905(a) (clause following (21))";

c. The statutory citation "412(e)(5) Of Immigration and Nationality Act Eligibility of certain refugees" is corrected to "412(e)(5) of Immigration and Nationality Act—Eligibility of certain refugees".

d. The statutory citation "Pub. L. 93–272" is corrected to "Pub. L. 96–272" and "Veterans' " is corrected to "Veterans".

§ 436.114 [Corrected]

4. On page 43072, in § 436.114, paragraph (d), line 5, "to" is corrected to "is".

§ 436.124 [Corrected]

5. On page 43073, in § 436.124, paragraph (a), "child s" is corrected to "child's".

(Catalog of Federal Domestic Assistance Program No. 13.714—Medical Assistance Program)

Dated: December 16, 1987.

James F. Trickett,

Deputy Assistant Secretary for Administrative and Management Services.

[FR Doc. 87–29271 Filed 12–21–87; 8:45 am]

BILLING CODE 4120–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86–219; RM–5252]

Radio Broadcasting Services; Bella Vista, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, in response to a petition filed by JEM Broadcasting Company, licensee of Station KJEM(AM) Bentonville-Bella Vista, AR substitutes FM Channel 293C2 for Channel 293A at Bella Vista, AR, to provide that community with a first wide coverage FM service. Although Channel 293A was originally allotted to Bella Vista in MM Docket No. 84–231, petitioner provided engineering data to reveal that the channel could be upgraded to Class C2 status. With this action, the proceeding is terminated.

DATES: *Effective Date:* January 29, 1988. The window period for filing applications for Channel 293C2 at Bella Vista will be announced in a future Public Notice to be issued by the Audio Services Division, Mass Media Bureau.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau (202) 634–8530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86–219, adopted November 25, 1987, and released December 16, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Bella Vista, Arkansas by removing Channel 293A and adding Channel 293C2.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–29276 Filed 12–21–87; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 87–227; RM–5775]

Radio Broadcasting Services; Richfield, UT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Class C Channel 248 to Richfield, Utah, as that community's second local FM service, at the request of David I. Hansen. With this action, this proceeding is terminated.

DATES: *Effective* January 29, 1988. The window period for filing applications will open on February 1, 1988, and close on March 2, 1988.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–227, adoped November 25, 1987, and released December 16, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended under Utah by adding Channel 248 to Richfield.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87–29277 Filed 12–21–87; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 80

[PR Docket No. 87–132; FCC 87–368]

Maritime Services; Rule Amendment Concerning Applications for VHF Public Coast Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The new rule requires licensees of existing public coast stations to make a showing of need for additional frequencies if the coverage areas of existing and proposed service would overlap by 70% or more. The purpose of the rule is to clarify application processing requirements and to ensure frequencies are not assigned without adequate justification.

EFFECTIVE DATE: February 1, 1988.

FOR FURTHER INFORMATION CONTACT: Robert P. Deyoung, (202) 632–7175.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, adopted November 24, 1987, and released December 11, 1987. The full text of the Commission's decision including the rule change is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The full text of this decision including the rule change may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street NW., Suite 140 Washington, DC 20037.

Summary of Report and Order

1. The Commission has amended the rules to require licensees of existing VHF public coast stations to make a showing of need for additional frequencies if existing and proposed service areas would overlap by 70% or more. The purpose of the rule is to clarify application processing requirements and to ensure frequencies are not assigned without adequate justification.

2. We hereby certify pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, that this Rule will not have a significant economic impact on a substantial number of small entities. The Rule has been applied by administrative practice and has been found to require no increase in the information from a public coast station applicant for new or additional facilities.

3. The rule adopted herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

4. This Report and Order is issued under the authority of 47 U.S.C. 154(i) and 303(g) and (r).

5. A copy of this Report and Order shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 80

Coast stations, Public correspondence, Applications.

Federal Communications Commission.

William J. Tricarico,

Secretary.

New Rules

Part 80 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 80—STATIONS IN THE MARITIME SERVICES

1. The authority citation for 47 CFR Part 80 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. In § 80.371, paragraph (c) is revised to read as follows:

§ 80.371 Public correspondence frequencies.

* * * * *

(c) *Working frequencies in the 156–162 MHz band.* Initial grants will be limited to one working frequency. An additional frequency may be assigned when the assigned working frequency is also used by a foreign station near enough to result in harmful radio interference by simultaneous operation or when the channel occupancy of the assigned frequency or frequencies exceeds 40 percent during its busiest hours of operation. An application for assignment of an additional working frequency based on channel occupancy must be accompanied by a factual showing that for any 4 days within a 10-consecutive-day period of station operation in each of 2 months immediately prior to the filing of the application, the assigned frequency or frequencies was in average daily use for exchanging communications at least 40 percent of the 3 busiest hours of each day, of which not more the half of the use time was waiting or setup time. For purposes of this paragraph, an application for a frequency which overlaps by 70 percent or more the coverage area of a frequency already authorized for use by a station licensed to the same applicant or substantially the same applicant will be considered an application for an additional frequency.

[FR Doc. 87–29279 Filed 12–21–87; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1011 and 1152

[Ex Parte No. 274 (Sub-No. 16)]

Exemption of Rail Line Abandonments or Discontinuances—Offers of Financial Assistance

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission adopts final rules modifying 49 CFR 1152.27 and 1152.50 to enable the filing of offers of financial assistance to subsidize or acquire rail lines subject to an abandonment or discontinuance exemption authorized by the Commission. The rules generally incorporate the financial assistance procedures of 49 U.S.C. 10905 in the class exemption or individual petition for exemption process. The Commission also modifies its rules, codified at 49 CFR 1011, to specifically delegate to the Director of the Office of Proceedings authority to partially revoke an exemption to the extent it applies to 49 U.S.C. 10905. The rules are set forth below.

EFFECTIVE DATE: The rules are effective January 21, 1988.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245. [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (DC Metropolitan area), (assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

The rule modifications will not have a significant economic impact on a substantial number of small entities, but may have a positive effect on a few small carriers by enabling them to enter new markets more easily.

This action will not significantly affect either the quality of the human environment or energy conservation.

List of Subjects

49 CFR Part 1011

Administrative practice and procedure; Authority delegations.

49 CFR Part 1152

Administrative practice and procedure; Railroads.

Decided: December 14, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

Title 49, Subtitle B, Chapter X, Parts 1011 and 1152 of the Code of Federal Regulations are amended as follows:

PART 1011—COMMISSION ORGANIZATION; DELEGATIONS OF AUTHORITY

1. The authority citation for 49 CFR Part 1011 continues to read as follows:

Authority: 49 U.S.C. 10301, 10302, 10304, 10305, 10321; 31 U.S.C. 9701; 5 U.S.C. 553.

2. Section 1011.2 is amended by revising paragraph (a)(8) to read as follows:

§ 1011.2 The Commission.

(a) * * *

(8) All appeals of initial decisions determining (i) whether to designate protested abandonment proceedings for investigation (including action on requests for oral hearing), (ii) whether offers of financial assistance satisfy the standards of 49 U.S.C. 10905(d), for purposes of negotiations or in exemption proceedings for purpose of partial revocation and negotiations, (iii) whether partially to revoke or to reopen abandonment exemptions authorized, respectively, under 49 U.S.C. 10505 and 49 CFR 1152 Subpart F for the purpose of imposing public use conditions under the criteria in 49 CFR 1152.28, and (iv) the applicability and administration of the Trials Act (16 U.S.C. 1247 (d)) in abandonment proceedings under 49 U.S.C. 10903–04 (and abandonment exemption proceedings) as set forth in 49 CFR 1011.8(c) (4) and (5). Appeals on these matters must be filed within 10 days of the date the action is taken, and responses must be filed within 10 days thereafter.

* * * * *

3. Section 1011.8 is amended by revising paragraph (c)(2) to read as follows:

§ 1011.8 Delegation of authority by the Interstate Commerce Commission to specific bureaus and offices of the Commission.

* * * * *

(c) * * *

(2) Whether offers of financial assistance satisfy the statutory standards of 49 U.S.C. 10905(d), for purposes of negotiations or in exemption proceedings for purposes of partial revocation and negotiations.

* * * * *

PART 1152—ABANDONMENT AND DISCONTINUANCE OF RAIL LINES AND RAIL TRANSPORTATION UNDER 49 U.S.C. 10903

4. The authority citation for 49 CFR Part 1152 continues to read as follows:

Authority: 5 U.S.C. 553, 559, and 704; 11 U.S.C. 1170; 16 U.S.C. 1247(d); and 49 U.S.C. 10321, 10362, 10505, and 10903, *et seq.*

5. Section 1152.25 is amended by revising paragraph (e)(1) to read as follows:

§ 1152.25 Participation in abandonment or discontinuance proceedings.

* * * * *

(e) *Appellate procedures*—(1) *Scope of rule.* Except as specifically indicated below, these appellate procedures are to be followed in abandonment and discontinuance proceedings in lieu of the general procedures at 49 CFR Part 1115. Appeals of initial decisions of the Director of the Office of Proceedings determining (i) whether to designate protested abandonment proceedings for investigation (including action on requests for oral hearings); (ii) whether offers of financial assistance satisfy the standards of 49 U.S.C. 10905(d) for purposes of negotiations or in exemption proceedings for purposes of partial revocation and negotiations; (iii) whether partially to revoke or to reopen abandonment exemptions authorized, respectively, under 49 U.S.C. 10505 and 49 CFR Part 1152 Subpart F for the purpose of imposing public use conditions under the criteria in 49 CFR 1152.28; and (iv) the applicability and administration of the Trails Act (16 U.S.C. 1247(d)) in abandonment proceedings under 49 U.S.C. 10903–04 (and abandonment exemption proceedings) as set forth in 49 CFR 1011.8(c) (4) and (5) will be acted upon by the entire Commission pursuant to the rule set forth at 49 CFR 1011.2(a)(8). An original and 10 copies of all appeals, and replies to appeals, under this section should be filed with the Commission.

* * * * *

6. Section 1152.27 is amended by revising paragraphs (a) through (g), paragraph (h)(7), paragraph (j), and paragraphs (l) (1) and (2) to read as follows:

§ 1152.27 Financial assistance procedures.

(a) *Provision of information.* An applicant must provide promptly upon request to a party considering an offer of financial assistance to continue existing rail service, and concurrently to the Commission, the following:

(1) (i) *In an application proceeding,* an estimate of the annual subsidy and minimum purchase price required to keep the line or a portion of the line in operation;

(ii) *In an exemption proceeding,* either an estimate of the annual subsidy or the minimum purchase price, depending upon the type of financial assistance indicated in the potential offeror's formal expression of intent submitted under paragraph (c)(2)(i) of this section;

(2) Its most recent reports on the physical condition of the involved line; and

(3) Traffic, revenue, and other data necessary to determine the amount of annual financial assistance that would be required to continue rail transportation over that part of the railroad line. In an exemption proceeding, the data to be provided must at a minimum include the carrier's estimate of the net liquidation value of the line, with supporting data reflecting available real estate appraisals, assessments of the quality and quantity of track materials in a line, and removal cost estimates (including the cost of transporting removed materials to point of sale or point of storage for relay use), and, if an offer of subsidy is contemplated, an estimate of the cost of rehabilitating the line to Federal Railroad Administration Class I Safety Standards (49 CFR Part 213).

(b) *Federal Register notices.* (1) *Abandonment and discontinuance applications.* If the Commission finds that the present or future public convenience and necessity permit or require the proposed abandonment or discontinuance, the Commission will publish these findings in the Federal Register concurrently with the service of the decision. The Federal Register publication will serve as notice to persons intending to offer financial assistance to assure continued rail service under 49 U.S.C. 10905 and these regulations as they relate to abandonment and discontinuance applications.

(2) *Exemption proceedings.* If the Commission exempts a proposed abandonment of a line of railroad from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, the Commission will publish notice of this action in the Federal Register. The Federal Register publication will serve as notice to persons with a potential interest in providing financial assistance to assure continued rail service under 49 U.S.C. 10905 and these regulations as they relate to exempt abandonments and discontinuances.

(c) *Submission of financial assistance offer—(1) Abandonment and discontinuance applications.* (i) *Service and filing.* An offeror must serve its offer of assistance on the carrier owning and operating the line and all parties to the abandonment or discontinuance proceeding. The offer must be filed concurrently with the Secretary, Interstate Commerce Commission, Washington, DC 20423.

(A) An offer may be filed and served at any time after the filing of the abandonment or discontinuance application. Once notice of the abandonment findings is published in the Federal Register, however, the Commission must be notified that an offer has previously been submitted.

(B) An offer, or notification of a previously filed offer, must be filed and served no later than 10 days after the Federal Register publication described in paragraph (b) of this section. This filing and service is subject to the requirements of 49 CFR 1152.25 (d)(1), (d)(2), and (d)(4).

(C) If, after a *bona fide* request, applicant has failed to provide a potential offeror promptly with the information required under paragraph (a) of this section and if that information is not contained in the application, the Commission will entertain petitions to toll the 10-day period for submitting offers of financial assistance under paragraph (c)(1) of this section. Petitions must be filed with the Commission within 5 days after publication in the Federal Register (described in paragraph (b) of this section). Petitions should include copies of the prior written request for information or an accurate outline of the specific information that was orally requested. Replies to these petitions must be filed within 10 days after the publication. These petitions and replies must be filed on or before their actual due date under 49 CFR 1152.25(d)(4). The Commission will issue a decision on petitions within 15 days after publication.

(ii) *Contents of offer.* The offeror shall set forth its offer in detail. The offer must:

(A) Identify the line, or the portion of the line, in question;

(B) Demonstrate that the offeror is financially responsible; that is, that it has or within a reasonable time will have the financial resources to fulfill proposed contractual obligations;

(C) Explain the disparity between the offeror's purchase price or subsidy if it is less than the carrier's estimate under paragraph (a)(1) of this section, and explain how the offer of subsidy or purchase is calculated.

(2) *Exemption proceedings.* (i) *Expression of intent to file offer.* Persons with a potential interest in providing financial assistance must no later than 10 days after the Federal Register publication described in paragraph (b)(2) of this section submit to the carrier and the Commission a formal expression of their intent to file an offer of financial assistance, indicating the type of financial assistance they wish to provide (*i.e.*, subsidy or purchase). Such submissions are subject to the filing requirements of § 1152.25(d)(1) through (d)(3). Submission of a formal expression of intent under this subsection will automatically stay the effective date either of the decision granting an individual exemption or the notice of exemption under the class exemption for 40 days (normally, this will be 10 days beyond the date stated in the Federal Register publication).

(ii) *Service and filing.* An offeror must serve its offer of assistance on the carrier that instituted the exempt filing as well as all other parties to the proceeding. The offer must be filed concurrently with the Secretary, Interstate Commerce Commission, Washington, DC 20423.

(A) An offer may be filed and served at any time after the filing of the exemption petition or notice of exemption. Once notice of exemption is published in the Federal Register, however, the Commission must be notified that an offer has previously been submitted.

(B) An offer, or notification of a previously filed offer, must be filed and served no later than 30 days after the Federal Register publication described in paragraph (b)(2) of this section. This filing and service is subject to the requirements of 49 CFR 1152.25 (d)(1), (d)(2), and (d)(4).

(C) If, after a *bona fide* request, applicant has failed to provide a potential offeror promptly with the information required under paragraph (a) of this section and if that information is not contained in the exemption petition or notice of exemption, the Commission will entertain petitions to toll the 30-day period for submitting offers of financial assistance under paragraph (c)(2) of this section. Petitions must be filed with the Commission within 25 days after publication in the Federal Register (described in paragraph (b)(2) of this section). Petitions should include copies of the prior written request for information or an accurate outline of the specific information that was orally requested. Replies to these

petitions must be filed within 30 days after the publication. These petitions and replies must be filed on or before their actual due date under 49 CFR 1152.25(d)(4). The Commission will issue a decision on petitions to toll the offer period within 35 days after publication.

(D) Upon receipt of a formal expression of intent to file an offer under paragraph (c)(2)(i) of this section, applicant may advise the Commission and the potential offeror that additional time is needed to develop the information required under paragraph (a) of this section. Applicant shall expressly indicate the amount of time it considers necessary (not to exceed 60 days) to develop and submit the required information to the potential offeror. For the duration of the time period so indicated by applicant the 30-day period for submitting offers of financial assistance under paragraph (c)(2) of this section shall be tolled without formal Commission action.

(iii) *Contents of offer.* The offeror shall set forth its offer in detail. The offer must meet the requirements of paragraph (c)(1)(ii).

(d) *Access to documents.* Upon receipt by the carrier of a written comment under § 1152.25 or a formal expression of intent under paragraph (c)(2)(i) of this section indicating an intent to offer financial assistance or upon receipt by the carrier of an offer of financial assistance, whichever occurs earlier, the carrier must make available to that party or offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit 1 (§ 1152.38) or, if an exemption proceeding, those documents that would have been used in preparing Exhibit 1 had an abandonment or discontinuance application been filed or whatever records, reports, and other data in the possession of the carrier seeking the exemption which provide data comparable to that which would have been utilized in preparing an Exhibit 1. These documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

(e) *Review of offers.* (1) *Abandonment and discontinuance applications.* The Commission will review each offer submitted to determine if the offeror is a financially responsible person offering assistance which is likely to cover: (1) The difference between the revenues attributable to the line and the avoidable cost of providing freight service on the line plus a reasonable return on the value of the line, or (ii) the acquisition cost of all or any portion of the line. If these criteria are met, the Commission will issue a decision postponing the issuance of a certificate of abandonment or, if a certificate has been issued, postponing the effective date of the certificate. This decision will be issued within 15 days of the **Federal Register** publication described in paragraph (b) of this section (or five days after the offer is filed if the time for filing has been tolled under paragraph (c)(1)(i)(C) of this section). Under the delegation of authority at § 1011.8, the Director of the Office of Proceedings will make the initial determination whether offers of financial assistance satisfy the standards of 49 U.S.C. 10905(d) for purposes of negotiations. Appeals of initial decisions determining whether offers of financial assistance satisfy the standards of 49 U.S.C. 10905(d) for purposes of negotiations will be acted upon by the entire Commission pursuant to the rule set forth at 49 CFR 1011.2(a)(8).

(2) *Exemption proceedings.* The Commission will review each offer submitted to determine if the offeror is a financially responsible person offering assistance which is likely to cover: (i) The difference between the revenues attributable to the line and the avoidable cost of providing freight service on the line plus a reasonable return on the value of the line; or (ii) the acquisition cost of all or any portion of the line. If these criteria are met, the Commission will postpone the effective date either of the decision granting an individual exemption or the notice of exemption under the class exemption and partially revoke the exemption or (in the case of a class exemption) the notice of exemption to the extent it applies to 49 U.S.C. 10905. The decision to postpone and partially revoke will be issued within 35 days of the **Federal Register** publication described in paragraph (b) of this section (or five days after the offer is filed if the time for filing has been tolled under paragraph (c)(2)(ii)(C) or (c)(2)(ii)(D) of this section). Under the delegation of authority at § 1011.8, the Director of the Office of Proceedings will make the initial determination whether offers of financial assistance satisfy the standards of 49 U.S.C. 10905(d) for purposes of partial revocation and negotiations. Appeals of initial decisions determinig whether offers of financial assistance satisfy the standards of 49 U.S.C. 10905(d) for purposes of partial revocation and negotiations will be acted upon by the entire Commission pursuant to the rule set forth at 49 CFR 1011.2(a)(8).

(f) *Agreement on financial assistance.* (1) If the carrier and a person offering financial assistance enter into a subsidy agreement designed to provide for continued rail service, the Commission will postpone the issuance of a certificate authorizing the abandonment or discontinuance. If a certificate, decision granting an individual exemption, or notice of exemption has been issued, the Commission will postpone the effective date of the certificate, decision, or notice of exemption. The postponement will be for as long as the subsidy agreement is in effect.

(2) If the carrier and a person offering to purchase a line enter into a purchase agreement which will result in continued rail service, the Commission will approve the transaction and dismiss the application for abandonment or discontinuance, or the petition for exemption or notice of exemption. Commission approval is not required under 49 U.S.C. 10901 or 11343 for the parties to consummate the transaction or for the purchaser to institute service and operate as a railroad subject to 49 U.S.C. 10501(a).

(g) *Failure to reach agreement on financial assistance.* (1) If the carrier and a financially responsible person fail to agree on the amount or terms of subsidy or purchase, either party may request the Commission to establish the conditions and amount of compensation. This request must be filed with the Commission within 30 days after the offer is made and served concurrently on all parties to the proceeding.

(2) If no agreement is reached within 30 days after the offer of purchase or subsidy is made, and no request is made to the Commission to set the conditions and amount of compensation under paragraph (g)(1) of this section, the Commission will serve either (i) a certificate authorizing the abandonment or discontinuance within 10 days after the date the request to set conditions and amount of compensation was due (unless an appeal is being heard under § 1152.25(e)), or (ii) a decision vacating the prior decision, which postponed the effective date of either the decision granting the exemption or the notice of exemption and partially revoked either the decision granting the exemption or (in the case of a class exemption) the notice of exemption. The certificate or decision to vacate will be effective on its date of service. If a certificate was issued but its effective date was postponed under paragraph (e) of this section, the certificate will become effective 10 days after the date the request to set conditions and compensation was due (unless an appeal is being heard under § 1152.25(e)).

(h) * * *

(7) Within 10 days of the service date of the Commission's decision, the offeror must accept or reject the Commission's terms and conditions with a written notification to the Commission and all parties to the proceeding. If the offeror accepts the terms and conditions set by the Commission, the Commission's decision is binding on both parties. If the offeror withdraws its offer or does not accept the terms and conditions set by the Commission with a timely written notification, the Commission will serve, within 20 days after the service date of the Commission decision setting the terms and conditions, either

(i) a certificate authorizing the abandonment or discontinuance (unless other offers are being considered under paragraph (l) of this section and unless an appeal is being heard under § 1152.25(e)), or

(ii) a decision vacating the prior decision, which postponed the effective date of either the decision granting the exemption or the notice of exemption and partially revoked the exemption or (in the case of a class exemption) the notice of exemption (unless other offers are being considered under paragraph (l) of this section).

The certificate or decision to vacate will be effective on its date of service. If a certificate was issued but its effective date was postponed under paragraph (e) of this section, the certificate will become effective 20 days after the service date of the Commission decision setting the terms and conditions (unless other offers are being considered under paragraph (l) of this section or an appeal is being heard under § 1152.25(e)).

* * * * *

(j) *Discontinuance of subsidy.* A subsidizer may discontinue a subsidy under this section by giving 60 days notice of the discontinuance to the applicant and all other parties to the proceeding. Unless another financially responsible party enters into a subsidy agreement as beneficial to the carrier as the discontinued subsidy agreement, the carrier may by filing a request with the Commission and serving the request on all parties to the abandonment or exemption proceeding obtain

(1) A certificate authorizing abandonment or discontinuance of service or

(2) A decision vacating the decision postponing the effective date of either the decision granting the exemption or the notice of exemption.

The Commission will issue a certificate or decision to vacate within 10 days after the filing and service of the request. This certificate or decision to vacate will be effective immediately. If a certificate was issued but its effective date was postponed under paragraph (e) of this section, the certificate will become effective 10 days after the filing and service of the request.

* * * * *

(l) *Multiple offers of financial assistance.* (1) If an applicant receives more than one offer to purchase or subsidize the line, the applicant must select the offeror with whom it wishes to transact business. In abandonment and discontinuance application proceedings within 25 days after the **Federal Register** publication described in paragraph (b)(1) of this section and in exemption proceedings within 45 days after the **Federal Register** publication described in paragraph (b)(2) of this section, applicant must (i) file a written notification of its selection with the Commission, and (ii) serve a copy of the notification on all parties to the proceeding.

(2)(i) *Abandonment and discontinuance applications.* If the applicant has received multiple offers of financial assistance and has selected the offeror with whom it wishes to transact business, the negotiating parties shall complete the sale or subsidy agreement or request the Commission to establish the conditions and amount of compensation within 40 days after the **Federal Register** publication described in paragraph (b)(1) of this section. The request must be served concurrently on all parties to the proceeding. If no agreement on subsidy or sale is reached within the 40 day period and the Commission has not been requested to establish the conditions and amount of compensation, any other offeror may request the Commission to establish the conditions and amount of compensation. This request must be filed at the Commission within 50 days of the **Federal Register** publication described in paragraph (b)(1) of this section and served concurrently on all parties to the proceeding. If no other request is filed, the Commission will issue a certificate authorizing abandonment or discontinuance within 60 days of the **Federal Register** publication described in paragraph (b)(1) of this section (unless an appeal is being heard under § 1152.25(e)). This certificate will be effective immediately. If no other request is filed and a certificate was issued but its effective date was postponed under paragraph (e) of this section, the certificate will become effective 60 days after the **Federal Register** publication described in paragraph (b)(1) of this section (unless an appeal is being heard under § 1152.25(e)).

(ii) *Exemption proceedings.* If the carrier seeking the exemption has received multiple offers of financial assistance and has selected the offeror with whom it wishes to transact business, the negotiating parties shall complete the sale or subsidy agreement or request the Commission to establish the conditions and amount of compensation within 60 days after the **Federal Register** publication described in paragraph (b)(2) of this section. The request must be served concurrently on all parties to the proceeding. If no agreement on subsidy or sale is reached within the 60 day period and the Commission has not been requested to establish the conditions and amount of compensation, any other offeror may request the Commission to establish the conditions and amount of compensation. This request must be filed at the Commission within 70 days of the **Federal Register** publication described in paragraph (b)(2) of this section and served concurrently on all parties to the proceeding. If no other request is filed, the Commission will issue a decision vacating the decision postponing the effective date of either the decision granting exemption or (in the case of a class exemption) the notice of exemption within 80 days of the **Federal Register** publication described in paragraph (b)(2) of this section. The decision to vacate will be effective immediately.

* * * * *

7. Section 1152.50 is amended by designating the existing text of paragraph (a) as paragraph (a)(1) and by adding a new paragraph (a)(2) and revising paragraph (d)(3) to read as follows:

§ 1152.50 Exempt abandonments and discontinuance of service and trackage rights.

(a) (1) * * *

(2) Whenever the Commission determines a proposed abandonment to be exempt from the requirements of 49 U.S.C. 10903–10905, whether under this section or on the basis of the merits of an individual petition, the provisions of § 1152.27 as they relate to exemption proceedings shall be applicable.

* * * * *

(d) * * *

(3) The Commission, through the Director of the Office of Proceedings, shall publish a notice in the **Federal Register** within 20 days after the filing of the notice of exemption. Petitions to stay the effective date of the exemption and formal expressions of intent to submit

offers of financial assistance to assure continued rail service on the line must be filed within 10 days after publication, and petitions for reconsideration must be filed within 20 days after publication. The exemption will be effective 30 days after publication (unless stayed pending reconsideration or pursuant to 49 CFR 1152.27(c)(2)(i) a formal expression of intent to file an offer of financial assistance has been submitted). If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio* and the Commission shall summarily reject the exemption notice.

* * * * *

[FR Doc. 87-29210 Filed 12-21-87; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 52, No. 245
Tuesday, December 22, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

High-Level Waste Licensing Support System Advisory Committee (Negotiated Rulemaking); Fifth Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of fifth meeting.

SUMMARY: The Nuclear Regulatory Commission will hold the fifth meeting of the High-Level Waste Licensing Support System Advisory Committee on January 25–26, 1988. The Committee, established under authority of the Federal Advisory Committee Act (FACA), is tasked with developing recommendations for revision of the Commission's Rules of Practice in 10 CFR Part 2 related to the adjudicatory proceeding for the issuance of a license for a geologic repository for the disposal of high-level waste (HLW). The Committee is attempting to negotiate a consensus on proposed revisions related to the submission and management of records and documents for the HLW licensing proceeding.

DATES: The fifth meeting of the HLW Licensing Support System Advisory Committee will be held Januray 25–26, 1988, beginning at 9:30 a.m. (MST) on January 25 and 8:30 a.m. (MST) on January 26.

ADDRESSES: The location of the January 25–26, 1988, meeting of the HLW Licensing Support System Advisory Committee is the Stouffer Concourse Hotel, 3801 Quebec Street, Denver, Colorado 80207.

FOR FURTHER INFORMATION CONTACT: Donnie H. Grimsley, Director, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7211.

SUPPLEMENTARY INFORMATION: The fifth meeting of the HLW Licensing Support System Advisory Committee ("negotiating committee") is scheduled to include continued discussion of substantive issues related to a high-level waste licensing support system.

The following are the remaining meetings of the negotiating committee that are scheduled as of the date of this notice:

February 11–12, 1988—The Conservation Foundation, Washington, DC
March 23–24, 1988—Denver, Colorado (location to be announced)
April 18–19, 1988—The Conservation Foundation, Washington, DC
May 18–19, 1988—The Conservation Foundation, Washington, DC

Dated at Bethesda, Maryland, this 17th day of December 1987.

For the Nuclear Regulatory Commission.

David L. Meyer,

Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management.

[FR Doc. 87-29305 Filed 12-21-87; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 332

Powers Inconsistent With Purposes of Federal Deposit Insurance Law

AGENCY: Federal Deposit Insurance Corporation (" FDIC").

ACTION: Withdrawal of proposed rule.

SUMMARY: The FDIC is withdrawing a proposed amendment to Part 332 of its regulations last published for comment on June 7, 1985 (50 FR 23964) which would have, among other things, prohibited insured banks, subject to certain exceptions, from directly engaging in real estate development activities or insurance underwriting activities and would have established certain restrictions on the indirect conduct of such activities.

EFFECTIVE DATE: December 15, 1987.

FOR FURTHER INFORMATION CONTACT: Pamela E.F. LeCren, Senior Attorney, Legal Division, (202) 898–3730, Ken A. Quincy, Chief, Applications Section, Division of Bank Supervision, (202) 898–6753, or Daniel M. Gautsch, Examination Specialist, Planning and Program Development Branch, Division of Bank Supervision, (202) 898–6912, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: On November 26, 1984 the Board of Directors of the FDIC adopted a Notice of Proposed Rulemaking soliciting comment on a proposed regulation governing the direct and indirect involvement of insured banks in real estate brokerage and real estate development, insurance brokerage and underwriting, data processing for third parties, travel agency activities, and other financially related services (49 FR 48552, December 13, 1984). The Notice set forth a proposed amendment to Part 332 of the FDIC regulations ("Powers Inconsistent with the Purposes of Federal Deposit Insurance Law"). In brief that proposal: (1) Prohibited any insured bank (including insured nonmember banks, national banks, state banks that are members of the Federal Reserve System, insured branches of foreign banks, and federally chartered savings banks insured by the FDIC) from directly engaging in insurance underwriting, real estate development, reinsurance, insuring, guarantying or certifying title to real estate, guarantying or becoming surety upon the obligations of others, insuring the fidelity of others, or engaging in a surety business, (2) required any subsidiary of an insured bank that conducted any of these activities to meet the criteria for a "bona fide" subsidiary set out in the proposed regulation, (3) required notice to the FDIC of intent to invest in any such subsidiary, (4) placed certain restrictions on the affiliation of an insured bank with a company that engages in any such activities, (5) placed certain restrictions on extensions of credit and other transactions between insured banks and their subsidiaries or affiliates that engage in any such activities, (6) required all insured banks that established or acquired a subsidiary or became affiliated with a company that engaged in such activities prior to the effective date of the regulation to conform thereto within one year, (7) required any insured bank that as of the effective date of the regulation was directly engaging in any such activities to conform to the regulations within two years, and (8) placed certain restrictions on insured banks that provided electronic data processing services to persons or companies other

BEST COPY AVAILABLE

VOL 52 ISS 245 DEC 22 1987 UMI

than banks, or acted as agent or broker for insurance, real estate, securities, or travel services.

The proposed regulation was published for a sixty-day comment period during which 517 comments were received. After considering the comments, the FDIC issued a revised proposed regulation for an additional 45-day comment period. (50 FR 23964, June 7, 1985). The revised proposal differed from the original proposal primarily in that it: (1) Permitted an insured bank to conduct real estate development directly through the bank provided that the bank's aggregate investment in real estate development activities (including related extensions of credit) did not exceed 50% of the bank's primary capital and the bank's investment in any one real estate development project (including related extensions of credit) did not exceed 10% of the bank's primary capital, (2) permitted an insured bank to operate a life insurance underwriting department within the bank under certain conditions, (3) defined the term "real estate development", (4) added a waiver provision, (5) deleted the provisions of the proposal dealing with insurance and real estate brokerage, data processing, and travel agency activities, and (6) revised the proposed compliance time periods. The FDIC also held a one-day public hearing on the revised proposal (July 12, 1985) at which 14 individuals participated through the submission of written and oral testimony. Eighty-four written comments (in addition to those submitted at the hearing) were received over the 45-day comment period.

At its December 15, 1987 meeting the FDIC's Board of Directors voted to formally withdraw the June 7, 1985 proposal. It is the Board of Director's opinion that as more than two years have passed since the proposal was isued for comment the proposal has grown "stale" and significant work is necessary to update and complete the proposal. Furthermore, preliminary indications are that there are presently no system wide problems resulting from newly-granted real estate investment or insurance powers. The Board of Directors has, therefore, decided that the proposal should be withdrawn. Staff has been instructed, however, to continue to study events in the marketplace and any instances of safety and soundness problems associated with real estate and insurance powers and to repropose a regulation for the Board of Directors' consideration as appropriate.

The Board of Directors acknowledges that no final action has been taken on the proposal to date in part due to ongoing discussions between the FDIC and the Board of Governors of the Federal Reserve System in an attempt to coordinate final action on the June, 1985 proposal with action by the Board of Governors on its proposed rulemaking concerning real estate activities of bank holding companies and their subsidiaries. (50 FR 4519 and 52 FR 42301). Those discussions will continue as appropriate.

The Board of Directors wishes to stress that this action is not prompted by a decision to discontine efforts toward establishing guidelines for the safe and sound conduct of real estate development and insurance underwriting activities by insured banks and their subsidiaries and affiliates. It is the Board of Directors' intent rather that staff actively continue to study bank involvement in these activities and develop a proposed regulatory approach, as appropriate, for the Board's consideration as soon as those efforts are complete. In the interim, the FDIC will monitor bank involvement in these areas and deal with any supervisory problems on a case-by-case basis.

Dated at Washington, DC, this 15th day of December, 1987.

By Order of the Board of Directors.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-29259 Filed 12-21-87; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87-ASW-35]

Proposed Revision of Transition Area; Terrell, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking will revise the transition area located at Terrell, TX. The development of a new standard instrument approach procedure (SIAP) to the Terrell Municipal Airport utilizing the new Travis Nondirectional Radio Beacon (NDB) has made this action necessary. Additionally, a review of the categories of aircraft now operating into and out of the airport has revealed the need to revise the transition area. The intended effect of this proposed revision is to provide additional controlled airspace for aircraft executing the new SIAP to the airport. The proposed revision will provide adequate controlled airspace for all SIAP's now serving the airport.

DATES: Comments must be received on or before January 28, 1988.

ADDRESSES: Send comments on the proposal in triplicate to:

Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Docket No. 87-ASW-35, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530; Telephone: (817) 624-5561.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written date, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ASW-35." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) by revising the transition area located at Terrell, TX. The development of a new SIAP utilizing the Travis NDB, plus a change in the categories of aircraft operating into and out of the airport, has necessitated this proposed revision. This proposed revision will increase the present transition area from a 5-mile radius of the airport to a 6.5-mile radius of the airport, with an arrival extension to the northeast. The intended effect of this proposed revision is to provide adequate controlled airspace for all SIAP's now serving the airport. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Terrell, TX [Revised]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Terrell Municipal Airport (latitude 32°42'36"N., longitude 96°16'02"W.), and within 5.5 miles each side of the 019° bearing from the Travis NDB (latitude 32°45'36"N., longitude 96°14'56"W.), extending from the 6.5-mile radius to 11 miles northeast of the airport.

Issued in Fort Worth, TX, on December 9, 1987

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 87-29254 Filed 12-21-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-ASO-18]

Proposed Alteration of Transition Area; Eastman GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Eastman, Georgia, transition area by adding an extension for a nondirectional radio beacon (NDB) standard instrument approach procedure to Runway 2 at the Eastman-Dodge County Airport. This action will lower the base of controlled airspace from 1,200 ft. to 700 ft. above the surface within three miles each side of the 203° bearing from the Eastman NDB (latitude 32°12'50"N., longitude 83°07'32"W.) from the six mile radius area of the Eastman-Dodge County Airport (latitude 32°12'51"N., longitude 83°07'42"W.) to 8.5 miles southwest of the NDB.

DATES: Comments must be received on or before: January 24, 1988.

ADDRESSES: Send comments on the proposal in triplicate to:

Federal Aviation Administration, ASO-530, Manager, Airspace and Procedures Branch, Docket No. 87-ASO-18, P.O. Box 20636, Atlanta, Georgia, 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rule-making by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ASO-18." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No.

11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Eastman, Georgia, Transition Area. This action will provide additional controlled airspace for aircraft executing a new NDB standard instrument approach procedure to Runway 2 at the Eastman-Dodge County Airport. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter than will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Eastman, Georgia (Amended)

By changing the period at the end of the present description to a semicolon and adding, "within three miles each side of the 203° bearing from the Eastman, GA, NDB (latitude 32°12'50"N., longitude 83°07'32"W.), extending from the 6-mile radius area to 8.5 miles southwest of the NDB."

Issued in East Point, Georgia, on December 8, 1987.

William D. Wood,

Acting Manager, Air Traffic Division Southern Region.

[FR Doc. 8–29253 Filed 12–21–87; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Poison Prevention Packaging Requirements; Proposed Exemption of Certain Conjugated Estrogens Tablets

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend its regulation that allows certain conjugated estrogens tablets to be marketed in mnemonic packages [1] that are not child-resistant. Except for this regulation, child-resistant packaging would be required because these substances are oral prescription drugs. The proposed amendment would increase from 26.5 mg to 32 mg the amount of the drug allowed per non-child-resistant mnemonic package. This drug is proposed to be exempted because of its low toxicity. The drug is used for the treatment of a variety of female hormonal imbalance disorders.

DATE: Comments on the proposal should be submitted not later than February 22, 1988.

ADDRESSES: Comments should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 528, 5401 Westbard Avenue, Bethesda, Maryland, telephone (301) 492–6800.

All public documents that the Commission has concerning this proceeding may be inspected at, or copies obtained from, the Office of the Secretary.

FOR FURTHER INFORMATION CONTACT: Virginia White, Project Manager, Office of Program Management and Budget, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 492–6554.

Inquiries from the media should be directed to Lou Brott, Office of Media Relations, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 492–5540.

SUPPLEMENTARY INFORMATION:

A. Background

Among other substances, oral prescription drugs intended for human use are subject to child-resistant packaging requirements issued under the Poison Prevention Packaging Act of 1970 ("the PPPA"), 15 U.S.C. 1471–1476. 16 CFR 1700.14(a)(10). There currently is an exemption from these requirements for conjugated estrogens, when dispensed in mnemonic packages containing not more than 26.5 mg of the drug and containing no other substances subject to § 1700.14(a)(10). 49 FR 50388; December 28, 1984. Conjugated estrogens are hormonal drugs used for the treatment of various female hormone imbalance disorders.

By letter dated October 10, 1986, Ayerst Laboratories petitioned the Commission to extend the exemption for conjugated estrogens from 26.5 mg to 32 mg per mnomonic package.

The petitioner requested the extension because of current prescribing practices, which indicate that many physicians now prefer a 25-day monthy cyclic regimen to the previously-favored 21-day regimen.

As justification for the requested increased exemption, the petitioner cited the human experience data which supported the original exemption for conjugated estrogens. These data show the absence of acute toxicity resulting from accidental ingestion of conjugated estrogens by young children.

The petitioner states that the exemption is further warranted because conjugated estrogens are closely related biochemically and pharmacologically to several of the estrogenic compounds used as oral contraceptives, which were previously exempted from child-resistant packaging requirements by the Commission, but that conjugated estrogens are less potent in terms of estrogenic activity. The petitioner notes that the exemption for oral contraceptives does not refer to specific amounts of hormones. The petitioner believes that this provides a precedent for extension of the exemption for conjugated estrogens from 26.5 mg to 32 mg per package.

The petitioner states that because conjugated estrogens are used primarily to treat postmenopausal symptoms and osteoporosis, this product, unlike oral contraceptives, is used primarily in households without young children. The petitioner states that the many elderly

[1] A mnemonic package is any package designed for the administration of one dosage unit at a time and incorporating any feature which serves to remind the user to take the dosage at specified intervals throughout the period during which the medication is to be administered.

users of the product are likely to experience difficulty using child-resistant packaging.

Conjugated estrogens have been available for several decades as a prescription drug for the treatment of female hormone imbalance disorders. It is estimated that between 2.9 and 3.6 million women are using these products. About 12 pharmaceutical companies manufacture oral conjugated-estrogens products. Unit volume for these products in 1980 is estimated at 564 million tablets, with sales of $80 million. Approximately 7.3 million prescriptions for these products were filled in 1980.

B. Toxicity Data

Theoretical lethal dose. Based upon the extrapolation of animal test data submitted by the petitioner, the theoretical lethal dose of conjugated estrogens for a 10 kilogram child would between 1.8 and 3.3 grams, which is 58 to 100 times the amount that would be in a single package of the requested exempted amount.

Chronic Toxicity. Estrogens should be avoided during pregnancy because of possible damage to the fetus. Similar effects have been observed for a variety of drugs, indicating the special susceptibility of the fetus to the toxic effects of many chemicals and drugs. Long-term therapeutic administration of estrogenic compounds has been shown to lead to an increased risk, in women, of endometrial cancer and of various blood clotting disorders. There is no evidence, however, that such effects would be expected from a single acute exposure in a child. No such effects have been reported over the span of more than forty years which these drugs have been marketed.

C. Injury Data

For the period 1978 through 1984, data from the National Clearinghouse for Poison Control Centers show 169 reported ingestions of conjugated estrogens. Five of the cases reported symptoms; none resulted in a hospital visit.

For the period 1978 through January 1987, the Commission's "Children and Poisonings" data base shows 13 children treated in hospital emergency rooms following ingestion of conjugated estrogens. None of the children was hospitalized.

Literature reviews conducted by the staff and by the petitioner reveal no reports of death or serious injury following ingestions of conjugated estrogens by children under age five. There have been reports of cramping, vomiting, nausea, and diarrhea following acute ingestion of large amounts of estrogens.

It should be noted also that unit dose packaging tends to limit the amount a small child ingests, because of the time and effort necessary to open each unit.

D. FDA Comments

The Food and Drug Administration, Center for Drugs and Biologics, also reviewed the petition and concluded that the increased amount of conjugated estrogens, *i.e.*, from 26.5 mg per mnemonic package to 32 mg per mnemonic package, would pose no health risk to children under five as a result of accidental ingestion.

E. Action on the Petition

Based upon the animal data and human experience information discussed above, it appears that this drug has low toxicity and poses a minimal threat of illness or injury in children as a result of accidental ingestion.

After considering the available information, the Commission preliminarily concludes that the degree and nature of the hazard to children in the availability of the conjugated estrogens tablets that are the subject of this petition are such that special packaging is not required to protect children from serious personal injury or serious illness resulting from handling, using or ingesting such substance. Accordingly, the Commission voted to grant the petition. Therefore, the Commission proposes below to amend 16 CFR 1700.14(a)(10) to exempt Conjugated Estrogens Tablets, U.S.P., from requirements for child-resistant packaging, when dispensed in mnemonic packages containing not more the 32 mg of the drug.

F. Regulatory Flexibility Certification

When an agency undertakes a rulemaking proceeding, the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*) generally requires the agency to prepare proposed and final regulatory flexibility analyses discribing the impact of the rule on small businesses and other small entities. The purpose of the Regulatory Flexibility Act, as stated in section 2(b) (5 U.S.C. 602 note), is to require agencies, consistent with their objectives, to fit the requirements of regulations to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulations. Section 605 of the Act provides that an agency is not required to prepare a regulatory flexibility analysis if the head of an agency certifies that the rule will not have a significant economic impact of a substantial number of small entities.

The exemption issued below will have the effect of giving the manufacturers of the exempted products the option of packaging their product in an additional manner. The difference in cost for packaging with special packaging and with packaging permitted by the exemption is not believed to be significant. Accordingly, the Commission concludes that this exemption will not have any significant economic effect on a substantial number of small entities.

G. Environmental Considerations

The Commission's regulations governing environmental review procedures state, at 16 CFR 1021.5(c)(3), that exemption of products from requirements for child-resistant packaging under the PPPA normally has little or no potential for affecting the human environment. The Commission does not foresee any special or unusual circumstances surrounding the exemption issued below. For this reason, the Commission concludes that neither an environmental assessment nor an environmental impact statement is required in this proceeding.

H. Effective Date

Since the rule proposed below provides for an exemption, the provision of 5 U.S.C. 553(c) requiring a delay in the effective date is inapplicable. Accordingly, the rule shall become effective upon publication of the final rule in the Federal Register.

List of Subjects in 16 CFR Part 1700

Consumer protection, Drugs, Infants and children, Packaging and containers, Poison prevention, Toxic substances.

Conclusion

For the reasons given above, the Commission proposes to amend Title 16 of the Code of Federal Regulations as follows:

PART 1700—[AMENDED]

1. The authority citation for Part 1700 is revised to read as follows:

Authority: Pub. L. 91–601, secs. 1–9, 84 Stat. 1670–74, 15 U.S.C. 1471–76. Secs. 1700.1 and 1700.14 also issued under Pub. L. 92–573, sec. 30(a), 86 Stat. 1231, 15 U.S.C. 2079(a).

2. Section 1700.14(a)(10)(xvii) is revised to read as follows:

§ 1700.14 Substance requiring special packaging.

(a) * * *

(10) * * *

(xvii) Conjugated Estrogens Tablets, U.S.P., when dispensed in mnemonic packages containing not more than 32.0 mg of the drug and containing no other substances subject to this § 1700.14(a)(10).

* * * * *

Dated: December 8, 1987.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 87-28742 Filed 12-21-87; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-137-86]

Limitation on Deduction for Nonbusiness Interest; Personal Interest

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is issuing temporary amendments to the income tax regulations relating to the treatment of personal interest and the treatment and determination of qualified residence interest. Changes to the law were made by the Tax Reform Act of 1986. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: The regulations contained in this document are proposed to be effective for taxable years beginning after December 31, 1986. Written comments and requests for a public hearing must be delivered or mailed by February 22, 1988.

ADDRESS: Send comments and requests for public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-137-86), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Sharon L. Hall of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attention: CC:LR:T) (202-566-3288, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations (designated by a T following the section citation) in the Rules and Regulations portion of this issue of the **Federal Register** amend Part 1 of Title 26 of the Code of Federal Regulations. These amendments reflect the provisions of section 163(h) of the Internal Revenue Code of 1986 as added by section 511(b) of the Tax Reform Act of 1986 (Pub. L. 99-514, 100 Stat. 2246). For the text of the temporary regulations, see FR Doc. (T.D. 8168) published in the Rules and Regulations portion of this issue of the **Federal Register**. A general discussion of the temporary regulations is contained in the preamble to the regulations. The final regulations, which this document proposes to base on the temporary regulations, would amend Part 1 of Title 26 of the Code of Federal Regulations.

Special Analyses

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. Although this document is a notice of proposed rulemaking that solicits public comments, the Internal Revenue Service has concluded that the proposed regulations are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act (5 U.S.C. chapter 6).

The collection of information requirements contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act. Comments on the requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, DC 20503. The Internal Revenue Service requests that persons submitting comments on these requirements to OMB also send copies of those comments to the Service.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who submitted comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Sharon L. Hall of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury participated in developing the regulations on matters of both substance and style.

List of Subjects in 26 CFR 1.61-1—1.281-4

Income taxes, Taxable income, Deductions, Exemptions.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

[FR Doc. 87-29273 Filed 12-21-87; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 285

[DoD Directive 5400.7]

DoD Freedom of Information Act Program

AGENCY: Department of Defense.

ACTION: Proposed rule.

SUMMARY: This proposed rule published a revision to DoD Directive 5400.7, which is the authority document for publication of DoD Regulation 5400.7-R. DoD Regulation 5400.7-R (32 CFR Part 286) was published as a final rule on July 10, 1987 (Vol. 52, No. 132) pursuant to the Freedom of Information Reform Act of 1986, section 1801-1804 (Pub. L. 99-540); and section 954 of the National Defense Authorization Act for FY 1987 (Pub. L. 99-661). This proposed rule merely addresses nonsubstantive administrative changes to DoD Directive 5400.7 to make it consistent with DoD Regulation 5400.7-R.

DATE: Comments will be accepted January 21, 1988.

ADDRESS: Send comments to: Charlie Y. Talbott, Office of the Assistant Secretary of Defense (Public Affairs), Washington, DC 20301-1400.

FOR FURTHER INFORMATION CONTACT: Charlie Y. Talbott, (202) 697-1180.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 285

Freedom of information.

Accordingly, Title 32, Chapter I, is amended to add Part 285 as follows:

PART 285—DOD FREEDOM OF INFORMATION ACT PROGRAM

Sec.
285.1 Reissuance and purpose.
285.2 Applicablity and scope.
285.3 Definitions.
285.4 Policy.
285.5 Responsibilities.
286.6 Information requirements.
286.7 Effective date and implementation.

Authority. Public Law 99-570, secs. 1801-1804; Pub. L. 99-661, Sec. 2328; 5 U.S.C. 552.

§ 285.1 Reissuance and purpose.

(a) This part:

(1) Reissues DoD Directive 5400.7.[1]

(2) Establishes policies and procedures for the implementation of the DoD Freedom of Information Act (FOIA) Program under 5 U.S.C. 552.

(3) Delegates authorities and responsibilities for the effective administration of the program.

(b) This part also authorizes, consistent with DoD 5025.1-M [2] the publication of DoD 5400.7-R, [3] the single DoD regulation on the FOIA Program.

§ 285.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense (OSD) and its administrative support agencies, the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), the Unified and Specified Commands, the Defense Communications Agency (DCA), Defense Contract Audit Agency (DCAA), Defense Intelligence Agency (DIA), Defense Investigative Service (DIS), Defense Logistics Agency (DLA), Defense Mapping Agency (DMA), and the Defense Nuclear Agency (DNA). For the purpose of this part, OSD, OJCS, the Unified Commands, and OSD administrative support agencies are considered one "DoD Component." The other DoD Components referred herein are the Military Departments, DCA, DCAA, DIA, DIS, DLA, DMA, and DNA.

(b) The National Security Agency records are subject to this part unless the records are exempt under Pub. L. 86-36.

§ 285.3 Definitions.

The terms used in this part are defined in 32 CFR Part 286.

§ 285.4 Policy.

It is DoD policy to:

(a) Promote public trust by making the maximum amount of information available to the public on the operation and activities of the Department of Defense, consistent with DoD's responsibility to ensure national security.

(b) Allow a requester to obtain records from the Department of Defense that are available through other public information services without invoking the FOIA.

(c) Make available, under the procedures established by 32 CFR Part 286, those records that are requested by a member of the general public who cites the FOIA.

(d) Answer promptly all other requests for information, records, objects, and articles under established procedures and practices.

(e) Release records to the public unless those records are exempt from mandatory disclosure as outlined in Chapter III of DoD 5400.7-R.

(f) Process requests by individuals for access to records about themselves under the Privacy Act procedures as implemented by 32 CFR Part 286a, and procedures outlined in this part as amplified by 32 CFR Part 286.

§ 285.5 Responsibilities.

(a) The *Assistant Secretary of Defense (Public Affairs)* (ASD(PA)) shall:

(1) Direct and administer the DoD FOIA Program to ensure compliance with policies and procedures that govern the administration of the program.

(2) Issue a DoD FOIA regulation and other discretionary instructions and guidance to ensure timely and reasonably uniform implementation of the FOIA in the Department of Defense.

(3) Internally administer the FOIA Program for the OSD, the OJSC and, as an exception to DoD Directive 5100.3 [4] the Unified Commands (the Specified Commands remain under the Military Departments for FOIA matters).

(4) As the designee of the Secretary of Defense, serve as the sole appellate authority for appeals to decisions of respective Initial Denial Authorities identified in ASD(PA) supplementing instructions.

(b) The *General Counsel of DoD* shall provide uniformity in the legal interpretation of this part.

(c) *Heads of DoD Components* shall:

(1) Publish in the **Federal Register** any instructions necessary for the internal administration of this part within a DoD Component that are not prescribed by this part or by other issuances of the ASD(PA). For the guidance of the public, the information specified in 5 U.S.C. 552(a)(1) shall be published in accordance with 32 CFR Part 296.

(2) Conduct training on the provisions of this part and 5 U.S.C. 552 as amended for officials and employees who implement the FOIA.

(3) Submit the reports prescribed in Chapter VII of DoD 5400.7-R.

(4) Make available for public inspection and copying in an appropriate facility or facilities, in accordance with rules published in the **Federal Register**, the records specified in 5 U.S.C. 552(a)(2) unless such records are published and copies are offered for sale.

(5) Maintain and make available for public inspection and copying current indices of these records.

§ 286.6 Information requirements.

The reporting requirements in Chapter VII of DoD 5400.7-R have been assigned Report Control Symbol DD-PA(A) 1365.

§ 286.7 Effective date and implementation.

This part is proposed to be effective January 21, 1988. Forward one copy of implementing documents to the Assistant Secretary of Defense (Public Affairs) within 120 days.

Linda M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

December 17, 1987.

[FR Doc. 87-29294 Filed 12-21-87; 8:45 am]

BILLING CODE 3810-01-M

---

[1] Copies may be obtained, if need, from the U.S. Naval Publications and Forms Center, Attn: Code 1052, 5801 Tabor Avenue, Philadelphia, PA 19120.

[2] Copies may be obtained, at cost, from the National Technical Information Service, 5258 Port Royal Road, Springfield, VA 22161.

[3] See footnote 2 to § 285.1(b).

[4] See footnote 1 to § 286.1(a).

Notices

Federal Register
Vol. 52, No. 245
Tuesday, December 22, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: Special Population Census—Address Register and Enumeration Book
Form Number: Agency—SC–19, SC–19A; OMB—0607–0368
Type of Request: Revision of a currently approved collection
Burden: 150,000 respondents; 12,450 reporting hours
Needs and Uses: This collection is used to obtain current population data between the decennial census. Collected data are used as an input to the calculations of the Bureau's local area estimates. Data are also used by many states for the distribution of funds to locals governments.
Affected Public: Individuals or households
Frequency: As requested
Respondent's Obligation: Voluntary
OMB Desk Officer: Francine Picoult 395–7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3228, New Executive Office Building, Washington, DC 20503.

Dated: December 15, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87–29265 Filed 12–21–87; 8:45 am]

BILLING CODE 3510–07–M

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals or collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Economic Analysis
Title: Transactions of U.S. Banking Branch or Agency with Foreign Parent
Form Number: Agency—BE–606B; OMB—0608–0023
Type of Request: Revision of a currently approved collection
Burden: 325 respondents; 1,300 reporting hours
Needs and Uses: This collection is used to obtain data on current and capital account transactions between foreign owners holding a 10 percent or more ownership interest in unincorporated U.S. banks and the U.S. banking branches or agencies for the preparation of the balance of payments accounts of the United States.
Affected Public: Businesses or other for-profit institutions
Frequency: Quarterly
Respondent's Obligation: Mandatory
OMB Desk Officer: John Griffen 395–7340
Agency: Bureau of Economic Analysis
Title: Transactions of U.S. Affiliate, Except an Unincorporated Bank, with Foreign Parent
Form Number: Agency—BE–605; OMB—0608–0009
Type of Request: Revision of a currently approved collection
Burden: 3,000 respondents; 12,000 reporting hours
Needs and Uses: This collection is used to obtain data on current and capital account transactions between foreign owners (other than banking branches and agencies) holding a 10 percent or more ownership interest in U.S. business enterprises and their U.S. business enterprises. Data are required for the preparation of the balance of payments accounts of the United States.
Affected Public: Businesses or other for-profit institutions
Frequency: Quarterly
Respondent's Obligation: Mandatory
OMB Desk Officer: John Griffen 395–7340

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to John Griffen, OMB Desk Officer, Room 3228, New Executive Office Building, Washington, DC 20503.

Dated: December 15, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87–29266 Filed 12–21–87; 8:45 am]

BILLING CODE 3510–CW–M

International Trade Administration

[Application #87–A0004]

Export Trade Certificate of Review; National Machine Tool Builders' Association

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of issuance of an amended export trade certificate of review, Application #87–A0004.

SUMMARY: The Department of Commerce has issued an amendment to the export trade certificate of review granted to the National Machine Tool Builders' Association ("NMTBA") on May 19, 1987 (52 FR 19371, May 22, 1987).

FOR FURTHER INFORMATION CONTACT: John E. Stiner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202–377–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. 97–290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III are found at 15 CFR Part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

The amendment consists of the following changes:

(1) Hurco Companies, Inc., Indianapolis, Indiana, and Manufacturing Technology, Inc., Mishawaka, Indiana, have been added as "Members" of the certificate;

(2) The following companies have been deleted as "Members" of the certificate: ACME-Cleveland Corp.; AMAF Industries, Inc.; Apex Corporation; Automated Machine Tool Technology, Inc.; Barker Milling Machine Company; Farrel Company; Harvill Machine Inc.; Hydra-Tool Corp.; Laser Systems Division; Lehman Division of Smith International Inc.; MG Cutting Systems; MHP Machines, Inc.; V & O Press Company, Inc.; Wadell Equipment Company, Inc.; Wardell Mfg. Co., Inc.; and The Wheelabrator Corp;

(3) The "Members" Landis Tool Co. and Lamb Techicon Corp. have been replaced with their controlling entity, Litton Industrial Automation Systems, Inc; and the "Member" Teledyne Landis Machine has been replaced with its controlling entity. Teledyne Industries, Inc.; and

(4) The company name listing for the "Member" APEC-Guill Technologies Inc. has been changed to APEC/CPM Guill Technologies Inc.; Automated Machine Tool Technology, Inc. to ACROLOC/CNC Systems; Cam-Apt, Inc. to CAM-APT Technologies; Chemtool Deburring Systems to CHEMTOOL, Incoporated; Clearing to USI Clearing; C.O. Hoffacker Company to C.O. Hoffacker Co. Division of the Hoff Co.; Dake to Dake Division, JSS Corporation; Davenport Machine Tool Division to Davenport Machine—A Dover Industries Company; ES-Tech to Equipment Systems; Fairfield Machine to Fairfield Machine Co., Inc.; Geometric Tool to Geometric Tool—Division Greenfield Industries; Giddings and Lewis to Giddings and Lewis—A Division of Amco International Corporation; Hansvedt EDM Division to Hansvedt; Harper Buffing Machine to Harper Company; HE&M Saw to HEM, Inc.; P.R. Hoffman to P.R. Hoffman Machine Products Co.; Imperial Stamp & Engraving Company to Imperial Stamp & Engraving Co., Inc.; Industrial Development Systems to Industrial Development Systems, Inc.; Intertech Automation Company to Intertech Development Company; ITW Illitron to Illinois Tools Works Inc.; Livernois Automation Company to Livernois Engineering Co.; The Lodge & Shipley Company to Lodge & Shipley/Manuflex; Lyon Machine Builders Div. to Lyon Machine Builders; Miller Fluid Power Corporation to Miller Fluid Power; National Automatic Tool Co., Inc., to NATCO, Inc.; The Olofsson Corporation to Olofsson Corporation; Peerless Saw Division to Peerless Saws; PMC Industries to PMC Industries, Inc.; Republic Lagun Machine Tool Co. to Republic Lagun CNC Corporation; S-P Manufacturing Corporation to The S-P Manufacturing Corporation; Geo. T. Schmidt Division to Geo T. Schmidt; Universal Engineering to Universal Engineering Div. Stanwhich Industries Inc.; Valenite–Kamset to GTE Valetine Corporation; Vulcan Tool Company to Vulcan Tool Corp.

EFFECTIVE DATE: October 8, 1987.

A copy of the certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Date: December 16, 1987.

John E. Stiner,

Director, Office of Export Trading Company Affairs.

[FR Doc. 87–29285 Filed 12–21–87; 8:45 am]

BILLING CODE 3510–DR–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing an Import Restraint Limit for Certain Cotton Textile Products Produced or Manufactured in the German Democratic Republic Effective on January 1, 1988

December 17, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 334, produced or manufactured in the German Democratic Republic and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of the designated specific limit.

Background

The Bilateral Cotton Textile Agreement, effected by exchange of notes dated December 10, 1986 and February 27, 1987, between the Government of the United States and the German Democratic Republic establishes a specific limit for cotton textile products in Category 334, produced or manufactured in the German Democratic Republic and exported during the period which begins on January 1, 1988 and extends through December 31, 1988.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175, May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 17, 1987.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

VOL 52 ISS 245 DEC 22 1987 UMI

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Cotton Textile Agreement, effected by exchange of notes dated December 10, 1986 and February 27, 1987, between the Governments of the United States and the German Democratic Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Catetory 334, produced or manufactured in the German Democratic Republic and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of 19,500 dozen.

To the extent that trade which now falls in the foregoing category is within a category limit for the period January 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during the period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

The restraint limit set forth above is subject to adjustment in the future according to the provisions of the agreement, effected by exchange of notes dated December 10, 1986 and February 27, 1987 between the Governments of the United States and the German Democratic Republic, which provide, in part, that: (1) Specific limits may be exceeded by designated percentages during an agreement year for carryover and carryforward; no carryover shall be available during the first agreement year; (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of this agreement.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the commonwealth of Puerto Rico.

The Committee for this Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-29237 Filed 12-21-87; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment of an Import Restraint Limit for Certain Cotton Textile Products Produced or Manufactured in Uruguay

December 16, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 17, 1987. For further information contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the restraint limit for cotton textile products in Category 335, which are exported from Uruguay during the six-month period which began on July 1, 1987 and extends through December 31, 1987.

Background

A CITA directive dated December 4, 1987 (52 FR 26820), as amended, established, among other things, an import limit for certain cotton textile products in Category 335, produced or manufactured in Uruguay and exported during the six-month period which began on July 1, 1987 and extends through December 31, 1987. Pursuant to a request from the Government of the Republic of Uruguay and under the terms of the Bilateral Cotton and Wool Textile Agreement, effected by exchange of notes dated December 30, 1983 and January 23, 1984, as amended, and as further amended September 10, 1987, between the Governments of the United States and the Republic of Uruguay, Category 335 is being increased for carryforward.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the Federal Register.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 16, 1987.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 4, 1987 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports of cotton textile products in Category 335, produced or manufactured in Uruguay and exported during the six-month period which began on July 1, 1987 and extends through December 31, 1987.

Effective on December 17, 1987, the directive of December 4, 1987 is amended to include an adjusted limit of 67,000 dozen [1] for cotton textile products in Category 335, under the terms of the Bilateral Cotton and Wool Textile Agreement, effected by exchange of notes dated December 30, 1983 and January 23, 1984.[2]

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-29236 Filed 12-21-87; 8:45 am]

BILLING CODE 3510-DR-M

[1] The limit has not been adjusted to account for imports exported after December 31, 1986.

[2] The agreement provides, inpart, that: (1) specific limits may be exceeded by designated percentages; (2) specific limits may be increased for carryover and carryforward; (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement; and (4) carryforward of 100 percent is available for restraints prorated to facilitate adoption of the Harmonized Code.

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on B-1B Defensive Avionics; Cancellation of Meeting.

AGENCY: Department of Defense.

ACTION: Cancellation of meeting.

SUMMARY: The meeting notice for the Defense Science Board Task Force on B-1B Defense Avionics for December 22-23, 1987 as published in the Federal Register (Vol. 52, No. 197, Page 38000-38001, Tuesday, October 13, 1987, FR Doc 87-23644) has been cancelled.

Linda Bynum,

Alternate OSD Federal Register Liaison Offcer, Department of Defense.

December 17, 1987.

[FR Doc. 87-29295 Filed 12-21-87; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on B-1B Defense Avionics; Meeting

AGENCY: Department of Defense.

ACTION: Change in date and location of advisory committee meeting notice.

SUMMARY: The meeting of the Defense Science Board Task Force on B-1B Defensive Avionics scheduled for January 12-13, 1988 at the Pentagon, Arlington, Virginia, as published in the Federal Register (Vol. 52, No. 197, Page 38000-38001, Tuesday, October 13, 1987, FR Doc. 87-23644) will be held on January 11-12, 1988 at the Naval Research Laboratory, Washington, DC.

Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 17, 1987.

[FR Doc. 87-29296 Filed 12-21-87; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Use of Commercial Components in Military Equipment; Meetings

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Use of Commercial Components in Military Equipment will meet in closed session on January 11, 1988 at the TRW Corporation, Washington, DC.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will receive classified briefings on military acquisition programs and systems availability and the affect of increased use of commercial items on force posture.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II (1982)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 17, 1987.

[FR Doc. 87-29297 Filed 12-21-87; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board; Meetings

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Board will meet in closed session on February 10-11, May 18-19, and October 19-20, 1988 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Defense Science Board will discuss interim findings and tentative recommendations resulting from ongoing Task Force activities. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. No. 92-463, as amended (5 U.S.C. App. II (1982)), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 17, 1987.

[FR Doc. 87-29298 Filed 12-21-87; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Office of Energy Research

Energy Research Advisory Board, Research & Technology Utilization Panel; Open Meeting

Notice is hereby given of the following meeting:

Name: Research and Technology Utilization Panel of the Energy Research Advisory Board (ERAB).

Date & Time: January 12, 1988—12:30 p.m.-5:00 p.m., January 13, 1988—8:30 a.m.-5:00 p.m.

Place: Department of Energy, 1000 Independence Ave., SW., Room 4A-110, Washington, DC 20585.

Contact: Charles E. Cathey, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585, (202) 586-2263.

Purpose of the Parent Board

To advise the Department of Energy (DOE) on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Purpose of the Panel

The Research and Technology Utilization Panel is a subgroup of ERAB and reports to the parent Board. The Research and Technology Utilization Panel will: review the process and effectiveness of the movement of scientific research and technology from DOE and its contractors to industry, universities, and state and local governments; review the technology transfer objectives and efforts of the major Departmental programs; evaluate the significance of past activities in this area; and make recommendations to improve the activities.

Tentative Agenda

- The agenda for this meeting will be to hear presentations from universities and corporations on their experiences with technology transfers from the Department. These will include presentations from AMAX, ARCO, Babcock-Wilcox, Ford, Massachusetts Institute of Technology and the University of Texas, among others.
- Public Comment (10 minute rule)

Public Participation

The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Charles Cathey at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes of the Meeting

Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Ave., SW., Washington, DC between 9:00 am and 4:00 pm, Monday through Friday, except Federal holidays. Issued at Washington, DC December 10, 1987.

Charles E. Cathey,

Deputy Director, Science & Technology Affairs Office of Energy Research.

[FR Doc. 87–29262 Filed 12–21–87; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1699]

Petitions for Reconsideration and Clarification of Actions in Rulemaking Proceedings

December 15, 1987.

Petitions for reconsideration and clarification have been filed in the Commission rule making proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street NW., Washington, DC, or may be purchased from the Commissions copy contractor, International Transcription Service (202–857–3800). Oppositions to these petitions must be filed; See § 1.4(b)(1) of the Commissions rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Separation of costs of regulated telephone service from costs of nonregulated activities.

Amendment of Part 31, the Uniform System of Accounts for Class A and Class B Telephone Companies to provide for nonregulated activities and to provide for transactions between telephone companies and their affiliates. (CC Docket No. 86–111) Number of petitions received: 2

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–29281 Filed 12–21–87; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 11, 1988.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Kirkpatrick & Co.*, Oklahoma City, Oklahoma; to acquire an additional 4.87 percent of the voting shares of United Oklahoma Bankshares, Inc., Del City, Oklahoma, and thereby indirectly acquire United Del City Bank, Del City, Oklahoma.

Board of Governors of the Federal Reserve System, December 16, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–29229 Filed 12–21–87; 8:45 am]

BILLING CODE 6210–01–M

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 164; 7–GR(1)–TX–864]

Naval Research Transmitter Site, Roma, TX; Transfer of Property

Pursuant to section 2 of Pub. L. 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration dated November 4, 1987, the property, consisting of 29.57 acres fee and 1-acre easement improved with four structures, known as the former Naval Research Transmitter Site, Roma, Texas, was transferred to the U.S. Fish and Wildlife Service.

2. The above described property was conveyed for the purpose of wildlife conservation in accordance with the provisions of section 1 of said Pub. L. 80–537 (16 U.S.C. 667b), as amended by Pub. L. 92–432.

Dated: November 30, 1987.

Earl E. Jones,

Commissioner, Federal Property Resources Service.

[FR Doc. 87–29233 Filed 12–21–87; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Recommendations for Protecting the Health and Safety Against Potential Adverse Effects of Long-Term Exposure to Low Doses of Agents: GA, GB, VX, Mustard (H, HD, T), and Lewisite (L)

AGENCY: Centers for Disease Control (CDC), Public Health Service, HHS.

ACTION: Request for public comment.

SUMMARY: Agents GA, GB, VX, MUSTARD (H, HD, T), and Lewisite (L) are now stored by the Department of Defense (DOD). Pub. L. 99–145 (50 U.S.C 1521) mandates that all unitary (self-contained) lethal and chemical munitions be destroyed by 1994. Pub. L. 91–121 and Pub. L. 91–441 (50 U.S.C 1512) mandate that the Department of Health and Human Services must review DOD plans for disposing of these munitions and make recommendations to protect human health. Public comment is requested on these recommendations.

DATE: Comments must be received on or before January 21, 1988.

ADDRESS: Comments may be mailed to Director, Center for Environmental Health and Injury Control, Centers for Disease Control, Chamblee 27, Room 1005 MS F29, 1600 Clifton Road, NE., Atlanta, GA 30333.

FOR FURTHER INFORMATION CONTACT: Linda W. Anderson, Chief, Special Programs Group, Center for Environmental Health and Injury, Centers for Disease Conrol, Chamblee 27, Room 1208 MS F29, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

SUPPLEMENTARY INFORMATION: Section 1412 of Pub. L. 99–145 (50 U.S.C 1521) mandates that the present stockpile of lethal chemical agents be destroyed by September 30, 1994. Pub. L. 91–121 and Pub. L. 91–441 (50 U.S.C. 1512) mandate that the Department of Health and Human Services (HHS) review Department of Defense (DOD) plans for transporting and/or disposing of lethal chemical agents and make recommendations for protecting human health and safety; HHS has delegated this authority to the Centers for Disease Control (CDC). In the absence of Federal regulatory standards, DOD has developed safety and health standards for handling these agents. CDC has reviewed existing data and is proposing recommendations for protecting human health and safety during the transportation and/or disposal of these lethal agents.

The national stockpile of lethal chemical agents includes six chemicals:

GA (Tabun or ethyl N,N-dimethyl phosphoroamidocyanidate, CAS 77–81–6)

GB (Sarin or isopropyl methylphosphonofluoridate, CAS 107–44–8)

VX (O-ethyl-S-(2-diisopropylaminoethyl)-methyl phosphonothiolate, CAS 50782–69–9)

H, HD (Sulfur mustard or di-2-chloroethyl sulfide, CAS 505–60–2)

T (Bis(2-chloroethylthioethyl) ether, CAS 63918–89–8)

L (Lewisite or dichloro 2-chlorovinylarsine, CAS 541–25–3)

The DOD stores these agents in bulk containers and/or munitions at eight locations within the continental United States. A ninth location is in the central Pacific.

Previously, HHS has made recommendations for protecting human health from the adverse effects of acute exposure to agents GB, VX, and mustard. Citizens near depots where chemical weapons are stored have expressed concerns about the potential for delayed effects of acute exposure and about the potential health effects of long-term exposure to low doses of agents. (Here "low dose" means an airborne concentration of agent below the control limits.) To resolve these questions, CDC gathered data on these agents and held an open meeting to discuss the potential delayed effects of acute exposure and of adverse effects of long-term exposure to low doses of these agents. The meeting, announced in the **Federal Register** dated August 20, 1987 (52 FR 31449), was held September 29–30, 1987, in Atlanta, Georgia. The CDC invited consultants and the public. Comments from individuals rather than group comments or consensus were solicited.

Like widely used insecticides, the nerve agents GA, GB, and VX are organic compounds containing phosphorus (organophosphorus compounds). They affect nerves, muscles, and glands by inhibiting acetyl cholinesterase, an enzyme these tissues must have to function properly. Sulfur mustard (H, HD, hereafter referred to simply as "mustard") and Lewisite (L) are vesicants—that is, they cause chemical burns or blisters of the kin and mucous membranes, such as the conjunctiva of the eyes and the mucosa of airways.

Lewisite is an organic compound containing arsenic. A sixth agent, HT, is a mixture of mustard, agent T (bis(2-chloroethylthioethyl) ether), and impurities. Very little is known about the long-term toxicity of agent T. Agent T has much lower volatility than the H with which it is mixed. It is not expected to constitute an airborne hazard unless mustard is also present at concentrations much higher than permitted. Almost all (99.97%) of the vapor released by HT is mustard. HT control limits will therefore be identical with those for HD, with concentrations measured as HD.

During the public meeting on the potential effects of exposure to these agents, concerns that were raised included: Organophosphate-induced delayed neuropathy; electroencephalographic (EEG) or other functional changes following exposure to organophosphates; the carcinogenicity, mutagenicity, and/or teratogenicity of organophosphates; the cumulative effects of organophosphates, decreasing resistance to organophosphorus pesticides; the carcinogenicity, mutagenicity, and teratogenicity of mustard and Lewisite; delayed keratitis (injury to the cornea of the eye) following exposure to mustard; the response time, sensitivity, and specificity of monitors; the amount of agent in the various parts of the storage and demilitarization facilities; the response times and efficacy of abatement procedures in the event of an upset in plant operations or a release from storage, transportation, or incineration; use of historical monitoring in process control; and interactions of agents with other chemicals in the environment.

Published and unpublished reports of all potential adverse effects including carcinogenicity, mutagenicity, and teratogenicity for all agents were considered. Information on human carcinogenicity following wartime exposure to vesicants supplemented experimental data for mustard and Lewisite. Since the acute toxicity of GA and Lewisite had not been reviewed before, it was considered along with the potential long-term health effects. Reports relating delayed keratitis to mustard exposure were evaluated. The reports on delayed neuropathy and on EEG changes associated with poisoning by GB were available. In addition, individuals contributed critical information from their own experience and knowledge.

The ability of organophosphates to cause delayed neuropathy has been tested in domestic chickens, a sensitive indicator species. The chickens are given doses from 20 to more than 100 times the mean lethal dose and, for the chickens to demonstrate this effect, they must be protected from death by pretreatment with atropine or with atropine and an oxime. GB caused neuropathy in chickens only at doses several times greater than the mean lethal dose. Under similar conditions, VX did not induce delayed neuropathy. Neuropathy is considered an unlikely outcome from either acute intoxication with any of the nerve agents or from long-term exposure to them.

None of the nerve agents are mutagenic. Results of recently completed studies on GB and initial reports of studies on VX indicate no teratogenic effect. No evidence suggests that any of these nerve agents are carcinogenic. The EEG changes reported after intoxication with GB were considered to be of questionable significance—given the difficulty of demonstrating such changes and the absence of clinically significant effects even when EEG changes are present.

HHS had not previously reviewed standards for GA. The available information indicates that about twice as much GA as GB is needed to produce acute toxicity. Data for adverse reproductive effects are less complete for GA than for GB. The limited amount of GA present in the stockpile (4 tons) and the remoteness of the area where it will be destroyed (Tooele, Utah) provide further assurances that human health will be protected at the same control concentrations previously set for GB.

Questions related to the nerve agents proved relatively easy to resolve. The information bases are fairly complete, and there appears to be little risk either of adverse health effects from long-term exposure to low doses or of delayed health effects from acute exposure. On the basis of the evidence reviewed, HHS concludes that human health will be adequately protected from exposure to GA, GB, and VX vapor at the concentrations shown in Table 1. Even long-term exposure to these concentrations would not create any adverse health effects. At these concentrations, no detectable reduction in resistance to organophosphorus pesticides would occur.

TABLE 1.—CONTROL LIMITS (MG/M³) FOR CHEMICAL AGENTS[1]

Agent	General population	Workers
GA, GB	0.000003 (3×10^{-6})	0.0001 (1×10^{-4})
VX	0.000003 (3×10^{-6})	0.00001 (1×10^{-5})
H, HD, HT[2]	0.0001 (1×10^{-4})	0.003 (3×10^{-3})
L	0.003 (3×10^{-3})	0.003 (3×10^{-3})
Averaging time	72 hours	8 hours

[1] Protection against exposure to agents in aerosol and liquid form must be sufficient to prevent direct contact with the skin and eyes.
[2] Data supporting the ability to monitor for mustard at 0.0001 mg/m³ at all sites should be developed. HT is measured as HD.

The control limits contained in Table 1 are substantially below concentrations at which adverse effects have been observed for mustard and Lewisite. Delayed keratitis and chronic bronchitis are effects that follow acute symptomatic intoxication with mustard and would therefore not be expected at the limits proposed. Mustard is not a teratogen, but it is a mutagen. Because HHS accepts that mustard is a human carcinogen and because some evidence suggests that Lewisite might also be a carcinogen, lower levels of exposure are of potential concern. The available epidemiologic data indicate that mustard is a weak carcinogen when compared with other known human carcinogens, but they do not permit accurate estimation of the carcinogenic potency or the exact degree of the carcinogenic risk with confidence. Quantitative risk assessments prepared by the Oak Ridge National Laboratories and by a community study group at Edgewood, Maryland were considered. On the basis of a review of the methodology, we conclude that the many uncertainties in the method employed preclude its being used to define precisely the acceptable exposure limits to mustard.

Qualitative and quantitative data describing cancer risk were compared with risks faced by workers in industries considered nominally safe. We conclude that the weight of evidence indicates that overall cancer risks for workers exposed to air containing mustard at or below a concentration of 0.003 mg/m³ for the limited period of destruction (that is, a maximum of 2 to 5 years) are less than current risks of death by trauma in those nominally safe industries. Control of the stack emissions and the work-place air in accordance with the limits for mustard given in Tables 1 and 2 will amply protect a general population 1000 meters or more from a demilitarization site or transportation route.

Exposure to or contact with mustard by any route—respiratory, skin, or oral—should be limited to the extent practicable. This can be done by using appropriate engineering controls, personal protective equipment, and work practices. Concentrations in the work-place environment and surrounding air should be measured and verified by instruments that can reliably detect concentrations at or below the control limits. Rail cars or other transport vehicles should be treated as work places for this purpose. At this time, the most sensitive monitors can reliably measure 0.003 mg/m³ of mustard and Lewisite in the work-place air. The cycle time for mustard is 8 minutes—that is, the test is automatically repeated every 8 minutes. The cycle time for Lewisite is 12 hours. This level of exposure would be adequate protection for public health. The Army has reported the capability to monitor for mustard at concentrations as low as 0.0001 mg/m³ using a 12-hour sample time. This capability has been proven under usual ambient conditions at only one site. If it will not delay disposal, it is recommended that such capacity be demonstrated at and used for all sites where mustard will be transported or destroyed. The capacity to conduct such monitoring at all sites with mustard would represent a redundant safety factor.

Toxicologic information concerning Lewisite is sparse. We believe, however, that the proposed control limit, 0.003 mg/m³, is protective of public health. Lewisite is classed as an organic arsenic compound. The Occupational Safety and Health Administration (OSHA) has promulgated a standard (Permissible Exposure Level or PEL) of 0.5 mg/m³ for organic arsenic concentrations in work-place air. The U.S. Environmental Protection Agency (EPA) has authority to promulgate regulations for emissions of arsenic or other pollutants into ambient air, but, at present, EPA only has standards applicable to other specific sites or processes. Neither EPA standards, should they be promulgated, nor OSHA standards should be exceeded. The proposed control limits are lower than the existing OSHA occupational standard (0.5 mg/m³ of organic arsenicals, measured as arsenic) by a factor of 528. The Army should seek, through engineering design and operational controls, to minimize exposure to Lewisite. The facts that Lewisite will be destroyed only at Tooele, Utah, a facility remote from population centers, and that the maximum burning time for destruction of the existing stockpile of Lewisite is estimated to be less than 30 days provide additional assurance that human health will not be endangered.

Certain monitoring criteria are essential because any recommended exposure limit is only as good as the capability to measure and verify the exposure concentrations as they may occur. Specifically, the Army has agreed to provide data to CDC that document accurate and reproducible monitoring for agents at the recommended exposure limits and at each transportation or demilitarization facility monitored.

In summary, the control limits specified in Table 1 for all agents listed are considered protective of human health. The relatively short duration of the disposal program provides an additional margin of safety.

Control limits for stack emissions are primarily an engineering matter. These limits should (a) be attainable by a well-designed, well-constructed, and well-operated incineration facility; (b) give an early indication of upset conditions; and (c) be able to accurately measured in a timely manner. Limits based on these criteria will restrict emissions to concentrations well below those that would endanger health; they will usually prove more restrictive than a limit set on health bases alone. CDC has found that the allowable stack concentrations proposed by the Department of the Army (Table 2), meet the criteria above and are more restrictive than limits set on health bases alone; therefore, CDC recommends no changes in the concentrations. The concentrations must be evaluated by air dispersion modeling of worst-case-credible events and conditions specific to each site to ensure that the control limits for the general population and work-place (Table 1) would not be exceeded as a consequence of releases at or below the allowable stack concentrations.

TABLE 2.—ALLOWABLE STACK CONCENTRATIONS (MG/M³) FOR CHEMICAL AGENTS

Agent	Maximum allowable stack concentration
GA, GB	0.0003 (3×10^{-4})
VX	0.0003 (3×10^{-4})
H, HD, HT[1]	0.03 (3×10^{-2})
L	0.03 (3×10^{-2})

[1] HT is measured as HD.

Dated: December 16, 1987.

Glenda S. Cowart,

Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 87-29245 Filed 12-21-87; 8:45 am]
BILLING CODE 4160-18-M

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meetings: The following advisory committee meetings are announced:

Circulatory System Devices Panel

Date, time, and place. January 15, 1988, 8:30 a.m., Rm. 703–727A, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m.; open committee discussion, 9:30 a.m. to 2:30 p.m.; closed committee deliberations, 2:30 p.m. to 4 p.m.; Keith Lusted, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7373.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of medical devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before January 8, 1988, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a guidance document for balloon valvuloplasty, and premarket approval applications (PMA's) for one, or possibly two, percutaneous transluminal angioplasty catheters.

Closed committee deliberations. The committee will discuss trade secret and/or confidential commercial or financial information regarding the PMA's listed above. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Ophthalmic Devices Panel

Date, time, and place. January 21 and 22, 1988, 9 a.m., Auditorium, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, January 21, 1988, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 3 p.m.; closed committee deliberations, 3 p.m. to 4 p.m.; open public hearing, January 22, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 3 p.m.; closed committee deliberations, 3 p.m. to 4 p.m.; open committee discussion, 4 p.m. to 5 p.m.; Daniel W.C. Brown, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7320.

General function of committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation. The committee also reviews data on new devices and makes recommendations regarding their safety and effectiveness and their suitability for marketing.

Agenda—Public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before January 2, 1988, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On January 21, 1988, the committee will discuss general issues relating to approvals of premarket approval applications (PMA's) for Nd:YAG lasers and intraocular lenses (IOL's), and may discuss specific PMA's for these devices. If discussion of all pertinent Nd:YAG laser or IOL issues is not completed, discussion will be continued the following day. On January 22, 1988, the committee will discuss PMA's for contact lenses and other devices and requirements for PMA approval.

Closed committee deliberations. On January 21 and 22, 1988, the committee may discuss trade secret or confidential information relevant to PMA's for IOL's Nd:YAG lasers, contact lenses, or other ophthalmic devices. These portions of the meeting will be closed to permit discussion of this information (5 U.S.C. 552(c)(4)).

Orthopedic and Rehabilitation Devices Panel

Date, time, and place. January 22, 1988, 8 a.m., North Auditorium, Health and Human Services Bldg., 330 Independence Ave. SW. (enter at C St. entrance), Washington, DC.

Type of meeting and contact person. Open public hearing, January 22, 1988, 8 a.m. to 9 a.m.; open committee discussion, 9 a.m. to 11 a.m., 12:20 p.m. to 2:30 p.m., and 3:15 p.m. to 5:15 p.m; closed presentation of data, 11 a.m. to 11:30 a.m., 2:30 p.m. to 3 p.m., and 5:15 p.m. to 5:45 p.m; Marie Schroeder, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7156.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulations.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before January 14, 1988, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval applications for a porous coated prosthetic hip and a porous coated total knee prosthesis. If time permits, the committee may also discuss a premarket approval application for a prosthetic ligament device or discuss general issues concerning ligament devices.

Closed presentation of data. The committee may review and/or discuss trade secret and/or confidential commercial or financial information relevant to premarket approval applications. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Vaccines and Related Biological Products Advisory Committee

Date, time, and place. January 25 and 26, 8:30 a.m., Bldg. 29, Rm. 115, National Institutes of Health, 8800 Rockville Pike, Bethesda, MD.

VOL 52 ISS 245 DEC 22 1987 UMI

Type of meeting and contact person. Open public hearing, January 25, 1988, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 2 p.m.; closed committee deliberations, 2 p.m. to 4:30 p.m.; open committee discussion, January 26, 1988, 8:30 a.m. to 10:30 a.m.; closed committee deliberations, 10:30 a.m. to 2 p.m.; Jack Gertzog, Center for Biologics Evaluation and Research (HFN–31), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of vaccines and related biological products intended for use in the diagnosis, prevention, or treatment of human diseases. The committee also reviews and evaluates the quality and relevance of FDA's research program which provides scientific support for the regulation of these products.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

Open committee discussion. On January 25, 1988, from 8:30 a.m. to 2 p.m., the committee will discuss influenza vaccine formulation for the 1988–89 season. On January 26, 1988, from 8:30 a.m. to 10:30 a.m., the committee will review the intramural research program, Laboratory of Biophysics, Division of Biochemistry and Biophysics, Center for Biologics Evaluation and Research (CBER).

Closed committee deliberations. On January 25, 1988, from 2 p.m. to 4:30 p.m., and on January 26, 1988, from 1 p.m. to 2 p.m., the committee will review trade secret or confidential commercial information relevant to pending license applications and investigational new drugs. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552(c)(4)). On January 26, 1988, from 10:30 a.m. to 12 m., the committee will review part of the intramural research program in CBER. This portion of the meeting will be closed to prevent disclosure of personal information concerning individuals associated with this research program, disclosure of which would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

Details on the agenda, questions to be addressed by the committee, and a current list of committee members are available from the contact person before and after the meeting. Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, Rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commerical or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: December 14, 1987.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 87–29230 Filed 12–21–87; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–620–08–4111–01–24–10]

Delay in Increase in Rental Rates on Simultaneous Oil and Gas Leases Extended

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of rental reduction for simultaneous oil and gas leases with annual rental due dates through February 1, 1989.

SUMMARY: The Secretary of the Interior has granted a rental reduction for an additional year for all simultaneous oil and gas leases with annual rental due dates through February 1, 1989, whose rental rates would increase from $1 to $3 per acre. This action extends the Secretarial decision initially drafted in September 1986 and announced by the **Federal Register** notice published on October 24, 1986 (51 FR 37793). The rental reduction suspension action will continue to be reviewed on an annual basis.

EFFECTIVE DATE: December 22, 1987.

ADDRESS: Inquiries or suggestions should be sent to: Director (620), Bureau of Land Management, Room 602 Premier Building, 18th & C Streets, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Gloria J. Austin, (202) 653–2190.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior announced on December 10, 1987, the decision to continue to grant a rental reduction for an additional year for all simultaneous oil and gas leases with annual rental due dates through February 1, 1989, whose rental rates would increase from $1 to $3 per acre or fraction thereof. In response to the President's message regarding Federal energy assets and lessening the burden on domestic energy production, this action will reduce annual rentals for all simultaneous leases, issued with a normal effective date of March 1, 1982, through March 1, 1984, subject to the rulemaking published on January 20, 1982 (47 FR 2864), which became effective February 19, 1982. The regualtion (43 CFR Part 3103) imposes a $3 per acre annual rate on those leases entering their sixth or subsequent year on which lessees have been paying $1 per acre for the first 5 years.

The regulatory change of January 20, 1982, initiated for the purpose of encouraging diligence through an increased or additional holding cost, would be counterproductive during the present weak domestic energy market and would lead to the return of large numbers of leases to the Federal Government through either relinquishment or failure to pay annual rental. During the first half of FY–1987, Federal oil and gas lessees outside of Alaska allowed approximately 8,700 leases on 12.9 million acres to be returned. This is a 28 percent increase over the number of leases returned during the same period of FY–1986, and a 98 percent increase over the first half of FY–1985. It is anticipated that a rental reduction to $1 per acre or fraction thereof will keep more lands under lease, encourage domestic exploration and allow more economical Federal oil and gas lease development.

This rental reduction is granted by the Secretary of the Interior under section 39 of the Mineral Leasing Act of 1920 (30 U.S.C. 209), and will continue to be reviewed annually to determine whether to extend the policy.

Additionally, any simultaneous oil and gas leases that terminated during their primary term, but were reinstated under the Class II procedures at 43 CFR 3108.2–3, do not revert to the $1 per acre rental rate, but retain the higher rental amount as provided under the terms of the Class II reinstated leases. Further, any simultaneous oil and gas leases for which all or a portion of the lands were determined to be within a known geological structure prior to the beginning of their sixth or subsequent year do not revert to the $1 per acre rental rate and shall require annual rental of $2 per acre or fraction thereof in accordance with 43 CFR 3103.2–2(d).

Date: December 10, 1986.

Donald Paul Hodel,

Secretary of the Interior.

[FR Doc. 87–29223 Filed 12–21–87; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Development Operations Coordination Document; Conoco Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 2825, Block 65, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Cameron and Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on December 11, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Warren Williamson; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2874.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: December 14, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-29234 Filed 12-21-87; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Shell Offshore Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Shell Offshore Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 2279, Block 106, South Marsh Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on December 14, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Acts Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: December 15, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-29242 Filed 12-21-87; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 12, 1987. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by January 6, 1988.

Amy Schlagel,

Acting Chief of Registration, National Register.

ARIZONA

Mohave County

Kingman, *Blakely, Ross H., House (Kingman MRA)*, 519 E. Spring St.

Pima County

Tucson, *El Encanto Estates Residential Historic District*, Roughly bounded by Country Club Rd. Broadway Blvd., Fifth St. & Jones St.

CALIFORNIA

Humboldt County

Ferndal vicinity, *Fern Cottage Historic District*, 2099 Centerville Rd.

Los Angeles County

Hollywood, *La Belle Tour*, 6200 Franklin Ave.

Mendocino County

Ukiah, *Held-Poage House*, 603 W. Perkins St.

San Francisco County

San Francisco, *Engine House No. 31*, 1066 Green St.

San Francisco, *Russian Hill—Macondray Lane District*, Roughly 900–982 Green, 1916–1960 Jones, 15–84 Macondray & 1801–1809 Taylor

San Francisco, *Russian Hill—Paris Block Architectural District*, Roughly 1017–1067 Green St.

San Francisco, *Russian Hill—Valleio Street Crest District*, Roughly 1020–1032 Broadway, 1–49.

Florence, 1728–1742 Jones, 1–7 Russian Hill Pl., 1629–1715 Taylor, & 1000–1085 Vallejo

COLORADO

Denver County

Denver, *Swallow Hill Historic District*, Roughly bounded by Clarkson St., E. Seventeenth Ave., Downing St., & E. Colfax Ave.

DISTRICT OF COLUMBIA

Washington

White—Meyer House, 1624 Crescent Pl., NW.

MAINE

Cumberland County

South Portland, *Spring Point Ledge Light Station (Light Stations of Maine MPS)*, Spring Point Ledge, Portland Harbor

Hancock County

Bass Harbor vicinity, *Bass Harbor Head Light Station (Light Stations of Maine MPS)*, Bass Harbor Head.

Swans Island vicinity, *Burnt Coat Harbor Light Station (Light Stations of Maine MPS)*, Hockamock Head

Winter Harbor vicinity, *Egg Rock Light Station (Light Stations of Maine MPS)*, Egg Rock, in Frenchman Bay

Knox County

Isle Au Haut vicinity, *Isle Au haut Light Station (Light Stations of Maine MPS)*, Robinson Point

North Haven vicinity, *Goose Rocks Light Station (Light Stations of Maine MPS)*, East Entrance, Fox Islands Thorofare

Port Clyde vicinity, *Marshall Point Light Station (Light Stations of Maine MPS)*, Marshall Point, Port Clyde Harbor

Vinalhaven vicinity, *Heron Neck Light Station (Light Stations of Maine MPS)*, Heron Neck, Greens Island

Lincoln County

Boothbay harbor vicinity, *Ram Island Light Station (Light Stations of Maine MPS)*, Ram Island, Boothbay Harbor

Sagadahoc County

Bath vicinity, *Doubling Point Light Station (Light Stations of Maine MPS)*, W side of Arrowsic Island

Bath vicinity, *Doubling Point Range Lights (Light Stations of Maine MPS)*, Fiddler Reach, Arrowsic Island

Georgetown vicinity, *Perkins Island Light Station (Light Stations of Maine MPS)*, *Perkins Island*

Phippsburg vicinity, *Squirrel Point Light Station (Light Stations of Maine MPS*, Squirrel Point, Arrowsic Island

Waldo County

Stockton Springs vicinity, *Fort Point Light Station (Light Stations of MPS)*, Fort Point Rd.

Washington County

Calais vicinity, *Whitlocks Mill Light Station (Light Stations of Maine MPS)*, S bank of St. Croix River

York County

Biddeford Pool vicinity, *Wood Island Light Station (Light Stations of Maine MPS)*, E side of Wood Island

Cape Porpois vicinity, *Goat Island Light Station (Light Stations of Maine MPS)*, Goat Island, Cape Porpoise Harbor

Kittery Point vicinity, *Whaleback Light Station (Light Stations of Maine MPS)*, Portsmouth Harbor

MARYLAND

Charles County

Hughesvill vicinity, *Truman's Place*, Gallant Green Rd.

MINNESOTA

Hennepin County

Minneapolis, *New Centry Mill (Boundary Increase and Decrease)*, Oak & Fifth Sts.

MISSISSIPPI

Grenada County

Grenada, *Grenada Masonic Temple (Grenada MRA)*, 210 Main St.

Grenada, *Illinois Central Depot (Grenada MRA)*, 643 First St.

Grenada, *Lee-DuBard House (Grenada MRA)*, 317 Third St.

Grenada, *Margin Street Historic District (Grenada MRA)*, Margin St. & part of Line St. between Commerce and Green Sts.

Grenada, *Old Fellow and Confederate Cemetery (Grenada MRA)*, Corner of Cemetery & Commerce Sts.

Grenada, *South Main Historic District (Grenada MRA)*, S. Main St.

Grenada, *Walthall, Sen. Edward C., House (Grenada MRA)*, 73 College Blvd.

MONTANA

Gallatin County

Bozeman, *Gallatin County High School (Bozeman MRA)*, 404 W. Main

Bozeman, *Harris House (Bozeman MRA)*, 502 W. Mendenhall

Bozeman, *Hines House (Bozeman MRA)*, 420 W. College

Bozeman, *House at 714 North Tracy (Bozeman MRA)*, 714 N. Tracy

Bozeman, *House at 818 South Eighth (Bozeman MRA)*, 818 S. Eighth

Bozeman, *Johnson House (Bozeman MRA)*, 508 N. Bozeman

Bozeman, *Krueger House (Bozeman MRA)*, 317 N. Bozeman

Bozeman, *Peterson House (Bozeman MRA)*, 216 N. Wallace

Silver Bow County

Butte, *Hawthorne Grade School (Suburban Schools in Butte TR)*, 3500 White Way.

Butte, *Longfellow Grade School (Suburban Schools in Butte TR)*, 1629 Roosevelt Ave.

Butte, *Madison Grade School (Suburban Schools in Butt TR)*, 45 E. Greenwood

NEBRASKA

Lancaster County

Lincoln, *Lincoln Liberty Life Insurance Building*, 113 N. Eleventh St.

Lincoln, *Metropolitan Apartments*, 502 S. Twelfth St.

NEW YORK

Albany County

Albany, *Broadway—Livingston Avenue Historic District*, Broadway & Livingston Ave.

Dutchess County

Red Hook, *Halfway Diner*, 39 N. Broadway

Nassau County

Port Washington, *Monfort Cemetery*, E of Main St. & Washington Blvd.

Oneida County

Remsen, *Welsh Calvinistic Methodist Church*, Prospect St.

Putnam County

Brewster, *First National Bank of Brewster*, Main St.

Suffolk County

Setauket, *Thompson House*, N. Country Rd.

WYOMING

Natrona County

Powder River, *Chicago and Northwestern Railroad Depot*, 35231 W. Dakota Ave.

Sweetwater County

Reliance, *Reliance School and Gymnasium*, 1321 Main St.

To assist in the preservation of historic properties the 15-day commenting period for the following nomination has been waived.

ARKANSAS

Prairie County

Hazen, *Rock Island Depot*, US 70

[FR Doc. 87-29287 Filed 12-21-87; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF JUSTICE

Loging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on December 10, 1987 a proposed Consent Decree in *United States v. Combustion Engineering, Inc., et al.*, Civil Action No. 87CV7449 was lodged with the United States District Court of the Eastern District of Michigan. The proposed Consent Decree concerns control of air pollution at defendant's resource recovery facility in Detroit, Michigan. The proposed Consent Decree requires the defendant to comply with specified limits on emissions of air pollutants.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Combustion Engineering, Inc., et al.*, D.J. Ref. 90-5-2-1-1031.

The proposed consent decree may be examined at the office of the United States Attorney, Eastern District of Michigan, 817 Federal Building, 231 W. Lafayette, Detroit, Michigan 48226, and at the Region 5 Office of the Environmental Protection Agency, Office of Regional Counsel, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Deparment of Justice.

Roger J. Marzulla,

Assistant Attorney General Land and Natural Resources Division.

[FR Doc. 87-29232 Filed 12-21-87; 8:45am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances, Registration; Abbott Laboratories

By Notice dated July 9, 1987, and published in the **Federal Register** on July 17, 1987; (52 FR 27070), Abbott Laboratories, 14th Street and Sheridan Road, Attention: Customer Service D-345, North Chicago, Illinois 60064, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of bulk dextropropoxyphene (9273), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

Dated: December 15, 1987.

[FR Doc. 87-29224 Filed 12-21-87; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances, Registration; Eli Lilly Industries

By Notice dated September 16, 1987, and published in the **Federal Register** on September 24, 1987; (52 FR 35973), Eli

Lilly Industries, Inc., Chemical Plant, Kilometer 146.7, State Road 2, Mayaquez, Puerto Rico 00708, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of bulk dextropropoxyphene (9273), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

Dated: December 15, 1987.

[FR Doc. 87-29227 Filed 12-21-87; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances Application; Hoffmann-La Roche Inc.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 12, 1987, Hoffmann-La Roche Inc., 340 Kingsland Street, Nutley, New Jersey 07110, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Tetrahydrocannabinols (7370)	I.
Alphaprodine (9010)	II.
Levorphanol (9220)	II

Any other such applicant and any perons who is presently registered with DEA to manufacturer such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than January 21, 1988.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

Dated: December 15, 1987.

[FR Doc. 87-29228 Filed 12-21-87; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration; Johnson Matthey, Inc.

By Notice dated September 1, 1987, and published in the **Federal Register** on September 8, 1987; (52 FR 33881), Johnson Matthey, Inc., Pharmaceuticals Department, 2002 Nolte Drive, West Deptford, New Jersey 08066, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of alfentanil (9737), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: December 15, 1987

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 87-29225 Filed 12-21-87; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances, Registration; Minn-Dak Growers Assoc.

By Notice dated September 16, 1987, and published in the **Federal Register** on September 24, 1987; (52 FR 35973), Minn-Dak Growers Association, Highway 81 North, P.O. Box 1276, Grand Forks, North Dakota 58206-1276, made application to the Drug Enforcement Administration to be registered as an importer of marihuana (7360), a basic class of controlled substance listed in Schedule I. This application is exclusively for the importation of marihuana seed which will be rendered non-viable and used as bird feed.

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, § 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control Drug Enforcement Administration.

Dated: December 15, 1987.

[FR Doc. 87-29226 Filed 12-21-87; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary of Labor's Order 7-87]

Delegation of Authority and Assignment of Responsibilities for Employment Standards Programs

December 11, 1987.

1. *Purpose.* To delegate authority and assign responsibilities to the Assistant Secretary for Employment Standards.

2. *Background.* Heretofore authority for carrying out activities in connection with the administration of employment standards programs had been delegated to a Deputy Under Secretary for Employment Standards. An Assistant Secretary for Employment Standards position has now been established to replace the position of Deputy Under Secretary for Employment Standards. Consistent with that decision, this Order delegates authority of Secretary's Order 6-84 which was previously vested in the Deputy Under Secretary to the Assistant Secretary. This Order also incorporates those responsibilities under Sections 216(g)(2) and 274A of the Immigration and Nationality Act (INA).

3. *Delegation of Authority and Assignment of Responsibilities.*

a. *The Assistant Secretary for Employment Standards* is hereby delegated authority and assigned responsibility, except as hereinafter provided, for carrying out in the employment standards policies, programs, and activities of the Department of Labor, including those functions to be performed by the Secretary of Labor under:

(1) The Fair Labor Standards Act of 1938 (FLSA), as amended, 29 U.S.C. 201 *et seq.*, including the issuance of child labor hazardous occupation orders and other regulations concerning child labor standards. Authority and responsibility for the Equal Pay Act, section 6d of the FLSA, were transferred to the Equal Employment Opportunity Commission (EEOC) on July 1, 1979, pursuant to the President's Reorganization Plan No. 1 of February 1978.

(2) The Walsh-Healey Public Contracts Act of 1936, as amended, 41 U.S.C. *et seq.*, except those provisions relating to safety and health delegated to the Assistant Secretaries for Occupational Safety and Health and Mine Safety and Health.

(3) The Service Contract Act of 1965, as amended, 41 U.S.C. 351 *et seq.*, except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health.

(4) The Davis-Bacon Act, as amended, and any laws now existing or subsequently enacted, providing for prevailing wage findings by the Secretary in accordance with or pursuant to the Davis-Bacon Act, as amended, 40 U.S.C. 276a-f; the Copeland Act, 40 U.S.C. 276c; Reorganization Plan No. 14 of 1950; and, the Tennessee Valley Authority Act, 16 U.S.C. 831.

(5) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 327 *et seq.*, except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health.

(6) Title III of the Consumer Credit Protection Act, 15 U.S.C. 1671 *et seq.*

(7) The State and Local Fiscal Assistance Act (Revenue Sharing), as amended, 31 U.S.C. 1221 *et seq.*, as it pertains to prevailing wage rates under the Davis-Bacon Act, as amended, 40 U.S.C. 276a-f.

(8) The labor standards provisions contained in sections 5(i), 5(j), and 7(g) of the National Foundation on the Arts and Humanities Act, as amended, 20 U.S.C. 954(i), 954(j), and 956(g), except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health.

(9) The Migrant and Seasonal Agricultural Worker Protection Act of 1983, Pub. L. 97-470, 29 U.S.C. 1801 *et seq.*

(10) Any remaining activity under the Farm Labor Contractor Registration Act of 1963, as amended and repealed, Pub. L. 88-583, 78 Stat. 920.

(11) Section 3 (relating to education and research) and Section 5 (relating to studies) of the Age Discrimination in Employment Act of 1967 (ADEA), as amended, 29 U.S.C. 621 *et seq.* Authority and responsibility for the remaining provisions of ADEA were transferred to the EEOC on July 1, 1979, pursuant to the President's Reorganization Plan No. 1 of February 1978.

(12) Section 1450(i) of the Safe Drinking Water Act, Pub. L. 93-523, 42 U.S.C. 300 j-9(i).

(13) Section 507 of the Federal Water Pollution Prevention and Control Act, Pub. L. 89-234, 33 U.S.C. 1367.

(14) Section 23 of the Toxic Substances Control Act, 15 U.S.C. 2622.

(15) Section 7001 of the Solid Waste Disposal Act, 42 U.S.C. 6971.

(16) Section 322 of the Clean Air Act, 42 U.S.C. 7622.

(17) Section 210 of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5851.

(18) Section 110 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9610.

(19) Such additional Federal Acts as may from time to time confer upon the Secretary of Labor duties and responsibilities similar to: the Fair Labor Standards Act, 29 U.S.C. 201 *et seq.*; or the Davis-Bacon Act, as amended, 40 U.S.C. 276a-f, and related Acts; or employee protection responsibilities similar to those listed under 4a(12)-(18) above.

(20) The Federal Employees' Compensation Act, as amended and extended, 5 U.S.C. 8101 *et seq.*, except 8149 as it pertains to the Employees' Compensation Appeals Board.

(21) The Longshore and Harbor Worker's Compensation Act, as amended and extended, 33 U.S.C. 901 *et seq.*, except: 33 U.S.C. 921(b) as it applies to the Benefits Review Board; 33 U.S.C. 941 relating to activities assigned to the Assistant Secretary for Occupational Safety and Health; and, 33 U.S.C. 919(d) with respect to hearing examiners in the Office of Administrative Law Judges.

(22) Title IV of the Federal Mine Safety and Health Act of 1977, as amended, 30 U,S.C. 901 *et seq.*

(23) Title 38, U.S.C. 2012, except for monitoring of the Federal contractor job listing activities under section 2012(a) and the annual Federal contractor reporting obligations under 2012(d) delegated to the Assistant Secretary for Veterans' Employment and Training.

(24) Sections 501(a), 501(f), 502, and 503 of the Rehabilitation Act of 1973, as amended, Pub. L. 93-112, and Executive Order 11758.

(25) Executive Order 11246, as amended by Executive Order 11375 and Executive Order 12086—Federal Contract Compliance.

(26) Section 216(g)(2) (relating to the H-2A program) and section 274A(b)(3) (relating to employment eligibility verification and related recordkeeping) of the Immigration and Nationality Act (INA) of 1952, as amended, Pub. L. 82-414, as amended by Pub. L. 99-603.

b. *The Assistant Secretary for Employment Standards* is hereby delegated authority to designate appropriate officers of the Employment Standards Administration to perform functions provided under section 274A(b)(3) of the Immigration and Nationality Act (INA) of 1952, as amended, Pub. L. 82-414, as amended by Pub. L. 99-603.

c. *The Solicitor of Labor* shall have the responsibility for providing legal advice and assistance to all officers of the Department relating to the administration of the statutes and Executive orders listed in paragraph 4a above. The bringing of legal proceedings under the statutes and Executive orders listed in paragraph 4a above, the representation of the Secretary of Labor and/or other officials of the Department of Labor, and the determination of whether such proceedings or representation is appropriate in a given case are delegated exclusively to the Solicitor of Labor.

4. *Reservation of Authority.*

a. The submission of reports and recommendations to the President and the Congress concerning the administration of statutes and Executive orders listed in paragraph 4a above is reserved to the Secretary.

b. The jurisdiction of the Wage and Appeals Board, as presently described in Secretary's Order 24-70 (36 FR 306) and its rules of practice (29 CFR Part 7), is reserved, and the Board shall be authorized to review decisions under this Order relating to the Davis-Bacon Act and related laws within the scope of its jurisdiction, and relating to the Contract Work Hours and Safety Standards Act (except under contracts subject to the Service Contract Act).

c. The jurisdiction of the Board of Service Contract Appeals, as presently described in 29 CFR Part 8 and its rules of practice is reserved, and the Board shall be authorized to review decisions under this Order relating to the Service Contract Act and to the Contract Work Hours and Safey Standards Act under contracts subject to the Service Contract Act.

d. The determination of the application of the ineligible list provisions of section 3 of the Walsh-Healey Public Contracts Act, 41 U.S.C. 37, is reserved to the Secretary.

e. The determination of the

BEST COPY AVAILABLE

application of the ineligible list provisions of section 5 of the Service Contract Act, 41 U.S.C. 354, is reserved to the Secretary, with respect to all cases in which recommendations of administrative law judges were issued prior to March 21, 1984.

f. Decisions under section 103(b)(2) and 503(b)(2) of the Migrant and Seasonal Agricultural Worker Protection Act which permit the Secretary to modify or vacate the decision of an administrative law judge shall also be reserved to the Secretary.

g. Final decisions under paragraph 4(a)(12)–(18), and related final decisions which may be made under paragraph 4(a)(19), are reserved to the Secretary.

5. *Directive Affected.* Secretary's Order 6–84 is canceled.

6. *Effective Date.* This Order is effective immediately.

Dennis E. Whitfield,

Deputy Secretary of Labor.

[FR Doc. 87–29288 Filed 12–21–87; 8:45am]

BILLING CODE 4510–23–M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 4, 1988.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 4, 1988.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC, this 14th day of December 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/ firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Alcan Rolled Products, Co. (company)	Terre Haute, IN	12/14/87	12/2/87	20,325	Aluminum.
Cortelco (workers)	Corinth, MS	12/14/87	12/1/87	20,326	Telephones.
Diebold, Inc. (workers)	Hebron, OH	12/14/87	11/30/87	20,327	Bank teller machines.
Eaton Corp. Fluid Power Division (U.A.W.)	Marshall, MI	12/14/87	11/3/87	20,328	Viscous fan drives.
Editorial American, S.A. (workers)	Virginia Gardens, FL	12/14/87	10/26/87	20,329	Magazines.
Format Printing Co. (CCIU)	Totowa, NJ	12/14/87	12/1/87	20,330	Business forms.
Hanover Dowel (workers)	Bethel, ME	12/14/87	12/3/87	20,331	Dowels.
Hydreco, Inc. (IAM)	Kalamazoo, MI	12/14/87	12/3/87	20,332	Pumps & motors.
Ken Wing Manufacturing Co., Inc. (ILGWU)	New York, NY	12/14/87	12/3/87	20,333	Sportswear.
Motor Wheel Corp. (AIW)	Lansing, MI	12/14/87	12/2/87	20,334	Wheels.
Northeast Wire Co. (UER&MWA)	Holyoke, MA	12/14/87	12/2/87	20,335	Wire.
Raymark (workers)	Stratford, CT	12/14/87	12/2/87	20,336	Clutches & brakes.
Stone Container Corp. (workers)	Bristol, TN	12/14/87	11/19/87	20,337	Paper bags.
Universal Producing, Co. (IAM&AW)	Fairfield, IA	12/14/87	11/25/87	20,338	Bags.

[FR Doc. 87–201289 Filed 12–21–87; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–17,406]

Delco Systems Operations, Culpeper, VA; Negative Determination on Remand

Pursuant to the U.S. Court of International Trade remand of November 5, 1987 in *Former Employees of Delco Systems Operations* v. *the United States* (USCIT No. 86–12–01545), and on further review, it is recommended that the Department's original denial of trade adjustment assistance for workers for Delco Systems Operations, Culpeper, Virginia be reaffirmed.

The Diesel Division of General Motors (DDGM) in Canada was awarded a contract by the U.S. Department of Defense to build several different models of light armored vehicles. One of the models was the LAV–25MC. The LAV–25MC required gun turrets the production of which was exclusively subcontracted to Delco Systems Operations in Culpeper, Virginia in order to increase the domestic labor content provisions of the contract. DDGM in Canada did not simultaneously produce finished gun turrets with the Culpeper facility. The Culpeper facility did not produce gun turrets for anyone else but DDGM in Canada.

Company officials confirmed investigative findings that the workers at Culpeper produced the finished gun turrets for LAV–25MC vehicles. The gun turrets were sold and shipped under contract to DDGM in Canada where they were mounted on the LAV–25MC vehicles which were imported into the United States by the U.S. Government. Company officials stated that the Culpeper facility was the only source of supply for gun turrents for the LAV–25MC vehicles until the facility closed in October 1985 and its work was consolidated with that of DDGM's plant in London, Ontario. The Culpeper facility did not produce gun turrets for anyone else. The contract under which Delco Systems Operations produced gun turrets provided a closed market where imports of other gun turrets could not be implicated.

In the Court's remand, plaintiffs object to the Department's application of *U.S. Shoe Workers of America, AFL–CIO* v. *Bedell*, 506 F.2d 174 (D.C. Cir. 1974) to this case because "the relationship of shoe counters to shoes is not analogous to the relationship of gun turrets to light armored vehicles. Plaintiffs argue that "all shoe counters are, of necessity, a part of shoes; all gun turrets are not, of necessity, a part of light armored vehicles." Plaintiffs' argument falls short on at least two accounts. First, company officials confirmed the Department's finding that all the gun turrets produced at Culpeper were used for mounting on the LAV–25MC vehicle. All LAV–25MC vehicles were sold with turrets. Second, the gun turrets had no purpose in existing separately by themselves and none were imported into the United States—save one for warranty check-out by Delco Systems Operations.

Plaintiffs allege that the Department is inconsistent in the case at hand with respect to articles constituting a necessary part of or were a necessary factor in the production of a product. To support this allegation, the plaintiffs cite certain trade adjustment assistance cases where the Department did not consider the necessary article as a component. In *Gropper* v. *Donovan; Machine Printers & Engravers Ass'n* v. *Marshall*, and in *Dan Stipe* v. *U.S. Department of Labor* the Department determined, respectively, that imported knit fabric garments did not compete with domestic finished fabric used for production of knit fabric garments; that imported textile fabrics did not compete with domestically produced engraved rollers and screens used to print designs on fabric; and imported raw steel did not compete with domestic steel products such as tunnel liners and sectional plate. Each of these products in the cases cited above has a domestic market in which to test the increased import criterion. This is not the case for custom made gun turrets produced domestically and exported to Canada under an exclusive contract.

Findings on remand show that the gun turrets produced at Culpeper were produced to exact specifications for mounting on the LAV–24MC vehicle. Workers at Culpeper did not produce the LAV–25MC vehicle but only LAV–25MC gun turrets which had no market in themselves except with DDGM of Canada for mounting on the vehicle. The LAV–25MC vehicles are not interchangeable or substitutable with finished gun turrets produced for that vehicle. Accordingly, LAV–25MC vehicles are not like or directly competitive with gun turrets.

Further, the gun turrets produced at Culpeper were produced for an export market and although the gun turrets reentered the United States they did so as a component product incorporated into an altogether different finished article. Accordingly, sales of gun turrets to an export market would not provide a basis for certification.

In the case at hand, the gun turret component is custom made, under contract, for the LAV–25MC vehicle in a market closed by a contract. Production schedules had to be met. When the strike occurred in June, 1985 decisions were made that consolidated the Culpeper production in October 1985 with that of DDGM in Canada. Whether other gun turrets are or are not imported is a moot question since only gun turrets produced under contract by Delco in Culpeper to increase the domestic labor content provisions of the contract were used for mounting of the LAV–25MC vehicle prior to the consolidation.

Further, the Trade Act of 1974 provides benefits to workers when the Department can substantiate that increased imports of articles like or directly competitive with those produced by the workers' firm contributed importantly to decreased sales and/or production and decreased employment at the firm. The findings show that the decreased sales and production criterion of Section 222 of the Trade Act was not met in the period immediately preceding the strike. The strike began in early June, 1985. The findings show increased sales and production in both quantity and value in the first six months of 1985 compared to the same period in 1984. Workers can only receive trade adjustment assistance for separations resulting from a lack of work—not for entering a strike and voluntarily removing themselves from employment. Under the GM–UAW agreement settling the strike, GM workers at Culpeper were able to relocate to Delco Marine (a part of GMs commercial automobile operations) in Fredericksburg, Virginia.

Conclusion

After reconsideration on remand, I reaffirm the original denial of eligibility to apply for adjustment assistance for former workers of Delco Systems Operations, Culpeper, Virginia.

Signed at Washington, DC, this 14th day of December 1987.

Robert O. Deslongchamps;

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 87–29290 Filed 12–21–87; 8:45 am]

BILLING CODE 4510–30–M

Minneapolis Electric Steel Casting Co. et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period December 7, 1987–December 11, 1987.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firms, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–20, 169; Minneapolis Electric Steel Castings Co., Minneapolis, MN

TA–W–20, 161; Facet Enterprises, Inc., Murfreesboro, NC

TA–W–20, 174; Bardons & Oliver, Inc., Cleveland, OH

TA–W–20, 159; Combustion Engineering, Inc., Monongahela, PA

TA–W–20, 082; Powerex, Inc., Auburn, NY

TA–W–20, 175; Castchem, Inc., Muse, PA

TA–W–20, 176; Castamerica, Inc., Pittsburgh, PA

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–20, 179; Eureka Crude Purchasing, Inc., Eureka, KS

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–20, 170; Navistar International, Waukesha, WI

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–20, 192; Shanhouse Outerwear, Inc., Magnolia, AR

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–20, 182; General Motors Corp., BOC Janesville, Janesville, WI

Increased imports did not contribute importantly to workers separations at the firm.

Affirmative Determinations

TA–W–20, 165; Kaiser Aluminum & Chemical Corp., Halethorpe Works, Baltimore, MD

A certification was issued covering all workers of the firm separated on or after September 28, 1986.

TA–W–20, 171, Nor East Plastics, Elmira, NY

A certification was issued covering all workers of the firm separated on or after September 29, 1986.

TA–W–20, 200; White Sands Beachwear, Paterson, NJ

A certification was issued covering all workers of the firm separated on or after October 6, 1986 and before June 8, 1987.

TA–W–20, 162; Climate Master, Utica, NY

A certification was issued covering all workers of the firm separated on or after June 1, 1987.

TA–W–20, 225; Jackes-Evans Manufacturing Co., St. Louis, MO

A certification was issued covering all workers of the firm separated on or after October 12, 1986.

TA–W–20, 054; General Motors Corp., Truck & Bus, Flint, MI

A certification was issued covering all workers of the utility vehicle and station wagon-type truck assembly line at the Flint, Michigan Truck and Bus Division separated on or after August 17, 1986 and before October 30, 1989.

TA–W–20, 210; General Electric Co., Ohio Coil Service, Newcomerstown, OH

A certification was issued covering all workers of the firm separated on or after October 5, 1986.

TA–W–20, 172; Sanyo Manufacturing Corp., Forrest City, AR

A certification was issued covering all workers of the firm separated on or after September 24, 1986.

I hereby certify that the aforementioned determinations were issued during the period December 7, 1987–December 11, 1987. Copies of these determinations are available for inspection in Room 6434, US Department of Labor, 601 D Street NW., Washington, DC 20213 during normal business hours or will be mailed to persons who write to the above address.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Dated: December 15, 1987.

[FR Doc. 87–29291 Filed 2–21–87; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted on or before January 21, 1988.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue NW., Washington, DC 20506 (202–786–0233) and Ms. Elaina Norden, Office of Management and Budget, New Executive Office Building, 726 Jackson Place NW., Room 3208, Washington, DC 202503 (202–395–7316).

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue NW., Washington, DC 20506 (202) 786–0233 from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Revisions

Title: Applications and Instructions Forms for the Publication Subvention Category

Form Number: Not applicable

Frequency of Collection: Annual

Respondents: Publishers of works in the humanities

Use: Application for funding

Estimated Number of Respondents: 119 per year

Estimated Hours for Respondents to Provide Information: 24 per respondent.

Susan Metts,

Assistant Chairman for Administration.

[FR Doc. 87–29258 Filed 12–21–87; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–316]

Indiana and Michigan Power Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License DPR–74, issued to Indiana and Michigan Power Company (the licensee), for the Donald C. Cook Nuclear Plant, Unit 2, located in Berrien County, Michigan.

Environmental Assessment

Identification of Proposed Action: The amendment would revise the provisions in the Technical Specifications to extend 18-month surveillances from December 31, 1987 to the refueling outage currently scheduled to begin in early 1988 for response-time testing for reactor trip and engineering safety features (ESF) instrumentation; response testing of equipment to ESF signals; reactor vessel level indication calibration; auxiliary feedwater system testing, including channel functional testing of loss of main feedwater pump signal; and diesel generator testing, including relief valve testing and essential service water valve testing. The licensee's application for amendment was dated October 28, 1987.

The Need for the Proposed Action: The proposed amendment is needed to allow certain surviellances and tests to be delayed starting from December 31, 1987 and until the refueling outage currently scheduled to begin in early 1988. If the extension is not granted, the D.C. Cook Unit 2 must be shut down or placed in a condition where an unwarranted reactor trip would be increasingly possible. The extension will allow the plant to continue operation during a period of increased demand.

Environmental Impacts of the Proposed Action: The proposed amendment will extend the period of certain surveillances by approximately 6 months beyond the technical specification requirement of 18 months. The D.C. Cook Unit 2 has been operating at reduced power (80% of full power) to further limit the steam generator tube degradation. This reduced power has extended the fuel cycle and has made it necessary to conduct the surveillances either at power and increase the likelihood of inadvertent reactor trip or at an early shutdown during an increased power demand period. The instrumentation involved has been shown in the past to be reliable and any problems that develop during the extension period will be dealt with in accordance with Technical Specification requirements. Extending the surveillance period will not significant affect operations nor create accidents (or unwarranted transients). Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed amendment.

The proposed amendment does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

Alternatives to the Proposed Action: Since the Commission has concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated. The bounding alternative, however, would be to require an early shutdown with subsequent restart to finish the fuel cycle. This action would create environmental impacts from the additional radioactive wastes (reactor coolant system cleanup) generated as the result of a shutdown and would also result in increased costs for replacement power, etc., without a clear benefit from performing the surveillance tests as scheduled. Requiring the surveillances to be performed at power could result in an inadvertent reactor trip which would have the same effect plus increasing the probability of an accident by challenging safety systems.

Alternative Use of Resources: These actions involve no use of resources not previously considered in the Final Environmental Statement related to operation of the D.C. Cook Nuclear Plant.

Agencies and Persons Consulted: The Commission's staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare and environmental impact statement for the proposed amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated October 28, 1987 which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Bethesda, Maryland this 17th day of December 1987.

For the Nuclear Regulatory Commission.

David L. Wigginton,

Acting Director, Project Directorate III–3, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 87–29308 Filed 2–21–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–266 and 50–301

Wisconsin Electric Power Co., Point Beach Nuclear Plant, Unit Nos. 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission or staff) is considering approval of a procedure to dispose of certain very low level radioactive waste pursuant to 10 CFR 20.302 as requested by Wisconsin Electric Power Company (the licensee) for Point Beach Nuclear Plant, Units 1 and 2, located in Manitowoc County, Wisconsin.

Environmental Assessment

Identification of Proposed Action: The proposed action would approve the periodic removal and on-site disposal of slightly radioactive sludge. The materials involved in this sludge disposal are the residual solids remaining in solution upon completion of the aerobic digestion sewage treatment process at Point Beach Nuclear Plant (PBNP). Wash basins located in the controlled area of the plant are believed to be the source of the very small quantity of radionuclides observed in the sludge. Six sites surrounding PBNP and owned by the licensee would be used for disposal of the sludge. The sludge would be plowed, disked, injected or otherwise incorporation into the surface soil layer. The proposed action is more fully discussed in the licensee's letter dated July 14, 1987 as supplemented by letter dated August 6 and October 8, 1987.

Need for Proposed Action: The waste involved in this disposal process consists of the residual solids remaining in solution upon completion of the aerobic digestion sewage treatment process utilized in PBNP. The PBNP sewage treatment plant issued in process waste water from the plant sanitary and potable water systems. These systems produce nonradioactive waste streams with the possible exception of wash basins located in the radiologically controlled area of the plant. These wash basins are believed to be the primary source of the extremely small quantities of radionuclides in the sludge. The sewage sludge generated at PBNP is allowed to accumulate in the sewage plant digestor and aeration basin. Two to four times annually, depending on work activities and corresponding work force at PNBP, the volumes of the sludge in the digestor and aeration basin needs to be reduced to allow continued efficient operation of the treatment facility. The total volume of sludge removd during each disposal operation is typically on the order of 15,000 gallons. The maximum capacity for the entire PBNP treatment facility and hence the maximum disposal volume is about 30,000 gallons. In the case of a maximum capacity disposal doses would not necessarily increase in proportion to the volume, since more than one disposal site may be used.

Trace amounts of radionuclides have been identified in PBNP sludge currently being stored awaiting disposal. The radionuclides identified and their concentrations in the sludge are summarized below:

Nuclide	Concentration (microcurie/cc)
Co–60	2.33E–07
Cs–137	1.50E–07

The total activity of the radionuclides in the stored sludge, based on the identified concentrations and a total volume of 15.000 gallons of sewage sludge, as follows:

Nuclide	Activity (microcuries)
Co–60	13.2
Cs–137	8.5

These concentrations and activities are representative of past and future values of concentrations and activities of radionuclides in the sludge which has been or is to be land spread.

Environmental Impacts of the Proposed Action: The rate of sewage sludge application on each of the six proposed sites will be monitored to insure doses are maintained within applicable limits. These limits require doses to the maximally exposed member of the general public to be maintained less than 1 mrem/year due to the disposal material. In addition, NRC guidance requires doses of less than 5 mrem/year to an inadvertent intruder.

Specifically, the radionuclide concentrations in the sludge shall be determined prior to each disposal by obtaining three representative samples from each of the sludge storage tanks. The samples shall be counted utilizing a GeLi detector and multichannel analyzer with appropriate geometry. The detection system is routinely calibrated and checked to ensure the lower limits of detection are within values specified in the Radiological Effluent Technical Specifications (RETS).

To insure the samples are representative of the overall concentration in the storage tanks, the radionuclide concentration determination for each of the three samples shall be analyzed to insure each sample is within two standard deviations of average value of three samples. If this criteria is not met, additional samples will be obtained and analyzed to insure a truly representative radionuclides concentration is utilized for dose calculations and concentration limit determinations. The average of all statistically valid concentration determinations will be utilized in determining the storage tank concentration values.

The radionuclides identified in the sludge, along with their respective concentrations, will be compared to concentration limits prior to disposal. The methodology discusses in Appendix F of the licensee's October 8, 1987 letter will be used in determining compliance with the proposed concentration limit. The total activity of the proposed disposal will be compared to the proposed activity limit as described in Appendix F.

In the concentration and activity limit criteria are met, the appropriate exposure pathways (as described in Appendix D of the licensee's October 8, 1987 letter) will be evaluated prior to each application of sludge. These exposures will be evaluated to insure the dose to the maximally exposed individual will be maintained less than 1 mrem/year and the dose to the inadvertent intruder is maintained less than 5 mrem/year. The exposure will be calculated utilizing the methodology used in Appendix E of the licensee's October 8, 1987 letter, including the current activity to be landspread along with the activity from all prior disposal. The remaining radioactivity from prior disposals will be corrected for radiological decay prior to performing dose calculations for the meat, milk, and vegetable ingestion pathways, the inhalation of resuspended radionuclides, and all pathways associated with a release to Lake Michigan. The residual radioactivity will be corrected for radiological decay and, if appropriate, the mixing of the radionuclides in the soil by plowing prior to performing external exposure calculations.

To assess the doses received by the maximally exposed individual and the inadvertent intruder, six credible pathways have been identified for the maximally exposed individual and four credible pathways for the inadvertent intruder. The identified credible pathways are described in Appendix D of the licensee's October 8, 1987 letter.

Calculations detailed in Appendix E of the licensee's October 8, 1987 letter demonstrate the disposal of the currently stored PBNP sewage sludge would result in exposures below these limits. The total annual exposure to the maximally exposed individual based on the identified exposure pathways is equal to 0.072 mrem. The dose to a hypothetical intruder assuming an overly conservative occupancy factor of 100% is calculated to be 0.115 mrem/year. By definition, the inadvertent intruder would not be exposed to the processed food pathways (meat and milk).

The calculation methodology used in determining doses for the proposed disposal of sludge stored at PBNP shall be utilized prior to each additional land application to insure doses are maintained less than those proposed by NRC. This calculation will include radionuclides disposed of in previous sludge applications. The activity from these prior disposals will be corrected for radiological decay prior to performing dose calculations for that meat, milk, and vegetable ingestion pathways, the inhalation of resuspended radionuclides, and all pathways associated with a potential release to Lake Michigan. The residual radioactivity will be corrected for radiological decay and, if applicable, the mixing of radionuclides in the soil prior to performing external exposure calculations. In addition, the dose to a farmer potentially leasing more than one application site will be addressed by summing the doses received from the external exposure from a ground plane source and resuspension inhalation pathways for each leased site. In addition, the maximum site-specific dose due to the other pathways identified in Appendix D to the licensee's October 8, 1987, letter will be utilized in the total exposure estimation.

The licensee's letter dated October 8, 1987 includes an analysis and evaluation of pertinent information as to the nature of the environment, including topographical, geological, meteorological and hydrological characteristics; usage of ground and surface waters in the general area; the nature and location of other potentially affected facilities; and procedures to be observed to minimize the risk of unexpected or hazardous exposures.

Based on a review and evaluation of the licensee's application, the staff concludes that the possible radiation risks to members of the general public as a result of such disposal would be well below regulatory limits.

Alternatives to the Proposed Action: The "no action" alternative is to deny the licensee's request for approval; namely, that other, more costly alternatives for disposal of the sludge would be necessary to support continued plant operation. This would entail packaging the sludge for transport to the disposal in a licensed waste burial site. The "no action" alternative also entails increased risks during transportation associated with offsite shipments, whereas transport for the proposed action is for very short distances across licensee-owned property.

Agencies and Persons Consulted: The staff reviewed the licensee's request and has not consulted other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed action.

Based upon this environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the licensee's application dated July 14, 1987, as supplemented on August 6 and October 8, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Dated at Bethesda, Maryland, this 16 day of December 1987.

For the Nuclear Regulatory Commission.

Kenneth E. Perkins,

Director, Project Directorate III–3, Division of Reactor Projects.

[FR Doc. 87–29307 Filed 12–21–87; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittee on Reactor Operations; Meeting

The ACRS Subcommittee on Reactor Operations will hold a meeting on January 5, 1988, Room 1046, 1717 H Street, NW., Washington, DC.

The entire meeting will be open to the public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, January 5, 1988—1:00 p.m. until the conclusion of business

The Subcommittee will be briefed on, and discuss problems involved with, in-service testing.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee may exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Herman Alderman (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date: December 15, 1987.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 29302 Filed 12–21–87; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactor Designs; Meeting

The ACRS Subcommittee on Advanced Reactor Designs will hold a meeting on January 6, 1988, Room 1046, 1717 H Street NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, January 6, 1988—8:30 a.m. until the conclusion of business

The Subcommittee will review and comment on the draft Commission paper that will be prepared by the NRC Staff regarding the severe accidents and containment issues for the DOE-sponsored advanced reactor designs.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. M. El-Zeftawy (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: December 15, 1987.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 87–29303 Filed 12–21–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–440A]

Cleveland Electric Illuminating Co. et al; Request To Suspend the Perry Nuclear Power Plant Antitrust License Conditions

By application dated September 18, 1987, the Ohio Edison Company (Ohio Edison or Licensee) requested the Director of the Office of Nuclear Reactor Regulation to amend the Perry Nuclear Power Plant (Perry) operating license, No. NPF–58, issued to Cleveland Electric Illuminating Co., Toledo Edison Co., Dequesne Light Co. and Ohio Edison.

In its application, Ohio Edison suggests that the production cost advantages associated with nuclear power forecasted during the 1970's have not been realized by Perry in the 1980's. Licensee states that the antitrust license conditions attached to the Perry operating license were based on the premise that nuclear power would provide an economic or competitive advantage to its owners. Licensee concludes that because the production cost advantages associated with nuclear power have disappeared the rationale for attaching antitrust license conditions to Perry has also disappeared and consequently, the license conditions as they apply to Ohio Edison should be suspended.

Pursuant to 10 CFR 2.101 and 50.90, the staff is publishing receipt of Licensee's request to amend the Perry operating license in the **Federal Register** and requesting public comment. A copy of the application for amendment has been forwarded to the Attorney General for his review and comment and a copy of this notice is being forwarded to counsel for Cleveland Public Power, Inc. (formerly the Municipal Electric Light Department of the City of Cleveland, Ohio). Moreover a copy of the application for amendment will be available for pubic inspection in the local public document room, Perry Public Library, 3753 Main Street, Perry, Ohio 44081 and at the Commission's Public Document Room located at 1717 H Street NW., Washington, DC 20555 for inspection by any interested party.

Any person who wishes to express views pursuant to the antitrust issues

raised in this amendment request, should submit said views within 45 days of the initial publication of this Notice in the **Federal Register** to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Chief, Policy Development and Technical Support Branch, Office of Nuclear Reactor Regulation.

For the Nuclear Regulatory Commission.

Cecil O. Thomas,

Acting Chief, Policy Development and Technical Support Branch, Program Management, Policy Development and Analysis Staff, Office of Nuclear Reactor Regulation.

[FR Doc. 87-29308 Filed 12-21-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos.: 50-373, and 50-374]

Commonwealth Edison Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-11 and NPF-18 issued to Commonwealth Edison Company (the licensee), for operation of LaSalle County Station, Units 1 and 2 located in LaSalle County, Illinois.

The amendments would revise Technical Specification 4.0.2.b such that "the combined time interval for any 3 consecutive surveillance intervals shall not exceed 3.25 times the specified surveillance interval" would not be applicable to refuel interval surveillances. With the advent of longer fuel cycles and less frequent and longer outages, LaSalle County Station is encountering difficulty completing surveillances required at a refueling interval by Technical Specifications. This will alleviate the immediate problem and prevent recurrence of this specific situation for successive operating cycles.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By January 21, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first perhearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given DATAGRAM Identification Number 3737 and the following message addressed to Daniel R. Muller: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel—Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Joseph Gallo, Isham, Lincoln, and Beale, 1150 Connecticut Ave. NW., Suite 1100, Washington, DC 20036, attorney for the license.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated December 4, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Dated at Bethesda, Maryland this 15th day of December 1987.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Director, Project Directorate III-2, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 87-29309 Filed 12-21-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 55-60402; ASLBP No. 87-552-03-SP]

David W. Held (Senior Operator License for Beaver Valley Nuclear Power Station, Unit 1); Oral Presentation

December 16, 1987.

Before Administrative Judge: Peter B. Bloch, Presiding Officer.

An Oral Presentation, open to the public, will be convened in the U.S. Post Office Building, Room #40, 777 Corporation St., Beaver, Penn. 15009, January 5, 1988 (Tuesday) from 9 am to 5 pm.

Mr. David Held will be asked to present orally his point-by-point response to the affidavit of Mr. Barry Norris. Staff counsel or staff's witness may be requested to clarify which specific words of plant procedures or technical specifications are being relied on and otherwise to participate to the extent that it is helpful to the clarification of issues. I anticipate asking questions to assure that each point is addressed.

I note that Staff did not respond affirmatively to my suggestion that it propose an oral presentation date prior to January 12; the January 5 date is, therefore, set over the Staff's objection, stated in its Motion of December 15, 1987. Any motions that may affect this proceeding shall be reduced to writing and *received* by me and the other party before December 25, 1987. Subject to exceptions that I may grant, written responses shall be *received* no later than noon of January 4.

A transcript will be taken. Parties may be permitted to make closing summaries. I anticipate closing the record after this presentation and precluding further filings.

Peter B. Bloch,

Administrative Judge.

Bethesda, Maryland.

[FR Doc. 87-29304 Filed 12-21-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 316]

Indiana and Michigan Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-58 and DPR-74, issued to Indiana and Michigan Power Company (the licensee), for operation of the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, located in Berrien County, Michigan.

The amendments would revise the provisions in the Technical Specifications relating to deleting the requirement to measure the moderator temperature coefficient near the end of the fuel cycle. The licensee's application for amendments was dated October 20, 1987.

Prior to issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By January 21, 1988, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition, without requesting leave of the Board, up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Kenneth E. Perkins, Jr.: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Office of General Counsel—Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a

balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated October 20, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Maude Preston Palenski Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Bethesda, Maryland, this 9th day of December 1987.

For the Nuclear Regulatory Commission.

David L. Wigginton,

Project Manager, Project Directorate III–3, Division of Reactor Projects.

[FR Doc. 87–29310 Filed 12–24–87; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by civil service rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Leesa Martin, (202) 653–9404.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on November 24, 1987 (52 FR 45035). Individual authorities established or revoked under Schedule A, B, or C between November 1, 1987, and November 30, 1987, appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

The following exception has been revoked.

Department of the Navy

One Personnel Security Specialist in the Naval Personnel Program Support Activity, Bureau of Naval Personnel. Effective November 10, 1987.

Schedule B

No Schedule B exceptions were established or revoked during November.

Schedule C

Department of Agriculture

One Confidential Assistant to the General Counsel. Effective November 30, 1987.

Department of Commerce

One Confidential Assistant to the Under Secretary for International Trade. Effective November 3, 1987.

One Confidential Assistant to the Under Secretary for Economic Affairs. Effective November 6, 1987.

One Congressional Liaison Specialist to the Deputy Assistant Secretary for Congressional Affairs. Effective November 12, 1987.

One Confidential Assistant to the Deputy Assistant Secretary for Trade Information and Analysis. Effective November 23, 1987.

One Congressional Liaison Specialist to the Under Secretary for Economic Affairs. Effective November 23, 1987.

One Congressional Liaison Specialist to the Director for Congressional Affairs. Effective November 23, 1987.

One Confidential Assistant to the Deputy Assistant Secretary for Domestic Operations. Effective November 25, 1987.

Department of Defense

One Secretary (Typing) to the Principal Deputy Assistant Secretary for Public Affairs. Effective November 13, 1987.

Department of Education

One Director, Intergovernmental Affairs to the Deputy Under Secretary for Intergovernmental and Interagency Affairs. Effective November 3, 1987.

One Director, Program Informations and Coordination Staff to the Assistant Secretary for Special Education and Rehabilitation Services. Effective November 3, 1987.

One Special Assistant to the Special Assistant, Office of the Secretary. Effective November 3, 1987.

One Confidential Assistant to the Director for Office of Special Education Programs. Effective November 4, 1987.

One Special Assistant to the Director for Intergovernmental Affairs. Effective November 4, 1987.

One Confidential Assistant to the Assistant Secretary for Legislation. Effective November 9, 1987.

One Special Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs. Effective November 18, 1987.

One Director of Interagency Operations to the Deputy Under Secretary for Office of Intergovernmental and Interagency Affairs. Effective November 25, 1987.

One Executive Assistant to the Under Secretary. Effective November 30, 1987.

One Executive Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs. Effective November 30, 1987.

Department of Health and Human Services

One Special Assistant to the Director for Office of Community Services. Effective November 12, 1987.

One Special Assistant for National Drug Policy Board to the Administrator for Alcohol, Drug Abuse, and Mental Health Administration. Effective November 12, 1987.

One Special Assistant for National Drug Policy Board to the Administrator for Alcohol, Drug Abuse, and Mental Health Administration. Effective November 23, 1987.

Department of Housing and Urban Development

One Special Assistant to the President for Government National Mortgage Association. Effective November 6, 1987.

One Assistant to the Deputy Assistant Secretary for Congressional Relations. Effective November 18, 1987.

One Assistant to the Deputy Assistant Secretary for Congressional Relations. Effective November 27, 1987.

Department of the Interior

One Supervisory Public Affairs Specialist to the Commissioner of Reclamation. Effective November 3, 1987.

Department of Justice

One Secretary (Steno) to the Assistant Attorney General. Effective November 4, 1987.

One Missing Children's Program Coordinator to the Administrator for Office of Juvenile Justice and Delinquency Prevention. Effective November 6, 1987.

One Attorney-Advisor (General) to the Assistant Attorney General. Effective November 6, 1987.

One Special Assistant to the Director for Community Relations Service. Effective November 9, 1987.

Department of Labor

One Special Assistant to the Secretary. Effective November 9, 1987.

Department of Transportation

One Special Assistant to the Director for Office of Public Affairs. Effective November 10, 1987.

One Special Assistant to the Administrator. Effective November 17, 1987.

One Associate Director for Program Affairs to the Director, Office of Commercial Space Transportation. Effective November 20, 1987.

Department of Treasury

One Special Assistant to the Executive Director for U.S. Savings Bonds Division. Effective November 3, 1987.

One Legislative Manager to the Deputy Assistant Secretary for Legislative Affairs. Effective November 6, 1987.

One Staff Assistant to the Deputy Assistant Secretary for Administration. Effective November 12, 1987.

Action

One Staff Assistant to the Associate Director for Legislative Public and Intergovernmental Affairs. Effective November 5, 1987.

Commodity Futures Trading Commission

One Governmental Affairs Officer to the Chairman. Effective November 30, 1987.

Environmental Protection Agency

One Special Assistant to the Assistant Administrator for Administration and Resources Management. Effective November 23, 1987.

Equal Employment Opportunity Commission

One Special Assistant to the Commissioner. Effective November 4, 1987.

Export-Import Bank of the United States

One Administrative Assistant (Typing) to the President and Chairman. Effective November 3, 1987.

Federal Emergency Management Agency

One Confidential Assistant to the Associate Director for National Preparedness. Effective November 13, 1987.

Federal Martime Commission

One Secretary (Typing) to the Commissioner. Effective November 13, 1987.

Federal Trade Commission

One Confidential Assistant to the Chairman. Effective November 5, 1987.

Office of Management and Budget

One Confidential Assistant to the Executive Assistant to the Director. Effective November 6, 1987.

President's Commission on Executive Exchange

One Secretary (Typing) to the Executive Director. Effective November 13, 1987.

Small Business Administration

One Special Assistant to the Regional Administrator. Effective November 23, 1987.

United States Trade Representative

One Confidential Secretary to the Ambassador. Effective November 23, 1987.

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., P. 218.

U.S. Office of Personnel Management.

James E. Colvard,

Deputy Director.

[FR Doc. 87–29244 Filed 12–21–87; 8:45 am]

BILLING CODE 6325–01–M

POSTAL RATE COMMISSION

Commission Visit to Postal Facilities

December 15, 1987.

Notice is hereby given that Commissioner LeBlanc, his special assistant and a member of the Commission's advisory staff will visit the Washington Bulk Mail Center and the Merrifield Management Sectional Center on Friday, December 18, 1987, to view mail acceptance and processing and will visit the carrier station in Rockville, Maryland, on Monday, December 21, 1987, to view carrier in-office operations.

For further information contact Gerald Cerasale at (202) 789–6868. A report of the visit will be on file in the Commission's Docket Room.

Charles L. Clapp,

Secretary.

[FR Doc. 87–29261 Filed 12–21–87; 8:45 am]

BILLING CODE 7715–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02–0409]

College Venture Equity Corp.; Surrender of License

Notice is hereby given that College Venture Equity Corp., 256 Third Street, Niagara Falls, New York 14303 has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). College Venture Equity was licensed by the Small Business Administration on December 1, 1980. Under the authority vested by the Act and pursuant to the Regulation promulgated thereunder, the surrender was accepted on November 19, 1987, and accordingly, all rights, privileges, and franchises therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

Dated: December 9, 1987.

[FR Doc. 87–29243 Filed 12–21–87; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB on December 15, 1987

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation on December 15, 1987, to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reudction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Chandler, Annette Wilson, or Cordelia Shepherd, Information Requirements Division, M–34, Office of the Secretary of Transportation, 400 Seventh Street SW., Washington, DC 20590, telephone (202) 366–4735, or Gary Waxman or Sam Fairchild, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503, (202) 395–7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for initial, approval, or for renewal under that Act. OMB reviews and approves agency submittals in accordance with

criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above. Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. It you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB on December 15, 1987.

DOT No.: 2978
OMB No.: New
Administration: U.S. Coast Guard
Title: Survey of Alcohol Intoxication In Recreational Boating
Need for Information: This information collection requirement is needed to determine the relative risk of fatal recreational boating accidents associated with various Blood Alcohol Cencentrations (BAC's)
Proposed Use of Information: The information will be used to determine the blood alcohol level of the victims. The Coast Guard will further use this information to inform boaters of their risk and to target boating safety programs. The results of the study will be provided to the states to support their regulation development in the area of boating while intoxicated
Frequency: One time
Burden Estimate: 175
Respondents: Recreational boaters
Form(s): GC–5472

DOT No.: 2985
OMB No.: 2133–0023
Administration: Maritime Administration
Title: Port Facility Inventory
Need for Information: To determine whether individual Port Facilities and Services are available for use by Federal agencies prior to and during National Defense Emergencies
Proposed Use of Information: To maintain data on essential Port Facilities
Frequency: Biennially
Burden Estimate: 30 hours
Respondents: Terminal Owners, Port Operators
Form(s): MA.400

DOT No.: 2990
OMB No.: 2125–0521
Administration: Federal Highway Administration
Title: Developing and Recording Cost For Railroad Adjustments
Need for Information: For railroad companies to maintain adequate records to support costs incurred for reimbursable railroad adjustments on Federal-aid projects
Proposed Use of Information: For FHWA to reimburse State highway agencies for costs of construction on Federal-aid projects
Frequency: Recordkeeping—3 year retention period
Burden Estimate: 4,600
Respondents: Railroad companies
Form(s):

DOT No.: 2991
OMB No.: 2127–0506
Administration: National Highway Traffic Safety Administration
Title: 49 CFR 571.125, Warning Devices
Need for Information: To aid the agency in achieving many of the safety goals
Proposed Use of Information: Manufacturers are required to provide permanently attached labels on warning devices giving name of manufacturer, date of manufacture certifying that it conforms with the applicable standard. Also, it should include specific instructions to the driver
Frequency: On occasion
Burden Estimate: 77 hours
Respondents: Businesses/small businesses
Form(s): None

DOT No.: 2992
OMB No.: 2115–0141
Administration: U.S. Coast Guard
Title: Reporting and Recordkeeping Requirements For Fire Fighting Equipment, Structural Fire Protection Materials, Lifesaving Equipment and Marine Sanitation Devices
Need for Information: The requirements contained in this submission are needed to ensure that emergency and lifesaving equipment is safe and reliable
Proposed Use of Information: The Coast Guard uses the information to approve emergency equipment and to determine that production stock of lifesaving appliances will be identical to those which were originally tested and approved
Frequency: On occasion
Burden Estimate: 7140
Respondents: Equipment manufacturers and independent testing laboratories
Form(s): None

DOT No.: 2993
OMB No.: 2115–0514
Administration: U.S. Coast Guard
Title: Merchant Marine License, Certificate and Document Application Recordkeeping/Reporting Requirements
Need for Information: This information collection requirement is needed to determine and document the training, experience, physical condition, professional qualifications and character of persons applying for a merchant marine license, certificate or document
Proposed Use of Information: The information will be used to determine the applicant's qualifications to receive or continue to hold a license, certificate or document
Frequency: On occasion
Burden Estimate: 100,616.25
Respondents: Applicants for merchant marine license, certificate or document
Form(s): CG–719K, 866, 4509, 4510, 719B, 2765, 2838, 719A, 5206, 5205, 4865, 3750, 2987, 2849, 887, and FD–258

DOT No.: 2994
OMB No.: 2115–0007
Administration: U.S. Coast Guard
Title: Applications For Vessel Inspection/Waiver
Need for Information: This information collection requirement provides basic information which is necessary for the initial planning and scheduling of a vessel inspection. Also, the information collection allows certain vessel owners and operators to apply for a waiver from the inspection laws based on national defense consideration
Proposed Use of Information: This information collection requirement is used to schedule and plan vessel inspections and to analyze the request for waiver
Frequency: On occasion and triennially
Burden Estimate: 1,429
Respondents: Owners, operators and agents of commercial vessels
Form(s): None

DOT No.: 2995
OMB No.: 2115–0073
Administration: U.S. Coast Guard
Title: Alternative Compliance—72 Colregs and Inland Rules
Need for Information: This information collection requirement is needed to justify the respondents request to deviate from the technical requirements of the International Regulations for Preventing Collisions at Sea, 1972, and the Inland Navigational Rules Act of 1980
Proposed use of Information: The information will be used to determine the need for alternative systems on the vessel and the conditions that will apply
Frequency: On occasion
Burden Estimate: 135
Respondents: Vessel owners, operators, builders and agents
Form(s): N/A

DOT No.: 2996
OMB No.: 2120–0022
Administration: Federal Aviation Administration
Title: Certification: Merchanics, Repairmen, Parachute Riggers FAR–65
Need for Information: Certification is required before individuals can perform the specified job functions
Proposed Use of Information: The information is used to ensure that the applicant is qualified
Frequency: On occasion
Burden Estimate: 29,472 hours
Respondents: Individuals
Form(s): FAA—8610–1 and 8610–2

DOT No.: 2997
OMB No.: 2120–0010
Administration: Federal Aviation Administration
Title: Repair Station Certification—FAR–145
Need for Information: The information is needed to ensure that Repair Stations meet minimum acceptable standards
Proposed Use of Information: To issue initial, renewal, and amendments certificates to repair station facilities
Frequency: On occasion
Burden Estimate: 265,835 hours
Respondents: Repair Station Owners
Form(s): FAA Form 8310–3

DOT No.: 2998
OMB No.: 2120–0012
Administration: Federal Aviation Administration
Title: Parachute Lofts FAR–149
Need for Information: To determine compliance and applicant eligibility
Proposed Use of Information: The information is used to determine compliance and applicant eligibility for operation of parachute lofts
Frequency: On occasion
Burden Estimate: 6304
Respondents: Individuals and businesses
Form(s): FAA Form 8310–3

DOT No.: 2999
OMB No.: 2120–0033
Administration: Federal Aviation Administration
Title: Representatives of the Administrator FAR–183
Need for Information: FAA Act, section 314 authorizes appointment of properly qualified private persons to be representatives of the Administrator for examining, testing, and certifying airmen
Proposed Use of Information: The information is used to determine the eligibility of the representatives
Frequency: On occasion
Burden Estimate: 4,626
Respondents: Individuals
Form(s): FAA Forms 810–14, 8520–2, 8710–6

DOT No.: 3000
OMB No.: New Collection
Administration: Federal Highway Administration
Title: Federal Highway Administration
Need for Information: For FHWA and State officials to ensure that commercial motor vehicle operators meet the requirements of 49 CFR Part 383
Proposed Use of Information: For motor carrier employers to assist and ensure that commercial motor vehicle operators meet the provisions of the regulations of 49 CFR Part 383
Frequency: On occasion
Burden Estimate: 496,529
Respondents: Motor Carriers
Form(s):

DOT No.: 3001
OMB No.: 2127–0004
Administration: National Highway Traffic Safety Administration
Title: 49 CFR Part 573, Defect and noncompliance Reports
Need for Information: To monitor the recall campaigns requested by the manufacturers
Proposed Use of Information: Manufacturers of motor vehicles and equipment are required to report to this agency when they determine a recall campaign is needed. This helps the agency know the manufacturer's determination. The manufacturers must report on the status of the recall campaign, so the agency can monitor the recall
Frequency: On occasion
Burden Estimate: 6,300
Respondents: Business/small business or organizations
Form(s): None

DOT No.: 3002
OMB No.: 2120–0049
Administration: Federal Aviation Administration
Title: Agricultural Aircraft Operations FAR 137
Need for Information: The information is required from applicants who wish to be issued a commercial or private agricultural aircraft operator certificate
Proposed Use of Information: To determine applicant eligibility
Frequency: On occasion
Burden Estimate: 11,740 hours
Respondents: Individuals, businesses/small businesses
Form(s): FAA Form 8710–3

DOT No.: 3003
OMB No.: 2120–0028
Administration: Federal Aviation Administration
Title: Operations Specifications
Need for Information: To approve aircraft-operator's requests for operations specifications as are necessary to ensure safety in air transportation
Proposed Use of Information: The information is used to determine applicant's eligibility
Frequency: On occasion
Burden Estimate: 7,600 hours
Respondents: Businesses
Form(s): FAA Form 8400–1, 1A, 7

DOT No.: 3004
OMB No.: 2125–0196
Administration: Federal Highway Administration
Title: Time Records
Need for Information: To meet the requirements of 49 CFR 395.8(1) to provide an exemption from the driver's record of duty status for drivers operating within a 100 air-mile radius of the location to which they report for work
Proposed Use of Information: For FHWA and motor carriers to determine compliance with maximum time limitations are required by 49 CFR 395.3
Frequency: Recordkeeping/6 months
Burden Estimate: 10,804,553
Respondents: Motor carriers
Form(s):

DOT No.: 3005
OMB No.: 2125–0519
Administration: Federal Highway Administration
Title: Developing and Recording Cost for Utility Adjustments
Need for Information: For utility companies to maintain adequate records to support costs incurred for reimbursable utility adjustments on Federal-aid highway projects
Proposed Use of Information: For FHWA to reimburse State highway agencies for the costs of construction of Federal-aid projects
Frequency: Recordkeeping 3 year retention period
Burden Estimate: 480,000
Respondents: Utility companies
Form(s): N/A

DOT No.: 3006

OMB No.: New
Administration: Federal Aviation Administration
Title: Research questionnaire to be used in the program to identify and treat pilot errors
Need for Information: The information is needed to help design decision-making programs for pilots
Proposed Use of Information: To determine what characteristics could be involved in pilot judgment error
Frequency: One time
Burden Estimate: 1,500 hours
Respondents: Pilots
Form(s): Questionnaire

DOT No.: 3007
OMB No.: 2133–0016
Administration: Maritime Administration
Title: 46 CFR Part 298—Title XI Obligation Guarantees
Need for Information: To evaluate applicant eligibility for Title XI Assistance
Proposed Use of Information: To protect the Government's Financial interest in providing ship financing guarantee contracts
Frequency: On occasion; semiannually
Burden Estimate: 2,000 hours
Respondents: Ship owners and ship operators
Form(s): MA–163, attachments

DOT No: 3008
OMB No: 2115–0012
Administration: U.S. Coast Guard
Title: Application for Appointment as Cadet, U.S. Coast Guard Academy
Need for Information: This information collection requirement provides a means for interested persons to apply and compete for an appointment as a Cadet
Proposed Use of Information: The Coast Guard Academy uses this information to review applicants qualifications and qualifications and to determine eligibility
Frequency: Once per applicant
Burden Estimate: 8,800
Respondents: College bound men and women between 16 and 22 years old
Form(s): CG–4151, CGAD–618 A & B, CGAD 635, CGAD–634 A and B

DOT No: 3009
OMB No: 2138–0023
Administration: Research and Special Programs
Title: Reporting Required for International Civil Aviation Organization (ICAO)
Need for Information: To fulfill U.S. treaty obligation
Proposed Use of Information: Information is used by ICAO, a branch of the United Nations, to develop worldwide aviation policies
Frequency: Monthly, Quarterly and annually
Burden Estimate: 273 hours
Respondents: Large air carriers
Form(s): RSPA Forms AM, AN, C and EF and ICAO Forms A–1, B, C, D–1, D–2 and EF–1

DOT No: 3010
OMB No: New
Administration: U.S. Coast Guard
Title: Hooper Dredge Working Freeboard
Need for Information: Coast Guard needs this collection of information to ensure compliance with proposed regulations which will allow hopper dredge owners and operators to load deeper drafts and carry more dredged spoil
Proposed Use of Information: The Coast Guard uses this information to grant working freeboards to the requesting vessels. The vessel master will use this information to ensure safe operation of the vessel
Frequency: On occasion
Burden Estimate: 204
Respondents: Owners, agents and masters of self-propelled hopper dredges
Form(s): N/A.

Issued in Washington, DC on December 15, 1987.

Robert J. Woods,
Director of Information Resource Management.
[FR Doc. 87–29247 Filed 12–21–87; 8:45 am]
BILLING CODE 4910–62–M

Federal Aviation Administration

Flight Service Station at Daggett, CA; Closing

Notice is hereby given that on or about January 5, 1988, the Flight Service Station at Daggett, California, will be closed. Services to the general aviation public of Daggett, formerly provided by this office, will be provided by the Flight Service Station in Riverside, California. This information will be reflected in the next reissuance of the FAA Organization Statement.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Lawndale, California on December 8, 1987.

H.C. McClure,
Director, Western-Pacific Region.
[FR Doc. 87–29255 Filed 12–21–87; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: December 15, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New
Form Number: 8689
Type of Review: New Collection
Title: Allocation of Individual Income Tax to the Virgin Islands
Description: Used by U.S. citizens or residents as an attachment to Form 1116 when they have Virgin Islands source income. The data is used by IRS to verify the amount claimed on Form 1116 for taxes paid to the Virgin Island
Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations
Estimated Burden: 308 hours

OMB Number: New
Form Number: 8453-E
Type of Review: New Collection
Title: Annual Return/Report of Employee Benefit Plan (With Fewer than 100 Participants) Magnetic Media/Electronic Filing
Description: This form will be used to secure taxpayer signatures and declarations in conjunction with the Electronic Filing of Form 5500 and Form 5500–C. This form, together with the electronic transmission, will comprise the annual information return
Respondents: Individuals or households, Businesses or other for-profit
Estimated Burden: 12,229 hours
Clearance Officer: Garrick Shear, (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW, Washington, DC 20224
Clearance Officer: Milo Sunderhauf (202) 395–6880 Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,
Departmental Reports, Management Officer.
[FR Doc. 87–29231 Filed 12–21–87; 8:45 am]
BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to OMB for Review

Date: December 17, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New
Form Number: 8582–CR
Type of Review: New Collection
Title: Passive Activity Credit Limitations
Description: Under section 469, credits from passive activities, to the extent they do not exceed the tax attributable to net passive income, are not allowed. Form 8582–CR is used to figure the passive activity credit allowed and the amount of credit to be reported on the tax return. Worksheets 1, 2, and 3 in the instructions are used to figure the amounts to be entered on lines 1, 2, and 3 Form 8582–CR and worksheets 4 through 7 are used to allocate the credits allowed back to the indivdiual activities.
Respondents: Individuals or households, Farms, Businesses or other for-profit
Estimated Burden: 973,350 hours

OMB Number: 1545–0553
Form Number: RCMW 1–727
Type of Review: Extension
Title: Geographic Availability Statement
Description: This form will be used to ascertain the applicant's geographic preference for appointment location. This will facilitate certification to the appropriate appointing office. Applicants are for positions for which IRS maintains registers.
Respondents: Individuals or households
Estimated Burden: 180 hours
Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
Clearance Officer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Dale A. Morgan,
Departmental Reports Management Officer.
[FR Doc. 87–29282 Filed 12–21–87; 8:45 am]
BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to OMB for Review

Date: December 17, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515–0059
Form Number: CF 1303
Type of Review: Reinstatement
Title: Ship's Stores Declaration
Description: The Customs Form 1303 is used by the importing carrier to list articles to be retained on board the vessel such as sea stores, ship stores, or bunker coal, or bunker oil, etc.
Respondents: Businesses or other for-profit, Small businesses or organizations
Estimated Burden: 4,125 hours
Clearance Officer: B.J. Simpson (202) 566–7529, U.S. Customs Service, Room 6426, 1301 Constitution Avenue NW., Washington, DC 20229
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Dale A. Morgan,
Departmental Reports Management Officer.
[FR Doc. 87–29283 Filed 12–21–87; 8:45 am]
BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to OMB for Review

Date: December 17, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 545–0059
Form Number: 4137
Type of Review: Extension
Title: Computation of Social Security Tax on Unreported Tip Income
Description: Section 3102 requires an employee who receives tips subject to FICA tax to compute tax due on these tips if the employee did not report them to his or her employer. The data is used to help verify that the FICA tax on tip income is correctly computed.
Respondents: Individuals or households
Estimated Burden: 51,301 hours
Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
Clearance Officer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Dale A. Morgan,
Department Reports Management Officer
[FR Doc. 87–29284 Filed 12–21–87; 8:45 am]
BILLING CODE 4810–25–M

VOL
52
ISS
245
DE
22
1987
UMI

Sunshine Act Meetings

Federal Register
Vol. 52, No. 245
Tuesday, December 22, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of December 21, 1987:

A closed meeting will be held on Tuesday, December 22, 1987, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10) permit consideration of the scheduled matters at a closed meeting.

Commissioner Cox, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, December 22, 1987, at 2:30 p.m., will be:

Institution of injunctive actions.
Settlement of injunctive action.
Settlement of administrative proceeding of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.
Formal orders of investigation.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jacqueline Higgs at (202) 272–2149.

Jonathan G. Katz,
Secretary.
December 16, 1987.

[FR Doc. 87–29351 Filed 12–18–87; 11:25 am]
BILLING CODE 8010-01-M

federal register

Tuesday
December 22, 1987

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Proposed Establishment of Airport Radar Service Areas; Proposed Rulemaking

VOL 52 ISS 245 DEC 22 1987 UMI

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87-AWA-49]

Proposed Establishment of Airport Radar Service Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish an Airport Radar Service Area (ARSA) at Green Bay Austin Straubel Field, WI, and Whidbey Island Naval Air Station (NAS), WA. Each location is an airport at which a nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of each ARSA would require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at each of the affected locations would promote the efficient control of air traffic and reduce the risk of midair collision in terminal areas.

DATES: Comments must be received on or before March 29, 1988. Informal airspace meeting dates are as follows: Green Bay Austin Straubel Field, WI, February 23, 1988, and Whidbey Island NAS, WA—February 29, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket [AGC-204], Airspace Docket No. 87-AWA-49, 800 Independence Avenue SW., Washington, DC 20591.

The informal airspace meeting places are as follows:

Green Bay Austin Straubel Field, WI, ARSA.
Time: 7:00 p.m..
Location: Airport Director's Conference Room, Austin Straubel Field, Green Bay, WI

Whidbey Island NAS, WA, ARSA.
Time: 7:00 p.m..
Location: Swinomish Yacht Club, 310 North First, LaConner, WA.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, DC.

The informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Joe Gill, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9252.

SUPPLEMENTARY INFORMATION:

Comments Invited

This notice involves two locations. Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-AWA-49." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Meeting Procedures

In addition to seeking written comments on this proposal, the FAA will hold informal airspace meetings for the proposed ARSA locations in order to receive additional input with respect to the proposal. The dates, times, and places for these meetings are listed above. Persons who plan to attend the meetings should be aware of the following procedures to be followed:

(a) The meetings will be informal in nature and will be conducted by the designated representative of the Administrator. Each participant will be given an opportunity to make a presentation.

(b) There will be no admission fee or other charge to attend and participate. The meetings will be open to all persons on a space-available basis. The FAA representative may accelerate the agenda to enable early adjournment if the progress of the meetings is more expeditious than planned.

(c) The meetings will not be recorded. A summary of the comments made at these meetings will be filed in the docket.

(d) Position papers or other handout material relating to the substance of the meetings may be accepted. Participants submitting handout materials should present an original and two copies to the presiding officer. There should be an adequate number of copies provided for further distribution to all participants.

(e) Statements made by FAA participants at the meetings should not be taken as expressing a final FAA position.

Agenda

Presentation of Meeting Procedures
FAA Presentation of Proposal
Public Presentations and Discussion

Background

On April 22, 1982, the National Airspace Review (NAR) plan was published in the **Federal Register** (47 FR 17448). The plan encompassed a review of airspace use and procedural aspects of the ATC system. Among the main objectives of the NAR was the improvement of the ATC system by increasing efficiency and reducing complexity. In its review of terminal airspace, NAR Task Group 1-2 concluded that TRSA's should be replaced. Four types of airspace configurations were considered as replacement candidates, of which Model B, since redesignated ARSA, was the consensus recommendation.

In response, the FAA published NAR Recommendation 1-2.2.1, "Replace Terminal Radar Service Areas with Model B Airspace and Service" in Notice 83-9 (July 28, 1983; 48 FR 34286) proposing the establishment of ARSA's at the Robert Mueller Municipal Airport, Austin, TX, and the Port of Columbus International Airport, Columbus, OH. ARSA's were designated at these airports on a temporary basis by SFAR No. 45 (October 28, 1983; 48 FR 50038) in order to provide an operational confirmation of the ARSA concept for potential application on a national basis.

Following a confirmation period of more than a year, the FAA adopted the NAR recommendation and, on February 27, 1985, issued a final rule (50 FR 9252; March 6, 1985) defining an ARSA and establishing air traffic rules for operation within such an area. Concurrently, by separate rulemaking action, ARSA's were permanently established at the Austin, TX, and Columbus, OH, airports and also at the Baltimore/Washington International Airport, Baltimore, MD, (50 FR 9250; March 6, 1985). The FAA has stated that future notices would propose ARSA's for other airports at which TRSA procedures were in effect.

Additionally, the NAR Task Group recommended that the FAA develop quantitative criteria for proposing to establish ARSA's at locations other than those which are included in the TRSA replacement program. The task group recommended that these criteria take into account, among other things, traffic mix, flow and density, airport configuration, geographical features, collision risk assessment, and ATC capabilities to provide service to users. This criteria has been developed and is being published via the FAA directives system.

The FAA has established ARSA's at 93 locations under a paced implementation plan to replace TRSA's with ARSA's. This is one of a series of notices to implement ARSA's at locations with TRSA's or locations without TRSA's which warrant implementation of an ARSA.

Related Rulemaking

This notice proposes ARSA designation at two locations identified as candidates for an ARSA in the preamble to Amendment No. 71-10 (50 FR 9252). Other candidate locations will be proposed in future notices published in the **Federal Register**.

The Current Situation at the Proposed ARSA Locations

A TRSA is currently in effect at both of the locations at which ARSA's are proposed in this notice. A TRSA consists of the airspace surrounding a designated airport where ATC provides radar vectoring, sequencing, and separation for all aircraft operating under instrument flight rules (IFR) and for participating aircraft operating under visual flight rules (VFR). TRSA airspace and operating rules are not established by regulation, and participation by pilots operating under VFR is voluntary, although pilots are urged to participate. This level of service is known as Stage III and is provided at all locations identified as TRSA's. The NAR task group recommended the replacement of most TRSA's with ARSA's.

A number of problems with the TRSA program were identified by the task group. The task group stated that because there are different levels of service offered within the TRSA, users are not always sure of what restrictions or privileges exist, or how to cope with them. According to the task group, there is a shared feeling among users that TRSA's are often poorly defined, are generally dissimilar in dimensions, and encompass more area than is necessary or desirable. There are other users who believe that the voluntary nature of the TRSA does not adequately address the problems associated with nonparticipating aircraft operating in relative proximity to the airport and associated approach and departure courses. There is strong advocacy among user organizations that terminal radar facilities should provide all pilots the same service, in the same way, and, to the extent feasible, within standard size airspace designations.

The provisions of FAR § 91.87 relating to an airport traffic area (ATA), while necessary, do not eliminate the problem identified by the task group. For example, aircraft operating under VFR to or from a satellite airport and within the ATA of the primary airport are excluded from the two-way radio communications requirement of § 91.87. This condition is acceptable until the volume and density of traffic at the primary airport requires more complete ATC awareness and/or control of traffic in the area.

The Proposal

The FAA is considering an amendment to § 71.501 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish ARSA's at Green Bay Austin Straubel Field, WI, which is a public airport, and Whidbey Island NAS, WA, a military airport. Both of these currently have nonregulatory TRSA's in effect. The proposed locations are depicted on charts in Appendix 1 to this notice.

FAA regulations, 14 CFR 91.88, define ARSA and prescribe operating rules for aircraft, ultralight vehicles, and parachute jump operations in airspace designated as an ARSA.

The ARSA rule provides in part that, prior to entering the ARSA, any aircraft arriving at any airport in an ARSA or flying through an ARSA must: (1) Establish two-way radio communications with the ATC facility having jurisdiction over the area, and (2) while in the ARSA, maintain two-way radio communications with that ATC facility. For aircraft departing from the primary airport within the ARSA, two-way radio communications must be maintained with the ATC facility having jurisdiction over the area. For aircraft departing a satellite airport within the ARSA, two-way radio communications must be established as soon as practicable after takeoff with the ATC facility having jurisdiction over the area, and thereafter maintained while operating within the ARSA.

All aircraft operating within an ARSA are required to comply with all ATC clearances and instructions and any FAA arrival or departure traffic pattern for the airport of intended operation. However, the rule permits ATC to authorize appropriate deviations to any of the operating requirements of the rule when safety considerations justify the deviation or more efficient utilization of the airspace can be attained. Ultralight vehicle operations and parachute jumps in an ARSA may only be conducted under the terms of an ATC authorization.

The FAA adopted the NAR task group recommendation that each ARSA be of the same airspace configuration insofar as practicable. The standard ARSA consists of airspace within 5 nautical miles of the primary airport extending from the surface to an altitude of 4,000 feet above that airport's elevation, and that airspace between 5 and 10 nautical miles from the primary airport from 1,200 feet above the surface to an altitude of 4,000 feet above that airport's elevation. Proposed deviation from the standard has been necessary at some airports due to adjacent regulatory airspace, international boundaries, topography, or unusual operational requirements.

Definitions, operating requirements, and specific airspace designations applicable to ARSA may be found in 14 CFR Part 71, §§ 71.14 and 71.501, and Part 91, §§ 91.1 and 91.88.

For the reasons discussed under "Regulatory Evaluation," the FAA has determined that this proposed regulation is not a "major rule" under Executive Order 12291 and is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

VOL 52 ISS 245 DEC 22 1987 UMI

Regulatory Evaluation

The FAA has conducted a Regulatory Evaluation of the proposed establishment of these additional ARSA sites. The major findings of that evaluation are summarized below, and the evaluation is available in the regulatory docket.

a. Costs

Costs which potentially could result from the establishment of additional ARSA sites fall into the following categories:

(1) Air traffic controller staffing, controller training, and facility equipment costs incurred by the FAA.

(2) Costs associated with the revision of charts, notification of the public, and pilot education.

(3) Additional operating costs for circumnavigating or flying over the ARSA.

(4) Potential delay costs resulting from operations within an ARSA.

(5) The need for some operators to purchase radio transceivers.

(6) Miscellaneous costs.

It has been the FAA's experience, however, that these potential costs do not materialize to any appreciable degree, and when they do occur, they are transitional, relatively low in magnitude, or attributable to specific implementation problems that have been experienced at a very small minority of ARSA sites. The reasons for these conclusions are presented below.

FAA expects that the additional ARSA sites proposed in this notice can be implemented without requiring additional controller personnel above current authorized staffing levels, because participation in radar service at these locations is already quite high, and the separation standards permitted in ARSA's will allow controllers to absorb the slight increase in participating traffic by handling all traffic much more efficiently. Further, because controller training will be conducted during normal working hours, and these facilities already operate the necessary radar equipment, FAA does not expect to incur any appreciable implementation costs. Essentially, the FAA will modify its terminal radar procedures at the proposed ARSA sites in a manner that will make more efficient use of existing resources.

No additional costs are expected to be incurred because of the need to revise sectional charts to incorporate the new ARSA airspace boundaries. Changes of this nature are routinely made during charting cycles, and the planned effective dates for newly established ARSA's are scheduled to coincide with the regular 6-month chart publication intervals.

This rulemaking proceeding and process will satisfy much of the need to notify the public and educate pilots about ARSA operations. The informal public meeting being held at each location where an ARSA is being proposed provides pilots with the best opportunity to learn both how an ARSA works and how it will affect their local operations. The expenses associated with these public meetings are considered cost attributable to the rulemaking process; however, any public information costs following establishment of a new ARSA are strictly attributable to the ARSA. The FAA expects to distribute a Letter to Airmen to all pilots residing within 50 miles of ARSA sites explaining the operation and configuration of the ARSA finally adopted. The FAA also has issued an Advisory Circular on ARSA's. The combined Letter to Airmen and prorated Advisory Circular costs have been estimated to be approximately $500 for each ARSA site. This cost is incurred only once upon the initial establishment of an ARSA.

Information on ARSA's following the establishment of additional sites will also be disseminated at aviation safety seminars conducted throughout the country by various district offices. These seminars are regularly provided by the FAA to discuss a variety of aviation safety issues and, therefore, will not involve additional costs strictly as a result of the ARSA program.

Additionally, no significant costs are expected to be incurred as a result of the follow-on user meetings that will be held at each site following implementation of the ARSA which will allow users to provide feedback to the FAA on local ARSA operations. These meetings are being held at public or other facilities which are being provided free of charge or at nominal cost. Further, because these meetings are being conducted by local FAA facility personnel, no travel, per diem, or overtime costs will be incurred by regional or headquarters personnel.

FAA anticipates that some pilots who currently transit the terminal area without establishing radio communications or participating in radar services may choose to circumnavigate the mandatory participation airspace of an ARSA rather than participate. Some minor delay costs will be incurred by these pilots because of the additional aircraft variable operating cost and lost crew and passenger time resulting from the deviation. Other pilots may elect to overfly the ARSA, or transit below the 1,200 feet above ground level (AGL) floor between the 5- and 10-nautical-mile rings. Although this will not result in any appreciable delay, a small additional fuel burn will result from the climb portion of the altitude adjustment (which will be offset somewhat by the descent).

FAA recognizes that the potential exists for delay to develop at some locations following establishment of an ARSA. The additional traffic that the radar facilities will be handling as a result of the mandatory participation requirement may, in some instances, result in minor delays to aircraft operations. FAA does not expect such delay to be appreciable. FAA expects that the greater flexibility afforded controllers in handling traffic as a result of the separation standards allowed in an ARSA will keep delay problems to a minimum. Those that do occur will be transitional in nature, diminishing as facilities gain operating experience with ARSA's and learn how to tailor procedures and allocate resources to take fullest advantage of the efficiencies that an ARSA will permit. This has been the experience at most of the locations where ARSA's have been effect for the longest period of time and is the recurring trend at the locations that have been more recently designated.

The FAA does not expect that any operator will find it necessary to install radio transceivers as a result of establishing the ARSA's proposed in this notice. Aircraft operating to and from primary airports already are required to have two-way radio communications capability because of existing airport traffic areas and, therefore, will not incur any additional costs as a result of the proposed ARSA's. Further, the FAA has made an effort to minimize these potential costs throughout the ARSA program by providing airspace exclusions, or cutouts, for satellite airports located within 5 nautical miles of the ARSA center where the ARSA would otherwise have extended down to the surface. Procedural agreements between the local ATC facility and the affected airports have also been used to avoid radio installation costs.

At some proposed ARSA locations, special situations might exist where establishment of an ARSA could impose certain costs on users of that airspace. However, exclusions, cutouts, and special procedures have been used extensively throughout the ARSA program to alleviate adverse impacts on local fixed base and airport operators. Similarly, the FAA has eliminated potential adverse impacts on existing

flight training practice areas, as well as soaring, ballooning, parachuting, ultralight and banner towing activities, by developing special procedures to accommodate these activities through local agreements between ATC facilities and the affected organizations. For these reasons, the FAA does not expect that any such adverse impact will occur at the candidate ARSA sites proposed in this notice.

b. Benefits

Much of the benefit that will result from ARSA's is nonquantifiable and is attributable to simplification and standardization of ARSA configurations and procedures. Further, once experience is gained in ARSA operations, the flexibility allowed air traffic controllers in handling traffic within an ARSA will enable them to move traffic with both efficiency and increased safety.

Some of the benefits of the ARSA cannot be specifically attributed to individual candidate airports, but rather will result from the overall improvements in terminal area ATC procedures realized as ARSA's are implemented throughout the country. ARSA's have the potential of reducing both near and actual midair collisions at the airports where they are established. Based upon the experience at the Austin and Columbus ARSA confirmation sites, FAA estimates that near midair collisions may be reduced by approximately 35 to 40 percent. Further, FAA estimates that implementation of the ARSA program nationally may prevent approximately one midair collision every 1 to 2 years throughout the United States. The quantifiable benefits of preventing a midair collision can range from less than $100,000, resulting from the prevention of a minor nonfatal accident between general aviation aircraft, to $300 million or more, resulting from the prevention of a midair collision involving a large air carrier aircraft and numerous fatalities. Establishment of ARSA's at the sites proposed in this notice will contribute to these improvements in safety.

c. Comparison of Costs and Benefits

A direct comparison of the costs and benefits of this proposal is difficult for a number of reasons. Many of the benefits of the rule are nonquantifiable, and it is difficult to specifically attribute the standardization benefits, as well as the safety benefits, to individual candidate ARSA sites.

FAA expects that any adjustment problems that may be experienced at the ARSA locations proposed in this notice will only be temporary, and that once established, the ARSA's will result in efficient terminal area operations. This has been the experience at the vast majority of ARSA sites that have already been implemented. In addition, establishment of the proposed ARSA sites will contribute to a reduction in near and actual midair collisions. For these reasons, FAA expects that establishment of the ARSA sites proposed in this notice will produce long term, ongoing benefits that will far exceed their costs, which are essentially transitional in nature.

International Trade Impact Analysis

This proposed regulation will only affect terminal airspace operating procedures at selected airports within the United States. As such, it will have no affect on the sale of foreign aviation products or services in the United States, nor will it affect the sale of United States aviation products or services in foreign countries.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. Small entities are independently owned and operated small businesses and small not-for-profit organizations. The RFA requires agencies to review rules that may have a significant economic impact on a substantial number of small entities.

The small entities that potentially could be affected by implementation of the ARSA program include the fixed-base operators, flight schools, agricultural operators and other small aviation businesses located at satellite airports within 5 nautical miles of the ARSA center. If the mandatory participation requirement were to extend down to the surface at these airports, where under current regulations participation in radar services and radio communication with ATC is voluntary, operations at these airports might be altered, and some business could be lost to airports outside of the ARSA core. FAA has proposed to exclude many satellite airports located within 5 nautical miles of the primary airport at candidate ARSA sites to avoid adversely impacting their operations and to simplify coordinating ATC responsibilities between the primary and satellite airports. In some cases, the same purposes will be achieved through Letters of Agreement between ATC and the affected airports that establish special procedures for operating to and from these airports. In this manner, FAA expects to eliminate any adverse impact on the operations of small satellite airports that potentially could result from the ARSA program. Similarly, FAA expects to eliminate potentially adverse impacts on existing flight training practice areas, as well as soaring, ballooning, parachuting, ultralight, and banner towing activities, by developing special procedures that will accommodate these activities through local agreements between ATC facilities and the affected organizations. FAA has utilized such arrangements extensively in implementing the ARSA's that have been established to date.

Further, because the FAA expects that any delay problems that may initially develop following implementation of an ARSA will be transitory, and because the airports that will be affected by the ARSA program represent only a small proportion of all the public use airports in operation within the United States, small entities of any type that use aircraft in the course of their business will not be adversely impacted.

For these reasons, the FAA certifies that the proposed regulation, if adopted, will not result in a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required under the terms of the RFA.

List of Subjects in 14 CFR Part 71

Aviation safety, Airport radar service areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follow:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.501 [Amended]

2. Section 71.501 is amended as follows:

Green Bay Austin Strauble Field, WI [New]

That airspace extending upward from the surface to and including 4,700 feet MSL within a 5-mile radius of the Green Bay Austin Straubel Field (lat. 44°29'17" N., long. 88°18'58" W.); and that airspace extending upward from 1,900 feet MSL to and including 4,700 feet MSL within a 10-mile radius of the airport.

BEST COPY AVAILABLE

VOL 52 ISS 245 DE 22 1987 UMI

Whidbey NAS, WA [New]

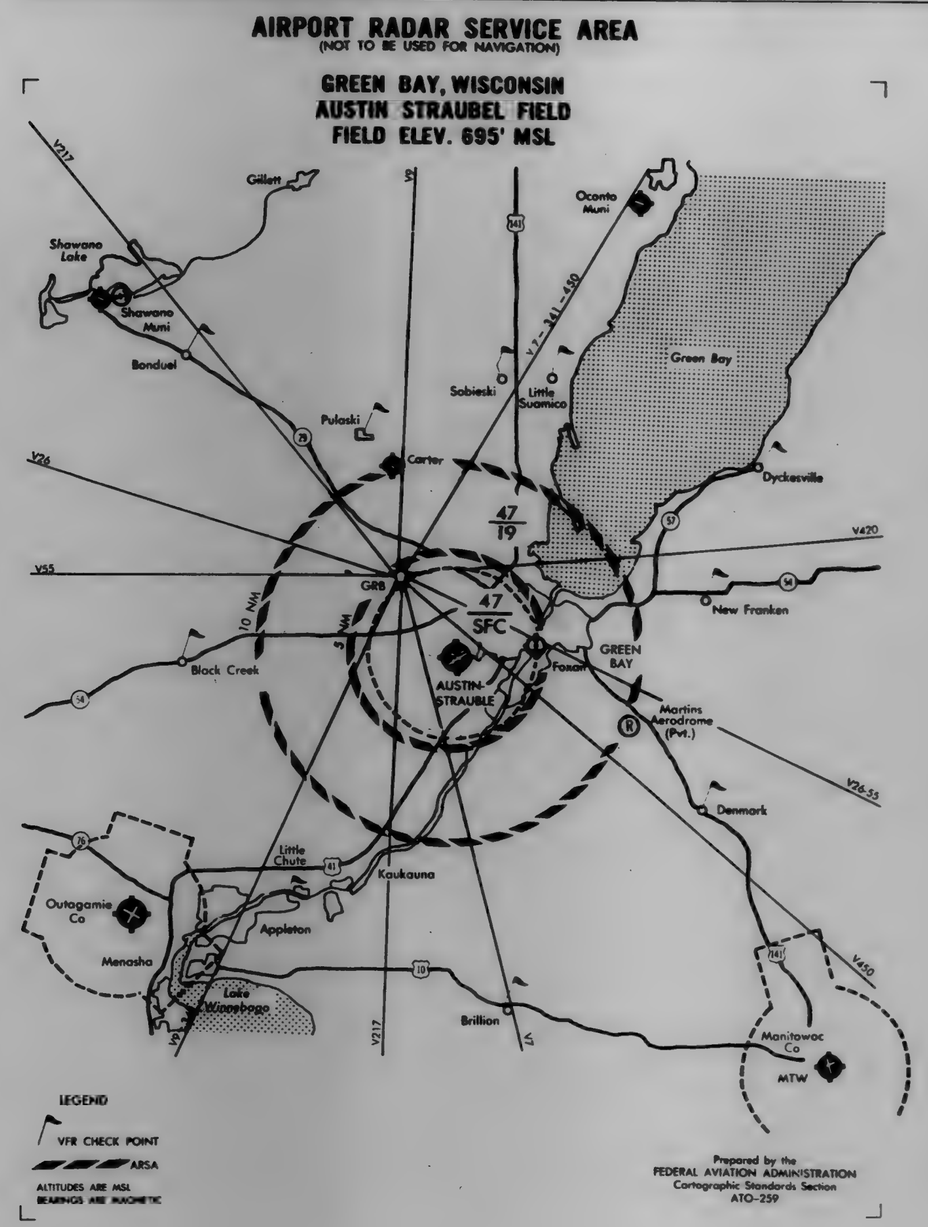
That airspace extending upward from the surface to and including 4,000 feet MSL within a 5-mile radius of Whidbey Island NAS (lat. 48°21'06" N., long. 122°39'12" W.); and that airspace extending upward from 1,300 feet MSL to and including 4,000 feet MSL within a 10-mile radius of the airport from the 030° bearing from the airport clockwise to the 340° bearing from the airport; and that airspace extending upward from 1,800 feet MSL to and including 4,000 feet MSL within a 10-mile radius of the airport from the 340° bearing from the airport clockwise to the 030° bearing from the airport.

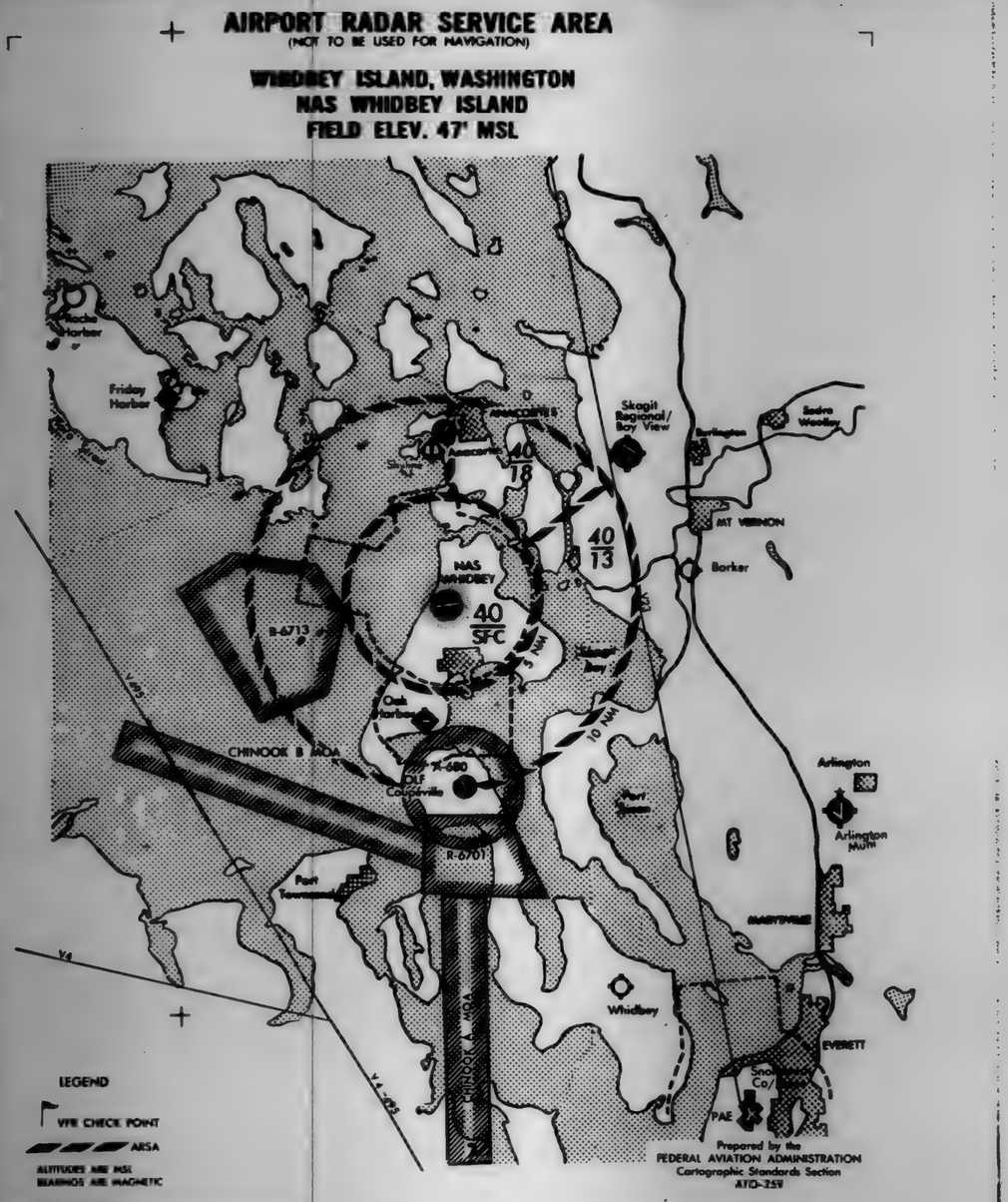
Issued in Washington, DC, on December 8, 1987.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[BILLING CODE 4910-13-M]





[FR Doc. 87-29248 Filed 12-21-87; 8:45 am]
BILLING CODE 4910-13-C

federal register

Tuesday
December 22, 1987

Part III

Department of Labor

Office of the Secretary

29 CFR Part 22

Program Fraud Civil Remedies Act of 1986; Final Rule

VOL 52 ISS 245 DEC 22 1987 UMI

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 22

Program Fraud Civil Remedies Act of 1986

AGENCY: Office of the Secretary, Labor.

ACTION: Final rule.

SUMMARY: The Program Fraud Civil Remedies Act of 1986 (Act) establishes an administrative remedy for fraudulent claims or statements submitted to various federal "authorities," including the Department of Labor. Anyone who, with knowledge or reason to know, submits a false, fictitious or fraudulent claim or statement to any of these "authorities" is liable for up to a $5,000 penalty and an assessment of double damages. This final rule establishes the policies and administrative procedures the Department of Labor will follow in implementing the provisions of the Act, and specifies the hearing and appeal rights of persons subject to penalties and assessments under the Act.

EFFECTIVE DATE: January 21, 1988.

FOR FURTHER INFORMATION CONTACT: Dennis McDaniel, Office of the Solicitor, Department of Labor, Room N2428, 200 Constitution Avenue, NW., Washington, DC 20210.

SUPPLEMENTARY INFORMATION: On October 21, 1986, the President signed the Omnibus Reconciliation Act of 1986, which enacted the Program Fraud Civil Remedies Act of 1986. The Act provides an administrative remedy for fraudulent claims or statements submitted to various authorities and provides up to a $5000 penalty and an assessment of double damages against anyone who submits a false claim or statement. These regulations establish the policies and procedures the Department of Labor will follow in carrying out the provisions of the Act.

The Act vests authority to investigate allegations of liability under its provisions in an agency's Investigatory Official. Based upon the results of an investigation, the agency Reviewing Official determines, with the concurrence of the Attorney General whether to refer the matter to a Presiding Officer for an administrative hearing. Any penalty or assessment imposed under the Act may be collected by the Attorney General, through the filing of a civil action, or by offsetting amounts, other than tax refunds, owed the particular party by the Federal Government. For purposes of this Act, these regulations designate the Inspector General of the Department of Labor, or his designee, as the Investigatory Official for the Department of Labor. They also designate the Solicitor of the Department of Labor, or his designee, as the Reviewing Official under the Act. Any administrative adjudication under the Act will be presided over by an administrative law judge in the Department of Labor's Office of Administrative Law Judges.

This rule was originally published in the **Federal Register** on June 2, 1987. Comments were to be submitted to the Department of Labor, in duplicate, on or before July 2, 1987. No written comments were received by the Department of Labor. Technical changes to the Department's regulations have been made to conform with the final model regulations issued by the President's Council on Integrity and Efficiency, and thereby to conform with the congressional intent that regulations under the Program Fraud Civil Remedies Act of 1986 be "substantially uniform throughout government." (S. Rep. No. 99–212, 99th Cong., 1st Sess. 12 (1986).)

Executive Order 12291

This rule is not a "major rule" under Executive Order 12291 because it is not likely to result in (1) an annual effect in the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign based enterprises in domestic or foreign markets. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

The Department believes that this final rule will have no "significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act. Public Law 96–354, 94 Stat. 1164 (5 U.S.C. 605(b)). The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. This conclusion is reached because the rule does not, in itself, impose any additional requirements upon small entities. Accordingly, no regulatory flexibility analysis is required.

Paperwork Reduction Act

This rule is not subject to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501) since it does not contain a collection of information requirements.

List of Subjects in 29 CFR Part 22

Administrative practice and procedures, Claims, Government contracts, Grant programs.

Accordingly, Subtitle A of Title 29 of the Code of Federal Regulation is amended by adding a new Part 22 to read as follows:

PART 22—PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

Sec.

22.1 Basis and purpose.
22.2 Definitions.
22.3 Basis for civil penalties and assessments.
22.4 Investigation.
22.5 Review by the reviewing official.
22.6 Prerequisites for issuing a complaint.
22.7 Complaint.
22.8 Service of complaint.
22.9 Answer.
22.10 Default upon failure to file an answer.
22.11 Referral of complaint and answer to the ALJ.
22.12 Notice of hearing.
22.13 Parties to the hearing.
22.14 Separation of functions.
22.15 Ex parte contacts.
22.16 Disqualification of reviewing official or ALJ.
22.17 Rights of parties.
22.18 Authority of the ALJ.
22.19 Prehearing conferences.
22.20 Disclosure of documents.
22.21 Discovery.
22.22 Exchange of witness lists, statements, and exhibits.
22.23 Subpoenas for attendance at hearing.
22.24 Protective order.
22.25 Fees.
22.26 Form, filing, and service of papers.
22.27 Computation of time.
22.28 Motions.
22.29 Sanctions.
22.30 The hearing and burden of proof.
22.31 Determining the amount of penalties and assessments.
22.32 Location of hearing.
22.33 Witnesses.
22.34 Evidence.
22.35 The record.
22.36 Post-hearing briefs.
22.37 Initial decision.
22.38 Reconsideration of initial decision.
22.39 Appeal to authority head.
22.40 Stays ordered by the Department of Justice.
22.41 Stay pending appeal.
22.42 Judicial review.
22.43 Collection of civil penalties and assessments.
22.44 Right to administrative offset.
22.45 Deposit in Treasury of United States.
22.46 Compromise or settlement.
22.47 Limitations.

Authority: Pub. L. 99–509, §§ 6101–6104, 100 Stat. 1874, 31 U.S.C. 3801–3812.

§ 22.1 Basis and purpose.

(a) *Basis.* This part implements the Program Fraud Civil Remedies Act of 1986, Pub. L. No. 99–509, sections 6101–6104, 100 Stat. 1874 (October 21, 1986), to be codified at 31 U.S.C. 3801–3812. 31 U.S.C. 3809 of the statute requires each authority head to promulgate regulations necessary to implement the provisions of the statute.

(b) *Purpose.* This part (1) establishes administrative procedures for imposing civil penalties and assessments against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious, or fraudulent claims or written statements to authorities or to their agents, and (2) specifies the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

§ 22.2 Definitions.

(a) "*ALJ*" means an Administrative Law Judge in the authority appointed pursuant to 5 U.S.C. 3105 or detailed to the authority pursuant to 5 U.S.C. 3344.

(b) "*Authority*" means the United States Department of Labor.

(c) "*Authority head*" means the Secretary of Labor.

(d) "*Benefit*" means, in the context of "statement", anything of value, including but not limited to any advantage, preference, privilege, license, permit, favorable decision, ruling, status, or loan guarantee.

(e) "*Claim*" means, any request, demand, or submission—

(1) Made to the authority for property, services, or money (including money representing grants, loans, insurance, or benefits);

(2) Made to a recipient of property, services, or money from the authority or to a party to a contract with the authority—

(i) For property or services if the United States—

(A) Provided such property or services;

(B) Provided any portion of the funds for the purchase of such property or services; or

(C) Will reimburse such recipient or party for the purchase of such property or services; or

(ii) For the payment of money (including money representing grants, loans, insurance, or benefits) if the United States—

(A) Provided any portion of the money requested or demanded; or

(B) Will reimburse such recipient or party for any portion of the money paid on such request or demand; or

(3) Made to the authority which has the effect of decreasing an obligation to pay or account for property, services, or money.

(f) "*Complaint*" means the administrative complaint served by the reviewing official on the defendant under § 22.7.

(g) "*Defendant*" means any person alleged in a complaint under § 22.7 to be liable for a civil penalty or assessment under § 22.3.

(h) "*Department*" means the United States Department of Labor.

(i) "*Government*" means the United States Government.

(j) "*Individual*" means a natural person.

(k) "*Initial decision*" means the written decision of the ALJ required by § 22.10 or § 22.37, and includes a revised initial decision issued following a remand or a motion for reconsideration.

(l) "*Investigating official*" means the Inspector General of the Department of Labor or an officer or employee of the Office of the Inspector General designated by the Inspector General and serving in a position for which the rate of basic pay is not less than the minimum rate of basic pay for grade GS–16 under the General Schedule.

(m) "*Knows or has reason to know*," means that a person, with respect to a claim or statement—

(1) Has actual knowledge that the claim or statement is false, fictitious, or fraudulent;

(2) Acts in deliberate ignorance of the truth or falsity of the claim or statement; or

(3) Acts in reckless disregard of the truth or falsity of the claim or statement.

(n) "*Makes*", wherever it appears, shall include the terms presents, submits, and causes to be made, presented, or submitted. As the context requires, *making* or *made*, shall likewise include the corresponding forms of such terms.

(o) "*Person*" means any individual, partnership, corporation, association, or private organization, and includes the plural of that term.

(p) "*Representative*" means an attorney who is in good standing of the bar in any state, territory, or possession of the United States or of the District of Columbia or the Commonwealth of Puerto Rico, or other representative meeting the qualifications of a non-attorney representative found at 29 CFR 18.34 and designated by a party in writing.

(q) "*Reviewing official*" means the Solicitor of the Department of Labor or his designee who is—

(1) Not subject to supervision by, or required to report to, the investigating official; and

(2) Not employed in the organizational unit of the authority in which the investigating official is employed;

(3) Serving in a position for which the rate of basic pay is not less than the minimum rate of basic pay for Grade GS–16 under the General Schedule.

(r) "Statement" means any representation, certification, affirmation, document, record, or accounting or bookkeeping entry made—

(1) With respect to a claim or to obtain the approval or payment of a claim (including relating to eligibility to make a claim); or

(2) With respect to (including relating to eligibility for)—

(i) A contract with, or a bid or proposal for a contract with; or

(ii) A grant, loan, or benefit from,

the authority, or any State, political subdivision of a State, or other party, if the United States Government provides any portion of the money or property under such contractor for such grant, loan, or benefit, or if the Government will reimburse such State, political subdivision, or party for any portion of the money or property under such contract or for such grant, loan, or benefit.

§ 22.3 Basis for civil penalties and assessments.

(a) *Claims.* (1) Except as provided in paragraph (c) of this section, any person who makes a claim that the person knows or has reason to know—

(i) Is false, fictitious, or fraudulent;

(ii) Includes or is supported by any written statement which asserts a material fact which is false, fictitious, or fraudulent;

(iii) Includes or is supported by any written statement that—

(A) Omits a material fact;

(B) Is false, fictitious, or fraudulent as a result of such omission; and

(C) Is a statement in which the person making such statement has a duty to include such material fact; or

(iv) Is for payment for the provision of property or services which the person has not provided as claimed,

shall be subject, in addition to any other remedy that may be prescribed by law, to a civil penalty of not more than $5,000 for each such claim.

(2) Each voucher, invoice, claim form, or other individual request or demand for property, services, or money constitutes a separate claim.

(3) A claim shall be considered made to the authority, recipient, or party when such claim is actually made to an agent, fiscal intermediary, or other entity, including any State or political subdivision thereof, acting for or on behalf of the authority, recipient, or party.

(4) Each claim for property, services, or money is subject to a civil penalty regardless of whether such property, services, or money is actually delivered or paid.

(5) If the Government has made any payment (including transferred property or provided services) on a claim, a person subject to a civil penalty under paragraph (a)(1) of this section shall also be subject to an assessment of not more than twice the amount of such claim or that portion thereof that is determined to be in violation of paragraph (a)(1) of this section. Such assessment shall be in lieu of damages sustained by the Government because of such claim.

(b) *Statements.* (1) Except as provided in paragraph (c) of this section, any person who makes a written statement that—

(i) The person knows or has reason to know—

(A) Asserts a material fact which is false, fictitious, or fraudulent; or

(B) Is false, fictitious, or fraudulent because it omits a material fact that the person making the statement has a duty to include in such statement; and

(ii) Contains or is accompanied by an express certification or affirmation of the truthfulness and accuracy of the contents of the statement, shall be subject, in addition to any other remedy that may be prescribed by law, to a civil penalty of not more than $5,000 for each such statement.

(2) Each written representation, certification, or affirmation constitutes a separate statement.

(3) A statement shall be considered made to the authority when such statement is actually made to an agent, fiscal intermediary, or other entity, including any State or political subdivision thereof, acting for or on behalf of the authority.

(c) *Applications for certain benefits.* (1) In the case of any claim or statement made by any individual relating to any of the benefits listed in paragraph (c)(2) of this section received by such individual, such individual may be held liable for penalties and assessments under this section only if such claim or statement is made by such individual in making application for such benefits with respect to such individual's eligibility to receive such benefits.

(2) For purposes of paragraph (c) of this section, the term "benefits" means benefits under the Black Lung Benefits Act, which are intended for the personal use of the individual who receives the benefits or for a member of the individual's family.

(d) No proof of specific intent to defraud is required to establish liability under this section.

(e) In any case in which it is determined that more than one person is liable for making a claim or statement under this section, each person may be held liable for a civil penalty under this section.

(f) In any case in which it is determined that more than one person is liable for making a claim under this section on which the Government has made payment (including transferred property or provided services), an assessment may be imposed against any such person or jointly and severally against any combination of such persons.

§ 22.4 Investigation.

(a) If an investigating official concludes that a subpoena pursuant to the authority conferred by 31 U.S.C. 3804(a) is warranted—

(1) The subpoena so issued shall notify the person to whom it is addressed of the authority under which the subpoena is issued and shall identify the records or documents sought;

(2) The investigating official may designate a person to act on his or her behalf to receive the documents sought; and

(3) The person receiving such subpoena shall be required to tender to the investigating official or the person designated to receive the documents a certification that the documents sought have been produced, or that such documents are not available and the reasons therefor, or that such documents, suitably identified, have been withheld based upon the assertion of an identified privilege.

(b) If the investigating official concludes that an action under the Program Fraud Civil Remedies Act may be warranted, the investigating official shall submit a report containing the findings and conclusions of such investigation to the reviewing official.

(c) Nothing in this section shall preclude or limit an investigating official's discretion to refer allegations directly to the Department of Justice for suit under the False Claims Act or other civil relief, or to defer or postpone a report or referral to the reviewing official to avoid interference with a criminal investigation or prosecution.

(d) Nothing in this section modifies any responsibility of an investigating official to report violations of criminal law to the Attorney General.

§ 22.5 Review by the reviewing official.

(a) If, based on the report of the investigating official under § 22.4(b), the reviewing official determines that there is adequate evidence to believe that a person is liable under § 22.3 of this part, the reviewing official shall transmit to the Attorney General a written notice of the reviewing official's intention to issue a complaint under § 22.7.

(b) Such notice shall include—

(1) A statement of the reviewing official's reasons for issuing a complaint;

(2) A statement specifying the evidence that supports the allegations of liability;

(3) A description of the claims or statements upon which the allegations of liability are based;

(4) An estimate of the amount of money or the value of property, services, or other benefits requested or demanded in violation of § 22.3 of this part;

(5) A statement of any exculpatory or mitigating circumstances that may relate to the claims or statements known by the reviewing official or the investigating official; and

(6) A statement that there is a reasonable prospect of collecting an appropriate amount of penalties and assessments.

§ 22.6 Prerequisites for issuing a complaint.

(a) The reviewing official may issue a complaint under § 22.7 only if—

(1) The Department of Justice approves the issuance of a complaint in a written statement described in 31 U.S.C. 3803(b)(1), and

(2) In the case of allegations of liability under § 22.3(a) with respect to a claim, the reviewing official determines that, with respect to such claim or a group of related claims submitted at the same time such claim is submitted (as defined in paragraph (b) of this section), the amount of money or the value of property or services demanded or requested in violation of § 22.3(a) does not exceed $150,000.

(b) For the purposes of this section, a related group of claims submitted at the same time shall include only those claims arising from the same transaction (*e.g.*, grant, loan, application, or contract) that are submitted simultaneously as part of a single request, demand, or submission.

(c) Nothing in this section shall be construed to limit the reviewing official's authority to join in a single complaint against a person claims that are unrelated or were not submitted simultaneously, regardless of the amount of money, or the value of property or services, demanded or requested.

§ 22.7 Complaint.

(a) On or after the date the Department of Justice approves the issuance of a complaint in accordance with 31 U.S.C. 3803(b)(1), the reviewing official may serve a complaint on the defendant, as provided in § 22.8.

(b) The complaint shall state—

(1) The allegations of liability against the defendant, including the statutory basis for liability, an identification of the claims or statements that are the basis for the alleged liability, and the reasons why liability allegedly arises from such claims or statements;

(2) The maximum amount of penalties and assessments for which the defendant may be held liable;

(3) Instructions for filing an answer to request a hearing, including a specific statement of the defendant's right to request a hearing by filing an answer and to be represented by a representative; and

(4) That failure to file an answer within 30 days of service of the complaint will result in the imposition of the maximum amount of penalties and assessments without right to appeal, as provided in § 22.10.

(c) At the same time the reviewing official serves the complaint, he or she shall serve the defendant with a copy of these regulations.

§ 22.8 Service of complaint.

(a) Service of a complaint must be made by certified or registered mail or by delivery in any manner authorized by Rule 4(d) of the Federal Rules of Civil Procedure. Service is complete upon receipt.

(b) Proof of service, stating the name and address of the person on whom the complaint was served, and the manner and date of service, may be made by—

(1) Affidavit of the individual serving the complaint by delivery;

(2) A United States Postal Service return receipt card acknowledging receipt; or

(3) Written acknowledgment of receipt by the defendant or his representative.

§ 22.9 Answer.

(a) The defendant may request a hearing by filing an answer with the reviewing official within 30 days of service of the complaint. An answer shall be deemed to be a request for hearing.

(b) In the answer, the defendant—

(1) Shall admit or deny each of the allegations of liability made in the complaint;

(2) Shall state any defense on which the defendant intends to rely;

(3) May state any reasons why the defendant contends that the penalties and assessments should be less than the statutory maximum; and

(4) Shall state the name, address, and telephone number of the person authorized by the defendant to act as defendant's representative, if any.

(c) If the defendant is unable to file an answer meeting the requirements of paragraph (b) of this section within the time provided, the defendant may, before the expiration of 30 days from service of the complaint, file with the reviewing official a general answer denying liability and requesting a hearing, and a request for an extension of time within which to file an answer meeting the requirements of paragraph (b) of this section. The reviewing official shall file promptly with the ALJ the complaint, the general answer denying liability, and the request for an extension of time as provided in § 22.11. For good cause shown, the ALJ may grant the defendant up to 30 additional days within which to file an answer meeting the requirements of paragraph (b) of this section.

§ 22.10 Default upon failure to file an answer.

(a) If the defendant does not file an answer within the time prescribed in § 22.9(a), the reviewing official may refer the complaint to the ALJ.

(b) Upon the referral of the complaint, the ALJ shall promptly serve on defendant in the manner prescribed in § 22.8, a notice that an initial decision will be issued under this section.

(c) The ALJ shall assume the facts alleged in the complaint to be true, and, if such facts establish liability under § 22.3, the ALJ shall issue an initial decision imposing the maximum amount of penalties and assessments allowed under the statute.

(d) Except as otherwise provided in this section, by failing to file a timely answer, the defendant waives any right to further review of the penalties and assessments imposed under paragraph (c) of this section and the initial decision shall become final and binding upon the parties 30 days after it is issued.

(e) If, before such an initial decision becomes final, the defendant files a motion with the ALJ seeking to reopen on the grounds that extraordinary circumstances prevented the defendant from filing an answer, the initial decision shall be stayed pending the ALJ's decision on the motion.

(f) If, on such motion, the defendant can demonstrate extraordinary circumstances excusing the failure to file a timely answer, the ALJ shall withdraw the initial decision in paragraph (c) of this section, if such a decision has been issued, and shall grant the defendant an opportunity to answer the complaint.

(g) A decision of the ALJ denying a defendant's motion under paragraph (e) of this section is not subject to reconsideration under § 22.38.

(h) The defendant may appeal to the authority head the decision denying a motion to reopen by filing a notice of appeal with the authority head within 15 days after the ALJ denies the motion. The timely filing of a notice of appeal shall stay the initial decision until the authority head decides the issue.

(i) If the defendant files a timely notice of appeal with the authority head, the ALJ shall forward the record of the proceeding to the authority head.

(j) The authority head shall decide expeditiously whether extraordinary circumstances excuse the defendant's failure to file a timely answer based solely on the record before the ALJ.

(k) If the authority head decides that extraordinary circumstances excused the defendant's failure to file a timely answer, the authority head shall remand the case to the ALJ with instructions to grant the defendant an opportunity to answer.

(l) If the authority head decides that the defendant's failure to file a timely answer is not excused, the authority head shall reinstate the initial decision of the ALJ, which shall become final and binding upon the parties 30 days after the authority head issues such decision.

§ 22.11 Referral of complaint and answer to the ALJ.

Upon receipt of an answer, the reviewing official shall file the complaint and answer with the ALJ.

§ 22.12 Notice of hearing.

(a) When the ALJ receives the complaint and answer, the ALJ shall promptly serve a notice of hearing upon the defendant in the manner prescribed by § 22.8. At the same time, the ALJ shall send a copy of such notice to the representative for the Government.

(b) Such notice shall include—

(1) The tentative time and place, and the nature of the hearing;

(2) The legal authority and jurisdiction under which the hearing is to be held;

(3) The matters of fact and law to be asserted;

(4) A description of the procedures for the conduct of the hearing;

(5) The name, address, and telephone number of the representative of the Government and of the defendant, if any; and

(6) Such other matters as the ALJ deems appropriate.

§ 22.13 Parties to the hearing.

(a) The parties to the hearing shall be the defendant and the authority.

(b) Pursuant to 31 U.S.C. 3730(c)(5), a private plaintiff under the False Claims Act may participate in these proceedings to the extent authorized by the provisions of that Act.

§ 22.14 Separation of functions.

(a) The investigating official, the reviewing official, and any employee or agent of the authority who takes part in investigating, preparing, or presenting a particular case may not, in such case or a factually related case—

(1) Participate in the hearing as the ALJ;

(2) Participate or advise in the initial decision or the review of the initial decision by the authority head, except as a witness or a representative in public proceedings; or

(3) Make the collection of penalties and assessments under 31 U.S.C. 3806.

(b) The ALJ shall not be responsible to, or subject to the supervision or direction of the investigating official or the reviewing official.

(c) Except as provided in paragraph (a) of this section, the representative for the Government may be employed anywhere in the authority, including in the offices of either the investigating official or the reviewing official.

§ 22.15 Ex parte contacts.

No party or person (except employees of the ALJ's office) shall communicate in any way with the ALJ on any matter at issue in a case, unless on notice and opportunity for all parties to participate. This provision does not prohibit a person or party from inquiring about the status of a case or asking routine questions concerning administrative functions or procedures.

§ 22.16 Disqualification of reviewing official or ALJ.

(a) A reviewing official or ALJ in a particular case may disqualify himself or herself at any time.

(b) A party may file with the ALJ a motion for disqualification of a reviewing official or an ALJ. Such motion shall be accompanied by an affidavit alleging personal bias or other reason for disqualification.

(c) Such motion and affidavit shall be filed promptly upon the party's discovery of reasons requiring disqualification, or such objections shall be deemed waived.

(d) Such affidavit shall state specific facts that support the party's belief that personal bias or other reason for disqualification exists and the time and circumstances of the party's discovery of such facts. It shall be accompanied by a certificate of the representative of record that it is made in good faith.

(e) Upon the filing of such a motion and affidavit, the ALJ shall proceed no further in the case until he or she resolves the matter of disqualification in accordance with paragraph (f) of this section.

(f)(1) If the ALJ determines that a reviewing official is disqualified, the ALJ shall dismiss the complaint without prejudice.

(2) If the ALJ disqualifies himself or herself, the case shall be reassigned promptly to another ALJ.

(3) If the ALJ denies a motion to disqualify, the authority head may determine the matter only as part of his or her review of the initial decision upon appeal, if any.

§ 22.17 Rights of parties.

Except as otherwise limited by this part, all parties may—

(a) Be accompanied, represented, and advised by a representative;

(b) Participate in any conference held by the ALJ;

(c) Conduct discovery;

(d) Agree to stipulations of fact or law, which shall be made part of the record;

(e) Present evidence relevant to the issues at the hearing;

(f) Present and cross-examine witnesses;

(g) Present oral arguments at the hearing as permitted by the ALJ; and

(h) Submit written briefs and proposed findings of fact and conclusions of law after the hearing.

§ 22.18 Authority of the ALJ.

(a) The ALJ shall conduct a fair and impartial hearing, avoid delay, maintain order, and assure that a record of the proceeding is made.

(b) The ALJ has the authority to—

(1) Set and change the date, time, and place of the hearing upon reasonable notice to the parties;

(2) Continue or recess the hearing in whole or in part for a reasonable period of time;

(3) Hold conferences to identify or simplify the issues, or to consider other matters that may aid in the expeditious disposition of the proceeding;

(4) Administer oaths and affirmations;

(5) Issue subpoenas requiring the attendance of witnesses and the production of documents at depositions or at hearings;

(6) Rule on motions and other procedural matters;

(7) Regulate the scope and timing of discovery;

(8) Regulate the course of the hearing and the conduct of representatives and parties;

(9) Examine witnesses;

(10) Receive, rule on, exclude, or limit evidence;

(11) Upon motion of a party, take official notice of facts;

(12) Upon motion of a party, decide cases, in whole or in part, by summary judgment where there is no disputed issue of material fact;

(13) Conduct any conference, argument, or hearing on motions in person or by telephone; and

(14) Exercise such other authority as is necessary to carry out the responsibilities of the ALJ under this part.

(c) The ALJ does not have the authority to find Federal statutes or regulations invalid.

§ 22.19 Prehearing conferences.

(a) The ALJ may schedule prehearing conferences as appropriate.

(b) Upon the motion of any party, the ALJ shall schedule at least one prehearing conference at a reasonable time in advance of the hearing.

(c) The ALJ may use prehearing conferences to discuss the following:

(1) Simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings, including the need for a more definite statement;

(3) Stipulations and admissions of fact or as to the contents and authenticity of documents;

(4) Whether the parties can agree to submission of the case on a stipulated record;

(5) Whether a party chooses to waive appearance at an oral hearing and to submit only documentary evidence (subject to the objection of other parties) and written argument;

(6) Limitation of the number of witnesses;

(7) Scheduling dates for the exchange of witness lists and of proposed exhibits;

(8) Discovery;

(9) The time and place for the hearing; and

(10) Such other matters as may tend to expedite the fair and just disposition of the proceedings.

(d) The ALJ may issue an order containing all matters agreed upon by the parties or ordered by the ALJ at a prehearing conference.

§ 22.20 Disclosure of documents.

(a) Upon written request to the reviewing official, the defendant may review any relevant and material documents, transcripts, records, and other materials that relate to the allegations set out in the complaint and upon which the findings and conclusions of the investigating official under § 22.4(b) are based, unless such documents are subject to a privilege under Federal law. Upon payment of fees for duplication, the defendant may obtain copies of such documents.

(b) Upon written request to the reviewing official, the defendant also may obtain a copy of all exculpatory information in the possession of the reviewing official or investigating official relating to the allegations in the complaint, even if it is contained in a document that would otherwise be privileged. If the document would otherwise be privileged, only that portion containing exculpatory information must be disclosed.

(c) The notice sent to the Attorney General from the reviewing official as described in § 22.5 is not discoverable under any circumstances.

(d) The defendant may file a motion to compel disclosure of the documents subject to the provisions of this section. Such a motion may only be filed with the ALJ following the filing of an answer pursuant to § 22.9.

§ 22.21 Discovery.

(a) The following types of discovery are authorized:

(1) Requests for production of documents for inspection and copying;

(2) Requests for admissions of the authenticity of any relevant document or of the truth of any relevant fact;

(3) Written interrogatories; and

(4) Depositions.

(b) For the purpose of this section and §§ 22.22 and 22.23, the term "documents" includes information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence. Nothing contained herein shall be interpreted to require the creation of a document.

(c) Unless mutually agreed to by the parties, discovery is available only as ordered by the ALJ. The ALJ shall regulate the timing of discovery.

(d) *Motions for discovery.*

(1) A party seeking discovery may file a motion with the ALJ. Such a motion shall be accompanied by a copy of the requested discovery, or in the case of depositions, a summary of the scope of the proposed deposition.

(2) Within ten days of service, a party may file an opposition to the motion and/or a motion for protective order as provided in § 22.24.

(3) The ALJ may grant a motion for discovery only if he finds that the discovery sought—

(i) Is necessary for the expeditious, fair, and reasonable consideration of the issues;

(ii) Is not unduly costly or burdensome;

(iii) Will not unduly delay the proceeding; and

(iv) Does not seek privileged information.

(4) The burden of showing that discovery should be allowed is on the party seeking discovery.

(5) The ALJ may grant discovery subject to a protective order under § 22.24.

(e) *Depositions.* (1) If a motion for deposition is granted, the ALJ shall issue a subpoena for the deponent, which may require the deponent to produce documents. The subpoena shall specify the time and place at which the deposition will be held.

(2) The party seeking to depose shall serve the subpoena in the manner prescribed in § 22.8.

(3) The deponent may file with the ALJ a motion to quash the subpoena or a motion for a protective order within ten days of service.

(4) The party seeking to depose shall provide for the taking of a verbatim transcript of the deposition, which it shall make available to all other parties for inspection and copying.

(f) Each party shall bear its own costs of discovery.

§ 22.22 Exchange of witness lists, statements and exhibits.

(a) At least 15 days before the hearing or at such other time as may be ordered by the ALJ, the parties shall exchange witness lists, copies of prior statements of proposed witnesses, and copies of proposed hearing exhibits, including copies of any written statements that the party intends to offer in lieu of live testimony in accordance with § 22.33(b). At the time the above documents are exchanged, any party that intends to rely on the transcript of deposition testimony in lieu of live testimony at the hearing, if permitted by the ALJ, shall provide each party with a copy of the specific pages of the transcript it intends to introduce into evidence.

(b) If a party objects, the ALJ shall not admit into evidence the testimony of any witness whose name does not appear on the witness list or any exhibit not provided to the opposing party as provided above unless the ALJ finds good cause for the failure or that there is no prejudice to the objecting party.

(c) Unless another party objects within the time set by the ALJ, documents exchanged in accordance with paragraph (a) of this section shall be deemed to be authentic for the purpose of admissibility at the hearing.

§ 22.23 Subpoenas for attendance at hearing.

(a) A party wishing to procure the appearance and testimony of any individual at the hearing may request that the ALJ issue a subpoena.

(b) A subpoena requiring the attendance and testimony of an individual may also require the individual to produce documents at the hearing.

(c) A party seeking a subpoena shall file a written request therefor not less than 15 days before the date fixed for the hearing unless otherwise allowed by the ALJ for good cause shown. Such request shall specify any documents to be produced and shall designate the witnesses and describe the address and location thereof with sufficient particularity to permit such witnesses to be found.

(d) The subpoena shall specify the time and place at which the witness is to appear and any documents the witness is to produce.

(e) The party seeking the subpoena shall serve it in the manner prescribed in § 22.8. A subpoena on a party or upon an individual under the control of a party may be served by first class mail.

(f) A party or the individual to whom the subpoena is directed may file with the ALJ a motion to quash the subpoena within ten days after service or on or before the time specified in the subpoena for compliance if it is less than ten days after service.

§ 22.24 Protective order.

(a) A party or a prospective witness or deponent may file a motion for a protective order with respect to discovery sought by an opposing party or with respect to the hearing, seeking to limit the availability or disclosure of evidence.

(b) In issuing a protective order, the ALJ may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

(1) That the discovery not be had;

(2) That the discovery may be had only on specified terms and conditions, including a designation of the time or place;

(3) That the discovery may be had only through a method of discovery other than that requested;

(4) That certain matters not be inquired into, or that the scope of discovery be limited to certain matters;

(5) That discovery be conducted with no one present except persons designated by the ALJ;

(6) That the contents of discovery or evidence be sealed;

(7) That a deposition after being sealed be opened only by order of the ALJ;

(8) That a trade secret or other confidential research, development, commercial information, or facts pertaining to any criminal investigation, proceeding, or other administrative investigation not be disclosed or be disclosed only in a designated way; or

(9) That the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the ALJ.

§ 22.25 Fees.

The party requesting a subpoena shall pay the cost of the fees and mileage of any witness subpoenaed in the amounts that would be payable to a witness in a proceeding in United States District Court. A check for witness fees and mileage shall accompany the subpoena when served, except that when a subpoena is issued on behalf of the authority, a check for witness fees and mileage need not accompany the subpoena.

§ 22.26 Form, filing and service of papers.

(a) *Form.* (1) Documents filed with the ALJ shall include an original and two copies.

(2) Every pleading and paper filed in the proceeding shall contain a caption setting forth the title of the action, the case number assigned by the ALJ, and a designation of the paper (e.g., motion to quash subpoena).

(3) Every pleading and paper shall be signed by, and shall contain the address and telephone number of the party or the person on whose behalf the paper was filed, or his or her representative.

(4) Papers are considered filed when they are mailed. Date of mailing may be established by a certificate from the party or its representative or by proof that the document was sent by certified or registered mail.

(b) *Service.* A party filing a document with the ALJ shall, at the time of filing, serve a copy of such document on every other party. Service upon any party of any document other than those required to be served as prescribed in § 22.8 shall be made by delivering a copy or placing a copy of the document in the United States mail, postage prepaid and addressed to the party's last known address. When a party is represented by a representative, service shall be made upon such representative in lieu of the actual party.

(c) *Proof of service.* A certificate of the individual serving the document by personal delivery or by mail, setting forth the manner of service, shall be proof of service.

§ 22.27 Computation of time.

(a) In computing any period of time under this part or in an order issued thereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed by the Federal government, in which event it includes the next business day.

(b) When the period of time allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays observed by the Federal government shall be excluded from the computation.

(c) Where a document has been served or issued by placing it in the mail, an additional five days will be added to the time permitted for any response.

§ 22.28 Motions.

(a) Any application to the ALJ for an order or ruling shall be by motion. Motions shall state the relief sought, the authority relied upon, and the facts alleged, and shall be filed with the ALJ and served on all other parties.

(b) Except for motions made during a prehearing conference or at the hearing, all motions shall be in writing. The ALJ may require that oral motions be reduced to writing.

(c) Within 15 days after a written motion is served, or such other time as may be fixed by the ALJ, any party may file a response to such motion.

(d) The ALJ may not grant a written motion before the time for filing responses thereto has expired, except upon consent of the parties or following a hearing on the motion, but may overrule or deny such motion without awaiting a response.

(e) The ALJ shall make a reasonable effort to dispose of all outstanding motions prior to the beginning of the hearing.

§ 22.29 Sanctions.

(a) The ALJ may sanction a person, including any party or representative for—

(1) Failing to comply with an order, rule, or procedure governing the proceeding;

(2) Failing to prosecute or defend an action; or

(3) Engaging in other misconduct that interferes with the speedy, orderly, or fair conduct of the hearing.

(b) Any such sanction, including but not limited to those listed in paragraphs (c), (d), and (e) of this section, shall reasonably relate to the severity and nature of the failure or misconduct.

(c) When a party fails to comply with an order, including an order for taking a deposition, the production of evidence within the party's control, or a request for admission, the ALJ may—

(1) Draw an inference in favor of the requesting party with regard to the information sought;

(2) In the case of requests for admission, deem each matter of which an admission is requested to be admitted;

(3) Prohibit the party failing to comply with such order from introducing evidence concerning, or otherwise relying, upon testimony relating to the information; and

(4) Strike any part of the pleadings or other submissions of the party failing to comply with such request.

(d) If a party fails to prosecute or defend an action under this part commenced by service of a notice of hearing, the ALJ may dismiss the action or may issue an initial decision imposing penalties and assessments.

(e) The ALJ may refuse to consider any motion, request, response, brief or other document which is not filed in a timely fashion.

§ 22.30 The hearing and burden of proof.

(a) The ALJ shall conduct a hearing on the record in order to determine whether the defendant is liable for a civil penalty or assessment under § 22.3 and, if so, the appropriate amount of any such civil penalty or assessment considering any aggravating or mitigating factors.

(b) The authority shall prove defendant's liability and any aggravating factors by a preponderance of the evidence.

(c) The defendant shall prove any affirmative defenses and any mitigating factors by a preponderance of the evidence.

(d) The hearing shall be open to the public unless otherwise ordered by the ALJ for good cause shown.

§ 22.31 Determining the amount of penalties and assessments.

(a) In determining an appropriate amount of civil penalties and assessments, the ALJ and the authority head, upon appeal, should evaluate any circumstances that mitigate or aggravate the violation and should articulate in their opinions the reasons that support the penalties and assessments they impose. Because of the intangible costs of fraud, the expense of investigating such conduct, and the need to deter others who might be similarly tempted, ordinarily double damages and a significant civil penalty should be imposed.

(b) Although not exhaustive, the following factors are among those that may influence the ALJ and the authority head in determining the amount of penalties and assessments to impose with respect to the misconduct (*i.e.*, the false, fictitious, or fraudulent claims or statements) charged in the complaint:

(1) The number of false, fictitious, or fraudulent claims or statements;

(2) The time period over which such claims or statements were made;

(3) The degree of the defendant's culpability with respect to the misconduct;

(4) The amount of money or the value of the property, services, or benefit falsely claimed;

(5) The value of the Government's actual loss as a result of the misconduct, including forseeable consequential damages and the costs of investigation;

(6) The relationship of the amount imposed as civil penalties to the amount of the Government's loss;

(7) The potential or actual impact of the misconduct upon national defense, public health or safety, or public confidence in the management of Government programs and operations, including particularly the impact on the intended beneficiaries of such programs;

(8) Whether the defendant has engaged in a pattern of the same or similar misconduct;

(9) Whether the defendant attempted to conceal the misconduct;

(10) The degree to which the defendant has involved others in the misconduct or in concealing it;

(11) Where the misconduct of employees or agents is imputed to the defendant, the extent to which the defendant's practices fostered or attempted to preclude such misconduct;

(12) Whether the defendant cooperated in or obstructed an investigation of the misconduct;

(13) Whether the defendant assisted in identifying and prosecuting other wrongdoers;

(14) The complexity of the program or transaction, and the degree of the defendant's sophistication with respect to it, including the extent of the defendant's prior participation in the program or in similar transactions;

(15) Whether the defendant has been found, in any criminal, civil, or administrative proceeding to have engaged in similar misconduct or to have dealt dishonestly with the Government of the United States or of a State, directly or indirectly; and

(16) The need to deter the defendant and others from engaging in the same or similar misconduct.

(c) Nothing in this section shall be construed to limit the ALJ or the authority head from considering any other factors that in any given case may mitigate or aggravate the offense for which penalties and assessments are imposed.

§ 22.32 Location of hearing.

(a) The hearing may be held—

(1) In any judicial district of the United States in which the defendant resides or transacts business;

(2) In any judicial district of the United States in which the claim or statement in issue was made; or

(3) In such other place as may be agreed upon by the defendant and the ALJ.

(b) Each party shall have the opportunity to present argument with respect to the location of the hearing.

(c) The hearing shall be held at the place and at the time ordered by the ALJ.

§ 22.33 Witnesses.

(a) Except as provided in paragraph (b) of this section, testimony at the hearing shall be given orally by witnesses under oath or affirmation.

(b) At the discretion of the ALJ, testimony may be admitted in the form of a written statement or deposition. Any such written statement must be provided to all other parties along with the last known address of such witness, in a manner which allows sufficient time for other parties to subpoena such witness for cross-examination at the hearing. Prior written statements of witnesses proposed to testify at the hearing and deposition transcripts shall be exchanged as provided in § 22.22(a).

(c) The ALJ shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to (1) Make the interrogation and presentation effective for the ascertainment of the truth, (2) Avoid needless consumption of time, and (3) Protect witnesses from harassment or undue embarrassment.

(d) The ALJ shall permit the parties to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(e) At the discretion of the ALJ, a witness may be cross-examined on matters relevant to the proceeding without regard to the scope of his or her direct examination. To the extent permitted by the ALJ, cross-examination on matters outside the scope of direct examination shall be conducted in the manner of direct examination and may proceed by leading questions only if the witness is a hostile witness, an adverse party, or a witness identified with an adverse party.

(f) Upon motion of any party, the ALJ shall order witnesses excluded so that they cannot hear the testimony of other witnesses. This rule does not authorize exclusion of—

(1) A party who is an individual;

(2) In the case of a party that is not an individual, an officer or employee of the party appearing for the entity pro se or designated by the party's representative; or

(3) An individual whose presence is shown by a party to be essential to the presentation of its case, including an individual employed by the Government engaged in assisting the representative for the Government.

§ 22.34 Evidence.

(a) The ALJ shall determine the admissibility of evidence.

(b) Except as provided in this part, the ALJ shall not be bound by the Federal Rules of Evidence. However, the ALJ may apply the Federal Rules of Evidence where appropriate, e.g., to exclude unreliable evidence.

(c) The ALJ shall exclude irrelevant and immaterial evidence.

(d) Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or by considerations of undue delay or needless presentation of cumulative evidence.

(e) Although relevant, evidence may be excluded if it is privileged under Federal law.

(f) Evidence concerning offers of compromise or settlement shall be inadmissible to the extent provided in Rule 408 of the Federal Rules of Evidence.

(g) The ALJ shall permit the parties to introduce rebuttal witnesses and evidence.

(h) All documents and other evidence offered or taken for the record shall be open to examination by all parties, unless otherwise ordered by the ALJ pursuant to § 22.24.

§ 22.35 The record.

(a) The hearing will be recorded and transcribed. Transcripts may be obtained following the hearing from the ALJ at a cost not to exceed the actual cost of duplication.

(b) The transcript of testimony, exhibits and other evidence admitted at the hearing, and all papers and requests filed in the proceeding constitute the

record for the decision by the ALJ and the authority head.

(c) The record may be inspected and copied (upon payment of a reasonable fee) by anyone, unless otherwise ordered by the ALJ pursuant to § 22.24.

§ 22.36 Post-hearing briefs.

The ALJ may require the parties to file post-hearing briefs. In any event, any party may file a post-hearing brief. The ALJ shall fix the time for filing such briefs, not to exceed 60 days from the date the parties receive the transcript of the hearing or, if applicable, the stipulated record. Such briefs may be accompanied by proposed findings of fact and conclusions of law. The ALJ may permit the parties to file reply briefs.

§ 22.37 Initial decision.

(a) The ALJ shall issue an initial decision based only on the record, which shall contain findings of fact, conclusions of law, and the amount of any penalties and assessments imposed.

(b) The findings of fact shall include a finding on each of the following issues:

(1) Whether the claims or statements identified in the complaint, or any portions thereof, violate § 22.3;

(2) If the person is liable for penalties or assessments, the appropriate amount of any such penalties or assessments considering any mitigating or aggravating factors that he or she finds in the case, such as those described in § 22.31.

(c) The ALJ shall promptly serve the initial decision on all parties within 90 days after the time for submission of post-hearing briefs and reply briefs (if permitted) has expired. The ALJ shall at the same time serve all parties with a statement describing the right of any defendant determined to be liable for a civil penalty or assessment to file motion for reconsideration with the ALJ or a notice of appeal with the authority head. If the ALJ fails to meet the deadline contained in this paragraph, he or she shall notify the parties of the reason for the delay and shall set a new deadline.

(d) Unless the initial decision of the ALJ is timely appealed to the authority head, or a motion for reconsideration of the initial decision is timely filed, the initial decision shall constitute the final decision of the authority head and shall be final and binding on the parties 30 days after it is issued by the ALJ.

§ 22.38 Reconsideration of initial decision.

(a) Except as provided in paragraph (d) of this section, any party may file a motion for reconsideration of the initial decision within 20 days of receipt of the initial decision. If service was made by mail, receipt will be presumed to be five days from the date of mailing in the absence of contrary proof.

(b) Every such motion must set forth the matters claimed to have been erroneously decided and the nature of the alleged errors. Such motion shall be accompanied by a supporting brief.

(c) Responses to such motions shall be allowed only upon request of the ALJ.

(d) No party may file motion for reconsideration of an initial decision that has been revised in response to a previous motion for reconsideration.

(e) The ALJ may dispose of a motion for reconsideration by denying it or by issuing a revised initial decision.

(f) If the ALJ denies a motion for reconsideration, the initial decision shall constitute the final decision of the authority head and shall be final and binding on the parties 30 days after the ALJ denies the motion, unless the initial decision is timely appealed to the authority head in accordance with § 22.39.

(g) If the ALJ issues a revised initial decision, that decision shall constitute the final decision of the authority head and shall be final and binding on the parties 30 days after it is issued, unless it is timely appealed to the authority head in accordance with § 22.39.

§ 22.39 Appeal to authority head.

(a) Any defendant who has filed a timely answer and who is determined in an initial decision to be liable for a civil penalty or assessment may appeal such decision to the authority head by filing a notice of appeal with the authority head in accordance with this section.

(b)(1) A notice of appeal may be filed at any time within 30 days after the ALJ issues an initial decision. However, if another party files a motion for reconsideration under § 22.38, consideration of the appeal shall be stayed automatically pending resolution of the motion for reconsideration.

(2) If a motion for reconsideration is timely filed, a notice of appeal may be filed within 30 days after the ALJ denies the motion or issues a revised initial decision, whichever applies.

(3) The authority head may extend the initial 30 day period for an additional 30 days if the defendant files with the authority head a request for an extension within the initial 30 day period and shows good cause.

(c) If the defendant files a timely notice of appeal with the authority head, and the time for filing motions for reconsideration under § 22.38 has expired, the ALJ shall forward the record of the proceeding to the authority head.

(d) A notice of appeal shall be accompanied by a written brief specifying exceptions to the initial decision and reasons supporting the exceptions.

(e) The representative for the Government may file a brief in opposition to exceptions within 30 days of receiving the notice of appeal and accompanying brief.

(f) There is no right to appear personally before the authority head.

(g) There is no right to appeal any interlocutory ruling by the ALJ.

(h) In reviewing the initial decision, the authority head shall not consider any objection that was not raised before the ALJ unless a demonstration is made of extraordinary circumstances causing the failure to raise the objection.

(i) If any party demonstrates to the satisfaction of the authority head that additional evidence not presented at such hearing is material and that there were reasonable grounds for the failure to present such evidence at such hearing, the authority head shall remand the matter to the ALJ for consideration of such additional evidence.

(j) The authority head may affirm, reduce, reverse, compromise, remand, or settle any penalty or assessment, determined by the ALJ in any initial decision.

(k) The authority head shall promptly serve each party to the appeal with a copy of the decision of the authority head and a statement describing the right of any person determined to be liable for a penalty or assessment to seek judicial review.

(l) Unless a petition for review is filed as provided in 31 U.S.C. 3805 after a defendant has exhausted all administrative remedies under this part and within 60 days after the date on which the authority head serves the defendant with a copy of the authority head's decision, a determination that a defendant is liable under § 22.3 is final and is not subject to judicial review.

§ 22.40 Stays ordered by the Department of Justice.

If at any time the Attorney General or an Assistant Attorney General designated by the Attorney General transmits to the authority head a written finding that continuation of the administrative process described in this part with respect to a claim or statement may adversely affect any pending or potential criminal or civil action related to such claim or statement, the authority head shall stay the process immediately. The authority head may order the process resumed only upon receipt of the written authorization of the Attorney General.

§ 22.41 Stay pending appeal.

(a) An initial decision is stayed automatically pending disposition of a motion for reconsideration or of an appeal to the authority head.

(b) No administrative stay is available following a final decision of the authority head.

§ 22.42 Judicial review.

Section 3805 of title 31, United States Code, authorizes judicial review by an appropriate United States District Court of a final decision of the authority head imposing penalties or assessments under this part and specifies the procedures for such review.

§ 22.43 Collection of civil penalties and assessments.

Sections 3806 and 3808(b) of title 31, United States Code, authorize actions for collection of civil penalties and assessments imposed under this part and specify the procedures for such actions.

§ 22.44 Right to administrative offset.

The amount of any penalty or assessment which has become final, or for which a judgment has been entered under § 22.42 or § 22.43, or any amount agreed upon in a compromise or settlement under § 22.46, may be collected by administrative offset under 31 U.S.C. 3716, except that an administrative offset may not be made under this subsection against a refund of an overpayment of Federal taxes, then or later owing by the United States to the defendant.

§ 22.45 Deposit in Treasury of United States.

All amounts collected pursuant to this part shall be deposited as miscellaneous receipts in the Treasury of the United States, except as provided in 31 U.S.C. 3806(g).

§ 22.46 Compromise or settlement.

(a) Parties may make offers of compromise or settlement at any time.

(b) The reviewing official has the exclusive authority to compromise or settle a case under this part at any time after the date on which the reviewing official is permitted to issue a complaint and before the date on which the ALJ issues an initial decision.

(c) The authority head has exclusive authority to compromise or settle a case under this part at any time after the date on which the ALJ issues an initial decision, except during the pendency of any review under § 22.42 or during the pendency of any action to collect penalties and assessments under § 22.43.

(d) The Attorney General has exclusive authority to compromise or settle a case under this part during the pendency of any review under § 22.42 or of any action to recover penalties and assessments under 31 U.S.C. 3806.

(e) The investigating official may recommend settlement terms to the reviewing official, the authority head, or the Attorney General, as appropriate. The reviewing official may recommend settlement terms to the authority head, or the Attorney General, as appropriate.

(f) Any compromise or settlement must be in writing.

§ 22.47 Limitations.

(a) The notice of hearing (under § 22.12) with respect to a claim or statement must be served in the manner specified in § 22.8 within 6 years after the date on which such claim or statement is made.

(b) If the defendant fails to file a timely answer, service of a notice under § 22.10(b) shall be deemed a notice of hearing for purposes of this section.

(c) The statute of limitations may be extended by agreement of the parties.

Signed at Washington, DC, this 14th day of December 1987.

Dennis E. Whitfield,

Deputy Secretary of Labor.

[FR Doc. 87-29286 Filed 12-21-87; 8:45 am]

BILLING CODE 4510-23-M

VOL
52
ISS
245
DE
22
1987
UMI

federal register

Tuesday
December 22, 1987

Part IV

Federal Maritime Commission

Inquiry on Tariff Automation; Notice

VOL 52 ISS 245 DEC 22 1987 UMI

FEDERAL MARITIME COMMISSION

Inquiry on Tariff Automation

The Federal Maritime Commission (FMC) is seeking the views of persons who are not potential bidders on the functionality of its proposed Automated Tariff Filing and Information System (ATFI).

The FMC has the responsibility under the shipping statutes to:

1. Accept the filing of common carrier tariffs and service contracts containing rates and charges governing transportation of cargo in U.S. waterborne domestic offshore and foreign commerce. (Marine terminal operators also file tariffs of their rates and charges.)

2. Ensure that tariffs and service contract data comply with basic statutory requirements before they are accepted for filing.

3. Maintain the official file of tariffs and service contracts and to certify authentic and accurate tariff data to courts and other tribunals.

4. Make tariffs and the essential terms of service contracts available for public inspection.

Due to the ever-growing volume of tariff-type data filed each year in paper format, the FMC, in order to better perform its statutory responsibilities, is attempting to automate its tariff functions through an electronic Automated Tariff Filing and Information System. The final system is scheduled to begin full operation in the Fall of 1989.

In 1986, a study by the FMC's private-sector contractor found that tariff automation was feasible and the FMC's Industry Advisory Committee agreed. In October of 1987, a Benefit Cost Analysis was prepared by a commercial contractor and corroborated the economic feasibility of the project. (This document is "Procurement Sensitive" and is not now available.) Recently, the FMC was delegated procurement authority for the project by the General Services Administration, and a draft functional Request for Proposals (RFP) is being finalized by a private-sector contractor for the FMC.

On December 3, 1987, the FMC requested in the Commerce Business Daily letters of interest by January 4, 1988 from potential bidders on the project. (See this CBD notice or the FMC's Press Release of the same date for further details.) The draft RFP will be sent to firms on the Bidders' List in January, 1988, and a Presolicitation Bidders Conference will be held shortly thereafter to respond to written and oral questions of the potential bidders, before the RFP is finalized. Technical matters are intended to be resolved by these specialized procurement procedures.

The impact of the proposed system's functionality, however, on the public and the shipping industry has been only recently developed in detail sufficient for meaningful review by, *inter alia*, the following types of firms:

1. The shipping industry, e.g., shippers, carriers, freight forwarders, and terminal operators;

2. The information industry, e.g., the commercial firms who perform requested tariff filing, retrieval and watching services for the shipping industry; and

3. Associations, small businesses, and other interested persons, such as the public and government agencies.

Accordingly, before the RFP is finalized, the FMC is providing this opportunity for comment by firms other than potential bidders on the below-described basic functionality of the proposed system.

The electronic ATFI system, for which the FMC is seeking a prime contractor, will be run on the contractor's central computer with appropriate terminals at the FMC for tariff review, processing, and retrieval. The format of tariff data to be electronically filed is being developed in conjunction with the industry Transportation Data Coordinating Committee and will emphasize "tariff line items," *vis-a-vis*, tariff pages, as under the present system. "Tariff line items" are basically equivalent to commodity rate items in current paper tariffs and can be amended directly, without having to issue an entire revised page.

As recommended by the FMC's Advisory Committee, standardized commodity or geographic coding will not be mandated at the beginning, but the system must have the capability to provide for these functions at the appropriate time. The system will also include the essential terms of service contracts.

Full implementation of the system will be in phases to allow commercial firms time to adapt their operations. Exemptions, at least temporary, will be granted to some types of tariff filers who are not economically able to use the electronic system.

The system will be as compatible as possible with existing computer equipment through the use of software for full connectibility. Filing of tariffs will be done primarily by using asynchronous terminals or microcomputers, dialing in with a modem to the FMC's data base. The filing software will provide on-line edit checks to ensure that the tariff information is correct and that basic statutory provisions are complied with before the tariff can be officially on file. Such edit checks, for example, will be able to electronically identify improper effective dates, such as a rate increase on less than 30-days notice. Other problems for which rejection is warranted, such as unclear or conflicting tariff provisions, will still have to be handled by FMC staff and, if necessary, resolved at the Commission level. The system's computer capabilities, however, will facilitate this process also.

The ATFI system will have appropriate security mechanisms to protect the integrity of the data base.

Tariff filers will be able to file and amend their tariff materials by remote access directly to the ATFI system by carriers or conferences almost any time of day. The carrier or conference will be able to screen-scan its tariff so that the appropriate item can be amended. Commercial tariff services can also continue to be used by carriers and conferences for filing, e.g., by direct input into the data base, after creating tariffs on instruction from their clients, or transforming their paper tariffs into electronic form. The FMC will encourage commercial tariff services to assist small firms who may find it difficult to file electronically.

Once the tariff data is officially on file, the FMC will download the entire data base in "flat files", formatted onto computer tapes which will be sold to any person at the relatively inexpensive, marginal cost of dissemination. This will satisfy the FMC's statutory duty of providing copies of tariffs at a reasonable charge. In order to keep up with a substantial number of rapidly changing freight rates in the shipping industry, however, interested persons must obtain these updated data-base tapes frequently. FMC will offer a subscription service to provide this capability.

The FMC will not perform any value-added processing of the tariff data for sale to the shipping public in competition with commercial tariff services. It is expected that those services will subscribe to the data-base tapes to facilitate their value-added services. The FMC must, however, use the system to process tariff data internally for investigative and other regulatory purposes and will continue to utilize appropriate and available, value-added services of commercial tariff firms for this purpose.

In order to carry out its other statutory function of making tariffs and essential terms of service contracts available for

public inspection, the FMC will continue to have a public reference room at its Headquarters in Washington, DC. Here, interested persons can access a terminal on which information on a particular tariff will be brought up on the screen and scanned to find the necessary rates and rules. Paper copies of tariff data will still be available upon written request, especially for certification to courts and other tribunals for proceedings involving disputes over historical tariff rates.

Another retrieval feature currently contained in the draft RFP is remote access to the FMC data base by modem, almost any time of day, for retrieval of tariff information by any interested person. This is described in the October 28, 1986 Feasibility Study Final Report as follows:

> "b. Retrieval and Analysis by the Public
>
> * * * * *
>
> "FMC would also allow remote access whereby a member of the general public could access the automated tariff system from remote locations. For example, the system would enable a shipper on the West Coast to retrieve data from the automated tariff system using a terminal or microcomputer equipped with a device (i.e., a modem) to enable data communications over public telephone lines.
>
> "* * * However, members of the general public would only be able to perform relatively rudimentary retrievals, and essentially no analysis of the data. Specifically, members of the public would only be able to retrieve one tariff at a time, in its full format. To retrieve a tariff, the public user would have to specify the specific tariff on a particular carrier that is desired; the public user would not be able to search by keys (e.g., by route or commodity).
>
> "* * * FMC has imposed these restrictions based on a careful analysis of applicable federal policies and precedents. FMC does not want to compete with third-party services for the provision of sophisticated retrieval and analysis of tariff data for shippers, carriers, and others in the private market. * * * In the absence of tariff automation—i.e., the status quo—FMC will make available copies of tariffs to members of the public only if they can specify the particular tariff desired. A user fee is assessed for this service. FMC would not expand these services after tariff automation is implemented. However, * * * FMC would help ensure that third-party services can provide such services." [Pages IV–8 and 9.]

However, to ensure that the system will not compete with commercial tariff information firms, the FMC is considering not including this general electronic retrieval feature in its final RFP, thereby leaving this function to be performed solely by existing tariff services for their clients, as they do now in a paper environment. The change would not prevent carrier and conference filers from remotely accessing their own tariffs on the FMC's data base for retrieval, as well as for filing. Moreover, carriers would not be precluded from remotely accessing ATFI for conference tariffs to which they belong in order to check the official freight rates that should be charged to their shippers; and any person can use the terminals in the FMC public reading room for tariff retrieval. However, under this potential change, carriers would have remote access to their competitors' tariff data only through the value-added vendors that will provide this service.

The foregoing is the basic "functionality" of ATFI, which is the result of many months of deliberations by the FMC after consideration of major policies on automation and electronic technology, the needs of the shipping industry and other affected businesses, proper use of Government funds, and the public interest. Other details, such as exact costs, must still be worked out as the system is contracted for and further developed.

The FMC will operate the ATFI system as a prototype for a period of at least six months to test it and improve its functionality and performance. Volunteers will be sought for this prototype operation, during which there will be public-comment rulemakings on the final format of electronic tariff data and for establishment of user fees.

In this outreach effort, the FMC is providing opportunity for comment by anyone whose business operation may be affected by the basic functionality of ATFI, so that the final RFP can set forth the necessary specifications for the best possible system.

In order for your comments to be so considered, they must be submitted in writing, in an original and 20 copies by January 22, 1988, to: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573.

After January 22, 1988, all comments will be made available to the public at the FMC's normal cost of production.

Responses to this Notice should not include procurement-related comments or questions about the technical nature of the system requirements or contractual or other issues raised by the draft RFP. These will be handled in the Presolicitation Bidders Conference. Also, commenters should not submit their qualifications as bidders on the project or similar promotional materials, since these will be requested by the RFP during the bidding process.

A copy of the summary of the 1986 Feasibility Study is available upon request to the Bureau of Administration at 202/523–5866. Because of the procurement process, however, no further information on the proposed system can be given out until the draft RFP is made public.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 87–29390 Filed 12–21–87; 8:45 am]

BILLING CODE 6730–01–M

VOL
52
ISS
245
DE
22
1987
UMI

federal register

Tuesday
December 22, 1987

Part V

Department of Transportation

Federal Aviation Administration

14 CFR Parts 108 and 129

Airplane Operator and Foreign Air Carrier Security Rules; Final Rule and Request for Comments

BEST COPY AVAILABLE

VOL 52 ISS 245 DEC 22 1987 UMI

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 108 and 129

[Docket No. 25502; Amdts. Nos. 108-5 and 129-15]

Airplane Operator and Foreign Air Carrier Security Rules

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This final rule requires the application of certain security procedures to all persons entering an airport sterile area in the United States at a preboarding screening check point. These procedures are designed to prevent or deter the carriage aboard aircraft of explosives, incendiaries, and deadly or dangerous weapons. These amendments are intended to limit the application of special procedures that have allowed certain classes of individuals to enter sterile areas through screening points without inspection of their persons and accessible property. They are needed to respond to a threat to aviation security highlighted by the recent crash of an air carrier aircraft with the loss of 44 lives.

DATES: This amendment is effective December 21, 1987. Comments must be received on or before February 21, 1988.

ADDRESS: Send comments on this final rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 25502, 800 Independence Avenue SW., Washington, DC 20591; or deliver comments in duplicate to: Federal Aviation Administration Rules Docket, Room 916, 800 Independence Avenue SW., Washington, DC 20591. Comments must be marked Docket No. 25502. Comments may be examined in the Rules Docket on weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Donnie Blazer, Domestic Civil Aviation Security Division, Office of Civil Aviation Security, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Telephone: (202) 267-8058.

SUPPLEMENTARY INFORMATION:

Comments Invited

Because of the emergency need for this regulation, it is being adopted without notice and public comment. However, the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034; February 26, 1979) provide that, to the maximum extent possible, DOT operating administrations should provide an opportunity for public comment, after issuance, for regulations issued without prior notice. Accordingly, interested persons are invited to comment on this final rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-204, Docket No. 25502, 800 Independence Avenue SW., Washington, DC 20591. All comments received will be available in the Rules Docket for examination by interested persons. This amendment may be changed in the light of comments received.

Commenters wishing the FAA to acknowledge receipt of their comments on this final rule must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 25502." The postcard will be date and time stamped and returned to the commenter.

Background

Part 108 of the Federal Aviation Regulations requires each certificate holder required to conduct security screening to prevent or deter the carriage aboard its airplanes of any explosive, incendiary, or deadly or dangerous weapon on or about any individual's person or accessible property. The certificate holder must use the procedures included, and the facilities and equipment described, in its security program approved by the FAA for this purpose. Similar requirements in Part 129 apply to foreign air carriers landing or taking off in the United States.

Under the security screening procedures adopted by U.S. certificate holders and foreign air carriers in their required security programs, employees of the airport and air carriers and other classes of individuals, including law enforcement officials, have been permitted to pass through airport screening points under special procedures. Under these programs, many of these individuals have not been required to submit to the inspection of their persons or accessible property. The FAA did not regard these classes of individuals as a risk to aviation security when they were properly identified and the special procedures were correctly applied.

Recent events have caused concern over the proper application of these procedures. On December 7, 1987, Pacific Southwest Airlines Flight 1771 apparently was caused to crash by an individual who had smuggled a gun aboard the aircraft. Forty-four persons lost their lives in this incident. While it is not yet clearly established whether the perpetrator of this crime used an air carrier employee identification card to avoid inspection of his person and property, the incident raises questions about the applicability of the screening process to airport and airline employees. Clearly proper application of the special screening procedures should prevent any unauthorized airport or airline employee from avoiding inspection of his or her person and accessible property. The FAA is particularly concerned that individuals, using real or forged identification, may attempt to similarly compromise the screening system. To ensure maximum protection of all of those involved in aviation and restore public confidence in the aviation security system, the FAA is adopting immediately rules to remove this possible abuse of the screening system.

These amendments to Parts 108 and 129 provide that all individuals who enter an airport sterile area at each preboarding screening checkpoint in the United States must be inspected using procedures, facilities, and equipment designed to detect explosives, incendiaries, and deadly or dangerous weapons. In addition, all accessible property under that person's control must be inspected. These inspection procedures will be applied to all airport and airline employees. Only limited exceptions will be authorized by the Administrator.

These emergency amendments apply only to operations of certificate holders and foreign air carriers in the United States. They apply to screening at each checkpoint in the United States for which the certificate holder or foreign air carrier is responsible, even if the screening of its passengers at a specific checkpoint is conducted by another operator.

Reason for No Notice and Immediate Adoption

These amendments are needed immediately to ensure the overall effectiveness of the aviation security regulations to meet this particular threat. For this reason, notice and public procedure are impracticable, and good cause exists for making this amendment effective in less then 30 days. In accordance with DOT Regulatory Policies and Procedures, an opportunity for public comment after publication is being provided.

Economic Assessment

Because of the emergency need for this regulation and in accordance with section 8(a)(1) of Executive Order 12291, I find that following the procedures of that Executive Order is impracticable. For the same reason, no regulatory evaluation has been prepared prior to publication of this final rule. In accordance with section 11(a) of the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), a regulatory evaluation will be prepared and placed in the public docket, unless an exception is granted by the Secretary of Transportation.

Because none of the certificate holders affected by the amendment to Part 108 is a small entity and because the cost to the additional individuals submitting themselves to detection procedures is minimal, these amendments will not have a significant economic impact on a substantial number of small entities.

Conclusion

In accordance with section 8(a)(1) of Executive Order 12291, because of the emergency need for this regulation, the procedures in that Executive Order have not been followed. In view of the substantial public interest in the matter of aviation security, this regulation is considered significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since none of the certificate holders affected by the amendment to Part 108 is a small entity and since the cost to individuals is minimal, it is certified that these amendments will not have a significant economic impact on a substantial number of small entities. A copy of the regulatory evaluation to be prepared for these amendments will be placed in the public docket, unless an exception is granted by the Secretary of Transportation.

List of Subjects

14 CFR Part 108

Airplane operator security, Aviation safety, Air transportation, Air carrier, Airlines, Security measures, Transportation.

14 CFR Part 129

Foreign air carrier, Aircraft, Air carrier.

The Amendment

Accordingly, Parts 108 and 129 of the Federal Aviation Regulations (14 CFR Part 108 and 129) are amended as follows:

PART 108—[AMENDED]

1. The authority citation for Part 108 continues to read as follows:

Authority: 49 U.S.C. 1354, 1356, 1357, 1358, 1421, and 1424; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

2. By adding a new paragraph (c) to § 108.9 to read as follows:

§ 108.9 Screening of passengers and property.

* * * * *

(c) Except as provided by its approved security program, each certificate holder required to conduct screening under a security program shall use the procedures included, and the facilities and equipment described, in its approved security program for detecting explosives, incendiaries, and deadly or dangerous weapons to inspect each person entering a sterile area at each preboarding screening checkpoint in the United States for which it is responsible, and to inspect all accessible property under that person's control.

PART 129—[AMENDED]

3. The authority citation for Part 129 continues to read as follows:

Authority: 49 U.S.C. 1346, 1354(a), 1356, 1357, 1421, 1502, and 1511; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

4. By adding a new paragraph (j) to § 129.25 to read as follows:

§ 129.25 Airplane security.

* * * * *

(j) Unless otherwise authorized by the Administrator, each foreign air carrier required to conduct screening under this part shall use procedures, facilities, and equipment for detecting explosives, incendiaries, and deadly or dangerous weapons to inspect each person entering a sterile area at each preboarding screening checkpoint in the United States for which it is responsible, and to inspect all accessible property under that person's control.

T. Allan McArtor,

Administrator.

Issued in Washington, DC., on December 16, 1987.

[FR Doc. 87-29424 Filed 12-21-87; 9:38 am]

BILLING CODE 4910-13-M

VOL
52
ISS
245
DE
22
1987
UMI

Reader Aids

Federal Register
Vol. 52, No. 245
Tuesday, December 22, 1987

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

45597–45800.....1
45801–45934.....2
45935–46050.....3
46051–46342.....4
46343–46444.....7
46445–46584.....8
46585–46730.....9
46731–46982.....10
46983–47364.....11
47365–47544.....14
47545–47686.....15
47687–47890.....16
47891–48078.....17
48079–48178.....18
48179–48390.....21
48391–48510.....22

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5748.....46729
5749.....46731
5750.....46733
5751.....46735
5752.....47365, 47545

Executive Orders:
12462.....48179
12543 (See Notice of Dec. 15, 1987).....47891
12616.....46730
12617.....48179

Administrative Orders:
Notices:
Dec. 15, 1987.....47891
Statements:
Dec. 7, 1987.....46728

4 CFR
21.....46445

5 CFR
351.....46051
540.....46051
551.....47687
831.....47893
870.....46343
874.....46343
1201.....47547
1204.....45597
1600.....45801
1605.....46314

7 CFR
6.....48079
8.....47660
21.....48015
301.....45597, 47367, 47688, 48181
319.....46052, 47372
352.....47373
401.....45598–45604
413.....47375
422.....48182
423.....45805, 47376
431.....47376
432.....47377
770.....45606
907.....46060, 46737, 46983, 48080
908.....46737
910.....46061, 46984, 48080
911.....46344
915.....46344
966.....46345
981.....45607, 45609
1434.....48081
1900.....45806, 46348
1924.....48391
1942.....47097
1944.....45807, 48391
1956.....46348, 47688

Proposed Rules:
52.....46486
318.....48272
401.....45830
735.....47009
905.....46366
959.....46368
966.....47576
971.....46366
985.....46600
987.....46366
1951.....45638

8 CFR
212.....48082
214.....48082
238.....48082
245.....48082
248.....48082
299.....48082
316a.....45731

Proposed Rules:
3.....46776
109.....46092
208.....46776
236.....46776
242.....46776
253.....46776

9 CFR
78.....47378
85.....45935
92.....45611, 47548
303.....48084
381.....48084

Proposed Rules:
145.....47014
147.....47014
316.....45639
350.....45639

10 CFR
30.....48092
40.....48092
70.....48092
1039.....48015

Proposed Rules:
Ch. I.....47398
2.....48447
35.....47726
61.....47398
62.....47578
430.....46367, 47549

12 CFR
4.....46061
204.....46450, 47689
208.....46984
217.....47689
226.....45611
304.....48183

VOL 52 ISS 245 DE 22 1987 UMI

337 47379
611 48093
614 46151
706 46585

Proposed Rules:
202 47589
205 47591
210 47112
226 47592
229 47112
332 48447
701 ..... 46601, 47014

13 CFR
102 47699
125 48391

Proposed Rules:
121 47937

14 CFR
21 46348
25 46348
39 ..... 45612–45614, 45808–45810, 46064–46067, 46452, 46739, 46985–46995, 47387, 47551, 47702–47704, 47990, 48184–48187, 48392
71 ..... 45615, 45616, 46556, 46740–46742, 46995–46997, 47304, 47308, 47676, 48191, 48393
75 47677
91 47672
97 ..... 45617, 46743, 48394
108 48508
121 ..... 45910, 47991
129 48508
135 ..... 45910, 47991
234 48395
255 48395
1208 48015
1213 45935
1221 45811

Proposed Rules:
Ch. I 45831
39 ..... 45640, 45642, 45831, 46094, 46776, 47015, 47016, 47399–47401, 47943–47946, 48274
43 47680
71 ..... 45644, 46778, 46779, 47017–47020, 47402, 47727, 48274, 48448, 48449, 48484
73 ..... 47021, 48274
91 47680

15 CFR
11 48015
371 45618
374 45618
385 46886
399 ..... 46886, 47388
801 46567

Proposed Rules:
18 47597

16 CFR
6 45619
13 45937
305 46888
1015 45631

Proposed Rules:
13 ..... 45645, 45970, 45972, 48276
453 46706
1016 47599
1700 48450

17 CFR
1 ..... 46070, 47705
200 48191
211 ..... 46454, 48193
274 46350

Proposed Rules:
34 47022
240 48125

18 CFR
2 ..... 47897, 47914, 48398
4 48398
11 48398
154 48407
157 47897
270 48407
271 46072
273 48407
284 47914
375 ..... 48398, 48407
380 47897
381 48407
389 45823
1306 48015
1312 47720

Proposed Rules:
1310 47728

19 CFR

Proposed Rules:
4 ..... 46602, 48194
101 47908
128 47729
143 47729
177 47601

20 CFR
355 47705
404 47914

Proposed Rules:
365 47601
614 46604

21 CFR
74 45938
176 46968
184 47918
333 47312
369 47312
520 48094
558 48095

Proposed Rules:
182 46968
352 46095

22 CFR
302 47714
502 47991

Proposed Rules:
502 47029
1508 46779

23 CFR

Proposed Rules:
625 47403
635 45645

24 CFR
200 48197
203 48197
204 48197
213 48197
220 48197
221 48197
222 48197
226 48197
227 48197
235 48197
237 48197
240 48197
888 48205
3280 47552

Proposed Rules:
42 47953
43 47953
236 48276
813 46614
885 46614
888 48278

25 CFR

Proposed Rules:
177 46781

26 CFR
1 ..... 47554, 48407
31 45632
35a 46075
54 46747
602 ..... 46075, 46747, 47554, 48407

Proposed Rules:
1 ..... 45835, 47609, 48452
48 45901
54 46782
602 ..... 46782, 47609

27 CFR
9 46589
19 47557
25 47557
47 48096
240 47557
250 ..... 46592, 47557
270 47557
275 47557
285 47557

Proposed Rules:
9 48279
250 46628

28 CFR
Ch. VII 48097
2 ..... 46596, 47921
549 48068

Proposed Rules:
16 48279
701 47406

29 CFR
12 48015
19 48419
22 48492
1613 48263
1910 ..... 46075, 46168
1915 46075
1917 46075
1918 46075
1926 ..... 46075, 46168
1928 46075
1952 48103
2613 47561
2617 47561
2619 ..... 47561, 47562
2621 47563
2676 47564

Proposed Rules:
103 47029
1910 47097

30 CFR
779 47352
780 47352
783 47352
784 ..... 45920, 47352
816 47352
817 ..... 45920, 47352
913 48421
935 46597
942 47716

Proposed Rules:
904 47411
935 ..... 46377, 46379, 46783, 48125
952 46095
953 46097

31 CFR
316 48422
342 48422
351 ..... 46455, 48422

Proposed Rules:
0 45648

32 CFR
40a 48431
41 46997
209 47389
229 47720
259 48015
536 45936
706 ..... 46080, 47922
1900 46456
2003 48367

Proposed Rules:
199 ..... 46098, 47029
285 48452
1636 47949
1656 47949

33 CFR
62 46851
95 47526
100 46351
110 46760
117 ..... 46081, 47391, 47923, 48263
146 47526
150 47526
160 48264
165 ..... 46351, 47924
173 47526
177 47526

Proposed Rules:
165 ..... 45973, 47413
179 47950

34 CFR
15 48015
668 ..... 45712, 46353
674 45738
675 45738
676 45738
690 45712

Proposed Rules:
251 47951
333 46720
776 47538
778 46784
790 46785

36 CFR
296 47720
904 48015
1155 47717

Proposed Rules:
1202 48280
1258 48280

37 CFR

Proposed Rules:
304 45664

38 CFR
4 46439
21 45633
25 48015

Proposed Rules:
21 46494

39 CFR
111 48436
224 46998
225 46998
226 46998
227 46998
228 46998
229 46998
777 48029

Proposed Rules:
111 48281

40 CFR
4 48015
52 ..... 45634, 45958, 45959, 46463, 46762, 46764, 47392, 47565, 47566, 47925, 48265
60 47826
81 ..... 46081, 46465
82 47486
85 46354
86 47858
123 45823
144 ..... 45788, 46946
180 ..... 45824, 46019, 46598, 47990
260 46946
264 ..... 45788, 46946
265 45788
270 ..... 45788, 46946
271 ..... 45634, 45788, 46466
355 48072
600 47858
716 47990

Proposed Rules:
35 46712
52 ..... 46495, 46786, 47610, 48285
60 47032
62 46380
80 47032
82 47489
86 47032
180 ..... 47733, 47734
600 47032
721 46496
763 48286

41 CFR
101–6 45926
101–7 45825
101–44 47393
101–47 46467
105–51 48015
105–55 46468
114–50 48015
128–18 48015
201–1 46468
201–2 46468
201–23 46468
201–24 46468

42 CFR
124 ..... 46022, 48362
401 48112
405 48112
408 48112
417 47003
431 47926
435 ..... 47926, 48438
436 48438
440 47926
441 47926
466 47003
476 47003

Proposed Rules:
405 47990
409 48127
410 48127
416 48127
421 48127
433 48290
435 47414
436 47414
441 48127
442 47990
488 47990
489 ..... 47990, 48127

43 CFR
4 ..... 46355, 47097
7 47720
3420 46469
3460 46469
3560 48124

Proposed Rules:
3450 46499

44 CFR
25 48015
65 46501
67 46505

Proposed Rules:
67 ..... 46787, 47611

45 CFR
15 48015
1100 48265

Proposed Rules:
233 47420
1803 48297

46 CFR
4 47526
5 47526
26 47526
35 47526
78 47526
97 47526
109 47526
167 47526
185 47526
196 47526
197 47526
560 45960
586 46356

Proposed Rules:
38 45665
42 47422
44 47422
45 47422
54 45665
69 46103
98 45665
151 45665
170 47422
174 47422
249 48077
503 45835

572 46501
588 46505

47 CFR
15 45961
25 45636
73 ..... 45636, 45963–45965, 46598, 46599, 47004, 47567, 47722–47724, 47935, 48268, 48438, 48439
74 47567
76 ..... 45961, 46363
80 48439
90 47569

Proposed Rules:
1 46628
15 47615
43 46628
64 47951
73 ..... 45974, 45975, 46629–46631, 47032, 47033, 47735, 47736, 48130–48133
80 45665

48 CFR
232 47005
519 47396
532 47005
552 47005
553 47006
819 46082
1801 46765
1805 46765
1807 46765
1808 46765
1809 46765
1812 46765
1813 46765
1815 46765
1827 46765
1830 46765
1831 46765
1832 46765
1836 46765
1837 46765
1852 ..... 46765, 47935
1853 46765
2401 47395
2402 47395

Proposed Rules:
31 46043
245 47427
1409 48301
1415 48301
1452 48301
2409 46560
2412 46560
2413 46560
2415 46560
2416 46560
2417 46560
2424 46560
2427 46560
2432 46560
2434 46560
2437 46560
2442 46560
2446 46560
2451 46560
2452 46560
2453 46560
2470 46560
5706 47033

49 CFR
1 ..... 46364, 46478, 47007, 47097
24 47994
25 48015
571 ..... 46479, 46480
1002 46481
1007 46481
1011 ..... 45636, 46773, 48440
1052 45966
1103 46481
1150 46481
1152 ..... 45636, 46773, 48440
1160 ..... 45827, 46481
1162 46481
1169 46481
1171 46481
1177 46481
1180 46481
1182 46481

Proposed Rules:
24 45667
17 ..... 46510, 46511
383 47326
701 46381

50 CFR
14 45019
17 ..... 46083, 46085
20 46087
80 47571
611 ..... 45966, 46484, 48362
642 47724
649 45088
650 46485
652 47008
675 ..... 45966, 46484, 48362
681 47572

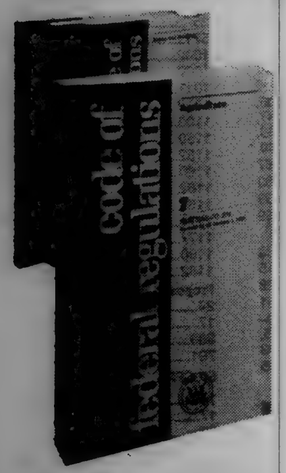
Proposed Rules:
17 ..... 45976, 46106, 46334, 46336
20 47428
21 47428
253 47990
611 48303
655 47034
658 47615
663 45668
672 48303
675 48303

LIST OF PUBLIC LAWS

Last List December 21, 1987
This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202–275–3030).

H.J. Res. 412/Pub. L. 100–194
To congratulate King Bhumibol Adulyadej of Thailand on his sixtieth birthday on December 5, 1987. (Dec. 17, 1987; 101 Stat. 1311; 1 page) Price: $1.00

VOL
52
ISS
2
4
5
DE
22
1987
UMI



Just Released

Code of Federal Regulations

Revised as of July 1, 1987

Quantity	Volume	Price	Amount
	Title 38—Pensions, Bonuses, and Veterans' Relief		
_____	Parts 0–17 (Stock No. 869–001–00125–9)	$21.00	$_____
_____	Part 18–End (Stock No. 869–001–00126–7)	16.00	_____
	Title 40—Protection of Environment		
_____	Parts 100–149 (Stock No. 869–001–00133–0)	23.00	_____
		Total Order	$_____

A cumulative checklist of CFR issuances appears every Monday in the Federal Register in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form **Mail to:** Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____ Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐–☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the Code of Federal Regulations publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

VOL
52
ISS
2
4
5
DE
22
1987
UMI

VOL
52
ISS
246
DE
23
1987
UMI

12-23-87
Vol. 52 No. 246

federal register

Wednesday
December 23, 1987

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
52

ISS
246

DE
23

1987

UMI

12-23-87
Vol. 52 No. 246
Pages 48511-48660

federal register

Wednesday
December 23, 1987

BEST COPY AVAILABLE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $188.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	275–3328
Problems with public subscriptions	275–3054

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	275–3328
Problems with public single copies	275–3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5240
Magnetic tapes	275–3328
Problems with Federal agency subscriptions	523–5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 52, No. 246
Wednesday, December 23, 1987

Agriculture Department
See also Farmers Home Administration
RULES
Agricultural Stabilization and Conservation Service State, county, and community committees; selection and functions, 48511
NOTICES
Agency information collection activities under OMB review, 48555

Architectural and Transportation Barriers Compliance Board
PROPOSED RULES
Practice and procedure; compliance hearings, 48546

Army Department
NOTICES
Environmental statements; availability, etc.:
Binary munitions chemical facilities, Pine Bluff, AR, 48562
Meetings:
Science Board, 48562

Commerce Department
See Foreign-Trade Zones Board; International Trade Administration; National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission
NOTICES
Contract market proposals:
Chicago Board of Trade—
GNMA futures, 48559
Minneapolis Grain Exchange—
High fructose corn syrup-55, 48560

Conservation and Renewable Energy Office
NOTICES
Consumer products, energy conservation progam:
Residential energy sources, average unit costs, 48563

Defense Department
See also Army Department; Navy Department
PROPOSED RULES
Acquisition regulations:
Construction contracts; separate bid bonds, 48549
NOTICES
Agency information collection activities under OMB review, 48561
(2 documents)

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Parker Pharmacy, 48585

Economic Regulatory Administration
NOTICES
Natural gas exportation and importation:
LOUTEX Energy Inc., 48564
Poco Petroleum, Inc., 48565

Education Department
NOTICES
Grants; availability, etc.:
Pell grant program, 48626

Energy Department
See Conservation and Renewable Energy Office; Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
New Jersey, 48535
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Benomyl, 48537
Benomyl; correction, 48536
Fluazifop-butyl, 48538
N-(mercaptomethyl) phthalimide S-(O, O-dimethyl phosphorodithioate), 48538
Permethrin, 48539
PROPOSED RULES
Hazardous waste:
Underground storage tanks—
Technical requirements, financial responsibility requirements, and State program approval, 48638
NOTICES
Grants, State and local assistance:
Treatment works construction; correction, 48623
Pesticide, food, and feed additive petitions:
Abbott Laboratories, 48573
Pesticide programs:
Special review—
EPN, 48574
Pesticides; emergency exemptions, etc.:
Dicamba, etc., 48574

Executive Office of the President
See Presidential Commission on the Human Immunodeficiency Virus Epidemic

Farmers Home Administration
RULES
Food Security Act of 1985; implementation:
Debt settlement-farmer programs and single family housing; correction, 48519

Federal Aviation Administration
RULES
Transition areas, 48522
PROPOSED RULES
Airworthiness directives:
Hercules et al., 48542
NOTICES
Advisory circulars; availability, etc.:
Crewmember communication and coordination, 48618

Federal Energy Regulatory Commission
NOTICES
Natural gas companies:
Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend, 48566
Applications, hearings, determinations, etc.:
Cambridge Electric Light Co., 48567
Commonwealth Electric Co., 48567
Conoco Inc., 48568
Distrigas of Massachusetts Corp., 48568
Mid Louisiana Gas Co., 48569
MIGC, Inc., 48569
Northwest Pipeline Corp., 48569
Pacific Power & Light Co., 48569
Southern Natural Gas Co., 48570
Sun Exploration & Production Co. et al., 48570
Texaco Inc. et al., 48571
Williams Natural Gas Co., 48572

Federal Home Loan Bank Board
RULES
Federal Savings and Loan Insurance Corporation:
Insured institutions—
Applications, notices, and rebuttal filings; procedural requirements, 48519
NOTICES
Federal Savings and Loan Insurance Corporation:
Insurance premimum, 48575

Federal Reserve System
NOTICES
Applications, hearings, determinations, etc.:
Belfer, Edward, 48576
Mitsubishi Ban Ltd., 48576
St. Joseph Bancorporation, Inc., et al., 48576

Federal Trade Commission
PROPOSED RULES
Prohibited trade practices:
Sun Industries, Inc., 48543

Financial Management Service
See Fiscal Service

Fiscal Service
NOTICES
Surety companies acceptable on Federal bonds:
Continental Surety & Fidelity Insurance Co., 48618

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
Northern spotted owl, 48552

Food and Drug Administration
RULES
Medical devices:
Clinical chemistry and toxicology devices—
General provisions and classifications; correction, 48623
NOTICES
Food additive petitions:
Dow Chemical Co., 48577

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Alaska, 48555, 48556
(2 documents)

General Services Administration
RULES
Federal property management:
Motor vehicle expenditure control, 48540
PROPOSED RULES
Federal property management:
Prepayment transportation audit procedures, 48547

Health and Human Services Department
See Food and Drug Administration; Health Resources and Services Administration; National Institutes of Health

Health Resources and Services Administration
NOTICES
Meetings; advisory committees:
January, 48577

Hearings and Appeals Office, Energy Department
NOTICES
Crude oil overcharges:
Processing refund applications procedures, 48572

Human Immunodeficiency Virus Epidemic Presidential Commission
See Presidential Commission on the Human Immunodeficiency Virus Epidemic

Indian Affairs Bureau
NOTICES
Agency information collection activities under OMB review, 48578

Interior Department
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Minerals Management Service

Internal Revenue Service
RULES
Income taxes:
Taxable years of certain entities; partnerships, S corporations, etc., 48524
PROPOSED RULES
Income taxes:
Taxable years of certain entities; partnerships, S corporations, etc.; cross-reference, 48546

International Trade Administration
RULES
Export licensing:
Commodity control list—
Carbon thermal insulating materials, 48522
Stored program controlled wire bonders, 48522
NOTICES
Applications, hearings, determinations, etc.:
Lawrence Berkeley Laboratory et al., 48556

International Trade Commission
NOTICES
Import investigations:
Electrically resistive monocomponent toner and "black powder" preparations, 48581
Electronic chime modules, 48580
Internal combustion engine industrial fork-lift trucks from Japan, 48582
Liquid crystal display television receivers from Japan, 48583
Minoxidil powder, salts and compositions for use in hair treatment, 48584
Meetings; Sunshine Act, 48621

Interstate Commerce Commission
NOTICES
Rail carriers:
Cost of capital—
Limited revenue adequacy proceeding, 48584
Railroad operation, acquisition, construction, etc.:
Louisville & Jefferson County Riverport Authority et al., 48584

Justice Department
See also Drug Enforcement Administration
NOTICES
Pollution control; consent judgments:
L&C Europa Contracting Co., 48585

Land Management Bureau
NOTICES
Agency information collection activities under OMB review, 48578
(2 documents)
Oil and gas leases:
Wyoming, 48579
Realty actions; sales, leases, etc.:
Idaho, 48579
Nevada, 48579

Minerals Management Service
NOTICES
Agency information collection activities under OMB review, 48580
Outer Continental Shelf; oil, gas, and sulphur operations:
Oil and gas facilities, structural failures; investigation report, 48580
Outer Continental Shelf operations:
Chukchi Sea; lease sale, 48580
Gulf of Mexico—
Lease sale, 48650

National Credit Union Administration
NOTICES
Intergovernmental review of agency programs and activities; community development revolving loan program, 48587

National Institutes of Health
NOTICES
Meetings:
Recombinant DNA Advisory Committee, 48660
Recombinant DNA molecules research:
Actions under guidelines
Proposed, 48660

National Labor Relations Board
RULES
Election procedures:
Election notices posting, 48534

National Mediation Board
NOTICES
Meetings; Sunshine Act, 48621

National Oceanic and Atmospheric Administration
NOTICES
Permits:
Endangered and threatened species, 48557
Marine mammals, 48558
(2 documents)

Navy Department
PROPOSED RULES
Acquisition regulations, 48550
NOTICES
Meetings:
Naval Research Advisory Committee, 48562

Nuclear Regulatory Commission
NOTICES
Abnormal occurrence reports:
Periodic reports to Congress, 48587
Meetings:
Reactor Safeguards Advisory Committee, 48588
Meetings; Sunshine Act, 48621
Petitions Director's decisions:
Wolf Creek Nuclear Operating Corp., et al., 48588
Applications, hearings, determinations, etc.:
Houston Lighting & Power Co. et al., 48589
Philadelphia Electric Co., 48589
Philadelphia Electric Co. et al., 48593
Tidewater Memorial Hospital, 48597
Wheeling Hospital, Inc., 48601

Postal Service
NOTICES
Meetings; Sunshine Act, 48621
(2 documents)

Presidential Commission on the Human Immunodeficiency Virus Epidemic
NOTICES
Meetings, 48604

Public Health Service
See Food and Drug Administration; Health Resources and Services Administration; National Institutes of Health

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
Philadelphia Stock Exchange, Inc., 48606
Self-regulatory organizations; unlisted trading privileges:
Midwest Stock Exchange, Inc., 48604, 48605
(2 documents)
Philadelphia Stock Exchange, Inc., 48606
(3 documents)
Applications, hearings, determinations, etc.:
American Airlines, Inc., 48608
Merrill Lynch KECALP L.P. et al., 48608
ML Venture Partners I, L.P., et al., 48610, 48613
(2 documents)
Prudential-Bache Global Fund, Inc., et al., 48616
Prudential-Bache Government Plus Fund II, et al., 48617

State Department
NOTICES
Meetings:
Overseas Security Advisory Council, 48617

Transportation Department
See also Federal Aviation Administration
RULES
Contract Appeals Board procedure rules (acquisition regulations), 48630

Treasury Department
See Fiscal Service; Internal Revenue Service

United States Institute of Peace
NOTICES
Grant applications:
Procedures for review, 48618

Separate Parts In This Issue

Part II
Department of Education, 48626

Part III
Department of Transportation, 48630

Part IV
Environmental Protection Agency, 48638

Part V
Department of the Interior, Minerals Management Service, 48650

Part VI
Department of Health and Human Services, National Institutes of Health, 48660

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
7 48511
1955 48519

12 CFR
574 48519

14 CFR
71 48522
Proposed Rules:
39 48542

15 CFR
371 48522
399 (2 documents) 48522, 48523

16 CFR
Proposed Rules:
13 48543

21 CFR
862 48623

26 CFR
1 48524
18 48524
Proposed Rules:
1 48546
18 48546

29 CFR
103 48534

36 CFR
Proposed Rules:
1150 48546

40 CFR
52 48535
180 (5 documents) 38536–48539
Proposed Rules:
280 48638
281 48638

41 CFR
12–60 48630
101–38 48540
Proposed Rules:
101–41 48547

48 CFR
Ch. 63 48630
Proposed Rules:
228 48549
252 48549
5215 48550
5252 48550

50 CFR
Proposed Rules:
17 48552

Rules and Regulations

Federal Register
Vol. 52, No. 246
Wednesday, December 23, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 7

Selection and Functions of Agricultural Stabilization and Conservation (ASC) State, County and Community Committees

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Interim rule.

SUMMARY: This interim rule implements provisions of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) as amended by the Food Security Act of 1985 (The "1985 Act"), Pub. L. 99–253, and the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987, as included in Public Laws 99–500 and 99–591 ("Pub. L. 99–500") with respect to the conduct and activities of State, county, and community ASC committees and the manner in which committee members are elected. The major revisions made by this rule are: (1) The manner in which community ASC committee members are elected and (2) the manner in which county ASC committee members are elected. Generally, this rule provides that community ASC committees shall consist of members who are elected from within the community. County ASC committees will consist of members elected by community ASC committee. In counties with one community ASC committee, such committee shall also serve as the county ASC committee.

DATES: This interim rule is effective December 23, 1987.

Comments must be received on or before January 22, 1988 in order to be assured of consideration.

ADDRESS: Send comments to: Director, Cotton, Grains, and Rice Price Support Division, Room 3630–S, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Karl V. Choice, Assistant to the Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013, Phone (202) 447–8782.

SUPPLEMENTARY INFORMATION:

This rule has been reviewed under U.S. Department of Agriculture (USDA) procedure established in accordance with provisions of Executive Order 12291 and Departmental Regulation 1512–1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or process for consumers, individuals, industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that a Regulatory Impact Analysis is not required for the changes which are made by this interim rule.

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule since ASCS is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is needed.

Background

Section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, provides for the selection of local (referred to as "community" committees in 7 CFR Part 7), county and State ASC committees. These committees are utilized in the administration of various programs conducted by the Department of Agriculture.

The 1985 Act and Public Laws 99–253 and 99–500 amended section 8(b) with respect to the manner in which local ("community") and county ASC committees are selected. Prior to these amendments, eligible farmers within a community elected a community ASC committee which in turn elected a county ASC committee person from eligible farmers within the county when the number of community ASC committees that were in a county was greater than one. In those counties in which there was only one community ASC committee, this committee also served as the county ASC committee. All county ASC committees consist of three members. The amendments made by the 1985 Act, Public Laws 99–253 and 99–500 provide that county ASC committees may be selected in one of two methods. Under the first method, farmers within one of three local administrative areas in a county may elect community ASC committee members who in turn elect a member to the county ASC committee. Under the second method, the county ASC committee may, if there was one community ASC committee established in a county prior to December 24, 1985, provide that the farmers in the community elect directly a member of the county ASC committee. Also, the length of office for community ASC committee members is increased from one to three years.

Special provisions were also made with respect to counties with a small number of farmers. County committees may reduce the number of local administrative areas from three to one if there is less than 150 farmers in the county. In addition, the Secretary may include more than one county or parts of different counties in a local administrative area if the Secretary determines that there is an insufficient number of farmers in an area to establish a slate of candidates and hold an election.

In addition to incorporating the amendments made by these statutory provisions, 7 CFR Part 7 also is amended to set forth a statement of the current

duties of State ASC committees and to make certain technical and grammatical corrections. Accordingly, the rule sets forth 7 CFR Part 7 in its entirety.

Since no substantive changes are made to 7 CFR Part 7 except as required by the amendments of the authorizing legislation, it has been determined that this interim rule shall become effective upon publication in the **Federal Register** without prior opportunity for public comment. Comments are requested, however, and will be taken into consideration in developing the final rule.

List of Subjects in 7 CFR Part 7

Agriculture.

Accordingly, 7 CFR Part 7 is revised to read as follows:

PART 7—SELECTION AND FUNCTIONS OF AGRICULTURAL STABILIZATION AND CONSERVATION STATE, COUNTY AND COMMUNITY COMMITTEES

Sec.

7.1 Administration.
7.2 General.
7.3 Definitions.
7.4 Selection of committee members.
7.5 Eligible voters.
7.6 Determination of elective areas.
7.7 Calling of elections.
7.8 Conduct of community committee elections.
7.9 Election of community committee members, delegates to local administrative area and county conventions, and county committee members.
7.10 Conduct of county convention.
7.11 County committee members.
7.12 Tie votes.
7.13 Vacancies.
7.14 Appeals.
7.15 Eligibility requirements of county committee members, community committee members, and delegates.
7.16 Eligibility requirements of all other personnel.
7.17 Dual office.
7.18 Terms of office of county and community members.
7.19 Terms of office of delegates to the conventions.
7.20 State committee duties.
7.21 County committee duties.
7.22 Community committee duties.
7.23 Chairperson of the county committee duties.
7.24 Chairperson of the community committee duties.
7.25 County executive director duties.
7.26 Private business activity and conflicts of interest.
7.27 Political activity.
7.28 Removal from office or employment for cause.
7.29 Delegation of authority to Deputy Administrator.
7.30 Right of review.
7.31 Hearing in connection with appeals and requests for reconsideration to Deputy Administrator.
7.32 Findings, analysis, and recommendations of hearing officer.
7.33 Determination of the Deputy Administrator.
7.34 Custody and use of books, records, and documents.
7.35 Administrative operations.
7.36 Implementation.
7.37 Applicability.
7.38 Retention of authority.

Authority: Secs. 4 and 8 of the Soil Conservation and Domestic Allotment Act, as amended; 49 Stat. 164 and 1148, as amended (16 U.S.C. 590d and 590h).

§ 7.1 Administration.

(a) The regulations of this part are applicable to the election and functions of community and county Agricultural Stabilization and Conservation ("ASC") committee and the functions of State ASC committees ("community", "county", and "State committees", respectively). State, county, and community committees shall be under the general supervision of the Administrator, Agricultural Stabilization and Conservation Service ("ASCS").

(b) State, county, and community committees, and representatives and employees thereof, do not have authority to modify or waive any of the provisions of this part.

(c) The State committees shall take any action required by these regulations which has not been taken by the county committee. The State committee shall also:

(1) Correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with this part, or

(2) Require a county committee to withhold taking any action which is not in accordance with this part.

(d) No provision or delegation herein to a State or county committee shall preclude the Administrator, ASCS, or a designee of the Administrator, from determining any question arising under this part, or from reversing or modifying any determination made by a State or county committee.

§ 7.2 General.

State, county, and community committees shall, as directed by the Secretary of a designee of the Secretary, carry out the programs and functions of the Secretary.

§ 7.3 Definitions.

The terms defined in Part 719 of this title governing the reconstitution of farms shall also be applicable to this part.

§ 7.4 Selection of committee members.

State committee members shall be selected by the Secretary and shall serve at the pleasure of the Secretary. County and community committee members shall be elected in accordance with § 7.9 of this part.

§ 7.5 Eligible voters.

(a) Voters eligible to participate in:

(1) The direct election of county committee members and

(2) Community committee elections shall be persons who meet the requirements of paragraphs (b) and (c) of this section.

(b) Any person, regardless of race, color, religion, sex, age, or national origin, who has an interest in a farm as owner, operator, tenant, or sharecropper and who is of legal voting age in the State in which the farm is located, and any person not of such legal voting age who is in charge of the supervision and conduct of the farming operations on an entire farm, shall be eligible to vote for direct election of county committee members or community committee members if such person is eligible to participate with respect to the farm in any program administered by the county committee.

(c) In any State having a community property law, the spouse of a person who is eligible to vote in accordance with paragraph (b) of this section shall also be eligible to vote.

(d) If an eligible voter is an entity other than an individual, the eligible voter's vote may be cast by a duly authorized representative of such entity, as determined by the Deputy Administrator, State and County Operations, ASCS ("Deputy Administrator").

(e) Each county office shall have a list of eligible voters for each community within the county available for public inspection in advance of the community committee election.

(f) Each eligible voter shall be entitled to only one ballot in any election held in any one local administrative area. If the eligible voter has an interest in land located in more than one community in the county, such voter shall not be entitled to vote in more than one community in the county. There shall be no voting by proxy.

§ 7.6 Determination of elective areas.

(a) *Local administrative areas and communities.* (1) Except as provided in paragraph (b) of this section, there shall be three local administrative areas in each county. With respect to Alaska, the term "county" shall be the area so designated by the State committee.

(2) Each local administrative area shall have at least one community committee consisting of three members.

(3) The boundaries of the communities and local administrative areas shall be determined by the State committee after considering recommendations by the county committee.

(b) *Exceptions to general rule.* (1) A local administrative area may have more than one community committee if the county had more than three community committees on December 23, 1985.

(2) In counties with less than 150 producers, the county committee may reduce the number of communities to one.

(3) The Deputy Administrator may include more than one county or parts of different counties in a community if it is determined that there is an insufficient number of producers in an area to establish a slate of candidates for a community committee and hold an election.

(4) In counties which had less than three communities on December 23, 1985, the county committee may establish one community for the county.

(5) In any county where there is only one community, the community committee shall be the county committee.

(c) The county committee shall give public notice of the community boundaries in advance of the election.

§ 7.7 Calling of elections.

(a) Each election of community committee members shall be held on a date, or within a specified period of time, determined by the Deputy Administrator. Such date or period of time shall fall within a period beginning on or after July 1 and ending not later than December 30 each year. Each such election shall be held in accordance with instructions issued by the Deputy Administrator which shall be available for examination in each county office.

(b) If the number of eligible voters voting in any election of community committee members is so small that the State committee determines that the result of the election does not represent the views of a substantial number of eligible voters, the State committee shall declare the election void and call a new election. If it is determined by the State committee that the election for any position on a community committee has not been held substantially in accordance with official instructions, the State committee shall declare such election void and call a new election.

§ 7.8 Conduct of community committee elections.

(a) The county committee serving at the time shall be responsible for the conduct of community committee elections in accordance with instructions issued by the Deputy Administrator.

(b) Elections shall not be associated with, or held in conjunction with, any other election or referendum conducted for any other purpose.

(c) The county committee shall give advance public notice of how, when, and where eligible voters may vote; when and where the votes will be counted; and the right to witness the vote counting.

(d) All nominees shall be notified in writing of the outcome of the election by the county executive director.

§ 7.9 Election of community committee members, delegates to local administrative area and county conventions, and county committee members.

(a) Where there are three local administrative areas as provided in § 7.6 of this part there shall be an election of community committee members and alternates for a term of three years, or until such person's successor is elected and qualified, in one of the local administrative areas so that the term of office of the community committee members and alternates within one of the local administrative areas will expire each year.

(b) Except as provided in paragraph (d) of this section, the eligible voters in a community shall elect every three years a community committee composed of three members and shall elect first and second alternates to serve as acting members of the community committee in the order elected in case of the temporary absence of a member, or to become a member of the community committee in the order elected in case of the resignation, disqualification, removal, or death of a member. An acting member of the community committee shall have the same duties and the same authority as a regular member of such committee. The election shall be conducted by mail ballot in all counties, except that the Deputy Administrator may authorize use of the meeting or polling place method in a specific county where such is deemed justified. Where elections are by mail or by polling place, the county committee shall give advance public notice that nominations may be made by petition. Election shall be by secret ballot and by plurality vote with each eligible voter having the option of writing in the names of candidates. Except as provided in paragraph (d) of this section and § 7.10(c) of this part, the three regular members of the community committee shall be the delegates to the local administrative area and county conventions and the first and second alternates to community committee shall also be, in that order, alternate delegates to the local administrative area and county conventions. A person may not serve as delegate if such person has been a member of the county committee for that county during the 90 days preceding the community committee election. Failure to elect the prescribed number of alternates at the regular election shall not invalidate such election or require a special election to elect additional alternates.

(c) In any county where there is only one local administrative area, the community committee shall be the county committee.

(d) Where there is only one community in the county, one committee person shall be elected to hold office for a term of 3 years, or until such person's successor is elected and qualified, so that the term of office of one committee member will expire in each year. There shall also be elected annually a first alternate and second alternate to serve as acting members in the order elected in case of the temporary absence of a member or to become a member in the order elected in the case of resignation, disqualification, removal, or death of any member of the committee. In the event an alternate fills a permanent vacancy on the committee, such person shall assume the unexpired term of the committee member who is replaced and hold office until the end of that unexpired term. An acting member shall have the same duties and authority as a regular member.

(e) In any county where there are three local administrative areas, the delegates elected pursuant to § 7.9 (a) and (b) of this part shall meet in a local administrative area convention held before the close of the same calendar year in which they were elected to elect a county committee member and a first and second alternate. The Deputy Administrator may fix the exact date. Each delegate shall be entitled to only one vote on any ballot, and there shall be no voting by proxy. A majority of the delegates so elected and qualified to vote at the time of the convention shall constitute a quorum. Such convention shall be held to the extent practicable in the manner set forth in § 7.10 of this part and in accordance with instructions by the Deputy Administrator.

§ 7.10 Conduct of county convention.

(a) The county committee serving at the time shall be responsible for designating the place at which the county convention will be held and for the conduct of the convention in accordance with instructions issued by the Deputy Administrator.

(b) The delegates to the county convention shall determine which county committee members shall be the county committee chairperson and county committee vice-chairperson.

(c) Each local administrative area shall have the same number of delegates at the county convention. If a portion of the delegates from a local administrative area are precluded from attending the county convention as the result of the limitation imposed by the preceding sentence, the delegates from such local administrative area shall elect those delegates who shall attend the county convention.

(d) County conventions shall not be associated with or held in conjunction with any other election or referendum conducted for any other purpose.

(e) The county committee shall give advance public notice of the county convention which shall be open to the public.

(f) The county executive director shall notify in writing all newly elected county committee members, alternates, and county committee members with unexpired terms of the election results.

§ 7.11 County committee members.

(a) County committee members elected in accordance with § 7.9 of this part shall hold office for a term of three years or until a successor is elected and qualified. A first and second alternate shall serve as acting members of the committee in the order elected in case of the temporary absence of a member, or to become a member in the order elected in case of the resignation, disqualification, removal, or death of a member of the county committee. In the event an alternate fills a permanent vacancy on the county committee, that person shall assume the unexpired term of the county committee member who was replaced. An acting member of the county committee shall have the same duties and authority as a member.

(b) The county committee shall select a secretary who shall be the county executive director, other employee of the county committee, or the county agricultural extension agent for the county. If the county agricultural extension agent is not selected as secretary to the county committee, that person shall be an ex officio member of the county committee but shall not have the power to vote.

§ 7.12 Tie votes.

(a) Tie votes in community committee elections held by mail or polling place method shall be settled by lot. Tie votes in such elections held by the meeting method which cannot be settled by further balloting on the same day shall be settled by lot. In counties with one local administrative area, a tie vote in determining the chairperson and vice chairperson of the county committee which cannot be settled by further balloting on the same day shall be settled by lot.

(b) In the county or local administrative area convention, tie votes which cannot be settled by further balloting on the same day shall be settled by lot.

§ 7.13 Vacancies.

(a) In case of a vacancy in the office of chairperson of county or community committee, the respective vice chairperson shall become chairperson; in case of a vacancy in the office of vice chairperson, the respective third member shall become vice chairperson; in case of a vacancy in the office of the third member, the respective first alternate shall become the third member; and in case of a vacancy in the office of the first alternate, the respective second alternate shall become the first alternate. When unanimously recommended by the three members of the county committee, as constituted under this paragraph and paragraph (c) of this section, and approved by the State committee, the offices of chairperson and vice chairperson of the county committee may be filled from such membership without regard to the order of succession prescribed in this paragraph or the action of the delegates to the county convention.

(b) In case of a vacancy in the panel of delegates to the local administrative area or county convention, the respective community committee alternates shall act as delegates.

(c) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the county committee and no alternate is available to fill the vacancy, the State committee shall call a meeting of the delegates of the appropriate community committees to elect persons to fill such vacancies as exist in the membership of the county committee and in the panel of alternates, except as provided in § 7.28 of this part.

(d) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the community committee and no alternate is available to fill the vacany, a special election shall be held to fill such vacancies as exist in the membership and in the panel of alternates.

§ 7.14 Appeals.

(a) Any eligible voter in the county may appeal to the county committee in writing or in person, or both:

(1) The eligibility or ineligibility of a person to vote,

(2) The eligibility of a person to hold office, and

(3) The validity of the community committee elections. Such appeal must be made within 15 days of the election date, except that appeals on a determination of eligibility of a person nominated by petition must be made within 7 days of the date of notification of ineligibility.

(b) Any eligible voter in the county may appeal to the State committee in writing, in person, or both:

(1) A county committee decision on an election appeal. An appeal of a county committee decision must be made within 15 days of the notification of the decision, and

(2) The validity of a county convention. An appeal on the validity of a county convention must be made within 15 days of the county convention.

§ 7.15 Eligibility requirements of county committee members, community committee members, and delegates.

(a) To be eligible to hold office as a county committee member, community committee member, a delegate, or an alternate to any such office, a person must meet the conditions set forth in this section.

(b) Such person must.

(1) Be eligible to vote in the local administrative area in which the election is held if proposed for county committee member or alternate, or in the community in which the election is held if proposed for community committee member or alternate;

(2)(i) Except as provided in paragraph (b)(2)(ii) of this section, be residing in the local administrative area in which the election is held if proposed for county committee member or alternate, or be residing in the community in which the election is held if proposed for community committee member or alternate.

(ii) In cases where a State line, a county line, a local administrative area boundary, or a community boundary runs through a farm, eligible persons residing on such farm may hold office in the county or community in which the farm has been determined to be located for program participation purposes. In cases where a candidate has no farming interests in the local administrative area or community in which the person resides or only a token amount, as determined by the State committee, an eligible person may hold office when such person resides in the county and has farming interests in the local administrative area or community in which the person is a candidate.

(3) Not be ineligible under § 7.27 of this part.

(4) Not have been dishonorably discharged from any branch of the armed services; removed for cause from any public office; convicted of any fraud, larceny, embezzlement, or felony, unless any such disqualification is waived by the State committee or the Deputy Administrator;

(5) Not have been removed as a county committee member, community committee member, delegate, alternate to any such office, or as an employee for: Failure to perform the duties of the office; committing, attempting, or conspiring to commit fraud; incompetence; impeding the effectiveness of any program administered in the county; refusal to carry out or failure to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfering with others in carrying out such policy; or for violation of official instructions, unless any such disqualification is waived by the State committee or the Deputy Administrator;

(6) Not have been disqualified for future service because of a determination by a State committee that during previous service as a county committee member, community committee member, delegate, alternate of any such office, or as an employee of the county committee such person has: Failed to perform the duties of such office or employment; committed, attempted, or conspired to commit fraud; impeded the effectiveness of any program administered in the county; in the course of their official duties, refused to carry out or failed to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfered with others in carrying out such policy; or violated official instructions, unless any such disqualification is waived by the State committee or the Deputy Administrator;

(7) During the term of office, not be a full-time employee of the U.S. Department of Agriculture;

(8) If the office is that of county committee member, not be a sales agent or employee of the Federal Crop Insurance Corporation during the term of office;

(9) If the office is that of delegate to the local administrative area or county convention, not have been a county committee member for that county during the 90 days preceding the community election;

(10) If the office is that of county committee member, not be serving as a county committee member with one or more years following the current election remaining in the term of office; and

(11) If the office is that of county committee member, not have served three consecutive terms as county committee member just prior to the current election; however, any partial term served by an alternate who filled a permanent vacancy on the county committee, shall not count toward this three term limitation. The tenure of office of any county committee member, community committee member, delegate, or alternate to any such office, shall be terminated as soon as any such person becomes ineligible for office under the provisions of this section.

§ 7.16 Eligibility requirements of all other personnel.

(a) The county executive director and other employees of the county committee must not have been: Dishonorably discharged from any branch of the armed services; removed for cause from any public office; or convicted of any fraud, larceny, embezzlement, or felony, unless any such disqualification is waived by the State committee or the Deputy Administrator.

(b) The county executive director or any other employee of the county committee must not have been removed as a county committee member, community committee member, delegate, alternate to any such office, county executive director, or other employee of the county committee for: Failure to perform the duties of the office; committing, attempting, or conspiring to commit fraud; incompetence; impeding the effectiveness of any program administered in the county; refusal to carry out or failure to comply with the Department's policy relating to equal opportunity and civil rights, including equal employment policy, or interfering with others in carrying out such policy; or for violation of official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator.

(c) The county executive director or any other employee of the county committee must not have been disqualified for future employment because of a determination by a State committee that during previous service as a county committee member, community committee member, delegate, alternate to any such office, or as an employee of the county committee has: Failed to perform the duties of such office or employment; committed, attempted, or conspired to commit fraud; impeded the effectiveness of any program administered in the county; refused to carry out or failed to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfered with others in carrying out such policy; or violated official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator.

(d) The tenure of employment of any count executive director or other employee of the county committee shall be terminated as soon as any such person becomes ineligible for employment under the provisions of this section.

§ 7.17 Dual office.

(a) *County committee membership.* A member of the county committee may not be at the same time:

(1) A member of a community committee;

(2) A delegate to a local administrative area convention;

(3) A delegate to a county convention;

(4) The secretary to the county committee;

(5) A member of the State committee; or

(6) County executive director or any other county office employee.

(b) *Community committee membership.* A member of the community committee may not be at the same time:

(1) A member of a county committee;

(2) The secretary to the county committee;

(3) A member of the State committee; or

(4) County executive director or regular county office employee.

(c) *Delegate to conventions.* A delegate to the local administrative area or county convention may not be a member of the State committee.

§ 7.18 Terms of office of county and community members.

The term of office of county and community committee members and alternates to such office shall begin on a date fixed by the Deputy Administrator, which shall be after their election and not later than the first day in the next January. Before any such county committee members or alternate county

VOL 52 ISS 246 DEC 23 1987 UMI

committee members may take office, such person shall sign an oath of office pledge that they will faithfully, fairly, and honestly perform to the best of their ability all of the duties devolving on them as committee members. A term of office shall continue until a successor is elected and qualified as provided in §§ 7.8 and 7.9 of this part.

§ 7.19 Terms of office of delegates to the conventions.

The terms of office of delegates and alternates to the local administrative area and county conventions shall begin immediately upon their election and shall continue until their respective successors have elected and qualified.

§ 7.20 State committee duties.

The State committee, subject to the general direction and supervision of the Deputy Administrator, shall be generally responsible for carrying out in the State the agricultural conservation program, the production adjustment and price support programs, the acreage allotment and marketing quota programs, the wool and mohair incentive payment program, and any other program or function assigned by the Secretary or a designee of the Secretary.

§ 7.21 County committee duties.

(a) The county committee, subject to the general direction and supervision of the State committee, and acting through community committee members and other personnel, shall be generally responsible for carrying out in the county the agricultural conservation program, the production adjustment and price support programs, the acreage allotment and marketing quota programs, the wool and mohair incentive payment program, and any other program or function assigned by the Secretary or a designee of the Secretary.

(b) The county committee shall:

(1) Enter into leasing agreements for such office space as needed in accordance with official instructions.

(2) Employ the county executive director, subject to standards and qualifications furnished by the State committee, to serve at the pleasure of the county committee, except that incumbent directors shall not be removed other than in accordance with the provisions of § 7.28 of this part until all members of the county committee have been in office for at least 90 days. There shall be no employment discrimination due to race, religion, color, sex, age, or national origin. The county executive director may not be removed for advocating or carrying out the Department's policy on equal opportunity and civil rights, including the equal employment policy. In the event it is claimed that dismissal is for such reasons, the dismissal shall not become effective until the State committee and the Deputy Administrator have determined that dismissal was not because of such reasons;

(3) Direct the activities of the local committees elected in the county;

(4) Pursuant to official instructions, review, approve, and certify forms, reports, and documents requiring such action in accordance with such instructions;

(5) Recommend to the State committee needed changes in boundaries of community and local administrative areas;

(6) Make available to farmers and the public, information concerning the objectives and operations of the programs administered through the county committee;

(7) Make available to agencies of the Federal Government and others information with respect to the county committee activities in accordance with official instructions issued;

(8) Give public notice of the designation and boundaries of each community within the county not less than 50 days prior to the election of community committee members and delegates;

(9) Direct the giving of notices in accordance with applicable regulations and official instructions;

(10) Recommend to the State committee desirable changes in or additions to existing programs;

(11) Conduct such hearings and investigations as the State committee may request; and

(12) Perform such other duties as may be prescribed by the State committee.

§ 7.22 Community committee duties.

(a) The community committee shall be subject to the general direction and supervision of the county committee.

(b) The community committee shall:

(1) Serve as an advisor and consultant to the county committee;

(2) Periodically meet with the county committee and State committee to be informed on farm program issues;

(3) Communicate with producers on issues or concerns regarding farm programs;

(4) Report to the county committee, the State committee, and other interested persons on changes to, or modification of, farm programs recommended by producers;

(5) Perform such other functions as are required by law or as the Secretary or a designee of the Secretary may specify.

§ 7.23 Chairperson of the county committee duties.

The chairperson of the county committee or the person acting as the chairperson shall preside at meetings of the county committee, certify such documents as may require the chairperson's certification, and perform such other duties as may be prescribed by the State committee.

§ 7.24 Chairperson of the community committee duties.

The chairperson of the community committee or the person acting as the chairperson shall preside at meetings of the community committee, and perform such other duties as may be assigned by the county committee.

§ 7.25 County executive director duties.

(a) The county executive director shall execute the policies established by the county committee and be responsible for the day-to-day operations of the county office.

(b) The county executive director shall:

(1) In accordance with standards and qualifications furnished by the State committee, employ the personnel of the county office to serve at the pleasure of the county executive director. There shall be no employment discrimination due to race, religion, color, sex, age, or national origin. An employee may not be removed under this paragraph for advocating or carrying out the Department's policy on equal opportunity and civil rights, including the equal employment policy. In the event it is claimed that the dismissal is for such reason, the dismissal shall not become effective until the State committee and the Deputy Administrator have determined that dismissal was not because of such reason;

(2) Receive, dispose of, and account for all funds, negotiable instruments, or property coming into the custody of the county committee;

(3) Serve as counselor to the local administrative area and county convention chairperson on election procedures; and

(4) Supervise, under the direction of the county committee, the activities of the communitiy committees elected in the county.

§ 7.26 Private business activity and conflicts of interest.

(a) No county committee member, community committee member, delegate, alternate to any such office, or county office employee shall at any time use such office or employment to promote any private business interest.

(b) County committee members, community committee members, delegates, or alternates, and any person employed in the county office shall be subject to the official instructions issued with respect to conflicts of interest and proper conduct.

§ 7.27 Political activity.

(a) No person may be a member of the county governing body or hold a Federal, State, or county office filled by an election held pursuant to law or be employed by any such office and also hold office as a county committee member, community committee member, delegate, alternate to such office, or be employed in any capacity, except, that members of school boards, soil conservation district boards, weed control district boards, or of similar boards are not eligible to hold office or employment under this paragraph soley because of membership on such boards.

(b) No person may be a candidate for membership on the county governing body or for any Federal, State, or county office filled by an election held pursuant to law and hold office as a county committee member, community committee member, delegate, alternate to any such office, or be employed in any capacity, except, that candidates for school boards, soil conservation district boards, irrigation district boards, drainage district boards, weed control district boards, or for similar boards are not ineligible to hold office or employment under this subsection solely because of candidacy for such boards.

(c) No person may be an officer, employee, or delegate to a convention of any political party or political organization and hold office as a county committee member, community committee member, delegate, alternate to any such office, or be employed in any capacity.

(d) The tenure of office of any county committee member, community committee member, delegate, alternate to any such office, or the employment of any employee, shall be automatically terminated as soon as any such person becomes ineligible for office of employment under the provisions of paragraph (a), (b), or (c) of this section.

(e) No county committee member, community committee member, delegate, or alternate to any such office, or any employee shall at any time engage in the following political activities:

(1) Solicit or receive any contributions (including the sale of tickets) for political party organizations or for a candidate for political office or for any other political purpose in any room or building used for the transaction of any Federal official business, or at any place from any other county committee member, community committee member, delegate, or alternate to any such office or employee.

(2) Use official authority or influence to discharge, remove, demote, or promote any employee, or threaten or promise to so do, for withholding or giving contributions (including the buying or the refusal to buy tickets) for political purposes, or for supporting or opposing any candidate or any political organization in any primary, general, or special election for political office.

(3) Use or direct or permit the use of any official space, equipment, materials, supplies, or personal services either to support or oppose any political office holder, candidate or party, or for any other political purpose.

(f) A county committee member or alternate to such office, an employee on any day when entitled to receive pay for services in performance of duties, or an employee who serves during a continuous period of 90 days or more and has a regular tour of duty established in advance at any time, shall not solicit, collect, receive, disburse, or otherwise handle contributions of money, pledges, gifts, or anything of value (including the sale of tickets) made for:

(1) Political party organizations;

(2) A candidate for political office in any primary, general, or special election, but excluding such activities on behalf of individual candidates in township and municipal elections; or

(3) Any other political purpose.

§ 7.28 Removal from office or employment for cause.

(a) Any county committee member, community committee member, delegate to the local administrative area convention or the county convention, an alternate to any such office, county executive director, or any other county employee who: Fails to perform the duties of office; commits or attempts, or conspires to commit fraud; is incompetent; impedes the effectiveness of any program administered in the county; violates the provisions of § 7.27(e) or (f) of this part; refuses to carry out or fails to comply with the equal opportunity and civil rights, including the equal employment policy, or who interferes with others in carrying out such policy; or violates official instructions, shall be suspended from office or employment. Any person who is under formal investigation for any of the above-cited reasons may be suspended. The suspension action may be taken by the county executive director with respect to any other employee, or by the county committee or State committee with respect to the county executive director or any other county employee and by the State committee with respect to any county committee member, community committee member, delegate to the local administrative area convention or the county convention, or any alternate to any such office. Any person suspended shall be given a written statement of the reasons for such action and be allowed 15 days from the date of mailing of the notice of suspension in which to advise the county committee, or the State committee if it made the suspension, in writing, in person, or both, why such person should be restored to duty.

(b) The county committee or the county executive director, or the State committee if it made the suspension, following such further investigation as is deemed necessary shall restore to duty or remove the suspended person. The county committee or county executive director may not restore a suspended person to duty without prior written approval of the State committee, and, if such approval is denied, shall promptly remove such person. Upon refusal or failure of the county committee or the county executive director to remove promptly the suspended person, the State committee shall remove such person. In the event further investigation develops reasons for the action taken, in addition to those disclosed in the suspension notice, the suspended person shall be given written notification of such additional reasons and allowed 15 days from the date of mailing of the notice of additional reasons for the suspension in which to advise why such person should be restored to duty. In the event a person under suspension submits a resignation, acceptance thereof shall not prevent a determination by the county committee or State committee that such person would have been removed had the person remained in the position. Such determination shall constitute removal within the meaning of §§ 7.27 (e) and 7.28(c) of this part. The person so removed shall be given written notification of any such determination and the reasons therefor.

(c) Any incumbent or former county committee member, community committee member, delegate to the local administrative area convention or the county convention, an alternate to any such office, county executive director, or any other county employee who during a term of employment: Fails or failed to perform the duties of employment; committed, attempted, or conspired to commit fraud; was incompetent;

impeded the effectiveness of any program administered in the county; violated the provisions of § 7.27 (e) or (f) of this part; refused to carry out or failed to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or violated official instructions, may be disqualified for future service or employment by the State committee. Before any such disqualification determination is made, the State committee shall undertake such investigation as it deems necessary, after which the State committee shall give the affected person a written statement of the determination for the proposed disqualification action. Such person shall have 15 days from the date of receipt of such determination to advise in writing, in person or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, the person involved shall be given a written statement of such reasons and 15 days from the date of mailing in which to respond. The State committee may remove the disqualification for future service or employment only with prior approval of the Deputy Administrator.

(d) Any county committee member, community committee member, delegate to the local administrative area convention or the county convention, or any alternate to any such office, county executive director, or any other county employee, who, prior to taking such persons's present office: Committed, or attempted or conspired to commit fraud; or impeded the effectiveness of any program administered in the county, may be suspended. Any such person who is under formal investigation for any reason set forth in this section may be suspended. The proceedings under this paragraph shall be applied the same as provided in paragraph (a) of this section.

(e) If in the event of suspensions or vacancies there are less than two members, including alternates, available to serve on the county committee, the State committee shall designate a person to administer the programs in the county pending the exoneration or removal of those persons under investigation and, if removed, pending the election of new county committee members and alternates. Such person may be the remaining member or alternate member of the committee if available. Any person named by the State committee to serve in such capacity shall have full authority to perform all duties regularly performed by a duly elected county committee.

§ 7.29 Delegation of authority to Deputy Administrator.

Notwithstanding the authority vested by this part in a State committee, a county committee, and the county executive director, the Deputy Administrator shall have authority to suspend and/or remove or disqualify for future service or employment, any county committee member, community committee member, delegate to the local administrative area convention or the county convention, an alternate to any such office, county executive director, or other county employee, for any and all of the reasons and causes authorizing such suspension, removal, and disqualification by the State committee, the county committee, or the county executive director. Any person suspended, removed or disqualified pursuant to this section shall be given a written statement of the reason for such action and shall be advised of the right of review as provided in § 7.30 of this part.

§ 7.30 Right of review.

Any person dissatisfied with a determination of the county committee or county executive director may appeal in writing or in person or both, such determination to the State committee. Any person dissatisfied with a determination of the State committee may appeal such determination in writing to the Deputy Administrator. Any person dissatisfied with the determination of the Deputy Administrator made under § 7.29 of this part may request a reconsideration of such determination by the Deputy Administrator. Any such appeal or request for reconsideration shall be made within 15 days from the date of the mailing of the determination with respect to which the appeal or request is filed. Except as provided in § 7.31 of this part, such appeals and requests for reconsideration shall be determined on an informal basis. The person filing the appeal or request for reconsideration may present reasons, in writing or in person, or both, why the determination should be reversed or modified. Within 60 days after the reasons have been presented, such person shall be notified of the determination on appeal or reconsideration. The notification shall clearly set forth the basis for the determination. The determination of the Deputy Administrator is final and not subject to further administrative review.

§ 7.31 Hearing in connection with appeals and requests for reconsideration to Deputy Administrator.

Any person (the "appellant") filing an appeal with the Deputy Administrator, or a request for reconsideration of a determination made by the Deputy Administrator under § 7.29 of this part, is entitled, at such person's election, to a hearing in connection therewith. If the appellant does not request a hearing, the appeal or reconsideration shall be handled in accordance with § 7.30 of this part. If the appellant desires a hearing, such person shall so advise the Deputy Administrator. The hearing shall be conducted by the Deputy Administrator, or a designee of the Deputy Administrator, who shall serve as a hearing officer. The hearing shall be held at the time and place designated by the hearing officer. The appellant may appear personally or through or accompanied by a representative. The hearing officer shall conduct the hearing so as to bring out pertinent facts, including the production of pertinent documents. Rules of evidence shall not be applied strictly, but the hearing officer shall exclude irrelevant or unduly repetitious evidence. Information having a bearing on the issues shall be received in evidence. Both the appellant and the agency representatives are entitled to produce witnesses and the appellant and agency representative shall be given an opportunity to cross-examine witnesses. The hearing officer shall inform the witnesses that they are subject to a fine of not more than $10,000 or imprisonment for not more than 5 years, or both, for making any false statements (18 U.S.C. 1001). The hearing officer shall cause a transcript to be made of the hearing and it shall be made available to the appellant at actual costs.

§ 7.32 Findings, analysis, and recommendations of hearing officer.

If the hearing has been conducted by a designee of the Deputy Administrator, the hearing officer shall, within 60 days from date of receipt of the transcript, transmit to the Deputy Administrator:

(1) The record of the hearing;

(2) The findings and analysis of the hearing officer; and

(3) A recommended determination.

§ 7.33 Determination of the Deputy Administrator.

Within 30 days after receipt of the findings, analysis, and recommendations of the hearing officer that are made under § 7.32 of this part, or within 60 days from the date of receipt of the transcript prepared under such section if the Deputy Administrator conducted the hearing, the Deputy Administrator shall make a final determination. The notification shall clearly set forth the basis for the determination. The determination of the Deputy Administrator is final and not subject to further administrative review.

§ 7.34 Custody and use of books, records, and documents.

(a) All books, records, and documents of or used by the county committee in the administration of programs assigned to it, or in the conduct of elections, shall be the property of the Commodity Credit Corporation or the United States Department of Agriculture, as applicable, and shall be maintained in good order in the county office.

(b) For polling and mail type elections, ballots shall remain in sealed boxes until the prescribed date for counting. Following the counting of ballots in all types of elections, the ballots shall be placed in sealed containers and retained for 30 days unless otherwise determined by the State committee.

(c) The books, records, and documents referred to in paragraph (a) shall be available for use and examination:

(1) At all times by authorized representatives of the Secretary; the Administrator, or a designee of the Administrator.

(2) By state, county, and community committee members, and authorized employees of the State and county office in the performance of duties assigned to them under this part, subject to instructions issued by the Deputy Administrator;

(3) At any reasonable time to any program participant insofar as such person's interests under the programs administered by the county committee may be affected, subject to instructions issued by the Deputy Administrator; and

(4) To any other person only in accordance with instructions issued by the Deputy Administrator.

§ 7.35 Administrative operations.

The administrative operations of county committees including but not limited to the following, shall be conducted, except as otherwise provided in these regulations, in accordance with official instructions issued: annual, sick, and other types of employee leave; location and use of the county committee office; the calling, and conduct of elections; and the maintenance of records of county and local committee meetings.

§ 7.36 Implementation.

Unless specifically provided in this part, the Deputy Administrator, State and County Operations, or the Deputy Administrator, Management, ASCS, is authorized to issue the instructions and procedures referred to herein which implement the provisions of this part.

§ 7.37 Applicability.

This part shall apply to each State of the United States.

§ 7.38 Retention of authority.

Nothing in this part shall preclude the Secretary, the Administrator, or the Deputy Administrator from administering any or all programs or exercising other functions delegated to the community committee, county committee, State committee, or any employee of such committees. In exercising this authority, the Secretary, the Administrator, or the Deputy Administrator may designate for such period of time as deemed necessary a person or persons of their choice to be in charge will full authority to carry on the programs or other functions without regard to the normal duties of such committees or employees.

Signed at Washington, DC on December 4, 1987.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 87-29410 Filed 12-22-87; 8:45 am]

BILLING CODE 3410-05-M

Farmers Home Administration

7 CFR Part 1955

Property Management

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule; correction.

SUMMARY: The Farmers Home Administration (FmHA) corrects a final rule published December 18, 1986 (51 FR 45433). In this final rule, a portion of the paragraph in 7 CFR Part 1955, § 1955.10(a)(1) was inadvertently omitted. The intent of the action is to replace the missing sentence and clarify the paragraph.

EFFECTIVE DATE: December 23, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas Baden, Senior Loan Officer, Farm Real Estate and Production Division, USDA, Room 5437, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250, telephone (202) 475-4008.

SUPPLEMENTARY INFORMATION:

List of Subjects in 7 CFR Part 1955

Agriculture, Government property, Loan programs—agriculture, Loan programs—housing and community development, Low and moderate income housing, Rural areas.

As corrected, 7 CFR Part 1955 is amended as follows:

PART 1955—[AMENDED]

1. The authority citation for Part 1955 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Liquidation of Loans Secured by Real Estate and Acquisition of Real and Chattel Property

2. Section 1955.10(a)(1) is revised to read as follows:

§ 1955.10 Voluntary conveyance of real property by the borrower to the Government.

* * * * *

(a) * * *

(1) *Loans to individuals.* The County Supervisor and District Director are authorized to accept a voluntary conveyance if the total indebtedness against the property (including prior and junior liens) does not exceed the respective loan approving authority for the type of loan (or combination of types) involved as outlined in Exhibits A through E of FmHA Instruction 1901-A (available in any FmHA office). The State Director is authorized to approve voluntary conveyances regardless of amount of indebtedness.

* * * * *

Date: June 3, 1987.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 87-29293 Filed 12-22-87; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 574

[No. 87-1242]

Acquisition of Control of Insured Institutions; Procedural Requirements

Date: December 11, 1987.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; revision of filing procedures and revision of time frames for public notification and sufficiency determinations.

SUMMARY: The Federal Home Loan Bank Board ("Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), is revising the procedural requirements applicable to applications, notices and rebuttal filings filed pursuant to 12 CFR Part 574 by changing certain filing procedures, modifying the time frames for public notification, and revising the time

frames that apply to the FSLIC's determination that an application or notice is sufficent.

EFFECTIVE DATE: December 23, 1987.

FOR FURTHER INFORMATION CONTACT: Kevin A. Corcoran, Deputy Director for Corporate, (202) 377–6982, Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: The Board, as operating head of the FSLIC, is revising the procedural requirements applicable to applications, notices, and rebuttal filings filed pursuant to 12 CFR Part 574 by changing certain filing procedures, modifying the time frames for public notification, and revising the time frames that apply to the FSLIC's determination that an application or notice is sufficient. The amendments are intended to expedite the processing of filings under 12 CFR Part 574 and to simplify the calculation of critical dates in the processing of applications and notices. In particular, the amendments are intended to conform various timeframes employed in Part 574 as closely as practicable to the FSLIC's recently adopted general guidelines for processing applications. *See* 52 FR 39064 (Oct. 20, 1987), *to be codified at*, 12 CFR 571.12. We note that such guidelines address such issues as multiple filings, automatic approval timeframes, and the exclusion of FSLIC-assisted cases from automatic approval timeframes.

The Board has amended the filing procedures set forth at § 574.6(b) to provide that copies of filings sent to the Board are to be sent directly to each office processing such filings. This change from the previous procedure (under which applicants are required to send all copies of filings to the Office of the Secretariat, marked to the attention of the appropriate offices) is intended to expedite the staff's processing of filings by ensuring that delays are not encountered when documents are forwarded from one office to another.

In addition, the Board has modified the procedures applicable to applications and notices filed under 12 CFR Part 574 in a number of ways. First, published notification of filing must occur no earlier than three calendar days before, and no later than three calendar days after, filing of an application or notice. The published notification must state the date, or the expected date, of filing. Second, the public comment period, which remains twenty calendar days long, subject to extension for up to an additional twenty calendar days, now commences on the date of filing, rather than on the date of publication.

Third, the amendments require the Corporation to determine whether the acquiror's application or notice is sufficient within thirty calendar days of the filing date. Within such period of time the Corporation also must determine whether to require information in cases where an acquiror has requested a waiver of required information. In addition, the review period will be extended for the same number of days by which the public comment period is extended.

Fourth, the Corporation has revised the period during which the Corporation must evaluate the sufficiency of the acquiror's response from ten business days to fifteen calendar days.

Finally, the first sentence of § 574.6(b) has been clarified by eliminating the phrase "or provided for" after the initial phrase "Any application required".

The foregoing changes are effective December 23, 1987, and are applicable to applications and notices in process as well as those filed after such date.

Because these changes are nonsubstantive, the Board finds that observance of the notice and comment procedure pursuant to 5 U.S.C. 553(b) and 12 CFR 508.11 and the 30-day delay of effective date pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary and contrary to the public interest.

List of Subjects in 12 CFR Part 574

Administrative practice and procedure, Holding companies, Savings and loan associations, Securities.

Accordingly, the Board hereby amends Part 574, Subchapter D, Chapter V, Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 574—ACQUISITION OF CONTROL OF INSURED INSTITUTIONS

1. The authority citation for Part 574 continues to read as follows:

Authority: Sec. 407, 48 Stat. 1260, as amended (12 U.S.C. 1730); sec. 408, 82 Stat. 5, as amended (12 U.S.C. 1730a).

2. Amend § 574.6 by revising the first and fourth sentences of paragraph (b)(1); by revising paragraphs (b)(2), (b)(3), and (b)(5); by revising the second sentence of paragraph (b)(6); by revising the last sentence of paragraph (c)(1); by revising the second, third, and fourth sentences of paragraph (c)(2); by revising the first sentence of paragraph (d)(1); by revising paragraph (d)(2); and by revising the second sentence of paragraph (e) to read as follows:

§ 574.6 Procedural requirements.

* * * * *

(b) *Filing requirements*—(1) *Applications.* Any application required of a company shall be filed with the Corporation as follows: Where an application is not eligible to be processed under delegated authority under § 574.8(a), the company shall file three complete copies including exhibits and other pertinent papers and documents: one with the Office of the Secretariat, Federal Home Loan Bank Board, Washington, DC 20552 labelled "Dockets Copy;" one with the Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, Washington, DC 20552; and one with the Office of Regulatory Policy, Oversight and Supervision, 900 Nineteenth Street NW., Washington, DC 20006; and shall transmit a fourth complete copy including exhibits and other pertinent papers and documents to the Principal Supervisory Agent of the district in which the insured institution, or institutions involved in the acquisitions have their home offices.* * * Where a company believes its application is eligible to be processed under delegated authority under § 574.8(a), the company shall file one copy with the Office of the Secretariat, Federal Home Loan Bank Board, Washington, DC 20552, and shall transmit two copies to the Principal Supervisory Agent and shall also transmit, together with all copies of its application, a brief summary of the proposed transaction including a statement as to why the company asserts the application may be processed under delegated authority, inlcuding an affirmative statement that none of the factors specified in § 574.8(a)(1) that would preclude action under delegated authority are present.* * *

(2) *H–(e)4. Information filing.* Any information filing required to be made to claim that a reorganization is exempt from prior written approval of the Corporation under § 574.3(c)(1)(ii) shall be filed as follows: one copy shall be filed with the Office of the Secretariat, Federal Home Loan Bank Board, Washington, DC 20552, labelled "Dockets Copy;" one copy shall be filed with the Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, Washington, D.C. 20552; and a third copy shall be filed with the appropriate Principal Supervisory Agent for the institution to be acquired. Such a filing shall be clearly labeled "H–(e)4 Information Filing."

(3) *Notice.* (i) Any notice required to be filed by a person or persons shall be filed with the Corporation as follows: Where a notice is not eligible to be processed under delegated authority pursuant to § 574.8(a), the person shall file three complete copies of the notice, including exhibits and other pertinent papers and documents: one with the Office of the Secretariat, Federal Home Loan Bank Board, Washington, DC 20552, labelled "Dockets Copy;" one with the Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, Washington, DC 20552; and one with the Office of Regulatory Policy, Oversight and Supervision, 900 Nineteenth Street NW., Washington, DC 20006; and shall transmit a fourth complete copy of the application and exhibits filed to the appropriate Principal Supervisory Agent.

(ii) At least one copy of the notice filed with each noted office shall be manually signed. Where a person believes his notice is eligible to be processed under delegated authority under § 574.08(a), the person shall file one copy with the Office of the Secretariat, Federal Home Loan Bank Board, Washington, DC 20552, labelled "Dockets Copy," and shall transmit two copies to the Principal Supervisory Agent and shall also transmit, together with all copies of his notice, a brief summary of the proposed transaction including a statement as to why the person asserts the notice may be processed under delegated authority, including an affirmative statement that none of the factors specified in § 574.8(a)(1) that would preclude action under delegated authority are present. Such statement shall be clearly labelled "Statement Regarding Eligibility for Processing Under Delegated Authority." If the person subsequently becomes aware of additional information or changed circumstances that would alter the eligibility of the notice for processing under delegated authority, the person shall promptly so advise the Principal Supervisory Agent in writing. In addition, an acquiror filing a notice of the acquisition of a state-chartered institution shall file an additional copy with the Principal Supervisory Agent, indicated, "State Supervisor Copy."

* * * * *

(5) *Rebuttal filing.* In order to apply to rebut a determination or presumption pursuant to § 574.4(e) of this part, copies shall be submitted as follows: Where a rebuttal filing is not eligible to be processed under delegated authority under § 574.8(a), the acquiror shall transmit three complete copies: one to the Office of the Secretariat, Federal Home Loan Bank Board, Washington, DC 20552, labelled "Dockets Copy;" one (manually signed) to the Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, Washington, DC 20552; and one to the appropriate Principal Supervisory Agent. Where an acquiror believes the rebuttal filing is eligible to be processed under delegated authority under § 574.8(a), the acquiror shall transmit only two copies: one to the Office of the Secretariat, Federal Home Loan Bank Board, Washington DC 20552, labelled "Dockets Copy;" and one (manually signed) to the appropriate Principal Supervisory Agent; and shall also transmit, together with all copies of its rebuttal filing, a brief summary of the proposed transaction including a statement as to why the acquiror asserts the rebuttal filing may be processed under delegated authority, including an affirmative statement that none of the factors specified in § 574.8(a)(2), which would preclude action under delegated authority are present. Such statement shall be clearly labelled "Statement Regarding Eligibility for Processing Under Delegated Authority." If the acquiror subsequently becomes aware of additional information or changed circumstances that would alter the eligibility of the rebuttal filing for processing under delegated authority, the acquiror shall promptly so advise the Principal Supervisory Agent in writing.

(6) *Safe-harbor filing.* * * *. Three copies shall be submitted: one to the Office of the Secretariat, Federal Home Loan Bank Board, Washington, DC 20552, labelled "Dockets Copy;" one (manually signed) to the Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, Washington, DC 20552; and one to the Office of Regulatory Policy, Oversight and Supervision, 900 Nineteenth Street NW., Washington, DC 20006. A fourth copy shall be transmitted to the appropriate Principal Supervisory Agent.

* * * * *

(c) *Sufficiency and waiver.* (1) * * *. Failure by an applicant to respond completely to a written request by the Corporation for additional information within 30 calendar days of the date of such request may be deemed to constitute withdrawal of the application, notice, or rebuttal filing or may be treated as grounds for denial of an application, issuance of a notice of disapproval of a notice, or rejection of a rebuttal.

(2) * * *. The Corporation shall notify an acquiror within 30 calendar days after proper filing of an application or notice as to whether an application or notice—

(i) Is sufficient;

(ii) Is insufficient, and what additional information is requested in order to render the application or notice sufficient; or

(iii) Is materially deficient and will not be processed;

Provided, That if the public comment period specified in paragraph (e) of this section is extended, the 30 day period shall be extended for the same number of days the public comment period is extended. The Corporation also shall notify an acquiror within 15 calendar days after proper filing of any additional information furnished in response to a specific request by the Corporation as to whether the application or notice is thereby deemed to be sufficient. If the Corporation fails to notify an acquiror within such times, the application or notice shall be deemed to be sufficient as of the expiration of the application period.

* * * * *

(d) *Publication.* (1) An acquiror shall publish a notification as provided in this section no earlier than three calendar days before and no later than three calendar days after filing an application under § 574.3(a) or notice under § 574.3(b) and shall mail a copy of the notification to the institution whose stock is sought to be acquired. * * *

(2) Notice published pursuant to paragraph (d) of this section shall be published in a manner that is conspicuous to the average reader and shall be made in substantially the following form:

Notice of Filing of Application or Notice for Acquisition of an Insured Institution

This is to inform the public that under § 574.3 of the Federal Home Loan Bank Regulations for Acquisitions of Insured Institutions [Acquiror] [has filed/intends to file] an [application/notice] with the Federal Savings and Loan Insurance Corporation for permission to acquire control of [insured institution], located in [location], on [date or intended date of filing].

Anyone may write in favor of or protest against the application and in so doing may submit such information as he deems relevant. Copies of all submissions must be sent to the Principal Supervisory Agent, Federal Home Loan Bank of [give name and address] [and in the case of applications or notices not delegated to the Principal Supervisory Agent under § 574.8(a), one copy to each of the following offices: Office of the Secretariat, Federal Home Loan Bank Board, Washington, DC 20552, labeled "Dockets Copy;" Corporate and Securities Division,

Office of General Counsel, Federal Home Loan Bank Board, Washington, DC 20552; and the Office of Regulatory Policy, Oversight and Supervision, 900 Nineteenth Street NW., Washington, DC 20006] within 20 calendar days of the filing of the [application/notice]. Up to an additional 20 calendar days to submit comments may be obtained upon a showing of good cause if a written request is received by the Principal Supervisory Agent within the initial 20-day period.

You may inspect the non-confidental portion of the [application/notice] and non-confidential portions of all comments filed at the Federal Home Loan Bank of _____ [and in the case of applications and notices not delegated to the Principal Supervisory Agent, by contacting the Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, Washington, DC 20552.] If you have any questions concerning these procedures, contact the Federal Home Loan Bank of _____, at ( ) _____, [and the Information Service Section at (202) 377-_____.]

* * * * *

(e) * * *. Within 20 calendar days of the date of filing (or up to 40 calendar days after such date if an extension is requested in writing within the initial 20-day period) anyone may file comments in favor of or in protest of the application or notice and in so doing may submit such information as he deems relevant. * * *

* * * * *

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 87-29400 Filed 12-22-87; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87-ASW-47]

Amendment of Transition Area; Venice, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule will amend the transition area located at Venice, LA. The development of a new LORAN C Area Navigation (LORAN RNAV) special instrument approach procedure (SIAP) to several heliports located in the vicinity of Venice, LA, has made this amendment necessary. The intended effect of this amendment is to provide adequate controlled airspace for aircraft executing this new LORAN RNAV SIAP to these various heliports.

EFFECTIVE DATE: 0901 UTC, January 25, 1988.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On October 5, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amending the transition area located at Venice, LA (52 FR 38785).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C, dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will amend the transition area located at Venice, LA. The development of a new LORAN RNAV SIAP to various heliports located in the Venice, LA, area has necessitated this amendment. The LORAN RNAV SIAP is a point in space approach and will not be associated with a particular heliport. Aircraft executing this approach will proceed by visual flight rules (VFR), weather conditions permitting, after the missed approach point (MAP) to either the Chevron Heliport or the PHI Heliport. Additional heliports may become associated with this SIAP in the future. The intended effect of this amendment will provide adequate controlled airspace for aircraft executing this new LORAN RNAV SIAP to the respective heliports.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Venice, LA [Amended]

By adding to the last sentence: and within a 7-mile radius of a point in space located at Latitude 29°15'30.70" N., Longitude 89°21'10.40" W.

Issued in Fort Worth, TX, on December 2, 1987.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 87-29357 Filed 12-22-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371 and 399

[Docket No. 71263-7263]

Carbon Thermal Insulating Materials; Eligibility for Export Under General License GFW

AGENCY: Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: General License GFW authorizes exports of certain low-level dual use items to most free world countries. The performance characteristics of these items generally are such that the United States may authorize exports of these items to controlled countries with only notification to other COCOM governments, although other criteria may be applied when appropriate.

This rule authorizes the export under General License GFW of low density, rigid, carbon-bonded, fibrous or non-fibrous carbon thermal insulating materials described in entry 1734A of the Commodity Control List.

EFFECTIVE DATE: This rule is effective December 23, 1987.

FOR FURTHER INFORMATION CONTACT: Jeff Tripp, Capital Goods Technology Center, Office of Technology and Policy Analysis, Export Administration, Telephone: (202) 377-5695.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. This rule does not contain a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Comments should be submitted to Vincent Greenwald, Office of Technology and Policy Analysis, Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Parts 371 and 399

Exports, Reporting and recordkeeping requirements.

Accordingly, the Export Administration Regulations (15 CFR Parts 368-399) are amended as follows:

1. The authority citations for Parts 371 and 399 continue to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99-440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); and E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

PART 371—[AMENDED]

2. In § 371.23, paragraph (a) is revised and paragraph (c) is amended by inserting a new sentence after the second sentence, as follows:

§ 371.23 General License GFW; low-level exports to certain countries.

(a) *Scope.* A general license designated GFW is established authorizing exports of certain low-level commodities subject to national security controls. In most cases, these commodities have performance characteristics that permit the United States to approve exports to controlled countries with only notification to other COCOM governments.

* * * * *

(c) * * * [Some entries may use other criteria; for example, see ECCN 1734A.) * * *

* * * * *

PART 399—[AMENDED]

3. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), ECCN 1734A is amended by adding a *GFW Eligibility* paragraph immediately after the *Special Licenses Available* paragraph, reading as follows:

* * * * *

GFW Eligibility: All commodities covered by this entry regardless of end-use, subject to the prohibitions contained in § 371.2(c).

* * * * *

Dated: December 17, 1987.

Vincent F. DeCain,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 87-29325 Filed 12-22-87; 8:45 am]

BILLING CODE 3510-DT-M

15 CFR Part 399

[Docket No. 71023-7223]

Amendment of Validated License Controls on Stored Program Wire Bonders

AGENCY: Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: Export Administration maintains the Commodity Control List (CCL), which specifies those items subject to Department of Commerce export controls. This rule amends the validated export license controls on certain "stored program controlled" wire bonders described in paragraph (b)(5)(ii) of the "List of Equipment Controlled by ECCN 1355" in ECCN 1355 on the CCL (Supplement No. 1 to 15 CFR 399.1). This action is in accordance with a finding of foreign availability under section 5(f) of the Export Administration Act of 1979, as amended. All "stored program controlled" wire bonders will now require a validated license for export only to destinations in Country Groups Q, S, W, Y, and Z, the People's Republic of China, and Afghanistan for national security reasons. For Country Group T and V, except the People's Republic of China and Afghanistan, a validated license is required only for wire bonders that are described in the "Validated License Required" paragraph of ECCN 1355.

Notice of the foreign availability determination on this equipment was published in the **Federal Register** on September 16, 1987 (52 FR 34976).

EFFECTIVE DATE: December 23, 1987.

FOR FURTHER INFORMATION CONTACT: John R. Pastore, Office of Foreign Availability, Department of Commerce, Washington, DC 20230, Telephone: (202) 377-5953.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final regulatory impact analysis has been or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553) including those requiring publication of a notice of

proposed rulemaking, and opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Written comments (six copies) should be submitted to: Joan Maguire, Regulations Branch, Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final regulatory flexibility analysis has to be or will be prepared.

4. This rule involves a collection of information that is subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0625–0001.

List of Subjects in 15 CFR Part 399

Exports, Reporting and recordkeeping requirements.

Accordingly, Part 399 of the Export Administration Regulations (15 CFR Parts 368–399) is amended as follows:

PART 399—[AMENDED]

1. The authority citation for Part 399 continues to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97–145 of December 29, 1981, and by Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95–223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985), as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99–440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*), and E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

Supplement No. 1 to § 399.1 [Amended]

2. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), ECCN 1355A is amended by revising the *"Validated License Required"* paragraph and by adding a Technical Note following the *"Validated License Required"* paragraph to read as follows:

1355A Equipment for the manufacture or testing of electronic components and materials; and specially designed components, accessories and "specially designed software" therefor.

Controls for ECCN 1355A

* * * * *

Validated License Required: Country Groups QSTVWYZ. Wire bonders controlled by paragraph (b)(5)(ii) and that are not described below require a validated license only for Country Groups QSWYZ, the People's Republic of China, and Afghanistan. A validated license continues to be required to Country Groups QSTVWYZ for "stored program controlled" wire bonders that are specially designed and enabled to be integrated into a "totally automated (semiconductor) manufacturing facility" or have all of the following characteristics:

(a) Bonding wire that is less than 0.0007 inches (17.5 micrometers) diameter;

(b) Bond to bonding pads (on semiconductor circuits and devices) that are 0.0015 inches × 0.0015 inches (37.5 micrometers × 37.5 micrometers) or less and spaced closer than 0.0025 inches (62.5 micrometers) from center to center; and

(c) Have a bond cycle time of 100 ms or less per wire (bond cycle time measured with 1.5 mm distance between bonds).

Technical Note: A *"totally* automated (semiconductor) manufacturing facility" is one in which all equipment controls and all materials handling operations from the blank polished wafer through encapsulation and electronic test are performed without human intervention in the production of semiconductor circuits and devices. This is distinguished from an "automated (semiconductor) manufacturing facility" in which individual pieces of equipment, used in the production of semiconductor circuits and devices are: (a) Controlled from a host computer; and (b) associated with facilities to supply material and remove processed material without human intervention.

* * * * *

Dated: December 18, 1987.

Dan Hoydysh,

Director, Office of Technology and Policy Analysis.

[FR Doc. 87–29395 Filed 12–22–87; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 18

[T.D. 8167]

Income Taxes; Taxable Years of Certain Entities

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to the requirement that certain entities generally conform their taxable years to the taxable years of their owners. In addition, the text of the temporary regulations set forth in this document also serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the proposed rules section of this issue of the **Federal Register**. Changes to the applicable law were made by the Tax Reform Act of 1986. The regulations affect personal service corporations, partnerships, and S corporations (and owners of those entities) and provide them with the guidance needed to comply with the law.

EFFECTIVE DATE: The temporary regulations are effective for taxable years beginning after December 31, 1986.

FOR FURTHER INFORMATION CONTACT: Arthur E. Davis III of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention CC:LR:T), (202) 566–3238, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document amends the Income Tax Regulations (26 CFR Part 1) to provide temporary regulations interpreting section 806 of the Tax Reform Act of 1986 (the 1986 Act), Pub. L. 99–514, 100 Stat. 2362, which amended sections 441, 706(b) and 1378 of the Internal Revenue Code of 1986. In general, section 806 of the 1986 Act requires personal service corporations (PSCs), partnerships and S corporations to conform their taxable years to the taxable years of their owners. These temporary regulations provide guidance on the amendments to section 441, relating to (a) the definition of a PSC (section 441(i)), and (b) the special rules for applying a 52–53-week taxable year in the case of a partnership, S corporation, personal service corporation or the owners of such entities (section 441(f)). In addition, the temporary regulations provide special rules for the application of the amendments to sections 706(b) and 1378 with respect to the spread of income and expense items ratably over a 4-year period in the case of partners and shareholders of S corporations required in one taxable year to take into account items from more than one taxable year of a partnership or S corporation. Furthermore, the temporary regulations make conforming changes to the general provisions regarding taxable years under section 441.

Explanation of Provisions

Taxable Year of a Personal Service Corporation

Section 441(i)(1) provides that a PSC must use the calendar year as its taxable year unless the PSC establishes, to the satisfaction of the Secretary, a business purpose for using a different period as its taxable year. The temporary regulations provide that the taxable year of a PSC is the calendar year, unless the PSC's annual accounting period is a fiscal year and the PSC obtains the approval of the Commissioner to have such a fiscal year as its taxable year.

Approval of the Commissioner is not required in the case of a PSC changing its taxable year to the calendar year. For this purpose, a 52–53-week taxable year of a PSC ending with reference to the month of December will be treated as if it were the calendar year. In the case of a change to the calendar year, the PSC should notify the Internal Revenue Service of the change, in accordance with the applicable revenue procedure, such as, for example, Rev. Proc. 87–32, 1987–28 I.R.B. 14.

Approval of a fiscal year by the Commissioner requires the PSC to demonstrate a business purpose. For example, a PSC which demonstrates that the desired fiscal year coincides with its natural business year, as defined in section 4.01(1) of Rev. Proc. 87–32, is deemed to have established a business purpose to the satisfaction of the Secretary. In this regard, taxpayers should review Announcement 87–82, 1987–37 I.R.B. 30, for modifications to Rev. Proc. 87–32 extending the due date for PSCs requesting the Commissioner's approval to establish a business purpose.

Definition of a Personal Service Corporation

Under the temporary regulations, a taxpayer is a PSC for a taxable year only if: (a) The taxpayer is a C corporation; (b) the principal activity of the taxpayer during the testing period for the taxable year is the performance of personal services; (c) the personal services are substantially performed by employee-owners; and (d) employee-owners hold more than 10 percent of the fair market value of the outstanding stock in the taxpayer as of the last day of the testing period for the taxable year.

Under the temporary regulations, the testing period for a taxable year is generally the taxable year preceding such taxable year. For example, a corporation that has been using June 30 as its taxable year will use the taxable year ended June 30, 1987, as the testing period for the taxable year beginning July 1, 1987.

With respect to a corporation whose first taxable year begins after December 31, 1986, the temporary regulations provide that the testing period for the corporation's first taxable year is the period beginning on the first day of the taxable year and ending on the earlier of (a) the last day of such taxable year, or (b) the last day of the calendar year in which the taxable year began.

Performance of Personal Services

During the course of drafting the temporary regulations, the Service considered many different approaches for determining whether an activity should be treated as the performance of a personal service. The approaches considered ranged from a narrow definition (*e.g.*, only activities described in section 448(d)(2)(A), relating to limitations on the use of the cash method of accounting) to a broad definition (*e.g.*, all activities except selling tangible property). After evaluating the various approaches, the Service concluded that the narrow definition of personal services provided in section 448(d)(2)(A) will apply for purposes of section 441(i).

Thus, under the temporary regulations any activity described in section 448(d)(2)(A) is treated as the performance of personal services. An activity not described in section 448(d)(2)(A) is not treated as the performance of personal services under the temporary regulations.

It should be noted, however, that although the temporary regulations provide that an activity is treated as the performance of personal services by reference to section 448(d)(2)(A), the definition of the term "personal service corporation" under these temporary regulations is different from the definition of the term "qualified personal service corporation" under section 448(d)(2). The principal differences relate to ownership requirements and the necessary percentage of personal service activities.

Principal Activity

The temporary regulations provide that the corporation's principal activity during the testing period will be the performance of personal services if the total amount of the corporation's compensation cost for such taxable year that is attributable to its personal service activities exceeds 50 percent of the corporation's total compensation cost. Compensation cost is defined as (a) salaries and wages, and (b) other amounts attributable to services rendered in the course of employment. However, compensation cost does not include amounts attributable to a plan, qualified under section 401(a) or 403(a), or defined in section 408(k).

Services Substantially Performed by Employee-Owners

The temporary regulations provide that the personal services performed by a corporation during a testing period will be treated as substantially performed by employee-owners of the corporation if more than 20 percent of the corporation's compensation cost with respect to personal services is attributable to employee-owners. Such determination is to be made by the taxpayer in any reasonable and consistent manner.

In the process of drafting the temporary regulations, the Service received many informal comments relating to the appropriate percentage for determining "substantially performed." Most of the commentators suggested that the term "substantially" should be interpreted as "substantially all." "Substantially all" would imply a very high percentage of services performed by employee-owners whereas "substantially" would imply a lower percentage. Given that the term "substantially" is used in the Code rather than the term "substantially all," the temporary regulations use 20 percent as the threshold for determining whether services are substantially performed by employee-owners.

Temporary regulations (§ 1.441–3T) issued under the authority to prescribe rules relating to the 52–53-week taxable year were published February 5, 1987 (52 FR 3615). Those temporary regulations interpreted the phrase "substantially performed by employee-owners" by using a 10 percent time test. That test was limited to taxpayers that desired to use a 52–53-week taxable year for a short taxable year ending on or before January 5, 1987. Upon further review, the Service determined that the 10 percent

BEST COPY AVAILABLE

time test is inappropriate for purposes of interpreting section 441(i), because that test does not adequately weight the relative contributions of the various employees, in particular the employee-owners. For example, under the time test, an hour billed at $100/hour by an employee-owner of a law firm (that is a C corporation) is treated the same as an hour of a junior associate that may be billed at $40/hour. A compensation test, however, provides a weighted approach to measure relative performance of personal services. In addition to changing the measurement base from time spent to compensation, these temporary regulations differ from the 10 percent time test provided in § 1.441–3T by (a) increasing the percentage from 10 percent to 20 percent, and (b) including the compensation cost for all employees involved in the corporation's personal service activity in the 20 percent calculation rather than including only compensation cost that is "directly and intrinsically related" to the providing of personal services.

Under the temporary regulations, a person is an employee-owner if that person is an employee on any day of the testing period, and the person owns any stock of the corporation on any day of the testing period. Attribution rules in section 318, as modified, apply for purposes of determining stock ownership. In addition, any person who is an owner and performs services for or on behalf of the corporation shall be treated as an employee for purposes of this rule, even if the legal form of that person's relationship to the corporation is such that he or she would be considered an independent contractor for other purposes.

52–53-Week Taxable Year

Section 441(f)(3) provides that the Secretary may by regulation provide terms and conditions for the application of the rules relating to the 52–53-week taxable year of a partnership, S corporation, personal service corporation, or any owner of such an entity.

The temporary regulations provide rules for cases in which the taxable year of a partnership and a partner, or an S corporation and an S corporation shareholder, or a personal service corporation and an employer-owner, end with or with reference to the same calendar month. Under the temporary regulations, in certain cases the taxable year of a partner, S corporation shareholder, or employee-owner will be deemed to end on the last day of the partnership's, S corporation's, or PSC's taxable year. For example, a calendar year partner in a 52–53-week partnership with a January 3, 1988 year end will be required to include in his 1987 income tax return his distributive share of partnership income for the taxable year ended January 3, 1988.

4-Year Spread

The temporary regulations provide that partners and S corporation shareholders may spread items of income and expense if (a) the items of income and expense are attributable to a partnership or S corporation that is required under section 806 of the 1986 Act to change its taxable year for the first taxable year beginning after December 31, 1986, and (b) the partner or S corporation would be required under the temporary regulations to include in one taxable year the items from more than one taxable year of the partnership or S corporation. The temporary regulations define the terms "income items" and "expense items" and provide other guidance with respect to section 806 of the 1986 Act.

Special Analyses

The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis therefore is not required. A general notice of proposed rulemaking is not required by 5 U.S.C. 553 for temporary regulations. Accordingly, the temporary regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of these regulations is Arthur E. Davis III of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of both substance and style.

List of Subjects

26 CFR 1.441–1—1.483–2

Income taxes, Accounting, Deferred compensation plans.

26 CFR 1.701—1.771–1

Income taxes, Partnerships.

26 CFR Part 18

Sale of residence, Income taxes.

Amendments to the Regulations

For the reasons set out in the preamble, Subchapter A, Parts 1 and 18 of Title 26, Chapter 1 of the Code of Federal Regulations is amended as set forth below:

Income Tax Regulations

PART 1—[AMENDED]

Paragraph 1. The authority for Part 1 is amended by adding the following citation:

Authority: 26 U.S.C. 7805. * * * Section 1.441–2T also issued under 26 U.S.C. 441(f).

Par. 2. Section 1.441–1 is redesignated as § 1.441–1T and amended by revising the caption, revising paragraphs (b), (f), and (g), and adding a new paragraph (h) to read as follows:

§ 1.441–1T Period for computation of taxable income (temporary).

* * * * *

(b) *Taxable year—*(1) *Definition of taxable year—*(i) *In general.* Except as otherwise provided in this paragraph (b)(1), the term "taxable year" means—

(A) The taxpayer's annual accounting period if it is a calendar year or a fiscal year; or

(B) The calendar year if section 441(g) (relating to taxpayers who keep no books or have no accounting period) applies. Except as provided in administrative provisions of the Internal Revenue laws, a taxable year may not cover a period of more than 12 calendar months. If a return is made under section 443 for a period of less than 12 months (a "short period"), the taxable year is the short period for which the return is made.

(ii) *Special rules for certain entities.* The general rule provided in paragraph (b)(1)(i) of this section may be modified by the Internal Revenue laws or regulations. For example, special rules are provided for the following taxpayers—

(A) In the case of personal service corporations, the applicable rules are contained in § 1.441–4T.

(B) In the case of partnerships, the applicable rules are contained in § 1.706–1T.

(C) In the case of S corporations, the applicable rules are contained in section 1378.

(D) In the case of members of an affiliated group which makes a consolidated return, the applicable rules are contained in § 1.1502–76 and paragraph (d) of § 1.442–1.

(E) In the case of trusts, the applicable rules are contained in section 645.

(F) In the case of real estate investment trusts, the applicable rules are contained in section 859.

(G) In the case of real estate mortgage investment conduits, the applicable rules are contained in section 860D(a)(5).

(H) In the case of FSCs or DISCs, the applicable rules are contained in section 441(h).

(2) *Adoption of taxable year.* A new taxpayer adopts a taxable year on or before the time prescribed by law (not including extensions) for the filing of the taxpayer's first return and may adopt, without prior approval, any taxable year that satisfies the requirements of section 441 and this section.

(3) *Change in taxable year—*(i) *General rule.* After a taxpayer has adopted a taxable year, such year must be used in computing taxable income and making returns for all subsequent years unless prior approval is obtained from the Commissioner to make a change or unless a change is otherwise permitted or required under the Internal Revenue laws or regulations. See section 442 and § 1.442–1. Also see paragraph (b)(4) of this section.

(ii) *Change in taxable year required by the Tax Reform Act of 1986.* Procedures for entities (certain personal service corporations, partnerships and S corporations) required to change their taxable year under section 806 of the Tax Reform Act of 1986, Pub. L. 99–514, 100 Stat. 2362, are provided in Rev. Proc. 87–32, 1987–28 I.R.B. 14, or successor revenue procedures.

(4) *Retention of taxable year—*(i) *In general.* In certain cases, taxpayers will be required under the Internal Revenue laws or regulations to change their taxable year unless they establish a business purpose for retaining their current taxable year. For example, corporations electing to be S corporations, corporations that are personal service corporations for the first time, and certain partnerships with new partners may be required to change their taxable year unless they establish a business purpose for retaining their current taxable year.

(ii) *Section 806 of the Tax Reform Act of 1986.* Rev. Proc. 87–32 provides (and any successor revenue procedure would provide) procedures for certain entities (i.e., personal service corporations, partnerships and S corporations) requesting the Commissioner's approval to retain a fiscal year when such entity would otherwise be required to change its taxable year under section 806 of the Tax Reform Act of 1986. In addition, personal service corporations should see Announcement 87–82, 1987–37 I.R.B. 30, for modifications to Rev. Proc. 87–32 extending the due date for personal service corporations requesting the Commissioner's approval to establish a business purpose.

(f) *Election of year consisting of 52–53 weeks.* For rules relating to the 52–53-week taxable year, see §§ 1.441–2T, 1.441–3T, and 1.441–4T.

(g) *No books kept; no accounting period.* Except as otherwise provided in the Internal Revenue laws or regulations, the taxpayer's taxable year shall be the calendar year if—

(1) The taxpayer keeps no books;

(2) The taxpayer does not have an annual accounting period (as defined in section 441(c) and paragraph (c) of this section); or

(3) The taxpayer has an annual accounting period, but such period does not qualify as a fiscal year (as defined in section 441(e) and paragraph (e) of this section).

For the purposes of paragraph (g)(1) of this section, the keeping of books does not require that records be bound. Records which are sufficient to reflect income adequately and clearly on the basis of an annual accounting period will be regarded as the keeping of books. A taxpayer whose taxable year is required to be a calendar year under section 441(g) and this paragraph (g) may not adopt a fiscal year without obtaining prior approval from the Commissioner. See section 442 and § 1.442–1T(a)(2).

(h) *Effective date.* This section is effective for taxable years beginning after December 31, 1986. See 26 CFR 1.441–1 (revised as of April 1, 1987) for rules applicable to taxable years beginning before January 1, 1987.

Par. 3. Section 1.441–2 is redesignated as § 1.441–2T and amended by revising the caption and paragraph (e) to read as follows:

§ 1.441–2T Election of year consisting of 52–53 weeks (temporary).

* * * * *

(e) *Partnerships, S corporations, and personal service corporations—*(1) *In general.* Paragraph (e) of this section applies if a partnership, partner, S corporation, S corporation shareholder, personal service corporation (within the meaning of § 1.441–4T(d)), or employee-owner (within the meaning of § 1.441–4T(h)) uses a 52–53-week taxable year.

(2) *Treatment of taxable years ending with reference to the same calendar month—*(i) *Timing of partners taking into account partnership items.* If the taxable year of a partnership and a partner end with reference to the same calendar month, then for purposes of determining the taxable year in which a partner takes into account—

(A) Items described in section 702, and

(B) Items that are deductible by the partnership (including items described in section 707(c)) and includible in the income of the partner, the partner's taxable year will be deemed to end on the last day of the partnership's taxable year.

(ii) *Timing of S shareholders taking into account S corporation items.* If the taxable year of an S corporation and a shareholder end with reference to the same calendar month, then for purposes of determining the taxable year in which a shareholder takes into account—

(A) Items described in section 1366(a), and

(B) Items that are deductible by the S corporation and includible in the income of the shareholder, the shareholder's taxable year will be deemed to end on the last day of the S corporation's taxable year.

(iii) *Personal service corporations and employee-owners.* If the taxable year of a personal service corporation and an employee-owner end with reference to the same calendar month, then for purposes of determining the taxable year in which an employee-owner takes into account items that are deductible by the personal service corporation and includible in the income of the employee-owner, the employee-owner's taxable year will be deemed to end on the last day of the personal service corporation's taxable year.

(3) *Automatic approval for partnerships and S corporations.* If a partnership or S corporation is required to use a taxable year ending with respect to the last day of a particular month and the partnership or S corporation desires to use a 52–53-week taxable year with reference to such month, the partnership or S corporation is granted automatic approval to use such 52–53-week taxable year. See § 1.441–4T(b)(2)(ii) for a similar rule for personal service corporations.

(4) *Examples.* The provisions of paragraph (e)(2) of this section may be illustrated by the following examples.

Example (1). ABC Partnership uses a 52–53-week taxable year that ends on the Sunday nearest to December 31, and its partners, A, B, and C, are individual calendar year taxpayers. Assume that, for ABC's taxable year ending January 3, 1988, each partner's distributive share of ABC's taxable income is $10,000. Under section 706(a) and paragraph (e)(2)(i) of this section, for the taxable year ending December 31, 1987, A, B, and C each must include $10,000 in income with respect to the ABC year ending January 3, 1988. Similarly, if ABC makes a guaranteed payment to A on January 2, 1988, A must include the payment in income for his or her taxable year ending December 31, 1987.

Example (2). X, a personal service corporation, uses a 52–53-week taxable year that ends on the Sunday nearest to December 31, and all of the employee-owners of X are individual calendar year taxpayers. Assume that, for its taxable year ending January 3,

1988. X pays a bonus of $10,000 to each employee-owner. Under paragraph (e)(2)(iii) of this section, each employee-owner must include the bonus in income for the taxable year ending December 31, 1987.

(5) *Effective date.* Paragraph (e) of this section applies to taxable years beginning after December 31, 1986.

Par. 4. Section 1.441–2T is amended by revising the heading and text of paragraph (f) to read as follows:

§ 1.441–2T Election of year consisting of 52–53 weeks (temporary).

* * * * *

(f) *Special rules for 1986 and subsequent years.* For special rules relating to certain adoptions of, or changes to or from, a 52–53-week taxable year ending in 1986 or 1987, see § 1.441–3T. For special rules relating to a 52–53-week taxable year beginning after December 31, 1986, see § 1.441–2T(e).

Par. 5. Section 1.441–4T is added in the appropriate place.

§ 1.441–4T Taxable year of a personal service corporation (temporary).

(a) *Taxable year.* The taxable year of a personal service corporation (as defined in paragraph (d) of this section) is—

(1) The calendar year, or a "short period" (as provided in § 1.441–1T(b)(1)(i)) ending December 31; or

(2) A fiscal year, or a short period (other than a short period provided in paragraph (a)(1) of this section), if the corporation obtains the approval of the Commissioner (in accordance with paragraph (c) of this section) for using such fiscal year.

(b) *Change in taxable year required*—(1) *In general.* For any taxable year beginning after December 31, 1986, a taxpayer that is a personal service corporation for such taxable year must—

(i) Use a taxable year described in paragraph (a) of this section; or

(ii) Change to such a taxable year by using a short taxable year that ends on the last day of a taxable year described in paragraph (a) of this section.

(2) *Approval not required for change to a calendar year*—(i) *In general.* A personal service corporation may change its taxable year to the calendar year without the approval of the Commissioner. In such cases, however, the taxpayer should notify the Internal Revenue Service of the change in accordance with the provisions of the applicable revenue procedure. See, for example, section 5.02(1) of Rev. Proc. 87–32, 1987–28 I.R.B. 14.

(ii) *Special rule for 52–53-week taxable year ending with reference to the month of December.* For purposes of this section, a 52–53-week taxable year of a personal service corporation ending with reference to the month of December shall be treated as the calendar year. In order to assist in the processing of the retention or change in taxable year, taxpayers should refer to this special rule by either typing or legibly printing the following statement at the top of page 1 of the income tax return: "FILED UNDER § 1.441–4T(b)(2)(ii)." See § 1.441–2T(e) for special rules regarding 52–53-week taxable years for personal service corporations.

(3) *Examples.* The provisions of paragraph (b) of this section may be illustrated by the following examples.

Example (1). X corporation's last taxable year beginning before January 1, 1987, ends on January 31, 1987. In addition, X is a personal service corporation for its taxable year beginning February 1, 1987, and does not obtain the approval of the Commissioner for using a fiscal year. Thus, under paragraph (b)(1) of this section, X is required to change its taxable year to the calendar year by using a short taxable year that begins on February 1, 1987, and ends on December 31, 1987. Under paragraph (b)(2)(i) of this section, X may change its taxable year without the consent of the Commissioner, but should notify the Internal Revenue Service of the change in accordance with section 5.02(1) of Rev. Proc. 87–32.

Example (2). Assume the same facts as in example (1), except that for its taxable year beginning February 1, 1987, X obtains the approval of the Commissioner to change its annual accounting period to a fiscal year ending September 30. Under paragraph (b)(1) of this section, X must file a tax return for the short period from February 1, 1987, through September 30, 1987.

Example (3). Assume the same facts as in example (1), except that the first taxable year for which X is a personal service corporation is the taxable year that begins on February 1, 1990. Thus, for taxable years ending before that date, this section does not apply with respect to X. For its taxable year beginning on February 1, 1990, however, X will be required to comply with paragraph (b) of this section. If X does not obtain the approval of the Commissioner to use a fiscal year, X will be required to change its taxable year to the calendar year by using a short taxable year that ends on December 31, 1990.

Example (4). Assume the same facts as in example (1), except that X desires to change to a 52–53-week taxable year ending with reference to the month of December. Pursuant to paragraphs (b)(2)(i) and (b)(2)(ii) of this section, X may change its taxable year to a 52–53-week taxable year ending with reference to the month of December without the consent of the Commissioner, but should notify the Internal Revenue Service of the change in accordance with paragraph (b)(2)(ii) of this section.

(c) *Approval of a fiscal year.* A personal service corporation must establish to the satisfaction of the Commissioner a business purpose for using a fiscal year under paragraph (a)(2) of this section. Business purpose is established to the satisfaction of the Commissioner in the case of a personal service corporation that—

(1) Requests to use, or is using, a fiscal year that coincides with its natural business year, as defined in section 4.01(1) of Rev. Proc. 87–32, or successor revenue procedures, or

(2) Receives permission from the Commissioner to use the fiscal year by establishing a business purpose for the fiscal year under section 6.02 of Rev. Proc. 87–32, or successor revenue procedures. See also Rev. Rul. 87–57, 1987–28 I.R.B. 7. See Announcement 87–82 for modifications to Rev. Proc. 87–32 regarding due dates for personal service corporations filing applications and income tax returns for certain short taxable years beginning after December 31, 1986.

(d) *Personal service corporation for a taxable year*—(1) *In general.* For purposes of this section, a taxpayer is a personal service corporation for a taxable year only if—

(i) The taxpayer is a C corporation (as defined in section 1361(a)(2)) for the taxable year;

(ii) The principal activity of the taxpayer during the testing period for the taxable year is the performance of personal services;

(iii) During the testing period for the taxable year, such services are substantially performed by employee-owners; and

(iv) Employee-owners, as defined in paragraph (h) of this section, own (as determined under the attribution rules of section 318, except that "any" shall be substituted for "50 percent" in section 318(a)(2)(C)) more than 10 percent of the fair market value of the outstanding stock in the taxpayer on the last day of the testing period for the taxable year.

(2) *Testing period*—(i) *In general.* Except as otherwise provided in paragraph (d)(2)(ii) of this section, the testing period for a taxable year is the taxable year preceding such taxable year.

(ii) *New corporations.* The testing period for a taxpayer's first taxable year is the period beginning on the first day of such taxable year and ending on the earlier of—

(A) The last day of such taxable year; or

(B) The last day of the calendar year in which such taxable year begins.

(3) *Examples.* The provisions of paragraph (d)(2) of this section may be illustrated by the following examples.

Example (1). Corporation A has been in existence since 1960 and has used a January 31 taxable year for all taxable years beginning before 1987. For purposes of determining whether A is a personal service corporation for the taxable year beginning February 1, 1987, A's testing period under paragraph (d)(2)(i) of this section is the taxable year ending January 31, 1987.

Example (2). B corporation's first taxable year begins on June 1, 1987, and B desires to use a September 30 taxable year. However, if B is a personal service corporation, it must obtain the Commissioner's approval to use a September 30 taxable year. Pursuant to paragraph (d)(2)(ii) of this section, B's testing period for its first taxable year beginning June 1, 1987, is the period June 1, 1987 through September 30, 1987. Thus, if, based upon such testing period, B is a personal service corporation, B must obtain the Commissioner's permission to use a September 30 taxable year.

Example (3). The facts are the same as in Example (2), except that B desires to use a March 31 taxable year. Pursuant to paragraph (d)(2)(ii) of this section, B's testing period for its first taxable year beginning June 1, 1987, is the period June 1, 1987, through December 31, 1987. Thus, if, based upon such testing period, B is a personal service corporation, B must obtain the Commissioner's permission to use a March 31 fiscal year.

(e) *Determination of whether an activity during the testing period is treated as the performance of personal services*—(1) *Activities described in section 448(d)(2)(A).* For purposes of this section, any activity of the taxpayer described in section 448(d)(2)(A) or the regulations thereunder will be treated as the performance of personal services. Therefore, any activity of the taxpayer that involves the performance of services in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts, or consulting (as such fields are defined in the regulations interpreting section 448) will be treated as the performance of personal services for purposes of this section.

(2) *Activities not described in section 448(d)(2)(A).* For purposes of this section, any activity of the taxpayer not described in section 448(d)(2)(A) or the regulations thereunder will not be treated as the performance of personal services.

(f) *Principal activity*—(1) *General rule.* For purposes of this section, the principal activity of a corporation for any testing period will be considered to be the performance of personal services if the cost of the corporation's compensation (the "compensation cost") for such testing period that is attributable to its activities that are treated as the performance of personal services under paragraph (e) of this section exceeds 50 percent of the corporation's total compensation cost for such testing period.

(2) *Compensation cost.* For purposes of this section, the compensation cost of a corporation for a taxable year is equal to the sum of the following amounts allowable as a deduction, allocated to a long-term contract, or otherwise chargeable to a capital account by the corporation during such taxable year—

(i) Wages and salaries, and

(ii) Any other amounts attributable to services performed for or on behalf of the corporation by a person who is an employee of the corporation (including an owner of the corporation who is treated as an employee under paragraph (h)(2) of this section) during the testing period. Such amounts include, but are not limited to, amounts attributable to deferred compensation, commissions, bonuses, compensation includible in income under section 83, compensation for services based on a percentage of profits, and the cost of providing fringe benefits that are includible in income. However, for purposes of this section, compensation cost does not include amounts attributable to a plan qualified under section 401(a) or 403(a), or to a simplified employee pension plan defined in section 408(k).

(3) *Attribution of compensation cost to personal service activity*—(i) *Employees involved only in the performance of personal services.* The compensation cost for employees involved only in the performance of activities that are treated as personal services under paragraph (e) of this section, or employees involved only in supporting the work of such employees, shall be considered to be attributable to the corporation's personal service activity.

(ii) *Employees involved only in activities that are not treated as the performance of personal services.* The compensation cost for employees involved only in the performance of activities that are not treated as personal services under paragraph (e) of this section, or for employees involved only in supporting the work of such employees, shall not be considered to be attributable to the corporation's personal service activity.

(iii) *Other employees.* The compensation cost for any employee who is not described in either paragraph (f)(3)(i) or paragraph (f)(3)(ii) of this section ("a mixed activity employee") shall be allocated as follows—

(A) *Compensation cost attributable to personal service activity.* That portion of the compensation cost for a mixed activity employee that is attributable to the corporation's personal service activity equals the compensation cost for such employee multiplied by the percentage of the total time worked for the corporation by such employee during the year that is attributable to activities of the corporation that are treated as the performance of personal services under paragraph (e) of this section. Such percentage shall be determined by the taxpayer in any reasonable and consistent manner. Time logs are not required unless maintained for other purposes;

(B) *Compensation cost not attributable to personal service activity.* That portion of the compensation cost for a mixed activity employee that shall not be considered to be attributable to the corporation's personal service activity is the compensation cost for such employee less the amount determined in paragraph (f)(3)(iii)(A) of this section.

(g) *Services substantially performed by employee-owners*—(1) *General rule.* Personal services are substantially performed during the testing period by employee-owners of the corporation if more than 20 percent of the corporation's compensation cost for such period attributable to its activities that are treated as the performance of personal services (within the meaning of paragraph (e) of this section), is attributable to personal services performed by employee-owners.

(2) *Compensation cost attributable to personal services.* For purposes of paragraph (g)(1) of this section—

(i) The corporation's compensation cost attributable to its activities that are treated as the performance of personal services shall be determined under paragraph (f)(3) of this section; and

(ii) The portion of the amount determined under paragraph (g)(2)(i) of this section that is attributable to personal services performed by employee-owners shall be determined by the taxpayer in any reasonable and consistent manner.

(3) *Examples.* The provisions of paragraph (g) of this section may be illustrated by the following examples.

Example (1). For its taxable year beginning February 1, 1987, Corporation A's testing period is the taxable year ending January 31, 1987. During such testing period, A's only activity was the performance of personal services. The total compensation cost of A (including compensation cost attributable to employee-owners) for the testing period was $1,000,000. The total compensation cost attributable to employee-owners of A for the testing period was $210,000. Pursuant to paragraph (g)(1) of this section, the employee-owners of A substantially performed the personal services of A during the testing period because the compensation cost of A's

employee-owners was more than 20 percent of the total compensation cost for all of A's employees (including employee-owners).

Example (2). Corporation B has the same facts as corporation A in example (1), except that during the taxable year ending January 31, 1987, B also participated in an activity that would not be characterized as the performance of personal services under this section. The total compensation cost of B (including compensation cost attributable to employee-owners) for the testing period was $1,500,000 ($1,000,000 attributable to B's personal service activity and $500,000 attributable to B's other activity). The total compensation cost attributable to employee-owners of B for the testing period was $250,000 ($210,000 attributable to B's personal service activity and $40,000 attributable to B's other activity). Pursuant to paragraph (g)(1) of this section, the employee-owners of B substantially performed the personal services of B during the testing period because more than 20 percent of B's compensation cost during the testing period attributable to its personal service activities was attributable to personal services performed by employee-owners ($210,000).

(h) *Employee-owner defined*—(1) *General rule.* For purposes of this section, a person is an employee-owner of a corporation for a testing period if—

(i) The person is an employee of the corporation on any day of the testing period, and

(ii) The person owns any outstanding stock of the corporation on any day of the testing period.

(2) *Special rule for independent contractors who are owners.* Any person who is an owner of the corporation within the meaning of paragraph (h)(1)(ii) of this section and who performs personal services for or on behalf of the corporation shall be treated as an employee for purposes of this section, even if the legal form of that person's relationship to the corporation is such that he or she would be considered an independent contractor for other purposes.

(i) *Special rules for affiliated group filing consolidated return*—(1) *In general.* For purposes of applying this section to the members of an affiliated group of corporations filing a consolidated return for the taxable year—

(i) The members of the affiliated group shall be treated as a single corporation;

(ii) The employees of the members of the affiliated group shall be treated as employees of such single corporation; and

(iii) All of the stock, of the members of the affiliated group, that is not owned by any other member of the affiliated group shall be treated as the outstanding stock of such corporation.

(2) *Examples.* The provisions of this paragraph (i) may be illustrated by the following examples.

Example (1). The affiliated group AB, consisting of corporation A and its wholly owned subsidiary B, filed a consolidated Federal income tax return for the taxable year ending January 31, 1987, and AB is attempting to determine whether it is affected by this section for its taxable year beginning February 1, 1987. During the testing period (i.e., the taxable year ending January 31, 1987), A did not perform personal services while B's only activity was the performance of personal services. On the last day of the testing period, employees of A did not own any stock in A while some of B's employees own stock in A. In the aggregate, B's employees own 9 percent of A's stock on the last day of the testing period. Pursuant to paragraph (i)(1) of this section, this section is effectively applied on a consolidated basis to members of an affiliated group filing a consolidated Federal income tax return. Since the only employee-owners of AB are the employees of B and since B's employees do not own more than 10 percent of AB on the last day of the testing period, AB is not subject to the provisions of this section. Thus, AB is not required to determine on a consolidated basis whether, during the testing period, (a) its principal activity is the providing of personal services, or (b) the personal services are substantially performed by employee-owners.

Example (2). The facts are the same as in example (1), except that on the last day of the testing period A owns only 80 percent of B. The remaining 20 percent of B is owned by employees of B. The fair market value of A, including its 80 percent interest in B, as of the last day of the testing period, is $1,000,000. In addition, the fair market value of the 20 percent interest in B owned by B's employees is $5,000 as of the last day of the testing period. Pursuant to paragraph (d)(1)(iv) and paragraph (i)(1) of this section, AB must determine whether the employee-owners of A and B (*i.e.*, B's employees) own more than 10 percent of the fair market value of A and B as of the last day of the testing period. Since the $14.000 [($100,000.09) + $5,000] fair market value of the stock held by B's employees is greater than 10 percent of the $105,000 ($100,000 + $5,000) aggregate fair market value of A and B as of the last day of the testing period, AB may be subject to this section if, on a consolidated basis during the testing period, (a) the principal activity of AB is the performance of personal services and (b) the personal services are substantially performed by employee-owners.

(j) *Effective date.* This section applies to taxable years beginning after December 31, 1986.

Par. 6. Section 1.702–3T is added in the appropriate place.

§ 1.702–3T 4-year spread (temporary).

(a) *Applicability.* This section applies to a partner in a partnership if—

(1) The partnership is required by section 806 of the Tax Reform Act of 1986 (the 1986 Act), Pub. L. 99–514, 100 Stat. 2362, to change its taxable year for the first taxable year beginning after December 31, 1986 (partnership's year of change); and

(2) As a result of such change in taxable year, items from more than one taxable year of the partnership would, but for the provisions of this section, be included in the taxable year of the partner with or within which the partnership's year of change ends.

(b) *Partner's treatment of items from the partnership's year of change*—(1) *In general.* Except as provided in paragraph (c) of this section, if a partner's share of "income items" exceeds the partner's share of "expense items," the partner's share of each and every income and expense item shall be taken into account ratably (and retain its character) over the partner's first 4 taxable years beginning with the partner's taxable year with or within which the partnership's year of change ends.

(2) *Definitions*—(i) *Income items.* For purposes of this section, the term "income items" means the sum of—

(A) The partner's distributive share of taxable income (exclusive of separately stated items) from the partnership's year of change,

(B) The partner's distributive share of all separately stated income or gain items from the partnership's year of change, and

(C) Any amount includible in the partner's income under section 707(c) on account of payments during the partnership's year of change.

(ii) *Expense items.* For purposes of this section, the term "expense items" means the sum of—

(A) The partner's distributive share of taxable loss (exclusive of separately stated items) from the partnership's year of change, and

(B) The partner's distributive share of all separately stated items of loss or deduction from the partnership's year of change.

(c) *Electing out of 4-year spread.* A partner may elect out of the rules of paragraph (b) of this section by meeting the requirements of § 5h.5 (temporary regulations relating to elections under the Tax Reform Act of 1986).

(d) *Special rules for a partner that is a partnership or S corporation*—(1) *In general.* Except as provided in paragraph (d)(2) of this section, a partner that is a partnership or S corporation may, if otherwise eligible, use the 4-year spread (with respect to partnership interests owned by the partner) described in this section.

(2) *Certain partners prohibited from using 4-year spread*—(i) *In general.* Except as provided in paragraph (d)(2)(ii) of this section, a partner that is a partnership or S corporation may not use the 4-year spread (with respect to partnership interests owned by the partner) if such partner is also changing its taxable year pursuant to section 806 of the 1986 Act.

(ii) *Exception.* If a partner's year of change does not include any income or expense items with respect to the partnership's year of change, such partner may, if otherwise eligible, use the 4-year spread (with respect to such partnership interest) described in this section even though the partner is a partnership or S corporation. See examples (13) and (14) in paragraph (h) of this section.

(e) *Basis of partner's interest.* The basis of a partner's interest in a partnership shall be determined as if the partner elected not to spread the partnership items over 4 years, regardless of whether such election was in fact made. Thus, for example, if a partner is eligible for the 4-year spread and does not elect out of the 4-year spread pursuant to paragraph (c) of this section, the partner's basis in the partnership interest will be increased in the first year of the 4-year spread period by an amount equal to the excess of the income items over the expense items. However, the partner's basis will not be increased again, with respect to the unamortized income and expense items, as they are amortized over the 4-year spread period.

(f) *Effect on other provisions of the Code.* Except as provided in paragraph (e) of this section, determinations with respect to a partner, for purposes of other provisions of the Code, must be made with regard to the manner in which partnership items are taken into account under the rules of this section. Thus, for example, a partner who does not elect out of the 4-year spread must take into account, for purposes of determining net earnings from self-employment under section 1402(a) for a taxable year, only the ratable portion of partnership items for that taxable year.

(g) *Treatment of dispositions*—(1) *In general.* If a partnership interest is disposed of before the last taxable year in the 4-year spread period, unamortized income and expense items that are attributable to the interest disposed of and that would be taken into account by the partner for subsequent taxable years in the 4-year spread period shall be taken into account by the partner as determined under paragraph (g)(2) of this section. For purposes of this section, the term "disposed of" means any transfer, including (but not limited to) transfers by sale, exchange, gift, and by reason of death.

(2) *Year unamortized items taken into account*— (i) *In general.* If, at the end of a partner's taxable year, the fraction determined under paragraph (g)(2)(ii) of this section is—

(A) Greater than ⅔, the partner must continue to take the unamortized income and expense items into account ratably over the 4-year spread period;

(B) Greater than ⅓ but less than or equal to ⅔, the partner must, in addition to its ratable amortization, take into account in such year 50 percent of the income and expense items that would otherwise be unamortized at the end of such year (however, this paragraph (g)(2)(i)(B) is only applied once with respect to a partner's interest in a particular partnership); or

(C) Less than or equal to ⅓, the partner must take into account the entire balance of unamortized income and expense items in such year.

(ii) *Determination of fraction.* For purposes of paragraph (g)(2)(i) of this section, the numerator of the fraction is the partner's proportionate interest in the partnership at the end of the partner's taxable year and the denominator is the partner's proportionate interest in the partnership as of the last day of the partnership's year of change.

(h) *Examples.* The provisions of this section may be illustrated by the following examples.

Example (1). Assume that P1, a partnership with a taxable year ending September 30, is required by the 1986 Act to change its taxable year to a calendar year. All of the partners of P1 are individual taxpayers reporting on a calendar year. P1 is required to change to a calendar year for its taxable year beginning October 1, 1987, and to file a return for the short taxable year ending December 31, 1987. Based on the above facts, the partners of P1 are required to include the items from more than one taxable year of P1 in income for their 1987 taxable year. Thus, under paragraph (b) of this section, if a partner's share of income items exceeds the partner's share of expense items, the partner's share of each and every income and expense item shall be taken into account ratably by such partner in each of the partner's first four taxable years' beginning with the partner's 1987 taxable year, unless such partner elects under paragraph (c) of this section to include all such amounts in his 1987 taxable year.

Example (2). Assume the same facts as in example (1), except P1 is a personal service corporation with all of its employee-owners reporting on a calendar year. Although P1 is required to change to a calendar year for its taxable year beginning October 1, 1987, neither P1 nor its employee-owners obtain the benefits of a 4-year spread. Pursuant to section 806(e)(2)(C) of the 1986 Act, the 4-year spread provision is only applicable to short taxable years of partnerships and S corporations required to change their taxable year under the 1986 Act.

Example (3). Assume the same facts as example (1) and that I is one of the individual partners of P1. Further assume that I's distributive share of P1's taxable income for the short taxable year ended December 31, 1987 (*i.e.*, P1's year of change), is $10,000. In addition, I has $8,000 of separately stated expense from P1's year of change. Since I's income items (*i.e.*, $10,000 of taxable income) exceed I's expense items (*i.e.*, $8,000 of separately stated expense) attributable to P1's year of change, I is eligible for the 4-year spread provided by this section. If I does not elect out of the 4-year spread, I will recognize $2,500 of taxable income and $2,000 of separately stated expense in his 1987 calendar year return. Assuming I does not dispose of his partnership interest in P1 by December 31, 1989, the remaining $7,500 of taxable income and $6,000 of separately stated expense will be amortized (and retain its character) over I's next three taxable years (*i.e.*, 1988, 1989 and 1990).

Example (4). Assume the same facts as example (3), except that I disposes of his entire interest in P1 during 1988. Pursuant to paragraph (g) of this section, I would recognize $7,500 of taxable income and $6,000 of separately stated expense in his 1988 calendar year return.

Example (5). Assume the same facts as in example (3), except that I disposes of 50 percent of his interest in P1 during 1989. Pursuant to paragraph (g) of this section, I would recognize $3,750 of taxable income in his 1989 calendar year return ($2,500 ratable portion for 1989 plus 50 percent of the $2,500 of income items that would otherwise be unamortized at the end of 1989). I would also recognize $3,000 of separately stated expense items in 1989 ($2,000 ratable portion for 1989 plus 50 percent of the $2,000 of separately stated expense items that would otherwise be unamortized at the end of 1989).

Example (6). Assume the same facts as in example (1), except that X, a personal service corporation as defined in section 441(i), is a partner of P1. X is a calendar year taxpayer, and thus is not required to change its taxable year under the 1986 Act. The same result occurs as in example 1 (*i.e.*, unless X elects to the contrary, X is required to include one fourth of its share of income and expense items from P1's year of change in the first four taxable years of X beginning with the 1987 taxable year).

Example (7). Assume the same facts as in example (6), except that X is a fiscal year personal service corporation with a taxable year ending September 30. X is required under the 1986 Act to change to a calendar year for its taxable year beginning October 1, 1987, and to file a return for its short year ending December 31, 1987. Based on the above facts, X is not required to include the items from more than one taxable year of P1 in any one taxable year of X. Thus, the provisions of this section do not apply to X, and X is required to include the full amount of income and expense items from P1's year of change in X's taxable income for X's short year ending December 31. Under section 443

of the Code, X is required to annualize the taxable income for its short year ending December 31, 1987.

Example (9). Assume that P2 is a partnership with a taxable year ending September 30. Under the 1986 Act, P2 would have been required to change its taxable year to a calendar year, effective for the taxable year beginning October 1, 1987. However, P2 properly changed its taxable year to a calendar year for the year beginning October 1, 1986, and filed a return for the short period ending December 31, 1986. The provisions of the 1986 Act do not apply to P2 because the short year ending December 31, 1986, was not required by the amendments made by section 806 of the 1986 Act. Thus, the partners of P2 are required to take all items of income and expense for the short taxable year ending December 31, 1986, into account for the taxable year with or within which such short year ends.

Example (9). Assume that P3 is a partnership with a taxable year ending March 31 and I, a calendar year individual, is a partner in P3. Under the 1986 Act, P3 would have been required to change its taxable year to a calendar year. However, under Rev. Proc. 87–32, P3 establishes and changes to a natural business year beginning with the taxable year ending June 30, 1987. Thus, P3 is required to change its taxable year under section 806 of the 1986 Act, and I is required to include items from more than one taxable year of P3 in one of her taxable years. Furthermore, I's share of P3's income items exceeds her share of P3's expense items for the short period April 1, 1987 through June 30, 1987. Accordingly, under this section, unless I elects to the contrary, I is required to take one fourth of her share of items of income and expense from P3's short taxable year ending June 30, 1987 into account for her taxable year ending December 31, 1987.

Example (10). Assume that P4 is a partnership with a taxable year ending March 31. Y, a C corporation, owns a 51 percent interest in the profits and capital of P4. Y reports its income on the basis of a taxable year ending March 31. P4 establishes and changes to a natural business year beginning with the taxable year ending June 30, 1987, under Rev. Proc. 87–32. Under the above facts, P4 is not required to change its taxable year because its March 31 taxable year was the taxable year of Y, the partner owning a majority of the partnership's profits and capital. Therefore, the remaining partners of P4 owning 49 percent of the profits and capital are not permitted the 4-year spread of the items of income and expense with respect to the short year, even though they may be required to include their distributive share of P4's items from more than one taxable year in one of their years.

Example (11). Assume that X and Y are C corporations with taxable years ending June 30. Each owns a 50-percent interest in the profits and capital of partnership P5. P5 has a taxable year ending March 31. Assume that P5 cannot establish a business purpose in order to retain a taxable year ending March 31, and thus P5 must change to a June 30 taxable year, the taxable year of its partners. Furthermore, assume that X's share of P5's income items exceeds its share of P5's expense items for P5's short taxable year ending June 30, 1987. Unless X elects out of the 4-year spread, the taxable year ending June 30, 1987, is the first of the four taxable years in which X must take into account its share of the items of income and expense resulting from P5's short taxable year ending June 30, 1987.

Example (12). Assume that I, an individual who reports income on the basis of the calendar year, is a partner in two partnerships, P6 and P7. Both partnerships have a taxable year ending September 30. Neither partnership can establish a business purpose for retaining its taxable year. Consequently, each partnership will change its taxable year to December 31, for the taxable year beginning October 1, 1987. The election to avoid a 4-year spread is made at the partner level; in addition, a partner may make such elections on a partnership-by-partnership basis. Thus, assuming I is eligible to obtain the 4-year spread with respect to income and expense items from partnerships P6 and P7, I may use the 4-year spread with respect to items from P6, while not using the 4-year spread with respect to items from P7.

Example (13). I, an individual taxpayer using a calendar year, owns an interest in P8, a partnership using a taxable year ending June 30. Furthermore, P8 owns an interest in P9, a partnership with a taxable year ending March 31. Under section 806 of the 1986 Act, P8 will be required to change to a taxable year ending December 31, while P9 will be required to change to a taxable year ending June 30. As a result, P8's year of change will be July 1 through December 31, 1987, while P9's year of change will be from April 1 through June 30, 1987. Since P9's year of change does not end with or within P8's year of change, paragraph (d)(2) of this section does not prevent P8 from obtaining a 4-year spread with respect to its interest in P9.

Example (14). The facts are the same as in example (13), except that P9 has a taxable year ending September 30, and under the 1986 Act P9 is required to change to a taxable year ending December 31. Therefore, P9's year of change will be from October 1, 1987 through December 31, 1987. Although P8's year of change from July 1, 1987 through December 31, 1987 includes two taxable years of P9 (*i.e.*, October 1, 1986 through September 30, 1987 and October 1, 1987 through December 31, 1987), paragraph (d)(2) of this section prohibits P8 from using the 4-year spread with respect to its interest in P9, because P9's year of change ends with or within P8's year of change.

PART 18—[AMENDED]

Par. 7. The authority for Part 18 continues to read in part:

Authority: 26 U.S.C. 7805. * * *

§§ 18.1366–1 through § 18.1366–4 [Reserved].

Par. 8. Sections 18.1366–1, 2, 3 and 4 are added and reserved and § 18.1366–5 is added in the appropriate place.

§ 18.1366–5 4-year spread.

(a) *Applicability.* This section applies to a shareholder in an S corporation if—

(1) The S corporation is required by section 806 of the Tax Reform Act of 1986 (the 1986 Act), Pub. L. 99–514, 100 Stat. 2362, to change its taxable year for the first taxable year beginning after December 31, 1986 (S corporation's year of change);

(2) As a result of such change in taxable year, items from more than one taxable year of the S corporation would, but for the provisions of this section, be included in the taxable year of the shareholder with or within which the S corporation's year of change ends; and

(3) The corporation was an S corporation for a taxable year beginning in 1986.

(b) *Shareholder's treatment of items from the S corporation's year of change*—(1) *In general.* Except as provided in paragraph (c) of this section, if a shareholder's share of "income items" exceeds the shareholder's share of "expense items," the shareholder's share of each and every income and expense item shall be taken into account ratably (and retain its character) over the shareholder's first 4 taxable years beginning with the shareholder's taxable year with or within which the S corporation's year of change ends.

(2) *Definitions*—(i) *Income items.* For purposes of this section, the term "income items" means the sum of—

(A) The shareholder's pro rata share of the nonseparately computed income from the S corporation's year of change, and

(B) The shareholder's pro rata share of the items of income (including tax-exempt income), from the S corporation's year of change, the separate treatment of which items of income could affect the liability for tax of any shareholder.

(i) *Expense items.* For purposes of this section, the term "expense items" means the sum of—

(A) The shareholder's pro rata share of the nonseparately computed loss from the S corporation's year of change, and

(B) The shareholder's pro rata share of the items of loss and deduction from the S corporation's year of change, the separate treatment of which items of loss and deduction could affect the liability for tax of any shareholder.

(c) *Electing out of 4-year spread.* A shareholder may elect out of the rules of paragraph (b) of this section by meeting the requirements of § 5h.5 (temporary regulations relating to elections under the Tax Reform Act of 1986).

(d) *Basis of shareholder's interest.* The basis of a shareholder's interest in an S corporation shall be determined as if the S corporation shareholder elected not to spread the partnership items over

4 years, regardless of whether such election was in fact made. Thus, for example, if an S corporation shareholder is eligible for the 4-year spread and does not elect out of the 4-year spread pursuant to paragraph (c) of this section, the shareholder's basis in the S corporation interest will be increased in the first year of the 4-year spread period by an amount equal to the excess of the income items over the expense items. However, the shareholder's basis will not be increased again, with respect to the unamortized income and expense items, as they are amortized over the 4-year spread period.

(e) *Effect on other provisions of the Code.* Except as provided in paragraph (d) of this section, determinations with respect to a shareholder, for purposes of other provisions of the Code, must be made with regard to the manner in which S corporation items are taken into account under the rules of this section. Thus, for example, a shareholder who does not elect out of the 4-year spread must take into account, for purposes of determining his or her charitable contribution deduction limitations for a taxable year, only the ratable portion of S corporation items for that taxable year.

(f) *Treatment of dispositions*—(1) *In general.* If S corporation stock is disposed of before the last taxable year in the 4-year spread period, unamortized income and expense items that are attributable to the interest disposed of and that would be taken into account by the shareholder for subsequent taxable years in the 4-year spread period shall be taken into account by the shareholder as determined under paragraph (f)(2) of this section. For purposes of this section, the term "disposed of" means any transfer, including (but not limited to) transfers by sale, exchange, gift, and by reason of death.

(2) *Year unamortized items taken into account*—(i) *In general.* If, at the end of a shareholder's taxable year, the fraction determined under paragraph (f)(3)(ii) of this section is—

(A) Greater than ⅔, the shareholder must continue to take the unamortized income and expense items into account ratably over the 4-year spread period;

(B) Greater than ⅓ but less than or equal to ⅔, the shareholder must, in addition to its ratable amortization, take into account in such year 50 percent of the income and expense items that would otherwise be unamortized at the end of such year (however, this paragraph (f)(2)(i)(B) is only applied once with respect to an S shareholder's interest in a particular S corporation); or

(C) Less than or equal to ⅓, the shareholder must take into account the entire balance of unamortized income and expense items in such year.

(ii) *Determination of fraction.* For purposes of paragraph (f)(2)(i) of this section, the numerator of the fraction is the shareholder's proportionate interest in the S corporation at the end of the shareholder's taxable year and the denominator is the shareholder's proportionate interest in the S corporation as of the last day of the S corporation's year of change.

(g) *Examples.* The provisions of this section may be illustrated by the following examples.

Example (1). Assume that S1, an S corporation with a taxable year ending September 30, is required by the 1986 Act to change its taxable year to a calendar year. All of the shareholders of S1 are individual taxpayers reporting on a calendar year. S1 is required to change to a calendar year for its taxable year beginning October 1, 1987, and to file a return for the short taxable year ending December 31, 1987. Based on the above facts, the shareholders of S1 are required to include the items from more than one taxable year of S1 in income for their 1987 taxable year. Thus, under paragraph (b) of this section, if a shareholder's share of income items exceeds the shareholder's share of expense items, the shareholder's share of each and every income and expense item shall be taken into account ratably by such shareholdler in each of the shareholder's first four taxable years beginning with the shareholder's 1987 taxable year, unless such shareholder elects under paragraph (c) of this section to include all such amounts in his 1987 taxable year.

Example (2). Assume the same facts as in example (1), except S1 is a personal service corporation with all of its employee-owners reporting on a calendar year. Although S1 is required to change to a calendar year for its taxable year beginning October 1, 1987, neither S1 nor its employee-owners obtain the benefits of a 4-year spread. Pursuant to section 806(e)(2)(C) of the 1986 Act, the 4-year spread provision is only applicable to short taxable years of partnerships and S corporations required to change their taxable year under the 1986 Act.

Example (3). Assume the same facts as example (1) and that I is one of the individual shareholders of S1. Further assume that I's share of the nonseparately computed income from S1's taxable income for the short taxable year ended December 31, 1987 (*i.e.*, S1's year of change) is $10,000. In addition, I has $8,000 of nonseparately computed loss from S1's year of change. Since I's income items (*i.e.*, $10,000 of taxable income) exceed I's expense items (*i.e.*, $8,000 of loss) attributable to S1's year of change, I is eligible for the 4-year spread provided by this section. If I does not elect out of the 4-year spread, I will recognize $2,500 of taxable income and $2,000 of loss in his 1987 calendar year return. Assuming I does not dispose of his S corporation interest in S1 by December 31, 1988, the remaining $7,500 of taxable income and $6,000 of loss will be amortized (and retain its character) over I's next three taxable years (*i.e.*, 1988, 1989 and 1990).

Example (4). Assume the same facts as in example (3), except that I disposes of his entire interest in S1 during 1988. Pursuant to paragraph (f) of this section, I would recognize $7,500 of taxable income and $6,000 of loss in his 1988 calendar year return.

Example (5). Assume the same facts as in example (3), except that I disposes of 50 percent of his stock in S1 during 1988. Pursuant to paragraph (f) of this section, I would recognize $3,750 of taxable income in his 1988 calendar year return ($2,500 ratable portion for 1988 plus 50 percent of the $2,500 of income items that would otherwise be unamortized at the end of 1988). I would also recognize $3,000 of separately stated expense items in 1988 ($2,000 ratable portion for 1988 plus 50 percent of the $2,000 of separately stated expense items that would otherwise be unamortized at the end of 1988).

Example (6). Assume that S2 is an S corporation with a taxable year ending September 30. Under the 1986 Act, S2 would have been required to change its taxable year to a calendar year, effective for the taxable year beginning October 1, 1987. However, S2 properly changed its taxable year to a calendar year for the year beginning October 1, 1986, and filed a return for the short period ending December 31, 1986. The provisions of the Act do not apply to S2 because the short year ending December 31, 1986 was not required by the amendments made by section 806 of the 1986 Act. Thus, the shareholders of S2 are required to take all items of income and expense for the short taxable year ending December 31, 1986, into account for the taxable year with or within which such short year ends.

Example (7). Assume that S3 is an S corporation with a taxable year ending March 31 and I, a calendar year individual, is a shareholder in S3. Under the 1986 Act, S3 would have been required to change its taxable year to a calendar year. However, under Rev. Proc. 87–32, S3 establishes and changes to a natural business year beginning with the taxable year ending June 30, 1987. Thus, S3 is required to change its taxable year under section 806 of the 1986 Act, and I is required to include items from more than one taxable year of S3 in one of her taxable years. Furthermore, I's share of S3's income items exceeds her share of S3's expense items for the short period April 1, 1987 through June 30, 1987. Accordingly, under this section, unless I elects to the contrary, I is required to take one-fourth of her share of items of income and expense from S3's short taxable year ending June 30, 1987, into account for her taxable year ending December 31, 1987.

Example (8). Assume that S4 is an S corporation with a taxable year ending March 31. I, an individual, owns 51 percent of the stock of S4. I reports her income on the basis of a taxable year ending March 31. S4 establishes and changes to a natural business year beginning with the taxable year ending June 30, 1987, under Rev. Proc. 87–32. Under the above facts, S4 is not required to change its taxable year because its March 31 taxable

year is allowed pursuant to Rev. Proc. 87–32. Therefore, the remaining shareholders of S4 owning 49 percent of the stock are not permitted the 4-year spread of the items of income and expense with respect to the short year, even if they are required to include their share of S4's items of income and expense from more than one taxable year in one of their years.

Example (9). Assume that C and D are individuals with a taxable year ending June 30. Each owns 50 percent of the stock of corporation S5, an S corporation. S5 has a taxable year ending March 31. S5 cannot establish a business purpose in order to retain a taxable year ending March 31, and thus S5 must change to either a calendar year or a June 30 taxable year (the taxable year of more than 50 percent of its shareholders). Assume that S5 changes to a June 30 taxable year. Furthermore, assume that C's share of S5's income items exceeds C's share of S5's expense items for S5's short taxable year ending June 30, 1987. Unless C elects out of the four-year spread, C's taxable year ending June 30, 1987, is the first of the four taxable years in which C must take into account its share of the items of income and expense resulting from S5's short taxable year ending June 30, 1987.

Example (10). Assume that I, an individual who reports income on the basis of the calendar year, is a shareholder in two S corporations, S8 and S7. Both S corporations have a taxable year ending September 30. Neither S corporation can establish a business purpose for retaining its taxable year. Consequently, each S corporation will change its taxable year to December 31, for the taxable year beginning October 1, 1987. The election to avoid a 4-year spread is made at the shareholder level; in addition, a shareholder may make such elections on an S corporation-by-S corporation basis. Thus, assuming I is eligible to obtain the 4-year spread with respect to income and expense items from S corporations S6 and S7, I may use the 4-year spread with respect to items from S6, while not using the 4-year spread with respect to items from S7.

Example (11). Corporation S8 elected subchapter S status for its taxable year beginning July 1, 1986 and had a short taxable year for the period July 1 through December 31, 1986. S8's shareholders use a calendar year. The shareholders of S8 are not entitled to a 4-year spread with respect to S8's short taxable year ended December 31, 1986, because (a) S8 was not required to change its taxable year for the first taxable year beginning after December 31, 1986, and (b) S8's shareholders did not have items from more than one taxable year of S8 included in their 1986 taxable year.

Example (12). The facts are the same as in example (12), except S8 elected subchapter S status for its taxable year beginning July 1, 1987 and will have a short taxable year for the period July 1 to December 31, 1987. The shareholders of S8 are not entitled to a 4-year spread with respect to S8's short taxable year ended December 31, 1987, because (a) S8's shareholders did not have items from more than one taxable year of S8 included in their 1987 return, and (b) S6 was not an S corporation for a taxable year beginning in 1986.

There is need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason it is impracticable to issue the Treasury decision with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Approved: December 16, 1987.

O. Donaldson Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 87–29361 Filed 12–18–87; 3:21 pm]

BILLING CODE 4830-01-M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 103

Election Procedures

AGENCY: National Labor Relations Board.

ACTION: Clarification of the Supplementary Information statement to the final rule.

SUMMARY: This revision eliminates the suggested informal procedure whereby the Board's Regional Offices would orally remind employers of their notice-posting obligations and substitutes in place thereof a second written notice to employers. It also clarifies the procedure by specifically indicating that failure of a Board agent to so notify will constitute neither grounds for an election objection nor a defense thereto.

EFFECTIVE DATE: December 23, 1987.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, 1717 Pennsylvania Avenue NW., Room 701, Washington, DC 20570, Telephone: (202) 254–9430.

SUPPLEMENTARY INFORMATION: On July 6, 1987, a final rule was published in the **Federal Register** (52 FR 25213–25215) wherein the Board amended its rules to include a provision requiring employers to post a notice of election 3 full working days before an election is conducted.

The Supplementary Information accompanying the final rule stated that the Regional Offices would provide both a written notification to the employer of its notice-posting obligations and an oral reminder. It was anticipated that the written notice would be accomplished by amending the cover letter accompanying the service of an election petition to refer specifically to the employer's notice-posting obligations. Thereafter, the Board agent was to orally remind the employer of the notice-posting rule shortly before the notices were mailed and to indicate such reminder by initialing the Election Order Sheet (Form 706).

Upon further consideration, the Board has decided that a second written notification to the employer, rather than an oral reminder, is a preferable way to apprise employers of their notice-posting obligations. Accordingly, instead of giving an oral reminder, Board Regional Offices will undertake to send out a second written reminder of the notice-posting requirement by attaching a copy of the rule to the Decision and Direction of Election or the approved election agreement at the time these documents are mailed to the employer. For those Regions which send a cover letter with the Decision or election agreement, the letter may be amended to include a reference to the attachment. In those instances where it is unnecessary to mail an election agreement, as the parties have already been given a copy of the agreement at the Regional Office, the Region may mail (or otherwise provide) a copy of the rule to the employer as a separate document.

This second reminder, sent at the time of the Decision and Direction of Election or election agreement, together with the first written notification given in the cover letter accompanying the service of the election petition, will help ensure that employers are reminded of their notice-posting obligations. The Board wishes to clarify, however, that both of these reminders are merely an effort by the Board to keep employers apprised of their obligations under the notice-posting rule and in no event will the failure of the Board or its agents to provide such notice be the basis for an election objection or constitute a defense to an election objection based on an employer's failure to post election notices or otherwise perform its obligations as set forth in the Board's rule. The rule itself is not amended or changed in any way by this revision to the Supplementary Information.

Dated, Washington, DC, December 18, 1987.

By direction of the Board.

National Labor Relations Board.

John C. Truesdale,

Executive Secretary.

[FR Doc. 87–29363 Filed 12–22–87; 8:45 am]

BILLING CODE 7545-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 79; FRL–3289–1]

Approval and Promulgation of Implementation Plans; Revision to the State of New Jersey Implementation Plan for Lead

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces that the Environmental Protection Agency is approving a revision to the New Jersey State Implementation Plan (SIP) for lead. This revision consists of material prepared by the New Jersey Department of Environmental Protection (NJDEP) pursuant to a SIP commitment to conduct studies and implement appropriate actions to maintain the ambient air quality standard for lead in the vicinity of two facilities: Delco Remy in New Brunswick and Heubach Inc. in Newark. Among the actions approved are specific revised emission limitations for Delco Remy and Heubach.

DATES: This action will be effective January 22, 1988.

ADDRESSES. Copies of the SIP revision are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region II Office, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

New Jersey Department of Environmental Protection, Division of Environmental Quality, 401 East State Street, Trenton, New Jersey 08625

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Room 1005, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION:

Background

On November 25, 1986 (51 FR 42565) the Environmental Protection Agency (EPA) approved (with the exception of one small geographic area) the New Jersey State Implementation Plan (SIP) for the attainment and maintenance of the national ambient air quality standard for lead. As a part of its control strategy, the State committed in its SIP to conduct studies of lead emissions in the vicinity of facilities owned by Delco Remy (New Brunswick) and Heubach (Newark) and to implement appropriate actions to maintain the standard in both areas. These studies, known as "reasonably available control technology (RACT)-plus" studies, were designed to determine what control measures in addition to RACT, if any, were needed to attain and maintain the ambient standard for lead.

The State Submittal

To meet its SIP commitment, on December 1, 1986 the State of New Jersey sent EPA a draft SIP revision for Delco Remy and Heubach and requested that EPA conduct its approval process concurrent with the State's.

Following this, New Jersey published in the March 2, 1987 issue of the *New Jersey Register* a public announcement requesting comments on this SIP submittal. The State received no comments and, on May 8, 1987, informed EPA that its December 1, 1986 submittal should be considered final. As a result, on May 14, 1987 (52 FR 18244) EPA published a **Federal Register** notice proposing approval of New Jersey's submittal. No comments were received on this notice. Today's action finalizes EPA's May 14 proposal. As such, it only discusses the adequacy and approvability of the New Jersey lead SIP with respect to the Delco Remy and Heubach facilities.

The specific revision submitted by the New Jersey Department of Environmental Protection (NJDEP) and the results of EPA's review are discussed as follows:

NJDEP submitted to EPA its "RACT-plus" study report on Heubach in February 1986 and on Delco Remy in June 1986. The reports conclude that stack test emission rates were less than the allowable emission rate under existing emission limitations, predicted concentrations from dispersion modeling of actual stack and fugitive emissions were below the lead standard, and monitored ambient lead concentrations near the facilities are below the ambient lead standard. However, for maintenance of the ambient standard for lead, NJDEP has revised the facilities' operating permits to reflect only the lower, current actual lead emission rates at these facilities. For the Delco Remy facility, the permits were revised to specify an overall allowable emission reduction of sixty percent and, for the Heubach facility, an overall reduction of eighty percent. EPA finds that these lower allowable emissions limits for these two facilities will insure continued maintenance of the lead standard at these locations. These permits are already in effect and both Delco Remy and Heubach are in compliance with the revised emission limits. NJDEP will continue to monitor the air in the vicinity of the two facilities. This will be done at least until the end of September 1988, or until such time that NJDEP and EPA mutually agree that ambient monitoring is no longer necessary.

Conclusion

EPA is approving the revision pertaining to the Delco Remy and Heubach facilities as a part of the New Jersey SIP. Today's action expressly incorporates the lead emission limitations in the State permits for Delco Remy and Heubach into the SIP for the State of New Jersey. Such limitations presented in Table A of today's notice may only be revised by appropriate procedures under the Clean Air Act. This revision has been found to fulfill the commitment made by New Jersey in its lead SIP to study the facilities and to implement additional control measures, if necessary.

TABLE A.—REVISED ALLOWABLE EMISSION LIMITS CONTAINED IN PERMITS

NJ Stack No.	Allowable lead emission rate (lbs/hr)
Delco Remy:	
005	0.050
006	.150
009	.160
014	.150
020	.850
026	.120
031	.099
042	.290
043	.350
050	.110
052	.240
053	.110
054	.120
055	.120
056	.120
057	.120
058	.120
060	.200
065/062	.305
Heubach:	
004	.520
012	.033
013	.003
014	.003
015	.048
016	.050
017	.064
018	.048
023	.008
025	.030
026	.008
035	.002
036	.008

This notice is issued as required by section 110 of the Clean Air Act, as amended. The Administrator's decision regarding the approval of this plan revision is based on its meeting the requirements of section 110 of the Clean Air Act and 40 CFR Part 51.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days of publication. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Lead, Incorporation by reference.

Note:—Incorporation by reference of the State Implementation Plan for the State of New Jersey was approved by the Director of the Federal Register on July 1, 1982.

Date: September 29, 1987.

Lee M. Thomas,

Administrator, Environmental Protection Agency.

Title 40, Chapter I, Subchapter C, Part 52, Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart FF—New Jersey

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1570 is amended by adding new paragraph (c)(41) to read as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) * * *

(41) A revision to the New Jersey State Implementation Plan (SIP) for lead was submitted on December 1, 1986, by the New Jersey Department of Environmental Protection.

(i) Incorporated by reference:

(A) The following operating permit amendments for the Delco Remy facility in New Brunswick:

Permit amendment numbers	Permit amendment dates
286–1166 through 286–1184.	All permits effective 9/24/86.

(B) The following operating permit amendments for the Heubach Inc. facility in Newark:

Permit amendment numbers	Permit amendment dates
286–0523 through 286–0531.	All permits effective 4/30/86.
286–0266, 286–0267, 286–0269, 286–0290.	All permits effective 2/26/86.

(ii) Additional material:

(A) Technical documentation of ambient modeling and monitoring for lead in the vicinity of Delco Remy, New Brunswick.

(B) Technical documentation of ambient modeling and monitoring for lead in the vicinity of Heubach Inc., Newark.

[FR Doc. 87–29900 Filed 12–22–87; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[OPP–00251; FRL–3305–3]

Pesticide Tolerances for Benomyl; Technical Amendment and Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment and correction.

SUMMARY: This technical amendment clarifies duplicative amendatory language in an amendment to 40 CFR 180.294 by setting out the section in its entirety. No new regulatory requirements are added. Also, a correction of a typographical error is made in the entry for rutabagas in § 180.294(a).

EFFECTIVE DATE: December 23, 1987.

FOR FURTHER INFORMATION CONTACT: Hoyt Jamerson, Emergency Response and Minor Use Section (TS–767C), Registration Division, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Office location and telephone number: Rm. 716H, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)–557–2310.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 2, 1987 (52 FR 33238), EPA amended 40 CFR 180.294 by designating the existing text as paragraph (a) and adding a new paragraph (b). In the **Federal Register** of October 7, 1987 (52 FR 37454), EPA amended 40 CFR 180.294 to add a commodity, watercress, to paragraph (b). The second amendment, which appeared as item 3 on page 37454, inadvertently repeated components of the amendment of September 2, 1987; 52 FR 33238, i.e., designating the existing text as paragraph (a) and adding new paragraph (b): This technical amendment clarifies § 180.294 by republishing it. No new regulatory requirements are being set forth, and advance notice and public comment are not necessary.

In addition, the entry for rutabagas in § 180.294(a) is corrected to read 0.2. The preamble to the rule published in the **Federal Register** of November 12, 1981 (46 FR 55693), which added the entry, specifies that the tolerance is 0.2, but a typographical error caused it to be listed as 0. in the table to § 180.294 (46 FR 55695). This document corrects that typographical error.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 16, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.294 is revised in its entirety, to read as follows:

§ 180.294 Benomyl; tolerances for residues.

(a) Tolerances are established for the combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the following raw agricultural commodities:

Commodities	Parts per million
Almond hulls	1.0
Apples (pre- and post-H)	7.0
Apricots (pre- and post-H)	15.0
Avocados	3.0
Bananas (pre- and post-H): (NMT 0.2 ppm (N) shall be present in the pulp after peel is removed and discarded)	1.0
Barley, grain	0.2
Barley, straw	0.2
Beans	2.0
Bean vine forage	50.0
Beets, sugar, roots	0.2
Beets, sugar, tops	15.0
Blackberries	7.0
Blueberries	7.0
Boysenberries	7.0
Broccoli	0.2
Brussels sprouts	15.0
Cabbage	0.2
Carrots	0.2
Cattle, fat	0.1
Cattle, meat	0.1
Cattle, mbyp	0.1
Cauliflower	0.2
Celery	3.0
Cherries (pre- and post-H)	15.0
Chinese cabbage	15.0
Citrus fruit (pre-and post-H)	15.0
Collards	0.2
Corn, fresh (inc. sweet K+CWHR)	0.2
Corn, sweet, fodder and forage	0.2
Cucumbers	1.0
Currants	7.0
Dandelions	10.0
Dewberries	7.0
Eggplants	0.2
Eggs	0.1
Garlic	0.2
Goats, fat	0.1
Goats, meat	0.1
Goats, mybp	0.1
Grapes	10.0
Hogs, fat	0.1
Hogs, meat	0.1
Hogs, mbyp	0.1
Horses, fat	0.1
Horses, meat	0.1
Horses, mbyp	0.1
Kale	0.2
Kohlrabi	0.2
Kogerberries	7.0
Mangoes	5.0
Melon	1.0
Milk	0.1
Mushrooms (pre-and post-H)	10.0
Mustard greens	0.2
Nectarines (pre- and post-H)	15.0
Nuts	0.2 (N)
Oats, grain	0.2
Oats, straw	0.2
Papayas	5.0
Peaches (pre- and post-H)	15.0
Peanuts	0.2
Peanut forage	15.0
Peanut hay	14.0
Peanut hulls	5.0
Pears (pre-and post-H)	7.0
Peppers	0.2
Pineapples (post-H)	25.0
Plums (including fresh prunes) (pre- and post-H)	15.0
Poultry, fat	0.1
Poultry, liver	0.2
Poultry, meat	0.1
Poultry, mbyp	0.1
Pumpkins	1.0
Raspberries	7.0
Rice	5.0
Rice straw	15.0
Rutabagas	0.2
Rye, grain	0.2
Rye, straw	0.2
Sheep, fat	0.1
Sheep, meat	0.1
Sheep, mbyp	0.1
Soybeans	5.0
Spinach	0.2
Squash, summer	1.0
Squash, winter	1.0
Strawberries	5.0
Sweet potatoes	0.2
Tomatoes	5.0
Turnips, roots	0.2
Wheat, grain	0.2
Wheat, straw	15.0
Turnip greens	5.0
Watercress	10.0

(b) Tolerances with regional registration, as defined in § 180.1(n), are established for residues of the fungicide benomyl (methyl 1-[butylcarbamoyl]-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodities.

[FR Doc. 87–29367 Filed 12–22–87; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 7E3467/R908; FRL–3305–7]

Pesticide Tolerance for Benomyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the fungicide benomyl in or on the raw agricultural commodity pistachios. The Interregional Research Project No. 4 (IR–4) petitioned for this tolerance.

EFFECTIVE DATE: December 23, 1987.

ADDRESS: Written objections, identified by the document control number, [PP 7E3467/R908], may be submitted to: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Donald R. Stubbs, Emergency Response and Minor Use Section (TS–767C), Registration Division (TS–767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716H, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)–557–1806.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of July 29, 1987 (52 FR 28313), in which it was announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NY 08903, had submitted pesticide petition 7E3467 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project, and the Agricultural Experiment Station of California.

The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the fungicide benomyl (methyl 1-[butylcarbamonyl]-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodity pistachios at 0.2 part per million (ppm). The petitioner proposed that this use of benomyl on pistachios be limited to California based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and all other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 16, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.294 is amended by adding and alphabetically inserting the listing for the raw agricultural commodity pistachios in paragraph (b), to read as follows:

§ 180.294 Benomyl; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million
* * * * *	
Pistachios	0.2
* * * * *	

[FR Doc. 87-29366 Filed 12-22-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 4E3100/R925; FRL-3305-5]

Pesticide Tolerance for Fluazifop-Butyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide fluazifop-butyl in or on the raw agricultural commodity sweet potatoes. The Interregional Research Project No. 4 (IR-4) petitioned for this tolerance.

EFFECTIVE DATE: December 23, 1987.

ADDRESS: Written objections, identified by the document control number, [PP 4E3100/R925], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (TS-767C), Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-2310.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the Federal Register of November 6, 1987 (52 FR 42684), in which it was announced that the Interregional Reearch Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 4E3100 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project, and the Agricultural Experiment Stations of Florida, North Carolina, and Louisiana.

The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the residues of the herbicide [R]-2-[4-[[5-(trifluoromethyl-2-pyridinyl]oxy]phenoxy]propanoic acid (fluazifop), both free and conjugated, and of butyl [R]-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]p ropanoate(fluazifop-P-butyl), all expressed as fluazifop, in or on the raw agricultural commodity sweet potatoes at 0.5 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and all other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 16, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.411(c) is amended by adding and alphabetically inserting the listing for the raw agricultural commodity sweet potatoes, to read as follows:

§ 180.411 Fluazifop-butyl; tolerances for residues.

* * * * *

(c) * * *

Commodity	Parts per million
* * * * *	
Sweet potatoes	0.5
* * * * *	

[FR Doc. 87-29368 Filed 12-22-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 6E3425/R924; FRL-3305-6]

Pesticide Tolerance for N-(Mercaptomethyl) Phthalimide S- (O,O-Dimethyl Phosphorodithioate)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) (referred to in this document as phosmet) and its oxygen analog in or on the raw agricultural commodity pistachios. The Interregional Research Project No. 4 (IR-4) petitioned for this tolerance.

EFFECTIVE DATE: December 23, 1987.

ADDRESS: Written objections, identified by the document control number, [PP 6E3425/R924], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail:

Donald R. Stubbs, Emergency Response and Minor Use Section (TS-767C), Registration Division (TS-767C), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Office location and telephone number: Rm. 716H, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-1806.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the Federal Register of November 6, 1987 (52 FR 42685), in which it was announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 6E3425 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project, and the Agricultural Experiment Station of California.

The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for cholinesterase-inhibiting residues of the insecticide phosmet and its oxygen analog *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorothioate in or on the raw agricultural commodity pistachios at 0.1 par per million (ppm).

The petitioner proposed that the use of phosmet on pistachios be limited to California based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and all other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 16, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.261 is amended by designating the current text and list of tolerances as paragraph (a), by revising the introductory text of designated paragraph (a), and by adding new paragraph (b) to read as follows:

§ 180.261 N-(Mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) and its oxygen analog; tolerances for residues.

(a) Tolerances are established for the sum of the residues for the insecticide *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) and its oxygen analog *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorothioate) in or on the following raw agricultural commodities:

* * * * *

(b) Tolerances with regional registration, as defined in § 180.1(n), are established for the sum of the residue for the insecticide *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) and its oxygen analog *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorothioate) in or on the following raw agricultural commodity:

Commodity	Parts per million
Pistachios	0.1

[FR Doc. 87-29369 Filed 12-22-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 6E3360/R894; FRL-3305-8]

Pesticide Tolerances for Permethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the insecticide permethrin and the sum total of its metabolites DCVA and 3-PBA in or on the raw agricultural commodities collards, turnip greens, and turnip roots. The regulation to establish maximum permissible levels for residues of the insecticide in or on the commodities was requested in a petition by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on December 23, 1987.

ADDRESS: Written objections, identified by the document control number, [PP 6E3360/R894], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail:

Donald R. Stubbs, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Office location and telephone number: Rm. 716H, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1806).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the Federal Register of June 3, 1987 (52 FR 20753), which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 6E3360 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project, and the Agricultural Experiment Stations of Georgia, Florida, North Carolina, Oklahoma, and Texas.

The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of the insecticide permethrin [(3-phenoxyphenyl)methyl-3-(2,2-dichloroethenyl)2-,2-dimethylcyclopropane carboxylate] and the sum of its metabolites 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl) methanol (3-PBA) in or on the following raw agricultural commodities: collards and turnip greens at 20 parts per million (ppm) and turnip roots at 1 ppm.

There were no comments or requests for referral to an advisory committee

received in response to the proposed rule.

The data submitted in the petition and all other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 10, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows.

Authority: 21 U.S.C. 346a.

2. Section 180.378 is amended by adding new paragraph (d) to read as follows:

§ 180.378 Permethrin; tolerances for residues.

* * * * *

(d) Tolerances with regional registration, as defined in § 180.1(n), are established for residues of permethrin [(3-phenoxyphenyl)methyl-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate] and the sum of its metabolites 3-(2,2-dischloroethenyl(-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl)methanol (3-PBA) in or on the following raw agricultural commodities:

Commodities	Parts per million
Collards	20
Turnip greens	20
Turnip roots	1

[FR Doc. 87–29370 Filed 12–22–87; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–38

[FPMR Temp. Reg. G–48, Supp. 1]

Federal Motor Vehicle Expenditure Control

AGENCY: Federal Supply Service, GSA.

ACTION: Temporary regulation.

SUMMARY: FPMR Temp. Reg. G–48, dated August 6, 1986, established policy, procedures, and reporting requirements concerning the implementation of Subtitle C—Federal Motor Vehicle Expenditure Control, Pub. L. 99–272, Consolidated Omnibus Budget Reconciliation Act of 1985. This supplement advises agencies that the performance of a study to consolidate agency-owned vehicles into the Interagency Fleet Management System (IFMS) will not satisfy the cost comparison study requirements of subparagraph 8d unless consolidation occurs. GSA will consider agency plans for the performance of studies required by subparagraph 8d prior to beginning new consolidation studies. This supplement also specifies that GSA, with the assistance of the using agencies, will conduct the studies comparing the cost of IFMS vehicles, including newly consolidated vehicles, with the cost of vehicles obtained from the commercial sector and other alternatives. These revisions require the owning agency to perform any cost comparison studies for its own vehicles. The revisions ensure that all vehicle resources are included in the cost comparison study process to determine the Government's most cost-effective and efficient motor vehicle fleet operation.

DATES: *Effective date:* December 23, 1987.

Expiration date: June 30, 1988.

Comment date: Comments must be received on or before January 29, 1988.

ADDRESS: Comments should be addressed to the General Services Administration (FBF), Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: Mr. William Rivers, Fleet Management Division (703) 557–1278.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this is not a major rule for the purposes of E.O. 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in cost to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and the consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101–38

Government property management, Motor vehicles.

PART 101–38—[AMENDED]

The authority citation for Part 101–38 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

In 41 CFR Ch. 101, the following supplement to FPMR Temp. Reg. G–48 is added to the appendix at the end of Subchapter G to read as follows:

Federal Property Management Regulations, Temporary Regulation G–48, Supplement 1

December 14, 1987.

To: Heads of Federal agencies.

Subject: Federal motor vehicle expenditure control.

1. *Purpose.* This supplement amends FPMR Temporary Regulation G–48 to revise the requirements for conducting the cost comparison studies referenced in subparagraphs 8d and 9b and to add a new subparagraph 9f to specify a new General Services Administration (GSA) responsibility to perform cost comparison studies of Interagency Fleet Management System (IFMS) operations.

2. *Effective date.* This supplement is effective upon publication in the **Federal Register.**

3. *Expiration date.* This supplement expires June 30, 1988, unless sooner superseded or canceled.

4. *Explanation of changes.* a. Subpar. 8d is revised to remove the exception of agency vehicles which are being studied for consolidation into the IFMS and to add that GSA will perform the private sector cost comparison of agency vehicles provided from the IFMS as follows:

d. Each executive agency shall conduct or have conducted a comprehensive and detailed study to compare the agency's current motor vehicle operations with: (1) use of the IFMS, (2) contracting with a qualified private fleet management firm or other private contractor, and (3) use of any other means less costly to the Government. In performing a study, an agency shall consider all agency-owned and leased motor vehicles as defined in attachment A, with the exception of vehicles provided from the IFMS. The IFMS vehicles shall be compared with alternatives (2) and (3) above by GSA, as set forth in subpar. 9f, with the assistance of the agency if requested by GSA. Studies conducted pursuant to this subpar shall compare the full costs (accrual based, of the cost elements specified in attachment B), benefits, and feasibility of relying on the alternatives described above in (1), (2), and (3) if available, to meet the agency's fleet requirements. Agencies should consider the provisions of OMB Circular A–76, Performance of Commercial Activities, when performing the studies required by this subpar.

b. Subpar. 9b is revised to indicate that performance of a fleet consolidation study will not satisfy the comprehensive and detailed study requirements of subpar. 8d and to indicate that GSA will perform the cost comparsion study focusing on the private sector if consolidation occurs as follows:

b. GSA will continue to review and identify interagency opportunities for the consolidation of motor vehicles, related equipment, and facilities. GSA will also consolidate those functions relating to the administration and management of such vehicles, equipment, and facilities to reduce the size and cost of the Government's motor vehicle fleet in accordance with the provisions of section 211 of the Federal Property and Administrative Services Act, as amended (40 U.S.C. 491). Where one or more agencies request to consolidate their vehicles with the GSA IFMS fleet, either into an existing or new Fleet Management Center, and the action is mutually agreeable, the study process required by section 211 will be conducted by GSA and the requesting agencies. If consolidation would result in a cost savings, that action can be taken and GSA will perform the cost comparison segment focusing on the private sector, as set forth in subpar. 9f. Performance of a consolidation study will not exempt an agency from performing the other study segments of subpar. 8d unless consolidation occurs. In identifying consolidation opportunities, GSA will consider agency plans for the performance of studies required by subpar. 8d. At locations where an agency has scheduled the study required by subpar. 8d, that study shall take precedence over the performance of a section 211 consolidation study.

c. Subpar. 9f is added to indicate GSA will perform cost comparison studies focusing on the private sector for IFMS vehicles as follows:

f. GSA, with the assistance of the agencies utilizing IFMS vehicles, will conduct comprehensive and detailed studies to compare the full costs (accrual based, of the cost elements specified in attachment B) and benefits of the IFMS operations with the costs, benefits, and feasibility of entering into contracts with qualified private fleet management firms, other private contractors, or any other means less costly to the Government, if available, to meet its fleet requirements. The performance of these studies should consider the provisions of OMB Circular A–76.

5. *Comments.* Comments or inquiries concerning the impact of this regulation should be submitted to the General Services Administration (FBF), Washington, DC 20406, not later than January 29, 1988, for consideration and possible incorporation into a permanent regulation.

T.C. Golden,

Administrator of General Services.

[FR Doc. 87–29319 Filed 12–22–87; 8:45 am]

BILLING CODE 6820-34-M

Proposed Rules

Federal Register
Vol. 52, No. 246
Wednesday, December 23, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-ASW-39]

Airworthiness Directives; Hercules; Lenair Corporation; Smith Helicopters; and West Coast Fabrications; Model UH-1E, UH-1L, and TH-1L Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require repetitive inspections and impose a maximum service life on certain rod end bearing assemblies in the flight control system on Model UH-1E, UH-1L, and TH-1L helicopters (modified by Hercules; Lenair Corporation; Smith Helicopters; and West Coast Fabrications).

The proposed AD is needed to preclude possible failure of the main rotor assembly and possible loss of the helicopter.

DATES: Comments must be received on or before February 1, 1988.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Office of the Regional Counsel, FAA, Southwest Region, Forth Worth, Texas 76193-0007, or delivered in duplicate to: Office of the Regional Counsel, FAA Southwest Region, Room 158, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas. Comments delivered must be marked: Docket No. 86-ASW-39. Comments may be inspected in Room 158, Building 3B, Office of the Regional Counsel, Southwest Region, between 8 a.m. and 4 p.m., weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Henry, Helicopter Certification Branch, ASW-170, Federal Aviation Administration, Fort Worth, Texas 76193-0170, telephone (817) 624-5166.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, Office of the Regional Counsel, 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 86-ASW-39." The postcare will be date/time stamped and returned to the commenter.

The U.S. military has ordered corrective actions on certain rod end bearings on their "Cobra" and "Huey" series helicopters. A few aircraft from the affected models have been certified under subparagraph 21.25(a)(2) of the Federal Aviation Regulations as civil, restricted category helicopters.

The FAA was informed by U.S. Army Aviation System Command Message 142140Z, November 1986, that the Army had ordered the reduction in service life of rod end bearing assemblies on military AH-1, TH-1, UH-1C, and UH-1H helicopters from 1650 to 600 hours' time in service. A rod end bearing assembly, Bell Helicopter Textron, Inc. (BHTI) Part Number (P/N) 204-076-428-5, on an AH-1 helicopter failed in fatigue at 790 hours' time in service, due to a crack which originated near a staking mark on the bearing housing.

The FAA was also informed by Message 082043Z, May 87, from the Pensacola Naval Aviation Depot that the U.S. Navy would require review of service life history on the P/N 204-076-428 rod end bearing assemblies for all UH-1E, UH-1L, TH-1L, and HH-1K helicopters. Bearings with 600 or more hours' time in service were to be replaced when serviceable parts became available.

The bearing assemblies involved in these actions are BHTI P/N's 204-076-428-1, -3, and -5. The -1 and -3 bearings are not serialized and the service history is therefore not documented. In addition, until recently the service history of the serialized improved design -5 bearing may not have been recorded. Thus, the time in service of many of the affected 204-076-428 bearings may be unknown.

Since this condition is likely to exist on FAA Certified UH-1E, UH-1L, and TH-1L helicopters of the same military design, the AD would require repetitive inspections of the rod end bearing assembly to check for cracks and would establish a 600 hours service life on newly added parts.

The manager of Military Spares Administration at BHTI informed the FAA that an 11 month lead time is required to supply the part to civilian operators of surplus military helicopters. Therefore, the inspection/replacement intervals have been adjusted accordingly.

The FAA has determined that this proposed regulation involves approximately 19 aircraft, with an estimated cost of approximately $6,500 per aircraft and would not exceed $26,000 per operator. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034;' February 26, 1979); and (3) if promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the FAR as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new AD:

Hercules; Lenair Corporation; Smith Helicopters; and West Coast Fabrications; Applies to Model UH-1E, UH-1L, and TH-1L helicopters modified by Hercules; Lenair Corporation: Smith Helicopters, and West Coast Fabrications certified in any category that have P/N 204-076-428-1, -3, or -5 rod end bearing assemblies installed.

Compliance is required as indicated, unless already accomplished.

To detect possible cracks in the collective and cyclic rod end bearing assemblies, P/N 204-076-428-1, -3, or -5, installed on Model UH-1E, UH-1L, and TH-1L helicopters, accomplish the following:

(a) Prior to the next flight after the effective date of this AD and thereafter at intervals not to exceed 10 hours' time in service from the last inspection, visually inspect the rod end bearing assemblies for cracks. Perform the visual inspections by disconnecting the cyclic and collective control tube assemblies from the swashplate horns and the collective pitch control lever.

(b) Whenever the rod end bearing assemblies are removed for any reason, inspect for cracks using a fluorescent penetrant or equivalent method.

Note: Inspections specified by paragraphs (a) and (b) above are not required on rod end bearing assembly P/N 204-076-428-5 having documented time in service of less than 600 hours.

(c) If a crack is found during these inspections replace the rod end bearing with a serviceable part prior to further flight.

(d) Replace rod end bearing assemblies, P/N 204-076-428-1 or -3 within 11 calendar months from the effective date of this AD with rod end bearing assembly, P/N 204-076-428-5, having a documented known service life of less than 600 hours' time in service.

(e) Replace rod end bearing assembly P/N 204-076-428-5, not having a documented known service life, or those with greater than 600 hours' time in service, within 11 calendar months from the effective date of this AD with rod end bearing assembly P/N 204-076-428-5 having a documented service life of less than 600 hours' time in service.

(f) Retire from service rod end bearing assembly, P/N 204-076-428-5 at 600 hours' time in service or less after initial replacement described in paragraphs (d) and (e).

(g) An alternate method of compliance which provides an equivalent level of safety with this AD may be used when approved by the Manager, Helicopter Certification Branch, Federal Aviation Administration, Fort Worth, Texas, 76193-0170.

Issued in Fort Worth, Texas on December 1, 1987.

Don P. Watson,

Acting Director, Southwest Region.

[FR Doc. 87-29358 Filed 2-22-87; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 852-3213]

Sun Industries, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a Jonesboro, AR, manufacturer and seller of tanning devices and related products from misrepresenting that the use of a tanning device does not pose a risk of any harmful side effects to users. Respondent would be required to include a warning statement in any ads and promotional materials for its tanning devices.

DATE: Comments must be received on or before February 22, 1988.

ADDRESS: Comments should be addressed to: FTC/Office of the Secretary, Room 136, 6th St. and Pennsylvania Ave. NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: FTC/S-4002, C. Lee Peeler, Washington, DC 20580, (202) 326-3090.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Suntanning devices, Trade practices.

Before Federal Trade Commission

[File No. 852-3213]

Agreement Containing Consent Order To Cease and Desist

In the Matter of Sun Industries, Inc., a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Sun Industries, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, and it now appearing that the proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Sun Industries, Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Sun Industries, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Arkansas, with its office and principal place of business located at 2409 Industrial Drive, P.O. Box 2026, Jonesboro, Arkansas 72403-2026.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of the complaint attached hereto.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the proposed complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

VOL 52 ISS 246 DEC 23 1987 UMI

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the proposed complaint attached hereto.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent: (1) Issue its complaint corresponding in form and substance with the proposed complaint attached hereto and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect hereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to-order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

Definition

For the purpose of this Order, the following definition shall apply:

"Tanning device" means any product designed to incorporate one or more ultraviolet lamps and intended for irradiation of any part of the living human body by ultraviolet radiation to induce skin tanning.

I

It is ordered that respondent Sun Industries, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any tanning device, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, directly or by implication, through the use of the word safe or any other word or words of similar meaning, that use of any such tanning device does not pose a risk of any harmful side effect to the user.

II

It is further ordered that respondent Sun Industries, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any tanning device, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, directly or by implication, that:

a. Use of any such device does not increase the risk of developing skin cancer; and

b. Protective eye wear is not needed when using any such device.

III

It is further ordered that for one year after the date of service of this Order respondent Sun Industries, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any tanning device, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to prominently disclose in any print advertisement, film, video tape or any other promotional material the following statement:

Notice.—Read the mandatory FDA warning label found on every tanning machine for important information on potential eye injury, skin cancer, skin aging and photosensitive reactions.

The above-required language shall be included in printed material printed in a typeface and color that are clear and conspicuous, and, in multipage documents, shall appear on the cover or first page; and in any film, video tape, or slide promotional material shall be included either orally or visually in a manner designed to ensure clarity and prominence; provided, further, that nothing contrary to, inconsistent with, or in mitigation of the above-required statement shall be used in any advertising or promotional materials.

IV

It is further ordered that commencing one year after the date of service of this Order respondent Sun Industries, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any tanning device, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making in any print advertisement, film, video tape or any other promotional material any representation, directly or by implication, that the tanning device is safe or safer than other devices or methods of tanning or that the device has health benefits unless the following statement is given:

Notice.—Read the mandatory FDA warning label found on every tanning machine for important information on potential eye injury, skin cancer, skin aging and photosensitive reactions.

The above-required language shall be included in printed material printed in a typeface and color that are clear and conspicuous, and, in multipage documents, shall appear on the cover or first page; and in any film, video tape, or slide promotional material shall be included either orally or visually in a manner designed to ensure clarity and prominence; provided, further, that nothing contrary to, inconsistent with, or in mitigation of the above-required statement shall be used in any advertising or promotional materials.

V

It is further ordered that respondent Sun Industries, Inc., its successors and assigns and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, or distribution of any product for personal or household use, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making, directly or by implication, any health or safety representation unless, at the time of such representation, respondent possesses and relies upon a reasonable basis for each such representation, consisting of reliable and competent scientific evidence that substantiates such representation; provided however, that to the extent such evidence of a reasonable basis consists of scientific or professional tests, analyses, research, studies or any other evidence based on expertise of professionals in the relevant area, such evidence shall be "reliable and competent" only if these tests, analyses, research, studies, or other evidence are conducted and evaluated in an objective manner by persons qualified to do so, and using procedures generally accepted in the profession to yield accurate and reliable results.

VI

It is further ordered that respondent shall distribute a copy of this Order to each current officer, employee, agent and/or representative having sales or promotional responsibilities with respect to the subject matter of this Order, and to each dealer, distributor, and purchaser or lessee for commercial use, of its tanning devices (such as health clubs, tanning salons, beauty salons, catalogue houses, and tanning device retailers) known through existing company records to be in operation on the effective date of this order.

VII

It is further ordered that for three (3) years from the date that the respesentations to which they pertain are last disseminated, respondent, its successors and assigns shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials relied upon to substantiate any claim or representation covered by this Order; and

B. All test reports, studies, surveys, or other materials in its possession or control or of which it has knowledge that contradict, qualify, or call into question such representation or the basis upon which respondent relied for such representation, including complaints from consumers.

VIII

It is further ordered that for ten (10) years after the date of service of this Order respondent, its successors and assigns shall maintain for three (3) years from the last date of dissemination of the material a copy of each nonidentical form of promotional and training material disseminated by respondent and upon request make such material available to the Federal Trade Commission or its staff for inspection and copying.

IX

It is further ordered that for ten (10) years after the date of service of this Order respondent, its successors and assigns shall maintain, for three (3) years and upon request make available to the Federal Trade Commission for inspection and copying records of the name and last known address of each dealer, distributor and purchaser or lessee for commercial use of respondent's sunlamp products.

X

It is further ordered that respondent, its successors and assigns shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the Order.

XI

It is further ordered that respondent shall, within sixty (60) days after service of this Order upon it and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied or intends to comply with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted subject to final approval an agreement to a proposed consent order from Sun Industries, Inc. (Sun Industries).

The proposed consent order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action, or make final the proposed order contained in the agreement.

This matter concerns advertisements for Sun Industries' tanning devices which use lamps emitting ultraviolet (UV) radiation to cause tanning of the user's skin.

The Commission's complaint in this matter charges Sun Industries with disseminating advertisements containing false and unsubstantiated representations regarding the safety of its tanning devices. According to the complaint, advertisements for Sun Industries' tanning devices falsely claimed that the devices can be used without risking the harmful side effects associated with exposure to the sun, including the risk of developing skin cancer, and that the devices could safely be used without eye protection. The complaint alleges that these claims are, in fact, false and that Sun Industries' tanning devices cannot be used without risking the harmful side effects associated with the sun, including skin cancer, and that the devices cannot be safely used without eye protection.

The complaint also alleges that the advertisements contained false representations that Sun Industries had a reasonable basis for the claims that its devices could be used without the risk of the harmful side effects associated with exposure to the sun and that its devices could safely be used without eye protection when, in fact, Sun Industries did not have a reasonable basis for these representations.

The consent order contains provisions designed to remedy the advertising violations charged as well as to prevent Sun Industries from engaging in similar acts and practices in the future. Part I of the consent order prohibits Sun Industries from misrepresenting, directly or by implication, through the use of the word "safe" or any other word or words of similar meaning, that use of its tanning devices does not pose a risk of any harmful side effect to the user.

Part II of the consent order prohibits Sun Industries from misrepresenting, directly or by implication, that its devices do not increase the user's risk of skin cancer and that protective eye wear is not needed when using the devices.

Part III of the consent order requires that for one year Sun Industries include in all advertisements and promotional materials a notice statement alerting users to read the mandatory FDA warning label for important information on potential eye injury, skin cancer, skin aging and photosensitive reactions.

Part IV of the consent order requires that commencing one year after the date of service of this order Sun Industries include a notice statement in any advertisement making a claim that its tanning devices are safe or safer than other devices or methods of tanning or that the device has health benefits. The statement alerts users to read the mandatory FDA warning label for important information on potential eye injury, skin cancer, skin aging and photosensitive reactions.

Part V of the consent order requires Sun Industries to have reliable and

BEST COPY AVAILABLE

competent scientific evidence to support any health or safety representations contained in an advertisement.

Part VI of the consent order requires Sun Industries to send a copy of the consent order to each of its dealers and distributors and to each entity which has purchased or leased its devices for commercial use (such as health clubs, tanning salons, beauty salons, catalogue houses, and retail outlets) known through existing company records to be in operation on the effective date of the consent order.

Parts VII through XI of the consent order are standard order provisions requiring Sun Industries to retain certain business records, report to the Commission certain corporate changes and provide a report to the Commission on its compliance with the provisions of the consent order.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,

Secretary.

[FR Doc. 87-29360 Filed 12-22-87; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 18

[LR-45-87]

Income Taxes; Taxable Years of Certain Entities

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is issuing temporary regulations relating to taxable years of personal service corporations, partnerships and S corporations (and owners of those entities). Changes to the applicable law were made by the Tax Reform Act of 1986. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be mailed or delivered by February 22, 1988. The amendments are proposed to be effective for taxable years beginning after December 31, 1986.

ADDRESS: Send comments and requests for public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-45-87) Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Arthur E. Davis III of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attention: CC:LR:T), (202) 566-3238, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations (designated by a "T" following the section citation) in the Rules and Regulations portion of this issue of the **Federal Register** amend Part 1 of Title 26 of the Code of Federal Regulations. These amendments are proposed to conform the regulations to the requirements of section 806 of the Tax Reform Act of 1986 (Pub. L. 99-514), 100 Stat. 2362. For the text of the temporary regulations, see FR Doc. (T.D. 8167) published in the Rules and Regulations portion of this issue of the **Federal Register**. The preamble to the temporary regulations provides a discussion of the rules. The final regulations, which this document proposes to base on those temporary regulations, would amend Part 1 of Title 26 of the Code of Federal Regulations.

Special Analysis

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. Although this document is a notice of proposed rulemaking that solicits public comments, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is Arthur E. Davis III of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of both substance and style.

List of Subjects

26 CFR 1.441-1—1.483-2

Income taxes, Accounting, Deferred compensation plans.

26 CFR 1.701—1.771-1

Income taxes, Partnerships.

26 CFR Part 18

Sale of residence, Income taxes.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

[FR Doc. 87-29382 Filed 12-18-87; 3:21 pm]

BILLING CODE 4830-01-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1150

Practice and Procedures for Compliance Hearings

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Architectural and Transportation Barriers Compliance Board proposes to amend its regulations regarding the informal resolution of complaints by allowing the Board to make a rebuttable presumption of jurisdiction in those cases in which jurisdictional information is not timely provided by the persons or agencies responsible for the alleged violation. The amendment is designed to promote the expeditious processing of complaints.

DATES: Comments must be received by February 22, 1988.

ADDRESSES: Comments should be sent to the Office of General Counsel, Architectural and Transportation Barriers Compliance Board, 330 C Street SW., Room 1010, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Nicholas Chiarkas, General Counsel at (202) 245-1591 or FTS 245-1591 (voice or TDD). This proposed rule is available at the above address on cassette for persons with visual impairments.

SUPPLEMENTARY INFORMATION: The current regulations set forth procedures to ensure compliance with standards issued under the Architectural Barriers Act of 1968, 42 U.S.C. 4151 *et seq.* The regulation provides for an informal resolution period of one hundred and eighty (180) days. Complaints are deemed informally resolved if the persons or agencies responsible for the alleged violation (the respondents) either demonstrate to the Executive Director that no violation has occurred, or alternatively that compliance action will be taken to correct an existing violation. The threshold determination that must be made in resolving any complaint is whether the Board has jurisdiction over the facility in question. The proposed rule allows the Board to make a rebuttable presumption of jurisdiction in those cases in which the respondents do not provide, within sixty (60) days of a written request, the information necessary to resolve the jurisdictional issue.

The proposed rule was adopted by the Board at its September 1987 meeting in the interest of enhancing the speed and efficiency of the ATBCB's complaint processing function.

List of Subjects in 36 CFR Part 1150

Administrative practice and procedure, Buildings, Handicapped.

For the reasons set forth in the preamble, the ATBCB proposes to amend 36 CFR Part 1150 as follows:

PART 1150—PRACTICE AND PROCEDURES FOR COMPLIANCE HEARINGS

1. The authority citation for Part 1150 is revised to read as follows:

Authority: 29 U.S.C. 792(b).

2. Section 1150.41 is proposed to be amended by revising paragraph (e) to read as follows:

§ 1150.41 Informal resolution.

* * * * *

(e) Complaints should be resolved informally and expeditiously, by the interested persons or agencies.

(1) If the interested persons or agencies fail to provide, within sixty (60) days of a written request, the information necessary for the Executive Director or his/her designee to determine whether the ATBCB has jurisdiction over a particular complaint, then the Executive Director or his/her designee will make a rebuttable presumption of jurisdiction and proceed accordingly.

(2) If compliance with the applicable standards is not achieved informally or an impasses concerning the allegations of compliance or noncompliance is reached, the Executive Director will review the matter, including previous attempts by agencies to resolve the complaint, and take actions including, but not limited to, surveying and investigating buildings, monitoring compliance programs of agencies, furnishing technical assistance, such as standard interpretation, to agencies, and obtaining assurances, certifications, and plans of action as may be necessary to ensure compliance.

* * * * *

Thomas E. Harvey,

Chairperson, Architectural and Transportation Barriers Compliance Board.

[FR Doc. 87-29352 Filed 12-22-87; 8:45 am]

BILLING CODE 8820-BP-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

Prepayment Transportation Audit Procedures

AGENCY: Federal Supply Service, GSA.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to amend the Federal Property Management Regulations for the purpose of implementing Pub. L. 99-617 relating to prepayment audits of selected transportation bills. This rule also prescribes procedures, conditions, and limitations relevant to any delegation of authority to another agency for the purpose of conducting prepayment audits.

DATE: Written comments must be received no later than 4:00 p.m. February 22, 1988.

ADDRESS: Comments should be sent to the General Services Administration (FWCP), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Collections, Accounts, and Procedures Division, Office of Transportation Audits, (202) 786-3065 or FTS 786-3065.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a regulatory impact analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs; has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Paperwork Reduction Act of 1980: This regulation requires no recordkeeping or reporting beyond that which is usual and customary for the ordinary conduct of business.

Initial Regulatory Flexibility Analysis

In accordance with the provisions of the Regulatory Flexibility Act (5 U.S.C. 603), the following initial regulatory flexibility analysis is provided:

(a) A description of the reasons why action by GSA is being considered is provided by the "Background" paragraphs of this proposed rule.

(b) The objective of the proposed rule is set forth in the "Summary" paragraph. The legal basis is provided by law, 31 U.S.C. 3726. Activities conducted pursuant to this proposed rule will be cost-effective or otherwise in the public interest.

(c) This rule may affect all transportation firms doing business with the United States Government to the extent that their bills are selected for prepayment audit by either GSA or its designee. For the most part, it is not expected that the effect will be either adverse or noticeable. There is, however, the distinct possibility that prepayment audit activity could occasionally delay otherwise proper payments to carriers. On those occasions, the Government is obligated to pay interest in accordance with provisions of the Prompt Payment Act. Delegations may involve any mode of transportation and/or type of bill, and in particular instances, may affect a lesser or greater number of similar entities, possibly including, small general commodity or other freight trucking, trip lease or forwarding firms; small air carriers/forwarders of freight and/or passengers; small domestic household goods carriers/forwarders (including office and electronic movers).

(d) No recordkeeping or reporting is required beyond that which is usual and customary for the ordinary conduct of business.

(e) There are no known Federal rules which duplicate, overlap, or conflict with the proposed rule.

(f) The only known alternative to the proposed rule is not to publish it. This alternative may result in the Government initially paying more for a transportation service than what it is legally required to do. Providing exemptions from the rule would be discriminatory and counterproductive.

Background

Public Law 99-627, dated November 7, 1986, amended section 3726 of Title 31 of the United States Code to provide the Administrator of General Services with authority to audit selected transportation bills prior to payment, and to allow the delegation of any authority conferred by section 3726 to another agency or agencies if the Administrator determined that such a delegation would be "cost-effective or otherwise in the public interest."

Since 1975, GSA's Office of Transportation Audits has had Governmentwide responsibility for the postpayment audit of all freight and passenger transportation invoices and recovery of charges paid by Federal agencies that are not based on the lowest applicable rates. Prior to 1975, the General Accounting Office (GAO) performed the Government's rate audit function.

Historically, there were significant delays from the date of the transportation service to the date the Government made payment, because of the time required by GAO to perform the very intricate rate audit. In the 1940's, in reaction to industry complaints, Congress directed agencies to pay bills for transportation services upon presentation by the carrier, with audit after payment.

Determining whether a transportation charge is correct is a complex process. An auditor must possess a thorough knowledge of tariffs (published commercial rates), tenders (special, lower Government rates), contracts (negotiated rates for specific shipments or groups of shipments), and other rate authorities, to properly audit a carrier's bill.

During fiscal year 1986, GSA's Office of Transportation Audits identified $50.9 million in rate overcharges. GSA employs 187 professional and support staff members to handle the large volume of transportation invoices paid by civilian and military activities.

While GSA, for the most part, intends to exercise its prepayment audit authority primarily in those selected instances where the failure to do so may prevent the Government from subsequently collecting overcharges, GSA may exercise its prepayment audit authority over selected bills on behalf of itself and other individual agencies.

Many agencies believe that a prepayment audit would prevent overpayments. However, knowledgeable of the complexities of auditing transportation payments, GSA concludes that prepayment audit authority should be delegated only to those agencies which clearly demonstrate they are capable of performing a timely, accurate, and cost-effective audit within the requirements of the Prompt Payment Act. Further, GSA is of the opinion that it is the intention of the Congress that prepayment audit rely on automation rather than a duplication of GSA's staffing and operations as a prerequisite to any delegation of authority. Consequently, GSA will require that any request for the delegation of prepayment audit authority foster the use of automation.

It is not GSA's intention to relinquish its postpayment audit or oversight role.

List of Subjects in 41 CFR Part 101-41

Air carriers, Accounting, Claims, Freight, Freight forwarders, Government property management, Maritime carriers, Moving of household goods, Passenger services, Railroads, Transportation.

GSA proposes to amend Part 101-41 as follows:

PART 101-41—TRANSPORTATION DOCUMENTATION AND AUDIT

1. The authority citation for 41 CFR Part 101-41 continues to read:

Authority: 31 U.S.C. 3726, and 40 U.S.C. 486(c).

2. The table of contents for Part 101-41 is amended by adding § 101-41.103 and revising § 101-41.401 as follows:

Sec.

* * * * *

101-41.103 Procedures, conditions, and limitations relevant to the delegation of authority to perform prepayment audits of selected transportation bills.

101-41.401 Payment of transportation bills.

Subpart 101-41.1—General

3. Section 101-41.101 is amended by revising the introductory text and paragraph (a) to read as follows:

§ 101-41.101 Examination of payments, settlement of claims, and review of requirements.

Section 322 of the Transportation Act of 1940, as amended (31 U.S.C. 3726), permits transportation bills to be paid prior to audit by the Administrator of General Services or his/her designee in accordance with regulations that the Administrator shall prescribe.

(a) The authority vested in the Administrator of General Services by 31 U.S.C. 3726, as amended, enables the Administrator, or his/her designee, to:

(1) Audit selected transportation bills prior to payment;

(2) Examine, settle, and adjust accounts involving payment for transportation and related services for the account of the United States;

(3) Adjudicate and settle transportation claims by and against the United States;

(4) Deduct the amount of any overcharge by any carrier or forwarder from any amount subsequently found to be due such carrier or forwarder; and

(5) Delegate any authority conferred on the Administrator to another agency or agencies if the Administrator determines that such a delegation would be cost-effective, accurate, timely, or otherwise in the public interest.

* * * * *

4. Section 101-41.103 is added to read as follows:

§ 101-41.103 Procedures, conditions, and limitations relevant to the delegation of authority to perform prepayment audits of selected transportation bills.

(a) Requests for a delegation of authority from the Administrator of General Services to conduct prepayment audits shall be accompanied by a specific and complete description of the organization to perform the audit, the character of the bills to be audited, and the manner whereby the audit will be conducted. Such requests shall demonstrate cost-effectiveness or other public benefits.

(b) Unless prepayment audit of certain bills is required under § 101-41.401, prepayment audits by GSA on behalf of itself and/or other agencies, will not be approved by the Administrator unless he finds that the official responsible for such audits meets the same requirements as specified in this paragraph for GSA's designees.

(c) Requests shall include a detailed model of the audit process from receipt of carrier bills to disbursement and the submission of paid vouchers to GSA for postpayment audit. The model shall evidence use of automated techniques as a means of performing the audit process.

(d) The proponent shall demonstrate the capability not only to complete an accurate audit within 15 calendar days of receipt of a carrier's bill, but also evidence the ability to generate an accurate notice to the carrier which specifically describes the reason for any full or partial rejection of the carrier's charges, citing the rate authority applicable thereto.

(e) The proposal shall contain a mechanism to report savings, on a monthly basis, and in a manner acceptable to GSA, accomplished by identifying overcharges/overbillings through prepayment audit.

(f) Public notice of delegated authorities will be effected by publication in the **Federal Register** Notices section. Such Notices will specify the type of bills that are subject to prepayment audit; the Government department/agency whose bills are subject to such audit; and the organization or command, i.e., the authority, which will conduct such audits.

(g) Authority delegated in accordance with this section is subject to complete oversight by GSA. This oversight and a test of accuracy will normally be made through the postpayment audit process.

(h) Except as provided in § 101-41.604-2, when a prepayment audit results in a reduction to a properly presented invoice, interest penalties will be paid if required by the Prompt Payment Act. The designee must approve for payment the amount he deems to be proper.

(i) Should GSA receive information that any carrier is bankrupt or is otherwise in such economic condition that its ability to pay debts owing to the Government is questionable, then GSA may request that amounts approved for payment after prepayment audit shall be remitted to GSA in lieu of payment to the carrier.

(j) All forms utilized by the designee or its audit authority in performing the prepayment audit must be approved by GSA (Attn: FWC) prior to usage, and no rules or procedures relative to the prepayment audit may be published by them without GSA approval.

(k) The designee and any audit authority under him is required to follow Comptroller General decisions and GSA Federal Property Management Regulations, instructions and precedents regarding substantive and procedural matters.

(l) The designee may utilize contractors to accomplish the prepayment audit, but contractors are subject to all of the requirements that apply to the designee and its audit authority.

Subpart 101-41.4—Standards for the Payment of Charges for Transportation Services Furnished for the Account of the United States

5. Section 101-41.401 is amended by revising paragraph (a) to read as follows:

§ 101-41.401 Payment of transportation bills.

(a) Unless GSA's Office of Transportation Audits determines that a prepayment audit is necessary, each agency or department shall pay any properly documented bill (claim) for freight or passenger transportation charges that is not excepted by the provisions of § 101-41.604-2.

* * * * *

Subpart 101-41.6—Claims Against the United States Relating to Transportation Services

6. Section 101-41.604-1 is amended by revising the introductory paragraph to read as follows:

§ 101-41.604-1 Transportation claims payable by agencies.

Unless GSA's Office of Transportation Audits determines that a prepayment audit is necessary, each agency or department shall pay any properly documented bill (claim) for freight or passenger transportation charges that is not excepted by the provisions of § 101-41.604-2, provided the following guidelines are observed:

* * * * *

7. Section 101-41.604-2 is amended by adding paragraph (b)(7) to read as follows:

§ 101-41.604-2 Transportation claims not payable by agencies.

* * * * *

(b) * * *

(7) Irreconcilable claims disputing prepayment audit positions of agencies subject to a delegation of authority by the Administrator under § 101-41.103. All claims protesting an audit authority's prepayment audit position will be addressed to that authority. The authority shall promptly acknowledge the claim in writing and stamp it with its date of receipt. The authority must adjudicate the claim within 30 days of receipt, but if the authority fails to approve all or any portion of the carrier's claim, it shall make a final decision providing a clear, specific and detailed written explanation of its position. If the carrier is dissatisfied with the authority's final decision, it may appeal that decision to GSA, providing a copy of all documentation involved in the record, including a copy of the audit authority's decision. All such appeals shall be forwarded by the carrier to GSA, Attn: FWC (Code PA), Washington, DC 20405.

Dated: October 16, 1987.

Donald C.J. Gray,

Commissioner, Federal Supply Service.

[FR Doc. 87-28601 Filed 12-22-87; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF DEFENSE

48 CFR Parts 228 and 252

Federal Acquisition Regulation Supplement; Separate Bid Bonds for Construction

AGENCY: Department of Defense (DOD).

ACTION: Proposed rule and request for public comment.

SUMMARY: The Defense Acquisition Regulatory Council has approved proposed revisions to the DOD FAR Supplement Parts 228 and 252. A clause is proposed at 252.228-7007 which permits submission of separate bid bonds vice separate bid guarantees for construction contracts. If adopted, the revisions will require that DOD prime contractors furnish a separate bid bond by the time set for opening of bids.

DATE: Interested parties are invited to submit written comments on or before February 22, 1988, to the Executive Secretary, DAR Council, at the address below, to be considered in formulation of a final rule. Please cite DAR Case 84-149D in all correspondence related to this subject.

ADDRESS: Interested parties should submit written comments to: Defense Acquisition Regulatory Council, Attn: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, OASD (P)/DARS, c/o OASD (A&L) (M&RS), Room 3D139, The Pentagon, Washington, DC 20301-3062.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, telephone (202) 697-7266.

SUPPLEMENTARY INFORMATION:

A. Background

On May 27, 1987, the Department of Defense (DOD), General Services Administration and National Aeronautics and Space Administration published Federal Acquisition Circular (FAC) 84-26. Within that FAC was a change to the Federal Acquisition Regulation (FAR), Part 28, which permitted only separate bid guarantees in connection with construction

contracts. However, the FAR further allows agencies to specify that only separate bid bonds are acceptable in connection with construction. The rationale for the FAR coverage is to permit agencies the latitude to avoid the additional risk and burden of safekeeping an asset pledged as a bid guarantee and in returning it to the contractor. Accordingly, DOD proposes to amend the DFARS to continue DOD's past practices.

B. Regulatory Flexibility Act Information

The proposed rule is not expected to have significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because it merely continues a DoD policy which has been in effect since May 6, 1988. An initial regulatory flexibility analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS Subpart will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite DAR Case 87–610D in correspondence.

C. Paperwork Reduction Act Information

The Paperwork Reduction Act (Pub. L. 99–511) does not apply because the proposed rule does not impose any additional recordkeeping or information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 228 and 252

Government procurement.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

Therefore, it is proposed that 48 CFR Parts 228 and 252 be amended as follows:

1. The authority citation for 48 CFR Part 228 and 252 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

PART 228—BONDS AND INSURANCE

2. Sections 228.101, 228.101–1 and 228.101–3 are added to read as follows:

228.101 Bid guarantee.

228.101–1 Policy on use.

(b) Only separate bids bonds are acceptable for construction contracts.

228.101–3 Contract clause.

(b) The contracting officer shall insert the clause at 252.228–7007, Bid Bond, in lieu of FAR clause 52.228–1, in solicitations and contracts for construction.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSE

3. Section 252.228–7007 is added to read as follows:

252.228–7007 Bid bond.

As prescribed in 228.101–3(b), insert the following clause in solicitations and contracts:

Bid Bond ( )

(a) The offeror (bidder) shall furnish a separate bid bond, in the proper form and amount, by the time set for opening of bids. Failure to do so may be cause for rejection of the bid.

(b) If the successful bidder, upon acceptance of its bid by the Government within the period specified for acceptance, fails to execute all contractual documents or give a bond(s) as required by the solicitation within the time specified, the Contracting Officer may terminate the contract for default.

(c) Unless otherwise specified in the bid, the bidder will (1) allow 60 days for acceptance of its bid and (2) give bond within 10 days after receipt of the forms by the bidder.

(d) In the event the contract is terminated for default, the bidder is liable for any cost of acquiring the work that exceeds the amount of its bid, and the bid bond is available to offset the difference.

(End of clause).

[FR Doc. 87–29371 Filed 12–22–87; 8:45 am]
BILLING CODE 3810–01–M

Department of the Navy

48 CFR Parts 5215 and 5252

Navy Acquisition Regulations Supplement; Policy Concerning Use of Cost and Pricing Data and Cost Analysis Where Adequate Price Competition Exists

AGENCY: Department of the Navy, DOD.

ACTION: Proposed rule.

SUMMARY: The Department of the Navy is adding language to Parts 5215 and 5252 of the Navy Acquisition Regulations Supplement (NARSUP) to the Federal Acquisition Regulations (FAR). Part 5215 of the NARSUP is being supplemented to clarify existing language contained in FAR Part 15 on Adequate Price Competition, and on the type of cost data and cost analysis that might be required when there is adequate price competition. A provision is also being added to Part 5252 of the NARSUP for use in all solicitations where it is anticipated that an award will be based on adequate price competition.

DATE: Public comments are solicited and should be received by January 22, 1988.

ADDRESS: Interested parties should submit written comments to: Office of the Assistant Secretary of the Navy (Shipbuilding & Logistics), Contracts and Business Management, Washington DC 20361, ATTN: Ms. Linda E. Greene or Mr. Dick Moye.

FOR FURTHER INFORMATION CONTACT: The telephone is 202–692–3324 for Ms. Greene and 202–692–3558 for Mr. Moye.

SUPPLEMENTARY INFORMATION:

A. Background

As a result of the passage of the Competition in Contracting Act of 1984, competition has become the rule of doing business in DoD; negotiations supported by detailed cost analysis have become the exception. Competition has become the cornerstone of Navy acquisition policy. As a result, the Navy has found that not only does competition generate more favorable prices, but significant time and effort can be saved by relying on the forces of competition to establish prices, as opposed to the use of detailed cost analysis.

Even though the Navy has been a strong advocate of competition, there is still a tendency for some contracting officers to require the submission of cost or pricing data when there is an expectation that adequate price competition will result, or has resulted on a given procurement. Both the Assistant Secretary of the Navy, Shipbuilding and Logistics (ASN) (S&L) and the Deputy Assistant Secretary of Defense, Procurement (DASD)(P), issued memorandums stating that contracting officers were not to require certified cost or pricing data, other than selected data for cost realism analysis purposes, when adequate price competition is anticipated. This practice undermines the competitive process, increases bid and proposal costs, unnecessarily burdens the government support offices with requirements for detailed audit and proposal reviews, and extends procurement lead time.

The principal cause of this problem is a failure to distinguish between requiring detailed cost and pricing data necessary in the sole source situation to negotiate a fair and reasonable price versus a requirement for only that data necessary to conduct a cost realism analysis in a competition for the purposes of determining the realism of the offeror's price. The current coverage offers little guidance to distinguish between these two types of situations. The clarifying language provides needed guidance.

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* because although most contracts are awarded to small entities on a competitive basis, the dollar value of these contracts is usually under $100,000, which has been the threshold at which the detailed cost or pricing data has been erroneously required.

Paperwork Reduction Act Analysis

Because the majority of small businesses generally do not receive contracts where the requirement to submit the detailed cost or pricing data would be applicable ($100,000 or greater), the Paperwork Reduction Act analysis is not applicable. However, for those small businesses that would reach or exceed the $100,000 threshold, there will be a significant beneficial impact because the requirement to submit detailed cost or pricing data in a competitive procurement would be further limited.

List of Subjects in 48 CFR Parts 5215 and 5252

Government procurement.

For the reasons set out in the preamble, Chapter 52 of Title 48 of the Code of Federal Regulations is proposed to be amended as follows:

1. Part 5215 is added to read as follows:

PART 5215—CONTRACTING BY NEGOTIATION

Subpart 5215.4—Solicitation and Receipt of Proposals and Quotations

Sec.
5215.402 General.
5215.407 Solicitation provisions.

Subpart 5215.6—Source Selection.

5215.605 Evaluation factors.
5215.608 Proposal evaluations.

Subpart 5215.8—Price Negotiation.

5215.804–3 Exemptions from or waiver of submission of certified cost of pricing data.
5215.805–5 Field pricing support.

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DOD Directive 5000.35.

Subpart 5215.4—Solicitation and Receipt of Proposals and Quotations

5215.402 General.

(a) Competition is the cornerstone of Navy acquisition policy. As such, the preferred and predominant method of pricing in the Navy is through the use of competition, without the need for cost and pricing data and cost analysis. This approach is not only consistent with the Competition in Contracting Act (CICA), but it affords the opportunity for significant efficiencies and reduction of procurement leadtime as a result of minimizing the requirement for cost and pricing data and associated audit reports. As competition is increasingly relied upon and the need for cost and pricing data is reduced, there is a corresponding requirement for performing a cost realism analysis for many competitive procurements to guard against unrealistically low prices which can lead to quality deficiencies, late deliveries, performance shortfalls, and cost overruns. In performing cost realism analysis, only the minimum selected data to perform the cost realism analysis is to be obtained, as opposed to full cost and pricing data which would be required when it is necessary to perform cost-based negotiations.

5215.407 Solicitation provisions.

(S–90) During acquisition planning, an assessment shall be made as to the likelihood that adequate price competition will exist. If it is anticipated that an award will be based on adequate price competition, the solicitation shall include the provisions at 5252.215–9000. If the procurement schedule is critical, this provision with its Alternate I shall be used so that there will be a minimum delay in the event that adequate price competition does not materalize and it is necessary to obtain cost and pricing data. Contracting officers must be judicious in the use of the Alternate I provision, and it may cause offerors to incure certain costs in preparing standby cost and pricing data in anticipation that it may be subsequently requested.

SUBPART 5215.6—Source Selection

5215.605 Evaluation factors.

(a) When a cost realism analysis will be performed in accordance with 5215.805–5(S–90), it shall be evaluated and scored as a part of the source selection evaluation criteria.

(b) Technical criteria may include quality standards that are based on either a minimally acceptable approach or a cost/benefit approach. When the quality desired is that necessary to meet minimum needs, proposals should be evaluated for acceptability and award made to the lowest priced, technically acceptable offer. When the quality desired is the highest affordable or that representing the best value, proposals should be evaluated on a cost/benefit basis that would permit an award based on paying appropriate premiums for measured increments of quality. When a cost/benefit approach is used, cost must carry a weight of not less than 40% unless thoroughly justified.

5215.608 Proposal evaluation

(a) When a cost realism analysis will be performed in accordance with 5215.805–5(S–90), it shall be evaluated and scored as a part of the source selection evaluation criteria.

Subpart 5215.8—Price Negotiation

5215.804–3 Exemptions from or waiver of submission of certified cost or pricing data.

(a) General. As explained in 5215.402, certified cost and pricing data would not normally be obtained in the Navy because the predominant portion of Navy procurements are awarded on the basis of adequate price competition.

(b)(1)(iii) Adequate price competition may also exist where price is a secondary factor in the evaluation of proposals, as long as price is a substantial factor (at least 20%). Price, as used herein, means cost plus any fee or profit applicable to the contract price. Thus, in competitive acquisitions where adequate price competition is contemplated, the contracting officer shall not require the submission of cost and pricing data, as defined in FAR 15.801, regardless of the type of contract.

(b)(3) Examples of contract awards for which prices may be based on adequate price competition and/or to have been established by adequate price competition are:

(i) Contracts for items in production for which there are a limited number of sources and the prices at which award will be made are within a reasonable amount of each other and compare favorably with independent Government estimates and with prior prices paid; and

(ii) Any contract, including cost-type contracts, when cost is a significant evaluation factor (at least 20%).

5215.805-5 Field pricing support.

(S-90) Cost realism analysis.

(1) Cost realism analysis involves a summary level review of the cost portion (excluding profit/fee) of the offerors' proposals to determine if the overall costs proposed are realistic for the work to be performed. Cost realism analysis differs from the detailed cost analysis usually undertaken in a noncompetitive procurement to determine the reasonableness of the various cost elements and profit/fee to arrive at a fair and reasonable price.

(2) The purpose of cost realism analysis is to:

(i) Verify the offeror's understanding of the requirements;

(ii) Assess the degree to which the cost/price proposal reflects the approaches and/or risk assessments made in the technical proposal; and

(iii) Assess the degree to which the end cost included in the cost/price proposal accurately represents the work effort included in the technical proposal.

(3) Some examples of data and information that may be obtained to perform cost realism analysis are:

(i) Manloading (quantity and mix of labor hours); and

(ii) Engineering, labor and overhead rates.

A price analysis approach where there is adequate price history may also be a suitable and efficient means to assess cost realism. The amount of data required will be dependent upon the complexity of the procurement and the data already obtained by the contracting officer (e.g. information on recent Forward Pricing Rate Agreements (FPRAs)).

(4) Cost realism analysis shall be performed as a part of the proposal evaluation process (see 5215.605) for all competitive solicitations where a cost reimbursement contract is contemplated. For competitive solicitations contemplating a fixed price type contract, a cost realism analysis would be the exception and not the rule, although its use may be appropriate where the proposal evaluation process will encompass both a cost/price evaluation and a technical evaluation. Also, where the contracting officer suspects a "buy-in" (see FAR 3.501) or a misunderstanding of the requirements as a result of reviewing the initial offers, data and information should be obtained and a cost realism analysis performed.

(5) When cost realism data are required, the contracting officer shall not request a formal field pricing report but rather, shall request a review of only those specific areas of information necessary to allow the contracting officer to perform a cost realism analysis. For example, the contracting officer may only need to know the current or FPRA labor and/or overhead rates. In these instances, the request for information may be oral or written.

PART 5252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

2. The authjority citation for Part 5252 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DOD Directive 5000.35.

3. Section 5252.215–9000 is added to read as follows:

5252.215–9000 Submission of Cost or Pricing Data.

As prescribed at 5215.407, insert the following provision:

Submission of Cost or Pricing Data (Nov. 1987)

(a) In is expected that this contract will be awarded based upon a determination that there is adequate price competition and therefore the offeror is not required to submit or certify cost or pricing data (SF 1411) with its proposal.

(b) If the contracting officer, after receipt of the proposals, determines that adequate price competition does not exist, the offeror shall, upon request, submit such cetified cost and pricing data deemed necessary by the contracting officer.

(End of Clause)

Alternate I (Nov. 1987). As prescribed at 5215.407, substitute the following paragraph (b):

(b) If after receipt of the proposals, the contracting officer determines that adequate price competition does not exist, the offeror shall provide certified cost and pricing data as requested by the contracting officer. The offeror shall provide the requested data within [1] _____ calendar days from the date of the contracting officer's request.

Date: December 15, 1987

W.R. Babington, Jr.,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 87–28336 Filed 12–22–87; 8:45 am]

BILLING CODE 3810-AE-M

[1] To be completed by the contracting officer.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Finding on Northern Spotted Owl Petition

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding.

SUMMARY: The Service announces its 12-month finding on the petition to list the northern spotted owl as an endangered species. A finding was made that listing of the owl throughout its range is not warranted. Additional data will be reviewed to monitor the owl's population status.

DATE: The finding announced in this notice was made on December 17, 1987.

ADDRESS: Information, comments or questions should be submitted to the Regional Director, Region 1, U.S. Fish and Wildlife Service, 500 NE. Multnomah Street, Suite 1692, Portland, Oregon 97232. The petition, finding, supporting data and comments are available for public inspection, by appointment, during normal business hours at the Service's Endangered Species Division at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne White, Chief, Division of Endangered Species, at the above address (503/231–6131 or FTS 429–6131).

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) requires a finding to be made within 12 months of a petition receipt for any petition accepted for review in accordance with section 4(b)(3) of the Act. In accordance with the Act, this finding determines whether or not the action requested in a petition is warranted in light of the Service's status review and all other information in our administrative record.

A petition was submitted by Green World of Cambridge, Massachusetts, requesting the listing of the northern spotted owl (*Strix occidentalis caurina*) as an endangered species. This petition was dated November 28, 1986, but was not received by the Service until January 28, 1987. A second petition requesting the listing of this species was received on August 4, 1987, from the Sierra Club Legal Defense Fund, Inc. The Service's policy is to treat subsequent petitions as comments to be considered in the process of evaluating the original petitioned action, and it has done so.

The Service made a preliminary finding July 23, 1987, that substantial data were available to indicate that the petitioned action may be warranted. The Service announced this finding and initiated a status review of the owl with a notice in the **Federal Register** (52 FR 34396; September 11, 1987). In addition, the Service's Portland Regional Office solicited information from over 800 sources. Most of the biological data on the owl's status were submitted by the Bureau of Land Management, the U.S. Forest Service, the fish and wildlife agencies of the States of Washington, Oregon, and California, and independent researchers.

The Service has conducted a thorough evaluation of the currently available data regarding the status of the northern spotted owl. The status review report was completed December 14, 1987. This review considered information presented by the petitioners, from commentors, from the affected land management agencies (both biological and management data), and from biologists studying the owl. Based upon this comprehensive study of the owl's status, the Service finds that the northern spotted owl does not warrant listing at this time. However, the Service intends to continue to utilize all of its existing authorities to help to ensure that the species does not decline to the point where listing would be warranted. The majority of the owl's habitat occurs on Federally managed lands and the Service has been working with these resource agencies for some time to monitor and protect the northern spotted owl. The Service believes that through proper management a viable population of northern spotted owls will be maintained throughout its present range.

Three subspecies of spotted owls are currently recognized by the American Ornithological Union: The northern spotted owl, the California spotted owl, and the Mexican spotted owl. For purposes of this finding the terms owl or spotted owl will refer to the northern spotted owl. The range of the northern spotted owl extends over western Washington and Oregon and south to the San Francisco Bay area in northern California. The owl has most often been found in old-growth or mature forests. The petition cited habitat destruction from commercial timber harvesting as the primary threat to the owl. As with most wildlife species, the owl has suffered habitat losses, but it is unknown how this habitat loss is affecting the subspecies' overall population or long-term viability. Though data indicate a reduction in the number of owls in areas previously logged, the owl still occurs over a large range and more owls are being found within its range due to the increase in the inventory effort.

It is undetermined how many acres of suitable owl habitat exist, since owls are being found with more frequency in a wider array of habitat types. Of the 5 to 6 million acres of old-growth and mature forest in Washington and Oregon, about 2 million acres are reserved from timber harvesting with the remainder scheduled for harvest at about 1.5 percent per year. Although exact figures are not available, the situation is similar for California. Figures are not available on acreages of younger growth forest that may be suitable habitat or may become so over time.

Fragmentation, isolation, and reduction of existing forest have resulted from timber harvesting practices. Population trend data do not yet exist to assess the long-term impacts of habitat fragmentation or reduction on the owl population. Though it is assumed that there has been a reduction in the overall numbers of birds within the northern population in relation to habitat loss within its range, historic figures do not exist and a direct correlation between habitat loss and population reduction cannot be accurately made. The potential isolation of the Olympic Peninusla habitat is a concern, although owls have been observed in the intervening lands and more data are necessary to determine the effect on the overall population. With proper management, corridors can be maintained between the Olympic Peninsula and other populations.

Questions over the recent variability in reproductive outcome and juvenile survivorship raise concerns, but insufficient data exist to determine if these are different than expected for a long-lived species. Data collected during recent poor reproductive years may affect the sensitivity of trend analyses. Population viability projections indicate that the population may be stable to declining over the long-term. The Service believes that more accurate projections can be made with the additional data which are needed and which are presently being collected. It is not felt that variability in reproduction and juvenile suvivorship are presently determinative of instability in the inventoried spotted owl population.

The Service recognizes that key data gaps exist with regard to the northern spotted owl. Competition impacts of the barred owl *(Strix varia)*, whose range is expanding into that of the northern spotted owl, are unknown and need to be studied further. Trend data are needed to determine long-term population viability. Specific biological and habitat requirements of the bird are also not completely understood, leading to wide interpretations of present data. Research and monitoring efforts have been initiated by biologists and resource agencies in recent years to gather the information to better address these issues. This information is needed as the basis for future direction in habitat management.

The U.S. Forest Service administers the largest percentage (approximately 70 percent) of the lands that are either currently occupied by or presently considered as suitable habitat for the northern spotted owl. The Forest Service's planning regulations require the agency to maintain viable populations of existing native vertebrates within National Forest areas. The agency is currently planning for the management of habitats on National Forest System lands to provide for a distribution of an adequate number of spotted owls to insure the continued existence of a well-distributed population within its present range. It is also carrying out habitat and population inventories, research, and monitoring studies on the owl, as part of the Forest Service's Spotted Owl Research, Development, and Application Program. This information will be vital to determine more clearly the long-term status of this owl and to assess and direct future habitat management efforts.

The Forest Service is preparing a final Supplemental Environmental Impact Statement concerning its management of the northern spotted owl. The preferred alternative identified through this document will guide the agency's owl management efforts. Individual forest plans are to be brought into compliance with the preferred alternative. The Fish and Wildlife Service is assigning a biologist to review the draft forest plans specifically for spotted owl concerns.

The Forest Service entered into an Interagency Agreement with the U.S. Fish and Wildlife Service on December 1, 1987, by which both agencies have agreed to coordinate efforts to support the common goal of ensuring population viability for the spotted owl. The agreement commits the Forest Service to continue efforts to inventory and monitor the owl population and requires an annual report by both agencies on the status of this species. This mutual effort will help decide future planning activities and will provide close scrutiny

VOL 52 ISS 246 DEC 23 1987 UMI

of the northern spotted owl's status. The agreement provides for emergency action if the owl's situation deteriorates, allowing for the immediate invocation of Endangered Species Act protections, including emergency listing, if necessary.

The National Park Service and the Bureau of Land Management also administer portions of the owl's habitat. National Park Service policies and practices are compatible with owl preservation. The Bureau of Land Management has instituted a plan to manage and monitor habitat to support owls. All of the involved resource agencies have been and will continue to be encouraged to work closely with the Service to develop comprehensive studies and plans for research and protection of the spotted owl. For example, the Fish and Wildlife Service will initiate interagency coordination with the Forest Service and the National Park Service to address owl habitat and biology questions for the Olympic Peninsula physiographic province.

In 1982, the Service undertook a status review of the northern spotted owl and concluded that listing it as an endangered species was not then warranted. Based on the 1987 status review conducted by the Service's Portland Regional Office, the Service continues to find that the currently available date do not support listing the owl at this time. The Service is committed to cooperation and leadership in plans and actions that will reduce the likelihood of any species becoming endangered. Based on the 1987 status review, the northern spotted owl merits continued attention and monitoring by the Service and resource management agencies. If at any time new data indicate a decline in the owl's overall population status, the Service can then use its authorities under the Endangered Species Act to increase the owl's protection status.

Finding

A finding is made that a proposed listing of the northern spotted owl is not warranted at this time. Due to the need for population trend information and other biological data, priority given by the Service to this species for further research and monitoring will continue to be high. Interagency agreements and Service initiatives support continued conservation efforts. This finding will be published in the **Federal Register** and the petitioner will be notified.

Author

This notice was prepared by Robyn Thorson, U.S. Fish and Wildlife Service, Endangered Species Division, 500 NE. Multnomah Street, Suite 1692, Portland, Oregon 97232 (503/231–6131 or FTS 429–6131).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*; Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L:. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: December 18, 1987.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87–29479 Filed 12–22–87; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 52, No. 246
Wednesday, December 23, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

December 18, 1987.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

• Agricultural Marketing Service
Regulations Governing the Inspection and Grading of Manufactured or Processed Dairy Products
Recordkeeping
Businesses or other for-profit; 676 recordkeepers; 1,954 hours; not applicable under 3504(h)
Robert G. Semerad, (202) 447–7473

• Agricultural Marketing Service
Application for Plant Variety Protection Certificate and Objective Description of Variety
LS–470 and LS–470 series
On occasion
Individuals or households; State or local governments; Farms; Businesses or other for-profit; Federal agencies or employees; Small businesses or organizations; 315 responses; 586 hours; not applicable under 3504(h)
Kenneth H. Evans, (301) 344–2518

• Foreign Agricultural Service
Regulations-Financing Commercial Sales of Agricultural Commodities Under Title I, Pub. L. 480
Recordkeeping; On occasion
Businesses or other for-profit; 1,236 responses; 1,072 hours; not applicable under 3504(h)
James Chase, (202) 447–5780

Larry K. Roberson,

Acting Departmental Clearance Officer.

[FR Doc. 87–29409 Filed 12–22–87; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Boards

[Docket No. 44–87]

Proposed Foreign-Trade Zone, Anchorage, AK; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Municipality of Anchorage, Alaska, requesting authority to establish a general-purpose foreign-trade zone in Anchorage, within the Anchorage Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 15, 1987. The City is authorized to make the proposal under section 45.77.010 of the Alaska Statutes.

The proposal requests general-purpose zone status for eight parcels, totalling 994 acres, at two sites.

Site 1 (Port of Anchorage—3 parcels) would be located at the marine facilities of the Port of Anchorage and will consist of (a) 8.5 acres on Lot 12–B within the Port Industrial Park, (b) 30,000 square feet within the Port of Anchorage Transit Shed, and (c) 6,000 square feet within the Port of Anchorage Administration building.

Site 2 (Achorage International Airport—5 parcels) would consist of (a) 320 acres at the North Air Park Area, west of Postmark Drive and east of the North-South runway, (b) 135 acres at the North Apron Area, south of International Airport Road and north of the East-West runways, (c) 295 acres at the West Air Park area, west of the North-South runway and north of the East-West runways, (d) 120 acres at the South Air Park, south of the East-West runway and north of Raspberry Road, and (e) 115 acres south of Raspberry Road.

The application contains evidence of the need for zone services in the Anchorage area. Thus far, several firms have indicated an interest in using zone procedures for warehousing/distribution activity involving computer components, recreational boats, and automobiles. Manufacturing approvals would be requested from the Board on a case-by-case basis as proposed activities arise.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Duane Oveson, District Director, U.S. Customs Service, Pacific Region, 620 East 10th Avenue, Suite 101, Anchorage, Alaska 99501; and, Colonel Wilbur T. Gregory, Jr., District Engineer, U.S. Army Engineer District Alaska, P.O. Box 898, Anchorage, Alaska 99506–0898. The examiners are being assisted by Richard Lenahan, District Director, U.S. Department of Commerce, 701 C St., Anchorage, Alaska 99513.

As part of its investigation, the examiners committee will hold a public hearing on February 3, 1988 beginning at 10 a.m. (AST), in the Anchorage Municipal Assembly Chambers, Loussac

Library, 3600 Denali St., Anchorage, Alaska.

Interested parties are invited to present their views at the hearing. Persons wishing to testify should notify the Board's Executive Secretary in writing at the address below or by phone (202/377–2862) by January 22, 1988. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through March 7, 1988.

A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

U.S. Department of Commerce, District Office, 701 C Street, Anchorage, Alaska 99513

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Dated: December 16, 1987.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 87–29393 Filed 12–22–87; 8:45 am]

BILLING CODE 3510–DS–M

[Docket No. 43–87]

Proposed Foreign-Trade Zone, St. Paul, AK; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of St. Paul, Alaska, requesting authority to establish a general-purpose foreign-trade zone on St. Paul Island. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 14, 1987. The City is authorized to apply for a foreign-trade zone under section 45.77.010 of the Alaska Statutes.

The municipality of St. Paul encompasses St. Paul Island, one of the two inhabitated Pribilof Islands in the Bering Sea, off the southwest coast of Alaska, some 275 miles northwest of the City of Unalaska (Dutch Harbor). The island covers 44 square miles and has a population of 750 people. The St. Paul Municipal Airport was designated a "user fee" airport by the U.S. Customs Service in September 1987.

The proposal requests general-purpose zone status for four sites (629 acres). Site 1 (Harbor Site—386 acres) adjoins Village Cove Harbor and the Salt Lagoon. Site 2 (Gravel Pit Site—93 acres) adjoins the Harbor Site, on its north. Site 3 (Airport Site—70 acres) is immediately adjacent to the west side of the St. Paul Municipal Airport. Site 4 (LORAN Site—80 acres) is located on the Airport road on a site adjoining the base camp of ARCO, Exxon and Amoco, near the LORAN navigation facility.

The application contains evidence of the need for a zone to assist the City in its economic development efforts. Several firms have indicated an interest in using zone procedures for warehousing/distribution activity involving ships stores, spare parts for vessels, and oil and gas production equipment. Also, the City is engaged in discussions with two foreign firms interested in establishing fish processing plants primarily for export operations, if they can operate under foreign zone procedures. Zone procedures would be used mainly to obtain exemption from Customs duties on the ingredients and packaging materials used in processing fish for export (foreign-trade zones are subject to the Nicholson Act). Requests for manufacturing approvals would be made to the Board on a case-by-case basis as other proposed activities arise.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Duane Oveson, District Director, U.S. Customs Service, Pacific Region, 620 East 10th Avenue, Suite 101, Anchorage, Alaska 99501; and, Colonel Wilbur T. Gregory, Jr., District Engineer, U.S. Army Engineer District Alaska, P.O. Box 898, Anchorage, Alaska 99506–0898. the examiners are being assisted by Richard Lenahan, District Director, U.S. Department of Commerce, 701 C St., Anchorage, Alaska 99513.

As part of its investigation, the examiners committee will hold a public hearing on February 2, 1988, beginning at 10 a.m. (AST), at the Anchorage Legislative Affairs Office, 3111 C St., Anchorage, Alaska. The hearing will be conducted under a simultaneous teleconference format, which will allow St. Paul Island residents to participate in the proceeding at the City Manager's Office, City Hall, St. Paul. There will also be a teleconference connection to the hearing from Room 121, Capitol Bldg., Juneau, Alaska 99811.

Interested parties are invited to present their views at the hearing, including comments as to whether a Customs "user-fee" airport may be considered the equivalent of a port of entry under the FTZ Act and as to environmental impact. Persons wishing to testify should notify the Board's Executive Secretary in writing at the address below or by phone (202/377–2862) by January 22, 1988. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through March 4, 1988.

Copies of the application and accompanying exhibits will be available during this time for pubic inspection at each of the following locations:

City Manager's Office, City Hall, St. Paul, Alaska

U.S. Department of Commerce, District Office, 701 C Street, Room B–116, Anchorage, Alaska 99513

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Dated: December 18, 1987.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 87–29394 Filed 12–22–87; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments; Lawrence Berkeley Laboratory et al.

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No.: 86–304R–2. *Applicant:* Lawrence Berkeley Laboratory, Division of Biology and Medicine, 1 Cyclotron Road, Berkeley, CA 94720. *Instrument:* Circular Dichroism Spectropolarimeter, Model J–600A. *Manufacturer:* JASCO, Japan. Original notice of this resubmitted application was published in the **Federal Register** of May 14, 1987.

Docket No.: 87–104R. *Applicant:* Boston University, Department of Chemistry, 390 Commonwealth Avenue, Boston, MA 02215. *Instrument:* Rapid Kinetics Accessory for UV-Visible Spectrophotometer, Model SFA–11. *Manufacturer:* Hi-Tech Scientific, United Kingdom. Original notice of this resubmitted application was published in the **Federal Register** of March 13, 1987.

Docket No.: 87–105R. *Applicant:* University of Texas at Austin, Department of Chemistry, Austin, TX 78716. *Instrument:* CD and LD Spectropolarimeter, Model J–600. *Manufacturer:* Jasco Inc., Japan. Original notice of this resubmitted application was published in the **Federal Register** of March 13, 1987.

Docket No.: 87–140R. *Applicant:* Rutgers University, Department of Psychology, New Brunswick, NJ 08903. *Instrument:* Magnetic Field-Sensor Coil Eye Movement Monitoring Instrument, Model 3000. *Manufacturer:* Skalar Instrumenten B.V., The Netherlands. Original notice of this resubmitted application was published in the **Federal Register** of April 15, 1987.

Docket No.: 87–211R. *Applicant:* Princeton University, Chemistry Department, Princeton, NJ 08544. *Instrument:* Surface Science Facility and Accessories. *Manufacturer:* University of Waterloo, Canada. Original Notice of this resubmitted application was published in the **Federal Register** of July 17, 1987.

Docket No.: 88–034. *Applicant:* Bethesda Eye Institute, St. Louis University School of Medicine, 3655 Vista Ave., St. Louis, MO 63110. *Instrument:* Electron Microscope, Model JEM–1200EX. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* The instrument will be used for the study of the substructural morphology of ocular tissues including the retina, choroid, vitreous body, lens and cornea. *Application Received by Commissioner of Customs:* November 13, 1987.

Docket No.: 88–035. *Applicant:* University of Utah, Department of Geology and Geophysics, 719 William Browning Building, Salt Lake City, UT 84112. *Instrument:* Electron Microprobe, Model CAMEBAX SX 50. *Manufacturer:* Cameca, France. *Intended Use:* Studies of rocks, minerals, natural glass, and synthetic inorganic compounds. The data obtained with this instrument forms the basis for studying the formation of the various rocks and minerals on the Earth and in ore deposits and other mineral occurrences. In addition, the instrument will be used in the course "Electron Microprobe Analysis" to teach the students the proper techniques for performing analyses on their individual specimens which they are investigating. *Application Received by Commissioner of Customs:* November 13, 1987.

Docket No.: 88–036. *Applicant:* University of Oklahoma, 660 Parrington Oval, Norman, OK 73109. *Instrument:* Scanning Electron Microscope and Accessories, Model JSM–880. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* The instrument will be used to examine biological, ceramic, chemical, geological and metallurgical specimens to determine their superficial characteristics and elemental composition. In addition, the instrument will be used for classroom and laboratory instruction, video-taped instruction, experiments and supervised hands-on equipment usage in various botany courses. *Application Received by Commissioner of Customs:* November 13, 1987.

Docket No.: 88–037. *Applicant:* California State University, Chico, College of Natural Sciences, Department of Biology, Chico, CA 95929. *Instrument:* Electron Microscope, Model H–300. *Manufacturer:* Hitachi Scientific Instruments, Japan. *Intended Use:* The instrument will be used for science-related educational purposes in the following courses: Bio 295: Electron Microscopy, Bio 395: Electron Microscope Operation Laboratory, Bio 396: Biological Preparations for Electron Microscopy Preparation and Bio 399T: Master's Thesis. *Application Received by Commissioner of Customs:* November 16, 1987.

Docket No: 88–038. *Applicant:* University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, L–650, Livermore, CA 94550. *Instrument:* Streak Camera, Model Imacon 500. *Manufacturer:* Hadland Photonics, United Kingdom. *Intended Use:* The instrument will be used to study the picosecond response times of photoconductors, laser diode bandwidth in the 2–6 GHz range, properties of lithium niobate integrated optical waveguides and material dispersion in optical waveguides/optical fibers. *Application Received by Commissioner of Customs:* November 17, 1987.

Docket No.: 88–039. *Applicant:* U.S. Department of Energy, Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439–4812. *Instrument:* Stopped-flow Spectrophotometer, Model SU–40A. *Manufacturer:* Hi-Tech Scientific, United Kingdom. *Intended Use:* The instrument will be used for studies of the 5f-transition elements, U, Np, Pu, Am, and Cm. The primary objectives of these studies are to provide data which will expand the phenomenological base of actinide ion oxidation-reduction and substitution reactions. In addition, linear free energy relationships will be explored within the theoretical basis of the Moreus formalism. *Application Received by Commissioner of Customs:* November 18, 1987.

Docket No: 88–040. *Applicant:* New York University, Department of Chemistry, 4 Washington Place, New York City, NY 10003. *Instrument:* Stopped Flow Module, Model SFM–3. *Manufacturer:* Bio-Logic, France. *Intended Use:* The instrument will be used for studies of nucleic acids and proteins during experiments which involve solvent transfers from D_20 to H_20 to detect exchange of proteins. *Application Received by Commissioner of Customs:* November 19, 1987.

Docket No: 88–041. *Applicant:* University of Arizona, Tuscon, AZ 85721. *Instrument:* Stopped-Flow Sample Handling Unit, Model SF–51. *Manufacturer:* Hi-Tech Scientific, United Kingdom. *Intended Use:* The instrument will be used to measure the kinetic properties of proteins. The systems to be studied are the kinetics of electron transfer between biological redox proteins with the goal of understanding the mechanism and kinetics of ATP hydrolysis by cardiac myosin from normal and diseased tissue. The goal of these studies is to understand the molecular basis of the physiological alterations induced by heart disease. *Application Received by Commissioner of Customs:* November 19, 1987.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87–29396 Filed 12–22–87; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

Endangered Species; Proposed Modification of Permit; Southwest Fisheries Center NMFS (P77#18)

Notice is hereby given that the Southwest Fisheries Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, California 92038, has requested a modification of Permit No. 555 issued on June 27, 1987 (51 FR 23456), under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) and the regulations governing

endangered species permits (50 CFR Parts 217 through 222).

The Permit Holder is requesting authorization to test temporary and permanent marking techniques. For temporary marking purposes the Holder proposes to test commercial hair lighteners and commercial livestock dyes or paint. For permanent marking, the Holder proposes to test different tags for their retention, durability, and legibility over time. Cryogenic marking will also be tested.

Concurrent with the publication of this notice in the Federal Register, the Secretary of Commerce is forwarding copies of the modification request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this proposed modification should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular Modification would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

Documents submitted in connection with the above modification are available for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Rm 805, Washington, DC; and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731–7415.

Dr. Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

Date: December 15, 1987.

[FR Doc. 87–29355 Filed 12–22–87; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Application for Permit; Horizons West Ltd. d.b.a. Marine Life Aquarium (P158C)

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. *Applicant:*

a. *Name:* Horizons West Ltd.

b. *Address:* Keystone Route Box 385, Rapid City, South Dakota 57701.

2. *Type of Permit:* Public Display.

3. *Name and Number of Marine Mammals:* Atlantic bottlenose dolphin *(Tursiops truncatus)*—2.

4. *Type of Take:* Capture/Maintain.

5. *Location of Activity:* West Coast of Florida.

6. *Period of Activity:* 2 Years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the Federal Register, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

The Permit is available for review by interested persons in following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Rm 805, Washington, DC;

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, Washington, 98115.

Dr. Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

Date: December 15, 1987.

[FR Doc. 87–29356 Filed 12–22–87; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Proposed Permit Modification: The North Wind Undersea Institute (P539A)

Notice is hereby given that the North Wind Undersea Institute, 610 City Island Avenue, City Island, New York 10464 has requested a modification of Permit No. 541 issued on February 19, 1986 (51 FR 7485), under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Permit No. 541 authorized the taking of three (3) rehabilitated beached/stranded harbor seals (*Phoca vitulina*) for public display.

The Permit Holder is requesting authorization to conduct a comprehensive research program that will measure and document the cognitive and behavioral skills of the three harbor seals held under the Permit, and their ability to perform useful functions under realistic conditions. The Applicant anticipates that during this research the seals eventually will be acclimated to, and that research would be conducted for short periods of time in, open water.

Concurrent with the publication of this notice in the Federal Register, the Secretary of Commerce is forwarding copies of the modification request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modification should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular Modification would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this modification are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above modification are available for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Rm 805, Washington, DC; and

Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930–3799.

Date: December 15, 1987.

Dr. Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 87–29379 Filed 12–22–87; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade; Proposed Amendments Relating to the GNMA Futures Contract and a Proposal To Recommence Trading in That Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The Chicago Board of Trade ("CBT" or "Exchange") has submitted for the GNMA futures contract a number of proposed changes in the standards and procedures relating to the selection of the coupons used as the basis for cash settlement of the contract and to the listing of contract months. In accordance with section 5a(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Economic Analysis ("Division") of the Commodity Futures Trading Commission ("Commission") has determined, on behalf of the Commission, that these proposals are of major economic significance. In addition, the CBT has submitted a proposal to recommence trading in the GNMA futures contract, which now is dormant within the meaning of Commission Regulation 5.2.[1] On behalf of the Commission, the Division is requesting comment on these proposals.

DATE: Comments must be received on or before January 22, 1988.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the amendments to the CBT GNMA futures contract.

FOR FURTHER INFORMATION CONTACT: Naomi Jaffe, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581 (202) 254–7227.

SUPPLEMENTARY INFORMATION: The Exchange submitted proposed amendments to the GNMA futures contract that would:.

(1) Limit the number of contract months listed to five consecutive months, rather than the current contract provisions for listing seven consecutive months and the March quarterly cycle months for a 42-month period;

(2) Change the last day of trading to the Friday before the third Wednesday of the delivery month from the Monday before the third Wednesday of the delivery month;

(3) Specify that the designated coupon will be that coupon trading closest to but not greater than par, instead of that coupon which a majority of the surveyed GNMA dealers specifies as the coupon trading nearest to par;

(4) Provide for procedures under which the Exchange, on a monthly basis, prior to listing contracts expiring two, three, and four months later, would select the coupon that will be used for determining the cash settlement price of such contracts, instead of listing contract months and subsequently selecting the coupon for each contract month at least 45 days prior to cash settlement;

(5) Since more than one coupon futures may be trading for a single contract month, clarify that, for each contract month, futures contracts based on different coupons will be settled under the cash settlement procedures on the same day, that is, the last day of trading;

(6) Change the price basis to a single GNMA coupon rather than the average of two coupons;

(7) Amend the cash settlement pricing procedures to use the median instead of the average of the fifteen quoted prices;

(8) Empower the Board or its designated Committee to conduct an extraordinary coupon determination in addition to regularly scheduled determinations;

(9) Change the name of the contract to mortgage-backed futures;

(10) Modify contract language to permit the Exchange to trade during the evening session.

With regard to these proposals to amend the contract, the CBT noted that:

The proposed revisions are intended to enhance the usefulness of the futures for hedging by cash market participants. Basing the settlement on a single coupon provides the cash market with a risk shifting tool that incorporates as few distortions as possible. Cash market traders, investors and mortgage banking operations all deal in specific securities and futures with transparent pricing should allow them to hedge with a much clearer basis relationship.

Many mortgage bankers and dealers conduct their business in the coupon trading right around par. The present proposal will assure that the so-called current coupon is available for trading and will be available for a long period to provide for orderly liquidation of hedges.

The GNMA futures contract is not currently listed for trading and is dormant under Commission Regulation 5.2. Under Regulation 5.2, an exchange must submit for Commission review and approval, pursuant to section 5a(12) of the Commodity Exchange Act (Act) and CFTC Regulation 1.41(b), an appropriate bylaw, rule, regulation or resolution to recommence trading in a dormant contract. Accordingly, the Exchange has submitted, pursuant to section 5a(12) of the Act and Commission Regulation 1.41(b), a proposal to list additional months in the contract.

The Commission is seeking comment on the proposed amendments and with respect to the CBT's proposal to recommence trading in the contract.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Copies of the amended terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

The materials submitted by the Exchange in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC, by the specified date.

Issued in Washington, DC, on December 18, 1987.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 87–29402 Filed 12–22–87; 8:45 am]

BILLING CODE 6351-01-M

[1] The GNMA (CDR) futures contract is currently listed for trading at the CBT.

Minneapolis Grain Exchange; Proposed Amendments Relating to the High Fructose Corn Syrup-55 Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The Minneapolis Grain Exchange ("MGE" or "Exchange") has proposed major rule amendments for the High Fructose Corn Syrup-55 (HFCS–55) futures contract. The principal proposed amendments include the following changes: A redefinition of the par delivery area; a modification of delivery procedures; a provision for delivery at the seller's plant at the buyer's election; an increase in the number of trading months listed per year; a decrease in the daily premium charge for outstanding shipping certificates; a change in the specification of the trading unit; and amendments to the criteria governing the acceptability of approved bulk break stations and HFCS–55 production plants.

In accordance with section 5a(12) of the Commodity Exchange Act ("Act") and acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Economic Analysis of the Commodity Futures Trading Commission ("Commission") has determined, on behalf of the Commission, that the proposals are of major economic significance and that, accordingly, publication of the proposals is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before January 22, 1988.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the MGE HFCS–55 futures contract rule amendments.

FOR FURTHER INFORMATION CONTACT: Fred Linse, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 (202) 254–7303.

SUPPLEMENTARY INFORMATION: The MGE is proposing to modify the specifications regarding futures delivery of HFCS–55. MGE rules specify that delivery must be made at approved bulk break stations located within the Chicago "Intrastate, Industrial, Commercial and Terminal Area," or within the city limits of Gary or Hammond, Indiana. All deliveries are at par. Delivery costs to approved bulk break stations must be pre-paid by the seller.[1]

The proposed amendments would give the buyer two means of taking futures delivery. The buyer could require the seller to deliver HFCS–55 to an address designated by the buyer within Cook County, Illinois,[2] or the buyer could choose to accept HFCS–55 f.o.b. at the seller's production facility. Deliveries at the seller's production facilities would be subject to a discount of $0.25 per pound.

The MGE indicates that the proposed amendments will increase the number of marketing options available to the buyer of HFCS–55 shipping certificates and will ensure the acceptability to soft drink bottlers of HFCS–55 delivered against HFCS–55 shipping certificates. The Exchange also states that the proposal would "rectify a dual price and dual quality problem" in a recent delivery period. According to the MGE, "the f.o.b. bulk break stations delivery created a dual tier of HFCS–55 pricing on the board."

The MGE's proposed amendments also would provide for the listing for trading months for all calendar months up to eighteen months out from the current spot month. Currently, the trading months for HFCS–55 futures contracts are: March, May, July, September, and December up to eighteen months out from the current month.

According to the Exchange, industry participants indicated that the current trading month cycle which corresponds to "corn months" is not always adequate for the HFCS Market. It was noted that "often times quarterly pricing negotiations which take place in the cash market tend to negate the efficacy of the futures pricing mechanism rather than supplement its efficient development. This is due to the fact that bottlers are often booked forward for 90 days and this creates particular problems for March delivery, May delivery, September delivery and occasionally in December. Bottlers have indicated a preference for delivery months that complement their cash negotiating periods more closely."

The MGE also is proposing amendments to its rules governing the acceptability of bulk break stations and production plants for delivery. Current rules require that HFCS–55 delivered at bulk break stations meet certain quality standards, and that the bulk break stations be located in the par delivery area, handle HFCS–55, and meet basic health standards. The proposals would require, in addition, that product delivered at HFCS–55 production facilities and HFCS–55 delivered through bulk break stations to locations in Cook County be acceptable to 75 percent of the Chicago soft drink market. The MGE proposes to poll major soft drink bottlers in Chicago on an annual basis to ensure that all eligible delivery facilities meet this standard.

The MGE proposes to change the HFCS–55 trading unit from 48,000 pounds, commercial basis, to 37,000 pounds, dry basis.[3] In conjunction with this change, the MGE is proposing to change the minimum price fluctuation from $0.01 per hundredweight ($4.80 per contract) to $0.02 per hundredweight ($7.40 per contract). The futures contract's maximum daily price fluctuation trading limits would not be changed. However, since the pricing basis would be stated on a "dry" rather than a "commercial" basis, the value of a limit move would be reduced to $370 from $480 per contract.

The MGE noted that the purpose for this amendment is to change the trading unit to more correctly correspond to the cash market practice of quoting prices on a dry solids weight basis rather than the present commercial basis. The Exchange further noted that industry participants have noted that this might be a beneficial change to the contract and would help trading of the contract given that the main users of 55–HFCS are bottlers who quote all their purchases in the cash market on a dry weight basis.

The MGE is proposing to decrease the daily premium for an outstanding shipping certificate from $0.0003 per pound to $0.00015 per pound. The Exchange justified this proposal by stating that:

* * * [Buyers] felt that such a charge was prohibitive from their standpoint, because there is presently no such penalty in the cash market. They would be discouraged from trading if they had to take delivery and pay $14.40 per contract per day which over 30 days amounted to $432.00 per truck or at [$]12.00/cwt. HFCS would amount to a loss of 13.33% ($5,760=worth of contract truck) of the total value of their contract per delivery period * * *. Although it is a disincentive to buy side participation, sellers noted that storage in a jumbo rail tanker costs them somewhere in the neighborhood of $700.00 per month or $175.00 per tank truck (although tank trucks do not act as storage tanks, 4 tank trucks are the equivalent of one jumbo). Sellers felt that .015/cwt was reasonable as a "cost of storage premium" as it calculates out $700.00=one jumbo/mo. divided by 4=$175.00 divided by 30 days=[$]5.83/day per truck. This is slightly less than [$]7.20 or [$].015/cwt/day.

The MGE is also proposing a requirement that all tank trucks used in futures contract deliveries of HFCS–55 must be sealed in accordance with commercial practices. The Exchange stated that the purpose for this proposed provision is "to provide a clearer understanding and guarantee to the buyer by ensuring that normal commercial quality practices regarding tank truck and rail tanker seals follows through into futures deliveries."

The MGE proposes to implement the proposed amendments on a date specified by the MGE Board of Directors following Commission approval. The proposed amendments will apply only to delivery months which have no open interest at the time the amendments are implemented.

The Commission has determined that publication of the proposed amendments is in the public interest, will assist it in considering the view of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

Copies of the proposed amendments to the terms and conditions of the HFCS–55 futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW. Washington, DC 20581. Copies of the terms and conditions may be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314. Other materials submitted by the MGE in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)), except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before January 22, 1988.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the MGE HFCS–55 futures contract rule amendments.

FOR FURTHER INFORMATION CONTACT: Fred Linse, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581 (202) 254–7303.

SUPPLEMENTARY INFORMATION: The MGE is proposing to modify the specifications regarding futures delivery of HFCS–55. MGE rules specify that delivery must be made at approved bulk break stations located within the Chicago "Intrastate, Industrial, Commercial and Terminal Area," or within the city limits of Gary or Hammond, Indiana. All 2033 K Street NW., Washington, DC, 20581, by the specified date.

Issued in Washington, DC, on December 16, 1987.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 87–29403 Filed 12–22–87; 8:45 am]

BILLING CODE 6351–01–M

---

[1] Under certain conditions, the buyer may declare a destination other than an approved bulk break station in Chicago, Illinois. To be eligible for this delivery alternative, the buyer and seller must negotiate a freight charge for delivery to the location other than Chicago, Illinois, within two business days of the cancellation of the shipping certificates. Otherwise, delivery will be made to approved break stations in Chicago, Illinois.

[2] The contract would continue to provide for the negotiation of another destination as described in footnote 1 above.

[3] 48,000 pounds, commercial basis, of HFCS–55 is equivalent to one tank truck filled with HFCS–55. The par (or average) solids content for HFCS–55 is 77 percent. Thus, the approximate dry basis equivalent of 48,000 pounds, commercial basis, is 37,000 pounds, dry weight.

DEPARTMENT OF DEFENSE

Office of the Secretary

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collect and Form Number, if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Department of Defense Industrial Facility Survey Industrial Preparedness Planning Program (DD Form 1519–2)

The DD Form 1519–2 is used by Department of Defense officials to record production capabilities and physical properties of privately owned facilities. The data obtained is used to plan for effective utilization of the plant during mobilization.

Responses: 15,700.

Burden hours: 31,400.

OMB Desk Officer: Mr. Edward Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Edward Springer at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DoD Clearance Officer: Mrs. Pearl Rascoe-Harrison.

A copy of the information collection proposal may be obtained from Mrs. Pearl Rascoe-Harrison at WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone 202/746–0933.

Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 87–29391 Filed 12–22–87; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collect and Form Number, if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact

from whom a copy of the information proposal may be obtained.

Extension

Department of Defense Industrial Preparedness Program Production Planning Schedule (DD Form 1519).

The DD Form 1519 is used by Department of Defense officials to record production capabilities and physical properties of privately owned facilities. The data obtained is used to plan for effective utilization of the plant during mobilization.

Responses: 22,700.

Burden hours: 56,750.

OMB Desk Officer: Mr. Edward Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Edward Springer at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DoD Clearance Officer: Mrs. Pearl Rascoe-Harrison.

A copy of the information collection proposal may be obtained from Mrs. Pearl Rascoe-Harrison at WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, telephone 202/746-0933.

Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 18, 1987.

[FR Doc. 87-29392 Filed 12-22-87; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Record of Decision; Site Selection for Binary Munitions Chemical Facilities

AGENCY: Department of the Army, DOD.

ACTION: Availability of Decision Memorandum.

SUMMARY: This announces the availability of a Decision Memorandum regarding the site selection for construction and operation of binary munitions chemical facilities at Pine Bluff Arsenal (PBA), Pine Bluff, Arkansas. The memorandum is the Record of Decision regarding the Final Supplemental Environmental Impact Statement on the Binary Chemical Munitions Program QL and DC Production Facilities.

SUPPLEMENTARY INFORMATION: On December 16, 1987 the Under Secretary of the Army approved the selection of PBA as the site for production of chemicals which are used in binary munitions manufacturing and are not available in quantity from commercial sources. These chemicals will be used in manufacturing three binary munition systems: An artillery projectile, a multiple launch rocket warhead and an aerial bomb. The two chemicals for which production plants are needed are methylphosphonic dichloride (DC), a feedstock used in making methylphosphonic difluoride (DF), the binary precursor for the projectile and rocket warhead; and O-(2-diisopropylaminoethyl) O'-ethylmethylphosphonite (QL), a precursor for the bomb. DF production will be continued at PBA in an existing Army plant. The Army is establishing a production base to fulfill its mission of acquiring, storing and maintaining binary munitions to meet the national security requirement to modernize our chemical warfare deterrent stockpile. The range of alternatives considered in the Army's decision analysis included five candidate sites for DC. Three of these sites were also considered for QL production. Industry, as a part of the Army's solicitation process, was allowed to nominate other environmentally suitable and commercially visable sites. The other sites considered were:

—Lake chalres (LC), Louisiana, a commercial site for DC. LC was withdrawn by the owner-operator for business reasons.

—Phosphate Development Works (PDW), Muscle Shoals, Alabama, a government site for DC, located on a Tennessee Valley Authority installation. PDW was withdrawn by TVA for business reasons.

—West Helena (WH), Arkansas, a commercial site for DC and OL. WH was withdrawn by the owner-operator for business reasons.

—Newport Army Ammunition Plant (NAAP), Indiana, a government site for DC and QL. This site was found to be environmentally suitable but was not the best choice from a program management perspective. No additional commercial alternative sites were identified as a result of the Army's solicitation process. A "No Action" alternative was eliminated because the Army's mission could not be accomplished. Pine Bluff Arsenal was selected because it is environmentally suitable and has significant advantages for government management including a less complicated management chain; a reduced cost growth and schedule delay risk; lesser requirements for transportation of materials in the public domain; and opportunities for better coordinated use resources and labor.

The Decision Memorandum summarizes the environmental and acquisition management factors considered and measures planned to minimize environmental effects. Interested individuals may obtain copies of this Decision Memorandum by contacting the Office of the Project Manager for Binary Munitions. ATTN: Mr. George T. Balunis (AMCPEO-CNB), Aberdeen Proving Ground, MD 21010-5401. Telephone (301) 671-3351.

Robert A. Stern,

Washington Representative, Program Executive Officer, Chemical/Nuclear.

[FR Doc. 87-29377 Filed 12-22-87; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 12 and 13 January 1988.

Times of Meetings:

0900-1630 hours, 12 January 1988
0800-1715 hours, 13 January 1988

Place: Bldg. 305 at CNVEO, Ft. Belvoir, VA.

Agenda: The Army Science Board Ad Hoc Subgroup for Focal Plane Array (FPA) will meet for briefings on the DOD FPA Initiative, the Services and SDIO requirements for FPA, and the Army position on the seven Terms of Reference. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202) 695-3039 or 695-7046.

Sandra F. Gearhart,

Acting Administrative Officer, Army Science Board.

[FR Doc. 87-29324 Filed 12-22-87; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Naval Research Advisory Committee will meet on January 20-22, 1988. The meeting will be held at offices of the Commander-in-Chief, U.S. Pacific Fleet, Pearl Harbor, Hawaii. The meeting will commence at 8:00 a.m. and terminate at 5:00 p.m. on January 20; commence at 8:00 a.m. and terminate at 3:30 p.m. on January 21; and commence at 8:00 a.m. and terminate at 12:00 noon on January 22, 1988. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to provide briefings and tours for the committee members on command and control systems capabilities. The agenda will include technical briefings, tours and discussions addressing C2 and communications and interoperability issues. These briefings, tours and discussions will contain classified information that is specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive Order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander L.W. Synder, U.S. Navy, Office of Naval Research, 800 North Quincy Street, Arlington, VA 22217-5000, Telephone Number: (202) 696-4870.

Date: December 16, 1987.

Jane Virga,

Lieutenant, JAGC, U.S. Navy Reserve, Federal Register Liaison Officer.

[FR Doc. 87-29335 Filed 12-22-87; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

Energy Conservation Program for Consumer Products; Representative Average Unit Costs of Energy

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: In this notice, the Department of Energy is forecasting the representative average unit costs of five residential energy sources for the year 1988. The five sources are electricity, natural gas, No. 2 heating oil, propane and kerosene. The representative unit costs of these energy sources are used in the Energy Conservation Program for Consumer Products established by the Energy Policy and Conservation Act, as amended by the National Energy Conservation Policy Act and by the National Appliance Energy Conservation Act.

EFFECTIVE DATE: The representative average unit costs of energy contained in this notice will become effective January 22, 1988 and will remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Forrestal Building, Mail Station CE-132, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9127

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station GC-12, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9507.

SUPPLEMENTARY INFORMATION:

Section 323 of the Energy Policy and Conservation Act (Pub. L. 94-163), as amended by the National Energy Conservation Policy Act (Pub. L. 95-619) and by the National Appliance Energy Conservation Act (Pub. L. 100-12), (Act)[1] requires that the Department of Energy (DOE) prescribe test procedures for the determination of the estimated annual operating cost and other measures of energy consumption for certain consumer products specificed in the Act. DOE has prescribed test procedures for the major household products listed in section 322(a) of the Act. These test procedures are found in 10 CFR Part 430, Subpart B.

Section 323(b) of the Act requires that the estimated annual operating cost of a covered product be computed from measurements of energy use in a representative average-use cycle and from representative average unit costs of the energy needed to operate such product during such cycle. The section further requires DOE to provide information regarding the representative average unit costs of energy for use wherever such costs are needed to perform calculations in accordance with the test procedures. Most notably, these costs are used under the Federal Trade Commission labeling program established by section 324 of the Act and in connection with advertisements of appliance energy used and energy costs which are covered by section 323(c) of the Act.

DOE last published representative average unit costs of residential energy for use in the Energy Conservation Program for Consumer Products on April 2, 1987 (52 FR 10606). Effective January 22, 1988, the cost figures published on April 2, 1987, will be superseded by the cost figures set forth in this notice.

DOE's Energy Information Administration (EIA) has develped the 1988 representative average unit costs of electricity, natural gas and No. 2 hearing oil found in this notice. These costs were taken from the October 1987 "EIA Short-Term Energy Outlook," DOE/EIS-0202 (87/4Q), which forecasts the retail cost of selected energy products based on changes in world oil prices, wellhead natural gas prices, seasonal patterns in retail prices and established trends in margins and operating expenses. The development of these costs is discussed in detail in the October 1987 issue of this report, which is EIA's quarterly Publication of historical and forecasted energy consumption and prices. The costs appear in Table 5 of "EIA Short-Term Energy Outlook." Copies of this report are available at the National Energy Information Center, Forrestal Building, Room 1E-190, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-6020.

In the cases of kerosene and propane, the 1988 representative average unit costs found in this notice were developed by other means since EIA's "Short-Term Energy Outlook" does not provide a forecast of the retail costs of these fuels. However, historical refiner and gas plant operator sales prices for kerosene and propane, and residential prices for No. 2 heating oil are available from another EIA publication, "Petroleum Marketing Monthly," DOE/EIA-0380. Referring to Table 2 and Table 15 of the June 1987 issue of "Petroleum Marketing Monthly," DOE obtained refiner and gas plant operator average sales prices to end users for kerosene and No. 2 heating oil prices to residential consumers for 1986. To forecast a 1988 representative average change in 1988 from the 1986 annual average (last complete year of available data) for No. 2 heating oil prices to residential customers also would be applied to kerosene. Propane prices were assumed to change at the same rate as the residential price of natural gas. The 1988 annual average residential natural gas prices appear in Table 4 of EIA's June 1987 issue of "Natural Gas Monthly," DOE/EIA-0130. Refiner and gas plant operator prices to end users for kerosene and propane were used

[1] References to the "Act" refer to the Energy Policy and Conservation Act, as amended by the National Energy Conservation Policy Act and by the National Appliance Energy Conservation Act.

since, of the comparable recent data available, these are believed to be most representative of prices to residential consumers. On the basis of this assumption, DOE computed the relative difference between the 1988 representative average unit cost of No. 2 hearing oil (taken from the October 1987 issue of "Short-Term Energy Outlook") and the average annual residential price for No. 2 heating oil for 1986. DOE then applied this computed value to the average annual refiner and gas plant operator sales prices to end users for kerosene for 1986 to forecast its 1988 representative average unit cost. For propane, the same method was used except that the price forecast was based on changes in the residential price of natural gas, rather than heating oil. The price change of propane to the residential customer reflects more closely the residential price change of natural gas rather than that of No. 2 heating oil.

The 1988 representative average unit costs stated in Table 1 are provided pursuant to section 323(b)(4) of the Act and will become effective January 22, 1988. They will remain in effect until further notice.

Issued in Washington, DC. December 10, 1987.

Donna R. Fitzpatrick,

Assistant Secretary, Conservation and Renewable Energy.

TABLE 1.—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES

[1988]

Type of energy	In common terms	As required by test procedure	Dollars per million Btu[1]
Electricity	8.04¢/kWh[2,3]	$0.0804/KWh	$23.56
Natural Gas	56.2¢/therm[4] or $5.80/MCF[5,6]	0.0000562/Btu	5.62
No. 2 Heating Oil	$0.83/gallon[7]	0.0000598/Btu	5.98
Propane	70¢/gallon[8]	0.0000769/Btu	7.69
Kerosene	$0.78/gallon[9]	0.0000578/Btu	5.78

[1] Btu stands for British thermal units
[2] KWh stands for kilowatt hour
[3] 1 kWh = 3,412 Btu
[4] 1 therm = 100,000 Btu
[5] MCF stands for 1,000 cubic feet
[6] For the purposes of this table, one cubic foot of natural gas has an energy equivalence of 1,032 Btu.
[7] For the purposes of this table, one gallon of No. 2 heating oil has an energy equivalence of 138,700 Btu.
[8] For the purposes of this table, one gallon of liquid propane has an energy equivalence of 91,000 Btu.
[9] For the purposes of this table, one gallon of kerosene has an energy equivalence of 135,000 Btu.

[FR Doc. 87-29397 Filed 12-22-87; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 87-59-NG]

LOUTEX Energy Inc.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application for blanket authorization to import natural gas

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on October 23, 1987, of an application filed by LOUTEX Energy Inc. (LOUTEX) for blanket authorization to import Canadian natural gas for sale to purchasers in the United States, on a short-term, spot basis, including pipelines, local distribution companies and commercial and industrial end-users. Authorization is requested to import up to 500 MMcf of natural gas per day and a maximum of 182.5 Bcf annually for a term of two years beginning on the date of first delivery. LOUTEX, a Louisiana corporation and wholly owned subsidiary of LEDCO Inc., intends to utilize existing facilities of U.S. and Canadian pipelines for the transportation of its imported gas supplies. LOUTEX proposes to file quarterly reports with the ERA.

The application is filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed no later than January 22, 1988.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Natural Gas Division, Economic Regulatory Administration, Forrestal Building, Room GA-076, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-8233.
Michael T. Skinker, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: The decision on this application will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion. All parties should be aware that if the ERA approves this requested blanket import, it may designate a total authorized volume for the term without fixing a daily or annual limit that can be imported in order to provide the applicant with maximum flexibility of operation.

It is also requested that the authorization be granted on an expedited basis.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA076, RG-23, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. They must be filed no later than 4:30 p.m. e.s.t., January 22, 1988.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of LOUTEX's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-076-A at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 15, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Program, Economic Regulatory Administration.

[FR Doc. 87-29396 Filed 12-22-87; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 87-64-NG]

Poco Petroleum, Inc.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application for blanket authorization to import natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on November 18, 1987, of an application filed by Poco Petroleum, Inc. (Poco), requesting that the blanket authorization previously granted in DOE/ERA Opinion and Order No. 103, issued on January 17, 1986 (ERA Docket No. 85-33-NG), be amended to extend the blanket authorization for a term of two years beginning on January 21, 1988. Poco requests authorization to import up to a maximum of 150 Bcf during the two-year period, either for its own account or as an agent for U.S. purchasers and/or Canadian suppliers. Poco intends to utilize the existing facilities of U.S. pipelines. Poco will continue to file quarterly reports with the ERA. Poco's prior quarterly reports filed with the ERA indicate that approximately 16.5 Bcf of natural gas were imported under Order No. 103 as of September 30, 1987.

The application is filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene or notices of intervention, and written comments are invited.

DATE: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed no later than January 22, 1988.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Natural Gas Division, Economic Regulatory Administration, Forrestal Building, Room GA-076, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-8233.
Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: The decision on this application will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that the extension of its import arrangement is competitive. Parties opposing the arrangment bear the burden of overcoming this assertion.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076, RG-23, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. They must be filed no later than 4:30 p.m. e.s.t., January 22, 1988.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference or a

BEST COPY AVAILABLE

VOL 52 ISS 246 DEC 23 1987 UMI

trial-type hearing. A request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, how that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Poco's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-076-A, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC December 16, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-29572 Filed 12-22-87; 10:46 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CI88-108-000 et al.]

J. Cleo Thompson and James Cleo Thompson, Jr. et al.; Natural Gas Companies; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

December 17, 1987.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and petitions which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 30, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price Per Mcf	Pressure Base
CI88-108-000, B, Nov. 9, 1987.	J. Cleo Thompson & James Cleo Thompson, Jr., 4500 Republic Bank Tower, Dallas, Texas 75201.	Northern Natural Gas Company, Division of Enron Corp., Bailey "B" Lease Ozona N.E. Field, Crockett County, Texas.	[1]	
CI88-109-000, B, Nov. 9, 1987.	....do....	Addie Clayton Lease Ozona N.E. Field, Crockett County, Texas.	[2]	
CI86-735-001, CI86-741-001, B, Sept. 17, 1987.	Diamond Shamrock Offshore Partners Limited Partnership, 2001 Ross Avenue—Suite 1400, Dallas, Texas 75201-2915.	Trunkline Gas Company	[3]	
CI60-215-003, D, Dec. 7, 1987.	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, Calif. 94120-7309.	Riceville Field, Vermilion Parish, Louisiana.	[4]	
G-16218-004, D, Dec. 7, 1987.	....do....	Transwestern Pipeline Company, Laverne Field, Beaver County, Oklahoma.	[5]	
G-11174-000, D, Dec. 7, 1987.	....do....	Colorado Interstate Gas Company, Laverne Field, Harper County, Oklahoma.	[6]	
G-5766-002, D, Dec. 3, 1987.	Conoco Inc., P.O. Box 2197, Houston, Texas 77252.	El Paso Natural Gas Company, Jalmat-Langlie-Mattix Fields, Lea County, New Mexico.	[7]	
G-6342-013, D, Dec. 8, 1987.	....do....	Monument Area, Lea County, New Mexico.	[8]	
G-3812-001, D, Nov. 27, 1987.	Sun Exploration & Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	Slaughter Field, Hockley County, Texas.	[9]	
CI88-155-000, (G-10836), B, Nov. 27, 1987.	Mobile Producing Texas & New Mexico Inc., Nine Greenway Plaza—Suite 2700, Houston, Texas 77046-0957.	Trunkline Gas Company, Columbus Field, Colorado County, Texas.	[10]	
CI63-411-001, D, Dec. 1, 1987.	Sohio Petroleum Company, P.O. Box 4587, Houston, Texas 77210.	Northern Natural Gas Company, Division of Enron Corp., Fox "A" Unit, Ellis County, Oklahoma.	[11]	

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price Per Mcf	Pressure Base
CI88-156-000, (CI67-560), B, Nov. 27, 1987.	Union Oil Company of California, P.O. Box 7600, Los Angeles, Calif. 90051.	Panhandle Eastern Pipe Line Company, Belva V Field, Woods County, Oklahoma.	[12]	
G-10354-003, D, Dec. 1, 1987.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Tabasco Field, Hidalgo County, Texas.	[13]	
CI88-159-000, (CI69-413), B, Nov. 30, 1987.	Mitchell Energy Corporation, *et al.*, P.O. Box 4000, The Woodland, Texas 77387-4000.	Texas Eastern Transmission Corporation, Chapa Area Field, Live Oak County, Texas.	[14]	
CI88-144-000, B, Nov. 24, 1987. [16]	Lincoln Rock Corporation, P.O. Box 8438, Northfield, Illinois 6093.	Cimarron Transmission Company, North Marietta Field, Enville, Area, Love County, Oklahoma.	[15]	

[1] Applicant requests permanent abandonment with three-year pregranted abandonment for any sales for resale in interstate commerce under its small producer certificate in Docket No. CS67-24.

In support of its application Applicant states the gas contract will not expire until July, 1990. However, Applicant and purchaser have entered into a release agreement. Deliverability is approximately 58 Mcf/d. The gas is NGPA section 104 post-1974 gas. Applicant desires to sell gas in the spot market.

[2] Applicant requests permanent abandonment with three-year pregranted abandonment for any sales for resale in interstate commerce under its small producer certificate in Docket No. CS67-24.

In support of its application Applicant states the gas contract expired in 1984. Applicant and purchaser have entered into a release agreement. Deliverability is approximately 781 Mcf/d. The gas is NGPA section 104 1973-1974 biennium gas and flowing gas.

[3] Applicant requests amendment of its existing LTA to reflect that NGPA section 109 gas is incuded since all jurisdictional gas is covered by the release agreement with Trunkline.

[4] Acreage has been assigned to Bass Enterprises Production Company, effective 10-1-87.

[5] Acreage has been assigned to Tidemark Enterprises Inc., effective 11-1-86.

[6] Acreage has been assigned to Chesapeake Production Company, effective 9-1-87.

[7] By Partial Assignment executed 4-3-87, effective 12-1-86, Conoco Inc. conveyed unto Santa Fe Energy Company certain acreage.

[8] A portion of the acreage subject to Rate Schedule No. 85 was conveyed unto Santa Fe Exploration Company, effective 12-1-86.

[9] Sun assigned its interest in Property No. 529758, Mallet Land & Cattle, to Flag-Redfern Oil Co., effective 7-1-86.

[10] By Assignment executed 6-20-86, effective April 1, 1986, MPTM assigned to Cities Service Oil and Gas Corporation all of its right, title and interest in certain acreage.

[11] By Assignment effective 10-1-87, Sohio Petroleum Company assigned certain acreage to Maynard Oil Company.

[12] Union Oil Company of California assigned a certain lease under Docket No. CI67-560 to Vance Production Company, effective 9-1-87.

[13] ARCO sold certain acreage covered by Rate Schedule No. 148 to Essenjay Petroleum Coporation, effective 8-29-83. Certain other acreage has been released effective 5-1-84.

[14] On 2-5-86, Mitchell assigned its interest in the leases that are under the 5-15-68 contract to Mr. David Diiger.

[15] Applicant alleges that the wells are not capable of delivering gas into Cimarron's gathering system at the pressure maintained by Cimarron at the delivery point. The price paid by Cimarron to Lincoln Rock under their Agreement for the six-month period beginning 7-1-87 and ending 12-31-87 is 95% of 88 cents/Mcf (at 1,000 Btu), less a treating charge of 2 cents/Mcf. At that price, Lincoln Rock alleges that it cannot continue to bear the compression costs.

[16] Additional material received December 8, 1987.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 87-29334 Filed 12-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES88-24-000]

Cambridge Electric Light Co.; Application

December 17, 1987.

Take notice that on December 9, 1987, Cambridge Electric Light Company filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 204 of the Federal Power Act, to issue not more than $40,000,000 of short-term debt and other borrowings on or before December 31, 1989, with maturities on or before December 31, 1990.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before December 30, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any persons wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29328 Filed 12-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES88-23-000]

Commonwealth Electric Co.; Application

December 17, 1987.

Take notice that on December 9, 1987, Commonwealth Electric Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 204 of the Federal Power Act, to issue not more than $125,000,000 of short-term debt and other borrowings on or before December 31, 1989, with maturities on or before December 31, 1990.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before December 30, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party

must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29329 Filed 12-2-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI88-154-000 and CI88-157-000]

Conoco Inc.; Application

December 17, 1987.

Take notice that on November 27, 1987, Conoco Inc. (Conoco), P.O. Box 2197, Houston, Texas 77252, filed an application pursuant to sections 4 and 7 of the Natural Gas Act (15 U.S.C. 717c and f) and Part 157 of the Commission's Regulations under the Natural Gas Act (18 CFR Part 157), for authorization to permanently abandon certificates of public convenience and necessity issued to Conoco heretofore authorizing the sales of natural gas to United Gas Pipe Line Company (United) under various contracts covering gas sales subject to the Commission's Natural Gas Act jurisdiction as shown on Exhibit A. Conoco additionally requests the issuance of a permanent blanket certificate with pregranted abandonment authorizing sales for resale of natural gas in interstate commerce from sources formerly committed to United. Conoco also requests abandonment of individual sales made pursuant to the requested blanket certificate upon expiration of the term of such sales.

Conoco states that these authorities are necessary to enable Conoco to implement a comprehensive settlement agreement between Conoco and United to settle, compromise and release certain claims arising from various contractual relationships. Part of the settlement is the mutual understanding and agreement to rescind, terminate and cancel as of October 31, 1987 the contracts covering sales for which abandonment authorization is requested.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before December 31, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

EXHIBIT A

Docket No.	Conoco Inc. FERC gas rate schedule No.	Location	Estimated deliverability	NGPA category
G-6354	105	Eugene Island Area, Offshore, Louisiana	525 Mcfd	104 Replacement/ Recompletion
C80-298	165	South Timbalier, Block 146, Offshore Louisiana	3,395 Mcfd	102(d)
C87-1738	329	Weeks Island Field, Iberia Parish, Louisiana	90 Mcfd	104 Replacement/ Recompletion
G-11626	164	Ridge and North Leroy Fields, Lafayette and Vermilion Parishes, Louisiana	150 Mcfd	104(a)
C-11660	247	Theall Field, Vermilion Parish, Louisiana	80 Mcfd	102(c)
G-11707	143	Mauve and Pistol Ridge Fields, Forrest, Lamar and Pearl River Counties, Mississippi	5 Mcfd	108
G-6352	207	Cabaza Creek Field, Goliad County, Texas	335 Mcfd	108(a) (30%); 103 (70%)
G-5892	76	North Pettus and Burnell Fields, Karnes, Bee and Goliad Counties Texas	1,090 Mcfd	104 Flowing Gas (92%); 103 (8%)

[FR Doc. 87-29330 Filed 12-22-87; 8:4

BILLING CODE 6717-01-M

[Docket No. RP85-125-003]

Distrigas of Massachusetts Corp.; Proposed Changes in FERC Gas Tariff

December 16, 1987.

Take notice that on December 8, 1987, Distrigas of Massachusetts Corporation ("DOMAC") tendered for filing the below listed tariff sheets to be a part of its FERC Gas Tariff, First Revised Volume No. 1:

Original Sheet No. 16
Substitute Eighth Revised Sheet No. 17
Substitute Second Revised Sheet No. 17A
Sheet No. 18
Substitute Fourth Revised Sheet No. 19
Substitute Original Sheet No. 20
Sheet No. 21
Substitute First Revised Sheet No. 22
Substitute First Revised Sheet No. 23
Substitute First Revised Sheet No. 24

DOMAC states that the tariff sheets were submitted in compliance with the Commission's Opinion No. 291 issued November 23, 1987 in Docket No. RP85-125-000. DOMAC also states that the submission of this compliance filing is without prejudice to DOMAC's rights to seek rehearing of the November 23, 1987 Opinion or to any position DOMAC may take in further proceedings.

A copy of the filing was mailed to DOMAC's jurisdictional customers and all parties set out on the official service list at Docket No. RP85-125-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 384.214 and 385.211. All such motions or protests must be filed on or before December 23, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29328 Filed 12-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP86-69-007, TA87-3-15-001 and RP88-15-001]

Mid Louisiana Gas. Co.; Compliance Filing

December 18, 1987.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on December 15, 1987, tendered for filing as a part of First Revised Volume No. 1 of its FERC Gas Tariff the following Tariff Sheets:

To become effective September 1, 1987:

Sixtieth Revised Sheet No. 3a
Third Revised Sheet No. 3a.1
Sixth Revised Sheet No. 23a
Second Revised Sheet No. 26g

To become effective November 1, 1987:

Sixty-first Revised Sheet No. 3a
Fourth Revised Sheet No. 3a.1

Mid Louisiana states that the purpose of the filing of the revised Tariff Sheets to become effective September 1, 1987, is to comply with the Commission's Orders issued in Docket Nos. RP86-69-000 *et al.*, and TA87-3-15-000.

Mid Louisiana further states that the purpose of the filing of the revised Tariff Sheets to become effective November 1, 1987, is to incorporate the changes resulting from the compliance filing with its annual charge adjustment (ACA) clause approved by the Commission in Docket No. RP88-15-000.

Copies of this filing have been mailed to Mid Louisiana's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before December 28, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29406 Filed 12-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-143-002]

MIGC, Inc.; Compliance Filing

December 18, 1987.

Take notice that on December 14, 1987, MIGC, Inc. ("MIGC") tendered for filing Substitute Second Revised Sheet No. 39, Fourth Revised Sheet No. 102, Fourth Revised Sheet No. 140, and First Revised Sheet No. 250, all to MIGC's FERC Gas Tariff, Original Volume No. 1. These tariff sheets are proposed to become effective October 1, 1987.

MIGC states that the instant filing is being submitted in further compliance with Commission Order No. 472-B and the Commission's October 16, 1987 Order which accepted MIGC's ACA filing in this docket effective October 1, 1987. MIGC further states that the additional revisions to its initial ACA filing which are reflected in the instant submission broaden the applicability of MIGC's ACA charge to certain individually certificated rate schedules which were inadvertently excluded in its earlier filings in this docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such motions or protests should be filed on or before December 28, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29405 Filed 12-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-41-000]

Northwest Pipeline Corp.; Filing Annual Compliance Report

December 18, 1987.

Take notice that on December 15, 1987, Northwest Pipeline Corporation ("Northwest") tendered for filing Twenty-First Revised Sheet No. 10-A to be a part of its FERC Gas Tariff, First Revised Volume No. 1. Such tariff sheet reflects Northwest's Annual Compliance Report and Cost-of-Service Study pursuant to sections 13 and 14 of its Rate Schedudle T-1.

Northwest proposes a change in its Rate Schedule T-1 Facility Charge effective February 1, 1988, in accordance with section 13 of Rate Schedule T-1, as supported by its Cost-of-Service Study and to implement an Amortizing Adjustment effective February 1, 1988, in accordance with section 14 of Rate Schedule T-1.

Copies of this filing have been served on Pacific Interstate Transmission Company and all jurisdictional customers and affected state agencies.

Any persons desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 28, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29407 Filed 12-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES88-25-000]

PacificCorp, Application

December 17, 1987.

Take notice that on December 11, 1987, PacifiCorp doing business as Pacific Power & Light Company (Pacific) filed its application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking an order (1)

authorizing it to borrow the proceeds of up to $165,000,000 of Pollution Control Revenue Bonds to be issued severally by the Counties of Sweetwater and Converse, Wyoming (the "Counties") and the Cities of Forsyth, Montana and Gillette, Wyoming (the "Cities"), (2) authorizing it to enter into such agreements or arrangements with the Counties and the Cities and with other entities as may be reasonably necessary to effect the borrowing and provide credit enhancement for the said Bonds, (3) authorizing it to replace or modify, from time to time, existing letters of credit supporting the Bonds and other Pollution Control Revenue Bonds and (4) exempting the transactions from competitive bidding pursuant to 18 CFR 34.2(b)(2). The borrowings will be in connection with the refunding of outstanding Pollution Control Revenue Bonds that were issued to finance certain air and water pollution control and solid waste disposal facilities at the Jim Bridger, Dave Johnston, Colstrip and Wyodak Generating Plants.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protects should be filed on or before December 31, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any persons wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 87-29331 Filed 12-22-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP88-17-001]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

December 18, 1987.

Take notice that on December 14, 1987, Southern Natural Gas Company (Southern) tendered for filing the following tariff sheets to its FERC Gas Tariff, Sixth Revised Volume No., 1, to be effective December 1, 1987:

First Revised Sheet Nos. 30M–300
First Revised Sheet Nos. 30R–30AA
First Revised Sheet Nos. 30EE–30GG
First Revised Sheet Nos. 30JJ–30TT
First Revised Sheet Nos. 45R.9–45R.15
First Revised Sheet No. 45R.19
First Revised Sheet Nos. 45R.22–45R.25
First Revised Sheet Nos. 45R.27–45R.28
First Revised Sheet Nos. 53I.30–53I.31
First Revised Sheet No. 53I.33
First Revised Sheet No. 53I.40
First Revised Sheet Nos. 53I.46–53I.47
First Revised Sheet No. 53I.49
First Revised Sheet Nos. 53I.56

Southern states that on October 30, 1987, it filed in this proceeding revisions to its FERC Gas Tariff to establish as part of its Tariff Rate Schedules FT and IT, the General Terms and Conditions for Rate Schedules FT and IT, and Forms of Service Agreement under Rate Schedules FT and IT. On November 27, 1987, the Commission issued its Order Accepting Filing and Suspending Tariff Sheets, Subject to Refund and Conditions, Convening Technical Conference and Granting Late Interventions (Order). Ordering paragraph (A) required Southern to file within 15 days of the date of the issuance of the Order to make revisions prescribed by the Order. Accordingly, Southern has submitted the revised tariff sheets listed above and has requested a waiver of the Commission's Regulations to make the revised sheets effective December 1, 1987.

Southern states that copies of the filing were mailed to all of Southern's jurisdictional purchasers, shippers, and interested state commissions, as well as the parties listed on the Commission's official service list compiled in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions or protests should be filed on or before December 28, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 87-29408 Filed 12-22-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. CI88-87-000 and CI88-88-000]

Sun Exploration and Production Co. et al.; Applications for Permanent Abandonment and Blanket Limited-Term Certificate With Pregranted Abandonment

December 17, 1987.

Take notice that on November 2, 1987, as supplemented on November 23 and December 7, 1987, Sun Exploration and Production Company, *et al.*[1] (Sun, *et al.*), P.O. Box 2880, Dallas, TX 75221–2880 filed applications in Docket No. CI88–88–000 requesting permanent abandonment of sales of gas to ANR Pipeline Company from various fields located in Oklahoma and Louisiana, and requesting in Docket No. CI88–87–000 a three-year blanket limited-term certificate with pregranted abandonment for sales for resale in interstate commerce of the released gas to other purchasers.

Sun, *et al.* state expedited relief is sought for the reason that takes of gas under the terms of the gas purchase contracts have been substantially reduced and ANR has entered into a settlement agreement to, among other things, release from these contracts all NGA gas listed in the Appendix. Deliverability for Sun's interest in 12,821 Mcf per day. The gas is NGPA section 108(a) gas (86.3%) and 104 flowing (6.9%), replacement (0.1%), 1973–1974 biennium (1.5%) and post-1974 (5.2%) gas. Sales have been made under Sun, *et al.*'s certificates and FERC Gas Rate Schedules listed in the attached Appendix. Applicants request that their applications be considered on an expedited basis under procedures established by Order No. 436, Docket No. RM85–1–000, at 18 CFR 2.77.[2]

Since Sun, *et al.*, have requested that their applications be considered on an expedited basis, all as more fully described in the applications which are on file with the Commission and open to

[1] The *et al.* parties are listed in the attached Appendix. Sun Exploration and Production Company operates under the listed FERC Gas Rate Schedules and is filing jointly with the listed co-owners which are selling under these rate schedules.

[2] The United States Court of Appeals for the District of Columbia vacated the Commission's Order No. 436 on June 23, 1987. In vacating Order No. 436, the Court rejected challenges to the Commission's statement of policy in § 2.77 of its Regulations. Section 2.77 states that the Commission will consider on an expedited basis applications for certificate and abandonment authority where the producers assert they are subject to substantially reduced takes without payment or where the parties have entered into a take-or-pay buy-out pursuant to § 2.76.

public inspection, any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Sun, *et al.*, to appear or to be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

Rate schedule No.	Docket No.	Field/county/state	Owners
88	G-12972	Laverne/Harper/OK	Sun Exploration and Production Co., Mabee Petroleum Corp., F.A. Gillespie & Sons Co., James A. Gillespie, Sidney J. Gillespie, Geraldine G. Lucas Trust, Mrs. Gloria G. Parker, Bernadette G. Wolfenwinde, Nolan Adams, Est. of Wm. Freeman Houser, J.R. Atkinson Trust, Thomas D. Berry, Melinda Berry Fischer, Carl Mason & George S. Mason, L.C. Nosley, Josephine Uhl Stowe, Templeton Energy Income Corp., O.G. Zoldoske-Uhl, Peppers' Family Trust, Landmark Exploration Co.
130	CI81-992	Lovedale/Harper/OK	Sun Exploration and Production Co.
144	CI82-1111	Laverne/Harper/OK	Sun Exploration and Production Co.
148	CI81-1102	Woodward/Major & Woodward/OK	Sun Exploration and Production Co.
295	G-5180	Flores/Beaver/OK	Sun Exploration and Production Co.
365	[illegible]	Laverne/Harper/OK	Sun Exploration and Production Co., Landmark Exploration Co.
392	CI81-1147	Cedardale/Woodward & Major/OK	Sun Exploration and Production Co.
393	CI81-1201	S. Edith/Harper/OK	Sun Exploration and Production Co.
430	CI85-1228	Kings Bayou/Cameron/LA	Sun Exploration and Production Co.
443	CI85-894	Woodward/Woodward/OK	Sun Exploration and Production Co.
481	CI65-1327	Laverne/Harper/OK	Sun Exploration and Production Co., Gallaspy Oil Properties, Peppers' Trust.
501	CI72-183	Laverne/Harper/OK	Sun Exploration and Production Co.
510	CI72-724	N.E. Balling Springs/Woodward/OK	Sun Exploration and Production Co.
528	CI74-679	Woodward/Woodward/OK	Sun Exploration and Production Co.
557	CI75-223	Laverne/Harper/OK	Sun Exploration and Production Co., PC Mee.
558	CI75-235	Lenora/Dewey/OK	Sun Exploration and Production Co.
578	CI75-497	N.E. Balling/Woodward/OK	Sun Exploration and Production Co.
580	CI75-230	Laverne/Beaver/OK	Sun Exploration and Production Co.
618	CI80-102	Cheyenne, S.W./RogerMills/OK	Sun Exploration and Production Co.
683	CI81-998	Decendale/Woodward/OK	Sun Exploration and Production Co.
696	CI85-1196	Dacoma & S. E. Dacoma/Alfalfa/OK	Sun Exploration and Production Co.
751	CI82-293	Laverne/Harper/OK	Sun Exploration and Production Co., JR Atkinson Trust, Thomas D. Berry, Melinda Berry Fischer, Carl Mason & George S. Mason, L.C. Nosley, Josephine Uhl. Stowe, Templeton Energy Income Corp., O.G. Zoldoske-Uhl.

[FR Doc. 87-29333 Filed 12-22-87; 8:45 am]
BILLING CODE 6717-01

[Docket No. CI88-143-000 and CI88-146-000]

Texaco Inc. and Texaco Producing Inc.; Application

December 17, 1987.

Take notice that on November 20, 1987, Texaco Inc. and Texaco Producing Inc. (Applicant), of P.O. Box 52332, Houston, Texas 77052, filed applications pursuant to section 7 (b) and (c) of the Natural Gas Act and §§ 157.23 and 157.30 of the Commission's Regulations thereunder, requesting (1) permanent abandonment of sales to Natural Gas Pipeline Company of America (NGPL) of gas produced from various fields in Louisiana, Oklahoma, Texas and New Mexico, as more fully described on Exhibit "A" attached hereto, and (2) a three-year blanket limited-term certificate with pregranted abandonment in order to make sales for resale in interstate commerce of the abandoned gas, without market restrictions. Applicant also seeks authorization to include sales by co-interest owners in the same wells to the extent the joint owners agree.

In support of its applications Applicant states that the authorizations being sought are as a result of a comprehensive settlement agreement with NGPL dated June 1, 1987. Under the settlement agreement Applicant and NGPL agreed to terminate the contracts or portions thereof listed on Exhibit "A" effective the date abandonment authorization is received. Deliverability is approximately 5,330 Mcf/d of section 104 minimum rate gas, 8,400 Mcf/d of section 102(d) gas, and 10,000 Mcf/d of section 109 gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 31, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426 a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

Exhibit "A"

Previously certificated gas sales of Texaco Inc. and Texaco Producing Inc. to Natural Gas Pipeline Company from various fields in Louisiana, New Mexico, Oklahoma and Texas.

Certificate Docket No.	GRS No.	Field	County	State
Texaco Inc.:				
CI62-335	249	Knox	Stephens	OK
CI65-589	354	Indian Basin	Eddy	NM
CI68-912	411	Lorena West	Texas	OK
CI79-634	594	Tiger Shoal	Offshore	LA
CI83-149 [1]	610	South Marsh Is. Block 236	Offshore	LA
Texaco Producing Inc.:				
CI64-974	133	Putnam/Thomas Plant	Custer, Dewey	OK
CI69-1003	173	Nine Mile Point	Aransas	TX
CI66-69, CI66-107	[2]345	Camrick	Beaver, Texas	OK
CI66-768	354	South Taloga	Dewey	OK

[1] Limited to 28% of Texaco's interest previously dedicated to NGPL.
[2] Includes additional interest in properties acquired by assignment from BHP Petroleum (Americas) Inc. and certificated in Docket CI66-107 (BHP GRS-80).

[FR Doc. 87-29332 Filed 12-22-87; 8:45 am]
BILLING CODE 6714-01-M

[Docket No. RP88-39-000]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

December 16, 1987.

Take notice that on December 11, 1987, Williams Natural Gas Company (WNG) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets:

Revised Original Sheet No. 6A
Revised First Revised Sheet Nos. 11, 14 and 29

The proposed effective date of these tariff sheets is January 1, 1988. WNG states that the purpose of these sheets is to include in its currently effective firm sales rate schedules (Rate Schedules F and P) a Standby Charge to recover costs associated with standing by to serve its firm sales customers that do not reduce their full requirements service or contract demand where such customers obtain and have transported on WNG's system gas abandoned by WNG's producers under the Good Faith Negotiation procedures in § 270.201 of the Commission's Regulations as promulgated in Order No. 451.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 23, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 87-29327 Filed 12-22-87; 8:45 am]
BILLING CODE 6717-01-M

Office of Hearings and Appeals

Extension of Deadline for Filing Crude Oil Refund Claims

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Extension of deadline for filing crude oil refund claims.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces that the deadline for filing applications for crude oil refunds in all crude oil refund proceedings implemented to date under the DOE's Modified Statement of Restitutionary Policy (the MSRP), 51 FR 27889 (August 4, 1986), has been extended. The new filing deadline will be no earlier than June 30, 1988.

ADDRESS: Applications for refund should be addressed to: Subpart V Crude Oil Refunds, Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Roger Klurfeld, Assistant Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-2094 (Mann); 586-2383 (Klurfeld).

SUPPLEMENTARY INFORMATION: In *A. Tarricone, Inc.*, 15 DOE § 85,495 (1987), 52 FR 13291 (April 22, 1987), the OHA established refund proceedings for alleged crude oil violation amounts received form 42 firms. *Tarricone* set December 31, 1987 as the deadline for filing refund applications for claims against those 42 accounts. A similar deadline was established in all of the other crude oil refund proceedings implemented to date under the MSRP. A list of these cases is set forth in the Appendix to the Supplemental Order reproduced below.

In the Supplemental Order, issued December 14, 1987, the OHA announced that the former December 31, 1987 deadline for filing crude oil refund applications has been extended by at least six months. OHA's decision cited the need to give consumers injured by crude oil overcharges sufficient notice of the opportunity to file refund claims as the main reason for the extension. A new filing deadline—no earlier than June 30, 1988—will be established by the OHA in a future crude oil refund decision. All applications for refund should be sent to the address indicated above.

Dated: December 16, 1987.

George B. Breznay,
Director, Office of Hearings and Appeals.

December 14, 1987.

Decision and Order of the Department of Energy

Supplemental Order

Name of Petitioner: A. Tarricone, Inc., *et al.*
Date of Filing: December 9, 1987.
Case Number: KFX-0047.

On July 7, 1986, the United States District Court for the District of Kansas approved an historic settlement in *In re: The Department of Energy Stripper Well Exemption Litigation*, MDL No. 378 (D. Kan. 1987) (hereinafter referred to as the Settlement Agreement). The Settlement Agreement required the Department of Energy (DOE) to modify its prior restitutionary policy, and implement a refund process for crude oil overcharges based on the procedural regulations codified at 10 CFR Part 205, Subpart V. As required by the agreement, the DOE issued a Modified Statement of Restitutionary Policy in Crude Oil Cases (the MSRP) on August 4, 1986. 51 Fed. Reg. 27899 (1986).

The DOE's Office of Hearings and Appeals (OHA) is applying the MSRP in all cases involving crude oil overcharges. *See* Order Implementing the MSRP, 51 FR 29689 (August 20, 1986). OHA also issued a Notice on April 6, 1987, which discussed the general procedures the OHA would follow in crude oil refund proceedings. 52 FR 11737 (April 10, 1987) (the OHA Notice). The OHA Notice stated that standards and procedures governing the evaluation of crude oil refund claims would be contained in Final Decisions and Orders issued in specific refund proceedings. *Id.*

On April 15, 1987, the OHA established refund proceedings for funds received from A. Tarricone, Inc. and 41 other firms listed in the Appendix to that determination. *A. Tarricone, Inc.*, 15 DOE ¶ 85,495 (1987) (hereinafter referred to as *Tarricone*). All of these proceedings involve alleged crude oil violations, and the *Tarricone* decision permitted persons to file one refund application for claims against all 42 funds. The *Tarricone* decision established December 31, 1987, as the deadline for filing refund applications for claims against the 42 accounts.[1] For the reasons explained below, we have concluded that the December 31, 1987 filing deadline should be extended.

First, the influx of crude oil refund applications has generated an unprecedented workload for OHA as the deadline approaches. In the first week of December alone, the OHA received more than 2,400 crude oil claims. The inflow of crude oil claims needs to be spread out over a longer period.

Second, and more importantly, sufficient notice must be given to injured parties of the opportunity to file crude oil refund claims. Although we have received over 16,000 crude oil claims to date, there is a much larger total nationwide pool of potential refund applicants, which includes small businesses, farmers, and local governmental entities such as cities, counties, and school districts. They should be given every reasonable opportunity to apply. Many efforts have been made to notify them of the refund process. For example, notices have been published in the Federal Register, press releases have been issued, trade associations and all 535 congressional offices have been informed about the refund process, and thousands of information packets have been mailed to interested parties. Nevertheless, OHA's experience with the oil overcharge refund process indicates that it often takes a long time—well over a year—for information to reach potential applicants, especially those who have no prior knowledge of the Department's program for restitution of oil overcharges. Representative Bill Shuette, a Michigan Congressman with many farmers in his district, recently has requested that the Department extend the deadline. Writing to alert the Secretary to "an unfair situation that has developed," Mr. Schuette says:

> Only recently have many of the possible recipients of the crude oil overcharge claims been made aware of this settlement for which applications are presently due in your Office of Hearings and Appeals by December 31, 1987. This deadline does not allow damaged Michigan consumers an adequate opportunity to file claims for their intended restitution * * *

December 8, 1987 Letter from Rep. Bill Schuette to the Secretary of Energy.

Finally, there are a number of large crude oil refund proceedings in which refund procedures are about to be established. For ease of administration, and to avoid confusion, a similar filing deadline should be established. For example, in *Ernest A. Allerkamp, et al.*, Case Nos KFX-0033, *et al.*, (Proposed Decision issued October 19, 1987), 52 F.R. 39988 (October 26, 1987), OHA has proposed procedures for refunding an additional $119 million in principal, plus $68.2 million in interest. *Allerkamp* has also proposed to implement the "full policy" volumetric refund calculation discussed in the OHA notice, and for purposes of administrative efficiency, to combine the volumetric refund amounts of all the crude oil subject to the December 31, 1987 deadline.

Under these circumstances, we believe that good cause exists for extending the filing deadline. *See generally* 10 CFR Part 205, Subpart V. In order to alleviate workload problems, provide better notice to interested parties, and to implement final refund procedures in *Allerkamp*, we will extend the filing deadline beyond December 31, 1987 to correspond to the deadline to be established in the final *Allerkamp* decision. The new deadline will be no earlier than June 30, 1988.

It is therefore ordered that:

The filing deadline for crude oil refund applications submitted pursuant to *A. Tarricone, Inc.* and the other cases listed in the Appendix to this Decision will be extended. The new deadline will be established by the Office of Hearings and Appeals in the final decision issued in *Ernest A. Allerkamp, et al.*, and will be no earlier than June 30, 1988.

George B. Breznay,
Director, Office of Hearings and Appeals.

Date: December 14, 1987.

Appendix

Crude Oil Refund Proceedings To be subject to the new *Allerkamp* Filing Deadline:
A. Tarricone, Inc., 15 DOE ¶ 85,495 (1987)
Mountain Fuel Supply Co., 14 DOE ¶ 85,475 (1986)
MAPCO, Inc., 15 DOE ¶ 85,097 (1986)
Kent Oil & Trading Co., 15 DOE ¶ 85,100 (1987)
O.B. Mobley, Jr., 16 DOE ¶ 85,006 (1987)
Berry Holding Co., 16 DOE ¶ 85,405 (1987)

[FR Doc. 87-29399 Filed 12-22-87; 8:45 am]
BILLING CODE 6450-01-M

[1] The December 31, 1987 deadline was also applied to the other crude oil refund proceedings in which OHA has issued final orders authorizing the submission of claims. *See* Mountain Fuel Supply Co., 14 DOE ¶ 85,475 (1986); MAPCO, Inc., 15 DOE ¶ 85,097 (1986); Kent Oil & Trading Co., 15 DOE ¶ 85,100 (1987); O.B. Mobley, Jr., 16 DOE ¶ 85,006 (1987); and Berry Holding Co., 16 DOER ¶ 85,405 (1987).

ENVIRONMENTAL PROTECTION AGENCY

[PF-490; FRL-3305-4]

Pesticide Tolerance Petition; Abbott Laboratories

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the filing of a pesticide petition by Abbott Laboratories proposing an exemption from the requirement of a tolerance for the insecticide thuringiensin or Beta-exotoxin [2-O-(4'-O-5-L-deoxyadenosine-5'-yl-beta-O-glucopyransyl)-4-O-phospho-O-allaric acid) for use in chicken manure under poultry cages for control of flies.

ADDRESS: By mail, submit written comments to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

Phil Hutton, Product Manager (PM) 17, Registration Division (TS-767C), Environmental Protection Agency, Office of Pesticide Programs, 401 M Street SW., Washington, DC 20460.

Office location and telephone number: Rm. 200, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-557-2690.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Abbott Laboratories, 14th and Sheridan Rd., North Chicago, IL 60064, has submitted a

pesticide petition (PP 7H3492) proposing to amend 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for thuringiensin or Beta-exotoxin for use in chicken manure under poultry cages to control flies.

EPA issued a related notice on thuringiensin or Beta-exotoxin for an exemption from the requirement of a tolerance for all raw agricultural commodities, which appeared in the **Federal Register** of May 14, 1987 (52 FR 18280).

Authority: 21 U.S.C. 346a.

Dated: December 14, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87-29372 Filed 12-22-87; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180748; FRL-3305-9]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests to the 10 States listed below and two crisis exemptions were initiated by the Texas Department of Agriculture. The exemptions, issued during the months of August and September, are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. Information on these restrictions is available from the contact persons in EPA listed below.

DATES: See each specific or crisis exemption for its effective dates.

FOR FURTHER INFORMATION CONTACT: See each emergency exemption for the name of the contact person: By mail:

Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Office location and telephone number: Rm. 716, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1806).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Arkansas State Plant Board for the use of dicamba to control redvine on land for plant back of cotton; September 17, 1987, to December 1, 1987. (Gene Asbury)

2. California Department of Food and Agriculture for the use of propargite on avocadoes to control avocado brown mite and six-spotted mite; September 3, 1987, to December 1, 1987. (Libby Pemberton)

3. California Department of Food and Agriculture for the use fenamiphos on plums and prunes to control nematodes; September 11, 1987, to September 1, 1988. (Stan Austin)

4. California Department of Food and Agriculture for the use of sodium chlorate on dry edible beans as desiccant/harvest aid; September 21, 1987, to December 31, 1987. (Robert Forrest)

5. California Department of Food and Agriculture for the use fenamiphos on kiwi fruit to control nematodes; August 14, 1987, to July 30, 1988. (Stan Austin)

6. Delaware Department of Agriculture for the use of glyphosate on marshes to control phragmites; September 24, 1987, to October 30, 1987. (Libby Pemberton)

7. Florida Department of Agriculture for the use of sodium chlorate on southern peas as desiccant/harvest aid; September 21, 1987, to December 15, 1987. (Robert Forrest)

8. Florida Department of Agriculture and Consumer Services for the use of anilazine on watercress to control leaf spot; September 23, 1987, to August 31, 1988. (Stan Austin)

9. Florida Department of Agriculture and Consumer Services for the use of thiobencarb on celery and lettuce to control parslane and barnyardgrass; September 2, 1987, to August 31, 1988. (Jim Tompkins)

10. Louisiana Department of Agriculture for the use of paraquat on grain sorghum to control regrowth vegetation; September 30, 1987, to November 15, 1987. (Gene Asbury)

11. Mississippi Department of Agriculture for the use of dicamba to control redvine on land to be planted back to cotton; September 17, 1987, to December 1, 1987. (Gene Asbury)

12. Missouri Department of Agriculture for the use of thiabendazole on stored corn in temporary storage to control fungus; September 17, 1987, to January 1, 1988. (Jim Tompkins)

13. Missouri Department of Agriculture for the use of sodium chlorate on southern peas as desiccant/harvest aid; September 24, 1987, to December 31, 1987. (Robert Forrest)

14. Oklahoma Department of Agriculture for the use of botran on peanuts to control sclerotinia blight; August 20, 1987, to September 30, 1987 (Stan Austin)

15. Oregon Department of Agriculture for the use of fenamiphos on blueberries to control nematodes; September 28, 1987, to March 15, 1988. (Stan Austin)

16. Texas Department of Agriculture for the use of cyromazine on peppers (bell, chili, and jalapeno) to control vegetable leafminers; September 17, 1987, to June 30, 1988. Texas had initiated a crisis exemption for this use. (Robert Forrest)

Crisis exemptions were initiated by the:

1. Texas Department of Agriculture on September 18, 1987, for the use of sodium chlorate on southern peas as preharvest aid. The need for this program has ended. (Donald Stubbs)

2. Texas Department of Agriculture on September 4, 1987, for the use of permethrin on kale, kohlrabi, mustard greens, and turnip greens to control cabbage looper. Since it was anticipated that this program would be needed for more that 15 days, Texas has requested a specific exemption to continue it. The need for this program is expected to last until March 31, 1988. (Libby Pemberton)

Authority: 7 U.S.C. 136.

Dated: December 14, 1987.

Susan H. Wayland,

Acting Director, Office of Pesticide Programs.

[FR Doc. 87-29373 Filed 12-22-87; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30000/54A; FRL-3306-1]

EPN, Decision Not To Initiate a Special Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; decision not to initiate special review.

SUMMARY: On July 21, 1987, EPA issued a Proposed Decision Not to Initiate a Special Review of EPN. The proposed decision was based on the fact that there were no remaining viable registrations for EPN. Since EPA received no comments on the Proposed Decision Not to Initiate Special Review, EPA is today, publicly announcing its decision not to initiate a Special Review of EPN.

FOR FURTHER INFORMATION CONTACT: By mail: Ron Cannarella, Special Review Branch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

Office location and telephone number: Rm. 1006, Crystal Mall Building #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-5488).

SUPPLEMENTARY INFORMATION: On March 20, 1987, the Environmental Protection Agency (EPA, Agency) sent a written notice to the registrants of O-Ethyl O-(p-nitrophenyl) phenylphosphonothioate (EPN) pursuant to 40 CFR 154.21 in which the registrants were informed that the Agency was planning to initiate a Special Review of EPN based on data showing that EPN causes delayed neurotoxic effects in laboratory animals. On April 30, 1987, EPA issued a Registration Standard for EPN in which it announced its decision to initiate the Special Review based on the determination that the risk criterion for delayed neurotoxic effects set forth in 40 CFR 154.7(a)(2) had been met. Subsequent to that time, all registrations of technical EPN and formulated products containing EPN have been voluntarily cancelled. Under section 6(a)(1) of The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as amended (7 U.S.C. 136, *et seq.*) the sale and use of existing stocks of a cancelled pesticide are permitted under such terms as the Administrator may prescribe. EPA has allowed the sale, distribution, and use of such existing stocks until August 31, 1988. After that date, all remaining stocks must be disposed of as permitted by state law.

Since there were no remaining viable registrations for EPN, on July 21, 1987, the Agency issued a Proposed Decision Not To Initiate a Special Review (52 FR 27453) pursuant to 40 CFR 154.23. The 30 day comment period provided for in that Notice has expired. No comments were submitted to EPA. Accordingly, this Notice is being issued pursuant to 40 CFR 154.25 to publicly announce EPA's decision not to initiate a Special Review of EPN.

Dated: December 11, 1987.

John A. Moore,

Assistant Administrator, Office of Pesticides and Toxic Substances.

[FR Doc. 87-29374 Filed 12-22-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

[No. 87-1254]

FSLIC Insurance Premium

Date: December 14, 1987.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation"), has adopted a resolution pursuant to which the Corporation ordered the assessment against each insured institution of an additional premium for FSLIC insurance in an amount equal to one thirty-second of one percent of the total amount of the accounts of the insured members of each insured institution determined as of September 30, 1987.

EFFECTIVE DATE: December 23, 1987.

FOR FURTHER INFORMATION CONTACT: Mary A. Creedon, Director, Insurance Division, Office of the FSLIC, (202) 254-2029; or JoAnne Morris, Attorney, Office of General Counsel (202) 377-7396, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

Whereas, The Federal Home Loan Bank Board ("Bank Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation" or "FSLIC"), may authorize the Corporation, pursuant to section 404(c) of the National Housing Act, as amended ("NHA"), 12 U.S.C. 1727(c) (1982), to assess against each institution the accounts of which are insured by the Corporation pursuant to Section 403 of the NHA, 12 U.S.C. 1726 (1982) ("insured institution"), additional premiums of such insurance until the amount of such premiums equals the amount of all losses and expenses of the Corporation, *provided* that the total amount so assessed in any one year against any insured institution shall not exceed one eighth of one per centum of the total amount of the accounts of the insured members of such institution and *provided further* that the amount of the additional premium for the year 1987 may not exceed 5/48 of one percentum of the total amount of the accounts of the insured members of such institution unless the Bank Board determines that severe pressures on the Corporation exist which necessitate an infusion of additional funds; and

Whereas, The Bank Board, as operating head of the Corporation, by Resolution No. 85-142, dated February 22, 1985, by Resolution No. 85-437, dated June 5, 1985, by Resolution No. 85-770, dated August 27, 1985, by Resolution No. 85-1142, dated December 9, 1985, by Resolution No. 86-213, dated March 6, 1986, by Resolution No. 86-582, dated June 10, 1986, by Resolution No. 86-941, dated September 2, 1986, by Resolution No. 86-1253, dated December 15, 1986, by Resolution No. 87-281 dated March 16, 1987, by Resolution No. 87-610 dated May 27, 1987, and by Resolution No. 87-950 dated September 9, 1987, ordered assessments against each insured institution of an additional premium for insurance in an amount equal to one thirty-second of one per centum of the total amount of the accounts of the insured members of each insured institution determined as of December 31, 1984, for the first assessment, as of March 31, 1985, for the second, as of June 30, 1985, for the third, as of September 30, 1985, for the fourth, as of December 31, 1985, for the fifth, as of March 31, 1986, for the sixth, as of June 30, 1986, for the seventh, as of September 30, 1986, for the eighth, as of December 31, 1986, for the ninth, as of March 31, 1987, for the tenth, and as of June 30, 1987, for the eleventh; and

Whereas, The total insurance premiums assessed for the first three quarters of 1987 equal four and one half forty-eights of one percentum of the total amount of the accounts of the insured members of the insured institutions; and

Whereas, The Bank Board has considered memoranda of the Corporate Accounting Branch and the Chief Financial and Administrative Officer, Office of the FSLIC, (a copy of which memoranda are in the Minute Exhibit file), describing the impact of the collection of the additional premiums for insurance assessed pursuant to Resolution No. 85-142, dated February 22, 1985, Resolution No. 85-437, dated June 5, 1985, Resolution No. 85-770, dated August 28, 1985, Resolution No. 85-1142, dated December 9, 1985, Resolution No. 86-213, dated March 6, 1986, Resolution No. 86-582, dated June 10, 1986, Resolution No. 86-941, dated September 2, 1986, Resolution No. 86-1253, dated December 15, 1986, Resolution No. 87-281, dated March 16, 1987, Resolution No. 87-610 dated May 27, 1987, and Resolution No. 87-950 dated September 9, 1987, upon the Corporation's insurance reserves:

Now, therefore, it is resolved, That on the basis of the administrative record, the Bank Board finds and determines that the Corporation has incurred substantial losses during calendar years 1981 through 1986 and the first three quarters of 1987; and

Resolved further, That the Bank Board finds and determines that:

1. Losses and expenses incurred by the Corporation, as defined in Resolution No. 85-142, require the assessment of additional insurance premiums pursuant to section 404(c) of the NHA in addition to the additional insurance premiums assessed pursuant to Resolutions No. 85-142, No. 85-437, No. 85-770, No. 85-1142, No. 86-213, No. 86-582, No. 86-941, No. 86-1253, No. 87-281, No. 87-610, and No. 87-950, in order to maintain the insurance reserves of the Corporation at a level adequate to meet in part the Corporation's losses and expenses and to protect the insured members of insured institutions;

2. Severe pressures on the Corporation exist which necessitate an infusion of additional funds;

3. Postponement of a reduction in the assessment of an additional premium, as provided in section 404(c)(2) of the NHA, will improve the financing environment for selling obligations of the Financing Corporation organized pursuant to the Federal Savings and Loan Insurance Corporation Recapitalization Act of 1987;

4. It is appropriate, therefore, to provide for the assessment of an additional insurance premium at this time, pursuant to section 404(a)(2) and 404(c)(1) of the NHA, by order of the Corporation; and

Resolved further, That the Corporation hereby orders the assessment against each insured institution of an additional premium for insurance for the fourth quarter of 1987, in an amount equal to one thirty-second of one per centum of the total amount of the accounts of the insured members of such insured institution determined as of September 30, 1987; and

Resolved further, That the additional insurance premium assessed pursuant to this Resolution shall be payable on or about December 31, 1987; and

Resolved further, That the Executive Director or a Deputy Director of the FSLIC, or a designee of either of them ("Director"), shall determine the amount of the additional premium due to be paid on December 31, 1987, by each insured institution and shall notify each insured institution of such amount at least fifteen (15) days prior to the date such amount is due; and

Resolved further, That the Director, on behalf of the Corporation, is hereby authorized to take all other actions necessary or appropriate to determine and collect the additional insurance premium authorized and ordered by this Resolution; and

Resolved further, That the Secretary shall forward this Resolution for publication in the **Federal Register**.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 87-29401 Filed 12-22-87; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Edward Belfer; Change in Bank Control; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 15, 1988.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Edward Belfer*, Sherman Oaks, California, to acquire 75 percent of the voting shares of Peoples State Bank of Meeker, Meeker, Colorado.

Board of Governors of the Federal Reserve System, December 17, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-29314 Filed 12-22-87; 8:45 am]

BILLING CODE 6210-01-M

The Mitsubishi Ban Limited; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 15, 1988.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *The Mitsubishi Ban Limited*, Tokyo, Japan, and BanCal Tri-State Corporation, San Francisco, California, to engage *de novo* in commercial and mortgage lending, sales finance and factoring pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 17, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-29315 Filed 12-22-87; 8:45 am]

BILLING CODE 6210-01-M

St. Joseph Bancorporation, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 8, 1988.

A. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *St. Joseph Bancorporation, Inc.*, South Bend, Indiana; to acquire 100 percent of the voting shares of Citizens Bank, Indianapolis, Indiana.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *WeBanc, Inc.*, Wedowee, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Wedowee, Wedowee, Alabama.

Board of Governors of the Federal Reserve System, December 17, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-29316 Filed 12-22-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 87F-0361]

The Dow Chemical Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that The Dow Chemical Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 1,6-hexanediol; 1,4-cyclohexanedimethanol; *alpha*-hydro-*omega*-hydroxy poly[oxy-1,4-butanediyl]; methyl oxirane polymer with oxirane; and methyl oxirane polymer with 1,2,3-propanetriol as reactants, and tetrakis[methylene(2,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane as an optional adjuvant in the production of polyurethane resins for use in contact with dry bulk food.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B4038) has been filed by The Dow Chemical Co., Midland, MI 48674, proposing that § 177.1680 *Polyurethane resins* (21 CFR 177.1680) be amended to provide for the safe use of 1,6-hexanediol; 1,4-cyclohexanedimethanol; *alpha*-hydro-*omega*-hydroxy poly[oxy-1,4-butanediyl]; methyl oxirane polymer with oxirane; and methyl oxirane polymer with 1,2,3-propanetriol as reactants, and tetrakis[methylene (2,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane as an optional adjuvant in the production of polyurethane resins for use in contact with dry bulk food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: December 10, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-29313 Filed 12-22-87; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Advisory Council; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of January 1988:

Name: National Advisory Council on Health Professions Education.

Date and Time: January 20, 22, 1988, 9:00 a.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on January 20, 9:00 a.m.-5:00 p.m.

Closed on January 22, 9:00 a.m.-5:00 p.m.

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda: The open portion of the meeting will cover welcome and opening remarks, report of the Administrator, Health Resources and Services Administration, report of the Director, Bureau of Health Professions, financial management update, discussion on Council issues and priorities, and update on: Minority initiatives, a report on Osteopathic medical education, a report on Pharmacy education and future agenda items. The meeting will be closed January 22, 1988, for the review of grant applications for the Family Medicine Residency Training and Area Health Education Center programs. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C. Code, and the Determination by the Administrator, Health Resources and Services Administration, pursuant to Pub. L. 92-463.

Anyone requiring information regarding the subject Council should contact Mr. Robert Belsley, Executive Secretary, National Advisory Council on Health Professions Education, Room 8C-22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6880.

Name: National Advisory Council on Nurse Training.

Date and Time: January 20, 22, 1988, 9:00 a.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on January 20, 9:00 a.m.-12:00 p.m.

Closed for remainder of meeting.

Purpose: The Council advises the Secretary and Administrator, Health Resources and Services Administration, concerning general regulations and policy matters arising in the administration of the Nurse Education Amendments of 1985 (Pub. L. 99-92). The Council also preforms final review of grants applications for Federal Assistance, and makes recommendations to the Administrator, HRSA.

Agenda: The open portion of the meeting will cover announcements; considerations of minutes of previous meeting; report by the Director, Bureau of Health Professions, the Director, Division of Nursing and staff reports. The meeting will be closed to the public on January 20, at 12:30 p.m. for the remainder of the meeting for the review of grant applications for Advance Nurse Education applications, Nurse Practitioner/Nurse Midwifery applications, and Special Project Grants applications. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C. Code, and the Determination by the

Administrator, Health Resources and Services Administration, pursuant to Pub. L. 92–463.

Anyone requiring information regarding the subject Council should contact Dr. Mary S. Hill, Executive Secretary, National Advisory Council on Nurse Training, Room 5C–14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6193.

Name: Joint Meeting of the National Advisory Council on Health Professions Education and the National Advisory Council on Nurse Training.

Date and Time: January 21, 1988, 9:00 a.m.

Place: Room 800, Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

The entire meeting is open.

Purpose: The Councils advise the Secretary concerning general regulations and policy matters arising in the administration of Title VII and VIII of the Public Health Service Act. The Council also perform final reviews of grant applications for Federal assistance and make recommendations to the Secretary.

Agenda: The morning session will be devoted to administrative and special reports, including reports from the National Center for Nursing Research, the Presidents Commission on AIDS and the council on Graduate Medical Education. The afternoon session will include discussions of reimbursement and financing health care delivery.

Agenda Items are subject to change as priorities dictate.

Date: December 17, 1987.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 87–29312 Filed 12–22–87; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Information Collection Submitted for Review

The proposal for the collection of information listed has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirements and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made within thirty (30) days directly to the Bureau Clearance Officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone (202) 395–7340.

Title: 25 CFR, Subchapter E, § 31.7—Federal Schools for Indians.

Abstract: For their mutual benefit, Bureau-funded schools may enter into a cooperative agreement with a local public school district to fund and operate a school, including shared facilities, staff, transportation, etc. The information requested includes curriculum, staffing, accreditation status, funding sources, facilities operation, and support services.

Frequency: Annually.

Description of Respondents: Public School Administrators and School Boards.

Annual Responses: 1.

Annual Burden Hours: 8 hours.

Bureau Clearance Officer: Cathie Martin, (202) 343–3577.

Farrell L. LeGarde,

Acting Deputy to the Assistant Secretary/Director—Indian Affairs (Indian Education Programs).

[FR Doc. 87–29361 Filed 12–22–87; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[AA-250-08-4321-02]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau of Land Management's (BLM) clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the BLM's clearance officer and the Office of Management and Budget's reviewing official at (202) 395–7340.

Title: 43 CFR Part 4700 Protection, Management, and Control of Wild Free-Roaming Horses and Burros.

Abstract: Respondents furnish documentation about the following:

1. Removal of wild horses and burros from private land (non form item).

2. Qualifications of applicants related to adoption of 1 to 4 wild horses or burros (form 4710–10).

3. Qualifications of applicants related to adoption of 5 or more wild horses or burros (non form item).

The request for removal of animals from private land is necessary to determine the need for removing wild horses and burros from these lands. The documentation about adoption allows the BLM to determine if an applicant will be given the opportunity to adopt wild horses or burros. Adoption applicants provide information about their qualifications and capability to provide humane care and treatment for wild horses and burros under conditions specified by Federal regulations. Applicants for adoption of more than 4 wild horses or burros are requested to provide additional information related to their capability to provide proper care for the number of wild horses or burros requested.

Bureau Form Numbers: "Application for Adoption of Wild Horse(s) and Burro(s), Form 4710–10.

Frequency: On occasion.

Description of Respondents: Landowners requesting the BLM to remove wild horses or burros from their property. Applicants desiring to adopt wild horses or burros.

Annual Response: 40,250.

Annual Burden Hours: 6,893.

Bureau Clearance Officer: Richard Iovaine, (202) 653–8853.

Date: December 14, 1987.

Guy E. Baier,

Acting Assistant Director for Land and Renewable Resources.

[FR Doc. 87–29362 Filed 12–22–87; 8:45 am]

BILLING CODE 4310-84-M

[AA-620-08-4211-12-24-10]

Information Collection Submitted to Office of Management and Budget for Review Under Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer and to the Office of Management and Budget desk office, at (202) 395–7340.

Title: Geothermal Resources Leasing.

Abstract: Respondents supply information which will be used to determine the highest qualified bonus bid submitted for a competitive lease

(Form 3000–2) and enable the Bureau of Land Management to complete environmental reviews in compliance with the National Environmental Policy Act of 1969 (Form 3200–9). The information supplied allows the Bureau of Land Management to determine whether a bidder is qualified to hold a lease and to conduct geothermal resource operation under the terms of the Mineral Leasing Act of 1920 and the Geothermal Steam Act of 1970.

Bureau Form Number: 3000–2, 3200–9.

Frequency: On Occasion.

Description of Respondents: General public, small business, and oil companies.

Annual Responses: 443.

Annual Burden Hours: 886.

Bureau Clearance Officer: Rick Iovaine, (202) 653–8853.

Date: December 14, 1987.

George F. Brown,

Deputy Assistant Director, Energy and Mineral Resources.

[FR Doc. 87–29320 Filed 12–22–87; 8:45 am]

BILLING CODE 4310-84-M

[WY-920-08-4111-15; W-84937]

Proposed Reinstatement of Terminated Oil and Gas Lease; Wyoming

December 15, 1987.

Pursuant to the provisions of Pub. L. 97–451, 96 Stat. 2462–2466, and Regulation 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease W–84937 for lands in Johnson County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee have agreed to the amended lease terms for rentals and royalties at rates of $7 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessees have paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this Federal Register notice. The lessees have met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W–84937 effective July 1, 1987, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 87–29323 Filed 12–22–87; 8:45 am]

BILLING CODE 4310-22-M

[ID-020-08-4212-13; I-22486]

Malad Hills Management Framework Plan; Private Exchange; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given in accordance with 43 CFR 1610.2 (c) that the Burley District is proposing to amend the Malad Hills Management Framework Plan to allow the exchange of the following public and private lands:

T.14S., R.30E., Boise Meridian

Section 16: N½—320 acres (private land).

T.15S., R.29E., Boise Meridian

Section 6: SE¼SW¼, NE¼NW¼, NW¼SE¼, NE¼SE¼, SW¼SE¼, Part of SE¼SE¼—220 acres (public land).

The general location of the private lands is about 28 miles southeast of Malta, Idaho and three miles northeast of Juniper, Idaho (Exit I–84). The public lands are located four miles south of the private lands.

A Land Use Plan Amendment Document and Land Report will be prepared for the subject lands. The documents will be reviewed by the Bureau of Land Management Interdisciplinary Resource Specialists. Public participation will involve the publication of this notice in the Federal Register and local newspapers. The adjoining landowners, grazing permittees, County Commissioners, the Burley District Grazing Advisory Board members and Advisory Council members, and the Idaho Fish and Game Department will be asked for comments. As public controversy is anticipated to be low for the proposed action, no public meetings, hearing, or conferences are planned.

The main issue that is anticipated for the exchange is whether it is in the public interest to exchange 220 acres of public land having potential for dry farming, for 320 acres of private land having value of livestock grazing, wildlife habitat, and public access values.

The existing land use plan and maps are available for review at the Deep Creek Resource Area Office in Malad, Idaho.

The public may obtain additional information about this exchange proposal by contacting the Bureau of Land Management, Attn: John R. Crhistensen, Deep Creek Resource Area Office in Malad, Idaho, 83252, (208) 766–4766.

Date: December 14, 1987.

John S. Davis,

District Manager.

[FR Doc. 87–29321 Filed 12–22–87; 8:45 am]

BILLING CODE 4310-GG-M

[NV-930-08-4212-14; N-47766]

Realty Action; Battle Mountain District, Tonopah Resource Area; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Realty action; Noncompetitive sale of federal lands in Nye County, NV.

SUMMARY: In response to a request from the Nye County Board of County Commissioners, the following described Federal lands have been identified as suitable for direct sale under sections 203 and 209 of the Federal Land Policy and Management Act of 1976 at not less than the appraised fair market value.

Mount Diablo Meridian

Section 24, S½SW¼SW¼

A parcel of land containing 20 acres.

Nye County plans to use these lands for an expansion of the Beatty Airport.

These lands are not required for any Federal purpose. Disposal is consistent with the Bureau's planning for this area and would be in the public interest. No conflicts with State or local plans have been identified. The grazing lessee will be given the two-year notification prescribed in section 402(g) of the Federal Land Policy and Management Act of 1976.

Minimum bid for this parcel will be fair market value which will be determined by an appraisal and which will be made available prior to the sale.

The lands described in the Notice will not be offered for sale until all required environmental, archaeological, and mineral clearances are completed. Under no circumstances will these lands be sold sooner than 60 days after publication of this notice.

Segregation: Upon publication of this Notice in the Federal Register the above-described Federal lands will be segregated from all forms of appropriation under the public land laws, including locations under the mining laws, except as to application under mineral leasing laws.

Comments: For a period of 45 days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 1420, Battle Mountain, NV 89820. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Date: December 11, 1987.

Terry L. Plummer,

District Manager, Battle Mountain, Nevada.

[FR Doc. 87-29318 Filed 12-22-87; 8:45 am]

BILLING CODE 4310-HC-M

Minerals Management Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting Jeane Kalas at 303-231-3046. Comments and suggestions on the requirements should be made directly to the Bureau Clearance Officer at the telephone number listed below and to the Office of Management and Budget Interior Department Desk Officer, Washington DC 20503, telephone 202-395-7340.

Title: Production Accounting and Auditing System Oil and Gas Reports.

Abstract: Production Accounting and Auditing System information is needed to provide comprehensive production and disposition data on oil and gas produced from Federal onshore and offshore leases, and from Indian leases. The Minerals Management Service (MMS) uses the date to monitor production, for audits, and to compare reported production with sales data reported in the MMS Auditing and Financial System. Lessees, lease operators, and plan operators are affected.

Bureau Form Number: MMS-3160 and MMS-3160A, MMS-4051, MMS-4052, MMS-4053, MMS-4054-A,B,C, MMS-4055, MMS-4056-A,B,C, MMS-4057, MMS-4058, MMS-4061.

Frequency: Monthly, annually.

Description of Respondents: Companies producting and processing oil and gas from Federal onshore and offshore leases, and from Indian leases.

Annual Responses: 244,289.

Annual Burden Hours: 163,973.

Bureau Clearance Officer: Dorothy Christopher, 703-435-6213.

Dated: September 11, 1987.

Jerry D. Hill,

Associate Director for Royalty Management.

[FR Doc. 87-29363 Filed 12-22-87; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Availability of Investigation Report

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given that an investigation report of structural failures that occurred on oil and gas facilities located on the Outer Continental Shelf is available to the public upon request.

ADDRESSES: Copies of the report may be obtained from Minerals Management Service; Offshore Rules and Operations Division, Mail Stop 646; 12203 Sunrise Valley Drive; Reston, Virginia 22091, or Public Information Section; Gulf of Mexico OCS Region; Minerals Management Service; 1420 Elmwood Park Boulevard; New Orleans, Louisiana 70123; Telephone (504) 736-2519, (FTS) 680-9519.

FOR FURTHER INFORMATION CONTACT: Mr. Price McDonald, Chief, Offshore Rules and Operations Division; Minerals Management Service; 12203 Sunrise Valley Drive, Mail Stop 646; Reston, Virginia 22091; Telephone (703) 648-7813, (FTS) 959-7813.

SUPPLEMENTARY INFORMATION: The available accident investigation report is identified as follows:

Open file No.	Event and date	Area & Block	Region
87-0075	Structural failures October 27-28, 1987.	South Timbalier, Block 96; South Pelto, Block 19.	Gulf of Mexico.

Dated: December 10, 1987.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 87-29364 Filed 12-22-87; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf; Availability, Proposed Notice of Sale, Chukchi Sea, Oil and Gas Lease Sale 109

The proposed Notice of Sale for Sale 109, Chukchi Sea, may be obtained by written request to the Alaska Outer Continental Shelf (OCS) Region, Minerals Management Service, Room 544, 949 East 36th Avenue, Anchorage, Alaska 99508-4302, or by telephone (907) 261-4891.

The final Notice of Sale will be published in the **Federal Register** at least 30 days prior to the date of bid opening. Bid opening is scheduled for May 1988.

With regard to oil and gas leasing on the OCS, the Secretary of the Interior, pursuant to section 19 of the OCS Lands Act, as amended, has provided the affected States the opportunity to review the proposed Notice of Sale.

Comments should be submitted to the Minerals Management Service, 18th and C Streets, NW., Room 4230 (MS-645), Washington DC 20240, no later than 60 days after signature of this Notice.

This Notice of Availability is hereby published pursuant to 30 CFR 256.29, as amended (51 FR 37177 on October 20, 1986), as a matter of information to the public.

Date: December 16, 1987.

Wm. D. Bettenberg,

Director, Minerals Management Service.

[FR Doc. 87-29419 Filed 12-22-87; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-272]

Certain Electronic Chime Modules; Commission Decision Not To Review an Initial Determination Terminating Investigation on the Basis of a Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Nonreview of an initial determination (ID) terminating the above-captioned investigation on the basis of a settlement agreement.

SUMMARY: The Commission has determined not to review an ID terminating the investigation on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Tim Yaworski, Esq., telephone (202) 523-0311, Office of the General Counsel, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION: On June 30, 1987, complainant Lectron Products, Inc., and respondents Modu-Tronics Inc. and Aimco, Inc., the only remaining respondents in the investigation, filed a joint motion (Motion No. 272-3) to terminate the investigation on the basis of a settlement agreement between the parties. The presiding administrative law judge (ALJ) issued an ID (Order No. 3) granting the motion on November 17, 1987. No petitions for review of the ID were received, nor were any comments received from other government agencies or the public.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rule 210.53 (19 CFR 210.53).

Copies of the nonconfidential version of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By order of the Commission.

Issued: December 16, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87-29413 Filed 12-22-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-253]

Certain Electrically Resistive Monocomponent Toner and "Black Powder" Preparations Therefor; Commission Determination To Extend the Deadline

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the U.S. International Trade Commission has determined to extend until February 22, 1988, the deadline for deciding whether to review an initial determination (ID) finding a violation of section 337 in the above-captioned investigation. The parties to the investigation are requested to file written submissions on specified issues pertaining to violation of section 337 and on the issues of remedy, the public interest, and bonding.

SUMMARY: On November 10, 1987, the presiding administrative law judge (ALJ) issued an ID finding that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation and sale of electrically resistive monocomponent toner compatible with the Canon NP 210—NP 500 line of photocopiers (ERMT), consisting of disparagement of competing toners as "pirate" by respondents in such a manner as to restrain or monopolize trade or commerce in the United States. The ID found no violation of section 337 with respect to numerous other alleged unfair acts or methods of competition.

On November 23, 1987, complainant Aunyx Corp. (Aunyx) and the Commission investigative attorney (IA) filed petitions for review of the ID. On November 25, 1987, respondents Canon, Inc. and Canon U.S.A., Inc. (the Canon respondents) also filed a petition for review. Responses to the petitions for review were filed by the Canon respondents on December 4, 1987, and by Aunyx and the IA on December 7, 1987. Government agency comments are not due until December 22, 1987. The previous deadline for deciding whether to review the ID was December 28, 1987. The statutory deadline for completion of this investigation is February 22, 1988.

Authority: This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and §§ 210.54-210.58 of the Commission's Rules of Practice and Practice and Procedure (19 CFR 210.54-210.58).

FOR FURTHER INFORMATION CONTACT: Edwin J. Madaj, Jr., Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0148.

SUPPLEMENTARY INFORMATION: If the Commission reviews the ID and affirms the ID's conclusion that a violation of section 337 has ocurred, or finds that other violations have occurred, the Commission may issue (1) an order that could result in the exclusion of the subject articles from entry into the United States and/or (2) cease and desist orders that could result in respondents being required to cease and desist from engaging in unfair acts or methods of competition in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of relief, if any, that should be ordered.

If the Commission concludes that some form of relief is appropriate, it must consider the effect of that relief upon the public health and welfare, competitive conditions in the U.S. economy, the U.S. production of articles that are like or directly competitive with those that are subject to investigation, and U.S consumers. The Commission is therefore interested in receiving written submission concerning the effect, if any, that granting relief would have on the enumerated public interest factors.

If the Commission orders belief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving written submissions concerning the amount of the bond that should be imposed.

Written Submissions: The parties to the investigation, interested Government agencies and other persons are requested to file written submissions on the issues of remedy, the public interest, and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. The parties are also requested to brief the following specific issues relevant to the question of whether a violation of section 337 has occurred:

(1) Is there a sufficient nexus between importation or sale of ERMT and the unfair act or method of competition found to exist in this case to warrant the exercise of jurisdiction under section 337;

(2) Cite any cases which have considered whether reference to a competitor in terms such as "pirate," or reference to a competitor's product in terms such as "pirated," is an actionable business tort or antitrust violation;

(3) Cite any cases which have considered whether disparagement by a monopolist, apart from any other antitrust violation, such as conspiracy to monopolize, was found to be sufficient for liability under the antitrust laws;

(4) The ID appears to assume that Canon can be held responsible for the fact that "the terms 'pirate toner' and 'toner pirates' pervaded the entire distribution system for the Canon copiers in question." ID at 170-71. What facts in the record support this finding? As a matter of law, can Canon be held liable for any disparagement committed by others, such as Canon's dealers?

(5) Cite and discuss specific evidence in the record, if any, that indicates that a domestic industry composed of all U.S. producers of ERMT, not just Aunyx, is efficiently and economically operated; and

(6) Cite and discuss specific evidence in the record indicating that a domestic industry composed of all U.S. producers of ERMT was destroyed or substantially injured, or prevented from being established. Would such evidence be sufficient to prove an effect or tendency to destroy, substantially injure or prevent the establishment of that industry? Would such evidence be sufficient if information with respect to Aunyx cannot be considered as a result of the sanctions imposed on Aunyx for failure to obey discovery orders?

Interested Government agencies may also file written submissions on these questions, to the extent such submissions are feasible without access to the confidential record.

Written submissions on these issues, and on the issues of remedy, the public interest, and bonding must be filed by the parties no later than the close of business on December 31, 1987. Reply submissions must be filed by the parties no later than the close of business on January 7, 1988. Interested Government agencies must file any written submissions by no later than the close of business on January 7, 1988. Interested persons other than the parties and Government agencies may file written submissions addressing the issues of remedy, the public interest, and bonding. Such submissions must be filed not later than the close of business on January 7, 1988. No further submissions will be permitted.

Commission Hearing: The Commission does not plan to hold a public hearing, and denies the request filed by the Canon respondents for oral argument.

Additional Information: Persons submitting written submissions must file the original document and 14 clear copies thereof with the Office of the Secretary on or before the deadlines stated above. Any person desiring to submit a document (or a portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a statement of the reasons why the Commission should grant such treatment. Documents containing confidential information approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential submissions will be available for public inspection at the Office of the Secretary.

Copies of the nonconfidential version of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161. Hearing-impaired by contacting the Commission's TDD terminal on 202–742–[illegible].

All interested persons are hereby notified that effective January 11, 1988, the Commission's address will be 500 E Street, SW., Washington, DC 20436.

By order of the Commission.

Issued: December 18, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–29414 Filed 12–22–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–377 (Final)]

Internal Combustion Engine Industrial Fork-Lift Trucks From Japan

AGENCY: International Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731–TA–377 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of internal combustion engine industrial fork-lift trucks provided for in item 692.40 of the Tariff Schedules of the United States (TSUS),[1] that have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). Commerce will make its final LTFV determination not later than April 7, 1988 [2] and the Commission will make its final injury determination by May 23, 1988 (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: November 24, 1987.

FOR FURTHER INFORMATION CONTACT: Lawrence Rausch (202–523–0300), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–523–0161.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of certain internal combustion engine fork-lift trucks from Japan are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). The investigation was requested in a petition filed on April 22, 1987, by Hyster Company of Portland, OR, a U.S. producer of internal combustion engine fork-lift trucks, the Independent Lift Truck Builders Union, the International Association of Machinists and Aerospace Workers, the International Union, Allied Industrial Workers of America (AFL–CIO), and the United Shop and Service Employees. In response to that petition the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (52 FR 23725, June 24, 1987).

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

[1] The products covered by this investigation are certain internal combustion engine industrial fork-lift trucks, with lifting capacity of 2,000 to 15,000 pounds. For purposes of this investigation, "internal combustion engine industrial fork-lift trucks" include both assembled, not assembled, and less than complete, finished and not finished, operator-riding fork-lift trucks, powered by gasoline, propane, or diesel fuel internal combustion engines, of off-the-highway types used in factories, warehouses, or transportation terminals for short-distance transport, towing, or handling of articles. Less than complete fork-lift trucks are defined as imports which include a frame by itself or a frame assembled with one or more component parts.

[2] Commerce extended the date for its final determination in response to a request by respondents, pursuant to section 735(a)(2)(A) of the Act. Commerce's formal notice concerning the date for its final determination will be published in the **Federal Register**.

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff Report

A public version of the prehearing staff report in this investigation will be placed in the public record on March 29, 1988, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on April 13, 1988, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on April 5, 1988. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on April 8, 1988, at the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is April 8, 1988.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and anaylsis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedure described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written Submissions

All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of section 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on April 20, 1988. In addition, any person who has not entered on appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before April 20, 1988.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority

This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to §207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: December 15, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–29415 Filed 12–22–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 751–TA–14]

Liquid Crystal Display Television Receivers From Japan

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)), not to modify or revoke the antidumping order with regard to liquid crystal display television receivers (LCD TV's) from Japan.

Background

On April 28, 1987, the Commission received a request from counsel on behalf of Casio Computer Co., Ltd.; Casio, Inc.; Citizen Watch Co., Ltd.; Hitachi, Ltd.; Hitachi Sales Corp. of America; Hitachi Sales Corp. of Hawaii, Inc.; Matsushita Electrical Industrial Co., Ltd.; Matsushita Electric Corp. of America; NEC Corp.; NEC Home Electronics (U.S.A.), Inc.; Seiko Epson Corp.; Sharp Corp.; Sharp Electronics Corp.; Toshiba Corp.; and Toshiba America, Inc.; to modify T.D. 71–76 to exclude LCD TV's from the scope thereof. After consideration of the request for review and of responses to a **Federal Register** notice inviting comments (52 FR 21630), the Commission instituted investigation No. 751–TA–14 effective August 20, 1987, for the purpose of reviewing the Commission's affirmative determination in Television Receiving Sets from Japan, investigation No. AA1921–66 (T.C. Pub. No. 367 (1971)). Notice of the investigation and the Commission's hearing was published in the **Federal Register** of August 20, 1987 (52 FR 31454). A hearing was held in the Commission's hearing room on November 12, 1987, at which time all interested parties were afforded the opportunity to present information for consideration by the Commission.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on December 16, 1987. The views of the Commission are contained in USITC Publication 2042 (December 1987), entitled "Liquid Crystal Display Television Receivers from Japan: Determination of the Commission in Investigation No. 751–TA–14 Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

By order of the Commission.

Issued: December 17, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–29416 Filed 12–22–87; 8:45 am]

BILLING CODE 7020–02–M

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Chairman Liebeler and Vice Chairman Brunsdale determine that an industry in the United States would not be materially injured or threatened with material injury, and the establishment of an industry in the United States would not be materially retarded, by reason of imports of LCD TV's from Japan if the antidumping order regarding such merchandise were to be modified.

[Investigation No. 337-TA-267]

Certain Minoxidil Power, Salts and Compositions for Use in Hair Treatment; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Health International Laboratories, Inc.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on December 14, 1987.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

WRITTEN COMMENTS: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

By order of the Commission.
Issued: December 14, 1987.

Kenneth R. Mason,
Secretary.

[FR Doc. 87-29417 Filed 12-22-87; 8:45 am]
BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 473]

Railroad Cost of Capital—1987; Limited Revenue Adequacy Proceeding

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision instituting a proceeding to determine the railroads' 1987 cost of capital.

SUMMARY: The Commission is instituting a proceeding to determine the railroad industry's cost of capital rate for 1987. The decision solicits comments on: (1) The railroads' 1987 (i.e., current) cost of debt capital; (2) the railroads' 1987 (i.e., current) cost of preferred stock equity capital; (3) the railroads' 1987 cost of common stock equity capital; (4) the 1987 capital structure mix of the railroad industry on a market value basis. With respect to the cost of common equity capital, the decision seeks comment on the use of specific data to estimate the growth rate component of the discounted cash flow methodology.

DATES: Notices of intent to participate are due January 8, 1988. Statements of railroads due February 10, 1988. Statements of other interested parties due March 10, 1988. Rebuttal statements by railroads due March 25, 1988.

ADDRESSES: Send an original and 15 copies of statements and an original and 1 copy of the notice of intent to participate to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20412.

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn, Jr., (202) 275-7489, (TDD for hearing impaired: (202) 275-1721).

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423; or call (202) 289-4357/4359, (DC Metropolitan area). (Assistance for the hearing impaired is available through TDD services (202) 275-1721, or by pick-up from Dynamic Concepts, Inc. in Room 2229 at Commission headquarters.)

This action will not significantly affect either the quality of the human environment or energy conservation. Nor will it have a significant economic impact on a substantial number of small entities.

Authority: 49 U.S.C. 10704(a).

Decided: December 15, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre and Simmons.

Noreta R. McGee,
Secretary.

[FR Doc. 87-29269 Filed 12-22-87; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 31136]

Louisville & Jefferson County Riverport Authority and CSX Transportation, Inc.; Construction and Operation Exemption in Jefferson City, KY

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from 49 U.S.C. 10901 the construction by the Louisville & Jefferson County Riverport Authority of 0.7 miles of rail line adjacent to and in the Riverport industrial facility located near Louisville, KY. CSX joined in the petition, and its operation over the line is also exempted. This decision is effective on December 31, 1987.

DATES: Petitions to reopen must be filed by January 12, 1988.

ADDRESS: Petitioners' representative: Betty Jo Christian, Steptoe & Johnson, 1330 Connecticut Avenue NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245 [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423 or call (202) 289-4357/4359 (DC Metropolitan area), assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc. in Room 2229 at Commission headquarters.

This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: December 16, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,
Secretary

[FR Doc. 87-29354 Filed 12-22-87; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Clean Air Act; L & C Europa Contracting Co.

In accordance with departmental policy, 28 CFR 50.7, notice is hereby given that on December 4, 1987, a proposed consent decree in *United States of America v. L & C Europa Contracting Co.*, Civ. No. 86-3463, was lodged with the United States District Court for the District of New Jersey. The complaint filed by the United States sought civil penalties and injunctive relief under the Clean Air Act with respect to alleged violations of the National Emission Standards for Hazardous Air Pollutants ("NESHAP") during a renovation project to remove asbestos from a public school in Patterson, New Jersey.

Under the proposed consent decree, the renovation contractor and the Patterson School Board agree to the entry of an injunction requiring them to comply with the asbestos NESHAP in future projects and to pay a civil penalty of $25,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. L & C Europa Contracting Co.*, D.J. Ref. 90-5-2-1-929.

The proposed consent decree may be examined at the offices of the United States Attorney, Federal Building, 970 Broad Street, Newark, New Jersey 07102, and at the Region II office of the Environmental Protection Agency, 26 Federal Plaza, New York, NY 10278. A copy of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. Copies of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Roger J. Marzulla,
Acting Assistant Attorney General, Land & Natural Resources Division.

[FR Doc. 87-29311 Filed 12-22-87; 8:45 am]
BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 86-94]

Parker Pharmacy; Revocation of Registration

On November 28, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to East Oglethorpe Pharmacy, Inc., d.b.a Parker Pharmacy (Respondent) proposing to revoke its DEA Certificate of Registration AE8391043 and to deny any pending applications for the renewal of such registration as a retail pharmacy under 21 U.S.C. 823(f). The Order to Show Cause alleged that the continued registration of the pharmacy would be inconsistent with the public interest, as set forth in 21 U.S.C. 823(f) and 21 U.S.C. 824(a)(4).

Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause and the matter was docketed before Administrative Law Judge Francis L. Young. Following prehearing procedures, a hearing was held before Judge Young in Washington, DC on May 6 and 7, 1987. On September 2, 1987, the Administrative Law Judge issued his opinion and recommended ruling, findings of fact, conclusions of law and decision. Pursuant to 21 CFR 1316.66, both the Government and Respondent filed exceptions to Judge Young's opinion and recommended ruling. On October 27, 1987, the Administrative Law Judge transmitted the record to the Administrator. The Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter, based upon findings of fact and conclusions of law as hereinafter set forth.

In 1976, the Georgia Drugs and Narcotics Agency initiated an investigation of Albany Drug Company, the predecessor to Respondent. The investigation was based on information that the pharmacist-in-charge of Albany Drug Company was ordering large quantities of Dilaudid and morphine sulfate, Schedule II controlled substances. A subsequent audit at the pharmacy conducted by the Georgia Drugs and Narcotics Agency of selected Schedule II controlled substances revealed significant shortages. Jonnie Parker, the pharmacist-in-charge, explained the shortages by stating that they were a result of his taking the substances from the pharmacy for his own personal use. As a result of the audit, Jonnie Parker surrendered his pharmacist license with the Georgia State Board of Pharmacy. Parker also agreed to seek medical help for his drug addiction, however he never received such treatment.

Jonnie Parker's pharmacist license was reinstated on March 31, 1976. On October 6, 1976, Jonnie Parker, as the managing pharmacist, submitted an application for registration as a retail pharmacy with the Georgia State Board of Pharmacy on behalf of Respondent. This registration was subsequently granted.

On May 10, 1983, a reliable informant purchased parafon forte, a non-controlled substance requiring a prescription, from Jonnie Parker, the owner and pharmacist of Respondent, without presenting a prescription for the drug. As a result of this sale, Jonnie Parker was arrested on August 30, 1983. Following his arrest, Jonnie Parker admitted to an agent of the Georgia Drugs and Narcotics Agency that he took Demerol, a Schedule II controlled substance, from Respondent for his own use without any legitimate medical need for the drug.

Subsequent to his arrest, Jonnie Parker agreed to submit to random urine tests. Percy Phillips, who at the time was Director of Pharmacy at an area hospital, was asked by a Georgia Drugs and Narcotics agent to help administer the urine screening program for Jonnie Parker. In November 1984, Percy Phillips stopped notifying the agent of the Georgia Drugs and Narcotics Agency of the results of Jonnie Parker's urine screens. At the time, Percy Phillips was negotiating a business partnership with Jonnie Parker and felt that administration of the screens created a conflict of interest. However, he did not notify the agent that he would no longer send the results of the screens to the agent. During November 1984, Percy Phillips became pharmacist-in-charge of Respondent and obtained 10% of the shares of stock in Respondent.

On November 27, 1984, Jonnie Parker entered into a Consent Order with the Georgia State Board of Pharmacy. Jonnie Parker admitted to taking drugs from Respondent for his own use and expressed a willingness to receive treatment for his drug addiction. The Board ordered that Jonnie Parker's

BEST COPY AVAILABLE

VOL 52 ISS 246 DEC 23 1987 UMI

license to practice pharmacy be suspended until he presented the board with evidence of successful completion of a drug rehabilitation program. The Board further ordered that Jonnie Parker not be on the premises of Respondent during the suspension of the pharmacist license.

On January 24, 1985, Percy Phillips, the pharmacist-in-charge of Respondent, reported an alleged theft of controlled substances from Respondent's narcotics locker. The lock of the locker was forced open, yet there were no signs of forcible entry into the building. Only Percy Phillips and Roseanna Parker, Jonnie Parker's wife, had keys to Respondent at that time.

In January 1985, an investigation by the Georgia Drugs and Narcotics Agency and the Albany Police Department revealed that several prescriptions written for Jonnie Parker for Demerol were altered or forged. Three of these prescriptions were filled by Percy Phillips. Percy Phillips filled these prescriptions even though he knew that Jonnie Parker was addicted to Demerol.

As a result of the altered or forged prescriptions and statements taken from two witnesses which revealed that Jonnie Parker had distributed Demerol to them without a prescription, Jonnie Parker was indicted by a Dougherty County, Georgia, Grand Jury. On April 17, 1985, Jonnie Parker pled guilty to one count of obtaining drugs by misrepresentation and *nolo contendere* to two counts of obtaining drugs by misrepresentation. These are felony offenses relating to controlled substances. Jonnie Parker was sentenced to 24 years probation and ordered to surrender all licenses to the Georgia State Board of Pharmacy, not to reapply for any licenses for seven years, and to divest himself of all interest in Respondent. On November 4, 1985, Jonnie Parker signed a Surrender of Registration document, whereby he complied with the court's order and surrendered his license to practice pharmacy. This surrender was accepted by the Georgia State Board of Pharmacy on November 21, 1985.

On March 31, 1986, the Georgia State Board of Pharmacy entered into a Consent Order with Respondent pharmacy, whereby, *inter alia*, Jonnie Parker was ordered to divest himself of all interest in Respondent pharmacy and ordered not to go on the premises of Respondent. Jonnie Parker gave his wife, Roseanna, his 90% interest in the corporation. He received no compensation for these shares.

Respondent submitted an application for registration as a retail pharmacy with the Georgia State Board of Pharmacy, which listed Percy Phillips as the president and treasurer and Roseanna Parker as secretary. Percy Phillips signed this application on behalf of Respondent on April 3, 1986, as president of the corporation. On April 10, 1986, Jonnie Parker signed, as president of Respondent, the 1986 Annual Registration of Respondent with the State of Georgia, Secretary of State.

On July 29, 1986, the Georgia State Board of Pharmacy accepted a Consent Order which was signed by Percy Phillips on July 10, 1986. The Consent Order states that Percy Phillips knew, or should have known, that certain prescriptions that he filled for Jonnie Parker were altered or forged. The board ordered that Percy Phillips pay a $500 fine and that the Consent Order serve as a public reprimand.

Jonnie Parker is currently unemployed. Roseanna Parker is employed by Respondent as a pharmacy technician and therefore has access to the controlled substances at Respondent. Roseanna Parker however, does not have a key to the pharmacy department, to the narcotics locker, or to the building itself.

The Administrative Law Judge concluded that based on the evidence presented, there is a lawful basis to revoke the pharmacy's DEA Certificate of Registration. The Administrator and his predecessors have consistently held that the registration of a corporate registrant may be revoked upon a finding that a natural person who is an owner, officer or key employee, or who had some responsibility for the operation of the registrant's business, has been convicted of a felony offense relating to controlled substances. See, *Leonard J. Cohen, t/a Senate Drug Store*, Docket No. 72–5, 38 FR 9522 (1973); *Norman Bridge Drug Co., Inc.*, Docket No. 74–22, 41 FR 3108 (1976); *Lawson & Son's Pharmacy and Fenwick Pharmacy*, 48 FR 16140 (1983). Jonnie Parker, Respondent's previous president, owner and pharmacist-in-charge, was convicted of controlled substance related felony offenses, therefore the Administrative Law Judge concluded that pursuant to 21 U.S.C. 824(a)(2), Respondent's registration could be revoked.

The Administrative Law Judge concluded that based on his past history with controlled substances, Jonnie Parker cannot be trusted. Jonnie Parker can still exert considerable influence over Respondent, since his wife, Roseanna, now owns 90% of Respondent. Judge Young further concluded that, "Jonnie Parker's lamentable history with respect to efforts to control his drug abuse problem requires that both he and his wife have absolutely no further connection with this operation." Therefore, the Administrative Law Judge recommended that a final order be entered, effective 90 days after it is published, revoking the subject registration unless, prior to that time, the DEA Field Office having jurisdiction over the pharmacy is satisfied that the pharmacy will continue to operate indefinitely with Percy Phillips as pharmacist-in-charge, and that neither Jonnie nor Roseanna Parker then retains any ownership interest in, or control over Respondent.

Both Government counsel and Respondent's counsel filed exceptions to the Administrative Law Judge's recommended ruling. The Government urged the Administrator to revoke Respondent's registration not only based on the Parkers' relationship with the pharmacy but also due to Percy Phillips' involvement with Respondent. Respondent, in its exceptions, contended that since Jonnie Parker is no longer an owner or pharmacist at Respondent, the problems have been solved and therefore Roseanna Parker should not be deprived of her right to own 90% of Respondent.

The Administrator rejects the recommended decision of the Administrative Law Judge. The Administrator concludes that in addition to the fact that there is a lawful basis to revoke Respondent's DEA Certificate of Registration pursuant to 21 U.S.C. 824(a)(2), another equally strong basis exists for the revocation of Respondent's registration; that the continued registration of Respondent is inconsistent with the public interest. 21 U.S.C. 824(a)(4). The Administrator bases this conclusion on the fact that Jonnie Parker continues to exert influence over Respondent through his wife's ownership of 90% of the pharmacy. In addition, since 1984, Percy Phillips has had a close working relationship with the Parkers. The Administrator further bases his conclusion on the fact that Percy Phillips, 10% owner and pharmacist-in-charge of Respondent, filled altered and forged prescriptions for Demerol for Jonnie Parker even though he was well aware that Jonnie Parker was addicted to the drug. Therefore, the Administrator concludes that Respondent's registration must be revoked.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AE8391043, previously issued to East Oglethorpe Pharmacy, Inc., d/b/a Parker Pharmacy, be, and it hereby is, revoked. The Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective January 22, 1988.

Date: December 16, 1987.

John C. Lawn,

Administrator.

[FR Doc. 87–29337 Filed 12–22–87; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL CREDIT UNION ADMINISTRATION

Community Development Revolving Loan Program for Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposal to eliminate Community Development Revolving Loan Program for credit unions from coverage under Executive Order 12372.

DATE: Comments must be received on or before February 22, 1988.

ADDRESS: Send comments to Becky Baker, Secretary, NCUA Board, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Hattie M. Ulan, Staff Attorney, Office of General Counsel, at the above address, or telephone (202) 357–1030.

SUPPLEMENTARY INFORMATION: Congress transferred the authority for implementation of the Community Development Revolving Loan Program for Credit Unions (Program) from the Department of Health and Human Services to the National Credit Union Administration in November, 1986. The NCUA promulgated a final rule implementing the Program in September, 1987 (See 12 CFR 705, 52 FR 34891, September 16, 1987). Executive Order 12372 entitled "Intergovernmental Review of Federal Programs" requires that "Federal agencies shall provide opportunities for consultation by elected officials of those state or local governments that would provide the non-Federal funds for, or that would be directly affected by, proposed Federal financial assistance or direct Federal development."

The Office of Management and Budget (OMB) provides oversight for Executive Order 12372. Pursuant to Pub. L. 98–169, the General Services Administration (GSA) publishes annually the Catalog of Federal Domestic Assistance (CFDA) listing all Federal government programs that are to comply with Executive Order 12372. The determination as to the applicability of programs to Executive Order 12372 is made by the Federal agency operating the program as submitted for publication in the CFDA. The Program was added to the CFDA by the Department of Health and Human Services and first appeared in the CFDA in 1987. (See CFDA #44.002.) As explained below, it is the position of the NCUA Board that the Program was mistakenly included in the CFDA and should be deleted.

The Program operates as follows. Credit unions (both federally- and state-chartered) may apply to the NCUA for a loan from the Program of up to $200,000. Loan decisions are made by the NCUA, and state-chartered credit unions that are approved for Program loans must obtain the written concurrence from their respective state regulator. (See 12 CFR 705.8.) State or local governments do not provide non-Federal funds under the Program.

In addition, loans from the Program do not directly affect state or local governments. State-chartered credit unions that receive a loan remain subject to examination and supervision by their state regulators. The fact that state regulators must approve state-chartered credit unions that receive loans pursuant to Part 705 provides state regulatory authorities sufficient notification and control over their state-chartered entities. The impact of the loan directly affects the credit union and its members and not be the state authorities.

Copies of this proposal to delete the Program from coverage of Executive Order 12372 will be sent to all state single points of contact (SPOC's). Any comments received from SPOC's or any other public commenters will be reviewed by the NCUA with input from the Office of Management and Budget before a final decision on this proposed deletion is made.

By the National Credit Union Administration Board on December 17, 1987.

Becky Baker,

Secretary of the Board.

[FR Doc. 87–29380 Filed 12–22–87; 8:45 am]

BILLING CODE 7535–01–M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence Report; Section 208 Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) has published and issued another periodic report to Congress on abnormal occurrences (NUREG–0090, Vol. 10, No. 2).

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

The report to Congress is for the second calendar quarter of 1987. The report identifies the occurrences or events that the Commission determined to be significant and reportable; the remedial actions that were undertaken are also described. During the report period, there were no abnormal occurrences at the nuclear power plants licensed to operate. There were five abnormal occurrences at the other NRC licensees. Three involved medical misadministrations (two diagnostic and one therapeutic); one involved the issuance of an NRC Order to remove a hospital's radiation safety office due to falsification of certain records; and one involved a significant breakdown in management and procedural controls at an industrial radiography licensee. There was one abnormal occurrence reported by an Agreement State (Idaho). The item involved radiographer overexposures.

The report also contains information updating some previously reported abnormal occurrences.

A copy of the report is available for public inspection and/or copying at the NRC Public Document Room, 1717 H. Street, NW., Washington, DC 20555, or at any of the nuclear power plant Local Public Document Rooms throughout the country.

Copies of NUREG–0090, Vol. 10, No. 2 (or any of the previous reports in this series), may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082. A year's subscription to the NUREG–0090 series publication, which consists of four issues, is also available.

Copies of the report may also be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

Dated At Washington, DC, this 17th day of December 1987.

VOL 52 ISS 246 DEC 23 1987 UMI

For the Nuclear Regulatory Commission.
Samuel J. Chilk,
Secretary of the Commission.
[FR Doc. 87-29421 Filed 12-22-87; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on January 7-9, 1988, in Room 1046, 1717 H Street, NW., Washington, DC. Notice of this meeting was published in the Federal Register on December 14, 1987.

Thursday, January 7, 1988

8:30 a.m.-8:45 a.m.: Comments by ACRS Chairman (Open)—The ACRS Chairman will report briefly regarding items of current interest.

8:45 a.m.-11:00 a.m.: Advanced Boiling Water Reactor (Open)—Briefing by representatives of the General Electric Company regarding the proposed GE Advanced Boiling Water Reactor.

11:15 a.m.-12:30 p.m.: Operating Experience (Open)—Briefing regarding recent operating experience including incidents and transients at nuclear power plants.

1:30 p.m.-3:00 p.m.: Important Safety Related Issues (Open)—Discuss proposed hierarchal structure for important safety-related issues identified by members of the Committee.

3:15 p.m.-5:00 p.m.: ACRS Subcommittee Activities (Open)—Report of ACRS Subcommittee Chairman regarding the status of designated activities, including environmental qualification of nuclear power plant equipment, steam generator tube integrity, and inservice inspection of nuclear power plant systems and components.

5:00 p.m.-6:00 p.m.: Safety Implications of Control Systems (Open)—Discuss proposed ACRS report regarding proposed resolution of this generic matter.

Friday, January 8, 1988

8:30 a.m.-10:00 a.m.: Nuclear Industry Initiatives (Open)—Briefing by representatives of the nuclear industry regarding industry initiatives to improve the operation and regulation of nuclear reactors.

10:15 a.m.-12:15 p.m.: Renewal of Nuclear Power Plant Licenses (Open)—Briefing by representatives of the NRC Staff regarding proposed NRC policy regarding renewal of nuclear power plant licenses.

1:15 p.m.-2:15 p.m.: Analysis and Evaluation of Operational Data (Open/Closed)—Briefing by representatives of NRC Office for Analysis and Evaluation of Operational Data regarding their recent reports.

A portion of this session will be closed as required to discuss Proprietary Information applicable to the matter being discussed.

2:15 p.m.-3:00 p.m.: Anticipated ACRS Activities (Open)—Discuss recent and anticipated ACRS subcommittee activities and items proposed for consideration by the full Committee.

3:15 p.m.-4:15 p.m.: New ACRS Members (Open/Closed)—Discuss qualifications of ACRS members to be considered for appointment to the Committee.

Portions of this session will be closed as required to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy and information that involves the internal personnel rules and practices of the agency.

4:15 p.m.-6:30 p.m.: Preparation of ACRS Reports (Open)—Discuss proposed reports to the NRC regarding items considered during this meeting.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on October 2, 1987 (51 FR 37241). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Pub. L. 92-463 that it is necessary to close portions of this meeting as noted above to discuss information related to the internal personnel rules and practices of the agency (5 U.S.C. 552b(c)(2)), information the release of which would represent a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)), and Proprietary Information applicable to the matter being discussed (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634-3265), between 8:15 a.m. and 5:00 p.m.

Date: December 18, 1987.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 87-29420 Filed 12-22-87; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-482]

Receipt of Petition for Director's Decision Under 10 CFR 2.206; Wolf Creek Nuclear Operating Corp., Kansas Gas and Electric Co., and Kansas City Power and Light Co., Kansas Electric Power Cooperative, Inc., Wolf Creek Generating Station

Notice is hereby given that Ms. Stevi Stephens and Robert V. Eye on behalf of Nuclear Awareness Network have requested that the Nuclear Regulatory Commission institute an investigation pursuant to 10 CFR 2.206 to determine whether security is being satisfactorily maintained at the Wolf Creek Generating Station (WCGS) to protect the public from exposure to radiation and to prevent terrorist activities. The alleged basis for this requested action is that members of the public are presently trespassing into restricted WCGS areas to fish at the WCGS cooling lake and that there have been past examples of inadequate security at WCGS.

This petition is being handled as a request for action pursuant to 10 CFR 2.206 of the Commission regulations and, accordingly, appropriate action will be taken on the request within a reasonable time. Copies of the petition are available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555.

Dated at Bethesda, Maryland, this 16th day of December, 1987.

For the Nuclear Regulatory Commission.
Thomas E. Murley,
Director, Office of Nuclear Reactor Regulation.
[FR Doc. 87-29384 Filed 12-22-87; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-498]

Exemption; Houston Lighting and Power Co.[1] et al., (South Texas Project, Unit 1)

I

On August 21, 1987, the Commission issued Facility Operating License No. NPF-71 to Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, and City of Austin, Texas (the licensees) for South Texas Project, Unit 1. This license provided, among other things, that the facility is subject to all rules, regulations and Orders of the Commission.

II

Section 50.71(e)(3)(i) of 10 CFR Part 50 requires the licensees of nuclear power reactors to submit an Updated Final Safety Analysis Report (UFSAR) within 24 months of either July 22, 1980, or the date of issuance of the operating license, whichever is later. This would require submittal of the UFSAR for South Texas Project, Unit 1 by August 21, 1989 and would result in an entirely new document from the existing South Texas FSAR.

By letter dated October 5, 1987, the licensees requested an exemption from 10 CFR 50.71(e) which would defer submittal of the UFSAR until one year following receipt of a low-power operating license for South Texas Project, Unit 2. The licensees state that they will continue to maintain the South Texas Project FSAR as a description of both Units 1 and 2. The FSAR will be updated by periodic amendments during the periodic that Unit 2 is under construction, thus assuring that timely information regarding both units is provided.

III

The NRC staff has reviewed the licensees' request for an extension of the South Texas UFSAR submittal date. The 10 CFR 50.34 requires that, until South Texas Unit 2 receives an operating license, the information contained in the FSAR docketed with the operating license application be maintained current. Hence, if an extension to the submittal date for the UFSAR is not granted, the licensees would be required to maintain current both the present FSAR as well as the Unit 1 UFSAR until South Texas Unit 2 is licensed. Maintaining two versions of the same document for the two South Texas units would not serve the underlying purpose of 10 CFR 50.71(e), which is to assure that the final safety analysis report contains the latest material developed. Maintenance of a separate document to satisfy § 50.34 for Unit 2 to support licensing would not provide the NRC with significant additional information and could lead to ambiguities and confusion. Thus, an undue administrative burden would be imposed which results in no measurable gain.

Therefore an extension is needed to eliminate the hardship of maintaining two versions of the same document. Until South Texas Unit 2 receives an operating license, the licensees have committed to maintain the present FSAR current for both units by periodically amending the document. This will assure that the underlying purpose of 10 CFR 50.71(3), i.e., assurance that the safety analysis report contains the latest material developed, continues to be met.

For these reasons, the staff finds that the licensees have shown good cause for the requested extension of the date for submittal of the Updated Final Safety Analysis Report. Therefore, the requested extension to no later than one year after issuance of a low power license for South Texas, Unit 2 is acceptable. This extension will terminate, unless further extended, no later than the end of August 1990.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(1), this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption. The application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule in that the licensees have updated the South Texas FSAR in support of licensing South Texas Unit 2 and will continue to update it periodically until Unit 2 is licensed.

Accordingly, the Commission hereby grants an exemption as described in Section III above from § 50.71(e)(3)(i) of 10 CFR Part 50 to extend the date for submittal of the updated FSAR to no later than one year after date of issuance of a low power license for South Texas project, Unit 2. This exemption granting the extension is effective until the end of August 1990.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the environment (52 FR 47805).

This Exemption is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 16th day of December, 1987.

Dennis M. Crutchfield,
Director, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.
[FR Doc. 87-29385 Filed 12-22-87; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-352]

Philadelphia Electric Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards; Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-39 issued to Philadelphia Electric Company, for operation of the Limerick Generating Station, Unit No. 1 located in Montgomery County, Pennsylvania.

The proposed amendment would modify Section 6 of the facility Technical Specifications to reflect (I) a new corporate and (II) a new plant staff organizational structure, and (III) a revised composition of the Plant Operations Review Committee, in accordance with the licensee's application for amendment dated November 16, 1987. In connection with this matter the Commission has also issued, by letter dated December 16, 1987, a temporary waiver of compliance with respect to deviations from the organizational structure currently described in Section 6, Administrative Controls, of the Technical Specifications. This letter also permits initiation of implementation of the above proposal on an interim basis pending completion of consideration of the application for amendment.

The licensee's application is submitted as a result of corrective actions taken by the licensee in

[1] Houston Lighting & Power Company is authorized to act for the City Public Service Board of San Antonio, Central Power and Light Company and City of Austin, Texas and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.

response to an Order issued by the Nuclear Regulatory Commission (NRC) on March 31, 1987 which required the other nuclear power plant operated by the licensee, the Peach Bottom Atomic Power Station (PBAPS), to be shut down due principally to inattentiveness by control room licensed personnel. The proposed reorganization, particularly the corporate reorganization, is also reflected throughout the licensee's Plan for Restart of Peach Bottom Atomic Power Station, Section I, Corporate Action, (Plan) which was submitted on November 25, 1987. The information in the Plan has been considered by the staff to be supplementary to the licensee's application for amendment. In the Plan the licensee has identified four root causes for the declining performance at the PBAPS, the fourth root cause being: Corporate management failed to recognize the developing severity of the problems at PBAPS and thus, did not take sufficient corrective action. The November 25, 1987 submittal responds to the fourth root cause by describing the Corporate portion of the overall Plan which the licensee submits "will also ensure continued excellence of operations at the Limerick Generating Station (LGS)".

The licensee's Plan states that two concepts underlie its response to the fourth root cause. The first concept is that organization structure, management systems and managerial ability are interdependent elements; each impacts upon the varying degree of effectiveness of the others. The second concept deals with strengthening the licensee's self assessment activities. The proposed organizational structure identified in the licensee's amendment application is a principal factor in attaining the goals associated with both of these objectives.

I. Corporate Organizational Structure

The proposed revisions would reorganize the corporate staff between the plant manager and the senior vice president levels. The current Technical Specification (TS) Figure 6.2–1–1 showing the offices of the Senior Vice President-Nuclear Power, the Vice President (VP)-Electric Production, the Manager-Nuclear Production, the Superintendent-Nuclear Generation Division and the Superintendent-Quality Assurance Division would be revised. Replacing these offices would be a Senior Vice President-Nuclear with four Vice Presidents and a General Manager for Nuclear Quality Assurance reporting to him. This would reduce the organizational chain of command by removing two levels of offsite corporate management. Two of the VP's would be located on the Limerick and the Peach Bottom plant sites thus establishing a corporate office presence onsite. The VPs for Nuclear Services and for Nuclear Engineering would direct staffs who would have responsibility only for nuclear power plant related issues. The licensee indicates that these changes will focus corporate attention on station necessities, will enhance communications between the station organizations and the highest levels of corporate management and will provide better functional grouping of related disciplines.

The proposed position of Vice President-Nuclear Services will include certain responsibilities that were previously within the Offices of the VP-Electric Production Department, the Manager-Nuclear Production, and the Superintendent-Nuclear Services. The office of VP-Nuclear Services would have four organizations: (1) Nuclear Support, for licensing, fuel management, radiation protection, waste management, chemistry, emergency preparedness, security and the Operating Experience Assessment Program, (2) Nuclear Maintenance, for supplemental craft maintenance support, (3) Nuclear Training, for licensed, general employee and crafts training and the professional development programs and (4) Nuclear Administration, for personnel, budget, computer and record management. The benefits attributable to the reorganization of Nuclear Services are discussed in detail in Section 2.6 of the Plan. These benefits generally accrue from the provision of additional resources and the centralization of these functions to support the identification and meeting of needs in these areas in a focused, timely manner.

The proposed office of Vice President-Nuclear Engineering will include certain responsibilities that were previously within the office of the VP-Engineering and Research Department. This office would include four organizations: (1) Engineering, for design, analyses, studies and assistance, (2) Project Management, to manage engineering projects for each station, (3) Engineering Design, for conceptual design support and services, and (4) the Construction Superintendent for Limerick Unit 2. The licensee identifies the benefits of the reorganization of Nuclear Engineering in section 2.5 of its Plan as being (1) the dedication of a significant portion of its corporate engineering resources to the support of nuclear operations exclusively, and (2) establishing single point accountability for the management of engineering projects at appropriate management levels.

The corporate level Nuclear Review Board (NRB) will be revised to provide for an elevated reporting relationship to the office of the Chief Executive Officer on a quarterly basis in addition to reporting regularly to the Senior VP-Nuclear. The NRB chairmanship has been made a full time position and the NRB membership has been broadened by including three members from outside the Philadelphia Electric Company. The licensee states that this will strengthen the experience and expertise of the NRB and will ensure its direct access to the highest corporate management level.

The proposed position of General Manager-Nuclear Quality Assurance will include certain responsibilities that were previously within the offices of the Manager-Nuclear Production, the Superintendent-Nuclear Generation Division and the VP, Engineering and Research Department. This office would include five organizations: Peach Bottom Quality, Limerick Quality, Quality Support, Performance Assessment and the Independent Safety Engineering Group. The licensee states that this consolidation of quality assurance efforts will provide for a more coordinated quality assurance operation resulting in early identification, evaluation and resolution of potential safety concerns.

II. Plant Staff Organizational Structure

The onsite station organizational structure, below the Vice President level, will be expanded horizontally by increasing the number of positions at both the Manager and the Superintendent levels. Figure 6.2–2 would be revised to reflect these changes. The current Superintendent-LGS Plant will be renamed Plant Manager. A Project Manager will be added to provide separate management accountability and authority for plant outages, planning and scheduling, reporting and modifications. A Support Manager will be added to provide strengthened focus and accountability for such activities as security, emergency preparedness, administration and personnel. A Superintendent-Training will be added, reporting to the VP–LGS to ensure more attention to site training needs.

The Plant Manager will manage the positions of Superintendent-Operations, Superintendent-Plant Services, Superintendent-Maintenance and Instrumentation and Controls and Superintendent-Technical. The Superintendent-Operations will be assisted by an Assistant Superintendent-Operations position. The current shift superintendent, the Shift Technical Advisor, Shift Supervisor and operator positions remain essentially unchanged.

A new position of Operations Support Engineer will report to the Assistant Superintendent-Operations. This position will provide staff support in the areas of regulatory and licensing needs, coordination of shift training and certain administrative functions.

The current position of Superintendent-Plant Services will consolidate the existing chemistry and health physics groups and will also have a new position of radwaste engineer. A new position of Superintendent-Technical will manage a Technical Engineer and a Regulatory Engineer to provide techncial support for modification testing, reactor engineering, plant performance, process computer, regulatory and INPO interfaces, the LER program and commitment tracking. A new position of Superintendent-Maintenance and Instrumentation and Controls will manage several assistant superintendents, engineers and supervisors in the consolidation of these two areas from the current organization.

A Unit 2 Start-up Manager position will be added, reporting to the VP–LGS. This manager, with several superintendents, will be responsible for certain Unit 2 programs prior to fuel loading.

The licensee indicates that these onsite organization changes will establish a separation of responsibility that will better enable onsite management to concentrate their attention on each organizational function and will also delete various administrative duties from the Plant Manager, thereby allowing more focus on daily plant activities. All groups performing onsite activities which currently report to non-station organizations, except those involved in independent corporate assessment and oversight activities, and those involved in the construction of LGS-Unit 2 prior to start-up, will be integrated into the onsite station organization. The licensee states that this will improve communications and coordination among the groups and will provide accountability to the site vice president.

III. Plant Operations Review Committee (PORC)

The licensee proposes revisions to the PORC composition on TS page 6–7. The Superintendent-Operations will replace the Station Superintendent as Chairman. The other three Superintendents reporting to the Plant Manager will also be included as well as the Assistant Superintendent-Operations. The Maintenance Engineer and the Technical Engineer positions will be added to the PORC. The positions of Shift Superintendent and Regulatory Engineer will continue on the PORC.

The licensee indicates that the new representatives on the PORC will be a supervisor of the selected position and that the qualifications, experience and training requirements of previous PORC positions will be maintained. Disciplines previously represented on the PORC will continue to be represented. Relieving the Plant Manager as a member of the PORC will allow him to focus attention on those issues which affect personnel, plant and public safety as well as the efficiency of operations.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

(1) These changes discussed above in section I regarding the corporate organization are proposed to shorten and strengthen the nuclear operations chain of command, provide an onsite corporate presence and ensure that all onsite employees, except independent oversight functions, and Unit 2 construction activities are accountable to the site vice president, establish support and engineering organizations that are focused on nuclear related activities only, enhance and evaluate Quality Assurance's role, strengthen the operating experience assessment program and to strengthen the independent assessment process. Accordingly, these changes are directed at bringing about improvements which will provide additional control of and reduce the probability or consequences of the spectrum of accidents previously evaluated in the Final Safety Analysis Report. For example, the reorganized Quality Assurance function under the General Manager-Nuclear Quality assurance will include an interface of the QA activities at each site with the corporate QA group and the results are provided with a higher level of visability. Independent assessment of operational performance and trend analysis of performance will be performed and will have a higher level of visibility. Therefore, on the bases discussed above and in Section I, the proposed changes will not result in an increase in the probability or consequences of any accident previously evaluated.

(2) The changes discussed above in section I, regarding the corporate organization do not involve any physical modifications in plant hardware, plant design or plant systems operation. For this reason and for the reasons stated above in part (1) the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The objective of the proposed corporate reorganization is to change the organizational structure to increase control, accountability and corporate direction for nuclear operations, to strengthen self-assessment and problem resolution capabilities and to strengthen the independent assessment process. Since the the proposed changes would be directed at providing the improved features and enhancements discussed in part (1) above, they do not involve a significant reduction in a margin of safety.

(4) The changes discussed above in section II regarding the onsite organization are proposed to provide a strong corporate presence onsite; to provide separate management accountability and authority for plant operations through the Plant Manager, and outage management through the Project Manager; to ensure more attention and responsiveness to site training needs through the Superintendent-Training; and to provide strengthened management focus and accountability for critical station support functions through the Support Manager. The licensee states that this will eliminate various administrative responsibilities from the Plant Manager, thereby allowing more focus on daily plant activities. The proposed organization will further provide the Plant Manager with a staff that, as discussed in section II above, will be expanded horizontally to include the Superintendents of Plant Services, Maintenance and Instrumentation and Controls, Technical and Operations. This is directed at establishing a separation of responsibility that will enable concentration on each organizational function. The proposed organization will provide better functional grouping of related

disciplines through the Superintendents of Plant Services and Maintenance, Instrumentation and Controls.

As stated in the licensee's application, the qualifications, education and training requirements for the positions in the organization meet or exceed the requirements of ANSI/ANS-3.1-1978. The changes are implemented by changes to Technical Specification Figures 6.2.1-1 and 6.2.2.-1; by changing the title of the Station Superintendent to Plant Manager on pages 6-1, 6-2, 6-7, 6-8 and 6-13; by adding the Plant Manager as a recipient of reports on pages 6-12 and 6-13; by changing the reporting levels for the Independent Safety Engineering Group on page 6-6; by changing the responsible licensee representative to the Senior Vice President—Nuclear on pages 6-9, 6-11, 6-12; by changing the designee for responsibility for direction of the site training program to reflect a generically titled site training organization on page 6-7; by adding additional designees to provide for the adequate control of shift coverage on page 6-2; and by adding the Plant Manager and by providing for an elevated level of reporting on pages 6-6, 6-9, 6-12 and 6-13.

The proposed changes do not involve physical changes in the design or operation of plant structures, systems or components. For this reason and for the reasons discussed above and in section II above, the proposed changes will not result in an increase in the probability or consequences of any accident previously evaluated.

(5) The changes discussed above in section II regarding onsite organization do not involve any physical changes in the design or operation of plant structures, systems or components. For this reason and for the reasons stated in part (4) above the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(6) As discussed in part 4 above, the objective of the proposed onsite organization is to provide resources to strengthen the focus and accountability for plant activities, to provide better functional grouping of related disciplines and to enhance management-operated interaction and improve the professionalism of the operations organizations. For these reasons and as discussed in section II and part 4 above, the proposed changes do not involve a significant reduction in a margin of safety.

(7) The changes discussed above in section III regarding the Plant Operations Review Committee are proposed to increase the role of maintenance and operations; to decrease the role of disciplines not directly involved with operational safety; and to maintain a representation of the required technical disciplines. The proposed PORC composition also reflects the revised titles for certain positions. Therefore, on the bases discussed above and in section III, the proposed changes will not result in an increase in the probability or consequences of any accident previously evaluated.

(8) The changes discussed above in part 7 and section III regarding the PORC do not involve any physical changes in the plant structures, systems and components. For this reason and for the reasons stated in part 7 above the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(9) The objective of the proposed revisions are to reflect the enhancements that have been proposed for the onsite organizations and to increase the emphasis on the roles of maintenance and operations in the PROC reviews. The size of the PROC and the quorum requirements are unchanged. On these bases, the proposed changes do not involve a significant reduction in a margin of safety.

Based on the above discussions in sections, I, II, and III and Parts 1-9 the staff proposes to determine that the requested amendment does not involve a signficant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, NW, Washington, DC.

By January 22, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amemdment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Att: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Indentification Number 3737 and the following message addressed to Walter R. Butler, Director, Project Directorate I-2, Division of Reactor Projects I/II: Petitioner's name and telephone number; date petition was mailed; plant name; and publication data and page number of this Federal Register notice. A copy of the petition should also be sent to the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Conner and Wetterhahn, 1747 Pennsylvania Avenue NW., Washington, DC 20006, attorney for the licensee.

Nonetimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated November 18, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555, and at the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Dated at Bethesda, Maryland, this 18th day of December 1987.

Walter R. Butler,

Director, Project Directorate I-2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulations.

[FR Doc. 87-29388 Filed 12-22-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-277 and 50-278]

Philadelphia Electric Co.; et al; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards; Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company for operation of the Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, located in York County, Pennsylvania.

The proposed amendments would modify Section 6 of the facility Technical Specifications to reflect (I) a new corporate and (II) a new plant staff organizational structure, (III) a revised composition of the Plant Operations Review Committee and (IV) several administrative changes; in accordance with the licensee's application for amendment dated November 19, 1987. In connection with this matter the Commission has also issued, by letter dated December 18, 1987, a temporary waiver of compliance with respect to deviations from the organizational structure currently described in Section 6, Administrative Controls, of the Technical Specifications. This letter also permits initiation of implementation of the above proposal, on an interim basis pending completion of consideration of the application for amendment.

The licensee's application is submitted as part of its corrective actions in response to an Order issued by the Nuclear Regulatory Commission (NRC) on March 31, 1987 which required the plant to be shut down due principally to inattentiveness by control room licensed personnel. The proposed reorganization is also reflected throughout the licensee's Plan for Restart of Peach Bottom Atomic Power Station, Section I, Corporate Action, (Plan) which was submitted on November 25, 1987. The information in the Plan has been considered by the staff to be supplementary to the licensee's application for amendment. In the Plan the licensee has identified four root causes for the declining performance at the PBAPS and has also identified corrective action objectives in response to the root causes. The November 25, 1987 submittal responds to the fourth root cause by describing the Corporate portion of the overall Plan while a future submittal will provide further descriptions regarding site specific activities.

The licensee states in Section 1.2 of the Plan that two concepts underlie its response to the fourth root cause. The first concept is that organization structure, management systems and material ability are interdependent elements; each impacts upon the varying degree of effectiveness of the others. The second concept deals with strengthening the licensee's self assessment activities. The proposed organizational structure identifed in the licensee's amendment application is a principal factor in attaining the goals associated with both of these objectives.

I. Corporate Organizational Structure

The proposed revisions would reorganize the corporate staff between the plant manager and the senior vice president levels. The current Technical Specification (TS) Figure 6.2-1 showing the offices of the Senior Vice President-Nuclear Power, the Vice President (VP)-Electric Production, the Manager-Nuclear Production, the Superintendent-Quality Assurance Division would be revised. Replacing these offices would be a Senior Vice President-Nuclear with four Vice Presidents and a General Manager for Nuclear Quality Assurance reporting to him. This would reduce the

organizational chain of command by removing two levels of offsite corporate management. Two of the VP's would be located on the Limerick and the Peach Bottom plant sites thus establishing a corporate office presence onsite. The VPs for Nuclear Services and for Nuclear Engineering would direct staffs who would have responsibility only for nuclear power plant related issues. The licensee indicates that these changes will focus corporate attention on station necessities, will enhance communications between the station organizations and the highest levels of corporate management and will provide better functional grouping of related disciplines.

The proposed position of Vice President-Nuclear Services will include certain responsibilities that were previously within the Offices of the VP-Electric Production Department, the Manager-Nuclear Production, the Superintendent-Nuclear Services. The office of VP-Nuclear Services would have four organizations: (1) Nuclear Support, for licensing, fuel management, radiation protection, waste management, chemistry, emergency preparedness, security and the Operating Experience Assessment Program, (2) Nuclear Maintenance, for supplemental craft maintenance support, (3) Nuclear Training, for licensed, general employee and crafts training and the professional development programs and (4) Nuclear Administration, for personnel, budget, computer and record management. The benefits attributable to the reorganization of Nuclear Services are discussed in detail in Section 2.6 of the Plan. These benefits generally accrue from the provision of additional resources and the centralization of these functions to support the identification and meeting of needs in these areas in a focussed, timely manner.

The proposed office of Vice President-Nuclear Engineering will include certain responsibilities that were previously within the office of the VP-Engineering and Research Department. This office would include four organizations: (1) Engineering, for design, analyses, studies and assistance, (2) Project Management, to manage engineering projects for each station, (3) Engineering Design, for conceptual design support, and services, and (4) the Construction Superintendent for Limerick Unit 2. The licensee identifies the benefits of the reorganization of Nuclear Engineering in Section 2.5 of its Plan as being (1) the dedication of a significant portion of its corporate engineering resources to the support of nuclear operations exclusively, and (2) establishing single point accountability for the management of engineering projects at appropriate management levels.

The corporate level Nuclear Review Board (NRB) will be revised to provide for an elevated reporting relationship to the office of the Chief Executive Officer on a quarterly basis in addition to reporting regularly to the Senior VP-Nuclear. The NRB chairmanship has been made a full time position and the NRB membership has been broadened by including three members from outside the Philadelphia Electric Company. The licensee states that this will strengthen the experience and expertise of the NRB and will ensure its direct access to the highest corporate management level.

The proposed position of General Manager-Nuclear Quality Assurance will include certain responsibilities that were previously within the offices of the Manager-Nuclear Production, the Superintendent-Nuclear Generation Division and the VP, Engineering and Research Department. This office would include five organizations: Peach Bottom Quality, Limerick Quality, Quality Support, Performance Assessment and the Independent Safety Engineering Group. The licensee states that this consolidation of quality assurance efforts will provide for a more coordinated quality assurance operation resulting in early identification, evaluation and resolution of potential safety concerns.

II Plant Staff Organizational Structure

The onsite station organization structure, below the Vice President level, will be expanded horizontally by increasing the number of positions at both the Manager and Superintendent levels. An additional sheet has been added to Figure 6.2–2 to accommodate these changes. The current Manager-Nuclear Plant will be renamed Plant Manager. A Project Manager will be added to provided separate management accountability and authority for plant outages, planning and scheduling, reporting and modifications. A Support Manager will be added to provide strengthened focus and accountability for such activities as security, emergency prepardeness, administration and personnel. A Superintendent-Training will be added, reporting to the VP-Peach Bottom Atomic Power Station (PBAPS), to ensure more attention to site training needs.

The Plant Manager will manage the current positions of Superintendent-Operations and Superintendent-Plant Services as well as the new positions of Superintendent-Maintenance and Instrumentation and Contols and Superintendent-Technical. The Superintendent-Operations will be assisted by an Assistant Superintendent-Operations position which replaces the current Operations Engineer position. A new Shift Manager position, replacing the current Shift Superintendent and some of the duties of the current Operations Engineer, will provide a higher level of management authority on each shift, will prevent isolation of management from the operators and will provide career path opportunities for Operations personnel The Shift Technical Adviser, Shift Supervisor and operator positions remain essentially unchanged except to reflect new position titles. The number of non-licenses operators outside the control room will be increased from three to five.

A new position of Operations Support Engineer will report to the Assistant Superintendent-Operations. This position will provide the technical support formerly provided by the Operations Engineer and will, therefore, relieve the Shift Manager's staff of these functions. The Operations Support Engineer's staff will include a technical staff, a utility shift manager position which will be filled when shift schedules permit and an Operations Support Superintendent. The supporting staff consisting of utility shift operator's a blocking coordinator and an electrical supervisor will assist shift operators in developing equipment blocking permits for taking systems out of service, shift scheduling, procedure review and coordinating of maintenance and surveilance testing of electrical equipment to support operations.

The current position of Superintendent-Plant Services will consolidate the existing chemistry and health physics groups and will also have a new position or radwaste engineer. A new position of Superintendent-Technical will manage a Technical Engineer and a Regulatory Engineer to provide technical support for modification testing, reactor engineering, plant performance, process computer, regulatory and INPO interfaces, the LER program and commitment tracking. A new position of Superintendent-Maintenance and Instrumentation and Control's will manage several assistant superintendents, engineers and supervisors in the consolidation of these two areas from the current organization.

The licensee proposes to delete eight position designations on Figure 6.2–2 at the lower levels of the organization. The licensee states that all of the functions performed by these positions will be the responsibility of the organization which is shown on the proposed Figure 6.2–2. This would not be inconsistent with the BWR Standard Technical Specifications which simply require that the figure show the lines of responsibility and organizational structure.

The licensee did not propose any change in the interim relief granted by amendments 128 and 129 regarding the holding of an SRO license by either the PLant Manager or the Superintendent-Operations. Therefore, the relief provided by those amandments continues in effect and is shown on Figure 6.2–2.

The licensee indicates that these onsite organization changes will establish a separation of responsibility that will better enable onsite management to concentrate their attention on each organizational function and will also delete various administrative duties from the Plant Manager, thereby allowing more focus on daily activities. All groups performing onsite activities which currently report to non-station organizations, except those involved in independent corporate assessement and oversight activities, will be integrated into the onsite station organization. The licensee states that this will improve communications and coordinating among the groups and will provide accountability to the site vice president.

III. Plant Operations Review Committee (PORC)

The licensee proposes revisions to the PORC composition on TS page 246. The Superintendent-Operations will replace the Manager-Nuclear Plant as Chairman. The other three Superintendents reporting to the Pland Manager would also be included. The Assistant Superintendent-Operations would replace the equivalent position of Operations Engineer. The Maintenance Engineer and the Technical Engineer positions will continue on the PORC. The new position of Regulatory Engineer will be added. The Shift Manager would replace the comparable current Shift Superintendent position. The licensee states that these changes increase the roles of maintenance and operations and will maintain a representation of technical disciplines required for the appropriate review of safety issues.

IV. Administrative Changes

The licensee proposes miscellaneous changes which include: Updating the title of the corporate safety committee to reflect current nomenclature on pages 261, 266 and 267; renumbering a list on page 248 to eliminate the duplication of an index inadvertently made in a prior amendment; removing a reference on page 248 to a paragraph specifying reporting times which was deleted by a previous amendment. These changes also include: Extending Note 2 on Sheet 2 of Figure 6.2–2 to provide a reference to paragraph 6.1.1; amending the reporting requirements of paragraph 6.7.1 to provide specificity to the required reporting times consistent with the requirements in the Standard Technical Specifications and the Limerick TS; and to add an "s" to the word Operation where PORC is spelled out on pages 246, 247, 248, 248a and 251. The changes requested in this miscellaneous category to delete several lower level positions from Figure 6.2–2 and to add a second sheet to Figure 6.2–2 are addressed in section II above. The licensee also proposed to delete the designation of the Nuclear Generation Division (NGD) Superintendent as being responsible for the overall fire protection program. This change was made in amendment number 39 and the licensee does not provide sufficient specificity in its application regarding how this responsibility will otherwise be met. Therefore this request is denied. Designation of this responsibility will remain with the VP–PBAPS which is the approximate level of responsibility to the NGD Superintendent in this regard. This denial is without prejudice should the licensee wish to revisit the issue.

The licensee indicates that these onsite organization changes will establish a separation of responsibility that will better enable onsite management to concentrate their attention on each organizational function and will also delete various administrative duties from the Plant Manager, thereby allowing more focus on daily plant activities. All groups performing onsite activities which currently report to non-station organizations, except those involved in independent corporate assessment and oversight activities, will be integrated into the onsite station organization. The licensee states that this will improve communications and coordination among the groups and will provide accountability to the site vice president.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

(1) The changes discussed above in section I regarding the corporate organization are proposed to shorten and strengthen the nuclear operations chain of command, provide an onsite corporate presence and ensure that all onsite employees, except independent oversight functions, are accountable to the site vice president, establish support and engineering organizations that are focussed on nuclear related activities only, enhance and elevate Quality Assurance's role, strengthen the operating experience assessment program and to strengthen the independent assessment process. Accordingly, these changes are directed at bringing about improvements which will provide further control of and reduce the probability or consequences of the spectrum of accidents previously evaluated in the Updated Final Safety Analysis Report. For example, the reorganized Quality Assurance function under the General Manager-Nuclear Quality Assurance will include an interface of the QA activities at each site with the corporate QA group and the results are provided with a higher level of visibility. Independent assessment of operational performance and trend analysis of performance will be performed and will have a higher level of visibility. Therefore, on the bases discussed above and in section I the proposed changes will not result in an increase in the probability or consequences of any accident previously evaluated.

(2) The changes discussed above in section I regarding the corporate organization do not involve any physical modifications in plant hardware, plant design or plant systems operation. For this reason and for the reasons stated above in part (1) the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The objective of the proposed corporate reorganization is to change the organizational structure to increase control, accountability and corporate direction for nuclear operations, to strengthen self-assessment and problem resolution capabilities and to strengthen the independent assessment process. Since the proposed changes would be

directed at providing the improved features and enhancements discussed in part (1) above, they do not involve a significant reduction in a margin of safety.

(4) The changes discussed above in section II regarding the onsite organization are proposed to provide a strong corporate presence onsite; to provide separate management accountability and authority for plant operations through the Plant Manager, and outage management through the Project Manager; to ensure more attention and responsiveness to site training needs through the Superintendent-Training; and to provide strengthened management focus and accountability for critical station support functions through the Support Manager. The Licensee states that this will eliminate various administrative responsibilities from the Plant Manager, thereby allowing more focus on daily plant activities. The proposed organization will further provide the Plant Manager with a staff that, as discussed in section II above, will be expanded horizontally to include the Superintendents of Plant Services, Maintenance and Instrumentation and Controls, Technical and Operations. This is directed at establishing a separation of responsibility that will enable concentration on each organizational function. The proposed organization will provide better functional grouping of related disciplines through the Superintendents of Plant Services and Maintenance, Instrumentation and Controls and will provide for onsite management of construction, field engineering, testing and Maintenance crafts.

The licensee states that the proposed organization under the Superintendent-Operations will establish additional supervisory positions, including implementation of the Shift Manager concept, and a division of responsibility that will enhance management-operator interaction. Flexibility would also be provided to accommodate periodic rotation and alternative career paths for shift personnel. This is directed at enhancing operator morale and motivation and improving the professionalism of the operations organization.

As stated in the licensee's application, the qualifications, education and training requirements for the positions in the proposed organization meet or exceed the requirements of ANSI N18.1–1971. The proposed changes would be implemented by changes to Technical Specification Figures 6.2–1 and 6.2–2, by changing the title of the Manager-Nuclear Plant to Plant Manager on TS pages 243, 246, 247, and 248; by adding the Plant Manager as the recipient of reports on TS pages 247, 248, and 248a; by changing the reporting level from Superintendent-Nuclear Generating Division to Vice President-PBAPS, which is a corporate officer level position, on TS pages 247, 248, 248a, 249, 252, 252a, and 253; by adding an elevated level of reporting on TS pages 248 and 252; and by changing titles to reflect the proposed Superintendent-Training's position on page 246 and the Shift Manager's position on page 262.

The proposed changes do not involve physical changes in the design or operation of plant structures, systems or components. For this reason and for the reason discussed above and in section II above, the proposed changes will not result in an increase in the probability or consequences of any accident previously evaluated.

(5) The changes discussed above in section II regarding onsite organization do not involve any physical changes in the design or operation of plant structures, systems or components. For this reasons and for the reasons stated in part (4) above the propsoed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(6) As discussed in part 4 above the objective of the proposed onsite organization is to provide resources to strengthen the focus and accountability for plant activities, to provide better functional grouping of related disciplines and to enhance management-operator interaction and improve the professionalism of the operations organization. For these reasons and as discussed in section II and part 4 above, the proposed changes do not involve a significant reduction in a margin of safety.

(7) The changes discussed above in section III regarding the Plant Operating Review Committee are proposed to increase the role of maintenance and operations; to decrease the role of disciplines not directly involved with operational safety; and to maintain a representation of the required technical disciplines. The proposed PORC composition also reflects the revised titles for certain positions. Therefore, on the bases discussed above and in section III, the proposed changes will not result in an increase in the probability or consequences of any accident previously evaluated.

(8) The changes discussed above in part 7 and section III regarding the PORC do not involve any physical changes in the plant structures, systems and components. For this reason and for the reasons stated in part 7 above the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(9) The objective of the proposed revisions are to reflect the enhancements that have been proposed for the onsite organizations and to increase the emphasis on the roles of maintenance and operations in the PORC reviews. The size of the PORC and the quorum requirements are unchanged. On these bases, the proposed changes do not involve a significant reduction in a margin of safety.

(10) The changes discussed above in section IV include miscellaneous administrative revisions in nomenclature, corrections of errors, addition of a reference to another TS paragraph, and specification of a reporting time. The changes proposed by the licensee in this category dealing with deletion of operations staff positions from the organization charts have been addressed in the onsite organization discussions above and those dealing with the responsibility for the fire protection program have been denied for the reasons stated in section IV. The Commission has provided guidance concerning the application of standards in 10 CFR 50.92 by providing certain examples (March 6, 1986, 51 FR 7744) of amendments that are not likely to involve a significant hazards consideration. These proposed changes are enveloped by example (i) which relates to purely administrative changes for correction of an error, changes in nomenclature and changes to achieve consistency. On this basis these changes do not involve significant hazards considerations.

Based on the above discussions in section I, II, III and IV and Parts 1–10 the staff proposes to determine that the requested amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments should be addressed to the Rules and Procedures, Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street NW., Washigton, DC.

By January 22, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such a amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Att: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW. Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Walter R. Butler, Director, Project Directorate I–2, Division of Reactor Projects I/II: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Conner and Wetterhahn, 1747 Pennsylvania Avenue NW., Washington, DC 20006, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated November 19, 1987, as supplemented by the licensee's Plan for Restart, Section I, Corporate Action, dated November 25, 1987, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW. Washington, DC 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Dated at Bethesda, Maryland, this 18th day of December 1987.

For the Nuclear Regulatory Commission.

Walter R. Butler,

Director, Project Directorate I–2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulations.

[FR Doc. 87–29389 Filed 12–22–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 030–15183, License No. 45–18488–01, EA 87–127]

Order Imposing Civil Monetary Penalty; Tidewater Memorial Hospital, Tappahannock, VA

I

Tidewater Memorial Hospital (licensee) is the holder of Material License No. 45–18488–01 issued by the Nuclear Regulatory Commission (NRC/Commission) on July 26, 1979. The

license authorizes the licensee to employ the use of radioactive materials for diagnostic and therapeutic purposes in patients in accordance with the conditions specified therein.

II

A routine unannounced inspection of the licensee's activities was conducted on June 17, 1987. The results of this inspection indicated that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licensee by letter dated September 11, 1987. The Notice stated the nature of the violations, the provisions of the NRC's requirements that the licensee had violated, and the amount of the civil penalty proposed for the violations. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty by letter dated October 7, 1987.

III

After consideration of the licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined as set forth in the Appendix to this Order that violation A.4 should be withdrawn, that the remaining examples of violation A and violation B occurred as stated, that the Severity Level III categorization is warranted, and that the majority of the penalty proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *it is hereby ordered that:*

The licensee pay a civil penalty in the amount of Two Thousand Four Hundred Sixteen Dollars and Sixty-Seven Cents ($2,416.67) within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

The licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy of the Regional Administrator, Region II, 101 Marietta St., NW., Suite 2900, Atlanta, GA 30323.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee was in violation of the Commission's requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty referenced in Section II above as amended in the Appendix to this Order and

(b) Whether, on the basis of such violation, this Order shall be sustained.

For the Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

Dated at Bethesda, Maryland, this 16th day of December 1987.

Appendix—Evaluations and Conclusions

On September 11, 1987, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for violations identified during a routine NRC inspection. Tidewater Memorial Hospital responded to the Notice on October 7, 1987. The licensee denied the occurrences of violations, A.1, A.2, A.3, A.4, A.7, and A.8 and affirmed the occurrence of the remaining violations. The licensee also requested remission or mitigation of the proposed civil penalty amount. The NRC's evaluation and conclusion for the violations which were contested and denied by Tidewater Memorial Hospital are as follows:

Restatement of Violation A.1

License Condition 17 requires the licensee to possess and use licensed material in accordance with statements, representations, and procedures contained in its license application dated January 23, 1979, letter dated July 24, 1984, and Model As Low As Reasonably Achievable (ALARA) Program dated July 27, 1984, including any enclosures.

Item 7(1) of the license application, Medical Isotopes Committee (Committee Administrative Duties and Frequency), requires the Medical Isotopes Committee to review the entire Radiation Safety Program at least annually to determine that all activities are being conducted safely and in accordance with the Nuclear Regulatory Commission/State Regulations and the conditions of the respective radioactive material licenses.

Contrary to the above, between July 27, 1984 and June 17, 1987, the Medical Isotopes Committee did not review the Radiation Safety Program.

Summary of Licensee's Response

The licensee contends that their consultant, Dr. Dean Broga, visits the hospital on a semiannual basis and that Dr. Broga's visits include a review of exposure levels in restricted and unrestricted areas, personnel exposures, postings, quality asurance programs, handling procedures, usage an storage, and all protocols followed by the Nuclear Medicine Department. The licensee also states that Dr. Broga's findings are discussed at the Radiation Safety Committee meetings and also sent to the Radiation Safety Officer in written form. The licensee asserts that Dr. Broga's semiannual review more than meets the requirements of License Condition 17, Item 7(1).

NRC Evaluation of Licensee's Response

License Condition 17, Item 7(1), requires the *Medical Isotopes Committee* (also known as the Radiation Safety Committee (RSC)) to review the entire Radiation Safety Progrm at least annually. Dr. Broga's semiannual survey report is the product of an individual outside consultant and does not constitute an annual review of the Radiation Safety Program by the Medical Isotopes Committee. Medical Isotopes Committee minutes reviewed between July 27, 1984 and June 17, 1987 did not record any annsul review of the Radiation Safety Program. Also, no formal review of the program, independent of the Medical Isotope Committee quarterly meetings, as performed by members of the Medical Isotopes Committee, acting as a majority of a quorum. In addition, if the RSC has actually performed an adequate formal annual review of the Radiation Safety Progam, in lieu of relying solely on a consultant's semiannual review, many of the sixteen examples of violations proposed in the September 11, 1987 Notice could have been avoided or would have been licensee-identified. The licensee's affirmation of ten of these examples also indicates minimal involvement by the RSC in managing the Radiation Safety Program. Because no formal annual review of the entire Radiation Safety Program was performed by the Medical Isotopes Committee members, violation A.1 remains as stated.

Restatement of Violation A.2

License Condition 17 requires the licensee to possess and use licensed material in accordance with statements, representations, and procedures contained in its license application dated January 23, 1979, letter dated July 27, 1984, and Model As Low As Reasonably Achievable (ALARA) Program dated July 27, 1984, including any enclosures.

Item 3(a)(3) of the Model ALARA Program requires the Radiation Safety Officer (RSO) to perform a quarterly review of records of radiation levels in unrestricted and restricted areas to determine that they were at ALARA levels during the previous quarter.

Contrary to the above, between July 27, 1984 and February 8, 1985, between July 24, 1985 and January 31, 1986; between January 31, 1986 and July 24, 1986, between July 24, 1986 and March 16, 1987, the RSO did not perform a quarterly review of records of radiation levels in restricted areas. Additionally, between July 27, 1984 and June 17, 1987, the RSO did not perform a quarterly review of records of radiation levels in unrstricted areas.

Summary of Licensee's Response

The licensee contends that the exact implication of the three ALARA violations as referenced in violations A.2, A.3, and A.4 is unclear. The licensee states that they review quarterly exposure records at all RSC meetings to ensure compliance with ALARA levels. With the exception of the Radiologist (who serves as the the RSO), the licensee rarely has any monitored individual who approaches the ALARA Level I limits. The licensee states that Dr. Broga's (outside consultant) survey includes levels in restricted and unrestricted areas. The nuclear medicine technologist who performs the weekly exposure surveys is also a member of the RSC and is responsible for reporting any unusual situations to the Committe. The licensee contends that Dr. Broga's review includes ways to limit exposure, and that Tidewater Memorial Hospital does not have individuals receiving significant exposures as a function of their routine job responsibilities. The licensee explains that, if anything, its only mistake was its failure to document is efforts in a manner consistent with the inspector's expectations. The licensee further explains that it plans to amend its license application to more accurately reflect its program. Also, the license lists the dates of all RSC meetings held between July 27, 1984 and April 28, 1987.

NRC Evaluation of Licensee's Response

Dr. Broga's review of radiation levels in restricted areas was performed approximately semiannually. Dr. Broga's review was comprised of a contamination and exposure survey of restricted areas. The results were compiled into a "Nuclear Medicine Survey Report" and mailed to Dr. Lagundino, the licensee's Radiologist and RSO. The results of the report were also discussed, but not documented at the Radiation Safety Committee Meeting that coincided with Dr. Broga's visit. As stated in violation A.2, the RSO was required to perform a *quarterly* review of records of radiation levels in unrestricted areas. The dates when Dr. Broga performed his contamintion and exposure surveys (July 27, 1984; February 18, 1985; July 24, 1985; January 31, 1986; July 24, 1986; and March 16, 1987) did not constitute a quarterly frequency.

Dr. Broga's review of radiation levels did not include contamination or exposure survey results of unrestricted areas (hallways, adjacent rooms, etc.). All of Dr. Broga's swipes and exposure survey measurements were collected from points within the restricted areas (hot lab and injection/imaging areas).

The weekly surveys of unrestricted areas conducted by the nuclear medicine technologist did not constitute a quarterly review of radiation levels in unrestricted and restricted areas by the RSO, Dr. Lagundino. Under these circumstances, violaton A.2 was correct as stated.

Restatement of Violation A.3

License Condition 17 requires the licensee to possess and use licensed material in accordance with statements, representations, and procedures contained in its license application dated January 23, 1979, letter dated July 27, 1984, and Model As Low As Reasonably Achievable (ALARA) Program dated July 27, 1984, including any enclosures.

Item 3(a)(1) of the model ALARA Program states that the Radiation Safety Officer (RSO) will perform an annual review of the Radiation Safety Program for adherence to ALARA concepts.

Contrary to the above, between July 27, 1984 and June 17, 1987, the RSO did not perform an annual review of the Radiation Safety Program.

Summary of Licensee's Response

The licensee addresses violation A.3 in the "Summary of Licensee's Response" for violation A.2. The licensee states that quarterly exposure records are reviewed at all RSC meetings in order to ensure compliance to ALARA levels and that rarely does anyone approach ALARA Level I limits except for their Radiologist (RSO). The licensee also contends that Dr. Broga's review includes ways to limit exposure, and that the license does not have individuals receiving significant exposures as a function of their routine job responsibilities.

NRC Evalaution of Licensee's Response

The NRC staff maintains that the licensee's RSO did not perform any annual evaluation or review of the Radiation Safety Program for adherence to ALARA concepts. Such a review would have involved an annual evaluation of all individual occupational external exposure records for the four preceding quarters. The review also would have involved a review of specific procedures for reducing exposures (individual and collective) to as low as is reasonably achievable. Particular attention would have directed towards any individuals who exceeded the licensee's Investigation Levels I and II.

Item 6(b) of the July 27, 1984 Model ALARA Program states that each quarterly exposure that equals or exceeds Investigation Level I shall be reviewed by the RSO. This program also states that the RSO shall report the results of the review at the first RSC meeting following the quarter when the exposure was recorded and that the RSC shall consider each such exposure in comparison with those of others performing similar tasks and shall record the review in the RSC minutes. The RSC meeting conducted on February 18, 1985 may have reviewed Level I, but contrary to the Model ALARA Program, no explanation, comparison, or review was recorded in the RSC minutes regarding Dr. Lagundino's exposure level. Dr. Lagundino's exposure should have been discussed and documented during the RSO's annual review of the Radiation Safety Program.

The licensee's documents show that Dr. Broga designates his review of the ALARA program by only a check mark placed under the category "yes" of the "Nuclear Medicine Survey Report" and associated "Radiation Protection Survey-Nuclear Medicine." The NRC staff contends that a check mark does not constitute an adequate record of a program review of the Radiation Safety Program for adherence to ALARA concepts.

VOL 52 ISS 246 DEC 23 1987 UMI

VOL 52 ISS 246 DEC 23 1987 UMI

Item 1.a of Model ALARA Program requires the management of Tidewater Memorial Hospital to establish an organization for development of an ALARA program, to include the RSC and RSO. The NRC staff views the lack of timely and complete ALARA reviews as a joint responsibility of the RSO and the RSC. In addition, if the RSO had actually performed an adequate formal annual review of the Radiation Safety Program, in lieu of relying solely on a consultant's semiannual review, many of the sixteen examples of violations proposed in the September 11, 1987 Notice could have been avoided or would have been licensee-identified. The licensee's affirmation of ten of these examples also indicates admission of minimal involvement by the RSO in managing the Radiation Safety Program. Therefore, violation A.3 remains as stated.

Restatement of Violation A.4

License Condition 17 requires the licensee to possess and use licensed material in accordance with statements, representations, and procedures contained in its license application dated January 23, 1979, letter dated July 27, 1984, and Model As Low As Reasonably Achievable (ALARA) Program dated July 27, 1984, including any enclosures.

Items 2(c)(2) and 3(a)(2) of the Model ALARA Program requires that the radiation Safety Officer (RSO) and Radiation Safety Committee (RSC) review at least quarterly the occupational radiation exposure of authorized users and workers to determine that their exposures are ALARA in accordance with the provisions of Section 6 (Establishment of Investigational Levels In Order to Monitor Individual Occupational External Radiation Exposures) of the Model ALARM program.

Contrary to the above, between July 24, 1985 and November 11, 1986, the RSO and RSC failed to perform quarterly reviews of occupational radiation exposures.

Summary of Licensee's Response

The licensee addressed violation A.4 in the "Summary of Licensee's Response" for violation A.2. The licensee states that it reviewed the quarterly exposure records at all RSC meetings in order to ensure compliance with ALARA levels. The licensee lists the dates of all RSC meetings held between July 24, 1985 and November 11, 1986.

NRC Evaluation of Licensee's Response

Based on subsequent information submitted to our office in letters dated June 18, July 15, and October 7, 1987, we have determined that the RSO and RSC had performed quarterly reviews of occupational radiation exposures during the quarterly RSC meetings. Therefore, based on this new information we agree that the provisions of Items 2(c)(2) and 3(a)(2) of the license application were not violated. Accordingly, violation A.4 has been withdrawn and our records will be adjusted accordingly.

Restatement of Violation A.7

License Condition 17 requires the licensee to possess and use licensed material in accordance with statements, representations, and procedures contained in its license application dated January 23, 1979, letter dated July 27, 1984, and Model As Low As Reasonably Achievable (ALARA) Program dated July 27, 1984, including any enclosures.

Item 11 of the license application, Facilities and Equipment, requires the radioisotope laboratory to be locked when the physician or technician is not in attendance.

Contrary to the above, between approximately May 1, 1987 and June 17, 1987, the radioisotope laboratory was not locked or secured when the physician or technician was not in attendance.

Summary of Licensee's Response

The licensee states that violations A.7, A.11, A.12, and A.14 stem from the relocation of their nuclear department. The licensee contends that it was unable to get immediate key control from the contractor when its nuclear medicine laboratory was moved, and this resulted in the violation. The licensee also claims that since it presently uses a radiopharmacy, it does not routinely possess doses in the radioisotope laboratory for after-hour use. The licensee further explains that the area was under the supervision of the nuclear medicine technologist during daytime hours and that after-hours the area is not open to the public and is under the scrutiny of security and the emergency room staff. The licensee concludes by stating that although it may not have been in strict compliance with this requirement, the steps taken were sufficient to guard against problems which the regulation is designed to prevent. The posting violations (A.11, A.12, and A.14) were affirmed.

NRC Evaluation of Licensee's Response

On June 17, 1987, at approximately 11:00 a.m., the NRC inspector arrived at Tidewater Memorial Hospital to perform a routine, unannounced inspection. Upon entry into the nuclear medicine department (hot lab and injection/imaging areas), the inspector was unable to locate the nuclear medicine technologist or any department individual for approximately 30 minutes. During this time, no physician or technician was in attendance in the nuclear medicine department. Also, the two access doors leading into the nuclear medicine department (injection/imaging area) and the hot lab door located within the department were not locked. Consequently, access into the nuclear medicine department was not controlled or restricted. Although the licensee claims that it does not routinely possess radiopharmaceutical single dose units for after-hours use, it does routinely possess radioactive materials (to include radiopharmaceuticals, contaminated single dose syringes collected for storage, and a cesium #350982A–07 sealed source used for dose calibrator tests) which must be secured at all times from unauthorized removal. Therefore, violation A.7 should remain as stated.

Restatement of violation A.8

License Condition 17 requires the licensee to possess and use licensed material in accordance with statements, representations, and procedures contained in its license application dated January 23, 1979, letter dated July 24, 1984, and Model As Low As Reasonably Achievable (ALARA) Program dated July 27, 1984, including any enclosures.

Item 12(3) of the license application, Radiation Safety Training for Radiation Workers, requires all individuals who work with radiation sources (including security, nursing, and housekeeping personnel) to receive periodic training at least annually in radiation safety.

Contrary to the above, between August 9, 1984 and January 31, 1986, the licensee did not instruct security, nursing, and housekeeping personnel in radiation safety.

Summary of Licensee's Response

The licensee states that Dr. Broga has routinely presented an overview of the license operation and short training programs during the meetings which he has attended and that many of these overviews and training programs were not documented. The licensee contends that, since they are a very small hospital, the members of the RSC are in daily contact with most of the hospital employees, especially any of those who have reason to be in and around the areas where radioactive material is used. Most training is done on a one-on-one basis when an employee begins employment. The licensee states that the violation is not one for which the licensee had been previously cited; and concludes by indicating that they have recently reviewed their training efforts in accordance with ALARA and are in the process of instituting a new system.

NRC Evaluation of Licensee's Response

At the time of the inspection, the Chief Radiologic Technologist stated that he had been responsible for coordinating most RSC meetings and training program schedules. The Chief Radiologic Technologist also stated that he had scheduled an in-service presentation on radiation safety to be conducted by Dr. Broga at the RSC meeting on February 18, 1985. This presentation was scheduled for maintenance, housekeeping, and nursing personnel, but only one nurse, who was an RSC member representative attended the presentation. During the RSC meeting held on January 31, 1986, maintenance, housekeeping, and nursing personnel attended an in-service presentation by Dr. Broga. However, no annual radiation safety training was provided for housekeeping and nursing personnel between at least August 9, 1984 and January 31, 1986. Also, no annual scheduling was proposed nor was training performed for any security personnel between August 9, 1984 and June 17, 1987. Items 3(b)(1) and (2) of the ALARA program, dated July 27, 1984, state that the RSO will schedule briefings and educational sessions to inform users, workers, and *ancillary personnel* of ALARA program efforts. Based on this information, violation A.8 remains as stated.

NRC Conclusion

After consideration of the October 7, 1987 response to the Notice of Violation and Proposed Imposition of Civil Penalty issued September 11, 1987, the NRC staff has concluded that sufficient basis was provided for the withdrawal of violation A.4, but that the remaining violations occurred as stated. The NRC staff agrees that the licensee has not had significant overexposures, contamination incidents, or other radiation mishaps. However, the evidence continues to support a management breakdown due to the total number of violations. Based on these violations, and in view of the magnitude of the noncompliances, the Severity Level III categorization and the majority of the proposed $2,500 civil penalty are warranted. Because the proposed civil penalty was assessed equally among the two violations and violation A.4 was one example of 15 in violation A and has been withdrawn, the proposed civil penalty amount has been reduced by 1/15th of 1/2 of the total ($83.33). Therefore, a civil penalty in the amount of $2,416.67 should be imposed.

[FR Doc. 87-29386 Filed 12-22-87; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 030-12570 and 030-12811; License Nos. 47-05322 and 47-05322-03, EA 87-74]

Order Imposing Civil Monetary Penalty; Wheeling Hospital, Inc., Wheeling, WV

I.

Wheeling Hospital, Inc. (licensee) is the holder of Materials License Nos. 47-05322-02 and 47-05322-03 issued by the Nuclear Regulatory Commission (NRC/Commission) on April 27, 1977 and July 22, 1977, respectively. The licenses authorize the licensee to employ the use of radioactive materials for diagnostic and therapeutic purposes for patients in accordance with the conditions specified therein.

II.

A routine unannounced inspection of the licensee's activities was conducted on April 29, 1987. The results of this inspection indicated that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licensee by letter dated August 3, 1987. The Notice stated the nature of the violations, the provisions of the NRC requirements that the licensee had violated, and the amount of the civil penalty proposed for the violations. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty by letters dated August 5, 26, 27, and 28, and September 28, 1987.

III.

After consideration of the licensee's responses and the statements of fact, explanation, and argument for mitigation, the NRC staff has determined, as set forth in the Appendix to this Order, that violations A, B, C, and D.4 should be withdrawn and violations D.6, D.8, and G occurred as stated. Also, a portion of the proposed civil penalty for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalty as amended by the Appendix to this Order should be imposed.

IV.

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, it is hereby ordered that:

The Licensee pay a civil penalty in the amount of One Thousand Four Hundred Twenty-Nine Dollars ($1,429) within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

The licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II, 101 Marietta Street, NW., Suite 2900, Atlanta, GA 30323.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee was in violation of the Commission's requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty referenced in Section II above as amended in the Appendix to this Order, and

(b) Whether, on the basis of such violations, this Order should be sustained.

For Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

Dated at Bethesda, Maryland this 10th day of December 1987.

Appendix–Evaluation and Conclusion

By letters dated August 5 and 26, 1987, the licensee responded, in part and in full, respectively, to the Notice of Violation and Proposed Imposition of Civil Penalty dated August 3, 1987. In a

letter dated August 27, 1987, the licensee restated its response in part. In a letter dated August 28, 1987, the licensee submitted copies of records requested by the NRC on August 14, 1987; and in a letter dated September 28, 1987, the licensee submitted copies of records requested by the NRC on April 29 and September 24, 1987. In these responses, the licensee denied four violations and parts of a fifth, did not contest two violations and parts of a third, and requested reclassification of the overall Severity Level and civil penalty amount based on new information and apparent prior condonation by the NRC. Provided below are restatements of the violations, licensee responses, staff evaluations, and conclusions.

Restatement of Violation A

Licensee Condition 22(a) of License No. 47–05322–03 requires a visiting physician to receive prior written permission from the hospital's Administrator and its Medical Isotopes Committee before the physician is authorized to use licensed material for human use under the terms of this license.

Contrary to the above, the licensee did not issue written permission from the hospital's Administrator and its Medical Isotopes Committee prior to authorizing Dr. Sameer Rafla, a visiting physician from Brooklyn Methodist Hospital, to use licensed material for radiation therapy of patients from April 29, 1984 to April 29, 1987. This violation applies to License No. 47–05322–03 only.

Licensee's Response

The licensee contends that the physician was merely a part-time physician assisting an authorized user under 10 CFR 35.25 and was therefore not a visiting physician requiring written permission per License Condition 22(a). The license offers three exhibits as evidence of Courtesy Staff appointments for 1980–1981.

NRC Evaluation

At the time of the inspection on April 29, 1987 and through the Enforcement Conference on May 27, 1987, the licensee did not clearly dispute the violation; however, the licensee's response dated August 5, 1987 indicates that Dr. Rafla should have been considered as working under the supervision of Dr. Bonnesen in accordance with 10 CFR 35.25. Therefore, based on this new information we agree that the provisions of License Condition 22(a) would not have applied. Accordingly, violation A has been withdrawn. Our records will be revised accordingly.

Restatement of Violation B

10 CFR 35.27(a) (2) and (3) authorizes a licensee to permit any visiting medical authorized user to use licensed material for medical use under the terms of the licensee's license for sixty days each year if, among other things, the licensee possesses a copy of a medical use license issued by the Commission or an Agreement State or a permit issued by the Commission or Agreement State broad licensee either of which identifies the visiting medical user by name and specifies the procedures which the visiting user is authorized to perform.

Contrary to the above, on April 29, 1987, the licensee did not possess a copy of a license issued by the Commission or an Agreement State, or a permit issued by the Commission or Agreement State broad licensee that authorizes medical use by Dr. Sameer Rafla even though over the past three years Dr. Rafla worked at the licensee's facility two or three times per year while another physician was on vacation. This violation applies to License No. 47–05322–03 only.

Licensee's Response

The licensee responded that Dr. Rafla was supervised and therefore was not a visiting physician in the context of 10 CFR 35.27. Also, an authorized user on the licensee's staff reviewed Dr. Rafla's credentials prior to Dr. Rafla commencing work.

NRC Evaluation

The licensee is not required to possess a copy of Dr. Rafla's medical use license or permit if he was working under the supervision of an authorized user such as Dr. Bonnesen in accordance with 10 CFR 35.25. Therefore, based on our withdrawal of violation A, we withdraw violation B. Our records will be revised accordingly.

Restatement of Violation C

10 CFR 35.22(a)(4)(iv) requires a licensee's Radiation Safety Committee to maintain minutes of their meetings including a summary of deliberations and discussions.

10 CFR 35.22(b)(2) requires a licensee's Radiation Safety Committee to review, on the basis of safety and with regard to training and experience, and approve or disapprove any individual who is to be listed as a Teletherapy Physicist before submitting a license application or request for such amendment or renewal.

Contrary to the above, the licensee's Radiation Safety Committee did not review and document the training and experience of the Teletherapy Physicist, Mr. Virgil Yoder (Consultant), before submitting their license application for Amendment No. 8 on February 10, 1983. This violation applies to License No. 47–05322–03 only.

Licensee's Response

The licensee contends that the present 10 CFR 35.22(b)(2) requirement was not operative during the time period cited in violation C, nor was 10 CFR 35.27 (superseded text) operative prior to the hiring of their consulting Teletherapy Physicist. Additionally, the licensee states that Mr. Yoder's qualifications were reviewed in 1977.

NRC Evaluation

Violation C, issued on August 3, 1987, related to activities in February 1983. Due to an error, it cited 10 CFR 35.22 which did not go into effect until April 1, 1987. The NRC agrees that the violation was in error and we withdraw violation C. Our records will be revised accordingly.

Restatement of Violation D.4

License Condition 23 of License No. 47–05322–03, requires the licensee to possess and use licensed material described in items 6, 7, and 8 of this license in accordance with statements, representations, and procedures contained in the license application dated June 10, 1982.

Item 9(b)(2) of the license application dated June 10, 1982, requires the licensee to calibrate the primary beam calibration instruments every twenty-four (24) months.

Contrary to the above, the licensee did not calibrate the Victoreen R Meter Model 570 (Serial #2126) and Capintec Model 172–2 (Serial #607023) primary beam calibration instruments between February 20, 1969 and May 31, 1972, and between May 31, 1972 and June 5, 1985, intervals in excess of twenty-four (24) months. These violations apply to License No. 47–05322–03 only.

Licensee's Response

The licensee contends the following:

- The primary beam calibrations are performed by an outside consultant who uses his own instrument.
- The teletherapy license was issued on July 23, 1977. Therefore, there is no reason to calibrate the primary beam calibration instrument prior to that date.
- The Victoreen R Meter Model 570 primary beam calibration instrument was used prior to 1977 for the calibration of x-ray therapy equipment only. This instrument was not utilized for the annual calibration or monthly spot-check of the Co-60 teletherapy unit at anytime.
- The Capintec Model 172–2 was used for annual calibrations and monthly spot-checks between July 22, 1977 and July 1984. Since July 1984, a Capintec Model 192 has been utilized. Both instruments were controlled and maintained by Mr. Yoder when he performed these calibrations. These instruments have been calibrated every 24 months as required and the calibration reports are maintained by Mr. Yoder.
- Wayne Butler, Ph.D., performs no monthly spot-checks. He does confer with Mr. Yoder bi-weekly regarding patient treatments and chart checks.
- The Capintec Model 192 (Serial No. 46301442) was used for annual calibrations and monthly spot-checks in 1986 and 1987. The Capintec Model 192 (Serial No. 94C747) was used in 1984 and 1985. The Capintec Model 172–2 was used between 1977 and 1983.

NRC Evaluation

Although many of the licensee's arguments do not directly address this violation as stated, the staff agrees that the primary beam calibration instruments were not required to be calibrated prior to the 1977 teletherapy license issuance. Based upon the new information provided in the licensee responses, we are withdrawing violation D.4 since an outside party calibrated the instruments at intervals not in excess of twenty-four months. Our records will be revised accordingly.

Restatement of Violation D.6

License Condition 23 of License No. 47–05322–03 requires the licensee to possess and use licensed material described in items 6, 7, and 8 of this license in accordance with statements, representations, and procedures contained in the licensee application dated June 10, 1982.

License Condition 19 of License No. 47–05322–02 requires the licensee to conduct its program in accordance with the statements, representations, and procedures contained in the licensee's letter with updated application and attachments received March 25, 1982 (including ALARA program dated August 15, 1980, as an attachment).

Item 15, Enclosure No. III(a)(1) of the license application dated June 10, 1982 (License No. 47–05322–03), and Attachment E of the ALARA Program dated August 15, 1980, included with the updated application and attachments received March 25, 1982 (License No. 47–05322–02), requires the licensee's Radiation Safety Officer (RSO) to perform an annual review of the Radiation Safety Program for adherence to ALARA concepts.

Contrary to the above, the licensee's RSO did not perform an annual review of the Radiation Safety Program between June 13, 1984 and February 11, 1987, an interval in excess of one year. This violation applies to both License Nos. 47–05322–03 and 47–05322–02.

Licensee's Response

The licensee contends that the violation was licensee-identified and corrected on February 11, 1987, prior to the NRC inspection.

NRC Evaluation

NMA Medical Physics Services documented and reviewed with the licensee, in four separate consulting reports, the licensee's failure to perform an annual review of the Radiation Safety Program. In a NMA Medical Physics Services consulting report dated February 6, 1985, the consultant notified the licensee of the annual review due on March 14, 1985. Again in a consulting report dated May 1986, the consultant alerted the licensee of the required annual review. Then on September 17, 1986, NMA Medical Physics Services notified the licensee of their deficiency in conducting an annual review. The final notification by NMA Medical Physics Services of Wheeling Hospital's annual review deficiencies was documented in a consulting report dated February 4, 1987. The licensee responded by performing an annual review on February 11, 1987. Violation D.6 was correct as stated.

Restatement of Violation D.8

License Condition 19 of License No. 47–05322–02 requires the licensee to conduct its program in accordance with the statements, representations, and procedures contained in the licensee's letter with updated application and attachments received March 25, 1982 (including ALARA program dated August 15, 1980, as an attachment).

Item 7, Appendix B, of undated application and attachments received March 25, 1982, requires the Medical Isotopes Committee to meet not less than once in each calendar quarter.

Contrary to the above, the Medical Isotopes Committee did not meet between June 13, 1984 and May 22, 1985, and between May 22, 1985 and December 11, 1985, and between December 11, 1985 and November 13, 1986, all three intervals in excess of a calendar quarter. This violation applies to License No. 47–05322–02 only.

Licensee's Response

The licensee contends that these failures were licensee-identified and corrected in November 1986, prior to the NRC inspection.

NRC Evaluation

Dr. Moren, Ph.D., an outside Consulting Physicist for Wheeling Hospital, noted in an earlier consulting report which evaluated Wheeling Hospital's Nuclear Medicine Department that the Radiation Safety Committee (RCS) has not met since June 13, 1984. NMA Medical Physics Services documented the infrequency of RSC meetings in two separate consulting reports dated November 1984 and February 1985. The November 1984 consulting report alerted the licensee of a missed RSC meeting during the third calendar quarter of 1984. The February 1985 consulting report also alerted the licensee of a missed RSC meeting during the second calendar quarter of 1985. Also NMA Medical Physics Services indicated in a consulting report dated February 6, 1985 that the RSC had not performed an annual ALARA review of the hospital's Radiation Safety Program. Consequently, based on Dr. Moren's consulting report and NMA Medical Physics Services' consulting reports, Wheeling Hospital was aware of their frequency of missed RSC meetings since at least June 13, 1984. Violation D.8 was correct as stated.

Restatement of Violation G

10 CFR 35.406(a) requires the licensee to count the number of brachytherapy sources returned to the storage area to ensure all sources taken from the storage area have been returned.

Contrary to the above, the licensee did not count the number of brachytherapy sources returned to the storage area on April 13, 1987, after removal of the sources from a temporary implant patient located in room 201. This violation applies to License No. 47–05322–02 only.

Licensee's Response

The licensee contends that their "returned" entry or "the time and date of return" entry for April 13, 1987, on Enclosure 4 of their letter of August 5, 1987, conforms to the data elements required by 10 CFR 35.406(a).

NRC Evaluation

The NRC evaluation is based on 10 CFR 35.406(a) requiring the licensee to return the brachytherapy sources to the storage area and *count* the number returned to ensure that all sources taken from the storage area have been

VOL 52 ISS 246 DEC 23 1987 UMI

returned. The entry "returned" or the "time and date of return" entry does not constitute a count of the brachytherapy sources. Therefore, violation G remains as stated.

Conclusions

Based on the review of the partial response (August 5, 1987), the full response (August 28, 1987), and the partial response (August 27, 1987) by the licensee to the Notice of Violation and Proposed Civil Penalty issued on August 3, 1987, violations A, B, C, and D.4 have been withdrawn and violations D.6, D.8, and G have reaffirmed. The unresolved items described in Enclosure II to the letter, which appear to be in violation of NRC requirements, will be reviewed during future NRC inspections. The evidence continues to support a management breakdown due to the remaining violations and subsequent information revealing additional program deficiencies. Mitigation for violation D.6 and D.8 is inappropriate, notwithstanding the licensee's self-identification, in view of the opportunities available for self-identification and the knowledge the licensee had of the recurring conduct. We do note, as observed by the licensee, that some of the violations were not identified by the NRC in a previous inspection. NRC inspections are an audit. The inspector does not cover every aspect of a licensee's operation. The licensee has responsibility for full compliance not the NRC inspector. Based on these violations, and in view of the magnitude of the noncompliances, no mitigation of the Severity Level (III) is warranted. Based upon the withdrawal of violations A, B, and C, reduction in the civil penalty amount by $1071 is warranted. Therefore, a civil penalty in the amount of $1,429 should be imposed.

Enclosure II—Unresolved Items

A number of unresolved items are noted in reference to new information submitted in the licensee's responses. An unresolved item is defined as a matter for which NRC needs more information in order to determine compliance. Please be aware that these unresolved items will be reviewed during future NRC inspections. These unresolved items, along with the requirements which must be satisfied, are specified below:

- 10 CFR 35.406(b)(1) requires recording the names of individuals permitted to handle sources.
- 10 CFR 35.406(b)(2) requires the licensee to make a record of brachytherapy source use to include the number and activity of the sources in storage, after the *removal*, and the initials of the individual who removed the sources from storage.
- 10 CFR 35.406(b)(3) requires the licensee to make a record of the following:
  - Patient's name and room number
  - Number and activity of sources in storage after the *return* of the sources to storage

The documents submitted of the five cesium implants performed between April 10 and June 16, 1987 did not appear to contain the required information listed above.

On August 14, 1987 copies of Wheeling Hospital's records pertaining to Cesium-137 brachytherapy treatments subsequent to April 1, 1987 were requested. This information was requested in reference to the licensee's implementation of requirements as defined in 10 CFR 35.406(c) and 35.415(a)(4). In your letter dated August 28, 1987, no records of a brachytherapy implant survey were submitted to this Office regarding a Cesium-137 implant performed on April 10, 1987 (patient name: Penn, room 201). Since your letter of August 28, 1987 indicates that the "Cesium Room and Patient Survey Meter Readings" form had been created immediately following the April 29, 1987 NRC inspection in order to satisfy the requirements of 10 CFR 35.406(c) and 35.415(a)(4), it cannot be established whether the required surveys were conducted and whether records of the surveys had been kept. Your letter of August 28, 1987 indicates that all Cesium-137 brachytherapy treatments since April 29, 1987 had used the new form and all future treatments will continue to use this form.

10 CFR 35.415(a)(4) requires that records of surveys performed in contiguous restricted and unrestricted areas include the time of the survey. According to records submitted, the four implants performed between May 15 and June 16, 1987 do not indicate the time of the surveys. In order to assure compliance to 10 CFR 35.415, future brachytherapy surveys must include the time of the survey.

These unresolved items will be reviewed during a future NRC inspection at your facility.

[FR Doc. 87-29387 Filed 12-22-87; 8:45 am]
BILLING CODE 7590-01-M

PRESIDENTIAL COMMISSION ON THE HUMAN IMMUNODEFICIENCY VIRUS EPIDEMIC

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Presidential Commission on the Human Immunodeficiency Virus Epidemic will hold a public meeting on Wednesday, Thursday, and Friday, January 13, 14, and 15 in Hearing Room B at the Interstate Commerce Commission Building, 12th Street and Constitution Avenue (Constitution Avenue entrance), NW., Washington, DC 20423, from 9:00 a.m. to 5:30 p.m. each day.

The three day meeting will consist of panel presentations and discussions outlining aspects of the HIV epidemic related to clinical patient care. Experts from Federal, State, and local levels, and from the private sector, will make pesentations addressing issues surrounding care of patients infected with HIV. Agenda items subject to change as priorities dictated.

Records shall be kept of all Commission proceedings and shall be available for public inspection at 655—15th Street NW., Washington, DC 20005. For further information, please call 376-2206.

Polly L. Gault,

Executive Director, Presidential Commission on the HIV Epidemic.

[FR Doc. 87-29425 Filed 12-22-87; 8:45 am]
BILLING CODE 4160-15-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

December 17, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Adams-Russell Electronics Co., Inc.
Common Stock, $.01 Par Value (File No. 7-0890)
NRM Energy Co., L.P.
Units (File No. 7-0891)
Atlas Corp.
Warrants (File No. 7-0892)
Brascan Ltd.
Class A Convertible, No Par Value (File No. 7-0893)

Consolidated Oil & Gas
Common Stock, $.20 Par Value (File No. 7-0894)
Cardis Corporation
Common Stock, $.01 Par Value (File No. 7-0895)
Crown Central Petroleum Corp.
Class A Common Stock, $5.00 Par Value (File No. 7-0896)
Calprop Corp.
Common Stock, $1.00 Par Value (File No. 7-0897)
Conquest Exploration
Common Stock, $.20 Par Value (File No. 7-0898)
Customedix Corp.
Common Stock, $.01 Par Value (File No. 7-0899)
Eastern Company (The)
Common Stock, $12.50 Par Value (File No. 7-0900)
Frequency Electronics, Inc.
Common Stock, $1.00 Par Value (File No. 7-0901)
Global Natural Resources, Inc.
Common Stock, $1.00 Par Value (File No. 7-0902)
Helm Resources
Common Stock, $1.00 Par Value (File No. 7-0903)
Health Care Reit, Inc.
Common Stock, $1.00 Par Value (File No. 7-0904)
Hipotronics, Incorporated
Common Stock, $.10 Par Value (File No. 7-0905)
Integrated Generics
Common Stock, $.001 Par Value (File No. 7-0906)
Instron Corporation
Common Stock, $1.00 Par Value (File No. 7-0907)
Kinark Corp.
Common Stock, $.10 Par Value (File No. 7-0908)
Koger Company (The)
Common Stock, $.10 Par Value (File No. 7-0909)
Computrac Inc.
Common Stock, $.01 Par Value (File No. 7-0910)
MCO Resources
Common Stock, $.01 Par Value (File No. 7-0911)
Media General
Class A Common Stock, $5.00 Par Value (File No. 7-0912)
New World Entertainment
Common Stock, $.01 Par Value (File No. 7-0913)
Olsten Corporation (The)
Common Stock, $.10 Par Value (File No. 7-0914)
Pope, Evans and Robbins, Inc.
Common Stock, $.10 Par Value (File No. 7-0915)
Penn Engineering & Mfg.
Common Stock, $1.00 Par Value (File No. 7-0916)
Pre-paid Legal Services
Common Stock, $.01 Par Value (File No. 7-0917)
Pico Products, Inc.
Common Stock, $.01 Par Value (File No. 7-0918)
Price Communications
Common Stock, $.01 Par Value (File No. 7-0919)
Paine Webber Residential Realty, Inc.
Common Stock, $.01 Par Value (File No. 7-0920)
Raven Industries, Inc.
Common Stock, $1.00 Par Value (File No. 7-0921)
Sterling Software
Common Stock, $.10 Par Value (File No. 7-0922)
Timberland Co.
Common Stock, $1.00 Par Value (File No. 7-0923)
Telephone & Data Systems
Common Stock, $1.00 Par Value (File No. 7-0924)
Thermedics, Inc.
Common Stock, $1.00 Par Value (File No. 7-0925)
Town & Country Jewelry
Common Stock, $.01 Par Value (File No. 7-0926)
Ultrasystems Inc.
Common Stock, $.01 Par Value (File No. 7-0927)
University Patents, Inc.
Common Stock, $.01 Par Value (File No. 7-0928)
Vanguard Technologies International, Inc.
Class A Common Stock, $.01 Par Value (File No. 7-0929)
Washington Real Estate Investment Trust
Shares of Beneficial Interest, No Par Value (File No. 7-0930)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 11, 1988, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-29344 Filed 12-22-87; 8:45 am]
BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

December 16, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Federal Paper Board Company, Inc.
$2.875 Cumulative Convertible Preferred (File No. 7-0877)
Jepson Corporation
Common Stock, $.01 Par Value (File No. 7-0878)
Potlatch Corporation
$3.75 Series B Convertible Eachange Preferred (File No. 7-0879)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 8, 1988, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-29345 Filed 12-22-87; 8:45 am]
BILLING CODE 8010-01-M

BEST COPY AVAILABLE

VOL 52 ISS 246 DEC 23 1987 UMI

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

December 17, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Liberty All-Star Equity Fund
Shares of Beneficial Interest (File No. 7-0887)
Rochester Gas & Electric Corp.
Common Stock, $5.00 Par Value (File No. 7-0888)
Savannah Electric & Power Co.
Common Stock, $5.00 Par Value (File No. 7-0889)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 11, 1988, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-29346 Filed 12-22-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

December 16, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Borden Chemicals & PLastics, L.P.
Depositary Units (File No. 7-0869)
United Cable Television Corporation
Common Stock, $0.10 Par Value (File No. 7-0870)
Amfac, Inc. Common Stock, No Par Value (File No. 7-0871)
Carson Pirie Scott & Co. Common Stock, $5.00 Par Value (File No. 7-0872)
Cummins Engine Co., Inc. Common Stock, $2.50 Par Value (File No. 7-0873)
Allegheny International, Inc. Common Stock, $0.66 2/3 Par Value (File No. 7-0874)
Claire's Stores, Inc. Common Stock, $0.50 Par Value (File No. 7-0875)
Cleveland-Cliffs, Inc. Common Stock, $1.00 Par Value (File No. 7-0876)

These securites are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 8, 1988, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary

[FR Doc. 87-29347 Filed 12-22-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

December 16, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Dean Foods Company
Common Stock, $1.00 Par Value (File No. 7-0880)
Enserch Exploration Partners, Ltd.
Depositary Units (File No. 7-0881)
General DataComm Industries, Inc.
Common Stock, $0.10 Par Value (File No. 7-0882)
Eagle-Picher Industries, Inc.
Common Stock, $1.25 Par Value (File No. 7-0883)
Federal Realty Investment Trust
Shares of Beneficial Interest (File No. 7-0884)
Thomas & Betts Corp.
Common Stock, $0.50 Par Value (File No. 7-0885)
USPCI, Inc.
Common Stock, $0.10 Par Value (File No. 7-0886)

These securites are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 8, 1988, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-29348 Filed 12-22-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25198; File No. SR-PHLX 87-35]

Self-Regulatory Organizations; Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Principal Restrictions

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 9, 1987, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX" or the "Exchange") pursuant to Rule 19b-4, hereby proposes the following rule change: (italics indicates additions, brackets indicates deletions)

Obligations And Restrictions Applicable to Specialists And Registered Options Trader

Rule 1014. (a)-(d) No Change

(e) Except in accordance with paragraphs (c) and (d), no ROT shall:

(i) initiate an Exchange options transaction while on the Floor for any account in which he has an interest and execute as Floor Broker an off-floor order in options on the same underlying [security] *interest* during the same trading session, or

(ii) retain priority over an off-floor order while establishing or increasing a position for an account in which he has an interest while on the Floor of the Exchange.

(f) The provisions of the foregoing paragraphs (d) and (e) of this rule shall not apply to:

(i) any transaction by a registered specialist in an option in which he is so registered; or

(ii) any transaction, other than a transaction for an account in which an ROT has an interest, made with prior approval of a Floor Official to permit a member to contribute to the maintenance of a fair and orderly market in an option, or any purchase or sale to reverse any such transaction, or

(iii) any transaction to offset a transaction made in error.

. . . Commentary

.01-.16 No Change

.17 With respect to the prohibitions contained in paragraph (e), the daytime trading sessions on the Foreign Currency Options Floor during the hours of 8:00 a.m. and 2:30 p.m. are considered separate and distinct from the evening trading sessions on the Foreign Currency Options Floor during the hours of 7:00 p.m. and 11:00 p.m.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to clarify the meaning of the term "trading session" in light of the recently instituted evening trading hours on the Foreign Currency Options ("FCO") Floor. On September 16, 1987 the PHLX began trading foreign currency options during the hours of 7:00 p.m. and 11:00 p.m. on Sundays through Thursdays. These trading hours are in addition to the existing trading sessions on Monday through Friday during the hours of 8:00 a.m. and 2:30 p.m.

Under Rule 1014(e), an ROT is prohibited from acting both as a market maker and as a floor broker who executes off-floor orders in options on the same underlying security during the same trading session. The purpose of this provision is to avoid any risk that a market maker may trade ahead of a customer order or otherwise take advantage of a customer account in conducting proprietary trading activities. FCO Participants have asked the PHLX for clarification as to whether trading during the daytime hours of 8:00 a.m. and 2:30 p.m. and the evening hours of 7:00 p.m. and 11:00 p.m. on the same calendar day is considered trading during one session or two separate sessions.

PHLX has determined that although the evening and daytime segments are part of the same trading day, they are separate and distinct. For most purposes, the evening and daytime trading periods are treated by the Exchange as two segments of the same trading day. For purposes of Rule 1014(e), however, it would appear appropriate to treat each segment as a separate trading session. The current rule permits an ROT to act as a market maker on one trading day and a broker on the next. It is felt that, because the market may move substantially from one day to the next, the ability of an ROT to prefer himself over a customer, or to trade ahead of a customer order, is limited by prohibiting the ROT from acting in a dual capacity in the same session. This reasoning applies with equal force in considering the daytime and evening segments to be separate trading sessions. Accordingly, the rule change extends the separate session notion for purposes of Rule 1014(e) so that an ROT may act as a floor broker by day and market maker by night and vice versa.

Finally, Rule 1014(e)(i) has been amended to change the term underlying "security" to underlying "interest" to reflect the fact that the Exchange trades options on foreign currencies and stock indicies as well as on individual securities.

The proposed rule change is consistent with section 6(b)(5) of the Exchange Act in that it is designed to prevent fraudulent and manipulative acts and practices, and to protect investors and promote the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any inappropriate burden or competition. Indeed, the proposal may serve to promote market maker and broker competition on the floor of the Exchange.

C. Self-Regulatory Organization's Statement on Comment on the Proposed Rule Change Received from Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

PHLX has designated the proposed rule change as an interpretation of the meaning of an existing rule. Accordingly, the proposed rule change takes effect upon this filing pursuant to section 19(b)(3)(A)(ii).

IV. Solicitation

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be

available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 13, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: December 15, 1987.

[FR Doc. 87-29343 Filed 12-22-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-17891]

Application and Opportunity for Hearing; American Airlines, Inc.

December 16, 1987.

Notice is hereby given that American Airlines, Inc. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Meridian Trust Company (the "Bank") under an indenture dated as of April 15, 1987 (the "April Indenture") between Company and Bank and the trusteeship of the Bank as successor trustee under an indenture dated as of December 1, 1986 (the "December 1986 Indenture") between Company and The Connecticut Bank and Trust Company, National Association ("Connecticut Bank"), as trustee, and under seven indentures dated as of December 1, 1987 (the "December 1987 Indentues") between Company and Bank each of which were heretofore qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bank from acting as trustee under any of these indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture of the same obligor.

The Company alleges:

(1) Pursuant to the April Indenture, the Company has issued $10,406,000 aggregate principal amount of its Equipment Trust Certificates, Series C (the "April Certificates"). The Certificates were registered under the Securities Act of 1933 (the "1933 Act") and the April Indenture was qualified under the Act.

(2) Pursuant to the December 1986 Indenture, the Company has issued $35,112,000 aggregate principal amount of its Equipment Trust Certificates, Series A (the "December 1986 Certificates"). The Certificates were registered under the 1933 Act and the December Indenture was qualified under the Act.

(3) Connecticut Bank has advised the Company that, subject to the appointment of a successor trustee, it is resigning as trustee under the December 1986 Indenture. The Bank has advised it will accept the appointment, subject to a favorable determination by the Commission as requested in an application on file with the Commission, File No. 22-17125.

(4) Pursuant to the December 1987 Indentures, the Company will issue $106,800,000 aggregate principal amount of its Equipment Trust Certificates, (the "December 1987 Certificates"), Series D-J ("Series"), respectively. A Series will be issued under each December 1987 Indenture in the principal amount of $16,000,000 and $13,400,000, for Series D, E, F, G, J, and Series H and I, respectively. The Certificates were registered under the Securities Act of 1933 (the "1933 Act") and the Indentures were qualified under the Act.

(5) The Bank has advised it will accept the appointment, subject to a favorable determination by the Commission as requested in this Application.

(6) There is no default under the April Indenture, the December 1986 Indenture or the December 1987 Indentures.

(7) The Company's obligations with respect to the April Certificates, the December 1986 Certificates, and the December 1987 Certificates are and will be secured under separate indentures by separate security interests in separate and distinct property.

(8) Such differences as exist among the Indentures referred to herein and the respective obligations of the Company as obligor under the April Indenture, the December 1986 Indenture, and the December 1987 Indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under these Indentures.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application which is on file in the Offices of the Commission's Public Reference Section, File Number 22-17891, 450 Fifth Street, NW., Washington, DC 20549.

Notice is further given that any interested persons may, not later than January 8, 1988, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest or for the protection of investors, unless a hearing is ordered by the Commission. For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 29349 Filed 12-22-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-16174; 812-6621]

Application; Merrill Lynch KECALP L.P. 1984 et al.

December 15, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("the 1940 Act").

Applicants: Merrill Lynch KECALP L.P. 1984 (the "1984 Partnership"), Merrill Lynch KECALP L.P. 1986 (the "1986 Partnership") (together, the "Partnerships") and Merrill Lynch Interfunding Inc. ("MLIF").

Relevant 1940 Act Sections: Exemption requested under section 17(b) from the provisions of section 17(a).

Summary of Application: Applicants seek an order relating to the acquisition by the Partnerships to certain securities from an "affiliated person," as defined in the 1940 Act.

Filing Date: The application was filed on February 10, 1987, and amended on December 15, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on their application or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on January 8, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington 20549. The 1984 Partnership, the 1986 Partnership and MLIF, One Liberty Plaza, 165 Broadway, New York, New York 10080.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Fran Pollack-Matz (202) 272-3024 or Special Counsel Karen L. Skidmore (202) 272-3023, Office of Investment Company Regulation.

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is avilable for a free from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicants' Representatives

1. The Partnerships, limited partnerships organized under the laws of Delaware, are non-diversified, closed-end investment companies of the management type under the 1940 Act. The investment objective of each Partnership is to seek long-term capital appreciation. Each of the Partnerships is an "employees' securities company," within the meaning of section 2(a)(13) of the 1940 Act, and operates in accordance with the terms of an exemptive order issued pursuant to section 6(b) of the 1940 Act in Investment Company Act Release No. 12363 (April 8, 1982) (the "KECALP Exemptive Order"). The general partner for each of the Partnership is KECALP Inc. ("KECALP"), a Delaware corporation and a wholly-owned subsidiary of Merrill Lynch & Co., Inc. ("ML&Co."). KECALP is responsible for managing and making investment decisions for the Partnerships. Previously, all investment made by the Partnerships had to be reviewed by an investment committee comprised of eleven of the fourteen members of KECALP's Board of Directors. That committee no longer exists, and investments are now approved by KECALP's Board of Directors. MLIF, a Delaware corporation, is an indirect subsidiary of ML&Co. that is engaged in commercial financing transactions.

Investment in Amstar

2. Amstar Corporation ("Amstar") is a diversified manufacturing corporation engaged in the refining of cane and beet sugar, as well as the production of premium quality electric tools, assorted industrial products and sophisticated electronics equipment. During 1986, Merrill Lynch Capital Markets ("MLCM"), an unicorporated group within Merrill Lynch, Pierce, Fenner & Smith Incorporated ("MLPF&S"), a principal subsidiary of ML&Co. that conducts its investment banking and underwriting activities, structured a leveraged buyout of Amstar Holdings, Inc. ("AHI"), together with AHI's management. As a result of the transactions involved with the leveraged buyout, AHI's securities were acquired by Sucrose Acquisition, Inc. ("Acquisition"), a wholly-owned subsidiary of Sucrose Holdings, Inc. ("Holdings"), a predecessor of Amstar, with AHI as the surviving entity.

3. Acquisition and Holdings were newly formed Delaware corporations which were organized solely for the purpose of effecting the leverage buyout. Amstar's equity securities are owned by members of Amstar's management, MLIF and various partnerships created by Merrill Lynch Capital Partners, Inc. ("MLCP"), a wholly-owned subsidiary of ML&Co. On a fully-diluted basis, MLIF's ownership of Amstar's common stock aggregated 5.01%. MLIF's purchase price per share of Amstar's Common stock was $10.00 ("Original Purchase Price"); the purchase occurred on November 21, 1986 ("Original Purchase Date"). No dividends have been declared on such common stock.

4. MLIF has agreed to sell to the 1986 Partnership 32,586 shares of the Amstar common stock it owns. This amount of shares represents 0.50% of Amstar's outstanding shares of common stock on a fully-diluted basis. The KECALP Board approved the investment on November 3, 1986. The purchase price to be paid by the 1986 Partnership to MLIF for the shares of common stock of Amstar proposed to be acquired by the 1986 Partnership will be the lower of (i) the value of the investment on the date it is acquired by the 1986 Partnership (as determined by the Board of Directors of KECALP) or (ii) the cost to MLIF of purchasing and holding the investment. The 1986 Partnership will not pay any carrying costs in respect of the period prior to the later of (1) the date of acquisition of the Amstar common stock by MLIF or (2) the date KECALP approved the 1986 Partnership's purchase of the proposed investment. With respect to clause (ii), such cost shall be the Original Purchase Price per share paid for the shares of Amstar common stock on the Original Acquisition Date plus carrying costs relating to such investment. For purposes of this transaction, carrying costs consist of interest charges computed at the lower of (i) the prime commercial lending rate charged by Citibank, N.A. during the period from the date KECALP approved the 1986 Partnership's purchase of the investment until the 1986 Partnership acquires the investment or (ii) the effective cost of borrowing by ML&Co. during such period. The effective cost of borrowings by ML&Co. is its actual "Average Cost of Funds," which it calculates on a monthly basis by dividing its consolidated financing expenses by the total amount of borrowings during this period.

Investment in CMI

5. Clinton Mills, Inc. ("Clinton Mills") is a leading manufacturer of unfinished woven fabrics, and markets a broad range of such fabrics for the apparel, home furnishings and industrial markets. During 1986, MLCM structured a leveraged buyout of Clinton Mills together with Clinton Mills' management. As a result of the transactions involved with the leveraged buyout, CMI Acquisition, Inc. ("Acquisition"), a newly-formed corporation and a wholly-owned subsidiary of CMI Holdings, Inc. ("CMI"), which also is a newly formed corporation to facilitate the leveraged buyout, acquired Clinton Mills' outstanding common stock through a merger transaction. CMI's common stock is owned by MLIF, certain members of Clinton Mills' management, Marine Midland National Corp., and various partnerships created by MLCP for the purpose of acquiring CMI. Following full implementation of the buyout, Clinton Mills has been merged into Acquisition. No dividends have been declared on the CMI common stock.

6. MLIF has agreed to sell to the 1986 Partnership up to 10,000 shares of the CMI common stock it owns. This amount of shares represents 0.50% of CMI's outstanding shares of common stock on a fully-diluted basis. The price paid for such shares was $10.00 per share ("Original Purchase Price") on December 30, 1986 ("Original Acquisition Date"). The KECALP Board approved the investment on December

15, 1986. The purchase price to be paid by the 1986 Partnership to MLIF for the shares of common stock of CMI proposed to be acquired by the 1986 Partnership will be the lower of: (i) The value of the investment on the date it is acquired by the 1986 Partnership (as determined by the Board of Directors of KECALP), or (ii) the cost to MLIF of purchasing and holding the investment. With respect to clause (ii), such cost shall be the Original Purchase Price per share paid for the shares of CMI common stock on the Original Acquisition Date, plus carrying costs relating to such investment. The 1986 Partnership will not pay any carrying costs in respect of the period prior to the later of: (1) The date of acquisition of the CMI common stock by MLIF, or (2) the date KECALP approved the 1986 Partnership's purchase of the proposed investment. For purposes of this transaction, carrying costs consist of interest charges computed at the lower of: (i) The prime commercial lending rate charged by Citibank, N.A. during the period from the date KECALP approved the 1986 Partnership's purchase of the investment until the 1986 Partnership acquires the investment, or (ii) the effective cost of borrowings by ML&Co. during such period. The effective cost of borrowings by ML&Co. is its actual "Average Cost of Funds," which it calculates on a monthly basis by dividing its consolidated financing expenses by the total amount of borrowings during this period.

Applicants' Legal Conclusions

1. As a result of affiliations, sales of securities on a principal basis by MLIF to the Partnerships are prohibited by section 17(a) and cannot be effected unless exemptive relief is obtained under section 17(b). The statutory standards with respect to the relief requested under section 17(b) are satisfied; relief is justified by both the terms of the transactions and the fact that the proposed investments are not otherwise available to the Partnerships. With respect to the terms of the transactions, the KECALP Board of Directors has reviewed the proposed investments in detail. The members of the KECALP Board of Directors are sophisticated and experienced in valuing securities and evaluating financial transactions generally. In this regard, KECALP considered all information deemed relevant, including the nature of the investments, the nature of the investments by affiliates of ML&Co. and the fairness of the purchase prices proposed to be paid by the Partnerships. The KECASL Board of Directors determined that the proposed investments by the Partnerships will not directly or indirectly benefit entities affiliated with ML&Co. or its subsidiaries which also acquired investments in Amstar and Clinton. Moreover, the KECALP Board approved the Partnerships' investments in Amstar and CMI after consideration of each of the factors set forth in section 17(b) of the 1940 Act.

2. In evaluating the terms of the transactions, the KECALP Board considered the fact that the proposed purchase prices to be paid by the Partnerships will include carrying costs incurred by an affiliated person (*i.e.*, MLIF) if the value of each investment at the times of acquisition by the Partnerships is more than the sum of the purchase price plus the affiliate's carrying costs. In approving purchase prices which may include carrying costs, KECALP's Board of Directors recognized that KECALP receives no compensation for serving as general partner of the Partnerships and that ML&Co. has incurred considerable expenses in organizing the Partnerships. The Partnerships believe that it is entirely appropriate for them to reimburse affiliates for carrying costs in a situation where affiliates purchased such investments as, in effect, its nominee and the Partnerships would have purchased such investments directly if it had not been deemed necessary to obtain the relief requested herein. In light of these factors, the KECALP Board believes it is wholly appropriate for the purchase price paid for portfolio investments to reflect carrying costs provided that the value of the investments at the time of acquisition exceeds the amount of the purchase price plus carrying costs. To deny reimbursement for carrying costs would result in a further and unwarranted loss to MLIF and provide a disincentive to act on behalf of the Partnerships in the future in transactions of this type.

3. The investments are not otherwise available for purchase by the Partnerships. The KECALP Board has approved such investments after review of a considerable number of possible investments for the Partnerships. The Partnerships' investment program will be prejudiced if they are not permitted to take the investments referred to in this application.

4. The Board of Directors of KECALP believes that the proposed investments are consistent with the rationale underlying the establishment of each of the Partnerships as an "employees' securities company." In the application for exemptive relief ultimately granted in the KECALP Exemptive Order, as well as in their prospectuses, it was indicated that ML&Co. and its affiliates would be involved in structuring, identifying and investing in many of the Partnerships' portfolio investments. The Partnerships thus submit that the relief requested herein is consistent with their purposes and its stated policies.

5. The Partnerships believe that the KECALP Exemptive Order provides relief to the Partnerships with respect to section 17(d) of the 1940 Act and Rule 17d–1 thereunder in connection with the transactions described therein.

Applicants Conditions

If the requested order is granted, Applicants agree to the following conditions:

1. The investments in Amstar and CMI will be acquired by the Partnerships in the manner and on the terms described above.

2. In connection with the deliberations and determinations by the Board of Directors of KECALP regarding the Partnerships' proposed Amstar and CMI transactions, appropriate record-keeping will be maintained and made available for inspection by the Commission in accordance with the KECALP Exemptive Order and the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–28338 Filed 12–22–87; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–16175; 812–6708]

Application; ML Venture Partners I, L.P., et al.

December 15, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: ML Venture Partners I, L.P. ("MLVP I"), ML Venture Partners II, L.P. ("MLVP II," and together with MLVP I, the "Partnerships"), Merrill Lynch KECALP L.P. 1984 ("KECALP 1984") and Merrill Lynch KECALP L.P. 1986 ("KECALP 1986") (collectively, "Applicants").

Relevant 1940 Act Sections: Exemption requested under section 17(d) and Rule 17d–1 thereunder, and section 57(a)(4), approving certain transactions.

Summary of Application: Applicants seek an order relating to the joint acquisition of certain securities by the Applicants, which are "affiliated persons," as defined in the 1940 Act.

Filing Date: The application was filed on May 5, 1987 and amendments thereto were filed on December 2 and 15, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on January 8, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request information of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, Washington, DC 20549. MLVP I and MLVP II, 717 Fifth Avenue, New York, New York 10022; KECALP 1984 and KECALP 1986, World Financial Center, North Tower, New York, New York 10281; with copies to Brown & Wood, One World Trade Center, New York, New York 10048, attention: John A. MacKinnon.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Carson Frailey (202) 272–3015 or Special Counsel Karen L. Skidmore (202) 272–3023 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 252–4300).

Applicants' Representations

1. MLVP I, a limited partnership organized under the laws of Delaware in 1982, is a business development company under the 1940 Act. The investment objective of MLVP I is to seek long-term capital appreciation by making venture capital investments. MLVP I has five general partners, four of whom are individuals (the "MLVP I Individual General Partners"). In accordance with section 56(a) of the Act, a majority of the Individual General Partners are persons who are not "interested persons" of MLVP I within the meaning of section 2(a)(19) of the 1940 Act ("MLVP I Independent General Partners"). The managing general partner for MLVP I is Merrill Lynch Venture Capital Co., L.P. (the "MLVP I Managing General Partner"). The MLVP I Managing General Partner is responsible for identification and management of MLVP I's venture capital investments. The Management Company is the general partner of both the MLVP I Managing General Partner and the MLVP II Managing General Partner (as hereinafter defined) and is also the management company for both Partnerships. The Management Company is a registered investment adviser and is an indirect subsidiary of Merrill Lynch & Co., Inc. ("ML & Co."), a holding company which, through its subsidiaries, provides investment, financing, real estate, insurance and related services.

2. MLVP II is a business development company organized as a Delaware limited partnership in 1986. The investment objective of MLVP II is to seek long-term capital appreciation by making venture capital investments. The managing general partner of MLVP II, MLVPII Co., L.P. (the "MLVP II Managing General Partner"), will be responsible for MLVP II's venture capital investments, and is a registered investment adviser. The MLVP II Managing General Partner is a limited partnership controlled by its general partner, the Management Company, which will perform the management and administrative services necessary for the operation of MLVP II pursuant to a management agreement. The General Partners of MLVP II consist of the MLVP II Individual General Partners and the MLVP II Managing General Partner. The MLVP II Individual General Partners will include the MLVP II Independent General Partners and one General Partner who is an individual and who is an affiliated person of the MLVP II Managing General Partner and/or any individual who becomes a successor or additional Individual General Partner as provided in the MLVP II Partnership Agreement. Only individuals may serve as MLVP II Individual General Partners.

3. KECALP 1984 and KECALP 1986 (together, the "KECALP Partnerships"), limited partnerships organized under the laws of Delaware, are employees' securities companies as defined in section 2(a)(13) of the 1940 Act and registered as non-diversified, closed-end management investment companies. The investment objective of the KECALP Partnerships is to seek long-term capital appreciation. Under the terms of the KECALP Partnerships' offerings, as set forth in their Registration Statements, Units were offered exclusively to employees of ML & Co. and its subsidiaries, only if they received annualized compensation in respect of 1983 and 1985, respectively, equal to at least $75,000, and to non-employee directors of ML & Co. Each of the KECALP Partnerships operates in accordance with the terms of an exemptive order issued pursuant to section 6(b) of the 1940 Act in Investment Company Act Rel. No. 12363 (April 8, 1982) (the "KECALP Exemptive Order"). The general partner for KECALP is KECALP Inc. (the "KECALP General Partner"), a Delaware corporation and a wholly-owned subsidiary of ML & Co. The KECALP General Partner is responsible for managing and making investment decisions for KECALP.

4. DRS, a Delaware corporation organized in 1983, is engaged in the business of developing, manufacturing and marketing electronic laser printers. To the Applicants' knowledge, no stockholder of DRS is an affiliate or employee of ML & Co. or its affiliates, other than MLVP I and KECALP 1984. During March 1983, MLVP I acquired 250,000 shares of Series A Preferred Stock of DRS ("Series A"). In August 1984 and February 1985, MLVP I and KECALP 1984 acquired 178,500 shares and 12,120 shares, respectively, of Series B Preferred Stock of DRS ("Series B"). *See In The Matter of ML Venture Partners I, L.P.*, Investment Company Act Rel. Nos. 14350 (February 1, 1985) (order) and 14318 (January 11, 1985) (notice). In June 1986, MLVP I acquired a note from DRS in the amount of $458,630. The note was convertible into shares of Series C Preferred Stock of DRS ("Series C"). MLVP I also has entered into certain other lending arrangements with DRS involving $312,401, which amount was to be converted into shares of Series C.

5. At the time of the issuance of Series A and Series B Preferred Stock, it was contemplated that, over time, DRS would require additional financing and that the terms of such financing would be negotiated with the new participating institutional investors. Pursuant to the definitive stock purchase agreement dated as of May 28, 1987 (the "DRS Agreement"), DRS agreed, among other things, to reclassify issued and outstanding shares of Series A and Series B as Series C upon the first issuance of Series C. Pursuant to the terms of the DRS Agreement and in accordance with Delaware law, the closing occurred on May 28, 1987 after $4 million was committed to purchase shares of Series C (exclusive of MLVP II's investments, described below). The actual amount of the offering was $6.1 million. At the time of the closing, all of MLVP I's and KECALP 1984's holdings of Series A and Series B were converted automatically into shares of Series C.

VOL 52 ISS 246 DEC 23 1987 UMI

6. Neither ML & Co. nor any of its affiliates was involved in any manner in planning, initiating or structuring the DRS transaction and none of the investors in DRS other than the Applicants are affiliates of ML & Co. The Series C, when compared with the Series A and Series B, has identical rights and priority status with respect to DRS' common stock, with the exception of a reduction of the conversion ratio to convert the preferred stock into DRS common stock. The reductions in conversion ratio and in purchase price from $11.25 to 9.90 per share were agreed to by DRS and the holders of its outstanding securities; MLVP I and KELCALP 1984 were not in a position of control where either could have caused a different purchase price or conversion ratio. Both MLVP I and KELCALP 1984 represent: (a) That their consent to the terms of the issuance of Series C was not influenced by the fact that the Applicants who propose to acquire Series C are affiliated entities; and (b) that the terms of Series C were determined through arm's-length negotiations. Moreover, MCVP I and KELCALP 1984 believe that the financing was beneficial to DRS by providing additional funds required for the development of its business plan.

7. The investment opportunity in Series C was brought to the attention of the MLVP I Managing General Partner, the MLVP II Managing General Partner (together, the "Managing General Partners") and the KECALP General partner during January 1987. The MLVP II Managing General Partner and the KECALP Managing General Partner have evaluated the proposed investments in Series C ("DRS Stock") and independently determined to approve investments of up to $1.5 million (but not to exceed 25% of the total amount of DRS Stock made available), $50,000 and $200,000 for MLVP II, KECALP 1984 and KECALP 1986, respectively. The investment decisions by the MLVP II Managing General Partner and the KECALP General Partner were made solely on the basis of the respective investment objectives and policies of MLVP II, KECALP 1984 and KECALP 1986.

8. Pursuant to the DRS Agreement, KECALP 1984 and KECALP 1986 have conditionally agreed to purchase the shares of DRS Stock, while MLVP II has orally agreed to purchase the amounts of DRS Stock. MLVP I's note and other interests pursuant to its other lending arrangements with DRS were converted into the DRS Stock automatically upon its issuance. The purchase prices of the shares of DRS Stock proposed to be acquired by MLVP II, KECALP 1984 and KELCALP 1986 represent less than 1.4%, 1.3% and 2.8%, respectively, of such entities' original net proceeds. Similarly, the acquisition price of the shares of DRS Stock obtained by MLVP I represents less than 3.1% of MLVP I's original net proceeds. No dividends have been declared on the DRS Stock. The shares of DRS Stock proposed to be acquired by MLVP II, KECALP 1984 and KECALP 1986 will represent 11.0%, 0.4% and 1.5%, respectively, of such stock outstanding on a fully diluted basis. The shares of DRS Stock acquired by MLVP I represent 12.5% of such stock outstanding on a fully-diluted basis.

Legal Conclusions

1. Because of questions as to the applicability of sections 17(d) and 57(a)(4) of the Act, the Applicants determined to seek the relief requested. The DRS Agreement provides therefore that the KECALP Partnerships are not required to make payment to DRS for the shares of DRS Stock the KECALP Partnerships intend to acquire unless the Applicants receive the relief requested. The DRS Agreement further provides that if such orders have not been issued by the SEC before November 24, 1987, KECALP's obligations under the Agreement shall terminate. Although the KECALP Partnerships' obligations have now terminated, DRS has indicated that it is willing to honor the terms of the DRS Agreement with respect to the shares proposed to be acquired by the KECALP Partnerships. The terms of the KECALP Partnerships' purchases are the same as those of MLVP I and MLVP II in all other respects except the number of shares of the DRS Stock to be acquired.

2. Pursuant to the terms of the KECALP Exemptive Order, the KECALP Partnerships are permitted to engage in transactions in which certain affiliated persons of the KECALP Partnerships may also be participants. Specifically, the KECALP Partnerships may invest in (i) investment vehicles which are sponsored or managed by ML & Co. or its affiliates or (ii) investments in which a partnership described in clause (i) is a participant or plans to become a participant and which would not be prohibited investment except that ML & Co. or any of its subsidiaries, or one or more officers, directors or enployees of the KECALP General Partner, have a partnership interest in, or compensation arrangement with the partnership described in clause (i). To resolve any uncertainties concerning the transactions involving DRS Stock, however, and because the investments by the Partnerships in DRS Stock are otherwise prohibited by Section 57(a)(4) of the Act, the Applicants have determined to seek the relief requested.

3. The Managing General Partners of the Partnerships and the KECALP General Partner reviewed the proposed investments in DRS Stock. The Managing General Partners and the KECALP General Partner determined that such investments were consistent with the Applicants' investment objectives of seeking long-term capital appreciation. The Managing General Partners and the KECALP General Partner also determined that the investments in DRS Stock would not disadvantage any one of the Applicants in making such investments, maintaining its investment positions or disposing of such positions. The MLVP I Independent General partners and the MLVP II Independent General Partners (together, the "Independent General Partners") also made such a determination. In reaching such determinations, the Managing General Partners, the Independent General Partners and the KECALP General partner considered several factors, including the difference in the amount proposed to be acquired by each of the Applicants. It was recognized that the terms of the purchases by the Applicants would be the same in terms of the price paid per share of stock. With respect to the different number of shares of DRS Stock to be acquired, however, it was recognized that MLVP II and each KECALP Partnership is at a different point in its investment program and has different amounts of assets available for investment. It was also recognized that MLVP I's acquisition of DRS Stock was related to the amounts of the DRS notes that it had acquired previously. The Applicants believe that such circumstances do not make any one Applicant's proposed acquisition of DRS Stock any more or less advantageous than another Applicant's; to the extent that the investments prove to be successful, each of the Applicants will profit equally in proportion to its respective investment. Accordingly, the terms of the proposed investments are not unfair or less advantageous to any of the Applicants, but rather are the result of business considerations. Thus, it is submitted that the transactions would be consistent with the provisions, policies and purposes of the Act.

4. In both the KECALP Exemptive Order and the KECALP Partnerships' prospectuses, it was indicated that affiliates of ML & Co. would be involved in identifying and investing in many of the KECALP Partnerships' portfolio investments. The prospectuses of the Partnerships indicated that the Partnerships may be coinvestors in portfolio companies with affiliates of management. The Applicants thus submit that the relief requested herein is consistent with the purposes of the KECALP Partnerships and the Partnerships, their stated policies and the disclosure made to prospective investors. The Applicants also believe that proposed investments are in the best interest of each of the Applicants to the extent that the investments are not otherwise available to them.

5. On the basis of their evaluations of the investments in DRS, the Managing General Partners and the KECALP General Partner have determined that the acquisition of shares of DRS Stock would be consistent with the provisions, policies and purposes of the Act. Accordingly, on the basis of such determinations and the information set forth above, the Applicants request that relief be granted pursuant to Rule 17d–1 permitting the acquisition of such securities on the terms described in the application.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–29339 Filed 12–22–87; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–16176; 812–6646]

Application; ML Venture Partners I, L.P., et al.

December 15, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: ML Venture Partners I, L.P. ("MLVP 1"), ML Venture Partners II, L.P. ("MLVP II," and together with MLVP I, the "Partnerships"), Merrill Lynch Venture Capital Inc. (the "Management Company") and Merrill Lynch KECALP L.P. 1986 ("KECALP").

Relevant 1940 Act Sections: Exemption requested under sections 17(b) and 57(c) from the provisions of sections 17(a) and 57(a)(1), respectively, and under section 17(d) and Rule 17d–1 authorizing transactions which are otherwise prohibited under sections 17(d) and 57(a)(4).

Summary of Application: Applicants seek an order relating to the acquisition of certain securities (i) deemed "joint transactions" or (ii) from an "affiliated person," as defined in the 1940 Act.

Filing Date: The application was filed on March 11, 1987 and amended on December 15, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on January 8, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request information of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, Washington, DC 20549. MLVP I, MLVP II and the Management Company, 717 Fifth Avenue, New York, New York 10022, and KECALP, World Financial Center, North Tower, New York, New York 10281.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Carson G. Frailey (202) 272–3037 or Special Counsel Karen L. Skidmore (202) 272–3023, Office of Investment Company Regulation.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 252–4300).

Applicants' Representations

1. MLVP I, a limited partnership organized under the laws of Delaware in 1982, is a business development company under the 1940 Act. The investment objective of MLVP I is to seek long-term capital appreciation by making venture capital investments. MLVP I has five general partners, four of whom are individuals (the "MLVP I Individual General Partners"). A majority of the MLVP I Individual General Partners are persons who are not "interested persons" of MLVP I within the meaning of section 2(a)(19) of the 1940 Act ("MLVP I Independent General Partners"). The managing general partner for MLVP I is Merrill Lynch Venture Capital Co., L.P. (the "MLVP I Managing General Partner"). The MLVP I Managing General Partner is responsible for identification and management of MLVP I's venture capital investments. The Management Company is the general partner of both the MLVP I Managing General Partner and the MLVP II Managing General Partner (as hereinafter defined) and is also the management company for both Partnerships. The Management Company is a registered investment adviser under the Investment Advisers Act of 1940, as amended, and is an indirect subsidiary of Merrill Lynch & Co., Inc. ("ML&Co."), a holding company which, through its subsidiaries, provides investment, financing, real estate, insurance and related services.

2. MLVP II is a business development company organized as a Delaware limited partnership in 1986. The investment objective of MLVP II is to seek long-term capital appreciation by making venture capital investments. The general partners of MLVP II consist of the MLVP II Individual General Partners and the MLVP II Managing General Partner. The MLVP II Individual general partners will include the MLVP II Independent General Partners and one general partner who is an individual and who is an affiliated person of the MLVP II Managing General Partner and/or any individual who becomes a successor or additional individual general partner as provided in the MLVP II Partnership Agreement. Only individuals may serve as MLVP II Individual General Partners.

3. MLVPII Co., L.P. (the "MLVP II Managing General Partner") is the managing general partner of MLVP II and will be responsible for its venture capital investments. The MLVP II Managing General Partner is a limited partnership controlled by its general partner, the Management Company, which will perform the management and administrative services necessary for the operation of MLVP II pursuant to a management agreement.

4. An order exempting MLVP II and the Management Company (the "MLVP II Order") from certain provisions of the 1940 Act was issued in Investment Co. Act Rel. No. 15,652 (March 30, 1987). That order exempted MLVP II and the Management Company from the provisions of section 57(a) of the Act, thus permitting the Management Company to acquire certain venture capital investments, such as the investments in Everex and CADG proposed herein, on behalf of MLVP II during the MLVP II public offering period as if the MLVP II Managing General Partner were negotiating for MLVP II to make the acquisition directly. The terms of the MLVP II Order required that such initial investments would be acquired substantially on the terms set forth in the application described herein.

5. KECALP, a limited partnership organized under the laws of Delaware, is a non-diversified, closed-end

investment company of the management type under the 1940 Act. The investment objective of KECALP is to seek long-term capital appreciation. KECALP is an "employees' securities company," within the meaning of section 2(a)(13) of the 1940 Act, and operates in accordance with the terms of an exemptive order issued pursuant to section 6(b) of the 1940 Act in Investment Company Act Release No. 12363 (April 8, 1982) (the "KECALP Exemptive Order"). The general partner for KECALP is KECALP Inc. (the "KECALP General Partner"), a Delaware corporation and a wholly-owned subsidiary of ML&Co. The KECALP General Partner is responsible for managing and making investment decisions for KECALP.

Investment in Everex

6. Everex Systems, Inc. ("Everex"), located in Fremont, California, was founded in 1983. Everex develops and markets board-level enchancement products for IBM and IBM compatible personal computers. The investment opportunity in Series B Convertible Preferred Stock of Everex was brought to the attention of the MLVP I Managing General Partner and the MLVP II Managing General Partner (together, the "Managing General Partners") during September 1986. The Managing General Partners evaluated the proposed investments and determined to approve investments of $750,000 for each of the Partnerships. The shares of Series B Convertible Preferred Stock proposed to be purchased by each Partnership represent 1% of the common stock of Everex on a fully-diluted basis. The Partnerships' investments in Everex stock could not be made concurrently, however, without the relief requested in the application. Accordingly, the Management Company agreed to purchase the aggregate of 375,000 shares on behalf of the Partnerships and to sell such shares to them at the price determined as described below following receipt of the relief requested in the application.

7. The purchase price to be paid by each of the Partnerships to the Management Company for the shares of Series B Convertible Preferred Stock of Everex proposed to be acquired by the Partnerships will be the lower of (i) the value of the investment on the dates each of the Partnerships acquires the stock (as determined by the Partnerships' Independent General Partners) or (ii) the cost to the Management Company of purchasing and holding the investment. With respect to clause (ii), such cost shall be the original purchase price of $4.00 per share paid by the Management Company for the shares of Series B Convertible Preferred Stock on December 10, 1986, plus carrying costs related to such investments, as separately determined for each of the Partnerships. MLVP II will pay no carrying costs in respect of the period prior to January 12, 1987, the date MLVP II's Independent General Partners approved the investment, subject only to (i) the completion of MLVP II's public offering and (ii) determination of the price to be paid by MLVP II as described above. MLVP I will pay no carrying costs in respect of the period prior to December 10, 1986, the acquisition date of the purchase by the Management Company, which was subsequent to the authorization of the investment by the Independent General Partners of MLVP I. For purposes of these transactions, carrying costs consist of interest charges computed at the lower of (i) the prime commercial lending rate charged by Citibank, N.A. during the period for which carrying costs are being paid or (ii) the effective cost of borrowings by ML&Co. during such period. The effective cost of borrowings by ML&Co. is its actual "Average Cost of Funds," which it calculates on a monthly basis by dividing its consolidated financing expenses by the total amount of borrowings during the period.

Investment in CADG

8. Computer-Aided Design Group ("CADG"), a California corporation organized in 1978, provides facility management systems to major corporations, governments, and institutions. The investment opportunity in Series C Preferred Stock of CADG was brought to the attention of the MLVP II Managing General Partner and the KECALP General Partner during June 1986. The MLVP II Managing General Partner and the KECALP General Partner have evaluated the proposed investments in the CADG stock and independently determined to approve investments of $700,000 and $150,000 for MLVP II and KECALP, respectively. The shares of Series C Preferred Stock proposed to be purchased by MLVP II and KECALP represent 10% and 2%, respectively, of such stock outstanding on a fully-diluted basis. Because the foregoing investments may not be made concurrently by MLVP II and KECALP without the relief requested in the application, the Management Company has agreed that it will make the proposed investments in CADG stock on behalf of MLVP II and KECALP and sell such CADG stock to them following the granting of the relief requested in the application.

9. The purchase price to be paid by MLVP II and KECALP to the Management Company for the shares of Series C Preferred Stock of CADG proposed to be acquired by MLVP II and KECALP will be the lower of: (i) The value of the investment on the dates each of MLVP II and KECALP acquires the stock (as determined by the MLVP II Independent General Partners and the KECALP General Partner, respectively), or (ii) the cost to the Management Company of purchasing and holding the investment. With respect to clause (ii), such cost shall be the original purchase price of $1.13 per share paid by the Management Company for the shares of CADG Series C Preferred Stock on February 6, 1987, plus carrying costs related to such investments as separately determined for each of MLVP II and KECALP. KECALP will pay no carrying costs in respect of the period prior to the later of (i) the date the Management Company acquired the proposed investments or (ii) the date the KECALP General Partner approved KECALP's purchase of the proposed investment. MLVP II will pay no carrying costs in respect of the period prior to March 30, 1987, the date the MLVP II order was issued, which was subsequent to the date (February 13, 1987) MLVP II's Independent General Partners were notified of the investment and given the opportunity to object to such acquisition by the Management Company on behalf of MLVP II. Also, on March 30, 1987, the MLVP II Independent General Partners approved of the acquisition of such investment, subject only to: (i) The completion of MLVP II's public offering, and (ii) determination of the price to be paid by MLVP II for CADG stock as described above. For purposes of these transactions, carrying costs consist of interest charges computed at the lower of: (i) The prime commercial lending rate charged by Citibank, N.A. during the period for which carrying costs are being paid, or (ii) the effective cost of borrowings by ML&Co. during such period. The effective cost of borrowings by ML&Co. is its actual "Average Cost of Funds," which it calculates on a monthly basis by dividing its consolidated financing expenses by the total amount of borrowings during the period.

Applicants' Legal Conclusions

1. Relief under sections 17(b) and 57(c) of the 1940 Act is justified by both the terms of the transactions and the fact that the proposed investments are not otherwise available to the Partnerships and KECALP. With respect to the terms of the transactions, the KECALP General Partner (on behalf of KECALP) and the Managing General Partners (on behalf of the Partnerships) have reviewed the proposed investments in detail. The members of the Board of Directors of the KECALP General Partner and the Managing General Partners are sophisticated and experienced in valuing securities and evaluating financial transactions generally. In this regard, the members of the Board of Directors of the KECALP General Partner and the Managing General Partners considered all information deemed relevant, including the nature of the investments, the nature of the investments by affiliates of ML&Co. in Everex and CADG, if any, and the fairness of the purchase prices proposed to be paid by the Partnerships and KECALP. The KECALP General Partner and the Managing General Partners determined that the proposed investments by the Partnerships and KECALP will not directly or indirectly benefit entities affiliated with ML&Co. Moreover, the investments in CADG and Everex were approved after consideration of each of the factors set forth in sections 17(b) and 57(c) of the 1940 Act.

2. In evaluating the terms of the transactions, both the KECALP General Partner and the Partnerships' Independent General Partners considered the fact that the proposed purchase prices to be paid by the Partnerships and KECALP will include carrying costs incurred by an affiliated person (i.e., the Management Company) if the value of the investments at the time of acquisition by the Partnerships and KECALP is more than the sum of the purchase price of each plus the affiliate's carrying costs. In approving a purchase price which may include carrying costs, the Board of the KECALP General Partner recognized that the KECALP General Partner receives no compensation for serving as general partner of KECALP and that ML&Co. has incurred considerable expenses in organizing KECALP. KECALP and the Partnerships believe that it is entirely appropriate for them to reimburse affiliates for carrying costs in a situation where an affiliate purchased an investment as, in effect, their nominee and KECALP and the Partnerships would have purchased such investments directly if it had not been deemed necessary to obtain the relief requested in the application. In light of these factors, the Managing General Partners and the KECALP General Partner believe it is wholly appropriate for the purchase price paid for portfolio investments to reflect carrying costs provided that the values of the investments at the times of acquisition exceed the amounts of the purchase prices plus carrying costs. To deny reimbursement for carrying costs would result in a further and unwarranted loss to the Management Company and provide a disincentive to act on behalf of the Partnerships and KECALP in the future.

3. The investments are not otherwise available for purchase by the Partnerships and KECALP. The Managing General Partners and the KECALP General Partner have approved such investments after review of a considerable number of possible investments for the Partnerships and KECALP. The Partnerships and KECALP thus submit that their respective investment programs will be prejudiced if they are not permitted to make the investments referred to in the application.

4. The KECALP General Partner believes that the proposed investment in CADG Series C Preferred Stock is consistent with the rationale underlying the establishment of KECALP as an "employees' securities company." In the application for exemptive relief ultimately granted in the KECALP Exemptive Order, as well as in KECALP's prospectus, it was indicated that ML&Co. and its affiliates would be involved in structuring, identifying and investing in many of KECALP's portfolio investments. Similarly, the proposed transactions in CADG stock and Everex Series B Convertible Preferred Stock are consistent with the Partnerships' investment objectives and the kinds of transactions in which it was contemplated the Partnerships would participate. The Partnerships and KECALP thus submit that the relief requested pursuant to sections 17(b) and 57(c) of the 1940 Act is consistent with the purposes of the Partnerships and KECALP and their respective stated policies.

5. With respect to the relief requested pursuant to Rule 17d–1 under the 1940 Act, the Managing General Partners of the Partnerships and the KECALP General Partner reviewed the proposed investments in Everex and CADG stock and determined that such investments were consistent with the Partnerships' and KECALP's investment objectives of seeking long-term capital appreciation. The Managing General Partners and the KECALP General Partner also determined that the investments in Everex and CADG Stock would not disadvantage either of the Partnerships or KECALP in making such investments, maintaining its investment positions or disposing of such positions. The Independent General Partners of MLVP I also made such determination with respect to the purchase of Everex Stock, and the Independent General Partners of MLVP II have made such determinations with respect to the Everex or CADG stock. In reaching such determinations, the Managing General Partners, the Independent General Partners and the KECALP General Partner considered several factors, including the difference in the amount proposed to be invested by each of the Partnerships and KECALP. It was recognized that the terms of the purchases by both Partnerships, with respect to the Everex stock, and by MLVP II and KECALP, with respect to the CADG Stock would be the same in terms of the price paid per share of stock. With respect to the different number of shares of CADG Stock, it was recognized that MLVP II and KECALP are each at different points in their investment programs and have different amounts of assets available for investment. MLVP II and KECALP believe that this factor does not make MLVP II's proposed investment in CADG stock any more or less advantageous than KECALP's investment; to the extent that the investments prove to be successful, MLVP II and KECALP will profit equally in proportion to their respective investments. Accordingly, the terms of the proposed investments are not unfair or less advantageous to MLVP II or to KECALP, but rather are the result of business considerations.

Similarly, the terms of the Partnerships' proposed investments in Everex stock, pursuant to which each Partnership will purchase the same amount of shares, are not unfair or less advantageous to either Partnership. Thus, it is submitted that the transactions would be consistent with the provisions, policies and purposes of the Act.

6. In both the KECALP Exemptive Order and KECALP's prospectus, it was indicated that affiliates of ML & Co. would be involved in identifying and investing in many of KECALP's portfolio investments. The prospectuses of the Partnerships indicated that the Partnerships may be co-investors in portfolio companies with affiliates of management. The Partnerships and KECALP thus submit that the relief requested herein is consistent with the purposes of KECALP and the Partnerships, their stated policies and the disclosure made to prospective investors. The Applicants also believe that proposed investments are in the

VOL 52 ISS 246 DEC 23 1987 UMI

best interest of KECALP and the Partnerships to the extent that the investments are not otherwise available to them.

Conditions

1. The investments in Everex and CADG will be acquired by the Partnerships in the manner and on the terms described above.

2. In connection with the deliberations and determinations by the Board of Directors of KECALP regarding the Partnerships' proposed Everex and CADG transactions, appropriate record-keeping will be maintained and made available for inspection by the Commission in accordance with the KECALP Exemptive Order and the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-29340 Filed 12-22-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16176; (812-6821)]

Application; Prudential-Bache Global Fund, Inc. et al.

Date: December 17, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for amendment of an existing order under the Investment Company Act of 1940 ("1940 Act").

Applicants: Prudential-Bache Global Fund, Inc. ("Global Fund"), Prudential-Bache Government Plus Fund, Inc. ("Government Plus Fund"), Prudential-Bache Securities Inc. ("Prudential-Bache"), Prudential Mutual Fund Management, Inc. ("PMF") and Prudential Mutual Fund Distributors, Inc. ("PMFD").

Relevant 1940 Act Sections: Exemption requested pursuant to section 6(c) from sections 2(a)(32), 2(a)(35), 22(c) and 22(d) and Rule 22c-1 thereunder.

Summary of Application: Applicants seek an order, pursuant to section 6(c) of the 1940 Act, amending an existing exemptive order (Investment Company Act Rel. No. 14615, July 1, 1985, as amended on September 12, 1985, Investment Company Act Rel. No. 14718, "Existing Order"). The proposed amendment would exempt the Global Fund, the Government Plus Fund and any other Exempted Fund, as defined below (collectively, the "Exempted Funds"), from the provisions of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the 1940 Act and Rule 22c-1 thereunder, to the extent necessary, to permit the Exempted Funds to waive a contingent deferred sales Load ("CDSL") under certain circumstances in addition to those allowed by the Existing Order.

Filing Dates: The application was filed on August 10, 1987, and amended on November 3 and December 15, 1987.

Hearing or Notification of a Hearing: If no hearing is ordered, the requested exemption will be granted. Any interested person may request a hearing on this application; or ask to be notified if a hearing is ordered. Any request must be received by the SEC by 5:30 p.m. on January 8, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, in the case of an attorney-at-law, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549; Applicants, One Seaport Plaza, New York, New York 10292.

FOR FURTHER INFORMATION CONTACT: Thomas Mira, Staff Attorney (202) 272-3033, or Brion Thompson, Special Counsel (202) 272-3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application: the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's Commercial Copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicants' Representations

1. The Existing Order exempts the Global Fund and the Government Plus Fund (collectively, the "Funds") and any other existing or future registered mutual fund for which Prudential-Bache serves as manager or administrator and distributor, and which is sold substantially on the same basis as the Funds, from the provisions of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the 1940 Act and Rule 22c-1 thereunder, to the extent necessary, to permit the assessment (and waiver and reduction in certain cases) of a CDSL on certain redemptions of their shares. Currently, the Funds' investment adviser is The Prudential Insurance Company of America. The Funds' administrator was formerly Prudential-Bache, but is currently PMF, an affiliate of Prudential-Bache. The distributor of the Funds' shares is Prudential-Bache. It is contemplated that PMFD, also an affiliate of Prudential-Bache, may become the distributor of the Funds. The Applicants respectfully request that the Existing Order be amended, as described below, to apply to the Funds and any other existing or future registered mutual fund for which Prudential-Bache or PMF serves as manager or administrator, and Prudential-Bache or PMFD serves as distributor, and which is sold on substantially the same basis as the Funds (collectively, the "Exempted Funds").

2. Applicants propose that the CDSL be waived by the Exempted Funds, in addition to those waivers already permitted by the Existing Order, in the following situations: (1) In cases of death or disability (as defined in section 72(m)(7) of the Internal Revenue Code ("Code") when the decedent or disabled person is either an individual stockholder or owns the shares as a joint tenant with right of survivorship and the redemption is made within one year of the death or initial determination of disability, (2) any redemption made in connection with a profit sharing or stock bonus plan to which section 402(a)(8) of the Code applies, upon "hardship" (as defined below) of the employee, or (3) any redemption which might occur as a result of the execution of a qualified domestic relations order as defined by section 414(p) of the Code. The term "hardship" shall be defined as an immediate and heavy financial need occurring in the personal affairs of an employee. The Exempted Funds' administrator or manager will retain the right to review a plan's determination that a hardship exists and may request such documentation as it deems necessary to make such determination.

Applicants' Legal Conclusion

Applicants submit that the proposed waivers of the CDSL are consistent with all provisions of the 1940 Act and are fair and equitable and in the best interests of the stockholders and of the public, in that, in each situation in which the CDSL would be waived, the redeeming stockholder is a member of a class of stockholders which is favored under the tax laws.

Applicants' Conditions

Applicants consent to the following conditions with respect to requested order:

1. The Exempted Funds will comply with the provisions of Rule 12b-1 under the 1940 Act both currently and as that Rule may be modified in the future.

2. The Exempted Funds will comply with the provisions of Rule 22d-1 under the 1940 Act.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-29341 Filed 12-22-87; 8:45 am]

BILLING CODE 8010-01-M

[(Rel. No. IC-16177 (812-6822)]

Application for Amendment of an Existing Order; Prudential-Bache Government Plus Fund II et al.

December 16, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for amended order under the Investment Company Act of 1940 ("1940 Act").

Applicants: Prudential-Bache Goverment Plus Fund II ("Fund"), Prudential-Bache Securities Inc. ("Prudential-Bache"), Prudential Mutual Fund Management, Inc. ("PMF") and Prudential Mutual Fund Distributors, Inc. ("PMFD").

Relevant 1940 Act Sections: Exemption requested pursuant to section 6(c) from sections 2(a)(32), 2(a)(35), 22(c) and 22(d) and Rule 22c-1.

Summary of Application: Applicants seek an order, pursuant to section 6(c) of the 1940 Act, amending an existing exemptive order (Investment Company Act Rel. No. 15419, November 14, 1986, "Existing Order"). The amended order would exempt the Fund and any other "Exempted Fund", as defined below (collectively, "Exempted Funds"), from sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the 1940 Act and Rule 22c-1 thereunder, to the extent necessary, to permit the Exempted Funds to waive a contingent deferred sales load ("CDSL") under certain circumstances in addition to those allowed by the Existing Order.

Filing Dates: The application was filed on August 10, 1987, and amended on December 15, 1987.

Hearing or Notification of a Hearing: If no hearing is ordered, the requested exemption will be granted. Any interested person may request a hearing on this application or ask to be notified if a hearing is ordered. Any request must be received by the SEC by 5:30 p.m. on January 8, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, in the case of an attorney-at-law, by certificate. Request notification of the date of the hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549; Applicants, c/o One Seaport Plaza, New York, New York 10292.

FOR FURTHER INFORMATION CONTACT: Thomas Mira, Staff Attorney (202) 272-3033, or Brion R. Thompson, Special Counsel (202) 272-3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application: the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's Commercial Copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicants' Representations

1. The Existing Order exempts the Fund, and any other existing or future registered mutual fund for which Prudential-Bache serves as the primary distributor and the shares of which are issued and sold on a basis similar to shares of the Fund, from the provisions of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the 1940 Act and Rule 22c-1 thereunder, to the extent necessary, to permit the assessment (and waiver and reduction in certain cases) of a CDSL on certain redemptions of its shares. Currently, the Fund's investment adviser is The Prudential Insurance Company of America. The Fund's administrator was formerly Prudential-Bache, but is currently PMF, an affiliate of Prudential-Bache. The distributor of the Fund's shares is Prudential-Bache. It is contemplated that PMFD, also an affiliate of Prudential-Bache, may become the distributor of the Fund. Therefore, the Applicants respectfully request that the Existing Order be amended as described below, to apply to the Fund and any other existing or future registered mutual fund for which Prudential-Bache or PMF serves as manager or administrator, and Prudential-Bache or PMFD serves as distributor, and the shares of which are issued and sold on a basis similar to shares of the Fund ("Exempted Funds").

2. Applicants propose that the CDSL be waived by the Exempted Funds, in addition to those waivers already permitted under the Existing Order, for any redemption: (1) Made in connection with a profit sharing or stock bonus plan to which section 402(a)(8) of the Internal Revenue Code ("Code") applies, upon "hardship" (as defined below) of the employee, or (2) which might occur as a result of the execution of a qualified domestic relations order as defined by section 414(p) of the Code. The term "hardship" shall be defined as an immediate and heavy financial need occurring in the personal affairs of an employee. The Exempted Funds' administrator will retain the right to review a plan's determination that a hardship exists and may request such documentation as it deems necessary to make such determination.

Applicants' Legal Conclusion

Applicants submit that the proposed waivers of the CDSL are consistent with all provisions of the 1940 Act and are fair and equitable and in the best interests of the shareholders and of the public, in that, in each situation in which the CDSL would be waived, the redeeming shareholder is a member of a class which is favored under the tax laws.

Applicants' Conditions

Applicants consent to the following conditions with respect to the requested exemptive relief:

1. The Exempted Funds will comply with Rule 12b-1 under the 1940 Act both currently and as that Rule may be modified in the future.

2. The Exempted Funds will comply with the provisions of Rule 22d-1 under the 1940 Act.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-29342 Filed 12-22-87; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/1148]

Overseas Security Advisory Council; Closed Meeting

The Department of State announces a meeting of the U.S. State Department—Overseas Security Advisory Council on Wednesday, January 27, 1988 at 8:30 a.m. in the Buena Vista Palace Hotel, 1900 Buena Vista Drive, Lake Buena Vista, Florida. Pursuant to section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(c)(4), it has been determined the meeting will be closed to the public. Matters relative to privileged commercial information will be discussed. The agenda calls for the discussion of private sector physical security policies, bomb threat statistics, and security programs at sensitive U.S.

VOL 52 ISS 246 DEC 23 1987 UMI

Government and private sector locations overseas.

Date: December 14, 1987.

Louis Schwartz, Jr.,

Director of the Diplomatic Security Service, and Chairman of the Overseas Security Advisory Council.

[FR Doc. 87-29322 Filed 12-22-87; 8:45 am]

BILLING CODE 4710-24-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC No. 120-XX]

Proposed Advisory Circular; Communication and Coordination Between Crewmembers

AGENCY: Federal Aviation Administration, DOT.

ACTION: Request for comments on proposed Advisory Circular (AC) 120-XX, Communication and Coordination Between Crewmembers.

SUMMARY: The proposed AC gives information regarding research on crewmember communication and coordination and suggests areas for improvement.

Comments Invited: Comments are invited on all aspects of the proposed AC. Commentators must identify file number AC 120-XX.

DATE: Comments must be received on or before March 22, 1988.

ADDRESS: Send all comments and requests for copies of the proposed AC to: Federal Aviation Administration, AFS-220, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Donell Pollard, AFS-220, at the above address, telephone (202) 267-3735 (7:30 a.m. to 4:00 p.m. EDT).

SUPPLEMENTARY INFORMATION: During various cabin safety meetings the public and members of the aviation community have expressed interest and concern in crewmember communication and coordination. Therefore, the FAA sponsored research in this area. The results of one aspect of this research are briefly discussed and suggestions for improvement are given in this AC.

Issued in Washington, DC, on December 15, 1987.

William T. Brennan,

Acting Director of Flight Standards.

[FR Doc. 87-29359 Filed 12-22-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1987 Rev., Supp. No. 5]

Surety Companies Acceptable on Federal Bonds; Termination of Authority; Continental Surety and Fidelity Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Continental Surety and Fidelity Insurance Company under the United States Code, Title 31, Sections 9304 to 9308, to qualify as an acceptable surety on Federal bonds is terminated effective November 1, 1987.

The Company was last listed as an acceptable surety on Federal bonds at 52 FR 24609, July 1, 1987.

With respect to any bonds currently in force with Continental Surety and Fidelity Insurance Company, bond-approving officers for the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the Company. In addition, bonds that are continuous in nature should not be renewed.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Finance Division, Surety Bond Branch, Washington, DC 20226, telephone (202) 287-3921.

Dated: December 14, 1987.

Mitchell A. Levine,

Assistant Commissioner, Comptroller, Financial Management Service.

[FR Doc. 87-29350 Filed 12-22-87; 8:45 am]

BILLING CODE 4810-35-M

UNITED STATES INSTITUTE OF PEACE

Procedures for Review of Grant Applications

This announcement succeeds the **Federal Register** announcements of July 16, 1986 (51 FR 25784) (*Interim Procedures for Grant Applications*), and December 10, 1986 (51 FR 44564) (*Notice in Grant Application Review and Voting*). It is effective upon publication in the **Federal Register**. The United States Institute of Peace invites public comment and emphasizes that this announcement provides procedures that are subject to modification from time to time as experience and further consideration warrant. Significant changes will be published in the **Federal Register.**

The announcement identifies eligible recipients for grants; the subject-matter scope for which grants may be issued, including areas of special interest to the United States Institute of Peace; and the procedures the Institute will follow to receive, evaluate, and act upon grant applications. It also explains how grant application forms may be obtained.

Introduction

The United States Institute of Peace is an independent, nonprofit corporation established by Act of Congress (Pub. L. 98-525) in October 1984. It was created to * * *

> serve the people and the Government through the widest possible range of education and training, basic and applied research opportunities, and peace information services on the means to promote international peace and the resolution of conflicts among the nations and peoples of the world without recourse to violence
>
> *[United States Institute of Peace Act, Section 1702(b)]*

The United States Institute of Peace is funded entirely by federal appropriations. The Institute is prohibited from receiving gifts, contributions, and grants from foreign governments or agencies and from private individuals or organizations. The Institute is governed by a fifteen-member Board of Directors, including four *ex officio* members from federal service, and eleven individuals appointed from outside federal service by the President of the United States and confirmed by the United States Senate. The Board held its first meeting on February 25 and 26, 1986, and since has met approximately once a month.

The Grants Program; Eligibility and Subject-Matter

Eligible Grant Recipients

The Institute may award grants to nonprofit institutions, official public institutions, and individuals (whether or not they are associated with an institution). The Institute is required to pay in grants or contracts at least one-fourth of its annual appropriations to nonprofit or official public institutions, which include:

- Institutions of postsecondary, community, secondary, and elementary education (including combinations of such institutions) * * *
- Public and private educational, training, or research institutions (including the American Federation of Labor—the Congress of Industrial Organizations) and libraries, and * * *
- Public departments and agencies (including State and territorial departments of education and commerce).

[United States Institute of Peace Act, Section 1705(c)]

The Institute may obligate through grants and contracts more than twenty-five percent of its annual appropriations to nonprofits or official public institutions. The twenty-five percent requirement also applies to appropriate funds from any prior fiscal year that have been transferred to the Endowment of the United States Institute of Peace.

Indirect Costs

The Institute does not favor applying the public monies entrusted to it to costs not directly related to any project being funded. Applicants are advised to explain both the necessity for such indirect costs in their proposal and to describe effects made to reduce or eliminate them.

Subject-Matter Scope of Grants

The Institute does not take positions on policy issues pending before Congress or other domestic or international bodies and does not mediate particular international disputes. Therefore, the Institute will not fund grant proposals of a partisan political nature or proposals that would inject the grantee or the Institute into the policy processes of the United States government or any foreign government or international organization. In addition, in accord with the United States Institute of Peace Act, section 1709(b), the Institute will not use political tests or political qualifications in selecting or monitoring any grantee.

In implementing its research, education and training, and public information mandates, the broad purposes for which the Institute invites and will consider grants are:

(1) To carry out basic and applied research, particularly of an interdisciplinary or multidisciplinary nature, on the cause of war and other international conflicts, on the ways in which conflicts have been or can be prevented, contained, or terminated, and on the condition and character of peace where it obtains among nations and peoples;

(2) To educate students, including graduate and post-graduate students, and the general public on questions of international peace and conflict resolution, including peace and conflict resolution theories, methods, techniques, programs, and systems and the experience of the United States and other nations in resolving conflicts with justice and dignity and without violence;

(3) To conduct training, symposia, and continuing education programs for practitioners, policymakers, policy implementers, and citizens and noncitizens that will develop their skills in international peace and conflict resolution;

(4) To make international peace and conflict resolution research, education, and training more available and useful to persons in government, private enterprise, and voluntary associations, including the creation of handbooks and other practical materials;

(5) To examine the resolution of conflict between free trade unions and Communist-dominated organizations in the context of the global struggle for the protection of human rights; and,

(6) To assist the Institute in its publication, clearinghouse, and other information services programs.

Priority Subject Areas for Grants

Mindful of its obligation to expend taxpayer funds with great care, Institute is conducting a review of past and ongoing research in international peace and conflict management, and related fields, in order to identify gaps and subjects that warrant additional consideration.

The Institute seeks to obtain the maximum benefits from its grantmaking program for research, education and training, and public information activities. The Board of Directors has determined that encouraging a concerted focus on specific identified subjects—which will be changed from time to time to reflect new priorities—will increase the Institute's effectiveness. It has identified several areas for priority consideration in the immediate future. The Board emphasizes, however, that applicants should feel free to submit proposals dealing with other aspects of the Institute's mandate. They, too, will receive careful attention.

The subjects of special interest to the Institute at present time are:

- Research on the relationship between adherence to international human rights standards and international peace.
- Research on perceptions of peace across political systems and ideologies, including the comparative status of peace movements and their impact under different political systems, and comparative assessment and survey of the teaching of peace.
- Research on negotiations, including lessons from negotiations between the United States and the Soviet Union, lessons from negotiations between democratic and nondemocratic systems, and general lessons in the area of negotiation.
- Research on the relationship between domestic political systems and the aggressive use of force.
- Research on strengthening the non-use-of-force provisions of the United Nations Charter, including the effectiveness of the United Nations and other international institutions in dealing with low intensity and covert forms of aggression.
- Research on the mediation of political change.
- Developing curricula and materials for the study of international peace and conflict resolution from high school through post-graduate programs.
- Developing curricula and materials for negotiation, mediation, and conciliation theory, teaching, and training.
- Assisting media programming, including research and the development of materials particularly for television and radio, that will bring information about issues of international peace and conflict resolution to the broader public.

Grants Program Procedures

Grant Proposals

Every proposal for a grant from the Institute must be made on an Application Form (USIP Form 10A) and may include attachments as needed. It is particularly important that the eight pages of the Application Form be filled out completely and with care. Some members of the Institute's Board of Directors may see no more of the application than the Application Form. Applicants must, therefore, report the basic elements of their proposals clearly and succinctly therein.

Every proposal must be submitted in four typed copies. The Application Form may be obtained from the Institute at the address given below. In addition to the information required in the Application Form, a proposal may be as detailed as the applicant desires.

Project directors from colleges, universities, official public institutions, and nonprofit organizations should be sure to consult with grants officials of their institutions in preparing project budgets. Buget categories included in Application Form 10A are intended for general use. Accordingly, the terminology may not correspond well with usages employed at any given institution, and the use thereof may cause misunderstandings among the applicant, the Institute, and his institution. Applicants should feel free to alter budget terminology to suit, provided that the terms used are defined in the detailed budget description which must be attached.

Review Process

The Institute's staff will examine every proposal for eligibility and completeness. Questions on either will be referred to the applicant. Staff responses on eligibility and completeness will not be considered part of the formal review process, but the Institute's President will inform the Board of Directors of any applicant determined by the Institute's staff not to qualify on grounds of ineligibility and of any proposal that is incomplete and has not within a reasonable period of time been made complete. After staff examination, the President will send all eligible and complete applications to the Board of Directors for review.

Each member of the Board of Directors will receive a copy of the applicant's eight-page Application Form. In addition, each application will be assigned to a committee of the Board for initial review, and each member of that committee will receive copies of the Application Form and all attachments submitted by the applicant. Any Board member not on the committee to which the application has been assigned may request to receive a full application (i.e., Form 10A plus all attachments) at any time.

Upon receipt of applications for review at any given meeting of the Board of Directors, each member will notify the Institute's Ethics Officer of his recusal from review and action on any application involving a conflict of interest or the appearance of a conflict of interest. (For additional information on recusal, see the last paragraph of this announcement).

In reviewing applications, each member of the Board committee to which those applications have been assigned will divide them into two categories: *P* (applications for possible award) and *N* (noncompetitive applications). The ratings will be communicated to the Institute's Director of Grant Programs, who will create a composite list giving ratings for each application. This list will be communicated to all Board members prior to Board committee meetings.

All applications receiving a *P* rating from any committee member will be reviewed and acted upon in committee. In addition, any Board member not on that committee may request that an application be discussed in committee. Applications falling fully into the *N* category (i.e., not receiving a *P* rating from any committee member and not requested for discussion by a Board member not on the committee) will not be discussed in committee and will be regarded as recommended for rejection by the full Board. In the course of committee discussion or at any time prior to making recommendations to the full Board, the committee may decide to review and act upon an application originally receiving a full *N* rating.

All applications not falling fully into the *N* category will be discussed by the full Board in plenary session. *N*-rated applications will be reported to the full Board as rejected, but may be reviewed if a Board member so requests. All applications, irrespective of their initial ratings or committee recommendation, will be voted upon by the full Board of Directors.

Outside review of applications may be sought during any part of the review and action process, at the committee and full Board levels. Any Board member, whether on the initial review committee or otherwise, may request outside review of an application. In each instance of outside review, the Institute staff will seek at least two reviewers, one a specialist in the field relevant to the particular project proposed in the application (or as close to it as possible) and one from an outside field.

In evaluating grant applications, central concerns will include: (1) The significance of the project to the Institute's mandate and the subject areas of special interest identified by the Board of Directors and listed above; (2) evidence that the project will not simply duplicate existing knowledge or programs; (3) the likelihood that the project will make a significant contribution to the field in scholarship and knowledge; and (4) the usefulness of the proposed product in fulfilling the Institute's mandate. The Institute is particularly interested in proposals that envision a specific product of enduring value.

Conflict of Interest and Recusal

Institute Directors, officers, and employees will recuse themselves from the consideration process with respect to any application for a grant with which they have a conflict of interest or which might reasonably present the appearance of a conflict of interest. All recusals will be reported to the Institute's Ethics Officer. Directors, officers, or employees of the Institute who have reason to believe they may have a potential conflict of interest regarding any proposal upon which they are called to act shall bring the situation to the attention of the Ethics Officer for guidance. Nothing in this paragraph shall be read as diminishing in any way the conflict of interest provisions contained in the United States Institute of Peace Act, including section 1706(g).

Application Forms are available from United State Institute of Peace, 1550 M Street, NW., Suite 700, Washington, DC 20005–1708, (202) 457–1700.

Contact: Dr. Kenneth M. Jensen. Telephone: (202) 457–1700.

Dated: December 14, 1987.

Samuel W. Lewis,

President, United States Institute of Peace.

[FR Doc. 87–29317 Filed 12–22–87; 8:45 am]

BILLING CODE 3155–01–M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 246
Wednesday, December 23, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

UNITED STATES INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Wednesday, January 6, 1988 at 3:00 p.m.

PLACE: Room 117, 701 E Street, NW, Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints:
   Certain Plastic Light Duty Screw Anchors (Docket Number 1426).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kennth R. Mason, Secretary, (202) 523–0161.

Kenneth R. Mason,

Secretary.

December 16, 1987.

[FR Doc. 87–29412 Filed 12–18–87; 5:01 pm]

BILLING CODE 7020–02–M

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, January 6, 1988.

PLACE: Board Hearing Room 8th Floor, 1425 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board's actions taken by notation voting during the month of December, 1987.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Director's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Charles R. Barnes, Executive Director, Tel: (202) 523–5920.

Date of Notice: December 16, 1987.

Charles R. Barnes,

Executive Director, National Mediation Board.

[FR Doc. 87–29435 Filed 12–21–87; 11:24 am]

BILLING CODE 7550–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of December 21, 28, 1987, January 4, and 11, 1988.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of December 21

Tuesday, December 22

10:00 a.m.
Briefing by Executive Branch (Closed—EX. 1)

Wednesday, December 23

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of December 28—Tentative

No Commission Meetings

Week of January 4—Tentative

Wednesday, January 6

10:00 a.m.
Briefing on Status of NRC Internal Drug Program (Public Meeting)

Thursday, January 7

10:00 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
2:00 p.m.
Briefing on Status of Maintenance Program and Policy Statement (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of January 11—Tentative

No Commission Meetings

Note.—Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING) (202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Andrew Bates, (202) 634–1410.

December 17, 1987.

Andrew L. Bates,

Office of the Secretary.

[FR Doc. 87–29422 Filed 12–18–87; 5:01 pm]

BILLING CODE 7020–02–M

POSTAL SERVICE BOARD OF GOVERNORS

Vote to Close Meeting

By telephone vote a majority of the Board members voted to close to public observation a meeting of the Board scheduled for January 4, 1988. The meeting will be held at U.S. Postal Service headquarters, 475 L'Enfant Plaza, SW., Washington, DC. The meeting will concern consideration of a major capital investment project.

The meeting is expected to be attended by the following persons: Governors Griesemer, Hall, McConnell, Nevin, Pace, Peters, Ryan and Setrakian; Postmaster General Tisch; Deputy Postmaster General Coughlin; Secretary for the Board Harris; and General Counsel Cox.

The Board of Governors has determined that, pursuant to section 552b(c)(9)(B) of Title 5, United States Code, and § 7.3(i) of Title 39, Code of Federal Regulations, the discussion of these matters is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), because it is likely to disclose information, the premature disclosure of which would likely frustrate implementation of proposed procurement actions.

In accordance with section 552b(f)(1) of Title 5, United States Code, and § 7.6(a) of Title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting may properly be closed to public observation, pursuant to section 552b(c)(9)(B) of Title 5, United States Code, and § 7.3(i) of Title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary for the Board, David F. Harris, at (202) 268–4800.

David F. Harris,

Secretary.

[FR Doc. 87–29516 Filed 12–21–87; 3:29 pm]

BILLING CODE 7710–12–M

POSTAL SERVICE BOARD OF GOVERNORS

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 1:00 p.m. on Monday, January 4, 1988, in Washington, DC, and at 8:30 a.m. on Tuesday, January 5, 1988, in the Benjamin Franklin Room, U.S. Postal Service

Headquarters, 475 L'Enfant Plaza, SW., Washington, DC. As indicated in the following paragraph, the January 4 meeting is closed to the public. The January 5 meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

The Board voted in accordance with the provisions of the Government in the Sunshine Act to close to public observation its meeting scheduled for January 4, 1988, to consider a major capital investment project.

Agenda

Monday Session

January 4, 1988—1:00 p.m. (Closed)

1. Capital Investment:
—South Tampa Bay, FL, Mail Processing Center.

Tuesday Session

January 5, 1988—8:30 a.m. (Open)

1. Minutes of the Previous Meeting, December 7–8, 1987.
2. Remarks of the Postmaster General.
3. Election of Chairman and Vice Chairman.
4. Appointment of Audit Committee Members by Chairman.
5. Annual Report on Open Meeting Compliance.
6. Annual Report of the Postmaster General.
7. Status Report on CSRS/FERS.
8. Tentative Agenda for February 1–2, 1988, meeting in Washington, DC.

David F. Harris,

Secretary.

[FR Doc. 87–29519 Filed 12–21–87; 3:29 pm]

BILLING CODE 7710-12-M

Corrections

Federal Register
Vol. 52, No. 246
Wednesday, December 23, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

[WH-FLR-3297-S]

State and Local Assistance; Grants for Construction of Treatment Works

Correction

In notice document 87-27655 beginning on page 45860 in the issue of Wednesday, December 2, 1987, make the following corrections:

1. On page 45862, in the table, in the entries for Virginia, Washington, and West Virginia, in the first and second columns, remove the zero immediately to the right of the decimal point. There should be only one zero to the immediate right of the decimal point for each entry.

2. On the same page, in the table, the first "Wisconsin" entry should be removed.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 862

[Docket No. 78N-2285]

Clinical Chemistry and Clinical Toxicology Devices; General Provisions and Classifications of 220 Devices

Correction

In rule document 87-9858 beginning on page 16102 in the issue of Friday, May 1, 1987, make the following correction:

§ 862.3750 [Corrected]

On page 16137, in the third column, in § 862.3750(b), "Class II" should read "Class I".

BILLING CODE 1505-01-D

VOL
52
ISS
246
DE
23
1987
UMI

federal register

Wednesday
December 23, 1987

Part II

Department of Education

Pell Grant Program; Deadline Dates for Receipt of Applications, Reports, and Other Documents for the 1987-88 Award Year; Notice

BEST COPY AVAILABLE

VOL 52 ISS 246 DEC 23 1987 UMI

DEPARTMENT OF EDUCATION

Pell Grant Program; Deadline Dates for Receipt of Applications, Reports, and Other Documents for the 1987–88 Award Year

AGENCY: Department of Education.

ACTION: Notice.

SUMMARY: The Secretary announces the deadline dates for the receipt of documents from persons applying for financial assistance under, and from institutions participating in, the Pell Grant Program during the 1987–88 award year.

SUPPLEMENTARY INFORMATION: The purpose of the Pell Grant Program is to assist students in the continuation of their training and education at the postsecondary level by providing financial aid to help pay for their educational costs. Authority for the Pell Grant Program is contained in section 411 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a). The regulations for the Pell Grant Program are codified in 34 CFR Part 690.

I. Applications for Determination of Expected Family Contribution—Table I

As a requirement for receiving a Pell Grant, each applicant is responsible for submitting to an institution of higher education, a valid Student Aid Report (SAR) that states the amount of the student's expected family contribution (referred to on the SAR as the "SAI" [student aid index]) and the information used in calculating that amount. Therefore, each applicant must first submit to an agency listed in Table I of this notice his or her application for determining the expected family contribution. That application—referred to in this notice as the original application—must be submitted on one of the forms shown in Table I and be received by the designated agency at the agency's address shown in Table I no later than the deadline date, May 2, 1988, shown in Table I.

It should be noted that an application sent to the Federal Student Aid Programs must be received at the U.S. Postal facility indicated in the table. Individuals at the processing center are not authorized to personally accept hand delivered documents.

(Approved by the Office of Management and Budget under these OMB Control Numbers—Application: 1840–0110; Special Condition Application: 1840–0111)

TABLE 1.—DEADLINE DATE FOR RECEIPT OF APPLICATION FORMS FOR DETERMINING EXPECTED FAMILY CONTRIBUTION: MAY 2, 1988

Type of Form	Address for submission
Application for Federal Student Aid (AFSA).	Federal Student Aid Program, P.O. Box 4160, Iowa City, Iowa 52244.
Special Condition Application for Federal Student Aid. Spanish Application for Federal Student Aid.	Federal Student A Programs, P.O. Box 4161, Iowa City, Iowa 52244.
Spanish Special Condition Application for Federal Student Aid.	Federal Student Aid Programs, P.O. Box 4162, Iowa City, Iowa 52244.
Family Financial Statement (FFS).	Federal Student Aid Programs, P.O. Box 4163, Iowa City, Iowa 52244.
Financial Aid Form (FAF)	ACT Student Need Analysis Services, P.O. Box 4005, Iowa City, Iowa 52243.
	College Scholarship Service, CN 6300, Princeton, New Jersey 08541, or College Scholarship Service, Box 380, Berkeley, California 94701.
Pennsylvania Higher Education Assistance Agency (PHEAA).	Pennsylvania Higher Education Assistance Agency, P.O. Box 3157, Harrisburg, Pennsylvania 17105.
Student Aid Application for California SAAC.	College Scholarship Service, Box 70, Berkeley, California 94701–0070.
Illinois State Scholarship Commission Application for Federal and State Student Aid (AFSSA).	Illinois State Scholarship Commission, P.O. Box 53317, Jacksonville, Florida 32201.

(34 CFR 690.12)

II. Other Documents—Table II

Once an applicant has filed his or her original application, additional information may be necessary. In some cases the agency receiving the original application (the processing agency) may request the information. In other cases, the applicant is responsible for initiating a request that additional or alternative information be considered.

The type of information and the forms to be used to report that information are listed in Table II of this notice. Each category designates an address to which the specified information or request must be sent, and the deadline date by which that information or request must be received at that address. The applicant must submit to the Federal Student Aid Programs, any changes that he or she wants to be reflected on his or her SAR. The following explains each category:

Correction Application—If an original application lacks sufficient information for it to be processed, the Secretary will send a correct application to the applicant. In addition, if an applicant has misreported his or her dependency status on the original application or his or her dependency status subsequently changes from the status reported on the original application, other than changes that are the result of a change in marital status, the applicant has the responsibility for requesting a correction application. The correction application may be obtained from the Federal processing agency, financial aid administrator, or Educational Opportunity Center counselors or by writing to Federal Student Aid Programs, P.O. Box 84, Washington, D.C. 20044. The correction application must be returned to the address listed in Table II and received at that address no later than the deadline date, July 29, 1988, shown in Table II.

Student Aid Report (SAR)

- *Correction/Verification of Information Requested by the Secretary*—If the Secretary returns an SAR to an applicant for correction or verification of correct information, the applicant must correct or verify the information and return the SAR to the appropriate address listed in Table II. The SAR must be received at that address no later than the deadline date, July 29, 1988, shown in Table II. A student attending an institution participating in the Pell Grant Electronic Data Exchange must submit that SAR, with the information corrected or verified, to the institution by July 29, 1988.
- *Correction of Inaccurate Information*—If the SAR reflects information that was inaccurate when the application was signed, the applicant must correct that information on the SAR and send the SAR to the address listed in Table II. The SAR must be received no later than the July 29, 1988 deadline date shown in Table II. A student attending an institution participating in the Pell Grant Electronic Data Exchange must submit that SAR, with the information corrected, to the institution by July 29, 1988.
- *Recomputation of Student Aid Index*—An applicant may request on the SAR, that the Secretary recompute his or her student aid index, if—(1) The student believes a clerical or arithmetic error has occurred or (2) The student or his or her family has suffered a loss of or damage to assets resulting from a natural disaster in an area that has been declared a national disaster area by the President of the United States. The applicant must send the SAR to the address listed in Table II. The SAR must be received no later than the July 29, 1988 deadline date. A student attending an institution participating in the Pell Grant Electronic Data Exchange must submit a request for recomputation to the institution by July 29, 1988.
- *Request for Duplicate SAR*—If an applicant wishes to receive a duplicate SAR, the applicant may write to one of the addresses listed in Table II, or call one of the phone numbers listed in Table II. A written request must be received at either address no later than the July 29, 1988 deadline date. All telephone requests must also be made no later than July 29, 1988. It should be noted that a written request sent to the Iowa City application processing center must be received at the U.S. Postal facility indicated in Table II. Individuals at that site are not authorized to personally accept hand delivered documents.

(Approved by the Office of Management and Budget under OMB Control Number 1840–0132)

TABLE II.—DEADLINE DATES FOR RECEIPT OF OTHER DOCUMENTS: JULY 29, 1988

Type of form/information	Address for submission
Correction Application:	
Application for Federal Student Aid correction application.	Federal Student Aid Programs, P.O. Box 4160, Iowa City, IA 52244.
Student Aid Report (SAR)	
Correction/Verification of Information Requested by the Secretary: Request for verification of corrected information.	Federal Student Aid Programs, P.O. Box 4126, Iowa City, IA 52244.
Correction of Inaccurate Information (except address correction): Request for correction of inaccurate information.	Federal Student Aid Programs, P.O. Box 4103, Iowa City, IA 52244.
Request for Correction of Address.	Federal Student Aid Programs, P.O. Box 4127, Iowa City, IA 52244.
Recomputation of Student Aid Index: Request for recomputation of a student aid index because of (1) clerical or arithmetic errors or (2) loss of or damage to assets in Presidentially-declared national disaster area.	Federal Student Aid Programs, P.O Box 4103, Iowa City, IA 52244.
Request for Duplicate SAR: Request in writing or request by phone.	Federal Student Aid Programs, P.O. Box 4164, Iowa City, IA 52244. (319) 337–3738 or Federal Student Aid Programs, P.O. Box 84, Washington, DC 20044. (301) 984–4070.

[34 CFR 690.14, 690.39, 690.48]

Note.—Although the Pell application processing site will accept and process corrections through July 29, 1988, this does not extend the deadline by which the student must submit his or her valid SAR to the institution's financial aid office. If the student does not submit a valid SAR to the financial aid office, showing that he or she is eligible, by his or her last date of enrollment or June 30, 1988, whichever is earlier, he or she will not be eligible for a Pell Grant payment.

III. Verification Procedures and Deadline Dates

The information provided on an application and included on an SAR may be subject to verification. In that case, in order to receive a Pell Grant award for the 1987–88 award year, the applicant—and his or her parents, if applicable—must submit the necessary verification documents in accordance with the following procedures. The documents must be received no later than the deadline dates specified below. These dates do not conflict with nor supersede the deadline dates specified in Tables I and II of this notice.

Verification of Information on Application. If an applicant is selected to have the information on his or her application verified under the verification procedures set forth in Subpart E of the Student Assistance General Provisions, he or she must submit the requested documents as specified below. The deadline date for completing the verification process is the earlier of 60 days from the applicant's last date of enrollment in the case of an applciant who leaves school because of graduation, completion of an academic term, or withdrawal, or September 1, 1988. A student who will still be enrolled in a course of study in the 1987–88 award year after September 1, 1988, must submit the requested documents by September 1, 1988.

This process is complete when the applicant has:

(1) Submitted all requested verification documents to his or her institution;

(2) Made all necessary corrections on Part 2 of the SAR;

(3) Signed and submitted the corrected Part 2 to the SAR to the Department of Education's processing center at the address indicated in the lower left hand corner on the back of Part 2 of the SAR—the same address indicated under the first four categories shown in Table II—by the deadline date listed for these categories in Table II; and

(4) Submitted to the institution the corrected/reprocessed SAR received from the Department of Education's processing center. (34 CFR 668.60)

IV. Institutional Payment Summary (IPS)—Table III

An institution participating in the Pell Grant Program is required to provide the Secretary with an Institutional Payment Summary (IPS) and Part 3 of the SARs (Payment Documents) by the deadline dates established in Table III. This material should be sent to the following address, in the manner described below: Pell Grant Program, P.O. Box 1400. Merrifield, Virginia 22116–1400.

- Each institution must submit an IPS either with Student Payment Documents or with SAR Data Tapes reflecting the information contained on Part 3 of the SAR.
- An institution may submit an IPS without a batch of Payment Documents or SAR Data Tape, only under one of these circumstances:

(1) The institution has no Pell recipients, or

(2) The institution has no new Pell recipients or payment data changes to submit within a given reporting period for previously reported students.

An institution must submit two signed institutional Payment Summaries. Photocopies of the IPS may be submitted provided that each copy contains the original handwritten signature of the institutional administrator officially responsible for the accuracy and completeness of the IPS. Although an institution may make a submission as often as necessary during each of the required reporting periods shown in Table III, it must make *at least one* submission within each of those periods, even if it submits only an IPS under the conditions noted above. Submissions must be made no later than the deadline data for each reporting period noted in Table III.

An institution participating in the Pell Grant Electronic Data Exchange must either:

(1) Submit the documents or data tapes to the above address in the manner describd above; or

(2) Provide to the Pell Grant Central Disbursement System a properly certified and acceptable electronic payment data submission via the Pell Grant Electronic Data Exchange. This submission must be made at least once during each of the stated periods.

TABLE III.—DEADLINE DATES FOR RECEIPT OF INSTITUTIONAL PAYMENT SUMMARY (IPS) DOCUMENTS

Reporting periods	Closing date
Institutions with a 1986–87 Pell Grant Authorization of $750,000 or more:	
July 1, 1987 thru Oct. 15, 1987	Oct. 15, 1987
Oct. 16, 1987 thru Dec. 15, 1987	Dec. 15, 1987
Dec. 16, 1987 thru Feb. 15, 1988	Feb. 15, 1988
Feb. 16, 1988 thru April 15, 1988	April 15, 1988
April 16, 1988 thru June 15, 1988	June 15, 1988
June 16, 1988 thru Aug. 15, 1988	Aug. 15, 1988
Institutions with a 1986–87 Pell Grant Authorization under $750,000:	
July 1, 1987 thru Dec. 15, 1987	Dec. 15, 1987
Dec. 16, 1987 thru April 15, 1988	April 15, 1988
April 16, 1988 thru Aug. 15, 1988	Aug. 15, 1988

(34 CFR 690.83)

(Approved by the Office of Management and Budget under OMB Control Number IPS Form 1840–0540)

Failure of an institution to comply with these requirements may result in the initiation of a proceeding to fine, suspend, limit, or terminate the institution in accordance with Subpart G of the Student Assistance General Provisions regulations in 34 CFR Part 668.

VOL
52
ISS
246
DE
23
1987
UMI

V. Submission to the Secretary of Student Aid Reports by Institutions

As noted above, Table III requires an institution to submit at least one IPS (and SAR Payment Documents, if applicable) within each of the required reporting periods. However, because 34 CFR 690.83 requires an institution to submit 1987–88 SAR Payment Documents to the Secretary of Education by December 31, 1988, an institution with additional IPS's and Payment Documents may submit them until the end of the year.

Institutions will not be permitted to adjust their Pell Grant accounts after December 31, 1988 for award year 1987–88 or any award years prior to 1987–88 except under the circumstances listed below. This deadline has been established to permit an orderly closing of accounts from previous years.

- Adjustments are required by a program review of the institution's records by an official or employee of the Department of Education.
- Adjustments are required by an audit conducted under the requirements of 34 CFR 690.84.
- The institution is required to adjust a student's award because of a court order.
- The institution discovers that a student has been overpaid.
- Verification cases referred to the Department where the student has only received partial payment or no payment, and verification cannot be completed in time to meet the December 31, deadline.

Note.—This means that an institution will not be allowed to adjust its accounts for any underpayment it discovers after December 31 *unless* the case meets one or more of the conditions described above. If an institution discovers an underpayment, and submits to the Secretary 1987–88 Payment Documents or SAR's for years prior to 1987–88, no adjustment will be made; that is, the institution will not receive additional Pell Grant funds. If it appears that an adjustment must be made because of the above circumstances, the institution should contact an area desk representative at (202) 732–3795.

Application Forms and Information

Student aid application forms, correction application forms, and information brochures may be obtained through college and university financial aid administrators, Educational Opportunity Center counselors, or by writing to: Federal Student Aid Programs, P.O. Box 84, Washington, DC 20044.

Applicable Regulations

The regulations applicable to this program are the Pell Grant Program regulations in 34 CFR Part 690 and the Student Assistance General Provisions regulations in 34 CFR Part 668.

FOR FURTHER INFORMATION CONTACT: Joyce R. Coates, Program Specialist, Policy Station, Pell Grant Branch, Division of Policy and Program Development, Office of Student Financial Assistance, Office of Postsecondary Education, 400 Maryland Avenue SW. (ROB–3, Room 4318), Washington, DC 20202. Telephone (202) 732–4888.

(20 U.S.C. 1070a)

(Catalog of Federal Domestic Assistance No. 84.063, Pell Grant Program)

Dated: December 16, 1987.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 87–29365 Filed 12–22–87; 8:45 am]

BILLING CODE 4000–01–M

federal register

Wednesday
December 23, 1987

Part III

Department of Transportation

41 CFR Part 12–60
48 CFR Ch. 63
Contract Appeals Board; Rules Procedure; Interim Final Rule

VOL 52 ISS 246 DEC 23 1987 UMI

DEPARTMENT OF TRANSPORTATION

41 CFR Part 12-60

48 CFR Ch. 63

Contract Appeals Board; Rules of Procedure

[Docket 45353]

AGENCY: Department of Transportation, Board of Contract Appeals.

ACTION: Interim final rule.

SUMMARY: The Department of Transportation (DOT) Board of Contract Appeals issues revisions to its rules of procedure, which will govern proceedings before the Board in contract appeals and related matters.

EFFECTIVE DATE: This interim final rule is effective upon date of publication in the Federal Register. Comments must be received on or before February 2, 1988.

ADDRESS: Submit written comments, preferably in duplicate, to OST Docket Clerk, Docket Number 45353, Room 4107, Office of the Secretary, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. All comments received will be available for examination at the above address between 9:00 am and 5:00 pm, EST Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Roger Martino, Chief, Procurement Management Division, Office of Acquisition and Grant Management, M-62, 400 Seventh Street SW., Washington, DC 20590; (202) 366-4271. This is not a toll-free number. Office hours are from 9:00 to 5:00 pm, EST Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: This chapter of 48 CFR is added to set forth the functions and procedures of the DOT Board of Contract Appeals, established pursuant to Pub. L. 95-563, the Contract Disputes Act of 1978. Except for the deletion of Rule 30 (6302-30), there are no changes to the Rules as they have been in effect since 1979.

This rule is issued under delegated authority under 49 CFR Part 1.59(q).

List of Subjects in 48 CFR Chapter 63

Government procurement.

Dated: December 9, 1987.

Jon H. Seymour,

Assistant Secretary for Administration.

1. A new Chapter 63 is added to 48 CFR to read:

CHAPTER 63—DEPARTMENT OF TRANSPORTATION BOARD OF CONTRACT APPEALS

2. 41 CFR Part 12-60 is transferred to 48 CFR Chapter 63 as Parts 6301 and 6302 and revised to read as follows:

CHAPTER 63—DEPARTMENT OF TRANSPORTATION BOARD OF CONTRACT APPEALS

PART 6301—BOARD OF CONTRACT APPEALS

Sec.

6301.0 Foreword.
6301.1 Scope of part.
6301.2 Qualifications of members.
6301.3 Jurisdiction and authority of the Board and its members.
6301.4 Ex Parte communications.
6301.5 Contract appeals procedures (general).
6301.6 Effective date.

Authority: Contract Disputes Act of 1978 (41 U.S.C. 600, *et seq.*).

6301.0 Foreword.

A Department of Transportation Board of Contract Appeals has been established pursuant to Pub. L. 95-563. The Secretary appoints the members of the Board and designates the Chair and Vice-Chair of the Board.

6301.1 Scope of part.

(a) *Scope.* This part prescribes the functions and procedures of the Department of Transportation Board of Contract Appeals and provides for the appointment of a Chair, a Vice-Chair, and Members of the Board, and sets forth their duties.

(b) *Definitions.* For the purposes of this part—

"Administrative Judge" means a member of the Board selected and appointed to serve pursuant to the Contract Disputes Act of 1978;

"Appellant" means the contractor who appeals;

"Board" means the Department of Transportation Board of Contract Appeals;

"Contracting officer" means the Government's contracting officer whose decision is appealed, or the successor contracting officer;

"Parties" means the appellant and the contracting officer, and

"Secretary" means the Secretary of Transportation.

6301.2 Qualifications of members.

Each member of the Board must be a qualified attorney who is admitted to practice before the highest court of a State or the District of Columbia. Members of the Board are selected and appointed to serve in the same manner as administrative law judges appointed pursuant to section 3105 of Title 5 of the United States Code, with the additional requirement that each member shall have had not fewer than five years experience in public contract law.

6301.3 Jurisdiction and authority of the Board and its members.

(a) The Board hears and decides:

(1) Appeals from decisions made by contracting officers relating to contracts of the Department of Transportation and its constituent administrations;

(2) Appeals from decisions of contracting officers relating to contracts of any other executive agency when such agency or the Administrator for Federal Procurement Policy has designated the Board to decide the appeal;

(3) Matters within jurisdiction of the Board in accordance with the provisions of the Contract Disputes Act, 41 U.S.C. 606 et seq.; and

(4) Other matters as directed by the Secretary which are not inconsistent with statutory duties.

In each case, the Board shall make a final decision which is impartial, fair, and just to the parties and is supported by the record of the case and the law. The Administrative Judge assigned to hear an appeal has authority to act for the Board in all matters with respect to such appeal. Included in such authority is the authority to sign subpoenas and the power to authorize the Recorder of the Board to issue subpoenas pursuant to section 11 of the Contract Disputes Act of 1978. (41 U.S.C. 610)

(b) An Administrative Judge may not act for the Board or participate in a decision if that Judge has participated directly in any aspect of the award or administration of the contract involved.

(c) Except for appeals considered under the expedited small claims or accelerated procedures, appeals are assigned to a panel of three Administrative Judges of the Board. The decision of a majority of the panel shall constitute the decision of the Board.

6301.4 Ex Parte communications.

Ex parte communications, that is, written or oral communications with the Board by or for one party only without notice to the other, are not permitted. No member of the Board or of the Board's staff shall consider, nor shall any person directly or indirectly involved in an appeal submit to the Board or to the Board's staff, off-the-record, any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal. This provision does not apply to consultation between Board members nor to ex parte communications concerning the Board's administrative functions or procedures.

6301.5 Contract appeals procedures (general).

(a) It is the intent of these rules to provide for the just and inexpensive determination of appeals without unnecessary delay. It is the objective of the Board's preliminary procedures to encourage full disclosure of relevant and material facts, and to discourage surprise. Each specified time limitation is a maximum, and should not be fully used if the action described can be accomplished in a shorter period. The Board may extend any time limitation for good cause and in accordance with legal precedent.

(b) Ordinarily, the appellant has the burden of proof.

(c) The rules of procedure at 6302 shall govern the procedures in all contract disputes appealed to the Board.

6301.6 Effective date.

This chapter shall apply to all appeals relating to contracts entered into on or after March 1, 1979, and upon the contractor's election of Contract Disputes Act procedures, to appeals relating to earlier contracts with respect to claims pending before the contracting officer on March 1, 1979, or initiated thereafter.

PART 6302—RULES OF PROCEDURE

Sec.

6302.1 How to appeal a contracting officer's decision (Rule 1).
6302.2 Contents of notice of appeal (Rule 2).
6302.3 Docketing of appeals (Rule 3).
6302.4 Preparation, contents, organization, forwarding, and status of appeal file (Rule 4).
6302.5 Service of documents (Rule 5).
6302.6 Computation and extension of time limits (Rule 6).
6302.7 Motions (Rule 7).
6302.8 Appellant's election of procedures (Rule 8).
6302.9 The SMALL CLAIMS (EXPEDITED) procedure (Rule 9).
6302.10 The ACCELERATED procedure (Rule 10).
6302.11 Submission of appeal without a hearing (Rule 11).
6302.12 Regular procedure (Rule 12).
6302.13 Pleadings (Rule 13).
6302.14 Amendments of pleadings or record (Rule 14).
6302.15 Prehearing briefs (Rule 15).
6302.16 Prehearing conference (Rule 16).
6302.17 The record of the appeal (Rule 17).
6302.18 Discovery—depositions (Rule 18).
6302.19 Interrogatories to parties, admission of facts, and inspection of documents (Rule 19).
6302.20 Time and place of hearing (Rule 20).
6302.21 Notice of hearing (Rule 21).
6302.22 Unexcused absence of a party (Rule 22).
6302.23 Nature of hearings (Rule 23).
6302.24 Subpoenas (Rule 24).
6302.25 Copies of papers (Rule 25).
6302.26 Posthearing briefs (Rule 26).
6302.27 Transcript of proceedings (Rule 27).
6302.28 Withdrawal of exhibits (Rule 28).
6302.29 Representation of the parties (Rule 29).
6302.30 Reserved (Rule 30).
6302.31 Settlement (Rule 31).
6302.32 Decisions (Rule 32).
6302.33 Motion for reconsideration (Rule 33).
6302.34 Dismissal for lack of jurisdiction (Rule 34).
6302.35 Dismissal without prejudice (Rule 35).
6302.36 Dismissal for failure to prosecute or defend (Rule 36).
6302.37 Sanctions (Rule 37).
6302.38 Remand from court (Rule 38).

Authority: Contract Disputes Act of 1978 (41 U.S.C. 600, et seq.).

6302.1 How to appeal a contracting officer's decision (Rule 1).

(a) Notice of an appeal shall be in writing and mailed or otherwise furnished to the Board within 90 days from the date of receipt of a contracting officer's decision. A copy of the notice shall be furnished to the contracting officer from whose decision the appeal is taken.

(b) Where the contractor has submitted a claim of $50,000 or less to the contracting officer and has requested a written decision within 60 days from receipt of the request, and the contracting officer has not done so, the contractor may file a notice of appeal as provided in paragraph (a) of this section citing the failure of the contracting officer to issue a decision.

(c) Where the contractor has submitted a claim in excess of $50,000 to the contracting officer and the contracting officer has failed to issue a decision within a reasonable time, the contractor may file a notice of appeal as provided in paragraph (a) of this section, citing the failure to issue a decision.

(d) Upon docketing of appeals filed pursuant to paragraph (b) or (c) of this section, the Board, at its option, may stay further proceedings pending issuance of a final decision by the contracting officer within the time fixed by the Board or order the appeal to proceed without the contracting officer's decision.

6302.2 Contents of notice of appeal (Rule 2).

A notice of appeal must indicate that an appeal is intended and identify the contract number, the administration, bureau, or office concerned with the dispute, the decision from which the appeal is taken, and the amount in dispute, if known. The notice of appeal shall be signed by the appellant, or by an officer of an appellant corporation or member of an appellant firm, or by an appellant's authorized representative or attorney.

6302.3 Docketing of appeals (Rule 3).

Following receipt by the Board of the original notice of appeal, the appellant and the contracting officer are promptly notified of its receipt and docketing by the Board, and the Board furnishes a copy of these rules to the appellant.

6302.4 Preparation, contents, organization, forwarding, and status of appeal file (Rule 4).

(a) *Duties of contracting officer.* Within 30 days after receipt of notice that an appeal has been docketed, the contracting officer shall assemble and transmit to the Board, with a copy to the appellant and the Government attorney, an appeal file consisting of all documents pertinent of the appeal, including:

(1) The contracting officer's decision and finding of fact from which the appeal is taken;

(2) The contract, including pertinent specifications, modifications, plans, and drawings;

(3) All correspondence between the parties pertinent to the appeal, including the letters of claim in response to which the decision was issued;

(4) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of an witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and

(5) Any additional information considered pertinent.

(b) *Duties of the appellant.* Within 30 days after receipt of a copy of the appeal file assembled by the contracting officer, the appellant may supplement the file by transmitting to the Board any additional documents which it considers pertinent to the appeal and shall furnish two copies of such documents to the Government attorney.

(c) *Organization of appeal file.* Documents in the appeal file may be originals or legible facsimiles or authenticated copies, and shall be arranged in chronological order where practicable, numbered sequentially, tabbed, and indexed to identify the contents of the file. The contracting officer's final decision and the contract shall be conveniently placed in the file for ready reference.

(d) *Lengthy documents.* The Board may waive the requirement of furnishing to the other party copies of bulky, lengthy, or out-of-size documents in the

appeal file when a party has shown that doing so would impose an undue burden. At the time a party files with the Board a document as to which such a waiver has been granted, the other party shall be notified that the document or a copy is available for inspection at the offices of the Board or of the party filing the document.

(e) *Status documents in appeal file.* Documents contained in the appeal file are, without further action by the parties, a part of the record upon which the Board renders its decision, unless a party objects to the consideration of a particular document at or before the hearing or, if there is no hearing on the appeal, before closing the record. If objection to a document is made, the Board rules upon its admissibility into the record as evidence in accordance with Rules 17 and 23.

6302.5 Service of documents (Rule 5).

A copy of every written communication submitted to the Board shall be sent to every party to the dispute. Such communications shall be sent by delivering in person or by mailing, properly addressed with postage prepaid, to the opposing party or, where the party is represented by counsel, to its counsel. Each communication with the Board shall be accompanied by a statement, signed by the originating party, saying when, how, and to whom a copy was sent.

6302.6 Computation and extension of time limits (Rule 6).

(a) *Computation.* Except as otherwise provided by law, in computing any period of time prescribed by these rules, or by any order of the Board, the day of the event from which the designated period of time begins to run is not included, but the last day of the period is included unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs to the end of the next business day.

(b) *Extensions.* All requests for extensions of time shall be submitted to the Board in writing and shall state good cause for the request.

6302.7 Motions (Rule 7).

(a) Motions are made by filing an original and two copies, together with any supporting papers, with the Board. Motions may also be made upon the record, in the presence of the other party, at a prehearing conference or a hearing. The Board considers any timely motion:

(1) For extensions of time (Rule 6) or to cure defaults;

(2) To require that a pleading be made more definite and certain, or for leave to amend a pleading (Rule 14);

(3) To dismiss for lack of jurisdiction (Rule 34); to dismiss for failure to prosecute (Rule 38); or to grant summary relief because a pleading does not raise a justifiable issue;

(4) For discovery, for interrogatories to a party, or for the taking of depositions (Rules 18 and 19);

(5) To reopen a hearing; or to reconsider a decision (Rule 33), or

(6) For any other appropriate order.

(b) The Board may, on its own motion, initiate any such action by notice to the parties. Unless a longer time is allowed by the Board, a party who receives a motion shall file any answering material within 20 days after the date of receipt. The Board makes an order on each motion that is appropriate and just to the parties, and upon conditions that will promote efficiency in disposing of the appeal.

(c) The Board may permit oral hearing or argument on motions, and may require the presentation of briefs.

6302.8 Appellant's election of procedures (Rule 8).

(a) In every appeal the appellant is required to elect one of the following procedures:

(1) A hearing under the Board's regular procedure (Rule 12);

(2) A hearing under the SMALL CLAIMS (EXPEDITED) procedure, if applicable (Rule 9);

(3) A hearing under the Board's ACCELERATED procedure, if applicable (Rule 10), or

(4) Submission on the written record or without a hearing (Rule 11). Also see Rule 11 with respect to the Government's right to waive a hearing.

(b) The SMALL CLAIMS (EXPEDITED) procedure is available where the amount in dispute is $10,000 or less (Rule 9). The ACCELERATED procedure is available where the amount in dispute is $50,000 or less (Rule 10). In deciding whether the SMALL CLAIMS (EXPEDITED) or ACCELERATED procedure is applicable to an appeal, any question regarding the amount in dispute shall be determined by the Board.

(c) The appellant's election of one of the above procedures shall be made in writing within 30 days after receipt of the appeal file unless such period is extended by the Board for good cause shown. The election may not be withdrawn except with permission of the Board and for good cause shown.

6302.9 The SMALL CLAIMS (EXPEDITED) procedure (Rule 9).

(a) The SMALL CLAIMS (EXPEDITED) procedure provides for simplified rules of procedure to facilitate the decision of an appeal, whenever possible, within 120 days from the date such procedure is elected.

(b) Promptly upon receipt of an appellant's election of the SMALL CLAIMS (EXPEDITED) procedure, the assigned Administrative Judge shall take the following actions, if feasible, in an informal meeting or a telephone conference with both parties:

(1) Identify and simplify the issues in dispute;

(2) Establish a simplified procedure appropriate to the particular appeal;

(3) Determine whether the appellant desires a hearing and, if so, fix a time and place for the hearing; and

(4) Establish a schedule for the expedited resolution of the appeal.

(c) The subpoena power set forth in Rule 24 is available for use under the SMALL CLAIMS (EXPEDITED) procedure.

(d) The filing of pleadings, motions, discovery proceedings or prehearing procedures will be permitted only to the extent consistent with the requirement of conducting the hearing at the scheduled time and place or, if no hearing is scheduled, of closing the record at an early time so as to permit a decision of the appeal within the 120-day time limit. The Board, in its discretion, may impose shortened time periods for any actions required or permitted under these rules, necessary to enable the Board to decide the appeal within the 120-day time limit, allowing whatever time, up to 30 days, that the Board considers necessary for the preparation of the decision after closing the record and the filing of briefs, if any.

(e) Decisions in appeals considered under the SMALL CLAIMS (EXPEDITED) procedure are rendered by a single Administrative Judge. Written decisions of appeals considered under this procedure are short and contain only summary findings of fact and conclusions. If there has been a hearing on the appeal, the presiding Administrative Judge may, in his or her discretion, hear closing oral arguments of the parties and then render an oral decision on the appeal. Such decision will include summary findings of fact and conclusions. Whenever such an oral decision is rendered, the Board subsequently furnishes the parties with a written transcript of the oral decision for record and payment purposes and to commence the time period for the filing of a motion for reconsideration under Rule 33.

(f) Decisions of the Board under the SMALL CLAIMS (EXPEDITED) procedure shall have no value as precedent. Except in cases of fraud, decisions rendered under the SMALL CLAIMS (EXPEDITED) procedure may not be appealed by either party.

6302.10 The ACCELERATED procedure (Rule 10).

(a) The ACCELERATED procedure makes available a procedure where the appeal is resolved, whenever possible, within 180 days from the date such procedure is elected.

(b) Promptly upon receipt of appellant's election of the ACCELERATED procedure, the assigned Administrative Judge shall take the following actions, if feasible, in an informal meeting or a telephone conference with both parties:

(1) Identify and simplify the issues in dispute;

(2) Establish a simplified procedure appropriate to the particular appeal;

(3) Determine whether a hearing is desired and, if so, fix a time and place for a hearing; and

(4) Establish a schedule for the accelerated resolution of the appeal.

(c) The subpoena power set forth in Rule 24 is available for use under the ACCELERATED procedure.

(d) The filing of pleadings, motions, discovery proceedings or prehearing procedures will be permitted only to the extent consistent with the requirement of conducting the hearing at the scheduled time and place or, if no hearing is scheduled, the closing of the record at an early time so as to permit decision of the appeal with the 180-day limit. The Board, in its discretion, may impose shortened time periods for any actions required or permitted under these rules, necessary to enable the Board to decide the appeal within the 180-day limit, allowing whatever time, up to 30 days, that the Board considers necessary for the preparation of the decision after closing the record and the filing of briefs, if any.

(e) Decisions in appeals considered under the ACCELERATED procedure are rendered by a single Administrative Judge, subject to the concurrence of the Vice-Chair or another assigned Administrative Judge. In the event of an even division on an appeal, the Chair participates in the decision of the appeal. Written decisions of appeals considered under this procedure are short and contain only summary findings of fact and conclusions. In cases where the amount in dispute is $10,000 or less and there has been a hearing under the ACCELERATED procedure the presiding Administrative Judge may, in his or her discretion, hear closing oral arguments of the parties and then render an oral decision on the appeal. Such decision will include summary findings of fact and conclusions. Whenever such an oral decision is rendered the Board subsequently furnishes the parties with a written transcript of the oral decision for record and payment purposes and to commence the time period for the filing of a motion for reconsideration under Rule 33.

(f) Decisions of the Board under the ACCELERATED procedure are published and have precedential value. Such decisions may be appealed by either party.

6302.11 Submission of appeal without a hearing (Rule 11).

Either party may elect to waive a hearing and to submit its case upon the record before the Board pursuant to Rule 17. Submission of a case without hearing does not relieve a party from the necessity of proving the facts supporting that party's allegation or defenses. Affidavits, depositions, admissions, answers to interrogatories, and stipulations may be employed to supplement other documentary evidence in the Board record. The Board may permit such submission to be supplemented by oral argument (transcribed if requested) and by briefs in accordance with Rule 20.

6302.12 Regular procedure (Rule 12).

Under the regular procedure the parties are required to file pleadings with the Board (Rule 13). The regular procedure affords the parties an opportunity to make full use of prehearing and discovery procedures. Hearings under the regular procedure are conducted in the same manner as before courts of the United States in non-jury trials.

6302.13 Pleadings (Rule 13).

(a) *Complaint.* Under the regular procedure the appellant, within 30 days after receipt of the appeal file, shall file with the Board an original and two copies of a complaint setting forth simple, concise, and direct statements of each of its claims, alleging the basis, with appropriate reference to contract provisions, for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form is required. If the complaint is not filed within 30 days and, in the opinion of the Board, the issues before the Board are sufficiently defined, the appellant's claim and notice of appeal may be deemed to be its complaint, and the parties are so notified.

(b) *Answer.* Within 30 days from receipt of said complaint or a Rule 13(a) notice from the Board, the Government shall file with the Board an original and two copies of an answer, setting forth simple, concise, and direct statements of the Government's defense to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer and shall set forth any affirmative defenses as appropriate. Should the answer not be filed within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the parties are so notified.

6302.14 Amendments of pleadings or record (Rule 14).

(a) *Pleadings.* The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer. The application for such an order suspends the time for responsive pleading. The Board may, in its discretion and within the proper scope of the appeal, permit either party to amend its pleadings upon conditions just to both parties.

(b) *Record.* When an issue within the proper scope of the appeal, but not raised by the pleadings, is tried by consent of the parties or by permission of the Board, the issue is treated in all respects as if it had been raised. A motion to amend the pleadings to conform to the proof may be made but is not required. If evidence is objected to at a hearing on the ground that it is not within an issue raised by the pleadings, it may be admitted in evidence, but the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

6302.15 Prehearing briefs (Rule 15).

The Board may, in its discretion, require the parties to submit prehearing briefs in any case in which a hearing has been elected under the regular procedure. (Rule 8(a)(1)). If the Board does not ask for briefs, either party may, upon notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall be furnished simultaneously to the other party.

VOL 52 ISS 246 DEC 23 1987 UMI

VOL 52 ISS 246 DEC 23 1987 UMI

6302.16 Prehearing conference (Rule 16).

(a) Whether the case is to be submitted on the written record or be heard under any hearing procedure, the Board, upon its own initiative or upon the application of any party, may call upon the parties to appear before the Board for a conference to consider:

(1) The simplification, clarification, or severing of the issues;

(2) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(3) The limitation of the number of expert witnesses and the avoidance of similar cumulative evidence;

(4) The possibility of agreement disposing of all or any of the issues in dispute, and

(5) Such other matters as may aid in the disposition of the appeal. The result of the conference is set forth in an appropriate memorandum or order which becomes part of the record.

(b) In addition to the procedures provided in paragraph (a) of this section, the Board may direct any party whose claim is based in whole or in part on books of account or other records to furnish to the other party a statement showing the items and figures intended to be proved, with adequate reference to the books and records from which such figures were taken, and to make all such books and records available for examination by the other party. The Board may also direct any party to whom such a statement of items and figures has been submitted (1) to make an examination of such books or records or waive challenge of the accuracy of the statement submitted as reflecting the contents of such books and records; and (2) to furnish the submitting party a schedule or schedules showing the results of such examination, with specific references to the books and records from which such figures were taken, where the examining party's results and figures are different from those contained in the statement submitted.

6302.17 The record of the appeal (Rule 17).

(a) *Contents.* The record upon which the Board's decision is rendered consists of the appeal file, (Rule 4) and, if filed, the pleadings, prehearing conference memoranda or orders, prehearing briefs, depositions and interrogatories and answers to interrogatories received in evidence, admissions, stipulations, transcripts of hearings, hearing exhibits, post-hearing briefs, and documents which the Board has specifically made a part of the record. The record is available for inspection at the offices of the Board at all reasonable times.

(b) *Time of closing the record.* Except as the Board, in its discretion, may otherwise order, no proof is received in evidence after completion of the hearing of the appeal or, in cases submitted on the record, after notification by the Board that the case is ready for decision.

(c) *Weight of the evidence.* The weight to be attached to any evidence of record rests within the sound discretion of the Board. The Board may require any party to submit additional evidence on any matter relevant to the appeal.

6302.18 Discovery-depositions (Rule 18).

(a) *General policy and protective orders.* The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, undue burden or expense. Such orders may include limitations on the scope, method, time and place for discovery, or provisions for protecting the secrecy of confidential information or documents.

(b) *Obtaining a deposition.* After an appeal has been docketed, the Board upon application of any party and for good cause shown, may order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purposes of discovery. The application for such order shall specify whether the purpose of the deposition is for discovery or for use as evidence.

(c) *Orders on depositions.* The time, place, and manner of taking depositions are as mutually agreed upon by the parties, or failing such agreement, as ordered by the Board.

(d) *Use of evidence.* No testimony taken by deposition is considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at the hearing. Testimony by deposition is not ordinarily received in evidence if the deponent is present and can testify at the hearing. However, any deposition may be used to contradict or impeach the testimony of a witness at the hearing. In cases submitted on the record, the Board, in its discretion, may receive depositions as evidence to supplement the record.

(e) *Expenses.* Each party bears its own expenses associated with discovery, unless, in the discretion of the Board, the expenses are apportioned otherwise.

(f) *Subpoenas.* Where appropriate, any party may request that a subpoena be issued under the provisions of Rule 24.

6302.19 Interrogatories to parties, admission of facts, and inspection of documents (Rule 19).

(a) *Interrogatories to parties.* After an appeal has been filed with the Board, a party may serve on the other party written interrogatories to be answered separately in writing, signed under oath, and returned within 30 days of receipt by the answering party. Within 30 days after service the answering party may object to any interrogatory and the Board determines the extent to which the interrogatory is permitted.

(b) *Admission of facts.* After an appeal has been filed with the Board, a party may serve upon the other party a written request for the admission of specified facts. If the request is to admit the genuineness of any document or the truth of any facts stated in a document, a copy of such document shall be served with the request. Within 30 days after receipt of the request, the party served shall answer each requested admission of facts or file objections thereto in writing. The factual propositions set out in the request are deemed admitted, if the answering party, willfully and without good cause, fails to respond to the request for admissions.

(c) *Production and inspection of documents.* After an appeal has been filed with the Board, a party may serve upon the other party a written request to produce and permit the inspection and copying or photographing of any designated documents, not privileged, regarding any matter which is relevant to the appeal.

(d) Any discovery under this rule shall be subject to the provisions of Rule 18(a) with respect to general policy and protective orders.

6302.20 Time and place of hearing (Rule 20).

Hearings will be held at such places determined by the Board to best serve the interests of the parties and the Board. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals, the requirements for accelerated or expedited procedures and other pertinent factors. On request of any party and for good cause, the Board, may, in its discretion, change the date of hearing.

6302.21 Notice of hearing (Rule 21).

The parties are given at least 15 days notice of the time and place set for hearing. In scheduling hearings, the Board gives due regard to the desires of the parties and the requirement for the just and inexpensive determination of appeals without unnecessary delay. Notices of hearings shall be promptly acknowledged by the parties.

6302.22 Unexcused absence of a party (Rule 22).

The unexcused absence of a party at the time and place set for hearing is not an occasion for delay. In the event of such absence, the presiding Administrative Judge may order the hearing to proceed or, in his or her discretion, may invoke the provisions of Rule 36.

6302.23 Nature of hearings (Rule 23).

(a) Hearings are as informal as may be reasonable and appropriate under the circumstances. At the hearing the parties may offer such relevant evidence as they deem appropriate and as would be admissible under the Federal Rules of Evidence, subject, however, to the sound discretion of the presiding Administrative Judge in supervising the extent and manner of presenting the evidence. In general, admissibility is governed by relevancy and materiality. Copies of documents, affidavits, or other evidence not ordinarily admissible under judicial rules or evidence, may be admitted in the discretion of the presiding Administrative Judge. The weight to be attached to evidence presented in any particular form is within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. In any case, the Board may require evidence in addition to that offered by the parties.

(b) Witnesses before the Board are examined orally under oath or affirmation, unless the facts are stipulated, or the Board otherwise orders.

6302.24 Subpoenas (Rule 24).

(a) *General.* Every subpoena shall state the name of the Board and the title of the appeal and shall command each person to whom it is directed to attend and give testimony, and, if appropriate, to produce books, papers, documents, or tangible things, at a time and place therein specified. Subpoenas (including those calling for the production of documentary evidence) are signed by an Administrative Judge or by the Recorder of the Board but otherwise left blank when furnished to the party requesting the subpoena. The party to whom the subpoena is issued shall fill it in before service.

(b) *Subpoenas for attendance at hearing.* At the request of any party, subpoenas for the attendance of witnesses at a hearing are issued. A subpoena requiring the attendance of a witness at a hearing may be served at any place within 100 miles of the place of hearing specified in the subpoena; but the Board, upon proper application and for good cause shown by the requesting party, may authorize the service of a subpoena at any other place.

(c) *Subpoenas for production of documentary evidence.* A subpoena, in addition to requiring attendance to testify, may also command any person to whom it is directed to produce books, papers, documents, or tangible things designated therein. A subpoena calling for such production shall show the general relevance and reasonable scope of the evidence sought.

(d) *Subpoenas for taking depositions.* Subpoenas in aid of depositions (including those for the production of books, papers, documents, or tangible things) may be issued by the Recorder of the Board upon a showing that the parties have agreed to, or the Board has ordered, the taking of depositions under Rule 18. The service of subpoenas in aid of depositions shall be limited to the city or county wherein the witness resides or is employed or transacts business in person. If a subpoena is desired at other locations, a specific ruling of the Board is required.

(e) *Request to quash or modify.* Upon written request by a person under subpoena or by a party, made within 10 days after service but in any event not later than the time specified in the subpoena for compliance, the Board may (1) quash or modify the subpoena if it is unreasonable and oppressive or for other good cause shown, or (2) require the person in whose behalf the subpoena was issued to advance the reasonable costs of producing subpoenaed books and papers. Where circumstances require, the Board may act upon such a request at any time after a copy has been served upon the opposing party.

(f) *Foreign country.* A subpoena directed to a witness in a foreign country shall issue under the circumstances and in the manner, and be served as provided in 28 U.S.C. 1781–1784.

(g) *Service.* A subpoena may be served by a United States Marshal or a deputy, or by any person not a party who is not less than 18 years of age. Service of a subpoena upon a person named therein shall be made by tendering the subpoena to that person with the fees for one day's attendance and the mileage allowed by law (28 U.S.C. 1821). When the subpoena is issued on behalf of the United States or an officer or agency of the United States, fees and mileage need not be tendered.

(h) *Fees.* The party at whose instance a subpoena is issued shall be responsible for the payment of witness fees and mileage, as well as the fees and mileage of the officer who serves the subpoena. The failure to make payment of such charges on demand may be deemed by the Board as a sufficient ground for striking the testimony of the witness and the books, papers, documents, or tangible things produced.

(i) *Contumacy or refusal to obey a subpoena.* In case of contumacy or refusal to obey a subpoena by a person who resides, is found, or transacts business within the jurisdiction of a United States District Court, the Board will apply to the court through the Attorney General of the United States for an order requiring the person to appear before the Board or a member thereof to give testimony or produce evidence or both. Any failure of any such person to obey the order of the court may be punished by the court as a contempt thereof.

6302.25 Copies of papers (Rule 25).

When books, records, papers, or documents have been received in evidence, a true copy or any material or relevant part may be substituted during or at the conclusion of the hearing.

6302.26 Posthearing briefs (Rule 26).

Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding Administrative Judge at the conclusion of the hearing.

6302.27 Transcript of proceedings (Rule 27).

Testimony and argument at hearings are reported verbatim, unless the Board otherwise orders. Transcripts or copies of the proceedings are supplied to the parties and others at such rates as may be fixed by the Board.

6302.28 Withdrawal of exhibits (Rule 28).

After a decision has become final, the Board, in its discretion, upon request

and after notice to the other party, may direct or permit the withdrawal of all or part of original exhibits. The substitution of true copies of exhibits or photographs of physical objects may be required by the Board as a condition of withdrawal.

6302.29 Representation of the parties (Rule 29).

(a) *The Appellant.* An individual appellant may appear before the Board in person, a corporation by an officer, a partnership or joint venture by a member, or any of these by an attorney-at-law admitted to practice before the highest court of the District of Columbia or any state, commonwealth, or territory of the United States. An attorney representing an appellant shall file a written notice of appearance with the Board.

(b) *The Government.* Government counsel may, in accordance with their authority, represent the interest of the Government before the Board. They shall file notices of appearance with the Board.

6302.30 [Reserved] (Rule 30).

6302.31 Settlement (Rule 31).

A dispute may be settled at any time before the Board renders its decision by the appellant filing a written notice withdrawing the appeal or by written stipulation of the parties settling the dispute. Proceedings may be suspended while the parties are considering settlement.

6302.32 Decisions (Rule 32).

Decisions of the Board are rendered in writing. Copies are forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions are open for public inspection at the offices of the Board in Washington, DC. Decisions of the Board are made solely upon the record, as described in Rule 17.

6302.33 Motion for reconsideration (Rule 33).

A motion for reconsideration shall set forth specifically the grounds relied upon to sustain the motion and shall be *mailed or otherwise furnished* within 30 days from the date of receipt of a copy of the Board's decision.

6302.34 Dismissal for lack of jurisdiction (Rule 34).

Any motion addressed to the jurisdiction of the Board shall be promptly filed. A hearing on the motion may be afforded on application of either party. The Board has the right at any time on its own motion to raise the issue of its jurisdiction to proceed with a particular case and do so by an appropriate order, affording the parties an opportunity to be heard.

6302.35 Dismissal without prejudice (Rule 35).

When the Board is unable to proceed with disposition of an appeal for reasons not within its control, such appeal is placed in a suspense status. In any case where such suspension has continued, or it appears that it may continue for a period in excess of one year, the Board may dismiss the appeal without prejudice to its restoration to the Board's docket when the cause of suspension has been eliminated. Unless either party or the Board acts to reinstate any appeal so dismissed within three years from the date of dismissal, the dismissal is automatically converted to a dismissal with prejudice without further action by the parties or the Board.

6302.36 Dismissal for failure to prosecute or defend (Rule 36).

Whenever a record discloses the failure of any party to file documents required by these rules, respond to notices or correspondence from the Board, comply with orders of the Board, or otherwise indicates a party's intention not to continue the prosecution or defense of an appeal, the Board may issue an order requiring the offending party to show cause why the appeal should not be dismissed or granted, as appropriate.

6302.37 Sanctions (Rule 37).

If any party fails or refuses to obey an order issued by the Board, the Board may make such order in regard to the failure as it considers necessary to the just and expeditious conduct of the appeal, including dismissal with prejudice.

6302.38 Remand from court (Rule 38).

Whenever any court remands a case to the Board for further proceedings, each of the parties shall, within 20 days of such remand, submit a report to the Board recommending procedures to be followed so as to comply with the court's order. The Board considers the reports and enters special orders governing the handling of the remanded case. To the extent the court's directive and time limitations permit, such orders conform to these rules.

[FR Doc. 87-29411 Filed 12-22-87; 8:45 am]
BILLING CODE 4910-43-M

federal register

Wednesday
December 23, 1987

Part IV

Environmental Protection Agency

40 CFR Parts 280 and 281
Underground Storage Tanks; Supplement to Proposed Rule; Request for Comments

VOL 52 ISS 246 DEC 23 1987 UMI

VOL 52 ISS 246 DEC 23 1987 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 280 and 281

[FRL 3260-9]

Underground Storage Tanks; Technical Requirements, Financial Responsibility Requirements, and State Program Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Supplement to proposed rule; request for comments.

SUMMARY: On April 17, 1987, the Environmental Protection Agency (EPA) proposed regulations (52 FR 12662, 12786, and 12853) for underground storage tank systems (USTs) containing petroleum or substances defined as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. Today the Agency is requesting comments on six issues not previously raised in the April 17 proposals: (1) The use of "static inventory control" to monitor used oil UST systems; (2) a list of substances that would be subject to the petroleum UST system standards, rather than the standards for hazardous substance UST systems, regardless of their relative concentrations; (3) alternative approaches to release monitoring of piping and tanks protected from external corrosion; (4) an approach to judging whether state requirements are "no less stringent" than the federal requirements; (5) additional decisionmaking authority for implementing agencies; and (6) the definition of flow-through process tank. Any comments in response to this notice will be considered by EPA in developing the final rule.

DATE: Comments must be received by January 22, 1988.

ADDRESSES: Send three copies of written comments to Docket Clerk, Office of Underground Storage Tanks (WH-562A), Docket No. UST 2-3 (used oil; the list of substances subject to petroleum UST system standards; and release detection) and UST 4-3 (state program issues), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Comments received by EPA and new information identified in today's notice may be inspected by appointment in Room LG-100, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC from 9:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Appointments can be made by calling (202) 475-9720.

FOR FURTHER INFORMATION CONTACT: RCRA/Superfund Hotline, (800) 424-9346; or in Washington, DC, (202) 382-3000.

SUPPLEMENTARY INFORMATION: The contents of today's preamble appear in the following outline:

I. Authority
II. Background
III. Used Oil Underground Storage Tanks
IV. List of Substances Subject to Petroleum UST Standards
V. Alternatives to Release Monitoring for Piping and Tanks Protected From External Corrosion
  A. Release Detection Variances for Protected Tanks
  B. Frequency of Release Detection for Protected Tanks
  C. Release Detection for Piping
VI. Identification of Federal Objectives for Use in Determining No Less Stringent State Programs
  A. Background
  B. Summary of Approaches to State Program Approval
  C. Federal Objectives
  D. Federal Objectives and No Less Stringent State Program Requirements
VII. Additional Decisionmaking Authority for Implementing Agencies
VIII. Alternative Definition of a Flow-Through Process Tank
IX. Notice of Availability

I. Authority

This supplemental notice is issued under the authority of sections 2002, 9001, 9002, 9003, 9004, 9005, 9006, 9007, and 9009 of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6912, 6991(a), 6991(b), 6991(c), 6991(d), 6991(e), 6991(f), 6991(g), 6991(h)).

II. Background

As a major section of the Hazardous and Solid Waste Amendments of 1984, Subtitle I provides for the development and implementation of a comprehensive regulatory program for underground storage tank (UST) systems. Under section 9003 of Subtitle I, EPA must promulgate regulations applicable to owners and operators of UST systems as necessary to protect human health and the environment. This section requires that EPA issue design, construction, installation, and compatibility performance standards for new tanks as well as requirements applicable to all tank owners and operators concerning leak detection, recordkeeping, reporting, closure, corrective action, and financial responsibility. Section 9004 requires EPA to authorize states to implement their own UST programs in lieu of the federal program if their requirements are "no less stringent" than EPA's and provide for adequate enforcement.

The April 17 proposed regulations were in three parts: UST technical requirements for petroleum and hazardous substances UST systems, financial responsibility for petroleum UST systems, and state program approval. Numerous issues were identified and discussed in the Preamble to the proposal. The public comment period ended on July 17 and the Agency is evaluating the numerous comments received in response to the proposal.

Since the proposal, the Agency has identified six additional areas about which it is now requesting public comment before finalizing the proposed rules. This notice identifies and addresses each of these additional areas and highlights several technical and policy questions about which EPA would like public comments and any relevant data that might guide EPA decisionmaking on the final rules. All data and responses to these questions, along with the comments already received on the proposal, will be carefully considered in developing the final rules. The final rules are expected to be promulgated next spring.

III. Used Oil Underground Storage Tanks

In the Preamble to the April 17, 1987 proposed regulations the Agency requested comments on its proposal to defer regulation of used oil tanks (52 FR 12889). Today the Agency seeks comment on allowable methods of release detection to be applied to such tanks if regulation is not deferred in the final rule.

Specifically, EPA is requesting comment on whether the final rules should include—for used oil USTs only—an alternative release detection method (referred to here as "static inventory control") in addition to those listed in § 280.41 of the proposed rule. Also, the Agency requests comment on allowing this alternative only for small used oil UST systems (e.g., less than 550 gallons or less than 1000 gallons). In a static inventory control test, the volume of oil in the tank is determined with a measuring stick. After an overnight or weekend period when no product is added to or taken from the tank, the volume of oil is measured again and the two readings are compared. The results of tests made over a period of time are averaged to determine if the tank has a leak.

Because of the way used oil is typically managed, the Agency believes that this release detection method may

be very practical and effective, particularly for use with small used oil USTs. These types of small USTs are often used for the periodic accumulation and storage of used oils at relatively low volumes of throughput. Such low-use storage practices appear to lend themselves to the static inventory method of detection.

In contrast, detection methods proposed for petroleum UST systems may not be practicable for small used oil USTs. For example, volumetric tank tightness testing techniques probably are not readily applicable for several reasons. Most of these test methods require measuring the temperature and coefficient of expansion of the substance stored. The coefficient of expansion is particularly difficult to establish for the heterogeneous used oils that are commonly stored in USTs before recycling. Thus, the only practical way to tightness test such tanks would be to clean them out and fill them with another substance (such as water).

The Agency is specifically requesting comments and relevant data on the following issues pertaining to used oil UST systems:

- The appropriateness of static inventory control for all used oil tanks, regardless of size;
- The appropriateness of allowing static inventory control only for small used oil tanks (e.g., less than 550 gallons or less than 1000 gallons);
- The frequency of static inventory control tests (e.g., daily, monthly, annually) and the minimum time frame for conducting tests (e.g., 24 hours, 36 hours).

The Agency is also requesting comments on whether there are other tanks containing substances other than used oil that may be sufficiently similar in physical properties (e.g., fuel oils 4, 5, and 6), and are managed in such a way that they should also be allowed to use a static inventory control method of release detection.

IV. List of Substances Subject to Petroleum UST Standards

The April 17 proposal would subject many owners and operators of UST systems containing hazardous substances to more stringent release detection requirements than owners and operators of UST systems containing petroleum. If the proposed rule were promulgated, owners and operators of hazardous substance UST systems would be required to use secondary containment with interstitial monitoring on those UST systems. A variety of other release detection options would be available to owners and operators of petroleum UST systems. EPA chose to propose the more stringent regulations for hazardous substance USTs because there is a lack of information demonstrating that alternative release detection methods could reliably detect releases of many hazardous substances.

Because hazardous substance UST systems would be regulated differently from petroleum USTs, EPA also proposed a method for determining when a mixture of petroleum and hazardous substances would be subject to the more stringent standards. EPA proposed that the regulation of mixtures of petroleum and hazardous substances be based on the relative concentrations of petroleum or hazardous substances in the mixture. For example, tanks containing mixtures in which petroleum comprised more than 50 percent of the weight or volume of the mixture would be regulated as petroleum USTs. Correspondingly, tanks containing hazardous substances whose weight or volume comprised more than 50 percent of the mixture would be regulated as hazardous substance tanks. EPA is concerned that the above approach may prove to be unworkable because of the difficulty of measuring concentrations and the uncertainty raised by constituents of petroleum that are also hazardous substances.

Therefore, the Agency is soliciting comment on whether, in the final rule, the Agency should identify a specific list of substances that would be subject to the petroleum UST system requirements regardless of the relative concentration of hazardous substances and petroleum within the substance listed. Under this approach, the definition of "petroleum tank systems" would be changed to include any tank system containing the substances listed. By contrast, "hazardous substance tank systems" would be defined as those USTs containing a substance or mixture of substances that is not found on this list and that also qualifies as a "regulated substance" under Subtitle I. Thus, petroleum substances not included on this list might be subject to hazardous substance tank requirements.

The Agency is seeking comment and data on the appropriateness of such an approach and the contents of the list. The list presently under consideration is set forth below. The Agency intends to develop a separate glossary that describes the chemical and physical properties, as well as the uses, of each of the substances identified in the list. This glossary is intended as a tool for owners and operators and implementing agencies to assist in the identification of petroleum substances and mixtures subject to the petroleum UST system regulations.

EPA's attempt to define the types of substances to be subject to the petroleum UST system standards is based on a review of information on the petroleum product refinery process. Refining is a complicated arrangement of processes and steps varying from simple distillation of crude petroleum to complex and expensive catalytic cracking. The primary purpose of refining is to separate crude oil into fractions or its individual constituents for direct use, for blending, or as feedstock for the synthesis of other chemicals. Some refinery operations are coupled with other petrochemical operations so that, in effect, numerous products such as plastics, alcohol, and fertilizers are derived from the original crude oil. The more detailed list limits the scope of the petroleum UST system regulations to those substances derived directly from the crude oil by the simple separation steps and excludes the numerous chemicals produced from these raw materials (some of which are addressed under the hazardous substances UST system requirements). EPA solicits comments on this approach.

Petroleum and petroleum products are complex mixtures of hydrocarbons. Some CERCLA hazardous substances are naturally present in crude oil. These substances can be separated from crude oil for direct use by consumers, or mixed with other fractions or substances. In the proposed list below, petroleum products containing hazardous substances that naturally occur in crude oil would be subject to the petroleum UST requirements. If these substances are in purified form, they would be subject to hazardous substance UST system requirements. For example, "gasoline" that contains benzene, a natural constituent of crude oil, would be considered a petroleum fraction and thus subject to regulations applicable to petroleum UST systems. When benzene, however, is stored in its pure form or mixed with other hazardous or non-petroleum substances, it would be considered a hazardous substance subject to the hazardous substance UST system regulations. Any UST containing a hazardous substance listed in CERCLA that has a petroleum product added to it, for example, as a solvent for the application or practical use of that hazardous substance, will be regulated as a hazardous substance UST. EPA requests comment on this approach to regulating mixtures of hazardous substances.

Petroleum products will undergo change in composition over time through

the introduction and substitution of various substances into the final product. For example, the octane enhancers in gasoline products have changed over the last several years and may continue to change in the future. By inclusion of the general product name on the list, the Agency intends to regulate as petroleum both current and future mixtures of the general product line, irrespective of changes in product composition. EPA solicits comments on this subject.

Some petroleum products can be derived from other materials such as coal, biomass, shale oil, plant extract, and organic waste. Because these products can be indistinguishable from crude-oil derived petroleum products, EPA would treat such a substance under the following list as if it were a petroleum fraction, and thus it would be subject to the petroleum UST rules.

The Agency solicits public comment on the applicability to all of the substances listed here of the proposed technical standards for petroleum UST systems, particularly the release detection methods described in Subpart D of the proposed rule.

Proposed List of Substances or Mixtures To Be Subject to the Petroleum UST Standards

Basic petroleum substances

Crude oils
Crude oil fractions
Petroleum feedstocks
Petroleum fractions

Motor gasolines

Leaded regular
Unleaded regular
Leaded premium
Unleaded premium
Gasohol

Aviation gasolines

Grade 80
Grade 100
Grade 100–LL

Aviation jet fuels

Jet A
Jet A–1
Jet B
JP–4
JP–5
JP–8

Distillate fuel oils

No. 1–D
No. 1
No. 2–D
No. 2

Residual fuel oils

No. 4–D
No. 4-light
No. 4
No. 5-light
No. 5-heavy
No. 6

Gas-turbine fuel oils

Grade 0–GT
Grade 1–GT
Grade 2–GT
Grade 3–GT
Grade 4–GT

Illuminating oils

Kerosene
Mineral seal oil, long-time burning oils, 300 oil, mineral colza oil

Solvents

Stoddard solvent
Petroleum spirits, mineral spirits, petroleum ether
Varnish makers' and painters' naphthas
Petroleum extender oils
Commercial hexane

Lubricants

Automotive
Industrial

Building materials

Liquid asphalt
Dust-laying oils

Insulating and waterproofing materials

Transformer oils
Cable oils

Used Oils

V. Alternatives To Release Monitoring for Piping and Tanks Protected From External Corrosion

Since issuing the proposed UST Rule, EPA has performed additional analysis on the causes of UST system releases. A draft of the report *Causes of Release From UST Systems* and its supporting documents are now available in the Public Docket for review and comment. This draft report generally confirms the Agency's previous estimates used in preparing the proposed rulemaking concerning the total number of releases. The new data, however, show that releases from piping are much more common than tank releases. Also, the new data suggest that tank failure most often occurs due to corrosion of unprotected steel tanks over 10 years old and seldom occurs in tanks protected from external corrosion (though few of them have yet reached the end of their manufacturer-warrantied period—typically 20 to 30 years). For example, in one study of tank testing results, conducted primarily in Texas, approximately 30 percent of the UST systems were classified as not tight. Of that 30 percent, more of the systems had leaks from piping, vent lines or fittings than from tanks: 50 percent had leaks in the vent lines or tank fittings; 33 percent had product dispensing pipe leaks; and 17 percent had tank leaks. All of the tank leaks in this study were from unprotected steel tanks. These findings are typical of the new data collected.

Interviews with over 50 manufacturers, owners, installers, tank testers and regulators, on the other hand, have led EPA to conclude that tanks that are protected from external corrosion are unlikely to fail in their first 10 years. Of the nearly 200,000 fiberglass-reinforced plastic (FRP) tanks installed over the past 22 years, fewer than 1,000 of them have failed. Although some failures occurred when these tanks were first introduced, modification of installation practices and tank design has reduced the annual failure rate to less than 0.05 percent. The few that fail usually do so soon after installation as a result of improper installation.

Approximately 100,000 coated and cathodically protected tanks have been installed. Some are over 20 years old, although most have been installed in the last 5 years. Few failures have been recorded to date. None of these failures have resulted in a warranty claim. The failures were due to other causes, such as not following the manufacturer's installation or monitoring instructions. Cathodic protection technology has been successfully applied to many pipelines and other buried metal structures for over 30 years.

Approximately 30,000 composite tanks have been installed in the U.S. Tanks of this type have been in use for over 20 years without a single reported corrosion-related failure. The thick fiberglass coating on the tank exterior protects the steel shell from corrosion. This type of tank is widely used in Europe. The current manufacturing standards for these tanks are much more stringent than they were in the past. Although there is less historical performance data on composite tanks than on the other two tank types, EPA has confidence in their future performance.

Also in the April 17 proposal, EPA requested comments on the need for additional design and release monitoring requirements for pressurized piping and spill and overfill controls. These new data (including anecdotal evidence and numerous field observations) on causes of release have led EPA to consider whether there may be different ways of monitoring piping and protected tanks than those proposed on April 17. The new data suggests that new tanks are protected from the primary reason for failure (corrosion) and piping is the more common release source. Accordingly, the Agency requests comments on whether it should set more stringent detection requirements in the final rule for the piping (particularly pressurized delivery piping). In addition, EPA requests comments on whether it should allow alternative approaches or variances from the frequent-to-continuous monitoring that was proposed for the tank portion of a corrosion protected system.

A. Release Detection Variances for Protected Tanks

The first issue related to protected tanks for which EPA is requesting additional comment today is the use of variances to allow less frequent or alternative approaches to release detection of protected tanks in areas of lower risk (for example, at remote locations, in areas where the ground water is deep and not vulnerable to surface contamination, or in impermeable soil conditions that would prevent the movement of any release off the site). One alternative approach to release detection that might be allowed under such a variance could be periodic inspections and preventive maintenance of the interior of the protected tank. A variance allowing the use of such a method could be granted on a case-by-case basis by the implementing agency upon a demonstration that more frequent monitoring is unnecessary to protect human health and the environment. A variance could also be granted based on the site's location within an area that was previously classified as less vulnerable to contamination by the implementing agency.

In the April 17 proposal, EPA concluded that frequent-to-continuous release monitoring was necessary to minimize the adverse impacts of new tank system failures. This conclusion was based on the premise that rapid detection and prompt corrective action would control the extent of contamination and allow effective ground-water restoration. In lower risk areas, however, rapid release detection may not be necessary with protected tanks. A release from a protected tank will be a rare occurrence, and when it does occur it may not cause serious ground-water degradation in these lower risk areas even if it is not detected promptly.

EPA is requesting comment today on how such a variance should be structured. Specifically, what alternative release detection measures are appropriate and under what conditions should the alternatives be allowed?

The Agency requests comment on whether internal tank inspections and assessments are an appropriate alternative to release detection in lower risk areas and could be used to reliably detect early significant signs of degradation of a protected tanks' structure. Internal inspection and assessment appears to be preferred over release detection in much of Europe. Under this alternative approach for protected tanks, the Agency would require that the inspection be capable of detecting signs of internal corrosion, significant degradation of the interior or exterior surface, excessive deflection in the tank walls, and any other factors that could indicate an increased likelihood of failure. EPA requests comment on whether, if the failure mechanisms of protected tanks manifest themselves gradually, as is expected, periodic inspections (for example, at 5- or 10-year intervals) could identify these failures and allow an opportunity to take remedial steps that prevent further deterioration. The Agency also requests comment on whether infrequent release monitoring is appropriate in areas of lower risk. Several states and localities allow less frequent release monitoring than was suggested in the April 17 proposal. Testing could take place, for example, once a year, or once every five years in lower risk areas.

The second variance issue that EPA is requesting comment on today is under what conditions the above alternatives should be allowed. Should the EPA only allow this variance in Class III ground-water areas as defined in the Ground-Water Protection Strategy published by the Office of Ground-Water Protection? Could the variance be based on a site-specific determination of risk posed to human health and the environment? This determination could be based on consideration of ground-water use and vulnerability, proximity to surface waters and nearby inhabited structures, as well as other structures such as sewers. For example, the California UST program allows general variances that would enable the use of different methods of construction and monitoring state-wide, and site-specific variances whose issuance would be based on a consideration of environmental information at the particular site. Both types of variances must be found by the state to adequately protect the "soil and beneficial uses of waters within the state," according to the California state law. The Agency requests comment on this approach and how the appropriate release detection alternative could be chosen for a particular site or ground-water class area.

Specifically, EPA requests comment on the following: The need for release monitoring of protected tank's in lower risk areas; what failure mechanisms are expected or have been experienced with the different types of protected tanks, particularly if periodic internal inspections are conducted; industry field experiences with the detection of early signs of degradation of the tanks' structure by internal inspection, and the confidence associated with such assessment results; protocols that can be used for this internal inspection and assessment that will enable early identification of all types of failure mechanisms; the frequency at which the inspection should be performed; whether this approach can adequately protect human health and the environment; which failure modes detected during inspections can and cannot be reliably controlled or addressed by repairs; and information comparing the costs of this approach to the costs of the release detection methods under the April 17 proposal.

B. Frequency of Release Detection for Protected Tanks

The Agency is also requesting public comment on the appropriateness of allowing periodic rather than frequent-to-continuous release detection for protected tanks during the first 10 years of their use. A large number of non-leaking protected tanks currently in use are over ten years old, which has led EPA to believe that failures in tanks protected from external corrosion will be rare during the first ten years of use. Thus, EPA is considering allowing tightness testing of protected tanks every 3 or 5 years for the first ten years of their use. EPA requests comments on this approach.

Long-term failure rates for protected tanks, on the other hand, are still unknown. EPA is concerned that a higher rate of failure may occur later in the operational lives of protected tanks, for example, after 20 to 30 years of use. Such tanks today are typically only warrantied for 30 years by the manufacturer. Thus, EPA would require, at a minimum, frequent-to-continuous monitoring of protected tanks after the first ten years of their use. EPA requests comments on the need to also require the retirement of tanks whose warranties have expired or that have been in use for over thirty years.

C. Release Detection for Piping

With regard to the underground product delivery piping connected to the

tank, the Agency requests comments on the need to require more stringent release monitoring than was proposed on April 17. Recent data suggests piping is much more susceptible to failure than a protected tank because of its susceptibility to corrosion, improper installation, accidents, and environmental conditions (e.g., frost heaves or stresses due to heavy traffic loads). EPA requests comments on the following issues pertaining to delivery piping: Should EPA require the use of automatic detectors that restrict or shut off runaway releases for all pressurized piping? Should EPA also require periodic service or tightness tests to assure releases are minimized? What is the minimum time necessary for owners and operators to add these automatic detectors to existing pressurized piping? Should EPA require it to be installed within 1 or 2 years or when release detection for the tank is required? Should suction lines be periodically checked for tightness to assure leaks are discovered and addressed? At what frequency should suction and pressure line testing be performed?

With regard to release detection for pressurized piping, EPA has some new information that is available for public inspection in the Public Docket concerning methods that are currently being used within the petroleum industry. Many service stations are already equipped with mechanical pressure detectors that limit the flow of product when a leak is detected. Some major oil companies test pressurized lines annually, even when they are already equipped with this sort of continuous detector. EPA requests public comment on requiring the combination of mechanical pressure detectors and annual line testing.

In response to the April 17 proposed regulations, EPA received a report sponsored by the American Petroleum Institute entitled *Preliminary Report: A Leak Detection Performance Evaluation of Automatic Tank Systems and Product Line Detectors at Retail Facilities*. This new information is available for viewing in the public docket. It is the first attempt of which EPA is aware to independently evaluate vendor-claimed performance of some of the automatic line detectors. EPA requests public comment on this report. EPA also requests comments on several specific issues pertaining to these devices: Should EPA require automatic shutoff line leak detectors in the final rule? Should a performance standard be specified for this more sophisticated line detection technology? For example, should EPA require that these detectors perform with a probability of detection of 0.99, a probability of false alarm of 0.01, and a release rate of 0.1 gallons per hour?

As stated earlier, EPA now has data indicating that suction lines may pose significantly less of a threat to human health and the environment than pressurized lines. The Agency is aware of the availability of testing services that are presently used to test the integrity of suction lines. (Some information on this topic is now available for viewing in the public docket). Public comment and information is requested concerning these practices and the release detection performance and costs associated with such methods. Should the Agency allow the use of such methods alone for purposes of release detection on suction lines? Would conducting this type of test on a one- or three-year basis be adequate to protect human health and the environment at both new and existing tanks with suction lines? Between tests, will the owner or operator likely detect significant line leaks due to resulting operational problems with the pump?

VI. Identification of Federal Objectives for Use in Determining No Less Stringent State Programs

A. Background

Section 9004 of Subtitle I allows EPA to authorize states to operate their own program "in lieu of" the federal program if certain conditions are met. First, the state program must include requirements for each element in the federal program: Release detection, recordkeeping, reporting of releases, corrective action, closure of UST systems, new UST system performance, financial responsibility and notification. Second, the above requirements must be "no less stringent" than corresponding federal requirements. Finally, the state must provide for adequate enforcement of these requirements. Almost half of the states have recently developed and begun to implement their own comprehensive UST programs. EPA has encouraged these developments and believes that states must continue to have the flexibility to develop and carry out "homegrown" initiatives. EPA intends to establish an authorization process that will result in as little unnecessary disruption of these ongoing initiatives as possible. EPA believes that states should not have to go back and make revisions to their program to receive approval to operate "in lieu of" EPA requirements unless those revisions are necessary to protect human health and the environment.

This portion of today's notice seeks to expand and clarify the discussion of the "no less stringent" question and provide further details for public review and comment on how the Agency intends to implement its preferred approach to state program approval. In the April 17, 1987 proposed rule, EPA generally described three approaches that could be used to determine whether states are no less stringent. These three approaches are described in the following section. In addition, the Agency identified the general advantages and disadvantages of each approach but did not address the specific criteria it intended to use.

Today's notice presents the results of additional work on the no-less-stringent question. In the following sections, the Agency discusses a number of specific issues left unresolved in the proposed rule concerning "no less stringent," and solicits public review and comments on these issues. EPA will carefully consider all comments received in response to this notice, as well as the April 17 proposal, in developing the final rule for state program approval.

B. Summary of Approaches to State Program Approval

Section 9004(b)(1) of Subtitle I specifies that state programs must contain requirements that are no less stringent than the corresponding federal requirements in order to receive approval to operate in lieu of the federal program. In the Preamble to the April 17 proposal, EPA identified and solicited comments on the following three approaches to determining if state programs are no less stringent. The first approach was a holistic evaluation that would compare the overall stringency of the total state program to the total federal requirements. This approach would allow trade-offs between program elements; for example, balancing less stringent financial responsibility with more preventive tank system standards.

The second approach was an individual requirement-by-requirement comparison of specific state and federal requirements. This approach would require that all the federal requirements be matched by corresponding no less stringent state requirements for purposes of state program approval. This would tend to require state programs to have at least the same requirements as the federal program.

The third approach compared the overall technical program elements of the state program to the federal objectives for those elements. This approach would allow the consideration of trade-offs within technical elements.

The stringency of each state program element would be determined based on the likelihood of its performance in meeting the overall federal objectives for that element. As stated in the April 17 proposal, EPA prefers to use the third approach as the best combination of flexibility and implementability.

EPA does not believe that the specific federal requirements in the technical regulations provide the only definitive approach for protection of human health and the environment. In developing the federal requirements, EPA recognized that there could be other approaches that would meet EPA's overall performance objectives. The proposed technical standards are by necessity more detailed and specific than the objectives they are designed to meet because the federal regulations must be implemented by the regulated community as well as enforced by the implementing agency. Thus, the proposed requirements will protect human health and the environment, but they are not necessarily the only set of requirements that would do so. In many cases, the individual requirements set forth within the federal elements should not be interpreted to preclude states from developing other approaches that will still achieve the overall objectives of performance that the federal requirements are designed to achieve.

C. Federal Objectives

The April 17 proposal did not identify any of the federal objectives against which state program elements are to be compared under this preferred approach. Today's notice identifies these objectives and discusses them in detail in section VI.D.

These objectives represent the Agency's expectations of what will constitute an approvable state program. Federal objectives have been identified for the following program elements: (1) New UST systems (design, construction, installation and notification); (2) upgrading of existing UST systems; (3) general operating requirements; (4) release detection; (5) release reporting and investigation; (6) corrective action; (7) out-of-service or closed UST systems; and (8) financial responsibility. To satisfy the "no less stringent" requirement using this approach, the state must have requirements for all UST systems that meet the following objectives:

1. New UST System Design, Construction, Installation, and Notification

All new underground storage tanks, and the attached underground piping used to convey the regulated substance stored in the tank, must conform to the following:

- Be designed and constructed in a manner that will prevent releases for their operating life due to manufacturing defects, structural failure, or corrosion. (Note: Codes of practice developed by nationally-recognized organizations and national independent testing laboratories may be used to demonstrate that the state program requirements are no less stringent in this area.)
- Be installed in a manner that will prevent releases due to installation errors. (Note: Codes of practice developed by nationally-recognized organizations and manufacturers' instructions may be used to demonstrate that the state program requirements are no less stringent in this area.)
- All UST system owners and operators must notify the implementing state agency of the existence of any new UST system using a form designated by the state agency.

2. Upgrading Existing UST Systems

Existing UST systems must be upgraded to the new UST system standards within 10 years (by 1998). (The state may provide a demonstration in the state program approval application of how other state requirements will achieve this federal goal without an explicit 10-year deadline.)

3. General Operating Requirements

All new and existing UST systems must conform to the following:

- Be operated properly so that spills and overfills are prevented during product delivery;
- Be provided with equipment to prevent spills and overfills when new tanks are installed or existing tanks are upgraded. In lieu of such equipment, other state requirements on transporters must be provided to ensure that all spills and overfills are prevented during product delivery;
- Be operated and maintained to prevent releases due to corrosion for the operating life of the UST system if they have been equipped with corrosion protection;
- Be made or lined with materials that are compatible with the substance stored;
- At the time of upgrade or repair, be upgraded or repaired in a manner that will prevent releases due to structural failure or corrosion during their operating life;
- Have records of monitoring, testing, repairs, and closure maintained that are sufficient to demonstrate recent facility compliance status. These records must be made readily available when requested by the implementing agency.

4. Release Detection

All UST systems must be provided with release detection that conforms to the following:

- Is applied before all new UST systems begin to operate, and within five years after the effective date of the federal regulations at all other UST systems;
- Is sampled, tested, or checked for releases at all new UST systems at least once every 30 days, *except* that monthly inventory reconciliation (or its equivalent) can be used in combination with semi-annual testing of the tanks and their attached underground piping;
- Is sampled, tested, or checked for releases at all existing UST systems at least once every 30 days, *except* that monthly inventory reconciliation (or its equivalent) can be used in combination with tightness testing (every five years for tanks that are protected against corrosion, and every three years for tanks without protection) until [insert date 10 years from effective date]. After [insert date], release detection for existing UST systems must satisfy release detection requirements for new UST systems;
- Consists of a method, or combination of methods, capable of detecting a release of the regulated substance from any portion of the UST system before it migrates beyond the excavation area—as effectively as any of the methods allowed under the federal requirements—for as long as the UST system is in operation;
- Is designed, installed, operated and maintained so that releases will be detected;
- If the UST system is not provided with a continuous method of release detection, there must also be automatic detection and shutoff equipment on all of the UST's attached piping that conveys the regulated substance under greater than atmospheric pressure; and
- All new hazardous substance UST systems must use interstitial monitoring within secondary containment of the tanks and the attached underground piping that conveys the regulated substance stored in the tank, unless the owner and operator can demonstrate to the state (or the state otherwise determines) that another method will detect a release of the regulated substance in a manner no less stringent than other methods allowed under the state program.

VOL 52 ISS 246 DEC 23 1987 UMI

5. Release Reporting and Investigation

All UST system owners and operators must promptly investigate all suspected releases and report all underground releases that are confirmed, and any spills and overfills that are not contained and cleaned up.

6. Corrective Action

All releases from UST systems must conform with the following:

- Be promptly stopped when discovered;
- Be contained or otherwise have hazards mitigated through initial abatement activities;
- Be investigated to determine the extent of impacts on soil and ground water; and
- Be cleaned up through corrective action as necessary to protect human health and the environment.

7. Out-of-Service or Closed UST Systems

UST systems must conform with the following:

- Out-of-Service UST Systems. All new and upgraded UST systems temporarily taken out of service must continue normal operating requirements if regulated substances are stored in the tank;
- Closure of UST Systems. All tanks and piping must be closed in a manner that eliminates the potential for any future releases. The site must also be assessed to determine if there were any present or past releases, and if so, corrective action requirements must be complied with.

8. Financial Responsibility

The state requirements for financial responsibility for petroleum UST systems must assure that at least $1 million per occurrence is available for corrective action and third-party claims in a timely manner to protect human health and the environment.

States may allow the use of a wide variety of financial assurance mechanisms to meet this requirement. Each financial mechanism must meet the following criteria in order to be no less stringent than the federal requirements. The mechanism must: Be valid and enforceable; be issued by a provider that is qualified or licensed in the state; not permit cancellation without allowing the state to draw funds; ensure that funds will only and directly be used for corrective action and third party liability costs; and require that the provider notify the owner or operator of any circumstances that would impair or suspend coverage. States must require owners and operators to maintain records that demonstrate compliance with the state financial responsibility requirements, and these records must be made readily available when requested by the implementing agency.

D. Federal Objectives and No Less Stringent State Program Requirements

By identifying the federal objectives against which state program requirements will be compared, this notice provides significant new information concerning the Subtitle I state program approval process. Thus, EPA is today again soliciting public review and comments on the use of the element-by-element approach towards determining whether state program requirements are no less stringent than the federal requirements. In general, the Agency is interested in receiving comments on whether this approach will provide the level of flexibility that is needed for the Subtitle I approval process. Will state programs that have requirements meeting the federal objectives identified in the previous section of this notice be no less stringent in performance than the proposed federal requirements? Does this approach provide a clear and workable framework for readily and consistently approving acceptable state programs? Should the federal objectives be included in the final state program approval regulations? To what degree should state guidelines, procedures and statements of administrative policies be accepted by EPA as sufficient to assure that the federal objectives will be achieved by the state program? Should states be required to demonstrate that they can meet these objectives only through statutory authorities and regulations?

It is important to note that any changes made in the April 17, 1987 proposed technical regulations as the result of previously received public comments or data may result in some modifications to the federal objectives described today. For example, the Agency earlier requested and received comments on the feasibility of a class approach to regulation and whether secondary containment should be required at all USTs in sensitive ground-water areas. Therefore, if the Agency should decide on a class approach to the final technical rules, then the federal objectives would need to be modified.

The following sections describe the federal objectives in greater detail.

1. New UST System Design, Construction, Installation and Notification

EPA believes that new UST systems that are designed, constructed, and installed properly should prevent most future releases. An important federal objective is to have all new UST systems built and installed in accordance with current industry designs and practices. To achieve this objective, state requirements can incorporate these widely known codes and practices or adopt them by reference.

The federal objective for notification is that all UST system owners notify the implementing agency of the UST's existence, along with other statutorily required information. Section 9002(b)(2) of Subtitle I specifies the information that must be included in the notification for all USTs: The age, size, type, location and users of each tank. The Agency has already promulgated a form that may be used for existing and new tank system notifications. Many states, however, have designed their own forms to include additional data.

For existing USTs, this notification requirement has already been implemented nationally. Under Section 9002, all owners of existing and new UST systems were required to notify the designated state agency of the existence, age, use, etc. of their USTs. A few states chose not to designate a state agency and the notification forms for those states were accepted by the Regional EPA office. Because notifications of existing USTs have already taken place under existing federal authorities, states may be approved if they simply require owners and operators of *new* UST systems to notify the state agency. Only a few states do not already have the notification data for existing UST systems and that data may be collected from EPA.

2. Upgrading Existing UST Systems

An important objective in the federal program is to get the unprotected bare steel USTs in the nation either upgraded or replaced within 10 years. This required transition to protected tanks is expected to forestall and prevent numerous leaks that would otherwise occur in the future due to corrosion of bare steel UST systems.

Although this is an objective of the federal requirements that state programs must satisfy, EPA is aware of only one state (Florida) that has explicit requirements to upgrade existing UST systems within this 10-year period. The Agency intends to exercise some flexibility in determining whether the state program requirements are no less stringent in performance in achieving the federal objective. States that do not have an explicit 10-year deadline will be allowed to describe how other requirements are expected to achieve this objective without it. For example, EPA is aware of some existing state programs that, as a result of existing release detection requirements, will meet the objective, even without a deadline. In many of these states, initial reports are that numerous USTs have already been closed, upgraded or replaced. EPA intends to consider the potential impacts that such additional, more stringent, or faster-paced state requirements may have on reasonably achieving the same general objective of prompting most unprotected tanks to be closed, upgraded, or replaced by the time period established in the federal program.

3. General Operating Requirements

Prevention of releases through the proper operation and management of the UST system is an important objective of the federal requirements. Proper management approaches include the prevention of: Lapses in corrosion protection mechanisms; the introduction of any incompatible regulated substances into the tank system; tank overfilling and spills at the fill port; upgrades or repairs of USTs that do not follow acceptable practices; and inadequate recordkeeping that does not enable a demonstration of recent facility compliance. Improper operations will inevitably result in some releases into the environment; therefore, state-mandated operating requirements must be applicable to control the incidence of such releases.

The Agency is aware of some states that attempt to prevent spills and overfills by placing requirements on the transporters of the regulated substances. Because the transporter is the person who is most often responsible and present during the complete filling process, these programs try to control the behavior of a relatively few trained transporters, rather than a large number of tank owners and operators who are not always present when a tank is filled and who are not routinely trained in the proper way to fill a tank. Also, there is equipment (such as dry-disconnect couplings on delivery hoses) that can be used by transporters to prevent spills at tanks. Although EPA does not have authority to regulate transporters at the federal level, it is willing to consider approving state programs that demonstrate the use of such requirements in their applications for program approval as a no less stringent substitute for imposing requirements on the tank owners and operators. The Agency solicits comment on the appropriateness of allowing states to rely upon transporter requirements as a way of demonstrating achievement of this federal objective.

4. Release Detection

The detection of releases from new and existing USTs is an important objective in the federal requirements. The following discussion summarizes the five major aspects of this objective.

First, an approvable state program, at a minimum, would have to require that release detection be applied at all USTs as rapidly as scheduled in the proposed federal program (within 5 years). Although states would not have to follow the same approach towards phase-in as the federal program (all bare steel USTs within 3 years, the rest within 5 years), all USTs would have to be required to use some method of release detection within 5 years for the program to be determined no less stringent than this aspect of the federal program. For example, states could phase in release detection based on tank age, sensitive ground-water areas, or county by county as long as the schedule is completed within the 5-year period proposed for all USTs covered under the program. EPA is convinced that many releases will be detected the first time release detection is used on existing USTs. EPA requests comments on this approach to judging the stringency of state release detection requirements.

Second, EPA proposed new tank requirements that include immediate application of frequent-to-continuous monitoring or semi-annual tightness testing and inventory controls. This aspect of the federal release detection objective is aimed at avoiding the passing of lengthy periods of time before releases from new tank systems are discovered. If state programs are to be considered no less stringent, state requirements will have to detect new tank system releases within the same time frame set by the federal requirements.

Third, EPA's proposed release detection standards require that all methods, or combinations of methods, of detection be designed, installed, operated and maintained so that they are capable of detecting the releases from both the tanks and attached piping. EPA's proposed requirements specify general performance, and sometimes design, requirements for several different detection methods to assure they are used in ways that enhance detection of releases. Although approvable state programs do not have to mandate exactly the same requirements as the federal program, a state program must have requirements that assure a similar level of performance as the federally-allowed methods. For example, state ground-water monitoring wells located outside of the excavation area or at depths greater than 20 feet may be no less stringent if they are allowed to be used only in combination with other methods of detection or after an investigation by a qualified professional establishes an optimum location and depth that is suited to site conditions and assures rapid detection. EPA requests comments on the types of state requirements that should be accepted as no less stringent in assuring that this aspect of the federal release detection objective is met.

Fourth, EPA proposed that all new hazardous substance USTs be provided with interstitial monitoring, unless another release detection method can be demonstrated as reliable to the implementing agency. EPA believes states should also include this release detection requirement to be able to meet this aspect of the federal objective.

Fifth, the EPA proposal requires all existing USTs to be, at a minimum, tightness tested every 3 years if bare steel and every 5 years if protected from corrosion. For purposes of approving no less stringent state programs, this aspect of the federal release detection objective is that existing tank system owners and operators be required by the state to perform periodic tests of their USTs as frequently as would be required by the federal requirements until the system is upgraded or replaced and complies with the new tank standards. EPA requests comment on the appropriateness of approving state programs with detection requirements for existing tanks that differ in frequency from the federal requirements.

An additional question remains concerning the release detection objective. Earlier in this Notice, EPA discusses the possibility of including in the final technical rule a variance procedure for allowing owners and operators of petroleum USTs to use alternative release monitoring methods in lower risk areas. Such monitoring methods include internal tank inspections and preventive maintenance procedures or less frequent monitoring. If a variance is included in the federal technical requirements for release detection, this type of variance may also be allowed to be included in state requirements for release detection. To be no less stringent, the state may adopt a variance similar to the federal variance or may prospectively classify low risk locations. EPA requests comments on this approach and on whether a state variance can be

BEST COPY AVAILABLE

considered to be a "no less stringent" approach that meets the federal objective.

5. Release Reporting and Investigation

The proposal requires owners and operators of UST systems to promptly investigate suspected releases and report confirmed releases. For states to be determined no less stringent in this program element, they must require owners or operators to report or investigate when an UST system shows any indication that a release may be occurring or may have occurred. In addition, confirmation of underground releases must be reported by the owner and operator to ensure requirements for corrective action are met.

As an alternative to the reporting of all aboveground spills, the state may instead establish procedures that require immediate remedial action steps when a spill occurs. The Agency is aware that states have varying cutoff levels for the reporting of spills and overfills and, because reporting of spills is an administrative requirement, EPA believes that a state with higher reporting levels than required under the federal program may be approvable as long as containment and cleanup is required of unreported spills. The Agency requests comment on whether spilled product needs to be reported, even if the state requires prompt and complete investigation and cleanup, particularly of hazardous substance spills. For example, the Agency is aware of one state that requires all confirmed tank leaks to be reported, but spills and overfills of petroleum that are less than 100 gallons do not need to be reported because the immediate cleanup steps for such spills are already specifically prescribed in regulation. The Agency requests comment on whether this approach should be considered to be no less stringent than the federal requirements.

6. Corrective Action

Another objective of the federal requirements is that each site with a release be provided with corrective action as needed to protect human health and the environment. To determine whether the state program element will achieve this overall objective, the Agency intends to evaluate state corrective action requirements by looking at a few key aspects. First, will the state program require the release to be immediately stopped once it is discovered? Second, does the state program ensure that an identified release is contained and significant hazards rapidly mitigated (for example, is free product removed)? Third, will the state program cause adverse impacts to soil and ground water to be investigated, identified and cleaned up as necessary to protect human health and the environment? Finally, will the implementing agency have access to information necessary to establish and monitor the attainment of cleanup levels at the site?

As discussed in the Preamble to the April 17 proposal (52 FR 12751), the Agency's review of the experiences of several state and local cleanup programs indicates that no matter what approach is taken in their regulations, the actual work associated with cleanups in the field commonly translates into two stages: (1) Immediate abatement actions that are typically required at many sites (for example, free product removal), and (2) longer term corrective action associated with soils and ground-water. For purposes of state program approval, EPA does not believe that state requirements must be the same as proposed at the federal level. In fact, at present, most of the operating state and local programs appear to have much more general requirements than those proposed by EPA on April 17. Through numerous discussions with state officials, EPA has learned that these general mandates are supplemented by much more specific state policies, procedures and guidelines. Some states have also established state funding mechanisms that, in effect, place a significant part of the responsibility for cleanup activities with the state following a report by the owner or operator.

To meet this objective, EPA would allow states to demonstrate that they are no less stringent than corresponding federal corrective action requirements if they have requirements that at least mandate the four aspects of the federal objective described above. EPA solicits comments on the above approach, including whether the objective provides sufficient flexibility for States with varying, but protective, requirements; whether it is clear enough and implementable for program approval purposes; and whether it will ensure that only programs that are no less stringent will be approved. Comment is also solicited on whether states with even more general corrective action requirements (that do not explicitly mandate the four aspects of the federal objective discussed above) should be determined to be no less stringent if the state can demonstrate that the four aspects of the corrective action objective are implemented through written policies, guidelines and procedures.

7. Out-of-Service or Closed UST Systems

The federal objective for temporarily out-of-service UST systems is to ensure that the potential for releases from them is minimized through continuance of normal operating procedures. To meet this objective, temporarily closed UST systems containing product should continue release detection. Another approach would be simply to remove the product for the temporary closure period. For purposes of state program approval, if a state allows temporary closure, it must be able to hold the owner and operator responsible for the tank's management when the system is temporarily out-of-service and containing product. The Agency intends to be flexible concerning the specifics of what constitutes "normal operating procedures" for purposes of state program approval. To meet the federal objective, the state must at least continue to require release detection if product is stored in an out-of-service UST system.

The federal objective for the final closure of UST systems is to prevent all future releases and adverse environmental and public health impacts from closed systems. This is a very important objective because the Agency believes hundreds of thousands of UST systems will be closed over the next several years. The objective has two important aspects. First, all tanks and piping must be closed in a manner that eliminates the potential for any future releases from within the system. Second, the site must be assessed to determine if any past releases have occurred at that site that require corrective action. To meet this objective, the state will need to require the proper closure of UST systems by ensuring that all regulated substances are removed from the tank so that future releases are impossible. The state may choose to hold owners and operators responsible for using codes of practice developed by nationally-recognized organizations, or the state may specify the particular steps necessary for a proper closure. The state will also need to require that the assessment be reported and releases cleaned up. As part of the closure element, the state may require that the owner notify the state agency at closure. The Agency is aware that some agencies require notification before the closure takes place so that a state or local inspector may be present. Other states merely require notification after closure has occurred. For purposes of state program approval, prior reporting of closure is only required if the site

assessment reveals a past release and corrective action is necessary.

8. Financial Responsibility

An important objective of the federal program is that each UST system have adequate financial responsibility to undertake corrective action and meet third-party liability claims. The federal law generally mandates one million dollars as the minimum level of assurance needed for petroleum UST systems to demonstrate sufficient financial responsibility to meet cleanup and liability costs for a one time release. Aggregate levels are established by the proposed federal regulations for multi-tank owners. To meet these requirements, the federal program not only allows the use of a wide variety of mechanisms, but also allows the states to develop and allow their own financial mechanisms (for example, state trust funds). The federal program also allows combinations of mechanisms to be used. To help states determine whether their mechanisms are no less stringent than the federal requirements, we have established general criteria that are applicable to all financial mechanisms. These criteria follow from the federal objective that at least $1 million per occurrence is available for petroleum UST systems for corrective action and third-party liability claims in a timely manner to protect human health and the environment.

By establishing these criteria, we believe it is unnecessary to require the states to copy much of the direct requirements for each of the mechanisms affected by these criteria. For example, we would not specifically require the state to demonstrate that its regulations require a surety company to state in a bond that the bond cannot be cancelled during a 120-day period following notice of cancellation of the bond to the owner or operator. In order to fulfill the general criteria, the state must be able to draw on the funds assured by the bond before cancellation occurs. The state regulations must ensure that the time period before the effective cancellation of the bond provides ample opportunity for the state to assess the facility, determine if a release has occurred, and, if needed, draw funds from the instrument. In this way, the federal objective for financial responsibility is met.

VII. Additional Decisionmaking Authority for Implementing Agencies

As previously discussed, state programs must contain seven specific technical elements that are no less stringent than the corresponding federal requirements as well as notification requirements to be approved under section 9004. Instead of requiring a detailed line-by-line review and comparison of state requirements to federal requirements, EPA is presently considering the above "federal objective" approach to judging the stringency of state program elements.

Given the nature of the state program approval process, EPA believes that state program reviews will inevitably entail some line-by-line comparisons. Thus, even under the proposed flexible approach to approval, some state program reviews could still become inadvertently complicated and delayed by state program requirements that differ from those of the corresponding federal program.

To ensure that the approval process is flexibly implemented and is not unnecessarily delayed because of dissimilar state and federal administrative and procedural requirements, EPA today is requesting comment on providing additional flexibility to implementing agencies by changing several sections of the technical standards that were proposed on April 17, 1987. The purpose of these changes in the final rule would be to allow state implementing agencies to substitute their own procedural and administrative requirements for those set forth in the federal requirements.

The following is a list of the sections in the proposed technical standards and the added language. EPA requests comments on the need for these changes and whether similar types of changes to other sections of the proposed technical standards are appropriate:

Section	Additional language
Subpart B—New UST Systems:	
Section 280.20(a)(2)(i)	Adding "or according to guidelines established by the implementing agency" to the end of each paragraph.
Section 280.20(a)(2)(ii)	
Subpart C—General Operating Requirements:	
Section 280.30(b)(4)	Adding "or other equipment or procedures required by the implementing agency to be used at the site to assure spills and overfills are prevented" to the end of the paragraph.
Section 280.33(c)	Adding "or by personnel authorized by the implementing agency" to the end of the paragraph.
Section 280.34(b)	Adding "or in another reasonable time period established by the implementing agency" to the end of the paragraph.
Subpart D—Release Detection:	
Section 280.43(a)	Adding "or within another reasonable time period determined by the implementing agency" to the end of the paragraph.
Section 280.43(b)	
Section 280.43(c)	
Subpart E—Release Reporting and Investigation:	
Section 280.50(a)	Adding "or another reasonable period of time determined by the implementing agency" to the end of the paragraph.
Section 280.50(b)	Adding "or another reasonable amount specified by the implementing agency" after each phrase "25 gallons." Also adding "or within the time period established by the implementing agency" after "24 hours" every time it occurs.
Subpart F—Corrective Action for UST Systems Containing Petroleum:	
Section 280.61(a)(1)	Adding "or another reasonable period of time determined by the implementing agency" to the end of the paragraph.
Section 280.61(a)(5)	
Section 280.62(c)	
Section 280.65(a)(2)	Replacing the phrase "in excess of 25 gallons, or less than 25 gallons if" with the phrase "in excess of 25 gallons (or another amount determined by the implementing agency), or less than 25 gallons (or another amount determined by the implementing agency) if".
Subpart G—Corrective Action for UST Systems Containing Hazardous Substances:	
Section 280.74(b)	Adding "or another reasonable time period determined by the implementing agency" after "30 days".
Subpart H—Out-of-Service UST Systems and Closure:	
Section 280.80(d)	Adding "or another reasonable time period determined by the implementing agency" after "30 days".

The Agency also is considering changes to the proposed financial responsibility requirements for petroleum UST systems. The Agency solicits comments on the need for and appropriateness of adding the phrase "or another reasonable time period determined by the implementing agency" to the following subsections of the proposed financial responsibility rules:

Section 280.94(d)
Section 280.94(f)
Section 280.95(c)(3)
Section 280.95(c)(4)
Section 280.95(c)(5)
Section 280.96(c)(4)
Section 280.96(c)(5)
Section 280.96(c)(7)
Section 280.97(b)(1)2d
Section 280.97(b)(1)2e
Section 280.99(b)
Section 280.105(a)
Section 280.105(b)
Section 280.106(a)(2)
Section 280.106(a)(3)
Section 280.108(a)(1)(i)
Section 280.110(a)
Section 280.111(c)

VOL 52 ISS 246 DEC 23 1987 UMI

VOL 52 ISS 246 DEC 23 1987 UMI

VIII. Alternative Definition of a Flow-Through Process Tank

Another issue on which EPA is requesting additional comments today is the definition of flow-through process tanks. As described in the preamble to the proposed rule (52 FR 12892), Subtitle I of the 1984 RCRA Amendments expressly excludes "flow-through process" tanks. The Agency proposed to define this type of tank as one that "forms an integral part of an industrial or commercial process through which there is a steady or uninterrupted flow of materials during the operation of a process." The exclusion was not intended to apply to those tanks "used to store regulated substances prior to their introduction into the industrial or commercial process, or to store regulated substances as intermediates, by-products or finished products of the process."

EPA requests comments on the advisability of using alternative language to the proposed definition. In this alternative, "integral to a production process" would be substituted for "integral part of an industrial or commercial process." The Agency believes that this substitution would clarify the intent of the exclusion, making the regulation easier to implement.

IX. Notice of Availability

Reports, comments, and other information received and collected by EPA since the end of the comment period on the April 17 proposal are available for public inspection, by appointment, in the OUST Docket. The new information in these additional documents addresses subjects such as internal cathodic protection of oil storage tanks, exposure of fiberglass-reinforced plastic material to alcohol-gasoline mixtures, delineation of well water protection areas, and a summary of a meeting with representatives from state and local underground storage tank programs. EPA invites the public to view this new information and requests that any public comments on it be submitted to EPA on or before January 22, 1988. Please contact the Docket Clerk in the Office of Underground Storage Tanks (WH-562A), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 475-9720, for an appointment.

List of Subjects in 40 CFR Parts 280 and 281

Administrative practice and procedure, Confidential business information, Hazardous materials, Reporting and recordkeeping requirements, Underground storage tanks, Water pollution control, Water supply.

Dated: December 15, 1987.

Lee M. Thomas,

Administrator.

[FR Doc. 87-29284 Filed 12-22-87; 8:45 am]

BILLING CODE 6560-50-M

federal register

Wednesday
December 23, 1987

Part V

Department of the Interior

Minerals Management Service

Outer Continental Shelf; Notice of Sale; Central Gulf of Mexico, Sulphur and Salt Lease Sale

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf (OCS)
Notice of Sale
Central Gulf of Mexico
Sulphur and Salt Lease Sale

PREAMBLE TO NOTICE OF SALE

By publication of the proposed Notice of Sale on September 10, 1987, the Department of the Interior provided the public and potential bidders the opportunity to review and comment on the terms and conditions of the proposed OCS sulphur and salt lease sale. All comments on the proposed Notice of Sale received by the Department were given careful consideration during the development of the final Notice of Sale. Some of these comments indicated an unfamiliarity with leasing or operating laws and regulations on the part of potential bidders while other comments requested that additional information be made available prior to the holding of the sale. The following discussion addresses these concerns.

(a) Operational Constraints

Concern was expressed that the adoption of the Information to Lessees (ITL) clause regarding operational constraints implied that oil and gas operations would be treated preferentially to sulphur operations. The operational constraints ITL clause was developed to address interference with established operations and concerns associated with subsidence caused by sulphur operations. It is not intended to confer preferential treatment on oil and gas operators, but simply to ensure that existing oil and gas operations are not adversely affected by sulphur operations. Sulphur lessees will be afforded similar protection from potential interference with their operations which could result from leasing in the future. Section 17(b) of the sulphur lease form reserves the right of the lessor to grant leases for any other minerals within an area leased for sulphur, "except that operations under such leases shall not unreasonably interfere with or endanger operations under this lease." Additionally, the Gulf of Mexico Regional Office of the Minerals Management Service (MMS) will make available to potential lessees information regarding existing oil and gas leases and operations on bidding units included in this sale to ensure that bidders are informed as fully as possible prior to the sale regarding potential constraints on sulphur operations. See paragraph 14(a) of the Notice.

The MMS is available to discuss with interested parties the issues of potential operational constraints and the applicability of operating regulations to sulphur operations. Contact Mr. Price McDonald, Chief, Offshore Rules and Operations Division, at (703) 648-7813 for information on this matter.

(b) Size of Bidding Units

Comments were received stating that the bidding units as configured in the proposed Notice of Sale (combinations of 1/4 blocks) do not coincide closely with the potential areal extent of sulphur deposits. Since this configuration could result in a potential lessee acquiring and holding "extraneous" acreage, commenters requested that bidding units be redefined to coincide more closely with the extent of sulphur deposits. Alternatively, commenters noted, provision should be made to allow acreage to be relinquished in 1/16-block increments.

The MMS currently lacks data on the exact outline of each prospect and has thus configured bidding units using the larger 1/4-block increments. However, existing regulations (30 CFR 256.76) allow unwanted acreage to be relinquished in 1/16-block increments after leases are awarded. Additional costs might be incurred by a potential lessee only for the first year's rental on portions of blocks which the lessee deems extraneous and wishes to relinquish.

(c) Archaeological Resources

Commenters requested that if MMS knows which bidding units may contain archaeological resources and where these resources are located within the unit, this information should be made available prior to the sale. They were concerned that compliance with the archaeological stipulation and procedures to protect archaeological sites may render a lease useless by precluding immediate development in the most desirable areas.

The MMS does not have sufficiently specific information regarding the presence, location, or characteristics of archaeological resources to indicate that deferral of any of the bidding units is warranted. Leasing of these units with the archaeological resources stipulation will provide for exploration and potential sulphur production while ensuring that adequate steps are taken to preserve archaeological resources. Of the 51 bidding units included in the sale, 12 have a low probability of archaeological resource occurrence and would not likely be subject to the survey requirement of the stipulation. These bidding units are 2, 9, 19, 37, 40, 42 through 46, 49, and 51. A portion of bidding unit number 48 (MPSE 295) also has a low probability of archaeological resource occurrence and would not require a survey. Portions of bidding units 7(EC 178 and 185N/2), 15(VR 226), and 39 (ST 160SW/4) have been cleared by previous archaeological surveys and would not require further surveys.

Three whole bidding units (1, 12, and 47) and portions of bidding units 3(EC 104), 11(VR 162), 14(VR 204NW/4), 16(SMI8), 20(EI 76), 21(EI 94; 110NW/4; 111N/2), 22(EI 116S/2; 129A), 25(EI 172), 26(EI 190; 191), and 29(EI 253N/2) have also had archaeological surveys. However, the results of surveys on these blocks indicate that potential lessees would be required to implement a mitigation plan prior to conducting exploration or development activities on certain portions of these blocks. A mitigation plan may involve the avoidance of a potential archaeological resource (indicated by

an anomaly or other information on an archaeological survey record) or the conduct of a more detailed survey to determine whether such a potential archaeological resource actually exists and whether a proposed operation could proceed without adversely affecting the resource.

The remaining whole and partial bidding units have not been surveyed. Archaeological surveys will be required of the lessee on these bidding units. These surveys will serve as the basis for determining whether mitigation plans will be required. Upon request by potential bidders, additional information regarding completed surveys and survey requirements will be made available by the Gulf of Mexico Regional Office prior to the lease sale. Such requests will be treated as proprietary to protect against disclosing information about the potential bidder's interest in specific areas. See paragraph 14(a) of the Notice.

(d) Sulphur and Salt Regulations

Commenters expressed concern about the current lack of separate regulations for sulphur operations. Sulphur leasehold activities in the OCS are currently managed by requiring compliance with the regulations in 30 CFR Part 250, OCS Order No. 10 for the Gulf of Mexico Region, and review of Exploration and Development and Production Plans on a case-by-case basis. This approach has been an effective means of providing for safety in operations and protection of the environment.

The MMS issued a notice of proposed rulemaking on March 18, 1986 (51 FR 9316), to consolidate, update, and restructure rules governing oil, gas, and sulphur operations in the OCS. All comments received regarding the proposed rulemaking, including concerns that sulphur operations should be covered by separate, specific regulations, have been considered in the development of final rulemaking. Final rules are anticipated to be published prior to the sulphur lease sale. Sulphur operations will continue to be managed by requiring compliance with OCS Order No. 10 and regulations in 30 CFR Part 250 until final rulemaking is, in fact, complete.

The MMS is available to discuss with interested parties the rulemaking process and to answer any questions regarding the applicability of existing regulations to sulphur operations. See paragraph (a) of this preamble.

(e) Royalty on Salt

In the proposed Notice, interested parties were invited to comment on an appropriate royalty rate for salt sold off lease. Comments ranged from precluding salt from being sold off lease--condition the leases so that salt could only be used in the sulphur production process on lease--to a nominal royalty rate. The Department has selected a royalty rate of 5 percent for salt taken off lease, consistent with the royalty rate charged for Federal salt leases issued in New Mexico in 1984 and in California in 1985. No royalty is charged for salt employed to produce sulphur on the lease. See paragraph 4 of this Notice.

THE NOTICE OF SALE FOLLOWS HEREWITH

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Notice of Sale
Central Gulf of Mexico
Sulphur and Salt Lease Sale

1. Authority. This Notice is published pursuant to the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331-1356, (1982)), as amended by the OCS Lands Act Amendments of 1985 (100 Stat. 147), and the regulations issued thereunder (30 CFR Part 256).

2. Filing of Bids. Sealed bids will be received by the Regional Director (RD), Gulf of Mexico Region, Minerals Management Service (MMS), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394. Bids may be delivered in person to that address during normal business hours (8 a.m. to 4 p.m.) until the Bid Submission Deadline at 10 a.m., February 23, 1988. Hereinafter, all times cited in this Notice refer to Central Standard Time (c.s.t.) unless otherwise stated. Bids will not be accepted the day of Bid Opening, February 24, 1988. Bids received by the RD later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the RD prior to 10 a.m., February 23, 1988. Bids may not be withdrawn unless written withdrawal is received by the RD prior to 8:30 a.m., February 24, 1988. Bid Opening Time will be 9 a.m., February 24, 1988, at the Gulf of Mexico Regional Office, First Floor Conference Room (Room 101), 1201 Elmwood Park Boulevard, New Orleans, Louisiana. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256.

3. Method of Bidding. A separate bid in a sealed envelope labeled "Sealed Bid for Sulphur and Salt Lease Sale (bidding unit number, map number, map name, and block number(s)), not to be opened until 9 a.m., c.s.t., February 24, 1988," must be submitted for each prescribed bidding unit bid upon. It is recommended that all numbers of blocks and applicable portions (as described in paragraph 12) comprising the bidding unit appear on the sealed envelope. A bid form for this sale is available from the Gulf of Mexico Regional Office as provided in paragraph 14(a). In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the U.S. Department of the Interior--Minerals Management Service. No bid for less than all of any bidding unit as described in paragraph 12 will be considered.

All documents must be executed in conformance with signatory authorizations on file. Partnerships also need to submit or have on file in the Gulf of Mexico Regional Office a list of signatories authorized to bind the partnership. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder in percent to a maximum of five decimal places after the decimal point, e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this sale must provide for a cash bonus in the amount of $144,000 or more per bidding unit. All leases awarded will provide for a yearly rental payment of $3 per acre or fraction thereof. All leases will provide for a minimum royalty of $3 per acre or fraction thereof. A cash bonus/fixed royalty bidding system with a sulphur royalty rate of 12-1/2 percent at the mine will be employed on all bidding units offered in this sale. No royalty will be collected on salt used for operations or production purposes on the lease itself. A royalty rate of 5 percent at the mine applicable to salt produced for offsite usage will be employed on all bidding units offered in this sale.

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form MMS-2033 (June 1985), and the Affirmative Action Representation Form, Form MMS-2032 (June 1985). See paragraph 14(d).

6. Bid Opening. Bid opening will begin at the Bid Opening Time stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight on the day of Bid Opening, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in an interest bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Bidding Units or Portions Thereof. The United States reserves the right to withdraw any bidding unit or portion thereof from this sale prior to issuance of a written acceptance of a bid for the bidding unit.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any bidding unit will be awarded to any bidder, unless:

(a) the bidder has complied with all requirements of this Notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $144,000 or more per bidding unit. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, and applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance. Bid adequacy guidelines are available from the Gulf of Mexico Regional Office. See paragraph 14(a).

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease, pay the balance of the cash bonus bid together with the first year's annual rental as specified below, and satisfy the bonding requirements of 30 CFR 256, Subpart I. Successful bidders are required to submit the balance of the bonus and the first year's annual rental payment, for each lease issued, by electronic funds transfer in accordance with the requirements of 30 CFR 218.155.

11. Leasing Maps and Official Protraction Diagrams. Most of the bidding units offered for lease may be located on the Outer Continental Shelf Leasing Maps—Louisiana Nos. 1 through 12. This is a set of 27 maps which sells for $17 and which may be purchased from the Gulf of Mexico Regional Office (see paragraph 14(a)). Two of the bidding units contain blocks which are located on the Official Protraction Diagram NH 16-10, Mississippi Canyon (revised December 2, 1976). This map sells for $2 and also may be purchased from the Regional Office.

12. Description of the Areas Offered for Bids. The sale will include 51 bidding units as tabulated on the following page. Bidding units are based upon the MMS geologic outline of potential sulphur deposits and are formed by combining several quarter-blocks. The tabulation contains the bidding units offered in this sale as well as their block composition and acreage. The map abbreviations used therein and their associated map names are:

MC-West Cameron
WCS-West Cameron South
ECS-East Cameron South
SMI-South Marsh Island
SMIS-South Marsh Island South
SS-Ship Shoal
PL-South Pelto
GI-Grand Isle
WD-West Delta
MC-Mississippi Canyon
SPSE-South Pass South and East
MPSE-Main Pass South and East
WCW-West Cameron West
EC-East Cameron
VR-Vermilion
SMIN-South Marsh Island North
EI-Eugene Island
SSS-Ship Shoal South
ST-South Timbalier
GIS-Grand Isle South
WDE-West Delta South
SP-South Pass
MP-Main Pass

CENTRAL GULF OF MEXICO
SULPHUR AND SALT LEASE SALE BIDDING UNITS

Bidding Unit #	Bidding Unit Description	Acreage
1	MCW 306	5,000.00
2	MCS 521;522;544	11,428.74
3	EC 104;115	10,000.00
4	EC 118;119	10,000.00
5	EC 126	5,000.00
6	EC 154;155; WC 263;272NE/4	16,250.00
7	EC 178;179W/2;184NW/4;185N/2	11,250.00
8	EC 229	5,000.00
9	ECS 293;304N/2	7,500.00
10	VR 124	5,000.00
11	VR 161;162	9,792.53
12	VR 164;179	10,000.00
13	VR 189;190;193;194	20,000.00
14	VR 199SW/4;200;203;204NW/4	12,500.00
15	VR 217;218;225;226	20,000.00
16	SMI 8; SMIN 288	6,315.57
17	SMI 33;34	10,000.00
18	SMI 58;69;70; SMIS 71NE/4;72;73	23,719.57
19	SMIS 121,132N/2	7,500.00
20	EI 62S/2;63S/2;76;77	15,000.00
21	EI 89;94;95W/2;110NW/4;111N/2	16,250.00
22	EI 116S/2;128;128A;129;129A	12,500.00
23	EI 119;120;125;126	20,000.00
24	EI 157SE/4;158;175;176E/2	13,750.00
25	EI 172;184	10,000.00
26	EI 188S/2;189S/2;190;191	15,000.00
27	EI 205;218;227N/2	12,500.00
28	EI 208	5,000.00
29	EI 237;238;252N/2;253N/2	15,000.00
30	SS 30;31;32;33	20,000.00
31	SS 149;154	10,000.00
32	SS 208SE/4;209S/2;214;215W/2	11,250.00
33	SS 218;219E/2;229;230W/2; SSS 242N/2	17,500.00
34	SSS 268;269E/2;274;275W/2	15,000.00
35	PL 11;12;19NW/4;20N/2	13,750.00
36	ST 61;86	10,000.00
37	ST 131;132N/2; GIS 86	7,762.58
38	ST 134W/2;135;151N/2	10,000.00
39	ST 160SW/4;161;176;177	16,250.00
40	GI 72	5,000.00
41	MD 10;11	10,000.00
42	MDS 121SE/4;122S/2;133;134E/2	11,250.00
43	MDS 137;138; MC 267	12,258.68
44	MDS 152S/2; MC 357;358	8,629.27
45	SPSE 88;89;93;94	17,080.90
46	SP 60;61N/2; SPSE 67;70N/2	14,999.94
47	MP 72(seaward of Federal/State boundary)	3,750.80
48	MP 144;145; MPSE 295;296	19,110.72
49	MPSE 289	4,560.81
50	MPSE 299	4,560.81
51	MPSE 305;306	9,999.92

13. Lease Terms and Stipulations.

(a) Leases resulting from this sale will have a primary lease term of 10 years with the condition that the lease may be cancelled after 5 years, following notice pursuant to the OCS Lands Act, if drilling of an exploratory well has not been commenced or if the well has not been drilled in conformance with the approved exploration plan criteria or if there is not a suspension of operations in effect. Leases will be on Form MMS-2006 (December 1987). A copy of this lease form is reproduced at the end of this Notice. Additional copies may be obtained from the Gulf of Mexico Regional Office. See paragraph 14(a).

(b) The stipulations to be applied are as described in the following paragraphs:

Stipulation No. 1—Protection of Archaeological Resources.

(This stipulation applies to all bidding units leased in this sale.)

(1) "Archaeological resource" means any prehistoric or historic district, site, building, structure, or object (including shipwrecks); such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object (Section 301(5), National Historic Preservation Act, as amended, 16 U.S.C. 470w(5)). "Operations" means any drilling, mining, or construction or placement of any structure for exploration, development, or production of the lease.

(2) If the Regional Director (RD) believes an archaeological resource may exist in the lease area, the RD will notify the lessee in writing. The lessee shall then comply with subparagraphs (a) through (c).

(a) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RD, to determine the potential existence of any archaeological resource that may be affected by operations. The report, prepared by an archaeologist and a geophysicist, shall be based on an assessment of data from remote-sensing surveys and of other pertinent archaeological and environmental information. The lessee shall submit this report to the RD for review.

(b) If the evidence suggests that an archaeological resource may be present, the lessee shall either:

(i) Locate the site of any operation so as not to adversely affect the area where the archaeological resource may be; or

(ii) Establish to the satisfaction of the RD that an archaeological resource does not exist or will not be adversely affected by operations. This shall be done by further archaeological investigation, conducted by an archaeologist and a geophysicist, using survey equipment and techniques deemed necessary by the RD. A report on the investigation shall be submitted to the RD for review.

(c) If the RD determines that an archaeological resource is likely to be present in the lease area and may be adversely affected by operations, the RD will notify the lessee immediately. The lessee shall take no action that may adversely affect the archaeological resource until the RD has told the lessee how to protect it.

(3) If the lessee discovers any archaeological resource while conducting operations on the lease area, the lessee shall report the discovery immediately to the RD. The lessee shall make every reasonable effort to preserve the archaeological resource until the RD has told the lessee how to protect it.

Stipulation No. 2—Military Areas.

(This stipulation applies only to Bidding Unit No. 49, i.e. Main Pass South and East Addition Block 289, which is located in the Eglin Water Test Area 1 (EWTA-1), an area used by the U.S. Air Force for rocket and missile testing. This bidding unit is located on the western boundary of EWTA-1.)

(a) Hold and Save Harmless

Whether compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf (OCS), to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the OCS, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with,
the programs and activities of the command headquarters for Eglin Water Test Area 1 (EWTA-1), address provided below.

Notwithstanding any limitation of the lessee's liability in the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of its officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of its officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) Electromagnetic Emissions

The lessee agrees to control its own electromagnetic emissions and those of its agents, employees, invitees, independent contractors or subcontractors emanating from EWTA-1 in accordance with requirements specified by the commander of the command headquarters for EWTA-1, address provided below, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities conducted within EWTA-1. Necessary monitoring control and coordination with the lessee, its agents, employees, invitees, independent contractors, or subcontractors will be affected by the commander of the aforementioned onshore military installation conducting operations in EWTA-1, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

(c) Operational

The lessee, when operating or causing to be operated on its behalf, boat or aircraft traffic in EWTA-1, shall enter into an agreement with the commander of the command headquarters for EWTA-1, address provided below, upon utilizing the area prior to commencing such traffic. Such an agreement will provide for positive control of boats and aircraft operating in EWTA-1 at all times.

EWTA-1 Contact Officer: Commander
Armament Division
Attention: Howard Dimmig/CCN
Eglin AFB, Florida 32542
Telephone: (904) 882-5558

Stipulation No. 3—Hydrocarbon Discovery Stipulation.

(This stipulation applies to all bidding units leased in this sale.)

Sulphur and salt leases are granted separately from oil and gas leases. Therefore, any hydrocarbons discovered by the sulphur and salt lessee cannot be produced under this lease. If the lessee discovers hydrocarbons while conducting sulphur and salt operations on the lease area, the lessee shall report the discovery immediately to the Regional Director (RD). If the RD determines that the discovery is significant, and the Director determines that release of the information is necessary for the proper development of the field or area, then a public announcement of the significant hydrocarbon discovery will be made pursuant to 30 CFR 250.3.

14. Information to Lessees.

(a) Supplemental Documents. For copies of the various documents identified as available from the Gulf of Mexico Regional Office, prospective bidders should contact the Public Information Unit, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, either in writing or by telephone (504) 736-2519. For additional information, contact the Regional Supervisor for Leasing and Environment at that address or by telephone at (504) 736-2755.

(b) Navigation Safety. Operations on some of the bidding units offered for lease may be restricted by designation of fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the U.S. Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.), as amended. U.S. Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4(e) of the OCS Lands Act, as amended.

(c) Offshore Pipelines. Lessees are advised that the Department of the Interior and the Department of Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(d) Affirmative Action. Revision of the Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) has been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Existing stocks of the affirmative action forms described in paragraph 5 of this Notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1). Submission of Form MMS-2032 (June 1985) and Form MMS-2033 (June 1985) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

(e) Ordnance Disposal Areas. The U.S. Air Force has released an indeterminable amount of unexploded ordnance throughout Eglin Water Test Area 1, which is shown on a map available from the MMS Gulf of Mexico Regional Office. The exact location of the unexploded ordnance is unknown, and lessees are advised that all bidding units included in this sale in or near this water test area should be considered potentially hazardous to drilling and platform and pipeline placement.

(f) Operational Constraints.

(1) Sulphur and salt exploration or development activities will be permitted in such a manner that they will not unduly interfere with prior rights or approvals for oil and gas exploration and/or development activities.

(2) Exploration or development and production plans submitted in accordance with 30 CFR 250.34 for proposed sulphur and salt activities will be required to include the showing of notice to existing oil and gas operators or pipeline permittees whose existing or approved activities may be affected by the proposed sulphur activities. Information regarding existing pipelines and other oil and gas appurtenances and structures is available from the Regional Office. See paragraph 14(a).

(3) The MMS may, if determined necessary as a means of safeguarding life and the environment and the carrying out of oil and gas operations, impose appropriate operational constraints or requirements including but not limited to the following:

(a) The establishment of "no activity zones" in the vicinity of certain existing or approved oil and gas activities; and

(b) The delaying of sulphur development activities until such time that the potential for negative impact upon oil and gas activities is at an acceptable level.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

Director, Minerals Management Service

Wm. D. Bettenberg

Approved:

Assistant Secretary - Land and Minerals Management

J. Steven Griles

December 18, 1987

Date

A COPY OF THE LEASE FORM IS ATTACHED HEREWITH

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Office | Serial number

Cash bonus | Rental rate per acre, or fraction thereof

SULPHUR AND SALT LEASE OF SUBMERGED LANDS UNDER THE OUTER CONTINENTAL SHELF LANDS ACT

This form does not constitute an information collection as defined by 44 U.S.C. 3502 and therefore does not require approval by the Office of Management and Budget.

Minimum royalty rate per acre, or fraction thereof | Royalty rate

This lease is effective as of (hereinafter called the "Effective Date") and shall continue for an initial period of years (hereinafter called the "Initial Period") by and between the United States of America (hereinafter called the "Lessor"), by the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, its authorized officer, and

(hereinafter called the "Lessee"). In consideration of any cash payment heretofore made by the Lessee to the Lessor and in consideration of the promises, terms, conditions, and covenants contained herein, including the Stipulation(s) numbered attached hereto, the Lessee and Lessor agree as follows:

Sec. 1. Statutes and Regulations. This lease is issued pursuant to the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331-1356, (1953)), as amended, and the regulations issued thereunder (30 CFR Part 256). The lease is issued subject to the Act; all regulations issued pursuant to the Act and in existence upon the Effective Date of this lease; all regulations issued pursuant to the statute in the future which provide for the prevention of waste and conservation of the natural resources of the Outer Continental Shelf and the protection of correlative rights therein; and all other applicable statutes and regulations.

Sec 2. Rights of Lessee. The Lessor hereby grants and leases to the Lessee the exclusive right and privilege to drill for, develop, and produce sulphur and salt resources in the submerged lands of the Outer Continental Shelf containing approximately acres (hereinafter referred to as the "leased area"), described as follows:

Form MMS-2006 (Dec. 87)

These rights include:

(a) the nonexclusive right to conduct within the leased area geological and geophysical explorations in accordance with applicable regulations;

(b) the nonexclusive right to drill water wells within the leased area, unless the water is part of geopressured-geothermal and associated resources, and to use the water produced therefrom for operations pursuant to the Act free of cost, on the condition that the drilling is conducted in accordance with procedures approved by the Director of the Minerals Management Service or the Director's delegate (hereinafter called the "Director"); and

(c) the right to construct or erect and to maintain within the leased area artificial islands, installations, and other devices permanently or temporarily attached to the seabed and other works and structures necessary to the full enjoyment of the lease, subject to compliance with applicable laws and regulations.

Sec. 3. Term. This lease shall continue from the Effective Date of the lease for the Initial Period and so long thereafter as sulphur and/or salt are produced from the leased area in paying quantities, or drilling or well reworking operations, as approved by the Lessor, are conducted thereon, or as otherwise provided by regulations.

Sec. 4. Rentals. The Lessee shall pay the Lessor, on or before the first day of each lease year which commences prior to a discovery in paying quantities of sulphur and/or salt on the leased area, a rental as shown on the face hereof.

Sec. 5. Minimum Royalty. The Lessee shall pay the Lessor, at the expiration of each lease year which commences after a discovery of sulphur and/or salt in paying quantities, a minimum royalty as shown on the face hereof or, if there is production, the difference between the actual royalty required to be paid with respect to such lease year and the prescribed minimum royalty if the actual royalty paid is less than the minimum royalty.

Sec 6. Royalty on Production.

(a) The Lessee shall pay a fixed royalty as shown on the face hereof in value of production saved, removed, or sold from the leased area. Any Lessee is liable for royalty payments on sulphur and/or salt lost or wasted from a lease site when such loss or waste is due to negligence on the part of the operator of the lease, or due to the failure to comply with any rule or regulation, order, or citation issued under the Act.

(b) The value of production for purposes of computing royalty on production from this lease shall never be less than 5 percent of the gross production or value of the sulphur at the mine. The value of production shall be the estimated reasonable value of the production as determined by the Lessor, due consideration being given to the highest price paid for a part or for a majority of sulphur and/or salt of like quality in the same general area, to the price received by the Lessee, to posted prices, and to other relevant matters. Except when the Lessor, in its discretion, determines not to consider special pricing relief from otherwise applicable Federal regulatory requirements, the value of production for the purposes of computing royalty shall not be deemed to be less than the gross proceeds accruing to the Lessee from the sale thereof. In the absence of good reason to the contrary, value computed on the basis of the highest price paid or offered at the time of production in a fair and open market for the major portion of like quality sulphur produced and sold from the field or area where the leased area is situated will be considered to be a reasonable value.

(c) Royalties shall be due and payable by the last day of the next month following the month in which the sulphur and/or salt is produced, unless the Lessor prescribes a later date.

Sec. 7. Payments. The Lessee shall make all payments (rentals, royalties, and any other payments required by this lease) to the Lessor by electronic transfer of funds, check, draft on a solvent bank, or money order unless otherwise provided by regulations or by direction of the Lessor. Rentals, royalties, and any other payments required by this lease shall be made payable to the Minerals Management Service and tendered to the Director. Determinations made by the Lessor as to the amount of payment due shall be presumed to be correct and paid as due.

Sec. 8. Bonds. The Lessee shall maintain at all times the bond(s) required by regulation prior to the issuance of the lease and shall furnish such additional security as may be required by the Lessor if, after operations have begun, the Lessor deems such additional security to be necessary.

Sec. 9. Plans. The Lessee shall conduct all operations on the leased area in accordance with approved exploration plans and approved development and production plans as are required by regulations. The Lessee may depart from an approved plan only as provided by applicable regulations.

Sec. 10. Performance. The Lessee shall comply with all regulations and Orders. After due notice in writing, the Lessee shall drill such wells and produce at such rates as the Lessor may require in order that the leased area or any part thereof may be properly and timely developed and produced in accordance with sound operating principles.

Sec. 11. Safety Requirements. The Lessee shall:

(a) maintain all places of employment within the leased area in compliance with occupational safety and health standards and, in addition, free from recognized hazards to employees of the Lessee or of any contractor or subcontractor operating within the lease area;

(b) maintain all operations within the leased area in compliance with regulations or orders intended to protect

persons, property, and the environment on the Outer Continental Shelf; and

(c) allow prompt access, at the site of any operation subject to safety regulations, to any authorized Federal inspector and shall provide any documents and records which are pertinent to occupational or public health, safety, or environmental protection as may be requested.

Sec. 12. Suspension and Cancellation.

(a) The Lessor may suspend or cancel this lease pursuant to Section 5 of the Act, and compensation shall be paid when provided by the Act.

(b) The lessor may, upon recommendation of the Secretary of Defense, during a state of war or national emergency declared by Congress or the President of the United States, suspend operations under the lease, as provided in section 12(c) of the Act, and just compensation shall be paid to the Lessee for such suspension.

Sec. 13. Indemnification. The Lessee shall indemnify the Lessor for, and hold it harmless from, any claim, including claims for loss or damage to property or injury to persons caused by or resulting from any operation on the leased area conducted by or on behalf of the Lessee. However, the Lessee shall not be held responsible to the Lessor under this section for any loss, damage, or injury caused by or resulting from:

(a) negligence of the Lessor other than the commission or omission of a discretionary function or duty on the part of a Federal Agency whether or not the discretion involved is abused; or

(b) the Lessee's compliance with an order or directive of the Lessor against which an administrative appeal by the Lessee is filed before the cause of action for the claim arises and is pursued diligently thereafter.

Sec. 14. Purchase of Production. In time of war or when the President of the United States shall so prescribe, the Lessor shall have the right of first refusal to purchase at the market price all or any portion of the sulphur and/or salt produced from the leased area, as provided in Section 12(b) of the Act.

Sec. 15. Equal Opportunity Clause. During the performance of this lease, the Lessee shall fully comply with paragraphs (1) through (7) of section 202 of Executive Order 11246, as amended (reprinted in 41 CFR 60-1.4(a)), and the implementing regulations which are for the purpose of preventing employment discrimination against persons on the basis of race, color, religion, sex, or national origin. Paragraphs (1) through (7) of section 202 of Executive Order 11246, as amended, are incorporated in this lease by reference.

Sec. 16. Certification of Nonsegregated Facilities. By entering into this lease, the Lessee certifies, as specified in 41 CFR 60-1.8, that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. As used in this certification, the term "segregated facilities" means, but is not limited to, any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. The Lessee further agrees that it will obtain identical certifications from proposed contractors and subcontractors prior to award of contracts or subcontracts unless they are exempt under 41 CFR 60-1.5.

Sec. 17. Reservations to Lessor. All rights in the leased area not expressly granted to the Lessee by the Act, the regulations, or this lease are hereby reserved to the Lessor. Without limiting the generality of the foregoing, reserved rights include:

(a) the right to authorize geological and geophysical exploration in the lease area which does not unreasonably interfere with or endanger actual operations under the lease, and the right to grant such easements or rights-of-way upon, through, or in the leased area as may be necessary or appropriate to working of other lands or to the treatment and shipment of products thereof by or under authority of the Lessor;

(b) the right to grant leases for any minerals other than sulphur and/or salt within the leased area, except that operations under such leases shall not unreasonably interfere with or endanger operations under this lease;

(c) the right, as provided in section 12(d) of the Act, to restrict operations in the leased area or any part thereof which may be designated by the Secretary of Defense, with approval of the President, as being within an area needed for national defense and, so long as such designation remains in effect, no operations may be conducted on the surface of the leased area or the part thereof included within the designation except with the concurrence of the Secretary of Defense. If operations or production under this lease within any designated area are suspended pursuant to this paragraph, any payments of rentals and royalty prescribed by this lease likewise shall be suspended during such period of suspension of operations and production, the term of this lease shall be extended by adding thereto any such suspension period, and the Lessor shall be liable to the Lessee for such compensation as is required to be paid under the Constitution of the United States.

Sec. 18. Transfer of Lease. The Lessee shall file for approval with the appropriate field office of the Minerals Management Service any instrument of assignment or other transfer of this lease, or any interest therein, in accordance with applicable laws and regulations.

Sec. 19. Surrender of Lease. The Lessee may surrender this entire lease or any officially designated subdivision of the leased area by filing with the appropriate field office of the Minerals Management Service a written relinquishment, in triplicate, which shall be effective as of the date of filing. No surrender of this lease or of any portion of the leased area shall relieve the Lessee or its surety of the obligation to pay all accrued rentals, royalties, and other financial obligations or to abandon all works on the area to be surrendered in a manner satisfactory to the Director.

Sec. 20. Removal of Property on Termination of Lease. Within a period of 1 year after termination of this lease in whole or in part, the Lessee shall remove all devices, works, and structures from the premises no longer subject to the lease in accordance with applicable regulations and orders of the Director. However, the Lessee may, with the approval of the Director, continue to maintain devices, works, and structures on the leased area for drilling or producing on other Leases.

Sec. 21. Remedies in Case of Default.

(a) Whenever the Lessee fails to comply with any of the provisions of the Act, the regulations issued pursuant to the Act, or the terms of this lease, the lease shall be subject to cancellation in accordance with the provisions of section 5(c) and (d) of the Act and the Lessor may exercise any other remedies which the Lessor may have, including the penalty provisions of section 24 of the Act. Furthermore, pursuant to section 8(o) of the Act, the Lessor may cancel the lease if it is obtained by fraud or misrepresentation.

(b) Nonenforcement by the Lessor of a remedy for any particular violation of the provisions of the Act, the regulations issued pursuant to the Act, or the terms of this lease shall not prevent the cancellation of this lease or the exercise of any other remedies under paragraph (a) of this section for any other violation or for the same violation occurring at any other time.

Sec. 22. Unlawful Interest. No member of, or Delegate to, Congress, or Resident Commissioner, after election or appointment, or either before or after they have qualified, and during their continuance in office, and no officer, agent, or employee of the Department of the Interior, except as provided in 43 CFR Part 20, shall be admitted to any share or part in this lease or derive any benefit that may arise therefrom. The provisions of Section 3741 of the Revised Statutes, as amended, 41 U.S.C. 22, and the Act of June 25, 1948, 62 Stat. 702, as amended, 18 U.S.C. 431-433, relating to contracts made or entered into or accepted by or on behalf of the United States, form a part of this lease insofar as they may be applicable.

Sec. 23. Special Provisions.

(a) Any lease issued for an initial period of 10 years will be cancelled after 5 years, following notice pursuant to the Outer Continental Shelf Lands Act, where drilling of an exploratory well has not been commenced before the end of the 5th year, or if the well has not been drilled in conformance with the approved exploration plan criteria, or if there is not a suspension of operations in effect.

(b) The Lessee is granted the exclusive right to drill salt wells within the leased area and to use the salt produced therefrom for sulphur-mining operations pursuant to the Act free of royalty on the lease, on the condition that the drilling is conducted in accordance with procedures approved by the Director.

(c) The Lessee shall pay no royalty on salt produced and consumed or otherwise used on the lease for the production of sulphur. The Lessee shall pay a fixed royalty of 5% at the mine for any salt produced and used or otherwise disposed of off the leased area for purposes other than sulphur production.

(Lessee)	THE UNITED STATES OF AMERICA, Lessor
(Signature of Authorized Officer)	(Signature of Authorized Officer)
(Name of Signatory)	(Name of Signatory)
(Title)	(Title)
(Date)	(Date)
(Address of Lessee)	

If this lease is executed by a corporation, it must bear the corporate seal.

[FR Doc. 87-29418 Filed 12-22-87; 8:45 am]

BILLING CODE 4310-MR-C

federal register

Wednesday
December 23, 1987

Part VI

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Advisory Committee Meeting and Guidelines for Research; Notices

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Recombinant DNA Advisory Committee at the National Institutes of Health, Building 31C, Conference Room 10, 9000 Rockville Pike, Bethesda, Maryland 20892, on February 1, 1988, from approximately 9 a.m. to adjournment at approximately 5 p.m. This meeting will be open to the public to discuss:

Amendment of Guidelines,

Proposed major action,

Other matters to be considered by the Committee.

Attendance by the public will be limited to space available. Members of the public wishing to speak at the meeting may be given such an opportunity at the discretion of the Chair.

Dr. William J. Gartland, Executive Secretary, Recombinant DNA Advisory Committee, National Institutes of Health, 12441 Parklawn Drive, Suite 58, Rockville, Maryland 20852, telephone (301) 770–0131, will provide materials to be discussed at the meeting, rosters of committee members, and substantive program information. A summary of the meeting will be available at a later date.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

Dated: December 14, 1987.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 87–29465 Filed 12–22–87; 8:45 am]

BILLING CODE 4140–01–M

Recombinant DNA Research; Proposed Action Under Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of proposed action under NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth a proposed action to be taken under the National Institutes of Health (NIH) Guidelines for Research Involving Recombinant DNA Molecules. Interested parties are invited to submit comments concerning this proposal. This proposal will be considered by the Recombinant DNA Advisory Committee (RAC) at its meeting on February 1, 1988. After consideration of this proposal and comments by the RAC, the Director of the National Institutes of Health will issue a decision on this proposal in accord with the NIH Guidelines.

DATES: Comments received by January 19, 1988, will be reproduced and distributed to the RAC for consideration at its February 1, 1988, meeting.

ADDRESS: Written comments and recommendations should be submitted to the Director, Office of Recombinant DNA Activities, 12441 Parklawn Drive, Room 58, Rockville, MD 20852. All comments received in timely response to this notice will be considered and will be available for public inspection in the above office on weekdays between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Background documentation and additional information can be obtained from the Office of Recombinant DNA Activities, 12441 Parklawn Drive, Room 58, Rockville, Maryland 20852, (301) 770–0131.

SUPPLEMENTARY INFORMATION: The NIH will consider the following action under the NIH Guidelines for Research Involving Recombinant DNA Molecules:

Large-Scale Production Involving Cephalosporium Acremonium Strain LU4–79–6

In a letter dated December 4, 1987, Dr. Mark A. Fogelsong of Eli Lilly and Company, Indianapolis, Indiana, requests approval to conduct large-scale experiments and production involving *Cephalosporium acremonium* strain LU4–79–6 under less than Biosafety Level 1—Large Scale (BL1–LS) conditions. Information on *C. acremonium* and construction of strain LU4–79–6 are provided in the submission.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

Dated: December 17, 1987.

James C. Hill,

Acting Director, National Institute of Allergy and Infectious Diseases.

[FR Doc. 87–29466 Filed 12–22–87; 8:45 am]

BILLING CODE 4140–01–M

Reader Aids

Federal Register

Vol. 52, No. 246

Wednesday, December 23, 1987

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–5237
Machine readable documents	523–5237

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Library	523–5240
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the deaf	523–5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

45597–45800	1
45801–45934	2
45935–46050	3
46051–46342	4
46343–46444	7
46445–46584	8
46585–46730	9
46731–46982	10
46983–47364	11
47365–47544	14
47545–47686	15
47687–47890	16
47891–48078	17
48079–48178	18
48179–48390	21
48391–48510	22
48511–48660	23

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

5748	46729
5749	46731
5750	46733
5751	46735
5752	47365, 47545

Executive Orders:

12462	48179
12543 (See Notice of Dec. 15, 1987)	47891
12616	46730
12617	48179

Administrative Orders:

Notices:

Dec. 15, 1987	47891

Statements:

Dec. 7, 1987	46728

4 CFR

21	46445

5 CFR

351	46051
540	46051
551	47687
831	47893
870	46343
874	46343
1201	47547
1204	45597
1600	45801
1605	46314

7 CFR

6	48079
7	48511
8	47660
21	48015
301	45597, 47367, 47688, 48181
319	46052, 47372
352	47373
401	45598–45604
413	47375
422	48182
423	45805, 47376
431	47376
432	47377
770	45606
907	46060, 46737, 46983, 48080
908	46737
910	46061, 46984, 48080
911	46344
915	46344
966	46345
981	45607, 45609
1434	48081
1900	45806, 46348
1924	48391
1942	47097
1944	45807, 48391
1955	48519
1956	46348, 47688

Proposed Rules:

52	46486
318	48272
401	45830
735	47009
905	46366
959	46366
966	47576
971	46366
985	46600
987	46366
1951	45638

8 CFR

212	48082
214	48082
238	48082
245	48082
248	48082
299	48082
316a	46738

Proposed Rules:

3	46776
109	46092
208	46776
236	46776
242	46776
253	46776

9 CFR

78	47378
85	45935
92	45611, 47548
303	48084
381	48084

Proposed Rules:

145	47014
147	47014
316	45639
350	45639

10 CFR

30	48092
40	48092
70	48092
1039	48015

Proposed Rules:

Ch. I	47398
2	48447
35	47726
61	47398
62	47578
430	46367, 47549

12 CFR

4	46061
204	46450, 47689
208	46984
217	47689

226.....45611
304.....46163
337.....47379
574.....46519
611.....46083
614.....46151
706.....46585
Proposed Rules:
202.....47589
205.....47591
210.....47112
226.....47592
229.....47112
332.....48447
701.....46601, 47014

13 CFR
102.....47699
125.....48391
Proposed Rules:
121.....47937

14 CFR
21.....46348
25.....46348
39.....45612–45614, 45808–45810, 46064–46067, 46452, 46739, 46985–46995, 47387, 47551, 47702–47704, 47990, 48184–48187, 48392
71.....45615, 45616, 46556, 46740–46742, 46995–46997, 47304, 47308, 47676, 48191, 48393, 48522
75.....47677
91.....47672
97.....45617, 46743, 48394
108.....48508
121.....45910, 47991
129.....48508
135.....45910, 47991
234.....48395
255.....48395
1208.....48015
1213.....45935
1221.....45811
Proposed Rules:
Ch. I.....45631
39.....45640, 45642, 45831, 46094, 46776, 47015, 47016, 47399–47401, 47943–47946, 48274, 48542
43.....47680
71.....45644, 46778, 46779, 47017–47020, 47402, 47727, 48274, 48448, 48449, 48484
73.....47021, 48274
91.....47680

15 CFR
11.....48015
371.....45618, 48522
374.....45618
385.....46886
399.....46886, 47388, 48522, 48523
801.....46587
Proposed Rules:
18.....47597

16 CFR
6.....45619
13.....45937
305.....46888
1015.....45631
Proposed Rules:
13.....45645, 45970, 45972, 48276, 48543
453.....46706
1016.....47599
1700.....46450

17 CFR
1.....46070, 47705
200.....48191
211.....46454, 48193
274.....46350
Proposed Rules:
34.....47022
240.....48125

18 CFR
2.....47897, 47914, 48398
4.....48398
11.....48398
154.....48407
157.....47897
270.....48407
271.....46072
273.....48407
284.....47914
375.....48398, 48407
380.....47897
381.....48407
389.....45823
1306.....48015
1312.....47720
Proposed Rules:
1310.....47728

19 CFR
Proposed Rules:
4.....46602, 48194
101.....47908
128.....47729
143.....47729
177.....47601

20 CFR
355.....47705
404.....47914
Proposed Rules:
365.....47601
614.....46604

21 CFR
74.....45938
176.....46968
184.....47918
333.....47312
369.....47312
520.....48094
558.....48095
862.....48623
Proposed Rules:
182.....46968
352.....46095

22 CFR
302.....47714
502.....47991
Proposed Rules:
502.....47029
1508.....46779

23 CFR
Proposed Rules:
625.....47403
635.....45645

24 CFR
200.....48187
203.....48197
204.....48197
213.....48197
220.....48197
221.....48197
222.....48197
226.....48197
227.....48197
235.....48197
237.....48197
240.....48197
888.....48205
3280.....47552
Proposed Rules:
42.....47953
43.....47953
236.....48276
813.....46614
885.....46614
888.....48278

25 CFR
Proposed Rules:
177.....46781

26 CFR
1.....47554, 48407, 48524
18.....48524
31.....45632
35a.....46075
54.....46747
602.....46075, 46747, 47554, 48407
Proposed Rules:
1.....45835, 47609, 48452, 48546
18.....48546
48.....45901
54.....46782
602.....46782, 47609

27 CFR
9.....46589
19.....47557
25.....47557
47.....48096
240.....47557
250.....46592, 47557
270.....47557
275.....47557
285.....47557
Proposed Rules:
9.....48279
250.....46628

28 CFR
Ch. VII.....48097
2.....46595, 47921
549.....46068
Proposed Rules:
16.....48279
701.....47406

29 CFR
12.....48015
19.....48419
22.....48492
103.....48534
1613.....48263
1910.....46075, 48168
1915.....46075
1917.....46075
1918.....46075
1926.....46075, 46168
1928.....46075
1952.....48103
2613.....47561
2617.....47561
2619.....47561, 47562
2621.....47563
2676.....47564
Proposed Rules:
103.....47029
1910.....47097

30 CFR
779.....47352
780.....47352
783.....47352
784.....45920, 47352
816.....47352
817.....45920, 47352
913.....48421
935.....46597
942.....47716
Proposed Rules:
904.....47411
935.....46377, 46379, 46783, 48125
952.....46095
953.....46097

31 CFR
316.....48422
342.....48422
351.....46455, 48422
Proposed Rules:
0.....45648

32 CFR
40a.....46431
41.....46997
209.....47389
229.....47720
259.....48015
536.....45938
706.....46080, 47922
1900.....46456
2003.....48367
Proposed Rules:
199.....46098, 47029
285.....48452
1636.....47949
1656.....47949

33 CFR
62.....46351
95.....47526
100.....46351
110.....46760
117.....46081, 47391, 47923, 48263
146.....47526
150.....47526
160.....48264
165.....46351, 47924
173.....47526
177.....47526
Proposed Rules:
165.....45973, 47413
179.....47950

34 CFR
15.....48015
668.....45712, 46353
674.....45738
675.....45738
676.....45738
690.....45712
Proposed Rules:
251.....47951

333.....46720
776.....47538
778.....46784
790.....46785

36 CFR
296.....47720
904.....48015
1155.....47717
Proposed Rules:
1150.....48546
1202.....48280
1258.....48280

37 CFR
Proposed Rules:
304.....45664

38 CFR
4.....46439
21.....45639
25.....48015
Proposed Rules:
21.....46494

39 CFR
111.....48436
224.....46998
225.....46998
226.....46998
227.....46998
228.....46998
229.....46998
777.....48029
Proposed Rules:
111.....48281

40 CFR
4.....48015
52.....45634, 45958, 45959, 46463, 46762, 46764, 47392, 47565, 47566, 47925, 48265, 48535
60.....47826
81.....46081, 46465
82.....47486
85.....46354
86.....47858
123.....45823
144.....45788, 46946
180.....45824, 46019, 46598, 47990, 48536–48539
260.....46946
264.....45788, 46946
265.....45788
270.....45788, 46946
271.....45634, 45788, 46466
355.....48072
600.....47858
716.....47990
Proposed Rules:
35.....46712
52.....46495, 46786, 47610, 48285
60.....47032
62.....46380
80.....47032
82.....47489
86.....47032
180.....47733, 47734
280.....48638
281.....48638
600.....47032
721.....46496
763.....48286

41 CFR
12–60.....48630
101–6.....45926
101–7.....45825
101–38.....48540
101–44.....47393
101–47.....46467
105–51.....48015
105–55.....46468
114–50.....48015
128–18.....48015
201–1.....46468
201–2.....46468
201–23.....46468
201–24.....46468
Proposed Rules:
101–41.....48547

42 CFR
124.....46022, 48362
401.....48112
405.....48112
408.....48112
417.....47003
431.....47926
435.....47926, 48438
436.....48438
440.....47926
441.....47926
466.....47003
476.....47003
Proposed Rules:
405.....47990
409.....48127
410.....48127
416.....48127
421.....48127
433.....48290
435.....47414
436.....47414
441.....48127
442.....47990
488.....47990
489.....47990, 48127

43 CFR
4.....46355, 47097
7.....47720
3420.....46469
3460.....46469
3560.....48124
Proposed Rules:
3450.....46499

44 CFR
25.....48015
65.....46501
67.....46505
Proposed Rules:
67.....46787, 47611

45 CFR
15.....48015
1100.....48265
Proposed Rules:
233.....47420
1803.....48297

46 CFR
4.....47526
5.....47526
26.....47526
35.....47526
78.....47526
97.....47526
109.....47526
167.....47526
185.....47526
196.....47526
197.....47526
560.....45960
586.....46356
Proposed Rules:
38.....45665
42.....47422
44.....47422
45.....47422
54.....45665
69.....46103
98.....45665
151.....45665
170.....47422
174.....47422
249.....48077
503.....45835
572.....46501
588.....46505

47 CFR
15.....45961
25.....45636
73.....45636, 45963–45965, 46596, 46599, 47004, 47567, 47722–47724, 47935, 48268, 48438, 48439
74.....47567
76.....45961, 46363
80.....48439
90.....47569
Proposed Rules:
1.....46628
15.....47615
43.....46628
64.....47951
73.....45974, 45975, 46629–46631, 47032, 47033, 47735, 47736, 48130–48133
80.....45665

48 CFR
Ch. 63.....48630
232.....47005
519.....47396
532.....47005
552.....47005
553.....47006
819.....46082
1801.....46765
1805.....46765
1807.....46765
1808.....46765
1809.....46765
1812.....46765
1813.....46765
1815.....46765
1827.....46765
1830.....46765
1831.....46765
1832.....46765
1836.....46765
1837.....46765
1852.....46765, 47935
1853.....46765
2401.....47395
2402.....47395
Proposed Rules:
31.....46043
228.....48549
245.....47427
252.....48549
1409.....48301
1415.....48301
1452.....48301
2409.....46560
2412.....46560
2413.....46560
2415.....46560
2416.....46560
2417.....46560
2424.....46560
2427.....46560
2432.....46560
2434.....46560
2437.....46560
2442.....46560
2446.....46560
2451.....46560
2452.....46560
2453.....46560
2470.....46560
5215.....48550
5252.....48550
5706.....47033

49 CFR
1.....46364, 46478, 47007, 47097
24.....47994
25.....48015
571.....46479, 46480
1002.....46481
1007.....46481
1011.....45636, 46773, 48440
1052.....45966
1103.....46481
1150.....46481
1152.....45636, 46773, 48440
1160.....45827, 46481
1162.....46481
1169.....46481
1171.....46481
1177.....46481
1180.....46481
1182.....46481
Proposed Rules:
17.....46510, 46511
24.....45667
383.....47326
701.....46381

50 CFR
14.....46019
17.....46083, 46085
20.....46087
80.....47571
611.....45966, 46484, 48362
642.....47724
649.....46088
650.....46485
652.....47008
675.....45966, 46484, 48362
681.....47572
Proposed Rules:
17.....45976, 46106, 46334, 46336, 48552
20.....47428
21.....47428
253.....47990
611.....48303
655.....47034
658.....47615
663.....45668
672.....48303
675.....48303

LIST OF PUBLIC LAWS

Last List December 22, 1987

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.J. Res. 195/Pub. L. 100-195

Designating April 1988 as "Actors' Fund of America Appreciation Month." (Dec. 18, 1987; 101 Stat. 1312; 1 page) Price: $1.00

S. 608/Pub. L. 100-196

To amend the Reclamation Authorization Act of 1976 (90 Stat. 1324, 1327). (Dec. 18, 1987; 101 Stat. 1313; 1 page) Price: $1.00

H.J. Res. 431/Pub. L. 100-197

Making further continuing appropriations for the fiscal year ending September 30, 1988, and for other purposes. (Dec. 20, 1987; 101 Stat. 1314; 1 page) Price $1.00

VOL 52 ISS 246 DE 23 1987 UMI

VOL
52
ISS
2
4
6
DE
23
1987
UMI

VOL
52
ISS
247
DEC
24
1987
UMI

12-24-87
Vol. 52 No. 247

federal register

Thursday
December 24, 1987

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106
A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
52
ISS
247
DE
24
1987
UMI

12-24-87
Vol. 52 No. 247
Pages 48661-48792

federal register

Thursday
December 24, 1987

BEST COPY AVAILABLE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $188.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	275–3328
Problems with public subscriptions	275–3054

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	275–3328
Problems with public single copies	275–3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5240
Magnetic tapes	275–3328
Problems with Federal agency subscriptions	523–5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 52, No. 247
Thursday, December 24, 1987

Agriculture Department
See Federal Grain Inspection Service; Soil Conservation Service

Air Force Department
RULES
Sales and services:
Visual information documentation program, 48675
Visual information materials; release, dissemination, and sale, 48681

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Centers for Disease Control
NOTICES
Meetings:
Smoking and Health Interagency Committee, 48764
Vessel sanitation program (cruise ship industry, etc.), 48764

Coast Guard
PROPOSED RULES
Drawbridge operations:
Louisiana, 48717
Outer Continental Shelf activities:
Manned OCS facilities; emergency evacuation plan, 48717

Commerce Department
See also Foreign-Trade Zones Board; International Trade Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration; National Technical Information Service
NOTICES
Agency information collection activities under OMB review, 48731, 48732
(2 documents)

Commission on Education of the Deaf
NOTICES
Meetings, 48746

Deaf, Commission on Education of the
See Commission on Education of the Deaf

Defense Department
See Air Force Department; Navy Department

Economic Regulatory Administration
NOTICES
Natural gas exportation and importation:
Victoria Gas Corp., 48750
Powerplant and industrial fuel use; new electric powerplant coal capability; compliance certifications:
Albany Cogeneration Associates et al., 48751

Education Department
NOTICES
Agency information collection activities under OMB review, 48747
Meetings:
Education Intergovernmental Advisory Council, 48749

Education of the Deaf Commission
See Commission on Education of the Deaf

Employment and Training Administration
NOTICES
Adjustment assistance:
General Motors Corp., 48780
Westmoreland Coal Co., 48780
Labor surplus area classifications:
Annual list
Additions, 48781

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission
PROPOSED RULES
Debarment and suspension (nonprocurement), 48693
NOTICES
Meetings:
National Petroleum Council, 48749, 48750
(4 documents)

Environmental Protection Agency
NOTICES
Environmental statements; availability, etc.:
Agency statements—
Comment availability, 48759
Weekly receipts, 48760
Meetings:
Indian Tribes and States; water quality standards; dispute resolution mechanism, 48761

Executive Office of the President
See Presidential Documents; Science and Technology Policy Office

Export-Import Bank
NOTICES
Agency information collection activities under OMB review, 48761

Family Support Administration
RULES
Public assistance programs:
Aid to families with dependent children (AFDC), and adult assistance programs—
Aliens; eligibility determination requirements, 48687

Farm Credit Administration
RULES
Farm credit system:
Regulatory accounting practices, 48673

Federal Aviation Administration
RULES
Airworthiness directives:
McDonnell Douglas, 48673
PROPOSED RULES
Transition areas, 48715

Federal Communications Commission
RULES
Radio stations; table of assignments:
Florida, 48689
Iowa, 48690
Kentucky, 48690
PROPOSED RULES
Common carrier services:
Interstate services; authorized rates of return—
Represcription refinements; AT&T communications and exchange telephone carriers, 48726
Debt Collection Act; implementation, 48725
Radio stations; table of assignments:
Arkansas, 48728
Florida, 48728
Wisconsin, 48728

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
Massachusetts et al., 48685
NOTICES
Agency information collection activities under OMB review, 48761

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Arizona Public Service Co. et al., 48751
Environmental statements; availability, etc.:
Mojave Pipeline Co. et al., 48753
Interlocking directorate applications:
O'Keefe, Bernard J., et al., 48754
Natural gas certificate filings:
Texas Gas Transmission Co. et al., 48754
Small power production and cogeneration facilities; qualifying status:
Archer-Daniels-Midland Co. et al., 48756
Applications, hearings, determinations, etc.:
Barnhart Co., 48757
Citizens Utilities Co., 48758
Mountain Fuel Resources, Inc., 48758
Pennzoil Products Co., 48759

Federal Grain Inspection Service
NOTICES
Meetings:
Advisory Committee, 48731

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Baltimore County, MD, 48788
New Haven County, CT, 48789

Federal Maritime Commission
NOTICES
Agreements filed, etc., 48762
(2 documents)

Federal Reserve System
RULES
Truth in lending (Regulation Z):
Variable-rate disclosure, 48665
PROPOSED RULES
Truth in lending (Regulation Z):
Home equity disclosures, 48702
Official staff commentary update, 48707
NOTICES
Applications, hearings, determinations, etc.:
Harris Bankshares, Inc., 48763
Valley Bancorporation, 48763

Federal Trade Commission
PROPOSED RULES
Fair Packaging and Labeling Act; periodic review, 48716
NOTICES
Senior Executive Service:
Performance Review Board; membership, 48763

Fish and Wildlife Service
NOTICES
Endangered and threatened species permit applications, 48772

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
Gentamicin sulfate soluble powder, 48674
Human drugs:
Antibiotic drugs—
Topical antimicrobial drug products (OTC); final monograph; correction, 48792

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
New York, 48732

General Services Administration
RULES
Federal property management:
Transportation and traffic management—
Expense payment system; contractor-issued charge cards, government travel system accounts, and travelers checks, 48685
PROPOSED RULES
Acquisition regulations:
Utility contracts, 48729
NOTICES
Property management:
Wildlife order conveyance—
Fort Devens, Harvard, MA, 48763

Health and Human Services Department
See also Centers for Disease Control; Family Support Administration; Food and Drug Administration; Public Health Service
NOTICES
Senior Executive Service:
Performance Review Board; membership, 48764

Health Resources and Services Administration
See Public Health Service

Housing and Urban Development Department
PROPOSED RULES
Supportive housing demonstration program:
Handicapped homeless persons; transitional housing and permanent housing
Correction, 48792

Interior Department
See Fish and Wildlife Service; Land Management Bureau; Minerals Management Service; Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
NOTICES
Meetings:
Commissioner's Advisory Group, 48790

International Trade Administration
NOTICES
Antidumping and countervailing duties:
Administrative review requests; correction, 48792
Countervailing duties:
Granite products from—
Italy, 48732
Spain, 48737
Export privileges, actions affecting:
Enderlein, Dieter, et al., 48742

Interstate Commerce Commission
NOTICES
Motor carriers:
Compensated intercorporate hauling operations, 48773
Rail carriers:
Cost recovery procedures; adjustment factor, 48773
Railroad operation, acquisition, construction, etc.:
Abernathy, G. Richard, 48776
Georgia Northeastern Railroad Co., Inc., 48776
Little Kanawha River Rail, Inc., 48776
LNAC Acquisition Corp., 48777
Railtex, Inc., 48777
Southeastern Rail Corp., 48777
Virginia & North Carolina Railroad Co., Inc., 48778
Railroad services abandonment:
Boston & Maine Corp. et al., 48778, 48779
(2 documents)
Southern Railway Co., 48779

Labor Department
See Employment and Training Administration

Land Management Bureau
NOTICES
Closure of public lands:
California, 48765
(2 documents)
Coal management program:
Fort Union Federal Coal Production Region; deactivation, 48766
Environmental statements; availability, etc.:
Canon City District wilderness study areas, CO, 48767
Miles City and Lewistown Districts wilderness study areas, MT, 48767
Meetings:
Craig District Grazing Advisory Board, 48767
Oil and gas leases:
California, 48768
Opening of public lands, etc.:
Montana, 48768
Realty actions; sales, leases, etc.:
Arizona, 48769
California, 48769
Minnesota, 48769, 48770
(2 documents)
Survey plat filings:
Colorado, 48770
Withdrawal and reservation of lands:
Colorado, 48770
New Mexico, 48771
Oregon, 48771

Maritime Administration
NOTICES
Trustees; applicants approved, disapproved, etc.:
Key Bank of Puget Sound, 48789

Minerals Management Service
NOTICES
Outer Continental Shelf; development operations coordination:
Exxon Co. U.S.A., 48772

National Aeronautics and Space Administration
NOTICES
Meetings:
Space and Earth Science Advisory Committee, 48781

National Archives and Records Administration
NOTICES
Committees; establishment, renewals, terminations, etc.:
Preservation Advisory Committee, 48782

National Bureau of Standards
NOTICES
Laboratory Accreditation Program, National Voluntary:
Plumbing fixtures equipment testing; workshop, 48744

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Humanities Panel, 48782
Media Arts Advisory Panel, 48782
(2 documents)

National Highway Traffic Safety Administration
RULES
Motor vehicle safety standards:
Lamps, reflective devices, and associated equipment—
Aiming pad configurations specified for sealed beam headlamps with circular lenses to be used on replaceable bulb headlamps; correction, 48690
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
Ford Motor Co., 48789

National Institute for Occupational Safety and Health
See Centers for Disease Control

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Gulf of Alaska groundfish, 48691
NOTICES
Fishery management councils; hearings:
Mid-Atlantic—
Summer flounder, 48745
Permits:
Marine mammals, 48746
(2 documents)

National Technical Information Service
NOTICES
Inventions, Government-owned; availability for licensing, 48746

Navy Department
NOTICES
Environmental statements; availability, etc.:
Tinian, Northern Mariana Islands, and Guam, Mariana Islands; electronic installations, 48747

Postal Service
RULES
Domestic Mail Manual:
Fourth-class mail; forwarding, 48683

Presidential Documents
EXECUTIVE ORDERS
Federally funded inventions; uniform treatment (EO 12618), 48661
Government employees:
December 24, 1987; half-day holiday (EO 12619), 48663

Public Health Service
See also Centers for Disease Control; Food and Drug Administration
NOTICES
Meetings:
National Commission on Orphan Diseases, 48764

Science and Technology Policy Office
NOTICES
Meetings:
White House Science Council, 48783

Securities and Exchange Commission
NOTICES
Senior Executive Service:
Performance Review Board; membership and bonus award schedule, 48783
Applications, hearings, determinations, etc.:
Public utility holding company filings, 48783
Variable Account A of Monarch Life Insurance Co. et al., 48784

Small Business Administration
NOTICES
Meetings; regional advisory councils:
Hawaii, 48788
New York, 48788
Applications, hearings, determinations, etc.:
Allied Bancshares Capital Corp., 48787

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
Colorado River Basin Salinity Control Project, WY, 48731

Surface Mining Reclamation and Enforcement Office
NOTICES
Agency information collection activities under OMB review, 48772

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; Maritime Administration; National Highway Traffic Safety Administration
NOTICES
Aviation proceedings:
Hearings, etc.—
American Eagle, 48788

Treasury Department
See also Internal Revenue Service
PROPOSED RULES
Acquisition regulations:
Protests; submission and disposition, 48729

Veterans Administration
RULES
Veterans mortgage life insurance:
Maximum statutory coverage eligibility, 48681
NOTICES
Medical care reimbursement rates:
1988 FY, 48790

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders:
12591 (Amended by EO 12618)..... 48661
12618..... 48661
12619..... 48663

10 CFR
Proposed Rules:
1035..... 48693
1036..... 48693

12 CFR
226..... 48665
614..... 48673
624..... 48673
Proposed Rules:
226 (2 documents)..... 48702, 48707

14 CFR
39..... 48673
Proposed Rules:
71..... 48715

16 CFR
Proposed Rules:
500..... 48716

21 CFR
333..... 48792
369..... 48792
520..... 48674

24 CFR
Proposed Rules:
840..... 48792
841..... 48792

32 CFR
811..... 48675
811a..... 48681

33 CFR
Proposed Rules:
117..... 48717
140..... 48717
143..... 48717
146..... 48717

36 CFR
8a..... 48681

39 CFR
111..... 48683

41 CFR
101-7..... 48685

44 CFR
64..... 48685

45 CFR
206..... 48687
233..... 48687

47 CFR
73 (3 documents)..... 48689–48690
Proposed Rules:
1..... 48725
65..... 48727
73 (3 documents)..... 48728

48 CFR
Proposed Rules:
508..... 48729
553..... 48729
1033..... 48729

49 CFR
571..... 48690

50 CFR
672..... 48691

VOL
52
ISS
247
DE
24
1987
UMI

Federal Register
Vol. 52, No. 247
Thursday, December 24, 1987

Presidential Documents

Title 3—

The President

Executive Order 12618 of December 22, 1987

Uniform Treatment of Federally Funded Inventions

By the authority vested in me as President by the Constitution and laws of the United States of America, and having concluded that the ability of the United States to achieve the statutorily prescribed policy (35 U.S.C. 200) of using the patent system to promote the utilization of inventions arising from federally supported research or development requires that Federal agencies follow uniform policies in administering patents and licenses conceived or first reduced to practice during the course of federally funded research, Executive Order No. 12591 of April 10, 1987, is amended by redesignating Sections 1(b)(5) and (6) as 1(b)(6) and (7), respectively, and by adding a new Section 1(b)(5) as follows:

"(5) administer all patents and licenses to inventions made with federal assistance, which are owned by the non-profit contractor or grantee, in accordance with Section 202(c)(7) of Title 35 of the United States Code as amended by Public Law 98–620, without regard to limitations on licensing found in that section prior to amendment or in Institutional Patent Agreements now in effect that were entered into before that law was enacted on November 8, 1984, unless, in the case of an invention that has not been marketed, the funding agency determines, based on information in its files, that the contractor or grantee has not taken adequate steps to market the inventions, in accordance with applicable law or an Institutional Patent Agreement;".

Ronald Reagan

THE WHITE HOUSE,
December 22, 1987.

[FR Doc. 87–29694
Filed 12–23–87; 10:32 am]
Billing code 3195–01–M

VOL
52
ISS
247
DE
24
1987
UMI

Presidential Documents

Executive Order 12619 of December 22, 1987

Half-day Closing of Government Departments and Agencies on Thursday, December 24, 1987

By the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered:

Section 1. All Executive departments and agencies of the Federal Government shall be closed and their employees excused from duty for the last half of the scheduled workday on Christmas Eve, December 24, 1987, except as provided in Section 2 below.

Sec. 2. The heads of Executive departments and agencies may determine that certain offices and installations of their organizations, or parts thereof, must remain open and that certain employees must remain on duty for the full scheduled workday on December 24, 1987, for reasons of national security or defense or for other essential public reasons.

Sec. 3. Thursday, December 24, 1987, shall be considered as falling within the scope of Executive Order No. 11582 and of 5 U.S.C. 5546 and 6103(b) and other similar statutes insofar as they relate to the pay and leave of employees of the United States.

Sec. 4. This Order shall apply to Federal departments and agencies only and is not intended to direct or otherwise implicate departments or agencies of State or local governments.

Ronald Reagan

THE WHITE HOUSE,
December 22, 1987.

[FR Doc. 87-29695
Filed 12-23-87; 10:33 am]
Billing code 3195-01-M

VOL
52
ISS
247
DE
24
1987
UMI

Rules and Regulations

Federal Register
Vol. 52, No. 247
Thursday, December 24, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; Docket No. R-0545]

Truth in Lending; Variable-Rate Disclosure Under Regulation Z

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is publishing a final rule amending Regulation Z (Truth in Lending) to require creditors to provide more information about the variable-rate feature of closed-end adjustable-rate mortgages than is currently required under Regulation Z. The amendments require creditors to distribute to consumers an educational booklet about adjustable-rate mortgages, and to provide a more detailed description of the variable-rate feature, along with an historical example. The information must be provided at the time an application form is given to the consumer or before the consumer pays a non-refundable fee, whichever is earlier. These revisions are intended to address concerns regarding the adequacy of information given to consumers applying for adjustable-rate mortgages and regarding the creditor burden of duplicative federal regulations.

EFFECTIVE DATE: December 28, 1987, but optional compliance until October 1, 1988.

FOR FURTHER INFORMATION:
Contact Michael S. Bylsma, Senior Attorney, or Sharon T. Bowman or Thomas J. Noto, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC, 20551, (202) 452-3667 or (202) 452-2412. For the hearing impaired *only*, Telecommunications Device for the Deaf (TDD), Earnestine Hill or Dorothea Thompson, at (202) 452-3544.

SUPPLEMENTARY INFORMATION:

Background

For some time the Board has been working with the other federal financial regulatory agencies to develop a uniform set of disclosures for adjustable-rate mortgages (ARMs). This effort arose because of concern about the different disclosure requirements imposed by the various federal agencies. Currently, four federal agencies require that lenders subject to their regulations provide specific disclosures about ARMs to borrowers. Under Regulation Z, the Board requires that a variable-rate feature be described briefly to consumers. In contrast to Regulation Z, the regulations of two other federal financial agencies and the Department of Housing and Urban Development (HUD) call for more extensive, detailed information. The Federal Home Loan Bank Board (FHLBB) requires variable-rate disclosures for federally-chartered savings and loan associations and also for certain other lenders that wish to market their loans to federally-chartered savings and loans (12 CFR 545.33). The Office of the Comptroller of the Currency (OCC) mandates variable-rate disclosures for national banks and other lenders that seek to market their loans to national banks (12 CFR Part 29). Under the "Alternative Mortgage Transaction Parity Act of 1982" (12 U.S.C. 3802), state-chartered institutions and other mortgage lenders may take advantage of federal authorization of ARMs by following the rules of the FHLBB or the OCC. Finally, HUD prescribes disclosures for lenders wishing to participate in the Federal Housing Administration (FHA) insurance program (24 CFR Parts 203 and 234).

The federal financial agencies believe that this regulatory structure, which requires different disclosures by different lenders delivered at different times, is causing problems for both consumers and mortgage lenders. The ability of consumers to understand and make important decisions about ARMs before entering into these transactions may be hampered by their receipt of different information about ARM programs depending on what type of lender they have approached. This problem is exacerbated by the variety of ARM products now being offered as well as the complexity of some of these programs. At the same time, these regulatory requirements have proven burdensome to the mortgage industry, particularly when mortgage lenders must satisfy more than one regulation in order to take full advantage of the secondary market. Under certain circumstances, lenders who wish to originate mortgages for possible sale to either a federal savings and loan association or to a national bank may have to make disclosures under two agencies' rules.

Revisions to federal ARM disclosure requirements were initially requested by members of Congress in a letter to the Board in August 1984. The request called for uniform federal requirements for disclosures that include a "worst-case" statement of the highest interest rate and payment that might apply to an ARM. The Board asked the Federal Financial Institutions Examination Council (FFIEC) to assist in developing a recommendation for uniform requirements for the federal agencies with ARM disclosure regulations. After extensive deliberations by an FFIEC task force, the FFIEC made an initial recommendation to the Board in November 1984. As outlined by the FFIEC, the required disclosures would be specific to each consumer's transaction and include a "worst-case" payment example based on hypothetical index rate increases of two percentage points per year for three years. Based on these recommendations, the Board proposed amendments to Regulation Z on May 15, 1985 (50 FR 20221). Many of the Board's 500 public comments on the 1985 proposal objected to both the potential burden on creditors of requiring transaction-specific disclosures and to the assumptions about index rate movement.

For more than a year following the Board's proposal of the initial disclosure scheme, the FFIEC considered alternative plans for uniform ARM disclosures. In August 1986, the FFIEC approved a proposal requiring that creditors provide two types of disclosures to consumers seeking information about ARMs: (1) The *Consumer Handbook on Adjustable Rate Mortgages*, or a suitable substitute, and (2) disclosures that fully describe each of the creditor's ARM programs, with a 15-year historical example of how

VOL 52 ISS 247 DEC 24 1987 UMI

changes in the index or formula values used to compute interest rates would have affected interest rates and payments on a $10,000 loan. In addition, the maximum interest rate and payment that could result under the program for the $10,000 loan would be disclosed.

Based on the recommendations by the FFIEC and its own analysis, the Board on November 24, 1986, again proposed to amend Regulation Z (51 FR 42241). On February 5, 1987, the FHLBB proposed amendments to its ARM disclosure regulations which would require disclosures identical to what the Board proposed (52 FR 3665). The FHLBB regulation, as proposed, would cover all loans secured by borrower-occupied property (including open-end equity lines of credit.) Finally, on October 2, 1987, the OCC proposed to delete its ARM disclosure regulation and to defer to revised Regulation Z disclosure requirements (52 FR 36953).

A total of 135 comments were received during the 60-day period for public comments on the Board's proposal. Generally, commenters supported the concept of uniformity in federal ARM disclosure regulations. Most commenters also endorsed the proposal to require disclosures based on the features of the loan program but not specific to an individual consumer's actual loan amount. On the other hand, about one-fifth of the commenters expressed general opposition to the proposal. These commenters questioned the need for expanded disclosure requirements under Regulation Z and stated that the disclosures would be more costly to prepare and to distribute than the existing disclosures. Many commenters also maintained that the coverage of the proposal was too broad. For example, it was asserted that compliance with the proposed advance notice of interest rate adjustments would be difficult with certain short-term loans such as bridge loans. It was also argued that the 15-year index history would not be meaningful to consumers considering short-term loans, and that the disclosures would be difficult to prepare for loans that are custom-tailored to an individual consumer's needs. Many commenters suggested limiting coverage of the amendments to purchase-money and refinancing transactions which are variable-rate and secured by the consumer's principal dwelling. On the other hand, several commenters supported the coverage of the proposal. Some commenters argued that the proposed disclosures should also be required for open-end home equity lines. These commenters noted that home equity plans have become more prevalent since the Tax Reform Act of 1986 and impose great risks to consumers whose homes are burdened with such indebtedness. Other commenters requested that creditors be allowed to substitute the expanded disclosures for the existing Regulation Z ARM disclosures for all variable-rate transactions, whether or not secured by the consumer's principal dwelling.

Many commenters favored the requirement of an example showing how the payments and loan balance of a $10,000 loan would have been affected by historical changes in the index for a 15-year period. Other commenters questioned the usefulness of the historical information and argued that the recent interest rate fluctuations would not be repeated in the future. Commenters also maintained that the historical example would be burdensome to prepare. Some commenters recommended a shorter example or even one based on hypothetical index rate increases over a short period. Some commenters, particularly members of the thrift industry, reversed their previously stated opposition to an example based on hypothetical rate increases and recommended that form of example as a substitute for the historical example.

Many commenters supported the requirement that the maximum interest rate and payment be stated. These commenters argued that the statement would be a useful supplement to the historical example which might not reflect a potential worst-case for the loan in the future. HUD recommended that the maximum payment be stated as a schedule of payment increases showing the initial and maximum payments to correspond to its statutory disclosure requirements. Other commenters stated that the information might portray ARMs in a highly negative light. A few of these commenters requested that the dicslosure show the lowest rate and payment possible under the program.

Finally, several commenters addressed the proposed requirement for advance notice of interest rate and payment adjustments. The primary criticism was that the advance notice was required at least 30 days before the effective date of an interest rate adjustment and not before a payment at the new level is due, as is currently required by the OCC. The commenters stated that this proposed requirement would cause problems for lenders offering short-term ARMs that closely track changes in the index values. Some commenters recommended reducing the number of days before an adjustment that notice is required and clarifying that notice should be given before a payment at a new level is due.

After considering all of the comments, the Board has made changes in the final amendments designed to alleviate the burden of compliance without compromising the amount or detail of information recommended by the FFIEC to be disclosed to consumers. For example, in response to the comments, the Board has made a minor change to the coverage of the amendments, a modification of the requirement for a statement of the maximum interest rate and payment, and a change to the timing of the adjustment notice requirements, as explained below. Generally, the Board has not adopted the other changes suggested by commenters which would substantially alter the uniform disclosure provisions developed by the FFIEC.

Amendments to Regualtion Z

Based on recommendations from the FIEC, the Board is adopting amendments to Regulation Z to provide more information to consumers about adjustable-rate mortgages. These amendments will require a handbook to be distributed to consumers, as well as detailed disclosures about a creditor's ARM loan programs. The new ARM disclosure requirements have been added to the regulation at § 226.19(b) and § 226.18(f)(2) while new subsequent disclosure requirements for ARMs have been added at § 226.20(c).

The amendments apply to closed-end credit transactions secured by the consumer's principal dwelling. This coverage includes purchase-money mortgages, in which the consumer is obtaining a mortage loan for the purpose of purchasing a home, as well as transactions in which the consumer is using the home as security for a loan. In response to comments received about potential compliance problems for short-term loans, an exemption from the new disclosure requirements has been provided for transactions secured by the consumer's principal dwelling with a term of one year or less. These loans will continue to be covered by the existing disclosure requirements of § 226.18(f)(1) of Regulation Z.

Footnote 43 will allow creditors to substitute the new disclosures for any loan subject to the existing requirements of § 226.18(f)(1) of the regulation. This will allow creditors to treat all variable-rate transactions the same without having to provide different disclosures depending on whether the loan is secured by a consumer's principal dwelling. Creditors who substitute the disclosures under § 226.19(b) for the disclosures ordinarily required under § 226.18(f)(1) also must comply with the requirements under § 226.18(f)(2), although they need not comply with the requirements under § 226.20(c). The footnote does not permit substitution of disclosures required under § 226.18(f)(1) in transactions subject to § 226.19(b). (Home equity lines, in which an open-end line of credit is secured by the consumer's home, are not subject to the new requirements, which apply only to closed-end mortgages.) All other consumer credit transactions that contain a variable-rate feature would continue to be subject to the existing variable-rate disclosure requirements in Regulation Z.

As recommended by the FFIEC, the amendments will require that ARM disclosures, including both the ARM brochure and the other detailed ARM information, be provided to prospective borrowers when an application form is furnished or before the payment of a non-refundable fee, whichever is earlier. This rule will permit creditors to provide the detailed disclosures to consumers as an insert to the ARM brochure when it is given. Disclosure at this point in time is possible under the amendments because the new rule would require that disclosures reflect ARM loan program features, but not the terms of individual transactions. Footnote 45b provides a special timing rule (replacing the general timing rule) for cases where an ARM application reaches a creditor by telephone, or by way of an intermediary agent or broker. In both such cases, both the ARM brochure and the other detailed ARM information must be placed in the mail or delivered not later than three business days after the creditor receives the consumer's application. The proposed special timing rule for intermediary agents or brokers has been expanded to cover telephone applications in response to comments discussing potential compliance problems with the requirement of pre-application disclosures for transactions in which the application is made by telephone.

Under the new timing rule, the new variable-rate disclosure will be given to consumers earlier than the standard Truth in Lending information required by § 226.18. A sentence has been added to § 226.17(b) to cross-reference the early timing requirements for ARMs. In addition, a new paragraph (f)(2) has been added to § 226.18 to require that the later Truth in Lending disclosures be revised to include a statement that an adjustable-rate feature exists and that the variable-rate disclosures have been provided to the consumer.

A new paragraph (b)(1) requiring a descriptive ARM brochure has been added to § 226.19. The paragraph requires that creditors give each consumer a brochure when an application form is given to a consumer or before a consumer pays a non-refundable fee, whichever is earlier. The rule ensure that every consumer considering applying for an ARM will receive a brochure at an early stage in the application process. The *Consumer Handbook on Adjustable Rate Mortgages*, developed by the Board and the FHLBB, may be used by creditors to fulfill this requirement if they choose. The amendments would also permit creditors to provide a "suitable substitute" in place of the *Consumer Handbook*. Rather than the Board's evaluating whether an individual creditor's ARM brochure is a "suitable substitute," individual creditors should make a good faith determination of whether a brochure is, in fact, a suitable substitute. The Board envisions that substitutes must be, at a minimum, comparable to the *Consumer Handbook* in substance and comprehensiveness, recognizing that some lenders' brochures may contain more detailed descriptions of their particular ARM programs than contained in the *Consumer Handbook*.

The *Consumer Handbook* has been reprinted for resale by private publications companies, and by various trade organizations such as the American Bankers Association, the Mortgage Bankers Association, the National Council of Savings Institutions and the U.S. League of Savings Institutions.

Amendments also have been made in § 226.19(b)(2). They required that detailed, specific information about major aspects of a variable-rate loan program be clearly disclosed to consumers. To illustrate the requirements, sample form H–14 in Appendix H of the regulation has been revised, and model clauses have been included in a revision to Appendix H–4.

Under the amendments, creditors will be required to identify the index to which interest rate changes are tied, or provide a brief description of the formula used in calculating changes if no index is used. If the interest rate changes are purely discretionary or are made by an internally defined index, the creditor will still need to describe the method of rate changes or state that they are discretionary. A source of information about an index also must be disclosed. For example, if index values are listed in the *Wall Street Journal*, creditors could make such a statement in disclosing a source of information about their index. The amendments call for an explanation of how the interest rate and payment will be determined, for example, by a statement that the interest rate will be based on a specified index plus a margin and that the payment will be based on the interest rate, the loan balance, and the remaining loan term. Furthermore, creditors will be required to include a statement suggesting that consumers ask for the current margin value and interest rate. The disclosures also will alert consumers about a discount feature when the initial rate is discounted and will contain a statement suggesting that consumers ask for the amount of the applicable interest rate discount. In addition, the frequency of rate and payment adjustments will be disclosed, along with rate and payment caps.

If the presence of rate or payment caps would result in interest rate carryover or negative amortization, the disclosure statement would need to contain a statement about those features. Two other disclosures must be made: the fact that a loan program contains a demand feature, if applicable, and a statement describing the type of information that will be contained in an adjustment notice and when each notice will be provided. Finally, creditors will be required to include a notice to consumers that disclosure forms are available for the creditor's other ARM loan programs if the creditor has other closed-end ARM programs subject to the amendments.

One significant feature of the amendments is the requirement of an example, based on a $10,000 loan, illustrating how payments and the loan balance would have been affected by historical changes in the index to be used. Because the example will not be based on the actual amount to be borrowed, creditors will be able to pre-print the disclosures for each loan program and give them to consumers with an ARM handbook. The provision that the example be based on the historical performance of individual indices, rather than on assumed rate increases, reflects the revised recommendation of the FFIEC. Creditors also will be required to include a statement on the disclosure form explaining to consumers how to calculate their actual monthly payment amount for a loan amount other than $10,000. The example based on $10,000 also reflects the recommendation of the FFIEC, and is premised, in part, on the rationale that figures based on a $10,000

example provide information that consumers can use with minimal difficulty to calculate their actual monthly payments for a specific transaction. The amendments require that the example shown be based on the history of the specific index or formula to be used in the loan program. The index values used in the example will begin with the value for 1977 and be updated annually to add the values for additional years until a 15-year history is shown. For example, the disclosures for an ARM made in 1988 would include index values for each year from 1977 through 1987. In each subsequent year until 1991, a creditor's disclosures will include the index value for one more year. From that time forward, lenders will show a "rolling" history of index values, updated annually, for the preceding 15 years.

If the values for an index have not been available back to 1977, creditors need only go back as far as the values have been available in giving the history and may start the example at the year in which values are available. The history should reflect the method of choosing values for each program. For instance, if an average of index values is used, averages would be used in the history, but if a single index value is used, a single index value would be shown. The creditor should assume one date within a year (or one period, if an average is used) on which to base the history of index values for each loan program. The creditor may choose to use index values as of any date or period as long as the index value as of this date or period is used for each year in the index history. Only one index value per year need be shown, even if the program provides for adjustments to the interest rate or payment more than once in a year. In such cases, the creditor may assume that the index rate remained constant for the full year for the purpose of calculating the interest rate, payment, and loan balance. Updating will be necessary only once each year to reflect the most recent year's index value. New disclosures would be required when an ARM program changes. (To assist creditors in constructing histories of certain common indices, the Board has included tables of index values in section 3 below.)

The payment and outstanding loan balance figures in the example must reflect all significant loan program terms. For example, features such as rate and payment caps, a discounted interest rate, negative amortization, and interest carryover need to be taken into account by creditors in calculating the payment and outstanding balance figures. Because disclosures will be given early, creditors will need to assume a value for the margin in order to do the calculations for the example. Creditors may select a margin that they have used during the preceding six months and disclose on the form that the margin is one that they have used recently. The margin selected may be used until a creditor updates the disclosure form to reflect the most recent 15 years of index values. Similarly, to the extent that the ARM program has a discounted initial rate, creditors also will be permitted to assume an amount by which the initial rate will be discounted—which is representative of the amount of discounts by the creditor during the preceding six months—and disclose on the form that the initial rate has been discounted to the extent of other discounts offered by the creditor recently. The provision for a representative discount was added to respond to the concerns expressed by creditors about the need for individual program disclosure forms to reflect the amount of every discount offered by the creditor—amounts which could fluctuate daily depending upon market conditions.

The amendments also require disclosure of the maximum interest rate and payment. These disclosures would be calculated based on a $10,000 loan that is originated at the most recent interest rate shown in the historical example, and would assume that the interest rate then increases as rapidly as possible under the program. Thus, in a loan with interest rate limitations, or "caps," of 2 percentage points per year, and 5 percentage points for the life of the loan, the maximum interest rate would be 5 percentage points higher than the most recent rate shown in the historical example. Furthermore, the loan would not reach the maximum interest rate increase until the fourth year of the loan because of the 2 percentage points annual limitation. Consequently, the maximum payment disclosed would reflect the amortization of the loan during that period. Finally, to enable FHA lenders to follow the new requirements, this provision has been modified also to require a statement of the initial interest rate and payment for that loan. The Board believes that this requirement will also benefit consumers by providing a point of reference for evaluating the stated maximum levels for an ARM.

The final amendments do not contain the proposed requirement that ARMs without limitations on the maximum increases in the interest and payment contain a "conspicuous" statement to that effect. That provision is no longer necessary in light of section 1204 of the Competitive Equality Banking Act of 1987, Pub. L. No. 100–86, section 1204, and the recent amendment to Regulation Z, which require that all dwelling-secured ARM loans contain the maximum interest rate that may apply during the loan term.

As mentioned earlier, the ARM disclosures given before application will describe the type of information that will be provided in notices of adjustments and the timing for such notices. A paragraph also has been added as § 226.20(c) to require a subsequent disclosure form. The new section will apply, except as provided in footnote 43, to all ARMs that have been disclosed in accordance with the new § 226.19(b) requirements. Regulation Z does not currently require a subsequent disclosure of rate and payment changes, although the existing OCC, FHLBB, and HUD regulations already require it. The new paragraph requires notice of the adjusted payment amount, interest rate, index rate, and loan balance. The creditor also will be required to disclose the extent to which any increase in the interest rate has not been fully implemented at the adjustment date (for example, if the new index plus margin would exceed an interest rate adjustment cap), and the payment that would be required to fully amortize a loan (if different from the payment already disclosed). In transactions providing that payment adjustments may accompany interest rate adjustments, creditors would be required to send borrowers notice at least 25, but not more than 120, days before the due date of a payment at the new level. The final amendment differs from the proposal which called for a notice at least 30 days before the effective date of each scheduled interest rate adjustment. The minimum advance notice was revised to 25 days to track the existing notice requirements of the OCC and to provide creditors more flexibility in giving adjustment notices for the variety of loans that will be subject to the new subsequent disclosure requirements. At the same time, the Board believes that the timing of the disclosures still will provide consumers with adequate advance notice of adjusted payment amounts. The timing requirement was clarified to refer to calendar days and a requirement that the disclosures must be delivered or placed in the mail within the specified period was added for consistency with the requirements for delivery of other disclosures, such as when an application is made by telephone or through an intermediary agent or broker. Finally, the timing provision was tied to the due date of the payment at a new level rather than to the effective date of the interest rate adjustment. Notice is required to be given whenever interest rate adjustments and corresponding payment adjustments can be made periodically under the loan agreement but are not made because, for example, the index values have not changed or an interest rate cap has prevented any such adjustments. However, creditors are required to send borrowers notice only once each year if interest rate adjustments are made without a corresponding payment adjustment. Thus, for example, in transactions where the interest rate may be adjusted more frequently than the payment, the creditor would be required to send at least one notice each year during which there have been interest rate adjustments but no corresponding payment adjustments.

Finally, footnote 43 to Regulation Z has been retained and renumbered footnote 45a. Retention of the footnote will permit creditors who are required to comply with variable-rate disclosure regulations of other federal agencies to substitute those disclosures for the disclosures required under these amendments. Because the FHLBB likely will adopt disclosure requirements identical in substance to the final amendments to Regulation Z, certain creditors will be permitted to give the uniform ARM disclosures under FHLBB rules without being required to make identical disclosures under Regulation Z. (As proposed, the FHLBB regulations would also require certain other disclosures applicable to the ARM relating to due-on-sale clauses, rate changes and prepayment penalties, escrow payments, call provisions, and conditions of default. Because the FHLBB proposal would permit FHLBB-regulated institutions to purchase from other unaffiliated lenders ARMs for which only the uniform disclosures have been made, the secondary market should not be affected by the FHLBB's retention of these additional disclosures.) The footnote will also benefit lenders originating ARMs insured by the Federal Housing Administration, which has not yet adopted the uniform requirements. Furthermore, FHA lenders may continue to take advantage of the footnote at the time HUD amends its ARM disclosure requirements to adopt the uniform requirements.

Creditors also will be permitted to utilize the subsequent disclosure requirements of other federal agencies in place of the subsequent disclosure requirements of § 226.20(c). The FHLBB likely will adopt subsequent disclosure requirements identical to those required under § 226.20(c). A new footnote 45c has been added to permit this substitution. Changes have also been made to Appendix H by redesignating model clause H–4 as H–4(A); adding model clauses H–4(B), H–4(C) and H–4(D), and substituting sample form H–14 with a new form. (The official staff commentary interpreting these regulatory changes is being published for comment in this issue of the Federal Register.)

Tables of Certain Index Values

To assist creditors in constructing histories of various indices used in their ARM programs, the Board has prepared tables of values for common indices for the years 1977–1987. Table 1 provides the values for United States Treasury securities adjusted to constant maturities of 1, 3, and 5 years. Weekly average values are provided as of the first week ending in January and in July. Table 2 provides the January and July monthly average values for three other indices—the Cost of Funds Ratio to 11th Federal Home Loan Bank District Institutions, the National Average Contract Interest Rate for Major Lenders on the Purchase of Previously Occupied Homes, and the National Monthly Median Cost of Funds Ratio to FSLIC-Insured Institutions. It also includes the semiannual and quarterly average values for the National Average Cost of Funds Ratio to FSLIC-Insured Institutions. Years in which index values were not available are marked "n.a." (Creditors need not use these tables in constructing their index histories. Furthermore, the dates used in these tables were selected merely to provide index values at two or more points within each year. Creditors may choose to use the applicable index values in these tables even if index values as of another date are used in their ARM program.)

TABLE 1.—CONSTANT MATURITY YIELD ON UNITED STATES TREASURY SECURITIES

Year	Average for first week ending in January (percent)			Average for first week ending in July (percent)		
	1 Year	3 Year	5 Year	1 Year	3 Year	5 Year
1977	5.02	5.83	6.24	5.72	6.32	6.68
1978	7.03	7.40	7.59	8.34	8.51	8.60
1979	10.51	9.58	9.30	9.44	8.76	8.73
1980	12.02	10.75	10.52	8.51	9.15	9.47
1981	13.86	12.81	12.54	14.94	14.58	14.28
1982	12.68	14.09	14.04	14.41	14.81	14.73
1983	8.62	9.65	10.04	9.78	10.47	10.80
1984	10.02	11.04	11.50	12.17	13.38	13.67
1985	9.18	10.58	11.16	7.66	8.36	9.53
1986	7.63	8.25	8.50	5.56	6.89	7.21
1987	5.97	8.54	8.79	8.71	7.72	7.96

TABLE 2.—MISCELLANEOUS ARM INDICES

Year	January (percent)	July (percent)
A. Average Cost of Funds Ratio to 11th FHLB District Institutions		
1977	n.a.	n.a.
1978	n.a.	n.a.
1979	n.a.	n.a.
1980	8.76	9.67
1981	10.45	11.85
1982	11.95	12.23

TABLE 2.—MISCELLANEOUS ARM INDICES—Continued

Year	January (percent)	July (percent)
1983	10.46	9.66
1984	10.03	10.71
1985	10.22	9.37
1986	8.77	8.20
1987	7.40	7.28

TABLE 2.—MISCELLANEOUS ARM INDICES—Continued

Year	January (percent)	July (percent)
B. National Average Contract Interest Rate For Major Lenders on the Purchase of Previously Occupied Homes		
1977	8.54	8.63
1978	8.95	9.61
1979	10.08	10.67
1980	11.78	12.28
1981	13.24	14.77

TABLE 2.—MISCELLANEOUS ARM INDICES—Continued

Year	January (percent)	July (percent)
1982	15.37	14.96
1983	13.04	12.18
1984	11.70	12.03
1985	12.59	11.02
1986	10.40	9.36
1987	9.19	9.05

TABLE 2.—MISCELLANEOUS ARM INDICES—Continued

Year	January (percent)	July (percent)
C. National Monthly Median Cost of Funds Ratio to FSLIC-Insured Institutions		
1977	n.a.	n.a.
1978	n.a.	n.a.
1979	n.a.	7.44
1980	8.09	9.16

TABLE 2.—MISCELLANEOUS ARM INDICES—Continued

Year	January (percent)	July (percent)
1981	9.50	10.92
1982	11.44	11.54
1983	10.14	9.85
1984	9.86	9.90
1985	9.75	8.87
1986	8.50	7.34
1987	7.22	6.96

Year	Quarterly Period				Semiannual Period	
	January—March	April—June	July—September	October—December	January—June	July—December
D. National Average Cost of Funds Ratio to FSLIC-Insured Institutions (percent)						
1977	n.a.	n.a.	n.a.	n.a.	6.39	6.48
1978	n.a.	n.a.	n.a.	n.a.	6.54	6.79
1979	n.a.	n.a.	n.a.	n.a.	7.23	7.71
1980	n.a.	n.a.	n.a.	n.a.	8.77	9.11
1981	n.a.	n.a.	n.a.	n.a.	10.31	11.53
1982	n.a.	n.a.	n.a.	n.a.	11.49	11.27
1983	n.a.	n.a.	n.a.	n.a.	9.81	9.84
1984	9.74	9.90	10.27	10.31	9.77	10.29
1985	9.58	9.35	9.04	8.78	9.47	8.92
1986	8.40	8.21	7.99	7.53	8.35	7.76
1987	7.11	7.00			7.09	

Economic Impact Statement

The Board's Division of Research and Statistics has prepared an economic impact statement on the proposed revisions to Regulation Z. A copy of the analysis may be obtained from Publications Services, Board of Governors of the Federal Reserve System, Washington, DC. 20551, at (202) 452–3245.

List of Subjects in 12 CFR Part 226

Advertising, Banks, banking, Consumer protection, Credit, Federal Reserve System, Finance, Penalties, Rate limitations, Truth in lending.

For reasons set out in this notice, and pursuant to the Board's authority under section 105 of the Truth in Lending Act (15 U.S.C. 1604 as amended), the Board amends Part 226 as follows:

PART 226—TRUTH IN LENDING

1. The authority citation for Part 226 continues to read as follows:

Authority: Sec. 105, Truth in Lending Act, as amended by sec. 605, Pub. L. 96–221, 94 Stat. 170 (15 U.S.C. 1604 *et seq.*); sec. 1204(c), Competitive Equality Banking Act, Pub. L. 100–86, 101 Stat. 552.

2. Section 226.17 is amended by revising paragraph (b) to read as follows:

§ 226.17 General disclosure requirements.

* * * * *

(b) *Time of disclosures.* The creditor shall make disclosures before consummation of the transaction. In certain residential mortgage transactions, special timing requirements are set forth in § 226.19(a). In certain variable-rate transactions, special timing requirements for variable-rate disclosures are set forth in § 226.19(b) and § 226.20(c). In certain transactions involving mail or telephone orders or a series of sales, the timing of disclosures may be delayed in accordance with paragraphs (g) and (h) of this section.

* * * * *

3. Section 226.18 is amended by revising footnote 43 and paragraph (f) to read as follows:

§ 226.18 Content of disclosures.

* * * * *

(f) *Variable rate.* (1) If the annual percentage rate may increase after consummation in a transaction not secured by the consumer's principal dwelling or in a transaction secured by the consumer's principal dwelling with a term of one year or less, the following disclosures: [43]

(i) The circumstances under which the rate may increase.

(ii) Any limitations on the increase.

(iii) The effect of an increase.

(iv) An example of the payment terms that would result from an increase.

[43] Information provided in accordance with §§ 226.18(f)(2) and 226.19(b) may be substituted for the disclosures required by paragraph (f)(1) of this section.

(2) If the annual percentage rate may increase after consummation in a transaction secured by the consumer's principal dwelling with a term greater than one year, the following disclosures.

(i) The fact that the transaction contains a variable-rate feature.

(ii) A statement that variable-rate disclosures have been provided earlier.

* * * * *

§ 226.22 [Amended]

4. Section 226.22 is amended by redesignating footnote 45a as 45d.

5. Section 226.19 is revised to read as follows:

§ 226.19 Certain residential mortgage and variable-rate transactions.

(a) *Residential mortgage transactions subject to RESPA.*—(1) *Time of disclosures.* In a residential mortgage transaction subject to the Real Estate Settlement Procedures Act (12 U.S.C. 2601 *et seq.*) the creditor shall make good faith estimates of the disclosures required by § 226.18 before consummation, or shall deliver or place them in the mail not later than three business days after the creditor receives the consumer's written application, whichever is earlier.

(2) *Redisclosure required.* If the annual percentage rate in the consummated transaction varies from the annual percentage rate disclosed under § 226.18(e) by more than ⅛ of 1 percentage point in a regular transaction or more than ¼ of 1 percentage point in an irregular transaction, as defined in § 226.22, the creditor shall disclose the changed terms no later than consummation or settlement.

(b) *Certain variable-rate transactions.* [45a] If the annual percentage rate may increase after consummation in a transaction secured by the consumer's principal dwelling with a term greater than one year, the following disclosures must be provided at the time an application form is provided or before the consumer pays a non-refundable fee, whichever is earlier: [45b]

(1) The booklet titled *Consumer Handbook on Adjustable Rate Mortgages* published by the Board and the Federal Home Loan Bank Board, or a suitable substitute.

(2) A loan program disclosure for each variable-rate program in which the consumer expresses an interest. The following disclosures, as applicable, shall be provided:

(i) The fact that the interest rate, payment, or term of the loan can change.

(ii) The index or formula used in making adjustments, and a source of information about the index or formula.

(iii) An explanation of how the interest rate and payment will be determined, including an explanation of how the index is adjusted, such as by the addition of a margin.

(iv) A statement that the consumer should ask about the current margin value and current interest rate.

(v) The fact that the interest rate will be discounted, and a statement that the consumer should ask about the amount of the interest rate discount.

(vi) The frequency of interest rate and payment changes.

(vii) Any rules relating to changes in the index, interest rate, payment amount, and outstanding loan balance including, for example, an explanation of interest rate or payment limitations, negative amortization, and interest rate carryover.

(viii) An historical example, based on a $10,000 loan amount, illustrating how payments and the loan balance would have been affected by interest rate changes implemented according to the terms of the loan program. The example shall be based upon index values beginning in 1977 and be updated annually until a 15-year history is shown. Thereafter, the example shall reflect the most recent 15 years of index values. The example shall reflect all significant loan program terms, such as negative amortization, interest rate carryover, interest rate discounts, and interest rate payment limitations, that would have been affected by the index movement during the period.

(ix) An explanation of how the consumer may calculate the payments for the loan amount to be borrowed based on the most recent payment shown in the historical example.

(x) The maximum interest rate and payment for a $10,000 loan originated at the most recent interest rate shown in the historical example assuming the maximum periodic increases in rates and payments under the program; and the initial interest rate and payment for that loan.

(xi) The fact that the loan program contains a demand feature.

(xii) The type of information that will be provided in notices of adjustments and the timing of such notices.

(xiii) A statement that disclosure forms are available for the creditor's other variable-rate loan programs.

6. Section 226.20 is amended by adding paragraph (c) to read as follows:

§ 226.20 Subsequent disclosure requirements.

* * * * *

(c) *Variable-rate adjustments.* [45c] An adjustment to the interest rate with or without a corresponding adjustment to the payment in a variable-rate transaction subject to § 226.19(b) is an event requiring new disclosures to the consumer. At least once each year during which an interest rate adjustment is implemented without an accompanying payment change, and at least 25, but no more than 120, calendar days before a payment at a new level is due, the following disclosures, as applicable, must be delivered or placed in the mail:

(1) The current and prior interest rates.

(2) The index values upon which the current and prior interest rates are based.

(3) The extent to which the creditor has foregone any increase in the interest rate.

(4) The contractual effects of the adjustment, including the payment due after the adjustment is made, and a statement of the loan balance.

(5) The payment, if different from that referred to in paragraph (c)(4) of this section, that would be required to fully amortize the loan at the new interest rate over the remainder of the loan term.

[45a] Information provided in accordance with variable-rate regulations of other federal agencies may be substituted for the disclosures required by paragraph (b) of this section.

[45b] Disclosures may be delivered or placed in the mail not later than three business days following receipt of a consumer's application when the application reaches the creditor by telephone, or through an intermediary agent or broker.

[45c] Information provided in accordance with variable-rate subsequent disclosure regulations of other federal agencies may be substituted for the disclosure required by paragraph (c) of this section.

Appendix H—[Amended]

7. Appendix H is amended by redesignating H–4 as H–4(A) and revising the heading in the table of Contents, by adding H–4(B), H–4(C), and H–4(D), and by revising H–14 and the heading in the table of contents to read as follows:

Appendix H—Closed-end Model Forms and Clauses

* * * * *

H–4(A) Variable-Rate Model Clauses (§ 226.18(f)(1))
H–4(B) Variable-Rate Model Clauses (§ 226.18(f)(2))
H–4(C) Variable-Rate Model Clauses (§ 226.19(b))
H–4(D) Variable-Rate Model Clauses (§226.20(c))

* * * * *

H–14 Variable-Rate Mortgage Sample (§ 226.19(b))

* * * * *

H–4(A) Variable-Rate Model Clauses

* * * * *

H–4(B) Variable-Rate Model Clauses

Your loan contains a variable-rate feature. Disclosures about the variable-rate feature have been provided to you earlier.

H–4(C) Variable-Rate Model Clauses

This disclosure describes the features of the Adjustable Rate Mortgage (ARM) program you are considering. Information on other ARM programs is available upon request.

How Your Interest Rate and Payment are Determined

• Your interest rate will be based on [an index plus a margin] [a formula].

• Your payment will be based on the interest rate, loan balance, and loan term.

—[The interest rate will be based on (identification of index) plus our margin. Ask for our current interest rate and margin.]

—[The interest rate will be based on (identification of formula). Ask us for our current interest rate.]

—Information about the index [formula for rate adjustments] is published [can be found] _____.

—[The initial interest rate is not based on the (index) (formula) used to make later adjustments. Ask us for the amount of current interest rate discounts.]

How Your Interest Rate Can Change

• Your interest rate can change (frequency).

• [Your interest rate cannot increase or decrease more than _____ percentage points at each adjustement.]

• Your interest rate cannot increase [or decrease] more than _____ percentage points over the term of the loan.

How Your Payment Can Change

• Your payment can change (frequency) based on changes in the interest rate.

• [Your payment cannot increase more than (amount or percentage) at each adjustment.]

• You will be notified in writing _____ days before the due date of a payment at a new level. This notice will contain information about your interest rates, payment amount, and loan balance.

• [You will be notified once each year during which interest rate adjustments, but no payment adjustments, have been made to your loan. This notice will contain information about your interest rates, payment amount, and loan balance.]

• For example, on a $10,000 [term] loan with an initial interest rate of _____ (the rate shown in the interst rate column below for the year 19_____), the maximum amount that the interest rate can rise under this program is _____ percentage points, to _____ %, and the monthly payment can rise from a first-year payment of $_____ to a maximum of $_____ in the _____ year.

Example

The example below shows how your payments would have changed under this ARM program based on actual changes in the index from 1977 to 1991. This does not necessarily indicate how your index will change in the future.

The example is based on the following assumptions:

Amount of loan..... $10,000
Term..... _____
Change date ..... _____
Payment adjustment.... (frequency)
Interest adjustment..... (frequency)
[Margin] * ..... _____
Caps ____ [periodic interest rate cap]
_____ lifetime interest rate cap
_____ [payment cap]
[Interest rate carryover]—
[Negative amortization]
[Interest rate discount] **
Index ..... (identification of index or formula)

* This is a margin we have used recently; your margin may be different.

** This is the amount of a discount we have provided recently; your loan may be discounted by a different amount.

Year	Index (%)	Margin (percentage points)	Interest rate (%)	Monthly payment ($)	Remaining balance ($)
1977					
1978					
1979					
1980					
1981					
[redacted]					
1983					
1984					
1985					
[redacted]					
1987					
1988					
1989					
1990					
1991					

To see what your payments would have been during that period, divide your mortgage amount by $10,000; then multiply the monthly payments by that amount (For example, in 1991 the monthly payment for a mortgage amount of $60,000 taken out in 1977 would be: $60,000 ÷ $10,000 = 6; 6x_____ = $_____ per month.)

H–4(D) Variable-Rate Model Clauses

Your new interest rate will be _____%, which is based on an index value of _____%.

Your previous interest rate was _____%, which was based on an index value of _____%.

[The new interest rate does not reflect a change of _____ percentage points in the index value which was not added because of _____.]

[The new payment will be $_____.]

[Your new loan balance is $_____.]

[Your (new) (existing) payment will not be sufficient to cover the interest due and the difference will be added to the loan amount. The payment amount needed to pay your loan in full by the end of the term at the new interest rate is $_____.]

[The following interest rate adjustments have been implemented this year without changing your payment: _____. These interest rates were based on the following index values: _____.]

* * * * *

H–14 Variable-Rate Mortage Sample

This disclosure describes the features of the Adjustable Rate Mortgage (ARM) program you are considering. Information on other ARM programs is available upon request.

How Your Interest Rate and Payment are Determined

• Your interest rate will be based on an index rate plus a margin.

• Your payment will be based on the interest rate, loan balance, and loan term.

• The interest rate will be based on the weekly average yield on United States Treasury securities adjusted to a constant maturity of 1 year (your index), plus our margin. Ask us for our current interest rate and margin.

• Information about the index rate is published weekly in the *Wall Street Journal.*

• Your interest rate will equal the index rate plus our margin unless your interest rate "caps" limit the amount of change in the interest rate.

How Your Interest Rate Can Change

• Your interest rate can change yearly.

• Your interest rate cannot increase or decrease more than 2 percentage points per year.

• Your interest rate cannot increase or decrease more than 5 percentage points over the term of the loan.

How Your Montly Payment Can Change

• Your monthly payment can change yearly based on changes in the interest rate.

• For example, on a $10,000, 30-year loan with an initial interest rate of 9.71% (the rate shown in the interest rate column below for the year 1987), the maximum amount that the interest rate can rise under this program is 5 percentage points, to 14.71%, and the monthly payment can rise from a first-year payment of $85.82 to a maximum of $123.31 in the fourth year.

• You will be notified in writing 25 days before the annual payment adjustment may be made. This notice will contain information about your interest rates, payment amount, and loan balance.

Example

The example below shows how your payments would have changed under this ARM program based on actual changes in the index from 1977 to 1987. This does not necessarily indicate how your index will change in the future. The example is based on the following assumptions:

Amount..... $10,000
Term..... 30 years.
Payment adjustment. 1 year.
Interest adjustment. 1 year.
Margin ..... 3 percentage points.
Caps ..... 2 percentage points annual interest rate.
Index ..... 5 percentage points lifetime interest rate. Weekly average yield on U.S. Treasury securities adjusted to a constant maturity of one year.

Year (as of 1st week ending in July)	Index (percent)	Margin (percentage points)	Interest rate (percent)	Monthly payment (dollars)	Remaining balance (dollars)
1977	5.72	3	8.72	78.46	9,927.64
1978	8.34	3	10.72**	92.89	9,874.67
1979	9.44	3	12.44	105.67	9,832.70
1980	8.51	3	11.51	98.79	9,776.04
1981	14.94	3	13.51**	113.51	9,731.98
1982	14.41	3	13.72***	115.07	9,683.39
1983	9.76	3	12.76	108.25	9,618.21
1984	12.17	3	13.72***	114.96	9,554.39
1985	7.66	3	11.72**	101.08	9,456.03
1986	6.36	3	9.72**	88.13	9,311.25
1987	6.71	3	9.71	88.07	9,151.55

*This is a margin we have used recently; your margin may be different.
**This interest rate reflects a 2 percentage points annual interest rate cap.
***This interest rate reflects a 5 percentage points lifetime interest rate cap.

To see what your payments would have been during that period, divide your mortgage amount by $10,000; then multiply the monthly payment by that amount. (For example, in 1987 the monthly payment for a mortgage amount of $60,000 taken out in 1977 would be: $60,000 ÷ $10,000 = 6; 6 × $88.07 = $528.42.)

* * * * *

By order of the Board of Governors of the Federal Reserve System, dated December 21, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87–29555 Filed 12–23–87; 8:45 am]

BILLING CODE 6210–01–M

FARM CREDIT ADMINISTRATION

12 CFR Parts 614 and 624

Farm Credit System Regulatory Accounting Practices—Temporary Regulations; Loan Policies and Operations—Loss sharing Agreements; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA) published final amended regulations under Parts 614 and 624 on November 16, 1987 (52 FR 43733). These regulations implement the provisions of the Farm Credit Act Amendments of 1986 relating to the use of regulatory accounting practices by Farm Credit System institutions and transfer the section relating to reversal of previously accrued financial assistance to the FCA regulations governing loss-sharing agreements. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is December 21, 1987.

EFFECTIVE DATE: December 21, 1987.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Peoples, Office of the General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090 (703) 883–4020.

(Secs. 5.17(9) and (10), Pub. L. 92–181, as amended by Pub. L. 99–205, 12 U.S.C. 2252(a)(9)(1))

Dated: December 21, 1987.

David A. Hill,

Secretary, Farm Credit Administration Board.

[FR Doc. 87–29543 Filed 12–23–87; 8:45 am]

BILLING CODE 6705–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87–NM–153–AD; Amdt. 39–5815]

Airworthiness Directives; McDonnell Douglas Model DC–10–10, –10F, –15, –30, –30F, –40, and KC–10A (Military) Series Airplanes, Fuselage Numbers 1 Through 400

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–10–10, –10F, –15, –30 –30F, –40, and KC–10A (Military) series airplanes, which requires inspections of the inboard and outboard wing flap vane primary (aft) attach bolts and nuts, and replacement, if necessary. This amendment is prompted by an incident where three pieces of a left hand outboard flap vane departed the aircraft due to corroded primary (aft) attach bolts and nuts. This condition, if not corrected, could result in the separation of an inboard or outboard flap vane from the wing.

EFFECTIVE DATE: January 20, 1988.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1–L00 (54–60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Maurice Cook, Aerospace Engineer, Airframe Branch, ANM–121L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514–6319.

SUPPLEMENTARY INFORMATION: The FAA has recently received a report of an incident where an operator of a McDonnell Douglas DC–10 series airplane lost sections of an outboard flap vane during flight. Investigation revealed that the nut for the primary

BEST COPY AVAILABLE

(aft) bolt attaching the vane to the support at track 2 was severely corroded and split; the primary bolt was not found. The attach bolt and nut were fabricated from high strength steel. Analysis attributed the nut failure to corrosion. Evaluation of the corroded nut showed that the bolt may have been missing for some time. The affected airplane had accumulated 42,876 flight hours time in service at the time of the incident.

Corrosion in the attach bolt and nut assemblies, if not detected and corrected, could lead to loss of the inboard or outboard flap vane from the wing.

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin A57-107, dated June 22, 1987, which describes procedures for inspection and replacement, if necessary, of the inboard and outboard wing flap vane primary (aft) attach bolts and nuts.

Since this condition is likely to exist or develop on other airplanes of the same type design, this AD requires inspection and replacement, if necessary, of the inboard and outboard wing flap vane primary (aft) attach bolts and nuts, in accordance with the service bulletin previously mentioned.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

§ 39.1 [Amended]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -40, and KC-10A (Military) series airplanes, fuselage numbers 1 through 400, certificated in any category. Compliance required as indicated unless previously accomplished.

To prevent inboard and outboard flap vane separation due to loose, broken or corroded primary (aft) attach bolts or nuts, accomplish the following:

A. Within 15 days after the effective date of this AD, unless accomplished since June 6, 1987, inspect the flap vane primary (aft) attach bolts and nuts in accordance with the Phase I, Accomplishment Instructions, of McDonnell Douglas DC-10 Alert Service Bulletin No. A57-107, dated June 22, 1987, or later FAA-approved revisions.

B. If cracked, broken, or corroded bolts or nuts are found during the inspections required by paragraph A., above, before further flight, replace with airworthy bolts and nuts, in accordance with Phase I, Accomplishment Instructions of McDonnell Douglas DC-10 Alert Service Bulletin No. A57-107, dated June 22, 1987, or later FAA-approved revisions.

C. An alternate means of compliance, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1-L00 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This amendment becomes effective January 20, 1988.

Issued in Seattle, Washington, on December 16, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-29480 Filed 12-23-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Gentamicin Sulfate Soluble Powder

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Schering Corp. providing for the safe and effective use of a new concentration of gentamicin sulfate soluble powder for use in swine drinking water for control and treatment of colibacillosis in weanling swine and swine dysentery in swine.

EFFECTIVE DATE: December 24, 1987.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Center for Veterinary Medicine (HFV-142), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033, filed supplemental NADA 133-836 providing for use of a new concentration of gentamicin sulfate soluble powder (GENTOCIN®/GARACIN® soluble powder, 333.3 milligrams of gentamicin per gram) for control and treatment of colibacillosis in weanling swine caused by strains of *E. coli* sensitive to gentamicin, and control and treatment of swine dysentery associated with *Treponema hyodysenteriae*. There are two concentrations of gentamicin currently approved, 16.7 and 66.7 milligrams.

The supplemental NADA is approved for the proposed higher concentration of 333.3 milligrams of gentamicin, and the regulations in 21 CFR 520.1044c(a) are revised to reflect this approval. This approval provides for a new concentration of a currently approved drug. There is no change in the conditions of use for the product, and no new safety and effectiveness data were required. Therefore, a freedom of information summary as provided for by 21 CFR 514.11(e)(2) is not required.

The agency has determined under 21 CFR 25.24(d)(1)(iii) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 520 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

2. Section 520.1044c is amended by revising paragraph (a) to read as follows:

§ 520.1044c Gentamicin sulfate soluble powder.

(a) *Specifications.* Each gram of gentamicin sulfate soluble powder contains gentamicin sulfate equivalent to 16.7, 66.7, or 333.3 milligrams of gentamicin.

* * * * *

Dated: December 21, 1987

Richard A. Carnevale,

Acting Associate Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 87-29520 Filed 12-23-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 811

Release, Dissemination, and Sale of Visual Information Materials

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force revises the regulation establishing policy on the release, dissemination, and sale of Air Force visual information (VI) materials. It explains how reproductions may be sold, distributed, or released. This revision incorporates DOD Instruction 7230.7 which updates the schedule of fees. It also updates terminology, functional addresses and information on requesting visual material.

EFFECTIVE DATE: January 25, 1988.

ADDRESS: HQ USAF/SCV, Washington, DC 20330.

FOR FURTHER INFORMATION CONTACT: Major Cultice, HQ USAF/SCV, Washington, DC 20330, telephone (202) 695-9610.

SUPPLEMENTARY INFORMATION: On October 8, 1987, the Department of the Air Force published a proposed rule in the **Federal Register** establishing policy on the release, dissemination, and sale of Air Force visual information (VI) materials (52 FR 37631). No comments were received.

The Department of the Air Force has determined that this regulation is not a major rule as defined by Executive Order 12291, is not subject to the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), and does not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

List of subjects in 32 CFR Part 811

Classified information, Motion pictures, Television.

Therefore, 32 CFR 811 is revised to read as follows:

PART 811—RELEASE, DISSEMINATION, AND SALE OF VISUAL INFORMATION MATERIALS

Sec.

811.0 Purpose.
811.1 Exclusions.
811.2 Agencies authorized to release VI materials.
811.3 Policy on the dissemination and sale of VI products.
811.4 Restrictions on the use of government VI records.
811.5 Procedures for requesting VI materials.
811.6 How to collect fees.
811.7 Schedule of fees.
811.8 Requests for motion media.
811.9 Requests for still VI media.

Authority: 10 U.S.C. 8013.

Note.—Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 811.0 Purpose.

This part establishes policy on the release, dissemination, and sale of Air Force visual information (VI) materials. It explains how reproductions may be sold, distributed, or released. It implements 32 CFR Part 288 (Department of Defense (DOD) Instruction 7230.7), DOD Directive 4000.19, DOD Directive 7290.3-M, and DOD Directive 5040.2. It should be used with Part 806 (AFR 12-30, Air Force Freedom of Information Act Program); Part 812 (AFR 12-32, Schedule of Fees for Copying, Certifying, and Searching Records and Other Documentary Material); AFR 177-108, Paying and Collecting Transactions at Base Level; Part 837 (AFR 190-1, Public Affairs Policies and Procedures); and AFR 205-1, Information Security Program. It applies to all Air Force personnel including United States Air Force Reserve and Air National Guard units and members. The term major command (MAJCOM), when used in this part, includes separate operating agencies and direct reporting units.

§ 811.1 Exclusions.

This volume does not apply to:

(a) The sale of aerial reconnaissance or cartographic type photography. Request this photography from the Defense Mapping Agency/ODS, ATTN: DDCP, Washington, DC 20315-0020.

(b) The sale of completed productions. Requests for purchase of completed Air Force productions should be sent to the National Archives and Records Administration, National Audiovisual Center, Information Office, 8700 Edgeworth Drive, Capitol Heights MD 20722-3701.

(c) VI materials made for the Air Force Office of Special Investigations (AFOSI) for use in an investigation or a counterintelligence report. Part 806 and AFR 124-4, Requesting AFOSI Investigations and Safeguarding, Handling and Releasing Information from AFOSI Reports, show who may use these VI materials.

(d) VI materials made for aircraft and missile mishap investigators for investigations of Air Force aircraft and missile mishaps per AFR 127-4. Part 806 and AFR 124-4 show who may use these materials.

§ 811.2 Agencies authorized to release VI materials.

(a) The Secretary of the Air Force, Office of Public Affairs (SAF/PA), per Part 837, may release VI materials to:

(1) News media, commercial publications, or electronic mail.

(2) Film companies.

(3) Industries.

(4) Nonprofit organizations.

(5) Agencies outside the federal government.

(6) The general public (not associated with the news media).

(b) The Secretary of the Air Force, Office of Legislative Liaison (SAF/LL), arranges for the release of VI material through SAF/PA upon request from members of Congress and provides such material for official use.

(c) The International Affairs Division (HQ USAF/CVAII) (or, in some cases, MAJCOM Foreign Disclosure Office) authorization is required to release classified and unclassified materials for use by foreign governments and international organizations or their representatives.

§ 811.3 Policy on the dissemination and sale of VI products.

(a) *Sale of VI material.* Although copies of Air Force VI products may be sold, Air Force policy is to not compete with commercial industry. When VI materials are sold to persons or organizations outside the federal government, charges and fees must be assessed according to Part 812.

(b) *Dissemination of VI material to state and local governments.* Copies of VI materials that meet the requirements of this part may be loaned or sold to state and local governments, or any tax exempt organization, under Title III of the 1968 Intergovernmental Cooperation Act. The requester must certify that such materials are not available from commercial sources. The only Air Force organization authorized to loan copies of VI materials is the United States Air Force Central Visual Information Library (AFCVIL), managed by 1352d Audiovisual Squadron, Norton AFB CA.

(c) *Disseminating and selling activities.* Dissemination and sale of Air Force VI documentation is accomplished by the DOD Motion Media Records Center, operated by the 1352d Audiovisual Squadron (AAVS) (MAC), Norton AFB CA and the DOD Still Media Records Center, operated by the US Navy at the Anacostia Naval Station, Washington, DC.

(d) *Sale of original VI material.* Original VI material is not for sale. Reproductions of the original may be sold. HQ USAF/SCV may authorize the loan of copies or duplicates of original material for federal government use. SAF/PA may lend copies or duplicates of original material to agencies outside the federal government and to the public.

(1) DOD VI records centers use only government-owned VI material in servicing approved requests for dissemination and sale. The use of nongovernment VI material must be with the written permission of the owner.

(2) Production of material for sale must not stop or slow official Air Force work or be used to justify facility expansion or additional manpower.

(e) *Requests and services exempt from fees.* In accordance with Part 813, requests received from the sources below are exempt from paying fees if funds are available for producing the material, production does not impair the mission of the furnishing agency, all clearances and releases specified by this part have been obtained, and the work can be done during normal duty hours. When requests cannot be accomplished within the above criteria, the request will be processed only when fees are paid by the requester.

(1) DOD and other government agencies requesting VI materials for official activities (DOD Directive 4000.19 and DOD Directive 5040.2).

(2) Members of Congress requesting VI materials for use in official activities.

(3) VI records center materials or services furnished according to law or Executive order.

(4) Federal, state, territorial, county, or municipal governments, or their agencies, for functions related to or furthering an Air Force or other DOD objective.

(5) Nonprofit organizations for functions related to public health, education, or welfare.

(6) Members of the Armed Forces in a casualty status, their next of kin, or authorized representative, when the requested VI material relates to the member and does not compromise classified information or the work of an accident investigation board.

(7) The general public, to further the Armed Forces recruiting program or public understanding of the Armed Forces, when such VI materials or services are determined by SAF/PAM to be in the best interest of the Air Force.

(8) Incidental or occasional requests for VI records center materials or services (including requests from residents of foreign countries) when it is determined that fees would be inappropriate. (For the distribution of VI materials to foreign nations, see Part 837 of this chapter).

§ 811.4 Restrictions on the use of government VI records.

Activities sending materials to the DOD VI records centers must ensure that any limitation on their use is noted on the materials. The following restrictions on VI material disseminated or sold from the records centers must also be observed:

(a) Materials must not be used to promote or endorse a commercial service or product (see Part 837).

(b) Rights to official Air Force VI material may not be claimed by any other agency or person.

(c) The waiver of propriety and privacy rights cannot be granted with the sale or release of VI materials unless these rights and the rights of transfer are owned by the Air Force.

(d) VI materials received from Air Force contractors may be released, disseminated, or sold if not identified as proprietary material in the applicable contract.

(e) When provisions of formal agreements between the Air Force and other government agencies on release of VI materials differ from this part, the provisions of the formal agreement apply.

§ 811.5 Procedures for requesting VI materials.

(a) Informal inquiries may be made to the appropriate DOD records center on VI materials available in broad subject areas. Such inquiries are not formal requests. Research of, or access to, materials are provided only by submission of a formal request. Inquiries regarding motion picture or television materials should be sent to the DOD Central Motion Media Records Center (1352d AVS/AVOS, Norton AFB CA 92409–5996). Inquiries regarding still photo materials should be sent to the DOD Still Media Records Center, ATTN: Code LGP–R, Bldg 168, Anacostia Naval Station, Washington, DC 20374–1681.

(b) Submit formal requests according to § 811.8 and § 811.9. When advised that the request has been approved, the requester may communicate directly with the records center about the selection of materials.

§ 811.6 How to collect fees.

(a) The Air Force or DOD activity making the sale collects the funds in advance.

(b) The fees due the United States must be paid by cash, United States Treasury check, certified check, cashiers check, bank draft, or postal money order (AFM 177–108). Personal checks may not be used.

§ 811.7 Schedule of fees.

Fees are established by the Department of Defense and are listed as follows:

(a) Still Photography. Still pictorial or documentary photographic prints. Unlisted standard sizes of prints may be furnished, if available, at prevailing contract or activity rates.

PRICE PER PRINT

	Quantity			
	1–9	10–20	21–50	50+
8"×10" single weight (RC type) paper	$4.50	$3.25	$2.50	$1.75
11"×14" single weight (RC type) paper	9.00	7.00	5.00	4.00
16"×20" single weight (RC type) paper	19.00	15.00	12.00	9.50
20"×24" single weight (RC type) paper	30.00	25.00	20.00	15.00
8"×10" single weight color paper	11.00	7.50	3.50	3.00
11"×14" single weight color paper	17.00	9.00	6.50	5.50
16"×20" single weight color paper	35.00	25.00	14.00	11.50
35mm color transparency slide made from color negative	5.00	3.50	3.00	3.00
35mm duplicate from 35mm slide	1.00	.60	.50	.45
Print mounted on 16"×20" cardboard	[1] 8.00			
Print mounted on 20"×24" cardboard	[1] 12.00			
8"×10" color transparencies	[2] 20.00			
4"×5" color transparencies	4.50			
4"×5" B&W negative	2.00			
70mm color negative	7.50			

[1] Unit price of print.
[2] First $16.00 each additional.

NOTE: DOD Still Records Center photographic services are not normally done in-house by DOD. Charges for the above processing and services will be at prevailing contract rates on a case-by-case basis. All prices are subject to change without notice. Fees for copies of photographs which are part of a patient's medical record should be coordinated with the Patient Affairs Officer at the medical treatment facility.

(b) Motion Picture.

VOL 52 ISS 247 DEC 24 1987 UMI

	Price Per Foot Contact
Copy	
16mm work print (positive) work print from an original negative	$.25
16mm reversal work print	.20
16mm color master ("A" roll)	.60
16mm duplicate negative (from master positive)	.50
16mm reversal duplicate negative	.85
16mm internegative (from reversal original)	.70
16mm short rolls (under 100 ft)	[1].10
16mm tab-to-tab printing	[1].10
Black and White:	
16mm work print (negative/positive)	.10
16mm master positive (fine grain)	.25
16mm duplicate negative	.25
16mm short rolls (under 200 ft)	[1].10
16mm tab-to-tab printing	[1].10
Miscellaneous:	
Magnetic tape—dub from 16mm film	$65.00
Searching (per hour or fraction thereof)	18.00
Minimum charge per film order (including search)	35.00
16mm film to videotape (broadcast quality tape format per hour)	[2] 275.00
Minimum charge for film to videotape transfer	[2] 140.00

[1] Plus basic price.
[2] Plus raw stock.

NOTE: 35mm film processing for motion pictures and some motion picture services are not done in-house by the DOD. Charges for these types of processing and services will be at prevailing contract rates on a case-by-case basis. Prices are subject to change without notice.

BILLING CODE 3910-01-M

§ 811.8 Requests for motion media.

RULE	A	B	C	D	E
	If the requester is	and material requested is unclassified	and material requested is classified	then furnish is writing the	and send the request to
I	news media	X	– –	– –	SAF/PA, Wash DC 20330-5000 for regional, national or international release; servicing PA for local release
II	the general public including entertainment, documentary, advertisers, industrial media producers, editors & writers	X	– –	film sequence outline of script; intended use of the film/video; type of film stock needed (neg, interneg, print, 3/4" video tape) approx number of screen feet	SAF/PAMB, Wash DC 20330-5000
III	an Air Force or other federal government agency	X	– –	intended use of the film/video type stock needed (neg, interneg, print, 3/4" video tape); approx number of screen feet/minutes	1352 AVS/AVOS, Norton AFB CA 92409-5996
IV	a federal government contractor (to meet USAF requirements specified in federal contract)	X	– –	– –	USAF plant representative
V	an Air Force contractor (to meet VI requirements specified in a USAF contract)	– –	X	intended use of the material; type of material needed (print, neg, interneg, video); required number of prints, slides, negs, etc.; a full justification for access to classified material	USAF plant representative
VI	a federal government contractor (to provide material for public release)	X	– –		
VII	USAF plant representative (to provide material to federal government contractor that is specified in federal contract)	X	– –		1352 AVS/AVOS Norton AFB, CA 92409-5996
VIII	USAF plant representative (to provide material to federal government contractor for release to public)	X	– –		SAF/PA, 1352 AVS/AVOS IN TURN
IX	USAF plant representative (to provide material to an Air Force contractor that was specified in USAF contract)	– –	X		MAJCOM (CC), 1352 AVS/AVOS IN TURN
X	a nonfederal government agency (state, county, territorial, municipal)	X	– –	intended use of VI materials; type of film, video tape stock needed (neg, interneg, print, 3/4", 1", etc.); approx number of screen feet/minutes; a certification that requested material cannot be procured reasonably and expeditiously through normal business channels	SAF/PAMB, Wash DC 20330-5000
XI	members of Congress	X	X	intended use of VI products; type of film/video stock needed (neg, interneg, print, 3/4", 1", etc.); approx number of screen feet; full justification for access to classified material	SAF/LL, Wash DC 20330-5000
XII	foreign governments, international organizations or their representatives	X	X		HQ USAF/CVAII or MAJCOM (if delegated authority)
XIII	foreign nationals or foreign industries (other than representatives of foreign governments or international organizations)	X	– –		ICA office serving the foreign country (see note)
XIV	same as 13	– –	X		HQ USAF/CVAII or MAJCOM (if delegated authority)
XV	an Air Force activity	– –	X		MAJCOM (CC) 1352 AVS/AVOS IN TURN
XVI	other non-Air Force activities	– –	X	intended use of VI product; type of film stock/video tape needed (neg, interneg, print, 3/4", 1" tape, etc.); approx number of screen feet; full justification for access to classified material; a statement describing the measures to be taken—at least equal to those in DOD 5200.1R/AFR 205-1, to safeguard and protect the material against unauthorized disclosure	HQ USAF/SCV, Wash DC 20330-5190

Note: Requests originating within the United States may be sent to SAF/PA, Wash DC 20330-5000, for coordination with HQ USAF/CVAII(S) and ICA clearance.

BILLING CODE 3910-01-C

VOL 52 ISS 247 DEC 24 1987 UMI

§ 811.9 Requests for still VI media.

RULE	A	B	C	D	E
		and material requested is			
	If the requestor is	unclassified	classified	then furnish in writing the	and send the request to
1	news media	X	--		SAF/PAMB, Wash DC 20330-5000 for regional, national or international release; servicing PA, for local release.
2	the general public including entertainment, documentary, advertisers, industrial media producers, editors & writers	X	--	story outline or ad copy; intended use of the material; type of material needed (neg, print, interneg); required number of prints, slides, negs, etc.	SAF/PAMB, Wash DC 20330-5000
3	an Air Force or other federal government agency	X	--		DOD Still Media Records Center, ATTN: Code LGP-R, Bldg 168, Anacostia Naval Station, Wash DC 20374-1581
4	a federal government contractor (to meet VI requirements specified in federal contract)	X	--		USAF plant representative
5	an Air Force plant representative (to meet a federal government contractor's needs specified in federal contract)	X	--		SAF/PA, Wash DC 20330-5000
6	an Air Force contractor (to meet VI requirements specified in a USAF contract)	--	X	intended use of the material; type of material needed (print, neg, interneg); required number of prints, slides, negs, etc.; a full justification for access to classified material	AF plant representative
7	an Air Force plant representative (to meet a federal government contractor's needs specified in a USAF contract)	--	X		MAJCOM (CC), DOD Central Still Media Records Center
8	a nonfederal government agency (state, county, territorial, municipal)	X	--	intended use of the material; type of material needed (neg, print, interneg); required number of prints, slides, negs, etc; a certification that the requested material cannot be procured reasonably and expeditiously through ordinary business channels	SAF/PA, Wash DC 20330-5000
9	members of Congress	X	X		SAF/LL, Wash DC 20330-5000
10	foreign governments, international organizations or their representatives	X	X	intended use of the material; type of material needed (print, neg, interneg); required number of prints, slides, negs, etc.; a full justification for access to classified material	HQ USAF/CVAII or MAJCOM (if delegated authority)
11	foreign nationals or foreign industries other than representatives of foreign governments or international organizations	X	--		Central Still Media Records Center
12	foreign nationals or foreign industries other than representatives of foreign governments or international organizations	--	X		HQ USAF/CVAII or MAJCOM (if delegated authority)
13	an Air Force activity	--	X		MAJCOM (CC), DOD Central Still Media Records Center IN TURN
14	a non-Air Force activity	--	X	intended use of the material; type of material needed (neg, print, interneg); required number of prints, slides, negs, etc.; a full justification for access to classified material; a statement describing the measures taken—at least equal to those in DOD 5200.1-R/AFR205-1, to safeguard and protect the material against unauthorized disclosure	HQ USAF/SCV, Wash DC 20330-5000

Note: Requests originating within the United States may be sent to SAF/PA, Wash DC 20330-5000 for coordination with HQ USAF/CVAII and PA clearance.

[FR Doc. 87-29439 Filed 12-23-87; 8:45 am]

BILLING CODE 3910-01-C

32 CFR Part 811a

Visual Information Documentation (VIDOC) Program

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force revised the regulation establishing policy for the management of the Air Force visual information documentation (VIDOC) program. It implements Department of Defense (DOD) Directive 5040.2, and describes how the program is accomplished. The revision updates functional address symbols and implements new terminology.

EFFECTIVE DATE: January 25, 1988.

ADDRESS: HQ USAF/SCV, Washington, DC 20330.

FOR FURTHER INFORMATION CONTACT: Major Cultice, HQ USAF/SCV, Washington, DC 20330, telephone (202) 695-9810.

SUPPLEMENTARY INFORMATION: The Department of the Air Force published a proposed rule in the **Federal Register** on October 8, 1987, establishing policy for the management of the Air Force visual information documentation program (52 FR 37636). No comments were received.

The Department of the Air Force has determined that this regulation is not a major rule as defined by Executive Order 12291, is not subject to the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), and does not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub.L. 96-511).

List of Subject in 32 CFR Part 811a

Archives and records, Motion pictures.

Therefore, 32 CFR Part 811a is revised to read as follows:

32 CFR PART 811a—VISUAL INFORMATION DOCUMENTATION (VIDOC) PROGRAM

Sec.

811a.1 Purpose.
811a.2 Material sources for the VIDOC program.
811a.3 Disposition of VI documentation materials.

Authority: 10 U.S.C. 8013.

§ 811a.1 Purpose.

This part establishes policy for the management of the Air Force visual information documentation (VIDOC) program. It implements Department of Defense (DOD) Directive 5040.2 and describes how the program is accomplished. It applies to all Air Force personnel including United States Air Force Reserve and Air National Guard units and members. The term major command (MAJCOM), when used in this part includes separate operating agencies and direct reporting units. The Air Force VIDOC program:

(a) Records, through visual information (VI) means (still photographs, motion pictures, video, audio tape, and so forth), imagery of significant Air Force events that document the employment, growth, progress, and exercise of Air Force resources during peacetime and in combat.

(b) Collects and preserves visual imagery of significant Air Force events with known or potential historical or archival value.

(c) Ensures imagery which depicts the prime mission, support activities, and significant events of key Air Force organizations is available. VIDOC imagery or products are used for many purposes, at all levels, in the Air Force. Examples are:

(1) *Immediate use.* Documentation used to help analyze and evaluate concepts and results of deployments, contingencies, tests, exercises, and so forth, during peacetime and in combat to support Air Force, DOD, and national objectives. VIDOC provides source material for slides, motion picture clips, video tapes, multimedia products, and so forth; used for training, management, information, and briefing purposes. In wartime, products are used to support theater commanders psychological operations objectives, operational briefings, status reports, public affairs requirements, collateral intelligence, and the historical record.

(2) *Future use.* VIDOC materials with long-term or permanent value are retained in DOD central record centers, the National Air and Space Museum, and the National Archives. These make up the pictorial records of development, growth, and progress of air power and provide a continued resource for VI productions and other media presentations.

§ 811a.2 Material sources for the VIDOC program.

(a) The primary sources of VI documentation materials are:

(1) Aerospace Audiovisual Service (AAVS) documentation crews, both ground and aerial, whose primary mission is to acquire Air Force imagery in peacetime and in combat.

(2) Base VI support centers (VISC).

(3) Optical instrumentation and engineering imagery of Air Force research, development, test, and evaluation (RDT&E) projects, including that material originated by defense and aerospace contractors.

(4) Armament delivery recording (ADR) imagery.

(b) Although the imagery may not originate from a documentation requirement, when properly processed, indexed, and stored, it serves as a valuable source of VI documentation.

§ 811a.3 Disposition of VI documentation materials.

(a) VI materials generated or acquired by Air Force members, employees, or contractors in conducting official duties are the property of the United States Air Force. Personal use of VI material for sale or any other reason not directly related to an official Air Force activity is prohibited. Any deviation from this policy must be approved by HQ USAF/SCV. This policy also applies when Air Force members or employees, by choice or agreement, occasionally use personally owned equipment or supplies in conducting official duties.

(b) Photographs, motion picture films, transparencies, video tapes, audio recordings, and other VI products are subject to safeguards and release requirements when released outside the Department of Defense (see Part 806 and Part 837 of this chapter).

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 87-29438 Filed 12-23-87; 8:45 am]

BILLING CODE 3910-01-M

VETERANS ADMINISTRATION

38 CFR Part 8a

Veterans Mortgage Life Insurance

AGENCY: Veterans Administration.

ACTION: Final regulatory amendments.

SUMMARY: The Veterans Administration (VA) is amending its Veterans Mortgage Life Insurance (VMLI) regulations to provide that where an eligible veteran ceases to own the housing unit purchased in part with a grant, or a subsequently acquired housing unit which was subject to a mortgage loan that resulted in his or her life being insured under Veterans Mortgage Life Insurance, he or she will again be eligible for full Veterans Mortgage Life Insurance coverage up to the statutory maximum. Eligibility for maximum coverage will not be reinstated where a housing unit is being remortgaged or refinanced.

EFFECTIVE DATE: December 24, 1987.

FOR FURTHER INFORMATION CONTACT: Paul F. Koons, Assistant Director for Insurance, Veterans Administration Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, PA 19101 (215) 951–5360.

SUPPLEMENTARY INFORMATION: On pages 28356 nd 28357 of the Federal Register of July 14, 1987, proposed regulatory amendments were published providing that eligibility for maximum VMLI coverage may be reinstated under certain circumstances. Interested parties were given 30 days within which to submit written comments, suggestions, or objections regarding the proposed regulatory amendments. No written objections were received and the proposed regulations are hereby adopted without change and are set forth below.

The Administrator hereby certifies that these final regulatory amendments will not have a significant impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b) these final regulatory amendments are, therefore, exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that these final regulatory amendments will affect only certain VMLI policyholders. They will, therefore, have no significant direct impact on small entities in terms of compliance costs, paperwork requirements or effects on competition.

The VA has also determined that these final regulatory amendments are nonmajor in accordance with Executive Order 12291, Federal Regulation. These final regulatory amendments will not have a large effect on the economy, will not cause an increase of costs or prices, and will not otherwise have any significant adverse economic effects.

The Catalog of Federal Domestic Assistance Program Number is 64.103.

List of Subjects in 38 CFR Part 8a

Mortgage life insurance, Veterans.
Approved: November 24, 1987.

Thomas K. Turnage,
Administrator.

PART 8a—VETERANS MORTGAGE LIFE INSURANCE

38 CFR Part 8a—Veterans Mortgage Life Insurance is amended as follows:

1. Section 8a.2 is revised to read as follows:

§ 8a.2 Maximum amount of insurance

(a) Each eligible veteran is authorized up to a maximum of $40,000 in Veterans Mortgage Life Insurance (VMLI) to insure his or her life during periods he or she is obligated under a mortgage loan, except that, as to an individual housing unit, whenever there is a reduction in the actual amount of insurance in force as provided for in § 8a.4(b) of this title, the amount of Veterans Mortgage Life Insurance thereafter available to insure the life of the same veteran on the same housing unit is permanently reduced by a like amount.

(b) The maximum amount of insurance in force on any one life at one time shall not exceed the lesser of the following amounts:

(1) $40,000.

(2) For insurance issued prior to December 24, 1987, the reduced maximum amount of insurance then available to an eligible veteran.

(3) The amount of the unpaid principal of the mortgage loan outstanding on the date of approval of the grant on a housing unit then owned and occupied by the eligible veteran, or on a housing unit being or to be constructed or remodeled for the eligible veteran, and such initial amount of insurance may be adjusted upward, subject to the maximum insurance available to the eligible veteran, or downward, depending upon the amount of the mortgage loans outstanding on the date of full disbursement of the grant, or on the date of final settlement of the purchase, construction, or remodeling agreement, whichever date is the later date.

(4) Where an eligible veteran ceases to own the housing unit purchased or adapted in part with a grant, or subsequently acquired housing unit which was subject to a mortgage loan that resulted in his or her life being insured under Veterans Mortgage Life Insurance, and becomes obligated under a mortgate loan on another housing unit occupied or to be occupied by the eligible veteran, the amount of the unpaid principal outstanding on the mortgage loan on the newly acquired housing unit on the date insurance hereunder is placed in effect.

(5) Where an eligible veteran incurs or refinances a mortgage loan, subject to the provisions of paragraph (a) of this section, the amount of the incurred or refinanced mortgage loan.

(6) Where the title to a housing unit is or will be vested in an eligible veteran and his or her spouse, the amount of insurance shall not exceed the principal amount of the outstanding mortgage loans. If title to an undivided interest in a housing unit is or will be vested in a person other than the spouse of an eligible veteran, the amount of Veterans Mortgage Life Insurance or his or her life shall be computed to be such part of the total of the unpaid principal of the loan outstanding on the housing unit as is proportionate to the undivided interest of the veteran in the entire property.

(7) All claims, arising out of the deaths of insured veterans occurring prior to October 1, 1976, shall be subject to the $30,000 lifetime maximum amount of insurance then in effect.

(8) All claims, arising out of the deaths of insured veterans occurring prior to (date of final publication), shall be subject to the provisions of paragraph (a) of this section then in effect which limited the amount of Veterans Mortgage Life Insurance coverage to a lifetime maximum per eligible veteran.

(c) Any eligible veteran who prior to October 1, 1976, was covered by $30,000 Veterans Mortgage Life Insurance and who on that date became eligible to have his or her coverage increased may elect to retain the lesser amount of coverage he or she had in effect prior to that date.

(Authority: 38 U.S.C. 210, 806)

2. In § 8a.4, paragraph (b) and the first sentence of paragraph (d) are revised and an authority citation is added at the end of the section to read as follows:

§ 8a.4 Coverage.

* * * * *

(b) The amount of Veterans Mortgage Life Insurance in force on his or her life at any one time shall be reduced simultaneously (1) with the reduction in the principal of the mortgage loan, whether or not the mortgage loan is amortized, and (2) in addition, if the mortgage loan is amortized, according to the schedule for the reduction of the principal of the mortgage loan whether or not the schedule payments are timely made.

* * * * *

(d) Subject to the $40,000 maximum amount of insurance, and to the reduced maximum amount of insurance available to the eligible veteran, he or she is entitled to be insured under Veterans Mortgage Life Insurance or to apply for such insurance as often as he or she becomes obligated under a mortgage loan or a refinanced mortgage loan on a housing unit or a successor housing unit owned and occupied by the eligible veteran.* * *

(Authority: 38 U.S.C. 210, 806)

[FR Doc. 87–29428 Filed 12–23–87; 8:45 am]

BILLING CODE 8320–01–M

POSTAL SERVICE

39 CFR Part 111

Domestic Mail Manual; Forwarding of Fourth-Class Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rulemaking modifies the process by which the Postal Service forwards fourth-class mail. Under the modified procedure, the Postal Service will attempt to forward all fourth-class mail unless the sender specifically endorses the package to the contrary. Under the former procedures, forwarding to a different post office depended upon a prior agreement by the addressee to pay forwarding postage.

EFFECTIVE DATES: This rule is effective December 24, 1987, except that grace periods are allowed for the phase-out of several endorsements as explained below.

FOR FURTHER INFORMATION CONTACT: John Sadler, (202) 268–3523.

SUPPLEMENTARY INFORMATION: On July 27, 1987, the Postal Service published a proposed rule to modify the process of forwarding fourth-class mail, 52 FR 28021. The Postal Service received eight written comments to the proposed rule.

All eight comments favored the proposed rule change because it was preferable to the current process which they believe is not well understood by individuals. Specifically, the commenters indicated that they believe that most individuals do not adequately understand what is included in fourth-class mail and, as a result, do not understand the Postal Service's request to indicate whether they will guarantee payment of fourth-class forwarding postage when they fill out a change of address card. The commenters concluded that the proposed rule, which would provide that all fourth-class mail is forwarded to the addressee who will be allowed at the point of delivery to either accept or refuse delivery and payment of postage, will result in more pieces being accepted with fewer returns because recipients will be refusing only those packages which they truly do not want.

Several commenters also indicated that they felt that the endorsements "Address Correction Requested" and "Forwarding and Return Postage Guaranteed, Address Correction Requested" were redundant. Most of these commenters urged elimination of the "Address Correction Requested" endorsement since it does not provide our delivery personnel with sufficiently explicit instructions as to the service desired by the mailer. We agree with this argument and, at the end of a one-year grace period (December 24, 1988), we will eliminate "Address Correction Requested" as an officially recognized endorsement.

Several commenters also argued that the "Do Not Forward" endorsement was not sufficiently specific as to mailer intent and the resultant Postal Service action. We agree and are changing the "Do Not Forward" endorsement to "Do Not Forward, Do Not Return". Mailers may, however, continue to use the endorsement "Do Not Forward" during a one-year grace period, until December 24, 1988.

Although two commenters argued for elimination of the disposal of the mail option there were other commenters who agreed with the option and clearly desired it. Based on these comments and our own views, the Postal Service will retain this option which allows a mailer to elect to have the Postal Service dispose of an undeliverable piece instead of returning it to the sender. We have also added a new endorsement based on several comments which requested an "off piece" address correction and the disposal of the mail piece. The endorsement will be "Do Not Forward, Do Not Return, Address Correction Requested."

Ordinarily the Postal Service delays the effective date of a final rule until thirty days after the date of publication. In this case, we believe an exception is warranted, and accordingly we are making the rule effective upon publication in the Federal Register. Our reasons for doing so are the following. Those affected by the rule will be permitted, if they wish, to continue following the former procedure during a one year grace period. Secondly, because the new rule requires the Postal Service to print and distribute several new forms, the sooner we can begin that rather lengthy process the sooner the service can be offered to mailers who uniformly want and need it.

Based on our proposed rule and the comments received thereto, the Postal Service hereby amends the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR 111.1.), as follows:

PART 111—[AMENDED]

1. The authority citation for Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403, 3621, 5001.

PART 159—UNDELIVERABLE MAIL

2. In 159, revise Exhibit 159.151f to read as follows:

Exhibit 159.151f—Treatment of Undeliverable Fourth-Class Mail Including Parcel Post (Forwarded up to 12 months)

Mailer endorsement	USPS action
No Endorsement	Forward locally at no charge, forward out of town postage due. If undeliverable or addressee refuses to pay postage, return mail pieces with new address or reason for nondelivery; charge both forwarding (where attempted) and return postage.
Do Not Forward, Do Not Return [1]	No forwarding or return service is provided, mail pieces is disposed of by the Postal Service.
Forwarding and Return Postage Guaranteed	Same as no endorsement.
Forwarding and Return Postage, Guaranteed, Address Correction Requested [2].	Forward locally at no charge; forward out of town postage due. If forwarded, provide a separate address correction notice; charge address correction fee. If mail piece is undeliverable, or addressee refuses to pay postage, return mail piece with new address or reason for nondelivery; charge both forwarding (where attempted) and return postage at the appropriate single-piece fourth-class rate.
Do Not Forward, Do Not Return, Address Correction Requested.	No forwarding or return service is provided; provide a separate address correction notice; charge address correction fee; mail piece is disposed of by Postal Service.

Mailer endorsement	USPS action
Do Not Forward, Address Correction Requested, Return Postage Guaranteed [3].	No forwarding service is provided; return mail piece with new address or reason for nondelivery; charge return postage at the appropriate single piece fourth-class rate.

[1] Mailers may continue to use the endorsements "Do Not Forward" which has been changed to "Do not Forward, Do not Return" and the "Address Correction Requested" endorsement which will be eliminated after a period of one year. This grace period expires on December 24, 1988.
[2] The authorized abbreviation for this endorsement is FWD & RET Postage Guaranteed—ACR.
[3] The authorized abbreviation for this endorsement is Do Not Forward-ACR-RPG or DNF-ACR-Return Postage Guaranteed.

NOTE.—These regulations apply to mail associated with a customer change of address. Do not provide temporary change of address information at any time.

3. In 159.2, revise .212 and .24d to read as follows:

159.2 Forwarding.

* * * * *

.212 Unless endorsed *Do Not Forward, Do Not Return,* fourth-class mail is forwarded locally for 1 year free of charge. The addressee is charged forwarding postage for pieces forwarded non-locally. However, the addressee is not required to accept each article; it is the addressee's option to refuse any piece of fourth-class mail. Such refusal does not revoke the right to have other fourth-class mail forwarded. If the addressee intends to refuse to pay forwarding postage on all fourth-class mail and desires that the Postal Service not forward such mail, the addressee must request the postmaster to send Form 3546, *Notice to Change Forwarding Order,* to the postmaster at the old address, requesting that the forwarding of fourth-class mail be discontinued.

* * * * *

.24 Postage for Forwarding.

* * * * *

d. Fourth-class mail is subject to the collection of additional postage for nonlocal forwarding at the appropriate single-piece rate. Unless endorsed *Do Not Forward, Do Not Return,* all fourth-class will be delivered as directed when the old and new addresses are served by the same single-ZIP Coded or multi-ZIP Coded post office. Additional postage is not charged.

PART 790—ANCILLARY SERVICES (FOURTH-CLASS MAIL)

4. In 790, revise 791, 792 and 793 to read as follows:

790 Ancillary Services.

791 Forwarding and Return.

Unless endorsed *Do Not Forward, Do Not Return,* fourth-class mail will be forwarded locally for 1 year at no charge. (For forwarding purposes, local is defined as the same single-ZIP Coded or multi-ZIP Coded post office.) Unless specifically endorsed *Do Not Forward, Do Not Return* or unless the customer has filed a Form 3546, *Notice to Change Forwarding Order,* non-local forwarding for 1 year will be provided at an additional charge. Undeliverable fourth-class mail bearing no endorsement or the endorsement *Forwarding and Return Postage Guaranteed, Address Correction Requested* or *Forwarding and Return Postage Guaranteed* is forwarded, when the new address is known. Forwarding postage will be collected from the addressee if the mail piece is accepted. The recipient may refuse to pay the forwarding postage on any piece of fourth-class mail (and have the piece returned) and still continue to have other fourth-class mail forwarded. Form 3546 will be used only if the addressee intends to refuse to pay for forwarding on all fourth-class mail and requests the postmaster of the new address to notify the postmaster of the old address that forwarding service on fourth-class mail is not desired. The appropriate single-piece rates and conditions are applicable to forwarding and return of fourth-class items mailed at single piece, presort, and bulk rates. If the piece cannot be forwarded because the new address is not known, it will be given return service (see 792), unless endorsed *Do Not Forward, Do Not Return.* During months 13 through 18 mail pieces will be returned with the correct new (forwarding) address or the reason for nondelivery attached unless endorsed *Do Not Forward, Do Not Return.*

792 Return.

792.1 Endorsed and Unendorsed Pieces. Unless endorsed *Do Not Forward, Do Not Return,* all undeliverable fourth-class mail (after forwarding has been attempted) will be returned postage due to the sender (or the person designated by the sender) with the reason for nondelivery attached. No address correction fee is charged.

792.2 Pieces Bearing a Meter Stamp. When fourth-class mail bearing a postage meter stamp of a private mailer is received unaddressed and without return address, and delivery cannot be made, the piece must be returned to the post office of mailing. The reason for nondelivery will be attached without charging the address correction fee. The office of mailing will deliver the piece to the meter licensee on payment of the return postage.

793 Address Correction.

The addressee's new (forwarding) address, or the reason for nondelivery if the new address is not known, may be obtained by the sender either independently of or in combination with the return and forwarding services provided by 791 and 792. To obtain this service, the mailing piece must bear the endorsement: *Forwarding and Return Postage Guaranteed, Address Correction Requested;* or *Do Not Forward, Do Not Return, Address Correction Requested;* or *Do Not Forward, Address Correction Requested, Return Postage Guaranteed* according to the service desired. See Exhibit 159.151f for details. Temporary changes of address are not provided. The following conditions govern these services:

a. When a piece bears the endorsement *Do Not Forward, Do Not Return, Address Correction Requested;* Form 3579, *Undeliverable 2d, 3d, 4th Class Matter,* or a markup label is used to notify the sender. The address-correction fee is charged (See 712.2). Form 3579 or a markup label utilizing the customer's old address will be prepared for mailing to the sender in an envelope in the same manner that address correction notices are prepared for mailing to second-class publishers. *Exception:* When address labels are affixed to plastic wrappers, or a window-address format is used on a mail piece, making compliance with the foregoing instructions difficult, Form 3547, *Notice to Mailer of Correction in Address,* will be substituted to provide the requested information.

b. If a piece bearing the endorsement *Forwarding and Return Postage Guaranteed, Address Correction Requested* must be returned to the sender by the post office of original address because the piece cannot be forwarded, Form 3579 or a markup label is affixed to the piece, and it is returned to the sender at the applicable single-piece fourth-class postage for the piece. No address correction fee is charged.

c. If a piece bearing the endorsement *Forwarding and Return Postage Guaranteed, Address Correction Requested* is forwarded to the addressee, then Form 3547 is used by the post office of original address to furnish the sender with the new address. The address correction fee is charged (see 712.2).

d. Forwarding address information will not be provided for mail bearing an exceptional address format (see 122.422).

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the Federal Register as provided by 39 CFR, 111.3.

Fred Eggleston,
Assistant General Counsel, Legislative Division.

[FR Doc. 87-29519 Filed 12-23-87; 8:45 am]
BILLING CODE 7710-12-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-7

[FPMR Temp. Reg. A-25, Supp. 3]

Travel and Transportation Expense Payment System Using Contractor-Issued Charge Cards, Government Travel System (GTS) Accounts, and Travelers Checks

AGENCY: Federal Supply Service, GSA.
ACTION: Temporary regulation.

SUMMARY: This supplement amends FPMR Temp. Reg. A-25 to extend the expiration date and to cancel supplement 2 thereto.

DATES:
Effective date: October 24, 1987.
Expiration date: September 30, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Charles T. Angelo, Director, Travel and Transportation Management Division (FBT), Washington, DC 20406 (FTS/(703) 557-1261).

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12551 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more, a major increase in costs to consumers or others, or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-7

Freight, Government property, Moving of household goods, Office relocations, Transportation.

1. The authority citation for Part 101-7 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

2. In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter A to read as follows:

December 7, 1987.

Federal Property Management Regulations Temporary Regulation A-25, Supplement 3

To: Heads of Federal Agencies
Subject: Travel and transportation expense payment system using contractor-issued charge cards, Government travel system (GTS) accounts, and travelers checks.

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation A-25.

2. *Effective date.* This regulation is effective October 24, 1987.

3. *Expiration date.* This supplement expires on September 30, 1988, unless sooner canceled or revised.

4. *Explanation of change.* The expiration date in paragraph 3 of FPMR Temporary Regulation A-25, Supplement 2, is revised to September 30, 1988.

T.C. Golden,
Administrator of General Services.

[FR Doc. 87-29441 Filed 12-23-87; 8:45 am]
BILLING CODE 6820-24-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6771]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.
ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension data given in this rule, the suspension will be withdrawn by publication in the Federal Register.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 *et seq.*). Accordingly, the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the

special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Part 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et. seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
		REGION I—REGULAR CONVERSIONS			
Massachusetts	Acton, town of, Middlesex County	250176	Mar. 24, 1972, Emerg., June 15, 1978, Reg., Jan. 6, 1988, Susp.	Jan. 6, 1988	Jan. 6, 1988.
		REGION II			
New York	Pamelia, town of, Jefferson County	360346	July 7, 1976, Emerg., July 30, 1982, Reg., Jan. 6, 1988, Susp.	do	Do.
		REGION IV			
Georgia	Chattahoochee County, unincorporated areas.	130293	Apr. 7, 1977, Emerg., Jan. 6, 1988, Reg., Jan. 6, 1988, Susp.	do	Do.
Florida	Columbia County, unincorporated areas	120070	Dec. 16, 1975, Emerg., Jan. 6, 1988, Reg., Jan. 6, 1988, Susp.	do	Do.
Do	Suwannee County, unincorporated areas.	120300	Feb. 14, 1975, Emerg., Jan. 6, 1988, Reg., Jan. 6, 1988, Susp.	do	Do.
Tennessee	Cocke County, unincorporated areas	470033	Mar. 14, 1978, Emerg., Jan. 6, 1988, Reg., Jan. 6, 1988, Susp.	do	Do.
		REGION V			
Illinois	Forsyth, village of, Macon County	171017	June 24, 1987, Emerg., Jan. 6, 1988, Reg., Jan. 6, 1988, Susp.	do	Do.
Michigan	Au Sable, township of, Iosco County	260098	May 25, 1973, Emerg., Jan. 6, 1988, Reg., Jan. 6, 1988, Susp	do	Do.
Do	Hillsdale, city of, Hillsdale County	260086	May 12, 1975, Emerg., Jan. 6, 1988, Reg., Jan. 6, 1988, Susp.	do	Do.
Minnesota	Carver County, unincorporated areas	270049	Apr. 19, 1973, Emerg., Feb. 1, 1978, Reg., Jan. 6, 1988, Susp.	do	Do.
Do	Sibley County, unincorporated areas	270620	Apr. 11, 1974, Emerg., Jan. 6, 1988, Reg., Jan. 6, 1988, Susp.	do	Do.
Ohio	Garfield Heights, city of, Cuyahoga County.	390109	Sept. 18, 1970, Emerg., Jan. 6, 1988, Reg., Jan. 6, 1988, Susp.	do	Do.
		REGION VII			
Missouri	Forest City, city of, Holt County	290161	Oct. 24, 1975, Emerg., Jan. 6, 1988, Reg., Jan. 6, 1988, Susp.	do	Do.
Do	Mound City, city of, Holt County	290691	July 16, 1976, Emerg., Sept. 4, 1985, Reg., Jan. 6, 1988, Susp.	do	Do.
		REGION IX			
California	Colton, city of, San Bernardino County	060273	Jan. 15, 1974, Emerg., Sept. 17, 1980, Reg., Jan. 6, 1988, Susp.	do	Do.

State	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
		REGION X			
Washington	Asotin, city of, Asotin County	530008	Apr. 7, 1975, Emerg., Jan. 6, 1988, Reg., Jan. 6, 1988, Susp.	do	Do.
		REGION II—MINIMAL CONVERSION			
New York	Richmondville, town of, Schoharie County.	361197	Sept. 12, 1975, Emerg., Jan. 1, 1988, Reg., Jan. 1, 1988, Susp.	do	Do.
		REGION II—REGULAR CONVERSIONS			
New York	Lodi, town of, Seneca County	360753	Sept. 21, 1976, Emerg., Jan. 15, 1987, Reg., Jan. 15, 1987, Susp.	Jan. 15, 1988	Jan. 15, 1988.
Do	Ovid, town of, Seneca County	360754	Jan. 12, 1976, Emerg., Jan. 15, 1988, Reg., Jan. 15, 1988, Susp.	do	Do.
		REGION III			
Pennsylvania	Chalfont, borough of, Bucks County	420184	Feb. 25, 1972, Emerg., Jan. 15, 1988, Reg., Jan. 15, 1988, Susp.	do	Do.
West Virginia	Greenbrier County, unincorporated areas.	540040	June 24, 1975, Emerg., Jan. 15, 1988, Reg., Jan. 15, 1988, Susp.	do	Do.
		REGION IV			
Alabama	Eufaula, city of, Barbour County	010011	Apr. 10, 1975, Emerg., Jan. 15, 1988, Reg., Jan. 15, 1988, Susp.	do	Do.
Do	Dothan, city of, Houston County	010104	Feb. 21, 1975, Emerg., Jan. 15, 1988, Reg., Jan. 15, 1988, Susp.	do	Do.
Georgia	Winder, city of, Barrow County	130294	Sept. 1, 1976, Emerg., Jan. 15, 1988, Reg., Jan. 15, 1988, Susp.	do	Do.
North Carolina	Banner Elk, town of, Avery County	370011	Nov. 13, 1974, Emerg., Jan. 15, 1988, Reg., Jan. 15, 1988, Susp.	do	Do.
		REGION V			
Ohio	Pike County, unincorporated areas	390490	Feb. 18, 1976, Emerg., Jan. 15, 1988, Reg., Jan. 15, 1988, Susp.	do	Do.
Do	Piketon, village of, Pike County	390451	June 25, 1975, Emerg., Jan. 15, 1988, Reg., Jan. 15, 1988, Susp.	do	Do.
Do	Port Washington, village of, Tuscarawas County.	390664	June 12, 1975, Emerg., Jan. 15, 1987, Reg., Jan. 15, 1987, Susp.	do	Do.
Do	Waverly, city of, Pike County	390452	Nov. 18, 1975, Emerg., Jan. 15, 1988, Reg., Jan. 15, 1988, Susp.	do	Do.
		REGION VI			
Louisiana	Calcasieu Parish, unincorporated areas	220037	Dec. 31, 1971, Emerg., Jan. 15, 1988, Reg., Jan. 15, 1988, Susp.	do	Do.
Do	Krotz Springs, town of, St. Landry Parish.	220170	May 30, 1973, Emerg., Jan. 15, 1988, Reg., Jan. 15, 1988, Susp.	do	Do.
Do	Basile, town of, Evangeline Parish	220085	Jan. 22, 1976, Emerg., Jan. 15, 1988, Reg., Jan. 15, 1988, Susp.	do	Do.
		REGION VIII			
Wyoming	Evanston, city of, Uinta County	560054	Mar. 23, 1977, Emerg., Jan. 15, 1988, Reg., Jan. 15, 1988, Susp.	Jan. 15, 1988	Do.
		REGION V—MINIMAL CONVERSION			
Michigan	Lexington, township of, Sanilac County	260718	Mar. 4, 1980, Emerg., Jan. 15, 1988, Reg., Jan. 15, 1988, Susp.	do	Do.

Code for reading fourth column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 87–29483 Filed 12–23–87; 8:45 am]

BILLING CODE 6718–03–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Family Support Administration

45 CFR Parts 206 and 233

Alien Legalization; Application, Determination of Eligibility and Furnishing Assistance-Public Assistance Programs, Coverage and Conditions of Eligibility in Financial Assistance Programs Alien Legalization

AGENCY: Family Support Administration, HHS.

ACTION: Interim final rules.

SUMMARY: These interim final rules implement provisions of the Immigration Reform and Control Act of 1986, Pub. L. 99–603, as they relate to the eligibility determination requirements of aliens applying for assistance payments under the Aid to Families with Dependent Children (AFDC) program, under title IV–A of the Social Security Act (the Act); and the adult assistance programs for the aged, blind, and disabled under titles I, X, XIV, and XVI (AABD) in

Guam, Puerto Rico, and the Virgin Islands.

DATES: The interim final rules are effective December 24, 1987. Interested persons and agencies are invited to submit written comments concerning these regulations no later than February 22, 1988. We will consider all comments submitted and revise these rules if necessary.

ADDRESSES: Comments should be submitted in writing to the Administrator, Family Support Administration, Department of Health and Human Services, 5600 North Building, 300 Independence Ave., SW., Washington, DC 20201, or delivered to the Office of Family Assistance, Family Support Administration, Room B–428, Trans Point Building, 2100 Second Street, SW., Washington, DC, 20201 between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Family Support Administration, Room B–424, 2100 Second Street SW., Washington, DC 20201, telephone (202) 245–3290.

SUPPLEMENTARY INFORMATION:

Legalization

Pursuant to section 245A(h) of the Immigration and Nationality Act (INA), as added by section 201 of the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. 99–603, aliens who have continuously resided in the United States illegally since before January 1, 1982, can apply to the Immigration and Naturalization Service (INS) for an adjustment of their immigration status to that of lawful temporary resident. After a period of eighteen months in a temporary resident status, an alien can apply for adjustment to permanent resident status.

If the alien does not apply for such adjustment by the end of the thirty-first month after the alien is granted temporary resident status, or if adjustment is denied, the alien's status as a lawful temporary resident terminates, and the alien returns to an unlawful status.

Section 245A(h) explicitly disqualifies any alien who was granted lawful temporary resident status from eligibility for assistance payments under the AFDC program for a period of 5 years from the effective date of the receipt of such status. This disqualification period is maintained even though the temporary status may be changed to that of permanent status within the 5 year period. Accordingly, 45 CFR 233.50 is revised to indicate that this new group of aliens is temporarily disqualified from AFDC eligibility.

However, temporary resident alien applicants for assistance in the adult categories under title I, X, XIV and XVI (AABD) in Guam, Puerto Rico, and the Virgin Islands are not subject to the disqualification provisions of the statute. Cuban and Haitian entrants, as defined in paragraph (1) or (2)(A) of section 501(e) of Pub. L. 96–422, as in effect on April 1, 1983, whose status has been adjusted to that of lawful temporary resident are also not subject to the disqualification provision and, if otherwise eligible, are entitled to assistance.

IRCA section 302 adds new section 210 to the INA to provide for granting lawful temporary resident status and eventually permanent resident status to certain aliens who performed seasonal agricultural work in the United States during a specfied period of time. Special agricultural alien workers granted the temporary resident status are also temporarily disqualified for the 5 year period from assistance under the AFDC program; however, they are entitled to assistance, if otherwise eligible, under the adult programs in Guam, Puerto Rico, and the Virgin Islands.

In addition, IRCA section 121 amends section 1137 of the Social Security Act to provide that beginning October 1, 1988, as a condition of an individual's eligibility for assistance under the AFDC, territorial assistance, and Medicaid programs, a State must require an individual to declare in writing whether he is a citizen or national of the United States, and if not, whether he is in a satisfactory immigration status. An individual must produce documents to establish satisfactory immigration status and the State must verify the individual's status through an automated or other system made available by INS, unless the Secretary of HHS grants a waiver. Regulations implementing this section of IRCA will be published separately. The Department is also developing regulations to implement IRCA section 204, which appropriates funds for fiscal years 1988 through 1991 to reimburse the States for the costs of programs of public assistance, programs of public health assistance, and educational services provided to certain aliens whose status is adjusted under IRCA.

Disqualified aliens, pursuant to section 245A(h) of the Immigration and Nationality Act, who are either a parent or a sibling of an otherwise eligible child, will be excluded from assistance units in the same way that ineligible aliens have been excluded prior to the enactment of Public Law 99–603. However, IRCA section 201(b) provides that the income of a disqualified parent is considered available to his or her dependent child by using the stepparent deeming formula at section 402(a)(31) of the Social Security Act, 45 CFR 233.20(a)(3)(xiv). Accordingly, § 233.20 is revised to reflect this provision for deeming from the disqualified alien to his or her eligible child. Also, IRCA section 201(b) provides that where a disqualified alien is the brother or sister of a dependent child, the needs of the alien shall not be considered in determining the need of the dependent child. Therefore, 45 CFR 206.10 is revised to reflect that the needs and income of disqualified alien siblings are not considered in determining need of an otherwise eligible dependent child.

Regulatory Procedures

Justification for Dispensing with Notice of Proposed Rulemaking

The Administrative Procedure Act creates an exception to general notice and comment rulemaking procedures where the agency for good cause finds that those procedures are unnecessary. Since these regulations merely incorporate into current regulations the IRCA amendments to the Social Security Act without imposing additional obligations or requirements on States or the public, we believe notice and comment rulemaking is unnecessary. We are therefore implementing these regulations through interim final publication. In addition, this legislation was signed into law on November 6, 1986. INS has already implemented the application procedures for legalization in May 1987. Therefore interim final publication of these rules will assist States in handling applications for assistance from aliens whose status has been adjusted under IRCA.

Executive Order 12291

Executive Order 12291 requires that a regulatory impact analysis be performed for any "major" rule. A "major" rule is defined as any rule that would result in annual effect on the national economy of $100 million or more; result in a major increase in costs or prices; or have significant adverse impacts on competition, employment, or productivity. The Department concludes that implementing the eligibility determination requirements of aliens for benefits of IRCA does not constitute a major rule within the meaning of E.O. 12291 because it does not have an effect on the economy of $100 million or more or otherwise meet the threshold criteria. The effect of the proposed rules is to promulgate the statutory provisions and other conforming procedures to effectively implement the requirements of the law. Any impacts on the economy are due to the IRCA statutory requirements and not as a result of these proposed rules. Accordingly, a regulatory impact analysis is not required.

Paperwork Reduction Act

These regulations do not have new recordkeeping or reporting requirements pursuant to the Paperwork Reduction Act of 1980.

Regulatory Flexibility Act

The Regulatory Flexibility Act requires that a regulatory flexibility analysis be performed for each rule with a significant economic impact on a substantial number of small entities. Small entities are defined by the Act to include small businesses, small non-profit organizations, and small government entities. The principal impact of these regulations are on States, which are not "small entities" within the meaning of the Act. We certify that this regulation will not, if promulgated, have a significant impact on a substantial number of small entities because it affects only the transfer of funds between the Federal Government and the States. Therefore, a regulatory flexibility analysis is not required.

(Catalog of Federal Domestic Assistance Program No. 13.780 Assistance Payments Maintenance Assistance)

List of Subjects

45 CFR Part 206

Grant programs—social programs, Public assistance programs.

45 CFR Part 233

Aliens, Grant programs—social programs, Public assistance programs, Reporting and recordkeeping requirements.

Date: September 10, 1987.

Wayne A. Stanton,

Administrator of Family Support Administration.

Date: December 3, 1987.

Otis R. Bowen,

Secretary of Health and Human Services.

Part 206 of Chapter II, Title 45, Code of Federal Regulations is amended as set forth below:

PART 206—APPLICATION, DETERMINATION OF ELIGIBILITY AND FURNISHING ASSISTANCE—PUBLIC ASSISTANCE PROGRAMS

1. The authority citation for Part 206 is revised to read as set forth below and the authority citations following all sections in Part 206 are removed:

Authority: Sections 402 and 1102 of the Social Security Act (42 U.S.C. 602 and 1302) and Pub. L. 97–248, 96 Stat. 324, and Pub. L. 99–603.

2. Section 206.10(a)(1)(vii)(B) is revised to read as follows:

§ 206.10 Application, determination of eligibility and furnishing of assistance.

(a) * * *
(1) * * *
(vii) * * *

(B) Any blood-related or adoptive brother or sister; *Exception:* needs and income of disqualified alien siblings, pursuant to § 233.50(c), are not considered in determining the eligibility and payment of an otherwise eligible dependent child.

* * * * * *

Part 233 of Chapter II, Title 45, Code of Federal Regulations is amended as set forth below:

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

1. The authority citation for Part 233 is revised to read as set forth below and the authority citations following all the sections in Part 233 are removed:

Authority: Sections 1, 402, 406, 407, 1002, 1102, 1402, and 1602 of the Social Security Act (42 U.S.C. 301, 602, 606, 607, 1202, 1302, 1352 and 1382 note), and Sections 6 of Pub. L. 94–114, 89 Stat. 579 and Part XXIII of Pub. L. 97–35, 95 Stat. 843, Pub. L. 97–248, 96 Stat. 324, and Pub. L. 99–603.

2. Section 233.20 is amended by redesignating paragraph (a)(3)(vi) as (a)(3)(vi)(A) and adding paragraph (q)(3)(vi)(B) to read as follows:

§ 233.20 Need and amount of assistance.

(a) * * *
(3) * * *
(vi) * * *

(B) Income of an alien parent, who is disqualified pursuant to § 233.50(c) is considered available to the otherwise eligible child by applying the stepparent deeming formual at 45 CFR 233.20(a)(3)(xiv).

* * * * * *

3. Section 233.50 is amended by adding a new paragraph (c) to read as follows:

§ 233.50 Citizenship and alienage.

* * * * * *

(c) An alien granted lawful temporary resident status pursuant to section 201 or 302, of the Immigration Reform and Control Act of 1986 (Pub. L. 99–603) who must be either:

(1) A Cuban and Haitian entrant as defined in paragraph (1) or (2)(A) of section 501(e) of Pub. L. 96–422, as in effect on April 1, 1983, or

(2) An adult assistance applicant for OAA, AB, APTD, or AABD, or

(3) An applicant for AFDC who is not a Cuban and Haitian entrant applicant under (1) above who was adjusted to lawful temporary resident status more than five years prior to application.

All other aliens granted lawful temporary or permanent resident status, pursuant to sections 201 or 302 of the Immigration Reform and Control Act of 1986, are disqualified for five years from the date lawful temporary resident status is granted.

* * * * * *

[FR Doc. 87–29536 Filed 12–23–87; 8:45 am]
BILLING CODE 4156–04–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87–169; RM–5489, RM–5591, RM–6042]

Radio Broadcasting Services; Punta Gorda, Punta Rassa, and Franklin Park, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 225C2 for Channel 224A at Punta Gorda, Florida, and modifies the Class A license for Station WQLM(FM) to specify the new channel at the request of the licensee, Ogden Broadcasting Company of Florida, Inc.; and allots Channel 249A to Punta Rassa, Florida, in response to a petition by Sea Breeze Broadcasting for a first FM channel at that community. The counterproposal filed by Christine

Harvel to allot Channel 222A to Franklin Park, Florida, has been dismissed at her request. With this action, this proceeding is terminated.

DATES: Effective February 1, 1988. The window period for filing applications on Channel 249A at Punta Rassa, Florida will open on February 2, 1988, and close on March 3, 1988.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–169, adopted December 2, 1987 and released December 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73.

Radio broadcasting.

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the table of FM allotments is amended for Florida by adding Channel 225C2 at Punta Gorda, removing Channel 224A, and adding Punta Rassa, Channel 249A.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–29469 Filed 12–23–87; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 87–29; RM–5594]

Radio Broadcasting Services; Eddyville, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document, at the request of "O"-Town Communications, allocates Channel 268C2 to Eddyville, Iowa, as the community's first local FM service. Channel 268C2 can be allocated in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.8 kilometers (1.8 miles) northwest to avoid a short-spacing to the proposed allocation of Channel 269C2 to Fort Madison, Iowa. With this action, this proceeding is terminated.

DATES: Effective February 1, 1988. The window period for filing applications will open on February 2, 1988, and close on March 3, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–29, adopted December 2, 1988, and released December 17, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments for Iowa is amended by adding Eddyville, Channel 268C2.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–29470 Filed 12–23–87; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 86–379; RM–5429]

Radio Broadcasting Services; Frankfort, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 279A to Frankfort, Kentucky as that community's second FM channel in response to a petition filed by Allan Communications, Incorporated. With this action, this proceeding is terminated.

DATES: Effective February 1, 1988. The window period for filing applications will open on February 2, 1988, and close on March 3, 1988.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86–379, adopted November 25, 1987, and released December 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR Part 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the table of FM allotments is amended by adding the entry of Channel 279A to Frankfort, Kentucky.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87–29471 Filed 12–23–87; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81–11; Notice 24]

Lamps, Reflective Devices and Associated Equipment; Corrections

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Corrections.

SUMMARY: This notice corrects an error in the heading and an error in the text in the amendment published on September 14, 1987 to Federal Motor Vehicle Safety Standard No. 108 responsive to the petition by BMW of North America. The word "devises" was used instead of "devices". Language previously removed from paragraph S4.1.1.36(a)(2) was erroneously reinstated. It is therefore necessary to correct these errors.

FOR FURTHER INFORMATION CONTACT: Jere Medlin, Office of Rulemaking, NHTSA, Washington, DC 20590 (202–366–5276).

SUPPLEMENTARY INFORMATION: On September 14, 1987, the agency amended paragraph S4.1.1.36(a)(2) of 49 CFR 571.108 Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment* (52 FR 34654) to permit aiming pad configurations specified for sealed beam headlamps with circular lenses to be used on replaceable bulb headlamps. This action was taken pursuant to a proposal published on February 25, 1987 (52 FR 5563). For clarity's sake the entire text of S4.1.1.36(a)(2) was published, and not just the changes or additions to it. In both the proposal and final rule the paragraph began with the words "(2) The exterior face of the lens of each replaceable bulb headlamp * * *". However, S4.1.1.36(a)(2) had been amended in July 1986 to begin "(2) The lens of each replaceable bulb headlamp * * *" (51 FR 24152), and the words "exterior face of the" added on September 14 are incorrect and must be deleted.

In addition, the term "reflective devises" appeared in the title to the standard; the correct word is "devices".

Because the amendments are corrections they may be made effective immediately.

The engineer primarily responsible for this correction is Jere Medlin.

In consideration of the foregoing, 49 CFR Part 571 is amended as follows:

PART 571—[CORRECTED]

1. The authority citation for Part 571 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

§ 571.108 [Corrected]

2. In the title of § 571.108, the word "devises" is changed to read "devices".

3. In the first sentence of paragraph (a)(2) of paragraph S4.1.1.36, the words "exterior face of the" are removed.

Issued on December 18, 1987.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 87–29525 Filed 12–23–87; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 61225–7052]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure; request for comments.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that the shares of the total allowable catch (TAC) for sablefish that will be allocated to trawl gear in the Central and Western Regulatory Areas of the Gulf of Alaska for the 1988 fishing year are needed as bycatch amounts to support directed trawl fisheries for other groundfish species during the 1988 fishing year. The Secretary of Commerce is prohibiting directed fishing for sablefish in the Central and Western Regulatory Areas by persons using trawl gear during the 1988 fishing year. This action is necessary to prevent wastage of sablefish in the trawl fishery that would otherwise occur if the total share of the TAC assigned to trawl gear were reached prematurely, which would cause sablefish to be declared a prohibited species in the trawl fishery. This action is intended as a groundfish management measure that will conserve the sablefish resource.

DATES: Effective January 1, 1988. Comments are invited until January 15, 1988.

ADDRESSES: Comments should be addressed to Robert W. McVey, Director, Alaska Region (Regional Director), National Marine Fisheries Service, P.O. Box 021668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologists, NMFS), 907–586–7230.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) governs the groundfish fishery in the exclusive economic zone in the Gulf of Alaska under the Magnuson Fishery Conservation and Management Act (Magnuson Act). Regulations implementing the FMP are at 50 CFR Part 672. Section 672.2 of the regulations defines the Western, Central, and Eastern Regulatory Areas in the Gulf of Alaska. The optimum yield for all groundfish species managed by the FMP is a range from 116,000 to 800,000 metric tons (mt). The Council adopted at its December 8–11, 1987 meeting, TACs for each species and apportionments thereof among domestic annual processing (DAP), joint venture processing (JVP), total allowable level of foreign fishing (TALFF), and reserves. TAC is synonymous with "target quota", a term proposed to be changed to "total allowable catch" under Amendment 16 to the FMP. This amendment is currently being reviewed by the Secretary of Commerce (Secretary) under Section 304 of the Magnuson Act. "Total allowable catch" is used in this notice to avoid confusion in the fishing industry, members of which are accustomed to this term. The Council has submitted the TACs and apportionments with the recommendation that the Secretary implement them. The Council adopted a TAC for sablefish equal to 28,000 mt, of which 12,540 mt and 4,060 mt will be distributed to the Central and Western Regualtory Areas, respectively. Under § 672.24(b)(2), twenty percent of the TAC in these two areas is allocated to vessels using trawl gear. Therefore, based on TAC's for the Central and Western Area that are proposed for 1988, these areas would be assigned 2,510 mt and 810 mt, respectively, of sablefish for trawl gear.

Some trawl vessels conduct directed fisheries for sablefish. Trawl vessels also conduct directed fisheries for pollock, Pacific cod, and flounders, and catch sablefish as a bycatch. Under § 672.24(b)(3)(i), if the Regional Director determines that the share of sablefish assigned to trawl gear in a regulatory area may be taken before the end of the year, the Secretary may prohibit directed fishing by vessels using trawl gear for the remainder of the year, thus saving some sablefish bycatch amounts to support other directed fisheries. Since sablefish bycatches would be retainable, wastage is reduced.

Under § 672.24(b)(3)(ii), if the share of the sablefish TAC assigned to trawl gear in either the Central or Western Regulatory Area is reached, further catches of sablefish must be treated as a prohibited species by trawl gear for the remainder of the year in the applicable management area. In this event, further catches are discarded at sea, which can result in substantial waste of an economically valuable groundfish resource.

In 1987, trawl vessels reached their allocated 1,760 mt share of sablefish in the Central Regulatory Area on May 5. From that date, operators of trawl vessels were required to discard sablefish until the end of the year. In the Western Regulatory Area where the sablefish trawl quota was 600 mt,

VOL 52 ISS 247 DEC 24 1987 UMI

operators of trawl vessels were required to treat sablefish as a bycatch-only species after March 21, when the Regional Director prohibited further directed fishing for sablefish with trawl gear. Smaller amounts of effort in the Western Regulatory Area by trawl vessels and the smaller amounts of sablefish available in this area favored reduced sablefish catches such that sablefish were not declared a prohibited species in the Western Regulatory Area in 1987.

The Regional Director finds that directed fishing on sablefish by trawl vessels in the Gulf of Alaska is likely early in the 1988 fishing year. At the same time, he finds that sablefish bycatches by vessels fishing for other groundfish species using trawl gear will be quite high in both the Central and Western Regulatory Areas. If trawl vessels reach their sablefish assignments early, sablefish would be declared a prohibited species early in the year, and significant wastage would occur.

The Regional Director's findings are based in part on two facts. First, the price paid to fishermen for sablefish in 1987 was about $1.00 per pound, on average, and a price of this magnitude is expected in 1988, which will continue to attract significant trawl effort early in the year. Second, the Council adopted at its December 8–11, 1987 meeting, DAP quotas for pollock, Pacific cod, and flounder in the Central and Western Regulatory Areas, which are significantly higher than those in effect at the end of the 1987 fishing year. Since sablefish were declared a prohibited species in the Central Regulatory Area on May 5, 1987, and a bycatch-only species in the Western Regulatory Area on March 21, 1987, at levels of domestic fishing effort smaller than those expected in 1988, reaching all of the sablefish trawl assignment seems certain in the Central Regulatory Area and is highly likely in the Western Regulatory Area. If sablefish assignments are reached as early in the year as they were in 1987, further sablefish catches in the trawl fisheries would be required to be discarded, resulting in significant economic waste.

The Regional Director has determined that the amounts of sablefish expected to be assigned to trawl gear in the Central and Western Regulatory Areas, 2,510 mt and 810 mt, respectively, will be required to support directed trawl fishing for other groundfish species in 1988. Therefore, under § 672.24(b)(3)(i), the Secretary, in order to provide adequate bycatch amounts of sablefish to ensure continued groundfish fishing by trawl vessels on other species, is prohibiting directed fishing for sablefish as defined at § 672.2 by operators of trawl vessels during the 1988 fishing year.

The agency finds for good cause that it is impracticable and contrary to the public interest to provide prior notice and opportunity for comment or to delay the effectiveness of this action. This prohibition on directed fishing for sablefish with trawl gear must take effect by January 1, 1988 in order to minimize discards of sablefish as a prohibited species. Public comments on the necessity for this action are invited for a period of 15 days after the effective date of this notice. Public comments on this notice of closure may be submitted to the Regional Director at the address above until January 15, 1988. If written comments are received which oppose or protest this action, the Secretary will reconsider the necessity for this action, and as soon as practicable after that reconsideration, will either publish in the **Federal Register** a notice of continued effectiveness of the adjustment, responding to comments received; or modify or rescind the adjustment.

Classification

This action is taken under § 672.24 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

(16 U.S.C. 1801 *et seq.*)

Dated: December 21, 1987.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 87–29551 Filed 12–23–87; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 52, No. 247
Thursday, December 24, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

10 CFR Parts 1035 and 1036

Non-procurement Debarment and Suspension

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE) proposes establishment of a new regulation in 10 Code of Federal Regulations (CFR) Part 1036 for nonprocurement debarment and suspension which supercedes the coverage in 10 CFR Part 1035 as it relates to non-procurement debarment and suspension.[1] This rule is proposed in order to comply with Executive Order 12549 and is based on the Office of Management and Budget (OMB) final guidelines on non-procurement suspension and debarment issued on May 26, 1987.

DATE: To be assured of consideration, comments on the proposed rule must be received on or before February 22, 1988. Comments should refer to specific sections in the proposed rule.

ADDRESS: All written comments should be addressed to Department of Energy, Procurement and Assistance Management Directorate, Business Clearance Division (MA–441), 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Thomas Brown, Department of Energy; Procurement and Assistance Management Directorate (MA–441), 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9075

Carol A. Cowgill, Department of Energy, Office of the Assistant General Counsel for Procurement and Finance (GC–34), 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–6502.

[1] For other documeins concerning non-procurement debarment and suspension see the Federal Register of Tuesday, October 20, 1987 (52 FR 39015–39062 and 39198–39204.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background
II. Proposed Rule
III. Review Under Executive Order 12291
IV. Review Under the Regulatory Flexibility Act
V. Review Under the Paperwork Reduction Act
VI. Review under the National Environmental Policy Act
VII. Public Comments.
List of Subjects in 10 CFR Part 1036

I. Background

Executive Order 12549, "Debarment and Suspension," was signed by President Reagan on February 18, 1986 and was published February 21, 1986 (51 FR 6370–71).

On February 21, 1986, OMB published proposed guidelines covering the subjects indicated in section 6 of E.O. 12549, including: Coverage, Governmentwide criteria, and minimum due process procedures (51 FR 6372–79). This guidance was issued in regulation format as a model rule for use by the executive departments and agencies in preparing the agency regulations called for by section 3 of the Order.

The final guidelines were issued on May 26, 1987 and published May 29, 1987 (52 FR 20360–69).

II. Proposed Rule

Section 3 of E.O. 12549 directs Federal agencies to issue regulations governing implementation of the Order; the regulations must be consistent wtih these guidelines. DOE proposes to essentially adopt the OMB guidelines.

DOE's proposed rules implement section 3 of E.O. 12549 by:

(1) Prescribing the programs and activities that are covered by the Order;

(2) Prescribing the criteria and procedures that DOE shall use in implementing the Order;

(3) Providing for the listing of debarred and suspended participants, participants who voluntarily exclude themselves from participation in covered transactions, and participants declared ineligible; and

(4) Setting forth the consequences of the actions under paragraph (3) of this section.

There are two areas within the OMB guidelines, "Coverage" (§ 1036.110(a)(1)) and "Responsibilities of DOE" (§ 1036.505(e)) which allow for agency discretion. Public comments are especially invited on these two sections which are discussed below.

The scope of the final OMB guidelines published on May 29, 1987 covered direct and indirect costs but left to agency discretion whether to limit coverage (that is, the responsibility to check the consolidated list or certification) to items charged as direct costs. This notice limits coverage in § 1036.110(a)(1)) only to direct cost activities because extending coverage to indirect costs is administratively complicated and may impose additional paperwork burden on the public.

The guidelines published on May 29, 1987 allowed agency discretion to determine when agencies would require certification by prospective nonprocurement participants. The proposed rule in § 1036.505(e) permits certification by all prospective nonprocurement participants receiving awards of $25,000 or less which alleviates the need for participants to check the DOE and GSA lists. The $25,000 threshold is consistent with the small purchase threshold in the proposed Government-wide common rule for grants to state and local governments and with the Federal Acquisition Regulation (FAR). The proposed certification appears at § 1036.505(f).

DOE has supplemented the final OMB guidelines with existing DOE rules and procedures in §§ 1036.112, 1036.310, 1036.320, 1036.410, and Subpart F.

The existing DOE rules used to supplement the OMB guidelines were originally promulgated in 10 CFR Part 1035. A table showing which portions of 10 CFR Part 1035 were incorporated into the proposed 10 CFR Part 1036 is shown below. While most of the 10 CFR Part 1035 language is repeated verbatim some editorial changes have been made to make it consistent with Part 1036.

Existing 10 CFR Part 1035 Reference (sections)	Corresponding 10 CFR 1036 Reference (sections)
1035.2	1036.112
1035.5(c)	1036.310(a)
1035.6	1036.310(b)
1035.6 (a) thru (f)	1036.310(b) (1) thru (6)
1035.6(h)	1036.310(b)(7)
1035.9(a)(2)	1036.310(g)(ii)
1035.9(a)(5)	1036.310(g)(v)
1035.9(a)(9)	1036.310(g)(viii)
1035.9(a)(10)	1036.310(g)(ix)
1035.9(a)(11)	1036.310(g)(x)
1035.10	1036.320

BEST COPY AVAILABLE

Existing 10 CFR Part 1035 Reference (sections)	Corresponding 10 CFR 1036 Reference (sections)
1035.5(c)	1036.410(a)
1035.6	1036.410(b)
1035.6 (a) thru (i)	1036.410(b) (1) thru (9)
1035.8	1036.600
1035.7	1036.605
1035.15	1036.610
1035.13	1036.615

The non-procurement debarment and suspension coverage in 10 CFR Part 1035 will be deleted at the time the proposed rule in 10 CFR Part 1036 becomes final.

Section 1036.325(a) indicates that if a suspension precedes a debarment, the suspension period may be considered in determing the debarment period. The suspension period may include the DOE-wide suspension during a proposed debarment (see § 1036.315) as well as a Governemnt-wide suspension.

III. Review Under the Executive Order 12291

Executive Order 12291 requires that a regulatory impact analysis be prepared for "major" rules which are defined in the Order as any rule that has an annual effect on the national economy of $100 million or more, or certain other specified effects.

DOE has determined that this regulation will not have an annual economic impact of $100 million or more or the other effects listed in the Order. For this reason, we have determined that this proposed rule is not a major rule within the meaning of the Order.

IV. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 605(b)) requires that, for each rule with a "significant economic impact on a substantial number of small entities," an analysis be prepared describing the rule's impact on small entities and identifying any significant alternatives to the rule that would minimize the economic impact on small entities.

DOE has determined that this regulation will not have a significant economic impact on a substantial number of small entities. Consequently, no Regulatory Flexibilty Analysis has been or will be prepared.

V. Review Under the Paperwork Reduction Act

There are no information collection or recordkeeping burdens imposed by this rule.

VI. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq. (1976)), the Council on Environmental Quality Regulations (40 CFR Parts 1500 through 1508), and the DOE guideline (10 CFR Part 1021) and, therefore, does not require an environmental impact statement or an environmental assessment pursuant to NEPA.

VII. Public Comments

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed changes set forth in this notice. Comments should be submitted in writing to the address indicated in the "ADDRESS" section of this notice. All comments received will be available for public inspection in the DOE Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. All written comments received by February 22, 1988, will be fully considered prior to publication of a final rule resulting from this proposal.

The Department has concluded that this proposed rule does not involve a substantial issue of fact or law and that the proposed rule will not have a substantial impact on the nation's economy or a large number of individuals or businesses. Therefore, pursuant to Public Law 95–91, the DOE Organization Act, the Department does not plan to hold a public hearing on this proposed rule.

List of Subjects in 10 CFR Parts 1035 and 1036

Administrative practice and procedure, Debarment and suspension, Grants/energy, Cooperative agreements/energy, Loans/energy.

Barton J. Roth,

Director, Procurement and Assistance Management Directorate.

For the reasons set out in the preamble, Title 10 of the CFR is proposed to be amended as set forth below

1. Part 1036 is added to read as follows:

PART 1036—DEBARMENT AND SUSPENSION (NON-PROCUREMENT)

Subpart A—General

Sec.
1036.100 Purpose.
1036.110 Scope.
1036.112 Applicability.
1036.115 Policy.
1036.120 Definitions.

Subpart B—Effect of Action
1036.200 Debarment or suspension.
1036.205 Voluntary exclusion.
1036.210 Ineligible persons.
1036.215 Exception provision.
1036.220 Continuation of current awards.
1036.225 Failure to adhere to restrictions.

Subpart C—Debarment
1035.300 General.
1036.305 Causes for debarment.
1036.310 Procedures for debarment.
1036.315 Effect of proposed debarment.
1036.320 Voluntary exclusion.
1036.325 Period of debarment.
1036.330 Scope of debarment.

Subpart D—Suspension
1036.400 General.
1036.405 Causes for suspension.
1036.410 Procedures for suspension.
1036.415 Period of suspension.
1036.420 Scope of suspension.

Subpart E—GSA Consolidated List; DOE Responsibilities
1036.500 GSA List.
1036.505 Responsibilities of DOE.

Subpart F—Additional DOE Procedures for Debarment and Suspension
1036.600 Decisionmaking.
1036.605 Coordination with Department of Justice.
1036.610 DOE consolidated list of debarred, suspended, ineligible, and voluntarily excluded awardees.
1036.615 Effects of being listed on the DOE and GSA lists.

Authority: Secs. 644 and 646, Pub. L. 95–91, Stat. 599 (42 U.S.C. 7254, and 7256); and Executive Order 12549 51 FR 6370, 3 CFR 1986 Comp., p. 189; OMB Guidelines for Non-procurement Debarment and Suspension, 52 FR 20360.

Subpart A—General

§ 1036.100 Purpose.

Executive Order 12549 provides that, to the extent permitted by law, Executive departments and agencies shall participate in a system for debarment and suspension from programs and activities involving Federal financial and nonfinancial assistance and benefits. Debarment or suspension of a participant in a program by one agency shall have Government-wide effect.

§ 1036.110 Scope.

(a) *Covered transactions.* These rules apply to Department of Energy (DOE) domestic assistance described below:

(1) *General.* Covered transactions (whether by a Federal agency, recipient, subrecipient, or intermediary) include, except as noted in paragraph (a)(3) of this section: grants, cooperative agreements, scholarships, fellowships, loans, loan guarantees, subsidies, insurance, payments for specified use,

and subcontracts and transactions at any tier that charged as direct costs, regardless of type (including subtier awards under awards which are statutory entitlement or mandatory awards); and specially covered activities identified in paragraph (a)(2) of this section.

(2) *Specially covered activities of the Departments of Agriculture, and Housing and Urban Development, and the Veterans Administration.* [Reserved]

(3) *Exceptions.* The following transactions are covered transactions: statutory entitlement or mandatory awards (but not subtier awards thereunder which are not themselves mandatory); benefits to an individual as a personal entitlement without regard to the individual's present responsibility (but benefits received in an individual's business capacity are not excepted); incidental benefits derived from ordinary governmental operations; and, other transactions where the application of Executive Order 12549 and these rules would be prohibited by law.

(b) *Relationship to other actions.* This section § 1036.110, describes the types of activities and transactions to which a debarment or suspension under the rules will apply. Subpart B, Effect of Action, § 1036.200, and Subpart F, § 1036.615 set forth the consequences of a debarment or suspension. Those consequences would apply only with respect to participants in the covered transactions and activities described in § 1036.110. Section 1036.330, Scope of debarment, and § 1036.420, Scope of suspension, govern the extent to which a specific participant or organizational elements of a participant would be automatically included within a debarment or suspension action, and the conditions under which additional affiliates or persons associated with a participant may also be brought within the scope of the action.

(c) *Relationship to DOE acquisition activities.* Debarment and suspension of Federal procurement contractors and subcontractors are covered by the FAR, 48 CFR Subpart 9.4. Debarment and suspension of DOE procurement contractors is covered by the rules in 10 CFR Part 1035.

§ 1035.112 Applicability.

The provisions of this part apply to all covered transaction debarment and suspension actions initiated by DOE on or after the effective date of this part.

§ 1036.115 Policy.

(a) In order to protect the public interest, it is the policy of DOE to conduct business only with responsible persons. Debarment and suspension are discretionary actions that, taken in accordance with Executive Order 12549 and these rules, are appropriate means to effectuate this policy.

(b) Debarment and suspension are serious actions which shall be used only in the public interest and for the Federal Government's protection and not for purposes of punishment. DOE may impose debarment or suspension for the causes and in accordance with the procedures set forth in this part.

§ 1036.120 Definitions.

For purposes of this part—

"Adequate evidence" means information sufficient to support the reasonable belief that a participant's act or omission has occurred.

"Affiliate." Persons are affiliates of one another if, directly or indirectly, one owns, controls, or has the power to control the other, or a third person owns, controls, or has the power to control both.

"Agency" means any executive department, military department or defense agency or other agency of the executive branch, excluding the independent regulatory agencies.

"Awardee" means any organization of individual that:

(a) Submits proposals for, or is awarded, or reasonably may be expected to submit proposals for, or be awarded a DOE agreement; or

(b) Conducts business with DOE as an agent or representative of an awardee.

"Control" means the power to exercise, directly or indirectly a controlling influence over the management, policies, or activities of a person, whether through the ownership of voting securities, through one or more intermediary persons, or otherwise. For purposes of actions under these guidelines, a person who owns or has the power to vote more than 25 percent of the outstanding voting securities of another person, or more than 25 percent of total equity if the other person has no voting securities, is presumed to control. Such presumption may be rebutted by evidence to the contrary. Other indicia of control include, but are not limited to: Interlocking management or ownership; identity of interests among family members; shared facilities and equipment; common use of employees; and, establishment following the debarment, suspension, or other exclusion of a participant, of an organization or entity which is to operate in the same business or activity and to have substantially the same management, ownership, or principal employees as the debarred, suspended or excluded participant.

"Conviction" means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, including a plea of nolo contendere.

"Debarment" means an action taken by the DOE debarring official in accordance with these rules to exclude a person from participating in covered transactions. A person so excluded is "debarred."

"Debarring official" means an agency head or a designee authorized by the agency head to impose debarment. The DOE debarring official is the Director, Procurement and Assistance Management Directorate.

"Director" means the Director, Procurement and Assistance Management Directorate, DOE.

"DOE" means the Department of Energy, including the Federal Energy Regulatory Commission.

"DOE List" means the DOE Consolidated List of Debarred, Suspended, Ineligible and Voluntarily Excluded Awardees maintained by DOE in accordance with § 1036.610 of this part.

"GSA List" means the GSA Consolidated List which is a list compiled, maintained and distributed by the General Services Administration (GSA) containing the names and other information about participants who have been debarred, suspended, or voluntarily excluded under Executive Order 12549 and these regulations and those who have been determined to be ineligible.

"Indictment" means an indictment for a criminal offense. An information or other filing by competent authority charging a criminal offense shall be given the same effect as an indictment.

"Ineligible" means excluded from participation in covered transactions, programs, or agreements pursuant to statutory, Executive order, or regulatory authority other than Executive Order 12549 and these rules; for example, excluded pursuant to the Davis-Bacon Act and its related statutes and implementing regulations, the Equal Employment Opportunity Acts and Executive orders, the Buy American Act of the Environmental Protection Acts and Executive orders.

"Legal proceedings" means any criminal proceeding or any civil judicial proceeding to which the Federal Government or a State or local government or quasi-governmental authority is a party. The term includes appeals from such proceedings.

"Notice" means a written communication served in person or sent by certified mail, return receipt

requested, or its equivalent, to the last known address of a party, its identified counsel, its agent for service or process, or any partner, officer, director, owner, or joint venturer of the party. Notice, if undeliverable, shall be considered to have been received by the addressee five days after being properly sent to the last address known by DOE.

"Participant" means any person who submits proposals for, receives an award or subaward or performs services in connection with, or reasonably may be expected to be awarded or to perform services in connection with, a covered transaction. This term also includes any person who conducts business with a Federal agency as an agent or representative of another participant.

"Person" means any individual, corporation, partnership, association, unit of government or legal entity however organized, including any subsidiary of any of the foregoing.

"Preponderance of the evidence" means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

"Proposal" means a solicited or unsolicited bid, application, request, invitation to consider or similar communication by or on behalf of a person seeking a benefit, directly or indirectly, under a covered transaction.

"Respondent" means a person against whom a debarment or suspension action has been initiated.

"Subsidiary" means any corporation, partnership, association or legal entity however organized, owned or controlled by another person.

"Suspending official" means an agency head or a designee authorized by the agency head to impose suspension. The DOE suspending official is the Director, Procurement and Assistant Management Directorate.

"Suspension" means an action taken by the DOE suspending official in accordance with this part to immediately exclude a person from participating in covered transactions for a temporary period, pending completion of an investigation and such legal or debarment proceedings as may ensue. A person so excluded is "suspended."

"Voluntary exclusion" means a status of nonparticipation or limited participation in covered transactions assumed by a person pursuant to the terms of a settlement.

Subpart B—Effect of Action

§ 1036.200 Debarment or suspension.

(a) Except to the extent prohibited by law, a person's debarment or suspension shall be effective throughout the executive branch of the Federal Government. Except as provided in § 1036.215, persons who are debarred or suspended under these rules are excluded from participation in all covered transactions of all agencies for the period of their debarment or suspension. DOE and DOE participants shall not make awards to or agree to participation by such debarred or suspended persons during such period. (See also § 1036.615)

(b) In addition, persons who are debarred or suspended are excluded from participation in or under any covered transaction in any of the following capacities; as an owner or partner holding a controlling interest, director, or officer of the participant; as a principal investigator, project director, or other position involved in management of the covered transaction; as a provider of federally-required audit services; in any other position to the extent that the incumbent is responsible for the administration of Federal funds; or in any other position charged as a direct cost under the covered transaction.

§ 1036.205 Voluntary exclusion.

Participants who accept voluntary exclusions under § 1036.320 are excluded in accordance with the terms of their settlement; their listing, pursuant to Subpart E of this part, is for informational purposes. Awarding agencies and participants must contact DOE to ascertain the extent of the exclusion.

§ 1036.210 Ineligible persons.

Persons who are ineligible are excluded from participation in covered transactions, programs, or agreements in accordance with the applicable statutory, executive order, or regulatory authority.

§ 1036.215 Exception provision.

DOE may grant an exception permitting a debarred, suspended, or excluded person to participate in a particular transaction upon a written determination by the Director setting forth the compelling reason(s) for deviating from the Presidential policy established by Executive Order 12549. Exceptions to this policy shall be granted only infrequently. Exceptions shall be reported in accordance with § 1036.505.

§ 1036.220 Continuation of current awards.

(a) Notwithstanding the debarment, suspension, voluntary exclusion or ineligible status of any person, DOE and DOE participants may continue agreements in existence at the time the person was debarred, suspended, declared ineligible or voluntarily excluded. A decision as to the type of termination action, if any, to be taken should be made only after thorough review to ensure the propriety of the proposed action.

(b) DOE and DOE participants shall not make continuation or renewal awards or extend the duration of current agreements with any person who is debarred, suspended, declared ineligible or under a voluntary exclusion, except as provided in § 1036.215.

§ 1036.225 Failure to adhere to restrictions.

Doing business with a debarred, suspended or otherwise excluded person, in connection with a covered transaction, where it is known or reasonably should have been known that the person is debarred, suspended or otherwise excluded from participation in such transaction, except as permitted under these rules, may result in disallowance of costs, annulment or termination of award, issuance of a stop work order, debarment or suspension, or other remedies as appropriate.

Subpart C—Debarment

§ 1036.300 General.

The debarring official may debar a participant for any of the causes in § 1036.305, using procedures established in accordance with §§ 1036.310, 1036.600, and 1036.605. The existence of a cause for debarment, however, does not necessarily require that the participant be debarred; the seriousness of the participant's acts or omissions and any mitigating factors shall be considered in making any debarment decision.

§ 1036.305 Causes for debarment.

Debarment may be imposed in accordance with the provisions of §§ 1036.300, 1036.310, 1036.600, and 1036.605 for:

(a) Conviction of or civil judgment for any offense indicating a lack of business integrity or honesty which affects the present responsibility of a participant, including but not limited to:

(1) Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement;

(2) Bribery, embezzlement, false claims, false statements, falsification or destruction of records, forgery, obstruction of justice, receiving stolen property, or theft; or

(3) Unlawful price fixing between competitors, allocation of customers between competitors, bid rigging, or any other violation of Federal or State antitrust laws that relates to the submission of bids or proposals.

(b) Violation of the terms of a public agreement so serious as to affect the present responsibility of a participant, including but not limited to:

(1) A willful or material failure to perform under one or more public agreements;

(2) A history of substantial noncompliance with the terms of one or more public agreements; or

(3) A willful or material violation of a statutory or regulatory provision or requirement applicable to a public agreement.

(c) Any of the following causes:

(1) Debarment or equivalent exclusionary action by any public agency or instrumentality for causes substantially the same as provided for by § 1036.305;

(2) Doing business with a debarred; suspended or otherwise excluded person, in connection with a covered transaction, where it is known or reasonably should have been known that the person is debarred, suspended or otherwise excluded from participation in such transactions;

(3) Conduct indicating a lack of business integrity or honesty which affects the present responsibility of a participant;

(4) Loss or denial or the right to do business or practice a profession under circumstances indicating a lack of business integrity or honesty or otherwise affecting the present responsibility or a participant;

(5) Failure to pay a debt (including disallowed costs and overpayments) owed to DOE or instrumentality, provided the debt is uncontested by the debtor or, if contested, provided that the debtor's legal and administrative remedies have been exhausted; or

(6) Violation of a material provision of a voluntary exclusion or of any settlement of a debarment or suspension action.

(d) Any other cause of so serious or compelling a nature that it affects the present responsibility of a participant.

§ 1036.310 Procedures for debarment.

(a) *Investigation and referral.* DOE offices responsible for the award and administration of agreements are responsible for reporting to both the Procurement and Assistance Management Directorate and the Inspector General, DOE, information about possible fraud, waste, abuse, or other wrongdoing which may constitute or contribute to a cause(s) for debarment or suspension under this part. Participants and persons performing under agreements awarded by DOE shall be required to report such information to the contracting officer and to the Inspector General, DOE.

(b) *Proposed debarment notices.* When the Director, after consultation with legal counsel, determines that causes exist to propose debarment of a participant or affiliate, the Director shall send the respondent a notice containing, as appropriate, the following information:

(1) That a debarment is being proposed.

(2) The reasons for the proposed debarment in terms sufficient to put the respondent on notice of the conduct or transaction(s) upon which the proposed debarment is based, except that the notice shall omit any information which, if disclosed, would prejudice an ongoing civil or criminal investigation or a pending or contemplated legal proceeding, or would compromise national security.

(3) The cause(s) relied upon under § 1036.305 of this part for the proposed debarment.

(4) That within 30 days after receipt of the notice, the respondent may submit, or make a written request for an opportunity to submit, to the Director or designee, information and argument in opposition to the proposed debarment, including any additional specific information that may raise a genuine dispute over the material facts. The submission in opposition may be made in person, in writing, or through a representative.

(5) DOE's procedures governing debarment decisionmaking (see § 1036.600).

(6) The effects of the proposed debarment (§ 1036.315) and the effects of a final debarment (§ 1036.615). If a notice of proposed debarment is issued to a participant or affiliate who is not suspended, the notice shall state that, for purposes of affected DOE agreements and subagreements, the proposed debarment shall have the effect of a suspension for DOE only.

(7) The respondent's name and address have been placed on the DOE List and the GSA List.

(c) *Submission in opposition.* Within 30 days after receipt of the notice of proposed debarment, the respondent may submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment. A request for a meeting should be sent to the Director. (See § 1036.600(c)).

(d) *Additional proceedings as to disputed material facts.* (1) In actions not based upon a conviction or judgment, if the Director determines that there exists a genuine dispute over facts material to the proposed debarment, respondent(s) shall be afforded an opportunity to appear, *pro se* or with counsel, submit documentary evidence, present witnesses, and confront any person DOE presents. (See § 1036.600(d)).

(2) [Reserved]

(e) *Debarring official's decision*—(1) *No additional proceedings necessary.* In actions based upon a conviction or judgment, or in which there is no genuine dispute over material facts, the Director shall make a decision on the basis of all the information in the administrative record, including any submissions made by the respondent. The decision shall be made within 45 days after receipt of any information and argument submitted by the respondent, unless the debarring official extends this period for good cause.

(2) *Additional proceedings necessary.* In actions in which additional proceedings are necessary to determine disputed material facts, the Director shall base the decision on the facts as found, together with any information and argument submitted by the respondent and any other information in the administrative record.

(f) *Standard of evidence.* In any contested action, the cause for debarment must be established by a preponderance of the evidence. In any contested action in which the proposed debarment is based upon a conviction or civil judgment, the standard shall be deemed to have been met.

(g) *Notice of debarring official's decision.* (1) If the Director decides to impose debarment, the respondent shall be given prompt notices.

(i) Referring to the notice of proposed debarment, the meeting, and the fact-finding conference;

(ii) The Director's findings of fact and conclusions of law;

(iii) Specifying the reasons for debarment;

(iv) Stating the period of debarment, including effective dates; and

(v) Advising that the debarment is effective for covered transactions throughout the executive branch of the Federal Government unless an agency head or a designee authorized by an agency head makes the determination referred to in § 1036.215. The decision may limit the debarment or suspension action to affected covered transactions involving particular commodities, products, services, or forms of energy, or

to projects or work performed in specified geographic regions;

(vi) The names and addresses of the respondents that will be placed on the DOE List;

(vii) A copy of the debarment notice was sent to GSA and that the respondent's name and address will be addressed to the GSA List; and

(viii) If less than an entire organization is debarred, the identity or description of the organizational element(s) or individual(s) included within the scope of the debarment.

(2) If the Director decides not to impose debarment, the respondent shall be given prompt notice of that decision. A decision not to impose debarment shall be without prejudice to a subsequent imposition of debarment by any other agency.

§ 1036.315 Effect of proposed debarment.

Upon issuance of a notice of proposed debarment and until the final debarment decision is rendered, DOE shall not make any new, continuation, or renewal awards to the respondent. DOE may waive this exclusion pending a debarment decision upon a written determination by the debarring official identifying the reasons for doing so. In the absence of such a waiver, the provisions of § 1036.215 allowing exceptions for particular transactions may be applied.

§ 1036.320 Voluntary exclusion.

At any time prior to the issuance of a final decision under § 1036.310(e), the Director may, in the public interest, agree, in writing, to terminate a suspension or withdraw a proposed debarment on the conditions that the respondent voluntarily refrain from attempting to obtain, and from entering into, one or more types of DOE or other Federal covered transactions. Failure to observe such conditions shall be an independent cause for debarment or suspension. The name and address of the respondent who is a party to a voluntary exclusion shall be placed on the DOE List and GSA List. The Director shall not enter into a voluntary exclusion if the proposed debarment is based on conviction of or civil judgment for any of the causes in § 1036.305(a), or if the suspension was based on an indictment for any of the causes in § 1036.205(a).

§ 1036.325 Period of debarment.

(a) Debarment shall be for a period commensurate with the seriousness of the cause(s). Generally, a debarment should not exceed three years. Where circumstances warrant, a longer or indefinite period of debarment may be imposed. If a suspension precedes a debarment, the suspension period may be considered in determining the debarment period.

(b) The Director may extend an existing debarment for an additional period, if that official determines that an extension is necessary to protect the public interest. However, a debarment may not be extended solely on the basis of the facts and circumstances upon which the initial debarment action was based. If debarment for an additional period is determined to be necessary, the procedures of § 1036.310 shall be followed to extend the debarment.

(c) The Director may reduce the period or scope of debarment, upon the respondent's request, supported by documentation, for reasons such as:

(1) Newly discovered material evidence;

(2) Reversal of the conviction or judgment upon which the debarment was based;

(3) Bona fide change in ownership or management;

(4) Elimination of other causes for which the debarment was imposed; or

(5) Other reasons the Director deems appropriate.

§ 1036.330 Scope of debarment.

(a) *Scope in general.* (1) Debarment of a person or affiliate under these rules constitutes debarment of all its subsidiaries, divisions, and other organizational elements unless the debarment decision is limited by its terms to one or more specifically identified individuals or organizational elements or to specific types of transactions.

(2) The debarment action may include any other affiliate of the participant that is—

(i) Specifically named and

(ii) Given notice of the proposed debarment and an opportunity to respond.

(See § 1306.310).

(b) *Imputing conduct.* For purposes of determining the scope of debarment, conduct may be imputed as follows:

(1) *Conduct imputed to participant.* The fraudulent, criminal, or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with a participant may be imputed to the participant when the conduct occurred in connection with the individual's performance of duties for or on behalf of the participant, or with the participant's knowledge, approval, or acquiescence. The participant's acceptance of the benefits derived from the conduct shall be presumptive evidence of such knowledge, approval, or acquiescence.

(2) *Conduct imputed to individuals associated with participant.* The fraudulent, criminal or other seriously improper conduct of a participant may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the participant who participated in, knew of, or had reason to know of the participant's conduct.

(3) *Conduct of one participant imputed to other participants in a joint venture.* The fraudulent, criminal or other seriously improper conduct of one participant in a joint venture or similar arrangement may be imputed to other participants if the conduct occurred for or on behalf of the joint venture or similar arrangement or with the knowledge, approval, or acquiescence of these participants. Acceptance of the benefits derived from the conduct shall be presumptive evidence of such knowledge, approval or acquiesence.

Subpart D—Suspension

§ 1036.400 General.

(a) The suspending official may suspend a participant for any of the causes in § 1036.405 using procedures established in accordance with §§ 1036.410, 1036.600 and 1036.605.

(b) Suspension is a serious action to be imposed on the basis of adequate evidence of one or more of the causes set out in § 1036.405 when it has been determined that immediate action is necessary to protect the public interest.

§ 1036.405 Causes for suspension.

(a) Suspension may be imposed in accordance with the provisions of §§ 1036.400, 1036.410, 1036.600, and 1036.605 upon adequate evidence:

(1) To suspect the commission of an offense listed in § 1036.305(a); or

(2) That a cause for debarment under § 1036.305 may exist.

(b) Indictment shall constitute adequate evidence for purposes of suspension actions.

§ 1036.410 Procedures for suspension.

(a) *Investigation and referral.* DOE offices responsible for the award and administration of covered transactions are responsible for reporting to both the Procurement and Assistance Management Directorate and the Inspector General, DOE, information about possible fraud, waste, abuse, or other wrongdoing which may constitute or contribute to a cause(s) for debarment or suspension under this part. Participants and persons performing under covered transactions awarded by DOE shall be required to report such information to the contracting officer and to the Inspector General, DOE.

(b) *Suspension notice.* When the Director, after consultation with legal counsel, determines that causes exist to suspend or propose debarment of an awardee or affiliate, the Director shall send the awardee or affiliate a notice containing, as appropriate, the following information:

(1) That a decision to suspend has been made.

(2) The reasons for the suspension in terms sufficient to put the respondent on notice of the conduct, transaction(s), or other adequate evidence upon which the suspension is based, except that the notice shall omit any information which, if disclosed, would prejudice an ongoing civil or criminal investigation or a pending or contemplated legal proceeding, or would compromise national security.

(3) The cause(s) relied upon under § 1036.405 of this part for the suspension.

(4) That within 30 days after receipt of the notice, the respondent may submit, or make a written request for an opportunity to submit, to the Director or designee, information and argument in opposition to the suspension, including any additional specific information that may raise a genuine dispute over the material facts. The submission in opposition may be made in person, in writing, or through a representative.

(5) DOE's procedures governing suspension decision-making (see § 1036.600).

(6) The effects of the suspension (see §§ 1036.315, and 1036.615).

(7) That the suspension is effective as of the date of the notice.

(8) The respondent's name and address have been placed on the DOE List.

(9) That a copy of the suspension notice was sent to GSA, and that the respondent's name will be added to the GAS List.

(c) *Submission in opposition.* Within 30 days after receipt of the notice of suspension, the respondent may submit, in person, in writing, or through a representative, information and argument in opposition to the suspension. A request for a meeting should be sent to the Director. (See § 1036.600(c).)

(d) *Additional proceedings as to disputed material facts.* (1) If it is found that there exists a genuine dispute over facts material to the suspension, respondent(s) shall be afforded an opportunity to appear *pro se* or with counsel, submit documentary evidence, present witnesses, and confront any person the DOE presents (See § 1036.600(d)), unless—

(i) The action is based on an indictment, conviction or judgment, or

(ii) A determination is made, on the basis of Department of Justice advice, that the substantial interests of the Federal Government in pending or contemplated legal proceedings based on the same facts as the suspension would be prejudiced. (See § 1036.605.)

(2) [Reserved]

(e) *Suspending official's decision.* The Director may modify or terminate the suspension (for example, see § 1036.325(c) for the reasons for reducing the period or scope of debarment) or may leave it in force. Howver, a decision to modify or terminate the suspension shall be without prejudice to the subsequent imposition of suspension by any other agency or debarment by any agency. The decision shall be rendered in accordance with the following provisions:

(1) *No additional proceedings necessary.* In actions (i) based on an indictment, conviction, or judgement, (ii) in which there is no genuine dispute over material facts, or (iii) in which additional proceedings to determine disputed material facts have been denied, the Director shall make a decision on the basis of all the information in the administrative record, including any submission made by the respondent. The decision shall be made within 45 days after receipt of any information and argument submitted by the respondent, unless the suspending official extends this period for good cause.

(2) *Additional proceedings necessary.* In actions in which additional proceedings are necessary to determine disputed material facts, the Director shall base the decision on the facts as found, together with any information and argument submitted by the respondent and any other information in the administrative record.

(f) *Notice of suspending official's decision.* Prompt written notice of the Director's decision shall be sent to the respondent and any affiliates involved.

§ 1036.415 Period of suspension.

(a) Suspension shall be for a temporary period pending the completion of investigation and any ensuing legal or debarment proceedings, unless terminated sooner by the Director or as provided in paragraph (b) of this section.

(b) If legal or debarment proceedings are not initiated within 12 months after the date of the suspension notice, the suspension shall be terminated unless an Assistant Attorney General requests its extension, in which case it may be extended for an additional six months. In no event may a suspension extend beyond 18 months, unless such proceedings have been initiated within that period.

(c) The Director shall notify the Department of Justice of an impending termination of a suspension, at least 30 days before the 12-month period expires, to give that Department an opportunity to request an extension.

§ 1036.420 Scope of suspension.

The scope of a suspension shall be the same as the scope of debarment (see § 1036.330, except that the procedures of § 1036.410 shall be used in imposing a suspension.

Subpart E—GSA Consolidated List; DOE Responsibilities

§ 1036.500 GSA List.

(a) OMB has designated GSA to compile, maintain, and distribute a list of all participants who have been debarred, suspended, or voluntarily excluded under Executive Order 12549 and these rules, and those who have been determined to be ineligible.

(b) At a minimum, this list indicates:

(1) The names and addresses of all debarred, suspended, voluntarily excluded, and ineligible participants in alphabetical order, with cross-references when more than one name is involved in a single action;

(2) The type of action;

(3) The cause for the action;

(4) The scope of the action;

(5) Any termination date for each listing; and

(6) The agency and name and telephone number of the agency point of contact for the action.

§ 1036.505 Responsibilities of DOE.

(a) The DOE liaison who shall be responsible for providing GSA with current information concerning debarments, suspensions, voluntary exclusions and ineligibilities taken by that agency is the Director, Office of Clearance and Support, Procurement and Assistance Management Directorate. Until February 18, 1989, the liaison shall also provide GSA and OMB with information concerning all transactions in which the agency has granted exceptions under § 1036.215 permitting participation by debarred, suspended, or excluded persons.

(b) Unless an alternative schedule is agreed to by GSA, DOE shall advise GSA of the information set forth in § 1036.500(b) and of the exceptions granted under § 1036.215 within five working days after taking such actions.

VOL 52 ISS 247 DEC 24 1987 UMI

(c) DOE procedures to provide for the effective dissemination and use of the DOE list and the GSA list in order to ensure that listed persons do not participate in any covered transaction in a manner inconsistent with that person's listed status, except as otherwise provided in this rule, are provided in § 1036.615.

(d) DOE shall direct inquiries concerning listed persons to the agency that took the action.

(e) DOE permits prospective participants receiving covered transactions at or below the threshold of $25,000 to certify whether the participant, or any person acting in a capacity listed in § 1036.200(b) with respect to the participant or the particular covered transaction, is currently or within the preceding three years has been:

(1) Debarred, suspended or declared ineligible;

(2) Formally proposed for debarment, with a final determination still pending;

(3) Voluntarily excluded from participation; or

(4) Indicted, convicted, or has a civil judgement rendered against them for any of the offenses listed in § 1036.305(a).

Adverse information on the certification need not necessarily result in denial of participation.

(f) In lieu of checking the DOE and the GSA lists, Participants may require prospective participants to submit the following certification for covered transactions at or below the threshold of $25,000:

Certification Regarding Debarment and Suspension

The Participant certifies to the best of its knowledge and belief, that:

(a) The Participant, or any person acting in a capacity specified in (b) below, currently or within the preceding three years

(1) Is or has ( ) is not and has not ( ) been debarred, suspended or declared ineligible

(2) Has ( ) has not ( ) been formally proposed for debarment with a final determination still pending

(3) Has ( ) has not ( ) been voluntarily excluded from participation

(4) Has ( ) has not ( ) been indicted, convicted, or had a civil judgement rendered against them for:

(i) Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement; or

(ii) Bribery, embezzlement, false claims, false statements, falsification or destruction of records, forgery, obstruction of justice, receiving stolen property, or theft; or

(iii) Unlawful price fixing between competitors, allocation of customers between competitors, bid rigging, or any other violation of Federal or State antitrust laws that relates to the submission of bids or proposals.

(b) "Persons", for the purpose of this certification, means individuals in or under any covered transaction in any of the following capacities; as an owner or partner holding a controlling interest, director, or officer of the participant; as a principal investigator, project director, or other position involved in management of the covered transaction; as a provider of federally-required audit services; in any other position to the extent that the incumbent is responsible for the administration of Federal funds; or in any other position charged as a direct cost under the covered transaction.

Subpart F—Additional DOE Procedures for Debarment and Suspension

§ 1036.600 Decisionmaking.

(a) *Definitions.* (1) "Fact-finding panel" means a three-member panel appointed by the Director to conduct a fact-finding conference under paragraph (d) of this section. This panel shall consist of an office director within the Procurement and Assistance Management Directorate, a senior attorney nominated by the General Counsel or designee, and a senior official of a program or other office of the Department.

(2) For purposes of this section, "timely" means mailed or delivered to the Director not later than 30 days after the date of the notice under § 1036.310(b)(1) or § 1036.410(b)(1) or on or before such later date as may be specified in the notice. If the postmark date is affixed by a postage meter and DOE receives the document more than five days after the post-mark date, the date of receipt shall be used to determine timeliness.

(b) *Written response.* A timely written response to a notice of suspension or proposed debarment may contain any or all of the following:

(1) A request for a meeting with the Director or designee (§ 1036.600(c));

(2) A request for a fact-finding conference (§ 1036.600(d)); and

(3) Information and argument in opposition to the suspension or proposed debarment including identification of disputed material facts. If the respondent fails to submit a timely written response to a notice of suspension or proposed debarment, the Director shall notify the respondent in accordance with § 1036.310(b)(6) or § 1036.410(b)(5) that the awardee remains suspended, or that the awardee is debarred, as applicable.

(c) *Meeting.* Upon receipt of a timely request therefor, the Director shall schedule a meeting with the Director or designee and the respondent, no later than 30 days from the date the request is received. The Director or designee may postpone the date of the meeting if the respondent requests a postponement in writing.

(1) At the meeting, the respondent, appearing personally or through an attorney or other authorized representative, may informally present and explain evidence that causes for suspension or debarment do not exist, evidence of any mitigating factors, and arguments concerning the imposition, scope, duration, or effects of a suspension, proposed debarment, or debarment. The respondent may offer or explain a previous offer to agree to a voluntary exclusion (§ 1036.205) at the meeting.

(2) Any written information or arguments submitted at or in connection with the meeting shall be included in the administrative record. The Director shall not be required to make a transcript of the meeting.

(3) Within two weeks following the date of the meeting, the Director shall send a notice to the respondent containing the following information:

(i) Names, organizational affiliations, titles, addresses, and telephone numbers of all individuals who attended;

(ii) A brief description of each document submitted by the respondent;

(iii) A summary of the issues discussed; and

(iv) A statement describing the action the Director has taken or proposes to take.

(d) *Fact-finding conference.* The purposes of a fact-finding conference under this section are to provide the respondent an opportunity to dispute material facts and to make arguments realted to a suspension or proposed debarment, and to provide the Director with proposed findings of fact based, as applicable, on adequate evidence or on a preponderance of the evidence.

(1) *Appointment of fact-finding panel and notice to respondent.* If the Director determines that a written response or a presentation at the meeting puts material facts in dispute, the Director shall appoint a fact-finding panel. (See § 1036.310(d)) Upon appointment, the panel shall notify the respondent that the case has been referred to the panel and shall schedule a fact-finding conference.

(2) *Appearances.* The Director may be represented at the fact-finding conference by the General Counsel or designee. The respondent may appear personally or through an attorney or other authorized representative.

(3) *Scope of the fact-finding conference.* The factual issues considered at the conference shall be limited to those identified in the Director's referral and any amendments thereto filed by the Director.

(4) *Procedures.* The fact-finding conference shall be conducted in accordance with applicable procedural rules adopted by the General Counsel or designee. The procedural rules shall be as informal as practicable, consistent with the principles of fundamental fairness, prompt decisionmaking, and with the evidentiary standards for suspension and debarment. (See § 1035.8(d)(4) and 1035 Appendix A—Rules for Fact-Finding Conferences.)

(5) *Preliminary administrative record.* At least 10 days before the fact-finding conference date, the Director shall file with the fact-finding panel, and mail or deliver to the respondent, a copy of the administrative record as of the date of the transmittal. The copy sent to the responent shall not include any documents which, as provided in § 1035.7, may not be disclosed; the copy filed with the fact-finding panel shall identify which documents must be sealed and viewed by the fact-finding panel only incamera, as provided in § 1036.605.

(6) *Evidence and argument.* The respondent and the Director shall have the opportunity to submit documentary evidence, to examine and cross-examine witnesses, and to present argument. Only evidence which is relevant to the issues referred for the fact-finding conference and which is reliable and probative shall be admissible.

(7) *Transcript.* The fact-finding panel shall make a transcribed record of the fact-finding conference which shall be transmitted to the Director within 20 days after the hearing record is closed. The transcript shall be available at cost to the respondent. The requirement for a transcript may be waived by mutual agreement of the Director and all respondents.

(8) *Fact-finding conference report.* Within 30 days after the conference record is closed, the fact-finding panel shall transmit to the respondent (by notice) and to the Director a written report setting forth proposed findings of fact. The findings shall resolve any disputes over material facts based on a preponderance of the evidence if the case involves a proposal to debar, or on adequate evidence if the case involves a suspension. The respondent shall have 30 days from receipt of the fact-finding panel's report to submit written exceptions to the Director.

(9) *Final decision.* If the final decision sustains a proposed debarment, the debarment may begin no earlier than ten days after the date of the notice of final decision a copy of which shall be transmitted to the fact-finding panel.

§ 1036.605 Coordination with Department of Justice

Whenever a meeting or fact-finding conference is requested, under § 1036.600 (b)(1) or (b)(2), the Director's legal representative shall obtain the advice of appropriate Department of Justice officials concerning the impact disclosure of evidence at the meeting or fact-finding conference could have on any pending civil or criminal investigation or legal proceeding. If such official requests in writing that evidence needed to establish the existence of a cause for suspension or proposed debarment not be disclosed to the respondent, the Director shall:

(a) Decline to rely on such evidence and withdraw (without prejudice) the suspension or proposed debarment until such time as disclosure of the evidence is authorized; or

(b) Rely on such evidence without disclosing it to the respondent. At the fact-finding conference, the Director shall make such evidence available for in camera inspection to the fact-finding panel. Evidence submitted for in camera inspection shall be part of the administrative record, but may not be disclosed to the respondent or any member of the public until release is authorized in writing by an appropriate Department of Justice official or until related legal proceedings are concluded, whichever occurs first.

§ 1036.610 DOE consolidated list of debarred, suspended, ineligible, and voluntarily excluded awardees.

The Director shall compile and maintain a list of persons and affiliates who are currently suspended, proposed for debarment, debarred, ineligible or voluntarily excluded under this part and 10 CFR Part 1035. The DOE List shall contain the following information at a minimum:

(a) The person's name and address;

(b) The causes(s) relied upon under this part;

(c) The effect of each action;

(d) The effective date of the action and, in the case of debarment, the expiration date; and

(e) The name and telephone number of the DOE official who can be contacted for additional information about the action.

§ 1036.615 Effects of being listed on the DOE and GSA lists.

The Director may grant an exception to the prohibitions of paragraphs (a) through (e) of this section by issuing a written determination setting forth the compelling reasons justifying the waiver in accordance with § 1036.215.

(a) DOE shall not solicit, or consider, and shall return any proposal submitted by a contractor, awardee, or person on the DOE List or a person on the GSA List, to the extent that the solicitation activity or proposal falls within the scope of the suspension, proposed debarment, debarment, ineligibility of voluntary exclusion, as indicated on the DOE List or GSA List.

(b) DOE and DOE participants shall not make any new, continuation, or renewal award, or extend any agreement or covered transaction with an awardee or person on the DOE List or on the GSA List, to the extent that the activity falls within the scope of the suspension, proposed debarment, debarment, ineligibility or voluntary exclusion, as indicated on the DOE List or GSA List.

(c) DOE and DOE participants, regardless of tier, shall not approve or consent to any new, continuation, renewal award or extension of a subagreement with a contractor, awardee, or person on the DOE List and shall not approve or consent to any new, continuation, renewal award or extension of a subagreement with a person on the GSA List, to the extent that the award falls within the scope of the suspension, proposed debarment, debarment, ineligibility or voluntary exclusion.

(d) DOE and participants shall disapprove or not consent to the selection (by an awardee) of an individual to serve as a principal investigator, as a project manager, in a position of responsibility for the administration of Federal funds, or in another key personnel position, if the individual is on the DOE List or GSA List.

(e) DOE and DOE participants shall not conduct business with an agent or representative whose name appears on the DOE List or GSA List.

(f) DOE shall review existing agreements and may initiate a review of any subagreements with a contractor, awardee or person on the DOE List or on the GSA List for the purpose of determining whether termination or

other remedial action, available under the terms of the agreement, subagreement, or applicable law, is necessary to protect the Government's interest.

(g) DOE and DOE participants shall review the DOE and GSA Lists before conducting a preaward survey or soliciting proposals, making new, continuation, or renewal awards or otherwise extending the duration of existing agreements, or approving or consenting to the award, extension, or renewal of subagreements at any tier.

PART 1035 [REMOVED]

2. Part 1035 is removed.

[FR Doc. 87-29494 Filed 12-23-87; 8:45 am]
BILLING CODE 6450-01

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Regulation Z; Docket No. R-0625]

Truth in Lending; Home Equity Disclosures Under Regulation Z

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is publishing for comment a proposal to amend Regulation Z. The proposed amendment would require creditors to provide disclosures for home equity lines of credit secured by the consumer's principal dwelling at the time an application form is given to the consumer or before the consumer pays a non-refundable fee, whichever is earlier. The proposal also would require the disclosures for home equity plans to be segregated from any other information given to the consumer. Under the proposed amendment, creditors would have to provide additional information about home equity lines secured by a consumer's principal dwelling, including information about a plan's payment terms, whether a creditor can terminate or change the terms of a plan, and, for variable-rate plans, disclosures about the index, frequency of rate adjustments, and a history of changes in the index. Creditors also would be required to provide consumers with a brochure describing home equity plans.

DATES: Comments must be received on or before February 8, 1988.

ADDRESSES: Comments should be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC, 20551, or delivered to the 20th Street courtyard entrance on 20th Street, between C Street and Constitution Avenue NW., Washington, DC, between 8:45 a.m. and 5:15 p.m. weekdays. Comments should include a reference to Docket No. R-0625. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Sharon Bowman or Leonard Chanin, Staff Attorneys, Division of Consumer and Community Affairs, at (202) 452-3667 or 452-2412; for the hearing impaired *only*, contact Earnestine Hill or Dorothea Thompson, Telecommunications Device for the Deaf, at (202) 452-3544, Board of Governors of the Federal Reserve System, Washington, DC, 20551.

SUPPLEMENTARY INFORMATION:

(1) Background

A home equity line is an open-end credit line secured by the homeowner's equity—the difference between the market value of the home and any debts secured by that home. During the past few years the number of lenders offering home equity lines of credit and the number of consumers borrowing through this form of credit have increased considerably. The increased promotion and use of home equity plans has led the Board to examine the disclosures required by the Truth in Lending Act and Regulation Z to determine if the current requirements ensure that consumers receive adequate information about these plans at a relevant stage of the credit-granting process. Financial institutions, trade associations, consumer groups, the Board's Consumer Advisory Council (CAC), and the Congress also have focused on existing disclosure requirements. Financial institutions and trade associations have asked Board staff how information should be disclosed for these plans. Consumer groups and the CAC have expressed concern about the complexities and risks associated with these plans, and the adequacy of the disclosures consumers are receiving. In addition, bills have been introduced in the Congress that would require increased disclosures and would regulate substantive aspects of home equity lines.

Based on the Board's analysis of the current disclosure requirements under Regulation Z—and discussions with financial institutions, trade associations, consumer groups and the CAC—the Board has concluded that the current disclosure requirements do not ensure that consumers receive adequate information about home equity lines in a meaningful and timely fashion.

(2) Current Disclosure Requirements

Currently, Regulation Z requires the same disclosures for home equity lines of credit as for other open-end credit plans. As with other open-end plans, creditors may provide consumers with disclosures at any time prior to the first transaction under the plan, and the disclosures need not be provided in a specified format. In addition the disclosures required by the regulation are rather limited—a creditor is required to disclose only how the finance charge is determined, including the periodic and annual percentage rates; other (nonfinance) charges, such as late payment fees, that may be imposed; the existence of a security interest; and the consumer's billing rights. The Board believes that the current disclosure requirements for home equity lines are insufficient in their timing, format, and content to ensure that consumers understand the terms and conditions of a particular loan program before committing to a plan.

(i) *Timing of disclosures.* In general, the Truth in Lending Act permits disclosures for both open-end and closed-end credit transactions to be given at a relatively late stage of the credit process—at any time before the consumer actually becomes obligated for a particular credit plan.

There are two exceptions to this rule, however. Section 128(b)(2) of the Truth in Lending Act provides that in closed-end residential mortgage transactions subject to the Real Estate Settlement Procedures Act, disclosures must be given within three business days after the creditor receives the consumer's written application. Another exception to this general rule is contained in the regulations just adopted by the Board with respect to adjustable-rate mortgages (ARMs). Those regulations require information about the variable-rate feature of certain closed-end adjustable-rate mortgages to be given to consumers either when an application form is provided or before a consumer pays a nonrefundable fee, whichever is earlier. (See this issue of the **Federal Register**.)

The Board believes that consumers should receive disclosures about home equity lines at an earlier time in the credit process to facilitate consumer understanding and shopping for this type of credit. The same concerns that prompted early disclosures for closed-end ARMs—credit shopping and risk to the consumer—also support requiring early disclosures for home equity lines. The risk to the consumer in the event of default, the potential loss of the home, is

the same for both closed-end and open-end transactions secured by the home. Furthermore, because most home equity lines are variable-rate and often have large up-front fees, the Board believes consumers should receive disclosures in a timely fashion to better understand the risks and complexities of a particular plan, as well to better shop among plans. Specifically, the Board believes consumers should be provided with disclosures when an application form is provided or before the consumer pays a non-refundable fee, whichever is earlier.

(ii) *Format of disclosures.* Regulation Z currently does not require creditors to provide home equity disclosures in any particular format. As with other open-end plans, the disclosures can be interspersed with contract and other information, and need not be highlighted.

The Board believes that the disclosures for home equity lines should be separated from other information. The same concern that prompted segregation of disclosures generally for closed-end transactions—that is, to ensure that the disclosures are highlighted—exists with respect to home equity lines. The purpose of the Trust in Lending disclosure is to provide consumers with clear and readily understandable information about the costs of a credit transaction. Because home equity plans involve terms and conditions that are more complicated and numerous than those in other types of open-end plans, the Board believes that the disclosures required to be provided to consumers by the regulation should be segregated from other information to enable consumers to easily identify and understand the most important terms and conditions. Such a requirement is particularly important when the consumer's home secures the transaction.

In addition to this requirement, the Board believes some information warrants special attention. The Board is proposing that three disclosures—the risk of the loss of the consumer's home in the event of default, the right of a creditor to terminate an account, and the right of a creditor to change the terms of an account—as well as the current security interest disclosure, precede all other disclosures on the form provided to the consumer. Provisions such as the creditor's ability to change a plan's terms and conditions at will or to terminate an account are common in open-end credit, including home equity lines. Consumers, however, may not be familiar with these aspects of the plans if they are more accustomed to closed-end credit where the home is being used as security. Moreover, the exercise of any one of these provisions could have an adverse effect on consumers, thus making it particularly important that consumers be alerted to them.

(iii) *Content of disclosures.* The Board does not believe that changing the timing and format of the disclosure requirements will be sufficient to ensure that consumers understand home equity plans. Regulation Z currently requires creditors to provide only the four items of information mentioned earlier. Therefore, certain important information about home equity lines is not required to be disclosed. The regulation, for example, does not require disclosure of whether a creditor may unilaterally change the terms and conditions of the plan, and the circumstances under which the creditor may terminate the plan and require payment of any outstanding balance. Information about the payment terms of the plan may be difficult to understand, and may not be presented in a manner that facilitates consumer awareness of such features.

The absence of such disclosures is significant since home equity lines contain unique features that may expose consumers to greater risk than the typical open-end credit plan. For example, many of the programs have characteristics of both open-end and closed-end credit. The programs often involve two phases—a phase during which the consumer may obtain advances, as with traditional open-end products, and a phase during which the consumer may not borrow additional money and simply repays what already has been borrowed. Each phase may involve its own payment terms, and, in addition, creditors may give the consumer the option to choose among several payment terms during aphase. Moreover, unlike most traditional open-end plans, many home equity programs permit payment of only interest during the draw period. While some programs provide for payment of the outstanding balance over an extended period of time, others do not; in the latter case, the consumer may be required to pay the entire outstanding balance at the end of the draw period, a fact that may not be clearly disclosed when the consumer contracts for the plan. If the plan calls for full payment of the outstanding balance at the end of the draw period, there may be no guarantee that the creditor will refinance the outstanding principal balance when it becomes due. Although other types of open-end credit, like credit cards, also can involve repayment terms that permit borrowers to make small monthly payments, the risk to consumers is greater with a home equity line given the size of the average credit line, the potential size of the balances, and the risk that consumers may lose their homes if they are unable to pay the full balance when it is due.

In the case of variable-rate home equity lines, the Board is also concerned about adequate disclosure of the variable-rate feature. For open-end variable-rate home equity lines, only a limited amount of information about the variable-rate feature is currently required. (The creditor must disclose the circumstances under which the rate may increase, any limits on the increase, and the effect of an increase.) Requiring additional disclosures for variable-rate home equity lines secured by the consumer's principal dwelling would be consistent with the additional variable-rate disclosures just adopted by the Board for closed-end ARMs. The same concern exists in both open-end and closed-end transactions, that is, the possibility of losing the home in the event of default and the fact that the variable-rate feature could increase the risk of default in some instances. The Board believes most of the variable-rate disclosures contained in its final ARMs rule should be provided for home equity lines secured by the consumer's principal dwelling. Such disclosures, adjusted to reflect the fact that open-end transactions differ from closed-end transactions, would ensure that consumers receive substantially the same information for all variable-rate credit secured by the consumer's principal dwelling.

(3) Current Advertising Requirements

Currently an advertisement that states an annual fee or other cost information must state additional information, such as the annual percentage rate (APR), any minimum, fixed, transaction or activity charge, and any membership or participation fee. Reference in an advertisement to certain other terms, such as a payment term, however, does not require the disclosure of the other cost information, such as the APR.

The Board believes that providing specific terms, such as the payment amount, in an advertisement without providing additional cost information gives an incomplete and potentially misleading picture of the major terms and conditions of the plan and the consumer's potential obligations under the plan. The proposed amendments to § 226.6 to require additional disclosures for home equity lines would address this concern without the need for changes to the advertising section. Under the open-end advertising rules in § 226.16, any reference to an item required to be

disclosed under § 226.6 requires the disclosure of the cost information discussed above. Thus if any of the proposed disclosures in § 226.6(e) is stated in an advertisement, the cost information listed in § 226.16(b) would have to be provided.

(4) Consumer Brochure

In addition to the need for disclosures about specific home equity programs, because home equity lines are a relatively new and nontraditional form of credit the Board believes that consumers also may need more general information about these products. Under the new closed-end regulations, creditors will provide consumers with a brochure that describes ARMs (*The Consumer Handbook on Adjustable Rate Mortgages*, published by the Board and the Federal Home Loan Bank Board, or a suitable substitute), along with the other disclosures. The Board is proposing that creditors be required to provide prospective borrowers with a similar brochure describing home equity lines of credit. The brochure would generally describe how home equity plans operate, define terms consumers might not be familiar with, and advise consumers how to compare home equity plans. The Board is currently working on a brochure that would meet this requirement. Under the proposal, creditors would provide this brochure, or a suitable substitute, along with the other disclosures.

(5) Proposed Amendments to Regulation Z

(i) *Coverage.* The Board is proposing to amend Regulation Z to require additional disclosures for home equity lines. The disclosures would be required only for open-end credit programs secured by the consumer's principal dwelling. The new requirements would not apply to home equity lines secured by other consumer dwellings, such as vacation homes.

(ii) *Timing.* the initial home equity disclosure statement—containing both the existing and proposed disclosures—and the brochure would be given to the consumer when an application form is provided or before the consumer pays a nonrefundable fee, whichever is earlier. For mail and telephone applications (and those submitted through an agent or broker) disclosures would be provided within three business days of receipt of the application by the creditor. The creditor would not be required to provide the consumer with additional initial Truth in Lending disclosures under section 226.6 at the time an account is opened. If a creditor makes a change in a home equity program after giving the initial disclosures, however, the creditor must provide consumers written notice of the changes under the existing rules in § 226.9(c), dealing with changes in the terms of a credit plan. Section 226.9(c) would require creditors to give the notice to all consumers who may be affected by the changes, for example, at the time the consumer submits a completed application. Creditors would not be required to give notices to consumers that had merely received the initial disclosures along with an application. The Board seeks comment on whether the current rules in § 226.9(c) dealing with changes in the terms of open-end credit plans are adequate to ensure that notice of changes is provided to consumers without imposing undue burdens on creditors, or whether the rules should be modified in some manner.

(iii) *Format.* Under the proposal, creditors would be required to segregate the disclosures from any other information provided to the consumer. Creditors would not be permitted to include the disclosures in loan contracts, or to provide additional information with the segregated disclosures. To further highlight three of the new disclosures—the risk of loss of the consumer's home in the event of default, the right of a creditor to terminate an account, and the right of a creditor to change the terms of an account—as well as the current security interest disclosure, the regulation would require that these disclosures precede all other disclosures on the form provided to the consumer. Creditors could continue to provide additional information about plans, as long as the information is not interspersed with the required disclosures.

(iv) *New home equity disclosures.* Under the proposal creditors would have to disclose the fact that consumers risk losing their homes in the event of default. Creditors also would be required to describe certain of their contractual rights. The circumstances under which the creditor (or consumer) may terminate the plan would be provided. For example, if a creditor retains the right to terminate the plan if a rate ceiling is reached, that fact would be noted. In addition, the disclosure would state any fees that may be imposed in the event of termination, and whether the creditor may require payment in full of any outstanding balance. If a creditor retains the right to unilaterally change the terms and conditions of the plan, that right also would be disclosed.

Creditors would disclose the period during which a consumer could obtain advances and the period during which the consumer would be allowed only to make payments. Creditors also would have to disclose how the minimum monthly payment requirements for each period are determined. Examples of the monthly payment amount for each period based on an assumed $10,000 balance outstanding, at a recent interest rate charged under the plan, would be provided. For purposes of the examples, an interest rate would be considered recent if it had been in effect within 90 days of delivery of the disclosures. Creditors also would provide a statement if the minimum monthly or periodic payment may not or will not reduce the outstanding principal balance. The proposal would require disclosure of any minimum outstanding balance or minimum draw requirements under the plan. Disclosure also would have to be made that information about the creditor's other open-end home equity programs is available.

(v) *Additional disclosures for variable-rate plans.* The Board proposes to require creditors to provide additional information for variable-rate home equity lines. These disclosures would closely parallel the disclosures just adopted by the Board (and published in this issue of the **Federal Register**), for closed-end variable-rate transactions secured by a consumer's principal dwelling. Under the proposal creditors would provide the index or the formula used to make rate adjustments, and a source of information about the index. Creditors also would have to describe how the interest rate is determined, including, for example, whether a margin is added to the index to arrive at the interest rate. A statement also would be provided to consumers suggesting they ask about the current index, margin, and interest rate. Creditors would disclose the frequency of rate and payment adjustments, and any rules relating to changes in the index, interest rate, payment amount, and outstanding loan balance. Such information would include an explanation of limitations on the maximum payment or rate that would be charged, interest rate carryover, and negative amortization. Creditors also would specifiy the informaiton that would be provided on periodic statements concerning the rate changes.

In addition to these disclosures, creditors would have to provide a historical table that shows the values of the specific index or formula to be used in the loan program, beginning with the value for 1977. The index values would be updated annually until a fifteen-year history is shown. Creditors would then show a "rolling history" of index values for the preceding fifteen years. The margin and interest rate for each of the years also would be provided. Unlike the closed-end ARMs rule just adopted by the Board, the monthly payment and remaining balance for the historical table would not have to be provided. The Board believes this information would be of limited value for open-end transactions since the outstanding balance can, and often does, fluctuate as the consumer makes draws and payments under the plan. Comment is requested, however, or whether the monthly payment amount and remaining balance should be required for open-end as it is for closed-end transactions. Creditors also would be required to disclose the initial interest rate shown in the historical table and the maximum interest rate and the corresponding payments for a $10,000 loan under the plan.

The Board requests comment on one issue that relates to an existing provision in the regulation and staff commentary dealing with disclosures of the annual percentage rate in open-end variable-rate credit plans. The commentary to § 226.6(a)(2) states that a creditor in disclosing the APR in effect in a variable-rate plan may use in insert showing the current rate, may give the rate as of a specified date and update the disclosure from time to time for example, each calendar month, or may disclose an estimated rate under § 226.5(c). In light of the proposed requirement that home equity disclosures be provided earlier, the Board requests comment on whether these options for disclosing the APR provide creditors with sufficient flexibility.

Creditors also would have to provide additional variable-rate information on or with the first periodic statement sent to consumers after the rate has been adjusted. Consumers would be informed of the prior and current index values and the interest rates derived from these values. If the creditor has foregone any interest rate increase, this would be noted. Creditors also would disclose the contractual effects of any rate adjustment, including the payment due and loan balance.

A sample home equity disclosure statement that shows how the proposed and existing requirements might be met is provided in the Appendix of this notice.

(vi) *Consumer brochure.* The Board also proposed to require creditors to furnish consumers with a home equity brochure along with the required disclosures. Creditors would provide the brochure that the Board will publish or a suitable substitute. Any brochure that is substituted for the Board's pamphlet would have to define terms common to home equity lines, describe features that are basis to most home equity lines, give examples of how rate changes could affect monthly payments, and provide a basic checklist of items that consumers should be alerted to when they shop for home equity products.

(6) Related Provisions

(i) *Right of rescission—material disclosures.* The Board is also proposing to amend footnote 36, accompanying § 226.15(a)(3) of the regulation. Section 226.15(a)(3) states that the consumer may exercise the right of rescission until midnight of the third business day following opening the plan, delivery of the notice of the right to rescind, or delivery of all "material disclosures," whichever occurs last. Footnote 36 of the regulation currently defines material disclosures to include the method of determining the finance charge and the balance upon which a finance charge will be imposed, the annual percentage rate, and the amount of method of determining the amount of any membership or participation fee that may be imposed as part of the plan. The Board believes all of the proposed disclosures in footnote 36. The proposcd lines should be treated as material discolsures in footnote 36. The proposed disclosures contain information that is essential to consumers understanding the cost, terms, and conditions of home equity transactions, and thus consumers must have the information in order to properly exercise their right of rescission.

(ii) *Advertising requirements.* The Board is not proposing changes to the advertising rules contained in § 226.16 of the regulation. The additional disclosures for home equity plans, if included in an advertisement, will require additional advertising disclosures, however. Under the open-end advertising rules in § 226.16, any reference to an item required to be disclosed under § 226.6 calls for the disclosure of cost information such as the APR, any membership or participation fee, and any minimum, fixed, transaction, or activity charge. Thus if any of the proposed disclosures in § 226.6(e) is stated in an advertisement, other cost information such as the APR also would have to be provided. (The commentary currently limits the terms that require additional disclosures to those items in § 226.6(a) and (b); comment 226.16(b)–1 would be revised to include a reference to § 226.6(e), if the Board adopts this proposal as a final rule.)

(7) Comment Period

The comment period ends on February 8, 1988. Because prompt resolution of these matters is essential and in the public interest, the expanded rulemaking procedure set forth in the Board's policy statement of January 19, 1979 (44 FR 3957) will not be followed. The Board believes an abbreviated comment period is necessary to ensure that a final rule is issued at least six months before October 1, 1988, the statutory deadline for the effective date of regulatory amendments.

(8) Economic impact statement

The Board's Division of Research and Statistics has prepared an economic impact statement on the proposed revisions to Regulation Z. A copy of the analysis may be obtained from Publications Services, Board of Governors of the Federal Reserve System, Washington, DC, 20551, at (202) 542–3245.

List of Subjects in 12 CFR Part 226

Advertising, Banks, banking, Consumer protection Credit, Federal Reserve System, Finance, Penalties, Truth in lending.

(9) Text of Proposed Revisions

Certain conventions have been used to highlight the proposed revisions. New language is shown inside bold-face arrows, while language that would be removed is set off with brackets. For the reasons set out in this notice, and pursuant to the Board's authority under section 105 of the Truth in Lending Act (15 U.S.C. 1604 et seq.), the Board proposes to amend Part 226 as follows:

PART 226—TRUTH IN LENDING

1. The authority citation for Part 226 continues to read as follows:

Authority: Sec. 105, Truth in Lending Act, as amended by sec. 605, Pub. L. 96–221, 945 Stat. 170 (15 USC 1604 et seq.); sec. 1204(c), Competitive Equality Banking Act., Pub. L. 100–86, 101 Stat. 552.

2. Section 226.5 is amended by adding paragraph (a)(3), redesignating (b)(2) as (b)(3) and adding a new paragraph (b)(2) to read as follows:

Subpart B—Open-end Credit

§ 226.5 General disclosure requirements

(a) *Form of disclosures.* * * *

►(3) In a plan secured by the consumer's principal dwelling, the disclosures required by § 226.6 shall be grouped together, shall be segregated

from everything else, and shall not contain any information not directly related [10a] to the disclosures required under § 226.6. The disclosures required by § 226.6(c) and (e)(1)–(3) shall precede all other disclosures. [10b]◄

(b) *Time of disclosures.* * * *

►(2) *Initial disclosures for plans secured by the consumer's principal dwelling.* In a plan secured by the consumer's principal dwelling, the creditor shall furnish the initial disclosure statement and brochure required by section 226.6 at the time an application form is provided or before the consumer pays a nonrefundable fee, whichever is earlier. [10c] The creditor may furnish the disclosures required by § 226.6(d) in accordance with § 226.5(b)(1).◄

* * * * *

3. Section 226.6 is amended by adding paragraph (e) and (f) to read as follows:

§ 226.6 Initial disclosure statement.

* * * * *

►(e) *Additional disclosures for plans secured by the consumer's principal dwelling.* In a plan secured by the consumer's principal dwelling, the following additional disclosures:

(1) A statement that loss of the consumer's home may occur in the event of default.

(2) A statement of the circumstances under which the consumer or the creditor may terminate the plan, any fees that may be imposed upon termination, and whether the creditor may require payment of the outstanding balance in full at such time.

(3) If the creditor has the right to change the terms and conditions during the plan, a statement of that fact.

(4) The payment terms for the plan (separately stated, if applicable, for the period when advances may be obtained and the period when repayment is made without new advances).

(i) The length of the plan.

(ii) An explanation of how the minimum monthly or periodic payment will be determined, including a statement of any other payment, such as one-time payment of the outstanding balance.

(iii) An example, based on a $10,000 amount outstanding and a recent interest rate, showing the minimum monthly or periodic payment, and any one-time payment of the oustanding balance.

(5) If the minimum monthly or periodic payment may not or will not reduce the outstanding principal balance, a statement of that fact.

(6) Any minimum outstanding balance or minimum draw requirements, stated as dollar amounts.

(7) A statement that disclosure forms are available for the creditor's other open-end programs secured by the consumer's principal dwelling.

(8) If the plan has a variable rate, the following additional disclosures:

(i) The index or formula used in making adjustments, and a source of information about the index.

(ii) An explanation of how the interest rate will be determined, including an explanation of how the index is adjusted, such as by the addition of a margin.

(iii) A statement that the consumer should ask about the current index value, margin, and interest rate.

(iv) The frequency of interest rate and payment changes.

(v) Any rules relating to changes in the index, interest rate, payment amount, and outstanding loan balance including, for example, an explanation of interest rate or payment limitations, negative amortization, and interest rate carryover.

(vi) An historical table showing how interest rates would have been affected by changes in index values over a 15-year period. The historical table would start in 1977 and be updated annually until 15 years of index, margin, and interest rate values are shown.

(vii) A statement of the most recent interest rate shown in the historical table and maximum interest rate and corresponding payments based on a $10,000 advance.

(viii) A statement that interest rate information will be provided on or with the first periodic statement after each rate change.

(f) *Brochure for plans secured by the consumer's principal dwelling.* In a plan secured by the consumer's principal dwelling, the home equity brochure published by the Board, or a suitable substitute.◄

4. Section 226.7 is amended by adding paragraph (l) to read as follows:

§ 226.7 Periodic statement.

* * * * *

►(l) *Additional disclosures for variable rate plans secured by the consumer's principal dwelling.* On or with the first periodic statement after an interest rate adjustment of a variable-rate plan secured by the consumer's principal dwelling, notification of the rate change. The notice shall contain the following information.

(1) The current and prior interest rates.

(2) The index values upon which the current and prior interest rates are based.

(3) The extent to which the creditor has foregone any increase in the interest rate.

(4) The contractual effects of the adjustment, including the payment due after the adjustment is made.◄

* * * * *

5. Footnote 36 to paragraph (a)(3) of § 226.15 is revised to read as follows:

§ 226.15 Right of rescission.

(a) * * *

(3) * * * [36]

* * * * *

Appendix

Editorial Note: This appendix will not appear in the Code of Federal Regulations.

Sample Disclosure

Important Terms of Our Home Equity Line of Credit

Security Interest: You must give us a security interest in your home. You could lose your home if you do not meet the obligations in your agreement with us.

Termination and Payment Upon Termination: We can cancel your account and require you to pay the entire outstanding balance immediately: (1) if the interest rate that would apply to your account should exceed 18%; (2) if changes in the law either prohibit or increase our risk or burden of offering the plan; (3) if you fail to comply with the requirements in your agreement with us.

You may close your account at any time by notifying us in writing. If you close your account, we can require you to pay the entire outstanding balance immediately.

Changes in Terms: We can change the terms and conditions that apply to your account during the life of the plan.

Payment Requirements: You can obtain advances for fifteen years. During this period, your minimum monthly payment will equal the amount of interest accrued and unpaid on your account at the end of the billing period or $10, whichever is greater. For example, if you had an outstanding balance of $10,000, the minimum monthly payment at an interest rate of 10.25% would be $85.42. Outstanding balances of less than $200 must be paid in full.

The minimum monthly payment (when it equals accrued interest) will not reduce the outstanding principal balance on your account.

At the end of fifteen years, you must pay the entire outstanding balance immediately. For example, if after fifteen years you had an outstanding balance of $10,000, you would have to make one payment of $10,000.

Variable Rate Feature: The interest rate is variable and can change quarterly. The rate will not exceed 18%.

The interest rate equals an "index" plus a "margin." The index is the average prime rate charged by banks as published in the Federal Reserve Bulletin for the first month of the preceding quarter. The margin was 2 percentage points on 10/1/87. Ask us for the current index value, margin, and interest rate.

How the Finance Charge is Determined: Finance charges begin to accrue on the date a transaction is posted to your account. To determine the finance charge for a billing period, we multiply the "average daily balance" on your account by the "periodic rate." The "average daily balance" equals the total of the balances outstanding at the end of each day during the billing period divided by the number of days in the billing period. (The balance outstanding at the end of each day is determined by taking the beginning balance in your account each day, adding new advances, and subtracting any payments and credits and unpaid finance charges.) The "periodic rate" equals the interest rate (the index plus the margin) divided by the number of billing periods in a year (12).

Currently, the periodic rate is .8542% and the corresponding Annual Percentage Rate is 10.25%.

Other Finance Charges: You must pay a loan processing fee Finance Charge of $200 when you open your account.

Other Charges

Application fee	$150
Annual fee	45
Late payment fee (or 5% of the late payment, whichever, is greater)	5
Closing costs (estimated)	750
Title search/Insur	200
Appraisal fee	150
Attorney/Doc. prep	250
Recording fees	150

Minimum Draw Requirements: The minimum amount of an advance is $500.

Effects of the Variable-Rate Feature: Increases in the interest rate will increase the amount of your minimum monthly payment. For example, if the interest rate increased from 10.25% to the 18% maximum permitted under the plan, the minimum monthly payment on a $10,000 balance would increase from $85.42 to $150.

You will be notified of changes in the interest rate on the monthly periodic statement you receive following the change.

Rate History: This table shows how the interest rate would have been affected by actual changes in the index that occurred between 1977 and 1987. It does not necessarily indicate how the index will change in the future.

Year	Index (percent)	Margin (percent)	Interest rate (percent)
1977	5.75	2	8.75
1978	9.00	2	11.00
1979	11.54	2	13.54
1980	11.48	2	13.48
1981	20.39	2	18.00*
1982	16.26	2	18.00*
1983	10.50	2	12.50
1984	13.00	2	15.00
1985	9.50	2	11.50
1986	8.16	2	10.16
1987	8.25	2	10.25

* This interest rate reflects the 18% lifetime interest rate cap.

►[10a] The disclosures may include an acknowledgement of receipt, the date of the transaction, and the consumer's name address, and account number.◄

►[10b] The disclosures required by § 226.6(d) and (f) may be sparated from the other disclosures. Creditors also may use an insert or attachment for disclosing information that is subject to change, such as the index, interest rate, and payment example.◄

►[10c] In the case of telephone or mail applications or when an application reaches the creditor through an intermediary agent or broker, disclosures may be delivered not later than three business days after the creditor receives the consumer's application.◄

[36] The term "material disclosures" means the information that must be provided to satisfy the requirements in § 226.6 with regard to the method of determining the finance charge and the balance upon which a finance charge will be imposed, the annual percentage rate, [and] the amount or method of determining the amount of any membership or participation fee that may be imposed as part of the plan[.]►, and those items set forth in § 226.6(e).◄

Information on our other home equity programs is available on request.

Board of Governors of the Federal Reserve System, December 21, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87–29556 Filed 12–23–87; 8:45 am]

BILLING CODE 6210-01-M

---

12 CFR Part 226

[Reg. Z; Docket No. R–0545A]

Proposed Update to Official Staff Commentary

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed official staff interpretation.

SUMMARY: The Board is publishing for additional comment proposed changes to the official staff commentary to Regulation Z (Truth in Lending). The proposed commentary would offer guidance to creditors in complying with the provisions of an amendment to Regulation Z that is being published in final form in this issue of the **Federal Register**. The regulatory amendment requires creditors to provide more information to consumers about certain closed-end variable-rate loans than is currently required. The proposed commentary revisions include new material as well as numerous technical changes in existing material.

DATES: Comments must be received on or before January 29, 1988.

ADDRESSES: Comments should be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC, 20551, or delivered to the 20th Street courtyard entrance, on 20th Street between C Street and Constitution Avenue, NW., Washington, DC, between 8:45 a.m. and 5:15 p.m. weekdays. Comments should include a reference to Docket No. R–0545A. Comments may be inspected in Room B–1122 between 8:45 a.m. and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Sharon T. Bowman or Thomas J. Noto, Staff Attorneys, or Michael S. Bylsma, Senior Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC, 20551, (202) 452–3667. For the hearing impaired *only*, Telecommunication Device for the Deaf (TDD), contact Earnestine Hill or Dorothea Thompson at (202) 452–3544.

SUPPLEMENTARY INFORMATION:

(1) Background

This proposed official staff interpretation is being published in conjunction with a final amendment to Regulation Z that is designed to provide more information to consumers about closed-end variable-rate transactions secured by a consumer's principal dwelling with a term greater than one

year. The proposed commentary would apply and interpret the regulatory amendment. Proposed revisions to the commentary were originally published for public comment on November 24, 1986 (51 FR 42248), however to obtain as much input as possible on provisions that will interpret the regulatory amendment, the Board is publishing for additional comment the proposed changes to the commentary. Following public comment, it is anticipated that commentary revisions will be adopted in final form with compliance optional until October 1, 1988.

The comment period for this proposal has been limited to 30 rather than the usual 60 days. The shorter comment period will ensure that final commentary provisions are in place as quickly as possible to assist creditors in complying with the new amendments to Regulation Z. The proposed revisions include material that was originally proposed for comment in November of 1986, with a few additions. Additional material is included, for example, regarding the definition of a variable-rate "program" and the treatment of discount features for disclosure purposes. The major revisions proposed for the commentary begin with comment 18(f)(2). Portions of existing commentary that would undergo only minor changes have been reprinted to assist commenters in understanding the proposed revisions.

(2) Explanation of Revisions

The following is a brief description of the proposed revisions to the commentary:

Subpart C—Closed-end Credit

Section 226.17—General disclosure requirements.

17(a) Form of Disclosures

Paragraph 17(a)(1). Comment 17(a)(1)–2 would be amended to clarify that the general segregation requirement in § 226.17(a) does not apply to the disclosures required under new §§ 226.19(b) and 226.20(c). The information contained in the fifth bulleted paragraph under comment 17(a)(1)–5, which discusses disclosure of a variable-rate feature on other documents, would be deleted since similar information would be required under new paragraph (f)(2) of § 226.18. In addition, the ninth bulleted paragraph under comment 17(a)(1)–5, discussing negative amortization, would be revised to change the reference from § 226.18(f)(3) to new § 226.18(f)(1)(iii).

17(b) Time of Disclosures

Comment 17(b)–1 would be expanded by adding a reference to the timing requirements in new § 226.19(b) for variable-rate transactions secured by the consumer's principal dwelling with a term greater than one year. Comment 17(b)–2 would be amended by adding a reference to the timing rules for additional disclosures required upon the conversion of open-end transactions to certain closed-end variable-rate transactions. 17(c) Basis of Disclosures and Use of Estimates

Paragraph 17(c)(1). The first bulleted paragraph in comment 17(c)(1)–2, discussing preferential employee rates, would be revised to change the reference from § 226.18(f) to § 226.19(b). This change would clarify that certain preferred-rate employee loans are variable-rate transactions subject to the disclosure requirements of new § 226.19(b). Material generally relating to the basis of disclosures for variable-rate transactions currently in the commentary to § 226.18(f) would be moved to the commentary to § 226.17(a)(1) and the material currently in the commentary to § 226.17(a)(1) would be reordered to accommodate this change. Comments 17(c)–8 –9 and –10, discussing graduated payment mortgages, Morris plans and number of transactions would be redesignated, respectively, as comments 17(c)–12, –14 and –15. Material currently contained in comments 18(f) –2 and –3, discussing the basis of disclosures and use of estimates for variable-rate transactions, would be added as comments 17(c)(1) –8 and –9. Comment 17(c)(1)–10 would incorporate material on discounted variable-rate transactions currently contained in comment 18(f)–8. Most of the material currently in comment 18(f)–6 relating to the basis of disclosure for certain variable-rate transactions would be incorporated in comment 17(c)(1)–11. Two parts of existing comment 18(f)–6 that do not relate to the basis of disclosure, namely the reference in the second bullet to the conditions for imposition of a shared-appreciation feature and the reference to the hypothetical example in the third bullet, would be deleted in the new comment 17(c)(1)–11. The material currently in comment 18(f)–7, discussing growth-equity mortgages, would be incorporated in new comment 17(c)(1)–13, although detailed discussion of the option of disclosing by analogy to variable-rate disclosures would be deleted in favor of a more general reference in the new comment 17(c)(1)–13.

17(f) Early Disclosures

As a result of the revisions to § 226.19 of the regulation, the reference in comment 17(f)–3 to § 226.19(b) would be revised to reference § 226.19(a)(2).

Section 226.18—Content of disclosures.

18(f) Variable Rate

Comment 18(f)–1 would be expanded to explain whether paragraph (f)(1) or (f)(2) of § 226.18 applies to a particular variable-rate transaction. Comment 18(f)–1 would also indicate that variable-rate loans that are for a term longer than one year and are secured by the consumer's principal dwelling are subject to the special early disclosure requirements of new § 226.19(b).

With minor changes, material relating to the basis of disclosures for variable-rate transactions would be moved to the commentary to § 226.17(c)(1). Consequently, comments 18(f) –2 and –3 and comments 18(f) –5 through –8 would be deleted. Present comment 18(f)–4 would be redesignated as comment 18(f)–2. The material currently in comments 18(f) –2 and –3 would be incorporated in comments 17(c)(1) –8 and –9, and the material currently in comments 18(f)–6, –7 and –8 would be incorporated, respectively, in comments 17(c)(1)–11, –13 and –12. The material currently in comment 18(f)–5 would be incorporated in the commentary to new § 226.19(b), which contains the new disclosure requirements. The material currently in comment 18(f)–6 would be incorporated in new comment 19(b)–4 to clarify that the designated transactions are subject to the general disclosure requirements of new § 226.19(b). The material currently in comment 18(f)–6 relating to the basis for disclosures would not be transferred to new comment 19(b)–4, since such information would be incorporated in comment 17(c)(1)–12.

The current headings referring to paragraphs 18(f)(1) through (4) would be changed to reference paragraphs 18(f)(1)(i) through (iv) to reflect the fact that current § 226.18(f) of the regulation has become § 226.18(f)(1).

Comment 18(f)(2)–1 would be added to clarify that where a variable-rate transaction is secured by the consumer's principal dwelling and has a term greater than one year, later Truth in Lending disclosures must state that the variable-rate feature exists and refer to the variable-rate disclosures provided earlier to the consumer under new § 226.19(b).

Section 226.19—Certain residential mortgage transactions.

The title of this section of the commentary would be revised to read "Certain Residential Mortgage and Variable-Rate Transactions" to reflect the fact that § 226.19 of the regulation now incorporates disclosure provisions for variable-rate loans secured by the consumer's principal dwelling that have a term greater than one year.

19(a) Time of Disclosure

The current heading referring to 19(a) would be redesignated as 19(a)(1). Existing comments 19(a)–1 through 19(a)–5 would therefore become comments 19(a)(1) –1 through –5.

19(b) Rediscloure Required

The current heading referring to 19(b) would be redesignated as 19(a)(2). Existing comments 19(b)–1 through 19(b)–4 would therefore become comments 19(a)(2) –1 through –4.

Comment 19(b)–1 would be added to clarify that the new requirements of § 226.19(b) apply to all variable-rate transactions secured by the consumer's principal dwelling with a term greater than one year.

Comment 19(b)–2 would be added to explain the special timing rules under § 226.19(b) for cases where applications are received through an agent or broker or by telephone, as well as where open-end accounts convert, pursuant to a written agreement, to transactions subject to § 226.19(b).

Comment 19(b)–3 would incorporate material previously contained in comment 18(f)–5 to clarify that creditors may substitute information provided in accordance with the variable-rate regulations of other federal agencies for the disclosures required by § 226.19(b). The reference to footnote 43 and § 226.18(f) in old comment 18(f)–5 would be revised to reference footnote 45a and § 226.19(b), respectively, in the new comment 19(b)–3.

Comment 19(b)–4 would incorporate, with some changes, material previously contained in comment 18(f)–6 clarify that the designated transactions are subject to the general disclosure requirements of §226.19(b). The last sentence in the first bullet under old comment 18(f)–6 referring to the disclosures that must be given for renegotiable rate mortgages would be deleted in the new comment 19(b)–4, as would the third and fourth sentences in the second bullet dealing with disclosures for shared-equity mortgages. The language in the third bullet under old comment 18(f)–6 would be revised in the new comment 19(b)–4 to take into account transactions where the initial underlying rate is fixed, and the reference to the hypothetical example in the last sentence would be deleted.

Paragraph 19(b)(1) Comment 19(b)(1)–1 would be added to clarify what constitutes a suitable substitute for the *Consumer Handbook on Adjustable Rate Mortgates.*

Paragraph 19(b)(2). Comment 19(b)(2)–1 would be added to explain that a creditor must provide disclosures for each of its variable-rate programs in which the consumer expresses an interest.

Comment 19(b)(2)–2 would be added to clarify what constitutes a separate loan program that would require separate program disclosures. Comment 19(b)(2)–3 would be added to clarify that the disclosures required under §226.19(b)(2) need only be made as applicable, and comment 19(b)(2)–4 would be added to explain the circumstances under which a creditor must revise its loan program disclosures.

Comments to new § 229.19(b)(2)(i) through (xiv) would be added to clarify the requirements imposed by these paragraphs and to illustrate how a creditor may comply with the new provisions.

Section 226.20—Subsequent disclosure requirements.

20(a) Refinancings

Comment 20(a)–3 would be amended to clarify that the addition of a variable-rate feature to an obligation or an increase in the rate based on a previously undisclosed variable-rate feature are events requiring disclosures under new § 226.19(b)(2) if the variable-rate transaction is secured by the consumer's principal dwelling and has a term greater than one year. The comment explains that, in such cases, disclosures must be given at the time of the addition or increase.

20(b) Assumptions

Comment 20(b)–6 would be amended to provide that assumptions of variable-rate transactions secured by the consumer's principal dwelling with a term greater than one year may be disclosed in accordance with § 226.18(f)(2)(i) or § 226.18(f)(1).

20(c) Variable-Rate Adjustments

Comment 20(c)–1 would be added to explain what subsequent disclosures are required in cases where a rate adjustment is made in a variable-rate transaction subject to new § 26.19(b). Comment 20(c)–2 would clarify that shared-equity loans and preferred-rate employees loans with an underlying fixed rate would be exempt from the new subsequent disclosure requirements of § 226.20(c).

Appendix H—Closed-End Model Forms and Clauses

Commentary would be provided to interpret the new model clauses H–4(B) through H–4(D) in Appendix H of the regulation. These additions would be numbered as comments app. H–5 through –7. In addition commentary describing new Sample H–14 would be added as comment app. H–18. Consequently, existing comments app. H–5 through –14 would be renumbered as comments app. H–8 through –17 and existing comments app. H–16 through –20 would be renumbered as comments app. H–19 through –23.

List of Subjects in 12 CFR Part 226

Advertising, Banks, Banking, Consumer protection, Credit, Federal Reserve System, Finance, Penalties, Rate limitations, Truth in lending.

Certain conventions have been used to highlight the proposed revisions. New language is shown inside arrows, while language that would be deleted is set off with brackets. Pursuant to authority granted in section 105 of the Truth in Lending Act (15 U.S.C. 1604 as amended), the Board proposes to amend the official staff commentary to Regulation Z (12 CFR Part 226 Supp. I) as follows:

PART 226—[AMENDED]

(1) The authority citation for Part 226 continues to read:

Authority: Sec. 105, Truth in Lending Act, as amended by sec. 605, Pub. L. 96–221, 94 Stat. 170 (15 U.S.C. 1604 *et seq.*); sec. 1204(c), Competitive Equality Banking Act, Pub. L. 100–86, 101 Stat. 552.

(2) *Text of proposed revisions.* The proposed revisions to the commentary (12 CFR Part 226 Supp. I) include revising comment 17(a)(1)–2; removing the information contained in the fifth bullet under comment 17(a)(1)–5 and changing the reference in the ninth bullet under this comment from § 226.18(f)(3) to § 226.18(f)(1)(iii); revising comment 17(b)–1; changing the reference in the first bullet under comment 17(c)(1)–2 from § 226.18(f) to § 226.19(b); redesignating existing comment 17(c)(1)–8 as comment 17(c)(1)–12; redesignating existing comments 17(c)(1)–9 and 17(c)(1)–10 as comments 17(c)(1)–14 and 17(c)(1)–15, respectively; adding new comments 17(c)(1)–8 through 17(c)(1)–11 and 17(c)(1)–13; changing the reference in comment 17(f)–3 from § 226.19(b) to § 226.19(a)(2); revising comment 18(f)–1; deleting comment 18(f)–2; redesignating existing comment 18(f)–4 as comment 18(f)–2; deleting comments 18(f)–3

through 18(f)–8; redesignating comments 18(f)(1)–1, 18(f)(2)–1, 18(f)(3)–1, 18(f)(4)–1 and 18(f)(4)–2 as comments 18(f)(1)(i)–1, 18(f)(1)(ii)–1, 18(f)(1)(iii)–1, 18(f)(1)(iv)–1, and 18(f)(1)(iv)–2, respectively; adding new comment 18(f)(2)–1; revising the title to the commentary to § 226.19; redesignating paragraphs 19(a) and 19(b) as paragraphs 19(a)(1) and 19(a)(2), respectively; redesignating comments 19(a)–1 through 19(a)–5 as comments 19(a)(1)–1 through 19(a)(1)–5 and comments 19(b)–1 through 19(b)–4 as 19(a)(2)–1 through 19(a)(2)–4; adding new comments 19(b)–1 through 19(b)(2)(xiv)–1; revising comment 20(a).3; revising comment 20(b)–6 and adding comments 20(c)–1 and 20(c)–2; amending the commentary to Appendix H by redesignating comments app. H–5 through app. H–20 as app. H–8 through H–23, adding new comments app. H–5 through app. H–7, and revising newly redesignated comment app. H–18, to read as follows:

Supplement I—Official Staff Interpretation

* * * * *

§ 226.17—General disclosure requirements.

17(a) Form of Disclosures

Paragraph 17(a)(1)

2. *Segregation of disclosures.* The disclosures may be grouped together and segregated from other information in a variety of ways. For example, the disclosures may appear on a separate sheet of paper or may be set off from other information on the contract or other documents:

- By outlining them in box.
- By bold print dividing lines.
- By a different color background.
- By a different type style.

►(The general segregation requirement described in this subparagraph does not apply to the disclosures required under § 226.19(b) and 226.20(c) although the disclosures must be clear and conspicuous.)◄

* * * * *

5. *Directly related.* * * *

[• When a variable-rate feature is disclosed on other documents * * *.]

* * * * *

• A brief reference to negative amortization in variable-rate transactions. For example, in the variable-rate disclosure, the creditor may include a short statement such as "Unpaid interest will be added to principal." (See the commentary to [§ 226.18(f)(3)]►226.18(f)(1)(iii)◄.)

* * * * *

17(b) Time of Disclosures

1. **Consummation.** As a general rule, disclosures must be made before "consummation" of the transaction. The disclosures need not be given by any particular time before consummation, except in certain mortgage transactions ►and variable-rate transactions secured by the consumer's principal dwelling with a term greater than one year◄ under § 226.19. (See the commentary to §226.2(a))13) regarding the definition of consummation.)

2. **Converting open-end to closed-end credit.** If an open-end credit account is converted to a closed-end transaction under a written agreement with the consumer, the creditor must provide a set of closed-end credit disclosures before consummation of the closed-end transaction. ►(See the commentary to § 226.19(b)(2) for the timing rules for additional disclosures required upon the conversion to a variable-rate transaction secured by a consumer's principal dwelling with a term greater than one year.)◄ If consummation of the closed-end transaction occurs at the same time as the consumer enters into the open-end agreement, the closed-end credit disclosures may be given at the time of conversion. * * *

17(c) Basis of Disclosures and Use of Estimates

Paragraph 17(c)(1)

* * * * *

2. **Modification of obligation.** * * *

• If the creditor-employer offers a preferential employee rate, the disclosures should reflect the terms of the legal obligation. (See the commentary to section [226.18(f)] ►226.19(b)◄ for an example of a preferred-rate employee transaction that is a variable-rate transaction.)

* * * * *

►8. **Basis of disclosures in variable-rate transactions.** The disclosures for a variable-rate transaction and must be based on the terms in effect at the time of consummation. However, in a variable-rate transaction with either a seller buydown that is reflected in the credit contract or a consumer buydown, disclosures should not be based solely on the initial terms. In those transactions, the disclosed annual percentage rate should be a composite rate based on the lower rate for the buydown period and the rate that is the basis of the variable-rate feature for the remainder of the term. (See the commentary to §226/17(c) for a discussion of buydown transactions and the commentary to § 226.19(a)(2) for a discussion of the rediscloure of certain residential mortgage transactions with a variable-rate feature).

9. **Use of estimates in variable-rate transactions.** The variable-rate feature does not, by itself, make the disclosures estimates.

10. **Discounted variable-rate transactions.** In some variable-rate transactions, creditors may set an initial interest rate that is not determined by the index or formula used to make later interest rate adjustments. Typically, this initial rate charged to consumers is lower than the rate would be if it were calculated using the index or formula. However, in some cases the initial rate may be higher. In a discounted transaction, for example, a creditor may calculate interest rates according to a formula using the six-month Treasury bill rate plus a 2 percent margin. If the Treasury bill rate at consummation is 10 percent, the creditor may forgo the 2 percent spread and charge only 10 percent for a limited time, instead of setting an initial rate of 12 percent.

- When creditors use an initial interest rate that is not calculated using the index or formula for later rate adjustments, the disclosures should reflect a composite annual percentage rate based on the initial rate for as long as it is charged and, for the remainder of the term, the rate that would have been applied using the index or formula at the time of consummation. The rate at consummation need not be used if a contract provides for a delay in the implementation of changes in an index value. For example, if the contract specifies that rate changes are based on the index value in effect 45 days before the change date, creditors may use the index value in effect not more than 45 days before consummation in calculating a composite annual percentage rate.
- The effect of the multiple rates must also be reflected in the calculation and disclosure of the finance charge, total, of payments, and payment schedule.
- If a loan contains a rate or payment cap that would prevent the initial rate or payment, at the time of the first adjustment, from changing to the rate determined by the index or formula at consummation, the effect of that rate or payment cap should be reflected in the disclosures.
- Because these transactions involve irregular payment amounts, an annual percentage rate tolerance of ¼ of 1 percent applies, in accordance with § 226.22(a)(3) of the regulation.
- Examples of discounted variable-rate transactions include—

—A 30-year loan for $100,000 with no prepaid finance charges and rates determined by the Treasury bill rate plus 2 percent. Rate and payment adjustments are made annually. Although the Treasury bill rate at the time of consummation is 10 percent, the creditor sets the interest rate for one year at 9 percent, instead of 12 percent according to the formula. The disclosures should reflect a composite annual percentage rate of 11.63 percent based on 9 percent for one year and 12 percent for 29 years. Reflecting those two rate levels, the payment scheduled should show 12 payments of $804.62 and 348 payments of $1,025.31. The finance charge should be $226,463.32 and the total of payments $366,463.32.

—Same loan as above, except with a 2 percent rate cap on periodic adjustments. The disclosures should reflect a composite annual percentage rate of 11.53 percent based on 9 percent for the first year, 11 percent for the second year, and 12 percent for the remaining 28 years. Reflecting those three rate levels, the payment schedule should show 12 payments of $804.62, 12 payments of $950.09, and 336 payments of $1,024.34. The finance charge should be $265,234.76, and the total of payments $365,234.76.

—Same loan as above, except with a 7½ percent cap on payment adjustments. The disclosures should reflect a composite annual percentage rate of 11.64 percent, based on 9 percent for one year and 12 percent for 29 years. Because of the payment cap, five levels of payment should be reflected. The payment schedule should show 12 payments of $804.62, 12 payments of $864.97, 12 payments of $929.86, 12 payments of $999.60, and 312 payments of $1,070.03. The finance charge should be $277,037.96, and the total of payments $377,037.96.

This paragraph does not apply to variable-rate loans in which the initial interest rate is set according to the index or formula used for later adjustments but is not set at the value of the index or formula at consummation. For example, if a creditor commits to an initial rate based on the formula on a date prior to consummation, but the index has moved during the period between that time and consummation, a creditor should base its disclosures on the initial rate.

11. *Other variable-rate transactions.* Examples of variable-rate transactions include:

- Renegotiable rate mortgage instruments that involve a series of short-term loans secured by a long-term obligation, where the lender is obligated to renew the short-term loans at the consumer's option. At the time of renewal, the lender has the option of increasing the interest rate. Disclosures must be given for the longer term of the obligation, with all disclosures calculated on the basis of the rate in effect at the time of consummation of the transaction.
- "Shared-equity" or "shared-appreciation" mortgages that have a fixed rate of interest and an appreciation share based on the consumer's equity in the mortgaged property. The appreciation share is payable in a lump sum at a specified time. Disclosures must be based on the fixed interest rate. (As discussed in § 226.2, other types of shared-equity arrangements are not considered "credit" and are not subject to Regulation Z.)
- Preferred-rate employee loans where the terms of the legal obligation provide that the rate will increase only if the employee leaves the employ of the creditor and the note reflects the preferred rate. The disclosures are to be based on that rate.

Graduated-payment mortgages and step-rate transactions without a variable-rate feature are not considered variable-rate transactions.◄

[8.] ►12◄. *Graduated-payment adjustable-rate mortgages.* * * *

►13. *Growth-equity mortgages.* Also referred to as payment-escalated mortgages, these mortgage plans involve scheduled payment increases to prematurely amortize the loan. The initial payment amount is determined as for a long-term loan with a fixed interest rate. Payment increases are scheduled periodically, based on changes in an index. The larger payments result in accelerated amortization of the loan. In disclosing these mortgage plans, creditors may either:

- Estimate the amount of payment increases, based on the best information reasonably available; or
- Disclose by analogy to the variable-rate disclosures in § 226.18(f)(1).

(This discussion does not apply to growth-equity mortgages in which the amount of payment increases can be accurately determined at the time of disclosure. For these mortgages, as for graduated-payment mortgages, disclosures should reflect the scheduled increases in payments.)◄

[9.]►14.◄ *Morris Plan transactions.* * * *

[10.] ►15.◄ *Number of transactions.* * * *

* * * * *

17(f) Early Disclosures

* * * * *

3. *Content of new disclosures.* If rediscloure is required, the creditor has the option of either providing a complete set of new disclosures, or providing disclosures of only the terms that vary from those originally disclosed. (See the commentary to section [226.29(b)[►226.19(a)(2)◄.)

* * * * *

Section 226.18—Content of disclosures.

* * * * *

18(f) Variable Rate

1. *Coverage.* **The requirements of § 226.18(f) apply to all transactions in which the terms of the legal obligation allow the creditor to increase the rate originally disclosed to the consumer. It includes not only increases in the interest rate but also increases in other components, such as the rate of required credit life insurance. The provisions, however, do not apply to increases resulting from delinquency (including late payment), default, assumption, acceleration or transfer of the collateral. ►Section 226.18(f)(1) applies to variable-rate transactions that are not secured by the consumer's principal dwelling and to those that are secured by the principal dwelling but have a term of one year or less. Section 226.18(f)(2) applies to variable-rate transactions that are secured by the consumer's principal dwelling and have a term greater than one year. Moreover, transactions subject to § 226.18(f)(2) are subject to the special early disclosure requirements of § 226.19(b). Creditors are permitted under footnote 43 to substitute in any variable-rate transaction the disclosures required under § 226.19(b) for those disclosures ordinarily required under § 226.18(f)(1). Creditors who provide variable-rate disclosures under § 226.19(b) must comply with all of the requirements of that section including the timing of disclosures, and must also provide the disclosures required under § 226.18(f)(2). Creditors utilizing footnote 43 may, but need not, also provide disclosures pursuant to § 226.20(c). (Substitution of disclosures under § 226.18(f)(1) in transactions subject to § 226.19(b) is not permitted under the footnote.)◄

[2. *Basis for disclosures.* * * *

[*Use of estimates.* * * *

[4.] ►2.◄*Terms used in disclosure.* * * *

[5. *Other variable-rate regulations.* * * *

[6. *Examples of variable-rate transactions.* * * *

[7. *Growth equity mortgages.* * * *

[8. *Discounted variable-rate transactions.* * * *

Paragraph [18(f)(1)] ►18(f)91)(i)◄

* * * * *

Paragraph [18(f)(2)] ►18(f)(1)(ii)◄

* * * * *

Paragraph [18(f)(3)] ►18(f)(1)(iii)◄

* * * * *

Paragraph [18(f)(4)] ►18(f)(1)(iv)◄

* * * * *

►*Paragraph 18(f)(2)*

1. *Disclosure required.* In a variable-rate transaction that is for a term greater than one year and is secured by the consumer's principal dwelling, the creditor must give special early disclosure under § 226.19(b) in addition to the later disclosures required under § 226.18(f)(2). The disclosures under § 226.18(f)(2) must state that the variable-rate feature exists and that variable-rate disclosures have been provided earlier.◄

* * * * *

Section 226.19—Certain Residential Mortgage ►and Variable-Rate◄ Transactions

[19(a) Time of Disclosure]

►19(a)(1) Time of Disclosure◄

* * * * *

[19(b) Rediscloure Required]

►19(a)(2) Rediscloure Required◄

* * * * *

►*Certain Variable-Rate Transactions*

1. *Coverage.* Section 226.19(b) applies to all closed-end variable-rate transactions that are secured by the consumer's principal dwelling and have a term greater than one year. The requirements of this section apply not only to transactions financing the initial acquisition of the consumer's principal dwelling, but also to any other closed-end variable-rate transactions secured by the principal dwelling. Closed-end variable-rate transactions that are not secured by the principal dwelling, or are secured by the principal dwelling but have a term of one year or less are subject to the disclosure requirements of § 226.18(f)(1) rather than those of § 226.19(b).

2. *Timing.* A creditor must give the disclosures required under this section at the time an application form is provided or before the consumer pays a non-refundable fee, whichever is earlier. In cases where a creditor received a written application through an intermediary agent or broker, however, footnote 45b provides a substitute timing rule requiring the creditor to deliver the disclosures or place them in the mail not later than three business days after the creditor receives the consumer's written application. This three-day rule also applies where the creditor takes an application over the telephone. If, however, the consumer merely requests an application over the telephone, the creditor must include the early disclosures required under this section with the application that is sent to the consumer. In cases where the creditor solicits applications through the mail, the creditor must also send the disclosures required under this section if an application form is included with the solicitation. In cases where an open-end credit account is converted to a closed-end transaction subject to this section under a written agreement with the consumer, disclosures under this section should be given at the time of conversion. (See the commentary to § 226.20(a) for information on

VOL 52 ISS 247 DEC 24 1987 UMI

the timing requirements for § 226.19(b)(2) disclosures when a variable-rate feature is later added to a transaction.)

Other variable-rate regulations. Transactions in which the creditor is required to comply with and has complied with the disclosure requirements of the variable-rate regulations of other federal agencies are exempt from the requirements of § 226.19(b), by virtue of footnote 45a. Those variable-rate regulations include the regulations issued by the Federal Home Loan Bank Board and those issued by the Department of Housing and Urban Development. The exception in footnote 45a is also available to creditors that are required by state law to comply with the federal variable-rate regulations noted above and to creditors that are authorized by title VIII of the Depository Institutions Act of 1982 (12 U.S.C. 3801 *et seq.*) to make loans in accordance with those regulations. Creditors using this exception should comply with the timing requirements of those regulations, if they differ, rather than the timing requirements of Regulation Z in making the variable-rate disclosures.

4. *Examples of variable-rate transactions.* The following transactions, if they are for a term greater than one year and are secured by the consumer's principal dwelling, constitute variable-rat transactions subject to the disclosure requirements of § 226.19(b). (If these variable-rate transactions either are not secured by the consumer's principal dwelling, or have a term of one year or less, § 226.18(f)(1) applies rather than § 226.19(b).)

- Renegotiable rate mortgage instruments that involve a series of short-term loans secured by a long-term obligation, where the lender is obligated to renew the short-term loans at the consumer's option. At the time of renewal, the lender has the option of increasing the interest rate.
- "Shared-equity" or "shared-appreciation" mortgages that have a fixed rate of interest and an appreciation share based on the consumer's equity in the mortgage property. The appreciation share is payable in a lump sum at a specified time. The requirements of § 226.19(b)(2) (iv), (v), (viii), (ix), (x) and (xii) do not apply to shared-equity mortgages, however. (As discussed in § 226.2, other types of shared-equity arrangements are not considered "credit" and are not subject to Regulation Z.)
- Preferred-rate employee loans where the terms of legal obligation provide that the initial underlying rate is fixed, but will increase if the employee leaves the employ of the creditor, and the note reflects the preferred rate. The disclosures under § 226.19(b)(2) (v), (viii), (ix), (x), (xii), and (xiii) do not apply to such loans.

Graduated-payment mortgages and step-rate transactions without a variable-rate feature are not considered variable-rate transactions.

Paragraph 19(b)(1)

1. *Substitutes.* Creditors who wish to use publications other than the *Consumer Handbook on Adjustable Rate Mortgages* must make a good faith determination that their brochures are suitable substitutes to the *Consumer Handbook*. A substitute is suitable if it is, at a minimum, comparable to the *Consumer Handbook* in substance and comprehensiveness. Creditors are permitted to provide more detailed information than is contained in the *Consumer Handbook*.

Paragraph 19(b)(2)

1. *Disclosure for each variable-rate program.* In variable-rate transactions subject to § 226.19(b) requirements, a creditor must provide disclosures that fully describe each of the creditor's variable-rate loan programs in which the consumer expresses an interest at the time an application form is provided or before the consumer pays a non-refundable fee, whichever is earlier. Moreover, if a consumer requests disclosures for other closed-end variable-rate programs subject to § 226.19(b), a creditor must provide disclosures for as many other of its programs as the consumer requests. The creditor, of course, is permitted to give the consumer information about all of its programs subject to § 226.19(b) initially. In addition, these disclosures may be inserted in the *Consumer Handbook* (or a suitable substitute) as long as they are identified as the creditor's loan program disclosures.

2. *Variable-rate loan program defined.* If the identification, the presence or absence, or the exact value of a loan feature must be disclosed under this section, variable-rate loans that differ as to such features constitute separate loan programs. For example, separate loan program disclosures would be required based on differences in any of the following loan features:

- The index or other formula used to calculate interest rate adjustments
- The rules relating to changes in the index, interest rate, payments, and loan balance
- The presence or absence of, and the amount of, rate or payment caps
- The presence of a balloon or a demand feature
- The possibility of negative amortization
- The possibility of interest rate carryover
- The frequency of interest rate and payment adjustments
- The presence of a discount feature

In addition, if a loan feature must be taken into account in preparing the disclosure required by § 226.19(b)(2)(ix), variable-rate loans that differ as to that feature constitute separate programs and require separate loan program disclosures under § 226.19(b)(2). If, however, a representative value may be given for a loan for a loan feature or the feature need not be disclosed under § 226.19(b)(2), variable-rate loans that differ as to such features do not constitute separate loan programs. For example, separate program disclosures would not be required based on differences in the following loan features:

- The amount of a discount
- The amount of a margin

3. *As applicable.* The disclosures required by this section need only be made as applicable. Any disclosure not relevant to a particular transaction may be eliminated. For example, if the transaction does not contain a demand feature, the disclosure required under § 226.19(b)(2)(xii) need not be given.

4. *Revisions.* A creditor must revise the disclosures required under this section once a year when the new index value becomes available. A change in the loan program, however, would require new disclosures.

Paragraph 19(b)(2)(i)

1. *Change in interest rate, payment, or term.* A creditor must disclose the fact that the terms of the legal obligation permit the creditor, after consummation of the transaction, to increase (or decrease) the interest rate, payment, or term of the loan initially disclosed to the consumer. For example, the disclosures for a variable-rate program in which the interest rate and payment (but not loan term) can change might read, "Your interest rate and payment can change yearly."

Paragraph 19(b)(2)(ii)

1. *Identification of index or formula.* If a creditor ties interest rate changes to a particular index, this fact must be disclosed, along with a source of information about the index. For example, if a creditor uses the weekly average yield on U.S. Treasury Securities adjusted to a constant maturity as its index, the disclosure might read, "Your index is the weekly average yield on U.S. Treasury Securities adjusted to a constant maturity of one year published weekly in the Wall Street Journal." If no particular index is used, the creditor must briefly describe the formula used to calculate interest rate changes.

2. *Changes at creditor's discretion.* If interest rate changes are at the creditor's discretion, this fact must be disclosed. If an index is internally defined, such as by a creditor's prime rate, the creditor should either briefly describe that index or state that interest rate changes are at the creditor's discretion.

Paragraph 19(b)(2)(iii)

1. *Determination of interest rate and payment.* This provision requires an explanation of how the creditor will determine the consumer's interest rate and payment. In cases where a creditor bases its interest rate on a specific index and adjusts the index through the addition of a margin, for example, the disclosure might read, "Your interest rate is based on the index plus a margin, and your payment will be based on the interest rate, loan balance, and remaining loan term."

Paragraph 19(b)(2)(iv)

1. *Current margin value and interest rate.* Because the disclosures can be prepared in advance, the interest rate and margin may be several months old when the disclosures are delivered. A statement, therefore, is required alerting consumers to the fact that they should inquire about the current margin value applied to the index and the current interest rate. For example, the disclosure might state, "You should ask us for our current interest rate and margin."

Paragraph 19(b)(2)(v)

1. *Discounted interest rate.* In some variable-rate transactions, creditors may set an initial interest rate that is not determined by the index or formula used to make later interst rate adjustments. Typically, this initial rate charged to consumers is lower than the rate would be if it were calculated using the index or formula. However, in some cases the initial rate may be higher. If the initial interest rate contains a discount feature, creditors must alert the consumer to this fact. For example, if a creditor discounted a consumer's initial rate, the disclosure might state, "Your initial interst rate is not based on the index used to make later adjustments." (See the commentary to § 226.17(c)(1) for a further discussion of discounted variable-rate transactions.) In addition, the disclosure must suggest that consumers inquire about the amount that the program is currently discounted. For example, the disclosure might state, "Ask us for the amount our Adjustable Rate Mortgages are currently discounted." (See the commentary to § 226.19(b)(2)(viii) for a discussion of how to reflect the discount in the historical example.)

Paragraph 19(b)(2)(vi)

1. *Frequency.* The frequency of interest rate and payment adjustments must be disclosed. If interest rate changes will be imposed more frequently or at different intervals than payment changes, a creditor must reveal the frequency and timing of both types of changes. For example, in a variable-rate transaction where interest rate changes are made monthly, but payment changes occur on an annual basis, this fact must be disclosed.

Paragraph 19(b)(2)(vii)

1. *Rate and payment caps.* The creditor must disclose limits on changes (increases or decreases) in the interest rate or payment, although the absence of such limits need not be stated. If an initial discount is not taken into account in applying overall or periodic rate limitations, that fact must be disclosed. If separate overall or periodic limitations apply to interest rate increases resulting from other events, such as the exercise of a fixed-rate conversion option or leaving the creditor's employ, those limitations must also be stated. Limitations do not include legal limits in the nature of usury or rate ceilings under state or federal statutes or regulations. (See § 226.30 for the rule requiring that a maximum interest rate be included in certain variable-rate transactions.)

2. *Negative amortization and interest rate carryover.* A creditor must disclose, where applicable, the possibility of negative amortization. For example, the disclosure might state, "If any of your payments is not sufficient to cover the interest due, the difference will be added to your loan amount." In addition, the creditor must disclose the existence of any interest rate carryover exists when a change in the index rate that is not imposed at the time of an adjustment because, for example, it exceeds an adjustment limitation, is carried over and incorporated into the calculation of future rate adjustments. For example, if the index rates 3 percentage points during the year, the loan contains a 2 percentage point cap on annual changes (increases or decreases) in the interest rate, and the creditor may impose the additional percentage point the following year, the creditor must disclose the fact that changes in the index will be carried over to subsequent interest rate adjustment rates. The disclosure might state, "Changes in the index not passed on as changes in the interest rate will be carried over to subsequent interest rate adjustment dates."

3. *Conversion option.* If a loan program permits consumers to convert their variable-rate loans to fixed-rate loans, the creditor must disclose that the interest rate may increase if the consumer converts the loan to a fixed-rate loan. The creditor must also disclose the rules relating to the conversion feature, such as the period during which the loan may be converted; any fee that may be charged at conversion; and how the fixed rate will be determined. The creditor should identify any index used and state the margin to be added to determine the fixed rate. (In disclosing the period during which the loan may be converted, the margin, and any fees to be charged at conversion, the creditor may use information applicable to the conversion feature during the six months preceding preparation of the disclosures. That information may be used until the program disclosures are otherwise updated.) Although the rules relating to the conversion option must be disclosed, the effect of exercising the option should not be reflected elsewhere in the disclosures, such as in the historical example or in the calculation of the initial and maximum interest rate and payments.

4. *Preferred-rate employee loans.* Section 226.19(b) applies to preferred-rate employee loans, where the rate will increase if the employee leaves the creditor's employ, whether or not the underlying rate is fixed or variable. In these transactions, the creditor must disclose that the rate may increase if the employee leaves the creditor's employ. The creditor must also disclose the rules relating to termination of the employee's preferred-rate, such as any fees that may be charged when the rate is changed and how the new rate will be determined.

Paragraph 19(b)(2)(viii)

1. *Index movement.* This section requires a creditor to provide an historical example, based on a $10,000 loan amount originating in 1977, showing how interest rate changes implemented according to the terms of the loan program would have affected payments and the loan balance at the end of each year during a 15-year period. (In all cases, the creditor need only calculate the payments and loan balance for the term of the loan. For example, in a five-year loan, a creditor would show the payments and loan balance for the five-year term, from 1977 to 1981 with a zero loan balance reflected for 1981. For the remaining ten years, 1982–1991, the creditor need only show the remaining index values.) Pursuant to this section, the creditor must provide a history of index values for the preceding 15 years. Initially, the disclosures would give the index values from 1977 to the present. Each year thereafter, the revised program disclosures should include an additional year of index values until 15 years of values are shown. If the values for an index have not been available for 15 years, a creditor need only go back as far as the values are available in giving a history and payment example. In all cases, only one index value per year need be shown. Thus, in transactions where interest rate adjustments are implemented more frequently than once per year, a creditor may assume that the interest rate and payment resulting from the index value chosen will stay in effect for the entire year for purposes of calculating the loan balance as of the end of the year and for reflecting other loan program terms. If a creditor uses an average of index values or any other index formula, the history given should reflect those values. The creditor should select one date or, when an average of single values is used as an index, one period and should base the example on index values measured as of that same date or period for each year shown in the history. In cases where interest rate changes are at the creditor's discretion (see the commentary to § 226.19(b)(2)(ii)), the creditor must provide a history of the rates imposed for the preceding period, beginning with the initial history of rates starting in 1977. In giving this history, the creditor need only go back as far as as the creditor's rates can reasonably be determined.

2. *Selection of margin.* For purposes of the disclosure required under § 226.19(b)(2)(viii), a creditor may select a margin that has been used during the six months preceding preparation of the disclosures, and should disclose that the margin is one that the creditor has used recently. The margin selected may be used until a creditor updates the disclosure form to reflect the most recent index values.

3. *Amount of discount.* For purposes of the disclosure required under § 226.19(b)(2)(viii), a creditor may select a discount (amount and term) that has been used during the six months preceding preparation of the disclosures, and should disclose that the discount is one that the creditor has used recently. The discount should be reflected in the historical example for as long as the discount is in effect. A creditor may assume that a discount has been in effect for a full year for purposes of reflecting the discount in the historical example.

Paragraph 19(b)(2)(ix)

1. *Calculation of payments.* A creditor is required to include a statement on the disclosure form that explains how a consumer may calculate his or her actual monthly payments for a loan amount other than $10,000. The example should be based

BEST COPY AVAILABLE

VOL 52 ISS 247 DEC 24 1987 UMI

upon the most recent payment shown in the historical example. The creditor, however, is not required to calculate the consumer's payments. (See the model clauses in Appendix H–4(C).)

Paragraph 19(b)(2)(x)

1. *Initial and maximum interest rate and payment.* The disclosure form must state the initial and maximum interest rates and payments for a $10,000 loan originated at the most recent interest rate (index value plus margin) shown in the historical example. In calculating the maximum payments under this paragraph, a creditor should assume that the interest rate increases as rapidly as possible under the loan program, and the maximum payment disclosed should reflect the amortization of the loan during this period. Thus, in a loan with 2 percentage point annual (and 5 percentage point overall) interest rate limitations or "caps," the maximum interest rate would be 5 percentage points higher than the most recent rate shown in the historical example. Moreover, the loan would not reach the maximum interest rate until the fourth year because of the 2 percentage point annual rate limitations, and the maximum payment disclosed would reflect the amortization of the loan during this period. If the loan program includes a discounted initial interest rate, the most recent rate shown in the historical example should be discounted by the amount of the discount reflected elsewhere in the disclosure for purposes of calculating the initial and maximum interest rates and payments. If a discount is reflected, the disclosure of the initial and maximum rates and payments should state the amount by which the most recent rate has been discounted. (See comment 19(b)(2)(viii)–3 regarding disclosure of the amount of a discount.)

Paragraph 19(b)(2)(xi)

1. *Demand feature.* If a variable-rate loan subject to § 226.19(b) requirements contains a demand feature, this fact must be disclosed. (pursuant to § 226.18(i), creditors would also disclose the demand feature in the standard disclosures given later.)

Paragraph 19(b)(2)(xii)

1. *Adjustment notices.* A creditor must disclose to the consumer the type of information that will be contained in subsequent notices of adjustments and when such notices will be provided. (See § 226.20(c) regarding notices of adjustments.) For example, in transactions providing that payment adjustments may accompany each interest rate adjustment, the disclosure might state, "You will be notified at least 25, but no more than 120, days before the due date of a payment at a new level. This notice will contain information about the index and interest rates, payment amount, and loan balance." In transactions where there may be interest rate adjustments without accompanying payment adjustments in a year, the disclosure might read, "You will be notified once each year during which interest rate adjustments, but no payment adjustments, have been made to your loan. This notice will contain information about the index and interest rates, payment amount, and loan balance."

Paragraph 19(b)(2)(xiii)

1. *Multiple loan programs.* A creditor that offers multiple variable-rate loan programs is required to have disclosures for each variable-rate loan program subject to § 226.19(b)(2). The creditor must inform the consumer that other closed-end variable-rate programs exist, and that disclosure forms are available for these additional loan programs. For example, the disclosure form might state, "Information on other Adjustable Rate Mortgage programs is available upon request."◄

Section 226.20—Subsequent disclosure requirements.

20(a) Refinancings

* * * * *

3. *Variable rate.* If a variable-rate feature was properly disclosed under the regulation, a rate change in accord with those disclosures is not a refinancing. For example, a renegotiable rate mortgage that was disclosed as a variable-rate transaction is not subject to new disclosure requirements when the variable-rate feature is invoked. However, even if it is not accomplished by the cancellation of the old obligation and substitution of a new one, a new transaction subject to new disclosures results if the creditor either:

- Increases the rate based on a variable-rate feature that was not previously disclosed, or
- Adds a variable-rate feature to the obligation.

►If either of these two events occurs in a variable-rate transaction secured by a principal dwelling with a term longer than one year, the disclosures required under § 226.19(b)(2) also must be given at that time.◄

* * * * *

20(b) Assumptions

* * * * *

6. *Disclosures.* For transactions that are assumptions within this provision, the creditor must make disclosures based on the "remaining obligation." For example:

* * *

If a transaction involves add-on or discount finance charges, the creditor may make abbreviated disclosures, as outlined in § 226.20(b)(1) through (5). ►Creditors providing disclosures pursuant to this section for assumptions of variable-rate transactions secured by the consumer's principal dwelling with a term longer than one year need not provide new disclosures under § 226.18(f)(2)(ii) or § 226.19(b) or periodic notices under § 226.20(c). Alternatively, a creditor may disclose the variable-rate feature of such a transaction solely in accordance with § 226.18(f)(1).◄

►20(c) Variable-Rate Adjustments

1. *Timing and content of adjustment notices.* This section requires a creditor to provide certain disclosures in cases where an adjustment to the interest rate is made in a variable-rate transaction subject to § 226.19(b). There are two timing rules, depending on whether payment changes may accompany interest rate changes. In transactions where the interest rate may be adjusted more frequently than the payment, a creditor is required to send at least one notice each year during which interest rate adjustments have occurred without accompanying payment adjustments. In transactions providing for payment adjustments to accompany interest rate adjustments, a creditor must deliver or place in the mail notices to borrowers at least 25, but not more than 120, calendar days before a payment at a new level is due. In all cases, the disclosure must include, as applicable, the new payment amount, the current and prior interest and index rates and the loan balance, and must notify the consumer of the extent to which any increase in the interest rate has been foregone. The disclosure must also state the payment that would be required to fully amortize the loan if this amount is different from the payment already disclosed. (In cases where an open-end account is converted to a transaction subject to § 226.19(b), the requirements of this section do not apply until adjustments are made following conversion.)

2. *Exceptions.* Section 226.20(c) does not apply to shared-equity loans and preferred-rate employee loans with an underlying fixed rate.◄

* * * * *

Appendix H—Closed-End Model Forms and Clauses

* * * * *

4. *Model H–4►(A)◄.** * *

5. *►Model H–4(B).* This model clause illustrates the variable rate disclosure required under § 226.18(f)(2), which would alert consumers to the fact that the transaction contains a variable-rate feature and that earlier disclosures were provided under § 226.19(b) in cases where the variable-rate transaction is secured by the consumer's principal dwelling with a term greater than one year.◄

6. *►Model H–4(C).* This model clause illustrates the early disclosures required generally under § 226.19(b) when the variable-rate transaction is secured by the consumer's principal dwelling and is for a term greater than on year. It includes information on how the consumer's interest rate is determined and how it can change over the term of the loan, and explains changes that may occur in the borrower's monthly payment. The model clause also contains an example of how to disclose historical changes in the index or formula values used to compute interest rates for the preceding 15 years. In addition, the model clause illustrates the disclosure of the initial and maximum interest rates and payments for a loan originated at the most recent rate shown in the historical example.◄

7. *►Model H–4(D).* This model clause illustrates the adjustment notice required under § 226.20(c), and provides examples of payment change notices and annual notices of interest rate changes.◄

[5.] ►8.◄*Model H–5.** * *
[6.] ►9.◄*Model H–6.** * *
[7.] ►10.◄*Model H–7.** * *
[8.] ►11.◄*Models H–8 and H–9.** * *
[9.] ►12.◄*Sample forms.** * *
[10.] ►13.◄*Sample H–10.** * *
[11.] ►14.◄*Sample H–11.** * *
[12.] ►15.◄*Sample H–12.** * *
[13.] ►16.◄*Sample H–13 through H–15.** * *
[14.] ►17.◄*Sample H–13.** * *

18.►*Sample H–14K.* This sample disclosure form illustrates the disclosures under § 226.19(b) for a variable-rate transaction secured by the consumer's principal dwelling with a term greater than one year. The sample form shows a creditor how to adapt the model clauses in Appendix H–4(C) to the creditor's own particular variable-rate program. The sample disclosure form describes the features of a specific variable-rate mortgage program and alerts the consumer to the fact that information on the creditor's other closed-end variable-rate programs is available upon request. It includes information on how the interest rate is determined and how it can change over time, and explains how the monthly payment can change based on a $10,000 loan amount, payable in 360 monthly installments, based on historical changes in the values of the weekly average yield on U.S. Treasury Securities adjusted to a constant maturity of one year. Index values are measured as of the first week ending in July for the years 1977 through 1987. This reflects the requirement that the index history be based on values for the same date or period each year beginning with index values for 1977. The index history in 1988 would contain fewer than 15 years of index values. In making these disclosures in 1992, however, a creditor would need to show a full 15-year index history. In 1993, the index history would cover the years 1978 through 1992. The sample disclosure also illustrates the requirement under § 226.19(b)(2)(x) that the initial and the maximum interest rates and payments be shown for a $10,000 loan originated at the most recent rate shown in the historical example. In the sample, the loan is assumed to have an initial interest rate of 9.71% (which was the interest rate in 1987 for the example shown) and to have 2 percentage point annual (and 5 percentage point overall) interest rate limitations or caps. Thus, the maximum amount that the interest rate could rise under this program is 5 percentage points higher than the 9.71% initial rate to 14.71%, and the monthly payment could rise from $85.62 to a maximum of $123.31. The loan would not reach the maximum interest rate until its fourth year because of the 2 percentage point annual rate limitations, and the maximum payment disclosed would reflect the amortization of the loan during that period. The sample form also illustrates how to provide consumers with a method of calculating their actual monthly payment for a loan amount other than $10,000.◄

[16.] ►19.◄*Sample H–15.** * *
[17.] ►20.◄*HRSA–500–1 9–82.** * *
[18.] ►21.◄*HRSA–500–2 9–82.** * *
[19.] ►22.◄*HRSA–502–1 9–82.** * *
[20.] ►23.◄*HRSA–502–2 9–82.** * *

* * * * *

Board of Governors of the Federal Reserve System, December 21, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87–29557 Filed 12–23–87; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87–ASW–34]

Proposed Revision of Transition Area; Johnson City, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal would revise the transition area located at Johnson City, TX. The closure of the Shepherd Farm Airport, with the subsequent cancellation of the associated Standard Instrument Approach Procedure (SIAP) to the Shepherd Farm Airport, and the decommissioning of the Johnson City nondirectional radio beacon (NDB), with the subsequent cancellation of the associated NDB SIAP to the Johnson City Airport, have necessitated this revision. The intended effect of this proposed revision would release that controlled airspace no longer required for aircraft executing the SIAP to the Shepherd Farm Airport and the NDB SIAP to the Johnson City Airport. This revision would provide adequate controlled airspace for the VOR–B SIAP now serving the Johnson City Airport. Coincident with this action, the instrument flight rules (IFR) status of the Shepherd Farm Airport would be canceled.

DATE: Comments must be received on or before January 20, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Docket No. 87–ASW–34, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530; telephone: (817) 624–5561.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87–ASW–34."

The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be charged in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA isconsidering an amendment to § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) by revising the transition area located at Johnson City, TX. The closure of the Shepherd Farm Airport, decommissioning of the Johnson City NDB, and the cancellation of the associated SIAP's necessitated the need for this revision. The intended

effect of this revision would release that controlled airspace no longer required for aircraft executing the respective SIAP's to the Shepherd Farm Airport and the Johnson City Airport. This revision would reduce the existing 700-foot transition area to a 7-mile radius of the Johnson City Airport and would provide adequate controlled airspace for the VOR–B SIAP now serving the Johnson City Airport. Coincident with this action, the IFR status of the Shepherd Farm Airport would be canceled. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C, dated January 2, 1987.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Johnson City, TX [Revised]

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Johnson City Airport (latitude 30°15'05" N., longitude 98°37'21" W.).

Issued in Fort Worth, TX, on December 2, 1987.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 87–29491 Filed 12–23–87; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 500

Fair Packaging and Label Act

AGENCY: Federal Trade Commission.

ACTION: Request for comments.

SUMMARY: The Federal Trade Commission ("FTC"), in accordance with the Regulatory Flexibility Act and publication of a Plan for the Periodic Review of Commission Rules, 46 F.R. 35118 (July 7, 1981), is soliciting comments and data on whether the Rules and Regulations Under the Fair Packaging and Labeling Act, 16 CFR Part 500 ("the Rules") have had a significant economic impact on small entities, and if they have, whether the Rules should be amended to minimize this impact.

DATE: All comments and data should be received by the Commission no later than January 25, 1988.

ADDRESS: Comments and data should be sent to: Secretary, Federal Trade Commission, Washington, D.C. 20580. Submissions should be identified as "FPLA Rules—RFA Comment".

FOR FURTHER INFORMATION CONTACT: James G. Mills, (202) 326–3035, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601 et seq. (the "RFA"), requires that the FTC conduct a periodic review of rules that have or will have a significant economic impact upon a substantial number of small entities.

The Fair Packaging and Labeling Act, 15 U.S.C. 1453–1455 (the "FPLA"), was enacted in order to eliminate consumer confusion in the marketplace; to standardize the means used by sellers to disclose package content information to buyers; and to eliminate consumer deception and confusion concerning product size representations. Section 2 of the Act states Congress's policy on informing consumers: "Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents and should facilitate value comparisons." 15 U.S.C. 1451.

The Federal Trade Commission has enforcement responsibility over package disclosures placed upon "consumer commodities" as defined in the FPLA. The Food and Drug Administration and the U.S. Department of Agriculture have analogous responsibilities and regulations covering foods, drugs, devices and cosmetics, and meat and poultry products, respectively.

In 1988, the Commission issued rules implementing the Fair Packaging and Labeling Act. These rules are codified at 16 CFR Part 500. The FPLA regulations, which closely parallel the Act's requirements, establish requirements for the manner and form of the labeling of consumer commodities (as defined in the FPLA) with: (1) The identity of the commodity; (2) the name and place of business of the manufacturer, packer or distributor; (3) the net quantity of contents; and (4) the net quantity of servings, uses or applications represented to be present. 16 CFR 500.3–500.26. The rules also require sellers that make "cents off," "introductory offer," or "economy size" claims to keep records for one year showing compliance with the Act's substantiation requirements for such claims. (16 CFR 502.100–500.103.)

The purpose of this review is limited to determining whether the Rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of the applicable statute, to minimize any significant economic impact of the Rules upon a substantial number of small entities.

In order to conduct the periodic review of these Rules pursuant to the RFA, the Commission poses the following questions for comment. The Commission requests that factual data (*e.g.*, economic and accounting information, statistical analysis, surveys, studies, etc.) upon which submitted comments are based be included with the comments.

(1) Have the Rules had a significant economic impact (costs and/or benefits) on a substantial number of small entities? Please describe the details of any significant negative and/or positive economic impact.

(2) Is there a continued need for the Rules and all of their requirements?

(3)(a) What burdens, if any, does compliance with the Rules place on small entities?

(b) To what extent are these burdens that small entities would experience under standard and prudent business practice?

(4) What changes, if any, should be made to the Rules that would minimize the economic effect on small entities?

(5) To what extent do the Rules overlap, duplicate or conflict with other federal, state and local government rules?

(6) Have technology, economic conditions or other factors changed in the area affected by the Rules since their promulgation in 1988 and, if so, what effect do these changes have on the Rules or those covered by them?

List of Subjects in 16 CFR Part 500

Packaging, Labeling, Trade practices.

Authority: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (1980).

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 87–29500 Filed 12–23–87; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD8–87–14]

Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Louisiana

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the St. Mary Parish Council and the Louisiana Department of Transportation and Development, the Coast Guard is considering a change to the regulation governing the operation of the swing span bridge on State Route 319 over the Gulf Intracoastal Waterway, mile 134.0 near Cypremort, St. Mary Parish, Louisiana, by permitting the draw to remain closed to navigation from 6:55 to 7:10 a.m. and 3:50 to 4:05 p.m. Monday through Friday, except holidays, from 15 August to 5 June. Presently the draw opens on signal. This proposal is being made to allow school buses to pass without delays because of bridge openings. This action should accommodate the needs of vehicular traffic and still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before February 8, 1988.

ADDRESS: Comments should be mailed to Commander (ob), Eighth Coast Guard District, 500 Camp Street, New Orleans, Louisiana 70130–3396. The comments and other materials referenced in this notice will be available for inspection and copying in Room 1115 at this address. Normal office hours are between 8:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John Wachter, Bridge Administration Branch, at the address given above, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. This proposed regulation may be changed in the light of comments received.

Drafting Information

The drafters of this notice are John Wachter, project officer, and Lieutenant Commander James Vallone, project attorney.

Discussion of Proposed Regulation

Vertical clearance of the bridge in the closed position is 4 feet above mean high water. Navigation through the bridge consists of all types of recreational traffic including outboard and inboard powered vessels, large and small, and sailing vessels of various sizes. Commercial traffic on the waterway includes considerable barge traffic transporting petroleum products, chemicals, cement, shells, manufactured industrial goods, and miscellaneous food products. A review of the bridge logs indicates that the bridge opens about once every two days on average during both the proposed 15-minute moring closure period and the proposed 15-minute afternoon closure period.

Economic Assessment and Certification

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034: February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that the duration of the proposed closures is so minimal and would be in effect only during the school year, that vessels can easily schedule passages to avoid the proposed 15-minute closures. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; and 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. Section 117.451 is amended by redesignating existing paragraph (d) as paragraph (e) and by adding a new paragraph (d) to read as follows:

§ 117.451 Gulf Intracoastal Waterway.

* * * * *

(d) The draw of the SR319 (Louisa) bridge across the Gulf Intracoastal Waterway, mile 134.0 near Cypremort, shall open on signal; except that, the draw need not be opened from 6:55 to 7:10 a.m. and from 3:50 to 4:05 p.m. Monday through Friday except holidays from 15 August to 5 June.

* * * * *

Peter J. Rots,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

Dated: December 3, 1987.

[FR Doc. 87–29516 Filed 12–23–87; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Parts 140, 143, and 146

[CGD 84–098b]

Emergency Evacuation Plan for Manned OCS Facilities

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to issue regulations which would require a comprehensive, site specific contingency plan for the emergency evacuation of all personnel from manned fixed facilities and Mobile Offshore Drilling Units on the Outer Continental Shelf (OCS facilities). In

addition, although it is not the Coast Guard's intention to require the use of standby vessels, this proposal would establish specific standards for standby vessels if they are identified as an integral part of the evacuation plan. This proposal is a continuance of Coast Guard initiatives to require contingency planning for evacuation of personnel under emergency conditions, such as hurricanes, blowouts, and major fires. This proposal is also in response to recent legislation concerning evacuation procedures. The ultimate effect of this proposal would be to provide facility and emergency assistance personnel with the direction and equipment necessary for a timely and safe evacuation of the OCS facility in an emergency.

DATES: Comments must be received on or before January 25, 1988.

ADDRESSES: Comments may be mailed to Commandant (G-CMC/21) (CGD 84-098b), U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001. Comments will be available for inspection or copying at the Office of the Marine Safety Council (G-CMC), Room 2110, at the above address, between the hours of 8 a.m. and 3 p.m., Monday through Friday, except holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: LCDR Anthony Dupree, Offshore Activities Branch, (202) 267-2307.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written comments, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (84-098b) and the specific section of the proposal to which each comment applies, and give the reason for the comment. Persons desiring acknowledgment that their comments have been received should enclose a stamped, addressed postcard or envelope.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this proposal are LCDR Alan J. Cross and LCDR Anthony Dupree, Jr., Project Managers, and Mr. Stephen H. Barber, Project Counsel, Office of Chief Counsel.

Background and Objectives

In March 1985, the Coast Guard published an advance notice of proposed rulemaking (ANPRM) regarding revision of the regulations on Outer Continental Shelf Activities (CGD 84-098) (50 FR 9290). That ANPRM identified the Coast Guard's intent to extensively revise existing regulations to address new developments in the offshore industry, new legislation, interagency agreements, and recommendations received following casualties on the Outer Continental Shelf (OCS). Safe evacuation of personnel from manned fixed platforms and mobile offshore drilling units (both known as "OCS facilities" in Coast Guard OCS regulatory terminology) under emergency conditions was discussed in that ANPRM. That discussion included a request for public comment regarding an overall emergency evacuation plan. Comments were also requested regarding the use and effectiveness of standby vessels as part of an overall evacuation plan and the criteria to be applied to standby vessels if used. This proposal is intended to address that portion of the parent project (CGD 84-098) addressing emergency evacuation plans and standby vessels and has been identified as a separate docket (CGD 84-098b) to facilitate its early development and implementation.

Investigations of certain casualties involving mobile offshore drilling units (MODUs) and experience gained from recent evacuations of other OCS facilities have identified a need for increased awareness on the part of the facility personnel with respect to the procedures to be followed in the event of a personnel evacuation and the circumstances under which such an evacuation is necessary. Additionally, experience has shown that where equipment has been identified as part of an evacuation scheme, specifically standby vessels, that equipment should be adequately equipped to perform its intended function. These needs have been addressed in detail in the Coast Guard's investigation of the events surrounding the casualties involving the MODU OCEAN RANGER and the National Transportation Safety Board's investigations into the events surrounding the sinkings of the MODUs OCEAN EXPRESS, OCEAN RANGER, and PENROD 61.

More recently, the U.S. Congress, in section 5201 of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99-509; October 21, 1986), expressed its concern for the safety of offshore workers during emergency conditions by requiring the U.S. Coast Guard—

(a) To "issue final regulations, to become effective before September 1, 1987, relating to the evacuation of personnel as provided for in the advance notice of proposed rulemaking regarding the revision of the regulations on Outer Continental Shelf activities (50 FR 9290 (1985)), published March 7, 1985;" and

(b) In preparing the evacuation regulations, to "consider requiring standby vessels for the evacuation of personnel from manned installations on the Outer Continental Shelf".

A "standby vessel", in the context of this legislation, is a vessel maintained on the OCS in the vicinity of manned platforms and MODUs and designed and equipped in a manner to render effective evacuation assistance in the event of an emergency onboard an OCS facility.

In response to this legislation and the recommendations contained in the investigation reports on the various casualties, the Coast Guard is proposing the following amendments in this notice:

(a) To require the operator to prepare a comprehensive Emergency Evacuation Plan or Plans for the complete evacuation of all personnel on OCS facilities subject to the operator's control and to submit a copy of the Plan or Plans to the Coast Guard for examination. "Operator" is defined in 33 CFR 140.10 (by referencing the Minerals Management Service's definition in 30 CFR 250.2(gg)) as the lessee, designated agent of the lessee, or holder of rights under an approved operating agreement.

(b) To establish inspection, equipment, and manning requirements for all standby vessels specifically identified as part of an Emergency Evacuation Plan.

Other matters relating to evacuation, such as lifesaving appliances and onboard means of escape, will be addressed under the parent project, "Revision of the Regulations on Outer Continental Shelf Activities" (CGD 84-098).

Discussion of Comments to the ANPRM

The Coast Guard received 72 separate letters in response to the questions raised in the ANPRM on evacuation. One of the letters was reproduced 596 times by a maritime organization and the copies were signed and submitted by various individuals. Of these 72 letters, 42 (as well as the 596 form letters) supported the mandatory use of standby vessels covering all OCS facilities, 27 were opposed to making the use of standby vessels mandatory, and three were uncommitted.

In general, the vast majority of the respondents, as well as Congress, recognize that standby vessels, properly equipped and manned, can be of significant benefit in the evacuation of personnel. The real area of concern is not whether standby vessels could be beneficial but whether they should be required to be located off each manned OCS facility or group of facilities. The National Transportation Safety Board (NTSB), in investigating the sinking of the MODUs OCEAN EXPRESS, OCEAN RANGER, and PENROD 61, recommended that the Coast Guard require standby vessels for MODUs (NTSB recommendations M-79-44, M-83-20, and M-86-104). Most of the comments received on the ANPRM suggested that the use of standby vessels be required not just for MODUs but for all manned platforms as well. They assert that standby vessels have proven to be a necessary supplement to rescue capsules, covered lifeboats, and other lifesaving equipment, particularly in the rough sea conditions common on the OCS. Thirty-nine comments stated that oil well blowouts are still too common on the OCS and that standby vessels are particularly effective in responding to these hazards.

On the other hand, 28 comments were opposed to requiring standby vessels. They stated that while standby vessels have been and continue to be used within the oil industry, the evacuation of personnel from offshore facilities occurs under many different conditions. The need for a vessel to augment the evacuation equipment otherwise provided is dependent upon a myriad of factors. These factors include, but are not limited to, onboard evacuation equipment, geographic location of the facility, anticipated environmental conditions, traffic density of support vessels and aircraft, distance from shore, and activity ongoing aboard the facility. Further, some comments stated that regulations requiring specific equipment, such as standby vessels, might degrade the overall safety of a facility by stifling the owner or operator of a facility from exploring the use of other equipment that might better serve a particular facility's needs. Other comments stated that the effectiveness of standby vessels has not been demonstrated. Further, some of the comments stated that the expense of providing a standby vessel at every manned facility engaged in OCS activities would not be justified by the commensurate gain in safety. One comment stated that the costs for standby vessels for Alaskan waters are expected to be much higher, approximately $3,000 per day, due to the need for larger, better equipped and manned vessels. Many of these comments urged the Coast Guard to consider evacuation plans that are performance oriented and allow flexibility in the type of equipment and methods used to effect evacuation.

A study of Coast Guard and Minerals Management Service casualty reports indicates that, between 1980 and 1986, there have been six deaths on MODUs located on the U.S. OCS and nine deaths on other OCS facilities attributable to conditions in which evacuation of the facility was prudent. Some of the deaths occurred onboard the facility and were due to the initial incident or to the fact that the persons decided to stay onboard the facility to control a well, for example, after the rest of the facility's personnel had been safely evacuated. This same study indicates that approximately one in 16,000 workers on MODUs and one in 22,000 workers on other OCS facilities died during situations in which evacuation of the facility was prudent. By comparison, a person in the U.S. has a risk of approximately one in 20,000 of being struck by an automobile. Although unconfirmed by the Coast Guard, the records maintained by the manufacturer of one type of covered lifeboat show that, from 1970 through 1986, his product alone has been responsible for saving 786 lives in the Gulf of Mexico in incidents where 13 people died (a 98.35% success ratio). The lifeboat manufacturer claims that all 13 deaths occurred during rescue/retrieval of survivors after a successful evacuation.

Although the Coast Guard does have a system to collect and analyze marine and offshore casualty data, that system is not designed to discriminate between the evacuation process and those events which may have led to the evacuation of those events following the evacuation, such as personnel retrieval. Further, the Coast Guard does not require that evacuations be reported, but only those incidents currently identified in 33 CFR 146.30. As a consequence, the Coast Guard's information is limited with respect to the number of facility evacuations that have occurred on the OCS, the number of personnel safely evacuated, the number of personnel injuries that occurred during the process of an evacuation, and the type of equipment used, or available but not used, during an evacuation. The Coast Guard, therefore, is specifically requesting information from the public regarding these issues.

In complying with the congressional directive contained in the Omnibus Budget Reconciliation Act mentioned earlier, the Coast Guard has considered requiring standby vessels for the evacuation of personnel from manned OCS facilities. The Coast Guard recognizes that there have been many incidents where vessels employed to stand by an OCS facility have rendered invaluable aid to personnel evacuating OCS facilities in an emergency. Further, the Coast Guard agrees that standby vessels could, in some cases, enhance the safety of some OCS facilities. However, the high cost of providing a properly equipped and manned standby vessel at every manned OCS facility, or even within six miles of every manned OCS facility, is not always justified by the benefits. The Coast Guard concurs with the comments stating that evacuations of personnel from offshore facilities occur under many different conditions. Therefore, the Coast Guard believes that evacuation measures using equipment other than standby vessels may prove to be equally effective and cost-efficient in many, if not most, emergency evacuation situations. This proposed approach would establish a performance standard and would provide sufficient flexibility so that the most effective means of evacuation could be employed.

The Coast Guard concurs with the respondents and Congress in that standby vessels should be properly equipped and manned. Therefore, the Coast Guard also proposes equipment and manning standards for vessels designated as standby vessels in the required evacuation plan. The proposed standards for standby vessels are based on the Coast Guard's experience with the U.S. offshore mineral and oil industry and the results of a review conducted by the Coast Guard of standards imposed by other countries with active OCS areas. The Coast Guard believes that the proposed standby vessel standards, albeit modified to accommodate the environmental conditions encountered on the U.S. OCS, are consistent with those standards applied by other countries to vessels in similar service.

Discussion of Proposed Regulations

The proposed regulations would establish a requirement for operators with manned OCS facilities to develop an Emergency Evacuation Plan (EEP) for each facility and submit a copy of the EEP to the Coast Guard for examination. Further, these proposed regulations would establish standards for each

standby vessel, if any are specified in the EEP.

Proposed section 140.10. This proposal would amend the definitions section to include a definition of "standby vessel".

Proposed Subpart E. A new subpart, "Standby Vessels", would be added to 33 CFR Part 143, Design and Equipment.

Proposed section 143.400. This proposed new section states that Subpart E would apply to all vessels specified as standby vessels in an EEP required under §§ 146.140 or 146.210.

Proposed section 143.401. This new section would set forth the requirements that a vessel would hve to comply with in order to be designated as a standby vessel in an EEP.

Proposed section 143.401(a). This new paragraph proposes minimum inspection standards. Forty seven comments to the ANPRM urged that standby vessels be inspected and certificated. Therefore, this new paragraph proposes regulations that would require standby vessels to be inspected and certificated by the Coast Guard under the provisions of Subchapter T (Small Passenger Vessels), Subchapte H (Passenger Vessels), or Subchapter I (Cargo and Miscellaneous Vessels) of 46 CFR Chapter I.

Proposed section 143.401(b). This new paragraph would require that standby vessels be certificated to carry all of the persons on the most populated OCS facility that the standby vessel is designated in the EEP to serve. This provision would allow one standby vessel to serve more than one OCS facility.

Proposed section 143.403. This is a new section that would require standby vessels to be highly maneuverable. Standby vessels can be expected to be called to maneuver close to facilities and survivors in heavy seas and strong currents. Therefore, the Coast Guard believes that a standby vessel must be highly maneuverable in order to provide for the safety of the standby vessel itself and the survivors being rescued from the water.

Proposed section 143.405. This new section specifies additional equipment required for standby vessels. Further, the installation of this equipment would be approved by the Coast Guard.

Proposed section 143.405(a). This new paragraph specifies the equipment that would be required in addition to the equipment required by the vessel's certificate of inspection.

Proposed section 143.405(a)(1). This new paragraph would require that standby vessels be equipped with a minimum of two screws or other propulsion devices. The requirement is proposed to further ensure the maneuverability of a standby vessel.

Proposed section 143.405(a)(2). During a night time rescue operation, it is imperative that sufficient illumination be provided. Therefore, that new paragraph would require that standby vessels be equipped with two searchlights. Most certificated vessels employed in the offshore oil industry are already equipped with two searchlights.

Proposed section 143.405(a) (3) and (4). A line throwing apparatus is considered to be a necessity in many rescue situations. These new paragraphs would require a line throwing appliance.

Proposed section 143.405(a)(5). Forty nine comments (as well as the 596 form letters) stated that standby vessels should be equipped with either a rescue platform, a rescue boat, or an inflatable liferaft for retrieving persons from the water. Of the three, only the rescue boat is specifically designed to assist in retrieving people from the water in other than the most favorable conditions. Therefore, this new paragraph would require a powered rescue boat and would specify some design and equipment criteria for the rescue boat. Currently, the Coast Guard is developing a Notice of Proposed Rulemaking (NPRM) entitled "Lifeboats and Rescue Boats", which will revise the standards for life boats and rescue boats. Most rescue boats currently available on the international market meet the standards of SOLAS 74 as amended by SOLAS 83. Rescue boats are approved by the Coast Guard as meeting the standards of SOLAS 74 as amended by SOLAS 83 will be acceptable.

Proposed § 143.405(a)(6) . Forty one comments suggested that standby vessels be equipped with a Stokes litter. This recommendation has been incorporated into this proposed paragraph.

Proposed § 143.405(a)(7) . Forty one comments (as well as the 596 form letters) recommended that standby vessels be equipped with blankets for the survivors to help treat or avoid hypothermia. Although hypothermia is usually associated with water temperatures below 60 ° F, it can occur at higher temperatures. Further, persons recovered from water need not remove wet clothing as soon as possible in order to prevent further body cooling. This proposed paragraph would require a standby vessel to carry a blanket for each person it is certificaed to carry.

Proposed § 143.405(a)(8) . Comments were received suggesting different requirements for getting injured persons from the water. The suggestions specify various devices, such as special retrieval nets and cranes equipped with baskets. Rather than specify particular devices, this proposed paragraph would require that standby vessels have some means of retrieving injured and helpless persons from the water.

Proposed § 143.405(a)(9) . This proposed paragraph would require a scramble net that can be rigged on either side of the standby vessel. Some comments recommended that a boarding net be rigged on both sides of the standby vessel. Others recommended that the standby vessel be capable of rescue and assistance. The Coast Guard agrees with the concept of scramble or boarding nets. However, the Coast Guard believes that having nets on both sides at one time is not necessary. A net on only one side of the standby vessel will allow the master of the standby vessel sufficient maneuvering room to protect the vessel and persons in the water.

Proposed § 143.405(a)(10) . One comment suggested that additional ring life buoys be provided. Other comments suggested that additional lifesaving equipment be provided. The Coast Guard agrees that, in some cases, additional ring life buoys are needed. This proposed paragraph would require a minimum of four approved ring life buoys equipped with 15 fathoms of line. Operators of vessels that meet this proposed criteria with their standard lifesaving equipment would not have to put additional ring life buoys on board.

Proposed § 143.405(a)(11) . One comment recommended personal protective gear for the standby vessel crew. Because the Coast Guard anticipates that the entire crew of a standby vessel will be on deck at some time to assist the survivors, the crew will be exposed to a greater risk of being washed or falling overboard. The members of the rescue boat crew will be exposed to an even greater risk. Immersion suits approved under 46 CFR160.071, while cumbersome, would provide the crew of the standby vessel, including the rescue crews, protection against hypothermia and drowning. Additionally, buoyant suits approved under 46 CFR 160.053 and meeting ANSI/UL–1123–1987, while providing only short term protection against hypothermia, are designed as a working garment and would allow greater freedom of movement than immersion suits. Therefore, the proposed paragraph would require that Coast Guard approved immersion suits or buoyant suits be provided for the crew of a standby vessel.

Proposed § 143.405(a)(12) . This paragraph would require two boat hooks to assist the crew of the standby vessel in retrieving survivors from the water.

Proposed § 143.405(a)(13) . This paragraph would require a fire monitor with a minimum flow rate of 600 GPM that is capable of discharging an effective stream . The Coast Guard agrees with the 40 comments (as well as the 596 form letters) recommending that standby vessels be equipped with a fire monitor. While the comments recommended that a fire monitor be optional, the Coast Guard feels that it should be mandatory. Fire monitors can be used to protect persons on the facility while they are being evacuated and to divert floating debris and burning oil from survivors in the water.

Proposed § 143.405(a)(14) . This paragraph would require that a standby vessel have a radio or radios capable of communicating with the facility being protected, shore bases, rescue boats, and rescue aircraft. The 596 form letters recommended that standby vessels be equipped to communicate with the facility. Other comments recommended that the standby vessel be able to communicate with the facility and the shore bases and have two means of communication or a radio. The Coast Guard agrees that the standby vessel should have at least one two-way radio capable of communicating with the facility and the shore base. Additionally, the Coast Guard believes that the standby vessel should have the capability to communicate by radio with its rescue boat and rescue aircraft.

Proposed § 143.405(a)(15) . One comment addressed the need to illuminate the water in way of the boarding areas and rescue boat launching area. The Coast Guard concurs with the need to provide illumination in these areas. The night time recovery of survivors from the water requires that survivors see the boarding nets and other boarding aids. Similarly, the crew of the standby vessel needs to be able to see the survivors.

Proposed § 143.405(a)(16) . This paragraph would require the standby vessel to have on board the latest edition of the Department of Health and Human Services publication entitled "The Ship's Medicine Chest and Medical Aid at Sea." This publication is a reference book for the initial treatment of survivors. It also makes recommendations as to the medical supplies and equipment to be maintained on board vessels. Sections dealing with hypothermia, burns, and transportation of victims by helicopter would be helpful to pesons providing first aid to the survivors.

Proposed § 143.405(a)(17) . Forty six comments (as well as the 596 form letters) recommended that standby vessels have first aid kits on board. One of the comments recommended that the first aid kit be sized for 50 persons, and 40 comments recommended that the first aid kit be sized for either 10 or 20 persons. This proposed paragraph would require the standby vessel to have an industrial first aid kit on board sized for 50 percent of the persons that the standby vessel is certificated to carry.

Proposed § 143.405(b). This paragraph would require all the equipment required by proposed § 143.405 to be installed to the satisfaction of the Officer in Charge, Marine Inspection. This would entail inspections by a Coast Guard marine inspector to ensure compliance with the applicable subchapters of 46 CFR Chapter I.

Proposed § 143.407. Forty two comments suggested that standby vessels could be adequately manned by a three person crew. Three comments suggested that no additional crew is needed and one comment suggested that a minimum of six persons would be needed to adequately crew a standby vessel. This proposal would authorize the Officer in Charge, Marine Inspection, to require that the crew required under the standby vessel's certificate of inspection be augmented by additional persons as needed to provide lookouts, retrieve and crew the rescue boat, care for survivors, and deploy the retrieval equipment. Small passenger vessels (crew boats) probably would need extra persons, while large offshore supply vessels (OSVs) might not. All additional crewmembers would have to be authorized by the vessel's certificate of inspection.

Proposed § 146.140. This section concerns the EEP and applies to manned OCS facilities other than MODUs. These same requirements would be applicable to MODUs under proposed § 146.210.

Proposed § 146.140(a). This proposed paragraph would require each manned OCS facility to have on board an EEP that has been examined by the Coast Guard. The proposed EEP requirements would allow industry to adequately address the methods for evacuating personnel during an emergency situation yet allow sufficient flexibility for operators to utilize the methods they judge to be most effective for a particular facility.

Proposed § 146.140(b). This proposed paragraph would require operators to submit the EEPs to the Officer in Charge, Marine Inspection (OCMI) for examination before placing the facility in operation. The OCMI will examine the EEP to ensure that it addresses all of the items contained in proposed § 146.140(d). It includes a provision that would allow operators of facilities existing on the effective date of the final rule to take up to 180 days after that date to submit the EEP.

Proposed § 146.140(c). This proposed paragraph would require that the EEP be resubmitted for examination when substantive changes are made. Examples of substantive changes are the installation of a platform drilling unit onboard or a change from helicopters to a standby vessel as the primary means of evacuation. Changes considered nonsubstantive and not requiring resubmittal of the EEP would include a change in the name or telephone number of a contact person.

Proposed § 146.140(d). This proposed paragraph lists the items that the EEP must contain. The Coast Guard's experience with MODU operating manuals has shown that the manuals often are written in highly technical language which can be difficult for the operating personnel to understand. Proposed paragraph (d)(1) would require that the EEP be written in language that is easily understood by the facility's operating personnel. The required securement and abandonment plans should set forth the order in which personnel will be evacuated, identify the transportation resources to be used in the evacuation, and include time and distance factors for the initiation of the evacuation. These proposed requirements are aimed at reducing confusion during emergency situations by clarifying the responsibilities of personnel on the facility and at the support base. Additionally, they would provide facility personnel with a ready source of information on weather, recommended actions and timetables, and available transportation.

Proposed § 146.140(e). This proposed section would require the operator to ensure that all equipment specified in the EEP is made available and located as indicated in the EEP. Further, the operator shall ensure that the equipment is properly maintained and is actually capable of performing its function during an emergency evacuation. Also, this proposed paragraph would require the operator to ensure that personnel specified in the EEP are available and located as called for in the EEP and are trained in fulfilling their roles under the EEP.

Proposed § 146.140(f). This proposed section would require a complete copy of the EEP be made available to the facility's operating personnel and that every person newly reporting aboard a facility be given a brief written summary of the facility's EEP.

Proposed § 146.140(g). The investigation of the capsizing and sinking of the OCEAN RANGER and the

PENROD 01 indicated that, in an emergency situation, a break in the functional chain of command can create extensive confusion. In an effort to ensure that all parties with responsibilities and authorities under the EEP are informed as to what those responsibilities and authorities are, this proposed paragraph states that the EEP must detail the responsibilities and authorities of the various parties and that a copy must be provided to each party.

Proposed § 146.210. This new section would require operators employing a MODU in OCS activities to provide an EEP for the MODU. EEPs for MODUs would be the same as for other manned OCS facilities. Operators employing MODUs in OCS activities on the date these rules become effective would be allowed 180 days from that date for the submission of the EEP covering those MODUs.

Information required by these proposed regulations which is already contained in the MODU's operating manual required by 46 CFR 109.121 may be incorporated or referenced in order to prevent duplication of effort.

Incorporation by Reference

This proposal would add a new item to § 140.7, which lists materials incorporated by reference. The International Convention for the Safety of Life at Sea (SOLAS) in § 143.405(a)(5) and ANSI/UL–1123–1987 in § 143.405(a)(11) are proposed for incorporation by reference in those sections respectively. Copies of this material are available for inspection at U.S. Coast Guard Headquarters, Room 1216, 2100 Second Street, SW., Washington, DC 20593–0001. Copies of the material may be obtained at the address listed in proposed § 140.7(b).

Before the final rule is published, the Coast Guard will submit this material to the Director of the Federal Register for approval of the incorporation by reference.

E.O. 12291 and DOT Regulatory Policies and Procedures

The parent proposed regulations, entitled "Revision of Regulations for Outer Continental Shelf Activities" (CGD 84–098), are considered to be non-major under Executive Order 12291 but significant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). This extracted portion, entitled "Emergency Evacuation Plan for Manned OCS Facilities" (CGD 84–098b), is considered to be non-major and non-significant under the same Executive Order and DOT policies. A draft regulatory evaluation has been prepared and placed in the rulemaking docket. It may be inspected or copied at the Office of the Marine Safety Council, Room 2110, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC, (202) 267–1477, from 8 a.m. to 3 p.m. Copies may also be obtained by contacting that office.

The cost of preparing an EEP may vary due to the varying complexity of the manned facilities operating on the OCS and the experience of the preparer in drafting emergency evacuation plans. Much of the required information is already available and is customarily provided to operating personnel; however, some information not previously required must be compiled.

The cost of preparing an EEP which meets the proposed requirements is estimated to be between $500 and $800 per facility. The total initial cost to the industry for providing an EEP for each manned facility, including MODUs, is estimated to be between $486,500 and $778,400. The total cost to the Coast Guard for the examination of the EEP is estimated to be $100 per plan. Comments are solicited on the costs of preparing EEPs for facilities and the cost of updating an EEP each time MODUs change their location.

The cost of equipping a certificated offshore supply vessel or crew boat to comply with the proposed standby vessel requirements is estimated to be between $47,000 and $64,000. The Coast Guard has no basis for estimating how many standby vessels, if any, might be employed. For the purpose of evaluating this proposal, we have assumed that up to 30 standby vessels may be employed. Based on these assumptions, the total initial cost to the support vessel industry to outfit certified vessels as standby vessels is estimated to be between $1.41M and $2.01M. Further, the total cost to the owners, operators and leaseholders employing these 30 standby vessels is estimated to be between $9.78M and $10.47M per year. Comments are solicited on the costs of equipping a certificated vessel as a standby vessel and on the anticipated use of standby vessels.

Recent regulations (52 FR 6974; March 6, 1987) resulting from MODU sinkings in which 165 lives were lost require that MODU operating manuals provide information for use in emergency situations. EEPs may incorporate certain portions of the operating manual (46 CFR 109.121) to avoid unnecessary duplication and cut preparation costs.

The primary objective of this proposal is to address evacuation planning for fixed facilities as well as MODUs, thereby enhancing the safety of life and property on the OCS. It is, however, difficult, if not impossible, to quantify the benefits of the proposed regulations because of the unpredictable occurrence and limitless variety of emergency situations in which EEPs would be of assistance. Though the EEPs would not replace well trained personnel, they can be of significant benefit. Using the minimally accepted value of a human life of $1,000,000, the saving of a few lives each year would make the preparation of the evacuation plans cost beneficial.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 through 612), the Coast Guard must consider whether the rule it is proposing is likely to have significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses which are not dominant in their field and which would otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). These regulations would affect owners and operators of manned OCS facilities and the owners, builders, and suppliers of standby vessels. Because of the extremely high costs of these manned facilities, their owners and operators tend to be major corporations. However, it is likely that at least some of the companies opting to enter the standby vessel business may be considered small entities. An estimate for outfitting a typical certificated vessel as a standby vessel is between $47,000 and $64,000, or less than 6% of the cost of the vessel. Because the usage of standby vessels is voluntary, we have no basis for estimating how many standby vessels, if any, might be employed. For the purposes of evaluating the proposed rule, we have assumed that a total of 30 standby vessels would be employed, which represent less than 5% of the U.S. fleet of offshore supply vessels. Based on these assumptions, the total initial cost to the support vessel industry to outfit certificated vessels as standby vessels would be between $1.41M and $2.01M. Further, we estimate that the day rate for a standby vessel outfitted according to the proposed rules would have to increase by approximately $307 a day over the day rate of the same vessel without standby vessel equipment in order to cover the added expenses.

For the above reasons, the Coast Guard certifies that this proposal will not have a significant economic impact on a substantial number of small entities. If, however, you feel that your business may qualify as a small entity and that the proposed rules would have a significant economic impact on the business, please notify the Coast Guard (see **ADDRESSES**) and explain why you feel your business qualifies and in what way and to what degree the proposed regulations would economically affect your business. Cost data submitted in response to the above will be evaluated thoroughly before final rules are issued.

Paperwork Reduction Act

This proposed rulemaking contains information collection requirements in §§ 146.140 and 146.210. They have been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Persons desiring to comment on these information collection requirements should submit their comments to: Office of Regulatory Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard. Persons submitting comments to OMB are also requested to submit a copy of their comments to the Coast Guard as indicated under "**ADDRESSES**".

Environmental Assessment

The Coast Guard has considered the environmental impact of the regulations and concluded that preparation of an environmental impact statement is not necessary. The proposed amendments concern the development of emergency evacuation plans and the equipping of standby vessels for emergency assistance and would have no effect on the environment.

They do not affect the prevention, control, or protective systems installed on the facility to prevent damage to the environment. Therefore, an environmental assessment with a finding of no significant impact has been prepared and is on file in the rulemaking docket.

List of Subjects

33 CFR Part 140

Administrative practice and procedure, Authority delegation, Continental shelf, Incorporation by reference, Law enforcement, Marine safety, Reporting and recordkeeping requirements.

33 CFR Part 143

Continental shelf, Marine safety.

33 CFR Part 146

Continental shelf, Marine safety, Reporting requirements.

For the reasons set out in the preamble, Parts 140, 143, and 146 of Title 33 of the Code of Federal Regulations are proposed to be amended as follows:

PART 140—GENERAL

1. The authority citation for Part 140 is revised to read as follows:

Authority: 43 U.S.C. 1333(d)(1), 1348(c), 1356; 49 CFR 1.46.

2. Section 140.7 is revised to read as follows:

§ 140.7 Incorporated by reference.

(a) In this subchapter, portions of the entire text of certain standards and specifications are incorporated by reference as the governing requirements for materials, equipment, tests, or procedures to be followed. These standards and specification requirements specifically referred to in this subchapter are the governing requirements for the subject matters covered, unless specifically limited, modified, or replaced by the regulations.

(b) These materials are incorporated by reference into this subchapter under 5 U.S.C. 552(a) with the approval of the Director of the Federal Register. The Office of the Federal Register publishes a table, "Material Approved for Incorporation by Reference," which appears in the Finding Aids section of this volume. In that table is found citations to the particular sections of this part where the material is incorporated. To enforce any edition other than the one listed in paragraph (c) of this section, notice of the change must be published in the **Federal Register** and the material made available. All approved material is on file at the Office of the Federal Register Information Center, Room 8301, 1100 L Street NW., Washington, DC 20408 and at U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001. Copies may be obtained from the sources indicated in paragraph (c) of this section.

(c) The materials approved for incorporation by reference in this subchapter are:

American National Standards Institute (ANSI), 1430 Broadway, New York, NY 10018.

ANSI A10.14–1975–Requirements for Safety Belts, Harnesses, Lanyards, Lifelines, and Drop Lines for Construction and Industrial Use.

ANSI/UL–1123–1987–Standards for Marine Buoyant Devices.

ANSI Z41–1983–American National Standard for Personal Protection-Protective Footwear.

ANSI Z87.1–1979–Practice for Occupational and Educational Eye and Face Protection.

ANSI Z88.2–1980–Practices for Respiratory Protection.

ANSI Z89.1–1981–Safety Requirements for Industrial Head Protection.

International Maritime Organization (IMO)

IMO Sales, New York Nautical Instrument and Service Corp., 140 W. Broadway, New York, NY 10013.

International Convention for the Safety of Life at Sea—Consolidated Text of the 1974 SOLAS Convention, the 1978 SOLAS Protocol, the 1981 and 1983 SOLAS Amendments, 1986.

IMO Assembly Resolution A.414 (XI)–Code for Construction and Equipment of Mobile Offshore Drilling Units.

3. In § 140.10, a new term is added in alphabetical order to read as follows:

§ 140.10 Definitions.

* * * * *

"Standby vessel" means a vessel meeting the requirements of Part 143 of this chapter and intended for positioning near a manned OCS facility to provide rapid evacuation assistance in the event of an emergency.

* * * * *

PART 143—DESIGN AND EQUIPMENT

4. The authority citation for Part 143 is revised to read as follows:

Authority: 43 U.S.C. 1333(d)(1), 1348(c), 1356; 49 CFR 1.46.

5. A new Subpart E is added to read as follows:

* * * * *

Subpart E—Standby Vessels

Sec.
143.400 Applicability.
143.401 Vessel inspection and certification.
143.403 Maneuverability.
143.405 Equipment.
143.407 Manning.

Subpart E—Standby Vessels

§ 143.400 Applicability.

This subpart applies only to standby vessels specified in an Emergency Evacuation Plan (EEP) required by §§ 146.140 or 146.210 of this chapter.

§ 143.401 Vessel inspection and certification.

Standby vessels must—

(a) Have a valid certificate of inspection under Subchapters H, I, or T of 46 CFR Chapter I; and

(b) Be certificated to carry all of the persons on the most populated OCS

facility that the standby vessel is designated in the EEP to serve.

§ 143.403 Maneuverability.

Standby vessels must be highly maneuverable in order to facilitate the removal of persons from the water.

§ 143.405 Equipment.

(a) Standby vessels must have the following equipment:

(1) Multiple propellers or propulsion devices.

(2) Two searchlights.

(3) For vessels certificated under Subchapter H of 46 CFR Chapter I, a line throwing appliance that meets the requirements in 46 CFR 75.45.

(4) For vessels certificated under Subchapters I or T of 46 CFR Chapter I, a line throwing appliance that meets the requirements of 46 CFR 94.45.

(5) A self-propelled rescue boat of rigid or inflatable construction or combination of both, capable of carrying at least nine persons including a two person crew. The rescue boat and its launching device must be approved by the Coast Guard and the rescue boat must meet the requirements of regulation 47 of the Annex to the International Convention for Safety of Life at Sea (1974 SOLAS), as amended. The rescue boat must be equipped with a two-way radio capable of voice communication with the standby vessel and the OCS facility.

(6) A Stokes or comparable litter.

(7) One blanket for each person that the standby vessel is certificated to carry.

(8) A means of retrieving injured or helpless persons from the water.

(9) A scramble net that can be rigged on either side of the standby vessel.

(10) A minimum of four Coast Guard approved ring life buoys, each equipped with 15 fathoms of line.

(11) An immersion suit that is approved by the Coast Guard under 46 CFR 160.171 or a buoyant suit meeting Supplement A of ANSI/UL–1123–1987 and approved under 46 CFR 160.053 for each member of the standby vessel's crew.

(12) Two boat hooks.

(13) A fire monitor with a minimum flow rate of 600 gallons per minute.

(14) One or more two-way radios capable of voice communications with the OCS facility, rescue boat, and shore side support personnel.

(15) Floodlights to illuminate the rescue boat launching area, the scramble net when deployed, and the water around the rescue boat launching and scramble net deployment areas.

(16) A copy of "The Ship's Medicine Chest and Medical Aid at Sea", DHHS Publication No. (PHS) 84–2024, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

(17) An industrial first aid kit sized for 50 percent of the number of persons the standby vessel is certificated to carry.

(b) Equipment required by paragraph (a) of this section shall be to the satisfaction of the Officer in Charge, Marine Inspection.

§ 143.407 Manning.

Standby vessels must be crewed in accordance with their certificate of inspection for 24 hour operation. The Officer in Charge, Marine Inspection, may require the crew to be augmented, as necessary, to provide for maneuvering the standby vessel, for lookouts, for rigging retrieval equipment, for launching, retrieving, and manning the rescue boat, and for retrieving and caring for survivors.

PART 146—OPERATIONS

6. The authority citation for Part 146 is revised to read as follows:

Authority: 43 U.S.C. 1333(d)(1), 1348(c), 1356; 49 CFR 1.46.

7. New § 146.140 is added to read as follows:

§ 146.140 Emergency Evacuation Plan.

(a) Each manned OCS facility must have on board an Emergency Evacuation Plan (EEP) that is applicable to the facility and that addresses all items listed in paragraph (d) of this section.

(b) The operator shall submit an EEP for each manned OCS facility to the cognizant Officer in Charge, Marine Inspection (OCMI), for examination. For facilities existing on [*Insert effective date of the final rule*], the EEP must be submitted before [*Insert date 180 days after effective date of the final rule*]. For facilities not existing on [*Insert effective date of the final rule*], the EEP must be submitted before placing the facility in operation. The OCMI will examine the EEP to determine whether all items listed in paragraph (d) of this section are addressed.

(c) The EEP must be resubmitted for examination when substantive changes are made. Only the pages affected by a change need be submitted if the EEP is bound in such a way as to allow old pages to be removed easily and new ones inserted. Substantive changes include all items affecting the means or methods of evacuation, or the time required to accomplish evacuation, including response time.

(d) EEP must, at a minimum,

(1) Be written in language that is easily understood by the facility's operating personnel;

(2) Have a table of contents and general index;

(3) Have a record of changes;

(4) List the names, telephone numbers, and function of each person to be contacted under the EEP and state the circumstances in which they should be contacted;

(5) List the facility's communications equipment, their available frequencies, and the communications schedules with shore installations, standby vessels, and other OCS facilities specified in the EEP;

(6) Identify the primary source of weather forecasting relied upon in implementing the EEP and state the frequency of reports when normal weather is forecasted, the frequency of reports when heavy weather is forecasted, and the method of transmitting the reports to the facility;

(7) Designate the person who is assigned primary responsibility for implementing the EEP;

(8) Designate those facility and shoreside support personnel who have the authority to advise the person in charge of the facility as to the best course of action to be taken and initiate actions to assist facility personnel;

(9) Describe the recognized circumstances, such as a fire or blowout, and environmental conditions, such as an approaching hurricane or ice floes, in which the facility or its personnel would be placed in jeopardy and a mass evacuation of the facility's personnel would be recommended;

(10) For each of the circumstances and conditions described under paragraph (d)(9) of this section, identify the means and procedures for the ultimate evacuation of all persons on the facility to land, another facility, or other safe place;

(11) For each of the circumstances and conditions described under paragraph (d)(9) of this section, list the pre-evacuation steps for securing operations, whether drilling or production, including time estimates for completion and personnel required; and

(12) For each of the circumstances and conditions described under paragraph (d)(9) of this section, describe the order in which personnel would be evacuated, the transportation resources to be used in the evacuation, the operational limitations for each mode of transportation specified, and the time and distance factors for initiating the evacuation.

(e) The operator shall ensure that—

(1) All equipment specified in the EEP, whether the equipment is located on or off the facility, is made available and located as indicated in the EEP and is designed and maintained so as to be capable of performing its function during an emergency evacuation.

(2) All personnel specified in the EEP are available and located as specified in the EEP and are trained in fulfilling their role under the EEP.

(f) A complete copy of the EEP must be made available to the facility's operating personnel and a brief written summary of the EEP must be given to each person newly reporting on board the facility.

(g) A copy of the EEP must be on board each standby vessel, if any are specified in the EEP, and provided to all shoreside support personnel, if any are specified in the EEP.

8. A new § 146.210 is added to read as follows:

§ 146.210 Emergency Evacuation Plan.

(a) The requirements for an Emergency Evacuation Plan (EEP) in § 146.140 apply to mobile offshore drilling units.

(b) To avoid unnecessary duplication, the EEP may incorporate by reference pertinent sections of the MODU's operating manual required by 46 CFR 109.121.

Dated: December 16, 1987.

J.W. Kime,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety Security and Environmental Protection.

[FR Doc. 87–29550 Filed 12–23–87; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[Gen. Docket No. 87–570; FCC 87–367]

Implementation of Debt Collection Act of 1982 and Related Statutory Provisions

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission commenced a rule making proposing to adopt specific procedures for the collection of delinquent debts. These procedures would be used for expediting the collection of delinquent forfeitures, salary overpayments, or travel payments that exceed authorized payments.

DATES: Interested parties may file comments on or before February 4, 1988, and reply comments on or before February 19, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Steve Bailey, Office of General Counsel, (202) 254–6530.

SUPPLEMENTARY INFORMATION: The full text of the discussion portion of this action is included here. However, in the interest of minimizing printing costs, the proposed rule amendments are not printed herein. The full text of the proposed amendments is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's Copy Contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Adopted: November 23, 1987.

Released: December 14, 1987.

By the Commission.

Introduction

1. In 1982, Congress enacted the Debt Collection Act, Pub. L. 97–365, 96 Stat. 1749, codified at 31 U.S.C. 3701, 3711, 3716, 3718, and 5 U.S.C. 5514 which authorizes new procedures designed to improve the ability of federal agencies to collect debts owed the United States. The Act also contains certain notification requirements and other protections for debtors. In 1984, Congress enacted the Deficit Reduction Act, Pub. L. 98–369, 98 Stat. 1153, which provides for the collection of money owed to the Federal Government through offsets to tax refunds. This notice proposes rules and regulations to implement the provisions of both statutes.

2. Generally, the Debt Collection Act authorizes new procedures for the collection of debts, including provisions that enable the use of administrative and salary offsets as a means of collecting money owed the Government.[1] In addition, the Act allows the Government to disclose to consumer reporting agencies information regarding delinquent debtors. Finally, the Act allows heads of agencies to make contracts with private collection services to recover indebtedness owed the United States.

3. The Act requires that agency regulations implementing the provisions of the law be consistent with uniform standards issued by the Department of Justice and the General Accounting Office. 31 U.S.C. 3711(e).[2] In addition, regulations pertaining to salary offset must conform to offset regulations issued by the Office of Personnel Management.[3] The regulations proposed herein, we believe, conform to the standards and procedures promulgated by these departments and offices.[4]

4. Section 2653 of the Deficit Reduction Act, codified at 31 U.S.C. 3720A, authorizes the Secretary of the Treasury to offset against income tax refunds any delinquent debt obligations to the Federal Government. Like the Debt Collection Act, the statute contains notice requirements and other protections for debtors.

5. In the paragraphs below, we discuss in more detail the provisions of the Debt Collection Act and the Deficit Reduction Act. The proposed rules implementing these statutes are set forth in the appendix hereto. Interested persons are invited to comment on the proposed rules; however, for the most part, the rules parallel the implementing regulations issued by DOJ, GAO, and OPM. Therefore, commenters should be aware that the Commission has limited discretion to make substantive changes in the rules.

Disclosure to Consumer Reporting Agencies

6. Section 3 of the Debt Collection Act, 31 U.S.C. 3711(f), authorizes agencies to report delinquent individual debtors to consumer reporting agencies. This provision applies only to individuals and, hence, includes only natural persons. As indicated above, the Act requires that certain procedural protections be provided to individuals before the release of any information concerning overdue payments. In addition, the Act requires that agencies report any significant change in circumstance (e.g., payment of the debt) to the consumer reporting agency.

7. Section 1.1918 of the proposed rules is intended to implement the Act's provisions relating to disclosure of debt information to consumer reporting

[1] The term "administrative offset" is defined as "withholding money payable by the United States to, or held by the Government for a person to satisfy a debt the person owes the Government." 31 U.S.C. 3701. Salary offset, a form of administrative offset, enables the Federal Government to recover debts payable from federal employees through deductions against salary or other benefits that accrue from Federal employment. 5 U.S.C. 5514 (1982).

[2] *See* 4 CFR Part 102—Standards for the Administrative Collection Claims.

[3] 5 CFR Part 550, Subpart K—Collection by Offset from Indebted Government Employees.

[4] Toward that aim, we will forward a copy of this Notice and the proposed rules to the General Accounting Office and Office of Personnel Management for their review and comment.

agencies. Under this section, the Commission would release information only after a determination had been made that the debt is valid and overdue and a written notice has been sent to the individual debtor. The written notice would state that the individual's payment of a debt is overdue and that the Commission will disclose this information to a consumer reporting agency in not less than 60 days. In addition, the notice would provide that the debtor has a right to a full explanation of the debt and is entitled to review applicable FCC records pertaining to the debt. The debtor may avoid the reporting of the claim to a consumer reporting agency by entering into an agreement to repay the debt under terms agreeable to the Commission.

Contracts for Collection Services

8. Section 13 of the Debt Collection Act, 31 U.S.C. 3718, authorizes heads of agencies to enter into contracts with private collection services to recover debts owed the United States. The Act requires that any contract entered into contain certain provisions. Section 1.1919 of the proposed rules sets out the statutory conditions that must be included in contracts for collection services. These include:

1. A provision that the FCC retains authority to resolve the debt dispute, including authority to terminate collection action and authority to refer the matter to the Attorney General for civil remedies; and

2. A provision specifying that the collection service is subject to the Privacy Act of 1974 as it applies to private contractors and subject to State and Federal laws governing debt collection practices, such as the Debt Collection Practices Act.

Section 1.1919 also sets forth other requirements applicable to collection contractors, as well as provisions relating to Commission funding of collection service contracts, the depositing of amounts recovered under collection service contracts, and other procedures governing the Commission's use of collection agencies.

Administrative Offset

9. Section 10 of the Debt Collection Act, 31 U.S.C. 3716, authorizes procedures for administrative offset, pursuant to which amounts owed to the Government may be deducted from amounts due to the debtor. As with the statutory provision for reporting to a consumer reporting agency, the Act requires that notice procedures be observed by the agency before any offset takes place. For example, it requires that debtors be provided notice of their debts and opportunities to review the record and enter into written agreements for repayment before the Government attempts to collect money by offset. The Act also provides that these offset provisions do not apply to an agency of the United States government, a state government or a local government.

10. Sections 1.1911–1917 of the proposed rules contain provisions for administrative offset. Generally, these provisions cover the manner of coordinating collection with other federal agencies (e.g., when the debt is owed to the Commission but is collected by another federal agency through offset), the type of notice that will be provided to a debtor before the offset begins, the debtor's right to inspect Commission's records relating to the particular debt, the debtor's opportunity to enter into a repayment agreement with the Commission, and the debtor's right to obtain review within the agency of the determination of indebtedness. The provisions also set forth the circumstances in which the debtor is entitled to a reasonable opportunity for an oral hearing when it requests Commission review.

11. Section 1.1913 of the proposed rules contains procedures for offset against amounts payable from the Civil Service Retirement and Disability Fund. The Commission intends to apply these offset procedures to amounts payable from this fund from either the Civil Service Retirement System or the newly-established Federal Employee Retirement System (FERS), which Congress created when it enacted the Federal Employee Retirement System Act of 1986, Pub. L. 99–335. If any changes are made to the offset procedures applicable to these retirement systems by DOJ/GAO in the Federal Claims Collection Standards or by OPM in its offset regulations, they will be incorporated into our rules.

Salary Offset

12. Section 5 of the Debt Collection Act, 5 U.S.C. 5514, establishes new procedures that permit agencies to collect debts by offsets against the salaries of federal employees. The salary offset provisions provide opportunities for affected employees to review determinations of indebtedness before offsets are implemented. In addition, each agency's regulations must be consistent with the Office of Personnel Management's regulations.

13. The regulations proposed by the Commission are contained in §§ 1.1925 through 1.1935. The procedures for salary offset are similar to those for administrative offset. Under the salary offset procedures, however, an employee against whom an offset is sought has a right to a hearing before an Administrative Law Judge or person outside the control or authority of the Commission, to review the Commission's determination of the debt, the amount of the debt, and the repayment schedule, if applicable. An employee must give notice of his or her intent to take advantage of the hearing procedures within a specified time period.

Interest, Penalties, Administrative Costs and Other Sanctions

14. Sections 1.1940 through 1.1942 contain provisions relating to the imposition of interest, penalties, and administrative costs in connection with debts owed the United States. These provisions are intended to implement the Federal Claims Collections Standards (4 CFR 102.13) promulgated by the General Accounting Office and the Department of Justice.

Deficit Reduction Act

15. As stated earlier, section 2653 of the Deficit Reduction Act, 31 U.S.C. 3470A, authorizes federal agencies to refer delinquent debts to the Department of the Treasury for collection by offsets against tax refunds owed to named persons. The statute provides that a federal agency must furnish a debtor with notice of a proposed IRS offset and afford the debtor at least 60 days within which to present evidence regarding the debt. Section 1.1951 of the proposed rules provides that actions intended to effectuate administrative offsets against tax refunds shall be undertaken in accordance with the statute and Treasury Department regulations. In addition, the proposed rules include provisions governing the reporting of discharged debts to the Internal Revenue Service, in compliance with the Treasury Fiscal Requirements Manual. The rules also incorporate the IRS directive that federal agencies report the outstanding balance, not including interest, of certain defaulted federal obligations.

Applicability of Debt Collection Measures to Forfeitures

16. We note that the applicability of the debt collection measures discussed above to debts owed the United States is considerably broad because it encompasses any "claim" of the United States as that term is defined in section 13(b) of the Debt Collection Act, Pub. L. 97-365, 96 Stat. 1758.[5] Accordingly, we intend to utilize these measures for the collection of forfeitures imposed under the Communications Act. Although section 503 of the Communications Act directs the Commission to refer forfeiture matters to the Attorney General where a person has failed to pay an assessment of a forfeiture after a final and unappealable order has been issued, we are of the view that this provision should not be read to preclude the use of debt collection measures. Similarly, although section 504 provides for a trial de novo in any suit for recovery of a forfeiture imposed under the provisions of the Communications Act, we do not read it as foreclosing us from utilizing administrative offset procedures or the other debt collection measures we propose to adopt. In short, we believe that applicability of debt collection provisions to forfeitures should be interpreted to be consistent with, rather than mutually exclusive, to the forfeiture provisions contained in the Communications Act and, accordingly, we invite comment on this position.

Administrative Matters

17. Authority for the proposed rules is contained in sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended (47 U.S.C. 154(i), 154(j) and 303(r)), the Federal Claims Collection Act (31 U.S.C. 3701 *et seq.*), as amended by the Debt Collection Act of 1982, and section 2563 of the Deficit Reduction Act of 1984 (31 U.S.C. 3470A). Pursuant to §§ 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before February 4, 1988, and reply comments on or before February 19, 1988. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the Commission's reliance on such information is noted in the Report and Order.

18. In this non-restricted rule making proceeding, ex parte contacts are permitted from the time the Commission adopts this Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting, or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. A written ex parte presentation is any written presentation (except written comments or reply comments in the proceeding) made to decision-making personnel by another person that is not served on the participants to the proceeding. An oral ex parte presentation is an oral presentation made to decision-making personnel without advance notice to the other participants or a reasonably opportunity for them to be present when the presentation is made. Any person who submits a written ex parte presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral ex parte presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, the summary must be submitted to the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each ex parte presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally § 1.1206 of the Commission's Rules (47 CFR 1.1206).

19. In accordance with the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the FCC finds that the proposed rules will have no "significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 605(b). The FCC shall so certify to the Chief Counsel for Advocacy of the Small Business Administration. This conclusion has been reached because the proposed rules do not, in themselves, impose any additional requirements upon small entities. Accordingly, no regulatory flexibility analysis is required.

20. In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), any reporting and recordkeeping provisions that are included in the rules will be submitted for approval to the Office of Management and Budget (OMB).

21. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments, and supporting documents. If participants want each Commissioner to receive a personal copy of their comments, an original plus eleven copies must be filed. Persons who wish to participate informally may submit one copy of their comments, stating thereon the docket number of this proceeding. Comments and reply comments should be sent to the Office of Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Public Reference Room (Room 239) at that address. For additional information on this proceeding, please contact Steve Bailey, Office of General Counsel, (202) 254–6530.

Federal Communications Commission.

William J. Tricarico,

Secretary.

List of Subjects in 14 CFR Part 1

Collection of claims owed the United States.

[FR Doc. 87–29260 Filed 12–23–87; 8:45 am]

BILLING CODE 6712–01–M

[5] That section provides that the term "claim" includes "amounts owing on account of loans insured or guaranteed by the United States and all other amounts due the United States from fees, duties, leases, rents, royalties, services, sales of real or personal property, overpayments, fines, penalties, damages, interest, taxes, forfeitures, and other sources."

---

47 CFR Part 65

[CC Docket No. 87–463]

Refinement of Procedures and Methodologies for Represcribing Interstate Rates of Return for AT&T Communications and Local Exchange Carriers; Extension of Reply Comment Period

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: The Commission has granted the Pacific Bell and Nevada Bell's request for a one week extension of time for reply comments in CC Docket No. 87–463, concerning the refinement of procedures and methodologies for represcribing interstate rates of return. The extension was granted upon a good cause showing that the comments filed November 23, 1987, were voluminous, the extension sought was limited, and the public interest request adequate opportunity to prepared reply comments. The filing dates were established in the Notice of Proposed Rulemaking, published at 52 FR 39251 (October 21, 1987).

ADDRESS: Federal Communications Commission, Washington, DC 20554.

DATE: Reply comments shall be filed by Friday, December 18, 1987.

FOR FURTHER INFORMATION CONTACT: Giovanna M. Longo, Industry Analysis

VOL 52 ISS 247 DEC 24 1987 UMI

Division, Common Carrier Bureau, (202) 632-0745.

Memorandum Opinion and Order

Adopted: December 7, 1987.
Released: December 9, 1987.
By the Chief, Common Carrier Bureau:

1. Pacific Bell and Nevada Bell (the Pacific Companies) filed a motion for extension of time on December 4, 1987. Pacific requests that the December 11, 1987, filing date for reply comments in this proceeding be extended one week until December 18, 1987, pursuant to FCC Rules and Regulations, § 1.46. In support, Pacific notes the voluminous comments filed on November 23, 1987, and technical nature of the economic analyses therein.

2. In view of the public interest in adequate opportunity for comment upon refinement of procedures and methodologies for represcribing interstate rates of return, the limited extension of time sought, and Pacific's showing of good cause, the filing date for reply comments shall be extended to December 18, 1987.

3. Wherefore, for all the reasons above stated, Pacific's motion is granted.

Gerald Brock,
Chief, Common Carrier Bureau.

[FR Doc. 87-29472 Filed 12-23-87; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-564, RM-5846]

Radio Broadcasting Services; Augusta, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Dixie Broadcasting, Inc., licensee of Station KABK-FM (Channel 249A), Augusta, Arkansas, proposing the substitution of FM Channel 249C2 for Channel 249A and modification of its Class A license accordingly, to provide that community with its first wide coverage area FM service.

DATES: Comments must be filed on or before February 8, 1988, and reply comments on or before February 23, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Eugene T. Smith, Esq., Law Offices of Eugene T. Smith, 715 G Street SE., Washington, DC 20003.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-564 adopted December 2, 1987, and released December 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 320), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission
Mark N. Lipp,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-29474 Filed 12-23-87; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[Docket No. 87-554, RM-5999]

Radio Broadcasting Services; Titusville, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Frazer Broadcasting Corporation, licensee of Station WSCF(FM), Titusville, Florida, which seeks to substitute Channel 251C2 for Channel 252A, and to modify its license to specify the Class C2 channel.

DATES: Comments must be filed on or before February 5, 1988, and reply comments on or before February 22, 1988.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lawrence M. Miller, Schwartz, Woods and Miller, Suite 206, The Palladium, 1325-18th Street NW., Washington, DC 20036 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-554 adopted November 25, 1987 and released December 16, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governming permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73.

Radio broadcasting.

Federal Communications Commission
Mark N. Lipp,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-29475 Filed 12-23-87; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-555, RM-6077]

Radio Broadcasting Services; New Richmond, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Smith Broadcasting, Inc., licensee of Station WIXK-FM, proposing the substitution of Channel 296C2 for 296A at New Richmond, Wisconsin and modification of its license to specify the higher class frequency. The proposal could provide a first wide area coverage station at New Richmond. A site restriction of 21.1 kilometers (13.1 miles) northeast of the community is required. Also concurrence by the Canadian government is required.

DATES: Comments must be filed on or before February 5, 1988, and reply comments on or before February 22, 1988.

ADDRESS: Federal Communciations Commission, Washington, DC 20554 In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Mark E. Fields, Esquire, P.O. Box 33003, Washington, DC 20033 (Counsel for petitioner); and Smith Broadcasting, Inc., Station WIXK-FM, 125 East Third Street, New Richmond, WI 54017 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-555, adopted November 25, 1987, and released December 16, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission
Mark N. Lipp,
Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-29476 Filed 12-23-87; 8:45am]
BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION 6820-61-M

48 CFR Parts 508 and 553

[GSAR Notice No. 5-65]

Acquisition Regulation; Utility Contracts

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) which would revise Part 508 to clarify the Federal Acquisition Regulation definition of utility services, to prescribe policies governing the acquisition of utility services, to prescribe procedures for precontract review for utility contracts, to provide for annual rate reviews, to provide for use of GSA forms for acquiring utility services; and to revise Part 553 to illustrate GSA Forms 1533, Utilities Contract; 1683, Negotiated Electric Utility Contract, and 1684, Technical Provisions (Electric Utility Contract). The intended effect is to improve the regulatory coverage and to provide uniform procedures for contracting under the regulatory system.

DATE: Comments are due in writing on or before January 25, 1988.

ADDRESS: Requests for a copy of the proposal and comments should be addressed to Ms. Marjorie Ashby, Office of GSA Acquisition Policy and Regulations, 18th and F Streets, NW, Room 4024, Washington, DC 20405, (202) 523-3822.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Loeb, Office of GSA Acquisition Policy and Regulations, 18th and F Streets, NW, Room 4029, Washington, DC 20405, (202) 523-4764.

SUPPLEMENTARY INFORMATION: The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain procurement regulations from Executive Order 12291. The exemption applies to this proposed rule. The GSA certifies that the document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The substance of the proposed rule primarily relates to internal processing of utility contracts within GSA. Therefore, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under (44 U.S.C. 3501 et seq.)

List of Subjects in 48 CFR Parts 508 and 553

Government procurement.

Dated: December 16, 1987.
Ida M. Ustad,
Director, Office of GSA Acquisition, Policy and Regulations.

[FR Doc. 87-29442 Filed 12-23-87; 8:45 am]
BILLING CODE 6820-61-M

DEPARTMENT OF THE TREASURY

48 CFR Part 1033

Acquisition Regulations; Submission and Disposition of Protests

AGENCY: Department Offices, Treasury.

ACTION: Proposed Rule.

SUMMARY: This regulation would establish uniform procedures in 48 CFR Part 1033 for submission and disposition of protests filed with the Department of the Treasury. The proposed regulation is intended to provide standard time frames for filing of agency-level protests, a clear format for such protests, and guidance to Treasury bureau procurement offices for handling agency protests.

DATE: Comments should be submitted to the address below by February 22, 1988.

ADDRESS: Interested parties should submit written comments to: Department of the Treasury, Departmental Offices, Office of Procurement, Room 1458, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Robert E. Lloyd, Procurement Analyst, telephone (202) 566-2115.

SUPPLEMENTARY INFORMATION:

A. Regulatory Flexibility Act

It is hereby certified that the proposed rule will not have a significant economic impact on a substantial number of small entities. Accordingly, the analysis requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) do not apply. The proposal would clarify protest procedures and does not affect the rights of any entity to make a protest.

B. Paperwork Reduction Act

The collection of information contained in the proposed regulation has been submitted to the Office of Management and Budget pursuant to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501). Comments on these requirements should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for Departmental Offices, Department of the Treasury. Copies of these documents also should be sent to the Department at the address previously specified.

C. Executive Order 12291

Because this document relates to agency organization and management, it is not subject to Executive Order 12291. Accordingly, a regulatory impact analysis is not required.

Lists of Subjects in 48 CFR Part 1033

Government procurement, Protests, Disputes, Appeals.

Dated: December 15, 1987.

Thomas P. O'Malley,

Director, Office of Procurement [Procurement Executive].

Title 48 of the Code of Federal Regulations is amended as set forth below:

PART 1033—PROTESTS, DISPUTES, AND APPEALS

1. The authority citation for Part 1033 continues to read as follows:

Authority: 41 U.S.C. 418b (a) and (b), as delegated by Department of the Treasury Orders 101–30 and Treasury Directive 12–11.

2. Subpart 1033.1, consisting of section 1033.103, is added to read as follows:

Subpart 1033.1—Protests

1033.103 Protests to the Agency.

(a) *Policy.* It is the Department's policy to resolve protests in an informal manner whenever possible. Protesters are strongly encouraged to address their concerns to the contracting officer prior to resorting to litigation or other formal, external means of resolution.

(b) *Procedures.* (1) Agency protests may be submitted by interested parties to the contracting officer. Protests based on alleged improprieties in a solicitation must be received before the time specified for receipt of bids, proposals, or quotations; other protests must be received by the contracting officer no later than 10 working days after the basis for the protest is known or should have been known, whichever is earlier. These time limits may be extended by the contracting officer if it is determined to be in the Government's best interest.

(2) Protests shall be in writing and shall include, as a minimum, the following information:

(i) Name, address, and telephone number of the protestor;

(ii) Solicitation or contract number;

(iii) Detailed statement of the legal and factural grounds for the protest, including copies of relevant documents;

(iv) Request for a ruling by the contracting officer to whom the protest is submitted;

(v) Statement as to the form of relief requested.

(3) Protest submissions shall be concise, logically arranged, and state sufficient grounds of protest. If an oral protest is received, the protestor shall be required to submit the protest in writing within the time specified in paragraph (b)(1) above. Failure to comply with any of the above requirements may be grounds for dismissal of the protest.

(4) Upon receipt of an agency protest, the contracting officer shall:

(i) Immediately notify legal counsel and the Departmental Office of Procurement (MMK) and provide each with a copy of the protest;

(ii) Prepare a report similar to that prescribed in FAR 33.104(a)(2);

(iii) Ensure that the protest response is received by the protestor and interested parties no later than 25 working days after receipt of the protest;

(iv) Obtain review of the protest response by legal counsel and forward the protest response of MMK review and approval at least three working days prior to the due date;

(v) Ensure that any pre-award protest is answered prior to award.

(5) The contracting officer shall advise all interested parties of any delays in responding to the protest. If the contracting officer and the protestor agree on corrective action, a report is not required; however, in addition to amending the solicitation or taking other corrective action, the contracting officer shall inform the protestor and all interested parties in writing of the proposed corrective action and shall obtain from the protestor a written notice withdrawing the protest. A copy of this notice shall be provided to MMK.

(6) If a written protest before award has been lodged with the contracting officer, only the bureau chief procurement officer may make the determination described in FAR 33.103(a). Prior to making an award of a contract under the circumstances in FAR 3.103(a), the advice of legal counsel shall be obtained.

(7) If a written protest after award has been lodged with the contracting officer, contract performance need not be suspended if the bureau chief procurement officer makes a written determination that contract performance will be in the Government's best interest.

[FR Doc. 87–29513 Filed 12–23–87; 8:45 am]

BILLING CODE 4810–25–M

Notices

Federal Register
Vol. 52, No. 247
Thursday, December 24, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Advisory Committee Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), a notice is hereby given of the following committee meeting:

Name: Federal Grain Inspection Service Advisory Committee.
Date: January 22, 1988.
Place: Hyatt Regency Houston, 1200 Louisiana Street, Houston, Texas 77002.
Time: 8:30 a.m.
Purpose: To provide advice to the Administrator of the Federal Grain Inspection Service on the efficient and economical implementation of the U.S. Grain Standards Act of 1976 and to assure the normal movement of grain in an orderly and timely manner.

The agenda includes: (1) Wheat classification; (2) quality control; (3) FGIS response to sorghum recommendations; (4) financial matters; (5) CUSUM; and (6) other matters.

The meeting will be open to the public. Public participation will be limited to written statements unless otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting or submit written statements before or at the meeting should contact W. Kirk Miller, Administrator, FGIS, U.S. Department of Agriculture, P.O. Box 96454, Washington, D.C. 20090–6454, telephone (202) 382–0219.

Dated: December 18, 1987.

W. Kirk Miller,

Administrator, Federal Grain Inspection Service.

[FR Doc. 87–29553 Filed 12–23–87; 8:45 am]

BILLING CODE 3410–EN–M

Soil Conservation Service

Colorado River Basin Salinity Control Project, Big Sandy River Unit, WY

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of a record of decision.

SUMMARY: Frank S. Dickson, responsible Federal official for projects administered under the provisions of Pub. L. 93–320, as amended in 1984, in the State of Wyoming, is hereby providing notification that a record of decision to proceed with the installation of the Colorado River Basin Salinity Control Project, Big Sandy River Unit, Wyoming, is available. Single copies of this record of decision may be obtained from Frank S. Dickson at the address shown below.

FOR FURTHER INFORMATION CONTACT: Frank S. Dickson, State Conservationist, Soil Conservation Service, Federal Building, Room 3124, 100 East B Street, Casper, Wyoming 82601, telephone 307–261–5201.

(This activity is listed in the Catalog of Federal Domestic Assistance Program No. 10.906 River Basin Surveys and Investigations and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.)

Frank S. Dickson,

State Conservationist.

Date: December 15, 1987.

[FR Doc. 87–29436 Filed 12–23–87; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Agency Information Collections Under Review by Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration
Title: Application for Commission in the NOAA Corps
Form Numbers: NOAA–56–42, 56–42A, 56–42C, and 56–42D; OMB–0648–0047
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 216 respondents; 396 reporting hours
Needs and Uses: This collection is used to apply for a Commission in the NOAA Corps. The information is used to evaluate the qualifications of applicants.
Affected Public: Individuals
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: John Griffen 395–7340
Agency: National Oceanic and Atmospheric Administration
Title: Sea Grant Budget
Form Numbers: NOAA–90–4; OMB–0648–0034
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 40 respondents; 200 reporting hours
Needs and Uses: Under the National Sea Grant Program Act, NOAA awards both single and multi-project grants for the purpose of improving ocean and coastal resources. Each element of a multi-project grant is judged both individually and as part of the complete proposal. The information collected is used by both the grantor and grantee to determine the cost of each project in a proposal and to determine the allowability of matching costs. It is also used in negotiating costs and in the administrative control of expenditures.
Affected Public: State or local governments; nonprofit institutions
Frequency: Annually
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: John Griffen 395–7340
Agency: National Oceanic and Atmospheric Administration
Title: Sea Grant Control
Form Number: NOAA–90–1; OMB–0648–0008
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 40 respondents; 20 reporting hours
Needs and Uses: Under the authority of the National Sea Grant Program Act, NOAA awards grants for research and other activities for the purpose of improving ocean and coastal resources. This data collection requests respondents to summarize information on the content of grant proposals. The information primarily concerns identification of the participating organizations and personnel involved in a project. It is

VOL 52 ISS 247 DEC 24 1987 UMI

used by program staff to evaluate the overall proposal to assure that the resources to be cummitted are adequate for the project.
Affected Public: State or local governments; nonprofit institutions
Frequency: Annually
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: John Griffen 395–7340

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (203) 377–3271, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to John Griffen, OMB Desk Officer, Room 3228, New Executive Office Building, Washington, DC 20503.

Dated: December 17, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87–29531 Filed 29531–87; 8:45 am]

BILLING CODE 3516-CW-M

Agency Form Under Review by Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration
Title: Logbook Family of Forms—Catcher/Processor Transfer Logs
Form Number: Agency—N/A; OMB—0X15-0016
Type of Request: Revision of a currently approved collection
Burden: 25 respondents; 324 new reporting hours
Needs and Uses: This new collection will require catcher/processor and mothership processor vessels operating in the Gulf of Alaska or in the Bering Sea and Aleutian Islands area to maintain onboard a transfer log and to report information weekly about transfers and off-loadings of groundfish products. The information is needed to monitor compliance with quotas and bycatch limits for catcher/processors and motherships in the Alaskan groundfisheries.
Affected Public: Businesses or other for-profit institutions; small businesses or organizations
Frequency: On occasion; weekly
Respondent's obligation: Mandatory
OMB Desk Officer: John Griffen 385–7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer Edward Michals (202) 377–3271, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Griffen, OMB Desk Officer, Room 3228, New Executive Office Building, Washington, DC 20503.

Dated: December 18, 1987.

Edward F. Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87–29532 Filed 12–23–87; 8:45 am]

BILLING CODE 3510-CW-M

Foreign-Trade Zones Board

[Docket No. 45–87]

Foreign-Trade Zone 23, Buffalo, NY; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by Erie County, New York, grantee of Foreign-Trade Zone 23, requesting authority to expand the zone to include an additional site in Erie County, within the Buffalo Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 16, 1987.

The Buffalo Zone was approved in March 1976, and comprises five sites (124 acres) in Buffalo, Erie County, New York. The requested change would enlarge existing zone Site 1 (Gateway Trade Center—36,000 sq. ft. bldg.) to include two parcels of industrial park space totaling 225 acres within the Gateway Trade Center: parcel A (150 acres) is the former Bethlehem Steel plant bounded by the Union and Lackawanna Canals; and, parcel B (75 acres) is bounded by Lohr Ave. and Ridge Road. The Site operator is Gateway Trade Center, Inc., a subsidiary of Buffalo Crushed Stone, Inc.

The proposed site, which has been designated a State of New York Opportunity Zone, is being requested as part of Erie County's efforts to improve foreign-trade zone services for potential industrial users. Specific manufacturing approvals would be requested from the Board on a case-by-case basis as specific proposals arise.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Joseph Lowry (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Edward A. Goggin, Assistant Regional Commissioner, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, MA 02110–2104; and Colonel Daniel R. Clark, District Engineer, U.S. Army Engineer District Buffalo, 1776 Niagara Street, Buffalo, NY 14207–3199.

Comments concerning the proposed expansion are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before February 5, 1988.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce, District Office, 1312 Federal Building, 111 West Huron Street, Buffalo, NY 14202
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th & Pennsylvania Ave. NW., Room 1529, Washington, DC 20230

Dated: December 18, 1987.

John J. Da Ponte,

Executive Secretary.

[FR Doc 87–29533 Filed 12–23–87; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[C–475–702]

Preliminary Negative Countervailing Duty Determination; Certain Granite Products From Italy

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that no benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers or exporters in Italy of certain granite products as described in the "Scope of Investigation" section of this notice. The estimated net subsidy is 0.36 percent *ad valorem* for Granitex S.p.A. and for all non-respondent manufacturers, producers and exporters in Italy of certain granite products. This rate is *de minimis*. The rate for all other respondent companies is either *de minimis* or zero.

We have notified the U.S. International Trade Commission (ITC) of our determination. If this investigation proceeds normally, we will make a final determination by March 3, 1988.

EFFECTIVE DATE: December 24, 1987.

FOR FURTHER INFORMATION CONTACT: Mark Linscott, Lori Cooper or Barbara Tillman, Office of Investigation, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377–8330, 377–8320 or 377–2438.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based on our investigation, we preliminary determine that no benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers or exporters in Italy of certain granite products. For purpose of this investigation, the following programs are preliminarily found to be countervailable:

- Reduction of Social Security Payments for Companies Located in the Mezzogiorno Region.
- Regional Loan Program under Law 902.
- Local Tax Concessions under Law 614.

We preliminarily determine the estimated net subsidy to be 0.36 percent *ad valorem* for Granitex S.p.A. and for all non-respondent manufacturers, producers and exporters in Italy of certain granite products. This rate is *de minimis* and, as such, does not constitute a subsidy.

Case History

Since the last **Federal Register** publication pertaining to this investigation (the Notice of Initiation (52 FR 31651, August 21, 1987)), the following events have occurred. On August 27, 1987, we presented a questionnaire to the Government of Italy in Washington, DC, concerning petitioner's allegations. Due to the large number of Italian producers and exporters of the subject merchandise, we followed our practice of requesting the government to identify the largest producers and exporters in rank order comprising 60 percent of the value of the subject merchandise exported to the United States in 1986, and to forward questionnaires to them.

On September 21, 1987, all of the companies identified by the Italian government as comprising the top 60 percent filed timely requests for exclusion from any countervailing duty order (*See* section on exclusion requests, below). On September 27, 1987, the following firms submitted responses to our questionnaire, which included responses on behalf of their related companies: Campolonghi Italia S.p.A., Euromarble S.p.A., Formai & Mariani S.R.L., Fratelli Guarda S.p.A., Henraux S.p.A., Pisani Brothers S.p.A., and Savema S.p.A. On September 30, 1987, we received a response from the Government of Italy.

Because the largest firms accounting for 60 percent requested exclusion, thereby setting themselves on a separate investigative track from those Italian companies that did not request exclusion, we chose a new representative group of companies and requested questionnaire responses from them. In accordance with our standard practice, we selected the largest producers and exporters accounting for at least 60 percent of the value of the remaining pool of the subject merchandise exported to the United States after deducting from total exports of subject merchandise to the United States and value of exports of the companies requesting exclusion.

Based on our analysis, we determined that responses from the following ten additional companies were necessary to ensure that our investigation covered a group of companies that is representative of all Italian companies which export the subject merchandise to the United States: Alimonti Fratelli S.p.A., Antolini Luigi & Company S.p.A., Cremar S.p.A., Granitex S.p.A., Guglielmo & Alberto Bonotti S.n.C., Marcolini Marmi S.p.A., Margraf S.p.A., Porcelli Marmi S.p.A., Serio Carlo & Company S.p.A., and Valsega Marmi S.n.C.

On October 30, 1987, we informed the Italian government that we would seek questionnaire responses from the ten additional companies listed above, and on November 2, 1987, we presented a questionnaire to the Government of Italy concerning these companies. Responses from the additional companies and from the government were received on December 3, 1987. In addition, on November 18, 1987, we delivered supplemental/deficiency questionnaires to the Government of Italy and all companies requesting exclusion. This questionnaire included questions concerning programs that were not alleged by petitioner but which we discovered in reviewing the original responses. We received supplemental responses on December 4, 1987.

On September 23, 1987, the petitioner requested that the preliminary determination be postponed for 21 days. Pursuant to section 703(c)(1)(A) of the Act, we postponed the preliminary determination to no later than November 12, 1987. On November 4, 1987, the petitioner requested that we further postpone the preliminary determination by an additional 36 days. Accordingly, we extended the date of the preliminary determination to December 18, 1987.

Exclusion Requests

On September 21, 1987, in accordance with § 355.38 of the Commerce regulations (19 CFR 355.38) and § 355.14 of the proposed regulations (50 FR 24207, June 10, 1985), the largest companies comprising 60 percent of the value of exports of the subject merchandise to the United States in 1986 requested exclusion from any possible countervailing duty order which might result from this investigation, claiming not to have benefited from any subsidies. On September 29, 1987, we sent the Italian embassy a letter explaining the requirements for government certification of the exclusion requests, as required under the proposed regulations. We confirmed that a company would be eligible for exclusion if it either did not participate, or participated only at a *de minimis* level overall, in the programs under investigation. We also informed the Italian government that it was required to certify either non-use by the companies of these programs, or that the overall net benefit received under these programs during the review period was *de minimis*. In addition, we requested that the government provide information on the amounts of benefits received and a calculation of any net benefits for each company requesting exclusion. Finally, we confirmed that only those companies which produce and export the subject merchandise to the United States are eligible for exclusion. We received the government certifications on November 9, 1987.

Based upon our analysis of the responses submitted by the companies requesting exclusion and of the government certification, we have determined preliminarily that those companies producing and exporting the subject merchandise would qualify for exclusion. Only two of these companies used any of the countervailable programs and the estimated net subsidy for each is *de minimis* (*See* sections I.A. and B.). However, exclusion is only

BEST COPY AVAILABLE

relevant within the context of an affirmative determination for which there would be an estimated net subsidy rate and corresponding provisional measures from which to be excluded. Here, we have preliminarily found the estimated net subsiody for respondent companies that did not request exclusion to be *de minimis*. Therefore, for purposes of this preliminary negative determination, the exclusion provision does not apply. If our final determination is affirmative, we will exclude companies only if verification confirms the accuracy of the company responses and of the government certification.

Scope of Investigation

The products covered by this investigation are certain granite products from Italy. Certain granite products are ⅜ inch (1 cm) to 2½ inches (6.34 cm) in thickness and include the following: rough sawed granite slabs; face-finished granite slabs; and finished dimensional granite including, but not limited to, building facing, flooring, wall and floor tiles, paving, and crypt front. Certain granite products do not include monumental stones, crushed grranite, or curbing. Certain granite products are currently classified under *TSUSA* item number 513.7400 and under *HS* item numbers 2516.12.00, 6802.23.00 and 6802.VI.IXI.

Analysis of Programs

Throughout this notice, we refer to certain principles applied to the facts of the current investigation. These general principles are described in the "Subsidies Appendix" attached to the notice of *Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Affirmative Countervailing Duty Determination and Countervailing Duty Order* (49 FR 18006, April 26, 1984).

Consistent with our practice in preliminary determinations, when a response to an allegation denies the existence of a program, receipt of benefits under a program, or eligibility of a company or industry under a program, and the Department has no persuasive evidence showing that the response is incorrect, we accept the response for purposes of the preliminary determination. All such responses however, are subject to verification. If the responses cannot be supported at verification, and a program is otherwise countervailable, it will be considered a subsidy in the final determination.

For those respondent companies that requested exclusion yet received benefits under countervailable programs, we calculated individual company subsidy rates (*See* sections I.A. and B. of this notice). When we receive exclusion requests, we calculate rates company by company to determine whether each firm does in fact qualify for exclusion.

For respondent companies that did not request exclusion, we would typically calculate a country-wide rate. This calculation would not include companies that did not participate in any of the countervailable programs. Of those respondent companies that did not request exclusion, only one actually participated in a countervailable program. We have calculated the estimated net subsidy based on the benefits received by the one additional company that did participate in a countervailable program. This benefit is divided by that company's sales to yield a country-wide rate that applies to this company and to all non-respondent companies (*See* section I.C. of this notice). As stated above, this rate is *de minimis*; therefore, our preliminary determination is negative.

For purposes of this preliminary determination, the period for which we are measuring subsidization ("the review period") is calendar year 1986. This period coincides with the most recently completed fiscal year of all but one of the respondent companies.

Based upon our analysis of the petition, the responses to our questionaires, and the government certification of exclusion requests, we preliminarily determine the following:

I. Programs Preliminary Determined to Confer Subsidies

We preliminarily determine that subsidies are being provided to manufacturers, producers or exporters in Italy of certain granite products under the following programs:

A. Reductions in Social Security Payments for Companies Located in the Mezzogiorno Region

According to the government responses, all Italian companies that operate facilities in the Mezzogiorno region of southern Italy are entitled to a reduction in social security payments owed to the National Social Security Institute (INPS) equivalent to ten percent of the wages subject to the INPS contribution for all workers employed in this region. The reduction may be increased to 20 percent of wages for all employees hired after September 30, 1968, over and above the number of individuals employed by the company on that date. For staff hired after July 1, 1976, but before December 31, 1980, qualifying companies can receive a total exemption from payments owed to the INPS.

According to the company response, only Henraux owns facilities in the Mezzogiorno. The company response states that Henraux owns five stockyards in the Mezzogiorno. Henraux received reductions in social security payments during the review period for employees at these stockyards.

Because benefits under this program are available only to firms that locate facilities in the Mezzogiorno, we preliminarily determine that this program is limited to a specific enterprise or industry, or group of enterprises or industries and, therefore, is countervailable.

Henraux filed a timely request for exclusion and was certified by the Government of Italy as having received only *de minimis* benefits under this program during the review period. According to the responses, Henraux did not participate in any other Mezzogiorno program (*See* section III.D. of this notice).

We calculated a company-specific rate for Henraux under this program because it requested exclusion from any countervailing duty order that may be imposed through this investigation. A company-specific rate is necessary to determine preliminarily whether Henraux qualifies for exclusion. To calculate the benefit under this program, we divided the total value of the social security reductions Henraux received the review period by its total sales of all products during the review period and arrived at an estimated net subsidy of 0.08 percent *ad valorem* for Henraux. The rate is zero for all others.

B. Regional Loan Program Under Law 902

According to the responses, Italian Law 902 authorizes loans at less than prevailing market rates to small- and medium-sized businesses located in northern and central Italy. Firms participating in this program must use the financing for plant modernization. These loans carry fixed interest rates with terms of seven to ten years.

Loans pursuant to Law 902 may be given for up to 60 percent of the total cost of the project. The total project cost upon which the 60 percent calculation is based may include up to 40 percent of the value of the raw materials necessary to begin production using the intended facility. The interest rates are 50 to 60 percent of a "reference rate" periodically set by the Ministry of the Treasury, plus a commission charge to cover the lending institution's expenses and profits. Giuseppe Furrer, a related company of Henraux, was the only company with a 902 loan outstanding during the review period.

Because only firms that have facilities located in designated regions in Italy are eligible to receive loans under Law 902, we preliminarily determine that they are limited to a specific enterprise or industry, or group of enterprises or industries. To determine whether 902 loans are inconsistent with commercial considerations, we compared the interest rate on the 902 loan to the appropriate benchmark.

For long-term loans, it is our practice to use a company-specific benchmark, based on the company's cost of long-term financing from commercial sources in the year in which the terms of the loan in question were agreed upon. Because the responses contained insufficient information to establish a company-specific benchmark, we used as our benchmark the national average long-term interest rate for the stone-processing industry in 1983, the year in which the terms of the loan were agreed upon, as reported in the government response. Because the interest rate on the 902 loan received by Giuseppe Furrer was below the benchmark rate, we preliminarily determine that the loan was provided on terms inconsistent with commercial considerations.

Giuseppe Furrer filed a timely request for exclusion and was certified by the Government of Italy as having received only *de minimis* benefits under this program during the review period. Because Giuseppe Furrer requested an exclusion in this investigation, we calculated a company-specific rate under this program. A company-specific rate is necessary to determine preliminarily whether Giuseppe Furrer qualifies for exclusion.

To calculate the benefit from the 902 loan received by Giuseppe Furrer, we used our long-term fixed-rate loan methodology, as set forth in the Subsidies Appendix. For the discount rate, we used the benchmark interest rate. The benefit allocated to the review period was divided by Giuseppe Furrer's total sales of all products during this review period. We calculated an estimated net subsidy of 0.07 percent *ad valorem* for Giuseppe Furrer. The rate is zero for all others.

C. Local Tax Concessions Under Law 614

Under Article 30 of Law 614, Italian companies that establish or expand facilities in designated depressed territories in northern and central Italy are entitled to reductions in local corporate income tax rates. Reductions may be claimed for ten years following the establishment or expansion of a facility. According to the government response, this program expired on December 31, 1985, although it was extended until December 31, 1990, exclusively for depressed territories in the regions of Friuli-Venezia Giulia and Marches. Residual bendits under this program may continue for ten years following expiration.

Because this program is available only to firms that invest in designated areas in northern and central Italy, we preliminarily determine that it is limited to a specific enterprise or industry, or group of enterprises or industries and, therefore, is countervailable.

Of the respondent companies, only Granitex received a reduction in corporate income taxes under this program for the tax return filed during the review period. We calculated the benefit under this program based on the company's overall corporate tax liability, which includes national corporate tax and local corporate tax, for the tax return filed during the review period. We first determined the difference between what Granitex paid in total corporate income taxes during the review period and what it would have paid absent this program. We then divided this amount by Granitex's total sales of all products during this period. Based on this calculation, we arrived at an estimated net subsidy of 0.36 percent *ad valorem* for Granitex and for all-nonrespondent producers, manufacturers and exporters in Italy of certain granite products. The rate is zero for all others.

II. Programs Preliminarily Determined not to Confer A Subsidy

We preliminarily determine that subsidies are not being provided to manufacturers, producers or exporters in Italy of certain granite products under the following programs. These programs were discovered in the course of our review of the company responses and were alleged by petitioner.

A. Reinvestment Fund Under Article 54 of DPR 597/73

According to the responses, Italian firms are permitted to claim a tax exemption for any capital gains earned on the sale of fixed assets, provided that the gains are reinvested in capital assets. Article 54 of Presidential Decree (DPR) 597/73 states that firms must establish a special liability fund for capital gains, and reinvest these tax-exempt gains in depreciable assets in the second fiscal year following the one in which the gains were realized.

According to the government response, this provision of Italian tax law is available to all entities in Italy, regardless of geographic location or type of industry. Receipt of this exemption is only contingent upon a company's subsequent use of the gains for reinvestment in capital assets. Because benefits under Article 54 of DPR/73 are available to all Italian firms, we preliminarily detemine that this provision is not limited to a specific enterprise or industry, or group of enterprises or industries.

B. Accelerated Depreciation

According to the responses, Articles 68 of DPR 597 sets forth rules governing the depreciation of assets under Italian tax law. The normal deductible depreciation of a company's assets is dependent upon how the asset is classified in the Italian government's depreciation schedule. The deduction may be increased during each fiscal year if assets are used more intensely than is normal for that particular production activity. In addition, accelerated depreciation above the normal rate can be claimed for the first three years after the asset is acquired.

The government response states that these rates of depreciation under Article 68 of DPR 597, including the accelerated rate, are available to all Italian companies regardless of geographic location or type of industry. Therefore, we preliminarily determine that this program is not limited to a specific enterprise or industry, or group of enterprises or industries.

C. Revaluation of Assets under Law 72 of 1983 and Law 576 of 1975

According to the responses, the Italian government allowed all companies to revalue assets in 1975 and again in 1983 to reflect market value rather than book value. The revaluations were necessary to account for periods of high inflation which preceded these years. Because all Italian firms, regardless of geographic location or type of industry, were permitted to revalue assets, we preliminarily determine that these revaluations were not limited to a specific enterprise or industry, or group of enterprises or industries.

D. Contributions Under Article 55 of DPR 597

According to the responses, Article 55 of DPR 597, relating to "contingent assets," authorizes all Italian companies to establish a reserve fund which postpones the payment of taxes on certain monies received by a company until such funds are distributed as profits to that company's shareholders. Funds received from the government in the form of a reimbursement, for

VOL 52 ISS 247 DEC 24 1987 UMI

example, would be included on the asset side of a company's balance sheet. Article 55 permits the company to preserve the tax-exemption by establishing an offsetting reserve fund on the debit side of its balance sheet, such that the money held on reserve becomes taxable only when distributed as profits.

Because Article 55 applies to all taxpayers regardless of geographic location or type of industry, we preliminarily determine that this program is not limited to a specific enterprise or industry, or group of enterprises or industries.

III. Programs Preliminarily Determined Not to be Used

We primarily determine that the following programs were not used by manufacturers, producers or exporters in Italy of certain granite products during the review period.

A. Rebates of Indirect Taxes Under Law 509

Italian Law 639 authorizes the rebate of customs duties and certain indirect taxes upon the export of products containing certain raw materials. According to the responses, the respondent companies were not eligible to receive benefits under this program because it is available only to mechanical industries which do not include the stone-processing industry.

B. Export Credit Financing

Under Italian Law 227, a medium-term export credit line is available to foreign purchasers that import Italian goods and services. Administered by Mediocredito Centrale, this program applies only to export credits of greater than 18 months. According to the responses, no U.S. purchasers of the subject merchandise produced or exported by the respondent companies had outstanding credit lines under this program during the review period.

C. Preferential Transportation Rates

Under Italian State Act 210/85, Italian firms may apply for and receive preferential transportation rates from the State-owned railroad of Italy. Rate reductions are provided to companies agreeing to ship a certain amount of freight within a certain period of time. According to the responses, none of the respondent companies claimed or received preferential transportation rates under this program during the review period.

Italian State Act 877/84 provides a 30 percent reduction in state-owned railroad rates for shipments of raw mineral substances produced in the Italian islands. For raw mineral substances produced and processed in the Italian islands, the rate is reduced by 60 percent. The responses indicate that none of the companies under investigation received benefits under this program.

D. Mezzogiorno Regional Assistance Programs

According to the responses, companies with facilities located in the Mezzogiorno region of southern Italy are eligible for certain goernment programs aimed at the economic development of this region. The programs alleged by the petitioner under this regional development plan are: (1) National corporate tax exemptions; (2) local corporate tax exemptions; (3) capital grants; (4) interest rate reductions; and (5) reductions in social payments. According to the responses, the first four programs were not used by the respondent companies during the review period. The last program, reductions in the social security payments, is described in section I.A. of this notice.

IV. Program Preliminarily Determined Not To Exist

We preliminarily determine that the following program does not exist.

Loans Under Law 908

Petitioner alleged that, under Italian Law 908, manufacturers, producers and exporters in Italy of certain granite products receive subsidized loans at below market rates and on preferential terms for certain industrial projects in northern and central Italy. According to the government and company responses, Law 908 does not exist.

V. Programs for Which Additional Information Is Needed

We preliminarily determine that we need additional information in order to determine whether the following programs confer subsidies on the manufacture, production or exportation of certain granite products from Italy.

A. Sabatini Law

Although this program was not alleged by the petitioner, the company responses indicate that several firms received assistance under the Sabatini Law during the review period. In our supplemental questionnaire, we requested information on the purpose and administration of the law.

According to the supplemental responses, the Sabatini Law was enacted to stimulate investments in machine tools and production machinery in order to modernize and revitalize Italian industry. Manufacturers of capital equipment may sell equipment in exhcnage for notes payable within five years. These five-year notes, in turn, can be discounted with medium-term Italian credit institutions at less than prevailing market rates. Since 1985, the Sabatini Law has been extended to capital equipment of foreign origin. In addition, the government response indicates that purchasers of equipment may receive discounts on interest rates that are charged on the notes payable to the manufacturer of the equipment.

The government's response raised several questions concerning the operation and administration of the Sabitini Law. Although the response indicates that purchasers of capital equipment may benefit from reduced interest rates on the notes payable, it does not describe to what degree these interest rates are reduced nor whether any other terms of purchase are affected.

Furthermore, although the government and company responses state that all companies, regardless of region or industry, are eligible to participate in this program, it is not clear whether benefits under the Sabatini Law have in fact been provided to more than a specific enterprise or industry or group of enterprises or industries. To determine whether benefits granted under the Sabatini Law are limited in any way, we are requesting the following information: (1) Further information on the process through which purchasers of capital equipment apply for and receive assistance under this law; (2) a translated copy of all provisions of the Sabatini Law; and (3) a complete list of the Italian industries which have received loans or assistance under this program.

B. Law 696/83

Although this program was not alleged by the petitioner, the company responses indicate that several firms received assistance under Law 696/83 during the review period. In our supplemental questionnaire, we requested information on the purpose and operation of this program.

According to the supplemental responses, Law 696/83 provides an incentive for Italian companies to invest in high technology equipment. All Italian companies with a net worth below a specified level that are engaged in mining or manufacturing are eligible under Law 696/83 to receive a refund of 25 percent of the purchase price for purchases of certain highly sophisticated electronic equipment. Orders for such equipment made before May 31, 1984, are eligible for the 25 percent refund.

The government's response does not identify specific classes of electronic equipment that are eligible for treatment under Law 696/83. Absent such information, we cannot determine whether eligibility criteria are drawn so narrowly as to preclude many industries from taking advantage of benefits offered under this program. Furthermore, although the government and company responses state that all small- and medium-sized companies operating in the mining and manufacturing sectors are eligible for benefits under Law 696/83, it is not clear whether these benefits have in fact been provided to more than a specific enterprise or industry or group of enterprises or industries.

To determine whether benefits granted under Law 696/83 are limited to a specific enterprise or industry, or group of enterprises or industries, we are requesting the following information: (1) A full explanation of all criteria that determine what types of equipment qualify under this program; (2) a translated copy of all provisions of Law 696/83; and (3) a complete list of industries which have received benefits under this program.

Verification

In accordance with section 776(a) of the Act, we will verify the information used in making our final determination.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC or our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration.

If our final determination is affirmative, the ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry within 75 days after the Department makes its final determination.

Public Comment

In accordance with 19 CFR 355.35, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination on February 2, 1988, at 2:00 p.m. at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Assistant Secretary for Import Administration, Room B-099, at the above address within ten days of the publication of this notice in the **Federal Register**.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, ten copies of the business proprietary version and seven copies of the nonproprietary version of the pre-hearing briefs must be submitted to the Assistant Secretary by January 26, 1988. Oral presentations will be limited to issues raised in the briefs. In accordance with 19 CFR 355.33(d) and 355.34, written views will be considered if received not less than 30 days before the final determination is due or, if a hearing is held, within seven days after the hearing transcript is available.

This determination is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)).

December 18, 1987.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 87-29534 Filed 12-23-87 8:45 am]

BILLING CODE 3510-DS-M

[C-469-702]

Preliminary Affirmative Countervailing Duty Determination; Certain Granite Products From Spain

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers or exporters in Spain of certain granite products as described in the "Scope of Investigation" section of this notice. The estimated net subsidy is 2.51 percent *ad valorem* for all manufacturers, producers or exporters in Spain of certain granite products, except Granitos Ibericos-Grayco, S.A. ("GIG"), and Santal, S.A. ("Santal"), whose estimated net subsidy rates are *de minimis* (less than 0.50 percent).

We have notified the U.S. International Trade Commission (ITC) of our determination. We are directing the U.S. Customs Service to suspend liquidation of all entries of certain granite products from Spain, with the exception of those certain granite products produced and exported by GIG and Santal, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and to require a cash deposit or bond on entries of these products in the amount equal to the estimated net subsidy. Although entries produced and exported by GIG and Santal are not subject to the suspension of liquidation, these companies are not excluded from the preliminary determination.

If this investigation proceeds normally, we will make a final determination by March 3, 1988.

EFFECTIVE DATE: December 24, 1987.

FOR FURTHER INFORMATION CONTACT: Loc Nguyen or Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-0167 or 377-2438.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based on our investigation, we preliminarily determine that there is reason to believe or suspect that benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers or exporters in Spain of certain granite products. For purposes of this investigation, the following programs are preliminarily found to confer subsidies:

- Short-term loans provided under the Privileged Circuit Export Credits Program
- Grants under the Large Area of Industrial Expansion of Galicia Program (LAIEG)
- Preferential access to official credit under LAIEG
- Certain grants provided by the Basque regional government

We preliminarily determine the estimated net subsidy to be 2.51 percent *ad valorem* for all manufacturers, producers or exporters in Spain of certain granite products, except GIG and Santal.

Case History

Since the last **Federal Register** publication pertaining to this investigation [the Notice of Initiation (52 FR 31652, August 21, 1987)], the following events have occurred. On August 27, 1987, we presented a

questionnaire to the government of Spain in Washington, DC, concerning petitioner's allegations. On October 14, 1987, we received responses from the government of Spain and the following companies: GIG, Artemarmol, S.A. ("Artemarmol"), Ingemar, S.A. ("Ingemar") and Ingemarga, S.A. ("Ingemarga"). These were the only companies the government of Spain identified as producing and exporting the subject merchandise to the United States. We received an additional response from the government on October 27, 1987. On November 6, we received a request for exclusion pursuant to 19 CFR 355.38 and a voluntary response from Modulgranito Iberico, S.A. ("MGI"). On November 18, we notified counsel for MGI that MGI's request for exclusion was not timely pursuant to 19 CFR 355.38 and that the company will, therefore, not be excluded from any countervailing duty order that the Department might issue in this investigation. We further informed counsel for MGI that the Department will not investigate the response submitted by MGI because this newly formed company did not begin exporting the subject merchandise to the United States until mid-1987, which is outside our review period of calendar year 1986. On December 4, 1987, we sent a letter to MGI's counsel to confirm the November 18 notification regarding MGI.

On November 13, 1987, we presented supplementary questionnaires to the government of Spain and the above-referenced companies. In addition, we also requested information from four other companies which we discovered were exporting the subject merchandise to the United States. These companies are Granitos Espanoles, S.A. ("GE"), Marmoles y Granitos de Espana, S.A. ("M&G"), Ramilo, S.A. ("Ramilo") and Santal. On November 25, we received a supplemental response from the Government of Spain. On November 27 and December 1, we received responses from Ramilo and Santal. On November 27, December 2, December 4, December 8, December 11, and December 16, 1987, we received supplemental responses from Artemarmol, GIG, Ingemar, Ingemarga and Ramilo.

Because we have not received responses from GE and M&G, we were unable to include them in the calculations for the preliminary determination. Therefore, for purposes of the preliminary determination, the country-wide rate will apply to these two companies as well. If we receive GE's and M&G's responses by the date of the preliminary determination, we will verify the responses and include them in the calculation of the final determination. If we do not receive their responses by this date, we may have to use best information available, in accordance with section 776(b) of the Act, to calculate a rate for these two companies in the final determination.

On September 23, 1987, the petitioner requested that the preliminary determination be postponed for 21 days. Pursuant to section 703(c)(1)(A) of the Act, we postponed the preliminary determination to no later than November 12, 1987. On November 4, 1987, the petitioner requested that we further postpone the preliminary determination by an additional 30 days. Accordingly, on November 6, 1987, we extended the date of the preliminary determination to December 18, 1987.

Scope of Investigation

The products covered by this investigation are certain granite products from Spain. Certain granite products are ⅜ inch (1 cm) to 2½ inches (6.34 cm) in thickness and include the following: rough sawed granite slabs; face-finished granite slabs; and finished dimensional granite including, but not limited to, building facing, flooring, wall and floor tiles, paving, and crypt fronts. Certain granite products do not include monumental stones, crushed granite, or curbing. Certain granite products are currently classified under *TSUSA* item number 513.74.00 and under #S item numbers 2516.12.00, 6802.23.00 and 6802.93.00.

Analysis of Programs

Throughout this notice, we refer to certain principles applied to the facts of the current investigation. These general principles are described in the "Subsidies Appendix" attached to the notice of *Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Affirmative Countervailing Duty Determination and Countervailing Duty Order* (49 FR 18006, April 26, 1984).

Consistent with our practice in preliminary determinations, when a response to an allegation denies the existence of a program, receipt of benefits under a program, or eligibility of a company or industry under a program, and the Department has no persuasive evidence showing that the response is incorrect, we accept the response for purposes of the preliminary determination. All such responses, however, are subject to verification. If the response cannot be supported at verification, and a program is otherwise countervailable, it will be considered a subsidy in the final determination.

In doing our subsidy rate computation, we first calculated an overall company-specific rate for each company. We found that, during the review period, two companies, GIG and Santal, had *de minimis* and zero rates, respectively. Therefore, they were not included in the calculation of the country-wide rate. We based our calculation of the country-wide rate on the countervailable benefits and sales of those respondents whose overall company-specific rates are above *de minimis*. Although GIG's and Santal's rates are *de minimis* during the review period, there are indications that these two companies might have received countervailable benefits after the review period but before the preliminary determination. Therefore, we will not exclude them from our preliminary determination. We will verify their responses and will consider whether these companies should be excluded from the final determination.

For purposes of this preliminary determination, the period for which we are measuring subsidization ("the review period") is calendar year 1986. This period coincides with the most recently completed fiscal year of the respondent companies.

Based upon our analysis of the petition and the responses to our questionnaires, we preliminarily determine the following:

I. Programs Preliminarily Determined to Confer Subsidies

We preliminarily determine that subsidies are being provided to manufacturers, producers or exporters in Spain of certain granite products under the following programs:

A. Short-Term Loans Under the Privileged Circuit Export Credits Program

Petitioner alleged that exporters of certain granite products from Spain are benefiting from a system of short-term preferential loans mandated by the government of Spain for exporters. Under this system of "privileged-circuit export credits," at least four types of loans are alleged to be avilable to exporters of certain granite products: (1) Working capital loans, (2) pre-financing of exports, (3) short-term export credits or post-financing of exports, and (4) commercial service loans.

In its response, the government of Spain stated that it required all Spanish commercial banks to maintain a specific percentage of their lendable funds (the "investment coefficient") in privileged-circuit accounts. These funds were made available to exporters at below-market interest rates through a variety of credit programs, including pre-financing and post-financing of exports and commercial service loans.

Under the terms of a Treasury Order, dated April 14, 1982, the working-capital loan program for exporters was gradually phased out and terminated on January 12, 1986. With respect to the other three types of export financing available under this program, Royal Decree 2254/85 of November 20, 1985, increased interest rates applicable to these loans and is gradually reducing the maximum amount to be financed. The maximum interest rate applicable to these loans is now the average rate paid on Spanish Treasury bills of one year or more in the semester preceding the loan, plus two percentage points. According to the government response, the maximum amount of allowable financing has gradually been decreased, starting on January 1, 1986, by 10 percent at the beginning of each semester until the program is totally eliminated in four-and-a-half years. The maximum amount of allowable financing for short-term export post/financing was reduced to 59 percent of the export value as of July 1, 1987, and to 55.8 percent of the export value for the pre-financng of exports as of the same date. Furthermore, the government of Spain stated that the "investment coefficient," which was the source of the funding for the privileged circuit loans to exporters, was discontinued as of February 28, 1987, by Royal Decree 321/1987 of February 27, 1987.

While there is no direct outlay of government funds, the benefits conferred on the companies are the result of government-mandated program to promote exports. According to the government and company responses, the producers and exporters of granite benefited from three of the four privileged circuit programs available to exporters: the working-capital loan program and the pre-financing and post-financing export programs.

1. *Working capital loans.* Under the privileged circuit programs, firms may obtain working capital loans for one year, although, from the company responses, it appears that the terms may be slightly longer than one year in duration. The amount of loans for which a firm is eligible is based on a specified percentage of its previous year's exports. According to the government response, these loans were no longer available as of January 1, 1986, pursuant to a Treasury Order of April 14,1982. GIG, Ingemar, and Ramilo reported that they had working capital loans outstanding during the review period.

As stated in section I.A. above, although no direct outlay of government funds is used to finance these loans, they are the result of a government-mandated program to promote exports. Because availability of this type of financing is contingent upon exports, we preliminarily determine that it is countervailable to the extent that it is offered at preferential rates.

To determine whether these loans are made at preferential rates, we compared the interest rates charged on working-capital loans with the appropriate benchmark. Because the terms of these loans were a year or longer, we determine that the most appropriate benchmark is the "one to three years" lending rate charged by Spanish private banks as published in the *Boletin Estadistico* of the *Banco de Espana*. This comparison shows that the interest rates on these export loans are below the benchmark. Accordingly, we preliminarily determine this program to be countervailable.

To calculate the benefit, we used our short-term loan methodology and compared the amount of interest actually paid during the review period to the amount the companies would have had to pay under the benchmark. In this case, the government of Spain's response does not indicate that working-capital export loans are tied to specific export transactions. Therefore, for the country-wide rate, we allocated Ingemar and Ramilo's 1986 benefits over the value of exports of those respondent companies whose overall estimated net subsidy rates are above *de minimis* (0.50 percent or above). The country-wide rate for this program is 0.20 percent *ad valorem*. The rate is 0.02 percent *ad valorem* for GIG and zero for Santal.

Although the government response states that the provision of these types of loans was terminated on January 1, 1986, our calculations do not reflect this change. The respondent companies report having working-capital export loans outstanding through 1987, loans which are financing current exports of the subject merchandise from Spain. We will carefuly examine changes in this program during verification.

2. *Pre-financing of exports.* Artemarmol, Ingemar and Ramilo reported that they received pre-financing export loans. According to the government of Spain, the maximum term of these loans is up to six months. Although no direct outlay of government funds is used to finance these loans, they, like the working-capital loans, are the result of a government-mandated program to promote exports. Because availability of this type of financing is contingent upon exports, we preliminarily determine that it is countervailable to the extent that it is offered at preferential rates.

To determine whether these loans were made at preferential rates, we compared the interest rates charged on export pre-financing loans to the appropriate benchmark, which we determine is the "three-month" lending rate charged by Spanish private banks as published in the *Boletin Estadistico* of the *Banco de Espana*. This comparison shows that the interest rates on these export loans are below the benchmark. Accordingly, we preliminarily determine this program to be countervailable.

To calculate the benefit arising from these loans, we used our short-term loan methodology and compared the amount of interest actually paid during the review period to the amount the companies would have had to pay under the benchmark. The government of Spain's response states that pre-financing loans are tired to specific export transactions. Artemarmol did tie each loan to a specific shipment. Ingemar and Ramilo did not. Therefore, as best information available in accordance with section 776(b) of the Act, we allocated the 1986 benefits for Artemarmol, Ingemar and Ramilo over the value of exports of the subject merchandise to the United States of all non-*de minimis* companies to calculate an estimated net subsidy of 1.82 percent *ad valorem*. The rate is zero for GIG and Santal.

Although the government response states that the current rates of interest charged under this program are higher than those charged during the review period and that the "investment coefficient" which was the source of funding for privileged circuit loans to exporters was discontinued as of February 28, 1987, our calculations do not reflect these changes because we do not have complete information concerning the current level of utilization of these loans. We will carefully examine the changes in this program during verification.

3. *Post-financing of exports.* Artemarmol reported that it received post-financing export loans with 120 day terms. Because availability of this type of financing is contingent upon exports, we preliminarily determine that it is countervailable to the extent that it is offered at preferential rates.

To determine whether these loans were made at preferential rates, we compared the interest rates charged on post-financing export loans during the review period to the appropriate benchmark, which we determine is the "three-month" lending rate charged by Spanish private banks as published in the *Boletin Estadistico* of the *Banco de*

Espana. This comparison shows that the interest rates on these export loans are below the benchmark. Accordingly, we preliminarily determine this program to be countervailable.

To calculate the benefit arising from these loans, we used our short-term loan methodology and compared the amount of interest actually paid during the review period to the amount the companies would have had to pay under the benchmark. The loans reported by Artemarmol are tied to specific shipments of the subject merchandise to the United States. For the country-wide rate, we therefore allocated the company's 1986 benefit over the value of exports of the subject merchandise to the United States of all non-*de minimis* companies. The estimated net subsidy is 0.02 percent *ad valorem*. The rate is zero for GIG and Santal.

B. *Regional Investment Incentives*

Petitioner alleged that the granite industry in Spain may have benefited from certain regional investment programs.

1. *Grants under the Large Area of Industrial Expansion of Galicia Program (LAIEG)—Royal Decree 1409/1981.* The government of Spain stated that, through Royal Decree 1409/1981 of June 19, 1981, a program entitled "Large Area of Industrial Expansion of Galicia" was established to award grants or loans for investment in new capital goods and/or for generation of employment to companies in the region of Galicia and in other parts of Spain that plan to invest in Galicia. The government of Spain stated that similar programs are available for other less develop regions in Spain such as Andalusia, Castille-La Mancha, Old Castille and Leon, and Extramadura. There is no indication, however, the these grant programs are available to to all regions of Spain. Nor is these any indication that the programs are the same for all regions in which these programs are available.

Because this program is limited by the central Government of Spain to companies in a specific region (Galicia), we preliminarily determine that this program confers a subsidy. GIG and Ingemarga reported that they received grants under this program.

To calculate the value of the subsidy, we used the grant methodology outlined in the Subsidies Appendix. For grant calculations, we prefer to use as the discount rate a company-specific weighted cost of capital; however, in this case, the government of Spain was unable to give us the national average rate of return on equity. Therefore, we were unable to calculate a company-specific rate. Instead, we are using as the discount rate the national average commercial interest rate for loans of over three years for the year in which the grant was authorized. This rate is published by the *Banco de Espana* in its *Boletin Estodistico*. To calculate the country-wide rate, we allocated Ingemarga's 1986 benefit over total sales of all non-*de minimis* companies to calculate an estimated net subsidy of 0.39 percent *ad valorem*. The rate is 0.43 percent *ad valorem* for GIG and zero for Santal.

2. *Preferential access to official credit under LAIEG—Royal Decree 1409/1981.* Ingemarga reported that it received long-term financing from official lines of credit through the LAIEG program.

Because this program is provided by the central government of Spain to a specific region of Spain (Galicia), we preliminarily determine that this program is limited to a specific enterprise or industry or group of enterprises or industries. To determine whether these loans are given at rates that are inconsistent with commercial considerations, we compared the interest rates to the appropriate benchmark.

For fixed rate long-term loans to creditworthy companies, we prefer to use a company-specific commercial loan rate whenever possible. However, in this case, Ingemarga did not receive comparable commercial long-term credit in the year in which it received the LAIEG loan. Therefore, we used as our benchmark the national average commercial interest rate for loans of "over three years" applying to the year in which the terms of the loan were agreed upon. This rate is published by the *Banco de Espana* in its *Boletin Estadistico*. Because we were unable to obtain the national average rate of return on equity, we used the benchmark interest rate as the discount rate as well.

For the country-wide rate, we allocated Ingemarga's 1986 benefit over total sales of all non-*de minimis* companies to calculate an estimated net subsidy of 0.05 percent *ad valorem*. The rate is zero for GIG and Santal.

3. *Grants provided by the Basque Regional Government—Decree 153/1985.* According to the response of Ingemar, the only company under investigation located in the Basque region, the Basque regional government issued Decree 153 in 1985, which established grants for commercial promotion activities, such as market studies, market survey studies, and establishment or expansion of commercial entities or divisions specializing in promotional activities The amount of the grant can be up to 20 percent of investment costs in capital goods with a cap of 5,000,000 pesetas and up to 25 percent of operating costs during the initial period, with a cap of two years and 4,000,000 pesatas. The funding for the program is provided by the Basque regional government from its general revenue.

Ingemar stated that all companies located in the Basque region are eligible for benefits under this decree. The decree, however, states that grants are to be used for commercial promotion activities that will contribute to "the exportation of the productive sectors of the Basque country." Since no other purpose except "exportation" is specified in the decree, we preliminarily determine that these grants are provided solely to promote exports and, as such, constitute export subsidies. Ingemar reported that it received a grant under this program to commence commercial activities in the United States and to establish a company in the United States.

To calculate the benefit from this grant, we used the grant methodology detailed in the Subsidies Appendix. Since Ingemar received a grant under this program during the review period, and the amount received was less than 0.50 percent of the value of its exports to the United States for that year, we allocated the entire amount of this grant to the review period.

For the country-wide rate, we allocated the amount of the grant over the value of exports to the United States of all non-*de minimis* companies to calculate an estimated net subsidy for of 0.03 percent *ad valorem*. We allocated the benefit over exports to the United States because the grant was given specifically to establish commercial activities in the United States. The rate is zero for GIG and Santal.

II. Programs Preliminarily Determined Not to Confer a Subsidy

We preliminarily determine that subsidies are not being provided to manufacturers, producers or exporters in Spain of certain granite products under the following programs:

A. *Reduction in Import Duties on Imported Tools and Equipment*

In our initiation, we stated that we would investigate whether the producers and exporters of granite receive countervailable benefits from reduction in import duties. According to the response, as part of Spain's entry into the European Economic Community (EEC), any Spanish manufacturer importing machinery for new investment from an EEC country is entitled to an exemption of import duties if such machinery is not produced in Spain. These exemptions were authorized by Royal Decree 2386/1985 and are administered by the General Directorate of Customs and the Ministry of Economy and Finance. The decree authorizes tariff suspensions and reductions on investment goods imported from the EEC which are not manufactured in Spain, and which are intended for the modernization or conversion of, among others, the textile, chemical, pharmaceutical, automotive, capital goods, household appliances, foodstuffs, computer technology, electronics, shipbuilding, steel, mining and energy industries. Because this program is not limited to a specific enterprise or industry or group of enterprises or industries, we preliminarily determine that it is not countervailable.

B. *Provincial Grants Provided by the Basque Regional Government*

In our initiation, we stated that we would investigate whether the producers and exporters of granite receive countervailable benefits from cash grants given either by the central government of Spain or by the regional governments. According to Ingemar's response, the Basque regional government and the governments of each of the three Basque provinces administer assistance programs for all companies in the Basque region that make investments in capital goods. Under decree 149/85 the Basque regional government administers grants to "large" companies (more than 750,000,000 pesetas total capital and more than 400 employees) throughout the Basque region. The three provincial governments within the Basque region administer these grants to "small- and medium-size" companies (less than 750,000,000 pesetas total capital and less than 400 employees) within their provinces.

Decree 41/85 of the provincial government of Guipuzcoa applies to the small companies within the province of Guipuzcoa. The decree specifically lists a wide range of sectors and industries that are eligible to receive assistance under this program including chemicals, aviculture, hotels, land transportation, technical investigations, services rendered to companies, recovery of products and other manufacturing industries. Ingemar submitted a chart showing that 329 applicants in 23 sectors and industries including fishing, smelting and iron works, mon-metal minerals, metallurgy, mechanical shops, electronics, machinery, food, textiles, paper, rubber and plastics, construction, repairs, transport, and services were approved for grants in 1985, the year the program went into effect.

Because this program is not limited to a specific enterprise or industry or group of enterprises or industries, we preliminarily determine that it is not countervailable.

C. Interest Rebates on Long-term Loans under Basque Regional Government Programs

Petitioner alleged that producers of the subject merchandise benefit from subsidies in the form of preferential loans, loan terms and loan guarantees. We requested information from each company under investigation on all long-term loans outstanding during the review period. Ingemar and Ingemarga reported long-term loans outstanding during the review period.

According to the responses, none of the companies involved in this investigation received medium or long-term loans on terms inconsistent with commercial considerations. However, Ingemar reported that it did receive reimbursement of a part of the interest it paid on long-term loans under an agreement made between the Basque regional government and the banks in the Basque region. The agreement stated that the program is available to all industries in those regions. The Basque government also provided us with information indicating that over 2,000 companies in a number of industries, including food, chemicals, textiles, paper, electronics and transportation, have received interest rebates under this program. Because these rebates are funded by the Basque regional government and have been provided to a wide range of industries within the Basque region, we preliminarily determine that this program is not limited to a specific enterprise or industry or group of enterprises or industries and, therefore, is not countervailable.

III. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that the following programs were not used by manufacturers, producers or exporters in Spain of certain granite products during the review period:

A. Commercial Service Export Loans under the Privileged Circuit Export Credits Program

Petitioner alleged that exporters of certain granite products from Spain are benefiting from commercial service export loans under the Privileged Circuit Export program which provide for financing for market activities abroad. According to the responses, none of the companies had any such loans outstanding during the review period.

B. Warehouse Construction Loans

Petitioner alleged that the granite industry in Spain receives loans on terms inconsistent with commercial considerations to construct warehouse facilities adjacent to export loading zones. According to the responses, none of the companies have received any such loans.

C. Loans and Loan Guarantees from the Instituto Nacional de Industria (INI)

In our notice of initiation, we stated that we would investigate whether the producers and exporters of granite receive countervailable benefits under the loan and loan guarantee programs administered by the INI. According to the responses, none of the companies have received any such loans or loan guarantees.

D. Other Regional Investment Incentives

In our notice of initiation, we stated that we would investigate whether the producers and exporters of granite receive countervailable benefits under other regional investment incentives such as:

1. Reduction in import duties on imported tools and equipment. According to the responses, the only reduction and/or exemption in import duties which the companies received was that provided for in the program dealing with imports coming in from the EEC (see section II.A. above).

2. Reduction in taxes. According to the responses, none of the respondents receive any regional reduction in taxes.

3. Free or inexpensive land. According to the responses, none of the respondents have acquired free or inexpensive land as a result of any government-mandated program.

E. Grants from the Regional Board of the Province of Alava

According to the responses, none of the respondents are located in the Province of Alava; therefore, they are not eligible for benefits provided under this program.

IV. Programs for Which Additional Information is Needed

We preliminarily determine that we need additional information in order to determine whether the following programs confer subsidies on the manufacture, production or exportation of certain granite products from Spain.

VOL 52 ISS 247 DEC 24 1987 UMI

A. Grants Provided by the Galician Ministry of Industry, Energy and Commerce—Decree 107/1984

According to the responses, GIG, Ingemar and Ingemarga received grants under Decree 107/1984 of the regional government of Galicia, which established financial support measures for companies that research in or exploit mineral resources throughout Galicia. The funding for this program is from the general budget of Galicia and not from the central government of Spain. We have not been provided with any information as to the extent of Galicia's mining sector, nor do we have any information to indicate whether this program covers Galicia's mining sector as a whole or whether it is limited to specific industries within the mining sector. Therefore, we will seek further information on this program prior to and at verification in order to make a decision on whether this program is countervailable in our final determination.

B. Grants Provided by the Basque Regional Government—Decree 146/1985

Ingemar responded that it received a grant from the Basque regional government under Decree 146/1985 for the generation of employment. The goal of this program is to facilitate the generation of employment in the Basque country in order to resolve social needs, provide access to the job market, provide job training, create jobs and reduce unemployment. Funding for this program comes from the Basque regional government's general budget. According to the decree, any company within the Basque region is eligible to receive grants under this program as long as it has a net increase in the number of its staff. However, we have not received any information on the types of industries within the Basque region which have actually received benefits under this program nor on the extent to which the government may exercise discretion in selecting such industries. Therefore, we will seek further information prior to and at verification in order to make a decision on whether this program is limited to a specific enterprise or industry or group of enterprises or industries in the final determination.

C. Interest Rebates on Long-Term Loans Provided by the Regional Government of Galicia

In its response, GIG reported that it received interest rebates on long-term loans under an agreement made between the Galician regional government and the banks in Galicia. The agreement stated that all small and medium-sized companies in Galicia are eligible to receive rebates under these agreements; however, we have not received any information on the types of industries which actually have received these rebates nor on the extent to which the government may exercise discretion in selecting such industries. Therefore, we will seek further information on this program prior to and at verification in order to make a decision on whether this program is countervailable in the final determination.

Verification

In accordance with section 776(a) of the Act, we will verify the information used in making our final determination.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain granite products from Spain, with the exception of those certain granite products produced and exported by GIG and Santal, which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register** and to require a cash deposit or bond for each such entry of this merchandise equal to 2.51 percent *ad valorem*. Although entries produced and exported by GIG and Santal are not subject to the suspension of liquidation, these companies are not excluded from the preliminary determination. This suspension will remain in effect until further notice.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration.

If our final determination is affirmative, the ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry within 120 days after the Department makes its preliminary affirmative determination, or 45 days after the Department makes its final determination, whichever is later.

Public Comment

In accordance with 19 CFR 355.35, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination on February 2, 1988, at 10:00 a.m. at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Assistant Secretary for Import Administration, Room B–099, at the above address within ten days of the publication of this notice in the **Federal Register**.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, ten copies of the business proprietary version and seven copies of the nonproprietary version of the pre-hearing briefs must be submitted to the Assistant Secretary by January 26, 1987. Oral presentations will be limited to issues raised in the briefs. In accordance with 19 CFR 355.33(d) and 355.34, written views will be considered if received not less than 30 days before the final determination is due or, if a hearing is held, within seven days after the hearing transcript is available.

This determination is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)).

December 18, 1987.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 87–29535 Filed 12–23–87; 8:45 am]
BILLING CODE 3510–DS–M

[Docket Nos. 7111–01 and 7111–02]

Actions Affecting Export Privileges; Dieter Enderlein et al.

Summary

Pursuant to § 388.8 of the Export Administration Regulations, 15 CFR Parts 368 through 399 (1987), Dieter Enderlein, individually and doing business as Elmont International, also known as Elmont AG, both with an address at Hauptstrasse 23, CH–8280 Kreuzlingen, Switzerland, is hereby denied all export privileges for an indefinite period from the date of this Order.

Order

On November 17, 1987, the Administrative Law Judge (ALJ) issued his Recommended Decision and Order in the above referenced matter. The Recommended Decision and Order was referred to me pursuant to the Export Administration Act of 1985, 50 U.S.C. App. 2412, Pub. L. 99–64, 99 Stat. 120 (July 12, 1985) and 15 CFR 388.17(a), for final action.

Having examined the record and based on the facts adduced in this case, I affirm the Recommended Decision and Order of the ALJ.

Date: December 17, 1987.

Paul Freedenberg,

Acting Under Secretary for Export Administration.

In the matter of Dieter Enderlein, individually and doing business as Elmont International, a/k/a Elmont AG, Respondent, Docket Numbers 7111–01 and 7111–02.

Appearance for Respondents: Dr. Jost Gross, RA, Gross, Linder und Frischknecht, Poststrasse 18, CH–9000 St. Gallen, Switzerland.

Appearance for Agency: Thomas C. Barbour, Esq., Attorney-Advisor, Office of the Deputy Chief Counsel for Export Administration, U.S. Department of Commerce, Room H–3329, Washington, DC 20230.

Default Decision and Order

An administrative proceeding was initiated against Dieter Enderlein, individually and doing business as Elmont International, also known as Elmont AG (hereinafter "Respondents"), pursuant to section 13(c) of the Export Administration Act of 1979 (50 U.S.C.A. app. 2401–2420), as amended by the Export Administration Amendments Act of 1985, Pub.L. 99–64, 99 Stat. 120 (July 12, 1985)) (the Act), and the Export Administration Regulations (currently codified at 15 CFR Parts 368–399 (1987)), (the Regulations). The Office of Export Administration issued a charging letter on June 30, 1987, alleging that Respondents violated §§ 387.4, 387.5, and 387.6 of the Regulations.

The Respondents submitted a letter, dated August 27, 1987, written in German, to the Department, which was received by the Office of Export Enforcement on September 10, 1987.[1] On September 11, 1987 Agency counsel transmitted a copy to this Tribunal and requested that the Administrative Law Judge order the Respondents to file an answer in compliance with the Regulations, particularly § 388.7(d), which calls for the answer and all other documentary evidence to be submitted in English or have translations into English filed simultaneously. On September 18, 1987 an Order was issued by the undersigned granting the Agency's motion and extending the period of time for the Respondents' answer to October 8, 1987. On October 14, 1987, another filing was received from the Respondents' counsel in Germany. It was written in German and was not accompanied by a translation. On October 15, 1987, the undersigned issued an Order finding that this letter did not constitute an answer or a timely filing pursuant to the Regulations, and finding the Respondents in default.

Section 388.8 of the Regulations provides:

DEFAULT

(a) General

If a timely answer is not filed, the Department shall file with the administrative law judge a proposed order together with supporting evidence for the allegations in the charging letter. The administrative law judge may require further submissions and shall issue any order he deems justified by the evidence of record. Any order so issued shall have the same force and effect as an order issued following the disposition of contested charges.

In accordance with this section, and as directed by the October 15, 1987 Order of the Administrative Law Judge, Agency counsel filed such a motion for a default order on November 5, 1987. The Agency also submitted documentary evidence to support the allegations made in the charging letter. Based on the record before me I make the following findings of fact:

On four separate occasions, December 27, 1981, April 30, 1982, May 26, 1982, and October 7, 1983, Respondents reexported or caused to be reexported, from Switzerland to the Union of Soviet Socialist Republics (U.S.S.R.), U.S.-origin computers and computer parts without the report authorization from the Department which Respondents knew or had reason to know was required by § 374.1 of the Regulations, in violation of §§ 387.4 and 387.6 of the Regulations.

On or about February 22, 1982 and March 16, 1982, Respondents ordered U.S.-origin computers and computer parts from MLPI Business Systems, Inc. (MLPI-Canada) of Quebec, Canada, allegedly for an end-user in the Federal Republic of Germany. When Respondents ordered those goods they knew that the goods were intended to be reexported from the Federal Republic of Germany through Switzerland to the U.S.S.R. without the reexport authorization from the Department required by § 374.1 of the Regulations. In doing do, Respondents violated § 387.4 of the Regulations.

On or about June 30, 1982, the U.S.-origin computers and computer parts which Respondents ordered from MLPI-Canada were exported from the United States through Canada to the Federal Republic of Germany. In connection with that Export, Respondents made a false and misleading statement of material fact on the Shipper's export Declaration (SED) submitted on behalf of the exporter to the U.S. Customs Service (Customs). Based on information provided by Respondents to MLPI-Canada, the SED for that shipment stated that the end-user for the equipment was in the Federal Republic of Germany. In fact, as Respondents well knew, the intended end-user for that equipment was located in the U.S.S.R. By making a false and misleading statement of material fact to Customs in order to effect an export from the United States, Respondents violated § 387.5 of the Regulations.

Based on the foregoing, I find that the Respondents committed six violations of § 387.4 of the regulations, one violation of § 387.5 of the Regulations, and four violations of § 387.6 of the Regulations, for a total of eleven violations as alleged in the charging letter of June , 1987. Each of these violations involves U.S.-origin goods controlled under section 5 of the Act for national security reasons.

I find that an Order denying export privileges to the Respondents for an indefinite period from the date of the final order entered in this proceeding is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Administration Act, and the Regulations.

Accordingly, pursuant to the authority delegated to me by Part 388 of the Regulations, it is therefore:

Ordered

I. For an indefinite period of time,

Respondents:
Dieter Enderlien,
individually and doing business as
Elmont International,
a/k/a Elmont AG,
Hauptstrasse 23,
CH–8280 Kreuzlingen,
Switzerland

and all successors, or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations.

II. Participation prohibited in any transaction, either in the United States or abroad, shall include, but not be limited to, participation:

[1] While the nature of the document is not determined, based on an informal interpretation by the Agency, it appears to relate to the Charging Letter of June 30, 1987.

(i) As a party or as a representative of a party to a validated export license application;

(ii) In preparing or filing any export license application or reexport authorization, or any document to be submitted therewith;

(iii) In obtaining or using any validated or general export license or other export control document;

(iv) In carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported; and

(v) In the financing, forwarding, transporting, or other servicing of such commodities or technical data.

Such denial of export privileges shall extend to matters which are subject to the Act and the Regulations.

III. After notice and opportunity for comment, such denial of export privileges may be made applicable to any person, firm, corporation, or business organization with which the Respondent is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services.

IV. All outstanding individual validated export licenses in which the Respondents appear or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of Respondents' privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure and specific authorization from the Office of Export Licensing, shall, with respect to U.S.-origin commodities and technical data, do any of the following act, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any Respondent or any related person, or whereby any Respondent or related person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly:

(i) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for any Respondent or related party denied export privileges, or

(ii) Order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any export, reexport, transshipment or diversion of any commodity or technical data exported or to be exported from the United States.

VI. This Order, as affirmed or modified, shall become effective upon entry of the Secretary's final action in this proceeding pursuant to the Act (50 U.S.C.A. app. 2412(c)(1)).

Date: November 17, 1987.

Hugh J. Dolan,

Administrative Law Judge.

[FR Doc. 87-29477 Filed 12-23-87; 8:45 am]

BILLING CODE 3510-DT-M

National Bureau of Standards

National Voluntary Laboratory Accreditation Program

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice of public workshop.

SUMMARY: The National Bureau of Standards will host a public workshop on March 22, 1988 to provide interested parties an opportunity to participate in the development of the scope of accreditation for laboratories that perform plumbing fixtures equipment testing.

DATES: The worksh ip will be held on March 22, 1988 from 9:00 a.m. to 4:00 p.m. In order to receive draft material prior to the meeting and to indicate plans to attend the meeting call no later than March 4, 1988.

PLACE: The workshop will be held at the National Bureau of Standards, Lecture Room A340 Metrology Building No. 220, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: Lawrence Galowin, Senior Project Leader, Laboratory Accreditation, National Bureau of Standards, Room A527 Administration, Gaithersburg, MD 20899; (301) 975-4022.

SUPPLEMENTARY INFORMATION: On March 13, 1987 the National Bureau of Standards (NBS) received a request from the California Energy Commission to establish a laboratory accreditation program under the Procedures of the National Voluntary Laboratory Accreditation Program (NVLAP), for laboratories that test flow rates of plumbing fixtures and/or fittings based on American National Standards Institute (ANSI) A112.18.1. On May 18, 1987 NBS published a Federal Register notice (52 FR 18592) requesting comments from interested parties on the proposed accreditation program. Based on submitted comments, the NBS Director, on September 22, 1987, determined that there is a need to establish the accreditation program and approved its development.

Responses from the New York State Department of Environmental Conservation and the State of Florida Department of Community Affairs proposed broadening the scope of the program to include test methods pertaining to water conservation, in addition to the energy conservation test method in the original request. ANSI Standard A112.19.2M-1983 testing procedures for water closet and urinal wate consumption will be included in the expanded scope to fulfill requirements for water conservation. (It is anticipated that the hydraulic test methods in the nearly completed draft ANSI A112.19.6 standard, which replaces those items in the 19.2 standard, will be approved in time for application to the program.)

The following plans for the workshop have been established:

1. *Purpose:* The workshop will provide all interested persons with an opportunity to (1) discuss the applicability of specific test procedures from ANSI A112.18.1 and 19.2 or 19.6 to the program, (2) participate in the development of the scope of the accreditation to be offered to laboratories that perform plumbing fixture fittings testing, and (3) review and participate in establishing technical criteria, requirements and procedures for evaluation and accreditation of laboratories found competent to perform the test methods.

2. *Procedure:* The workshop will be an informal nonadversarial meeting. The presiding NBS chairperson will allocate the time available for discussion of each issue to be addressed, and exercise such authority as may be necessary to insure the equitable and efficient conduct of the workshop and to proceed in an orderly manner.

3. *Provisions:* This workshop will be open to the public.

Documents in Public Record: Summary minutes of the meeting will be prepared and made available for inspection and copying in the NVLAP program office, Room A527

Administration Building, Gaithersburg, Maryland.

Ernest Ambler,

Director.

Date: December 17, 1987.

[FR Doc. 87-29514 Filed 12-23-87; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of public hearings and request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold public hearings to allow for input to the Fishery Management Plan for the Summer Flounder Fishery (FMP).

DATES: See **"SUPPLEMENTARY INFORMATION"** for dates and locations of the hearings. All hearings will begin at 7:00 p.m. and will be tape recorded with the tapes filed as the official transcript of the hearing. Written comments will be accepted until February 19, 1988.

ADDRESS: Send comments to John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901.

FOR FURTHER INFORMATION CONTACT: John C. Bryson, 302-674-2331.

SUPPLEMENTARY INFORMATION: This FMP will provide management for the summer flounder (*Paralichthys dentatus*) fishery. The management unit is summer flounder in U.S. waters in the western Atlantic Ocean from North Carolina northward. The objectives of the FMP are to (1) reduce fishing morality on immature summer flounder; (2) increase the yield from the fishery; (3) promote compatible State and Federal management regulations between the Territorial Sea and the EEZ; and (4) minimize regulations for achieving the management objectives recognized above.

The FMP is being developed jointly by the Atlantic States Marine Fisheries Commission, the States, and the Council. Some measures in this FMP, such as the mesh size and minimum fish size, support current State regulations. Mesh size is scheduled to increase in two years to a larger 5" minimum mesh size, and to a 14" minimum fish size and a 5.5" minimum mesh size if the biological/fishery indicators continue to show stock declines. The FMP also provides that a vessel holding a Federal permit will fish under the more stringent of Federal or State rules. It is critical to the success of the FMP that the States be given time to allow them to adjust their regulations to those of the FMP.

The Council requests public comments on the following management measures:

1. It would be illegal to possess summer flounder or parts thereof less than 13" total length.

2. It would be illegal to land summer flounder less than 14" total length north of the line connecting the points 40 degrees 31'N. latitude, 73 degrees 58.5'W. longitude and 40 degrees 23'N. latitude, 73 degrees 43'W. longitude and extending seaward to the boundary of the EEZ. There would be no minimum mesh size north of the line.

3. Vessels south of the line specified above would be required to use a 4.5" minimum net mesh size for trips possessing 500 pounds or more of summer flounder.

4. The 4.5" minimum mesh size south of the line specified above would increase to 5" two years after implementation of the FMP.

5. In all cases, the minimum net mesh size would apply to finfish otter trawl vessels with trips landing 500 pounds or more of summer flounder. After 500 pounds of summer flounder have been retained, only nets of the legal size would be allowed on deck and in use. In no case does the minimum mesh provision apply to nets with a mesh equal to or greater than 16" in the body and/or wings of the net.

6. Vessels with permits issued under this FMP would be required to fish and land under the provisions of this FMP unless the vessels land in States with larger minimum fish sizes or larger minimum net mesh sizes than those provided in the FMP. Under these circumstances, the vessel would be required to meet the State limits for the minimum fish sizes or minimum net mesh sizes.

7. Foreign fishermen would not be permitted to retain summer flounder, since U.S. fishermen, by definition, would be harvesting the optimum yield.

8. Vessels fishing commercially for summer flounder, either directly or as a bycatch in other fisheries, and vessels for hire in the recreational fishery (party and charter boats) would be required to obtain annually renewable permits.

9. State with minimum sizes and minimum mesh regulations larger than those in the FMP are encouraged to maintain them.

10. After years of FMP implementation, the Council would examine certain criteria to measure the effectiveness of the size and mesh limits relative to the FMP's objectives. If (1) the summer flounder stock continues to decline, (2) the Council finds that the adjustment criteria have been met, and (3) the Director, Northeast Region concurs with the Council, then the minimum fish length would be increased to 14" total length; and the minimum net mesh size would be increased to 5.5"; eliminating the line specified above from the management regime.

The size increases would be imposed if both the primary and a secondary indicator demonstrate continued stock decreases.

Other Public Hearing Issues

The Council Seeks comments on three other issues related to these management measures.

1. *Penalities or Penalty schedule.* The provision that allows multiple nets on board a vessel and in use until the 500 pounds of summer flounder criterion is met creates a need for a at-sea enforcement. It is necessary to establish a rigorous penalty shedule, in that if there is a relatively low probability of detection of an offense, then the known penalty for those detected must provide an adequate deterrent.

2. *Discard mortality.* Management alternatives assume that all fish discarded in the trawl fishery die. However, the Council has received comments that discard mortality may be less than 100 percent.

3. *Amount of unregulated catch.* The preferred alternative specifies 500 pounds of summer flounder as the minimum for a trip for which the minimum net mesh size applies.

The dates and locations of the public hearings are as follows:

January 11, 1988—Skipper Motor Inn, Route 6, Fairhaven, Ma

January 11, 1988—Carteret Community College, Joselyn Auditorium, 3505 Arendell Street, Morehead City, NC.

January 12, 1988—Dutch Inn, Great Island Road, Galilee, RI

January 12, 1988—NC Aquarium, Airport Road, Roanoke Island Manteo, NC

January 13, 1988—Holiday Inn Riverhead, Exit 72, LI Expressway & Rt. 25, Riverhead, LI, NY

January 13, 1988—Quality Inn Lake Wright, Virginia Rm., 6280 Northampton Blvd., Norfolk, VA

January 14, 1988—Holiday Inn of Rockville Center, 173 Sunrise Highway, Rockville Center, LI, NY

January 14, 1988—Dept. of Legislative Reference Bldge., 90 State Circle (Joint Hearing Room, Mail Entr.), Annapolis, MD

January 15, 1988—Cannon Bldg., Room 104, College of Marine Studies, University of Deleware, Lewes, DE

January 27, 1988—Cape May Extension Office, Dennisville Road, Cape May Court House, NJ

January 28, 1988—Wall Township Fire Hall, West Atlantic Avenue at Rt. 34, Wall, NJ

(16 U.S.C. 1801 et seq.)

Dated: December 21, 1987

Richard H. Schaefer,

Acting Direction, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 87-29552 Filed 12-23-87 8:45]

BILLING CODE 3510-22-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit: Dolfinarium Brugge (P390)

On July 28, 1987, notice was published in the **Federal Register** (52 FR 28782) that an application had been filed by Dolfinarium Brugge, A. De Baechestraat 12, B-8200 Brugge, St. Michiels, Belguim to export Atlantic bottlenose dolphins (*Tursiops truncatus*) from Florida for public display.

Notice is hereby given that on December 18, 1987, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Room 805, Washington, DC, and

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

Date: December 10, 1987.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs.

[FR Doc. 87-29522 Filed 12-22-87; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit; Miami Seaquarium (P35F)

On October 29, 1987, notice was published in the **Federal Register** (52 FR 41612) that an application had been filed by Miami Seaquarium, 4400 Rickenbacker Causeway, Miami, Florida 33149 to import four Pacific bottlenose dolphins (*Tursiops truncatus*), four false killer whales (*Pseudorca crassidens*), four Pacific white-sided dolphins (*Lagenorhynchus obliquidens*), and four Risso's dolphins (*Grampus griseus*) for public display.

Notice is hereby given that on December 18, 1987, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fishers Service, 1825 Connecticut Avenue NW., Rm. 805, Washington, DC;

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Date: December 18, 1987.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 87-29523 Filed 12-23-87; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to:

Office of Federal Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Associate Director, Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

Department of Health and Human Services

SN-6-698,588; Method for Detecting HTLV-III Neutralizaing Antibodies in Sera

SN 6-705,708; Detection of Human T-Cell Leukemia Virus Type III

SN 6-737,458; Competitive ELISA for the Detection of Antibodies

SN 6-779,431; HTLV-III/LAV Synthetic Peptide

SN 6-780,925; Trans-Activating Factor of HTLV-III/LAV

SN 6-795,559; AIDS Virus Gene Expression

SN 6-813,069; Plasmid and Phage Clones of Human T-Cell Lymphotropic Virus Type III

SN 6-824,783; SOR Gene Product From Human T-Cell Lymphotropic Virus III

SN 6-829,517; Plasmids Which Inhibit Human T-Cell Lymphotropic Virus Type III Republication

SN 6-833,072; Competitive ELISA for the Detection of Antibodies

SN 6-849,059; Cell Line Producing Viral Antigens Without Producing Infectious Virus Particles

SN 6-849,298; Recombinant Vaccinia Virus Expressing Human Retrovirus Gene

SN 6-852,531; Non-Cytopathic Clone of Human T-Cell Leukemia Virus Type III

SN 6-874,913; HTLV-III Envelope Peptides

SN 7-032,115; Packaging Defective Recombinant Mutants of HTLV-III

SN 7-095,837; Non-Infectious Mutant Clone of HIV

SN 7-095,838; Cloned HIV-DNA and Kit for Detecting HIV

SN 7-114,508; Immortalized Human Cell Lines

[FR Doc. 87-29437 Filed 12-23-87; 8:45 am]

BILLING CODE 3510-04-M

COMMISSION ON EDUCATION OF THE DEAF

Educational Programs for the Deaf; Meetings

AGENCY: Commission on Education of the Deaf.

ACTION: Notice of meetings.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given of forthcoming meetings of the Commission on Education of the Deaf and its Committees. The purposes of the Commission and Committee meetings are to review the rough draft of the Commission's final Report, to approve it for publication, and to develop final recommendations on LRE, FAPE, and other topics. These meetings will be open to the public.

DATES: January 4, 8:30 a.m. to 5:00 p.m.; January 5, 8:30 a.m. to 5:00 p.m.; and January 6, 8:30 a.m. to 3:00 p.m.

ADDRESS: All meetings will be held in the Holiday Inn-Capitol, 550 C Street SW., Washington, DC. On Monday morning, the Executive Committee will meet in the Columbia A Room. From 10:00 a.m. to 5:00 p.m. Monday, the Precollege and Postsecondary Committees will meet in the Gemini and Columbia A Rooms, respectively. On Tuesday, the joint Committee will meet from 8:30 a.m. to 12:00 noon in the Columbia A Room. That afternoon, the Precollege and Postsecondary Committees will hold working sessions in the Gemini and Columbia A Rooms, respectively. Wednesday, the Joint Committee will meet from 8:30 a.m. to 12:00 noon in the Columbia A Room. That afternoon, the full Commission will meet from 1:00 to 3:00 in the Columbia A Room.

FOR FURTHER INFORMATION CONTACT: Monica Hawkins, Commission on Education of the Deaf, GSA Regional Office Building, Room 6646, 7th and D Streets SW., Washington, DC 20407. [202] 453-4353 (TDD) or [202] 453-4684 (Voice). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The Executive Committee will meet Monday, January 4, from 8:30 a.m. to 10:00 a.m. to receive reports, and to discuss activities of the Commission between February 4th and May 4th, and the date of official presentation of the Report. The remainder of the Committee meetings are working sessions at which the draft of the Final Report will be reviewed. The full Commission will meet January 6 from 1:00 p.m. to 3:00 p.m. to receive reports and to approve the final recommendations and final Report.

The proposed agenda for the Commission meeting on January 6 includes the following:

I. Approval of minutes.
II. Reports
  Chairperson's Report
  Vice Chairperson's Report
  Executive Committee Chairperson's Report
  Precollege Committee Chairperson's Report
  Postsecondary Committee Chairperson's Report
  Staff Director's Report
III. New Business
IV. Adjournment

These meetings will be open to the public. Interpreters and captioning will be provided. If you need audio-loop systems or other special accommodations, please contact Monica Hawkins at [202] 453-4353 (TDD) or [202] 453-4684 (Voice) no later than December 28th, 1987, 5:00 p.m. E.S.T. These are not toll-free numbers.

Records will be kept of the proceedings and will be available for public inspection at the office of the Commission on Education of the Deaf, GSA Regional Office Building, Room 6646, 7th and D Streets SW., Washington DC.

Pat Johanson,

Staff Director.

[FR Doc. 87-22501 Filed 12-23-87; 8:45 am]

BILLING CODE 6820-SC-M

DEPARTMENT OF DEFENSE

Department of the Navy

Intent To Prepare a Draft Environmental Impact Statement for Electronic Installations on Tinian, Commonwealth of the Northern Mariana Islands and on Guam, Mariana Islands

Pursuant to regulations implementing the procedural provisions of the National Environmental Policy Act and the requirements of Executive Order 12372, Intergovernmental Review of Federal Programs, the Navy announces its intention to prepare a Draft Environmental Impact Statement (DEIS) for the construction of Electronic Installations on Tinian, Commonwealth of the Northern Mariana Islands (CNMI) and on Guam, Mariana Islands (MI). The proposed action would construct and operate antenna arrays, ground screens, and support facilities for radar operations necessary for the national defense.

An Environmental Assessment (EA) on Electronic Installations at Tinian and Guam was prepared in June 1987 and submitted for review to federal agencies, Government of Guam agencies, Commonwealth of the Northern Mariana Islands agencies, and environmental organizations. Several briefing meetings were held on Guam and Saipan prior to distribution of the EA for review. It is in response to substantive concerns raised by agencies and the public that the Navy has made the decision to prepare a DEIS in order to allow full public interaction with the proposed action. In addition, Navy will hold formal scoping meetings on Guam, Tinian, and Saipan to receive commonts from concerned agencies and individuals. Letters of notification for the scoping meetings will be distributed as soon as places and dates are established.

Pursuant to the requirements of the Endangered Species Act, the Navy has entered into consulation with the U.S. Fish and Wildlife Service (FWS). The FWS has responded to the consultation with a report finding of "No Jeopardy" for the proposed action and has recommended several conservation measures which the Navy now has under consideration. These concerns will be addressed in the DEIS. Additional information to be included pertains to public access, electromagnetic interference, radiation analysis, and alternative site considerations.

Local and regional concerns will be carefully considered in the preparation of the DEIS. Scoping comments should be forwarded to: Commanding Officer, Pacific Division, Naval Facilities Engineering Command, Pearl Harbor, Hawaii 96860-7300, ATTN: CODE 09P.

If further assistance is required in regard to the Notice of Intent, please contact CDR E.C. Rushing, Jr., Head, Facilities Planning Department at (808) 471-3088.

Date: December 21, 1987.

Jane M. Virga,

Lt. JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 87-29505 Filed 12-23-87; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Technology Services, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATE: Interested persons are invited to submit comments on or before January 25, 1988.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue SW., Room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster, (202) 732-3915.

VOL 52 ISS 247 DEC 24 1987 UMI

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Information Technology Services, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of collection; (5) The affected public; ;(6) Reporting burden; and/or (7) Recordkeeping burden; and (8) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: December 21, 1987.

Carlos U. Rice,

Director for Information Technology Services.

Office of Educational Research and Improvement

Type of Review: New
Title: Application for Grants Under the College Library Technology and Cooperation Grants Program, HEA II–D.
Agency Form Number: G50–46P
Frequency: Annually
Affected Public: Non-profit institutions
Reporting Burden: Responses: 1500; *Burden Hours:* 12,000
Recordkeeping: Recordkeepers: 0; *Burden Hours:* 0

Abstract: This form will be used by instituions of higher education and non-profit organizations to apply for grants under the College Library Technology and Cooperation Grants Program. The Department uses the information to make grant awards.

Office of Educational Research and Improvement

Type of Review: Revision
Title: Application for Educational Research Grant Program
Agency Form Number: G50–27P
Frequency: Annually
Affected Public: Individuals or households; state or local governments; non-profit institutions; small businesses; organizations
Reporting Burden: Responses: 700; Burden Hours: 2,100
Recordkeeping: Recordkeepers: 0; Burden Hours: 0

Abstract: This form will be used by public or private organizations, institutions of higher education and individuals to apply for research and development grants, including cooperative agreements, under the Educational Research Grant Program. The Department uses the information to make grant awards.

Office of Bilingual Education and Minority Language Affairs

Type of Review: Revision
Title: Application for Grants Under the Transition Program for Refugee Children
Agency Form Number: ED 443–2
Frequency: Annually
Affected Public: State or local governments
Reporting Burden: Responses: 52; *Burden Hours:* 7644
Recordkeeping: Recordkeepers: 0; *Burden Hours:* 0

Abstract: This form will be used by State agencies to apply for grants under the Transition Program for Refugee Children. The Department uses the information collected to make grant awards.

Office of Special Education and Rehabilitative Services

Type of Review: Extension
Title: Quarterly Cumulative Caseload Report
Agency Form Number: RSA–113
Frequency: Quarterly
Affected Public: State or local governments
Reporting Burden: Responses: 336; *Burden Hours:* 336
Recordkeeping: Recordkeepers: 84; *Burden Hours:* 84

Abstract: This report is used by State Vocational Rehabilitation (VR) agencies to provide caseload data. The Department uses the information collected to assess the accomplishments of program goals and objectives and to aid in effective program management.

Office of Special Education and Rehabilitative Services

Type of Review: Revision
Title: Services for Deaf-Blind Children and Youth
Agency Form Number: B20–10P
Frequency: Annually
Affected Public: State or local governments
Reporting Burden: Responses: 38; *Burden Hours:* 152
Recordkeeping: Recordkeepers: 38; *Burden Hours:* 190

Abstract: These forms will be used by State agencies that have received funds under the Services for Deaf-Blind Children and Youth Program. The Department uses the information in preparing the Annual Report to Congress.

Office of Vocational and Adult Education

Type of Review: Extension
Title: State Plan under the Carl D. Perkins Vocational Education Act of 1984.
Agency Form Number: ED 576–3
Frequency: Annually and Biennially
Affected Public: State or local governments
Reporting Burden: Responses: 53; *Burden Hours:* 5300
Recordkeeping: Recordkeepers: 0; *Burden Hours:* 0

Abstract: State Boards for Vocational Education must submit state plans to apply for grants under the Carl D. Perkins Vocational Education Act, as amended. The Department uses the information to determine compliance with the Act and to make grant awards.

Office of Vocational and Adult Education

Type of Review: Extension
Title: Performance Report for State Administered Vocational Education
Agency Form Number: C30–2R
Frequency: Annually
Affected Public: State or local governments
Reporting Burden: Responses: 53; *Burden Hours:* 2544
Recordkeeping: Recordkeepers: 0; *Burden Hours:* 0

Abstract: This performance report will be used by State administration agencies of vocational education participating in the Carl D. Perkins Act, as amended. The Department uses the information to monitor and evaluate states' performance in providing services.

Office of Planning, Budget, and Evaluation

Type of Review: New
Title: Study of State and Local Response to the Perkins Act
Agency Form Number: P75–12P
Frequency: One time only
Affected Public: State and Local governments
Reporting Burden: Responses: 2000; *Burden Hours:* 2000
Recordkeeping: Recordkeepers: 0; *Burden Hours:* 0

Abstract: This study will collect data from States about the status of vocational education and the effects of implementing the Carl D. Perkins Act, as amended, The Department uses the information to assess the practices of vocational education activities and prepare a report to Congress on the effects of the Act.

[FR Doc. 87–29542 Filed 12–23–87; 8:45 am]
BILLING CODE 4000–01–M

Intergovernmental Advisory Council on Education; Partial Closing of Meeting

AGENCY: Education.

ACTION: Notice.

SUMMARY: Notice is hereby given of the decision to partially close the Intergovernmental Advisory Council on Education Executive Committee Meeting scheduled for December 29, 1987, in Washington, DC, as published in the **Federal Register** on Monday, December 14, 1987, Volume 52, No. 239, page 47448. The meeting will be closed to the public from 3:00 p.m. to 4:30 p.m.

SUPPLEMENTARY INFORMATION: A portion of the Executive Committee meeting on December 29, 1987, will be closed to the public because the Committee will be conducting interviews of candidates for the position of Executive Director. The meeting will be closed from 3:00 p.m. to 4:30 p.m. under the authority of section 10(d) of the Federal Advisory Committee Act Pub. L. 92–463; 5 U.S.C. Appendix 2) and under exemption (6) of section 552b(c) of the Government in the Sunshine Act Pub. L. 94–409; 5 U.S.C. 552b(c)(6)). The interviews and subsequent discussion will touch upon matters that would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting.

The proposed agenda is therefore amended to include:

—Old Business
—Update on Status of Job Training and Retraining Report
—Budget Overview
—Discussion of 1988 Conference Planning
—Interviews of Candidates for Executive Director Position
—Other New Business

Dated: December 18, 1987.

Peter R. Greer.

Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 87–29554 Filed 12–23–87; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Fossil Energy

Liquids Transportation Task Group, Coordinating Subcommittee on Petroleum Storage & Transportation, National Petroleum Council; Notice of Open Meeting

Notice is hereby given of the following meeting:

Name: Liquids Transportation Task Group, Coordinating Subcommittee on Petroleum Storage & Transportation of the National Petroleum Council.

Date and Time: Tuesday, January 12, 1988, 1:00 p.m.

Place: Hyatt Regency—Dallas-Fort Worth, Room 345, International Parkway, Dallas-Fort Worth Airport, Texas.

Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE–1), Washington, DC 20585, Telephone: 202/586–4695.

Purpose of the Parent Council: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Purpose of the Meeting: Discuss pipeline survey and progress on individual assignments.

Tentative Agenda:

—Opening remarks by Chairman and Government Cochairman.
—Discuss the pipeline survey.
—Review progress on individual assignments.
—Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

Public Participation: The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Ms. Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday, except Federal holidays.

J. Allen Wampler,

Assistant Secretary, Fossil Energy.

[FR Doc. 87–29495 Filed 12–23–87; 8:45 am]
BILLING CODE 6450–01–M

Coordinating Subcommittee on Petroleum Storage & Transportation, Committee on Petroleum Storage and Transportation, National Petroleum Council; Open Meeting

Notice is hereby given of the following meeting:

Name: Coordinating Subcommittee on Petroleum Storage & Transportation of the Committee on Petroleum Storage & Transportation of the National Petroleum Council.

Date and Time: Wednesday, January 20, 1988, 9 a.m.

Place: Hyatt Regency—West Tower, Room 215, Dallas-Fort Worth Int'l Airport, Dallas-Fort Worth Airport, Texas.

Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE–1), Washington, DC 20585, Telephone: 202/586–4695.

Purpose of the Parent Council: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Purpose of the Meeting: Discuss study assignment and review task group assignments.

Tentative Agenda:

—Opening remarks by Chairman and Government Cochairman.
—Discuss study assignment.
—Review task group assignments.
—Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

Public Participation: The meeting is open to the public. The Chairman of the Subcommittee on Petroleum Storage & Transportation is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Ms.

Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

J. Allen Wampler,

Assistant Secretary, Fossil Energy.

[FR Doc. 87–29496 Filed 12–23–87; 8:45 am]

BILLING CODE 6450–01–M

Natural Gas Transportation Task Group, Coordinating Subcommittee on Petroleum Storage & Transportation, National Petroleum Council; Public Meeting

Notice is hereby given of the following meeting:

Name: Natural Gas Transportation Task Group, Coordinating Subcommittee on Petroleum Storage & Transportation of the National Petroleum Council.

Date and Time: Wednesday, January 13, 1988. 9:00 a.m.

Place: National Petroleum Council, 1625 K Street, NW., Conference Room, Washington, DC.

Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE–1), Washington, DC 20585, Telephone: 202/586–4695.

Purpose of the Parent Council: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Purpose of the Meeting: Discuss gas pipeline survey and review progress on individual assignments.

Tentative Agenda:

—Opening remarks by Chairman and Government Cochairman.
—Discuss the gas pipeline survey.
—Review progress on individual assignments.
—Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

Public Participation: The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Ms. Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

J. Allen Wampler,

Assistant Secretary, Fossil Energy.

[FR Doc. 87–29497 Filed 12–23–87; 8:45 am]

BILLING CODE 6450–01–M

Inventories & Storage Task Group, Coordinating Subcommittee on Petroleum Storage & Transportation, National Petroleum Council; Open Meeting

Notice is hereby given of the following meeting:

Name: Inventories & Storage Task Group of the Coordinating Subcommittee on Petroleum Storage & Transportation of the National Petroleum Council.

Date and Time: Thursday, January 14, 1988, 10 a.m.

Place: Mobil Building, 150 East 42nd Street, New York, New York.

Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE–1), Washington, DC 20585, Telephone: 202/586–4695.

Purpose of the Parent Council: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Purpose of the Meeting: Discuss surveys and progress on assignments.

Tentative agenda:

—Opening remarks by Chairman and Government Cochairman.
—Discuss surveys of inventories and storage capacity.
—Review progress on individual assignments.
—Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

Public Participation: The meeting is open to the public. The Chairman of the Inventories & Storage Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Ms. Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

J. Allen Wampler,

Assistant Secretary, Fossil Energy.

[FR Doc. 87–29498 Filed 12–23–87; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[ERA Docket No. 87–48–NG]

Victoria Gas Corp.; Order Granting Blanket Authorization To Export Natural Gas

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of order granting blanket authorization to export natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Victoria Gas Corporation (Victoria) blanket authorization to export natural gas to Canada. The order issued in ERA Docket No. 87–48–NG authorizes Victoria to export up to 72 Bcf of natural gas over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA–076, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 18, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87–29499 Filed 12–23–87; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA C&E 88–02; Certification Notice—8]

Filing of Certification of Compliance: Coal Capability of New Electric Powerplants

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (section 201(a)). In order to meet the requirement of coal capability, the owner or operator of any new powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to section 201(d) to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the **Federal Register** a notice reciting that the certification has been filed. Three owners or operators of proposed new electric base load powerplants have filed self certifications in accordance with section (d). Further information is provided in the **SUPPLEMENTARY INFORMATION** section below.

SUPPLEMENTARY INFORMATION: The following companies filed self certifications:

Name	Date received	Type facility	Megawatt capacity	Location
Albany Cogeneration Associates, New York	11–18–87	Combined cycle	25	Albany County, New York
Simpson Paper Co., Ripon, CA	11–23–87	Combined cycle	49.5	Ripon, CA
Pepperell Power Associates, Pepperell, MA*	11–09–87	Combined cycle	85	Pepperell, MA*

*This notice of this certification originally appeared in the FEDERAL REGISTER on December 1, 1987, erroneously indicating that it was located in Maine instead of Massachusetts (52 FR 45677).

Amendments to FUA on May 22, 1987 (Pub. L. 100–42) altered the general prohibitions to include only new electric baseload powerplants and to provide for the self certification procedure.

Issued in Washington, DC, on December 17, 1987.

Robert L. Davies,

Director, Office of Fuels programs, Economic Regulatory Administration.

[FR Doc. 87–29500 Filed 12–23–87; 8:45 am]

BILLING CODE 6450–01

Federal Energy Regulatory Commission

[Docket Nos. ER88–140–000 et al.]

Arizona Public Service Co. et al.; Electric Rate and Corporate Regulation Filings

December 21, 1987.

Take notice that the following filings have been made with the Commission:

1. Arizona Public Service Company

[Docket No. ER88–140–000]

Take notice that on December 15, 1987, Arizona Public Service Company (APS) tendered for filing a Notice of Cancellation of the Power Agreement (Agreement) among Southern California Edison (SCE), Nevada Power Company (NPC), Tucson Gas & Electric (TEP) (collectively known as APS) and the Arizona Power Pooling Association, APS Rate Schedule No. 70.

SCE, the Administrator of the Power Agreement (APS Rate Schedule No. 70) gave notice to the Western Area Power Administration terminating the Power Sale Agreement among the above parties and the United States Government Bureau of Reclamation for the interim purchase of layoff Power from the Navajo Project, effective May 31, 1987. APS FERC Rate Schedule No. 70 provides for the sale of APS' portion of said power.

APS requests waiver of §35.11 of the Federal Energy Regulatory Commission's Rules and Regulations to allow cancellation of APS FERC Rate Schedule No. 70 as of May 31, 1987.

Copies of this filing have been served upon APPA, SCE, NPC, TEP and the Arizona Corporation Commission.

Comment date: January 4, 1988, in accordance with Standard Paragraph E at the end of this notice.

2. Arizona Public Service Company

[Docket No. ER88–141–000]

Take notice that on December 16, 1987, Arizona Public Service Company (APS) tendered for filing Supplement No. 1 to the Letter Agreement for transmission Service to the Town of Wickenburg (Wickenburg), and an Indemnity Regarding Non-Application of the Tax Charge (Indemnity Agreement) to the aforementioned Letter Agreement.

Supplement No. 1 provides for extension of the Letter Agreement for Transmission Services until January 31, 1988 when a comprehensive agreement is anticipated to be finalized. No changes in rates, facilities, or conditions of service other than the extension of the term of the Agreement and increase in kW to be transmitted are proposed therein.

The Indemnity Agreement provides for the Non-Application of the "Arizona Transaction Privilege" and "Maricopa County Excise" taxes while APS protests and appeals imposition of such assessments and provides for indemnity for such assessments from Wickenburg in the event APS' appeal is unsuccessful.

Inasmuch as the term of the Letter Agreement for Transmission service expired on October 1, 1987, APS respectfully requests waiver of the Commission's Notice Requirements to allow service to continue subsequent to said date.

A copy of this filing has been served upon Wickenburg, their attorney and the Arizona Corporation Commission.

Comment date: January 4, 1988, in accordance with Standard paragraph E at the end of this notice.

3. Idaho Power Company

[Docket No. ER88–135–000]

Take notice that on December 14, 1987, Idaho Power Company (Company) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during October 1987, along with cost justification for the rate charged. This filing includes the following supplements.

Pacific Power & Light Co., Supplement No. 24

Utah Power & Light Co., Supplement No. 71
Washington Water Power Co., Supplement No. 54
Sierra Pacific Power Co., Supplement No. 69
Sacramento Municipal Utility District, Supplement No. 5

Comment date: January 4, 1988, in accordance with Standard Paragraph B at the end of this notice.

4. Kansas City Power & Light Company

[Docket No. ER88-136-000]

Take notice that on December 14, 1987, Kansas City Power & Light Company (KCPL) tendered for filing with the Commission proposed changes in Service Schedules for Firm Power Service to supersede and replace Service Schedules for Firm Power Service in contracts and agreements with the following wholesale customers:

1. City of Gardner, Kansas (Gardner), FPC No. 79
2. City of Pomona, Kansas (Pomona), FPC No. 82
3. City of Prescott, Kansas (Prescott), FERC No. 76
4. City of Baldwin, Kansas (Baldwin), FERC No. 85
5. City of Garnett, Kansas (Garnett), FERC No. 78
6. City of Osawatomie, Kansas (Osawatomie), FPC No. 77
7. City of Ottawa, Kansas (Ottawa), FERC No. 90
8. Kansas Electric Power Cooperative, Inc.—Coffey County (KEPCo-Coffey) FPC No. 69
9. Kansas Electric Power Cooperative, Inc.—United Electric (KEPCo-United), FPC No. 84

The proposed changes would decrease revenues from jurisdictional sales and revenues by $65,194.31 based on the 12-month period ending September 30, 1985.

These new Schedules are filed in compliance with Joint Offers of Settlement in Dockets Nos. ER86-273-001 and ER86-273-002 approved by the Commission by orders dated July 31, 1986. The result of the change will be to reduce the test year increase reflected by the rates in the present rate schedules for the Company's Kansas Sales for Resale customers by 2%.

A copy of the filing was sent to each customer affected and to the Kansas Corporation Commission.

Comment date: January 4, 1988, in accordance with Standard Paragraph B at the end of this notice.

5. Kansas Gas and Electric Company

[Docket No. ER88-120-000]

Take notice that on December 14, 1987, Kansas Gas and Electric Company (KGE) tendered for filing an amendment to include in its previous filing of November 27, 1987, 3 additional executed contracts from the cities of Arcadia and La Harpe, Kansas, and Mindenmines, Missouri. KGE states that the executed agreements replace the unexecuted agreements originally filed. The only difference between the unexecuted and executed agreements is a reduction in the initial term, specified in Article X, section 10.1, from 10 years to 5 years.

Comment date: January 4, 1988, in accordance with Standard Paragraph E at the end of this document.

6. MSU System Services, Inc.

[Docket No. EL88-50-004]

Take notice that on December 14, 1987, MSU System Services, Inc. (MSSI) tendered for filing a compliance refund report pursuant to the Commission's September 15, 1987, letter order approving a settlement in the instant proceeding. In the compliance report, MSSI states that all amounts collected in excess of the settlement rate levels have been refunded, together with interest computed under § 35.19(a) of the Commission's Regulations.

MSSI indicates that it originally dispatched the compliance report to the Commission by Airborne Express on November 2, 1987, but that it apparently never reached the proper parties so as to be formally filed. Accordingly, MSSI requests that its compliance report be considered to be timely filed. MSSI also states that, because it has no reason to believe that the other parties to the instant proceeding did not receive copies of the compliance report when it was originally dispatched on November 2, 1987, MSSI was not providing such parties with another copy of the filing.

Comment date: January 4, 1988, in accordance with Standard Paragraph E at the end of this notice.

7. Northern States Power Company (Minnesota); Northern States Power Company (Wisconsin)

[Docket No. ER88-136-000]

Take notice that on December 15, 1987, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) jointly tendered for filing revised Exhibits VII, VIII and IX to the Agreement to Coordinate Planning and Operations and Interchange Power and Energy Between Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin).

Exhibit VII sets forth the specification of the rate of return on common equity to determine the overall cost of capital. The return on common equity for calendar year 1988 is the FERC generic rate of return effective November 1, 1987. A Statement of the impact of the return on common equity on each Company has been filed.

Exhibit VIII sets forth the specification of average monthly coincident peak demands for calender year 1988 for each of the Companies. A statement of the impacts of these coincident peak demands on each Company has been filed. These coincident peak demands were determined based upon three year data. The three year data consists of 18 months actual and 18 months projected. The change from the use of the average of the 12 monthly peak demand allocation method to the use of 36 months was approved in Docket No. ER87-279-000.

Exhibit IX sets forth a specification of depreciation rates certified by the Minnesota Public Utilities Commission and the Wisconsin Public Service Commission for NSP (Minnesota) and NSP (Wisconsin).

The NSP Companies request an effective date of January 1, 1988, for this filing. Copies of the filing letter and revised Exhibits VII, VIII and IX have been served upon the wholesale and wheeling customers of the Companies. Copies of the filing have been mailed to the state Commissions of Michigan, Minnesota, North Dakota, South Dakota and Wisconsin.

Comment date: January 4, 1988, in accordance with Standard Paragraph E at the end of this notice.

8. Upper Peninsula Power Company

[Docket No. ER88-22-000]

Take notice that on December 14, 1987, Upper Peninsula Power Company tendered for filing revisions to the proposed reduction in rates schedule for wholesale electric service to the Alger-Delta Cooperative Electric Association, the Ontonagon County Rural Electrification Association, Village of Baraga, City of Escanaba, City of Gladstone, Village of L'Anse, City of Negaunee, and the Wisconsin Electric Power Company.

Based on the Period II test year ending December 31, 1983, when UPPCO's rates for wholesale electric service were last changed, the proposed rates would decrease revenues from sales to these customers by 2.35%. UPPCO states that the revisions are necessary to reflect more accurately the effect of changes in the Federal corporate income tax rate enacted in the Tax Reform Act of 1986.

Comment date: January 4, 1988, in accordance with Standard Paragraph E at the end of this notice.

9. Western Area Power Administration

[Docket No. EF88-5131-000]

Take notice that on December 4, 1987, by Rate Order No. WAPA-36, the Under Secretary of the Department of Energy confirmed and approved on an interim basis an extension of the existing Resources Coordination Program Rate Schedule RCP-1.

The rate extension will be in effect on an interim basis pending the Federal Energy Regulatory Commission's [FERC] approval of it, or a substitute rate, on a final basis, or until superseded. The Under Secretary has filed the rate schedule with FERC for confirmation and approval on a final basis, for the period from November 30, 1987, to September 30, 1989, pursuant to authority vested in the FERC by Delegation Order No. 0204-108.

Comment date: January 4, 1988, in accordance with Standard Paragraph E at the end of this notice.

10. Wisconsin Power & Light Company

[Docket No. EC87-17-000]

Take notice that on December 14, 1987, Wisconsin Power & Light Company (WPL) tendered for filing pursuant to Section 203 of the Federal Power Act and the Commission's regulations 18 CFR Part 33, an Amendment to Application for approval by the Commission of a proposed corporate restructuring. By this Amendment to its Application, WPL requests that the Commission disregard the matters stated in paragraph 14 on pages 9 and 10 of WPL's Application as originally filed and to treat such Application as if paragraph 14 had not been included. WPL states that the purpose of this Amendment is to submit unconditionally to the subject matter jurisdiction of the Commission under Section 203 with respect to the proposed corporate restructuring and thereby to enable the Commission to act expeditiously with respect to the Application.

Copies of this filing have been served upon all parties affected by this proceeding.

Comment date: January 4, 1988, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29544 Filed 12-23-87; 8:45 am]

BILLING CODE 6717-01-M

Mojave Pipeline Co. et al., Availability of the Mojave and Kern River Natural Gas Pipeline Projects Final EIR/EIS

December 16, 1987.

In the matter of Mojave Pipeline Company, Kern River Gas Transmission Company, El Dorado Interstate Transmission Company, Northwest Pipeline Corporation, El Paso Pipeline Corporation, Transwestern Pipeline Company; Docket Nos. CP85-437-003, CP85-552-002, CP86-205-001, CP85-625-001, CP86-197-003, CP86-212-001.

Notice is hereby given that the Federal Energy Regulatory Commission (FERC) and the California State Lands Commission (SCL) have available a final joint environmental impact report/statement (EIR/EIS) for the above-listed projects. The EIR/EIS was prepared under the direction of the FERC and SLC staffs to satisfy the requirements of the National Environmental Policy Act and the California Environmental Quality Act. The FERC has determined that approval of any of these projects "would be a major Federal action significantly affecting the quality of the human environment."

The primary projects proposed by Mojave Pipeline Company (Mojave) and Kern River Gas Transmission Company (Kern River), are competing to transport natural gas from various sources outside California to the Bakersfield, California, area for use in enhanced recovery (EOR) and related cogeneration projects. A previously proposed project, El Dorado Interstate Transmission Company (El Dorado), is examined in the EIR/EIS as an alternative but is not a direct competitor to Mojave or Kern River. On October 27, 1986, FERC Administrative Law Judge Isaac D. Benkin ordered that the El Dorado application be dismissed with prejudice. On October 20, 1987, the Commission adopted the initial decision, dismissed El Dorado's application, and terminated the docket. Also, on June 30, 1987, the SLC denied, without prejudice, El Dorado's application.

In each case, producers of crude oil in the San Joaquin Valley would use the natural gas as boiler fuel to create steam which would then be injected into the oil fields to produce crude oil not recoverable by primary recovery methods. Some of the steam would be used to generate electricity.

The projects proposed by Northwest Pipeline Company (Northwest), El Paso Natural Gas Company (El Paso), and Transwestern Pipeline Company (Transwestern) would deliver natural gas to the primary projects.

The primary projects are competing for the FERC's approval; however, it is unlikely that all projects would be approved. The EIR/EIS treats each primary project with its associated feeder projects as an alternative to the other. Additional alternative systems and routes are also analyzed. The proposed facility requirements for each system are outlined below:

	Mojave [1]	El Dorado	Kern River [2]
Pipeline (miles)	756.2	753.2	837
Compression (horsepower)	22,500		35,500

[1] Includes El Paso and Transwestern.
[2] Includes Northwest.

Facilities for the proposed systems would be located in Arizona, California, Nevada, New Mexico, Texas, Utah, and Wyoming. Alternatives would involve the State of Colorado as well. Detailed listings of proposed facilities and affected counties were published in the **Federal Register** on August 23, 1985, December 13, 1985, and May 19, 1986. (See 50 FR 34174, 50941, and 51 FR 18357.)

The EIR/EIS will be used in the regulatory decisionmaking process at both the FERC and SLC and will be presented as evidentiary matter in formal hearings at the FERC. While the period for filing motions to intervene in these cases has expired, motions to intervene out-of-time can be filed with the FERC in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 385.214(d). Further, anyone desiring to file a protest with the FERC should do so in accordance with 18 CFR 385.211.

The EIR/EIS has been placed in the public files of the FERC and SLC and is available for public inspection in the FERC's Division of Public Information, Room 1000, 825 North Capitol Street,

BEST COPY AVAILABLE

NE., Washington, DC 20426 and at the SLC, 1807–13th Street, Sacramento, CA 95814. Copies have been sent to the public, all parties to the proceeding, and Federal, state, and local officials, and are available in limited quantities from the FERC's Division of Public Information and the SLC.

Additional information about the project is available either from Mr. Robert Arvedlund, FERC Project Manager, telephone (202) 357–9043, or Ms. Mary Griggs, SLC Project Manager, telephone (916) 322–0354.

Lois Cashell,

Acting Secretary, FERC.

[FR Doc. 87–29432 Filed 12–23–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ID–2323–000 et al.]

Bernard J. O'Keefe et al.; Interlocking Directorate Applications

December 21, 1987.

Take notice that the following filings have been made made with the Commission:

1. Bernard J. O'Keefe

[Docket No. ID–2323–000]

Take notice that on December 15, 1987, Bernard J. O'Keefe filed an application pursuant to section 305(b) of the Federal Power Act for Commission authorization to hold concurrently the following positions:

Position	Name of corporation	Classification
Director	Boston Edison Co	Public utility.
Director	John Hancock Mutual Life Insurance Co.	Mutual life insurance company.

Comment Date: January 4, 1988, in accordance with Standard Paragraph E at the end of this notice.

2. Helene R. Cahners

[Docket No. ID–2321–000]

Take notice that on December 15, 1987, Helene R. Cahners filed an application pursuant to section 305(b) of the Federal Power Act for Commission authorization to hold concurrently the following positions:

Position	Name of corporation	Classification
Director	Boston Edison Co	Public utility.
Director	Berkshire Life Insurance Co.	Mutual life insurance company.

Comment Date: January 4, 1988, in accordance with Standard Paragraph E at the end of this notice.

3. Nelson S. Gifford

[Docket No. ID–2322–000]

Take notice that on December 15, 1987, Nelson S. Gifford filed an application pursuant to section 305(b) of the Federal Power Act for Commission authorization to hold concurrently the following positions:

Position	Name of corporation	Classification
Director	Boston Edison Co	Public utility.
Director	John Hancock Mutual Life Insurance Co.	Mutual life insurance company.

Comment Date: January 4, 1988, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–29545 Filed 12–23–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP86–143–008, et al.]

Texas Gas Transmission Company et al.; Natural Gas Certificate Filings

December 18, 1987.

Take notice that the following filings have been made with the Commission.

1. Texas Gas Transmission Co.

[Docket No. CP86–143–008]

Take notice that on November 30, 1987, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP86–143–008, a petition to amend further the Commission order issued in Docket No. CP86–143–000 on February 14, 1986, as amended, so as to extend the term of transportation service authorized beyond the present expiration date of February 12, 1988, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued February 14, 1986, in Docket No. CP86–143–000, Texas Gas was granted authorization to provide interruptible transportation service for 52 end-users for a period of one year from the date of the order. Texas Gas indicates that by subsequent order issued February 12, 1987, in Docket No. CP86–143–005, the Commission amended the February 14, 1986, order and executed the term of Texas Gas' authorization until February 12, 1988 (one year), or the date on which Texas Gas accepted a blanket certificate under § 284.221 of the Commission Regulations, which ever occurred first.

Texas Gas in the present application is requesting authority to extend this transportation service beyond February 12, 1988, until the earlier of one year from the expiration date of the present certificate or the date on which Texas Gas accepts a blanket certificate under § 284.221 of the Commission's Regulations. No other changes are proposed.

Comment date: January 8, 1988, in accordance with the first paragraph of Standard Paragraph F at the end of this notice.

Arkla Energy Resources, a division of Arkla, Inc.

[Docket No. CP88–113–000]

Take notice that on December 7, 1987, Arkla Energy Resources, a division of Arkla, (AER), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP88–113–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the establishment of a new sales rate schedule, Rate Schedule CD,. all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

AER states that the proposed service would serve the public convenience and necessity because it would provide AER an opportunity to effectively compete for new large volume sale for resale customers, increase its system load factor, and thereby lower unit costs.

Comment date: January 8, 1988, in accordance with Standard Paragraph F at the end of this notice.

East Tennessee Natural Gas

[Docket No. CP88–115–000]

Take notice that on December 8, 1987, East Tennessee Natural Gas Company, (Applicant), P.O. Box 10245, Knoxville, Tennessee 37939–0245, filed in Docket No. CP88–115–000, a request pursuant to §§ 157.205 and 157.212(b) of the Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) that Applicant be allowed to construct and operate a new delivery point for Stauffer Chemical Company (Stauffer), under the certificate issued in Docket No. CP82–412–000, pursuant to the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant proposes to establish a new delivery point for its existing customer, Stauffer, southwest of the present Stauffer facilities in Maury County, Tennessee. The new delivery point will provide a second delivery point to Stauffer's Mt. Pleasant facilities. It is stated that the volumes delivered would be within the certified entitlements of Stauffer and that there would be no impact on Applicant's peak day deliverability.

Comment date: February 1, 1988, in accordance with Standard Paragraph G at the end of this notice.

4. Arkla Energy Resources, a Division of Arkla, Inc.

[Docket No. CP88–116–000]

Take notice that on December 8, 1987, Arkla Energy Resources, a division of Arkla, Inc. (AER), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP88–116–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate two sales taps and related jurisdictional facilities necessary to deliver gas from its jurisdictional system for delivery to consumers served by Arkansas Louisiana Gas Company, a division of Arkla, Inc. (ALG) under the authorization issued in Docket Nos CP82–384–000 and CP82–384–001 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file and open to public inspection.

AER proposes to construct and operate a sales tap and related facilities on its Line 2–AD in Hughes County, Oklahoma to deliver gas to ALG for service to Betty J. Williams, a residential user who would use the gas for normal domestic purposes. It is estimated that Betty J. Williams would consume approximately 160 Mcf per year and about 1.5 Mcf on a peak day. It is further started that the proposed jurisdictional facilities would cost approximately $1,350 to install.

Applicant further proposes to construct and operate a sales tap and related facilities on its Line 25 in Cowley County, Kansas to deliver gas to ALG for service to Ron Dust, a residential user who would use the gas for normal domestic purposes. AER estimates that Ron Dust would consume approximately 140 Mcf per year and 2 Mcf on a peak day. The proposed jurisdictional facilities would cost approximately $1,350 to install. AER explains that the gas would be delivered from its general system supply and asserts that its system supply is adequate to provide the proposed service.

Comment date: February 1, 1988, in accordance with Standard Paragraph G at the end of this notice.

5. Transcontinental Gas Pipe Line Corporation

[Docket No. CP88–92–000]

Take notice that on November 24, 1987, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP88–92–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the firm transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that these proposed facilities would cost approximately $24,534,000 and would be necessary to enable it to provide firm transportation service for up to 73,500 dt equivalent of natural gas per day for its affiliate Transco Energy Marketing Company (TEMCO) for an initial period ending October 31, 2002.

It is stated that the gas to be transported is sold to TEMCO by Sulpetro Limited under assignment by Transco of a long-term purchase contract. Transco states that TEMCO will seek authorization from the Economic Regulatory Administration to import the Canadian purchase quantities on a long-term basis.

The application states that this gas would be transported to Transco's system by TransCanada Pipelines Limited, Tennessee Gas Pipeline Company, and National Fuel Gas Supply Corporation (National Fuel). Transco states that National Fuel has applied for section 7(c) transportation authority in Docket No. CP86–94–000.

It is stated that the gas would then be transported by Transco for TEMCO to make firm, long-term sales to the following local distribution company customers:

	Maximum daily quantity (dt)
1. Baltimore Gas and Electric Company	25,000
2. Long Island Lighting Company	15,000
3. Public Service Electric and Gas Company	32,875

Transco states that it would charge an initial transportation rate consisting of a monthly reservation rate D–1 of $1.70 per dt and D–2 of $0.056 per dt and a commodity rate of $0.146 per dt of gas transported derived on a modified fixed variable rate design methodology to recover the cost of service for the proposed expansion and for the facilities proposed in Docket No. CP87–196–000 on a rolled in basis.

Specifically, Transco states that it seeks authority to construct and operate the following facilities:

1. 3.97 miles of 36-inch diameter pipeline loop from M.P. 64.99 to MP. 68.96 on its Leidy Line located in Luzerne and Monroe counties in Pennsylvania.

2. 10.88 miles of 36-inch diameter pipeline loop from M.P. 68.96 on its Leidy Line to M.P. 10.88 on its Leidy "B" Line located in Luzerne County, Pennsylvania.

3. 3.43 miles of 30-inch diameter pipeline loop from M.P. 190.63 to M.P. 194.06 on its Leidy Line located in Clinton County, Pennsylvania.

4. 2.25 miles of 16-inch diameter pipeline loop from M.P. 2.25 on its 12-inch Leidy Line to M.P. 0.00 at its Compressor Station No. 535 located in Potter County, Pennsylvania.

5. Metering and regulation facilities at M.P. 2.25 of the proposed loop located in Potter County, Pennsylvania.

Transco states that these Canadian impact quantities have been flowing since 1980 on a best efforts basis and will now be sold to discrete markets. Transco states that it believes this application is distinguished from open season proposals that may be filed in response to the Commission's Northeast open-season proceeding at Docket No. CP87–451–000.

Comment date: January 8, 1988, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North

Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29433 Filed 12-23-87; 8:45am]

BILLING CODE 6717-01-M

[Docket Nos. QF88-109-000 et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc; Archer-Daniels-Midland Co. et al.

December 21, 1987.

Comment Date: January 25, 1988, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. Archer-Daniels-Midland Co.

[Docket No. QF88-109-000]

On November 23, 1987, Archer-Daniels-Midland Company (Applicant), of 4666 Faries Parkway, Decatur, Illinois 62526, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Lincoln, Nebraska. The facility will consist of a multi-bed fluidized bed steam generator and a back pressure steam turbine generator. Thermal energy recovered from the facility will be used in the plant for process purposes. The net electric power production capacity of the facility will be 6,400 kW. The primary source of energy will be coal. Construction of the facility began in September 1986.

2. Archer-Daniels-Midland Co.

[Docket No. QF88-116-000]

On November 30, 1987, Archer-Daniels-Midland Company, of 4666 Faries Parkway, Decatur, Illinois 62526, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Des Moines, Iowa. The facility will consist of a multi-bed fluidized bed steam generator and a back-pressure steam turbine generator. Thermal energy recovered from the facility will be used in the plant for process purposes. The net electric power production capacity of the facility will be 6,400 kW. The primary source of energy will be coal. Construction of the facility began in September 1986.

3. General Electric Credit Corp. and The Connecticut National Bank, as Owner Trustee

[Docket No. QF83-332-003]

On November 30, 1987, General Electric Credit Corporation of 260 Long Ridge Road, Stamford, Connecticut 06902 and The Connecticut National Bank, as Owner Trustee of 777 Main Street, Hartford, Connecticut 06115 submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to §292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Wilmington, Delaware. The facility will consist of five combustion units, four heat recovery steam generators, and three steam turbine generating units. The primary energy source will be biomass in the form of a combination of refuse derived fuel and unprocessed municipal solid waste. The net electric power production capacity of the facility will be 17.5 MW.

The original application (QF83-332-000) was filed on July 1, 1983 granted certification as a qualifying cogeneration facility on September 8, 1983 (24 FERC ¶ 62,286). The facility was also certified as qualifying small power production facility by operation of law on February 1, 1984, in Docket No. QF83-332-001.

The first application for recertification (QF83-332-002) reflecting changes in the ownership from the Crouse Group to Crouse Recovery of Delaware, Inc. an increase in net electric power production capacity from 13.8 MW to 17.5 MW was filed on November 17, 1986 and granted on April 30, 1987 (39 FERC ¶ 62,106). The instant recertification is requested due to change in legal and beneficial facility's ownership from Crouse Recovery of Delaware, Inc. to The Connecticut National Bank, as Owner Trustee and General Electric Credit Corporation, respectively. All other facility's characteristics will essentially remain the same.

4. Simpson Paper Co.

[Docket No. QF88-110-000]

On November 23, 1987, Simpson Paper Company (Applicant), Post Office Box 757, Ripon, California 95366 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The proposed topping-cycle cogeneration facility will be located on the premises of Simpson Paper Company's Ripon, Paper Mill Processing Plant, in the City of Ripon, of San Joaquin County, California. The facility will consist of a combustion turbine generator, and a heat recovery steam generator. Heat recovered from the facility will be used in the existing paper mill in the processing of pulp, paper machine drying, and other process heating associated with paper production. The net electric power production capacity of the facility will be 48 megawatts. The primary source of energy will be natural gas with No. 2 fuel oil as a backup. The installation of the facility commenced in 1988, and is expected to be operational in February 1988.

5. Stockton GoGen Co.

[Docket No. QF85-225-001]

On December 2, 1987, Stockton CoGen Company (Applicant), of Allentown, Pennsylvania 18195 submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at 1010 Zephyr Drive, Stockton, California. The facility will consist of a circulating fluidized bed boiler and an extraction-condensing steam turbine generating unit. Extraction steam produced from the facility will be used to dry corn and to make other corn products. The primary energy source for the facility will be either coal or petroleum coke. The net electric power production capacity of the facility will be 49.9 MW.

The original application was filed by Corn Products and was granted certification as a qualifying cogeneration facility on April 24, 1985 (31 FERC ¶ 62,108 (1985)).

The recertification is requested due to change in ownership from Corn Products to Stockton CoGen Company. Stockton CoGen Company is a California general partnership consisting of two partners, Stockton CoGen (I) Inc. ("CoGen I") and Stockton Cogen (II), Inc. ("CoGen II").

CoGen I is a Delaware corporation and wholly-owned subsidiary of Air Products and Chemicals, Inc. CoGen II is a Delaware corporation and a wholly-owned subsidiary of Rincon Investing Company, which is a wholly-owned subsidiary of Tucson Electric Power Company, an Electric Utility.

The installation of the facility began in the summer of 1986. All other facility's characteristics essentially remain the same.

6. Ultrasystems Development Corp.—Algoma, WV

[Docket No. QF88-112-000]

On November 24, 1987, Ultrasystems Development Corporation (Applicant) of 12500 Fair Lakes Circle, Suite 260, Fairfax, Virginia 22033 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located at Algoma, Wyoming County, West Virginia. The facility will consist of a fluidized bed combustion boiler, an extraction/condensing steam turbine generator, and related auxiliary equipment. Applicant states that the primary energy source of the facility will be "waste" in the form of bituminous coal refuse. The net electric power production capacity of the facility will be 50 megawatts. The electric power produced by the facility will be wheeled to the Virginia Power Company.

Ultrasystems Development Corp.—Big Rock, VA

[Docket No. QF88-136-000]

On December 2, 1987, Ultrasystems Development Corporation (Applicant) of 12500 Fair Lakes Circle, Suite 260, Fairfax, Virginia 22033 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located at Big Rock, Buchanan County, Virginia. The facility will consist of a fluidized bed combustion boiler, an extraction/condensing steam turbine generator, and related auxiliary equipment. Applicant states that the primary energy source of the facility will be "waste" in the form of bituminous coal refuse. The net electric power production capacity of the facility will be 50 megawatts. The electric power produced by the facility will be wheeled to the Virginia Power Company.

Ultrasystems Development Corp.—Energy Mountain Facility—Tucker County, WV

[Docket No. QF88-113-000]

On November 24, 1987, Ultrasystems Development Corporation (Applicant) of 12500 Fair Lakes Circle, Suite 260, Fairfax, Virginia 22033 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Tucker County, West Virginia. The facility will consist of a fluidized bed combustion boiler, an extraction/condensing steam turbine generator, and related auxiliary equipment. Applicant states that the primary energy source of the facility will be "waste" in the form of bituminous coal refuse. The net electric power production capacity of the facility will be 50 megawatts. The electric power produced by the facility will be wheeled to the Virginia Power Company.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29546 Filed 12-23-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP88-4-000]

Barnhart Co.; Petition for Declaratory Order

December 21, 1987.

Take notice that on November 2, 1987, Barnhart Co. (Barnhart) filed with the Commission pursuant to Rule 207 of the Commission's rules of practice and procedure a petition for a declaratory order. Barnhart asks that the Commission remove uncertainty by declaring that the NGPA section 102(c) well determination for Barnhart's Wilmont #1 well, Katy S. (First Wilcox) Field, Waller and Fort Bend Counties, Texas is final and cannot be reopened based on a subsequent state pooling order.

In support of its petition, Barnhart states that on March 18, 1982, it filed with the Railroad Commission of Texas

(Texas) an application for a section 102(c) or, alternatively, a section 103 determination for production from the Wilmot #1 well. Barnhart states that its application acknowledged awareness of a separate proceeding before Texas where another company proposed that the Katy S. (First Wilcox) Field and the Katy (First Wilcox) Field be combined. Barnhart states that it indicated to Texas that a scheduled hearing might affect on its section 102 application; however, no final action was taken before Texas granted the section 102(c) and 103 well determinations on August 18, 1982. Barnhart states that these determinations were forwarded to the Commission and became final on October 24, 1982.

On June 23, 1983 (effective July 1, 1983), Texas issued an order determining that the Katy and Katy S. Fields were to be combined and designated as a single field called the Katy Field. Barnhart believes that if the Katy S. and Katy Fields had been designated as a single field before the determinations were granted, commercial production from the Katy Field prior to April 20, 1977, may have disqualified the Wilmot #1 from receiving a section 102(c) determination. However, because the determination was made on the basis that the two fields were separate, Barnhart argues that the section 102(c) determination should be deemed final, since Texas did not rely on any untrue statements of material fact nor were any material facts omitted from its application. Barnhart cites *Petroleum Management Inc.*, 19 FERC ¶61,322 (1982) and *Mobil Oil Exploration and Producing Southeast, Inc., et al.*, 34 FERC ¶ 61,359 (1986) as support for its request that the Commission declare the subject well category determination final and not subject to reopening. Barnhart argues that the Commission declared in those cases that information which becomes available subsequent to a final well category determination is not relevant where the applications are correct and complete at the time of the determination. Barnhart claims that, as in *Petroleum Management*, and *Mobil, et al.*, reopening of the Wilmot #1 well determination is not required by the NGPA or applicable Commission regulations and to do so would be unreasonable and unfair.

Any person desiring to be heard or to protest this petition should file a motion to intervene or protest in accordance with Rule 211 and 214 of the Commission's rules of practice and procedure. All motions to the intervene or protests should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 not later than 30 days after publication of this notice in the **Federal Register**. All protests filed will be considered, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with Rule 214. Copies of the petition filed in this proceeding are on file with the Commission and available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29548 Filed 12-23-87; 8:45 am]

BILLING CODE 6717-01-M

Citizens Utilities Co.; Application

[Docket No. E388-23-000]

December 16, 1987.

Take notice that on December 9, 1987, Citizens Utilities Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of not more than $100,000,000 of commercial paper and other unsecured promissory notes from time to time on or before January 20, 1990, with final maturities no later than January 19, 1991.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before January 7, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any persons wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29434 Filed 12-23-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-40-000]

Mountain Fuel Resources, Inc.; Tariff Filing

December 18, 1987.

Take notice that on December 14, 1987, Mountain Fuel Resources, Inc. (MFR), pursuant to 18 CFR 154.63, tendered for filing and acceptance First Revised Sheet Nos. 18, 26, 27, and 30 to its FERC Gas Tariff, Original Volume No. 2.

MFR states that the purpose of this filing is to update its S-1 Rate Schedule under which storage service is provided to Northwest Pipeline Corporation (Northwest) at MFR's Clay Basin Storage Field (Clay Basin) located in Daggett County, Utah. Changes reflect (1) an amended method of calculating the general plant allowance which is a portion of the monthly demand charge billed to Northwest under Rate Schedule S-1, (2) a four percent increase in the injection and withdrawal fees at Clay Basin assessed by the United States Department of the Interior, and (3) the addition of a provision to allow MFR to withdraw storage gas for Northwest during the injection period. MFR states that the amended method of calculating the general plant allowance will reduce the 1987 demand charge to Northwest under Rate Schedule S-1 by approximately $124,000.

MFR requests waiver of the notice requirements under 18 CFR 154.22 to allow the tendered tariff sheets to be effective February 23, 1988 (First Revised Sheet No. 18), June 1, 1988 (First Revised Sheet Nos. 26 and 27), and January 1, 1987 (First Revised Sheet No. 30).

Copies of the filing were served on Northwest and on the Public Service Commissions of Utah and Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 28, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29547 Filed 12-23-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI61-945-000 et al.]

Pennzoil Products Co.; Application

December 21, 1987.

Take notice that on December 10, 1987, Pennzoil Products Company (Products), of P.O. Box 2967, Houston, Texas 77252-2967, filed an application pursuant to § 154.92(d) of the Commission's Regulations, requesting authorization to continue certain sales of natural gas in interstate commerce previously made by Pennzoil Company (Pennzoil) under the certificates of public convenience and necessity granted in the dockets shown on the attached Appendix. Products also requests that Pennzoil Company's rate schedules be redesignated as those of Pennzoil Products Company. This application is on file with the Commission and open to public inspection.

By Deed, Assignment and Conveyance dated October 28, 1986, and made effective November 1, 1986, Pennzoil assigned to Products certain real property interests in the State of West Virginia.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 6, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Appendix

Docket No.	R. S. #	Purchaser	Contract date
CI61-945	8	Carnegie Natural Gas Company	2/15/57
CI61-945	8	Carnegie Natural Gas Company	2/23/56
G-7004	10	Consolidated Gas Transmission Corp.	8/19/76
G-7004	12	Equitable Gas Company	6/25/75
CI68-1419	19	Columbia Gas Transmission Corp.	3/01/68
CI68-1450	20	Columbia Gas Transmission Corp.	3/04/68
CI69-134	21	Columbia Gas Transmission Corp.	7/16/68
CI70-1064	25	Columbia Gas Transmission Corp.	9/22/69
CI70-1063	26	Columbia Gas Transmission Corp.	3/03/69
CI71-123	27	Columbia Gas Transmission Corp.	7/29/69
CI73-524	36	Equitable Gas Company	12/04/75
CI76-344	44	Columbia Gas Transmission Corp.	12/02/75
CI82-274	47	Columbia Gas Transmission Corp.	6/22/64
CI82-273	48	Columbia Gas Transmission Corp.	8/24/60

[FR Doc. 87-29549 Filed 12-23-87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3305-4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared December 7, 1987 through December 11, 1987 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5075/76.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 24, 1987 (52 FR 13749).

Draft EISs

ERP No. D-AFS-L65108-OR, Rating EC2, Malheur National Forest, Land and Resource Management Plan, Implementation, Grant, Malheur, Baker and Harney Counties, OR.

Summary: EPA had concerns regarding: insufficient presentation of existing conditions; inadequate protection standards relating to fish habitat, riparian areas, water, soil and air; lack of a clear commitment that activities unable to meet the adopted standards would not be allowed to occur unmodified; insufficient analysis of risks to water quality and beneficial uses caused by stream sedimentation from planned activities; lack of any monitoring plan proposed from water quality and soils; and insufficient monitoring plans proposed for fisheries and riparian areas.

ERP No. D-BLM-K61087-00, Rating EC2, Yuma District Wilderness Study Areas, Wilderness Designation, Recommendation, Havaru and Yuma Resource Areas, LaPaz, Mohave and Yuma Counties, AZ and Imperial, Riversiade, and San Bernardino Counties, CA.

Summary: EPA supports BLM's decision to recommend full or partial wilderness designation for 12 of 22 wilderness study areas. However, EPA expressed concern over impacts to water quality from projected motorized vehicle use within the areas.

ERP No. D-BLM-L70009-AK, Rating EC2, Utility Corridor Planning Area Resource Management Plan and Central Arctic Management, WSA Recommendations, Implementation, AK.

Summary: EPA had no objections to the Central Arctic Management Area Wilderness Study. EPA expressed environmental concerns about the preferred alternative for the resource management plan (RMP). Degradation of water quality from nonpoint sources, impacts to beneficial uses of rivers and streams, adverse effects on wildlife and wildlife habitat, and restrictions of subsistence use streams could result from the activities managed by BLM. EPA recommended consideration of a new alternative that combines features of the preferred alternative and the environmental protection aspects of Alternative B.

ERP No. DS-COE-K32038-CA, Rating 3, Oakland Outer and Inner Harbors, Deep Draft Navigation Improvements,

Alcatraz Dredge Material Disposal Site Changed Conditions, Implementation, Alameda County, CA.

Summary: EPA rated the document inadequate because of potential sediment toxicity; lack of thorough characterization of the project site; lack of baseline information for the proposed ocean disposal site; and the preferred alternative's potential adverse impacts on San Francisco Bay and oceanic living resources from dredging and dumping activities.

ERP No. D-COE-K34006-CA, Rating EO2, New San Clemente Project, Carmel River Dam Construction, 404 Permit, Monterey County, CA.

Summary: EPA expressed environmental objections because the proposed project fails to comply with Clean Water Act, section 404(b)(1) Guidelines. EPA stated that the document did not adequately assess alternatives to a Carmel River reservoir; did not fully consider less-damaging, practicable alternatives; and did not commit to specific mitigation measures. EPA suggested that COE prepare a new draft EIS that would demonstrate compliance with the CWA and more adequately discuss the project's environmental impacts.

Note.—The above summary should have appeared in the 12-18-87 FR Notice.

ERP No. D-IBR-G28012-TX, Rating EC2, San Jacinto River Basin Water Supply Project, Municipal and Industrial Water Use, Implementation, Montgomery, Harris, Grimes, Walker, San Jacinto, Fort Bend and Liberty Counties, TX.

Summary: EPA believes that mitigation for the unavoidable loss of wetlands should be presented in the draft EIS and suggests such measures be incorporated into the recommended mitigation plan. Also, EPA requests information addressing methods to control aquatic weeds and the impacts on water quality.

Final EISs

ERP No. F-AFS-K65073-AZ, Apache-Sitgreaves National Forest, Land and Resource Management Plan, Implementation, Apache, Coconino, Greenlee and Navajo Counties, AZ.

Summary: EPA supports the plan as proposed. Further, EPA commends the commitment to provide better protection for riparian resources, thus improving and protecting water quality and protecting beneficial uses such as coldwater fisheries.

ERP No. F-AFS-K65105-CA, Angeles National Forest, Land and Resource Management Plan, Implementation, Los Angeles Ventura and San Bernardino Counties, CA.

Summary: EPA commends the commitment to protect riparian resources and to better manage off-road vehicle use, but requests that increased grazing allotments be deferred pending adequate baseline data on riparian and aquatic resources.

ERP No. F1-BLM-K65065-NV, Walker Resource Area, Wilderness Recommendations Designation or Nondesignation, Gabbs Valley Range and Burbank Canyon WSA's, Mineral and Douglas Counties, NV.

Summary: EPA is concerned that the document does not adequately identify environmental impacts from mineral exploration activities and off-road vehicle use under the "no wilderness" alternative.

ERP No. F-COE-G30011-LA, West Bank of the Mississippi River Hurricane Surge Protection, New Orleans Vicinity, Implementation, Funding, Jefferson Parish, LA.

Summary: EPA maintains its previous position that the V-levee south plan would result in unacceptable degradation to nationally significant environmental resources and reiterated that construction by the COE within the Bayou aux Carpes site is unauthorized and prohibited as set forth in the Agency's section 404 C Determination of October 1985. EPA continues to stress that more environmentally acceptable alternatives to accomplish the planning objectives of the proposed hurricane protection are available. EPA does not object to the V-levee north and/or would support the Modified Development Area Plan.

ERP No. F-ERA-B08002-00, New Hampshire/Hydro-Quebec 450 kV Transmission Line, Interconnection Phase II, Construction and Operation, 404 Permit, Amendment to Presidential Permit PP-76, Town of Monroe, New Hampshire and Town of Groton, MA.

Summary: EPA has no objections to the proposed project at this time. However, EPA will continue to pursue measures to reduce impacts to special aquatic sites, and to pursue compensatory wetland mitigation for unavoidable wetland impacts. EPA believes that efforts to reduce wetland impacts and develop adequate wetland mitigation can be concluded to our mutual satisfaction during the ongoing 404 Permit review process.

ERP No. F-FHW-F40285-MN, MN-Forest Highway-11 Construction, St. Louis CSAH-10 and St. Louis CR-565 in Hoyt Lake to TH-61 in Silver Bay, 404 Permit, Funding, Lake and St. Louis Counties, MN.

Summary: While EPA normally recommends that the alternative impacting or taking the least amount of wetlands be the one chosen for implementation. We would consider the preferred alignment acceptable as long as adequate mitigation for wetlands losses is incorporated into the final project design. Because EPA will be involved in reviewing the Section 404 permit application for this project, the ROD should stipulate that EPA will be involved in the development of the plans for wetlands mitigation.

ERP No. F-OSM-L01005-WA, Black Diamond Petition Area, Designation of Lands Suitable for Surface Coal Mining Operations, King County, WA.

Summary: Review of the final EIS has been completed and the project found to be satisfactory. EPA made no formal comments.

ERP No. F-SFW-L64037-AK, Innoko National Wildlife Refuge, Comprehensive Conservation Management Plan, Wilderness Review, Implementation, AK.

Summary: We have no objection to the project as described, based in part, on the assumption that the needed funding will become available to enact necessary management activities.

Dated: December 21, 1987.

William D. Dickerson,

Deputy Director, Office of Federal Acitivites.

[FR Doc. 87-29558 Filed 12-23-87; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3306-3]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

Availability If Environmental Impact Statements filed December 14, 1987 thorugh December 18, 1987 Pursuant to 40 CFR 1506.9.

EIS No. 870442, Draft, FGW NB Van Dorn Street Connection, NB-2/10th Street to US-77/West Bypass, Construction, Lancaster County, Due: February 8, 1988, Contact: Philip Barnes (402) 437-5521.

EIS No. 870443, Final, FHW, MI, I-96 BL/Cedar Street Improvement, Cloverland Drive to Mt. Hope, Reconstruction and Right-of-Way Acquisition, Ingham County, Due: January 25, 1988, Contact: Thomas Fort, Jr. (517) 337-1879.

EIS No. 870444, Final, BLM CO, Canon City District WSA's Recommendations, Wilderness Designation of Nondesignation, Due: January 25, 1988, Contact: Donnie Sparks (303) 275-0631.

EIS No. 870445, Final, BLM, MT, Missouri Breaks Wilderness Study Areas Recommendations, Wilderness Designation of Nondesignation, Due: January 25, 1988, Contact: Mat Millebach (406) 232-4331.

EIS No. 870446, Draft, AFS, OR, Williamette National Forest, Land and Resource Management Plan, Due: March 31, 1988, Contact: Michael Kerrick (503) 887-6521.

EIS No. 870447, Final FRC, AZ, CA, UT, TX, WY, NM, NV, CO, Mojave, Kern River, El Dorado and Transwestern National Gas Pipeline Projects, Construction, Operation and Maintenance, Licenses and 404 Permit, Due: January 25, 1988, Contact: Robert Arvedlund (202) 357-8043.

EIS No. 870448, Final UAF, CA, Vandenburg Air Force Base Mineral Resource Management Plan, Exploration, Development and Production of Oil and Gas Resources, Santa Barbara County, Due: January 25, 1988, Contact: William Newell (805) 866-5725.

Amended Notices

EIS No. 870113, Draft, MMS, PAC, HI, Hawaiian Archipelago and Johnston Island Exclusive Economic Zones, Marine Mineral (Non-Oil and Gas Minerals) Sale Leasing, Due: February 8, 1988, Published FR 4-10-78—Review period reopened.

EIS No. 870383, Final, COE, TX, Trinity River and Tributaries Flood Plain Development Project, Issuance of Permits, Due: January 31, 1988, Published FR 11-6-87—Review period extended.

EIS No. 870409, Draft, FRC, CA, El Portal Hydroelectric Project, Construction, Operation and Maintenance, License, Mariposa County, Due: December 28, 1987, Published FR 11-13-87—Officially withdrawn.

EIS No. 870433, Draft, FRC, ID, Twin Falls (FERC No. 18), Milner (FERC No. 2899), Auger Falls (FERC No. 4787) and Star Falls (FERC No. 5797) Hydroelectric Projects, Construction, Operation and Maintenance Licenses, Jerome and Twin Falls Counties, Due: February 1, 1988, Published FR 12-11-87—Rivew period reestablished.

Dated: December 21, 1987.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 87-28559 Filed 12-23-87; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3305-2]

Work Group Meeting; Indian Tribes and States; Water Quality Standards

AGENCY: United States Environmental Protection Agency.

ACTION: Work group meeting.

SUMMARY: Pursuant to section 518 of the Water Quality Act of 1987, EPA is authorized to treat Indian Tribes as States for various purposes specified in the Clean Water Act and is required to establish a mechanism to resolve unreasonable consequences arising from Tribes and States adopting differing water quality standards on common bodies of water. EPA will hold a work group meeting to discuss its proposed regulatory revision to establish such a dispute resolution mechanism.

DATE: January 26, 1988, EPA Regional Office, 999 18th St., Denver, Colorado, Rocky Mountain Room. The meeting will begin at 8:30 a.m.

FOR FURTHER INFORMATION CONTACT: Information on the meeting and copies of the material to be discussed are available from David K. Sabock, Chief, Standards Branch, WH-585, Office of Water Regulations and Standards, 401 M Street SW., Washington, DC 20460. Telephone number is 202-475-7315.

Edmund Notzon,

Director, Criteria and Standards Division.

December 17, 1987.

[FR Doc. 87-29371 Filed 12-23-87; 8:45 am]

BILLING CODE 6560-50-M

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 9]

Agency Forms Submitted for OMB Review

AGENCY: Export-Import Bank of the United States.

ACTION: In accordance with the provisions of the Paperwork Act of 1980, Eximbank has submitted a proposed collection of information in the form of a survey to the Office of Management and Budget for Review.

Purpose: The proposed Annual Competitiveness Report Survey of Exporters and Bankers as authorized by 12 U.S.C. 635(b), Export-Import Bank of the U.S. Act of 1945, as amended, is to be completed by U.S. banks and exporters familiar with Eximbank's programs as a means of evaluating the private sector's view on the extent to which Eximbank has provided export credit programs competitive with the export credit programs offered by the major foreign OECD governments.

The collection of the information will enable Eximbank to assess and report to the U.S. Congress the private sector's view of its programs' competitiveness, as required by law.

SUMMARY: The following summarizes the information collection proposal submitted to OMB:

(1) *Type of request:* revision.

(2) *Number of forms submitted:* one.

(3) *Form number:* EIB No. 85-3 (Rev. 12/87).

(4) *Title of information collection:* Annual Competitiveness Report Survey to Exporters and Bankers.

(5) *Frequency of use:* annual.

(6) *Respondents:* commercial banks and exporters in the United States.

(7) *Estimated total number of responses:* 80.

(8) *Estimated total number of hours needed to fill out the form:* 60.

Additional Information or Comments: Copies of the proposed survey may be obtained from Helene Wall, Agency Clearance Officer (202) 566-8111. Comments and questions should be directed to Francine Picoult, Office of Management and Budget, Information and Regulatory Affairs, Room 3235, Washington, DC 20503, (202) 395-7340. All comments should be submitted within two weeks of the date of this notice; if you intend to submit comments but are unable to meet this deadline, please advise Francine Picoult by telephone that comments will be submitted late.

Dated: December 2, 1987.

Helene Wall,

Agency Clearance Officer.

[FR Doc. 87-29440 Filed 12-23-87; 8:45 am]

BILLING CODE 6116-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Ch. 35).

Type: Extension of 3067-0044.

Title: Request for Grant-in-Lieu.

Abstract: This form is designed to standardize the information requirements for an applicant who decides to receive a grant-in-lieu for damages.

Type of Respondents: State or local governments, Non-profit institutions.
Number of Respondents: 500.
Burden Hours: 500.
Frequency of Recordkeeping or Reporting: On occasion.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646–2624, 500 C Street SW., Washington, DC 20472.

Comments should be directed to Francine Picoult, (202) 395–7231, Office of Management and Budget, 3235 NEOB, Washington, DC 20503 within two weeks of this notice.

Wesley C. Moore,
Director, Office of Administrative Support.
[FR Doc. 87–29484 Filed 12–23–87; 8:45 am]
BILLING CODE 6718–21–M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–005200–053
Title: Pacific Coast European Conference
Parties: Compagnie Generale-Maritime
Hapag-Lloyd AG
Incotrans B.V.
Johnson Scanstar
Sea-Land Service, Inc.
Synopsis: The proposed amendment would clarify that no member line may enter into any loyalty contract in the agreement trade whether through independent action or otherwise.

Agreement No.: 202–009735–020
Title: Steamship Operators Intermodal Committee
Parties:
Associated Container Transportation (Australia Ltd.)
Barber Blue Sea Line
Companhia de Navegacao Maritima Netumar
Coordinated Caribbean Transport, Inc.
Evergreen Marine Corp., Ltd.
Farrell Lines, Inc.
Flota Mercante Grancolombiana
Hamburg-Suedamerikknische-Dampfschiffahrts-Gesellschaft
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Lykes Bros. Steamship Co., Inc.
A.P. Moller-Maersk Line
Neptune Orient Lines Ltd.
Nippon Yusen Kaisha, Ltd.
Sea-Land Service, Inc.
South African Marine Corp.
Venezuelan Line
Yamashita-Shinnihon Steamship Co. Ltd.
Yang Ming Line
Zim Israel Navigation Co. Ltd.
American President Lines, Ltd.
Mitsui O.S.K. Lines, Ltd.
Showa Line, Ltd.
Trans Freight Lines
Atlantic Container Line (BV)
Synopsis: The proposed amendment would delete United States Lines, Inc. as a party to the agreement.

Agreement No.: 212–010320–016
Title: Brazil/U.S. Gulf Ports Agreement
Parties:
Companhia de Navegacao Lloyd Brasileiro
Companhia Maritima Nacional
American Transport Lines, Inc.
Empresa Lineas Maritimas Argentinas S.A.
A. Bottacchi S.A. de Navegacion C.F.I.I.
Transportacion Maritima Mexicana S.A.
Synopsis: The proposed amendment would provide for a 15 month pool period beginning October 1, 1987 through December 31, 1988, and would establish minimum sailing and port call requirements for the pool period. It would also extend toDecember 31, 1988, provisions governing the accounting for U.S. Gulf cargoes under alternate coast service, and certain cargo and accounting provisions related thereto. The parties have requested a shortened review period.

Agreement No.: 203–011160
Title: U.S.-North Europe Compliance Agreement
Parties:
Atlantic Container Line BV
Compagnie Generale Maritime
Dart-ML, Ltd.
Gulf Container Line "GCL" BV
Hapag-Lloyd A.G.
Johnson Scanstar
Nedlloyd Lijnen
Pacific Europe Express
P & OCL "Trans Freight Lines" Limited
Polish Ocean Lines
Sea-Land Service, Inc.
South Atlantic Cargo Shipping NV
Synopsis: The proposed agreement would provide for neutral body policing of the activities of the parties in the trades between the United States and Northern Europe. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.
Dated: December 21, 1987.
Joseph C. Polking,
Secretary.
[FR Doc. 87–29541 Filed 12–23–87; 8:45 am]
BILLING CODE 6730–01–M

Agreements Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200076.
Title: Port Everglades Terminal Agreement.
Parties:
Port Everglades Authority
SeaEscape Limited (SeaEscape)
Synopsis: The proposed agreement would (1) provide SeaEscape port and terminal facilities on a preferential basis for the operation of its cruise vessel; and (2) authorize the parties to agree upon charges to be assessed for the terminal services.

Agreement No.: 224–200077.
Title: Virginia International Terminals' Agreement.
Parties:
Virginia International Terminals, Inc.
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha
Yamashita-Shinnihon Steamship Co., Ltd.
Synopsis: The proposed agreement provides for non-exclusive use of terminal facilities and for specified reduced wharfage, dockage and crane rental rates in return for certain threshold tonnage levels.

Joseph C. Polking,
Secretary.
Dated: December 21, 1987.
[FR Doc. 87–29478 Filed 12–23–87; 8:45 am]
BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Harris Bankshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.24) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than January 15, 1988.

A. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *Harris Bankshares, Inc.*, Milford, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Ellis County State Bank, Milford, Texas.

Board of Governors of the Federal Reserve System, December 18, 1987.
James McAfee,
Associate Secretary of the Board.
[FR Doc. 87–29430 Filed 12–23–87; 8:45 am]
BILLING CODE 6210–01–M

Valley Bancorporation; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage de novo, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 4, 1988.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Valley Bancorporation*, Appleton, Wisconsin; to engage *de novo* in underwriting, as reinsurer, home mortgage redemption insurance pursuant to section 225.25(b) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 18, 1987.
James McAfee,
Associate Secretary of the Board.
[FR Doc. 87–29431 Filed 12–23–87; 8:45 am]
BILLING CODE 6210–01–M

FEDERAL TRADE COMMISSION

Performance Review Board; Membership

AGENCY: Federal Trade Commission.
ACTION: Notice of appointment.

SUMMARY: Notice is hereby given that the Chairman of the Federal Trade Commission has made appointments to the agency's Performance Review Board, which makes recommendations to the appointing authority on the performance of senior executives in the agency. The individuals appointed are:

Deputy Executive Director for Management, Office of the Executive Director;
Deputy Director for Operations and Consumer Protection, Bureau of Economics;
Deputy Director for Mergers and Administration, Bureau of Competition;
Deputy General Counsel, Office of the General Counsel; and
Deputy Director, Bureau of Consumer Protection.

DATE: This action is effective as of December 23, 1987.

ADDRESS: Copies of the appointment documentation are available at the following location: Division of Personnel, Federal Trade Commission, Room 151–H, 6th & Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Rosemarie A Straight, Director of Personnel, at the address above; telephone 202/326–2022, (FTS) 676–2022.

Emily H. Rock,
Secretary.
[FR Doc. 87–29503 Filed 12–23–87; 8:45 am]
BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 166; 1–D–MA–787]

Portion, Fort Devens, Harvard, MA; Conveyance of Property

Pursuant to section 2 of Pub. L. 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By transfer letter from the General Services Administration dated November 9, 1987, the property, consisting of 49 acres of unimproved land, known as a Portion, Fort Devens, Harvard, Massachusetts, has been transferred to the Department of the Interior, U.S. Fish and Wildlife Service.

2. The above described property was conveyed for wildlife conservation in accordance with the provisions of section 1 of said Pub. L. 80–537 (16 U.S.C. 667b), as amended by Pub. L. 92–432.

Dated: December 11, 1987.

Earl E. Jones,

Commissioner, Federal Property Resources Service.

[FR Doc. 87–29443 Filed 12–23–87; 8:45 am]

BILLING CODE 6820–14–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Additions to Senior Executive Service Performance Review Board Membership

Title 5, U.S.C. 4314(c)(4), of the Civil Service Reform Act of 1978, Pub. L. 95–484, requires that the appointment of Performance Review Board members be published in the **Federal Register**.

On September 28, 1987, the Department of Health and Human Services PRB membership was published in the **Federal Register**. The following members are hereby added to that membership: Thomas R. Burke, James F. Dickson III, J. Michael Fitzmaurice.

Dated: December 17, 1987.

Thomas S. McFee,

Assistant Secretary for Personnel Administration.

[FR Doc. 87–29485 Filed 12–23–87; 8:45 am]

BILLING CODE 4110–99–M

Centers for Disease Control

Interagency Committee on Smoking and Health; Meeting

Action: Notice of meeting.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 2), the Centers for Disease Control announces the following committee meeting.

Name: Interagency Committee on Smoking and Health.

Time and Date: 9:00 am–4:00 pm—February 18, 1988.

Place: Room 503–A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open.

Purpose: The Interagency Committee on Smoking and Health advises the Secretary, Department of Health and Human Services, and the Assistant Secretary for Health on the: (a) Coordination of all research and education programs and other activities within the Department and with other Federal, State, local and private agencies, and (b) establishment and maintenance of liaison with appropriate private entities, Federal agencies, and State and local public health agencies, with respect to smoking and health activities.

Agenda: The entire meeting will be open to the public. It will include a discussion of the issue of tobacco and United States trade policy. Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Substantive program information as well as summaries of the meeting and roster of Committee members may be obtained from John Bagrosky, Executive Secretary, Interagency Committee on Smoking and Health, Park Building, Room 1–10, 5600 Fishers Lane, Rockville, Maryland 20857,Telephone: FTS: 443–1575; Commercial: 301/443–1575.

Dated: December 8, 1987.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 87–29429 Filed 12–23–87; 8:45 am]

BILLING CODE 4160–18–M

Public Meeting Between Centers for Disease Control (CDC) and the Cruise Ship Industry, Private Sanitation Consultants, and Other Interested Parties

Time and Date: 9:00 a.m.—Wednesday, January 20, 1988.

Place: Federal Building, 26 Federal Plaza, Room 305C, New York, New York.

Status: Open to the public for participation, comment, and observation, limited only by space available.

SUPPLEMENTARY INFORMATION: As part of the revised Vessel Sanitation Program. CDC announced its intention to conduct quarterly public meetings with members of the cruise ship industry, private sanitation consultants, and other interested parties. This meeting is a continuation of that series of public meetings.

Matters To Be Considered: Experience to date with the operation of the Vessel Sanitation Program. Analysis of data relating to diarrheal illness occurring on board passenger cruise ships during the period 1975–1985.

For a period of 12 days following the meeting, through February 1, 1988, the official record of the meeting will remain open so that additional material or comments may be submitted to be made part of the record of the meeting.

Contact Person for More Information: Vernon N. Houk, M.D., Director, Center for Environmental Health and Injury Control, CDC, Atlanta, Georgia 30333. Telephones: FTS; 236–4111; Commercial: (404) 488–4111.

Dated: December 18, 1987.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 87–29428 Filed 12–23–87; 8:45 am]

BILLING CODE 4160–18–M

Public Health Service

National Commission on Orphan Diseases; Public Hearing and Public Meeting

AGENCY: Office of the Assistant Secretary for Health, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (DHHS) and the Office of the Assistant Secretary for Health are announcing a hearing and meeting of the National Commission on Orphan Diseases scheduled on February 4 and 5, 1988, respectively.

DATE: *Date, time and place:* Public Hearing on February 4, 1988 at 8:30 a.m., Section E, Reunion Ballroom; Commission meeting on February 5, 1988, 8:30 a.m., Bryan Room; Hyatt Regency at Reunion, 300 Reunion Blvd., Dallas, TX 75207. The entire proceedings are open to the public.

FOR FURTHER INFORMATION CONTACT: Written requests to participate in the public hearing should be sent to: Mary C. Custer, Ph.D., Executive Secretary, National Commission on Orphan Diseases, Office of the Assistant Secretary for Health, 5600 Fishers Lane, Room 18–38, Rockville, MD 20857, 301–443–6156. Persons desiring more information regarding the responsibilities and activities of the Commission should contact Stephen C. Croft, Pharm. D., Executive Director, National Commission on Orphan Diseases, at the same address and phone number.

Agenda: Open Public Hearing (February 4)

The Commission has identified a series of issues and questions to be addressed at the public hearings. These issues were published in the Federal Register notice announcing the Commission's first public hearing (52 FR, page 23083, June 17, 1987). Copies of these issues may be obtained from the contact persons listed above.

Persons desiring to make oral presentations that address these issues should notify either of the contact persons before January 25, 1988 and submit a written copy of the statement to be presented to the Commission. Oral presentations will be limited to ten minutes. Longer presentations should be summarized orally and submitted in writing in their entirety. Any person attending the hearing who did not request an opportunity to speak in advance may be allowed to make an oral presentation at the conclusion of the hearing, if time permits, at the chairperson's discretion.

Persons who are not able to attend the public hearing, but want to submit information, may do so in writing. These statements should be forwarded to the Executive Secretary.

Agenda: Open Public Meeting (February 5)

The Commission will discuss the activities of the National Center for Toxicological Research in relation to pre-clinical trials for potential orphan drugs. The Commission will also hear reports from workgroups on the liability issue and the peer review process for grant applications in the Federal sector. Other workgroups established to review the rare disease research activities of drug and medical device manufacturers, voluntary support groups, and private foundations will also present reports on their progress in obtaining information about their respective areas.

SUPPLEMENTARY INFORMATION: Meetings of the Commission will be conducted, as far as it is practical, in accordance with the agenda published in this **Federal Register** notice. Any changes in the agenda will be announced at the beginning of the meeting.

Persons interested in specific agenda items may contact Mary Custer, Ph.D., Executive Secretary of the Commission, for the approximate time of discussion.

A list of Commission members and the charter of the Commission will be available at the meeting. Interested persons who are unable to attend the meeting may request this information or summary minutes of the meeting from the Executive Secretary.

This notice is issued under 10(a) (1) and (2) of the Federal Advisory Committee Act, Pub. L. 92–463 (5 U.S.C. Appendix I).

Dated: December 17, 1987.

Robert E. Windom,

Assistant Secretary for Health.

[FR Doc. 87–29537 Filed 12–23–87; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Emergency Closure of Public Lands; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of emergency closure of public lands.

SUMMARY: Notice is hereby given that effective immediately all public lands in the SW¼, SW¼ of Section 30, T.5S., R.33E., MDM, located within the fenced exclosure at BLM Spring in the Fish Slough Area of Critical Environmental Concern are closed to swimming and related aquatic activities. The authority for this closure is 43 CFR 8365.1–6. The closure will remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT: James S. Morrison, Area Manager, 873 N. Main Street, Suite 201, Bishop, CA 93514, (619) 872–4881.

Date: December 15, 1987.

Nancy J. Cotner,

Associate District Manager.

[FR Doc. 87–29444 Filed 12–23–87; 8:45 am]

BILLING CODE 4310–45–M

[CA–067–08–4352–12]

Emergency Closure of Public Lands; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Closure notice for public lands in the San Sebastian Marsh/San Felipe Creek Area of Imperial County, California.

SUMMARY: This closure notice affects public lands under the administrative responsibility of the El Centro Resource Area, California Desert District. The area includes public lands in:

San Bernardino Meridian

T. 12 S., R. 9 E.
- Sec. 24, north and east of Tarantula Wash excluding the pole line road

T. 12 S., R. 10 E.
- Sec. 14, S½
- Sec. 18, S½
- Sec. 20
- Sec. 22
- Sec. 24
- Sec. 26, north of Kane Spring Road
- Sec. 28
- Sec. 30
- Sec. 32

T. 12 S., R. 11 E.
- Sec. 18, S½
- Sec. 20, southwest of Highway 86 and northwest of Kane Spring Road
- Sec. 30, north of Kane Spring Road

T. 13 S., R. 9 E.
- Sec. 3, north of Kane Spring Road

The above listed public lands are hereby closed to vehicle use and vehicular camping. Persons exempt from this order include law enforcement personnel, and other State or Federal employees in the performance of their official duties.

A smaller closure has been in effect in this area since November 1, 1974. The closed area is being enlarged because the smaller closure has not been adequate in limiting impacts to sensitive biological and cultural resources. Since the 1974 closure, the status of three wildlife species of concern has become increasingly precarious. The desert pupfish has been listed by the U.S. Fish and Wildlife Service as Endangered, with designated Critical Habitat at the San Felipe Creek area. The flat-tailed horned lizard and Colorado Desert fringe-toed lizard have become candidates for USFWS listing. Vehicle use within this sensitive area has increased significantly to unacceptable levels, negatively impacting fish and wildlife habitat as well as individual desert pupfish in contravention of the Bureau's mandates under the Endangered Species Act. The closure boundary is therefore expanded to provide greater protection to sensitive biological resources. Additionally, exceptional cultural resource values have been identified in this area since the 1974 order. Closure to vehicle use and vehicular camping will also limit impacts to cultural resources.

A permanent closure is proposed under the 1987 California Desert Conservation Area Plan amendment process. The effects of this closure are analyzed on pages 4–16 and 4–17 of the Environmental Assessment prepared to support the amendment process.

The closure is being expanded under the authority of 43 CFR 8341.2(a) and 43 CFR 8364.1(a). This closure order was effective December 14, 1987, and shall remain in effect until a final determination has been made through the Desert Plan amendment process. Boundaries of the affected lands have been posted with "Closed Area" signs. Maps showing the location of the

closure are available from the El Centro Resource Area, 333 S. Waterman Avenue, El Centro, California 92243. Any person who knowingly and willfully violates this closure order may be subject to a fine of up to $1,000.00, or imprisonment of up to 12 months, or both under the authority of 43 CFR 8340.0–7 and 43 CFR 8360.0–7

FOR FURTHER INFORMATION CONTACT: California State Office, Bureau of Land Management, 2800 Cottage Way, Room E–2841, Sacramento, California 95825, 916–978–4743, or the Area Manager, El Centro Resource Area, Bureau of Land Management.

H.W. Riecken,

Acting District Manager.

[FR Doc. 87–29445 Filed 12–23–87; 8:45 am]

BILLING CODE 4310–40–M

[MT–921–08–4121–10]

Deactivation of Fort Union Federal Coal Production Region; Request for Public Comment

ACTION: Request for public comment on proposal to deactivate the Fort Union Federal Coal Production Region.

SUMMARY: The Fort Union Regional Coal Team (RCT) requests comments on their recommendation to operate in a Lease by Application mode by January 29, 1988. On November 9, 1979, in the **Federal Register**, the Bureau of Land Management (BLM) established the Fort Union Coal Production Region for management of federally-owned coal (44 FR 65198–65197). Recent assessments by the RCT indicate that existing market conditions do not justify the federally-initiated coal lease sale program procedures of 43 CFR 3420.3–3420.6 Activity Planning—The Leasing Process. On November 5, 1987, the RCT voted to recommend operating in a Lease by Application mode using 43 CFR Part 3425—Leasing on Application Procedures. Before the RCT can operate in a Lease by Application mode, the Fort Union Federal Coal Production Region must be deactivated.

ADDRESS: Comment regarding the RCT's recommendation to operate in a Lease by Application mode should be sent to William J. Frey, Bureau of Land Management, P.O. Box 36800, Billings, MT 59107.

FOR FURTHER INFORMATION CONTACT: William J. Frey, Telephone (406) 657–6841, or FTS 585–6841, Montana State Office, Bureau of Land Management, P.O. Box 36800, Billings, MT 59107.

SUPPLEMENTARY INFORMATION: Comments received by January 29, 1988, will be reviewed and considered by the Fort Union RCT prior to submitting the final recommendations on whether or not to deactivate the Fort Union Coal Production Region. Deactivation of the region will allow the RCT to operate in a Lease by Application mode. The Fort Union Federal Coal Production Region was established by the BLM on November 9, 1979, together with a number of other regions, to implement competitive coal leasing under regulations contained in 43 CFR Part 3420. The Fort Union Coal Region includes the following counties:

Montana

Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Prairie, Richland, Roosevelt, Sheridan, Valley, Wibaux.

North Dakota

Adams, Billings, Bowman, Burke, Burleigh, Divide, Dunn, Golden Valley, Grant, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Oliver, Renville, Sheridan, Slope, Stark, Ward, Williams.

The RCT considered current and projected market conditions, potential for emergency leasing, level of industrial interest, and administrative efficiencies prior to making its recommendations not to continue the regional level of activity planning. Production forecasts, as shown in the Fort Union Long Range Coal Market Analysis, range from 24 to 31 million tons annually by the year 2000.

Year	Production estimates [1]		Productive capacity estimates [1]	
	Low	High	Low	Maximum
1990	22	25		
1995	23	28	32	32
2000	24	31	34.4	40.8

[1] Millions of tons annually.

The analysis concluded that the productive capacity may be adequate to meet the demand for Fort Union coal at least through 1995, assuming no significant increases occur in coal demand.

Public comments were solicited on the Long Range Market Analysis through the **Federal Register** of September 17, 1987, and a public mailing. Six letters of comment were received from the solicitation. None of the comments challenged the conclusion of the market analysis.

Administrative efficiencies would be enhanced by shifting to the Lease by Application mode. A round of activity planning beginning with a call for expression of leasing interest, and ending with a regional coal lease sale, would take up to 36 months to complete. The processing of a lease application through a lease sale would take about 12 months. A similar savings in preparation cost would be expected.

The Montana State Office reviewed the likely need for emergency leasing of federal coal for existing mines during the next 5 years. It is possible that up to three emergency coal leasing applications could be made containing an estimated 12 million tons of recoverable coal. If emergency lease applications were received, they would likely be for the purpose of preventing the bypass of federal coal for existing mining operations.

If coal market conditions change, and interest in leasing of federal coal is renewed in the region, the coal team has the option of reactivating the Fort Union Federal Coal Production Region. Activity planning, as described in 43 CFR 3420.3–3420.6, would be initiated.

Deactivating the Fort Union Federal Coal Production Region would allow the leasing of federal coal by the Lease by Application procedures in 43 CFR Part 3425—Leasing on Application. In addition, as described in Section c. of the Fort Union Regional Coal Team Charter, the Fort Union Coal Team would review all leasing applications, preference right lease applications and exchange proposals, and call RCT meetings, as necessary, to fully and openly discuss and make recommendations on any that appear to have significant regional implication.

The RCT and those on the Fort Union Coal Region mailing list interested in receiving a notice will receive a notification that an application to lease or exchange Federal coal has been received. Any comments received on the need for an RCT meeting will be analyzed and sent to the RCT members. Within 14 days after issuance of comments to the RCT members, the chairperson (or designated representative) will contact the RCT members to determine if, and when, an RCT meeting is needed. It may not be necessary to convene an RCT meeting on every coal lease application, especially those that do not have regional implications such as small emergency lease applications. At the request of a voting member of the RCT, an RCT meeting will be called.

On activities that appear to have significant regional implications, the coal team would solicit and consider, to the maximum extent possible, the views of the public at each decision point.

The team would guide the preparation of EISs on coal leasing actions that appear to have significant regional implications.

On an annual basis, the team would review market assessments prepared by the Bureau and recommend whether the region should return to a regional activity planning mode.

Ray Brubaker,

Acting State Director.

[FR Doc. 87–29987 Filed 12–23–87; 8:45 am]

BILLING CODE 4310–DS–M

[CO–050–4332–09]

Availability of Final Environmental Impact Statement for Canon City District, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Final Environmental Impact Statement (EIS) on the Wilderness Recommendations for the Canon City District, Colorado.

SUMMARY: This EIS assesses the environmental consequences of managing seven wilderness study areas (WSAs) as wilderness or nonwilderness. The alternatives analyzed included: (1) An All Wilderness alternative for each WSA; (2) No Wilderness/No Action alternative for each WSA; (3) one or more Partial Wilderness alternatives for each WSA except Browns Canyon (CO–050–002). The names of the WSAs analyzed in the EIS, their total acreage, and the proposed action for each are as follows:

Area	Suitable	Nonsuitable
Browns Canyon (CO–050–002)	6,914	0
McIntyre Hills (CO–050–013)	0	15,800
Lower Grape Creek (CO–050–014)	0	11,220
Beaver Creek (CO–050–016)	20,790	5,460
Upper Grape Creek (CO–050–017)	0	10,200
Sand Castle (CO–050–139)	0	1,644
San Luis Hills (CO–050–141)	0	10,240
Total	27,364	55,304

The Bureau of Land Management wilderness proposals will ultimately be forwarded by the Secretary of the Interior to the President and from the President to the Congress. The final decision on wilderness designation rests with Congress. In any case, no decision on these proposals can be made by the Secretary during the 30 days following the filing of this EIS. This complies with the Council on Environmental Quality Regulations, 40 CFR 1506.10B(2).

SUPPLEMENTARY INFORMATION: A limited number of individual copies of the EIS may be obtained from the District Manager, Canon City District, P.O. Box 311, 3170 East Main Street, Canon City, Colorado 81212. Copies are also available for inspection at the following locations: Department of the Interior, Bureau of Land Management, 18th and C Street NW., Washington, DC 20240, and Bureau of Land Management, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215.

FOR FURTHER INFORMATION CONTACT: Donnie Sparks, District Manager, Canon City District, P.O. Box 311, 3170 East Main Street, Canon City, Colorado 81212.

Date: December 16, 1987.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 87–29256 Filed 12–23–87; 8:45 am]

BILLING CODE 4310–JB–M

[MT–930–08–4332–09]

Availability of Final Environmental Impact Statement for Missouri Breaks Wilderness Recommendations; Miles City and Lewistown Districts, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Final Missouri Breaks Wilderness Environmental Impact Statement assesses the environmental consequences of managing 12 Wilderness Study Areas as wilderness or nonwilderness. The alternatives assessed include: (1) A "No Wilderness Alternative" for each Wilderness Study Area, (2) an "All Wilderness Alternative" for each Wilderness Study Area, and (3) a "Partial Wilderness Alternative" for 5 of the Wilderness Study Areas.

The names of the Wilderness Study Areas, their total acreages, and the proposed actions for each are as follows:

- Dog Creek South—5,150 acres (all nonsuitable)
- Stafford—4,800 acres (all nonsuitable)
- Ervin Ridge—10,200 acres (all nonsuitable)
- Woodhawk—8,100 acres (all nonsuitable)
- Cow Creek—34,050 acres (21,590 acres suitable; 12,460 acres nonsuitable)
- Antelope Creek—12,350 acres (9,600 acres suitable; 2,750 acres nonsuitable)
- Bridge Coulee—5,900 acres (all nonsuitable)
- Musselshell Breaks—8,650 acres (all nonsuitable)
- Billy Creek—3,450 acres (all nonsuitable)
- Seven Blackfoot—20,250 acres (5,710 acres suitable; 14,540 acres nonsuitable)
- Burnt Lodge—13,730 acres (all suitable)
- Terry Badlands—42,950 acres (28,520 acres suitable; 14,430 acres nonsuitable)

The Bureau of Land Management wilderness proposals will ultimately be forwarded by the Secretary of the Interior and the President to Congress. The final decision on wilderness designation rests with Congress.

FOR FURTHER INFORMATION CONTACT: Mat Millenbach, District Manager, Miles City District Office, BLM, P.O. Box 940, Miles City, Montana 59301, Telephone (406) 232–4331.

SUPPLEMENTAL INFORMATION: Copies of the Environmental Impact Statement may be obtained from the District Manager, Miles City District, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301. Copies are also available for inspection at public libraries located in the Miles City and Lewistown Districts and at the following locations:

Department of the Interior, Bureau of Land Management, 18th and C Streets NW., Washington, DC 20420
Montana State Office, Bureau of Land Management, 222 North 32nd Street, P.O. Box 36800, Billings, Montana 59107
Big Dry Resource Area, Bureau of Land Management, Miles City Plaza, Miles City, Montana 59301
Lewistown District Office, Bureau of Land Management, 80 Airport Road, Lewistown, Montana 59457
Judith Resource Area, Bureau of Land Management, 80 Airport Road, Lewistown, Montana 59457
Phillips Resource Area, Bureau of Land Management, 501 S. 2nd St., East, P.O. Box B, Malta, Montana 59538
Havre Resource Area, Bureau of Land Management, West 2nd Street, P.O. Drawer 911, Havre, Montana 59501
Valley Resource Area, Bureau of Land Management, RR 1–4775, Glasgow, Montana 59230

Bruce Blanchard,

Director, Office of Environmental Project Review.

Date: December 11, 1987.

[FR Doc. 87–29257 Filed 12–23–87; 8:45 am]

BILLING CODE 4310–DN–M

[CO–010–08–4322–02]

Craig District Grazing Advisory Board Meeting

Time and Date: February 4, 1988, at 10:00 a.m.

VOL 52 ISS 247 DEC 24 1987 UMI

Place: Craig District Office, 455 Emerson Street, Craig, Colorado.

Status: Open to public, interested persons may make oral statements between 10:00 a.m. and 11:00 a.m., or may file written statements.

Matters to be Considered

1. Update on riparian workshop.

2. Area reports including update on land use and activity planning.

3. Status report on FY88 range improvement projects.

4. Expenditure of Grazing Advisory Board Funds.

Contact Person for More Information: John Denker, Craig District Office, 455 Emerson Street, Craig, Colorado 81625, Phone: (303) 824–8261.

Dated: December 15, 1987.

Joan M. Bailey,

Acting District Manager.

[FR Doc. 87–29447 Filed 12–23–87; 8:45 am]

BILLING CODE 4310–JB–M

[CA–940–08–4111–15; CA 15657]

California; Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Pub. L. 97–451, a petition for reinstatement of oil and gas lease CA 15657 for lands in Los Angeles County, California, was timely filed and was accompanied by all required rentals and royalties accruing from February 1, 1987, the date of termination.

No valid lease has been issued affecting the lands. The Lessee has agreed to new lease terms for rentals and royalties at rates of $5.00 per acre and 16⅔ percent, respectively. Payment of a $500.00 administrative fee has been made.

Having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease effective February 1, 1987, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above, and the reimbursement for cost of publication of this notice.

Kurt T. Mueller,

Acting Chief, Leasable Minerals Section, Branch of Adjudication and Records.

Date: December 17, 1987.

[FR Doc. 87–29448 Filed 12–23–87; 8:45 am]

BILLING CODE 4310–40–M

[MT–930–08–4212–13; M–71898]

Conveyance and Order Providing for Opening of Public Land; MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice and order will open certain lands and minerals that were reconveyed to the United States in an exchange completed pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) (FLPMA) to the operation of the public land laws, the mineral leasing laws and the mining laws as appropriate. It will also inform the public and interested local governmental officials of the issuance of the patent.

EFFECTIVE DATE: 9 a.m. on February 10, 1988.

FOR FURTHER INFORMATION CONTACT: Edward H. Croteau, BLM MT State Office, P.O. Box 36800, Billings, Montana 59107, 406–657–6062.

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that pursuant to sec. 206 of FLPMA, the following described surface and mineral estate was transferred to the State of Montana:

Principal Meridian, Montana

T. 11 N., R. 11 W.,
Sec. 14, lot 1;
Sec. 22, N½, NW¼SW¼, NE¼SE¼.
T. 8 N., R. 15 W.,
Sec. 21, W½SW¼, SE¼SE¼;
Sec. 28, E½NE¼.
T. 11 N., R. 16 W.,
Sec. 4, SW¼SW¼.
T. 12 N., R. 17 W.,
Sec. 13, lots 1, 2, 3, 5, 6, 8, 9, NW¼NE¼, NE¼NW¼, W½W½, SE¼SW¼, SW¼SE¼.
Sec. 24, lots 6, 7, NW¼.

2. The following described surface estate and all minerals except oil and gas were also transferred to the State of Montana:

Principal Meridian, Montana

T. 8 N., R. 15 W.,
Sec. 5, lots 2, 3, 4, S½NW¼, SW¼, W½SE¼;
Sec. 8, all;
Sec. 17, W½E½, W½.
T. 12 N., R. 15 W.,
Sec. 21, N½N½.

Upon termination or relinquishment of the existing oil and gas leases on the lands described in paragraph 2, all rights and interests to the oil and gas deposits shall automatically vest in the State of Montana, its successors or assigns.

Total acreage patented (paragraphs 1 and 2): 3,210.57 acres.

3. In exchange for the above selected land, the United States acquired the following described surface and mineral estate:

Principal Meridian, Montana

T. 13 N., R. 12 W.,
Sec. 16, lots 1, 2, 3, E½, S½NW¼, SW¼.
T. 13 N., R. 13 W.,
Sec. 16, all;
Sec. 36, lots 1–7, W½NE¼, NW¼, N½SW¼, NW¼SE¼.
T. 14 N., R. 13 W.,
Sec. 36, all.

A total of 3,189.79 acres of surface and mineral estate was acquired by the United States in this exchange.

4. Also, the following described land was segregated from location under the mining laws by the Notice of Proposed Exchange published in the **Federal Register** on July 31, 1986 (51 FR 27467):

Principal Meridian, Montana

T. 8 N., R. 15 W.,
Sec. 21, NE¼SE¼.

The land was not used in the exchange and the segregation from mining is no longer necessary. At 9 a.m. on February 10, 1988, the land will be opened to location and entry under the United States mining laws. See paragraph No. 7 below.

5. The values of Federal public land and the non-Federal land in the exchange were appraised at $2,260,000 each.

Opening Dates

6. At 9 a.m. on February 10, 1988, the lands described in paragraph 3 above will be opened to the operation of the public land laws generally, location and entry under the United States mining laws and to application and offers under the mineral leasing laws, subject to valid existing rights and the requirements of applicable law. All valid applications received under the public land laws at or prior to 9 a.m. on February 10, 1988, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

All valid offers under the mineral leasing laws received from 9 a.m. on February 3, 1988, to 9 a.m. on February 10, 1988 for the lands described in paragraph 3, will be considered as simultaneously filed on the opening date. Those received thereafter shall be considered in the order of filing. Those offers received prior to 9 a.m. on February 3, 1988, will be rejected.

7. Appropriation of any of the lands described in paragraphs 3 and 4 under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

James Binando,

Acting Deputy State Director, Division of Lands and Renewable Resources.

December 17, 1987.

[FR Doc. 87–29449 Filed 12–23–87; 8:45 am]

BILLING CODE 4310–DN–M

[AZ–020–08–4212–11; A–23000]

Realty Action; Public Land Classification; Mohave County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; classification for recreation and public purposes, Mohave County, Arizona.

SUMMARY: The following public land has been examined and found suitable for lease and subsequent conveyance under the provisions of the Recreation and Public Purpose (R&PP) Act of June 14, 1926, as amended (44 Stat. 741; 43 U.S.C. 869 et seq.).

Gila and Salt River Meridian

T. 21 N., R. 18 W.,
Sec. 8, NE¼SE¼NE¼NE¼.
Containing 2.5 acres, more or less.

The classification shall become effective sixty (60) days after the publication of this notice in the **Federal Register.**

The proposed use of the public land is for an American Legion Post.

A lease with the option to patent shall be offered to the American Legion. The lease and patent will be subject to the following conditions:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way (R/W) for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

4. Mohave County Planning and Zoning regulations.

5. Those rights for public roadway purposes granted to Mohave County by R/W A–17931.

Detailed information concerning these terms and provisions is available for review at the Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

Publication of this notice shall segregate the land from all appropriations under the public land laws including location under the mining laws but not from appropriations under the mineral leasing laws, the R&PP Act or Title V of the Federal Land Policy and Management Act of 1976.

For a period of forty-five (45) days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Henri R. Bisson,

District Manager.

Date: December 14, 1987.

[FR Doc. 87–29450 Filed 12–23–87; 8:45 am]

BILLING CODE 4310–32–M

[CA–940–08–5410–10–ZBJ3; CA 20604]

Realty Action; Conveyance of Mineral Interests in California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of segregation; conveyance of the reserved mineral interests.

SUMMARY: The private lands described in this notice will be examined for suitability for conveyance of the reserved mineral interests pursuant to section 209 of the Federal Land Policy and Management Act of October 21, 1976. The mineral interests will be conveyed in whole or in part upon favorable mineral examination.

Serial number—CA 20604

Mount Diablo Meridian

T. 4 S., R. 16 E.,
Sec. 13, SE¼SE¼, SW¼SE¼;
Sec. 24, NE¼NE¼, NW¼NE¼, SE¼NE¼, NE¼SE¼ (fractional).
T. 4 S., R. 17 E.,
Sec. 18, Lots 7 and 8, SE¼SW¼;
Sec. 19, Lots 1 thru 4, Lot 6, E½NW¼, NE¼SW¼.
Acres 600.95.

County Mariposa

Upon publication of this Notice of Segregation in the **Federal Register** as provided in 43 CFR 2720.1–1(b), the mineral interests owned by the United States in the private lands covered by the application shall be segregated to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. The segregative effect of the application shall terminate by publication of an opening order in the **Federal Register** specifying the date and time of opening; upon issuance of a patent or other document of conveyance of such mineral interests; or two years from the date of filing of the application, which ever occurs first.

Date: December 15, 1987.

Nancy J. Alex,

Chief, Lands Section Branch of Adjudication and Records.

[FR Doc. 87–29445 Filed 12–23–87; 8:45 am]

BILLING CODE 4310–84–M

[ES–030–08–4212–14; ES–00157–006]

Realty Action; Sale of Public Land in Cass County, MN; Modified; Competitive Sale ES–37285

AGENCY: Bureau of Land Management, Interior.

ACTION: Sale of Public Land in Cass County, Minnesota—Modified—Competitive Sale ES–37285.

SUMMARY: The following public land has been examined and determined to be suitable for sale under section 203(a)(1) of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value shown below. All minerals shall be reserved to the United States.

Fifth Principal Meridian, Minnesota

T. 136 N., R. 32 W.,
Sec. 06, Lot 4.
Containing 35.74 acres.

Appraised Fair Market Value: $2,700.

Date of Sale: February 24, 1988 at 3:00 PM.

Place of Sale: Milwaukee District Office, Bureau of Land Management, P.O. Box 0631, Milwaukee, Wisconsin 53203–0631.

Minimum Bid and Requirements: The minimum bid is the appraised fair market value of $2,700. Potential purchasers are required to submit 20 percent of their bid as down payment. The bid must be enclosed in a sealed envelope clearly marked "Public Sale ES 37285" on the left hand side of the envelope. The successful high bidder will be allowed 180 days to submit the remainder of the bid price. If the remainder of the bid price has not been received from the successful bidder within the specified time period, the bid deposit will be forfeited. If for any reason the land remains unsold after the specified sale date, the land will remain

available for sale over the counter until sold.

Example: If your bid is $2,700 you must submit 20 percent ($540.00). If your bid is $3,000 you must submit 20 percent ($600.00).

Bidder Qualifications: Purchasers must be citizens of the United States 18 years of age or over; a corporation; State; State instrumentality or political subdivision; or other legal entity, subject to the laws of any state or the United States. The lands are being offered for sale subject to a preference consideration to allow Mr. William Weisbrod, adjacent landowner, to meet the high bid. The sale will be conducted by modified competitive bidding procedures (sealed bid envelope). An apparent high bidder will be declared. The apparent high bidder and the designated bidder, (Mr. Weisbrod) will be notified.

Publication of this notice will segregate the land from all appropriation, including the mining laws, for 270 days, or until issuance of patent, whichever occurs first. For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Milwaukee, Wisconsin.

For Further Information: Detailed information concerning this sale is available at the Milwaukee District Office, Bureau of Land Management, 310 West Wisconsin Avenue, Suite 225, Milwaukee, Wisconsin 53203; or by calling Larry Johnson at (414) 291–4413.

Bert Rodgers,

District Manager.

[FR Doc. 87–29450 Filed 12–23–87; 8:45 am]

BILLING CODE 4310-GJ-M

[ES-030-08-4212-14; ES-00157-007]

Realty Action; Sale of Public Land in St. Louis County MN;

AGENCY: Bureau of Land Management, Interior.

ACTION: Sale of Public Land in St. Louis County, Minnesota—Direct Sale Es-37722.

SUMMARY: The following public land has been examined and determined to be suitable for sale under section 203(a)(1) of the Federal Land Policy and Management act (FLPMA) of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value shown below. The sale also includes conveyance of the mineral estate under the authority of section 209(b)(1)(1) of FLPMA.

Fifth Principal Meridian, Minnesota

T.62N., R.16W., Section 23, Tract #51 containing .48 acres.

Appraised Fair Market Value: $5,000.

The land described is hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action or 270 days from the date of publication of this notice, whichever occurs first.

This land is being offered by direct sale to Jerome and Carol Kolstad. It has been determined that the subject parcel contains no known mineral values; therefore, mineral interests may be conveyed simultaneously. Acceptance of the direct sale offer will qualify the purchaser to make application for conveyance of those mineral interests. Patent will be subject to valid existing rights.

For a period of 45 days from the date of publication of this notice in the **Federal Register,** interested parties may submit comments to the District Manager, Milwaukee District, P.O. Box 631, Milwaukee, Wisconsin 53203–0631. In the absence of timely objections, this proposal shall become the final determination of the Department of Interior.

FOR FURTHER INFORMATION: Detailed information concerning this sale is available at the Milwaukee District Office, Bureau of Land Management, 310 West Wisconsin Avenue, Suite 225, Milwaukee, Wisconsin 53203; or by calling Larry Johnson at (414) 291–4413;

Bert Rodgers,

District Manager.

[FR Doc. 87–29451 Filed 12–23–87; 8:45 am]

BILLING CODE 4310-GJ-M

[CO-942-08-4520-12]

Filing of Plats of Survey; Colorado

December 16, 1987.

The plat of survey of the following described land will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10:00 A.M., December 16, 1987.

The plat representing the dependent resurvey of a portion of the east boundary and the subdivisional lines, and the survey of the subdivision of section 13 and Parcels A and B, T. 1 N., R. 75 W., Sixth Principal Meridian, Colorado for Group No. 806, was accepted December 8, 1987.

This survey was executed to meet certain administrative needs of the United States Forest Service.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado, 80215.

Darryl A. Wilson,

Acting Chief, Cadastral Surveyor for Colorado.

[FR Doc. 87–29452 Filed 12–23–87; 8:45 am]

BILLING CODE 4310-JB-M

[CO-940-08-4220-11; C-28292]

Proposed Continuation of Land Withdrawal; Colorado

December 18, 1987.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Forest Service, U.S. Department of Agriculture, proposes that the order which withdrew lands for an indefinite period of time for various ranger stations be modified and the withdrawal be continued for 20 years insofar as it affects 20 acres of National Forest System land. The land will remain closed to surface entry and mining, but not to mineral leasing.

DATE: Comments should be received on or before March 23, 1988.

ADDRESS: Comments should be addressed to State Director, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, (303) 236–1768.

The Forest Service, U.S. Department of Agriculture, proposes that the existing withdrawal made by Secretarial Order dated December 15, 1906, as amended, for an indefinite period of time, be modified to expire in 20 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, insofar as it affects the following described lands:

Sixth Principal Meridian

Gunnison National Forest

T. 14 S., R. 85 W.,
Sec. 23, SE¼NE¼SW¼, S½NE¼N W¼SW¼, and N½SE¼NW¼SW¼.

The area described aggregates 20 acres in Gunnison County.

The purpose of the withdrawal is for the administration and protection of the Cement Ranger Station. No change is proposed in the purpose or segregative effect of the withdrawal. The land will continue to be withdrawn form surface entry and mining, but not from mineral leasing.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with this proposed action may present their views in writing to this office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be modified and continued and, if so, for how long. Notice of the final determination will be published in the **Federal Register.** The existing withdrawal will continue until such determination is made.

James D. Crisp,

Chief, Branch of Adjudication.

[FR Doc. 87–29528 Filed 12–23–87; 8:45 am]

BILLING CODE 4310-JB-M

[NM-940-08-4220-11; NM 094303]

Proposed Continuation of Withdrawal; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Forest Service, U.S. Department of Agriculture proposes that a 133.125-acre withdrawal for the Beaverhead Work Center (formerly Beaverhead Administrative Site), Lookout Mountain Lookout (formerly Lookout Mountain Administrative Site) and part of Hillsboro Lookout (formerly Hillsboro Peak Administrative Site) continue for an additional 20 years. The land would remain closed to location and entry under the mining laws and has been and would remain open to leasing under the mineral leasing laws.

DATE: Comments should be received by March 23, 1988.

ADDRESS: Comments and meeting requests should be sent to the New Mexico State Director, BLM, P.O. Box 1449, Santa Fe, New Mexico 87504–1449.

FOR FURTHER INFORMATION CONTACT: Kay Thomas, BLM New Mexico State Office, 505–988–6589.

The Forest Service, U.S. Department of Agriculture proposes that the existing land withdrawal made by Public Land Order No. 2830 of December 3, 1962, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The land is described as follows:

New Mexico Principal Meridian

Gila National Forest, Beaverhead Work Center (formerly Beaverhead Administrative Site)

T. 10 S., R. 12 W.,
Sec. 19, SW¼NE¼SE¼, SE¼NW¼SE¼, W½NW¼SE¼, SW¼SE¼, W½SE¼ SE¼.

The area described contains 100 acres in Catron County.

Hillsboro Lookout (formerly Hillsboro Peak Administrative Site)
T. 16 S., R. 9 W.,
Sec. 4, unsurveyed, if and when surveyed would be that portion of NE¼NW¼ lying outside Aldo Leopold Wilderness Area (Pub. L. 98–550).

The area described contains 13.125 acres in Grant County.

Lookout Mountain Lookout (formerly Lookout Mountain Administrative Site)
T. 11 S., R. 9 W.,
Sec. 18, N½ of Lot 10.

The area described contains 20 acres in Sierra County.

The portion of the Hillsboro Lookout lying outside the Aldo Leopold Wilderness Area, Beaverhead Work Center, and Lookout Mountain Lookout are the minimum size essential to accommodate the administrative sites/lookouts, and there are no necessary buffer zones included. The withdrawal closed the described land to mining but not mineral leasing. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the New Mexico State Director at the address indicated above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether the withdrawal will be continued, and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such determination is made.

Monte G. Jordan,

State Director.

Dated: November 23, 1987.

[FR Doc. 87–29453 Filed 12–23–87; 8:45 am]

BILLING CODE 4310-FB-M

[OR-943-08-4220-11; GP-08-034; OR-7983]

Proposed Continuation of Withdrawal; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The National Park Service proposes that a portion of an existing land withdrawal continue for 20 years and requests that the land remain closed to mining. The land has been and would remain open to mineral leasing subject to National Park Service concurrence.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503–231–6905.

SUPPLEMENTARY INFORMATION: The National Park Service proposes that a portion of the existing land withdrawal made by Public Land Order No. 5226 of July 14, 1972 continue for 20 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land involved is located in the Siskiyou National Forest in T. 40 S., R. 6 W., W.M., Oregon.

The area described contains 20 acres in Josephine County.

The purpose of the withdrawal is to protect the Oregon Caves Administrative Site. The withdrawal currently segregates the land from operation of the mining laws but not the mineral leasing laws. The National Park Service requests no changes in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.**

The existing withdrawal will continue until such final determination is made.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

Dated: December 16, 1987.

[FR Doc. 87-29454 Filed 12-23-87; 8:45]

BILLING CODE 4310-33-M

Fish and Wildlife Service

Receipt of Applications for Permits; Honolulu Zoo, et al

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Honolulu Zoo, Honolulu, HI, PRT-723707

The applicant requests a permit to import one pair of captive born Asian elephants (Elephas maximus) from the Arignar Anna Zoo, Tamil Nadu, South India, for captive breeding purposes and zoological display. The applicant's request to import two female Asian elephants from Burma (PRT-719813) was withdrawn.

Applicant: The Peregrine Fund, Boise, ID, PRT-723408

The applicant requests a permit to import up to 20 live Aplomado falcons (Falco femoralis ssp septentrionalis) taken from the wild in Mexico over a period of two years for the purpose of enhancement of propagation and survival of the species.

Applicant: Dallas Zoo, Dallas, TX, PRT-722701

The applicant requests a permit to import four captive born Round Island boas (Casarea dussumieri) from the Jersey Wildlife Presevation Trust, Jersey, Channel Islands, for enhancement of propagation and exhibition.

Applicant: International Animal Exchange, Ferndale, MI, PRT-723405

The applicant requests a permit to export one pair of Diana guenons (Cercopithecus diana) to the Parque Metropolitano de Santiago, Santiago, Chile, for enhancement of the propagation of the species. The male was imported from Ghana in 1966; the female was born in the United States.

Applicant: Staten Island Zoological Society, Staten Island, NY, PRT-723755

The applicant requests a permit to export one captive born male leopard (Panthera pardus) to the Guadalajara Zoological Park, Guadalajara, Mexico, for enhancement of propagation of the species and public exhibition.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 403, 1375 K. Street NW., Washington DC 20005, or by writing to the Director, U.S. Office of Management Authority, P.O. Box 27329, Central Station, Washington, DC 20038-7329.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Date: December 16, 1987.

Larry LaRochelle,

Acting Chief, Branch of Permits, U.S. Office of Management Authority.

[FR Doc. 87-29486 Filed 12-23-87; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 2104, Block 295, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on December 14, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Inforamtion Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Warren Williamson; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2874.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: December 15, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-29455 Filed 12-23-87; 8:45 am]

BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to Office of Management and Budget for Review Under Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirements should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone (202) 395-7340.

Title: Permanent Program Performance Standards—Surface Mining Activities 30 CFR 816.

Abstract: Section 515 of Pub. L. 95-87 provides that permittees conducting surface coal mining operations shall meet all applicable performance standards of the Act. This information is used by the regulatory authority in monitoring and inspecting mining activities to ensure that they are conducted in a manner which preserves and enhances environmental and other values of the Act.

Bureau Form Number: None.

Frequency: On occasion, quarterly, and annually.

Description of Respondents: Surface coal mining operators.

Annual Responses: 597,716.

Annual Burden Hours: 266,078.

Bureau clearance officer: David Collegeman (202) 343-5447.

Dated: December 10, 1987.

Carson W. Culp,

Assistant Director for Budget and Administration.

[FR Doc. 87-23456 Filed 12-23-87; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations; Interco Inc.

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporates hauling operations as authorized in 49 U.S.C. 10524(b).

A.1. Parent corporation and address of principal office: Interco Incorporated, 101 South Hanley Rd., St. Louis, Missouri 63105.

2. Wholly-owned subsidiaries which will participate in the operations and states of incorporation:

Delmar Sportswear, Inc., Maryland
Big Yank Corporation, Delaware
Patriot Investment Company, Missouri
Fine's Men's Shops, Inc., Virginia
Converse Inc., Delaware
Converse Star I, Inc., Massachusetts
Converse Star II, Inc., Massachusetts
United Shirt Distributors, Inc., Delaware
Golde's Department Stores, Inc., Missouri
QCS, Inc., Missouri
Stuffed Shirt Inc., Delaware
Queen Casuals, Inc., Delaware
Northeast Factory Outlet, Pennsylvania
Londontown Corporation, Delaware
Matthew Manufacturing Company, Maryland
Star Sportswear Manufacturing Corp., Delaware
The Scranton Outlet Corporation, Delaware
Washington Holding Company, Georgia
Milford Sportswear, Inc., Delaware
Sky City Stores, Inc., Delaware
Broyhill Furniture Industries, Inc., North Carolina
Highland House, Inc., North Carolina
Highland Transport, Inc., North Carolina
Grand Entry Hat Corp., New York
Central Hardward Company, Missouri
Witte Hardware Corporation, Missouri
INTERCO Export, Ltd., Missouri
Least Management, Inc., Missouri
America's Tradesman, Inc., Missouri
Abe Schrader Corporation, Delaware
SS Advertising Associates, Inc., New York
The Biltwell Company, Inc., Missouri
Ace Sweater Mills, Inc., South Carolina
Campus Sweater & Sportswear Export Company, Ohio
Carolina Sportswear Company, North Carolina
Central Sportswear Company, South Carolina
Chester Sportswear Company, South Carolina
Creedmoor Sportswear Company, South Carolina
Ellwood Knitting Mills, Inc., Pennsylvania
Warren Shirt Company, Pennsylvania
St. Paul Sportswear Company, Virginia
Label Corp, South Carolina
Kenbridge Sportswear Company,
H & H Manufacturing Corp., Georgia
Nationwide-Penncraft, Inc., Georgia
Rogin, Inc. Georgia
LaCrosse Sportswear Corporation, Virginia
Factory Outlet Company, Delaware
Lexington Sportswear Company, South Carolina
Louisburg Sportswear Company, North Carolina
Morgan Sportswear Company, Georgia
Olympic Sweater & Sportswear Company, Ohio
Southampton Sportswear Corporation, Ohio
Swainsboro Sportswear Company, Georgia
Campus Far East Company, Ohio
Flat Rock Manufacturing Company, Georgia
The Florsheim Shoe Store Company-Midwest, Delaware
The Florsheim Shoe Store Company-West, Delaware
The Florsheim Shoe Store Company-Northeast, Delaware
The Florsheim Shoe Store Company-South, Delaware
L. J. O'Neill Shoe Company, Missouri
Thompson, Boland & Lee, Inc. Delaware
The Florsheim Shoe Store Company of Hawaii, Delaware
Senack Shoes, Inc., Missouri
Keith O'Brien Investment Company, Idaho
Ethen Allen Inc., Delaware
Andover Wood Products, Inc., Maine
EA Enterprises, Inc., Florida
Ethan Allen Adco, Inc., New York
Lake Avenue Associates, Inc., Connecticut
Northeast Consolidated, Inc., Vermont
Riverside Water Works, Inc., Vermont
KEA International Inc., New York

B.1. Parent corporation and address of principal office: Marlar and Whistle Lumber Company, Inc., U.S. Highway 82 West, P.O. Box 248, Lewisville, AR. 71845.

2. Wholly-owned subsidiaries which will participate in the operations, and State of incorporation: M & W Trucking Company, Inc., an Arkansas Corporation.

Norita R. McGee,

Secretary.

[FR Doc. 87-29480 Filed 12-23-87; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 290 (Sub-No. 5) (88-1)]

Rail Carriers; Quarterly Rail Cost Adjustment Factor

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Approval of Rail Cost Adjustment Factor and Decision.

SUMMARY: The Commission has decided to approve the cost index and Rail Cost Adjustment Factor (RCAF) for the first quarter 1988 filed by the Association of American Railroads (AAR) under the procedures of Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures.* We have rebased the denominator of the RCAF in order to comply with a provision of the Staggers Rail Act of 1980. Application of the index after forecast error adjustment provides for a first quarter 1988 RCAF of 1.122 before rebasing. The rebased first quarter 1988 RCAF is 1.027. Because there is a bank of credits available to offset a portion of the increase in maximum RCAF rate levels, RCAF rate levels may be increased by a maximum of 4.2 percent over the levels authorized in our decision served October 17, 1986. Since the bank of credits will be exhausted during the first quarter, future maximum RCAF rate levels will rise and fall with the level of the quarterly RCAF.

DATE: Effective January 1, 1988.

FOR FURTHER INFORMATION CONTACT: William T. Bono, (202) 275-7354 or Robert C. Hasek, (202) 275-0938—TDD for hearing impaired (202) 275-1721.

SUPPLEMENTARY INFORMATION: By decision served January 2, 1985 (50 FR 87, January 2, 1985) we outlined the procedures for the calculation of the all inclusive index of railroad input prices and the methodology for the computation of the RCAF. These procedures replaced an interim methodology which was formerly used. AAR is required to calculate the forecasted index on a quarterly basis and submit it on the fifth day of the last month of each calendar quarter.

We have reviewed AAR's calculations of the index for the first

BEST COPY AVAILABLE

VOL 52 ISS 247 DEC 24 1987 UMI

quarter of 1986 and find that these calculations comply with the rules.

In our decision served December 27, 1985, we restated a lump sum payment to certain members of the United Transportation Union by amortizing it over the life of the present union contract with interest calculated using the three-month Treasury Bill rate. We instructed AAR to continue this calculation by amortizing the principal balance over the remaining quarters using the three-month Treasury Bill interest rate available seven days prior to the submission date of the quarterly index. We have verified AAR's lump sum calculations and find that they comply with our instructions.

The Staggers Rail Act of 1980 (Staggers Rail Act) (49 U.S.C. 10707a(2)(B)) requires that the denominator of the RCAF be rebased in the fourth quarter of 1987. Although we have rebased the denominator of the RCAF, we have calculated the authorized increase using RCAF values before rebasing. These "pre-rebasing" values include an adjustment for forecast error occurring during the third quarter of 1987. For the last year there has been a bank of credits available to offset increases in maximum RCAF rate levels. That bank of credits will become exhausted during the first quarter of 1988. Only a portion of the difference between the current maximum RCAF rate level, 1.057, and the "pre-rebasing" first quarter 1988 RCAF, 1.122, will be offset by credits. The current maximum RCAF rate level of 1.057 was prescribed in our decision served October 17, 1986. That decision rolled back maximum RCAF rate levels effective November 15, 1986 and no RCAF increases have been permitted since then. Subtracting the total remaining credits, .021, from the "pre-rebasing" RCAF of 1.122 produces a first quarter 1988 effective maximum RCAF rate level of 1.101 which in turn produces a maximum allowable increase of 4.2 percent.

The indices and RCAF derived from AAR's first quarter 1988 calculations are shown in Table A set forth below. The adjustment for third quarter 1987 forecast error is also shown in Table A. Table B shows the third quarter 1987 index and RCAF calculated on both an actual basis and a forecasted basis. The difference between the actual data calculation and the forecasted data calculation is the basis for the forecast error adjustment.

Table C shows our calculation of the bank of credits used to offset RCAF rate level increases. We note that the application of the proper opportunity cost adjustment does not increase the bank of credits. Since the bank of credits is now exhausted, these calculations will not appear in future decisions.

AAR should calculate a rebased fourth quarter 1987 RCAF on both a forecasted and an actual basis as a part of its second quarter 1988 proposed index and RCAF. Those rebased calculations will be used to adjust the second quarter 1988 RCAF for fourth quarter 1987 forecast error. Future RCAF's should be calculated on the basis of the index rebased at October 1, 1987 and adjusted for forecast error as shown herein.

In order to comply with a provision of the Staggers Rail Act, we have rebased the denominator of the RCAF using the fourth quarter 1987 index, after restatement for forecast error, as the base. The Staggers Rail Act requires us to use the fourth quarter 1987 index value as the denominator and the first quarter 1988 index value as the numerator in the rebasing process. Although the Staggers Rail Act is silent on the use of a forecast error adjustment such an adjustment is now a part of our RCAF procedures. Accordingly, it would be incorrect to restate the denominator of the RCAF without considering forecast error. We have restated the linked indices for the fourth quarter 1987 and the first quarter 1988 using the difference between the forecast and actual linked indices for the second and third quarters of 1987 respectively. This is the same basic procedure that we use to adjust the quarterly RCAF forecast error adjustment. We note that adjusting the indices on a ratio basis would produce the same results. Our calculations are shown in Table D.

We find that the first quarter 1988 RCAF is 1.122 before rebasing and 1.027 after rebasing. For the past year RCAF rate increases have been held down by a bank of credits established by our decision served October 17, 1986. The current maximum is 1.057 or the maximum RCAF rate level in effect on December 31, 1985. The increase authorized in this decision will be partially offset by the remaining credits. Subtraction of the remaining credits, .021, from the "pre-rebasing" first quarter 1988 RCAF, 1.122, produces an effective maximum first quarter 1988 RCAF rate level of 1.101 which is 4.2 percent above the current maximum RCAF rate level. Maximum RCAF rate levels may be increased by a maximum of 4.2 percent over the levels directed in our decision served October 17, 1986. Since the bank of credits will be exhausted during the first quarter, future maximum RCAF rate levels will rise and fall with the level of the quarterly RCAF.

This decision will not significantly affect the quality of the human environment or the conservation of energy resources. This proceeding will not have a significant adverse impact on a substantial number of small entities because these procedures simplify a formerly complex and burdensome rate increase procedure.

Authority: 49 U.S.C. 10321, 10707a, 5 U.S.C. 553.

Decided: December 16, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Vice Chairman Lamboley dissented in part with a separate expression.

Noreta R. McGee,

Secretary.

Table A.—Ex Parte No. 290 (Sub-No. 5) (88–1) All Inclusive Index of Railroad Input Costs

Line No	Index component	1986 weights (percent)	Fourth quarter 1987 forecast	First quarter 1988 forecast
1	Labor	46.7	164.9	171.2
2	Fuel	5.9	57.8	58.8
3	Materials and supplies	6.9	99.7	102.2
4	Equipment rents	9.2	141.4	144.5
5	Depreciation	12.3	115.5	115.7
6	Other items [1]	19.0	124.5	126.6
7	Weighted average	100.0	138.7	142.6
8	Linked index [2]		131.4	135.1
9	Preliminary rail cost adjustment factor [3] (10/1/82=100) 120.9		1.087	1.117
10	Adjustment for forecast error [4]		.008	.005
11	RCAF (line 9 plus line 10)		1.093	1.122

[1] Other items are a combination of Purchased Services, Casualties and Insurance, General and Administrative, Other Taxes and Loss and Damage, all of which are measured by the Producer Price Index for Industrial Commodities Less Fuel and Related Products and Power.

[2] Linking is necessitated by a change to 1986 weights beginning with the fourth quarter 1987. The following formula was used for the fourth quarter 1987 index:

$$\frac{\text{1st quarter 1988 index (1986 weights)}}{\text{4th quarter 1987 index (1986 weights)}} \times \text{4th quarter 1987 index (linked index)} = \text{Linked index (1980 weights to 1986 weights)}$$

or:

$$\frac{142.6}{138.7} \times 131.4 = 135.1$$

[3] The denominator was rebased to an October 1, 1982 level in accordance with the requirements of the Staggers Rail Act of 1980.

[4] Third quarter 1987 forecast error adjustment is calculated as follows:

1. Third quarter 1987 RCAF calculated using forecasted data—1.079
2. Third quarter 1987 RCAF calculated using actual data—1.084
3. Difference (Line 2 minus Line 1). Since the actual third quarter 1987 RCAF was higher than the forecast the difference will be added to the first quarter 1988 preliminary RCAF—.005

Table B.—Ex Parte No. 290 (Sub-No. 5) (88–1) Comparison of Third Quarter 1987 Index Calculated on Both a Forecasted and an Actual Basis

Line No.	Index component	1985 weights (percent)	Third quarter 1987 forecast	Third quarter 1987 actual
1	Labor	48.6	164.2	164.2
2	Fuel	9.7	50.2	55.9
3	Materials and supplies	7.6	98.6	98.6
4	Equipment rents	9.0	140.2	140.9
5	Depreciation	8.7	115.4	116.0
6	Other items	16.4	123.4	124.2
7	Weighted average	100.0	136.0	136.8
8	Linked index		130.4	131.1
9	Rail cost adjustment factor		1.079	1.084

Table C.—Ex Parte No. 290 (Sub-No. 5) (88–1) Calculation of RCAF Credits and Application of Opportunity Cost Adjustment

1. Bank of RCAF credits 9–30–87	.057
2. Maximum RCAF rate level, fourth quarter 1987	1.057
3. Published RCAF fourth quarter 1987	1.093
4. Reduction ( ) or addition to bank of credits for second quarter 1987 (line 2 minus line 3)	(.036)
5. Bank of RCAF credits 12–31–87 (line 1 plus line 4)	.021
6. Third quarter allowance for opportunity cost (Three-month Treasury Bill rate for sale of 11–23–87 (5.7 percent) divided by 4)	1.425%
7. Bank of RCAF credits 12–31–87 adjusted for opportunity cost (line 5×(1.0+line 6))	.021

TABLE D.—EX PARTE NO. 290 (SUB-NO. 5) (88-1) CALCULATIONS SHOWING REBASING THE DENOMINATOR OF RCAF TO FOURTH QUARTER 1987 LEVEL AS REQUIRED BY THE STAGGERS RAIL ACT OF 1980

Line number	
1. Fourth quarter 1987 linked index	131.4
2. Second quarter 1987 linked index calculated using actual data	130.0
3. Second quarter 1987 linked index calculated using forecasted data	129.2
4. Difference (line 2 minus line 3) Since the actual was higher than the forecast the difference will be added to the fourth quarter 1987 linked index	.8
5. Fourth quarter 1987 linked index adjusted for second quarter 1987 forecast error (line 1 plus line 4) equals rebased denominator of the RCAF fraction	132.2
6. First quarter 1988 linked index	135.1
7. Third quarter 1987 linked index calculated using actual data	131.1
8. Third quarter 1987 linked index calculated using forecasted data	130.4
9. Difference (line 7 minus line 8) Since the actual was higher than the forecast the difference will be added to the first quarter 1988 linked index	.7
10. First quarter 1988 linked index adjusted for third quarter 1987 forecast error (line 6 plus line 9)	135.8
11. Rebased rail cost adjustment factor (line 10 divided by line 5)	1.027

[FR Doc. 87-29404 Filed 12-23-87; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 31172]

G. Richard Abernathy; Continuance in Control Exemption; Georgia Northeastern Railroad Co., Inc., Walking Horse and Eastern Railroad Co., Columbia and Silver Creek Railroad Co., and Sequatchie Valley Railroad

Mr. G. Richard Abernathy has filed a notice of exemption under 49 CFR 1180.4(g) regarding his continuance in control of Georgia Northeastern Railroad, Company, Inc. (GNRC), Walking Horse & Eastern Railroad Company (WH&E), Columbia & Silver Creek Railroad Company (C&SC), and Sequatchie Valley Railroad (SVR) under the provisions of 49 CFR 1180.2(d)2.

Mr. Abernathy is a principal shareholder of GNRC, a noncarrier, which has filed a concurrent notice of exemption in Finance Docket No. 31171, *Georgia Northeastern Railroad Company, Inc.—Acquisition and Operation Exemption—CSX Transportation, Inc.*, to acquire and operate 67 miles of rail line in Georgia from CSX Transportation, Inc. Mr. Abernathy also controls WH&E, C&SC, and SVR.

Mr. Abernathy indicates that: (1) The railroads will not connect with each other or any railroad in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a class I carrier. Therefore, this transaction involves the continuance in control of a nonconnecting carrier, and is exempt from the prior review requirements of 49 U.S.C. 11343. *See* 49 CFR 1180.2(d)(2).

As a condition to the use of this exemption, any employee affected by the transaction will be protected by the conditions set forth in *New York Dock. Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979).*

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 9, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29211 Filed 12-23-87; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 31171]

Georgia Northeastern Railroad Co., Inc.; Acquisition and Operation Exemption; CSX Transportation, Inc.

Georgia Northeastern Railroad Company, Inc. (GNE), has filed a notice of exemption to acquire and operate 67 miles of line of CSX Transportation, Inc. The property extends from milepost LKX 436.00 at Tate, GA, to milepost LKX 477.00, at Elizabeth, GA; and from milepost LKX 410.00, at Ellijay, GA., to milepost LKX 436.00 at Tate, GA. The transaction is expected to be consummated on or before December 14, 1987.

A transaction relating to the control of GNE by G. Richard Abernathy, is the subject of a notice of exemption filed concurrently in Finance Docket No. 31172, *G. Richard Abernathy—Continuance in Control Exemption—Georgia Northeastern Railroad Company, Inc.*. Any comments must be filed with the Commission and served on Mark M. Levin, Weiner, McCaffrey, Brodsky, & Kaplan, P.C., Suite 800, 1350 New York Avenue, Washington, DC 20005.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 9, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29212 Filed 12-23-87; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 31168]

Little Kanawha River Rail, Inc.; Acquisition and Operation Exemption; CSX Transportation, Inc. Line in Wood County, WV

Little Kanawha River Rail, Inc., has filed a notice of exemption to acquire and operate 3.1 miles of line of CSX Transportation, Inc. (CSXT). The property consists of CSXT's right-of-way and associated property between Ohio River Junction (valuation station 2+90, valuation section 61.1, map 65A), and South Parkersburg, WV (at the end of track 44+65, valuation section 58.1, map 51), in Wood County, WV. The transaction was scheduled to take place on or before November 30, 1987. Any comments must be filed with the Commission and served on John A. Alden, One East Livingston Avenue, Columbus, OH 43215-5764.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 8, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29213 Filed 12-23-87; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 31176]

LNAC Acquisition Corp.; Acquisition and Operation Exemption; The Louisville, New Albany and Corydon Railroad Co.

LNAC Acquisition Corp. (LNAC Acquisition) (a non-carrier), has filed a notice of exemption to acquire and operate property of the Louisville, New Albany & Corydon Railroad Company (LNAC) consisting of approximately 7.7 miles of track between Corydon, IN and Corydon Junction, IN. LNAC also holds motor carrier authority in No. MC-54855. LNAC is a subsidiary of the Evans Transportation Company (Evans). LNAC Acquisition is wholly owned by Itel Rail Car Corporation (Itel Rail Car). Itel Rail Car, in turn, is wholly owned by Itel Rail Corporation (Itel Rail), which, in turn, is wholly owned by Itel Corporation (Itel).

Itel has negotiated an asset purchase agreement (agreement) with Evans and its affiliate the Ferdinand Railroad Company (Ferdinand), to acquire certain assets associated with the rail car businesses of Evans. These assets will be transferred to the Ferdinand and Huntingsburg Railroad Company (F&H), a newly created noncarrier indirect subsidiary of Itel. F&H has filed a notice pursuant to 49 U.S.C. 10901 to acquire the assets of Ferdinand, and Itel has filed a petition pursuant to 49 U.S.C. 10505 to exercise control of F&H.[1]

At the time of the agreement the parties anticipated that LNAC would be sold prior to the consummation of the agreement, and Itel advised the Commission that it did not intend to acquire LNAC. LNAC has not been sold; therefore, Itel has negotiated a railroad asset purchase agreement by which LNAC Acquisition will acquire LNAC pending disposition to a third-party purchaser. Itel Rail Car will place the stock of LNAC Acquisition in a voting trust pending sale of its assets and stock. The creation of LNAC Acquisition will permit Itel to consummate its acquisition of the Evans assets that are not subject to the Commission's jurisdiction and enable Itel to initiate efforts to integrate Evans' other assets immediately upon consummation of the transaction.

Any comments must be filed with the Commission and served on Thomas J. Byrne and Carl V. Lyon, 1101 3Oth Street, NW., Suite 302, Washington, DC 20007.

The notice is filed under 49 CFR 1150.51. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 10, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29214 Filed 12-23-87; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 31174]

Railtex, Inc.; Continuance in Control Exemption; Virginia & North Carolina Railroad Co., Inc.

Railtex, Inc. (Railtex) has filed a notice of exemption under 49 CFR 1180.4(g) regarding its continuance in control of the Virginia & North Carolina Railroad Company, Inc. (V&NC), under the provisions of 49 CFR 1180.2(d)(3). At present, Railtex controls South Carolina Central Railroad Company, Inc. North Carolina & Virginia Railroad Company, Inc. (NC&V), the Austin Railroad Company, Inc. and the San Diego & Imperial Valley Railroad Company. V&NC, a wholly owned noncarrier subsidiary of Railtex, has filed concurrently a notice of exemption in Finance Docket No. 31173, *Virginia & North Carolina Railroad Company, Inc.—Acquisition and Operation Exemption—Rail Lines of North Carolina & Virginia Railroad Company, Inc.*, relating to V&NC's purchase and operation of a 2.4-mile line of railroad between the North Carolina-Virginia State border line and Boykins, VA. The line will be purchased from NC&V.

Railtex indicates that this transaction within the Railtex corporate family will not result in: (1) Adverse changes in service levels, (2) significant operational changes, or (3) a change in the competitive balance with carriers outside the corporate family. Therefore, this transaction is exempt from the prior review requirements of 49 U.S.C. 11343. *See* 49 CFR 1180.2(d)(3).

As a condition to the use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock. Ry.— Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 4, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29215 Filed 12-23-87; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 31167]

SouthEastern Rail Corp.; Acquisition and Operation Exemption; Gulf and Mississippi Railroad Corp.

SouthEastern Rail Corporation (SRC), a subsidiary of MidSouth Corporation (MidSouth), has filed a notice of exemption to acquire from Gulf and Mississippi Railroad Corporation (G&M) and operate approximately 732 miles of rail line located in Mississippi, Tennessee, and Alabama. The rail lines extend between Corinth, MS (M.P. 330.50) and Meridian, MS (M.P. 138.80); between Meridian (M.P. 132.00) and Mobile, AL (M.P. 4.70); between Middleton, TN (M.P. 368.50) and Woodland, MS (M.P. 274.00); between Aberdeen, MS (M.P. 106.05) and Fentress, MS (M.P. 47.00); between Ackerman, MS (M.P. 239.50) and Laurel, MS (M.P. 110.00), including the branch line between Union, MS (M.P. 0.00) and Walnut Grove, MS (M.P. 22.80); between Artesia, MS (M.P. 0.00) and Tuscaloosa, AL (M.P. 79.50), including the branch line between Tuscaloosa (M.P. 79.50) and Fox, AL (M.P. 8.54); between Brookwood, AL (M.P. LK 429.20—LK 429.68) and Holt, AL (M.P. TM 441.68—TB 441.79); and includes incidental trackage rights in Meridian (between M.P. 132.00 and M.P. 138.80); in Mobile (between M.P. 4.70 and the Alabama State Docks); between Ruslor Junction,

[1] The control application is Finance Docket 31143, Petition of Itel Corporation for exemption from 49 U.S.C. 11343 pursuant to 49 U.S.C. 10505. The acquisition and operation exemption is Finance Docket 31144, *The Ferdinand and Huntingsburg Railroad Co.; Acquisition and Operation of Rail Line, Ferdinand Railroad Co.*, published at 52 *Fed. Reg.* 44500 (November 19, 1987).

VOL 52 ISS 247 DEC 24 1987 UMI

MS (M.P. 330.50) and Corinth, MS (M.P. 328.90); between Middleton, TN (at or near M.P. 481.00) and Corinth, MS (at or near M.P. 459.00); and between New Albany, MS (M.P. 562.30) and Tupelo, MS (M.P. 588.20).

The agreement between SRC and G&M is expected to be consumated on or about February 15, 1988. This transaction will also involve the issuance of securities by SRC. Since SRC will be a Class II carrier, the issuance of these securities will be an exempt transaction under 49 CFR 1175.1.

Any comments must be filed with the Commission and served on: Mark M. Levin; Weiner, McCaffrey, Brodsky & Kaplan, P.C.; Suite 800, 1350 New York Avenue, NW., Washington, DC 20005–4797; (202) 628–2000.[1]

This notice is related to Finance Docket No. 31186 in which MidSouth has concurrently filed a petition pursuant to 49 U.S.C. 10505 for exemption from the prior approval requirements of 49 U.S.C. 11343 to continue in control of SRC upon SRC's acquisition of the G&M lines. MidSouth presently controls MidSouth Rail Corporation, a Class II rail carrier, and MidLouisiana Rail Corporation, a Class III rail carrier.[2]

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 15, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87–29216 Filed 12–23–87; 8:45 am]

BILLING CODE 7035–01–M

[1] The Railway Labor Executives' Association (RLEA) filed an unsupported request for labor protection, claiming that this transaction is subject to the mandatory labor protection provisions of 49 U.S.C. 11347. Since this transaction involves an exemption from 49 U.S.C. 10901, only a showing of exceptional circumstances will justify the imposition of labor protective conditions. RLEA's request is denied because the requisite showing has not been made. *See Class Exemption—Acq. & Oper. of R. Lines Under 49 U.S.C. 10901*, 1 I.C.C.2d 810 (1985).

[2] SRC's acquisition of the involved G&M properties must await an effective Commission decision in Finance Docket No. 31186, exempting the continuance in control described above or prior Commission approval of the common control relationship.

[Finance Docket No. 31173]

Virginia and North Carolina Railroad Co., Inc.; Acquisition and Operation Exemption; Rail Lines of North Carolina and Virginia Railroad Co., Inc.

Virginia & North Carolina Railroad Company, Inc. (V&NC), a noncarrier, has filed a notice of exemption to acquire and operate approximately 2.4 miles of railroad of North Carolina & Virginia Railroad, Inc. (NC&V), located in Virginia. The line extends from milepost 57.0 at the North Carolina-Virginia State border line to milepost 54.60 at Boykins, VA. The agreement for transfer of the lines between V&NC and NC&V was to be consummated on or before December 1, 1987.

This transaction will also involve the issuance of securities by V&NC, which will be a class III carrier. The issuance of these securities will be an exempt transaction under 49 CFR 1175.1.

A transaction relating to the control of V&NC by Railtex, Inc., is the subject of a notice of exemption filed concurrently in Finance Docket No. 31174, *Railtex Inc.—Continuance in Control Exemption—Virginia & North Carolina Railroad Company, Inc.* Any comments must be filed with the Commission and served on Mark M. Levin, Weiner, McCaffrey, Brodsky & Kaplan, P.C., 1350 New York Avenue, NW., Suite 800, Washington, DC 20005–4797.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 4, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87–29217 Filed 12–23–87; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–32 (Sub-No. 39X)]

Boston and Maine Corp. and Springfield Terminal Railway Co.; Exemption; Discontinuance of Service in Essex County, MA

Applicants, wholly owned subsidiaries of Guilford Transportation Industries, Inc., have filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to discontinue service over the Eastern Route Main Line from milepost 18.70 in Beverly to milepost 36.88 in Newburyport, all in Essex County, MA. The rail line lies on property owned by the Massachusetts Bay Transportation Authority.

Applicants have certified that (1) no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) no formal complaint, filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line, either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

Applicant has filed an environmental report which shows that no significant environmental or energy impacts are likely to result from the discontinuance.

As a condition to use of this exemption, any employee affected by the discontinuance of service shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979) [1].

The exemption will be effective January 25, 1987 unless stayed pending reconsideration. Petitions to stay must be filed by January 4, 1987, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by January 13, 1987 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicants' representative: Kristin Dorney, Esq., Boston and Maine Corporation, Iron Horse Park, North Billerica, MA 01862.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: December 14, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87–29218 Filed 12–23–87; 8:45 am]

BILLING CODE 7035–01–M

[1] The Railway Labor Executives' Association (RLEA) filed a request for the imposition of labor protective conditions. The United Transportation Union joins in RLEA's request. Since the subject discontinuance involves an exemption from 49 U.S.C. section 10903, such conditions have been imposed routinely.

[Docket No. AB–32 (Sub-No. 40X)]

Boston and Maine Corp. and Springfield Terminal Railway Co.; Exemption; Discontinuance of Service in Essex County, MA

Applicants, wholly owned subsidiaries of Guilford Transportation Industries, Inc., filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to discontinue service over the Gloucester Branch from milepost 18.70 in Beverly to milepost 35.39 in Rockport, a distance of 16.69 miles all in Essex County, MA. This rail line lies on property owned by the Massachusetts Bay Transportation Authority.

Applicant has certified that (1) no local traffic has moved over the line for at least 2 years, and that overhead traffic is not moved over the line, or may be rerouted and (2) no formal complaint, filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

Applicant has filed an environmental report which shows that no significant environmental or energy impacts are likely to result from the discontinuance.

As a condition to use of this exemption, any employee affected by the discontinuance shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).[1]

The exemption will be effective January 25, 1988 unless stayed pending reconsideration. Petitions to stay must be filed by January 4, 1988 and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by January 13, 1988 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicants' representative: Kristin Dorney, Esq., Boston and Maine Corporation, Iron Horse Park, North Billerica, MA 01862.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: December 14, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87–29219 Filed 12–23–87; 8:45 am]

BILLING CODE 7035–01–M

[1] The Railway Labor Executives' Association (RLEA) filed a request for the imposition of labor protective conditions. The United Transportation Union joins in RLEA's request. Since the sought discontinuance involves an exemption from 49 U.S.C. 10903, such conditions have been imposed routinely.

[Docket No. AB–290 (Sub-No. 4)]

Certificate and Decision on Southern Railway Co. Request to Abandon Railroad Lines in Dallas and Perry Counties, AL

Decided: December 21, 1987.

By application filed November 12, 1987, applicant seeks to abandon its 13.8-mile line of railroad between Marion Junction (milepost 14.0–P) and the end of the line at Marion (milepost 27.8–P) in Dallas and Perry Counties, AL. Public notice was properly given. Comments on the issue of labor protection were filed by the Railway Labor Executives' Association and the United Transportation Union.

Under 49 U.S.C. 10904(b), the Commission must grant an application for abandonment unless a protest is received within 30 days after the application was filed. Since the time for filing protests has expired and no protests were filed, an appropriate certificate and decision must be entered. As required by 49 U.S.C. 10903(b)(2), appropriate employee protective conditions will be imposed.

The environmental and energy impacts of this action have been examined and found not to be significant. Areas of consideration included, but were not limited to, energy consumption, air and water quality, noise levels, and public safety. It has been determined that the right-of-way would be suitable for alternative public use after abandonment. However, no party requested imposition of a public use condition. Accordingly, a public use condition will not be imposed.

The Commission's Section of Energy and Environment (SEE) has been informed by the State Historic Preservation Officer of Alabama that applicant's Marion depot may be eligible for listing in the *National Register*. Consequently, SEE recommends a condition that the railroad not engage in any salvage activities that would affect the potentially historic character of the depot until the Commission completes a section 106 National Historic Preservation Act review process.

The condition recommended by SEE is similar to conditions imposed in past abandonment proceedings. *See, e.g.*, Docket No. AB–6 (Sub-No. 291), *et al., Burlington Northern Railroad Company, The Denver and Rio Grande Western Railroad Company, and the Atchison, Topeka and Santa Fe Railway Company—Abandonment—In Denver and Jefferson Counties, CO* (not printed), served December 11, 1987. Accordingly, I will impose the condition. I would point out, however, that the condition does not preclude applicant from salvaging rails, ties and other railroad-related material apart from those related to the Marion depot.

Therefore, based on the record, I find:

1. Abandonment of the line will not result in a serious adverse impact on rural and community development.

2. The property is suitable for other public purposes.

3. This action will not significantly affect either the quality of the human environment or energy conservation.

It is certified: The present and future public convenience and necessity permit abandonment of the described line of railroad, subject to: (1) the employee protective conditions in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979); and (2) applicant may not engage in any salvage activities that would affect the potentially historic character of the Marion depot until the Commission completes a Section 106 National Historic Preservation Act review process.

It is ordered: 1. These findings will be published in the Federal Register on the date this decision is served. An offer of financial assistance to allow rail service to continue must be received by the railroad and the Commission within 10 days after publication. The offeror must comply with 49 U.S.C. 10906 and 49 CFR 1152.27(b).

2. Offers and related correspondence to the Commission must refer to this proceeding. The following notation must be typed in bold face on the lower left-hand corner of the envelope: "Rail Section, AB–OFA."

3. Subject to the conditions set forth above and provided no offer for continued rail operations is received, the railroad may abandon the line after the effective date of this certificate and decision.

4. The railroad may cancel its tariffs for this line on not less than 10 days' notice to the Commission. The cancellation tariffs must refer to this

certificate and decision by date and docket number.

5. This certificate and decision shall be effective 30 days from the date of service unless otherwise ordered by the Commission.

By the Commission. Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29509 Filed 12-23-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-19,968]

General Motors Corp., AC Spark Plug Division, Oak Creek, WI; Negative Determination Regarding Application for Reconsideration

After being granted a filing extension, the United Auto Workers of America (UAW) requested administrative reconsideration of the Department's negative determination on the subject petition for trade adjustment assistance for workers at General Motors Corporation, AC Spark Plug Division, Oak Creek, Wisconsin. The denial notice was signed on September 28, 1987 and published in the Federal Register on October 23, 1987 (52 FR 39717).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The union claims that auto imports with converters already attached increased in 1986 compared to 1985. The union states that General Motors' market share decreased in 1986 compared to 1986 and the A.C. Spark Plug's converter business is directly related to General Motors sales.

Investigative findings show that the Oak Creek plant produces catalytic converters mainly for General Motors cars and trucks. A small percentage of converters were produced for companies not affiliated with General Motors in 1986.

The Department's denial was based on the fact that the increased import criterion was not met. The Department's survey of major internal customers revealed that none of the respondents imported catalytic converters in model year 1986 or 1987.

Investigative findings further show that there is still not sufficient integration of Oak Creek production with other General Motors' plants whose workers are already under a certification to justify certifying workers at the Oak Creek plant. Most of General Motors' auto and truck assembly plants which are internal customers of Oak Creek do not have workers certified for adjustment assistance.

Imported finished articles (cars and trucks) incorporating component parts like catalytic converters would not serve as a basis for certification. This issue was addressed in *United Shoe Workers of America, AFL-CIO* v. *Bedell*, 506, F 2d 174 (D.C. Circ. 1974). The court held that imported finished women's shoes were not like or directly competitive with shoe counters. Similarly, catalytic converters cannot be considered as like or directly competitive with cars and trucks incorporating the converter. Section 222(3) of the Trade Act states that there must be increased imports of articles that are like or directly competitive with those produced at the workers' firm.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC. this 17th day of December 1987.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 87-29528 Filed 12-23-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-20,199]

Westmoreland Coal Co., Clothier, WV.; Negative Determination Regarding Application for Reconsideration

By an application dated December 7, 1987, one of the petitioners requested administrative reconsideration of the Department's negative determination on the subject petition for trade adjustment assistance. The denial notice was published in the Federal Register.

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The petitioner claims, among other things, that oil and coal are like articles and that automobiles, steel and electricity are directly competitive with coal. Petitioner names a utility that terminated its contract for coal from Westmoreland and supplemented its coal supply by purchasing imported coal.

The Department's denial was based on the fact that the increased import criterion was not met. U.S. imports of coal are negligible. The ratio of imports to domestic production was less than one-half of one percent during the last five years ending in 1986 and U.S. imports of coal declined in the first six months of 1987 compared to the same period of 1986.

Also, the dominant cause for the worker separations and the cessation of production was the closing of the mine because the remaining coal was uneconomical to mine. The mine had been in operation since 1955.

The Department does not consider oil as an article like coal. Departmental regulations state that "like" articles are those that are substantially identical in inherent or intrinsic characteristics (i.e. materials from which the articles are made, appearance, quality, texture etc.). Further, automobiles, steel and electricity are not competitive with coal production within the meaning of section 222(3) of the Trade Act of 1974. Workers at a coal mine, however, can be certified for adjustment assistance on the basis of steel imports only if it is part of an integrated production process, i.e., the coal is shipped to an affiliated steel plant whose workers independently meet the statutory criteria for certification. The consideration was not met for the Westmoreland Coal Company because it is not affiliated with a steel company.

Lastly, the utility named by the petitioner of importing coal was not a customer of the Hampton Division of Westmoreland. Pending legislation on setting a tariff on coal imports would not provide a basis for certification.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 18th day of December 1987.

Barbara Ann Farmer,

Acting Director, Office of Program Management, UIS.

[FR Doc. 87-29529 Filed 12-23-87; 8:45 am]

BILLING CODE 4510-30-M

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Additions to Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: The additions to the labor surplus area list are effective December 1, 1987.

SUMMARY: The purpose of this notice is to announce the classifications for the State of Wisconsin as well as the addition of two other areas to the list of labor surplus areas.

FOR FURTHER INFORMATION CONTACT: William J. McGarrity, Labor Economist, Employment and Training Administration, 200 Constitution Avenue, NW., Room N4470, Attention: TEESS, Washington, DC 20210. Telephone: 202-535-0185.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Procurement Regulations Temporary Regulation 57 (41 CFR Chapter 1, Appendix), issued by the General Services Administration on January 15, 1981 (46 FR 3519), implements Executive Order 12260. Executive agencies should refer to Temporary Regulation 57 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor published the annual list of labor surplus areas on October 27, 1987 (52 FR 41338).

Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(b) (48 FR 15615 April 12, 1983) and are effective December 1, 1987.

The list of labor surplus areas following is published for the use of all Federal agencies in directing procurement activities and locating new plants or facilities.

Signed at Washington, DC, on December 4, 1987.

Roger D. Semerad,

Assistant Secretary of Labor.

WISCONSIN CLASSIFICATIONS FOR FISCAL YEAR 1988

[December 1, 1987]

Eligible labor surplus areas	Civil jurisdictions included
Ashland County	Ashland County
Bayfield County	Bayfield County
Buffalo County	Buffalo County
Clark County	Clark County
Columbia County	Columbia County
Balance of Douglas County	Douglas County
	Superior City
Fond Du Lac City	Fond Du Lac City
	Fond Du Lac County
Forest County	Forest County
Green Bay City	Green Bay City In
	Brown County
Green Lake County	Green Lake County
Iron County	Iron County
Jackson County	Jackson County
Janesville City	Janesville City In
	Rock County
Juneau County	Juneau County
Kenosha City	Kenosha City In
	Kenosha County
Lincoln County	Lincoln County
Manitowoc City	Manitowoc City In
	Maintowoc County
Marinette County	Marinette County
Marquette County	Marquette County
Menominee County	Menominee County
Oconto County	Oconto County
Polk County	Polk County
Price County	Price County

WISCONSIN CLASSIFICATIONS FOR FISCAL YEAR 1988—Continued

[December 1, 1987]

Eligible labor surplus areas	Civil jurisdictions included
Racine City	Racine City In
	Racine County
Rusk County	Rusk County
Sauk County	Sauk County
Sawyer County	Sawyer County
Superior City	Superior City In
	Douglas County
Taylor County	Taylor County
Trempealeau County	Trempealeau County
Vernon County	Vernon County
Vilas County	Vilas County
Washburn County	Washburn County
Wausa City	Wausa City In
	Marathon County

ADDITIONS TO THE ANNUAL LIST OF LABOR SURPLUS AREAS

[December 1, 1987]

Labor surplus area	Civil jurisdiction included
Georgia: Putnam County	Putnam County
Minnesota: Jackson County	Jackson County

[FR Doc. 87-29530 Filed 12-23-87; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (87-103)]

NASA Advisory Council (NAC), Space and Earth Science Advisory Committee (SESAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space and Earth Science Advisory Committee, Informal Working Group.

DATE AND TIME: January 14, 1988, 1 p.m.-5 p.m., January 15, 1988, 8:30 a.m.-12 Noon.

ADDRESS: Engineering Center, Room AE-136, Boulder Campus, University of Colorado, Boulder, Colorado 80391.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Alexander, Code E, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-1656).

SUPPLEMENTARY INFORMATION: The Space and Earth Science Advisory Committee's Working Group will meet to discuss the Office of Space Science and Applications (OSSA) strategic planning status and to plan in detail the February 1988 meeting agenda and future committee activities. The group is

chaired by Dr. Louis Lanzerotti and is composed of 5 members. The meeting will be open to the public up to the capacity of the room (approximately 15 people including members of the committee).

Type of Meeting: Open.

Agenda:

Thursday, January 14, 1988.

1 p.m.–Discussion of Office of Space Science and Applications Strategic Planning Status.

5 p.m.–Adjourn.

Friday, January 15, 1988.

8:30 a.m.–Planning of the Agenda for February 17–19, 1988 Meeting.

10:30 a.m.–Discussion of SESAC Plans for 1988.

12 Noon–Adjourn.

Ann Bradley,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

December 17, 1987.

[FR Doc. 87–29502 Filed 12–23–87; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Renewal of Advisory Committee on Preservation

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) and advises of the renewal of the Advisory Committee on Preservation for a two-year period, until December 3, 1989.

The Archivist of the United States has determined that the renewal of this advisory committee is in the public interest so that the National Archives has up-to-date information on preservation technologies to ensure the preservation of permanently valuable records accessioned into the National Archives.

Dated: December 16, 1987.

Claudine J. Weiher,

Acting Archivist of the United States.

[FR Doc. 87–29467 Filed 12–23–87; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities; Panel Meetings

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue NW., Washington, DC 20506:

FOR FURTHER INFORMATION CONTACT: Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/786–0322.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or (3) information the disclosure of which would significantly frustrate implementation of proposed agency action, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9) (B) of section 552b of Title 5, United States Code.

1. *Date:* January 11, 1988
Time: 8:30 a.m. to 5:00 p.m.
Room: 430
Program: This meeting will review applications for History Centers, submitted to the Division of Education Programs, for projects beginning after April 1, 1988.

2. *Date:* January 14–15, 1988
Time: 8:30 a.m. to 5:00 p.m.
Room: 415
Program: This meeting will review applications submitted for Museums and Historical Organizations, to the Division of General Programs, for projects beginning after July 1, 1988.

3. *Date:* January 21–22, 1988
Time: 8:00 a.m. to 5:00 p.m.
Room: 415
Program: This meeting will review applications submitted for Museums and Historical Organizations to the Division of General Programs, for projects beginning after July 1, 1988.

4. *Date:* January 28, 1988
Time: 8:30 a.m. to 5:00 p.m.
Room: 315
Program: This meeting will review applications for Interpretive Research/Projects for Literature, Film, and Philosophy, submitted to the Division of Research Programs, for projects beginning after July 1, 1988.

5. *Date:* January 28–29, 1988
Time: 8:00 a.m. to 5:00 p.m.
Room: 315
Program: This meeting will review applications submitted for Museums and Historical Organizations to the Division of General Programs, for projects beginning after July 1, 1988.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 87–29540 Filed 12–23–87; 8:45 am]

BILLING CODE 7536–01–M

Media Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (American Film Institute Section) to the National Council on the Arts, will be held on January 5, 1988, from 9:00 a.m.–5:30 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

December 17, 1987.

[FR Doc. 87–29458 Filed 12–23–87; 8:45 am]

BILLING CODE 7537–01–M

Media Arts Advisory Panel; Meeting

Pusuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub.

L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Film/Video Production Prescreening #1) to the National Council on the Arts, will be held on January 12–14, 1988, from 9:00 a.m.–5:30 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation of the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment fo the Arts, Washington, DC 20506, or call (202) 682–5433.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

December 18, 1987.

[FR Doc. 87–29459 Filed 12–23–87; 8:45 am]

BILLING CODE 7537–01–M

SCIENCE AND TECHNOLOGY POLICY OFFICE

White House Science Council (WHSC); Meeting

The White House Science Council, the purpose of which is to advise the Director, Office of Science and Technology Policy (OSTP), will meet on January 7 and 8, 1988 in Room 5104, New Executive Office Building, Washington, DC. The meeting will begin at 6:00 pm on January 7, recess and reconvene at 8:00 a.m. on January 8, 1988. Following is the proposed agenda for the meeting:

(1) Briefing of the council, by the Assistant Directors of OSTP, on the current activities of OSTP.

(2) Briefing of the Council by OSTP personnel and personnel of other agencies on proposed, ongoing, and completed panel studies.

(3) Discussion of composition of panels to conduct studies.

The January 7 session and a portion of the January 8 session will be closed to the public.

The briefing on some of the current activities of OSTP necessarily will involve discussion of material that is formally classified in the interest of national defence or for foreign policy reasons. This is also true for a portion of the briefing on panel studies. As well, a portion of both of these briefings will require discussion of internal personnel procedures of the Executive Office of the President and information which, if prematurely disclosed, would significantly frustrate the implementation of decisions made requiring agency action. These portions of the meeting will be closed to the public pursuant to 5 U.S.C. 552b.(c) (1), (2), and (9)(B).

A portion of the discussion of panel composition will necessitate the disclosure of information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, this portion of the meeting will also be closed to the public, pursuant to 5 U.S.C. 552b.(c)(6).

Because of the security in the New Executive Office Building, persons wishing to attend the open portion of the meeting should contact Barbara J. Diering, at (202) 546–7740, prior to 3:00 p.m. on January 6, 1988. Mrs. Diering is also available to provide specific information regarding time, place and agenda for the open session.

Barbara J. Diering,

Special Assistant, Office of Science and Technology Policy.

December 23, 1987.

[FR Doc. 87–29693 Filed 12–23–87; 10:49 am]

BILLING CODE 3170–01–M

SECURITIES AND EXCHANGE COMMISSION

Senior Executive Service Performance Review Board, List of Members; Schedule of Bonus Awards

AGENCY: Securities & Exchange Commission.

ACTION: Listing of Personnel Serving as Members of this Agency's Senior Executive Service Performance Review Board and Announcement of Schedule for Awarding Bonuses.

SUMMARY: Pub. L. 95–454 dated October 13, 1978 (Civil Service Reform Act of 1978) requires that Federal agencies publish notification of the appointment of individuals who serve as members of that agency's Performance Review Board (PRB). This notice announces the PRB membership and the schedule for awarding SES bonuses in the Commission. The Securities and Exchange Commission has established a Performance Review Board consisting of:

1. George Kundahl, Executive Director, PRB Chairman
2. Daniel Goelzer, General Counsel
3. Linda Fienberg, Executive Assistant to the Chairman

The Securities and Exchange Commission plans to award bonuses to Senior Executive Service members on or about January 15, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. James McConnell, Office of the Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 (202) 272–2700.

Jonathan G. Katz,

Secretary.

December 16, 1987.

[FR Doc. 87–29480 Filed 12–23–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–24532]

Filings Under Public Utility Holding Company Act of 1935 ("Act")

December 17, 1987.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by January 11, 1987 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicants and/or declarant(s) at the address specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Jersey Central Power and Light Company (70-7134)

Jersey Central Power and Light Company ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey, a subsidiary of General Public Utilities Corporation, a registered holding company, has filed a post-effective amendment to its application pursuant to sections 9(a) and 10 of the Act.

By prior Commission order, JCP&L entered into a renewable six-month nuclear fuel lease agreement ("Lease") with PruLease, Inc. ("Lessor"), an affiliate of The Prudential Insurance Company of America ("HCAR No. 23841, September 24, 1985). Under the terms of the Lease, the Lessor would acquire from and simultaneously lease to JCP&L certain nuclear fuel, fuel assemblies and component parts ("Nuclear Material") for use in its Oyster Creek nuclear generating station ("Oyster Creek"). The Lessor would also make payments relating to milling, conversion, enrichment and fabrication services, pursuant to contracts for such services assigned to the Lessor by JCP&L, and other costs generally associated with the Nuclear Material. The Lease currently provides that the Lessor's unrecovered acquisition costs for Nuclear Material and payments for such related services and other costs ("Acquisition Costs"), may not exceed, in the aggregate, $80 million outstanding at any one time.

By subsequent order, JCP&L was authorized to increase the amount of nuclear material which it may sell and lease back from PruLease and the amount of other Acquisition Costs under the Lease to $100 million, which may be outstanding under the Lease at any one time, and to reduce the lease rate payable by JCP&L with respect to any Acquisitioin Costs in addition to those outstanding as of the date the Lease is amended to 1.5% (from 2%) above Prudential Funding Corporation's 30-day commercial paper rate (HCAR No. 24293, January 7, 1987). JCP&L now proposes to increase that amount to $125 million. In all other respects, the transactions as heretofore authorized by the Commission would remain in effect.

Columbus Southern Power Company (70-7453)

Columbus Southern Power Company (formerly, Columbus and Southern Ohio Electric Power Company) ("CSPCo"), 215 North Front Street, Columbus, Ohio 43215, a subsidiary of American Electric Company, Inc., a registered holding company, has filed a post-effective amendment to its declaration, pursuant to sections 6(a), and 7 and 12(c) of the Act and Rules 42, 50 and 50(a)(5) thereunder.

By prior Commission order, CSPCo was authorized to issue and sell in one or more issues from time to time through December 31, 1988, up to $260 million aggregate principal amount of its first mortgage bonds ("Bonds"), in one or more new series. As an alternative to the issuance of an equal principal amount of the Bonds, CSPCo was also authorized to issue and sell one or more new series of its Cumulative Preferred Shares, par value $25 and/or $100 per share, with an aggregate par value of up to $80 million. Additionally, as an alternative to the issuance of the Bonds, CSPCo was authorized to issue from time to time up to $260 million principal amount of unsecured promissory notes with maturity not less than two years nor more than ten years ("Notes") to one or more commercial banks or other financial institutions pursuant to a proposed term loan agreement ("Agreement") (HCAR No. 24511, December 2, 1987).

It is now proposed that as additional credit enhancement for one or more series of the Bonds, CSPCo may arrange for the payment of the principal and interest of such Bonds to be guaranteed by a bond issue insurance policy or surety bond to be issued by an insurance company or consortium of insurance companies. The cost of such policy to CSPCo would be no more than 9/10 of 1% of the outstanding principal amount of the Bonds, payable annually in advance. Also, the Agreement will be amended to provide that the Notes bear interest either at a fixed rate per annum until maturity ("Fixed Rate Loan") or at a fixed rate per annum for a portion of the term of the loan and thereafter until maturity at a fluctuating rate ("Fix/Fluctuating Rate Loan"). The Agreement and Notes thereunder would be for a term of not less than two nor more than twelve years from the date of borrowing. If the term of the Notes is more than ten years, the actual interest rate which each note will bear will be determined at the time of the sale or sales by competitive bidding. If the term of the Notes is ten years or less, the actual rate of interest, and the maturity thereof, shall be subject to further negotiations between CSPCo and the lender; provided that (a) the fixed rate of interest of the Notes will not be greater than 250 basis points above the yield at the time of issuance of the Notes to maturity of United States Treasury obligations that in the case of a Fixed Rate Loan mature on or about the date of maturity of the Notes, or that in the case of a Fixed/Fluctuating Rate Loan, mature on or about the date that such loan changes from a fixed to a fluctuating rate ("Conversion Date"), and (b) the fluctuating rate, if any, will not be greater than 200 basis points above the rate of interest announced publicly by the lending bank from time to time as its base or prime rate. If a loan is a Fixed/Fluctuating Rate Loan, the prepayment fee will be payable only in the event that the Note is paid prior to the Conversion Date and will be based only upon quarterly interest payments to the Conversion Date.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-29488 Filed 12-23-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16179; 812-6684]

Application for Exemption; Variable Account A of Monarch Life Insurance Co.

December 17, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption Under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Variable Account A of Monarch Life Insurance Company ("VAriable Account A"), Monarch Life Insurance Company ("Monarch") and Monarch Resources, Inc.

Relevant 1940 Act Sections: Exemption requested under section 6(c) from sections 2(a)(32), 2(a)(35), 22(c), 26(a)(2), 27(a)(1), 27(a)(3), 27(c)(1), 27(c)(2), 27(d), 27(f) and 27(h)(3) of the 1940 Act and Rules 6e-2 and 22c-1 thereunder.

Summary of Application: Applicants seek an order to permit, in connection with the issuance of scheduled premium variable life insurance policies (the "Policies") and substantially similar policies issued through Variable Account A and other Monarch separate investment accounts (the "Variable Accounts") those policies to include certain features, such as: (1) The right of the insured to pay unscheduled premiums under the Policies; (2) the deduction of a sales load chargeable to first year scheduled premiums and unscheduled premiums in the nature of a "deferred sales load," and the deduction of a premium tax charge for unscheduled premiums in the nature of a deferred charge; and (3) the deduction

from the Investment Base of the Policies and substantially similar policies for cost of insurance ("Mortality Cost") and the deduction from the assets of the Variable Accounts for the guaranteed benefits risk charge.

Filing Date: The application was filed on April 13, 1987 and amended on September 11, 1987 and November 11, 1987.

Hearing or Notification of Hearing: If no hearing is ordered the application will be granted. Any interested person may request a hearing on the application or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on January 11, 1988. A request for a hearing should be in writing and should state the nature of the requesting party's interest, the reason for the request, and the issues the requesting party contests. The requesting party should serve Applicants with the request, either personally or by mail, and also send a copy to the Secretary of the SEC, along with proof of service by affidavit or, in the case of an attorney-at-law, by certificate. A request for notification of the date of a hearing should be in writing addressed to the Secretary of the SEC.

ADDRESSES: Secretary, Securities and Exchange Commission 450 5th Street, NW., Washington, DC 20549. Variable Account A of Monarch Life Insurance Company and Monarch Life Insurance Company, One Monarch Place, Springfield, Massachusetts 01133. Monarch Resources, Inc., 780 Third Avenue, New York New York, 10017.

FOR FURTHER INFORMATION CONTACT: Jeffrey M. Ulness, Attorney, at (202) 272-2026, or Lewis B. Reich, Special Council, at (202) 272-2061, (Division Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Office in person or the SEC's commercial copier at (800) 231-3282 (in Maryland at (301) 253-4300).

Applicants' Representations:

1. Monarch is a stock life insurance company organized under the laws of the Commonwealth of Massachusetts, with its principal office located in Springfield, Massachusetts. Monarch is a wholly-owned subsidiary of Monarch Capital Corporation, a Delaware corporation organized in 1968 as a holding company. Monarch is authorized to do business in the District of Columbia, Puerto Rico and all states.

2. Variable Account A was established on March 31, 1980, as a separate investment account under the laws of Massachusetts and registered with the SEC as a unit investment trust to provide the basic funding to support the benefits under certain variable life insurance policies, including the Policies. In the future, policies substantially similar to the Policies (as described more fully in the Application) may be funded through Variable Account A or other Variable Accounts of Monarch. Unless otherwise indicated, the following representations and statements describe both Variable Account A and the other Variable Accounts that Manarch may use to fund policies substantially similar to the Policies.

3. Each Variable Account will consist of one or more investment divisions, each of which will invest in securities or, if organized as a unit investment trust, in shares or units issued by registered investment companies. Variable Account A's current divisions will invest in nine portfolios of Merrill Lynch Series Fund, Inc., and in designated trusts in The Merrill Lynch Fund of Stripped ("Zero") U.S. Treasury Securities, Series A, B, C and D (the "Merrill Trusts").

4. The Policies will be issued in two forms: one covering a single insured and the other covering two insured. Under the latter form, the death benefit will be paid only upon the death of the last surviving insured. Three plans are available under the Policies: Plan A, which offers both a level face amount and the choice of a scheduled premium payment period; Plan B, which offers a level face amount (but whose Variable Insurance Amount is calculated differently than under Plan A or Plan C); and Plan C, which offers a face amount that decreases at a later point in time.

5. Each Policy will provide for a death benefit equal to the larger of the Policy's face amount and the "Variable Insurance Amount" at the time of the insured's (or last surviving insured's) death. The Variable Insurance Amount for Policies issued under Plans A and C will be determined by multiplying a Policy's cash surrender value by the applicable net single premium factor. The Variable Insurance Amount for Policies issued under Plan B will be determined in the same manner as under Plans A and C during the first policy year, but thereafter will equal the sum of a Policy's face amount plus the applicable net single premium factor multiplied by the excess, if any, of the cash surrender value over the fixed base (which is calculated in the same manner as the cash surrender value except that the calculation is based on the guaranteed maximum cost of insurance rates and an assumed interest rate of 4% and assumes that all scheduled premiums have been duly paid but that no unscheduled premiums have been paid or any policy loans made).

6. The Policies also permit the payment of unscheduled premiums, subject to certain conditions, with or apart from scheduled premium payments. If the Policy owner stops paying scheduled premiums, the owner may or, if the owner makes no election, Monarch will continue the Policy under a variable non-forfeiture option. The variable non-forfeiture option available if the insured is in a standard or better underwriting class is variable extended term insurance ("ETI") (a fixed ETI option is also available), and the variable non-forfeiture option available if the insured is not in a standard or better underwriting class is variable reduced paid-up insurance. Under the variable non-forfeiture options, the Policy's Investment Base (which is the amount available under the Policy for investment in the Variable Account funding the Policy) remains in the Variable Account, and the owner may borrow against the Policy. Under the variable ETI option, the owner may also pay unscheduled premiums.

7. Applicants request an exemption from Rule 6e-2(c)(1) under the 1940 Act to the extent necessary to treat the Policies and substantially similar policies funded by the Variable Accounts as "variable life insurance contracts" within the meaning of Rule 6e-2(c)(1).

8. Applicants represent that the reduction in face amount for Policies issued under Plan C is designed to permit Policy owners to purchase as given face amount during early policy years for lower scheduled premiums than they would pay for the same face amount under Plan A or Plan B. During later policy years, afer the face amount of a Policy issued under Plan C has been decreased, the Policy's cash surrender value is likely to be significant due to cumulative investment experience and premium payments, and it is likely that the Policy's Variable Insurance Amount would provide a substantial death benefit. Applicants submit that the reduction in face amount in later policy years does not affect the variable nature of a Policy issued under Plan C, such as its Variable Insurance Amount, Investment Base or cash surrender value, and therefore should not be viewed as a feature disqualifying a Policy issued under Plan C as a variable life insurance contract under Rule 6e-2(c)(1).

9. Applicants submit that permitting unscheduled premium payments under

VOL 52 ISS 247 DEC 24 1987 UMI

the Policies merely provides an additional benefit to Policy owners and does not affect the fundamental nature of the Policies as scheduled premium variable life insurance contracts, and therefore, should not be viewed as a feature disqualifying the Policies as variable life insurance contracts under Rule 6e–2(c)(1).

10. Applicants submit that the variable ETI option and variable reduced paid-up insurance option provide an additional benefit to a Policy owner by making it possible for the owner to continue insurance protection and participation in the Variable Account even though the owner no longer desires, or may not be able, to pay scheduled premiums. Applicants assert that the availability of these variable non-forfeiture options does not affect the character of the Policy before the option takes effect and therefore should not be viewed as a feature disqualifying the Policies as variable life insurance contracts under Rule 6e–2(c)(1).

11. The Policies povide for deducations for sales loads and premium tax charges. An 8.5% charge (10.0% for a Policy covering joint insured), consisting of a 6.0% sales load (7.5% sales load for a Policy covering joint insured) and a 2.5% premium tax charge, is deducted from each scheduled premium paid under a Policy before allocation to the Policy's Investment Base. In addition, a deferred sales load of 24.0% (22.5% for a Policy covering joint insured) of each first year scheduled premium paid under a Policy is deducted from the Policy's Investment Base in equal installments of 2.4% (2.25% for a Policy covering joint insured) on each of the first through tenth policy anniversaries. No front-end sales load or permium tax charge is deducted from an unscheduled premium paid under a Policy before allocation to the Policy's Investment Base. Instead, a deferred charge of 7.0% (9.0% for a Policy covering joint insured) of each unscheduled premium payment, consisting of a 4.5% sales load (6.5% sales load for a Policy covering joint insured) and a 2.5% premium tax charge, is deducted from the Policy's Investment Base in ten equal installments of .70% (.9% for a Policy covering joint insured) on each of the ten policy anniversaries on or following receipt and acceptance of that payment.

12. A Policy's Investment Base includes the deferred sales loads and any deferred premium tax charges (the "deferred policy loading"). However, the cash surrender value of a Policy reflects a deduction from the Policy's Investment Base for the balance of any deferred policy loading not yet deducted. Upon surrender of a Policy, the balance of the deferred policy loading not previously deducted is subtracted in determining the net cash surrender value, which is the amount payable to the Policy owner, and is equal to the cash surrender value less any policy debt.

13. Applicants request an exemption from section 2(a)(35) of the 1940 Act and Rule 6e–2(b)(1) and 6e–2(c)(4) thereunder to the extent necessary for the term "sales load," as used in the 1940 Act and rules thereunder, to be deemed to include the deferred sales loads chargeable to first year scheduled premiums and any unscheduled premuims paid under the Policies and any substantially similar policies.

14. Applicants submit that the mere fact that the timing of deductions for deferred sales loads under the Policies may not fall within the literal pattern of section 2(a)(35) and Rule 6e-2(c)(4) does not change their essential nature as charges designed to defray sales expenses.

15. Applicants request an exemption from sections 27(a)(3) and 27(h)(3) of the 1940 Act and Rule 6e-2(b)(13)(ii) thereunder, to the extent necessary, to permit the deduction of a deferred sales load chargeable to unscheduled premium payments under the Policies (under which the deferred sales load so chargeable is 4.5% (6.5% for a Policy covering joint insured) of each unscheduled premium payment) and any substantially similar policies, even though sales loads so chargeable to subsequently paid scheduled premiums might result in a technical violation of such provisions.

16. Applicants submit that the mere fact that the sales load chargeable to an unscheduled premium payment is deferred, whereas the sales load for a subsequently paid scheduled premium is deducted up-front, is not inconsistent with the policies underlying Rule 6e-2(b)(13)(ii) because a Policy owner will ultimately pay the same amount of sales load for unscheduled premium payments that is ducted up-front from scheduled premium payments. Also, Applicants state that every Policy owner benefits from the fact that the full amount of the unscheduled premium payment is invested from the time the payment is accepted.

17. With respect to situations where the ability to pay unscheduled premiums between scheduled premiums results in a higher deferred or total sales load deducted from subsequent premiums than prior premiums, Applicants assert that every Policy owner benefits from the fact that a deferred sales load in amounts set forth above are assessed for unscheduled premiums. Moreover, Applicants represent that an unscheduled premium payment functions differently from scheduled premium payments. Whereas the payment of scheduled premiums ensures guaranteed policy benefits, the payment of unscheduled premiums does not affect the policy guarantees unless paid after the scheduled premium payment period (assuming all scheduled premiums have been duly paid) or unless paid after the Policy is applied to the variable ETI option. Unscheduled premium payments, however, affect the investment element of the Policy.

18. Applicants, request an exemption from sections 26(a)(2) and 27(a)(2) of the 1940 Act and Rule 6e-2(b)(13)(iii) and 6e-2(c)(4) thereunder, to the extent necessary, to permit the deduction from the Investment Base of the premium tax charge for an unscheduled premium payment in ten equal installments on the ten policy anniversaries on or following receipt and acceptance of that payment under the Policies and any substantially similar policies.

19. Applicants submit that the imposition of the premium tax charge in this deferred form is more advantageous to Policy owners than having the full amount deducted up-front. Applicants assert that this charge is cost-based, and that no additional or contingent charge will be due for the balance should the death benefit become payable before the premium tax charge has been fully deducted.

20. Applicants request an exemption from section 27(a)(1) of the 1940 Act and Rule 6e–2(b)(1), 6e–2(b)(13) and 6e–2(c)(4) thereunder, on the same terms specified in Rule 6e–2(b)(13)(i) and 6e–2(c)(4), except that life expectancy and the cost of insurance deduction for the Policies and any substantially similar policies will be based upon rates derived from the 1980 Commissioners' Standard Ordinary Male and Female ("1980 CSO Tables") rather than the 1958 Commissioners Ordinary Mortality Table ("1958 CSO Table").

21. Applicants represent that the 1980 CSO Tables were adopted subsequent to the adoption of Rule 6e–2 and reflect more recent information and data about mortality. In general, insurance charges based on the 1980 CSO Tables are lower than those based on the 1958 CSO Table.

22. Applicants represent that Monarch uses the 1980 CSO Tables in esablishing premium rates and determining reserve liabilities for the Policies. Accordingly, Applicants submit that it is appropriate that, in determining what is deemed to be sales load under the Policies, the deduction for the cost of insurance should be based on the 1980 CSO Tables, rather than the 1958 CSO Table.

23. Applicants request an exemption from sections 2(a)(32) and 27(c)(1) of the 1940 Act and Rule 6e–2(b)(12) and 6e–2(b)(13)(iv) thereunder to the extent necessary to permit the net cash surrender value to reflect a deduction of the balance of the deferred policy loading upon surrender of the Policies or any substantially similar policies.

24. Applicants assert that deducting the balance of deferred policy loading in determining the amount payable to a Policy owner upon surrender of the Policy does not restrict the Policy owner from receiving on redemption his or her "proportionate share," for purposes of section 2(a)(32), of the value of the Variable Account funding the Policy. Applicants represent that the deferred policy loading deducted at the time of surrender consists of sales loads and premium tax charges that were chargeable to premiums when paid but were intended to be deducted over period of time rather than up-front from those premiums. Applicants submit that their method of deferring the deduction of those charges results in a larger net amount for initial investment in the Variable Account, thus providing a benefit to Policy owners.

25. Applicants request an exemption from section 22(c) of the 1940 Act and Rules 6e–2(b)(12) and 22c–1 thereunder, to the extent necessary, to permit the deduction upon surrender of the balance of deferred policy loading under the Policies and substantially similar policies.

26. Applicants assert that their procedure of deducting the balance of deferred policy loading in determining the net cash surrender value payable to a Policy owner is not inconsistent with the policy and purposes of Rule 22c–1. Applicants contead that their procedure for determining the net cash surrender value under a Policy on a basis next computed after receipt of the Policy and written surrender request would not have the dilutive effect or encourage the speculative trading that Rule 22c–1 is designed to prevent.

27. Applicants request an exemption from sections 26(a)(2)(C), 27(c)(2), 27(d) and 27(f) of the 1940 Act, to the extent necessary, to permit the deduction upon surrender of the deferred policy loading under the Policies and substantially similar policies.

28. Applicants submit that, while the deduction upon surrender of deferred charges is not expressly contemplated by these Sections, it is not inconsistent with the policy and purposes of these sections.

29. Applicants represent that, in addition to the deferred policy loading, certain other charges and expenses will be deducted periodically under the Policies. These charges include: the Mortality Cost and quarterly administrative fee deducted from a Policy's Investment Base quarterly on each policy processing date; the first year administrative fee deducted quarterly from a Policy's Investment Base on the first four policy processing dates; the mortality and expense risk charge and guaranteed benefits risk charge deducted from the assets of the Variable Account funding a Policy (which charge is deducted from the daily investment results of each division in the Variable Accounts in determining its net rate of return); and the trust charge deducted from the assets of the investment divisions of Variable Account A investing in the Merrill Trusts (which charge is deducted from the daily investment results of those divisions in determining their respective net rates of return).

30. Applicants request an exemption from sections 26(a) and 27(c)(2) of the 1940 Act and Rule 6e–2(b)(13)(iii) thereunder, to the extent necessary, to permit the deduction from the Investment Base of the Policies or substantially similar policies of the Mortality Cost quarterly in arrears.

31. Applicants assert that, by determining and deducting the Mortality Cost quarterly in arrears from the Investment Base, the Policy owner avoids having a large charge deducted as a front-end load from each premium payment. Applicants state that the continual periodic deductions of the Mortality Cost benefits the Policy owner because it increases the initial amount available for investment by the Policy owner.

32. Applicants request an exemption from section 26(a)(2) and 27(c)(2) of the 1940 Act and Rule 6e–2(b)(13)(iii) thereunder, to the extent necessary, to permit the deduction of the guaranteed benefits risk charge under the Policies and substantially similar policies. This charge is currently deducted at an annual rate of 0.15% (The policies provide that this charge may be increased, but the sum of the charges for mortality and expense risks and guaranteed benefits risk charge may not exceed an annual rate of 0.90%. Applicants represent they will not increase the amount of the guaranteed benefits risk charge above 0.15% or the mortality and expense risk charge above an annual rate of 0.60% without first obtaining any necessary exemptive relief.)

33. Applicants represent that the guaranteed benefits risk charge is reasonable in relation to the risk assumed. Applicants have reviewed the level of the guaranteed benefits risk charge under comparable scheduled premium variable life insurance contracts currently being offered, and represent that the charge under the Policies is within the range of industry practice for comparable contracts.

34. Applicants represent that they believe that the sales load being imposed under the Policies may not cover the costs assocaited with them. Monarch has concluded that there is a reasonable likelihood that the distribution financing arrangement being used in connection with the Policies will benefit the Variable Accounts and Policy owners.

For the Commission by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–29487 Filed 12–23–87; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 06/06–0219]

Filing of Application for Transfer of Ownership and Control; Allied Bancshares Capital Corp.

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.601 of the Regulations governing small business investment companies (13 CFR 107.601 (1987)) for a transfer of ownership and control of Allied Bancshares Capital Corporation (ABCC), 1000 Louisiana Street, Houston, Texas 77002, a Federal Licensee under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*). The proposed transfer of ownership and control of ABCC, which was licensed November 1, 1979, is subject to the prior written approval of SBA.

The transfer of ownership and control relates to a proposed merger of Allied Bancshares, Inc. (the 100 percent owner of ABCC) with and into First Interstate Bancorp of Texas, Inc., eventual wholly-owned subsidiary of First Interstate Bancorp, 707 Wilshire Boulevard, Los Angeles, California 90017. Assuming consummation of the proposed transfer of control, management and 100 percent shareholder of ABCC will be:

Name and Address	Position
D. Kent Anderson, 12 E. Rivercrest Drive, Houston, Texas 77042.	Chairman of the Board.
Richard S. Smith, 2220 Troon Road, Houston, Texas 77018.	Vice Chairman.
Hollis L. Walters, 16410 Northmist, Houston, Texas 77073.	Vice President, Secretary.
Robert B. Goldstein, 367 North Post Oak Lane, #106, Houston, Texas 77024.	Treasurer.
Steven R. Felten, 3000 Greenridge, #1806, Houston, Texas 77057.	Assistant Treasurer.
Dillard Lawhorn, 3255 Briarwood Park, #288, Houston, Texas 77030.	Assistant Secretary.
Jay C. Creger, Jr., 1400 Hermann, #17E, Houston, Texas 77004.	Director.
J.T. Trotter, 2148 Troon Road, Houston, Texas 77018.	Director.
First Interstate Bancorp, 707 Wilshire Boulevard, Los Angeles, California 90017.	Shareholder.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the applicant under their management including profitability and financial soundness, in accordance with the Act and Regulations. Notice is hereby given that any person may, no later than 30 days from the date of publication of this Notice, submit written comments on the proposed transfer of control to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of the Notice will be published in newspapers of general circulation in Houston, Texas and Los Angeles, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

Dated: December 18, 1987.

[FR Doc. 87-29508 Filed 12-23-87 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council; Public Meeting

The U.S. Small Business Administration, Region IX Advisory Council, located in the geographical area of Honolulu, Hawaii, will hold a public meeting at 9:00 a.m. on Friday, January 15, 1988 at the Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Conference Room 5311 (5th Floor), Honolulu, Hawaii, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Charles T.C. Lum, District Director, U.S. Small Business Administration, 300 Ala Moana Boulevard, Room 2213, Honolulu, Hawaii 96850, (808) 541-2990.

Jean M. Nowak,

Director, Office of Advisory Council.

December 16, 1987.

[FR Doc. 87-29506 Filed 12-23-87 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council; Public Meeting

The U.S. Small Business Administration Region II Advisory Council, located in the geographical area of Syracuse, will hold a public meeting at 9:00 a.m., on Monday, January 11, 1988, at Giovanni's Ristorante—2062 Erie Boulevard East, Syracuse, New York 13224, to discuss matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or mail J. Wilson Harrison, District Director, U.S. Small Business Administration, 100 South Clinton Street, Room 1071, Syracuse, New York, (315) 423-5371.

Jean M. Nowak,

Director, Office of Advisory Councils.

December 16, 1987.

[FR Doc. 87-29507 Filed 12-23-87; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Fitness Determination of Nashville Eagle, Inc. d.b.a. American Eagle

AGENCY: Department of Transportation.

ACTION: Notice of commuter air carrier fitness Determination—Order 87-12-52 order to show cause.

SUMMARY: The Department of Transportation is proposing to find that Nashville Eagle, Inc. is fit, willing, and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act.

RESPONSES: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, Room 6420, Department of Transportation, 400 7th Street SW., Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than December 28, 1987.

FOR FURTHER INFORMATION CONTACT: Janet A. Davis, Air Carrier Fitness Division, Department of Transportation, 400 7th Street SW., Washington, DC 20590, (202) 366-9721.

Dated: December 18, 1987.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 87-29493 Filed 12-23-87; 8:45 am]

BILLING CODE 4910-62-M

Federal Highway Administration

Environmental Impact Statement; Baltimore County, MD

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement is being prepared for the proposed widening of U.S. Route 1 in Baltimore County, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. Edward A. Terry, Jr., Field Operations Engineer, Federal Highway Administration, The Rotunda, Suite 220, 711 W. 40th Street, Baltimore, Maryland 21211, telephone 301/962-4010, and/or Mr. Louis Ege, Jr., Deputy Director Project Development Division, Maryland State Highway Administration, 707 North Calvert Street, Room 310, Baltimore, Maryland 21202, telephone 301-333-1130.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Maryland State Highway Administration, is preparing an environmental impact statement to develop an acceptable alternate to widen approximately a nine-mile portion of existing U.S. Route 1 from Silver Spring Road to Maryland Route 152.

In addition to the No-Build alternate, two Build Alternates are proposed. Under either Build Alternate, the southernmost portion of the project from Silver Spring Road to Joppa Road would consist of seven through lanes and a center lane for left turns. North of Joppa Road, the two Build Alternates would differ in that one alternate would provide four through lanes and the other six through lanes. Under either Build Alternate, the cross section would vary throughout the project, with a center turning lane being provided in areas of dense residential and commercial development, and a median barrier being provided through the sections of Gunpowder State Park and in the less intensely developed areas.

Environmental concerns of primary importance are residential and business displacements and impacts to parks and historic sites.

A public meeting to discuss the preliminary alternates has been held. A public hearing will be held after circulation of the DEIS. A public notice will give the time and place of the public hearing, and individual notices will be sent to those agencies, groups, and individuals on the mailing list. The DEIS will be available for public and agency review and comment prior to the public hearing. To ensure that the full range of issues relating to this proposal are addressed and all significant issues identified, comments and suggestion are invited from all interested parties.

(Catalog of Federal Domestic Assistance Program Number 20.025, Highway Research, Planning and Construction. The provisions of Executive Order 12372 regarding State and local review of Federal and Federally assisted programs and projects apply to this program.)

Emil Elinsky,

Division Administrator.

[FR Doc. 87-29461 Filed 12-23-87; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; New Haven County, CT

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in New Haven County, Connecticut.

FOR FURTHER INFORMATION CONTACT: James J. Barakos, Division Administrator, Federal Highway Administration, Abraham A. Ribicoff Federal Building, 450 Main Street, Room 635, Hartford, Connecticut 06103, Telephone (203) 240-3705; or Edgar T. Hurle, Director, Office of Environmental Planning, Connecticut Department of Transportation, 24 Wolcott Hill Road, Wethersfield, Connecticut 06109, Telephone (203) 566-5704.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Connecticut Department of Transportation will prepare an Environmental Impact Statement (EIS) on a proposal to undertake expressway improvements in the vicinity of the I-91/I-95 interchange. Improvements in the corridor are considered necessary to provide for the existing and projected traffic demand.

Alternatives under consideration include: (1) Taking no action; (2) widening the existing I-95 bridge over the Quinnipiac River and improving the existing I-91/I-95 interchange; (3) constructing a new I-95 crossing of New Haven Harbor; and (4) construction of a tunnel under New Haven Harbor. Incorporated into and studies with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies and to private organizations and citizens who have previously expressed interest in this proposal.

A public information meeting will be held in the South Central Planning Region in the near future. This meeting will be conducted as a part of the scoping process for this action. Public notice will be given of the time and place of the meeting. The draft EIS will be available for public and agency review and comment.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or the Connecticut Department of Transportation at the addresses provided above.

Issued on December 18, 1987.

James J. Barakos,

Division Administrator.

[FR Doc. 87-29462 Filed 12-23-87; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

Change of Name of Approved Trustee

Notice is hereby given that effective July 17, 1987, Seattle Trust & Savings Bank, Seattle, Washington, changed its name to Key Bank of Puget Sound.

Dated: December 21, 1987.

By Order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 87-29527 Filed 12-23-87; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

[Docket No. IP-86-09; Notice 2]

Ford Motor Company; Grant of Petition for Determination fo Inconsequential Noncompliance

This notice grants the petition by Ford Motor Company of Detroit, Michigan to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 138 *et seq.*) for an apparent noncompliance with 49 CFR 571.108, Federal Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices and Associated Equipment.* The basis of the grant is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published in the **Federal Register** on February 19, 1987 and an opportunity afforded for comment (52 FR 5235).

Ford Motor Company produced approximately 27,300, 1986 Ford Tempo and 9,000 1986 Mercury Topaz 4-door vehicles through July 21, 1986, equipped with optional deck lid luggage racks which obstruct the 5 degree down sight lines, resulting in a noncompliance with Standard No. 108. Minimum design and photometric requirements for center high mounted stop lamps are found in Figure 10 of Standard No. 108. Following the discovery of this noncompliance, Ford began production of a revised shortened stanchion luggage rack which does not prevent the center-mounted stop lamp from complying with the photometric requirements.

Based on its investigation, testing and analyses, Ford argued,

"* * * we believe that the high mount stoplamps installed on 1986 Tempo and Topaz 4-door vehicles equipped with deck lid luggage racks more than amply perform their intended function as recited by NHTSA in the preambles to rulemaking applicable to these devices. Further, we believe that the high mount stoplamps in question perform their intended function equally well as such stoplamps installed on similar vehicles not equipped with deck lid luggage rack and which comply with applicable visibility requirements. Additionally, as we would fully expect, we are aware of no complaints, accidents or injuries related to obstruction of high mount stoplamps on these vehicles by their decklid luggage racks."

Ford Motor Company believes this failure to meet the 5 degree down test visibility requirements of Standard No. 108 is inconsequential as it relates to motor vehicle safety because the stoplamps still radiate light of sufficient intensity in the required rearward directions to intercept the eyes of the drivers of the following vehicles.

The following table provides a comparative analysis of the average photometric output measurements in candela between Ford Tempo and Mercury Topaz cars manufactured without a luggage rack, equipped with a tall deck lid luggage rack, and equipped with a short deck lid luggage rack.

5 degree down test points	No luggage rack	Original tall rack	New short rack	Minimum photometric requirements of FMVSS 108
5D–10L	43.47	10.48	43.47	16.00
5L	57.02	15.00	57.02	25.00
V	53.74	17.51	53.74	25.00
5R	52.67	17.41	52.67	25.00
10R	48.37	10.96	48.37	16.00

NOTE: Above values are average from two cars tested.

Four comments were received on the petition. It was supported by General Motors Corporation, the National Automobile Dealers Association, and the Automotive Parts and Accessories Association, all of whom agreed with Ford's arguments. Robert F. Schlegel, Jr., P.E., opposed it. He believes that the photometric requirements are important for cars of lower height that stop on hilly surfaces, where down angles are more important to safety.

The agency has carefully reviewed Ford's arguments and the comments received in response to the notice. It is impressed with the corrective action taken by Ford in its design of a new luggage rack whose installation does not create a noncompliance. NHTSA notes that the highmounted lamp will continue to provide 60 to 70 percent of the minimum photometric output required by Standard No. 108, and that the other stop lamps are not obscured. Although it is estimated that almost 15,000 rear end collisons yearly involve a car on a hill crest, given the relatively small number of noncompliant vehicles and the other factors discussed above, it is unlikely that allowing the vehicles to remain uncorrected will significantly affect safety.

Accordingly, it is hereby found for good cause shown that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and the petition is granted.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: December 18, 1987.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 87–29462 Filed 12–23–87; 8:45 am]

BILLING CODE [illegible]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Commissioner's Advisory Group; Open Meeting

The first meeting of the 1988 Commissioner's Advisory Group will be held on January 13 and 14, 1988 at the IRS Philadelphia Service Center. The Service Center is located at 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania. The meeting will begin at 8:00 a.m. on Wednesday, January 13 and 8:00 a.m. on Thursday, January 14. The agenda will include the following topics:

Wednesday, January 13, 1988

Discuss Commissioner Advisory Group (CAG) Process
Overview of Service Center Operations and Tour of Facility

Thursday, January 14, 1988

Commissioner's Objectives
Discuss Advisory Group Theme(s) and Agenda(s); General Question/Answer Discussion

Due to the Service Center's security requirements and limited conference space, notification of intent to attend the meeting must be made with Robert F. Hilgen, Assistant to the Senior Deputy Commissioner, no later than January 7, 1988. Mr. Hilgen may be reached on (202) 566–4143 (not toll-free).

If you would like to have the Advisory Group consider a written statement, please call or write Robert Hilgen, Assistant to the Senior Deputy Commissioner, Internal Revenue Service, 1111 Constitution Ave. NW., Room 3014, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Robert Hilgen, Assistant to the Senior Deputy Commissioner, (202) 566–4143 (not toll-free).

Lawrence B. Gibbs,

Commissioner.

[FR Doc. 87–29536 Filed 12–21–87; 3:59 pm]

BILLING CODE 4830–01–M

VETERANS ADMINISTRATION

Medical Care Reimbursement Rates for Fiscal Year 1988

AGENCY: Veterans Administration.

ACTION: Notice.

In accordance with provisions of OMB Circular A–11 section 13.5(a), revised reimbursement rates have been established by the Veterans Administration (VA) for inpatient and outpatient medical care furnished to beneficiaries of other Federal Agencies during Fiscal Year 1988. These rates will be charged for such medical care provided at health care facilities under the direct jurisdiction of the Administrator on and after December 1, 1987:

Medical	[illegible]56
Surgery	516
Spinal Cord Injury	[illegible]26
Blind Rehabilitation	[illegible]67
Neurology	327
Rehabilitation	310
General Psychiatry	184
Intermediate Medicine	155
Nursing Home Care	140
Alcohol—Drug	[illegible]62
Prescription—Refill	13
Outpatient [1]	107

[1] Rate includes dialysis treatment.

Prescription refill charges in lieu of the outpatient visit rate will be charged when the patient receives no service other than the pharmacy outpatient service. These charges apply if the patient receives the prescription refills in person or by mail.

When medical services for beneficiaries of other Federal Agencies are obtained by the VA from private sources, the charges to the other Federal Agencies will be the actual amounts paid by the VA for such medical services.

Inpatient charges to other Federal Agencies will be at the current interagency per diem rate as set forth above for the type of bed section or discrete treatment unit providing the care.

Dated: December 10, 1987.

Thomas K. Turnage,

Administrator.

[FR Doc. 87–29427 Filed 12–23–87; 8:45 am]

BILLING CODE 8320–01–M

VOL
52
ISS
247
DE
24
1987
UMI

Corrections

Federal Register
Vol. 52, No. 247
Thursday, December 24, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administration Reviews

Correction

In notice document 87-28776 beginning on page 47617 in the issue of Tuesday, December 15, 1987, make the following corrections:

1. On page 47617, in the third column, in the table, in the left column, in the first entry, "Chlorine" should read "Choline".

2. In the same table, in the right column, in the first entry, "11/10/87" should read "11/01/88".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 333 and 369

[Docket No. 75N-0462]

Topical Antimicrobial Drug Products for Over-the-counter Human Use; Final Monograph for OTC First Aid Antibiotic Drug Products

Correction

In rule document 87-28422 beginning on page 47312 in the issue of Friday, December 11, 1987, make the following corrections:

1. On page 47315, in the third column, in the fourth line from the bottom, "Ref. 100" should read "Ref. 10".

2. On page 47316, in the first column, in the second complete paragraph, in the sixth line, insert "of" after "mg/kg".

3. On page 47321, in the first column, in the first complete paragraph, in the eighth line, "levels or" should read "levels of".

§ 333.120 [Corrected]

4. On page 47323, in the third column, in § 333.120(a)(11), in the first line, "hydrochloride-" was misspelled.

BILLING CODE 1505-01-D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 840 and 841

[Docket No. R-18-1356; FR-2385]

Supportive Housing Demonstration Program

Correction

In proposed rule document 87-24769 beginning on page 39946 in the issue of Monday, October 26, 1987, make the following corrections:

1. On page 39946, in the second column, in the last paragraph, in the last line, after "program" insert a dash.

2. On page 39949, in the first column, in the second complete paragraph, in the second line, "the" should read "that".

3. On page 39950, in the first column, in the next to last line, "DOG" should read "DOJ".

4. On page 39952, in the first column, in paragraph (a), in the 18th line, "application must be on the" should read "applicant must meet the", and in the 24th line "unment" should read "unmet".

5. On page 39953, in the third column, in the first complete paragraph, in the fifth line, "§ 841.324" should read "§ 841.325" and in the last paragraph, in the third line from the bottom, "§§ 840.440(c)(5)" should read "§§ 840.400(c)(5)".

6. On page 39955, in the third column, in the second line, "The term does not" should begin a new unindented line.

§ 840.207 [Corrected]

7. On page 39959, in the third column, in § 840.207, in paragraph (a)(2), "ranking" was misspelled and in paragraph (b)(1), after the eighth line, insert "families with children or deinstitutionalized homeless persons and other homeless".

§ 840.210 [Corrected]

8. On page 39960, in the second column, in § 840.210, in paragraph (b)(2)(iv)(B), in the second line, "fully" should read "duly".

19. On the same page, in the third column, in § 840.210, in paragraph (b)(3)(ii)(D), in the 1st line, after "include" insert "rental", and in the 22nd line, after "income" insert ",anticipated resident income must be adjusted to reflect the rental income".

§ 840.320 [Corrected]

20. On page 39963, in the second column, in § 840.320, in the second line of the introductory paragraph, "transitional" was misspelled.

§ 840.330 [Corrected]

21. On page 39964, in the third column, in § 840.330, in paragraph (d)(2)(vii), in the 13th line, "accordance" was misspelled, and in paragraph (e)(2), in the 4th line, "may obtain a personal or" should begin a new unindented line.

§ 841.5 [Corrected]

22. On page 39966, in the second column, in § 841.5, in the definition for "Handicapped or Handicapped person", in paragraph (b), in the sixth line of the column, "personal" was misspelled, and in the definition for "Homeless", in paragraph (b)(3), in the fourth line, "The term does not" should begin a new unindented line.

§ 841.225 [Corrected]

23. On page 39972, in the first column, in § 841.225, in the seventh line, "§ 841-220" should read "§ 841.220".

§ 841.330 [Corrected]

24. On page 39974, in the second column, in § 841.330, in paragraph (d)(3), in the sixth line, "carriers" should read "carries".

25. On page 39974, in the second column, in § 841.330, in paragraph (e)(2), in the fourth line, "may obtain a personal or" should begin a new unindented line.

BILLING CODE 1505-01

Reader Aids

Federal Register
Vol. 52, No. 247
Thursday, December 24, 1987

INFORMATION AND ASSISTANCE

Federal Register	
Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237
Code of Federal Regulations	
Index, finding aids & general information	523-5227
Printing schedules	523-3419
Laws	
Public Laws Update Service (numbers, dates, etc.)	523-5641
Additional information	523-5230
Presidential Documents	
Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230
The United States Government Manual	
General information	523-5230
Other Services	
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-5641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

45597–45800	1
45801–45934	2
45935–46050	3
46051–46342	4
46343–46444	7
46445–46504	8
46505–46730	9
46731–46982	10
46983–47364	11
47365–47544	14
47545–47686	15
47687–47890	16
47891–48078	17
48079–48178	18
48179–48390	21
48391–48510	22
48511–48660	23
48661–48792	24

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR	
Proclamations:	
5748	46729
5749	46731
5750	46733
5751	46735
5752	47365, 47545
Executive Orders:	
12462	48179
12543 (See Notice of Dec. 15, 1987)	47891
12591 (Amended by 12618)	48661
12616	46730
12617	48179
12618	48661
12619	48663
Administrative Orders:	
Notices:	
Dec. 15, 1987	47891
Statements:	
Dec. 7, 1987	46728
4 CFR	
21	46445
5 CFR	
351	46051
540	46051
551	47687
831	47893
870	46343
874	46343
1201	47547
1204	45597
1600	45801
1605	46314
7 CFR	
6	48079
7	48511
8	47660
21	48015
301	45597, 47367, 47688, 48161
319	46052, 47372
352	47373
401	45598–45604
413	47375
422	48162
423	45605, 47376
431	47376
432	47377
770	45606
907	46060, 46737, 46983, 48080
908	46737
910	46061, 46984, 48080
911	46344
915	46344
966	46345
981	45607, 45609
1434	48081
1900	45606, 46348
1924	46391
1942	47097
1944	45607, 48391
1955	48519
1956	46348, 47688
Proposed Rules:	
52	46405
318	48272
401	45630
735	47009
905	48366
959	48366
966	47576
971	48366
985	46600
987	48366
1951	45636
8 CFR	
212	48082
214	48082
236	48082
245	48082
248	48082
299	48082
316a	46739
Proposed Rules:	
3	46776
109	48092
208	46776
236	46776
242	46776
253	46776
9 CFR	
78	47378
85	45935
92	45611, 47548
303	48084
381	48084
Proposed Rules:	
145	47014
147	47014
318	45639
350	45639
10 CFR	
30	48092
40	48092
70	48092
1039	48015
Proposed Rules:	
Ch. I	47396
2	48447
35	47726
61	47396
62	47578
430	46367, 47549
1035	48693
1036	48693

BEST COPY AVAILABLE

12 CFR

4 46061
204 ..... 46450, 47689
206 46964
217 47689
226 ..... 45611, 48665
304 48183
337 47379
574 48519
611 48093
614 ..... 46151, 48673
624 48673
706 46585

Proposed Rules:

202 47589
205 47591
210 47112
226 ..... 47592, 48702, 48707
229 47112
332 48447
701 ..... 46601, 47014

13 CFR

102 47699
125 48391

Proposed Rules:

121 47937

14 CFR

21 46348
25 46348
39 ..... 45612–45614, 45808–45810, 46064–46067, 46452, 46739, 46985–46995, 47387, 47551, 47702–47704, 47990, 48184–48187, 48392, 48673
71 ..... 45615, 45616, 46556, 46740–46742, 46995–46997, 47304, 47308, 47676, 48191, 48393, 48522
75 47677
91 47672
97 ..... 45617, 46743, 48394
108 48508
121 ..... 45910, 47991
129 48508
135 ..... 45910, 47991
234 48395
255 48395
1208 48015
1213 45935
1221 45811

Proposed Rules:

Ch. I 45831
39 ..... 45640, 45642, 45831, 46094, 46776, 47015, 47016, 47399–47401, 47943–47946, 48274, 48542
43 47680
71 ..... 45644, 46778, 46779, 47017–47020, 47402, 47727, 48274, 48448, 48449, 48484, 48715
73 ..... 47021, 48274
91 47680

15 CFR

11 48015
371 ..... 45618, 48522
374 45618
385 46886
399 ..... 46886, 47388, 48522, 48523
801 46587

Proposed Rules:

16 47597

16 CFR

6 45619
13 45937
305 46888
1015 45631

Proposed Rules:

13 ..... 45845, 45970, 45972, 48276, 48543
453 46706
500 48716
1016 47599
1700 48450

17 CFR

1 ..... 46070, 47705
200 48191
211 ..... 46454, 48193
274 46350

Proposed Rules:

34 47022
240 48125

18 CFR

2 ..... 47897, 47914, 48398
4 48398
11 48398
154 48407
157 47897
270 48407
271 46072
273 48407
284 47914
375 ..... 48398, 48407
380 47897
381 48407
389 45823
1306 48015
1312 47720

Proposed Rules:

1310 47728

19 CFR

Proposed Rules:

4 ..... 46602, 48194
101 47908
128 47729
143 47729
177 47601

20 CFR

355 47705
404 47914

Proposed Rules:

365 47601
614 46604

21 CFR

74 45938
176 46968
184 47918
333 ..... 47312, 48792
369 ..... 47312, 48792
520 ..... 48094, 48674
558 48095
862 48623

Proposed Rules:

182 46968
352 46095

22 CFR

302 47714
502 47991

Proposed Rules:

502 47029
1506 46779

23 CFR

Proposed Rules:

625 47403
635 45645

24 CFR

200 48197
203 48197
204 48197
213 48197
220 48197
221 48197
222 48197
226 48197
227 48197
235 48197
237 48197
240 48197
888 48205
3280 47552

Proposed Rules:

42 47953
43 47953
236 48276
813 46614
840 48792
841 48792
885 46614
888 48278

25 CFR

Proposed Rules:

177 46781

26 CFR

1 ..... 47554, 48407, 48524
18 48524
31 45632
35a 46075
54 46747
602 ..... 46075, 46747, 47554, 48407

Proposed Rules:

1 ..... 45835, 47609, 48452, 48546
18 48546
48 45901
54 46782
602 ..... 46782, 47609

27 CFR

9 46589
19 47557
25 47557
47 48096
240 47557
250 ..... 46592, 47557
270 47557
275 47557
285 47557

Proposed Rules:

9 48279
250 46628

28 CFR

Ch. VII 48097
2 ..... 46596, 47921
549 48068

Proposed Rules:

16 48279
701 47406

29 CFR

12 48015
19 48419
22 46492
103 48534
1613 48263
1910 ..... 46075, 48168
1915 46075
1917 46075
1918 46075
1926 ..... 46075, 48168
1928 46075
1952 48103
2613 47561
2617 47561
2619 ..... 47561, 47562
2621 47563
2676 47564

Proposed Rules:

103 47029
1910 47097

30 CFR

779 47352
780 47352
783 47352
784 ..... 45920, 47352
816 47352
817 ..... 45920, 47352
913 48421
935 46597
942 47716

Proposed Rules:

904 47411
935 ..... 46377, 46379, 46783, 48125
952 46095
953 46097

31 CFR

316 48422
342 48422
351 ..... 46455, 48422

Proposed Rules:

0 45648

32 CFR

40a 48431
41 46997
209 47389
229 47720
259 48015
536 45938
706 ..... 46080, 47922
811 48675
811a 48681
1900 46456
2003 48367

Proposed Rules:

199 ..... 46098, 47029
285 48452
1636 47949
1656 47949

33 CFR

62 46351
95 47526
100 46351
110 46760
117 ..... 46081, 47391, 47923, 48263
146 47526
150 47526
160 48264
165 ..... 46351, 47924
173 47526
177 47526

Proposed Rules:

117 48717

140 48717
143 48717
146 48717
165 ..... 45973, 47413
179 47950

34 CFR

15 48015
668 ..... 45712, 46353
674 45738
675 45738
676 45738
690 45712

Proposed Rules:

251 47951
333 46720
776 47538
778 46784
790 46785

36 CFR

296 47720
904 48015
1155 47717

Proposed Rules:

1150 48546
1202 48280
1258 48280

37 CFR

Proposed Rules:

304 45664

38 CFR

4 46439
8a 48681
21 45633
25 48015

Proposed Rules:

21 46494

39 CFR

111 ..... 48436, 48683
224 46998
225 46998
226 46998
227 46998
228 46998
229 46998
777 48029

Proposed Rules:

111 48281

40 CFR

4 48015
52 ..... 45634, 45958, 45959, 46463, 46762, 46764, 47392, 47565, 47566, 47925, 48265, 48535
60 47826
81 ..... 46081, 46465
82 47486
85 46354
86 47858
123 45823
144 ..... 45788, 46946
180 ..... 45824, 46019, 46598, 47990, 48536–48539
260 46946
264 ..... 45788, 46946
265 45788
270 ..... 45788, 46946
271 ..... 45634, 45788, 46466
355 48072
600 47858
716 47990

Proposed Rules:

35 46712
52 ..... 46495, 46786, 47610, 48265
60 47032
62 46380
80 47032
82 47489
86 47032
180 ..... 47733, 47734
280 48638
281 48638
600 47032
721 46496
763 48286

41 CFR

12–60 48630
101–6 45926
101–7 ..... 45825, 48685
101–38 48540
101–44 47393
101–47 46467
105–51 48015
105–55 46468
114–50 48015
128–18 48015
201–1 46468
201–2 46468
201–23 46468
201–24 46468

Proposed Rules:

101–41 48547

42 CFR

124 ..... 46022, 48362
401 48112
405 48112
408 48112
417 47003
431 47926
435 ..... 47926, 48438
436 48438
440 47926
441 47926
466 47003
476 47003

Proposed Rules:

405 47990
409 48127
410 48127
416 48127
421 48127
433 48290
435 47414
436 47414
441 48127
442 47990
488 47990
489 ..... 47990, 48127

43 CFR

4 ..... 48355, 47097
7 47720
3420 46469
3460 46469
3560 48124

Proposed Rules:

3450 46499

44 CFR

25 48015
64 44685
65 46501
67 46505

Proposed Rules:

67 ..... 46787, 47611

45 CFR

15 48015
206 45687
233 45687
1100 48265

Proposed Rules:

233 47420
1803 48297

46 CFR

4 47526
5 47526
26 47526
35 47526
78 47526
97 47526
109 47526
167 47526
185 47526
196 47526
197 47526
560 45960
586 46356

Proposed Rules:

38 45665
42 47422
44 47422
45 47422
54 45665
69 46103
98 45665
151 45665
170 47422
174 47422
249 48077
503 45835
572 46501
588 46505

47 CFR

15 45961
25 45636
73 ..... 45636, 45963–45965, 46598, 46599, 47004, 47567, 47722–47724, 47935, 48268, 48438, 48439, 48689, 48690
74 47567
76 ..... 45961, 46363
80 48439
90 47569

Proposed Rules:

1 ..... 46628, 48725
15 47615
43 46628
64 47951
65 48727
73 ..... 45974, 45975, 46629–46631, 47032, 47033, 47735, 47736, 48130–48133, 48728
80 45665

48 CFR

Ch. 63 48630
232 47005
519 47396
532 47005
552 47005
553 47006
819 46082
1801 46765
1805 46765
1807 46765
1808 46765
1809 46765
1812 46765
1813 46765
1815 46765
1827 46765
1830 46765
1831 46765
1832 46765
1836 46765
1837 46765
1852 ..... 46765, 47935
1853 46765
2401 47395
2402 47395

Proposed Rules:

31 48043
228 48549
245 47427
252 48549
508 48729
553 48729
1033 48729
1409 48301
1415 48301
1452 48301
2409 46560
2412 46560
2413 46560
2415 46560
2416 46560
2417 46560
2424 46560
2427 46560
2432 46560
2434 46560
2437 46560
2442 46560
2446 46560
2451 46560
2452 46560
2453 46560
2470 46560
5215 48550
5252 48550
5706 47033

49 CFR

1 ..... 46364, 46478, 47007, 47097
24 47994
25 48015
571 ..... 46479, 46480, 48690
1002 46481
1007 46481
1011 ..... 45636, 46773, 48440
1052 45966
1103 46481
1150 46481
1152 ..... 45636, 46773, 48440
1160 ..... 45827, 46481
1162 46481
1169 46481
1171 46481
1177 46481
1180 46481
1182 46481

Proposed Rules:

17 ..... 46510, 46511
24 45667
383 47326
701 46381

50 CFR

14 46019
17 ..... 46083, 46085
20 46087
80 47571
611 ..... 45966, 46484, 48362
642 47724

649..... 46088
650..... 46485
652..... 47008
672..... 48691
675..... 45966, 48484, 48362
681..... 47572

Proposed Rules:
17..... 45976, 46106, 46334, 46338, 48552
20..... 47428
21..... 47428
253..... 47990
611..... 48303
655..... 47034
658..... 47615
663..... 45668
672..... 48303
675..... 48303

LIST OF PUBLIC LAWS

Last List December 23, 1987

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 2672/Pub. L. 100-198

Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987. (Dec. 21, 1987; 101 Stat. 1315; 11 pages) Price: $1.00

H.J. Res. 426/Pub. L. 100-199

Authorizing the hand enrollment of the budget reconciliation bill and of the full-year continuing resolution for fiscal year 1988. (Dec. 21, 1987; 101 Stat. 1326; 1 page) Price: $1.00

H.J. Res. 427/Pub. L. 100-200

To provide for the temporary extension of certain programs relating to housing and community development, and for other purposes. (Dec. 21, 1987; 101 Stat. 1327; 1 page) Price: $1.00

VOL
52

ISS
2
4
7

DE
24,

1987

UMI

VOL
52
ISS
248
DE
28
1987
UMI

12-28-87
Vol. 52 No. 248

federal register

Monday
December 28, 1987

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
52
ISS
248
DE
28
1987
UMI

12-28-87
Vol. 52 No. 248
Pages 48793–48958

federal register

Monday
December 28 1987

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $188.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	275–3328
Problems with public subscriptions	275–3054

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	275–3328
Problems with public single copies	275–3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5240
Magnetic tapes	275–3328
Problems with Federal agency subscriptions	523–5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 52, No. 248
Monday, December 28, 1987

ACTION
NOTICES
Committees; establishment, renewals, terminations, etc.:
National Volunteer Advisory Council, 48846

Agricultural Marketing Service
RULES
Lemons grown in California and Arizona, 48794
Milk marketing orders:
Middle Atlantic and New York-New Jersey, 48794
Oranges (navel) grown in Arizona and California, 48793
PROPOSED RULES
Melons grown in Texas, 48827
Onions grown in Texas, 48826

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Rural Electrification Administration

Animal and Plant Health Inspection Service
RULES
Plant regulations:
Avocados from Mexico transiting U.S. to foreign countries; quarantine safeguards, 48805

Army Department
NOTICES
Agency information collection activities under OMB review, 48862

Blind and Other Severely Handicapped, Committee for Purchase From
See Committee for Purchase From the Blind and Other Severely Handicapped

Civil Rights Commission
NOTICES
Indian civil rights issues; hearing, 48846

Coast Guard
RULES
Ports and waterways safety:
Brunswick, GA; regulated navigation area, 48811

Commerce Department
See also International Trade Administration; National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities under OMB review, 48846

Committee for Purchase From the Blind and Other Severely Handicapped
NOTICES
Procurement list, 1988:
Additions and deletions, 48860
(2 documents)
Establishment; correction, 48860

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Burma, 48852
Dominican Republic, 48856
El Salvador, 48853
Haiti, 48854
Nepal, 48855
Taiwan; correction, 48857
Uruguay, 48855
Export visa requirements; certification, waivers, etc.:
Egypt, 48857
Textile and apparel categories:
Harmonized system introduction, 48859
Textile consultation; review of trade:
Dominican Republic, 48858

Commodity Futures Trading Commission
RULES
Foreign futures and options transactions, 48811
NOTICES
Contract market proposals:
Chicago Board of Trade—
Mortgaged-backed futures, 48861

Consumer Product Safety Commission
RULES
Flammable fabrics:
Administration and enforcement procedures; continuing guaranties, 48810

Customs Service
PROPOSED RULES
Air commerce and customs bonds:
Airports; Customs security areas access, 48833

Defense Department
See also Army Department
NOTICES
Meetings:
DIA Scientific Advisory Committee, 48862
Science Board task forces, 48862

Economic Regulatory Administration
NOTICES
Consent orders:
Vessels Gas Processing Co., 48863

Employment Standards Administration
NOTICES
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 48886

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission
NOTICES
Atomic energy agreements; subsequent arrangements:
Taiwan, 48862

BEST COPY AVAILABLE

VOL 52 ISS 248 DEC 28 1987 UMI

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Alabama, 48812
Delaware, 48813
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Alaska, 48837
Pesticide programs:
Good laboratory practice standards, 48920
Toxic substances:
Good laboratory practice standards, 48933
Water pollution control:
Ocean dumping; site designations—
Gulf of Mexico; Calcasieu River and Pass sites, 48838
Gulf of Mexico; Port Aransas, TX, 48841
NOTICES
Agency information collection activities under OMB review, 48874, 48875
(2 documents)

Farmers Home Administration
RULES
Loan and grant programs:
Construction and repair; planning and performing construction and other development
Correction, 48799

Federal Aviation Administration
RULES
Airworthiness directives:
McDonnell Douglas, 48806
Transition areas, 48807
PROPOSED RULES
Airworthiness directives:
Lockheed, 48829
NOTICES
Advisory circulars; availability, etc:
Rotorcraft—
Normal category; certification, 48898
Transport category; certification, 48898
Meetings:
Aeronautics Radio Technical Commission, 48899
(2 documents)
Air Traffic Procedures Advisory Committee, 48899
Organization, functions, and authority delegations:
Goodland, KS, 48899

Federal Communications Commission
RULES
Radio stations; table of assignments:
Arkansas, 48819
PROPOSED RULES
Common carrier services:
Public land mobile services—
Alternate cellular technologies and auxiliary services; special provisions, 48844
Reporting and recordkeeping requirements and elimination of FCC Form 901
Correction, 48843
Radio broadcasting:
AM broadcast service; technical assignment criteria review, 48844
Radio stations; table of assignments:
Arkansas, 48845
California, 48845
NOTICES
Agency information collection activities under OMB review, 48875–48877
(5 documents)
Committees; establishment, renewals, terminations, etc.:
Advanced Television Service Advisory Committee; established and meeting of steering committee, 48877
Common carrier services:
Public mobile services—
Cellular markets applications filing information (Cumberland, MD-WV, and Hagerstown, MD), 48877

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
Georgia et al., 48818
NOTICES
Disaster and emergency areas:
Arkansas, 48878
Puerto Rico, 48878

Federal Energy Regulatory Commission
NOTICES
Natural gas certificate filings:
Williams Natural Gas Co. et al., 48872
Applications, hearings, determinations, etc.:
Arkansas Western Gas Co., et al., 48864
Boston Edison Co., 48871
(2 documents)
Hill, Richard D., 48872
Michigan Power Co., 48872
Mid Louisiana Gas Co., 48872

Federal Maritime Commission
NOTICES
Investigations, hearings, petitions, etc.:
Marine terminal facilities; rates, charges, and services, 48870
Shipping Act of 1984; section 16 exemption; applications, etc.:
Crowley Maritime Corp., 48879

Federal Reserve System
RULES
Authority delegations:
General Counsel; authority to deny requests for stay of effective date of Board order, 48805
Credit by brokers and dealers (Regulation T):
Employee stock options excercise, 48804

Federal Trade Commission
PROPOSED RULES
Motor vehicles, used; trade rule for sales:
Maine; exemption, 48908

Fish and Wildlife Service
RULES
Endangered Species Convention:
Appendixes; amendments, 48820
PROPOSED RULES
Migratory bird permits:
Uniform rules and procedures, 48948

Food and Drug Administration
RULES
GRAS or prior-sanctioned ingredients:
Cocoa butter substitute primarily from palm oil
Correction, 48905

NOTICES
Medical devices:
Neodymium:yttrium:aluminum:garnet (Nd:YAG) laser (mode-locked or Q-switched) for posterior capsulotomy reclassification petition; correction, 48905

General Services Administration
NOTICES
Property management:
Wildlife order conveyance—
Letterkenny Army Depot, Franklin County, PA, 48879

Health and Human Services Department
See also Food and Drug Administration; Health Resources and Services Administration; Public Health Service
RULES
Medicare and medicaid programs:
Fraud and abuse; withholding payments to providers under criminal investigation, 48814

Health Resources and Services Administration
See also Public Health Service
NOTICES
Grants and cooperative agreements:
Medicine or osteopathy schools; two-year programs, 48850

Immigration and Naturalization Service
RULES
Immigration:
Mariel Cuban parole determinations, 48799

Interior Department
See Fish and Wildlife Service; Land Management Bureau; Minerals Management Service; National Park Service; Surface Mining Reclamation and Enforcement Office

International Trade Administration
RULES
Export licensing:
Validated license applications; electronic submission, 48808
NOTICES
Countervailing duties:
Roses and other cut flowers from Colombia, 48846
Applications, hearings, determinations, etc.:
Energy Department, 48850
Loma Linda University Medical Center, 48850
National Institutes of Health et al., 48851
University of California, 48850
University of Michigan, 48850

Interstate Commerce Commission
NOTICES
Rail carriers:
Cost recovery percentage; annual, 48883
Railroad operation, acquisition, construction, etc.:
General Electric Corp. et al., 48883
Wisconsin Central Ltd., 48884

Justice Department
See also Immigration and Naturalization Service; Parole Commission
NOTICES
Mariel Cubans; repatriation review, 48884
Pollution control; consent judgments:
Floyd, Robert, et al., 48885

Labor Department
See Employment Standards Administration; Occupational Safety and Health Administration

Land Management Bureau
NOTICES
Coal management program:
Green River-Hams Fork Coal Production Region; leasing by application process, 48880
Environmental statements; availability, etc.:
Coal preference right lease applications—
Colorado, 48881
Meetings:
Las Vegas District Advisory Council, 48882
Realty actions; sales, leases, etc.:
California, 48882

Minerals Management Service
NOTICES
Outer Continental Shelf operations:
Gulf of Mexico—
Lease sale, 48883

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
North Pacific Fishery Management Council, 48851
Pacific Fishery Management Council, 48852

National Park Service
NOTICES
Organization, functions, and authority delegations:
Superintendent, Point Reyes National Seashore, 48883

National Transportation Safety Board
NOTICES
Meetings; Sunshine Act, 48904

Nuclear Regulatory Commission
NOTICES
Agency information collection activities under OMB review, 48890, 48891
(2 documents)
Environmental statements; availability, etc.:
Dairyland Power Cooperative, 48892
Pacific Gas & Electric Co., 48887
Meetings:
Reactor Safeguards Advisory Committee, 48891
Three Mile Island Unit 2 Decontamination Advisory Panel, 48892
Operating licenses, amendments; no significant hazards considerations:
Biweekly notices; correction, 48891
Applications, hearings, determinations, etc.:
Arkansas Power & Light Co., 48887
Commonwealth Edison Co., 48888
Duquesne Light Co. et al., 48892
Sacramento Municipal Utility District, 48889

Occupational Safety and Health Administration
NOTICES
Meetings:
Occupational Safety and Health Federal Advisory Council, 48886

Parole Commission
NOTICES
Meetings; Sunshine Act, 48904

Pension Benefit Guaranty Corporation
RULES
Single-employer plans:
Valuation of plan benefits—
Expected retirement age; correction, 48905

Personnel Management Office
PROPOSED RULES
Recruitment, selection and placement:
Competitive examination, 48824

Postal Service
RULES
Relocation assistance and real property acquisition:
Uniform cost-effective policies and procedures, 48812

Public Health Service
See also Food and Drug Administration; Health Resources and Services Administration
NOTICES
Privacy Act; systems of records, 48880

Rural Electrification Administration
RULES
Electric standards and specifications:
Primary underground power cable (15kV and 25kV), 48795

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
Depository Trust Co., 48893
(2 documents)
National Securities Clearing Corp., 48894
Applications, hearings, determinations, etc.:
INA Investment Securities, Inc., 48895

Small Business Administration
NOTICES
Agency information collection activities under OMB review, 48897

State Department
NOTICES
Meetings:
Shipping Coordinating Committee, 48897

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program submission:
North Dakota, 48835

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See also Coast Guard; Federal Aviation Administration
NOTICES
Aviation proceedings:
Agreements filed; weekly receipts, 48898
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 48897

Treasury Department
See also Customs Service
NOTICES
Notes, Treasury:
AG-1989 series, 48900
Q-1991 series, 48901

Veterans Administration
NOTICES
Committees; establishment, renewals, terminations, etc.:
Women Veterans Advisory Committee, 48903

Separate Parts in this Issue

Part II
Federal Trade Commission, 48908

Part III
Environmental Protection Agency, 48920

Part IV
Department of the Interior, Fish and Wildlife Services, 48948

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
Proposed Rules:
330 48824
332 48824
7 CFR
352 48905
907 48793
910 48794
1002 48794
1004 48794
1736 48795
1924 48799
Proposed Rules:
959 48826
979 48827
8 CFR
212 48799
12 CFR
220 48804
265 48804
14 CFR
39 48805
71 48806
Proposed Rules:
39 48829
15 CFR
372 48808
387 48808
388 48808
399 48808
16 CFR
1608 48810
Proposed Rules:
455 48908
17 CFR
30 48811
19 CFR
Proposed Rules:
6 48833
113 48833
21 CFR
184 48905
29 CFR
2619 48905
30 CFR
Proposed Rules:
934 48835
33 CFR
165 48811
39 CFR
777 48812
40 CFR
52 (2 documents) 48812, 48813
Proposed Rules:
52 48837
160 48920
228 (2 documents) 48838, 48841
792 48933
42 CFR
455 48814
44 CFR
64 48818
47 CFR
73 48819
Proposed Rules:
1 48843
2 48844
22 48844
43 48843
73 (3 documents) 48844, 48845
50 CFR
23 48820
Proposed Rules:
13 48948
21 48948

VOL
52
ISS
248
DE
28
1987
UMI

Rules and Regulations

Federal Register
Vol. 52, No. 248
Monday, December 28, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 665]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 665 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period December 25, 1987 through December 31, 1987. Such action is needed to balance the supply of fresh navel oranges with the demand for such oranges during the period specified due to the marketing situation confronting the orange industry.

DATES: Regulation 665 (§ 907.965) is effective for the period December 25, 1987, through December 31, 1987.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2528–S, P.O. Box 96456, Washington, DC 20090–6456. telephone: (202) 447–5120.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order 907 (7 CFR Part 907), as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of the use of volume regulations on small entities as well as larger ones.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 123 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order, and approximately 4,065 producers in California and Arizona. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.2] as those having annual gross revenues for the last three years of less than $100,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

This action is consistent with the marketing policy for 1987–88 adopted by the Navel Orange Administrative Committee (Committee). The Committee met publicly on December 22, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by an 8 to 3 vote, a quantity of navel oranges deemed advisable to be handled during the specified week. The Committee reports that the market for navel oranges is fair.

Based on consideration of supply and market conditions, and the evaluation of alternatives to the implementation of prorate regulations, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 day after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and view on the regulation at an open meeting. To effectuate the declared purposes of the Act, it is necessary to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

For the reasons set forth in the preamble, 7 CFR Part 907 is amended as follows:

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. The authority citation for 7 CFR Part 907 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 907.965 is added to read as follows:

§ 907.965 Navel Orange Regulation 665.

The quantity of navel oranges grown in California and Arizona which may be handled during the period December 25, 1987, through December 31, 1987, are established as follows:

(a) District 1: 1,020,000 cartons;
(b) District 2: 108,000 cartons;
(c) District 3: 60,000 cartons;
(d) District 4: 12,000 cartons.

Dated: December 23, 1987.

Robert C. Keaney,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87–29766 Filed 12–24–87; 8:45 am]
BILLING CODE 3410–02–M

7 CFR Part 910

[Lemon Regulation 593]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 593 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 250,000 cartons during the period December 27, 1987, through January 2, 1988. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 593 (§ 910.893) is effective for the period December 27, 1987, through January 2, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2534, South Building, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 447-5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended 7 CFR Part 910 regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act", 7 U.S.C. 601-674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will not tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1987-88. The committee met publicly on December 22, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a 12 to 0 vote, a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the demand for lemons remains easier with lessened demand due to incumbent weather in the eastern states.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, and engage in further public procedures with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 910.893 is added to read as follows:

§ 910.893 Lemon Regulation 593.

The quantity of lemons grown in California and Arizona which may be handled during the period December 27, 1987, through January 2, 1988, is established at 250,000 cartons.

Dated: December 23, 1987.

Robert C. Kenney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87-29765 Filed 12-24-87; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 1002 and 1004

[Docket Nos. AO-160-A62 and AO-71-A74]

Milk in the Middle Atlantic and New York-New Jersey Marketing Areas; Order Amending the Orders Withdrawn

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule withdrawn.

SUMMARY: This action withdraws an order amending the Middle Atlantic and New York-New Jersey milk orders which was to become effective December 1, 1985. The action stems from a recent decision of the Third Circuit Court of Appeals affirming the order of the U.S. District Court for the Eastern District of Pennsylvania which enjoined the Secretary of Agriculture from implementing amendments to the above-mentioned orders.

EFFECTIVE DATE: December 28, 1987.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 447-7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued June 17, 1983; published June 23, 1983 (48 FR 28655).

Recommended Decision: Issued March 5, 1985; published March 11, 1985 (50 FR 9637).

Extension of time for filing exceptions: Issued April 5, 1985; published April 10, 1985 (50 FR 14110).

Final Decision: Issued August 9, 1985; published August 14, 1985 (50 FR 32716).

Final Order: Issued October 29, 1985; published November 1, 1985 (50 FR 45595).

Suspension of effective date of Final Order: Issued November 27, 1985; published December 4, 1985 (50 FR 49674).

This document is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and withdraws the order amending the orders regulating the handling of milk in the aforesaid marketing areas.

Basis for Withdrawing Final Rule

1. On October 29, 1985 (50 FR 45595) the Deputy Assistant Secretary, Marketing and Inspection Services issued an order amending the two aforesaid orders. The amending order was to become effective on December 1, 1985, and would have expanded the marketing areas of the two orders and revised each order's location adjustment provisions.

2. On November 22, 1985, the U.S. District Court for the Eastern District of Pennsylvania issued, on the basis of a civil action before it, a preliminary injunction restraining the Secretary from implementing the order amending the two orders. Shortly thereafter, the Department suspended the December 1, 1985, effective date of the order amending the two aforesaid orders that were issued on October 29, 1985 (50 FR 45595) until further notice.

3. On July 17, 1986, the U.S. District Court granted the plaintiffs' request for a permanent injunction enjoining the Secretary from implementing the order amending the two orders.

4. The Secretary appealed the U.S. District Court's ruling to the United States Court of Appeals for the Third Circuit. Thereafter, on September 21, 1987, the Third Circuit Court of Appeals affirmed the decision of the District Court which permanently enjoined the Secretary from implementing the order amending the two orders.

List of Subjects in 7 CFR Parts 1004 and 1002

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, that on the basis of the Third Circuit Court of Appeals' September 21, 1987, decision, the order amending the aforesaid orders that was to be effective December 1, 1985 (50 FR 45595), is hereby withdrawn.

The authority citation for Parts 1004 and 1002 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).

Signed at Washington, DC on: December 17, 1987.

Kenneth A. Gilles,

Assistant Secretary for Marketing and Inspection Services.

[FR Doc. 87-29592 Filed 12-24-87; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1738

Electric Standards and Specifications

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby revises 7 CFR Chapter XVII, REA Regulations, Part 1738, Electric Standards and Specifications, by revising REA Bulletin 50-70(U-1), REA Specification for 15 kV and 25 kV Primary Underground Power Cable. This bulletin contains the REA material specifications for underground power cable. The primary changes resulting from this revision are: (1) Removing all high molecular weight polyethylene as an acceptable insulating material; (2) increasing the minimum average insulation layer thickness from 175 to 220 mils for 15 kilovolt (kV) cable and from 260 to 345 mils for 25 kV cable; (3) requiring the application of an electrically insulating outer jacket on all such cables; and (4) modifying the present requirement to test each reel of cable produced to detect excessive partial discharge.

EFFECTIVE DATE: December 28, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. James C. Dedman, Electrical Engineer, Electric Staff Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, DC 20250-1500, telephone (202) 382-9091.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 et seq.), REA is revising 7 CFR Chapter XVII, REA Regulations, Part 1736, Electric Standards and Specifications, by revising REA Bulletin 50-70(U-1), REA Specification for 15 kV and 25 kV Primary Underground Power Cable.

This action has been reviewed in accordance with Executive Order 12291, Federal Regulation. This action will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies; or (3) result in significant adverse effects on competition, employment, investment or productivity, and, therefore, has been determined to be "not major."

REA has concluded that promulgation of this rule will not represent a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq. (1976)) and, therefore, does not require an environmental impact statement or an environmental assessment.

This regulation contains no information or recordkeeping requirements which require approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 et seq.). This action does not fall within the scope of the Regulatory Flexibility Act. This program is listed in the Catalog of Federal Domestic Assistance as 10.850, Rural Electrification Loans and Loan Guarantees. For the reasons set forth in the final rule **Federal Register** notice related to 7 CFR Part 3015, Subpart V, in 50 FR 47034, November 14, 1985, this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with state and local officials.

Background

REA maintains a system of bulletins that contains construction standards and specifications for materials and equipment which are applicable to electric system facilities constructed by REA electric borrowers in accordance with the REA loan contract. These standards and specifications contain standard construction units and material and equipment items commonly used in REA electric and telephone borrowers' systems.

REA Bulletin 50-70(U-1), REA Specification for 15 kV and 25 kV Primary Underground Power Cable, contains REA's requirements relative to the purchase of underground power cables by REA electric borrowers. The requirements in Bulletin 50-70(U-1) are minimum requirements and are based primarily on specifications of national standards setting organizations such as the Association of Edison Illuminating Companies (AEIC) and the Insulated Cable Engineers Association (ICEA). Bulletin 50-70(U-1) was last revised in 1984.

In recent years, cables purchased and installed by many REA electric borrowers have failed long before the end of the anticipated life of the cables. Since these prematurely failed cables were designed and manufactured in accordance with Bulletin 50-70(U-1) and the referenced national standards, REA has concluded that Bulletin 50-70(U-1) should be revised to exceed some requirements of the national standards.

The primary cause of underground cable failures is the formation and growth of electrochemical "trees" in the insulation layer of the cables. The tree-like voids usually form at impurities or voids in the insulation material. The growth of the trees is accelerated by moisture in the insulation layer and high voltage stress.

High molecular weight polyethylene (HMW) insulated cables have performed very poorly regarding failure due to trees. All manufacturers of underground cable have ceased production of cables insulated with HMW not containing tree-retardant additives. In 1986, REA removed HMW cables from REA Bulletin 43-5, List of Materials Acceptable for Use on Systems of REA Electrification Borrowers. REA has learned that each

VOL 52 ISS 248 DE 28 1987 UMI

manufacturer presently listed in Bulletin 43–5 for cable insulated with HMW with the tree-retardant additives (HMW–TR) recommends against its use. REA believes that the removal of all HMW insulated cable (including HMW–TR) from Bulletin 50–7(U–1) is certainly justified.

The voltage stress (measured in volts per mil) on the insulation of underground cable is a function of the voltage present and the thickness of the insulation layer (in mils). Increasing the thickness of the insulation wall will decrease the voltage stress and, therefore, retard the growth of trees in the insulation layer. Presently, Bulletin 50–70(U–1) requires the average thickness of the insulation layer to be at least as large as 175 mils for cables used on systems rated at 15 kilovolts (kV) and 280 mils for 25 kV systems. This action increases the minimum wall thickness to 220 mils for 15 kV systems and 345 mils for 25 kV systems.

The cables used on systems of REA electric borrowers are almost always buried in direct contact with the earth. They are, therefore, in constant contact with moisture, a major contributing factor in the growth of trees. Bulletin 50–70(U–1) presently allows, but does not require, the application of an electrically insulating jacket as an outer protective covering on underground cables. The jacket provides mechanical protection which decreases the likelihood of physical damage and moisture contact with the insulation layer within. Therefore, this action revises Bulletin 50–70(U–1) to require insulating jackets on all underground power cable.

The national standards and Bulletin 50–70(U–1) require manufacturers of underground cable to test each reel of cable to detect excessive partial discharge which could damage the insulation layer. REA revises its requirement to allow an alternate procedure under which a manufacturer could demonstrate to REA's satisfaction that the manufacturer can produce cables without excessive partial discharge and that its insulation material is sufficiently resistant to damage caused by excessive partial discharge, should it occur. Testing for resistance to partial discharge will be required periodically on cable produced by the manufacturer.

Numerous other changes, which are more minor or clerical in nature, are included in this action.

Comments

On August 10, 1987, REA published a Proposed Rule notice to revise 7 CFR Chapter XVII, Part 1736 by revising Bulletin 50–70(U–1). In the Proposed Rule notice, REA invited interested parties to file comments on or before October 9, 1987. Although some comments were received after that date, all responses received have been considered in preparing this Final Rule.

Sixty different organizations or groups commented on the Proposed Rule. They are:

1. Public Utility District No. 1 of Douglas County, Washington
2. Dalager Engineering Company
3. Cablec Corporation
4. Orville W. Zastrow, Consulting Engineer
5. Conductor Products, Inc.
6. Wisconsin Electric Cooperative Association
7. Tillamook People's Utility District
8. KBM, Inc.
9. Nodak Rural Electric Cooperative, Inc.
10. Lower Valley Power & Light, Inc.
11. Top O'Michigan Rural Electric Company (two responses)
12. CamWal Electric Cooperative, Inc.
13. Green River Electric Cooperative, Inc.
14. Pirelli Cable Corporation (two responses)
15. Hendrix Wire & Cable
16. Mille Lacs Electric Cooperative
17. Tarheel Electric Membership Association, Inc.
18. Wild Rice Electric Cooperative, Inc.
19. Slope Electric Cooperative, Inc.
20. James Valley Electric Cooperative, Inc.
21. Burke—Divide Electric Cooperative, Inc.
22. Union Carbide Corporation
23. Capital Electric Cooperative, Inc.
24. North Central Electric Cooperative, Inc.
25. Martin and Associates, Inc.
26. Verendrye Electric Cooperative, Inc.
27. Georgia Electric Membership Corporation
28. North Itasca Electric Co–op, Inc.
30. Joslyn Corporation
31. North Star Electric Cooperative, Inc.
32. Oliver—Mercer Electric Cooperative, Inc.
33. Northeast Nebraska Rural Public Power District
34. Red Lake Electric Cooperative, Inc.
35. McKenzie Electric Cooperative, Inc.
36. Meeker Cooperative Light & Power Association
37. Anoka Electric Cooperative
38. Dairyland Electric Co-op, Inc.
39. McLean Engineering Company, Inc.
40. McLean Electric Co-operative, Inc.
41. Reynolds Aluminum
42. SSR, Inc. Engineers
43. The Smoky Hill Electric Cooperative Association, Inc.
44. The Okonite Company
45. Allied Tube & Conduit
46. RTE Corporation
47. The Kerite Company
48. East Mississippi Electric Power Association
49. Cavalier Rural Electric Cooperative, Inc.
50. Itasca—Mantrap Co-op. Electrical Association
51. Cobb Electric Membership Corporation
52. Mid Carolina Electric Cooperative
53. Mor-Gran-Sou Electric Cooperative, Inc.
54. Ulteig Engineers, Inc.
55. Star Services Federation
56. Twin Valleys Public Power District
57. Palmetto Electric Cooperative, Inc.
58. Southern Engineering Company
59. Insulated Cable Engineers Association (ICEA)
60. Agralite Cooperative

For the purposes of discussion, the negative comments of these organizations have been categorized.

Conductor: Two organizations recommended inclusion of three-quarter hard aluminum temper, H16 or H28, as an acceptable material for solid aluminum conductors. The major drawback to using harder temper solid conductor has been decreased flexibility. However, since Bulletin 50–70(U–1) is being revised to require a thicker insulation layer and an outer jacket, the decrease in flexibility should be negligible at most. REA accepts the suggested change.

Two organizations recommended requiring, not just allowing, the use of material to fill the interstices (gaps) between the strands of stranded conductor. Strand fillers are designed to prevent the longitudinal migration, along the conductor, of moisture which may enter the conductor due to dig-in or natural migration from the outside. Although REA recognizes that strand fillers will prevent some damaging moisture from reaching the cable insulation layer, it is felt that its use should be recommended, not required.

Conductor Shield: A change has been made in this revision of Bulletin 50–70(U–1) to allow the use of insulating conductor shield (stress control layer) in addition to the semi-conducting shield required in the existing edition of the bulletin. Three organizations have objected to this change. The cable specifications of ICEA allow either insulating or semi-conducting conductor shields, so REA feels that this comment should not be accepted.

Bulletin 50–70(U–1), as proposed, would allow the use of an insulating or semi-conducting separator tape between the conductor and the conductor shield. Two commenters recommended allowing only semi-conducting tape, while three commenters recommended not allowing any separator tape. REA has accepted the second comment, and has removed any mention of separator tape from the bulletin. Some people feel that the separator tape allows moisture to enter the space between the tape and the conductor. Separator tapes are generally used only with large conductors (1,250 kcmil and larger). Since the bulletin covers only conductors up to 1,000 kcmil, the use of separator tapes is not justified.

Insulation: Seven organizations recommended removing tree retardant high molecular weight polyethylene (HMW–TR) as an acceptable insulation material. Four organizations recommended removing cross-linked polyethylene (XLP) without tree retardant additives. REA has removed HMW–TR, but not XLP. Each of the three cable manufacturers presently listed as manufacturers of HMW–TR cable no longer recommends the use of HMW–TR insulation. Therefore, REA has removed it from REA Bulletin 43–5 and from Bulletin 50–70(U–1). REA feels that insufficient data exists on failures of XLP insulated cables to justify its removal. Since the thickness of the insulation is increased and the use of a jacket is required by this action, the performance of XLP cable should be quite acceptable. Also, tree retardant XLP cable has not been in use for a sufficient length of time to justify its being the only accepted polyethylene insulation material.

Insulation Thickness: Some organizations have objected to REA's increasing the minimum average thickness of the insulation layer. The objections concerned several operational difficulties:

1. Borrowers will need to carry two sets of cable accessories in store rooms and on repair trucks.

2. Repair crews may have difficulty identifying the size of insulation on failed cables.

3. Borrowers have in stock supplies of cable and accessories in accordance with the former edition of Bulletin 50–70(U–1).

Other organizations have commented that increased insulation thicknesses are not necessary if quality insulation materials and workmanship and jackets are used.

Although REA recognizes that some minor, temporary operational difficulties may result from this change, the obvious benefits resulting from decreasing the voltage stress on the cable insulation outweigh the drawbacks. Several borrowers have converted to cables with increased insulation thicknesses with no major difficulty. Borrowers will be allowed to use cables with the thinner insulation walls until existing stocks are depleted. Of course, a supply of the older cable and accessories will be retained for future repairs.

The minimum average insulation thickness included in the proposed revision of Bulletin 50–70(U–1) were 220 mils for 15 kV cable and 320 mils for 25 kV cable. Eleven organizations objected to these minimum values for two major reasons. First, some commenters have used 280 mil thick insulation on their 15 kV cable and want to continue this practice. Since 220 mils is the *minimum* average thickness, the insulation thickness of 15 kV cable may be increased to a maximum of 280 mils. Secondly, several commenters object to the use of 320 mils, instead of the more commonly used 345 mils, for 25 kV cable. REA has accepted this comment since 345 is more commonly used and since it is the increased thickness specified by ICEA.

Insulation Shield: Four organizations commented that the listing of acceptable insulation shield materials in the proposed specification was unclear. Four semi-conducting materials were included: thermoplastic polyethylene, deformation resistant thermoplastic polyethylene, cross-linked polyethylene, and ethylene propylene rubber. Since REA has removed all high molecular weight (thermoplastic) polyethylene as acceptable insulation material, inclusion of the two types of thermoplastic polyethylene insulation shields is no longer necessary. The other two materials are actually thermosetting semi-conducting polymers, one of which is based upon cross-linked polyethylene while the other is based upon ethylene propylene rubber. The insulation shield material must be compatible with, but not necessarily the same material as, the insulation material. Therefore, in order to clarify this section, REA will require "a semi-conducting thermosetting (cross-linked polyethylene or ethylene propylene rubber) polymeric layer."

Manufacturing Process: The proposed revision added a requirement that the conductor shield, insulation, and insulation shield shall be extruded onto the conductor in one continuous manufacturing process (triple extrusion process). The triple extrusion process, a relatively recent development in cable manufacturing, is intended to make two primary improvements in cable quality. First, since the three layers are extruded in one pass through the manufacturing process, there is less opportunity for contaminants to appear between the insulation shield and insulation. Also, since the thermosetting insulation and insulation shield layers are cured at the same time, the adhesion between those two layers is increased. Poor adhesion (and voids) between the two layers can cause partial discharge (corona) which can damage insulation materials.

REA agrees that increased cleanliness and insulation shield adhesion are desirable qualities. However, we are aware that manufacturers which do not use the triple extrusion process have produced quality cable for many years by taking care to ensure cleanliness between the two extrusions and by using corona resistant insulation materials. (Note: Before being listed in REA Bulletin 43–5, each manufacturer must demonstrate that its cable passes the partial discharge test in the AEIC cable specification.) Therefore, REA has determined that, although use of the triple extrusion manufacturing process is desirable, sufficient justification does not exist to require its use.

Concentric Neutral: Several organizations commented that the minimum number of concentric neutral wires required by Bulletin 50–70(U–1) is not sufficient when an insulating overall outer jacket is applied. REA agrees with this requirement and has adopted the requirement in the ICEA specifications. Jacketed cable operated on single-phase systems shall have a full neutral as described in the ICEA specifications and cable operated on three-phase systems shall have at least a one-third neutral as per ICEA.

Overall Outer Jacket: The previous edition of Bulletin 50–70(U–1) allowed, but did not require, the application of an electrically insulating outer jacket over the concentric neutral wires. The proposed revision of the bulletin requires the jacket. Twenty-five organizations commented that jackets should not be required for several various reasons.

Most of the commenters reported that they have experienced little or no corrosion of the concentric neutral wires. The jacket is intended to serve many purposes, only one of which is corrosion mitigation. The jacket provides significant mechanical protection to the insulation shield and the underlying insulation layer. Also, the jacket delays moisture from reaching and damaging the insulation layer.

Others commented that jacketed cable is difficult to terminate and ground. Many borrowers have successfully terminated jacketed cable for many years. REA will soon consider for listing in Bulletin 43–5 products, manufactured by several companies, which are used to ground the concentric neutral wires and reseal the jacket. Other organizations have commented that the premium cost (approximately 10–15% more than non-jacketed cable) of jacketed cable is not justified. REA believes that the several benefits of jacketed cable will increase the useful life (and decrease costs due to repairs, lost revenues, etc.) of the cable. The value of the added life outweighs the increased cost of the jacket.

Some organizations expressed concern that rodents, such as gophers, will gnaw through the jacket material. A small hole in the jacket will allow moisture to enter. This moisture can damage the insulation layer and cause severe localized corrosion of the concentric neutral wires. A borrower which can provide sufficient written

justification to REA that the underground cable on its system is subject to rodent damage may request, from its REA area office, a waiver of the requirement that a jacket must be used.

One organization expressed an opinion that an insulating jacket will make adequate grounding of the neutrals more difficult to achieve, especially on systems which experience grounding difficulties due to the nature of the soil. Inadequate grounding can cause unsafe conditions. The neutral on jacketed underground cable is electrically similar to the neutral on overhead lines. The National Electrical Safety Code requires that multiple grounded systems, like those on REA borrower systems, must be "effectively grounded." In some locations, it may be necessary to install an array of multiple ground rods, or longer rods, at each grounding point. There also may be locations where especially high earth resistivity and/or rock make the use of cables with bare concentric neutrals desirable. In such situations REA will consider requests for waiver of the jacketing requirement.

Because of the general advantages of jacketed cable, REA retains its requirement that underground cables have an insulating jacket applied over the concentric neutral wires.

Two organizations have commented that REA should require that separator tapes not be allowed between the jacket and the concentric neutral wires. REA agrees that the jacket should encapsulate the neutral wires, leaving no voids. If a separator tape is used, the space between the individual neutral wires is open, allowing any moisture which may enter the gap to easily migrate longitudinally under the jacket. Therefore, Bulletin 50–70(U–1) will not allow the use of such separator tapes.

(Note: The encapsulated neutral wires must remain in intimate contact with the underlying insulation shield.)

Tests: Some organizations have commented that the list of AEIC qualification tests included in Bulletin 50–70(U–1) should be revised to match the tests required in the AEIC specifications which have been revised recently, but not yet printed. REA has accepted this comment and will require compliance with the production sampling tests and qualifications tests in the new AEIC specifications.

Partial Discharge Test: The AEIC specifications and the existing edition of REA Bulletin 50–70(U–1) require manufacturers to pass a partial discharge (corona) test as a qualification test and to test each reel of cable for excessive partial discharge before it is shipped. This test is intended to detect voids in the insulation layer or between the insulation layer and the shield layers. Corona can form in the voids, causing damage to most insulation materials. However, REA has been made aware that some cable is being manufactured with insulation material which is resistant to the effects of partial discharge. In the proposed revision of Bulletin 50–70(U–1), REA included an alternative procedure under which manufacturers which had passed the partial discharge qualification test could opt to perform the discharge resistance (U-bend) test, as described in ICEA specifications, on each manufacturing run of cable instead of performing the partial discharge test on each reel of cable. Some organizations commented that the option should not be allowed since the ICEA discharge resistance test is intended to apply to unshielded lower voltage cables only.

REA believes that, although the finished cables produced under Bulletin 50–70(U–1) are shielded, the U-Bend discharge resistance test is an acceptable test to assess the ability of an insulation material to resist the harmful effects of partial discharge. Therefore, REA has retained the optional procedure, with some clarification of the test procedures, described in the proposed revision. REA believes that most cable manufacturers will continue to test each reel of cable in accordance with the AEIC partial discharge test requirement.

Jacket Tests: Bulletin 50–70(U–1) requires a Cold Bend Test to be performed on "each length of jacketed cable shipped." Commenters have indicated that this testing frequency is unnecessary. REA agrees with this comment and has changed the testing frequency to "one test for each 50,000 feet of cable, or major fraction thereof, or at least once per jacket extruder run."

Cable Markings: Some organizations have suggested REA require the application of three red stripes running along the cable jacket, equally spaced around the jacket, to identify it as an electric power cable. REA realizes that red has been accepted as the standard color used to identify electric facilities and that some utilities, including some REA borrowers, have purchased jacketed cable with red stripes (or totally red jackets). However, REA also has been made aware that some questions exist concerning the possible adverse effects the red striping material may have on the quality of the jacket. Therefore, REA does not believe that sufficient information is available to justify requiring red stripes on jacketed cable.

Some organizations have suggested that REA should require a durable label to be attached to each reel of cable identifying the purchaser, cable description, number of feet of cable on the reel and weight of the reel. REA believes that this suggestion is reasonable and has accepted it.

Favorable Comments: The large number of comments received as a result of the proposed revision should not be misconstrued as general dissatisfaction with the proposed revision. Of the 60 responses to the proposed revision, several expressed complete satisfaction with the proposal. These generally were cable manufacturers or REA electric borrowers which already have used, with success, cable which exceeds the present minimum requirements. Concerning the requirement of an overall outer jacket, which produced the largest number of negative comments, some cable manufacturers commented that this change will have a greater positive impact on the quality of underground cable than any other change REA could make.

Also, it should be pointed out that copies of the proposed revision and proposed rule Federal Register notice were sent to approximately 1,100 organizations, including each electric borrower. REA believes that the fact that only 60 organizations responded indicates that no general dissatisfaction exists with this action.

List of Subjects in 7 CFR Part 1736

Electric utilities, Engineering standards, Incorporation by reference.

In view of the above, REA hereby amends 7 CFR Part 1736.

PART 1736—ELECTRIC STANDARDS AND SPECIFICATIONS

1. The authority citation for Part 1736 continues to read as follows:

Authority: 7 U.S.C. 901 et seq., 7 U.S.C. 1921 et seq.

2. In § 1736.97, paragraph (b) is amended by revising the entry for Bulletin 50–70(U–1) to read as follows:

§ 1736.97 Incorporation by reference of electric standards and specifications.

* * * * *

(b) *List of Bulletins.*

* * * * *

Bulletin 50–70(U–1), REA Specification for 15 kV and 25 kV Primary Underground Power Cable (December 22, 1987)

* * * * *

Dated: December 22, 1987.

Harold V. Hunter,

Administrator.

[FR Doc. 87–29678 Filed 12–24–87; 9:13 am]

BILLING CODE 3410–15–M

Farmers Home Administration

7 CFR Part 1924

Construction and Repair; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule; correction.

SUMMARY: FmHA corrects a final rule published March 13, 1987, (52 FR 7998). The reference to Appendices C and F of HUD Handbook 4910.1, Minimum Property Standards for Housing was not changed to Appendices C through F of HUD Handbook 4910.1, Minimum Property Standards. The reference to paragraph XI of Exhibit B of Subpart A of Part 1924 was not changed to paragraph X of Exhibit B of Subpart A of Part 1924. The intent of this action is to correct these errors.

FOR FURTHER INFORMATION CONTACT: Keith Suerdick, Architect, Program Support Staff, Farmers Home Administration, USDA, Room 6309, South Agriculture Building, Washington, DC 20250. Telephone (202) 382–9619.

SUPPLEMENTARY INFORMATION: The following corrections are made to 52 FR on pages 8004 and 8005 dated March 13, 1987:

PART 1924—CONSTRUCTION AND REPAIR

§ 1924.5 [Corrected]

1. Section 1924.5(d)(1) is corrected by changing the words "Appendices C and F" to "Appendices C through F."

2. Section 1924.5(d)(3) is amended by changing the reference "paragraph XI" to "paragraph X."

Dated: December 17, 1987.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 87–29677 Filed 12–24–87; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

[Order No. 1244–87]

Mariel Cuban Parole Determinations

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule establishes a separate immigration parole review process for certain detained, excludable nationals of Cuba who came to the United States during the 1980 Mariel Cuban boatlift. It permits a comprehensive and fair review of the cases of excludable Mariel boatlift participants, detained pursuant to the authority of the Immigration and Nationality Act, for parole consideration. The effect of this rule is to establish several levels of review to determine whether certain detained, excludable Mariel Cubans should be paroled, and to set forth the procedures governing such parole decisions. It establishes a new Departmental Release Review Program under the general supervision of the Associate Attorney General, which will provide eligible aliens, otherwise denied parole, with an additional review.

EFFECTIVE DATE: Final rule effective December 28, 1987.

FOR FURTHER INFORMATION CONTACT: Donald A. Couvillon, Attorney, Office of Immigration Litigation, Civil Division, telephone (202) 272–4397; or Craig Raynsford, Attorney, Office of the General Counsel, Immigration and Naturalization Service, telephone (202) 633–2895.

SUPPLEMENTARY INFORMATION:

General Background

Between the months of April and October of 1980 approximately 125,000 Cuban nationals without appropriate entry documentation arrived on the shores of the United States as a consequence of what has become known as the Mariel boatlift. Cuban government authorities inserted numerous hardened criminals and other undesirable aliens among the vast majority of peaceful, productive and law-abiding Cubans who came here as a result of the boatlift. Despite being hampered by incomplete information respecting the then newly arriving aliens, the United States attempted to identify those individuals whose release might present unacceptable risks to members of the American public and to return these aliens to Cuba. The Government of Cuba, however, refused to accept the repatriation of those found to be excludable from the United States.

Subsequent to the boatlift, several unsuccessful attempts were made to reach an agreement between the United States and Cuba on immigration matters. Finally, on December 14, 1984, the United States and Cuba entered into a bilateral migration agreement ("migration agreement"), which provides for normalized immigration between the two countries, and includes Cuba's agreement to accept the return of certain Mariel Cubans ordered excluded by the United States. The migration agreement, however, limits the United States to returning an average of only one hundred excluded aliens to Cuba per month. In May of 1985, not long after it took effect, the migration agreement was unilaterally suspended by the Government of Cuba. On November 20, 1987, however, the United States and Cuba announced the immediate reinstatement of the migration agreement of December 14, 1984, in all of its aspects.

The unprecedented arrival of the 125,000 Cuban nationals on our shores in 1980, and Cuba's initial refusal to accept repatriation of those ordered excluded under our immigration laws, created a situation of a magnitude that has never before existed in the immigration history of the United States. In response to this situation, and at a time prior to late 1984 when the repatriation of a Mariel excludable was not practicable, the Attorney General created a parole program for detained Mariel Cubans, namely, the Attorney General's Status Review Plan. That Status Review Plan was intended to balance the need to protect the American public from potentially dangerous aliens with the humanitarian problems created by Cuba's unjustified refusal to accept repatriation and the associated prospects for long-term confinement that faced excludable but unreturnable Mariel Cubans. With the original signing of the migration agreement in 1984, the Attorney General's Status Review Plan was terminated and actual deportations to Cuba were commenced. After the termination of the Status Review Plan, parole for Mariel Cubans was available only under the general regulatory authority of the District Directors of the Immigration and Naturalization Service (hereinafter referred to as the "Service").

As indicated earlier, in May of 1985, implementation of the migration agreement was unilaterally suspended by the Government of Cuba.

VOL
52
ISS
248
DE
28
1987
UMI

Accordingly, the renewed inability to repatriate detained, excludable Cubans caused a significant increase in the number of such criminals within the custody of the Service. Recognizing the need for another comprehensive parole review procedure, the Commissioner of the Immigration and Naturalization Service approved the establishment of a new Cuban Review Plan on May 25, 1987. The Cuban Review Plan has provided for a nationwide review of the cases of Mariel Cuban criminals in the custody of the Service for parole consideration, and has enabled many of those individuals approved for parole to be relocated to either halfway house placements or approved family units. Where upon review it was determined that an individual was not acceptable for parole, another opportunity for review has existed on an annual basis. Over the years, under the various parole mechanisms adopted to address the unique circumstances presented by the Mariel Cubans, eventually all but approximately 100 to 150 of these individuals were paroled into our society. Many paroled aliens, however, have committed crimes in the United States and have had their immigration parole revoked. Currently, there are approximately 7,800 Mariel boatlift participants who either are detained under the authority of our immigration laws or are serving criminal sentences in Federal, State, and local prisons.

The reinstatement of the migration agreement, and the disturbances at the Oakdale, Louisiana and Atlanta, Georgia institutions, have again focused the attention of the nation on the issues associated with the deportation or release on parole of detained Mariel excludables. In this light, it has been determined that, in addition to the current Cuban Review Plan administered by the Service, a Departmental Release Review Program will be established. These procedures in combination will ensure a thorough and fair parole review for each eligible detainee. Administered by the Associate Attorney General, the Departmental Program will review only those cases where parole has been denied by the Cuban Review Plan within the Service. In addition, a separate review mechanism is being established to look at the cases of those detainees who are likely candidates for deportation. An informational notice describing that program is being published separately. A detainee who is selected and approved for repatriation will not be entitled to a determination respecting release on parole under the procedures being established here.

Discussion of Specific Provisions

This regulation makes changes to 8 CFR Part 212 by incorporating distinct procedures for the parole review process in relation to Mariel Cubans.

In section 212(d)(5) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1182(d)(5), Congress vested in the Attorney General broad discretion to parole into the United States an alien seeking admission, under any conditions as he may prescribe, for emergent reasons or for reasons deemed strictly in the public interest. Sections 212.12 and 212.13 of this new rule establish procedures for the exercise of the Attorney General's discretion to parole which will be applicable to the unusual circumstances presented by the Mariel Cubans. Section 212.12 incorporates with some modifications an on-going procedure within the Service which will result in periodic reviews of detained Mariel Cubans for possible parole. Section 212.13, on the other hand, establishes a new Departmental Release Review Program which will undertake a one-time, single level of further review by Departmental Panels composed of certain designated officials of the Department of Justice. Under both sections, the ultimate determination whether to grant or deny parole will be made in the exercise of the Attorney General's discretion under the Act. The Departmental Panel's determination to either grant or deny parole will result from an independent evaluation of each case. In keeping with its regular responsibilities under our immigration laws, the Service will retain the responsibility for the overall implementation of the parole program, including revocation of parole for violation of its conditions, execution of orders of exclusion or commencement of proceedings, or adjustments to meet unforeseen or changed circumstances.

New § 212.12. The scope of the Service's Cuban Review Plan is described in § 212.12(a). As stated therein, the new procedures apply to any Mariel Cuban, as defined, in the custody of the Service or who is detained anywhere in the United States pursuant to the authority of the Act. The Mariel boatlift took place approximately between April and October of 1980. The regulatory definition for a Mariel Cuban covers a time period for arrival in the United States from April 15, 1980, to October 20, 1980. This ensures as complete coverage as possible of boatlift participants, recognizing that there may have been departures from Cuba prior to the April 20, 1980, opening of the Port of Mariel as an embarkation point by Cuban authorities, and that aliens continued to arrive in the United States well after the September 26, 1980, closing of Mariel harbor by Cuban authorities. The Service's Plan does not apply to a Mariel Cuban who is still serving a sentence imposed pursuant to a criminal conviction, regardless of whether the Service has placed a detainer on the alien, until and unless his parole is revoked *after* he completes his criminal sentence and actually is taken into Service custody. Notwithstanding the establishment of these parole procedures, an excludable Mariel Cuban may be deported from the United States and repatriated to Cuba without first receiving a parole review under this rule.

In § 212.12(b) there is a delegation of the Attorney General's authority to the Commissioner and the Associate Commissioner for Enforcement (Associate Commissioner) who will possess the full discretion vested in the Attorney General pursuant to section 212(d)(5) of the Act. For effective day-to-day operation, the Associate Commissioner may in turn delegate in writing his powers to persons under his supervision. Under § 212.12(c), the Associate Commissioner will appoint a Director of the Cuban Review Plan who will administer the Cuban Review Plan. In § 212.12(d)(1), the rule provides that the Director shall designate Cuban Review Panels whose function is to make parole recommendations to the Associate Commissioner.

Set forth in § 212.12(d) are the criteria for the Panel's review and the factors, such as likelihood to engage in future acts of violence or likelihood to engage in future criminal activity, which the Panel should weigh in considering whether to recommend further detention or release on parole in each individual case. This parole recommendation process is also to take into account the roots an alien may have here in the United States by looking at such things as his family ties, and the danger that the alien will abscond, such as from any sponsorship program designed to assist his integration into society. The traditional considerations in most parole determinations (see 8 CFR 212.5) are appropriate here for obvious reasons. The procedures for Panel review include a review of the detainee's file, and possibly an interview of the detainee by the Panel. In addition, the detainee may submit to the Panel any information which he believes demonstrates that he should be released on parole. Finally, § 212.12(d)(4)(iii) provides that the Panel will forward to the Associate Commissioner a written recommendation either for or against parole.

Upon receipt of the Panel's recommendation, the Associate Commissioner shall determine whether to grant parole consistent with the delegation of discretionary authority. In this regard, it is important to note that the Associate Commissioner is not bound by the Panel or Director's findings pursuant to § 212.12(d)(2) or constrained by the factors which the Panel should consider and weigh as set forth in § 212.12(d)(3). Rather, the Associate Commissioner retains the full statutory authority in § 212(d)(5) of the Act. While the Panel's recommendation is designed to serve as an important guide to the exercise of discretion, the Associate Commissioner must also take into consideration changes in foreign and domestic affairs, the availability of fiscal as well as other resources, public policy and humanitarian concerns, and other factors which could weigh for or against the decision in an individual case. The Associate Commissioner must be free to assess all of the circumstances in arriving at his final determination to grant parole to a detained Mariel Cuban for emergent reasons or for reasons deemed strictly in the public interest.

In § 212.12(e), there is an admonition that a detainee approved for parole must maintain proper behavior while awaiting suitable sponsorship or placement, or his parole may be revoked. The Associate Commissioner must be free to withdraw his grant of parole to a detainee who exhibits behavior inconsistent with the determination to release him into the American community. Moreover, while it is well settled in the criminal context that a grant of discretionary parole can be revoked without additional procedural steps prior to release, this paragraph puts the detainee on notice.

The requirements of suitable sponsorships and placements are outlined in § 212.12(f), which also reiterates that no detainee will be released absent a suitable sponsorship or placement and that the parolee must abide by the parole conditions specified by the Service in relation to his sponsorship or placement.

The timing of the parole review process is set forth in § 212.12(g). It outlines three separate categories: (1) The process for a new detainee or detainee whose parole has recently been revoked will start ordinarily with the scheduling of a file review within approximately three months; (2) a detainee who has continued in custody and has been denied parole will receive a yearly review; and (3) a detainee may receive a discretionary review scheduled by the Cuban Review Plan Director. These goals for the timing of parole reviews are, of course, contingent upon the availability of adequate resources, which the Department is undertaking to obtain. As noted above, the Review Plan established by § 212.12 does not apply to detained Cubans who are still serving sentences imposed pursuant to criminal convictions.

Revocation of parole is covered by § 212.12(h). The Associate Commissioner will be responsible for the overall supervision of Mariel Cuban parole revocations. Local Service district directors will retain the power to revoke parole in emergency situations, but are expected to obtain prior clearance from the Associate Commissioner in routine cases. The grounds for parole revocation are listed in § 212.12(h). In the past, the district directors have revoked parole most often after the Mariel Cuban has been convicted of a serious misdemeanor or felony. Parole revocation has also occurred if an individual appears to present a danger to the community, displays serious mental health problems, is involved in repeated arrests or disturbances, or violates specific terms of parole. The new parole revocation guidelines contemplate a continuance of the same practices under day-to-day conditions. The guidelines also allow, however, for flexibility in meeting unusual or changing circumstances. These have been evident in foreign and domestic relations and changes in enforcement priorities. Now that Cuba has agreed to accept the return of the excludable Mariel Cubans, the guidelines also provide for revocation of parole as appropriate to enforce an order of exclusion or to commence proceedings.

New § 212.13. The scope of the Departmental Release Review Program, under the general supervision of the Associate Attorney General, is set forth in § 212.13(a). The Associate Attorney General is given the authority to establish additional day-to-day operating procedures as he deems necessary. The purpose of the Program, as set forth in § 212.13(b), is to provide a single parole review of eligible Mariel Cubans who have been denied parole after exhaustion of the procedures in § 212.12. A Mariel Cuban who is currently serving a sentence imposed after a criminal conviction is not eligible for review under the Departmental Program at this time; instead, the Program is limited to those Mariel Cubans in Service custody on the date of promulgation of this regulation. A decision will be made at a later date respecting any expansion of this Program. Likewise, nothing in § 212.13 is intended to preclude the repatriation of any Mariel Cuban regardless of whether he has received a parole review.

The rule specifically states, in § 212.13(b), that each eligible detainee shall be entitled to only one review before a Departmental Panel regardless of whether he is subsequently denied parole pursuant to § 212.12 or any successor plan. The composition of the panels is set forth in § 212.13(c), while § 212.13(d) contains a delegation of the Attorney General's discretionary authority, pursuant to section 212(d)(5) of the Act, 8 U.S.C. 1182(d)(5), to grant parole for emergent reasons or for reasons deemed strictly in the public interest.

The procedures for notifying a detainee that his case will be submitted to a Departmental Panel are contained in § 212.13(e). Under this paragraph, the detainee will be notified that he may submit a written statement to the Panel setting forth any factors he deems relevant. Although not required by the Act, the detainee will also be advised that he may, at no expense to the government, have a representative or counsel assist in the preparation of the statement. This is consistent with the provisions of section 292 of the Act, 8 U.S.C. 1362, which accord any alien the privilege of representation, at no expense to the government, in exclusion proceedings. Under no circumstances is it contemplated that counsel will be appointed for a detainee. The review is to be a record review, not an adversarial evidentiary hearing, such as that usually available in respect to a finding of excludability. Under § 212.13(f), the Departmental Panel may, in its sole discretion, designate one of its members to interview the detainee and report in writing to the full Panel.

Pursuant to § 212.13(g), the decision of the Departmental Panel will be based on a review of the record created during the procedure outlined in § 212.12, the written submission of the detainee, if any, and any interview deemed appropriate by the Panel. Except as provided in § 212.13(i), the decisions of the Panel will be final and subject to no further review. Under § 212.13(i), a Panel has discretionary authority to withdraw a grant of parole when, prior to release, the conduct of the detainee or other changes in circumstances warrant. It is important that the Panel have the flexibility to respond when, for example, a detainee who has been granted parole subsequently engages in conduct which undermines the Panel's decision, when such conduct occurs after submission of

VOL 52 ISS 248 DEC 28 1987 UMI

the case to the panel and thus is not a part of the record, or when foreign affairs or domestic conditions indicate that the parole determination is no longer in the public interest.

Specified in § 212.13(h) are the same caveats regarding release to suitable sponsorships or placements as contained in § 212.12(f). Likewise, § 212.13(h) provides that the paroled detainee must abide by the parole conditions specified by the Service. Under § 212.13(j), parole granted by a Departmental Panel may be revoked pursuant to § 212.12. Thus, the Departmental Panel is not vested with a role in the revocation of parole. The Departmental Review Program's specific and limited function is to provide a one-time review of eligible Mariel Cubans for possible parole. Neither the Review Program nor the Departmental Panels which implement the Program are intended to provide oversight into day-to-day parole decisions or placements, the execution of orders of exclusion, or any of the many matters encompassed in the general enforcement of our immigration laws. These matters are properly entrusted to the Service. Accordingly, the Service retains sole delegation of authority under § 212.12 to establish the conditions of parole and to revoke parole.

Justification for Final Rule

The promulgation of this rule setting forth the Cuban Review Plan and establishing the Departmental Release Review Program is effective immediately and not subject to notice and comment rulemaking because the Department of Justice "for good cause finds * * * that notice and public procedures thereon are impracticable, unnecessary, or contrary to the public interest" in accordance with 5 U.S.C. 553(b)(B). The immediate initiation of a special parole program for detained Mariel Cubans is necessary to assure that all parole determinations are promptly and fairly reviewed. Recently, well-publicized, volatile, and life-threatening disturbances took place at the Atlanta, Georgia and Oakdale, Louisiana institutions in which Mariel excludables were detained. In nine days of occupation, one detainee lost his life, both sites suffered extensive property damage amounting to tens of millions of dollars, detainees had fashioned weapons, and the prospect loomed for sharply escalating hostilities, threatening the health and safety, among others, of officials and citizens held hostage throughout the ordeal. The two incidents underscore the need for a system of parole determinations that ensures that the Cuban detainees will have confidence that they are receiving a just and fair review. By swiftly responding to the recent tensions, the risk is minimized that the public will again be exposed to imminent and direct physical harm. In addition, the Atlanta detainees released their hostages and terminated the disturbance at that facility with the express expectation that parole reviews for certain detainees would be completed by June 30, 1988. Given the short timetable to conduct this anticipated review of a large number of detainees, it would be contrary to the public interest to delay implementation of this parole program. Therefore, it is necessary to invoke the "good cause" exception to the notice of proposed rulemaking requirements of 5 U.S.C. 553(b) and the "good cause" exception to the 30 day delayed effective date requirement of 5 U.S.C. 553(d), and to implement the rule immediately.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule will not have a significant economic impact on a substantial number of small entities.

This is not a major rule within the meaning of section 1(b) of E.O. 12291.

This rule contains information collection requirements; however, they are exempt from the requirements of the Paperwork Reduction Act in accordance with 5 CFR 1320.3(c).

List of Subjects in 8 CFR Part 212

Aliens, Parole, Detention, Exclusion, Cubans.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 212—DOCUMENTARY REQUIREMENTS; NONIMMIGRANT WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. The authority citation for Part 212 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1184, 1225, 1226, 1228, 1252; 8 CFR Part 2.

2. In § 212.5, a new paragraph (f) is added to read as follows:

§ 212.5 Parole of aliens into the United States.

* * * * *

(f) *Parole for certain Cuban nationals.* Notwithstanding any other provision respecting parole, the determination whether to release on parole, or to revoke the parole of, a native of Cuba who last came to the United States between April 15, 1980, and October 20, 1980, shall be governed by the terms of §§ 212.12 and 212.13.

3. Part 212 is amended by adding §§ 212.12 and 212.13 to read as follows:

§ 212.12 Parole determinations and revocations respecting Mariel Cubans.

(a) *Scope.* This section applies to any native of Cuba who last came to the United States between April 15, 1980, and October 20, 1980 (hereinafter referred to as "Mariel Cuban") and who is being detained by the Immigration and Naturalization Service (hereinafter referred to as the "Service") pending his or her exclusion hearing, or pending his or her return to Cuba or to another country. It covers Mariel Cubans who have never been paroled as well as those Mariel Cubans whose previous parole has been revoked by the Service. It also applies to any Mariel Cuban, detained under the authority of the Immigration and Nationality Act in any facility, who has not been approved for release or who is currently awaiting movement to a Service or Bureau Of Prisons (BOP) facility. In addition, it covers the revocation of parole for those Mariel Cubans who have been released on parole at any time.

(b) *Parole authority and decision.* Except as provided in § 212.13, the authority to grant parole under section 212(d)(5) of the Act to a detained Mariel Cuban shall be exercised by the Commissioner, acting through the Associate Commissioner for Enforcement, as follows:

(1) *Parole decisions.* The Associate Commissioner for Enforcement may, in the exercise of discretion, grant parole to a detained Mariel Cuban for emergent reasons or for reasons deemed strictly in the public interest. A decision to retain in custody shall briefly set forth the reasons for the continued detention. A decision to release on parole may contain such special conditions as are considered appropriate. A copy of any decision to parole or to detain, with an attached copy translated into Spanish, shall be provided to the detainee. Parole documentation for Mariel Cubans shall be issued by the district director having jurisdiction over the alien, in accordance with the parole determination made by the Associate Commissioner for Enforcement.

(2) *Additional delegation of authority.* All references to the Commissioner and Associate Commissioner for Enforcement in this section shall be deemed to include any person or persons (including a committee) designated in writing by the Commissioner or Associate Commissioner for Enforcement to exercise powers under this section.

(c) *Review Plan Director.* The Associate Commissioner for Enforcement shall appoint a Director of the Cuban Review Plan. The Director shall have authority to establish and maintain appropriate files respecting each Mariel Cuban to be reviewed for possible parole, to determine the order in which the cases shall be reviewed, and to coordinate activities associated with these reviews.

(d) *Recommendations to the Associate Commissioner for Enforcement.* Parole recommendations for detained Mariel Cubans shall be developed in accordance with the following procedures.

(1) *Review Panels.* The Director shall designate a panel or panels to make parole recommendations to the Associate Commissioner for Enforcement. A Cuban Review Panel shall, except as otherwise provided, consist of two persons. Members of a Review Panel shall be selected from the professional staff of the Service. All recommendations by a two-member Panel shall be unanimous. If the vote of a two-member Panel is split, it shall adjourn its deliberations concerning that particular detainee until a third Panel member is added. A recommendation by a three-member Panel shall be by majority vote. The third member of any Panel shall be the Director of the Cuban Review Plan or his designee.

(2) *Criteria for Review.* Before making any recommendation that a detainee be granted parole, a majority of the Cuban Review Panel members, or the Director in case of a record review, must conclude that:

(i) The detainee is presently a nonviolent person;

(ii) The detainee is likely to remain nonviolent;

(iii) The detainee is not likely to pose a threat to the community following his release; and

(iv) The detainee is not likely to violate the conditions of his parole.

(3) *Factors for consideration.* The following factors should be weighed in considering whether to recommend further detention or release on parole of a detainee:

(i) The nature and number of disciplinary infractions or incident reports received while in custody;

(ii) The detainee's past history of criminal behavior;

(iii) Any psychiatric and psychological reports pertaining to the detainee's mental health;

(iv) Institutional progress relating to participation in work, educational and vocational programs;

(v) His ties to the United States, such as the number of close relatives residing lawfully here;

(vi) The likelihood that he may abscond, such as from any sponsorship program; and

(vii) Any other information which is probative of whether the detainee is likely to adjust to life in a community, is likely to engage in future acts of violence, is likely to engage in future criminal activity, or is likely to violate the conditions of his parole.

(4) *Procedure for review.* The following procedures will govern the review process:

(i) *Record review.* Initially, the Director or a Panel shall review the detainee's file. Upon completion of this record review, the Director or the Panel shall issue a written recommendation that the detainee be released on parole or scheduled for a personal interview.

(ii) *Personal interview.* If a recommendation to grant parole after only a record review is not accepted or if the detainee is not recommended for release, a Panel shall personally interview the detainee. The scheduling of such interviews shall be at the discretion of the Director. The detainee may be accompanied during the interview by a person of his choice, who is able to attend at the time of the scheduled interview, to assist in answering any questions. The detainee may submit to the Panel any information, either orally or in writing, which he believes presents a basis for release on parole.

(iii) *Panel recommendation.* Following completion of the interview and its deliberations, the Panel shall issue a written recommendation that the detainee be released on parole or remain in custody pending deportation or pending further observation and subsequent review. This written recommendation shall include a brief statement of the factors which the Panel deems material to its recommendation. The recommendation and appropriate file material shall be forwarded to the Associate Commissioner for Enforcement, to be considered in the exercise of discretion pursuant to § 212.12(b).

(e) *Withdrawal of parole approval.* If a detainee approved for parole fails to maintain proper behavior while he is awaiting suitable sponsorship or placement, his parole approval may be revoked by the Associate Commissioner for Enforcement.

(f) *Sponsorship.* No detainee may be released on parole until suitable sponsorship or placement has been found for the detainee. The paroled detainee must abide by the parole conditions specified by the Service in relation to his sponsorship or placement. The following sponsorships and placements are suitable:

(1) Placement by the Public Health Service in an approved halfway house or mental health project;

(2) Placement by the Community Relations Service in an approved halfway house or community project; and

(3) Placement with a close relative such as a parent, spouse, child, or sibling who is a lawful permanent resident or a citizen of the United States.

(g) *Timing of reviews.* The timing of review shall be in accordance with the following guidelines.

(1) *Parole revocation cases.* The Director shall schedule the review process in the case of a new or returning detainee whose previous immigration parole has been revoked. The review process will commence with a scheduling of a file review, which will ordinarily be expected to occur within approximately three months after parole is revoked.

(2) *Continued detention cases.* A subsequent review shall be commenced for any detainee within one year of a refusal to grant parole under either § 212.12(b) or § 212.13, whichever is later, unless a shorter interval is specified by the Director.

(3) *Discretionary reviews.* The Cuban Review Plan Director, in his discretion, may schedule a review of a detainee at any time when the Director deems such a review to be warranted.

(h) *Revocation of parole.* The Associate Commissioner for Enforcement shall have authority, in the exercise of discretion, to revoke parole in respect to Mariel Cubans. A district director may also revoke parole when, in the district director's opinion, revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Associate Commissioner. Parole may be revoked in the exercise of discretion when, in the opinion of the revoking official:

(1) The purposes of parole have been served;

(2) The Mariel Cuban violates any condition of parole;

(3) It is appropriate to enforce an order of exclusion or to commence proceedings against a Mariel Cuban; or

(4) The period of parole has expired without being renewed.

VOL 52 ISS 248 DEC 28 1987 UMI

§ 212.13 Departmental parole determinations respecting certain Mariel Cubans.

(a) *Scope.* This section, establishing a Departmental Release Review Program, applies to all excludable Mariel Cubans who on the effective date of this regulation are detained by virtue of the Attorney General's authority under the Immigration and Nationality Act and whose parole has been denied after the exhaustion of the procedures set forth in § 212.12. This Departmental Release Review Program shall be under the general supervision of the Associate Attorney General, who shall administer the Program and establish such additional procedures as may be required.

(b) *Single review.* Each detainee described in paragraph (a) above shall be entitled to only one review before a Departmental Panel. Should a detainee denied parole under this section subsequently receive further review pursuant to § 212.12 or any successor parole review plan of the Service, such detainee shall not be entitled to a second review before a Departmental Panel.

(c) *Departmental panels.* The Associate Attorney General shall establish panels which will be comprised of three persons from within the Department of Justice, one of whom must be an attorney, and one of whom must be a representative of the Community Relations Service. The Immigration and Naturalization Service shall not be represented on the panels. These panels shall consider the cases of those Mariel Cubans whose parole has previously been denied pursuant to the provisions set forth in § 212.12.

(d) *Parole authority.* Each Departmental Panel shall be vested with the full discretion of the Attorney General under section 212(d)(5) of the Act to grant parole for emergent reasons or for reasons deemed strictly in the public interest.

(e) *Notification and submission.* Prior to the submission by the Service of a case to a Departmental Panel, the detainee shall receive notification from the Service that he is about to receive Departmental Panel consideration. Such notification shall inform the detainee that he may submit a written statement to a Departmental Panel, within 30 days from the date of service of the notification, setting forth any factors he deems relevant to the parole consideration and he may, at no expense to the government, have his representative or counsel assist in the preparation of this written statement.

(f) *Interviews.* A Departmental Panel may designate one of its members to interview the detainee and report in writing to the full Panel whenever in its sole discretion it deems such action appropriate.

(g) *Panel decisions.* The written decision of a Departmental Panel will be based on a review of the record created during the review by the Service pursuant to § 212.12, the written submission, if any, from the detainee, and the information obtained from any Panel interview of the detainee. Except as provided in paragraph (i) of this section, all written decisions of a Departmental Panel will be final and subject to no further review.

(h) *Sponsorship.* No detainee may be released on parole until suitable sponsorship or placement has been found for the detainee. The paroled detainee must abide by the parole conditions specified by the Service in relation to his sponsorship or placement. The following sponsorships and placements are suitable:

(1) Placement by the Public Health Service in an approved halfway house or mental health project;

(2) Placement by the Community Relations Service in an approved halfway house or community project; and

(3) Placement with a close relative such as a parent, spouse, child, or sibling who is a lawful permanent resident or a citizen of the United States.

(i) *Withdrawal of parole approval.* A Departmental Panel may, in its discretion, withdraw its approval for parole of any detainee prior to release when, in its opinion, the conduct of the detainee, or any other circumstance, indicates that parole would no longer be appropriate.

(j) *Parole revocations.* Parole granted under this section may be revoked pursuant to § 212.12.

4. The Table of Contents to 8 CFR Part 212 is amended by adding before the "Authority" citation the following new headings:

Sec.

* * * * *

212.12 Parole determinations and revocations respecting Mariel Cubans.

212.13 Departmental parole determinations respecting certain Mariel Cubans.

Dated: December 21, 1987.

Edwin Meese III,

Attorney General.

[FR Doc. 87-29568 Filed 12-24-87; 8:45 am]

BILLING CODE 4410-15-M

FEDERAL RESERVE SYSTEM

12 CFR Part 220

Regulation T

[Docket No. R-0611]

Credit by Brokers and Dealers (Regulation T); Exercise of Employee Stock Options

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final Rule.

SUMMARY: The Board is adopting an amendment to Regulation T that will permit broker-dealers to aid in the exercise of company stock options owned by employees of the company, its subsidiaries, or affiliates. In lieu of the securities to be received upon exercise, the amendment will allow broker-dealers to accept a fully-endorsed employee stock option and instructions to the issuer to deliver the securities to the broker-dealer.

EFFECTIVE DATE: January 25, 1988.

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer, or Scott Holz, Attorney, Division of Banking Supervision and Regulation, (202) 452-2781. For the hearing impaired *only*, Telecommunications Service for the Deaf, Earnestine Hill or Dorothea Thompson, (202) 452-3544.

SUPPLEMENTARY INFORMATION: The proposal to amend Regulation T was published in the **Federal Register** on August 26, 1987 (52 FR 32138). Twenty comments were received; all but two supported the amendment as proposed.

Many of the commenters asked for clarification of how the Board envisions the mechanics of these transactions. The following paragraphs respond to the comments.

The amendment will allow the broker-dealer to accept a fully-endorsed employee stock option with instructions signed by the customer instructing the issuer to deliver the securities to the broker-dealer. The customer is to designate the account into which the securities should be deposited, i.e. the margin account or the cash account. The rule does not preclude allowing the broker-dealer to advance funds to the issuer in cases where the employee has given the exercise notice to the issuer and not the broker-dealer, as long as the broker-dealer has a copy of the exercise notice and delivery instructions and has verified that the issuer will deliver the securities promptly to the broker-dealer.

If the customer wishes to immediately sell the stock to be received upon exercise in order to profit from the difference between the exercise price of the option and the current value of the resulting stock, the cash account would be the appropriate account. A customer who avails himself of the amendment using the cash account will be deemed to own the security for purposes of § 220.8(a)(2)(ii). The 90 day freeze provision (§ 220.8(c)) would therefore not apply to the transaction.

If the customer wishes to keep the stock he would most likely elect to use a margin account, assuming the stock to be received upon exercise is a margin security as defined in § 220.2(o). If the exercise price is greater than 50% of the current market price of the margin security, the broker-dealer should treat the transaction as creating a margin deficiency in the account. The broker-dealer would then issue a margin call for the additional funds, due within seven business days from the date the exercise notice is received by the broker-dealer.

In response to a request for clarification by the New York Stock Exchange, the Board indicated that the transactions will not be deemed a violation of the arranging provision of Regulation T (§ 220.13). Another commenter pointed out that many plans prohibit assignment of options. The Board stated that, in its view, delivery of the endorsed notice of exercise does not constitute an assignment of the option to the broker-dealer as the broker-dealer is receiving the stock on behalf of the customer. In response to another comment, the Board reiterated that Regulation T only applies to the amount of credit that is extended and does not regulate interest charges or other fees.

One commenter requested that the Board allow independent contractors who receive stock options as compensation to use the amendment. The Board has in the past created special exceptions in its margin regulations to aid the exercise of employee stock options (e.g., 12 CFR 207.5). This was in part due to the Board's perception that the favorable tax treatment given employee stock options reflected a Congressional intent to aid employee stock ownership. Since it is not clear that an independent contractor would be an "employee" entitled to favorable tax treatment for the exercise of an employee stock option, the Board is not prepared to enlarge the scope of this amendment at this time. The Board has changed the wording in the amendment, as requested by the same commenter, so that the creditor is required to verify that the "*issuer*" (rather than "the employer") of the option will make prompt delivery. This change recognizes that options are sometimes issued by an employer's holding company or affiliate and is consistent with the plan lender provisions of Regulation G. Retired employees are also covered.

Some commenters suggested allowing similar treatment for other financial instruments representing employee benefits issued by a company to its employees, such as warrants. Others suggested waiving the current margin of 50% equity in favor of good faith margin for the stock received upon exercise. The Board declines to adopt either suggestion at this time, as they would unduly complicate the rule.

Regulatory Flexibility Act

The Board certifies that the amendment will have no significant economic impact on a substantial number of small business entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601).

Paperwork Reduction Act

No additional reporting requirements or modification to existing reporting requirements are proposed.

List of Subjects in 12 CFR Part 220

Banks, Banking, Brokers, Credit, Margin, Margin requirements, Investments, Reporting and recordkeeping requirements, Securities.

For the reasons set out in this notice, and pursuant to the Board's authority under sections 3, 7, 8, 17, and 23 of the Securities Exchange Act of 1934, as amended, (15 U.S.C. 78c, 78g, 78h, 78q and 78w), 12 CFR Part 220 is amended as follows:

PART 220—CREDIT BY BROKERS AND DEALERS

1. The authority citation for Part 220 continues to read as follows:

Authority: 15 U.S.C. 78c, 78g, 78h, 78q, and 78w.

2. Section 220.3 is amended by adding a new paragraph (e)(4) to read:

§ 220.3 General Provisions

* * * * *

(e) Receipt of funds or securities.* * *

(4) A creditor may accept, in lieu of securities, a properly executed exercise notice for a stock option issued by the customer's employer and instructions to the issuer to deliver the resulting stock to the creditor. Prior to acceptance, the creditor must verify that the issuer will deliver the securities promptly and the customer must designate the account into which the securities are to be deposited.

By order of the Board of Governors of the Federal Reserve System, December 18, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-29464 Filed 12-24-87; 8:45am]

BILLING CODE 6210-01-M

12 CFR Part 265

Rules Regarding Delegation of Authority

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This amendment to the Rules Regarding Delegation of Authority authorizes the Board's General Counsel to deny a request for stay of the effective date of a Board order. The Board itself would retain sole discretion to grant a request for stay of the effectiveness of any decision.

EFFECTIVE DATE: December 28, 1987. The amendment is effective for any request for stay pending on December 28, 1987 or received thereafter.

FOR FURTHER INFORMATION CONTACT: Sidney M. Sussan, Assistant Director, Division of Banking Supervision and Regulation (202/452-2638) or Scott G. Alvarez, Senior Counsel, Legal Division (202/452-3583). For the hearing impaired *only*, Telecommunication Device for the Deaf (TDD), Earnestine Hill or Dorthea Thompson (202/452-3544).

SUPPLEMENTARY INFORMATION: The General Counsel has been delegated authority to deny requests for reconsideration of a Board decision, 12 CFR 265.2(b)(7), but has not been delegated authority to deny a request for stay of the effective date of a Board order. Increasingly, requests for reconsideration of Board orders are being accompanied by requests that the effective date of a Board order be stayed.

In order to avoid the need to bring before the Board requests for a stay that present no new facts and raise no significant legal issues, the Board is amending its Rules Regarding Delegation of Authority to permit the Board's General Counsel to deny any request for stay that fails to satisfy all of the above criteria and that also raises no other significant issues. The decision to approve a request for stay would be preserved for Board action.

This amendment to the Board's Rules Regarding Delegation of Authority is expected to expedite processing of requests for stay and to decrease the number of Board agenda items that do not present significant legal or policy

issues. Any request being processed under delegated authority could always be brought to the Board's consideration if the circumstances so warrant.

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96–354, 5 U.S.C. 601 *et seq.*), the Board certifies that the amendment will not have a significant economic impact on a substantial number of small entities. The amendment will ease the application of existing regulations and does not have any particular effect on small entities.

Public Comment

The provisions of section 553 of Title 5, United States Code, 12 U.S.C. 553, relating to notice, public participation, and deferred effective date have not been followed in connection with the adoption of this amendment because the change to be effected is procedural in nature and does not constitute a substantive rule subject to the requirements of that section. The Board's expanded rulemaking procedures have not been followed because the amendment is a technical one and because it relieves a burden that could obstruct necessary and prompt action that would be in the public interest.

List of Subject in 12 CFR Part 265

Authority delegations (Government agencies), Federal Reserve System.

Pursuant to the Board's authority under the Bank Holding Company Act and section 11(k) of the Federal Reserve Act, 12 CFR Part 265 is amended as follows:

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

1. The authority citation for Part 265 continues to read as follows:

Authority: Section 11(K), 38 Stat. 261 and 80 Stat. 1314 (12 U.S.C. 248(k)).

§ 265.2 [Amended]

2. Section 265.2(b)(7) is revised to read as follows:

* * * * *

(b) * * *

(7) Pursuant to § 262.3(i) of this chapter (Rules of Procedure) to determine whether or not to grant a request for reconsideration or whether to deny a request for stay of the effective date of any action taken by the Board with respect to an action as provided in that part.

* * * * *

Board of Governors of the Federal Reserve System, December 18, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87–29463 Filed 12–24–87; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87–ASW–26; Amdt. 39–5900]

Airworthiness Directives; McDonnell Douglas Helicopter Company, Model 369D, E, F, and FF Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires repetitive inspections of the main rotor transmission output shaft assembly ring gear carriers on McDonnell Douglas Helicopter Company (MDHC) Model 369D, E, F, and FF helicopters. This amendment extends the inspection to include all affected main rotor transmission assemblies. This action is prompted by reports that main rotor transmission output shaft assembly ring gear carriers have failed in flight which, if uncorrected, could result in loss in power to the main rotor or possible jamming of the main rotor transmission and loss of control of the helicopter.

DATES: *Effective Dates:* January 15, 1988.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 15, 1988.

Compliance: As indicated in the body of this AD.

ADDRESSES: The applicable service information notice may be obtained from McDonnell Douglas Helicopter Company, 500 E. McDowell Road, Mesa, Arizona 85205. A copy of each document supporting the AD is contained in the Rules Docket, Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, Room 158, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. John S. Ehret, Aerospace Engineer, Propulsion Section, ANM–174W, Western Aircraft Certification Office, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009–2007; telephone 213–297–1384.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–5700 (52 FR 33228; September 2, 1987), AD 87–18–12, which currently requires repetitive inspection of the main rotor transmission output shaft assembly ring gear carriers and removal from service of all defective units on MDHC Model 369D, E, F, and FF helicopters. Further investigation by McDonnell Douglas Helicopter Company and the FAA has revealed that Part Number (P/N) 369D25132–BSC or –5 main transmission output shaft assemblies installed in P/N 369D25100–BSC, –501 or –503 main transmission assemblies also require the repetitive inspection mandated in the original AD. When P/N 369D25132–BSC or –5 main transmission output shaft assemblies are replaced by P/N 369D25132–3, and the main transmission assembly is reidentified as 369D25100–505, the periodic visual inspections will no longer be required. Therefore, the FAA is amending Amendment 39–5700 by extending the applicability to include all of the above noted assemblies and to require the inspection described in revised MDHC Mandatory Service Information Notice DN–148.1/EN–36.1/FN–25.1, dated October 30, 1987, on MDHC Model 369D, E, F, and FF helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained from the Regional Rules Docket.

List of Subjects 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety, Incorporation by reference.

Adoption of The Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends Section 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By amending Amendment 39–5700 (52 FR 33228; September 2, 1987), AD 87–18–12, by revising the applicability paragraph; by revising paragraph (d); by redesignating paragraphs (e) and (f) as (f) and (g), respectively; and by adding a new paragraph (e), to read as follows:

McDonnell Douglas Helicopter Company (MDHC) (Hughes Helicopters, Inc.): Applies to all Model 369D, 369E, 369F, and 369FF helicopters, certificated in any category, incorporating main rotor transmission output shaft assembly ring gear carriers (P/N 369D25132–BSC or –5) in main transmission assemblies P/N 369D25100–BSC, –501 or –503.

* * * * *

(d) Perform a dye penetrant and visual inspection on the affected ring gear carriers in accordance with the procedures detailed in paragraphs a through g of the "Periodic Visual Inspection" section of McDonnell Douglas Helicopter Company Mandatory Service Information Notice (SIN) DN–148.1/EN–36.1/FN–25.1, dated October 30, 1987. Remove from service prior to further flight:

(1) Output shafts with any bulging or raised surface in the area being inspected on the upper disc surface (see Figure 2 in referenced SIN).

(2) Output shafts with any crack indication in the area being inspected on the lower and upper disc surfaces (see Figure 3 in referenced SIN).

(e) When the main rotor transmission output shaft assembly ring gear carrier P/N 369D25132–3 is installed and the main transmission assembly is reidentified as P/N 369D25100–505, repetitive inspections are no longer required.

* * * * *

The procedure shall be done in accordance with MDHC Mandatory Service Information Notice DN–148.1/EN–36.1/FN–25.1, dated October 30, 1987. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 522(a) and 1 CFR Part 51. Copies may be obtained from McDonnell Douglas Helicopter Company, 500 E. McDowell Road, Mesa, Arizona 85205. Copies may be inspected at the Office of the Regional Counsel, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

This amendment becomes effective January 15, 1988.

This amendment amends Amendment 39–5700 (52 FR 33228; September 2, 1987), AD 87–18–12.

Issued in Fort Worth, Texas, on November 30, 1987.

Don P. Watson,

Acting Director, Southwest Region.

[FR Doc. 87–29648 Filed 12–24–87; 8:45 am]

BILLING CODE 4910–13–M

14 CFR PART 71

[Airspace Docket Number 87–ACE–12]

Alteration of Transition Area; Charles City, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at Charles City, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Charles City, Iowa, Municipal Airport, utilizing the Charles City NDB as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: 0901 Ut.c., May 5, 1988.

FOR FURTHER INFORMATION CONTACT: Lewis G. Earp, Airspace Specialist, Traffic Management and Airspace Branch, Air Traffic Division, ACE–540, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, an additional approach procedure is being developed for the Charles City, Iowa, Municipal Airport, utilizing the Charles City NDB as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails alteration of the transition area at Charles City, Iowa, at or above 700 feet above the ground, within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C, dated January 2, 1987.

Discussion of Comments

On October 23, 1987, the FAA published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Charles City, Iowa (52 FR 39659). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the Notice of Proposed Rulemaking.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It is therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 71 of the FAR (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

Charles City, IA [Revised]

That airspace extending upward from 700 ft. above the surface within a 5-mile radius of Charles City Municipal Airport (Lat. 43°04'15"N., Long. 92°36'15"W.); and within 2.75 miles each side of the 316 bearing from Charles City NDB (Lat. 43°04'18"N., Long. 92°36'35"W.), extending from the 5-mile radius area to 8.0 miles northwest of the airport; and within 2.75 miles each side of the 104° bearing from Charles City NDB

BEST COPY AVAILABLE

extending from 5-mile radius area to 8.0 miles southeast of the airport.

This amendment becomes effective at 0901 Ut.c. May 5, 1988.

Issued in Kansas City, Missouri, on December 11, 1987.

Clarence E. Newbern,

Assistant Manager, Air Traffic Division.

[FR Doc. 87-29654 Filed 12-24-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 372, 387, 388, and 399

[Docket No. 71085-7285]

Electronic Submission of Validated License Applications

AGENCY: Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: In order to reduce the paperwork burden on exporters, Export Administration is establishing a new procedure whereby exporters may apply electronically, rather than in writing, to the Office of Export Licensing for a validated export license. Initially, license applications submitted electronically will be processed only for exports and reexports to Country Groups T and V, (except the People's Republic of China) of commodities other than supercomputers. Exporters will be advised of any future expansion of this procedure. This rule sets forth the requirements for eligibility, records maintenance, and other features of the electronic submission program.

In addition, this rule removes a paragraph on legal liability from Part 372 because such liability is covered in Part 387, "Enforcement."

EFFECTIVE DATE: This rule is effective January 2, 1988.

FOR FURTHER INFORMATION CONTACT: Thomas deButts, Office of Export Licensing, Export Administration, Telephone: (202) 377-8540.

SUPPLEMENTARY INFORMATION: 1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. This rule involves a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0625-0001.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Comments should be submitted to Vincent Greenwald, Office of Technology and Policy Analysis, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Parts 372, 387, 388, and 399

Administrative practice and procedure, Boycotts, Exports, Law enforcement, Penalties, Reporting and recordkeeping requirements.

Accordingly, the Export Administration Regulations (15 CFR Parts 368-399) are amended as follows:

1. The authority citation for Parts 372, 387, and 399 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99-440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); and E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

2. The authority citation for Part 388 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

PART 372—[AMENDED]

3. In § 372.1, the first sentence of paragraph (a) is revised; paragraph (c) is revised; paragraph (d) is removed; and paragraphs (e) through (h) are redesignated (d) through (g) respectively, as follows:

§ 372.1 General provisions.

(a) *Scope.* The Export Administration Regulations shall apply to individual export license applications and to individual validated licenses issued by the Office of Export Licensing (OEL), *whether submitted in writing or electronically.* * * *

* * * * *

(c) *Responsibility of licensee.* Any applicant to whom an export license is issued becomes the licensee. The licensee will be held accountable for the use of the license, whether as a principal (exporting for his own account) or as an agent (including an agent acting for the account of a foreign principal who is not subject to the jurisdiction of the United States). The licensee assumes responsibility for effecting the export, for proper use of the license, and for performance of all its terms and conditions. The obligations arising under the provisions of the Export Administration Act of 1979, as amended, and the Export Administration Regulations are the same whether the license application is submitted and issued in writing or electronically.

* * * * *

§ 372.4 [Amended]

4. In § 372.4, the title of paragraph (a) is revised to read "Applying in writing for a validated license"; the title of paragraph (a)(1) is revised to read "Form and manner of filing a written application"; paragraph (a)(1)(i) is redesignated (a)(1)(i), paragraph (a)(2) is redesignated (c), and paragraphs (a) (3) and (4) are redesignated (a)(1) (ii) and (iii).

5. In §372.4, paragraph (b) is redesignated (a)(2) and paragraphs (b) (1), (2), and (3) are redesignated (a)(2) (i), (ii) and (iii); paragraphs (c) through (h) are redesignated (d) through (i); and new paragraph (b) is added, reading as follows:

§ 372.4 [Amended]

* * * * *

(b) *Applying electronically for a validated license.* An individual validated license may be applied for electronically by an applicant that has been authorized to do so in accordance with this Part. An authorization to submit license applications electronically may be limited or withdrawn by the Department of Commerce at any time.

(1) *Requesting application instructions and approval to submit electronic applications.* To apply for validated licenses through electronic submission, the applicant company should request application instructions from the Department of Commerce by submitting to the Office of Export Licensing (OEL) a letter containing the name of the applicant company and the address, phone number, and name of the principal contact person of the applicant company. The letter should be mailed to the Office of Export Licensing, Department of Commerce, P.O. Box 273, Washington, DC 20044. For hand delivery, letters should be delivered to Office of Export Licensing, Room 2705, Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230. All correspondence should include "ATTN: Electronic Submission" on the envelope. Following the receipt of the license application instructions from the OEL, the applicant company may request approval to submit license applications electronically as set forth in those instructions.

(2) *Assignment and use of company and personal identification numbers.* (i) Each applicant company granted permission to submit validated license applications electronically will be assigned a company identification number. Each individual approved by OEL to submit license applications electronically for the applicant company will be assigned a personal identification number ("PIN"). A PIN will be assigned only to an individual the applicant company has certified to OEL to be authorized by the applicant company to act for it with respect to electronic submissions under these regulations.

(ii) An applicant company submitting license applications electronically shall reveal the assigned company identification number only to the PIN holders, their supervisors, employees, or agents of the applicant company with a commercial justification for knowing the company identification number.

(iii) An individual PIN holder shall not:

(A) Disclose the PIN to anyone;

(B) Record the PIN either in writing or electronically;

(C) Authorize another person to use such PIN; or

(D) Use the PIN following termination by the Department of Commerce or by the applicant company of his authorization or approval for PIN use.

(iv) To prevent misuse of the PIN—

(A) If a PIN is lost, stolen or otherwise compromised, the applicant company and the PIN holder shall report the loss, theft or compromise of the PIN immediately by calling the OEL at (202) 377-8536 and shall confirm the report in writing within two business days to OEL at the address provided in paragraph (b)(1) of this section.

(B) An applicant company shall be responsible for immediately notifying OEL whenever a PIN holder leaves the employ of the applicant company or otherwise ceases to be authorized by the applicant company to submit license applications electronically on its behalf.

(3) *Electronic submission of a validated license application.* (i) Upon approval of the applicant company's request to use electronic submission, OEL will provide instructions on the method to transmit the license application electronically. These instructions may be modified by the Department of Commerce from time to time. In addition, OEL may direct that any electronic license application be resubmitted in writing, in whole or in part for any reason, including the desire of OEL in a particular case to receive documentation in support of the license application that does not lend itself to electronic submission.

(ii) The electronic submission of a validated license application shall constitute an export control document. Such submissions shall provide the same information as written applications, except the applicant company need not submit the supporting documentation required by Part 375. However, the applicant company must retain these documents in its possession consistent with the provisions of § 387.13. The applicant company and PIN holder submitting the application shall be deemed to make all representations and certifications as if the submission were made in writing by the applicant company and signed by the submitting PIN holder. Electronic submission of a license application will be considered complete upon the transmittal of the application to the Department of Commerce or to an entity under contract to receive such applications for the Department of Commerce.

(4) *Maintenance of records.* An applicant company shall maintain a log, either manually or electronically, specifying the date and time of each electronic submission, the ECCNs of commodities on each electronic submission, and the name of the employee or agent submitting the license application. This log may not be altered. Written corrections must be made in a manner that does not erase or cover original entries. If the log is maintained electronically, corrections may only be made as notations.

(5) *Updating.* An applicant company shall promptly notify OEL of any change in its name or address. An applicant company that wishes to have an individual added as a PIN holder shall so advise OEL and proceed in accordance with the instructions OEL will provide. Applicant companies should make periodic reviews to ensure that PINs are held only by individuals whose current responsibilities make it necessary and appropriate that they act for the applicant company in this capacity.

* * * * *

§ 372.8 [Amended]

6. In § 372.8, paragraph (c)(3) is amended by revising the reference to "§ 372.1(f)" to read "372.1(e)".

§ 372.10 [Amended]

7. In § 372.10, the introductory paragraph is amended by revising the reference to "§ 372.1(f)" to read "§ 372.1(e)".

§ 372.12 [Amended]

8. In § 372.12, the introductory paragraph is amended by revising the reference to "§ 372.4(b)" to read "372.4(i)".

§ 372.13 [Amended]

9. In § 372.13, paragraph (a) is amended by revising the reference to "§ 372.1(f)" to read "§ 372.1(e)".

PART 387—[AMENDED]

§ 387.13 [Amended]

10. In § 387.13, Paragraph (c) is amended by inserting "372.4," between "372.1," and "372.5,".

PART 388—[AMENDED]

§ 388.3 [Amended]

11. In § 388.3, footnote 2 to paragraph (a)(1) is amended by revising the reference to "§ 372.1(h)" to read "§ 372.1(g)".

§ 388.19 [Amended]

12. In § 388.19, paragraph (a)(1) is amended by revising the reference to "372.1(e)" to read "372.1(d)".

PART 399—[AMENDED]

§ 399.1 [Amended]

13. In § 399.1, paragraph (h) is amended by revising the reference to "§ 372.4(d)" to read "§ 372.4(e)".

Dated: December 22, 1987.

Vincent F. DeCain,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 87-29640 Filed 12-24-87; 8:45 am]

BILLING CODE 3510-DT-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1608

Rules and Regulations Under the Flammable Fabrics Act; Continuing Guaranties

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending administration and enforcement rules implementing the Flammable Fabrics Act (FFA) to provide that persons and firms may file continuing guaranties in accordance with section 8 of the FFA with the Office of the Secretary of the Consumer Product Safety Commission, and obtain forms for such guaranties from the Office of the Secretary. The Commission is issuing this amendment because it recently revised its rules of organization and functions to provide that the Office of the Secretary shall maintain records of continuing guaranties filed with the Commission under provisions of the FFA.

EFFECTIVE DATE: December 28, 1987.

FOR FURTHER INFORMATION CONTACT: Mary Toro, Division of Regulatory Management, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 492-6400.

SUPPLEMENTARY INFORMATION: The Flammable Fabrics Act (FFA) (15 U.S.C. 1191 *et seq.*) Prohibits the manufacture for sale, importation into the United States, or introduction in commerce of any product of wearing apparel or interior furnishing made of fabric or related material, or of any fabric or related material used or intended for use in such products, which fails to comply with an applicable standard of flammability issued under that act. Provisions of the FFA authorize the Commission to obtain administrative orders to cease and desist and injunctions to prohibit violations of the act, and to seize items which fail to comply with an applicable standard of flammability. Additionally, provisions of section 7 of the FFA (15 U.S.C. 1196) authorize the Commission to seek criminal penalties against any person who "willfully" violates the FFA.

Section 8(a) of the FFA (15 U.S.C. 1197(a)) provides that no person shall be subject to criminal prosecution under section 7 of the FFA if that person establishes a guaranty received in good faith which meets all requirements set forth in section 8 of the FFA. A guaranty does not provide the holder any defense to an administrative action for an order to cease and desist from further violation of an application flammability standard, nor to any civil action for injunction or seizure brought under the FFA.

A guaranty under the FFA is a statement to the effect that reasonable and representative tests made in accordance with the applicable standard or standards issued under the FFA show that the products, fabrics, or related materials covered by the guaranty conform with applicable flammability standards. Section 8(a) of the FFA provides that a guaranty may be in the form of a guaranty from the seller to the buyer of the items covered by the guaranty or a continuing guaranty filed with the Commission.

Regulations containing suggested forms of guaranties are codified at 16 CFR Part 1608. Provisions of § 1608.3(a) set forth procedures for filing a continuing guaranty with the Commission, and state that persons and firms should file such guaranties with the Bureau of Compliance of the Commission. Recently the Commission revised its rules of organization and functions (16 CFR Part 1000) to provide, among other things, that the Office of the Secretary shall maintain records of continuing guaranties filed with the Commission under provisions of section 8(a) of the FFA.

For this reason, the Commission is amending 16 CFR 1608.3(a) to provide that persons and firms may file continuing guaranties under section 8 of the FFA with the Office of the Secretary of the Consumer Product Safety Commission, and obtain forms for such guaranties from the Office of the Secretary.

Generally, the Administrative Procedure Act (APA) (5 U.S.C. 553) requires that agencies must give notice of proposed rulemaking and provide opportunity for interested parties to submit written comments on the proposal before a rule can be issued or amended. However, 5 U.S.C. 553(b)(B) provides that notice of proposed rulemaking and public participation are not required when the agency makes a finding for good cause that such notice and opportunity for comment are "impracticable, unnecessary, or contrary to the public interest."

The Commission finds for good cause that notice of proposed rulemaking and opportunity for comment are not necessary for issuance of the amendment published below because the only purpose of the amendment is to specify the office within the Commission to receive continuing guaranties filed with the Commission in accordance with provisions of section 8(a) of the FFA. In this instance, providing notice of proposed rulemaking and opportunity for submission of comments would be a meaningless gesture.

Similarly, the APA requires at 5 U.S.C. 553 that a "substantive rule" must be published at least 30 days before its effective date, unless the agency finds otherwise for good cause and publishes that findings with the final rule.

The amendment published below does not alter or affect any substantive provisions of the rules implementing the Flammable Fabrics Act; it changes only the name of the office within the Commission to receive continuing guaranties filed with the Commission and to provide forms for preparing such guaranties. For this reason, the requirement of 5 U.S.C. 553 for publication of a final substantive rule at least 30 days before its effective date is not applicable, and the amendment published below shall become effective immediately.

Accordingly, pursuant to section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)) and section 5(c) of the FFA (15 U.S.C. 1194(c)), the Commission amends Title 16, Chapter II, Subchapter D, Part 1608, as follows:

PART 1608—GENERAL RULES AND REGULATIONS UNDER THE FLAMMABLE FABRICS ACT

1. The authority citation for Part 1608 continues to read as follows:

Authority: Sec. 5, 67 Stat. 112, as amended 81 Stat. 570 (15 U.S.C. 1194).

§ 1608.3 [Amended]

2. In § 1608.3(a), all references to "the Bureau of Compliance" are changed to "the Office of the Secretary."

Dated: December 21, 1987.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 87-29597 Filed 12-24-87; 8:45 am]

BILLING CODE 6355-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 30

Foreign Futures and Options Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Postponement of effective date of rules.

SUMMARY: On August 5, 1987, the Commission published in the Federal Register final rules governing foreign futures and options transactions in the United States. 52 FR 28980. The Federal Register release specified that the rules would become effective on January 4, 1988.

Recent events in the markets, however, have resulted in delays in the implementation of this new regulatory system. In order to ensure that all affected parties have sufficient time to implement the new regulatory system, the Commission has determined to postpone the effective date of the rules to February 1, 1988.

DATES: Accordingly, notice is hereby given that the effective date of the Commission's final rules governing foreign futures and options transactions in the United States (52 FR 28980, August 5, 1987) is postponed to February 1, 1988.

FOR FURTHER INFORMATION CONTACT: Jane C. Kang, Attorney, Division of Trading and Markets, Commodity Futures Trading Commision, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254-8955.

Issued in Washington, DC, on December 21, 1987, by the Commission.

Joan A. Webb,

Secretary to the Commission.

[FR Doc. 87-29568 Filed 12-24-87; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CCGD7 87-27]

Regulated Navigation Area; Brunswick, GA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a Regulated Navigation Area in the Port of Brunswick, GA. All vessels over 500 Gross Tons departing the Port of Brunswick, GA, at any time other than during flood current, will be required to approach the Sidney Lanier Bridge (U.S. Route 17) in such a manner as to be shaped up for bridge transit before passing a point of no return and being committed to the transit. These regulations are necessary because of a history of allisions with the bridge.

EFFECTIVE DATE: January 27, 1988.

FOR FURTHER INFORMATION CONTACT: Chief Warrant Officer Danny R. Buck, project officer, (912) 944-4371 at Marine Safety Office, Savannah, GA.

SUPPLEMENTARY INFORMATION: On September 3, 1987, the Coast Guard published a notice of proposed rulemaking in the Federal Register for these regulations (52 FR 33435). Interested persons were requested to submit comments. Two comments were received. Both were in favor of establishing the regulated navigation area as proposed, and the rule is being implemented without change.

Drafting Information

The drafters of this notice are Chief Warrant Officer Danny R. Buck, U.S. Coast Guard, project officer, and Lieutenant Commander S.T. Fuger, Jr., U.S. Coast Guard, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Comments

The Georgia Department of Transportation commented as follows: "The Georgia Department of Transportation as operator of the Sidney Lanier Bridge highly endorses the proposed new rules.

The minimum inconvenience to shipping interest necessitated by the proposed new rule is far outweighed by the decreased changes of another allision (sic) with the bridge. We highly encourage the permanent adoption of the proposed rule."

In its comments, the Brunswick Bar Pilots Association likewise favorably endorsed the proposed rulemaking and further stated: "Under your order #13-87, this procedure has been employed and accepted with very little adverse comment by the Masters of the vessels involved * * *. At this time I do not believe that this required procedure would be detrimental to development or increased use of the East River Terminals."

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Exeuctive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary.

The rule permits two different maneuvers for affected outbound vessels approaching the bridge. Compliance is projected to add approximately 15 minutes to one hour to a vessel's outbound harbor transit time, depending on which maneuver is selected.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Final Regulations

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations is hereby amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-6, and 160.5.

2. Section 165.735 is added to read as follows:

§ 165.735 Brunswick, Georgia, Turtle River, Vicinity of Sydney Lanier Bridge.

Except during the flood tide, every vessel over 500 GRT departing the Port of Brunswick for sea shall do so only from the Turtle River, so as to be shaped up for bridge transit:

(a) Before reaching Turtle River Buoy "1" (Light List Number 6050); or,

(b) Before reaching the intersection of Brunswick Harbor Range and Turtle River Lower Range, provided that the vessel:

(1) Be equipped with an operable bow thruster or have tug assistance; and

(2) Be stopped and maneuvered with no appreciable way on until aligned with the centerline axis of the Turtle River Channel.

Dated: December 11, 1987.

H.B. Thorsen,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 87-29515 Filed 12-24-87; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 777

Implementation of the Uniform Relocation Act Amendments of 1987; Clarification

AGENCY: Postal Service.

ACTION: Final rule; clarification.

SUMMARY: The purpose of this document is to clarify the Postal Service's amended relocation regulations which appeared in the **Federal Register** on December 17, 1987 (52 FR 48029). Those regulations showed an effective date of January 19, 1988. Inadvertently omitted from the **EFFECTIVE DATE** line was the following sentence, which the Postal Service hereby adds: This regulation will apply to any projects which have been publicly advertised on or after this date.

FOR FURTHER INFORMATION CONTACT: Mr. Philip E. Wilson, (202) 268–3111.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87–29639 Filed 12–24–87; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3301–8; AL–019]

Approval and Promulgation of Implementation Plans, Alabama; PSD Modeling Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving Alabama's submittal dated March 24, 1987, which commits the State to use EPA's revised modeling guideline in their Prevention of Significant (PSD) permitting process. EPA promulgated amendments to 40 CFR 51.166 and 52.21 on September 9, 1986 (51 FR 32176) to substitute in these regulations by reference the "Guideline on Air Quality Models (Revised)." Alabama's modeling procedures pursuant to the PSD regulations comply with EPA modeling guidelines, and the committal letter clarifies this fact.

DATES: This action will be effective February 26, 1988, unless notice is received within 30 days that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Written comments on this action may be submitted to Beverly T. Hudson at the EPA Regional Office address listed below.

Copies of the documents relevant to this action are available for public inspection at the following locations:

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365

Air Division, Alabama Department of Environmental Management, 1751 Federal Drive, Montgomery, Alabama 36109

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

FOR FURTHER INFORMATION CONTACT: Beverly T. Hudson of the EPA Region IV, Air Programs Branch, at the above address and telephone (404) 347–2864 or FTS 257–2864.

SUPPLEMENTARY INFORMATION: Section 165(e)(3)(D) of the Clean Air Act (Act) requires the Administrator to adopt regulations specifying with reasonable particularity models to be used to comply with the Act's PSD requirements. To carry out these requirements, the 1978 "Guideline on Air Quality Models" was incorporated by reference in 40 CFR 51.24 (now renumbered 51.166) and 40 CFR 52.21. Many States have adopted this guideline in their PSD regulations.

On September 9, 1986 (51 FR 32176), EPA promulgated amendments to 40 CFR 51.24 (now renumbered 51.166) and 52.21 to substitute by reference the "Guideline on Air Quality Models (Revised)," EPA 450/2–78–027R, in these regulations. This change became effective October 9, 1986. This means that all modeling done pursuant to EPA's PSD regulations must either comply with the 1986 version of the modeling Guideline or be specifically approved by EPA; modeling done pursuant to the 1978 guidance may no longer be accepted. It also means that State's PSD regulations must require the use of the revised Guideline. Section 16.4.11 of Alabama's air regulations requires that all PSD permit applicants use the "Guideline on Air Quality Models," without specifying any particular version. On March 15, 1987, Alabama submitted a letter which commits the State to using the revised version of the Guideline.

Final Action

Since Alabama's PSD modeling procedures explicitly include EPA's revised modeling guideline, EPA is approving them as part of the SIP.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial issue and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective February 26, 1988.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 26, 1988. This action may not be challenged later in proceeding to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations.

Dated: December 7, 1987.

Lee M. Thomas,

Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

Subpart B—Alabama

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.60 is amended by redesignating paragraph (c) as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 52.60 Significant deterioration of air quality.

* * * * *

(b) On March 24, 1987, the Alabama Department of Environmental Management submitted a letter committing the State of Alabama to require that modeling for PSD permits be done only in accordance with the "Guideline on Air Quality Models (Revised)" or other models approved by EPA.

[FR Doc. 87–28609 Filed 12–24–87; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[FRL–3301–9; EPA Docket No. AM025DE]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Miscellaneous Revisions to the State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This Notice approves a revision to Delaware's State Implementation Plan (SIP). The revision consist of amending the State of Delaware's air pollution Regulation II—Permits. EPA has reviewed this revision and has concluded that it meets all the requirements of the Clean Air Act and 40 CFR Part 51. Therefore, EPA is approving this amendment as a revision to the Delaware SIP.

DATES: This action is a Direct Final Rule and is effective February 26, 1988, unless notice is received by January 27, 1988, that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Written comments on this action should be addressed to David L. Arnold, (3AM13), Chief, Delmarva/DC Section at the EPA Regional Office address listed below. Copies of the SIP revision and the accompanying support documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Management Division, 841 Chestnut Building, Philadelphia, PA 19107, Attn: Esther Steinberg (3AM11).

Department of Natural Resources and Environmental Control, Division of Air and Waste Management, Air Resources Section, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19901, Attn: Mr. Robert R. French.

Public Information Reference Unit, U.S. Environmental Protection Agency, EPA Library, Room 2922, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin A. Magerr (3AM13), at the EPA Region III address listed above or call (215) 597–6863.

SUPPLEMENTARY INFORMATION:

Background

On March 6, 1987, the State of Delaware submitted to EPA Region III a Secretarial Order announcing the adoption of several amendments to its State Regulations. The State requested that these amendments be approved as revisions of the Delaware SIP. The State provided documentation that a public hearing was held as required by 40 CFR 51.4. The hearing was held on November 17, 1986, in the New Castle Office, after adequate public notice was given.

In addition to the amended provision mentioned in the Summary of this notice, the State submitted revisions to the State's GEP Stack Height and Opacity Regulations. EPA's proposed action on these regulations will be discussed in separate Notices. Also, the State submitted changes to its section 10.1 of Regulation XXI, Emission Standards for Hazardous Air Pollutants. This chang was initiated to reflect typographical corrections made to the Federal National Emission Standards for Hazardous Air Pollutants (NESHAP)—Asbestos regulation (51 FR 8199). The State has a delegated NESHAP program; therefore, the change does not affect its SIP.

Regulation Description

Section 2.7 of Regulation II, Permits, has been amended to read as follows: An operating permit may be valid for an indefinite period unless the equipment or operation for which a permit is written has controlled emissions of 100 tons or more per year of any air contaminant, in which case the permit shall be valid for not more than a five-year period and shall be evaluated prior to re-issuance to determine if permitted emission limits are appropriate. This regulation change will limit operating permits to five years for sources that emit 100 tons or more per year of any air contaminant. This would require these sources to undergo permit re-evaluation every five years. Prior to this amendment, operating permits were valid for an indefinite period.

EPA Action

EPA has reviewed this amendment and believes there will be no adverse affects on air quality if approved. Furthermore, the revisions meet the requirements under 40 CFR Part 51, and section 110 of the Clean Air Act. Therefore, EPA is approving this regulatory revision to the Delaware SIP. By taking this action EPA is approving as part of the SIP the mechanism by which Delaware issues operating permits. This action does *not* constitute EPA pre-approval of the provisions of any such permit. To the extent that any such permit is issued to approve any operation which is contrary to the requirements of the existing Delaware SIP, the relevant terms of the existing SIP would remain the federally-enforcable obligation of the permitted source unless and until the permit terms are submitted to and finally approved by EPA as a SIP provision.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709). The Office of Management and Budget has exempted this rule from the requirement of section 3 of the Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from the date of publication). This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

List of Subjects in 40 CFR 52

Air pollution control, Incorporation by reference, Particulate matter, Lead, Nitrogen dioxide, Ozone, Sulfur dioxide.

Note.—Incorporation by reference of the State Implementation Plan for the State of Delaware was approved by the Director of the **Federal Register** on July 1, 1982.

Date: December 8, 1987.

Lee M. Thomas

Administrator.

40 CFR 52, Subpart I, is amended as follows:

PART 52—[AMENDED]

Subpart I—Delaware

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.420 is revised by adding paragraph (c) (37) as follows:

§ 52.420 Identification of plan.

* * * * *

(c) * * *

(37) Revision submitted by the State of Delaware on March 6, 1987, consisting of amendment to Regulation II-Permits.

(i) Incorporation by reference. State of Delaware Order No. 87–A–2 (Introduction, Findings of Fad and (1) of the order which amends Section 2.7 of Regulation II) which was issued on February 16, 1987.

[FR Doc. 87–28610 Filed 12–24–87; 8:45 am]

BILLING CODE 6560–50–M

VOL 52 ISS 248 DEC 28 1987 UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

42 CFR Part 455

Medicaid Program; Withholding of Medicaid Payments for Fraud or Willful Misrepresentation

AGENCY: Office of the Secretary, HHS, Office of Inspector General (OIG).

ACTION: Final rule.

SUMMARY: This final rule specifically encourages State Medicaid agencies to withhold program payments to providers without first granting administrative review where the State agency has reliable evidence of fraudulent activity by the provider. These changes serve both to reinforce and strengthen existing State Medicaid agency responsibilities in the withholding of program funds, and to bring Medicaid program regulations in line with existing Medicare policy in this area.

EFFECTIVE DATE: December 28, 1987.

FOR FURTHER INFORMATION CONTACT: James Patton, Office of Investigations, (301) 594–3957.

SUPPLEMENTARY INFORMATION:

I. Background

On December 10, 1986, the Office of Inspector General published a notice of proposed rulemaking in the **Federal Register** (51 FR 44490) that was specifically designed to encourage Medicaid State agencies to withhold all Medicaid payments to any provider where the State agency had reliable evidence that the provider had committed fraud against the program, or where the provider was under criminal investigation. The proposed rulemaking was prepared in response to specific problems brought to the OIG's attention over the inability of some States to withhold Medicaid program payments to providers where overpayments were made as a result of potential fraud. In each instance, the requirements for administrative review prior to withholding appeared to have caused these States significant problems where criminal investigations were being conducted by either OIG's Office of Investigations or by the State's Medicaid Fraud Control Unit.

As indicated in the preamble to the proposed regulations, where such administrative review requirements are in place, there appears to be a major problem in the State agency's ability to withhold Medicaid payments to providers under criminal investigation. In many instances, criminal investigators have been reluctant to allow any withholding action against providers since their case could be jeopardized if a hearing was held. The OIG believes that this inability to stop the flow of money has, in turn, resulted in additional overpayments and has hampered efforts already undertaken by the State Medicaid agency to recover overpayments.

Medicare withholding policy

For years, it has been Departmental policy to withhold payments to Medicare providers without the initiation of administrative review procedures at the point when reliable evidence of fraud or misrepresentation has been gathered. Current Medicare regulations at 42 CFR 405.371(b) state that prior administrative review should *not* be provided where there is reliable evidence that the circumstances giving rise to the need for suspension of payments involve fraud or willful misrepresentation. All withholding action taken under Medicare's regulatory authority is for a temporary period, pending resolution of the issues raised, and is only taken with the approval of the investigative or prosecuting authority that may be involved.

II. Provisions of the Proposed Regulations

The proposed regulations were designed to provide Federal encouragement and acquiescence for States to withhold Medicaid reimbursements if the State agency had reliable evidence that: (i) The provider had committed fraud against the program, or (ii) the provider was presently under criminal investigation.

Under the proposed provisions—

- State Medicaid agencies would not be required to institute administrative hearings prior to the withholding of payments since such review may adversely affect or compromise a criminal or civil fraud proceeding already initiated. A provider would still be granted an administrative review prior to withholding payments in those instances where such rights are so established and required by State law.
- Withholding of Medicaid payments would remain in effect until such time as (i) the State agency or prosecuting authorities conclude that fraud has not been committed by the provider, or (ii) all legal proceedings are concluded against the provider.
- The provider would continue to be credited for services furnished, even though payments would be temporarily withheld.
- Providers would receive concurrent rather than advance notice of withholding since such withholding is not a final action.

III. Response to Public Comments

In response to the proposed rule, we received a total of eighteen timely comments from various health care organizations and associations, State agencies and private individuals. Set forth below is a summary of these comments and our response to the concerns raised.

A. Nature of Withholding Action

Comment: Several commenters believed that the proposed regulations give the State Medicaid agency inherent and excessive discretion to withhold program payments. They indicated that such authority could result in arbitrary or unjustified withholding of payments by the State agency. Because of the potential for abuse, a number of commenters also felt that criminal charges should first be brought against the provider before any program funds are withheld.

Response: Prior to any withholding action, the State Medicaid agency is expected and encouraged to fully consider: (1) All reliable evidence, (2) the impact on program beneficiaries, and (3) the length of time anticipated between the imposition of the withholding action and the bringing of formal charges. As indicated in the preamble to the proposed regulations, the overlying purpose of this rule is to protect the integrity of Medicaid program funds and to assure that program beneficiaries receive services for which reimbursement is made.

The specific authority to withhold program payments where there is reliable evidence of fraud or willful misrepresentation has been firmly established in case law. In *Peterson* v. *Weinberger*, 508 F. 2d 45 (5th Cir. 1975), *cert den.* 423 U.S. 830, for example, the U.S. Court of Appeals determined that a Medicare provider has no due process right to a hearing where funds are suspended during the course of a fraud investigation in accordance with 42 CFR 405.371(b). Following suit in a recent case, the District Court for the Southern District of Florida upheld the withholding of Medicare payments and held that plaintiffs are not entitled to a hearing while funds are being temporarily withheld in accordance with 42 CFR 405.371(b). (*Neurological Associates—H. Hooshmand, M.D.* v. *Bowen*, Civ. Action No. 86–8374 (S.D. Fla., March 17, 1987.)

In addition, in *Kresbach* v. *Heckler*, 617 F. Supp. 548 (D. Neb. 1985), the Court drew a clear distinction between a prospective exclusion under 42 U.S.C. 1395(d)(1) where a party would be entitled to a prior hearing, and a suspension of reimbursement in accordance with program regulations at 42 CFR 405.371(b) which does not require a prior hearing.

We indicated in the preamble to the proposed regulations that we fully expect the State agency to confer with, and receive the concurrence of, the investigative or prosecuting authorities conducting the investigation *prior to* imposing any withholding action under the Medicaid program. We believe that this approach should effectively prevent the abuses envisioned in the public comments. Medicare withholding cases are handled in a similar fashion, with the investigative agency initiating the specific request to the Medicare contractor to suspend program payments, and we believe that this process has worked efficiently.

As an additional protection, our regulations continue to state that if an administrative review prior to any withholding action is required by State law, such a hearing is to be held. No withholding action should be taken that contradicts specific State law.

Finally, we believe that requiring the bringing of criminal charges against a provider before the State can suspend payments would defeat the purpose of these regulations. By specifically encouraging States to withhold program payments on a timely basis where there is reliable evidence of fraud or willful misrepresentation, we are attempting to stop the payment of Medicaid funds at an early point so that more costly efforts of recouping monies already paid will not be necessary.

Comment: Several of the comments received stated that the standard for "reliable evidence of fraud" was not clear, and that term, along with the terms "willful misrepresentation" and "criminal investigation," were ambiguous and open to varying interpretation. A number of commenters also noted that criminal investigations may begin for the most spurious of reasons, are often quite protracted and unsuccessful, and that a withholding action merely because a provider is under criminal investigation would impose a severe financial penalty without benefit of proper review by a court.

Response: We have intentionally omitted specific definitions for the terms cited above so as not to limit State agency actions unnecessarily and due to the fact that what constitutes "reliable evidence" is not easily and readily definable. While the existence of an ongoing criminal or civil investigation against a provider may be a factor in determining whether there is reliable evidence, reliable evidence should be determined on a case-by-case basis with the State agency looking at all the factors, circumstances and issues at hand. It is expected that State agencies will review all such evidence carefully and will act judiciously on a case-by-case basis when contemplating any withholding action. We are aware of the impact that withholding funds may have on providers, and expect and encourage States to exercise this authority with care.

We have, however, revised § 455.23(a) to eliminate the proposal that a criminal investigation undertaken against the provider would, in itself, be deemed as reliable evidence for a withholding action. Under this final regulation, the undertaking of a criminal investigation against a provider who may have improperly obtained program funds would be considered a part of the larger circumstances under which payments would be withheld under the Medicaid program.

The Medicare experience in the withholding of program payments has been that such action is not generally taken until an investigation is fairly well developed and there is an expectation of a successful prosecution. We foresee similar implementation of Medicaid withholding actions with the withholding of payments as one of the final actions taken before a case is presented to the State Attorney General's office or whoever is empowered by the State for prosecutions of State Medicaid criminal cases.

B. Amount of Withholding

Comment: Two commenters indicated an inconsistency in the proposed regulations between § 455.23(a)—which stated that the Medicaid agency may withhold payments "in whole or in part"—and § 455.23(b)(3)—which stated that withholding is effective for *all* Medicaid claims. The commenters stated that the withholding of all Medicaid payments overreaches the intent of the regulations, and that a provider's "clean claims" should be processed without delay. One commenter also believed that withholding should be targeted to only the type of Medicaid claims under investigation, and that the amounts withheld should bear some relationship to the amounts believed to be improperly obtained.

Response: It is usually quite difficult to determine which claims are "clean claims" until after the investigation is completed. However, where an investigation is solely and definitively centered on a specific type of claim, a State could choose to withhold payments only on that type claim, e.g., nursing home claims, office visits, hospital care. Accordingly, we have revised section 455.23(b)(3) to indicate that notice to the provider is to specify, where appropriate, which type or types of the provider's Medicaid claims are affected by a withholding action.

As to the withholding of program payments only up to the amount of a potential overpayment, we had originally contemplated the inclusion of such a provision in the proposed regulations. However, we ultimately rejected this approach due to the difficulty in determining the final overpayment amount at the point at which withholding occurs. Any withholding in excess of the actual determined overpayment will be returned to the provider promptly upon final resolution of the case.

Comment: One commenter indicated that the standards in § 455.23(a) should be further clarified to state that any alleged fraud or willful misrepresentation be related to improperly obtained Medicaid payments only; unrelated matters, such as deceptive advertising, should not be the basis for withholding payments without due process protection.

Response: We agree with this comment, and have revised this section accordingly to indicate that any fraud or willful misrepresentation that serves as the basis for the withholding of payments must be related specifically to monies obtained under the Medicaid program.

Comment: Two commenters felt that before any withholding action is taken evidence should clearly indicate that only those individuals at the highest level of facility management or those having ownership interest, and not merely lower level employees, were involved in the fraud or willful misrepresentation at issue. Both commenters felt that program funds should not be withheld from a corporation if a corporate employee is defrauding both the corporation and the Government. In addition, one commenter stated that there should exist a substantial risk that funds could not otherwise be recovered before undertaking any withholding action.

Response: We are sensitive to the point raised by the commenters with respect to employer/employee

VOL 52 ISS 248 DEC 28 1987 UMI

involvement in any alleged fraud or willful misrepresentation, however, it must be recognized that employers and principals are generally responsible for the acts of agents and employees acting within the scope of their authority or employment. Where an employee is defrauding *both* the employer and the program, it is anticipated that owners or managers will cooperate fully with investigative officials in such instances to make known the facts and to determine where culpability lies.

As to substantial risk that funds could not be otherwise recovered before withholding payment, we have clearly stated that the overlying purpose of this withholding action is to protect the Government's interest by forestalling the time and expense of attempting to collect program overpayments at a later date through court proceedings or other means. While there may be little or no risk in recovering payments against a provider who is financially sound, such recoupments, after the fact, prove to be protracted and quite costly to the program. A withholding action is designed to eliminate the unnecessary time and cost of recouping past improper payments.

C. Timing of a Withholding Action

Comment: Several commenters raised the issue of the need to set specific time frames for conducting investigations, taking withholding actions and notifying providers. The proposed regulations stated that any withholding action is "temporary." Several of those individuals or organizations responding to this provision indicated that any indefinite withholding of payments serves to punish the provider unnecessarily. They recommended that any withholding action without an administrative hearing be limited to a specified period, e.g., 30 or 90 days, and that the judicial process be invoked if a longer period of time is required.

In addition, some commenters felt that the State Medicaid agency should also be required to complete its investigation against the provider within a specified period, after which Medicaid reimbursement would be reinstated until such time as the State obtains "reliable evidence" of a violation. Still other commenters added that the proposed rule should be amended to require the State agency to give providers prompt written notice as soon as the investigation is completed, and a determination made as to whether there is sufficient evidence to file charges.

Response: In response to these concerns, we will be advising all State Medicaid and investigative agencies of our expectation that they act expeditiously both in addressing any case in which a withholding action has be undertaken and in notifying the provider when the investigation has been terminated. Under normal circumstances, it is anticipated that a withholding action will not exceed one year and will be periodically reviewed so as to determine whether the circumstances that gave rise to the withholding action still exist. We do not believe, however, that we can mandate a specific time limit in which a criminal investigation can be conducted, as suggested, without disadvantaging such investigation.

We have recently provided similar instructions to all Regional Office investigators advising them to take prompt criminal, civil money penalty and sanction action on all Medicare cases where withholding has been invoked by the carrier and to notify the provider expeditiously when the investigation has been terminated.

Comment: Several organizations believe that where it is determined that the provider is entitled to all Medicaid payments withheld, payment should be made within a specified time period of the determination and that interest be paid on the balance due for the duration of the withholding.

Response: While we are not setting forth in regulations a set period by which repayment should be made under a favorable determination to a provider, we are instructing State Medicaid agencies to make prompt payment in such situations. We have not specifically addressed the issue of interest in these regulations, and we will defer to State procedures in this matter.

Comment: Two professional organizations commented that the proposed regulations should be amended to authorize the withholding of Medicaid payments for only those claims filed on or after the withholding action is initiated. These commenters indicated that unless this restriction was added, withholding could effect past due amounts not yet reimbursed which should be properly payable to the provider.

Response: The withholding of any related claim that can go towards making the Government whole should be taken into consideration for purposes of recoupment of program funds. We clearly do not want to make payment on *any* claims, be they past due or in the future, that are deemed questionable. Part of the intent of withholding program payments is to build up a type of escrow account out of which any overpayments can be deducted when the criminal investigation is ultimately concluded. As indicated in our above response, however, § 455.23(b)(3) is being revised to indicate that, *where appropriate*, monies not involving a questionable area, i.e., an area not under criminal investigation, may be exempt from any withholding action.

D. Notice as to Withholding Actions

Comment: The notice requirements contained in proposed § 455.23(b) exempt the State Medicaid agency from specifically identifying the nature of allegations that precipitated the withholding. One commenter stated that this requirement appeared to be in direct opposition to the requirement in § 455.23(b)(4) that a provider be accorded the right to submit written evidence to contest the withholding action. The commenter believed that specific identification of the nature of the allegations should be required of the State agency.

Response: We have accepted this comment in part and have, accordingly, revised § 455.23(b) to indicate that the notice must disclose the general nature of any withholding action. This notice need not discuss, however, any of the specific allegations in the ongoing investigation since such disclosure may jeopardize the case being developed by the State against the provider.

E. Scope of Withholding Actions

Comment: A number of commenters stated that many nursing homes and other facilities maintain a large percentage of patients for whom payment is being made under the Medicaid program. It was stated that to withhold all Medicaid payments to providers of this type could essentially put these facilities out of business, causing hardship to the Medicaid beneficiaries as well.

Response: We recognize the hardship that can be placed on a number of program beneficiaries and on certain types of providers that service a large percentage of these individuals as a result of any withholding action. While these providers will still be free to treat and receive reimbursements from private-pay patients, we, of course, are mindful of the potential impact of any withholding action against these types of providers and expect States to proceed cautiously to assure that providers of this type are not subject to payment suspension until such action is clearly necessary. In addition, because of the potential adverse effect on program beneficiaries, we believe that cases of these types should be given priority handling to expedite their resolution.

As indicated above, the primary purpose in any withholding action is to safeguard Medicaid dollars and to protect Medicaid program beneficiaries.

Comment: While the proposed regulations stated that a provider may be granted prior administrative review where such rights are so established and required by State law, two State agencies responding to this rulemaking indicated that their State laws requiring such mandatory review will defeat the purpose of the proposed rule and will serve to avoid the stoppage of payments.

Response: Our intent in these regulations is to provide Federal encouragement and acquiescence to those States that are authorized to take a withholding action against providers without first going through a protracted administrative hearing process. While States are free to seek State legislative changes where an administrative review process is currently required prior to any withholding action, these regulations are not intended to circumvent any existing State requirements in this area.

Comment: One commenter was concerned that these regulations might be construed as somehow limiting the authority of the State to take withholding action not specifically authorized by the rule. The State agency commenting indicated that it is currently authorized to withhold Medicaid provider payments for circumstances less than fraud, misrepresentation or criminal investigation, and, as such, is a stronger authority than our proposed regulations.

Response: These regulations are designed as minimum requirements for imposing withholding actions against providers. States may exercise broader power in this regard where State law or regulations so provide.

IV. Regulatory Impact Analysis

A. Executive Order 12291

Executive Order 12291 requires that a regulatory impact analysis be performed for any "major rule." A major rule is one that:

- Has an annual effect on the national economy of $100 million or more;
- Results in a major increase in costs or prices for consumers, any industries, any governmental agencies, or any geographic regions; or,
- Has a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic or import markets.

We have determined that this final rule does not meet the criteria for a major rule as defined by section 1(b) of Executive Order 12291 and that a complete regulatory impact analysis is not required. As indicated, the intent of this rule is to encourage State agencies to withhold payments to Medicaid providers where there is reliable evidence of fraudulent activity by the provider under the Medicaid program, and to make clear that State agencies will not offer administrative review if such review would adversely effect investigations or proceedings already initiated. As further indicated above, it is expected that the withholding of provider payments by State Medicaid agencies will be reserved for only the most flagrant of violations and where all other appropriate avenues short of suspending payments is exhausted. The amount of program payments withheld to providers in all instances is not expected to exceed the $100 million threshold in any one fiscal year.

B. Regulatory Flexibility Analysis

Consistent with the Regulatory Flexibility Act of 1980 (Pub. L. 93–354), we are to prepare a regulatory flexibility analysis for each rulemaking, unless the Secretary certifies that the regulation does not have a "significant impact on a substantial number of small entities." The analysis is intended to explain the potential effect the rulemaking action has on small businesses and other small entities, and to develop lower cost or burden alternatives. While these final regulations could have an adverse impact on some small providers, we believe that the criminal investigation or nature of the suspected fraud, rather than the size of the provider, is the determining factor in withholding payments. Because of this reason, we believe a regulatory flexibility analysis is not required.

List of Subjects in 42 CFR Part 455

Fraud, Grant programs—health, Health facilities, Health professions, Investigations, Medicaid, Reporting and recordkeeping requirements.

TITLE 42—PUBLIC HEALTH

42 CFR Part 455, Subpart A is amended as follows:

PART 455—PROGRAM INTEGRITY: MEDICAID

1. The authority citation for Part 455 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. The table of contents for Subpart A is amended by adding a new § 455.23 as follows:

Subpart A—Medicaid Agency Fraud Detection and Investigation Program

* * * * *

455.23 Withholding of payments in cases of fraud or willful misrepresentation.

3. In Subpart A, § 455.12 is revised to read as follows:

§ 455.12 State plan requirement.

A State plan must meet the requirements of §§ 455.13 through 455.23.

4. In Subpart A, a new § 455.23 is added to read as follows:

§ 455.23 Withholding of payments in cases of fraud or willful misrepresentation.

(a) *Basis for withholding.* The State Medicaid agency may withhold Medicaid payments, in whole or in part, to a provider upon receipt of reliable evidence that the circumstances giving rise to the need for a withholding of payments involve fraud or willful misrepresentation under the Medicaid program. The State Medicaid agency may withhold payments without first notifying the provider of its intention to withhold such payments. A provider may request, and must be granted, administrative review where State law so requires.

(b) *Notice of withholding.* The State agency must send notice of its withholding of program payments within 5 days of taking such action. The notice must set forth the general allegations as to the nature of the withholding action, but need not disclose any specific information concerning its ongoing investigation. The notice must:

(1) State that payments are being withheld in accordance with this provision;

(2) State that the withholding is for a temporary period, as stated in paragraph (c) of this section, and cite the circumstances under which withholding will be terminated;

(3) Specify, when appropriate, to which type or types of Medicaid claims withholding is effective; and

(4) Inform the provider of the right to submit written evidence for consideration by the agency.

(c) *Duration of withholding.* All withholding of payment actions under this section will be temporary and will not continue after:

(1) The agency or the prosecuting authorities determine that there is insufficient evidence of fraud or willful misrepresentation by the provider; or

(2) Legal proceedings related to the provider's alleged fraud or willful misrepresentation are completed.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: July 29, 1987.

R.P. Kusserow,

Inspector General, Department of Health and Human Services.

Approved: November 5, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87-29589 Filed 12-24-87; 8:45 am]

BILLING CODE 4150-04-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6770]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the fourth column of the table.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706, Phone: (800) 638-7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, Room 416, 500 C Street SW., Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community:

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et. seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State	Location	Community number	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Current effective map date
Georgia	White County, Unincorporated Areas	130191	November 9, 1987, Emerg.	6-11-76
Do	Jones County, Unincorporated Areas	130434	November 10, 1987, Emerg	5-27-77
Louisiana	Richwood, Town of, Ouachita County [1]	220378	February 9, 1978, Emerg.; September 30, 1987, Reg.; September 30, 1987, Susp.; November 5, 1987, Rein.	9-30-87
Massachusetts	Hadley, Town of, Hampshire County	250163	February 11, 1972, Emerg.; June 1, 1978, Reg.; July 3, 1978, Susp.; November 5, 1987, Rein.	6-1-78
Pennsylvania	Texas, Township of, Wayne County	422176	July 24, 1975, Emerg.; September 30, 1987, Reg., September 30, 1987, Susp.; November 6, 1987, Rein.	9-30-87
Do	Rome, Township of, Bradford County [1]	422639	January 6, 1976, Emerg.; September 1, 1986, Reg.; September 1, 1986, Susp.; November 9, 1987, Rein.	9-1-86
Alabama	Hollywood, Town of, Jackson County	010111	July 26, 1974, Emerg.; September 29, 1986, Reg.; September 29, 1986, Susp.; November 13, 1987, Rein.	9-29-86
Minnesota	Madelia, City of, Watonwan County [1]	270517	November 16, 1987, Emerg.; November 16, 1987, Reg.;	9-1-87
Do	Fillmore County, Unincorporated Areas [1]	270124	April 16, 1974, Emerg.; September 18, 1987, Reg.; September 18, 1987, Susp.; November 16, 1987, Rein.	9-18-87

State	Location	Community number	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Current effective map date
Do	Raymond, City of, Kandiyohi County [1]	270222	March 5, 1975, Emerg.; September 18, 1987, Reg.; September 18, 1987, Susp.; November 16, 1987, Rein.	9-18-87
Ohio	Orangeville, Village of, Trumbull County	390751	May 28, 1976, Emerg.; September 4, 1987, Reg.; September 4, 1987, Susp.; November 16, 1987, Rein.	9-4-87
Do	Sherrodsville, Village of, Carroll County [1]	390054	December 20, 1976, Emerg.; September 4, 1987, Reg.; September 4, 1987, Susp.; November 16, 1987, Rein.	9-4-87
New York	Chestnut Ridge, Village of, Rockland County	361615	November 30, 1987, Emerg.;	
Alabama	Hale County, Unincorporated Areas [1]	010084	April 14, 1987, Emerg.; July 1, 1987, Reg.; July 1, 1987, Susp.; November 9, 1987, Rein.	7-1-87
Pennsylvania	Tower City, Borough of, Schuylkill County [1]	420790	April 29, 1975, Emerg.; September 1, 1986, Reg.; September 1, 1986, Susp.; November 17, 1987, Rein.	9-1-86
Iowa	Adel, City of, Dallas County [1]	190103	December 17, 1974, Emerg.; August 4, 1987, Reg.; August 4, 1987, Susp.; November 17, 1987, Rein.	8-4-87
Mississippi	Scott County, Unincorporated Areas [1]	280280	April 23, 1979, Emerg.; September 1, 1987, Reg.; September 1, 1987, Susp.; November 27, 1987, Rein.	9-1-87
Region III—Regular Conversions				
Pennsylvania	Avondale, Borough of	421473	November 4, 1987, Suspension Withdrawn	11-4-87
Region IV				
Florida	Dade County, Unincorporated Areas	125098	do	11-4-87
Region VIII—Minimal Conversion				
Wyoming	Elk Mountain, Town of, Carbon County	560093	do	11-4-87
Region III				
Pennsylvania	Pillow, Borough of, Dauphin County	420392	November 19, 1987, Suspension Withdrawn	11-19-87
Do	Schuylkill Haven, Borough of, Schuylkill County.	420787	do	11-19-87
Do	West Vincent, Township of, Chester County	421499	do	11-19-87
West Virginia	Rainelle, Town of, Greenbrier County	540228	do	11-19-87
Region IX				
Arizona	Cottonwood, Town of, Yavapai County	040096	do	11-19-87
Region VIII—Minimal Conversion				
North Dakota	Trenton, Township of, Williams County	380679	do	11-19-87

[1] Minimal Conversions.

Code for reading fourth column.—Emerg.—Emergency; Reg.—Regular; Susp.—Suspension; Rein.—Reinstatement.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

Issued: December 21, 1987.

[FR Doc. 87-29588 Filed 12-24-87; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-492; RM-5390]

Radio Broadcasting Services; Siloam Springs, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes FM Channel *266A for noncommercial educational Channel *212A at Siloam Springs, Arkansas, and modifies the license of Station KLRC(FM), in response to a petition filed by John Brown University. With this action, the proceeding is terminated.

EFFECTIVE DATE: February 4, 1988.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-492, adopted December 1, 1987, and released December 21, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW. Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Arkansas by adding Channel *266A at Siloam Springs.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–29800 Filed 12–24–87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Changes in List of Species in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention) regulates international trade in certain animals and plants. Species for which trade is controlled are listed in Appendices I, II, and III to the Convention. The nations participating in the Convention, including the United States, recently adopted amendments to Appendices I and II. The United States did not enter a reservation on any of the species amendments made at the Sixth Meeting of the Conference of the Parties to the Convention. This document incorporates these amendments into the Fish and Wildlife Service's regulations implementing the Convention.

DATE: The amendments set forth in this notice entered into effect on October 22, 1987, under the terms of the Convention. Therefore, this rule is effective December 28, 1987.

ADDRESS: Please send correspondence concerning this document to the Office of Scientific Authority; Mail Stop: Room 527, Matomic Building; U.S. Fish and Wildlife Service; Department of the Interior; Washington, DC 20240. Materials received will be available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, in room 537, 1717 H Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240, telephone (202) 653–5948.

SUPPLEMENTARY INFORMATION:

Background

The Convention regulates import, export, reexport, and introduction from the sea of certain animal and plant species. Species for which trade is controlled are included in three appendices. Appendix I includes species threatened with extinction that are or may be affected by trade. Appendix II includes species that although not necessarily now threatened with extinction may become so unless trade in them is strictly controlled. It also lists species that must be subject to regulation in order that trade in other currently or potentially threatened species may be brought under effective control (e.g., because of difficulty in distinguishing specimens of currently or potentially threatened species from those of other species). Appendix III includes native species that any Party nation identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation, and for which it needs the cooperation of other Parties in controlling trade.

Any Party nation may propose amendments to Appendices I and II for consideration at meetings of the Conference of the Parties. The text of any proposal must be communicated to the Convention's Secretariat at least 150 days before the meeting. The Secretariat must then consult the other Parties and appropriate intergovernmental agencies, and communicate their responses to all Parties no later than 30 days before the meeting. Amendments are adopted by a two-thirds majority of the Parties present and voting.

Action of the Parties

The Sixth Meeting of the Conference of the Parties to the Convention was held on July 12–24, 1987, in Ottawa, Canada. At the meeting, the Parties considered 116 proposals to amend the Appendices. These were listed in the **Federal Register** on July 10, 1987, for U.S. proposals (52 FR 26049) and for proposals by the other Parties (52 FR 26043). The proposals that were adopted by the Conference of the Parties were announced in the **Federal Register** (52 FR 35743; September 23, 1987), together with a request for comments from the public on whether the U.S. Fish and Wildlife Service (Service) should recommend that the United States enter a reservation on any of the amendments. The effect of a reservation would be to exempt this country from implementing the Convention for a particular species. More complete discussions of any practical effect of entering reservations and reasons for or against entering reservations are contained in 50 FR 48212 (November 22, 1985) and 52 FR 35743.

Several proposals were withdrawn by the proponent or rejected by vote of the Parties as announced in 52 FR 35743. The proposed amendments that were accepted by the Parties were also announced in 52 FR 35743, and the consequent changes that will be incorporated into the Code of Federal Regulations are printed at the end of this notice.

In addition to accepting the various species amendments to Appendix I and II, the Parties agreed to continue an export quota for leopards, accepted amendments with export quotas for populations of crocodiles and endorsed a clarification to the listing of chinchillas in the appendices.

The Parties agreed to continue the export quota system for leopards (*Panthera pardus*) as initiated in resolution Conf. 4.13 and restated in Conf. 5.13. Annual export quotas (shown in parentheses) were accepted for specimens from the following countries: Botswana (80): Central African Republic (40), Ethiopia (500), Kenya (80), Malawi (20), Mozambique (60), Tanzania (250), Zambia (300) and Zimbabwe (500). Changes in recommendations from previous quotas include: an increase of 150 for Zimbabwe, the establishment of quotas for Central African Republic and Ethiopia, and a clarification that the export quotas include specimens exported as hunting trophies.

The Parties accepted amendments for populations of four species of crocodiles in 11 countries. As adopted, these amendments established export quotas (shown in parentheses for the years 1987 through 1989) for populations of Nile crocodiles (*Crocodylus niloticus*) in the following countries: Botswana (2,000 in each year), Cameroon (100 in each year), Congo (150 in each year), Kenya (5,000 of which only 1,000 are to be taken directly from the wild in each year), Malawi (900, 1,000, and 1,300 of which only 700 are to be taken directly from the wild in each year), Mozambique (1,000, 1,000 and 4,000 with the increase in 1989 to accommodate specimens from ranching operations), Madagascar (1,000 in each year), Tanzania (2,000 in each year), Sudan (5,000 in each year), Zambia (3,350, 5,600, 8,200 of which only 2,000 are to be taken from the wild). In terms of specimens taken directly from the wild, these quotas represent an increase for Cameroon, Kenya, Malawi and Tanzania and prescribe a decrease in the quota for the Congo.

In addition, the export quota of 4,000 for the saltwater crocodile population in Indonesia was accepted, an increase of 2,000 specimens. Furthermore, the amendments to transfer the populations of *Crocodylus cataphractus* and *Osteolaemus tetraspis* in the Congo from Appendix I to Appendix II were accepted by the Parties with annual export quotas of 600 and 500, respectively.

Upon the recommendations of the Government of Canada and the Convention's Secretariat, the Parties in committee endorsed the clarification that the notation "population of South America" as originally applied to the listing of *Chinchilla* spp. in the Appendices as meaning that chinchillas bred in countries outside South America are not included in the Appendices. This does not result in any change in the way that the United States has been regulating chinchillas raised in the United States. Inasmuch as the original listing of *Chinchilla* spp. also included *Chinchilla brevicaudata boliviana*, the clarification also applies to that taxon which retains its earlier listing date.

Comments Received and Recent Decisions

The only comment received with regard to the announced actions of the Parties was from TRAFFIC (U.S.A.). This organization strongly urged the Service not to enter reservations on any of the accepted amendments to the Appendices. TRAFFIC felt that the United States "should continue to serve as a model country upholding the full spirit of the Convention."

This rule simply implements changes in the list of species in the Convention's Appendices that already have been approved by the Conference of the Parties, and that the United States is bound to accept unless it enters any reservations. The Service does not believe that implementation of any of the accepted amendments would be contrary to the interests or law of the United States. The period of time during which the United States could have entered a reservation on any of these amendments ended on October 22, 1987. The Service did not recommend the entry of any reservations, and none were entered by the United States. Earlier **Federal Register** notices informed the public about these amendments and allowed an opportunity for comment on them. Therefore, the Department of the Interior has determined that good cause exists for making this rule effective upon publication (5 U.S.C. 553(d)). Accordingly, paragraph (f) Section 23.23 of 50 CFR has been amended at the conclusion of this rulemaking.

Note—The Department has determined that amendments to the Convention's Appendices, which result from actions of the Parties to the Convention, do not require the preparation of Environmental Assessments as defined under authority of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) The Department also has determined that such amendments are not rules for purposes of Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) This document does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 50 CFR Part 23

Endangered and threatened plants, Endangered and threatened wildlife, Exports, Fish, Imports, Marine mammals, Plants (agriculture), Treaties.

Regulation Promulgation

For reasons set out in the preamble of this document, Part 23 of Title 50, Code of Federal Regulations is amended as follows:

PART 23—ENDANGERED SPECIES CONVENTION

1. The authority citation for Part 23 should be revised to read as follows:

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249; and Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531 *et seq.*

§ 23.23 [Amended]

1. Amend paragraph (f) of § 23.23 by revising the existing entries for particular species on the list to read as follows:

Species	Common name	Appendix	Date listed (month/day/year)
ANIMAL KINGDOM:	ANIMALS:		
CLASS MAMMALIA:	MAMMALS:		
Order Rodentia:	Rodents:		
Chinchilla spp. (except those chinchillas bred in countries outside of South America).	Chinchilla	I	2/4/77
C. brevicaudata boliviana (except those chinchillas bred in countries outside of South America).	Chinchilla	I	7/1/75
Order Carnivora:	Carnivores: Cats, Bears, etc.:		
Panthera tigris	Tiger	I	7/1/75
Order Artiodactyla:	Even-toed Ungulates:		
Vicugna vicugna (except populations listed below)	Vicuna	I	7/1/75
CLASS AVES:	BIRDS:		
Order Psittaciformes:	Parrots, Parakeets, Macaws, Lories:		
Probosciger aterrimus	Great black cockatoo, Palm cockatoo	I	7/1/75
Order Passeriformes:	Perching Birds:		
Gubernatrix cristata	Yellow cardinal	II	7/14/76
CLASS REPTILIA:	REPTILES:		
Order Crocodylia:	Crocodiles, Alligators, Caimans, Gavials:		
Crocodylus cataphractus (except Congo population)	African slender-snouted crocodile	I	7/1/75
Osteolaemus tetraspis (except subspecies and populations listed below)	Dwarf crocodile	I	2/4/77
PHYLUM ARTHROPODA:	ARTHROPODS:		
Class Insecta	Insects:		
Ornithoptera alexandrae	Queen Alexandra's birdwing butterfly	I	2/4/77
PLANT KINGDOM:	PLANTS:		
Family Cupressaceae:	Cypresses:		
Fitz-Roya cupressoides	Fitzroya, Alerce	I	7/1/75

2. Amend paragraph (f) of § 23.23 by adding to the list the following species or other groups of animals and plants in alphabetical order under the appropriate taxonomic categories:

Species	Common name	Appendix	Date listed (month/day/year)
CLASS MAMMALIA:	MAMMALS:		
Order Chiroptera:	Bats:		
Pteropus insularis	Truk flying fox	II	10/22/87
P. macrotis	Big-eared flying fox	II	10/22/87
P. mariannus	Mariana flying fox	II	10/22/87
P. molossinus	Ponape flying fox	II	10/22/87
P. phaeocephalus	Mortlock Inum bat	II	10/22/87
P. pilosus	Palau flying fox	II	10/22/87
P. samoensis	Samoa flying fox	II	10/22/87
P. tokudae	Tokuda's flying fox	II	10/22/87
P. tonganus	Insular flying fox	II	10/22/87
Order Carnivora:	Carnivores: Cats, Bears, etc:		
Dusicyon gymnocercus	Pampas fox	II	10/22/87
Felis yagouaroundi	Jaguarundi	I	7/1/75
Order Artiodactyla:	Even-toed Ungulates:		
Catagonus wagneri	Chacoan or giant peccary	I	10/22/87
Tayassu spp. (except populations in the United States)	Collared and White-lipped peccaries	II	10/22/87
Vicugna vicugna (Populations in Paranicota Province, la. Region of Tarapaca in Chile, and populations of Pampa Galeras Natl. Reserve and Nuclear Zone, Pedregal, Canconta and Sawacocha (Province of Lucanas), Sais Pictoni (Province of Azangaro), Sais Tupac Amaru (Province of Junin), and of Salinas Aguada Blanco Natl. Reserve (Provinces of Arequipa and Caillomal in Peru (under specific conditions including export of cloth only).	Vicuna	II	10/22/87
CLASS AVES:	BIRDS:		
Order Ciconiiformes:	Herons, Storks, Ibises, Flamingos:		
Balaeniceps rex	Whale-headed stork	II	10/22/87
Eudocimus ruber	Scarlet Ibis	II	10/22/87
Mycteria cinerea	Milky wood stork	I	10/22/87
Order Galliformes:	Pheasants, Curassows, Megapodes Hoatzins:		
Rheinardia ocellata	Crested argus pheasant	I	10/22/87
Order Gruiformes:	Cranes, Rails, Bustards:		
Otididae spp. (All species except those in App. I or with earlier date in App. II).	Bustards	II	10/22/87
Order Psittaciformes:	Parrots, Parakeets, Macaws, Lories:		
Anodorhynchus hyacinthinus	Hyacinth macaw	I	6/6/81
Ara militaris	Military macaw	I	6/6/81
Order Apodiformes:	Swifts, Hummingbirds:		
Trochilidae spp.	Hummingbirds	II	10/22/87
Order Passeriformes:	Perching Birds:		
Paroaria capitata	Yellow-billed cardinal	II	10/22/87
Paroaria coronata	Red-crested cardinal	II	10/22/87
CLASS REPTILIA:	REPTILES:		
Order Crocodylia:	Crocodiles, Alligators, Caimans, Gavials:		
Crocodylus cataphractus (Congo population only)	African slender-snouted crocodile	II	7/1/75
Osteolaemus tetraspis (Population of the Congo)	Dwarf crocodile	II	2/4/77
Order Squamata:	Lizards, Snakes:		
Boa constrictor occidentalis	Argentine boa constrictor	I	2/4/77
Gallotia aff. *simonyi*	Hierro giant lizard	I	10/22/87
Podarcis lilfordi	Lilford's wall lizard	II	10/22/87
Podarcis pityusensis	Ibiza wall lizard	II	10/22/87
Vipera ursinii (except populations in the U.S.S.R.	Orsini's viper	I	10/22/87
CLASS AMPHIBIA:	AMPHIBIANS:		
Order Anura:	Frogs, Toads:		
Dendrobates spp.	Poison-dart frogs	II	10/22/87
Dyscophus antongili	Tomato frog	I	10/22/87
Phyllobates spp.	Poison-arrow frogs	II	10/22/87
PHYLUM MOLLUSCA:	MOLLUSCS:		
Class Gastropoda:	Snails:		
Achatinella spp.	Oahu tree snails	I	10/22/87
PHYLUM ARTHROPODA:	ARTHROPODS:		
Class Insecta:	Insects:		
Bhutanitis spp.	Bhutan Glory swallowtails	II	10/22/87
Papilio chikae	Luzon peacock swallowtail	I	10/22/87
Papilio homerus	Homerus swallowtail	I	10/22/87
Papilio hospiton	Corsican swallowtail	I	10/22/87
Teinopalpus spp.	Kaiser-I-Hind butterflies	II	10/22/87
PHYLUM ANNELIDA:	ANNELID WORMS:		
Class Hirudinea:	Leeches:		
Order Arhynchobdelliformes:	Rhynchobdellids:		
Hirundo medicinalis	Medicinal leech	II	10/22/87
PLANT KINGDOM:	PLANTS:		
Family Cactaceae:	Cacti:		
Aeriophyllum (= *Echinocactus*) *asterias*	Sea urchin cactus, star cactus	I	7/1/75
Family Cycadaceae:	Cycads:		
Cycas beddomei	Beddome cycad	I	2/4/77
Family Nepenthaceae:	Old World pitcher plants:		
Nepenthes khasiana	Indian tropical pitcher plant	I	10/22/87
Nepenthes spp. (all species except those in app. I).	Tropical pitcher plants	II	10/22/87
Family Orchidaceae:	Orchids:		
Paphiopedilum spp.	Drury tropical lady's slipper	I	7/1/75
Family Sarraceniaceae:	New World pitcher plants:		
Sarracenia spp. and natural hybrids (all species and natural hybrids except species in app. I).	Trumpet pitcher plants	II	10/22/87

3. Amend paragraph (f) of § 23.23 by removing the following existing entries for particular species and animal orders; if all species and genera listed under the order are deleted, also remove the order heading, as follows:

Species	Common name	Appendix	Date listed (month/day/year)
CLASS MAMMALIA:	MAMMALS:		
Order Insectivora:	Insectivores:		
Erinaceus frontalis	African hedgehog	II	7/1/75
Order Lagomorpha:	Rabbits, Hares:		
Nesolagus netscheri	Sumatran short-eared rabbit	I	7/1/75
Order Rodentia:	Rodents:		
Dipodomys phillipsi phillipsi	Phillips' kangaroo rat	II	7/1/75
Lariscus hosei	Four-striped or Bornean black-striped ground squirrel	II	7/1/75
Notomys spp	Australian hopping mice	II	6/26/78
Notomys aquilo	Austra'ian nothern hopping mouse	II	7/1/75
Pseudomys fumeus	Smokey mouse	I	7/1/75
Pseudomys shortridgei	Western pseudo rat, Shortridge's mouse	II	7/1/75
Order Carnivora:	Carnivores: Cats, Bears, etc.:		
Felis yagouaroundi cacomitli	Gulf Coast jaguarundi	I	7/1/75
Felis yagouaroundi fossata	Guatemalan jaguarundi	I	7/1/75
Felis yagouaroundi panamensis	Panamanian jaguarundi	I	7/1/75
Felis yagouaroundi tolteca	Sinaloan jaguarundi	I	7/1/75
Order Artiodactyla:	Even-toed Ungulates:		
Tayassu tajacu	Collared peccary	III (Guatemala)	4/23/81
CLASS AVES:	BIRDS:		
Order Galliformes:	Pheasants, Curassows, Megapodes, Hoatzins:		
Lyrurus mlokosiewiczi	Caucasian black grouse	II	2/4/77
Megapodius freycinet abbotti	Abbott's megapode or incubator bird	II	7/1/75
Megapodius freycinet nicobariensis	Nicobar megapode	II	7/1/75
Order Charadriiformes:	Shorebirds, Gulls, Auks:		
Larus brunnicephalus	Brown-headed gull	II	7/1/75
Numenius minutus	Little whimbrel	II	7/1/75
Order Piciformes:	Woodpeckers, Toucans, Jacamars, Barbets:		
Picus squamatus flavoguttatus	Green scaly-bellied woodpecker	II	7/1/75
Order Passeriformes:	Perching Birds:		
Emblema oculata	Red-eared firetail	II	6/26/78
Peophodes nigrogularis	Western whipbird	II	7/1/75
CLASS REPTILIA:	REPTILES:		
Order Squamata:	Lizards, Snakes:		
Paradelma orientalis	Snake Lizard	II	2/4/77
Thamnophis elegans (= *couchi*) *hammondi*	Two-striped garter snake	II	7/1/75
CLASS AMPHIBIA:	AMPHIBIANS:		
Order Caudata:	Salamanders:		
Ambystoma lermaenale	Lake Lerma salamander	II	7/1/75
CLASS OSTEICHTHEYES:	BONY FISHES:		
Order Salmoniformes:	Salmon, Trout:		
Salmo chrysogaster	Mexican golden trout	II	7/1/75
Stenodus leucichthys leucichthys	Beloribtea	II	7/1/75
Order Cypriniformes:			
Ptychocheilus lucius	Wouncfin	II	7/1/75
Order Atheriniformes:	Livebearers:		
Xiphophorus couchianus	Monterrey platyfish	II	7/1/75
PHYLUM MOLLUSCA:	MOLLUSCS:		
Class Pelecypoda (= Bivalvia):	Clams, Mussels:		
Mytilus chorus	Chilean mussel	II	6/26/78
Class Gastropoda:	Snails:		
Coahuilix hubbsi	Coahuila de Hubbs Caracol	II	7/1/75
Cochliopina milleri	Cochliopina de Miller Caracol	II	7/1/75
Durangonella coahuilae	Durangonella de Coahuila Caracol	II	7/1/75
Mexipyrgus carranzae	Mexipyrgus de Carranza Caracol	II	7/1/75
Mexipyrgus churinceanus	Mexipyrgus de Churince Caracol	II	7/1/75
Mexipyrgus escobedae	Mexipyrgus de Escobeda Caracol	II	7/1/75
Mexipyrgus lugoi	Mexipyrgus de Lugo Caracol	II	7/1/75
Mexipyrgus mojarralis	Mexipyrgus del Oeste del Mojarral Caracol	II	7/1/75
Mexipyrgus multilineatus	Mexipyrgus del Este del Mojarral Caracol	II	7/1/75
Mexithauma quadripaludium	Mexithauma de Cuatro Cienegas Caracol	II	7/1/75
Nymphophilus minckleyi	Nymphophilus de Minckley Caracol	II	7/1/75
Paludiscala caramba	Paludiscala Manantiales Caracol	II	7/1/75
PLANT KINGDOM: .	PLANTS:		
Family Cupressaceae:	Cypresses:		
Fitzroya cupressoides (coastal population of Chile)	Fitzroya, Alerce	II	7/1/75
Family Palmae (= Arecaceae):	Palms:		
Chrysalidocarpus lutescens	Yellow palm, Areca palm, Butterfly palm	II	2/4/77

Date: December 14, 1987.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-29524 Filed 12-24-87; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 52, No. 248
Monday, December 28, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 330 and 332

Recruitment, Selection, and Placement (General) and Recruitment and Selection Through Competitive Examination

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) proposes to revise the regulations governing placement programs for employees who are subject to involuntary separation, or who have been involuntarily separated, through no fault of their own. The existing regulations do not include the Interagency Placement Assistance Program (IPAP) which was implemented in 1981. The proposed regulations incorporate the IPAP and include minor changes that are needed to update and clarify OPM's current policies and procedures with regard to displaced employees. OPM is seeking one new change in policy in the proposed regulations: to exclude employees who have a rating of unacceptable from coverage under the IPAP and the Displaced Employee Program (DEP).

DATE: Comments must be received on or before February 26, 1988.

ADDRESS: Send or deliver written comments to Curtis J. Smith, Associate Director for Career Entry, Office of Personnel Management, Room 6F08, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Sylvia Cole, (202) 632–6817.

SUPPLEMENTARY INFORMATION: OPM operates two placement programs for employees who are scheduled to be displaced or have been displaced from their positions—the Interagency Placement Assistance Program (IPAP) and the Displaced Employee Program (DEP). In addition, agencies are required to operate positive placement programs which include establishment of a Reemployment Priority List (RPL) for their own employees who have received a notice of separation by reduction in force (RIF). While the RPL assures employment consideration in the *former* agency, the IPAP and DEP provide reemployment consideration in *other* agencies.

The Personnel Director's Productivity Task Force recommended changes in these placement programs to eliminate duplication. As a result of this recommendation, we reviewed the placement programs OPM operates as well as the ones agencies are required to operate. We concluded that each program provides a specific type of placement assistance and in total, these programs strike an acceptable balance between the commitment of the Government to assist employees who are involuntarily separated from their jobs, and the needs of an agency for flexibility in filling positions. We need to retain the programs we have. However, we plan to make some adjustments so the programs operate more efficiently. These proposed regulations only address the IPAP and DEP.

The IPAP, formerly known as the Voluntary Interagency Placement Program, was created by OPM in 1981 to provide placement assistance as far in advance of an impending work force reduction as possible. Since the Displaced Employee Program (DEP) requires a specific notice of separation which sometimes is not given to the employee until 10 days prior to a reduction in force, there may be insufficient time allowed for placement assistance before separation. The IPAP permits enrollment as soon as an individual employee is identified as surplus and provides assistance in 120-day increments, renewable by the agency. In addition, it provides assistance to employees who are not eligible for placement assistance through the DEP, such as employees serving under Schedule A and B appointments and term appointments. The proposed regulations would incorporate the IPAP into Subpart C of Part 330.

The proposed regulations would also restrict placement assistance under Part 330, Subpart C, to employees who have a performance rating of record above "unacceptable." It is inconsistent with merit principles to require an agency to hire an unacceptable performer when the agency might hire a high quality candidate from outside the Civil Service. This requirement was proposed in a memorandum to agency personnel directors distributed through the Interagency Advisory Group in June, 1986, and it won overwhelming support.

Another change that is included in the proposed regulations would clarify that individuals who retire under the involuntary early retirement provisions of section 8336(d)(1) of title 5, United States Code, are eligible for the DEP. In the past, some confusion has existed about whether or not discontinued service retirees are permitted to register for placement assistance because they are receiving annuities. Since each early retirement costs the retirement system additional funds, it is in the interest of the Federal Government to reemploy these annuitants, if possible.

These regulations would also update the referral procedures for program participants to reflect OPM's current policy of referring DEP and IPAP registrants only to positions that have no higher promotion potential than the position from which the employee was or will be separated.

These regulations would also delete the provision in Part 330, § 330.305, that requires agencies to separate Tenure Group III employees when there are no suitable vacancies for DEP registrants. This provision has not been used since the 1950's and OPM believes that implementing it would be unduly disruptive to agency operations. Consequently, it has been omitted in the proposed regulations.

Subpart G of Part 330 would be updated to reflect current OPM policy on the reemployment of disability retirees who are 60 years of age or over. Eligibility for placement assistance under Subpart C is no longer restricted to disability retirees under age 60, and no prior OPM determination of recovery is required.

Subpart D of Part 330 would be revised to reflect the incorporation of the IPAP in Subpart C; and Part 332, Subpart B, § 332.314, would be revised to clarify that the placement assistance described therein is for DEP eligibles only.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation affects only the procedures used to provide placement assistance to certain Federal employees.

List of Subjects in 5 CFR Parts 330 and 332

Government employees.

U.S. Office of Personnel Management.
Constance Horner,
Director.

Accordingly, OPM proposes to amend 5 CFR Parts 330 and 332 as follows:

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

1. The authority citation for Part 330 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218; Section 330.102 issued under 5 U.S.C. 3327; Section 330.201 issued under 5 U.S.C. 3315; Section 330.202 issued under 5 U.S.C. 7701, et seq.; Section 330.401 issued under 5 U.S.C. 3310; Subpart H issued under 5 U.S.C. 3301, 3302, 8337(h), and 8457(b).

2. Subpart C and its heading are revised to read as follows:

Subpart C—Placement Assistance Programs for Displaced Employees

Sec.
330.301 General.
330.302 Eligibility.
330.303 Period of eligibility.
330.304 Nature of assistance.
330.305 Termination of eligibility.
330.306 Agency responsibilities.

Subpart C—Placement Assistance Programs for Displaced Employees

§ 330.301 General.

This subpart covers placement programs for employees who are facing possible separation or have been displaced as a result of agency work force reductions, and employees who are retired on disability or who have incurred compensable on-the-job injury. OPM operates two placement programs that supplement agency positive placement efforts—the Interagency Placement Assistance Program (IPAP) and the Displaced Employee Program (DEP). In general, the IPAP provides placement assistance in advance of an impending work force reduction for employees who have been identified by their agencies as surplus. The DEP provides assistance for career-conditional and career employees who have received a specific notice of separation or who have been separated. The IPAP is also used to refer certain National Guard and Military Reserve Technicians for placement consideration as set forth in Subpart H of this part.

§ 330.302 Eligibility.

(a) For the *IPAP*, the registrant must:

(1) Have a rating above "unacceptable" on his or her most recent performance rating of record as described in § 351.203 of this chapter;

(2) Be serving under a career, career-conditional, term, TAPER, or Schedule A or B appointment in an agency that is not excepted from the competitive service;

(3) Be occupying a position that has been identified as surplus under one of the following conditions:

(i) The position is scheduled to be abolished;

(ii) The agency is scheduled to be abolished;

(iii) The activity in which the position is located is undergoing a management study under the provisions of OMB Circular A–76 and solicitation of bids has begun; or

(iv) The employee has been otherwise targeted for separation.

(b) For the *DEP*, the registrant must:

(1) Have a rating above "unacceptable" on his or her most recent performance rating of record as described in § 351.203 of this chapter (except for individuals qualifying under paragraph (b)(3)(v) of this section);

(2) Be a present or former career or career-conditional employee, or career status employee holding an excepted service appointment, in tenure group I or II as defined in Part 351 of this chapter, in an agency that is not excepted from the competitive service (except that an employee occupying a Schedule C position as defined in Part 213 of this chapter is not entitled to placement assistance); and

(3) Must be subject to one of the following:

(i) Has received a specific notice of separation through reduction in force;

(ii) Has declined a transfer of function to another commuting area or has declined reassignment to another commuting area (as defined in Part 351 of this chapter);

(iii) Has been separated or furloughed because of a compensable injury sustained under the provisions of subchapter I of chapter 81 of title 5, United States Code;

(iv) Has applied for an annuity or has retired under the discontinued service retirement provision in section 8336(d)(1) of title 5, United States Code; or

(v) Has retired for disability under section 8337, 8451 or 8457 of title 5, United States Code.

§ 330.303 Period of eligibility.

IPAP registrants receive placement assistance in 120-day increments renewable by the registering agencies. Career-conditional employees eligible for the DEP receive 1 year of placement assistance and career employees receive 2 years of assistance.

§ 330.304 Nature of assistance.

(a) IPAP and DEP registrants are referred ahead of other candidates when they are qualified and available for vacancies that are expected to last more than 1 year and are filled through competitive registers held by OPM or by an agency with delegated examining authority. No individual may be selected for such a vacancy from an OPM or agency competitive register as long as a qualified DEP registrant is available. Referrals are based on the qualifications of registrants and on the duties of the positions. Placement assistance under both programs is nationwide except for registrants who decline transfer or reassignment outside the commuting area. Eligible employees who decline to relocate may register for placement assistance only within the commuting area of the position from which they will be or were separated; however, these registrants may transfer their eligibility to another commuting area if they later relocate. A registrant will be referred to vacancies that are at or below the grade level of and have no more promotion potential than the position from which the registrant was separated. Eligible registrants separated from positions above GS-15 will receive assistance at the GS-15 level and below.

(b) When an agency selects an IPAP or DEP registrant, it employs him or her by reinstatement, transfer, position change, or excepted appointment as appropriate.

§ 330.305 Termination of eligibility.

(a) Eligibility for assistance under the *IPAP* will be terminated if one of the following occurs:

(1) The registrant's 120-day period of eligibility expires and is not renewed by the agency;

(2) The registrant requests, in writing, that placement assistance be terminated;

(3) The agency notifies OPM that the employee is no longer surplus;

(4) The registrant is placed in a nontemporary position in the competitive or excepted service;

(5) The registrant is enrolled in the DEP; or

(6) The registrant declines an offer of continuing employment in the competitive or excepted service under conditions (i.e., grade, salary, geographic location, or work schedule) the registrant previously indicated were acceptable, unless OPM determines that an exception is warranted.

(b) Eligibility for assistance under the *DEP* will be terminated if one of the following occurs:

(1) A tenure group I registrant's 2-year period of eligibility expires (except for preference eligibles covered under § 330.407 of this part who are eligible for up to 1 year of additional assistance as specified in that section);

(2) A tenure group II registrant's 1-year period of eligibility expires (except for preference eligibles covered under § 330.407 of this part who are eligible for up to 1 year of additional assistance as specified in that section);

(3) The registrant requests, in writing, that placement assistance be terminated;

(4) The registrant is placed in a nontemporary position in either the competitive or excepted service; or

(5) The registrant declines an offer of continuing employment in the competitive or excepted service under conditions (i.e., grade, salary, geographic location, or work schedule) the registrant previously indicated were acceptable, unless OPM determines that an exception is warranted.

§ 330.306 Agency responsibilities.

(a) *Registration of eligible employees.* Agencies are encouraged to participate in the IPAP and inform their employees about this program as soon as they are reasonably sure that separations will be necessary. In accordance with § 351.804 of this chapter, agencies must inform affected employees about the Displaced Employee Program at the same time that specific notices are distributed. Agencies are responsible for assisting employees with their registration forms, for completing the information requested on the registration forms, and for sending the forms to appropriate offices as instructed by OPM.

(b) *Consideration of individuals referred.* Agencies will give full consideration to individuals referred through OPM's placement programs. Full consideration is a careful and open review of the qualifications of the registrant as described in the individual's application forms followed by an interview, if possible, to further assess the registrant's ability to perform the duties of the position within a reasonable period of time. An appointing officer may not pass over a DEP eligible to select a non-DEP eligible unless an objection to the DEP eligible is sustained by OPM or an agency with delegated examining authority. This objection procedure does not apply to IPAP registrants.

(c) *Agency programs.* (1) Each agency has a primary obligation to assist, to the maximum extent practical and in keeping with the requirements set forth in paragraph (c)(2) of this section, in the placement of its surplus and displaced employees. OPM's placement programs only supplement these efforts and are not intended to replace an agency's program or to relieve an agency of its responsibility to provide the maximum placement assistance possible.

(2) Each agency is required to operate a positive placement program for its own surplus and displaced employees. The program must, at a minimum, provided for the establishment and maintenance of a reemployment priority list for the commuting area, as provided for in Subpart B of this Part and Subpart J of Part 351 of this chapter. Additionally, each agency is expected to supplement this basis requirement with other forms of appropriate assistance. An agency's positive placement program should include, at a minimum, the following elements:

(i) Criteria of eligibility for assistance;

(ii) The duration of eligibility;

(iii) The types of assistance provided, including counseling, job referral, and training;

(iv) Consideration of the appropriateness of imposing hiring restrictions on filling vacancies, such as blocking transfers, reinstatements, and outside hires, as long as qualified surplus or displaced employees are available in the agency's positive placement program.

§ 330.404 [Amended]

3. In § 330.404, (c), the words "as specified in OPM issuances" are deleted and the word "are" is substituted for "is".

4. In § 330.701, paragraph (b) is revised to read as follows:

§ 330.701 Coverage

* * * * *

(b) Has been retired under section 8337 or 8451 of title 5, United States Code.

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

5. The authority citation following § 332.406 is removed. The authority citation for Part 332 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

6. Section 332.314 is revised to read as follows:

§ 332.314 Displaced employees eligible for placement assistance.

Subject to the time limits and other conditions published by OPM in the Federal Personnel Manual, a person who is eligible for placement assistance through the Displaced Employee Program described in Subpart C of Part 330 of this chapter is entitled to file applications for competitive examinations after the closing date for receipt of applications when there is an existing register or a register is about to be established. Applications may be filed at any grade or level above the position from which the person is about to be or was displaced, for which such person is qualified.

[FR Doc. 87–29685 Filed 12–24–87; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 959

Onions Grown in South Texas; Proposed Amendment to Rules and Regulations to Authorize Collection of Planting Data

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would require handlers to provide information to the South Texas Onion Committee on onion plantings periodically during the planting season. Planting times for onions are staggered so that the entire crop will not mature at the same time. By knowing when the onions were planted and the number of acres planted, the industry will be better able to judge the volume of available supplies during the shipping period and plan the activities of the marketing development program to coincide with the heaviest volume.

DATES: Comments must be received by January 27, 1988.

ADDRESSES: Comments should be sent to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2085–S, Washington, DC 20090–6456. Three copies of all written material should be submitted, and they will be made available for public inspection in the office of the Docket Clerk during regular business hours. Comments should reference the date and page number of this issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, D.C. 20090–6456; telephone 202–447–2431.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Order No. 959 [7 CFR Part 959], regulating the handling of onions grown in South Texas. This order is authorized by the Agricultural Marketing Agreement Act of 19337, as amended [7 U.S.C. 601–674], hereinafter referred to as the Act.

In accordance with the Paperwork Reduction Act of 1980 [44 U.S.C. 3507], the information collection requirements included in this rule will be submitted for approval to the Office of Management and Budget (OMB).

This proposed rule has been reviewed under Executive Order 12291 and Department Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposal on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act and rules issued thereunder are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 40 handlers of onions subject to regulation under the South Texas Onion Marketing Order and approximately 160 onion producers in the production area. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.2] as those having annual gross revenues for the last three years of less than $100,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of South Texas onions may be classified as small entities.

This proposed rule would require handlers to report to the committee the acreage and planting dates of all onions that they anticipate handling during the shipping season. Growers typically contract with handlers prior to the beginning of the season to arrange for sorting, grading, packing and, in some case harvesting. During this period, handlers and the growers they service usually decide jointly on planting schedules so that acreage that matures during a specific interval does not exceed the capacity of the handler's facilities. Hence, handlers are well aware of the size and timing of plantings since they were actually engaged in the planting phase.

For the past five seasons the South Texas Onion Committee has undertaken a market development program aimed at finding ways to increase the movement of production area onions. The program has expanded each year, its budget increasing from $25,000 the first season to $141,351 for the upcoming season. The program has centered around promoting South Texas onions within the trade, with emphasis on receivers, retailers, and food page editors.

Experience during the past five seasons has indicated a need for information concerning the anticipated volume of marketings on a weekly or bi-weekly basis during the shipping season. With this information available, plans can be developed before the season begins to allocate program resources to produce the best results. The committee feels the best method for obtaining the necessary information is to require handlers to report actual plantings to the committee every two weeks during the planting season. Additionally, the information developed from these reports will be made available to the industry, on a composite basis to avoid divulging individual handlers' operations. This should further aid growers and handlers in making marketing decisions during the season. Inasmuch as the information desired by the committee is already available, having been developed by the handlers themselves, the additional reporting burden will be minimal.

Based on the above, the Administrator of AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

A 30-day comment period is allowed to receive written comments either supporting or opposing this proposal. All written comments timely received in response to this request for comments will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 959

Marketing agreements and orders, onions, Texas.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 959 be amended as follows:

PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR Part 959 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Part 958, Subpart—Rules and Regulations is hereby amended by adding a new § 959.115 as follows:

§ 959.115 Planting reports.

Each handler shall furnish every two weeks during the planting season to the committee, on a form provided by the committee, the number of acres of onions planted by the handler or growers for whom the handler packs onions during such period and the location of such plantings.

Dated: December 21, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87–29560 Filed 12–24–87; 8:45 am]

BILLING CODE 3410–02–M

---

7 CFR Part 979

Melons Grown in South Texas; Proposed Amendment No. 7 to Continuing Handling Regulation to Remove Exemption for Black Surface Discoloration

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would eliminate the exemption for black surface discoloration from the grade requirements for melons produced in South Texas. The South Texas Melon Committee believes that this action will improve the quality of Texas melons and make them competitive with melons from other producing areas. The proposal is intended to provide a more appealing melon for consumers and thus improve returns to growers.

DATES: Comments must be received by January 27, 1988.

ADDRESSES: Comments should be sent to: Docket Clerk, Fruit and Vegetable

BEST COPY AVAILABLE

VOL 52 ISS 248 DEC 28 1987 UMI

Division, AMS, USDA, P.O. Box 96456, Room 2085–S, Washington, DC 20090–6456. Three copies of all written material should be submitted, and they will be made available for public inspection in the office of the Docket Clerk during regular business hours. Comments should reference the date and page number of this issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456; telephone 202–447–2431.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Order No. 979 (7 CFR Part 979), regulating the handling of melons grown in South Texas. This order is authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposal on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act and rules issued thereunder are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 35 handlers of melons subject to regulation under the South Texas Melon Marketing Order and approximately 72 melon producers in the production area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $100,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of South Texas melons may be classified as small entities.

This proposed rule would eliminate the exemption for black surface discoloration allowed under the current regulation. Grade requirements specify that cantaloups must meet U.S. Commercial grade and that at least half of the honeydew melons in any lot must meet U.S. Commercial grade and, in addition, contain at least eight percent sugar. Currently, black surface discoloration is not scored as a grade defect, although it is listed under U.S. Commercial grade in the U.S. Standards for cantaloups and honeydew melons.

At the inception of the order in 1979, it was the committee's belief that emphasis should be placed on the elimination of bulk shipments and the container regulations necessary to accomplish this. Grade requirements from the beginning have tended to be less stringent than those of other producing areas. The industry consensus at that time was that the cost of sorting, grading, and packing would tend to remove the poorer quality melons from marketing channels, and that tighter quality standards were therefore unnecessary. Because of this, the committee believed that scoring black surface discoloration, or black mold, as a grade defect would cause an unnecessary hardship among handlers and recommended an exemption for this defect.

Black surface discoloration from mold is much more prevalent on production area melons during wet growing seasons, although it can be found following a heavy rain in any season. The incidence of this defect during dry or normal years may not be high enough to attract much unfavorable attention in terminal markets, but is often present in some degree. However, during unusually wet seasons, it is not uncommon to find a significant number of melons in each lot affected with black mold to a greater or lesser extent.

The spring marketing season for South Texas melons is short, usually lasting only from May through June. During the latter part of the season, shipments from South Texas compete in the marketplace with melons produced in California and Arizona, both of which have gained reputations for shipping very high quality melons. Faced with increasing competition of high quality supplies from other producing areas, the committee has decided that upgrading the quality of South Texas melons is the most practical method of meeting the competition. Since black surface mold is unsightly and significantly reduces the sales appeal of the melon, removing the exemption for it and requiring it to be scored as a defect should noticeably improve the quality of melons shipped from the area. While this proposal would remove the exemption for black surface discoloration, a tolerance would be provided for this type of damage. For cantaloups, there currently is a 12 percent tolerance for condition defects, including an eight percent tolerance for serious damage. In the case of honeydew mellons, the total tolerance for damage is 50 percent, which includes a 20 percent tolerance for serious damage. Given the provision of these tolerances and the fact that certain procedures can be followed by handlers in preparing the melons for market to reduce the presence of black surface mold, it is not believed that this action would substantially affect the volume of Texas melons that could be shipped to the fresh market. In addition, any costs involved in complying with the proposed action would be offset by the improved returns expected to be received for the higher quality melons.

Exceptions are provided to certain of these handling requirements to recognize special situations in which such requirements are inappropriate or unreasonable. Up to 120 pounds of melons may be handled each day except for resale, without regard to the requirements of this regulation. Also, shipments of melons for charity or relief are exempt, since no useful purpose would be served by regulating such shipments. Melons for canning or freezing are exempt from regulation.

Based on the above, the Administrator of AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

A 30-day comment period is allowed to receive written comments either supporting or opposing this proposal. All written comments timely received in response to this request for comments will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 979

Marketing agreements and orders, Melons, Texas,

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 979 be amended as follows:

PART 979—MELONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR Part 979 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 979.304 [Amended]

2. Section 979.304 (47 FR 13119, March 29, 1982; 47 FR 24110, June 3, 1982; 48 FR 21881, May 16, 1983; 49 FR 15542, April 19, 1984; 50 FR 10207, March 14, 1985; 51 FR 16004, April 30, 1986; 52 FR 17390, May 8, 1987) is hereby amended by removing paragraph (a)(3) and redesignating paragraph (a)(4) as (a)(3).

Dated: December 21, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87–29591 Filed 12–24–87; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87–NM–141–AD]

Airworthiness Directives; Lockheed-Georgia Model 382 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes a new airworthiness directive (AD), applicable to Lockheed Model 382 series airplanes, which would require inspection of the control column base for cracks, and replacement, if necessary. This proposal is prompted by reports of operators using an elevator block that has caused cracking to occur in the First Officer's control column. This condition, if not corrected, could result in failure of the control column and lost of control of the airplane.

DATE: Comments must be received no later than February 24, 1988.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM–103), Attention: Airworthiness Rules Docket No. 87–NM–141–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. Applicable service information may be obtained from Lockheed-Georgia Company, 86 South Cobb Drive, Marietta, Georgia 30063. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or FAA, Central Region, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Bentley, Aerospace Engineer, Airframe Branch (ACE–120A), FAA, Central Region, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210, Atlanta, Georgia 30349; telephone (404) 991–2910.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM–103), Attention: Airworthiness Rules Docket No. 87–NM–141–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

The FAA has received reports of cracks found in the control column base on Lockheed Model 382 series airplanes, which have been caused by the use of elevator control blocks to prevent damage to the elevator during loading and unloading operations. Typically, control blocks are used on many models of aircraft to prevent damage caused by the inadvertent slamming of controls against the control stops during flight in gusty or high wind conditions. However, Lockheed Model 382 airplanes have built-in control system snubbers to prevent this condition, and the use of elevator control blocks is not authorized for these airplanes. Due to the inherent design of the Model 382 control system, the use of additional elevator control blocks can induce excessive loads in certain control system elements and lead to cracks, such as the ones which have been reported. Such cracks, if not detected and repaired, could lead to the failure of the control column and loss of control of the airplane.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require inspection of the control column bases on the forward side of the control column, in accordance with procedures that have been developed for non-destructive inspection (using eddy current and fluorescent penetrant methods), and replacement, if necessary.

It is estimated that 22 airplanes of U.S. registry would be affected by this AD, that it would take approximately 10 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $8,800.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane ($400). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 3913 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Lockheed-Georgia: Applies to Model 382 series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent failure of the control column and loss of control of the airplane, accomplish the following:

A. Within the next 250 hours time-in-service after the effective date of this AD, perform an eddy current (non-destructive) inspection of the left and right control column bases on the forward side of each control

column at approximately floor level, as follows:

Note

The control column base is shown in the Lockheed Hercules Component Overhaul Manual, SMP 850, Item 27–26, Figure 1, page 4, as Figure Item No. 235 (see Figure 1, below). The inspection area is around the 1.25-inch diameter hole located on the forward side of the base approximately at the lower end of the control column tube support (Figure Item No. 185).

The control column bases are fabricated from either magnesium or aluminum. Earlier airplanes were delivered with AZ91B–T6 magnesium alloy sand casting per MIL–M–4204. The magnesium castings are finished with an anodic treatment, a wash primer per MIL–C–8514, and two coats of epoxy primer per LAC 37–722, Type I, followed by an epoxy enamel per LAC 37–722 of appropriate color. The aluminum bases are A356–T6 aluminum castings per MIL–Ap–21180, Class 10, with an initial sulfuric acid anodize, and finished with two coats of zinc chromate primer, followed by two coats of Camouflage lacquer per TT–L–181.

Fatigue cracking may initiate at the sharp edge formed by thickness transition approximately mid-way up from the bottom of the 1.25-inch diameter hole on the forward side of the base. Cracks will propagate aft around the perimeter of the base along the thickness transition.

1. Prior to performing the eddy current inspection, assemble the following equipment:

a. Crack Detector, Magnaflux P/N ED–520, or equivalent.

b. Probe, surface, shielded, ⅛-inch diameter, 8 inches long, VM products P/N VM200–8, or equivalent.

c. Probe, surface, shielded, right angle, ⅛-inch diameter, ½-inch drop, 8 inches long, VM Products P/N VH202BA–1/2–8 or equivalent.

d. Cable, 6 foot, Microdot/BAC, Mastercraft Enterprises P/N NMT 7–41–BNL, or equivalent.

e. Standard, aluminum, as furnished with the Magnaflux instrument, or Lockheed-Georgia Company P/N PDL 457A.

2. Prior to performing the eddy current inspection, prepare the airplane in the following manner:

Warning

Ensure that power is isolated from all systems in the inspection area prior to approaching the inspection area. Failure to comply may result in serious injury to personnel.

a. Isolate power from all systems in the inspection area in accordance with applicable maintenance manuals.

b. Remove screws retaining Dust Seal Boot (Figure Item No. 20, Item 27–28 of SMP 850) to the cockpit floor. Loosen clamp retaining the Dust Seal Boot to the Support Tube, and push the Dust Seal Boot up approximately 6–8 inches and secure to Support Tube temporarily. Repeat for opposite control column installation.

3. Gain access for the inspection inside of the airplane in the cockpit, using normal ingress provisions.

4. Prepare the area to be inspected as follows:

a. Remove oil, grease, residual, sealant, and other materials by wiping the control column base around the 1.25-inch diameter hole on the forward side of the base with Federal Specification O–T–620, Type I, Trichloroethane, or commercial equivalent, and dry with clean cotton cloth.

Warning

Federal Specification O–T–620, Type I, Trichloroethane is toxic to skin, eyes, and respiratory tract. Skin and eye protection is required. Avoid repeated or prolonged contact. Good general ventilation is normally adequate. Failure to comply could result in injury to personnel.

b. Visually inspect area to be inspected, looking for rough surface conditions which could adversely affect the eddy current inspection. If surface appears rough, smooth surface using 320 grit sandpaper until a reliable eddy current inspection can be achieved.

5. Set up and calibrate the eddy current instrument as specified in Lockheed Service Manual SMP–515–A or SMP–515–C, Work Card SP–78, Appendix A, for surface scanning on aluminum. The eddy current instrument must be recalibrated when probes are changed. Calibrate on aluminum for inspection of the magnesium casting.

6. Perform the eddy current inspection in the following manner:

a. With the control column in the full aft position, surface scan around the entire circumference of the 1.25-inch diameter hole at the front of the control column base casting, using both eddy current probes. Scan in both clockwise and counterclockwise directions.

b. Repeat this inspection on the opposite control column base.

7. If any suspected defects in the control column base casting are found during the eddy current inspection, indicated by a sharp meter deflection noted during calibration, mark the suspected defect.

a. To confirm suspected defects, proceed to paragraph B., below.

b. If no defects are suspected, proceed to paragraph C., below (System Securing).

B. To confirm suspected defects, perform a fluorescent penetrant inspection as follows:

1. Prior to performing the fluorescent penetrant inspection, assemble the following equipment:

Note

All chemicals shall use the "family concept"—they shall all be from the same manufacturer for Type I, Group VI, Method C, per MIL–I–25135.

a. Penetrant, fluorescent, Magnaflux P/N ZL–22A, or equivalent.

b. Remover, penetrant, Magnaflux P/N SKC/NF/ZC–7B, or equivalent.

c. Developer, penetrant, Magnaflux P/N ZP–9b, or equivalent.

d. Black light, portable, Magnaflux P/N ZB–26, or equivalent.

2. Prior to performing the fluorescent penetrant inspection, prepare the airplane by removing the control column assembly from the airplane in accordance with the applicable maintenance document.

3. Gain access for the inspection inside of the airplane in the cockpit, using normal ingress provisions.

4. Prepare the area to be inspected, in accordance with Lockheed Service Manual SMP 515–A or SMP 515–C, Work Card SP–78, Appendix A, for stripping finish around the 1.25-inch diameter hole in the suspect area.

Warning

Paint strippers are dangerous chemicals to humans and aircraft. Every effort must be made to prevent inadvertent contact with any portion of the person or aircraft. Should accidental contact be made, immediately flood the contacted area with water, and, in the case of personal contact, seek immediate medical attention.

5. Perform the fluorescent penetrant inspection in the following manner:

Note

If the tempeature of the part or inspection materials to be used is below 60 °F (16 °C), preheat and maintain the temperature at or above 60 °F (16 °C) during application of penetrant materials. The surface may be heated with a hot air heater.

a. Pre-clean the area to be inspected with the solvent cleaner (Remover, SKC/NF/ZC–7B) and wipe with a clean, dry, lint free cotton cloth.

b. Apply warm air to the inspection area to remove all moisture.

c. Apply penetrant to the control column base with penetrant sprayed onto a cotton swab and brushed onto the part. Do not spray the part from the penetrant spray can. Allow a minimum dwell time of 10 minutes before proceeding to the next step.

d. Wipe inspection area with a clean, dry, lint free cotton cloth. Wipe remaining penetrant from part with a clean, lint free cotton cloth dampened with the penetrant remover. Check the area to be inspected with the black light to ensure that excess penetrant has been removed prior to applying the developer.

e. Spray a light film of developer over the area to be inspected. Allow a minimum dwell time of 5 minutes.

f. Using the black light, inspect the suspect area for defects.

6. If defects are confirmed, prior to further flight replace the control column base with a serviceable unit free of cracks. After replacement of the control column base, or if no defects are found, proceed to paragraph C., below (System Securing).

C. System Securing: Restore finishes and sealants, reinstall removed components, remove equipment and supplies from the inspection area; rig control system in accordance with applicable maintenance manual; and perform operation checkouts as required in accordance with applicable maintenance instructions.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Atlanta Aircraft Certification Office, FAA, Central Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Lockheed-Georgia Company, 86 South Cobb Drive, Marietta, Georgia 30063. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or FAA, Central Region, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210, Atlanta, Georgia.

Issued in Seattle, Washington, on December 17, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

BILLING CODE 4910-13-M

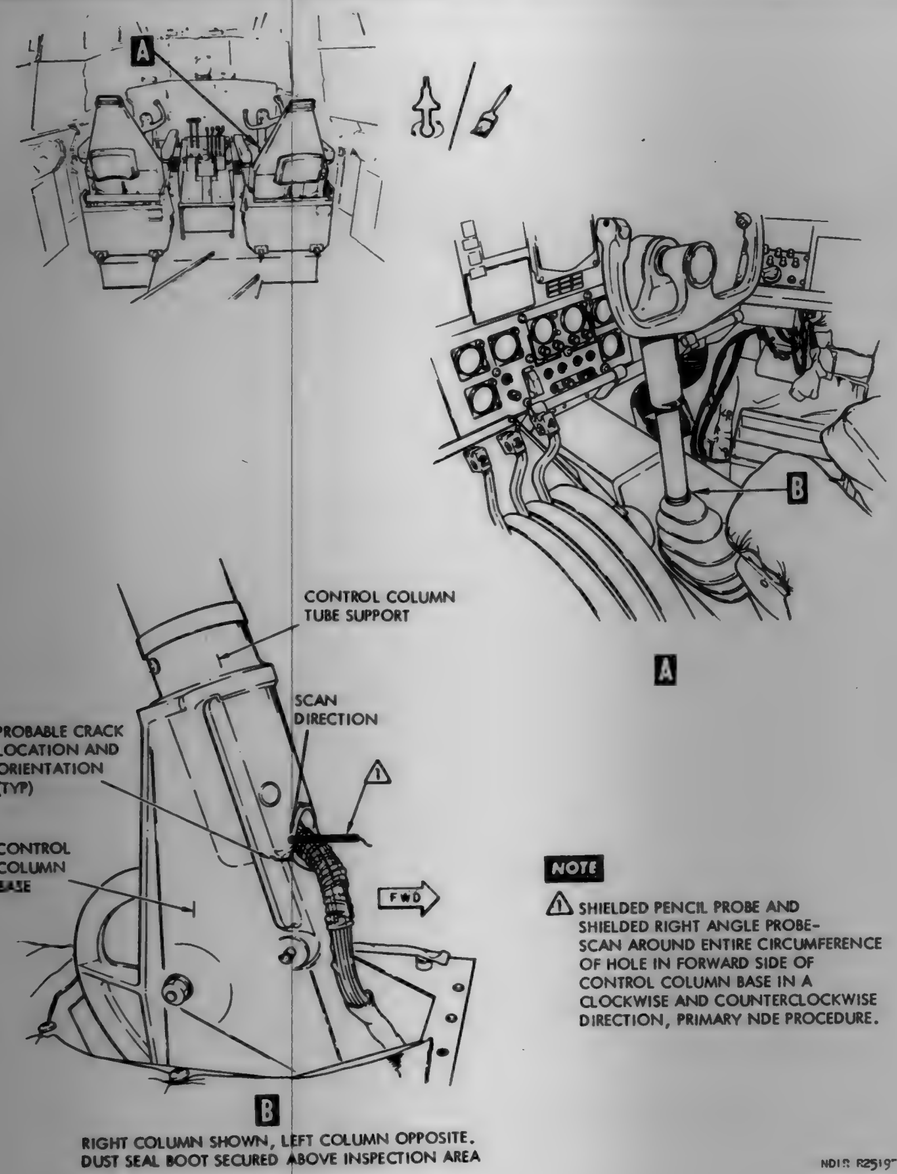


Figure 1. Flight Station Control Column Base , Left and Right.

[FR Doc. 87-29652 Filed 12-24-87; 8:45 am]
BILLING CODE 4910-13-C

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 6 and 113

Amendments Concerning Access to Customs Security Areas at Airports

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to provide that employer of persons requiring access to Customs security areas at airports would be required to post a bond in which they specifically agree that both they and their covered employees will comply with the regulations applicable to those areas and to pay liquidated damages for the failure to do so. The provisions are being proposed because Customs experience in the year since the airport security area program was introduced has revealed that there have been frequent violations. Employees ordered out of security areas because of lack of clearance have later returned without having obtained clearance. Further, statements made by employers concerning background checks of their employees have proven to be inaccurate. The proposed provisions would permit the approved identification card, strip or seal to be removed from employees because of bond insufficiency and would permit the district director to waive the bond surety requirement for the period of the temporary identification card. The document also clarifies that law enforcement and governmental officials that are exempt from the Customs security area identification application requirements are not required to submit an Airport Customs Security Area Bond.

DATES: Comments must be received on or before February 26, 1988.

ADDRESS: Written comments (preferably in triplicate) may be submitted to and inspected at the Regulations Control Branch, Customs Service Headquarters, Room 2324, 1301 Constitution Avenue, NW., Washington, DC 20229. Comments relating to the information collection aspects of the proposed rule may be addressed to Customs, as noted above, and also the Office of Information and Regulatory Affairs, Attention: Desk Officer for U.S Customs Service, Office of Management and Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Operational Aspects: John O'Malley, Office of Inspection Enforcement Liaison (202-566-2140). Bond Aspects: William Rosoff, Drawback and Bonds Branch (202-566-5856).

SUPPLEMENTARY INFORMATION:

Background

Interim regulations, published as T.D. 86-12 in the Federal Register on February 3, 1986 (51 FR 4161), provided for the establishment of an identification system for all employees whose duties required access to Customs security areas at airports handling international air commerce. Federal, and uniformed state and local law enforcement personnel were exempted. These regulations, which are set forth in § 6.12a, Customs Regulations (19 CFR 6.12a), provided for the establishment of a "Customs security area". They also required that affected employees apply for a Customs approved identification card, or a strip or seal to be affixed to existing identification cards once an authorized official of the employer attested that background checks of employment history of their employees had been conducted or that one was not required because the employee had been hired before November 1, 1984.

After analysis of public comments received in response to publication of the interim regulations, several changes were made. These included changing the employment commencement date from which a background investigation would be required of an employee to November 1, 1985, so that it would coincide with the date which the Federal Aviation Administration uses in administering related requirements. Further, the requirement for law enforcement personnel to apply for an exemption was eliminated. They need only request the issuance of an approved identification card with strip or seal affixed thereto. Some comments, including one urging severe penalties for violations of the new security requirements, were considered but not adopted. A final rule, incorporating the adopted changes, was published as T.D. 86-174 in the Federal Register of September 12, 1986 (51 FR 32448).

Customs experience since then has revealed that there are still frequent violations of the security area provisions. We have noted that some people ordered out of the security areas because they do not have clearance, returned later without having obtained that clearance. Further, statements made by employers regarding background checks of persons requiring access to the security areas have proven to be inaccurate. A national audit of the employee files of approximately 1000 persons subject to these provisions has revealed that the references of almost 50 percent of new employees were not verified. In some instances, the management of ground service companies and others have shown an indifference to these matters. We have concluded that there is currently no effective enforcement mechanism for the security area regulations and that an appropriate bond which provided for the assessment of liquidated damages for violations is necessary to encourage compliance. We have also found that employers are not timely advising Customs of employees who not longer require access to security areas.

To correct these problems, it is proposed to amend Parts 6 and 113, Customs Regulations (19 CFR Parts 6 and 113), regarding the airport security area program. Under the proposal, employers will be required to periodically file a summary report of these employee changes. Employers will also be required to advise their employees of the regulations relative to Customs airport security areas, to require that their employees familiarize themselves with those provisions and insure that all their employees comply therewith. The failure to comply with the regulations would be considered as a default of the conditions of the employer's bond and would make the employer liable for liquidated damages.

If the applicant's employer has on file with Customs a Customs Form 301 containing the bond conditions set forth in §§ 113.62, 113.63, or 113.64, Customs Regulations (19 CFR 113.62, 113.63, or 113.64, Customs Regulations (19 CFR 113.62, 113.64), relating to importers, brokers, custodians of bonded merchandise, or international carriers, the application for an approved identification card, strip or seal would not need to be accompanied by any new bond. If there is no such bond, the application would have to be supported by an Airport Customs Security Area Bond, as set forth in new Appendix A of Part 113, Customs Regulations (19 CFR Part 113).

The document clarifies that law enforcement and governmental officials that are exempt from the identification application requirements need not submit an Airport Customs Security Area Bond. It also corrects the form number of the fingerprint card cited in § 6.12a(c) from Standard Form 87 to form FD-258.

Comments

Before adopting this proposal, Customs will give consideration to any written comments (preferably in triplicate) timely submitted to Customs. Comments submitted will be available

for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4) and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Customs Service Headquarters, Room 2324, 1301 Constitution Avenue, NW., Washington, DC 20229.

E.O. 12291 and Regulatory Flexibility Act

This document does not meet the criteria for a "major rule" within the meaning of E.O. 12291. Accordingly, Customs has not prepared a regulatory impact analysis. Since the proposal merely provides for a method of enforcing previously existing procedures, it is certified, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), that the proposed amendments, if adopted, will not have a significant economic impact on a substantial number of small entities. Accordingly, they are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Paperwork Reduction Act

This document proposes to modify the information collection requirements of the regulations concerning access to Customs security areas at airports. Those regulations were submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1930 (44 U.S.C. 3501) and approved under control number 1515-0152. This document has been submitted to OMB for review and comment under that Act pursuant to 44 U.S.C. 3504(h). Public comments relating to the information collection aspects of the proposal should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer for U.S. Customs Service, Office of Management and Budget, Washington, DC 20503. A copy of the comments to OMB should also be sent to Customs at the address set forth in the ADDRESS portion of this document.

Drafting Information

The principal author of this document was Arnold L. Sarasky, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 6

Air carriers, Aircraft, Airports, Cuba, Customs duties and inspection, Freight, Imports.

19 CFR Part 113

Air carriers, Customs duties and inspection, Exports, Freight, Imports, Surety bonds. Surety bonds.

Proposed Amendments

It is proposed to amend Parts 6 and 113, Customs Regulations (19 CFR Parts 6 and 113), as set forth below:

PART 6—AIR COMMERCE REGULATIONS

1. The authority citation for Part 6 would continue to read as follows:

AUTHORITY: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnot. 11), 1624, 1644, 49 U.S.C. App. 1474, 1509.

2. It is proposed to amend § 6.12a by redesignating paragraph (b) as (b)(1) and adding a new paragraph (b)(2), by revising paragraph (c), by adding a new paragraph (b)(2), by revising paragraph (c), by adding a sentence at the end of paragraph (d), by redesignating paragraph (j)(1)(vi) as paragraph (j)(1)(vii), by adding a new paragraph (j)(1)(vi), by revising redesignated paragraph (j)(1)(vii), and by adding a sentence at the end of the introductory text of paragraph (k), to read as follows:

§ 6.12a Access to Customs security areas.

* * * * *

(b) * * *

(2) Employers operating in Customs airport security areas shall advise all their employees of the provisions of the Customs regulations relative to those areas, require that their employees familiarize themselves with those provisions and insure that all their employees comply therewith. The failure to comply with these regulations shall be considered as a default of the conditions of the employer's bond, as hereafter specified, and shall make the employer liable for liquidated damages as specified in its bond.

(c) An application for an approved identification card, strip or seal as required by this section shall be filed by the applicant with the district director on Customs Form 3078 and shall be supported by the bond of the applicant's employer on Customs Form 301 containing the bond conditions set forth in §§ 113.62, 113.63, or 113.64 of this chapter, relating to importers, brokers, custodians of bonded merchandise, or international carriers. If the applicant's employer is not the principal on a Customs bonds on Customs Form 301 for one or more of the activities stated above, the application shall be accompanied by an Airport Customs Security Area Bond, as set forth in Appendix A of Part 113 of this chapter. The application and bond requirement applies to all employees, regardless of the length of their employment. For employees hired on or after November 1, 1985, an authorized official of the employer shall attest in writing that a background check has been conducted on the applicant, to the extent allowable by law. The background check shall include, at a minimum, references and employment history, to the extent necessary to verify representations made by the applicant relating to employment in the preceding 5 years. For any employee hired before November 1, 1985, the authorized official of the employer need only attest to the fact that the employee was hired before that date. The authorized official of the employer shall attest that to the best of his knowledge, the applicant meets the conditions necessary to perform functions associated with employment in the Customs security area. The fingerprints of the applicant may be required on fingerprint card form FD-258 at the time of the filing of the application. Proof of citizenship or authorized residency, and a photograph may also be required. In addition, the application may be investigated by Customs and a report prepared concerning the character of the applicant. Records of background investigations conducted by employers must be retained and made available upon request by the district director for a period of 1 year following cessation of employment by affected employees.

(d) * * * An Airport Customs Security Area Bond is not required.

* * * * *

(j)(1) * * *

(vi) The bond required by paragraph (c) of this section is determined to be insufficient in amount or lacking sufficient sureties, and a satisfactory new bond with good and sufficient sureties is not furnished within a reasonable time.

(vii) The employee no longer requires access to the Customs security area for an extended period of time at the airport of issuance because of a change in duties, termination of employment, or other reason. In this instance the employer shall notify the district director in writing, at the time of such change, and shall return the strip or seal to Customs. The notification shall include information regarding the disposition of the approved identification card of the employee who no longer requires access. A summary of such information shall be filed quarterly or at such shorter interval established by the district director. If the employee returns to duties in the Customs security area at the airport for the same employer within 1 year, a Customs Form 3078, as required in paragraph (d) of this section, need not be submitted.

* * * * *

(k) * * * Surety on the bond required by paragraph (c) of this section may be waived in the discretion of the district director, but only for the period of the temporary identification card and authorized renewals of the temporary identification card.

* * * * *

PART 113—CUSTOMS BONDS

1. The authority citation for Part 113 would continue to read as follows:

Authority: 19 U.S.C. 66, 1623, 1624. Subpart E also issued under 19 U.S.C. 1484, 1551, 1565.

2. It is proposed to amend § 113.62 by redesignating paragraph (i) as paragraph (j) and by adding a new paragraph (i) to read as follows:

§ 113.62 Basic importation and entry bond conditions.

* * * * *

(i) *Agreement to comply with Customs Regulations applicable to Customs security areas at airports.* If access to the Customs security areas at airports is desired, the principal (including its employees, agents, and contractors) agrees to comply with Customs Regulations in this chapter applicable to Customs security areas at airports. If the principal defaults, the obligors (principal and surety, jointly and severally) agree to pay liquidated damages of $1000 for each default or such other amount as may be authorized by law or regulation.

* * * * *

3. It is proposed to amend the first sentence of § 113.63(j)(1), as redesignated, by removing "(a) or (g)" and inserting, in its place, "(a), (g) or (i)".

4. It is proposed to amend § 113.63 by redesignating paragraphs (f) and (g) as paragraphs (g) and (h), respectively, and by adding a new paragraph (f) to read as follows:

§ 113.63 Basic Custodial bond Conditions.

* * * * *

(f) *Agreement to comply with Customs regulations applicable to Customs security areas at airports.* If access to Customs security areas at airports is desired, the principal (including its employees, agents, and contractors) agrees to comply with the Customs Regulations in this chapter applicable to Customs security areas at airports. If the principal defaults, the obligors (principal and surety, jointly and severally) agree to pay liquidated damages of $1000 for each default or such other amount as may be authorized by law or regulation.

* * * * *

5. It is proposed to amend § 113.64 by redesignating paragraph (d) as paragraph (e) and by adding a new paragraph (d) to read as follows:

§ 113.64 International carrier bond conditions.

* * * * *

(d) *Agreement to comply with Customs Regulations applicable to Customs security areas at airports.* If access to Customs security areas at airports is desired, the principal (including its employees, agents, and contractors) agrees to comply with the Customs Regulations in this chapter applicable to Customs security areas at airports. If the principal defaults, the obligors (principal and surety, jointly and severally) agree to pay liquidated damages of $1000 for each default or such other amount as may be authorized by law or regulation.

* * * * *

6. It is proposed to further amend Part 113 by adding, as Appendix A, the bond format hereafter noted for the Airport Customs Security Area Bond prescribed in §6.12a(c) of this chapter.

Appendix A—Airport Customs Security Area Bond

Airport Customs Security Area Bond

_____ (name of principal) of _____ and _____ (name of Surety) of _____ are held and firmly bound unto the United States of America in the sum of _____ dollars (_____), for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by the presents.

Witness our hands and seals this _____ day of _____, 19 _____.

Whereas, the principal (including the principal's employees, agents, and contractors) desires access to Customs airport security areas located at _____ Airport during the period of one year beginning on the _____ day of _____, 19 _____, and ending on the _____ day of _____, 19 _____ both dates inclusive;

Now, therefore, the condition of this obligation is such that—The principal agrees to comply with the Customs Regulations applicable to Customs security areas at airports.

If the principal and defaults on the condition of this obligation, the principal and surety, jointly and severally, agree to pay liquidated damages of $1000 for each default or such other amount as may be authorized by law or regulation.

Signed, Sealed, and Delivered in the presence of)

Name _____

Address _____

Name _____

Address _____

Principal (Seal)

Name _____

Address _____

Name _____

Address _____

Name _____

Address _____

Surety (Seal)

Name _____

Address _____

Michael H. Lane,

Acting Commissioner of Customs.

Approved: October 23, 1987.

Francis A. Keating, II,

Assistant Secretary of the Treasury.

[FR Doc. 87-29598 Filed 12-24-87; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Surface Coal Mining and Reclamation Operations Under the Federal Lands Program; State-Federal Cooperative Agreements; ND

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Proposed rule.

SUMMARY: The State of North Dakota is proposing to amend the cooperative agreement between the Department of the Interior and the State of North Dakota for the regulation of surface coal mining and reclamation operations on Federal lands in North Dakota under the permanent regulatory programs. The proposed amendment would add the Archaeological Resources Protection Act of 1979 to the list of other applicable laws for permit coordination in Appendix A of the agreement. Cooperative agreements are provided for under section 523(c) of the Surface

VOL
52
ISS
248
DE
28
1987
UMI

Mining Control and Reclamation Act of 1977 (SMCRA). This notice of proposed rulemaking provides information on the proposed change to the cooperative agreement.

DATES: *Written comments:* OSMRE will accept written comments on the proposed rule until 4:00 p.m. on January 27, 1988. Comments received after the close of the comment period will not necessarily be considered.

Public hearing: If requested, a public hearing on the proposed modification will be held on January 22, 1988, beginning at 10:00 a.m. at the location shown below under **"ADDRESSES."**

ADDRESSES: *Written comments*: Mail or hand deliver to: Office of Surface Mining Reclamation and Enforcement, Casper Field Office, Federal Building, 100 East "B" Street, Room 2128, Casper, Wyoming 82601–1918.

Public hearings: The North Dakota Capitol Building, Bismarck, North Dakota 58505–0165.

Request for public hearings: Submit orally or in writing to the person and address specified under **"FOR FURTHER INFORMATION CONTACT."**

See **"SUPPLEMENTARY INFORMATION"** for addresses where copies of the proposed North Dakota amendment to the cooperative agreement and administrative record on the North Dakota program are available. Each requester may receive, free of charge, one single copy of the proposed amendment by contacting the OSMRE Casper Field Office listed above.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry R. Ennis, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building, 100 East "B" Street, Room 2128, Casper, Wyoming 82601–1918; Telephone: (307) 261–5776.

SUPPLEMENTARY INFORMATION:

I. Availability of Copies
II. Public Comment Procedures
III. Background
IV. Proposed Amendment
V. Procedural Matters

I. Availability of Copies

Copies of the proposed North Dakota amendment to the cooperative agreement, the North Dakota program and the administrative record on the North Dakota program are available for public review and copying at the OSMRE offices and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays:

Casper Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building, 100 East "B" Street, Room 2128, Casper, Wyoming 82601–1918; Telephone: (307) 276–5776.

Office of Surface Mining Reclamation and Enforcement, 1100 L Street NW., Room 5131, Washington, DC 20240; Telephone: (202) 343–5447.

North Dakota Public Service Commission, Reclamation Division, Capitol Building, Bismarck, North Dakota 58505–0165; Telephone: (701) 224–4096.

II. Public Comment Procedures

Written Comments

Written comments should be specific, pertain only to that issue proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **"DATES"** or at locations other than Casper, Wyoming, will not necessarily be considered and included in the Administrative Record for this final rulemaking. Where practicable, commenters should submit three copies of their comments (See **"ADDRESSES"**).

Public Hearings

Persons wishing to comment at a public hearing should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by the close of business January 12, 1988. If no one requests to comment at a public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Individuals wishing to attend, but not testify at the hearing should contact the person identified under **"FOR FURTHER INFORMATION CONTACT"** beforehand to verify that the hearing will be held.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will also allow OSMRE officials to prepare appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment, have been heard.

Public Meeting

Persons wishing to meet with OSMRE representatives to discuss the proposed amendment may request a meeting at the OSMRE office listed in "Addresses" by contacting the person listed under **"FOR FURTHER INFORMATION CONTACT."**

All such meetings are open to the public and, if possible, notices of meeting will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

III. Background

On November 14, 1980, the State of North Dakota requested a cooperative agreement between the Department of the Interior and the State of North Dakota to give the State primacy in the administration of its approved regulatory program of Federal lands in North Dakota. The Secretary approved the cooperative agreement on September 15, 1983 (48 FR 41387). The text of the existing cooperative agreement can be found at 30 CFR 934.30.

On February 10, 1987, OSMRE promulgated revised regulations concerning the consideration which must be accorded historic properties during the permitting of surface coal mining operations (52 FR 4244–4263). Specific to this proposed amendment, OSMRE has revised 30 CFR 773.12 to require that where Federal and Indian lands are involved, each regulatory program shall provide for the coordination of review and issuance of permits for surface coal mining and reclamation operation with applicable requirements of the Archaeological Resources Protection Act of 1979.

On June 9, 1987, OSMRE notified North Dakota of the change to 30 CFR 773.12 and the need for a corresponding amendment pursuant to 30 CFR 732.17(d). The State responded on July 28, 1987, and indicated its intent to modify the existing cooperative agreement to satisfy OSMRE's requirement to amend the State program.

IV. Proposed Amendment

On September 16, 1987, the State of North Dakota submitted to OSMRE a proposed amendment to its approved cooperative agreement under the permanent regulatory program. The proposed amendment consists of the addition of the Archaeological Resources Protection Act of 1979 to the list of other applicable laws for permit coordination in Appendix A of the agreement. There are no other changes proposed to the document.

V. Procedural Matters

Executive Order No. 12291 and the Regulatory Flexibility Act

On October 21, 1982, the Department of the Interior received from the Office of Management and Budget an exemption for State-Federal cooperative agreements from the requirements of sections 3 and 7 of Executive Order 12291.

The Department has reviewed this proposed agreement in light of the Regulatory Flexibility Act (Pub. L. 96–354). Having conducted this review, the Department has determined that this document will not have a signficant economic effect on a substantial number of small entities because no significant departure from either the State or Federal requirements already in effect will occur and no new or additional information will be required by the proposed agreement.

Paperwork Reduction Act

This proposed amendment to the North Dakota Cooperative Agreement does not contain information collection requirements which require clearance from the Office of Management and Budget under 44 U.S.C 3507.

National Environmental Policy Act

Proceedings relating to adoption or amendment of a State-Federal cooperative agreement are part of the Secretary's implementation of the Federal lands program pursuant to section 523 of the Act. Such proceedings are exempt under section 702(d) of the Act from the requirements to prepare a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

Author

The author of this regulation is Mr. Jerry R. Ennis, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building, 100 East "B" Street, Room 2128, Casper, Wyoming 82601–1918, Telephone: (307) 261–5776.

List of Subjects in 30 CFR Part 934

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, it is proposed to amend 30 CFR Part 934 as set forth below:

Dated: December 17, 1987.

James E. Cason,

Deputy Assistant Secretary—Land and Minerals Management.

PART 934—[AMENDED]

1. The Authority citation for Part 934 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*, as amended; 16 U.S.C. 470 *et seq.*, and Pub. L. 100–34.

2. In § 934.30, State-Federal Cooperative Agreement, Appendix A is amended by redesignating items 14 and 15 as items 15 and 16, respectively, and adding new item 14 to read as follows:

§ 934.30 State-Federal cooperative agreement.

* * * * *

Appendix A

* * * * *

14. The Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa., *et seq.*

* * * * *

[FR Doc. 87–29645 Filed 12–24–87; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3306–5]

Approval and Promulgation of Implementation Plans; Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: By this Notice, EPA invites public comment on its proposed approval of revisions to the State of Alaska Department of Environmental Conservation (ADEC) rules regulating the height of stacks and the use of dispersion techniques, submitted on June 26, 1987, as a revision to the Alaska State implementation plan (SIP). These revisions were submitted to satisfy the requirements of section 123 (Stack Heights) of the Clean Air Act (hereinafter referred to as the Act).

DATE: Comments must be postmarked on or before January 27, 1988.

ADDRESSES: Comments should be addressed to: Laurie M. Kral, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue AT–092, Seattle, Washington, 98101.

Copies of the materials submitted to EPA may be examined during normal business hours at:

Air Programs Branch (10A–87–12), Environmental Protection Agency, 1200 Sixth Avenue AT–092, Seattle, Washington 98101

State of Alaska, Department of Environmental Conservation, 3220 Hospital Drive, Juneau, AK 99811.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue AT–092, Seattle, Washington 98101, Telephone: (206) 442–4253, FTS: 399–4253.

SUPPLEMENTARY INFORMATION:

I. Discussion

On July 5, 1983 (48 FR 30623), EPA approved Alaska Department of Environmental Conservation (ADEC) rules which restrict the use of stack heights and dispersion techniques in accordance with section 123 of the Act. EPA determined that these rules satisfied the requirements of its stack height regulations as promulgated on February 8, 1982 (47 FR 5864). On July 8, 1985 (50 FR 27892) EPA promulgated revisions to its 1982 stack heights regulations.

In response to the revised regulations, on June 26, 1987, ADEC submitted revised rules regulating the use of stack heighs and dispersion techniques as a revision to the State of Alaska implementation plan (SIP). The specific rule revisions are:

1. A revision to 18 AAC 50.400 Application Review and Issuance of Permit to Operate, Section (a), to add a provision regarding public review and comment on the use of field studies or fluid modeling in stack height determinations;

2. A revision to 18 AAC 50.530 Circumvention, Section (c), to delete old provisions regarding plume impaction on elevated terrain;

3. Revisions to the definitions of several terms in 18 AAC 50.900 Definitions, specifically, "dispersion technique" (18 AAC 50.900(16)), "excessive concentration" (18 AAC 50.900(20)), "good engineering practice" (18 AAC 50.900(23)), and "nearby" (18 AAC 50.900(29)) in order to make them consistent with current EPA requirements; and

4. The deletion of the definition of the term "elevated terrain" in 18 AAC 50.900(17) since it was no longer used in the ADEC regulations.

These rules apply to all new sources and modifications in Alaska as required in 40 CFR 51.164, as well as as to existing sources as required in 40 CFR 51.118. These rules apply to all sources that were or are constructed, reconstructed,

VOL 52 ISS 248 DEC 28 1987 UMI

or modified subsequent to December 31, 1970. EPA has reviewed the revisions to these rules and has determined that the revised rules are consistent with the revisions to EPA's requirements for stack heights and dispersion techniques regulations as promulgated by EPA on July 8, 1985. EPA is therefore proposing to approve these ADEC rule changes as a revision to the Alaska SIP.

II. Summary of Action

EPA is today soliciting public comment on its proposed approval of certain revisions to 18 AAC 50 as a revision to the Alaska SIP to satisfy the requirements of section 123 of the Act.

Interested parties are invited to comment on all aspects of this proposed approval of revisions to 18 AAC 50. Comments should be submitted in triplicate, to the address listed in the front of this Notice. Public comments postmarked by January 27, 1988 will be considered in the final rulemaking action taken by EPA.

III. Administrative Review

Under Executive Order 12291, today's action is not "major." It has been submitted to the Office of Management and Budget (OMB) for review.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (46 FR 8709). The proposed disapproval involves only administrative procedures and will not have a significant economic impact on a substantial number of small entities.

Authority: 42 U.S.C. 7401–7642.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Reporting and Recordkeeping requirements.

Dated: September 22, 1987.

Ronald A. Kreizenbeck,

Acting Regional Administrator.

[FR Doc. 87–29017 Filed 12–24–87; 8:45 am]

BILLING CODE 6560-50-M

---

40 CFR Part 228

[FRL-3306-6]

Ocean Dumping; Proposed Designation of Sites

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate three existing dredged material disposal sites ("the Calcasieu River and Pass sites") located in the Gulf of Mexico off the mouth of the Calcasieu River and adjacent to the Calcasieu Bar Channel for the continued disposal of dredged material removed from the Calcasieu River and Pass Project. This proposed site designation is for an indefinite period of time. This action is necessary to provide acceptable ocean dumping sites for the current and future disposal of this material.

DATE: Comments must be received on or before February 11, 1988.

ADDRESSES: Send comments to: Norm Thomas, Chief, Federal Activities Branch (6E–F), U.S. EPA, 1445 Ross Avenue, Dallas, Texas 75202–2733.

Information supporting this proposed designation is available for public inspection at the following locations: EPA, Region VI (E–FF), 1445 Ross Avenue, 10th Floor, Dallas, Texas 75202; Corps of Engineers, New Orleans District, Foot of Prytania Street, Room 296, New Orleans, Louisiana 70160.

FOR FURTHER INFORMATION CONTACT: Norm Thomas 214/655–2260.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 *et seq.* ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On December 23, 1986, the Administrator delegated the authority to designate ocean dumping sites to the Regional Administrator of the Region in which the site is located. This proposed site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, Section 228.4) state that ocean dumping sites will be designated by publication in Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 *et seq.*). That list established seven sites for the disposal of dredged material from the Calcasieu Bar and Entrance Channel. Because some of the seven sites either shared a common boundary with another site or overlapped another site, they were subsequently combined to form three sites of similar total area. In January 1980, the interim status of the Calcasieu sites was extended indefinitely. Interested persons may participate in this proposed rulemaking by submitting written comments within 45 days of the date of this publication to the EPA Region VI address given above.

B. EIS Development

Section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, ("NEPA"), requires that Federal agencies prepare an Environmental Impact Statement (EIS) on proposals for major Federal actions significantly affecting the quality of the human environment. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with ocean dumping site designations such as this (39 FR 16186, May 7, 1974).

EPA has prepared a Draft and Final Environmental Impact Statement entitled "Environmental Impact Statement (EIS) for the Calcasieu River and Pass Ocean Dredged Material Site Designation." On September 7, 1984, a notice of availability of the EIS for public review and comment was published in the **Federal Register** (49 FR 35413). The public comment period on this Draft EIS closed on October 22, 1984. The Agency received nine comment letters on the Draft EIS and has responded to them in the Final EIS. Editorial or factual corrections required by the comments have been incorporated in the text and noted in the Agency's response. Comments which could not be appropriately treated as text changes have been addressed point by point in the Final EIS. On December 4, 1987, a notice of availability of the Final EIS for review and comment was published in the **Federal Register**. The public comment period on the Final EIS will close on January 4, 1988. The EIS is available for review at the address given above.

The proposed action discussed in the EIS is designation for continuing use of ocean disposal sites for dredged material. The purpose of the designation is to provide environmentally acceptable locations for ocean disposal. The appropriateness of ocean disposal is determined on a case-by-case basis. Prior to each use the Corps will comply with 40 CFR Part 227 by providing EPA a letter containing all the necessary information.

The EIS discussed the need for the action and examined ocean disposal sites and alternatives to the proposed action. Land based disposal alternatives were examined in a previously published EIS and the analysis was updated in EPA's Final EIS based on information from the Corps of Engineers. Inland disposal sites are currently used for the inland reaches of the Calcasieu River and Pass project. In 1983, approximately 590,000 cubic yards of dredged material were pumped into inland shallow water disposal areas creating 80 acres of marsh. In 1985, 650,000 cubic yards were pumped into two additional inland shallow water areas to create 125 acres of marsh. These inland sites, however, cannot accommodate the dredged material from the bar and entrance channels. Use of these inland sites for material which has traditionally been dumped at sea would quickly decrease the lifetime of the sites. Additionally, the only available inland sites are miles upstream from the bar channel making the use of these sites economically impractical.

Three ocean disposal alternatives—a shallow water area (including the proposed sites), a mid-shelf area and a deepwater area—were evaluated. Use of the mid-shelf and deepwater sites would involve: (1) Increased transportation costs without any corresponding environmental benefits; (2) the removal of sediments from the northshore environment making them unavailable for movement and deposition by longshore currents; and (3) possible mounding of dredged material in the deeper waters due to slow erosion and transport. Because of these reasons, the mid-shelf area and the deepwater area were eliminated from further consideration.

The EIS evaluates the suitability of ocean disposal areas for final designation and is based on a disposal site environmental study. The study and final designation process are being conducted in accordance with the Act, the Ocean Dumping Regulations, and othe applicable Federal environmental legislation.

In accordance with the requirements of the Endangered Species Act, EPA has completed its biological assessment and is currently coordinating its no adverse effect determination with the National Marine Fisheries Service. EPA is also coordinating with the State of Louisiana under requirements of the Coastal Zone Management Act.

C. Proposed Site Designation

Site 1 is located on the east side of the Calcasieu River Entrance Channel while sites 2 and 3 are located on the west side of the channel. Site 1 and the upper portion of site 2 are only used during jetty maintenance. The remainder of site 2 and site 3 receive dredged material from the channel.

Site 1 is located approximately 0.5 nautical miles (nmi) from shore and extends out approximately 3 nmi. Water depths within the site range from 2 to 8 meters. The boundary coordinates are as follows:

29d 45' 39" N, 93d 19' 36" W;
29d 42' 42" N, 93d 19' 06" W;
29d 42' 36" N, 93d 19' 48" W;
29d 44' 42" N, 93d 20' 12" W;
29d 44' 42" N, 93d 20' 24" W;
29d 45' 27" N, 93d 20' 33" W.

Site 2 is located approximately 0.5 nmi from shore and extends out approximately 6 nmi. Water depths within the site range from 2 to 11 meters. The boundary coordinates are as follows:

29d 44' 31" N, 93d 20' 43" W;
29d 39' 45" N, 93d 19' 56" W;
29d 39' 34" N, 93d 20' 46" W;
29d 44' 25" N, 93d 21' 33" W.

Site 3 is located approximately 8 nmi from shore and extends out approximately 17.5 nmi. Water depths within the site range from 11 to 14 meters. The boundary coordinates are as follows:

29d 37' 50" N, 93d 19' 37" W;
29d 37' 25" N, 93d 19' 33" W;
29d 33' 55" N, 93d 16' 23" W;
29d 33' 49" N, 93d 16' 25" W;
29d 30' 59" N, 93d 13' 51" W;
29d 29' 10" N, 93d 13' 49" W;
29d 29' 05" N, 93d 14' 23" W;
29d 30' 49" N, 93d 14' 25" W;
29d 37' 28" N, 93d 20' 24" W;
29d 37' 44" N, 93d 20' 27" W.

D. Regulatory Requirements

Five general criteria are used in the selection and approval of ocean disposal sites for continuing use. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at a site cause unacceptable adverse impacts, further use of the site may be terminated or limitations placed on the use of the site to reduce the impacts to acceptable levels. The general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations; § 228.6 lists eleven specific factors used in evaluating a proposed disposal site to assure that the general criteria are met.

EPA has determined, based on information presented in the Final EIS, that the three existing sites are acceptable under the five general criteria. The Continental Shelf location is not feasible and no environmental benefit would be obtained by selecting such a site. Historical use of the existing three sites has not resulted in substantial adverse effects to living resources of the ocean or to other uses of the marine environment.

The characteristics of the proposed sites are reviewed below in terms of the eleven factors.

1. *Geographical position, depth of water, bottom topography and distance from coast. [40 CFR 228.6(a)(1).]*

Geographical positions, average water depths, and distance from the coast for each existing site are given above. Bottom topography within each existing site is essentially flat with little relief. Each site varies in size, in distance from shore and depth.

2. *Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases. [40 CFR 228.6(a)(2).]*

The northwestern Gulf of Mexico is a breeding, spawning, nursery and feeding area of shrimp, menhaden and other bottomfish. Seasonal migration between the estuaries and the Gulf is most intensive in the spring and fall. The Calcasieu disposal sites represent a small area of the total range of the fisheries resource.

3. *Location in relation to beaches and other amenity areas. [40 CFR 228.6(a)(3).]*

Beaches are located between Calcasieu Pass and Holly Beach (4.5 nmi west). Activities in the vicinity of the sites include fishing and boating. There will be some interferences with recreational activities during and in the immediate vicinity of the dredged material disposal operation. This interference will be restricted to the area of the sites being utilized for disposal. Previous dredging and disposal operations have not significantly affected these activities.

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the wastes, if any. [40 CFR 228.6(a)(4).]*

Dredged material released at approved dredged material disposal sites must conform to the EPA criteria in the Ocean Dumping regulations (40 CFR Part 227). The dredged material to be disposed of consists of varying amounts of sand, silt and clay. Surficial sediments within the existing disposal sites consist of silt and clay sands and silty clays. Higher percentages of fines are present in the nearshore areas off Calcasieu; whereas sediments in areas further offshore (depths greater than 10m) consist primarily of sand.

The annual volume of material dredged from the Calcasieu Channel averages about 14 million cubic yards. Material discharged at sites 1, 2, and 3 is accomplished by agitation dredging, bottom dumping and side casting.

Agitation dredging involves filling a hopper dredge to capacity and allowing it to overflow. With bottom dumping sediments transported to the site are discharged through subsurface doors in the bottom of the hopper dredge. Side casting is accomplished by pumping dredged material through a boom-supported pipeline extending laterally from the dredge.

5. *Feasibility of surveillance and monitoring. [40 CFR 228.6(a)(5).]*

Surveillance and monitoring at the existing sites appears feasible considering transportation costs to and from the sites as well as costs associated with acquiring samples from the shallow water-depths. Operational observations of site 1 and portions of site 2 can be made using shore-based radar while surveillance of site 3 can be accomplished by aircraft, ship riders and day use boats.

6. *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any. [40 CFR 228.6(a)(6).]*

Current patterns in the vicinity of the existing sites are predominately influenced by winds, particularly in late autumn through early spring. The water column is generally well mixed in the winter with stratification occurring in late spring and summer.

Surface current speeds average 0.8 to 1.0 knots and flow primarily to the west. Bottom currents are generally less than 0.8 knots and also flow predominantly to the west.

The agitation method utilized involves the release of fine sediments into surface waters which are swept away by riverine and littoral currents. The sediments settle out slowly as they are carried off. The distance over which the sediments are transported depends upon the existing current velocity at the time of dredging and the settling rate of sediments. Although no studies have been conducted to determine the extent to which the material is transported, it is felt that most material settles within site 2.

In the absence of strong currents, the bulk of the dredged material released by bottom dumping or side casting settles to the bottom almost immediately after dumping and only a small portion is lost from the main surge. This small portion dispenses as individual particles. Bottom currents resuspend the disposed dredged material. This resuspension will result in the disappearance of the mound through dispersal and horizontal transport.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects). [40 CFR 228.6(a)(7).]*

Over 30 years of dredged material disposal at the sites have caused no major adverse impacts. No major changes in the benthic community of the existing sites and areas outside the sites have occurred based on 1980 and 1981 field surveys. The accumulation of contaminants in the sediments of the Calcasieu sites were also investigated during the surveys. Trace metal concentrations in the Calcasieu sediments were generally comparable to values reported for sediments in an area located five miles to the west. Relatively low levels of chlorinated hydrocarbons were observed in surficial sediments during the surveys.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean. [40 CFR 228.6(a)(8).]*

All the sites extend into the navigational safety fairway; however, any temporary interferences with shipping can be mitigated through close coordination between the dredging operators and the shipping interests.

Recreational and commercial fishing and recreational boating occurs throughout the year in the area of the existing sites. Although there will be some interference with fishing and boating activities during the disposal operations, it should be of short duration.

There is active oil and gas development in the area of the existing sites. However, past use of the disposal sites has not interfered with the oil and gas exploratory or production operations. Other types of mineral extraction do not occur within the sites.

No desalination facilities occur within the sites. The nearest aquaculture activities take place in Calcasieu Lake where oyster seed beds are located. Disposal activities pose no threat to this activity. Naturally occurring fish and shellfish within the site, particularly bottom dwelling types, will be affected by the dredged material disposal. Some of these may be trapped and destroyed. Dispersion and transport of the dredged material outside the site should not significantly affect the fish and shellfish. The material dispersed from the site will settle in very thin layers and be mixed with the naturally occurring sediments of the region.

The sites do not contain or overlap any areas of special scientific interest. Periodically, scientific studies are carried out in the offshore region and the bays of the area. Use of the sites should not interfere with these studies. It is not expected that use of the sites for disposal of dredged material will interfere with any other legitimate use of the ocean.

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys. [40 CFR 228.6(a)(9).]*

The water quality and ecology of the existing disposal sites are generally reflective of that of the nearshore region off the Louisiana coast affected by discharges from the Atchafalaya River. There are variations in the water quality depending on the mixture of fresh water runoff occurring at the time. Data developed during the 1980 and 1981 surveys were generally comparable to historic data for the area.

10. *Potentiality for the development of recruitment of nuisance species in the disposal site. [40 CFR 228.6(a)(10).]*

Past disposal of dredged material at the existing sites has not resulted in the development of recruitment or nuisance species. Considering the similarity of the dredged material with the existing sediments, it is not expected that continued disposal of dredged material will result in the development of such species.

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance. [40 CFR 228.6(a)(11).]*

Based on coordination with the Louisiana State Historic Preservation Officer, there are no known features of historical importance that occur within the existing sites.

E. Proposed Action

Based on the information contained in the Draft and Final EIS's and available data, EPA proposes to designate the three Calcasieu sites for continuing use for the ocean disposal of dredged material. The existing sites are compatible with the general criteria and specific factors used for site evaluation.

While the Corps does not administratively issue itself a permit, the requirements that must be met before dredged material derived from Federal projects can be discharged into ocean waters are the same as where a permit would be required. EPA has the authority to approve or to disapprove or to propose conditions upon dredged material permits for ocean dumping.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this rules does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This Proposed Rule does not contain any information collection requirements subject to the Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: December 18, 1987.

Robert E. Layton, Jr.,

Regional Administrator of Region VI.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is proposed to be amended as set forth below.

Part 228—[Amended]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. Sections 1412 and 1418.

2. Section 228.12 is amended by adding paragraphs (48), (49), and (50) to read as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(48) Calcasieu Dredged Site 1—Region IV.
Location: 29° 45' 39" N., 93° 19' 36" W.; 29° 42' 42" N., 93° 19' 06" W.; 29° 42' 42" N., 93° 19' 48" W.; 29° 44' 42" N., 93° 20' 12" W.; 29° 44' 42" N., 93° 20' 24" W.; 29° 45' 27" N., 93° 20' 33" W.
Size: 1.78 square nautical miles.
Depth: Ranges from 2–8 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material from the vicinity of the Calcasieu Channel and Pass.

(49) Calcasieu Dredged Material Site 2-Region VI.
Location: 29° 44' 31" N., 93° 20' 43" W.; 29° 39' 45" N., 93° 19' 56" W.; 29° 39' 34" N., 93° 20' 46" W.; 29° 44' 25" N., 93° 21' 33" W.
Size: 3.53 square nautical miles.
Depth: Ranges from 2–11 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material from the vicinity of the Calcasieu Channel and Pass.

(50) Calcasieu Dredged Material Site 3-Region VI.
Location: 29° 37' 50" N., 93° 19' 37" W.; 29° 37' 25" N., 93° 19' 33" W.; 29° 33' 55" N., 93° 16' 23" W.; 29° 33' 49" N., 93° 16' 25" W.; 29° 30' 59" N., 93° 13' 51" W.; 29° 29' 10" N., 93° 13' 49" W.; 29° 29' 05" N., 93° 14' 23" W.; 29° 30' 49" N.; 93° 14' 25" W.; 29° 37' 26" N., 93° 20' 24" W.; 29° 37' 44" N., 93° 20' 27" W.
Size: 5.88 square nautical miles.
Depth: Ranges from 11–14 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material from the vicinity of the Calcasieu Channel and Pass.

[FR Doc. 87-29618 Filed 12-24-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 228

[FRL-3306-7]

Ocean Dumping; Proposed Designation of Sites

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate a dredged material disposal site located in the Gulf of Mexico offshore of Port Aransas, Texas, for the disposal of dredged material removed from teh U.S. Navy Homeport project at Corpus Christi/Ingleside, Texas. The purpose of this action is to designate the most environmentally acceptable and economically feasible area for placement of construction and future maintenance material from the proposed Homeport project.

DATES: Comments must be received on or before February 11, 1988.

ADDRESSES: Send comments to: Norm Thomas, Chief, Federal Activities Branch (6E–F), U.S. EPA, 1445 Ross Avenue, Dallas, Texas 72502–2733.

A project file and additional information on this proposed site designation is available for public review at the following locations:

EPA, Region VI (E–FF),
1445 Ross Avenue, 10th Floor,
Dallas, Texas 75202–2733
Corps of Engineers, Galveston District,
444 Barracuda Avenue,
Galveston, Texas 77550.

FOR FURTHER INFORMATION CONTACT: Norm Thomas 214/655–2260.

SUPPLEMENTARY INFORMATION:

A. Background

Section 10(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 *et seq.* ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On December 23, 1986, the Administrator delegated the authority to designate ocean dumping sites to the Regional Administrator of the Region in which the site is located. This proposed site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in Part 228. This site designation is being published as proposed rulemaking in accordance with § 228.4(e) of the Ocean Dumping Regulations which permits the designation of an ocean dredged material disposal site (ODMDS). Interested persons may participate in this proposed rulemaking by submitting written comments within 45 days of the date of this publication to the EPA Region VI address given above.

B. EIS Development

Section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, ("NEPA") requires that Federal agencies prepare an Environmental Impact Statement (EIS) on proposals for major Federal actions significantly affecting the quality of the human environment. While NEPA does not apply to EPA's Ocean Dumping Program, EPA has voluntarily committed to prepare EIS's in connection with ocean dumping site designations (39 FR 16186; May 7, 1974.

EPA has prepared a Draft Environmental Impact Statement entitled "Environmental Impact Statement (EIS) Ocean Dredged Material Disposal Site Designation U.S. Navy Gulf Coast Strategic Homeporting Corpus Christi/Ingleside, Texas." On December 4, 1987, a notice of availability of the Draft EIS for agency and public review was published in the **Federal Register**. Limited copies of the Draft EIS are available from the EPA address given above. The review and comment period on this Draft EIS closes January 18, 1988.

The proposed action discussed in the EIS is the designation of an ocean site for disposal of dredged material. The purpose of the designation is to provide an environmentally acceptable location for ocean disposal. The appropriateness of ocean disposal is determined on a case-by-case basis, as part of the process of issuing permits for ocean disposal, in accordance with the Act, the Ocean Dumping Regulations, and other applicable Federal laws.

The EIS discusses the need for and alternatives to the proposed action. These include the eleven alternatives considered by the U.S. Navy in a previously published EIS (i.e., United States Navy Gulf Coast Strategic Homeporting Final Environmental Impact Statement, January 1987). Also five ocean disposal alternatives were evaluated. These included a mid-shelf site, a continental slope site and three

VOL 52 ISS 248 DE 28 1987 UMI

near-shore sites, including the Galveston District Corps of Engineers (COE) interim ODMDS. Both the mid-shelf and continental slope sites involve increased transportation costs at no environmental advantage. Because of the increased economic costs and lack of environmental benefit, the mid-shelf and continental slope sites were eliminated from consideration. In addition to ocean disposal, upland disposal, beach nourishment, as well as shallow, deep, and confined bay disposal were considered. The use of any single alternative for disposal of all material was not feasible and sufficient upland sites were not available to accommodate both: 1) the virgin and maintenance from the Homeport Project; and 2) the Corps routine maintenance material. The Navy's preferred alternative is a combination of upland disposal and ocean disposal for the 20.8 million cubic yards (mcy) of construction and future maintenance material. Of this total amount, 15.5 mcy would be disposed of inshore, and 5.3 mcy would be disposed of offshore.

EPA is coordinating with the National Marine Fisheries Service in accordance with the requirements of section 7 of the Endangered Species Act. EPA is also coordinating, as a part of the NEPA/EIS process, with the State of Texas regarding any requirements under the Coastal Zone Management Act.

C. Proposed Site Designation

The proposed site is located approximately four miles offshore of Port Aransas, Texas. Water depths within the area range from 45–55 feet. The coordinates of the site are as follows:

27°47'42" N., 97°00'12" W.; 27°47'15" N., 96°59'25" W.; 27°46'17" N., 97°01'12" W.; 27°45'49" N., 97°00'25" W.

D. Regulatory Requirements

Five general criteria are used in the selection and approval of ocean disposal sites for continuing use. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at a site cause unacceptable adverse impacts, further use of the site may be terminated or limitations placed on the use of the site to reduce the impacts to acceptable levels. The general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations; section 228.6 lists eleven specific factors used in evaluating a proposed disposal site to assure that the general criteria are met.

The characteristics of the proposed site are reviewed below in terms of the eleven factors.

1. *Geographical position, depth of water, bottom topography and distance from coast. [40 CFR 228.6(a)(1).]*

Geographical position, water depth, and distance from the coast for the disposal site are given above. Bottom topography is flat with no unique features or relief.

2. *Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases. [40 CFR 228.6(a)(2).]*

The Corpus Christi Ship Channel (CCSC) serves as a migratory route for white shrimp, brown shrimp, blue crab, drum, sheepshead and southern flounder. This area, including a 1.5 mile buffer zone, is excluded as a migratory passage. Also excluded are lighted platforms and non-submerged shipwrecks.

3. *Location in relation to beaches and other amenity areas. [40 CFR 228.6(a)(3).]*

The preferred site is approximately four miles offshore of Mustang and San Jose Islands. Other local amenities include Mustang Island State Park, Caldwell Pier, and the Padre Island Natural Seashore, approximately 20 miles away.

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the wastes, if any. [40 CFR 228.6(a)(4).]*

Virgin construction material and maintenance material from the Homeport Project would be disposed of at the preferred ODMDS. Roughly 2.4 mcy of construction material is proposed for disposal in the two-year or less construction interval. Approximately 2.9 mcy of maintenance material is proposed for disposal through project year 50 (estimated at 290,000 cubic yards during every five-year maintenance cycle). Based on chemical analyses and biological toxicity studies of past maintenance material and virgin material from near the Homeport Project area, there are no pollution or toxicological problems associated with these sediments.

5. *Feasibility of surveillance and monitoring. [40 CFR 228.6(a)(5).]*

The preferred site is amenable to surveillance and monitoring. The proposed monitoring and surveillance program for virgin material, consists of ship-riding surveillance for disposal site location; bathmetric surveys; grain size analysis; sediment chemical characterizing; and benthic infaunal analysis at selected stations. For future maintenance material, the proposed program consists of water, sediment and elutriate chemistry; bioassays; bioaccumulation studies; and benthic infaunal analyses.

6. *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any. [40 CFR 228.6(a)(6).]*

Predominant longshore current, and thus predominant longshore transport, is to the southwest. Long-term mounding has not historically occurred with discharged maintenance material, although significant short-term mounding of construction material is expected. Steady longshore transport and occasional storms, including hurricanes, are expected, on a long-term basis, to remove the disposed material from the site.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects). [40 CFR 228.6(a)(7).]*

The discussion of the results of chemical and bioassay testing of past maintenance material and material from and near the interim-designated ODMDS plus chemical analyses of water from the area concluded that there were no indications of water or sediment quality problems in the Zone of Siting Feasibility (ZSF). Testing of past maintenance material from the CCSC in Corpus Christi Bay and virgin sediment from the area indicates that it was, or would be, acceptable for ocean disposal under 40 CFR 227. Studies of the benthos at the interim-designated ODMDS and nearby areas, however, have indicated that the composition of the benthos at the interim-designated ODMDS is significantly different from that in nearby "natural bottom" areas, due primarily to the fact that the substrate at the ODMDS is almost pure sand versus the mixed grain size of the "natural bottom". Since the grain-size composition of the proposed material, both virgin and maintenance, indicates a high percentage of fines, the preferred site, was not selected near shore, in the sand province, but further offshore in the sand/silt/clay province.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean. [40 CFR 228.6(a)(8).]*

Shipping, mineral extraction, commercial and recreational fishing, recreational areas and historic sites were considered in the siting feasibility process. As a result, the preferred site will not interfere with these or other legitimate uses of the ocean.

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys. [40 CFR 228.6(a)(9).]*

Chemical studies conducted for or by the COE have shown only short-term water-column perturbations of trubidity, and perhaps Chemical Oxygen Demand (COD) resulted from disposal operations. No short-term sediment quality perturbation, except gain size, could be directly related to disposal operations. In general, the water and sediment quality is good throughout the ZSF. This indicates that there have been no long-term adverse impacts on water and sediment quality from past maintenance material disposal. However, there does appear to be a long-term adverse impact on the gain size, and thus, on the benthos at the interim-designated ODMDS. This impact could be reduced with the proposed dredged material since the grain size is small.

10. *Potentiality for the development or recruitment or nuisance species in the disposal site. [40 CFR 228.6(a)(10).]*

With a disburbance to any benethic community, initial recolonization will be by apportunistic species. The benthos at the interim-designated site is different, because of grain size influences, from the surrounding "natural bottom" areas. Nevertheless, the disposal of dredged material in the past has not, and disposal of the proposed material should not, attract or promote the development or recruitment of nuisance species.

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance. [40 CFR 228.6(a)(11).]*

The location and types of areas and features of historical importance were considered and these areas are excluded. The nearest site of historical importance is located near the Port Aransas, Texas jetties, which are over two miles from the preferred site boundary. Therefore, use of the preferred site would not impact any known sites of historical importance. EPA is also coordinating, as a part of the NEPA/EIS process, with the Texas Historical Commission regarding cultural/historic resources.

E. Proposed Action

Based on the Draft EIS, EPA proposes to designate the U.S. Navy's preferred alternative site for disposal or dredged material from the Homeport Project. The proposed site is compatible with the general criteria and specific factors used for site evaluation.

Before ocean dumping or dredged material at the site may occur, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. EPA has the authority to approve or to disapprove or to propose conditions upon dredged material permits for ocean dumping.

The designation of the dredged material site for the Homeport Project at Corpus Christi/Ingleside, Texas is being published as proposed rulemaking. Management of this site has been delegated to the Regional Administrator of EPA Region VI.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulations is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effect which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This propose rule does not contain any information collection requirements subject to the Office of Management and Budget review under the paperwork Reduction act of 1980, 44 U.S.C. 3510 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: December 18, 1987.

Robert E. Layton, Jr.,

Regional Administrator of Region VI.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is proposed to be amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by adding paragraph (b)(51) to read as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(51) Homeport Project Dredged Material Site—Region VI. Location: 27°47'42" N., 97°00'12" W.; 27°47'15" N., 96°59'25" W.; 27°46'17" N., 97°01'12" W.; 27°45'49" N., 97°00'25" W.

Size: 1.4 square miles.

Depth: Ranges from 45–55 feet.

Primary Use: Dredged material.

Period of Use: 50 years

Restriction: Disposal shall be limited to dredged material from the U.S. Navy Homeport Project, Corpus Christi/Ingelside, Texas.

[FR Doc. 87–29619 Filed 12–24–87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 43

[CC Docket No. 87–503; FCC 87–349]

Common Carrier Reporting Requirements; Elimination of FCC Form 901; Telephone Reports

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: On December 9, 1987 at 52 FR 46628, the Commission published a Notice of Proposed Rule Making in this proceeding regarding the elimination of FCC Form 901. Inadvertently, the comment/reply comment dates were misstated as January 4, 1988 and January 25, 1988 respectively in the middle column on page 46629. This document corrects those dates.

DATES: The correct dates for the Notice of Proposed Rule Making are January 25, 1988, and February 9, 1988, respectively.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–29473 Filed 12–24–87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 2 and 22

[General Docket 87-390; FCC 87-301]

Liberalization of Technology and Auxiliary Service Offerings in the Domestic Public Cellular Radio Telecommunications Service; Extension of Time for Filing Comments and Replies

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; extending time for comments and replies.

SUMMARY: This action extends the time for filing comments and replies in response to the Notice of Proposed Rule Making, Notice, (published October 21, 1987, 52 FR 39250), in this proceeding. The Cellular Telecommunications Division of Telcator Network of America and, International Mobile Machines Corporation have requested an extension of time in order to complete complex engineering analyses of the issues proposed in the Notice. In order to develop as complete a record as possible in this proceeding, the Commission is extending the time for filing comments and replies.

DATES: Comments are due January 15, 1988. Reply comments are due February 15, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Joseph P. Husney. Office of Engineering and Technology. (202) 653-8106.

SUPPLEMENTARY INFORMATION: The Notice of Proposed Rule Making was published in General Docket 87-390, FCC 87-301, adopted September 17, 1987, and released October 15, 1987.

Federal Communications Commission.

Thomas P. Stanley,

Chief Engineer.

[FR Doc. 87-29467 Filed 12-24-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-267]

Review of Technical Assignment Criteria for the AM Broadcast Service

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry; extension of time.

SUMMARY: This action grants a motion for extension of time for filing comments and reply comments in response to the *Notice of Inquiry* in MM Docket No. 87-267 (Review of Technical Assignment Criteria for the AM Broadcast Service) published August 24, 1987 (52 FR 31795). The National Association of Broadcasters ("NAB") requested that the filing deadlines be extended 180 days in order to allow for the completion and analysis of two technical studies that will be useful to the Commission in resolving the issues raised in this proceeding. NAB, however, requested an expedited resolution of that portion of the *Inquiry* addressing transmission standards based on the 1987 National Radio Systems Committee proposals. Since the studies being conducted by the NAB should enhance the substantive quality of the record in this rulemaking, the Commission has extended the dates for filing comments and reply comments on sections I and IV of the *Inquiry* to June 17, 1988 and August 17, 1988 respectively. On sections II and III, the Commission extended the deadlines to February 1, 1988 for comments and March 1, 1988 for reply comments.

FOR FURTHER INFORMATION CONTACT: Wilson A. La Follette, (202) 632-5414.

SUPPLEMENTARY INFORMATION: The full text of the Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Order Granting Motion for Extension of Time for Filing Comments and Reply Comments

Adopted: December 11, 1987.

Released: December 15, 1987.

By the Chief, Mass Media Bureau.

1. On August 17, 1987, the Commission released a *Notice of Inquiry* (*Inquiry*) in MM Docket 87-267 for the purpose of providing a comprehensive review of the technical principles pertaining to AM broadcast assignment criteria and related issues in order to identify needed changes that would permit AM stations to improve their service and enhance their ability to compete in the marketplace.[1] The deadlines for filing comments and reply comments in this proceeding are currently December 17, 1987 and February 17, 1988, respectively.[2]

2. On December 1, 1987, a motion for extension of these filing deadlines was filed by the National Association of Broadcasters ("NAB"). The motion requests that the deadline for comments be extended until June 17, 1988 and that the reply comment deadline be extended to August 17, 1988. In requesting a general extension of approximately 180 days, the NAB noted that the Commission may wish to extend by a lesser complement of time the comment and reply comment dates concerning less controversial or less complicated issues raised in the *Inquiry*.[3]

3. In support of its motion for extension of the filing deadlines, the NAB explains that it has undertaken two major technical studies which will provide a meaningful contribution to the record in this proceeding. The completion of these two studies will take several months and their analysis will require additional months of study in order to prepare the comments. The NAB also points to the importance of its Annual Engineering Conference in April of 1988 and the completion of additional work by NRSC in March of 1988 in the development of useful comments in this proceeding. Finally, NAB characterizes the process of improving the AM broadcasting service as "highly detailed and complex" and therefore urges the Commission to extend the deadlines so that the record will be complete and comprehensive.

4. On December 9, 1987, GSM Media Corporation ("GSM") filed comments on NAB's motion for an extension of time. GSM agrees with NAB that certain issues addressed in the *Inquiry* do not require extensive research and therefore can be resolved more quickly. GSM contends that there is a need for immediate improvement of the AM service if it is to remain competitive and therefore argues that proposals concerning interference received and new skywave propagation curves should be reviewed and implemented as expeditiously as possible.

5. We agree with NAB's assessment of the complexities of the issues under study in the *Inquiry*. We have been working with the public and the private sector through our Advisory Committee on Radio Broadcasting and we believe that the NAB studies will add to our knowledge and inform our decisionmaking. Furthermore, we agree with both NAB and GSM that certain issues in the *Inquiry* do not require an extended comment period and can be fully addressed without the results of the types of technical studies which the NAB is undertaking. The *Inquiry* is divided into four sections: We feel that Section II—Additional Assignment Considerations and Section III—Related Technical Issues can be addressed by interested commenters within a shortened timeframe.

6. Accordingly, it is ordered that the Motion for Extension of Comment and Reply Comment Dates filed by the National Association of Broadcasters is granted. The dates for filing comments and reply comments on Sections II (Additional Assignment Criteria) and III (Related Technical Issues) of the *Inquiry* are extended to February 1, 1988 and March 1, 1988, respectively. The dates for filing comments and reply comments on all other sections of the *Inquiry* are extended as requested to June 17, 1988 and August 17, 1988, respectively.

7. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended and §§ 0.204(b), 0.283, 1.46 and 1.45 of the Commission's Rules.

Federal Communications Commission.

Alex D. Felker,

Chief, Mass Media Bureau.

[FR Doc. 87-29276 Filed 12-24-87; 8:45 am]

BILLING CODE 6712-01-M

[1] FCC 87-245, adopted July 16, 1987, 2 FCC Rcd. 5014 (1987).

[2] 52 FR 31795 (August 24, 1987). The current deadlines were established by *Erratum*, released September 3, 1987, which was not published in the **Federal Register**.

[3] The NAB filed a petition with the Commission on November 6, 1987 requesting the adoption of the 1987 NRSC standard AM preemphasis curve and the standard 10 kHz audio bandwidth. On December 9, 1987, the NAB's *Petition for Rulemaking*, RM 6174, went out on public notice and comments are due January 25, 1988. In its public notice releasing the NAB's *Petition* for comment, the Commission took note of the relationship between the issues in the petition and one of the issues raised in the *Inquiry*. The NAB urges in its instant motion for extension of time that this particular matter be expedited.

47 CFR Part 73

[MM Docket No. 87-565, RM-5820]

Radio Broadcasting Services; Yellville, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Scott Miller, licensee of Station KCTT-FM (Channel 249A), Yellville, Arkansas, proposing the substitution of FM Channel 249C2 for Channel 249A and modification of his license accordingly, to provide that community with its first expanded coverage FM service.

DATES: Comments must be filed on or before February 11, 1988, and reply comments on or before February 26, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Dennis F. Begley, Esq., Reddy, Begley & Martin, 2033 M St., NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-565, adopted December 2, 1987, and released December 21, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-29602 Filed 12-24-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-566, RM-5895]

Radio Broadcasting Services; Seaside, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by KMBY Radio, Inc., proposing the substitution of FM Channel 296B1 for Channel 298A at Seaside, California, and modification of the license of Station KMBY(FM) accordingly, to provide that community with its first wide coverage FM service.

DATES: Comments must be filed on or before February 11, 1988, and reply comments on or before February 26, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Michael H. Bader, Esq., John P. Crigler, Esq., Haley, Bader & Potts, 2000 M St., NW., Suite 600, Wash., DC 20036.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-566, adopted November 25, 1987, and released December 21, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-29603 Filed 12-24-87; 8:45 am]

BILLING CODE 6712-01-M

VOL 52 ISS 248 DEC 28 1987 UMI

Notices

Federal Register
Vol. 52, No. 248
Monday, December 28, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Office of the Director

National Volunteer Advisory Council; Committee Renewal

In accordance with provisions of the Federal Advisory Committee Act, and after consultation with the General Services Administration (GSA), I have determined that renewal of the National Volunteer Advisory Council is in the public interest in connection with the performance of the duties and mission of the ACTION Agency.

The Council will advise and make recommendations to the Director of ACTION with respect to policy matters arising in the administration of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113), and as to the effectiveness of ACTION programs. The Council will also make final recommendations for the President's Volunteer ACTION Awards.

Advisory Council membership is chosen from all areas of the country and from a broad cross section of industry, labor, local, state and Federal government and non-profit organizations. The Council will consist of 25 members, including the Chairperson. The members are selected for their expertise and serve in their individual capacities, not as representatives of their organizations. The Council will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. The Charter will be filed with GSA and the appropriate Congressional Committees.

Further information may be obtained from: Loni Hagerup, Special Assistant to the Director, 806 Connecticut Avenue NW., Suite 500, Washington, DC 20525, (202) 634–9380.

Signed at Washington, DC this 18th day of December, 1987.

Donna M. Alvarado,

Director, ACTION.

[FR Doc. 87–29580 Filed 12–24–87; 8:45 am]

BILLING CODE 6050–28–M

COMMISSION ON CIVIL RIGHTS

Indian Civil Rights Issues; Hearing

Notice is hereby given pursuant to the provisions of the United States Commission on Civil Rights Act of 1983, Pub. L. 98–183, 97 Stat. 1304, that a public hearing before a Subcommittee of the U.S. Commission on Civil Rights will be held on January 28, 1988, beginning at 10:00 a.m. and continuing on such succeeding days as may be deemed appropriate at the discretion of the Chairman, at the U.S. Commission on Civil Rights, Room 512, 1121 Vermont Avenue NW., Washington, DC.

The purpose of the hearing is to receive evidence about enforcement of the Indian Civil Rights Act and about the Department of the Interior's responsibilities concerning enforcement of the Indian Civil Rights Act.

The Commission is an independent, bipartisan factfinding agency authorized to study, collect, and disseminate information and to appraise the laws and policies of the Federal Government, and to study and collect information concerning legal developments, with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, handicap, or national origin, or in the administration of justice.

Dated at Washington, DC, December 22, 1987.

Clarence M. Pendleton, Jr.,

Chairman.

[FR Doc. 87–29581 Filed 12–24–87; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Export Administration.

Title: Distribution License Procedure.

Form Number: Agency—EAR 373.3; OMB—0625–0052.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 550 respondents; 73,154 reporting/recordkeeping hours.

Needs and Uses: A Distribution License is a bulk license authorizing the holder to make multiple exports of authorized commodities to foreign consignees approved in advance by Export Administration. The information gathered is used by Export Administration to evaluate whether or not the applicant is eligible for this special license.

Affected Public: Businesses or other for-profit institutions; small businesses or organizations.

Frequency: On occasion/recordkeeping.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: John Griffen 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Griffen, OMB Desk Officer, Room 3228, New Executive Office Building, Washington, DC 20503.

Dated: December 21, 1987.

J. Randall Blumenschein,

Chief, Management Support Division, Office of Management and Organization.

[FR Doc. 87–29659 Filed 12–24–87; 8:45 am]

BILLING CODE 3510–CW–M

International Trade Administration

[C–301–003]

Roses and Other Cut Flowers From Colombia; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On March 2, 1987, the Department of Commerce published the preliminary results of its administrative review of the agreement suspending the countervailing duty investigation on roses and other cut flowers from Colombia. We determine that the signatories to the suspension agreement have complied with the terms of the suspension agreement during the period July 1, 1983 through December 31, 1985.

EFFECTIVE DATE: December 28, 1987.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On March 2, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 6280) the preliminary results of its administrative review of the agreement suspending the countervailing duty investigation on roses and other cut flowers from Colombia (48 FR 2158, January 18, 1983). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to covert the United States to this Harmonized System ("HS") by January 1, 1988. In view of this, we will be providing both the appropriate *Tariff Schedule of the United States Annotated* ("TSUSA") item numbers and the appropriate HS item numbers with our product descriptions on a test basis, pending Congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item number(s) as well as the TSUSA item number(s) in all new petitions filed with the Department. A reference copy of the proposed Harmonized System schedule is available for consultation at the Central Records Unit, Room B–099, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contact the Import Specialist at their local Customs office to consult the schedule.

Imports covered by the review are shipments of roses and other cut flowers from Colombia, currently classifiable under items 192.1810 through 192.2192 of the TSUSA. These products are currently classifiable under HS item numbers 06031060—0 and 06031090—0. The review covers the period July 1, 1983 through December 31, 1985 and 14 programs: (1) CAT/CERT; (2) air freight reductions; (3) Resolutions 59 and 22; (4) Decree 2366; (5) duty and tax exemptions under the Plan Vallejo; (6) Research and Development Fund; (7) FFA; (8) FFI; (9) FCE; (10) FONADE; (11) Resolution 42; (12) benefits to Free Industrial Zones; (13) preferential export insurance; and (14) countertrade.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. At the request of the domestic parties, we held a public hearing on April 3, 1987.

Comment 1: The domestic parties contend that the Colombian flower exporters have violated the suspension agreement. Section 704(b) of the Tariff Act requires that a suspension agreement completely eliminate the net subsidy, and section B.1.b. of the suspension agreement requires that the exporters not apply for or receive any benefits under any other program subsequently determined by the Department to constitute a bounty or grant. Despite the Department's finding in March 1985 that PROEXPO financing under Resolution 59 and Decree 2366 is countervailable, the Colombian exporters continued to receive preferential loans under both programs throughout the review period. Section B.1.d. of the suspension agreement requires the exporters to notify the Department, at least sixty days prior to taking any action, of any benefits they intend to apply for or receive from the Colombian government. The Colombian exporters did not notify the Department of their PROEXPO loans until April 1985, and they have received preferential PROEXPO financing throughout the review period. The domestic parties have argued since the inception of the suspension agreement that PROEXPO loans are countervailable. The Colombian exporters were aware that the PROEXPO program was potentially countervailable and should have renounced the program pending the completion of the Department's review.

Department's Position: We found PROEXPO financing under Resolution 59 and Decree 2366 to be countervailable in the suspension of countervailing duty investigation on certain textile mill products and apparel from Colombia (50 FR 9863, March 12, 1985). The textile suspension agreement required the signatories not to apply for or receive any such financing other than that "offered at nonpreferential terms and at or above the most recent short-term benchmark interest rate determined by the Department." On April 1, 1985, we published our preliminary affirmative countervailing duty determination on live swine and fresh, chilled and frozen pork products from Canada (50 FR 13264), in which we used an agricultural benchmark to measure the benefit from preferential financing programs. From that point on, the Colombian exporters contended that PROEXPO financing was not countervailable because alternative financing from various nontargeted agricultural funds was available at rates similar to those offered by PROEXPO. The need for renunciation or refinancing of outstanding PROEXPO loans was not known by cut flower exporters until the Department determined the appropriate interest rate benchmark. We did not make that determination until December 15, 1986, the date of publication of the final results of our last administrative review of this case.

Comment 2: The domestic parties contend that the Colombian exporters are circumventing the suspension agreement by receiving high Tax Rebate Certificate (CERT) rebates on exports to third countries. The CERT program is designed to produce equal or greater benefits than the program renounced in the suspension agreement, the Tax Reimbursement Certificate (CAT). The CERT rebates of zero for exports to the United States and 20 percent for exports to all other countries clearly indicate that the exporters are circumventing the agreement. The only distinction between the CERT and CAT programs is the dual rates applicable under the CERT program. The dual rates ensure that the Colombian exporters receive approximately the same amount in total rebates as they had received with the single, lower rate established under the CAT program. When a foreign government replaces one subsidy program with another of equal magnitude, the purpose of the suspension agreement is not served, and monitoring by the Department is futile.

Further, despite the Department's statement in the final results of its last administrative review (51 FR 44930, December 15, 1986) that the dual rates encourage exports to countries other than the United States, in fact, imports

BEST COPY AVAILABLE

of Colombian roses and other cut flowers to the United States have continued to rise since the inception of the suspension agreement.

Department's Position: We have found that, as required by the terms of the suspension agreement, the exporters received no CAT or CERT payments on exports to the United States during the period of review. The Banco de la Republica, Colombia's central bank, certified to the Department in February 1986 that it has been withholding CAT/CERT payments from signatories to the agreement on shipments to the United States and Puerto Rico since January 13, 1983.

As stated on many occasions, whenever possible we calculate the benefit from export subsidies based on shipments only to the United States. Where export subsidies are not shipment-specific, or cannot otherwise be segregated according to country of destination, we calculate the benefit based on shipments to all markets. See, *e.g.*, preliminary results of countervailing duty administrative review on cotton sheeting and sateen from Peru (51 FR 35540, October 6, 1986) (the CERTEX program); preliminary results of countervailing duty administrative review on ceramic tile from Mexico (52 FR 25285, July 6, 1987) (FOMEX and article 15 loans); and final affirmative countervailing duty determination on porcelain-on-steel cooking ware from Mexico (51 FR 364451; October 10, 1986) (petitioners' comment 1).

CAT/CERT payments can be segregated according to country of destination. Since Colombian exporters have received CAT/CERT payments based only on exports to countries other than the United States, we determine that the signatories have not received any benefits from this program on U.S. shipments and, therefore, have not violated the suspension agreement.

Finally, the increase or decrease in the level of imports does not determine whether a program is countervailable or whether a suspension agreement has been violated. In fact, there is no necessary connection between these events. The level of imports may be affected by many factors, and the domestic parties have not demonstrated a connection between the dual rates available under the CERT program and the increase in imports.

Comment 3: The domestic parties contend that the Colombian exporters violated the suspension agreement by benefitting from import duty exemptions under the Plan Vallejo throughout the review period.

Department's Position: We preliminarily found that imports of capital equipment under the Plan Vallejo were countervailable in the preliminary affirmative countervailing determination on miniature carnations from Colombia (51 FR 37936, October 27, 1986). However, the notice of suspension of investigation in the miniature carnations case was not published until January 1987, one month after our revised suspension agreement in the cut flowers case. Therefore, the Colombian cut flower exporters were under no obligation to renounce the Plan Vallejo for capital equipment before signing the revised suspension agreement. Cut flower exporters have agreed to renounce the Plan Vallejo for capital equipment in the revised suspension agreement.

Comment 4: The domestic parties contend that export subsidies to third countries, such as the CERT rebates, benefit the production of all flowers, including those that are exported to the United States. An early Supreme Court ruling indicates the proper approach the Department should use in treating CERT payments on exports to countries other than the United States. In *Downs v. United States* (187 US 496, 47 L.Ed. 275, 23 S.Ct. 222. 1902), the Supreme Court held that bounties or grants conferred upon exportation necessarily benefit production as well. In an analogus situation, the Department made clear in the final affirmative countervailing duty determination on certain carbon steel products from Brazil (49 FR 17996, April 26, 1984) that it would treat benefits generated by domestic sales as benefits to all production. Regarding IPI rebates for capital investment, the Department stated: "That the rebates are generated by domestic sales only does not alter the fact that they benefit all production, including exports." Similarly, that the CERT rebates in Colombia are generated by export sales to third countries does not alter the fact that they benefit the production of all flowers, including those that are exported to the United States.

Department's Position: As stated in our response to comment 2, we generally do not find export subsidies to countries other than the United States countervailable. The facts in the cases cited by the domestic parties are distinguishable from the facts presented in this case. In the *Downs* case, the Supreme Court considered whether the exemption for excise taxes for Russian sugar exporters was a bounty upon production. Although the Court acknowledged that "every bounty upon exportation must, to a certain extent, operate as a bounty upon production, * * * it did not find the tax exemption for exporters to be a production bounty or grant. Rather, the Court held that "When a tax is imposed upon all sugar produced, but is remitted upon all sugar exported, then, by whatever process, or in whatever manner, or under whatever name, it is disguised, it is a bounty upon exportation." Contrary to the contention of the domestic parties, the *Downs* case does not show that the Supreme Court interpreted the countervailing duty law to say that all export subsidies should be considered production (or domestic) subsidies. Furthermore, the Trade Agreements Act of 1979 (amending the Tariff Act of 1930, which itself amended the Tariff Act of 1897) draws a clear statutory distinction between export and domestic subsidies. The Department does not have the authority to erase this distinction. Finally, to allocate export subsidies over total production would understate the benefit (by increasing the denominator).

The domestic parties' reliance on our treatment of the IPI "rebate" in Brazilian certain carbon steel products is misplaced. In that determination, we treated the "rebates" as infusions of equity through a government holding company. Equity benefits all production, including exporters. Although the IPI tax was collected on domestic sales, the rebates was simply a mechanism to raise equity capital for certain steel companies. The means by which funds were raised for this program were irrelevant to our determination. (*See* also, final affirmative countervailing duty determination, prestressed concrete steel wire strand from Brazil; 48 FR 4520, February 1, 1983).

In the final affirmative countervailing duty determination on porcelain-on-steel cooking ware from Mexico (51 FR 36449; October 10, 1986), we examined a domestic subsidy program more analogous to the CERT program. Through the FOMEX frontier program, the Mexican government makes below-market loans available to finance the production, inventory, purchase and sale of certain goods manufactured in Mexico and sold in a specific region of Mexico. We held that those loans were countervailing because they "* * * are specifically tied to domestic sales, and because they do not benefit production or exportation of the subject merchandise to the United States * * *" We have found that CERT rebates paid to flower exporters are directly tied to exports to third countries. Consistent with our prior practice, we determine that the rebates do not benefit the production or export of the subject merchandise to the United States.

Comment 5: The domestic parties contend that the Department violated the suspension agreement by failing to honor its obligation, under subparagraph C, to notify officially the Colombian exporters of any additional programs found to be countervailable in this or any subsequent proceeding. Also, the Department failed to enforce Section 704(i) of the Tariff Act, which states that when a suspension agreement has been violated, the agreement must be terminated.

Department's Position: On June 5, 1986, we officialy notified the Colombian exporters of the additional programs found countervailable. Furthermore, we included the additional programs in the revised suspension agreement. Because we have not found that the signatories have violated the suspension agreement, we are under no obligation to terminate it.

Comment 6: The domestic parties contend that the Department's failure to terminate the agreement is not in the interest of the domestic industry, as required by Congress. The Senate Finance Committee Report on the Trade Agreements Act of 1979 stated:

> Suspension is an unusual action which should not become the normal means of disposing of cases. The Committee intends that suspensions are to be considered only when the action serves the interest of the public and the domestic industry affected. Furthermore, the requirement that the petitioners be consulted will not be met by pro forma communications. Complete disclosure and discussion is required.

S. Rep. No. 249, 96th Cong., 54 (1979).

The House Ways and Means Committee showed equal concern over the use of suspension agreements. In the House Ways and Means Report, the Committee stated that:

> The authority to suspend investigations is discretionary and subject to the overriding requirement that suspension is in the public interest, and that effective monitoring of the agreement is practicable.

H. Rep. No. 317, 96th Cong., 55 (1979).

The Department's indifference to its responsibilities leads the domestic parties to believe that the determination to adhere to the suspension agreement was not made in accordance with the language and purpose of the statute but in accordance with foreign policy considerations.

Department's Position: We disagree. We have regularly consulted with the domestic parties and have provided complete disclosure of all information to them throughout this proceeding. During this review, we held a disclosure conference and a public hearing—both at the domestic parties' request. Furthermore, as required by section 704(d), we have determined that both the original suspension agreement and the revised suspension agreement are in the public interest.

We do not take foreign policy considerations into account in issuing countervailing duty orders or in signing suspension agreements. Rather, we follow the requirements of our trade laws. We entered into a suspension agreement in this case because it completely eliminates the net bounty or grant. We are satisfied that the agreement is in the public interest, and we believe that it can be monitored effectively.

Comment 7: The domestic parties contend that the Department has understated the benefit from PROEXPO loans by using an agricultural benchmark. In the appendix to the notice of final affirmative countervailing duty determination and countervailing duty order on certain cold-rolled carbon steel flat-rolled products from Argentina (49 FR 18006, April 26, 1984) ("Subsidies Appendix"), the Department stated that, to determine the amount of the subsidy, the preferential interest rate must be compared to a commercial rate. Since commercial funds are available in Colombia, there is no basis for the Department not to use a commercial interest rate benchmark.

Department's Position: We disagree. See the final results of our last administrative review of this case (51 FR 44931).

Comment 8: The domestic parties argue that the Department's test for determining whether Colombian air freight rates are countervailable is wrong. That the Colombian government mandates minimum and maximum air freight rates for cut flowers is in and of itself evidence of suppression of those rates. Furthermore, the mandated range of rates set by the government for cut flowers is below the level set for other commodities, indicating that, even if rates for all products are suppressed, there is still a special benefit for cut flower exporters.

Department's Position: We disagree. We have found that the Colombian Civil Aeronatics Board (DAAC) mandates minimum and maximum air freight rates for all commodities. We have no evidence, and the domestic parties have provided no evidence, that the rates set for cut flowers are inappropriately or unreasonably lower than those set for other products. Therefore, we believe that our test is appropriate.

Comment 9: The domestic parties argue that air freight rates are lower than rates for other products because flowers from Colombia are being subsidized by the use of shipments of flowers to transport cocaine into the United States. It is the Department's responsibility to inquire directly from the Drug Enforcement Agency and the Customs Service about the frequency of the interception of cocaine in shipments of flowers imported from Colombia. The Department should then examine the effect of these illegal funds on flower exports.

Department's Position: The use of shipments of flowers to transport cocaine as described by the domestic parties involves Customs fraud and smuggling. The Department of Commerce does not have the authority to administer the Customs fraud and smuggling statutes. Furthermore, the domestic parties have not demonstrated how the alleged smuggling constitutes a subsidy to the flower growers.

Comment 10: The domestic parties contend that PROEXPO opened a special account for diversification and development of flowers specifically targeted for external markets, and the program is countervailable.

Department's Position: Resolution No. 10, which was established on July 23, 1986, established a special account for the diversification and development of the cultivation of flowers and vegetables for external markets. This program was not in effect during the period of reveiw. We will examine it in the next administrative review.

Comment 11: The domestic parties contend that the signatories to the suspension agreement did not account for at least 85 percent of total exports of roses and other cut flowers to the United States in 1984, as required by section 704(b) of the Tariff Act.

Department's Position: The domestic parties have based their argument on the summary of export 1 licenses issued to exporters during the period July 1, 1983 through December 31, 1985, as provided by the Colombian government in its questionnaire response. The list includes shipments of miniature carnations, which are not subject to this suspension agreement. During 1984, shipments of miniature carnations represented five percent of the exports listed in the summary of export licenses. The signatories to the agreement accounted for 85.4 percent of the volume of the subject merchandise imported into the United States in 1984. Therefore, the signatories have complied with section 704(b) of the Tariff Act.

Final Results of Review

After considering all of the comments received, we determine that the signatories have complied with the terms of the suspension agreement for the period July 1, 1983 through December 31, 1985. The agreement can remain in force only as long as shipments covered by it account for at least 85 percent of exports of such merchandise to the United States. Our information indicates that the signatories comprised over 85 percent of exports of the merchandise to the United States during the period of review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.10.

Gilbert B. Kaplan,

Acting Assistant Secretary, Import Administration.

Date: December 17, 1987.

[FR Doc. 87-29672 Filed 12-24-87; 8:45 am]

BILLING CODE 3510-DS-M

Department of Energy; Decision on Application for Duty-Free entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 87-194. **Applicant:** U.S. Department of Energy, Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439.

Instrument: Scanning Electron Microscope, Model JSM-8401 with Accessories.

Manufacturer: JEOL, Ltd., Japan.

Intended Use: See notice at 52 FR 27037, July 17, 1986.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered December 19, 1986.

Reasons: The foreign instrument provides for in situ microhardness measurement of ceramic and metallic samples.

The capability of the foreign instrument described above is pertinent to the applicant's intended purpose. We know of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time fhe foreign instrument was ordered.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-29668 Filed 12-24-87; 8:45 am]

BILLING CODE 3510-DS-M

Loma Linda University Medical Center; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 87-213.

Applicant: Loma Linda University Medical Center, 11234 Anderson Street, Loma Linda, CA 92354.

Instrument: Extra Corporeal Shock Wave Lithotripter.

Manufacturer: Dornier Medizintechnik, GmbH, West Germany.

Intended Use: See notice at 52 FR 30942, August 18, 1987.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: There is no domestic manufacturer of lithotripers or of comparable devices capable of noninvasively pulverizing kidney stones. Our consultants in the National Institutes of Health have advised us with respect to this application that there are no known domestic instruments now available which are equivalent to the Dornier ESWL.

We know of no comparable instrument that is being manufactured in the United States which is of equivalent scientific value to the foreign instrument for the purposes for which the instrument is intended to be used.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-29670 Filed 12-24-87; 8:45 am]

BILLING CODE 3510-DS-M

University of California, Livermore; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 87-299. *Applicant:* University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550.

Instrument: Thermal Image Single Crystal Growth Furnace. *Manufacturer:* NEC Corporation, Japan. *Intended Use:* See notice at 52 FR 42028, November 2, 1987.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a contamination free heating environment at temperatures to 2150° C.

The National Bureau of Standards has advised that (1) this capability is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-29667 Filed 12-24-87; 8:45 am]

BILLING CODE 3510-DS-M

University of Michigan; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket number: 87-272. Applicant: University of Michigan, 503 Thompson Street, Ann Arbor, MI 48109. Instruments: Rotating Anode Horizontal X-Ray Diffractometer, D/max-RBX (12kW) and Theta-Theta X-Ray Powder Diffractometer, D/max-11TBX (2.0kW). Manufacturer: Rigaku Corporation, Japan. Intended Use: See notice at 52 FR 32825, August 31, 1987.

Comments: None received. Decision: Approved for the Rotating Anode Horizontal X-Ray Diffractometer only. A separate application for the Theta-Theta X-Ray Powder Diffractometer is required pursuant to § 301.3(e) of the regulations.

In the case of the approved instrument, no instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides a combination of high power (12kW) and high brilliance (focal spot size/maximum of 2.4kW/mm²). The capability of the foreign instrument described above is pertinent to the applicant's intended purpose. We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director Statutory Import Programs Staff.

[FR Doc. 87-29669 Filed 12-24-87; 8:45 am]

BILLING CODE 3510-DS-M

National Institutes of Health et al; Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 88-042. *Applicant:* National Institutes of Health, Building 1, Room 118, Bethesda, MD 20892.

Instrument: Nuclear Magnetic Resonance Spectrometer, Model AM-500. *Manufacturer:* Bruker Instruments, West Germany. *Intended Use:* The instrument will be used to study the internal dynamics of the component proteins of HIV (e.g., the regulatory proteins, enzymes and envelope proteins of the virus) in solution and in the solid state. The solid state studies will be conducted using a magic angle spinning probe (Doty Scientific) and high power amplifiers (ENI and Henry Radio).

Application Received by Commissioner of Customs: November 23, 1987.

Docket Number: 88-043. *Applicant:* Pennsylvania Muscle Institute, School of Medicine, University of Pennsylvania, B42 Anatomy-Chemistry Building, 37th and Hamilton Walk, Philadelphia, PA 19104-6083. *Instrument:* High Intensity Flash Photolysis Device. *Manufacturer:* Gert Rapp, West Germany. *Intended Use:* The instrument will be used for rapid initiation of contractions in smooth and striated muscles. A high intensity flash is delivered to a small bundle of smooth muscle or single skeletal muscle fiber, in order to release biologically active agents from inert, photolabile precursors. This permits initiation of biological reactions on a very rapid time scale, not limited by the rate of diffusion of chemical substances into muscle. *Application Received by Commissioner of Customs:* November 23, 1987.

Docket Number: 88-044. *Applicant:* National Institutes of Health, Building 1, Room 118, Bethesda, MD 20892. *Instrument:* Nuclear Magnetic Resonance Spectrometer, Model AM 600. *Manufacturer:* Bruker Instruments, West Germany. *Intended Use:* The instrument will be used for the study of proteins by use of NMR methods coupled with theoretical treatments, such as restrained molecular dynamics. The project will involve isolation of the genes of the various HIV proteins and expressions of the genes in suitable medium for generating milligram quantities of protein. The proteins to be studied are tat-3, which has been isolated and expressed and the protease for which the gene has been isolated. The projects also involves the study of inhibitors binding to the HIV enzymes. *Application Received by Commissioner of Customs:* November 25, 1987.

Docket Number: 88-045 *Applicant:* University of Virginia, Department of Anatomy and Cell Biology, Box 439, Medical Center, Charlottesville, VA 22908. *Instrument:* Electron Microscope, Model JEM100CX. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* The instrument will be used to conduct the following research:

1. Studies of the effects of vasectomy and vasovasostomy.
2. Studies of a sperm membrane immunogen.
3. Identification and localization of antigens from human seminal fluid.
4. Pathways and mechanisms of exocrine secretion.

In addition, the instrument will be used in graduate training and courses in Anatomy, Cell Biology, Reproductive Biology, and Developmental Biology. *Application Received by Commissioner of Customs:* November 25, 1987.

Docket Number: 88-046 *Applicant:* University of Iowa, Iowa City, IA 52242. *Instrument:* Stopped-Flow Module, Model SFM-3. *Manufacturer:* BioLogic, France. *Intended Use:* The instrument will be used for the study of proteins. The experiments will involve observation of the kinetics of the changes in absorbance, fluorescence and circular dichroism accompanying the folding and unfolding of the selected proteins under a wide range of experimental solution conditions. *Application Received by Commissioner of Customs:* November 30, 1987.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-29671 Filed 12-24-87; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council's Plan Amendment Advisory Group (PAAG) has scheduled a public meeting, January 4-5, 1988, at 1:30 p.m., at the National Marine Fisheries Service, Northwest and Alaska Fisheries Center, 7600 Sand Point Way, NE., Room 2079, Building 4, Seattle, WA, to review groundfish amendment proposals for both the Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish Fishery Management Plans. Following the meeting the group's recommendations, and those of the groundfish plan teams, will be forwarded to the Council for their review and initial action at their January 20-22, 1988, meeting in Anchorage. Part of the PAAG review of plan amendment proposals will be on the proposal to raise the upper limit of the optimum yield (OY) for groundfish in the Bering Sea/Aleutian Islands. The participants will scope out the extent and type of analysis required to amend the OY range and consider whether an environmental assessment or a more substantial environmental impact statement will be required.

Interested persons are invited to appear at the meeting and/or to provide written comments on alternative levels to which the OY range may be increased; associated impacts that may be triggered by raising the OY range, and direct, indirect and cumulative impacts of various alternatives. Written

comments are invited January 27, 1988. Comments may be addressed to Robert W. McVey, Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, AK 99802. For more information contact the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; Telephone: (907) 274–4563.

Date: December 21, 1987.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 87–29856 Filed 12–22–87; 3:48 pm]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council and its advisory entities will convene separate public meetings, January 11–14, 1988, at the Red Lion Inn-Columbia River, 1401 North Hayden Island Drive, Portland, OR, as follows:

Council—On January 13, the Council will convene at 8 a.m., with a closed session (not open to the public) to discuss litigation, personnel, and other appropriate matters. At 8:30 a.m., the Council will commence its open session to consider administrative matters and salmon management issues. After receiving comments from its advisory entities and the public, the Council will adopt a salmon management process/schedule and methodologies and models for 1988. It will review the role of its Indian Affairs Committee; consider adopting a revised framework for allocating salmon between ocean commercial and recreational fisheries north of Cape Falcon, OR, and will address other salmon matters. There will be a public comment period on January 13 at approximately 4 p.m., to hear comments on issues not on the agenda. Public comments on agenda items will be heard during the Council's discussion on each issue. On January 14 the council will reconvene at 9 a.m. to complete administrative matters and to address Pacific halibut allocation and groundfish management. The Council will take final action on a halibut catch sharing plan for 1988. On groundfish, the Council will act on foreign and joint venture fishing applications for 1988; consider adopting whiting codend restrictions to limit the magnitude of deliveries of whiting at sea; consider a delayed season opening for the non-trawl sablefish fishery, and address other groundfish issues.

Scientific and Statistical Committee—On January 11 will convene at 1 p.m. to consider matters on the Council's agenda, and will reconvene January 12 at 8 a.m.

Groundfish Fishery Management Plan (FMP) Rewrite Oversight Group—On January 11 will convene at 1 p.m. to provide guidance to the drafting team designated to rewrite the Groundfish FMP, and will reconvene January 12 at 8 a.m.

Salmon Advisory Subpanel—On January 12 will convene at 1 p.m. to address salmon matters on the Council's agenda.

Salmon Plan Development Team—On January 12 will convene at 1 p.m. to address salmon items on the Council's agenda.

Indian Affairs Committee—On January 12 will convene at 7 p.m. to review its role in the salmon management process.

Foreign Fishing Committee—On January 13 will convene at 7 p.m. to address foreign fishing applications and whiting codend restrictions.

Detailed agendas for all of the above meetings will be available to the public after December 31, 1987. For further information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, 2000 SW First Avenue, Suite 420, Portland, OR 97201; telephone: (502) 221–6352.

Date: December 21, 1987.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 87–29857 Filed 12–24–87; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing an Import Restraint Limit for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Burma Effective on January 1, 1988

December 21, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 337–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry of cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Category 340/341/640/641/840, produced or manufactured in Burma and exported during the period January 1, 1988 through December 31, 1988, in excess of the designated limit.

Background

The Bilateral Textile Agreement, effected by exchange of notes dated August 25, 1987 and September 11, 1987, between the Governments of the United States and the Socialist Republic of the Union of Burma, establishes a specific limit for cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Category 340/341/640/641/840, produced or manufactured in Burma and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Textile Agreement, effected by exchange of notes August 25, 1987 and September 11, 1987, between the Governments of the United States and the Socialist Republic of the Union of Burma; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Category 340/341/640/641/840, produced or manufacturd in Burma and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of the following level of restraint:

Category	12-mo. limit
340/341/640/641/840	265,00 dozen of which not more than 212,000 dozen shall be in Category 340/640/840.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period January 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balance, shall, be charged against the level of restraint established for such goods during that period. In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

The limit is subject to adjustment in the future pursuant to the provisions of the bilateral textile agreement, which provide, in part, that: (1) growth of 6 percent shall be available in each future year through 1990. Carryover of 11 percent and carryforward of 6 percent shall be available, with the combination of carryover and carryforward not to exceed 11 percent; (2) no carryforward shall be available in the last agreement year.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–29825 Filed 12–24–87; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of an Import Limit for Certain Cotton Textile Products for El Salvador Effective on January 1, 1988

December 21, 1987.

The Chairman of the Committee of the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Custom sport. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textiles and textile products in Categories 300/301, produced or manufactured in El Salvador and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of the designated level.

Background

The Bilateral Cotton Textile Agreement, effected by exchange of notes dated March 2, 1987 and April 30, 1987, between the Governments of the United States and the Republic of El Salvador, as translated to the new category system, establishes a designated consultation level for certain cotton textile products in Categories 300/301 (carded and combed cotton yarn), produced or manufactured in El Salvador and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customer and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Cotton Textile Agreement, effected by exchange of notes dated March 2, 1987 and April 30, 1987, between the Governments of the United States and the Republic of El Salvador; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 300/301, produced or manufactured in the Republic of El Salvador and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of 8,500,000 pounds.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period January 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the level of restraint established for such goods during that period. In the event the limit established for the period has been exhausted by previous entries, such goods shall be subject to the limit set forth in this directive.

The limit set forth above is subject to adjustment in the future according to the provisions of the bilateral agreement, effected by exchange of notes dated March 2, and April 30, 1987, between the Governments of the United States and the Republic of El Salvador, which provide, in part, that administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-29630 Filed 12-24-87; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Restraint Levels and Guaranteed Access Levels for Certain Cotton and Man-Made Fiber Textile Products From Haiti Effective on January 1, 1988

December 21, 1987.

The Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, and the President's February 20, 1986 announcement of a Special Access Program for textile products assembled in participating Caribbean Basin beneficiary countries from fabric formed and cut in the United States, and pursuant to the requirements set forth in 51 FR 21208 (June 11, 1986) and 52 FR 26057 (July 10, 1987), has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information, contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of certain cotton and man-made textile products, produced or manufactured in Haiti and exported during 1988, in excess of the designated twelve-month levels.

In addition, the Commissioner is also directed to establish guaranteed access levels for certain properly certified cotton and man-made fiber textile products which are assembled in Haiti from fabric formed and cut in the United States and exported during the same twelve-month period.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of letters dated September 26, and 30, 1986, as amended, between the Governments of the United States and Haiti, and as translated to the new category system, establishes designated consultation levels for Categories 331, 337/637, 340/640, 341/641, 347/348 and 350, exported during the agreement year which begins on January 1, 1988 and extends through December 31, 1988.

In addition to the designated consultation levels, the bilateral agreement also establishes guaranteed access levels for properly certified textile products assembled in Haiti from fabric formed and cut in the United States within Categories 331, 337/637, 340/640, 341/641, 347/348, 349/649 and 350, exported from Haiti during the agreement year which begins on January 1, 1988 and extends through December 31, 1988.

Textile products in Categories 331, 337/637, 341/641, 347/348, 340/640, 349/649 and 350 which are exported from Haiti on or after January 1, 1988, qualifying for the Special Access Program for entry under TSUSA 807.0010, must be accompanied by a properly completed CBI Export Declaration (Form ITA-370P).

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27066) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1987

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury
Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 26 and 30, 1986, as amended, between the Governments of the United States and Haiti; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption or withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Haiti and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of the following designated levels:

Category	12-Mo. restraint level
331	310,000 dozen pairs.
337/637	180,000 dozen.
340/640	340,000 dozen.
341/641	320,000 dozen.
347/348	350,000 dozen.
350	32,000 dozen.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period January 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

In accordance with the provisions of the Special Access Program, as set forth in 51 FR 21208 (June 11, 1986) and 52 FR 26057 (July 10, 1987), you are directed to establish guaranteed access levels for properly certified cotton and man-made fiber textile products in the following categories which are assembled in Haiti from fabric formed and cut in the United States and exported to the United States from Haiti during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988.

Category	Guaranteed access level
331	500,000 dozen pairs.
337/637	700,000 dozen.
340/640	480,000 dozen.
341/641	400,000 dozen.
347/348	900,000 dozen.
349/649	2,500,000 dozen.
350	120,000 dozen.

Any shipment for entry under TSUSA 807.0010 which is not accompanied by a valid and correct certification and CBI Export Declaration in accordance with the provisions of the certification requirements established in the directive of February 19, 1987 shall be denied entry unless the Government of Haiti authorizes the entry and any charges to the appropriate designated consultation levels. Any shipment which is declared as TSUSA 807.0010 but found not to qualify for the Special Access Program may be denied entry into the United States.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-29631 Filed 12-24-87; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Import Restraint Limits for Certain Cotton Textile Products Produced or Manufactured in Nepal Effective on January 1, 1988

December 21, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Categories 337, 340, 341 and 342, produced or manufactured in Nepal and exported during 1983, in excess of the designated levels.

Background

The Bilateral Cotton Textile Agreement of May 30 and June 1, 1986 establishes specific import limits for cotton textile products in Categories 337 (playsuits and sunsuits), 340 (non-knit shirts), 341 (non-knit shirts and blouses) and 342 (skirts), produced or manufactured in Nepal and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988. The United States has decided to control these categories at the designated levels.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1987

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Cotton Textile Agreement of May 30 and June 1, 1986, between the Governments of the United States and Nepal; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 337, 340, 341 and 342, produced or manufactured in Nepal and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988, in excess of the following restraint limits:

Category	12-Mo. restraint limit
337	84,270 dozen.
340	202,248 dozen.
341	674,160 dozen.
342	112,360 dozen.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period January 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of May 30 and June 1, 1986 between the Governments of the United States and Nepal which provide, in part, that: (1) restraint limits may be exceeded by designated percentages; (2) restraint limits may be increased by carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-29626 Filed 12-24-87; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Import Restraint Limits for Certain Cotton and Wool Apparel Products Produced or Manufactured in Uruguay Effective on January 1, 1988

December 21, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption and withdrawal from warehouse for consumption of cotton and wool apparel products in Categories 335, 433, 434, 435 and 442, produced or manufactured in Uruguay and exported during the six-month period which begins on January 1, 1988 and extends through June 30, 1988, in excess of the designated restraint limits.

Background

The Bilateral Cotton and Wool Textile Agreement of December 30, 1983 and January 23, 1984, as amended, between the Governments of the United States and Uruguay, and as translated to the

new category system, establishes specific limits for cotton and wool apparel in Categories 335, 433, 434, 435 and 442, produced or manufactured in Uruguay and exported during the period which begins on January 1, 1988 and extends through June 30, 1988.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26822), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1987

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Cotton and Wool Textile Agreement of December 30, 1983 and January 23, 1984, as amended, between the Governments of the United States and Uruguay; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and wool apparel products in the following categories, produced or manufactured in Uruguay and exported during the six-month period which begins on January 1, 1988 and extends through June 30, 1988, in excess of the following restraint limits:

Category	Restraint limit
335	21,500 dozen.
433	1,778 dozen.
434	11,509 dozen.
435	29,225 dozen.
442	15,497 dozen.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period July 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the limits set forth in this directive.

These limits are subject to adjustment in the future according to the provisions of the bilateral agreement, as amended, which provide, in part, that: (1) the specific limits may be adjusted for carryover and carryforward, and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-29622 Filed 12-24-87; 8:45 am]

BILLING CODE 3510-DR-M

Amendment of an Import Level for Certain Cotton Textile Products Produced or Manufactured in the Dominican Republic

December 21, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 28, 1987. For further information contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the import restraint limit for cotton textile products in Category 340, produced or manufactured in the Dominican Republic and exported during the period which began on June 1, 1987 and extends through May 31, 1988, as the designated level.

Background

A CITA directive dated May 18, 1987 (52 FR 19190) established import limits for certain cotton and man-made fiber textile products, including Category 340, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began June 1, 1987 and extends through May 31, 1988.

During consultations held September 21-22, 1987 between the Governments of the United States and the Dominican Republic, agreement was reached to amend their Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 18, 1986, to increase the designated consultation level for Category 340, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on June 1, 1987 and extends through May 31, 1988.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15173), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26822), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the **Federal Register.**

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 21, 1987.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of May 18, 1987, which directed you to prohibit entry of certain cotton and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on June 1, 1987 and extends through May 31, 1988.

Effective on December 28, 1987, the directive of May 18, 1987 is hereby amended to increase the level for cotton textile products in Category 340 to a level of 210,000 dozen.[1]

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-29629 Filed 12-24-87; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Taiwan; Correction

December 21, 1987.

In the table of the letter to the Commissioner of Customs published in the **Federal Register** on October 27, 1987 (52 FR 41317), the unit of measure for Category 659-I should be corrected to read "pounds", instead of "dozen."

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-29628 Filed 12-24-87; 8:45 am]

BILLING CODE 3510-DR-M

New Export Visa Arrangement for Certain Textiles and Textile Articles Produced or Manufactured in the Arab Republic of Egypt

December 21, 1987

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 15, 1988. For further information contact Pamela Smith, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioners of Customs to prohibit entry into the United States (i.e., the 50 States, the District of Columbia and the Commonwealth of Puerto Rico) for consumption, and withdrawal from warehouse for consumption, of certain textiles and textile articles, as specified, for which the Government of the Arab Republic of Egypt has not issued an appropriate export visa.

[1] The limit has not been adjusted to reflect any imports exported after May 31, 1987.

Background

The Governments of the United States and the Arab Republic of Egypt have exchanged letters dated July 14 and November 2, 1987 establishing a new export visa arrangement concerning cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Egypt.

Effective on January 15, 1988, commercial shipments of textiles and textile articles of cotton, wool and man-made fibers, other vegetable fibers, blends of any of the foregoing fibers and blends containing silk but not including garments which contain 70 percent or more silk by weight, or products other than garments which contain 85 percent of more silk by weight, regardless of value, in Categories 300-369, 400-469, 600-670 and 800-899, exported on or after January 15, 1988 must be accompanied by a valid visa that includes the correct category(s), part category(s), merged category(s), quantity(s) and unit(s) of quantity as described in the letter published below to the Commissioner of Customs.

Merchandise imported for the personal use of the importer and not for resale, regardless of value, and properly marked commercial sample shipments under $250 in total value do not require a visa for entry and shall not be charged to the agreement levels.

A facsimile of the visa stamp has been furnished to the Commissioner of Customs. A copy of the facsimile may be obtained from the Office of Textiles and Apparel, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Room H3100. U.S. Department of Commerce.

Interested persons are advised to take all necessary steps to ensure that textiles and textile articles, as described above, produed or manufactured in Egypt and exported on and after January 15, 1988, which are to be entered or withdrawn from warehouse for consumption into the United States will meet the requirements set forth in this notice.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 21, 1987.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the export visa arrangement concerning cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, effected by exchange of letters dated July 14 and November 2, 1987, between the Governments of the United States and the Arab Republic of Egypt; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 15, 1988, entry into the Customs territory of the United States (i.e., the 50 States, the District of Columbia and the Commonwealth of Puerto Rico) for consumption, and withdrawal from warehouse for consumption, textiles and textile articles of cotton, wool, man-made fiber, other vegetable fibers; blends of any of the foregoing fibers and blends containing silk but not including garments which contain 70 percent or more silk by weight, or products other than garments which contain 85 percent or more silk by weight, regardless of value, in Categories 300-369, 400-469, 600-670 and 800-899, including merged Categories 300/301, produced or manufactured in Egypt and exported on or after January 15, 1988 from Egypt for which the Government of Egypt has not issued an appropriate visa.

A valid export visa must accompany each commercial shipment of the aforementioned textiles and textile articles.

However, should additional categories, merged categories or part categories be added to the bilateral agreement or become subject to import quotas, the entire category or categories shall be automatically included in coverage of the visa arrangement. Merchandise exported on or after the date the category(s) is added to the agreement or becomes subject to import quotas shall require a visa subject to a grace period to establish the required administrative procedures. Notification will be provided when additions or changes are made.

Textiles and textile articles of cotton, wool man-made fibers, other vegetable fibers, blends of any of the foregoing fibers and silk blends exported from Egypt on or after January 15, 1988 shall be visaed by the stamping of the original circular visa in blue ink on the front of the original commercial invoice. The original visa shall not be stamped on duplicate copies of the invoice. The original of the invoice with the original visa stamp will be required to enter the shipment into the United States. Duplicates of the invoice and/or visa may not be used for this purpose.

Each visa stamp shall include the following information:

1. The visa number. The visa number shall be in a standard nine digit letter format, beginning with one numeric digit for the last digit of the year of export, the two character alpha country code specified by the International Organization for Standardization (ISO), (the code for Egypt is "EG") and a six digit numeric serial number identifying the shipment; e.g., 7EG123456.

2. The date of issuance. The date of issuance shall be the day, month and year on which the visa was issued.

3. The signature of the issuing official.

4. The correct category(s), merged category(s), part category(s), quantity(s), and unit(s) of quantity in the shipment in the unit(s) of quantity provided for the U.S. Department of Commerce Correlation and in the U.S. Tariff Schedules of the United States Annotated (TSUSA) (e.g., "Cat. 340–510DZ"). Merged category quota merchandise may be accompanied by either the appropriate merged category visa or the correct category visa corresponding to the actual shipment (e.g., quota Category 300/301 may be visaed as "Cat. 300/301 or, if the shipment consists solely of Category 300 merchandise, the shipment may be visaed as "Cat. 300," but not as "Cat. 301).

A facsimile of the visa stamp is enclosed.

U.S. Customs shall not accept a visa and entry will not by permitted if the shipment does not have a visa, or if the visa number, date of issuance, signature, category, quantity or units of quantity are missing, incorrect or illegible, or have been crossed out or altered in any way. If the quantity indicated on the visa is less than that of the shipment, entry shall not be permitted. If the quantity indicated on the visa is more than that of the shipment, entry shall be permitted and only the amount entered shall be charged.

If the visa is not acceptable to the U.S. Customs, a new visa must be obtained from the Egyptian Government or a visa waiver issued by the Government and presented to the U.S. Customs Service Service before any portion of the shipment will be released. The waiver, if used, only waives the requirement to present a visa with the shipment. It does not waive the quota requirment.

If the visaed invoice is deficient, the U.S. Customs Service will not return the original document after entry, but will provide a certified copy of that visaed invoice for use in obtaining a new correct original visaed invoice, or a visa waiver.

If the quotas are in force, U.S. Customs shall charge only the actual quantity in the shipment and the correct category will be charged to the restraint level. If the shipment from Egypt has been allowed entry into the commerce of the United States with either an incorrect visa or no visa and redelivery is requested but cannot be made, U.S. Customs shall charge the shipment to the correct category limit whether or not a replacement visa or visa waiver is provided.

Any shipment which requires a visa but which is not accompanied by a valid and correct visa in accordance with the foregoing provisions shall be denied entry by U.S. Customs Service unless the Government of Egypt authorizes the entry and any charges to the agreement levels through the visa waiver process.

Merchandise imported for the personal use of the importer and not for resale, regardless of value, and properly marked commercial sample shipments under $250 in total value do not require a visa for entry and shall not be charged to the agreement levels.

The actions taken with respect to the Government of Egypt and with respect to imports of textiles and textile articles of cotton, wool, man-made fiber, other vegetable fiber, blends of any of the foregoing fibers and silk blends from Egypt have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1). This letter will be published in the **Federal Register**.

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–29623 Filed 12–24–87; 8:45 am]

BILLING CODE 3510–DR–M

Request for Public Comment on Bilateral Consultations With the Government of the Dominican Republic

December 21, 1987.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on categories on which consultations have been requested call (202) 377–3740.

On November 30, 1987, the United States Government, in accordance with section 204 of the Agricultural Act of 1956, requested the Government of the Dominican Republic to enter into consultations concerning exports to the United States of cotton knit shirts in Categories 338/339, cotton and man-made fiber skirts in Categories 342/642 and man-made fiber trousers, slacks and shorts in Categories 647/648, produced or manufactured in the Dominican Republic.

The purpose of this notice is to advise that, if no solution is agreed upon in consultations with the Dominican Republic, the Committee for the Implementation of Textile Agreements may later establish limits for the entry and withdrawal from warehouse for consumption of cotton and man-made fiber products in Categories 338/339, 342/642 and 647/648, produced or manufactured in the Dominican Republic and exported to the United States during the twelve-month period which began on November 30, 1987 and extends through November 29, 1988, at levels of 486,916 dozen for Categories 338/339; 322,465 dozen for Categories 342/642 and 682,777 dozen for Categories 647/648.

Summary market statements for these categories follow this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 26, 1984 (49 FR 26822), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Anyone wishing to comment or provide data or information regarding the treatment of Categories 338/339, 342/642 and 647/648 or to comment on domestic production or availability of textile products included in the categories, is invited to submit such comments or information in ten copies to Mr. James H. Babb, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room H 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of the Dominican Republic, further notice will be published in the **Federal Register**.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Dominican Republic—Market Statement

Category 338/339—Cotton Knit Shirts and Blouses

November 1987.

Summary and Conclusions

U.S. imports of Category 338/339 from the Dominican Republic were 486,916 dozen during the year ending August 1987, double the 246,361 dozen imported a year earlier. During the first eight months of 1987, imports of Category 338/339 from the Dominican Republic reached 359,848 dozen, two times the 165,599 dozen imported during the same period of 1986 and 23 percent above the total imported in calendar year 1986.

The market for Category 338/339 has been disrupted by imports. The sharp and substantial increase in imports from the Dominican Republic has contributed to this disruption.

U.S. Production and Market Share

U.S. production of cotton knit shirts and blouses has been on the decline, dropping from 24.6 million dozen in 1982 to a depressed 19 million dozen in 1985, a decline of 23 percent. Production in 1986 partially recovered from 1985, reaching 20.4 million dozen, but remained 12 percent below the 1984 level and 16 percent below the 1983 level. The domestic manufacturers' share of the market dropped 19 percentage points in four years, falling from 63 percent in 1982 to 44 percent in 1986.

U.S. Imports and Import Penetration

U.S. imports of Category 338/339 grew from 14.6 million dozen in 1982 to 25.5 million dozen in 1986, a 74 percent increase. During the first eight months of 1987 imports of Category 338/339 reached 22 million dozen, 28 percent above the level imported during the same period in 1986. The ratio of imports to domestic production more than doubled, increasing from 60 percent in 1982 to 125 percent in 1986.

Duty-Paid Value and U.S. Producers' Price

Approximately 66 percent of Category 338/339 imports from the Dominican Republic during the first eight months of 1987 entered under TSUSA numbers 361.0240—men's and boys' cotton knit shirts, excluding T-shirts and tank tops, ornamented; 361.4130—men's and boys' cotton knit shirts, excluding T-shirts, sweatshirts, and tank tops, not ornamented; 384.2815—women's cotton knit blouses, excluding tank tops, not ornamented; and 384.2980—infants' (excluding infant boys' over 24 months of age) cotton knit shirts, excluding T-shirts and sweatshirts, not ornamented. These garments entered the U.S. at duty-paid landed values below U.S. producers' prices for comparable garments.

Dominican Republic—Market Statement

Category 342/642—Cotton Knit and Man-made Fiber Skirts

November 1987.

Summary and Conclusions

U.S. imports of Category 342/642 from the Dominican Republic were 322,465 dozen during the year ending August 1987, more than two times the 134,817 dozen imported a year earlier. During the first eight months of 1987, imports of Category 342/642 from the Dominican Republic reached 227,758 dozen, double the 109,682 dozen imported during the same period of 1986, 11 percent above the total imported in calendar year 1986, and nearly three times the 80,265 dozen shipped in calendar year 1985.

The market for Category 342/642 has been disrupted by imports. The sharp and substantial increase in imports from the Dominican Republic has contributed to this disruption.

U.S. Production and Market Share

U.S. production of cotton and man-made fiber skirts has been on the decline, dropping from 9,101 thousand dozen in 1982 to a depressed 7,940 thousand dozen average during 1984 and 1985, a decline of 13 percent. Production in 1986 partially recovered reaching 8,128 thousand dozen, but remained below the 1983 level and was 11 percent below the 1982 level. The domestic manufacturers' share of the market dropped 25 percentage points in just four years, falling from 83 percent in 1982 to 58 percent in 1986.

U.S. Imports and Import Penetration

U.S. imports of Category 342/642 at 5.995 thousand dozen in 1986 was more than three times the amount imported in 1982. Category 342/642 imports increased 33 percent during the first eight months of 1987 over January-August 1986. The ratio of imports to domestic production nearly quadrupled increasing from 20 percent in 1982 to 74 percent in 1986.

Duty-Paid Value and U.S. Producer's Price

Approximately 80 percent of Category 342/642 imports from the Dominican Republic during the first eight months of 1987 entered under TSUSA numbers 384.5251—women's cotton woven skirts, not of corduroy, denim or velveteen, not ornamented and 384.9445 women's man-made fiber woven skirts, not ornamented. These skirts entered the U.S. at landed duty-paid values below U.S. producers' prices for comparable skirts.

Dominican Republic—Market Statement

Category 647/648 Man-made Fiber Trousers, Slacks and Shorts

November 1987.

Summary and Conclusions

U.S. imports of Category 647/648 from the Dominican Republic were 682,777 dozen during the year ending August 1987, 33 percent above the 514,053 dozen imported a year earlier. During the first eight months of 1987, imports of Category 647/648 from the Dominican Republic reached 464,896 dozen, 29 percent above the level imported during the same period of 1986. In 1986 Category 647/648 man-made fiber trouser, slack and short imports from the Dominican Republic were 579,676 dozen; in 1985 imports totaled 412,634 dozen.

The market for Category 647/648 has been disrupted by imports. The sharp and substantial increase in imports from the Dominican Republic has contributed to this disruption.

U.S. Production and Market Share

U.S. Production of man-made fiber trousers, slacks, and shorts had been relatively flat during the 1982 through 1985 period, averaging approximately 40,959 thousand dozen. In 1986, U.S. production dropped to 39,890 thousand dozen, 2.6 percent below the 1982–85 average level. The domestic manufacturers' share of the market declined 6 percentage points between 1982 and 1985, falling from 76 percent in 1982 to 70 percent in 1985. In 1986, the domestic manufacturers' share dropped another 5 percentage points, plunging to 65 percent.

U.S. Imports and Import Penetration

U.S. imports of Category 647/648 grew from 13.2 million dozen in 1982 to 21.7 million dozen in 1986, a 65 percent increase. During the first eight months of 1987 imports of Category 647/648 reached 15.8 million dozen, 5 percent above the level imported during the same period in 1986. The ratio of imports to domestic production increased from 32 percent in 1982 to 55 percent in 1986.

Duty-Paid Value and U.S. Producer's Price

Approximately 71 percent of Category 647/648 imports from the Dominican Republic during the first eight months of 1987 entered under TSUSA numbers 361.9575—men's man-made fiber woven trousers and slacks, not ornamented and 384.9000—women's man-made fiber woven trousers and slacks, excluding those non-woven disposable trousers and slacks designed for use in hospitals, clinics, laboratories, or contaminated areas, not ornamented. These garments entered the U.S. at duty paid landed values below U.S. producers' prices for comparable garments.

[FR Doc. 87–29264 Filed 12–24–87; 8:45 am]

BILLING CODE 3510–DR–M

Implementation of 1988 Import Controls and Visa Arrangements Based on the Harmonized System

December 21, 1987.

For Further Inforamtion Contact: Martin J. Walsh International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Pending the implementation of the Harmonized Commodity Code (HCC), the 1988 import restraint limits for textile and apparel products are being published in the **Federal Register** in current category units. However, upon adoption of the HS, the Commissioner of Customs will be directed to convert the units of measure to metric units as indicated below. These directives will not be published in the **Federal Register**.

1. All limits in square yards (syd) or square yards equivalent (sye) shall be converted to square meters (sm) or square meters equivalent (sme), respectively, at the rate of 0.8312736 sm (or sme) per syd (or sye). More simply, multiply the sye times 0.83612736 to obtain the square meters equivalent.

2. All limits in pounds (lbs) shall be converted to kilograms (kg) at the rate of 0.45359237 kg per lb. More simply, multiply the pounds times 0.45359237 to obtain the kilograms.

3. All 7-digit tariff schedule numbers (based on the Tariff Schedules of the United States Annotated-TSUSA) referred to in the 1988 import control directives shall be replaced by the appropriate 10-digit Harmonized

Commodity Code tariff schedule number.

Similarly, visa systems, and any changes to visa systems for 1988 already published, will be modified when the HCC goes into effect.

1. Correct units will be sm, sme and kg. instead of syd, sye and lbs, respectively.

2. Seven-digit TSUSA numbers will be replaced by 10-digit HCC tariff schedule number.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-29627 Filed 12-24-87; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1988; Establishment; Notice Correction

In FR Doc. 87-28208 appearing at page 46925 in the issue for Thursday, December 10, 1987, make the following corrections:

1. On page 46926, second column, under CLASS 1680, Wire Bundle Assemblies, in the fourth line the two-digit number reading "-00" should read "-01".

2. On page 46927, third column, under CLASS 5440, the five-digit number reading "54400-" should read "5440" in all lines under Ladder, Extension (Wood) and under Ladder, Straight (Wood) and the first nine lines under Stepladder. The four-digit number reading "5540-" in the last line under Stepladder should read "5440-".

3. On page 46927, third column, under CLASS 5510, Stake, Wood the first line should read "5510-00-NSH-0001 BLM at 5 Oregon".

4. On page 46929, second column, under CLASS 7210, Boxspring, fifth and sixth lines, the two-digit number reading "-01" should read "-00".

5. On page 46929, second column, the last line in the column, the two-digit number reading "-01" should read "-00".

6. On page 46932, first column, near the botton of the column under Paper, Looseleaf, Ruled, in the seventh line, the three-digit number reading "-286" should read "-196".

7. On page 46934, second column, under CLASS 8340, Line, Tent, in the seventh line, the four-digit number reading "-9789" should read "-9689".

8. On page 46935, first column, third line, the three-digit number reading "-835" should read "-825".

9. On page 46935, first column, fifty-third line, the four-digit number reading "-0552" should read "-0542".

10. On page 46935, third column, under CLASS 8430, Footwear Cover, after the fourth line insert the following as the next line: "8430-01-162-4453".

C.W. Fletcher,

Executive Director.

[FR Doc. 87-29635 Filed 12-24-87; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1988 Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1988 a commodity to be produced by and service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: January 28, 1988.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On October 9, and October 23, 1987, the Committee for Purchase from the Blind and Other Severely Handicapped published notice (52 FR 37819 and 39878) of additions to Procurement List 1988, December 10, 1987 (52 FR 46926).

Additions

After consideration of the relevant matter presented, the Committee has determined that the commodity and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77 and 41 CFR 51-2.6. I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the services listed.

c. The action will result in authorizing small entities to provide the commodity and service procured by the Government.

Accordingly, the following commodity and service are hereby added to Procurement List 1988.

Commodity

Cover, Cushion Assembly, 2540-01-245-2524, 2540-01-245-2525, 2540-01-245-2526, 2540-01-246-6212.

Service

Grounds Maintenance, Veterans Administration Medical Center, Palo Alto, California.

C.W. Fletcher,

Executive Director.

[FR Doc. 87-29636 Filed 12-24-87; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1988 Proposed Additions and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped

ACTION: Proposed additions and deletions to procurement list.

SUMMARY: The Committee has received proposals to add to and delete from Procurement List 1988 a commodity and services produced or provided by workshops for the blind or other severely handicapped.

DATES: Comments must be received on or before: January 28, 1988.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1988, December 10, 1987 (52 FR 46926).

Services

Janitorial/Custodial, Federal Supply Service Depot, 4100 W. 76th Street, Chicago, Illinois.

Janitorial Service, U.S. Courthouse, 312 N. Spring Street, Los Angeles, California.

Deletions

It is proposed to delete the following commodity and service from Procurement List 1988, December 10, 1987 (52 FR 46926):

Commodity

Tube, Mailing and Filing, 8110-00-412-4410.

Service

Pallet Repair, Navy Supply Center, Cheatham Annex, Williamsburg, Virginia.

C.W. Fletcher,

Executive Director.

[FR Doc. 87-29637 Filed 12-24-87; 8:45 am]

BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade Proposed Option Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity option contract.

SUMMARY: The Chicago Board of Trade ("CBT" or "Exchange") has applied for designation as a contract market in options on Mortgage-Backed futures. The application also contains a petition for an exemption for the volume requirement for the underlying futures contract specified in the Commission's rules. The Director of the Division of Economic Analysis ("Division") of the Commission, acting pursuant to the authority delegated by Commission Regulation § 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before January 27, 1988.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the CBT Mortgage-Backed futures option contract.

FOR FURTHER INFORMATION CONTACT: Naomi Jaffe, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, (202) 254-7227.

SUPPLEMENTARY INFORMATION: In addition to requesting comment on the terms and conditions of the proposed Mortgage-Backed futures option contract, the Division also is requesting comment on the merits of a petition filed by the CBT pursuant to § 33.11 of the Commission's rules. That petition requests exemptive relief from the trading volume tests set forth in the Commission's rules. In that regard, § 33.4(a)(5)(iii) of the Commission's rules requires, as a condition of designation for proposed options on futures contracts, that the exchange demonstrate that:

> • • • the volume of trading in all contract months for futures delivery of the commodity for which the option designation is sought has averaged at least 3,000 contracts per week on such board of trade for the 12 months preceding the date of application for option contract market designation, or alternatively, that such futures contract market, based on its trading history, substantially meets this total volume requirement in less that the 12 months preceding the date of application: • • •

The Division notes that the CBT's Mortgage-Backed futures contract which will underlie the proposed option contract currently is not listed for trading and is dormant under Commission Regulations § 5.2. No trades have occurred in the contract since September 1986. Pursuant to the requirements in Regulations § 5.2 governing the reactivation of dormant contracts, the Exchange has submitted a proposal to list additional months in that futures contract.[1]

As discussed in more detail in previous **Federal Register** notices (see, for example, 52 FR 41755, October 30, 1987), the Commission has stated that it believes that, at the minimum, a petition may be granted only if the underlying cash market for the commodity exhibits a high level of liquidity. Cash market liquidity would be evidenced by extensive and frequent trading activity, a large number of participants in the market, and tight bid/ask spreads. Further, the terms of the futures contract should ensure the opportunity for arbitrage and close alignment between the cash and futures markets. In combination, the liquidity of the underlying cash market and the opportunities for arbitrage are major factors in determining the extent to which a less liquid futures contract could be disrupted by the exercise of options and the alternatives available to those exercising the options. In addition, to enable position holders to evaluate accurately the value of their option positions in the absence of active trading in the underlying futures contract, the Commission stated its belief that there should exist an accurate and widely available price series which would be representative of values of the commodity underlying the future.[2]

In requesting comment on the CBT's proposed option on Mortgage-Backed futures, the Division is seeking specific comment on whether it should grant the CBT's request for an exemption from the requirements of § 33.4(a)(5)(iii) for the proposed contract. Commenters are requested to consider the issues noted above. Also, commenters are requested to address whether, if the petition were granted, additional surveillance activities and expiration reviews, particularly at the outset of trading, should be implemented by the CBT for the proposed contract.

Copies of the terms and conditions of the proposed contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address of by phone at (202) 254-6314.

Other materials submitted by the CBT in support of the application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance

[1] The Mortgage-Backed futures contract of the CBT which will underlie the proposed option contract currently is called the GNMA futures contract. In conjunction with its proposal to reactivate this futures contract, the CBT has submitted for Commission consideration a proposal to amend several terms and conditions of the GNMA futures contract, including changes to the cash settlement procedures and the procedures for listing contract months as well as a change in the name to "Mortgage-Backed" futures. Those proposals currently are under review at the Commission. The Division also notes that another mortgage-related futures contract, the GNMA (CDR) futures contract, is currently listed for trading at the CBT.

[2] The Division notes that in those cases where the underlying futures contract fails to develop a sufficient level of trading volume, the option on the futures contract would become subject to the delisting criteria set forth in § 5.4 of the Commission's rules. Specifically, if the volume in the underlying futures contract market falls below an average weekly volume of 1,000 contracts for all months listed for the six-month period following designation of the option contract, no new option contract month may be listed until the volume in the underlying futures contract rises above an average of 2,000 contracts per week for all trading months listed for a period of three consecutive months.

Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures option contract or the petition, or with respect to other materials submitted by the CBT in support of the application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, by the specified date.

Issued in Washington, DC. on December 22, 1987.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 87-29642 Filed 12-24-87; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Scientific Advisory Committee; Closed Meetings

AGENCY: Defense Intelligence Agency Scientific Advisory Committee, DOD.

ACTION: Notice of closed meetings.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that closed meetings of a panel of the DIA Scientific Advisory Committee have been scheduled as follows:

DATE: 25 January, 24 February and 23 March 1988 (9:00 a.m. to 5:00 p.m. each day).

ADDRESS: The DIAC, Bolling AFB, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel John E. Hatlelid, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, DC 20340-1328 (202/373-4930).

SUPPLEMENTARY INFORMATION: The entire meetings will be devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on tactical intelligence information handling systems.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 22, 1987.

[FR Doc. 87-29673 Filed 12-24-87; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Strategic Arms Reduction Treaty (START) Verification Procedures; Meetings

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Strategic Arms Reduction Treaty (START) Verification procedures will meet in closed session on January 21, 1988 at the Pentagon, Washington, DC.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will review verification aspects with regard to U.S. Programs, facilities, technologies and defense contractors and determine which START verification approaches are most appropriate from the acquisition viewpoint.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 22, 1987.

[FR Doc. 87-29674 Filed 12-24-87; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Public Information Collection Requirement Submitted to the Office of Management and Budget for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of information; Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact for whom a copy of the information proposal may be obtained.

Existing Collection in Use Without an OMB Control Number

Application for US Army ROTC 2 and 3 Year Scholarship; ROTC Cadet Command Form 166-R

The application forms the basis to award 2 and 3 year scholarships. Through the ROTC scholarship program the Army acquires quality young men and women as commissioned officers.

Individuals or Households

Reponses: 5,500.

Burden Hours: 2,750.

OMB Desk Officer: Mr. Edward Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Edward Springer at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DoD Clearance Officer: Mrs. Pearl Rascoe-Harrison.

A copy of the information collection proposal may be obtained from Mrs. Pearl Rascoe-Harrison at WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, telephone 202/746-0933.

Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 22, 1987.

[FR Doc. 87-29675 Filed 12-24-87; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" pursuant to the Taiwan Relations Act of 1979 (Pub. L. 96-8).

The subsequent arrangement to be carried out under the above-mentioned authority involves approval of the following sale:

Contract Number S-CI-22, for the supply of 21.194 grams of uranium-238 for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: December 22, 1987.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 87-29571 Filed 12-24-87; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Proposed Consent Order; Vessels Gas Processing Co. et al

AGENCY: Economic Regulatory Administration. DOE.

ACTION: Notice of proposed consent order and opportunity for comments.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") announces a proposed Consent Order with Vessels Gas Processing Company ("VGPC"), Vessels Gas Processing, Ltd ("VGPL") (sometimes collectively referred to as "Vessels") and Halliburton Company ("Halliburton") (all three companies are collectively referred to as the "Firms") for $1,500,000.

DATE: Comments by January 27, 1988.

ADDRESS: Send comments to Vessels Comments, Office of the Solicitor, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, SW.,Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Jeffrey R. Whieldon, Office of Solicitor (RG-43), Economic Regulatory Administration, 1000 Independence Avenue, SW., Washington, DC 20585. Copies of the proposed Consent Order may be obtained free of charge by writing or calling this office at (202) 586-4235.

SUPPLEMENTARY INFORMATION: On November 3, 1987, the ERA executed a proposed Consent Order with the Firms. Under 10 CFR 205 through 199J(b), a proposed Consent Order which involves the sum of $500,000.00 or more, excluding interest and penalties, becomes effective no sooner than thirty (30) days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although ERA has signed and tenatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order, or issue the Consent Order as signed. DOE's final decision will be published in the **Federal Register**, along with an analysis of and response to the significant comments, as well as any other considerations that were relevant to the decision.

I. Background

The stipulated facts upon which the Consent Order is based are as follows:

During the period covered by this Consent Order VGPC, VGPL, and or Halliburton owned and operated gas plants for the processing of natural gas. Natural gas liquids ("NGLs") and natural gas liquid products ("NGLPs") were produced at and sold from those plants during the period covered by this Consent Order. These sales were subject to the federal petroleum price and allocation regulations, as codified in 10 CFR Parts 205, 210, 211, 212 and prior provisions.

The DOE audited Vessels' and Halliburton's compliance with the federal petroleum rice and allocation regulations. The audit encompassed a review of Vessels' policies and procedures pertaining to, and Vessels' compliance with, the applicable federal petroleum price and allocation regulations, including the reporting requirements incidental to those regulations as they pertain to NGLs and NGLPs processed and sold at the Bennett, Brighton and Irondale plants owned and operated by Halliburton Resource management, a division of Halliburton. In addition, at DOE's request, Vessels prepared and submitted to DOE a substantial number of specific responses to audit inquiries not necessarily limited to, or readily available from, individual books and records.

As a result of this audit the DOE issued a Remedial Order on October 7, 1986, which found that the Firms had overcharged in their sales of propane and NGLs during the period from September 1, 1973 through December 31, 1977, in the amount of $1,571,671.40, plus interest of $2,983,858.55 through September 30, 1986. (15 DOE ¶ 83,002).

The Firms maintain that they calculated costs, determined prices, sold propane and NGLs and operated in all other respects in accordance with the federal petroleum price and allocation regulations. The Firms deny the findings set forth in the Remedial Order and are presently appealing it before the Federal Energy Regulatory Commission.

During negotiations which led to the settlement noticed herein, the Firms proffered arguments on several issues which, if successful, could substantially reduce or eliminate certain of the alleged overcharges. Those areas include prenotification, the allowability of processing fees at the Irondale plant, the definition of "NGL" with respect to the B/G mix, natural gas base price adjustment, and non-product costs adjustment. Additionally, Halliburton continues to contend that it is not liable for any of the overcharges since it neither owned nor sold NGLs or NGLPs.

Based upon an anlaysis of the litigation risks associated with all such arguments, particularly the issue of Halliburton's liability, and a review of the financial condition of VGPL and VGPC, ERA has concluded that a total joint payment of $1,500,000 ($750,000 from the Vessels entities and $750,000 from Halliburton) is a satisfactory compromise of the issues raised in the audit.

II. Consent Order

The proposed Consent Order has been entered into by DOE and the Firms in order to resovle all civil and administrative disputes, claims, and causes of action by DOE against the Firms relating to their compliance with the Federal petroleum price and allocation regulations during the period January 1, 1973 through January 27, 1981. Although the Firms contend that in all respects they correctly construed and applied the applicable regulations, they have entered into this proposed Consent Order to avoid possible further expenses and disruption of business. DOE believes the proposed Consent Order is in the public interest and provides a satisfactory resolution of the issues raised by the audit.

III. Refunds

Under the terms of the Consent Order Halliburton is required to pay the sum of $750,000.00 within thirty (30) days of the effective date of the Consent Order.

VGPL is required to pay the sum of $250,000.00 plus interest at the rate of 7.5% on any unpaid principal amount as follows: $25,000 on or before thirty (30) days after the effective date of the Consent Order; $10,000 per month for a period of twenty-four months, the first monthly payment due sixty (60) days after the effective date of the Consent Order; and a final payment in the twenty-fifth month of $3,243.62.

VGPC is required to pay the sum of $500,000.00 plus interest at 7.5% on any unpaid principal amount as follows: $5,000 on or before thirty (30) days after the effective date of the Consent Order; $10,000 per month for a period of fifty-

nine months, the first monthly payment due sixty (60) days after the effective date of the Consent Order; and a final payment in the sixtieth month of $4,109.58.

DOE will petiton the Office of Hearings and Appeals for distribution of the settlement amount pursuant to the special refund procedures of 10 CFR Part 205, Subpart V.

IV. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this proposed Consent Order to the address given above. The ERA will consider all comments it receives by 4:30 p.m., local time, on the 30 day after the date of publication of this notice. Any information or date considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, DC, on this 17th day of December, 1987.

Marshall A. Staunton,

Administrator, Economic Regulatory Administration.

[FR Doc. 87-29570 Filed 12-24-87; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ST88-1-000 et al.

Arkansas Western Gas Co. et. al.; Self-Implementing Transactions

December 22, 1987

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations, and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). [1]

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to § 284.102 of the Commission's Regulations and section 311(a)(1) of the NGPA.

A "C" indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.122 of the Commission's Regulations and section 311(a)(2) of the NGPA. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and the expiration date of the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline to an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to § 384.222 and a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline company on behalf of any shipper pursuant to § 284.223 and a blanket certificate issued under § 284.221 of the Commission's Regulations or pursuant to blanket certificate authority granted under § 284.225 of 284.226 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to a transaction reflected in this notice should on or before January 8, 1988, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commision will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Acting Secretary.

Docket No. [1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST85-0001	Arkansas Western Gas Co	ARKLA Energy Resources	10-01-87	C	02-28-88	11.76
ST88-0002	ANR Pipeline Co	UGI Corp	10-01-87	B		
ST88-0003	do	Michigan Consolidated Gas Co	10-01-87	B		
ST88-0004	Northern Natural Gas Co	Northern Indiana Public Service Co	10-01-87	B		
ST88-0005	do	UGI Corp	10-01-87	B		
ST88-0006	do	Northern Illinois Gas Co	10-01-87	B		
ST88-0007	do	Pacific Gas and Electric Co	10-01-87	B		
ST88-0008	Tennessee Gas Pipeline Co	Ripley Natural Gas System	10-01-87	B		
ST88-0009	do	Masonite Corp	10-01-87	G-S		
ST88-0010	Transcontinental Gas Pipe Line Corp	Alabama Gas Corp	10-01-87	B		
ST88-0011	Columbia Gulf Transmission Co	South Carolina Power and Light, et al	10-02-87	B		

[1] Notice of a transaction does not constitute a determination that the terms and conditions of the proposed service will be approved or that the notices filing is in compliance with the Commission's Regulations.

Docket No. [1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST88-0012	Natural Gas Pipeline Co. of America	Houston Pipe Line Co	10-02-87	B		
ST88-0013	do	Northern Illinois Gas Co	10-02-87	B		
ST88-0014	do	Winnie Pipeline Co	10-02-87	B		
ST88-0015	Northern Natural Gas Co	Peoples Natural Gas Co	10-02-87	B		
ST88-0016	do	Coon Rapids Municipal Nat. Gas Dept	10-02-87	B		
ST88-0017	do	Southern California Gas Co	10-02-87	B		
ST88-0018	do	Lear Gas Transmission Co	10-02-87	B		
ST88-0019	Panhandle Eastern Pipe Line Co	Central Illinois Light Co	10-02-87	B		
ST88-0020	do	do	10-02-87	B		
ST88-0021	do	Central Illinois Public Service Co	10-02-87	B		
ST88-0022	do	Central Illinois Light Co	10-02-87	B		
ST88-0023	do	do	10-02-87	B		
ST88-0024	do	do	10-02-87	B		
ST88-0025	do	Central Illinois Public Service Co	10-02-87	B		
ST88-0026	do	Central Illinois Light Co	10-02-87	B		
ST88-0027	do	Central Illinois Public Service Co	10-02-87	B		
ST88-0028	do	do	10-02-87	B		
ST88-0029	do	do	10-02-87	B		
ST88-0030	do	Central Illinois Light Co	10-02-87	B		
ST88-0031	do	do	10-02-87	B		
ST88-0032	do	do	10-02-87	B		
ST88-0033	do	do	10-02-87	B		
ST88-0034	do	do	10-02-87	B		
ST88-0035	do	do	10-02-87	B		
ST88-0036	do	do	10-02-87	B		
ST88-0037	SNG Intrastate Pipeline, Inc	Southern Natural Gas Co	10-02-87	C	02-29-88	25.00
ST88-0038	Trunkline Gas. Co	Consumers Power Co	10-02-87	B		
ST88-0039	do	do	10-02-87	B		
ST88-0040	do	do	10-02-87	B		
ST88-0041	do	do	10-02-87	B		
ST88-0042	do	do	10-02-87	B		
ST88-0043	do	do	10-02-87	B		
ST88-0044	do	do	10-02-87	B		
ST88-0045	do	do	10-02-87	B		
ST88-0046	do	do	10-02-87	B		
ST88-0047	do	do	10-02-87	B		
ST88-0048	Colorado Interstate Gas Co	do	10-05-87	B		
ST88-0049	Columbia Gulf Transmission Co	Texas Gas Transmission Corp	10-05-87	G		
ST88-0050	Columbia Gulf Transmission Co	Monterey Pipeline Co	10-05-87	B		
ST88-0051	Ong Transmission Co	Natural Gas Pipeline Co. of America	10-05-87	C	03-03-88	10.00
ST88-0052	do	Central Illinois Light Co	10-05-87	B		
ST88-0053	do	Michigan Gas Utilities Co	10-05-87	B		
ST88-0054	do	Central Illinois Light Co	10-05-87	B		
ST88-0055	do	Central Illinois Light Co	10-05-87	B		
ST88-0056	do	do	10-05-87	B		
ST88-0057	do	Central Illinois Light Co	10-05-87	B		
ST88-0058	do	Central Illinois Public Service Co	10-05-87	B		
ST88-0059	do	Ohio Valley Gas Corp	10-05-87	B		
ST88-0060	do	Central Illinois Public Service Co	10-05-87	B		
ST88-0061	do	Peoples Natural Gas Co	10-05-87	B		
ST88-0062	do	Central Illinois Public Service Co	10-05-87	B		
ST88-0063	do	Yankee Pipeline Co	10-05-87	B		
ST88-0064	do	Central Illinois Light Co	10-05-87	B		
ST88-0065	do	do	10-05-87	B		
ST88-0066	do	Central Illinois Public Service Co	10-05-87	B		
ST88-0067	do	do	10-05-87	B		
ST88-0068	do	Columbia Gas of VA, Inc., Et al	10-05-87	B		
ST88-0069	do	Central Illinois Light Co	10-05-87	B		
ST88-0070	do	Central Illinois Public Service Co	10-05-87	B		
ST88-0071	do	Ohio Gas Co	10-05-87	B		
ST88-0072	do	Central Illinois Public Service Co	10-05-87	B		
ST88-0073	do	Michigan Consolidated Gas Co	10-05-87	B		
ST88-0074	do	Illinois Power Co	10-05-87	B		
ST88-0075	do	Michigan Consolidated Gas Co	10-05-87	B		
ST88-0076	do	Central Illinois Public Service Co	10-05-87	B		
ST88-0077	do	Citizens Gas and Coke Utility	10-05-87	B		
ST88-0078	do	Missouri Public Service Co	10-05-87	B		
ST88-0079	do	Northern Indiana public Service Co	10-05-87	B		
ST88-0080	do	Central Illinois Light Co	10-05-87	B		
ST88-0081	do	Ohio Gas Co	10-05-87	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST88-0082	....do	Northern Indiana Fuel & Light Co	10-05-87	B		
ST88-0083	....do	Michigan Consolidated Gas Co	10-05-87	B		
ST88-0084	....do	Central Illinois Public Service Co	10-05-87	B		
ST88-0085	....do	Central Illinois Light Co	10-05-87	B		
ST88-0086	....do	Woodward Pipeline, Inc	10-05-87	B		
ST88-0087	....do	Associated Intrastate pipeline Co	10-05-87	B		
ST88-0088	....do	....do	10-05-87	B		
ST88-0089	....do	Central Illinois Public Service Co	10-05-87	B		
ST88-0090	....do	....do	10-05-87	B		
ST88-0091	....do	....do	10-05-87	B		
ST88-0092	....do	Philadelphia Electric Co	10-05-87	B		
ST88-0093	....do	Stellar Gas Co	10-05-87	B		
ST88-0094	....do	Public Service Electric and Gas Co	10-05-87	B		
ST88-0095	....do	Creole Gas Pipeline Corp	10-05-87	B		
ST88-0096	....do	Philadelphia Electric Co	10-05-87	B		
ST88-0097	....do	Equitable Gas Co	10-05-87	B		
ST88-0098	....do	Boston Gas Co	10-05-87	B		
ST88-0099	Texas Eastern Transmission Corp	City of Smyrna	10-05-87	B		
ST88-0100	....do	Mississippi Fuel Co	10-05-87	B		
ST88-0101	Trunkline Gas Co	Humble Gas System, Inc	10-05-87	B		
ST88-0102	....do	Consumers Power Co	10-05-87	B		
ST88-0103	....do	Llano, Inc	10-05-87	B		
ST88-0104	Migc, Inc	Mgtc, Inc	10-06-87	B		
ST88-0105	Natural Gas Pipeline Co. of America	Iowa Electric Light & Power Co	10-06-87	B		
ST88-0106	Tennessee Gas Pipeline Co	Union Texas Petroleum Corp	10-07-87	G-S		
ST88-0107	....do	Gte Products Corp	10-07-87	G-S		
ST88-0108	....do	Valley Cities Gas Service	10-07-87	B		
ST88-0109	Colorado Interstate Gas. Co	Midwest Gas Marketing Corp., et al	10-07-87	B		
ST88-0110	....do	Coastal States Gas Transmission Co	10-07-87	B		
ST88-0112	....do	Southern California Edison	10-07-87	B		
ST88-0113	....do	Golden Gas Energies, Inc	10-07-87	B		
ST88-0114	....do	Lear Gas Transmission Co	10-07-87	B		
ST88-0115	El Paso Natural Gas Co	Pacific Gas and Electric Co	10-07-87	B		
ST88-0116	....do	El Paso Hydrocarbons Co	10-07-87	B		
ST88-0117	....do	Southern California Gas Co	10-07-87	B		
ST88-0118	Arkla Energy Resources	Arkansas Louisiana Gas Co	10-08-87	B		
ST88-0119	Algonquin Gas Transmission Co	Southern Connecticut Gas Co	10-08-87	B		
ST88-0120	Columbia Gas Transmission Corp	East Ohio Gas Co	10-08-87	B		
ST88-0121	Louisiana Resources Co	Texas Gas Transmission Corp	10-08-87	C	03-06-88	26.43
ST88-0122	....do	....do	10-08-87	C	03-06-88	26.43
ST88-0123	Tennessee Gas Pipeline Co	Nashville Gas Co	10-08-87	B		
ST88-0124	....do	Valley Cities Gas Service	10-08-87	B		
ST88-0125	....do	Connecticut Natural Gas Corp	10-08-87	B		
ST88-0126	ANR Pipeline Co	Wisconsin Public Service Co	10-09-87	B		
ST88-0127	....do	Stellar Gas Co	10-09-87	B		
ST88-0128	Louisiana Intrastate Gas Corp	Texas Gas Transmission Corp	10-09-87	C	03-07-88	22.40
ST88-0129	....do	....do	10-09-87	C	03-07-88	00.00
ST88-0130	Mountain Fuel Resources, Inc	Mountain Fuel Supply Co	10-09-87	B		
ST88-0131	Panhandle Eastern Pipe Line Co	Peoples Natural Gas Co	10-09-87	B		
ST88-0132	....do	Michigan Gas Utilities Co	10-09-87	B		
ST88-0133	....do	Michigan Consolidated Gas Co	10-09-87	B		
ST88-0134	....do	Washington Gas Light Co., et al	10-09-87	B		
ST88-0135	....do	Coastal States Gas Transmission Co	10-09-87	B		
ST88-0136	....do	Aurora Gas Company	10-09-87	B		
ST88-0137	....do	Central Illinois Light Co	10-09-87	B		
ST88-0138	Phillips Gas Pipeline Co	Phillips Natural Gas Co	10-09-87	B		
ST88-0139	Tennessee Gas Pipeline Co	Public Service Co. of N. Carolina	10-09-87	B		
ST88-0140	United Gas Pipe Line Co	Atlanta Gas Light Co	10-09-87	B		
ST88-0141	....do	Willmut Oil & Gas Co	10-09-87	B		
ST88-0142	....do	Washington Gas Light Co., et al	10-09-87	B		
ST88-0143	....do	Wellhead Ventures Corp	10-09-87	B		
ST88-0144	....do	Bishop Pipeline Corp	10-09-87	B		
ST88-0145	....do	Houston Pipe Line Co	10-09-87	B		
ST88-0146	....do	Wellhead Ventures Corp	10-09-87	B		
ST88-0147	....do	Consolidated Ed. of NY, Inc., et al	10-09-87	B		
ST88-0148	Sea Robin Pipeline Co	Louisiana Gas Marketing Co	10-09-87	B		
ST88-0149	....do	Louisiana State Gas Corp	10-09-87	B		
ST88-0150	....do	Endeavco Oil and Gas Co	10-09-87	B		
ST88-0151	....do	Willmut Oil & Gas Co	10-09-87	B		
ST88-0152	....do	Texas Southern Pipeline, Inc	10-09-87	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST88-0153	....do	North Central Public Service Co	10-09-87	B		
ST88-0154	....do	Louisiana State Gas Corp	10-09-87	B		
ST88-0155	....do	Louisiana State Gas Corp	10-09-87	B		
ST88-0156	....do	Willmut Oil & Gas Co	10-09-87	B		
ST88-0157	....do	Willmut Oil & Gas Co	10-09-87	B		
ST88-0158	....do	Mississippi Valley Gas Co	10-09-87	B		
ST88-0159	....do	Endevco Pipeline Co	10-09-87	B		
ST88-0160	....do	Gulf Coast Energy, Inc	10-09-87	B		
ST88-0161	....do	Caddo Natural Gas Co	10-09-87	B		
ST88-0162	....do	Wintershall Pipeline Corp	10-09-87	B		
ST88-0163	....do	Coastal States Gas Transmission Co	10-09-87	B		
ST88-0164	....do	City of Bernie	10-09-87	B		
ST88-0165	Valero Transmission, L.P	Transcontinental Gas Pipe Line Corp	10-09-87	C		
ST88-0166	ANR Pipeline Co	Wisconsin Fuel and Light Co	10-13-87	B		
ST88-0167	....do	Southern Gas Co	10-13-87	B		
ST88-0168	....do	Michigan Gas Utilities Co	10-13-87	B		
ST88-0169	....do	Consumers Power Co	10-13-87	B		
ST88-0170	....do	Louisiana Resources Co	10-13-87	B		
ST88-0171	....do	Consumers Power Co	10-13-87	B		
ST88-0172	....do	Michigan Consolidated Gas Co	10-13-87	B		
ST88-0173	Blue Dolphin Pipe Line Co	Polo Energy Corp	10-13-87	B		
ST88-0174	Equitable Gas Co	Equitable Gas Co	10-13-87	B		
ST88-0175	Michigan Gas Storage Co	Southeastern Michigan Gas Co	10-13-87	B		
ST88-0176	Mountain Fuel Resources, Inc	Mountain Fuel Supply Co	10-13-87	B		
ST88-0177	Natural Gas Pipeline Co of America	Southeastern Michigan Gas Co	10-13-87	B		
ST88-0178	Sea Robin Pipeline Co	Llano, Inc	10-13-87	B		
ST88-0179	Transcontinental Gas Pipe Line Corp	Fort Hill Natural Gas Authority	10-13-87	B		
ST88-0180	....do	United Cities Gas Co	10-13-87	B		
ST88-0181	....do	Alabama Gas Corp	10-13-87	B		
ST88-0182	....do	Corpus Christi Industrial Pipeline Co	10-13-87	B		
ST88-0183	....do	Public Service Electric and Gas Co	10-13-87	B		
ST88-0184	....do	Long Island Lighting Co	10-13-87	B		
ST88-0185	....do	Corpus Christ Industrial Pipeline Co	10-13-87	B		
ST88-0186	....do	Piedmont Natural Gas Co	10-13-87	B		
ST88-0187	....do	Public Service Co of N. Carolina	10-13-87	B		
ST88-0188	....do	Atlanta Gas Light Co	10-13-87	B		
ST88-0189	....do	North Carolina Natural Gas Corp	10-13-87	B		
ST88-0190	....do	Brooklyn Union Gas Co	10-13-87	B		
ST88-0191	....do	Philadephia Electric Co	10-13-87	B		
ST88-0192	United Gas Pipe Line Co	South Carolina Pipeline, et al	10-13-87	B		
ST88-0193	....do	Entex, Inc	10-13-87	B		
ST88-0194	....do	Endevco Pipeline Co	10-13-87	B		
ST88-0195	....do	Columbia Gas of Ohio, Inc	10-13-87	B		
ST88-0196	....do	FRM, Inc	10-13-87	B		
ST88-0197	....do	Houston Pipe Line Co	10-13-87	B		
ST88-0198	....do	Tex-La Gas Co	10-13-87	B		
ST88-0199	....do	System Fuels, Inc	10-13-87	B		
ST88-0200	....do	Willmut Oil & Gas Co	10-13-87	B		
ST88-0201	....do	Caddo Natural Gas Co	10-13-87	B		
ST88-0202	....do	Victoria Gas Corp	10-13-87	B		
ST88-0203	....do	Lgs Intrastate, Inc	10-13-87	B		
ST88-0204	....do	Prior Intrastate Corp	10-13-87	B		
ST88-0205	....do	Western Kentucky Gas Co	10-13-87	B		
ST88-0206	....do	Entex, Inc	10-13-87	B		
ST88-0207	....do	Public Service Co of N. Carolina, Et al	10-13-87	B		
ST88-0208	....do	City of Union, Et al	10-13-87	B		
ST88-0209	....do	Valero Transmission, L.P	10-13-87	B		
ST88-0210	....do	SMK Energy Corp	10-13-87	B		
ST88-0211	....do	South Carolina Pipeline, Et al	10-13-87	B		
ST88-0212	....do	Willmut Oil & Gas Co	10-13-87	B		
ST88-0213	Mountain Fuel Resources, Inc	Public Service Co of Colorado	10-14-87	B		
ST88-0214	Natural Gas Pipeline Co of America	Northern Indiana Public Service Co	10-14-87	B		
ST88-0215	Northern Natural Gas Co	Seagull Shoreline System	10-14-87	B		
ST88-0216	Panhandle Eastern Pipe Line Co	Central Illinois Light Co	10-14-87	B		
ST88-0217	....do	....do	10-14-87	B		
ST88-0218	Tennessee Gas Pipeline Co	Texas Ohio Gas, Inc	10-14-87	G-S		
ST88-0219	Trunkline Gas Co	Consumers Power Co	10-14-87	B		
ST88-0220	....do	....do	10-14-87	B		
ST88-0221	....do	....do	10-14-87	B		
ST88-0222	Tennessee Gas Pipeline Co	Pargon Gas Corp	10-14-87	G-S		

BEST COPY AVAILABLE

VOL 52 ISS 248 DE 28 1987 UMI

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST88-0223	Arkla Energy Resources	Jackson Utility Division	10-15-87	B		
ST88-0224	El Paso Natural Gas Co	Pacific Gas and Electric Co	10-15-87	B		
ST88-0225	....do	....do	10-15-87	B		
ST88-0226	Mountain Fuel Resources, Inc	Quivira Gas Co	10-15-87	B		
ST88-0227	Panhandle Eastern Pipe Line Co	Virginia Natural Gas Co	10-15-87	B		
ST88-0228	....do	Llano, Inc	10-15-87	B		
ST88-0229	....do	Columbia Gas of Ky, Inc., Et al	10-15-87	B		
ST88-0230	Sea Robin Pipeline Co	Long Island Lighting Co., Et al	10-15-87	B		
ST88-0231	Trunkline Gas Co	Consumers Power Co	10-15-87	B		
ST88-0232	....do	Consumers Power Co	10-15-87	G		
ST88-0233	United Gas Pipe Line Co	Bishop Pipeline Corp	10-15-87	B		
ST88-0234	....do	Enmark Gas Corp	10-15-87	B		
ST88-0235	....do	City of Bay Springs	10-15-87	B		
ST88-0236	....do	Enmark Gas Corp	10-15-87	B		
ST88-0237	....do	Eastex Gas Transmission Co., Et al	10-15-87	B		
ST88-0238	....do	Endevco Pipeline Co	10-15-87	B		
ST88-0239	....do	City of Milton	10-15-87	B		
ST88-0240	....do	Washington Gas Light Co	10-15-87	B		
ST88-0241	Valero Transmission, L.P	United Gas Pipe Line Co	10-15-87	C		
ST88-0242	Colorado Interstate Gas Co	Southern California Gas Co	10-15-87	B		
ST88-0243	Arkla Energy Resources	City of Bernie	10-16-87	B		
ST88-0244	....do	City of Kennett	10-16-87	B		
ST88-0245	....do	Virginia Natural Gas Co	10-16-87	B		
ST88-0246	....do	City of Jonesboro	10-16-87	B		
ST88-0247	Mountain Fuel Resources, Inc	Mountain Fuel Supply Co	10-16-87	B		
ST88-0248	Northern Natural Gas Co	Valero Transmission, L.P	10-16-87	B		
ST88-0249	....do	Westar Transmission Co	10-16-87	B		
ST88-0250	....do	Wisconsin Natural Gas Co	10-16-87	B		
ST88-0251	....do	Wisconsin Power and Light Co	10-16-87	B		
ST88-0252	ONG Transmission Co	Natural Gas Pipeline Co. of America	10-16-87	C	03-14-88	24.32
ST88-0253	Panhandle Eastern Pipe Line Co	Richmond Gas Corp	10-16-87	B		
ST88-0254	....do	Consumers Power Co	10-16-87	B		
ST88-0255	....do	Central Illinois Light Co	10-16-87	B		
ST88-0256	....do	....do	10-16-87	B		
ST88-0257	Transcontinental Gas Pipe Line Corp	Public Service Electric and Gas Co	10-16-87	B		
ST88-0258	....do	Virginia Natural Gas Co	10-16-87	B		
ST88-0259	....do	Lynchburg Gas Co	10-16-87	B		
ST88-0260	....do	North Carolina Natural Gas Corp	10-16-87	B		
ST88-0261	....do	The Pipeline Co	10-16-87	B		
ST88-0262	....do	New Jersey Natural Gas Co	10-16-87	B		
ST88-0263	....do	Louisiana Natural Gas Pipeline, Inc	10-16-87	B		
ST88-0264	....do	Commonwealth Gas Pipeline Corp	10-16-87	B		
ST88-0265	....do	City of Shelby	10-16-87	B		
ST88-0266	....do	Mississippi Fuel Co	10-16-87	B		
ST88-0267	....do	Atlanta Gas Light Co	10-16-87	B		
ST88-0268	....do	Public Service Co. of N. Carolina	10-16-87	B		
ST88-0269	....do	CSX Intrastate Gas Co	10-16-87	B		
ST88-0270	....do	Corpus Christi Industrial Pipeline Co	10-16-87	B		
ST88-0271	....do	City of Lexington	10-16-87	B		
ST88-0272	....do	Consolidated Edision Co. of NY, Inc	10-16-87	B		
ST88-0273	....do	PSNC Production Corp	10-16-87	B		
ST88-0274	....do	Clinton Newberry Nat. Gas Authority	10-16-87	B		
ST88-0275	....do	Baltimore Gas and Electric Co	10-16-87	B		
ST88-0276	....do	North Carolina Natural Gas Corp	10-16-87	B		
ST88-0277	....do	Elizabethtown Gas Co	10-16-87	B		
ST88-0278	....do	Pennsylvania Gas and Water Co	10-16-87	B		
ST88-0279	....do	Consolidated Edison Co. of NY, Inc	10-16-87	B		
ST88-0280	....do	Public Service Electric and Gas Co	10-16-87	B		
ST88-0281	Transok, Inc	Panhandle Eastern Pipeline Co	10-16-87	C	03-14-88	26.25
ST88-0282	Tennessee Gas Pipeline Co	Valley Gas Co	10-16-87	B		
ST88-0283	....do	Tennessee Valley Authority	10-16-87	G-S		
ST88-0284	....do	Rochester Gas & Electric Corp	10-16-87	B		
ST88-0285	United Gas Pipe Line Co	Varibus Corp	10-16-87	B		
ST88-0286	Apollo Gas Co	South Jersey Gas Co	10-19-87	D		
ST88-0287	Colorado Interstate Gas Co	Quivira Gas Co	10-19-87	B		
ST88-0288	....do	Miami Pipeline Co	10-19-87	B		
ST88-0289	Tennessee Gas Pipeline Co	Fitchburg Gas & Electric Light Co	10-19-87	B		
ST88-0290	....do	East Tennessee Natural Gas Co	10-19-87	G		
ST88-0291	....do	....do	10-19-87	G		
ST88-0292	....do	Colonial Gas Company	10-19-87	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST88-0293	....do	Cranberry Pipeline Corp	10-19-87	B		
ST88-0294	....do	CSX Intrastate Gas Co	10-19-87	B		
ST88-0295	....do	Llano, Inc	10-19-87	B		
ST88-0296	....do	Panhandle Eastern Pipe Line Co	10-19-87	G		
ST88-0297	....do	Energy North, Inc	10-19-87	B		
ST88-0298	....do	Quivira Gas Co	10-19-87	B		
ST88-0299	....do	Fitchburg Gas & Electric Light Co	10-19-87	B		
ST88-0300	....do	Commonwealth Gas Co	10-19-87	B		
ST88-0301	....do	Public Service Electric and Gas Co	10-19-87	B		
ST88-0302	....do	Yankee Pipeline Co	10-19-87	B		
ST88-0303	....do	Arkansas Louisiana Gas Co	10-19-87	B		
ST88-0304	....do	Brooklyn Union Gas Co	10-19-87	B		
ST88-0305	....do	Southern Connecticut Gas Co	10-19-87	B		
ST88-0306	....do	Union Electric Co	10-19-87	B		
ST88-0307	....do	Public Service Electric and Gas Co	10-19-87	B		
ST88-0308	Trunkline Gas Co	Yankee Pipeline Co	10-19-87	B		
ST88-0309	....do	Consumers Power Co	10-19-87	B		
ST88-0310	Delhi Gas Pipeline Corp	Trunkline Gas Co	10-20-87	C		
ST88-0311	El Paso Natural Gas Co	Pacific Gas and Electric Co	10-20-87	B		
ST88-0312	Tennessee Gas Pipeline Co	Houston Pipe Line Co	10-20-87	B		
ST88-0313	....do	Quivira Gas Co	10-20-87	B		
ST88-0314	....do	Natural Gas Clearinghouse, Inc	10-20-87	G-S		
ST88-0315	Texas Eastern Transmission Corp	Bay State Gas Co., Et Al	10-20-87	B		
ST88-0316	Tennessee Gas Pipeline Co	Natural Gas Pipeline Co. of America	10-21-87	G		
ST88-0317	....do	Amalgamated Pipeline Co	10-21-87	B		
ST88-0318	....do	Brooklyn Union Gas Co	10-21-87	B		
ST88-0319	....do	Amalgamated Pipeline Co	10-21-87	B		
ST88-0320	....do	Columbia Gas Transmission Corp	10-21-87	G		
ST88-0321	....do	City of Richmond	10-21-87	B		
ST88-0322	....do	Park-Ohio Energy, Inc	10-21-87	G-S		
ST88-0323	....do	Dayton Power and Light Co	10-21-87	B		
ST88-0324	Trunkline Gas Co	Consumers Power Co	10-21-87	B		
ST88-0325	Tennessee Gas Pipeline Co	Philadelphia Gas Works, Et Al	10-21-87	B		
ST88-0326	....do	Yankee Pipeline Co	10-22-87	B		
ST88-0327	....do	Baltimore Gas & Electric Co., Et Al	10-22-87	B		
ST88-0328	Equitable Gas Co	Equitable Gas Co	10-22-87	B		
ST88-0329	Tennessee Gas Pipeline Co	CSX Oil and Gas Corp	10-22-87	G-S		
ST88-0330	....do	NGC Intrastate Pipeline Co	10-22-87	B		
ST88-0331	United Gas Pipe Line Co	Liquid Energy Corp	10-22-87	B		
ST88-0332	....do	Wintershall Pipeline Corp	10-22-87	B		
ST88-0333	....do	Tex-La Gas Co	10-22-87	B		
ST88-0334	....do	Peoples Gas Light and Coke Co., Et Al	10-22-87	B		
ST88-0335	Williams Natural Gas Co	Edwards and Leach Oil Co	10-22-87	G-S		
ST88-0336	Algonquin Gas Transmission Co	Bay State Gas Co	10-23-87	B		
ST88-0337	Algonquin Gas Transmission Co	Commonwealth Gas Co	10-23-87	B		
ST88-0338	El Paso Natural Gas Co	Enmark Gas Corp	10-23-87	B		
ST88-0339	....do	Southwest Gas Corp	10-23-87	B		
ST88-0340	....do	Sunshine Energy Co	10-23-87	B		
ST88-0341	....do	Southern California Gas Co	10-23-87	B		
ST88-0342	....do	Pacific Gas and Electric Co	10-23-87	B		
ST88-0343	Panhandle Eastern Pipe Line Co	Consumers Power Co	10-23-87	B		
ST88-0344	Tennessee Gas Pipeline Co	Brooklyn Union Gas Co., Et al	10-23-87	B		
ST88-0345	....do	Connecticut Light & Power Co	10-23-87	B		
ST88-0346	....do	Bay State Gas Co	10-23-87	B		
ST88-0347	....do	Pennsylvania Gas and Water Co	10-23-87	B		
ST88-0348	....do	Southern Connecticut Gas Co	10-23-87	B		
ST88-0349	Equitable Gas Co	Equitable Gas Co	10-26-87	B		
ST88-0350	Gas Gathering Corp	Energy Development Corp	10-26-87	G-S		
ST88-0351	Panhandle Eastern Pipe Line Co	Victoria Gas Corp	10-26-87	B		
ST88-0352	Sea Robin Pipeline Co	Texline Gas Co	10-26-87	B		
ST88-0353	....do	Pennsylvania Gas and Water Co	10-26-87	B		
ST88-0354	Stauffer Wyoming Pipline Co	Colorado Interstate Gas Co	10-26-87	C	03-24-88	14.00
ST88-0355	Tennessee Gas Pipeline Co	Consolidated Edison Co of NY, Inc	10-26-87	B		
ST88-0356	Trunkline Gas Co	Peoples Natural Gas Co	10-26-87	B		
ST88-0357	Valero Transmission, L.P.	Northern Natural Gas Co	10-26-87	C		
ST88-0358	Colorado Interstate Gas Co	Quivira Gas Co	10-26-87	B		
ST88-0359	....do	MGTC, Inc	10-26-87	B		
ST88-0360	....do	Public Service Co of Colorado	10-26-87	B		
ST88-0361	Consolidated Gas Transmission Corp	Public Service Electric and Gas Co	10-26-87	B		
ST88-0362	....do	Brooklyn Union Gas Co	10-26-87	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST88-0363	....do	Long Island Lighting Co	10-26-87	B		
ST88-0364	El Paso Natural Gas Co	Southern California Gas Co	10-27-87	B		
ST88-0365	Tennessee Gas Pipeline Co	Amalgamated Pipeline Co	10-27-87	B		
ST88-0366	....do	Iowa Southern Utilities Co., Et al	10-27-87	B		
ST88-0367	....do	Peoples Natural Gas Co., Et al	10-28-87	B		
ST88-0365	....do	Columbia Gas of Ohio, Inc	10-28-87	B		
ST88-0369	....do	Victoria Gas Corp	10-28-87	B		
ST88-0370	Texas Gas Transmission Corp	Memphis Light, Gas and Water Division.	10-28-87	B		
ST88-0371	....do	City of Hamilton	10-28-87	B		
ST88-0372	United Gas Pipe Line Co	Berkshire Gas Co., Et al	10-28-87	B		
ST88-0373	ANR Pipeline Co	Michigan Gas Co	10-28-87	B		
ST88-0374	....do	Lear Gas Transmission Co	10-28-87	B		
ST88-0375	....do	Columbia Gas of Pennsylvania, Inc	10-28-87	B		
ST88-0376	....do	Wisconsin Power and Light Co	10-28-87	B		
ST88-0377	....do	Yankee Pipeline Co	10-28-87	B		
ST88-0378	....do	Wisconsin Public Service Co	10-28-87	B		
ST88-0379	....do	Michigan Gas Co	10-28-87	B		
ST88-0380	....do	Wisconsin Public Service Co	10-28-87	B		
ST88-0381	....do	Wisconsin Gas Co	10-28-87	B		
ST88-0382	....do	Northern Indiana Fuel & Light Co	10-28-87	B		
ST88-0383	Arkla Energy Resources	City of Harrisburg	10-28-87	B		
ST88-0384	....do	City of Hamilton	10-28-87	B		
ST88-0385	....do	Illinois Power Co	10-28-87	B		
ST88-0386	....do	Western Kentucky Gas Co	10-28-87	B		
ST88-0387	....do	Illinois Gas Co	10-28-87	B		
ST88-0388	....do	City of Elizabethtown	10-28-87	B		
ST88-0389	....do	Arkansas Louisiana Gas Co	10-28-87	B		
ST88-0390	Texas Eastern Transmission Corp	UGI Corp	10-28-87	B		
ST88-0391	....do	City of Lebanon	10-28-87	B		
ST88-0392	....do	Boston Gas Co	10-28-87	B		
ST88-0393	....do	Harrisburg Water and Gas Division	10-28-87	B		
ST88-0394	....do	Long Island Lighting Co	10-28-87	B		
ST88-0395	....do	City of Huntingburg	10-28-87	B		
ST88-0396	....do	Chambersburg Gas Dept., Chambersburg.	10-28-87	B		
ST88-0397	....do	Philadelphia Electric Co	10-28-87	B		
ST88-0398	Trunkline Gas Co	Consumers Power Co	10-28-87	B		
ST88-0399	....do	....do	10-28-87	B		
ST88-0400	....do	....do	10-28-87	B		
ST88-0401	....do	....do	10-28-87	B		
ST88-0402	....do	....do	10-28-87	B		
ST88-0403	El Paso Natural Gas Co	Southwest Gas Corp	10-29-87	B		
ST88-0404	....do	Gas Marketing, Inc	10-29-87	B		
ST88-0405	Gas Gathering Corp	Delta Pipeline Co	10-29-87	G-S		
ST88-0406	ANR Pipeline Co	Wisconsin Natural Gas Co	10-29-87	B		
ST88-0407	....do	Consumers Power Co	10-29-87	B		
ST88-0408	....do	Michigan Gas Utilities Co	10-29-87	B		
ST88-0409	....do	Wisconsin Natural Gas Co	10-29-87	B		
ST88-0410	....do	Northern Indiana Public Service Co	10-29-87	B		
ST88-0411	....do	Wisconsin Power and Light Co	10-29-87	B		
ST88-0412	....do	Michigah Gas Co	10-29-87	B		
ST88-0413	....do	Madison Gas & Electric Co	10-29-87	B		
ST88-0414	....do	Northern Indiana Public Service Co	10-29-87	B		
ST88-0415	....do	Michigan Consolidated Gas Co	10-29-87	B		
ST88-0416	Louisiana Resources Co	LGS Intrastate, Inc	10-29-87	C	03-27-88	26.43
ST88-0417	Panhandle Eastern Pipe Line co	V.H.C. Pipeline Co	10-29-87	B		
ST88-0418	Tennessee Gas Pipeline Co	Yankee Pipeline Co	10-29-87	B		
ST88-0419	....do	Consolidated Edison Co. of NY, Inc	10-29-87	B		
ST88-0420	....do	....do	10-29-87	B		
ST88-0421	....do	Gulf Fuels, Inc	10-29-87	B		
ST88-0422	Trunkline Gas Co	Consumers Power Co	10-29-87	B		
ST88-0423	....do	....do	10-29-87	B		
ST88-0424	....do	....do	10-29-87	B		
ST88-0425	....do	Northern Indiana Public Service Co	10-29-87	B		
ST88-0426	Caprock Pipeline Co	Westar Transmission Co	10-30-87	B		
ST88-0427	Monterey Pipeline Co	Southern Natural Gas Co	10-30-87	C	03-28-88	24.40
ST88-0428	Natural Gas Pipeline Co. of America	Wellhead Ventures Corp	10-30-87	B		
ST88-0429	....do	Northern Illinois Gas Co	10-30-87	B		
ST88-0430	....do	Spindletop Gas Distribution System	10-30-87	B		
ST88-0431	....do	Northern Illinois Gas Co	10-30-87	B		
ST88-0432	....do	Pontchartrain Natural Gas System	10-30-87	B		
ST88-0433	....do	Southern California Gas Co	10-30-87	B		
ST88-0434	....do	Northern Illinois Gas Co	10-30-87	B		
ST88-0435	Texas Gas Transmission Corp	Claysville Natural Gas Company	10-30-87	B		
ST88-0436	....do	Louisville Gas & Electric Co	10-30-87	B		
ST88-0437	....do	Western Kentucky Gas Co	10-30-87	B		
ST88-0438	....do	....do	10-30-87	B		
ST88-0439	....do	Indiana Gas Co., Inc	10-30-87	B		
ST88-0440	....do	Louisville Gas & Electric Co	10-30-87	B		
ST88-0441	....do	Western Kentucky Gas Co	10-30-87	B		
ST88-0442	Transwestern Pipeline Co	Coastal States Gas Transmission Co	10-30-87	B		
ST88-0443	Valero Transmission, L.P	Trunkline Gas Co	10-30-87	C		
ST88-0444	....do	Transwestern Pipeline Co	10-30-87	C		
ST88-0445	Westar Transmission Co	El Paso Natural Gas Co	10-30-87	C		
ST88-0446	Winnie Pipeline Co	Natural Gas Pipeline Co. of America	10-30-87	C		
ST88-0447	ANR Pipline Co	Ohio Gas Co	10-30-87	B		
ST88-0448	....do	Michigan Gas Utilities Co	10-30-87	B		
ST88-0449	....do	Wisconsin Public Service Co	10-30-87	B		
ST88-0450	....do	Columbia Gas of Ohio, Inc	10-30-87	B		
ST88-0451	....do	Ohio Gas Co	10-30-87	B		
ST88-0452	....do	Northern Illinois Gas Co	10-30-87	B		
ST88-0453	....do	Consumers Power Co	10-30-87	B		
ST88-0454	....do	Wisconsin Gas Co	10-30-87	B		
ST88-0455	Northern Natural Gas Co	Circle-Hutch Utility Board	10-30-87	B		
ST88-0456	....do	Northern States Power Co	10-30-87	B		
ST88-0457	....do	Northern Illinois Gas Co	10-30-87	B		
ST88-0458	....do	Seagull Shoreline System	10-30-87	B		
ST88-0459	....do	Northern States Power Co	10-30-87	B		
ST88-0460	....do	Metropolitan Utils. Dist. of Omaha	10-30-87	B		
ST88-0461	....do	Wisconsin Southern Gas Co., Inc	10-30-87	B		
ST88-0462	....do	Minnegasco, Inc., Et al	10-30-87	B		
ST88-0463	....do	Rock Rapids Municipal Utilities	10-30-87	B		

[1] Notice of transactions does not constitute a determination that comply with commission regulations in accordance with order No. 436 (final rule and notice requesting supplemental comments, 50 FR 42,372, 10/18/85).

[2] The intrastate Pipeline has sought commission approval of its transportation rate pursuant to section 284.125(B)(2) of the commission's regulations (18 CFR 284.125(B)(2)). Such rates are deemed fair and equitable if the commission does not take action by the date indicated.

[Docket No. ER88-144-000]

Boston Edison Co.; Filing

December 21, 1987

Take notice that on December 17, 1987, Boston Edison Company (Edison) tendered for filing supplemental Exhibits A to a Service Agreement for Braintree Electric Light Department (Braintree), Hingham Municipal Light Department (Hingham), Hull Municipal Light Department (Hull) and Reading Municipal Light Department (Reading) under its FERC Electric Tariff, Original Volume No. III, Non-Firm Transmission Service (Tariff). The Exhibits A specify the amount and duration of transmission service required by Braintree, Hingham. Hull and Reading under the Tariff.

Edison requests waiver of the Commission's notice requirements to permit the Exhibits A to become effective as of the commencement date of the transaction to which they relate, November 1, 1987.

Edison states that it has served the filing on Braintree, Hingham, Hull, Reading and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 4, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29575 Filed 12-24-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER88-143-000]

Boston Edison Co.; Filing

December 21, 1987.

Take notice that on December 17, 1987, Boston Edison Company (Edison) tendered for filing a supplemental Exhibits A to a Service Agreement for Braintree Electric Light Department (Braintree), under its FERC Electric Tariff, Original Volume No. III, Non-Firm Transmission Service (Tariff). The Exhibit A specifies the amount and duration of transmission service required by Braintree under the Tariff.

Edison requests waiver of the Commission's notice requirements to permit the Exhibit A to become effective as of the commencement date of the transaction to which it relates, March 10, 1986.

Edison states that it has served the filing on Braintree and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a motion to

intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 4, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29576 Filed 12-24-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2324-000]

Richard D. Hill; Filing

December 21, 1987.

Take notice that on December 17, 1987, Richard D. Hill filed an application pursuant to section 305(b) of the Federal Power Act for Commission authorization to hold concurrently the following positions:

Position	Name of corporation	Classification
Director	Boston Edison Company.	Public Utility
Director	John Hancock Mutual Life Insurance Company.	Mutual Life Insurance Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 4, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29577 Filed 12-24-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER88-142-000]

Michigan Power Co.; Filing

December 21, 1987.

Take notice that on December 17, 1987, Michigan Power Company (Michigan Power) tendered for filing proposed changes in its electric resale rate schedules presently on file with the Commission which are applicable to the City of Dowagiac, Michigan and the Village of Paw Paw, Michigan. The proposed change in resale rates will decrease Michigan Power's annual revenues from the City of Dowagiac by $24,998 and from the Village of Paw Paw by $27,723 based on the twelve month period ended December 31, 1986. These reductions are in addition to the Tax Reform Act of 1986-related rate reductions accepted for filing by the Commission in docket No. ER86-66-000. The purpose of the present rate change filing is to pass through to the City of Dowagiac and the Village of Paw Paw a reduction, proposed by Indiana Michigan Power Company in Docket No. ER88-30-000, in the wholesale electric rates paid by Michigan Power to Indiana Michigan Power Company.

Michigan Power requests that this rate change be made effective as of December 22, 1987.

Copies of the filing were served upon the City of Dowagiac, the Village of Paw Paw and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 4, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29578 Filed 12-24-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-15-000]

Mid Louisiana Gas Co.; Compliance Filing

December 21, 1987.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on Dec. 17, 1987, tendered for filing as a part of First Revised Volume No. 1 of its FERC Gas Tariff the following Tariff Sheet to become effective November 1, 1987:

First Revised Sheet No. 26j

Mid Louisiana states that the purpose of this filing is to state Mid Louisiana's intent not to recover any annual charges recorded in FERC Account No. 928 in a section 4 Rate Case.

Copies of this filing have been mailed to Mid Louisiana's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before December 29, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29579 Filed 12-24-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP88-102-000 et al.]

Williams Natural Gas Co. et al.; Natural Gas Certificate Filings

December 22, 1987.

Take notice that the following filigs have been made with the Commission:

1. Williams Natural Gas Company

[Docket No. CP88-102-000]

Take notice that on December 2, 1987, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74102, filed in Docket No. CP88-102-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by reclaim, sale, and in place the Chase Central, Braman and Peckham compressor stations in Kay County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, WNG states that it seeks to abandon by reclaim the 250 horsepower Chase Central compressor station and appurtenant facilities, to abandon by sale to Chase Gathering Systems, Inc. (Chase Gathering) the underground piping and appurtenant facilities at the Braman compressor station, and to abandon in place the underground piping and appurtenant facilities at the Peckman compressor station. WNG explains that the 600 horsepower units at Braman and Peckham are rental units and will be returned Halliburton Resources, Inc. WNG also states that the total reclaim costs are estimated to be $34,270 with an estimated salvage value of $37,810 and a sales price of $75,000.

WNG has notified Chase Gathering that it is no longer economic for WNG to continue to compress the gas, and therefore Chase Gathering has agreed to compress the gas for deliver hereunder, contingent upon WNG receiving abandonment approval from the Commission, it is asserted.

WNG concludes that this abandonment would cause no change in flow of or decrease in gas deliveries.

Comment Date: January 12, 1988, in accordance with Standard Paragraph F at the end of this notice.

2. Tennessee Gas Pipeline Company; a Division of Tenneco Inc.

[Docket No. CP88-121-000]

Take notice that on December 9, 1987, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP88-121-000 pursuant to § 284.223 of the Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) for authorization to provide a transportation service for Tenngasco Corporation (TGC) for King Oil & Gas Company, under the blanket certificate issued in Docket No. CP87-115-000, pursuant to section 7 of the NGA, all as more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee states that pursuant to a transportation agreement dated October 18, 1987, it proposes to transport natural gas for TGC, as agent for King Oil & Gas Company, from various points of receipt located offshore Texas, offshore Louisiana, and the states of Texas, Louisiana, Mississippi, Ohio, New Jersey, New York, Massachusetts, Pennsylvania, Alabama, West Virginia, Connecticut, Kentucky and Arkansas. The delivery point is located at Tennessee Meter No. 16247, Markham, Matagorda County, Texas, located at an interconnection between Tennessee and National Fuel Gas Distribution Corporation (NFGD), the downstream transporter. The ultimate consumers of the gas are various endusers off of NFGD's system, it is stated.

Tennessee further states that the peak day quantities would be 200,000 dekatherms (dt), the average daily quantities would be 1,830 dt, and that the annual quantities would be 667,950 dt. Service under § 284.223(a) commenced November 2, 1987, as reported in Docket No. ST88-925 (filed November 25, 1987).

Comment Date: February 5, 1988, in accordance with Standard Paragraph G at the end of this notice.

3. Mississippi River Transmission Corporation

[Docket No. CP88-124-000]

Take notice that on December 9, 1987, Mississippi River Transportation Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP88-124-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the purchase of gas from United Gas Pipe Line Company (United), all as more fully set forth in the application, which is on file and open to public inspection.

MRT states that it and United are parties to a service agreement that expires by its own terms on November 1, 1988. It is further stated that such agreement was executed on February 18, 1986 as the result of a settlement and Commission order approving the settlement in Docket No. RP84-87-000. The settlement order, it is indicated, authorized United to provide sales serve to MRT with a maximum daily quantity (MDQ) of 524,000 Mcf per day. MRT notes that the 1986 service agreement expires on November 1, 1988, and contains no provision for an extension beyond that date.

MRT asserts that the combination of declining demand for its gas along with the relatively high price of United's gas as compared to other available sources of supply represent compelling arguments for authorizing the proposed abandonment of service. MRT further asserts that any continuation of the service obligations of the 1986 agreement beyond the term of the agreement would only inhibit MRT's ability to service its market requirements competitively and subject MRT and its customers to excessive demand charges based on volumes that far exceed MRT's market requirements.

Comment Date: January 12, 1988, in accordance with Standard Paragraph F at the end of this notice.

4. Transcontinental Gas Pipe Line Corporation

[Docket No. CP88-106-000]

Take notice that on December 4, 1987, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP88-106-000 an application pursuant to section 7(b) of the Natural Gas Act for an order permitting and approving partial abandonment of certain sales services to Philadelphia Electric Company (PECo), all as more fully set forth in the application which is on file and open to public inspection.

Transco states that it entered into a service agreement with PECo dated November 13, 1970, which provided for the sale for resale of a maximum daily quantity of 149,061 Mcf of natural gas per day under Transco's Rate Schedule CD-3. It is indicated that the Commission authorized such service to PECo by various orders issued over a period of many years, the most recent of which was issued July 20, 1970, in Docket No. CP70-193.

Transco asserts that on August 11, 1986, PECo notified Transco of its desire to convert, pursuant to § 284.10 of the Commission's Regulations, 15 percent of its firm sales service to firm transportation under Transco's Rate Schedule FT. It is explained that by order issued February 20, 1987, in Docket No. CP87-37-000, the Commission required Transco to allow such conversion effective November 7, 1986. Transco states that it commenced such firm transportation service for PECo pursuant to such order on August 4, 1987. In the subject application Transco requests authority effective retroactive to November 7, 1986, to partially abandon PECo's current Rate Schedule CD-3 entitlement of 149,061 Mcf per day by a quantity of 22,359 Mcf per day, resulting in a revised Rate Schedule CD-3 contract demand quantity of 126,702 Mcf per day for PECo. The proposed contract demand reduction, it is noted, is consistent with the Commission's February 20, 1987, order mandating the conversion requested by PECo.

Comment Date: January 12, 1988, in accordance with Standard Paragraph F at the end of this notice.

5. Williams Natural Gas Company

[Docket No. CP88-107-000]

Take notice that on December 4, 1987, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP88-107-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate an additional delivery point in Newton County, Missouri, for the sale and delivery of gas to the Kansas Power and Light Company (KPL Gas Service) under the authorization issued in Docket No. CP82-479-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

WNG states that KPL Gas Service has requested this additional delivery point as an additional town border meter site to serve new residential and small commercial customers around the Missouri Highway 43 and Interstate 44 interchange southwest of Joplin, Missouri. The projected volume of delivery through these facilities is 2,822 Mcf per year with a maximum peak load of 135 Mcf per day (Mcfd) for the first year increasing to 21,500 Mcf per year with a maximum peak load of 310 Mcfd by the fifth year, it is stated. Total quantities to be delivered to KPL Gas Service under its F, C, and I Rate Schedules would not exceed the total quantities authorized prior to the request, it is stated. It is further stated that the estimated cost of construction is $16,070 to be paid from treasury cash.

WNG states that this change is not prohibited by an existing tariff and that it has sufficient capacity to accomplish the deliveries specified without determent or disadvantage to its other customers.

Comment Date: February 5, 1988, in accordance with Standard Paragraph G at the end of this notice.

6. Williston Basin Interstate Pipeline Company

[Docket No. CP88-114-000]

Take notice that on December 8, 1987, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismark, North Dakota 58501, filed in Docket No. CP88-114-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) for the authority to construct and operate a new delivery tap, meter and regulator facilities for the delivery of gas to Montana-Dakota Utilities Co. (Montana-Dakota), an existing distributor customer of Williston Basin, under Williston Basin's blanket certificate issued in Docket No. CP82-487-000, *et al.*, (30 FERC ¶61,143 (1985)), pursuant to section 7(c) of the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Williston Basin proposes to construct and operate a new pipeline tap, meter station and related facilities for the delivery of up to 3,300 Mcf of gas per day, for the account of Cenex Agri-Fuels Co. (Cenex), to Montana-Dakota. Williston Basin states that it transports the gas, which is purchased by Cenex for the manufacture of fertilizer in its Pembina County, North Dakota, plant, under its Rate Schedules S-2 and T-3, pursuant to Commission order issued May 25, 1984, in Docket No. CP83-254-000, *et al.* It is stated that the cost constructing the facilities, estimated at $84,000, will be reimbursed by Montana-Dakota.

Comment Date: February 5, 1988, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29858 Filed 12-24-87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3306-8]

Agency Information Collection Activities Under the Office of Management and Budget Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICR is available for review and comment.

FOR FURTHER INFORMATION CONTACT: Carla Levesque at EPA, (202) 382-2740 (FTS 382-2740).

SUPPLEMENTARY INFORMATION:

Office of Solid Waste and Emergency Response

Title: 1987 Hazardous Waste Biennial Reporting System: Pilot. (EPA ICR #0976).

Abstract: EPA is requesting OMB clearance to pilot proposed changes to the reporting forms in 15 to 20 volunteering states during the 1987 reporting cycle. Public comment on proposed data items targetted for reporting, as well as on the reporting forms themselves, will be accepted throughout the reporting period, and will be evaluated in preparing formal regulatory proposals during the coming year. Approval for full implementation of the revised reporting system during the 1989 reporting cycle will be requested before the expiration of today's requested pilot cycle approval.

Respondents: States and owners and operators of hazardous waste generators (for full implementation).

Estimated Burden: 155,000 hours on annual basis (for full implementation).

Frequency of Collection: Biennial (for full implementation).

Comments on the abstracts on this notice may be sent to:

Carla Levesque, U.S. Environmental Protection Agency, Office of Standard and Regulation (PM-223), Information and Regulatory Systems Division, 401 M Street., SW., Washington, DC 20460

and

Marcus Peacock, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, (Room 3010), 726 Jackson Place NW., Washington, DC 20503.

Date: December 18, 1987.

Daniel Fiorino,

Director, Information Regulatory Systems Division.

[FR Doc. 87-29615 Filed 12-24-87; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3306-9]

Agency Information Collection Activities Under the Office of Management and Budget Review

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICRs are available for review and comment.

FOR FURTHER INFORMATION CONTACT: Carla Levesque at EPA, (202) 382-2740 (FTS 382-2740).

SUPPLEMENTARY INFORMATION:

Office of Water

Title: Census of Pesticide Manufacturers. (EPA ICR #1028).

Abstract: EPA is surveying pesticide manufacturers on production, wastewater generation and treatment, and financial data. The information will be used to develop effluent limitation and pretreatment regulations.

Respondents: Manufacturers of pesticide active ingredients.

Estimated Burden: 19,200 hours.

Frequency of Collection: One time.

Title: Pretreatment Program Information Requirements. (EPA ICR #0002).

EPA is requesting renewal of existing requirements; no changes are proposed in this ICR.

Abstract: Industrial users of publicly owned treatment works (POTWS) must monitor their discharges, maintain records, and report to the POTW, State agency or EPA on compliance with applicable standards. POTWS may apply to State/EPA for pretreatment enforcement and removal credit authority. Approved POTWs must retain monitoring records.

Respondents: Businesses and other facilities discharging wastewater to POTWs; State and local governments.

Estimated Annual Burden: 1,046,548 hours

Frequency of Collection: Semi-annually; annually; and on occasion (varies according to the specific requirements).

Comments on the abstracts on this notice may be sent to:

Carla Levesque, U.S. Environmental Protection Agency, Office of Standard and Regulation (PM-223), Information and Regulatory Systems Division, 401 M Street., SW., Washington, DC 20460.

and

Tim Hunt, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3019), 726 Jackson Place NW., Washington, DC 20503.

Daniel Fiorino,

Director, Information Regulatory Systems Division.

[FR Doc. 87-29616 Filed 12-24-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

December 16, 1987.

The Federal Communications Commission has submitted the following information collection requirements to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Copies of the submissions may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. For further information on these submissions contact Terry Johnson, Federal Communications Commission, (202) 634-1535. Persons wishing to comment on these information collections should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0316.

Title: Section 76.305, Records to be maintained locally by cable system operators for public inspection.

Action: Extension.

Respondents: Businesses (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 3,816 Recordkeepers; 49,608 Hours.

Needs and Uses: Cable television systems having 1,000 or more subscribers are required to maintain a public inspection file containing certain records. The information is used by Commission staff in field investigations or inspections and by the public to assess a cable system's performance and to ensure compliance with Commission rules and regulations.

OMB Number: 3060-0161.

Title: Section 73.1615, Operation during modification of facilities.

Action: Revision.

Respondents: Businesses (including small businesses).

Frequency of Response: On occasion.

Estimated Annual Burden: 200 Responses; 100 Hours.

Needs and Uses: Licensees of AM, FM, or TV stations are required to notify the Commission or request authority when discontinuing operation or operating with temporary facilities. The information is used by Commission staff to maintain technical records and to ensure that interference is not caused to other stations.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-29604 Filed 12-24-87; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

December 17, 1987.

The Federal Communications Commission has submitted the following information collection requirements to the OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of the submissions may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. For further information on these submissions contact Terry Johnson, Federal Communications Commission, (202) 634-7535. Persons wishing to comment on these information collections should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0016.

Title: Application for Authority to Construct or Make Changes in a Low Power TV, TV Translator or TV Booster Station.

Form Number: FCC 346.

Action: Revision.

Respondents: Individuals or households, state or local governments and businesses (including small businesses).

Frequency of Response: On occasion.

Estimated Annual Burden: 2,110 Responses; 59,080 Hours.

Needs and Uses: FCC Form 346 is used by licensees/permittees/applicants when applying for authority to construct or make changes in a low power television, TV translator or TV booster broadcast station. The data will be used by FCC staff to determine whether applicants meet the basic statutory requirements and if proposal will cause interference to other authorized broadcast stations.

OMB Number: 3060-0017.

Title: Application for a Low Power TV, TV Translator or TV Booster Station License.

Form Number: FCC 347.

Action: Revision.

Respondents: Individuals or households, state or local governments and businesses (including small businesses).

Frequency of Response: On occasion.

Estimated Annual Burden: 252 Responses; 567 Hours.

Needs and Uses: FCC Form 347 is used by permittees of low power television, TV translator or TV booster stations to apply for a station license. The data is used by FCC staff to confirm that station is built to terms specified in outstanding construction permit. Data is then extracted from FCC 347 for inclusion in the subsequent license to operate the station.

Federal Communications Commission

William J. Tricarico,

Secretary.

[FR Doc. 87-29605 Filed 12-24-87; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirement Submitted to the Office of Management and Budget for Review

December 18, 1987.

The Federal Communications Commission has submitted the following information collection requirment to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. For further information on this submission contact Terry Johnson, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0057.

Title: Application for Equipment Authorization.

Form Number: FCC 731.

Action: Extension.

Respondents: Businesses (including small businesses).

Frequency of Response: On occasion.

Estimated Annual Burden: 9,700 Responses; 232800 Hours.

Needs and Uses: A completed FCC 731 application form, combined with descriptive information, test data, and occasionally a test sample, provides information to determine compliance of the subject equipment to the FCC Rules, thereby controlling interference to radio communications. The data may also be used to aid in enforcement of the FCC Rules.

Federal Commuications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-29606 Filed 12-24-87; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

December 21, 1987.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions, may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. For further information on these submissions contact Terry Johnson, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: None.

Title: Application for Authority to Construct of Make Changes in an FM Translator or FM Booster Station.

Form Number: FCC 349.

Action: Existing collectin in use without an OMB control number.

Respondents: Businesses (including small businesses).

Frequency of Response: On occasion.

Estimated Annual Burden: 420 Responses; 10,500 Hours.

Needs and Uses: FCC Form 349 is used to apply for authority to construct a new FM translator or FM booster broadcast station, or to make changes in existing facilities. The date will be used by FCC staff to ensure that the applicant meets the basic statutory requirements and will not cause interference to other licensed broadcast services.

OMB Number: None.

Title: Application for an FM Translator or FM Booster Station License.

Form Number: FCC 350.

Action: Existing collection in use without an OMB control number.

Respondents: Businesses (including small businesses).

Frequency of Response: On occasion.

Estimated Annual Burden: 250 Responses; 563 Hours.

Needs and Uses: FCC Form 350 is required to be filed when applying for an FM translator or FM booster station license. Data is used by FCC staff to confirm that the station has been built to terms specified in the outstanding construction permit and for issuance of the license to operate the station.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-29607 Filed 12-24-87; 8:45 am]

BILLING CODE 6712-01-M

Information Collection Requirement Approval by the Office of Management and Budget

December 21, 1987.

The following information collection requirements have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). For further information contact Terry Johnson, Federal Communications Commission, telephone (202) 632-7513.

OMB No.: 3060-0020.

Title: Application for Ground Station Authorization in the Aviation Services.

Form No. FCC 406.

A revised application form FCC 406 has been approved for use through 11/30/90. The current editjon, approved through 8/31/88, will remain in use until revised forms are available.

OMB No.: 3060-0053.

Title: Application for Consent to Transfer Control of Corporation Holding Station License.

Form No.: FCC 703

The approval on application form FCC 703 has been extended through 10/31/90. The June 1986 edition with a previous expiration of 11/30/87 will remain in use until updated forms are available.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-29608 Filed 12-24-87; 8:45 am]

BILLING CODE 6712-01-M

Common Carrier Public Mobile Services Information; Some Questions and Answers Regarding Dates and Filing Requirements Announced for Acceptance of Applications for Frequency Block B in Cumberland, MD-WV (Mkt. #269) and Hagerstown, MD (Mkt. #257) Cellular Markets

December 18, 1987.

Report No. CL-88-45

By Public Notice, Report No. CL-88-39 (released December 8, 1987) (52 FR 47050; December 11, 1987), we announced the filing dates and requirements for the captioned cellular markets. Several questions have been addressed to us regarding that Public Notice. In order to clear up any problems which may have arisen, the following is provided for further guidance.

Microfiche Envelope Size

It has come to our attention that 5" x 7" is not an "off-the-shelf" envelope size. In order to spare applicants any undue additional expenses, any references to a 5" x 7" envelope should be changed to 5" x 7.5". The five inch by seven and one-half inch envelope should be readily available from any stationery supplier or office supply store.

Full Size Map

The full-size map need not be included in the microfiche copy of the application, but must be present in the original (hard copy) from which the microfiche is made. For microfiching purposes, the reduced map is sufficient.

FAA Notification

Form 401, Schedule B, requires that the applicant's name and the date of FAA notification be entered. In accordance with Public Notice (Report No. CL-88-33, Mimeo No. 726, released November 27, 1987), FAA notification is no longer required at the time of filing. Applicants must still enter their name in the space provided on Schedule B, but should place N/A in the space provided for the date of FAA notification. (Or leave it blank).

Transmittal Sheet on Microfiche

Applicants need not include a copy of the completed transmittal sheet on the microfiche copies of the application. As its name indicates, the transmittal sheet provides information necessary to accept, sort and enter the data from the accompanying application.

Archival Quality

Archival quality microfiche for the purposes of cellular filings means the silver halide camera master or a copy made on silver halide film (such as Kodak Direct Duplicating Film). This requirement only applies to the microfiche labeled "Original".

Microfiche Color

The requirement that the microfiche be "black on white" is modified to read "black-appearing on clear transparent". Blue/black film which appears black to the naked eye is acceptable.

Any further questions should be addressed to Andrew Nachby at (202) 632-6450 or 653-5560.

Kevin J. Kelley,

Chief, Mobile Services Division.

[FR Doc. 87-29610 Filed 12-24-87; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee Charter on Advanced Television Service, Formation of Steering Committee for the Advisory Committee, and Announcement of First Meeting of Steering Committee

The Federal Communications Commission has amended the charter for the Advisory Committee on Advanced Television to provide for the establishment of a steering committee to facilitate the management of the Advisory Committee on Advanced Television Service and its subcommittees. The charter (which was printed at 52 FR 38523, October 16, 1987), is amended by revising Paragraph A as follows:

A. *The Committee's Official Designation.*

The Advisory Committee on Advanced Television Service will have no more than twenty-five members and will function as a Parent Committee. These members will be chosen by the Commission so as to obtain diverse and representative viewpoints. The Advisory Committee Chairman will direct the activities of the Committee and Subcommittees and will receive guidance, advice and instructions from the Chairman of the Federal Communications Commission.

The Chairman may establish a Steering Committee composec of the Subcommittee Chairmen and their Vice Chairmen. The purpose of the Steering Committee will be to help the Chairman manage the inter-related activities of the Subcommittees and to oversee various administrative functions of the Advisory Committee.

* * * * *

Pursuant to the newly-amended charter, the Chairman of the Advisory Committee has announced the formation of a managerial Steering Committee.

consisting of himself, the Subcommittee Chairs and Vice-Chairs.

In addition, the Subcommittee Chairs have been added to the list of ex officio members of the Advisory Committee.

The first meeting of the steering committee will be held on January 5, 1988, and will start at 9:00 A.M. in the Commission Meeting Room (Room 856) at 1919 M Street NW., Washington, DC. All interested parties are invited to attend. Because of the critical purpose the Steering Committee will serve in superintending the inter-related activities of the various subcommittees and the critical need for this committee to assume this responsibility as promptly as possible to ensure efficient and timely coordination of the various subcommittees' work, it is necessary to schedule the first meeting in less than 15 days notice.

The agenda for the first meeting will consist of:

1. Chairman's Remarks
2. Organizational and Personnel Matters
3. Voting Procedures
4. Funding
6. Subcommittee reports
7. Other Business
8. Concluding Remarks.

Any questions regarding this meeting should be directed to Mr. William Hassinger at (202) 632-6460 or Mr. Steve Bailey at (202) 632-7793.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-29609 Filed 12-24-87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-805-DR]

Major Disaster and Related Determinations; Arkansas

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Arkansas (FEMA-806-DR), dated December 17, 1987, and related determinations.

DATED: December 17, 1987.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

Notice: Notice is hereby given that, in a letter dated December 17, 1987, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288), as follows:

I have determined that the damage in certain areas of the State of Arkansas from tornadoes on December 14, 1987, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I, therefore, declare that such a major disaster exists in the State of Arkansas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the affected areas. You are also authorized to provide Public Assistance in the affected areas, if requested and necessary, and an acceptable State commitment for these purposes is provided. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under PL 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated areas.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Robert D. Broussard of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Arkansas to have been affected adversely by this declared major disaster:

Crittenden County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Julius W. Becton, Jr.,

Director, Federal Emergency Management Agency.

[FR Doc. 87-29587 Filed 12-24-87; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-805-DR]

Amendment To Notice of a Major Disaster Declaration, Puerto Rico

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Puerto Rico (FEMA-805-DR), dated December 17, 1987, and related determinations.

DATED: December 18, 1987.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

Notice: The Notice of a major disaster for the Commonwealth of Puerto Rico, dated December 17, 1987, is hereby amended to included the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 17, 1987:

The Municipality of Lajas for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Julius W. Becton, Jr.,

Director, Federal Emergency Management Agency.

[FR Doc. 87-29586 Filed 12-24-87; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

[Fact Finding Investigation No. 17]

Rates, Charges and Services Provided at Marine Terminal Facilities

As indicated in various discussions with the parties to the proceeding, regional hearings and port visits will take place as follows:

January 11, 1988—Visit to Seattle, Washington
January 12—Visit to Tacoma, Washington
January 13—Visit to Portland Oregon
January 15—Hearings commencing at 9:00 a.m. in the "Gold Room", 450 Golden Gate Avenue, San Francisco, California
January 25—Hearings commencing at 9:00 a.m. in Hearing Room #1, 1100 L Street, NW., Washington, DC
January 27—Visit to Charleston, South Carolina
January 28—Visit to Savannah, Georgia
February 4—Visit to Tampa, Florida
February 9—Hearing in Houston, Texas commencing at 9:00 a.m. (Location to be announced)
February 10-11—Visit to New Orleans, Louisiana

The procedure that will be followed at the regional hearings will be a roundtable discussion, on the record, with participants designated by the Investigating Officer. Following the roundtable discussion, testimony will be heard from anyone else wishing to comment or provide evidence relating to the issue in this proceeding. All participants and commentators are urged to prepare written statements in advance that will be entered into the record.

The following issues are to be addressed:

1. Should the Commission continue to regulate marine terminal operators by requiring the filing of tariffs and agreements?
2. If so, should a combined terminal operator/stevedore be regulated in the same manner?
3. Should the Commission seek to regulate stevedoring services that are performed independently from terminal services?
4. Who would benefit, and how, were the Commission to assert jurisdiction over stevedoring services?
5. Who benefits, and how, from the Commission's regulation of terminal services?
6. Is there a meaningful distinction between stevedoring and terminal services? Does the answer to this question depend upon the port, the type of cargo or the method of handling that cargo?
7. Should the Commission attempt to distinguish between terminal services performed for (or billed to) shippers/consignees and those performed for (or billed to) ocean carriers with a view toward regulating one and not the other, or regulating one differently than the other?
8. Should terminal service *agreements* with shippers be regulated in the same manner as terminal service agreements with ocean carriers?
9. Should off-pier terminal operators be regulated in the same manner as those operating terminals adjacent to vessel berths?
10. Does the answer to the previous question depend on the type of services offered at the off-pier facility, or on the identity of the operator?
11. Is antitrust immunity an important factor to consider in determining whether, and how, terminal and/or stevedoring services should be regulated?
12. Should the Commission distinguish among the various types of entities that typically provide terminal/stevedoring services (e.g. public port authorities; private terminal operators; and ocean carriers) in determining whether and how such services should be regulated?
13. Is there a need to change the Commission's definition of terminal services set forth in 46 § 515.6(d)?

The primary purpose of this investigation is to develop facts which will help to answer these questions. All participants and commentators are therefore asked to support their comments and opinions with relevant facts.

Any person who wishes to participate on these regional hearings or to discuss any other matter pertaining to this notice should contact the undersigned or Charles Haslup, Esq. at (202) 523-5723.

Thomas F. Moakley,

Commissioner.

[FR Doc. 87-29583 Filed 12-24-87; 8:45 am]

BILLING CODE 6730-01-M

Crowley Maritime Corp.; Filing of Application for Section 16 Exemption

Notice is hereby given that Crowley Maritime Corporation ("Crowley") has applied for an exemption pursuant to section 16, Shipping Act of 1984, 46 U.S.C. app 1715 and the Commission's implementing regulations, 46 CFR 572.301.

Specifically, Crowley, on its own behalf and on behalf of it present and future wholly-owned subsidiaries, seeks an exemption from the filing requirements of section 5, of the Act, 46 U.S.C. app 1704; from the prohibitions of section 10(a) (2) and (3) of the Act, 46 U.S.C. app 1709 (a) (2) and (3), to the extent applicable to agreements between or among Crowley or its subsidiaries; and from the prohibitions of section 10(c) of the Act, 46 U.S.C. app 1709(c) insofar as such prohibitions would apply to activity by, between or among Crowley or its subsidiaries, and insofar as joint action by common carriers is an essential element of the prohibited activity.

As grounds for the requested exemption, Crowley argues that "no regulatory interest is furthered by subjecting Crowley and its wholly-owned subsidiaries to statutory requirements intended to impose regulatory oversight on concerted activities engaged in by separate, competing entities, or intended to prevent separate entities from unfairly using their aggregate economic power." While acknowledging that in most aspects of their operations the various Crowley subsidiaries act through separate entities, it is also argued that they are all parts of a single, common business enterprise acting for the ultimate commercial benefit of Crowley. It is contended that the subsidiaries are not natural competitors, are in fact managed to avoid competition, and are legally incapable of combining or conspiring together in restaint of trade or commerce within the meaning of the antitrust laws.

In order for the Commission to make a thorough evaluation of the application for exemption, interested persons are requested to submit views or arguments on the application no later than February 12, 1988. Responses shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573-0001 in an original and 15 copies. Responses shall also be served on counsel for Crowley: William H. Fort, Esq., Kominers, Fort & Schlefer, 1401 New York Avenue, NW., Suite 1200, Washington, DC 20005.

Copies of the application are available for examination at the Washington, DC office of the Commission, 1100 L Street, NW., Room 11101.

Joseph C. Polking,

Secretary.

[FR Doc. 87-29593 Filed 12-24-87; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 167; 4-D-PA-645A]

Federal Property Resources Service; Portion, Letterkenny Army Depot, Franklin County, PA; Conveyance of Property

Pursuant to section 2 of Pub. L. 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the General Services Administration dated September 4, 1987, the property, consisting of 214.12 acres of unimproved land, known as a portion of the Letterkenny Army Depot, Franklin County, Pennsylvania (4-D-PA-645A), has been transferred to the Commonwealth of Pennsylvania Game Commission.

2. The above described property was conveyed for wildlife conservation in accordance with the provisions of section 1 of said Pub. L. 80-537 (16 U.S.C. 667b), as amended by Pub. L. 92-432.

Dated: December 16, 1987.

Earl E. Jones,

Commissioner, Federal Property Resources Service.

[FR Doc. 87-29634 Filed 12-24-87; 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Program Announcement for Grants for Two-Year Programs of Schools of Medicine or Osteopathy; Deadline Change

In Federal Register Document 87-28822, page 47761 issue of Wednesday, December 16, 1987, the deadline for consideration of applications was January 8, 1988. In order to allow a minimum 30 day application period, the deadline is changed to January 29, 1988.

Dated: December 22, 1987.

David N. Sundwall,

Administrator, Assistant Surgeon General.

[FR Doc. 87-29841 Filed 12-24-87; 8:45 am]

BILLING CODE 4160-15-M

Public Health Service

Privacy Act of 1974; Addition of Routine Use to an Existing System of Records

AGENCY: Public Health Service, HHS.

ACTION: Notice of addition of new routine use to an existing system of records.

SUMMARY: The Public Health Service (PHS) is publishing notice of our intent to add a new routine use for the disclosure of information from the following Privacy Act system of records: 09-15-0045, "Health Resources and Services Administration Loan Repayment/Debt Management Records System, HHS/HRSA/OA.

DATE: PHS invites public comments on the new routine use on or before January 27, 1988. This routine use will become effective without further notice on January 27, 1988, unless we receive comments which would result in a contrary determination.

ADDRESS: Please address comments to the HRSA Privacy Act Coordinator, Department of Health and Human Services, Parklawn Building, Room 14A-20, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443-3780. This is not a toll-free number.

FOR FURTHER INFORMATION CONTACT: James C. Hargrave, Chief, Debt Management Branch, Health Resources and Services Administration, Department of Health and Human Services, Room 16A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443-6344. This is not toll-free number.

SUPPLEMENTARY INFORMATION: HRSA maintains system of records 09-15-0045 to reduce the amount of outstanding debts owed to the Federal Government. The system of records covers individuals who have received student loans, scholarships, traineeships, or grant funds under Titles III, VII, and VIII of the Public Health Service Act as amended, and who are delinquent in repaying either loans or funds owed in lieu of a service obligation under such programs.

The Defense Manpower Data Center (DMDC), Defense Logistics Agency, Department of Defense (DOD), has established and maintained a system of records (S322.11DLA-LZ, Federal Creditor Agency Debt Collection Data Base, 52 FR 37492, October 7, 1987) devoted exclusively to Federal debt collection efforts. At the onset, the system contained a data bank record DOD active and retired military members, including the Reserve, National Guard, and Office of Personnel Management governmentwide Federal civilian and retired civilian records for computer matching purposes with any Federal creditor agency that may wish to avail itself of the opportunity to utilize this resource.

The proposed statement of routine use will allow HRSA to disclose delinquent debtors records to DMDC in order to obtain the current home or work address of individuals who receive Federal salaries or certain benefit payments resulting from Federal employment. HRSA follows the provisions of the Debt Collection Act of 1982 (Pub. L. 97-365) in seeking voluntary repayment, and does not utilize a computer matching program until it is clear that voluntary repayment will not be forthcoming.

This routine use is compatible with the purpose for which the records were collected.

Dated: December 18, 1987.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

09-15-0045

SYSTEM NAME:

Health Resources and Services Administration Loan Repayment/Debt Management Records Systems, HHS/HRSA/OA.

A new routine use, number 14, is added as follows:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

* * * * *

14. HRSA may disclose records of delinquent debtors to the Defense Manpower Data Center, Department of Defense, to conduct matching programs for the purpose of identifying and locating individuals who are receiving Federal salaries or certain benefit payments resulting from Federal employment and are delinquent in their repayment of debts owed to the U.S. Government. These debts arose under programs administered by the Public Health Service. HRSA will disclose this information in an effort to collect the debts by administrative or salary offset, under the provisions of the Debt Collection Act of 1982, (Pub. L. 97-365).

* * * * *

[FR Doc. 87-29584 Filed 12-24-87; 8:45 am]

BILLING CODE 4160-15-

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO-920-08-4121-02]

Proposed Decision to Lease by Application in the Green River-Hams Fork Federal Coal Production Region, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Green River-Hams Fork Regional Coal Team (RCT) recommendation of October 9, 1987, the BLM is proposing a coal leasing by application process within the current Green River-Hams Fork Region.

DATE: Public comments on this process are requested for a 30-day period from the date of publication of this notice. A final decision on the use of the leasing by applications process is anticipated from the Director of BLM by May 1, 1988.

ADDRESSES: Comments should be sent to State Director (CO-921), Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215.

FOR FURTHER INFORMATION CONTACT: Betsy Daniel, Green River-Hams Fork Project Manager, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215, telephone (303) 236-1778 or (FTS) 776-1778.

SUPPLEMENTARY INFORMATION: On October 9, 1987, the Green River-Hams Fork RCT recommended to the Secretary of the Interior through the Director of BLM for approval the following motion:

First, that BLM staff prepare a decision document supporting the lease by application decision which would be published in the **Federal Register** no later than February 1, 1988. The Colorado State Director should be allowed to extend this date for good cause shown.

Second, public comment through the **Federal Register** be solicited for no less than 30 days.

Third, the BLM consider and repond to any comments received on the **Federal Register** notice and this RCT recommendation before a final decision is made on the lease by application mode request.

Fourth, a final decision on the lease by application mode be made by the BLM Director no later that May 1, 1988.

Fifth, by June 15, 1988, BLM staff should prepare operating procedures to use under the lease by application mode which will insure that consultation occurs in an early, thorough, and effective manner. The procedures should also include guidelines which would provide the RCT with early indicators that the group should consider operating under the regional activity planning and sale mode.

This **Federal Register** notice is the decision document and the request for public comment pursuant to the first two parts of the above motion. The Director's decision, in accordance with the third part of the motion, will be based on any public comments received during this 30-day period, as well as this RCT recommendation to pursue leasing on application in the Green River-Hams Fork region.

BLM requests that public comments address not only the lease by application mode but also provide suggestions for the operating procedures anticipated by the fifth part of the above motion.

Leasing by application will necessitate decertification of the Green River-Hams Fork coal production region in order to conform with the leasing by application regulations in 43 CFR 3425.1-5. However, the Green River-Hams Fork RCT wil continue to provide oversight to the lease by application process within the original regional boundaries. Specifically, during leasing by application, the RCT will:

(1) Serve as the forum for consultation and Federal-State cooperation in all major coal management decisions in the region, including leasing by application, preference right leasing, and exchanges;

(a) Review all leasing applications, PRLA actions and exchange proposals, and call RCT meetings, as necessary, to fully and openly discuss and make recommendations on any that appear to have significant regional implication.

(b) On activities that appear to have significant regional implications, solicit and consider, to the maximum extent possible, the views of the public at each decision point.

(2) Provide, on an annual basis, advice to the Federal-State Coal Advisory Board on regional coal planning, schedules and possible environmental, social, and economic consequences and serve as the State Director's major forum for Federal-State regional conflict resolution so that both Federal and State concerns are given the proper consideration.

(3) Guide the preparation of EISs on coal leasing actions that appear to have significant regional implications.

(4) Consider, from a regional perspective, comprehensive land use plans to be used for coal activities to determine data strengths and weaknesses and to identify additional data requirements and unresolved issues to be addressed during subsequent coal actions.

(5) On an annual basis, review market assessments prepared by the Bureau and requested by the RCT and recommend whether the region should return to a regional activity planning mode.

Tom Walker,

Associate State Director.

Dated: December 31, 1987.

[FR Doc. 87-29595 Filed 12-24-87; 8:45 am]

BILLING CODE 4310-08-M

[CO-920-08-4121-2]

Availability of the Draft Environmental Impact Statement for the James Creek Coal Preference Right Lease Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of an additional public comment period on the Draft Environmental Impact Statement (EIS) and Draft Amendment to the White River Management Framework Plan (MEP) for the James Creek Coal Preference Right Lease Application (C-0126998).

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 and the regulations at 43 CFR 1600, notice is hereby given that the Bureau of Land Management is reopening the public comment period on the Draft EIS and MFP Amendment on the James Creek Preference Right Lease Application (PRLA) of Rio Blanco County, Colorado, for an additional 30-day public comment period. The public comment on this Draft EIS and MFP Amendment is being reopened in order to give the public an opportunity to comment on the analysis in light of regulations, concerning the processing of coal preference right lease applications (43 CFR 3430), published in the **Federal Register**, Vol. 52, No. 130, pages 25793 through 25800, July 8, 1987. The White River MFP Amendment documents land use planning decisions for the PRLA and several adjacent federal coal leases. All comments previously received will be considered and do not need to be resubmitted.

DATES: Written comments on the Draft EIS must be postmarked or delivered in person to the Craig District Office (at the address given below) not later than February 5, 1988, to be considered in the final EIS and MFP Amendment.

ADDRESS: Written comments on the document should be addressed to: Greg Goodenow, Project Manager, Bureau of Land Management, Craig District Office, 455 Emerson, Craig, Colorado 81625-1129; telephone (303) 824-8261.

Availability: Single copies of the Draft EIS are available from the craig District BLM Office (address and phone above).

FOR FURTHER INFORMATION CONTACT: Greg Goodenow, Bureau of Land Management, Craig District Office, 455 Emerson, Craig, Colorado 81625-1129; telephone (303) 824-8261.

SUPPLEMENTARY INFORMATION: This Draft EIS describes and analyzes the environmental impacts of the proposed leasing of Preference Right Lease Application (PRLA) C-0126998 located about 9 miles northeast of Meeker, Colorado, in Rio Blanco County, and in the Craig District, Bureau of Land Management. It also serves as the analysis for amending the White River Resource Area Management Framework Plan, by applying the unsuitability criteria (43 CFR Part 3460) and making multiple use decisions for the PRLA area and several adjacent federal coal leases.

This Draft EIS was previously made available for public review on November 22, 1985. The previous public comment period was from November 22, 1985, through February 24, 1986. Subsequently, the BLM published revised regulations at 43 CFR 3430 (52 FR, Wednesday, July 8, 1987) that changed the procedures for processing PRLAs. The public comment period is being reopened for an additional 30 days to allow the public an opportunity to judge the adequacy of the DEIS relative to the new processing procedures.

All public comments received in writing or at the public meetings during the November 22, 1985, to February 24, 1986, public comment period will be considered and do not need to be resubmitted. All additional comments

must be in writing and postmarked or delivered in person to the Craig District Office not later than February 5, 1988, to be considered in the final EIS.

Tom Walker,

Associate State Director.

Dated: December 21, 1987.

[FR Doc. 87-29598 Filed 12-24-87 8:45 am]

BILLING CODE 4310-JB-M

Nevada; Las Vegas District Advisory Council; Meeting

ACTION: Las Vegas District Advisory Council meeting.

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Bureau of Land Management, Las Vegas District Advisory Council will be held January 19 and 20, 1987, in Mesquite, Nevada.

The January 19th meeting will begin at 7:00 p.m. in the conference room, Pepperill's Western Village Hotel. This is an "open house" meeting, and is designed to allow members of the public the opportunity to discuss public lands issues with members of the Advisory Council and BLM representatives in an informal manner.

The meeting on January 20, 1987 will begin at 8:30 a.m. and will also be held in the conference room of the Peppermill's Western Village Hotel and Casino, Mesquite, Nevada. The meeting agenda will include the following:

1. Agenda Approval and Review of Previous Meeting Minutes
2. Project Land Needs for Growth and Development of City of Mesquite, Nevada—Presentation by Paul Henderson, City Manager Mesquite, Nevada
3. Update Report on Aerojet Exchange
4. Discussion of Nevada Land Exchange (Forest Enhancement Act)
5. Wilderness Briefing
6. Update on Monitoring of Grazing Allotments
7. Unfinished Business
8. Additional Items
9. Public Comments.

Both meetings are open to the public. Persons wishing to make oral statements to the Council, during the January 20th meeting, should notify the District Manager, Bureau of Land Management, Las Vegas District Office, P.O. Box 26569, Las Vegas, NV 89126, by January 15, 1987. Depending on the number of persons wishing to make oral statements, a per-person time limit may be established by the Council Chairman. Summary minutes of the meeting will be maintained in the BLM Las Vegas District Office.

Ben F. Collins,

District Manager.

[FR Doc. 87-29564 Filed 12-24-87; 8:45 am]

BILLING CODE 4310-HC-M

[CA-050-4212-13; CA 20077]

Realty Action; Exchange; Public Lands and Private Lands in Butte County, Lake County, Mendocino County, Siskiyou County, Sonoma County, and Tehama County, CA

SUMMARY: The following described public lands have been determined to be suitable for disposal under section 206 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2756).

Mount Diablo Meridian

Tract 1 T. 14 N., R. 13 W.
Sec. 34, NE¼NW¼;
Tract 2 T. 15 N., R. 14 W.
Sec. 13, S½NE¼;
Tract 3 T. 15 N., R. 14 W.
Sec. 13, S½NW¼;
Tract 4 T. 22 N., R. 2 E.
Sec. 10, SE¼NE¼;
Tract 5 T. 24 W., R. 2 E.
Sec. 32, NE¼NE¼;
Tract 9 T. 42 W., R. 5 W.
Sec. 16, SW¼NE¼;
Tract 10 T. 42 N., R. 5 W.
Sec. 16, W½SW¼NE¼NE¼SE¼, W½NE¼SE¼, W½SE¼NE¼SE¼;
Tract 11 T. 9 N., R. 11 W.
Sec. 26, S½NW¼.

Mr. T. J. Nelson, P.O. Box 2678, Santa Rosa, California 95405, acting for Carolyn Henderson and Katherine Petterson, has applied to acquire the above described public lands in exchange for the following described privately owned lands:

Mount Diablo Meridian

Tract 13 N., R. 6 W.
Sec. 16, S½S½.
Containing 160 acres more or less.

SUPPLEMENTARY INFORMATION: A mineral evaluation has been completed on the public lands. Tracts 2 through 5 were found to be prospectively valuable for oil and gas. Tracts 2, 9 and 11 were found to be prospectively valuable for geothermal. Due to their low mineral potential, the minerals on all the tracts will be transferred when patent is issued. The mineral estate on the privately owned lands will be conveyed to the United States.

There will be reserved to the United States in the applied for lands, a right-of-way for ditches and canals constructed by the authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945). There will also be reserved to the United States on Tract 4, a 100 foot wide road Right-of-Way, S-3712, along side of Highway 32.

On Tract 4 there will be reserved to Pacific Bell a 20-foot wide telephone tine under right-of-way SAC 063433. There will also be a 200-foot wide right-of-way under SAC 066448 for State Highway 32, reserved to the State of California under the authority of the Federal Aid to Highway Act.

On Tract 4 the N½N½SE¼NE¼ will be subject to conditions, restrictions and limitations under a covenant that will run with the property. The grantee, his heirs, successors and assigns agree that in the event the land is sold or otherwise disposed of, this covenant will continue with the property and be inserted into the conveyance documents.

On Tract 4 Recreation and Public Purpose application, CA 20422, has been filed by the City of Chico for a bicycle park rest area.

On Tract 10 a 280-foot wide right-of-way under SAC 080196 for Interstate 5 Highway will be reserved to the State of California under the authority of the Federal Aid to Highway Act.

The purpose of this exchange is to acquire lands along Cache Creek in Lake County, California for Bald Eagle habitat and Tule Elk habitat. The Bald Eagle is a Federal and state listed Endangered Species while the Tule Elk is a state protected species.

Publication of this notice in the **Federal Register** shall segregate the applied for public lands from all other forms of appropriation and the public land laws, including the mining laws, for a period of two years. This exchange is expected to be consummated before the end of that period.

FOR FURTHER INFORMATION CONTACT: Bruce Dawson, Acting Clear Lake Area Manager, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482; Phone: (707) 462-3873. Detailed information concerning the exchange, including the environmental assessment, is available for review.

DATES: For a period of 45 days from the publication of this notice in the **Federal Register**, interested parties may submit comments to the Ukiah District Manager, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482. Any adverse comments will be evaluated by the California State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of a vacation or modification this realty action will become the final determination of the Bureau.

Date: December 17, 1987.

Alfred W. Wright,

District Manager.

[FR Doc. 87-29630 Filed 12-24-87; 8:45 am]

BILLING CODE 4310-40-M

Minerals Management Service

Outer Continental Shelf, Central Gulf of Mexico, Proposed Oil and Gas Lease Sale 113 (March 1988)

Clarification

On Wednesday, November 18, 1987, at 52 FR 44230 the notice of availability of the proposed Notice of Sale for the Central Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 113 was published in the **Federal Register** as a matter of information to the public.

Paragraph 12(d) of the Notice which lists Federal acreage under lease is amended to correct an error. The following blocks are not under lease and should be deleted from the list:

Map area	Block	Deleted by error
1. West Cameron	33	5
2. West Cameron	131	6
3. West Cameron	135	5
4. Vermilion	37	7
5. Vermilion	47	7
6. South Marsh Island, South Addition	113	8
7. Eugene Island, South Addition	270	9
8. Eugene Island, South Addition	327	8
9. Ship Shoal	78	8
10. Ship Shoal, South Addition	278	10
11. Ship Shoal, South Addition	292	10
12. Main Pass	27	12
13. Ewing Bank	525	14
14. Ewing Bank	570	14
15. Mississippi Canyon	21	14
16. Mississippi Canyon	460	14
17. Green Canyon	135	15
18. Green Canyon	160	15

Dated: December 22, 1987.

Wm. D. Bettenberg,

Director, Minerals Management Service.

[FR Doc. 87-29683 Filed 12-24-87; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Point Reyes National Seashore; Delegation of Authority

The Superintendent, Point Reyes National Seashore, in the administration, operation and development of Point Reyes National Seashore is authorized to exercise that authority delegated to the Director Western Region by the Director, National Park Service, to negotiate and execute leases issued under Pub. L. 95-625, section 318(b); 16 U.S.C. 459 c-5(a).

Denis P. Galvin,

Acting Director, National Park Service.

[FR Doc. 87-29638 Filed 12-24-87; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 398]

Cost Recovery Percentage

AGENCY: Interstate Commerce Commission.

ACTION: Publication of 1987 cost recovery percentage.

SUMMARY: Section 202 of the Staggers Rail Act of 1980 requires the Commission to calculate an annual Cost Recovery Percentage (CRP) for all railroad traffic. The CRP is a revenue to variable cost percentage calculated using railroad unit costs and a statistical sample of railroad traffic. If the CRP falls between 170 percent and 180 percent it becomes the jurisdictional threshold for rate regulation of market dominant traffic.

The Commission found that a CRP cannot be calculated using 1985 data because the total fixed plus variable costs of the railroad industry exceeded the industry's total freight revenue. 49 U.S.C. 10709(d)(5)(B). This finding is based on its analysis of expenses and revenues of the U.S. railroad industry. Therefore, in accordance with the Statute it has prescribed a CRP of 342.5 percent which is equal to the CRP last determined by the Commission. Thus, the threshold for rate regulation of market dominant traffic will remain at 180 percent for the period October 1, 1987 to September 30, 1988.

DATES: Comments must be filed January 27, 1988.

FOR FURTHER INFORMATION CONTACT: William T. Bono (202) 275-7354 Robert C. Hasek (202) 275-0938 [TDD for hearing impaired: (202) 275-1721

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (DC Metropolitan area), (assistance for the hearing impaired is available through TDD services (202) 275-1721, or by pickup from Dynamic Concepts, Inc., Room 2229 at Commission Headquarters).

This action will not significantly affect either the quality of the human environment or energy conservation. It will not have a significant impact on a substantial number of small entities.

Dated: December 14, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Commissioner Simmons concurred.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29611 Filed 12-24-87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31150]

General Electric Corp. et al.; Exemption; Acquisition of Control of Gelco Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Commission exempts from prior approval under 49 U.S.C. 11343 *et seq.*, the acquisition of control by General Electric Corporation and its affiliates of GELCO Corporation, a non-carrier which owns three subsidiaries that engage in interstate motor carrier operations. The exemption is subject to standard labor protection conditions.

DATES: This exemption is effective on December 31, 1987. Petitions for reconsideration must be filed by January 20, 1988.

ADDRESSES: Send pleadings referring to Docket No. 31150 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington DC 20423.

(2) Petitioners' representative: John M. Nannes, Skadden, Arps, Slate, Meagher & Flom, 1440 New York Avenue, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245. [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (DC Metropolitan area), (assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pick up from Dynamic Concepts, Inc., in Room 2229 at Commission Headquarters).

Decided: December 21, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29612 Filed 12-24-87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31167]

Wisconsin Central Ltd.; Control Exemption; Sault Ste. Marie Bridge Co.

AGENCY: The Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts Wisconsin Central Ltd. from the prior approval requirements of 49 U.S.C. 11343, *et seq.*, for its control of the Sault Ste. Marie Bridge Company through its wholly-owned subsidiary, Wisconsin Bridges, Inc., subject to standard employee protective conditions.

DATES: This exemption will be effective on December 28, 1987. Petitions for reconsideration must be filed by January 18, 1988.

ADDRESSES: Send pleadings referring to Finance Docket No. 31167 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: William C. Sippel, Oppenheimer, Wolff & Donnelly, Two Illinois Center, 233 North Michigan Avenue, Chicago, IL 60601.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245. [TDD for hearing impaired: (202) 275-1721]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (DC Metropolitan area), (assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

Decided: December 18, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29613 Filed 12-24-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Repatriation Review of Mariel Cubans

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Attorney General has, pursuant to his prosecutorial discretionary authority, established a Repatriation Review Program for Cubans who arrived in the United States during the 1980 Mariel Cuban boatlift to determine which of those found to be excludable from the United States are to be repatriated to Cuba. This Notice is being published in order to give the public information on the Department's activities respecting the deportation of excludable Cuban boatlift participants.

EFFECTIVE DATE: December 11, 1987, the date of public announcement by the Deputy Attorney General.

FOR FURTHER INFORMATION CONTACT: Donald A. Couvillon, Attorney, Office of Immigration Litigation, Civil Division, Telephone (202) 272-4397.

SUPPLEMENTARY INFORMATION: Negotiations between the United States and Cuba conducted pursuant to the President's foreign affairs powers culminated in November 1987 with the announcement of the immediate reimplementation of the migration agreement entered into by the United States and Cuba on December 14, 1984. Implementation of the migration agreement had been suspended since the Government of Cuba unilaterally announced on May 20, 1985, that it would no longer comply with it. The Cuban Government's suspension of implementation was unrelated to any matter covered by the agreement, and was officially explained by the Cuban Government as being in response to the commencement of Radio Marti programming on the Voice of America. This was one of a number of times that the Government of Cuba has unilaterally suspended or cancelled implementation of a valid international agreement for reasons extraneous to the agreement itself.

One of the essential elements of the reinstated agreement is the commitment of the Government of Cuba to accept the return of those persons identified by the INS as excludable when the agreement was reached in December 1984. These Cuban nationals may be returned at only a limited rate, however, averaging about 100 a month. To minimize the additional time that the excludable Cubans who are to be returned to Cuba remain in the United States, it is important to begin returning them under the agreement as soon as possible consistent with fair and orderly review procedures.

The commitments on the part of the United States include resuming the issuance of immigrant visas to Cuban nationals and conducting a small refugee program in Cuba. The United States has taken immediate steps to begin operating an immigrant visa and refugee program consistent with the migration agreement. Until excludable Cubans are actually returned to Cuba, however, it will be unclear whether the Government of Cuba will in turn also perform its part of the agreement.

In light of the agreement of the Governments of Cuba and the United States to reimplement the migration agreement immediately; the limited rate at which the Cuban Government will accept returns of the excludable Cubans; the Cuban Government's previous suspension of this and other international agreements it has entered; and the need for the United States to have some assurance of the Cuban Government's compliance with the agreement as the United States begins performance of its own obligations thereunder, it is imperative that the United States begin returning the excludable Cubans as soon as possible. The prompt implementation of a plan to determine who shall be returned is therefore important to the protection and advancement of United States foreign policy interests.

In addition to serving the important interests described above, review by a repatriation panel will provide each detainee an additional opportunity, with adequate advance notice and with the opportunity for advice and assistance of counsel, at no expense to the government, to explain why he believes he should not be repatriated at this time. Furthermore, because there is urgent need to restore confidence in the procedures culminating in the deportation of an excludable Cuban, the review procedures established by this general statement of policy are effective immediately.

I have therefore concluded that a Mariel Cuban Repatriation Review Program should be effective immediately and that it is not subject to notice and comment rulemaking under the Administrative Procedure Act because the program: (1) Is exempt as a "foreign affairs function of the United States," 5 U.S.C. 553(a)(1); (2) reflects a "general statement of policy," 5 U.S.C. 553(b)(A); (3) constitutes "rules of agency organization, procedure, or practice," 5 U.S.C. 553(b)(A); and (4) there is "good cause" why notice and comment would be "impracticable, unnecessary, or contrary to the public interest," 5 U.S.C. 553(b)(B).

The special review will be conducted to determine whether excludable Mariel Cubans shall be repatriated to Cuba. This process, created pursuant to the prosecutorial discretionary authority of the Attorney General, is in addition to all of the normal administrative and judicial remedies afforded these individuals. Those remedies include a formal determination of excludability and opportunities for relief within the statutory framework of the Immigration and Nationality Act. The normal process includes review before an Immigration Judge, and, if appropriate appeals are pursued, review before the Board of Immigration Appeals, United States District Courts, United States Courts of Appeals, and the Supreme Court.

The following is a procedural outline for the Mariel Cuban Repatriation Review Program.

1. Selection of Cases for Repatriation

A. Only those cases will be considered where the alien: (1) Has received an administratively final order of exclusion; or (2) volunteers to return to Cuba.

B. The Enforcement Branch of the Immigration and Naturalization Service will select cases from among those on the repatriation list based principally on criminal activity. The focus at the outset will be on those cases where the alien is ineligible for relief or where the alien is volunteering to return to Cuba.

2. Review of Case Selection

A. The alien will be sent notification by the Service that the Government intends to repatriate him to Cuba. This notification will also include a questionnaire for the alien to return to the Service within 30 days, and to set forth any reasons why he believes he should not be repatriated. Notification to the alien will also include a statement that he may seek the assistance of counsel, at no expense to the Government, in the preparation of his response.

B. Upon receipt of the alien's submission, or his failure to return the questionnaire within 30 days, attorneys with the Service and the Civil Division will review the case and determine whether to proceed with repatriation efforts.

C. The alien will be notified if it should be decided that repatriation efforts will not be pursued at this time.

D. If it should be decided that repatriation efforts will proceed, attorneys for the Service and the Civil Division will prepare a memorandum summarizing the facts of the case. The alien will then receive from the Government (1) a notice of intent to deport the alien, (2) a translated copy of the Government's memorandum summarizing the facts of the case, and (3) a form provided for the alien to respond to the Government's memorandum, included in which will be notification to the alien that he may seek the assistance of counsel, at no expense to the Government, in the preparation of his response. The alien will be instructed in the materials that any response must be forwarded directly to a Repatriation Review Panel within the time prescribed by the Panel.

E. The memorandum prepared by the Service and the Civil Division attorneys will be forwarded to a Panel along with a copy of relevant file material.

3. Repatriation Review Panels for Excludable Mariel Cubans

A. The Associate Attorney General shall establish one or more Repatriation Review Panels and their procedures and shall supervise the review by the Panels of the cases of excludable Mariel Cubans selected for repatriation to Cuba. Each Panel shall be composed of three members, and shall consist of: (1) The Associate Attorney General, or his designee; (2) the Assistant Attorney General for Civil Rights, or his designee; and (3) the Director of the Community Relations Service, or his designee. A majority is required for decision in each case.

B. A Panel possesses the power to approve the repatriation of an excludable Mariel Cuban to Cuba. The function of a Panel is separate and distinct from the function of the parole review process. Any decision from a Panel will not be determinative as to the retention of the alien in custody or release on parole. The function of a Panel will be confined to the review of cases for repatriation.

C. Decisions will be rendered based on a record review. Oral presentations will not be permitted, unless requested by a Panel in its sole discretion.

D. A Panel will consider only those cases that are presented for repatriation by the Service.

E. The Panel may independently evaluate the detainee's case in making its decision on whether to approve repatriation.

F. If a Panel does not approve repatriation to Cuba, the decision will be issued with the understanding that the case may be presented by the Service at a later date for reconsideration. Should the Service submit the case for reconsideration, all of the procedural aspects listed above willbe repeated.

G. The decision to repatriate is final and subject to no further review.

Edwin Meese III,

Attorney General.

Dated: December 21, 1987.

[FR Doc. 87-29567 Filed 12-24-87; 8:45 am]

BILLING CODE 4410-10-M

Lodging of Consent Decree Pursuant to the Clean Air Act; Robert Floyd et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on November 16, 1987, a proposed Consent Decree in *United States* v. *Robert Floyd, et al.*, Civil Action No. 86-1449-Civ-T-13, was lodged with the United States District Court for the Middle District of Florida. The Complainant sought penalties and injunctive relief against Robert Floyd under section 203 of the Clean Air Act, 42 U.S.C. 7522, for Mr. Floyd's acts of tampering with, and/or rendering inoperative, automotive emission control devices between January, 1984 and January, 1985.

The proposed Consent Decree imposes a permanent injunction against future violations of section 203 of the Clean Air Act by Mr. Floyd and assesses a civil penalty of $8,000.00. Should Mr. Floyd resume activity in the business of automobile or motor vehicle engine repair, the United States Environmental Protection Agency will have wide latitude to inspect Mr. Floyd's workplace to ensure his continued compliance with the Clean Air Act.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044. Comments should refer to *United States* v. *Robert Floyd, et al.*, D.J. Ref. 90-5-2-1-991.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Middle District of Florida, Robert Timberlake Building, Room 410, 500 Zack Street, Tampa, Florida 33602 and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1731(R), Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section,

VOL 52 ISS 248 DE 28 1987 UMI

Land and Natural Resources Division of the Department of Justice.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-29631 Filed 12-24-87; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., Room S-3504, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

Virginia:
VA87-15 (Jan. 2, 1987)..... pp. 1160-1161

Volume II

None.....

Volume III

Arizona:
AZ87-2 (Jan. 2, 1987)..... p. 16

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the Country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 18th day of December 1987.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 87-29375 Filed 12-24-87; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

Federal Advisory Council on Occupational Safety and Health; Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under section 1-5 of Executive Order 12196 of February 26, 1980, published in the **Federal Register**, February 27, 1980 (45 FR 1279), will meet on January 13, 1988, starting at 10:00 a.m. in Room N3437 ABC, of the Frances Perkins Department of Labor Building, 200 Constitution Avenue NW., Washington, DC. The meeting will be open to the public.

The agenda provides for:

I. Call to Order
II. Approval of Minutes of July 8, 1987 Meeting
III. Appointment and Reappointments to FACOSH
IV. Election of Vice Chairman
V. President's 3% Goal
VI. Update on the Federal Hazard Communication Program
VII. Progress Report on the findings concerning the use of Lift Slab Construction—Bridgeport, Connecticut
VIII. Report on the Federal AIDS Issue
IX. New Business
X. Adjournment

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions received by close of business January 6, 1988, will be provided to the members of the Council and included in the record of the meeting.

The Council will consider oral presentations relating to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard by close of business January 6, 1988. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

All communications regarding this Advisory Council should be addressed to John E. Plummer, Director, Office of Federal Agency Programs, Department of Labor, OSHA, Frances Perkins Building, 200 Constitution Avenue NW., Room N3112, Washington, DC 20210, telephone (202) 523-9329.

Signed at Washington, DC, this 22 day of December 1987.

John A. Pendergrass,

Assistant Secretary.

[FR Doc. 87-29573 Filed 12-24-87; 8:45 am]

BILLING CODE 4510-26-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-275 and 50-323]

Pacific Gas and Electric Co.; Diablo Canyon Nuclear Power Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR Part 20, Appendix A, footnote d-2(c), to Pacific Gas & Electric Company, who holds Facility Operating License Nos. DPR-80 and DPR-82, which authorize operation of Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2. Units 1 and 2 (the facilities) are pressurized water reactors located in San Luis Obispo County, California.

Environmental Assessment

Identification of the Proposed Action: The exemption from 10 CFR Part 20 would allow the use of a radioiodine protection factor of 50 for MSA GMR-I canisters at Diablo Canyon, Units 1 and 2.

The Need for the Proposed Action: The exemption is needed to facilitate refueling operations at Diablo Canyon by reducing the time and person-rem exposure required to complete tasks that require respiratory protection.

Environmental Impacts of the Proposed Action: There are no significant environmental impacts of the proposed action. The proposed exemption involves a change in the installation or use of a facility component located within the restricted areas as defined in 10 CFR Part 20. The staff has determined that the proposed exemption involves no significant change in the types and no significant change in the amounts of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure.

With regard to potential nonradiological impacts, the proposed exemption involves systems located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action: We have concluded that there is no measurable environmental impact associated with the proposed exemption. The principal alternative would be to deny the requested exemption. This would not reduce environmental impacts of plant operation, and would not allow the licensee to reduce radiation exposures to plant workers as explained in the application.

Alternative Use Of Resources: This action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement Related to the Nuclear Generating Station Diablo Canyon Units 1 and 2" dated May 1973, and the "Addendum to the Final Environmental Statement for the Operation of the Diablo Canyon Nuclear Plant, Units 1 and 2," dated May 1976.

Agencies and Persons Consulted: The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the application for exemption dated April 18, 1986 and supplemental information provided by letter dated July 15, 1986, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Bethesda, Maryland, this 17th day of December, 1987.

For the Nuclear Regulatory Commission.

Charles M. Trammell,

Project Manager, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 87-29560 Filed 12-24-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-368]

Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing: Arkansas Power and Light Co.

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-6, issued to Arkansas Power and Light Company (the licensee), for operation of the Arkansas Nuclear One, Unit 2 located in Russellville, Arkansas.

The amendment would revise the provisions in the Technical Specifications relating to a change in the required High Pressure Safety Injection Pump differential pressure required during surveillance testing, in accordance with the licensee's application for amendment dated October 28, 1987.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By January 25, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be

BEST COPY AVAILABLE

VOL 52 ISS 248 DEC 28 1987 UMI

affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceedings; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matter within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petiton for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Jose A. Calvo: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register**. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell & Reynolds, 1200 Seventeenth St. NW., Washington, DC 20036, attorney for the licensee.

Nonetimely filings of petitions for leave to intervene, amended petitions supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. that determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 28, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Tomlinson Library, Arkansas Technical University, Russellville, Arkansas 72801.

Dated at Bethesda, Maryland, this 16th day of December, 1987.

For the Nuclear Regulatory Commission.

Jose A. Calvo,

Director, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 87-29563 Filed 12-24-87 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-457]

Commonwealth Edison Co.; Braidwood Station, Unit No. 2; Issuance of Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission or NRC), has issued Facility Operating License No. NPF-75 to Commonwalth Edison Company (the licensee) which authorizes operation of Braidwood Station, Unit No. 2 (the facility) at reactor core power levels not in excess of 3411 megawatts thermal (100 percent rated power). This license is restricted to power levels not in excess of five percent of rated power (170 megawatts thermal).

Braidwood Station, Unit No. 2 is a pressurized water reactor located in Will County, Illinois, about 20 miles south-southwest of Joliet, Illinois, in Reed Township. The license is effect as of the date of issuance.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Ch. 1 which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** in December 15, 1978 (43 FR 58659).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement and the Assessment of the Effect of License Duration on Matters Discussed in the Final Environmental Statement for the Braidwood Station, Units 1 and 2 (dated June 1984) since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) Facility Operating License No. NPF-75, with Technical Specifications and the Environmental Protection Plan; (2) the report of the Advisory Committee on Reactor Safeguards, dated February 11, 1985; (3) the Commission's Safety Evaluation Report, dated November 1983, (NUREG-1002), and Supplements 1 through 5; (4) the Final Safety Analysis Report and Amendments thereto; (5) the Environmental Report and supplements thereto; and (6) the Final Environmental Statement, dated June 1984, (NUREG-1026).

These items are available for inspection at the Commission's Public Document Room located at 1717 H Street, N.W., Washington, DC 20555, and in the Wilmington Township Public Library, 201 S. Kanakee Street, Wilmington, Illinois 60481. A copy of Facility Operating License NPF-75 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects III/IV/V. Copies of the Safety Evaluation Report and Supplements 1 through 5 (NUREG-1002) and the Final Environmental Statement (NUREG-1026) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082.

Dated at Bethesda, Maryland, this 18th day of December 1987.

For the Nuclear Regulatory Commission.

Stephen P. Sands,

Project Manager, Project Directorate III-2 Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 87-29561 Filed 12-24-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-54 issued to Sacramento Municipal Utility District (the licensee), for operation of the Rancho Seco Nuclear Generating Station located in Sacramento County, California. The request for amendment was submitted by letter dated June 30, 1987 as supplemented October 3, 1987.

The proposed amendment consists of changes to the Rancho Seco Radiological Effluent Technical Specifications (RETS). The amendments was prompted by offsite environmental surveys and NRC inspections of the Rancho Seco liquid waste handling system. These actions indicated that the radioactivity in the offsite environment along the Rancho Seco liquid effluent pathway exceeded the design dose limits as specified by 10 CFR Part 50, Appendix I. An evaluation of this problem concluded that deficient technical specifications were responsible, in part, for the offsite contamination problem. In response to this finding, the Sacramento Municipal Utility District (SMUD) submitted proposed changes to the RETS.

The proposed changes involve specifications associated with the liquid, gaseous, and solid radwaste systems. The changes are predominately an upgrade of the existing specifications to current regulatory criteria. Where appropriate, site specific limits and restrictions were imposed. Site specific limits include more stringent or additional requirements, limitations, and surveillance to compensate for the fact that Rancho Seco is situated in arid surroundings without a large source of dilution for liquid effluents. An example of this type of change is the additional conservatism added to tables 4.21-1 and 4.21-2. This change increases the required sensitivity for analyzing samples of liquid effluents to ensure that the radiological impact on the environment is well defined and evaluated prior to discharge.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significantly reduction in a margin of safety.

The Commission has provided guidance for determining whether a proposed amendment involves a significant hazards consideration (51 FR 7751). Two examples of amendments that are not likely to involve a significant hazards consideration are as follows: (ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications for example, a more stringent surveillance requirement; and (vii) a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations. The RETS associated changes proposed by SMUD are encompassed by the two examples referenced above. The proposed site specific requirements will provide additional conservatism and the other proposed changes will incorporate more current generic regulatory criteria into the Rancho Seco RETS.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice.

By January 25, 1988 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene must be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board Panel will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be

made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene,and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 2055, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., WAshington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be give Datagram Identification Number 3737 and the following message addressed to George W. Knighton: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830, Sacramento, California 95813, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Sacramento City-County Library, 828 I Street, Sacramento, California 95814.

Dated at Bethesda, Maryland, this 18th day of December, 1987.

For the Nuclear Regulatory Commission.

George Kalman,

Project Manager, Project Directorate V, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 87–29562 Filed 12–24–87; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements Under Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Extension.

2. The title of the information collection: Caseload Planning Survey.

3. The form number if applicable: NRC Form 462.

4. How often the collection is required: The information is requested annually.

5. Who will be required or asked to report: The information is requested from approximately 100 current and potential licensees under 10 CFR Parts 40, 70, 71, and 72, primarily suppliers of fuel and associated services needed for the nuclear power industry.

6. An estimate of the number of responses: 70.

7. An estimate of the total number of hours needed to complete the requirement or request: Four hours per response, for a total of 280 hours.

8. An indication of whether section 3504(h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: Information is requested each year from current and potential NRC licensees, primarily suppliers of fuel and associated services needed for the nuclear power industry, about their plans to submit license review requests to the NRC, to assist the Office of Nuclear Material Safety and Safeguards (NMSS) in preparing a caseload forecast prior to budget formulation. The information, after being reviewed and tabulated, serves as the agency source for caseload projections (number of cases by program area) for budget formulation.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Vartkes L. Broussalian, (202) 395–3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland, this 21st day of December 1987.

For the Nuclear Regulatory Commission.

William G. McDonald, Director,

Office of Administration and Resources Management.

[FR Doc. 87–29665 Filed 12–24–87; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements Under Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Extension.

2. The title of the information collection: 10 CFR Part 10—Disposal of High-Level Radioactive Waste in Geologic Repositories

3. The form number if applicable: Not Applicable.

4. How often the collection is required: The information need only be submitted one time.

5. Who will be required or asked to report: States or Indian Tribes, or their representatives, requesting consultation with the NRC staff regarding review of a potential high-level waste repository site, or wishing to participate in a license review for a potential repository.

6. An estimate of the number of responses: 40.

7. An estimate of the total number of hours needed to complete the requirement or request: An average of 40 hours per response for consultation requests, 35 hours per response for license review participation proposals, and 5 hours per response for statements of representative authority. The total burden for all responses is estimated to be 460 hours.

8. An indication of whether section 3504(h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: 10 CFR Part 60 requires States and Indian Tribes to submit certain information to the NRC if they request consultation with the NRC staff concerning review of a potential repository site or wish to participate in a license review for a potential repository. Representatives of States or Indian Tribes must submit a statement of their authority to act in such representative capacity. The information submitted by the States and Indian Tribes is used by the Director of the Office of Nuclear Material Safety and Safeguards as a basis for decisions about the commitment of NRC staff resources to the consultation and participation efforts.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Vartkes L. Broussalian, (202) 395–3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland, this 21st day of December 1987.

For the Nuclear Regulatory Commission.

William G. McDonald,

Director, Office of Administration and Resources Management.

[FR Doc. 87–29666 Filed 12–24–87; 8:45 am]

BILLING CODE 7590-01-M

Biweekly Notice, Applications and Amendment to Operating Licenses Involving No Significant Hazards Considerations; Correction

On November 18, 1987, the **Federal Register** published the Biweekly Notice of Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations. A correction needs to be made to that notice:

On page 44247, second column, under "Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego, New York," the first paragraph, the last date "May 20, 2014" should read "October 17, 2014."

Dated at Bethesda, Maryland this 21st day of December 1987.

For the Nuclear Regulatory Commission.

Robert A. Capra,

Director, Project Directorate I–1, Division of Reactor Projects, I/II.

[FR Doc. 87–29663 Filed 12–24–87; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Thermal Hydraulic Phenomena; Meeting

The ACRS Subcommittee on Thermal Hydraulic Phenomena will hold a meeting on January 20 and 21, 1988, at the H. R. L. Auditorium (Building 1, Room 102), West Road (corner of Diamond and Trinity Streets), Los Alamos National Laboratory, Los Alamos, NM.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, January 20, 1988—8:30 a.m. until the conclusion of business

Thursday, January 21, 1988—8:30 a.m. until the conclusion of business

The Subcommittee will review the documentation developed by LANL to support the TRAC PF1 Thermal-Hydraulic Code pursuant to the NRC RES Code Scaling Assessment and Uncertainty (CSAU) requirements. The status of the CSAU effort vis-a-vis the proposed ECCS Rule revision will also be discussed.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are

urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date: December 18, 1987.

Thomas G. McCreless,

Assistant Executive Director for Technical Activities.

[FR Doc. 87-29661 Filed 12-24-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

Advisory Panel for the Decontamination of Three Miles Island, Unit 2, GPU Nuclear Corp.; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island Unit 2 (TMI-2) will be meeting on January 13, 1988, from 7:00 p.m. to 10:00 p.m. at the Holiday Inn, 23 S. Second Street, Harrisburg, PA. The meeting will be open to the public.

At this meeting, the Panel will receive a status report on the progress of defueling from the licensee, General Public Utilities Nuclear Corporation. Representatives of the U.S. Nuclear Regulatory Commission (NRC) will discuss the recent reorganization of the NRC TMI-2 Cleanup staff. A member of the U.S. Environmental Protection Agency will provide a status report on their radiological monitoring activities. Members of the public will be given the opportunity to address the Panel.

Further information on the meeting may be obtained from Dr. Michael T. Masnik, Three Mile Island Cleanup Project Directorate, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-9445.

Dated: December 22, 1987.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 87-29660 Filed 12-24-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409]

Environmental Assessment and Finding of No Significant Impact; Dairyland Power Cooperative

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR Part 50 Appendix R, Section III.H. to Dairyland Power Cooperative (the licensee) for the La Crosse Boiling Water Reactor (LACBWR).

Environmental Assessment

Identification of Proposed Action

The exemption will allow the size of the fire brigade at LACBWR to be reduced from five members to three members.

LACBWR was permanently shutdown on April 30, 1987 and reactor defueling completed on June 11, 1987. The LACBWR operating License No. DPR-45 was modified to possess-but-not-operate status on August 4, 1987.

Need for Proposed Action

The exemption is needed to eliminate unnecessary requirements that were appropriate for an operating plant but are not needed at the permanently shutdown LACBWR facility.

Environmental Impact of the Proposed Action

The proposed action is administrative only and will have no environmental impact.

Alternative Use of Resources

This action does not involve the use of resources.

Agencies and Persons Consulted

The licensee initiated this exemption action. The NRC staff is reviewing their request. No other agencies or persons were consulted.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For details with respect to this action, see the licensee's applications dated April 7, 1986, March 24, 1987, and August 18, 1987, which are available in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555 and at the La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601.

Dated at Bethesda, Maryland, this 21st day of December 1987.

For the Nuclear Regulatory Commission.

Lester S. Rubenstein,

Director, Standardization and Non-Power Reactor Project Directorate, Division of Reactor Projects III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 87-29664 Filed 12-24-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co. et al.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-66, issued to Duquesne Light Company, et al (the licensees), for operation of the Beaver Valley Power Station Unit 1 located in Shippingport, Beaver County, Pennsylvania.

The proposed amendment would revise the provisions in the Technical Specifications relating to pressure isolation valves to reflect the staff's concerns as stated in Generic Letter 87-06.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By January 27, 1988, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Esq., J.E. Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037, attorneys for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated November 12, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555, and at the Local Public Document Room, B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated at Bethesda, Maryland, this 22 day of December 1987.

For the Nuclear Regulatory Commission.

Peter S. Tam,

Project Manager, Project Directorate I-4, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 87-29662 Filed 12-24-87; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-25215; File No. SR-DTC-87-17]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by Depository Trust Company

The Depository Trust Company ("DTC"), on November 23, 1987, filed a proposed rule change with the Commission under section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"). The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

DTC has stated in the filing that the proposal consists of a clarification of DTC's existing procedures to the effect that DTC's mandatory book-entry receipt procedure applies to municipal note transactions effected in DTC's Same-Day Funds Settlement ("SDFS") System. Under this book-entry receipt procedure, DTC's facilities cannot be used to reclaim a book-entry delivery just because the delivery has been by book-entry, except where the parties to the trade had agreed to settle the trade by a physical delivery and the trade confirmation so specified.

DTC states that the proposal is consistent with the Act, particularly section 17A of the Act, in that it promotes the prompt and accurate clearance and settlement of securities transaction in securities that settle in same-day funds.

The rule change has become effective pursuant to section 19(b)(3)(A) of the Act and Securities Exchange Act Rule 19b-4. The Commission may summarily abrogate the rule change at any time within 60 days of the filing if it appears to the Commission that abrogation is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

You may submit written comments within 21 days after notice is published in the **Federal Register**. Please file six copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the filing, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC. Copies of the filing also will be available for inspection and copying at the principal offices of DTC. All submissions should refer to File No. SR-DTC-87-17 and should be submitted by January 19, 1988.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Date: December 18, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-29679 Filed 12-24-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25211; File No. SR-DTC-87-16]

Self-Regulatory Organizations; Proposed Rule Change by The Depository Trust Company

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 17, 1987, the Depository Trust Company filed with

VOL 52 ISS 248 DEC 28 1987 UMI

the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change, relating to book-entry pledges to Federal Reserve Banks by Participants of The Depository Trust Company ("DTC"), consists of DTC Participant Operating Procedures for pledges to Federal Reserve Banks, agreements between the Federal Reserve Bank of New York ("FRBNY") and DTC and an optional form of agreement between any other Federal Reserve Bank and DTC.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Bank Participants of DTC in the regular course of their business pledge securities to Federal Reserve Banks as collateral for Treasury Tax and Loan account balances, deposits of public money, or advances by the Federal Reserve Bank to the Participant. Except for certain pledges to FRBNY, such pledges are now effected by physical delivery of securities certificates to the Federal Reserve Bank itself or to a third-party custodian other than DTC. The proposed rule change will enable Participants to effect such pledges through DTC's book entry system to those Federal Reserve Banks who choose to maintain DTC Pledgee accounts. This is consistent with and in furtherance of the nationwide commitment expressed in the Securities Exchange Act of 1934 (the "Act") to end physical movement of securities certificates and facilitate the prompt and accurate clearance and settlement of securities transactions, without any effect on DTC's safeguard for securities and funds. DTC does not know of any significant compliance problems for affected DTC Participants or any inconsistencies with the Act or rules or regulations thereunder applicable to DTC which could be attributed to the proposed rule change.

B. DTC perceives no impact on competition by reason of the proposed rule change.

C. The proposed rule change responds to requests from certain DTC Participants and several Federal Reserve Banks. No written comments have been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 19, 1988.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Date: December 18, 1987.

[FR Doc. 87-29680 Filed 12-24-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25212; File No. SR-NSCC-87-14]

Self-Regulatory Organization; Proposed Rule Change by National Securities Clearing Corp.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 19, 1987, NSCC filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change is attached as Exhibit 1.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this filing is to allow NSCC itself to designate transactions as "Special Trades." A "Special Trade" is a trade which settles directly between parties to the transaction on a trade-for-trade basis and is not netted with other transactions, either in the Balance Order or Continuous Net Settlement ("CNS") Systems. Under current NSCC rules and procedures, trades settle as a Special Trade only when so designated by both parties to a transaction. The proposed amendment would allow NSCC itself to designate a trade as a Special Trade to be settled directly between the two parties to the transaction.

NSCC's ability to designate trades as Special Trades will increase the ability of NSCC to offer comparison services with respect to transactions in securities which, for a variety of reasons, cannot be included in CNS or Balance Order processing. For example, currently, when a security is eligible for CNS processing at a regional clearing agency but not at NSCC (because the security is not Depository Trust Company eligible), NSCC includes transactions in such a security in its Balance Order system. As part of Balance Order processing, when a trade involves an NSCC participant and a regional clearing agency participant, NSCC stands in the middle of a Balance Order between its participant and the regional clearing agency, *e.g.*, the regional clearing agency delivers to NSCC (on behalf of its participant) and NSCC, in turn, delivers to its participant. If there is difficulty in settling the transaction, NSCC, as a party with receive and deliver obligations, may be subject to buy-in liability. Rather than ceasing to process transactions in securities in general when there are such settlement problems, the proposal will allow NSCC to designate transactions in such securities between its Members and participants of a regional clearing agency (or between participants in two regional clearing agencies) as Special Trades. In such instances, NSCC will be able to continue to offer comparison services in the security, with settlement to be conducted on a trade-for-trade basis between the two parties to that trade.

Because the proposed rule change will enhance the ability of NSCC to offer comparison services on a greater number of securities, the proposal will promote the prompt and accurate clearance and settlement of securities transactions and is consistent with the Securities Exchange Act of 1934, as amended ("Act").

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Memphis, Participants, or Others

No Comments on the proposed rule change have been solicited or received. NSCC will notify the Securities and Exchange Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW. Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 19, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 18, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-29682 Filed 12-24-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-16182; 812-6754]

INA Investment Securities, Inc.; Application

December 21, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("the 1940 Act").

Applicant: INA Investment Securities, Inc.

Relevant 1940 Act Sections: Exemption requested under Section 6(c) of the 1940 Act from sections 13(a)(2), 18(a) and 18(c) of the 1940 Act and an order requested under section 17(d) of the 1940 Act and Rule 17d-1 thereunder.

Summary of Application: Applicant seeks an order to permit it and all subsequent similar investment companies organized or sponsored by CIGNA Corporation ("CIGNA") or its affiliates (collectively the "CIGNA Funds") (i) to enter into deferred fee arrangements with their directors or trustees and (ii) to permit the CIGNA Funds and participating directors (or trustees) to effect transactions incident to such arrangements.

FILING DATE: The application was filed on June 9, 1987 and amended on November 25, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on January 13, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. INA Investment Securities, Inc., 1600 Arch Street, Philadelphia, PA 19103.

FOR FURTHER INFORMATION CONTACT: Fran Pollack-Matz, Staff Attorney (202) 272-3024 or Karen L. Skidmore, Special Counsel (202) 272-3023 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier, (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations:

1. INA Investment Securities, Inc. (the "Company") is a diversified, closed-end management investment company incorporated in Delaware. The Company

has a primary objective of generating income and a secondary objective of obtaining capital appreciation. CIGNA Investments, Inc. ("CII"), an indirect, wholly-owned subsidiary of CIGNA, serves as the investment adviser for the Company.

2. The Board of Directors of the Company consists of ten persons, seven of whom are not "interested persons" of the Company within the meaning of section 2(a)(19) of the 1940 Act. Following the Company's annual meeting on April 24, 1987, the directors who are not employed by CIGNA or an affiliate thereof receive on an ongoing basis for serving as directors of the Company and as trustees of CIGNA Funds Group and CIGNA Annuity Funds Group (collectively, the "Trusts"), an annual retainer of $12,000 ($15,000 for those who serve as Committee Chairmen) plus a fee of $1,000 for each Board meeting attended and $750 for each Committee meeting attended. Such annual retainers, Board meeting fees and Committee meeting fees are allocated among the Company and the Trusts so that the Company and each series of shares outstanding of the Trusts pay an amount based on its net assets as a percentage of the total of the net assets of the Company and of each series of shares outstanding of the Trusts.

3. Remuneration to directors on an annual basis (based on net assets of the Company and each series of shares of the Trusts at January 1, 1987) and assuming a typical meeting schedule is anticipated to be approximately $8,300. The Company pays no other remuneration to its directors. The amounts paid to the directors are, and are expected to continue to be, insignificant in comparison to the total net assets of the Company.

4. Pursuant to the vote of shareholders at that annual meeting, the membership of the Board of Directors of the Company is now idential to the membership of the Board of Trustees of both Trusts. In accordance with exemptive orders previously granted to the Trusts or their predecessors, the trustees of the Trusts are entitled to participate in certain deferred fee arrangements. The Company believes that it would be advantageous to offer to directors receiving remuneration from the Company a deferred compensation arrangement which is substantially identical to the deferred compensation arrangement available to such persons as trustees of the Trusts.

5. The purpose of the standard form of deferred fee agreement ("Agreement") implementing the proposed arrangement would be to permit individual directors to elect to defer receipt of their directors' fees, in order to avoid dimunition or loss of social security benefits to which they may otherwise be entitled, to enable them to defer payment of income taxes on such fees, or for other reasons. The Company believes that the availability of the proposed arrangement will enhance the Company's ability to attract and retain directors of the same high caliber as those who now serve on its Board. The proposed arrangement would be available to all persons who receive directors' fees from the Company.

6. The Agreement will allow each individual director to defer receipt of all directors' fees which otherwise would become payable by the Company to him for services performed after the date of such Agreement. The election made by execution of an Agreement will continue in effect for each subsequent calendar year unless, prior to January 1 of such year, the director delivers to the President of the Company a written revocation of such election.

7. Under the Agreement, the deferred director's fees will be credited to a book reserve account established by the Company (the "Deferred Fee Account"), as of the date such fees would have been paid to such director. Director's fees which become payable for attending Board meetings or meetings of Committees of the Board will be credited to the Deferred Fee Account on the following business day. Under the Agreement, deferred fees will accrue interest on a daily basis from and after the date of credit to the Deferred Fee Account in an amount equal to the amount that would have been earned had such deferred fees (plus all interest thereon on a daily basis) been invested and reinvested in shares of the CIGNA Cash Fund of CIGNA Funds Group.

8. The Agreement provides that the Company's obligation to make payments of the Deferred Fee Account will be a general obligation of the Company, and payments made pursuant to the Agreement will be made from the Company's general assets and property. With respect to the obligatons created under the Agreement, the relationship of the director to the Company will be only that of a general unsecured creditor. The Agreement also provides that the Company will be under no obligation to purchase, hold or dispose of any investments under the Agreement, but, if the Company chooses to purchase investments to cover its obligations under such Agreement, then any and all such investments will continue to be a part of the general assets and property of the Company.

9. Under the Agreement, deferred director's fees (including interest accrued thereon) will become payable in cash upon termination of the director's service in such capacity, in a lump sum or in such number of annual installments as shall be determined by the Company in its sole discretion. Each annual payment will be made as of January 31, beginning with the January 31st following the termination of the director's service as a director. In the event of the director's death, amounts payable to him under the Agreement will thereafter be payable to his designated beneficiary; in all other events, the director's right to receive payments will be nontransferable. The Agreement provides that the Company in its sole discretion has reserved the right to accelerate payment of amounts in the Deferred Fee Account at any time after the termination of the director's service as a director. In addition, in the event of the liquidation, dissolution or winding up of the Company or the distribution of all or substantially all of the Company's assets and property to its shareholders, all unpaid amounts in the Deferred Fee Account shall be paid in a lump sum on the effective date thereof.

Applicant's Legal Conclusions

1. The Agreement does not involve joint transactions between an Applicant and its directors within the meaning of section 17(d) of the 1940 Act and Rule 17d-1 thereunder as the interest to be accrued on the deferred amounts under the Agreement is to be based on the yield of the CIGNA Cash Fund, not that of the Company. The use of the CIGNA Cash Fund's yield to determine interest on deferred amounts does not inherently differ from the use of the prime rate or another assumed rate of interest. To the extent that the Agreement may be deemed to involve joint transactions, the participation in the Agreement by the Company will not be on a basis that is less advantageous than that of any other participant; as an affiliated person, the participating director would neither directly nor indirectly receive a benefit which would otherwise inure to the Company or any of its shareholders.

2. The Agreement possesses none of the characteristics of "senior securities" that led to the adoption of restrictions pertaining to such securities in sections 13(a)(2), 18(a), and 18(c) of the 1940 Act. All liabilities created by credits to the Deferred Fee Account under the Agreement would be offset by essentially equal amounts of assets of the Company which would not otherwise exist if the fees were paid on a current basis. In addition, the amounts eligible for deferral will be *de minimis* as compared with the Company's present net assets of over $92 million.

3. The deferral of director's fees in accordance with the Agreement will have a negligible effect on the Company's assets, liabilities, net assets and net income per share. Further, the Agreement will not obligate the Company to retain a director in such capacity, nor will it obligate the Company to pay any (or any particular level of) director's fees to any director. Rather, it will merely permit a director to elect to defer receipt of director's fees which he would otherwise receive on a current basis from the Company.

4. Although as a registered closed-end company, the company is not subject to section 22(g) of the 1940 Act, the Company would not be issuing securities for services or for property other than cash or securities. Although any director's fees which might become payable to a director would clearly be for services, any such fees would become payable independent of the Agreement. The Agreement would merely provide for deferral of payment of such fees and thus should be viewed as being "issued" not in return for services but in return for the Company's not being required to pay such fees on a current basis.

Applicant's Conditions

1. The return on the Deferred Fee Account will be based upon the return of the CIGNA Cash Fund or, if the CIGNA Cash Fund is no longer in existence, upon a recognized measure of prevailing market interest rates (e.g. the Treasury Bill rate).

2. The Company, in its discretion, may invest deferred fees in shares of the CIGNA Cash Fund; provided, however, that any such investment shall be in accordance with section 12(d)(1) of the 1940 Act.

3. Any shares of the CIGNA Cash Fund purchased by the Company to cover its obligations under the Agreement will be voted by the Company with respect to all matters in like proportion to the votes cast by the public shareholders of the CIGNA Cash Fund.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-29681 Filed 12-24-87; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of Reporting Requirements Submitted for Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be submitted within 30 days of this publication in the **Federal Register**. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: William Cline, Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416, Telephone: (202) 653-8538.

OMB Reviewer: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395-7340.

Title: Application for Surety Bond Guarantee Assistance

Form No.: SBA 990, Proposed 991, 994, 994B, 994C, 994F, 994H

Frequency: On occasion

Description of Respondents: These forms are completed by sureties to evaluate the capabilities and potential success under the Surety Bond Guarantee Program. Forms constitute request for Government assistance by applicants.

Annual Responses: 55,000

Annual Burden Hours: 28,837

December 21, 1987.

William Cline,

Chief, Administrative Information Branch.

[FR Doc. 87-29569 Filed 12-24-87; 8:45am]

BILLING CODE 8025-01-W

STATE DEPARTMENT

[Public Notice CM-8/1149]

Shipping Coordinating Committee, Subcommittee on Safety of Navigation; Meeting

The Working Group on Sefety of Navigation of the Subcommittee on Safety of Life at Sea (SOLAS) will hold an open meeting at 9:30 am on Thursday, January 14, 1988, in room 4315 at Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC.

The purpose of the meeting is to prepare U.S. positions for the 34th Session of the Subcommittee on Safety of Navigation of the International Maritime Organization to be held in London, February 8-12, 1988. Items of principal interest on the agenda for this session are:

—Decisions of other IMO bodies
—Routing of Ships
—Problems related to deep-draft vessels
—Removal of disused offshore platforms
—Infringement of safety zones around offshore structures
—Amendment of (SOLAS) regulations V/12(f)
—World-wide navigation system
—Electronic chart display systems
—Navigational aids and related equipment
—Ship reporting systems and reporting requirements
—Work program
—Any other business

Members of the general public may attend up to the seating capacity of the room.

For further information contact Mr. Edward J. LaRue, Jr., U.S. Coast Guard (G-NSS), Washington, DC 20593-0001, Telephone: (202) 267-0416.

Dated: December 16, 1987.

Richard C. Scissors,

Chairman, Shipping Coordinating Committee.

[FR Doc. 87-29633 Filed 12-24-87; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended December 18, 1987

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (see 14 CFR 302.1701 et. seq.). The due date for answers, conforming applications or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application be expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further preceedings.

Docket No. 45363

Date Filed: December 17, 1987.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 14, 1988.

Description: Application of Challenge Air International, Inc. pursuant to section 401(d)(3) of the Act and Subpart Q of the Regulations, is seeking to resume services in interstate, overseas and foreign charter air transportation.

Docket No. 45367

Date Filed: December 18, 1987.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 15, 1988.

Description: Application of Air Ontario Inc., pursuant to section 402 of the Act and Subpart Q of the Regulations to engage in foreign scheduled air transportation of persons, property and mail between Detroit, Michigan and London, Ontario.

Docket No. 45364

Date Filed: December 17, 1987.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: January 14, 1988.

Description: Application of I.L.P.O. Aruba N.V., pursuant to section 402 of the Act and Subpart Q of the Regulations, requests a foreign air carrier permit to provide charter cargo services between any point or points in the United States and any point or points in Aruba, charter cargo services between any point or points in the United States and any points in a third country provided that such traffic is carried via Aruba and makes a stopover in Aruba of at least two consecutive nights: non-scheduled, individually waybilled cargo services between Miami and Ft. Lauderdale, Florida, San Juan, Puerto Rico or Houstion, Texas, on the one hand, and Arub, on the other hand.

Phyllis T. Kaylor,

Chief, Documentary Service Division.

[FR Doc. 87-29643 Filed 12-24-87; 8:45 am]

BILLING CODE 4910-13-M

Aviation Proceedings; Agreements filed During the Week Ending December 18, 1987

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 408, 409, 412, and 414. Answers may be filed within 21 days of date of filing.

Docket No. 45356 R-1—R-11

Parties: Members of International Air Transport Association.

Date Filed: December 14, 1987.

Subject: Within Mid East Fares.

Proposed Effective Date: April 1, 1988.

Docket No. 45357

Parties: Members of International Air Transport Association.

Date Filed: December 14, 1987.

Subject: Agency Administration Rules

Proposed Effective Date: January 1, 1988.

Docket No. 45358

Parties: Members of International Air Transport Association.

Date Filed: December 14, 1987.

Subject: Ex-Yugoslavia Rates.

Proposed Effective Date: December 14, 1987.

Docket No. 45359

Parties: Members of International Air Transport Association.

Date Filed: December 14, 1987.

Subject: Australia-Ireland Fares.

Proposed Effective Date: January 1, 1988.

Docket No. 45360 R-1—R-36

Parties: Members of International Air Transport Association.

Date Filed: December 14, 1987.

Subject: South Atlantic-TC2 Fares.

Proposed Effective Date: Apil 1, 1988.

Docket No. 45366 R-1—R-8

Parties: Members of International Air Transport Association.

Date Filed: December 14, 1987.

Subject: Passenger Agency Conference Agreement.

Proposed Effective Date: January 1, 1988.

Docket No. 45368

Parties: Braniff, Inc. and Florida Express, Inc.

Date Filed: December 18, 1987.

Subject: Application of Braniff, Inc. requests an exemption pursuant to section 416(b) of the Act and from the provisions of section 408 of the Act to permit the acquisition of Florida Express, Inc.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 87-29644 Filed 12-24-87; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Advisory Circular 29-2A, Certification of Transport Category Rotorcraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of issuance.

SUMMARY: Advisory Circular (AC) 29-2A consolidates FAA guidance on the certification of transport category rotorcraft. AC 29-2A includes all of the material in AC 29-2, Certification of Transport Category Rotorcraft, May 20, 1983, through Change 2, with minor editorial changes and some paragraph renumbering. In addition, it includes material for 52 new paragaphs and 12 revised paragraphs. As part of the FAA effort to achieve national standardization in rotorcraft certification, the AC serves as a ready reference for manufacturers, modifiers, FAA design evaluation engineers, flight test engineers, and engineering flight test pilots. This AC provides information on methods of compliance with Part 29 of the Federal Aviation Regulations which contains airworthiness standards for transport category rotorcraft. This material is not to be construed as having any legally binding status and must be treated as advisory only. However, to ensure standardization in the certification process, these procedures should be considered during all rotorcraft type certification and supplemental type certification activities.

DATE: AC 29-2A was issued by the Rotorcraft Certification Directorate in Fort Worth, Texas, on September 16, 1987.

How to Obtain Copies

A copy of this AC may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Debra H. Myers, FAA, Regulations Program Management, ASW-111, Fort Worth, Texas, 76193-0111, (817) 624-5118.

Issued in Fort Worth, Texas, on December 11, 1987.

Don P. Watson,

Acting Director, Southwest Region.

[FR Doc. 87-29649 Filed 12-24-87; 8:45 am]

BILLING CODE 4910-13-M

Change 1, Advisory Circular 27-1, Certification of Normal Category Rotorcraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of issuance.

SUMMARY: Change 1, Advisory Circular (AC) 27-1, Certification of Normal Category Rotorcraft, adds 59 new paragraphs and revises 6 paragraphs. AC 27-1 consolidates FAA guidance on the certification of normal category rotorcraft. As part of the FAA effort to achieve national standardization in rotorcraft certification, it serves as a ready reference for manufacturers, modifiers, FAA design evaluation engineers, flight test engineers, and engineering flight test pilots. AC 27-1 provides information on methods of compliance with Part 27 of the Federal Aviation Regulations which contains airworthiness standards for normal category rotorcraft. This material is not to be construed as having any legally binding status and must be treated as advisory only. However, to ensure standardization in the certification process, these procedures should be considered during all rotorcraft type certification and supplemental type certification activities.

DATE: Change 1, AC 27-1, was issued by the Rotorcraft Certification Directorate in Fort Worth, Texas, on September 16, 1987.

How to Obtain Copies

A copy of Change 1, AC 27-1, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Debra H. Myers, FAA, Regulations Program Management, ASW-111, Fort Worth, Texas, 76193-0111, (817) 624-5118.

Issued in Fort Worth, Texas, on December 11, 1987.

Don P. Watson,

Acting Director, Southwest Region.

[FR Doc. 87-29650 Filed 12-24-87; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 142 (21st Meeting)—Air Traffic Control Radar Beacon System/Mode S (ATCRBS/MODE S) Airborne Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 142 (21st Meeting) on Air Traffic Control Radar Beacon System/Mode S (ATCRBS/MODE S) Airborne Equipment to be held on January 19-20, 1988, in the RTCA Conference Room, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's remarks; (2) Approval of Minutes of the twentieth meeting; (3) Briefing on DDC system incorporated data link services; (4) Briefing on technical and operational aspects of discrete address code assignments; (5) Review of airborne data link processor design changes; (6) Discuss structure of committee final report; (7) Review of draft ADLP MOPS sections 1 and 2; (8) Assignment of Tasks; (9) Other business; (10) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on December 14, 1987.

Herbert P. Goldstein,

Designated Officer.

[FR Doc. 87-29647 Filed 12-24-87; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 162 (4th Meeting)—Aviation System Design Guidelines for Open Systems Interconnection (OSI); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of RTCA Special Committee 162 (4th Meeting) on Aviation System Design Guidelines for Open Systems Interconnection (OSI) to be held on January 12-14, 1988, in the RTCA Conference Room, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's introductory remarks; (2) Approval of minutes of the third meeting held on July 8-10, 1987; (3) Report on working group activities; (4) Review of related activities being conducted by other organizations; (5) Review of Boeing DATAC data bus architecture; (6) Review of material submitted for inclusion in committee report; (7) Develop outline for committee report and assign section to working groups; (8) Working groups meet in separate sessions; (9) Review of working groups accomplishments and future activities; (10) Assignment of tasks; (11) Other business; (12) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on December 14, 1987.

Herbert P. Goldstein,

Designated Officer.

[FR Doc. 87-29646 Filed 12-24-87; 8:45 am]

BILLING CODE 4910-13-M

Flight Service Station Closure; Goodland, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Flight Service Station Closure; Goodland, Kansas.

SUMMARY: Notice is hereby given that on January 2, 1988, the Flight Service Station at Goodland, Kansas will be closed. Thereafter, service to the general public at Goodland, Kansas, will be provided by the Flight Service Station at Wichita, Kansas.

This information will be reflected in the next issue of the FAA Organizational Statement.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Kansas City, Missouri, on December 11, 1987.

Clarence E. Newbern,

Assistant Manager, Air Traffic Division.

[FR Doc. 87-29653 Filed 12-24-87; 8:45 am]

BILLING CODE 4910-13-M

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Federal Aviation Administration (FAA) Air Traffic Procedures Advisory Committee (ATPAC) to be held from January 26, at 9 a.m., through January 29, 1988, at 11:30 a.m., in the Broward Room at the Tampa Airport Marriott Hotel, Tampa International Airport, Tampa, FL.

The agenda for this meeting is as follows: a continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of minutes.
2. Discussion of agenda items.
3. Discussion of urgent priority items.
4. Report from Executive Director.

5. Old Business.
6. New Business.
7. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify, not later than January 22, 1988, Mr. Walter H. Mitchell, Executive Director, ATPAC, Air Traffic Operations Service, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–3725. Information may be obtained from the same source.

The next quarterly meeting of the FAA ATPAC is planned to be held from April 18 through April 22, 1988, in Washington, DC.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on December 17, 1987.

Walter H. Mitchell,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 87–29851 Filed 12–24–87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ.—Public Debt Series—No. 35–87]

Treasury Notes of December 31, 1989, Series AG–1989

December 17, 1987.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $9,250,000,000 of United States securities, designated Treasury Notes of December 31, 1989, Series AG–1989 (CUSIP No. 912827 VR 0), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated December 31, 1987, and will accrue interest from that date, payable on a semiannual basis on June 30, 1988, and each subsequent 6 months on December 31 and June 30 through the date that the principal becomes payable. They will mature December 31, 1989, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in denominations of $5,000, $10,000, $100,000, and $1,000,000, and in multiples of those amounts. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in 51 FR 18260, *et seq.* (May 16, 1986), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239, prior to 1:00 p.m., Eastern Standard time, Tuesday, December 22, 1987. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, December 21, 1987, and received no later than Thursday, December 31, 1987.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which

tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred , e.g., 99.923 and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentages allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5. must be made or completed on or before Thursday, December 31, 1987. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds naturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, December 23, 1987. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Thursaday, December 31, 1987. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the pruchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular is such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 87–29756 Filed 12–24–87; 8:45 am]

BILLING CODE 4810-40-M

[Dept. Circ.—Public Debt Series—No. 36–87]

Treasury Notes of December 31, 1991, Series Q–1991

December 17, 1987.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $7,000,000,000 of United States securities, designated Treasury Notes of December 31, 1991, Series Q–1991 (CUSIP No. 912827 VS 8), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated December 31, 1987, and will accrue interest from that date, payable on a semiannual basis on June 30, 1988, and each subsequent 6 months on December 31 and June 30 through the date that the principal becomes payable. They will mature December 31, 1991, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public

monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000, and in multiples of those amounts. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in 51 FR 18260, *et seq.* (May 16, 1986), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239, prior to 1:00 p.m., Eastern Standard time, Wednesday, December 23, 1987. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, December 22, 1987, and received no later than Thursday, December 31, 1987.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1 Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5 must be made or completed on or before Thursday, December 31, 1987. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, December 29, 1987. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Thursday, December 31, 1987. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2 In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3 Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 87-29757 Filed 12-24-87; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Advisory Committee on Women Veterans; Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Advisory Committee on Women Veterans has been renewed for a two year period beginning November 27, 1987 through November 27, 1989.

Dated: December 16, 1987.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 87-29655 Filed 12-24-87; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 248
Monday, December 28, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Tuesday, January 5, 1988.

PLACE: Board Room (Room 812A), Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

STATUS: The first four items are open to the public. The last two items are closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. Aircraft Accident Report: Rosie O'Grady's of Orlando, Inc., SN]-4 and Midwest Packaging Materials Company C-340A Midair Collision, Orlando, Florida, May 1, 1987
2. Aircraft Accident Report: Midair Collision Involving a Sachs Electric Company Piper PA-31 and a U.S. Army Beech U-21, Lake City Army Ammunition Plant, Independence, Missouri, January 20, 1987
3. Marine Accident Report: Collision between the Hong Kong Bulk Carrier PETERSFIELD and the U.S. Towboat BAYOU BOEUF, New Orleans, Louisiana, October 28, 1987
4. Withdrawal of Recommendation to FAA re Failure of Main Landing Gear Spring Steel Struts on Cessna Model 182F Airplanes
5. Opinion and Order: Administrator v. Gentile, Docket SE-7550; disposition of the appeals of both parties
6. Opinion and Order: Administrator v. Fallon, Docket SE-8065; disposition of the Administrator's appeal

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382-6525.

Bea Hardesty,
Federal Register Liaison Officer.
December 21, 1987.

[FR Doc. 87-29687 Filed 12-23-87; 10:03 am]
BILLING CODE 7533-01-M

PAROLE COMMISSION

Record of Vote of Meeting Closure

Pursuant to the Government in the Sunshine Act (Pub. L. 94-409) (5 U.S.C. Sec. 552b)

I, Benjamin F. Baer, Chairman of the United States Parole Commission, presided at a meeting of said Commission which started at nine o'clock a.m. on Tuesday, December 15, 1987 at the Commission's Central Office, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815. The meeting ended at or about 10:30 a.m. The purpose of the meeting was to decide approximately 8 appeals from National Commissioners' decisions pursuant to 28 CFR 2.27. Eight Commissioners were present, constituting a quorum, when the vote to close the meeting was submitted.

Public announcements further describing the subject matter of the meeting and certifications of General Counsel that this meeting may be closed by vote of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: Benjamin F. Baer, Saundra Brown Armstrong, Cameron M. Batjer, Jasper Clay, Jr., Carol Pavilack Getty, Daniel R. Lopez, G. MacKenzie Rast, and Victor M.F. Reyes. The Commissioners and a Parole Analyst attended.

In witness whereof, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Date: December 16, 1987.

Benjamin F. Baer,
Chairman, U.S. Parole Commission.

[FR Doc. 87-29718 Filed 12-23-87; 11:37 am]
BILLING CODE 4410-31-M

Corrections

Federal Register
Vol. 52, No. 248
Monday, December 28, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 352

[Docket No. 87-132]

Avocados From Mexico Transiting the U.S. to Foreign Countries

Correction

In rule document 87-28583 beginning on page 47373 in the issue of Monday, December 14, 1987, make the following corrections:

On page 47374, in the first column, under **Comments**, in the first paragraph, in the first line, "states" should read "stated" and in the third line, after "Mexico" insert "through the United States will unnecessarily impede trade between Mexico".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 84G-0384]

Cocoa Butter Substitute Primarily From Palm Oil

Correction

In rule document 87-28959 beginning on page 47918 in the issue of Thursday, December 17, 1987, make the following corrections:

1. On page 47919, in the first column, six lines from the bottom, "§ 184.129" should read "§ 184.1259".
2. On the same page, in the third column, in the 13th line, "and" should read "at".

§ 184.1259 [Corrected]

3. On page 47920, in the third column, in § 184.1259(a)(2), in the sixth line, "approved" should read "approval".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 86P-0083/CP]

Medical Laser Manufacturers Association; Neodymium:Yttrium:Aluminum:Garnet (Nd:YAG) Laser for Posterior Capsulotomy; Panel Recommendations on Petition for Reclassification

Correction

In notice document 87-28630 beginning on page 47454 in the issue of Monday, December 14, 1987, make the following corrections:

1. On page 47455, in the second column, in the second paragraph, in the eighth line, "sits" should read "site".
2. On page 47456, in the first column, in the third complete paragraph, in the first line, "of" should read "for".
3. On the same page, in the third column, in the first complete paragraph, in the 12th line, "vitreous" was misspelled.
4. On page 47457, in the first column, in reference 8, in the first line, "Johnson, S. R." should read "Johnson, S. H.".

BILLING CODE 1505-01-D

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Single-Employer Plans; Expected Retirement Age

Correction

In rule document 87-28767 beginning on page 47582 in the issue of Tuesday, December 15, 1987, make the following correction:

PART 2619--[CORRECTED]

On page 47583, in Appendix D, in Table I-88, the column headings did not appear correctly. The table is corrected to read as follows:

TABLE I-88—SELECTION OF RETIREMENT RATE CATEGORY

[For plans with valuation dates after Dec. 31, 1987, and before Jan. 1, 1989]

Participant reaches NRA in year—	Participant's Retirement Rate Category is—			
	Low [1] if monthly benefit at NRA is less than—	Medium [2] if monthly benefit at NRA is—		High [3] if monthly benefit at NRA is greater than—
		From—	To—	
1989	297	297	1,250	1,250
1990	307	307	1,295	1,295
1991	317	317	1,337	1,337
1992	326	326	1,374	1,374
1993	333	333	1,404	1,404
1994	341	341	1,435	1,435
1995	348	348	1,467	1,467
1996	356	356	1,499	1,499
1997	364	364	1,532	1,532
1998 or later	372	372	1,566	1,566

[1] Table II-A.
[2] Table II-B.
[3] Table II-C.

BILLING CODE 1505-01-D

VOL
52
ISS
248
DE
28
1987
UMI

federal register

Monday
December 28 1987

Part II

Federal Trade Commission

16 CFR Part 455

Used Motor Vehicle Trade Regulation Rule; Request for Public Comment on Petition for Exemption by the State of Maine; Proposed Rule

BEST COPY AVAILABLE

VOL 52 ISS 248 DEC 28 1987 UMI

FEDERAL TRADE COMMISSION

16 CFR Part 455

Used Motor Vehicle Trade Regulation Rule; Request for Public Comment on Petition for Exemption by the State of Maine

AGENCY: Federal Trade Commission.

ACTION: Request for public comment on petition by State of Maine for statewide exemption from the trade regulation rule.

SUMMARY: The Federal Trade Commission seeks public comment on the request by the State of Maine for exemption from the Used Motor Vehicle Trade Regulation Rule, 16 CFR Part 455 (1987). Maine filed its petition pursuant to § 455.6 of the Used Car Rule. If granted, the exemption would require Maine used vehicle dealers to use the disclosure label prescribed by a Maine administrative regulation in the place of the Buyers Guide required by the FTC Rule. Additionally, the Commission would be precluded from enforcing the FTC Rule in Maine for as long as Maine administers and enforces effectively its law. The Commission invites public comment on the Petition generally and on certain questions specifically.

DATES: Written comments will be accepted until January 27, 1988.

ADDRESS: Written comments should be addressed to the Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, DC 20580. Comments should be captioned: "Maine Petition for Statewide Exemption from the Used Car Rule—FTC File No. 215–54."

Copies of the Petition can be obtained from the Public Reference Room, Room 130, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, DC 20580. (202) 326–2222.

FOR FURTHER INFORMATION CONTACT: Matthew D. Gold (202/326–3019) or Joyce E. Plyler (202/326–3021), Attorneys, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: To facilitate public consideration and comment, the Commission has summarized the information in the Maine Petition. In addition, the Commission has outlined the exemption process it intends to follow.

Outline

I. Introduction
II. Exemption Standards and Procedures
III. The Petition
A. Contents
B. Does the Maine Rule Apply to the Same Transactions to Which the FTC Rule Applies?
1. Definition of "Dealer"
2. Definition of "Consumer"
3. Definition of "Motor Vehicle"
4. Definition of "Used Vehicle"
C. Does the Maine Rule Provide an Overall Level of Protection to Consumers Which is as Great as or Greater than that Provided by the FTC Rule?
1. Section 455.1—General Duties of Used Vehicle Dealers
2. Section 455.2—Buyers Guide
(a) Format
(b) Text of Window Stickers—Similar Provisions
(i) The "As Is" Disclosure; (ii) The "Implied Warranties Only" Disclosure;
(iii) Information About Express Warranties; (iv) Service Contract Availability; (v) Vehicle, Dealership and Complaint Information; (vi) Statement Concerning Pre-Purchase Independent Inspection; (vii) Spoken Promises Warning; (viii) List of Major Vehicle Systems
(c) Text of Window Stickers—Additional Disclosures Required by Maine (i) Prior Use of Vehicle; (ii) How Vehicle Was Acquired; (iii) Known Mechanical Defects or Prior Substantial Damage; (iv) Availability of Prior Owner's Name and Address; (v) Whether Vehicle Has Been Returned to Manufacturer
3. Section 455.3—Window Stickers Given to Purchaser and Incorporated into Contract
4. Section 455.4—Contrary Statements
5. Section 455.5—Spanish Language Sales
D. Does Maine Evidence a Willingness and Ability to Enforce its Sticker Rule?
1. Funding and Staffing of Agencies
2. Enforcement Procedures
(a) Department of Attorney General
(b) Department of Motor Vehicles
3. History of Enforcement of the MUCIA
4. Private Right of Action
IV. Requests for Public Comment

I. Introduction

On June 1, 1987, the Maine Secretary of State ("Petitioner") filed a petition for a statewide exemption (the "Petition") pursuant to § 455.6 of the Commission's Used Motor Vehicle Trade Regulation Rule (the "FTC Rule" or the "Used Car Rule"), 16 CFR Part 455 (1987).[1] If granted, the exemption would require Maine used vehicle dealers to use the disclosure label prescribed by a Maine administrative regulation in the place of the Buyers Guide required by the FTC Rule.[2] Additionally, the Commission would be precluded from enforcing the FTC Rule in Maine for as long as Maine administers and enforces effectively its law.[3]

In this notice, the Commission publishes the procedures it will use in its consideration of the Maine Petition. These procedures are patterned after the procedures used in the Commission's consideration of the exemption petition from the State of Wisconsin.[4] This notice also contains a provision-by-provision comparison of the Maine regulation and the FTC Rule. This comparison is intended to highlight differences in the two regulations that are relevant to the Commission's standards for granting exemptions. Finally, the notice also contains specific questions that the Commission believes will focus public comment on the important issues involved in the Commission's consideration of the Petition.

II. Exemption Standards and Procedures

The FTC Rule includes a specific provision, § 455.6, setting forth the Commission's standards for exempting a state from the Rule's requirements. Section 455.6 states:

> (a) If, upon application to the Commission by an appropriate state agency, the Commission determines, that—
>
> (1) There is a state requirement in effect which applies to any transaction to which this rule applies; and
>
> (2) That state requirement affords an overall level of protection to consumers which is as great as, or greater than, the protection afforded by this Rule; then the Commission's Rule will not be in effect in that state to the extent specified by the Commission in its determination, for as long as the state administers and enforces effectively the state requirement.
>
> (b) Applications for exemption under Subsection (a) should be directed to the Secretary of the Commission. When appropriate, proceedings will be commenced in order to make a determination described in Subsection (a), and will be conducted in accordance with Subpart C of Part 1 of the Commission's Rules of Practice.

The Commission determines the appropriate relationship between the FTC Rule and state law on a case-by-case basis in an exemption proceeding conducted pursuant to § 1.16 of the Commission's Rules of Practice.[5] Section 1.16 of the Commission's Rules of Practice is a general provision allowing any person to whom a trade regulation rule would otherwise apply to petition the Commission for an exemption, but it offers no specific guidance to state agencies seeking statewide exemption.

However, final staff guidelines for state exemption petitions have been developed for the Commission's Trade Regulation Rule Concerning Funeral Industry Practices (the "Funeral Rule"), 16 CFR Part 453 (1987).[6] Because the Funeral Rule has a state exemption provision that is virtually identical to that included in the FTC Rule,[7] the Commission followed the Funeral Rule guidelines when considering the Wisconsin petition for exemption from the FTC Rule.[8] Maine followed these guidelines in submitting its petition.

The state exemption guidelines recommend that a complete application be comprised of the following information: (1) A copy of all relevant state statutes, rules, regulations and court cases; (2) a statement comparing the state law with the Commission's rule, on a provision-by-provision basis, which explains how the state law applies to the same transactions as does the Commission's rule and how the state law affords an overall level of protection to consumers that is equal to or greater than that afforded by the Commission's rule; (3) information sufficient to demonstrate the state's willingness and ability to administer and enforce its law effectively; and (4) a statement from the state's attorney general that the state law provides adequate authority to support the rules, regulations, conclusions, interpretations, policies and procedures described in the statement submitted in the application for the statewide exemption from the Commission's rule. The state exemption guidelines also state that once a complete application for statewide exemption has been received, staff will place the materials on the public record and recommend that the Commission publish a notice in the **Federal Register** allowing a period of time for interested persons to submit written comments. This notice invites interested parties to submit comments on the Maine Petition. The Commission will place written comments on the public record.

The Commission's staff will also place on the public record any factual information received orally on which it relies in making its recommendation to the Commission concerning whether to grant the exemption. Moreover, under the procedures discussed in the Statement of Basis and Purpose,[9] this exemption proceeding will be subject to the restrictions on *ex parte* communications applicable to a section 18 rulemaking "adapted in such form as may be appropriate to the circumstances of the particular proceeding."[10] The restrictions on *ex parte* communications applicable to a Section 18 rulemaking proceeding are set forth in 16 CFR 1.18(c) (1987). In brief, they require that a communication on the merits to a Commissioner from a person outside the Commission be placed on the public record of the proceeding, and that a communication on the merits to a Commissioner from the rulemaking staff be disclosed on the record to the extent that it contains any fact not already on the record.[11]

III. The Petition

A. Contents

As noted earlier, the Maine Secretary of State filed its Petition requesting a statewide exemption from the FTC Rule on June 1, 1987. Included in this Petition are the following materials: (1) A provision-by-provision comparison of the FTC Rule and the Maine Rule (Appendix A); (2) a copy of the Maine Rule, which was adopted on January 22, 1987, with an effective date of twenty-one days after a statewide exemption is granted (Appendix B); (3) a copy of the Maine window label (Buyer's Guide) required by the Maine Rule (Appendix C); (4) copies of the relevent Maine statutes, including the Maine Used Car Information Act ("MUCIA"),[12] the Maine Unfair Trade Practices Act,[13] and the Maine Annual Car Inspection Law[14] (Appendix D); (5) a discussion of Maine's willingness and ability to enforce the MUCIA and the Maine Rule (Appendix E); and (6) a letter from Maine Attorney General James E. Tierney stating that Maine law provides adequate authority to support the Maine Rule, as well as the conclusions, interpretations, policies and procedures described in the Petition and in the Appendices (Appendix F).

B. Does the Maine Rule Apply to the Same Transactions to Which the FTC Rule Applies?

This section compares the definitions which determine the scope of the FTC Rule with their counterparts in the Maine Rule. Whether a transaction is covered by the FTC Rule depends upon three factors: (1) the identity of the person or entity offering the vehicle for sale;[15] (2) the identity of the person or entity to whom the vehicle is offered for sale;[16] and (3) the characteristics of the vehicle being offered for sale.[17]

1. Definition of "Dealer"

Section I(A)(2) of the Maine Rule defines "dealer" as "any person or legal entity which meets the [definition of that term at] M.R.S.A. 1471, sub-section 2." That definition "includes a natural person, firm, corporation, partnership and any other legal entity that is engaged in the business of selling, offering for sale, or negotiating the sale of used motor vehicles, except auctioneers licensed by the Secretary of State * * *"[18] Also excluded from this definition are "departments and agencies of the State when selling, offering for sale or negotiating the sale of used state-owned motor vehicles."[19]

The FTC Rule definition of "dealer," at § 455.1(d)(3), includes "any person or business which sells or offers for sale a used vehicle after selling or offering for sale five (5) or more used vehicles in the previous twelve months, but does not include a bank or financial institution, a

---

[1] The Maine Petition has been placed on the public record and is identified as Document 100–8 in FTC File No. 215–54. It and other documents referred to in this notice are available for inspection at the Office of the Secretary of the Federal Trade Commission, at the above address.

[2] The Buyers Gude is the standard disclosure form which must be affixed to a side window of each used vehicle offered for sale by a dealer to a consumer, under § 455.2 of the FTC Rule. Both the FTC and the Maine disclosure forms are printed at the end of this notice.

[3] Statement of Basis and Purpose for the Used Car Rule, 49 FR 45,692, 45,711 (Nov. 19, 1984) (hereinafter referred to as the "SBP").

[4] 50 FR 21,269 (May 23, 1985).

[5] *Id. See also* 16 CFR 1.16 (1987).

[6] 50 FR 12521 (March 29, 1985).

[7] *See* 16 CFR 453.9 (1987).

[8] The Staff Compliance Guidelines for the Used Car Rule, 52 FR 18552 (May 18, 1987); 52 FR 19845 (May 28, 1987), recommended that states interested in filing a petition for statewide exemption from the Used Car Rule consult the Funeral Rule state exemption guidelines. 52 FR 18561.

[9] 49 FR at 45,711.

[10] 16 CFR 1.26(b) (1987).

[11] *See also* 50 FR at 12,522.

[12] Me. Rev. Stat. Ann. tit. 10, Secs. 1471–1477 (1980 & Supp. 1985–1986). The MUCIA was amended in 1985 to include, *inter alia*, provisions requiring Maine used vehicle dealers to affix a written disclosure statement to each used vehicle offered for sale, and authorizing the Division of Motor Vehicles to promulgate rules implementing this requirement. *See* Secs. 1475(1); 1475(2)(G). The Maine Rule was promulgated under this authority. Section 1475(2)(G) of the MUCIA specifically authorizes the Division of Motor Vehicles to include on its uniform disclosure sticker any information contained on the FTC Buyers Guide, unless such information were to conflict with information required by the MUCIA.

[13] Me. Rev. Stat. Ann. tit. 5, secs. 207–14 (1980 & Supp. 1985–1986).

[14] Me. Rev. Stat. Ann. tit. 29, secs. 2501–25 (1980 & Supp. 1986).

[15] The term "dealer" is defined in § 455.1(d)(3) of the FTC Rule.

[16] The term "consumer" is defined in § 455.1(d)(4) of the FTC Rule.

[17] The terms "vehicle" and "used vehicle" are defined in §§ 455.1(d)(1) and (2) of the FTC Rule, respectively.

[18] Me. Rev. Stat. Ann. tit. 10, Sec. 1471(2) (Supp. 1986).

[19] Id.

business selling a used vehicle to an employee of that business, or a lessor selling a leased vehicle by or to that vehicle's lessee or to an employee of the lessee."

The Maine Rule's definition of "dealer" differs from that found in the FTC Rule in several respects. First, there is no requirement that a minimum volume of vehicles be offered for sale before the Maine Rule would apply. Instead, one must be "engaged" in the used car business to be considered a dealer in Maine. A recent case, however, indicates that the number of vehicles necessary to meet this threshold may be even lower than the FTC Rule's minimum. [20]

The Maine Rule also specifically excludes auctioneers from the definition of "dealer." However, while the auction house itself is excluded, dealers selling their vehicles through auctions are required to comply with the Maine Rule.

The Maine Rule also differs in that it covers all sales by banks or financial institutions, leasing companies, or other businesses. The FTC Rule specifically excludes sales by banks or financial institutions and some sales by leasing companies and businesses.

2. Definition of "Consumer"

Section I(A)(1) of the Maine Rule defines "consumer" as "any person who is not a used vehicle dealer." This language tracks exactly the definition of "consumer" in the FTC Rule. The Maine Rule also includes within its definition any person defined as a "purchaser" in the MUCIA. This MUCIA definition includes "any person who has obtained ownership of a used motor vehicle from a dealer by transfer, gift or purchase." [21] Although the Maine Rule definition explicitly excludes dealers, the "General Duty" clause, section 1(C)(1) of the Maine Rule, requires the posting of the Maine Buyer's Guide prior to offering for sale used vehicles "to a consumer or another dealer." [22] The MUCIA also appears to include dealers. In any event, the Maine Rule definition is at least as inclusive as that found in the FTC Rule.

3. Definition of "Motor Vehicle"

Section I(A)(5) of the Maine Rule specifically incorporates the definition of "motor vehicle" found in the MUCIA.[23] That definition includes "any self-propelled vehicle designed primarily to transport not more than 14 individuals, except motorcycles * * * and any vehicles operated exclusively on a rail or rails. This definition is intended to include motor trucks that have a gross vehicle weight of not more than 10,000 pounds * * *."

The FTC Rule definition of "vehicle," at § 455.1(d)(1), also excludes motorcycles, but includes motorized vehicles with a gross vehicle weight of less than 8500 pounds, a curb weight of less than 6000 pounds, and a frontal area of less than 46 square feet.

These definitions are substantially similar. Any vehicle included in the FTC Rule definition is included in the Maine Rule's definition. The Maine Rule definition is slightly more inclusive in that it also covers vehicles with gross vehicle weights of between 8500 and 10,000 pounds.

4. Definition of "Used Vehicle"

The Maine Rule's definition of this term, found at section I(A)(8), is virtually identical to that contained in § 455.1(d)(2) of the FTC Rule, except that it expressly includes "demonstrators" or "company cars," and any vehicle that meets the definition of "reconstructible motor vehicle" in the MUCIA.[24] Although the FTC Rule does not specifically mention these types of vehicles, they are included under the Rule's definition.[25]

C. *Does the Maine Rule Provide an Overall Level of Protection to Consumers Which is as Great as or Greater than that Provided by the FTC Rule?*

This portion of the notice compares the Maine Rule with the FTC Rule on a provision-by-provision basis. This discussion will follow the format of the FTC Rule.

1. Section 455.1—General Duties of Used Vehicle Dealers

Section 455.1(a) of the FTC Rule states that the following acts or practices are deceptive when committed by used vehicle dealers offering for sale used vehicles in or affecting commerce: (1) misrepresenting the mechanical condition of a used vehicle; (2) misrepresenting the terms of any warranty; and (3) representing that a used vehicle is sold with a warranty when that is not true. Section 455.1(b) of the Rule further states that the following acts or practices are unfair when committed by used vehicle dealers offering for sale used vehicles in or affecting commerce: (1) Failing to disclose, prior to sale, that a used vehicle is sold without a warranty; and (2) failing to make available, prior to sale, the terms of any written warranty offered in connection with the sale of a used vehicle. However, a violation of one of these Sections, in and of itself, would not constitute a violation of the FTC Rule. Section 455.1(c)(3) of the FTC Rule states that "[i]f a used vehicle dealer complies with the requirements of §§ 455.2 through 455.5 of this part [proper preparation and display of the Buyers Guide], the dealer does not violate this Rule."

In terms of enforcement, therefore, violations of §§ 455.1(a) and (b) of the FTC Rule would be actionable under Section 5 of the FTC Act,[26] rather than under the Rule. The comparable provisions in the Maine Rule, sections I(B)(1) and I(B)(2), differ in that violations would be actionable under the Maine Rule itself. Therefore, unlike the case in the FTC Rule, civil penalties would be available for violations of these sections.

These "general duty" sections of the Maine Rule also differ in that only written misrepresentations are prohibited. The FTC Rule does not distinguish between written and oral misrepresentations. The Maine Rule, however, does note that verbal misrepresentations may be a violation of Maine common law or statutory law, such as the Maine Unfair Trade Practices Act or the Maine Uniform Commercial Code.[27]

2. Section 455.2—Buyers Guide

(a) *Format.* Both the FTC Rule and the Maine Rule require dealers to complete and display a disclosure form on a side window of each used vehicle offered for sale to consumers.[28] Both laws specify the exact format of the disclosure form. The provisions of the Maine Rule regarding format and display of the Maine Buyer's Guide are virtually identical to the comparable provisions in the FTC Rule.[29] Additionally, the printing specifications for the Maine Buyer's Guide are designed to create a window form that is very similar in appearance to the FTC Buyers Guide. The Maine Rule, however, calls for a minimum size of 12½ inches high by 8½ inches wide, as opposed to the FTC Rule's minimum of 11 inches by 7¼ inches. The additional disclosures on the Maine Buyer's Guide necessitate its larger size.

(b) *Text of Window Stickers—Similar Provisions.* All of the disclosures required on the FTC Rule Buyers Guide are also required on the Maine Rule Buyer's Guide. However, in some instances, the wording of these disclosures on the Maine window sticker varies from the language used on the FTC sticker. Following is a brief comparison of FTC Rule Buyers Guide disclosures with the equivalent Maine Rule Buyer's Guide disclosure.

(i) *The "As Is" Disclosure.* Section 455.2(b)(1)(i) of the FTC Rule requires dealers to check a large box next to the words "AS IS—NO WARRANTY" when offering a used vehicle for sale on that basis. This disclosure is printed in conspicuously large type. The purpose of this disclosure is to inform consumers that the dealer will not be responsible for post-purchase repairs to the vehicle.[30] The FTC Buyers Guide includes an explanation of the meaning of the words "as is" immediately underneath the words "AS IS—NO WARRANTY."[31]

In Maine, the MUCIA states that, except in the case of reconstructible motor vehicles,[32] a dealer may not sell or transfer a vehicle unless it meets the state inspection standards and displays a valid inspection sticker issued during the thirty days prior to the date of sale or transfer. Consequently, section 1(C)(2)(f) of the Maine Rule requires Maine dealers to check a box on the Buyer's Guide next to the words "WARRANTY OF INSPECTABILITY," unless the vehicle is a reconstructible motor vehicle. Directly underneath the box is a one-sentence explanation of this state-required warranty.

Under section 1(C)(2)(g) of the Maine Rule, if the dealer chooses to offer the vehicle without an express warranty other than the state-required warranty of inspectability, the dealer must check a box next to the words "NO EXPRESS WARRANTY EXCEPT THAT VEHICLE MEETS STATE INSPECTION STANDARDS." Underneath this statement is the following explanation:

YOU WILL PAY ALL COSTS FOR ANY REPAIRS NOT RELATED TO MEETING STATE INSPECTION STANDARDS. REGARDLESS OF ANY ORAL STATEMENTS ABOUT THE VEHICLE, THE DEALER ACCEPTS NO RESPONSIBILITY FOR REPAIRS EXCEPT THOSE NECESSARY TO PASS STATE INSPECTION.

When the box next to this disclosure is checked (in addition to the box informing the consumer of the warranty of inspectability), the consumer is put on notice that the dealer's express warranty obligations extend only to the inspectability of the vehicle. A Maine dealer's minimum post-sale responsibility extends to the repair of any defect in systems or components on the state inspection "checklist," if the purchaser can show that the defect existed at the time of sale. Also, Maine dealers may choose not to disclaim state law implied warranties in addition to offering the express warranty of inspectability.

(ii) *The "Implied Warranties Only" Disclosure.* Section 455.2(b)(1)(ii) of the FTC Rule requires that an "IMPLIED WARRANTIES ONLY" disclosure be used in place of the "AS IS—NO WARRANTY" disclosure in states that limit or prohibit "as is" sales and in instances where a dealer choose to sell a used vehicle with neither an express warranty nor on an "as is" basis. This disclosure informs consumers that the dealer may be legally obligated to repair serious problems even though it did not provide an express warranty.

Section 1(C)(2)(j) of the Maine Rule contains a detailed explanation of a Maine dealer's options regarding implied warranties. Under the words "IMPLIED WARRANTIES" on the Maine Buyer's Guide are three boxes, one of which the dealer must check. The dealer must check the box next to the word "YES" if the dealer chooses not to disclaim implied warranties. If the parties enter into a service contract at the time of sale, implied warranties may not be disclaimed and the "YES" box must be checked.[33] The dealer must check the box next to the word "NO" if the dealer chooses to disclaim implied warranties.[34] If the dealer offers an express warranty, implied warranties may not be disclaimed, but they can be limited to the duration of the express warranty.[35] In this case, the dealer must mark the box next to the words "LIMITED TO DURATION OF EXPRESS WARRANTY," but only if such limitation is "conscionable." [36] There is no space on the FTC Buyers Guide for a dealer to disclose its intention to limit implied warranties to the duration of an express warranty.

Another difference between the Maine Rule and the FTC Rule regarding implied warranties is the explanation of implied warranty rights on the window stickers. The FTC Buyers Guide provides the general statement that state law implied warranties "may give you some rights to have the dealer take care of serious problems that were not apparent when you bought the vehicle.[37] The Maine Rule Buyer's Guide, on the other hand, goes into slightly more detail, referring to both the implied warranty of merchantability and the implied warranty of fitness for a particular use.[38]

(iii) *Information About Express Warranties.* Section 1(C)(2)(h) of the Maine Rule requires dealers offering an express warranty to check a box next to the words "DEALER EXPRESS WARRANTY" on the Maine Buyer's Guide. Subsections (i)—(iv) and (vi) of section 1(C)(2)(h) of the Maine Rule track the language of § 455.2(b)(2)(i)—(b)(2)(v) of the FTC Rule by requiring that the following warranty terms be disclosed:

—Whether the warranty is full or limited; [39]

—Which systems are covered by the warranty; [40]

—The duration of the warranty; [41] and

—The percentage of repair costs to be paid by the dealer.[42]

---

[20] *See Tanguay* v. *Seacoast Tractor Sales, Inc.*, 494 A.2d 1364 (Me. 1985). Maine's Supreme Judicial Court held that a seller of at least one dozen vehicles over a twenty-year period qualified as a "dealer" under the MUCIA definition. *Id.*

[21] *See* Me. Rev. Stat. Ann. tit. 10, sec. 1471, subsection 6.

[22] James McKenna of the Maine Attorney General's Office confirmed that the intent of the Maine Rule is to include sales to dealers within its scope.

[23] Me. Rev. Stat. Ann. tit. 10, sec. 1471, subsection 4.

[24] *See* Me. Rev. Stat. Ann. tit. 10, sec. 1471, subsection 6–A. This definition includes "a used motor vehicle which does not meet the inspection standards as set forth in Title 29, section 2502, and which is sold, offered for sale or negotiated for sale to a person other than another dealer for the purpose of transportation after repair or rebuilding."

[25] The SBP Specifically states that such vehicles are intended to be included within the Rule's coverage. *See* 49 FR 45707.

[26] 15 U.S.C. 45 (1978 & Supp. 1987).

[27] *See* Section I(B)(1), n. 1., of the Maine Rule.

[28] Maine's sticker is called a "Buyer's Guide," while the FTC's sticker is called a "Buyers Guide" (no apostrophe).

[29] *Compare* sections I(C)(1)(a) and (b) of the Maine Rule *with* 16 CFR 455.2(a)(1) and (2) (1987).

[30] SBP at 45,705.

[31] This statement reads: "You will pay all costs for any repairs. The dealer assumes no responsibility for any repairs regardless of any oral statements about the vehicle."

[32] *See supra* note 24.

[33] Under section 108(a) of the Magnuson-Moss Warranty Act, 15 U.S.C. 2308(a) (1983 & Supp. 1987), implied warranties may not be limited or disclaimed if the parties enter into a service contract on the vehicle within ninety days of the time of sale.

[34] *Id. See also* Me. Rev. Stat. Ann. tit. 10, sec. 1475(2)(E).

[35] Under section 108(b) of the Magnuson-Moss Warranty Act, 15 U.S.C. 2308(b) (1983 & Supp. 1987), a dealer could limit the duration of implied warranties to the duration of express warranties offered, so long as such a limitation is both conscionable and clearly disclosed.

[36] *See* Me. Rev. Stat. Ann. tit. 10, sec. 1475(2)(E).

[37] *See* § 455.2(B)(1)(ii) of the FTC Rule.

[38] *See* section 1(C)(2)(j) of the Maine Rule.

[39] *Compare* section 1(C)(2)(h)(i) of the Maine Rule *with* 16 CFR 455.2(b)(2)(i) (1987).

[40] *Compare* section 1(C)(2)(h)(ii) of the Maine Rule *with* 16 CFR 455.2(b)(2)(ii) (1987). *See also* Me. Rev. Stat. Ann. tit. 10, sec. 1474(3)(B)(2).

[41] *Compare* section 1(C)(2)(h)(iii) of the Maine Rule *with* 16 CFR 455.2(b)(2)(iii) (1987). *See also* Me. Rev. Stat. Ann. tit. 10, sec. 1474(3)(B)(1).

[42] *Compare* section 1(C)(2)(h)(iv) of the Maine Rule *with* 16 CFR 455.2(b)(2)(iv) (1987).

The Maine Rule, like the FTC Rule, also gives dealers the option of disclosing whether the manufacturer's original warranty still applies.[43]

In addition to the above disclosures, the Maine Rule requires that dealers disclose a deductible, if applicable, in a space provided in the warranty section of the Maine Buyer's Guide.[44] The FTC Rule dose not contain an analogous provision.[45]

Subsection (vii) of section 1(C)(2)(h) of the Maine Rule states that if the dealer originally offers the vehicle with an express warranty but, after negotiations with the consumer, sells the vehicle with no express warranty, it should cross out the warranty disclosure on the Maine Buyer's Guide and check the box next to the "NO EXPRESS WARRANTY EXCEPT THAT VEHICLE MEETS STATE INSPECTION STANDARDS" disclosure. This section of the Maine Rule is analogous to the last two paragraphs in §455.2(b)(2) of the FTC Rule concerning how to note negotiated changes in warranty coverage on the Buyers Guides.

(iv) *Service Contract Availability.* Section 1(C)(2)(i) of the Maine Rule requires dealers to check the box next to the words "SERVICE CONTRACT" if it chooses to offer such a contract. This section tracks § 455.2(b)(3) of the FTC Rule.

(v) *Vehicle, Dealership and Complaint Information.* Section 455.2(d) of the FTC Rule requires dealers to include certain vehicle information on the Buyers Guide, including the make, model, model year and vehicle identification number. Dealers may also include their vehicle stock number. These disclosures are designed to enhance the value of the Buyers Guide as evidence of the agreement between the dealer and the consumer.[46] The Maine provision, section 1(C)(2)(a), is identical to this FTC Rule provision.

Similar to § 455.2(c) and (e) of the FTC Rule, section 1(C)(2)(m) of the Maine Rule requires dealers to disclose on the back of the Buyer's Guide the name and address of the dealership, and the name, title and phone number of the dealership employee who should be contacted if complaints arise after the sale. Unlike the FTC Rule, this section of the Maine Rules also requires that if warranty repairs are not to be performed at the dealership providing the warranty, dealers musts place the name, address and other identifying information of each facility within a radius of 50 miles of the dealer's place of business to which the vehicle may be brought for warranty service.[47]

(vi) *Statement Concerning Pre-Purchase Independent Inspection.* Near the bottom of the FTC Buyers Guide there is a required disclosure suggesting that consumers inquire about the availability of an independent, pre-purchase inspection.[48] The Maine Rule requires a similar disclosure, in larger lettering, placed toward the top of the Maine Buyer's Guide.[49]

(vii) *Spoken Promises Warning.* An identical warning against relying on spoken promises is required to be included on the top of both the FTC Buyers Guide and the Maine Rule Buyer's Guide.

(viii) *List of Major Vehicle Systems.* An identical list of the fourteen major mechanical and safety systems of an automobile and some of the major problems that can occur in these systems is required on the back of both the FTC Buyers Guide and the Maine Rule Buyer's Guide.

(c) *Text of Window Stickers—Additional Disclosures Required by Maine.* In addition to the disclosures required by the FTC Rule, the Maine Rule requires several disclosures that are not required by the FTC Rule. These additional disclosures are discussed below.

(i) *Prior Use of Vehicle.* Section 1(C)(2)(b) of the Maine Rule requires that dealers disclose, on the Buyer's Guide, "the principal use to which the vehicle was put by the former owner." This disclosure would be made in one of two ways. If the former owner used the vehicle for personal use, the dealer would check the box next to the word "PERSONAL." If the prior owner used the vehicle for other than personal use (*e.g.*, police car, daily rental car, taxi, etc.), the dealer would check the box next to the word "OTHER," and state that prior use in the space provided.

(ii) *How Vehicle Was Acquired.* Section 1(C)(2)(d) of the Maine Rule requires the dealer to disclose, on the Buyer's Guide, "the type of sale by which [the dealer] acquired the vehicle." This disclosure would be made in one of two ways. If the dealer obtained the vehicle through a trade-in, it would check the box next to the word "TRADE-IN." If the dealer obtained the vehicle through another method, such as a sheriff's sale, repossession, auction, etc., it would check the box next to the word "OTHER," and state that method on the space provided.

(iii) *Known Mechanical Defects or Prior Substantial Damage.* Section 1(C)(2)(c) of the Maine Rule requires that dealers disclose, on the Buyer's Guide all mechanical defects known at the time of sale, even if the dealer has fully repaired the defect.[50] Further, section 1(C)(2)(e) of the Maine Rule requires dealers to disclose on the Buyer's Guide "any and all substantial damage that the vehicle has sustained that is known to [the dealer], including damage to the body or engine from collision, fire, water or other causes. [The dealer] must make this disclosure even if [the dealer has] fully repaired the damage."[51] In large letters under the spaces for this disclosure and the disclosure of known mechanical defects is the following statement: "IMPORTANT: THESE ARE THE ONLY PROBLEMS KNOWN TO THE DEALER. ASK IF YOU MAY GET AN INDEPENDENT INSPECTION BEFORE PURCHASE.

The FTC Rule Buyers Guide also contains (at the bottom) a statement suggesting that the consumer request an independent inspection of the vehicle prior to purchase. The Maine Rule's disclosure is in larger type than its FTC Rule counterpart. It is placed adjacent to the mechanical defects and prior substantial damage disclosures on the Maine Rule Buyer's Guide.

(iv) *Availability of Prior Owner's Name and Address.* Section 1(C)(2)(k) of the Maine Rule would require dealers to place a disclosure at the bottom of the Buyer's Guide informing the consumer that the previous owner's name and address is available from the dealer upon request.[52]

(v) *Whether Vehicle Has Been Returned to Manufacturer.* Section 1(C)(2)(l) of the Maine Rule requires dealers to disclose, on the reverse side of the Maine Rule Buyer's Guide, whether the vehicle has been returned to the manufacturer because of non-conformity with express warranties. If the dealer knows that the vehicle has been so returned, it must describe the non-conformities in the space provided.

[43] *Compare* section 1)(C)(2)(h)(vi) of the Maine Rule *with* 16 CFR 455.2(b)(2)(v) (1987).

[44] *See* section 1)(C)(2)(h)(v) of the Maine Rule.

[45] The staff compliance guidelines for the Used Car Rule suggest that dealers disclose the existence of a deductible by placing asterisks next to the percentage of parts and labor disclosures and writing an explanation of the terms of the deductible on the top line of the "systems covered/duration" portion of the Buyers Guide. *See* 52 FR at 18500, 18504.

[46] *See* SBP at 45,710.

[47] *See also* Me. Rev. Stat. Ann. tit. 10, sec. 1474(3)(A)(1).

[48] This disclosure states: "PRE PURCHASE INSPECTION: ASK THE DEALER IF YOU MAY HAVE THIS VEHICLE INSPECTED BY YOUR MECHANIC EITHER ON OR OFF THE LOT."

[49] This disclosure reads, in pertinent part: "ASK IF YOU MAY GET AN INDEPENDENT INSPECTION BEFORE PURCHASE." This provision is addressed further in this notice in the sections discussing disclosure of known mechanical defects and substantial damage.

[50] *See also* 10 M.R.S.A. sec. 1475(2)(C).

[51] *See also* Me. Rev. Stat. Ann. tit. 10, sec. 1475(2)(D).

[52] *See also* Me. Rev. Stat. Ann. tit. 10, sec. 1475(2)(B).

3. Section 455.3—Window Stickers Given to Purchaser and Incorporated into Contract

Section 455.3(a) of the FTC Rule directs dealers to give purchasers of used vehicles a Buyers Guide that includes any agreed-upon warranty coverage. The Maine Rule contains a substantially similar provision at section 1(D)(1). Similar to § 455.3(b) of the FTC Rule, section 1(D)(2) of the Maine Rule provides that the information on the Buyer's Guide is incorporated into the contract of sale and overrides any contrary provisions in the contract of sale. This section also requires that dealers place a two-sentence disclosure in the contract of sale informing consumers of this fact.[53] This disclosure is identical to the disclosure required by § 455.3(b) of the FTC Rule. The Maine Rule, however, specifies that the disclosure be placed in 10-point bold caps, while the FTC Rule merely requires that the disclosure be placed "conspicuously" in the contract.

4. Section 455.4—Contrary Statements

Section 455.4 of the FTC Rule prohibits dealers from making any statements, oral or written, or from taking other actions which alter or contradict the disclosures required by the Rule. Further, it recognizes that dealers may negotiate with consumers over warranty coverage, but requires that the final warranty terms be identified in the contract of sale and summarized on the final Buyers Guide that is given to the consumer. Sections 1(D) (3) and (4) of the Maine Rule contain equivalent requirements.

5. Section 455.5—Spanish Language Sales

Unlike the FTC Rule, Maine Rule does not contain a requirement that dealers prepare, display, and provide a Spanish language Buyers Guide if the transaction is conducted in that language. In noting this difference, the Maine petition states that such a requirement is not necessary in the Maine Rule due to Maine's low percentage of Spanish-speaking people. According to information obtained by the Commission from the U.S. Bureau of the Census,[54] in 1980 Maine had both the lowest percentage and the lowest raw number of Spanish speaking persons among the fifty states and the District of Columbia.[55]

D. Does Maine Evidence a Willingness and Ability To Enforce its Sticker Rule?

Pursuant to 16 CFR 455.6 (1987), the final requirement for obtaining and retaining a statewide exemption from the FTC Rule is a showing that a state administers and enforces effectively the state requirement that would replace the FTC Rule. Accordingly, the Funeral Rule state exemption guidelines ask states to submit sufficient information to show a willingness and ability to enforce their laws effectively.[56] Specifically, those guidelines state that staff will consider the following information as relevant to this determination:

(1) The fiscal arrangements and funding of the state agency (or agencies) which is charged with enforcing the state law, or other information indicating that the state agency has adequate funding to properly enforce the law;

(2) The number and qualifications of persons engaged in the enforcement and administration of the state law, or other information indicating that the state has adequate qualified personnel to administer and enforce the law;

(3) The state's current or planned enforcement procedures;

(4) The state's past history of enforcement of statutes which are comparable to the Commission's rule; and

(5) The level of compliance with any state statutes or regulations governing the practices covered by the Commission's rule, insofar as this information is relevant to the state's enforcement history.[57]

Appendix E of the Maine Petition discusses enforcement of the Maine Rule, and is summarized below.

Both the Maine Department of the Attorney General and the Maine Department of Motor Vehicles enforce the provisions of the Maine Used Car Information Act, the enabling statute for the Maine Rule. A violation of the Maine Rule is a *per se* violation of the Maine Unfair Trade Practices Act, which the Maine Attorney General's office is primarily responsible for enforcing.[58] The Department of Motor Vehicles has the power to deny, suspend or revoke the license of any dealer who does not comply with the Maine Rule.[59] To qualify as a "dealer" under the licensing provisions of the Maine Code, one must comply with the disclosure requirements of the MUCIA.[60]

1. Funding and Staffing of Agencies

According to the Maine Department of the Attorney General, there are four assistant attorneys general, five paralegals, one investigator and two clearical workers assigned exclusively to consumer protection matters in the state.[61] The enforcement staff at the Department of Motor Vehicles consists of fifteen investigators and two clerical workers.[62] Additionally, there are two state police officers who conduct MUCIA inspections on a part-time basis.[63]

2. Enforcement Procedures

(a) *Department of Attorney General.* According to the Maine Petition, enforcement of the MUCIA can commence in at least two ways. First, investigators within the Consumer and Antitrust Division of the Attorney General's Office have been instructed generally to survey used car lots during their travels around the state and to submit reports of their findings to the Director of Investigations.[64] Second,

[53] This disclosure reads as follows: "The information you see on the window form for this vehicle is part of this contract. Information on the window form overrides any contrary provisions in the contract of sale."

[54] June 12, 1987 Letter from Paul M. Siegel, Chief, Education and Social Stratification Branch, Population Division, Bureau of the Census, United States Department of Commerce, Washington, DC 20233.

[55] These data are derived from two census questions. First, the subject was asked: "Does this person speak a language other than English at home?" If the answer to that question was yes, the person was asked: "What is that language?" 2,987 Maine citizens, or 0.3% of Maine's population, answered "Yes" and "Spanish," respectively, to these questions in 1980. This data compares to 3,270,287, or 14.5% of California residents. Of course, this information does not specifically reveal the number of Spainsh-speaking people who have little or no comprehension of English, and would therefore require a Spanish language Buyer's Guide whil shopping for a used vehicle.

[56] 50 FR at 12525.

[57] *Id* The guidelines also recognize that some of this information may not be relevant or available in certain states and that each state application may differ accordingly.

[58] *See* section 1(E) of the Maine Rule; Appendix E of Petition, at 1; Letter from Maine Attorney General James E. Tierney to Secretrary, Federal Trade Commission, Apprndix F of Petition, at 2.

[59] *See* Me. Rev. Stat. Ann. tit. 29, sec. 343(1)(F); Me. Rev. Stat. Ann. tit. 29, sec. 350-A(F); Appendix E of Petition, at 2.

[60] *See* Me. Rev. Stat. Ann. tit. 29 sec. 343(1)(F).

[61] September 17, 1987 telephone conversation between James McKenna and Matthew Gold. Mr. McKenna stated that the yearly budget for the attorney general's office is not broken down among the various divisions, so he is unable to provide staff with a specific dollar amount representing the budget for his division.

[62] *Id.*

[63] *Id.*

[64] *See* attachment to Appendix E.

VOL 52 ISS 248 DEC 28 1987 UMI

mediators in that office attempt to resolve complaints involving used motor vehicle transactions. As part of this process, the mediator determines whether the dealer in question has been making the disclosures required by both the Maine Rule and the FTC Rule. According to the Petition, repeated failure to make the required disclosures results in an unfair trade practice investigation, which may lead to an Assistant Attorney General initiating a formal enforcement action.

Each violation of the MUCIA subjects the violator to a civil penalty of between $100 and $1,000.[65] Under the FTC Act, violators of trade regulation rules may be punished by penalties of up to $10,000 per violations.[66] The Maine Rule contains a two-year statute of limitations.[67] This contrasts with the five-year statute of limitations applicable to enforcement of FTC trade regulations rules.[68] Additionally, the Maine Rule specifically provides dealers with a defense if the alleged violations are shown to be "unintentional" and "bona fide error[s]." [69] Neither the FTC Rule nor the FTC Act contains a defense based on intent.[70]

(b) *Department of Motor Vehicles.* The Department of Motor Vehicles employs investigators who enforce the disclosure requirements of the MUCIA.[71] According to the Petition, the DMV typically gives a violating dealer ten days to comply. Failure to do so results in the issuance of a civil complaint in state district court.[72]

3. History of Enforcement of the MUCIA

The mediation program of the Consumer and Antitrust Division of the Attorney General's Office has resolved 197 out of 481 complaints received since January, 1985.[73] During the past two years, that Division has conducted 59 MUCIA civil or criminal investigations, eleven of which were litigated. All eleven resulted in either a consent decree or a court injunction with penalties.[74]

4. Private Right of Action

A dealer who violates the MUCIA may be liable to the purchaser in an amount not less than $100 and not more than $1,000 in liquidated damages, in addition to costs and reasonable attorneys fees.[75] This penalty may be imposed in addition to any civil penalty awarded in a separate action brought by a state agency.[76]

IV. Requests for Public Comment

The Commission has determined that the Maine Petition contains sufficient information to initiate a proceeding on whether to grant an exemption pursuant to § 455.6 of the FTC Rule. Accordingly, the Commission requests public comment on whether to grant a statewide exemption to the State of Maine from the FTC Rule.

The following questions are designed to elicit public comment on whether the Maine Rule provides protection to consumers that is equal to or greater than that provided by the FTC Rule. To that end, commenters are encouraged to support their conclusions with factual information or data.

1. Does the Maine Rule apply to the same transactions as does the FTC Rule, and, if not, how do the differences in coverage affect the level of protection afforded to consumers in the State of Maine?

2. How does the disclosure regarding the mandatory "warranty of inspectability" on the Maine Rule Buyer's Guide affect the overall level of protection afforded to consumers by the state laws?

3. How does the disclosure regarding implied warranties on the Marine Rule Buyer's Guide affect the overall level of protection afforded to consumers by the state laws?

4. What is the impact on the overall level of protection provided to consumers by disclosures included in the Maine Rule (for example, the "prior use" and "how acquired" disclosures) but which are not included in the FTC Rule?

5. In what way does the private right of action available in Maine affect the overall level of protection provided to consumers by the state law?

6. Compared with the FTC Rule, what is the impact of the Maine Rule on the overall level of protection provided to Spanish-speaking consumers, given that the Maine Rule does not require that a Spanish-language Buyer's Guide be used if the sale is conducted in Spanish?

7. In general, do the Maine Rule and other state laws provide an overall level of protection to consumers which is as great as, or greater than, the protection afforded by the FTC Rule?

The following questions are designed to elicit public comment on whether the Petition demonstrates Maine's willingness and ability to enforce adequately its state law. To that end, commenters are encouraged to support their conclusions with factual information or data.

8. Are the sanctions available under state law sufficient to deter violations of the Maine Rule?

9. In general, has Maine demonstrated its willigness and ability to enforce the Maine Rule?

Under the Funeral Rule state exemption guidelines, additional procedures for public participation may be scheduled if necessary for a full and fair presentation of significant issues.[77] For example, the guidelines state that oral hearings may be necessary if there are significant factual issues that can be adequately presented only through an oral hearing, such as where cross-examination is necessary to present significant factual issues fully and fairly.[78] In the Commission's opinion, a determination as to whether such procedures will be necessary can not be made at this time. However, interested parties may request that the Commission schedule an oral hearing or a period for rebuttal comments.

List of Subjects in 16 CFR Part 455 (1987)

Used cars, Trade practices.

By direction of the Commission.

Emily H. Rock,

Secretary.

Editorial Note: This form, which appears in the Code of Federal Regulations in 16 CFR Part 455, is republished for the convenience of the reader.

BILLING CODE 6750-01-M

[65] Me. Rev. Stat. Ann. tit. 10, sec. 1477(2).

[66] 15 U.S.C. 45(m)(1)(A) (1978 & Supp. 1987).

[67] Me. Rev. Stat. Ann. tit. 10, sec. 1477(2). The statute reads: "No action may be brought for a civil violation under this subsection more than 2 years after the date of the occurrence of the violation."

[68] 28 U.S.C. 2462 (1978 & Supp. 1987).

[69] *Id.* The statute reads: No dealer may be held liable for a civil violation under this subsection if he shows by a preponderance of the evidence that the violation was unintentional and a bona fide error, notwithstanding the maintenance of procedures reasonably adopted to avoid any such error."

[70] *But see* section 45(m)(1)(A) of the FTC Act, 15 U.S.C. 45(m)(1)(A) (1978 & Supp. 1987), which requires the Commission to prove "actual knowledge [of a trade regulation rule] or knowledge fairly implied on the basis of objective circumstances." The Maine Rule does not contain a specific notice requirement.

[71] Petition, Appendix E, at 2. *See also supra* text accompanying note 61.

[72] *Id.*

[73] Petition, Appendix E, at 1.

[74] *Id. See also supra* note 65 and accompanying test.

[75] Me. Rev. Stat. Ann. tit. 10, sec. 1477(3).

[76] *Id.*

[77] 50 FR at 12523, 12525–26.

[78] *Id.* at 12,525.

BUYERS GUIDE

IMPORTANT: Spoken promises are difficult to enforce. Ask the dealer to put all promises in writing. Keep this form.

VEHICLE MAKE _____ MODEL _____ YEAR _____ VIN NUMBER _____

DEALER STOCK NUMBER (Optional) _____

WARRANTIES FOR THIS VEHICLE:

☐ **AS IS - NO WARRANTY**

YOU WILL PAY ALL COSTS FOR ANY REPAIRS. The dealer assumes no responsibility for any repairs regardless of any oral statements about the vehicle.

☐ **WARRANTY**

☐ **FULL** ☐ **LIMITED WARRANTY. The dealer will pay _____% of the labor and _____% of the parts for the covered systems that fail during the warranty period. Ask the dealer for a copy of the warranty document for a full explanation of warranty coverage, exclusions, and the dealer's repair obligations. Under state law, "implied warranties" may give you even more rights.**

SYSTEMS COVERED: _____

DURATION: _____

☐ **SERVICE CONTRACT. A service contract is available at an extra charge on this vehicle. Ask for details as to coverage, deductible, price, and exclusions. If you buy a service contract within 90 days of the time of sale, state law "implied warranties" may give you additional rights.**

PRE PURCHASE INSPECTION: ASK THE DEALER IF YOU MAY HAVE THIS VEHICLE INSPECTED BY YOUR MECHANIC EITHER ON OR OFF THE LOT.

SEE THE BACK OF THIS FORM for important additional information, including a list of some major defects that may occur in used motor vehicles.

Below is a list of some major defects that may occur in used motor vehicles.

Frame & Body
- Frame-cracks, corrective welds, or rusted through
- Dogtracks—bent or twisted frame

Engine
- Oil leakage, excluding normal seepage
- Cracked block or head
- Belts missing or inoperable
- Knocks or misses related to camshaft lifters and push rods
- Abnormal exhaust discharge

Transmission & Drive Shaft
- Improper fluid level or leakage, excluding normal seepage
- Cracked or damaged case which is visible
- Abnormal noise or vibration caused by faulty transmission or drive shaft
- Improper shifting or functioning in any gear
- Manual clutch slips or chatters

Differential
- Improper fluid level or leakage excluding normal seepage
- Cracked or damaged housing which is visible
- Abnormal noise or vibration caused by faulty differential

Cooling System
- Leakage including radiator
- Improperly functioning water pump

Electrical System
- Battery leakage
- Improperly functioning alternator, generator, battery, or starter

Fuel System
- Visible leakage

Inoperable Accessories
- Gauges or warning devices
- Air conditioner
- Heater & Defroster

Brake System
- Failure warning light broken
- Pedal not firm under pressure (DOT spec.)
- Not enough pedal reserve (DOT spec.)
- Does not stop vehicle in straight line (DOT spec.)
- Hoses damaged
- Drum or rotor too thin (Mfgr. Specs)
- Lining or pad thickness less than 1/32 inch
- Power unit not operating or leaking
- Structural or mechanical parts damaged

Steering System
- Too much free play at steering wheel (DOT specs.)
- Free play in linkage more than 1/4 inch
- Steering gear binds or jams
- Front wheels aligned improperly (DOT specs.)
- Power unit belts cracked or slipping
- Power unit fluid level improper

Suspension System
- Ball joint seals damaged
- Structural parts bent or damaged
- Stabilizer bar disconnected
- Spring broken
- Shock absorber mounting loose
- Rubber bushings damaged or missing
- Radius rod damaged or missing
- Shock absorber leaking or functioning improperly

Tires
- Tread depth less than 2/32 inch
- Sizes mismatched
- Visible damage

Wheels
- Visible cracks, damage or repairs
- Mounting bolts loose or missing

Exhaust System
- Leakage

DEALER

ADDRESS

SEE FOR COMPLAINTS

IMPORTANT: The information on this form is part of any contract to buy this vehicle. Removal of this label before consumer purchase (except for purpose of test-driving) is a violation of federal law (16 C.F.R. 455).

Editorial Note: This form will not appear in the Code of Federal Regulations.

USED VEHICLE BUYER'S GUIDE

IMPORTANT: Spoken promises are difficult to enforce. Ask the dealer to put all promises in writing. Keep this form.

VEHICLE MAKE | MODEL | YEAR | VIN NUMBER

DEALER STOCK NUMBER (Optional)

PRIOR USE: ☐ **PERSONAL:** ☐ **OTHER**_____

HOW ACQUIRED: ☐ **TRADE-IN:** ☐ **OTHER**_____

MECHANICAL DEFECTS IF ANY KNOWN: _____

PRIOR SUBSTANTIAL DAMAGE TO BODY OR ENGINE IF ANY KNOWN:

IMPORTANT: THESE ARE THE ONLY PROBLEMS KNOWN TO THE DEALER. ASK IF YOU MAY GET AN INDEPENDENT INSPECTION BEFORE PURCHASE.

☐ WARRANTY OF INSPECTABILITY

STATE LAW REQUIRES THAT THIS VEHICLE MEETS STATE INSPECTION STANDARDS AND HAS A VALID INSPECTION STICKER ISSUED WITHIN 30 DAYS OF THE SALE OF THIS VEHICLE.

☐ NO EXPRESS WARRANTY EXCEPT THAT VEHICLE MEETS STATE INSPECTION STANDARDS

YOU WILL PAY ALL COSTS FOR ANY REPAIRS NOT RELATED TO MEETING STATE INSPECTION STANDARDS. REGARDLESS OF ANY ORAL STATEMENTS ABOUT THE VEHICLE, THE DEALER ACCEPTS NO RESPONSIBILITY FOR REPAIRS EXCEPT THOSE NECESSARY TO PASS STATE INSPECTION.

☐ DEALER EXPRESS WARRANTY

☐ FULL ☐ LIMITED WARRANTY. The dealer will pay _____% of the labor and _____% of the parts for the covered systems that fail during the warranty period. Ask the dealer for a copy of the warranty document for a full explanation of warranty coverage, exclusions, and the dealer's repair obligations. Under Maine law, "implied warranties" may give you even more rights and cannot be limited by the dealer while this express warranty is still in effect. For each repair the buyer will pay a deductible of $ _____

SYSTEMS COVERED:	DURATION:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

☐ SERVICE CONTRACT. A service contract is available at an extra charge on this vehicle. Ask for details as to coverage, deductible, price, and exclusions. If you buy a service contract within 90 days of the time of sale, Maine "implied warranties" cannot be limited by the dealer and may give you additional rights.

IMPLIED WARRANTIES

☐ **YES** ☐ **NO** ☐ **LIMITED TO DURATION OF EXPRESS WARRANTY**

Maine's implied warranty law may give you additional rights. If the vehicle is still within its useful life and has not been abused, you may have the right to have the dealer repair defects in materials or workmanship that were not apparent when you bought the vehicle. Or you may be able to return the car if the dealer promised you it was fit for a particular use and it was not.

IMPORTANT INFORMATION

- PRIOR OWNERS NAME AND ADDRESS IS AVAILABLE FROM THE DEALER UPON REQUEST.
- SEE THE BACK OF THIS FORM FOR ADDITIONAL INFORMATION, INCLUDING A LIST OF SOME MAJOR DEFECTS THAT MAY OCCUR IN USED MOTOR VEHICLES.

-46-

IMPORTANT NOTE: THIS FORM HAS BEEN REDUCED FROM THE 8½" x 12½" MINIMUM SIZE PRESCRIBED BY SECTION (C) (1)(b) of the MAINE USED CAR INFORMATION ACT STICKER RULE

Below is a list of some major defects that may occur in used motor vehicles.

Frame & Body
- Frame-cracks, corrective welds, or rusted through
- Dogtracks — bent or twisted frame

Engine
- Oil leakage, excluding normal seepage
- Cracked block or head
- Belts missing or inoperable
- Knocks or misses related to camshaft lifters and push rods
- Abnormal exhaust discharge

Transmission & Drive Shaft
- Improper fluid level or leakage, excluding normal seepage
- Cracked or damaged case which is visible
- Abnormal noise or vibration caused by faulty transmission or drive shaft
- Improper shifting or functioning in any gear
- Manual clutch slips or chatters

Differential
- Improper fluid level or leakage excluding normal seepage
- Cracked or damaged housing which is visible
- Abnormal noise or vibration caused by faulty differential

Cooling System
- Leakage including radiator
- Improperly functioning water pump

Electrical System
- Battery leakage
- Improperly functioning alternator, generator, battery or starter

Fuel System
- Visible leakage

Inoperable Accessories
- Gauges or warning devices
- Air conditioner
- Heater & Defroster

Brake System
- Failure warning light broken
- Pedal not worn under pressure (DOT spec.)
- Not enough pedal reserve (DOT spec.)
- Does not stop vehicle in straight line (DOT spec.)
- Hoses damaged
- Drum or rotor too thin (Mfr. Specs.)
- Lining or pad thickness less than 1/32 inch
- Power unit not operating or leaking
- Structural or mechanical parts damaged

Steering System
- Too much free play at steering wheel (DOT specs.)
- Free play in linkage more than ¼ inch
- Steering gear binds or jams
- Front wheels aligned improperly (DOT specs.)
- Power unit belts cracked or slipping
- Power unit fluid level improper

Suspension System
- Ball joint seals damaged
- Structural parts bent or damaged
- Stabilizer bar disconnected
- Spring broken
- Shock absorber mounting loose
- Rubber bushings damaged or missing
- Radius rod damaged or missing
- Shock absorber leaking or functioning improperly

Tires
- Tread depth less than 2/32 inch
- Sizes mismatched
- Visible damage

Wheels
- Visible cracks, damage or repairs
- Mounting bolts loose or missing

Exhaust System
- Leakage

Vehicle Returned to Manufacturer.
This vehicle has _____ has not _____ been returned to the manufacturer, its agent or authorized dealer, for its non-conformity with express warranties. These non-conformities were: _____

_____

_____

Notice of Breach of Warranty.
If a dealer fails to perform his obligation under the warranty, the purchaser shall give the dealer written notice of such failure before the purchaser initiates a civil action in accordance with 10 MRSA § 1476. This notice must be sent by registered or certified mail to the dealer's last known business address.

_____
Dealer

_____
Address

_____

If you have a complaint about this vehicle contact the following representative of the dealer:

_____
Name

_____
Title Phone

_____

IMPORTANT: The information on this form is part of any contract to buy this vehicle. Removal of this label before consumer purchase (except for purpose of test-driving) is a violation of the Used Car Information Act (10 MRSA §§ 1471-1477) and the Rules promulgated by the Maine Secretary of State.

IMPORTANT NOTE: THIS FORM HAS BEEN REDUCED FROM THE 8½" x 12½" MINIMUM SIZE PRESCRIBED BY SECTION 1(C) (1)(b) of the MAINE USED CAR INFORMATION ACT STICKER RULE

-47-

FR Doc. 87-29153 Filed 12-24-87; 8:45 am]
BILLING CODE 6750-01-C

federal register

Monday
December 28, 1987

Part III

Environmental Protection Agency

40 CFR Parts 160 and 792
Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and Toxic Substances Control Act (TSCA); Good Laboratory Practice Standards; Proposed Rules

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 160

[OPP-300165; FRL 3245-5]

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); Good Laboratory Practice Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to expand the scope of the FIFRA Good Laboratory Practice (GLP) Standards by requiring GLP compliance for testing conducted in the field and for such disciplines of testing as ecological effects, chemical fate, residue chemistry, and, as required by 40 CFR 158.160, product performance (efficacy testing). EPA is proposing this amendment in order to ensure the quality and integrity of all data submitted to the Agency in conjunction with pesticide product registration, or other marketing and research permits. EPA is also proposing to amend the FIFRA GLPs to incorporate many of the changes made by the Food and Drug Administration (FDA) to its GLP regulations.

DATE: Submit written comments on or before March 28, 1988.

ADDRESS: Submit written comments, identified by the document control number (OPP-300165), by mail to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. In person, deliver comments to: Rm. 236, CM —2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this proposed rule may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Daniel A. Helfgott, Office of Compliance Monitoring (EN-342), Rm. E-707B, 401 M St. SW., Washington, DC 20460, Telephone: (202) 382-7825.

SUPPLEMENTARY INFORMATION: Following is an index to the remainder of this preamble:

I. Introduction
  A. Legal Authority
  B. Background
  C. Consistency With FDA GLP Regulations
  D. Proposed Changes to the FIFRA GLP Regulation
II. Economic Analysis
III. Statutory Requirements
IV. Other Regulatory Requirements
  A. Executive Order 12291
  B. Regulatory Flexibility Act
  C. Paperwork Reduction Act

I. Introduction

A. Legal Authority

These standards are promulgated under the authority of sections 3, 5, 6, 8, 18, 24(c), and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq., sections 408, 409, and 701 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 et seq., and Reorganization Plan No. 3 of 1970.

B. Background

EPA originally published enforceable FIFRA Good Laboratory Practice Standards in the **Federal Register** of November 29, 1983 (48 FR 53446), which were codified as 40 CFR Part 160. At the same time, EPA published GLP standards applicable to testing required under the Toxic Substances Control Act (TSCA, 48 FR 53922, 40 CFR Part 792). These regulations were promulgated in response to investigations by EPA and FDA during the mid-1970s which revealed that some studies submitted to the Agencies had not been conducted in accordance with acceptable laboratory practices. Some studies had been conducted so poorly that the resulting data could not be relied upon in EPA's regulatory decision-making process. For instance, some studies had been submitted which did not adhere to specified protocols, were conducted by underqualified personnel and supervisors, or were not adequately monitored by study sponsors. In some cases results were selectively reported, underreported, or fraudulently reported. In addition, it was discovered that some testing facilities displayed poor animal care procedures and inadequate record-keeping techniques. The FIFRA GLP standards specify minimum practices and procedures which must be followed in order to ensure the quality and integrity of data submitted to EPA in support of a research or marketing permit for a pesticide product.

When EPA published its final FIFRA and TSCA GLP standards in the **Federal Register** of November 29, 1983, the Agency sought to harmonize the requirements and language with those regulations promulgated by the FDA in the **Federal Register** of December 22, 1978 (43 FR 60013), and codified as 21 CFR Part 58. Differences between the two Agencies' current GLP regulations exist only to the extent necessary to reflect the Agencies' different statutory TSCA, FIFRA, and the Federal Food, Drug, and Cosmetic Act (FFDCA) responsibilities. Similar to the FDA GLP regulations, the FIFRA and TSCA GLPs delineate standards for studies designed to determine the health effects of a test substance; however, the TSCA GLPs also contain provisions related to environmental testing (i.e., ecological effects and chemical fate).

Compliance with EPA's GLP regulations has been monitored through a program of laboratory inspections and study audits coordinated between EPA and FDA. Under an Interagency Agreement originating in 1978, FDA carries out inspections at laboratories which conduct health effects testing. EPA primarily performs laboratory inspections and data audits for environmental studies.

After a thorough review of its GLP regulations and compliance program, FDA concluded that some of the provisions of the GLPs needed to be clarified, amended, or deleted in order to reduce the regulatory burden on testing facilities. Accordingly, FDA proposed revisions to its GLPs in the **Federal Register** of October 24, 1984 (49 FR 43530), which were intended to simplify the regulation without compromising study integrity. FDA's proposed revision has recently been published as a final rule in the **Federal Register** of September 4, 1987 (52 FR 33768).

EPA agrees with FDA that many provisions of the GLP regulations can be streamlined without compromising the goals of the GLPs. Therefore, EPA is proposing to amend the FIFRA GLP standards to incorporate many of the changes recently made by FDA to its GLP regulations. In addition, EPA is proposing to expand the scope of the FIFRA GLPs to include the environmental testing provisions currently found in the TSCA GLPs. EPA's proposed revision to the GLPs also extends the scope of the regulation to include product performance data (efficacy testing) as required by 40 CFR 158.160. In sum, the proposed FIFRA GLPs will allow the Agency to ensure the quality and integrity of all data submitted in support of pesticide product research or marketing permits. In another notice in this **Federal Register**, EPA is proposing similar changes to the TSCA GLP standards.

C. Consistency With FDA GLP Regulations

It is EPA's policy to minimize the regulatory burden on the public which might arise from conflicting requirements which could be promulgated under different regulatory authorities. In keeping with this policy, the final FIFRA 1983 GLP standards, 40 CFR Part 160, followed the format and, with few exceptions, the wording of FDA's final GLP regulations, 21 CFR Part 58. Differences between the EPA and FDA GLP regulations were based upon varying needs and responsibilities under each Agency's regulatory statutes. This proposed revision to the FIFRA GLPs follows this same policy by conforming to many of the changes FDA made to its GLP regulations, published in the **Federal Register** of September 4, 1987 (52 FR 33768). EPA has varied from FDA's revised GLP regulations only when necessary due to EPA's statutory responsibilities. The most significant differences between the EPA proposal and the FDA revised GLP regulations are the scope of the testing and test systems affected.

More specifically, EPA is proposing to require compliance with the FIFRA GLPs for all studies submitted to the Agency which are intended to support pesticide product research or marketing permits. Under the current FIFRA Good Laboratory Practice regulations, and consistent with the FDA GLP regulations, this Agency only requires GLP compliance for health effects testing. However, unlike FDA, testing required by EPA in support of research or marketing permits may include ecological effects, environmental and chemical fate, and efficacy (as stipulated by 40 CFR 158.160 *Product performance data requirements*), as well as health effects testing. Therefore, in an effort to attain consistency in the quality and the integrity of all data submitted to the Agency, EPA has determined that it is necessary to expand the scope of the FIFRA GLPs to require that all types of testing which are used to obtain data in support of research or marketing permits be conducted in accordance with the proposed GLP standards.

EPA's proposed FIFRA GLP standards also vary from FDA's in their coverage of testing conducted in the field. To ensure the quality and integrity of all data submitted in support of research or marketing permits, EPA believes that GLP standards must apply whenever data collection occurs. Because many of the test data required by EPA are developed in the field, or more accurately in outdoor laboratories (i.e., ground-water studies, air monitoring studies, degradation in soil, etc.), EPA is proposing to include field testing within the scope of these regulations.

This Agency's proposed FIFRA GLPs also differ from FDA's in the scope of the requirements provided for test system care facilities, test system supply facilities, and test system care. Because testing required by FDA is focused on health testing, in which animals are the central test system, it is appropriate for FDA's GLP regulations to focus on requirements for appropriate animal care facilities (21 CFR 58.43), adequate animal supply facilities (21 CFR 58.45), and proper animal care (21 CFR 58.90). However, the broad range of testing required by EPA may involve plants, soils, and microorganisms, as well as animals, for the primary test systems. In order to ensure the quality and integrity of all data submitted to this Agency, it is proposed that § 160.43 *Animal care facilities*, § 160.45 *Animal supply facilities*, and § 160.90 *Animal care* be expanded to cover facilities, handling, and care of all test systems. Accordingly, EPA is proposing that these sections be retitled as follows: § 160.43 *Test system care facilities*, § 160.45 *Test system supply facilities*, and § 160.90 *Animal and other test system care*. Further, in most instances, EPA is proposing to replace the term "animal," which is currently used in the FIFRA GLP regulations, with the broader term "test system." Specifically, this change is proposed in §§ 160.43, 160.45, 160.81, 160.90 and 160.120. These proposed changes are further discussed in Unit I.D. of this preamble.

The remaining differences between the EPA and FDA GLP regulations are described in the preamble to this proposed rule and the preamble to the FIFRA Good Laboratory Practice Standards, published in the **Federal Register** of November 29, 1983 (48 FR 53946). EPA has coordinated this proposal with FDA and has considered comments received on the proposal to amend the FDA GLP regulations (49 FR 43530; October 29, 1984).

D. Proposed Changes to the GLP FIFRA Regulations

1. *Section 160.3 Definitions.* a. EPA proposes to define the term "carrier" to mean any material, such as feed, water, soil, nutrient material, etc., with which the test substance is combined for administration to test organisms. The term "carrier" is currently used in § 160.113 and is not defined. EPA proposes to define this term to clarify it.

b. EPA proposes to conform with the September 4, 1987, FDA GLP regulations by amending the definition of "control substance" to exclude feed and water. EPA agrees with FDA's statement regarding this change (52 FR 33769; September 4, 1987) that "the term control [substance] should be reserved for the discrete substances/articles, and vehicles other than water administered to groups of the test system to provide a basis of comparison with the test [substance]."

FDA contends that, under the current definition of "control substance," because the control group of a test system provides the basis for comparison with a test substance, any substance administered to the control group would be considered a control substance. This would mean that feed and water given to the control group of a study are considered a control substance. For instance, in studies in which the test substance or mixture is administered to the test system orally, through feed or drinking water, gavage, or injection, the feed or water is considered a control substance. As a control substance, the feed or water is subject to § 160.105(a) for substance characterization, § 160.105(b) for testing for stability and solubility, § 160.105(c) for requirements for appropriate storage, § 160.105(d) for retention of reserve samples, and § 160.107 for documentation of receipt and distribution of each batch. EPA agrees with FDA that placing these requirements on the use of feed and water as a control substance in control groups unnecessarily burdens the regulated community and is not essential for ensuring the quality and integrity of the data generated by a study.

However, under 40 CFR Part 160, feed and water used as a carrier for the test and control substances or mixtures are still covered by the applicable sections for the testing and storage of test, control, and reference substances and mixtures. For example, § 160.31(e) requires testing facility management to ensure materials are available as scheduled; § 160.45 requires that test system supply facilities shall be provided to ensure proper feed storage; § 160.81(b)(2) requires Standard Operating Procedures (SOP) for test system care, including nutrition; § 160.90(g) requires periodic analysis of feed and water to ensure that contaminants which would interfere with the study are not present; § 160.120(a)(9) requires the protocol to

describe and/or identify the diet used in the study, including the level of contaminants expected in the dietary materials.

c. EPA also proposes to modify the definition of "control substance" by adding the phrase "for no effect levels." This addition to the definition is being proposed merely to clarify the difference between the term "reference substance" and "control substance." While a control substance is used to determine a baseline comparison to no effect levels, a reference substance is used to determine a baseline comparison to an established effect level.

d. EPA proposes to add and define the terms "experimental start date" and "experimental termination date." "Experimental start date" is proposed to mean the first date the test substance is applied to the test system. Under this definition, as of the experimental start date: (1) Under proposed § 160.105(b), the stability and, if important to the conduct of the experiment, the solubility of the test, control, and reference substances would have been determined; (2) under proposed § 160.113(a)(2), the stability and, if important to the conduct of the experiment, the solubility of the test, control, and reference substance in the mixture would have been determined and; (3) under proposed § 160.120(a)(4), the proposed experimental start date would appear in the protocol.

EPA proposes that "experimental termination date" be defined as the last date on which data are collected directly from the study. Under § 160.120(a)(4) as proposed, EPA would require the proposed experimental termination date to appear in the protocol. EPA considers histopathology after scheduled terminal animal sacrifice to be carried out before the experimental termination date.

Experimental start and termination dates would be expressed as the actual calendar dates, not just time-line increments. Therefore, when determining the proposed experimental start and termination dates, as would be required by proposed § 160.120(a)(4), the submitter should consider any lag time relating to protocol approval and laboratory contracting.

e. EPA proposes to add and define the term "reference substance" to mean any chemical substance or mixture or material other than a test substance that is administered to or used in analyzing the test system in the course of a study for purposes of establishing a basis for comparison with the test substance for known effect levels. EPA proposes the use of the term "reference substance" in the revised FIFRA GLP regulations because of its common usage in environmental testing and, therefore, its proposed use in these regulations.

In this proposed GLP regulation, all the requirements provided for test and control substances would also apply to "reference substances." Accordingly, the term "reference substance" has been added wherever the term "test and control substance" appears in these standards. Specifically, the term "reference substance" is added to proposed § 160.29 (d) through (f); § 160.43(b); § 160.47(a) (1) through (3) and (b); § 160.81(b)(3); the Subpart F heading; § 160.90(c); § 160.105 (a) through (e); § 160.107; § 160.113 (a) and (b); § 160.120(a) (2), (9), and (11); § 160.185(a) (4) and (5); and § 160.195(c).

f. EPA proposes to broaden the definition of the term "study" to be consistent with EPA's proposal to amend these regulations to require GLP compliance for all testing required to be submitted to the Agency in conjunction with a pesticide product's research or marketing permit.

EPA is proposing to delete the phrase "in vivo or in vitro" from the definition of "study." The Agency still intends the requirements of these regulations to apply to "in vivo and in vitro" experiments. However, since the Agency intends these regulations to apply to all studies required to be submitted under FIFRA, including those conducted in the field, EPA feels that including the phrase "in vivo or in vitro" in the definition of "study" is too limiting.

Further, EPA is proposing to delete the term "prospectively" from the definition of "study." In this way, epidemiological studies, which could be "retrospective," will be required to be presented to the Agency in accordance with the GLP standards. EPA recognizes that data used in an epidemiological study may not have been generated in conformance with the FIFRA GLP standards, however, it is EPA's contention that the epidemiological study itself can be conducted and submitted to the Agency in accordance with the GLPs.

EPA is also proposing to delete from the current definition of "study" the following sentence: "The term does not include studies utilizing human subjects or clinical studies or field trials in animals." Again, this change is consistent with EPA's intention to require compliance with GLPs for all studies submitted to the Agency in support of a research or marketing permit for pesticide products, including biomonitoring or efficacy studies. FIFRA does not prohibit pesticide testing on humans (as long as the informed-consent conditions specified in FIFRA section 12(a)(2)(P) are met, and provided the records required by 40 CFR 169.2(j) are maintained). EPA feels that testing that is performed on humans must be conducted in accordance with the GLPs, if that data is submitted to the Agency in support of a marketing or research permit.

It is also proposed that studies designed to determine the physical or chemical characteristics of a test substance be included within the scope of these regulations. Therefore, EPA is proposing that the phrase "or to determine physical or chemical characteristics of a test substance" be deleted from the definition of the term "study." This proposed change is consistent with the definition of the term "study" as it now appears, and as it is proposed to appear, in the TSCA Good Laboratory Practice Standards at 40 CFR Part 792. However, as specified in proposed § 160.135, exclusions from certain GLP requirements are provided for studies related to determining the physical or chemical characterization of a test, control, or reference substance (e.g., studies designed to determine color, odor, physical state, melting point, pH measurement, etc.).

g. EPA proposes to incorporate the FDA definitions for "study completion date" and "study initiation date" in § 160.3. "Study completion date" is proposed to mean the date the final report is signed by the study director. EPA advises that the phrase "close of the study" as used in § 160.33(f), and the phrase "study is completed" as used in § 160.195(b)(3) both refer to the "study completion date." Consistent with this definition, as of that date: (1) Under § 160.33(f), the study director must ensure that all raw data, documentation, protocols, specimens, and final reports are transferred to the archives; (2) after this date under § 160.185(c), corrections or additions to the final report must be in the form of an amendment by the study director under the procedures specified in that section; and (3) in the applicable situations described in § 160.195(b)(3), records must oe maintained for a period of at least 2 years following the study completion date.

EPA proposes to define "study initiation date" as the date the protocol is signed by the study director. EPA advises that the phrase "study is initiated" as used in § 160.31(a), and the phrase "study was initiated" as used in § 160.35(b)(1) would refer to the "study initiation date." Therefore, as of the study initiation date: (1) Under § 160.31(a), the testing facility management would designate a study director; (2) under § 160.35(b)(1), the study would be entered on the master schedule sheet by the quality assurance unit; and (3) under § 160.120(b), after this date all changes or revisions in the protocol would be documented, signed by the study director, and dated. EPA also expects that as of the study initiation date, under § 160.31(e), the testing facility management would have ensured that personnel, resources, facilities, equipment, material, and methodologies are available as scheduled.

h. EPA proposes to replace the term "test substance or mixture" with the term "test substance." This is an editorial change which makes usage consistent in the GLP standards. The term "test substance" is proposed to be defined to include mixtures.

i. EPA proposes to expand the definition of "test system" to include chemical or physical matrices (e.g., soil or water). This proposal is consistent with the Agency's intent to expand these regulations to include environmental effects testing.

j. EPA proposes to define the term "vehicle" to mean any agent which facilitates the mixture, dispersion, or solubilization of a test substance with a carrier.

2. *Section 160.31 Testing facility management.* In conformance with the revised FDA GLP regulations, in § 160.31(b), EPA proposes to delete the requirement that the replacement of a study director must be documented as "raw data." EPA agrees with FDA that this requirement is redundant with other provisions of the GLPs. For instance, § 160.35(b)(1) states that the master schedule sheet must contain the name of the study director. As FDA notes (52 FR 33770), any replacement of the study director would be reflected on the master schedule sheet, which is already considered "raw data." Further, § 160.120(b) states that all changes in an approved protocol must be documented and signed by the study director. Replacement of the study director is considered to be a change in the approved protocol.

3. *Section 160.35 Quality assurance unit (QAU).* a. In § 160.35(a), EPA proposes to conform with the revised FDA GLP regulations by substituting the term "which" for the current phrase "composed of one or more individuals who." This change clarifies that EPA does not require the QAU to be a fixed, permanently staffed unit whose only functions are to monitor the quality of a study. The Agency is only concerned that there be a distinct separation of duties between those personnel involved with the conduct or direction of a study and those personnel performing quality assurance on the same study. Therefore, EPA does intend proposed § 160.35(a) to prohibit personnel from performing quality assurance activities on their own study.

b. In § 160.35(b)(1), EPA proposes to delete the requirement that the name of the study sponsor appear on the master schedule sheet. Instead, it is proposed that under § 160.35(b)(1) the sponsor's identity appear on the master schedule sheet. This change is being proposed to be consistent with the FDA's recent revision and to provide the regulated community the option of using an identity code on the master schedule in lieu of the sponsor's name.

EPA agrees with FDA's contention that requiring the sponsor to be identified specifically by name on the master schedule is not essential to fulfill the requirements of the GLPs or the goal of ensuring the quality and integrity of the data generated from the studies. However, while the name of the study sponsor would not be required to appear on the master schedule sheet, this information must be made available to the Agency upon request.

c. As in the revised FDA GLP regulations, EPA is also proposing to delete the requirement in § 160.35(b)(1) that the master schedule sheet contain the status of the final report. EPA agrees with FDA that this requirement is redundant in view of the other information required by § 160.35(b)(1) such as the date the experiment began and the current status of each study.

d. In conformance with the revised FDA GLP regulations, EPA proposes to modify the requirements of § 160.35(b)(3) to provide for inspections of a study on a schedule adequate to ensure the integrity of the study. This section currently specifies that the quality assurance unit must inspect each phase of a study periodically. This section also currently specifies that for studies lasting more than 6 months, quality assurance inspections shall be conducted every 3 months, and for studies lasting less than 6 months, quality assurance inspections shall be conducted at intervals adequate to ensure the integrity of the study.

The proposed changes to this section will allow the QAU the necessary latitude to adjust its monitoring activities to meet the individual problems of each study. EPA agrees with FDA's contention that an inspection of each phase of the study is not necessary to ensure that a study is being conducted properly. However, EPA also agrees with FDA that each study, no matter how short, must be inspected at least once while in progress. EPA expects that by allowing the QAU flexibility in designing a reasonable inspection schedule, the goal of ensuring the quality of the study can be best achieved.

e. Consistent with the revised FDA GLPs, EPA is proposing to delete § 160.35(e) in its entirety. Section 160.35(e) currently requires that all quality assurance records be kept in one location at the testing facility. As FDA pointed out in its October 29, 1984, proposed GLP revision, since § 160.190(b) already requires the use of archives for the orderly storage and expedient retrieval of all reports and records, the requirements of § 160.35(e) are not necessary. However, EPA maintains that all reports and records, including those of the QAU, must be easily accessible and made available to EPA and FDA inspectors when requested.

4. *Section 160.41 General.* FDA has deleted from its GLPs the requirement that the location of each testing facility be suitable to facilitate the proper conduct of studies. However, EPA is proposing that § 160.41 require that testing facilities which are not located within an indoor controlled environment be suitably located to facilitate the proper conduct of studies.

The studies FDA requires are generally conducted within the confines of a traditional indoor laboratory. Because the conditions specified within a protocol can be artificially manipulated within the traditional indoor laboratory, the location of these laboratories is generally not a factor in determining the quality of a study. Therefore, it is not necessary to ensure that a traditional indoor testing facility is suitably located to facilitate the proper conduct of the study.

However, the studies EPA requires are not necessarily conducted within the confines of the traditional indoor scientific laboratory (i.e., field studies, groundwater studies, ecological toxicity studies, etc.). EPA considers any site where testing is undertaken to generate data required by the Agency to be a testing facility. The conditions required by the protocol are not necessarily conducive to artificial manipulation in the field, or other outdoor testing facilities. Therefore, ensuring the suitability of the location of these types of testing facilities is both a valid and necessary part of EPA's GLP Standards.

5. *Section 160.43 Test system care facilities.* a. EPA is proposing to revise the title of § 160.43 from "Animal care facilities" to "Test system care facilities". The proposed heading for § 160.43 more adequately reflects the

VOL 52 ISS 248 DE 28 1987 UMI

Agency's intent to specify facility requirements for the care of chemical or physical matrices (e.g., soil or water), plants, and microorganisms, as well as animals. Accordingly, the Agency is proposing to further modify § 160.43 by incorporating the term "test system" when facility requirements should extend beyond "animal" care.

Consistent with the Agency's intent stated above, paragraphs (a)(1), (a)(2), (d), (e), (f), (g), and (h) in proposed § 160.43 have been added or modified in order to ensure proper care facilities are provided for the additional test systems covered by the expanded section.

b. EPA proposes to modify § 160.43(a) to allow testing facilities to provide for isolation areas rather than quarantine areas. This change is consistent with the proposal to modify § 160.90(b) to allow "isolation" of newly received animals rather than require "quarantine" [See Unit I.D. of this preamble for a discussion of proposed § 160.90(b)].

c. In § 160.43(c), EPA proposes to delete the requirement that separate areas be provided in all cases for the diagnosis, treatment, and control of test system diseases. Instead, it is proposed that such separate areas be provided "as appropriate." This proposal is consistent with the September 4, 1987, revised FDA GLP regulations.

EPA has proposed this modification in order to allow laboratories the option of disposing of diseased animals and other test systems without also bearing the expense of maintaining separate areas in testing facilities for diagnosis, treatment, and control of disease. Additionally, EPA recognizes that the diagnosis and treatment requirements of § 160.43(c) may not be appropriate when dealing with such test systems as soil, plants, or microorganisms. However, if the decision is made not to dispose of the test system, then test system care facilities, as specified in proposed § 160.43(c), must be provided.

d. EPA proposes to conform to the revised FDA GLPs by deleting § 160.43(e) in its entirety. Currently, § 160.43(e) requires test system facilities to be designed, constructed, and located so as to minimize disturbances which may interfere with the study. EPA agrees with FDA that this provision is already adequately covered in § 160.41, which requires that facilities be of suitable size, construction, and, for outdoor testing facilities, location to facilitate the proper conduct of the study.

6. *Section 160.45 Test system supply facilities.* a. EPA proposes to expand the scope of § 160.45 to require that supply facilities necessary for environmental testing be provided when appropriate.

b. Consistent with the proposed expanded scope of this section, EPA is also proposing to retitle § 160.45, from "Animal supply facilities" to "Test system supply facilities."

c. EPA also proposes to modify § 160.45 to state "Perishable supplies shall be preserved by appropriate means." This change is being proposed to conform with the revised FDA GLPs and recognizes that there are a variety of acceptable storage and preservation procedures available besides refrigeration. Depending on the stability characteristics of the perishable material, acceptable storage and preservation methods may include desiccation, room temperature-low humidity, and constant temperature-low humidity.

d. EPA also proposes to delete the phrase "or feed" from the last sentence of § 160.45. Both EPA and FDA consider "feed" to be a "supply." Therefore, the use of the word "feed" in § 160.45 is redundant.

7. *Section 160.49 Laboratory operation areas.* a. EPA proposes to conform with FDA's revised GLP regulations by deleting paragraph (b) from § 160.49, adding the phrase "and specialized" after the word "routine" and before the word "procedures," and deleting the qualifying phrase "including specialized areas for performing activities such as aseptic surgery, intensive care, necropsy, histology, radiography, and handling of biohazardous materials."

Paragraphs (a) and (b), as currently worded, describe activities which require that separate laboratory space be provided. As FDA noted in its proposal to modify its corresponding section (49 FR 43532), the list of activities that currently appears in paragraphs (a) and (b) is not all inclusive and is not essential for the clarity of these sections. Further, by adding the phrase "and specialized," the proposed new paragraph will encompass all activities now listed in paragraphs (a) and (b).

b. In § 160.49, EPA proposes to add the phrase "and other space" after the words "laboratory space" and before the word "shall." As discussed in Unit I.C. of this preamble, this change to § 160.49 is being proposed to reflect that testing does not necessarily take place within the confines of a traditional indoor laboratory. Proposed § 160.49 would require that there be enough space provided to perform the procedures required by the protocol Wherever testing takes place (i.e., indoor laboratory or field station).

8. *Section 160.53 Administrative and personnel facilities.* As in the revised FDA GLP regulations, EPA proposes to delete § 160.53 in its entirety. EPA agrees with FDA that the requirements of this section are not necessary for achieving the goals of the FIFRA GLP standards.

9. *Section 160.61 Equipment design.* In § 160.61, EPA proposes to delete the phrase "Automatic, mechanical, or electronic" from the beginning of the first sentence. EPA agrees with FDA that the deletion of these qualifying terms provides for a more general interpretation of the word "equipment."

10. *Section 160.63 Maintenance and calibration of equipment.* a. Consistent with the FDA GLPs, EPA is proposing to amend § 160.63(b) to state that standard operating procedures (SOPs) for remedial action for equipment, in the event of failure or malfunction of equipment, need only be established when "appropriate." This change acknowledges that laboratories may choose to discard rather than repair equipment, and in such cases SOPs which delineate remedial action are not necessary.

b. EPA is also proposing to conform to the revised FDA GLP regulations by deleting from § 160.63(b) the provision that copies of the SOPs shall be made available to laboratory personnel. EPA still believes that laboratory personnel must have access to laboratory SOPs; however, since this requirement is clearly stated in § 160.81(c), EPA considers the inclusion of this requirement in § 160.63(b) to be redundant.

11. *Section 160.81 Standard operating procedures.* a. In § 160.81(b) (1), (2), (6), (7), and (12), EPA is proposing to replace the term "animal" with the term "test system." As discussed previously in this preamble, this modification is consistent with the broad scope of test systems which may be used in testing undertaken in support of a pesticide product research or marketing permit.

b. In § 160.81(b)(5), EPA is proposing to require that SOPs be established for tests wherever the testing is undertaken, including those conducted in the field. Accordingly, it is proposed that § 160.81(b)(5) read "Laboratory or other tests" (see discussion of "field testing" in Unit I.C. of this preamble).

c. In conformance with FDA's revised GLP regulations, EPA is proposing to delete the list of examples for laboratory manuals and SOPs required to be made immediately available under § 160.81(c). EPA still intends that laboratory areas must have immediately available manuals and SOPs for laboratory procedures being performed. This requirement still includes toxicology, histology, clinical chemistry, hematology, teratology, and necropsy, if applicable. However, this list is not all inclusive and is too broad to serve as a useful guide. For example, this requirement also includes SOPs for the maintenance, repair, and calibration of equipment as described in § 160.63(b).

d. EPA is also proposing to amend the language of § 160.81(c) to clarify that the requirement of this section also applies to field testing facilities. Therefore, it is proposed that § 160.81(c) will read, "Each laboratory *or other study* area shall have immediately available manuals and standard operating procedures relative to the laboratory or field procedures being performed."

12. *Section 160.90 Animal and other test system care.* a. EPA is proposing to retitle § 160.90 from "Animal care" to "Animal and other test system care". As previously stated, testing required by EPA may involve plants, soils, microorganisms, and other test systems, in addition to animals. The proposed title to § 160.90 reflects the broader scope of this Agency's regulatory responsibilities, these regulations, and this section, to provide for the quality and integrity of all data submitted in support of pesticide product research and marketing permits.

Consistent with the Agency's proposal stated above, paragraphs (b), (d), (e)(1), (f), (g), and (j) in proposed § 160.90 have been added or modified in order to ensure the proper care of all test systems used in a study.

b. EPA proposes to modify § 160.90(b) to provide for the evaluation of a test system's health status, or the appropriateness of the test system for the study, according to acceptable "scientific practice." This section, as proposed, will still require that newly received animals must have their health status evaluated according to acceptable veterinary medical practices. However, EPA recognizes that it may not be appropriate to evaluate the health status of certain test systems (e.g., soil or water) or to require that a plant, microorganism, soil, or water be evaluated according to acceptable veterinary medical practice to determine their appropriateness for a study. EPA is only concerned that test systems used in a study are free of any disease or condition which may interfere with the purpose or conduct of the study, and that the proper precautions, as stated in § 160.90(b), are taken to comply with this requirement.

c. Additionally, EPA is proposing to modify § 160.90(b), to require "isolation" rather than "quarantine" of newly received animals. This proposal is consistent with FDA's revision to its GLPs.

As previously stated, the intent of § 160.90(b) is to prevent the entry of unhealthy or inappropriate test systems into the study, as required by § 160.90(c). Currently, § 160.90(b) provides that this intent be achieved through "quarantine." However, the term "quarantine" suggests a rigid set of procedures, including a mandatory holding period, a specific list of diagnostic procedures, and the use of specialized facilities and test system care practices, which may be an unnecessary burden to industry.

EPA agrees with FDA's conclusion, discussed in the preamble to its revised GLPs (52 FR 33775; September 4, 1987), that isolation and evaluation of health status are sufficient precautions against contamination of test systems and, therefore, fulfill the intent of this section. FDA further states that such a revision would provide laboratories the flexibility to develop isolation and health status evaluation procedures best suited for the age, species, class, and type of the test system, as well as the type of study to be performed.

d. EPA proposes to conform to the FDA GLPs by modifying § 160.90(c) to require isolation of diseased test systems only when necessary.

Currently, § 160.90(c) requires that animals which contract a disease or condition shall be isolated in all cases. This requirement would in turn require that separate facilities be available for the isolation of these animals. However, as discussed in the proposal for § 160.43(c), both EPA and FDA believe that laboratories should be given flexibility in their disposition of diseased test systems. As FDA discussed in the proposed revisions to its GLP regulations (49 FR 43533; October 29, 1984), the proposed modification to § 160.90(c) will allow laboratories the option of: (1) Leaving the diseased test system in the experiment provided that the integrity of the study will not be adversely affected by this action; (2) disposing of the test system; or (3) isolating treating, and returning the test system to the study.

13. *Section 160.105 Test, control, and reference substance characterization.* a. In revised 21 CFR 58.105(a), FDA deleted the requirement that test and control substance characteristics shall be determined and documented for each batch "before the initiation of the study." This change has not been adopted by EPA in its proposed revision to § 160.105(a). However, EPA proposes to modify § 160.105(a) to require that test, control, *or reference* substance characterization be determined and documented for each batch before its use in the experiment. EPA feels that this proposed requirement is necessary because it is essential that characteristics of test, control, and reference substances be known prior to their administration or use in an experiment.

EPA's recent experience with antimony trioxide has shown that extensive analytical work was necessary prior to test initiation. Certain assumptions regarding the product's characteristics were used in the protocols for antimony trioxide testing which proved invalid. These invalid assumptions necessitated modifications to the proposed study, resulting in the delay and rescheduling of other subsequent studies. If the analytical work had preceded the toxicology studies, the studies would not have failed and modifications to the studies would not have been necessary. The Agency's conclusion is that it is better to delay study schedules than to initiate improper experimental procedures which will produce invalid results.

b. FDA has modified 21 CFR 58.105(b) to provide for the determination of the stability of the test or control substance either before the initiation of the study or through periodic analysis of each batch according to written standard operating procedures. EPA has chosen not to adopt this approach in proposed § 160.105(b) because the Agency does not agree that stability can adequately be demonstrated by periodic analysis without initial evaluation.

Further, there are many studies required by EPA where solubility of the test, control, or reference substance is of critical importance, such as aquatic toxicity studies. Therefore, EPA is proposing that solubility of the test, control, or reference substance be determined before the experimental start date if knowledge of solubility characteristics is relevant for the proper conduct of the experiment.

It is EPA's contention that both stability and solubility of the test, control, and reference substance need to be determined before the experimental start date in order to ensure proper handling and administration of the test substance to the test system. However, since the determination of the solubility of the test, control, and reference substance is not a requirement in FDA's GLP regulations, EPA is interested in receiving public comment on this issue.

14. *Section 160.113 Mixtures of substances with carriers.* a. FDA has revised 21 CFR 58.113(a)(2) to require determination of the stability of the test and control substance in a mixture, as required by the conditions of the study, either before the initiation of the study

or through periodic analysis of each batch. While EPA does not propose to modify § 160.113(a)(2) to provide the option of determining the stability of the mixture either before study initiation or through periodic analysis (see discussion for § 160.105(b)), EPA will modify this section to require stability testing only to the extent required by the conditions of the experiment. As proposed for § 160.105(b), EPA is also proposing to require that, when appropriate to the conduct of the experiment, solubility of the test, control, or reference substance in the mixture be determined in the same manner (see discussion for § 160.105(b)). Additionally, as proposed for § 160.105 (a) and (b), EPA is proposing to replace the phrase "before the initiation of the study" with the phrase "before the experimental start date" (see discussion for § 160.105(a)).

The phrase "as required by the conditions of the experiment" has been added in order to clarify that determination of stability and, if appropriate, solubility of a test, control, or reference substance in a mixture is only necessary to support the actual time of use in the experiment. Therefore, it is not necessary to provide data which illustrate long-term stability of a mixture when the actual time that the mixture is used is short-term. For example, a test, control, or reference substance in a mixture that will be used the same day it is prepared will only require data sufficient to show stability and, if appropriate, solubility for 1 day.

b. EPA proposes to add § 160.113(c) which states, that if a vehicle is used to facilitate the mixing of a test substance with a carrier, assurance shall be provided that the vehicle does not interfere with the integrity of the test.

15. *Section 160.120 Protocol.* a. In revised 21 CFR 58.120(a), FDA has replaced the qualifying phrase "but shall not necessarily be limited to" with the phrase "as applicable." EPA proposes to adopt FDA's approach with some modifications. It is proposed that the phrase "Where applicable" appear before the information specified in § 160.120(a)(9), and continue to appear before the information required by § 160.120(a)(6). The phrase "but shall not necessarily be limited to" would remain in this section.

In FDA's discussion of this proposal (49 FR 43533; October 29, 1984), concerns were expressed that some of the information required to appear in the protocol is not applicable to all types of testing. Specifically, FDA points to the information required by 21 CFR 58.120(a)(9) and (11). In 21 CFR 58.120, paragraph (a)(9) requires a description of the diet used in a study as well as solvents, emulsifiers, and/or other materials used to solubilize or suspend the test or control substance before mixing with the carrier. FDA points out that this requirement is not applicable to radiation-emitting products. Section 58.120(a)(11) specifies that the protocol shall specify dosage level, and this requirement is not applicable to implantable medical devices.

Clearly, the basis for FDA's change is to accommodate concerns that are specific to the types of testing required by FDA and do not necessarily apply to testing required by EPA. Further, EPA is concerned that placing the phrase "as applicable" in § 160.120(a) suggests that there may be cases where it is not applicable for any of the other information required by § 160.120(a) to appear in the protocol. Therefore, the phrase "as applicable" should only appear before those items which are not necessarily appropriate to appear in the protocol for certain types of testing.

For example, there may be testing required by EPA where it may not be appropriate to require a protocol to contain the information specified in § 160.120(a)(9), such as describing and/or identifying the diet of a human subject involved in exposure testing. Therefore, EPA proposes to add the phrase "Where applicable" before the information specified in proposed § 160.120(a)(9).

b. In revised 21 CFR 58.120(a)(4), FDA has deleted the requirement that the protocol contain "The proposed starting and completion dates." EPA is proposing to retain this requirement in § 160.120(a)(4), but is proposing to modify this paragraph to require, "The proposed experimental start and termination dates."

EPA believes that this information is necessary for the evaluation of a protocol, and the Agency scheduling of additional related studies and audit reviews. Section 160.120(a)(4) is related to the selected study method, laboratory, and specialist availability, and other Agency and industry priorities. Often a group of experiments are carried out in sequence, so that both start and termination dates affect subsequent study expectations and timetables. Projected experimental start and termination dates identify the normal duration for a given experiment type and reflects any special considerations that may be unique to a laboratory, anticipated analytical or methodology work, and available resources, and it may also affect pending regulatory timetables.

Given that there are hundreds of studies that EPA must track, these estimated schedules, combined with those from other studies, allow the Agency to more efficiently schedule audits and regulatory action. Further considerations are the following: (1) The availability of composite schedules for many studies may be necessary to set realistic regulatory action goals; (2) composite study schedules are evaluated to schedule audits while several studies are ongoing or recently completed, and which may all be at a given laboratory or geographic location, thus directly reducing EPA resources necessary for audit and regulatory review functions; and (3) standard business management by objectives requires intermediate calendar goals when scheduling multiple outputs, or a long-term single product. The master on-site laboratory schedule will incorporate these dates to carry out the study.

c. In 21 CFR 58.120(a)(5), FDA has deleted the requirement that the protocol contain a justification for the selection of the test system. EPA has chosen to leave this requirement in proposed § 160.120(a)(5).

Environmental studies, including both ecological effects and chemical fate, are more diverse than health effects testing. Further, details relevant to the test system design are more chemically dependent in the case of environmental effects and chemical fate testing than in the case of health effects testing. Many of the test systems in environmental studies must be modified in accordance with specific chemical characteristics. Therefore, EPA must allow a much broader range of flexibility in the nature of tests and selection of test systems. In order to fully understand the test and its results, EPA needs to have a discussion of the reasons for selection of the test system. In addition, EPA recognizes that industry may be engaged in state-of-the-art environmental testing. Under proposed § 160.120(a)(5), EPA can keep abreast of industry advances in such testing and ensure that their use of test systems is appropriate. EPA is interested in receiving public comment on whether to limit the requirement that the protocol contain a justification of the test system to environmental testing.

d. FDA has deleted from 21 CFR 58.120(a)(10) the requirement that the protocol include the route of administration and the reason for its choice. EPA has chosen to retain this requirement in proposed § 160.120(a)(10).

The chemicals regulated by FDA will usually have a predefined route of exposure. Therefore, it makes sense for FDA to eliminate the requirement to stipulate the route of administration and

the reason for its choice within the protocol. Unlike FDA, EPA is concerned with presence in or exposure to various media (i.e., air, water, soil, sediment, chemicals, etc.) and may not know in advance the routes of exposure for the chemicals it regulates. Most chemicals and products regulated by EPA do not have set routes of exposure and may even have multiple routes of exposure. Therefore, EPA must consider a wide range of possible exposure routes in its regulatory decisions. Further, the route of administration is essential to determine the effectiveness of a test system for the purposes of a specific toxicology study. The route of administration affects the real dosage rates and, therefore, affects whether the impact of the exposure of the test substance is acute or chronic.

Therefore, EPA believes that, for its purposes, it is essential that the protocol contain the route of administration and the reason for its choice. This requirement will therefore remain in the FIFRA GLPs in § 160.120(a)(10).

e. EPA proposes to delete current § 160.120(a)(12) in its entirety. Currently, § 160.120(a)(12) requires that the protocol contain the method by which the degree of absorption of the test and control substance by the test system will be determined. EPA agrees with FDA's conclusion that this requirement is not necessary in the protocol.

f. In proposed § 160.120(a)(14), redesignated from current paragraph (a)(15), EPA proposes to conform with FDA's revised GLP regulations and require that the study director's signature be dated on the protocol.

EPA is proposing in § 160.3 that the study initiation date be defined as the date the protocol is signed by the study director. It is through the proposed requirement of § 160.120(a)(14), that the Agency will be able to identify the official study initiation date.

16. *Section 160.130 Conduct of a study.* a. FDA has modified 21 CFR 58.130(d) to provide that records of gross findings for a specimen from postmortem observations "should" be made available to the pathologist when examining that specimen's histopathology. EPA is proposing to retain the requirement that these records "shall," in all cases, be provided to a pathologist during study of the specimen.

EPA agrees with FDA's conclusion that for most studies it is important for the pathologist to have the records of gross findings available when examining a specimen histopathologically. However, it is FDA's contention that replacing the word "shall" with the word "should" will allow the histopathological evaluation of specimens in a "blind" fashion. EPA also recognizes that it may be appropriate for some studies to provide for "blinding" in histopathological evaluation. However, EPA maintains that, when specified by the protocol, the pathologist can accomplish "blinding," without violating § 160.130 by not looking at the records which have been provided. Therefore, it will remain EPA's requirement that the pathologist must have access to the records of gross findings when examining a specimen histopathologically.

b. In conformance with the revised FDA GLP regulations, in § 160.130(e), EPA proposes to replace the terms "computer" and "computer driven" with the term "automated data collection." EPA agrees with FDA that the terms "computer" or "computer driven" do not adequately reflect the data collection and storage technologies currently used by testing facilities. The Agency believes that the proposed term "automated data collection" provides a more appropriate description of the data collection and storage systems available for industry use.

17. *Section 160.135 Physical and chemical characterization studies.* EPA proposes to add § 160.135 in order to specify the provisions of the proposed FIFRA GLP standards which will not apply to studies designed to determine the physical and chemical characteristics of a test, control, or reference substance. Most studies designed to determine the physical or chemical characteristics of a test, control, or reference substance rarely involve any modifications to the protocol or experimental design and are usually conducted in an assembly line fashion. Therefore, proposed § 160.135(a) relaxes the requirements of the GLP standards without compromising the quality or integrity of data generated from these studies.

However, in § 160.135(b), EPA is also proposing that the exemptions listed in proposed § 160.135(a) will not apply to studies designed to determine stability, solubility, octanol water partition coefficient, volatility, and persistence of a test, control, or reference substance. These types of physical and chemical characterization studies are more complex in design, execution, and interpretation, and EPA does not believe that it can be assured of the quality and integrity of data generated from these studies without complete GLP compliance.

18. *Section 160.185 Reporting of study results.* a. In § 160.185(a)(5), EPA is proposing to require that the final report include information relating to the solubility, in addition to stability, of the test, control or reference substance if solubility information was important to the conduct of the experiment. This change is consistent with the proposed modification to §§ 160.105(b) and 160.113(a)(2) (see discussion of proposed §§ 160.105(b) and 160.113(a)(2)).

19. *Section 160.190 Storage and retrieval of records and data.* a. In § 160.190(a), EPA proposes to conform to the revised FDA GLP regulations by modifying this section to state that specimens obtained from mutagenicity tests and specimens of blood, urine, feces, and biological fluids generated as a result of a study need *not* be retained. EPA is also proposing that § 160.190(a) state that specimens of soil, water, and plants obtained from environmental testing need *not* be retained. EPA agrees with FDA's conclusion that retention of these specimens beyond initial evaluation is burdensome and does not have a significant impact on the quality of a study.

b. As in the revised FDA GLPs, EPA proposes to revise § 160.190(e) by deleting the requirement that study materials which are retained in archives must be indexed specifically by test substance, date of study, test system, and nature of study. EPA agrees with FDA that the intent of this section is to require indexing of materials in such a way as to permit expedient retrieval from archives. EPA does not believe it is necessary to stipulate the specific indexing terms which must be used.

20. *Section 160.195 Retention of records.* a. In § 160.195, EPA proposes to delete the examples provided in the first sentence of paragraph (c). EPA has proposed this change in conformity with FDA's recent revision because EPA agrees with FDA that these examples do not clarify which materials must be retained from a study, and therefore, are not necessary in this section.

b. EPA is also proposing to modify § 160.195(c) to state that specimens obtained from mutagenicity tests, specimens of soil, water, and plants, and wet specimens of blood, urine, feces, biological fluids, do not need to be retained beyond quality assurance review. This change has been adopted in order to be consistent with the change discussed in proposed § 160.190(a).

c. In new § 160.195(i), EPA proposes to allow records and other "raw data" required by these regulations to be retained either as original records or as true copies, such as photocopies, microfiche, or other accurate reproductions of the original records. This provision would be incorporated in the FIFRA GLPs, in § 160.195(i), in order

BEST COPY AVAILABLE

VOL 52 ISS 248 DE 28 1987 UMI

to be consistent with the recent changes to FDA's Good Laboratory Practice Regulations.

II. Economic Analysis

In order to satisfy requirements for analysis as specified by Executive Order 12291 and the Regulatory Flexibility Act, the Agency developed a document entitled "Regulatory Impact Analysis of the FIFRA Good Laboratory Practices Regulations". This document, which is available for public inspection, estimates the costs of compliance with the proposed revisions to the FIFRA Good Laboratory Practices Regulations. Compliance costs were estimated using data from a survey of laboratories potentially affected by the revised GLP regulation and from data on pesticides testing demand and costs taken from a 1980 study of the pesticides testing industry.

It was found that the GLP revisions will not increase the costs of health effects testing and that non-health effects testing costs will increase by about 20 percent. It is estimated that the adoption of the proposed GLP revisions would increase annual pesticide testing costs by between $6.3 and $9.9 million in 1986 dollars.

III. Statutory Requirements

As required by FIFRA section 25, copies of this proposed rule were provided to the Scientific Advisory Panel, the Secretary of Agriculture, the Senate Committee on Agriculture, Nutrition, and Forestry, and the House Committee on Agriculture. No comments were received from either Congressional Committee and the FIFRA Scientific Advisory Panel waived its review of this proposal. The following are the comments of the Secretary of the Department of Agriculture and the response of EPA:

The Secretary of the Department of Agriculture requested that the definition of "study" be modified to more clearly reflect EPA's intent that GLP compliance for efficacy testing be limited to product performance as required by 40 CFR 158.160. We have modified the definition of "study" accordingly.

The Secretary asked if the regulation requires that only studies conducted in accordance with the GLPs are acceptable for Agency review and, are there any conditions under which a study can be accepted which did not fully comply with the GLPs?

Studies may be submitted to EPA which do not completely conform to the GLPs as long as the Statement of Compliance, required by § 160.12(b) of the GLP regulations, describes in detail all differences between the practices used in the study and those required by the GLPs. EPA will review these studies. However, EPA will decide on a case-by-case basis whether studies which deviate from the GLPs are acceptable to support the pesticide product registration, or other marketing and research permit.

The Secretary of Agriculture asked if studies which reflect negatively on a chemical use, or studies which report toxic or carcinogenic effects will automatically be ignored by EPA if they have not been conducted under verifiable GLP conditions.

EPA will *not* ignore scientific data which does not comply with the FIFRA GLP standards, and may choose to rely on such data for purposes of showing adverse effects. However, as stated by § 160.17(a) of the FIFRA GLPs, EPA may determine that data which does not comply with the GLPs is not reliable to support an application for a research or marketing permit. Further, § 160.15(b) of the GLPs states that "The determination that a study will not be considered in support of an application for a research or marketing permit does not, however, relieve the applicant for such a permit of any obligation under any applicable statute or regulation to submit the results of the study to EPA." Adverse effects data, which is required to be submitted to the Agency under FIFRA section 6(a)(2), must be submitted to the Agency regardless of whether it complies with the GLPs or not. The Agency does not now, and will not in the future, require FIFRA section 6(a)(2) data to be generated and submitted to the Agency in accordance with the GLPs. EPA will not ignore any FIFRA section 6(a)(2) data. However, additional testing required by the Agency as a result of the FIFRA section 6(a)(2) finding must be conducted in accordance with the GLPs.

The Department of Agriculture commented that if they are required to conduct the analyses described in §§ 160.105 and 160.113, it would greatly limit their resources and capability to conduct studies under the minor use pesticide program. They state that they are working with labeled pesticides which already have tolerances established in food crops, and that are being utilized under simulated commercial conditions. Therefore, they believe that the information gained from these analyses would not be of any real significance to the results of the studies for efficacy, phytotoxicity, and residue.

EPA continues to believe that adequate test, control, and reference substance characterization, and knowledge of their behavior in the mixture, is essential to assure the quality and integrity of the test. EPA agrees that the analyses of a test, control, or reference substance mixed with a carrier, as required by § 160.113, may be costly. However, some cost savings can be realized by obtaining the documentation of the identity, strength, purity, and composition for each batch of the test, control, and reference substance, as required by § 160.105, from the manufacturer of these chemicals (this is particularly pertinent when the chemical is specifically synthesized for the test). These analyses do not have to be repeated by the testing facility.

Finally, please note, the analyses required by §§ 160.105 and 160.113 are only required for efficacy testing of the types of products specified by 40 CFR 158.160 (e.g., for pesticide products that claim to control microorganisms that pose a threat to human health and pesticides that claim to control vertebrates that may transmit diseases to humans). Therefore, in most cases efficacy testing that is conducted under the Department of Agriculture's minor use pesticide program is not required to comply with the requirements of the GLPs, including the analyses required by §§ 160.105 and 160.113.

Finally, the Secretary of the Department of Agriculture asked if there is a grandfather provision for studies conducted prior to the implementation of the regulations.

EPA does not intend to require compliance with the revised GLP standards for studies begun significantly before the effective date of the final version of these proposed regulations.

IV. Other Regulatory Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA is required to judge whether a rule is a "major" one and is therefore subject to the requirement of a Regulatory Impact Analysis. The proposed amendments of the FIFRA Good Laboratory Practice Standards would not be a major rule because they do not meet any of the criteria set forth and defined in section 1(b) of the Order.

B. Regulatory Flexibility Act

This rule has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354; 94 Stat. 1165 (5 U.S.C. 60 et. seq.)) and it has been determined that it will not have significant economic impact on a substantial number of small businesses, small governments, or small organizations.

C. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this proposed rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control numbers: 2070-0024, 2070-0032, 2070-0040, 2070-0055, 2070-0057, 2070-0060. Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements.

List of Subjects in 40 CFR Part 160

Good laboratory practices, Laboratories, Environmental protection, Hazardous materials, Chemicals, Recordkeeping and reporting requirements.

Dated: December 8, 1987.

Lee M. Thomas,

Administrator.

Therefore, it is proposed that 40 CFR Part 160 be amended as follows:

PART 160—[AMENDED]

1. The authority citation for Part 160 continues to read as follows:

Authority: 7 U.S.C. 136a, 136c, 136d, 136f, 136j, 136t, 136v, 136w; 21 U.S.C. 346a, 348, 371, Reorganization Plan No. 3 of 1970.

2. In § 160.3, by removing the alphabetical paragraph designations in paragraphs (a) through (q): by revising the definitions for "Control substance," "Study," and "Test system"; by replacing the term "Test substance or mixture" with the term "Test substance"; and by alphabetically inserting definitions for "Carrier", "Experimental start date", "Experimental termination date", "Reference Substance", "Study completion date", "Study initiation date", and "Vehicle", to read as follows:

§ 160.3 Definitions.

* * * * *

"Carrier" means any material (e.g., feed, water, soil, nutrient media) with which the test substance is combined for administration to test organisms.

"Control substance" means any chemical substance or mixture or any other material other than a test substance, feed, or water that is administered to the test system in the course of study for the purpose of establishing a basis for comparison with the test substance for no-effect levels.

* * * * *

"Experimental start date" means the first date the test substance is applied to the test system.

"Experimental termination date" means the last date on which data are collected directly from the study.

* * * * *

"Reference substance" means any chemical substance or mixture or material other than a test substance, feed, or water that is administered to or used in analyzing the test system in the course of a study for purposes of establishing a basis for comparison with the test substance for known effect levels.

* * * * *

"Study" means any experiment in which a test substance is studied in a test system under laboratory conditions or in the environment to determine or help predict its effects, metabolism, product performance (efficacy as required by 40 CFR 158.160), environmental and chemical fate, persistence and residue, or other characteristics in humans, other living organisms, or media. The term does not include basic exploratory studies carried out to determine whether a test substance has any potential utility.

"Study completion date" means the date the final report is signed by the study director.

* * * * *

"Study initiation date" means the date the protocol is signed by the study director.

"Test substance" means a substance or mixture administered or added to a test system in a study, which substance or mixture:

(1) Is the subject of an application for a research or marketing permit supported by the study, or is the contemplated subject of such an application; or

(2) Is an ingredient, impurity, degradation product, metabolite, or radioactive isotope of a substance described by paragraph (1) of this definition, or some other substance related to a substance described by that paragraph, which is used in the study to assist in characterizing the toxicity, metabolism, or other characteristics of a substance described by that paragraph.

"Test system" means any animal, plant, microorganism, chemical or physical matrix (e.g., soil or water), or subparts thereof, to which the test or control substance is administered or added for study. "Test system" also includes appropriate groups or components of the system not treated with the test, control, or reference substance.

* * * * *

"Vehicle" means any agent which facilitates the mixture, dispersion, or solubilization of a test substance with a carrier.

3. In § 160.29, by revising paragraphs (d), (e), and (f) to read as follows:

§ 160.29 Personnel.

* * * * *

(d) Personnel shall take necessary personal sanitation and health precautions designed to avoid contamination of test, control, and reference substances and test systems.

(e) Personnel engaged in a study shall wear clothing appropriate for the duties they perform. Such clothing shall be changed as often as necessary to prevent microbiological, radiological, or chemical contamination of test systems and test, control, and reference substances.

(f) Any individual found at any time to have an illness that may adversely affect the quality and integrity of the study shall be excluded from direct contact with test systems, and test, control, and reference substances, and any other operation or function that may adversely affect the study until the condition is corrected. All personnel shall be instructed to report to their immediate supervisors any health or medical conditions that may reasonably be considered to have an adverse effect on a study.

4. In § 160.31, by revising paragraph (b) to read as follows:

§ 160.31 Testing facility management.

* * * * *

(b) Replace the study director promptly if it becomes necessary to do so during the conduct of a study.

* * * * *

5. In § 160.35, by revising paragraphs (a) and (b) (1) and (3) and removing paragraph (e) to read as follows:

§ 160.35 Quality assurance unit.

(a) A testing facility shall have a quality assurance unit which shall be responsible for monitoring each study to assure management that the facilities, equipment, personnel, methods, practices, records, and controls are in conformance with the regulations in this part. For any given study, the quality assurance unit shall be entirely separate from and independent of the personnel engaged in the direction and conduct of that study.

(b) The quality assurance unit shall:

(1) Maintain a copy of a master schedule sheet of all studies conducted at the testing facility indexed by test substance and containing the test system, nature of study, date study was

VOL 52 ISS 248 DEC 28 1987 UMI

initiated, current status of each study, identity of the sponsor, and name of the study director.

* * * * *

(3) Inspect each study at intervals adequate to ensure the integrity of the study and maintain written and properly signed records of each periodic inspection showing the date of the inspection, the study inspected, the phase or segment of the study inspected, the person performing the inspection, findings and problems, action recommended and taken to resolve existing problems, and any scheduled date for reinspection. Any problems which are likely to affect study integrity found during the course of an inspection shall be brought to the attention of the study director and management immediately.

* * * * *

6. By revising § 160.41 to read as follows:

§ 160.41 General.

Each testing facility shall be of suitable size and construction to facilitate the proper conduct of studies. Testing facilities which are not located within an indoor controlled environment shall be of suitable location to facilitate the proper conduct of studies. Testing facilities shall be designed so that there is a degree of separation that will prevent any function or activity from having an adverse effect on the study.

7. By revising § 160.43 to read as follows:

§ 160.43 Test system care facilities.

(a) A testing facility shall have a sufficient number of animal rooms or other test system areas, as needed, to ensure: proper separation of species or test systems, isolation of individual projects, quarantine or isolation of animals or other test systems, and routine or specialized housing of animals or other test systems.

(1) In tests with plants or aquatic animals, proper separation of species can be accomplished within a room or area by housing them separately in different chambers or aquaria. Separation of species is unnecessary where the protocol specifies the simultaneous exposure of two or more species in the same chamber, aquarium, or housing unit.

(2) Aquatic toxicity tests for individual projects shall be isolated to the extent necessary to prevent cross-contamination of different chemicals used in different tests.

(b) A testing facility shall have a number of animal rooms or other test system areas separate from those described in paragraph (a) of this section to ensure isolation of studies being done with test systems or test, control, and reference substances known to be biohazardous, including volatile substances, aerosols, radioactive materials, and infectious agents.

(c) Separate areas shall be provided, as appropriate, for the diagnosis, treatment, and control of laboratory test system diseases. These areas shall provide effective isolation for the housing of test systems either known or suspected of being diseased, or of being carriers of disease, from other test systems.

(d) Facilities shall have proper provisions for collection and disposal of contaminated water, soil, or other spent materials. When animals are housed, facilities shall exist for the collection and disposal of all animal waste and refuse or for safe sanitary storage of waste before removal from the testing facility. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, disease hazards, and environmental contamination.

(e) Facilities shall have provisions to regulate environmental conditions (e.g., temperature, humidity, photoperiod) as specified in the protocol.

(f) For marine test organisms, an adequate supply of clean sea water or artificial sea water (prepared from deionized or distilled water and sea salt mixture) shall be available. The ranges of composition shall be as specified in the protocol.

(g) For freshwater organisms, an adequate supply of clean water of the appropriate hardness, pH, and temperature, and free of contaminants capable of interfering with the study, shall be available as specified in the protocol.

(h) For plants, an adequate supply of soil of the appropriate composition, as specified in the protocol, shall be available as needed.

8. By revising § 160.45 to read as follows:

§ 160.45 Test system supply facilities.

(a) There shall be storage areas, as needed, for feed, nutrients, soils, bedding, supplies, and equipment. Storage areas for feed nutrients, soils, and bedding shall be separated from areas housing the test systems and shall be protected against infestation or contamination. Perishable supplies shall be preserved by appropriate means.

(b) When appropriate, plant supply facilities shall be provided. These include:

(1) Facilities, as specified in the protocol, for holding, culturing, and maintaining algae and aquatic plants.

(2) Facilities, as specified in the protocol, for plant growth (e.g., greenhouses, growth chambers, light banks).

(c) When appropriate, facilities for aquatic animal tests shall be provided. These include aquaria, holding tanks, ponds, and ancillary equipment, as specified in the protocol.

9. By revising § 160.47 to read as follows:

§ 160.47 Facilities for handling test, control, and reference substances.

(a) As necessary to prevent contamination or mixups, there shall be separate areas for:

(1) Receipt and storage of the test, control, and reference substances.

(2) Mixing of the test, control, and reference substances with a carrier, e.g., feed.

(3) Storage of the test, control, and reference substance mixtures.

(b) Storage areas for test, control, and/or reference substance and for test, control, and/or reference mixtures shall be separate from areas housing the test systems and shall be adequate to preserve the identity, strength, purity, and stability of the substances and mixtures.

10. By revising § 160.49 to read as follows:

§ 160.49 Laboratory operation areas.

Separate laboratory space and other space shall be provided, as needed, for the performance of the routine and specialized procedures required by studies.

§ 160.53 [Removed]

11. By removing § 160.53

Administrative and personnel facilities.

12. By revising § 160.61 to read as follows:

§ 160.61 Equipment design.

Equipment used in the generation, measurement, or assessment of data and equipment used for facility environmental control shall be of appropriate design and adequate capacity to function according to protocol and shall be suitably located for operation, inspection, cleaning, and maintenance.

13. In § 160.63, by revising paragraph (b) to read as follows:

§ 160.63 Maintenance and calibration of equipment.

* * * * *

(b) The written standard operating procedures required under § 160.81(b)(11) shall set forth in sufficient detail the methods, materials, and schedules to be used in the routine inspection, cleaning, maintenance, testing, calibration, and/or standardization of equipment, and shall specify, when appropriate, remedial action to be taken in the event of failure or malfunction of equipment. The written standard operating procedures shall designate the person responsible for the performance of each operation.

* * * * *

14. In § 160.81, by revising paragraphs (b) (1), (2), (3), (5), (6), (7), and (12) and (c) to read as follows:

§ 160.81 Standard operating procedures.

* * * * *

(b) * * *

(1) Test system room preparation.

(2) Test system care.

(3) Receipt, identification, storage, handling, mixing, and method of sampling of the test, control, and reference substances.

* * * * *

(5) Laboratory or other tests.

(6) Handling of test systems found moribund or dead during study.

(7) Necropsy of test systems or postmortem examination of test systems.

* * * * *

(12) Transfer, proper placement, and identification of test systems.

(c) Each laboratory or other study area shall have immediately available manuals and standard operating procedures relative to the laboratory or field procedures being performed. Published literature may be used as a supplement to standard operating procedures.

* * * * *

15. By revising § 160.90 to read as follows:

§ 160.90 Animal and other test system care.

(a) There shall be standard operating procedures for the housing, feeding, handling, and care of animals and other test systems.

(b) All newly received test systems from outside sources shall be isolated and their health status or appropriateness for the study evaluated. This evaluation shall be in accordance with acceptable veterinary medical practice or scientific practice.

(c) At the initiation of a study, test systems shall be free of any disease or condition that might interfere with the purpose or conduct of the study. If during the course of the study, the test systems contract such a disease or condition, the diseased test systems should be isolated, if necessary. These test systems may be treated for disease or signs of disease provided that such treatment does not interfere with the study. The diagnosis, authorization of treatment, description of treatment, and each date of treatment shall be documented and shall be retained.

(d) Warm-blooded animals, adult reptiles, and adult terrestrial amphibians used in laboratory procedures that require manipulations and observations over an extended period of time or in studies that require these test systems to be removed from and returned to their test system-housing units for any reason (e.g., cage cleaning, treatment, etc.), shall receive appropriate identification (e.g., tattoo, toe clip, color code, ear tag, ear punch, etc.). All information needed to specifically identify each test system within the test system-housing unit shall appear on the outside of that unit. Suckling mammals and juvenile birds are excluded from the requirement of individual identification unless otherwise specified in the protocol.

(e) Except as specified in paragraph (e)(1) of this section, test systems of different species shall be housed in separate rooms when necessary. Test systems of the same species, but used in different studies, should not ordinarily be housed in the same room when inadvertent exposure to test, control, or reference substances or test system mixup could affect the outcome of either study. If such mixed housing is necessary, adequate differentiation by space and identification shall be made.

(1) Plants, invertebrate animals, aquatic vertebrate animals, and organisms that may be used in multispecies tests need not be housed in separate rooms, provided that they are adequately segregated to avoid mixup and cross contamination.

(2) [Reserved]

(f) Cages, racks, pens, enclosures, aquaria, holding tanks, ponds, growth chambers, and other holding, rearing and breeding areas, and accessory equipment, shall be cleaned and sanitized at appropriate intervals.

(g) Feed, soil, and water used for the test systems shall be analyzed periodically to ensure that contaminants known to be capable of interfering with the study and reasonably expected to be present in such feed, soil, or water are not present at levels above those specified in the protocol. Documentation of such analyses shall be maintained as raw data.

(h) Bedding used in animal cages or pens shall not interfere with the purpose or conduct of the study and shall be changed as often as necessary to keep the animals dry and clean.

(i) If any pest control materials are used, the use shall be documented. Cleaning and pest control materials that interfere with the study shall not be used.

(j) All plant and animal test organisms shall be acclimatized, prior to their use in an experiment, to the environmental conditions of the test.

Subpart F—Test, Control, and Reference Substances

16. By revising the heading for Subpart F to read as set forth above.

17. By revising § 160.105 to read as follows:

§ 160.105 Test, control, and reference substance characterization.

(a) The identity, strength, purity, and composition, or other characteristics which will appropriately define the test, control, or reference substance shall be determined for each batch and shall be documented before its use in an experiment. Methods of synthesis, fabrication, or derivation of the test, control, or reference substance shall be documented by the sponsor or the testing facility.

(b) The stability and, when relevant to the conduct of the experiment, the solubility of each test, control, or reference substance shall be determined by the testing facility or by the sponsor before the experimental start date. Where periodic analysis of each batch is required by the protocol, there shall be written standard operating procedures that shall be followed.

(c) Each storage container for a test, control, or reference substance shall be labeled by name, chemical abstracts service number (CAS) or code number, batch number, expiration date, if any, and, where appropriate, storage conditions necessary to maintain the identity, strength, purity, and composition of the test, control, or reference substance. Storage containers shall be assigned to a particular test substance for the duration of the study.

(d) For studies of more than 4 weeks duration, reserve samples from each batch of test, control, and reference substances shall be retained for the period of time provided by § 160.195.

(e) The stability of test, control, and reference substances under test conditions shall be known for all studies.

18. In § 160.107, by revising the section heading and introductory text to read as follows:

§ 160.107 Test, control, and reference substance handling.

Procedures shall be established for a system for the handling of the test, control, and reference substances to ensure that:

* * * * *

19. By revising § 160.113 to read as follows:

§ 160.113 Mixtures of substances with carriers.

(a) For each test, control, or reference substance that is mixed with a carrier, tests by appropriate analytical methods shall be conducted:

(1) To determine the uniformity of the mixture and to determine, periodically, the concentration of the test, control, or reference substance in the mixture.

(2) To determine the stability and, when relevant to the conduct of the experiment, the solubility of the test, control, or reference substance in the mixture, before the experimental start date. Determination of the stability and solubility of the test, control, or reference substance in the mixture shall be done under the environmental conditions specified in the protocol and as required by the conditions of the experiment. Where periodic analysis of the mixture is required by the protocol, there shall be written standard operating procedures that shall be followed.

(b) Where any of the components of the test, control, or reference substance carrier mixture has an expiration date, that date shall be clearly shown on the container. If more than one component has an expiration date, the earliest date shall be shown.

(c) If a vehicle is used to facilitate the mixing of a test substance with a carrier, assurance shall be provided that the vehicle does not interfere with the integrity of the test.

20. In § 160.120, by revising paragraph (a) to read as follows:

§ 160.120 Protocol.

(a) Each study shall have an approved written protocol that clearly indicates the objectives and all methods for the conduct of the study. The protocol shall contain but shall not necessarily be limited to the following information:

(1) A descriptive title and statement of the purpose of the study.

(2) Identification of the test, control, and reference substance by name, chemical abstracts service (CAS) number or code number.

(3) The name and address of the sponsor and the name and address of the testing facility at which the study is being conducted.

(4) The proposed experimental start and termination dates.

(5) Justification for selection of the test system.

(6) Where applicable, the number, body weight, sex, source of supply, species, strain, substrain, and age of the test system.

(7) The procedure for identification of the test system.

(8) A description of the experimental design, including methods for the control of bias.

(9) Where applicable, a description and/or identification of the diet used in the study as well as solvents, emulsifiers and/or other materials used to solubilize or suspend the test, control, or reference substances before mixing with the carrier. The description shall include specifications for acceptable levels of contaminants that are reasonably expected to be present in the dietary materials and are known to be capable of interfering with the purpose or conduct of the study if present at levels greater than established by the specifications.

(10) The route of administration and the reason for its choice.

(11) Each dosage level, expressed in milligrams per kilogram of body or test system weight or other appropriate units, of the test, control, or reference substance to be administered and the method of frequency of administration.

(12) The type and frequency of test analyses, and measurements to be made.

(13) The records to be maintained.

(14) The date of approval of the protocol by the sponsor and the dated signature of the study director.

(15) A statement of the proposed statistical method.

* * * * *

21. In § 160.130, by revising paragraphs (d) and (e) to read as follows:

§ 160.130 Conduct of a study.

* * * * *

(d) In animal studies where histopathology is required, records of gross findings for a specimen from postmortem observations shall be available to a pathologist when examining that specimen histopathologically.

(e) All data generated during the conduct of a study, except those that are generated by automated data collection systems, shall be recorded directly, promptly, and legibly in ink. All data entries shall be dated on the day of entry and signed or initialed by the person entering the data. Any change in entries shall be made so as not to obscure the original entry, shall indicate the reason for such change, and shall be dated and signed or identified at the time of the change. In automated data collection systems, the individual responsible for direct data input shall be identified at the time of data input. Any change in automated data entries shall be made so as not to obscure the original entry, shall indicate the reason for change, shall be dated, and the responsible individual shall be identified.

22. By adding § 160.135 to read as follows:

§ 160.135 Physical and chemical characterization studies.

(a) Except as provided in paragraph (b) of this section, the following provisions shall not apply to studies designed to determine physical and chemical characteristics of a test, control, or reference substance:

§ 160.31 (c), (d), and (g)
§ 160.35 (b) and (c)
§ 160.43
§ 160.45
§ 160.47
§ 160.49
§ 160.81(b) (1), (2), (8) through (9), and (12)
§ 160.90
§ 160.105 (a) through (d)
§ 160.113
§ 160.120(a) (5) through (12), and (15)
§ 160.185(a) (5) through (8), (10), (12), and (14)
§ 160.195 (c) and (d)

(b) The exemptions provided in paragraph (a) of this section shall not apply to physical/chemical characterization studies designed to determine stability, solubility, octanol water partition coefficient, volatility, and persistence (such as biodegradation, photodegradation, and chemical degradation studies), and such studies shall be conducted in accordance with this part.

23. In § 160.185, by revising paragraphs (a) (4) and (5) to read as follows:

§ 160.185 Reporting of study results.

(a) * * *

(4) The test, control, and reference substances identified by name, chemical abstracts service (CAS) number or code number, strength, purity, and composition, or other appropriate characteristics.

(5) Stability and, when relevant to the conduct of the experiment, the solubility of the test, control, and reference substances under the conditions of administration.

* * * * *

24. In § 160.190, by revising paragraphs (a) and (e) to read as follows:

§ 160.190 Storage and retrieval of records and data.

(a) All raw data, documentation, records, protocols, specimens, and final reports generated as a result of a study shall be retained. Specimens obtained from mutagenicity tests, specimens of soil, water, and plants, and wet specimens of blood, urine, feces, and biological fluids, do not need to be retained beyond quality assurance. Correspondence and other documents relating to interpretation and evaluation of data, other than those documents contained in the final report, also shall be retained.

* * * * *

(e) Material retained or referred to in the archives shall be indexed to permit expedient retrieval.

25. In § 160.195, by revising paragraph (c) and adding paragraph (i) to read as follows:

§ 160.195 Retention of records.

* * * * *

(c) Wet specimens, samples of test, control, or reference substances, and specially prepared material which are relatively fragile and differ markedly in stability and quality during storage, shall be retained only as long the quality of the preparation affords evaluation. Specimens obtained from mutagenicity tests, specimens of soil, water, and plants, and wet specimens of blood, urine, feces, biological fluids, do not need to be retained beyond quality assurance review. In no case shall retention be required for longer periods than those set forth in paragraph (b) of this section.

* * * * *

(i) Records required by this part may be retained either as original records or as true copies such as photocopies, microfilm, microfiche, or other accurate reproductions of the original records.

[FR Doc. 87-29511 Filed 12-24-87; 8:45 am]
BILLING CODE 6560-50-M

---

40 CFR Part 792

[OPTS-46016; FRL-3245-6]

Toxic Substances Control Act (TSCA); Good Laboratory Practice Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to amend the TSCA Good Laboratory Practice (GLP) Standards to incorporate many of the changes made by the Food and Drug Administration (FDA) to its GLP regulations and to expand the scope of the TSCA GLP standards to apply to testing conducted in the field under TSCA. EPA is proposing this amendment in order to ensure the quality and integrity of data generated from such studies.

DATE: Submit written comments on or before March 28, 1988.

ADDRESS: Submit written comments, identified by the document control number (OPTS-46016), in triplicate to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

The public record supporting this action is available for inspection at the above address from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Rm. E-543, 401 M St., SW., Washington, DC 20460 (202) 554-1404.

SUPPLEMENTARY INFORMATION: Following is an index to the remainder of this preamble:

I. Introduction
A. Legal Authority
B. Background
C. Consistency With FDA GLP Regulations
D. Proposed Changes to the TSCA GLP Regulations
II. Economic Analysis
III. Other Regulatory Requirements
A. Executive Order 12291
B. Regulatory Flexibility Act
C. Paperwork Reduction Act

I. Introduction

A. Legal Authority

On November 29, 1983 (48 FR 53922), EPA promulgated the GLP standards under the authority of TSCA section 4 (90 Stat. 2006, 15 U.S.C. 2603). Section 4(a) of TSCA authorizes the EPA Administrator to require, by rule, that manufacturers (including importers) and processors of identified chemical substances and mixtures test such chemicals if certain findings are made. Section 4(b)(1) of TSCA specifies that each test rule shall include standards for the development of test data. These standards are defined in section 3(12) of TSCA to mean a prescription of—

(A) the—
(i) health and environmental effects, and
(ii) information relating to the toxicity, persistence, and other characteristics which affect health and the environment, for which test data for a chemical substance or mixture are to be developed and any analysis that is to be performed on such data, and

(B) to the extent necessary to assure that data respecting such effects and characteristics are reliable and adequate—
(i) the manner in which such data are to be developed,
(ii) the specification of any test protocol or methodology to be employed in the development of such data, and
(iii) such other requirements as are necessary to provide such assurance.

In summary, the specific authority to issue the GLP standards is provided by section 4(b)(1) of TSCA, which is further explained by the definitions in sections 3(12)(B)(i) and 3(12)(B)(iii).

In addition, the Agency also requires sponsors to utilize these GLP standards when conducting testing under TSCA section 4 testing consent agreements and will include provisions to adhere to these GLP standards in those agreements (see 40 CFR 790.60(a)(7)). Also, it is the Agency's policy that all data developed as a result of rules or orders under section 5 of TSCA should be in accordance with the GLP standards. If data developed under section 5 of TSCA are not generated in accordance with the GLP standards, the Agency may elect to consider such data insufficient to evaluate the health effects, environmental effects, and fate of the chemical.

B. Background

EPA originally published enforceable TSCA Good Laboratory Practice Standards in the Federal Register of November 29, 1983 (48 FR 53922), which were codified as 40 CFR Part 792. At the same time, EPA published GLP standards applicable to testing under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 48 FR 53963, 40 CFR Part 160). These regulations were promulgated in response to investigations by EPA and FDA during the mid-1970s which revealed that some studies submitted to the Agencies had not been conducted in accordance with acceptable laboratory practices. Some studies had been conducted so poorly that the resulting data could not be relied upon in EPA's regulatory decisionmaking process. For instance, some studies had been submitted which did not adhere to specified protocols, were conducted by underqualified personnel and supervisors, or were not adequately monitored by study sponsors. In some cases results were selectively reported, underreported, or fraudulently reported. In addition, it was discovered that some testing facilities displayed poor animal care procedures and inadequate recordkeeping techniques. The TSCA GLP standards specify minimum practices and

procedures which must be followed in order to ensure the quality and integrity of data submitted in accordance with TSCA section 4 requirements. The 1983 TSCA GLP standards also established a policy that persons should comply with the GLP standards when submitting data in response to rules and orders issued under section 5 of TSCA, and when submitting data to the Agency voluntarily.

When EPA published its final TSCA and FIFRA GLP standards in the **Federal Register** of November 29, 1983, the Agency sought to harmonize the requirements and language with those regulations promulgated by the FDA in the **Federal Register** of December 22, 1978 (43 FR 60013), and codified as 21 CFR Part 58. Differences between the two Agencies' current GLP regulations exist only to the extent necessary to reflect the Agencies different statutory responsibilities under TSCA, FIFRA, and the Federal Food, Drug, and Cosmetic Act (FFDCA). Similar to the FDA GLP regulations, the FIFRA and TSCA GLPs delineate standards for studies designed to determine the health effects of a test substance; however, the TSCA GLPs also contain provisions related to environmental testing (i.e., ecological effects and chemical fate).

Compliance with EPA's GLP regulations has been monitored through a program of laboratory inspections and study audits coordinated between EPA and FDA. Under an Interagency Agreement originating in 1978, FDA carries out inspections at laboratories which conduct health effects testing. EPA primarily performs laboratory inspections and data audits for environmental studies.

After a thorough review of its GLP regulations and compliance program, FDA concluded that some of the provisions of the GLPs needed to be clarified, amended, or deleted in order to reduce the regulatory burden on testing facilities. Accordingly, FDA proposed revisions to its GLP regulations in the **Federal Register** of October 24, 1984 (49 FR 43530), which were intended to simplify the regulation without compromising study integrity. FDA's proposed revision has recently been published as a final rule in the **Federal Register** of September 4, 1987 (52 FR 33768).

EPA agrees with FDA that many provisions of the GLP regulations can be streamlined without compromising the goals of the GLPs. Therefore, EPA is proposing to amend the TSCA GLP standards to incorporate many of the changes recently made by FDA to its GLP regulations. In addition, EPA is proposing to expand the scope of the TSCA GLPs to cover testing wherever it is conducted (e.g., field testing). In another notice in this **Federal Register** EPA is proposing similar changes to the FIFRA GLP standards.

C. Consistency With FDA GLP Regulations

It is EPA's policy to minimize the regulatory burden on the public which might arise from conflicting requirements which could be promulgated under different regulatory authorities. In keeping with this policy, the final 1983 TSCA GLP Standards, 40 CFR Part 792, followed the format and, with few exceptions, the wording of FDA's final GLP regulations, 21 CFR Part 58. Differences between the EPA and FDA GLP regulations were based upon varying needs and responsibilities under each Agency's regulatory statutes. This proposed revision to the TSCA GLP standards follows this same policy by conforming to many of the changes FDA made to its GLP regulations, published in the **Federal Register** of September 4, 1987 (52 FR 33768). EPA has varied from FDA's revised GLP regulations only when necessary due to EPA's statutory responsibilities. The most significant differences between the EPA proposal and the revised FDA GLP regulations are the scope of the testing and test systems affected.

As in the current TSCA Good Laboratory Practice Standards, the proposed revisions to the TSCA GLP standards vary from the FDA GLPs in that the TSCA GLPs incorporate GLP provisions for environmental testing (EPA is proposing that the FIFRA GLPs extend to environmental studies as well). Environmental studies include ecological effects and chemical fate studies. Ecological effects studies are those performed for development of information on nonhuman toxicity and potential ecological impact of chemicals and their degradation products. Chemical fate studies are studies performed to characterize physical, chemical, and persistence properties of a substance in order to evaluate the transport and transformation of the substance in the environment.

To ensure the quality and integrity of all data generated from environmental studies, the current TSCA GLP standards contain requirements within 40 CFR Part 792 Subpart L applicable to testing plants, microbial organisms, aquatic organisms, amphibians, reptiles, and birds, where appropriate. These requirements include provisions for care, care facilities, and supply facilities for the various test systems used in environmental testing. As a means of simplifying the regulations, EPA is proposing that the requirements currently found within Subpart L be merged into Subparts A through J of the TSCA GLPs. Accordingly, it is proposed that current § 792.43 *Animal care facilities*, § 792.45 *Animal supply facilities*, and § 792.90 *Animal care* incorporate the provisions relating to the care of test systems, care facilities, and supply facilities from § 792.228 in Subpart L. The expanded sections are retitled in the proposed revision as follows: § 792.43 *Test system care facilities*, § 792.45 *Test system supply facilities*, and § 792.90 *Animal and other test system care*. Further, in most instances, EPA is proposing to replace the term "animal," currently used in the EPA and FDA GLP regulations, with the broader term "test system." Specifically, this change is proposed in §§ 792.43, 792.45, 792.81, 792.90, and 792.120. These proposed changes are further discussed in Unit I.D. of this preamble.

EPA's proposed TSCA GLP standards also vary from FDA's in their coverage of testing conducted in the field. To ensure the quality and integrity of data submitted to the Agency, EPA believes that GLP standards must apply whenever data collection occurs. Because many of the test data required by EPA are developed in the field, or more accurately in outdoor laboratories (i.e., ground water studies, air monitoring studies, degradation in soil, etc.), EPA is proposing to include field testing within the scope of these regulations.

The remaining differences between the EPA and FDA GLPs are described in the preamble to this proposed rule and the preamble to the TSCA Good Laboratory Practice Standards, published in the **Federal Register** of November 29, 1983 (48 FR 53922). EPA has coordinated this proposal with FDA and has considered comments received on the proposal to amend the FDA GLP regulations (October 29, 1984; 49 FR 43530).

D. Proposed Changes to the TSCA GLP Regulations

1. *Section 792.1 Scope.* EPA proposes to amend § 792.1 to reflect the Agency's option of entering into testing consent agreements in lieu of a test rule under section 4 of TSCA. Consistently, the term "testing consent agreement" has been added to the definition of "test substance" in proposed § 792.3, and has been added in proposed §§ 792.12 and 792.17.

2. *Section 792.3 Definitions.* a. EPA proposes that the definition of the term "carrier" be moved from § 792.226(b) to § 792.3. As stated in Unit I.C. of this preamble, EPA is proposing to delete Subpart L and include all the provisions of Subpart L within Subparts A through J of the TSCA GLP standards. Therefore, EPA proposes to define the term "carrier" in § 792.3 to mean any material, such as feed, water, soil, nutrient material, etc., with which the test substance is combined for administration to test organisms.

b. EPA proposes to conform with the September 4, 1987, FDA GLP regulations by amending the definition of "control substance" to exclude feed and water. EPA agrees with FDA's statement regarding this change (52 FR 33769: September 4, 1987) that "the term control [substance] should be reserved for the discrete substances/articles, and vehicles other than feed and water administered to groups of the test system to provide a basis of comparison with the test [substance]."

FDA contends that, under the current definition of "control substance," because the control group of a test system provides the basis for comparison with a test substance, any substance administered to the control group is considered a control substance. This means that feed and water given to the control group of a study are considered a control substance. For instance, in studies in which the test substance or mixture is administered to the test system orally, through feed or drinking water, gavage, or injection, the feed or water is considered a control substance. As a control substance, the feed or water is subject to § 792.105(a) for substance characterization, § 792.105(b) for testing for stability and solubility, § 792.105(c) for requirements for appropriate storage, § 792.105(d) for retention of reserve samples, and § 792.107 for documentation of receipt and distribution of each batch. EPA agrees with FDA that placing these requirements on the use of feed and water as a control substance in control groups unnecessarily burdens the regulated community and is not essential for ensuring the quality and integrity of the data generated by a study.

However, under 40 CFR Part 792, feed and water used as a carrier for the test and control substances or mixtures are still covered by the applicable sections for the testing and storage of test, control, and reference substances and mixtures. For example, § 792.31(e) requires testing facility management to ensure that materials are available as scheduled; § 792.45 requires that test system supply facilities shall be provided to ensure proper feed storage; § 792.81(b)(2) requires Standard Operating Procedures (SOP) for test system care, including nutrition; § 792.90(g) requires periodic analysis of feed and water to ensure that contaminants which would interfere with the study are not present; § 792.120(a)(9) requires the protocol to describe and/or identify the diet used in the study, including the level of contaminants expected in the dietary materials.

c. EPA also proposes to modify the definition of "control substance" by adding the phrase "for no effect levels." This addition to the definition is being proposed merely to clarify the difference between the term "reference substance" and "control substance." While a control substance is used to determine a baseline comparison for no effect levels, a reference substance is used to determine a baseline comparison to an established effect level.

d. EPA proposes to add and define the terms "experimental start date" and "experimental termination date." "Experimental start date" is proposed to mean the first date the test substance is applied to the test system. Under this definition, as of the experimental start date: (1) Under proposed § 792.105(b), the stability and, if important to the conduct of the experiment, the solubility of the test, control, and reference substance would have to be determined; (2) under proposed § 792.113(a)(2), the stability and, when important to the conduct of the experiment, the solubility of the test, control, and reference substance in the mixture would have to be determined and; (3) under proposed § 792.120(a)(4), the proposed experimental start date would appear in the protocol.

EPA proposes that "experimental termination date" be defined as the last date on which data are collected directly from the study. Under § 792.120(a)(4), as proposed, EPA would require the proposed experimental termination date to appear in the protocol. EPA considers histopathology after scheduled terminal animal sacrifice to be carried out before the experimental termination date.

Experimental start and termination dates would be expressed as the actual calendar dates, not just time-line increments. Therefore, when determining the proposed experimental start and termination dates, as would be required by proposed § 792.120(a)(4), the submitter should consider any lag time relating to protocol approval and laboratory contracting.

e. EPA proposes to add and define the term "reference substance". This term is currently defined in § 792.226(f) to mean any chemical substance or mixture or material other than a test substance that is administered to or used in analyzing the test system in the course of a study for purposes of establishing a basis for comparison with the test substance. EPA proposes to add the phrase "for known effect levels" to this definition to more clearly distinguish the terms "reference substance" and "control substance" (see discussion of the term "control substance" in Unit I.D. of this preamble).

Consistent with the Agency's proposal to merge the provisions of Subpart L into Subparts A through J, all the requirements provided for test and control substances are being proposed to apply to "reference substances." Accordingly, the term "reference substance" has been added wherever the term "test and control substance" appears in these regulations. Specifically, it is proposed that the term "reference substance" be added to § 792.29 (d) through (f); § 792.43(b); § 792.47(a) (1) through (3) and (b); § 792.81(b)(3); § 792.90(e); the Subpart F heading; § 792.105 (a) through (e); § 792.107; § 792.113 (a) and (b); § 792.120(a) (2), (9), and (11); § 792.185(a) (4) and (5); and § 792.195(c).

f. EPA proposes to amend the definition of "sponsor" by replacing the term "negotiated testing agreement" with the term "testing consent agreement." This proposal reflects the Agency's option of entering into a section 4 testing consent agreement in lieu of a test rule promulgated under section 4 of TSCA.

g. EPA proposes to broaden the definition of the term "study" to be consistent with the scope of testing that may be submitted under TSCA sections 4 and 5.

EPA is proposing to delete the phrase "in vivo or in vitro" from the definition of "study." The Agency still intends the requirements of these regulations to apply to "in vivo and in vitro" experiments. However, since the Agency intends these regulations to apply to all studies required to be developed under TSCA, including those conducted in the field, EPA believes that the phrase "in vivo or in vitro" in the current definition of "study" is too limiting.

Further, EPA is proposing to delete the term "prospectively" from the definition of "study." In this way, epidemiological studies, which could be "retrospective," will be required to be presented to the Agency in accordance with the GLP standards. EPA recognizes that data used in an epidemiological study may not have been generated in conformance

VOL 52 ISS 248 DEC 28 1987 UMI

with the TSCA GLP standards, however, it is EPA's contention that the epidemiological study itself can be conducted and submitted to the Agency in accordance with the GLPs.

EPA is also proposing to delete from the current definition of "study" the following sentence: "The term does not include studies utilizing human subjects or clinical studies or field trials in animals." Again, this change is consistent with EPA's intention that all studies follow GLPs which are required to be conducted under TSCA.

h. EPA proposes to incorporate the FDA definitions for "study completion date" and "study initiation date" into the TSCA GLP standards in § 792.3. "Study completion date" is proposed to mean the date the final report is signed by the study director. EPA advises that the phrase "close of the study" as used in § 792.33(f) refers to the "study completion date." Therefore, as of that date: (1) Under § 792.33(f), the study director must ensure that all raw data, documentation, protocols, specimens, and final reports are transferred to the archives; and (2) after this date under § 792.185(c), corrections or additions to the final report must be in the form of an amendment by the study director under the procedures specified in that section.

EPA proposes to define "study initiation date" as the date the protocol is signed by the study director. EPA advises that the phrase "study is initiated" as used in § 792.31(a), and the phrase "study was initiated" as used in § 792.35(b)(1) refer to the "study initiation date." Therefore, as of the study initiation date: (1) Under § 792.31(a), the testing facility management would designate a study director; (2) under § 792.35(b)(1), the study would be entered on the master schedule sheet by the quality assurance unit; and (3) under § 792.120(b), after this date all changes or revisions in the protocol would be documented, signed by the study director, and dated. EPA also expects that as of the study initiation date, under § 792.31(e), the testing facility management would have ensured that personnel resources, facilities, equipment, material, and methodologies are available as scheduled.

i. EPA proposes to replace the term "test substance or mixture" with the term "test substance." This is an editorial change which makes usage consistent in the GLP standards. The term "test substance" is proposed to be defined to include mixtures.

j. EPA proposes to incorporate the definition of the term "test system" currently found at § 792.226(a) into the definition of "test system" currently found at § 792.3(p). Therefore, the proposed definition of "test system" in proposed § 792.3 will include chemical or physical matrices (e.g., soil or water).

k. EPA proposes to incorporate the term "vehicle" currently found in § 792.226(g) into § 792.3 *Definitions.*

3. *Section 792.31 Testing facility management.* In conformance with the revised FDA GLP regulations, in § 792.31(b), EPA proposes to delete the requirement that the replacement of a study director must be documented as "raw data." EPA agrees with FDA that this requirement is redundant with other provisions of the GLPs. For instance, § 792.35(b)(1) states that the master schedule sheet must contain the name of the study director. As FDA notes (52 FR 33770), any replacement of the study director would be reflected on the master schedule sheet, which is already considered "raw data." Further, § 792.120(b) states that all changes in an approved protocol must be documented and signed by the study director. Replacement of the study director is considered to be a change in the approved protocol.

4. *Section 792.35 Quality assurance unit (QAU).* a. In § 792.35(a), EPA proposes to conform with the revised FDA GLP regulations by substituting the term "which" for the current phrase "composed of one or more individuals who." This change clarifies that EPA does not require the QAU to be a fixed, permanently staffed unit whose only functions are to monitor the quality of a study. The Agency is only concerned that there be a distinct separation of duties between those personnel involved with the conduct or direction of a study and those personnel performing quality assurance on the same study. Therefore, EPA does intend proposed § 792.35(a) to prohibit personnel from performing quality assurance activities on their own study.

b. In § 792.35(b)(1), EPA proposes to delete the requirement that the name of the study sponsor appear on the master schedule sheet. Instead, it is proposed that under § 792.35(b)(1) the sponsor's identity appear on the master schedule sheet. This change is being proposed to be consistent with the FDA's recent revision and to provide the regulated community the option of using an identity code on the master schedule in lieu of the sponsor's name.

EPA agrees with FDA's contention that requiring the sponsor to be identified specifically by name on the master schedule is not essential to fulfill the requirements of the GLPs or the goal of ensuring the quality and integrity of the data generated from the studies. However, while the name of the study sponsor would not be required to appear on the master schedule sheet, this information must be made available to the Agency upon request.

c. As in the revised FDA GLP regulations, EPA is also proposing to delete the requirement in § 792.35(b)(1) that the master schedule sheet contain the status of the final report. EPA agrees with FDA that this requirement is redundant in view of the other information required by § 792.35(b)(1) such as the date the experiment began and the current status of each study.

d. In conformance with the revised FDA GLP regulations, EPA proposes to modify the requirements of § 792.35(b)(3) to provide for inspections of a study on a schedule adequate to ensure the integrity of the study. This section currently specifies that the quality assurance unit must inspect each phase of a study periodically. This section also currently specifies that for studies lasting more than 6 months, quality assurance inspections shall be conducted every 3 months, and for studies lasting less than 6 months, quality assurance inspections shall be conducted at intervals adequate to ensure the integrity of the study.

The proposed changes to this section will allow the QAU the necessary latitude to adjust its monitoring activities to meet the individual problems of each study. EPA agrees with FDA's contention that an inspection of each phase of the study is not necessary to ensure that a study is being conducted properly. However, EPA also agrees with FDA that each study, no matter how short, must be inspected at least once while in process. EPA expects that by allowing the QAU flexibility in designing a reasonable inspection schedule, the goal of ensuring the quality of the study can be best achieved.

e. Consistent with the revised FDA GLPs, EPA is proposing to delete § 792.35(e) in its entirety. Section 792.35(e) currently requires that all quality assurance records be kept in one location at the testing facility. As FDA pointed out in its October 29, 1984, proposed GLP revision, since § 792.190(b) already requires the use of archives for the orderly storage and expedient retrieval of all reports and records, the requirements of § 792.35(e) are not necessary. However, EPA maintains that all reports and records, including those of the QAU, must be easily accessible and made available to EPA and FDA inspectors when requested.

5. *Section 792.41 General.* FDA has deleted from its GLPs the requirement

that the location of each testing facility be suitable to facilitate the proper conduct of studies. However, EPA is proposing that § 792.41 require that testing facilities which are not located within an indoor controlled environment be suitably located to facilitate the proper conduct of studies.

The studies FDA requires are generally conducted within the confines of a traditional indoor laboratory. Because the conditions specified within a protocol can be artificially manipulated within the traditional indoor laboratory, the location of these laboratories is generally not a factor in determining the quality of a study. Therefore, it is not necessary to ensure that a traditional indoor testing facility is suitably located to facilitate the proper conduct of the study.

However, the studies EPA requires are not necessarily conducted within the confines of the traditional indoor scientific laboratory (i.e., field studies, exposure monitoring studies, ecological toxicity studies, etc.). EPA considers any site where testing is undertaken to generate data required by the Agency to be a testing facility. The conditions required by the protocol are not necessarily conducive to artificial manipulation in the field, or other outdoor testing facilities. Therefore, ensuring the suitability of the location of these types of testing facilities is both a valid and necessary part of EPA's GLP Standards.

6. *Section 792.43 Test system care facilities.* a. EPA is proposing to revise the title of § 792.43 from "Animal care facilities" to "Test system care facilities." The proposed heading for § 792.43 more adequately reflects the Agency's intent to specify within the main body of the TSCA GLP Standards the requirements for testing facilities for the care of chemical or physical matrices (e.g., soil or water), plants, and microorganisms, as well as animals. Accordingly, the Agency is proposing to further modify § 792.43 by incorporating the term "test system" when facility requirements should extend beyond "animal" care.

b. Consistent with the Agency's intent to incorporate the environmental testing provisions currently found in Subpart L into Subparts A through J of Part 792, paragraphs (a)(1), (a)(2), (d), (e), (f), (g), and (h) in proposed § 792.43 have been added or modified to incorporate the provisions currently found in § 792.228(b) (1) through (7).

c. EPA proposes to modify § 792.43(a) to allow testing facilities to provide for isolation areas rather than quarantine areas. This change is consistent with the proposal to modify § 792.90(b) to allow "isolation" of newly received animals rather than requiring "quarantine" [See Unit I.D. of this preamble for a discussion of proposed § 792.90(b)].

d. In § 792.43(c), EPA proposes to delete the requirement that separate areas be provided in all cases for the diagnosis, treatment, and control of test system diseases. Instead, it is proposed that such separate areas be provided "as appropriate." This proposal is consistent with the September 4, 1987, revised FDA GLP regulations.

EPA has proposed this modification in order to allow laboratories the option of disposing of diseased animals and other test systems from the experiment without also bearing the expense of maintaining separate areas in testing facilities for diagnosis, treatment, and control of disease. Additionally, EPA recognizes that the diagnosis and treatment requirements of § 792.43(c) may not be appropriate when dealing with such test systems as soil, plants, or microorganisms. However, if the decision is made not to dispose of the test system from the study, then test system care facilities, as specified in proposed § 792.43(c), must be provided.

e. EPA proposes to conform to the revised FDA GLPs by deleting § 792.43(e) in its entirety. Currently, § 792.43(e) requires test system facilities to be designed, constructed, and located so as to minimize disturbances which may interfere with the study. EPA agrees with FDA that this provision is already adequately covered in § 792.41, which requires that facilities be of suitable size construction, and, for outdoor testing facilities, location to facilitate the proper conduct of the study.

7. *Section 792.45 Test system supply facilities.* a. EPA proposes to incorporate the provisions of § 792.228(c) into § 792.45. Therefore, proposed § 792.45 will require that supply facilities necessary for environmental testing be provided when appropriate.

b. Consistent with the proposed expanded scope of this section, EPA is also proposing to retitle § 792.45 from "Animal supply facilities" to "Test system supply facilities."

c. EPA proposes to modify § 792.45 to state "Perishable supplies shall be preserved by appropriate means." This change is being proposed to conform with the revised FDA GLPs and recognizes that there are a variety of acceptable storage and preservation procedures available other than refrigeration. Depending on the stability characteristics of the perishable material, acceptable storage and preservation methods may include desiccation, room temperature-low humidity, and constant temperature-low humidity.

d. EPA also proposes to delete the phrase "or feed" from the last sentence of § 792.45. Both EPA and FDA consider "feed" to be a "supply." Therefore, the use of the word "feed" in § 792.45 is redundant.

8. *Section 792.49 Laboratory operation areas.* a. EPA proposes to conform with FDA's revised GLP regulations by deleting paragraph (b) from § 792.49, adding the phrase "and specialized" after the word "routine" and before the word "procedures," and deleting the qualifying phrase "including specialized areas for performing activities such as aseptic surgery, intensive care, necropsy, histology, radiography, and handling of biohazardous materials."

Paragraphs (a) and (b), as currently worded, describe activities which require that separate laboratory space be provided. As FDA noted in its proposal to modify its corresponding section, the list of activities that currently appears in paragraphs (a) and (b) is not all inclusive and is not essential for the clarity of these sections. Further, by adding the phrase "and specialized," the proposed new paragraph will encompass all activities now listed in paragraphs (a) and (b).

b. In § 792.49, EPA proposes to add the phrase "and other space" after the words "laboratory space" and before the word "shall." As discussed in Unit I.C. of this preamble, this change to § 792.49 is being proposed to reflect that testing does not necessarily take place within the confines of a traditional indoor laboratory. Proposed § 792.49 would require that there be enough space provided to perform the procedures required by the protocol wherever testing takes place (i.e., indoor laboratory or field station).

9. *Section 792.53 Administrative and personnel facilities.* As in the revised FDA GLP regulations, EPA proposes to delete § 792.53 in its entirety. EPA agrees with FDA that the requirements of this section are not necessary for achieving the goals of the TSCA GLP standards.

10. *Section 792.61 Equipment design.* In § 792.61, EPA proposes to delete the phrase "Automatic, mechanical, or electronic" from the beginning of the first sentence. EPA agrees with FDA that the deletion of these qualifying terms provides for a more general interpretation of the word "equipment."

11. *Section 792.63 Maintenance and calibration of equipment.* a. Consistent with the FDA GLPs, EPA is proposing to amend § 792.63(b) to state that standard

VOL 52 ISS 248 DEC 28 1987 UMI

operating procedures (SOPs) for remedial action for equipment, in the event of failure or malfunction of equipment, need only be established when "appropriate." This change acknowledges that laboratories may choose to discard rather than repair equipment, and in such cases SOPs which delineate remedial action are not necessary.

b. EPA is also proposing to conform to the revised FDA GLP regulations by deleting from § 792.63(b) the provision that copies of the SOPs shall be made available to laboratory personnel. EPA still believes that laboratory personnel must have access to laboratory SOPs; however, since this requirement is clearly stated in § 792.81(c), EPA considers the inclusion of this provision in § 792.63(b) to be redundant.

12. *Section 792.81 Standard operating procedures.* a. In § 792.81(b) (1), (2), (6), (7), and (12), EPA is proposing to replace the term "animal" with the term "test system." As discussed previously in this preamble, this modification is consistent with the broad scope of test systems which may be used in environmental testing. Further, the Agency proposes to extend all the SOP requirements outlined by § 792.81 to environmental testing. For instance, the provisions of proposed § 792.81(b)(11), which require SOPs for the maintenance and calibration of equipment, would apply to procedures for preparation and maintenance of incubators, greenhouses, or growth chambers, currently required under § 792.228(d).

b. In § 792.81(b)(5), EPA is proposing to require that SOPs be established for tests wherever the testing is undertaken, including those conducted in the field. Accordingly, it is proposed that § 792.81(b)(5) read "Laboratory or other tests" (see discussion of "field testing" in Unit I.C. of this preamble).

c. In conformance with FDA's revised GLP regulations, EPA is proposing to delete the list of examples for laboratory manuals and SOPs required to be made immediately available under § 792.81(c). EPA still intends that laboratory areas must have immediately available manuals and SOPs for laboratory procedures being performed. This requirement still includes toxicology, histology, clinical chemistry, hematology, teratology, and necropsy, if applicable. However, this list is not all inclusive and is too broad to serve as a useful guide. For example, this requirement also includes SOPs for the maintenance, repair, and calibration of equipment as described in § 792.63(b).

d. EPA is also proposing to amend the language of § 792.81(c) to clarify that the requirement of this section also applies to field testing facilities. Therefore, it is proposed that § 792.81(c) will read, "Each laboratory *or other study* area shall have immediately available manuals and standard operating procedures relative to the laboratory or field procedures being performed."

13. *Section 792.90 Animal and other test system care.* a. EPA is proposing to retitle § 792.90 from "Animal care" to "Animal and other test system care." As previously stated, testing required by EPA may involve plants, soils, microorganisms, and other test systems, in addition to animals. The proposed title to § 792.90 reflects the broader scope of test systems for which the EPA intends this section to apply.

Further, it is proposed that the provisions for test system care for ecological effects testing, found in § 792.228(e), be incorporated into proposed § 792.90. Specifically, the proposed revision incorporates the requirements of: § 792.228(e)(1) into proposed § 792.90(b), § 792.228(e)(2) into proposed § 792.90(d), § 792.228(e)(3) into proposed § 792.90(e)(1), § 792.228(e)(4) into proposed § 792.90(f), § 792.228(e)(5) into proposed § 792.90(g), and § 792.228(e)(6) into proposed § 792.90(j).

b. EPA proposes to modify § 792.90(b) to provide for the evaluation of a test system's health status, or the appropriateness of the test system for the study, according to acceptable "scientific practice." This section, as proposed, will still require that newly received animals must have their health status evaluated according to acceptable veterinary medical practices. However, EPA recognizes that it may not be appropriate to evaluate the health status of certain test systems (e.g., soil or water) or to require that a plant, microorganism, soil, or water be evaluated according to acceptable veterinary medical practice to determine their appropriateness for a study. EPA is only concerned that test systems used in a study are free of any disease or condition which may interfere with the purpose or conduct of the study, and that the proper precautions, as stated in § 792.90(b), are taken to comply with this requirement.

c. Additionally, EPA is proposing to modify § 792.90(b), to require "isolation" rather than "quarantine" of newly received animals. This proposal is consistent with FDA's revision to its GLP regulations.

As previously stated, the intent of § 792.90(b) is to prevent the entry of unhealthy or inappropriate test systems into the study, as required by § 792.90(c). Currently, § 792.90(b) provides that this intent be achieved through "quarantine." However, the term "quarantine" suggests a rigid set of procedures, including a mandatory holding period, a specific list of diagnostic procedures, and the use of specialized facilities and test system care practices, which may be an unnecessary burden to industry.

EPA agrees with FDA's conclusion, discussed in the preamble to its revised GLP regulation (52 FR 33775; September 4, 1987), that isolation and evaluation of health status are sufficient precautions against contamination of test systems and, therefore, fulfill the intent of this section. FDA further states that such a revision would provide laboratories the flexibility to develop isolation and health status evaluation procedures best suited for the age, species, class, and type of the test system, as well as the type of study to be performed.

d. EPA proposes to conform to the FDA GLPs by modifying § 792.90(c) to require isolation of diseased test systems only when necessary.

Currently, § 792.90(c) requires that animals which contract a disease or condition shall be isolated in all cases. This requirement would in turn require that separate facilities be available for the isolation of these animals. However, as discussed in the proposal for § 792.43(c), both EPA and FDA believe that laboratories should be given flexibility in their disposition of diseased test systems. As FDA discussed in the proposed revisions to its GLP regulations (49 FR 43533; October 29, 1984), the proposed modification to § 792.90(c) will allow laboratories the option of: (1) Leaving the diseased test system in the experiment provided that the integrity of the study will not be adversely affected by this action; (2) disposing of the test system; or (3) isolating, treating, and returning the test system to the study.

14. *Section 792.105 Test, control, and reference substance characterization.* a. In revised 21 CFR 58.105(a), FDA has deleted the requirement that test and control substance characteristics shall be determined and documented for each batch "before the initiation of the study." This change has not been incorporated by EPA in its proposed revision to § 792.105(a). However, EPA proposes to modify § 792.105(a) to require that test, control, *or reference* substance characterization be determined and documented for each batch before its use in the experiment. EPA feels that this proposed requirement is necessary because it is essential that characteristics of test, control, and reference substances be known prior to their administration or use in an experiment.

EPA's recent experience with antimony trioxide has shown that extensive analytical work was necessary prior to test initiation. Certain assumptions regarding the product's characteristics were used in the protocols for antimony trioxide testing which proved invalid. These invalid assumptions necessitated modifications to the proposed study, resulting in the delay and rescheduling of other subsequent studies. If the analytical work had preceded the toxicology studies, the studies would not have failed and modifications to the studies woul d not have been necessary. The Agency's conclusion is that it is better to delay study schedules than to initiate improper experimental procedures which will produce invalid results.

b. FDA has modified 21 CFR 58.105(b) to provide for the determination of the stability of the test or control substance either before the initiation of the study or through periodic analysis of each batch according to written standard operating procedures. EPA has chosen not to adopt this approach in proposed § 792.105(b) because the Agency does not agree that stability can adequately be demonstrated by periodic analysis without initial evaluation.

Further, there are many studies required by EPA where solubility of the test, control, and reference substance is of critical importance, such as aquatic toxicity studies. Therefore, EPA is proposing that solubility of the test, control, and reference substance be determined before the experimental start date if knowledge of the solubility characteristics is relevant for the proper conduct of the experiment.

It is EPA's contention that both stability and solubility of the test, control, and reference substance need to be determined before the experimental start date in order to ensure proper handling and administration of the test substance to the test system. However, since the determination of the solubility of the test, control, and reference substance is not a requirement in FDA's GLP regulations, EPA is interested in receiving public comment on this issue.

15. *Section 792.113 Mixtures of substances with carriers.* a. FDA has modified 21 CFR 58.113(a)(2) to require determination of the stability of the test and control substance in a mixture, as required by the conditions of the study, either before the initiation of the study or through periodic analysis of each batch. While EPA does not propose to modify § 792.113(a)(2) to provide the option of determining the stability of the mixture either before study initiation or through periodic analysis (see discussion for § 792.105(b)), EPA will modify this section to require stability testing only to the extent required by the conditions of the experiment. As proposed for § 792.105(b), EPA is also proposing to require that, when appropriate to the conduct of the experiment, solubility of the test, control, or reference substance in the mixture must be determined in the same manner (see discussion for § 792.105(b)). Additionally, as proposed for § 792.105 (a) and (b), EPA is proposing to replace the phrase "before the initiation of the study" with the phrase "before the experimental start date" (see discussion for § 792.105(a)).

The phrase "as required by the conditions of the experiment" has been added in order to clarify that determination of stability and, if appropriate, solubility of a test, control, or reference substance in a mixture is only necessary to support its actual time of use in the experiment. Therefore, it is not necessary to provide data which illustrate long-term stability of a mixture when the actual time that the mixture is used is short-term. For example, a test, control, or reference substance in a mixture that will be used the same day it is prepared will only require data sufficient to show stability and, if appropriate, solubility for 1 day.

b. Additionally, EPA proposes to incorporate into § 792.113(a)(2), the provision currently found in § 792.228(f)(2), which states that the determination of the stability or solubility of the test, control, or reference substance in the mixture must be done under the environmental conditions specified in the protocol.

c. EPA proposes to add new paragraph (c) to § 792.113 which incorporates the provisions of § 792.228(f)(3).

16. *Section 792.120 Protocol.* a. In 21 CFR 58.120(a), FDA has replaced the qualifying phrase "but shall not necessarily be limited to" with the phrase "as applicable." EPA proposes to adopt FDA's approach with some modifications. It is proposed that the phrase "Where applicable" appear before the information specified in § 792.120(a)(9), and continue to appear before the information required by § 792.120(a)(6). The phrase "but shall not necessarily be limited to" would remain in this section.

In FDA's discussion of this proposal (49 FR 43533; October 29, 1984), concerns were expressed that some of the information required to appear in the protocol is not applicable to all types of testing. Specifically, FDA points to the information required by 21 CFR 58.120(a)(9) and (11). In 21 CFR 58.120, paragraph (a)(9) requires a description of the diet used in a study as well as solvents, emulsifiers, and/or other materials used to solubilize or suspend the test or control substance before mixing with the carrier. FDA points out that this requirement is not applicable to radiation-emitting products. Section 58.120(a)(11) specifies that the protocol shall specify dosage level, and this requirement is not applicable to implantable medical devices.

Clearly, the basis for FDA's change is to accommodate concerns that are specific to the types of testing required by FDA and do not necessarily apply to testing required by EPA. Further, EPA is concerned that placing the phrase "as applicable" in § 792.120(a) suggests that there may be cases where it is not applicable for any of the other information required by § 792.120(a) to appear in the protocol. Therefore, the phrase "as applicable" should only appear before those items which are not necessarily appropriate to appear in the protocol for certain types of testing.

For example, there may be testing required by EPA where it may not be appropriate to require a protocol to contain the information specified in § 792.120(a)(9), such as describing and/or identifying the diet of a human subject involved in exposure testing. Therefore, EPA proposes to add the phrase "Where applicable" before the information specified in proposed § 792.120(a)(9).

b. In 21 CFR 58.120(a)(4), FDA has deleted the requirement that the protocol contain "The proposed starting and completion dates." EPA is proposing to retain this requirement in § 792.120(a)(4), but is proposing to modify this paragraph to require, "The proposed experimental start and termination dates."

EPA believes that this information is necessary for the evaluation of a protocol and the Agency's scheduling of additional related studies and audit reviews. Section 792.120(a)(4) is related to the selected study method, laboratory, and specialist availability, and other Agency and industry priorities. Often a group of experiments are carried out in sequence, so that both start and termination dates affect subsequent study expectations and timetables. Projected experimental start and termination dates identify the normal duration for a given experiment type and reflect any special considerations that may be unique to a laboratory, anticipated analytical or methodology work, and available resources, and it may also affect pending regulatory timetables.

VOL 52 ISS 248 DEC 28 1987 UMI

Given that there are hundreds of studies that EPA must track, these estimated schedules, combined with those from other studies, allow the Agency to more efficiently schedule audits and regulatory action. Further considerations are the following: (1) The availability of composite schedules for many studies may be necessary to set realistic regulatory action goals; (2) composite study schedules are evaluated to schedule audits while several studies are ongoing or recently completed, and which may all be at a given laboratory or geographic location. This directly reduces EPA resources necessary for audit and regulatory review functions; and (3) standard business management by objectives requires intermediate calendar goals when scheduling multiple outputs, or a long-term single product. The master on-site laboratory schedule will incorporate these dates to carry out the study.

c. In 21 CFR 58.120(a)(5), FDA has deleted the requirement that the protocol contain a justification for the selection of the test system. EPA has chosen to retain this requirement in proposed § 792.120(a)(5).

Environmental studies, including both ecological effects and chemical fate, are more diverse than health effects testing. Further, details relevant to the test system design are more chemically dependent in the case of environmental effects and chemical fate testing than in the case of health effects testing. Many of the test systems in environmental studies must be modified in accordance with specific chemical characteristics. Therefore, EPA must allow a much broader range of flexibility in the nature of tests and selection of test systems. In order to fully understand the test and its results, EPA needs to have a discussion of the reasons for selection of the test system. In addition, EPA recognizes that industry may be engaged in state-of-the-art environmental testing. Under proposed § 792.120(a)(5), EPA can keep abreast of industry advances in such testing and ensure that their use of test systems is appropriate. EPA is interested in receiving public comment on whether to limit the requirement that the protocol contain a justification of the test system to environmental testing.

d. FDA has deleted from 21 CFR 58.120(a)(10) the requirement that the protocol include the route of administration and the reason for its choice. EPA has chosen to retain this requirement in proposed § 792.120(a)(10).

The chemicals regulated by FDA will usually have a predefined route of exposure. Therefore, it makes sense for FDA to eliminate the requirement to stipulate the route of administration and the reason for its choice within the protocol. Unlike FDA, EPA is concerned with presence in or exposure to various media (i.e., air, water, soil, sediment, chemicals, etc.) and may not know in advance the routes of exposure for the chemicals it regulates. Most chemicals and products regulated by EPA do not have set routes of exposure and may even have multiple routes of exposure. Therefore, EPA must consider a wide range of possible exposure routes in its regulatory decisions. Further, the route of administration is essential to determine the effectiveness of a test system for the purposes of a specific toxicology study. The route of administration affects the real dosage rates, and therefore, affects whether the impact of the exposure of the test substance is acute or chronic.

Therefore, EPA believes that, for its purposes, it is essential that the protocol contain the route of administration and the reason for its choice. This requirement will therefore remain in the EPA's TSCA GLP standards in § 792.120(a)(10).

e. EPA proposes to delete current § 792.120(a)(12) in its entirety. Currently, § 792.120(a)(12) requires that the protocol contain the method by which the degree of absorption of the test and control substance by the test system will be determined. EPA agrees with FDA's conclusion that this requirement is not necessary in the protocol.

f. In proposed § 792.120(a)(14), redesignated from current paragraph (a)(15), EPA proposes to conform with FDA's revised GLP regulations and require that the study director's signature be dated on the protocol.

EPA is proposing in § 792.3 that the study initiation date be defined as the date the protocol is signed by the study director. It is through the proposed requirement of § 792.120(a)(14), that the Agency will be able to identify the official study initiation date.

17. *Section 792.130 Conduct of a study.* a. FDA has modified 21 CFR 58.130(d) to provide that records of gross findings for a specimen from postmortem observations "should" be made available to the pathologist when examining that specimen's histopathology. EPA has chosen to retain the requirement that these records "shall," in all cases, be provided to a pathologist during study of the specimen.

EPA agrees with FDA's conclusion that for most studies it is important for the pathologist to have the records of gross findings available when examining a specimen histopathologically. However, it is FDA's contention that replacing the word "shall" with the word "should" will allow the histopathological evaluation of specimens in a "blind" fashion. EPA also recognizes that it may be appropriate for some studies to provide for "blinding" in histopathological evaluation. However, EPA maintains that, when specified by the protocol, the pathologist can accomplish "blinding," without violating § 792.130 by not looking at the records which have been provided. Therefore, it will remain EPA's requirement that the pathologist must have access to the records of gross findings when examining a specimen histopathologically.

b. In conformance with the revised FDA GLP regulations, in § 792.130(e), EPA proposes to replace the terms "computer" and "computer driven" with the term "automated data collection." EPA agrees with FDA that the terms "computer" or "computer driven" do not adequately reflect the data collection and storage technologies currently used by testing facilities. The Agency believes that the proposed term "automated data collection" provides a more appropriate description of the data collection and storage systems available for industry use.

18. *Section 792.135 Physical and chemical characterization studies.* EPA proposes to add § 792.135 in order to specify the provisions of the proposed TSCA GLP standards which will not apply to studies designed to determine the physical and chemical characteristics of a test, control, or reference substance. Most studies designed to determine the physical or chemical characteristics of a test, control, or reference substance rarely involve any modifications to the protocol or experimental design and are usually conducted in an assembly line fashion. Therefore, proposed § 792.135(a) relaxes the requirements of the GLP standards without compromising the quality or integrity of data generated from these studies.

However, in § 792.135(b), EPA is also proposing that the exemptions listed in proposed § 792.135(a) will not apply to studies designed to determine solubility, octanol water partition coefficient, volatility, and persistence of a test, control, or reference substance. These types of physical and chemical characterization studies are more complex in design, execution, and interpretation, and EPA does not believe that it can be assured of the quality and integrity of data generated from these studies without complete GLP compliance.

19. *Section 792.185 Reporting of study results.* In § 792.185(a)(5), EPA is proposing to require that the final report include information relating to the solubility, in addition to stability, of the test, control, or reference substance, if solubility information was important to the conduct of the experiment. This change is consistent with the proposed modifications to §§ 792.105(b) and 792.113(a)(2) (see the preamble discussion of proposed §§ 792.105(b) and 792.113(a)(2)).

20. *Section 792.190 Storage and retrieval of records and data.* a. In § 792.190(a), EPA proposes to conform to the revised FDA GLP regulations by modifying this section to state that specimens obtained from mutagenicity tests and specimens of blood, urine, feces, and biological fluids generated as a result of a study need *not* be retained. EPA is also proposing that § 792.190(a) state that specimens of soil, water, and plants obtained from environmental testing need *not* be retained. EPA agrees with FDA's conclusion that retention of these specimens beyond initial evaluation is burdensome and does not have a significant impact on the quality of a study.

b. As in the revised FDA GLPs, EPA proposes to revise § 792.190(e) by deleting the requirement that study materials which are retained in archives must be indexed specifically by test substance, date of study, test system, and nature of study. EPA agrees with FDA that the intent of this section is to require indexing of materials in such a way as to permit expedient retrieval from archives. EPA does not believe it is necessary to stipulate the specific indexing terms which must be used.

21. *Section 792.195 Retention of records.* a. EPA proposes to delete paragraphs (b)(2) and (3) of § 792.195, redesignate paragraph (b)(1) as (b), and amend paragraph (b) to require a retention period for documentation records, raw data, and specimens of 5 years from the date the results of any study are submitted to the Agency.

Currently, § 792.195(b) requires a retention period for records, raw data, and specimens under paragraph (b)(1) of 10 years following the effective date of the applicable final test rule and, under paragraph (b)(2) of 10 years following the publication date of the acceptance of a negotiated test agreement. This section also recommends a retention period for such materials of 5 years following the date studies are submitted to the Agency under TSCA section 5.

As stated in the preamble to the 1983 TSCA GLP regulation (48 FR 53935; November 29, 1983), EPA believes that it is essential that study records, raw data, and specimens be maintained to provide the Agency with a sufficient period of time to review the study results and implement any appropriate regulatory actions. Further, it is essential that records, raw data, and specimens be available to suppport Agency decisions in case of court challenges to those decisions. However, the Agency sees no reason to vary record retention requirements and has concluded that a record retention period of 5 years from the date the study is submitted to EPA is a sufficient period of time to meet the Agency concerns and goals. Finally, the record retention period proposed in § 792.195(b) is preferable to the timeframes currently required because it is consistent with the requirements currently set forth in the FIFRA GLPs, in 40 CFR 160.195(b)(2), and the FDA Good Laboratory Practice regulations in 21 CFR 58.195(b).

b. In § 792.195, EPA proposes to delete the examples provided in the first sentence of paragraph (c). EPA has proposed this change in conformity with FDA's recent revision because EPA agrees with FDA that these examples do not clarify which materials must be retained from a study and, therefore, are not necessary in this section.

c. EPA is also proposing to modify § 792.195(c) to state that specimens obtained from mutagenicity tests, specimens of soil, water, and plants, and wet specimens of blood, urine, feces, biological fluids, do not need to be retained beyond quality assurance review. This change has been adopted in order to be consistent with the change discussed in proposed § 792.190(a).

d. In new § 792.195(i), EPA proposes to allow records and other "raw data" required by these regulations to be retained either as original records or as true copies, such as photocopies, microfiche, or other accurate reproductions of the original records. This provision would be incorporated in the TSCA GLPs in § 792.195(i) in order to be consistent with the changes to FDA's Good Laboratory Practice regulations.

II. Economic Analysis

The proposal to expand coverage of the TSCA GLP standards to testing conducted in the field is not expected to increase testing costs significantly. Further, the revisions to the TSCA GLP standards which reflect the FDA GLP revisions primarily provide relief from the original GLP standards (ICF 1987). Therefore, these amendments to the TSCA GLPs are not expected to have a significant economic impact on testing under TSCA.

III. Other Regulatory Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA is required to judge whether a rule is a "major" one and is therefore subject to the requirement of a Regulatory Impact Analysis. The proposed amendments of the TSCA Good Laboratory Practice Standards would not be a major rule because they do not meet any of the criteria set forth and defined in section 1(b) of the Order.

B. Regulatory Flexibility Act

The proposed amendments to the TSCA GLP standards are not expected to have a significant impact on a substantial number of small businesses since little or no economic impact is expected from the revision overall.

C. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this proposed rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2070–0033. Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements.

List of Subjects in 40 CFR Part 792

Good laboratory practices, Laboratories, Environmental protection, Hazardous materials, Chemicals, Recordkeeping and reporting requirements.

Dated: December 8, 1987.

Lee M. Thomas,

Administrator.

Therefore, it is proposed that 40 CFR Part 792 be amended as follows:

PART 792—[AMENDED]

1. The authority citation for Part 792 is revised to read as follows:

Authority: 15 U.S.C. 2603.

2. In § 792.1, by revising paragraphs (a) and (c) to read as follows:

§ 792.1 Scope.

(a) This part prescribes good laboratory practices for conducting studies relating to health effects, environmental effects, and chemical fate testing. This part is intended to ensure the quality and integrity of data submitted pursuant to testing consent agreements and test rules issued under section 4 of the Toxic Substances

Control Act (TSCA) (Pub. L. 94-469, 90 Stat. 2006, 15 U.S.C. 2603 et seq.).

* * * * *

(c) It is the Agency's policy that all data developed under section 5 of TSCA be in accordance with provisions of this part. If data are not developed in accordance with the provisions of this part, the Agency will consider such data insufficient to evaluate the health and environmental effects of the chemical substances unless the submitter provides additional information demonstrating that the data are reliable and adequate.

3. In § 792.3, by removing the alphabetical paragraph designations in paragraphs (a) through (q); by revising the definitions for "Control substance", "Study," and "Test system"; by replacing the term "Test substance or mixture" with "Test substance"; by amending the definition for "Sponsor" by revising paragraph (2) thereunder; and by adding and alphabetically inserting definitions for "Carrier", "Experimental start date", "Experimental termination date", "Reference substance", "Study completion date", "Study initiation date", and "Vehicle", to read as follows:

§ 792.3 Definitions.

* * * * *

"Carrier" means any material (e.g., feed, water, soil, nutrient media) with which the test substance is combined for administration to test organisms.

"Control substance" means any chemical substance or mixture or any other material other than a test substance, feed, or water that is administered to the test system in the course of study for the purpose of establishing a basis for comparison with the test substance for no effect levels.

* * * * *

"Experimental start date" means the first date the test substance is applied to the test system.

"Experimental termination date" means the last date on which data are collected directly from the study.

* * * * *

"Reference substance" means any chemical substance or mixture or material other than a test substance, feed, or water that is administered to or used in analyzing the test system in the course of a study for purposes of establishing a basis for comparison with the test substance for known effect levels.

* * * * *

"Sponsor" means:

* * * * *

(2) A person who submits a study to the EPA in response to a TSCA section 4(a) test rule and/or a person who submits a study under a TSCA section 4 testing consent agreement or a TSCA section 5 rule or order to the extent the agreement, rule or order references this part; or

* * * * *

"Study" means any experiment in which a test substance is studied in a test system under laboratory conditions or in the environment to determine or help predict its effects, metabolism, environmental and chemical fate, persistence, or other characteristics in humans, other living organisms, or media. The term does not include basic exploratory studies carried out to determine whether a test substance has any potential utility.

"Study completion date" means the date the final report is signed by the study director.

* * * * *

"Study initiation date" means the date the protocol is signed by the study director.

* * * * *

"Test substance" means a substance or mixture administered or added to a test system in a study, which substance or mixture is used to develop data to meet the requirements of a TSCA section 4(a) test rule and/or is developed under a TSCA section 4 testing consent agreement or section 5 rule or order to the extent the agreement, rule or order references this part.

"Test system" means any animal, plant, microorganism, chemical or physical matrix (e.g., soil or water), or subparts thereof, to which the test, control, or reference substance is administered or added for study. "Test system" also includes appropriate groups or components of the system not treated with the test, control, or reference substance.

* * * * *

"Vehicle" means any agent which facilitates the mixture, dispersion, or solubilization of a test substance with a carrier.

4. In § 792.12, by revising the introductory text to read as follows:

§ 792.12 Statement of compliance or non-compliance.

Any person who submits to EPA a test required by a testing consent agreement or a test rule issued under section 4 of TSCA shall include in the submission a true and correct statement, signed by the sponsor and the study director, of one of the following types:

* * * * *

5. In § 792.17, by revising the introductory text of paragraph (a) and paragraph (c) to read as follows:

§ 792.17 Effects of non-compliance.

(a) The sponsor or any other person who is conducting or has conducted a test to fulfill the requirements of a testing consent agreement or a test rule issued under section 4 of TSCA will be in violation of section 15 of TSCA if:

* * * * *

(c) If data submitted to fulfill a requirement of a testing consent agreement or a test rule issued under section 4 of TSCA are not developed in accordance with this part, EPA may determine that the sponsor has not fulfilled its obligations under section 4 of TSCA and may require the sponsor to develop data in accordance with the requirements of this part in order to satisfy such obligations.

6. In § 792.29, by revising paragraphs (d), (e), and (f) to read as follows:

§ 792.29 Personnel.

* * * * *

(d) Personnel shall take necessary personal sanitation and health precautions designed to avoid contamination of test, control, and reference substances and test systems.

(e) Personnel engaged in a study shall wear clothing appropriate for the duties they perform. Such clothing shall be changed as often as necessary to prevent microbiological, radiological, or chemical contamination of test systems and test, control, and reference substances.

(f) Any individual found at any time to have an illness that may adversely affect the quality and integrity of the study shall be excluded from direct contact with test systems, test, control, and reference substances and any other operation or function that may adversely affect the study until the condition is corrected. All personnel shall be instructed to report to their immediate supervisors any health or medical conditions that may reasonably be considered to have an adverse effect on a study.

7. In § 792.31, by revising paragraph (b) to read as follows:

§ 792.31 Testing facility management.

* * * * *

(b) Replace the study director promptly if it becomes necessary to do so during the conduct of a study.

* * * * *

8. In § 792.35, by revising paragraphs (a) and (b) (1) and (3) and removing paragraph (e) to read as follows:

§ 792.35 Quality assurance unit.

(a) A testing facility shall have a quality assurance unit which shall be responsible for monitoring each study to assure management that the facilities, equipment, personnel, methods, practices, records, and controls are in conformance with the regulations in this part. For any given study, the quality assurance unit shall be entirely separate from and independent of the personnel engaged in the direction and conduct of that study.

(b) * * *

(1) Maintain a copy of a master schedule sheet of all studies conducted at the testing facility indexed by test substance and containing the test system, nature of study, date study was initiated, current status of each study, identity of the sponsor, and name of the study director.

* * * * *

(3) Inspect each study at intervals adequate to ensure the integrity of the study and maintain written and properly signed records of each periodic inspection showing the date of the inspection, the study inspected, the phase or segment of the study inspected, the person performing the inspection, findings and problems, action recommended and taken to resolve existing problems, and any scheduled date for re-inspection. Any problems which are likely to affect study integrity found during the course of an inspection shall be brought to the attention of the study director and management immediately.

* * * * *

9. By revising § 792.41 to read as follows:

§ 792.41 General.

Each testing facility shall be of suitable size and construction to facilitate the proper conduct of studies. Testing facilities which are not located within an indoor controlled environment shall be of suitable location to facilitate the proper conduct of studies. Testing facilities shall be designed so that there is a degree of separation that will prevent any function or activity from having an adverse effect on the study.

10. By revising § 792.43 to read as follows:

§ 792.43 Test system care facilities.

(a) A testing facility shall have a sufficient number of animal rooms or other test system areas, as needed, to ensure: proper separation of species or test systems, isolation of individual projects, quarantine or isolation of animals or other test systems, and routine or specialized housing of animals or other test systems.

(1) In tests with plants or aquatic animals, proper separation of species can be accomplished within a room or area by housing them separately in different chambers or aquaria. Separation of species is unnecessary where the protocol specifies the simultaneous exposure of two or more species in the same chamber, aquarium, or housing unit.

(2) Aquatic toxicity tests for individual projects shall be isolated to the extent necessary to prevent cross-contamination of different chemicals used in different tests.

(b) A testing facility shall have a number of animal rooms or other test system areas separate from those described in paragraph (a) of this section to ensure isolation of studies being done with test systems or test, control, and reference substances known to be biohazardous, including volatile substances, aerosols, radioactive materials, and infectious agents.

(c) Separate areas shall be provided, as appropriate, for the diagnosis, treatment, and control of laboratory test system diseases. These areas shall provide effective isolation for the housing of test systems either known or suspected of being diseased, or of being carriers of disease, from other test systems.

(d) Facilities shall have proper provisions for collection and disposal of contaminated water, soil, or other spent materials. When animals are housed, facilities shall exist for the collection and disposal of all animal waste and refuse or for safe sanitary storage of waste before removal from the testing facility. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, disease hazards, and environmental contamination.

(e) Facilities shall have provisions to regulate environmental conditions (e.g., temperature, humidity, photoperiod) as specified in the protocol.

(f) For marine test organisms, an adequate supply of clean sea water or artificial sea water (prepared from deionized or distilled water and sea salt mixture) shall be available. The ranges of composition shall be as specified in the protocol.

(g) For freshwater organisms, an adequate supply of clean water of the appropriate hardness, pH, and temperature, and free of contaminants capable of interfering with the study shall be available as specified in the protocol.

(h) For plants, an adequate supply of soil of the appropriate composition, as specified in the protocol, shall be available as needed.

11. By revising § 792.45 to read as follows:

§ 792.45 Test system supply facilities.

(a) There shall be storage areas, as needed, for feed, nutrients, soils, bedding, supplies, and equipment. Storage areas for feed, nutrients, soils, and bedding shall be separated from areas housing the test systems and shall be protected against infestation or contamination. Perishable supplies shall be preserved by appropriate means.

(b) When appropriate, plant supply facilities shall be provided. These include:

(1) Facilities, as specified in the protocol, for holding, culturing, and maintaining algae and aquatic plants.

(2) Facilities, as specified in the protocol, for plant growth (e.g., greenhouses, growth chambers, light banks).

(c) When appropriate, facilities for aquatic animal tests shall be provided. These include aquaria, holding tanks, ponds, and ancillary equipment, as specified in the protocol.

12. By revising § 792.47 to read as follows:

§ 792.47 Facilities for handling test, control, and reference substances.

(a) As necessary to prevent contamination or mixups, there shall be separate areas for:

(1) Receipt and storage of the test, control, and reference substances.

(2) Mixing of the test, control, and reference substances with a carrier, e.g., feed.

(3) Storage of the test, control, and reference substance mixtures.

(b) Storage areas for test, control, and/or reference substance and for test, control, and/or reference mixtures shall be separate from areas housing the test systems and shall be adequate to preserve the identity, strength, purity, and stability of the substances and mixtures.

13. By revising § 792.49 to read as follows:

§ 792.49 Laboratory operation areas.

Separate laboratory space and other space shall be provided, as needed, for the performance of the routine and specialized procedures required by studies.

§ 792.53 [Removed]

14. By removing § 792.53 *Administrative and personnel facilities.*

15. By revising § 792.61 to read as follows:

VOL 52 ISS 248 DEC 28 1987 UMI

§ 792.81 Equipment design.

Equipment used in the generation, measurement, or assessment of data and equipment used for facility environmental control shall be of appropriate design and adequate capacity to function according to protocol and shall be suitably located for operation, inspection, cleaning, and maintenance.

16. In § 792.63, by revising paragraph (b) to read as follows:

§ 792.63 Maintenance and calibration of equipment.

* * * * *

(b) The written standard operating procedures required under § 792.81(b)(11) shall set forth in sufficient detail the methods, materials, and schedules to be used in the routine inspection, cleaning, maintenance, testing, calibration, and/or standardization of equipment, and shall specify, when appropriate, remedial action to be taken in the event of failure or malfunction of equipment. The written standard operating procedures shall designate the person responsible for the performance of each operation.

* * * *

17. In § 792.81, by revising paragraphs (b) (1), (2), (3), (5), (6), (7), and (12) and (c) to read as follows:

§ 792.81 Standard operating procedures.

* * * * *

(b) * * *

(1) Test system room preparation.

(2) Test system care.

(3) Receipt, identification, storage, handling, mixing, and method of sampling of the test, control, and reference substances.

* * * * *

(5) Laboratory or other tests.

(6) Handling of test systems found moribund or dead during study.

(7) Necropsy of test systems or postmortem examination of test systems.

* * * * *

(12) Transfer, proper placement, and identification of test systems.

(c) Each laboratory or other study area shall have immediately available manuals and standard operating procedures relative to the laboratory or field procedures being performed. Published literature may be used as a supplement to standard operating procedures.

* * * * *

18. By revising § 792.90 to read as follows:

§ 792.90 Animal and other test system care.

(a) There shall be standard operating procedures for the housing, feeding, handling, and care of animals and other test systems.

(b) All newly received test systems from outside sources shall be isolated and their health status or appropriateness for the study evaluated. This evaluation shall be in accordance with acceptable veterinary medical practice or scientific practice.

(c) At the initiation of a study, test systems shall be free of any disease or condition that might interfere with the purpose or conduct of the study. If during the course of the study, the test systems contract such a disease or condition, the diseased test systems should be isolated, if necessary. These test systems may be treated for disease or signs of disease provided that such treatment does not interfere with the study. The diagnosis, authorization of treatment, description of treatment, and each date of treatment shall be documented and shall be retained.

(d) Warm-blooded animals, adult reptiles, and adult terrestrial amphibians used in laboratory procedures that require manipulations and observations over an extended period of time or in studies that require these test systems to be removed from and returned to their test system-housing units for any reason (e.g., cage cleaning, treatment, etc.), shall receive appropriate identification (e.g., tattoo, toe clip, color code, ear tag, ear punch, etc.). All information needed to specifically identify each test system within the test system-housing unit shall appear on the outside of that unit. Suckling mammals and juvenile birds are excluded from the requirement of individual identification unless otherwise specified in the protocol.

(e) Except as specified in paragraph (e)(1) of this section, test systems of different species shall be housed in separate rooms when necessary. Test systems of the same species, but used in different studies, should not ordinarily be housed in the same room when inadvertent exposure to test, control, or reference substances or test system mixup could affect the outcome of either study. If such mixed housing is necessary, adequate differentiation by space and identification shall be made.

(1) Plants, invertebrate animals, aquatic vertebrate animals, and organisms that may be used in multispecies tests need not be housed in separate rooms, provided that they are adequately segregated to avoid mixup and cross contamination.

(2) [Reserved]

(f) Cages, racks, pens, enclosures, aquaria, holding tanks, ponds, growth chambers, and other holding, rearing, and breeding areas, and accessory equipment, shall be cleaned and sanitized at appropriate intervals.

(g) Feed, soil, and water used for the test systems shall be analyzed periodically to ensure that contaminants known to be capable of interfering with the study and reasonably expected to be present in such feed, soil, or water are not present at levels above those specified in the protocol. Documentation of such analyses shall be maintained as raw data.

(h) Bedding used in animal cages or pens shall not interfere with the purpose or conduct of the study and shall be changed as often as necessary to keep the animals dry and clean.

(i) If any pest control materials are used, the use shall be documented. Cleaning and pest control materials that interfere with the study shall not be used.

(j) All plant and animal test organisms shall be acclimatized, prior to their use in an experiment, to the environmental conditions of the test.

Subpart F—Test, Control, and Reference Substances

19. By revising the heading for Subpart F to read as set forth above.

20. By revising § 792.105 to read as follows:

§ 792.105 Test, control and reference substance characterization.

(a) The identity, strength, purity, and composition, or other characteristics which will appropriately define the test, control, or reference substance shall be determined for each batch and shall be documented before its use in an experiment. Methods of synthesis, fabrication, or derivation of the test, control, or reference substance shall be documented by the sponsor or the testing facility.

(b) The stability and, when relevant to the conduct of the experiment, the solubility of each test, control, or reference substance shall be determined by the testing facility or by the sponsor before the experimental start date. Where periodic analysis of each batch is required by the protocol, there shall be written standard operating procedures that shall be followed.

(c) Each storage container for a test, control, or reference substance shall be labeled by name, chemical abstracts service number (CAS) or code number, batch number, expiration date, if any, and, where appropriate, storage conditions necessary to maintain the

identity, strength, purity, and composition of the test, control, or reference substance. Storage containers shall be assigned to a particular test substance for the duration of the study.

(d) For studies of more than 4 weeks' duration, reserve samples from each batch of test, control, and reference substances shall be retained for the period of time provided by § 792.195.

(e) The stability of test, control, and reference substances under test conditions shall be known for all studies.

21. In § 792.107, by revising the section heading and introductory text to read as follows:

§ 792.107 Test, control, and reference substance handling.

Procedures shall be established for a system for the handling of the test, control, and reference substances to ensure that:

* * * * *

22. By revising § 792.113 to read as follows:

§ 792.113 Mixtures of substances with carriers.

(a) For each test, control, or reference substance that is mixed with a carrier, tests by appropriate analytical methods shall be conducted:

(1) To determine the uniformity of the mixture and to determine, periodically, the concentration of the test, control, or reference substance in the mixture.

(2) To determine the stability and, when relevant to the conduct of the experiment, the solubility of the test, control, or reference substance in the mixture, before the experimental start date. Determination of the stability and solubility of the test, control, or reference substance in the mixture shall be done under the environmental conditions specified in the protocol and as required by the conditions of the experiment. Where periodic analysis of the mixture is required by the protocol, there shall be written standard operating procedures that shall be followed.

(b) Where any of the components of the test, control, or reference substance carrier mixture has an expiration date, that date shall be clearly shown on the container. If more than one component has an expiration date, the earliest date shall be shown.

(c) If a vehicle is used to facilitate the mixing of a test substance with a carrier, assurance shall be provided that the vehicle does not interfere with the integrity of the test.

23. In § 792.120, by revising paragraph (a) to read as follows:

§ 792.120 Protocol.

(a) Each study shall have an approved written protocol that clearly indicates the objectives and all methods for the conduct of the study. The protocol shall contain but shall not necessarily be limited to the following information:

(1) A descriptive title and statement of the purpose of the study.

(2) Identification of the test, control, and reference substance by name, chemical abstracts service (CAS) number or code number.

(3) The name and address of the sponsor and the name and address of the testing facility at which the study is being conducted.

(4) The proposed experimental start and termination dates.

(5) Justification for selection of the test system.

(6) Where applicable, the number, body weight, sex, source of supply, species, strain, substrain, and age of the test system.

(7) The procedure for identification of the test system.

(8) A description of the experimental design, including methods for the control of bias.

(9) Where applicable, a description and/or identification of the diet used in the study as well as solvents, emulsifiers and/or other materials used to solubilize or suspend the test, control, or reference substances before mixing with the carrier. The description shall include specifications for acceptable levels of contaminants that are reasonably expected to be present in the dietary materials and are known to be capable of interfering with the purpose or conduct of the study if present at levels greater than established by the specifications.

(10) The route of administration and the reason for its choice.

(11) Each dosage level, expressed in milligrams per kilogram of body or test system weight or other appropriate units, of the test, control, or reference substance to be administered and the method of frequency of administration.

(12) The type and frequency of test analyses, and measurements to be made.

(13) The records to be maintained.

(14) The date of approval of the protocol by the sponsor and the dated signature of the study director.

(15) A statement of the proposed statistical method.

* * * * *

24. In § 792.130, by revising paragraphs (d) and (e) to read as follows:

§ 792.130 Conduct of a study.

* * * * *

(d) In animal studies where histopathology is required, records of gross findings for a specimen from postmortem observations shall be available to a pathologist when examining that specimen histopathologically.

(e) All data generated during the conduct of a study, except those that are generated by automated data collection systems, shall be recorded directly, promptly, and legibly in ink. All data entries shall be dated on the day of entry and signed or initialed by the person entering the data. Any change in entries shall be made so as not to obscure the original entry, shall indicate the reason for such change, and shall be dated and signed or identified at the time of the change. In automated data collection systems, the individual responsible for direct data input shall be identified at the time of data input. Any change in automated data entries shall be made so as not to obscure the original entry, shall indicate the reason for change, shall be dated, and the responsible individual shall be identified.

25. By adding § 792.135 to read as follows:

§ 792.135 Physical and chemical characterization studies.

(a) Except as provided in paragraph (b) of this section, the following provisions shall not apply to studies designed to determine physical and chemical characteristics of a test, control, or reference substance:

§ 792.31 (c), (d), and (g)
§ 792.35 (b) and (c)
§ 792.43
§ 792.45
§ 792.47
§ 792.49
§ 792.81(b) (1), (2), (6) through (9), and (12)
§ 792.90
§ 792.105 (a) through (d)
§ 792.113
§ 792.120(a) (5) through (12), and (15)
§ 792.185(a) (5) through (8), (10), (12), and (14)
§ 792.195 (c) and (d).

(b) The exemptions provided in paragraph (a) of this section shall not apply to physical/chemical characterization studies designed to determine solubility, octanol water partition coefficient, volatility, and persistence (such as biodegradation, photodegradation, and chemical degradation studies), and such studies shall be conducted in accordance with this part.

26. In § 792.185, by revising paragraphs (a) (4) and (5) to read as follows:

VOL
52
ISS
248
DE
28
1987
UMI

§ 792.185 Reporting of study results.

(a) * * *

(4) The test, control, and reference substances identified by name, chemical abstracts service (CAS) number or code number, strength, purity, and composition, or other appropriate characteristics.

(5) Stability and, when relevant to the conduct of the experiment, the solubility of the test, control, and reference substances under the conditions of administration.

* * * * *

27. In § 792.190, by revising paragraphs (a) and (e) to read as follows:

§ 792.190 Storage and retrieval of records and data.

(a) All raw data, documentation, records, protocols, specimens, and final reports generated as a result of a study shall be retained. Specimens obtained from mutagenicity tests, specimens of soil, water, and plants, and wet specimens of blood, urine, feces, and biological fluids, do not need to be retained beyond quality assurance review. Correspondence and other documents relating to interpretation and evaluation of data, other than those documents contained in the final report, also shall be retained.

* * * * *

(e) Material retained or referred to in the archives shall be indexed to permit expedient retrieval.

28. In § 792.195, by revising paragraphs (b) and (c), and adding paragraph (i), to read as follows:

§ 792.195 Retention of records.

* * * * *

(b) Except as provided in paragraph (c) of this section, documentation records, raw data, and specimens pertaining to a study and required to be retained by this part shall be retained in the archive(s) for a period of at least 5 years following the date on which the results of the study are submitted to EPA.

(c) Wet specimens, samples of test, control, or reference substances, and specially prepared material, which are relatively fragile and differ markedly in stability and quality during storage, shall be retained only as long the quality of the preparation affords evaluation. Specimens obtained from mutagenicity tests, specimens of soil, water, and plants, and wet specimens of blood, urine, feces, biological fluids, do not need to be retained beyond quality assurance review. In no case shall retention be required for longer periods than those set forth in paragraph (b) of this section.

* * * * *

(i) Records required by this part may be retained either as original records or as true copies such as photocopies, microfilm, microfiche, or other accurate reproductions of the original records.

Subpart L—[Removed]

29. By removing Subpart L—*Environmental Testing Provisions*, consisting of §§ 792.225, 792.226, 792.228, and 792.232.

[FR Doc. 87-29512 Filed 12-24-87; 8:45 am]

BILLING CODE 6560-50-M

federal register

Monday
December 28, 1987

Part IV

Department of the Interior

Fish and Wildlife Service

50 CFR Parts 13 and 21

Migratory Bird Permits; Uniform Rules and Procedures; Proposed Rule

BEST COPY AVAILABLE

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 13 and 21

Migratory Birds Permits; Uniform Rules and Procedures

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes changes in Part 13 of Title 50, Code of Federal Regulations which provide for the general administration of permits issued by the Service. The proposed rule clarifies the application procedures and the criteria for issuance. Factors which disqualify an applicant from being eligible for the issuance of a permit are established. Criteria for suspension and revocation of a permit are clearly stated, and the procedures for appealing a denial, suspension, or revocation of a permit are revised. The schedule of application processing fees is also amended.

The Service further proposes changes in Part 21 of 50 CFR relative to permits issued under authority of the Migratory Bird Treaty Act (16 U.S.C. 703–711). Some of these changes are technical in nature and deal with the period for which permits are issued and the definition of terms. Other changes are more substantive. The Service proposes significant changes to the falconry and raptor propagation permit regulations. These changes include removing the technical requirements for raptor facilities and equipment from the Federal falconry standards, and eliminating the requirement for banding the more common species of raptors used for falconry. The banding requirement will be retained for those species of raptors that the Service has determined to be "sensitive." The concept of a joint Federal-State falconry permit will no longer be used; however, an applicant will be required to have a falconry permit from a State with laws or regulations compatible with the Federal falconry standards before a Federal falconry permit will be issued. The acquisition, transfer, or disposition of any raptor must be reported on a Service form to the office that issued the Federal falconry permit. Under the new rules, falconers will be authorized to sell or purchase lawfully acquired captive-bred raptors that are marked with a numbered, seamless band provided by the Service; however, falconers will be specifically prohibited from engaging in raptor propagation unless they hold a separate raptor propagation permit.

In addition to changes in the falconry permit some changes in the requirements for raptor propagation permits are proposed. These include elimination of facilities and equipment requirements, clarification of the marking requirement, and the requirement that each acquisition, transfer, or disposition of any raptor must be reported on a Service form to the office that issued the permit.

Other changes in Part 21 include amending the special purpose permit regulations to allow the sale of captive-bred, migratory game birds, other than waterfowl. In addition the Service intends to reimpose the requirement for a permit to import and export certain migratory birds.

DATES: Comments must be submitted on or before February 26, 1988.

ADDRESSES: Comments and materials concerning this proposal should be sent to U.S. Fish and Wildlife Service, Division of Law Enforcement, P.O Box 28006, Washington, DC 20038–8006. Comments and materials may be delivered to the U.S. Fish and Wildlife Service, Division of Law Enforcement, Room 300, Hamilton Building, 1375 K Street NW., Washington, DC, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Thomas L. Striegler at the above address [202/343–9242 or FTS 343–9242].

SUPPLEMENTARY INFORMATION:

Background

Wildlife conservation laws of the United States generally proscribe specific activities related to the wildlife that is the subject of each statute. However, many of these statutes establish procedures through which the Secretary of the Interior (Secretary) may authorize otherwise prohibited activities, either through regulations or by issuing a permit. By Department of the Interior (Department) policy the authority to promulgate regulations and to issue permits under authority of the various wildlife conservation statutes has been delegated to the Service. Regulations issued by the Service under this delegation of authority are codified in Chapters I and IV of Title 50, Code of Federal Regulations (50 CFR). Subchapter B of Chapter I (Subchapter B) contains the regulations issued by the Service relating to the taking, possession, importation, exportation, transportation, sale, purchase, and barter of wildlife and plants.

Under the Service's current regulatory scheme, Part 13 of 50 CFR contains general procedures for the application, issuance, renewal, suspension, revocation and general administration of permits issued by the Service. The last major revision of Part 13 occurred in 1974, and the Service believes that general review of its basic permit procedures was appropriate.

Part 21 of 50 CFR contains regulations relating to migratory bird permits. These regulations are promulgated under authority of the Migratory Bird Treaty Act (16 U.S.C. 703–711) which implements a series of bilateral treaties for the protection of migratory birds. The intent of this regulatory effort was to review and, if appropriate, modify the regulations found in §§ 21.28, 21.29 and 21.30 relating to falconry and raptor propagation. This review was based upon a concern by both the Service and the public that some regulatory reform might be indicated by the results of a series of Service undercover investigations collectively known as "Operation Falcon." However, the Service has determined that a general review of the regulations relating to migratory bird permits would be beneficial to both the migratory bird resource and to the public.

General Permit Procedures (Part 13)

In its review of Part 13, the Service identified several areas in which changes could be made to clarify policy and provide more effective procedures for the general administration of permits. Most of the changes proposed are technical in nature and are designed to provide the public with a better understanding of the Service's policy.

Some modifications have been proposed in the application procedures for permits. Specifically, the term "Special Agent in Charge" has been changed to "Assistant Regional Director for Law Enforcement" to reflect the current organizational title of these officials. The time in which applications should be submitted to the issuing office, other than the Federal Wildlife Permit Office, has been increased from 30 days to 60 days prior to the requested date of the permit to more realistically reflect the time required to process applications. It is proposed to charge a $25.00 processing fee for migratory bird permits. This is consistent with the fees charged for most other permits issued by the Service and with the policy of the Federal government to require users of special government services to reimburse the government for the costs of those services. It is also proposed that § 13.13 relating to the abandonment of a permit application be incorporated into § 13.11 and revised to reduce the time at which an application is considered abandoned from 60 days to 30 days from the date of notification of deficiency. Finally, technical language changes have been proposed for § 13.12 to clarify the general information required on applications for permits.

Substantial changes have been proposed in Subpart C relating to permit administration. The criteria for issuance of any permit have been rewritten to clearify language. In addition, the Service proposes the establishment of certain disqualifying factors. Any applicant who meets one of these factors is disqualified from receiving a permit from the Service for the time specified by the factor involved. Under these disqualifying factors, any person who has been convicted of, or pleaded guilty or nolo contendere to a felony violation involving wildlife of any law of the United States or of any State is disqualified for life from receiving any permit from the Service. Such lifetime disqualification is consistent with other sanctions imposed against convicted felons including disenfranchisement and loss of the right to possess firearms.

The conviction, entry of a plea of guilty or nolo contendere, or the assessment of a civil penalty for any violation of any statute or regulation relating to the permitted activity disqualifies the applicant for a period of five years. In addition, the issuing officer may consider any such violation in determining whether to issue or deny any future permit. Any applicant who has had a permit revoked will be disqualified from receiving a permit for a period of five years from the date of expiration of the revoked permit, and the issuing officer may consider any such revocation in determining whether to issue or deny any future permit. Finally, failure to pay any fees, assessed costs, penalties, or other debts owed to the Service disqualifies an applicant until such are paid.

A new section relating to the suspension and revocation of permits has been added. This section clearly establishes conditions under which a permit may be suspended or revoked. In addition the appeal procedures have been revised to ensure due process for those persons appealing adverse decisions on the part of the Service. Other clarifying language changes have been made to several other sections of Part 13 to assist the public in understanding the Service's policies.

Migratory Bird Permits (Part 21)

The primary purpose of the Service's review of the migratory bird permit regulations was to determine if changes were needed in the regulations relating to falconry and raptor propagation. While the Service used this opportunity to re-examine all of its migratory bird permit regulations, its main focus was on §§ 21.28 (falconry permits), 21.29 (Federal falconry standards), and 21.30 (raptor propagation permits). Substantial changes are proposed in the falconry permit regulations, in the Federal falconry standards, and in the raptor propagation regulations. Changes have also been proposed to other migratory bird permits. These include amending the special purpose permit regulations to allow the sale of captive bred migratory game birds and the reinstatement of the permit requirement to import and export certain migratory birds. Other technical changes are made to clarify language and to facilitate permit administration.

In reviewing the falconry permit regulations, the Service identified certain raptor species that it believes are in need of special control either because of biological or law enforcement considerations. These species have been included in the definition of a new term, "sensitive raptors." Under the current proposal, sensitive raptors include the peregrine falcon (*Falco peregrinus*), the gyrfalcon (*Falco rusticolus*), the Harris hawk (*Parabuteo unicinctus*), and the prairie falcon (*Falco mexicanus*). The peregrine falcon is included because most of the North American subspecies are listed as either endangered or threatened. The gyrfalcon is listed as a sensitive raptor because of its listing on Appendix I to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention). The Harris hawk is listed because biological indications point to a declining population in the United States. Finally, the prairie falcon is included because its popularity for use in falconry has often made it a target for illegal taking from the wild.

The Service proposes to eliminate the concept of a joint Federal-State falconry permit. While this concept was originally introduced to reduce administrative work on the part of the Service and State conservation organizations and to provide less of a burden on the public, the Service believes that it has not accomplished either goal. To be effectively administered, the joint Federal-State permit requires review and approval by both participating agencies which generally consume as much time on the part of each agency as the issuance of separate permits. Further, although State agencies are required to meet Federal falconry standards to participate in the joint program, conflicting requirements concerning issuance, renewal, suspension and revocation of permits often create a situation that is not conducive to effective permit administration by either agency. Under the proposed rules, the Service would require that any applicant for a Federal falconry permit first obtain a falconry permit from a State whose laws and regulations are in conformance with the Federal falconry standards.

The proposed rules would eliminate the requirement for banding raptors used for falconry, except for those that are defined as sensitive raptors. Operation Falcon demonstrated that the adjustable plastic bands are, on occasion, subject to international manipulation for illegal purposes. Therefore, the Service will be introducing a new, metal, tamper resistant band for marking raptors other than those captive produced birds that are eligible for sale. However, banding will be limited to only those species designated as sensitive raptors.

The new band proposed by the Service is made of aluminum, and sizes range from 7mm (0.28 inches) to 26mm (1.02 inches). These bands will be stamped with a 3-digit agency identification number and a 5-digit serial number. The bands are secured around the bird's leg by closing the aluminum ring with a crimping tool, inserting a stainless steel pin through holes at the crimped ends of the band, and then crimping the pin in place. A band sealed in this manner cannot be opened and then resealed without detection.

The Service is also eliminating the requirement for an annual report for falconry permits. Instead, the Service proposes to institute a requirement that a form 3–186A, Migratory Bird Acquisition/Disposition Report, must be completed and submitted to the permit issuing office each time any raptor is acquired or disposed of by any means, including accidental loss or death. The Service will establish an implementation period during which raptors currently in possession may be banded and a form 3–186A submitted. The Service intends to enter the information from each of these forms into a raptor monitoring system to maintain statistics concerning the effects of falconry on the raptor resource and to track individual raptors.

Other changes in the falconry permit regulations include a specific prohibition against the propagation of raptors without a raptor propagation permit. While this has always been the intent of Service regulations, the current regulations are not clear on this issue. The proposed rules would allow falconers to sell or barter captive bred raptors that are marked with a

VOL 52 ISS 248 DEC 28 1987 UMI

numbered, seamless band provided by the Service in accordance with the provisions of § 21.30. In addition the term of the falconry permit has been changed from two years to three years. Other technical changes have been made in the falconry permit regulations to clarify language and policy.

Several changes are proposed for the Federal falconry standards found in § 21.29. Under this proposal the Service would no longer require States to establish minimum requirements for facilities and equipment, nor to administer an examination as a requirement for issuing a falconry permit. The Service does not impose such conditions on other types of permits under which a person may possess live wildlife and believes it is inconsistent to do so for falconry permits. The marking requirements are modified to conform with the proposal that only sensitive raptors must be banded. States may also allow falconers to sell or barter properly marked, captive bred raptors. Finally, the Service will no longer certify nor publish a list of States whose regulations are in compliance with Federal falconry standards, although the Service will not issue a Federal falconry permit to any person who does not possess a valid falconry permit issued by a State that is in conformance with these standards.

The proposed rules would eliminate the minimum requirements for facilities for a raptor propagation permit for the same reason that such requirements are being eliminated from the Federal falconry standards. The marking requirements for raptors held under authority of a raptor propagation permit are clarified to require that all such raptors, regardless of species, must be banded with either a numbered, seamless band or the new nonreusable band supplied by the Service. A requirement to document each acquisition, including hatching, and each disposition, including death or accidental loss, using the form 3–186A, Migratory Bird Acquisition/Disposition Report, is proposed. The term of the permit is changed from five years to three years to be consistent with other migratory bird permits. Other technical changes have been made in the raptor propagation permit regulations to clarify language and policy.

In addition to the proposed changes in regulations relating to falconry and raptor propagation, the Service is proposing to reinstitute the requirement that a permit be obtained prior to importing or exporting certain migratory birds. Such a requirement was historically part of the Service's permit scheme, but was eliminated in 1981. However, the Service now believes that this elimination is inconsistent with the general scope of its permit regulations. Throughout its regulatory scheme, the Service requires permits prior to the importation or exportation of wildlife protected by laws which generally prohibit such activity. Under this proposal, the Service would not require import permits for migratory game birds lawfully taken by sport hunters and imported in accordance with Subpart G of Part 20 of 50 CFR. Also exempt from this permit requirement would be the export of properly marked, captive bred waterfowl.

The Service is also proposing to amend the special permit regulations found in § 21.27 to permit the sale of properly marked, captive bred migratory game birds, other than waterfowl. Currently, a number of persons have special purpose permits authorizing the captive breeding of migratory game birds other than waterfowl, especially doves and cranes. Since current regulations permit the sale of properly marked, captive bred waterfowl and raptors, it is inconsistent to prohibit the sale of other captive bred migratory game birds. Marking and reporting requirements similar to those applicable to the sale of captive bred waterfowl and raptors will be required.

Certain technical administrative changes are proposed in the regulations to facilitate permit administration. Chiefly, the standard term of a permit will be changed from a two-year period ending on December 31 of the second year following issuance to a three-year term ending three years following the date of issuance. This change will stagger the renewal of permits throughout the year much as many States have done with automobile license renewals.

Finally, the Service has been petitioned by the Wildlife Information Center, Inc., Allentown, Pennsylvania, to amend its regulations to prohibit all uses of pole traps in the United States. This petition is based upon data provided indicating that significant injuries may occur to migratory birds that are caught in such traps. The Service decided to review this issue as part of this regulatory proposal. As a result of that review, the Service has determined that it has no statutory authority to prohibit the use of pole traps, per se, although the taking of migratory birds by the use of pole traps can be restricted. However, the Service does not believe that any regulatory changes are necessary to address this issue. Based on the Service's review, the only issue that should be addressed is the policy of whether the Service should issue permits that allow the use of pole traps for taking depredating migratory birds. A new, more restrictive policy has recently been issued by the director and no further action is contemplated.

Statement of Effects, Executive Order 12291, and Regulatory Flexibility Act

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this proposed rule will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). In 1986 there were approximately 229 permits for raptor propagation, 2,783 permits for falconry, 3,145 import/export licenses, and 13,938 permits issued for other purposes. The only effect upon all permittees will be clarification of the conditions of their permits and licenses, which should improve efficiency with little cost to the general public. The initiation of user fees for those permits not currently requiring fees will have negligible impact because the fees will only amount to $25.00 for each permit. The length of most permits has been extended from two years to three years, thus decreasing the cost per year to those permittees who have previously been charged a fee and making the annual cost to new permittees only $8.34 per year.

The information collection requirements contained in this proposal have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1018–0022. To the extent that changes in 50 CFR Parts 13 and 21 require additional approval from the Office of Management and Budget that approval will be sought and collection of such information will not be required until such approval is obtained.

Environmental Effects

An environmental assessment on falconry and raptor propagation regulations has been prepared by the Service's Office of Migratory Bird Management in connection with this proposed rulemaking. This environmental assessment is available for public inspection in Room 536, Matomic Building, 1717 H Street NW., Washington, DC. Prior rulemakings dealing with falconry and raptor propagation were covered by environmental assessments prepared in 1978 and 1982. Changes in the regulations published in Part 13 and in sections of Part 21 other than §§ 21.28 through 21.30 are internal organizational changes or are regulatory and enforcement actions which are covered by a categorical exclusion from the National Environmental Policy Act procedures under 516 DM 2, Appendix I.

Author

The primary author of this proposed rule is Thomas L. Striegler, Special Agent in Charge, Division of Law Enforcement, U.S. Fish and Wildlife Service.

List of Subjects

50 CFR Part 13

Administrative preactice and procedure, Exports, Fish, Imports, Penalties, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 21

Exports, Imports, Reporting and recordkeeping requirements, Wildlife.

For the reasons set out in the preamble, Title 50, Chapter I, Subchapter B of the Code of Federal Regulations, is proposed to be amended as set forth below.

PART 13—GENERAL PERMIT PROCEDURES

1. The authority citation for Part 13 is revised to read as follows:

Authority: 18 U.S.C. 42; 16 U.S.C. 3374; 16 U.S.C. 704, 712; 16 U.S.C. 668a; 19 U.S.C. 1202; 16 U.S.C. 1539, 1540(f); 16 U.S.C. 1538(d); sec. E.E. 11911, 41 FR 15683, 3 CFR 1976 Comp., p. 112; 16 U.S.C. 742j–1; 16 U.S.C. 1382; 31 U.S.C. 9701.

2. Revise § 13.2 to read as follows:

§ 13.2 Purpose of regulations.

The regulations contained in this part will provide uniform rules, conditions, and procedures for the application for and the issuance, denial, amendment, renewal, suspension or revocation, and general administration of all permits issued pursuant to this Subchapter B.

3. Amend § 13.11 as follows: a. Add introductory paragraph as set out below.

b. In paragraph (b)(2) remove "Special Agent in Charge" and insert in lieu thereof "Assistant Regional Director, Division of Law Enforcement, in charge".

c. Revise paragraphs (c), and (d)(1) and (2) as set out below.

d Amend paragraph (d)(4) by revising the entry "Migratory Bird (Part 21)" under "Type of Permit" to read "Migratory Bird—Banding or marking (21.22)."

e. Add paragraph (e) as set out below.

§ 13.11 Application procedures.

No permit may be issued for any activity authorized by of this Subchapter B unless a completed application is filed in accordance with the following procedures. A separate application need not be submitted for each permit unless otherwise required by this subchapter.

* * * * *

(c) *Time notice.* The Service will process all applications as quickly as possible; however, it cannot guarantee final action within desired time frames. Applications for endangered species and marine mammal permits should be received by the Federal Wildlife Permit Office at least 90 calendar days prior to the effective date requested by the applicant. Applications for all other permits should be received by the issuing office at least 60 calendar days prior to the requested effective date.

(d) *Fees.* (1) Unless otherwise specifically exempted in this paragraph, applications for permits, certificates, licenses, registrations, and their renewals must be accompanied at the time of filing by payment in the form of a check or money order drawn payable to "U.S. Fish and Wildlife Service" in the full amount of any application processing or other fee required for the application or permitted activity. Such fees will not be refunded under any circumstances except that a fee submitted with an application which is withdrawn prior to significant processing may be returned by the issuing office.

(2) The fee for processing any application, except one listed as nonstandard in paragraph (d)(4) of this section, shall be $25.00. If regulations in this subchapter require more than one type of permit for a given activity, and the permits are issued by the same office, the issuing office may issue a single, consolidated permit containing all necessary authorizations and charge a single fee, which shall be the highest single fee applicable for the activity to be permitted.

* * * * *

(e) *Abandoned or incomplete applications.* Upon receipt of an incomplete or improperly executed application, or one which is not accompanied by the proper fees, the issuing office will notify the applicant of the deficiency. If the applicant fails to supply correct information to complete the application or to pay the required fees within 30 calendar days of the date of the notification the application shall be considered abandoned and no fees paid shall be returned.

4. Amend § 13.12 by revising paragraphs (a) introductory text and (a)(1) through (a)(5) as follows, removing paragraphs (a)(6) and (a)(7) and redesignating paragraphs (a)(8) through (a)(11) as paragraphs (a)(6) through (a)(9).

§ 13.12 General information requirements on applications for permits.

(a) *General information required for all applications.* All applications must contain the following information:

(1) Applicant's full name, mailing address, telephone number(s), and,

(i) If the applicant is an individual, the date of birth, height, weight, hair color, eye color, sex, and any business or institutional affiliation of the applicant related to the requested permitted activity; or,

(ii) If the applicant is a corporation, firm, partnership, association, institution, or public or private agency, the name and address of the president or principal officer and of the registered agent for the service of process;

(2) Location where the requested permitted activity is to occur or be conducted;

(3) Reference to the part(s) and section(s) of this Subchapter B as listed in paragraph (b) of this section under which the application is made for a permit or permits, together with any additional justification including supporting documentation as required by the reference part(s) and section(s);

(4) If the requested permitted activity involves the import or re-export of wildlife or plants from or to any foreign country, and the country of origin, or of export or re-export restricts the taking, possession, transportation, exportation or sale of wildlife or plants, documentation as indicated in § 14.52(c) of this Subchapter B;

(5) Certification in the following language:

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and of the other applicable parts in Subchapter B of Chapter I of Title 50, Code of Federal Regulations, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to suspension or revocation of this permit and to the criminal penalties of 18 U.S.C. 1001.

* * * * *

§ 13.12 [Amended]

5. Section 13.12(b) is further amended by removing the reference to "paragraph (a)(5)" and inserting in lieu thereof a reference to "paragraph (a)(3)".

VOL 52 ISS 248 DEC 28 1987 UMI

§ 13.13 [Removed]

6. Remove § 13.13.

§ 13.14 [Removed]

7. Remove § 13.14

8. Revise Subpart C to read as follows:

Subpart C—Permit Administration

Sec.

13.21 Issuance of permits.
13.22 Renewal of permits.
13.23 Amendment of permits.
13.24 Right of succession by certain persons.
13.25 Permits not transferable; agents.
13.26 Discontinuance of permit activity.
13.27 Permit suspension or revocation.
13.28 Appeal procedures.

Subpart C—Permit Administration

§ 13.21 Issuance of permits.

(a) *General.* No activity for which a permit, license, or registration is required may be undertaken by any person prior to receipt of a valid permit authorizing that activity. An oral or written representation by an employee or agent of the United States, or any action by any employee or agent of the United States, is not a permit unless it meets the requirements of a permit defined in 50 CFR 10.12.

(b) *Criteria for issuance.* No permit may be issued except in compliance with the following criteria:

(1) Receipt of a written, complete, and accurate application properly executed in accordance with § 13.11 and any other part(s) and section(s) governing the permitted activity;

(2) Receipt of payment of all applicable fees for the permitted activity;

(3) Finding by the issuing office that the applicant has demonstrated a valid justification for the permit, has made a showing of responsibility, and is otherwise qualified to exercise the authority or privilege provided by the permit requested; and

(4) Finding by the issuing officer that the authorization does not potentially threaten any wildlife or plant population.

(c) *Disqualifying factors.* Any one of the following will disqualify a person from receiving or retaining permits issued under this Part for the period set forth:

(1) Conviction, or entry of a plea of guilty or nolo contendere, for a felony violation involving wildlife of any law of the United States or any State disqualifies any such person from receiving or exercising the privileges of a permit for life.

(2) Conviction, entry of a plea of guilty or nolo contendere, or assessment of a civil or criminal penalty, for a violation of any statute or regulation relating to the activity for which the application is filed disqualifies any such person from receiving or exercising the privileges of a permit for five years; and the fact of such violation is a factor which shall be considered by any issuing officer in finding an applicant to be qualified or responsible to receive any future permits.

(3) No applicant who has had a permit revoked may be found to be qualified, nor may perform any activity authorized by a permit, for a period not less than five years from the expiration date of the revoked permit; and the fact of revocation is a factor which shall be considered by any issuing officer in finding an applicant to be qualified or responsible to receive any future permits.

(4) Failure to pay any required fees or assessed costs and penalties, whether or not reduced to judgment; or to submit timely, accurate, or valid reports as required shall be disqualifying as long as the deficiency exists.

(d) *Use of supplemental information.* An issuing office, in making a determination under this subsection, may use any information available, including the reports of state or local officials, and shall consider all relevant facts or information available. They may make independent inquiry or investigation to verify information or substantiate qualifications asserted by the applicant.

(e) *Conditions of issuance and acceptance.* (1) Any permit automatically incorporates within its terms the conditions and requirements of Subpart D of this part and of any part(s) or section(s) specifically authorizing or governing the activity for which the permit is issued.

(2) Any person accepting and holding a permit under this Subchapter B acknowledges the necessity for close regulation and monitoring of the permitted activities by the Government. By accepting such permit the permittee consents to and shall allow entry at any reasonable hour by agents or employees of the Service upon premises maintained for conduct of the permitted activity, for the purpose of inspecting the location; any books, records, or permits required to be kept by regulations of this Subchapter B; and any wildlife or plants which are the subject of the permit.

(f) *Term of permit.* Unless the permit is suspended or revoked, or its term is otherwise amended, a person may engage in the activity authorized by a permit for the period from and including the effective date of issue and to and including the expiration date endorsed on the face of the permit.

(g) *Denial.* The issuing office shall deny a permit to any applicant who fails to meet the issuance criteria set forth in this section or in any part(s) or section(s) specifically governing the activity for which a permit is requested.

§ 13.22 Renewal of permits.

(a) *Application for renewal* Applications for renewal must be made in writing, submitted at least 30 calendar days prior to the expiration date of the permit for which renewal is requested and, must certify that all statements and information made in the original application remain current and correct unless previously changed or corrected, or provide necessary corrections to the file including a certification concerning the validity of the information on file in the form as provided by § 13.12(a)(5).

(b) *Renewal criteria.* In order for renewal of a permit to be granted, all criteria applicable to the issuance of a permit must be met. The disqualifying factors set forth in § 13.21(c) of this part are also applicable to renewal of a permit.

(c) *Continuation of permitted activity.* Any person holding a valid renewable permit, who has complied with the provisions of this section, may continue such activities as were authorized by his expired permit until his renewal application is acted upon.

(d) *Denial.* The issuing office shall deny renewal of a permit to any permittee who fails to meet the issuance criteria set forth in § 13.21 of this part, or in any part(s) or section(s) specifically governing the activity for which renewal is requested.

§ 13.23 Amendment of permits.

(a) *Permittee's request.* Where circumstances have changed so that a permittee desires to have any term or condition of his permit modified, he must submit in writing full justification and supporting information in conformance with the provisions of this part and the part under which the permit has been issued or requested.

(b) *Service reservation.* The Service reserves the right to amend any permit for just cause at any time during its term.

(c) *Change of name or address.* A permittee is not required to obtain a new permit if there is a change in the legal individual or business name, or in the mailing address of the permittee, provided, that the permittee notifies the issuing office within 10 calendar days of the change. This provision does not authorize any change in location of the conduct of the permitted activity when approval of the location is a qualifying condition of the permit.

§ 13.24 Right of succession by certain persons

(a) Certain persons, other than the permittee, are granted the right to carry on a permitted activity for the remainder of the term of a current permit provided they comply with the provisions of paragraph (b) of this section. Such persons are the following:

(1) The surviving spouse, child, executor, administrator, or other legal representative of a deceased permittee; and

(2) A receiver or trustee in bankruptcy or a court designated assignee for the benefit of creditors.

(b) In order to secure the right provided in this section, the person or persons desiring to continue the activity shall furnish the permit to the issuing officer for endorsement within 90 days from the date the successor begins to carry on the activity.

(c) Any person granted authority to carry on a permitted activity under this section is limited to the activity specifically authorized by the permit.

§ 13.25 Permits not transferable; agents.

(a) Permits issued under this part are not transferable or assignable. Some permits authorize certain activities in connection with a business or commercial enterprise and in the event of any lease, sale, or transfer of such business entity, the successor must obtain a permit prior to continuing the permitted activity. However, certain limited rights of succession are provided in § 13.24.

(b) Except as otherwise stated on the face of a permit, any person who is under the direct control of the permittee, or who is employed by or under contract to the permittee for the purposes authorized by the permit, may carry out the activity authorized by the permit.

§ 13.26 Discontinuance of permit activity.

When a permittee, or any successor to a permittee as provided for by § 13.24, discontinues activities authorized by a permit, the permittee shall within 30 calendar days of the discontinuance return the permit to the issuing office together with a written statement surrendering the permit for cancellation. The permit shall be deemed void and cancelled upon its receipt by the issuing office. No refund of any fees paid for issuance of the permit or for any other fees or costs associated with a permitted activity shall be made when a permit is surrendered for cancellation for any reason prior to the expiration date stated on the permit face.

§ 13.27 Permit suspension or revocation.

The privilege of exercising some or all permit authority may be suspended, or a permit may be revoked at any time prior to expiration of the permit.

(a) *Criteria for suspension.* A permit may be suspended for any of the following reasons:

(1) Change in the statute or regulations authorizing the permit; or,

(2) Change in the population status of the wildlife or plants that are the subject of the permit; or,

(3) Violation of any permit condition by a permittee, or any person exercising the authority of the permit, including failure to pay in full all fees associated with the permit or the permitted activity; or

(4) Any violation by the permittee, or any person exercising the authority of the permit, of any Federal or State statute or regulation governing conduct of activities with respect to the wildlife or plants that are the subject of the permit.

(b) *Criteria for revocation.* A permit may be revoked for the following reasons:

(1) Change in the statute or regulation authorizing the permit; or

(2) Change in the population status of the wildlife or plant that are the subject of the permit; or

(3) Conviction, entry of a plea of guilty or nolo contendere, or assessment of a civil or criminal penalty for a violation of any Federal or State statute or regulation governing conduct of activities with respect to the wildlife or plants that are the subject of the permit; or

(4) The permittee becomes disqualified under § 13.21(c) of this part.

(c) *Procedure for suspension of revocation.* (1) When there are grounds for suspending or revoking a permit the issuing official shall serve the permittee with a written notice of proposed suspension or revocation by certified or registered mail. This notice shall identify the permit to be suspended or revoked, the reason(s) for such suspension or revocation, the proposed disposition of the wildlife, if any, and inform the permittee of the right to object to the proposed action. Such notice of proposed suspension or revocation may be amended at any time by the issuing official.

(2) Upon receipt of a notice of proposed revocation or suspension the permittee may file a written objection to the proposed action. Such objection must be in writing, must be filed within 30 calendar days of the date of the notice of proposal, must state the reasons why the permittee objects to the proposed action, and may include any supporting documentation.

(3) A decision on the revocation or suspension shall be made within 45 days after the end of the objection period, and issuing office shall notify the permittee in writing of its decision and the reasons therefor, together with the information concerning the right to request reconsideration and the procedures for requesting reconsideration.

§ 13.28 Review procedures.

(a) *Request for reconsiderotion.* Any person may request reconsideration of an action under this part if that person is one of the following:

(1) An applicant for a permit who has received written notice of denial;

(2) An applicant for renewal of a permit who has received written notice that a renewal is denied;

(3) A permittee who has had a permit amended, suspended, or revoked, except for those actions which are required by changes in statutes or regulations, or are emergency changes of limited applicability for which an expiration date is set within 90 days of the date of the permit change; or

(4) A permittee who has a permit issued or renewed but has not been granted authority by the permit to perform all activities requested in the application, except when the activity requested is one for which there is no lawful authority to issue a permit.

(b) *Method of requesting reconsideration.* Any person requesting reconsideration of an action under this part must comply with the following criteria:

(1) Any request for reconsideration shall be in writing, signed by the person requesting reconsideration or by the legal representative of that person, and shall be submitted to the issuing office.

(2) The request for reconsideration shall be submitted to the issuing office and must be received by that office within 45 calendar days of the date of notification of the decision for which reconsideration is being requested.

(3) The request for reconsideration shall state the decision for which reconsideration is being requested and shall state the reason(s) for the reconsideration, including presenting any new information or facts pertinent to the issue(s) raised by the request for reconsideration.

(4) The request for reconsideration shall contain a certification in substantially the same form as that provided by § 13.12(a)(5). If a request for reconsideration is received that does not contain such certification, but is

otherwise timely and appropriate, it shall be held and the person submitting the request shall be given written notice of the need to submit the certification within 15 calendar days of the date of such notification. Failure to submit certification shall result in the request being rejected as insufficient in form and content.

(c) *Inquiry by the Service.* The Service may institute a separate inquiry into the matter under consideration.

(d) *Determination to grant or deny a request for reconsideration.* A decision shall be made within 45 calendar days of receipt of the request for reconsideration, and the issuing office shall notify the permittee in writing of its decision and the reasons therefore, together with the information concerning the right to appeal and the procedures for making an appeal.

(e) *Appeal.* A person who has received an adverse decision following submission of a request for reconsideration, and who objects to that adverse decision, may submit a written appeal to the Regional Director for the region in which the issuing office is located, or to the Director for offices which report directly to the Director, within 15 calendar days of notification of the decision. The appeal shall state the reason(s) and issue(s) upon which the person bases the appeal and contain any additional evidence or arguments to support the appeal.

(f) *Decision on appeal.*

(1) Before a decision is made concerning the appeal the appellant may present oral arguments before the Regional Director or the Director, if appropriate, if such official judges oral arguments necessary to clarify issues raised in the written record.

(2) A written decision setting forth the decision and the reasons for the decision on the appeal shall be made within 60 calendar days of the date the appeal is received, unless extended for good cause and the appellant is notified in writing.

(3) The decision of the Regional Director or the Director shall constitute the final administrative decision of the Department to the Interior."

9. Revise § 13.41 to read as follows:

§ 13.41 Humane conditions.

Any live wildlife possessed under a permit must be maintained under humane conditions.

§ 13.46 [Amended]

10. Section 13.46 *Maintenance of records* is amended to remove the third and fourth sentences and substitute a sentence reading as follows: "Such records shall be legibly written or reproducible in English and shall be maintained for five years from the date of expiration of the permit."

11. Sections 13.48, 13.49, and 13.50 are added to read as follows:

§ 13.48 Compliance with conditions of permit

Any person holding a permit under Subchapter B and any person acting under the authority of such permit must comply with all conditions of the permit and with all applicable laws and regulations governing the permitted activity.

§ 13.49 Surrender of permit.

Any person holding a permit under Subchapter B shall surrender such permit to the issuing office upon notification that the permit has been suspended or revoked by the Service.

§ 13.50 Acceptance of liability.

Any person holding a permit under Subchapter B assumes all liability and responsibility for the conduct of any activity conducted under the authority of such permit.

Subpart E [Removed]

12. Subpart E—Violations of the permit, consisting of § 13.51, is removed.

PART 21—MIGRATORY BIRD PERMITS

1. The authority citation for Part 21 is revised to read as follows:

Authority: 16 U.S.C. 704; 16 U.S.C. 712.

2. Section 21.1 is revised to read as follows:

§ 21.1 Purpose of regulations.

The regulations contained in this Part supplement the general permit regulations of Part 13 of this subchapter with respect to permits for the taking, possession, transportation, sale, purchase, barter, importation, exportation, and banding or marking, of migratory birds. This part also provides certain exceptions to permit requirements for public, scientific, or educational institutions, and establishes depredation orders which provide limited exceptions to the Migratory Bird Treaty Act (16 U.S.C. 703–711).

3. Section 21.2 is amended by revising paragraph (a) as follows, and removing paragraph (d).

§ 21.2 Scope of regulations.

(a) Migratory birds, their parts, nests, or eggs, lawfully acquired prior to the effective date of Federal protection under the Migratory Bird Treaty Act (16 U.S.C. 703–711) may be possessed or transported without a permit, but may not be imported, exported, purchased, sold, bartered, or offered for purchase, sale, or barter, and all shipments of such birds must be marked as provided by Part 14 of this subchapter: *Provided,* No exemption from any statute or regulation shall accrue to any offspring of such migratory birds.

* * * * *

4. Section 21.3 is amended by adding, alphabetically, to its existing language the following definition of "sensitive raptor":

§ 21.3 Definitions.

* * * * *

"Sensitive raptor" means any migratory bird of the species *Falco peregrinus* (peregrine falcon), *Falco rusticolus* (gyrfalcon), *Parabuteo unicinctus* (Harris hawk), or *Falco mexicanus* (prairie falcon), or any individual of any interspecific hybridization when one or both parents is of any of the above species or is a hybrid or offspring of one or more of the above species."

5. Section 21.11 is revised to read as follows:

§ 21.11 General permit requirements.

No person shall take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase or barter, any migratory bird, or the parts, nests, or eggs of such bird except as may be permitted under the terms of a valid permit issued pursuant to the provisions of this part and Part 13, or as permitted by regulations in this part or Part 20 (the hunting regulations).

6. Section 21.12 is amended by revising the last sentence of paragraph (b) to read as follows:

§ 21.12 General exceptions to permit requirements.

* * * * *

(b) * * * Records shall be maintained or reproducible in English on a calendar year basis and shall be retained for a period of five (5) years following the end of the calendar year covered by the records.

7. Add new § 21.21 to read as follows:

§ 21.21 Import and export permits.

(a) *Permit requirement.* (1) Except for migratory game birds imported in accordance with the provisions of Subpart G of Part 20 of this Subchapter B, an importation permit is required before any migratory birds, their parts, nests, or eggs may be imported.

(2) An exportation permit is required before any migratory birds, their parts, nests, or eggs may be exported: *Provided,* that captive-reared waterfowl that are marked in compliance with the provisions of § 21.13(b) may be exported without a permit.

(b) *Application procedures.* Applications for permits to import or export migratory birds shall be submitted to the appropriate issuing officer (see §§ 10.22 and 13.11(b) of this subchapter). Each such application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following additional information:

(1) Whether importation or exportation is requested;

(2) Species and numbers of migratory birds or their parts, nests, or eggs to be imported or exported;

(3) Name and address of the person from whom such birds are being imported or to whom they are being exported;

(4) Purpose for which importation or exportation is being made;

(5) Estimated date of arrival or departure of shipment, and the port of entry or exit through which the shipment will be imported or exported; and

(6) Federal and State permit numbers and type of permits authorizing possession, acquisition, or disposition of such birds, their parts, nests, or eggs where such a permit is required.

(c) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, import and export permits shall be subject to any requirements set forth in the permit.

(d) *Term of permit.* The term of an import or export permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

8. Section 21.22 is amended as follows:

a. In paragraph (b) revise the zip code to read "20708."

b. In paragraph (c)(1) revise the reference to "Bureau" to read "Service".

c. In paragraph (c)(2) revise the zip code to read "20708."

d. Paragraph (d) is revised to read as set out below:

§ 21.22 Banding or marking permits.

* * * * *

(d) *Term of permit.* A banding or marking permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

9. Section 21.23 is amended as follows:

a. In paragraph (b) introductory text, review the reference to "Special Agent in Charge" to read "issuing office".

b. Paragraph (d) is revised to read as set out below:

§ 21.23 Scientific collecting permits

* * * * *

(d) *Term of permit.* A scientific collecting permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

10. Section 21.24 is amended as follows:

a. In paragraph (b) introductory text, revise the reference to "Special Agent in Charge" to read "issuing office".

b. Paragraph (e) is revised to read as set out below:

§ 21.24 Taxidermist permits.

* * * * *

(e) *Term of permit.* A taxidermist permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

11. Section 21.25 is amended as follows:

a. In paragraph (b) introductory text, revise the reference to "Special Agent in Charge" to read "issuing office".

b. Paragraph (d) is revised to read as set out below:

§ 21.25 Waterfowl sale and disposal permits.

* * * * *

(d) *Terms of permit.* A waterfowl sale and disposal permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

12. Section 21.27 is amended as follows:

a. Revise the introductory text and paragraph (a) as set out below.

b. In paragraph (b) introductory text, revise the reference to "Special Agent in Charge" to "issuing office".

c. Paragraphs (c) introductory text and (c)(1) are revised as set out below.

d. Paragraphs (c)(3), (4), (5) and (6) are added as set out below.

e. Paragraph (d) is revised as set out below.

§ 21.27 Special purpose permits.

Subject to the discretion of the issuing office and the policies of the Service, permits may be issued for special purpose activities related to migratory birds, their parts, nests or eggs, which are otherwise outside the scope of the standard form permits of this part. A special purpose permit for migratory bird related activities not otherwise provided for in this part may be issued to an applicant who submits a written application containing the general information and certification required by Part 13 and makes a sufficient showing of benefit to the migratory bird resource, important research reasons, reason for human concern for individual birds, or other compelling justification.

(a) *Permit requirement.* A special purpose permit is required before any person may lawfully take, salvage, otherwise acquire, transport, or possess migratory birds, their parts, nests or eggs for any purpose not covered by the standard form permits of this part. In addition, a special purpose permit is required before any person may sell, purchase, or barter captive-bred, migratory game birds, other than waterfowl, that are marked in compliance with paragraph (c)(3) of this section.

* * * * *

(c) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, special purpose permits shall be subject to the following conditions:

(1) Permittees shall maintain adequate records describing the conduct of the permitted activity, the numbers and species of migratory birds acquired and disposed of under the permit, and inventorying and identifying all migratory birds held on December 31 of each calendar year. Records shall be maintained at the address listed on the permit; shall be in, or reproducible in, English; and, shall be available for inspection by Service personnel during regular business hours. A permittee may be required by the terms of the permit to file with the issuing office an annual report of operation. Annual reports, if required, shall be filed no later than January 31 of the calendar year following the year for which the report is required. Reports, if required, shall describe permitted activities, numbers and species of migratory birds acquired and disposed of, and shall inventory and identify all migratory birds possessed under the special purpose permit on December 31 of the reporting year.

* * * * *

(3) All live, captive-bred, migratory game birds possessed under authority of a valid special purpose permit shall have been, prior to six (6) weeks of age, physically marked by banding of one metatarsus with a seamless metal band.

VOL 52 ISS 248 DEC 28 1987 UMI

(4) No captive-bred, migratory game bird may be sold or bartered unless marked in accordance with paragraph (c)(3) of this section.

(5) No permittee may take, purchase, receive or otherwise acquire, sell, barter, transfer, or otherwise dispose of any captive-bred, migratory game bird unless such permittee submits a Service form 3-186A (Migratory Bird Acquisition/Disposal Report), completed in accordance with the instructions on the form, to the issuing office within five (5) calendar days of such transaction.

(6) No permittee, who is authorized to sell or barter migratory game birds pursuant to a permit issued under this section, may sell or barter such birds to any person unless that person is authorized to purchase and possess such migratory birds under a permit issued pursuant to this part and Part 13 or as permitted by regulations in this part.

(d) *Term of permit.* A special purpose permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

13. Section 21.28 is revised to read as follows:

§ 21.28 Falconry Permits.

(a) *Permit requirements.* A falconry permit is required before any person may take, possess, transport, sell, purchase, barter, or offer to sell, purchase, or barter raptors for falconry purposes.

(b) *Application procedures.* A applicant who wishes to practice falconry in a State which meets Federal falconry standards as provided by § 21.29 must submit a written application for a falconry permit to the issuing office designated by § 13.11(b) of this subchapter. Each application must contain the general information and certification required by § 13.12(a) of this subchapter plus a copy of a valid State falconry permit issued to the applicant.

(c) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (b) of this section, the Director will decide whether a permit should be issued. In making a decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, whether the applicant has a valid State falconry permit issued by a State in conformance with the Federal falconry standards set out in § 21.29.

(d) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) A permittee may not take, transport or possess a golden eagle (*Aquila chrysaetos*) unless authorized in writing under § 22.24 of this subchapter.

(2) A permit issued under this section is not valid unless the permittee has a valid State falconry permit issued by a State which has laws or regulations that meet or exceed the Federal falconry standards set forth in § 21.29.

(3) A permittee may not take, possess, transport, sell, purchase, barter or transfer any raptor for falconry purposes except under authority of a Federal falconry permit issued under this section and in compliance with the Federal falconry standards set forth in § 21.29.

(4) No permittee may take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless such permittee submits a form 3-186A (Migratory Bird Acquisition/Disposal Report), completed in accordance with the instructions on the form, to the issuing office within five (5) calendar days of any such transaction.

(5) No raptor may be possessed under authority of a falconry permit unless the permittee has a properly completed form 3-186A for each bird possessed, except as provided in paragraph (d)(4) of this section.

(6) A raptor possessed under authority of a falconry permit may be temporarily held by a person who is otherwise authorized to possess raptors, other than the permittee, only if the raptor is accompanied at all times by the properly completed form 3-186A designating the permittee as the possessor of record and a signed, dated statement from the permittee authorizing the temporary possession.

(7) A permittee may not take, possess, or transport any sensitive raptor unless such bird is banded either by a seamless, numbered band or by a permanent, nonreuseable band provided by the Service:

(i) Any sensitive raptor taken from the wild must be reported to the issuing office within five (5) days of taking and must be banded by a permanent, nonreuseable band supplied by the Service. No raptor removed from the wild may be banded with a seamless, numbered band.

(ii) The loss or removal of any band must be reported to the issuing office within three (3) calendar days of the loss. The lost band must be replaced by a permanent, nonreuseable band supplied by the Service. A form 3-186A must be filed in accordance with paragraph (d)(4) of this section recording loss of the band and rebanding.

(8) A permittee may not sell, purchase, barter, or offer to sell, purchase, or barter any raptor unless the raptor is marked on the metatarsus by a seamless, numbered band supplied by the Service.

(9) A permittee may not receive or otherwise acquire from, may not transfer or otherwise dispose of to, and may not loan to or temporarily place with, another person, any raptor unless that person is authorized to acquire, possess, and dispose of such raptors under a valid permit issued pursuant to this part and Part 13 or as permitted by regulations in this part.

(10) A permittee may not propagate raptors without prior acquisition of a valid raptor propagation permit issued under § 21.30.

(e) *Term of permit.* A Federal falconry permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed (3) years from the date of issuance or renewal.

14. Section 21.29 is amended as follows.

a. Paragraph (a) is revised as set out below.

b. Paragraph (c) is removed and paragraph (d) is redesignated as paragraph (c) and revised as set out below.

c. Paragraph (e) is redesignated as paragraph (d).

d. A new paragraph (e) is added as set out below.

e. Paragraphs (f), (g) and (h) are removed.

f. Paragraphs (i) and (j) are redesignated as paragraphs (f) and (g).

g. Newly redesignated paragraph (g)(4) is revised as set out below.

h. Paragraph (k) is removed.

§ 21.29 Federal falconry standards.

(a) *General.* No person may take, possess, transport, sell, purchase, barter, or offer to sell, purchase, or barter any raptor for falconry purposes in any State which does not allow the practice of falconry by law or regulations which meet or exceed the Federal falconry standards set forth in this section: *Except,* a Federal falconry permittee may possess and transport for falconry purposes otherwise lawfully possessed raptors through States which do not meet Federal falconry standards so long as the raptors remain in transit and in interstate commerce.

* * * * *

(c) *Permit.* State laws or regulations shall provide that a valid State falconry permit from either that State or another State meeting or exceeding Federal falconry standards of this section is required before any person may take, possess, transport, sell, purchase, barter or offer to sell, purchase, or barter any raptor for falconry purposes or practice falconry in that State.

* * * * *

(e) *Marking.* All sensitive raptors possessed for purposes of falconry, must be marked in accordance with the following provisions:

(1) Any sensitive raptor, except a captive-bred raptor lawfully marked by a numbered, seamless band issued by the Service, must be banded by a permanent, nonreuseable, numbered band issued by the Service.

(2) Any sensitive raptor possessed for purposes of falconry must be banded at all times in accordance with these standards. Loss or removal of any band must be reported to the issuing office within three (3) calendar days of the loss and must be replaced with a permanent, nonreuseable, numbered band supplied by the Service.

* * * * *

(g) * * *

(4) A raptor possessed under authority of a falconry permit may be temporarily held by a person who is otherwise authorized to posses raptors, other than the permittee, only if the raptor is accompanied at all times by the properly completed form 3-186A designating the permittee as the possessor of record and a signed, dated statement from the permittee authorizing the temporary possession.

* * * * *

15. Section 21.30 is amended as follows:

a. Paragraph (a) is revised as set out below.

b. Paragraph (d)(1) is removed and paragraphs (d)(2) through (d)(5) are redesignated as paragraphs (d)(1) through (d)(4).

c. Newly redesignated paragraph (d)(2) is revised as set out below.

d. Paragraph (d)(3)(iii) is added.

e. A new paragraph (d)(5) is added.

f. Paragraph (d)(6) is revised.

g. Paragraphs (d)(7) through (d)(11) are redesignated as (d)(11) through (d)(15).

h. New paragraphs (d)(7) through (d)(10) are added.

i. Newly redesignated paragraph (d)(13)(i) is amended by adding, following the word "Director" in each place it appears, the phrase "and the director of the wildlife conservation department of the State in which release to the wild is proposed".

j. Paragraph (e) is revised as set out below.

§ 21.30 Raptor propagation permits.

(a) *Permit requirement.* A raptor propagation permit is required before any person may take, possess, transport, sell, purchase, barter, or offer to sell, purchase or barter any raptor, raptor egg, or raptor semen for propagation purposes.

* * * * *

(d) * * *

(2) *Marking requirement.* Unless otherwise specifically exempted, every raptor possessed for purposes of raptor propagation, including all progeny produced pursuant to the permitted activity, must be banded in accordance with the following provisions:

(i) Except for captive-bred raptors lawfully marked by a seamless, numbered band provided by the Service, any raptor possessed for purposes of raptor propagation, shall be banded with a permanent, nonreuseable, numbered band issued by the Service.

(ii) Unless specifically exempted by the terms of the raptor propagation permit, each captive-bred raptor produced under authority of a raptor propagation permit shall be banded within two (2) weeks of hatching with a numbered, seamless band provided by the Service, placed on the raptor's leg (metatarsus). In marking captive-bred raptors, permittees:

(A) Shall used a band with an opening (inside diameter) which is small enough to prevent its removal when the raptor is fully grown without causing serious injury to the raptor or damaging the band's integrity or one-piece construction;

(B) May band a raptor with more than one size band when the potential diameter of the raptor's leg at maturity cannot be determined at the time of banding; and,

(C) Shall remove all but one band from any raptor with more than one band before the raptor is five (5) weeks of age and return all bands removed to the issuing office.

(iii) No raptor taken from the wild, produced from an egg taken from the wild, or produced from an egg from any source other than bred in captivity under authority of a raptor propagation permit may be banded with a numbered, seamless band issued by the Service.

(iv) No permittee under this section may band any raptor with any band issued or authorized by the Service unless that raptor is lawfully possessed by the permittee.

(3)* * *

(iii) No raptor or raptor egg may be taken from the wild except in accordance with State law.

* * * * *

(5) *Use of Service form 3-186A.* No permittee may take, purchase, receive, or otherwise acquire, sell, trade, barter, transfer, or otherwise dispose of any raptor unless such permittee submits a form 3-186A (Migratory Bird Acquisition/Disposal Form), completed in accordance with the instructions on the form, to the issuing office within five (5) calendar days of any such transaction.

(6) *Documentation of lawful possession.* No raptor may be possessed under authority of a raptor propagation permit unless the permittee has in possession a properly signed and completed form 3-186A to demonstrate lawful acquisition of each raptor possessed, except as provided in paragraph (d)(5) of this section.

(7) *Temporary possession.* A raptor possessed under authority of a raptor propagation permit may be temporarily held by a person who is otherwise authorized to possess raptors, other than the permittee, only if the raptor is accompanied at all times by the properly completed form 3-186A designating the permittee as the possessor of record and a signed, dated statement from the permittee authorizing the temporary possession.

(8) *Sale, purchase, barter.* A permittee may not sell, purchase, barter, or offer to sell, purchase, or barter any raptor unless such raptor is lawfully marked on the metatarsus by a seamless, numbered band supplied by the Service.

(9) *Transfer to another.* A permittee may not receive or otherwise acquire from, may not transfer or otherwise dispose of to, and may not loan to or temporarily place with, another person, any raptor unless the person is authorized under this part to dispose of or receive raptors.

(10) *Use in falconry.* A permittee may use a raptor possessed for propagation in the sport of falconry only if such use is designated in both the propagation permit and the permittee's falconry permit.

* * * * *

(e) *Term of permit.* A raptor propagation permit issued or renewed under this Part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

Dated: September 29, 1987.

William P. Horn,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-29539 Filed 12-24-87; 8:45 am]

BILLING CODE 4310-55-M

VOL
52
ISS
248
DE
28
1987
UMI

Reader Aids

Federal Register
Vol. 52, No. 248
Monday, December 28, 1987

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

45597–45800.....1
45801–45934.....2
45935–46050.....3
46051–46342.....4
46343–46444.....7
46445–46584.....8
46585–46730.....9
46731–46982.....10
46983–47364.....11
47365–47544.....14
47545–47686.....15
47687–47890.....16
47891–48078.....17
48079–48178.....18
48179–48390.....21
48391–48510.....22
48511–48660.....23
48661–48792.....24
48793–48958.....28

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5748.....46729
5749.....46731
5750.....46733
5751.....46735
5752.....47365, 47545

Executive Orders:
12462.....48179
12543 (See Notice of Dec. 15, 1987).....47891
12591 (Amended by 12618).....48661
12616.....46730
12617.....48179
12618.....48661
12619.....48663

Administrative Orders:
Notices:
Dec. 15, 1987.....47891
Statements:
Dec. 7, 1987.....46728

4 CFR

21.....46445

5 CFR

351.....46051
540.....46051
551.....47687
831.....47893
870.....46343
874.....46343
1201.....47547
1204.....45597
1600.....45801
1605.....46314

Proposed Rules:
330.....48824
332.....48824

7 CFR

6.....48079
7.....48511
8.....47660
21.....48015
301.....45597, 47367, 47688, 48181
319.....46052, 47372
352.....47373, 48905
401.....45598–45604
413.....47375
422.....48182
423.....45805, 47376
431.....47376
432.....47377
770.....45606
907.....46060, 46737, 46983, 48080, 48793
908.....46737
910.....46061, 46984, 48080, 48794
911.....46344
915.....46344
966.....46345
981.....45607, 45609
1002.....48794
1004.....48794
1434.....48081
1736.....48795
1900.....45806, 46348
1924.....48391, 48799
1942.....47097
1944.....45807, 48391
1955.....48519
1956.....46348, 47688

Proposed Rules:
52.....46486
318.....48272
401.....45830
735.....47009
905.....46366
959.....46366, 48828
966.....47576
971.....46366
979.....48827
985.....46600
987.....46366
1951.....45638

8 CFR

212.....48082, 48799
214.....48082
238.....48082
245.....48082
248.....48082
299.....48082
316a.....46738

Proposed Rules:
3.....46776
109.....46092
208.....46776
236.....46776
242.....46776
253.....46776

9 CFR

78.....47378
85.....45935
92.....45611, 47548
303.....48084
381.....48084

Proposed Rules:
145.....47014
147.....47014
316.....45639
350.....45639

10 CFR

30.....48092
40.....48092
70.....48092
1039.....48015

Proposed Rules:
Ch. I 47398
2 48447
35 47726
61 47398
62 47578
430 ..... 46367, 47549
1035 48693
1036 48693

12 CFR
4 46061
204 ..... 46450, 47689
208 46984
217 47689
220 48804
226 ..... 45611, 48665
265 48804
304 48183
337 47379
574 48519
611 48093
614 ..... 46151, 48673
624 48673
706 46585
Proposed Rules:
202 47589
205 47591
210 47112
226 ..... 47592, 48702, 48707
229 47112
332 48447
701 ..... 46601, 47014

13 CFR
102 47699
125 48391
Proposed Rules:
121 47937

14 CFR
21 46348
25 46348
39 ..... 45612–45614, 45808–45810, 46064–46067, 46452, 46739, 46985–46995, 47387, 47551, 47702–47704, 47990, 48184–48187, 48392, 48673, 48905
71 ..... 45615, 45616, 46556, 46740–46742, 46995–46997, 47304, 47308, 47676, 48191, 48393, 48522, 48806
75 47677
91 47672
97 ..... 45617, 46743, 48394
108 48508
121 ..... 45910, 47991
129 48508
135 ..... 45910, 47991
234 48395
255 48395
1208 48015
1213 45935
1221 45811
Proposed Rules:
Ch. I 45831
39 ..... 45640, 45642, 45831, 46094, 46776, 47015, 47016, 47399–47401, 47943–47946, 48274, 48542, 48829
43 47680
71 ..... 45644, 46778, 46779, 47017–47020, 47402, 47727, 48274, 48448, 48449, 48484, 48715
73 ..... 47021, 48274
91 47680

15 CFR
11 48015
371 ..... 45618, 48522
372 48808
374 45618
385 46886
387 48808
388 48808
399 ..... 46886, 47388, 48522, 48523, 48808
801 46587
Proposed Rules:
18 47597

16 CFR
6 45619
13 45937
305 46888
1015 45631
1608 48810
Proposed Rules:
13 ..... 45645, 45970, 45972, 48276, 48543
453 46706
455 48908
500 48716
1016 47599
1700 48450

17 CFR
1 ..... 46070, 47705
30 48811
200 48191
211 ..... 46454, 48193
274 46350
Proposed Rules:
34 47022
240 48125

18 CFR
2 ..... 47897, 47914, 48398
4 48398
11 48398
154 48407
157 47897
270 48407
271 46072
273 48407
284 47914
375 ..... 48398, 48407
380 47897
381 48407
389 45823
1306 48015
1312 47720
Proposed Rules:
1310 47728

19 CFR
Proposed Rules:
4 ..... 46602, 48194
6 48833
101 47908
113 48833
128 47729
143 47729
177 47601

20 CFR
355 47705
404 47914
Proposed Rules:
365 47601
614 46604

21 CFR
74 45938
176 46968
184 ..... 47918, 48905
333 ..... 47312, 48792
369 ..... 47312, 48792
520 ..... 48094, 48674
558 48095
862 48623
Proposed Rules:
182 46968
352 46095

22 CFR
302 47714
502 47991
Proposed Rules:
502 47029
1506 46779

23 CFR
Proposed Rules:
625 47403
635 45645

24 CFR
200 48197
203 48197
204 48197
213 48197
220 48197
221 48197
222 48197
226 48197
227 48197
235 48197
237 48197
240 48197
888 48205
3280 47552
Proposed Rules:
42 47953
43 47953
236 48276
813 46614
840 48792
841 48792
885 46614
888 48278

25 CFR
Proposed Rules:
177 46781

26 CFR
1 ..... 47554, 48407, 48524
18 48524
31 45632
35a 46075
54 46747
602 ..... 46075, 46747, 47554, 48407
Proposed Rules:
1 ..... 45835, 47609, 48452, 48546
18 48546
48 45901
54 46782
602 ..... 46782, 47609

27 CFR
9 46589
19 47557
25 47557
47 48096
240 47557
250 ..... 46592, 47557
270 47557
275 47557
285 47557
Proposed Rules:
9 48279
250 46628

28 CFR
Ch. VII 48097
2 ..... 46596, 47921
549 48068
Proposed Rules:
16 48279
701 47406

29 CFR
12 48015
19 48419
22 48492
103 48534
1613 48263
1910 ..... 46075, 46168
1915 46075
1917 46075
1918 46075
1926 ..... 46075, 46168
1928 46075
1952 48103
2613 47561
2617 47561
2619 ..... 47561, 47562, 48905
2621 47563
2676 47564
Proposed Rules:
103 47029
1910 47097

30 CFR
779 47352
780 47352
783 47352
784 ..... 45920, 47352
816 47352
817 ..... 45920, 47352
913 48421
935 46597
942 47716
Proposed Rules:
904 47411
934 48835
935 ..... 46377, 46379, 46783, 48125
952 46095
953 46097

31 CFR
316 48422
342 48422
351 ..... 46455, 48422
Proposed Rules:
0 45648

32 CFR
40a 48431
41 46997
209 47389
229 47720
259 48015
536 45938
706 ..... 46080, 47922
811 48675

811a 48681
1900 46456
2003 48367
Proposed Rules:
199 ..... 46096, 47029
285 48452
1636 47949
1656 47949

2 CFR
6 46351
95 47526
100 46351
110 46760
117 ..... 46081, 47391, 47923, 48263
146 47526
150 47526
160 48264
165 ..... 46351, 47924, 48811
173 47526
177 47526
Proposed Rules:
117 48717
140 48717
143 48717
146 48717
165 ..... 45973, 47413
179 47950

34 CFR
15 48015
668 ..... 45712, 46353
674 45738
675 45738
676 45738
690 45712
Proposed Rules:
251 47951
333 46720
776 47538
778 46784
790 46785

36 CFR
296 47720
904 48015
1155 47717
Proposed Rules:
1150 48546
1202 48280
1258 48280

37 CFR
Proposed Rules:
304 45664

38 CFR
4 46439
8a 48681
21 45633
25 48015
Proposed Rules:
21 46494

39 CFR
111 ..... 48436, 48683
224 46998
225 46998
226 46998
227 46998
228 46998
229 46998
777 ..... 48029, 48812
Proposed Rules:
111 48281

40 CFR
4 48015
52 ..... 45634, 45958, 45959, 46463, 46762, 46764, 47392, 47565, 47566, 47925, 48265, 48535, 48812, 48813
60 47826
81 ..... 46081, 46465
82 47486
85 46354
86 47858
123 45823
144 ..... 45788, 46946
180 ..... 45824, 46019, 46598, 47990, 48536–48539
260 46946
264 ..... 45788, 46946
265 45788
270 ..... 45788, 46946
271 ..... 45634, 45788, 46466
355 48072
600 47858
716 47990
Proposed Rules:
35 46712
52 ..... 46495, 46786, 47610, 48285, 48837
60 47032
62 46380
80 47032
82 47489
86 47032
160 48920
180 ..... 47733, 47734
228 ..... 48838, 48841
280 48638
281 48638
600 47032
721 46496
763 48286
792 48933

41 CFR
12–60 48630
101–6 45926
101–7 ..... 45825, 48685
101–38 48540
101–44 47393
101–47 46467
105–51 48015
105–55 46468
114–50 48015
128–18 48015
201–1 46468
201–2 46468
201–23 46468
201–24 46468
Proposed Rules:
101–41 48547

42 CFR
124 ..... 46022, 48362
401 48112
405 48112
408 48112
417 47003
431 47926
435 ..... 47926, 48438
436 48438
440 47926
441 47926
455 48814
466 47003
476 47003
Proposed Rules:
405 47990
409 48127
410 48127
416 48127
421 48127
433 48290
435 47414
436 47414
441 48127
442 47990
488 47990
489 ..... 47990, 48127

43 CFR
4 ..... 46355, 47097
7 47720
3420 46469
3460 46469
3560 48124
Proposed Rules:
3450 46499

44 CFR
25 48015
64 ..... 44685, 48818
65 46501
67 46505
Proposed Rules:
67 ..... 46787, 47611

45 CFR
15 48015
206 45687
233 45687
1100 48265
Proposed Rules:
233 47420
1803 48297

46 CFR
4 47526
5 47526
26 47526
35 47526
78 47526
97 47526
109 47526
167 47526
185 47526
196 47526
197 47526
560 45960
586 46356
Proposed Rules:
38 45665
42 47422
44 47422
45 47422
54 45665
69 46103
98 45665
151 45665
170 47422
174 47422
249 48077
503 45835
572 46501
588 46505

47 CFR
15 45961
25 45636
73 ..... 45636, 45963–45965, 46598, 46599, 47004, 47567, 47722–47724, 47935, 48268, 48438, 48439, 48689, 48690, 48819
74 47567
76 ..... 45961, 46363
80 48439
90 47569
Proposed Rules:
1 ..... 46628, 48725, 48843
2 48844
15 47615
22 48844
43 ..... 46628, 48843
64 47951
65 48727
73 ..... 45974, 45975, 46629–46631, 47032, 47033, 47735, 47736, 48130–48133, 48728, 48844, 48845
80 45665

48 CFR
Ch. 63 48630
232 47005
519 47398
532 47005
552 47005
553 47006
819 46082
1801 46765
1805 46765
1807 46765
1808 46765
1809 46765
1812 46765
1813 46765
1815 46765
1827 46765
1830 46765
1831 46765
1832 46765
1836 46765
1837 46765
1852 ..... 46765, 47935
1853 46765
2401 47395
2402 47395
Proposed Rules:
31 46043
228 48549
245 47427
252 48549
508 48729
553 48729
1033 48729
1409 48301
1415 48301
1452 48301
2409 46560
2412 46560
2413 46560
2415 46560
2416 46560
2417 46560
2424 46560
2427 46560
2432 46560
2434 46560
2437 46560
2442 46560
2446 46560
2451 46560
2452 46560
2453 46560
2470 46560
5215 48550
5252 48550
5706 47033

43 CFR

1 ..... 46364, 46478, 47007, 47097
24 47994
25 48015
571 ..... 46479, 46480, 48690
1002 46481
1007 46481
1011 ..... 45636, 46773, 48440
1052 45966
1103 46481
1150 46481
1152 ..... 45636, 46773, 48440
1160 ..... 45827, 46481
1162 46481
1169 46481
1171 46481
1177 46481
1180 46481
1182 46481

Proposed Rules:

17 ..... 46510, 46511
24 45667
383 47326
701 46381

50 CFR

14 46019
17 ..... 46083, 46085
20 46087
23 48820
80 47571
611 ..... 45966, 46484, 48362
642 47724
649 46088
650 46485
652 47008
672 48691
675 ..... 45966, 46484, 48362
681 47572

Proposed Rules:

13 48948
17 ..... 45976, 46106, 46334, 46336, 48552
20 47428
21 ..... 47428, 48948
253 47990
611 48303
655 47034
658 47615
663 45668
672 48303
675 48303

LIST OF PUBLIC LAWS

Last List December 24, 1987

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030)

H.R. 2325/Pub. L. 100-201

To authorize the acceptance of a donation of land for addition to Big Bend National Park, in the State of Texas. (Dec. 22, 1987; 101 Stat. 1328; 1 page) Price: $1.00

H.J. Res. 395/Pub. L. 100-202

Making further continuing appropriations for the fiscal year 1988, and for other purposes. (Dec. 22, 1987; 101 Stat. 1329)

H.R. 3545/Pub. L. 100-203

Omnibus Budget Reconciliation Act of 1987. (Dec. 22, 1987; 101 Stat. 1330)

H.R. 1777/Pub. L. 100-204

Foreign Relations Authorization Act, Fiscal Years 1988 and 1989. (Dec. 22, 1987; 101 Stat. 1331; 102 pages) Price: $3.00

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $595.00 domestic, $148.75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, DC 20402. Charge orders (VISA, MasterCard, CHOICE, or GPO Deposit Account) may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$9.00	Jan. 1, 1987
3 (1986 Compilation and Parts 100 and 101)	11.00	[1] Jan. 1, 1987
4	14.00	Jan. 1, 1987
5 Parts:		
1-1199	25.00	Jan. 1, 1987
1200-End, 6 (6 Reserved)	9.50	Jan. 1, 1987
7 Parts:		
0-45	25.00	Jan. 1, 1987
46-51	16.00	Jan. 1, 1987
52	23.00	Jan. 1, 1987
53-209	18.00	Jan. 1, 1987
210-299	22.00	Jan. 1, 1987
300-399	10.00	Jan. 1, 1987
400-699	15.00	Jan. 1, 1987
700-899	22.00	Jan. 1, 1987
900-999	26.00	Jan. 1, 1987
1000-1059	15.00	Jan. 1, 1987
1060-1119	13.00	Jan. 1, 1987
1120-1199	11.00	Jan. 1, 1987
1200-1499	18.00	Jan. 1, 1987
1500-1899	9.50	Jan. 1, 1987
1900-1944	25.00	Jan. 1, 1987
1945-End	26.00	Jan. 1, 1987
8	9.50	Jan. 1, 1987
9 Parts:		
1-199	18.00	Jan. 1, 1987
200-End	16.00	Jan. 1, 1987
10 Parts:		
0-199	29.00	Jan. 1, 1987
200-399	13.00	Jan. 1, 1987
400-499	14.00	Jan. 1, 1987
500-End	24.00	Jan. 1, 1987
11	11.00	July 1, 1987
12 Parts:		
1-199	11.00	Jan. 1, 1987
200-299	27.00	Jan. 1, 1987
300-499	13.00	Jan. 1, 1987
500-End	27.00	Jan. 1, 1987
13	19.00	Jan. 1, 1987
14 Parts:		
1-59	21.00	Jan. 1, 1987
60-139	19.00	Jan. 1, 1987
140-199	9.50	Jan. 1, 1987
200-1199	19.00	Jan. 1, 1987
1200-End	11.00	Jan. 1, 1987
15 Parts:		
0-299	10.00	Jan. 1, 1987
300-399	20.00	Jan. 1, 1987
400-End	14.00	Jan. 1, 1987
16 Parts:		
0-149	12.00	Jan. 1, 1987
150-999	13.00	Jan. 1, 1987
1000-End	19.00	Jan. 1, 1987
17 Parts:		
1-199	14.00	Apr. 1, 1987
200-239	14.00	Apr. 1, 1987
240-End	19.00	Apr. 1, 1987
18 Parts:		
1-149	15.00	Apr. 1, 1987
150-279	14.00	Apr. 1, 1987
280-399	13.00	Apr. 1, 1987
400-End	8.50	Apr. 1, 1987
19 Parts:		
1-199	27.00	Apr. 1, 1987
200-End	5.50	Apr. 1, 1987
20 Parts:		
1-399	12.00	Apr. 1, 1987
400-499	23.00	Apr. 1, 1987
500-End	24.00	Apr. 1, 1987
21 Parts:		
1-99	12.00	Apr. 1, 1987
100-169	14.00	Apr. 1, 1987
170-199	16.00	Apr. 1, 1987
200-299	5.50	Apr. 1, 1987
300-499	26.00	Apr. 1, 1987
500-599	21.00	Apr. 1, 1987
600-799	7.00	Apr. 1, 1987
800-1299	13.00	Apr. 1, 1987
1300-End	6.00	Apr. 1, 1987
22 Parts:		
1-299	19.00	Apr. 1, 1987
300-End	13.00	Apr. 1, 1987
23	16.00	Apr. 1, 1987
24 Parts:		
0-199	14.00	Apr. 1, 1987
200-499	26.00	Apr. 1, 1987
500-699	9.00	Apr. 1, 1987
700-1699	18.00	Apr. 1, 1987
1700-End	12.00	Apr. 1, 1987
25	24.00	Apr. 1, 1987
26 Parts:		
§§ 1.0-1.60	12.00	Apr. 1, 1987
§§ 1.61-1.169	22.00	Apr. 1, 1987
§§ 1.170-1.300	17.00	Apr. 1, 1987
§§ 1.301-1.400	14.00	Apr. 1, 1987
§§ 1.401-1.500	21.00	Apr. 1, 1987
§§ 1.501-1.640	15.00	Apr. 1, 1987
§§ 1.641-1.850	17.00	Apr. 1, 1987
§§ 1.851-1.1000	27.00	Apr. 1, 1987
§§ 1.1001-1.1400	16.00	Apr. 1, 1987
§§ 1.1401-End	20.00	Apr. 1, 1987
2-29	20.00	Apr. 1, 1987
30-39	13.00	Apr. 1, 1987
40-49	12.00	Apr. 1, 1987
50-299	14.00	Apr. 1, 1987
300-499	15.00	Apr. 1, 1987
500-599	8.00	[2] Apr. 1, 1980
600-End	6.00	Apr. 1, 1987
27 Parts:		
1-199	21.00	Apr. 1, 1987
200-End	13.00	Apr. 1, 1987
28	23.00	July 1, 1987
29 Parts:		
0-99	16.00	July 1, 1987
100-499	7.00	July 1, 1987
500-899	24.00	July 1, 1987
900-1899	10.00	July 1, 1987
1900-1910	27.00	July 1, 1986
1911-1925	6.50	July 1, 1987

Title	Price	Revision Date
1926	10.00	July 1, 1987
1927–End	23.00	July 1, 1987
30 Parts:		
0–199	16.00	[3] July 1, 1985
200–699	8.50	July 1, 1987
700–End	18.00	July 1, 1987
31 Parts:		
0–199	12.00	July 1, 1987
200–End	16.00	July 1, 1987
32 Parts:		
1–39, Vol. I	15.00	[4] July 1, 1984
1–39, Vol. II	19.00	[4] July 1, 1984
1–39, Vol. III	18.00	[4] July 1, 1984
1–189	17.00	July 1, 1986
190–399	23.00	July 1, 1987
400–629	21.00	July 1, 1987
630–699	13.00	July 1, 1986
700–799	15.00	July 1, 1987
800–End	16.00	July 1, 1986
33 Parts:		
1–199	27.00	July 1, 1986
200–End	19.00	July 1, 1987
34 Parts:		
1–299	20.00	July 1, 1987
300–399	11.00	July 1, 1987
400–End	23.00	July 1, 1987
35	9.00	July 1, 1987
36 Parts:		
1–199	12.00	July 1, 1987
200–End	19.00	July 1, 1987
37	13.00	July 1, 1987
38 Parts:		
0–17	21.00	July 1, 1986
18–End	15.00	July 1, 1986
39	13.00	July 1, 1987
40 Parts:		
1–51	21.00	July 1, 1987
52	26.00	July 1, 1987
53–60	24.00	July 1, 1987
61–80	12.00	July 1, 1987
81–99	25.00	July 1, 1987
100–149	23.00	July 1, 1987
150–189	18.00	July 1, 1987
190–399	27.00	July 1, 1986
400–424	22.00	July 1, 1987
425–699	21.00	July 1, 1987
700–End	27.00	July 1, 1987
41 Chapters:		
1, 1–1 to 1–10	13.00	[5] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[5] July 1, 1984
3–6	14.00	[5] July 1, 1984
7	6.00	[5] July 1, 1984
8	4.50	[5] July 1, 1984
9	13.00	[5] July 1, 1984
10–17	9.50	[5] July 1, 1984
18, Vol. I, Parts 1–5	13.00	[5] July 1, 1984
18, Vol. II, Parts 6–19	13.00	[5] July 1, 1984
18, Vol. III, Parts 20–52	13.00	[5] July 1, 1984
19–100	13.00	[5] July 1, 1984
1–100	10.00	July 1, 1987
101	23.00	July 1, 1987
102–200	11.00	July 1, 1987
201–End	8.50	July 1, 1987
42 Parts:		
1–60	15.00	Oct. 1, 1986
61–399	10.00	Oct. 1, 1986
400–429	20.00	Oct. 1, 1986
430–End	15.00	Oct. 1, 1986
43 Parts:		
1–999	14.00	Oct. 1, 1986
1000–3999	24.00	Oct. 1, 1986
4000–End	11.00	Oct. 1, 1986
44	17.00	Oct. 1, 1986
45 Parts:		
1–199	13.00	Oct. 1, 1986
200–499	9.00	Oct. 1, 1986
500–1199	18.00	Oct. 1, 1986
1200–End	13.00	Oct. 1, 1986
46 Parts:		
1–40	13.00	Oct. 1, 1986
41–69	13.00	Oct. 1, 1986
70–89	7.00	Oct. 1, 1986
90–139	11.00	Oct. 1, 1986
140–155	8.50	[6] Oct. 1, 1985
156–165	14.00	Oct. 1, 1986
166–199	13.00	Oct. 1, 1986
200–499	19.00	Oct. 1, 1986
500–End	9.50	Oct. 1, 1986
47 Parts:		
0–19	17.00	Oct. 1, 1986
20–39	18.00	Oct. 1, 1986
40–69	11.00	Oct. 1, 1986
70–79	17.00	Oct. 1, 1986
80–End	20.00	Oct. 1, 1986
48 Chapters:		
1 (Parts 1–51)	21.00	Oct. 1, 1986
1 (Parts 52–99)	16.00	Oct. 1, 1986
2	27.00	Dec. 31, 1986
3–6	17.00	Oct. 1, 1986
7–14	23.00	Oct. 1, 1986
15–End	22.00	Oct. 1, 1986
49 Parts:		
1–99	10.00	Oct. 1, 1986
100–177	24.00	Oct. 1, 1986
178–199	19.00	Oct. 1, 1986
200–399	17.00	Oct. 1, 1986
400–999	21.00	Oct. 1, 1986
1000–1199	17.00	Oct. 1, 1986
1200–End	17.00	Oct. 1, 1986
50 Parts:		
1–199	15.00	Oct. 1, 1986
200–End	25.00	Oct. 1, 1986
CFR Index and Findings Aids	27.00	Jan. 1, 1987
Complete 1987 CFR set	595.00	1987
Microfiche CFR Edition:		
Complete set (one-time mailing)	155.00	1983
Complete set (one-time mailing)	125.00	1984
Complete set (one-time mailing)	115.00	1985
Subscription (mailed as issued)	185.00	1986
Subscription (mailed as issued)	185.00	1987
Individual copies	3.75	1987

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1987. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] No amendments to this volume were promulgated during the period July 1, 1985 to June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

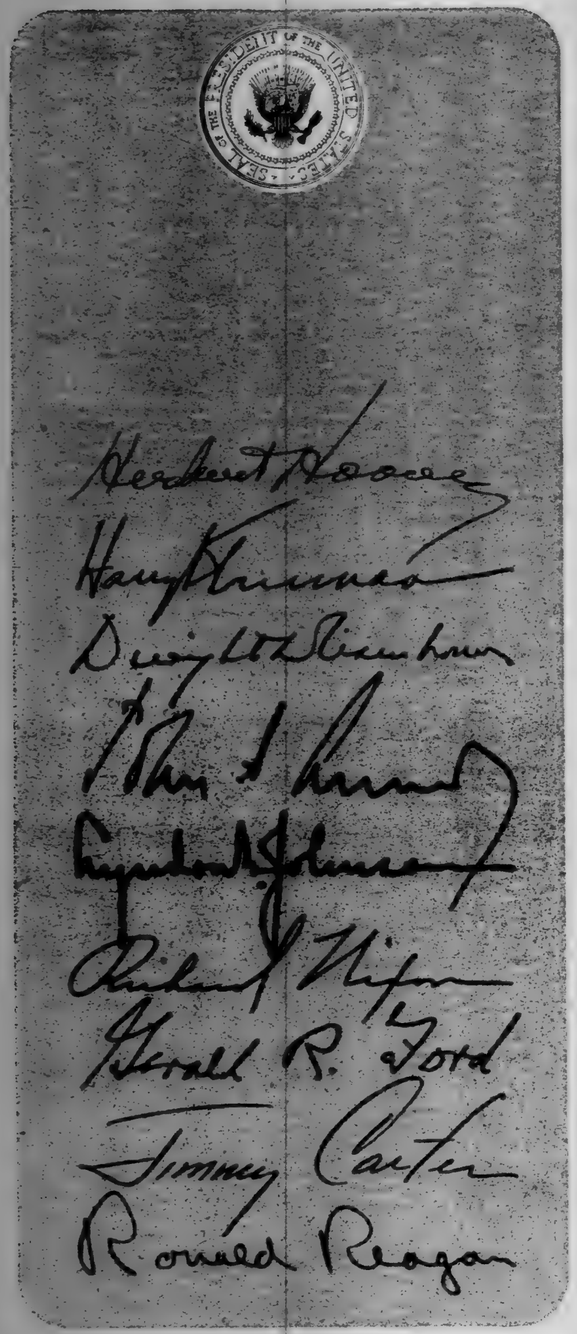
[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[6] No amendments to this volume were promulgated during the period Oct. 1, 1985 to Sept. 30, 1986. The CFR volume issued as of Oct. 1, 1985 should be retained.

VOL 52 ISS 248 DEC 28 1987 UMI

VOL
52
ISS
2
4
8
DE
28
1987
UMI



Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are available; other volumes not listed are out of print.

Herbert Hoover
1932–33 ..... $24.00

Lyndon B. Johnson
1963–64
(Book I) $21.00

Gerald R. Ford
1975
(Book I) $22.00
1975
(Book II) $22.00

Jimmy Carter
1977
(Book I) $23.00
1977
(Book II) $22.00
1978
(Book I) $24.00
1979
(Book I) $24.00
1979
(Book II) $24.00
1980–81
(Book I) $21.00
1980–81
(Book II) $22.00
1980–81
(Book III) $24.00

Ronald Reagan
1981 ..... $25.00
1982
(Book II) $25.00
1983
(Book I) $31.00
1983
(Book II) $32.00
1984
(Book I) $36.00

Published by the Office of the Federal Register, National Archives and Records Administration

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

VOL
52
ISS
2
4
8
DE
28
1987
UMI

VOL
52
ISS
249
DE
29
1987
UMI

12-29-87
Vol. 52 No. 249

federal register

Tuesday
December 29, 1987

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
52
ISS
249
DE
29
1987
UMI

12-29-87
Vol. 52 No. 249
Pages 48959-49128

federal register

Tuesday
December 29, 1987

BEST COPY AVAILABLE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $188.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202-783-3238
Magnetic tapes	275-3328
Problems with public subscriptions	275-3054

Single copies/back copies:

Paper or fiche	783-3238
Magnetic tapes	275-3328
Problems with public single copies	275-3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523-5240
Magnetic tapes	275-3328
Problems with Federal agency subscriptions	523-5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 52, No. 249
Tuesday, December 29, 1987

Agricultural Marketing Service
See Packers and Stockyards Administration

Agriculture Department
See Animal and Plant Health Inspection Service; Commodity Credit Corporation; Food and Nutrition Service; Packers and Stockyards Administration

Animal and Plant Health Inspection Service
RULES
Exportation and importation of animals and animal products:
Commercial bird quarantine stations; agreements with privately owned facilities, 48968
PROPOSED RULES
Livestock and poultry disease control:
Brucellosis, 49029
Plant–related quarantine, foreign:
Apples, peaches, and citrus from Sonora, 49026

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
National Retail Credit Association et al., 49095

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Coast Guard
RULES
Drawbridge operations:
North Carolina, 49010
PROPOSED RULES
Drawbridge operations:
Washington, DC, 49031

Commerce Department
See also International Trade Administration; National Oceanic and Atmospheric Administration; National Telecommunications and Information Administration
NOTICES
Agency information collection activities under OMB review, 49056
Export privileges, actions affecting; appeals, etc.:
Tadmor, Dan Peter, 49057

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Brazil, 49061, 49062
(2 documents)
China, 49060, 49063
(2 documents)
Trinidad and Tobago, 49060
Yugoslavia, 49064

Commodity Credit Corporation
PROPOSED RULES
Delinquent debts; interest, 49028

Commodity Futures Trading Commission
RULES
Self-regulatory organization governing members; nonpublic information disclosure, 48974

Consumer Product Safety Commission
RULES
Organization, functions, and authority delegations:
Program Management and Budget Office et al., 48969

Copyright Royalty Tribunal
RULES
Noncommercial broadcasting royalty adjustment rates, 49010

Counsel to the President
NOTICES
Presidential Task Force on Market Mechanisms; financial conflict of interests waiver for members, 49119

Defense Department
See also Navy Department
RULES
Personnel:
Uniform reserve, training and retirement categories, 48998

Economic Regulatory Administration
NOTICES
Natural gas exportation and importation:
Bishop Pipeline Corp., Inc., 49065

Education Department
PROPOSED RULES
Postsecondary education:
Foreign periodicals program, 49122

Employment and Training Administration
NOTICES
Adjustment assistance:
AT&T Information Systems et al., 49096
Beaumont Co. et al., 49097
General Motors Corp., 49098
GTE Communication Systems Corp. et al., 49098

Energy Department
See Economic Regulatory Administration; Energy Information Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department

Energy Information Administration
NOTICES
Agency information collection activities under OMB review, 49066

Environmental Protection Agency
NOTICES
Hazardous waste:
Solid waste disposal; municipal waste combustor ash and leachates; report availability, 49080
Meetings:
Science Advisory Board, 49082

Water pollution control:
Disposal site determinations—
Santa Ysabel Creek, San Diego County, CA, 49082

Equal Employment Opportunity Commission
RULES
Employment discrimination:
Charges; designation of State and local fair employment practices agencies (706 agencies)—
Louisville and Jefferson County Human Relations Commission, 48998

Executive Office of the President
See Counsel to the President; Presidential Documents Trade Representative, Office of United States

Federal Communications Commission
PROPOSED RULES
Practice and procedure:
FM booster stations; radio frequency radiation compliance, 49032

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 49110
(2 documents)

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act:
Pipelines; interstate transportation of gas for others; effect of partial wellhead decontrol, 48986
NOTICES
Natural gas companies:
Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend (TXO Production Corp., et al.), 49066
Applications, hearings, determinations, etc.:
Arkla Energy Resources, 49067
Eastern Shore Natural Gas Co., 49068
Granite State Gas Transmission, Inc., 49068
Pacific Gas Transmission Co., 49069

Federal Maritime Commission
NOTICES
Rulemaking petitions:
Waterfront Rail Truckers Union; truck detention charges at west coast ports, 49086

Federal Reserve System
NOTICES
Agency information collection activities under OMB review, 49086
Electronic fund transfers:
Large-dollar wire transfer systems—
Automated clearing house transactions, 49086
Meetings; Sunshine Act, 49110
Applications, hearings, determinations, etc.:
Bank of Nova Scotia, 49089

Federal Retirement Thrift Investment Board
NOTICES
Meetings:
Employee Thrift Advisory Council, 49090

Fish and Wildlife Service
NOTICES
Endangered and threatened species permit applications, 49091

Food and Drug Administration
NOTICES
Committees; establishment, renewals, terminations, etc.:
Veterinary Medicine Advisory Committee; nominations, 49090
Food additive petitions:
University of California (Davis Campus), 49090

Food and Nutrition Service
RULES
Child nutrition programs:
Child care food program—
Key element reporting system, 48967
NOTICES
Food stamp program
Thrifty food plan and deductions, 49055

Health and Human Services Department
See Food and Drug Administration

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
Cases filed, 49069
(2 documents)
Decisions and orders, 49071, 49074, 49077
(3 documents)

Interior Department
See Fish and Wildlife Service; Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
RULES
Income taxes:
Partnerships; taxable years, 48994
PROPOSED RULES
Income taxes:
Partnerships; taxable years; cross–reference, 49030

International Broadcasting Board
NOTICES
Senior Executive Service:
Performance Review Board; membership, 49056

International Trade Administration
NOTICES
National security investigations:
Crude oil and refined petroleum products, 49059

International Trade Commission
RULES
Practice and procedure:
Commission change of address, 48994

Interstate Commerce Commission
NOTICES
Railroad operation, acquisition, construction, etc.:
Emons Holdings, Inc., 49094
Genesee & Wyoming Industries, Inc., et al., 49094
Railroad services abandonment:
CSX Transportation, Inc., 49095

Justice Department
See also Antitrust Division
RULES
Organization, functions, and authority delegations:
Executive Office for Immigration Review
Correction, 48997

Labor Department
See also Employment and Training Administration
NOTICES
Agency information collection activities under OMB review, 49096

Land Management Bureau
RULES
Land resource management:
Leases, permits and easements, etc.; action for unauthorized use, 49114

National Foundation on the Arts and the Humanities
NOTICES
Agency information collection activities under OMB review, 49099

National Highway Traffic Safety Administration
PROPOSED RULES
Motor vehicle safety standards:
Lamps, reflective devices, and associated equipment—
Sealed beam headlamps, 49038
Motor vehicles safety standards:
Vehicle rollover resistance; petition denied, 49033

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Atlantic surf clam and ocean quahog, 49019
Gulf of Alaska, Bering Sea and Aleutian Islands groundfish, 49021
Ocean salmon off coasts of Washington, Oregon, and California, 49019
Pacific Salmon Commisson:
Fraser River sockeye and pink salmon, 49017
NOTICES
Rulemaking petitions:
GreenWorld; whale watching permit regulations, 49059

National Park Service
NOTICES
Concession contract negotiations:
Ken Direction Corp., Inc., 49091
Land and water conservation fund:
Sheltering of recreational facilities assisted lands, 49091
Meetings:
Cape Cod National Seashore Advisory Commission, 49092
National Register of Historic Places:
Pending nominations—
Alabama et al., 49092

National Science Foundation
NOTICES
Meetings:
Graduate Fellowship Program Review Committee, 49099
Systematic Biology Advisory Panel, 49099
Women, Minorities, and Handicapped in Science and Technology Task Force, 49100

National Telecommunications and Information Administration
RULES
Federal Radio Frequency Management, Manual of Regulations and Procedures; incorporation by reference, 49015

Navy Department
NOTICES
Meetings:
Naval Research Advisory Committee, 49065

Nuclear Regulatory Commission
NOTICES
Organization, functions, and authority delegations:
NRC Headquarters offices relocation, 49100
Applications, hearings, determinations, etc.:
Commonwealth Edison Co., 49100

Office of United States Trade Representative
See Trade Representative, Office of United States

Packers and Stockyards Administration
NOTICES
Central filing system; State certifications:
Oklahoma, 49056

Peace Corps
NOTICES
Agency information collection activities under OMB review, 49102
(2 documents)

Personnel Management Office
PROPOSED RULES
Employment:
Candidates for appointment; selection procedures, 49023

Postal Service
RULES
Organization and administration:
Miscellaneous organizational changes
Correction, 49015

Presidential Documents
PROCLAMATIONS
Generalized System of Preferences:
Amendments (Proc. 5754), 48959
Special observances:
Day of Excellence, National (Proc. 5757), 48965
Skiing Day, National (Proc. 5756), 48963
Year of New Sweden (Proc. 5755), 48961
ADMINISTRATIVE ORDERS
Presidential Task Force on Market Mechanisms; financial conflict of interests waiver for members (Memorandum of December 23, 1987), 49116

Public Health Service
See Food and Drug Administration

Research and Special Programs Administration
NOTICES
Hazardous materials:
Inconsistency rulings, etc.—
California, 49107
New York; correction, 49107

Securities and Exchange Commission
RULES
Public utility holding companies:
Registered holding company system guarantees, joint liability, surety or indemnitor obligations; declaration requirement exemptions, 48985
Securities:
Proxy rules; filing requirements, shareholder proposals, etc., 48977
NOTICES
Self-regulatory organizations; unlisted trading privileges:
Midwest Stock Exchange, Inc., 49102
Philadelphia Stock Exchange, Inc., 49103
Applications, hearings, determinations, etc.:
Guidance Investments, Inc., 49103
Harley–Davidson, Inc., 49104
Johnston Industries, Inc., 49104
Lomas Mortgage Funding Corp. II, 49104

State Department
NOTICES
United Nations War Crimes Commission records; guidelines for access, 49106

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program submission:
North Dakota, 49031

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Trade Representative, Office of United States
NOTICES
China; Tariff Schedule adjustment for imports of tungsten, 49127

Transportation Department
See also Coast Guard; National Highway Traffic Safety Administration; Research and Special Programs Administration
RULES
Aviation proceedings:
Airline service quality performance, 48969

Treasury Department
See also Internal Revenue Service
NOTICES
Agency information collection activities under OMB review, 49108, 49109
(5 documents)

Veterans Administration
RULES
Acquisition regulations
Competition in contracting, etc., 49016

Separate Parts In This Issue

Part II
Department of the Interior, Bureau of Land Management, 49114

Part III
The President, Counsel to the President, 49118

Part IV
Department of Education, 49122

Part V
Office of the United States Trade Representative, 49127

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Administrative Orders:
Memorandums:
Dec. 23, 1987 49118
Proclamations:
5754 48959
5755 48961
5756 48963
5757 48965

5 CFR
Proposed Rules:
302 49023
333 49023

7 CFR
226 48967
Proposed Rules:
319 49026
1403 49028

9 CFR
92 48968
Proposed Rules:
51 49029

14 CFR
234 48969

16 CFR
1000 48969

17 CFR
1 48974
229 48977
240 48977
250 48985
270 48977

18 CFR
284 48986

19 CFR
201 48994
212 48994
213 48994

26 CFR
1 48994
602 48994
Proposed Rules:
1 49030

28 CFR
0 48997
68 48997

29 CFR
1601 48998

30 CFR
Proposed Rules:
934 49031

32 CFR
102 48998

33 CFR
117 49010
Proposed Rules:
117 49031

34 CFR
Proposed Rules:
671 49122

37 CFR
304 49010

39 CFR
224 49015

43 CFR
2920 49114
9260 49114

47 CFR
300 49015
Proposed Rules:
1 49032

48 CFR
801 49016
814 49016
815 49016
833 49016
836 49016
842 49016
852 49016

49 CFR
Proposed Rules:
571 (2 documents) 49033, 49038
575 49038

50 CFR
371 49017
652 49019
661 49019
672 49021
675 49021

VOL
52
ISS
249
DE
29
1987
UMI

Federal Register
Vol. 52, No. 249
Tuesday, December 29, 1987

Presidential Documents

Title 3—

The President

Proclamation 5754 of December 23, 1987

Amending the Generalized System of Preferences

By the President of the United States of America

A Proclamation

1. Pursuant to section 504(a)(1) of the Trade Act of 1974, as amended (the Trade Act) (19 U.S.C. 2464(a)(1)), the President may withdraw, suspend, or limit the application of the duty-free treatment afforded under the Generalized System of Preferences (GSP) with respect to any article or any country upon consideration of the factors set forth in sections 501 and 502(c) of the Trade Act (19 U.S.C. 2461 and 2462(c)). Accordingly, after taking into account the factors set forth in section 501 of the Trade Act, I have determined that it is appropriate to withdraw the duty-free treatment afforded under the GSP to imports from all designated beneficiary developing countries of molybdenum ore and metal-bearing materials in chief value of molybdenum, provided for in items 601.33 and 603.40, respectively, of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202).

2. Section 604 of the Trade Act authorizes the President to embody in the TSUS the substance of the relevant provisions of that Act, of other acts affecting import treatment, and of actions taken thereunder.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States of America, including but not limited to sections 501, 504(a)(1), and 604 of the Trade Act, do proclaim that:

(1) In order to withdraw the duty-free treatment afforded under the GSP to certain articles, TSUS items 601.33 and 603.40 are modified by deleting from each item the symbol "A," appearing in parentheses in the Rates of Duty Special column.

(2) The modifications to the TSUS made by paragraph (1) of this Proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after the second day after the publication of this Proclamation in the **Federal Register.**

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of December, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 87-29797
Filed 12-24-87; 9:26 am]
Billing code 3195-01-M

Editorial note: For the text of the President's letter to the Speaker of the House of Representatives and the President of the Senate, dated Dec. 23, reporting the actions, see the *Weekly Compilation of Presidential Documents* (vol. 23, no. 51).

VOL
52
ISS
249
DE
29
1987
UMI

Presidential Documents

Proclamation 5755 of December 23, 1987

Year of New Sweden, 1988

By the President of the United States of America

A Proclamation

The year 1988 is the 350th anniversary of the arrival, in what is now Delaware, of two ships, the *Kalmar Nyckel* and the *Fogel Grip*, which were sent by the Kingdom of Sweden to establish New Sweden, the first permanent settlement of Swedes in North America. Celebration of this occasion gives every American the opportunity to pay tribute to those courageous colonists and to all who have followed them from Sweden to America.

Swedish Americans have won a place in the history and heritage of the United States, and they continue their tradition of notable achievements today. Two Swedish Americans associated prominently with the American Revolution were John Morton of Pennsylvania, a signer of the Declaration of Independence, and John Hanson of Maryland, who presided over the Continental Congress in 1781 and 1782. More than a million Swedes came to the United States between 1845 and 1910, and more than four million Americans today have Swedish ancestry.

We can all be truly proud of the contributions of Swedish Americans to our beloved land, of the close ties between the United States and Sweden over the years, and of the devotion to democracy that our peoples share.

The Congress, by Public Law 99–304, has designated 1988 as the "Year of New Sweden" and has authorized and requested the President to issue a proclamation in observance of this year.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim 1988 as the Year of New Sweden. I call upon the Governors of the several States, local officials, and the people of the United States to observe this year with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of December, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 87-29807
Filed 12-24-87; 9:27 am]
Billing code 3195-01-M

VOL
52
ISS
249
DE
29
1987
UMI

Presidential Documents

Proclamation 5756 of December 23, 1987

National Skiing Day, 1988

By the President of the United States of America

A Proclamation

National Skiing Day gives all Americans the opportunity to celebrate the continuing role of skiing in recreation, sports, and our economy, as well as its place in American life and lore.

Many Americans first discovered both the potential uses and the attractions of skiing from reports of the achievements of an early skier, pioneer mail carrier John A. "Snowshoe" Thompson, who transported letters and parcels in a backpack as he covered his 90-mile territory through the Sierra Nevada. During his two decades of devoted service, 1856–1876, he won a well-earned reputation for heroism and faithfulness as he traversed the mountains, first on his large, handmade skis and later by sleigh, to keep frontier communication open between Nevada and California.

Since then, other dedicated Americans have employed skiing in the defense of our country, in rescue operations, and in similar activities.

Through the years, skiing has experienced revolutions in equipment, technique, and participation. Wood skis were replaced by metal ones, which then gave way to fiberglass, and bindings have improved greatly. Today some 15 million Americans engage in Alpine or Nordic skiing, and highly skilled and dedicated skiers and biathletes vie for coveted positions on America's Winter Olympics squads.

Skiing, of course, offers many benefits. In the areas of health and fitness, Alpine skiing's courses improve strength and flexibility, and Nordic skiing's cross-country trails build endurance. Skiing helps people improve coordination as they attain or maintain good physical condition. Skiing provides enjoyment for spectators as well as participants, fosters appreciation for the outdoors, and affords the opportunity to enjoy winter and its splendors. Skiing also increases the recreational uses of national forests and provides winter employment and income for residents of rural communities.

In recognition of skiing and its benefits, the Congress, by Public Law 100–189, has designated January 8, 1988, as "National Skiing Day" and has authorized and requested the President to issue a proclamation in observance of that day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim January 8, 1988, as National Skiing Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

VOL
52
ISS
2
4
9
DE
29
1987
UMI

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of December, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 87-29808
Filed 12-24-87; 9:28 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5757 of December 23, 1987

National Day of Excellence, 1988

By the President of the United States of America

A Proclamation

Theodore Roosevelt once said: "The foundation stone of national life is and ever must be the individual character of the individual citizen." Nowhere has that fact been better demonstrated than in our national quest for excellence, which has spurred Americans to strive to live up to the highest ideals of our nature and our heritage.

For three decades, that quest has been best symbolized by the magnificent achievements of our space program. The program has proved beyond a doubt that, with will and resolve, Americans can draw upon the insights and inventions of generations past and accomplish great things. In striving for excellence in space, we have expanded the horizon of human potential, brought countless scientific and economic benefits back to Earth, and demonstrated to ourselves and to the world our national vitality, courage, and imagination.

Through the years, the space program has had brilliant successes—but also some disheartening setbacks. On January 28, 1988, the second anniversary of the Space Shuttle CHALLENGER accident, we remember CHALLENGER's courageous crew and other space pioneers who made the supreme sacrifice in the pursuit of excellence—in technology, in goals, in achievement, and in their personal lives.

Their sacrifice was not in vain. For they taught us, above all, that our national quest for excellence must never end if we are to remain a great nation.

When the space shuttle is launched again, the world will know that, once again, the United States is back in space—ready to accept its boundless challenges and eager to pursue its countless opportunities. With the shuttle, we will move toward our next logical step—building and operating a permanently manned space station.

To recognize the importance of space to our future and to honor our space pioneers, especially those who made the ultimate sacrifice in the cause of excellence, the Congress, by Public Law 100-190, has designated January 28, 1988, as a "National Day of Excellence" and authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim January 28, 1988, as a National Day of Excellence. I call upon the people of the United States to observe this day with appropriate ceremonies and activities and to pursue, in the course of their regular activities, the spirit of excellence represented by the crew of the CHALLENGER.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of December, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 87-29809
Filed 12-24-87; 9:28 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 52, No. 249
Tuesday, December 29, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 226

Child Care Food Program; Key Element Reporting System

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule extends the data collection period for the Key Element Reporting System (KERS) in the Child Care Food Program (CCFP) until June 30, 1988. Extension of the data collection is necessary because of delays in the clearance and distribution of the KERS forms which reduced the originally established data collection period by six months. This extension will provide the Department with the 13-month data collection period which was originally envisioned as necessary to provide a comprehensive assessment of KERS in its current form.

EFFECTIVE DATE: January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Lou Pastura, Branch Chief, Policy and Program Development Branch, Child Nutrition Division, FNS, USDA, 3101 Park Center Drive, Room 509, Alexandria, Virginia 22302 or by phone at (703) 756-3620.

SUPPLEMENTARY INFORMATION:

Classification

This final rule is effective January 1, 1988. Implementation of this regulation on January 1 is necessary to ensure the continuity of the data collection which it governs. For this reason, the Administrator of the Food and Nutrition Service has determined in accordance with 5 U.S.C. 553(d) that good cause exists for making this rule effective less than 30 days after publication.

The action has been reviewed under Executive Order 12291 and has been classified as not major because it will have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or foreign markets.

This regulation has also been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). Pursuant to the review, the Administrator of the Food and Nutrition Service has certified that this final rule will not have a significant economic impact on a substantial number of small entities.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting and recordkeeping requirements that are included in this final rule have been approved by the Office of Management and Budget under clearance 0584-0055.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.558 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V, and final rule related notice published at 48 FR 29114, June 24, 1983).

Background

On September 3, 1986, the Department published a final rule governing the implementation of the Key Element Reporting System (KERS) in the Child Care Food Program (CCFP) at 51 FR 31313. That final rule established a KERS date collection period which was to have begun on December 1, 1986 and continued through December 31, 1987. However, because the clearance and distribution of data collection forms took longer than expected, the collection period envisioned in the KERS rule was delayed and actual data collection did not begin until approximately June 1, 1987. Because the Department believed that a full 13-month data collection period was necessary to provide an accurate assessment of KERS, the Department issued a proposed rule on September 17, 1987 (52 FR 35105) to extend the data collection period by six months (until June 30, 1988) to compensate for the time lost.

During the official comment period on the proposed rule, the Department received nine comments, all of which were submitted by State agencies. Six of the nine comments were opposed to the extension, while three essentially supported it. Generally speaking, those comments which opposed the extension did so on the grounds that KERS was being implemented inconsistently from State to State. For the most part, they blamed this on the data collection form being used and the guidance provided. They suggested that this inconsistency could result in the reporting of invalid data. They further suggested that the development of program performance standards using invalid data could undermine the usefulness of those standards.

All of the substantive concerns expressed by these six commenters were reflected in comments provided to the Department on the proposed KERS rule published on January 29, 1986 (51 FR 3603). The preamble to the final KERS rule contained the Department's response to these concerns. Specifically, the Department acknowledged the possibility that some element of subjectivity could exist in KERS, as in all other review systems. However, the Department contended (and continues to contend) that most of the important aspects of the CCFP can be reasonably and consistently quantified. This would apply particularly to the most significant areas of program accountability such as compliance with meal pattern requirements, free and reduced price application procedures and recordkeeping requirements.

This final rule contains one minor change from the amendatory language continued in the proposed extension rule. In that rule, the Department proposed to extend the data collection period *until* June 30, 1988. This date was used incorrectly since it would limit the reporting of data to that collected prior to June 30. In order to collect the data for the entire six-month period envisioned in that rule, a July 1, 1988 date should have been used. Therefore, based on the foregoing, the Department is extending the KERS data collection to the period prior to July 1, 1988.

VOL 52 ISS 249 DEC 29 1987 UMI

List of Subjects in 7 CFR Part 226

Day care, Food assistance programs, Grant programs—Health, Infants and children, Reporting and recordkeeping requirements, Surplus agricultural commodities.

Accordingly, Part 226 is amended as follows:

PART 226—CHILD CARE FOOD PROGRAM

1. Authority citation for Part 226 is revised to read as follows:

Authority: Secs. 323, 326 and 361, Pub. L. 99-500 and 99-591, 100 Stat. 1783 and 3341 (42 U.S.C. 1758, 1760 and 1766); secs. 803, 810 and 820, Pub. L. 97-35, 95 Stat. 521-535 (42 U.S.C. 1758, 1766); sec. 2, Pub. L. 95-627, 92 Stat. 3603 (42 U.S.C. 1766); sec. 10, Pub. L. 89-642, 80 Stat. 889 (42 U.S.C. 1779), unless otherwise noted.

§ 226.6 [Amended]

2. In § 226.6, paragraph (o) is amended by removing the date "January 1, 1988" and adding in its place "July 1, 1988".

Dated: December 23, 1987.

George A. Braley,

Acting Administrator.

[FR Doc. 87-22794 Filed 12-28-87; 8:45 am]

BILLING CODE 3410-30-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 87-117]

Agreements With Owners of Privately Owned Commercial Bird Quarantine Stations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations on bird importations by requiring the signature of the Administrator of the Animal and Plant Health Inspection Service (APHIS) on Cooperative and Trust Fund Agreements between APHIS and privately owned commercial bird quarantine facilities. Before the publication of this document, the regulations required the Acting Administrator of APHIS to sign these agreements.

EFFECTIVE DATE: December 29, 1987.

FOR FURTHER INFORMATION CONTACT: Dr. Harvey A. Kryder, Senior Staff Veterinarian, Import-Export and Emergency Planning Staff, VS, APHIS, USDA, Room 809, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8695.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR Part 92 (referred to below as the regulations) govern, among other things, the importation of birds into the United States. Section 92.11(f) sets forth quarantine requirements to prevent introduction of communicable poultry diseases into the United States; paragraph (f)(7) of this section requires the creation of a Cooperative and Trust Fund Agreement between APHIS and the operators of each approved quarantine facility for the importation of birds.

The responsibility for signing these agreements lies with the Acting Administrator of APHIS. Since there is no Acting Administrator, we are amending the regulations to authorize the Administrator of APHIS to sign the agreements.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Changing the signature authority on Cooperative and Trust Fund Agreements will have no effect on importers or quarantine facility operators.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Effective Date

Determining who in the Agency signs Cooperative and Trust Fund Agreements is the responsibility of the Agency. Because this matter deals with internal agency procedures, neither a general notice of proposed rulemaking nor a 30-day delay in effective date is required under the administrative procedure provisions of 5 U.S.C. 553. Accordingly, this regulation is effective upon publication.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

Accordingly, 9 CFR Part 92 is amended as follows:

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

1. The authority citation for Part 92 is revised to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306, 21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

§ 92.11 [Amended]

2. Paragraph (f)(7)(iii)(C)(5) of § 92.11 is amended by removing "Acting Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture" and inserting "Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture".

Done in Washington, DC, this 22nd day of December, 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87-29716 Filed 12-28-87; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 234

[Docket No. 44827; Amdt. No. 234-4]

Airline Service Quality Performance; Editorial Amendment

AGENCY: Department of Transportation/ Office of the Secretary.

ACTION: Final rule; editorial amendment.

SUMMARY: Under a rule issued September 2, 1987, the Department of Transportation (DOT or Department) required 14 air carriers to submit certain flight data to the Department for public dissemination, and to vendors of computerized reservations systems (CRS) for incorporation into their CRS system displays. This amendment makes a minor editorial change to the rule.

EFFECTIVE DATE: December 29, 1987.

FOR FURTHER INFORMATION CONTACT: Gwyneth Radloff, at 400 7th Street SW., Washington, DC 20590 or by phone at (202) 366-9307.

SUPPLEMENTARY INFORMATION: On September 2, 1987, the Department issued a final rule that required 14 air carriers to submit certain data to the Department and to CRS vendors. In addition, these carriers were required to provide on-time performance data to consumers, upon request to the carriers' ticketing agents.

This amendment adds a phrase found in earlier sections that was omitted from § 234.6, which requires participating carriers to report baggage statistics. The phrase clarifies the requirement that the participating carriers comply with Reporting Directives issued by the Department's Office of Aviation Information Management.

Because this is an editorial change, the Department finds, under sections 553 (b)(3)(B) and (d)(2) of the Administrative Procedure Act, that notice and comment are not necessary and that this amendment may be made effective immediately upon publication. This action is taken under authority delegated to the General Counsel under 14 CFR 1.57(1).

List of Subjects in 14 CFR Part 234

Advertising, Air carriers, Consumer protection, Reporting requirements, Travel agents.

Issued in Washington, DC on December 22, 1987.

B. Wayne Vance,

General Counsel.

For the reasons set forth in the preamble, the Department amends Title 14, Chapter II, Subchapter A of the Code of Federal Regulations as follows:

PART 234—AIRLINE SERVICE QUALITY PERFORMANCE REPORTS

1. The authority for Part 234 continues to read as follows:

Authority: 49 U.S.C. 1302, 1324, 1374, 1377 and 1381; 5 U.S.C. § 553(e) and 14 CFR § 302.38.

2. Section 234.6 is revised to read as follows:

§ 234.6 Baggage-handling statistics.

Each reporting carrier shall report monthly to the Department on a domestic system basis, excluding charter flights, the total number of passengers enplaned systemwide, and the total number of mishandled-baggage reports filed with that carrier. The information shall be submitted to the Department within 15 days of the end of the month to which it applies and must be submitted with the transmittal letter accompanying the data for on-time performance in the form and manner set forth in the reporting directives issued by the Director, OAIM.

[FR Doc. 87-29714 Filed 12-28-87; 8:45 am]

BILLING CODE 4910-62-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1000

Organization, Functions, and Authority Delegations; Program Management and Budget Office et al.

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission is amending its statement of organization and functions to reflect organizational changes made since the changes published December 24, 1986, 50 FR 52440. The changes are the consolidation of the functions of the former Officer of Program Management and the former Office of Budget, Program Planning and Evaluation into a new Office of Program Management and Budget and a new Office of Planning and Evaluation; the consolidation of the Commission's downtown Washington, DC offices into its Bethesda, Maryland facilities; the reorganization of the former five Regional Offices into three Regional Centers; the elimination of the Commission's Toxicological Advisory Board; additional responsibilities in the Office of the Secretary with respect to the Flammable Fabrics Act; transfer of the Commission's human factors staff from the Directorate for Engineering Sciences to the Directorate for Epidemiology; and elimination of the Office of Administrative Law Judge. Editorial revisions have also been made in the descriptions of several organizations.

EFFECTIVE DATE: December 29, 1987.

ADDRESSES: Consumer Product Safety Commission, Office of the Secretary, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Joseph F. Rosenthal, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207, telephone 301-492-6980.

SUPPLEMENTARY INFORMATION: Since this rule relates solely to internal agency management, pursuant to 5 U.S.C. 553(b), notice and other public procedures are not required and it is effective immediately upon publication in the **Federal Register.** Further, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612, and, thus, is exempt from the provisions of the Act.

List of Subject for 16 CFR Part 1000

Organization and Functions (Government Agencies).

Dated: December 16, 1987.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Accordingly, Part 1000 is revised to read as follows:

PART 1000—COMMISSION ORGANIZATION AND FUNCTIONS

Sec.

1000.1 The Commission.
1000.2 Laws administered.
1000.3 Hotline.
1000.4 Commission addresses.
1000.5 Petitions.
1000.6 Commission decisions and records.
1000.7 Advisory opinions and interpretations of regulations.
1000.8 Meetings and hearings; public notice.
1000.9 Quorum.
1000.10 The Chairman and Vice Chairman
1000.11 Delegation of functions.
1000.12 Organizational structure.
1000.13 Directives system.
1000.14 Office of the General Counsel.
1000.15 Office of Congressional Relations.
1000.16 Office of Media Relations.
1000.17 Office of the Secretary.
1000.18 Office of Internal Audit

Sec.
1000.19 Office of Equal Employment Opportunity and Minority Enterprise.
1000.20 Office of the Executive Director.
1000.21 Office of Program Management and Budget.
1000.22 Office of Planning and Evaluation.
1000.23 Office of Information and Public Affairs.
1000.24 Directorate for Epidemiology.
1000.25 Directorate for Economic Analysis.
1000.26 Directorate for Engineering Sciences.
1000.27 Directorate for Health Sciences.
1000.28 Directorate for Compliance and Administrative Litigation.
1000.29 Directorate for Administration.
1000.30 Directorate for Field Operations.

Authority: 5 U.S.C. 552(a).

§ 1000.1 The Commission.

(a) The Consumer Product Safety Commission is an independent regulatory agency which was formed on May 14, 1973, under the provisions of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1207, as amended (15 U.S.C. 2051, *et seq.*)). The purposes of the Commission under the CPSA are:

(1) To protect the public against unreasonable risks of injury associated with consumer products;

(2) To assist consumers in evaluating the comparative safety of consumer products;

(3) To develop uniform safety standards for consumer products and to minimize conflicting State and local regulations; and

(4) To promote research and investigation into the causes and prevention of product-related deaths, illnesses and injuries.

(b) The Commission is composed of five members, appointed by the President, by and with the advice and consent of the Senate, for terms of seven years.

1000.2 Laws administered.

The Commission administers five acts: (a) The Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1207, as amended (15 U.S.C. 2051, *et seq.*)).

(b) The Flammable Fabrics Act (Pub. L. 90–189, 67 State. 111, as amended (15 U.S.C. 1191, *et seq.*)).

(c) The Federal Hazardous Substances Act (Pub. L. 86–613, 74 Stat. 380, as amended (15 U.S.C 1261, *et seq.*)).

(d) The Poison Prevention Packaging Act of 1970 (Pub. L. 91–601, 84 Stat. 1670, as amended (15 U.S.C.1471, *et seq.*)).

(e) The Refrigerator Safety Act of 1956 (Pub. L. 84–930, 70 Stat. 953, 15 U.S.C. 1211, *et seq.*)).

§ 1000.3 Hotline.

(a) The Commission operates a toll-free telephone Hotline by which the public can communicate with the Commission. The number for use in all 50 states is 1–800–638–CPSC (1–800–638–2772).

(b) The Commission also operates a toll-free Hotline by which deaf or speech-impaired persons can communicate by teletypewriter with the Commission. The teletypewriter number for use in all states except Maryland is 1–800–638–8270. The teletypewriter number for use in Maryland is 1–800–492–8104.

§ 1000.4 Commission addresses.

(a) The principal offices of the Commission are at 5401 Westbard Avenue, Bethesda, Maryland. All written communications with the Commission should be addressed to the Consumer Product Safety Commission, Washington, DC 20207, unless otherwise specifically directed.

(b) The Commission has 3 Regional Centers which are located at the following addresses and which serve the sates indicated:

(1) Central Regional Center, 230 South Dearborn St., Room 2944, Chicago, Illinois 60604; Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin.

(2) Eastern Regional Center, 6 World Trade Center, Vesey Street, Room 301, New York, New York 10048; Connecticut, Delaware, District of Columbia, Florida, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Virgin Islands.

(3) Western Regional Center, U.S. Customs House, 555 Battery St., Room 401, San Francisco, California 94111; Alaska, American Samoa, Arizona, Arkansas, California, Colorado, Guam, Hawaii, Idaho, Louisiana, Montana Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

§ 1000.5 Petitions.

Any interested person may petition the Commission to issue, amend, or revoke a rule or regulation by submitting a written request to the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

§ 1000.6 Commission decisions and records.

(a) Each decision of the Commission, acting in an official capacity as a collegial body, is recorded in Minutes of Commission meetings or as a separate Record of Commission action. Copies of Minutes or of a Record of Commission action may be obtained upon written request from the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or may be examined in the public reading room at Commission headquarters. Requests should identify the subject matter of the Commission action and the approximate date of the Commission action, if known.

(b) Other records in the custody of the Commission may be requested in writing from the Office of the Secretary pursuant to the Commission's Procedures for Disclosure or Production of Information under the Freedom of Information Act (16 CFR Part 1015).

§ 1000.7 Advisory opinions and interpretations of regulations.

(a) *Advisory opinions.* Upon written request, the General Counsel provides written advisory opinions interpreting the acts the Commission administers. Advisory opinions represent the legal opinions of the General Counsel and may be changed or superseded by the Commission. Requests for issuance of advisory opinions should be sent to the General Counsel, Consumer Product Safety Commission, Washington, DC 20207. Requests for copies of particular previously issued advisory opinions or a copy of an index of such opinions should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

(b) *Interpretations of regulations.* Upon written request, the Associate Executive Director for Compliance and Administrative Litigation will issue written interpretations of Commission regulations pertaining to the safety standards and the enforcement of those standards. Requests for such interpretations should be sent to the Associate Executive director for Compliance and Enforcement, Consumer Product Safety Commission, Washington, DC 20207. Requests for interpretations of administrative regulations (e.g., Freedom of Information Act regulations) should be sent to the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

§ 1000.8 Meetings and hearings; public notice.

(a) The Commission may meet and exercise all its powers in any place.

(b) Meetings of the Commission are held as ordered by the Commission and, unless otherwise ordered, are held at the principal office of the Commission at 5401 Westbard Avenue, Bethesda, Maryland. Meetings of the Commission for the purpose of jointly conducting the formal business of the agency, including the rendering of official decisions, are generally announced in advance and open to the public, as provided by the Government in the Sunshine Act (5 U.S.C. 552b) and the Commission's Meetings Policy (16 CFR Part 1012).

(c) The Commission may conduct any hearing or other inquiry necessary or appropriate to its functions anywhere in the United States. It will publish notice of any proposed hearing in the **Federal Register** and will afford a reasonable opportunity for interested persons to present relevant testimony and data.

(d) Notices of Commission meetings, Commission hearings, and other Commission activities are published in a Public Calendar, as provided in the Commission's Meetings Policy (16 CFR Part 1012).

§ 1000.9 Quorum.

Three members of the Commission constitute a quorum for the transaction of business.

§ 1000.10 The Chairman and Vice Chairman.

(a) The Chairman is the principal executive officer of the Commission and, subject to the general policies of the Commission and to such regulatory decisions, findings, and determinations as the Commission is by law authorized to make, he or she exercises all of the executive and administrative functions of the Commission.

(b) The Commission annually elects a Vice Chairman to act in the absence or disability of the Chairman or in case of a vacancy in the Office of the Chairman.

§ 1000.11 Delegation of functions.

Section 27(b)(9) of the Consumer Product Safety Act (15 U.S.C. 2076(b)(9)) authorizes the Commission to delegate any of its functions and powers, other than the power to issue subpoenas, to any officer or employee of the Commission. Delegations are published in the Commission's Directives System.

§ 1000.12 Organizational structure.

The Consumer Product Safety Commission is composed of the principal units listed in this section.

(a) The following units report directly to the Chairman of the Commission:

(1) Office of the General Counsel;
(2) Office of Congressional Relations;
(3) Office of Media Relations;
(4) Office of the Secretary;
(5) Office of Internal Audit;
(6) Office of Equal Employment Opportunity and Minority Enterprise;
(7) Office of the Executive Director.

(b) The following units report directly to the Executive Director of the Commission:

(1) Office of Program Management and Budget;
(2) Office of Planning and Evaluation;
(3) Office of Information and Public Affairs;
(4) Directorate for Epidemiology;
(5) Directorate for Economic Analysis;
(6) Directorate for Engineering Sciences;
(7) Directorate for Health Sciences;
(8) Directorate for Compliance and Administrative Litigation;
(9) Directorate for Field Operations.

§ 1000.13 Directives system.

The Commission maintains a Directives System which contains delegations of authority and descriptions of Commission programs, policies, and procedures. A complete set of directives is available for inspection in the public reading room at Commission headquarters.

§ 1000.14 Office of the General Counsel.

The Office of the General Counsel provides advice and counsel to the Commissioners and organizational components of the Commission on matters of law arising from operations of the Commission. It prepares the Commission's legislative program and comments on relevant legislative proposals originating elsewhere. The Office, in conjunction with the Department of Justice, is responsible for the conduct of all Federal court litigation to which the Commission is a party. The Office also advises the Commission on administrative litigation matters. The Office provides final legal review of and makes recommendations to the Commission on proposed product safety standards, rules, regulations, petition actions, and substantial hazard actions. It also provides legal review of certain procurement, personnel, and administrative actions and drafts documents for publication in the **Federal Register.**

§ 1000.15 Office of Congressional Relations.

The Office of Congressional Relations is the principal contact with the committees and members of Congress. It performs liaison duties for the Commission, provides information and assistance to Congress on matters of Commission policy, and coordinates testimony and appearances by Commissioners and agency personnel before Congress.

§ 1000.16 Office of Media Relations.

The Office of Media Relations is responsible for implementing the Commission's media relations program nationwide. The Office serves as the Commission's spokesperson to the national print and broadcast media, develops and disseminates the Commission's news releases, and organizes Commission news conferences.

§ 1000.17 Office of the Secretary.

The Office of the Secretary prepares the Commission's agenda, schedules and coordinates Commission business at offical meetings, and records, issues, and stores the official records of Commission actions. The Office prepares and publishes the Public Calendar under the Commission's Meetings Policy. The Office exercises joint responsibility with the Office of the General Counsel for the interpretation and application of the Privacy Act, Freedom of Information Act, and the Government in the Sunshine Act, and prepares reports required by these acts. It issues Commission decisions, orders, rules, and other offical documents, including **Federal Register** notices, for and on behalf of the Commission and controls the use of the Commission seal. The Office supervises and administers the dockets of adjudicative proceedings before the Commission. The Office maintains the records of continuing guaranties of compliance with applicable standards of flammability issued under the Flammable Fabrics Act (FFA) which are filed with the Commission in accordance with provisions of section 8(a) of the FFA (15 U.S.C. 1197(a)). Upon request, the Office of the Secretary provides appropriate forms to persons and firms desiring to execute continuing guaranties under the FFA. The Office also supervises and administers the public reading room.

§ 1000.18 Office of Internal Audit.

This Office reviews, analyzes, and reports on Commission programs and organization to assess compliance with relevant laws, regulations, and principles of efficency, effectiveness, and economy.

§ 1000.19 Office of Equal Employment Opportunity and Minority Enterprise.

The Office of Equal Employment Opportunity and Minority Enterprise assures the agency complies with all laws, regulations, rules and internal policies relating to equal employment opportunity. It assures compliance with the Small Business Act as it relates to small and disadvantaged business utilization. The Office also conducts the Upward Mobility Program.

§ 1000.20 Office of the Executive Director.

The Executive Director with the assistance of the Deputy Executive Director, under the broad direction of

VOL 52 ISS 249 DEC 29 1987 UMI

the Chairman and in accordance with Commission policy, acts as the chief operating manager of the agency, supporting the development of the agency's budget and operating plan before and after Commission approval, and managing the execution of those plans. The Executive Director has direct line authority over the following directorates and offices: Epidemiology, Economic Analysis, Engineering Sciences, Health Sciences, Compliance and Administrative Litigation, Administration, and Field Operations; the Office of Program Management and Budget; the Office of Planning and Evaluation; and the Office of Information and Public Affairs.

§ 1000.21 Office of Program Management and Budget.

(a) The Office of Program Management and Budget is responsible for overseeing the development of the Commission's budget, program goals and objectives, and hazard program plans. The Office, in consultation with other offices and directorates, prepares, for the Commission's approval, the annual budget requests to Congress and the Office of Management and Budget and the operating plan for each fiscal year. It manages the execution of the Commission's budget. The Office recommends to the Office of the Executive Director actions to enhance effectiveness of the Commission's programs and activities.

(b) The Office of Program Management and Budget is also responsible for managing the hazard-releated programs contained in the Commission's operating plan and carries out other tasks assigned by the Executive Director. The Office is responsible for Information Resources Management activities and for international standards coordination and liaison. As an extension of the Office of the Executive Director, it is responsible for assuring the implementation of Commission decisions. Program Managers assigned to the Office provide overall direction to all hazard program projects, including those involving voluntary standards, petitions, and emerging hazards. This is especially true where functional responsibility extends across the organizational lines of other offices and directorates. The Program Managers' authority complements the functional authority vested in the Associate Executive Directors and other Office Directors to assure that relevant legal, technical, environmental, economic, and social impacts of projects are comprehensively and objectively presented to the Commission for decision. The Office carries out regular program reviews assessing the progress of projects to reach goals established by the Commission. The Office consults with the other staff directorates and offices in developing strategies to meet these goals. It is responsible for resolving issues that arise among the directorates and other offices in carrying out hazard program goals.

§ 1000.22 Office of Planning and Evaluation.

The Office of Planning and Evaluation reports to the Executive Director and is responsible for the Commission's planning and evaluation activities. It develops integrated short and long range plans for achieving the Commission's goals and objectives. The office is responsible for the development and analysis of both major policy and operational issues. Evaluation studies are conducted to determine how well the Commission fulfills it mission. These studies include impact and process evaluations of Commission programs, projects, functions, and activities. Recommendations are made to the Executive Director for changes to improve their efficiency and effectiveness. Management analyses and special studies are also conducted. These cover, but are not limited to, internal controls, organizational performance, structure, and productivity measurement. Recommendations are made to the Executive Director for improving management efficiency and effectiveness.

§ 1000.23 Office of Information and Public Affairs.

The Office of Information and Public Affairs is responsible for the development, implementation, and evaluation of a comprehensive national information and public affairs program designed to promote product safety. This includes responsibility for developing and maintaining relations with a wide range of national groups such as consumer organizations; business groups; trade associations; state and local government entities; labor organizations; medical, legal, scientific and other professional associations; and other Federal health, safety and consumer agencies. The Office also manages the Commission's Hotline, described in § 1000.3 of this chapter.

§ 1000.24 Directorate for Epidemiology.

The Directorate for Epidemiology, which is managed by the Associate Executive Director for Epidemiology, is responsible for injury data analysis to identify hazards or hazard patterns. The Directorate collects data on consumer product-related hazards and potential hazards, determines the frequency, severity, and distribution of the various types of injuries, and investigates their causes. It assesses the effects of product safety standards and programs on consumer injuries and conducts epidemiological and human factors studies and research in the fields of consumer product-related injuries. It maintains an injury data clearinghouse and manages the National Electronic Injury Surveillance System (NEISS).

§ 1000.25 Directorate for Economic Analysis.

The Directorate for Economic Analysis, which is managed by the Associate Executive Director for Economic Analysis, is responsible for providing the Commission with advice and information on economic and environmental matters and on the economic, social and environmental effects of Commission actions. It analyzes the potential effects of CPSC actions on consumers and on industries, including effects on competitive structure and commercial practices. The Directorate acquires, compiles, and maintains economic data on movements and trends in the general economy and on the production, distribution, and sales of consumer products and their components to assist in the analysis of CPSC priorities, policies, actions, and rules. It plans and carries out economic surveys of consumers and industries. It studies the costs of accidents and injuries. It evaluates the economic, societal, and environmental impact of product safety rules and standards. It performs such regulatory analyses and such studies of costs and benefits of CPSC actions as are required by the Consumer Product Safety Act, the National Environmental Policy Act, the Regulatory Flexibility Act and other Acts, and by policies established by the Consumer Product Safety Commission.

§ 1000.26 Directorate for Engineering Sciences.

The Directorate for Engineering Sciences, which is managed by the Associate Executive Director for Engineering Sciences, is responsible for developing technical policy and implementing the Commission's engineering programs. The Directorate's functional responsibility includes development and evaluation of product safety standards and test methods based on engineering and other physical sciences and the conduct and relevant evaluation of specific product testing to support general agency regulatory activities. The Directorate develops and evaluates performance criteria, design specifications, and quality control standards for certain consumer products and provides scientific and technical expertise to the Commission. It conducts and evaluates engineering tests and test-methods, participates in the engineering development of product safety standards, and provides advice on proposed mandatory standards and industry voluntary standard efforts. It performs or monitors research in the engineering sciences and manages the Commission's engineering laboratory and engineering test facility and provides analytical services in support of the Commission's enforcement activities. The Directorate for Engineering Sciences conducts studies of the safety of consumer products. It coordinates engineering research testing and evaluation activities with the National Bureau of Standards and other Federal agencies, private industry, and consumer interest groups. The Directorate gives statistical support for the engineering aspects of standards development, certification programs, and sampling for field inspection programs. The Directorate provides technical supervision and direction of all engineering activities including tests and analyses conducted in the field. The Directorate provides engineering technical support to all Commission organizations, activities and programs. The Directorate analyzes accident data, develops accident scenarios, and recommends solutions. This information is applied to develop standards and corrective action plans. The Directorate provides appropriate analytical representation to the Office of Program Management and Budget.

§ 1000.27 Directorate for Health Sciences.

The Directorate for Health Sciences, which is managed by the Associate Executive Director for Health Sciences, is responsible for developing science policy and implementing the Commission's Health Sciences program. The Directorate's functional responsibilities include development and evaluation of the scientific content of product safety standards and test methods based on the chemical, biological and medical sciences, and the conduct and evaluation of specific product testing to support general agency regulatory activity. The Directorate also provides scientific and medical expertise to the Commission and it develops and evaluates performance criteria, design specifications, and quality control standards for certain consumer products. It conducts and evaluates scientific tests and test methods, participates in the scientific development of product safety standards, and provides advice on proposed standards. It collects scientific and medical data, reviews and evaluates toxicological, medical, and chemical hazards, and determines exposure, uptake and metabolism, including identification of the toxicological and physiological bases which cause some population segments to be at special risk. It performs risk assessments for chemical and physical hazards in consumer products. It performs or monitors research, and conducts studies of the safety of or of improving the safety of consumer products. It provides the Commission's primary source of technical expertise for implementation of the Poison Prevention Packaging Act. It provides the Commission's expertise on manufacturing practices and quality assurance for chemical consumer products and it provides scientific and laboratory support to the Commission's and other laboratories and other chemical or toxicological testing facilities. It provides scientific and medical support to all commission organizations, activities, and programs. The Directorate provides scientific liaison with the National Toxicological Program, the National Cancer Institute, the Environmental Protection Agency, other federal agencies and programs, and organizations concerned with reducing the risks to consumers from exposure to chemical hazards. It also manages activities of the Commission's advisory committees such as Chronic Hazard Advisory Panels.

§ 1000.28 Directorate for Compliance and Administrative Litigation.

The Directorate for Compliance and Administrative Litigation, which is managed by the Associate Executive Director for Compliance and Administrative Litigation, conducts or supervises the conduct of compliance and administrative enforcement activity under all administered acts, provides advice and guidance to regulated industries on complying with all administered acts and reviews proposed standards and rules with respect to their enforceability. The Directorate's responsibility also includes identifying and acting on safety hazards in consumer products already in distribution, promoting industry compliance with existing safety rules, and conducting litigation before an administrative law judge relative to administrative complaints. It provides advice and case guidance to field offices and participation in the development of standards before their promulgation to assure enforceability of the final product. It enforces the Consumer Product Safety Act requirement that firms identify and report product defects which could present possible substantial hazards. It reviews consumer complaints, in-depth investigations, and other data to identify those consumer products containing such hazards or which do not comply with existing safety requirements. The Directorate negotiates and subsequently monitors corrective action plans designed to recall defective or non-complying products and gives public warning to consumers where appropriate. It gathers information on generic product hazards which may lead to subsequent initiation of safety standard setting procedures. The Directorate develops surveillance strategies and programs designed to assure compliance with Commission standards and regulations. It originates instructions to field offices and provides subsequent interpretations or guidance for field surveillance and enforcement activities.

§ 1000.29 Directorate for Administration.

The Directorate of Administration, which is managed by the Associate Executive Director for Administration, is responsible for general administrative policy; maintenance of timeliness, quality, and efficiency of services; planning input, review; and administrative control within his or her functional area of responsibility. The Directorate's functional responsibility includes all general and delegated administrative functions supporting the Commission in the areas of financial management, management and organizational analysis, personnel, training, automated data systems, telecommunications, the reference library, and the physical plant. The Directorate is responsible for the execution of payment, financial control, accounting, and reporting of all expenditures within the Commission. It is responsible for all aspects of personnel management for the Commission, including recruitment and placement, classification standards and policies, and employee and labor-management relations. It evaluates the need for, develops, and implements all training programs for the Commission, including employee training, executive development, and training programs involving outside parties. The Directorate designs, implements, and operates all automated data systems and telecommunications. It provides support services for space management, supply and property management, security, printing and reproduction,

BEST COPY AVAILABLE

records management, transportation, warehousing, utilities, and mail. It is responsible for all CPSC contracts and procurement of services and supplies. It develops, implements, and maintains management information systems and distributes summary reports on data accumulated by those systems. The Directorate also maintains and updates the reference library, performs data and bibliographic research for the agency and its constituency, and administers the ordering, receiving, and distribution of all publications requested by or for CPSC personnel.

§ 1000.30 Directorate for Field Operations.

(a) The Directorate for Field Operations, which is managed by the Associate Executive Director for Field Operations, has direct line authority over all Commission field operations; develops, issues, approves, or clears proposals and instructions affecting the field activities; and provides a central point within the Commission from which Headquarters officials can obtain field support services. The Directorate provides direction and leadership to the Regional Center Directors and promulgates policies and operational guidelines which form the framework for management of Commission field operations. The Directorate works closely with the other Headquarters functional units, the Regional Centers, and other field offices to assure effective Headquarters-field relationships, proper allocation of resources to support Commission priorities in the field, and effective performance of field tasks. It represents the field and prepares field program documents. It coordinates direct contact procedures between Headquarter's offices and Regional Centers. The Directorate is also responsible for liaison with State, local, and other Federal agencies on product safety programs in the field.

(b) Regional Centers are responsible for carrying out investigative and compliance activities within their areas. They encourage voluntary industry compliance with the laws and regulations administered by the Commission and implement wide-ranging public information and education programs designed to reduce consumer product injuries. They also provide support and maintain liaison with components of the Commission, other Regional Centers, and appropriate Federal, State, and local government offices.

[FR Doc. 87-29728 Filed 12-28-87; 8:45 am]

BILLING CODE 6355-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Activities of Self-Regulatory Organization Governing Members Who Possess Material, Non-Public Information

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has adopted final Regulation 1.59(c), which requires self-regulatory organizations to adopt rules prohibiting, in accordance with the standards contained in the regulation, disclosure or other improper use of material, non-public information by members of self-regulatory organization governing boards and committees.

EFFECTIVE DATE: New Regulation 1.59(c) becomes effective March 28, 1988.

FOR FURTHER INFORMATION CONTACT: De'Ana Hamilton-Brown, Attorney/Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

On June 11, 1985, the Commission published proposed Regulation 1.59 relating to the activities of self-regulatory organization ("SRO") employees and governing members who possess material, non-public information. 50 FR 24533. The Commission's proposal was designed to eliminate or minimize the potential misuse of material, non-public information by employees and governing members of SROs with possession of or access to material, non-public information, given that such conduct could undermine the concept of industry self-regulation and diminish public confidence in SROs. 50 FR 24533-34.

On November 25, 1986, the Commission adopted, as final, the provisions of Regulation 1.59 applicable to SRO employees. The rule prohibits the disclosure of material, non-public information obtained as a result of employment by an SRO. Furthermore, the rule requires SROs to adopt rules proscribing such disclosures and barring employees from trading in commodity interests on the employing contract market, in related commodity interests, or in commodity interests traded on other exchanges as to which the employee has access to material, non-public information.

Concurrently with the Commission's adoption of the final rules pertaining to SRO employees, the Commission deleted the portion of the rule pertaining to governing members. Generally, Regulation 1.59(c) would have prohibited governing members having knowledge of certain final or imminent decisions of a governing board or committee from trading the contract affected by such decisions or related contracts, and from disclosing information concerning the decisions, prior to publication. In addition, the proposed governing members provision would have required each contract market and clearing organization to adopt rules requiring that final decisions of governing boards or committees be announced publicly before the opening of the next trading session in the affected contract. These provisions were intended to prevent the misuse of information concerning decisions which could not be appealed to another body within the SRO and which, without further action, could alter materially the futures trading environment, such as decisions to revise margin levels substantially, limit trading to liquidation only, compel liquidation of positions held by major market participants, and other rule changes that could affect the prices of particular futures or option contracts. 51 FR at 44868 (December 12, 1986).

Objections to the proposal included concerns relating to the scope and operation of the proposed trading prohibition, which some commenters claimed would prohibit far more trading than necessary to preserve the integrity of contract markets and could impair the ability, or diminish the willingness, of knowledgeable SRO members who are also active traders to serve on an SRO board of directors or its major policy and disciplinary committees. Based upon its review of these and other comments, the Commission determined that the proposed restrictions upon the activities of governing members merited further consideration and possible amendment, deleted the governing members provision from Regulation 1.59, as adopted, and by **Federal Register** release of December 12, 1986, invited comment "on how best to revise the governing members provision" to address the concerns raised by the comments previously received.[1] 51 FR 44866, 44868.

[1] The Commission received nine comment letters in response to its December 12, 1986 request for

Continued

The commenters generally supported the view that governing members must maintain the confidentiality of sensitive information received in the performance of their official duties. However, some commenters questioned the necessity for Commission rulemaking to achieve that end, and a substantial number questioned the specific formulation of the previously proposed rule. In light of these and earlier comments, the Commission revised the proposed rule, and on August 28, 1987, the Commission published the new proposed governing members rule for comment. 52 FR 32568.

II. Activities of Self-Regulatory Organization Governing Members Who Possess Material Non-Public Information

The proposed Regulation 1.59(c), published in August, 1987, would have required SROs to adopt rules providing that no member of an SRO governing board or committee shall use or disclose, for any purpose other than the performance of such member's official duties as a governing member, material, non-public information obtained as a result of such member's participation on any committee or governing board of an SRO.[2] Proposed Regulation 1.59(c) also would have required contract markets and clearing organizations to adopt rules requiring the publication, except for good cause shown, of final decisions of contract market and clearing organization governing boards and committees prior to the opening of the next trading session in the affected contract on that contract market, and prior to the opening of the next trading session in a contract based on the same commodity as that contract traded on any linked exchange.

The recently proposed Regulation 1.59(c) differed significantly from the previous proposal. First, Regulation 1.59(c), as revised, would have encompassed the misuse of a potentially broader category of material, non-public information[3] than the original proposal, which would have addressed only those situations in which a governing member had knowledge of a final or imminent board or committee decision. Second, in contrast to the original proposal, which would have created a prohibition against trading by governing members who possessed or had access to material, non-public information, the revised proposal would have required case-by-case enforcement by the SROs. In this regard, the Commission anticipated that SROs would incorporate into their existing affirmative rule enforcement program, the surveillance of the trading activity of governing members where there was a potential nexus to knowledge of material, non-public information in their capacity as such, and other affirmative enforcement measures designed to detect and deter trading based upon such information and other misuse of such information. Finally, the proposed immediate publication provision, which previously would have included certain stringent procedural requirements, as revised, would have permitted delayed publication of a final decision for good cause shown, provided the Commission received prompt, written notification of such decision.

The Commission received six comment letters in response to its August 28, 1987 request for comments on revised Regulation 1.59(c).[4] Generally, the comments supported the provisions which would have required SROs to prohibit the disclosure or misuse of material, non-public information obtained by governing members as a result of their participation on SRO governing boards or committees, but opposed the immediate publication requirement with respect to final decisions of governing boards and committees.

The commenters agreed that the revised version of Regulation 1.59(c), excluding the immediate publication requirement, represented a significant improvement over the rule as previously proposed. One commenter acknowledged the need to maintain public confidence in the market and supported the Commission's proposal to adopt a performance standard. Another commenter stated that the "performance standard" approach would allow SROs to discipline members who abuse their trust and responsibilities by using or disclosing material, non-public information. The commenter stated further that the flexibility and focused restraint of the proposal, would avoid the loss of services on governing boards and committees by industry volunteers who might fear the restrictions on their trading activity contained in the 1985 proposal. Other commenters stated that the revised proposed regulation demonstrated the Commission's confidence in effective exchange rulemaking by leaving the responsibility for the specific terms to the exchanges, which are uniquely able to tailor their rules to fit their particular circumstance.

As noted, however, the commenters strongly opposed the immediate publication requirement as proposed in Regulation 1.59(c)(2). Most of the commenters agreed that certain board decisions should be announced promptly and publicly, but believed that mandating such disclosure by Commission rule is unnecessary and unduly burdensome. In this regard, several commenters stated that the immediate publication requirement is unnecessary in light of the provisions of proposed § 1.59(c)(1). Specifically, one commenter explained that governing members have a duty to disclose material, non-public information at the appropriate time, and if they breach that duty and make improper use of the information prior to public dissemination, they would be in violation of the exchange rules to be adopted pursuant to § 1.59(c)(1).

The commenters noted further that the immediate publication requirement, as proposed, often would be operationally impossible, particularly with the current

---

comment: (1) Chicago Board of Trade; (2) Coffee, Sugar & Cocoa Exchange, Inc.; (3) Comex Clearing Association; (4) Commodity Exchange, Inc.; (5) Minneapolis Grain Exchange; (6) National Futures Association; (7) National Grain Trade Council; (8) National Grain and Feed Association; and (9) New York Mercantile Exchange. For an in-depth discussion of the comments received and the Commission's response, *See* 52 FR 32568 (August 28, 1987).

[2] The initially proposed governing members rule would have applied only to contract markets and clearing organizations. As revised, proposed Regulation 1.59(c)(1) would have applied to SROs, as defined in § 1.59(a)(1), thereby including the National Futures Association ("NFA"). That change reflects reformulation of the rule to apply to the use of material, non-public information as opposed to trading activities in the context of knowledge of final or imminent decisions relevant to such trading. NFA commented that revised Regulation 1.59(c) should not apply to NFA because "the applicability of § 1.59(c) to information obtained and decisions made by NFA board or committee members is remote." The Commission disagrees. NFA governing members have access to information concerning the financial condition of its members which the Commission believes could provide an unfair trading advantage, if used for that purpose.

[3] "For purposes of this section: * * * 'Material information' means information which would be considered important by a reasonable person in deciding whether to trade a particular commodity interest on a contract market, including, but not limited to, information relating to present or anticipated cash, futures or option positions, trading strategies, the financial condition of members of [SROs] or their customers, or the regulatory actions or proposed regulatory actions of [SROs]. 'Nonpublic information' means information which has not been disseminated in a manner which makes it generally available to the trading public through recognized channels of distribution." Regulations 1.59(a) (3) and (4). The Commission expects SROs, under the revised rule, to determine the application of the material, non-public information standard in specific factual contexts, a process that will refine the definition of the information that may not be misused or disclosed.

[4] This request elicited formal comment from: (1) Chicago Mercantile Exchange; (2) Coffee, Sugar & Cocoa Exchange, Inc.; (3) Chicago Board of Trade; (4) National Grain and Feed Association; (5) National Futures Association; and (6) National Grain Trade Council.

VOL 52 ISS 249 DEC 29 1987 UMI

trend toward linkages between foreign and domestic exchanges, and most recently, the commencement of evening trading sessions. Several commenters opposed the inclusion of routine margin changes and member responsibility actions in the class of final decisions which would have been subject to the immediate publication requirement, because such decisions most often would not have a material impact on the market. Lastly, one exchange noted that some final decisions should not be published immediately to avoid possible market disruption, for example, a decision to order a firm to liquidate its positions within a specified period of time.

The Commission has considered the concerns raised by the commenters with respect to the immediate publication requirement, and agrees that the current proposal may not be the best approach. However, the Commission believes that the principle underlying the proposed immediate publication requirement should be preserved. Indeed, several commenters agreed that board and committee decisions which may have a material impact on the markets should be published promptly, and took issue only with the method proposed for accomplishing this end.

Accordingly, although the Commission has determined to delete the provisions which would have required exchanges to adopt rules requiring publication of final decisions before the next trading session, the Commission expects each SRO to review in its affirmative rule enforcement program the consistency with which final decisions are published promptly, as well as the justification provided when a potentially market-sensitive decision is not published promptly. In this regard, SRO boards and committees should document their reasons for delaying publication of a final decision which may constitute material, non-public information. If circumstances indicate an unjustified delay in publication of a final decision, the SRO should take that information into consideration in determining which members and decisions to focus upon in surveilling for possible violations of Regulation 1.59(c).

As the Commission stated in the previous **Federal Register** release concerning Regulation 1.59(c), "each [SRO] must develop and administer a program for detecting possible violations of its rule that is sufficient to deter and detect violations, so as to provide a meaningful foundation for public confidence in the fairness of the futures markets." 52 FR 32568, 32571. The Commission noted that such a program would entail, at a minimum, adequate access to governing members' trading records, review and investigation of complaints of improper trading, and review of trading by governing members and their affiliates.

While acknowledging the obligation of SROs to enforce the rules promulgated in accordance with Regulation 1.59(c), several commenters stated that a special affirmative compliance program aimed solely at the misuse and disclosure of material, non-public information by governing members would be an inefficient and unnecessary use of resources that would produce no meaningful result. Moreover, the commenters stated that their existing rules and procedures are sufficient to satisfy the rule enforcement obligations anticipated under Regulation 1.59(c).[5]

The Commission continues to believe that effective, affirmative SRO compliance programs designed to detect and deter violations of rules adopted in accordance with Regulation 1.59(c) are essential. However, the Commission is not proposing to require SROs to develop and implement a separate or unique affirmative compliance program aimed solely at detecting abuses of material, non-public information by governing members. Instead, the Commission expects SROs to expand their existing compliance programs to conduct surveillance in this area not unlike the manner in which they conduct surveillance programs to detect other rule violations. Such a program must be reasonably calculated to detect and deter abuses, but need not address the substantial portion of governing board and committee activities in which no material, non-public information is involved. For those instances where material, non-public information is involved, an SRO program, for example, could include surveillance of selected trading by governing members (including their affiliates) having access to material, non-public information. That surveillance could be limited to the commodities to which the information relates and the time period during which misuse of such information reasonably could be expected to occur. The Commission understands that the compliance programs used will vary among the SROs based upon, *inter alia*, the size of the market and the organizational structure of the governing boards and committees of each SRO.

The Commission is relying upon the individual SROs to define an effective program most suitable to their particular markets, and to devote the necessary resources to enforce their rules to be adopted pursuant to § 1.59(c). The Commission intends to review SRO activities in this area in the ordinary course of its oversight of the futures markets, most notably in the conduct of rule enforcement reviews.

[5] The Commission invited comment on whether effective enforcement of SRO rules implemented pursuant to proposed Regulation 1.59(c) would require that the Commission adopt rules designed to facilitate self-regulatory enforcement efforts. For example, the Commission suggested a requirement that SROs adopt rules permitting them to obtain documents related to trading in affected commodities or a requirement that specific disclosures be made by board or committee members of open positions in the contract market under discussion held by the governing member and such member's affiliated firm. All of the commenters who responded on this point stated emphatically that such rulemaking would be unnecessary, and reiterated that existing SRO rules and procedures are sufficient.

III. Implementation Time of Regulation 1.59(c)

Commission Regulation 1.59(c) will not become effective until ninety days after the date of publication of the final rule. The delayed effective date should provide ample time for SROs to adopt and submit to the Commission, pursuant to section 5a(12) of the Commodity Exchange Act, rules consistent with the requirements of Regulation 1.59(c), and to comply therewith. The Commission expects the SROs to act expeditiously in submitting appropriate rules.

Regulatory Flexibility Act

The Commission has determined previously that contract markets are not "small entities" for purposes of the Regulatory Flexibility Act (5 U.S.C. 605) and that the requirements of the Act do not, therefore, apply to contract markets. 47 FR 18618 (April 30, 1982). Furthermore, the Chairman of the Commission has certified previously on behalf of the Commission that comparable rule proposals, if adopted, would not have a significant economic impact on a substantial number of small entities. *See, e.g.*, 48 FR 32835, 32836 (July 19, 1983). For the reasons set forth above, and pursuant to Section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Chairman hereby certifies, on behalf of the Commission, that the following § 1.59(c) will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act ("PRA") of 1980, 44 U.S.C. 3501 *et. seq.*, imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA. In compliance with the PRA, the Commission previously submitted this rule in proposed form and its associated information collection requirements to the Office of Management and Budget ("OMB"), stating that Rule 1.59 does not impose any additional paperwork on the public, but that SROs may be required to submit new or altered rules to the Commission pursuant to Regulation 1.41. Rule 1.41 was assigned previously OMB Control No. 3038-0022.

Copies of the OMB approved information collection package associated with this rule may be obtained from Bob Neal, Office of Management and Budget, Room 3220, NEOB, Washington, DC 20503, (202) 395-7340.

List of Subjects in 17 CFR Part 1

SROS, Contract markets, Clearing organizations, Registered futures associations, Contract market members, Exchange employees, Directors of contract markets and clearing organizations.

In consideration of the foregoing, and based on the authority contained in the Commodity Exchange Act and, in particular, sections 3, 4b, 5, 5a, 6, 6b, 8, 8a, 9, 17, and 23(b) thereof, 7 U.S.C. 5, 6b, 7, 7a, 8, 13a, 12, 12a, 13, 21 and 26(b) the Commission is proposing to amend Title 17, Chapter I, Part 1 of the Code of Federal Regulations by adopting new § 1.59(c) as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. The authority citation for Part 1 continues to read as follows:

Authority: 7 U.S.C. 2, 2a, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 7, 7a, 8, 9, 12, 12a, 12c, 13a, 13a-1, 16, 19, 21, 23, and 24, unless otherwise stated.

2. Section 1.59 is amended by revising the section heading and by adding paragraph (c) to read as follows:

§ 1.59 Activities of self-regulatory organization employees and governing members who possess material, non-public information.

* * * * *

(c) *Members of self-regulatory organization governing boards and committees.* Each self-regulatory organization must maintain in effect rules which have been submitted to the Commission pursuant to section 5a(12) of the Act and Commission Regulation 1.41 (or pursuant to section 17(j) of the Act in the case of a registered futures association) which provide that no member of such self-regulatory organization governing board or of a committee of such self-regulatory organization shall use or disclose, for any purpose other than the performance of such member's official duties as a governing board or committee member, material, non-public information obtained as a result of such member's participation on any committee or governing board of such self-regulatory organization.

Issued in Washington, DC on December 22, 1987, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87-29721 Filed 12-28-87; 8:45 am]

BILLING CODE 6351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229, 240 and 270

[Release Nos. 34-25217; IC-16181; File No. S7-19-87]

Proxy Rules; Amendments To Eliminate Filing Requirements for Certain Preliminary Proxy Material; Amendments With Regard to Rule 14a-8, Shareholder Proposals

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission today announced the adoption of amendments to the proxy rules to eliminate the filing of preliminary proxy and information statements under certain circumstances. To accommodate the changes in filing requirements, related amendments to Rules 14a-3, 14a-8, and 14c-3, Schedule 14C, the filing fee rules and Item 401 of Regulation S-K also are being adopted. In addition, the Commission is adopting an amendment to Rule 14a-8 to delete the limitation on inclusion of a shareholder proposal in the registrant's proxy material where the proponent delivers written proxy materials to holders of more than 25% of a class of the registrant's securities. Other amendments to Rule 14a-8 relating to requests for documentary support of a proponent's beneficial ownership claim require that a registrant make any request for documentary support within 14 calendar days, extend from 14 to 21 calendar days the time period in which such documentation must be furnished, and require that a registrant accept, under certain circumstances, a copy of certain Commission filings, together with a proponent's affidavit, as sufficient documentation of a proponent's beneficial ownership claim. Technical and clarifying amendments to Schedule 14A also are being adopted.

EFFECTIVE DATE: All amendments are effective February 1, 1988, except for the deletion of Rule 14a-8(a)(1)(ii), which is effective December 29, 1987. Refer to the supplementary information section below for a detailed explanation of how the effective date will affect the operation of Rules 14a-8(a), 14a-8(a)(1), 14a-8(d), 14a-8(e), 14c-5(a), and Schedule 14C.

FOR FURTHER INFORMATION CONTACT: Barbara J. Green or Elizabeth M. Murphy, (202) 272-2589, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. After the effective date, contact Cecilia D. Blye, (202) 272-2573, Office of Chief Counsel, Division of Corporation Finance. With respect to investment companies, contact Dorothy M. Donohue, (202) 272-2107, Ofice of Disclosure and Adviser Regulation, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The Commission is adopting amendments to Regulation 14A [1] (Rules 14a-3 [2], 14a-8 [3] and 14a-8 [4] and Schedule 14A [5]) and to Regulation 14C [6] (Rules 14c-3 [7] and 14c-5 [8] and Schedule 14C [9]) under the Securities Exchange Act of 1934 ("Exchange Act").[10] The Commission also is adopting amendments to Rule 20a-1 [11] under the Investment Company Act of 1940 ("Investment Company Act") [12] and to Item 401 [13] of Regulation S-K. [14]

The deletion of Rule 14a-8(a)(1)(ii) [15] is effective upon publication in the **Federal Register**. The effective date for all other amendments is February 1, 1988. The following outline indicates how the effective dates will affect the operation of Rules 14a-8(a),[16] 14a-8(a)(1),[17] 14a-8(d),[18] 14a-8(e),[19] 14c-5(a),[20] and Schedule 14C:

[1] 17 CFR 240.14a-1 through 240.14b-2.
[2] 17 CFR 240.14a-3.
[3] 17 CFR 240.14a-8.
[4] 17 CFR 240.14a-8.
[5] 17 CFR 240.14a-101
[6] 17 CFR 240.14c-1 through 240.14c-101
[7] 17 CFR 240.14c-3.
[8] 17 CFR 240.14c-5.
[9] 17 CFR 240.14c-101
[10] 15 U.S.C. 78a-78kk.
[11] 17 CFR 270.20a-1
[12] 15 U.S.C. 80a-1 *et seq.*
[13] 17 CFR 229.401
[14] 17 CFR 229.1 *et seq.*
[15] 17 CFR 240.14a-8(a)(1)(ii).
[16] 17 CFR 240.14a-8(a).
[17] 17 CFR 240.14a-8(a)(1).
[18] 17 CFR 240.14a-8(b).
[19] 17 CFR 240.14a-8(e).
[20] 17 CFR 240.14c-5(a).

A. Rule 14a–6(a)

Registrants filing proxy statements on or after February 1, 1988, should comply with Rule 14a–6(a), as amended.

B. Rule 14a–8(a)(1)

1. Registrants receiving security holder proposals on or after February 1, 1988, should comply with the time restrictions imposed by Rule 14a–8(a)(1), as amended, in requesting documentation of beneficial ownership.

2. Security holder proponents furnishing documentation of beneficial ownership to registrants on or after February 1, 1988, should provide documentation considered acceptable under Rule 14a–8(a)(1), as amended. Similarly, registrants should accept such documentation received from security holder proponents on or after February 1, 1988. Further, the staff will not grant no-action letter requests to registrants where a proponent furnishes such documentation prior to February 1, 1988.

3. Security holder proponents responding to requests for documentation received on or after February 1, 1988, should comply with the time restrictions imposed by Rule 14a–8(a)(1), as amended.

4. Effective upon publication in the **Federal Register**, Rule 14a–8(a)(1)(ii) will not restrict the distribution of written proxy materials by security holder proponents because it has been deleted from Rule 14a–8(a)(1), as amended.

C. Rule 14a–8(d)

Registrants asserting to the Commission, on or after February 1, 1988, that security holder proposals may be omitted from their proxy materials, should comply with Rule 14a–8(d), as amended.

D. Rule 14a–8(e)

Registrants forwarding proponents copies of their statements in opposition on or after February 1, 1988, should comply with Rule 14a–8(e), as amended. Proponents informing the Commission on or after February 1, 1988, that a registrant's statement in opposition is false and misleading should comply with Rule 14a–8(e), as amended.

E. Rule 14c–5(a)

Registrants filing information statements on or after February 1, 1988, should comply with Rule 14c–5(a), as amended.

F. Schedule 14C

Registrants advising the Commission of an intent to rule a security holder proposal out of order on or after February 1, 1988, should comply with Instruction 2 to Item 4 of Schedule 14C, as amended.

I. Executive Summary

A. Exclusion from Filing Preliminary Proxy Material and Related Amendments

On June 4, 1987, the Commission proposed for public comment amendments to the proxy rules [21] to eliminate the filing by registrants of preliminary proxy and information statements with the Commission under certain circumstances.[22] The proposal was intended to relieve registrants and the Commission of unnecessary administrative burdens and preparation and processing costs associated with the filing and processing of proxy material that is currently subject to selective review procedures, but ordinarily is not selected for review in preliminary form. The Commission today is adopting the proposal with some modifications.

The exclusion affects only filing requirements; the amendments will not affect disclosure requirements or change the likelihood of review. As under current practice, definitive material still will be subject to being selected for review. Currently, definitive material may be reviewed, for example, when full review of a Form 10–K [23] is undertaken, material deficiencies in definitive materials come to the staff's attention, or an opposing solicitation is commenced after definitive material is filed. The rule amendments are not intended to change the current practice.

Related amendments to Rule 14a–3, Rule 14a–8, Rule 14c–3, Schedule 14C, filing fee rules and Item 401 of Regulation S–K also are being adopted by the Commission. These amendments base certain timing and filing requirements on the filing of definitive, rather than preliminary, proxy material. In addition, technical and clarifying amendments to Schedule 14A are being adopted.

B. Amendments to the Shareholder Proposal Rule

Since 1983, Rule 14a–8(a)(1)(ii) has provided that a shareholder proposal may be omitted from the registrant's proxy material if the proponent delivers written proxy material to holders of more than 25% of a class of the registrant's securities. In the June Release, the Commission sought comment on eliminating this provision. The commentators were divided on the issue, with shareholder proponents generally favoring and registrants generally opposing the elimination. The Commission also solicited comment on alternative amendments to Rule 14a–8(a)(1)(ii), either to modify the 25% limitation to permit inclusion of shareholder proposals in the registrant's proxy material even when the proponent is conducting a solicitation more widespread than that permitted under the present rule, or to retain the 25% limitation and clarify its applicability to exclusion of the proposal from the registrant's material for the current meeting of shareholders as well as the meetings held in the following two years.

In view of the recent increase in shareholder activism on corporate governance issues, the Commission is amending Rule 14a–8 to delete the 25% limitation contained in Rule 14a–8(a)(1)(ii). Amendments to Rule 14a–8 relating to requests for documentary support of a proponent's beneficial ownership claim also are being adopted

II. Discussion of the Amendments

A. Exclusion From Filing Preliminary Proxy Material and Related Amendments

1. Scope

The exclusion from filing preliminary material [24] applied to a proxy or information statement distributed in connection with an annual meeting, or special meeting in lieu of an annual meeting, at which the only matters to be acted upon are the election of directors, the election, approval or ratification of auditors and/or shareholder proposals.[25] With respect to investment companies registered under the Investment Company Act and business development companies, the exclusion applies to any meeting (annual or special) at which the matters to be acted upon include those noted above as well as certain additional matters discussed in detail below. Where the exclusion applies, the Commission will not process preliminary proxy material.[26]

[21] 17 CFR 240.14a–1 through 240.14c–101.

[22] Release No. 34–24552 (June 4, 1987) [52 FR 22334] (the "June Release"). The June Release generated letters from 43 commentators. These letters, as well as the comment summary prepared by the staff, are available for public inspection and copying at the Commission's Public Reference Room (*see* File No. S7–19–87). Three additional comment letters received after completion of the comment summary are not discussed in the comment summary but are available in File No. S7–19–87

[23] 17 CFR 249.310.

[24] *See* Rules 14a–6(a) and 14c–5(a), as amended.

[25] The shareholder proposals referred to are those included in a proxy statement pursuant to Rule 14a–8 or identified in an information statement pursuant to Item 4 of Schedule 14C.

[26] Paragraph (b) of Rule 14a–8 [17 CFR 240.14a–6(b)], which requires copies of any additional

Continued

Neither submission nor inclusion of a shareholder proposal in a registrant's proxy material will make the exclusion inapplicable and require the filing of preliminary material. Rule 14a–8 provides procedures for the review of shareholder proposals separate from the review of preliminary proxy materials. Under the amendments, as in the past, the staff will handle questions and disputes about the inclusion and characterization of shareholder proposals, as well as objections to statements in opposition, independently of the preliminary filing process.

The exclusion does not apply if the registrant comments on or refers to a solicitation in opposition in connection with the forthcoming meeting in its proxy material.[27] A note defines "solicitation in opposition" as any solicitation opposing a proposal supported by the registrant and any solicitation supporting a proposal that the registrant does not expressly support, other than a shareholder proposal included in a registrant's proxy material.[28] The note also clarifies that the inclusion of a shareholder proposal in a registrant's proxy material does not constitute a "solicitation in opposition," even if the registrant opposes the proposal or includes a statement in opposition to the proposal.[29]

a. *Treatment of Investment Companies.* The amendments require that investment companies and business development companies file only definitive material where the matters to be acted upon at any meeting, in addition to any discussed above, are a proposal to continue, without change, an advisory or other contract or agreement that previously has been the subject of a proxy solicitation for which proxy material was filed with the Commission and/or, in the case of an open-end investment company, a proposal to increase the number of shares authorized to be issued. The exclusion from filing preliminary proxy material applies to any meeting of investment company shareholders, rather than only an annual or special meeting in lieu of an annual meeting as proposed, because state law does not always require investment companies to hold annual meetings. The exclusion has been expanded to include business development companies (although they are not afforded the same favorable treatment with respect to annual meetings that investment companies are afforded under state law), because they deserve comparable treatment for the routine proxy issues discussed above.

Investment companies will not file preliminary proxy material in connection with an advisory or other contract only where the contract or agreement that is the subject of the vote already has been voted upon (either when initially adopted or subsequently continued) by the public shareholders. The phrase "without change" nonetheless allows, for example, for changes in the date of the agreement, new signatures or correction of any typographical errors.

The exclusion from filing preliminary material dealing with an increase in shares is limited to open-end companies. Dilution of control (the primary issue that arises in connection with a proposal to authorize new shares) is rarely an important consideration for open-end investment company shareholders. Thus, such proposals tend to be routine and staff review ordinarily is not essential.

b. *Proposal Relating to Solicitations in Opposition and Notice.* The June proposal was designed to require the filing of preliminary material where a solicitation in opposition in connection with the forthcoming meeting had been or was about to be undertaken. At the same time, the proposal recognized that a registrant could have its printing, distribution and meeting schedule disrupted if it learned of a solicitation in opposition shortly before definitive material was to be filed. Accordingly, the proposal contained provisions that would have required the filing of preliminary material if a party had commenced a solicitation in opposition or if the registrant had received notice of the intention of a party to commence such a solicitation, unless the solicitation was commenced or notice was first received during the 45 calendar days prior to the registrant's scheduled meeting date, and the registrant did not comment on or refer to such solicitation in its proxy material.

After considering the feasibility of the proposed provisions, the Commission has decided not to adopt them as proposed. Even where a solicitation in opposition has been or is about to be commenced, there is no reason to preclude reliance upon the exclusion from filing in preliminary form where the proxy material addresses only those matters triggering the exclusion, and does not comment on or refer to the opposing solicitation.

The Commission therefore has determined that proxy material otherwise meeting the requirements for the exclusion needs to be filed in preliminary form only if the registrant comments on or refers to a solicitation in opposition. This modification is consistent generally with the current review practice and effectuates more fully the original objective of the proposed amendments, which was to decrease burdens on registrants associated with the filing of preliminary material that deals with ordinary matters and is unlikely to be selected for review by the staff. The modification also obviates the need to resolve practical problems with the proposed notice provisions, which were identified by commentators, including potential disputes over whether or when notice was given and the inadequacy of the proposed 45 calendar day period for the printing and distribution of proxy materials.

2. Related Amendments to Rule 14a–8, Shareholder Proposal Rule

To accommodate the changes in filing requirements, it is necessary to amend paragraphs (d) and (e) of Rule 14a–8. The time periods in these provisions now will be based on the filing of definitive, rather than preliminary material. Paragraph (d), as amended, requires that the registrant notify the Commission and the proponent of its assertion that a proposal may be omitted at least 80 calendar days prior to the date of filing the definitive proxy material, rather than 60 calendar days prior to the date of filing preliminary material. Similarly, Instruction 2 of Item 4 of Schedule 14C is amended to require that, if the registrant intends to rule a shareholder proposal out of order, it should so advise the Commission 20 calendar days prior to the date that definitive copies of the information statement are to be filed, rather than at the time it files the preliminary copies of its information statement.

soliciting material to be filed in preliminary form at least two business days prior to furnishing such material to shareholders, is not affected by the amendments. Rule 14a–11 [17 CFR 240.14a–11], which contains special provisions for election contests, and Rule 14a–12 [17 CFR 240.14a–12], which governs solicitations prior to furnishing required proxy statements, also are not affected by the amendments.

[27] A note has been added to Rule 14a–6(a) and 14c–5(a) stating that a registrant that is filing proxy material or an information statement in preliminary form only because it has commented on or referred to an opposing solicitation should so state in a transmittal letter when filing the preliminary material with the Commission.

[28] Accordingly, solicitations in opposition are not limited to those involving election contests and governed by Rule 14a–11.

[29] Where the registrant opposes a shareholder proposal included in the registrant's proxy material or comments on or refers to a solicitation in support of that shareholder proposal, the comments or references to the proposal or such solicitation will be considered a part of the registrant's statement in opposition and will be treated as such under Rule 14a–8, even if they appear elsewhere in the registrant's materials.

VOL 52 ISS 249 DE 29 1987 UMI

Paragraph (e) of Rule 14a–6 is amended to require that, not later than 30 calendar days prior to the filing of definitive proxy material with the Commission, the registrant forward to a shareholder proponent a copy of any statement in opposition to the proponent's resolution that the registrant intends to include in the proxy statement. Previously, this time period was 10 calendar days prior to the filing of preliminary material.

In addition, the Commission is amending the last paragraph of Rule 14a–8(e) to require that a proponent who believes that the registrant's statement in opposition is false and misleading, and so informs the Commission, provide a copy of the statement in opposition to the Commission along with his letter. The amendment will help prevent delays in review where the Commission has not been furnished with a copy of the statement in opposition.

3. Filing Fees and Other Related Amendments

To accommodate the change in filing requirements, the Commission is amending the filing fee requirements in Rules 14a–6(j) and 14c–5(g), [30] and in Rule 20a–1 under the Investment Company Act. The amendments require that where preliminary material is not required to be filed, a filing fee be paid when definitive material is filed.[31]

Additional technical revisions are being adopted to make Rule 14a–3(c),[32] Note 2 to Rule 14a–6(a), and Rules 14a–6(j) and 14c–3(b) [33] consistent with the elimination of the filing of certain preliminary proxy material. Rules 14a–3(c) and 14c–3(b) are being revised to add that, if preliminary filing is not required, copies of annual reports shall be mailed to the Commission not later than the date on which such reports are first sent or given to security holders or the date on which definitive material is filed. The word "proxy" is being substituted for the word "preliminary" in the first sentence of Note 2 to Rule 14a–6(a). Rule 14a–6(j) is being amended to eliminate a reference to "preliminary material" in introductory language and a reference to the solicitation of proxies for the "election of directors" with regard to preliminary material.[34]

B. Amendments to Rule 14a–8

1. Deletion of the 25% limitation in Rule 14a–8(a)(1)(ii)

Shareholder activism has increased in recent years. In the past proxy season, votes favoring shareholder proposals concerning corporate governance issues reached historically high levels.[35] In view of this increased shareholder interest in matters of corporate governance,[36] the Commission is adopting amendments to delete the 25% limitation in Rule 14a–8.[37] The deletion permits shareholder proposals that are included in registrant's proxy material to be accompanied by more widespread independent solicitations.[38] Such independent solicitations may increase shareholder participation and broaden the opportunities for shareholders to receive information on corporate governance issues, as well as foster debate on these issues. The Commission intends to monitor the practical effects of the deletion of the 25% limitation.

The deletion of the 25% limitation does not and is not intended to permit access to registrants' proxy materials for a party in an election contest. Shareholder proposals that relate to an election contest and/or are counter to a proposal to be submitted by the registrant at the meeting continue to be subject to exclusion from registrants' proxy materials under Rule 14a–8(c) (8) and (9).[39]

2. Requests for Documentary Support of Beneficial Ownership

Rules 14a–8(a) (1) and (2) set forth eligibility and other requirements for shareholder proposals. At the time of a proposal is submitted, the proponent must be a record holder or beneficial owner of at least 1% or $1,000 in market value of securities entitled to be voted on the proposal at the meeting and have held the securities for at least one year.[40] At that time, the proponent also must provide the registrant in writing with his or her name, address, the number of the registraint's voting securities held of record or beneficially, the dates on which the securities were acquired, and, in the case of beneficial ownership, documentary support for such a claim.[41] If the proponent fails initially to furnish documentary support for a claim of beneficial ownership, the registrant must request such support before the proposal is excludable under the Rule. Prior to these amendments, that request could have been made at any time.

In the June Release, the Commission proposed that a registrant be required to make any such request promptly. Alternatively, the Commission solicited comment on a fixed time period, such as 10, 14 or 21 calendar days. The Commission is amending Rule 14a–8(a)(1) to require that a registrant's request for documentation of a proponent's beneficial ownership be made within 14 calendar days after receipt of the shareholder proposal, where the proponent has failed to provide such documentation as required.[42] This amendment provides an early time period in the Rule for resolving issues of documentary support.[43] A fixed time period is being adopted to avoid any dispute or interpretive questions over the meaning of "promptly."

Further, the Commission is amending Rule 14a–8(a)(1) to change from 14 to 21 calendar days the time period within which a proponent must furnish appropriate documentation beneficial ownership after being requested to do so by a registrant. Since documentary support frequently is obtained from independent third parties, the Commission believes additional response time is warranted. Commentators noted difficulty in obtaining the necessary documentary support from record holders within the 14 calendar day period currently provided.

The Commission also is amending Rule 14a–8(a)(1) to codify its interpretive position that a written statement by a record owner or an independent third party, such as a depository or broker-dealer holding the securities in street name, of the proponent's holding of the registrant's securities for the relevant one year time period is appropriate documentation for a proponent's beneficial ownership claim. In addition, the Commission is amending the Rule to require that a registrant accept, as appropriate documentation of a proponent's beneficial ownership, a copy of ownership reports or amendments to such reports filed by the proponent with the Commission that indicate the proponent's beneficial ownership as of or prior to the date on which the relevant one year period commences, if supported by a copy of all subsequent amendments reporting a change in ownership level and the proponent's affidavit [44] attesting that the proponent has continued beneficial ownership of such securities throughout the required one year period and as of the date of the affidavit, the filings that a registrant is required to accept for these purposes are Schedule 13D,[45] Schedule 13G,[46] Form 13F,[47] Form 3 [48] and Form 4 [49] and any amendments thereto.

Regardless of the form of documentation utilized, the proponent is required to submit a written statement that he intends to continue beneficial ownership through the meeting date. Continuous beneficial ownership already is required by Rule 14a–8(a)(1); the Commission is amending the Rule to highlight this requirement.

As noted in the June Release, requests by registrants for documentation of ownership from record holders who submit shareholder proposals are neither appropriate nor consistent with Rule 14a–8. A record holder's proposal may not be omitted from the registrant's proxy material on the grounds that the record holder failed to provide documentation of ownership.

In addition, some registrants have conditioned the voting of proxies received with respect to a Rule 14a–8 shareholder proposal on the proposal being "seconded" at the meeting. Because Rule 14a–8(2)(2) does not require a "second," the voting of proxies received with respect to a shareholder proposal included in a registrant's proxy material pursuant to Rule 14a–8 may not be conditioned upon the proposal being seconded at the meeting, absent a second being required by state law or by the registrant's governing instruments.[50] If a second is required, it would be appropriate for the registrant to so advise the proponent a reasonable time before the meeting.

C. Other Technical and Clarifying Amendments

The Commission also is adopting technical and clarifying amendments to Schedule 14A. An amendment to Item 4, Persons Making the Solicitation, of Schedule 14A restores a sentence that was dropped inadvertently when Item 4 was revised in November 1986. The sentence clarifies that any person who would be a participant in a solicitation for purposes of Rule 14a–11, as defined in paragraphs (b)(3), (4), (5) and (6) of that Rule, is deemed to be a person on whose behalf the solicitation is made for purposes of paragraph (a) of Item 4.

Technical amendments to Item 10, Compensation Plans, of Schedule 14A are being adopted to provide, consistent with staff interpretation, that Item 10(a)(2)(iii), Item 10(a)(3)(iii) and Item 10(b)(2)(ii)(C) do not require separate disclosure with regard to current officers who are not executive officers. Rather, information regarding those officers will be included in the disclosure for "all employees as a group" in Item 10(a)(2)(iv), Item 10(a)(3)(iv) and Item 10(b)(2)(ii)(G).[51]

III. Cost-Benefit Analysis

In the June Release, the Commission requested commentators to provide views and data as to the costs and benefits associated with amending the filing requirements for proxy and information statements. The Commission noted that the elimination of the requirements to file preliminary proxy and information statements in certain circumstances should reduce some costs for those registrants who meet the requirements of the amendments.

Fourteen commentators expressed views and/or provided data as to the costs and benefits associated with the proposed amendments to the filing requirements. Eight commentators stated that elimination of the requirement to file proxy materials in preliminary form would result in time and cost savings to both the Commission and registrants. Seven commentators expressed concern that certain aspects of the proposed amendments potentially could increase costs to registrants. Four of these commentators expressed concerns about potential costs where definitive material is reviewed by the staff. Clarification of the Commission's intent with respect to review of definitive material has been included in this release. Three of the commentators expressed cost-related concerns regarding the brevity of the proposed 45 calendar day period. The Commission is not adopting the notice provisions related to the proposed 45 calendar day period.

The Commission also requested commentators to provide views and data concerning the costs and benefits of amending the shareholder proposal rule and filing fee requirements. In this regard, the Commission stated that the deletion or modification of Rule 14a–8(a)(1)(ii) might impose some costs on registrants and reduce some costs for

---

[30] 17 CFR 240.14a–6(j) and 17 CFR 240.14c–5(g).

[31] To facilitate processing by the Commission staff, a note has been added to Rules 14a–6(c) [17 CFR 240.14a–5(b)] and 14c–6(b) [17 CFR 240.14c–5(b)] stating that a registrant that is filing definitive proxy material or a definitive information statement without payment of a fee should state in the first paragraph of the transmittal letter that no fee is being paid because a fee was paid upon filing preliminary material.

[32] 17 CFR 240.14a–3(c).

[33] 17 CFR 240.14c–3(b).

[34] Minor conforming language revisions also have been made to Instruction 2 to Item 401(f) of Regulation S-K [17 CFR 229.401(f)]. Additional language has been added to the instruction to state that if any event specified in paragraph (f) has occurred and information in regard thereto is omitted on the grounds that it is not material, the registrant may furnish as supplemental information, ten days before definitive materials are filed (if preliminary filing is not required) materials to which the omission relates, a description of the event and a statement of the reasons for the omission of the information.

[35] For example, in the past proxy season of 32 votes on anti-poison pill shareholder proposals 14 drew more than 30% of the shares voted and at least three reached or surpassed 40%. Also, a shareholder proposal to require shareholder ratification of auditors received 61% of the vote, and at two companies shareholder proposals to reduce the supermajority required by fair price amendments received over 30% of the shares voted. *See* Investor Responsibility Research Center Inc. ("IRRC"). Voting by Institutional Investors on Corporate Governance Issues in the 1987 Proxy Season, October 1987, at 5–16; IRRC Corporate Governance Bulletin, Vol. IV, No. 4, July/August 1987, at 112–113; No. 3, May/June 1987, at 66–67, 90, 96.

[36] Bills are pending in Congress that address shareholder access to registrants' proxy machinery *See* H.R. 2172, 100th Cong., 1st Sess. (1987); H.R. 2668, 100th Cong., 1st Sess. (1987); S. 1323, 100th Cong., 1st Sess. (1987).

[37] In the June Release, the Commission proposed adding a note that would have stated that where a proponent requests to a copy of the registrant's shareholder list in order to be able to limit appropriately his delivery of written proxy materials to shareholders and the registrant refuses to provide the list, Rule 14a–8(a)(1)(ii) would not bar the shareholder proposal even if the proponent exceeded the limit contained in the Rule. The note is not being adopted because the 25% limitation is being deleted.

[38] Proponents that undertake independent solicitations must comply with the filing and disclosure requirements of the applicable proxy rules. *See, e.g.*, Rules 14a–3, 14a–6 and 14a–12.

[39] 17 CFR 240.14a–8(c) (8) and (9).

[40] Rule 14a–8(a)(1)(i) [17 CFR 240.14a–8(a)(1)(i)].

[41] Rule 14a–8(a)(2) [17 CFR 240.14a–8(a)(2)].

[42] A technical amendment is being made to the second sentence of Rule 14a–8(a)(1) to refer to documentation of beneficial ownership of at least 1% of the securities entitled to be voted on the proposal, as well as the alternative beneficial ownership requirement of at least $1,000 in market value.

[43] In light of the fact that registrants will need to review incoming proposals to address this issue shortly after receipt, registrants also might consider making objections to proposals believed to be excludable under Rule 14a–8 at the same time. In this regard, the staff has taken the position that Rule 14a–8(a)(4) [17 CFR 240.14a–8(a)(4)] would prohibit the submission by a proponent of a second proposal for a particular shareholder meeting if one proposal has already been submited and the staff has taken a no-action position permitting its exclusion in response to a request by the registrant pursuant to Rule 14a–8(d). This position would apply even thought the time for submission of proposals under Rule 14a–8(a)(3) [CFR 240.14a–8(a)(3)] had not expired. *See* No-Action Letter regarding *The Firestone Tire & Rubber Company* (available December 16, 1987).

[44] As an alternative to an affidavit, the Rule also would permit the use of a declaration, affirmation or similar document provided for by applicable state law.

[45] 17 CFR 240.13d–101.

[46] 17 CFR 240.13d–102.

[47] 17 CFR 249.325.

[48] 17 CFR 249.103.

[49] 17 CFR 249.104.

[50] *See* No-Action Letter regarding *Motorola, Inc. (available October 8, 1987).*

[51] The Item 10 amendments are consistent with changes made to the Item in the November 1986 comprehensive proxy amendments (*see* Release No. 33–6676 (November 10, 1986) [FI FR 42048]). The May 1987 modifications (*see* Release No. 33–6715 (May 27, 1987) [52 FR 21934]) created unintended logistical difficulties for registrants in tabulating the required information.

proponents of shareholder proposals, but that the other proposed amendments to the shareholder proposal rule should not increase or decrease significantly costs for registrants or proponents.

Twenty-two commentators expressed views and/or provided data concerning the costs and benefits of amending the shareholder proposal rule. Eleven of these commentators stated that the benefits to shareholder proponents of eliminating Rule 14a-8(a)(1)(ii) would outweigh the costs to registrants. These commentators asserted that the costs of conducting independent solicitations are prohibitively high and suggested that registrants would not incur appreciably greater costs due to the increase in the number of shareholder proposals that might result from elimination of the rule. Ten commentators stated that registrants should not be required to bear the additional expense of including shareholder proposals in their proxies were the proponent undertakes the costs of communicating with other shareholders. One commentator expressed concerns about the costs of amending the shareholder proposal rule during the 1988 proxy season. The Commission has included in the release detailed information regarding the effectiveness of the amendments.

Comments also were requested on the effects of the proposals on the costs to small entities. No comments on this subject were received.

IV. Final Regulatory Flexibility Analysis

A Final Regulatory Flexibility Analysis in accordance with 5 U.S.C. 604 has been prepared regarding the amendments to Exchange Act Rules 14a-3, 14a-6, 14a-8, 14c-3, 14c-5, Schedule 14A, Schedule 14C, to Investment Company Act Rule 20a-1 and to Item 401 of Regulation S-K. Members of the public who wish to obtain a copy of the Final Regulatory Flexibility Analysis should contact Barbara J. Green or Elizabeth M. Murphy, (202) 727-2589, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission , 450 Fifth Street NW., Washington, DC 20549. The corresponding Initial Regulatory Flexibility Analysis appears at 52 FR 22334 (Release No. 34-24552).

V. Statutory Basis

The amendments to the proxy rules are being adopted by the Commission pursuant to Sections 14 and 23(a) of the Securities Exchange Act of 1934. The Commission finds good cause under 5 U.S.C. 553(d) to make the deletion of paragraph (a)(1)(ii) from Rule 14a-8 effective immediately upon publication in the **Federal Register**. Before amendment, Rule 14a-8(a)(1)(ii) provided that proponents who delivered written proxy materials to holders of more than 25% of a class of the registrant's outstanding securities entitled to vote with respect to the same meeting of shareholders would be ineligible to use Rule 14a-8 for the inclusion of a proposal in the registrant's proxy materials. The Rule also set forth further restrictions to be imposed upon proponents who exceeded the 25% limit. The Commission is rescinding Rule 14a-8(a)(1)(ii) upon publication in the **Federal Register** in order to facilitate communications between shareholders, foster corporate democracy and alleviate the significant burdens it imposes upon shareholders proponents. Also, immediate effectiveness of the amendment will eliminate the need to draw an arbitrary line for effectiveness during the current proxy season, thus providing the benefit of the change to a greater number of shareholder proponents during this proxy season.

List of Subjects in CFR Parts 229, 240 and 270

Reporting and recordkeeping requirements, Securities.

VI. Text of the Amendments

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND ENERGY POLICY AND CONSERVATION ACT OF 1975—REGULATION S-K

1. The authority citation for Part 229 continues to read, in part, as follows:

Authority: Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 12, 13, 14, 15(d) 23(a), 48 Stat. 892, 894, 901; secs. 205, 209, 48 Stat. 906, 908; sec. 203(a), 49 Stat. 704; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 301, 54 Stat. 857; secs. 8, 202, 68 Stat. 685, 686; secs. 3, 4, 5, 6, 78 Stat. 565-568, 569, 570-574; sec. 1, 79 Stat. 1051; secs. 1, 2, 3, 82 Stat. 454, 455; secs. 1, 2, 3-5, 28(c), 84 Stat. 1435, 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 11, 18, 89 Stat. 117, 118, 119, 155; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78l, 78m, 78n, 78*(d), 78w(a) * * *

2. By amending § 229.401 by revising Instruction 2 to paragraph (f) to read as follows:

§ 229.401 (Item 401) Directors, executive officers, promoters and control persons.

* * * * *

Instructions to paragraph (f) of Item 401.

* ** * *

2. If any event specified in this paragraph (f) has occurred and information in regard thereto is omitted on the grounds that it is not material, the registrant may furnish to the Commission, at time of filing (or at the time preliminary materials are filed, or ten days before definitive materials are filed in preliminary filing is not required, pursuant to Rule 14a-6 or 14c-5 under the Exchange Act (§§ 240.14a-6 and 240-14c-5 of this chapter)), as supplemental information and not as part of the registration statement, report, or proxy or information statement, materials to which the omission relates, a description of the event and a statement of the reasons for the omission of information in regard thereto.

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

3. The authority citation for Part 240 continues to read, in part, as follows:

Authority: Sec. 23, 48 Stat. 901, as amended (15 U.S.C. 78w) * * *

4. By amending § 240.14a-3 by revising the first sentence of paragraph (c) to read as follows:

§ 240.14a-3 Information to be furnished to security holders.

* * * * *

(c) Seven copies of the report sent to security holders pursuant to this rule shall be mailed to the Commission, solely for its information, not later than the date on which such report is first sent or given to security holders or the date on which preliminary copies, or definitive copies, if preliminary filing was not required, of solicitation material are filed with the Commission pursuant to Rule 14a-6, whichever date is later. * * *

* * * * *

5. By amending § 240.14a-6 by adding two sentences at the end of paragraph (a), revising the first sentence of note 2 to paragraph (a), adding new notes 3 and 4 to the end of paragraph (a), adding a new note to the end of paragraph (c), revising the first phrase of the introductory text of paragraph (j), revising paragraphs (j)(1), (2) and (3) and redesignating them as paragraphs (j)(2), (3) and (4) and adding new paragraph (j)(1) to read as follows:

§ 240. 14a-6 Filing requirements.

* * * * *

(a) * * * A registrant, however, shall not file with the Commission a preliminary proxy statement, form of proxy or other soliciting material to be furnished to security holders concurrently therewith if the solicitation relate to an annual (or special meeting in lieu of the annual) meeting, or for an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) or a business development company, if the solicitation relates to any meeting or security holders at which the only matter to be acted upon are:

(1) The election of directors;

(2) The election, approval or ratification of accountant(s);

(3) A security holder proposal included pursuant to Rule 14a-8 (§ 240.14a-8 of this chapter);

(4) With respect to an investment company registered under the Investment Company Act of 1940 or a business development company, a proposal to continue, without change, any advisory or other contract or agreement that previously has been the subject of a proxy solicitation for which proxy material was filed with the Commission pursuant to this rule; and/or

(5) With respect to an open-end investment company registered under the Investment Company Act of 1940, a proposal to increase the number of shares authorized to be issued.

This exclusion from filing preliminary proxy material does not apply if the registrant comments upon or refers to a solicitation in opposition in connection with the meeting in its proxy material.

* * * * *

Note 2. The official responsible for the preparation of the proxy material should make every effort to verify the accuracy and completeness of the information required by the applicable rules.* * *

Note 3. Solicitation in Opposition. For purposes of the exclusion from filing preliminary proxy material, a "solicitation in opposition" includes: (a) Any solicitation opposing a proposal supported by the registrant; and (b) any solicitation supporting a proposal that the registrant does not expressly support, other than a security holder proposal included in the registrant's proxy material pursuant to Rule 14a-8 (§ 240.14a-8 of this chapter). The inclusion of a security holder proposal in the registrant's proxy material pursuant to Rule 14a-8 does not constitute a "solicitation in opposition," even if the registrant opposes the proposal and/or includes a statement in opposition to the proposal.

Note 4. A registrant that is filing proxy material in preliminary form only because the registrant has commented on or referred to a solicitation in opposition should indicate that fact in a transmittal letter when filing the preliminary material with the Commission.

* * * * *

(c) * * *

Note. A registrant that is filing definitive proxy material without payment of a fee should state in the first paragraph of the transmittal letter that no fee is being paid because a fee was paid upon filing of preliminary proxy material.

* * * * *

(j) *Fees.* At the time of filing the proxy solicitation material,* * *

(1) For definitive proxy material relating to a solicitation for which the registrant does not file preliminary proxy material, a fee of $125;

(2) For preliminary proxy material that solicits proxies for business for which a stockholder vote is necessary, but apparently no controversy is involved, a fee of $125;

(3) For preliminary proxy material where a contest as set forth in Rule 14a-11 is involved, a fee of $500 from each party to the controversy; and

(4) For preliminary proxy material involving acquisitions, mergers, spinoffs, consolidations or proposed sales or other dispositions of substantially all the assets of the company, a fee established in accordance with Rule 0-11 [§ 240.0-11 of this chapter] shall be paid.

No refund shall be given.

* * * * *

6. By amending § 240.14a-8 by removing paragraph (a)(1)(ii) and redesignating paragraph (a)(1)(i) as (a)(1), revising the second sentence of paragraph (a)(1), the introductory text of paragraph (d) and paragraph (e), and adding a new sentence including new (a)(1) (i) and (ii), to follow the second sentence of paragraph (a)(1).

§ 240.14a-8 Proposals of security holders.

(a) * * *

(1) *Eligibility.* * * * If the registrant requests documentary support for a proponent's claim that he is the beneficial owner of at least 1% or $1000 in market value of such voting securities of the registrant or that he has been a beneficial owner of the securities for one or more years, the registrant shall make such request within 14 calendar days after receiving the security holder proposal and the proponent shall furnish appropriate documentation within 21 calendar days after receiving the request. Appropriate documentation of the proponent's claim of beneficial ownership shall include:

(i) A written statement by a record owner or an independent third party, accompanied by the proponent's written statement that the proponent intends to continue ownership of such securities through the date on which the meeting is held; or

(ii) A copy of a Schedule 13D (§ 240.13d-101 of this chapter), Schedule 13G (§ 240.13d-102 of this chapter), Form 13F (§ 249.325 of this chapter), Form 3 (§ 249.103 of this chapter) and/or Form 4 (§ 249.104 of this chapter), or amendments thereto, filed with the Commission and furnished to the registrant by the proponent, provided that such filings indicate the proponent's beneficial ownership as of or prior to the date on which the relevant one year period commences, and are supported by

(A) A copy of all subsequent amendments reporting a change in ownership level,

(B) The proponent's affidavit, declaration, affirmation or other similar document provided for under applicable state law attesting that the proponent continued to be the beneficial owner of at least 1% or $1000 in market value of such voting securities of the registrant throughout the required one year period and as of the date of the affidavit, declaration, affirmation or other similar document provided for under applicable state law, and

(C) The proponent's written statement that the proponent intends to continue ownership of such securities through the date on which the meeting is held. * * *

* * * * *

(d) Whenever the registrant asserts, for any reason, that a proposal and any statement in support thereof received from a proponent may properly be omitted from its proxy statement and form of proxy, it shall file with the Commission, not later than 80 calendar days prior to the date the definitive copies of the proxy statement and form of proxy are filed pursuant to Rule 14a-6 (§ 240.14a-6 of this chapter), or such shorter period prior to such date as the Commission or its staff may permit, six copies of the following items:

* * * * *

(e) If the registrant intends to include in the proxy statement a statement in opposition to a proposal received from a proponent, it shall, not later than 30 calendar days prior to the date the definitive copies of the proxy statement and form of proxy are filed pursuant to Rule 14a-6, or, in the event that the proposal must be revised to be includable, not later than five calendar days after receipt by the registrant of the revised proposal, promptly forward to the proponent a copy of the statement in opposition to the proposal. In the event the proponent believes that the statement in opposition contains materially false or misleading statements within the meaning of Rule 14a-9 and the proponent wishes to bring this matter to the attention of the Commission, the proponent promptly should provide the staff with a letter setting forth the reasons for this view

VOL 52 ISS 249 DEC 29 1987 UMI

and a copy of the statement in opposition and at the same time promptly provide the registrant with a copy of his letter.

7. By amending § 240.14a–101 by adding a second sentence to paragraph (a)(2) of Item 4 and revising paragraphs (a)(2), (a)(3) and (b)(2)(ii) (C) and (G) of Item 10 as follows:

§ 240.14a–101 Schedule 14A. Information required in proxy statement.

* * * * *

Item 4. Persons Making the Solicitation—(a) * * *

(2) * * * Any person who would be a participant in a solicitation for purposes of Rule 14a–11 (§ 240.14a–11 of this chapter) as defined in paragraph (b) (3), (4), (5) and (6) thereof shall be deemed a person on whose behalf the solicitation is made for purposes of this paragraph (a).

* * * * *

Item 10. Compensation Plans. * * * (a) * * *

(2) State the benefits or amounts which will be received by or allocated to each of the following under the plan being acted upon, if such benefits or amounts are determinable: (i) Each person (stating name and position) specified in paragraph (a)(1)(i) of Item 402 of Regulation S–K (§ 229.402 of this chapter); (ii) all current executive officers as a group; (iii) all current directors who are not executive officers as a group; and (iv) all employees, including all current officers who are not executive officers, as a group. If such benefits or amounts are not determinable, state the benefits or amounts which would have been received by or allocated to each of the following for the last fiscal year if the plan had been in effect, if such benefits or amounts may be determined: (i) Each person (stating name and position) specified in paragraph (a)(1)(i) of Item 402 of Regulation S–K (§ 229.402 of this chapter); (ii) all current executive officers as a group; (iii) all current directors who are not executive officers as a group; and (iv) all employees, including all current officers who are not executive officers, as a group.

(3) Furnish the information called for by Item 402(b) of Regulation S–K (§ 229.402 of this chapter) with respect to all compensation plans now in effect or in effect during the last three years except that information called for in paragraphs (b)(1) (vi) and (vii) and (b)(4) of Item 402(b) of Regulation S–K (§ 229.402 of this chapter) should be furnished with respect to the last three fiscal years for the following: (i) Each person (stating name and position) specified in Item 402(a)(1)(i) of Regulation S–K (§ 229.402 of this chapter); (ii) all current executive officers as a group; (iii) all current directors who are not executive officers as a group, if such persons may participate in the plan; and (iv) all employees who may participate in the plan, including all current officers who are not executive officers, as a group.

(b) * * *

(2) * * *

(ii) * * *

(C) All current directors who are not executive officers as a group;

* * * * *

(G) All employees, including all current officers who are not executive officers, as a group.

* * * * *

8. By amending § 240.14c–3 by revising the first sentence of paragraph (b) to read as follows:

§ 240.14c–3 Annual report to be furnished security holders.

* * * * *

(b) Seven copies of the report sent to security holders pursuant to this rule shall be mailed to the Commission, solely for its information, not later than the date on which such report is first sent or given to security holders or the date on which preliminary copies, or definitive copies, if preliminary filing was not required, of the information statement are filed with the Commission pursuant to Rule 14c–5, whichever date is later. * * *

* * * * *

9. By amending § 240.14c-5 by adding two new sentences following the second sentence in paragraph (a), new notes 3 and 4 to the end of paragraph (a), a new note to the end of paragraph (b), and revising paragraph (g) to read as follows:

§ 240.14c-5 Filing requirements.

* * * * *

(a) * * * A registrant, however, shall not file with the Commission a preliminary information statement if it relates to an annual (or special meeting in lieu of the annual) meeting, of security holders at which the only matters to be acted upon are:

(1) The election of directors;

(2) The election, approval or ratification of accountant(s); and/or

(3) A security holder proposal identified in the registrant's information statement pursuant to Item 4 of Schedule 14C (§ 240.14c-101 of this chapter).

This exclusion from filing a preliminary information statement does not apply if the registrant comments upon or refers to a solicitation in opposition in connection with the meeting in its information statement.

* * * * *

Note 3.—Solicitation in Opposition—For purposes of the exclusion from filing a preliminary information statement, a "solicitation in opposition" includes: (a) Any solicitation opposing a proposal supported by the registrant; and (b) any solicitation supporting a proposal that the registrant does not expressly support, other than a security holder proposal identified in the registrant's information statement pursuant to Item 4 of Schedule 14C (§ 240.14c–101 of this chapter). The identification of a security holder proposal in the registrant's information statement does not constitute a "solicitation in opposition," even if the registrant opposes the proposal and/or includes a statement in opposition to the proposal.

Note 4.—A registrant that is filing an information statement in preliminary form only because the registrant has commented on or referred to an opposing solicitation should indicate that fact in a transmittal letter when filing the preliminary material with the Commission.

(b) * * *

Note.—A registrant that is filing a definitive information statement without payment of a fee should state in the first paragraph of the transmittal letter that no fee is being paid because a fee was paid upon filing of the preliminary information statement.

* * * * *

(g) *Fees.* At the time of filing the preliminary information statement, or the definitive information statement if no preliminary information statement is filed, the registrant shall pay to the Commission a fee, no part of which shall be refunded, of $125. However, when filing a preliminary information statement regarding an acquisition, merger, spinoff, consolidation or proposed sale or other disposition of substantially all the asserts of the company, the registrant shall pay the Commission a fee, no part of which shall be refunded, established in accordance with Rule 0–11 (§ 240.0–11 of this chapter). 10. By amending § 240.14c–101 by revising Instruction 2 to Item 4 as follows:

§ 240.14c–101 Schedule 14C. Information required in information statement.

* * * * *

Item 4. Proposals by security holders.

* * * *Instructions.* * * *

2. If the registrant intends to rule a proposal out of order, the Commission shall be so advised 20 calendar days prior to the date the definitive copies of the information statement are filed with the Commission, together with a statement of the reasons why the proposal is not deemed to be a proper subject for action by security holders.

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

11. The authority citation for Part 270 continues to read, in part, as follows:

Authority: Secs. 38, 40, 54 Stat. 841, 842; 15 U.S.C. 80a-37, 80c-89 * * *

12. By amending § 270.20a–1 by revising paragraph (c) to read as follows:

§ 270.20a–1 Solicitation of proxies, consents and authorizations.

* * * * *

(c) In lieu of the fees specified in Rule 14a-6 of the general rules and regulations under the Securities Exchange Act of 1934, at the time of filing the preliminary solicitation material or, if no preliminary solicitation material is filed, at the time of filing the definitive solicitation material, the person upon whose behalf the solicitation is made shall pay to the Commission a fee of $125, no part of which shall be refunded.

By the Commission.

Jonathan G. Katz,

Secretary.

December 21, 1987.

[FR Doc. 87–29707 Filed 12–28–87; 8:45 am]

BILLING CODE 8010–01–M

---

17 CFR Part 250

[Release No. 35–24536; File No. S7–21–87]

Exemption From Requirement of a Declaration With Respect to Certain Agreements by Parent Companies in a Registered Holding Company System Concerning the Obligations of Their Subsidiary Companies

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of rule amendment.

SUMMARY: The Commission has amended an existing rule to exempt from the requirement of a declaration certain routine agreements in the nature of guarantees by parent companies in a registered holding company system of the obligations of their subsidiary companies.

EFFECTIVE DATE: December 29, 1987.

FOR FURTHER INFORMATION CONTACT: Stanley B. Judd, Senior Special Counsel, Office of the Deputy Director (202–272–2079), or Martha Cathey Baker, Attorney (202–272–2073), Office of Public Utility Regulation, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today has amended Rule 45(b) (17 CFR 250.45) under the Public Utility Holding Company Act of 1935 ("Act") (15 U.S.C. 79 *et seq*). Rule 45(b) exempts certain transactions from the requirement of Rule 45(a) (17 CFR 250.45) that transactions subject to Section 12(b) (15 U.S.C. 791(b)) of the Act must be authorized by order of the Commission pursuant to a declaration. Section 12(b) prohibits registered holding companies and their subsidiaries from lending to, extending credit in any manner to, or indemnifying any company in the same holding company system, whether directly or indirectly, in contravention of the rules, regulations or orders which the Commission deems necessary or appropriate in the public interest to protect investors or consumers or to prevent the circumvention of the Act and rules, regulations and orders thereunder.

The amendment, which was proposed on June 16, 1987 (Holding Company Act Release No. 24406) ("Proposing Release") [1] exempts from the requirement of a declaration certain routine agreements whereby a parent company in a registered holding company system guarantees, assumes joint liability upon, or acts as surety or indemnitor for the obligations of its subsidiary. The purpose of the rule amendment is to eliminate the time and expense required to prepare and submit declarations with respect to the agreements, and to eliminate the administrative burden of reviewing such filings.

The background and reasons for the amendment are summarized in this release. The Proposing Release contains a more detailed discussion.

Background

Sections 12 and 13 of the Act were intended to provide complete regulation of intercompany transactions within holding company systems. The purpose of Section 12(b) was to regulate downstream loans, whether on an open book account or otherwise. The declaration requirement with respect to transactions subject to Section 12(b) is intended to ensure that such transactions are fair, that they benefit rather than harm the operating subsidiary companies, and that they are based upon sound financial policies.

On March 19, 1987, The Columbia Gas System, Inc. ("Columbia"), a registered holding company, filed a rulemaking petition concerning the agreements which are the subject of the proposed amendment. The rulemaking petition, as amended, was the basis for the Proposing Release.

Discussion

1. *Summary of Comments*

The Commission received three comment letters on the proposed amendment. All of the commentators supported the new exemption. They agreed that the rule contained well-defined limitations and safeguards and that it would result in significant time and cost savings.

One commentator suggested a revision to modify the valuation of par value securities for purposes of the amendment. As proposed, the amendment provides that the aggregate amount of contingent liability assumed by a parent company shall not exceed the greater of $50,000,000 or 5 percent of the aggregate principal amount and par value of securities previously issued by the parent company. For securities having no par value, the fair market value of such securities on the date of issuance is to be used. The commentator believes that this approach undervalues par value stock, and suggests that such stock should be valued instead at its fair market value as of the date of issuance. The commentator states that the cap on the aggregate amount of contingent liability will otherwise be fixed at too low a level for parent companies which have a large amount of par value securities outstanding.

2. *Response to the Comments*

The commentators' concern can be illustrated by a hypothetical. If two companies have issued securities of the same type and with the same market value, but one has issued par value stock and the other no par value stock, the amount of contingent liability which the former can assume pursuant to the 5 percent provision is likely to be less than that which the latter can assume. This is because the value assigned to par value stock upon initial sale is generally lower than market value at the date of issuance. Thus, the approach to the valuation of par value and no par value stock contained in the Proposing Release could produce a discriminatory effect among companies relying upon the 5 percent limitation.

Conclusion

The purpose of the amendment is to reduce the administrative burdens of the Act by allowing parent companies in registered holding companies to enter into the agreements encompassed by the exemptive rule without prior authorization by the Commission, as required by the existing rule. The 5 percent provision, along with the alternative $50,000,000 limitation, is intended to mark a boundary between transactions which should require prior authorization and those which should not.[2] It should not result in different

[1] 52 FR 23679 (June 24, 1987).

[2] A declaration pursuant to Rule 45(a) will continue to be required for agreements which do not come within the exemption.

VOL 52 ISS 249 DEC 29 1987 UMI

treatment on the basis of whether a company did or did not issue stock that happened to have a par value. The Commission believes that the commentator's proposed revision to the amendment should be adopted.

Costs and Benefits

The commentators identifed various costs and benefits which will result from the rule change, while stating that it is difficult or impossible to quantify such costs and benefits. First, the amendment will eliminate the time and expense required to prepare and submit such declarations and the administrative burden of reviewing them. Second, the amendment will eliminate the costs from delays caused by the present requirement of prior approval by the Commission. One commentator noted that it has been necessary on a number of occasions for a parent company to purchase surety and other bonds in the absence of a guarantee or indemnification. The rule change will allow required surety bonds and other evidences of indemnification and guarantee to issue as soon as needed on the most economical basis.

Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Chairman of the Commission certified that the proposed amendment of Rule 45 will not, if adopted, have a significant economic impact on a substantial number of small entities. The Commission did not receive any comments concerning the Chairman's certification.

Paperwork Reduction Act

The Office of Management and Budget approved the amendment to Rule 45(b) on July 17, 1987.

List of Subjects in 17 CFR Part 250

Public utilities, Registered holding companies and their subsidiaries, loans, extensions of credit, Guarantees, Indemnifications.

Text of Rule Amendment

Part 250 of Chapter II of Title 17 of the Code of Federal Regulations is amended as shown.

PART 250—RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

1. The authority citation for Part 250 continues to read, in part, as follows:

Authority: Secs. 3, 20, 49 Stat. 810, 833; 15 U.S.C. 79c, 79t * * * Sec. 250.45(b)(6) also issued under Sec. 12(b), 15 U.S.C. 791(b).

2. Add a new § 250.45(b)(6) to read as follows:

§ 250.45 Loans, extensions of credit, donations and capital contributions to associate companies.

* * * * *

(b) *Exceptions.* * * *

(6) An agreement by a registered holding company or subsidiary company of a registered holding company to guarantee, to assume joint liability, or to act as a surety or as an indemnitor with respect to contingent liabilities or other obligations of a subsidiary of such company, incurred in the ordinary course of such subsidiary's business, if said agreement is in the form of:

(i) A direct guarantee, assumption of liability, surety or indemnification of the subsidiary company's obligations which is required to meet the requirements of federal, state or local law; or

(ii) An indirect guarantee of a subsidiary through a surety or indemnification of one or more surety companies or agencies, which have agreed to provide bonds of the following kinds required by subsidiary companies in the holding-company system:

(A) Court and fiduciary bonds such as appeal bonds, supersedeas bonds, condemnation bonds, or bonds required to free property from attachment or to lift an injuction;

(B) License and permit bonds such as blasting and oversize load permit bonds;

(C) United States, state and local government bonds such as customs bonds, workers' compensation self-insurance bonds, bonds required by the Internal Revenue Services, mineral right-of-way or drilling lease bonds and notary public bonds;

(D) Lost instrument bonds or other bonds which may be necessary or desirable in connection with the processing of securities or any bonds which may be required by a stock exchange on which any security is listed;

(E) Admiralty bonds;

(F) Bonds required for engineering or construction purposes such as bid, performance or payment bonds;

(G) Any other bonds of a similar nature required for routine operational purposes;

Provided, however, that: (*1*) No payment, compensation or other consideration shall be paid or accrue to the parent company in consideration for such guarantee, assumption of liability, surety or indemnification; (*2*) this rule shall not be construed to apply to a direct or indirect guarantee, assumption of liability, surety or indemnification of a subsidiary company's indebtedness for borrowed money; and (*3*) the aggregate of all such direct and indirect guarantees, assumptions of liability, sureties or indemnifications by the parent company, shall not exceed the greater of $50,000,000, or 5 percent of the aggregate amount of the other securities of the company then outstanding, such securities to be valued at (*i*) original principal amount, if there is such a principal amount, and (*ii*) fair market value as of the date of issuance, if there is no such principal amount. Par value stock shall be treated in the same manner as no par value stock, *i.e.*, as stock issued without any principal amount.

* * * * *

By the Commission.

Jonathan G. Katz,

Secretary.

December 22, 1987

[FR Doc. 87-29775 Filed 12-28-87; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket Nos. RM87-34-000 Through RM87-34-054]

Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol

Issued December 23, 1987

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order on rehearing modifying prior orders and requesting comments.

SUMMARY: The Federal Energy Regulatory Commission is, in Order No. 500–C, amending on rehearing the interim regulations which it promulgated in Order Nos. 500 and 500–B in response to the decision of the United States Court of Appeals for the District of Columbia Circuit in *Associated Gas Distributors* v. *FERC*, 824 F.2d 981 (D.C. Cir. 1987). Order No. 500–C alters temporarily the treatment, under the Order No. 500 crediting mechanism, of: (1) Casinghead gas, (2) gas purchased by processing plants under percentage-of-proceeds operating agreements, (3) gas released from intrastate system supply, and (4) permanently alters the treatment of certain new gas. Order No. 500–C also permits persons other than the working interest owner to offer to act as guarantor for the working interest owner.

In addition, the Commission is denying requests that it stay

implementation of the Order No. 500 crediting mechanism. Finally, the Commission is requesting comments on a number of specific issues concerning the crediting mechanism.

DATES: The effective date for the changes in the regulatory text is December 23, 1987. Written comments must be filed with the Commission by January 22, 1988.

ADDRESS: Comments should be filed with: Federal Energy Regulatory Commission, Office of the Secretary, Room 3110, 825 North Capitol Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Richard Howe, Jr., Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357–8274.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

Order No. 500–C—Rehearing Modifying Prior Orders and Requesting Comments

Issued December 23, 1987

I. Introduction

Since the October 16, 1987 issuance of Order No. 500–B [1] and the Order Explaining Crediting Provisions of Order No. 500 (explanatory order),[2] eleven requests for rehearing of those orders have been filed. In addition, a number of requests for a stay or further clarification of the Order No. 500 take-or-pay crediting provisions have also been filed. Upon consideration of these filings and the formal comments on Order No. 500,[3] the Commission has determined to make certain changes in the Order No. 500 crediting mechanism before crediting is implemented on January 1, 1988, for transportation that was ongoing on September 15, 1987.[4] However, the Commission believes that, with these changes, crediting should be implemented on January 1, 1988, for ongoing transportation and, accordingly, the various stay requests are denied.

[1] 52 FR 39,630 (Oct. 23, 1987).

[2] 41 FERC ¶ 61,025 (1987).

[3] 52 FR 30,334 (Aug. 14, 1987).

[4] In Order No. 500–B, the Commission provided that transportation performed pursuant to a transportation agreement in effect on September 15, 1987 may continue until January 1, 1988, without the submission of an offer of credits. The Order No. 500 crediting mechanism became effective on September 15, 1987 for new transportation performed under agreements entered into after that date

II. Discussion

A. Casinghead Gas

Under Order Nos. 500 and 500–B, interstate pipelines may apply take-or-pay credits against their minimum take obligations under take-and-pay contracts. A number of producers request that the Commission eliminate this right.[5] The producers state that take-and-pay provisions are included in gas sales contracts in situations where the purchaser's failure to take the gas could have significant adverse effects. Thus, casinghead gas is generally sold pursuant to take-and-pay clauses, since a pipeline's failure to take the casinghead gas could require the producer either to flare the gas or shut in the oil production with which the casinghead gas is associated. The producers also state that take-and-pay provisions may be included in contracts where a pipeline's failure to take a minimum amount of gas could damage the well, trigger a lease forfeiture clause, or result in drainage of gas by other producers' wells.

The Commission has determined that pipelines should not apply credits against their minimum take obligations for casinghead gas until the Commission has had a further opportunity to consider the effect on the public interest. A pipeline's failure to comply with minimum take requirements for casinghead gas may seriously harm the public interest. As the producers state, casinghead gas cannot be shut in without also shutting in the accompanying oil production, since the casinghead gas is a necessary byproduct of the oil production. Thus, a pipeline's failure to take casinghead gas would likely require the producer either to shut in the oil production or flare the casinghead gas, unless the gas can be reinjected into the reservoir. Shutting in any domestic oil production increases U.S. dependence on foreign oil, with obvious adverse consequences for the trade deficit and national security. Alternatively, flaring the gas wastes a valuable natural resource. These adverse consequences may outweigh any amelioration of pipeline take-or-pay problems arising through application of the take-or-pay credits to casinghead gas.

In these circumstances, the Commission believes that, until it has an opportunity to make a more informed determination about the effect of permitting credits against minimum take obligations for casinghead gas, the wisest course is to postpone the pipeline's right to apply credits against this kind of contract. Therefore, the Commission is modifying its regulations to provide that no credits generated by transportation performed before April 1, 1988, may be applied against minimum take obligations for casinghead gas.[6] The Commission requests comment on whether pipelines should be permitted to apply credits arising from transportation performed after April 1, 1988, against minimum take obligations for casinghead gas. Specifically, the Commission requests comments on the extent to which the adverse consequences described above may be minimized through reinjection of casinghead gas into the reservoir or other means. The Commission also requests comment on whether a permanent elimination of the pipelines' right to apply credits against minimum take obligations for casinghead gas would significantly reduce the take-or-pay relief provided by Order No. 500. Based upon these comments and analysis of the responses to the Commission's take-or-pay data request, the Commission will determine whether the public interest would be served by permitting pipelines to apply credits, arising from transportation after April 1, 1988, to minimum take obligations for casinghead gas.

The Commission believes that the temporary limitation adopted here on the pipeline's right to apply credits against casinghead gas does not so seriously affect the take-or-pay relief afforded by Order No. 500 as to outweigh the concerns described above. In particular, the Commission emphasizes that the limitation does not in any way reduce the number of credits pipelines will receive under Order No. 500 for transporting gas. To the extent pipelines transport casinghead gas before April 1, 1988, that transportation will still generate credits under Order No. 500. Only the contractual obligations *against which* take-or-pay credits may be applied are affected.

The Commission is not eliminating the pipeline's right to apply credits against minimum take obligations for gas other than casinghead gas. While the Commission recognizes that application of credits against any minimum take

[5] *See, e.g.*, Motion for reconsideration and/or request for rehearing of Mobil Oil Corp. (filed Nov 17 1987) at 13–16. *See also* comments of Chevron U.S.A. Inc. (Chevron) at 33; Depco, Inc., at 8; Huffco Petroleum Corp. (Huffco) at 7; Marathon Oil Co. at 2; Indicated Producers at 13, 32; Natural Gas Supply Association (NGSA) at 28, 34, 44.

[6] *See* §§ 284.8(f)(4)(ii) and 284.9(f)(4)(ii), as modified by this order. For these purposes, only gas which was defined as casinghead gas under state law in effect on June 23, 1987 shall be considered casinghead gas.

obligation may seriously affect the individual producer involved, it has not been shown that the adverse effect on the public interest is potentially so severe when casinghead gas is not involved as to warrant the type of action taken with respect to casinghead gas. Nevertheless, certain persons have raised concerns about the effect on the public interest of allowing crediting against minimum take obligations for gas other than casinghead gas, particularly gas from the Outer Continental Shelf. Consequently, the Commission requests comment on how much gas, other than casinghead gas, is subject to take-and-pay provisions, what the impact on the public interest of allowing crediting against such gas would be, whether eliminating or limiting credit rights for that gas would significantly reduce the take-or-pay relief provided by Order No. 500, or whether and what alternative approaches are available to provide adequate take-or-pay relief.

B. New Gas

A number of applicants have expressed concern about the effect of the Order No. 500 crediting mechanism on exploration for, and production of, new gas supplies.[7] They state that a producer will have less incentive to engage in such activities if transportation of new gas it produces will generate credits against the pipeline's take-or-pay obligations to the producer for existing gas supplies. Applicants also observe that exploration for, and development of, new gas often involve the farm-out of undeveloped leases from one producer to another more willing to take the necessary risks. However, Order No. 500's requirement, that the assignor provide the pipeline take-or-pay credits in order for gas produced by the assignee to be transported, discourages such farm-outs. An assignor is unlikely to be willing to offer such credits, but the assignee will not enter into the farm-out in the absence of such an offer.

The Commission agrees that Order No. 500 may reduce exploration for, and development of, new gas supplies. Accordingly, the Commission is modifying the crediting provisions to provide that certain new gas will not generate credits when it is transported over an interstate pipeline. In addition, interstate pipelines may not apply credits arising from the transportation of other gas against their take-or-pay obligations for this new gas. *See* new §§ 284.8(f)(8) and 284.9(f)(8).

The new gas exempt from crediting is defined generally as gas produced from wells spudded after June 23, 1987, which are: (1) 2.5 miles or more from the nearest Order No. 500 marker well, (2) at least 1000 feet below the deepest completion location of each marker well within 2.5 miles, or (3) in a reservoir from which natural gas was not produced in commercial quantities before June 23, 1987. The rule thus defines credit-exempt new gas in a manner generally consistent with the definition of new gas in section 102(c)(1)(B) and (C) of the Natural Gas Policy Act of 1978 (NGPA).[8] This should assure that the gas exempt from crediting under the new gas exemption truly is new gas and avoid exempting from crediting gas from new wells producing from already discovered sources, such as infill wells.[9]

The Commission believes that the benefits of this exemption from crediting will outweigh any reduction in pipeline take-or-pay relief. During the near future the amount of gas exempted from crediting should be relatively small since only a very small proportion of production in the next several years is likely to be from wells spudded after June 23, 1987, and otherwise meeting the definition of new gas adopted here. By the time significant quantities of gas fall into the exemption, the need for credits is likely to be substantially reduced.

C. Intrastate Pipelines and Double Credits

Several applicants state that under Order No. 500 a producer may be required to provide double credits where both an intrastate and an interstate pipeline transport the producer's gas.[10] This possibility allegedly arises where an intrastate pipeline releases gas from a take-or-pay contract between it and the producer and the released gas is then transported over both the intrastate pipeline and an interstate pipeline to the new purchaser. While Order No. 500 does not provide for any credits to the intrastate pipeline, the intrastate pipeline ordinarily would require the producer to provide credits as part of the release agreement. In addition, the producer would have to provide the interstate pipeline Order No. 500 credits against the interstate pipeline's pre-June 23, 1987 take-or-pay obligations to the producer, if any. The Order No. 500 provision in §§ 284.8(f)(5) and 284.9(f)(5) limiting credits to a releasing pipeline where that pipeline and others transport the gas applies only where the releasing pipeline is an interstate pipeline. This is because only interstate pipelines performing open access transportation are eligible for Order No. 500 credits.

In Order No. 500, the Commission sought to minimize double crediting by providing that where an interstate pipeline releases gas, it may receive credits only under its release agreement or Order No. 500, but not both. In addition, as described above, the Commission stated that other pipelines that also transport the gas released by the interstate pipeline may not receive credits under Order No. 500. The Commission recognizes that the potential for double credits where an intrastate pipeline releases the gas may discourage the transportation of gas released by intrastate pipelines into the interstate market. As the applicants state, this would be contrary to the NGPA's goal of integrating the intrastate and interstate markets. Thus, the Commission is sympathetic with the request for relief from double crediting where the intrastate pipeline is the releasing pipeline.

The Commission is also concerned, however, that a modification to the regulations designed to minimize the double crediting problem described above should not provide an opportunity for circumvention of interstate pipelines' Order No. 500 crediting rights, or otherwise substantially reduce the take-or-pay relief afforded by Order No. 500. For example, if the Commission were to allow all gas sold to an intrastate pipeline, and then released, to be exempted from Order No. 500 crediting, it might be possible for gas to be exempted from crediting simply through sale to any intrastate pipeline which would then release the gas.

Accordingly, the Commission has determined to adopt a temporary exemption from crediting for gas released by intrastate pipelines which satisfies certain criteria designed to avoid the circumvention problems described above and to limit the exemption to situations where the producer actually would otherwise provide double credits. *See* new §§ 284.8(f)(9) and 284.9(f)(9). The exemption will apply to transportation performed before April 1, 1988. The Commission requests comments on whether a permanent exemption from crediting for gas released by intrastate pipelines would significantly reduce interstate pipeline take-or-pay relief and how to design such an exemption to minimize circumvention.

The temporary exemption from crediting adopted here will apply when an interstate pipeline transports gas which an intrastate pipeline has released from its system supply under a release agreement providing the intrastate pipeline with take-or-pay credits when it transports that gas. In addition, the intrastate and interstate pipelines must transport the gas in transactions commenced on or before November 15, 1987, and reported to the Commission by each pipeline pursuant to 18 CFR 284.126(a) and 284.106.[11] However, the exemption may in no case cover more than the average daily quantities transported by the interstate pipeline in November 1987 in its reported transaction.

D. Processing Plants

A number of applicants express concern about the effect of Order No. 500 on processing plants which purchase gas from behind-the-plant producers under percentage-of-proceeds contracts and then resell the gas at the tailgate of the plant.[12] Under Order No. 500, a pipeline may refuse to transport such gas, unless it has received offers of credit from the working interest owners of at least 85 percent of the gas tendered for transportation. Applicants state that there may be thousands of working interest owners behind the plant. Applicants state that processing plant operators do not currently keep track of, or even know, who all of those owners are, since the plant owner generally deals only with the lease operators. Thus, applicants maintain that plant owners must develop expensive new accounting systems to keep track of how much gas they purchase from each working interest owner in order to determine if they have obtained signatures representing 85 percent of the gas to be transported. In any event, applicants allege, it will be virtually impossible to obtain the necessary offers by January 1, 1988, and in many cases the working interest owners of 85 percent of the gas will be unwilling ever to offer credits. Applicants assert that plant operators cannot transport only the gas of those producers who offer credits without violating their contracts with other producers or violating state laws such as ratable take requirements. Thus, they state that such processing plants may have to shut down on January 1, 1988, or at least stop the interstate transportation of gas.

In order to avoid these problems, the Indicated Plant Operators propose that the Commission either: (1) Exempt from crediting entirely gas purchased and resold by processing plants or (2) provide that the pipeline may apply credits generated by the transportation of such gas only against the take-or-pay contract between the pipeline and the plant operator from which the gas has been released, if any. Under the second proposal, the processing plant operator, and not the behind-the-plant producers, would sign the offer of credits.

The Commission recognizes that, where a processing plant operator purchases gas from behind-the-plant producers and resells the gas, the offer of credit requirements in Order No. 500 impose an enormous administrative burden on the processing plant operator. There is a significant danger that the operations of such processing plants would be seriously disrupted if those requirements take effect, without modification, on January 1, 1988, for ongoing transportation, since it is unlikely that the necessary offers of credits can be obtained by January 1. Accordingly, the Commission is amending the Order No. 500 regulations, generally consistent with the Indicated Plant Operator's second proposal, in order to provide processing plants temporary relief from this problem. *See* new §§ 284.8(f)(10) and 284.9(f)(10). During the months of January through March, 1988, gas purchased by a processing plant operator under a percentage-of-proceeds contract entered into on or before June 23, 1987, and resold at the tailgate of the plant, will be made eligible for transportation under Part 284 by the submission to the pipeline of an offer of credits signed only by the processing plant operator. The transportation of that gas shall generate take-or-pay credits under Order No. 500 but the pipeline may apply those credits only against its take-or-pay obligations under the pre-June 23, 1987, contract with the plant operator from which the pipeline has released that gas. If the gas has not been released from such a contract, the pipeline will not receive any credits.

This temporary modification in the requirements for making gas purchased by processing plants under percentage-of-proceeds contracts eligible for transportation should minimize disruption of processing plant operations when the crediting provisions of Order No. 500 become effective for ongoing transportation on January 1, 1988, since the administrative burden of obtaining offers of credits from potentially thousands of behind-the-plant producers before January 1 is eliminated. The public interest in avoiding such disruption resulting from a change in regulation outweighs the possible temporary reduction in pipeline take-or-pay relief resulting from this change. The Commission observes, however, that this change in the Order No. 500 crediting mechanism does not apply to all processed gas but only to gas that is purchased by processing plants and subject to percentage-of-proceeds operating agreement.

The Commission requests comment on whether the modifications adopted here with respect to processing plants should be continued beyond March 31, 1988. In particular, the Commission requests comments on the effect of this change on the take-or-pay relief afforded pipelines by the crediting mechanism. The Commission is also interested in other methods of treating processing plants under Order No. 500 which avoid the administrative burdens described above without exacerbating pipeline take-or-pay problems

E. Guarantors

A number of applicants have pointed out other situations, apart from the processing plant problem discussed above, where satisfying the Order No. 500 offer of credit requirement causes significant administrative burdens.[13]

---

[7] *See, e.g.*, comments of Apache Corporation (Apache) at 14; Chevron at 28–30; Huffco at 4–5, 12; Indicated Producers at 51–55; McMoran Oil & Gas Co. (McMoran) at 9–15; and NGSA at 46.

[8] However, a new definition for a marker well is created in this order to avoid allowing gas from certain infill and other nonexploratory wells to obtain crediting exemptions. If the NGPA definition were used, an infill well in a reservoir discovered after April 20, 1977, and before June 23, 1987, could qualify for exemption. The new definitions for qualifying wells are intended to ensure that only gas from post-June 23, 1987, exploration is afforded exemptions.

[9] Although Order No. 500 new gas is exempt from crediting, the current producer/owner of such gas will still be required to submit offers of credits to the transporting pipeline, unless the pipeline agrees to transport the gas without an offer. Of course, since the gas is exempt from crediting the pipeline will not actually receive credits as a result of the offer of credits. In other words, where the new gas is produced from farmed-out acreage, the producer who gave the farm-out need not sign an offer of credits, if all the gas produced from the farmed-out acreage is exempt new gas. Accordingly, the requirements as to who signs offers of credits for new gas are the same as for any other exempt gas. *See* Explanatory Order, 41 FERC at 61,067–68.

[10] *See, e.g.*, Request for Rehearing of ONG Transmission Co. *et al.* (ONG) at 2–7; and Clarifying Comments of Delhi Gas Pipeline Corp. (filed on Dec. 7 1987) (Delhi) at 3.

[11] Since reports under §§ 284.126(a) and 284.106 are due within 30 days of the commencement of a transaction, the requirement that these transactions must have commenced on or before November 15, 1987, assures that the transactions have been reported to the Commission before the issuance of this order

[12] *See, e.g.*, Joint Emergency Motion for Clarification, Modification and Partial Stay of Indicated Plant Operators (filed Nov 12, 1987); Motion of Gas Processor's Association (filed Dec. 4, 1987); Comments of Pogo Producing Co. (filed Dec. 8, 1987); and Mobil rehearing request at 21–22.

[13] *See e.g.* ONG application for rehearing at 8–9; Motion of Hadson Gas Systems, Inc. (Hadson) for clarification (filed Nov. 30, 1987) at 5, 11–14; and comments of Gulf Energy Gathering and Processing Corp. at 2–3; and of Houston Pipe Line Co. at 3–5.

For example, in order for an intrastate or interstate pipeline's system supply to be transported over an open access interstate pipeline, offers of credits are required from the thousands of working interest owners of the leases from which that system supply comes. Similarly, marketers may aggregate gas from many working interests. The administrative burdens of obtaining offers of credits in these situations cannot be significantly mitigated by the type of change in the regulations adopted for processing plants. The gas in question in these other situations generally has not been released by the transporting pipeline from a take-or-pay contract.

However, in order to provide some relief in these other situations, the Commission will permit the shipper, or anyone else, to act as guarantor for nonsigning working interest owners. *See* new §§ 284.8(f)(11) and 284.9(f)(11). Thus, even where the working interest owners of 85 percent of the gas in question have not signed offers of credits, the Commission will nevertheless require the pipeline to transport the gas where another party [14] offers to make the pipeline whole for its loss of take-or-pay credits resulting from the lack of offers of credits for 85 percent of the gas. The person so offering to act as guarantor shall specify the producers whose gas is being transported. The pipeline will be required to transport gas once it has received, with respect to 85 percent of that gas, either offers of credits from the working interest owners of that gas, or offers to act as guarantor. The person acting as guarantor shall compensate the pipeline for any take-or-pay or take-and-pay payments the pipeline makes for gas which that person guaranteed and which the pipeline has transported without credits. The pipeline must inform the guarantor of this amount.

This amendment will enable shippers willing to act as guarantors to obtain transportation of any gas. For example, a shipper might want to offer to act as guarantor where the working interest owners of almost, but not quite, 85 percent of the gas tendered for transportation have offered credits or where producers are unwilling to sign offers of credits even though their gas is exempt from crediting. A shipper might be willing to make such a guarantee to get the gas transported where the shipper knows that the working interest owners that have not signed offers do not have take-or-pay contracts with the pipeline.

[14] That party may be the pipeline whose system supply is to be transported, the marketer, or anyone else.

The Commission emphasizes that the decision to act as guarantor is entirely at the discretion of the guarantor and is intended solely as a substitute for offers of credits from the working interest owners themselves. Where the necessary working interest owners have signed offers of credits, the pipeline must transport the gas and cannot, in addition, require the shipper to act as guarantor.

The Commission remains concerned about the administrative burdens imposed by Order No. 500 on intrastate and interstate pipelines seeking to have system supply gas transported on an interstate pipeline. The Commission requests comment on what other changes in the crediting regulations could be made to address this problem and what the effect of those changes would be on the take-or-pay relief afforded by Order No. 500.

F. Stay Requests

A number of producers, marketers, and end-users have requested that the Commission stay further implementation of the Order No. 500 crediting provisions, until after the winter heating season or the issuance of a final rule in this docket.[15] They state that, without a stay, significant quantities of gas may be removed from the spot market causing increases in the spot market price of gas. Applicants point to the administrative difficulty of obtaining offers of credits from all the necessary working interest owners in situations such as where processing plants resell residue gas. They also state that producers may be unwilling to incur the costs of providing credits against pipeline take-or-pay obligations. Applicants observe that prices have already increased significantly in the spot market and allege that this is largely because of the uncertainties created by Order No. 500.

The Commission denies the stay requests. The Commission believes that implementation of crediting is necessary in order that the Commission continue to address, on an interim basis, the concerns of the United States Court of Appeals for the District of Columbia regarding pipeline take-or-pay problems set forth in *Associated Gas Distributors v. FERC (AGD)*, 824 F.2d 981 (D.C. Cir. 1987). Addressing those concerns on an interim basis is necessary in order for the Commission to meet the standards set forth in *Mid-Tex Electric Cooperative, Inc. v. FERC (Mid-Tex)*, 822 F.2d 1123, 1131 (D.C. Cir. 1987), for issuing an interim rule without notice and comment while the Commission develops a final rule responding to the Court's concerns. The modifications to crediting adopted in this rule should mitigate any disruptions in the spot market resulting from the implementation of crediting. For example, the administrative burdens on processing plants operators have been substantially reduced. Also, the elimination of crediting against minimum take obligations for casinghead gas removes producers' concern about the effect of Order No. 500 on casinghead gas, at least for transportation through March 31, 1988.

This order is a further improvement of the original crediting mechanism in the Interim Rule adopted by Order No. 500 generally consistent with the Court's July 17, 1987 order in the *AGD* case, granting the Commission's Motions to Lodge Agency Order and to Allow Agency Order to Issue, and the standards for an Interim Rule set forth in the same Court's opinion in *Mid-Tex*. The Commission here, pursuant to the *Mid-Tex* standards, has sought to provide refined "interim procedures" for take-or-pay crediting, "that are adequate, as a temporary measure, to afford some protection" to interstate natural gas pipelines, and which "strike a reasonable balance, fairly accommodating the interests of all affected parties, while the Commission considers a permanent solution" to the take-or-pay issue. *Mid-Tex* at 1133. The Commission also is attempting, in accordance with the Court's July 17 Order, "to ensure that natural gas be kept flowing during the transition period and that uncertainty be minimized to the greatest extent possible." Memorandum Accompanying Order at 1.

The Commission has concluded that it has an obligation under *AGD* and related court orders to implement the interim procedures for take-or-pay crediting on January 1, 1988. But, it has attempted here to refine them in a manner that will further mitigate certain unnecessary and unintended effects of the crediting mechanism in the Interim Rule. Thus, the Commission intends that these refined interim procedures will strike a more reasonable balance and better accommodate the interests of all affected parties, as well as reduce uncertainty and better ensure that natural gas is kept flowing. Since the crediting mechanism must be effective on January 1, 1988, the refinements in this order are necessary and appropriate to achieve those objectives.

[15] *See, e.g.*, Motion for reconsideration and/or request for rehearing of Mobil at 19, Application for rehearing of Union Texas at 4–6; Motion of Krupp & Associates to Stay Implementation of Orders 500 & 500B to June 1, 1988 (filed December 2, 1987); and Hudson's motion for clarification at 3–10, 14.

G. Other Matters

There are several other matters on which the Commission is not taking action at this time, but as to which it requests comment. First, the Commission is considering requiring interstate pipelines to publish a list of producers with which the pipelines have significant take-or-pay obligations. Those producers would be required to offer the pipeline credits in order to obtain transportation. However, the pipeline would be required to transport the gas of other producers without offers of credits. The pipeline's publication of the list of the producers with whom it has significant take-or-pay obligations would enable purchasers of gas, including end-users and marketers, to know the gas which requires offers of credits in order to receive transportation. The Commission requests comment on this proposal. In addition, it requests that comments address what standards should be used to determine what constitutes a significant take-or-pay obligation.

The Commission is also considering publishing a list of pipelines without significant take-or-pay obligations to producers. Pipelines on this list would be required to transport without offers of credits. This would enable shippers to know which pipelines must transport all producers' gas without such offers and therefore facilitate the transportation of shipper-owned gas. The Commission requests comment on this proposal and its implementation.

Third, the Commission is considering limiting the pipelines which must be offered credits under Order No. 500 to interstate pipelines which have accepted blanket certificates to provide open access transportation under Order No. 500. This would mean that pipelines performing only NGPA section 311 transportation would not be eligible for Order No. 500 credits. The Commission is concerned that, without this limitation, a pipeline might perform NGPA section 311 transportation only in order to obtain Order No. 500 credits and once it no longer needed such credits, cease all open access transportation. This is not a danger where the pipeline accepts a blanket certificate, because in that situation a pipeline must continue open-access transportation until the Commission authorizes it to cease such transportation. The Commission requests comment on this proposal.

Fourth, some producers have expressed concern that they must present offers of credits to pipelines without knowing against which of their contracts with the pipeline the pipeline will apply the credits. The Commission is sympathetic with the problems this causes producers in making an informed business judgment as to whether to offer credits in order to obtain transportation. The Commission requests comment whether pipelines should be required to provide producers notice as to the contracts against which they will apply credits. The Commission also requests comment on the specific procedures which might be adopted to govern the giving of such notice and whether a notice requirement would in any way adversely affect the take-or-pay relief afforded pipelines by Order No. 500.

Additionally, applicants have expressed concern about the effect of the crediting mechanism on property assignments and transfers. The Commission is concerned about the effect of Order No. 500 on property transfers. However, the Commission also remains concerned that assignments may provide an opportunity for circumvention of the crediting mechanism. The actions taken in this order, including particularly those with regard to new gas and guarantors, and the actions taken in Order No. 500–B should mitigate to some extent the impediments to property transfers resulting from Order No. 500. The Commission requests comment on whether further action is necessary to reduce impediments to transfers and what effect those actions might have on the take-or-pay relief provided by Order No. 500.

The Commission has learned through communications to its Enforcement Task Force that some pipelines are seeking to require producers to sign offer of credit forms provided by the pipeline. In some cases these forms require producers to provide information or offer relief not required by Order No. 500. The Commission emphasizes that producers may use their own forms in making offers of credits and that a pipeline cannot refuse to accept a form that complies with the minimum information requirements of Order No. 500, even though the form differs from the pipeline's form. In this regard, the Commission published samples of acceptable offers of credits with its Order Explaining Crediting Provisions of Order No. 500 that could be used by producers. These forms contain all the information necessary to comply with Order No. 500. The Commission is republishing those forms with this order.

Finally, the Commission emphasizes that the pipeline and the shipper or producer may agree that the pipeline will transport the gas without the submission of an offer of credits. This enables pipelines and producers to settle take-or-pay liabilities outside the Order No. 500 crediting procedures.

III. Effective Date and Administrative Findings

The amendments to the crediting regulations adopted in this order will become effective upon issuance of this order. The Commission finds that these amendments may be made effective without 30 days advance publication under APA section 553(d). Immediate effectiveness is in the public interest, since the amendments relieve restrictions on the ability of producers and shippers of gas to obtain interstate transportation of gas. *See* 5 U.S.C. 553(d)(3) (1982). With respect to the substance of these changes, the Commission adopts and incorporates in support hereof the administrative findings stated in Part VI of Order No. 500.[16]

All credits generated by transportation performed before issuance of this order will be determined in accordance with the regulations in effect before issuance of this order. All credits generated by transportation performed on or after issuance of this order will be determined in accordance with the regulations adopted by this order, regardless of whether the producer's offer of credits was submitted before issuance of this order.

IV. Public Comment Procedures

Interested parties are invited to submit written comments with respect to the issues covered by their comments. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Comments should refer to Docket No. RM87–34–000 on the outside of the envelope and on all documents submitted to the Commission. Fourteen (14) copies should be submitted with the original.

To facilitate the Commission's analysis, the Commission urges commenters to provide a 3–5 page executive summary of their positions on the issues covered by their comments. Additionally, commenters should double space their comments, and provide a concise description identifying themselves.

All comments received by the Commission by January 22, 1988, will be considered prior to the promulgation of a final rule. Copies of the written

[16] Order No. 500, FERC Stats. and Regs. ¶ 30,761 at 30,798–99.

VOL 52 ISS 249 DEC 29 1987 UMI

VOL 52 ISS 249 DEC 29 1987 UMI

comments may be obtained from the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426. Comments are available for public inspection during business hours at the same location. Copies of comments will be available for purchase.

In consideration of the foregoing, the Commission amends Part 284, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

By the Commission. Commissioner Naeve concurred with a separate statement attached.

Lois D. Cashell,

Acting Secretary.

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

1. The authority citation for Part 284 continues to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717–717w (1982), as amended; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. 12009, 3 CFR 1978 Comp. p. 142.

2. In § 284.8, paragraph (f)(4)(ii) is amended by adding after the first sentence a sentence to read as follows:

§ 284.8 Firm transportation service.

* * * * *

(f) * * *

(4) * * *

(ii) * * * However, the pipeline may not apply credits arising from transportation performed before April 1, 1988, against its obligation, under a take-and-pay contract, to take gas which under state law in effect on June 23, 1987, was defined as casinghead gas.

* * * * *

3. In § 284.8, paragraphs (f)(8) through (f)(11) are added to read as follows:

§ 284.8 Firm transportation service.

* * * * *

(f) * * *

(8) *New natural gas.* Notwithstanding the above provisions, a producer is not required under this section to provide credits with respect to take-or-pay or take-and-pay obligations in order to obtain transportation of Order No. 500 new natural gas, as defined in paragraph (i). Also, a pipeline may not apply credits arising from the transportation of other gas against take-or-pay or take-and-pay obligations for Order No. 500 new natural gas.

(i) Order No. 500 new natural gas is:

(A) Natural gas produced from an Order No. 500 new well (as defined in paragraph ii) which is 2.5 miles or more from the nearest Order No. 500 market well (as defined in paragraph iii) or from any completion location of any Order No. 500 new well which is located at a depth at least 1,000 feet below the deepest completion location of each Order No. 500 marker well within 2.5 miles of such new well, or

(B) Natural gas produced from an Order No. 500 new well and from a reservoir from which natural gas was not produced in commercial quantities before June 23, 1987.

(ii) An Order No. 500 new well is any well the surface drilling of which began on or after June 23, 1987, or the depth of which was increased, by means of drilling on or after June 23, 1987, to a completion location which is located at least 1,000 feet below the depth of the deepest completion location of such well attained before June 23, 1987.

(iii) An Order No. 500 marker well is any well from which natural gas was produced in commercial quantities at any time after January 1, 1970, and before June 23, 1987.

(iv) For purposes of determining the distance from any Order No. 500 new well to any Order No. 500 marker well, the measurement shall be the horizontal distance from the surface location of the Order No. 500 new well to the surface location of the Order No. 500 marker well.

(9) *Intrastate system supply.* Notwithstanding the above provisions, a producer is not required under this section to provide credits with respect to take-or-pay or take-and-pay obligations in connection with an interstate pipeline's transportation from January 1, 1988, through March 31, 1988, of gas released from an intrastate pipeline's system supply gas, for average daily quantities transported by the interstate pipeline which do not exceed the average daily quantities transported in November 1987 under its reported transaction, if:

(i) The intrastate pipeline has released that gas under a release agreement providing the intrastate pipeline take-or-pay credits for transporting that gas against the pipeline's take-or-pay or take-and-pay liability under the contract from which the gas has been released,

(ii) The intrastate pipeline and interstate pipeline transport the gas in transactions commenced on or before November 15, 1987,

(iii) The intrastate pipeline reported its transportation transaction to the Commission pursuant to § 284.126(a), and

(iv) The interstate pipeline reported its transportation transaction to the Commission pursuant to § 284.106.

(10) *Special rule for certain processing plant resales.*

(i) Until April 1, 1988, natural gas which a processing plant operator purchased under percentage-of-proceeds contracts, entered into on or before June 23, 1987, with behind-the-plant producers and which the processing plant operator resells at the plant's tailgate is eligible for transportation by interstate pipelines when:

(A) The pipeline and the shipper or processing plant operator agree, or

(B) An offer has been submitted to the pipeline: (*1*) Signed by the processing plant operator and (*2*) identifying the gas made eligible for transportation through the filing of the offer, (*3*) which, upon acceptance of the pipeline, will result in a contract binding on the processing plant operator to grant the pipeline credits, as provided in this section subject to the limitation in paragraph (f)(10)(ii), in connection with the transportation of the subject gas.

(ii) Credits arising from the transportation from January 1, 1988, through March 31, 1988, of the gas described in paragraph (f)(10)(i) may be applied only against the transporting pipeline's take-or-pay or take-and-pay obligation under a pre-June 23, 1987, contract with the processing plant operator from which that pipeline has released the transported gas.

(11) *Offers to act as guarantor.* (i) Where the working interest owners of 85 percent of the gas tendered for transportation do not sign offers of credits, that gas nevertheless shall be eligible for transportation if some other person offers to act as guarantor for nonsigning producers such that 85 percent of the gas is covered either by offers of credits or offers to act as guarantor.

(ii) An offer to act as guarantor must:

(A) Identify the gas which will be transported pursuant to the offer and the producer of that gas,

(B) Be signed by the guarantor, and

(C) Constitute an offer, which upon acceptance by the pipeline, will result in a contract binding on the guarantor to pay the pipeline the amount by which the pipeline's take-or-pay or take-and-pay payments to the producers would have been reduced had the producer offered the pipeline credits under Order No. 500.

4. In § 284.9, paragraph (f)(4)(ii) is amended by adding after the first sentence a sentence to read as follows:

§ 284.9 Interruptible transportation service.

* * * * *

(f) * * *

(4) * * *

(ii) * * * However, the pipeline may not apply credits arising from transportation performed before April 1, 1988, against its obligation, under a take-and-pay contract, to take gas which under state law in effect on June 23, 1987, was defined as casinghead gas.

* * * * *

5. In § 284.9, paragraphs (f)(8) through (f)(11) are added to read as follows:

§ 284.9 Interruptible transportation service.

* * * * *

(f) * * *

(8) *New natural gas.* Notwithstanding the above provisions, a producer is not required under this section to provide credits with respect to take-or-pay or take-and-pay obligations in order to obtain transportation of Order No. 500 new natural gas, as defined in paragraph (i). Also, a pipeline may not apply credits arising from the transportation of other gas against take-or-pay or take-and-pay obligations for Order No. 500 new natural gas.

(i) Order No. 500 new natural gas is:

(A) Natural gas produced from an Order No. 500 new well (as defined in paragraph ii) which is 2.5 miles or more from the nearest Order No. 500 marker well (as defined in paragraph iii) or from any completion location of any Order No. 500 new well which is located at a depth at least 1,000 feet below the deepest completion location of each Order No. 500 marker well within 2.5 miles of such new well, or

(B) Natural gas produced from an Order No. 500 new well and from a reservoir from which natural gas was not produced in commercial quantities before June 23, 1987.

(ii) An Order No. 500 new well is any well the surface drilling of which began on or after June 23, 1987 or the depth of which was increased, by means of drilling on or after June 23, 1987, to a completion location which is located at least 1,000 feet below the depth of the deepest completion location of such well attained before June 23, 1987.

(iii) An Order No. 500 marker well is any well from which natural gas was produced in commercial quantities at any time after January 1, 1970, and before June 23, 1987.

(iv) For purposes of determining the distance from any Order No. 500 new well to any Order No. 500 marker well, the measurement shall be the horizontal distance from the surface location of the Order No. 500 new well to the surface location of the Order No. 500 marker well.

(9) *Intrastate system supply.* Notwithstanding the above provisions, a producer is not required under this section to provide credits with respect to take-or-pay or take-and-pay obligations in connection with an interstate pipeline's transportation from January 1, 1988, through March 31, 1988, of gas released from an intrastate pipeline's system supply gas, for average daily quantities transported by the interstate pipeline which do not exceed the average daily quantities transported in November 1987 under its reported transaction, if:

(i) The intrastate pipeline has released that gas under a release agreement providing the intrastate pipeline take-or-pay credits for transporting that gas against the pipeline's take-or-pay or take-and-pay liability under the contract from which the gas has been released,

(ii) The intrastate pipeline and interstate pipeline transport the gas in transactions commenced on or before November 15, 1987,

(iii) The intrastate pipeline reported its transportation transaction to the Commission pursuant to § 284.126(a), and

(iv) The interstate pipeline reported its transportation transaction to the Commission pursuant to § 284.106.

(10) *Special rule for certain processing plant resales.*

(i) Until April 1, 1988, natural gas which a processing plant operator purchased under percentage-of-proceeds contracts, entered into on or before June 23, 1987, with behind-the-plant producers and which the processing plant operator resells at the plant's tailgate is eligible for transportation by interstate pipelines when:

(A) The pipeline and the shipper or processing plant operator agree, or

(B) An offer has been submitted to the pipeline: (*1*) Signed by the processing plant operator and (*2*) identifying the gas made eligible for transportation through the filing of the offer, (*3*) which, upon acceptance of the pipeline, will result in a contract binding on the processing plant operator to grant the pipeline credits, as provided in this section subject to the limitation in paragraph (f)(10)(ii), in connection with the transportation of the subject gas.

(ii) Credits arising from the transportation from January 1, 1988, through March 31, 1988, of the gas described in paragraph (f)(10)(i) may be applied only against the transporting pipeline's take-or-pay or take-and-pay obligation under a pre-June 23, 1987, contract with the processing plant operator from which that pipeline has released the transported gas.

(11) *Offers to act as guarantor.* (i) Where the working interest owners of 85 percent of the gas tendered for transportation do not sign offers of credits, that gas nevertheless shall be eligible for transportation if some other person offers to act as guarantor for nonsigning producers such that 85 percent of the gas is covered either by offers of credits or offers to act as guarantor.

(ii) An offer to act as guarantor must:

(A) Identify the gas which will be transported pursuant to the offer and the producer of that gas,

(B) Be signed by the guarantor, and

(C) Constitute an offer, which upon acceptance by the pipeline, will result in a contract binding on the guarantor to pay the pipeline the amount by which the pipeline's take-or-pay or take-and-pay payments to the producers would have been reduced had the producer offered the pipeline credits under Order No. 500.

Example of a General Offer of Credits

OFFER OF TAKE-OR-PAY OR TAKE-AND-PAY CREDITS UNDER FERC ORDER NO. 500

The undersigned hereby offer(s) to grant the interstate pipeline(s) listed below any take-or-pay or take-and-pay credits required under 18 CFR 284.8(f)(1)(ii) and 284.9(f)(1)(ii) in connection with the transportation of all gas under lease to the undersigned on ———— [date] ————. Upon acceptance by the pipeline(s) listed below, this offer will result in a contract binding on the undersigned and its/their assignees.

Interstate Pipelines:

[Specify the transporting pipeline(s)]

Name of Producer/Working Interest Owner

Date

Signature of Producer/Working Interest Owner of Agent

Example of An Offer of Credits Covering Specific Gas

OFFER OF TAKE-OR-PAY OR TAKE-AND-PAY CREDITS UNDER FERC ORDER NO. 500

The undersigned hereby offer(s) to grant the interstate pipeline(s) listed below any take-or-pay or take-and-pay credits required under 18 CFR

BEST COPY AVAILABLE

284.8(f)(1)(ii) and 284.9(f)(1)(ii) in connection with the transportation of the gas under lease to the undersigned on ——— [date] ——— from the wells specified below. Upon acceptance by the pipeline(s) listed below, this offer will result in a contract binding on the undersigned and its/their assignees. This agreement will be terminated after ——— [specify period of transportation] ———.

Interstate Pipeline(s):

[Specify the transporting pipeline(s)]

Wells covered by this agreement:

Well Name:	*Well Location:*	*Undersigned's Ownership Interest (%)*

Name of Producer/Working Interest Owner

Date

Signature of Producer/Working Interest Owner or Agent

ORDER NO. 500–C

Issued December 23, 1987.

Commissioner C. M. Naeve, concurring:

Although these changes in the Order 500 crediting mechanixm are different in particular respects from those which I would make, I nonetheless support this Order because it reduces the potential for disruption of gas markets. I am hopeful that in preparing the final rule, the Commission will continue to search for ways to address the Court's concerns in *Associated Gas Distributors* without imposing undue restraints on competition in the natural gas industry.

C. M. Naeve,

Commissioner.

[FR Doc 87–29785 Filed 12–28–87; 8:45 am]

BILLING CODE 6717–01–M

INTERNATIONAL TRADE COMMISSION

19 CFR 201, 212 and 213

Amendment of Rules of Practice and Procedure To Reflect Commission Change of Address

AGENCY: U.S. International Trade Commission.

ACTION: Amendment of rules.

SUMMARY: The Commission is in the process of relocating its offices from its present location at 701 E Street NW., Washington, D.C., to its new location at 500 E Street SW., Washington, D.C. The Commission expects the move to be completed by January 11, 1988. The Commission's ZIP code will remain unchanged at 20436.

EFFECTIVE DATE: January 11, 1988.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Mason, Secretary, U.S. International Trade Commission, Washington, D.C. 20436 (telephone through January 8, 1988: 202–523–0161; on January 11, 1988, and thereafter: 252–1000).

SUPPLEMENTARY INFORMATION: These amendments are considered to be of an administrative and non-substantive nature and accordingly are being made without opportunity for public comment.

List of Subjects in 19 CFR Parts 201, 212, and 213

Administrative practice and procedure, Claims, Imports.

Authority: 19 U.S.C. 1335, etc.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 15, 1987.

Therefore, Chapter II of Title 19 of the Code of Federal Regulations is amended as follows:

PARTS 201, 212, AND 213 [AMENDED]

1. The authority citation for Part 201 continues to read as follows:

Authority. Sec. 335, 72 Stat. 680, sec. 401, 76 Stat. 902; 19 U.S.C. 1335, 1802, unless otherwise noted.

2. The authority citation for Part 212 continues to read as follows:

Authority: Sec. 203(a)(1), Pub. L. 96–461, 94 Stat. 2325 (5 U.S.C. 504(c)(1)).

3. The authority citation for Part 213 continues to read as follows:

Authority. Sec. 339 of the Tariff Act of 1930 (19 U.S.C. 1339), as added by sec. 221, Trade and Tariff Act of 1984 (Pub. L. 98–573, approved Oct. 30, 1984; 98 Stat. 2989); sec. 335, Tariff Act of 1930 (72 Stat. 680; 19 U.S.C. 1335).

§§ 201.3, 201.6, 201.17, 201.19, 201.23, 201.24, 201.25, 201.28, 201.29, 201.41, 201.170, 212.29, 213.4, and 213.7 [Amended]

4. (1) Substitute "500 E Street SW." for "701 E Street NW" or "on E Street between 7th and 8th Streets NW.", as the case may be, at §§ 201.3(a), 201.3(b), 201.6(b), 201.6(e), 201.6(f), 201.23(e), 201.24(a), 201.25(b), 201.28(a), 201.29(a), 201.41(b), 201.170(c), 212.29, 213.4(a), and 213.7 of the rules and at any other place in the rules that these terms are presently found; (2) to add the term "500 E Street SW." after the term "United States International Trade Commission" in §§ 201.17(a) and 201.19(a) of the rules; and (3) to delete the term "Room 130" in § 213.7 of the rules.

[FR Doc. 87–29423 Filed 12–28–87; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[T.D. 8169]

Income Tax; Taxable Years of Certain Partnerships

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations relating to the appropriate taxable year for certain partnerships. The text of the temporary regulations set forth in this document also serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the **Federal Register.** The temporary regulations reflect an amendment to section 706(b) of the Internal Revenue Code with respect to the taxable years of certain partnerships as made by section 806 of the Tax Reform Act of 1986 and provide guidance to partnerships with respect to the new provision.

DATES: The regulations contained in this document will be effective for partnership taxable years beginning after December 31, 1986.

FOR FURTHER INFORMATION CONTACT: Beverly A. Baughman of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224. Attention: CC:LR:T. (202–566–3297, not a toll free call).

SUPPLEMENTARY INFORMATION:

Background

Prior to its amendment by section 806 of the Tax Reform Act of 1986 (H.R. 3838, Pub. L. 99–514, "the Act"), section 706(b) required a partnership adopting or changing a taxable year to use the same taxable year as the taxable year of all of its principal partners (or the calendar year, if all the partnership's principal partners did not have the same taxable year), unless the partnership established, to the satisfaction of the Secretary of the Treasury, a business purpose for selecting a different taxable year.

Section 706(b), as amended by section 806 of the Act, requires that any

partnership (except where a business purpose for some other taxable year is established) must conform its taxable year to (a) the taxable year of one or more of its partners who have an aggregate interest in partnership profits and capital of greater than 50 percent, (b) if no taxable year is described in (a), the taxable year of all of its principal partners, or (c) if no taxable year is described in (a) or (b), the calendar year or such other year as may be prescribed by regulations.

This document, under the authority of section 706(b)(1)(B)(iii), prescribes rules for determining when the calendar year will not be an appropriate taxable year for the partnership and which year will be appropriate in such cases.

Explanation of Provisions

Section 1.706–1T(a) generally provides that, if a partnership is unable to determine its taxable year by reference to the taxable year of its partners owning a majority interest in partnership profits and capital (as described in section 706(b)(1)(B)(i)) or by reference to the taxable year of all of its principal partners (as described in section 706(b)(1)(B)(ii)), its taxable year is the year that results in the least aggregate deferral of income to the partners. Deferral to each partner is measured in terms of months from the end of the partnership's taxable year forward to the end of the partner's taxable year. The taxable year that results in the least aggregate deferral of income to the partners is determined under § 1.706–1T(a)(2) by comparing the deferral that would result to the partners if a particular partner's taxable year were the partnership's taxable year. Rules are also provided to minimize the number of changes in the partnership's taxable year under section 706(b)(1)(B)(iii) where there would be a de minimis change in the aggregate deferral to the partners.

Regulatory Flexibility Act, Executive Order 12291, and Paperwork Reduction Act of 1980

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for temporary regulations. Accordingly, the Regulatory Flexibility Act (5 U.S.C. Chapter 6) does not apply and no Regulatory Flexibility Analysis is required for this rule. The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. The reporting requirements added by this document have been submitted to the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1980. The reporting requirements have been approved by OMB under 1545–0099.

Drafting Information

The principal author of these temporary regulations is Gail H. Morse of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of both substance and style.

List of Subjects

26 CFR 1.701–1—1.771–1

Income taxes, Partnerships.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly , 26 CFR Parts 1 and 602 are amended as follows:

PART 1—[AMENDED]

Income Taxes

Paragraph 1. The authority for Part 1 is amended by adding the following citation:

Authority: 26 U.S.C. section 7805. * * * Section 1.706–1T also issued under 26 U.S.C. 706(b).

Par. 2. A new §1.706–1T is added immediately following existing §1.706–1 to read as follows:

§1.706–1T Taxable years of certain partnerships (temporary).

(a) *Taxable year determined by reference to the partners*—(1) *In general.* If for any taxable year a partnership's taxable year cannot be determined by reference to the taxable year of its partners owning a majority interest in partnership profits and capital (as described in section 706(b)(1)(B)(i)) or by reference to the taxable year of all its principal partners (as described in section 706(b)(1)(B)(ii)), then the partnership must determine its taxable year under section 706(b)(1)(B)(iii). Under section 706(b)(1)(B)(iii), the taxable year of the partnership, except as provided in paragraph (b) of this section, shall be the taxable year that results in the least aggregate deferral of income to the partners (as determined under paragraph (a)(2) of this section).

(2) *Taxable year that results in the least aggregate deferral of income.* The taxable year that results in the least aggregate deferral of income will be the taxable year of one or more of the partners in the partnership which will result in the least aggregate deferral of income to the partners. The aggregate deferral for a particular year is equal to the sum of the products determined by multiplying the month(s) of deferral for each partner that would be generated by that year and each partner's interest in partnership profits for that year. The partner's taxable year that produces the lowest sum when compared to the other partner's taxable years is the taxable year that results in the least aggregate deferral of income to the partners. If the calculation results in more than one taxable year qualifying as the taxable year with the least aggregate deferral, the partnership may select any one of those taxable years as its taxable year. However, if one of the qualifying taxable years is also the partnership's existing taxable year, the partnership must maintain its existing taxable year. The determination of the taxable year that results in the least aggregate deferral of income generally be made as of the beginning of the partnership's current taxable year. The district director, however, may determine that the first day of the current taxable year is not the appropriate testing day and require the use of some other day or period that will more accurately reflect the ownership of the partnership and thereby the actual aggregate deferral to the partners where the partners engage in a transaction that has as its principal purpose the avoidance of the principles of this section. Thus, for example the preceding sentence would apply where there is a transfer of an interest in the partnership that results in a temporary transfer of that interest principally for purposes of qualifying for a specific taxable year under the principles of this section. For purposes of this section, deferral to each partner is measured in terms of months from the end of the partnership's taxable year forward to the end of the partner's taxable year.

(3) *Determination of the taxable year of a partner or partnership that uses a 52–53 week taxable year.* For purposes of the calculation described in paragraph (a)(2) of this section, the taxable year of a partner or partnership that uses a 52–53 week taxable year shall be the same year determined under the rules of section 441(f) and the regulations thereunder with respect to the inclusion of income by the partner or partnership.

(4) *Special de minimis rule.* If the taxable year that results in the least aggregate deferral produces an aggregate deferral that is less than .5

when compared to the aggregate deferral of the current taxable year, the partnership's current taxable year shall be treated as the taxable year with the least aggregate deferral. Thus, the partnership will not be permitted to change its taxable year. However, this de minimis rule will not apply to the first taxable period beginning after December 31, 1986.

(b) *Business purpose.* A partnership may have a taxable year other than the year described in paragraph (a) of this section if it establishes, to the satisfaction of the Commissioner of Internal Revenue, a business purpose for such taxable year in accordance with and under the procedures established in § 1.442–1(b)(1). For purposes of this paragraph (b), any deferral of income to partners shall not be treated as a business purpose.

(c) *Procedural requirements and effective date*—(1) *In general.* The change in accounting period required by paragraph (a) of this section shall be treated as initiated by the partnership and made with the consent of the Commissioner. To effect the change, a partnership must show that the requirements of this section are satisfied in a statement setting forth the computations required to establish the taxable year that results in the least aggregate deferral of income to the partners under paragraph (a) of this section. The partnership must attach the statement to the income tax return for the short period involved in the changes and must indicate the following at the top of page 1 of the return: "FILED UNDER § 1.706–1T."

(2) *Effective date*—(i) *In general.* Except as provided in paragraph (c)(2)(ii) of this section, the rules of this section are effective for partnership taxable years beginning after December 31, 1986.

(ii) *Special rule for first taxable year beginning after December 31, 1986.* A partnership otherwise required to change its accounting period for its first taxable year beginning after December 31, 1986 to a year resulting in the least aggregate deferral of income to its partners under paragraph (a) of this section, may, at its option, delay the application of the rules of that paragraph until its first taxable year beginning after December 31, 1987. In such a case, the partnership must conform its first taxable year beginning after December 31, 1986 to the calendar year and must apply the rules of paragraph (a) of this section to its first taxable year beginning after December 31, 1987. See § 1.702–3T(a)(1) regarding the availability of a 4-year spread provision with respect to a partnership required to change its taxable year for its first taxable year beginning after December 31, 1986.

(iii) *Special eligibility for 4-year spread; years beginning after December 31, 1987.* Notwithstanding the provisions of § 1.702–3T(a)(1) limiting the availability of the 4-year spread provisions to a partnership's first taxable year beginning after December 31, 1986, if—

(A) A partnership is required under section 706(b)(1)(B)(iii) and paragraph (a) of this section to change to a taxable year that results in the least aggregate deferral of income to the partners for a partnership's first taxable year beginning after December 31, 1987,

(B) The partnership did exercise its option, as provided in paragraph (c)(2)ii) of this section, to delay the application of the rules of paragraph (a) of this section until the partnership's first taxable year beginning after December 31, 1987, and

(C) The partnership would have been required to change its accounting period under section 706(b)(1)(B)(iii) and paragraph (a) of this section for its first taxable year beginning after December 31, 1986, if paragraph (a) of this section had been applicable to such taxable year, the partners in the partnership will be eligible to utilize the 4-year spread provision provided in § 1.702–3T (subject to the other requirements of that section) with respect to the partnership's change in accounting period required under section 706(b)(1)(B)(iii) and paragraph (a) of this section for the partnership's first taxable year beginning after December 31, 1987.

(d) *Examples.* The principles of this section may be illustrated by the following examples:

Example (1). Partnership P is on a fiscal year ending June 30. Partner A reports income on the fiscal year ending June 30 and Partner B reports income on the fiscal year ending July 31. A and B each have a 50 percent interest in partnership profits. For its taxable year beginning July 1, 1987, the partnership will be required to retain its taxable year since the fiscal year ending June 30 results in the least aggregate deferral of income to the partners. This determination is made as follows:

Test 6/30	Year End	Interest in Partnership Profits	Months of Deferral for 6/30 Year End	Interest x Deferral
Partner A	6/30	.5	0	0
Partner B	7/31	.5	1	.5
Aggregate deferral				.5

Test 7/31	Year End	Interest in Partnership Profits	Months of Deferral for 7/31 Year End	Interest x Deferral
Partner A	6/30	.5	11	5.5
Partner B	7/31	.5	0	0
Aggregate deferral				5.5

Example (2). The facts are the same as in *Example (1)* except that A reports income on the calendar year and B reports on the fiscal year ending November 30. For the partnership's taxable year beginning July 1, 1987, the partnership is required to change its taxable year to a fiscal year ending November 30 because such year results in the least aggregate deferral of income to the partners. This determination is made as follows:

Test 12/31	Year End	Interest in Partnership Profits	Months of Deferral for 12/31 Year End	Interest x Deferral
Partner A	12/31	.5	0	0
Partner B	11/30	.5	11	5.5
Aggregate deferral				5.5

Test 11/30	Year End	Interest in Partnership Profits	Months of Deferral for 11/30 Year End	Interest x Deferral
Partner A	12/31	.5	1	.5
Partner B	11/30	.5	0	0
Aggregate deferral				5.5

Example (3). The facts are the same as in *Example (2)* except that B reports income on the fiscal year ending June 30. For the partnership's taxable year beginning July 1, 1987, each partner's taxable year will result in identical aggregate deferral of income. If the partnership's current taxable year was neither a fiscal year ending June 30 nor the calendar year, the partnership would select either the fiscal year ending June 30 or the calendar year as its taxable year. However, since the partnership's current taxable year ends June 30, it must retain its current taxable year.

Test 6/30	Year End	Interest in Partnership Profits	Months of Deferral for 6/30 Year End	Interest x Deferral
Partner A	6/30	.5	0	0
Partner B	7/31	.5	1	.5
Aggregate deferral				.5

Test 12/31	Year End	Interest in Partnership Profits	Months of Deferral for 12/31 Year End	Interest x Deferral
Partner A	12/31	.5	0	0
Partner B	6/30	.5	6	3.0
Aggregate deferral				3.0

Test 6/30	Year End	Interest in Partnership Profits	Months of Deferral for 6/30 Year End	Interest x Deferral
Partner A	12/31	.5	6	3.0
Partner B	6/30	.5	0	0
Aggregate deferral				3.0

Example (4). The facts are the same as in *Example (1)* except that on December 31, 1987, partner A sells a 4 percent interest in the partnership to Partner C, who reports income on the fiscal year ending June 30, and a 40 percent interest in the partnership to Partner D, who also reports income on the fiscal year ending June 30. The taxable year beginning July 1, 1987, is unaffected by the sale. However, for the taxable year beginning July 31, 1988, the partnership must determine the taxable year resulting in the least aggregate deferral as of July 1, 1988. In this case, the partnership will be required to retain its taxable year since the fiscal year ending June 30 continues to be the taxable year that results in the least aggregate deferral of income to the partners.

Example (5). The facts are the same as in *Example (4)* except that Partner D reports income on the fiscal year ending April 30. As in Example (4), the taxable year during which the sale took place is unaffected by the shifts in interests. However, for its taxable year beginning July 1, 1988, the partnership will be required to change its taxable year to the fiscal year ending April 30. This determination is made as follows:

Test 7/31	Year End	Interest in Partnership Profits	Months of Deferral for 7/31 Year End	Interest x Deferral
Partner A	6/30	.06	11	.66
Partner B	7/31	.5	0	0
Partner C	6/30	.04	11	.44
Partner D	4/30	.4	9	3.60
Aggregate deferral				4.70

Test 6/30	Year End	Interest in Partnership Profits	Months of Deferral for 6/30 Year End	Interest x Deferral
Partner A	6/30	.06	0	0
Partner B	7/31	.5	1	.5
Partner C	6/30	.04	0	0
Partner D	4/30	.4	10	4.0
Aggregate deferral				4.5

Test 4/30	Year End	Interest in Partnership Profits	Months of Deferral for 4/30 Year End	Interest x Deferral
Partner A	6/30	.06	2	.12
Partner B	7/31	.5	3	1.50
Partner C	4/30	.45	9	4.05
Aggregate deferral				4.45

Test 4/30	Year End	Interest in Partnership Profits	Months of Deferral for 4/30 Year End	Interest x Deferral
Partner C	6/30	.04	2	.08
Partner D	4/30	.4	0	0
Aggregate deferral				1.70

§ 1.706-1T(a)(4) Test:	
Current taxable year (June 30)	4.5
Less: Taxable year producing the least aggregate deferral (April 30)	1.7
Additional aggregate deferral (greater than .5)	2.8

Example (6). Partnership P has two partners, A who reports income on the fiscal year ending March 31, and B who reports income on the fiscal year ending July 31. A and B share profits equally. P has determined its taxable year under § 1.706–1T(a)(2) to be the fiscal year ending March 31 as follows:

Test 3/31	Year End	Interest in Partnership Profits	Deferral for 3/31 Year End	Interest x Deferral
Partner A	3/31	.5	0	0
Partner B	7/31	.5	4	2
Aggregate deferral				2

Test 7/31	Year End	Interest in Partnership Profits	Deferral for 7/31 Year End	Interest x Deferral
Partner A	3/31	.5	8	4
Partner B	7/31	.5	0	0
Aggregate deferral				4

In May 1988, Partner A sells a 45 percent interest in the partnership to C, who reports income on the fiscal year ending April 30. For the taxable period beginning April 1, 1989, the fiscal year ending April 30 is the taxable year that produces the least aggregate deferral of income to the partners. However, under paragraph (a)(4) of this section the partnership is required to retain its fiscal year ending March 31. This determination is made as follows:

Test 3/31	Year End	Interest in Partnership Profits	Deferral for 3/31 Year End	Interest x Deferral
Partner A	3/31	.05	0	0
Partner B	7/31	.5	4	2.0
Partner C	4/30	.45	1	.45
Aggregate deferral				2.45

Test 7/31	Year End	Interest in Partnership Profits	Deferral for 7/31 year end	Interest Deferral
Partner A	3/31	.05	8	.40
Partner B	7/31	.5	0	0
Partner C	4/30	.45	9	4.05
Aggregate deferral				4.45

Test 4/30	Year End	Interest in Partnership Profits	Deferral for 4/30 year end	Interest Deferral
Partner A	3/31	.05	11	.55
Partner B	7/31	.5	3	1.50
Partner C	4/30	.45	0	0
Aggregate deferral				2.05

§ 1.706-1T(a)(4) Test:	
Current taxable year (3/31)	2.45
Less: Taxable year producing the least aggregate deferral (4/30)	2.05
Additional aggregate deferral (less than .5)	.40

PART 602—[AMENDED]

OMB Control Numbers Under the Paperwork Reduction Act

Par. 3. The authority for Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 4. Section 602.101(c) is amended by inserting in the appropriate place in the table: "§ 1.706–1T * * * 1545–0099."

There is need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Approved: December 16, 1987.

O. Donaldson Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 87–29773 Filed 12–24–87; 9:09 am]

BILLING CODE 4830–01–M

DEPARTMENT OF JUSTICE

28 CFR Parts 0 and 68

[A.G. Order 1245–87]

Organization of the Department of Justice Executive Office for Immigration Review

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: Final rule.

SUMMARY: This is to correct the final rule which was published on November 24, 1987, at 52 FR 44971. That rule, among other things, erroneously stated that the Executive Office for

Immigration Review had had its name changed to the Executive Office for Immigration Matters. This rule is published to correct that erroneous statement. The correct name of the organization remains the Executive Office for Immigration Review. The rule also corrects similar erroneous name references in 28 CFR Part 68.

EFFECTIVE DATE: December 29, 1987.

FOR FURTHER INFORMATION CONTACT: Gerald S. Hurwitz, Counsel to the Director, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, Virginia 22041, telephone (703) 756–6470.

SUPPLEMENTARY INFORMATION: The final rule published on November 24, 1987, at 52 FR 44971, erroneously stated that the name of the Executive Office for Immigration Review had been changed to the Executive Office for Immigration Matters. This was published in error. This final rule corrects the error and clearly indicates that the correct name of the organization is the Executive Office for Immigration Review. The rule also corrects similar erroneous name references in 28 CFR Part 68.

This is not a major rule within the meaning of section 1(b) of Executive Order 12291. In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule will not have a significant impact on a substantial number of small entities.

List of Subjects

28 CFR Part 0

Government employees, Organizations and functions (Government agencies), Authority delegations (Government agencies).

28 CFR Part 68

Administrative practice and procedures, Aliens, Citizenship and naturalization, Civil rights, Discrimination in employment, Employment, Equal employment opportunity, Immigration, Nationality, Non-Discrimination.

Accordingly, by the authority vested in me, including 28 U.S.C. 509, 510, Title 28 of the Code of Federal Regulations is revised as follows:

PART 0—[AMENDED]

1. The authority citation for Part 0 continues to read as follows:

Authority: 5 U.S.C. 301, 2303; 8 U.S.C. 1103, 1324A, 1427(g); 15 U.S.C. 644(k); 18 U.S.C. 2254, 4001, 4041, 4042, 4044, 4082, 4201 *et seq.*, 6003(b); 21 U.S.C. 871, 881(d), 904; 22 U.S.C. 263a, 1621–1645o, 1622 note; 28 U.S.C. 509, 510, 515, 524, 542, 543, 552, 552a, 569; 31 U.S.C. 1108, 3801 *et seq.*; 50 U.S.C. App. 2001–2017p; Pub. L. No. 91–513, sec. 501; EO 11919; EO 11267; EO 11300.

2. All references to the "Executive Office for Immigration Matters" within Part 0, specifically §§ 0.105, 0.115, 0.116, and 0.117 are hereby revised to read "Executive Office for Immigration Review."

PART 68—[AMENDED]

3. The authority citation for Part 68 continues to read as follows:

Authority: 5 U.S.C. 301, 5 U.S.C. 554; 8 U.S.C. 1103, 8 U.S.C. 1324 a and b.

4. All references to the "Executive Office for Immigration Matters" within Part 68, specifically §§ 68.1, 68.2(d), and 68.34(a), are hereby revised to read "Executive Office for Immigration Review."

Date: December 17, 1987.

Edwin Meese III,

Attorney General.

[FR Doc. 87–29719 Filed 12–28–87; 8:45 am]

BILLING CODE 5131–26–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

Employment Discrimination; 706 Agencies

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule; amendment.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations on certified designated 706 agencies. Publication of this amendment effectuates the designation of the Louisville and Jefferson County Human Relations Commission as a certified 706 agency.

EFFECTIVE DATE: December 29, 1987.

FOR FURTHER INFORMATION CONTACT: Valentina Jackson, Equal Employment Opportunity Commission, Office of Program Operations, Systemic Investigations and Individual Compliance Programs, 2401 E Street, NW., Washington, DC 20507, telephone number (202) 634–6806.

SUPPLEMENTARY INFORMATION: The Commission has determined that the Louisville and Jefferson County Human Relations Commission meets the eligibility criteria for certification of designated 706 Agencies as established in 29 CFR 1601.75(b). In accordance with 29 CFR 1601.75(c) the Commission hereby amends the list of certified designated 706 agencies to include: Louisville and Jefferson County Human Relations Commission.

Publication of this amendment to § 1601.80 effectuates the designation of the following agency as a certified 706 agency: Louisville and Jefferson County Human Relations Commission.

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal Employment Opportunity, Intergovernmental relations.

1. The authority citation for Part 1601 continues to read as follows:

Authority: 42 U.S.C. 2000e to 2000e–17.

PART 1601—[AMENDED]

§ 1601.80 [Amended]

Accordingly, 29 CFR Part 1601 is amended in § 1601.80 by adding the Lousiville and Jefferson County Human Relations Commission in alphabetical order.

Signed at Washington, DC this 23rd day of December, 1987.

James H. Troy,

Director, Office of Program Operations.

[FR Doc. 87–29768 Filed 12–28–87; 8:45 am]

BILLING CODE 6570–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 102

[DoD Directive 1215.6]

Uniform Reserve, Training and Retirement Categories

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This Part revises 32 CFR Part 102 and establishes new policies and procedures consistent with recent changes in law and development of revised Defense Department policy. There have been significant changes in the roles and missions of the Reserve Components since this was last published. The National Guard and Reserve Forces have expanded and taken on increased responsibilities for National Security as a part of the Total Force. This part outlines new policies and categories for reporting and managing the Reserve Components.

EFFECTIVE DATE: September 22, 1987.

FOR FURTHER INFORMATION CONTACT: Colonel D. Smith, Director Guard/Reserve Manpower Programs, Office of the Secretary of Defense (Reserve Affairs), Rm 3C325, telephone 695–7306, Pentagon, Washington, D.C. 20301.

SUPPLEMENTARY INFORMATION: 32 CFR Part 102 was last printed in the **Federal Register** on February 12, 1970.

List of Subjects in 32 CFR Part 102

Armed forces reserves, Wages.

Accordingly, 32 CFR Part 102, is revised as follows:

PART 102—UNIFORM RESERVE, TRAINING AND RETIREMENT CATEGORIES

Sec.

102.1 Reissuance and purpose.
102.2 Applicability.
102.3 Definitions.
102.4 RCC and TRC category table.
102.5 Policy.
102.6 Members participating in approved programs outside the Department of Defense.
102.7 Funds.
Appendix A—Uniform Reserve, Training and Retirement Categories.
Appendix B—Table 1, Authorized Reserve, Training and Retirement Categories.
Appendix C—Acronyms.

Authority: Sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 102.1 Reissuance and purpose.

This part revises Part 102 to:

(a) Update DoD policy and assign responsibilities for implementing the recent changes in law.

(b) Establish DoD policy guidance for maintaining and reporting personnel data in accordance with DoD Directive 1207.17 [1] and 32 CFR Part 114.

(c) Designate uniform Reserve component categories (RCCs), training or retired categories (TRCs) for the Ready Reserve, Standby Reserve, and Retired Reserve of the Armed Forces under Sections 268, 270, 271, 273, 274, 1376, 2001, and 6017 of Title 10, United States Code.

(d) Establish mininal training criteria for each category of the Reserve components (RCs).

(e) Provide uniform planning policies and procedures on training.

(f) Establish policy guidance for participation in Selective Service System (SSS) activities, civil defense activities, and Continental United States (CONUS) Defense programs by members of the Ready and Standby Reserve.

§ 102.2 Applicability.

This part applies to the Office of the Secretary of Defense (OSD), the Military Departments and their Reserve components, the Organization of the Joint Chiefs of Staff (OJCS), the U.S. Coast Guard and its Reserve component with the concurrence of the Department of Transportation (DoT), and the Defense Agencies (hereafter referred to collectively as "DoD Components").

§ 102.3 Definitions.

Active Duty (AD). Full-time duty in a U.S. Military Service. A general term applied to all active Military Service, including full-time National Guard duty, without regard to duration or purpose. May be served with either ACs or RCs.

Active Status. All Reserves are in an active status except those on an Inactive Status List of a RC, in the Inactive Army National Guard, or in a retired status in accordance with Section 267(b) of Title 10, U.S.C. Those in an active status may train for points and/or pay and may be considered for promotion.

AD for Special Work (ADSW). ADSW is authorized for personnel from military and Reserve personnel appropriations for projects on AC or RC programs. These include annual screening, training camps operations, training ships operation, and unit conversions to new weapons systems when such duties are essential to the organization. Support for study groups, training sites and exercises, accomplishing short-term projects, and performing administrative or support functions. ADSW tours exceedings 180 days are accountable against AD end strength in accordance with 10 U.S.C. 115(b)(1)(B). By policy, such tours normally are limited to 139 days or less in 1 FY. Exceptions to the 139-day limit may be granted on an individual basis for specific mission requirements. Nontechnician personnel shall receive priority consideration for such tours.

AD for Training (ADT). An ADT tour under orders providing for automatic reversion to inactive duty status when the specified period of ADT is completed. ADT includes full-time attendance at formal specialized skill training, flight training, combat crew training, and professional development education programs intended to provide RC members with necessary skills and disciplines supporting RC missions. Special AD for activities having a primary training content also is authorized as ADT.

Annual Screening. At least 1 day of ADT is required each year for IRR members to accomplish the annual screening requirements of Section 271 of Title 10, U.S.C. The Services are required to maintain the current status of each member's physical condition, dependency status, military qualifications, civilian occupational skills, availability for service, and other information prescribed by Section 271 of Title 10, U.S.C. and the Service Secretary.

Annual Training (AT). The minimal period of AT or annual field training that a Reserve member must perform each year to satisfy the AT requirements associated with his and or her RC assignment. AT normally is performed during one consecutive period. Selected units or IMAs may perform this training in increments of 3 or more days if training requirements and any additional costs (including travel costs) are justified.

Inactive Duty Training (IDT). Authorized and scheduled training performed by a Reservist not on AD, AT, or ADT and consisting of regular training periods, assemblies or drills, periods of applicable duty or equivalent training, additional special duties authorized for Reservists by an authority designated by the Secretary concerned and performed by Reservists with the prescribed organization where they are assigned. Includes similar duties performed by Reservists in their status as National Guard members.

Inactive Status. Those Reserve members, on an inactive status list of a RC in accordance with 10 U.S.C. 273, or assigned to the Inactive Army National Guard. Those in an inactive status may not train for points or pay and may not be considered for promotion.

Individual Mobilization Augmentees (IMAs). IMAs are drilling individual Reservists that are trained and preassigned to an AC organization, a SSS, or a FEMA billet that must be filled on or shortly after mobilization. IMAs participate in training activities on a part-time basis with these organizations preparing for recall or mobilization. The IDT amount required is determined by component policy and may vary from 0 to 48 drills a year.

IMA Detachments. An administrative unit for managing and training IMA.

Initial ADT (IADT). IADT includes basic military training and technical skill training required for all accessions. For nonprior service male enlistees who are between the ages of 18½ and 26, this IADT shall be for a period of not less than 12 weeks to commence insofar as practical within 270 days after the date of enlistment. For all other enlistees and inductees, IADT shall be for a period prescribed by the Secretary concerned to commence insofar as practical within 360 days after entry into service, except that in time of war or national emergency declared by Congress or the President the period of basic training (or

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, Attn: Code 1052, Philadelphia, PA 19120.

VOL 52 ISS 249 DEC 29 1987 UMI

its equivalent) shall be for a period of not less than 12 weeks.

A member of the RC may not be assigned to active duty on land outside the United States, its territories and possessions until the member has completed basic training.

Key Employee. Any member identified by his and/or her public or private employer occupying a key position as defined in 32 CFR Part 44.

Key Position. A civilian (public or private sector) position that may not be vacated during war or national emergency as designated by the Agency Head and approved by the Secretary concerned in accordance with 32 CFR Part 44.

Multiple IDT Periods (MIDTPs). Consists of two scheduled periods of IDT performed in 1-calendar day, each at least 4 hours in duration. No more than two IDT periods may be performed in 1 day.

Nondeployable Account. Separate accounts in each unit and centrally for individuals not in units that collect Reservists assigned to RCCs and TRCs UF, UQ, UP, and UX for both officer and enlisted personnel who have not completed basic IADT of 12 weeks or its equivalent. These personnel are not considered as trained strength assigned to units or mobilization positions and therefore are not deployable overseas on land with those units or to those mobilization positions. Synonymous with Training Pipeline.

Nonprior Service Personnel. An individual receiving a commission in or enlists directly into a U.S. Armed Force and has not completed basic IADT.

Qualifying Years Creditable for Retirement Pay. In order for a Guardsman or Reservist to be eligible for retired pay at age 60, the individual must have at least 20 years of service in which the individual receives at least 50 retirement points in a year. The last 8 years of qualifying years of service must have been served in a RC.

Reserve Component (RC) Category (RCC). The category identifying the status of individual in a specific RCC within each RC Identified by a RCC designator.

RCs of the Armed Forces. As defined in 10 U.S.C. 261(a), the RCs include the U.S. Army National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the U.S. Air National Guard, the Air Force Reserve, and the Coast Guard Reserve.

Secretary of Military Department (Secretary Concerned). The Secretaries of the Army, Navy, Air Force, and (for purposes of this part) the Commandant of the Coast Guard when the Service is operating as a DOT Agency.

Selected Reserve Strength. The total number of Guardsmen and Reservists who are members of the Selected Reserve subject to the Presidential recall authority of 200,000 persons and for mobilization under declarations of war or national emergency. Includes paid and nonpaid members. All Selected Reservists are in an active status.

Trained Strength in Units. Those personnel assigned to units who have completed basic IADT of 12 weeks or its equivalent and are eligible for deployment overseas on land, when mobilized under proper authorities. Excludes personnel in nondeployable accounts.

Training and Retired Category (TRC). The category identifying the status of individuals in a specific TRC within each RCC and RC. Identified by a TRC designator.

Training Period. An authorized and scheduled regular IDT period of a prescribed time, not less than 2 hours for retirement point credit, and not less than 4 hours for pay. Previously used interchangeably with other common terms such as drills, drill periods, assemblies, periods of instruction, etc.

Training Pipeline. RCC designation for those untrained officers and enlisted personnel who have not completed IADT of 12 weeks or its equivalent. Synonymous with nondeployable account.

Training Unit. A unit established to provide military training to individual Reservists or to RC units.

Unit. When used alone, the term denotes a unit of the Selected Reserve that is organized, equipped, and trained to be mobilized and to serve on AD as a unit or that augments or is augmented by another unit. Headquarters and support functions without wartime missions are not considered units under this Directive.

Voluntary Training. Training in a nonpay status for IRR members and active status Standby Reservists. Participating in voluntary training is for retirement points only and may be achieved by training with drilling units of the Selected Reserve, voluntary training units, or reinforcement training units; by ADT without pay; by completing of authorized military correspondence courses; by attendance at designated courses of instruction; by participating in designated special military events; or by participating in authorized civil defense activities. Retirees also may train voluntarily without pay or other credit with organizations to which they shall be assigned upon recall to AD, or with other organizations with which applicable arrangements have be made. Opportunity to participate voluntarily shall be limited to that training made available within the manpower and resources authorized by the Secretary concerned.

Voluntary Training Unit or Reinforcement Training Unit. A unit formed by volunteers to provide RC training in a nonpay status for IRRs and active status Standby Reservists attached under competent orders and participating in such units for retirement points.

§ 102.4 RCC and TRC category table.

Table 1 (see Appendix B of this part) establishes authorized RCCs and TRCs in the RCs for training and accountability purposes. Each unit and member of the Ready Reserve, Standby Reserve, and Retired Reserve not counted in active duty (AD) end strengths, in accordance with 10 U.S.C. 115(b)(1)(B), shall be placed in one of the RCCs and TRCs so identified.

§ 102.5 Policy.

(a) *Establishment of Criteria.* To ensure that trained and qualified RC units and individuals are available for AD in time of war or national emergency and that funds appropriated annually for RC training are adequate for meeting mobilization requirements, the Secretary concerned shall establish necessary criteria and procedures to do the following:

(1) Place all RC members in a RCC and TRC in accordance with this part. Individuals shall be assigned to RCCs and TRCs based on their mobilization obligations and training requirements.

(2) Ensure that all RC members receive training in accordance with mobilization assignments and required readiness levels. All members of the Ready Reserve, except members of the U.S. Army National Guard and the U.S. Air National Guard, may be required to serve on AD training (ADT) up to 30 days a year (10 U.S.C. 270(a)(2)). Training for the Individual Ready Reserve (IRR), Standby Reserve, and Retired Reserve may be accomplished voluntarily in accordance with DoD procedures in this part.

(3) Approve any additional inactive duty training (IDT) as necessary and consistent with law. Authorizing and utilizing additional training is subject to the categories, limitations, and controls in § 102.5(c).

(4) Authorize ADT and AD for special work (ADSW) subject to the categories, limitations, and controls in § 102.5(d).

(b) *Considerations for Establishing Criteria.* (1) Training programs shall provide for the minimal number of IDT periods, annual training (AT), and ADT required for attaining the prescribed unit readiness status and maintaining individual proficiency.

(2) Paid IDT periods shall not be less than 4 hours. No more than two IDT periods may be performed in any calendar day.

(3) IDT periods for points only (without pay) shall not be less than 2 hours duration with a maximum of two points authorized in any 1-calendar day (one point in any 1-calendar day for attendance at professional or trade conventions) (DoD Instruction 1215.7 [2]).

(4) Where practical, multiple IDT periods (MIDTPs) shall be used for maximizing the effectiveness of training.

(c) *Additional IDT Periods.* Additional IDT periods are intended to improve readiness by providing for individuals and units to receive required and necessary training for attaining and maintaining designated readiness levels. The Secretary concerned shall establish guidance for and approve use of additional IDT periods in accordance with limits outlined in the following:

(1) These training periods are intended for the principal use of nontechnician drilling Reservists. The RC shall identify additional IDT periods separately from normal unit or individual training periods in budget documents and in internal records so that training period costs and training support costs for each type of additional training clearly may be identified, justified, and audited. Those additional IDT periods used by technicians shall be identified separately in budget documents to monitor compliance with this policy. IDT for all Guard and Reserve personnel shall be in accordance with 37 U.S.C. 206.

(2) Three categories of additional IDT periods are as follows:

(i) Additional training periods (ATPs) for units, subunits, and individuals are for accomplishing additional required training as defined by a unit's wartime mission. The number of these training periods shall not exceed 12 per fiscal year (FY) for any member.

(ii) Additional flying and flight training periods (AFTPs) are authorized for primary aircrew members for conducting aircrew training and combat crew qualification training to attain and maintain aircrew flying proficiency and sustain mobilization readiness. AFTPs shall not be in addition to the ATPs in § 102.5(c)(2)(i). The number of these training periods shall not exceed 48 per fiscal year (FY) for any aircrew member unless specifically authorized by the Secretary concerned.

(iii) Readiness Management Periods (RMPs) are used to support the ongoing day-to-day operation of the unit, accomplishing unit administration, training preparation, support activities, and maintenance functions. The number of periods shall not exceed 24 per fiscal year (FY) for any member. These training periods shall be used only where sufficient full-time support personnel are not available to accomplish these duties. RMPs shall not be performed on the same day another training period (IDT, ATP, or AFTP) is being performed and not more than one RMP shall be performed by an indivdual in 1-calendar day.

(d) *Active Duty.* At any time, an authority designated by the Secretary concerned may order a member of the Reserve component under his or her jurisdiction to AD or retain or her on AD with the consent of the member. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the governor or other appropriate authority of the state or territory, Puerto Rico, the Canal Zone, or the District of Columbia, whichever is concerned (10 U.S.C. 672(d)). Five categories of AD or RC members serving with RC are as follows:

(1) Initial active duty training (IADT), which includes basic military training and technical skill training, is required for all accessions. For nonprior service (NPS) male enlistees who are between the ages of 18½ and 26, this IADT shall be for a period of not less than 12 weeks to commence insofar as practical within 270 days after the date of enlistment. For all other enlistees and inductees, IADT shall be for a period prescribed by the Secretary concerned to commence insofar as practical within 360 days after entry into service, except that in time of war or national emergency declared by Congress or the President the period of basic training (or its equivalent) shall be for a period of not less than 12 weeks. (10 U.S.C. 511(b), 511(d), 671(b)).

(2) AT is required for all members of the Ready Reserve. By DoD policy, this requirement is limited to members of the Selected Reserve. For members of the Reserves, this training shall be for not less than 14 days (exclusive of travel time) each year (10 U.S.C. 270(a)(1)). Units of the National Guard are required to perform full-time military training for at least 15 days per year including travel time (32 U.S.C. 502).

(3) ADT is authorized to provide for full-time attendance at organized and planned specialized skill training, flight training, combat crew training, unit conversion training, refresher and proficiency training, officer acquisition training, professional development education programs, etc. for providing RC members with necessary skills and disciplines supporting RC missions. Authorized ADT must provide a primary training content to recipient. Authorization for ADT shall be managed in accordance with Directives established by the Secretaries concerned. Nontechnician personnel shall receive priority consideration for such training.

(4) ADSW is authorized for personnel from applicable military or Reserve personnel appropriations for projects supporting active or RC programs, such as annual screening, operation of training camps, training ships, and unit conversions to new weapons systems, when such duties are essential to the organization. Projects supporting study groups, training site and exercises, short-term mission projects, and administrative support functions also are included. Authorization for ADSW shall be managed in accordance with Directives established by the Secretary concerned. ADSW tours exceeding 180 days are accountable against AD strengths (regular or RC AD end strengths, consistent with pay appropriations) in accordance with Section 115(b)(1)(B) of Title 10, U.S.C. By DoD policy, these tours normally are limited to 139 days or less in 1 FY. Exceptions to the 139-day limit may be granted on an individual basis for specific mission requirements. Nontechnician personnel shall receive priority consideration for these tours. Short breaks in tours, i.e., 30 days or less, to circumvent this requirement are not authorized.

(5) AD, other than for training or ADSW, including full-time National Guard duty, is authorized in support of RC missions, under Sections 265, 672(d), 678, 715, 3019, 3033, 3496, 8019, 8033, and 8496 of Title 10, U.S.C. and Section 708 of Title 32, U.S.C. These members are included in the full-time support numbers for each RC under the collective title of Active Guard or Reserve (AGR), including Navy training and administration of Reserves (TARs) and all statutory tour personnel.

(e) *Restriction on Assignment Outside United States.* A member of the RCs may not be assigned to active duty on land outside the United States, its territories and possessions until the member has completed basic training (10 U.S.C. 671(a)).

[2] See footnote 1 to § 102.1(b).

(f) *Training Participation.* The Secretaries concerned shall establish minimal standards for satisfactory participation at required training periods, which shall include the number and percentages of training periods for meeting the minimal standards. Individuals attending IDT periods are required to meet these minimal training standards. These standards shall contain procedures for accounting for absences and excused drills, as necessary. Individuals voluntarily may attend extra IDT periods for points only in accordance with 32 CFR Part 100.

(1) *Selected Reserve.* (i) IDT. Except as specifically provided in regulations by the Secretary of Defense or the Secretary of Transportation for the Coast Guard, members of the Ready Reserve shall participate in at least 48 scheduled training periods each year. (See Section 270(a)(1) of Title 10, U.S.C. and 32 U.S.C. 502).

(ii) AT. Except as specifically provided for in regulations by the Secretary of Defense or the Secretary of Transportation for the Coast Guard, AT is required for all members of the Ready Reserve. By DoD policy, this requirement is limited to members of the Selected Reserve. For members of the Reserves, this training shall be for not less than 14 days (exclusive of travel time) each year. Units of the National Guard are required to perform full-time military training for at least 15 days per year including travel time.

(iii) AT tours for individual mobilization augmentees (IMAs) or other Reservists individually assigned to all training categories ordered to AT at headquarters, support organizations, or to activities not operating on Saturday, Sunday, or Federal holidays, normally are limited by DoD policy to a maximum of 12 days excluding travel time; i.e., from Monday of the first week through Friday of the second week.

(A) When valuable training opportunities are available and required on weekends or for longer periods than 12 days, members may be ordered to AT for up to 19 days excluding travel time for activities such as participating in mobilization exercises. Training may begin on days other than Monday when special activities begin during the week.

(B) AT normally is performed during one consecutive period. Split tours may be authorized for selected units or individuals if required to meet training missions. Any additional costs must be justified fully. Authorization for variations in AT lengths shall be managed in accordance with Directives established by the Secretaries concerned.

(iv) Short periods of AD performed by members of the Selected Reserve, under Sections 672(d), 673, 673b, 3500, or 8500 of Title 10, U.S.C. may not be substituted for training required by 10 U.S.C. 270 and by this part, unless in the judgment of the Secretary concerned:

(A) AD service performed under these sections is equivalent to the training that might have been performed under the authority of Section 270 of Title 10, U.S.C. and this part.

(B) AD service under these sections when combined with training required by Section 270 of Title 10, U.S.C. and this part constitutes an undue personal hardship.

(v) NPS Personnel:

(A) Those personnel commissioned or enlisted directly into a U.S. Armed Force who have not completed basic training (IADT) of 12 weeks or its equivalent.

(B) The Secretaries concerned may require personnel commissioned or enlisted for service in the Selected Reserve to participate in IDT periods before completing IADT. These training periods may be with or without pay.

(C) IADT, which includes basic military training and technical skill training, is required for all accessions. For NPS male inlistees who are between the ages of 18½ and 26, this initial active duty training shall be for a period of not less than 12 weeks to commence insofar as practical within 270 days after the date of enlistment. For all other enlistees and inductees, initial AD training shall be for a period prescribed by the Secretary concerned to commence insofar as practical within 360 days after entry into service, except that in time of war or national emergency declared by Congress or the President the period of basic training (or its equivalent) shall be for a period of not less than 12 weeks. (See Sections 511(b), 511(d), and 671(b) of Title 10, U.S.C.)

(D) Individual Reservists are exempt from participating in AT or ADT during the last 120 days before completing their Military Service Obligation (MSO) if they have served on AD for 1 year or longer. (See Section 270(a) of Title 10, U.S.C.).

(2) *IRR.* (i) Members of the IRR, not scheduled for mandatory or voluntary training, are required to serve at least 1 day on AD each year to accomplish annual screening requirements in accordance with Sections 271(a), 275(a), 652, and 1004 of Title 10, U.S.C. The Services are required to maintain the current status of each member's physical condition, dependency status, military qualifications, civilian occupational skills, availability for service, and other information as prescribed. Annual screening by the Services shall include determining skill proficiency degradation and, if necessary, identifying applicable refresher training needs by skill.

(ii) IRR members, including individuals enlisting directly into the IRR, may participate voluntarily in IDT for points only in accordance with component regulations.

(3) *Standby Reserve.* The Standby Reserve consists of personnel who maintain their military affiliation without being in the Ready Reserve in accordance with 10 U.S.C. 267, 272 and 273 and DoD Directive 1235.9 [3].

(i) *Active Status List.* The following members of the Standby Reserve are in an active status. They may participate voluntarily without pay in RC training for retirement points only and may be considered for promotion.

(A) Personnel not having fulfilled their statutory MSO.

(B) Personnel temporarily assigned for hardship or other cogent reason who intend returning to the Ready Reserve.

(C) Personnel retained in an active RC status under Section 1006 of Title 10, U.S.C.

(D) Members of Congress and any Service members transferred from the Ready Reserve to the Standby Reserve after being designated as key personnel by their employers may volunteer for assignment to the Standby Reserve Active Status List for the period they remain designated as key personnel. Individuals desiring to be transferred shall apply directly to the RC concerned.

(ii) *Inactive Status List.* The following members of the Standby Reserve are in an inactive status. They may not participate for points, pay, or be considered for promotion:

(A) Members transferred to the Inactive Status List instead of separating in accordance with Section 1209 of Title 10, U.S.C.

(B) All other members transferred to the Inactive Status List in accordance with DoD Directive 1235.9. Personnel enrolled in a military school course, including correspondence courses, when transferred from the Ready Reserve to the Standby Reserve Inactive Status List may continue voluntarily participating in the course until completion. These personnel shall not be entitled to pay and allowances, travel and transportation, or to earn promotion and retirement points for this training.

(4) *Retired Reserve.* Consists of all personnel transferred to the Retired Reserve and subject to mobilization in accordance with 32 CFR Part 64. Retired

[3] See footnote 1 to § 102.1(b).

Reservists voluntarily may train (without pay) with a unit where they have premobilization orders. Suitable arrangements with the unit are required. The Retired Reserve consists of the following categories:

(i) Reserve members having completed 20 qualifying years creditable for retirement pay, are 60 years or more of age, and have applied for retired pay.

(ii) Reserve members having completed 20 qualifying years creditable for retirement pay, are not yet 60 years of age, or are age 60 and have not applied for retirement pay.

(iii) Reserve members retired for physical disability under 10 U.S.C. 1201, 1202, 1204, or 1205. Members have completed 20 years of active service creditable for retirement pay or are more than 30 percent disabled.

(iv) Reserve members having completed 20 or more years of AD service and retired under Sections 3911, 3914, 6323, 6330, 8911, or 8914 of Title 10, U.S.C. This includes regular enlisted personnel of the Army, Navy, Marine Corps, and Air Force with 20 to 30 years of Military Service who become Reserve members on retirement. Navy and Marine Corps retirees are transferred to the Fleet Reserve (Navy) and Fleet Marine Corps Reserve, respectively.

(v) Reserve personnel drawing retirement pay based on retirement for reasons other than age, Service requirements, or physical disability. This category is restricted to those who are retired under special conditions as authorized by the Assistant Secretary of Defense (Reserve Affairs) (ASD(RA)) pursuant to legislation.

(vi) Personnel not eligible for retirement pay, but having requested placement on the Honorary Retired List under Section 274 of Title 10, U.S.C. and under 32 CFR Part 115.

(5) *Voluntary Training.* Members of the RCs, not subject to mandatory training, shall be encouraged to participate in order to maintain their mobilization readiness. Opportunity to participate voluntarily without pay in training shall be limited by the manpower and resources authorized by the Secretary.

§ 102.6 Members participating in approved programs outside the Department of Defense.

(a) *Selective Service System.* The SSS administers the Military Selective Service Act (MSSA) in accordance with 50 U.S.C., App. 451 et seq. The MSSA authorizes the Director of Selective Service, by delegation from the President, "* * * to order to active duty with their consent and to assign to the Selective Service System such officers of the selective-service section of the State headquarters and headquarters detachments and such other officers of the federally recognized National Guard of the United States or other armed forces personnel (including personnel of the reserve components thereof), as may be necessary for the administration of the national and of the several State headquarters of the Selective Service System."

(1) *Active Duty.* Requests for assignment to SSS in an AD status must be approved in accordance with DoD Directive 1000.17 [4]. Costs for these members shall be reimbursed to the Department of Defense. Members shall not be assigned to a RCC or TRC, shall not be counted against RC strengths, and shall not be included in the RCCPDS files.

(2) *Inactive Duty.* The Department of Defense and the Office of the Director of Selective Service shall agree annually on the number of RC members assigned as IMAs to the SSS. The SSS shall reimburse the Department of Defense for IDT and AT for these members.

(b) *Civil Defense Activities and CONUS Defense Programs.* (1) The U.S. civil defense and CONUS defense programs are an integral part of U.S. national security. Support of civil defense may be provided through RC members participating with Federal, State, and local civil agencies only when clearly furthering specifically identifiable DoD interests. Participating shall be in an IDT or ADT status and on a reimbursable basis, except when the primary basis for participating is to meet a DoD program requirement. Subject to priorities and guidance in 32 CFR Part 185, military support of these activities is a proper mission for DoD Components. Military planning and liaison may be provided by RC members at selected civil government and military headquarters and includes such tasks and responsibilities as mutual support to civil authorities for civil defense, CONUS defense, physical security of key assets, and disaster relief operations.

(2) Programs involving RC members in civil defense activities directly supporting the Federal Emergency Management Agency (FEMA) or State and local government under a FEMA program must be approved jointly by FEMA and the Department of Defense. Assigning members in an AD (other than for training) status supporting of civil defense outside the Department of Defense must be approved in accordance with DoD Directive 1000.17. The following programs are approved for such participation.

(i) *Federal Liaison Officers.* These are Reserve officers serving as IMAs performing planning and liaison responsibilities between DoD Components and Federal regional headquarters, including interface with the civil sector as directed by their DoD Component through the Military Service planning agent. Federal liaison officers function primarily in support of DoD missions. All costs are paid by the DoD Component. Each Military Department is authorized to assign one or more Federal liaison officers (other than flag or general officer rank) at each FEMA Region and at FEMA National Headquarters.

(ii) *State Liaison Officers.* These are Reserve officers serving as IMAs performing planning and liaison responsibilities between their DoD Components and State or U.S. Territory Civil Defense or Emergency Service headquarters for interfacing with the civil sector as directed by their DoD Component through the Military Service planning agent. State liaison officers function primarily in support of DoD missions. All costs are paid by the DoD Component. Each Military Department is authorized to assign one or more State liaison officers (other than flag or general officer rank) at each State or U.S. territorial headquarters and shall assign or attach such officers to functions supervised by the State Area Command (STARC).

(iii) *Regional Military Emergency Coordinators (RMECs).* These are Reserve officers serving as IMAs and performing resource claimancy tasks for their DoD Components while participating in resource management of emergency preparedness and crisis operations under DoD Directive 5030.45 [5]. RMEC officers function primarily in support of DoD missions. All costs are paid by the DoD Component. Each Military Department is authorized to assign one or more officers (other than flag or general officer rank) to the DoD RMEC team.

(iv) *Civil Preparedness Support Detachments (CPSD).* These are Selected Reserve units of the U.S. Army Reserve (USAR) whose missions are to augment the communications and security capabilities of FEMA emergency operations centers.

(v) *FEMA IMAs.* These are IMAs assigned to responsibilities supporting civil defense planning at FEMA headquarters and regions, and at State and local civil defense activities. These

[4] See footnote 1 to § 102.1(b).

[5] See footnote 1 to § 102.1(b).

IMAs perform 2 weeks of annual ADT and FEMA reimburses the Department of Defense for these training costs.

(3) Members of the IRR and Standby Reserve Active Status List voluntarily participating in approved Civil Defense activities may receive retirement points in accordance with DoD Instruction 1215.7.

(4) IRR members participating in civil defense activities may request ADT to attend civil defense courses. If so ordered, these Reservists shall be entitled to pay and allowances including travel allowances for such training.

§ 102.7 Funds.

(a) Funds for personnel in the Uniform Reserve, Training and Retirement categories in the RCs, as identified in this part, shall be in accordance with DoD 7110.1–M.

(b) The Secretary concerned is authorized to include in the budget for the active component (AC), funds providing AD tours for Reseves on temporary duty in support of AC and RC programs.

Appendix A—Uniform Reserve, Training and Retirement Categories

There are three RCCs. They are the Ready Reserve, the Standby Reserve, and the Retired Reserve. Each member of the National Guard and Reserve is assigned within one of these categories. (All National Guard members, including those in the Inactive National Guard (ING), are in the Ready Reserve.)

A. *Ready Reserve Categories.* The Ready Reserve is comprised of military members of the Reserve and National Guard, organized in units or as individuals, and are liable for recall to AD for augmenting the AC in time of war or national emergency under 10 U.S.C. 672 and 673. The Ready Reserve consists of three RC subcategories: the Selected Reserve, the IRR, and the ING.

1. *Selected Reserve Categories.* The Selected Reserve consists of those units and individuals in the Ready Reserve designated by their respective Services and approved by the Joint Chiefs of Staff (JCS) as so essential to initial wartime missions that they have priority over all other Reserves. All Selected Reservists are in an active status. The Selected Reserve consists of the following Reserve categories:

a. *Selected Reserve Units.* Units manned and equipped to serve and/or train either as operational or as augmentation units. Operational units train and serve as units. Augmentation units train together, but when mobilized, lose their unit identity and become part of an AC unit or activity. Selected Reserve units include the following training categories:

(1) *Drilling Unit Reservists.* Trained unit members participating in unit training activities on a part-time basis. (RCC and TRC SA.)

(2) *Unit Full-Time Support Personnel.*

(a) *Active Guard Reserve (AGR).* Guard or Reserve members of the Selected Reserve ordered to AD or full-time National Guard duty with their consent for organizing, administering, recruiting, instructing, or training RC units. All unit AGR members must be assigned against or attached to an authorized mobilization position in the unit they support. (RCC and TRC SG.)

(b) *Military Technicians (MT).* Federal civilian employees providing full-time support for administration, training, and maintenance in a Selected Reserve unit. These employees must maintain their status as drilling Reservists in the same unit, are often referred to as dual status individuals, and are counted in the drilling Reservist subcategory. Dual status means they are both civilian employees and drilling Reservists of a Guard or Reserve unit. All dual status MTs must be in mobilizable positions. (RCC and TRC SM.)

(c) *Active Component (AC).* AD members paid from regular component appropriations assigned or attached to units by their respective Services to provide advice, liaison, management, administration, training, and/or maintenance support in the category of full-time support. These personnel are not part of the Selected Reserve, but shall deploy with their assigned unit when mobilizing. ACs are counted as part of trained strength in units, but not in the Selected Reserve strengths.

(d) *Civil Service Employees (CIV).* These personnel are hired under 5 U.S.C. 3101 and 32 U.S.C. 709 to provide administrative support to the RCs. They are in the category of full-time support to the RCs, but are not part of the Selected Reserve. CIVs do not have mobilization assignments and they are not in the Selected Reserve strengths.

(3) *Individuals in a Simultaneous Membership Program.* Senior Reserve Officer Training Corps (ROTC) Cadets and Marine Corps Platoon Leader Class students who are also permitted to be members of a Selected Reserve unit. (RCC and TRC ST).

b. *Trained Individuals.* Individual members of the Selected Reserve assigned to an AC organization. Trained individuals include the following training categories:

(1) *IMAs.* Trained individuals preassigned to an AC, SSS, or a FEMA organization's billet that must be filled on or shortly after mobilization. IMAs participate in training activities on a part-time basis with an AC unit preparing for recall in a mobilization. The amount of training required is determined by RC policy and may vary from 0 to 48 training periods a year. All IMAs must perform a minimal 2 weeks of AT each year. (RCC and TRC TB.)

(2) *Individual AGR.* Individual Active Guard Reserve members of the Selected Reserve ordered to AD or full-time National Guard duty in an AC organization with their consent for organizing, administering, recruiting, instructing, or training the RCs. They are assigned in headquarters and support functions (i.e., Army personnel at Major U.S. Army Reserve Command (MUSARC) and/or State level and above.) (RCC and TRC TR.)

(3) *Individual MTs.* Military Technicians, who are Federal civilian employees providing full-time support for administration, training, and maintenance in the Selected Reserve, not in a unit. These employees must maintain their status as drilling Reservists. All individual MTs must be in mobilizable positions. (RCC and TRC TW.)

c. *Training Pipeline.* Selected Reserve officer and enlisted personnel who have not yet completed IADT. In accordance with 10 U.S.C. 671, all Ready Reservists shall receive training commensurate with their intended wartime assignments, and must complete a minimum of 12 weeks or the equivalent of IADT before any deployment on land outside the United States. The training pipeline is synonymous with the term non-deployable account. Since these personnel in the training pipeline may be mobilized, but may not be available for deployment with their units, they are accounted for separately in the following training categories:

(1) *Personnel currently on IADT.* Includes the second part of split IADT. (RCC and TRC UF.)

(2) *Personnel Awaiting Second Part of Split IADT.* (RCC and TRC UQ.)

(3) *Personnel Awaiting IADT.* Includes personnel in the Selected Reserve serving with or without pay. NPS males between the ages of 18½ and 26 years enlisting under Section 511(d) of Title 10, U.S.C. shall enter IADT insofar as practicable within 270 days after the date of that enlistment. All other members shall perform IADT insofar as practicable within 360 days of that enlistment. (RCC and TRC UP.)

(4) *Other Selected Reserve Untrained Personnel in Training Programs.* Includes chaplains, medical, and early commissioning programs. (RCC and TRC UX.)

2. *IRR Categories.* The IRR (together with the ING) consists of those Ready Reservists not in the Selected Reserve. IRR consists of the following Reserve categories:

a. IRR is a manpower pool principally with individuals having had training, having served previously in the AC or in the Selected Reserve, and having some period of their MSO remaining. There are some voluntary individuals in the IRR for hardship or special nonpay programs providing a variety of professional assignments and opportunities for earning retirement points and military benefits. These personnel all have an obligation to complete either MSO or another contractual commitment. Members voluntarily may participate in training for retirement points and promotion with or without pay. Required training (involuntary) may not exceed 30 days a year under 10 U.S.C. 270(a)(2). (RCC and TRC RE for those trained. TRC RH for those requiring further training or with unknown training status. See Appendix B)

b. Test programs were conducted in FY 1979 and FY 1983 for enlisting nonprior service personnel directly into the IRR. These personnel were required to receive IADT and are required to receive periodic refresher training. (RCC and TRC RE for those trained, or RCC and TRC RH for those requiring further training, or those with unknown training status.)

c. The IRR also includes some personnel participating in officer training programs or in the Armed Forces Health Scholarship program. Members in this scholarship program are required to perform 45 days of AD for training a year in accordance with Section 2121(c) of Title 10, U.S.C. (RCC and TRC PJ for officers not in the Selected Reserve participating in officer training programs or RCC and TRC PK for officers not in the Selected Reserve participating in Armed Forces Health Scholarship Programs).

3. *ING Category.* The ING consists of National Guard personnel in an inactive status in the Ready Reserve, not in the Selected Reserve, attached to a specific National Guard unit. For these personnel to remain ING members, they must muster once a year with their assigned unit, but they do not participate in training activities. On mobilization, ING members mobilize with their units. Similar to the IRR, some ING members have legal and contractual obligations. ING members may not train for points or pay and are not eligible for promotion. Currently, the ING category is used only by the Army National Guard. (RCC and TRC II.)

B. *Standby Reserve Categories.* The Standby Reserve consists of personnel maintaining their military affiliation without being in the Ready Reserve, having been designated key civilian employees, or who have a temporary hardship or disability. These individuals are not required to perform training and are not part of units. The Standby Reserve is a pool of trained individuals who may be mobilized as needed to fill manpower needs in specific skills. The Standby Reserve consists of the following training categories:

1. *Active Status List.* The following members of the Standby Reserve in an active status may participate voluntarily without pay in RC training for retirement points only and may be considered for promotion:

a. Members of Congress and any members transferred from the Ready Reserve to the Standby Reserve, as a result of being designated as key personnel by their employers, may volunteer for assignment of the Standby Reserve Active Status List for the period they remain designated as key personnel. Individuals desiring to be transferred shall apply directly to the component concerned. (RCC and TRC YC.)

b. Personnel not having fulfilled their statutory MSO, or temporarily assigned for hardship reason intending to return to the Ready Reserve, or retained by an RC in an active status under 10 U.S.C. 1006 (RCC and TRC YD.)

2. *Inactive Status List.* The following members of the Standby Reserve are in an inactive status. They may not participate for points or pay and may not be considered for promotion:

a. Members transferred to the Inactive Status List instead of separating under Section 1209 of Title 10, U.S.C. (RCC TRC YL.)

b. All other members transferred to the Inactive Status List in accordance with DoD Directive 1235.9 (RCC TRC YN.)

C. *Retired Reserve Categories.* 1. Consists of all personnel transferred to the Retired Reserve. Retired Reservists voluntarily may train with a unit where they have premobilization orders. Suitable arrangements with the unit are required. The Retired Reserve consists of the following retired categories.

a. Reserve members having completed 20 qualifying years creditable for retirement pay, are 60 years or more of age, and have applied for retirement pay. These members shall be assigned to RCC and TRC V1.

b. Reserve members having completed 20 qualifying years creditable for retirement pay, are not yet 60 years of age, or are age 60 and have not applied for retirement pay. These members shall be assigned to RCC and TRC V2.

c. Reserve members retired for physical disability under Sections 1201, 1202, 1204, or 1205 of Title 10, U.S.C. Members have completed 20 years of active service creditable for retirement pay or are more than 30 percent disabled. These members shall be assigned to RCC and TRC V3.

d. Reserve members having completed 20 or more years of AD service and retired under Sections 3911, 3914, 6323, 6330, 8911, or 8914 of Title 10, U.S.C. This includes regular enlisted personnel of the Army, Navy, Marine Corps and Air Force with 20 to 30 years of Military Service who become Reserve members on retirement. Navy and Marine Corps retirees are transferred to the Fleet Reserve and Fleet Marine Corps Reserve, respectively. These personnel shall be assigned to RCC and TRC V4.

e. Reserve personnel drawing retired pay under other than age, Service requirements, or physical disability. This category is restricted for retirement under special conditions as authorized by the Office of the Assistant Secretary of Defense (Reserve Affairs) (OASD(RA)) pursuant to legislation. These personnel shall be assigned to RCC and TRC V5.

f. Personnel not eligible for retirement pay, but having requested placement on the Honorary Retired List under section 274 of Title 10, U.S.C. and 32 CFR part 115. These personnel shall be assigned to RCC and TRC V6.

2. Enlisted Navy and Marine Corps Reserve and regular members retired with 20 or more years of AD, but less than 30 years, are assigned to the Fleet Reserve (Navy) and Fleet Marine Corps Reserve, respectively. When these personnel complete a total of 30 years of Active and Fleet Reserve (retired) service, the Reserve members are then assigned to the Retired Reserve and regular members are assigned to the Regular Retired List. Army and Air Force regular and Reserve enlisted personnel retiring after completing 20 or more years, but less than 30 years of AD, are members of the Reserve and are included in the Retired Reserve. When these members complete a total of 30 years of active and retired service, the regular enlisted retirees are placed on the regular retired list.

3. All retired members having completed at least 20 years AD (Regular or Reserve), regardless of the retired list where assigned, may be ordered to AD when required by the Secretary of the

Military Department in accordance with Section 688 of Title 10, U.S.C.

4. Retired Reserve members may be ordered to AD in their status as Retired Reserve members. It is not necessary to place the member in the Ready Reserve for this purpose.

5. Discharged retired members are former members having completed 20 satisfactory years creditable for retirement, but electing to be discharged from the RCs. Since these personnel have been discharged, they are not a part of the Retired Reserve.

BILLING CODE 3810-01-M

VOL 52 ISS 249 DEC 29 1987 UMI

Appendix B-Table 1,

AUTHORIZED RESERVE, TRAINING AND RETIREMENT CATEGORIES

RESERVE COMPONENT CATEGORY	RESERVE COMPONENT SUB CATEGORY	RES. COMPO CATEGORY AD DESIGNATOR	TRAINING RET. MEMBER CATEGORY TRC DESIGNATOR	COMPRISED OF	MINIMUM NUMBER OF PERIODS OF IDT REQUIRED ANNUALLY	MINIMUM NUMBER OF DAYS OF AT REQUIRED ANNUALLY	REMARKS	ELIGIBILITY USED BY: ARNG	USAR	USNR	USMCR	ANG	USAFR	USCG
READY RESERVE	SELECTED RESERVE	S (TRAINED IN UNITS)	A	INDIVIDUALS IN UNITS	48	RESERVE 14 DAYS (EXCL TRAVEL) GUARD 15 DAYS (INCL TRAVEL)	10 USC 270(A)(1) REQUIRES 14 DAYS OF AT EXCL OF TRAVEL TIME 32 USC 502 REQUIRES A MINIMUM OF 15 DAYS OF AT PER YEAR (BY POLICY INCLUDES TRAVEL TIME)	■	X	X	X		X	X
			G	ACTIVE GUARD RESERVE (AGR) IN UNITS	N/A	N/A	AGR MAY BE REQUIRED TO ATTEND DRILLS (INCLUDES NAVY IARS AND MC FTS (ARMY BELOW MUSARC STARC.	X	X	X	X	X	X	X
			M	MILITARY TECHNICIANS IN UNITS	48	SAME AS TRC A	MT ARE DUAL STATUS PERSONNEL WHO MUST BE ASSIGNED TO A DRILLING BILLET AND MUST FULFILL THE IDT AND ADT REQUIREMENTS OF THAT BILLET	X	X			X	X	X
			-	INDIVIDUALS IN A SIMULTANEOUS MEMBERSHIP PROGRAM	48	SAME AS TRC A	SENIOR ROTC CADETS OR MARINE CORPS PLATOON LEADER CLASS MEMBERS WHO ARE ALSO PERMITTED TO BE MEMBERS OF A SELECTED RESERVE UNIT.	X	X		■	X	X	
		(TRAINED INDIVIDUALS (NON-UNIT))	B	INDIV DUAL MOBILIZATION AUGMENTEES (MAs)	DT VARIES BETWEEN 0 AND 48 DAYS PER YEAR DETERMINED BY COMPONENT POLICY	RESERVE / 12-14 DAYS (EXCL TRAVEL)	UNLESS TRAINING CAN BE ACCOMPLISHED ON WEEKENDS AT IS LIMITED TO 12 DAYS BY POLICY REPLACES PREVIOUS TPCs A B C & D FOR IMAs		X	X	X		X	X
			R	INDIVIDUAL ACTIVE GUARD RESERVE (AGR)	N/A	N/A	INDIVIDUAL AGR MAY BE REQUIRED TO ATTEND DRILLS DEPENDING ON JOB ASSIGNMENT. (INCLUDES NAVY IARS AND TEMAC MC FTS AND ALL STAT TOUR PERSONNEL (ARMY MUSARC STARC AND ABOVE.	X	X	X	X	X	X	X
			W	INDIVIDUAL MILITARY TECHNICIANS	48	SAME AS UNIT TRC A	FA ARNG ANG STATE HEADQUARTERS NUMBERED AF MDS ARNG MAINT DEPOTS	X	■			X	X	
		(TRAINING PIPELINE - NON-PAYABLE ACCOUNTS)	F	PERSONNEL CURRENTLY ON IADT	0	N/A	OFFICERS AND ENLISTED INCLUDES 2ND PART OF SPLIT TRAINING AND ARMY ONE STATION UNIT TRAINING (APPLIES TO TRCS F G & P)	X	X	X	X	X	X	X
			P	PERSONNEL AWAITING 2ND PART OF IADT	48	N/A			X					
			T	PERSONNEL AWAITING ENTRY ON IADT	MAXIMUM IDT TO BE DETERMINED BY COMPONENT POLICY	N/A	INCLUDES PERSONNEL WITH OR WITHOUT PAY MEMBERS MUST NORMALLY ENTER IADT WITHIN 270 DAYS OF ENLISTMENT	X	X	X	X	X	X	X
				PERSONNEL IN OTHER TRAINING PROGRAMS	48	SAME AS UNIT TRC A	SELECTED RESERVE UNTRAINED MEMBERS IN OTHER TRAINING PROGRAMS INCLUDING CHAPLAINS MEDICAL HEALTH PROFESSIONAL STIPEND AND EARLY COMMISSIONING MUST MEET THE SAME TRAINING REQUIREMENTS AS TRC A RESERVISTS	X	X		X			

Appendix B-(continued)

AUTHORIZED RESERVE, TRAINING AND RETIREMENT CATEGORIES

RESERVE COMPONENT CATEGORY	RESERVE CATEGORY SUBCATEGORY	RES COMP CATEGORY DESIGNATOR	TRAINING PARTICIPATION PROGRAM DESIGNATOR	COMPOSED OF	MINIMUM NUMBER OF PERIODS OF DUTY REQUIRED ANNUALLY	MINIMUM NUMBER OF DAYS OF DUTY REQUIRED ANNUALLY	REMARKS	APPLICABLE TO MEMBER						
								ARNG	USAR	USNR	USMCR	ANG	USCG	
READY RESERVE	NON-UNIT READY RESERVE (NON-PAY) NATIONAL GUARD	E (IRR)	E "	TRAINED INDIVIDUAL MEMBERS OF THE IRR INDIVIDUAL MEMBERS OF THE IRR REQUIRING FURTHER TRAINING	N/A	0	MEMBERS MAY VOLUNTARILY PERFORM TRAINING FOR RETIREMENT POINTS AND PROMOTION WITH OR WITHOUT PAY REQUIRED TRAINING MAY NOT EXCEED 30 DAYS PER YEAR PER 10 USC 270 (A) (2) (B) STATUS OF TRAINING IS UNKNOWN, USE TAC H		X	X	X	X	X	X
		P (READY RESERVE TRAINING)		PERSONNEL NOT IN THE SELECTED RESERVE PARTICIPATING IN OFFICER TRAINING PROGRAMS PERSONNEL NOT IN THE SELECTED RESERVE PARTICIPATING IN ARMED FORCES HEALTH SCHOLARSHIP PROGRAMS	0 -	AS REQ. PER SPECIFIC PROGRAM 45 DAYS	CHAPLAIN AND JAG SCHOOLING EDUCATION DELAY, ROTC ASSIGNMENT DELAY, ARMY EARLY COMMISSIONING PROGRAM, COAST GUARD DIRECT COMMISSION CANDIDATES, M C PLATOON LEADER CLASS HEALTH PROFESSIONS SCHOLARSHIP PROGRAMS 10 USC 2121 (C) AND DODD 1215.14 REQUIRE 45 DAYS OF ACTIVE DUTY ANNUALLY		X	X		X	X	X
		T (ING)		INACTIVE NATIONAL GUARD	0	-	MUST MEET ANNUAL MUSTER WITH ASSIGNED UNIT, MAY NOT TRAIN FOR POINTS OR PAY AND ARE NOT ELIGIBLE FOR PROMOTION	X						
STANDBY RESERVE		V (STANDBY)		ACTIVE STATUS LIST ACTIVE STATUS LIST	0 0	0 0	KEY EMPLOYEES ONLY PER DODD 1200.7 ACTIVE STANDBY MEMBERS MAY VOLUNTARILY TRAIN FOR POINTS WITHOUT PAY AND ARE ELIGIBLE FOR PROMOTION OTHER ACTIVE STATUS MEMBERS		X X	X X	X X		X X	X X
				INACTIVE STATUS LIST INACTIVE STATUS LIST	0 0	0 0	MEMBERS TRANSFERRED TO INACTIVE STATUS LIST IN LIEU OF SEPARATION UNDER CHAPTER 10 USC 1209. INACTIVE STANDBY MEMBERS MAY NOT TRAIN FOR POINTS WITHOUT PAY AND ARE NOT ELIGIBLE FOR PROMOTION OTHER INACTIVE STATUS MEMBERS		X X	X X	X X	X	X X	X X

Appendix B-(continued)

AUTHORIZED RESERVE, TRAINING AND RETIREMENT CATEGORIES

RESERVE COMPONENT CATEGORY	RESERVE COMPONENT SUB-CATEGORY	RES. COMP CATEGORY (RCC) DESIGNATOR	TRAINING/ RETIREMENT CATEGORY (TRC) DESIGNATOR	COMPR. OF	MINIMUM NUMBER OF PERIODS OF IDT REQUIRED ANNUALLY	MINIMUM NUMBER OF DAYS OF AT REQUIRED ANNUALLY	REMARKS	CURRENTLY USED BY						
									USAR	USNR	USMCR	ANG	USAFR	USCGR
RETIRED RESERVE		V (RETIRED)	1	DRAWING RESERVE RETIRED PAY UNDER 10 USC 1331	N/A	N/A	RESERVE MEMBERS WHO HAVE COMPLETED 20 QUALIFYING YEARS CREDITABLE FOR RETIREMENT PAY 60 YEARS OR MORE OF AGE AND ARE DRAWING RETIRED PAY (PREV CAT 1)		X	X	X		X	X
			2	NOT DRAWING RETIRED PAY BUT ELIGIBLE AT AGE 60 UNDER 10 USC 1331	N/A	N/A	RESERVE MEMBERS WHO HAVE COMPLETED 20 QUALIFYING YEARS CREDITABLE FOR RETIREMENT PAY BUT ARE NOT YET 60 YEARS OF AGE OR ARE AGE 60 AND NOT APPLIED FOR PAY (PREVIOUS CATEGORY 3)		X	X	X		X	X
			3	RESERVE MEMBERS RETIRED FOR PHYSICAL DISABILITY	N/A	N/A	RESERVE MEMBERS RETIRED FOR PHYSICAL DISABILITY UNDER 10 USC 1201 1202 1204 OR 1205 MEMBERS HAVE 20 YEARS OF ACTIVE SERVICE CREDITABLE FOR RETIREMENT PAY OR ARE MORE THAN 30% DISABLED (PREVIOUS CATEGORY 6)		X	X	X		X	X
			4*	RESERVE MEMBERS WHO HAVE COMPLETED 20 OR MORE YEARS OF ACTIVE DUTY	N/A	N/A	RESERVE MEMBERS WHO HAVE COMPLETED 20 OR MORE YEARS OF ACTIVE DUTY SERVICE AND RETIRED UNDER 10 USC 3911 3914 6323 6330 8911 OR 8914 INCLUDES REGULAR AND RESERVE ARMY AND AF ENLISTED PERSONNEL WITH BETWEEN 20 AND 30 YEARS OF MILITARY SERVICE AND REGULAR AND RESERVE NAVY AND MARINE CORPS ENLISTED PERSONNEL IN THE FLEET RESERVE (NAVY) AND FLEET MARINE CORPS RESERVE WITH BETWEEN 20 AND 30 YEARS OF SERVICE (PREVIOUS CATEGORY 7)		X	X	X			X
			5	DRAWING RESERVE RETIRED PAY UNDER OTHER THAN 10 USC 1331 OR OTHER THAN REASONS OF PHYSICAL DISABILITY	N/A	N/A	RESERVE PERSONNEL DRAWING RETIREMENT PAY BASED ON RETIREMENT FOR REASONS OTHER THAN AGE SERVICE REQUIREMENTS OR PHYSICAL DISABILITY THIS CATEGORY IS RESTRICTED TO THOSE WHO ARE RETIRED UNDER SPECIAL CONDITIONS AS AUTHORIZED BY THE ASSISTANT SECRETARY OF DEFENSE (RESERVE AFFAIRS) PURSUANT TO LEGISLATION			X	X			
			6	NOT DRAWING RETIRED PAY AND NOT ELIGIBLE AT AGE 60 HONORARY RETIREES	N/A	N/A	MEMBERS WHO ARE NOT ELIGIBLE FOR RETIRED PAY BUT WHO HAVE REQUESTED PLACEMENT ON THE HONORARY RETIRED LIST UNDER 10 USC 274 AND DODI 1200 15 MCI 3 + 4 (PREVIOUS CATEGORY 5)		X	X			X	X

*NOTE PREVIOUS CATEGORY 4 DELETED SEE TEXT

BILLING CODE 3810-01-C

Appendix C-Acronyms

Acronym	Description	Page published
AC	Active Component	10
AD	Active Duty	2
ADSW	Active Duty for Special Work	2
ADT	Active Duty Training	2
AFTP	Additional Flying and Flight Training Period.	3
AGR	Active Guard/Reserve	4
ASD(RA)	Assistant Secretary of Defense (Reserve Affairs).	8
AT	Annual Training	2
ATP	Additional Training Periods	3
CIV	Civil Service Employee	2-2
CONUS	Continental United States	1
CPSD	Civil Preparedness Support Detachment.	10
DoD	Department of Defense	1
DoT	Department of Transportation	1
FEMA	Federal Emergency Management Agency.	9
FY	Fiscal Year	3
IADT	Initial ADT	4
IDT	Inactive Duty Training	2
IMA	Individual Mobilization Augmentees	5
ING	Inactive National Guard	2-1
IRR	Individual Ready Reserve	2
JCS	Joint Chiefs of Staff	2-1
MIDTP	Multiple IDT Periods	3
MSO	Military Service Obligation	5
MSSA	Military Selective Service Act	8
MUSARC	Major U.S. Army Reserve Command.	2-2
NPS	Nonprior Service	4
OJCS	Organization of the Joint Chiefs of Staff.	1
OSD	Office of Secretary of Defense	1
RCCPDS	Reserve Components Common Personnel Data System.	1
RCC	Reserve Component Category	1
RC	Reserve Component	1
RMEC	Regional Military Emergency Coordinator.	9
RMP	Readiness Management Period	8
ROTC	Reserve Officers Training Corps	2-2
SSS	Selective Service System	1
STARC	State Area Command	9
TAR	Training and Administration of the Reserve.	4
TRC	Training and/or Retired Categories	1
USAR	U.S. Army Reserve	10

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.
December 22, 1987.

[FR Doc. 87-29678 Filed 12-28-87; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5-87-094]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Atlantic Beach, NC

AGENCY: Coast Guard, DOT.

ACTION: Final Rule-Revocation.

SUMMARY: This amendment revokes the regulations for the S. 58 drawbridge across the Atlantic Intracoastal Waterway, mile 206.7, because the swing bridge has been removed. Regulations for the other bridges on the Atlantic Intracoastal Waterway remain unchanged. Notice and public procedure have been omitted from this action due to the removal of the bridge concerned.

EFFECTIVE DATE: These regulations become effective December 29, 1987.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704, (804) 398-6222.

Drafting information: The drafters of these regulations are Linda L. Gilliam, Project Officer, and CDR Robert J. Reining, Project Attorney.

SUPPLEMENTARY INFORMATION: This action has no economic consequences. It merely revokes regulations for a swing bridge that no longer exists. Consequently, this action is considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). Since there is no economic impact, a full regulatory evaluation is unnecessary. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (5 U.S.C. 605(b)). However, this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations is amended as follows:

PART 117—DRAWBRIDGE REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1-46; 33 CFR 1-05-1(g)

§ 117.821 [Amended]

2. Section 117.821 (b) is removed and paragraphs (c) and (d) are redesignated as paragraphs (b) and (c).

Dated: December 8, 1987.

A.D. Breed,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 87-29754 Filed 12-28-87; 8:45 am]

BILLING CODE 491-014-M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 304

[Docket No. CRT 87-4 PBRA]

1987 Adjustment of the Public Broadcasting Royalty Rates and Terms

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice of final determination.

SUMMARY: This notice announces the adoption of final rules governing the terms and rates of copyright royalty payments with respect to certain uses by public broadcasting entities of published nondramatic musical works, and published pictorial, graphic, and sculptural works. The terms and rates shall apply for the five-year period 1988-1992.

DATE: The effective date of these rules is January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Robert Cassler, General Counsel, 1111 20th Street NW., Suite 450, Washington, DC 20036 (202-653-5175).

SUPPLEMENTARY INFORMATION: 17 U.S.C. 118 establishes a copyright compulsory license for the use by public broadcasting entities of published nondramatic musical works and published pictorial, graphic, and sculptural works. 17 U.S.C. 118(c) provides that between June 30 and December 31 of every year ending in a 2 or a 7, the Tribunal shall conduct a proceeding for the determination of reasonable terms and rates of royalty payments for the use of these works. Accordingly, the Tribunal commenced the 1987 public broadcasting rate adjustment proceeding on June 30, 1987. 52 FR 24326. On November 20, 1987, the Tribunal published in the **Federal Register** a notice of proposed rulemaking. In the notice, the Tribunal described the structure and chronology of the 1987 public broadcasting rate adjustment proceeding, the rates proposed by the various parties, and our reasons for proposing or not proposing the recommended terms and rates. 52 FR 44610.[1] Comments were due December 15, 1987.

[1] The Notice of Proposed Rulemaking, 52 FR 44610 (November 20, 1987), the Further Notice of Proposed Rulemaking 52 FR 45664 (December 1, 1987), and this Notice of Final Determination together constitute the final determination of the 1987 Public Broadcasting Rate Adjustment Proceeding.

The PBS/NPR/SESAC Issue

At the time the Tribunal published the Notice of Proposed Rulemaking on November 20, Public Broadcasting Service (PBS) and National Public Radio (NPR) were attempting to finalize a voluntary license agreement with SESAC, Inc. (SESAC). Absent an agreement between PBS, NPR, and SESAC, the Tribunal announced its intention to render a final determination on PBS and NPR use of the music in SESAC's repertory based upon the written record of the proceeding by the December 31, 1987 statutory deadline. Subsequent to the publication of the Notice of Proposed Rulemaking, the Tribunal was informed by PBS, NPR and SESAC that they had finalized their voluntary license agreement, and that a disposition of the PBS/NPR/SESAC issue by the Tribunal was no longer necessary. Accordingly, the Tribunal adopts no regulations to govern the use by PBS and NPR of musical compositions found in the catalogue of SESAC.

The Comments

The Tribunal received five comments in response to its Notice of Proposed Rulemaking. The commenters were PBS, NPR, the American Society of Composers, Authors, and Publishers (ASCAP), Broadcast Music, Inc. (BMI), and a joint comment was filed by the National Federation of Community Broadcasters (NFCB), and the National Religious Broadcasters Noncommercial Radio Music License Committee (NRB). Each one of the commenters supports the substantive rule changes proposed by the Tribunal. PBS, NPR, and ASCAP filed recommended editorial changes in the proposed rules and they are discussed as follows:

ASCAP agreed with the Tribunal that the language proposed by ASCAP and the American Council on Education (ACE) for a yearly cost of living adjustment to the rate paid by colleges and universities not affiliated with NPR would have, if taken literally, resulted in an eleven-month cost of living adjustment rather than a twelve-month cost of living adjustment. ASCAP stated that it was the intention of ASCAP and ACE to propose a full yearly cost of living adjustment, and therefore, agreed with the Tribunal's re-wording of the proposed regulation. However, ASCAP has proposed in its comments a slighly different regulation which it believes results in a more tightly written rule, leaving no doubt as to which Consumer Price Index figures are to be used by the Tribunal. The Tribunal agrees with ASCAP's comments and accordingly, adopts ASCAP's latest draft for § 304.10.

PBS and NPR reviewed the Tribunal's rules and indicated in their comments where they believe the Tribunal made inadvertent omissions from the rules previously adopted, and where they believe the Tribunal made typographical errors. In each instance cited by PBS and NPR, they are correct that the discrepancies noted were either omissions or typographical errors, and they have been corrected in the final rules.

PBS expressed some concern that some language changes in the proposed regulations could be construced as having a substantive purpose, unless the purely editorial nature of the change is made clear. Specifically, PBS points to the Tribunal's substitution of "voluntary written agreements" for "17 U.S.C. 118(b)(2)" in §§ 304.4 and 304.7(a), and PBS recommends that the Tribunal retain "17 U.S.C. 118(b)(2)," as previously written.

To allay PBS' concerns, the Tribunal states that unless a language change has been explained in the Notice of Proposed Rulemaking, the Further Notice of Proposed Rulemaking, or the Notice of Final Determination, the change was meant for purely editorial reasons and no substantive modification was intended. The reason the Tribunal has changed "17 U.S.C. 118(b)(2)" to "voluntary written agreements" in §§ 304.4 and 304.7(a), and the reason the Tribunal has included reference to the agreements by PBS and NPR with ASCAP, BMI and SESAC in § 304.4 is based upon our experience with the public's difficulty with reading Part 304. The most commonly asked question of this agency is: How much does PBS and NPR pay ASCAP, BMI, and SESAC? The answer is that the Tribunal has no regulations regarding such payments, because they are subject to voluntary license agreements. It is hoped that the new language in section 304 will make this clearer to the public.

Similarly, the Tribunal changed the phrase "nonprofit radio stations" to "noncommercial radio stations," because the Tribunal follows the FCC's definition in such matters, and the FCC uses the phrase "noncommercial radio station."

List of Subjects in 37 CFR Part 304

Copyright, Music, Radio, Television.

For the reasons set forth in the preamble, Part 304 of Chapter III, Title 37, Code of Federal Regulations is revised as follows:

PART 304—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL BROADCASTING

Sec.
304.1 General.
304.2 Definition of public broadcasting entity.
304.3 [Reserved]
304.4 Performance of musical compositions by PBS, NPR and other public broadcasting entities engaged in the activities set forth in 17 U.S.C. 118(d).
304.5 Performance of musical compositions by public broadcasting entities licensed to colleges and universities.
304.6 Performance of musical compositions by other public broadcasting entities.
304.7 Recording rights, rates and terms.
304.8 Terms and rates of royalty payments for the use of published pictorial, graphic, and sculptural works.
304.9 Unknown copyright owners.
304.10 Cost of living adjustment.
304.11 Notice of restrictions on use of reproductions of transmission programs.
304.12 Amendment of certain regulations.
304.13 Issuance of interpretative regulations.

Authority: 17 U.S.C. 118, 801(b)(1) and 804.

§ 304.1 General.

This Part 304 establishes terms and rates of royalty payments for certain activities using published nondramatic musical works and published pictorial, graphic and sculptural works during a period beginning on January 1, 1988 and ending on December 31, 1992. Upon compliance with 17 U.S.C. 118, and the terms and rates of this part, a public broadcasting entity may engage in the activities with respect to such works set forth in 17 U.S.C. 118(d).

§ 304.2 Definition of public broadcasting entity.

As used in this part, the term "public broadcasting entity" means a noncommercial educational broadcast station as defined in section 397 of Title 47 and any nonprofit institution or organization engaged in the activities described in 17 U.S.C. 118(d)(2).

§ 304.3 [Reserved]

§ 304.4 Performance of musical compositions by PBS, NPR and other public broadcasting entities engaged in the activities set forth in 17 U.S.C. 118(d).

The following schedule of rates and terms shall apply to the performance by PBS, NPR and other public broadcasting entities engaged in the activities set forth in 17 U.S.C. 118(d) of copyrighted published nondramatic musical compositions, except for public broadcasting entities covered by Sections 304.5 and 304.6, and except for compositions which are the subject of

voluntary license agreements, such as the PBS/NPR/ASCAP, the PBS/NPR/BMI and the PBS/NPR/SESAC license agreements.

(a) *Determination of royalty rate.* (1) For the performance of such a work in a feature presentation of PBS:

1988–1989	1990–1991	1992
$168.00	$175.00	$194.00

(2) For the performance of such a work as background or theme music in a PBS program:

1988–1989	1990–1991	1992
$42.00	$44.35	$46.70

(3) For the performance of such a work in a feature presentation of a station of PBS:

1988–1989	1990–1991	1992
$14.00	$15.00	$16.00

(4) For the performance of such a work as background or theme music in a program of a station of PBS:

1988–1989	1990–1991	1992
$3.00	$3.15	3.30

(5) For the performance of such a work in a feature presentation of NPR:

1988–1989	1990–1991	1992
$16.90	$17.75	18.70

(6) For the performance of such a work as background or theme music in an NPR program:

1988–1989	1990–1991	1992
$4.10	$4.30	$4.50

(7) For the performance of such a work in a feature presentation of a station of NPR:

1988–1989	1990–1991	1992
$1.20	$1.25	$1.30

(8) For the performance of such a work as background or theme music in a program of a station of NPR:

1988–1989	1990–1991	1992
$0.40	$0.45	$0.50

(9) For the purpose of this schedule the rate for the performance of theme music in an entire series shall be double the single program theme rate.

(10) In the event the work is first performed in a program of a station of PBS or NPR, and such program is subsequently distributed by PBS or NPR, an additional royalty payment shall be made equal to the difference between the rate specified in this section for a program of a station of PBS or NPR, respectively, and the rate specified in this section for a PBS or NPR program, respectively.

(b) *Payment of royalty rate.* The required royalty rate shall be paid to each known copyright owner not later than July 31 of each calendar year for uses during the first six months of that calendar year, and not later than January 31 for uses during the last six months of the preceding calendar year.

(c) *Records of use.* PBS and NPR shall, upon request of a copyright owner of a published musical work who believes a musical composition of such owner has been performed under the terms of this schedule, permit such copyright owner a reasonable opportunity to examine their standard cue sheets listing the nondramatic performances of musical compositions on PBS and NPR programs. Any local PBS and NPR station that is required by paragraph 4b of the PBS/NPR/ASCAP license agreement dated October 5, 1987 to prepare a music use report shall, upon request of a copyright owner who believes a musical composition of such owner has been performed under the terms of this schedule, permit such copyright owner to examine the report.

(d) *Terms of use.* The applicable fee in this schedule shall be the fee for the time period during which the first performance in a program occurred, and shall cover performances of such work in such program for a period of three years following the first performance.

§ 304.5 Performance of musical compositions by public broadcasting entities licensed to colleges and universities.

(a) *Scope.* This section applies to the performance of copyrighted published nondramatic musical compositions by noncommercial radio stations which are licensed to colleges, universities, or other nonprofit educational institutions and which are not affiliated with National Public Radio.

(b) *Voluntary license agreements.* Notwithstanding the schedule of rates and terms established by this section, the rates and terms of any license agreements entered into by copyright owners and colleges, universities, and other nonprofit educational institutions concerning the performance of copyrighted musical compositions, including performances by noncommercial radio stations, shall apply in lieu of the rates and terms of this section.

(c) *Royalty rate.* A public broadcasting entity within the scope of this section may perform published nondramatic musical compositions subject to the following schedule of royalty rates:

(1) For all such compositions in the repertory of ASCAP annually—$159.

(2) For all such compositions in the repertory of BMI annually—$159.

(3) For all such compositions in the repertory of SESAC annually—$37.

(4) For the performance of any other such composition—$1.

(d) *Payment of royalty rate.* The public broadcasting entity shall pay the required royalty rate to ASCAP, BMI and SESAC not later than January 31 of each year.

(e) *Records of use.* A public broadcasting entity subject to this section shall furnish to ASCAP, BMI and SESAC, upon request, a music-use report during one week of each calendar year. ASCAP, BMI and SESAC shall not in any one calendar year request more than 10 stations to furnish such reports.

§ 304.6 Performance of musical compositions by other public broadcasting entities.

(a) *Scope.* This section applies to the performance of copyrighted published nondramatic musical compositions by radio stations not licensed to colleges, universities, or other nonprofit educational institutions and which are not affiliated with National Public Radio.

(b) *Voluntary license agreements.* Notwithstanding the schedule of rates and terms established in this section, the rates and terms of any license agreements entered into by copyright owners and noncommercial radio stations within the scope of this section concerning the performance of copyrighted musical compositions, including performances by noncommercial radio stations, shall apply in lieu of the rates and terms of this section.

(c) *Royalty rate.* A public broadcasting entity within the scope of this section may perform published nondramatic musical compositions subject to the following schedule of royalty rates:

(1) For all such compositions in the repertory of ASCAP, in 1988, $230; in 1989, $240; in 1990, $250; in 1991, $265; in 1992, $280.

(2) For all such compositions in the repertory of BMI, in 1988, $230; in 1989, $240; in 1990, $250; in 1991, $265; in 1992, $280.

(3) For all such compositions in the repertory of SESAC, in 1988, $50; in 1989, $52; in 1990, $54; in 1991, $57; in 1992, $60.

(4) For the performance of any other such compositions, in 1988 through 1992, $1.

(d) *Payment of royalty rate.* The public broadcasting entity shall pay the required royalty rate to ASCAP, BMI, and SESAC not later than January 31 of each year.

(e) *Records of use.* A public broadcasting entity subject to this section shall furnish to ASCAP, BMI, and SESAC, upon request, a music-use report during one week of each calendar year. ASCAP, BMI, and SESAC each shall not in any one calendar year request more than 5 stations to furnish such reports.

§ 304.7 Recording rights, rates and terms.

(a) *Scope.* This section establishes rates and terms for the recording of nondramatic performances and displays of musical works, other than compositions subject to voluntary license agreements, on and for the radio and television programs of public broadcasting entities, whether or not in synchronization or timed relationship with the visual or aural content, and for the making, reproduction, and distribution of copies and phonorecords of public broadcasting programs containing such nondramatic performances and displays of musical works solely for the purpose of transmission by public broadcasting entities. The rates and terms established in this schedule include the making of the reproductions described in 17 U.S.C. 118(d)(3).

(b) *Royalty rate.* (1)(i) For uses described in paragraph (a) of this section of a musical work in a PBS-distributed program, the royalty fees shall be calculated by mutiplying the following per-composition rates by the number of different compositions in that PBS-distributed program:

	1988–1989	1990–1991	1992
Feature	$83.35	$87.70	$92.05
Concert feature (per minute)	24.05	25.35	27.75
Background	42.00	44.35	46.70
Theme:			
Single program or first series program	42.00	44.35	46.70
Other series program	17.05	18.00	18.95

(ii) For such uses other than in a PBS-distributed television program, the royalty fee shall be calculated by multiplying the following per-composition rates by the number of different compositions in that program:

	1988–1989	1990–1991	1992
Feature	$5.65	$7.30	$7.95
Concert feature (per minute)	1.80	1.90	2.00
Background	3.00	3.15	3.30
Theme:			
Single program of first series program	3.00	3.15	3.30
Other series program	1.20	1.25	1.30

(iii) In the event the work is first recorded other than in a PBS-distributed program, and such program is subsequently distributed by PBS, an additional royalty payment shall be made equal to the difference between the rate specified in this section for other than a PBS-distributed program and the rate specified in this section for a PBS-distributed program.

(2) For uses licensed herein of a musical work in a NPR program, the royalty fees shall be calculated by multiplying the following per-composition rates by the number of different compositions in any NPR program distributed by NPR. For purposes of this schedule "National Public Radio" programs include all programs produced in whole or in part by NPR, or by any NPR station or organization under contract with NPR.

	1988–1989	1990–1991	1992
Feature	$8.00	$9.50	$10.00
Concert feature (per half hour)	13.00	14.00	15.00
Background	4.50	4.75	5.00
Theme:			
Single program of first series program	4.50	4.75	5.00
Other series program	1.80	1.90	2.00

(3) For the purposes of this schedule, a "Concert Feature" shall be deemed to be the nondramatic presentation in a program of all or part of a symphony, concerto, or other serious work originally written for concert performance or the nondramatic presentation in a program of portions of a serious work originally written for opera performance.

(4) For such uses other than in a NPR-produced radio program:

Feature	$.60
Feature (concert) (per half hour)	1.20
Background	.30

(5) The schedule of fees covers broadcast use for a period of three years following the first broadcast. Succeeding broadcast use periods will require the following additional payment: second three-year period—50 percent; each three-year period thereafter—25 percent; provided that a 100 percent additional payment prior to the expiration of the first three-year period will cover broadcast use during all subsequent broadcast use periods without limitation. Such succeeding uses which are subsequent to December 31, 1992 shall be subject to the royalty rates established in this schedule.

(c) *Payment of royalty rates.* The required royalty rate shall be paid to each known copyright owner not later than July 31 of each calendar year for uses during the first six months of that calendar year, and not later than January 31 for uses during the last six months of the preceding calendar year.

(d) *Records of use.* (1) Maintenance of cue sheets. PBS and its stations, NPR or other television public broadcasting entity shall maintain and make available for examination pursuant to subsection (e) copies of their standard cue sheets or summaries of same listing the recording of the musical works of such copyright owners.

(2) Content of cue sheets or summaries. Such cue sheets or summaries shall include:

(i) The title, composer and author to the extent such information is reasonably obtainable.

(ii) The type of use and manner of performance thereof in each case.

(iii) For Concert Feature music, the actual recorded time period on the program, plus all distribution and broadcast information available to the public broadcasting entity.

(e) *Filing of use reports with the Copyright Royalty Tribunal (CRT).* (1) Deposits of cue sheets or summaries. PBS and its stations, NPR, or other television public broadcasting entity shall deposit with the CRT copies of their standard music cue sheets or summaries of same (which may be in the form of hard copy of computerized reports) listing the recording pursuant to this schedule of the musical work of copyright owners. Such cue sheets or summaries shall be deposited not later than July 31 of each calendar year for recordings during the first six months of the calendar year and not later than January 31 of each calendar year for recordings during the second six months of the preceding calendar year. PBS and NPR shall maintain at their offices copies of all standard music cue sheets from which such music use reports are prepared. Such music cue sheets shall be furnished to the CRT upon its request and also shall be available during regular business hours at the offices of PBS or NPR for examination by a copyright owner who believes a musical composition of such owner has been recorded pursuant to this schedule.

BEST COPY AVAILABLE

VOL 52 ISS 249 DEC 29 1987 UMI

§ 304.8 Terms and rates of royalty payments for the use of published pictorial, graphic, and sculptural works.

(a) *Scope.* This section establishes rates and terms for the use of published pictorial, graphic, and sculptural works by public broadcasting entities for the activities described in 17 U.S.C. 118. The rates and terms established in this schedule include the making of the reproduction described in 17 U.S.C. 118(d)(3).

(b) *Royalty rate.* (1) The following schedule of rates shall apply to the use of works within the scope of this section:

(i) For such uses in a PBS-distributed program:

(A) For a featured display of a work.

1988–1989	1990–1991	1992
$55.00	$58.00	$61.00

(B) For background and montage display.

1988–1989	1990–1991	1992
$25.75	$26.25	$29.75

(C) For use of a work for program identification or for thematic use.

1988–1989	1990–1991	1992
$108.25	$114.25	$120.25

(D) For the display of an art reproduction copyrighted separately from the work of fine art from which the work was reproduced, irrespective of whether the reproduced work of fine art is copyrighted so as to be subject also to payment of a display fee under the terms of this schedule.

1988–1989	1990–1991	1992
$35.50	$37.50	$39.50

(ii) For such uses in other than PBS-distributed programs:

(A) For a featured display of a work.

1988–1989	1990–1991	1992
$35.50	$37.50	$39.50

(B) For background and montage display.

1988–1989	1990–1991	1992
$18.25	$19.25	$20.25

(C) For use of a work for program identification or for thematic use.

1988–1989	1990–1991	1992
$72.75	$76.75	$80.75

(D) For the display of an art reproduction copyrighted separately from the work of fine art from which the work was reproduced, irrespective of whether the reproduced work of fine art is copyrighted so as to be subject also to payment of a display fee under the terms of this schedule.

1988–1989	1990–1991	1992
$18.25	$19.25	$20.25

For the purposes of this schedule the rate for the thematic use of a work in an entire series shall be double the single program theme rate. In the event the work is first used other than in a PBS-distributed program, and such program is subsequently distributed by PBS, an additional royalty payment shall be made equal to the difference between the rate specified in this section for other than PBS-distributed program and the rate specified in this section for a PBS-distributed program.

(2) "Featured display" for purposes of this schedule means a full-screen or substantially full-screen display appearing on the screen for more than three seconds. Any display less than full-screen or substantially full-screen, or full-screen for three seconds or less, is deemed to be a "background or montage display".

(3) "Thematic use" is the utilization of the works of one or more artists where the works constitute the central theme of the program or convey a story line.

(4) "Display of an art reproduction copyrighted separately from the work of fine art from which the work was reproduced" means a transparency or other reproduction of an underlying work of fine art.

(c) *Payment of royalty rate.* PBS or other public broadcasting entity shall pay the required royalty fees to each copyrighted owner not later than July 31 of each calendar year for uses during the first six months of that calendar year, and not later than January 31 for uses during the last six months of the preceding calendar year.

(d) *Records of use.* (1) PBS and its stations or other public broadcasting entity shall maintain and furnish either to copyright owners, or to the offices of generally recognized organizations representing the copyright owners of pictorial, graphic, and sculptural works, copies of their standard lists containing the pictorial, graphic, and sculptural works displayed on their programs. Such notice shall include the name of the copyright owner, if known, the specific source from which the work was taken, a description of the work used, the title of the program on which the work was used, and the date of the original broadcast of the program.

(2) Such listings shall be furnished not later than July 31 of each calendar year for displays during the first six months of the calendar year, and not later than January 31 of each calendar year for displays during the second six months of the preceding calendar year.

(e) *Filing of use reports with the CRT.* (1) PBS and its stations or other public broadcasting entity shall deposit with the CRT copies of their standard lists containing the pictorial, graphic, and sculptural works displayed on their programs. Such notice shall include the name of the copyright owner, if known, the specific source from which the work was taken, a description of the work used, the title of the program on which the work was used, and the date of the original broadcast of the program.

(2) Such listings shall be furnished not later than July 31 of each calendar year for displays during the first six months of the calendar year, and not later than January 31 of each calendar year for displays during the second six months of the preceding calendar year.

(f) *Terms of use.* (1) The rates of this schedule are for unlimited broadcast use for a period of three years from the date of the first broadcast use of the work under this schedule. Succeeding broadcast use periods will require the following additional payment: second three-year period—50 percent; each three-year period thereafter—25 percent; provided that a 100 percent additional payment prior to the expiration of the first three-year period will cover broadcast use periods without limitation. Such succeeding uses which are subsequent to December 31, 1992 shall be subject to the rates established in this schedule.

(2) Pursuant to the provisions of 17 U.S.C. 118(f), nothing in this schedule shall be construed to permit, beyond the limits of fair use as provided in 17 U.S.C. 107, the production of a transmission program drawn to any substantial extent from a published compilation of pictorial, graphic, or sculptural works.

§ 304.9 Unknown copyright owners.

If PBS and its stations, NPR and its stations, or other public broadcasting entity is not aware of the identity of, or unable to locate, a copyright owner who is entitled to receive a royalty payment under this Part, they shall retain the required fee in a segregated trust account for a period of three years from the date of the required payment. No claim to such royalty fees shall be valid after the expiration of the three year period. Public broadcasting entities may establish a joint trust fund for the purposes of this section. Public broadcasting entities shall make available to the CRT, upon request, information concerning fees deposited in trust funds.

§ 304.10 Cost of living adjustment.

(a) On December 1, 1988 the CRT shall publish in the Federal Register a notice of the change in the cost of living as determined by the Consumer Price Index (all consumers, all items) during the period from the most recent Index published prior to December 1, 1987 to the most recent Index published prior to December 1, 1988. On each December 1 thereafter the CRT shall publish a notice of the change in the cost of living during the period from the most recent Index published prior to the previous notice to the most recent Index published prior to December 1 of that year.

(b) On the same date of the notices published pursuant to paragraph (a) of the section, the CRT shall publish in the Federal Register a revised schedule of rates for § 304.5 which shall adjust those royalty amounts established in dollar amounts according to the change in the cost of living determined as provided in paragraph (a) of this section. Such royalty rates shall be fixed at the nearest dollar.

(c) The adjusted schedule of rates for § 304.5 shall become effective thirty days after publication in the Federal Register.

§ 304.11 Notice of restrictions on use of reproductions of transmission programs.

Any public broadcasting entity which, pursuant to 17 U.S.C. 118, supplies a reproduction of a transmission program to governmental bodies or nonprofit institutions shall include with each copy of the reproduction a warning notice stating in substance that the reproductions may be used for a period of no more than seven days from the specified date of transmission, that the reproductions must be destroyed by the user before or at the end of such period, and that a failure to fully comply with these terms shall subject the body or institution to the remedies for infringement of copyright.

§ 304.12 Amendment of certain regulations.

Subject to 17 U.S.C. 118, the Administrative Procedure Act and the Rules of Procedure of the Copyright Royalty Tribunal, the CRT may at any time amend, modify or repeal regulations in this part adopted pursuant to 17 U.S.C. 118(b)(3) by which "copyright owners may receive reasonable notice of the use of their works" and "under which records of such use shall be kept by public broadcasting entities."

§ 304.13 Issuance of interpretative regulations.

Subject to 17 U.S.C. 118, the Administrative Procedure Act and the Rules of Procedure of the Copyright Royalty Tribunal, the CRT may at any time, either on its own motion or the motion of a person having a significant interest in the subject matter, issue such interpretative regulations as may be necessary or useful to the implementation of this part. Such regulations may not prior to January 1, 1993 alter the schedule of rates and terms of royalty payments by this part.

Mario F. Aguero,
Chairman.

Dated: December 23, 1987.

[FR Doc. 87-29594 Filed 12-28-87; 8:45 am]
BILLING CODE 1410-09-M

POSTAL SERVICE

39 CFR Part 224

Miscellaneous Organizational Changes; Correction

AGENCY: Postal Service.

ACTION: Final rule; correction.

SUMMARY: The purpose of this document is to correct an error in the revised functional statement of the Rates and Classification Department of the Finance and Planning Group at Headquarters which, along with a number of other functional statements, was published in the Federal Register on December 11, 1987 (52 FR 46998).

EFFECTIVE DATE: December 11, 1987.

FOR FURTHER INFORMATION CONTACT: Richard W. Peterson (202) 268-4183.

SUPPLEMENTAL INFORMATION: In FR Doc. 87-28514, in the issue of Friday, December 11, 1987, the Postal Service published a final rule revising the functional statements of the various Headquarters and field groups, divisions and offices to reflect a general reorganization and realignment of functions. One of the stated functions of the Rates and Classification Department at Headquarters was "developing and litigating rate recommendations to the Postal Rate Commission". The word "litigating" is incorrect; it should have read "supporting".

For the above reason, the Postal Service hereby corrects FR Doc. 87-28514, beginning on page 46998 in the issue of Friday, December 11, 1987, as follows:

PART 224—[AMENDED]

§ 224.2 [Amended]

On page 46998, middle column, in paragraph (c)(4) of § 224.2, strike out the word "litigating" and insert "supporting" in lieu thereof.

Fred Eggleston,
Assistant General Counsel, Legislative Division.

[FR Doc. 87-29689 Filed 12-28-87; 8:45 am]
BILLING CODE 7710-12-M

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

47 CFR Part 300

Incorporation by Reference of the Manual of Regulations and Procedures for Federal Radio Frequency Management

AGENCY: National Telecommunications and Information Administration (NTIA), Commerce.

ACTION: Final rule.

SUMMARY: Within the jurisdiction of the United States Government, use of the radio frequency spectrum for radio transmissions for telecommunications or for other purposes shall be made by the United States Government Stations only as authorized by the Assistant Secretary of Commerce for Communications and Information (hereinafter referred to as the Assistant Secretary). Such use shall, unless specific provision is made otherwise, comply with the provisions of the Manual of Regulations and Procedures for Federal Radio Frequency Management (NTIA Manual). The incorporation by reference of the NTIA Manual in the Code of Federal Regulations is to advise non-frequency managers in the Federal Agencies of the regulations governing the use of the radio frequency spectrum.

EFFECTIVE DATE: December 29, 1987.

The incorporation by reference of the publication listed in the regulations is approved by the Director of the Federal Register as of December 29, 1987.

FOR FURTHER INFORMATION CONTACT: Edwin E. Dinkle, National Telecommunications and Information Administration, Department of Commerce, Room H1605, 14th and

Constitution Avenue NW., Washington, DC 20230; (202) 377–0599.

SUPPLEMENTARY INFORMATION: The President by Reorganization Plan No. 1 of 1977 and Executive Order 12046 of March 27, 1978, delegated to the Secretary of Commerce authority to act for the President or under the President's authority in the discharge of certain Presidential telecommunication functions under the Communications Act of 1934, as amended, and the Communications Satellite Act of 1962.

The Secretary of Commerce has delegated this Presidential authority to the Assistant Secretary of Commerce for Communications and Information (the Assistant Secretary). The Manual of Regulations and Procedures for Federal Radio Frequency Management (NTIA Manual) is issued by the Assistant Secretary, and is specifically designed to detail the Assistant Secretary's frequency management responsibilities.

List of Subjects in 47 CFR Part 300

Incorporation by Reference: Radio, Telecommunications.

1. Therefore there is established in Title 47 of the Code of Federal Regulations (Telecommunications), a new Chapter III—National Telecommunications and Information Administration, Department of Commerce. Chapter III will consist of Part 300—Manual of Regulations and Procedures for Federal Radio and Frequency Management.

PART 300—[AMENDED]

Sec.

300.1 Incorporation by reference of the Manual of Regulations and Procedures for Federal Radio Frequency Management.

Authority: Exec. Order 12046 (March 27, 1978), 43 FR 13349, 3 CFR 1978 Comp., p. 158.

§ 300.1 Incorporation by Reference of the Manual of Regulations and Procedures for Federal Radio Frequency Management

(a) The Manual of Regulations and Procedures for Federal Radio Frequency Management (hereinafter referred to as the NTIA Manual) is issued by the Assistant Secretary of Commerce for Communications and Information, and is specifically designed to cover the Assistant Secretary's frequency management responsibilities pursuant to delegated authority under Executive Order 12046 (March 27, 1978).

(b) The Federal agencies shall meet the requirements set forth in the May 1986 edition of the NTIA Manual, as amended, which is incorporated by reference with the approval of the Director, Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51.

(c) The NTIA Manual is updated January, May, and September of each year and notice of these changes are printed in the **Federal Register**. The NTIA Manual can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, by referring to Catalog Number 903–008–00000–8. The NTIA Manual is on file at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC 20408.

Richard D. Parlow,

Associate Administrator.

[FR Doc. 87–29688 Filed 12–28–87; 8:45 am]

BILLING CODE 3510–60–M

VETERANS ADMINISTRATION

48 CFR Parts 801, 814, 815, 833, 836, 842 and 852

Acquisition Regulations Concerning the Competition in Contracting Act; Technical Amendments

AGENCY: Veterans Administration.

ACTION: Final technical amendments.

SUMMARY: The Veterans Administration (VA) amends its regulations concerning the Competition in Contracting Act (CICA) and the FAC (Federal Acquisition Circular) 84–5 to: (1) correct references to the Office of Construction which the VA renamed the Office of Facilities; (2) correct references to other provisions referred to in the VAAR; (3) correct references to organizational element titles which were changed due to reorganization within the VA; (4) correct language inadvertently omitted from the CICA final regulation published on July 31, 1987, in the **Federal Register** (52 FR 28558); and (4) correct erroneous terminology.

EFFECTIVE DATE: July 31, 1987.

FOR FURTHER INFORMATION CONTACT: Chris A. Figg, Chief Policy Division, Office of Procurement and Supply (91A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233–2334.

SUPPLEMENTARY INFORMATION: All the changes contained in these regulations are technical ones designed to correct erroneous references, reflect new organizational titles, correct language which was inadvertently omitted from the final CICA regulation, and correct erroneous terminology. There are no substantive changes. Public participation in this rulemaking is therefore unnecessary (5 U.S.C. 553(d)(3)).

This rule has been reviewed in conjunction with Executive Order 12291, Federal Regulation, and has been determined not to be a "major rule" as defined therein.

Since a notice of proposed rulemaking is unnecessary and will not be published, these amendments do not come within the term "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2), and are therefore not subject to the requirements of the Act. Nevertheless, these amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612.

These amendments do not impose any additional reporting or recordkeeping requirements on the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Parts 801, 814, 815, 833, 836, 842, and 852

Government procurement.

Approved: December 15, 1987.

Thomas K. Turnage,

Administrator.

48 CFR Parts 801, 814, 815, 833, 836, 842, and 852 are amended as follows:

1. The authority citation for Parts 801, 814, 815, 833, 836, 842 and 852 continues to read as follows:

Authority: 38 U.S.C. 210 and 40 U.S.C. 486(c).

PART 801—VETERANS ADMINISTRATION ACQUISITION REGULATIONS SYSTEM

801.404 [Amended]

2. Section 801.404 is amended by removing the words "Agency Procurement Executive" and adding, in their place, the words, "Senior Procurement Executive".

3. a. In subsection 801.602–70, paragraph (a)(6) is revised to read as set forth below.

b. In subsection 801.602–70, paragraph (a)(7) is amended by removing the words "formally advertised" and adding, in their place, the words "sealed bid".

c. In subsection 801.602–70, paragraph (g) is amended by removing "814.407–8(a) " and adding, in its place, "813.103".

801.602–70 Legal/technical review requirements to be met prior to contract execution.

(a) * * *

(6) Any proposed agreement that is unique, novel or unusual (including all consignment agreements, regardless of anticipated dollar value—except those established and provided in Federal Supply Schedule Contracts).

* * * * *

801.602–71 [Amended]

4. a. In subsection 801.602–71, paragraph (b)(2) is amended by removing "815.204" and adding, in its place, "815.7001".

b. In subsection 810.602–71, paragraph (b)(4) is amended by removing "801.602–70(a)(4)(ii)" and adding, in its place, "801.602–70(d)(4)(ii)".

801.602–72 [Amended]

5. In subsection 801.602–72, paragraph (b) is amended by removing "815.204(e)" and adding, in its place, "815.7001".

PART 814—SEALED BIDDING

6. In section 814.201, the tables in paragraphs (d)(1) and (d)(2) are revised to read as follows:

814.201 Preparation of invitations for bids.

* * * * *

(d) * * *

(1) * * *

Quantity	Unit	Unit Price	Summary
XX	XX	XX	$ XX

(Bidder will enter summary amount.)

(2) * * *

Quantity	Unit	Unit Price	Summary
XX	XX	XX	$ XX

(Bidder will enter unit price and summary amount.)

* * * * *

814.202–4 [Amended]

7. Subsection 814.202–4 is amended by removing the word "clause" and adding in its place, the word "provision".

PART 815—CONTRACTING BY NEGOTIATION

8. In section 815.7001, paragraph (c) introductory text is amended by revising the last sentence, and paragraph (c)(5) is revised to read as follows:

815.7001 Personal or professional services.

* * * * *

(c) * * * Except as provided in paragraph (d) of this section, such proposed contracts will be submitted for approval to the Director for Operations (10B/EMS), when authority is 38 U.S.C. 5053 or 38 U.S.C. 4117, so as to reach Central Office 60 days prior to effective date of the contract.

* * * * *

(5) A copy of all executed sharing contracts, both new and renewal, will be forwarded to the Director for Operations (10B/EMS) for review and for purposes of making the annual report to Congress as required by 38 U.S.C. 5057.

* * * * *

PART 833—PROTESTS, DISPUTES, APPEALS

9. In section 833.103, paragraph (b)(1) is revised as set forth below and paragraph (f)(2) is amended by removing the words "(June 1985)" and adding, in their place, the words "(July 1985)".

833.103 Protests to the agency

* * * * *

(b) * * * (1) All solicitations, except those issued by the Office of Facilities, will instruct interested parties to deliver a copy of any GAO or GSBCA protest to the contracting officer and the Director, Office of Procurement and Supply (93D), VA Central Office, 810 Vermont Avenue NW., Washington, DC 20420, by adding this requirement to its service of protest provision, FAR 52.233–2.

* * * * *

PART 836—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

10. In Part 836, all references to "Office of Construction" are revised to read "Office of Facilities".

PART 842—CONTRACT ADMINISTRATION

842.705 [Amended]

11. In section 842.705, paragraph (b) is amended by removing the words "Office of Construction" wherever they appear, and adding, in their place, "Office of Facilities".

PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

852.233–70 [Amended]

12. In subsection 852.233–70, the provision heading is amended by removing the words "(Jan 1987)" and adding, in their place, the words "(June 1987)".

852.236–88 [Amended]

13. a. In subsection 852.236–88, the heading to the clause in paragraph (b) is amended by removing the word "Over".

b. In the clause to paragraph (b), paragraph (g) is amended by removing the word "subcontractor's" and adding, in its place, the word "subcontractors' ".

[FR Doc. 87–29585 Filed 12–28–87; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

National Oceanic And Atmospheric Administration

50 CFR Part 371

[Docket No. 60616–6116]

Fraser River Sockeye and Pink Salmon Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of 1987 in-season orders.

SUMMARY: The Secretary of Commerce (Secretary) hereby publishes all the in-season orders that were issued by the Fraser River Panel (Panel) of the Pacific Salmon Commission (Commission) and subsequently approved and issued by the Secretary during the 1987 sockeye and pink salmon fisheries in United States waters within the Fraser River Panel Area [Fraser River Panel Area (U.S.)]. These orders, established fishing times, areas, and types of gear for U.S. treaty Indian and all-citizen fisheries during the period the Commission exercised jurisdiction over these fisheries.

Due to the frequency with which in-season orders are issued, publication of individual orders is impracticable. All the 1987 orders are therefore being published in this notice to avoid fragmentation.

EFFECTIVE DATES: Each of the following in-season orders of the Secretary was effective upon announcement on telephone hotlines as specified at 50 CFR 371.21(b)(1) (51 FR 23425, June 27, 1986).

ADDRESS: Comments on these in-season orders may be sent to Rolland A. Schmitten, Director, Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten, 206–526–6150; or Richard B. Thompson, 206–526–6144.

SUPPLEMENTARY INFORMATION: The Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon (Treaty) was signed at Ottawa on January 28, 1985, and subsequently was given effect in the United States by the Pacific Salmon Treaty Act (Act) at 16 U.S.C. 3631 *et seq.*

Under authority of the Act, an emergency interim rule was promulgated at 50 CFR Part 371 (51 FR 23420, June 27, 1986) to provide a framework for implementation of certain regulations of the Commission and in-season orders of the Commission's Panel for sockeye and

pink salmon fisheries in the Fraser River Panel Area (U.S.). The emergency interim rule was effective from June 22, 1986, and remains in effect until modified, superseded, or rescinded. It applies to the Fraser River Area (U.S.) during the period each year when the Commission exercises jurisdiction over these fisheries.

The emergency interim rule closed the Fraser River Panel Area (U.S.) to sockeye and pink salmon fishing unless opened by Panel regulations or by in-season orders of the Secretary that give effect to Panel orders, unless such orders are determined not to be consistent with domestic legal obligations. During the fishing season, the Secretary may issue orders that establish fishing times and areas consistent with the annual Commission regime and in-season orders of the Panel. Such orders must be consistent with domestic legal obligations. The Secretary issues in-season orders through his delegate, the Northwest Regional Director of NMFS. Official notice of these in-season actions of the Secretary is provided by two telephone hotlines described at 50 CFR 371.21(b)(1) (51 CFR 23425, June 27, 1986). In-season orders of the Secretary must be published in the **Federal Register** as soon as practicable after they are issued under 50 CFR 371.21(b)(4) (51 FR 23425, June 27, 1986). Due to the frequency with which in-season orders are issued, publication of individual orders is impracticable. All the 1987 orders are therefore being published in this notice to avoid fragmentation.

The following in-season orders were adopted by the Panel and issued for U.S. fisheries by the Secretary during the 1987 fishing season. The times listed are local times, and the areas designated are Puget Sound Management and Catch Reporting Areas as defined in the Washington State Administrative Code at Chapter 220-22.

Order No. 1987-1: Issued 3:10 p.m., July 27, 1987

Treaty-Indian fishery: Areas 4B, 5, and 6C—Open to drift gill nets 12:00 noon Tuesday, July 28 to 12:00 noon Sunday, August 2. Areas 6, 7, and 7A—Remain closed to net fishing.

All-citizen fishery: Areas 4B, 5, 6, 6C, 7, and 7A—Remain closed to net fishing.

Order No. 1987-2: Issued 12:50 p.m., July 31, 1987

Treaty-Indian fishery: Areas 4B, 5, and 6C—Remain open to drift gill net fishing. Areas 6, 7, and 7A—Open to net fishing 7:00 p.m. Tuesday, August 4 to 9:30 p.m. Thursday, August 6.

All-citizen fishery: Areas 4B, 5, 6, 6C, 7, and 7A—Open to reef nets 5:00 a.m. to 9:30 p.m. Tuesday, August 4. Open to gill nets 7:00 p.m. Tuesday, August 4 to 9:30 a.m. Wednesday, August 5; open to purse seines 5:00 a.m. to 9:30 p.m. Wednesday, August 5.

Order No. 1987-3: Issued 12:30 p.m., August 7, 1987

Treaty-Indian fishery: Areas 4B, 5, and 6C—Remain open to drift gill nets. Areas 6, 7, and 7A—Open to net fishing 5:00 a.m. Tuesday, August 11 to 9:30 a.m. Thursday, August 13.

All-citizen fishery: Areas 4B, 5, 6, 6C, 7, and 7A—Open to reef nets 5:00 a.m. to 9:30 p.m. Monday, August 10 and Tuesday, August 11; open to purse seines 5:00 a.m. to 9:30 p.m. Tuesday, August 11 and Wednesday, August 12; open to gill nets 7:00 p.m. Tuesday, August 11 to 9:30 a.m. Wednesday, August 12, and 7:00 p.m. Wednesday, August 12 to 9:30 a.m. Thursday, August 13.

Order No. 1987-4: Applied only to Canadian area fisheries

Order No. 1987-5: Issued 12:30 p.m., August 14, 1987

Treaty-Indian fishery: Areas 4B, 5, and 6C—Remain open to drift gill nets. Areas 6, 7, and 7A—Open to net fishing 6:00 p.m. Saturday, August 15, to 9:00 p.m. Tuesday, August 18.

All-citizen fishery: Areas 4B, 5, 6, 6C, 7, and 7A—Open to reef nets 5:00 a.m. to 9:00 p.m. Saturday, August 15 and Sunday, August 16; open to gill nets 6:00 p.m. Sunday, August 16 to 9:00 a.m. Monday, August 17, and 6:00 p.m. Monday, August 17 to 9:00 a.m. Tuesday, August 18; open to purse seines 5:00 a.m. to 9:00 p.m. Monday, August 17 and Tuesday, August 18.

Order No. 1987-6: Applied only to Canadian area fisheries

Order No. 1987-7: Issued 3:10 p.m., August 17, 1987

Treaty-Indian fishery: Areas 6, 7, and 7A—Open to net fishing 9:00 p.m. Tuesday, August 18 to 9:00 p.m. Wednesday, August 19.

Order No. 1987-8: Issued 3:45 p.m., August 19, 1987

Treaty-Indian fishery: Areas 6, 7, and 7A—Open to net fishing 9:00 p.m. Wednesday, August 19 to 9:00 a.m. Saturday, August 22.

All-citizen fishery: Areas 4B, 5, 6, 6C, 7, and 7A—Open to reef nets 5:00 a.m. to 9:00 p.m. Thursday, August 20; open to purse seines 5:00 a.m. to 9:00 p.m. Friday, August 21; open to gill nets 6:00 p.m. Friday, August 21 to 9:00 a.m. Saturday, August 22.

Order No. 1987-9: Applied only to Canadian fisheries

Order No. 1987-10: Issued 1:10 p.m., August 21, 1987

Treaty-Indian fishery: Areas 6, 7, and 7A—Extended for net fishing 9:00 a.m. Saturday, August 22 to 9:00 a.m. Monday, August 24.

Order No. 1987-11: Issued 4:45 p.m., August 22, 1987

Treaty-Indian fishery: Areas 6, 7, and 7A—Extended for net fishing 9:00 a.m. Monday, August 24 to 9:00 p.m. Tuesday, August 25.

All-citizen fishery: Areas 4B, 5, 6, and 6C—Remain closed to net fishing. Areas 7 and 7A—Open to reef nets 5:00 a.m. to 9:00 p.m. Sunday, August 23; open to gill nets 6:00 p.m. Sunday, August 23 to 9:00 a.m. Monday, August 24; open to purse seines 5:00 a.m. to 9:00 p.m. Monday, August 24.

Order No. 1987-12: Applied only to Canadian area fisheries

Order No. 1987-13: Issued 11:55 a.m., August 26, 1987

Treaty-Indian fishery: Areas 6, 7, and 7A—Open to net fishing 5:00 a.m. Thursday, August 27 to 9:00 a.m. Saturday, August 29.

All-citizen fishery: Areas 7 and 7A—Open to reef nets and purse seines 5:00 a.m. to 9:00 p.m. Thursday 27; open to gill nets 6:00 p.m. Thursday, August 27 to 9:00 a.m. Friday, August 28.

Order No. 1987-14: Issued 1:30 p.m., August 28, 1987

Treaty-Indian fishery: Areas 6, 7, and 7A—Extended for net fishing 9:00 a.m. Saturday, August 29 to 9:00 p.m. Tuesday, September 1.

All-citizen fishery: Areas 7 and 7A—Open to reef nets 5:00 a.m. to 9:00 p.m. Sunday, August 30; open to gill nets 6:00 p.m. Sunday, August 30 to 9:00 a.m. Monday, August 31; open to purse seines 5:00 a.m. to 9:00 p.m. Monday, August 31.

Order No. 1987-15: Issued 11:25 a.m., August 31, 1987

Treaty-Indian fishery: Area 4B, 5, and 6C—Closed to drift gill nets 12:00 noon Saturday, September 5. Areas 6, 7, and 7A—Extended for net fishing 9:00 p.m. Tuesday, September 1 to 9:00 a.m. Friday, September 4.

All-citizen fishery: Areas 7 and 7A—Open to purse seines 5:00 a.m. to 9:00 p.m. Wednesday, September 2; open to gill nets 6:00 p.m. Wednesday, September 2 to 9:00 a.m. Thursday, September 3; open to reef nets 5:00 a.m. to 9:00 p.m. Friday, September 4.

Order No. 1987-16: Issued 10:50 a.m., September 11, 1987

Treaty-Indian fishery: Areas 4B, 5, and 6C—Retain regulatory control until further notice. Remain closed to drift gill nets.

All-citizen fishery: Areas 4B, 5, 6, and 6C—Retain regulatory control until further notice. Remain closed to net fishing.

Order No. 1987-17: Issued 3:15 p.m., September 18, 1987

Treaty-Indian and all-citizen fisheries: Areas 4B, 5, and 6C—Regulatory control relinquished effective 12:01 a.m., Sunday, September 27. Remain closed to net fishing. Area 7A—Regulatory control extended to 12:01 a.m. Sunday, October 4 in those waters lying northerly and westerly of a straight line drawn from the low water range marker in Boundary Bay through the east tip of Point Roberts to the East Light in Saturna Island in the Province of British Columbia. These waters remain closed to net fishing.

Order No. 1987-18: Issued 2:45 p.m., October 1, 1987

Treaty-Indian and all-citizen fisheries: Area 7A—Regulatory control extended to 12:01 a.m. Sunday, October 11 in those waters lying northerly and westerly of a straight line drawn from Iwersen's Dock on Point Roberts to Georgina Point Light at the entrance to Active Pass in the Province of British Columbia. These waters remain closed to net fishing.

Other Matters

This action is taken under authority of 50 CFR 371.21 (51 FR 23420, June 27, 1986), and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Parts 371

Fisheries, Fishing, Treaty Indians.

Authority: 16 U.S.C. 3636(b).

Dated: December 23, 1987.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 87-29795 Filed 12-28-87; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

[Docket No. 70617-7148]

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of allowable surf clam fishing time.

SUMMARY: NOAA issues this notice to establish allowable fishing time at 36 hours for each quarter of 1988 for vessels harvesting surf clams in the Mid-Atlantic Area of the exclusive economic zone. This action will provide flexibility and predictability to operators in the use of fishing time during the period. The intended effect is to match fishing effort to the available quota for the area.

EFFECTIVE DATES: January 3 through December 31, 1988. Fishing trips must be scheduled with 10 days' advance written notice.

ADDRESS: Send request for fishing time to the Surf Clam Coordinator, NMFS, 2 State Fish Pier, Gloucester, MA 01930. If this publication appears too late to allow such notice for those wishing to schedule trips during the first week of the first quarter, trips for that week only can be scheduled by calling 617-281-3600, ext. 252.

FOR FURTHER INFORMATION CONTACT: Jack Terrill, 617-281-3600 ext. 252.

SUPPLEMENTARY INFORMATION: Regulations implementing the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries contain at § 652.22(a)(3) a provision allowing the Regional Director to revise allowable fishing times to promote fishing for surf clams throughout the year with a minimum of changes. The Regional Director during the first quarter of 1987 decided, with the unanimous support of the Mid-Atlantic Fishery Management Council, to exercise his authority under § 652.22(a)(3) to allocate fishing time by quarter and allow each operator the maximum flexibility possible to schedule that time to best advantage. That program was continued for the remainder of 1987 with some modifications required to facilitate enforcement.

Based on an analysis of 1987 quarterly fishing effort, projected trends for the upcoming quarter, and comments from industry, the Regional Director has decided to allocate 36 hours of fishing time for each quarter during 1988. That time must be scheduled in six fishing trips of six hours' duration each, which may be taken on any six separate days during the normal daily and weekly fishing times established in § 652.22(a)(1), (2), and (3). The first quarter ends on March 31, 1988.

Adjustments to the number of trips, to insure the attainment of the quarterly quota, will be made in the quarter immediately following when more complete catch information is available. This procedure is intended to prevent disruption of processing schedules resulting from adjustments made mid-quarter.

Other Matters

This action is taken under 50 CFR Part 652 and is taken in compliance with Executive Order 12291.

(16 U.S.C. 1801 *et seq*)

List of Subjects in 50 CFR Part 652

Fisheries, Reporting and recordkeeping requirements.

Dated: December 23, 1987.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 87-29798 Filed 12-28-87; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 661

[Docket No. 71153-7253]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; technical amendment.

SUMMARY: NOAA announces a technical amendment to the regulations implementing the Fishery Management Plan for the Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California (FMP). The amendment is necessary to update obsolete language. It is intended to improve clarity and accuracy in the regulations.

EFFECTIVE DATE: This action will be effective on December 28, 1987. Comments will be accepted until January 12, 1988.

ADDRESSES: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, NMFS, BIN C15700, 7600 Sand Point Way NE., Seattle, WA 98115-0070; or E. Charles Fullerton, Director, Southwest Region, NMFS, 300 S. Ferry Street, Terminal Island, CA

VOL 52 ISS 249 DEC 29 1987 UMI

90731–7415. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the same addresses.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten (Regional Director) at 206–526–6150; or E. Charles Fulleton (Regional Director) at 213–514–6196.

SUPPLEMENTARY INFORMATION: Framework regulations governing the ocean salmon fisheries at 50 CFR Part 661 were promulgated on October 31, 1984 (49 FR 43682). The regulations have been amended several times (50 FR 812, January 7, 1985; 50 FR 4977, February 5, 1985; 50 FR 42529, October 21, 1985; 52 FR 4146, February 10, 1987; 52 FR 34807, September 15, 1987). Various events have occurred since the original regulations were implemented which make some of the language obsolete or unclear. The cumulative effect of the many regulatory changes also have created imprecise or inconsistent wording.

The changes contained in this amendment do not introduce new information nor deviate from current agency procedure. Among the changes being made in the regulations are the following:

1. The term "fishery conservation zone" and its acronym "FCZ" are replaced by the term "exclusive economic zone" and its acronym "EEZ," pursuant to Presidential Proclamation Numbered 5030, dated March 10, 1983, and the Magnuson Fishery Conservation and Management Act at 16 U.S.C. 1802(6) and 1811, as amended by Pub. L. 99–659, Title I, sections 101(a), 112, 100 Stat. 3706, 3715 (2986).

2. Section 661.2(a) is revised to delete an obsolete reference and to substitute in its place a reference to the current international Pacific Salmon Commission established by the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

3. The definition of *Council* is changed to show the new address of the Pacific Fishery Management Council.

4. The definition of *Regional Director* is revised to show zip-plus-four codes in the addresses.

5. An amendment to the regulations at 52 FR 4148 (February 10, 1987) resulted in a discussion of the Oregon Production Index (OPI) being deleted in the regulations. The next remaining section of the regulations refers to "OPI" without further explanation, by stating that "The allowable harvest in the area from Cape Falcon to Leadbetter Point will be established to address a blend of OPI and Washington state coho management considerations." The reference to "OPI" has been changed to "Oregon" in this sentence.

Classification

The Regional Director has determined that this rule is necessary to clarify and update the regulations for conservation and management of the ocean salmon fishery off Washington, Oregon, and California, and that it is consistent with the FMP, the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et. seq.*, and other applicable law.

Under the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, the Council prepared an environmental impact statement (EIS) for the FMP, and a notice of availability was published. There will be no change in environmental impact from that determined in the EIS as a result of this rule.

The Assistant Administrator for Fisheries finds that because the changes made by this technical amendment are only minor corrections which will have no substantive effect and in which the public is not particularly interested, it is unnecessary to seek prior public comment under 5 U.S.C. 553(b)(B) and (c) and there is good cause not to delay the effective date of this rule for 30 days after 5 U.S.C. 553(d). However, as with other Department of Commerce rules, comments of the public are invited for 15 days after this notice is filed for public inspection with the Office of the Federal Register.

As no notice of proposed rulemaking is required, this rule is also exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 603 *et seq.*) and no Regulatory Flexibility Analysis has been prepared. However, the Council has previously prepared a regulatory impact review and regulatory flexibility analysis as a part of the FMP and its regulations. There will be no change in impacts from those previously determined as a result of this rule.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*).

This rule merely corrects minor errors; therefore it is not a major rule under Executive Order 12291 and its issuance is in compliance with the order. Because this rule will have no substantive effect on any person or fishing practice, there will be no change in the impacts analyzed in the regulatory impact reviews prepared for the implementing regulations.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians.

Dated: December 23, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

For reasons explained in the preamble, 50 CFR Part 661 is amended as follows:

PART 661—[AMENDED]

1. The authority citation for Part 661 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 661.1 is revised to read as follows:

§ 661.1 Purpose.

The purpose of this part is to provide for management of salmon and steelhead fisheries off the coasts of Washington, Oregon, and California in the exclusive economic zone (the EEZ, also known as the 3-to-200-mile zone) over which the United States exercises exclusive fishery management authority (i.e., the Pacific Fishery Management Council's Salmon Fishery Management Area) under the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*

3. In § 661.2, paragraph (a) is revised to read as follows:

§ 661.2 Relation to other laws.

(a) This part does not apply to fishing for pink and sockeye salmon between 48°N. latitude and the U.S.-Canada border during such times that the Pacific Salmon Commission exercises jurisdiction over such fishing under the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

* * * * *

§ 661.3 [Amended]

4. In § 661.3, in the definition of *Council*, the address is revised to read "Metro Center, Suite 420, 2000 S.W. First Avenue, Portland, OR 97201–5344."; in the definition of *Fishery management area*, the term "Fishery Conservation Zone" and acronym "FCZ" are revised to read "Exclusive Economic Zone" and "EEZ," respectively; and in the definition of *"Regional Director,"* the zip codes for the Northwest Region and the Southwest Region are revised to read "98115–0070" and "90731–7415," respectively.

§ 661.21 [Amended]

5. In § 661.21(a), the first letter of the word "secretary" is capitalized.

Appendix II.B [Amended]

6. In Appendix II.B, paragraph (b) is revised by replacing the acronym "OPI" with the word "Oregon."

[FR Doc. 87–29800 Filed 12–28–87; 8:45 am]

BILLING CODE 3510–22–M

---

50 CFR Parts 672 and 675

[Docket No. 70472–7197]

Groundfish of the Gulf of Alaska, Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues a final rule that amends current regulations implementing the Fishery Management Plans for Groundfish of the Gulf of Alaska and for Groundfish of the Bering Sea and Aleutian Islands (FMPs). This rule modifies domestic reporting requirements with respect to State of Alaska fish tickets. This action is necessary to respond to an administrative problem identified by the NMFS Alaska Region. The intended effect of this action is improved precision and accuracy in accounting for commercial groundfish harvests off Alaska.

EFFECTIVE DATE: January 28, 1988.

ADDRESSES: Copies of documents supporting this rule may be obtained from Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802–1668.

FOR FURTHER INFORMATION CONTACT: Jay J. C. Ginter (Fishery Management Biologist, NMFS), 907–586–7230.

SUPPLEMENTARY INFORMATION: Domestic and foreign groundfish fisheries in the exclusive economic zone (EEZ) in the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands (BSAI) area are managed according to policies expressed in the FMPs. The FMPs were developed by the North Pacific Fishery Management Council (Council) under authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations governing foreign fisheries appearing at 50 CFR 611.92 and 611.93 and by regulations governing domestic fisheries appearing at 50 CFR Parts 672 and 675.

A description of the problems addressed by this action is given in the preamble to the proposed rule published in the **Federal Register** on June 16, 1987 (52 FR 22892). In summary, NOAA identified three problems in administering paragraphs (a) and (b) of §§ 672.5 and 675.5. These paragraphs implement provisions of the FMPs to collect groundfish catch information through State of Alaska fish tickets required under the Alaska Administrative Code (5 AAC 39.130). The identified problems and their resolution by this action are as follows:

1. Although the current regulations require fish tickets for every sale or delivery of groundfish at a "port of landing," that term is not defined in the regulations. This action eliminates that term, clarifies and simplifies the regulatory language, and implements identical requirements for the GOA and BSAI areas.

2. The current regulations for the BSAI area do not require fish tickets for groundfish landed in Alaska. This action includes a fish ticket requirement for these fish by providing a uniform Federal requirement for all groundfish taken in the GOA and BSAI areas.

3. The current regulations for the GOA and BSAI groundfish fisheries require fish tickets only for sales and deliveries of groundfish caught in the EEZ. Since enforcement agents cannot reliably document the origin of domestic catch, they cannot effectively enforce the Federal reporting requirements. This action changes the regulations to require fish tickets for groundfish caught in the EEZ and in the territorial sea adjacent to the GOA and BSAI management areas and in the internal waters of the State of Alaska by vessels which have groundfish permits issued under these parts. This rule will simplify enforcement by requiring fish tickets from all permitted vessels, regardless of where the fish are caught. This action is reasonable because most of the groundfish caught by Federally permitted vessels are caught in the EEZ.

This action does not add reporting burdens on fishermen because it imposes Federal requirements that are the same as existing State of Alaska reporting requirements under 5 AAC 39.130.

This action requires fish tickets from domestic fishermen who sell or deliver groundfish on land or at sea. Thus, all domestically harvested groundfish are accounted for by fish tickets except for groundfish delivered to foreign processors in the EEZ. The latter fish are accounted for by the U.S. observer on the foreign processor and the foreign fishing reporting program, therefore, these fish are specifically exempt from this action.

This rule includes the option that the vessel operator may elect to have the fish ticket submitted by the purchaser.

This final rule restates current requirements that vessels landing outside of Alaska will need to submit to the State of Alaska a copy of a document that is equivalent to State of Alaska fish tickets (§§ 672.5(a)(1) and 675.5(a)(1)). These reporting requirements are cleared under the OMB Control Number 0648–0016.

Finally, this rule deletes a fishing effort reporting requirement in the current GOA regulations under § 672.5 (a)(1)(ii). This action makes the regulations for the GOA and BSAI areas uniform regarding fishing effort reporting and eliminates a potential source of confusion in the reporting requirements for groundfish fisheries off Alaska.

This action is intended to clarify the reporting requirements and provide a more accurate and enforceable system of accounting for harvested groundfish.

NOAA expects no environmental and economic effects from implementing this rule. It will not change the status quo since it will not affect the amount of groundfish harvested, the species taken or the location of fishing activity. This rule will not affect the cost of fishing and will not impose any new reporting requirements. The only new effect of this rule will be the imposition by Federal regulation of existing State of Alaska fish ticket requirements. Hence, no additional paperwork burden is imposed on fishermen.

Public Comments

No public comments were received in response to the proposed rule.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this rule is necessary for the conservation and management of the groundfish fisheries in the Gulf of Alaska, the Bering Sea and the Aleutian Islands area, and that the rule is consistent with the Magnuson Act. In addition, based on the above discussion, the Administrator of NOAA has determined that this rule (1) is not a major Federal action requiring preparation of an environmental assessment, (2) is not a major rule requiring a regulatory impact analysis under Executive Order 12291, (3) will not have significant effects on small entities under the Regulatory Flexibility Act, and (4) contains no additional collection of information requirement subject to the Paperwork Reduction Act. NOAA has determined that this rule will be

VOL 52 ISS 249 DEC 29 1987 UMI

implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of Alaska. This determination was submitted for review to the responsible State agency under section 307 of the Coastal Zone Management Act. The State did not respond within 45 days; therefore, the State's agreement is presumed.

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

Dated: December 23, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Parts 672 and 675 are amended as follows:

PART 672—[AMENDED]

1. The authority citation for 50 CFR Part 672 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 672.5, paragraphs (a)(1) and (a)(2) are revised to read as follows:

§ 672.5 Reporting requirements.

(a) * * *

(1) The operator of any fishing vessel (including any catcher/processor vessel) to which a permit has been issued under § 672.4 of this Part, that catches groundfish in any of the Gulf of Alaska regulatory areas, the territorial sea adjacent to any regulatory area, or internal waters of the State of Alaska, shall be responsible for the submission to ADF&G of an accurately completed State of Alaska fish ticket or an equivalent document containing all of the information required on an Alaska fish ticket. Fish tickets are not required for groundfish sold or delivered to a foreign processing vessel which has a permit under § 611.3 of this Title.

(i) When to submit fish tickets.

(A) Sales or deliveries to shore. Except as provided by paragraph (a)(1)(ii) of this section, the operator of any fishing vessel who sells or delivers his catch of groundfish to shore must submit the fish ticket required under paragraph (a)(1) of this section within one week after such fish are sold or delivered.

(B) Sales or deliveries to vessels. Except as provided by paragraph (a)(1)(ii) of this section, the operator of any fishing vessel who sells or delivers his catch of groundfish to another vessel must submit the fish ticket required under (a)(1) of this section within one week after he returns to port.

(ii) At the election of the fishing vessel operator who catches groundfish, fish tickets may be prepared, and submitted under paragraph (a)(1)(i)(A) of this section to ADF&G by the shore-based purchaser within one week after such fish are received by the purchaser, or, if submitted under paragraph (a)(1)(i)(B) of this section, to ADF&G by the vessel-based purchaser within one week after such purchaser returns to shore. For purposes of this paragraph, a "purchaser" is any person who receives from a fishing vessel regulated under this Part, groundfish caught in any area or location as defined at § 672.2 of this Part, the territorial sea, or internal waters of the State of Alaska.

(2) Address. Send these documents to the Director, Commercial Fish Division, Alaska Department of Fish and Game Headquarters, P.O. Box 3–2000, Juneau, Alaska 99802.

* * * * *

PART 675—[AMENDED]

3. The authority citation for 50 CFR Part 675 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

4. In § 675.5, paragraphs (a)(1) and (a)(2) are revised to read as follows:

§ 675.5 Reporting requirements.

(a) * * *

(1) The operator of any fishing vessel (including any catcher/processor vessel) to which a permit has been issued under § 675.4 of this part, that catches groundfish in the Bering Sea and Aleutian Islands management area or either subarea, the territorial sea adjacent to either subarea, or internal waters of the State of Alaska, will be responsible for the submission to ADF&G of an accurately completed State of Alaska fish ticket or an equivalent document containing all of the information required on an Alaska fish ticket. Fish tickets are not required for groundfish sold or delivered to a foreign processing vessel which has a permit under § 611.3 of this title.

(i) When to submit fish tickets.

(A) Sales or deliveries to shore. Except as provided by paragraph (a)(1)(ii) of this section, the operator of any fishing vessel who sells or delivers his catch of groundfish to shore must submit the fish ticket required under paragraph (a)(1) of this section within one week after such fish are sold or delivered.

(B) Sales or deliveries to vessels. Except as provided by paragraph (a)(1)(ii) of this section, the operator of any fishing vessel who sells or delivers his catch of groundfish to another vessel must submit the fish ticket required under paragraph (a)(1) of this section within one week after he returns to port.

(ii) At the election of the fishing vessel operator who catches groundfish, fish tickets may be prepared, and submitted under paragraph (a)(1)(i)(A) of this section to ADF&G by the shore-based purchaser within one week after such fish are received by the purchaser, or, if submitted under paragraph (a)(1)(i)(B) of this section, to ADF&G by the vessel-based purchaser within one week after such purchaser returns to shore. For purposes of this paragraph, a "purchaser" is any person who receives from a fishing vessel regulated under this Part, groundfish caught in either subarea of the Bering Sea and Aleutian Islands management area, the territorial sea, or internal waters of the State of Alaska.

(2) Address. Send these documents to the Director, Commercial Fish Division, Alaska Department of Fish and Game Headquarters, P.O. Box 3–2000, Juneau, Alaska 99802.

* * * * *

[FR Doc. 87–29799 Filed 12–28–87; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 52, No. 249

Tuesday, December 29, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 302 and 333

Procedures for Selecting Candidates for Appointment

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: To improve the procedures used by agencies in selecting candidates for appointments in the excepted service and for temporary and term appointments outside registers in the competitive service, the Office of Personnel Management (OPM) proposes to revise its regulations. The proposed regulations would permit candidates for either type of appointment to be referred in one of two ways: in preference order without ranking; or under ranking and referral procedures comparable to those used in competitive examinations. This would give agencies greater flexibility in recognizing qualitative differences among candidates for jobs that require specialized skills and training and would simplify referral procedures when jobs have minimal skill requirements or when all applicants have substantially equal qualifications. The proposed regulations would also make editorial changes to clarify the applicability of procedural requirements and would permit agencies to consider current employees for excepted appointments on the same basis as former employees. Currently, an agency may consider its former employees for excepted appointments before it considers outside candidates, but when considering current employees, must treat such applicants as though they were outside candidates. The proposed regulations would permit movement of current employees to positions where their skills could be better used, even when an agency was not adding to its workforce.

DATE: Comments must be received on or before February 29, 1988.

ADDRESS: Send or deliver written comments to Curtis J. Smith, Associate Director for Career Entry, Office of Personnel Management, Room 6F08, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Tracy Spencer, (202) 632–6817.

SUPPLEMENTARY INFORMATION:

I. Ranking and referral procedures.

Both Parts 302 and 333 implement statutory requirements for veterans preference in appointments. While OPM's regulations fully implement the letter and the spirit of the law giving preference in civilian employment to eligible veterans who have served in defense of their country, the specific procedures for applying preference currently prescribed in Parts 302 and 333 reflect outdated assumptions about the types of jobs likely to be filled by excepted appointments and appointments outside registers.

Part 302, which covers appointments in the excepted service, generally requires agencies to use the same procedures as are applied in competitive examinations: that is, to rate eligible candidates on a numerical scale from 70 to 100, to assign appropriate extra points for veterans preference, and to refer candidates for selection consideration under a rule of three. Exceptions to the procedural requirements are authorized when there are so few candidates that all who qualify will be offered employment; when there are so many candidates that only those in the group most likely to be referred (e.g., compensably disabled veterans) need to receive final ratings; and when OPM approves use of special procedures, such as adjective category ranking, for particular positions. Exceptions to the procedural requirements have been approved for several types of positions, including those involving strictly occasional or as-needed employment, those that must be filled on an emergency basis, and those excepted from the competitive service on account of their confidential or policy-determining character. For many other excepted service positions, the pool of candidates is so small that no ranking is required.

The current regulations were based on the assumption that positions subject to the ranking and referral requirements would have specific knowledge and skill requirements that can and should be recognized in the referral process. For many positions, that is true. However, an increasing number of excepted authorities cover part-time, seasonal, or other positions for which knowledges and skills are usually learned on the job. Agencies make appointments to these positions at entry levels, for which qualification requirements are often minimal and candidates plentiful. The requirement to assign numerical scores and make arbitrary distinctions among essentially equal candidates for these jobs creates an unnecessary paperwork burden.

By contrast, Part 333, which covers temporary and term appointments made outside registers, makes no provision for comparative ranking or a rule-of-three, but instead requires that all candidates be referred in the order of their veterans preference. For many years, these provisions were adequate. Appointments outside the register were typically authorized either for low-level, short term jobs with minimal skill requirements, or for jobs with such specific skill requirements that few candidates would qualify. In either case, comparative ranking would be academic. Now, however, appointments outside the register are authorized for positions up to grade GS–12 in situations that may last as long as 4 years. Those positions often have specialized qualification requirements that should be recognized in the referral process.

In sum, both Parts 302 and 333 now cover positions that would be filled more efficiently through the use of different procedures. Because both parts afford eligible veterans as much preference as they would receive in competitive examinations, using either set of procedures for any of the positions would comply with veterans preference law. Therefore, these proposed regulations would provide unranked referral in preference order as an alternative method of making appointments under Part 302, and would provide numerical ranking and the rule-of-three as an alternative for appointments outside registers.

II. Consideration of current employees for excepted appointments.

Although Part 302 authorizes agencies to establish procedures for promotion or reassignment of excepted employees, the agencies' ability to use that authority

is very limited. Because most excepted appointing authorities cover only specified positions, excepted employees can be promoted or reassigned only among those positions. Movement to any other position is technically a new appointment and must be processed as such. Part 302 allows agencies to consider reemployment candidates (including both their own former employees and preference eligibles formerly employed by any agency) ahead of candidates for new appointments. However, the part does not permit current employees to be considered for new appointments ahead of outside candidates. This means that an agency having excepted positions for which current employees serving under other appointing authorities are well qualified cannot appoint such employees to those positions unless it either considers outside candidates or separates the employees and reappoints them from the reemployment list.

Because an agency's desire to limit consideration to current employees often reflects budget or ceiling constraints and because the employees' familiarity with the agency's work would give them a competitive edge in any case, the current provisions are not likely to create significant employment opportunities for outside candidates. They are more likely to generate unproductive separation and reappointment paperwork. Therefore, the proposed regulations would permit agencies to enter both current and former employees on their reemployment lists. The regulations would not reduce the procedural protections afforded competitive service employees who are selected for excepted appointments. Those employees would still be informed about giving up their competitive status by accepting excepted appointments and would be asked to sign a statement that they understand and voluntarily accept the conditions of excepted appointment.

III. Coverage of 5 CFR Part 302

OPM's authority to issue regulations governing appointments in the excepted service extends only to excepted positions subject to the provisions of title 5 of the United States Code unless the provisions of another title require use of veterans preference procedures parallel to title 5 of the U.S. Code. (Currently, only title 39 of the U.S. Code, covering positions in the United States Postal Service, contains such a requirement.) Responsibility for administering veterans preference and other legal requirements in personnel systems established outside of title 5 of the U.S. Code rests with the employing agencies. In accordance with the Home Rule Act of 1980, the personnel system of the government of the District of Columbia has also been removed from OPM's control for the purpose of these regulations. However, the language of Part 302 states that the regulations apply to all excepted positions in the executive branch and the government of the District of Columbia. To avoid confusion, the proposed regulations are reworded to reflect their coverage more accurately.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation affects only the procedures used to appoint certain Federal employees.

List of Subjects in 5 CFR Parts 302 and 333

Administrative practice and procedures, Government employees.

U.S. Office of Personnel Management
Constance Horner,
Director.

Accordingly, OPM proposes to amend 5 CFR Parts 302 and 333 as follows:

PART 302—EMPLOYMENT IN THE EXCEPTED SERVICE

1. The authority citation for Part 302 is revised as set forth below; and, the authorities following individual sections within the part are removed:

Authority: 5 U.S.C. 1302, 3301, 3302, 8151, E.O. 10577 (3 CFR 1954–1958 Comp., p. 218); § 302.105 also issued under 5 U.S.C. 1104, Pub. L. 95–454, sec. 3(5); § 302.501 also issued under 5 U.S.C. 7701 et seq.

2. In § 302.101, paragraphs (a) and (b) are revised to read as follows:

§ 302.101 Positions covered by regulations.

(a) *Positions covered.* With respect to the application of veteran preference, this part applies to each position in the executive branch of the Federal Government that is not in the competitive service *and* that is subject to the provisions of title 5, United States Code, or subject to a statutory requirement to follow the veteran preference provisions of title 5. With respect to restoration rights that are due to compensable injury and appeals therefrom, this part applies to those positions covered by 5 U.S.C. 8101(1) that are not in the competitive service.

(b) *Positions not covered.* This part does not apply to a position or appointment that is required by the Congress to be confirmed by, or made with the advice and consent of, the Senate.

* * * * *

3. Section 302.102 is amended to add the following language to the end of paragraph (b) and add new paragraphs (b) (1) and (2) to read as follows:

* * * * *

(b) * * * When an employee serving under a nontemporary appointment in the competitive service is selected for an excepted apointment or for noncareer executive assignment, the agency must—

(1) Inform the employee that, because the position is in the excepted service, it may not be filled by a competitive appointment, and that acceptance of the proposed appointment will take him/her out of the competitive service while he/she occupies the position; and

(2) Obtain from the employee a written statement that he/she understands he/she is leaving the competitive service voluntarily to accept an appointment in the excepted service.

* * * * *

4. Section 302.201 is revised to read as follows:

§ 302.201 Persons entitled to veteran preference.

In actions subject to this part, each agency shall grant veteran preference as follows:

(a) When numerical scores are used in the evaluation and referral, the agency shall grant 5 additional points to preference eligible under section 2108(3) (A) and (B) of title 5, United States Code, and 10 additional points to preference eligibles under section 2108(3) (C) through (G) of that title.

(b) When eligible candidates are referred without ranking, the agency shall note preference as "CP" for preference eligibles under section 2108(3) (C) of title 5, United States Code, and as "TP" for all other preference eligibles under that title.

5. In § 302.302, paragraphs (b) and (c) are redesignated as paragraphs (c) and (d), respectively; paragraph (a) is redesignated as paragraph (b) and is revised as set forth below; and a new paragraph (a) is added to read as follows:

§ 302.302 Examination of applicants.

(a) *Eligibility.* An evaluation of the qualifications of applicants for a position covered by this part may be conducted at any time before an appointment is made. The evaluation may involve only determination of eligibility or ineligibility or may include qualitative rating of candidates. If the evaluation involves only basic eligibility, numerical scores will not be assigned and eligible candidates will be referred in accordance with the procedures described in paragraph (e) of § 302.304. If qualitative ranking is desired, numerical scores may be assigned in accordance with paragraph (b) of this section.

(b) *Rating.* Numerical scores will be assigned on a scale of 100. Each applicant rated 70 or more will be eligible for appointment. Candidates scoring 70 or more will receive additional points for veteran preference as provided in § 302.201. Numerical ratings are not required when all qualified applicants will be offered immediate appointment. When there is an excessive number of applicants: numerical rating are required only for a sufficient number of the highest qualified applicants to meet the anticipated needs of the agency within a reasonable period of time; and the agency shall adopt procedures to insure the consideration of all preference eligibles in the order in which they would have been considered if all applicants had been assigned numerical ratings. An agency shall furnish a notice of the rating assigned to an applicant on his/her request.

* * * * * *

6. In § 302.303, paragraph (a) and the introductory text of paragraph (b) are revised to read as follows:

§ 302.303 Maintenance of employment lists.

(a) *Establishment.* An agency shall enter the names of all applicants rated eligible under § 302.202 on either the appropriate reemployment list or the appropriate regular employment list, in the following order:

(1) *When candidates have been rated only for basic eligibility under § 302.202(a):* (i) Preference eligibles having a compensable service-connected disability of 10 percent or more (designated as "CP") unless the list will be used to fill professional positions at the GS–9 level and above, or equivalent;

(ii) All other preference eligibles; and

(iii) Qualified candidates not eligible for veteran preference.

(2) *When candidates have been assigned numerical scores under § 302.202(b):* (i) Preference eligibles having a compensable service-connected disability of 10 percent or more, in the order of their augmented ratings, unless the list will be used to fill professional positions at the GS–9 level and above, or equivalent;

(ii) All other qualified candidates in the order of their augmented ratings. At each score, qualified candidates eligible for 10-point preference will be entered ahead of those eligible for 5-point preference, and those eligible for 5-point preference will be entered ahead of those not eligible for veteran preference.

(b) *Reemployment list.* The reemployment list may include the names of current employees of the agency and of former employees of the agency who are to be considered for future employment. The list must, however, in all cases, include the following:

* * * * *

7. In § 302.304, paragraphs (a) and (d) are revised as set forth below and a new paragraph (e) is added to read as follows:

§ 302.304 Arrangement of ratings.

(a) *Order of consideration.* Except as provided in paragraphs (d) and (e) of this section, an agency shall consider applicants who have been assigned eligible ratings for a given position in either Order A or Order B, as set forth in paragraphs (b) and (c) of this section.

* * * * *

(d) *Professional order.* An agency shall consider applicants who have been assigned eligible ratings for professional and scientific positions at the GS–9 level and above, or equivalent, in the following order:

(1) *Applicants on the agency's reemployment list.* If numerical scores have been assigned, the applicants will be considered in the order of their augmented scores. If numerical scores have not been assigned, all preference eligibles will be considered together, regardless of the type of preference, followed by all other reemployment candidates.

(2) *Applicants on the regular employment list.* If numerical scores have been assigned, the applicants will be considered in the order of their augmented scores. If numerical scores have not been assigned, all preference eligibles will be considered together, regardless of the type of preference, followed by all other candidates.

(e) *Unranked order.* When numerical scores are not assigned, the agency may consider applicants who have received eligible ratings for positions not covered by paragraph (d) of this section in either of the following orders:

(1) *By preference status.* Under this method, preference eligibles having a compensable service-connected disability of 10 percent or more are considered first, followed by other preference eligibles and, last, by non-preference eligibles. Within each preference category, applicants from the reemployment list will be placed ahead of applicants from the regular employment list.

(2) *By reemployment/regular list status.* Under this method, all applicants on the reemployment list are considered before applicants on the regular employment list. On each list, preference eligibles having a compensable service-connected disability of 10 percent or more are considered first, followed by other preference eligibles and, last, by non-preference eligibles.

8. In § 302.401, the introductory text of paragraph (a) is revised to read as follows:

§ 302.401 Selection and appointment.

(a) *Selection.* When making an appointment from a reemployment or regular list on which candidates have not received numerical scores, an agency must make its selection from the highest available preference category, as long as at least three candidates remain in that group. When fewer than three candidates remain in that group. When fewer than three candidates remain in the highest category, consideration may be expanded to include the next category. When making an appointment from a list on which candidates have received numerical scores, the agency must make its selection for each vacancy from not more than the highest three names available for appointment in the order provided in § 302.304. Under either method, an agency is not required to—

* * * * *

PART 333—RECRUITMENT AND SELECTION FOR TEMPORARY AND TERM APPOINTMENTS OUTSIDE THE REGISTER

9. The authority citation for Part 333 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.

10. The following sentence is added to the end of § 333.101:

§ 333.101 Standards for temporary and term appointments outside the register.

***Candidates found to be qualified shall be assigned either an eligible

rating or a numerical score of at least 70 on a scale of 100.

11. Section 333.102 is redesignated as § 333.201 and revised as set forth below and a Subpart B heading is added; and a new § 333.102 is added to read as follows:

§ 333.102 Preference in temporary and term appointments outside the register.

In actions subject to this part, each agency shall grant veteran preference as follows:

(a) When numerical scores are used in evaluation and referral, the agency shall grant 5 additional points to preference eligibles under section 2108(3) (A) and (B) of title 5, United States Code, and 10 additional points to preference eligibles under section 2108(3) (C) through (G) of that title.

(b) When eligible candidates are referred without ranking, the agency shall note preference as "CP" for preference eligibles under section 2108(3)(C) of title 5, United States Code, and as "TP" for all other preference eligibles under that title.

Subpart B—Consideration for Appointment

§ 333.201 Making appointments from an unranked list.

In making temporary and term appointments from a list of eligible candidates who have not received numerical scores, an agency shall give preference to preference eligibles as follows:

(a) for professional and scientific positions at the GS–9 level and above, or equivalent, preference shall be given to preference eligibles without regard to the type of preference.

(b) For other positions, preference shall be given first to preference eligibles with compensable service-connected disability of 10 percent or more, and second to other preference eligibles.

(c) Except as provided in paragraphs (b) and (c) of § 333.202, qualified candidates not eligible for veteran preference may be selected only when no qualified veteran preference eligibles are available.

12. A new § 333.202 is added to Subpart B to read as follows:

§ 333.202 Making appointments from a numerically ranked list.

(a) *Establishing the list.* An agency shall enter the names of all applicants having an eligible numerical score on the employment list in the following order:

(1) Preference eligibles having a compensable service-connected disability of 10 percent or more in the order of their augmented ratings, unless the list will be used to fill professional positions at the GS–9 level and above, or equivalent;

(2) All other qualified candidates in the order of their augmented ratings. At each score, qualified candidates eligible for 10-point preference will be entered ahead of those eligible for 5-point preference, and those eligible for 5-point preference will be entered ahead of those not eligible for veteran preference.

(b) *Selection.* When making an appointment from a list on which candidates have received numerical scores, the agency must make its selection for each vacancy from not more than the highest three names available for appointment in the order provided in paragraph (a) of this section, except that an agency is not required to—

(1) Consider an applicant who has previously been considered three times by the same appointing officer for positions at the same grade level and for the same line of work;

(2) Consider a preference eligible whose eligibility for further consideration for the position has been discontinued as provided in paragraph (c) of this section.

(c) *Passing over a preference eligible.* When an agency making an appointment passes over the name of a preference eligible who is entitled to prior consideration under paragraph (a) of this section and selects a nonpreference eligible, the agency must record its reasons for so doing, and must furnish a copy of those reasons to the preference eligible or to his or her representative on request. An agency may discontinue consideration of a preference eligible for a position if, on three occasions, the agency has considered the candidate for the position and has passed over his or her name and recorded its reasons for so doing.

[FR Doc. 87–29684 Filed 12–28–87; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 87–176]

7 CFR Part 319

Importation of Apples, Peaches, and Citrus From Sonora

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the Fruits and Vegetables regulations by specifying definite areas in Sonora, Mexico, which the Administrator of the Animal and Plant Health Inspection Service has determined to be free from certain injurious insect pests and from which apples, grapefruit, oranges, peaches, and tangerines may be imported without treatment for these pests. This action would allow the importation in accordance with the regulations of these fruits from the specified definite areas.

DATE: Consideration will be given only to comments postmarked or received on or before January 28, 1988.

ADDRESS: Send an original and two copies of written comments to Steven B. Farbman, Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 87–176. Comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Frank Cooper, Senior Operations Officer, Port Operations Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 666, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8248.

SUPPLEMENTARY INFORMATION: The Fruits and Vegetables regulations in 7 CFR 319.56 *et seq.* (referred to below as the regulations) impose restrictions on the importation of fruits and vegetables in order to prevent the introduction and dissemination of injurious insects, including fruit flies, that are new to or not widely distributed within and throughout the United States.

In a final rule published in the **Federal Register** on August 7, 1987 (52 FR 29369–29371, Docket Number 87–020), we amended § 319.56–2 by, among other things, adding new paragraphs (e)(4) and (f), which provided requirements for importation of certain fruits and vegetables based on their origin in a definite area or district. The definite area or district must meet certain criteria designated to ensure that it is free from all or certain injurious insects, and certain other criteria. Section 319.56–2(e)(4) allows importation of a fruit or vegetable that:

(4) Is imported from a definite area or district of the country of origin that is free from certain injurious insects that attack the fruit or vegetable, its importation can be

authorized without risk, and the criteria of paragraph (f) of this section are met with regard to those certain insects, provided that all other injurious insects that attack the fruit or vegetable in the area or district of the country of origin have been eliminated from the fruit or vegetable by treatment or any other procedures that may be prescribed by the Deputy Administrator.

Section 319.56–2(f) contains the criteria by which the Administrator [1] designates definite areas or districts. These criteria are as follows:

(f) Before the Deputy Administrator may authorize importation of a fruit or vegetable under § 319.56–2(e) (3) or (4), he or she must determine that the following criteria have been met: (1) Within the past 12 months, the plant protection service of the country of origin has established the absence of infestations of injurious insects known to attack fruits or vegetables in the definite area or district based on surveys performed in accordance with requirements approved by the Deputy Administrator as adequate to detect these infestations; (2) the country of origin has adopted and is enforcing requirements to prevent the introduction of injurious insects known to attack fruits and vegetables into the definite area or district of the country of origin that are deemed by the Deputy Administrator to be at least equivalent to those requirements imposed under this chapter to prevent the introduction into the United States and interstate spread of injurious insects; and (3) the plant protection service of the country of origin has submitted to the Deputy Administrator written detailed procedures for the conduct of surveys and the enforcement of requirements under this paragraph to prevent the introduction of injurious insects. When used to authorize importation under § 319.56–2(e)(3), the criteria must be applied to all injurious insects that attack the fruit or vegetable; when used to authorize importation under § 319.56–2(e)(4), the criteria must be applied to those particular injurious insects from which the area or district is to be considered free.

The Administrator of the Animal and Plant Health Inspection Service (APHIS) has determined that certain areas in the state of Sonora, Mexico, meet all the criteria contained in §§ 319.56–2(e)(4) and 319.56–2(f) for importation of fruit from definite areas and districts free from certain injurious insects, specifically five types of fruit flies (*Ceratitis capitata, Anastrepha ludens, A. serpentina, A. obliqua,* and *A. fraterculus*), which are known to occur in Mexico and attack apples, grapefruit, oranges, peaches, and/or tangerines.

The criteria of § 319.56–2(e)(4) are met in that the definite areas are free from the five listed fruit flies, the criteria of § 319.56–2(f) are met with regard to those fruit flies (as discussed below), and articles imported from the definite areas would still be subject to all treatments or other procedures required by 7 CFR Part 319 for pests other than the five listed fruit flies. Under these circumstances, the Administrator has determined that apples, grapefruit, oranges, peaches, and tangerines may be imported from the definite areas without risk.

The criteria contained in § 319.56–2(f) are met as described below.

The definite areas are the municipalities of Altar, Atil, Caborca, Carbo, Empalme, Guaymas, Hermosillo, Pitiquito, Puerto Penasco, and San Miguel. Each municipality forms one definite area.

For the past 12 months, the Mexican Ministry of Agriculture and Water has performed trapping surveys that showed these municipalities to be free from the listed fruit flies. The Administrator has determined that the methods employed in these surveys are adequate to detect infestations of these insects.

The Mexican government has adopted and is enforcing requirements to prevent the introduction of the listed fruit flies into any of the municipalities that form the definite areas. The Administrator has determined that these requirements are at least equivalent to the requirements imposed by 7 CFR Chapter III to prevent the introduction and dissemination of the listed fruit flies into and within the United States.

The Mexican Ministry of Agriculture and Water Resources has submitted to the Administrator detailed procedures for the conduct of pest surveys in these municipalities and the enforcement of requirements to exclude the listed fruit flies from these municipalities. The Administrator has reviewed these procedures and has determined that they meet the requirements of the regulations.

Based on the procedures submitted by the Mexican Ministry of Agriculture and Water Resources, we believe that apples, grapefruit, oranges, peaches, and tangerines may be imported from the municipalities proposed as definite areas without risk and without treatment for the five listed fruit flies.

Therefore, we propose to add a new paragraph (h) to § 319.56–2, listing the areas in Sonora, Mexico, that meet the requirements for definite areas. The paragraph would read as follows:

(h) The Administrator has determined that the following municipalities in Sonora, Mexico, meet the criteria of § 319.56–2 (e) and (f) with regard to the insect pests *Ceratitis capitata, Anastrepha ludens, A. serpentina, A. obliqua,* and *A. fraterculus*: Altar; Atil; Caborca; Carbo, Empalme; Guaymas; Hermosillo; Pitiquito; Puerto Penasco; and San Miguel. Apples, grapefruit, oranges, peaches, and tangerines may be imported from these areas without treatment for the pests named in this paragraph.

We also propose to add a new paragraph (g) to § 319.56–2 that would require that each box of fruit exported to the United States under §§ 319.56–2 (e)(4) and (f) must be clearly labelled with: (1) The name of the orchard or grove of origin, or the name of the grower, and (2) the name of the municipality and state in which it was produced, and (3) the type and amount of fruit it contains. This provision would help ensure that only fruit from approved definite areas would be allowed importation under §§ 319.56–2 (e)(4) and (f).

Executive Order 12291 and Regulatory Flexibility Act

We are proposing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this proposed rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The primary effect of adoption of this proposal would be to allow the importation of apples, grapefruit, oranges, peaches, and tangerines, from the listed definite areas without treatment for the five listed fruit flies. This would increase imports of these articles, by lowering the import costs through eliminating the cost of treatments, and would result in increased competition for United States growers of these articles. Adoption of this proposal could have economic effects on importers of these articles, on fumigators at the Mexican border, and on dometic growers, distributors, and retailers of these fruits.

The scale of these effects should be very small. Less than 1% of the citrus, apples, and peaches consumed in the United States comes from Sonora. While the amount imported should increase slightly if this proposal is adopted, Sonora is not a major production area for these articles and cannot supply

[1] Due to changes in agency operating procedures, we are proposing to change "Deputy Administrator" to "Administrator" throughout § 319.56–2.

much more than is currently being imported; we therefore believe that Sonora will continue to supply much less than 1% of the United States citrus, apple, and peach consumption.

Furthermore, imported Sonoran fruit may be marketed in all parts of the United States, and the effects of this importation would be distributed over hundreds of thousands of small fruit growers, distributors, and retailers. With such a dispersed market, and such a large number of small entities involved, we do not expect a significant economic impact on a substantial number of small entities.

Under these circumstances, the Administrator of the Animal and Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), we have submitted the information collection provisions in this rule to the Office of Management and Budget (OMB) for approval. You may send written comments on these provisions to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please send a copy of your comments to Steven B. Farbman, Assistant Director, Regulatory Coordination, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 7 CFR Part 319

Agricultural commodities, Imports, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation.

PART 319—FOREIGN QUARANTINE NOTICES

Accordingly, 7 CFR Part 319 would be amended as follows:

1. The authority citation for 7 CFR Part 319 would continue to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 319.56–2, paragraph (g) would be redesignated as (i).

3. In § 319.56–2, new paragraphs (g) and (h) would be added to read as follows:

§ 319.56–2 Restrictions on entry of fruits and vegetables.

* * * * *

(g) Each box of fruit or vegetables imported into the United States in accordance with §§ 319.56–2(e) (3) or (4) and § 319.56–2(f) must be clearly labelled with:

(1) The name of the orchard or grove of origin, or the name of the grower, and

(2) The name of the municipality and state in which it was produced, and

(3) The type and amount of fruit it contains.

(h) The Administrator has determined that the following municipalities in Sonora, Mexico, meet the criteria of § 319.56–2 (e) and (f) with regard to the insect pests *Ceratitis capitata, Anastrepha ludens, A. serpentina, A. obliqua,* and *A. fraterculus*: Altar; Atil; Caborca; Carbo; Empalme; Guaymas; Hermosillo; Pitiquito; Puerto Penasco, and San Miguel. Apples, grapefruit, oranges, peaches, and tangerines may be imported from these areas without treatment for the pests named in this paragraph.

* * * * *

Done at Washington, DC, this 23rd day of December 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87–29784 Filed 12–28–87; 8:45 am]

BILLING CODE 3410–34–M

Commodity Credit Corporation

7 CFR Part 1403

Interest on Delinquent Debts

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation (CCC) proposes to revise the regulation for the assessment of late payment charges on delinquent debts owed to CCC from 30-day periods to assessment on a daily basis and to revise the definition of "late payment charge" to be synonymous with "late payment interest" and "claim interest". The authority for the regulation is the Commodity Credit Corporation Charter Act.

DATES: Comments must be received on or before January 28, 1988 to be assured consideration.

ADDRESSES: Comments should be addressed to the Director, Fiscal Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC, 20013. All comments submitted in response to this proposed rule will be available for public inspection in Room 6094, South Agriculture Building, 14th and Independence Avenue, SW, Washington, DC, between 8:30 am and 4:00 pm, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Andree DuVarney, Claims Specialist, (202) 447–4070.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed in conformance with Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major" because this rule will not result in: (1) Annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or in the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under Departmental Regulation 1512–1. No sunset review date has been set for this regulation because review is ongoing.

This action will not increase the federal paperwork burden for individuals, small businesses, and other persons.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is needed.

This activity is not subject to the provisions of Executive Order 12372 which requires intergovermental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since this rule will not increase the federal paperwork burden for individuals, small businesses or other persons, and CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

The titles and numbers of the Federal Domestic Assistance Programs to which this proposed rule applies are: Commodity Loans and Purchases 10.051; Cotton Production Stabilization, 10.052; Feed Grain Production Stabilization, 10.055; Storage Facilities and Equipment loans, 10.056; Wheat Production Stabilization, 10.058; Rice Production Stabilization, 10.065; Grain Reserve Program, 10.067; as listed in the Catalog of Federal Domestic Assistance.

If a debt is repaid early in a 30-day period late payment charge is nonetheless assessed for the portion of the period during which no debt was owed. Therefore, there is no incentive for a debtor to pay a debt early in a 30-day period. The same amount of interest will be due whether the payment is made at the beginning of a 30-day period or at the end. The proposed revision to the regulation permits late payment charges to be assessed daily rather than for each 30-day period. This revision will more closely align the calculation of late payment charge with the calculation of interest charged for other USDA programs, will provide an incentive to debtors to repay debts earlier and will spread the CCC workload throughout the month.

The proposal to revise the regulation to define "late payment charge" to be synonymous with "late payment interest" and "claim interest" is made to clarify the meaning of the terms to the public.

The Attorney General and Comptroller General have jointly promulgated the Federal Claims Collection Standards (FCCS) in 4 CFR Parts 101 through 105 as mandated by the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711–3719). CCC is generally exempt from the provisions of FCCS, since CCC has the authority under Section 4(k) of the CCC Charter Act (15 U.S.C. 714b(k)) to make final and conclusive settlement and adjustment of all its claims. However, the Board of Directors, CCC, has administratively determined the FCCS will be applicable to claims by CCC (CCC Claims Policy Docket CZ161a, Revision 4).

The FCCS requires that interest be charged on delinquent debts. In accordance with the FCCS, CCC issued regulations at 7 CFR Part 1403, to provide at 7 CFR 1403.3(c) that the late payment charge will be applied to delinquent debts for each 30-day period and that the full amount of the late payment charge will also be applicable to periods of less than 30 days. Since the effect of the regulation is to bunch payments at the end of the month, CCC has determined to charge late payment charge on a daily basis to provides some incentive to spread payments throughout the month.

Accordingly, the regulations at 7 CFR Part 1403 are amended as follows:

PART 1403—[AMENDED]

1. The authority citation for Part 1403 continues to read as follows:

Authority: Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427.

2. 7 CFR sec. 1403.2 is amended by revising paragraph (a) to read as follows:

§ 1403.2 Definitions.

(a) "Late payment charge", "late payment interest", and "claim interest" are deemed synonymous and are used interchangeably. These terms mean the amount of interest charged on delinquent debts.

* * * * *

3. 7 CFR 1403.3 is amended by revising paragraph (c) to read as follows:

§ 1403.3 Late payment charge.

* * * * *

(c) The late payment charge will be computed on a daily basis through the date payment is received by CCC.

Signed at Washington, DC., on December 21, 1987.

Milton Hertz,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 87–29752 Filed 12–28–87; 8:45 am]

BILLING CODE 3410–05–M

Animal and Plant Health Inspection Service

9 CFR Part 51

[Docket No. 87–139]

Animals Destroyed Because of Brucellosis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We propose to amend the regulations governing the payment of indemnity for animals destroyed because of brucellosis by adding the Simbrah Association to the list of registered breed associations. This action is necessary to include all registered breed associations in the regulations. These associations register purebred animals, maintaining individual animal records that are critical for proper payment of indemnities to owners of cattle destroyed because of brucellosis. The payment of indemnities, in turn, encourages the elimination of cattle that may spread brucellosis.

DATE: Consideration will be given only to comments postmarked or received on or before January 28, 1988.

ADDRESSES: Send an original and two copies of written comments to Steven B. Farbman, Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Specifically refere to Docket Number 87–139. You may review these comments at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION: Dr. R.D. Hobbs, Senior Staff Veterinarian, Regulatory Communications and Compliance Policy Staff, VS, APHIS, USDA, Room 827, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–5861.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 51 (referred to below as the regulations) provide for the payment of indemnities to owners of cattle, bison, and swine destroyed because of brucellosis. Our experience indicates that, if these indemnities were not paid, many owners would not cooperate in the timely removal of infected animals from the herd or, in the case of herd depopulation, in removing a focus of infection in an otherwise clear area to prevent transmission of brucellosis to nearby, susceptible herds.

Under § 51.3(a)(1) of the regulations, the indemnity shall not exceed $250 for any registered cattle or nonregistered dairy cattle or, with certain exceptions, $50 for any nonregistered cattle or bison. Section 51.3(a)(2) also sets indemnity rates for cattle and bison, including registered cattle, destroyed during herd depopulation. These rates, too, are higher for registered cattle and nonregistered dairy cattle than for other nonregistered cattle and bison.

Section 51.1 of the regulations lists known registered breed associations. It also defines a registered breed association as:

An association formed and perpetuated for the maintanance of records of purebreeding of animal species for a specific breed whose characteristics are set forth in Constitutions, By-Laws, and other rules of the association. The records maintained by such an association shall include an Official Herd Book or other recordkeeping format and Certificates of Registration or Recordation

which identify an animal as registered animal of that registered breed association.

Registered animals are purebreds registered with a breed association listed in § 51.1 of the regulations. To receive indemnity for registered cattle destroyed because of brucellosis, an owner must provide registration papers in that owner's name for each animal destroyed.

The Simbrah Association petitioned APHIS to list it in § 51.1 of the regulations as a registered breed association. It provided APHIS with documents demonstrating that it qualified as a registered breed association. Since the Simbrah Association appears to meet the criteria for registered breed associations in § 51.1, we propose to add it to the list.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule would have an effect on the economy of less that $100 million; would not cause a major increase in costs or prices for consumers, individuals, industries, federal, state, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

The economic impact of this proposed rule is that it would allow approximately 2,200 small cattle producers owning registered Simbrah to receive a higher indemnity rate if these cattle must be destroyed because of brucellosis. There are many thousands of small cattle producers who do not own this registered breed of cattle and would therefore not be affected by this proposed rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR 3015, Subpart V.)

List of Subjects in 9 CFR Part 51

Animal diseases, Bison, Brucellosis, Cattle, Hogs, Indemnity payments.

PART 51—ANIMALS DESTROYED BECAUSE OF BRUCELLOSIS

Accordingly, 9 CFR Part 51 would be amended as follows:

1. The authority citation for Part 51 would continue to read as follows:

Authority: 21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, 134b; 7 CFR 2.17, 2.51, and 371.2(d).

§ 51.1 [Amended]

2. In § 51.1, the definition of "Registered breed association" would be amended by inserting "Simbrah Association," immediately after "Santa Gertrudis Breeders International,".

Done in Washington, DC, this 22nd day of December 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87-29717 Filed 12-28-87; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-101-86]

Taxable Years of Certain Partnerships

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is issuing temporary income tax regulations relating to the taxable years of certain partnerships. The text of the temporary regulations serves as the comment document for this notice of proposed rulemaking.

DATES: The proposed amendments to the Income Tax Regulations contained in this document would be effective for partnership taxable years beginning after December 31, 1986.

Written comments and requests for a public hearing must be delivered or mailed by February 29, 1988.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-101-86) Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Beverly A. Baughman of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, Attention: CC:LR:T (202-566-3297, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** amend the Income Tax Regulations (26 CFR Part 1) under section 706.

For the text of the temporary regulations see T.D. 8169 published in the Rules and Regulations portion of this issue of the **Federal Register**. The preamble to the temporary regulations explains the addition to the regulations.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Although this document is a notice of proposed rulemaking the solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Gail H. Morse of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of both substance and style.

Lawrence B. Gibbs,

Commisioner of Internal Revenue.

[FR Doc. 87-29774 Filed 12-24-87; 9:09 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Reopening of Public Comment Period; Proposed Amendment VII; North Dakota Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Reopening of public comment period.

SUMMARY: OSMRE is reopening the period for review and public comment on an amendment submitted by the State of North Dakota to modify its permanent regulatory program. On April 14, 1987 (52 FR 12002), OSMRE announced a public comment period and procedures for requesting a public hearing on the proposed amendment to the North Dakota permanent program which was approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consisted of modifications to North Dakota Administrative Code (NDAC) Article 69-05.2 on performance bonds and liability insurance, postmining land use, and signs and markers. On September 23, 1987 (52 FR 35735), OSMRE reopened the comment period to allow the public an opportunity to comment on additional materials relating to the proposed amendment submitted August 24, 1987 by North Dakota in response to an issue letter from OSMRE July 27, 1987.

OSMRE is again reopening the comment period to allow the public an opportunity to comment on additional material relating to the proposed amendment submitted December 14, 1987 by North Dakota in response to an issue letter from OSMRE December 10, 1987.

This notice sets forth the times and locations that the proposed amendment as modified is available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment and information pertinent to the public hearing.

DATES: Written comments, data or other relevant information not received on or before 4:00 p.m. on January 13, 1988 will not necessarily be considered.

ADDRESSES: Written comments should be mailed or hand-delivered to Mr. Jerry R. Ennis, Director, Office of Surface Mining Reclamation and Enforcement, Casper Field Office, Federal Building, 100 East "B" Street, Room 2128, Casper, Wyoming 82601-1918

The public hearing, if requested, will be held at the North Dakota Capitol Building, Bismarck, North Dakota 58505.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry R. Ennis, Director, Office of Surface Mining Reclamation and Enforcement, Casper Field Office, Federal Building, 100 East "B" Street, Room 2128, Casper, Wyoming 82601-1918; Telephone: (307) 261-5776. Copies of the North Dakota program amendment, the North Dakota program, and the administrative record on the North Dakota program are available for public review and copying at the OSMRE offices and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Administrative Record, 1100 L Street NW., Room 5131, Washington, DC 20240.

Office of Surface Mining Reclamation and Enforcement, 100 East "B" Street, Room 2128, Casper, Wyoming 82601-1918.

North Dakota Public Service Commission, Reclamation Division, Capitol Building, Bismarck, North Dakota 58505.

SUPPLEMENTARY INFORMATION:

I. Background

Information concerning the general background on the permanent program, general background on the State program approval process, general background on the North Dakota program submission, Secretary's findings, disposition of public comments and Secretary's decision of conditional approval can be found in the December 15, 1980 **Federal Register** (45 FR 82214). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 934.10, 934.10, 934.12, 934.13, and 934.15.

II. Proposed Amendment

On February 17, 1987, the State of North Dakota submitted to OSMRE an amendment to its approved permanent regulatory program. The amendment consisted of revisions to the approved North Dakota regulations. The amended section of the regulations and brief description of the amended subject area is as follows: Section 69-05.2-12 performance bonds—liability insurance; section 69-05.2-13-04 performance standards—general requirements—signs and markers; and section 69-05.2-23 performance standards—postmining land use.

OSMRE is seeking comment on whether North Dakota's proposed revisions to its regulations are in accordance with SMCRA and no less effective than the requirements of the revised Federal regulations and satisfy the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17.

The full text of the proposed program and modifications submitted by North Dakota for OSMRE's consideration are available for public review at the addresses listed.

During review of this amendment, OSMRE identified several concerns. OSMRE notified North Dakota of these concerns by letter dated July 27, 1987, and again December 10, 1987.

By letters received August 24, 1987 and December 14, 1987 North Dakota outlined its proposed remedies to meet OSMRE's concerns. The full text of these letters are available for review at the locations listed above under "addresses." OSMRE is now seeking comment on the December 14, 1987 response from North Dakota.

List of Subjects in 30 CFR Part 934

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Raymond L. Lowrie,

Assistant Director, Western Field Operations, Office of Surface Mining Reclamation and Enforcement.

Date: December 22, 1987.

[FR Doc. 87-29767 Filed 12-28-87; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5-87-080]

Drawbridge Operation Regulations; Anacostia River, Washington, DC

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of CONRAIL, the Coast Guard is considering amending the regulations governing the

operation of the vertical lift railroad bridge across the Anacostia River, at mile 3.4, in Washington, DC. The proposal would require eight hours advance notice for all bridge openings from October 1 through March 31 and for bridge openings on weekdays, other than Federal Holidays, between the hours of 11:00 p.m. to 7:00 a.m., from April 1 through September 30. This eliminates the need to have a person constantly available to open the draw during a time of the year when few vessels transit the river. It should provide for the reasonable needs of navigation.

DATE: Comments must be received on or before February 12, 1988.

ADDRESSES: Comments should be mailed to Commander (oan), 431 Crawford Street, Fifth Coast Guard District, Portsmouth, Virginia 23704–5004. The comments and other materials referenced in this notice will be available for inspection and copying at 431 Crawford Street, Room 507, Portsmouth, Virginia. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, (804) 398–6222.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Fifth Coast Guard District will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Linda L. Gilliam, Project Officer, and CDR Robert J. Reining, Project Attorney.

Discussion of Proposed Regulations

In December 1986, CONRAIL requested that the regulations for the railroad bridge be amended to restrict the openings of the bridge at all times between October 1 through March 31 and between 11:00 p.m. and 7:00 p.m. between April 1 through September 30. During these timeframes the bridge would only open if eight hours advance notice was given.

The current regulations in 33 CFR 117.253 require the railroad bridge to open on signal on weekdays, between 10:00 a.m. to 8:00 p.m. and at all times on Saturdays, Sundays, and Federal Holidays from April 1 to September 30. The draw is only required to open on signal on the hour from 8:00 a.m. to 10:00 a.m., on Mondays through Fridays, other than Federal Holidays, from April 1 through September 30, and from 10:00 a.m. to 6:00 p.m., on Saturdays, Sundays, and Federal Holidays, from October 1 through March 31. At all other times the draw is required to open on signal, if at least two hours notice is given.

The requested change increases the hours on weekdays during the boating season when the bridge is required to open on signal. If adopted, the bridge will be required to open on signal three hours earlier in the mornings and three hours longer in the evenings. The proposal eliminates the hourly openings during the nights on weekdays during the boating season and during the day on Saturdays, Sundays, and Federal Holidays during the late fall and winter months. The proposal also changes time required for advance notice from two hours to eight hours. The logs submitted by CONRAIL show that from October 1, 1985, through March 31, 1986, the bridge only opened a total of 50 times, an average of approximately 8 times a month. During the evenings from April 1, 1986, through September 30, 1986, the bridge opened 42 times. Based on this information, CONRAIL requested the elimination of the opening schedule for the winter months and the evenings during the boating season. They argue that there is insufficient waterway traffic to justify manning of this span on a continual basis all year round. They feel it would be more cost effective to provide a drawtender when eight hours advance notice is provided for openings during the evening hours of the boating season and during the winter months.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnnecessary. Because of the infrequent openings during the winter months and the evening hours of the boating season, the economic impact should be minimal. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 is amended to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).)

2. Section 117.253(b) is revised to read as follows:

§ 117.253 Anacostia River.

* * * * *

(b) The draw of the CONRAIL bridge, mile 3.4, shall open as follows:

(1) On signal on Saturdays, Sundays, and Federal holidays from April 1 through September 30.

(2) On signal on weekdays, which are not Federal Holidays, between 7:00 a.m., and 11:00 p.m., from April 1 through 30 September.

(3) On signal, if at least eight hours notice is given, at all other times.

(4) On signal at all times for public vessels of the United States, state and local government vessels, commercial vessels, and any vessel in an emergency involving danger to life or property.

Dated: December 8, 1987.

A. D. Breed,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 87–29755 Filed 12–28–87; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[General Docket 87–551; FCC 87–375]

Radiofrequency Radiation Compliance of FM Booster Stations

AGENCY: Federal Communications Commission (FCC).

ACTION: Proposed rule.

SUMMARY: This item proposes to amend Part 1 of the Commission's Rules to add FM booster stations, licensed under Part 74, Subpart L, to the category of transmitters to which § 1.1307(b) applies. Section 1.1307(b) specifies that certain classes of transmitters must be analyzed for their potential to cause significant human exposure to radiofrequency (RF) radiation. This item is a direct result of the Commission's recent *Report and Order* in MM Docket 87–13 allowing significantly higher operating powers for this class of stations. The present proceeding is a consequence of the Commission's responsibilities under the National Environmental Policy Act of 1969 to evaluate environmental impact from FCC-regulated facilities.

DATES: Interested parties may file comments on or before February 8, 1988, reply comments on or before February 23, 1988.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Cleveland, Office of Engineering and Technology, FCC, telephone (202) 653–8169.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, General Docket 87–551, FCC 87–375, Adopted December 1, 1987, and Released December 17, 1987.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making

FM booster stations are a special class of FM translators that provide service to areas normally unable to receive satisfactory service from the full service stations due to terrain obstructions. Until recently such stations were limited to output powers of 10 watts or less. On July 16, 1987, (published in the **FEDERAL REGISTER** April 20, 1987, 52 FR 31398) the Commission adopted a *Report and Order* amending Part 74 of the FCC's Rules to permit substantial increases in the output power of FM booster stations. The new rules went into effect on September 21, 1987.

FM translators, licensed under Part 74, Subpart L, were previously categorically excluded from the requirement for evaluation of environmental radiofrequency radiation specified in § 1.1307(b) of the Commission's Rules. This exclusion was based primarily on the low power limitation for these transmitters. However, now that this power limitation has been relaxed, the Commission is proposing to revoke the categorical exclusion for this class of transmitting facilities. Although, in general, it is unlikely that these stations would cause excessive environmental exposures, the Commission no longer believes that a categorical exclusion is justified.

Initial Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, it is certified that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities since the proposed rule is designed to provide for compliance with environmental requirements while simultaneously minimizing burden on applicants. It is expected that relatively few applicants would have an environmental problem that would lead to significant impact.

Paperwork Reduction Act

The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose new or modified requirements or burden upon the public. Implementation of any new or modified requirement or burden will be subject to approval by the Office of Management and Budget as prescribed by the Act.

Ex Parte

This is a non-restricted notice and comment rule making proceeding. *See* § 1.1231 of the Commission's rules, 47 CFR 1.1231, for rules governing permissible *ex parte* contacts.

Ordering Clauses

Accordingly, IT IS ORDERED that there is hereby instituted a *Notice of Proposed Rule Making* in this proceeding to amend Part 1 of the Commission's Rules and Regulations as set forth below. All interested persons may file comments on this specific proposal on or before February 8, 1988. Reply comments shall be filed on or before February 23, 1988. In accordance with § 1.1419, an original and five (5) copies of all filings shall be furnished to the Commission. Copies of comments and reply comments filed in this proceeding will be available for public inspection during regular business hours in the Commission's Reference Room at 1919 M Street, NW., Washington, DC 20554.

List of Subjects in 47 CFR Part 1

Practice and procedure, National Environmental Policy Act, Radiofrequency radiation.

Proposed Rule Changes

It is proposed to amend Part 1, Subpart I, of Title 47 of the Code of Federal Regulations as follows:

PART 1—PRACTICE AND PROCEDURE

The authority citation for Part 1 continues to read:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; implement, 5 U.S.C. 552, unless otherwise noted.

In § 1.1307, it is proposed that the note in paragraph (b) be revised as follows:

§ 1.1307 Actions which may have a significant environmental effect, for which environmental assessments (EAs) must be prepared.

* * * * *

(b) * * *

Note—Paragraph (b) shall only apply to facilities and operations licensed or authorized under Parts 5, 25, 73, and 74 (Subparts A, G, and L only). Facilities and operations licensed or authorized under other Parts or Subparts of the Commission's Rules shall be categorically excluded from consideration under paragraph (b) unless such exclusion is superseded by actions taken by the Commission under the provisions of paragraphs (c) or (d) of this section.

* * * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–29801 Filed 12–28–87; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking; Vehicle Rollover Resistance

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: The agency denies a petition for rulemaking submitted by Senator Timothy E. Wirth regarding vehicle rollover resistance. Senator Wirth petitioned the agency to: (1) Initiate rulemaking to establish a Federal motor vehicle safety standard to limit the rollover propensity of passenger cars, utility vehicles and pickup trucks, by requiring that those vehicles have a "stability factor" equal to or exceeding a specified minimum value; (2) open a

BEST COPY AVAILABLE

defect investigation of those existing vehicles whose stability factor is less than the minimum required by the standard requested above, to determine whether such vehicles should be retrofitted with roll cages; (3) obtain stability factor and rollover information for all vehicles sold in this country and make that information available to the public; and, (4) warn owners of vehicles with the greatest propensity for rollover of the operational limits of their vehicles and inform them of the steps they can take to prevent death and injury from a vehicle rollover.

NHTSA is denying Senator Wirth's request to establish a rollover safety standard because the agency has determined that, while there is a significant rollover problem and while a vehicle's stability factor has some relation to its overall involvement in rollover accidents, basing an effort to address the rollover problem on the stability factor alone is too narrow and inappropriate an approach. The order requested by the petitioner would neither adequately encompass the causes of vehicle rollover nor satisfactorily ameliorate the problem. Further, such an order might induce manufacturers to take actions that in some instances could have a net adverse effect on safety. Such an order could even result in outlawing all or most of an entire vehicle type. The agency believes it may be appropriate to consider rulemaking on vehicle rollover characteristics when its ongoing and planned research relating to stability and other aspects of the problem is completed.

The agency will respond to the petitioner's second request, the one for a defect proceeding, in a separate notice.

The agency is denying the petitioner's third request, i.e., to publish stability factor and rollover information. The agency does not agree with the petitioner that the stability factor alone is an accurate predictor of rollover involvement. Thus, the agency does not believe that this information will prove instructive to consumers.

However, the agency believes that the petitioner's fourth request has merit and accordingly has published an informational brochure that provides utility vehicle owners with safety information on the handling characteristics of their vehicles.

FOR FURTHER INFORMATION CONTACT:
Mr. Scott Shadle, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. Telephone (202) 366–5273.

SUPPLEMENTARY INFORMATION:

Petition for Rulemaking

In September 1986, Senator Timothy E. Wirth petitioned NHTSA to commence rulemaking and take over actions regarding the subject of vehicle rollover resistance. More specifically, the petition asked the agency to:

(1) Initiate rulemaking to establish a Federal motor vehicle safety standard to limit the rollover propensity of passenger cars, utility vehicles and pickup trucks, by requiring that those vehicles have a stability factor (petitioner defines "stability factor" as one-half of a vehicle's track width divided by the height of the vehicle's center of gravity; or T/2/H, where T is track width and H is center of gravity height) that equals or exceeds a specified minimum value;

(2) Open a defect investigation of those existing passenger cars, utility vehicles and pickup trucks whose stability factor is less than the minimum required by the standard requested above, to determine whether such vehicles should be retrofitted with roll cages, etc.;

(3) Obtain stability factor and rollover information for all vehicles sold in this country and make that information available to the public; and,

(4) Warn owners of vehicles with the greatest propensity for rollover of the operational limits of their vehicles and inform them of the steps they can take to prevent death and injury from a vehicle rollover.

The justification in the petition for these requests is based heavily on a research report by Leon Robertson and A. Benjamin Kelley, regarding the relationship between a vehicle's physical characteristics and the vehicle's involvement in rollover accidents. In their May 1986 report, "The Role of Stability in Rollover-Initiated Fatal Motor-Vehicle Crashes Under On-Road Driving Conditions," Robertson and Kelley studied whether there was a relationship between the physical stability measurements of 14 different vehicles and the rollover rates for those vehicles. The authors studied on-road crashes, and included in their data set "those [crashes] in which a rollover of the vehicle alone was the first harmful event, those in which no other vehicle was involved but the vehicle did not initially roll over, and multiple-vehicle collisions in which the vehicle did not initially roll over." (*Id* 34) The crash records were obtained from files from the Fatal Accident Reporting System (FARS), for years 1981–1984. (FARS, a system developed and managed by NHTSA, is a census of data on all fatal traffic accidents within the United States, District of Columbia and Puerto Rico.)

Robertson and Kelley stated that they found a strong correlation between the stability values of the vehicles they studied and the vehicles' "rollover-initiated" fatal crash rates. According to the authors, the stability factor accounted for almost two-thirds (63 percent) of the variation in percent rollovers among the vehicles studied. The authors concluded that "percent rollover is a linear function of vehicle stability" (*id*, 17)—i.e., vehicles with the lowest stability values (such as some types of utility vehicles) "rollover more than vehicles with higher measures because they are * * * designed in defiance of the laws of nature."

In his petition, Senator Wirth relied heavily on the indexed stability values of the Robertson and Kelley report to argue for an "objective standard" reducing the likelihood of vehicle rollovers. The petitioner stated that the study isolated the "cause" of rollover and provided a basis for an objective and practicable safety standard. The petitioner suggested that study has thus solved what he characterized as the longstanding obstacle to setting a standard addressing rollover tendencies, i.e., the lack of repeatability found in past explorations of vehicle handling tests. The petitioner suggested that NHTSA consider Robertson and Kelley's findings and prescribe a stability factor of 1.20 "as the minimum standard acceptable level of stability." (No particular value for a stability factor is recommended in Robertson and Kelley's report. The petitioner apparently selected the 1.20 stability value because it falls in between the range of values (1.01 to 1.10) for vehicles found in the report to have excessive involvement in rollover-initiated fatal crashes and the range of values (1.21 to 1.62) for the vehicles found in the report to have lower "rollover contribution to fatal crashes.")

Agency Response to Request for Rollover Safety Standard

After receiving Senator Wirth's petition, the agency commenced a thorough review of its requests and underlying justification. The agency carefully considered the petitioner's request for the issuance of a new safety standard to address the rollover problem. As part of this effort, the agency evaluated the methodology and conclusions of the Robertson and Kelley report and supplemented that work by making its own analysis of separate and larger samples of vehicles.

NHTSA has been especially concerned with rollover crashes due to the high injury and fatality rates associated therewith, and believes that it would be desirable to ameliorate the rollover problem through reasonable and practicable means. Rollover and other vehicle stability problems were identified in the agency's May 1987 report to Congress on "Light Truck and Van Safety." The agency noted in the report that:

> Pickup trucks and multipurpose passenger vehicles have higher fatality rate in rollovers than cars. Multipurpose passenger vehicles have three times the normalized fatality rate of all vehicles. Rollovers account for 44 percent of all light truck deaths, the single largest category for such vehicles. This is compared to rollovers representing only 23 percent of passenger car fatalities.

The report also discussed agency efforts to ameliorate those problems.

The agency has several planned activities specifically relating to rollover accident data gathering and the safety of certain special vehicle types, including the crashworthiness of open-body type utility vehicles, and the stability of light trucks and utility vehicles with modified suspensions. In addition, NHTSA is developing a research plan to address the stability of all types of light duty vehicles. A summary of all these ongoing and planned activities is discussed below in the section of the preamble entitled "Future agency action."

However, based on its careful consideration of the petitioner's request for a new standard, NHTSA has determined that this request should be denied since there is not a reasonable possibility that the requested new standard would be issued at the conclusion of a rulemaking proceeding. The agency does not believe that taking the single step of prescribing a minimum stability factor is the appropriate solution to the multifaceted problem of vehicle rollover.

Before discussing its evaluation of the petition's merits, the agency wishes to emphasize a few points about Senator Wirth's petition and NHTSA's denial thereof. First, this notice deals with an assumption or hypothesis that has been made by the petitioner regarding the relationship of stability factors to rollover crashes. Because the petitioner requests a course of action that is premised on the validity of this assumption, it has been necessary for the agency to determine whether that assumption is indeed valid.

More specifically, the key issue in the agency's evaluation is whether a vehicle's stability factor has been shown to be so intrisically related to rollover that all vehicles with certain "low" stability values should be considered inherently unstable and "designed in defiance of the laws of nature" (page five of the petition, quoting from Robertson and Kelley, page 36), and their manufacture should therefore be prohibited. This is not simply a technical matter, since prohibiting an entire class of vehicles raises issues of statutory authority, as discussed below in the section entitled "Statutory consideration."

Second, it should also be noted that the discussion and analyses that follow are in some cases limited to utility vehicles. ("Utility vehicles' are defined in 49 CFR 575.105 as multipurpose passenger vehicles (other than those which are passenger car derivatives) with special features for occasional off-road operation and a wheelbase of 110 inches or less.) There are two reasons for this approach. One is that although the petition requests a standard of general applicability that would be applicable to all light duty vehicles, it is clear from the petition that Senator Wirth focuses his concern on utility vehicles. The other is that it was appropriate in the agency's analysis of data from the Fatal Accident Reporting System (the FARS analysis, described below in the section entitled "Agency analyses of larger data samples) to consider only one class of vehicle in evaluating the effects of vehicle factors. This is because the rate of a vehicle's accident involvement in various accident modes is related to the basic design characteristics of the vehicle, which in turn, reflect the function for which it was designed.

NHTSA has further determined that the conclusions made about the role of the stability factor in rollover accidents resulting from its analyses of utility vehicles are also applicable to passenger cars and light trucks, i.e., the other classes of vehicles for which the petitioner requests a proscribed stability factor. The agency is aware of no information which would indicate that conclusions made from an analysis of utility vehicles concerning the stability factor are inappropriate as regards the other vehicle types. In fact, NHTSA's analysis of state accident data (the CARDfile analysis, described below in the section entitled "Agency analyses of larger data samples) did not indicate any differences between the effect of the stability factor on utility vehicles versus passenger cars as regards the rate of rollover accident involvement.

Evaluation of Robertson and Kelley

The agency is unable to agree with the petitioner that the Robertson and Kelley report "isolates the cause of rollover," or that it shows that a vehicle's stability factor is an appropriate or accurate predictor of vehicle rollover accident involvement. As will be discussed below, the agency's analyses indicate that the stability factor is a good predictor of rollover involvement if it is applied to a subsample of particular, individual vehicles, each of which has already been involved in a single vehicle accident, and used to predict which of them rolled over during its accident. However, the analyses also show that the stability factor is not nearly as effective in predicting rollover involvement when it is applied to a sample of vehicles, none of which has been involved in an accident, and used in an effort to predict which of them will become involved in a rollover accident. The reason for the lower predictive capability in the second instance is that the stability factor does not take into consideration the full array of vehicle characteristics that contribute to a vehicle's becoming involved in an accident which includes rollover. Stated differently, the stability factor explains nearly all the variance in the rollover accident involvement of vehicles that have already become involved in a single vehicle accident. However, it explains very little of the variance of different vehicles' becoming involved in those single vehicle accidents. Thus, it is not a valid predictor of the overall risk of rollover.

The stability factor does not take into consideration such chassis and suspension variables as wheelbase, kinematic and compliance characteristics of suspensions, and spring and shock absorber characteristics. Those characteristics are related to accident involvement. The propensity of vehicles to become involved in rollover accidents appears to be a function of both vehicle parameters related to a vehicle's directional control and stability and vehicle parameters related to a vehicle's rollover stability. In some cases, some of these vehicle parameters may influence both directional and rollover stability and in other cases, parameters related to one type of stability may be covariant with parameters related to the other, leading to a synergistic effect on a vehicle's overall rollover accident involvement. The agency believes that until the influences of and interactions between these factors are better understood, it would be inappropriate to initiate rulemaking in this area.

NHTSA has prepared a technical evaluation of the Robertson and Kelley study, which has been placed in Docket

PRM–MP 004. The following discussion provides only a brief summary of the detailed findings of the evaluation.

Similar to other statistical studies, the Robertson and Kelley analysis of utility vehicle rollovers strives to find patterns among seemingly varied data. In such a study, the researchers hope that patterns emerging from a systematic treatment of information can yield a better understanding of the reasons for the occurrence of a particular phenomenon. By their nature, statistical reports such as the Robertson and Kelley investigation draw inferences from the particular to the general. Robertson and Kelley endeavored to generalize about the role of stability in rollover accidents, by drawing inferences from the associations they found between stability and rollover involvement, for the sample of vehicles they selected to study.

Importance of representative sample: Since the authors made inferences from the sample of studied vehicles to the population of vehicles in the real world, it was important that the *sample* of vehicles selected for study be representative of the relevant larger population of vehicles. The agency does *not* believe that the sample selected for study, comprising three older utility vehicles and 11 older passenger cars, is representative of the real-world vehicle population or of current production vehicles. If the sample had been more representative of the recent or current vehicle population and had included more diverse types of utility vehicles such as the Ford Bronco II, post-1977 Ford Bronco, Chevrolet S–10 Blazer and Jeep Cherokee and Wagoneer, and included a representative sample of passenger cars in different size categories, for example, sub-compacts such as the Datsun B210, Toyota Corolla, Honda Civic and Volkswagen Rabbit, then it would have been more likely that the observations about the characteristics of the sample could have imparted helpful information about the role of the stability factor in real-world rollover crashes. (All of these listed models were included in either the agency's CARDfile analysis or its FAR analysis.) However, the sample in the Robertson and Kelley study was not so inclusive, making it is less likely that the inferences made about the parent population are valid. The unrepresentativeness of the cluster resulted in the clumps of data discussed below in the immediately following section.

Agency Analyses of Larger Data Samples

NHTSA performed several analyses of accident data to examine the influence of stability factor on rollover accident involvement. The agency examined an accident datafile (Crash Avoidance Research Data (CARD) file) comprising information derived from state police accident reports on eight utility vehicle models and 19 passenger cars. These vehicles sampled were selected to span the complete range of stability factors from large domestic passenger cars to utility vehicles. In addition, NHTSA also analyzed utility vehicle rollovers using data from the Fatal Accident Reporting System (FARS). In this latter analysis, the agency examined 1981 through 1985 FARS data and selected single vehicle accidents involving at least one occupant fatality, and single vehicle accidents that involved rollover as the first or subsequent event.

The results of the agency's CARDfile and FARS analyses confirmed the findings of the Robertson and Kelley report that there is a linear trend of stability factor versus rollover accident involvement. However, the results could not support the conclusions made by Robertson and Kelley or the recommendations made by the petitioner. Contrary to the impression created by the very limited sample used in the Robertson and Kelley report, graphing the stability factor versus rollovers per single vehicle accident (RO/SVA) rate for the population of passenger car and utility vehicle models included in the CARDfile analysis does not produce two distinct clusters of data points, one cluster for a group of vehicles with high stability factors and low RO/SVA rates and the other for a second group with low stability factors and high RO/SVA rates. Instead, the data points for the various vehicles are spread continuously and gradually across a wide range of stability factor values. Thus, the agency's analyses indicated that, contrary to the supposition of the petition, there is no obvious value above which a stability factor described a "safe" vehicle and below which the factor described an "unsafe" vehicle. Even if there were such an obvious value, the agency would still be confronted with the issues discussed below under "Statutory consideration."

Based on its analyses, the agency has determined that while a vehicle's stability factor can reasonably predict whether a vehicle which is already involved in a single vehicle accident will roll over, it does not accurately determine its likelihood of becoming involved in an accident that includes rollover. The agency has also determined that regulating the height and width of a vehicle is not, by itself, a reasonable means of addressing the rollover accident problem. By this statement, the agency does not intend to imply that the stability factor has an insignificant role in rollover involvement. Instead, the agency has determined that the available information indicates that a vehicle's stability factor is but *one* factor among many others affecting rollovers. The results from the agency's FARS analysis appeared to be consistent with findings from other studies indicating that there may be significant factors related to the directional control and stability characteristics of vehicles which may significantly influence the rollover accident involvement of vehicles (e.g., Malliaris, et al., "Problems in Crash Avoidance and in Crash Avoidance Research," March 1983; Dynamic Research, Inc., "Engineering Interpretation of Passenger Vehicle Accident Data," September 1986; Allen, et al., "Validation of Tire Side Force Coefficient and Dynamic Response Analysis Procedures: Field Test and Analysis Comparison of a Front Wheel vs. a Rear Wheel Drive Subcompact," February 1986; Forrest M. Council and Donald W. Reinfurt, "Safety Issues Related to Mini-cars from a Roadway Perspective," February 1987). Malliaris, et al. found that the likelihood of a rollover occurring in a single vehicle accident is dependent upon a vehicle's pre-crash condition. More than one-half of the vehicles involved in the rollover accident data reviewed in that study were sliding sideways prior to rolling over. The study concluded that the likelihood of different vehicles to be sliding sideways during a single vehicle accident varied from one vehicle type to another. Council and Reinfurt concluded that while the stability factor was related to rollover propensity,

> * * * it is not the sole indicator of the vehicle's propensity to roll. There exists an inherent resistance of vehicles to roll which must be a function of certain other vehicle parameters which are yet to be defined.

The agency plans to investigate accident data further in an attempt to determine which vehicle characteristics would tend to increase the likelihood that a vehicle will be involved in the accident mode (e.g., sliding sideways) where the chances of a rollover are increased. The Malliaris findings indicate that the effects of various vehicle characteristics on directional stability appear to be extremely important in determining the likelihood of a vehicle's being involved in a rollover. Yet, neither the nature of these effects nor those of other factors influencing rollover accident involvement are sufficiently understood at this time.

Statutory Consideration

The agency identified another significant concern in its evaluation of this petition. The adoption of the stability factor requirement could contravene section 103(f)(3) of the National Traffic and Motor Vehicle Safety Act which provides that the Federal motor vehicle safety standards must be reasonable and appropriate for each vehicle type to which they apply. In *Chrysler Corporation* v. *Department of Transportation*, 472 F.2d 659, at 679 (1972) (regarding the agency's first automatic restraint requirement for passenger cars), the United States Court of Appeals for the 6th Circuit stated the implications of that section:

> * * * that safety standards shall take into consideration different c'asses of vehicles, such as small cars, sports cars, or convertibles, and that standards shall not be used as a device to bring about their extintion, is made clear from the Act's legislative history:
>
> "[I]n determing whether any proposed standard is 'appropriate' for the particular type of motor-vehicle equipment or item of motor-vehicle equipment for which it is prescribed, the committee intends that the Secretary will consider the desirability of affording consumers continued wide range of choices in the selection of motor vehicles. Thus it is not intended that standards will be set which will eliminate or necessarily be the same for small cars or such widely accepted models as convertibles and sports cars, so long as all motor vehicles meet basic minimum standards." S. Rept. 1301, 2 U.S. Code, Cong. & Admin. News, 2714 (1966).

Since few existing utility vehicles have a stability factor exceeding 1.2, adoption of the stability factor requirement would require that almost all utility vehicles be changed. In many cases, those changes could be substantial and have adverse safety effects. The necessity of increasing a vehicle's stability factor might very likely induce its manufacturer to lower the center of gravity by reducing the weight of the structure surrounding the sides and top of the occupant compartment or by reducing ground clearance. The net effect of the former modification might be to make the utility vehicles less safe. For example, the elimination of roof structure or roll cages (which the petitioner claims the agency should require on vehicles with "low" stability factors) would increase the stability factor but decrease the vehicle's crashworthiness. The latter modification might severely reduce the capability of utility vehicles to perform their intended off-road occupational and recreational functions; in essence banning this type of vehicle. Particularly because of the latter type of effect, the agency believes that it should expand its search for solutions beyond the stability factor to include, for example, consideration of methods for reducing the likelihood that vehicles will become involved in the type of pre-rollover events like sliding and spinning which significantly increase the possibility of rollover.

Agency Decision

Based on the foregoing discussion, NHTSA believes it is untimely and unreasonable to promulgate a safety standard for rollover resistance based on the current state of knowledge about the problem. Therefore, because NHTSA has concluded that the approach the petitioner suggested, with its exclusive focus on the stability factor is not a satisfactory answer to the vehicle rollover problem, and since there is currently insufficient knowledge about vehicle crash avoidance performance on which to base a standard for vehicle rollover resistance, Senator Wirth's petition for rulemaking is denied.

NHTSA is in the midst of active research, as discussed in its May 1987 report to the Congress, and is planning other activities to address the issue of directional and rollover stability of light duty vehicles, including utility vehicles. The currently completed portion of the research plan is outlined below. The agency is confident that valuable information will be obtained from these and other research efforts. As more information becomes available, NHTSA believes the underlying factors contributing to rollover will be sufficiently understood and that a reasonable approach addressing the rollover problem can be achieved.

Future Agency Action

As described in NHTSA's Light Truck and Van Safety report, the agency has developed a research agenda that emphasizes areas where there appears to be a major safety problem susceptible to improvement and areas where promising measures for improved safety already exist. Areas that specifically relate to the rollover issues raised in the agency's evaluation of Senator Wirth's petition for rulemaking include the following:

- *Stability and Control of Light Trucks and Multipurpose Passenger Vehicles During Braking.* NHTSA has implemented a program to investigate the extent to which vehicle instability (due to factors such as unbalanced braking, center of gravity height, and suspension roll stiffness) results in loss of control and, ultimately, in rollover. A range of light, medium and full-sized pickup trucks and multipurpose passenger vehicles will be analyzed by computer simulation and full scale testing. This program has already begun, and NHTSA anticipates it will be completed in 1989.
- *Rollover Performance of Light Trucks.* NHTSA will conduct a series of dynamic rollover tests to evaluate roof structures and ejection prevention. NHTSA will examine accident data to determine the conditions under which rollover crashes resulting in serious injuries occur. Test devices and procedures will be evaluated during the next 12 months, and results from the rollover tests will be evaluated over the following two years.
- *Light Truck Accident Data Analysis.* The agency is analyzing the safety of various sizes and types of light trucks in different crash modes. Compact pickup, standard pickup, compact van, standard van, and multipurpose passenger vehicle categories are being analyzed in front, rear, side and rollover crash modes. Data from FARS and NASS, as well as from several state accident data files will be analyzed to gain a more complete picture of light truck safety problems.

In addition to these rsearch efforts, the following are other programs that specifically address rollover accidents and related vehicle factors:

- *Rollover, Braking, and Dynamic Stability-Modified Suspension Vehicles.* NHTSA will undertake research to determine the effects that modifications to a vehicle's center of gravity height have on the vehicle's rollover, braking and directional stablity. One of the vehicles to be tested during this program will be a utility vehicle.
- *Maryland Single Vehicle Rollover Study.* Over the next year, the Maryland State Police will collect greatly expanded pre-crash documentation and crash data on 2800 single vehicle rollover accidents.
- *Crashworthiness Research.* The accident data for utility vehicles indicate that the fatality rates for utility vehicles are much higher than those for other vehicle classes. These data also show, however, that utility vehicles overall are not involved in more accidents, and for accidents of all levels of severity, do not produce more injuries. However, utility vehicle

VOL 52 ISS 249 DEC 29 1987 UMI

accidents to result in greater numbers of severe injuries and fatalitites compared to other vehicle classes. This seems to be due both to the relative numbers of certain types of high injury producing accidents in which they are involved (e.g., rollovers) and the relatively higher numbers of severe injuries and fatalities that result from other types of accidents. Because these data indicate that the high fatality rates for utility vehicles may be partly explained by the crashworthiness of the vehicles, the potential benefits of improving the crashworthiness of utility vehicles, particularly in rollover accidents, will be reviewed by the agency. For the most part, this activity is part of the Rollover Performance of Light Trucks program that was mentioned above. However, NHTSA is considering focusing effort on addressing the peculiar issue of rollover crash protection for those utility vehicles that do not have a permanent roof structure. Further, NHTSA will evaluate the effectiveness of roll bars and roll cage structures that are installed on a vast majority of current utility vehicle models. The evaluation will involve analyzing accident data and dynamic rollover testing of vehicles.

The agency is also in the process of developing a work plan that will identify and resolve safety related problems dealing with light duty vehicles (i.e., passenger cars, light trucks and vans, and multipurpose passenger vehicles) that become unstable, go out of control and become involved in crashes as a result of driver or environmental inputs or inherent response characteristics of the vehicle. The goal of the research plan is to provide a thorough understanding of safety relevant vehicle stability and control characteristics under extreme performance conditions. Under these conditions, tires lose or are on the verge of losing adhesion or coupling with the road surface, and directional instability, roll instability and loss of control are likely to occur. The rollover accident will be singled out for special attention in a major portion of the plan.

Agency Response to Petitioner's Other Requests

The petitioner requested other actions by the agency, three of which were related to the stability factor. The agency will address the petitioner's request for a defect proceeding in a separate notice. Because the agency has determined that the stability factor alone has not been shown to be an accurate or reliable predictor of rollover involvement, the petitioner's request for publication of stability factor information is also denied. Publication of such information could lead consumers to select vehicles which, while differing in stability factors, may have completely unrelated probabilities of rolling over while in use.

While the agency has too many reservations about the role of stability factors in rollover involvement to propose a stability fator standard or publish stability factor information, NHTSA agrees with Senator Wirth in his belief that information about the operational limits of utility vehicles provided to the present owners of those vehicles could improve motor vehicle safety. The petitioner urged NHTSA to inform the general public "on how to drive safely in [utility] vehicles."

The agency already requires manufacturers of certain new utility vehicles to affix a sticker in the vehicle and include information in the owner's manual alerting drivers of the particular handling and maneuvering characteristics of utility vehicles (49 CFR 575.105). Nevertheless, NHTSA agrees with the petitioner that consumers could benefit from an information brochure on utility vehicle handling characteristics and that the safety information should reach as many utility vehicle drivers as possible. Thus, consistent with the petitioner's concerns, the agency has published a consumer information brochure on utility vehcile safety. The brochure notes that there are differences between utility vehicles and passenger cars and explains that those differences cause utility vehicles to handle and maneuver differently. It notes that if a utility vehicle driver makes sharp turns or abrupt maneuves, there is a risk that the vehicle may roll over or go out of control. In view of the rollover risk, the brochure cautions utility vehicle occupants that it is perticularly important to wear a safety belt to prevent ejection and identifies features such as rollbars and rollcages as means of obtaining additional crash protection.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

(Secs. 103, 119, Pub.L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 40 CFR 1.50 and 501.8)

Issued on December 22, 1987.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 87–29739 Filed 12–23–87; 1:22 pm]

BILLING CODE 4910-59-M

49 CFR Parts 571 and 575

[Docket No. 85–15; Notice 5]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment; Consumer Information Regulations

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the headlighting requirements of Standard No. 108 by deleting certain external dimensions for sealed beam headlamps, lifetime requirements for sealed beam headlamps and standardized replaceable light sources, photometric requirements for headlamps designed to conform to SAE J579a, and certain durability requirements for headlamps. A new category would be added, headlamps without dimensional requirements. An on-vehicle mechanical aim alternative to existing off-vehicle mechanical aim is also proposed. Finally, the notice proposes a new consumer information regulation requiring headlamp part number information to be provided with the vehicle at the time of its delivery to its first retail purchaser. A notice of request for comments was published on these subjects in 1985.

DATES: Comment closing date for the proposal is March 28, 1988. The effective date of the final rule would be 30 days after its publication in the **Federal Register.**

ADDRESSES: Comments should refer to the docket number and notice number and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh St., SW., Washington DC 20590. Docket hours are from 8 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Richard Van Iderstine, Office of Rulemaking, NHTSA, (202–366–5280).

SUPPLEMENTARY INFORMATION: In the past 5 years, the proposal and adoption of additional headlighting systems and their light sources have constituted the major rulemaking actions with respect to Standard No. 108. In part, these actions have represented NHTSA's desire to move towards a more performance-oriented standard.

During this period, NHTSA has tentatively concluded that certain requirements of Standard No. 108 can be simplified or eliminated without compromising safety. In pursuing that conclusion, on October 22, 1985, NHTSA published a notice of Request for Comments that concentrated on certain areas of the headlighting requirements

of Standard No. 108 (50 FR 42735, with extension of comment time at 51 FR 1542 and correction at 51 FR 2536).

This notice of proposed rulemaking responds to the comments submitted on the October 1985 request, presents NHTSA's recommendations for short term simplification and elaborates on its rationale to support the premise that safety will not be compromised and that market forces will satisfactorily address a number of the elements of consumer satisfaction with headlighting systems.

I. Photometric Performance

The initial headlighting photometric requirements of Standard No. 108, effective Janaury 1, 1968, were those of SAE Standard J579a, August 1965. They remained the sole photometrics permissible for motor vehicles other than motorcycles until 1978 when the standard was amended to allow optional compliance with the photometrics of SAE Standard J579c, December 1974 (now December 1978). The principal difference between the two SAE requirements is the allowance of up to 100% more total candela on the upper beam of the J579c lamps. Also, the lower beam of a J579c lamp is aimed more to the left and has a higher intensity, and the upper beam is aimed higher. These differences proved of such benefit and interest to the consumer that, by the early 1980's, virtually all original equipment headlamps were those designed to conform to J579c; as a result, there is very little market today for even replacement headlamps designed to conform to J579a. As NHTSA commented in its 1985 notice, "The existence of three photometric requirements, one of which is for all practical purposes nearly obsolete, promotes unnecessary confusion and serves no apparent safety purposes." (50 FR 42739). The agency therefore has decided to propose the elimination of SAE J579a from Standard No. 108.

II. Elimination of Certain Dimensional Specifications

From its beginning, Standard No. 108 has incorporated by reference detailed SAE drawings prescribing dimensions for most types of sealed beam headlamps. More recently, in the absence of SAE references, detailed drawings have been directly incorporated into the Standard. These dimensions relate to the fit of the lamp into the housing, the size and shape of the lamp and retaining rings, seating plane lugs, electrical prongs, and headlamp mounting ring notches. The primary rationale for their incorporation has been to ensure compatibility between original and replacement equipment, so that proper replacement equipment shall be readily available, shall fit only in the proper receptacle to assure a photometrically correct system, and shall perform with the equivalence of the original lighting equipment.

Those who support dimensional specifications might argue that without them manufacturers of headlamps and associated components, and vehicles, will no longer have a common understanding of dimensional requirements to assure proper fitting of manufactured parts. Those who oppose dimensional requirements might reply that taillamps and other vehicle lamp dimensions are not regulated, that the marketplace will ensure an acceptable amount of commonality, and that dimensional specifications are not necessary for motor vehicle safety and are thus more properly the function of a non-governmental standards setting organization (such as the SAE where the sealed beam specifications originated). It should be noted that Standard No. 108 does not regulate dimensions relating to the size and shape of headlamps equipped with replaceable bulbs. NHTSA is unaware of any reason why headlamps with non-replaceable bulbs (e.g. integral beam headlamps, discussed below) should be treated differently. Since new types of sealed beam headlamps at the present time can only be allowed through the regulatory process, it can also be argued that dimensional requirements may impede technological progress.

In support of those who oppose dimensional requirements NHTSA has tentatively concluded that most dimensional specifications for new types of non-standardized headlighting systems are not necessary for motor vehicle safety. Accordingly, for existing standardized sealed beam headlighting systems, the agency is also proposing deleting dimensions that are not necessary for interchangeability. The agency believes that requirements necessary for interchangeability should be retained for these existing sealed beam systems in order to ensure that replacement headlamps manufactured after the effective date of the final rule will in fact fit. The agency is also proposing incorporating by reference SAE Standard J1383 APR85 *Performance Requirements for Motor Vehicle Headlamps* which retains only those dimensional requirements necessary for interchangeability, and deleting the SAE standards that are incorporated by reference in Tables I and III of Standard No. 108 which have been the source of excess dimensional requirements.

A new category of headlighting system is proposed, which would be known as an "integral beam headlighting system." It would not be required to have industry or Federally standardized dimensions, yet would be similar in concept to existing sealed beam headlighting systems. The integral beam headlamp would be defined as incorporating a lens, reflector and light source in an indivisible unit, but would not necessarily be "sealed" since this is a design related aspect. All new sealed beam systems would be treated as integral systems if this proposal is adopted. Essentially, the design of the size and shape of such a headlighting system would be left to the vehicle or lighting manufacturer. Since such dimensions of integral beam systems would not be standardized (as replaceable bulb headlamps are not standardized) vehicle manufacturers would be required to provide retail vehicle and other aftermarket headlamp purchasers with information necessary to maintain the vehicle's lighting in conformance with the Standard should lamp replacement be necessary. The photometric performance required of integral beam headlighting systems is proposed to be that prescribed by either SAE J579c (using either two or four headlamps per system), or Type F photometry of Figure 15 or 17 of Standard No. 108 (using two, four, or any even number of headlamps per system). The environmental performance required of this system would be that presently required of existing replaceable bulb headlighting systems, however if the lamp is of a "sealed" design, the manufacturer would be relieved of certifying compliance to certain performance requirements that do not apply to sealed lamps.

For aim retention upon lamp replacement the integral beam headlighting would be required to have a common aiming and mounting plane. This proposed common aiming and mounting plane would result in greatly reduced aiming error upon headlamp replacement. It would perform in much the same manner as the present standardized replaceable light source in that the lamp may be replaced with little effect on headlamp aim. This common aiming and mounting plane is presently specified for the most recently permitted sealed beam headlighting systems, Types F, G, and H.

To ensure mechanical aimability, the proposed integral beam systems would be required to have either aiming pads for use with existing off-vehicle mechanical aimers, or fiducial marks

with an integral on-vehicle aiming and mounting mechanism. The use of fiducial marks (as an option to present lens-mounted aiming pads) permits greater headlamp styling freedom, and can potentially provide better aim retention depending on the manufacturers' actual designs. The specification for fiducial marks would be a recognition that they are acceptable substitutes for the aiming pads that are presently found on the lenses of headlamps and are used for the purpose of determining photometric conformance to Standard No. 108, and for mechanical aiming purposes. As discussed in Section V below, the agency is proposing that this requirement for either aiming pads or fiducial marks would apply to new headlighting system designs of both integral beam and replaceable bulb types.

Because NHTSA would not specify the dimensions of integral beam headlamps, they would not be required to be interchangeable. They would, however, have to meet all headlamp performance requirements such as photometry, environmental degradation, and aimability. Thus, under the proposal, a manufacturer seeking to introduce a new integral beam system could do so without the necessity of petitioning for an amendment of Standard No. 108. A petition would be required only if the manufacturer sought a revision of performance specifications.

This proposal to forego regulation of size, shape, and interchangeability could conceivably result in most or all headlamps becoming uniquely designed for specific vehicles, a trend that has been seen with replaceable bulb headlamps. On the other hand, this freedom from regulated interchangeability may result in only a few new designs whose interchangeability would be based on the decisions of lighting or vehicle manufacturers. Or the end result could be a blend of the two. Since the introduction of replaceable bulb headlamps beginning with the 1984 model year, systems in which the interchangeability of the lens/reflector unit is unregulated, NHTSA is unaware of any replacement headlamps that have, in fact, proven incapable of interchangeability with original equipment lamps. Nonetheless, the agency seeks comments on this issue as it relates to the proposed integral beam headlighting systems.

Another aspect of this proposal is the change from a controlled review of new headlighting systems before introduction, to a less restricted review that does not include size, shape, and interchangeability. The present controlled review has delayed the time between development of new headlighting systems and their introduction in the market because of the necessity to file a petition for rulemaking, to have it considered internally by NHTSA, and to afford the public and industry an opportunity to comment on it before NHTSA's final review and publication of an amendment to Standard No. 108. One effect of this process is that of causing a modification of the system petitioned for into an implementable one that is essentially acceptable to all who have commented and who could be affected. NHTSA's proposal to eliminate that portion of the review pertaining to size, shape, and interchangeability and thus the need to petition for such changes, should allow the adoption of systems as originally petitioned for. The benefit would be greater flexibility for vehicle manufacturers in the styling of headlighting systems. Additionally, NHTSA could better direct resources towards areas of greater safety benefit. The effect of deletion of NHTSA's prior review of dimensional aspects would be the reduction of public and industry comment and influence of headlamp dimensions, and the uncertainty of the direction of industry when responding to this potential new freedom.

If the comments to the proposal mitigate against its adoption, manufacturers would have to continue to petition NHTSA for an amendment specifying the dimensions of each new headlighting system and any subsequent dimensional changes needed thereafter. NHTSA therefore seeks comments on the pros and cons of petitioning for design changes.

Finally, under a proposed amendment to Part 575, the consumer information regulation, vehicle manufacturers would be required to provide vehicle purchasers with parts number information for their particular vehicle if the vehicle's headlamp exterior dimensions are not prescribed either directly or indirectly by Standard No. 108. This would apply to all new headlighting systems, both integral beam and replaceable bulb types.

III. Life Expectancy of Headlamps

Standard No. 108 at present is regulatorily inconsistent, specifying average design life requirements for its standardized replaceable light sources, and two of its sealed beam systems, but not for the remaining five sealed beam systems designed to conform to SAE J579c. For regulatory consistency, this agency believes that the standard should either extend average design life requirements to all headlighting systems, or delete them for those presently covered. As the agency noted in its October 1985 notice, other options are to delete longevity requirements but require manufacturers to rate life expectancy on the bulb package, to require that the headlamp last the life of the vehicle, and to retain the existing requirements. The agency believes that the competitive forces of the marketplace will encourage manufacturers to maintain, or improve, the life-expectancy of light sources. Therefore the agency is proposing that all longevity requirements be deleted. However, because life of a light source has an influence on the total number of lamp outages during the life of a vehicle, thus possibly some influence on crash risk as well, NHTSA is requesting comments on whether or not the absence of an average design life requirement would have a discernible effect on the actual life of light sources in headlighting systems. Because filament life and lumen output (and hence photometric performance) are inversely related NHTSA envisions that trade offs could occur, with performance gains for lesser lamp life. With the apparent need of vehicle manufacturers for headlamps with minimum vertical height, low-profile lamps may have to sacrifice some longevity in order to achieve the required minimum photometric specifications. These trade offs have cost, quality, and performance effects on headlighting systems, their manufacturers, and their users. Therefore, NHTSA solicits comment on the proposed deletion of average design life requirements in order to understand more completely how these trade offs may affect safety, thus whether to adopt the proposed deletion, or to pursue another course.

IV. Durability

As a further simplification of headlighting requirements relating to durability and aim retention, NHTSA is proposing deletion of certain portions of SAE J580 DEC86 *Sealed Beam Headlamp Assembly*, which were adopted in the initial standard (SAE J580a, June 1966), and which may no longer be necessary for safety. These deletions include paragraphs 3.3 (vibration test), 6.1.3 (test for 20 cycles of full range aim adjustment), 6.3.1 (test for 20 cycles of retaining ring removal and installation), 6.2 and subparagraphs and 6.5 and subparagraphs (the inward force test and torque deflection test, respectively, except for all headlamps using externally applied mechanical aimers).

Durability tests exercise a headlighting system's ability to withstand the anticipated environment in service while still providing acceptable roadway illumination. The proposed deletions for 20-cycle aim range and retaining ring installation are deemed to be of little significance to safety. The deletion of inward force and torque deflection is appropriate for headlighting systems which do not use externally applied aimers, since these tests are intended to show resistance to the effects of the weight and application of *external* aimers.

The proposal for deletion of the vibration test, however, is not as straight forward. While vibration testing exercises lamps for resistance to such anticipated on-vehicle vibration effects as broken or cracked lenses, reflectors, light source mountings or aim hardware, the existing vibration test appears archaic, and may not accurately exercise the lamp system for these adverse effects. Despite this, the present test procedure has produced signal lamp failures that were also found in vehicles-in-use. Since this procedure currently applies to all lighting devices, and not just headlighting systems, it is difficult to justify deletion for only headlamps; however, no headlamp vibration test failures have been found to date. Consequently, it is currently not known whether there is a safety benefit from vibration testing of headlighting systems. The agency requests comment on deletion or development of a more correlated vibration performance specification.

Two other durability tests concern NHTSA, the Temperature Cycle Test (numbered S8.6.1 in the Proposal's revised format), and the Impact Test (S8.8). Presently these remain as part of the requirements for headlighting systems since the purpose of these requirements remains valid, however, NHTSA is concerned that the requirements may not truly reflect the real world. The temperature range may be too small in view of the ambient environmental temperatures and underhood temperature extremes that occur in the United States and in today's high temperature engine compartments. The impact energy also appears too low to simulate accurately the actual stone damage that can occur. NHTSA seeks comment on these procedures, and if appropriate, a more correlated set of procedures or performance requirements.

V. Headlamp Aimability

A further aspect of Standard No. 108 to which the agency has turned its attention is headlamp aimability. Currently, headlamps must be capable of mechanical aim using equipment specified by SAE J602, with the inspection criteria specified in SAE J599. However, with the proliferation in sizes and shapes of headlighting systems permissible under Standard No. 108 since 1983 has come a corresponding proliferation in adapters necessary for mechanical aimers to perform their purpose, creating confusion, difficulty, and higher potential for aiming error. The agency is therefore interested in developing a general aiming performance requirement that would permit headlamps to be aimed by means other than use of existing mechanical aimers and lens-mounted aiming pads if the new methods could perform as well as existing mechanical aimers, and if no excessive off-vehicle equipment would be required. One example of a new method for vertical aim inspection would be a spirit level incorporated in the headlamp housing which, when the vehicle attitude was horizontal and the air bubble was centered properly, would indicate proper vertical aim.

Under the proposal, each headlamp would have fiducial marks (or aiming pads if its manufacturer chose to retain its existing design) for the purpose of determining the reference axes to be used for photometric performance testing; such marks would also be the basis for the aiming reference when the headlamp is installed on the vehicle. The headlamp would be installed in the vehicle using a mounting-aiming mechanism incorporating vertical and horizontal aiming adjustments and references. (The proposal refers to this as a vehicle headlamp aiming device, or VHAD). It would be aimable using either conventional off-vehicle mechanical aimers or, should the manufacturer so decide, by on-vehicle aimers which use only a floor slope measurement as the off-vehicle reference.

VI. Consumer Information

The increasing variety of headlamps on the road today and those that may result from the proposed changes to Standard No. 108, may confuse consumers who desire to replace their own headlamps. To aid the consumer in ensuring that replacement headlamps are the equivalent in performance and application to original equipment headlamps, NHTSA is proposing amendments to Part 575, *Consumer Information Regulations*. These proposed changes would require that certain information be made available to vehicle purchasers at the time of purchase of the vehicle. The information would consist of the part or parts numbers of original and replacement headlamps appropriate to the vehicle, and the name or trademark of the lamp manufacturer. NHTSA believes that such consumer information is desirable to assure continued safe headlighting. Consequently, NHTSA is proposing additions to Part 575.4, 575.6, and a new § 575.102 *Headlamps*.

As part of this proposal, NHTSA has used the most recent SAE Standards and Recommended Practices for reference. Many of these updated references include performance or aspects not currently incorporated in Standard No. 108. Consequently, exceptions are stated so that the requirements that are actually proposed are essentially identical to that which currently exist.

Finally, as part of this proposed revision of Standard No. 108, NHTSA is separating the Scope and Purpose sections in line with its practice in a majority of the safety standards and reorganizing the various headlighting requirements into a new section S7 *Headlighting Requirements*. Of necessity, the remaining sections of the standard will have to be renumbered.

Impacts

NHTSA has considered this proposal and has determined that it is not major within the meaning of Executive Order 12291 "Federal Regulation" or significant under Department of Transportation regulatory policies and procedures, and that neither a regulatory impact analysis nor a full regulatory evaluation is required. However, a Preliminary Regulatory Evaluation (PRE) has been placed in the Docket. The proposals are intended to relieve a regulatory burden by affording manufacturers greater flexibility in the design of headlighting systems.

NHTSA has analyzed this proposal for the purposes of the National Environmental Policy Act. It is not anticipated that a rule based on the proposal would have a significant effect upon the environment. The design and composition of headlamps are not expected to change from those presently in production. However, should this rulemaking result in headlamps or bulbs with a shorter life, there would be a greater demand for replacement headlamps or bulbs and a corresponding increase in materials necessary for their manufacture. This conjecture is speculative.

VOL 52 ISS 249 DEC 29 1987 UMI

Additionally, with the movement away from Federal regulation of dimensions for the interchangeability of headlamps, the only source of vehicle-specific replacement headlamps may become the vehicle manufacturer and its authorized dealers, although this also is speculative.

The agency has also considered the impacts of this proposal in relation to the Regulatory Flexibility Act. I certify that this proposal would not have a significant impact upon a substantial number of small entities. Accordingly, no initial regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles and headlamps, those affected by the proposal, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Finally, small organizations and governmental jurisdictions would not be significantly affected since the price of new vehicles and headlamps will be minimally impacted.

The consumer information requirements in this proposal are considered to be information collection requirements, as that term is defined by the Office of Management and Budget (OMB) in 5 CFR Part 1320. Accordingly, these proposed requirements are being submitted to the OMB for its approval, pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Comments on the proposed information collection requirements should be submitted to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attention: Desk Officer for NHTSA. It is requested that comments sent to the OMB also be sent to the NHTSA rulemaking docket for this proposed action.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the docket section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the closing date indicated above, will be considered, and will be available for exmination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments on the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Parts 571 and 575

Imports, Motor vehicle safety, Motor vehicles.

The engineer and lawyer primarily responsible for this proposal are Richard Van Inderstine and Taylor Vinson respectively.

In consideration of the foregoing, it is proposed that 49 CFR 571.108 Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment* be amended as follows:

PART 571—[AMENDED]

1. The authority citation for Part 571 would continue to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR Part 1.50.

2. The text of 49 CFR 571.108 (Paragraphs S1 through S8) would be revised as follows:

§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.

S1. *Scope.* This standard specifies requirements for original and replacement lamps, reflective devices, and associated equipment.

S2. *Purpose.* The purpose of this standard is to reduce traffic accidents and deaths and injuries resulting from traffic accidents, by providing adequate illumination of the roadway, and by enhancing the conspicuity of motor vehicle on the public roads so that their presence is perceived and their signals understood, both in daylight and in darkness or other conditions of reduced visibility.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers (except pole trailers and trailer converter dollies), and motorcycles, and to lamps, reflective devices, and associated equipment for replacement of like equipment on vehicles to which this standard applies.

S4. *Definitions.*

"Aiming Reference Plane" means a plane which is perpendicular to the longitudinal axis of the vehicle and tangent to the forward most aiming pad on the headlamp.

"Flash" means a cycle of activation and deactivation of a lamp by automatic means continuing until stopped either automatically or manually.

"Headlamp test fixture" means a device designed to support a headlamp or headlamp assembly in the test position specified in the laboratory tests and whose mounting hardware and components are those necessary to operate the headlamp as installed in a motor vehicle.

"Integral Beam Headlamp" means a headlamp comprising an integral and indivisible optical assembly including lens, reflector, and light source, that is neither a standardized seal beam headlamp designed to conform to paragraph S7.3 nor a replaceable bulb headlamp designed to conform to paragraph S7.5.

"Replaceable bulb headlamp" means a headlamp comprising a bonded lens and reflector assembly and one or two standardized replaceable light sources.

"Seasoning" means a process of energizing the filament of a headlamp, at design voltage, for a period of time equal to 1 percent of average rated laboratory life.

"Standardized replaceable light source" means an assembly of a capsule, base, and terminals that meets the requirements of S7.6.

S5. *Requirements.*

S5.1 *Required motor vehicle lighting equipment.*

S5.1.1 Except as provided in succeeding paragraphs of this S5.1.1, each vehicle shall be equipped with at least the number of lamps, reflective devices, and associated equipment specified in Tables I and III, as applicable. Required equipment shall be designed to conform to the SAE Standards or Recommended Practices

referenced in those tables. Table I applies to multipurpose passenger vehicles, trucks, trailers, and buses, 80 or more inches in overall width. Table III applies to passenger cars and motorcycles and to multipurpose passenger vehicles, trucks, trailers, and buses, less than 80 inches in overall width.

S5.1.1.1 A truck tractor need not be equipped with turn signal lamps mounted on the rear if the turn signal lamps at or near the front are so constructed (double-faced) and so located that they meet the requirements for double-faced turn signals specified in SAE Standard J588e, "Turn Signal Lamps," September 1970.

S5.1.1.2 A truck tractor need not be equipped with any rear side marker devices, rear clearance lamps, and rear identification lamps.

S5.1.1.3 Intermediate side marker devices are not required on vehicles less than 30 feet in overall length.

S5.1.1.4 Reflective material conforming to Federal Specification L–S–300, "Sheeting and Tape, Reflective; Non-exposed Lens, Adhesive Backing," September 7, 1965, may be used for side reflex reflectors if this material as used on the vehicle, meets the performance standards in either Table I or Table IA of SAE Standard J594f, "Reflex Reflectors", January 1977.

S5.1.1.5 The turn signal operating unit on each passenger car, and multipurpose passenger vehicle, truck, and bus less than 80 inches in overall width manufactured on or after January 1, 1973, shall be self-cancelling by steering wheel rotation and capable of cancellation by a manually operated control.

S5.1.1.6 Each stop lamp manufactured to replace a stop lamp that was designed to conform to SAE Standard J586b, *Stop Lamps*, June 1966, may also be designed to conform to J586b. It shall meet the photometric minimum candlepower requirements for Class A red turn signal lamps specified in SAE Standard J575d, *Test for Motor Vehicle Lighting Devices and Components*, August 1967. Each such lamp manufactured for use on a passenger car and on a multipurpose passenger vehicle, truck, trailer or bus less than 80 inches in overall width shall have an effective projected luminous area not less than 3½ square inches. If multiple compartment lamps or multiple lamps are used, the effective projected luminous area of each compartment or lamp shall be not less than 3½ square inches; however, the photometric requirements may be met by a combination of compartments or lamps.

S5.1.1.7 Each turn signal lamp manufactured to replace a turn signal lamp that was designed to conform to SAE Standard J588d, *Turn Signal Lamps*, June 1966, may also be designed to conform to J588d, and shall meet the photometric minimum candlepower requirements for Class A turn signal lamps specified in SAE Standard J575d, *Tests for Motor Vehicle Lighting Devices and Components*, August 1967. Each such lamp manufactured for use on a passenger car and on a multipurpose passenger vehicle, truck, trailer or bus less than 80 inches in overall width shall have an effective projected luminous area not less than 3½ square inches. If multiple compartment lamps or multiple lamps are used, the effected projected luminous area of each compartment or lamp shall be not less than 3½ square inches; however, the photometric requirements may be met by a combination of compartments or lamps. Each such lamp manufactured for use on a multipurpose passenger vehicle, truck, trailer or bus 80 inches or more in overall width shall have an effective projected luminous area not less that 12 square inches. S5.1.1.8 For each motor vehicle less than 30 feet in overall length, the photometric-minimum candlepower requirements for side marker lamps specified in SAE Standard J592e "Clearance, Side Marker, and Identification Lamps", July 1972, may be met for all inboard test points at a distance of 15 feet from the vehicle and on a verticle plane that is perpendicular to the longitudinal axis of the vehicle and located midway between the front and rear side market lamps.

S5.1.1.9 Boat trailers need not be equipped with both front and rear clearance lamps provided an amber (to front) and red (to rear) clearance lamp is located at or near the midpoint on each side of the trailer so as to indicate its extreme width.

S5.1.1.10 Multiple license plate lamps and backup lamps may be used to fulfill the requirements of the SAE Standards applicable to such lamps referenced in Tables I and III.

S5.1.1.11 A parking lamp, tail lamp, stop lamp, or turn signal lamp shall meet the minimum percentage specified in Figure 1a of the corresponding minimum allowable value specified in Figure 1b. The maximum candlepower output of each stop, turn signal, tail and parking lamp shall not exceed that prescribed in figure 1b. The values specified in Figure 1a and Figure 1b are substituted for those specified in Table 1 of the following SAE Standards: J222 *Parking Lamps*, J585e *Taillamps* (maximum at H or above), J585c *Stop Lamps*, and J588e *Turn Signal Lamps*, except that motocycle turn signal lamps need meet only one-half of the minimum photometric values specified in Figure 1b.

S5.1.1.12 A parking lamp, taillamp, stop lamp or turn signal lamp is not required to meet the minimum photometric value at each test point specified in this standard if the sum of the percentages of the minimum candlepower measured at the test points is not less than that specified for each group listed in Figure 1c.

S5.1.1.13 All passenger cars and mutipurpose passenger vehicles, trucks, and buses or less than 80 inches overall width shall be equipped with turn signal operating units designed to complete a durability test of 100,000 cycles.

S5.1.1.14 A trailer that is less than 30 inches in overall width may be equipped with only one of the following lamps and reflective devices, located at or near its verticle centerline: Tail lamp, stop lamp, and rear reflex reflector.

S5.1.1.15 A trailer that is less than 6 feet in overall length, including the trailer tongue, need not be equipped with front side marker lamps and front side reflex reflectors.

S5.1.1.16 A lamp designed to use a type of bulb that has not been assigned a mean spherical candlepower rating by its manufacturer and is not listed in SAE Standard J573d, "Lamp Bulbs and Sealed Units," December 1968, shall meet the applicable requirements of this standard when used with any bulb of the type specified by the lamp manufacturer, operated at the bulb's design voltage. A lamp that contains a sealed-in bulb shall meet these requirements with the bulb operated at the bulb's design voltage.

S5.1.1.17 Except for a lamp having a sealed-in bulb, a lamp manufactured on or after January 1, 1974, shall meet the applicable requirements of this standard when tested with a bulb whose filament is positioned within ±.010 inch of the nominal design position specified in SAE Standard J573d, "Lamp Bulbs and Sealed Units," December 1968, or specified by the bulb manufacturer.

S5.1.1.18 A backup lamp is not required to meet the minimum photometric values at each test point specified in Table I of SAE Standard J593c, *Backup Lamps*, February 1968 if the sum of the candlepower measured at the test points within each group listed in Figure 2 is not less than the group totals specified in that figure.

S5.1.1.19 Variable load turn signals flashers shall comply with voltage drop and durability requirements with the maximum design load connected and snall comply with starting time, flash

rate, and percent current "on" time requirements both with the minimum and with the maximum design load connected.

S5.1.1.20 The lowest voltage drop for turn signals flashers and hazard warning signal flashers measured between the input and load terminals shall not exceed 0.8 volt.

S5.1.1.21 A motor-driven cycle whose speed is attainable in 1 mile is 30 mph or less need not be equipped with turn signal lamps.

S5.1.1.22 A motor-driven cycle whose speed attainable in 1 mile is 30 mph or less may be equipped with a stop lamp whose effective projected luminous lens area is not less than 3½ square inches and whose photometric output for the groups of test points specified in Figure 1 is at least one-half of the minimum values set forth in that figure.

S5.1.1.23 Each tail lamp manufactured to replace a taillamp designed to conform to SEA Standard J585d, *Tail Lamps*, August 1970, may also be designed to conform to J585d.

S5.1.1.24 Each turn signal lamp manufactured to replace a turn signal lamp (on a motorcycle) that was designed to conform to SAE Standard J588d, *Turn Signal Lamps*, June 1966, may also be designed to conform to J588d.

S5.1.1.25 Each turn signal lamp on a motorcycle manufactured on and after January 1, 1973, shall have an effective projected luminous area not less than 3½ square inches.

S5.1.1.26 Note 6 of Table 1 in SAE Standard J588e, *Turn Signal Lamps*, September 1970, does not apply. A stop lamp that is not optically combined with a turn signal lamp shall remain activated when the turn signal is flashing.

S5.1.1.27 Each passenger car manufactured on or after September 1, 1985, shall be equipped with a high-mounted stoplamp which:

(a) Shall have an effective projected luminous area not less than 4½ square inches.

(b) Shall have a signal visible to the rear through a horizontal angle from 45 degrees to the left to 45 degrees to the right of the longitudinal axis of the vehicle.

(c) Shall have the minimum photometric values in the amount and location listed in Figure 10, instead of those in Table 1 of SAE Recommended Practice J186a, *Supplemental High-Mounted Stop and Rear Turn Signal Lamps*, September 1977.

(d) Need not meet the requirements of paragraphs 3.1.6 Moisture Test, 3.1.7 Dust Test, and 3.1.8 Corrosion Test of SAE Recommended Practice J186a if it is mounted inside the vehicle.

(e) Shall provide access for convenient replacement of the bulb without the use of special tools.

S5.1.1.28 A passenger car manufactured between August 1, 1984, and September 1, 1985, may be equipped with a high-mounted stop lamp that conforms to S5.3.1.8.

S5.1.1.29 Instead of the headlamps specified by Table III, a motorcycle may be equipped with one half of any headlighting system specified in S7 which provides both a full upper beam and full lower beam, and where more than one lamp must be used, the lamps shall be mounted vertically, with the lower beam as high as practicable. When installed on a motorcycle such half system need not meet the aiming requirements specified in S7.

S5.1.2 Plastic materials used for optical parts such as lenses and reflectors shall conform to SAE Recommended Practice J576c, May 1970, except that:

(a) Plastic lenses used for inner lenses or those covered by another material and not exposed directly to sunlight shall meet the requirements of paragraphs 3.4 and 4.2 of SAE J576c, when covered by the outer lens or other material;

(b) After the outdoor exposure test, the haze and loss of surface luster of plastic materials used for lamp lenses shall not be greater than 30 percent haze as measured by ASTM–1003–61, *Haze and Luminous Transmittance of Transparent Plastic;* and

(c) After the outdoor exposure test, plastic materials used for reflex reflectors shall meet the appearance requirements of paragraph 4.2.2 of SAE J576c.

S5.1.3 No additional lamp, reflective device or other motor vehicle equipment shall be installed that impairs the effectiveness of lighting equipment required by this standard.

S5.1.4 Each school bus shall be equipped with a system of either:

(a) Four red signal lamps designed to conform to SAE Standard J887, *School Bus Red Signal Lamps*, July 1964, and installed in accordance with that standard; or

(b) Four red signal lamps designed to conform to SAE Standard J887, *School Bus Red Signal Lamps*, July 1964, and four amber signal lamps designed to conform to that standard, except for their color, and except that their candlepower shall be at least 2½ times that specified for red signal lamps. Both red and amber lamps shall be installed in accordance with SAE Standard J887, except that:

(i) Each amber signal lamp shall be located near each red signal lamp, at the same level, but closer to the vertical centerline of the bus; and

(ii) The system shall be wired so that the amber signal lamps are activated only by manual or foot operation, and if activated, are automatically deactivated and the red signal lamps automatically activated when the bus entrance door is opened.

S5.1.5 The color in all lamps, reflective devices, and associated equipment to which this standard applies shall comply with SAE Standard J578c, *Color Specification for Electric Signal Lighting Devices*, February 1977.

S5.2 *Other requirements.*

S5.2.1 The words "it is recommended that," "recommendations," or "should be" appearing in any SAE Standard or Recommended Practice referenced or subreferenced in this standard shall be read as setting forth mandatory requirements, except that the aiming pads on the lens face and the black area surrounding the signal lamp recommended in SAE Standard J887, *School Bus Red Signal Lamps*, July 1964, are not required.

S5.2.2 The words "Type 1 (5¾")," "Type 2 (5¾")," "Type 2 (7")," "Type 1A," "Type 2A," and "Type 2B" appearing in any SAE Standard or Recommended Practice reference or subreferenced in this standard shall also be read as setting forth requirements respectively for the following types of headlamps: 1C1, 2C1, 2D1, 1A1, 2A1, and 2B1.

S5.3 *Location of required equipment.*

S5.3.1 Except as provided in succeeding paragraphs of S5.3.1, each lamp, reflective device, and item of associated equipment shall be securely mounted on a rigid part of the vehicle other than glazing that is not designed to be removed except for repair, in accordance with the requirements of Table I or III and in location specified in Table II (multipurpose passenger vehicles, trucks, trailers, and buses 80 or more inches in overall width) or Table IV (all passenger cars, and motorcycles, and multi-purpose passenger vehicles, truck, trailers and buses less than 80 inches in overall width), as applicable.

S5.3.1.1 Except as provided in S5.3.1.1.1, each lamp and reflective device shall be located so that it meets the visibility requirements specified in any applicable SAE Standard or Recommended Practice. In addition, no part of the vehicle shall prevent a parking lamp, taillamp, stop lamp, turn sigal lamp, or backup lamp from meeting its photometric output at any applicable group of test points specified in Figures 1c and 2, or prevent any other lamp from meeting the photometric output at any test point specified in any applicable SAE Standard or Recommended Practice. However, if motor vehicle equipment (e.g., mirrors, snow plows, wrecker booms, backhoes, and winches) prevents compliance with this paragraph by any required lamp or reflective devices, an auxiliary lamp or device meeting the requirements of this paragraph shall be provided.

S5.3.1.1.1 Clearance lamps may be mounted at a location other than on the front and rear if necessary to indicate the overall width of a vehcile, or for protection from damage during normal operation of the vehicle, and at such a location they need not be visible at 45 degrees inboard.

S5.3.1.2 On a truck tractor, the red rear reflex reflectors may be mounted on the back of the cab, at a minimum height not less than 4 inches above the height of the rear tires.

S5.3.1.3 On a trailer, the amber front side reflex reflectors and amber front side marker lamps may be located as far forward as practicable exclusive of the trailer tongue.

S5.3.1.4 When the rear identification lamps are mounted at the extreme height of a vehicle, rear clearance lamps need not meet the requirement of Table II that they be located as close as practicable to the top of the vehicle.

S5.3.1.5 The center of the lens referred to in SAE Standard J593c, *Backup Lamps*, February 1968, is the optical center.

S5.3.1.6 On a truck tractor, clearance lamps mounted on the cab may be located to indicate the width of the cab, rather than the overall width of the vehicle.

S5.3.1.7 The requirement that there be not less than 4 inches between a front turn signal lamp and a low beam headlamp, specified in SAE Standard J588e, *Turn Signal Lamps*, September 1970, shall not apply if the sum of the candlepower values of the turn signal lamp measured at the test points within each group listed in Figure 1c is not less than two and one-half times the sum specified for each group for yellow turn signal lamps.

S5.3.1.8 Each high-mounted stoplamp on a passenger car manufactured on or after September 1, 1985, shall be mounted with its center on the vertical centerline of the passenger car as the car is viewed from the rear. The lamp may be mounted at any position on the centerline, including the glazing. If the lamp is mounted inside the vehicle, means shall be provided to minimize reflections from the light of the lamp upon the rear window glazing that might be visible to the driver when viewed directly, or indirectly in the rearview mirror. If the lamp is mounted below the rear window, no portion of the lens shall be lower than 6 inches below the rear window on convertibles, or 3 inches on other passenger cars.

S5.4 *Equipment combinations.*

S5.4.1 Two or more lamps, reflective devices, or items of associated equipment may be combined if the requirements for each lamp, reflective device, and item of associated equipment are met, except that no clearance lamp may be combined optically with any taillamp or identification lamp, and no high-mounted stoplamp shall be combined with any other lamp or reflective device.

S5.5 *Special wiring requirements.*

S5.5.1 Each vehicle shall have a means of switching between lower and upper beams that conforms to SAE Recommended Practice J564a *Headlamp Beam Switching*, April 1964 or to SAE Recommended Practice J565b, *Semi-Automatic Headlamp Beam Switching Devices*, February 1969. Except as provided in S5.5.8, the lower and upper beams shall not be energized simultaneously except momentarily for temporary signaling purposes or during switching between beams.

S5.5.2 Each vehicle shall have a means for indicating to the driver when the upper beams of the headlamps are on that conforms to SAE Recommended Practice J564a, April 1964, except that the signal color need not be red.

S5.5.3 The taillamps on each vehicle shall be activated when the headlamps are activated in a steady-burning state.

S5.5.4 The stoplamps on each vehicle shall be activated upon application of the service brakes. The high-mounted stoplamp on each passenger car shall be activated only upon application of the service brakes.

S5.5.5 The vehicular hazard warning signal operating unit on each vehicle shall operate independently of the ignition or equivalent switch, and when activated, shall cause to flash simultaneously sufficient turn signal lamps to meet, as a minimum, the turn signal lamp photometric requirements of this standard.

S5.5.6 Each vehicle equipped with a turn signal operating unit shall also have an illuminated pilot indicator. Failure of one or more turn signal lamps to operate shall be indicated in accordance with SAE Standard J588e, *Turn Signal Lamps*, September 1970, except where a variable-load turn signal flasher is used on a truck, bus, or multipurpose passenger vehicle 80 or more inches in overall width, on a truck that is capable of accommodating a slide-in camper, or on any vehicle equipped to tow trailers.

S5.5.7 On all passenger cars, and motorcycles, and multipurpose passenger vehicles, trucks, and buses of less than 80 inches overall width:

(a) When the parking lamps are activated, the taillamps, license plate lamps, and side marker lamps shall also be activated; and

(b) When the headlamps are activated in a steady-burning state, the taillamps, parking lamps, license plate lamps and side marker lamps shall also be activated.

S5.5.8 On a motor vehicle equipped with a headlighting system designed to conform to the photometry of Figure 15, the lamps marked "L" or "LF" may be wired to remain permanently activated when the lamps marked "U" or "UF" are activated.

S5.5.9 The wiring harness or connector assembly of each headlamp system shall be designed so that only those filaments necessary for meeting lower beam photometrics are energized when the beam selector switch is in the lower beam position, and that only those filaments necessary for meeting upper beam photometrics are energized when the beam selector switch is in the upper beam position.

S5.5.10 The wiring requirements for lighting equipment in use are:

(a) Turn signal lamps, hazard warning signal lamps, and school bus warning lamps shall be wired to flash;

(b) High-mounted stop lamps on passenger cars manufactured on or after August 1, 1984, but before September 1, 1986, may flash when the hazard warning system is activated.

(c) Headlamps and side marker lamps may be wired to flash for signaling purposes;

(d) A motorcycle headlamp may be wired to allow either its upper beam or its lower beam, but not both, to modulate from a higher intensity to a lower intensity in accordance with section S5.6;

(e) All other lamps shall be wired to be steady-burning.

S5.6 *Motorcycle headlamp modulation system.*

S5.6.1 A headlamp on a motorcycle may be wired to modulate either the upper beam or the lower beam from its maximum intensity to a lesser intensity provided that:

(a) The rate of modulation shall be 240 ± 40 cycles per minute.

(b) The headlamp shall be operated at maximum power for 50 to 70 percent of each cycle.

(c) The lowest intensity at any test point shall be not less than 17 percent of

the maximum intensity measured at the same point.

(d) The modulator switch shall be wired in the power lead of the beam filament being modulated and not in the ground side of the circuit.

(e) Means shall be provided so that both the lower beam and upper beam remain operable in the event of a modulator failure.

(f) The system shall include a sensor mounted with the axis of its sensing element perpendicular to a horizontal plane. Headlamp modulation shall cease whenever the level of light emitted by a tungsten filament light operating at 3000° Kelvin is either less than 270 lux (25 foot-candles) of direct light for upward pointing sensors or less than 60 lux (5.6 foot-candles) of reflected light for downward pointing sensors. The light is measured by a silicon cell type light meter that is located at the sensor and pointing in the same direction as the sensor. A Kodak Gray Card (Kodak R-27) is placed at ground level to simulate the road surface in testing downward pointing sensors.

(g) When tested in accordance with the test profile shown in Figure 9, the voltage drop across the modular when the lamp is on at all test conditions for 12 volt systems and 6 volt systems shall not be greater than .45 volt. the modulator shall meet all the provisions of the standard after completion of the test profile shown in Figure 9.

(h) Means shall be provided so that both the lower and upper beam function at design voltage when the headlamp control switch is in either the lower or upper beam position when the modulator is off.

S5.6.2(a) Each motorcycle headlamp modulator not intended as original equipment, or its container, shall be labeled with the maximum wattage, and the minimum wattage appropriate for its use. Additionally, each such modulator shall comply with S5.6.1 (a) through (g) when connected to a headlamp of the maximum rated power and a headlamp of the minimum rated power and shall provide means so that the modulated beam functions at design voltage when the modulator is off.

(b) Instructions, with a diagram, shall be provided for mounting the light sensor including location on the motorcycle, distance above the road service, and orientation with respect to the light.

S5.7 *Replacement Equipment.*

S5.7.1 Each lamp, reflective device, or item of associated equipment manufactured to replace any lamp, reflective device, or item of associated equipment on any vehicle to which this standard applies, shall be designed to conform with this standard.

S5.7.2 Each lamp, reflective device, or item of associated equipment to which section S5.7.1 applies may be labled with the symbol DOT, which shall constitute a certification that it conforms to applicable Federal motor vehicle safety standards.

S6. *Subreferenced SAE Standards and Recommended Practices.*

S6.1 SAE Standards and Recommended Practices subreferenced by the SAE Standards and Recommended Practices included in Tables I and III and paragraphs S5.1.4 and S5.5.1 are those published in the 1970 edition of the SAE Handbook, except that the SAE standard referred to as "J575" is J575e, *Tests for Motor Vehicle Lighting Devices and Components*, August 1970, for stoplamps, taillamps, and turn signal lamps designed to conform to SAE Standards J586c, J585d/J585e, and J588e, respectively, and for high-mounted stoplamps designed to conform to SAE Recommended Practice J186a. The reference in J585e to J256 does not apply. For headlamps, the version of SAE Standard J575 is JUN80, and the version of SAE Standard J602 is OCT80.

S6.2 Requirements of SAE Standards incorporated by reference in this standard, other than J576b and J576c, do not include test for warpage of devices with plastic lenses.

S7 *Headlighting requirements.*

S7.1 Each passenger car, multipurpose passenger vehicle, truck, and bus shall be equipped with a headlighting system designed to conform to the requirements of S7.3, S7.4, or S7.5

S7.2 The lens of each headlamp shall be marked with the symbol "DOT", either horizontally or vertically, which shall consititute a certification that the headlamp is designed to conform to all applicable Federal motor vehicle safety standards.

S7.3 *Sealed beam headlighting system.* A sealed beam headlighting system shall be designed to meet the requirements of one of the following subparagraphs of S7.3.2 through S7.3.9. In references to Figures in SAE J1383 for headlamp dimensional requirements, only those dimensions marked "I" for interchangeability are applicable.

S7.3.1 The lens of each sealed beam headlamp designed to conform to S7.3.2 through S7.3.9 shall be marked according to paragraph 5.4.3 through 5.4.5 of SAE Standard J1383 APR85 *Performance Requirements for Motor Vehicle Headlamps.*

S7.3.2 *Type A headlighting system.* A Type A headlighting system consists of two Type 1A1 and two Type 2A1 headlamps and associated hardware, which are designed to conform to the following requirements:

(a) SAE Standard J1383 APR85 *Performance Requirements for Motor Vehicle Headlamps*, with the following exceptions:

(1) Paragraphs 1, 2.1.2, 2.8.2, 3, 4.1.1, 4.1.3, 4.4, 4.6, 4.8 through 4.16, 5.1.1, 5.1.3, 5.1.5, 5.1.7 through 5.1.16, 5.2.2, 5.3.5, 5.4.1, 5.4.2, and 6 through 6.4 do not apply.

(2) In paragraph 5.3.2, the words "and retaining rings" are omitted.

(3) In paragraphs 4.5.2 and 5.1.6, the words "either Table 1 or Table 2 of SAE J579 DEC84 as appropriate" are substituted for "Table 3."

(b) SAE Standard J580 DEC86 *Sealed Beam Headlamp Assembly* (except paragraphs 3, 4.1.1, 5.1.1.1, 5.1.2.3, and the second sentence of 5.1.6; in 5.2.1, delete the words "and retaining rings"; the correct reference is SAE J1383 Figure 6, 9, 12 and 14.

(c) The maximum wattage at 12.8 volts (design voltage): Single filament headlamp, 55 watts on the upper beam; dual filament headlamp, 43 watts on the upper beam and 65 watts on the lower beam.

S7.3.3 *Type B headlighting system.* A Type B headlighting system consists of two Type 2B1 headlamps and associated hardware, which are designed to conform to the following requirements:

(a) The requirements of paragraphs S7.3.2(a) and (b)

(b) The maximum wattage at 12.8 volts (design voltage): 70 watts on the upper beam and 60 watts on the lower beam.

S7.3.4 *Type C headlighting system.* A Type C headlighting system consists of two Type 1C1 and two Type 2C1 headlamps and associated hardware, which are designed to conform to the requirements of paragraph S7.3.2(a) through (c).

S7.3.5 *Type D headlighting system.* A Type D headlighting system consists of two Type 2D1 headlamps and associated hardware, which are designed to conform to the requirements of paragraph S7.3.3(a) and (b).

S7.3.6 *Type E headlighting system.* A Type E headlighting system consists of two Type 2E1 headlamps and associated hardware, which are designed to conform to the requirements of paragraph S7.3.3(a) and (b).

S7.3.7 *Type F headlighting system.* A Type F headlighting system consists of two Type UF and two Type LF headlamps and associated hardware, which are designed to conform to the following requirements:

(a) Figures 11, 12, 13, and 14 as appropriate.

(b) The photometric requirements of Figure 15 of this standard. A reaim tolerance of +/− ¼ degree is allowed for any test point on the Type LF lamp when tested alone, and such a tolerance is not allowed on the Type UF lamp when tested alone. For the test point 10U–90U, measurement shall be from the normally exposed surface of the lens face.

(c) SAE Standard J1383 APR85 *Performance Requirements for Motor Vehicle Headlamps*, Sections 2.4, 2.5, 2.6, 4.1, and 4.3.4.

(d) When tested in accordance with section (c), the mounted assembly (either Type UF or Type LF headlamps, respective mounting ring, aiming ring, and aim adjustment mechanism) shall be designed to conform to the requirements of Figure 15 for upper or lower beams respective without reaim when any conforming Type UF or LF headlamp is tested and replaced by another conforming headlamp of the same Type.

(e) SAE J580 DEC86 *Sealed Beam Headlamp Assembly* with the following exceptions:

(1) Section 2.2 Mounting Ring reads: "the adjustable ring upon which the sealed beam unit is mounted and which forces the sealed beam unit to seat against the aiming ring when assembled into a sealed beam assembly."

(2) The definition "2.3 Aiming Ring" reads: "The clamping ring that retains the sealed beam unit against the mounting ring, and that provides an interface between the unit's aiming/seating pads and the headlamp aimer adapter (locating plate)."

(3) Section 4.1.1 Vibration Test does not apply.

(4) Section 5.1.1.1 does not apply.

(5) Section 5.1.2.1 reads: "When the headlamp assembly is tested in the laboratory, a minimum aiming adjustment of +/− 2.5 degrees shall be provided in the horizontal plane and +/− 4 degrees in the vertical plane."

(6) Section 5.1.2.2 concludes: ". . . through an angle of +/− 2.5 degrees and +/− 4 degrees respectively."

(7) Section 5.1.6 is retitled "Retaining Ring/Aiming Ring Tests," and add: "92 x 150 mm . . . . . 0.340 in (8.6 mm)."

(8) Figures 2, 3, and 4 do not apply, and the reference to them in section 4.5 is replaced by "Figure 16, Deflectometer, of Federal Motor Vehicle Safety Standard No. 108."

(f) A lens for a Type F headlamp incorporating an upper beam shall be labeled "UF". A lens for a Type F headlamp incorporating a lower beam shall be labeled "LF". The face of letters, numbers, or other symbols molded on the surface of the lens shall not be raised more than 0.020 in (0.5 mm), and shall be placed no closer to the photometric center of the lens than 2.75 in. (70 mm.). The marking shall be molded in the lens and shall be not less than ¼ in. (6.35 mm.) in size.

(g) The maximum wattage at 12.8 volts (design voltage): 70 watts on the upper beam and 60 watts on the lower beam.

(h) Type F headlamps may be mounted on common or parallel seating and aiming planes to permit simultaneous aiming of both headlamps provided that or when tested with any conforming Type UF and LF headlamps according to Section S10:

(1) The assembly (consisting of the Type UF and LF headlamps, mounting rings, the aiming/seating rings, and aim adjustment mechanism), shall be designed to conform to the test point values of Figure 15.

(2) There shall be no provision for adjustment between the common or parallel aiming and seating planes of the two lamps.

S7.3.8 *Type G headlighting system.* A Type G headlamp system consists of two Type 1G1 headlamps and two Type 2G1 headlamps each of which is designed to conform to the following requirements:

(a) Figures 18 and 21.

(b) SAE Standard J1383 APR85 *Performance Requirements for Motor Vehicle Headlamps* (except paragraphs 1, 2.1.2, 2.8.2, 3, 4.1.1, 4.1.3, 4.4, 4.6, 4.8 through 4.16, 5.1.1, 5.1.3, 5.1.5 through 5.1.16, 5.2.2, 5.3.5 through 6.4). In paragraph 5.3.2 the words "and retaining rings" are omitted. In paragraph 4.5.2, the words "either Table 1 or Table 2 of SAE J579 DEC84, as appropriate" are substituted for the words "Table 3."

(c) SAE Standard J580 DEC86 *Sealed Beam Headlamp Assembly*, with the following exceptions:

(1) Sections 2.2, 2.3, 4.1.1, 5.1.1.1, 5.1.2.3, 5.1.6, and 5.2.1.

(2) Section 4.5 reads: "*Torque Deflection Test.* The headlamp assembly to be tested shall be mounted in the designed vehicle position and set at nominal aim (0.0). A special adapter (Figure 22) for the deflectometer (Figure 3) shall be clamped onto the headlamp assembly. A torque of 20 in/lbs (2.25 N-m) shall be applied to the headlamp assembly through the deflectometer, and a reading on the thumb wheel shall be taken. The torque shall be removed and a second reading on the thumb wheel shall be taken."

(d) The maximum wattage at 12.8 volts (design voltage) for the 1G1 and 2G1 upper beam is 55 watts and 43 watts respectively; for the 2G1 lower beam, 65 watts.

(e) A lens for a Type G headlamp incorporating only part of an upper beam shall be labeled 1G1. A lens for a Type G headlamp incorporating both part of an upper beam and a lower beam shall be labeled 2G1. The face of letters, numbers, or other symbols molded on the surface of the lens shall not be raised more than 0.020 in. (0.5 mm.), and shall be placed no closer to the geometric center of the lens than 2.75 in. (70 mm.). The marking shall be molded in the lens and shall not be less than ¼ in. (6.35 mm) in size.

S7.3.9 *Type H headlighting system.* A Type H headlamp system consisting of two Type 2H1 headlamps and associated hardware, which are designed to conform to the following requirements:

(a) Paragraph S7.3.8(a) through (c).

(b) The maximum wattage at 12.8 volts (design voltage): 70 watts on the upper beam and 60 watts on the lower beam.

(C) A lens for a Type H headlamp incorporating both and upper beam and a lower beam shall be labeled 2H1. The face of letters, numbers, or other symbols molded on the surface of the lens shall not be raised more than 0.020 in. (0.5 mm), and shall be placed no closer to the geometric center of the lens than 2.75 in. (70 mm.) The marking shall be molded in the lens and shall be not less than ¼ in. (6.35 mm) in size.

S7.4 *Integral Beam Headlighting System.* An integral beam headlighting system shall be designed to conform to the following requirements:

(a) Each integral beam headlamp shall be marked according to paragraph 5.4.1 and 5.4.2 of SAE Standard J1383 APR 85.

(b) The system shall provide in total not more than two upper beams and two lower beams of the performance described in either Figure 15, Figure 17, or Table 1 or Table 2 of SAE J579 DEC 84 *Sealed Beam Headlamp Units for Motor Vehicles.*

(c) In a four-headlamp system, each upper beam headlamp and each lower beam headlamp shall be designed to conform to the photometrics of either Figure 15, or Table 2 of SAE J579 DEC84.

(d) In a two-headlamp system, each headlamp shall be designed to conform to the photometrics of Figure 17, or Table 1 of SAE J579 DEC84.

(e) In a system in which there is more than one headlamp providing a lower beam as shown in Figure 15, and/or more than one headlamp providing an upper beam as shown in Figure 15, each headlamp shall be designed to meet the photometric performance requirements

based upon the following mathematical expression: conforming test point value=2(Figure 15 test point value)/ total number of lower or upper beam contributors, as appropriate, in the system. Table 1 and Table 2 of SAE J579 DEC84 shall not be used for these systems, nor shall Figure 17.

(f) The lower and upper beams shall be provided as follows where each headlamp contains two light sources:

(1) The lower beam shall be provided either by the most outboard light source (or the uppermost if arranged vertically), or by all light sources.

(2) The upper beam shall be provided either by the most inboard light source (or the lowermost if arranged vertically), or by all light sources.

(g) The lower and upper beams shall be provided only as follows where each headlamp contains a single filament:

(1) The lower beam shall be provided by the most outboard headlamps (or the uppermost if arranged vertically), and the lens of each such hadlamp shall be permanently marked with the letter "L."

(2) The upper beam shall be provided by the most inboard headlamps (or lowermost if arranged vertically), and the lens of each such headlamp shall be permanently marked with the letter "U."

(h) A tolerance of +/−¼ degree reaim tolerance during photometric performance tests is permitted for any headlamp, however, no reaim tolerance is permitted for any headlamp marked "U," which is designed to meet Figure 15. The test point 1OU–9OU shall be measured from the normally exposed surface of the lens face.

(i) A headlamp designed to meet Figure 15 may be mounted in an assembly that has common or parallel seating planes, for the individual lamps to permit simultaneous aiming of the beam(s) contributors, provded that with any complying contributor the assembly complete with all lamps meets the appropriate photometric requirements of Figure 15, when tested in accordance with S10. All other integral beam headlamps not designed to meet Figure 15 shall be mounted and aimed separately.

(j) Each integral beam headlamps system shall be designed to conform to the applicable photometric performance requirements in subsections (a) through (d) of this section when tested in accordance with Sections 4.1 and 4.1.4 of SAE Standard J1383 with any headlamp intended for use in such system. The term "aiming plane" means "aiming reference plane," or the aiming references as established by the manufacturer as required in paragraph S7.7.1.

(k) The system shall be aimable in accordance with the requirements of paragraph S7.7, and shall incorporate headlamps having common or parallel mounting and aiming planes, if the headlamps do not have both an integral mounting and aiming mechanism and a Vehicle Headlamp Aiming Device as described in paragraph S7.7.5.2.

(l) A headlamp with a glass lens need not meet the following tests of the paragraphs specified: abrasion resistance (S8.2), chemical resistance (S8.3), and impact (S8.8). If, in addition to a glass lens, the headlamp uses a non-plastic reflector, it need not meet the internal heat test of paragraph S8.6.2. A headlamp of sealed design as verified in paragraph S8.9 *Sealing* need not meet the following tests of the paragraphs specified: corrosion (S8.4), dust (S8.5), and humidity (S8.7), however, the headlamp shall meet the requirments of paragraphs 4.1, 4.1.2, 4.4 and 5.1.4 for corrosion and connector of SAE Standard J580 DEC86 *Sealed Beam Headlamp Assembly.*

(m) When tested according to any of the procedures indicated in subparagraphs (1) through (7) each headlamp shall meet the appropriate requirement:

(1) After an abrasion test conducted in accordance with paragraph S8.2, the headlamp shall meet the photometric requirements applicable to the headlamp system under test.

(2) After a chemical resistance test involving exposure to any of the fluids listed in paragraph S8.3, there shall be no surface deterioration, coating delamination, fractures, deterioration of bonding materials, color bleeding or color pickup visible without magnification, and the headlamp shall meet the photometric requirements applicable to the headlamp system under test.

(3) After a corrosion test conducted in accordance with paragraph S8.4 there shall be no evidence of external or internal corrosion or rust visible without magnification. Loss of adhesion of any applied coating shall not occur more than 0.125 in. (3.2 mm) from any sharp edge on the inside or outside. Corrosion may occur on terminals only if the current produced during the test of paragraph S8.4(c) is not less than 9.7 amperes.

(4) After a dust test conducted in accordance with paragraph S8.5, the headlamp shall meet the photometric requirements applicable to the headlamp system under test.

(5) The headlamp shall first meet the requirements of subparagraph (i) and then those of subparagraph (ii).

(i) After a temperature cycle test conducted in accordance with paragraph S8.6.1, the headlamp shall show no evidence of delamination, fractures, entry of moisture or deterioration of bonding material, color bleeding, warpage or deformation visible without magnification or lens warpage greater than .118 in (3 mm) when measured parallel to the optical axis at the point of intersection of the axis of each light source with the exterior surface of the lens, and it shall meet the photometric requirements applicable to the headlamp system under test.

(ii) After an internal heat test conducted in accordance with paragraph S8.6.2, there shall be no lens warpage greater than .118 in (3 mm) when measured parallel to the optical axis at the point of intersection of the axis of each light source with the exterior surface of the lens, and it shall meet the photometric requirements applicable to the headlamp system under test.

(6) After a humidity test conducted in accordance with paragraph S8.7, the inside of the headlamp shall show no evidence of delamination or moisture, fogging or condensation visible without magnification, and the headlamp shall meet the photometric requirements applicable to the headlamp system under test.

(7) After an impact test on a headlamp with a plastic lens, conducted in accordance with paragraph S8.8, there shall be no fracture of the adhesion of the lens coating or delamination of materials visible without magnification, and the lens shall not be broken, cracked, or chipped.

(n) Each headlamp shall be marked in compliance with § 575.6 of this chapter.

S7.5 *Replaceable Bulb Headlamp System.* Each replaceable bulb headlamp system shall be designed to conform to the following requirements:

(a) The system shall provide only two lower beams and two upper beams and shall incorporate no more than two standardized replaceable light sources in each headlamp.

(b) The photometrics of Table 1 of SAE Standard J579 DEC84 *Sealed Beam Headlamp Units for Motor Vehicles,* if the system is equipped only with HB1 light source, using any tupe HB1 light source.

(c) The photometrics of Figure 15 or Figure 17 using any standardized replaceable light source of the type intended for use in such system.

(d) The test requirements of sections 4.1 and 4.1.4 of SAE J1383 APR85, using the photometric requirements specified in (a) through (c). The term "aiming plane" means "aiming reference plane," fiducial marks, or aiming references established by the manufacturer as required in paragraph S7.7.1.

(e) For a headlamp equipped with one or two Type HB1 light sources, the following requirements apply:

(1) There shall be no mechenism that allows adjustment of an individual light source or adjustment of reflector aim on a headlamp with two light sources.

(2) The lower and upper beams of a headlamp system consisting of two lamps, each containing two light sources, shall be provided as follows:

(i) The lower beam shall be provided in one of the following ways:

(A) By the outboard light source (or the upper one if arranged vertically) designed to conform to the lower beam requirements of Table 1 of SAE Standard J579 DEC84 or

(B) By both light sources, designed to conform to the lower beam requirements of Table 1 of SAE Standard J579 DEC84.

(ii) The upper beam shall be provided in one of the following ways:

(A) By the inboard light source (or the lower one if arranged vertically) designed to conform to the upper beam requirements of Table 1 of SAE Standard J579 DEC84 or

(B) By both light sources, designed to conform to the upper beam requirements of Table 1 of SAE Standard J579 DEC84.

(iii) Each such headlamp manufactured as replacement motor vehicle equipment shall be designed to meet the requirements of paragraphs (f)(2)(i) and (f)(2)(ii) of this section.

(3) The lower and upper beams of a headlamp system consisting of four lamps, each containing a single light source, shall be provided as follows:

(i) The lower beam shall be provided by the outboard lamp (or upper one if arranged vertically), designed to conform to the lower beam requirements of Table 1 of SAE Standard J579 DEC84. The lens of each such headlamp shall be marked with the letter "L."

(ii) The upper beam shall be provided by the inboard lamp (or lower one if arranged vertically), designed to conform to the upper beam requirements of Table 1 of SAE Standard J579 DEC84. The lens of each such headlamp shall be marked with the letters "U."

(iii) Each such headlamp manufactured as replacement motor vehicle equipment shall be designed to meet the requirements of paragraphs (f)(3)(i) and (f)(3)(ii) of this section.

(f) The following requirements apply to a headlamp system equipped with Type HB3 and HB4, HB1 and HB3, or HB1 and HB4 light sources:

(1) There shall be no mechanism that allows adjustment of an individual light source, or adjustment of reflector aim on a headlamp with two light sources.

(2) The lower and upper beams of a headlamp system consisting of two lamps, each containing two light sources (Type HB3 and HB4, or Type HB1 with HB3 or HB4) shall be provided only as follows:

(i) The lower beam shall be provided in one of the following ways:

(A) By the outboard light source (or the uppermost if arranged vertically) designed to conform to the lower beam requirements of Figure 17; or

(B) By both light sources, designed to conform to the lower beam requirements of Figure 17.

(ii) The upper beam shall be provided in one of the following ways:

(A) By the inboard light source (or the lower one if arranged vertically) designed to conform to the upper beam requirements of Figure 17; or

(B) By both light sources, designed to conform to the upper beam requirements of Figure 17.

(3) The lower and upper beams of a headlamp system consisting of four lamps, using Type HB3 and HB4, HB1 and HB3, or HB1 and HB4 light sources, each containing only a single light source, shall be provided only as follows:

(i) The lower beam shall be produced by the outboard lamp (or upper one if arranged vertically), designed to conform to the lower beam requirements of Figure 15. The lens of each such headlamp shall be permanently marked with the letter "L."

(ii) The upper beam shall be produced by the inboard lamp (or lower one if arranged vertically), designed to conform to the upper beam requirements of Figure 15. The lens of each such headlamp shall be marked with the letter "U."

(4) A ¼ degree reaim tolerance is permitted for any test point. The test point 10U–90U shall be measured from the normally exposed surface of the lens face.

(g) Each lens reflector unit manufactured as replacement equipment shall be designed to conform to the requirements of paragraphs (f) and (g) of this section when any standardized replacement light source appropriate for such unit is inserted in it.

(h) The lens of each replacement bulb headlamp shall be permanently marked as follows:

(i) With the symbol DOT horizontally or vertically which shall constitute certification that the headlamp conforms to all applicable Federal motor vehicle safety standards.

(ii) The lens of each replaceable bulb headlamp using Type HB3 or HB4 light sources, or Type HB1 light sources in conjunction with Type HB3 or HB4 light sources within a headlamp system on a motor vehicle shall permanently display the Type designation(s) for that light source on the lens in front of each light source.

(i) The system shall be aimable in accordance with paragraph S7.7.

(j) Each headlamp shall meet the requirements of paragraph S7.4(l) and (m).

(k) Each headlamp shall be marked in compliance with § 575.6 of this chapter.

S7.6 *Standardized Replaceable Light Sources.* Each standardized replaceable light source shall be designed to conform to the following requirements:

(a) A Type HB1 light source shall be designed to conform to the dimensions specified in Figure 3 and shall incorporate a silicone O-ring. Its maximum power on the lower bean shall be 50 watts, and on the upper beam, 70 watts. Its luminous flux in lumens shall be 700 +/− 15% on the lower beam and 1200 +/− 15% on the upper beam.

(b) A Type HB3 light source shall be designed to conform to the dimensions specified in Figure 19. Its maximum power on the upper beam shall be 70 watts. Its luminous flux in lumens shall be 1700 +/− 12% on the upper beam.

(c) A Type HB4 light source shall be designed to conform to the dimensions specified in Figure 20. Its maximum power shall be 60 watts on the lower beam, and its luminous flux in lumens on the lower beam shall be 1000 +/− 15%.

(d) The filament of a light source shall be seasoned before measurement of maximum power and luminous flux.

(e) Measurement of maximum power and luminous flux shall be made with the direct current test voltage regulated within one quarter of one percent. The test voltage shall be design voltage, 12.8v. The measurement of luminous flux shall be in accordance with the Illuminating Engineering Society of North America, LM–45; *IES Approved Method for Electrical and Photometric Measurements of General Service Incandescent Filament Lamps* (April 1980), shall be made with the black cap installed on Type HB1 and HB4, and shall be made with the electrical conductor and light source base shrouded with an opaque white colored cover, except for the portion normally located within the interior of the lamp housing. The measurement of luminous flux for the Types HB3 and HB4 shall be with the base covered with a white

cover shown in Figures 19–1 and 20–1. The white covers are used to eliminate the likelihood of incorrect lumen measurement that will occur should the reflectance of the light source base and electrical connector be low.

(f) The capsule, lead wires and/or terminals, and seal on each Type HB1, Type HB3 and Type HB4 light source shall be installed in the base so as to provide an airtight seal. Such a seal exists when no air bubbles shall appear on the low pressure (connector) side after the light source has been immersed in water for one minute while inserted in a cylindrical aperture of 1.350 to 1.346 in. (34.30 to 34.2 mm) (HB1), or 0.796 +/−0.004 in (20.22+/−0.1. mm) (Type HB3), or 0.875 +/− 0.004 in (22.2 +/− 0.1 mm) (Type HB4) and subjected to a minimum air pressure of 70kPa (10 P.S.I.G.) on the glass capsule side.

(g) After the force deflection test conducted in accordance with S9, the permanent deflection of the glass envelope shall not exceed 0.005 in. (0.13 mm) in the direction of the applied force.

(h) A general tolerance shall apply to Figure 3 as follows: +/− 0.0004 in. (0.10 mm) to all linear dimensions and +/− degree 00 minutes to all angular dimensions except for referenced dimensions and unless otherwise specified.

(i) The base of each Type HB3 and Type HB4 light source shall be marked by its manufacturer or importer with its HB Type designation, with the name or any trademark of the manufacturer and importer (if applicable) that is registered with the U.S. Patent Office. Each standardized light source shall be marked with the symbol DOT horizontally or vertically, which shall constitute a certification that the light source conforms to all applicable Federal motor vehicle safety standards.

S7.7 Aimability Performance Requirements.

S7.7.1 Each headlamp shall be equipped with fiducial marks, aiming pads or similar references of sufficient detail and accuracy for determination of correct alignment with the photometer axis when being tested for photometric compliance, and to serve as the basis for the aiming reference when the lamp is installed on a motor vehicle.

S7.7.2 Each headlamp shall be installed on a motor vehicle with a mounting and aiming mechanism that allows aim inspection and adjustment of both vertical and horizontal aim, and is accessible for those uses without removal of any vehicle parts. The vertical mechanism shall be continuously adjustable over the full range. Adjustment of one axis through its full range shall not cause the aim of the other axis to deviate more than +/− 0.76 degree.

S7.7.3 When a headlamp system is installed on a motor vehicle, the range of its vertical aim shall not be less than the greater of the following: +/− 4 degrees, or the full range of pitch angle achievable by the vehicle on which the headlamp system is installed. The range of pitch angle shall as a minimum be determined from unloaded vehicle weight to gross vehicle weight rating, and incorporate pitch angle effects from maximum trailer or trunk loadings, the full range of tire intermix sizes and suspensions recommended and/or installed by the vehicle manufacturer, the anticipated effects of suspension sag, variable passenger loading, and vehicle repair accommodation.

S7.7.4 When a headlamp system is installed on a vehicle, the range of its horizontal aim shall not be less than 2.5 degrees.

S7.7.5 When a headlamp system is installed on a motor vehicle, it shall be aimable with either an externally applied headlamp aiming device or on-vehicle headlamp aiming devices installed by the vehicle manufacturer, in accordance with either paragraph S7.7.5.1 or S7.7.5.2. When aimed with the reference axis of each lamp aligned with the photometric axis, each installed headlamp system shall be designed to conform to the applicable photometric performance requirements specified by this standard. This performance shall occur with any headlamp intended for use in the headlighting system. When in use headlamps shall not have any style ornament or other feature, such as a translucent cover or grill, in front of the lens. Upon completion of the manufacture of the vehicle each headlamp system shall be aimed at 0.0 position +/− 0.19 degree vertically, and 0.38 degree horizontally with the vehicle at unloaded vehicle weight.

S7.7.5.1 *External aiming.* Each headlamp system that is capable of being mechanically aimed by external headlamp aiming devices shall be mechanically aimable using the equipment specified in SAE Standard J602 OCT80 *Headlamp Aiming Device for Mechanically Aimable Sealed Beam Headlamp Units* without the removal of any ornamental trim rings or other parts.

(a) *Torque deflection test.* Each headlamp system that is designed to use such devices shall not deviate more than 0.30 degree when a downward torque of 20 lb.-in. (2.25 N-m) is applied to the headlamp in its normal operating position, through the lamp's mechanical axis at the plane of the forwardmost aiming pad.

(b) *Inward force test.* When a headlamp is installed on a motor vehicle, its aim in any direction shall not change by more than 0.30 degree nor shall the lamp recede more than 0.1 in. (2.5 mm.) after being subjected to an inward force of 50 pounds (222 newtons) applied evenly to the lens parallel to the mechanical axis.

(c) *Corrosion test.* Each headlamp system mounting and aiming mechanism shall be subjected to a salt spray (fog) test in accordance with ASTM B117–73 *Method of Salt Spray (Fog) Testing* for a period of 50 hours, consisting of two successive 25 hour periods of 24 hours exposure followed by 1 hour of drying. At the end of 50 hours the headlamp system shall be capable of meeting any of the applicable requirements of paragraph S7.7.

(d) Each headlamp system designed to use the Headlamp Aiming Device Locating Plates for the 100 x 165 mm unit and the 142 x 200 mm unit which have adjustable length legs, shall meet the requirements of subparagraphs (1) and (2).

(1) The lens shall have three pads which meet the requirements of Figure 4, *Dimensional Specifications for Location of Aiming Pads on Replaceable Bulb Headlamp Units.* Except as provided in subparagraph (2) a whole number, which represents the distance in tenths of an inch (i.e. 0.3 inch = 3) from the aiming reference plane to the respective aiming pads which are not in contact with that plane, shall be inscribed adjacent to each respective aiming pad on the lens. The height of these numbers shall be not less than .157 inch (4 mm). If there is interference between the plane and the area of the lens between the aiming pads, the whole number will represent the distance to a secondary plane. The secondary plane shall be located parallel to the aiming reference plane and as close to the lens as possible without causing interference.

(2) If the most forward aiming pad is the lower inboard aiming pad, then the dimensions may be placed anywhere on the lens. The dimension for the outboard aiming pad (Dimension F in Figure 4) shall be followed by the letter "H" and the dimension for the center aiming pad shall be followed by the letter "V". The dimensions shall be expressed in tenths of an inch.

(e) Each headlamp may be designed to use the nonadjustable Headlamp Aiming Device Locating Plate for the 100 x 165 mm unit, the 142 x 200 mm unit, the 146 mm diameter unit, or the 178 mm diameter unit of SAE J602, or the 92 x 150 mm Type F unit. If so designed, no additional lens marking is necessary to designate the type of plate or dimensions.

S7.7.5.2 *On-vehicle aiming.* Each headlamp system that is capable of being aimed by on-vehicle equipment shall include a Vehicle Headlamp Aiming Device (VHAD) that conforms to the following requirements:

(a) The VHAD shall provide for headlamp aim inspection and adjustment in both the vertical and horizontal axis.

(1) *Vertical aim:* The VHAD shall include the necessary references and scales relative to the horizontal plane to assure correct vertical aim for photometry and aiming purposes. An off-vehicle measurement of the plane of the ground is permitted. In addition, an equal number of graduations from the "0" position representing angular changes in the axis in the upward and downward directions shall be provided. The "0" position shall indicate that the axis of the headlamp is horizontal.

(i) Each graduation shall represent a 0.19 degree (1 in. at 25 feet) change in axis position to provide for variations in aim at least from 1.2 degrees above and below the horizontal, and have an accuracy relative to the zero mark of less than 0.1 degree.

(ii) The VHAD shall be marked to indicate headlamp aim movement in the upward and downward directions.

(iii) Each graduation shall indicate a linear movement of the scale indicator of not less than 0.05 in. (1.27 mm).

(iv) The vertical indicator shall perform through a range of +/− ½ degrees.

(v) Means shall be provided in the VHAD for compensating for deviations in floor slope from the horizontal plane that would affect the correct positioning of the headlamp for vertical aim.

(2) *Horizontal aim.* The VHAD shall include a horizonal aim feature with a horizontal aim scale marked "0" with respect to the fiducial or reference marks or devices required by paragraph S7.7.1, The "0" mark shall be used to indicate alignment of the axis of the headlamps relative to the longitudinal axis of the vehicle. In addition, an equal number of graduations from the "0" position representing equal angular changes in the axis relative to the vehicle axis shall be provided.

(i) Each graduation shall represent a 0.38 degree change (2 in. at 25 feet) in axis position to provide for variations in aim at least 0.76 degree (4 in. at 25 feet) to the left and right of the longitudinal axis of the vehicle, and have an accuracy relative to the zero mark of less than 0.1 degree.

(ii) The VHAD shall be marked to indicate headlamp aim movement in the left and right directions.

(iii) The graduations shall be readable without moving any part of the vehicle except the hood, under an illumination level no greater than 30 foot candles, measured at the top of the radiator, by an observer having 20/20 vision (Snellen), and shall permit aim adjustment to within 0.38 degree (2 in. at 25 feet).

(iv) The horizontal indicator shall perform through a range of +/−0.76 degree (4 in. at 25 feet); however, the indicator itself shall be capable of a movement of +/−2.5 degrees relative to the longitudinal axis of the vehicle to accommodate any adjustment necessary for recalibrating the indicator after vehicle repair.

(b) The VHAD and associated headlamp(s) shall be rigidly mounted in a headlamp test fixture and comply with the following laboratory test procedures:

(1) Each graduation on the horizontal and vertical aim scales shall be checked and in no case shall the variation from the correct aim exceed +/−0.2 degree, and +/−0.1 degree respectively.

(2) With the aiming plane horizontal and vertical and with the scale on the device set at 0, the aimer shall be adjusted before each of the following tests to assure that the indicators are centered on 0.

(3) The VHAD and an unlighted headlamp assembly shall be stabilized at 20 +/−5 degrees F (−7+/−3 degrees C) in a circulating air environmental test chamber. After a period of 30 minutes, the variation from correct horizontal or vertical aim shall not exceed +/−0.2 degree, and +/−0.1 degree, respectively.

(4) The VHAD, and the headlamp assembly with it highest wattage filament (or combination of filaments intended to be used simultaneously) energized at its design voltage, shall then be stabilized at 100+/−5 degrees F (38+/−3 degrees C) in a circulating air environmental test chamber. After a period of 30 minutes, the variation from correct horizontal and vertical aim shall not exceed +/−.2 degree, and +/−0.1 degree, respectively.

(5) The VHAD and an unlighted headlamp assembly shall then be placed in a circulating air environmental test chamber and exposed to a temperature of 140 +/−5 degrees F (60+/−3 degrees C) for 24 hours, followed by a temperature of −40+/−5 degrees F (−40+/−3 degrees C) for 24 hours and then permitted to return to room temperature, after which the VHAD and headlamp assembly shall show no visible damage. The variation from correct horizontal or vertical aim shall not exceed +/−0.2 degree, and +/−0.1 degree, respectively.

(6) The VHAD and headlamp assembly shall then be tested according to the corrosion test requirements of paragraph S8.4.

(7) The VHAD and headlamp assembly (if the headlamp is separable or intended to be used with the VHAD) shall then be tested for compliance with the photometrics appropriate for it in accordance with the test procedures of paragraphs 4.1, and 4.1.4 (except for 4.1.4.3). A reaim tolerance of ¼ degree is permitted for any test point.

(c) The method for aim adjustment shall be provided in the vehicle operator's manual in clear operating instructions, or on a label permanently affixed to the vehicle adjacent to each VHAD.

S8 *Tests and Procedures for Headlighting Systems.* When tested in accordance with the following procedures, each integral beam headlamp shall meet the requirements of paragraph S7.4, and each replaceable bulb headlamp shall meet the requirements of paragraph S7.5.

S8.1 *Photometry.* Each headlamp shall be tested according to paragraph 3.5, Photometric Design Requirements and Table 1 of SAE Standard J579 DEC84 or Figure 15 or Figure 17 of this standard, as applicable, after the tests specified in paragraphs S8.2, S8.3, S8.5, S8.6.1, S8.6.2, and S8.7.

S8.2 *Abrasion.* (a) A headlamp shall be mounted in the abrasion test fixture in the manner indicated in Figure 5 with the lens facing upward.

(b) An abrading pad meeting the requirements in paragraphs (c)(1) through (c)(4) of this section shall be cycled back and forth (1 cycle) for 11 cycles at 4 ± 0.8 in. (10 cm ± 2 cm) per second over at least 80 percent of the lens surface, including all the area between the upper and lower aiming pads, but not including lens trim rings and edges.

(c)(1) The abrading pad shall be not less than 1.0 ± .04 in . (2.5 cm ± .1 cm) wide, constructed of 0000 steel wool, and rubber cemented to a rigid base shaped to the same vertical contour of the lens. The "grain" of the pad shall be perpendicular to the direction of motion.

(2) The abrading pad support shall be equal in size to the pad and the center of the support surface shall be within ± 0.8 in. (± 2 mm) of parallel to the lens surface.

(3) The density of the abrading pad shall be such that when the pad is mounted to its support and is resting unweighted on the lens, the base of the

pad shall be no closer than .125 in. (3.2 mm) to the lens at its closest point.

(4) When mounted on its support and resting on the lens of the test headlamp, the abrading pad shall then be weighted such that a pad pressure of 2.0 ± .15 psi (14 ± 1 KPa) exists at the center and perpendicular to the face of the lens.

(d) A pivot shall be used if it is required to follow the contour of the lens.

(e) Unused steel wool shall be used for each test.

S8.3 *Chemical resistance.* (a) The entire exterior lens surface of the headlamp in the headlamp test fixture and top surface of the lens-reflector joint shall be wiped once to the left and once to the right with a 6-inch square soft cotton cloth (with pressure equally applied) which has been saturated once in a container with 2 ounces of a test fluid as listed in paragraph (b). The lamp shall be wiped within 5 seconds after removal of the cloth from the test fluid.

(b) The test fluids are:

(1) Gasoline, unleaded, 89 octane or above (R ± M/2) (consisting by volume of 47% toluene, 3% benzine, and 50% iso-octane) used per OSHA Std. 29 CFR 1910.106—*Handling Storage and Use of Flammable combustible Liquids.*

(2) Tar remover (consisting of volume of 45% xylene and 55% petroleum base with mineral spirits).

(3) Power steering fluid (as specified by the manufacturer of the motor vehicle on which the headlamp is intended to be installed).

(4) Windshield washer fluid consisting of 0.5% monoethanolamine with the remainder 50% concentration of methanol/distilled water by volume.

(5) Antifreeze (50% concentration of ethylene glycol/distilled water by volume).

(c) After the headlamp has been wiped with the test fluid, it shall be stored in its designed operating attitude for 48 hours at a temperature of 73° F ± 7° (23° C ± 4° and a relative humidity of 30 ± 10 percent. At the end of the 48-hour period, the headlamp shall be wiped clean with a soft dry cotton cloth and visually inspected.

S8.4 **Corrosion.** (a) A connector test shall be performed on each filament circuit prior to the test in subparagraph (b) according to Figure 1 of SAE Standard J560 DEC86. The power source shall be set to provide 12.8 volts and the resistence shall be set to produce 10 amperes.

(b) The headlamp with connector attached to the terminals, unfixtured and its designed operating attitude with all drain holes, breathing devices or other designed openings in their normal operating positions, shall be subjected to a salt spray (fog) test in accordance with ASTM B117-73, *Method of Salt Spray (Fog) Testing*, for 240 hours, consisting of ten successive 24-hour periods. During each period, the headlamp shall be mounted in the middle of the chamber and exposed for 23 hours to the salt spray. The spray shall be activated during the 24th hour. The bulb shall be removed from the headlamp and from the test chamber during the one hour of salt spray deactivation and reinserted for the start of the next test period, at the end of the first and last three 23-hour periods of salt spray exposure, and at the end of any two of the fourth through seventh 23-hour periods of salt-spray exposure. The test chamber shall be closed at all times except for a maximum of 2 minutes which is allowed for removal or replacement of a bulb during each period. After the ten periods, the lens reflector unit without the bulb shall be immersed in deionized water for 5 minutes, then secured and allowed to dry by natural convection only.

(c) Using the voltage, resistance and pretest set up of paragraph (a) the current in each filament circuit shall be measured after the test conducted in paragraph (b).

S8.5 *Dust.* The headlamp, mounted on a headlamp test fixture, with all drain holes, breathing devices or other designed openings in their normal operating positions, shall be positioned within a cubical box, with inside measurements of 35.4 in. (900 mm) on each side or larger if required for adequate wall clearance, i.e., a distance of at least 5.9 in. (150 mm) between the headlamp and any wall of the box. The box shall contain 9.9 lb. (4.5 kg) of fine powdered cement which conforms to the ASTM C150–77 specification for Portland Cement. Every 15 minutes, the cement shall be agitated by compressed air or fan blower(s) by projecting blasts of air for a two-second period in a downward direction so that the cement is diffused as uniformaly as possible throughout the entire box. This test shall be continued for five hours after which the exterior surfaces of the headlamp shall be wiped clean.

S8.6 *Temperature and internal heat tests*—A headlamp with one or more replaceable standardized light sources shall be tested according to paragraphs S8.61 and S8.62. Tests shall be made with all filaments lighted at design voltage that are intended to be used simultaneously in the headlamp and which is combination draw the highest total wattage. These include but are not limited to filaments used for turn signal lamps, fog lamps, parking lamps, and headlamp lower beams lighted with upper beams when the wiring harness is so connected on the vehicle. If a turn signal is included in the headlamp assembly, it shall be operated at 90 flashes a minute with a 75 ± 2% current "on time." If the lamp produces both the upper and lower beam, it shall be tested in both the upper beam mode and the lower beam mode under the conditions above described, except for a headlamp with a single HB1 light source.

S8.6.1 *Temperature cycle.* A headlamp, mounted on a headlamp test fixture, shall be subjected to 10 complete consecutive cycles having the thermal cycle profile shown in Figure 6. During the hot cycle, the lamp, shall be energized commencing at point "A" of Figure 6 and de-energized at point "B." Separate or single test chambers may be used to generate the environment of Figure 6. All drain holes, breathing devices or other openings or vents of the headlamps shall be in their normal operating positions.

S8.6.2 *Internal Heat Test.* (a) The headlamp lens surface that would normally be exposed to road dirt shall be uniformly sprayed with any appropriate mixture of dust and water or other materials to reduce the photometric output at the H-V test point of the upper beam (or the ½D-1½R test point of the lower beam as appropriate) to 25 ± 2% of the output originally measured in the photometric test conducted pursuant to paragraphs S7.4(i), or S7.5(a) through (4), as applicable. A headlamp with single HB1 light source shall be tested on the upper beam only. Such reduction shall be determined under the same conditions as that of the original photometric measurement.

(b) After the photometric output of the lamp has been reduced as specified in paragraph (a), the lamp and its mounting hardware shall be mounted in an environmental chamber in a manner similar to that indicated in Figure 7 "Dirt/Ambient Test Setup." The headlamp shall be soaked for one hour at a temperature of 95 + 7 − 0 degrees F (35 + 4 − 0 °C) and then the lamp shall be energized according to paragraph S8.6 one hour in a still air condition, allowing the temperature to rise from the soak temperature.

(c) The lamp shall be returned to a room ambient temperature of 73 + 7 − 0 degrees F (23 + 0 degrees C) and a relative humidity of 30 ± 10 % and allowed to stabilize to the room ambient temperature. The lens shall then be cleaned.

S8.7 *Humidity.* The headlamp mounted on a headlamp test fixture shall be placed in a controlled environment consisting of a temperature of 100 + 7 − 0 °F (38 + 4 − 0 °C) with a relative humidity of not less than 90%. All drain holes, breathing devices, and other designed openings shall be in their normal operating positions. The headlamp shall be subjected to 20 consecutive 6-hour test cycles. In each cycle it shall be energized for 1 hour at design voltage with the highest combination of filament wattages that are intended to be used including a turn signal flashing at 90 flashes per minute with 75 ± 2% current "on time", if so equipped, and then de-energized for 5 hours. After competion of the last cycle, the lamp shall be soaked for 1 hour at 73 ± 7 − 0 °F (20 ± 4 − °C) and relative humidity of 30 ± 10% before it is removed for photometric testing. The headlamp shall be tested for photometrics at 10 ± 1 minutes following completion of the humidity test.

S8.8 *Impact.* The headlamp shall be rigidly mounted in a headlamp test fixture on the seating lugs with the mechanical axis (bulb socket axis) vertical, and the lens upward. The seating plane of the test fixture shall consist of oakwood 0.5 inch (13 mm) thick. One impact shall be delivered to the center of the lens on the mechanical axis using a steel ball bearing with a diameter of .9055 in. (23 mm) weighing 1.76 oz. (50 grams), dropped freely from a distance of 15.75 in. (40 cm) from the bottom of the ball to the surface of the lens, at the intersection of the ball trajectory and the mechanical axis of the headlamp.

S8.9 Sealing. An unfixture headlamp in its design mounting position shall be placed in water at a temperature of 176 +/−5 degree F (60 +/−3 deg. C) for one hour. The headlamp shall be energized in its highest wattage mode, with the test voltage at 12.8 +/−0.1 V. during immersion. The lamp shall then be de-energized and immediately submerged in its design mounting position into water at 32 +5–0 deg. F (0 +3–0 deg. C). The water shall be in a pressurized vessel, and the pressure shall be increased to 10 pounds per square inch guage (69 kPa), upon placing the lamp in the water. The lamp shall remain in the pressurized vessel for a period of thirty minutes. This entire procedure shall be repeated for four cycles, and then the lamp shall be inspected for any signs of water on its interior. During the high temperature portion of the cycles, the lamp shall be observed for signs of air escaping from its interior. Any water occurring on the interior or air escaping shall mean that the lamp is not a sealed lamp.

S9. *Deflection test for standardized replaceable light sources.*

With the light source rigidly mounted in a fixture in a manner indicated in Figure 8, apply a force of 4.0 ± 0.1 pounds (17.8 ± 0.4N) at a distance "A" from the reference plane perpendicular to the longitudinal axis of the glass capsule and parallel to the smallest dimension of the pressed glass capsule seal. The force application of shall be applied using a rod with a hard rubber tip with a minimum spherical radius of .039 in (1 mm). The force shall be applied radially to the surface of the glass capsule in four locations in a plane parallel to the reference plane and space at a distance "A" from that plane. These force applications shall be spaced 90 degrees apart starting at the point perpendicular to the smallest dimension of the pressed seal of the glass capsule. The bulb deflection shall be measured at the glass capsule surface at 180 degrees opposite to the force application.

S10. *Simultaneous Aim Photometry Tests.*

(a) *Type F. Headlamp Systems* The assembly shall be located on a goniometer placed not less than 60 feet (18.3m) from the photometer. The LF unit shall be aimed mechanically by centering the unit on the photometer axis and aligning the aiming plan of the lens perpendicular to the photometer axis. Then the assembly shall be moved in a plane parallel to the established aiming plane of the LF headlamp until the UF headlamp is centered on the photometer axis. Photometry measurements of the UF photometry unit shall be completed using the aiming plane so established, and the procedures of section 4.6 of SAE J575 JUN80, and Figure 15. A reaim tolerance of ± 1/4 degree is allowed for any test point.

(b) *Integral Beam Headlamp Systems.* The assembly used for simultaneously aiming more than one integral beam headlamp shall be placed on a test fixture on a goniometer located not less than 60 feet (18.3 m.) from the photometer. The assembly shall be aimed by centering the geometric center of the lower beam lens(es) on the photometer axis and by aligning the assembly's axis with the photometer axis. Photometric compliance of the lower beam shall be determined with all lower beam contributors illiminated and in accordance with section 4.6 Photometry of SAE Standard J575 JUN 80, and Figure 15. The assembly shall then be moved in a plane parallel to the established aiming plane of the lower bean until the assembly is located with the geometric center of the upper lens(es) on the photometer axis. Photometric compliance for upper beam shall now be determined using the figure and procedure specified for the lower beam. During photometric testing, a ¼ degree reaim in any direction for any test point is permitted for the upper beam, but is not permitted for the lower beam.

* * * * *

3. The item "Headlamps" of Tables I and III would be amended by removing the entries in the second column and the entries in the final column in each Table, and by adding "See S7." to the second column.

4. The footnotes in Tables I, II, and III, would be amended by changing the prefix of each from "S4" to "S5".

5. Footnote 2 in Table IV would be revised to read "S5.1.1.15".

PART 575—[AMENDED]

6. The authority citation for Part 575 would continue to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1407, 1421, 1423; delegation of authority at 49 C.F.R 1.50.

§ 575.4 [Amended]

7. Section 575.4(a) would be amended by revising the phrase "motor vehicles and tires" to read "motor vehciles, headlamps, and tires."

8. Secs, 575.4(b), (c), and (d) would be amended by revising the phrase "motor vehicles or tires" to read "motor vehicles, headlamps, or tires."

§ 575.6 [Amended]

9. In § 575.6, in paragraph (a), the phrase "vehicle and its tires" would be revised to read "vehicle, its headlamps and tires".

10. A new § 575.102 would be added to Subpart B to read as follows:

§ 575.102 Headlamps.

(a) *Scope.* This section requires manufacturers of motor vehciles to which this section applies to identify the part or parts numbers of original and replacement headlamps certified for use in their vehicles, and the name or trademark of the headlamp manufacturer.

(b) *Purpose.* The purpose of this section is to aid the consumer in ensuring that motor vehicle headlamps bought for replacement of original equipment are the equivalent in performance and application of the original equipment headlamps.

(c) *Application.* This section applies to passenger cars, multipurpose passenger vehicles, trucks, and buses, equipped with headlamps whose exterior dimension are not prescribed by, or incorporated by reference in, Standard No. 108 of this chapter (49 CFR 571.108).

BEST COPY AVAILABLE

VOL 52 ISS 249 DE 29 1987 UMI

(d) *Required Information.* Each manufacturer of passenger cars, multipurpose passenger vehicles, trucks, and buses, to which this section applies, shall provide informaiton with each vehicle at the time of its first purchase for purposes other than resale which must indiciate clearly the headlamp manufacturer's name and/or trade mark, and all headlamp parts numbers.

Issued on: December 23, 1987.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 87-29715 Filed 12-28-87; 8:45 am]

BILLING CODE [illegible]

Notices

Federal Register

Vol. 52, No. 249

Tuesday, December 29, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Food Stamp Program; Thrifty Food Plan for Alaska, Hawaii, Guam, and the Virgin Islands.

AGENCY: Food and Nutrition Service, USDA.

ACTION: General notice.

SUMMARY: The Department is updating the Thrifty Food Plan which determines the maximum amount of food stamps which participating households receive in Alaska, Hawaii, Guam, and the Virgin Islands. These adjustments, required by law, take into account changes in the cost of living.

EFFECTIVE DATE: October 1, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas O'Conner, Chief, Administration and Design Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302, (703) 756-3383.

SUPPLEMENTARY INFORMATION:

Publication

State agencies implemented this action on October 1, 1987. Based on regulations published at 47 FR 46485-46487 (October 19, 1982) annual statutory adjustments to the Thrifty Food Plan are issued by General Notices published in the **Federal Register** and not through rulemaking proceedings.

Classification

Executive Order 12291. This action has been reviewed under Executive Order 12291 and Secretary's Memorandum 1512-1. It has been determined that this action would not result in an annual effect on the economy of $100 million or more; and it will not have significant adverse effects on competition, productivity, employment, investment, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the Department has classified this action as "not major."

Executive Order 12372. The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the Final rule related Notice(s) to 7 CFR 3015, Subpart V (Cite 48 FR 29115, June 24, 1983; or 48 FR 54317, December 1, 1983, as appropriate, and any subsequent notices that may apply), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act. Anna Kondratas, Administrator of the Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. The action will increase the amount of money spent on food through food stamps. However, this money will be distributed among food vendors in Alaska, Hawaii, Guam and the Virgin Islands, so the effect on any one vendor will not be significant.

Paperwork Reduction Act. This action does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget (OMB).

Background

Thrifty Food Plan (TFP).

The TFP is a plan for the consumption of foods of different types (food groups) that families might use to provide nutritious meals and snacks for family members. The plan suggests amounts of food for men, women, and children of different ages. The cost of the TFP is adjusted periodically to reflect changes in the costs of the food groups.

The TFP also constitutes the basis for allotments for food stamp households. As such, the cost of the TFP is the maximum benefit level payable to a household of a particular size. The maximum benefit is paid to households which have no net income. For households which have some net income, their allotment is determined by reducing the TFP for their household size by 30 percent of the household's net income.

Food stamp allotments are adjusted periodically to reflect changes in cost levels. Section 3(o) of the Food Stamp Act of 1977, as amended, requires that an adjustment take place on October 1, 1987, based upon TFP costs for the twelve months ending June 1987 for a family of four persons consisting of a man and woman ages 20-50 and children 6-8 and 9-11. The October 1, 1987 adjustment in food stamp allotments for the 48 States and D.C. was published in a separate Notice in the **Federal Register**.

TFPs for Alaska and Hawaii were delayed because of a change in BLS procedures. Under the revised BLS procedure, monthly food price data for Alaska and Hawaii are no longer available. Beginning with the January-June 1987 period, BLS began compiling and publishing CPI information for Anchorage and Honolulu and some other areas on a semiannual basis. Although *some* food price data were collected in June 1987 in Anchorage and Honolulu, the number of items for which prices were collected was too small to provide valid information for June 1987. Instead the information released by BLS was an average for the six-month period that includes June 1987. Although the six-month average could be used to obtain a TFP for Alaska and Hawaii for January-June 1987, this is not the same as the June 1987 TFP would be, so FNS Adjusted this average in order to approximate as nearly as possible the actual cost of the TFP for June 1987. In order to make the adjustment, FNS measured how the June 1986 Alaska and Hawaii TFPs compared with the January-June 1986 average TFPs for these areas. This measure was used as a proxy for how the June 1987 TFP would compare with the January-June 1987 averages, and it was multiplied by the January-June average TFPs. The resultant TFPs for June 1987 are $375.06 in Alaska and $444.46 in Hawaii. The TFPs for Guam and the Virgin Islands were $427.90 in Guam and $373.30 in the Virgin Islands.

To obtain the maximum food stamp benefit for each household size, the TFP costs for the four-person household were divided by four, multiplied by the appropriate household size and economy of scale factor, and the final result was rounded down to the nearest dollar.

Maximum food stamp benefits for Guam and the Virgin Islands cannot exceed those in the 50 States and D.C. In Alaska, where the TFP is based on Anchorage prices, the urban allotment is

the higher of the allotment that was in effect in urban areas on October 1, 1985 or 1.0079 percent higher than the Anchorage TFP. The allotment for rural I areas is the higher of the allotment that was in effect in each area on October 1, 1985 or 28.52 percent higher than the Anchorage TFP. (Thus, the allotment for Nenana will be at the previous level for rural Alaska.) The rural II allotment is 56.42 percent higher than the Anchorage TFP. For further information concerning the allotments for urban Alaska, rural I Alaska, Nenana, and rural II Alaska, see 50 FR 13759–13761.

The following table shows the new allotments for urban Alaska, rural I Alaska, Nenana, rural II Alaska, Hawaii, Guam, and the Virgin Islands.

THRIFTY FOOD PLAN AMOUNTS [1]—OCTOBER 1987, AS ADJUSTED

Household Size	Urban Alaska [2]	Rural I Alaska [3]	Rural II Alaska [4]	Nenana [3]	Hawaii	Guam [5]	Virgin Island [5]
1	$113	$144	$178	$158	$133	$128	$111
2	207	265	327	290	244	235	205
3	297	379	468	415	350	336	293
4	378	482	595	527	444	427	373
5	448	572	706	626	527	508	443
6	536	686	847	752	633	609	531
7	595	759	924	831	700	673	587
8	680	867	1070	949	800	770	671
Each additional member	+85	+108	+132	+119	+100	+96	+84

[1] Adjusted to reflect the cost of food in June, adjustment for each household size, economies of scale, and rounding.
[2] These levels are 1.0079 percent higher than the Anchorage TFP.
[3] These levels are 28.52 percent higher than the Anchorage TFP. With the exception of Nenana, all Rural I areas formerly received the allotment for urban Alaska.
[4] These levels are 56.42 percent higher than the Anchorage TFP.
[5] These levels were in effect in Nenana on October 1, 1985. They are higher than the allotment for Rural I Alaska.
[6] Adjusted to reflect changes in the cost of food in the 48 States and D.C., which correlate with price changes in these area. TFP costs in these areas cannot exceed costs in Rural II Alaska.

These amounts will go into effect October 1, 1987.

(91 Stat. 958 (7 U.S.C. 2011, et seq.))

Sonia Crow,

Acting Administrator

Date: December 21, 1987.

[FR Doc. 87–29793 Filed 12–28–87; 8:45 am]

BILLING CODE 3410-30-M

Packers and Stockyards Administration

Certification of Central Filing System; Oklahoma

The Statewide central filing system of Oklahoma is hereby certified, pursuant to section 1324 of the Food Security Act of 1985, on the basis of information submitted by Hannah D. Atkins, Secretary of State, for farm products produced in that State as follows:

Cattle and calves	Potatoes
Goats	Sweet potatoes
Horses	Asparagus
Hogs	Corn sweet
Sheep and lambs	Okra
Chickens	Peas, southern
Eggs	Onions
Turkeys	Tomatoes
Milk	Apples
Mohair	Apricots
Wool	Cherries
Catfish	Grapes
Crawfish	Peaches
Rye	Pears
Wheat	Cantaloupes
Barley	Watermelons
Corn	Blackberries
Hay	Blueberries
Oats	Strawberries
Sorghum grain	Pecans
Triticale	Walnuts
Peanuts	Grass
Soybeans	Legume
Cotton	Popcorn
Dry beans	Ornamental trees and shrubs
Dry peas	
Roses	Trees hardwoods and pulpwoods
Shade trees	Honey
Trees Christmas	

This is issued pursuant to authority delegated by the Secretary of Agriculture.

Authority: Sec. 1324(c)(2), Pub. L. 99–198, 99 Stat. 1535, 7 U.S.C. 1631(c)(2); 7 CFR 2.17(e)(3), 2.56(a)(3), 51 FR 22795.

Dated: December 23, 1987.

B.H. (Bill) Jones,

Administrator, Packers and Stockyards Administration.

[FR Doc. 87–29753 Filed 12–23–87; 8:45 am]

BILLING CODE 3410-KD-M

BOARD FOR INTERNATIONAL BROADCASTING

SES Performance Review Board; Membership

Section 4314 (c)(1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards. The boards shall review and evaluate the initial appraisal by the supervisor of a senior executive's performance, along with any recommendations to the appointing authority relative to the performance of the senior executive.

Because of the Board for International Broadcasting's small size, a Performance Review Board register is established in which SES members from other small agencies participate. This notice is to establish a PRB for the Board for International Broadcasting. The members whose names appear are:

Lindley S. Sloan, Executive Director, Japan/US Friendship Commission (PRB Chairman)
Jeffrey S. Lubbers, Research Director, Administrative Conference of the U.S.
Gary Edles, Legal Counsel, Administrative Conference of the U.S.

Dated: December 23, 1987.

Mark G. Pomar,

Deputy Executive Director.

[FR Doc. 87–29782 Filed 12–28–87; 8:45 am]

BILLING CODE 8155-01-M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Patent and Trademark Office.

Title: Trademark Processing.

Form Numbers: PTO—Numerous; OMB—0651–0009.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 72,800 respondents; 32,351 reporting hours.

Needs and Uses: Information collected is for the purpose of applying for or maintaining a trademark. The information is used by PTO in assessing whether or not the applicant meets the criteria for registering a word, name, symbol, or device as a trademark.

Affected Public: Businesses or other for-profit institutions; small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Sheri Fox, 395–3785.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Office, Edward Michals, (202) 377–3271, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Sheri Fox, OMB Desk Officer, Room 3235, New Executive Office Building, Washngton, DC 20503.

Dated: December 22, 1987.

J. Randall Blumenschein,

Chief, Management Support Division, Office of Management and Organization.

[FR Doc. 87–29762 Filed 12–28–87; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

[Docket No. 7684–01 and 7684–02]

Actions Affecting Export Privileges; Dan Peter Tadmor, Individually and Doing Business as Agentek, Ltd.

Summary

Pursuant to § 388.23 of the Export Administration Regulations, Dan Peter Tadmor, individually and doing business as Agentek Ltd., both with an address at Atidim Scientific Park, Dvora Hanevia St., P.O.B. 10150, Tel Aviv 61101, Israel, is hereby denied all export privileges for a period of ten years from the date of this Order. Commencing five years from the date of this Order, the denial of export privileges set forth in the Administrative Law Judges's Recommended Decision and Order shall be suspended for the remainder of the ten year period and shall be terminated at the end of such ten year period provided the Respondent commits no further violations of the Act, Regulations, or the final Order entered in this proceeding.

Order

On November 25, 1987, the Administrative Law Judge (ALJ) issued his Recommended Decision and Order in the above referenced matter. The Recommended Decision and Order was referred to me pursuant to the Export Administrative Amendments Act of 1985, 50 U.S.C. Appl 2412, Pub. L. 99–64, 99 Stat. 120 (July 12, 1985) and 15 CFR 388.17(a), for final action.

Having examined the record and based on the facts adduced in this proceeding, I affirm the Recommended Decision and Order of the ALJ.

This constitutes final agency action in the proceeding.

Date: December 22, 1987.

Paul Freedenberg,

Acting Under Secretary for Export Administration.

Appearance for Respondent: Mr. Dan Peter, Tadmor (pro se), Agentek Ltd., Atidim Scientific Park, Dvora Hanevia St., P.O.B. 10150, Tel Aviv 61101, Israel.

Appearance for Agency: Margo E. Jackson, Esq., Attorney-Adviser, Office of the Deputy Chief Counsel for Export Administration, U.S. Department of Commerce, Room H–3329, 14th & Constitution Ave., NW., Washington, DC 20230.

Decision and Order

Decision

Procedural Background

This proceeding against Respondent Dan Peter Tadmor, individually and doing business as Agentek Ltd., [1] began with the issuance October 16, 1986 of a charging letter by the Office of Export Enforcement, Trade Administration, U.S. Department of Commerce (the "Agency"). [2] This letter was issued under the authority of the Export Administration Act of 1979 (50 U.S.C. app. sections 2410–2420), as reauthorized and amended by the Export Administration Amendments Act of 1985, Pub. L. 9964, 99 Stat. 120 (July 12, 1985) (the "Act"), and under the authority of the Export Administration Regulations (currently codified at 15 CFR Parts 368–399 (1987)) (the "Regulations"). The letter charged that Respondent had violated §§387.4 and 387.6 of the Regulations in 1983–84 in two reexports for Israel to Switzerland of U.S.-origin computer-related equipment.

Respondent filed a March 2, 1987 answer to the charging letter. Neither Respondent nor Agency Counsel requested a hearing. Consequently, this matter is decided on the record without a hearing. Both Respondent and Agency Counsel made submissions for the record, which closed September 14, 1987. Since Respondent admitted the alleged violations, the sole disputed issue to be decided is the extent of any sanction.

Arguments of the Parties

Agency Counsel asserted that Respondnet reexported U.S.-origin computer-related equipment from Israel to Switzerland, in December 1983 and March 1984, without the U.S. authorization that he knew or should have known was required (August 24, 1987 Statement of Proposed Sanction 1–4). This equipment was controlled, according to Agency Counsel, for national security reasons (*id.* 2), and these unauthorized reexports were made notwithstanding several written representations by Respondent to the Agency and one to his U.S. exporter that he would comply with the Regulations (*id.* 3). Respondent's thinking in making the reexports, per Agency Counsel's evidence, was that he would obtain money needed to save his business, that he was unlikely to be caught, and that, if he were, any sanction would be minimal (*id.* 4). Agency Counsel proposed that the sanction should be a 10-year denial of U.S. export privileges.

Respondent admitted the unauthorized reexports of U.S.-origin equipment as charged, adding that the equipment had in fact been shipped from Israel through Switzerland to South Africa (March 2, 1987 Telex 1; March 27, 1987 Letter, enclosed March 23, 1987 Letter from representative 1–2; April 16, 1987 Final Deposition 2–4, 6–7). The whole thrust of Respondent's case was several points that he pleaded in mitigation. He argued that not he, but somebody else, had initiated the

[1] The charging letter was actually issued against Daniel Peter Tadmor, individually and doing business as Agentex Limited. Respondent then advised the Agency that his name is Dan Peter Tadmor, and that his company's name had become Agentek Ltd. Accordingly, this proceeding is conducted under the names thus communicated by Respondent to the Agency. See the July 17, 1987 Order for Filings by August 3 and 24, and September 24, 1987, at 2.

[2] When the Office of Export Enforcement issued the charging letter October 16, 1986, it was part of an organization within the U.S. Department of Commerce titled the International Trade Administration. As of October 1, 1987, however, it became part of an organization within the Department titled the Export Administration.

unauthorized reexports (March 23, 1987 Letter, *supra*, at 2; April 16, 1987 Deposition, *supra*, at 3). He said that he had learned of their illegality only after the transactions were under way (April 16, 1987 Deposition, *supra*, at 3), but then continued with them because the revenue from them was essential to saving his company (March 23, 1987 Letter, *supra*, at 2; April 16, 1987 Deposition, *supra*, at 3, 6, 7).

Respondent stressed further that he was continuing to cooperate fully with the Agency's investigation into the unauthorized reexports (March 23, 1987 Letter, *supra*, at 1; April 16, 1987 Deposition, *supra*, at 3, 4, 6), and that he had taken specific steps to assure his future compliance with the Regulations (March 23, 1987 Letter, *supra*, at 1; April 16, 1987 Deposition, *supra*, at 5). Finally, he claimed financial inability to pay more than a modest civil penalty or to survive any denial of U.S. export privileges (March 23, 1987 Letter, *supra*, at 2; April 16, 1987 Deposition, *supra*, at 7).

Findings

The record of this proceeding warrants the following findings. Respondent reexported U.S.-origin computer equipment from Israel to Switzerland in December 1983 and March 1984 (see Agency's August 24, 1987 Statement of Proposed Sanction, *supra*, Exhibits 4, 5), without the U.S. authorization that he knew or should have known was required. This equipment was controlled for national security reasons (*id.*, Exhibit 1). Respondent made these unauthorized reexports not withstanding his written representations to the Agency in 1981, 1982, and 1983, and to the U.S. exporter in 1984, that he would comply with the Regulations (*id.* Exhibits 2, 6).

Conclusions

The record requires the following conclusions. Respondent violated §§ 387.4 and 387.6 of the Regulations in December 1983 and March 1984 by reexporting U.S.-origin computer equipment from Israel to Switzerland without the required U.S. authorization. Such violations involving equipment controlled for national security reasons are a serious matter, and Respondent's arguments advanced in mitigation are insufficient to justify imposition of only a minor sanction. Somebody in Respondent's situation should be deterred from any calculation that the possible revenue from an unauthorized export might outweigh the chances of getting caught and the consequent cost of any sanction.

Agency Counsel's proposed 10-year denial of U.S. export privileges is reasonable. In view of all the circumstances cited by both Agency Counsel and Respondent, it would be fair to Respondent and would achieve effective enforcement of the Act and the Regulations if the last five years of the denial period are suspended, provided that Respondent has complied with the Act and the Regulations during the first five years.

Order

Accordingly, pursuant to the authority delegated to the undersigned by Part 388 of the Regulations, it is hereby ordered as follows.

I. For a period of 10 years from the date of the final Agency action, as modified during the second half of such period by the suspension set forth in Paragraph VI below, Respondent Dan Peter Tadmor, individually and doing business as Agentek Ltd., Atidim Scientific Park, Dvora Hanevia St., P.O.B. 10150, Tel Aviv 61101, Israel, and all successors, assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations.

II. Participation prohibited in any such transaction, either in the United States, or abroad, shall include, but not be limited to, participation:

(i) As a party or as a representative of a party to a validated export license application;

(ii) In preparing or filing any export license application or reexport authorization, or any document to be submitted therewith;

(iii) In obtaining or using any validated or general export license or other export control document;

(iv) In carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported; and

(v) In the financing, forwarding, transporting, or other servicing of such commodities or technical data.

Such denial of export privileges shall extend to matters which are subject to the Act and the Regulations.

III. After notice and opportunity for comment, such denial of export privileges may be made applicable to any person, firm, corporation, or business organization with which the Respondent is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services.

IV. All outstanding individual validated export licenses in which Respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of Respondent's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure and specific authorization from the Office of Export Licensing, shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with Respondent or any related person, or whereby Respondent or any related person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly:

(i) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for Respondent or any related person denied export privileges, or

(ii) Order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any export, reexport, transshipment or diversion of any commodity or technical data exported or to be exported from the United States.

VI. Commencing five years from the data that this Order becomes effective, the denial or export privileges set forth in Paragraphs I-V above shall be suspended, in accordance with § 388.16 of the Regulations, for the remainder of the ten-year period set forth in Paragraph I above, and shall be terminated at the end of such 10-year period, provided that Respondent has committeed no further violations of the Act, the Regulations, or the final Order entered in this proceeding.

VII. This Order as affirmed or modified shall become effective upon entry of the Secretary's final action in this proceeding pursuant to the Act (50 U.S.C.A. app. 2412(c)(1)).

Date: November 25, 1987.

Thomas W. Hoya,

Administrative Law Judge.

[FR Doc. 87-29763 Filed 12-28-87; 8:45 am]

BILLING CODE 3510-DT-M

Initiation of National Security Investigation of Imports of Crude Oil and Refined Petroleum Products

AGENCY: U.S. Department of Commerce, International Trade Administration, Office of Industrial Resource Administration.

ACTION: Notice of an investigation under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), and request for comments.

SUMMARY: This notice is to advise the public that an investigation is being conducted under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effects on the national security of imports of crude oil and refined petroleum products. Interested parties are invited to submit written comments, opinions, data, information or advice relative to the investigation to the Strategic Analysis Division, Office of Industrial Resource Administration, U.S. Department of Commerce.

DATA: Comments must be received not later than Thursday 28, 1988. Written comments should be addressed to: Steven C. Goldman, Director, Strategic Analysis Division, Office of Industrial Resource Administration, International Trade Administration, U.S. Department of Commerce, Room 3878, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Steven C. Goldman, Director, Strategic Analysis Division, Office of Industrial Resource Administration, Internatinal Trade Administration, U.S. Department of Commerce, Room 3878, Washington, DC 20230, (202) 377-4060.

SUPPLEMENTARY INFORMATION: In an application submitted on December 1, 1987 by the National Energy Security Committee on behalf of a coalition of associations, companies and individuals, the Department of Commerce was requested to initiate an investigation under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effect on the national security of imports of crude oil and refined petroleum products.

On December 23, 1987 the Department of Commerce confirmed receipt of and accepted the application requesting an investigation. The findings and recommendations of the investigation will be reported by the Secretary of Commerce to the President no later than December 1, 1988.

The articles to be investigated include crude oil and refined petroleum products. Crude oil is currently classifiable in the Tariff Schedules of the United States (TSUSA) Annotated (1987) at items 475.05 (crude oil testing under 25 degrees A.P.I.) and 475.10 (crude oil testing 25 degrees A.P.I. or more).

The following refined petroleum products are classified under these specific TSUSA categories: 475.25 (motor fuel, including gasoline, leaded and unleaded; naphtha-type jet fuel and kerosene-type jet fuel); 475.30 (kerosene derived from petroleum, shale oil, or both—except motor fuel): 475.34 (naphthas derived from petroleum, shale oil, natural gas or combinations thereof—except motor fuel); 475.40 (mineral oil or medicinal grade derived from petroleum, shale oil, or both); 475.45, 475.55 and 475.60 (lubricating oils and greases, derived from petroleum shale oil, or both, with or without additives); 475.65 and 475.70 (mixtures of hydrocarbons not specially provided for, derived wholly from petroleum, shale oil, natural gas, or combinations thereof, which contain by weight not over 50% of any single hydrocarbon compound); 494.22 (paraffin and other petroleum waxes); 517.5120 (petroleum coke); and 521.11 (asphaltum, bitumen and limestone-rock asphalt).

This investigation is being undertaken in accordance with Part 359 of Title 15 of the Code of Federal Regulations (15 CFR Part 359). Interested parties are invited to submit written comments, opinions, data, information or advice relevant to this investigation to the Office of Industrial Resource Administration, U.S. Department of Commerce, no later than January 28, 1988.

All materials should be submitted with 10 copies. Public information will be made available at the Department of Commerce for public inspection and copying. Material that is national security classified information or business confidential information is subject to the provisions of § 359.6 of the regulations (15 CFR 359.6)

The public record concerning this investigation will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4104, Department of Commerce, 14th and Pennsylvania Avenue NW, Washington, DC 20230. The records in this facility may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations.

Information about the inspection and copying of records at the facility may be obtained from Patricia L. Mann, International Trade Administration's Freedom of Information Officer (202-377-3031).

If deemed appropriate by the Department, public hearings may be held to elicit further information as provided in § 359.8 (15 CFR 359.8) of the regulations. Notice will be published in the Federal Register, giving the time, place, and matters to be considered at such hearing(s) so that interested parties will have an opportunity to participate.

December 23, 1987.

Gilert B. Kaplan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 87-29807 Filed 12-28-87; 8:45 am]

BILLING CODE 3510-01-M

National Oceanic and Atmospheric Administration

Listing of Endangered and Threatened Species and Designating Critical Habitat; Petitions for the Adoption of Rules and Regulations for the Granting of Permits for Whale Watching

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of receipt of petitions.

SUMMARY: NMFS has received two petitions from GreenWorld to issue regulations to control commercial whale watching.

FOR FURTHER INFORMATION CONTACT: Robert C. Ziobro, Protected Species Management Division, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, (202/673-5348).

SUPPLEMENTARY INFORMATION: On December 1 and 9, 1987, NMFS received petitions from GreenWorld to "promulgate regulations to control whale watching and to construct a permit system for it" and to protect right whales "from the harm of close vessel approaches and especially from commercial whale watching." In accordance with the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) and the Administrative Procedure Act (5 U.S.C. 553(e)), the Service will review available information on whale watching to determine if the petitioned action is warranted.

Date: December 23, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

[FR Doc. 87-29801 Filed 12-28-87; 8:45 am]

BILLING CODE 3510-23-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of Staged Entry for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the People's Republic of China

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Diana Solkoff, International Trade Specialist, Office of Textile and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 566-6828. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to stage entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton and man-made fiber textile products in Categories 334, 359-C and 648, produced or manufactured in the People's Republic of China and currently embargoed.

Background

A CITA directive dated December 23, 1986, as amended, was published in the **Federal Register** (51 FR 47041) which announced the establishment of import limits for certain cotton and man-made fiber textile products, including Categories 334, 359-C and 648, produced or manufactured in China and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987. These categories are currently embargoed.

The U.S. Government has decided to stage entry for a five-month period for Categories 334, 359-C 648 for goods exported in excess of the restraint limits established in the directive of December 23, 1986, as amended.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED(1987).

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 21, 1987.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: To facilitate implementation of the Memorandum of Understanding of December 19, 1987, between the Government of the United States and the People's Republic of China, I request that, effective on January 1, 1988, you permit entry for consumption, or withdrawal for consumption, in the United States, of cotton and man-made fiber textile products in the following categories, produced or manufactured in China and exported to the United States in excess of the restraint limits established for the twelve-month periods which began on January 1, 1987 and extends through December 31, 1987 in each of the 30-day periods in the following amounts:

Category	Period	Amount to be entered
334	January 1-February 1	48,740 dozen.
	February 2-March 2	48,740 dozen.
	March 3-April 1	48,740 dozen.
	April 2-May 2	48,740 dozen.
	May 3-June 1	48,740 dozen.
359-C	January 1-February 1	184,000 pounds.
	February 2-March 2	184,000 pounds.
	March 3-April 1	184,000 pounds.
	April 2-May 2	184,000 pounds.
	May 3-June 1	184,000 pounds.
648	January 1-February 1	207,016 dozen.
	February 2-March 2	207,016 dozen.
	March 3-April 1	207,016 dozen.
	April 2-May 2	207,016 dozen.
	May 3-June 1	207,016 dozen.

Merchandise entered in 1988 in the foregoing categories, exported in excess of limits established for the twelve-month period which began on January 1, 1987 and extends through December 31, 1987, shall be charged to the limits established for the period beginning on January 1, 1988 and extending through December 31, 1988.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[1] In Category 359-C, only TSUSA numbers 381.0822, 381.6510, 384.0928 and 384.5222.

[FR Doc. 87-29886 Filed 12-23-87; 11:33 am]

BILLING CODE 3510-DR-M

Announcement of Import Restraint Levels and Guaranteed Access Levels for Certain Cotton and Man-Made Fiber Textile Products From Trinidad and Tobago; Effective on January 1, 1988

December 21, 1987.

The Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, and the President's February 20, 1986 announcement of a Special Access Program for textile products assembled in participating Caribbean Basin beneficiary countries from fabric formed and cut in the United States, and pursuant to the requirements set forth in 51 FR 21208 (June 11, 1986) and 52 FR 26057 (July 10, 1987), has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information, contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of certain cotton and man-made textile products, produced or manufactured in Trinidad and Tobago and exported during 1988, in excess of the designated twelve-month levels.

In addition, the Commisisoner is also directed to establish guaranteed access levels for certain properly certified cotton and man-made fiber textile products which are assembled in Trinidad and Tobago from fabric formed and cut in the United States and exported during the same twelve-month period.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 23, 1986, between the Governments of the United States and Trinidad and Tobago, as translated to the new category system, establishes designated consultation levels for Categories 336/636, 338/339, 340/640, 347/348/647/648 and 352/652, exported during the agreement year which begins on January 1, 1988 and extends through December 31, 1988.

In addition to the designated consultation levels, the bilateral agreement also establishes guaranteed access levels for properly certified textile products assembled in Trinidad and Tobago from fabric formed and cut in the United States within Categories 336/636, 338/339, 340/640, 347/348/647/648 and 352/652, exported from Trinidad and Tobago during the agreement year which begins on January 1, 1988 and extends through December 31, 1988.

Textile products in Categories 336/636, 338/339, 340/640, 347/348/647/648 and 352/652 which are exported from Trinidad and Tobago on or after January 1, 1988, qualifying for the Special Access Program for entry under TSUSA 807.0010, must be accompanied by a properly completed CBI Export Declaration (Form ITA-370P).

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1987).

The letter to the Commisisoner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 21, 1987.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreements of October 23, 1986 between the Governments of the United States and Trinidad and Tobago; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption or withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Trinidad and Tobago and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of the following designated levels:

Category	12-month restraint level
336/636	65,000 dozen.
338/339	105,000 dozen.
340/640	50,000 dozen.
347/348/647/648	100,000 dozen.
352/652	100,000 dozen.

Note.—Of which not more than 25,000 dozen shall be in shirts made from yarn dyed fabric of two or more colors in the warp and/or filling. (Categories 340pt/640pt.—only. TSUSA numbers 381.0522, 381.3132, 381.3142, 381.3152, 381.5500, 381.5610, 381.5625, 381.5637, 381.5660, 381.9535, 381.9547, 381.9550 and 384.2306.)

To the extent that trade which not falls in the foregoing categoreies is within a category limit for the period October 1, 1986 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

In accordance with the provisions of the Special Access Program, as set forth in 51 FR 21208 (June 11, 1986) and 52 FR 26057 (July 10, 1987), you are directed to establish guaranteed access levels for properly certified cotton and man-made fiber textile products in the following categories which are assembled in Trinidad and Tobago from fabric formed and cut in the United States and exported to the United States from Trinidad and Tobago during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988.

Category	Guaranteed access level
336/636	300,000 dozen.
338/339	225,000 dozen.
340/640	150,000 dozen.
347/348/647/648	300,000 dozen.
352/652	300,000 dozen.

Any shipment for entry under TSUSA 807.0010 which is not accompanied by a valid and correct certification and CBI Export Declaration in accordance with the provisions of the certification requirements established in the directive of July 28, 1987 shall be deined entry unless the Government of Trinidad and Tobago authorizes the entry and any charges to be appropriate designated consultation levels. Any shipment which is declared as TSUSA 807.0010 but found not to qualify for the Special Access Program may be denied entry into the United States.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textiles Agreements.

[FR Doc. 87-29697 Filed 12-28-87; 8:45 am]

BILLING CODE 3510-DR-M

Amendment of Import Limits and Restraint Period for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in the Federative Republic of Brazil

December 21, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published blow, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to amended the previously established import restraint limits for cotton, wool and man-made fiber textile products, produced or manufactured in Brazil and exported during the new restraint period which began on April 1, 1987 and extends through December 31, 1987.

Background

A CITA directive dated March 23, 1987 was published in the **Federal**

Register (52 FR 9884) which established import restraint limits for certain cotton, wool and man-made fiber textile products, produced or manufactured in Brazil and exported during the twelve-month period which began on April 1, 1987 and extends through March 30, 1988.

During consultations held between the Governments of the United States and the Federative Republic of Brazil, it was understood that the previously established twelve-month restraint period would be amended to establish an aggregate limit and, within the aggregate, specific limits for textiles and textile products in Categories 300/301, 310/318, 313, 314, 315, 317, 319, 334/335, 336, 337, 338/339, 347/348, 350, 352, 359/659, 361, 363, 369pt. (dishtowels), 433, 445/446, 604, 614, 638/639, 647/648, 666, and 669pt. (man-made fiber bags), produced or manufactured in Brazil and exported during the new prorated period which began on April 1, 1987 and extends through December 31, 1987. Carryforward and carryover of 100 percent will be available in the foregoing categories between this and the new restraint period.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the Federal Register.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on March 23, 1987 by the Chairman, Committee for Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Federative Republic of Brazil and exported during the twelve-month period which began on April 1, 1987 and extends through March 31, 1988.

Effective on January 1, 1988, the directive of March 23, 1987 is hereby amended to amend the previously established import restraint limits for cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Brazil and exported during the new restraint period which began on April 1, 1987 and extends through December 31, 1987:

Category	Amended restraint limit
300–369, 400–469, and 600–670, as a group	216,750,000 years equivalent.
300/301	6,531,364 pounds.
310/318	2,526,100 square yards.
313	23,373,000 square yards.
314	2,623,500 square yards.
315	11,376,450 square yards.
317	10,323,075 square yards.
319	8,427,000 square yards.
334/335	57,304 dozen of which not more than 11,461 dozen shall be in TSUSA numbers 381.4810, 381.4850, 384.3705, 384.3721, 384.3741, 384.3755, 384.3769, 384.3770, 384.3772, and 384.3774.
336	29,486 dozen.
337	82,585 dozen.
338/339	442,418 dozen.
347/348	379,215 dozen of which not more that 75,843 dozen shall be in TSUSA numbers 381.0542, 381.6230, 381.6260, 384.0722, 384.0724, 384.0726, 384.0729, 384.4735, 384.4740, 384.4746 and 384.4747.
350	49,473 dozen.
352	294,945 dozen.
359/659	4,634,850 square yards equivalent.
361	379,215 numbers.
363	11,376,450 numbers.
369pt.[1]	505,620 pounds.
433	12,499 dozen.
445/446	88,965 dozen.
604	350,595 pounds.
614	4,213,500 square yards.
638/639	168,540 dozen.
647/648	379,215 dozen.
666	1,348,320 pounds.
669pt.[2]	1,685,400 pounds.

[1] In Category 369pt., dishtowels in TSUSA numbers 365.6615, 366.1720, 366.1740, 366.2020, 366.2040, 366.2420, 366.2440 and 366.2860.
[2] In Category 669pt., man-made fiber bags in TSUSA number 385.5300.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–29758 Filed 12–28–87; 8:45 am]

BILLING CODE 3510–DR–M

Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in the Federative Republic of Brazil

Effective January 1, 1988.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Naomi Freeman, International Trade Specialist, Office of Textile and Apparel, U.S. Department of Commerce, (202) 377–4221. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products, produced or manufactured in Brazil and exported during the three-month period which begins on January 1, 1988 and extends through March 31, 1988, in excess of the designated restraint limits.

Background

Pursuant to consultations held under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 29, 1985, as amended, it was understood that the twelve-month restraint period from April 1, 1987 through March 31, 1988 would be divided into two periods: April 1, 1987 through December 31, 1987 and January 1, 1988 through March 31, 1988 with 100 percent carryover/carryforward available between the two periods. The following directive establishes an aggregate specific limit and, within the aggregate, specific limits for textiles and textile products in Categories 218, 219, 225/317/326, 300/301, 313, 314, 315, 334/335, 336, 337, 338/339, 347/348, 350, 352, 359/659, 361, 363, 369pt. (dishtowels), 433, 445/446, 604, 624, 638/639, 647/648, 666, and 669pt. (man-made fiber bags), produced or manfactured in Brazil and exported during the three-month period which begins on January 1, 1988, and extends through March 31, 1988. The agreement includes sublimits for corduroy coats and trousers in Categories 334/335 and 347/348.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984, (49 FR 44782), July 14, 1986 (51 FR 25386) and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of Treasury, Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 29, 1985, as amended, between the Governments of the United States and the Federative Republic of Brazil; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Brazil and exported during the three-month period which begins on January 1, 1988 and extends through March 31, 1988, in excess of the restraint limits indicated below:

Category	3-month restraint limit
200–239, 300–369, 400–469, and 600–670, as a group	72,642,245 square yards equivalent.
Sublevels within the group	
218	872,593 square yards.
219	2,739,701 square yards.
225/317/326	3,428,298 square yards.
300/301	2,354,846 pounds
313	8,392,250 square yards.
314	1,004,089 square yards.
315	3,777,745 square yards.
334/335	19,101 dozen of which not more than 3,820 dozen shall be in TSUSA numbers 381.4810, 381.4850, 384.3705, 384.3721, 384.3741, 384.3755, 384.3769, 384.3770, 384.3772, and 384.3774.
336	9,832 dozen.
337	27,528 dozen.
338/339	147,473 dozen.
347/348	126,405 dozen of which not more than 25,281 dozen shall be in TSUSA numbers 381.0542, 381.6230, 381.6260, 384.0722, 384.0724, 384.0726, 384.0729, 384.4735, 384.4740, 384.4746 and 384.4747.
350	16,854 dozen.
352	98,315 dozen.
359/659	1,544,950 pounds.
361	126,405 numbers.
363	3,792,150 numbers.
369–D[1]	168,540 pounds.
433	4,166 dozen.
445/446	16,322 dozen.
604	126,405 pounds.
624	1,350,280 square yards.
638/639	56,180 dozen.
647/648	126,405 dozen.
666	449,440 pounds.
669–P[2]	561,800 pounds.

[1] In Category 369–D, dishtowels in TSUSA numbers 365.6615, 366.1720, 366.1740, 366.2020, 366.2040, 366.2420, 366.2440 and 366.2860.
[2] In Category 669–P, Man-made fiber bags in TSUSA number 385.5300.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period April 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limits established for that period have been exhausted by previous entries, such good shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of August 7 and 29, 1985, as amended, between the Governments of the United States and the Federal Republic of Brazil which provide, in part, that: (1) specific limits may be increased by carryover and carryforward up to 11 percent of the applicable category limit; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provision of the bilateral agreement will be made to you by letter.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements

[FR Doc. 87–29759 Filed 12–28–87; 8:45 am]

BILLING CODE 3510–DR–M

Amendment to the Export Licensing System for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the People's Republic of China

December 22, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to permit entry of the previously designated textiles and textile products from the People's Republic of China visaed using export licenses/commercial invoices printed on green and yellow guilloche patterned background paper for merchandise exported on or after January 1, 1988.

Background

A CITA directive dated February 23, 1984 (49 FR 7269), as further amended on July 29, 1987 (52 FR 28741), established an export licensing system for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the People's Republic of China. The Governments of the United States and the People's Republic of China have agreed to further amend the export licensing system, effective on January 1, 1988, to provide for the use of textile export licenses/commercial invoices, issued by the Government of the People's Republic of China for shipments exported on or after January 1, 1988, which are printed on a green guilloche patterned background paper, covering specific limit categories, and yellow guilloche patterned paper, covering non-specific limit categories. The green and yellow forms replace the blue and green licenses/invoices currently in use. The visa stamp is not being changed at this time.

William J. Dulka,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 22, 1987.

VOL 52 ISS 249 DEC 29 1987 UMI

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of February 23, 1984, as amended on July 29, 1987, which established an export licensing system for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the People's Republic of China.

Effective on January 1, 1988, the textile export license/commercial invoice, issued by the Government of the People's Republic of China, will be printed on green and yellow guilloche patterned background paper for merchandise currently subject to the export licensing system, and exported on or after January 1, 1988. The green form will replace the blue form which currently accompanies merchandise in categories covered by specific limits under the agreement, and the yellow form will replace the green form used for non-specific limit categories.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

William J. Dulka,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-29761 Filed 12-28-87; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Restraint Limits for Certain Cotton, Wool, and Man-Made Fiber Textile Products Produced or Manufactured in the Socialist Federal Republic of Yugoslavia

Effective on January 1, 1988.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption and withdrawal from warehouse of consumption of cotton, wool and man-made fiber textile products, produced or manufactured in Yugoslavia and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of the designated limits.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 26 and 27, 1978, as amended and extended, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia, and as translated to the new category system, establishes, among other things, specific limits for cotton, wool and man-made fiber textile products in Categories 340/640, 341/641, 433, 434, 435, 442, 443/643, 444, 447/448, 604-A, 645/646, 666, produced or manufactured in Yugoslavia and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury,
Washington, DC.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 26 and 27, 1978, as amended and extended, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made textile products in the following categories, produced or manufactured in Yugoslavia and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988, in excess of the following limits:

Category	12-Month Restraint Limit
340/640	382,024 dozen.
341/641	249,100 dozen.
433	7,899 dozen.
434	8,758 dozen.
435	38,637 dozen.
442	10,858 dozen.
443/643	287,844 numbers of which not more than 103,020 numbers shall be in Category 443.
444	91,152 numbers.
447/448	48,424 dozen of which not more than 28,849 dozen shall be in Category 447 and not more than 26,849 dozen shall be in Category 448.
604-A[1]	636,000 pounds.
645/646	116,600 dozen.
666	2,014,000 pounds.

[1] In Category 604-A, only TSUSA numbers 310.5049 and 310.6045.

To the extent that trade which now falls in the foregoing categories is within a category limit for the periods November 1, 1986 and January 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during those periods. In the event the limits established for those periods have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future according to provisions of the bilateral agreement of October 26 and 27, 1978, as amended and extended, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia which provide, in part, that: (1) carryforward and carryover may not exceed 11 percent and swing may not exceed 6 percent for cotton and man-made fiber and 5 percent for wool, provided that a corresponding reduction in square yard equivalent is made in another specific limit during the same agreement period; and (2) special shift up to 10 percent may be available in Categories 340/640 and 341/641, provided swing is not utilized.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-29760 Filed 12-28-87; 8:45 am]

BILLING CODE 3510-DR

DEPARTMENT OF DEFENSE

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Naval Research Advisory Committee Panel on Laser Weapons will meet on January 14-15, 1988. The meeting will be held at the Office of the Chief of Naval Research, 800 North Quincy Street, Arlington, Virginia. The meeting will commence at 9:00 A.M. and terminate at 4:30 P.M. on January 14; and commence at 9:00 A.M. and terminate at 4:00 P.M. on January 15, 1988. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to provide for the Navy an assessment of the potential military value of laser technology for weapon applications. The agenda will include technical briefings and discussions addressing military laser weapon programs. These briefings and discussions will contain classified information that is specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive Order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander L. W. Snyder, U.S. Navy, Office of Naval Research, 800 North Quincy Street, Arlington, VA 22217-5000, Telephone Number: (202) 696-4870.

Date: December 23, 1987.

W. R. Babington, Jr.,

Commander, JAGC, U.S. Navy Federal Register Liaison Officer.

[FR Doc. 87-29769 Filed 12-28-87; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 87-65-NG]

Bishop Pipeline Corp., Inc.; Application to Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of applications for blanket authorization to Import Natural Gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) give notice of receipt on November 20, 1987, of an application filed by Bishop Pipeline Corporation, Inc. (Bishop Pipeline), for blanket authorization to import up to 50 MMcf per day and a maximum of 36.5 Bcf of natural gas over a two-year term beginning on the date of first delivery. Bishop Pipeline, a Texas corporation, whose principal place of business is in Houston, Texas, would import gas for its own account or act as a broker for U.S. purchasers or Canadian suppliers. The gas would be sold on a short-term or spot basis to a range of purchasers including local distribution companies, and end-users. The specific terms of each import and sale would be negotiated on an individual basis, including price and volumes. Bishop Pipeline intends to utilize existing pipeline facilties for transportation of the volumes imported. Bishop Pipeline also proposes to submit quarterly reports detailing each transaction.

The application is filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed no later than January 28, 1988.

FOR FURTHER INFORMATION CONTACT:

Tom Dukes, Natural Gas Division, Economic Regulatory Administration, Forrestal Building, Room GA-076, 1000 Independence Avenue SW., Washington, DC 20858, (202) 586-9590

Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 5876-6667.

SUPPLEMENTARY INFORMATION: The decision on this application will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the market served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

In the event the ERA approves this request, it may, in order to maximize operating flexibility under the authorization, designate only a total volume of natural gas to be imported during the authorized term rather impose daily limits.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of interventation, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriated action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. They should be be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076, RG-23, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. They must be filed no later than 4:30 p.m. E.S.T., January 28, 1988.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as

VOL 52 ISS 249 DEC 29 1987 UMI

necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factural issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary of a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Bishop Pipeline's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-076-A at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 21, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-29723 Filed 12-28-87; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of requests submitted for clearance to the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for apporval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The listing does not contain information collection requirements contained in new or revised regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, or extension; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses annually; (11) Annual respondent burden, i.e., an estimate of the total number of hours needed to respond to the collection ; and (12) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed on or before January 28, 1988.

ADDRESS: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards, at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Carole Patton, Office of Statistical Standards (EI-70), Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585, (202) 586-2222.

SUPPLEMENTARY INFORMATION: If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this Notice, you should advice the OMB DOE Desk Officer of your intention to do so as soon as possible. The Desk Office may be telephoned at (202) 395-3084.

The energy information collection submitted to OMB for review were:

1. Energy Information Administration.
2. EIA-176, 191, 400, 627, and 857.
3. 1905-0147, 1905-0026, 1901-0289, 1905-0122, and 1905-0157 respectively.
4. Natural Gas Program Package.
5. Revision—In addition to the revisions outlined in a **Federal Register** Notice, 52 FR 5176, dated February 19, 1987, EIA is proposing to discontinue holding information collected on the EIA-176, Annual Report of Natural and Supplemental Gas Supply and Disposition, as confidential.
6. Monthly, Quarterly, and Annually.
7. Mandatory.
8. Businesses or other for profit, State or local governments, and small businesses or organizations.
9. 2,374 respondents.
10. 7,925 responses.
11. 41,492 hours.
12. The Natural Gas Program Package forms collect production, processing, transmission, storage, consumption, and price data. The data are used to address significant energy industry issues. Data from these forms are published in various EIA publications. Respondents are pipeline companies, distributors, storage operators, plant operators, and State agencies.

Statutory authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. 93-275, Energy Information Administration Act of 1974, (15 U.S.C. 764(a), 764(b), 772(b), and 790(a)).

Issued in Washington, DC, December 22, 1987.

John Gross,

Acting Director, Statistical Standards, Energy Information Administration.

[FR Doc. 87-29722 Filed 12-28-87; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CI88-102-000, et al.]

TXO Production Corp. et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

December 23, 1987.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and petitions which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 6, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [3]	Pressure base
CI88-102-000, A, Nov. 9, 1987 [1]	TXO Production Corp., First City Center LB 10, 1700 Pacific Ave., Dallas, TX 75201.	Various Purchasers, Napoleonville Field, Assumption Parish, LA.	(2)	
CI88-126-000, B, Nov. 9, 1987 [1]	....do....	Southern Natural Gas Co., Napoleonville Field, Assumption Parish, LA.	(3)	
CI88-84-000, A, Nov. 6, 1987	....do....	Various Purchasers, South Drew Area, Ouachita Parish, LA.	(4)	
CI88-88-000 (CI84-501-000), B, Nov. 6, 1987.	....do....	Arkansas Louisiana Gas Co., South Drew Area, Ouachita Parish, LA.	(5)	
CI88-85-000, A, Nov. 6, 1987	....do....	Various Purchasers, Cheniere Field, Ouachita Parish, LA.	(6)	
CI88-86-000, B, Nov. 6, 1987	....do....	Arkansas Louisiana Gas Co., Cheniere Field, Ouachita Parish, LA.	(7)	
G-6839-004, D, Dec. 10, 1987	Sun Exploration & Production Co., P.O. Box 2880, Dallas, TX 75221-2880.	Texas Eastern Transmission Corp., Stowell Field, Chambers County, TX.	(8)	
G-6839-003, D, Dec. 10, 1987	....do....	....do....	(9)	
G-6839-002, D, Dec. 10, 1987	....do....	North Winnie Field, Chambers County, TX	(10)	
G-16218-005, D, Dec. 11, 1987	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, CA 94120-7309.	Transwestern Pipeline Co., Laverne Field, Harper County, OK.	(11)	

[1] Additional information received Dec. 14, 1987.
[2] Applicant requests a 3-year blanket limited-term certificate with pregranted abandonment to sell gas subject to the abandonment application in Docket No. CI86-126-000 in interstate commerce to various purchasers.
[3] Applicant requests permanent abandonment of sales of gas to Southern.
In support of the application Applicant states that due to market demands Southern curtailed purchases of gas and Applicant's sales have been limited and intermittent. On Aug. 31, 1987, the contract terminated on its own terms. Deliverability is approximately 1,050 Mcf/day. The gas is NGPA section 104 replacement contract gas.
[4] Applicants request a blanket certificate to sell gas subject to the abandonment application in Docket No. CI88-88-000 in interstate commerce to various puchasers.
[5] Applicant requests permanent abandonment of sales of gas to Arkla.
In support of the application Applicant states that has experienced limited and intermittent sales due to Arkla's market demands. Applicant wishes to seek possible alternative markets.
[6] Applicant requests a blanket certificate to sell gas subject to the abandonment application in Docket No. CI88-86-000 in interstate commerce to various purchasers.
[7] Applicant requests permanent abandonment of sales of gas to Arkla.
In support of the application Applicant states that it has experienced limited and intermittent sales due to Arkla's market demands. The contract has expired. Applicant wishes to seek possible alternative markets.
[8] Sun assigned its interest in Property No. 421350, A.G. Blanks, Jr., and Houston Royalty Co., Lease No. 52685 to Hawk Petroleum Co., Inc., effective Nov. 1, 1983.
[9] Sun assigned its interest in Property No. 539904, Hankamer Oil Unit, Lease No. 58145, Cora Sikma, *et al.*, to William L. Puls, effective Mar. 1, 1984.
[10] Sun assigned its interest in Property No. 549800, Lease No. 50288, Bettie C. Green, to J.G. Joyce, 66.67%, and Crest Resources & Exploration Corp., 33.33%, effective June 8, 1984.
[11] Certain acreage has been assigned to Cross Timbers Oil Co., effective July 1, 1987.
Filing Code: A—Initial Service., B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession

[FR Doc. 87-29786 Filed 12-28-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI86-737-002 and CI85-738-002]

Arkla Energy Resources, a Division of Arkla, Inc.; Applications for Extension of Blanket Limited-Term Abandonment and Blanket Limited-Term Certificate With Pregranted Abandonment on Behalf of Producer-Suppliers

December 23, 1987

Take notice that on December 3 and 8, 1987, Arkla Energy Resources (AER), a division of Arkla, Inc., P.O. Box 21734, Shreveport, Louisiana 71151, pursuant to Section 7 of the Natural Gas Act, and Sections 154 and 157 of the Commission's Regulations, on behalf of its producer-suppliers filed applications for a three-year extension of the blanket limited-term abandonment authorization and of the blanket limited-term certificate of public convenience and necessity with pregranted abandonment initially granted to it on January 21, 1987, for a term of one year. Such authorization is scheduled to expire on January 21, 1988.

AER states that the benefits it sought to obtain by filing its original applications have in fact been realized by AER's LTA program. Under AER's LTA program, eligible producer-suppliers have sold gas that AER has temporarily released from its contracts with those producer-suppliers. These third-party sales enable eligible producer-suppliers to maintain their production instead of having it curtailed for lack of markets. These transactions also afford AER an opportunity to obtain relief from any take-or-pay obligations it may have with eligible producer-suppliers. All quantities released and sold enter the market place at market-responsive prices, promoting competition and providing consumers with lower-priced gas. Finally, transportation of gas sold under AER's LTA authority has helped to maintain throughput levels on AER's pipeling system, thereby benefitting all of AER's customers. AER believes that these benefits will continue to accrue in the future, and may increase if the Commission extends the existing authorizations for three years.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene in order to give the Commission adequate time to consider AER's requests, since AER's existing authorization expires January 21, 1988, and lack of continued authority could exacerbate AER's take-or-pay problem. Therefore, any person desiring to be heard or to make any protest with reference to said applications should on or before January 4, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for AER to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29787 Filed 12-28-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-1-23-001]

Eastern Shore Natural Gas Co.; Tariff Filing

December 23, 1987.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on December 17, 1987 tendered for filing the following tariff sheets to original Volume No. 1 of its FERC Gas Tariff:

Revised Tariff Sheets To Be Effective November 1, 1987

Substitute Thirty-Sixth Revised Sheet No. 5
Substitute Thirty-Sixth Revised Sheet No. 6
Substitute Thirty-Sixth Revised Sheet No. 10
Substitute Thirty-Sixth Revised Sheet No. 11
Substitute Thirty-Sixth Revised Sheet No. 12
Substitute Thirty-Sixth Revised Sheet No. 13
Substitute Seventh Revised Sheet No. 14

Proposed Tariff Sheets To Be Effective January 15, 1987

Second Revised Sheet No. 230
First Revised Sheet No. 242
First Revised Sheet No. 243
First Revised Sheet No. 244

Revised Tariff Sheets to Correct Designation in Previously Filed Tariff Sheets

Thirty-Sixth Revised Sheet No. 5
Thirty-Sixth Revised Sheet No. 6
Thirty-Sixth Revised Sheet No. 10
Thirty-Sixth Revised Sheet No. 11
Thirty-Sixth Revised Sheet No. 12
Thirteenth Revised Sheet No. 13
Seventh Revised Sheet No. 14

Eastern Shore states that the purpose of the tariff sheets is to revise certain tariff sheets in compliance with the Commission's November 13, 1987 Order in Docket No. TA88-1-23-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before December 31, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29788 Filed 12-28-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-1-4-000]

Granite State Gas Transmission, Inc.;

Proposed Changes in Rates and Tariff Provisions

December 23, 1987.

Take notice that on December 17, 1987, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, tendered for filing with the Commission the revised tariff sheets listed below in its FERC Gas tariff, First Revised Volume No. 1 containing changes in rates and tariff provisions for effectiveness on January 1, 1988.

Second Substitute Twenty-First Revised Sheet No. 7
Seventh Revised Sheet No. 7-A
Substitute Original Sheet No. 7-B
Substitute Twelfth Revised Sheet No. 9
Fourth Revised Sheet No. 11
Substitute Second Revised Sheet No. 67
Second Substitute Fifth Revised Sheet No. 68
Substitute Second Revised Sheet No. 69
Second Substitute Fourth Revised Sheet No. 70
Substitute Second Revised Sheet No. 70-A
Second Substitute Third Revised Sheet No. 71
Substitute Second Revised Sheet No. 71-A
Second Substitute Third Revised Sheet No. 72
Second Substitute Fourth Revised Sheet No. 75
Second Substitute Second Revised Sheet No. 75-A
Second Substitute First Revised Sheet No. 75-B
Third Substitute Original Sheet No. 75-C
Substitute First Revised Sheet No. 78
Substitute First Revised Sheet No. 79
Second Revised Sheet No. 81
Third Substitute First Revised Sheet No. 82
Original Sheet No. 82-A
Original Sheet No. 82-B
Substitute Original Sheet No. 85
Substitute Original Sheet No. 86
Second Substitute Second Revised Sheet No. 112

The filing also includes Second Substitute Original Sheet No. 75-C for effectiveness on November 27, 1987.

According to Granite State, the proposed rate and tariff changes are applicable to jurisdictional services rendered to Bay State Gas Company (Bay State) and Northern Utilities, Inc. (Northern Utilities). Granite State further states that the rate and tariff changes: (1) Track changes in the cost of gas at suppliers' rates that will be in effect on January 1, 1988; (2) reflect the amortization of the balance of unrecovered purchase gas costs and associated carrying charges on Granite State's books as of September 30, 1987; (3) revise a transportation cost adjustment for the cost of a transportation service rendered by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. under Rate Schedule CGT-NE; (4) revise certain sections of the purchased gas cost adjustment provisions in its tariff to reflect the receipt of additional volumes of firm gas upon the commencement of the Phase 2 deliveries of the Boundary Gas, Inc. project and the elimination of incremental pricing surcharge adjustments pursuant to Commission Order No. 478; and (5) establish a Gas Research Institute surcharge provision applicable to certain volumes of gas purchased from Canadian sources. According to Granite State, the revised sales rates in this filing result in an increase of $1,410,234 annually for sales to Bay State and $156,440 annually for sales to Northern Utilities.

According to Granite State copies of its filing were served upon its customers, Bay State and Northern Utilities, and the regulatory commissions of the States of Maine and Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 31, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29789 Filed 12-28-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP87-62-000 and RP86-148-000]

Pacific Gas Transmission Co.; Informal Settlement Conference

December 23, 1987.

Take notice that an informal settlement conference will be convened in the above proceeding on January 13, 1988, at 9:00 a.m. at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

Any party, as defined by 18 CFR 385.102(c), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact William J. Collins (202) 357-5646 or John C. Walley (202) 357-8458.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29790 Filed 12-28-87; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed During the Week of October 23 Through October 30, 1987

During the week of October 23 through October 30, 1987, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the applications within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 22, 1987.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARING AND APPEALS

[Week of October 23 through October 30, 1987]

Date	Name and location of applicant	Case No.	Type of submission
Oct. 27, 1987	Pacific Motors Trucking Company, Washington, DC.	RR270-22	Request for modification/rescission in the Stripper well litigation proceeding. If granted: The September 24, 1987 Decision and Order issued to Pacific Motor Trucking Company (Case No. RF270-1263) would be modified and the firm's application for refund as a surface transporter in the stripper well litigation proceeding would be approved.
Oct. 27, 1987	Sause Brothers Ocean Towing, Washington, DC.	RR271-9	Request for modification/rescission in the stripper well litigation refund proceeding. If granted: The October 7, 1987 Decision and Order issued to Sause Brothers (Case No. FR271-165) would be modified and the firm's application for refund as a rail and water transporter in the stripper well litigation proceeding would be approved.
Oct. 27, 1987	Washington Public Power Supply System Richland, Washington.	KFA-0135	Appeal of an information request denial. If granted: The September 29, 1987 Freedom of Information Request Denial issued by the DOE Richland Operations Office would be rescinded and the Washington Public Power Supply System would receive access to a copy of a report prepared by David, Wright & Jones under contract to Battelle Pacific Northwest Laboratories.
Oct. 29, 1987	Arizona, Phoenix, Arizona	KEG-0021	Petition for Special Redress. If granted: The Office of Hearings and Appeals would approve Arizona's proposed expenditures of Stripper Well funds which were disapproved by the Assistant Secretary for Conservation and Renewable Energy.

REFUND APPLICATIONS RECEIVED

[Week of October 23 to October 30, 1987]

Date	Name	Case No.
08/26/87	Halbur Oil Co., Inc.	RF265-2578
09/16/87	Friendly Service Oil Co.	RF225-10917
10/22/87	East Penn Manufacturing Co.	RF299-28
10/22/87	Hill View Suburban Gas	RF299-29
10/22/87	General Mills, Inc.	RF299-30
10/22/87	Albright's Mill	RF299-31
10/22/87	Pacific Motor Trucking	RF270-2493
10/23/87 thru 10/30/87	Crude Oil Refund Applications Received.	RF272-8492 thru RF272-9056
10/23/87	A. C. B. Trucking, Inc.	RF270-2494
10/23/87	Dick Huizenga Trucking	RF238-81
10/23/87	Santa Fe Rock & Sand	RF238-82
10/23/87	John P. Hamm	RF265-2579
10/23/87	Knotty Pine Oil Co., Inc.	RF265-2580

REFUND APPLICATIONS RECEIVED—Continued

[Week of October 23 to October 30, 1987]

Date	Name	Case No.
10/23/87 thru 10/30/87	Gulf Oil Refund Applications Received.	RF3000-2711 thru RF300-3072
10/26/87	King Fifth Wheel Co.	RF299-32
10/26/87	Manufacturers Cartage Co.	RF270-2486
10/26/87	Sun Transport, Inc.	RF271-235
10/26/87	Puget Sound Freight Lines	RF271-236
10/28/87	Hardesty Oil Co.	RF253-33
10/28/87	Madison Bottling Co.	RF270-2495
10/28/87	Tri Boro Taxi Cab Co., Inc.	RF270-2496

[FR Doc. 87-29743 Filed 12-28-87; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed During the Week of October 30 Through November 6, 1987

During the Week of October 30 through November 6, 1987, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of

service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,
Director, Office of Hearings and Appeals.
December 22, 1987.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of October 30 through November 6, 1987]

Date	Name and location of applicant	Case No.	Type of submission
Oct. 30, 1987	Hanford Education Action League, Spokane, Washington.	KFA-0136	Appeal of an information request denial. If granted: The September 25, 1987 Freedom of Information Request Denial issued by the DOE Richland Operations Office would be rescinded and Hanford Education Action League would receive access to information regarding accident reports at the Hanford site.
Oct. 30, 1987	Mt. Airy Refining Company, Washington, DC.	KRD-0322 KRH-0322	Motions for discovery and evidentiary hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted in response to a Proposed Remedial Order issued to Mt. Airy Refining Company (Case No. KRO-0320).
Nov. 2, 1987	Atlantic Richfield Company, Washington, DC.	KFA-0137	Appeal of an information request denial. If granted: The October 2, 1987 Decision and Order (Case No. KFA-0115) issued to U.S.A. Petroleum Corp. would be modified and its implementation would be stayed pending further reconsideration and judicial review.
Nov. 2, 1987	Dover Garage II, Inc., New York, New York.	RR270-33	Request for modification/rescission in the stripper well litigation. If granted: The October 5, 1987 Decision and Order issued to Dover Garage II, Inc. (Case No. RF270-1251) would be modified and the firm's application for refund as a surface transporter in the stripper well litigation would be approved.
Nov. 3, 1987	Highway Oil Company, Inc., Washington, DC.	KRD-0031	Motion for discovery. If granted: Discovery would be granted to Highway Oil Company, Inc., in connection with its Statement of Objections to a Proposed Remedial Order issued to the firm (Case No. HRO-0123).
Nov. 3, 1987	Maine, Augusta, Maine	KEG-0022	Petition for special redress. If granted: The Office of Hearings and Appeals would review and approve Maine's proposed expenditures for Stripper Well funds which were disapproved by the Assistant Secretary for Conservation and Renewable Energy.
Nov. 3, 1987	Reco Petroleum, Inc., Reading, Pennsylvania.	KEE-0156	Exception to the reporting requirements. If granted: Reco Petroleum, Inc. would no longer be required to file Form EIA-782B, the "Resellers/Retailers' Monthly Petroleum Product Sales Report."
Nov. 4, 1987	Giant Industries, Inc., Washington, DC.	RR270-24	Request for modification/rescission in the stripper well litigation proceeding. If granted: The October 5, 1987 Decision and Order issued to Giant Industries (Case No. RF270-437) would be modified and the firm's application for refund as a surface transporter in the stripper well litigation proceeding would be approved.
Nov. 4, 1987	M.A. Malik, Hartford, Connecticut	KFA-0138	Appeal of an information request denial. If granted: The October 23, 1987 Freedom of Information Request Denial issued by the Office of Scientific and Technical Information, Oak Ridge Operations Office, would be rescined and M.A. Malik would receive access to certain DOE "CAPE packages."

REFUND APPLICATIONS RECEIVED

[Week of Oct. 30 to Nov. 6, 1987]

Date received	Name of Refund Proceeding/ Name of Refund Applicant	Case No.
10/30/87 thru 11/6/87	Crude Oil Refund Applications Received.	RF272-9097 thru RF272-9588
10/30/87 thru 11/6/87	Gulf Oil Refund Applications Received.	RF300-3073 thru RF300-3375
11/3/87	Stroehmann Bakeries, Inc.	RF270-2496
11/3/87	Ford Motor Co.	RF270-2497

REFUND APPLICATIONS RECEIVED—Continued

[Week of Oct. 30 to Nov. 6, 1987]

Date received	Name of Refund Proceeding/ Name of Refund Applicant	Case No.
11/2/87	Spicola's Superb Gas Co.	RF253-34
10/30/87	Williams Brothers Supply Co.	RF253-35
10/30/87	Liquid Petroleum Corp.	RF253-36
11/2/87	Apex Towing Co.	RF271-237
11/5/87	Minnesota, Dakota & Western	RF271-238
11/4/87	Orrin Oil, Inc.	RF250-2740
11/9/87	Alex's Service Station	RF265-2562
11/9/87	Rehoboth Util. Gas & Appliance	RF299-33

REFUND APPLICATIONS RECEIVED—Continued

[Week of Oct. 30 to Nov. 6, 1987]

Date received	Name of Refund Proceeding/ Name of Refund Applicant	Case No.
11/5/87	Blu-Gas Service, Inc.	RF299-34
11/5/87	General Refractories Co.	RF299-35
11/5/87	Federico Bros., Inc.	RF299-36

[FR Doc. 87-29744 Filed 12-28-87; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders During the Week of October 26 Through October 30, 1987

During the week of October 26 through October 30, 1987, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals."

Appeals

Coalition for Safe Power, 10/27/87, KFA-0125

The Coalition for Safe Power (Coalition) filed an Appeal from a denial by the Chief of the Information Technology Management Branch (Authorizing Official) of the DOE Richland Operations Office (Richland) of a request for a fee waiver. The Coalition's FOIA request sought a waiver of the fee for duplicating the May 1987 "Hanford Site Waste Management Report" (Report). The Report was available for public inspection in the Richland Public Reading Room at the time of the Coalition's request. In considering the Appeal, the DOE found that DOE's policy of denying fee waivers for documents already available in a DOE Public Reading Room is permissible under the FOIA. Accordingly, the Appeal was denied.

E. B. Brooks, Jr., 10/27/87, HRA-0009

On April 26, 1985, E.B. Brooks, Jr. (Brooks) filed an Appeal from a Modified Remedial Order (MRO) issued to the firm by the Economic Regulatory Administration (ERA) on April 10, 1985. The MRO modified provisions of a Remedial Order (RO) issued to Brooks on July 25, 1977. According to the MRO, Brooks never complied with the RO which ordered restitution for crude oil overcharges. In its Appeal, Brooks claimed credit for refunds in the form of price rollbacks between July 1977 and June 1981. After considering Brooks' Appeal, the Office of Hearings and Appeals (OHA) concluded: (1) that Brooks had made substantial partial payments of principal and interest owed under the RO, and (2) that ERA's calculation of the remaining amount owed by Brooks was incorrect. OHA, therefore, denied Brooks' Appeal and issued the MRO, with amendments, as a final Remedial Order. The final order requires ERA to notify the firm of its remaining liability after ERA correctly calculates that liability. The decision also addresses such matters as the proper application of Brooks' partial payments to principal and accrued interest, and the nonacceptability of tolling interest charges during a period when the original RO was stayed, as well as the proper application of DOE policy concerning the compounding of interest.

Remedial Order

Intercoastal Operating Co., Inc., 10/29/87, HRO-0192

The DOE issued a final Remedial Order to Intercoastal Operating Co., a related company, two officers/working interest owners and three additional working interest owners, affirming with modifications a Proposed Remedial Order (PRO) that the Economic Regulatory Administration (ERA) issued to them on August 18, 1983. In the PRO, ERA alleged that during the period September 1973 through September 1980, IOC sold crude oil at prices in excess of those permitted by DOE regulations, in many instances by improperly certifying certain properties as stripper well properties. In its Statement of Objections, the firm attempted to demonstrate that ERA used incorrect well count data, obtained from contemporaneous reports IOC filed with a Louisiana state regulatory agency, to calculate the average daily production for one of the properties, and that more reliable evidence of well count data was available. After considering the evidence in the record, the DOE determined that ERA's reliance on the state reports was justified and that no more accurate data was available. The DOE concluded that the PRO should be issued in final form, with modifications of the interest calculation and refund disposition provisions to reflect current DOE policy.

Motion for Discovery

Cities Service Oil and Gas Corp., 10/27/87, KRD-0030

Cities Service Oil and Gas Corporation (Cities) filed a Motion for Discovery in connection with an enforcement proceeding involving the firm. In its discovery request, Cities requested that the ERA and its prospective witnesses produce documents in order to permit the firm to prepare for an upcoming evidentiary hearing. With respect to certain documents primarily concerning tier trades of crude oil with Cities, the DOE determined that discovery was warranted. Accordingly, the Motion for Discovery was granted in part.

Refund Applications

A.C.B. Trucking, Inc., 10/27/87, RF270-2494

The DOE issued a Decision and Order revising a previous Decision which granted refunds to several applicants in the Surface Transporters refund proceeding, *Anderson Trucking Service, Inc.*, 16 DOE ¶ 85,132 (1987) (*Anderson*), since the volume approved for one of the applicants, A.C.B. Trucking, Inc. (A.C.B.), was incorrect. Specifically, the DOE found that virtually all of A.C.B.'s claimed purchase volumes were for fuel purchased by owner-operators hired by the firm during the Settlement Period. Since A.C.B. did not actually purchase the fuel used by its owner-operators, and the volume of fuel it did purchase was less than the 250,000 gallon threshold for eligibility, it is ineligible to receive a refund. The DOE therefore modified *Anderson* to deny A.C.B.'s Application for Refund.

Bernard A. Krouse d/b/a BAK Ltd./ Portland Heating Oil Company, 10/26/87, RF300-3

The DOE issued a Decision and Order, granting an Application for Refund filed by Portland Heating Oil Company, from the consent order fund obtained by the DOE from Bernard A. Krouse d/b/a BAK LTD. The applicant elected to apply for a refund based upon the presumptions set forth in *Bernard A. Krouse* d/b/a *BAK LTD*, 16 DOE ¶ 85,389 (1987). The refund granted in this proceeding totals $2,599 ($1,377 in principal and $1,222 in interest).

Bronson Community Schools et al., 10/27/87, RF272-91, et al.

The DOE issued a Decision and Order considering the applications filed by Bronson Community Schools and four other claimants seeking refunds for crude oil overcharges. Each applicant demonstrated the volumes of refined petroleum products that it purchased during the covered period. Further, since each applicant established that it was an end-user of those products, each was presumed to have been injured by the alleged crude oil overcharges. Accordingly, the five applications were approved. The sum of the refunds granted in this determination is $2,060.

CenTra, Inc. et al., 10/26/87, RF270-1196

The DOE issued a Decision and Order approving the Application for Refund from the Surface Transporters Escrow submitted by CenTra, Inc. on behalf of its subsidiaries. The DOE made adjustments in the gallons claimed by CenTra, Inc. to exclude the volume of petroleum products purchased by the

firm's leased owner-operators. The total number of gallons approved in this Decision and Order was 342,418,845.

Cranston Oil Service Company, Inc./ Amee's Gift Shop et al., 10/28/87, RF276–1, et al.

The DOE issued a Decision and Order concerning ten Applications for Refund filed by end-users of No. 2 heating oil covered by a consent order that the agency entered into with Cranston Oil Service Company Inc., and its successor-in-interest, Galego Oil Company. The Applications were evaluated in accordance with procedures set forth in *Cranston Oil Service Co.*, 14 DOE ¶ 85,499 (1986). The sum of the refunds approved in this Decision is $305, representing $269 in principal and $36 in interest.

Getty Fleet Corp., Slay Warehousing Co., Texaco Marine Service, Inc., 10/27/87, RF271–59, RF271–80, RF271–82.

The Office of Hearings and Appeals (OHA) issued a Decision and Order granting the Applications for Refund from the Rail and Water Transporters (RWT) Escrow filed by three firms. OHA found that all three companies were members of the class for which the RWT Escrow was established, and that each company had adequately supported the volume of petroleum products which it claimed to have purchased during the Settlement Period. The total amount of gallons approved in this Decision and Order was 511,812,513.

Getty Oil Company/Farmers Union Cooperative Assn. et al., 10/29/87, RF265–195, et al.

The DOE issued a Decision and Order concerning 13 Applications for Refund filed by end-users of products covered by a consent order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of Getty products that were purchased. As end-users, these applicants were entitled to receive the full volumetric refund. The sum of the refunds approved in this Decision is $26,605, representing $13,245 in principal and $13,360 in accrued interest.

Getty Oil Company/International Drilling & Energy Corporation el al., 10/28/87; RF265–55 et al.

The DOE issued a Decision and Order concerning 54 Applications for Refund filed by resellers or retailers of products covered by a consent order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. In 43 of these cases, the applicants were eligible for a refund below the $5,000 threshold. In the remaining 11 cases, the applicants elected to limit their claims to $5,000. The sum of the refunds approved in this Decision is $234,363, representing $116,838 in principal and $117,525 in accrued interest.

Leo's-Winstead's Inc./Joe's Service Center et al., 10/26/87; RF294–2 et al.

The DOE issued a Decision and Order concerning six Applications for Refund filed by purchasers of Nos. 1 and 2 fuel oil and motor gasoline from Leo's-Winstead's, Inc. (Leo's). Each firm applied for a refund based on the procedures outlined in *Leo's-Winstead's, Inc.*, 15 DOE ¶ 85,514 (1987), governing the disbursement of settlement funds received from Leo's pursuant to a September 3, 1981 Consent Order. Three of the applicants, Joe's Service Center, Keith's Service, and McCall Service Stations, Inc., are retailers of Leo's covered products who claimed refunds of less that $5,000. Using the small claims presumption for resellers, the DOE concluded that they were injured. The remaining applicants, Marcum Distributing Company, Botsford Ready Mix Co. and Butler Manufacturing Company, are end-users of Leo's covered products, and are therefore presumed to have been injured. After examining the applications and supporting documentation submitted by the claimants, the DOE concluded that they should receive refunds totaling $13,712, representing $11,623 in principal and $2,089 in accrued interest.

Marathon Petroleum Company/G & G Oil Company of Indiana, 10/28/87; RF250–2412, RF250–2413.

The DOE issued a Decision and Order concerning an Application for Refund filed by G & G Oil Company of Indiana, a reseller of products covered by a consent order that the agency entered into with Marathon Petroleum Company. The Applicant demonstrated the volume of its purchases from Marathon, and accepted the presumption of injury for medium range claimants in the Marathon refund proceeding by limiting its claim to 35 percent of its allocable share. The refund approved in this Decision is $6,311 in principal and $796 in interest.

Marathon Petroleum Company/ T & M Oil Co., Inc., 10/28/87; RF250–2724.

The DOE issued a Decision and Order concerning an Application for Refund filed by T & M Oil Co., Inc., a retailer of motor gasoline covered by a consent order that the agency entered into with Marathon Petroleum Company. The Applicant demonstrated the volume of its purchases from Marathon, and accepted the presumption of injury for medium range claimants in the Marathon refund proceeding by limiting its claim to 35 percent of its allocable share. The refund approved in this Decision is $19,222 in principal and $2,426 in interest.

Marathon Petroleum Company/Witham Sales & Service, Don Foster Oil Company, 10/28/87; RF250–2410, RF250–2411, RF250–2414, RF250–2415.

The DOE issued a Decision and Order concerning the Applications for Refund filed on behalf of Witham Sales & Service and Don Foster Oil Company, both retailers of products covered by a consent order that the agency entered into with Marathon Petroleum Company. Each Applicant demonstrated the volume of its Marathon purchases, and elected to accept the presumption of injury for medium range claimants in the Marathon proceeding by limiting its claim to 35 percent of its allocable share. The total amount of the refunds approved in this Decision is $12,418 in principal and $1,567 in interest.

Maritime Overseas Corp., 10/28/87; RR272–4

The Office of Hearings and Appeals (OHA) issued a Decision and Order, denying a Motion for Reconsideration filed by Maritime Overseas Corporation. Maritime's motion sought the reversal of a previous OHA Order denying Maritime's Application for Refund from OHA's Subpart V crude oil proceeding. In sustaining its previous Order, OHA pointed to the fact that Maritime had waived its rights to participate in Subpart V by filing an Application for Refund from the M.D.L. 378 Escrow account established for Rail and Water Transporters.

Nash Finch Company, 10/26/87; RF270–567

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE stripper well exemption litigation. The DOE approved the gallonage of refined petroleum products claimed by Nash Finch Company. The DOE will use that gallonage as a basis for the refund that will ultimately be disbursed to the firm. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amount of the firm's refund will be determined at a later date.

National Helium Corp./Louisiana, Standard Oil Co. (Indiana)/ Louisiana, Charter Co./Louisiana, OKC Corp./Louisiana, 10/28/87; RM–3,78, RM21–79, RM23–83, RM13–84.

The DOE issued a Decision and Order approving the Motions for Modification filed by the State of Louisiana in the National Helium Corp., Standard Oil Co. (Indiana), Charter Co., and OKC Corp. refund proceedings. In accordance with the Decision, Louisiana may modify its previously-approved plans for use of second-stage monies and may use $16,144 for administrative expenses. In addition, the New Orleans Vanpool Program may offer its rideshare services to other regions of Louisiana. In evaluating the Motions, the DOE found that these modifications were consistent with the analysis and criteria applied by the DOE when it evaluated the State's original plans.

Pacific Motor Trucking Co., 10/27/87; RF270–2493

The Office of Hearings and Appeals (OHA) issued a Decision and Order granting Pacific Motor Trucking Co.'s Application for Refund from the Surface Transporters (ST) Escrow. OHA had previously denied Pacific Motor's ST application because Pacific Motor's separately incorporated affiliate had filed for a refund from the Rail and Water Transporters (RWT) Escrow. It was OHA's original position that such multiple applications were prohibited by the terms of the ST and RWT Releases. Based on a revised interpretation of those Releases, OHA reinstated and approved Pacific Motor's application. Pacific Motor's refund will be based on its purchases of 115,928,122 gallons of U.S. petroleum products.

Petroleum Heat and Power Co., Inc. William Parese et al., 10 /28/87; RF285–1 et al.

The DOE issued a Decision and Order concerning the Applications for Refund filed by 12 end-users of Petroleum Heat and Power Co., Inc. (PH&P) No. 2 heating oil. The applicants applied for refunds based on the procedures outlined in *Petroleum Heat and Power Co., Inc.*, 15 DOE ¶85,036 (1986), governing the disbursement of settlement funds received from PH&P pursuant to a November 13, 1980 Consent Order. Since all of the claimants were end-users, they were presumed to have been injured by PH&P's alleged overcharges. After examining the applications and supporting documentation submitted by the applicants, the DOE granted them refunds totaling $385, representing $234 in principal and $151 in accrued interest.

Pyrofac Gas Corporation/Andrew J. Visotsky, Paul A . Martin, 10/27/87, RF277–29, RF277–37.

The DOE issued a Decision and Order concerning two Applications for Refund filed by purchasers of Pyrofax propane. Each individual applied for a refund based on the procedures outlined in *Pyrofax Gas Corp.*, 15 DOE ¶ 85,494 (1987) (*Pyrofax*), governing the disbursement of settlement funds received from Pyrofax pursuant to a March 23, 1981 Consent Order. The applications were submitted by two individual who were end-users of Pyrofax propane. Both applicants submitted information from which the DOE was able to establish their purchase volumes. In accordance with the procedures in *Pyrofax*, end-users were presumed to be injured. After examining the applications and supporting documentation submitted by the claimants, the DOE concluded that they should receive refunds totaling $63, representing $35 in principal and $28 in accrued interest.

Roberts Diary Co., Mid-America Dairymen, Inc., 10/28/87, RF270–1334, RF272–443.

The Department of Energy (DOE) issued a Decision and Order concerning the Application for Refund from the Surface Transporter Escrow filed by Roberts Dairy Co. and the Application for Refund from the Subpart V crude oil refund proceeding filed by Mid-America Dairymen, Inc. In the Decision, the DOE found that when Robert submitted a Surface Transporter refund application, it waived its right and the right of its affiliates, including Mid-America Dairymen, to any claim to monies from the Subpart V crude oil refund proceeding. Accordingly, the DOE dismissed Mid-America's Subpart V refund application and proceeded with its analysis of Roberts' Surface Transporter claim. As a Surface Transporter, Roberts will be eligible to receive a refund based on its purchases of 4,237,036 gallons of petroleum products. A per gallon refund amount and the total amount of Roberts' refund will be determined after the DOE completes it analysis of all Surface Transporter claims.

Standard Oil Co. (Indiana)/Montana, 10/28/87, FRM251–82

The DOE issued a Decision and Order regarding a Motion for Reconsideration filed by the State of Montana in the Standard Oil Company (Indiana) second-stage refund proceeding. The Motion requested approval of a highway lighting program previously denied in *Standard Oil Company (Indiana)/ Montana*, 16 DOE ¶ 85,308 (1987). Specifically, Montana requested permission to use $123,752 for a proposal to replace 1,118 mercury vapor lights with more energy efficient high pressure sodium lights. The DOE found that the program will result in energy conservation and it was therefore approved.

57th Street Management Corp., 10/28/87, RF270–157.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for Surface Transporters pursuant to the settlement agreement in the DOE stripper well exemption litigation. The DOE approved the volume of refined petroleum products claimed by 57th Street Management Corp. (57th Street), the operator of a fleet of taxicabs, and will use that volume as a basis for the refund that will ultimately be issued to 57th Street. The Decision stated that because the size of a Surface Transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amount of 57th Street's refund will be determined at a later date. The total volume approved in this Decision is 18,277,276 gallons.

Dismissal

The following submissions were dismissed:

Champion International Corp	RF272–1778
Dixie Chemical Corp	RF277–12
Kimberly-Clark Integrated Services Corp	RF272–471
Luxuray, Inc	RF265–262
Mr. Taxi, Inc	RF270–538
Myer's Propane Gas Service, Inc	RF277–84
Rolla Public Schools	RF293–6
Royal Taxi, Inc	RF270–539
Smith Fuels, Inc	KEE–0141
Tenafly Taxi, Inc	RF270–540
Triangle Oil Company	KEE–0132
University of Missouri-Rolla	RF293–4

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter.

BEST COPY AVAILABLE

VOL 52 ISS 249 DEC 29 1987 UMI

December 22, 1987.
George B. Breznay,
Director, Office of Hearings and Appeals.
[FR Doc. 87-29745 Filed 12-28-87; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Decisions and Orders During the Week of November 2 Through November 6, 1987

During the week of November 2 through November 6, 1987, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Coalition for Safe Power, 11/4/87, KFA-0128

The Coalition for Safe Power filed an Appeal from a denial by the Assistant Secretary of the DOE's Office of Environment, Safety and health of a Request for Information which the Coalition had submitted under the Freedom of Information Act (FOIA). The Coalition sought access to the working papers of an environmental survey preliminary report on the Hanford Reservation Site. In considering the Appeal, the DOE found that the working papers were properly withheld in their entirety under Exemption 5 of the FOIA. The DOE concluded that the working papers did not contain any segregable factual information which could be released without compromising the deliberative process because the factual material in the working papers was either inextricably intertwined with the deliberative material, or served as the basis for the author's tentative recommendations and conclusions. In addition, the DOE determined that the agency did not waiver its deliberative process privilege by providing a copy of the working papers to Representative Ronald L. Wyden of Oregon in his official capacity as a member of the House Energy and Commerce Committee. The DOE further found that the unauthorized leak of this information to the press did not waive the privilege. Accordingly, the Appeal was denied.

Stephen Quakenbush, 11/3/87, KFA-0126

Stephen Quakenbush filed an Appeal from a denial by the Director of the Classification and Technical Information Division of the DOE Albuquerque Operations Office of a Request for Information which he submitted under the Freedom of Information Act (FOIA). The appellant sought access to information compiled pursuant to his request for a security clearance. The Authorizing Official denied his request for the information under Exemption 7A of the FOIA. The DOE found that the Authorizing Official did not provide even a generic index of the withheld documents nor explain why they were exempt from disclosure under Exemption 7A. In addition, the DOE found that all of the information in the file could not be properly exempted under Exemption 7A, but might be subject to other FOIA exemptions. Accordingly, the matter was remanded to the Authorizing Official for further consideration.

USA Petroleum Corp., Atlantic Richfield. Co., 11/3/87, KFA-0134, KFA-0131

The Department of Energy (DOE) granted two motions filed by USA Petroleum Corp. (USAP) and the Atlantic Richfield Company (ARCO), respectively, in connection with an October 2, 1987 Decision and Order concerning a Freedom of Information Act (FOIA) Appeal filed by USAP. *USA Petroleum Corp.*, 16 DOE ¶ 80,119 (1987). The DOE agreed with USAP that the ordering paragraphs of the Decision should be clarified to ensure that ARCO's Refiner's Monthly Cost Allocation Reports pertaining to the period of petroleum price controls should be released regardless of when they were filed. The DOE also agreed with ARCO that footnote eight, concerning the origin of a spreadsheet referred to in the Decision, should be deleted. The DOE ordered the October 2 Decision modified accordingly.

Remedial Order

Tonkawa Refining Company, 11/2/87, HRO-0301

Tonkawa Refining Company objected to a Proposed Remedial Order issued to the firm by the Economic Regulatory Administration. In the PRO, the ERA alleged that during the period January through December 1980, Tonkawa inaccurately reported to the Entitlements Program the volume and regulatory tier classification of its crude oil receipts, in violation of 10 CFR 211.66(b) and (h). The PRO concluded that Tonkawa should be required to make restitution by refunding to the DOE $7,069,173 plus interest, the amount of excess benefits which the firm allegedly received from the Entitlements Program. Tonkawa maintained that it accurately reported its crude oil receipts, and challenged the accuracy of the ERA's calculations. The DOE concluded that Tonkawa failed to rebut the ERA's prima facie showing that the firm did not submit accurate Refiners Monthly Reports. As a result, the DOE determined that Tonkawa should be required to disgorge the excess benefits that it received. Accordingly, the Proposed Remedial Order, with certain amendments and modifications, was issued as a final Remedial Order of the DOE.

Request for Modification and/or Rescission

MONTANA, 11/2/87, KER-0033

The DOE issued a Decision and Order concerning the Motion for Reconsideration filed by the State of Montana. The State sought reconsideration of a DOE determination that denied the Petition for Special Redress filed by Montana concerning the use of Stripper Well funds for two proposed programs. The first program would use $139,042 for a biological weed control program. After examining the additional information provided by Montana, the DOE determined that the program was likely to result in energy conservation benefits in the near future. The second program would use $65,000 for roof repairs at West Yellowstone Airport. Montana showed that a significant amount of additional motor gasoline would be consumed by travelers if the West Yellowstone Airport were closed due to deterioration of the terminal's roof. Accordingly, Montana's Motion for Reconsideration was granted.

Request for Exception

Senco Marketing, 11/6/87, KEE-0111

Senco Marketing (Senco) filed an Application for Exception from the requirement that it file Form EIA-782B, entitled "Resellers/Retailers' Monthly Petroleum Product Sales Report." In considering the Request, the DOE found that Senco's reporting burden was not significantly different from that of other firms participating in the EIA-782B survey. Accordingly, exception relief was denied.

Refund Applications

Brookville Leasing Ltd., 11/3/87, RR270-14

The Department of Energy (DOE) issued a Decision and Order granting a Motion for Reconsideration filed by Brookville Leasing Ltd. (Brookville). In a prior determination, the DOE dismissed Brookville's Surface Transporter Refund Application because Brookville had not met the minimum gallonage amount required for Surface Transporter applicants. In granting Brookville's Motion, the DOE determined that Brookville had been unfairly penalized for an oversight made by its representative. Because Brookville later submitted information showing purchases over the minimum requirement, the DOE determined that Brookville should receive a Surface Transporters refund.

Burlington Industries, Inc., 11/2/87, RF272-2977

The Office of Hearings and Appeals (OHA) issued a Decision Order denying Burlington Industries' Application for Refund from OHA's Subpart V crude oil proceedings. OHA's denial was based on the fact that Burlington had waived its rights to participate in Subpart V by filing an Application for Refund from the M.D.L. 378 Escrow account established for Surface Transporters.

Cargill, Incorporated, RF270-2490, Excel Corporation, RF270-2491, and Cargo Carriers, 11/4/87, RF270-2490, RF270-2491, and RF271-232

The Department of Energy (DOE) issued a Decision and Order reinstating the applications submitted by Cargill, Incorporated (Cargill) and Excel Corporation (Excel) for a refund from the Surface Transporters (ST) Escrow, and the application of Cargo Carriers for a refund from the Rail and Water Transporters (RWT) Escrow. Both of these escrows were established as a result of the Stripper Well Settlement Agreement. The DOE had dismissed these applications on the request of the applicants. The applicants had stated that they wished to apply in crude oil refund proceedings under the provisions of 10 CFR Part 205, Subpart V (Subpart V). Subsequent to the DOE's dismissal of the three claims, the DOE determined that the waiver language in the RWT and ST applications becomes effective and irrevocable upon the filing of those applications with the DOE. Because this ruling precluded Cargill, Excel and Cargo Carriers from applying for a crude oil refund under Subpart V, the DOE sua sponte reinstated their respective escrow claims. Based on the documentation submited by the applicants, the DOE approved the respective ST claims of Cargill and Excel in full, and approved Cargo Carrier's RWT claim after adjusting the gallonage to include only its purchases during the Settlement Period. The DOE will determine the amount of each applicant's refund after it completes its analysis of all RWT and ST claims. The total number of gallons approved in this Decision for a refund from the RWT Escrow is 80,257,160, and the total number of gallons approved for refund from the ST Escrow is 42,071,923.

CF Industries, Inc., et al., 11/2/87, RF272-472, et al.

The Department of Energy (DOE) issued a Decision and Order dismissing the applications of five companies for crude oil refund pursuant to the provisions of 10 CFR Part 205, Subpart V (Subpart V). The DOE dismissed these cases because each of the applicants had already been approved for a refund from one of the Transporters Escrows, Surface or Rail and Water, created by the Stripper Well Settlement Agreement. Under the terms of the Settlement Agreement, in order to receive a refund from one of the Stripper Well escrow accounts, the applicant had to waive its right to a refund in any Subpart V crude oil proceeding. Accordingly, these firms were ineligible for Subpart V crude oil refunds.

Charles F. Cates & Sons, Inc., 11/3/87, RR270-21

The Department of Energy (DOE) issued a Decision and Order granting a Motion for Reconsideration filed by Charles F. Cates & Sons (Charles). In a prior determination, the DOE dismissed Charles' Surface Transporter refund application because Charles failed to submit requested information in a timely manner. In granting Charles' Motion, the DOE decided that Charles was unable to comply promptly with a DOE information request for persuasive reasons. After evaluating the information submitted by the firm, the DOE concluded that Charles is eligible to receive a refund from the Surface Transporters Escrow.

Cranston Oil, Service Company, Inc., John Pelli et al., 11/3/87, RF276-9 et al.

The DOE issued a Decision granting 50 Applications for Refund from the consent order fund obtained by the DOE from Cranston Oil Service, Inc., and its successor-in-interest Galego Oil Company. The 50 refund applicants were end-users of Cranston No. 2 heating oil during the consent order period. Each applicant elected to apply for a refund based upon the presumptions set forth in *Cranston Oil Service Co.*, 14 DOE ¶ 85,499 (1986). The total amount of refunds approved in this determination is $3,588 representing $3,159 in principal and $429 in interest.

Cranston Oil, Service Company, Inc., Richard T. Almay et al., 11/2/87, RF276-18 et al.

The DOE issued a Decision granting 50 Applications for Refund from the consent order fund made available to the DOE by Cranston Oil Service, Inc., and its successor-in-interest Galego Oil Company. The 46 refund applicants were end-users of Cranston No. 2 heating oil during the consent order period. Each applicant elected to apply for a refund based upon the presumptions set forth in *Cranston Oil Service Co.*, 14 DOE ¶ 85,499 (1986). The total amount of refunds approved in this determination is $2,528 ($2,222 in principal and $306 in interest).

Dow Chemical Company, 11/4/87, RR271-7

The Office of Hearings and Appeals (OHA) issued a Decision and Order granting a Motion for Reconsideration filed by Dow Chemical Company on October 21, 1987. In its motion, Dow asked that OHA reverse its previous denial of Dow's Application for Refund from the Rail and Water Transporters (RWT) Escrow established by the Stripper Well Settlement Agreement. OHA had originally denied Dow's application, because an affiliate of the firm had filed for a refund from the Refiners Escrow. OHA granted Dow's motion based on the holding set forth in *Union Pacific Railway Co.*, 16 DOE ¶ 85,526 (1987), that separately incorporated affiliates could file for refunds from different M.D.L 378 Escrows. The DOE also considered the merits of Dow's claim and approved an RWT refund based on Dow's purchases of 99,640,222 gallons of U.S. petroleum products.

Escanaba Area Public Schools, 11/4/87, RF272-97

The DOE issued a Decision and Order considering the application filed by Escanada Area Public Schools seeking a refund for crude oil overcharges. Escanaba demonstrated that during the period of crude oil price controls, it purchased 752,537 gallons of petroleum products which were consumed in vehicles used to transport students. The DOE found that since Escanaba was an end user of refined petroleum products, it was presumed to have been injured by the alleged crude oil overcharges. Accordingly, the application was approved and Escanaba was granted a refund of $151.

Food Haulers, Inc., 11/4/87, RF270-1028

The Department of Energy (DOE) issued a Decision and Order approving an Application for Refund from the Surface Transporters Escrow established as a result of the Stripper Well Settlement Agreement. The applicant demonstrated that it was contractually responsible for the cost of fuel used in the vehicles it leased from

owner-operators. Accordingly, the DOE approved the applicant's entire gallonage claim. The total number of gallons approved in this Decision is 25,460,656.

Getty Oil Company/Blass LP Gas, Inc., et al., 11/4/87, RF265–2505 et al.

The DOE issued a Decision and Order concerning four Applications for Refund filed by resellers or retailers of products covered by a consent order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. In two of these cases, the applicants were eligible for a claim below the $5,000 small claims threshold. In the remaining two cases, the applicants elected to limit their claims to $5,000. The sum of the refunds approved in this Decision is $31,159, representing $15,513 in principal and $15,646 in accrued interest.

Getty Oil Company/Hank's Skelly, et al., 11/4/87, RF265–2235, et al.

The DOE issued a Decision and Order concerning four Applications for Refund filed by resellers or retailers of products covered by a consent order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. In all of these cases, the applicants were eligible for a claim below the $5,000 small claims threshold. The sum of the refunds approved in this Decision is $8,206, representing $4,086 in principal and $4,120 in accrued interest.

Getty Oil Company/U-Pump-It of Kansas, Inc., et al., 11/2/87, RF265–390 et al.

The DOE issued a Decision and Order concerning six Applications for Refund filed by resellers or retailers of products covered by a consent order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. In four of these cases, the applicants were eligible for a claim below the $5,000 small claims threshold. In the remaining two cases, the applicants elected to limit their claims to $5,000. The sum of the refunds approved in this Decision is $31,634, representing $15,749 in principal and $15,885 in accrued interest.

Getty Oil Company/Verberg Skelly Service, et al., 11/6/87, RF265–445, et al.

The DOE issued a Decision and Order concerning 48 Applications for Refund filed by resellers and retailers of products covered by a consent order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. In 38 of these cases, the applicants were eligible for a claim below the $5,000 small claims threshold. In the remaining 10 cases, the applicants elected to limit their claims to $5,000. The sum of the refunds approved in this Decision is $216,112, representing $107,595 in principal and $108,517 in accrued interest.

Hilt Truck Line, Inc., 11/2/87, RF270–1464

The DOE issued a Decision and Order denying an Application for Refund from the Surface Transporters Escrow established as a result of the Stripper Well Settlement Agreement. The DOE determined that he claim of Hilt Truck Line, Inc. was based entirely on gallons of fuel purchased by owner-operators, not the firm itself. These gallons are ineligible for a refund because they were not purchased by the applicant. Therefore, the applicant did not meet the minimum requirements for a Surface Transporter Refund and its Application was denied.

International Multifoods Corporation, 11/4/87, RF270–2344

The Department of Energy (DOE) issued a Decision and Order partially approving an Application for Refund from the Surface Transporters Escrow established as a result of the Stripper Well Settlement Agreement. One of the Applicant's divisions rented vehicles from two independent leasing companies during the Settlement Period. The DOE determined that this division absorbed fuel costs under one of the lease agreements but not under the other. Therefore, the DOE partially approved the claim. The total number of gallons approved in this Decision is 9,330,295.

Madison Bottling Company, 11/2/87, RF270–2495

The Department of Energy (DOE) issued a Decision and Order rescinding a prior Decision that approved a refund for Madison Bottling Company (Madison) in the Surface Transporters Escrow Refund Proceeding. The DOE determined that because Madison had purchased less than 250,000 gallons of petroleum products during the Stripper Well Litigation Settlement Period, it was not a member of the class for which the Surface Transporters Escrow was established. Accordingly, the DOE concluded that Madison is not eligible to receive a Surface Transporters Refund.

Manufacturers Cartage Company, 11/4/87, RF270–2486

The Department of Energy (DOE) issued a Decision and Order reinstating the application submitted by Manufacturers Cartage Company (MCC) for a refund from the Surface Transporters (ST) Escrow established as a result of the Stripper Well Settlement Agreement. The DOE had originally denied MCC's application because an affiliate of the firm had filed for a refund from the Rail and Water Transporters Escrow. The DOE reinstated MCC's claim based on the principles set forth in the case of *Union Pacific Railway Co.*, 16 DOE ¶ 85,526 (1987). In that case, the DOE determined that separately incorporated affiliates could file for refunds from different M.D.L. 378 Escrows. The DOE also considered the merits of MCC's claim. The DOE determined that the documentation submitted by MCC to support its claim was satisfactory and, accordingly, approved the claim in full. The DOE will determine a per gallon refund amount and establish the amount of the applicant's refund after it completes its analysis of all ST claims. The total number of gallons approved in this Decision is 783,619.

Marathon Petroleum Company/Gulf Oil Corporation, 11/4/87, RF250–2574, RF250–2575

The DOE issued a Decision and Order granting the Application for Refund filed on behalf of Gulf Oil Corporation in the Marathon Petroleum Company special refund proceeding. The applicant elected to limit its claim to the small claims threshold of $5,000. The total refund approved in this Decision is $5,000 in principal and $631 in interest.

Marathon Petroleum Company/Orth Oil, Inc., 11/4/87, RF250–1854, RF250–1855

The DOE issued a Decision and Order concerning Applications for Refund filed by Orth Oil, Inc. in the Marathon Petroleum Company special refund proceeding. Orth, a purchaser of Marathon gasoline and middle distillates, elected to limit its refund claim to the $5,000 small claims level, and was therefore not required to submit a detailed showing of injury. The sum of the refunds approved in this Decision and Order is $5,631, representing $5,000 in principal and $631 in interest.

Martin Oil, Service/Ashland Oil, Inc., et al., 11/2/87, RF240–21 et al.

The DOE issued a Decision and Order concerning five Applications for Refund filed in the Martin Oil Service, Inc. special refund proceeding. All five of the Applicants were identified as spot purchasers in *Martin Oil Service, Inc.*, 14 DOE ¶ 85,059 (1986). None of the applicants rebutted the presumption set forth in that Decision that spot purchasers of Martin's refined petroleum products were not injured by Martin's overcharges. Consequently, all five applications were denied.

Mobil Oil Corp./American Airlines, et al., 11/4/87, RF225–4288 et al.

The DOE issued a Decision and Order granting applications of seven end-users and one reseller requesting refunds from the Mobil Oil Corporation consent order fund. Each applicant presented evidence that it purchased refined petroleum products from Mobil during the consent order period. The end-user applicants purchased products both directly and indirectly supplied by Mobil. According to the methodology set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985) (*Mobil*), each applicant was found to be eligible for a refund from the Mobil consent order fund based on the volume of its purchases times the applicable presumption of injury level times the volumetric refund amount. The refunds approved in this Decision totaled $163,265 ($132,324 principal plus $30,941 interest).

Morgan Cab Company, 11/2/87, RF270–515

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE stripper well exemption litigation. The DOE approved the gallonage of refined petroleum products claimed by Morgan Cab Company. The DOE will use that gallonage as a basis for the refund that will ultimately be issued to the firm. The Decision stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amount of the firm's refund will be determined at a later date.

Phillips Petroleum Company, 11/4/87, RF271–1

The Office of Hearings and Appeals (OHA) issued a Decision and Order denying a Motion for Reconsideration filed by Phillips Petroleum Company on June 19, 1987. In its motion, Phillips asked that OHA reverse its previous denial of Phillip's Application for Refund from the Rail and Water Transporters (RWT) Escrow. OHA had originally denied the application because Phillips had filed for a refund from the Refiners Escrow. In the case of *Union Pacific Railway Co.*, 16 DOE ¶ 85,526 (1987), OHA determined that the RWT Release permitted separately incorporated affiliates to file for refunds from different M.D.L. 378 Escrows, but precluded a single firm or the unincorporated divisions of a firm doing so. Phillips had filed an Application for Refund from the Refiners Escrow. Thus, it was precluded from participating in the RWT Escrow by the terms of the RWT Release.

Puget Sound Freight Lines, 11/4/87, RF271–236

The Department of Energy (DOE) issued a Decision and Order reinstating the application submitted by Puget Sound Freight Lines (Puget Freight) for a refund from the Rail and Water Transporters (RWT) Escrow established as a result of the Stripper Well Settlement Agreement. The DOE had originally denied Puget Freight's application because an affiliate of the firm had filed for a refund from the Surface Transporters Escrow. The DOE reinstated Puget Freight's claim based on the principles set forth in *Union Pacific Railway Co.*, 16 DOE ¶ 85,526 (1987). In that case, the DOE determined that separately incorporated affiliates could file for refunds from different M.D.L. 378 Escrows. The DOE also considered the merits of Puget Freight's RWT claim. The DOE determined that the documentation Puget Freight provided to support its claim was satisfactory and, accordingly, approved the claim in full. The DOE will determine a per gallon refund amount and establish the amount of Puget Freight's refund after it completes its analysis of all Rail and Water claims. The total number of gallons approved in this Decision is 7,039,020.

Sause Brothers Ocean Towing Company, 11/5/87, RF271–9

The Office of Hearings and Appeals (OHA) granted a Motion for Reconsideration filed by Sause Brothers Ocean Towing Company (Ocean Towing) on October 27, 1987. OHA had originally denied the Application for Refund from the Rail and Water Transporters (RWT) Escrow submitted by the firm because the firm had failed to respond to certain factual inquiries regarding its application. In its motion, the firm stated that it had not been able to respond because of the illness of the employee who had prepared the application. OHA determined that the firm's explanation was reasonable, and that the information finally submitted by the firm adequately supported its application. Accordingly, the firm's RWT refund claim was approved.

Tennessee River Pulp and Paper Company, 11/3/87, RF272–4758

The Office of Hearings and Appeals (OHA) issued a Decision and Order denying Tennessee River Pulp and Paper Company's Application for Refund from OHA's Subpart V crude oil proceedings. OHA based its denial on the fact that one of Tennessee's affiliates, the Corinth and Counce Railroad, waived its and Tennessee's rights to participate in Subpart V crude oil proceedings by filing an Application for Refund from the M.D.L. 378 Escrow account established for Rail and Water Transporters.

Tri Boro Taxi Cab Company, 11/6/87, RF270–2496

The Department of Energy (DOE) issued a Decision and Order modifying a prior Decision that approved a refund for Tri Boro Taxi Cab Company (Tri Boro) in the Surface Transporters Escrow Refund Proceeding. The DOE determined that because of an inadvertent error, Tri Boro was granted a larger refund than it was eligible to receive based on the number of gallons of petroleum products it purchased during the Stripper Well Litigation Settlement Period.

Dismissals

The following submissions were dismissed:

Name and Case No.
Butler Gulf Service—RF300–325
Campbell's Gulf—RF300–36
Clemons Gulf—RF300–56
Curtis Beard Service—RF300–42
Duane Schreurs—RF272–8097
Faucette's Gulf Service—RF300–30
J.O. Heflin—RF272—0825
Kittrell's Conoco—RF220–406
Pacific Motor Trucking Company—RR270–22
Philadelphia Electric Co.—RF225–1464
Walts Gulf Service—RF300–377
Yorktowne Paper Mills, Inc.—RF272–413.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 22, 1987.

[FR Doc. 87–29746 Filed 12–28–87; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Decisions and Orders During the Week of November 9 Through November 13, 1987

During the week of November 9 through November 13, 1987, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief

filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Alan Penan, 11/10/87, KFA–0130

Alan Penan filed an Appeal from a denial by the Chief of the Freedom of Information and Privacy Acts Activities Branch of the DOE Office of Administrative Services of a request submitted under the Freedom of Information Act (FOIA). Mr. Penan sought access to an administrative file which had been provided to the Department of Justice by the Office of Personnel Management (OPM) during the course of a lawsuit which Mr. Penan filed against the Department of Energy (DOE). In response to Mr. Penan's FOIA request, the Authorizing Official informed him that the request had been referred to OPM. In his Appeal, Mr. Penan objected to that referral and asked that the DOE be directed to respond to his request. However, the DOE pointed out that Mr. Penan's request had been transferred to OPM after the Authorizing Official was unable to locate any documents in the DOE's possession that were responsive to the FOIA request. In addition, the OPM had indicated to the Authorizing Official that it possessed responsive documents. Under these circumstances, the DOE found that the Authorizing Official had conducted an adequate and reasonable search for any responsive documents in the DOE's possession. Accordingly, Mr. Penan's Appeal was denied.

Cascade Broadcasting Company, Washington Public Power Supply, 11/10/87, KFA–0129, KFA–0135

Cascade Broadcasting and WPPSS filed Appeals from denials by the Assistant Manager of the Richland Operations Office of Requests for Information which the firms had requested under the Freedom of Information Act. In considering the appeals, the DOE found that the requested document was properly withheld under Exemption 5. An important issue that was considered in the Decision and Order was whether disclosure of a DOE report to Congressmen and a governor, for consultative purposes, constitutes a waiver of confidentiality under Exemption 5.

Petition for Special Redress

Indiana, 11/10/87, KEG–0019

The DOE issued a Decision and Order concerning a Petition for Special Redress submitted by the State of Indiana. The State sought approval to use Stripper Well monies for these projects which the DOE's Assistant Secretary for Conservation and Renewable Energy held to be inconsistent with the terms of the Stripper Well Settlement Agreement. The DOE disapproved the State's proposal to use $1,500,000 for the City of Anderson Substation Relocation Program, $95,867 for the Shale Oil-Modified Asphaltic Paving Materials Program, and $225,000 for the Indiana Geological Survey-Image Analyzing Petroscopic Microscope Program. The DOE found that the Substation Relocation Project should not be funded with oil overcharge monies because it would neither promote significant energy conservation nor accomplish restitution. Similarly, the Shale Oil-Modified Asphaltic Paving Materials Program was disapproved because it appeared to be an economic development project that promised little or no energy-related benefits to injured citizens of Indiana. Finally, the DOE determined that the Indiana Geologic Society should not be permitted to use oil overcharge funds to purchase a Petroscopic Microscope because Indiana had made no showing that energy conservation or restitution would result from the purchase of this device. Accordingly, Indiana's Petition for Special Redress was denied.

Request for Exception

Wholesale Petroleum Agency, 11/10/87, KEE–0150

The Wholesale Petroleum Agency (Wholesale), a retailer of motor gasoline, diesel fuel and motor oil, filed an Application for Exception requesting that it be relieved of the requirement to file Form EIA–782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In reviewing the request, the DOE found that Wholesale would not experience any inordinate burden by fulfilling its reporting obligation and that any burden to the firm of providing the data produced by the Form did not outweigh the benefits to the Nation of having this information. Accordingly, exception relief was denied.

Interlocutory Order

Highway Oil Company, Inc., Economic Regulatory Administration, 11/9/87, KRZ–0065, KRR–0031, and KRZ–0054

On March 9, 1987, the Highway Oil Company, Inc. (Highway) filed a Motion to Dismiss a Proposed Remedial Order (PRO) issued to Highway by the Economic Regulatory Administration (ERA) on October 29, 1982. In its Motion Highway argued that the PRO should be dismissed with prejudice because the ERA had not filed recalculations of the overcharges alleged in the PRO on a timely basis. In considering the Motion, the DOE found that the ERA had, in essence, complied with all orders issued by the DOE and that the ERA's conduct had not resulted in any undue delay of this proceeding. Accordingly, the Motion to Dismiss was denied.

On March 16, 1987, the ERA filed a Motion for Leave to File Recalculations of the amount of overcharges alleged in the PRO issued to Highway. In considering the Motion, the DOE found that the public interest in reaching a prompt adjudication of this case on the merits, coupled with the absence of any prejudice to Highway in accepting recalculations that reduced the amount of overcharges alleged, constituted good cause for granting the ERA's Motion. Accordingly, the DOE accepted into the record the ERA's recalculations submitted on March 16, 1987.

Finally, Highway requested that if ERA's Motion to File Recalculations were granted, the DOE should reconsider its previous denial of Highway's June 21, 1985 request to supplement the record. In denying the firm's Request for Reconsideration, the DOE found that its determination to accept the ERA's recalculations into the record provided no basis for reconsidering its earlier denial of Highway's request to file supplemental material.

Supplemental Order

International Telephone & Telegraph Company, 11/12/87, DEX–0043

The DOE conducted a review of exception relief that had been granted to International Telephone & Telegraph Company (IT&T) on April 20, 1978. The exception had permitted a subsidiary of IT&T, the Eason Oil Company, to increase its selling prices for natural gas liquids above the maximum levels permitted under DOE regulations for the period March 31, 1978 through September 30, 1978. That exception relief was granted to permit the firm to recover all of its increased nonproduct costs at its Crescent plant.

In reviewing the exception proceeding, the DOE determined that $236,822 of the nonproduct costs claimed in IT&T's 1978 exception application were incurred as a result of the acquisition of Eason by IT&T, and were not directly related to the costs of operating the Crescent plant. The DOE found that such merger related expenses did not form a proper basis for exception relief.

Accordingly, the DOE determined that the 1978 exception relief should be recalculated to exclude the $236,822 in improper merger-related costs. Authority to modify the 1978 Decision was based upon Paragraph (7) of the Order in that decision which stated that the relief may be revoked or modified at any time upon a determination that the factual basis underlying the application was incorrect. Since the DOE found that IT&T had materially misrepresented the relevant facts when it stated in its application, a Supplemental Order was issued reducing the amount of exception relief for the relevant period from 6.295 to 4.277 cents per gallon.

Refund Applications

Britt Well Service, Inc., 11/10/87, RF272–227

The Department of Energy (DOE) issued a Decision and Order dismissing the application of Britt Well Service, Inc. (Britt) for a refund pursuant to the provisions of 10 CFR Part 205, Subpart V (Subpart V). The DOE dismissed Britt's claim because one of Britt's affiliates, Britt Trucking Company, Inc. (Britt Trucking) had already been approved for a refund from the Surface Transporters Escrow established by the Stripper Well Settlement Agreement. Under the terms of the Settlement Agreement, in order to receive a refund from one of the Stripper Well escrow accounts, the applicant had to waive its right to a refund in a Subpart V proceeding. The Settlement Agreement states that this waiver is also binding on the applicant's affiliates. Accordingly, Britt is bound to the terms of the waiver signed by Britt Trucking, and the DOE dismissed Britt's Subpart V claim.

Cranston Oil Service Company, Inc., Frank M. Capace, et al., 11/12/87, RF276–6, et al.

The DOE issued a Decision granting 50 Applications for Refund in the Cranston Oil Service, Inc., special refund proceeding. The 50 refund applicants were end-users of Cranston No. 2 heating oil during the Cranston consent order period. Each applicant elected to apply for a refund based upon the presumptions set forth in *Cranston Oil Service Co.*, 14 DOE ¶ 85,499 (1986). The total amount of refunds approved in this determination is $4,339, representing $3,810 in principal and $529 in interest.

Getty Oil Company/Community Gas Company, et al., 11/10/87, RF285–2392, et al

The DOE issued a Decision and Order concerning six Applications for Refund filed by resellers or retailers of products covered by a consent order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. In all of these cases, the applicants were eligible for a claim below the $5,000 threshold. The sum of the refunds approved in this Decision is $23,056, representing $11,479 in principal and $11,577 in accrued interest.

Getty Oil Company/Meyer Petroleum Service, et al., 11/9/87, RF265–495, et al.

The DOE issued a Decision and Order concerning 19 Applications for Refund filed by resellers or retailers of products covered by a consent order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. In ten of these cases, the applicants were eligible for a claim below the $5,000 threshold. In the remaining nine cases, the applicants elected to limit their claims to $5,000. The sum of the refunds approved in this Decision is $63,198, representing $31,466 in principal and $32,732 in accrued interest.

Getty Oil Company/Savage Skelly, et al., 11/10/87, RF265–1224, et al.

The DOE issued a Decision and Order concerning 49 Applications for Refund filed by resellers or retailers of products covered by a consent order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. In 49 of these cases, the applicants were eligible for a claim below the $5,000 threshold. In the remaining ten cases, the applicants elected to limit their claims to $5,000. The sum of the refunds approved in this Decision is $241,928, representing $120,453 in principal and $121,475 in accrued interest.

Gold Kist, Inc., 11/13/87, RF270–2397

The DOE issued a Decision and Order denying an Application for Refund from the Surface Transporters Escrow filed by Gold Kist, Inc., an agricultural cooperative. The DOE found that Gold Kist's receipt of a refund from the Agricultural Cooperative Escrow precluded the firm from also obtaining a refund from the Surface Transporters Escrow, because its sudrafe transportation activities were carried out by the same incorporated entity.

JOC Oil, Inc./Consolidated Edison Company of New York, 11/13/87, RF109–2

Consolidated Edison Company of New York (Con Ed) filed an Application for Refund in the JOC Oil, Inc. special refund proceeding. The refund claim was based upon (i) 418,171 gallons of residual fuel oil which Con Ed purchased from JOC Oil and (ii) 7,478,245 gallons which Con Ed did not purchase from JOC Oil. The latter aspect of the claim involves damages which the New York State Supreme Court ordered Con Ed to pay JOC Oil in connection with a breach of contract suit. Alleging that the damages which it paid JOC were based in part upon the firm's selling prices, including the alleged overcharges, Con Ed argued that an additional volumetric refund based upon a figure of 7,478,245 gallons should be granted to eliminate the alleged overcharges from the damages paid JOC Oil. Based upon the 418,171 gallons of fuel oil which Con Ed purchased, a refund of $33,685.76 in principal and $41,760.96 in accrued interest was approved. With respect to the second part of the claim, the OHA (i) denied a volumetric refund because Con Ed has not purchased the 7,478,245 gallons and (ii) denied any further refund relating to the breach of contract damages because Con Ed did not show that the JOC Oil price upon which the Court ordered damages were based violated any DOE regulations.

Marathon Petroleum Company/Pilot Oil Corporation, 11/9/87, RF250–2383, RF250–2384

The DOE issued a Decision and Order concerning an Application for Refund filed by the Pilot Oil Corporation (Pilot), a Marathon subsidiary, in connection with the Marathon Petroleum Company special refund proceeding. The DOE determined that subsidiaries such as Pilot are not among the class of Marathon applicants for whom the presumptive levels of overcharge injury were intended to apply. The DOE also found that Pilot's injury demonstration was inconclusive. Consequently, the firm's application as denied.

Martin Oil Service, Inc./Koch Refining Company, Atlantic Richfield Company, 11/9/87, RF240–16, RF240–20

The DOE issued a Decision granting two Applications for Refund in the Martin Oil Service special refund proceeding. Each applicant was a reseller of motor gasoline and sought a refund in excess of the $5,000 small claims threshold. However, the applicants failed to provide documentation of injury as required for refunds exceeding $5,000. Accordingly, a refund of $7,145, representing $5,000 in

principal and $2,145 in interest, was granted to each claimant.

Minnesota, Dakota & Western Railway Company, 11/13/87, RF271–238

The Minnesota, Dakota & Western Railway Company (Minnesota) was granted a refund from the Rail and Water Transporters (RWT) Escrow on the basis of purchases of 395,060 gallons of U.S. petroleum products. Minnesota had withdrawn its first RWT claim but was allowed to reinstate that application after the OHA concluded that a valid escrow waiver release, such as that executed by Minnesota in its first RWT claim, could not be withdrawn.

Mobil Oil Corporation/A.R. Kincannon, et al., 11/10/87, RF225–7163, et al.

The DOE issued a Decision granting 49 Applications for Refund filed in the Mobil Oil Corporation special refund proceeding by retailers, resellers, and end-users of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in the *Mobil* decision. *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling $44,602, representing $36,152 in principal and $8,450 in interest.

Mobil Oil Corp./Ashland Petroleum Company, 11/10/87, RF225–4942

The DOE issued a Decision and Order granting an Application for refund filed by the Ashland Petroleum Company (Ashland), a refiner, in the Mobil Oil Corporation special refund proceeding. Ashland requested a refund on the basis that it was an end-user of 73,916,808 gallons of normal butane, propane and butane-butylene purchased from Mobil. However, Ashland had used these products as blending components in its refining operations and OHA had previously concluded that an applicant making such uses of refined products purchased from a consent order firm should be considered as a reseller and not a end-user. Ashland documented its Mobil purchase volumes but did not make a demonstration of injury in support of its request for a refund in excess of the $5,000 small claims threshold.

Mobil Oil Corporation/Oil Burner Utility Co., et al., 11/10/87, RF225–1213 et al.

The DOE issued a Decision regarding nine Applications for Refund filed by retailers and resellers in the Mobil Oil Corporation special refund proceeding. None of the applicants adequately documented the volumes of products which they claimed to have purchased from Mobil. Accordingly, the applications were denied.

New York Petroleum, Inc./Ashland Oil Inc., 11/9/87, RF49–1

The Ashland Oil Company, Inc. (Ashland) filed an Application for refund in the New York Petroleum, Inc., special refund proceeding. The refund claim was based upon Ashland's purchases of miscertified and illegally priced crude oil from New York Petroleum during the period September 1, 1973 through January 27, 1981. The DOE concluded that a refund was warranted with respect to 35.9 percent of Ashland's total purchases, i.e., those made by Ashland prior to November 1, 1974, the effective date of the Entitlements Program. However, the DOE denied any refund for purchases after that date on the basis that the price equalization effects of the Entitlements Program would have dispersed any injury to Ashland among all participating refiners. Accordingly, Ashland was granted a refund of $45,952 in principal, equivalent to 35.9 percent of its allocable share of the consent order fund, and $21,314 in accumulated interest.

Sun Transport, Inc., 11/9/87, RF271–236

A Decision and Order was issued granting Sun Transport, Inc. (Sun) a refund from the Rail and Water Transporters (RWT) Escrow on the basis of purchases of 41,932,300 gallons of U.S. petroleum products. Sun's claim, which had initially been dismissed, was reinstated after issuance of *Union Pacific Railway Co.*, 16 DOE ¶ 85,526 (1987), in which the DOE concluded that separately incorporated affiliates were entitled to file for refunds from different M.D.L. 378 Escrows.

Texaco Trading and Transportation, Inc., Texaco Refining and Marketing, Inc., 11/10/87, RF270–273, RF270–1314

The DOE issued a Decision and Order concerning the Applications for Refund from the Surface Transporter Escrow filed by Texaco Trading and Transportation, Inc. (Texaco Trading) and by Texaco Refining and Marketing, Inc. (Texaco Refining). Both applicants are affiliates of a separately incorporated firm which filed an unrelated Application for Refund from one of the other M.D.L. 378 Escrows. In accordance with the decision *Union Pacific Railway Co.*, 16 DOE ¶ 85,526 (1987), the DOE found that the filing of an unrelated M.D.L. 378 application by a separately incorporated affiliate did not adversely affect the firms' Surface Transporters refund applications. As Surface Transporters, Texaco Trading will be eligible to receive a refund based on its purchases of 14,707,066 gallons of petroleum products and Texaco Refining will be eligible to receive a refund based on its purchases of 103,717,789 gallons of petroleum products. A per gallon refund amount and the total amount of each firm's refund will be determined after the DOE completes its analysis of all Surface Transporter claims.

Dismissals

The following submissions were dismissed:

Company Name	Case No.
Coastal Transport, Inc.	RF270–2485
Foster's Gulf Service	RF300–425
Ken's Gulf Station	RF300–643
Smith's Gulf Service Station	RF300–467
Vick's Gulf Service Station	RF300–472

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

December 22, 1987.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 87–29747 Filed 12–28–87; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–3307–5]

Solid Waste Disposal; Characterization of Municipal Waste Combustor (MWC) Ashes and Leachates From Municipal Solid Waste (MSW) Landfills, Monofills, and Co–Disposal Sites

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: The U.S. Environmental Protection Agency (EPA) today is announcing the availability of a report entitled, "Characterization of Municipal Waste Combustor Ashes and Leachates from Municipal Solid Waste Landfills, Monofills, and Co-Disposal Sites". This report summarizes the results of six other reports that compile extensive reviews of available literature and data on municipal waste combustion (MWC) ash and leachates. In addition, the report provides chemical characterization data on MWC ash and simulated leachates as well as data on chemical parameters of actual leachate collected from municipal waste landfills, ash monofills, and co-disposal sites. The report includes the results of these analyses and a limited number of conclusions. The Agency intends to utilize this document in the development of an ash management strategy.

ADDRESSES: The report is available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; telephone (703) 487–4650. The report is available for reviewing at all EPA libraries and in the EPA RCRA docket room, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays; telephone (202) 475–9327. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost. Additional copies cost $0.20 per page.

FOR FURTHER INFORMATION CONTACT: For general information, call the RCRA Hotline at (202) 382–3000 or toll free at (800) 424–9346.

SUPPLEMENTARY INFORMATION:

The report titles, NTIS stock number, and prices are:

—"Characterization of MWC Ashes and Leachates from MSW Landfills, Monofills, and Co-Disposal Sites" (Complete seven-volume set)
NTIS Accession Number: PB88–127 951
Paper Copy = $123.00

—"Characterization of MWC Ashes and Leachates from MSW Landfills, Monofills, and Co-Disposal Sites—Summary" (Volume I of VII)
NTIS Accession Number: PB88–127 949
Paper Copy = $19.95, Microfiche = $6.95

—"Leachate Baseline Report—Determination of Municipal Landfill Leachate Characteristics" (Volume II of VII)
NTIS Accession Number: PB88–127 956 Paper Copy = $12.95, Microfiche = $6.95

—"Addendum to Characterization of Municipal Landfill Leachates—A Literature Review" (Volume III of VII)
NTIS Accession Number: PB88–127 964
Paper Copy = $12.95, Microfiche = $6.95

—Characterization of Municipal Waste Combustion Residues and Their Leachates—A Literature Review" (Volume IV of VII)
NTIS Accession Number: PB 88–127 972
Paper Copy = $19.95, Microfiche = $6.95

—"Characterization of Municipal Waste Combustor Residues" (Volume V of VII)
NTIS Accession Number: PB88–127 980
Paper Copy = $25.95, Microfiche = $6.95

—"Characterization of Leachates from Municipal Waste Disposal Sites and Co-Disposal Sites" (Volume VI of VII)
NTIS Accession Number: PB88–127 998
Paper Copy = $32.95, Microfische = $8.95

—"Addendum to Monofill Report" (Volume VII of VII)
NTIS Accession Number: PB88–128 004
Paper Copy = $12.95, Microfiche = $6.95

I. Background

State and local governments charged with municipal solid waste disposal are experiencing a growing shortage of landfill space in many regions of the country. As landfill capacity decreases, jurisdictions increasingly are turning to option such a municipal waste combustion as a means for reducing waste volume. Currently, there are approximately one hundred such combustion facilities operating in the U.S., many with resource recovery capabilities (typically steam or electricity generation).

Increased use of resource recovery (or incineration) has raised public concerns over health and environmental hazards of incineration and the disposal of the resulting ash. Inhalation of the ash derived from incinerator emissions and fugitive dust from handling/disposal operations as well as potential groundwater contamination from leaching of landfilled ash are potential concerns expressed by the public.

EPA is evaluating a broad range of technical and regulatory issues associated with the disposal of municipal waste combustion ash. The objective of these activities is to provide a framework with which strategic decisions regarding Agency policy toward MWC ash can be made.

II. Notice of Availability

As part of EPA's evaluation of current disposal practices for MWC ash, EPA last year began field investigation of four municipal waste combustors, four ash-only landfills, four recent municipal solid waste landfills, and two landfills accepting both municipal waste combustion ash and municipal solid waste. The results of these analyses are summarized in Volume I of the report being made available today: "Characterization of MWC Ashes and Leachates from MSW Landfills, Monofills, and Co-Disposal Sites." Relevant data are summarized in the eight sections of this report. Section one provides the background while section two summarizes available information regarding the chemical characteristics of bottom, fly, and combined (fly and bottom) ash. This characterization includes data on inorganic constituents (including heavy metals), PCBs, dioxin/dibenzofurans, and other organics. Sections three and four detail the major conventional parameters (e.g., TDS, TSS, pH, sulfate, chloride, nitrate, nitrite, phosphate) and inorganic content of leachate found in municipal landfills, co-disposal landfills, and ash monofills. Section five summarizes findings regarding the presence of organic constituents in land disposal facility leachates and laboratory-extracted leachates. In section six, levels of polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans in extracts and in monofill leachates are detailed. Section seven summarizes the report and discusses it's main conclusions. Section eight cites the references utilized for the summary volume.

There are six support volumes to the report:

Volume II. "Leachate Baseline Report—Determination of Municipal Landfill Leachate Characteristics", October 1987; contains the results of a literature survey on the environmental effects of municipal waste disposal sites.

Volume III. "Addendum to Characterization of Municipal Landfill Leachates—A Literature Review," October 1987; contains additional literature review data on the environmental effects of municipal waste disposal sites.

Volume IV. "Characterization of Municipal Waste Combustion Residues and Their Leachates—A Literature Review", October 1987; contains results of a literature review of the environmental effects of municipal waste combustion residues and their leachates.

Volume V. "Characterization of Municipal Waste Combustor Residues", October 1987; details the results of a field and analytical program to investigate municipal waste combustor

VOL 52 ISS 249 DEC 29 1987 UMI

residues at four MWC, and four ash monofills; including ash, field leachate, simulated leachates, quench waters, and ground water.

Volume VI. "Characterization of Leachates from Municipal Waste Disposal Sites and Co-disposal Sites," October 1987; contains the results of a field and analytical program to characterize leachates from four municipal waste disposal sites and two co-disposal sites.

Volume VII. "Addendum to Monofill Report", October 1987; details additional field investigation activities conducted at the four ash monofills in which analyses for selected conventional parameters from leachate samples were completed.

Date: December 21, 1987.

J.W. McGraw,

Acting Assistant Administrator for Solid Waste And Emergency Responses.

[FR Doc. 87-29734 Filed 12-28-87; 8:45 am]

BILLING CODE 4560-50-M

[FRL-3397-7]

Science Advisory Board, Executive Committee, Open Meeting—January 14 and 15, 1988

Under Pub. L. 92-463, notice is hereby given that the Executive Committee of the Science Advisory Board (SAB) will meet from 9:15 a.m. to 4:00 p.m. on January 14 and from 9:15 to 12:00 noon on January 15 at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC in the Administrator's Conference Room 1101.

The main issues to be discussed at the meeting are: EPA requests for SAB reviews of re-assessments for inorganic arsenic and dioxin; reports of the Hazard Ranking System Subcommittee; and briefing on the Administrator's Task Force on Technology Transfer and Training.

The meeting is open to the public. Any member of the public wishing to attend or submit written comments should notify Dr. Terry F. Yosie, Director, Science Advisory Board, at 202-382-4126 or Joanna Foellmer by January 8, 1988.

Dated: December 21, 1987.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 87-29735 Filed 12-28-87; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3397-4]

Determination To Prohibit, Deny, or Restrict the Specification of an Area for Use as a Disposal Site; Santa Ysabel Creek, San Diego County, CA

December 17, 1987.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed section 404(c) determination and notice of public hearing.

SUMMARY: Section 404(c) of the Clean Water Act (CWA) (33 U.S.C. 1251 *et seq.*) authorizes the administrator of the EPA to prohibit, deny or restrict the specification or use of any defined area as a disposal site, whenever he determines, after notice and opportunity for public hearing, that the discharge of dredged or fill materials into such an area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreation areas. EPA's procedures for implementing section 404(c) are set forth in 40 CFR Part 231. This notice of proposed 404(c) determination and public hearing is being published by the Regional Administrator of the EPA's Region IX office in San Francisco, California. This notice includes the Regional Administrator's proposed determination covering the discharge of dredged or fill material into waters of the United States, including wetlands, by the San Diego County Water Authority (SDCWA), on lands owned by the City of San Diego, in Santa Ysabel Creek, San Diego County, California. The Regional Administrator is considering whether to recommend that the proposed discharge be prohibited, denied or restricted.

The SDCWA proposes to construct and operate an emergency and dry year supply storage reservoir in Pamo Valley, near Ramona, San Diego County, California. The maximum capacity of the reservoir would be 130,000 acre-feet (AF), making it the largest reservoir in San Diego County. Imported (pumped storage) and local winter runoff would be stored in the reservoir behind a 284-foot concrete dam, that will be constructed across Santa Ysabel Creek at the south end of Pamo Valley (Township 12 South, Range 1 East, Section 27). At maximum storage capacity, the proposed dam would create a reservoir in Pamo Valley that would inundate 1800 acres, including approximately 330 acres of wetlands. In November 1987, the U.S. Army Corps of Engineers, Los Angeles District, gave notice of its intentions to issue a section 404 permit to the SDCWA for construction of the proposed dam across Santa Ysabel Creek.

EPA has reason to believe that the proposed discharge of dredged and/or fill material into Santa Ysabel Creek will result in unacceptable adverse effects on wildlife. In accordance with 40 CFR 231.6, the Regional Administrator finds that it would be in the public interest to hold a hearing on this proposed determination.

Additional Studies: The City of San Diego, the landowner of the proposed reservoir and mitigation sites, is conducting an independent analysis of the proposed project, including studies of alternatives, cost, and mitigation. EPA will evaluate the results of the City of San Diego's analysis of the Pamo Dam Project as part of EPA's 404(c) evaluation. This study is tentatively scheduled to be completed by the end of April 1988.

Purpose of Public Notice: This serves as a notice of proposed section 404(c) determination and initiation of public comment period covering the proposed discharge, as described above. EPA would like to receive data or observations concerning (1) whether or not the proposed discharge in Santa Ysabel Creek would cause an unacceptable adverse effect to wildlife, as described in section 404(c) of the CWA, (2) the vegetative and hydrologic characteristics of the project area and observations of, or information concerning, wildlife utilizing the project area; (3) the availability of less environmentally damaging practicable alternatives to the proposed discharge taking into account cost, logistics, and the overall (basic) project purpose; (4) the adequacy of the proposed mitigation in off-setting project related impacts to wildlife and their habitats; (5) endangered species affected by the proposed project; (6) cumulative impacts of the project; (6) what corrective action, if any, could be taken to reduce the adverse impacts of the discharge and; (7) whether the Regional Administrator should recommend to the Assistant Administrator for Water that he prohibit, deny or restrict the discharge of dredged or fill material, on the site.

Public Hearing: The EPA will conduct a public hearing to obtain comments on EPA's proposal to prohibit, deny or restrict the discharge of dredged and fill material from construction of Pamo Dan. In order to fully consider the findings of the City of San Diego's independent analysis of this project as discussed above under *Additional Studies*, the public hearing will be held within 30 days of EPA's receipt of this analysis. A separate public notice will be published in the **Federal Register** and local newspapers to announce the date and location of this hearing and hearing procedures.

Written comments may be submitted prior to (beginning with the date of publication of the notice in the **Federal Register**) or following the hearing, or presented at the hearing. The hearing record will remain open 30 days after the hearing. The Regional Administrator hereby determines that good cause exists to establish a comment deadline of June 30, 1988 to permit EPA and the public to consider the City of San Diego's analysis of the proposed project. However, the comment deadline may be extended if the Regional Administrator determines there is good cause for an extension. Comments submitted prior to or after the hearing or requests for copies of the proposed determination should be submitted to the EPA Region IX's designated Record Clerk, Mr. Robert Leidy, Wetlands, Oceans and Estuaries Branch (W-7), EPA, 215 Fremont Street, San Francisco, California 94105. Comments should directly address the issues enumerated above under Purpose of Public Notice. All comments will be fully considered in reaching a decision to either withdraw the proposed determination or prepare a recommended determination to either prohibit, deny or restrict the specification or use of all or portions of Pamo Valley as a disposal site for construction of Pamo Dam. The Regional Administrator will either withdraw the proposed determination or forward a final Regional recommendation and the administrative record to the EPA Assistant Administrator for Water in Washington, DC, for review and the final determination. The procedures to be used in making the final determination are specified at 40 CFR 231.6.

Copies of all comments submitted in response to this notice will be available for public inspection during normal working hours (8:00 a.m. to 5:00 p.m.) at the EPA Region IX office.

Supplementary Information and Background

A. *Description of the Section 404(c) Process:* The CWA prohibits the discharge of pollutants, including dredged and fill material, into the waters of the United States (including wetlands) except in compliance with, among other things, section 404, 33 U.S.C. 1344. Section 404 authorizes the Secretary of Army, acting through the Chief of Engineers, to authorize the discharge of dredged or fill material at specified sites through the application of environmental guidelines developed by EPA in conjunction with the Secretary or where warranted by the economics of anchorage and navigation, except as provided in section 404(c). Section 404(c) authorizes the Administrator of EPA, after notice and opportunity for hearing, to prohibit or restrict the use of a defined site for disposal of dredged or fill material where he determines that such use would have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

Regulations published in 40 CFR Part 231 establish the procedures to be followed by EPA in exercising its section 404(c) authority. Whenever the Regional Administrator has reason to believe that use of a site may have an unacceptable adverse effect on the pertinent resources, she may begin the process by notifying the Corps of Engineers and the applicant that she intends to issue a proposed determination under section 404(c). Unless the applicant or the Corps persuades the Regional Administrator within 15 days that no unacceptable adverse effects will occur, the Regional Administrator publishes a notice in the **Federal Register** of her proposed determination, soliciting public comment and offering an opportunity for a public hearing. Today's notice represents this step in the process.

Following the public hearing and the close of the comment period, the Regional Administrator decides whether to withdraw her proposed determination or prepare a recommended determination. A decision to withdraw may be reviewed at the discretion of the Assistant Administrator for Water at EPA Headquarters. If the Regional Administrator prepares a recommended determination, she then forwards it and the complete administrative record compiled in the Region to the Assistant Administrator for Water at EPA's headquarters for a final decision affirming, modifying, or rescinding the recommended determination. The Corps of Engineers and the applicant are provided with another opportunity for consultation before this final decision is made.

B. *Nature of Proposed Discharge:* The SDCWA proposes to discharge dredged or fill material into Santa Ysable Creek for the construction of a 284-foot roller-compacted concrete dam. This discharge of dredged or fill material will result in the inundation of 1800 acres of Pamo Valley when the newly created reservoir is at capacity. EPA is particularly concerned with the direct loss of approximately 330 acres of wetlands from reservoir inundation and potential secondary impacts to an additional 124 acres of wetlands due to reservoir operation.

C. *Characteristics of the Site:* Pamo Valley encompasses approximately 4300 acres, 1800 acres of which would be inundated by the proposed reservoir. There are eight native and naturalized vegetation types in Pamo Valley. The valley supports a minimum of 302 plant species. Wetlands in Pamo Valley total approximately 330 acres. Riparian woodland comprises 174 acres and is most extensive along Santa Ysabel Creek at the southern end of Pamo Valley, and along the creek above the valley and below the proposed dam. In general, the overstory is dominated by western sycamore (*Platanus racemosa*) and arroyo willow (*Salix lasiolepis*), while the second-story canopy includes cottonwood (*Populus fremontii*), black willow (*S. goodingii*) and white alder (*Alnus rhombifolia*). The shrub layer includes canopy tree saplings, mulefat (*Baccharis glutinosa*) and blackberry (*Rubus urinus*). The narrow, ungrazed canyons of Santa Ysabel Creek surrounding Pamo Valley are dominated by mature trees with a dense multi-aged understory. Many small shrubs and herbaceous species are found in the understory, most notaly mugwort (*Artemesia douglasiana*), and spike rush (*Eleocharis* spp.). Riparian woodland distrubed by cattle grazing in upper Pamo Valley along Temescal and Bear Creeks is characterized by widely-spaced cottonwood trees with an open understory dominated primarily by introduced grasses. The incised stream channel of upper Temescal Creek is dominated by dense willow and mulefat thickets under widely scattered cottonwoods.

Emergent wetlands border the main stream channel in upper Pamo Valley and have been disturbed by cattle grazing. This grazing has limited the establishment of riparian shurbs and trees. These areas are seasonally flooded and are dominated by salt grass (*Distichlis spicata*), Bermuda grass (*Cynodon dactylon*), California wild rose (*Rosa californica*), tree tobacco (*Nicotiana glauca*), mulefat, spike rush, brass buttons (*Cotula coronopifolia*) and rush (*Juncus* spp.). Riparian vegetation along Santa Ysabel Creek from Sutherland Reservoir to Pamo Valley forms a narrow, continuous band dominated by sycamores, willows and cottonwoods. Southern oak woodland occurs as a narrow band bordering the riparian woodland with the adjacent

hillsides dominated by chaparral scrub habitat. Pamo Valley provides unusually high quality wildlife habitat. The documentation to date, which is based upon limited filed observations, indicates that Pamo Valley is utilized by approximately 100 species of resident and migratory birds, including the federally-endangered least Bell's vireo (*Vireo bellii pusillus*), 16 species of raptors, 15 species of mammals, four species of amphibians and 13 species of reptiles. The U.S. Fish and Wildlife Service (USFWS) believes that the species diversity is likely higher. The available information further indicates that one bird species and two species of reptiles are candidates for listing on the Federal endangered species list and that 23 bird species and two species of mammals are considered to be species of special concern by federal and state wildlife agencies and public wildlife groups, due to their restricted distribution, recent population declines, and/or unusual scientific or educational value.

D. *Proceedings to Date:* On October 4, 1985, the Corps of Engineers, Los Angeles District, gave public notice (no. 85–021–AA) that the SDCWA had applied for a Section 404 permit to discharge dredge or fill material into Santa Ysabel Creek for the constructon of Pamo Dam and associated facilities. EPA reviewed the proposed project for compliance with EPA's 404(b)(1) Guidelines and concluded from this review that the project failed to comply with these Guidelines in several substantive areas. Furthermore, because of the potentially significant impacts of the project on the environment and because a permit issued for the project would represent a major federal action, EPA concluded that an Environmental Impact Statement (EIS) was required under the National Environmental Policy Act (NEPA; 40 CFR Parts 1500–1508).

In March 1986, the Corps of Engineers determined that an EIS would be required for the proposed project. The draft EIS (DEIS) was completed in October 1986. In a letter dated December 18, 1986, EPA rated the DEIS as Category EO–2, Environmental Objections—Insufficient Information and recommended that a revised DEIS be prepared. The EPA also found that the project failed to comply with the 404(b)(1) Guidelines at 40 CFR 230.10(a), (c) and (d). In January 1987, representatives of the SDCWA and the City of San Diego (the owner of Pamo Valley and the proposed mitigation lands in San Pasqual Valley) met with EPA to discuss the adequacy of the DEIS in addressing unresolved NEPA and section 404 issues. At this meeting, EPA identified several specific less-damaging alternatives that appeared to be practicable and expressed concern about the adequacy of the proposed mitigation plan. In February 1987, the final EIS (FEIS) was completed. The FEIS was not responsive to many of the unresolved issues identified at the January 1987 meeting. As a result, the EPA and the USFWS continued to have concerns regarding the adequacy of the practicable alternatives analysis and biological mitigation plan. EPA continued to recommend that a section 404 permit not be issued for the proposed project. In February and, again, in March 1987, EPA met individually with the SDCWA and with other state and federal agencies to discuss EPA's unresolved section 404 concerns.

In a draft Record of Decision (ROD) dated April 20, 1987, the Los Angeles Corps' District Engineer informally notified EPA of the Corps' intention to issue a 404 permit over EPA's objection for the Pamo Dam and Reservoir Project, as proposed. Subsequently, EPA met with the Los Angeles District Engineer to discuss EPA's unresolved concerns regarding the project's noncompliance with the 404(b)(1) Guidelines. At this meeting the District Engineer notified EPA of his plans to proceed with a notice of intent to issue a permit for Pamo Dam pursuant to EPA's Memorandum of Agreement (MOA) with the Department of the Army under section 404(q) of the CWA [see 404(q) MOA, November 1985]. Section 404(q) directs the Corps of Engineers and EPA to enter into an agreement to coordinate and expediate permit decision making. On May 11, 1987, EPA submitted a document titled "Pamo Dam and Reservoir Project: A section 404 Analysis", to the District Engineer to finalize and communicate EPA's additional views on the proposed section 404 permit for Pamo Dam.

On May 8, 1987, the USFWS, as a result of endangered species concerns, formally requested that the District Engineer reinitiate section 7 consultation, under the Endangered Species Act of 1973, as amended, for the endangered least Bell's vireo. On June 8, 1987, the EPA Regional Administrator, Region IX, met with the Corps' South Pacific Division Engineer in an attempt to address EPA's unresolved concerns with the project. As a result of that meeting, EPA provided the Corps with additional information on EPA's position regarding issuance of a permit for Pamo Dam. On July 10, 1987, EPA received formal notification from the Los Angeles District Engineer, in the form of a final ROD, of his intention to issue a section 404 permit for Pamo Dam over EPA's objection. In August 1987, EPA requested that the Assistant Secretary of the Army for Civil Works (ASACW) review the proposed permit decision under EPA's MOA with the Department of the Army. Subsequently, the ASACW remanded the Pamo permit decision to the Los Angeles District, directing them to re-evaluate project costs, including mitigation.

In November 1987, the ASACW informed EPA of the Corps' intention to issue the permit for Pamo Dam and provided EPA with a revised ROD. Under EPA's MOA with the Army, on November 25, 1987 EPA notified the Corps of its intent to initiate proceedings under section 404(c) of the CWA.

E. *Proposed Determination:* The Regional Administrator is considering a recommendation to prohibit the discharge of dredged or fill material into Santa Ysabel Creek for the construction of the proposed Pamo Dam.

F. *Basis for Proposed Determination:*

1. *Section 404(c) Criteria.* The CWA requires that exercise of the final section 404(c) authority be based on a determination of "unacceptable adverse effect" on municipal water supplies, shellfish beds, fisheries, wildlife or recreational areas. The regulations define "unacceptable adverse effect" in 40 CFR 231.2(e) as:

> Impact on an aquatic or wetland ecosystem which is likely to result in significant degradation of municipal water supplies or significant loss or damage to fisheries, shellfishing, or wildlife habitat or recreation areas. In evaluating the unacceptability of such impacts, consideration should be given to the relevant portions of the Section 404(b)(1) Guidelines (40 CFR Part 230).

The preamble to 40 CFR Part 231 explains that one of the basic functions of section 404(c) is to oversee the application of the section 404(b)(1) Guidelines. Those portions of the Guidelines relating to the availability of less environmentally-damaging practicable alternatives (40 CFR 230.10(a)), impacts to endangered species (40 CFR 230.10(b)), significant degradation of waters of the United States (40 CFR 230.10(c)), minimizing adverse impacts to aquatic resources (40 CFR 230.10(d)), and to the determination of cumulative effects on the aquatic ecosystem (40 CFR 230.11(g)), are of particular importance in the evaluation of the unacceptability of environmental impacts in this case. The 404(b)(1) Guidelines require that no discharge of dredged or fill material shall be permitted if (1) there is practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, (2) it would jeopardize the continued existence of species listed as endangered under the the Endangered Species Act of 1973, as amended, (3) it would cause or contribute to significant degradation of the waters of the United States, or (4) the proposed discharge does not include all appropriate and practicable measures to minimize potential harm to the aquatic ecosystem. In addition, the Guidelines state that the permitting authority should collect and solicit information concerning cumulative impacts and document and consider this information during the decision-making process. Thus, it is appropriate under section 404(c) to take into account whether the project will result in significant degradation to aquatic resources, particularly wildlife habitat, or whether the proposed mitigation is adequate to offset project-related impacts to the aquatic environment.

The Administrator's section 404(c) authority may be used to prohibit, deny or restrict a permit which the Corps has determined it would issue (as is the case with the Pamo Dam project). Under the section 404(c) authority, the Administrator may totally prohibit all discharges of dredged or fill material to a defined area or may impose some partial prohibition, such as restriction from a particular activity.

2. *Adverse Impacts of Permit Issuance.* Construction of Pamo Dam would alter drastically the hydrology and ecology of the project area. At a maximum storage capacity of 130,000 acre-feet (AF), Pamo Reservoir would inundate portions of nine vegetation types, totalling 1800 acres. Much of the existing plant communities would be destroyed. Of particular significance is the direct loss of approximately 330 acres of emergent and riparian wetlands. Furthermore, impoundment of the natural runoff from Pamo Valley would reduce runoff in the upper San Pasqual groundwater basin by about 78 percent in an average rainfall year. These flow reductions would reduce the viability of 78 acres of riparian woodland. In addition, operation of Pamo Reservoir would decrease the spill frequency of Sutherland Reservoir resulting in decreases in streamflows available to 46 acres of riparian wetlands in Santa Ysabel Creek above Pamo Reservoir. Without compensating downstream releases, flow reductions of this magnitude may have significant adverse impacts on riparian wetlands in the project area.

As discussed previously under section C, the diverse, high quality habitats found in Pamo Valley are important for many birds, mammals, reptiles and amphibians. Pamo Reservoir would cause the permanent loss of these habitats and the destruction and displacement of many species of resident and migratory wildlife dependent on them. Less mobile species such as small mammals, reptiles and amphibians would be destroyed. Most species displaced to adjacent or new habitats at carrying capacity (equilibrium) would not survive. Those that did survive would do so by displacing resident species, that in turn would not survive. It will be difficult for displaced species that require more than one habitat type or utilize ecotones to find suitable habitat. Habitats similar in quality to that found in Pamo Valley area already scarce and declining in the San Diego Region.

The least Bell's vireo (LBV), a federally-listed endangered species, has recently been found in Pamo Valley within the inundation zone of the proposed reservoir and in San Pasqual Valley below the dam site. Because of this new information on the occurrence of the LBV in the reservoir inundation zone and because of modifications to proposed permit conditions to minimize project impacts to the LBV by the Corps of Engineers, the USFWS requested that the Los Angeles District Engineer reinitiate consultation under Section 7 of the Endangered Species Act. The USFWS maintains that issuance of a permit for Pamo Dam prior to completion of a reinitiated consultation would place the Corps of Engineers in violation of Section 7(a)(2) of the Endangered Species Act for permitting a project that is likely to jeopardize the continued existence of a federally-listed species and for failing to reinitiate consultation, as required by the Act and its implementing regulations (50 CFR, Part 402).

Construction of Pamo Dam would reduce the watershed contributing to San Pasqual valley by 30 percent. Without mitigation, this would result in an average annual decrease (annual supply shortfall) in groundwater supply of 703 AF. Additional decreases in groundwater supply will degrade existing poor water quality in San Pasqual Valley.

The proposed project would result in the incremental loss of several natural habitat types in the Southern California region. Loss of oak and riparian woodland habitats would be significant considering (1) the historical scarcity of these habitats in San Diego County, (2) the continued loss of those habitats from urbanization, and (3) the historical failure of mitigation to offset lost values associated with these habitats. Riparian wetlands in San Diego County account for less than 0.5 percent of the county's total acreage. Recent information developed by the California Department of Fish and Game indicates that San Diego County has lost approximately one-third of its riparian areas since the early 1970's. The direct loss of 300 acres of wetlands, including 172 acres of riparian woodland would further contribute to this trend in the loss of wetlands. Project-related impacts to wetlands would have a significant adverse cumulative impact on the health of the aquatic environment of the San Dieguito River system.

G. *Unresolved EPA Concerns:* To date, EPA has reviewed numerous documents regarding the Pamo Dam project provided by an independent consultant to EPA, the Corps of Engineers, the SDCWA, USFWS, other federal, state, and local agencies, and by private groups and individual citizens. A thorough review of this information has not alleviated the following EPA concerns.

1. *Practicable Alternatives to the Proposed Project.* EPA has identified two practicable alternatives which would potentially achieve the basic project purpose through utilization of, and/or modification to, existing water storage and distribution facilities. The first is the no project alternative (that is, utilizing existing water supplies and storage facilities) The second alternative involves heightening the existing San Vicente Dam to increase reservoir storage capacity combined with the construction of additional water distribution facilities.

2. *Proposed Mitigation Plan.* Concerns remain about the technical aspects of the proposed mitigation plan in San Pasqual Valley. First, EPA has previously stated that the mitigation plan relies heavily on a complex plan of importing and exporting water from several sources to create wetlands hydrology. Second, the plan is proposed for higher terrace floodplain and high salinity soils that may not be suitable for the establishment of willow riparian wetlands. A third and over-riding concern is that the mitigation proposal fails to provide for the habitat requirements of the wildlife species that utilize Pamo Valley. Fourth, because the mitigation plan is of complex design, there is concern that implementation, even if it could be made successful, will take many years and, therefore, the proposed wetlands will be unavailable

to serve the wildlife populations currently inhabiting Pamo Valley. Fifth, EPA continus to have concerns regarding on-going unauthorized sand-mining activities conducted by lessees of land owned by the City of San Diego in San Pasqual Valley and the potential impacts of these activities on the proposed mitigation plan. Finally, the mitigation plan as proposed would require continuous and costly operation and maintenance, monitoring, and on-site management in perpetuity. The Corps of Engineers has estimated that the San Pasqual mitigation proposal would cost $19 million to implement (excluding monitoring and remedial action) yet the SDCWA has alloted only approximately $4 million to finance it.

3. *Endangered Species.* As discussed in Section D the USFWS has requested that the Corps of Engineers reinitiate consultation under section 7 of the Endangered Species At for the least Bell's vireo.

4. *Significant Degradation.* The project would cause or contribute to significant degradation of waters of the United States. The project would result in the direct loss of 330 acres of wetlands, with potential secondary impacts to an additional 124 acres of riparian wetlands. EPA believes this loss of wetlands represents a significant cumulative impact on the regional environment of Southern California.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Leidy, Wetlands, Oceans and Estuaries Branch (W-7), 215 Fremont Street, San Francisco, California 94105, (415) 974-7190.

Judith Ayres,

Regional Administrator.

[FR Doc. 87-29736 Filed 12-28-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Truck Detention Charges at West Coast Ports; Enlargement of Time To Reply to Petition for Rulemaking

December 23, 1987.

The Commission on November 30, 1987, 52 FR 45499, published a notice of filing of petition by the Waterfront Rail Truckers Union seeking the promulgation of a truck detention rule applicable at West Coast ports. The notice requested the submission by interested persons on or before January 8, 1988, of views, arguments, or data in response to the petition.

Upon request of interested persons, and good cause appearing, the time for submission of responses to the above-referenced petition is enlarged to and including February 22, 1988.

Joseph C. Polking,

Secretary.

[FR Doc. 87-27920 Filed 12-28-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

December 22, 1987.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument will be placed into OMB's public docket files. The following one-time survey of major banking organizations on their stock market lending and related activities, has received Board approval.

Under the terms of OMB's delegation of authority to the Board to review and approve collections of information, the Board is to provide the public, to the extent possible, with a reasonable opportunity to comment on a proposed collection prior to final approval. The Board may, however, institute a collection quickly without providing an opportunity for public comment if the ordinary procedures would defeat the purpose of the collection or substantially interfere with the Board's ability to perform its obligations.

The present survey is being collected in direct response to a Congressional inquiry that must be responded to by January 11, 1988, and there is not enough time between the date of the request for information (December 2, 1987) and the date it is due to collect the data, analyze it, and prepare the appropriate response to allow for the procedure for public comment. Thus, the usual procedure of providing an opportunity for public comment prior to implementation of an information collection is not being followed.

In addition to the direct questions the Board must ask to respond to the Congressional inquiry, the Board will ask some additional questions to improve its understanding of the relationship between banking organizations and the stock market and the attendant risks. The Board requires this information in order to provide a more informed response to the Congressional inquiry and to carry out its statutory responsibilities more effectively. Thus, the same considerations that require prompt action with respect to the first part of the survey apply with equal force to the supplemental questions.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed survey, the request for clearance (SF 83), supporting statement, instructions, and other documents that are being placed into OMB's public docket files may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Office—Nancy Steele—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3822).

Approval Under OMB Delegated Authority of the Implementation of the Following Report

Report title: One-time Survey of Major Banking Organizations on Their Stock Market Lending and Related Activities.

Agency form number: FR 3041.

OMB Docket number:

Frequency: 1.

Reporters: Bank holding companies, foreign banks, and commercial banks.

Annual reporting hours: 75.

Small business are not affected.

General description of report: This information collection is voluntary [12 U.S.C. §§ 225a, 248(a)(2), 244(c), and 3105] and is given confidential treatment [5 U.S.C. § 552(b)(4) and (8)].

The survey would obtain information on stock market lending and other stock market-related activities of these organizations.

Board of Governors of the Federal Reserve System, December 22, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-29692 Filed 12-28-87; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0591]

Risks on Large-Dollar Transfer Systems; Automated Clearing House Transactions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Policy statement.

SUMMARY: The Board has adopted the following measures to reduce risk in the automated clearance house ("ACH") service:

(1) Uniform Reserve Bank procedures to monitor ACH credit payments originated by depository institutions in a weak financial position;

(2) Earlier deadlines for returns of ACH debit transactions of $2,500 or greater; and

(3) Uniform float accounting procedures for depository institutions originating ACH credit transactions that settle on nonstandard holidays.

EFFECTIVE DATE: July 18, 1988.

FOR FURTHER INFORMATION CONTACT: Julius F. Oreska, Manager (202/452-3878), Margaret R. Weimer, Senior Analyst (202/452-3341), Division of Federal Reserve Bank Operations; Elaine M. Boutilier, Senior Attorney (202/452-2418), Legal.

Division; for the hearing impaired *only*, Telecommunications Service for the Deaf (202/452-3544), Earnestine Hill or Dorothea Thompson.

SUPPLEMENTARY INFORMATION: On December 19, 1986, the Board of Governors requested public comment on several proposals to reduce risk in the ACH mechanism. Specifically, the Board proposed the following changes: (1) Change the posting times for ACH transactions in the *ex post* monitoring system; (2) amend the Reserve Bank operating circulars concerning the finality of ACH transactions; (3) reduce the return times for large-dollar ACH transactions; (4) charge the accounts of institutions originating ACH credit transactions, when such institutions observe midweek or nonstandard holiday closings on the settlement date; and (5) monitor ACH transactions originated by problem depository institutions.

In general, favorable comments were received on the proposal to reduce the return times for large-dollar ACH debit transactions, the proposal regarding treatment of ACH credit transactions orginated by institutions observing midweek or nonstandard holiday closings, and the proposal to monitor ACH transactions. The other two proposals, regarding posting for the *ex post* monitor and finality of ACH transactions, generated considerable comment and are still being reviewed. It is expected that recommendations will be considered by the Board on *ex post* monitoring procedures and finality by mid-1988.

Risks Relating to ACH Transactions

The ACH is a value-dated electonic payment mechanism, in which transactions may be originated one or two days before the settlement date. In 1986, over 700 million payments were originated with a value of about $2.2 trillion. There are two types of ACH payments—credit transactions and debit transactions.

In an ACH credit transaction, the originator of the payment orders funds to be credited to the receiver's account. Unlike Fedwire transfers, which are irrevocable to receivers, the Reserve Banks reserve the right to reverse credits given for ACH transactions until the close of business on settlement day. The risk to the Federal Reserve in processing ACH credit transactions arises from the potential failure of an originating institution before its obligation has been fully funded and the Reserve Bank's potential inability to reverse all payments that were originated by the closed institution. The risk faced by depository institutions receiving ACH credit transactions is due to the institutions' typical practice of making the funds available to their customers on the day of settlement. Thus, if payments must be reversed as a consequence of an originating institution's failure, the receiving institution may suffer a financial loss, or if the receiving institution has made the funds available to its customers, the customers may suffer the loss.

In ACH debit transactions, funds flow to the originator of the payment from the receiver. Like checks, ACH debit transactions are provisional payments and receiving institutions have the right to return them. The Federal Reserve's risk in handling ACH debit transactions arises from return item processing. The Reserve Banks must reverse debit entries when items are returned by receiving institutions. If the originating institution has failed and the Reserve Bank is unable to recover funds from the originating institution or its customer, the Reserve Bank would absorb the loss.

Institutions receiving ACH debit transactions are exposed to very little risk because they have the right to return the items if their customers do not have sufficient funds to cover the payments. The primary risk faced by the receiving institutions is the operational risk associated with missing the return deadline.

The originators of ACH debit payments usually release funds to their customers on the day of settlement. Returns, however, typically are not received by originating institutions until five or six days following the settlement day. This exposes the originating institutions to temporal risk directly related to the return item process.

1. Monitoring ACH Originations

The commentors on the ACH risk proposals agreed with the concept of real-time monitoring of ACH transactions and noted that they would prefer risk control measures that would minimize the disruption to the ACH payments mechanism and would be focused primarily on those problem participants that pose the greatest risk. Accordingly, the Board has adopted monitoring procedures developed specifically for problem ACH originators, that is, those institutions in greatest risk of failing.

Each Reserve Bank will be responsible for identifying the problem ACH originators in its district. Each problem depository institution that originates ACH credit transactions will be required to notify the payment system risk monitoring staff at its account-holding Reserve Bank of the value of the payments that it plans to originate before submitting them for processing. The institution must specify the value of the credit payments it plans to originate both in the aggregate and by settlement date.

The Reserve Bank will maintain a cumulative total of ACH transactions by processing date and by settlement date. After the ACH payments are processed and delivered to receiving institutions, the value of the credit payments reported by the problem institution will be compared to the actual transactions that were processed. Any discrepancies will be reviewed with the institution's management immediately. In Districts where private ACH processors perform the processing, the details of monitoring the problem institutions' credit originations still will be addressed by the Reserve Banks which may require the private processors to provide additional information to facilitate the monitoring.

The risk monitoring staff will assess the Federal Reserve's exposure resulting from the ACH credit payments originated by the problem instititution. When necessary, the Reserve Bank will require advanced funding or other assurance of payment to cover the value of the payments at the time of deposit as a surety against the inherent risk. If the institution fails to provide adequate funding or other assurance, then the Reserve Banks may refuse to process the ACH transactions.

Debit transactions originated by problem institutions pose little risk to the recipients. This is because debit payments are provisional payments and the receivers are protected by legal rights to return the debit transactions

VOL 52 ISS 249 DEC 29 1987 UMI

within specified time frames. Consequently, no special monitoring procedures are necessary for debit originations. Nevertheless, there may be special concerns that a problem originator will fail with little likelihood that the institution will be merged with or absorbed by a healthy institution. Accordingly, the Board has determined that the Reserve Bank may defer the availability of some or all of the credit from the debit payments the institution has originated. This would parallel § 210.10(b) of Regulation J, which permits Reserve Banks to defer credit for checks. It should be noted, however, that this provision would not fully address the risk to Reserve Banks in instances where the receiving institution returns a debit adjustment entry as late as 45 days after settlement to a failed originating institution. This issue will be considered by the Board together with the recommendations on finality and *ex post* monitoring.

For institutions that are not classified as problem institutions, the Federal Reserve is still exposed to the risk that an institution might unexpectedly be closed or suspended. Consequently, the Reserve Banks continue to reserve the right to reverse credit payments if the originating depository institution fails.

In order to increase their knowledge about ACH originators' activity and to identify unusual trends in ACH originations, the Reserve Banks will review all ACH originations over a two-week reserve accounting period at least once quarterly. This may be done via exception reports that can be generated when average and peak-day origination volumes and dollar value of individual originating institutions exceed a predetermined range, based upon actual origination patterns for each originator. It is expected that this range will be revised at least semiannually.

2. ACH Return Items

To reduce risk to originators of large-dollar debit transactions, the Board changed the deadline for depositing automated ACH debit return items of $2,500 or more at the Reserve Banks from the current deadline of midnight of the business day following settlement or receipt, whichever is later, to the deposit deadlines for the night processing cycle on the business day following settlement or receipt, whichever is later.[1] Presently, ACH returns take five or six days, on average, to reach the originating institutions. Upon implementation of the earliar deadlines, it is expected that the returns will reach the originating institutions by the morning of the second business day following settlement or receipt of the original transaction, whichever is later.

With regard to debit returns of $2,500 or more submitted to the Reserve Banks in paper form, where Reserve Banks must convert the items to electronic form, the Board proposed a return deadline of between 5:00 p.m. and 8:00 p.m. eastern time. This deadline provides the Reserve Bank time to convert the returns in time for processing at night, with delivery to the originating institutions the following morning.

Most of the commenters believed that setting earlier return item deadlines would reduce risk in the ACH mechanism. Therefore, the Board has adopted an 8:00 p.m. (eastern time) deadline for the paper returns and the regular night deposit deadlines for the automated returns.

For those institutions that cannot meet the paper return item deadline, the Board proposed that a telephone return item service be offered at a fee of $6.00 per return item. Most commenters supported the proposal to offer this service, but questioned the fee, believing it should be lower. The costs of implementing this service were reviewed and the Board has determined that the $6.00 fee is appropriate to cover the cost of staff time and equipment that would be needed to implement the service. Therefore, the telephone return service will be implemented for large-dollar return items and the fee will be set initially at $6.00 per return item.

Two other improvements in the return item area proposed by the Board were not well received: (1) To require notification by 3:00 p.m. eastern time, on the business day following settlement or receipt, of any return items of $100,000 or more, and (2) to offer an optional service to segregate return items from regular transactions being delivered to originating institutions that have electronic access to the Reserve Banks.

The commenters' concerns with the large-dollar notification requirement centered primarily on the use of a uniform time nationwide. West Coast institutions believed that the deadline was too early, while a later notification may be too late in the day to be useful to East Coast originating institutions. Also, commenters disagreed on the appropriate dollar cutoff for such a notification requirement. In view of these concerns, and the likelihood that the notification requirement would be of marginal benefit to the originators, the Board did not implement this proposal.

The proposal to provide an optional service to segregate return items from regular transactions and deliver the returns earlier received only 30 comments. In view of the limited response to this proposal, and the automation expense of providing such a service, the Board did not adopt this proposal.

3. Midweek and Nonstandard Holiday Closings

Under current procedures, originators of ACH credit transactions that are closed on the settlement day, because of a nonstandard holiday or midweek closing, are charged for the transactions on the next business day. The cost of the float from crediting the reserve or clearing accounts of the receiving institutions but not charging the closed originating institution is recovered from the originating institution through an as of adjustment or an explicit fee. Because Reserve Banks can reserve ACH credit payments only until the entries are posted on the settlement day, the current procedure of delaying charges to originators of ACH credit transactions increases the Reserve Banks' exposure to the risk of loss compared with settlements occurring on days that the originator is open.

The Board proposed that originating institutions that will be closed on the day credit transactions that they have originated are scheduled to settle be charged for the transactions on the settlement day as though they were open. This policy would apply to both voluntary and mandatory holiday because the institutions making these payments are aware of their obligations one or two days before the settlement date.

A majority of the commenters concurred with this proposal. Most of the commenters agreed with the Board's views that the proposal was equitable, because the originators are aware of their obligation to fund the credit payments in advance of the settlement date. Most of the commenters opposing the proposal wanted the option of being charged on the holiday or deferring the debit and paying for the consequent float through explicit fees. Deferring the debit, however, creates risk for the Federal Reserve because the Reserve Banks may not be able to reverse the credit transactions after they have been posted to the receivers' accounts on the settlement day. Therefore, the Board has adopted the proposal that originating institutions be charged on the settlement date as if they were open.

By order of the Board of Governors of the Federal Reserve System, December 22, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-29691 Filed 12-28-87; 8:45 am]

BILLING CODE 6210-01-M

[1] Presently the night cycle deposit deadlines vary depending on whether the payments are interregional or local, unsorted or presorted by receiving Reserve office. They range between 8:00 p.m. for interregional unsorted deposits (with provision for a file remake) to the local deposit deadline of 1:30 a.m. (for files without remake capability). Most files are deposited by the interregional deadline for unsorted deposits (without remake)—11:00 p.m.

Application To Engage in Various Securities Activities; the Bank of Nova Scotia, Toronto, Ontario

The Bank of Nova Scotia, Toronto, Ontario ("Applicant"), has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) ("BHC Act") and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), to acquire McLeod Young Weir Incorporated, New York, New York, and thereby engage in:

(1) Providing brokerage and investment advisory services to institutional customers on a combined basis;

(2) Providing advice in connection with mergers and acquisitions, divestitures, loan syndications, interest rate swaps, interest rate caps and similar transactions to unaffiliated financial and nonfinancial institutions; and

(3) Providing financial advice to the Canadian federal and provincial governments, such as with respect to the issuance of their securities in the U.S.

Applicant has also applied to engage in providing discount brokerage services to non-institutional customers; furnishing general economic information and advice, general economic statistical forecasting services and industry studies to institutional customers; providing portfolio investment advice and research to institutional customers; and underwriting and dealing in obligations of the United States, general obligations of states and their political subdivisions, and other obligations that state member banks are authorized to underwrite and deal in under 12 U.S.C. 24 and 335. The Board has previously found these latter activities to be generally permissible for bank holding companies. 12 CFR 225.25(b)(15), (4)(iv), (4)(iii) and (16) respectively.

The Board previously has determined that the combined offering of investment advice with securities brokerage services to institutional customers from the same bank holding company subsidiary is a permissible nonbanking activity and does not violate the Glass-Steagall Act. *National Westminster Bank PLC*, 72 Federal Reserve Bulletin 584 (1986) ("*NatWest*"); *Manufacturers Hanover Corporation*, 73 Federal Reserve Bulletin 930 (1987) ("*Manufacturers Hanover*"). That position has been upheld by the U.S. Court of Appeals for the District of Columbia Circuit in its affirmance of the Board's *NatWest* Order. *Securities Industry Ass'n* v. *Board of Governors*, 821 F.2d 810 (D.C. Cir. 1987), *petition for cert. filed*, 56 U.S.L.W. 3303 (U.S. Oct. 5, 1987) (No. 87-562). Applicant has proposed to conduct its brokerage activity in accordance with the limitations approved by the Board in *Manufacturers Hanover* with one exception. In *Manufacturers Hanover*, the Board permitted management interlocks between the securities subsidiary and the holding company but not with the bank affiliates. Applicant has proposed to have management interlocks between Company and its bank affiliate, the Bank of Nova Scotia ("Bank"). Applicant contends that this modification will not result in adverse effects because Bank does not accept insured deposits within the U.S.

Applicant has also proposed to engage in providing advice in connection with financing transactions for non-affiliated financial and nonfinancial institutions, as previously approved by the Board in *Sovran Financial Corporation*, 73 Federal Reserve Bulletin 744 (1987).

The Board has not previously approved Applicant's third activity, providing financial advice to the Canadian federal and provincial governments, such as with respect to the issuance of their securities in the U.S.

Section 4(c)(8) of the BHC Act provides that a bank holding company may engage in any activity which the Board has determined to be "so closely related to banking or managing or controlling banks as to be a proper incident thereto." A particular activity may be found to meet the "closely related to banking" test if it is demonstrated that banks have generally provided the proposed activity; that banks generally provide services that are operationally or functionally so similar to the proposed activity so as to equip them particularly well to provide the proposed activity; or that banks generally provide services that are so integrally related to the proposed activity as to require their provision in a specialized form. *National Courier Ass'n* v. *Board of Governors*, 516 F.2d 1229, 1237 (D.C. Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y, 49 *Federal Register* 806 (1984).

Applicant believes that providing financial advice to the Canadian federal and provincial governments, such as with respect to the issuance of their securities in the U.S., is closely related to banking because of the similarity of this activity to providing financial advice to state and local governments, which the Board has found to be generally permissible for bank holding companies. 12 CFR 225.25(b)(4)(v). In addition, Applicant notes that § 211.5(d)(8) of the Board's Regulation K authorizes the provision of financial advisory services to foreign government entities. 12 CFR 211.5(d)(8).

In determining whether Applicant's proposed activity meets the second, or proper incident to banking test of section 4(c)(8), the Board must consider whether the performance of the activity by an affiliate of a holding company "can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Applicant believes that providing financial advice to the Canadian federal and provincial governments will enhance competition and will not result in adverse effects in light of its similarity to the activity of providing financial advice to state and local governments, previously incorporated into Regulation Y as a permissible nonbanking activity. 12 CFR 225.25(b)(4)(v).

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than January 22, 1988. Any request for a hearing must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, December 22, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-29690 Filed 12-28-87; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Employee Thrift Advisory Council; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), a notice is hereby given of the following committee meeting:

Name: Employee Thrift Advisory Council.

Time and date: 10:00 a.m., January 12, 1988.

Place: Conference Room 5141-A, General Services Administration Building, 18th & F Streets, NW., Washington, D.C.

Status: Open.

Matters to be considered: Approval of the minutes of the October 13, 1987 meeting; Thrift Savings Plan participation and investment funds; employee survey; participant loan program; and status of proposed legislation.

Any interested person may attend, appear before, or file statements with the Council. For further information contact John J. O'Meara on (202) 653-2573.

Dated: December 23, 1987.

Francis X. Cavanaugh,

Executive Director.

[FR Doc. 87-29791 Filed 12-28-87; 8:45 am]

BILLING CODE 6710-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Request for Nominations for Voting Members on Public Advisory Committee

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for voting members to serve on the Veterinary Medicine Advisory Committee in FDA's Center for Veterinary Medicine. Five vacancies will occur on the committee on October 31, 1988.

DATE: No cutoff date is established for receipt of nominations.

ADDRESS: All nominations for membership should be submitted to Max L. Crandall (address below).

FOR FURTHER INFORMATION CONTACT: Max L. Crandall, Center for Veterinary Medicine (HFV-4) Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3450.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations of voting members on the Veterinary Medicine Advisory Committee.

The function of the committee is to: (1) Review and evaluate available information concerning the safety and effectiveness of marketed and investigational new animal drugs, feeds, and devices for use in the treatment and prevention of animal disease and increased animal production; and (2) make appropriate recommendations to the Commissioner of Food and Drugs.

Criteria for Members

Persons nominated for membership on the Veterinary Medicine Advisory Committee shall have adequately diversified experience appropriate to the work of the committee in such fields as companion animal medicine, food animal medicine, avian medicine, microbiology, biometrics, toxicology, pathology, pharmacology, animal science, and chemistry. The specialized training and experience necessary to qualify the nominee as an expert suitable for appointment is subject to review, but may include experience in medical practice, teaching, and/or research relevant to the field of activity of the committee. The term of office is 3 or 4 years.

Nomination Procedures

Any interested person may nominate one or more qualified persons for membership on the advisory committee. Nominations shall state that the nominee is willing to serve as a member of the advisory committee and appears to have no conflict of interest that would preclude committee membership. FDA asks potential candidates to provide detailed information concerning such matters as employment, financial holdings, consultancies, and research grants or contracts in order to permit evaluation of possible sources of conflict of interest.

FDA has a special interest in assuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, and handicapped candidates.

This notice is issued under Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Date: December 22, 1987

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-29686 Filed 12-28-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 87F-0398]

University of California (Davis Campus); Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the University of California (Davis Campus), Cooperative Extension Service has filed a petition proposing that the food additive regulations be amended to provide for using an elemental selenium bolus for beef cattle as a nutritional supplement.

FOR FURTHER INFORMATION CONTACT: Woodrow M. Knight, Center for Veterinary Medicine (HFV-226), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5382.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2209) has been filed by the Cooperative Extension Service, University of California (Davis Campus), Davis, CA 95616.

The petition proposes that 21 CFR 573.920 *Selenium* be amended to provide for the safe use of a bolus containing elemental selenium which is given to beef cattle over 3 months of age as a nutritional selenium supplement.

The potential environmental impact of this action is being reviewed. The environmental assessment prepared by the petitioner may be seen at Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Comments from the public are invited. Those received within 60 days of this notice will be considered. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the rule in the Federal Register in accordance with 21 CFR 25.40(c).

Dated: December 18, 1987.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 87-29689 Filed 12-28-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permits

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: W. J. Sork, PRT-723747, Metairie, LA.

The applicant requests a permit to import the personal sport-hunted trophy of a bontebok (Damaliscus dorcas dorcas); culled from the herd of Mr. F. W. M. Bowker, Grahamstown, Republic of South Africa, for the purpose of enhancement of propagation.

Applicant: Vance B. Grannis, Jr., PRT-723848, Inver Grove Heights, MN.

The applicant requests a permit to import one pair of Humes bar-tailed pheasants (Syrmaticus humiae), five pairs of white-eared pheasants (Crossoptilon crossoptilon), one male Edwards pheasant (Lophura edwardsi), six pairs of Mikado pheasants (Syrmaticus mikado); one pair of Palawan pheasants (Polypectron emphanum) and one pair of nene geese (Nesochen (-Branta) sandvicensis) for breeding purposes. All birds were captive-hatched in Canada at Sout View Aviaries in Burnaby, British Columbia.

Applicant: Rare Feline Breeding Center, PRT-723932, Center Hill, FL.

The applicant requests a permit to export two female leopards (Panthera pardis) bred in captivity to the Parco Faunistico "La Torbiera", Novara, Italy for the purpose of enhancement of propagation.

Applicant: Gary S. Smith, PRT-724040, Frianger, KY.

The applicant requests a permit to import one captive born male American peregrine falcon (Falco peregrinus anatum) from Mr. John Lefeune, Falcon Farms Ltd., Agassiz, British Columbia, Canada, for captive breeding purposes.

Applicant: Animal Park, Inc., PRT-723752, Gulf Breeze, FL.

The applicant requests a permit to purchase one male lowland gorilla (Gorilla gorilla) that has been held in captivity for 20 years from Benson's Animal Park, Hudson, New Hampshire, for the purpose of conservation education. Semen will be made available for artificial insemination.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 403, 1375 K. Street NW., Washington DC 20005, or by writing to the Director, U.S. Office of Management Authority, P.O. Box 27329, Central Station, Washington, DC 20038-7329.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Date: December 23, 1987.

Larry La Rochelle,

Acting Chief, Branch of Permits, U.S. Office of Management Authority.

[FR Doc. 87-29783 filed 12-28-87; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given ninety (90) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Ken Direction Corporation, Inc. authorizing it to continue to provide overnight accommodations, food and beverage, and merchandising operations for the public at Hawaii Volcanoes National Park for a period of twenty (20) years from January 1, 1988 through December 31, 2008.

The contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfication of the Secretary under an existing contract which expires by limitation of time on June 1, 1988, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the ninetieth (90) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Western Regional Office, 450 Golden Gate Avenue, San Francisco, California 94102, for information as to the requirements of the proposed contract.

A pre-proposal conference will be held Thursday, January 21, 1988, from 9:00 a.m. to 11:00 a.m. at Hawaii Vocanoes National Park. Parties interested in attending the conference should check the bulletin board at the Hawaii Volcanoes National Park Visitor Center that morning where the nearby location of the meeting will be posted.

Date: December 15, 1987.

Stanley T. Albright,

Regional Director, Western Region.

[FR Doc. 87-29749 Filed 12-28-87; 8:45 am]

BILLING CODE 4310-70-M

Land and Water Conservation Fund

AGENCY: National Park Service, Interior.

ACTION: Notice: Land and Water Conservation Fund.

SUMMARY: Notice is hereby given that the National Park Service is considering an amendment to its policy regarding the sheltering of recreational facilities on lands assisted under the Land and Water Conservation Fund (L&WCF) Act of 1965, as amended (Pub. L. 88-578). The new policy will be issued as an amendment to sections 640.3 and 675.9 of the L&WCF Grants-in-Aid Manual (NPS-34).

DATES: Comments submitted within 30 days of this announcement will be considered.

ADDRESSES: Copies of the proposed policy revision are available on request from the following location: National Park Service, Recreation Grants Division (775), P.O. Box 37127, Washington, DC 20013-7127.

FOR FURTHER INFORMATION CONTACT: Randolph J. Clement or Michael Rogers of NPS-Recreation Grants Division at the address given above; telephone 202/343-3700; (FTS) 343-3700.

SUPPLEMENTARY INFORMATION: Section 6, L&WCF Act of 1965 as amended: Pub. L. 88-578; 78 Stat. 897; 16 U.S.C. 4601-4, et seq.

Denis P. Galvin

Acting Director.

[FR Doc. 87-29748 Filed 12-28-87; 8:45 am]

BILLING CODE 4310-70-M

Cape Cod National Seashore, South Wellfleet, MA; Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. app. 1 s 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held Friday, January 22, 1988.

The Commission was reestablished pursuant to Pub. L. 99–349, Amendment 24. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of the Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The meeting will convene at Park Headquarters, Marconi Station, South Wellfleet, Massachusetts at 1:00 p.m. for the following reasons:

1. Adoption of Agenda.
2. Approval of Minutes of Previous Meeting.
3. Old Business.
a. Adoption of Rules of Governance.
b. Annual Report Guidelines.
c. Bicycle Trails.
d. North Truro AFS Housing.
4. Superintendent's Report.
5. New Business.
a. Work Program Development.
6. Date and Agenda for Next Meeting.
7. Communications/Public Comment.

The meeting is open to the public. It is expected that 50 persons will be able to attend the session in addition to the Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting. Further information concerning this meeting may be obtained from the Superintendent, Cape Code National Seashore, South Wellfleet, MA 02663.

Herbert S. Cables, Jr.,
Regional Director.
Date: December 21, 1987.
[FR Doc. 87–29750 Filed 12–28–87; 8:45 am]
BILLING CODE 4310–70–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 19, 1987. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by January 13, 1988.

Carol D. Shull,
Chief of Registration, National Register.

ALABAMA

Lee County

Auburn, *Old Rotation*, Auburn University

ARIZONA

Apache County

Maverick vicinity, *PS Knoll Lookout Complex (National Forest Fire Lookouts in the Southwestern Region TR)*, Apache-Sitgreaves National Forest
McNary vicinity, *Lake Mountain Lookout Complex (National Forest Fire Lookouts in the Southwestern Region TR)*, Off Vernon McNary Rd.

Cochise County

Elfrida vicinity, *Monte Vista Lookout Cabin (National Forest Fire Lookouts in the Southwestern Region TR)*, Monte Vista Peak
Portal vicinity, *Barfoot Lookout Complex (National Forest Fire Lookouts in the Southwestern Region TR)*, Buena Vista Peak
Portal vicinity, *Silver Peak Lookout Complex (National Forest Fire Lookouts in the Southwestern Region TR)*, Coronado National Forest

Coconino County

Beaver Park vicinity, *Promontory Butte Lookout Complex (National Forest Fire Lookouts in the Southwestern Region TR)*, Rim Rd., Apache-Sitgreaves National Forest
Bellemont vicinity, *Volunteer Lookout Cabin (National Forest Fire Lookouts in the Southwestern Region TR)*, Kaibab National Forest
Big Springs vicinity, *Dry Park Lookout Cabin and Storage Sheds (National Forest Fire Lookouts in the Southwestern Region TR)*, Kaibab National Forest
Big Springs, *Big Springs Lookout Tower (National Forest Fire Lookouts in the Southwestern Region TR)*, Kaibab National Forest
Blue Ridge, *Moqui Lookout Cabin (National Forest Fire Lookouts in the Southwestern Region TR)*, Coconino National Forest
Buck Mountain, *Buck Mountain Lookout Tower (National Forest Fire Lookouts in the Southwestern Region TR)*, Coconino National Forest
Flagstaff vicinity, *Woody Mountain Lookout Tower (National Forest Fire Lookouts in the Southwestern Region TR)*, Rogers Lake
Happy Jack vicinity, *Lee Butte Lookout Tower and Cabin (National Forest Fire Lookouts in the Southwestern Region TR)*, Woods Canyon
Jacob Lake, *Jacob Lake Lookout Tower (National Forest Fire Lookouts in the Southwestern Region TR)*, Grand Canyon Hwy.
Mormon Lake vicinity, *Mormon Lake Lookout Cabin (National Forest Fire Lookouts in the Southwestern Region TR)*, Coconino National Forest
Pumpkin Center vicinity, *Kendrick Lookout Cabin (National Forest Fire Lookouts in the Southwestern Region TR)*, Kaibab National Forest
Twin Lakes, *Grandview Lookout Tower and Cabin (National Forest Fire Lookouts in the Southwestern Region TR)*, Off Coconino Rim Rd.

Gila County

Tonot Village vicinity, *Diamond Point Lookout Cabin (National Forest Fire Lookouts in the Southwestern Region TR)*, Tonto National Forest

Graham County

Bonita vicinity, *West Peak Lookout Tower (National Forest Fire Lookouts in the Southwestern Region TR)*, Coronado National Forest
Old Columbine vicinity, *Heliograph Lookout Complex (National Forest Fire Lookouts in the Southwestern Region TR)*, Coronado National Forest
Old Columbine vicinity, *Webb Peak Lookout Tower (National Forest Fire Lookouts in the Southwestern Region TR)*, Off AZ 366

Greenlee County

Mogollon Rim, *Bear Mountain Lookout Complex (National Forest Fire Lookouts in the Southwestern Region TR)*, Apache-Sitgreaves National Forest

Navajo County

Mogollon Rim, *Deer Springs Lookout Complex (National Forest Fire Lookouts in the Southwestern Region TR)*, Apache-Sitgreaves National Forest

Pima County

Tucson vicinity, *Lemmon Rock Lookout House (National Forest Fire Lookouts in the Southwestern Region TR)*, Coronado National Forest

Santa Cruz County

Tubac vicinity, *Atascosa Lookout House (National Forest Fire Lookouts in the Southwestern Region TR)*, Coronado National Forest

Yavapai County

Camp Wood vicinity, *Hyde Mountain Lookout House (National Forest Fire Lookouts in the Southwestern Region TR)*, Prescott National Forest
Mingus vicinity, *Mingus Lookout Complex (National Forest Fire Lookouts in the Southwestern Region TR)*, Prescott National Forest
Potatoe Patch vicinity, *Mount Union Lookout Cabin (National Forest Fire Lookouts in the Southwestern Region TR)*, Prescott National Forest

ARKANSAS

Benton County

Bella Vista vicinity, *New Home School and Church (Benton County MRA)*, S of Bella Vista on McKisic Creek Rd.

Bella Vista, *Blackwell—Paisley Cabin (Benton County MRA)*, Suits Us Dr.
Bella Vista, *Bogan Cabin (Benton County MRA)*, Cedarcrest Mountain.
Bella Vista, *Deaton Cabin (Benton County MRA)*, Suits Us Rd.
Bella Vista, *Lamberton Cabin (Benton County MRA)*, 6 North Mountain
Bella Vista, *Pharr Cabin (Benton County MRA)*, 2 North Mountain
Bella Vista, *Princedom Cabin (Benton County MRA)* Lookout Dr.
Bella Vista, *Satterlin Cabin (Benton County MRA)* 6 North Mountain
Bella Vista, *Wonderland Cave (Benton County MRA)* Dertmace Rd.
Bentonville vicinity, *Breedlove House and Water Tower (Benton County MRA)* Rt. 4
Bentonville vicinity, *James House (Benton County MRA)* Rt. 2
Bentonville, *Benton County Courthouse (Benton County MRA)*, 106 S.E. A St.
Bentonville, *Benton County Jail (Benton County MRA)*, 212 N. Main St.
Bentonville, *Benton High School (Benton County MRA)*, 410 N.W. Second St.
Bentonville, *Bentonville Train Station (Benton County MRA)*, 414 S. Main St.
Bentonville, *Bertschy House (Benton County MRA)*, 507 N.W. Fifth St.
Bentonville, *Blake House (Benton County MRA)*, 211 S.E. A St.
Bentonville, *Bogart Hardware Building (Benton County MRA)*, 112 E. Central
Bentonville, *Braithwaite House (Benton County MRA)*, Old Bella Vista Hwy.
Bentonville, *Craig—Bryan House (Benton County MRA)*, 307 W. Central
Bentonville, *Daniels House (Benton County MRA)*, 902 E. Central
Bentonville, *Hegler—Cole Cabin (Benton County MRA)*, Mt. Pisqua Dr.
Bentonville, *Henry—Thompson House (Benton County MRA)*, 302 S.E. Second St.
Bentonville, *Jackson House (Benton County MRA)*, 207 W. Central
Bentonville, *Koons House (Benton County MRA)*, 400 Fifth St., NW
Bentonville, *Linebarger House (Benton County MRA)*, 606 W. Central
Bentonville, *Macon—Harrison House (Benton County MRA)*, 309 NE Second St.
Bentonville, *Maxwell—Hinman House (Benton County MRA)*, 902 N.W. Second St.
Bentonville, *Morris House (Benton County MRA)*, 4—7 S.W. Fourth St.
Bentonville, *Rice House (Benton County MRA)*, 501 N.W. A St.
Bentonville, *Roy's Office Supply Building (Benton County MRA)*, 110 E. Central
Bentonville, *Young, Col., House (Benton County MRA)*, 1007 S.E. Fifth St.
Bethel Heights, *Beasley Homestead (Benton County MRA)*, US 71
Cave Springs, *Methodist Church (Benton County MRA)*, AR 112 and AR 264
Cave Springs, *Shores Warehouse (Benton County MRA)*, Main St.
Decatur vincinity, *Spavinaw Creek Bridge (Benton County MRA)*, 4 mi. N of Decatur on CR 23
Garfield vincinity, *Markey House (Benton County MRA)*, Rt. 1
Gentry, *Bank of Gentry (Benton County MRA)*, Main St.
Gentry, *Carl House (Benton County MRA)*, 70 Main St.
Gentry, *Mitchell House (Benton County MRA)*, 115 N. Nelson
Gravette vicinity, *Bolin Barn and Smokehouse (Benton County MRA)*, SE of Gravette on Spavinaw Creek Rd.
Gravette, *Kindley House (Benton County MRA)*, 308 Charlotte St.
Hiwassee vicinity, *Banks House (Benton County MRA)*, AR 72, W of Hiwassee
Hiwassee, *Hiwassee Bank Building (Benton County MRA)*, Main St.
Logan Community vicinity, *Gailey Hollow Farmstead (Benton County MRA)*, ¼ mi. E of Logan intersection
Logan Community vicinity, *McIntyre House (Benton County MRA)*, Logan Rd.
Lowell, *Green Barn (Benton County MRA)*, McClure St.
Lowell, *Pinkston—Mays Store Building (Benton County MRA)*, 107–109 Jackson St.
Maysville vicinity, *Coats School (Benton County MRA)*, Spavinaw Creek Rd.
Maysville, *Sellers Farm (Benton County MRA)*, Old Hwy. on State Line
Monte NE vicinity, *Stack Barn (Benton County MRA)*, AR 94 Spur
Norwood Community vicinity, *Norwood School (Benton County MRA)*, Norwood Rd. and AR 16
Osage Mills, *Council Grove Methodist Church (Benton County MRA)*, Osage Mills Rd.
Osage Mills, *Osage Mills Dam (Benton County MRA)*, N of Osage Mills on Little Osage Creek
Osage Mills, *Piercy Farmstead (Benton County MRA)*, Osage Mills Rd.
Osage Mills, *Rife Farmstead (Benton County MRA)*, Osage Mills Rd.
Pea Ridge vicinity, *Shady Grove School (Benton County MRA)*, AR 94
Pea Ridge *Miller Homestead (Benton County MRA)*, ½ mi. E AR 94
Prairie Creek vicinity, *Rocky Branch School (Benton County MRA)*, 200 N. Hwy. 303
Rogers, *Bryan House No. 2 (Benton County MRA)*, 321 E. Locust St.
Rogers, *Campbell House (Benton County MRA)*, 714 W. Third St.
Rogers, *Drane House (Benton County MRA)*, 1004 S. First St.
Rogers, *Freeman—Felker House (Benton County MRA)*, 318 W. Elm St.
Rogers, *Kefauver House (Benton County MRA)*, 224 W. Cherry St.
Rogers, *Lane Hotel (Benton County MRA)*, 121 W. Poplar St.
Rogers, *Lillard—Sprague House (Benton County MRA)*, Pleasant Grove Rd.
Rogers, *Merrill House (Benton County MRA)*, 617 S. Sixth
Rogers, *Myler House (Benton County MRA)*, 315 N. Third St.
Rogers, *Parks—Reagan House (Benton County MRA)*, 410 W. Poplar St.
Rogers, *Raney House (Benton County MRA)*, 1331 Monte NE
Rogers, *Rife House (Benton County MRA)*, 1515 S. Eighth St.
Rogers, *Rogers City Hall (Benton County MRA)*, 202 W. Elm St.
Rogers, *Rogers Post Office Building (Benton County MRA)*, 120 W. Poplar St.
Rogers, *Stroud House (Benton County MRA)*, 204 S. Third St.
Rogers, *Vinson House (Benton County MRA)*, 1016 S. Fourth
Rogers, *Walnut Street Historic District (Benton County MRA)*, Walnut St.
Siloam Springs vicinity, *Gypsy Camp Historic District (Benton County MRA)*, Off AR 59
Siloam Springs vicinity, *Illinois River Bridge (Benton County MRA)*, 6 mi. E of Siloam Springs
Siloam Springs *Bartell, Fred, House (Benton County MRA)*, 324 E. Twin Springs St.
Siloam Springs, *Bratt—Smiley House (Benton County MRA)*, University and Broadway
Siloam Springs, *Connelly—Harrington House (Benton County MRA)*, 115 E. University
Siloam Springs, *Duckworth—Williams House (Benton County MRA)*, 103 S. College
Siloam Springs, *First National Bank (Benton County MRA)*, 103 S. College
Siloam Springs, *German Builder's House (Benton County MRA)*, 315 E. Central
Siloam Springs, *House at 305 E. Ashley (Benton County MRA)*, 305 E. Ashley
Siloam Springs, *Maxwell—Sweet House (Benton County MRA)*, 114 S. College
Siloam Springs, *Quell House (Benton County MRA)*, 222 S. Wright
Siloam Springs, *Siloam Springs City Park (Benton County MRA)*, Downtown Siloam Springs
Siloam Springs, *Siloam Springs Train Station (Benton County MRA)*, E. Jefferson
Siloam Springs, *Stockton Building (Benton County MRA)*, 113 N. Broadway
Siloam Springs, *Thurmond House (Benton County MRA)*, 407 Britt
Springdale, *McCleod House (Benton County MRA)*, Rt. 1
Springtown, *Wasson House (Benton County MRA)*, Main St.
Sulfur Springs vicinity *Adar House (Benton County MRA)*, Off AR 59
Sulfur Springs, *Jones House (Benton County MRA)*, 220 Bush St.
Sulfur Springs, *Shiloh House (Benton County MRA)*, Off Kibler St.
Tontitown vicinity, *Osage Creek Bridge (Benton County MRA)*, 4½ mi. N of Tontitown
Vaughn vicinity, *Douglas House (Benton County MRA)*, 8 mi. off of AR 12

CALIFORNIA

Humboldt County

Eureka, *Clark, William S. House*, 1406 C St.

Los Angeles County

Los Angeles, *South Bonnie Brae Tract Historic District*, 1026–1053 S. Bonnie Brae St. and 1830–1851 W. Eleventh St.
Los Angeles, *South Serrano Avenue Historic District*, 400 blk. of S. Serrano Ave.
Pasadena, *Smith, Ernest W., House*, 272 S. Los Robles Ave.

Sacramento County

Elk Grove, *Elk Grove Historic District*, 8966–9097 Elk Grove Blvd. also School, Gage and Grove Sts.

Sonoma County

Santa Rosa, *Sweet House*, 607 Cherry St.

BEST COPY AVAILABLE

VOL 52 ISS 249 DEC 29 1987 UMI

CONNECTICUT

New Haven County

Milford, *Milford Point Hotel*, Milford Point Rd.
Waterbury, *Matthews and Willard Factory*, 16 Cherry Ave.
Waterbury, *Stapleton Building*, 751 N. Main St.

New London County

Norwich-Preston, *Norwich Hospital*, Ct 12

DELAWARE

Kent County

Felton, *Felton Historic District*, Roughly bounded by North, Walnut, Butterworth, Main, and Niles Sts.

New Castle County

Newark vicinity, *Poplar Hall*, 3176 Denny Rd.

FLORIDA

Gadsden County

Gainesville, *Southeast Gainesville Residential District*, Roughly bounded by E. University Ave., S.E. Ninth St., S.E. Fifth Ave., and Sweetwater Branch

IDAHO

Gooding County

Hagerman Hatchery Site (10-GG-176)

KENTUCKY

Greenup County

Greenup, *Front Street District (Greenup MRA)*, Front St.
Greenup, *Greenup Masonic Lodge (Greenup MRA)*, 314 Main St.
Greenup, *KY 2541 Bridge (Greenup MRA)*, Main St. over Little Sandy River
Greenup, *Kouns—Hoffman House (Greenup MRA)*, 208 Jefferson St.
Greenup, *McKee House (Greenup MRA)*, 1023 Riverside Dr.
Greenup, *Methodist Episcopal Church South (Greenup MRA)*, Main St.
Greenup, *South Greenup District (Greenup MRA)*, Roughly bounded by the C & O Railroad, Laurel St., Seaton Ave., and Washington St.
Greenup, *Warnock House (Greenup MRA)*, 404 Harrison
Greenup, *West Main Street District (Greenup MRA)*, W. Main St.
Greenup, *Worthington, Col., House (Greenup MRA)*, US 23 at Academy Rd.

LOUISIANA

Rapides Parish

Alexandria vicinity, *Inglewood Plantation Historic District*), Off US 71

NEW MEXICO

Catron County

Bearwallow Park, *Bearwallow Mountain Lookout Cabins and Shed (National Forest Fire Lookouts in the Southwestern Region TR)*, Bearwallow Lookout Rd., Gila National Forest
Black Mountain, *Black Mountain Lookout Cabin (National Forest Fire Lookouts in the Southwestern Region TR)*, Gila National Forest
El Caso Lake, *El Caso Lookout Complex (National Forest Fire Lookouts in the Southwestern Region TR)*, Gila National Forest
Mangas vicinity, *Mangas Mountain Lookout Complex (National Forest Fire Lookouts in the Southwestern Region TR)*, Mangas Mountain
Mogollon Baldy Peak, *Mogollon Baldy Lookout Cabin (National Forest Fire Lookouts in the Southwestern Region TR)*, Gila National Forest

Grant County

Reeds Peak, *Reeds Peak Lookout Tower (National Forest Fire Lookouts in the Southwestern Region TR)*, Squeaky Spring, Gila National Forest

Lincoln County

Ruidoso, *Ruidoso Lookout Tower, (National Forest Fire Lookouts in the Southwestern Region TR)*, Lincoln National Forest
Villa Madonna vicinity, *Monjeau Lookout (National Forest Fire Lookouts in the Southwestern Region TR)*, Lincoln National Forest

Otero County

Cloudcroft vicinity, *Wofford Lookout Complex (National Forest Fire Lookouts in the Southwestern Region TR)*, Lincoln National Forest
Long Canyon vicinity, *Carrisa Lookout Complex (National Forest Fire Lookouts in the Southwestern Region TR)*, Lincoln National Forest
Sacramento vicinity, *Weed Lookout Tower (National Forest Fire Lookouts in the Southwestern Region TR)*, Lincoln National Forest
Weed vicinity, *Bluewater Lookout Complex (National Forest Fire Lookouts in the Southwestern Region TR)*, Lincoln National Forest

Rio Arriba County

Cebolla vicinity, *Canjilon Mountain Lookout Cabin (National Forest Fire Lookouts in the Southwestern Region TR)*, Carson National Forest

San Miguel County

La Cueva vicinity, *Glorieta Baldy Lookout Tower (National Forest Fire Lookouts in the Southwestern Region TR)*, Santa Fe National Forest

Sierra County

Hillsboro vicinity, *Hillsboro Peak Lookout Tower and Cabin (National Forest Fire Lookouts in the Southwestern Region TR)*, Gila National Forest

PUERTO RICO

San Juan County

San Juan, *Escuela Jose Julian Acosta*, Ponce de Leon Ave.

WISCONSIN

Eau Claire County

Eau Claire, *St. Joseph's Chapel*, Sacred Heart Cemetery, Omaha St.
Eau Claire, *Temple of Free Masonry*, 616 Graham Ave.

[FR Doc. 87-29751 Filed 12-28-87; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31170]

Emons Holdings, Inc., Continuance in Control Exemption of Yorkrail, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 11343 the continuance in control by Emons Holdings, Inc., of Yorkrail, Inc., subject to standard labor protective conditions.

DATES: This exemption will be effective on January 4, 1988. Petitions for reconsideration must be filed by January 21, 1988.

ADDRESSES: Send pleadings referring to Finance Docket No. 31170 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

Petitioner's representative: Larry H. Mitchell, Richard B. Felder, Arnall, Golden & Gregory, Suite 501 1000 Potomac Street, NW., Washington, DC 20007.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245 [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (D.C. Metropolitan area), assistance for hearing impaired is available through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

Decided: December 18, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29728 Filed 12-28-87; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 31117]

Genesee & Wyoming Industries, Inc., et al, Exemption for Continuance in Control

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 11343 the joint continuance in control by Genesee & Wyoming Industries, Inc. (GWI), The Arthur T. Walker Estate Corporation (Walker) and Dumaines (a trust), of Buffalo & Pittsburgh Railroad, Inc. (B&P), and the acquisition of control of Clearfield and Mahoning Railway Company (C&M) and Allegheny & Western Railway Company (A&W), by B&P, and in turn, by GWI, Walker, and Dumaines, subject to standard labor protective conditions.

DATES: This exemption will be effective on January 28, 1988. Petitions to stay must be filed by January 8, 1988, and petitions for reconsideration must be filed by January 19, 1988.

ADDRESSES: Send pleadings referrring to Finance Docket No. 31117 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner representatives: Allan L. Lefkowitz, Ten Post Office Square, Suite 1230, Boston, MA 02109.

William A. White, 1730 Pennsylvania Ave., NW., Suite 1100, Washington, DC 20006.

James B. Gray, Jr., 700 Midtown Tower, Rochester, NY 14604.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245 [TDD for hearing impaired (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357/4359 (D.C. Metropolitan area), (assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

Decided: December 21, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29729 Filed 12-28-87; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-No. 211X)]

CSX Transportation, Inc., Abandonment Exemption for Railroad Lines in Glynn County, GA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, the abandonment by CSX Transportation, Inc., of a 3.87-mile line of railroad, known as the Everett Subdivision, between milepost S-564.38, at or near Thalmann, and milepost S-568.25, at or near Bladen, in Glynn County, GA, subject to a 180 day public use condition, a section 7 Endangered Species Act condition, and standard employee protective conditions.

DATES: This exemption is effective on January 28, 1988. Petitions to stay must be filed by January 13, 1988, and petitions for reconsideration must be filed by January 25, 1988.

ADDRESSES: Send pleadings referring to Docket No. AB-55 (Sub-No. 211X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Patricia Vail, 500 Water Street, Jacksonville, FL 32202.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245. [TDD for hearing impaired: (202) 275-1721]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (D.C. Metropolitan area), (assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

Decided: December 18, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Commissioner Simmons concurred in the result.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29730 Filed 12-28-87; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Termination of Decree and Order; National Retail Credit Association et al.

Notice is hereby given that Associated Credit Bureaus, Inc. ("ACB"), as the sucessor to National Retail Credit Association and Retail Credit Men's National Association, original defendants in *United States* v. *National Retail Credit Association, Retail Credit Men's National Association*, et al., has filed with the United States District Court for the Eastern District of Missouri, Eastern Division, a motion for an order terminating the Decree of October 6, 1933, and the Order of October 19, 1953, entered in said action; and the Department of Justice ("Department"), in a stipulation also filed with the court, has consented to termination of the Decree and Order, but has reserved the right to withdraw its consent pending receipt of public comments.

The Petition is the case, filed June 12, 1933, alleged that the defendants had conspired to restrain and monopolize interstate trade and commerce in credit reports. The Decree enjoins ACB and its members from allocating exclusive territories. The Order, among other things, enjoined defendants from discriminating against non-ACB member credit bureaus on the basis of service or price in the sale of credit reports.

The Department has filed with the court a memorandum setting forth the reasons why the Department believes that termination of the Decree and Order would serve the public interest.

Copies of the Petition, the Decree, the Order, ACB's motion papers, the stipulation containing the Government's consent, the Department's memorandum and all further papers filed with the Court in connection with this motion will be available for inspection in Room 3232, Department of Justice, 10th Street and Pennsylvania Avenue, NW., Washington, DC 20530 (telephone 202-633-2481), and at the Office of the Clerk of the United States District Court for the Eastern District of Missouri, Eastern Division, United States Courthouse, 1114 Market Street, St. Louis, Missouri 63101. Copies of any of these materials may be obtained upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the decree to the Department. Such comments must be received within the sixty day period established by Court order, and will be filed with the Court. Comments should be addressed to Barry Grossman, Chief, Communications and Finance Section, Antitrust Division, Department of Justice, 555 Fourth Street, NW., Washington, DC 20001 (telephone 202-272-4247).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 87-29764 Filed 12-28-87; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 3208, Washington, DC 20503 (Telephone (202) 395-6880).

Any member of the public who want to comment on the recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New Collection

Bureau of Labor Statistics
Survey of Employer Anti-drug Programs
BLS
One-time survey
Business or other for profit; Non-profit institutions; Small business or organizations
6,000 responses; 1375 hours; 2 forms

The Survey of Employer Anti-drug Programs will collect information on the prevalence of drug testing and rehabilitation programs and the number of employees directly affected at establishments across the private sector of the U.S. economy. The results will provide estimates and measures of reliability of these characteristics for limited industry, geography and establishment size detail.

Bureau of Labor Statistics
Feasibility Study
OSHA Form 200; OSHA Form 101
Non-recurring
Selected Private employers
4,500 responses; 4075 hours; 2 forms

The Feasibility Study will examine the ability of employers to submit Occupational Safety and Health Administration Logs and Supplementary Records. The results of the study will be used in improving the Bureau of Labor Statistics' Occupational Safety and Health Statistics Program.

Revision

Employment and Training Administration
1205-0211; ETA 8580
Annually
State or local governments
57 respondents; 364.017 burden hours; 1 form

JTPA Reporting Requirements are necessary for the Secretary to carry out responsibilities specific at sections 106, 165 and 169 of the JTPA.

Reinstatement

Occupational Safety and Health Administration
Occupational Exposure to Toxic Substances in Laboratories, OSHA 271
1218-0131
Recordkeeping; On occasion
Businesses or other for-profit; Non-profit institutions; Small businesses or organizations
0 respondents; 1 burden hour; 0 forms

Proposed records are to provide needed information to employers and employees regarding appropriate work practices and to provide basis for whatever medical follow-up is appropriate when overexposures may have occurred. Also valuable for later determination of health effects. Laboratory operators are affected public.

Signed at Washington, DC this 22nd day of December, 1987.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 87-29701 Filed 12-28-87; 8:45 am]

BILLING CODE 4510-24-M

Employment and Training Administration

Termination of Certification of Eligibility to Apply for Adjustment Assistance; AT&T Information Systems

TA-W-16,732T Kent, WA;
TA-W-16,733T Miami, FL; and
TA-W-16,738T Minneapolis, MN

In accordance with section 223(d) of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-16,732T; TA-W-16,733T and TA-W-16,738T; investigations regarding termination of certification of eligibility to apply for worker adjustment assistance as prescribed in section 223(d) of the Act.

On July 3, 1986, workers engaged in employment related to the warehousing and shipping at the Kent, Washington; Miami, Florida; and Minneapolis, Minnesota service centers locations of AT&T Information Systems were certified as eligible to apply for trade adjustment assistance. The Notice of Certification was published in the **Federal Register** on July 23, 1986 (51 FR 26483).

The investigation regarding termination was initiated on November 20, 1987, to determine whether workers at the subject locations continue to meet the group eligibility requirements of section 222 of the Act. The Notice of Investigation was published in the **Federal Register** on November 30, 1987 (52 FR 45513). No public hearing was requested and none was held.

Whenever it becomes evident that any of the Group Eligibility Requirements of section 222 of the Trade Act of 1974 are no longer met, the certification as issued must be revised to include a termination date.

Without regard as to whether the other criteria are satisfied, the investigation reveals that the third criterion is no longer being met with respect to workers at the Kent, Washington; Miami, Florida; and Minneapolis, Minnesota warehouses.

Subsequent information has revealed that warehouse workers at the subject locations no longer perform storage and shipment functions of domestically produced residential telephone sets. The original certifications of July 3, 1986 were based on the certification of workers at AT&T Information Systems' Shreveport, Louisiana plant (TA-W-16 313). A large percentage of activities at the subject locations was related to Shreveport's production of residential telephone sets. Shreveport's production of such sets ceased in December 1985 and AT&T Information Systems now relies entirely on foreign production for residential telephone sets.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that the total or partial separations of workers performing warehouse and shipping activities at AT&T Information Systems' warehouses in Kent, Washington; Miami, Florida; and Minneapolis, Minnesota are no longer attributable to the conditions specified in section 222 of the Trade Act of 1974.

In accordance with section 223(d) of the Act, I hereby revise the certification of July 3, 1986 as follows:

"All workers engaged in employment related to the repair, refurbishment, warehousing and shipping of telephone sets and related equipment at the following service center locations of AT&T Information Systems who became totally or partially separated from employment on or after and before the dates listed below are eligible to apply for adjusment assistance under section 223 of the Trade Act of 1974."

TA-W-#	Facility location	Impact date		Termination date	
		Shop	Warehouse	Shop	Warehouse
16,732	Kent, WA	9/30/84	9/30/84	5/1/86	12/21/87
16,733	Miami, FL	9/30/84	9/30/84	3/31/86	12/21/87
16,738	Minneapolis, MN	NC	9/30/84	NC	12/21/87

NC=Not Certified.

That portion of the certification relevant to AT&T Information Systems workers at the following service center locations in Dallas, Texas; Phoenix, Arizona; Ballwin, Missouri; Plymouth, Michigan; Milwaukee, Wisconsin; Nashville, Tennessee; Whitestone, New York; and Omaha, Nebraska is not revised.

Signed at Washington, DC, this 17th day of December 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-29702 Filed 12-28-87; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance; Beaumont Co., et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 8, 1988.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 8, 1988.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC this 21st day of December 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Beaumont Company (Firm)	Morgantown, WV	12/21/87	12/4/87	20,339	Glassware.
Cameron Iron Works, Ball Valve Div. (Workers)	Sealy, TX	12/21/87	12/9/87	20,340	Ball Valves.
Crosetti Frozen Foods, Inc. (Teamsters)	Watsonville, CA	12/21/87	12/7/87	20,341	Frozen Foods.
Dalton Factor Store (Workers)	North Olmsted, OH	12/21/87	11/25/87	20,342	Apparel.
Dana Engine Products (UAW)	Hagerstown, IN	12/21/87	12/8/87	20,343	Trucks/Automotive Rings.
Flynn & Emrich Co. (Company)	Baltimore, MD	12/21/87	12/2/87	20,344	Iron Castings.
General Motors Corp. (UAW)	Columbus, OH	12/21/87	12/11/87	20,345	Automotive Hardware.
Green Brook Corp. (Workers)	Hialeah, FL	12/21/87	12/9/87	20,346	Dresses.
Greenwich Collieries (MWA)	Barnesboro, PA	12/21/87	12/8/87	20,347	Coal.
Maine Woods (Workers)	Livermore, ME	12/21/87	12/9/87	20,348	Shoes.
Reichert Stamping, Co. (UAW)	Toledo, OH	12/21/87	12/9/87	20,349	Automotive Parts.
Safety Clothing & Equipment, Co. (Workers)	Willoughby, OH	12/21/87	3/4/87	20,350	Clothing.
Steven Knitting Mills, Inc. (ILGWU)	New York, NY	12/21/87	12/7/87	20,351	Knitting Material.

APPENDIX—Continued

Petitioner (Union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Whistles, Incorp. (ILGWU)	Cuba, MO	12/21/87	12/1/87	20,352	Shoes & Boots.

[FR Doc. 87-29703 Filed 12-28-87; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-19,929]

Negative Determination Regarding Application for Reconsideration; General Motors Corp., CPC Pontiac, Pontiac, MI

After being granted a filing extension, the company requested administrative reconsideration of the Department's negative determination on the subject petition for trade adjustment assistance for workers at General Motors Corporation, CPC Pontiac, Pontiac, Michigan. The denial notice was signed on September 28, 1987 and published in the **Federal Register** on October 23, 1987 (52 FR 9717).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or the law justified reconsideration of the decision.

The company claims that production at the CPC Pontiac plant was integrated with production at the CPC Fiero plant, Pontiac, Michigan whose workers were certified for adjustment assistance on September 23, 1987 (TA-W-19,928).

A review of the data submitted by the company reveals that there is still not sufficient integration of CPC Pontiac production with the CPC Fiero plant to warrant certification. Only a small amount of the Foundry, Press Metal and Engine Plant Operations were integrated with the production at the CPC Fiero plant in Pontiac.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 18th day of December, 1987.

Harold A. Bratt,

Deputy Director, Office of Program Management.

[FR Doc. 87-29704 Filed 12-28-87; 8:45 am]
BILLING CODE 4510-30-M

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance; GTE Communication Systems Corp. et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period December 14, 1987—December 18, 1987.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-20,181; GTE Communication Systems Corp., Northlake, IL

TA-W-20,186; General Motors Corp., New Departure—Hyatt Tonawanda Forge, Tonawanda, NY

TA-W-20,216; Producto Machine Co., Bridgeport, CT

TA-W-20,247; Carondolet Coke Corp., St. Louis, MO

TA-W-20,217 and TA-W-20,218; River Cement Co., Selma Plant—Festus, MO, Distribution Terminal—St. Louis, MO

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-20,229; Statomat-Globe, Inc., Dayton, OH

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-20,187; Marathon LeToureau, Brownsville, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-20,185; General Motors Corp., Fisher-Guide Elyria Plant, Elyria, OH

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-20,103; Inland Steel Co., Indiana Harbor Works, East Chicago, IN

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-20,201; Allied Bendix Aerospace Fluid Power Division, Utica, NY

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-20,212; Murray Ohio Manufacturing Co., Lawrenceburg, TN

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-20,245; Beth-Energy Mine Corp., Ebensburg, PA

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-20,228; Motorola, Inc., Communications Sector, Houston, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-20,224; GFM Restura, Cumberland, MD

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-20,214; NIBCO of Colorado, Inc., Lajunta, CO

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-20,231; Fox and Jacobs, Inc., A Subsidiary of Centex Real Estate Corp., Carrollton, TX

Increased imports did not contribute importantly to workers separations at the firm.

Affirmative Determinations

TA-W-20,173; Advance Transformer Co., Monona, IA

A certification was issued covering all workers of the firm separated on or after October 5, 1986.

TA-W-20,211; H & H Plastic Co., Inc., Paramount, CA

A certification was issued covering all workers of the firm separated on or after September 1, 1987.

TA-W-20,219; Tioga Foundry Corp., Oswego, NY

A certification was issued covering all workers of the firm separated on or after October 16, 1986.

TA-W-20,190; National Standard Co., Athenia Steel Div., Clifton, NJ

A certification was issued covering all workers of the firm separated on or after October 8, 1986.

TA-W-20,189; Monsanto Chemical Co., Nitro, WV

A certification was issued covering all workers of the firm separated on or after October 8, 1986.

TA-W-20,237; Hatch, Inc., El Paso, TX

A certification was issued covering all workers of the firm separated on or after October 26, 1986.

TA-W-20,163; G.W. Petroleum, Inc., Denver, CO

A certification was issued covering all workers engaged in production of crude oil and gas separated on or after September 28, 1986.

I hereby certify that the aforementioned determinations were issued during the period December 14, 1987—December 18, 1987. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213 during normal business hours or will be mailed to persons who write to the above address.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Dated: December 22, 1987.

[FR Doc. 87-29705 Filed 12-28-87; 8:45 am]
BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under the Office of Management and Budget Review

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted on or before January 28, 1988.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202-786-0233) and Ms. Elaina Norden, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, DC 20503 (202-395-6880.

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202-786-0233) from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what the form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504 (h).

Category: Extension

Title: General Programs: Public Humanities Projects/Guidelines and Application Instructions

Frequency of Collection: Twice a year at each deadline

Respondents: Colleges and universities, libraries, private, non-profit organizations, civic and professional groups, or branches of state or local government

Use: Collection of information provides a basis for evaluation of applications in the competitive review process

Estimated Number of Respondents: 82

Estimated Hours for Respondents to Provide Information: 6,580

Susan Metts,

Director of Administration.

[FR Doc. 87-29727 Filed 12-28-87; 8:45 am]
BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Graduate Fellowship Program Review Committee; Meeting

The National Science Foundation announces the following meeting:

Name: Committee to Review the Graduate Fellowship Program.

Date and Time: January 13, 14 and 15, 1988, 8:30 to 5:00 each day.

Place: Room 1243, 1800 G Street, NW.

Type of Meeting: Open.

Contact Person: Dr. James Fred Hays, Senior Science Advisor, National Science Foundation, 1800 G Street, NW., Room 518, Washington, DC 20550, (202) 357-9443.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: Conduct program review of Graduate Fellowship Program and Minority Graduate Fellowship Program.

Agenda: Wednesday: Hear reports from NSF staff and others on goals, history, and operation of programs. Thursday and Friday: Discussion of issues by Committee, outlining of report, writing assignments.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 87-29740 Filed 12-28-87; 8:45 am]
BILLING CODE 7555-01-M

Systematic Biology Advisory Panel; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Systematic Biology.

Date and Time: January 11 and 12, 1988—8:30 a.m. to 5:00 p.m. each day.

Place: Room 1243, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. James E. Rodman, Acting Program Director, Systematic Biology (202) 357-9588, Room 215, National Science Foundation, Washington, DC 20550.

Summary Minutes: May be obtained from the Contact Person at the above address.

Purpose of Meeting: To provide advice and recommendations

concerning support for research in systematic biology.

Agenda: Review and evaluation of research proposals and projects as part of the selection process of awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c). Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 87-29741 Filed 12-28-87; 8:45 am]

BILLING CODE 7555-01-M

Task Force on Women, Minorities and the Handicapped in Science and Technology; Meeting and Public Hearing

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub L. 92-463), notice is hereby given of a meeting of the Task Force on January 13, 1988, followed by a public hearing on January 14, 1988.

Meeting

Name: Task Force on Women, Minorities, and the Handicapped in Science and Technology.

Date: January 13, 1988.

Time: 2:00 p.m. to 5:00 p.m.

Place: California State University, Headquarters Building, 400 Golden Shore, Long Beach, CA 90802-4275.

Type of Meeting: Open.

Purpose: The purpose of the Task Force on Women, Minorities and the Handicapped is to:

—examine the current status of women, minorities and the disabled in science and engineering positions in the federal government and in federally-assisted research programs;
—coordinate existing federal programs designed to promote the employment of women, minorities and physically disabled scientists and engineers;
—suggest cooperative interagency programs for promoting such employment;
—identify exemplary programs in the state, local or private sectors and;
—develop a long-range plan to advance opportunities for women, minorities, and disabled persons in science and technology.

Agenda: Reports will be heard on progress of the subcommittees on Employment, Research, Higher Education, Precollege Education and Social Aspects, as well as other business of the Task Force.

Public Hearing

Name: Task Force on Women, Minorities and the Handicapped in Science and Technology.

Date: January 14, 1988.

Time: 9:30 a.m. to 3:00 p.m.

Place: California State University, Dominguez Hills, Victoria and Avalon, Carson, CA 90747.

Purpose: The Task Force will seek testimony from interested parties on innovative ways to increase opportunities for women, minorities and the handicapped in science and technology in the areas of employment, research, higher education, precollege education and social aspects.

Testimony will be heard in three ways: (1) Scheduled testimony of ten-minute summary presentations accompanied by longer written statements and supporting documents for the record; (2) summary statements from the floor of three-minute duration accompanied by any longer written statements or materials for the record; and (3) written testimony submitted to the Task Force offices from those who cannot be heard because of time constraints or those who cannot attend.

Anyone wishing to testify or submit a statement for the record should write Sue Kemnitzer, Executive Director, Task Force on Women, Minorities and the Handicapped in Science and Technology, 330 C Street, SW., Washington, DC 20201.

The public hearing will be followed by a discussion of the testimony by the Task Force members.

All meetings and public hearings of the Task Force are open to the public and all proceedings will be recorded and will be available at the Task Force offices.

December 7, 1987.

Sue Kemnitzer,

Executive Director.

[FR Doc. 87-29742 Filed 12-28-87; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Effective December 21, 1987, the following Nuclear Regulatory Commission Headquarters Offices have been relocated at the agency's new office building located at One White Flint North: the Office of Enforcement, the Office of Special Projects, and the following units of the Office of the General Counsel: the Division of Hearings, the Division of Enforcement, the Division of Administration, and the Division of Rulemaking and Fuel Cycle, the Program Support Branch, and the Law Library.

One White Flint North is located at 11555 Rockville Pike, Rockville, Maryland. The agency's mailing address remains unchanged—U.S. Nuclear Regulatory Commission, Washington, DC 20555. Specific telephone numbers for the relocated personnel may be obtained from the NRC Operator on 301-492-7000. A new telephone directory (NUREG/BR-0046) is expected to be issued in February 1988.

Dated at Bethesda, Maryland this 23rd day of December 1987.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Rules and Records, Office of Administration and Resources Management.

[FR Doc. 87-29770 Filed 12-28-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-456 and 50-457]

Commonwealth Edison Co.; Consideration of Issuance of Amendment To Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF-72 and NPF-75, issued to Commonwealth Edison Company (the licensee), for operation of the Braidwood Units 1 & 2 located in Will County, Illinois.

The amendment in accordance with the licensee's application dated December 3, 1987 would modify the DC system technical specifications to address operation of the DC crosstie between units for the following two situations:

With both units operating and one battery charger fails, the DC crosstie may be used, for up to 24 hours, to maintain the DC bus in an operable status while the battery charger is being repaired.

With one unit operating and the other unit shutdown with a battery and its associated battery charger out of service, the DC crosstie may be used for up to seven days, to maintain the DC bus in an operable status.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability of consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

This proposed amendment controls the use of the DC crosstie between opposite unit DC buses. Accidents previously evaluated assume a certain load profile on a DC bus. The DC bus loading, when using the crosstie, will be restricted so the capacity of the operating unit's battery will not be exceeded in the event of a single failure and simultaneous accident and loss of offsite power conditions. A single failure and simultaneous accident and loss of offsite power are the conditions assumed for a DC bus in previously evaluated accidents. As a result, the probability or consequences of accidents previously evaluated are not changed by this proposed amendment.

The only new or different kind of accident which could be created by this proposed amendment would involve an interaction between the two DC buses which are crosstied. However, a breaker exists on either side of the crosstie which would isolate any potential short circuit from either unit. These breakers are coordinated with the DC bus main breaker to assure the crosstie will isolate from the affected DC bus before the battery would be isolated. All of these breakers are Class 1E. For these reasons, a new or different kind of accident will not be created from this proposed amendment.

This proposed amendment will allow use of some margin in the capacity of the batteries which was allocated for future DC loads. However, no design margin in the batteries (i.e., aging or temperature correction factors) has been affected by this proposed amendment. Accordingly, no margin of safety has been reduced.

Based on the preceding assessment, the Commission believes this proposed amendment involves no significant hazards considerations.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of the **Federal Register** notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By January 28, 1988 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or any Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by § 10 CFR 2.714, a petition for leave to intervene shall set forth with particularly the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first perhearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonably specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witness.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action.

VOL 52 ISS 249 DEC 29 1987 UMI

it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Wester Union operator should be given Datagram Identification Number 3737 and the following message addressed to Daniel R. Muller: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should be sent to the Office of the General Counsel—Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Michael Miller, Esq., Isham, Lincoln, and Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602, attorney for the license.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC., and at the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Dated at Bethesda, Maryland this 23rd day of December 1987.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Director Project Directorate III–2 Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 87–29771 Filed 12–28–87; 8:45 am]

BILLING CODE 7590–01–M

PEACE CORPS

Submission of Public Use Form Review Request to the Office of Management and Budget

SUMMARY: Pursuant to the Paperwork Reduction Act of 1981 (44 U.S.C. Chapter 35), Peace Corps has submitted to the Office of Management and Budget for review, a request to approve the use of the Request For Information through February 28, 1991. The card is a way for citizens to let Peace Corps know they wish to receive information on the Agency and its programs. The information provided allows Peace Corps to determine what to send to the requester.

Title: Request for Information Card.

Type of Request: Extension.

Frequency of Collection: On Occasion.

General Description of Respondents: Citizens interested in receiving information about the Peace Corps.

Estimated Number of Responses: 55,000.

Estimated Hours for Respondents to Furnish Information: 1,650 (Approximately 1 minute 45 seconds per reponse).

Comments: Comments on this form request should be directed to Francine Picoult, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

A copy of the form may be obtained from Mr. Noel McCaman, Office of Recruitment, Room M–1106, 806 Connecticut Avenue, NW., Washington, DC 20526. Mr. McCaman may be called at (202) 254–6480. This is not a request to which 44 U.S.C. 3504(h) applies. This notice is issued in Washington, DC on December 29, 1987.

Daniel Garcia,

Acting, Associate Director for Management.

[FR Doc. 87–29724 Filed 12–24–87; 8:45 am]

BILLING CODE 6051–01–M

Submission of Public Use Form Review Request to the Office of Management and Budget

SUMMARY: Pursuant to the Paperwork Reduction Act of 1981 (44 U.S.C. Chapter 35), Peace Corps has submitted to the Office of Management and Budget for review, a request to approve the use of the Follow-up and Program Evaluation Guide through February 1, 1991. The Guides are used to call selected persons who have requested an application and information on Peace Corps service, and have voluntarily given us their phone number. The call is placed to: (1) Verify that the information sent was received and met the individual's needs, (2) to encourage the individual submit an application for Peace Corps service, and, (3) to evaluate our communications with the public.

Title: Follow-up and Program Evaluation Guide.

Type of Request: New Collection.

Frequency of Collection: On Occasion.

General Description of Responsents: Citizens who requested and were sent information and an application for Peace Corps service.

Estimated Number of Responses: 5,000.

Estimated Hours for Respondents to Furnish Information: 258.5 hours (a little over 3 minutes per response).

Comments: Comments on this form should be directed to Francine Picoult, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

A copy of the form may be obtained from Mr. Noel McCaman, Office of Recruitment, Room M–1106, 806 Connecticut Avenue, NW., Washington, DC 20526. Mr. McCaman may be called at (202) 254–6480. This is not a request to which 44 U.S.C. 3504(h) applies. This notice is issued in Washington, DC on December 29, 1987.

Daniel Garcia,

Acting, Associate Director for Management.

[FR Doc. 87–29725 Filed 12–28–87; 8:45 am]

BILLING CODE 6051–01–M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

December 23, 1987.

The above named national securities exchange has filed appliations with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Canandaigua Wine Company
Class A Common Stock, $.01 Par Value (File No. 7–0936)
Canandaigua Wine Company
Class B Common Stock (File No. 7–0937)
CDI Corp.
Common Stock, $.10 Par Value (File No. 7–0938)
Citadel Holding Corp.
Common Stock, $.01 Par Value (File No. 7–0939)
Chambers Development Company, Inc.
Class A Common Stock, $.50 Par Value (File No. 7–0940)
Chambers Development Company, Inc.
Class B Common Stock, $.50 Par Value (File No. 7–0941)
CETEC Corporation
Common Stock, $.01 Par Value (File No. 7–0942)
Central Fund of Canada Limited
Class A Common Stock, No Par Value (File No. 7–0943)
Convest Energy Partners, Ltd.
Units, No Par Value (File No. 7–0944)
Centennial Group
Common Stock, $.01 Par Value (File No. 7–0945)
Central Securities Corp.
Common Stock, $1.00 Par Value (File No. 7–0946)
Citizens First Bancorp, Inc.
Common Stock, No Par Value (File No. 7–0947)
City Gas Company of Florida
Common Stock, Common Stock, $1.00 Par Value (File No. 7–0948)
Cagle's Inc.
Class A Common Stock, $1.00 Par Value (File No. 7–0949)
Cognitronics Corporation
Common Stock, $.20 Par Value (File No. 7–0950)
Chariot Group
Common Stock, $.10 Par Value (File No. 7–0951)
Champion Products Inc.
Common Stock, $1.00 Par Value (File No. 7–0952)
Charter Power Systems, Inc.
Common Stock, $.01 Par Value (File No. 7–0953)
Chieftain Development Co., Ltd.
Common Stock, No Par Value (File No. 7–0954)
Concord Fabrics, Inc.
Common Stock, $1.00 Par Value (File No. 7–0955)
California Jockey Club
Common Stock, $.01 Par Value (File No. 7–0956)
Caesars New Jersey, Inc.
Common Stock, $.10 Par Value (File No. 7–0957)
Conchemco, Inc.
Common Stock, $2.00 Par Value (File No. 7–0958)
Clark Consolidated Industries Inc.
Common Stock, $.10 Par Value (File No. 7–0959)
Color Systems Technology, Inc.
Common Stock, $.15 Par Value (File No. 7–0960)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 15, 1988, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary

[FR Doc. 87–29776 Filed 12–28–87; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

December 23, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following securities:

Inspiration Resources Corp.
Common Stock, No Par Value (File No. 7–0931)
Pope & Talbot, Inc.
Common Stock, $1.00 Par Value (File No. 7–0932)
Royal International Optical Corp.
Common Stock, $0.10 Par Value (File No. 7–0933)
Digital Communications Associates, Inc.
Common Stock, $0.10 Par Value (File No. 7–0934)
Saatchi & Saatchi Co., PLC
American Depositary Shares (File No. 7–0935)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 15, 1988, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–29777 Filed 12–28–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–16184; 811–3263]

Guidance Investments, Inc.; Notice of Application

December 22, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 ("1940 Act").

Applicant: Guidance Investments, Inc.

Relevant 1940 Act Section: Section 8(f).

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company.

Filing Date: The application on Form N–8F was filed November 16, 1987, and amended on December 15, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on January 15, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, D.C. 20549. Applicant, 6605 N. Rustic Oak Ct., Peoria, IL 61614.

FOR FURTHER INFORMATION CONTACT: Victor R. Siclari, Staff Attorney (202) 272–2190 or Brion R. Thompson, Special Counsel (202) 272–3016 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier which may be

contacted at (800) 321-3282 (in Maryland (301) 258-4300).

Applicant's Representations:

1. Applicant is organized as an Illinois corporation and is registered as an open-end, diversified, management investment company under the 1940 Act.

2. On September 13, 1987, the Applicant's Board of Directors adopted a resolution recommending the dissolution of the Applicant. The dissolution proposal was submitted to Applicant's shareholders in the form of a proxy statement filed with the SEC. On November 1, 1987, at a special meeting of the shareholders, the Applicant's shareholders unanimously approved the dissolution of the Applicant.

3. All securityholders have been redeemed at net asset value with the final redemptions taking place on November 1, 1987. Applicant intends to file its Articles of Dissolution under the Illinois Business Corporation Act, and undertakes to file its Form N-SAR due for the period ending March 31, 1988.

4. Within the last 18 months, Applicant has not transferred any of its assets to a separate trust, the beneficiaries of which were or are securityholders of Applicant. In addition, Applicant is not a party to any litigation or administrative proceeding, and is not now engaged and does not propose to engage in any business activities other than those necessary for winding up its affairs. The expenses incurred in connection with the liquidation were paid by Applicant, and there are no outstanding debts or liabilities.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-29778 Filed 12-28-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-9183]

Issuer Delisting; Notice of Application to Withdraw From Listing and Registration; Harley-Davidson, Inc.

December 23, 1987.

Harley-Davidson, Inc. ("Company") has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified securities from listing and registration on the American Stock Exchange, Inc. ("Annex"). The Company's common stock is also listed on the New York Stock Exchange ("NYSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its common stock on the NYSE and Amex. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before January 15, 1988, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-29779 Filed 12-28-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-6687]

Issuer Delisting; Notice of Application To Withraw From Listing and Registration; Johnston Industries, Inc.

December 23, 1987.

Johnston Industries, Inc. ("Company") has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified securities from listing and registration on the American Stock Exchange, Inc. ("Amex"). The Company's common stock is also listed on the New York Stock Exchange ("NYSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its common stock on the NYSE and Amex. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before January 15, 1988, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-29780 Filed 12-28-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16187; 812-6806]

Lomas Mortgage Funding Corporation II; Notice of Application

December 22, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("1940 Act").

Applicant: Lomas Mortgage Funding Corporation II (the "Applicant").

Relevant 1940 Act Sections: Exemption requested under Section 6(c) from all provisions of the 1940 Act.

Summary of Application: Applicant seeks a conditional order exempting the Applicant from all provisions of the 1940 Act in connection with the Applicant's issuance of collateralized mortgage obligations.

Filing Date: The application was filed on July 27, 1987 and amended on December 16, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on January 15, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, D.C. 20549. Applicant, 2001 Bryan Tower, Suite 3600, Dallas, Texas 75201.

FOR FURTHER INFORMATION CONTACT: Joyce M. Pickholz, Staff Attorney (202) 272-3046, or Curtis R. Hilliard, Special Counsel (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representation

1. The Applicant is a wholly-owned, limited purpose finance subsidiary of Lomas Mortgage Corporation, a publicly-traded real estate investment trust listed on the New York Stock Exchange. The Applicant, a Delaware corporation formed on July 16, 1987, was organized solely for the purpose of issuing collateralized mortgage obligations ("Bonds") in one or more series.

2. The Applicant will issue each series of Bonds under the terms of an indenture ("Indenture") between the Applicant and an independent trustee ("Indenture Trustee"), as supplemented by one or more series supplements. The Indenture will be qualified under the Trust Indenture Act of 1939 unless an appropriate exemption is available. Each series of Bonds will be registered under the Securities Act of 1933 ("1933 Act"), unless offered in a transaction exempt from registration pursuant to Section 4(2) of the Securities Act.

3. The mortgage collateral ("Mortgage Certificates") underlying the Bonds will consist of (1) "fully-modified" pass-through mortgage-backed certificates guaranteed by the Government National Mortgage Association ("GNMA Certificates"), (2) mortgage participation certificates issed by the Federal Home Loan Mortgate Corporation ("FHLMC Certificates"), (3) guaranteed mortgage pass-through securities issued by the Federal National Mortgage Association ("FNMA Certificates"), (4) pass-through certificates and participation certificates which are neither issued nor guaranteed by an agency or instrumentality of the United States and which evidence undivided interests in pools of mortgage loans secured by single family (one-to-four-units) residences ("Private Certificates"), or (5) a combination of such Mortgage Certificates. (GNMA Certificates, FNMA Certificates and FHLMC Certificates collectively, "Agency Certificates").

4. In the case of each series of Bonds: (a) The Applicant will hold no substantial assets other than Mortgage Certificates and cash; (b) the Bonds will be secured by Mortgage Certificates or cash having a collateral value determined under the Indenture, at the time of issuance and following each payment date for such Bonds, equal to or greater than the outstanding principal balance of the Bonds; (c) distributions of principal and interest received on the Mortgage Certificates securing the Bonds and any applicable reserve funds, plus reinvestment income thereon, will be sufficient to pay all interest on the Bonds and to retire each class of Bonds by its stated maturity; and (d) the Mortgage Certificates will be assigned by the Applicant to the Indenture Trustee and will be subject to the lien of the related Indenture. Applicant does not anticipate that the Mortgage Certificates securing any series of Bonds will have a collateral value which exceeds 120% of the aggregate principal amount of the related Bonds.

5. Neither the Applicant nor the Indenture Trustee will be able to impair the security afforded by the Mortgage Certificates to the holders of the Bonds. That is, without the consent of each Bondholder to be affected, neither the Applicant nor the Indenture Trustee will be able to: (1) Change the stated maturity on any Bonds; (2) reduce the principal amount or the rate of interest (or the formula by which such rate is computed) on any Bonds; (3) change the priority of payment on any class of any series of Bonds; (4) impair or adversely affect the Mortgage Certificates securing a series of Bonds; (5) permit the creation of a lien ranking prior to or an parity with the lien of the related Indenture with respect to the Mortgage Certificates; or (6) otherwise deprive the Bondholders of the security afforded by the lien of the Indenture.

6. Except to the extent permitted by the limited rights to substitute collateral, it will not be possible for the Applicant to alter the collateral initially pledged to secure a series of Bonds, and in no event will such right to substitute collateral result in a diminution in the value or quality of such collateral. Although it is possible that any collateral substituted for collateral initially pledged may have a different prepayment experience than the original collateral, the interests of the Bondholders will not be impaired because: (a) The prepayment experience of any collateral will be determined by market conditions beyond the control of the Applicant which market conditions are likely to affect all mortgage certificates of similar payment terms and maturities in a similar fashion; and (b) the interests of the Applicant are not likely to be greatly different from those of the Bondholders with respect to collateral prepayment experience.

Applicant's Legal Conclusions

The requested order is necessary and appropriate in the public interest because: (a) The Applicant should not be deemed to be an entity to which the provisions of the 1940 Act were intended to be applied; (b) the Applicant may be unable to proceed with its proposed activities if the uncertainties concerning the applicability of the 1940 Act are not removed; (c) the Applicant's activities are intended to serve a recognized and critical public need; and (d) granting of the requested order will be consistent with the protection of investors because they will be protected during the offering and sale of the Bonds by the registration or exemption provisions of the 1933 Act and thereafter by the Indenture Trustee representing their interests under the Indenture.

Applicant's Conditions

Applicant agrees that if an order is granted it will be expressly conditioned on the following conditions:

A. Conditions relating to the Bonds.

1. Each Series of Bonds will be registered under the 1933 Act, unless offered in a transaction exempt from registration pursuant to Section 4(2) thereof.

2. The Bonds will be "mortgage-related" securities" within the meaning of Section 3(a)(41) of the Securities Exchange Act of 1934. In addition, the mortgage collateral underlying the Bonds will be limited to GNMA Certificates, FNMA Certificates, FHLMC Certificates or Private Certificates.

3. If new Mortgage Certificates are substituted, the substitute certificates will: (i) Be of equal or better quality than the collateral replaced; (ii) have similar payment terms and cash flow as the collateral replaced; (iii) be insured or guaranteed to the same extent as the collateral replaced; and (iv) meet the conditions set forth in paragraphs (2), (4) and (6). In addition, new collateral may not be substituted for more than 40% of the aggregate face amount of the Mortgage Certificates initially pledged as collateral. In no event may any new Mortgage Certificate collateral be substituted for any substitute Mortgage

VOL 52 ISS 249 DEC 29 1987 UMI

Certificate collateral. New Private Certificates may be substituted for Private Certificates initially pledged as Mortgage Collateral only in the event of default, late payment or defect in the Mortgage Collateral being replaced.

4. All Mortgage Certificates, funds, accounts or other collateral securing a series of Bonds will be held by the Indenture Trustee, or on behalf of the Indenture Trustee by an independent custodian. Neither the custodian nor the Indenture Trustee will be an affiliate (as the term "affiliate" is defined in Rule 405 under the 1933 Act, 17 CFR 230.405) of the Applicant or of the master servicer of originating lender of any mortgages underlying the Motgage Certificates. The Indenture Trustee will be provided with a first priortiy perfected security or lien interest in and to all collateral securing each series of Bonds.

5. Each series of Bonds will be rated in the highest bond rating category by at least one nationally recognized statistical rating organization that is not affiliated with the Applicant. The Bonds will not be considered "redeemable securities" with the meaning of Section 2(a)(32) of the 1940 Act.

6. The master servicer of any mortgages underlying Private Certificates that are pledged as mortgage collateral may not be an affiliate of the Indenture Trustee. If there is no master servicer, no servicer of such mortages may be an affiliate of the Indenture Trustee. The master servicer and servicer of such mortgages will be approved by FNMA or FHLMC as an "eligible seller/servicer" of conventional, residential mortgage loans. The agreement governing the servicing of such mortgages shall obligate the servicer to provide substantially the same services with respect to those mortgages as it is then currently required to provide in connection with the servicing of mortgage loans insured by FHA, guaranteed by VA or eligible for purchase by FNMA or FHLMC.

7. No less often than annually, an independent public accountant will audit the books and records of the Applicant and, in addition, will report on whether the anticipated payments of principal and interest on the Mortgage Certificate collateral continue to be adequate to pay the principal and interest on the Bonds in accordance with their terms. Upon completion, copies of the auditor's reports will be provided to the Indenture Trustee.

B. Additional Conditions relating to variable-rate bonds

1. Bonds bearing interest at a variable rate will be subject to maximum interest rates ("interest rate caps") or to minimum interest rates in the case of inverse variable rate Bonds. The maximum and minimum interest rates for a series of Bonds may vary from period to period, and always will be specified in the related prospectus supplement.

2. The cash flow generated by the related Mortgage Certificates securing the Bonds (together with other collateral) plus income received thereon at the assumed reinvestment rate specified in the related prospectus supplement will be sufficient to provide for the full and timely payment of the Bonds of such series (even if the interest rates on variable rate Bonds were the maximum applicable interest rates for each specified period).[1]

3. No Mortgage Certificates may be released from the lien of the Indenture prior to retirement in full of all Bonds of any series except to the extent permitted by the limited right to substitute collateral as described herein.

C. Conditions relating to REMICs

1. Any pool of collateral subject to an election to be treated as a REMIC will provide for the payment of administrative fees and expenses by one or more of the methods set forth in the application.

2. With respect to each series of Bonds, Applicant will ensure that the anticipated level of fees and expenses will be more than adequately provided for, regardless of the method which is selected to provide for the payment of such fees and expenses.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-29781 Filed 12-28-87; 8:45 am]

BILLING CODE 8010-01-M

[1] In the case of a series of Bonds that contains a class or classes of adjustable or floating rate Bonds, a number of mechanisms exist to ensure that this representation will be valid notwithstanding subsequent potential increases in the interest rate applicable to the adjustable or floating rate Bonds. Procedures that have been identified to date for achieving this result include the use of (i) interest rate caps for the adjustable or floating rate Bonds; (ii) "inverse" floating rate Bonds (which pay a lower rate of interest as the rate increases on the corresponding "normal" floating rate Bonds); (iii) floating rate collateral (such as adjustable rate GNMA Certificates) to secure the Bonds; (iv) interest rate swap agreements (under which the issuer of the Bond would make periodic payments to the counterparty at a fixed rate of interest based on a stated principal amount such as the principal amount of Bonds in the floating rate class, in exchange for receiving corresponding periodic payments from the counter-party at a floating rate of interest based on the same principal amount) and (v) hedge agreements (including interest rate futures and option contracts, under which the issuer of the Bonds would realize gains during periods of rising interest rates sufficient to cover the higher interest payments that would become due during such periods on the floating rate class of Bonds). It is expected that other mechanisms may be identified in the future. Applicant will give the staff of the Division of Investment Management (the "Staff") notice by letter of any such additional mechanisms before they are utilized, in order to give the Staff an opportunity to raise any questions as to the appropriateness of their use. In all cases, these mechanisms will be adequate to ensure the accuracy of the representation and will be adequate to meet the standards acquired for a rating of the Bonds in one of the two highest bond rating categories, and no Bonds will be issued for which this is not the case.

DEPARTMENT OF STATE

Bureau of Public Affairs

[Public Notice 1043]

Guidelines for Access to Records of United Nations War Crimes Commission (UNWCC)

The Department of State will apply the following guidelines in considering for transmission to the United Nations applications for access to certain records of the UNWCC by United States nationals and permanent residents engaged in bona fide research into the history and work of the UNWCC and into war crimes:

1. United States nationals and permanent residents seeking access to UNWCC records may obtain application forms from either the United Nations Archives or from the Office of the Historian, Bureau of Public Affairs, Department of State. These forms require applicants to undertake to observe the terms on which access is granted, and provide that payment of fees, as from time to time established by the United Nations, will be required to cover the administrative costs and services involved.

2. Completed application forms must be submitted to the Office of the Historian, Bureau of Public Affairs, Department of State at the address listed below.

3. Each application form must be accompanied by an appropriate introduction from an institution of higher learning or research or from a relevant professional society.

DATES: This notice is effective as of December 17, 1987.

ADDRESSES: To obtain application forms, contact either:

United Nations Archives, 345 Park Avenue South, 12th Floor, New York, NY 10010, Tel. No. (212) 963-8683

or

Office of the Historian (PA/HO), Bureau of Public Affairs, Department of State, Washington, DC 20520, Tel. No. (202) 663-1122

Submit completed application forms and accompanying letters of introduction to: Office of the Historian (PA/HO), Bureau fo Public Affairs, Department of State, Washington, DC 20520, Tel. No. (202) 663-1122.

FOR FURTHER INFORMATION CONTACT: Neal H. Petersen or David H. Herschler of the Office of the Historian.

Date: December 17, 1987.

Neal H. Petersen,

Deputy Records Historian.

[FR Doc. 87-29886 Filed 12-28-87; 8:45 am]

BILLING CODE 4710-11-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. IRA-42]

California Department of Motor Vehicles Application for Inconsistency Ruling

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Extension of comment period.

SUMMARY: On November 16, 1987, the Research and Special Programs Administration (RSPA) published a Public Notice and Invitation to Comment (52 FR 43830) concerning an application of the California Department of Motor Vehicle (DMV) for an inconsistency ruling under the Hazardous Materials Transportation Act (HMTA). RSPA is extending the period for comments and rebuttal comments on that application.

DATES: Comments received on or before February 29, 1988, and rebuttal comments received on or before April 18, 1988, will be considered before an administrative ruling is issued by the Director of the Office of Hazardous Materials Transportation. Rebuttal comments may discuss only those issues raised by comments received during the initial comment period and may not discuss new issues.

ADDRESSES: The application and any comment received may be reviewed in the Docket Unit, Research and Special Programs Administration, Room 8426, Nassif Building, 400 7th Street SW., Washington, DC 20590. Comments and rebuttal comments on the application may be submitted to the Dockets Unit at the above address, and should include the Docket Number, IRA-42. Three copies are requested. A copy of each comment and rebuttal comment must also be sent to Mr. A.A. Pierce, Director, California Department of Motor Vehicles, P.O. Box 932328, Sacramento, CA 94232-3280, and that fact certified to at the time comment is submitted to the Dockets Unit. (The following format is suggested: "I hereby certify that copies of this comment have been sent to Mr. Pierce at the address specified in the Federal Register.")

FOR FURTHER INFORMATION CONTACT: Edward H. Bonekemper III, Office of the Chief Counsel, Research and Special Programs Administration, 400 7th Street SW., Washington, DC 20590, telephone 202-366-4401.

SUPPLEMENTARY INFORMATION: The Public Notice and Invitation to Comment, on the consistency of California's DMV's regulations on training requirements for operators of vehicles carrying hazardous materials, established a comment period ending December 31, 1987, and a rebuttal comment period ending February 19, 1988.

On December 11, 1987, RSPA received a December 10, 1987, letter from Clifford H. Harvison, President of the National Tank Truck Carriers, Inc. (NTTC), requesting an extension of the comment period. That letter, in part, stated:

> The Administrator has established December 31, 1987, as the deadline for filing comments. Most recently, however, the Department's Office of Motor Carriers, Federal Highway Administration, has announced that final rules regarding driver licensing qualification and testing standards will be published on or about December 15, 1987.
>
> NTTC believes that it is reasonable to anticipate that many of FHWA's "final" rules will impact RSPA's decision-making in IR-42. Simply stated, those of us who intend to file comments will need more time to analyze FHWA's new rules and seek counsel from our membership.
>
> Therefore, please accept this letter as a request to postpone the deadline for filing comments in Application for Inconsistency Ruling (IR-42) from December 31, 1987, to February 29, 1988.

On December 11, 1987, the Federal Highway Administration (FHWA) did publish a proposed regulation concerning "Commercial Driver Testing and Licensing Standards" (52 FR 47328). That FHWA notice contains proposals relating to testing and qualifications of persons who operate or expect to operate a commercial motor vehicle carrying a hazardous material.

However, the FHWA proposed regulations under statutory authority other than the HMTA, and its ultimate promulgation of regulations, if any, under such authority has no direct effect on preemption issues arising under the HMTA.

The FHWA proposals, however, are likely to generate increased interest in the California DMV regulations and the HMTA inconsistency proceeding concerning them.

Therefore, RSPA is granting the NTTC's request for an extension of the comment period in this inconsistency proceeding to February 29, 1988. In addition, the rebuttal comment period is extended to April 18, 1988.

Alan I. Roberts,

Director, Office of Hazardous Materials Transportation.

Issued in Washington, DC on December 22, 1987.

[FR Doc. 87-29737 Filed 12-28-87; 8:45 am]

BILLING CODE 4910-60-M

[Inconsistency Ruling No. IR-22; Docket IRA-40A]

City of New York Regulations Governing Transportation of Hazardous Materials; Correction

AGENCY: Office of Hazardous Materials Transportation (OHMT), Research and Special Programs Administration, DOT.

ACTION: Inconsistency Ruling No. IR-22; correction.

SUMMARY: OHMT is correcting errors in the text of Inconsistency Ruling No. IR-22, concerning City of New York regulations governing transportation of hazardous materials, which was published in the Federal Register on December 8, 1987 (52 FR 46574).

FOR FURTHER INFORMATION CONTACT: Edward H. Bonekemper III, Senior Attorney, Office of Chief Counsel, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590 (Tel. (202) 366-4362).

SUPPLEMENTARY INFORMATION: The following corrections are made in Inconsistency Ruling No. IR-22:

1. On page 46574, in the first column, in the paragraph entitled "Ruling:", in the second line, "Protection" should be "Prevention".

2. On page 46575, in the second column, in the first full paragraph, on the seventh line, the word "purpose" should be "purposes".

3. On the same page, same column, in the third full paragraph, in the eighth line from the bottom, a comma should precede "which".

4. On the same page, same column, in the last full paragraph, on the seventh line, the word "*Coating*" should be "*Coatings*".

5. On page 46576, in the second column, in the last full paragraph, on the

seventh line, "pending" should be "pendency".

6. On page 46580, in the first column, in the third full paragraph, on the sixth line, "set" should be "sets".

7. On page 46581, in the second column, in the first paragraph, on the fifth line from the bottom, "states" should be "stated".

8. On page 46582, the second, fifth, seventh and eighth paragraphs should be in large type because they are not parts of quotations.

9. On page 46584, in the third column, on the second line, "Protection" should be "Prevention".

Alan I. Roberts,

Director, Office of Hazardous Materials Transportation.

Issued in Washington, DC, on December 22, 1987.

[FR Doc. 87-29738 Filed 12-28-87; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: December 21, 1987.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515-0071
Form Number: CF 26
Type of Review: Reinstatement
Title: Report of Diversion

Description: Customs Form 26 is used by vessel owners, masters or agents when requesting a diversion of a vessel or to petition for relief from penalties incurred as a result of an unlawful diversion or both.

Respondents: Businesses or other for-profit
Estimated Burden: 233 hours
Clearance Officer: B. J. Simpson, (202) 566-7529 U.S. Customs Service Room 6426 1301 Constitution Avenue, NW. Washington, DC 20229
OMB Reviewer: Milo Sunderhauf, (202) 395-6880 Office of Management and Budget Room 3208, New Executive Office Building Washington, DC 20503

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87-29709 Filed 12-28-87; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: December 22, 1987.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 2224, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New
Form Number: 8689
Type of Review: Resubmission
Title: Allocation of Individual Income Tax to the Virgin Islands

Description: Form 8689 is used by U.S. citizens or residents as an attachment to Form 1116 when they have Virgin Islands source income. The data is used by IRS to verify the amount claimed on Form 1116 for taxes paid to the Virgin Islands.

Respondents: Businesses or other for-profit
Estimated Burden: 148,349 hours
OMB Number: 1545-1002
Form Number: 8621
Type of Review: Resubmission
Title: Return by a Shareholder of a Passive Foreign Investment Company or Qualified Electing Fund

Description: Form 8621 is used by shareholders of foreign investment companies. Shareholders of passive investment companies use Form 8621 to report distributions from the fund, and a deferred tax amount when an excess distribution is made. Shareholders of qualified electing funds are taxed on current income from the fund. The IRS used Form 8621 to verify that shareholders have included the correct amount of income from these entities.

Respondents: Individuals or households, Businesses or other for-profit
Estimated Burden: 13,924 hours
Clearance Officer: Garrick Shear, (202) 535-4297 Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW. Washington, DC 20224
OMB Reviewer: Milo Sunderhauf, (202) 395-6880 Office of Management and Budget Room 3208, New Executive Office Building Washington, DC 20503

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87-29710 Filed 12-28-87; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: December 22, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0122
Form Number: 1118 and Schedules F and G
Type of Review: Revision
Title: Computation of Foreign Tax Credit—Corporations

Description: Schedule G (Form 1118) is used by corporations to show how they allocated a loss in a category of foreign income over other categories of foreign income. The form is also used to show the beginning balance, adjustments, and ending balance of the overall foreign losses for each separate limitation. The IRS uses this information to ensure that taxpayers are allocating these losses correctly.

Respondents: Businesses or other for-profit, small businesses or organizations
Estimated Burden: 181,986 hours
Clearance Officer: Garrick Shear, (202) 535-4297 Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
Clearance Officer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87-29711 Filed 12-28-87; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: December 21, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub.L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Office, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New
Form Number: 8611
Type of Review: New Collection
Title: Recapture of Low-Income Housing Credit

Description: Internal Revenue Code section 42 permits owners of residential rental projects providing low-income housing to claim a credit against their income tax. If the property is disposed of or it fails to meet certain requirements over a 15-year compliance period, the owner must recapture on Form 8611 part of the credit(s) taken in prior years.

Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations
Estimated Burden: 397 hours
OMB Number: 1545-0146
Form Number: 2553
Type of Review: Revision
Title: Election by a Small Business Corporation

Description: Filed by a qualifying corporation to elect to be an S corporation as defined in Code section 1361. The information obtained is necessary to determine if the election should be accepted by IRS. When the election is accepted, the qualifying corporation is classified as an S corporation and the corporation's income is taxed to the shareholders of the corporation.

Respondents: Farms, Businesses or other for-profit, Small businesses or organizations
Estimated Burden: 50,629 hours
Clearance Officer: Garrick Shear, (202) 535-4297 Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
Clearance Officer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87-29712 Filed 12-28-87; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 249
Tuesday, December 29, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Thursday, December 17, 1987, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration in open session and the addition to the agenda for consideration at the Board's closed meeting to be held at 2:30 p.m. the same day, on less then seven days' notice to the public, of the application of Beverly Bank, Chicago, Illinois, for consent to establish a facility at 19312 South Cicero Avenue, Oak Lawn, Illinois.

By the same majority vote, the Board also determined that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Chaves Industrial Bank, an operating noninsured industrial bank located at 501 Lincoln Street, Denver, Colorado, for Federal deposit insurance.

Memorandum and resolution regarding contracts for the FDIC loose-leaf reporting service and its index.

By the same majority vote, the Board also determined that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 47,152-NR Franklin National Bank, New York, New York.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter moved from open session to closed session in a meeting open to public observation; and that the matter moved from open session to closed session could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: December 21, 1987.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

Deputy Executive Secretary.

[FR Doc. 87-29822 Filed 12-24-87; 10:09 am]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Thursday, December 17, 1987, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director C. C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency) , that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Requests for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act.

Memorandum regarding an assistance agreement pursuant to section 13(c) of the Federal Deposit Insurance Act.

The Board further detemined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation: and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: December 21, 1987.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

Deputy Executive Secretary.

[FR Doc. 87-29823 Filed 12-24-87; 10:09 am]

BILLING CODE 6714-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, January 4, 1988.

PLACE: Marriner S. eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

Matters to be Considered:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

James McAfee,

Associate Secretary of the Board.

Date: December 24, 1987.

[FR Doc. 87-29856 Filed 12-24-87; 10:54 am]

BILLING CODE 6210-01-M

federal register

Tuesday
December 29, 1987

Part II

Department of the Interior

Bureau of Land Management

43 CFR Parts 2920 and 9260

Leases, Permits and Easements and Criminal Law Enforcement; Amendment To Provide Procedures for Action for Unauthorized Use of the Public Lands; Final Rulemaking

BEST COPY AVAILABLE

VOL 52 ISS 249 DE 29 1987 UMI

VOL 52 ISS 249 DEC 29 1987 UMI

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-320-09-4212-02; Circular No. 2603]

43 CFR Parts 2920 and 9260

Leases, Permits and Easements and Criminal Law Enforcement; Amendment To Provide Procedures for Action for Unauthorized Use of the Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking provides procedures for dealing with authorized use of the public lands for agricultural, industrial, residential, or commercial purposes where the user has not obtained a lease, license, or easement authorizing such use. These procedures will protect the public lands and their resources from unauthorized use, which deprives the United States of a fair return for the use of its lands.

EFFECTIVE DATE: January 28, 1988.

ADDRESS: Any inquiries or suggestions should be sent to: Director (320) Bureau of Land Management Room 3643, Main Interior Bldg. 1800 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Ralph Conrad, (202) 343-8693.

SUPPLEMENTARY INFORMATION: A proposed rulemaking amending 43 CFR Parts 2920 and 9260 was published in the Federal Register on July 27, 1987 (52 FR 28024), with a 30-day comment period. During the comment period, comments were received from 10 sources, seven from Federal agencies, two from law firms, and one from an association.

The comments were not negative, but raised specific questions concerning the proposed rulemaking. As an example, one comment expressed a view that the rulemaking should not diminish individual rights. The proposed rulemaking was aimed at controlling unauthorized uses of the public lands and, therefore, does not infringe on legitimate uses of the public lands.

Another comment suggested that the final rulemaking amend the proposed rulemaking to make it clear that persons cited for civil penalties under the provisions of the rulemakings have the right to appeal that citation under 43 CFR Part 4. The right of appeal of a decision by an official of the Bureau of Land Management is available to any adversely affected party, including a person determined to have made an authorized use of the public lands. However, in order to clarify this point, the final rulemaking has adopted a provision setting forth this right of appeal. This same comment also suggested that the final rulemaking contain language differentiating between civil and criminal penalties. The final rulemaking has been amended to provide this differentiation. This amendment of the final rulemaking also will answer several comments regarding when civil or criminal penalties would be applicable.

One of the comments recommended that the final rulemaking include definitions of the terms "occupancy," "resources," and "nuisance." This recommended change would have the effect of broadening the scope of the rulemaking beyond those uses which are currently authorized under 43 CFR Part 2920 by including littering, resource destruction, etc., as violations that will be subject to penalty under the provisions of this final rulemaking. The recommendation has not been adopted because it would broaden the scope of the final rulemaking beyond the uses authorized by 43 CFR Part 2920.

One comment recommended that the final rulemaking amend the proposed rulemaking to provide for injunctions against unauthorized use, occupancy, or development of the public lands. Both the proposed and final rulemakings cite section 303 of the Federal Land Policy and Management Act as authority. Section 303 authorizes the use of an injunction proceeding in connection with unauthorized use of the public lands. Therefore, this process is already available to the authorized officer who deems its use appropriate. This recommendation has not been adopted by the final rulemaking.

One comment suggested that the final rulemaking amend the proposed rulemaking to allow the waiver of damages and administrative costs in those situations where the unauthorized user either vacates the public lands or accepts a land use authorization under the provisions of 43 CFR Part 2920. The Department of the Interior must comply with the provisions of the Federal Claims Collection Act in waiving or compromising debts owed the United States. Therefore, this suggested change cannot be adopted by the final rulemaking because the basis for waiving or compromising a claim resulting from an unauthorized use is set by the Federal Claims Collection Act.

Three comments raised questions about the use of the phrase "not timely resolved," in the proposed rulemaking and it was suggested that the phrase be defined for clarity. The final rulemaking has not adopted the suggestion that the phrase "not timely resolved" be defined. The phrase is used in an effort to give the Bureau of Land Management official responsible for dealing with an unauthorized use the broadest possible discretion in resolving that unauthorized use on a fair and equitable basis. The ultimate decision on whether or not an unauthorized use has been resolved in a timely manner will lie with the appropriate State Director.

Two comments on the proposed rulemaking suggested that damages be substituted for fair market value rental by the final rulemaking. The comments felt that the process under which fair market rental is established after the deduction of credits for water, insurance, fertilizer, seed, and other costs does not give the United States an adequate return for the use of the public lands. The comments made the point that in their opinion the use of fair market value rental as the standard for payment deprives the United States, an unwilling landlord, of adequate compensation for the use of the public lands. Fair market value rental is determined pursuant to established appraisal procedures, whereas damages are non-definitive and open to broad interpretation. The final rulemaking has not adopted this suggestion and action will be taken after this final rulemaking becomes effective to standardize the appraisal methods that are used to determine fair market value rental, thereby providing the United States with adequate reimbursement for the unauthorized use of the public lands.

One comment suggested that the penalty provisions of the proposed rulemaking should be expanded by the final rulemaking to permit termination of any Bureau of Land Management authorization that is discretionary when it has been determined that there has been an unauthorized use of the public lands. This suggestion has not been adopted by the final rulemaking because of the view of the Bureau that the proposed and final rulemakings provide sufficient deterrence.

One of the comments suggested that Federal-private landownership patterns and the topography of the lands frequently lead to use of the public lands either out of necessity or as a convenience. This comment went on to suggest that the Bureau of Land Management not be "hard-nosed" in its pursuit of these types of unauthorized uses of the public lands. The Bureau is aware of the problems presented in the comment and will endeavor to work out administrative solutions that are appropriate to the circumstances.

The provisions of this final rulemaking are applicable only to activities authorized under 43 CFR Part 2920 and have no impact on other activities, e.g., grazing trepass, mineral trespass, timber trespass.

The principal author of this final rulemaking is Ralph Conrad, Division of Lands, Bureau of Land Management, assisted by the staff of the Division of Legislation and Regulatory Management, Bureau of Land Management.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The rulemaking provides procedures for use by the Bureau of Land Management in carrying out its responsibility to protect the public lands and their resources from unauthorized use. The procedures are equally applicable to all entities, regardless of size, found to be making an unauthorized use of the public lands and their resources.

There are no new information collection requirements in this final rulemaking that require the approval of the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects

43 CFR Part 2920

Public lands, Reporting and recordkeeping requirements.

43 CFR Part 9260

Continental shelf, Forest and forests products, Law enforcement, Penalties, Public lands, Range management, Recreation and recreation areas, Wildlife.

Under the authority of sections 302, 303, and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732, 1733, 1740), Part 2920, Group 2900, Subchapter B, and Part 9260, Group 9200, Subchapter I, both of Chapter II of the Code of Federal Regulations, are amended as set forth below.

November 10, 1987.

J. Steven Griles,

Assistant Secretary of the Interior.

PART 2920—[AMENDED]

1. The authority citation for Part 2920 is revised to read:

Authority: 43 U.S.C. 1732, 1733 and 1740.

2. Section 2920.0-3 is revised to read:

§ 2920.0-3 Authority.

Sections 302, 303 and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732, 1733, 1740) authorize the Secretary of the Interior to issue regulations providing for the use, occupancy, and development of the public lands through leases, permits, and easements.

3. Section 2920.0-5 is amended by adding a new paragraph (m) to read:

§ 2920.0-5 Definitions.

* * * * * *

(m) "Knowing and willful" means that a violation is "knowingly and willfully" committed if it constitutes the voluntary or conscious performance of an act which is prohibited or the voluntary or conscious failure to perform an act or duty that is required. The terms does not include performances or failures to perform which are honest mistakes or which are merely inadvertent. The term includes, but does not require, performances or failures to perform which result from a criminal or evil intent or from a specific intent to violate the law. The knowing or willful nature of conduct may be established by plain indifference to or reckless disregard of the requirements of law, regulations, orders, or terms of a lease. A consistent pattern of performance or failure to perform also may be sufficient to establish the knowing or willful nature of the conduct, where such consistent pattern is neither the result of honest mistake or mere inadvertency. Conduct which is otherwise regarded as being knowing or willful is rendered neither accidental nor mitigated in character by the belief that the conduct is reasonable or legal.

4. Section 2920.1 is revised and §§ 2920.1-1 and 2920.1-2 are added to read:

§ 2920.1 Uses.

§ 2920.1-1 Authorized use.

Any use not specifically authorized under other laws or regulations and not specifically forbidden by law may be authorized under this Part. Uses which may be authorized include residential, agricultural, industrial, and commercial, and uses that cannot be authorized under title V of the Federal Land Policy and Management Act or section 28 of the Mineral Leasing Act. Land use authorizations shall be granted under the following categories:

(a) Leases shall be used to authorize uses of public lands involving substantial construction, development, or land improvement and the investment of large amounts of capital which are to be amortized over time. A lease conveys a possessory interest and is revocable only in accordance with its terms and the provisions of § 2920.9-3 of this title. Leases shall be issued for a term, determined by the authorized officer, that is consistent with the time required to amortize the capital investment.

(b) Permits shall be used to authorize uses of public lands for not to exceed 3 years that involve either little or no land improvement, construction, or investment, or investment which can be amortized within the term of the permit. A permit conveys no possessory interest. The permit is renewable at the discretion of the authorized officer and may be revoked in accordance with its terms and the provisions of § 2920.9-3 of this title. Permits shall be issued on a form approved by the Director, Bureau of Land Management, that has been filed by the applicant with the appropriate Bureau of Land Management office.

(c) Easements may be used to assure that uses of public lands are compatible with non-Federal uses occurring on adjacent or nearby land. The term of the easement shall be determined by the authorized officer. An easement granted under this Part may be issued only for purposes not authorized under title V of the Federal Land Policy and Management Act or section 28 of the Mineral Leasing Act.

(d) No land use authorization is required under the regulations in this Part for casual use of the public lands.

§ 2920.1-2 Unauthorized use.

(a) Any use, occupancy, or development of the public lands, other than casual use as defined in § 2920.0-5(k) of this title, without authorization under the procedures in § 2920.1-1 of this title, shall be considered a trespass. Anyone determined by the authorized officer to be in trespass on the public lands shall be notified of such trespass and shall be liable to the United States for:

(1) The administrative costs incurred by the United States as a consequence of such trespass; and

(2) The fair market value rental of the lands for the current year and past years of trespass; and

(3) Rehabilitating and stabilizing the lands that were the subject of such trespass, or if the person determined to be in trespass does not rehabilitate and stabilize the lands determined to be in trespass within the period set by the authorized officer in the notice, he/she shall be liable for the costs incurred by the United States in rehabilitating and stabilizing such lands.

(b) In addition, the following penalties may be assessed by the authorized officer for a trespass not timely resolved under paragraph (a) of this section and where the trespass is determined to be:

VOL 52 ISS 249 DEC 29 1987 UMI

(1) Nonwillful, twice the fair market rental value which has accrued since the inception of the trespass, not to exceed a total of 6 years; or

(2) Knowing and willful, three times the fair market rental value which has accrued since the inception of the trespass, not to exceed a total of 6 years.

(c) For any person found to be in trespass on the public lands under this section, the authorized officer may take action under § 2920.9–3 of this title to terminate, revoke, or cancel any land use authorization issued to such person under this Part.

(d) Failure to satisfy the liability and penalty requirements imposed under this section for unauthorized use of the public lands may result in denial of:

(1) A use authorization under this Part; and

(2) A request to purchase or exchange public lands filed under Subparts 2711 and 2201 of this title.

(e) Any person who knowingly and willfully violates the regulations in this Part by using the public lands without the authorization required by this part, in addition to the civil penalties provided for in this part, may be subject to a fine of not more than $1,000 or imprisonment of not more than 12 months, or both under Subpart 9262 of this title.

(f) Any person adversely affected by a decision issued under this section, may appeal that decision under the provisions of Part 4 of this Title.

PART 9260—[AMENDED]

5. The authority citation for Part 9260 continues to read:

Authority: 16 U.S.C. 433; 16 U.S.C. 460 1–6a; 16 U.S.C. 670 g–n; 16 U.S.C. 1241–1249; 16 U.S.C. 1331 et seq.; 18 U.S.C. 3410; 18 U.S.C. 1851–1853; 43 U.S.C. 315 et seq.; 43 U.S.C. 315(a); 43 U.S.C. 315(c); 43 U.S.C. 1061–1064; 43 U.S.C. 1334; 43 U.S.C. 1701 et seq.; 43 U.S.C. 1733.

6. Part 9260 is amended by adding Subpart 9262 to read:

Subpart 9262—Land Resource Management

§ 9262.0–3 Authority.

The provisions of this subpart are issued under sections 302, 303 and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732, 1733, 1740).

§ 9262.1 Penalties for unauthorized use of public lands.

Any person who knowingly and willfully violates the regulations in Part 2920 of this title by using the public lands without the authorization required by that part may be required to appear before a designated United States magistrate and may be subject to a fine of not more than $1,000 or imprisonment of not more than 12 months, or both.

(43 CFR 2920.1–2)

[FR Doc. 87–29700 Filed 12–28–87; 8:45 am]
BILLING CODE 4310-84-M

federal register

Monday
December 29, 1987

Part III

The President

Memorandum for the Counsel to the President

Counsel to the President

Waiver Under 18 U.S.C. 208(b)(2) for Members of the Presidential Task Force on Market Mechanisms

Presidential Documents

Memorandum of December 23, 1987

Waiver Under 18 U.S.C. §208(b)(2) for Members of the Presidential Task Force on Market Mechanisms

Memorandum for the Counsel to the President

By Executive Order 12614 on November 5, 1987, I established the Presidential Task Force on Market Mechanisms in order to obtain knowledgeable analysis and recommendations concerning the current and long-term financial condition of the nation's securities markets. In order to obtain the specialized expertise in the several technical aspects of the securities markets that is necessary to the Task Force's central purpose, and to enable the Task Force to conclude their report within a very short period of time, I selected persons for the Task Force from among working professionals who deal with these markets on a daily basis. For the same reason, it was my intention that the Task Force members would themselves select staff personnel who are familiar with the intricacies of the financial markets and who are involved with the markets on an ongoing basis, either through their own financial dealings or those of organizations with which they are affiliated.

In order to permit members of the Task Force and its staff to carry out their functions, there is hereby delegated to you the authority of the President under section 208(b)(2) of Title 18, United States Code, to publish in the Federal Register a general exemptive rule applicable to members of the Task Force and its staff, and to do so without approval, ratification, or other action by the President.

Ronald Reagan

The White House,
Washington, December 23, 1987.

[FR Doc. 87-29808
Filed 12-24-87; 9:00 am]
Billing code 3195-01-M

Counsel to the President

Waiver Under 18 U.S.C. § 208(b)(2) for Members of the Presidential Task Force on Market Mechanisms

This general rule is issued pursuant to the authority in Title 18, United States Code, section 208(b)(2).

Section 208(a) of Title 18 prohibits officers and employees of the Executive branch who have financial interests that could be affected by their official acts from participating in any "judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter" through, among other means, "the rendering of advice." Certain legal interpretations of section 208(a) include as "particular matters" to be avoided general policy recommendations which, if implemented, could have very broad impact on economic interests.

Subsection (b)(2) of section 208 provides a standard for determining when it is appropriate to issue an exemptive general rule or regulation waiving financial interests from the coverage of section 208(a). According to this standard, a general waiver may be granted whenever the financial interests of officers or employees are too remote or too inconsequential to "affect the integrity of [their] services."

The President created the Presidential Task Force on Market Mechanisms by Executive Order 12614 on November 5, 1987, in order to obtain knowledgeable analysis and recommendations concerning the current and long-term financial condition of the nation's securities markets. Section 2 of the Executive Order provides that the Task Force shall review relevant analyses of the current and long-term financial condition of the markets; identify problems that may threaten the short-term liquidity or long-term solvency of the markets; analyze potential solutions to such problems; and provide appropriate recommendations to the President, to the Secretary of the Treasury, and to the Chairman of the Board of Governors of the Federal Reserve System.

In order to provide the specialized expertise in the several technical aspects of the securities markets that was necessary to the Task Force's central purpose, and particularly because the President wished the Task Force members to conclude their report within a very short period of time, the President selected persons for the Task Force from among working professionals who deal with these markets on a daily basis. For the same reason, the President contemplated that the Task Force members would themselves select staff personnel who are familiar with the intricacies of the financial markets and who are involved with the markets on an ongoing basis, either through their own financial dealings or those of organizations with which they are affiliated. Pursuant to the direction of the President, members of the Task Force and its staff include representatives of investment banks and securities brokers/dealers; investment portfolio managers; mutual fund managers; corporate issuers; commodity futures trading participants; members of corporate boards of directors and management, and consultants thereto; and business academic institutions.

By virtue of their backgrounds, current positions, and in some cases, financial holdings, it is therefore conceivable that actions that each of the members of the Task Force and its staff may take in particular matters could be deemed to be actions by officers or employees of the Executive branch that have a direct and predictable effect on financial interests they possess.

Because the Executive Order requires the Task Force to analyze and provide recommendations concerning the overall condition of the nation's securities markets, rather than concerning particular financial interests of individuals that may be indirectly affected by the general condition or performance of such markets, and in view of the necessity of staffing the Task Force with persons intimately familiar with the day-to-day functioning of various aspects of the markets, it is hereby established by general rule that the financial interests of each member of the Task Force and its staff, and of any organization with which such a member may be affiliated, are too remote or too inconsequential to affect the integrity of the services of such persons to the Task Force. The provisions of subsection (a) of section 208 shall not, therefore, apply to any such financial interests of such persons or their spouses, minor children, partners, or organizations in which they are serving as officers, directors, trustees, partners, or employees.

This waiver is granted in light of the purpose and functions of the Task Force set forth in the Executive Order, with the expectation that the Task Force report will not include specific recommendations that would particularly rather than generally affect a financial interest of members of the Task Force or its staff. However, should the Task Force consider recommendations directed specifically to a particular organization in which a member of the Task Force or its staff is serving as an officer, director, trustee, partner, or employee, or in which such person or his or her spouse, minor child, or partner has a direct financial interest, then such member shall not act in the matter.

Arthur B. Culvahouse, Jr.,
Counsel to the President.

[FR Doc. 87-29796 Filed 12-24-87; 8:45 am]
BILLING CODE 3195-01-M

VOL
52
ISS
249
DE
29
1987
UMI

federal register

Tuesday
December 29, 1987

Part IV

Department of Education

34 CFR Part 671
Foreign Periodicals Program; Proposed Rulemaking

DEPARTMENT OF EDUCATION

34 CFR Part 671

Foreign Periodicals Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes regulations to govern the Foreign Periodicals Program. These proposed regulations would be needed to implement additions to Title VI of the Higher Education Act of 1965 (HEA), as amended by the Higher Education Amendments of 1986, Pub. L. 99-498, in the event funds are appropriated. The proposed regulations provide the framework for strengthening specialized library collections dealing with foreign languages, area studies, and world affairs.

DATES: Comments must be received on or before February 12, 1988.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Joseph F. Belmonte, Center for International Education, U.S. Department of Education, 400 Maryland Avenue SW. (Room 3054, ROB-3), Washington, DC 20202.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Joseph F. Belmonte: Telephone (202) 732-3304.

SUPPLEMENTARY INFORMATION: Under the Foreign Periodicals Program, the Secretary awards grants to institutions of higher education, public or nonprofit private library institutions, or consortia of these institutions. To receive a grant, an applicant must have an established library with strengths in specific geographic world areas or in particular fields or issues in world affairs that concern one or more countries, and the applicant must demonstrate a commitment to share the resources of its collection.

Grant funds may be used: (1) To acquire periodicals published outside the United States which are not commonly held by American academic libraries and which are of scholarly or research importance, (2) to preserve those periodicals, (3) to make those periodicals available to researchers and scholars, and (4) to maintain bibliographic information on periodicals acquired in machine-readable form and to enter that information into one or more of the widely available bibliographic data bases.

At this time no funds have been appropriated for the activities and none have been requested by the Department.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. Respondents to this program are major higher education institutions with enrollments of well over 500 and major specialized libraries. They are not defined as small entities.

Paperwork Reduction Act of 1980

Sections 671.10 and 671.21 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these proposed regulations to the Office of Management and Budget for its review.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: Jim Houser.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection during and after the comment period, in Room 3054, Regional Office Building No. 3, 7th and D Streets SW., Washington, DC 20202, between the hours of 8:30 a.m. and 4:00 p.m., Monday throught Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 671

Colleges and universities, Education, Grant program, Libraries, Reporting and recordkeeping requirements, Research.

Dated: November 16, 1987.

William J. Bennett,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number has not been assigned)

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by adding a new Part 671 to read as follows:

PART 671—FOREIGN PERIODICALS PROGRAM

Subpart A—General

Sec.

671.1 What is the Foreign Periodicals Program?
671.2 Who is eligible for an award?
671.3 What activities may the Secretary fund?
671.4 What regulations apply?
671.5 What definitions apply?

Subpart B—How Does the Secretary Make an Award?

671.10 How does the Secretary evaluate an application?
671.11 What selection criteria does the Secretary use?
671.12 What priorities may be Secretary establish?

Subpart C—What Conditions Must Be Met by a Grantee?

671.20 What costs are allowable?
671.21 What are the limitations on allowable costs?

Authority: 20 U.S.C. 1125a, unless otherwise noted.

Subpart A—General

§ 671.1 What is the Foreign Periodicals Program?

Under the Foreign Periodicals Program, the Secretary awards grants to selected institutions of higher education, public or nonprofit private library institutions, or consortia of these institutions for the purpose of—

(a) Acquiring periodicals published outside the United states that are not commonly held by American academic libraries and that are of scholarly or research importance;

(c) Making those periodicals available to researchers and scholars; and

(d) Maintaining bibliographic information on periodicals acquired in machine-readable form and entering that information into one or more of the widely available bibliographic data bases.

(Authority: 20 U.S.C. 1125a)

§ 671.2 Who is eligible for an award?

An institution of higher education, a public or nonprofit private library institution, or a consortium of these institutions is eligible to receive a grant under this part if the institution or consortium—

(a) Has an established library with strengths in either—

(1) Specific geographic world areas; or

(2) Particular fields or issues in world affairs that concern one or more countries; and

(b) Demonstrates a commitment to share the resources of its library collection with researchers and scholars.

(Authority: 20 U.S.C. 1125a)

§ 671.3 What activities may the Secretary fund?

Grants awarded under this part may be used to—

(a) Acquire periodicals produced and published outside the United States that are not commonly held by American academic libraries and that are of scholarly or research importance;

(b) Preserve the periodicals described in paragraph (a) of this section;

(c) Make the periodicals described in paragraph (a) of this section available to researchers and scholars; and

(d) Maintain bibliographic information on periodicals acquired in machine-readable form and to enter that information into one or more of the widely avaiable bibliographic data bases.

(Authority: 20 U.S.C. 1125a)

§ 671.4 What regulations apply?

The following regulations apply to the Foreign Periodicals Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), 34 CFR Part 75 (Direct Grant Programs), 34 CFR Part 77 (Definitions That Apply To Department Regulations), and 34 CFR Part 78 (Education Appeal Board).

(b) 34 CFR Part 655.

(c) The regulations in this part 671.

(Authority: 20 U.S.C. 1125a)

§ 671.5 What definitions apply?

The following definitions apply to this part:

(a) The definitions is 34 CFR 655.4.

(b) "Foreign periodical" means a periodical published outside the United States.

(Authority: 20 U.S.C. 1125a)

Subpart B—How Does the Secretary Make an Award?

§ 671.10 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application under this part under the criteria in § 671.11.

(b) The Secretary awards up to 100 possible points for the criteria contained in § 671.11.

(c) The Secretary may award up to 20 additional points under the priority criterion in § 671.11(i).

(d) The maximum possible points for each criterion are indicated in parentheses after the heading for the criterion.

(Authority: 20 U.S.C. 1125a)

§ 671.11 What selection criteria does the Secretary use?

The Secretary uses the following criteria in evaluating applications under this part:

(a) *Plan of operation.* (15) (See 34 CFR 655.31(a)).

(b) *Quality of key personnel.* (1) (See 34 CFR 655.31(b)).

(c) *Budget and cost-effectiveness.* (5) (See 34 CFR 655.31(c)).

(d) *Evaluation plan.* (5) (See 34 CFR 655.31(d)).

(e) *Adequacy of resources.* (10) (See 34 CFR 655.31(e)).

(f) *Commitment to the subject area on which the project focuses.* (25) The Secretary reviews each application to determine—

(1) The strength of the institution's library in the area on which the project focuses; and

(2) The extent to which the institution provides financial and other support to the project, adequate staffing, and services for researchers and scholars in fields related to the project.

(g) *Need and potential impact.* (15) The Secretary reviews each application to determine—

(1) The extent to which the proposed activities serve national needs;

(2) The extent to which an improved collection will be available at the applicant institution at the termination of the grant period; and

(3) The potential impact of the proposed project in improving the knowledge of languages, areas, or international studies at the national level.

(h) *Dissemination activities.* (15) The Secretary reviews each application to determine the quality of the services the project would provide to researchers and scholars.

(i) *Degree to which priorities are serviced.* (20) If, under the provisions of § 671.12, the application notice lists specific priorities for this program, the Secretary determines the degree to which those priorities are serviced.

(Authority: 20 U.S.C. 1125a)

§ 671.12 What priorities may the Secretary establish?

(a) The Secretary may each year select as priorities the collection of periodicals dealing with—

(1) Specific countries or geographic regions, such as Mexico, or South Asia; or

(2) Specific fields or issues in world affairs, such as business, energy, environmental affairs, military and security problems, or development issues, or any combination.

(b) The Secretary announces any priorities in the application notice published in the **Federal Register.**

(Authority: 20 U.S.C. 1125a)

Subpart C—What Conditions Must Be Met by a Grantee?

§ 671.20 What costs are allowable?

Grant funds may be used for—

(a) The acquisition of periodicals published outside the United States;

(b) The salaries of staff needed to acquire, process, preserve and circulate these periodicals; and

(c) The purchase of equipment and supplies and the cost of travel to carry out the purposes of this part.

(Authority: 20 U.S.C. 1125a)

§ 671.21 What are the limitations on allowable costs?

(a) Equipment costs exceeding five percent of the grant are not allowable.

(b) Grant funds may not be used to supplant funds normally used by applicants for the purpose of this part.

(Authority: 20 U.S.C. 1125a)

[FR Doc. 87-29792 Filed 12-28-87; 8:45 am]

BILLING CODE 4000-01-M

VOL
52
ISS
249
DE
29
1987
UMI

federal register

Tuesday
December 29, 1987

Part V

Office of the United States Trade Representative

Adjustment of Quotas; Tungsten From China; Notice

VOL
52
ISS
249
DE
29
1987
UMI

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Adjustment of Quotas; Tungsten From China

SUMMARY: Pursuant to authority delegated by the President in Proclamation No. 5718 of October 2, 1987, the United States Trade Representative (the USTR) hereby adjusts the quotas specified in the Annex to Proclamation 5718 in accordance with subparagraph (d) of headnote 11 of subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202).

EFFECTIVE DATE: December 29, 1987.

FOR FURTHER INFORMATION CONTACT: Bernard Ascher, (202) 395–4510; John Kingery, (202) 395–6800.

SUPPLEMENTARY INFORMATION: On October 2, 1987, the President proclaimed, under sections 203, 406 and 604 of the Trade Act of 1974, certain measures to implement an Agreement for Orderly Trade in Ammonium Paratungstate and Tungstic Acid Between the Governments of the United States and the People's Republic of China. The Proclamation also states that "the USTR is authorized to make any changes to part 2 of the appendix to the TSUS that may be necessary to carry out the agreement. . . ."

Subparagraph (d) of new headnote 11 to subpart A, part 2 of the Appendix to the Tariff Schedules of the United States, as provided by the Annex to Proclamation 5718, states: "To the extent that imports of the tungsten articles provided for herein exceed 1.7 million pounds tungsten content for calendar year 1987, the specified limits for subsequent periods will be reduced according to the following schedule: the 1988 calendar year specified limit shall be reduced by 50 percent of the excess; the specified limit for the 1989 calendar year period shall be reduced by 30 percent of the excess; and the specified limit of 1990 shall be reduced by 20 percent of the excess."

Imports of the tungsten articles subject to the Agreement and Proclamation consisted of 3,425,093 pounds tungsten content for calendar year 1987. Thus, the amount in excess of 1.7 million pounds tungsten content is 1,725,093 pounds. Accordingly, the Tariff Schedules of the United States are modified to reflect the necessary adjustments as set forth in the Annex hereto.

Statistical corrections are anticipated. As soon as information becomes available to make such corrections, it will be published in a subsequent **Federal Register** notice.

This determination shall be published in the **Federal Register**.

Michael B. Smith,

Deputy U.S. Trade Representative.

Annex

Subpart A of part 2 of the Appendix to the Tariff Schedules of the United States (TSUS) is modified:

(a) By deleting from the title of the column entitled "Specified Limit (in million pounds tungsten content)" the words "in million pounds" and inserting in lieu thereof "in pounds of"; and

(b) By deleting the quantities from that column, and by inserting in lieu thereof the quantities set forth below opposite the enumerated TSUS item numbers:

926.30	425,000
926.31	947,453
926.32	1,422,427
926.33	1,704,981
926.34	1,500,000

[FR Doc. 87–29944 Filed 12–28–87; 11:24 am]

BILLING CODE 3190–01–M

VOL
52
ISS
249
DE
29
1987
UMI

Reader Aids

Federal Register
Vol. 52, No. 249
Tuesday, December 29, 1987

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-5641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-5641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

45597–45800	1
45801–45934	2
45935–46050	3
46051–46342	4
46343–46444	7
46445–46584	8
46585–46730	9
46731–46862	10
46863–47364	11
47365–47544	14
47545–47686	15
47687–47890	16
47891–48078	17
48079–48178	18
48179–48300	21
48301–48510	22
48511–48660	23
48661–48792	24
48793–48958	28
48959–49128	29

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5748 46729
5749 46731
5750 46733
5751 46735
5752 ..... 47365, 47545
5754 48959
5755 48961
5756 48963
5757 48965
Executive Orders:
12462 48179
12543 (See Notice of Dec. 15, 1987) 47891
12591 (Amended by 12618) 48663
12618 48720
12617 48179
12618 48663
12619 48663
Administrative Orders:
Notices:
Dec. 15, 1987 47891
Determinations:
Dec. 7, 1987 46735
Memorandums:
Dec. 23, 1987 49116

4 CFR

21 46445

5 CFR

351 46051
540 46051
551 47687
831 47883
870 46343
874 46343
1201 47547
1204 45597
1800 45801
1605 46314
Proposed Rules:
302 49023
330 48824
332 48824
333 49023

7 CFR

6 49079
7 48511
8 47688
21 48015
226 48987
301 ..... 45597, 47367, 47688, 48181
319 ..... 46052, 47372
352 ..... 47373, 48805
401 45598–45604
419 47375
422 48182
423 ..... 45805, 47376
431 47376
432 47377
770 45606
907 ..... 46060, 46737, 46963, 48080, 48793
908 46737
910 ..... 46061, 46964, 48086, 48794
911 46344
915 46344
966 46345
981 ..... 45607, 45609
1002 48794
1004 48794
1424 48081
1736 48795
1900 ..... 45806, 46348
1924 ..... 48391, 48799
1942 47097
1944 ..... 45807, 48391
1955 48519
1956 ..... 46348, 47688
Proposed Rules:
52 46486
318 48272
319 49026
401 45830
735 47069
905 46366
959 ..... 46366, 48826
966 47576
971 46366
979 48827
985 46600
987 46366
1403 49028
1951 45638

8 CFR

212 ..... 48082, 48799
214 48082
238 48082
245 48082
248 48082
299 48082
316a 46736
Proposed Rules:
3 46776
109 46082
286 46776
236 46776
242 46776
253 46776

9 CFR

78 47378
85 45935
92 ..... 45611, 47548, 48800
383 48084
384 48084

Proposed Rules:
51 ... 49029
145 ... 47014
147 ... 47014
316 ... 45639
350 ... 45639

10 CFR
50 ... 48092
40 ... 48092
70 ... 48092
1039 ... 48015
Proposed Rules:
Ch. I ... 47398
2 ... 48447
35 ... 47726
61 ... 47398
62 ... 47578
430 ... 46367, 47549
1035 ... 48693
1036 ... 48693

12 CFR
4 ... 46061
204 ... 46450, 47689
206 ... 46984
217 ... 47689
220 ... 48804
226 ... 45611, 48665
265 ... 48804
304 ... 48183
337 ... 47379
574 ... 48519
611 ... 48093
614 ... 48151, 48673
624 ... 48673
706 ... 46585
Proposed Rules:
202 ... 47589
205 ... 47591
210 ... 47112
226 ... 47592, 48702, 48707
229 ... 47112
332 ... 48447
701 ... 46601, 47014

13 CFR
102 ... 47699
125 ... 48391
Proposed Rules:
121 ... 47937

14 CFR
21 ... 46348
25 ... 46348
39 ... 45612–45614, 45808–45810, 46064–46067, 46452, 46739, 46985–46995, 47387, 47551, 47702–47704, 47990, 48184–48187, 48392, 48673, 48805
71 ... 45615, 45616, 46556, 46740–46742, 46995–46997, 47304, 47308, 47676, 48191, 48393, 48522, 48805
75 ... 47677
91 ... 47672
97 ... 45617, 46743, 48394
108 ... 48506
121 ... 45910, 47991
129 ... 48506
135 ... 45910, 47991
234 ... 48395, 48969
255 ... 48395
1208 ... 48015
1213 ... 45935
1221 ... 45811
Proposed Rules:
Ch. I ... 45831
39 ... 45640, 45642, 45831, 46094, 46776, 47015, 47016, 47399–47401, 47943–47946, 48274, 48542, 48829
43 ... 47680
71 ... 45644, 46778, 46779, 47017–47020, 47402, 47727, 48274, 48448, 48449, 48484, 48715
73 ... 47021, 48274
91 ... 47680

15 CFR
11 ... 48015
371 ... 45618, 48522
372 ... 48808
374 ... 45618
385 ... 46886
387 ... 48808
388 ... 48808
399 ... 46886, 47388, 48522, 48523, 48808
801 ... 46587
Proposed Rules:
16 ... 47597

16 CFR
6 ... 45619
13 ... 45937
305 ... 46888
1000 ... 48969
1015 ... 45631
1608 ... 48810
Proposed Rules:
13 ... 45645, 45970, 45972, 48276, 48543
453 ... 46706
455 ... 48908
500 ... 48716
1016 ... 47599
1700 ... 48450

17 CFR
1 ... 46070, 47705, 48974
30 ... 48811
200 ... 48191
211 ... 46454, 48193
229 ... 48977
240 ... 48977
250 ... 48985
270 ... 48977
274 ... 46350
Proposed Rules:
34 ... 47022
240 ... 48125

18 CFR
2 ... 47897, 47914, 48398
4 ... 48398
11 ... 48398
154 ... 48407
157 ... 47897
270 ... 48407
271 ... 46072
273 ... 48407
284 ... 47914, 48986
375 ... 48396, 48407
380 ... 47897
381 ... 48407
389 ... 45823
1306 ... 48015
1312 ... 47720
Proposed Rules:
1310 ... 47728

19 CFR
Proposed Rules:
4 ... 46602, 48194
6 ... 48833
101 ... 47908
113 ... 48833
128 ... 47729
143 ... 47729
177 ... 47601
201 ... 48994
212 ... 48994
213 ... 48994

20 CFR
355 ... 47705
404 ... 47914
Proposed Rules:
365 ... 47601
614 ... 46604

21 CFR
74 ... 45938
176 ... 46966
184 ... 47916, 48905
333 ... 47312, 48792
369 ... 47312, 48792
520 ... 48094, 48674
558 ... 48095
862 ... 48623
Proposed Rules:
182 ... 46968
352 ... 46095

22 CFR
302 ... 47714
502 ... 47991
Proposed Rules:
502 ... 47029
1506 ... 46779

23 CFR
Proposed Rules:
625 ... 47403
635 ... 45645

24 CFR
200 ... 48197
203 ... 48197
204 ... 48197
213 ... 48197
220 ... 48197
221 ... 48197
222 ... 48197
226 ... 48197
227 ... 48197
235 ... 48197
237 ... 48197
240 ... 48197
888 ... 48205
3280 ... 47552
Proposed Rules:
42 ... 47953
43 ... 47953
236 ... 48276
813 ... 46614
840 ... 48792
841 ... 48792
885 ... 46614
888 ... 48278

25 CFR
Proposed Rules:
177 ... 46781

26 CFR
1 ... 47554, 48407, 48524
48994
18 ... 48524
31 ... 45632
35a ... 46075
54 ... 46747
602 ... 46075, 46747, 47554, 48407, 48994
Proposed Rules:
1 ... 45835, 47609, 48452, 48546, 49030
18 ... 48546
48 ... 45901
54 ... 46782
602 ... 46782, 47609

27 CFR
9 ... 46589
19 ... 47557
25 ... 47557
47 ... 48096
240 ... 47557
250 ... 46592, 47557
270 ... 47557
275 ... 47557
285 ... 47557
Proposed Rules:
9 ... 48279
250 ... 46628

28 CFR
Ch. VII ... 48097
0 ... 48997
2 ... 46596, 47921
68 ... 48997
549 ... 48068
Proposed Rules:
16 ... 48279
701 ... 47406

29 CFR
12 ... 48015
19 ... 48419
22 ... 48492
103 ... 48534
1601 ... 48998
1613 ... 48263
1910 ... 46075, 46168
1915 ... 46075
1917 ... 46075
1918 ... 46075
1926 ... 46075, 46168
1928 ... 46075
1952 ... 48103
2613 ... 47561
2617 ... 47561
2619 ... 47561, 47562, 48905
2621 ... 47563
2676 ... 47564
Proposed Rules:
103 ... 47029
1910 ... 47097

30 CFR
779 ... 47352
780 ... 47352
783 ... 47352
784 ... 45920, 47352
816 ... 47352
817 ... 45920, 47352
913 ... 48421
935 ... 46597
934 ... 49031
942 ... 47716
Proposed Rules:
904 ... 47411
934 ... 48835

935 ... 46377, 46379, 46783, 48125
952 ... 46095
953 ... 46097

31 CFR
316 ... 48422
342 ... 48422
351 ... 46455, 48422
Proposed Rules:
0 ... 45648

32 CFR
40a ... 48431
41 ... 46997
102 ... 48998
209 ... 47389
229 ... 47720
259 ... 48015
536 ... 45938
706 ... 46080, 47922
811 ... 48675
811a ... 48681
1900 ... 46456
2003 ... 48367
Proposed Rules:
199 ... 46098, 47029
285 ... 48452
1636 ... 47949
1656 ... 47949

33 CFR
62 ... 46351
95 ... 47526
100 ... 46351
110 ... 46760
117 ... 46081, 47391, 47923, 48263, 49010
146 ... 47526
150 ... 47526
160 ... 48264
165 ... 46351, 47924, 48811
173 ... 47526
177 ... 47526
Proposed Rules:
117 ... 48717, 49031
140 ... 48717
143 ... 48717
146 ... 48717
165 ... 45973, 47413
179 ... 47950

34 CFR
15 ... 48015
668 ... 45712, 46353
674 ... 45738
675 ... 45738
676 ... 45738
690 ... 45712
Proposed Rules:
251 ... 47951
333 ... 46720
671 ... 49122
776 ... 47538
778 ... 46784
790 ... 46785

35 CFR
296 ... 47720
904 ... 48015
1155 ... 47717
Proposed Rules:
1150 ... 48546
1202 ... 48280
1258 ... 48280

37 CFR
304 ... 49010
Proposed Rules:
304 ... 45654

38 CFR
4 ... 46438
8a ... 48681
21 ... 45633
25 ... 48015
Proposed Rules:
21 ... 46494

39 CFR
111 ... 48436, 48683
224 ... 46998, 49015
225 ... 46998
226 ... 46998
227 ... 46998
228 ... 46998
229 ... 46998
777 ... 48029, 48812
Proposed Rules:
111 ... 48281

40 CFR
4 ... 48015
52 ... 45634, 45958, 45959, 46463, 46762, 46764, 47392, 47565, 47566, 47925, 48265, 48535, 48812, 48813
60 ... 47826
81 ... 46081, 46465
82 ... 47486
85 ... 46354
86 ... 47858
123 ... 45823
144 ... 45788, 46946
180 ... 45824, 46019, 46598, 47990, 48536–48539
260 ... 46946
264 ... 45788, 46946
265 ... 45788
270 ... 45788, 46946
271 ... 45634, 45788, 46468
355 ... 48072
600 ... 47858
716 ... 47990
Proposed Rules:
35 ... 46712
52 ... 46495, 46786, 47610, 48285, 48837
60 ... 47032
62 ... 46380
80 ... 47032
82 ... 47489
86 ... 47032
160 ... 48920
180 ... 47733, 47734
228 ... 48838, 48841
260 ... 48638
281 ... 48638
600 ... 47032
721 ... 46496
763 ... 48286
792 ... 48933

41 CFR
12-60 ... 48630
101-6 ... 45926
101-7 ... 45825, 48685
101-38 ... 48540
101-44 ... 47393
101-47 ... 46467
105-51 ... 48015
105-55 ... 46468
114-50 ... 48015
128-18 ... 48015
201-1 ... 46468
201-2 ... 46468
201-23 ... 46468
201-24 ... 46468
Proposed Rules:
101-41 ... 48547

42 CFR
124 ... 46022, 48362
401 ... 48112
405 ... 48112
408 ... 48112
417 ... 47003
431 ... 47926
435 ... 47926, 48436
436 ... 48436
440 ... 47926
441 ... 47926
455 ... 48814
466 ... 47003
476 ... 47003
Proposed Rules:
405 ... 47990
409 ... 48127
410 ... 48127
416 ... 48127
421 ... 48127
433 ... 48290
435 ... 47414
436 ... 47414
441 ... 48127
442 ... 47990
488 ... 47990
489 ... 47990, 48127

43 CFR
4 ... 46355, 47097
7 ... 47720
2920 ... 49114
3420 ... 46469
3460 ... 46469
3560 ... 48124
9260 ... 49114
Proposed Rules:
3450 ... 46499

44 CFR
25 ... 48015
64 ... 44685, 48818
65 ... 46501
67 ... 46505
Proposed Rules:
67 ... 46787, 47611

45 CFR
15 ... 48015
206 ... 45687
233 ... 45687
1100 ... 48265
Proposed Rules:
233 ... 47420
1803 ... 48297

46 CFR
4 ... 47526
5 ... 47526
26 ... 47526
35 ... 47526
78 ... 47526
97 ... 47526
109 ... 47526
167 ... 47526
185 ... 47526
196 ... 47926
197 ... 47526
580 ... 45960
586 ... 46356
Proposed Rules:
38 ... 45665
42 ... 47422
44 ... 47422
45 ... 47422
54 ... 45665
60 ... 46103
95 ... 45665
151 ... 45665
170 ... 47422
174 ... 47422
249 ... 49077
503 ... 45635
572 ... 46501
588 ... 46505

47 CFR
15 ... 45961
25 ... 45836
73 ... 45636, 45963–45965, 46598, 46599, 47004, 47587, 47722–47724, 47935, 48266, 48438, 48439, 48689, 48690, 48819
74 ... 47567
76 ... 45961, 45963
80 ... 48439
90 ... 47589
300 ... 49015
Proposed Rules:
1 ... 46628, 48725, 48843, 49037
2 ... 48844
15 ... 47615
22 ... 48844
43 ... 46628, 48843
64 ... 47951
65 ... 48727
73 ... 45974, 45975, 46629–46631, 47032, 47033, 47735, 47736, 48130–48133, 48726, 48844, 48845
80 ... 45685

48 CFR
Ch. 63 ... 46630
232 ... 47005
519 ... 47396
532 ... 47005
552 ... 47005
553 ... 47006
801 ... 49016
814 ... 49016
815 ... 49016
819 ... 45682
833 ... 49016
836 ... 49016
852 ... 49016
1801 ... 46765
1805 ... 46765
1807 ... 46765
1808 ... 46765
1809 ... 46765
1812 ... 46765
1813 ... 46765
1815 ... 46765
1827 ... 46765
1830 ... 46765
1831 ... 46765
1832 ... 46765
1836 ... 46765
1837 ... 46765
1852 ... 46765, 47935

1853 46765
2401 47395
2402 47395

Proposed Rules:

31 46043
228 48549
245 47427
252 48549
508 48729
553 48729
1033 48729
1409 48301
1415 48301
1452 48301
2409 46560
2412 46560
2413 46560
2415 46560
2416 46560
2417 46560
2424 46560
2427 46560
2432 46560
2434 46560
2437 46560
2442 46560
2446 46560
2451 46560
2452 46560
2453 46560
2470 46560
5215 48550
5252 48550
5706 47033

40 CFR

1 ..... 46364, 46478, 47007, 47097
24 47994
25 48015
571 ..... 46479, 46480, 48690
1002 46481
1007 46481
1011 ..... 45636, 46773, 48440
1052 45966
1103 46481
1150 46481
1152 ..... 45636, 46773, 48440
1160 ..... 45827, 46481
1162 46481
1169 46481
1171 46481
1177 46481
1180 46481
1182 46481

Proposed Rules:

17 ..... 46510, 46511
24 45667
[illegible] 47326
571 ..... 49033, 49038
575 49038
701 46381

50 CFR

14 46019
17 ..... 46083, 46085
20 46087
23 48820
80 47571
371 49017
611 ..... 45966, 46484, 48362
642 47724
649 46088
650 46485
652 ..... 47006, 49019
661 49019
672 ..... 48691, 49021
675 ..... 45966, 46484, 48362, 49021
681 47572

Proposed Rules:

13 48948
17 ..... 45976, 46106, 46334, 46336, 48552
20 47428
21 ..... 47428, 48948
258 47990
611 48303
655 47034
658 47615
663 45668
672 48303
675 48303

LIST OF PUBLIC LAWS

Last List December 28, 1987

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 1994/Pub. L. 100-205

To amend the boundaries of Stones River National Battlefield, Tennessee, and for other purposes. (Dec. 23, 1987; 101 Stat. 1433; 1 page) Price: $1.00

H.R. 2416/Pub. L. 100-206

To establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and for other purposes. (Dec. 23, 1987; 101 Stat. 1434; 4 pages) Price: $1.00

H.R. 3700/Pub. L. 100-207

To designate the Federal building located at 600 West Madison, Chicago, Illinois, as the "Harold Washington Social Security Center". (Dec. 23, 1987; 101 Stat. 1438; 1 page) Price: $1.00

H.R. 3712/Pub. L. 100-208

To designate the United States Livestock Insects Laboratory in Kerrville, Texas, as the "Knipling-Bushland Research Laboratory". (Dec. 23, 1987; 101 Stat. 1439; 1 page) Price: $1.00

H.J. Res. 376/Pub. L. 100-209

To designate the Clarks Hill Dam, Reservoir, and Highway transversing the Dam on the Savannah River, Georgia and South Carolina, as the J. Strom Thurmond Dam, Reservoir, and Highway. (Dec. 23, 1987; 101 Stat. 1440; 1 page) Price: $1.00

VOL
52
ISS
2
49
DE
29
1987
UMI

Order Now!

The United States Government Manual 1987/88

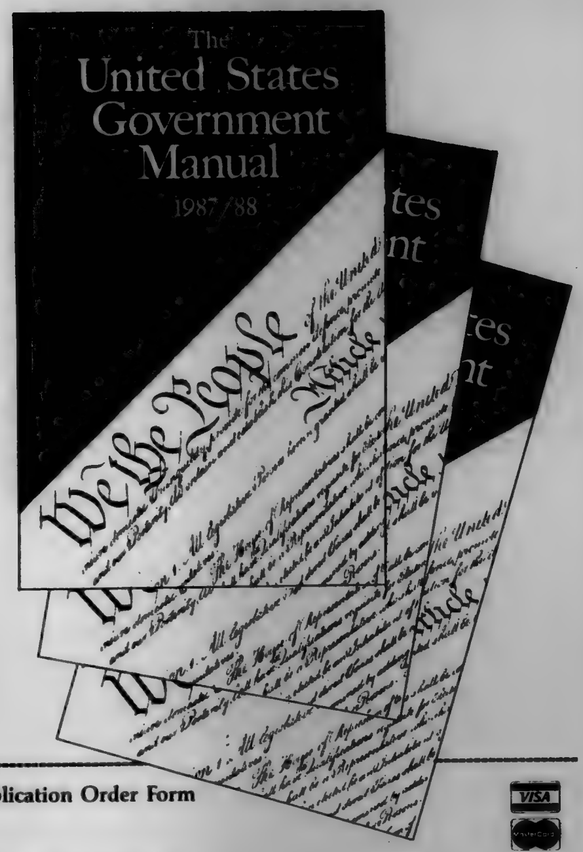
As the official handbook of the Federal Government, the *Manual* is the best source of information on the activities, functions, organization, and principal officials of the agencies of the legislative, judicial, and executive branches. It also includes information on quasi-official agencies and international organizations in which the United States participates.

Particularly helpful for those interested in where to go and who to see about a subject of particular concern is each agency's "Sources of Information" section, which provides addresses and telephone numbers for use in obtaining specifics on consumer activities, contracts and grants, employment, publications and films, and many other areas of citizen interest. The *Manual* also includes comprehensive name and subject/agency indexes.

Of significant historical interest is Appendix C, which lists the agencies and functions of the Federal Government abolished, transferred, or changed in name subsequent to March 4, 1933.

The *Manual* is published by the Office of the Federal Register, National Archives and Records Administration.

$20.00 per copy



Publication Order Form

Order processing code: * 6319

☐ **YES,** please send me the following indicated publications:

.... copies of THE UNITED STATES GOVERNMENT MANUAL, 1987/88 at $20.00 per copy. S/N 069-000-00006-1.

1. The total cost of my order is $_____ International customers please add 25%. All prices include regular domestic postage and handling and are good through 3/88. After this date, please call Order and Information Desk at 202-783-3238 to verify prices.

Please Type or Print

2. _____
(Company or personal name)
_____
(Additional address/attention line)
_____
(Street address)
_____
(City, State, ZIP Code)
( )
(Daytime phone including area code)

3. Please choose method of payment:
☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐–☐
☐ VISA, or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(Rev. 4-87)

4. Mail To: Superintendent of Documents, Government Printing Office, Washington, D.C. 20402-9325

VOL
52
ISS
2
49
DE
29
1987
UMI

VOL
52
ISS
250
DE
30
1987
UMI

12-30-87
Vol. 52 No. 250

federal register

Wednesday
December 30, 1987

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
52
ISS
250
DE
30
1987
UMI

12-30-87
Vol. 52 No. 250
Pages 49129-49340

federal register

Wednesday
December 30, 1987

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $188.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	275–3328
Problems with public subscriptions	275–3054

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	275–3328
Problems with public single copies	275–3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5240
Magnetic tapes	275–3328
Problems with Federal agency subscriptions	523–5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 52, No. 250
Wednesday, December 30, 1987

ACTION
NOTICES
Senior Executive Service:
Performance awards (bonuses), 49182
Performance Review Board; membership, 49182

Administrative Conference of the United States
RULES
Recommendations:
Administrative practice and procedure, 49141

Agriculture Department
See also Animal and Plant Health Inspection Service; Forest Service
NOTICES
Agency information collection activities under OMB review, 49182

Air Force Department
NOTICES
Meetings:
Scientific Advisory Board, 49196

Alcohol, Tobacco and Firearms Bureau
NOTICES
Commerce in explosives:
Explosive materials list, 49245

Animal and Plant Health Inspection Service
RULES
Interstate transportation of animals and animal products (quarantine):
Tuberculosis in cattle and bison; State and area designations, 49155

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Centers for Disease Control
NOTICES
Cruise ships; sanitation inspection:
Fee collection, 49206
Grants and cooperative agreements; availability, etc.:
Hepatitis B vaccine trial follow-up program, 49206
Meetings:
Hospital and regional monitoring of trauma outcomes; data sets, 49207
Respiratory disease intervention peer review, etc.; NIOSH meetings, 49206

Commerce Department
See International Trade Administration; Minority Business Development Agency; National Oceanic and Atmospheric Administration

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Jamaica, 49185
Malaysia, 49186
Singapore, 49188
Textile and apparel categories:
Visa arrangements; changes to coincide with onset of new category system, 49189

Consumer Product Safety Commission
NOTICES
Meetings; Sunshine Act, 49248

Defense Department
See Air Force Department

Economic Regulatory Administration
NOTICES
Public utilities Regulatory Policies Act:
Gas and Electric utilities covered in 1988; list, 49326

Education Department
NOTICES
Education Appeal Board hearings:
Applications for review, 49196
Grants; availability, etc.:
Handicapped children, severely, program State-wide systems change projects, 49197

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission
NOTICES
Nuclear research reactor fuels; receipt and financial settlement provisions, 49198

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Ohio, 49157
PROPOSED RULES
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
2-[1(ethoxyimino)-butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one, 49174
2-(2-Chlorophenyl) methyl-4,4-dimethyl-3-isoxazolidinone Correction, 49249
Deltamethrin, 49171, 49177 (2 documents)
Fluazifop-butyl, 49175
Toxic substances:
Asbestos; information release Correction, 49249
NOTICES
Meetings:
Biotechnology Science Advisory Committee: correction, 49249
Science Advisory Board, 49198
Pesticide programs:
Pesticide test protocols; availability, 49198
Pesticide registration, cancellation, etc.:
California Dept. of Health Services, et al., 49199
Pesticides; temporary tolerances:
Edwards, Dennis et al.; correction, 49249
Oxyflurofen, 49200

BEST COPY AVAILABLE

VOL 52 ISS 250 DE 30 1987 UMI

Water pollution control:
Underground injection control program; maximum allowable injection pressure for rule authorized wells establishment; Montana, 49200

Executive Office of the President
See Management and Budget Office; Presidential Documents; Trade Representative, Office of United States

Federal Communications Commission
RULES
Practice and procedure:
Basic time computation procedures, 49159
Radio broadcasting:
Pre-sunrise operations by daytime only AM radio broadcasting stations; adjustment, 49161
PROPOSED RULES
Common carriers:
Exchange access; private networks and private line users, 49178
Radio stations; table of assignments:
Tennessee and Arkansas, 49181
NOTICES
Radio broadcasting:
FM vacant channel applications; universal window filing period, 49202
Rulemaking proceedings; petitions filed, granted, denied, etc.; correction, 49202
Applications, hearings, determinations, etc.:
Jackson, Courtney, et al., 49203
Ockenden, Edward P., et al., 49203

Federal Deposit Insurance Corporation
RULES
International operations:
Country exposure concentration, 49156

Federal Emergency Management Agency
NOTICES
Disaster and emergency areas:
Puerto Rico, 49204
(3 documents)

Federal Energy Regulatory Commission
RULES
Electric utilities (Federal Power Act):
Reactor plant equipment; property list for use in accounting for addition and retirement, 49157

Federal Home Loan Bank Board
NOTICES
Receiver appointments:
Yankee Bank for Finance and Savings, FSB, 49204

Federal Maritime Commission
NOTICES
Agreements filed, etc., 49204
(2 documents)
Investigations, hearings, petitions, etc.:
Transpacific Westbound Rate Agreement, 49205

Federal Reserve System
NOTICES
Applications, hearings, determinations, etc.:
Brown, Winston C., Jr., et al., 49205

Federal Trade Commission
PROPOSED RULES
Prohibited trade practices:
Florence Multiple Listing Service, Inc., 49164
Multiple listing Service Mid County Inc., 49167

Financial Management Service
See Fiscal Service

Fiscal Service
NOTICES
Interest rates:
Renegotiation Board and prompt payment rates, 49246

Food and Drug Administration
RULES
Medical devices:
Dental devices—
General provisions and classifications; correction, 49250

Forest Service
NOTICES
Land and resource management plans:
Grand Mesa, Uncompahgre and Gunnison National Forests, CO, 49183

Health and Human Services Department
See Centers for Disease Control; Food and Drug Administration; Human Development Services Office; Public Health Service

Health Resources and Services Administration
See Public Health Service

Human Development Services Office
NOTICES
Grants; availability, etc.:
Coordinated discretionary funds program; and developmental disabilities program; projects of national significance, 49252

Indian Affairs Bureau
PROPOSED RULES
Education assistance:
Adult education program administration, 49172

Information Security Oversight Office
RULES
National security information program; standard forms (SF 189)
Correction, 49250

Interior Department
See Indian Affairs Bureau; Land Management Bureau; Reclamation Bureau; Surface Mining Reclamation and Enforcement Office

International Trade Administration
NOTICES
Export trade certificates of review, 49183
Foreign availability assessments:
Isopropyl N-(3-chlorophenyl) carbamate, 49183
Applications, hearings, determinations, etc.:
Energy Department et al.; correction, 49249
University of Illinois et al.; correction, 49249

International Trade Commission
NOTICES
Import investigations:
Cellular mobile telephones and subassemblies and component parts, 49209
Color picture tubes from Canada, Japan, Korea, and Singapore, 49209
Granular polyetrafluoroethylene resin from Italy and Japan, 49209
Hard-sided molded luggage cases, 49210
Noncontact tonometers, 49210
(2 documents)
Plastic fasteners and processes for manufacture, 49211
(2 documents)
Recloseable plastic bags and tubing, 49212

Interstate Commerce Commission
NOTICES
Agreements under sections 5a and 5b; applications for approval:
Perishables Tariff Bureau, 49212
Motor carriers:
Finance applications, 49213
Railroad operation, acquisition, construction, etc.:
Maryland Midland Railway, Inc., 49213

Justice Department
NOTICES
Pollution control; consent judgments:
Auburn, NY, 49213
Kansas City Board of Public Utilities et al., 49214

Land Management Bureau
NOTICES
Agency information collection activities under OMB review, 49207
Realty actions; sales, leases, etc.:
Nevada; correction, 49208
New Mexico, 49208

Management and Budget Office
RULES
Freedom of Information Reform Act of 1986:
Fee schedule and administrative guidelines, 49152

Maritime Administration
NOTICES
Applications, hearings, determinations, etc.:
Farrell Lines Inc., 49244

Minority Business Development Agency
NOTICES
Business development center program applications:
Connecticut, 49184
New York, 49184

National Archives and Records Administration
NOTICES
Agency records schedules; availability, 49214

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Design Arts Advisory Panel, 49215
Media Arts Advisory Panel, 49215
Partnership Office Advisory Panel, 49215

National Institute for Occupational Safety and Health
See Centers for Disease Control

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Gulf of Mexico and South Atlantic Coastal migratory pelagic resources, 49162
NOTICES
Coastal zone management programs and estuarine sanctuaries:
State programs—
Evaluation findings availability; correction, 49185
Intent to evaluate performance; correction, 49185

National Science Foundation
NOTICES
Organization, functions, and authority delegations, 49216

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Mississippi Power & Light Co. et al., 49217
Meetings; Sunshine Act, 49248
Operating licenses; amendments; no significant hazards considerations:
Biweekly notices, 49217
Applications, hearings, determinations, etc.:
Southern California Edison Co. et al.; correction, 49250

Office of Management and Budget
See Management and Budget Office

Office of United States Trade Representative
See Trade Representative, Office of United States

Postal Service
NOTICES
Meetings; Sunshine Act, 49248

Presidential Documents
PROCLAMATIONS
Generalized System of Preferences:
Chile; suspension of preferences (Proc. 5758), 49129
Imports and exports:
European Community; duty increases (Proc. 5759), 49131
EXECUTIVE ORDERS
Administration of Justice Program; authority delegation (EO 12620), 49135
ADMINISTRATIVE ORDERS
Generalized System of Preferences:
Chile; suspension of preferences (Memorandum of Dec. 24, 1987), 49137
Imports and exports:
European Community; duty increases (Memorandum of Dec. 24, 1987), 49139

Prospective Payment Assessment Commission
NOTICES
Meetings, 49243

Public Health Service
See also Centers for Disease Control; Food and Drug Administration
RULES
Grants:
Nurse practitioner training programs
Correction, 49250

Reclamation Bureau
NOTICES
Environmental statements; availability, etc.:
Newlands Project Operating Criteria and Procedures, NV, 49208

Small Business Administration
NOTICES
Disaster loan areas:
Arkansas, 49243
Puerto Rico, 49243
Meetings; regional advisory councils:
Vermont, 49243

State Department
NOTICES
Meetings:
International Intellectual Property Advisory Committee, 49244

Surface Mining Reclamation and Enforcement Office
RULES
Unsuitable surface coal mining areas:
State and Federal designation processes, 49022

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Trade Representative, Office of United States
NOTICES
Japan:
Federal public works procurements prohibitions; compliance list (P.L. 100-202), 49244

Transportation Department
See also Maritime Administration
NOTICES
Aviation proceedings:
Hearings, etc.—
Spokane-Vancouver service case, 49244

Treasury Department
See Alcohol, Tobacco and Firearms Bureau; Fiscal Service

Veterans Administration
NOTICES
Meetings:
Health Services Research and Development Scientific Review and Evaluation Board, 49247

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Separate Parts In This Issue

Part II
Department of Health and Human Services, Human Development Services Office, 49252

Part III
Department of the Interior, Surface Mining Reclamation and Enforcement Office, 49322

Part IV
Department of Energy, Economic Regulatory Administration, 49328

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

1 CFR
305 49141

3 CFR
Proclamations:
5758 49129
5759 49131
Executive Orders:
12163 (Amended by EO 12620) 49135
12620 49135
Administrative Orders:
Memorandums:
Dec. 24, 1987 (2 documents) 49137, 49139

5 CFR
1303 49152

9 CFR
77 49155

12 CFR
346 49156

16 CFR
Proposed Rules:
13 (2 documents) 49164, 49167

18 CFR
116 49157

21 CFR
872 49249
Proposed Rules:
193 49171

25 CFR
Proposed Rules:
46 49172

30 CFR
764 49322
768 49322

32 CFR
2003 49249

40 CFR
52 49157
Proposed Rules:
180 (4 documents) 49174, 49175, 49177, 49249
763 49249

42 CFR
57 49249

47 CFR
1 49159
73 49161
Proposed Rules:
69 49178
73 49181

50 CFR
642 49162

VOL
52
ISS
250
DE
30
1987
UMI

Federal Register
Vol. 52, No. 250
Wednesday, December 30, 1987

Presidential Documents

Title 3—

The President

Proclamation 5758 of December 24, 1987

Amending the Generalized System of Preferences

By the President of the United States of America

A Proclamation

1. Pursuant to subsections 502(b)(7), 502(c)(7), and sections 504 and 604 of the Trade Act of 1974, as amended (the Trade Act) (19 U.S.C. 2462, 2464 and 2483), I have determined that it is appropriate to provide for the suspension of preferential treatment under the Generalized System of Preferences (GSP) for articles that are currently eligible for such treatment and that are imported from Chile. Such suspension is the result of my determination that Chile has not taken and is not taking steps to afford internationally recognized worker rights, as defined in section 502(a)(4) of the Trade Act, as amended (19 U.S.C. 2462(a)(4)).

2. Subsections 502(b)(7) and (c)(7) of the Trade Act provide that a country that has not taken or is not taking steps to afford such internationally recognized worker rights is ineligible for designation as a beneficiary developing country for purposes of the GSP. Section 504 authorizes the President to withdraw, suspend, or limit the application of duty-free treatment under the GSP with respect to any article or with respect to any country upon consideration of the factors set forth in sections 501 and 502(c) of the Trade Act (19 U.S.C. 2461 and 2462(c)).

3. Section 604 of the Trade Act authorizes the President to embody in the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) the substance of the relevant provisions of that Act, of other acts affecting import treatment, and of actions taken thereunder.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States of America, including but not limited to sections 502, 504, and 604 of the Trade Act, do proclaim that:

(1) General headnote 3(e)(v)(A) to the TSUS is modified by striking out "Chile" from the enumeration of independent countries whose products are eligible for benefits under the GSP.

(2) No article the product of Chile and imported into the United States after the effective date of this Proclamation shall be eligible for preferential treatment under the GSP.

(3) This Proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the sixtieth (60th) day following the date of the publication of this Proclamation in the **Federal Register**.

VOL 52 ISS 250 DEC 30 1987 UMI

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of Dec., in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 87-30016
Filed 12-28-87; 2:57 pm]
Billing code 3195-01-M

Editorial note: For the text of the President's letter to the Speaker of the House of Representatives and the President of the Senate, dated Dec. 24, on the suspension, see the *Weekly Compilation of Presidential Documents* (vol. 23, no. 51).

Presidential Documents

Proclamation 5759 of December 24, 1987

Increasing the Rates of Duty on Certain Products of the European Community

By the President of the United States of America

A Proclamation

1. I have determined, pursuant to section 301(a) of the Trade Act of 1974, as amended (the Act) (19 U.S.C. 2411), that the "Council Directive Prohibiting the Use in Livestock Farming of Certain Substances Having a Hormonal Action" (the Directive), adopted in December 1985 by the European Community (EC), is inconsistent with the provisions of, or otherwise denies benefits to the United States under, a trade agreement; or is unjustifiable or unreasonable and constitutes a burden or restriction on United States commerce. Unless European Community member states are allowed derogations to continue their present importation practices, the Directive will prohibit imports into the European Community of any meat produced from animals treated with growth hormones, effective January 1, 1988, thereby severely disrupting exports of United States meat to the European Community. The need for such a prohibition is not supported by valid scientific evidence. Accordingly, the United States considers that the Directive constitutes a disguised restriction on international trade.

2. Section 301(a)(1) of the Act (19 U.S.C. 2411(a)(1)) authorizes the President to take all appropriate and feasible action within his power to enforce the rights of the United States under any trade agreement, and to respond to any act, policy, or practice of a foreign government or instrumentality that he determines is inconsistent with the provisions of, or otherwise denies benefits to the United States under, a trade agreement, or is unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce. Section 301(b) of the Act (19 U.S.C. 2411(b)) authorizes the President to suspend, withdraw, or prevent the application of benefits of trade agreement concessions with respect to, and to impose duties or other import restrictions on, the products of such foreign government or instrumentality for such time as he determines appropriate. Pursuant to section 301(a)(2) of the Act (19 U.S.C. 2411(a)(2)), such actions can be taken on a nondiscriminatory basis or solely against the foreign government or instrumentality involved. Section 301(d)(1) of the Act (19 U.S.C. 2411(d)(1)) authorizes the President to take action on his own motion.

3. I have decided, pursuant to subsections 301(a), (b), and (d) (1) of the Act, to increase United States imported duties on certain articles the product of the European Community, as described in the Tariff Schedules of the United States and set forth in Annex A to this Proclamation. In the event that the Tariff Schedules of the United States are superseded by the Harmonized Tariff Schedule of the United States, I have decided to increase United States import duties on the articles listed in Annex B that are the product of the European Community. I have further determined to suspend the application of increased duties so long as the European Community member states continue their present importation practices with respect to United States exports of relevant meat products.

VOL 52 ISS 250 DEC 30 1987 UMI

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including but not limited to subsections 301(a), (b), and (d) (1) and section 604 of the Act (19 U.S.C. 2483), do proclaim that:

(1) Subpart B of part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified as set forth in Annex A to this Proclamation.

(2) In the event that the Tariff Schedules of the United States are superseded by the Harmonized Tariff Schedule of the United States, the latter shall be modified as set forth in Annex B to this Proclamation as of the effective date of that Schedule.

(3) The United States Trade Representative is authorized to suspend, modify, terminate, or terminate the suspension of the increased duties imposed by this Proclamation, upon publication in the **Federal Register**, of his determination that such action is in the interest of the United States.

(4) This Proclamation, including the imposition of increased duties and their immediate suspension, shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 2, 1988.

IN WITNESS WHEREFOF, I have hereunto set my hand this 24th day of Dec., in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

ANNEX A

Subpart B of part 2 of the Appendix to the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) is modified by inserting the following new items and superior heading thereto, with the material inserted in the columns entitled "Item", Articles", "Rates of Duty 1", and "Rates of Duty 2":

	"Articles the product of the European Community (Belgium, Denmark, France, the Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom)		
946.40	Beef, without bone (except offal), fresh, chilled, or frozen (provided for in item 106.10, part 2B, schedule 1)	100% ad val.	No change
946.41	Pork hams and shoulders, prepared or preserved, not boned and cooked and packed in airtight containers (provided for in item 107.30, part 2B, schedule 1)	100% ad val.	No change
946.42	Tomatoes (except paste), whether or not reduced in size, packed in salt, in brine, or otherwise prepared or preserved (provided for in items 141.65 and 141.66, part 8C, schedule 1)	100% ad val.	No change
946.43	Soluble or instant coffee extracts, essences, and concentrates (containing no admixture of sugar, cereal, or other additive) (provided for in item 160.20, part 11A, schedule 1)	100% ad val.	No change
946.44	Fruit juices not specially provided for, concentrated or not concentrated, whether or not sweetened, not mixed and not containing over 1.0 percent of ethyl alcohol by volume (provided for in item 165.55, part 12A, schedule 1)	100% ad val.	No change
946.45	Other fermented alcoholic beverages, containing less than 7 percent alcohol by volume (provided for in item 167.50, part 12C, schedule 1)	100% ad val.	No change
946.46	Pet food packaged for retail sale, of by-products obtained from the milling of grains, mixed feeds, and mixed-feed ingredients (provided for in item 184.70, part 15C, schedule 1)	100% ad val.	No change
946.47	Intestines, weasands, bladders, tendons, and integuments, not specially provided for (except sheep, lamb, and goat), prepared for use as sausage casings (provided for in item 190.58, part 15F, schedule 1)	100% ad val.	No change"

ANNEX B

Subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS) (19 U.S.C.) is modified by inserting the following new subheadings and superior description, with the material inserted in the columns entitled "Heading/Subheading", "Article Description", "Rates of Duty 1 General" and Rates of Duty 2", respectively:

	"Articles the product of the European Community (Belgium, Denmark, France, the Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom)		
9903.23.00	Beef, without bone (except offal), fresh, chilled, or frozen (provided for in subheadings 0201.30.60, and 0202.30.60)	100% ad val.	No change
9903.23.05	Pork hams and shoulders (except those that have been boned and cooked and packed in airtight containers), processed or otherwise prepared or preserved (provided for in subheadings 0210.11.00, 1602.41.90, and 1602.42.40)	100% ad val.	No change
9903.23.10	Intestines, weasands, bladders, tendons and integuments, not specially provided for (except sheep, lamb and goat), prepared for use as sausage casings (provided for in subheading 0504.00.00)	100% ad val.	No change
9903.23.15	Tomatoes, prepared or preserved otherwise than by the processes specified in chapters 7 or 11 or in heading 2201 (provided for in subheadings 2002.10.00, 2002.29.00, nad 2103.20.40)	100% ad val.	No change
9903.23.20	Soluble or instant coffee extracts, essences and concentrates (containing no admixture of sugar, cereal, or other additive) (provided for in subheading 2101.10.20)	100% ad val.	No change
9903.23.25	Other fermented alcoholic beverages, containing less than 7 percent alcohol by volume (provided for in subheading 2206.00.90)	100% ad val.	No change
9903.23.30	Fruit juices not specially provided for, concentrated or not concentrated, whether or not sweetened, not mixed and not containing over 0.5 percent of ethyl alcohol by volume (provided for in subheading 2209.80.60)	100% ad val.	No change
9903.23.35	Pet food packaged for retail sale, of byproducts obtained from the milling of grains, mixed feeds, and mixed-feed ingredients (provided for in subheadings 2309.10.00)	100% ad val.	No change"

[FR Doc. 87-30017]
Filed 12-28-87; 2:58 pm]
Billing code 3195-01-M

Editorial note: For a White House statement, released Dec. 24, on the duty increases, see the *Weekly Compilation of Presidential Documents* (vol. 23, no. 51).

VOL
52
ISS
250
DE
30
1987
UMI

Presidential Documents

Executive Order 12620 of December 24, 1987

Delegation of Authority With Respect to the Administration of Justice Program

By the authority vested in me as President by the Constitution and laws of the United States, including the Foreign Assistance Act of 1961, as amended, and section 301 of Title 3 of the United States Code, it is hereby ordered that Executive Order No. 12163, as amended, is further amended by inserting at the end of the first sentence of subsection 6 of Section 1–201, the following phrase:

", and all functions conferred by Section 534 of the Act."

Ronald Reagan

THE WHITE HOUSE,
December 24, 1987.

[FR Doc. 87-30022
Filed 12-28-87; 3:08 pm]
Billing code 3195-01-M

VOL
52
ISS
250
DE
30
1987
UMI

Presidential Documents

Memorandum of December 24, 1987

Action Concerning the Generalized System of Preferences

Memorandum for the United States Trade Representative

Pursuant to subsections 502(b)(7), 502(c)(7), and section 504 of the Trade Act of 1974, as amended (the Act) (19 U.S.C. 2462(b)(7), 2462(c)(7) and 2464), I am hereby acting to modify the application of duty-free treatment under the Generalized System of Preferences (GSP) currently being afforded to Chile.

Specifically, after considering various private sector requests for review concerning worker rights in Chile, and in accordance with section 502(b)(7) of the Act, I have determined that Chile, which was previously designated as a beneficiary country, is not taking steps to afford internationally recognized worker rights. Therefore, I intend to notify the Congress of the United States and the Government of Chile of my intention to suspend indefinitely the GSP eligibility of Chile.

This determination shall be published in the **Federal Register**.

Ronald Reagan

THE WHITE HOUSE,
Washington, December 24, 1987.

[FR Doc. 87-30023
Filed 12-28-87; 3:09 pm]
Billing code 3195-01-M

VOL
52
ISS
250
DE
30
1987
UMI

Presidential Documents

Memorandum of December 24, 1987

Determination Under Section 301 of the Trade Act of 1974

Memorandum for the United States Trade Representative

I have determined, pursuant to section 301(a) of the Trade Act of 1974, as amended (the Act) (19 U.S.C. 2411), that the "Council Directive Prohibiting the Use in Livestock Farming of Certain Substances Having a Hormonal Action" (the Directive), adopted in December 1985 by the European Community (EC), is inconsistent with the provisions of, or otherwise denies benefits to the United States under, a trade agreement; or is unjustifiable or unreasonable and constitutes a burden or restriction on United States commerce. I have also determined, pursuant to subsections 301(a), (b), and (d)(1) of the Act, to increase U.S. customs duties on certain products of the European Community. I am taking this action to enforce United States rights under a trade agreement and to respond to unjustifiable or unreasonable acts, policies, and practices of the European Community that burden or restrict United States commerce. However, I have determined to suspend the application of increased duties so long as the EC permits its member states to continue their present importation practices with respect to United States exports of relevant meat products.

Statement of Reasons

The European Community adopted the Hormone Directive in December 1985. It is scheduled to become effective with respect to imports on January 1, 1988. Unless EC member states are allowed derogations to continue their present importation practices, implementation of the Directive will prohibit imports into the European Community of any meat produced from animals treated with growth hormones, thereby severely disrupting exports of U.S. meat to the European Community. Such a prohibition is not supported by valid scientific evidence. Accordingly, the United States considers that the imposition of import restrictions under the Directive constitutes a disguised restriction on international trade.

The United States has repeatedly protested the Directive both bilaterally and within the framework of the Agreement on Technical Barriers to Trade ("Standards Code") of the General Agreement on Tariffs and Trade (GATT). In January 1987, the United States requested consultations with the EC under Article 14.1 of the Standards Code. These consultations were held in February and April without satisfactory results. On April 29, 1987, the United States requested the GATT Committee on Technical Barriers to Trade to investigate the matter. The Committee met in May, June, July, and September. That investigation failed to yield a solution because of EC insistence, against the weight of scientific evidence, that consumption of meat from animals treated with growth hormones is dangerous to human health. On July 15, 1987, the United States asked for the formation of a Technical Experts Group (TEG) under Article 14.9 of the Standards Code, in order to examine the scientific basis, if any, for the EC claim. The EC blocked, and continues to block, the formation of such a group of experts. Additional consultations have failed to yield meaningful progress on the underlying issue. Accordingly, it is appropriate to proclaim countermeasures.

However, the European Community has provided assurances that all member states will be permitted to continue, and will continue, their present practices with regard to the importation of U.S. meat products for an additional 12 months. Therefore, I am suspending the application of those measures so long as the EC member states continue their present importation practices with respect to United States exports of relevant meat products. I expect the European Community to allow appropriate dispute settlement procedures to proceed expeditiously.

On November 25, 1987, I announced my intention to raise customs duties to a level of 100 percent ad valorem on as much as $100 million in EC exports to the United States in response to the implementation of the Directive. I also announced that the products against which retaliatory action would be taken would be selected after a comment period ending on December 11, 1987. Finally, I announced that the sanctions would be effective soon after January 1, 1988, unless the EC had acted by that time to ensure that the Directive does not impede United States meat exports.

This determination shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, December 24, 1987.

[FR Doc. 87-30024
Filed 12-28-87; 3:10 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 52, No. 250
Wednesday, December 30, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Part 305

Recommendations Regarding Administrative Practice and Procedure

AGENCY: Administrative Conference of the United States.

ACTION: Recommendations.

SUMMARY: The Administrative Conference of the United States, at its Thirty-fifth Plenary Session, adopted seven recommendations.

Recommendation 87-6, State-Level Determinations in Social Security Disability Cases, encourages the Social Security Administration to continue its demonstration projects with face-to-face hearing procedures for state-level disability determinations.

Recommendation 87-7, A New Role for the Social Security Appeals Council, sets forth steps the Social Security Appeals Council should take to decrease its caseload to enable it to play a more significant role in developing and implementing adjudicatory principles and decisional standards for the disability determination process.

Recommendation 87-8, National Coverage Determinations Under the Medicare Program, urges the Health Care Financing Administration (HCFA) (in the Department of Health and Human Services) to publicize its procedures and criteria for making nationally applicable determinations on what medical procedures and technologies are covered by the Medicare program. The Conference also urges HCFA to provide for some opportunity for the public to comment on all national determinations and to specify the types of coverage determinations that will be left to Medicare contractors and regional offices. Finally, the Conference urges Congress to consider modifying statutory limitations on administrative and judicial review of national coverage determinations.

Recommendation 87-9, Dispute Procedures in Federal Debt Collection, offers advise to agencies on integrating effective debt collection with the requirements of procedural due process, and seeks to reduce uncertainty over the relationship of the Debt Collection Act to the Contract Disputes Act.

Recommendation 87-10, Regulation by the Occupational Safety and Health Administration, recommends a variety of procedures (including generic rulemaking) which OSHA should use to increase the effectiveness of its regulation. In addition, the recommendation sets forth statutory changes that Congress should consider making if OSHA's administrative reforms do not achieve effective regulation.

Recommendation 87-11, Alternatives for Resolving Government Contract Disputes, calls on Congress, the Executive, boards of contract appeals, and major contracting agencies to take steps to create an atmosphere in which alternative means of dispute resolution can be readily employed, and it further offers advice on using ADR methods, locating neutrals, and training relevant personnel.

Recommendation 87-12, Adjudication Practices and Procedures of the Federal Bank Regulatory Agencies, recommends steps the federal bank regulatory agencies should take to increase the consistency of, and otherwise improve, their decisions in enforcement adjudications.

Recommendations of the Administrative Conference are published in full text in the **Federal Register** upon adoption. Complete lists of recommendations and statements, together with the texts of those deemed to be of continuing interest, are published in the *Code of Federal Regulations* (1 CFR Parts 305 and 310).

DATES: These recommendations were adopted December 17-18, 1987, and issued December 23, 1987.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Lubbers, Research Director (202-254-7065).

SUPPLEMENTARY INFORMATION: The Administrative Conference of the United States was established by the Administrative Conference Act, 5 U.S.C. 571-576. The Conference studies the efficiency, adequacy, and fairness of the administrative procedures used by federal agencies in carrying out administrative programs, and makes recommendations for improvements to the agencies, collectively or individually, and to the President, Congress, and the Judicial Conference of the United States (5 U.S.C. 574(1)).

At its Thirty-fifth Plenary Session, held December 17-18, 1987, the Assembly of the Administrative Conference of the United States adopted seven recommendations, the texts of which are set out below. These texts will be transmitted to the affected agencies and, if so directed, to the Congress of the United States. The Administrative Conference of the United States has advisory powers only, and the decision on whether to implement the recommendations must be made by each body to which the various recommendations are directed.

The transcript of the Plenary Session will be available for public inspection at the Conference's offices at Suite 500, 2120 L Street, NW., Washington, DC.

List of Subjects in 1 CFR Part 305

Administrative practice and procedure, Social Security, Medicare, Debt collection, Health and safety regulation, Alternative dispute resolution, Banking regulation.

PART 305—RECOMMENDATIONS OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1. The authority citation for Part 305 continues to read as follows:

Authority: 5 U.S.C. 571-576.

2. The table of contents to Part 305 of Title 1 CFR is amended to add the following new sections:

Sec.
305.87-6 State-Level Determinations in Social Security disability cases
305.87-7 A new role for the Social Security Appeals Council
305.87-8 National coverage determinations under the Medicare Program
305.87-9 Dispute procedures in Federal debt collection
305.87-10 Regulation by the Occupational Safety and Health Administration
305.87-11 Alternatives for resolving Government contract disputes
305.87-12 Adjudication practices and procedures of the Federal Bank Regulatory Agencies

3. New §§ 305.87-6 through 305.87-12 are added to Part 305 to read as follows:

VOL 52 ISS 250 DE 30 1987 UMI

§ 305.87-6 State-Level Determinations in Social Security disability cases.

In Fiscal Year 1986, nearly two and one half million individuals applied for disability benefits under two federal programs administered by the Social Security Administration: Retirement, Survivors, Disability and Health Insurance (RSDHI), and Supplemental Security Income (SSI). Payments made annually to their seven million beneficiaries totalled twenty-nine billion dollars during that period. Certain aspects of this enormous benefit program have recently been subject to close scrutiny to determine whether greater efficiency is possible.

In order to be eligible for either program, a claimant must meet medical and other criteria. The RSDHI program operates as an insurance plan. A worker qualifies by earning a sufficient amount of wages for a required period of time. By contrast, the SSI program is a welfare program whose non-medical criteria are met by a demonstration of need.

If a claimant meets the criteria for either plan, he or she must then meet the medical criteria for disability in order to establish eligibility for benefits. The basic statutory test is identical for both RSDHI and SSI:

"Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. 42 U.S.C. §§ 423(d)(1)(A); 1382c(a)(3)(A). [See also 43 U.S.C. § 423(d)(2)(A) which liberalizes the work requirement somewhat.]"

Claimants begin the application process by filing an application at a Social Security Administration office. If a claimant meets the non-medical criteria, the file is then forwarded to a federally-funded and SSA-regulated state Disability Determination Service (DDS) for a determination as to disability. A two-person team consisting of a "disability examiner" and medical consultant (a physician employed by DDS) reviews the medical evidence and reaches its decision. The claimant is not present at any time during the process.

A claimant who is dissatisfied with the initial determination (about 60% are denials) has 60 days in which to seek a reconsideration. Reconsiderations are also performed at the state DDS level, and are essentially a repeat of the initial determination process, but with different personnel acting as decisionmakers. The record may be supplemented at this time, but as with the initial determination process, the claimant does not appear. In FY 1986, about 40% of denied claimants (totalling 380,000) sought reconsideration and about 17% of those received favorable re-determinations.

Further review is available at the ALJ and Appeals Council stages. See Recommendation 87-7 for a description of these later review stages.

Several areas pertaining to the disability determination, hearing and review process have been subject to criticism. First, the current system, with its four tiers of successive review, often results in the replacement of one decisionmaker's determination with that of the next, but without necessarily improving the quality of any of the actual decisions. Second, because there is little cost to filing an administrative appeal (and everything to gain in doing so), there is correspondingly little incentive for a claimant to accept any unfavorable determination as final. Accordingly, there is a wide stream of cases all the way to the end of the process. Moreover, claimants whose cases are decided without a personal appearance before the decisionmaker (as is the case in three of the four review stages) frequently feel dissatisfied with the process, that they have not received their "day in court."

In addition, courts, members of Congress, and the system's clients have all indicated that their confidence in the system has deteriorated to the point that its integrity has suffered. The public's faith in the institution is essential to its success in the long run.

In efforts to improve the administration of the state-level determination process, the stage at which the caseload stream is the widest, Congress and SSA have engaged in some modifications of the system as well as some experimental procedures. By 1983, a large increase in appeals from terminations of benefits in continuing disability review (CDR) cases had begun to flood the system. In such cases SSA performs reviews on existing beneficiaries to determine whether the disability still exists. If the determination is negative, a notice of termination is sent, triggering the above-described review process. Congress reacted to this by passing Pub. L. 97-455, which gave the option to claimants of an "evidentiary hearing" at the reconsideration stage in all CDR cases. Although a moratorium in CDR cases slowed the institution of this procedure, it is now in place and specially trained hearing officers are conducting these relatively formal proceedings.

In 1984 (Pub. L. 98-460), Congress mandated demonstration projects in selected DDS offices to try a one-step proceeding, allowing a personal interview but eliminating the reconsideration step. In five states, the interview was to be used in initial determinations, and in five other states it was to be used in place of the evidentiary hearing in CDR cases. These demonstration projects are currently underway, and results are limited. Although preliminary, the experience with evidentiary hearings and the demonstration projects with personal interviews give rise to the following conclusions:

—Face-to-face procedures are more satisfactory to claimants than are paper reviews, resulting in claimants feeling that they received a fair hearing;

—Face-to-face procedures are helpful to decisionmakers, in many instances providing them with evidence not ascertainable from the paper file.

If the final results of the demonstration projects are consistent with these initial findings, it is probable that by implementing some kind of a face-to-face proceeding at the state level, awards of benefits that ultimately would be made later in the system will be made at the outset. This will have the effect of decreasing the caseload at later levels, both for ALJs and the Appeals Council, and for federal courts. Overall costs to the system would thereby be reduced as well.

At the request of the Social Security Administration, the Administrative Conference has undertaken a preliminary review of the disability determination process at the state level. The Conference makes the following Recommendations, based on that study.

Recommendation

The Conference supports Congressional and Social Security Administration (SSA) efforts to improve the procedure by which initial and reconsidered disability determinations are made by state Disability Determination Service (DDS) offices. Although existing experience with use of evidentiary hearings at reconsideration is sparse, and experiments using a single-step determination (after a personal interview, but without reconsideration) are at an early stage, some preliminary suggestions can be made to SSA:

1. Experiments and demonstration projects concerning use of face-to-face procedures at the initial determination stage should be continued and encouraged. SSA should conduct thorough and careful evaluations of both the evidentiary hearing procedure now used in continuing disability review (CDR) cases and the personal interviews now being tried in selected state demonstration projects and should make prompt reports to Congress.

2. Full implementation of evidentiary hearings (for other than CDR cases) or personal interviews (either at the initial or reconsideration stage) should await the final report on the current experiments by the Department of Health and Human Services (HHS).

3. HHS's reports concerning the use of face-to-face procedures should include consideration of the cost of full implementation of evidentiary hearings or personal interviews at the initial or reconsideration stage. Should cost considerations militate against full implementation of such hearings or interviews, SSA should consider the feasibility and fairness of permitting some kind of a hearing or interview on a discretionary basis subject to appropriate published guidelines where either the claimant's file, type of medical condition or the opinion of the examiner indicates that such a procedure would be of significant assistance to the ultimate determination.

4. In analyzing the results of the procedures and the ongoing experiments at the DDS level, SSA should develop accurate measures of efficiency and associated record-keeping requirements. Specifically, such measures of processing time should take into account post-interview time expended waiting for third party responses to requests for additional case development. Any measures of efficiency adopted by SSA should not serve to discourage the use of comprehensive interviews.

5. In analyzing the procedures and ongoing experiments (and in any future analyses), SSA should review the reasonableness of variations between DDS offices in their award rates and other aspects of case handling, in light of state-by-state variables that can affect the disability determination process.

6. SSA should proceed with caution before taking the position that face-to-face hearings or interviews at the DDS level would be an adequate substitute for the opportunity for an adjudicatory hearing before a SSA administrative law judge (ALJ). Rather, such modifications to the DDS process should be seen as a possible way of reducing the number of appeals to the later stages of the process.

7. Close scrutiny should be given to any legislative or other proposals to completely eliminate the reconsideration stage, taking into account the impact of that step on overall processing costs, and on the caseload at the ALJ stage. Any such proposals to convert the two DDS stages into a single stage should consider the need to allow some type of a face-to-face proceeding at that stage, as provided for in the demonstration projects.

8. Before instituting evidentiary hearings (for other than CDR cases) or personal interviews in all DDS offices, SSA should consider (a) decentralization of DDS offices into decisional units to minimize travel costs and (b) the need to select and train a sufficient number of personnel qualified to conduct such hearings or interviews.

9. The record in disability appeals should not be closed until completion of the ALJ stage—that point in the process at which claimants now are more likely to be represented by attorneys or other advocates.

10. SSA should conduct a study of: (a) The reference sources of claimants (e.g., referrals from state welfare agencies, private insurance carriers, etc.) to determine whether such referrals are a source of excessive numbers of claims that are later determined to be unmeritorious, (b) the nature of "dropouts," claimants who fail to pursue their appeal rights, to determine why this occurs, and (c) the number of claimants who reapply in lieu of appealing, and the reasons therefor.

§ 305.87-7 A New role for the Social Security Appeals Council.

The Social Security disability system is described generally in Recommendation 87-6 which focuses on the initial determination process at the state-level Disability Determination Service (DDS) offices. This Recommendation addresses the later stages of review by the Social Security Administration (SSA).[1]

The first stage of review by federal decisionmakers is the third step in the process for disability claimants. Claimants disappointed after state-level initial and reconsideration determinations may then demand a hearing before an administrative law judge (ALJ) employed by the Social Security Administration. About 65% of such claimants do so. This is the first time in the process (except in certain demonstration projects or cases involving the termination of benefits) that a claimant has a face-to-face encounter with the decisionmaker. The hearings are de novo, and generally follow Administrative Procedure Act guidelines. Approximately 50% of appeals taken to an ALJ hearing result in the award of benefits.

The fourth, and final, level of administrative review is to the Social Security Appeals Council. This twenty member body, created by regulation, and chaired by the Associate Commissioner for Hearings and Appeals, disposes of a staggering 50,000 cases annually. (About 40% of claimants who lose at the ALJ stage appeal.) In addition to appeals from ALJ decisions, the Appeals Council reviews, on its "own motion," selected cases where there has been a grant of benefits. The Appeals Council relies on analysts in its companion unit, the Office of Appeals Operations (OAO), to screen cases and make recommendations concerning disposition of the cases. Council members hold the same salary grade level as SSA ALJs. They perform purely a paper review on cases that are forwarded to them by OAO and assigned to them individually based on the geographical origin of the case. The Appeals Council acts on each appeal, although in most cases the request for review is summarily denied or dismissed. Because of the demands on each member (up to 500 cases per member per month), a typical case is likely to receive less than 15 minutes of paper review by the member. The Council almost never sits in panels or conducts oral arguments. In recent years, approximately 5% of the cases reviewed result in reversals (i.e., awards of benefits), and another 7 to 15% are remanded to the ALJ.

After exhaustion of state and federal administrative remedies, a claimant may seek judicial review in the federal district court. In the years 1981 to 1986 the number of new SSA disability cases filed in the courts ranged from 9,000 to 26,000 per year.

In past years, the Appeals Council has to some extent played a policy-relevant role. Yet, as its caseload increased, it was by necessity limited to a narrow case correction function. Accordingly, its members had little time to devote to policy matters. Recently, the Appeals Council has come under attack from many fronts, including Congress, claimants and their representatives, and academicians, who have questioned both the Appeals Council's usefulness as an additional step in the adjudicative chain and the resulting delays caused to claimants who wish to proceed to court.

Critics have complained that the rate of reversals is so low that it fails to compensate for the additional delay caused to claimants who wish to seek judicial review. The Conference's study noted that because its members are so driven by the "tyranny of the caseload," it has failed to take advantage of its unique position as the final administrative review body—one that sees a diverse number of disability cases, and accordingly, can detect emerging problems, and identify new issues to be resolved and policies to be developed. Thus, any capabilities it should have in promoting consistency of lower-level decisionmaking, and policy integrity throughout the system, are thwarted, and it is left with little more than a case-handling role.

The Social Security Administration requested the Administrative Conference to study and analyze the operation of the Appeals Council.

Serious consideration was given to recommending outright abolition of the Appeals Council. This view was premised on the Appeals Council's present inability to do little more than add one more layer to the already-lengthy review bureaucracy. (This criticism was not intended as a denigration of Appeals Council members, whom the study found to be competent, dedicated, and cooperative.) Before recommending such a drastic, and irreversible step, however, the Conference felt that an attempt should be made to use the unique perspective and expertise of the Appeals Council to help correct the existing problem. The Conference believes that fundamental changes are needed to reduce the Council's caseload to a more manageable volume, so that individual cases can be given more attention and the Council can be a significant contributor to agency policymaking. Accordingly, to implement a system-reform function for the Appeals Council, the Conference makes the following Recommendations for modification of its structure, purpose and operations.

While the recommendation anticipates a reduced volume of cases for the Appeals Council, the Conference believes that improved fact-finding will result from the changes in initial determinations (*see* Recommendation 87-6), and that this will compensate for diminished factual review at the Appeals Council stage.

Recommendation

1. The Social Security Administration (SSA) should, as soon as feasible, restructure the Appeals Council in a fashion that redirects the institution's goals and operation from an exclusive focus on processing the stream of individual cases and toward an

[1] The Conference has previously addressed elements of the Social Security appeals process (focusing primarily on the ALJ hearing stage) in Recommendation 76-2, Procedures for Determining Social Security Disability Claims, 1 CFR 305.76-2.

BEST COPY AVAILABLE

emphasis on improved organizational effectiveness. To that end, the Appeals Council should be provided the authority to reduce significantly its caseload and also be given, as its principal mandate, the responsibility to recommend and, where appropriate, develop and implement adjudicatory principles and decisional standards for the disability determination process. In particular, SSA should adopt the following structural reforms to improve the Appeals Council's ability to perform its new function.

a. *Focus on System Improvements.* SSA should make clear that the primary function of the Appeals Council is to focus on adjudicatory principles and decisional standards concerning disability law and procedures and transmit advice thereon to SSA policymakers and guidance to lower-level decisionmakers. Thus the Appeals Council should advise and assist SSA policymakers and decisionmakers by:

(1) Conducting independent studies of the agency's cases and procedures, and providing appropriate advice and recommendations to SSA policymakers; and

(2) Providing appropriate guidance to agency adjudicators (primarily ALJs, but conceivably DDS hearing officers in some cases) by: (a) Issuing, after coordination with other SSA policymakers, interpretive "minutes" on questions of adjudicatory principles and procedures, and (b) articulating the proper handling of specific issues in case review opinions to be given precedential significance. The minutes and opinions should be consistent with the Commissioner's Social Security Rulings. Such guidance papers should be distributed throughout the system, made publicly available, and indexed.

b. *Control of its Caseload.* On order to fulfill its responsibility to develop, and to encourage utilization of, sound decisional principles and practices throughout SSA, the Appeals Council must be empowered to exercise its review sparingly, so that it may concentrate its attention on types of cases identified in advance by the Appeals Council. These types of cases might include a small sample of random cases or categories identified by the Secretary of Health and Human Services from time to time. To that end, the Secretary should direct the Appeals Council to design a new review process, subject to the Secretary's approval, that would continue to be part of the available administrative remedy for a claimant dissatisfied with an administrative law judge's (ALJ's) initial decision, but that would enable the Appeals Council to deny a petition for review if the issues it sought to raise are deemed inappropriate for the Appeals Council's attention. If a petition for review is denied, the ALJ's decision should be deemed to be final agency action.

c. *Improved Review of Individual Cases.* The Appeals Council, given a reduced caseload, should upgrade its handling of individual cases. In particular the Council should:

(1) Work more collaboratively, including as appropriate, considering cases en banc or in panels;

(2) Encourage claimant's representatives to submit briefs (including *amicus* briefs) on selected issues and evaluate the benefits of encouraging oral arguments in appropriate cases (utilizing existing authority to reimburse participants as necessary);

(3) Write more elaborate opinions, providing better reasoning and legal analysis and relying less on boilerplate and verbatim recitation of records;

(4) Avoid substitution of judgment on ALJ factual determinations; [2]

(5) Significantly reduce the time needed to initiate or deny review of cases and issue a final decision in most cases within 90 days of accepting review, unless an extension or delay request by a claimant is granted for good cause; and

(6) Specify that once the period for accepting review has passed, ALJ decisions should be deemed to be final agency action, and should be subject to reopening by the Appeals Council only in accordance with existing standards.

d. *Enhancement of Status of Appeals Council.* SSA should improve the status of the Appeals Council and insure high caliber appointment by:

(1) Reducing the size of the Council so that the Council can meet and act more collegially;

(2) Upgrading the salary level of members so that it is one level above SSA ALJs;

(3) Providing the members, by regulation, with the same civil service protections as accorded to career service personnel and by providing ALJs who agree to serve on the Council with assurances that they will receive reappointment to their former position upon completion of service; and

(4) Establishing merit selection criteria for appointment to the Appeals Council, giving preference to prior experience as an ALJ.

e. *Enhancement of Support Systems.* SSA should improve the support system provided to its Appeals Council by reorganizing the Office of Appeals Operations, providing law clerks to assist members, and updating production and communication systems.

f. *Enhance the Appeals Council's Visibility.* The Appeals Council should enhance its visibility both inside and outside the agency by reinstating the "visiting ALJ" program,[3] instituting exchange programs with other SSA components, seeking publication of precedent by a recognized reporter service, and encouraging other outreach and bar-related activities.

2. If the reconstituted Appeals Council does not result in improved policy development or case-handling performance within a certain number of years (to be determined by Congress and SSA), serious consideration should be given to abolishing it.

§ 305.87–5 National coverage determinations under the Medicare Program.

In 1986, the Administrative Conference undertook a broad overview of the administrative procedures employed by the federal government (primarily the Health Care Financing Administration within the Department of Health and Human Services) in administering and deciding appeals under the Medicare program. Recommendation 86–5, *Medicare Appeals*, 1 CFR 305.86–5, urged the Health Care Financing Administration (HCFA) to improve its system for publishing, updating, and making accessible the standards, guidelines and procedures used in making coverage and payment determinations in the Medicare program. The recommendation also suggested some improvements in the administrative appeals system and listed some fruitful areas for further research.

This recommendation builds on Recommendation 86–5 by focusing on a major aspect of the Medicare program: the making of policy concerning what aspects of medical care are covered by, and therefore reimbursable by, the Medicare program. Implementation determinations must be made every day on a case-by-case basis by Medicare contractors (peer review organizations, carriers and fiscal intermediaries such as Blue Cross). In most of these cases the coverage question involves a determination of whether an item or service was medically necessary for the individual or was furnished in the appropriate setting. Typically, the Medicare contractor has considerable discretion in ruling on individual claims although that discretion is bounded by policy pronouncements made in various ways by HCFA. If an individual claim for reimbursement is denied by the Medicare contractor, the claimant (whether a beneficiary or provider of care) may appeal the denial of claims over $500 to an administrative law judge and then further appeal to a federal district court for claims over $1,000. Recent legislative restrictions, however, have further limited claimant's opportunities to challenge coverage determinations in court or before an ALJ, and it is difficult for equipment manufacturers to participate in or challenge national coverage determinations even though their financial stakes can be significant.

HCFA makes coverage policy in a number of ways.[1] In some cases Medicare contractors refer questions about new medical procedures or technologies to the HCFA regional or national office which makes an informal judgment for application in that case. In other cases HCFA makes "national coverage determinations" which apply in all future similar cases. Since the beginning of the program HCFA (and its predecessor agency) have made about 200 such national determinations on medical procedures and technologies, and the number made each year is growing. However, in its recent Federal Register notice, HCFA stated that a "national coverage determination" included any coverage policy published in any HCFA manual. Such rulings are published either in the Federal Register or the *Medicare Coverage Issues Manual*, although many other coverage policies are published in other manuals that are less widely available, and are not designated as national coverage determinations.

Although the making of these national coverage determinations constitutes rulemaking, HCFA does not use a notice-and-comment procedure in most cases. HCFA's Bureau of Eligibility, Reimbursement and Coverage normally simply makes rulings on coverage determinations referred from contractors unless it determines that a medical question is presented. In such cases the question is referred to the in-house HCFA Physicians Panel which meets in private to decide on these referrals. The Physicians Panel may recommend a further referral to the Public Health Service's Office of Health Technology Assessment (OHTA). Most referrals to OHTA are in the form of informal inquiries, without public notice, after which OHTA simply conducts in-house investigations and reports back to HCFA. Requests for full OHTA assessments, on the other hand, usually result in a Federal Register notice, and widespread consultation with affected groups. In either event OHTA makes a recommendation to HCFA which then makes and publishes the determination. Only then are the OHTA findings disclosed.

Except in these "formal OHTA assessments," beneficiaries, providers and manufacturers have no opportunity to participate in this policymaking process. Nor are the criteria used by HCFA and the Medicare contractors in making this policy identified or published. Moreover, once the policy is announced, opportunities to challenge it have been severely circumscribed by the 1986 Omnibus Budget Reconciliation Act. (Pub. L. 99–509, 9341; 42 U.S.C.A. 1395ff(b)(3) (1987)). The Act provides that administrative law judges may not review national coverage determinations in administrative appeals. It also limits judicial review by providing that national coverage determinations may not be held unlawful on the grounds of violation of the AP or lack of opportunity for public comment, and further provides that reviewing courts cannot overturn a denial based on coverage determinations without first remanding to HHS for supplementation of the record.

In Recommendation 86–5, the Conference recommended that HHS "introduce more openness and regularity" into these important determinations through "(1) [d]evelopment of published decisional criteria; (2) providing for notice and inviting comments in such cases, both in HCFA's decisionmaking process and in the process by which [OHTA] supplies recommendations to HCFA; and (3) providing for internal administrative review or reconsideration of such decisions." The Conference commends the recent HCFA notice and request for comments on its procedures as a good first step, but urges that further steps be taken to open up the decisional criteria and procedure to public participation and also urges Congress to consider modifying the statutory limitations on the review of the reasonableness and the procedural fairness of such national coverage determinations.

Recommendation

1. Publication of Procedures and Criteria Through Rulemaking

The Health Care Financing Administration (HCFA) should continue its recent steps toward describing and seeking comments upon the procedures it uses for making national coverage determinations in the Medicare program. HCFA should follow its recent informational notice with a notice-and-comment rulemaking proceeding setting forth the procedures as well as all decisional criteria for making national coverage determinations.

2. Elements of the National Coverage Determination Process

HCFA's proposed and final rule on national coverage determinations procedures and criteria should:

(a) Specify the procedure by which HCFA selects coverage questions that will be considered in this process;

(b) Identify and describe what categories of coverage issues will be left to the decision of Medicare contractors and HCFA regional offices; and address the extent to which, and the manner in which, significant coverage determinations made by contractors and regional offices can be identified and disseminated more widely;

(c) Provide for the opportunity for public comment prior to promulgation (or if that is infeasible, an opportunity for comment after adoption)[4] of *all* national coverage policies whether or not the determination is referred to the HCFA Physicians Panel or to the Office of Health Technology Assessment;

(d) Establish internal management controls to facilitate the timely processing of requests from Medicare contractors and petitions filed by beneficiaries, providers and other affected persons for initiation of a national coverage determination;[5]

(e) Develop techniques to encourage the HCFA Physicians Panel, the Office of Health Technology Assessment, and the Public Health Service to respond expeditiously to referrals; and

(f) Identify all publications in which coverage policy will be published, and the method by which those publications will be made reasonably accessible to beneficiaries and other affected groups.

3. Use of Negotiated Rulemaking

In addition to providing for a national coverage decisionmaking process that accords beneficiaries, providers, equipment manufacturers and other interested parties an opportunity to have input into the formulation of specific national coverage determinations; HCFA should in appropriate cases also consider use of elements of a negotiated rulemaking procedures.[6]

4. Modification of Recent Legislative Restrictions on Administrative and Judicial Review

Congress should reconsider and, at minimum clarify its intent,[7] with regard to the recent restrictions it placed upon administrative and judicial review of national coverage determinations. In so doing, Congress should:

(a) Consider whether to clarify the restriction against administrative law judge review of national coverage

---

[1] HCFA's procedures for making national coverage policy had not been published until April 29, 1987, when under court order, the agency issued a notice in the Federal Register describing its process (though not its criteria) and sought comments.

[2] In conjunction with this reliance on the record below, the Appeals Council should not permit new evidence to be introduced without good cause, although motions to remand to the hearing stage should be permitted. See Recommendation 76–2, ¶ (c)(1); 1 CFR 305.76–2(c)(1).

[3] The visiting ALJ program allowed for one-month temporary duty by an ALJ on the Appeals Council. SSA should consider longer intra-agency details in the future.

[4] The agency should then re-evaluate the policy after receiving comments. See ACUS Recommendation 76–3, *Interpretive Rules of General Applicability and Statements of General Policy*, 1 CFR 305.76–6.

[5] See ACUS Recommendation 86–6, *Petitions for Rulemaking*, Para. 2(d), 1 CFR 305.86–6(2)(d).

[6] See ACUS Recommendations 82–4 and 85–5, *Procedures of Negotiating Proposed Regulations*, 1 CFR 305.82–4, 85–5.

[7] In particular, Congress should, for the purposes of these restrictions, clarify its definition of "national coverage determination" and explain whether or not policies other than those concerning medical procedures and technologies and published in the Federal Register or *Medicare Coverage Issues Manual* are included.

determinations [42 U.S.C.A. 1395ff(b)(3)(A)] by (i) making clear that administrative law judges may review the application of such determinations to claimants and (ii) Specifying that this limitation only applies to those national coverage determinations that are properly published and indexed, and that have been issued after an adequate opportunity for public comment.

(b) Consider repealing 42 U.S.C.A. 1395ff(b)(3)(B), which restricts judicial review of procedures used in promulgating national coverage determinations.

(c) Eliminate the provision [42 U.S.C.A. 1395ff(b)(3)(C)] that limits reviewing courts' ability to review the validity of a national coverage determination applied in a particular case without first remanding the case to the agency for supplementation of the record.

§ 305.87-9 Dispute Procedures in Federal Debt Collection

The Debt Collection Act of 1982 (DCA)[1] was passed in response to concern over the vast amount of delinquent debt owed to the federal government and the haphazard collection record of many agencies. While Congress appears to have been concerned mainly with various mass loan and loan guarantee programs, most conspicuously the student loan programs, the effects of the Act extend well beyond such programs. The Act included about a dozen provisions designed to facilitate collection, in many instances by removing obstacles created by other federal statues and case law. It also contained provisions authorizing the use of collection agencies,[2] charging of interest and penalty fees, reporting of delinquent debtors to credit bureaus, and use of IRS information to locate debtors.

While the purpose of the DCA was to enhance collection efforts, Congress was also concerned about the due process rights of debtors against whom the government was to take action. In adopting provisions for collection by offset against salaries and other money owed by the federal government, Congress provided for pre-offset opportunities for debtors to contest the relevant debts. Agencies implementing the offset authority under the DCA have used advantageously the latitude afforded under the DCA to develop a range of procedures. The Act provides two basic forms of debt collection by offset—"salary" offset and "administrative" offset—with differing procedures for each. A proceeding with an independent decisionmaker and adversary factfinding has been required in most salary offsets, and by a few agencies elsewhere. A range of less formal models, in which collection offices simply reconsider their decisions based on debtor-supplied data and other available information, has been employed in administrative offsets, i.e., those not involving the salaries of government employees.

The framework for offset dispute resolution established by the DCA, Federal Claims Collection Standards (issued jointly by the General Accounting Office and Department of Justice), and the Office of Personnel Management's Pay Administration Standards make possible reasonably adequate evaluation of disputes without seriously impeding collection of general government debts. No major changes are needed. However, the procedural requirements of the DCA and the OPM Standards are overly burdensome when applied to routine pay adjustments. Moreover, some advice to agencies on implementing their dispute processes, reducing uncertainty over the relationship of the DCA to other statutes (e.g., the Contract Disputes Act) affecting government claims, and some other issues raised by the DCA's attempt to integrate due process with effective debt collection, may be useful as agencies make greater use of their authority to collect debts.

Recommendation

1. Agency Procedures Under the Debt Collection Act

a. In connection with salary offsets, the General Accounting Office and Department of Justice should amend the Federal Claims Collection Standards[3] and the Office of Personnel Management should amend the Pay Administration Standards[4] so as to reduce the formality of procedures for handling routine adjustments of pay and travel allowances. Informal forms of review, including review on a "class" basis where a single error has a broad effect, should suffice in most cases involving computer errors, simple miscalculations, and similar kinds of mistakes or adjustments.

b. In connection with administrative offset, informal types of intra-agency review procedures appear consistent with the purposes of the DCA, and can provide a satisfactory balance between protecting debtors and assuring effective collection.[5] However, agencies should ensure, where possible, that the reviewer does not participate in the initial claims determination, particularly where a dispute involves substantive issues that go beyond allegations of mechanical or other simple kinds of error.

c. Procedures with an independent decisionmaker and adversarial factfinding may occasionally be desirable in administrative offset cases where a debtor raises relatively complex legal or factual issues or where assessments of credibility are required. However, these procedures may be needlessly burdensome for agencies even in some procedurally complex situations, such as where other proceedings with respect to the claim may be occurring and preservation of the government's flexibility is necessary. Taking into account these factors, agencies should consider whether to make use of such procedures even though apparently not required to do so by the DCA.

d. Agencies should take steps to enhance the awareness of, and access to, offset dispute procedures by debtors with limited ability to present a case in writing or otherwise cope with offset procedures. These steps may appropriately be confined to measures that are inexpensive and do not significantly interfere with efficient collection activity. Examples might include follow-up telephone calls to debtors with vague or inadequate written submissions, review of agency records to see if they support debtor allegations, and use of telephone hearings. In connection with salary offset disputes, these steps should be taken by independent hearing officials (or persons associated with them) as well as by collection staff. Experience should be monitored to see if measures to enhance accessibility of the dispute process in fact result in more debtors asserting meritorious defenses.

e. Some techniques that have been employed and should be considered to keep offset procedures expeditious and efficient are:

(i) Adoption of objective criteria to assist in making decisions respecting hardship and other potentially nebulous matters; and

(ii) Avoiding the need for oral hearings on issues of credibility by treating debtors' factual allegations as proven where

(a) Circumstances do not give rise to significant doubts as to reliability and

(b) Either the amount in dispute is small or the issue of credibility is not critical to the disputed facts.

---

[1] 4 U.S. Code 552a (b) and (m), 5514; 18 U.S.C. 2415(i); 31 U.S.C. 3701, 3711(f), 3716–3719; Pub. L. No. 97–365.

[2] The Act was later amended to authorize, on an experimental basis, contracting with private attorneys to bring collection actions.

[3] 4 CFR Parts 101–105

[4] 5 CFR 550.1101–1106

[5] This recommendation should not be read as detracting from the procedures for resolving disputes relating to federal grants that were recommended by the Conference in Recommendation 82-2, 1 CFR 305.82-2. Where administrative offset issues are addressed at the same time as post-award grant disputes, the proceedings should include a notice, an impartial decisionmaker, an opportunity to present significant evidence and argument, and a written decision, as called for in Recommendation 82-2.

2. Clarifying the Act's Relation to Offsets in Government Contracts

a. Congress should clarify the applicability of the DCA provision on administrative offset (31 U.S.C. 3718) to make clear that government acquisition contracts are not covered, but that the government retains the right of offset to collect debts in such cases. At the same time, Congress should ensure that, under relevant agency procedures, before a contracting officer's decision can serve as the basis for offset under any other authority,

(i) The contractor receives notice of the proposed government claims and the basis for them and an informal opportunity to present its position, and

(ii) The decision is informally reviewed by an agency official not directly connected with administering the contract.

b. The withholding of funds in connection with a single contract, where final payment has not occurred, should continue to be governed by existing law.

§ 305.87-10 Regulation by the Occupational Safety and Health Administration.

This is the second of two recommendations adopted by the Administrative Conference this year on Occupational Safety and Health Administration (OSHA) regulation. In its first recommendation,[1] the Conference recommended that OSHA make specific changes in its management of rulemaking and its process for establishing regulatory priorities. At that time, the Conference accepted OSHA's request that it continue to study possible broader changes in its regulatory process, including alternatives to the traditional hazard-by-hazard[2] regulation.

Having completed this study, the Conference recommends more extensive procedural changes to assist OSHA in fulfilling its statutory mandate of assuring adequate safeguards for American workers. OSHA has promulgated a small number of safety and health standards each year using the traditional hazard-by-hazard approach.[3] But the task before the agency is overwhelming existing processes. OSHA is responsible for regulating dangerous chemicals included in the tens of thousands of chemicals in the nation's workplaces, to which approximately one thousand new chemicals are added each year. OSHA also is charged with enforcing safety standards in American workplaces.

The Conference, therefore, recommends that OSHA undertake rulemaking to develop generic or class standards, including updating the 1971 national consensus standards, where appropriate. In addition, the Conference recommends a regulatory planning process and use of other procedures to supplement its traditional rulemaking process. It is important to add, however, that the Conference has found no alternative regulatory approach that is always appropriate or better than the traditional regulation. Rather, this recommendation identifies factors or conditions that favor the use of the various alternative regulatory approaches.

One uncertainty clouding OSHA's use of generic or class rulemaking is whether OSHA can obtain the information it needs to meet the burden of proof required by the Occupational Safety and Health Act ("Act") for safety and health standards. As interpreted by the courts, OSHA is required to show that a hazard poses a "significant risk" to workers and, if so, to set the standard at a level that assures "to the extent feasible" that no employee will suffer "material impairment of health or functional capacity." If OSHA is unable to obtain the information needed for its risk and feasibility determinations, the use of generic rulemaking, as well as other internal reforms, is not likely to lead to a more efficient regulatory process.

Experience with generic or class rulemaking may show that statutory changes are required to enable OSHA to adopt this procedure. The Conference, therefore, recommends amendments of the Occupational Safety and Health Act that Congress should consider if OSHA's administrative efforts to promulgate generic standards are not successful. One recommendation is that Congress provide an expedited procedure for updating the 1971 Table Z national consensus standards. The Conference also recommends that Congress reconsider the Act's regulatory standard in light of its judicial construction and agency experience. Specifically, Congress should consider giving OSHA greater flexibility in fashioning remedies to correspond to the level of workplace risks. Congress, for example, could allow OSHA to regulate some hazards to a level of "best available technology," as the Environmental Protection Agency is allowed to do under various statutes. The Conference also recommends that the Act's rigid statutory deadlines and detailed restrictions on advisory committees be removed. A final recommendation is that Congress replace the Act's "substantial evidence" judicial review standard with a standard that reflects the nature of rulemaking decisions.

Recommendation

1. *Updating the 1971 Consensus Standards.* The Occupational Safety and Health Administration, as an interim step, should continue to update the Table Z national consensus standards adopted in 1971 if updating can be accomplished by an expedited rulemaking procedure (*e.g.*, including more concise preambles) appropriate to the nature of the revised Table. OSHA should update the 1971 standards on a generic basis (*i.e.*, include multiple standards in one proceeding) when consensus recommendations are available, which are generally accepted by employers and workers in the affected industries, and when the new standards can be evaluated on the basis of risk and feasibility information reasonably available to the agency. This interim step should not interfere with OSHA's continuing responsibility to promulgate and modify safety and health standards.

2. *Rulemaking to Develop Generic or Class Standards.* OSHA should expand its use of generic or class standards regulating multiple health and safety hazards where appropriate and consistent with its legal mandate.

a. *Industry-wide standards.* OSHA should consider the following criteria when deciding if industry-wide generic standards will be more efficient and effective than hazard-by-hazard regulation: (1) Whether hazards are in an industry that can be discretely defined, (2) whether most of the hazards to be regulated are unique to the industry to be regulated, (3) whether the hazards in the industry are relatively static over time, and (4) whether industry-wide rulemaking will impose lower aggregate compliance costs on the regulated industry than rulemaking on a hazard-by-hazard basis.

b. *Multi-hazard standards.* OSHA should consider adopting multi-hazard standards whenever scientific knowledge and policy judgment make it possible to use the same or a similar risk assessment for a group of included hazards and the feasibility analysis can be simplified or expedited because standard abatement techniques are available.

c. *Generic work-practice standards.* OSHA should consider adopting work-practice standards (*e.g.*, training, worker protective devices, and engineering controls) applicable to multiple industries when the following factors are present: (1) A similar hazard exists in the industries that can be regulated by one rule, (2) the same or a similar work-practice requirement would be effective in all such industries, and (3) generic risk and feasibility findings are appropriate.

3. *Regulatory Alternatives and Procedures.* In addition to generic or class rulemaking, OSHA should adopt the following rulemaking alternatives and procedures as appropriate:

a. *Performance standards.* OSHA should generally use performance standards (*i.e.*, standards that prescribe

---

[1] ACUS Recommendation 87-1, Priority Setting and Management of Rulemaking by the Occupational Safety and Health Administration, 52 FR 23629 (1987).

[2] As used in this recommendation, the term "hazard" without further modification refers to both safety hazards and health hazards (*e.g.*, exposure to toxic substances).

[3] During its first sixteen years, OSHA promulgated eighteen new health standards (setting permissible exposure limitations for twenty-three substances) and twenty-six safety standards.

the regulatory result to be achieved) whenever they will provide equivalent protection as that provided by design standards (*i.e.*, standards that prescribe a specific technology or precise procedure for compliance). In deciding which type of standard to employ, OSHA also should consider whether the standard can be readily understood and monitored and whether it may lower industry compliance costs.

b. *Information disclosure.* OSHA should continue to approve information disclosure requirements as a complement to regualtory standards.

c. *Negotiated rulemaking.* OSHA should continue to experiment with negotiated rulemaking procedures; [4] in so doing it should develop methods (such as specific deadlines for termination of any negotiation) to assure that the negotiated rulemaking procedure is discontinued in a timely manner if it is not working.

d. *Advisory committees.* OSHA should reactivate rulemaking advisory committees for difficult scientific and technological questions. The scientific orientation in such committees should be assured by including a high proportion of independent and government scientists on committees. In addition, questions assigned to such committees should be limited so that current statutory deadlines can be met. (*See also* section 5.c. below.) OSHA also should require its advisory committees to submit written reports which include the committee's evaluation of relevant data.

e. *Advance notice of proposed rulemaking.* OSHA should not routinely use advance notices of proposed rulemaking as an information-gathering technique; it should use an advance notice when information that is not available through other vehicles is likely to be forthcoming in response to such notice.

f. *Interagency coordination.* OSHA should continue to cooperate with other health and safety agencies and OMB to coordinate where possible the testing, evaluation, and regulation of potential health hazards.[5]

4. *Developing a Regulatory Plan.* OSHA should periodically develop and review regulatory plans which specify how the agency intends to regulate hazards on its priority lists, including identification of potential candidates for generic rulemaking, negotiated rulemaking, use of advisory committees and other regulatory approaches or techniques. To avoid duplication, OSHA should coordinate its regulatory plans with any submission required by the Office of Management and Budget.

a. *Regulatory planning committee.* OSHA should assign the initial responsibility for developing regulatory plans to an internal regulatory planning committee that includes representatives from all appropriate department and agency offices.

b. *Public availability.* OSHA should make a synopsis of the results of regulatory planning committee meetings available to the public after the Assistant Secretary has had an opportunity to review any proposed committee recommendations. In addition, OSHA should periodically provide an opportunity for public comment on its regulatory plan.

5. *Statutory Change.* OSHA should include in its periodic reports to Congress the status of its implementation of the administrative changes recommended in paragraphs 1 through 4 above. If statutory impediments or judicial decisions inhibit efficient and effective regulation, Congress should consider amendments of the Occupational Safety and Health Act, including the following:

a. *Consensus standards update.* Congress should amend the Act to provide an expedited procedure for the generic updating of the permissible exposure levels in Table Z, incorporated into OSHA standards at 29 CFR 1910.1000. This procedure, while not including all the steps specified in 29 U.S.C. 655(b) as construed by the courts, should afford an opportunity for public comment.

b. *Regulatory standard.* Congress should amend the Act to give OSHA greater flexibility in regulating workplace hazards. Following its experience in envioronmental regulation,[6] Congress should consider establishing a classification scheme that would vary OSHA's burden of justification for safety and health standards to correspond to the degree of risk posed by a hazard and the level of control to be required by the OSHA standard.

c. *Rulemaking deadlines.* Congress should amend the Act to replace the existing statutory deadlines for various stages of rulemaking with a provision requiring OSHA to set timetables or deadlines for each rulemaking proceeding.[7]

d. *Advisory committees.* Congress should amend 29 U.S.C. 656(b) to replace the detailed restrictions on standard-setting advisory committee membership with a general provision authorizing use of advisory committees subject only to the Federal Advisory Committee Act, 5 U.S.C. App.

e. *Judicial review standard.* Congress should amend the standard of judicial review for OSHA safety and health standards, 29 U.S.C. 655(f), so that agency policy judgments are subject to the traditional standard of "arbitrariness" and the factual premises on which they are based are subject to a standard of "substantial support in the administrative record viewed as a whole." [8]

[4] The Conference has previously provided guidance to agencies on the use of negotiated rulemaking, see ACUS Recommendations 82-4 and 85-5, Procedures for Negotiating Proposed Regulations, 1 CFR 305.82-4, 85-5 (1987).

[5] The need for interagency coordination of federal regulation of cancer-causing chemicals is addressed in Part II of ACUS Recommendation 82-5, 1 CFR 305.82-5 (1987).

[6] Under the Federal Water Pollution Control Act, 33 U.S.C. 1251-1376 (1982), and the Clean Air Act, 42 U.S.C. 7401-7642 (1982), Congress has authorized different classes of regulation, specified an initial designation, established a lower burden of proof for regulation that is less strict, and has indicated that the agency is to receive deference for its final choice of which class of regulation to apply. A similar approach is used for Food and Drug Administration regulation under the Medical Devices Amendments to the Food, Drug, and Cosmetic Act, 21 U.S.C. 360c-360k (1982).

[7] *See* ACUS Recommendation 76-3, Time Limits on Agency Actions, 1 CFR 305.76-3 (1987).

[8] The recommended standard follows ACUS Recommendation 74-4, 1 CFR 305.74-4, ¶¶ 3, 4 (1987). It is also consistent with the Restatement of the Scope of Review Doctrine adopted by the Administrative Law Section of the American Bar Association.

§ 305.87-11 Alternatives for Resolving Government Contract Disputes.

Government procurement is a major component of federal spending. It now comprises an important part of the nation's economy. The recent expansion of government contracting has been matched, perhaps exceeded, by the rise in disputes between agencies and contractors. Increasingly, management problems are handed over to lawyers and accountants to be resolved contentiously by criteria that are often only marginally relevant. Causal factors include increased regulatory requirements; reduced authority of agency contracting officers; a greater willingness among contractors to resort to litigation; an expanding government contracts bar; broadened notions of due process; enhanced congressional oversight that can discourage settlement; and the establishment (or expansion) of offices of inspector general and intra-agency audit offices.

Most knowledgeable government officials, contractors and attorneys agree that government contract appeals have become too onerous, too expensive and too time-consuming. Despite Congress' goals in enacting the Contract Disputes Act of 1978 ("CDA") to provide an expeditious alternative to court litigation and to encourage negotiated settlements, most appeals are not now resolved either promptly or inexpensively. Agency boards of contract appeals ("BCAs"), originally intended to be alternatives to courts, have become "judicialized," with depositions, discovery and lenghty opinions common.

The system established by the CDA [1] begins with the contracting officer ("CO"), an agency official whose function is to enter into and administer government contracts. Any claim arising out of a contract is to be presented to the CO. The CO has a dual role: to represent the government as a party to the contract, and also to make initial decisions on claims subject to certain procedural safeguards. If the dispute is not amicably resolved, the CDA requires the CO to issue a brief written decision stating his or her reasons. A contractor dissatisfied with a CO's decision may appeal either to an agency BCA or directly to the United States Claims Court. The proceedings become considerably more formal at this stage. While agency boards and their rules are hardly uniform, they typically involve written notice of appeal and complaint, discovery, depositions, subpoenas, hearings that result in transcripts, and board decisions signed by three-member panels. "Accelerated" procedures are available for claims under $50,000, and a more streamlined "expedited" process for claims under $10,000.

A variety of remedies have been prescribed for the growing cost, delay, and other problems encountered in federal disputes. They range from marginal revisions of the boards (e.g., enlargement of BCA resources), to increased professionalization of COs, to structural changes in the ways agencies do business. While a number of these proposals have merit, the Conference is focusing herein only on the cluster of methods that have come to be known as alternative means of dispute resolution ("ADR").[2] These methods are consistent with the CDA's goals, and have proven efficient and fair. They serve to involve decisionmakers, rather than their representatives, in the conflict resolution process. ADR methods have regularly aided private parties to resolve disputes similar to those decided by BCAs.

Several ADR methods are particularly appropriate to resolving many government contract claims, and a few agencies have begun to experiment successful with them. The Conference urges all major contracting agencies, and persons who deal with them, to explore seriously the potential uses for ADR and to begin creating an atmosphere in which these methods can be readily employed.[3]

[1] 41 U.S.C. 601,613; 5 U.S.C. 5108 (c)(3); 28 U.S.C. 1346(a) (2), 149(a) (2), 2401(a), 2414, 2510, 2517; 31 U.S.C. 1304(a)(3)(C) (1982); enacted November 1, 1978 by Pub. L. No. 95-563, 92 Stat. 2383.

[2] These include arbitration, factfinding, minitrial, mediation, facilitation, convening, conciliation, and negotation.

[3] The Conference has repeatedly recommended that agencies employ ADR. Recommendation 86-3 calls on agencies to make greater use of mediation, negotiation, minitrials, and other "ADR" methods to reduce the delay and contentiousness accompanying many agency decisions. *Agencies' Use of Alternative Means of Dispute Resolution*, 1 CFR 305.86-3. The Conference has previously called for using mediation, negotiations, informal conferences and similar innovations to decide certain kinds of disputes more effectively. E.g., *Procedures for Negotiating Proposed Regulations*, 1 CFR 305.82-4, 85-5; *Negotiated Cleanup of Hazardous Waste Sites Under CERCLA*, 1 CFR 305.84-4; *Resolving Disputes under Federal Grant Programs*, 1 CFR 305.82-2.

[4] Such arbitration authority should be consistent with the procedures and safeguards set forth in Conference Recommendations 86-3, *id.* and 87-5, *Assuring the Fairness and Acceptability of Arbitration in Federal Programs*, 1 CFR 305.87-5.

[5] 48 CFR Part 7

This recommendation offers advice on the application of commonly used ADR methods to post-award contract disputes before agency boards of contract appeals.

Recommendation

1. Agencies' ADR Policies and Practices

a. Congress should amend the Contract Disputes Act (1) to make indisputably clear that the contractor and the government may agree to use arbitration [4] or any other mutually agreeable ADR procedures for resolving claims relating to agency contracts and (2) to encourage COs to make all reasonable efforts to resolve a claim or dispute consensually, either prior to issuance of a CO decision or subsequently.

b. The President should promulgate an Executive Order that encourages voluntary use of ADR procedures to resolve contract disputes at the CO and BCA levels.

c. The Office of Federal Procurement Policy should issue a policy statement, and the Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council should amend the Federal Acquisition Regulation,[5] to encourage COs, before issuing a decision likely to be unacceptable to a claimant, to recommend to the parties and their representatives that they seek to explore the use of ADR to resolve their differences. The policy statement and FAR should also encourage agencies to adopt policies or rules concerning ADR, as set forth below.

d. Agencies should adopt policies encouraging voluntary use of ADR in contract disputes. The policies should place the responsibility for implementing ADR with contracting officers, government counsel, and BCA judges. These policies should make clear that superior agency officials will support reasonable settlements reached by means of properly selected ADR methods. The policy should also provide for systematic review of all cases for susceptibility to ADR, specify who has authority to approve the selection of case for ADR, and set forth guidance on documenting the negotiation processes or justifying settlements. Agencies should also consider, as a matter of general policy, offering certain forms of ADR to contractors in specified kinds of disputes (e.g., those involving less than a stated maximum amount).

e. Agencies should adopt regulations that (1) authorize agency officers to make use of ADR in contract disputes; (2) make provisions for automatically alerting the parties, both at the CO level and as soon as an appeal is filed, that one or more ADR methods is available; (3) authorize BCA judges to encourage ADR use and to require the attendance, at any conference held for the purpose of proposing or implementing ADR, of at least one representative of each party who has authority to negotiate concerning the resolution of all issues in controversy; (4) briefly describe the alternative procedures; (5) authorize the parties to agree to vary any procedural rule in their case; and (6) insure confidentiality of communications made during use of ADR methods.

f. Agency boards of contract appeals should:

(1) Routinely include in docketing notices an announcement indicating the availability of ADR, describing the available methods, and telling how interested persons can follow up to explore potential ADR use in their cases.

(2) Amend their procedural rules to provide explicitly for conferences to consider the possible use of ADR in each case to help dispose of any or all issues in dispute.

g. Presiding and chief judges at BCAs should regularly review their dockets and suggest use of a settlement judge, mediation, minitrial, or other ADR methods whenever appropriate.

2. Employing Alternatives in Contract Disputes

a. Finding Neutrals [6]

(1) To facilitate the parties' choice of appropriate neutrals, the Administrative Conference, in consultation with the Federal Mediation and Conciliation Service and other knowledgeable groups, should establish a central roster of minitrial advisors and other neutrals available to help resolve government contract disputes. Use of the list, however, should not be mandatory. The list should include, at a minimum:

(a) All persons who have experience as neutral advisors in government contracts minitrials;

[6] In Recommendation 86-8 *Acquiring the Services of "Neutrals" for Alternative Means of Dispute Resolution*, 1 CFR § 305.86-8, the Conference addressed issues involving neutrals' availability, qualifications and acquisition. The present Recommendation seeks to elaborate on 86-8 in the specific context of contract appeals.

VOL 52 ISS 250 DEC 30 1987 UMI

(b) Any BCA judges and administrative law judges who wish to serve as neutral advisors for disputes within their own agency, another agency, or both. (Some safeguards to ensure interagency reciprocity and to assure no other involvement with the dispute may be necessary); and

(c) Any retired federal or state court judges, BCA judges, and administrative law judges who are interested.

(2) Each BCA should take steps to make available its judges to serve as settlement judges, minitrial advisors, or other neutrals to help resolve disputes before other agencies' BCAs.

b. Minitrials

(1) Agencies should develop and distribute minitrial guidelines that include sections dealing with criteria for identifying appropriate cases; contents of minitrial agreements; rules as to any discovery; roles of the participants, including any neutral; authority of the principals; exchange of position papers, audit reports, quantum submissions, and other documents and exhibits; procedure and format of the hearing; possible time limit on the negotiations; fees and expenses; and procedures for ensuring the confidentiality of the proceedings. The guidelines, which should be used only as procedural suggestions, should also give each party the right to terminate the minitrial procedure at any time for any reason. Any guidelines acceptable to the parties, together with other provisions relevant to the resolution of the dispute, should be incorporated.

(2) In selecting principals to represent the agency in a minitrial, agencies should ensure that principals in the minitrial agreement:

(a) Are of sufficient rank in the agency to negotiate, and successfully defend, a binding settlement.

(b) Have authority to bind their organizations in the dispute at hand, or at least to make recommendations that will be accorded substantial weight.

(c) Ideally have little prior involvement with the case so as to be able to evaluate objectively the issues and the agency's potential liability.

(d) Have enough background to grasp the main issues quickly.

(e) Not be at such a high level that his or her involvement will detract in a major way from the agency's operations.

Agencies should meet the concerns by, among other things, tailoring the rank of the principal to suit the magnitude of the case and by encouraging ADR use earlier in the case (e.g., the CO level).

(3) Agencies should take steps to make participation as a principal an attractive career step and encourage or provide training in negotiation and mediation skills among groups of potential principals.

(4) Principals should generally have access to technical, legal, accounting, or other advice from agency staff during the hearings and negotiations so as to produce a more well-informed, defensible resolution, enhance accountability, and build intra-organizational support for any settlement. Unless secrecy in especially important, it will ordinarily be unwise to sequester most minitrial witnesses, particularly experts, since a looser format may encourage dialogs or exchanges that can help focus issues and sometimes promote agreement.

(5) Once the principals have had a chance to assess the strengths and weaknesses of both sides' positions, their negotiations should take place promptly and should be final and binding. The responsible principals ordinarily should have authority to resolve all issues before them without seeking further agency approval following the close of negotiations.

(6) While the "neutral advisor" who helps the principals at a minitrial assess the merits of a case can be quite useful, the parties should consider foregoing such aid in cases where the principals already have a good working relationship, where issues are simple or amounts small, or, conversely, where complex technical issues predominate to such an extent that it would be futile to waste time trying to educate a neutral. Neutrals probably will also be less needed where the minitrial occurs early on—for instance, at the CO level—when positions may be less rigid, formal procedures not yet invoked, and fewer parts of the agency involved. In those cases, the CO might well serve as a sort of presider-principal.

(7) A neutral advisor's role should be defined by the parties (at least tentatively) prior to the hearing by the principals. Any shift during the proceeding should be only with the concurrence of the principals.

(8) Where minitrial neutral advisors are used, the parties should consider whether to seek their assistance in any of the following ways:

(a) Presiding over the hearing;

(b) Serving as a source of information, responding to technical legal questions, or offering insights and observations on issues in controversy;

(c) Posing questions at the hearing so as to ensure that the basic facts are ascertained;

(d) Suggesting novel approaches to presenting relevant information;

(e) Working actively during the principals' negotiation sessions to aid settlement, as by advising each side on the strengths and weaknesses of its case, relevant legal principles, and how the law might apply to the facts established;

(f) Serving as a mediator;

(g) Suggesting that certain advisors or staff members be brought into the negotiations or briefed; or

(h) Providing a written, nonbinding opinion to the principals, or helping them prepare a justification for the settlement agreed on.

c. Mediation

Agency boards of contract appeals should establish mediation programs in which parties can be required to attend an initial session with a mediator. The boards should require parties to be represented at the session by a person with authority to negotiate concerning the resolution of all issues in controversy. The boards may wish to exclude from these programs certain kinds of cases. Counsel should be required, where appropriate, to provide specified documents to the mediator, and to prepare short position papers.

d. Settlement Judges

(1) Agency boards of contract appeals should institute a procedure under which a settlement judge—not the presiding judge in the case—may be appointed to preside over settlement conferences or negotiations, assess settlement potential, and work with the parties to explore possible settlement of a dispute. The settlement judge device should be capable of being invoked at the discretion of the chief judge on his or her own motion or that of any participant or the presiding judge. An order appointing a settlement judge should specify whether, and to what extent, the proceeding is suspended during the settlement negotiations and may define the scope of any negotiations to specified issues. The order may also expressly limit the period for settlement negotiations and require a brief report from the settlement judge. Each party should have the right to refuse to use the process, or to withdraw at any time.

(2) The settlement judge should be deemed to have the power to suggest privately what concessions a party should consider, to confer privately as to the reasonableness of each party's case or settlement position, and to require that representatives with authority to negotiate concerning resolution of all issues in controversy be present at the settlement conference. The settlement judge shall be prohibited from discussing the merits of a case with any other BCA judge or other person, and shall not be called as a witness in the case.

3. Documentation and Oversight

a. Agencies should offer guidance to their personnel on the degree of documentation that is appropriate to justify settlements that have been reached via ADR; the guidance should emphasize the needs for flexibility without undermining accountability. For instance, the guidance could require the principal representing the agency in negotiations or his advisor to set down cost and other factors taken into consideration, the principal elements of the negotiation, likelihood of success at trial, and other significant facts or considerations justifying any significant differences between prenegotiation objectives and negotiated result; in short, a reflection of the thought process or rationale of officials who agreed to the settlement. This documentation should not exceed what would ordinarily be used to justify negotiated settlements of contract disputes, and should generally be written after the fact so that ongoing negotiations are not jeopardized or delayed. A neutral advisor who has helped the parties resolve a potentially serious case may be asked to help draw up the justification memo, or offer a brief advisory decision.

b. Since the effectiveness of expanded reliance on ADR will depend in part on the degree of support or opposition from congressional committees and offices of inspector general, agencies should seek to document, and furnish periodically to relevant committees and oversight offices information on, the relative costs and benefits of ADR methods in cases where they have been used. Documentation should include case results, estimated savings, identities of principals and advisors, and nature of processes used.

4. Training and Outreach

a. Agencies should give priority attention to offering training in negotiation and other ADR skills to BCA judges, government attorneys, COs, and others involved in contract appeals. Training courses or seminars should be developed by agencies jointly or in cooperation with the Administrative Conference, Federal Mediation and Conciliation Service, Board of Contract Appeals Judges Association, American Bar Association, or other professional organizations. Agencies should also work with other interested groups to sponsor similar programs or outreach sessions for contractors and their representatives, and seek to incorporate materials on ADR into the training curricula for COs and project managers.

b. Agencies should designate an employee to serve as an ADR specialist in connection with contract disputes, and should consider retaining the services of a trained mediator or similar professional to review cases for susceptibility to ADR, advise BCA judges, and mediate selected cases.

§ 305.87-12 Adjudication practices and procedures of the Federal Bank Regulatory Agencies.

The five federal agencies that regulate the activities of depository institutions [1] have broad statutory enforcement authority, including the power to issue cease-and-desist orders, impose civil money penalties, or order the suspension and removal of officers. Such enforcement actions ordinarily allow the target of the proposed sanction to request a formal APA hearing before an administrative law judge.

In recent years, enforcement actions taken by the bank regulatory agencies have increased markedly, although the preponderance of these actions are taken without a formal hearing—based on consent agreements or waivers of formal hearing. The current level of formal hearings has, however, reached the point where attention should be paid to the procedures and practices of the bank regulatory agencies in this regard.

Three basic concerns have emerged from an evaluation of the formal hearing procedures of the bank regulatory agencies, which may be summarized as the need for: (1) Consistency and greater uniformity in the agencies' implementation of shared statutory reponsibilities, (2) greater accessibility of agency decisions and the basis for decisions, and (3) more efficient use of administrative law judges.

Although the Conference study did not specifically address the need for change in the division of regulatory responsibilities among the five agencies, it did conclude that the interpretation of identical or similar regulatory authorities does not appear to be inconsistent. By contrast, the formal hearing procedures of the agencies vary significantly, both in their specific provisions and in their level of detail. Moreover, all of the regulations are lacking in detail on rules concerning prehearing practice, discovery and evidence. Given the similar statutory bases for these enforcement actions, the five agencies jointly should be able to develop substantially similar rules of procedure and practice for formal enforcement proceedings.

There is currently limited publication or public dissemination of the bank regulatory agencies' enforcement decisions. This hinders counsel in advising and representing clients and makes it difficult for administrative law judges (who currently are all on loan from other agencies) to apply the complicated statutes and regulations that are involved. This situation would be remedied by improved availability or publication of appropriately redacted agency decisions. Such publication would heighten public awareness of enforcement actions which now are described only in aggregate data published in annual reports. This may be especially beneficial because the agencies have not regularly supplemented or clarified their enforcement policies through interpretive rules or policy statements.

None of the five agencies employs administrative law judges (ALJs) to hear enforcement cases. Rather, they rely exclusively on the interagency ALJ loan program administered by the Office of Personnel Management (OPM) to furnish them with needed ALJs. OPM has attempted to accommodate agency concerns by providing lengthier loan periods and repeat loans. Nevertheless, the system seems to produce needless discontinuity and inefficiency. To improve this situation, the bank regulatory agencies should, in consultation with OPM, consider the advisability of an arrangement by which a pool of administrative law judges could handle all bank regulatory agencies' formal adjudications—subject to an agency's decision to have its own ALJs, should the caseload warrant. If so, ways should be explored to effect such an arrangement. For example, one or more full-time judges could be hired by one of the agencies, which would then serve as the lending agency for the others.

Finally, the Conference urges the agencies to explore whether a pre-complaint procedure (modeled on that used by the Securities and Exchange Commission) would be appropriate in their individual circumstances and should be established. This would enable targets of enforcement investigations to file a submission to the agency head or other agency official charged with the responsibility to initiate formal enforcement proceedings, before such an action is initated.

Recommendation

The bank regulatory agencies should take the following actions to improve their formal adjudicatory processes, with respect to regulatory enforcement actions:

1. *Uniform Rules of Procedures.* The agencies should develop, so far as feasible, a uniform set of rules of practice and procedure for formal adjudications, including more explicit provisions covering prehearing practice

[1] The term "depository institutions" refers to commercial banks, savings banks and savings and loan associations, and credit unions. The five agencies are the Office of the Comptroller of the Currency (in the Department of the Treasury), the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board (including the Federal Savings and Loan Insurance Corporation), and the National Credit Union Administration. In the aggregate they will be referred to as the "bank regulatory agencies."

VOL 52 ISS 250 DEC 30 1987 UMI

and discovery rules [2] and the receipt of evidence.[3]

2. *Availability of Decisions.* The agencies should make available through regular publication, or other accessible means of dissemination, the appropriately redacted decisions and accompanying opinions issued in formal enforcement adjudications.

3. *Policy Articulation.* The agencies should supplement and periodically clarify enforcement policies set forth in adjudicative opinions by regularly articulating their enforcement policies through rules of general applicability (including interpretive rules) and policy statements.

4. *Administrative Law Judges.* The agencies, in consultation with the Office of Personnel Management, should consider the advisability of an arrangement by which a pool of administrative law judges could handle all bank regulatory agencies' enforcement adjudications required to be conducted according to the Administrative Procedure Act, and, if so, should explore ways to develop such an arrangement.

5. *Precomplaint Notice.* The agencies should explore, in their circumstances, the utility of establishing a formal or informal procedure to allow targets of investigations an opportunity to file a submission with the appropriate agency official before official action is taken to initiate an enforcement proceeding.

Jeffrey S. Lubbers,
Research Director.

Dated: December 23, 1987.

[FR Doc. 87-29772 Filed 12-29-87; 8:45 am]
BILLING CODE 6110-01-M

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Part 1303

Freedom of Information Reform Act of 1986; Revision of Fee Schedule, Fee Waiver Policy, and Law Enforcement Exemption

AGENCY: Office of Management and Budget.

ACTION: Final rule.

SUMMARY: The Office of Management and Budget (OMB) amends its Freedom of Information Act (FOIA) regulations to conform with provisions of the Freedom of Information Reform Act of 1986 (Pub. L. 99-570) regarding fees, fee waivers, and law enforcement records. As required by the Reform Act, OMB has developed these amendments pursuant to and in conformity with the Uniform Freedom of Information Act Fee Schedule and Guidelines (Fee Schedule and Guidelines) promulgated by OMB, 52 FR 10012 (March 27, 1987).

EFFECTIVE DATE: January 29, 1988.

FOR FURTHER INFORMATION CONTACT: Robert Damus, Office of General Counsel, Office of Management and Budget, Telephone (202) 395-5600.

SUPPLEMENTARY INFORMATION: The Freedom of Information Reform Act amended FOIA (5 U.S.C. 552) by modifying exemption 7 (pertaining to law enforcement records) and by adding new provisions relating to the charging and waiving of fees. In order to assist agencies in the task of amending their FOIA regulations to conform with these changes, the Reform Act specifically required OMB to develop, for the agencies' use, both a schedule of fees and guidelines for applying certain provisions of the Reform Act. After public notice and comment, OMB issued the Fee Schedule and Guidelines on March 27, 1987 (52 FR 10012).

On August 19, 1987 (52 FR 31036), OMB published for notice and comment proposed amendments to OMB's own FOIA regulations (5 CFR 1303). At the end of the comment period, September 1, 1987, OMB had received 2 comments, both of which addressed exclusively the proposed fee provisions.

The comments primarily focused upon the proposed definitions of "commercial use request," "educational institution," and "representative of the news media," as well as the proposed rules governing (1) the calculation of computer search time for construing the Reform Act's automatic waiver of fees for the first two hours of search time, (2) charges for unsuccessful searches and (3) advance payment of fees. See §§ 1303.30(g)(h)(j); 1303.40(b)(3); 1303.60(b), (d). These definitions and rules are taken verbatim, in all material respects, from the OMB Fee Schedule and Guidelines (sections 6g, h, j; 7f; 9b, d; see 52 FR at 10017-20), to which the Reform Act requires agencies to conform their FOIA regulations. See 5 U.S.C.A. 552(a)(4)(A)(i) (1987 Pocket Part). Accordingly, OMB's adoption of these provisions requires no further explanation. In any event, OMB addressed these issues at length when promulgating the Fee Schedule and Guidelines. See 52 FR at 10013-17.

The only remaining comment questioned whether the proposed duplication charge of $.25 per page exceeded OMB's "reasonable direct costs of making such copies," under the governing standard in Section 7d of the Fee Schedule and Guidelines, 52 FR at 10018. Upon further examination, we have concluded that the reasonable direct duplication cost per page is $.175. For administrative efficiency, however, we will charge only $.15 per page. Section 1303.40(d) incorporates this change.

Finally, OMB had deleted from the final rule proposed § 1303.70(b):

> Fees otherwise chargeable in connection with a request for disclosure of a record shall be waived or reduced where—
> * * * * *
> (b) It is determined that the cost of collection would be equal to or exceed the amount of such fees.

The deletion has no substantive effect, but is intended merely for clarity. As amended by the Reform Act, the FOIA prohibits the charging of fees in the circumstances described in paragraph (b) above. See 5 U.S.C.A. 552(a)(4)(A)(iv)(II) (1987 Pocket Part). As a result, such fees are *not* "otherwise chargeable," see § 1303.40(b) below, and therefore cannot be "waived or reduced."

Accordingly, for reasons set forth in the preamble, 5 CFR Part 1303 is amended as follows:

PART 1303—[AMENDED]

1. The authority citation for Part 1303 is revised to read as follows:

> **Authority:** 5 U.S.C. 552, as amended by Pub. L. 93-502 and Pub. L. 99-570.

2. Section 1303.20(c)(7) is revised to read as follows:

> **§ 1303.20 Inspection, copying, and exceptions.**
> * * * * *
> (c) * * *
> (7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:
> (i) Could reasonably be expected to interfere with enforcement proceedings;
> (ii) Would deprive a person of a right to a fair trial or an impartial adjudication;
> (iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;
> (iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;
> (v) Would disclose techniques and procedures for law information investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or
> (vi) Could reasonably be expected to endanger the life or physical safety of any individual.

3. Section 1303.30 is revised, and §§ 1303.40, 1303.50, 1303.60 and 1303.70 are added to read as follows:

> **§ 1303.30. Definitions.**
> For the purpose of these regulations:
> (a) All the terms defined in the Freedom of Information Act apply.
> (b) A "statute specifically providing for setting the level of fees for particular types of records" (5 U.S.C. 552(a)(4)(A)(vi)) means any statute that specifically requires a government agency, such as the Government Printing Office (GPO) or the National Technical Information Service (NTIS), to set the level of fees for particular types of records, in order to:
> (1) Serve both the general public and private sector organizations by conveniently making available government information;
> (2) Ensure that groups and individuals pay the cost of publications and other services that are for their special use so that these costs are not borne by the general taxpaying public;
> (3) Operate an information dissemination activity on a self-sustaining basis to the maximum extent possible; or
> (4) Return revenue to the Treasury for defraying, wholly or in part, appropriated funds used to pay the cost of disseminating government information.
>
> Statutes, such as the User Fee Statute, which only provide a general discussion of fees without explicitly requiring that an agency set and collect fees for particular documents do not supersede the Freedom of Information Act under section (a)(4)(A)(vi) of that statute.
> (c) The term "direct costs" means those expenditures that OMB actually incurs in searching for and duplicating (and in the case of commercial requesters, reviewing) documents to respond to a FOIA request. Direct costs include, for example, the salary of the employee performing work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits) and the cost of operating duplicating machinery. Not included in direct costs are overhead expenses such as costs of space, and heating or lighting the facility in which the records are stored.
> (d) The term "search" includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. OMB employees should ensure that searching for material is done in the most efficient and least expensive manner so as to minimize costs for both the agency and the requester. For example, employees should not engage in line-by-line search when merely duplicating an entire document would prove the less expensive and quicker method of complying with a request. "Search" should be distinguished, moreover, from "review" of material in order to determine whether the material is exempt from disclosure (see paragraph (f) of this section). Searches may be done manually or by computer using existing programming.
> (e) The term "duplication" refers to the process of making a copy of a document necessary to respond to a FOIA request. Such copies can take the form of paper copy, microform, audio-visual materials, or machine readable documentation (e.g., magnetic tape or disk), among others. The copy provided must be in a form that is reasonably usable by requesters.
> (f) The term "review" refers to the process of examining documents located in response to a request that is for a commercial use (see paragraph (g) of this section) to determine whether any portion of any document located is permitted to be withheld. It also includes processing any documents for disclosure, *e.g.*, doing all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.
> (g) The term " 'commercial use' request" refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. In determining whether a requester properly belongs in this category, OMB must determine the use to which a requester will put the documents requested. Moreover, where an OMB employee has reasonable cause to doubt the use to which a requester will put the records sought, or where that use is not clear from the request itself, the employee should seek additional clarification before assigning the request to a specific category.
> (h) The term "educational institution" refers to a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, or an institution of vocational education, that operates a program or programs of scholarly research.
> (i) The term "non-commercial scientific institution" refers to an institution that is not operated on a "commercial" basis (as that term is referenced in paragraph (g) of this section), and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.
> (j) The term "representative of the news media" refers to any peson actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public. These examples are not intended to be all-inclusive. Moreover, as traditional methods of news delivery evolve (*e.g.*, electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category. In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but OMB may also look to the past publication record of a requester in making this determination.
>
> **§ 1303.40 Fees to be charged—general.**
> OMB should charge fees that recoup the full allowable direct costs it incurs. Moreover, it shall use the most efficient and least costly methods to comply with requests for documents made under the FOIA. When documents that would be responsive to a request are maintained for distribution by agencies operating statutory-based fee schedule programs (see definition in Sections 1303.30(b)), such as the NTIS, OMB should inform

---

[2] See ACUS Recommendation 70-4, Discovery in Agency Adjudication, 1 CFR 305.70-4.

[3] See ACUS Recommendation 86-2, Use of the Federal Rules of Evidence in Agency Adjudications, 1 CFR 305.86-2.

VOL 52 ISS 250 DE 30 1987 UMI

requesters of the steps necessary to obtain records from those sources.

(a) *Manual searches for records.* OMB will charge at the salary rate(s) (*i.e.*, basic pay plus 16 percent) of the employee(s) making the search.

(b) *Computer searches for records.* OMB will charge at the actual direct cost of providing the service. This will include the cost of operating the central processing unit (CPU) for that portion of operating time that is directly attributable to searching for records responsive to a FOIA request and operator/programmer salary apportionable to the search.

(c) *Review of records.* Only requesters who are seeking documents for commercial use may be charged for time spent reviewing records to determine whether they are exempt from mandatory disclosure. Charges may be assessed only for the initial review; *i.e.*, the review undertaken the first time OMB analyzes the applicability of a specific exemption to a particular record or portion of a record. Records or portions of records withheld in full under an exemption that is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. The costs for such a subsequent review is assessable.

(d) *Duplication of records.* Records will be duplicated at a rate of $.15 per page. For copies prepared by computer, such as tapes or printouts, OMB shall charge the actual cost, including operator time, of production of the tape or printout. For other methods of reproduction or duplication, OMB will charge the actual direct costs of producing the document(s). If OMB estimates that duplication charges are likely to exceed $25, it shall notify the requester of the estimated amount of fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated. Such a notice shall offer a requester the opportunity to confer with agency personnel with the object of reformulating the request to meet his or her needs at a lower cost.

(e) *Other charges.* OMB will recover the full costs of providing services such as those enumerated below when it elects to provide them:

(1) Certifying that records are true copies;

(2) Sending records by special methods such as express mail.

(f) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasury of the United States and mailed or delivered to the Deputy Assistant Director for Administration, Office of Management and Budget, Washington, DC 20503.

(g) A receipt for fees paid will be given upon request. Refund of fees paid for services actually rendered will not be made.

(h) *Restrictions on assessing fees.* With the exception of requesters seeking documents for a commercial use, OMB will provide the first 100 pages of duplication and the first two hours of search time without charge. Moreover, OMB will not charge fees to any requester, including commercial use requesters, if the cost of collecting a fee would be equal to or greater than the fee itself.

(1) The elements to be considered in determining the "cost of collecting a fee" are the administrative costs of receiving and recording a requester's remittance, and processing the fee for deposit in the Treasury Department's special account.

(2) For purposes of these restrictions on assessment of fees, the word "pages" refers to paper copies of "8½ x 11" or "11 x 14." Thus, requesters are not entitled to 100 microfiche or 100 computer disks, for example. A microfiche containing the equivalent of 100 pages or 100 pages of computer printout, does meet the terms of the restriction.

(3) Similarly, the term "search time" in this context has as its basis, manual search. To apply this term to searches made by computer, OMB will determine the hourly cost of operating the central processing unit and the operator's hourly salary plus 16 percent. When the cost of search (including the operator time and the cost of operating the computer to process a request) equals the equivalent dollar amount of two hours of the salary of the person performing the search, *i.e.*, the operator, OMB will begin assessing charges for computer search.

§ 1303.50 Fees to be charged—categories of requesters.

There are four categories of FOIA requesters: commercial use requesters; educational and non-commercial scientific institutions; representatives of the news media; and all other requesters. The specific levels of fees for each of these categories are:

(a) *Commercial use requesters.* When OMB receive a request for documents for commercial use, it will assess charges that recover the full direct costs of searching for, reviewing for release, and duplicating the record sought. Requesters must reasonably describe the records sought. Commercial use requesters are not entitled to two hours of free search time nor 100 free pages of reproduction of documents. OMB may recover the cost of searching for and reviewing records even if there is ultimately no disclosure of records (see § 1303.60(b)).

(b) *Educational and non-commercial scientific institution requesters.* OMB shall provide documents to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, requesters must show that the request is being made as authorized by and under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a non-commercial scientific institution) research. Requesters must reasonably describe the records sought.

(c) *Requesters who are representatives of the news media.* OMB shall provide documents to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, a requester must meet the criteria in § 1303.10(j), and his or her request must not be made for a commercial use. In reference to this class of requester, a request for records supporting the news dissemination function of the requester shall not be considered to be a request that is for a commercial use. Requesters must reasonably describe the records sought.

(d) *All other requesters.* OMB shall charge requesters who do not fit into any of the categories above fees that recover the full reasonable direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge. Moreover, requests for records about the requesters filed in OMB's systems of records will continue to be treated under the fee provisions of the Privacy Act of 1974 which permit fees only for reproduction. Requesters must reasonably describe the records sought.

§ 1303.60 Miscellaneous fee provisions.

(a) *Charging interest—notice and rate.* OMB may begin assessing interest charges on an unpaid bill starting on the 31st day following the day on which the billing was sent. The fact that the fee has been received by OMB within the thirty day grace period, even if not processed, will suffice to stay the accrual of interest. Interest will be at the rate prescribed in section 3717 of Title 31 of the United States Code and will accrue from the date of the billing.

(b) *Charges for unsuccessful search.* OMB may assess charges for time spent searching, even if it fails to locate the records or if records located are determined to be exempt from disclosure. If OMB estimates that search charges are likely to exceed $25, it shall notify the requester of the estimated amount of fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated. Such a notice shall offer the requester the opportunity to confer with agency personnel with the object of reformulating the request to meet his or her needs at a lower cost.

(c) *Aggregating requests.* A requester may not file multiple requests at the same time, each seeking portions of a document or documents, solely in order to avoid payment of fees. When OMB reasonably believes that a requester or, on rare occasions, a group of requesters acting in concert, is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, OMB may aggregate any such requests and charge accordingly. One element to be considered in determining whether a belief would be reasonable is the time period over which the requests have occurred.

(d) *Advance payments.* OMB may not require a requester to make an advance payment, *i.e.*, payment before work is commenced or continued on a request, unless:

(1) OMB estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250. Then, OMB will notify the requester of the likely cost and obtain satisfactory assurance of full payment where the requester has a history of prompt payment of FOIA fees, or require an advance payment of an amount up to the full estimated charges in the case of requesters with no history of payment; or

(2) A requester has previously failed to pay a fee charged in a timely fashion (*i.e.*, within 30 days of the date of the billing). Then, OMB may require the requester to pay the full amount owed plus any applicable interest as provided above or demonstrate that he or she has, in fact, paid the fee, and to make an advance payment of the full amount of the estimated fee before the agency begins to process a new request or a pending request from that requester.

When OMB acts under paragraph (d)(1) or (2) of this section, the administrative time limits prescribed in the FOIA, 5 U.S.C. 552(a)(6) (*i.e.*, 10 working days from receipt of initial requests and 20 working days from receipt of appeals from initial denial, plus permissible extensions of these time limits) will begin only after OMB has received fee payments described above.

(e) *Effect of the Debt Collection Act of 1982 (Pub. L. 97-365).* OMB should comply with provisions of the Debt Collection Act, including disclosure to consumer reporting agencies and use of collection agencies, where appropriate, to encourage repayment.

§ 1303.70 Waiver or reduction of charges.

Fees otherwise chargeable in connection with a request for disclosure of a record shall be waived or reduced where it is determined that disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government and is not primarily in the commercial interest of the requester.

James C. Miller III,
Director.

[FR Doc. 87-29654 Filed 12-29-87; 8:45 am]
BILLING CODE 3110-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 87-144]

Tuberculosis in Cattle and Bison; State Designations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the regulations governing the interstate movement of cattle and bison because of tuberculosis by raising the designation of Kentucky from a modified accredited state to an accredited-free state. This action is necessary because we have determined that Kentucky meets the criteria for designation as an accredited-free state.

DATES: Interim rule effective December 30, 1987. Consideration will be given only to comments postmarked or received on or before March 1, 1988.

ADDRESS: Send an original and two copies of written comments to Steven B. Farbman, Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Specifically refer to Docket Number 87-144. You may review these comments at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Mondy through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Ralph L. Hosker, Senior Staff Veterinarian, Domestic Programs Support Staff, VS, APHIS, USDA, Room 815, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8438.

SUPPLEMENTARY INFORMATION:

Background

The "Tuberculosis" regulations (contained in 9 CFR Part 77 and referred to below as the regulations) regulate the interstate movement of cattle and bison because of tuberculosis. The requirements of the regulations concerning the interstate movement of cattle and bison not known to be affected with, or exposed to, tuberculosis are based on whether the cattle and bison are moved from jurisdictions designated as accredited-free states, modified accredited states, or nonmodified accredited states. The criteria for determining the status of states (the term state is defined to mean any state, territory, the District of Columbia, or Puerto Rico) or portions of states are contained in a document captioned "Uniform Methods and Rules-Bovine Tuberculosis Eradication", 1985 edition, which has been made part of the regulations by incorporation by reference. The status of either states or portions of states is based on the rate of tuberculosis infection present and the effectiveness of a tuberculosis control and eradication program.

Before publication of this interim rule, Kentucky was designated in § 77.1 of the regulations as a modified accredited state. However, Kentucky now meets the requirements for designation as an accredited-free state. Therefore, we are amending the regulations by removing Kentucky from the list of modified accredited states in § 77.1 and adding it to the list of accredited-free states in that section.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based

enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Cattle and bison moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of the state of Kentucky may affect the marketability of cattle and bison from that state since some prospective cattle and bison buyers prefer to buy cattle and bison from accredited-free states. This may result in some beneficial economic impact on some small entities. However, based on our experience in similar designations of other states, the impact should not be significant.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

Emergency Action

Dr. Donald L. Houston, Administrator of the Animal and Plant Health Inspection Service, has determined that an emergency situation exists, which warrants publication of this interim rule without prior opportunity for public comment. It is necessary to change the regulations so that they can accurately reflect the current tuberculosis status of Kentucky as an accredited-free state and thereby provide prospective cattle and bison buyers with accurate and up-to-date information, which may affect the marketability of cattle and bison since some prospective cattle and bison buyers prefer to buy cattle and bison from accredited-free states.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these emergency conditions, there is good cause under 5 U.S.C. 553 for making this interim rule effective less than 30 days after publication of this document in the **Federal Register**. We will consider comments postmarked or received within 60 days of publication of this interim rule in the **Federal Register**. Any amendments we make to this interim rule as a result of these comments will be published in the **Federal Register** as soon as possible following the close of the comment period.

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Transportation, Tuberculosis.

PART 77—TUBERCULOSIS

Accordingly, 9 CFR Part 77 is amended as follows:

1. The authority citation for Part 77 continues to read as follows:

Authority: 21 U.S.C. 111, 114, 114a, 115–117, 120, 121, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 77.1 [Amended]

2. In § 77.1, the definition for "Modified accredited state" paragraph (2) is amended by removing "Kentucky".

3. In § 77.1, the definition for "Accredited-free state" paragraph (2) is amended by adding "Kentucky" immediately after "Kansas".

Done in Washington, DC, this 23rd day of December 1987.

Donald L. Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87-29921 Filed 12-29-87; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 346

Foreign Banks; Country Exposures Concentration

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: Section 346.23 of the FDIC Rules and Regulations specifies that country exposures by insured branches of foreign banks operating as such on November 19, 1984 must be within prescribed limits by January 22, 1988. The Board of Directors is extending the time for compliance with these limits until June 14, 1988.

EFFECTIVE DATE: December 17, 1987.

FOR FURTHER INFORMATION CONTACT: Charles V. Collier, Assistant Director, Division of Bank Supervision, (202) 898-6850, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: On November 19, 1984, the FDIC amended Part 346 of its regulations. Section 346.23 of those amended regulations requires compliance, by insured branches operating as such on November 19, 1984, with country exposure limitations of 200 percent of the amount required in the capital equivalency ledger account to the foreign bank parent's home country and 100 percent of that amount to any other single country. Any excess exposures were to be reduced by January 22, 1988. In acting on a petition by the Institute of International Bankers, Inc., to extend this deadline, the Board of Directors has extended the deadline for compliance for 180 days, until June 14, 1988. (A corresponding amendment has been made in regard to petitions for relief in extraordinary circumstances.) During this period, the FDIC expects to complete the review which is currently being conducted of Part 346 of its regulations, including the country exposure limitations. In accordance with 5 U.S.C. 553, the FDIC has found that prior notice and a delayed effective date with respect to this amendment are unnecessary, as the amendment delays the imposition of requirements that are already imposed by existing regulation. Since the amendment only provides for an extension of time for compliance with certain portions of the regulation and imposes no burden upon banks or the public, it is not subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) or the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

List of Subjects in 12 CFR Part 346

Bank deposit insurance, Foreign banks, banking, Banks, banking, Reporting and recordkeeping requirements.

In consideration of the foregoing, the FDIC hereby amends Part 346 of title 12 of the Code of Federal Regulations as follows:

PART 346—FOREIGN BANKS

1. The authority citation for Part 346 continues to read as follows:

Authority: Secs. 5, 6, 13, Pub. L. 95-369, 92 Stat. 613, 614, 624 (12 U.S.C. 3103, 3104, 3108); Secs. 5, 7, 9, 10, Pub. L. 797, 64 Stat. 876, 877, 881, 882 (12 U.S.C. 1815, 1817, 1819, 1820).

2. Part 346 is amended by revising the third and fourth sentences of § 346.23 to read as follows:

§ 346.23. Country exposure concentrations.

* * * Insured branches operating as such on November 19, 1984 will be given until June 14, 1988 to reduce any existing excess exposure, including commitments. In extraordinary circumstances, an insured branch operating as such on November 19, 1984, may petition the Board of Directors for approval of concentrations in excess of the prescribed limits which extend beyond the stated period. * * *

By Order of the Board of Directors.

Dated at Washington, DC, this 17th day of December, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-29685 Filed 12-29-87; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 116

[Docket No. RM83-39-000; Order No. 484]

List of Property for Use in Accounting for the Addition and Retirement of Reactor Plant Equipment; Suspension of Effective Date

Issued: December 24, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; notice of suspension of effective date of order.

SUMMARY: The Federal Energy Regulatory Commission (Commission) issued a final rule regarding list of property for use in accounting for the addition and retirement of reactor plant equipment in Docket No. RM83-39-000 (52 FR 45167 (Nov. 25, 1987)) on November 18, 1987. This notice suspends the rule's effective date of December 28, 1987, for 30 days in order to provide the Office of Management and Budget (OMB) additional time to review the final rule's information collection provisions.

EFFECTIVE DATE: The final rule in this docket is effective January 27, 1988.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lane, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, Phone: (202) 357-8530.

SUPPLEMENTARY INFORMATION: OMB has requested additional time to review the information collection provisions in Order No. 484, List of Property for Use in Accounting for the Addition and Retirement of Reactor Plant Equipment. The Commission, therefore, suspends the effective date of Order No. 484 until January 27, 1988.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-29839 Filed 12-24-87; 10:48 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3307-8]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: USEPA is approving revisions to the Ohio State Implementation Plan (SIP) for ozone. The revisions incorporate into the ozone SIP (1) Specific statewide volatile organic compound (VOC) emission limits and requirements for petroleum dry cleaning facilities, polystyrene resin manufacturing, leaks from process units that produce organic chemicals, and air oxidation processes that produce organic chemicals, and (2) general requirements which apply to the specific VOC emission requirements. Ohio's statewide ozone SIP is based upon Rule 3745-21-01, Definitions; Rule 3745-21-04, Attainment Dates and Compliance Time Schedules; Rule 3745-21-09, Control of Emissions of Organic Compounds from Stationary Sources; and Rule 3745-21-10, Compliance Test Methods and Procedures of Chapter 21 of the Ohio Administrative Code. These emission limits fulfill Ohio's commitment to adopt reasonably available control technology for these (Group III) VOC sources and contribute towards the attainment of the Ozone National Ambient Air Quality Standards.

EFFECTIVE DATE: This final rulemaking becomes effective on January 29, 1988.

ADDRESSES: Copies of the SIP revision and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Delores Sieja, at (312) 886-6038, before visiting the Region V Office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 South Dearborn Street, Chicago, Illinois 60604

Ohio Environmental Protection Agency, Office of Air Pollution Control, 1800 WaterMark Drive, P.O. Box 1049, Columbus, Ohio 43266-0149

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street S.W., Washington, DC 20460

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Air And Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: Section 172 of the Clean Air Act allowed USEPA to grant attainment date extensions to those States that could not demonstrate attainment of the ozone standard by December 31, 1982, if certain conditions were met by the State in revising its air pollution control program. The revised programs had to include additional reasonably available control technology (RACT) emission limits for various types of volatile organic compound (VOC) sources located in the areas needing the extension. The extension, if granted by USEPA, obligated the State to develop RACT regulations for those sources addressed by Group III Control Technique Guidelines (CTGs) (these Group III CTG sources are referred to as RACT III sources).

The USEPA published CTGs in order to assist the States in determining RACT. The CTGs provide information on available air pollution control technology techniques and provide recommendations on what the USEPA calls the "presumptive norm" for RACT. During the period 1982-1984, the USEPA released, among others, the following four Group III CTGs:

1. "Volatile Organic Emissions from Large Petroleum Dry Cleaners", October 6, 1982 (47 CFR 44155).

This CTG covers large dry cleaning facilities that use petroleum solvent.

2. "Control of Volatile Organic Compound Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins", November 14, 1983 (48 FR 51848).

This CTG covers high-density polyethylene plants using a slurry process, polypropylene plants using a liquid phase process, and polystyrene plants using a continuous process.

3. "Control of Volatile Organic Compound Leaks from Synthetic Organic Chemical and Polymer Manufacturing Equipment", April 10, 1984 (49 FR 14181).

This CTG covers equipment leaks from synthetic organic chemical and polymer manufacturing plants.

4. "Volatile Organic Compound Emissions from Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry", December 20, 1984 (49 FR 50442).

VOL 52 ISS 250 DEC 30 1987 UM!

This CTG covers air oxidation processes.

There are three areas in Ohio where RACT III regulations are currently required: Cleveland, Cincinnati, and Akron. The State of Ohio could not demonstrate attainment of the ozone National Ambient Air Quality Standard (NAAQS) in the Cities of Cleveland and Cincinnati by the required date of December 31, 1982, so the State requested, and received, an extension to December 31, 1987. The Akron area is a State Implementation Plan (SIP) "call" area. Because the State did not demonstrate attainment of the ozone standard by December 31, 1982, for the Akron area (Summit and Portage Counties), the USEPA on February 24, 1984, issued a notice of SIP inadequacy to the Governor of the State of Ohio under section 110(a)(2)(H) of the Clean Air Act. The notice of SIP inadequacy obligated the State to correct the inadequacies and demonstrate attainment of the ozone standard by December 31, 1987. Additionally, the State is required to implement RACT III regulations in the Akron area at this time.

On April 9, 1986, to meet the extension and SIP call area obligations for its RACT III VOC sources located in the Cleveland, Cincinnati, and Akron areas, and based largely upon the above four CTGs, the State of Ohio submitted revisions to USEPA for its statewide ozone SIP. Ohio's statewide ozone strategy is based upon Rule 3745–21–01, Definitions; Rule 3745–21–04, Attainment Dates and Compliance Time Schedules; Rule 3745–21–09, Control of Emissions of Organic Compounds from Stationary Sources; and Rule 3745–21–10, Compliance Test Methods and Procedures, of Chapter 21 of the Ohio Administrative Code (OAC). The specific RACT III requirements, i.e., emission limitations, are contained in Rule 09. General applicability requirements, i.e., definitions, attainment dates and compliance time schedules, and compliance test methods and procedures, that pertain to the specific requirement are contained in Rules 01, 04, 09, and 10. Although the RACT III regulations are only required in the Cleveland, Cincinnati, and Akron areas, the State has chosen to make these regulations applicable statewide.

On April 8, 1987 (52 FR 11288), USEPA proposed to approve the RACT III revisions because they were generally consistent with the model regulations found in the CTG and they contribute towards the attainment of the ozone NAAQS. Because the April 8, 1987, notice of proposed rulemaking contains a detailed evaluation of the RACT III regulations, they will not be discussed in this notice. We refer you to the April 8, 1987, notice for the detailed discussion.

Interested parties were given until May 8, 1987, to submit comments on the April 8, 1987, proposed rulemaking. USEPA received a comment from the Standard Oil Chemical Company in Cleveland, Ohio. At this time USEPA will respond to the comment:

Comment: Standard Oil Chemical Company operates an air oxidation unit at Lima, Ohio. To meet the requirements of Rule 3745–21–09(EE) Standard Oil must install an incinerator that will ensure that the applicable emission limitation is met by the compliance deadline of December 31, 1987. Standard Oil has two concerns regarding this requirement.

(1) Standard Oil believes it is not necessary to install controls on their off-gas stack because they are located in an attainment area and, because of their distance from the closest nonattainment areas, their emissions have no effect on those areas.

(2) Standard Oil states that it has insufficient time to install an incinerator by the compliance deadline of December 31, 1987. Based upon an estimated date of permit issuance of June 1, 1987, compliance could be achieved by December 31, 1988. In, addition, Standard Oil added the following:

"We have requested that the State develop and approve a compliance schedule with these dates included. However, to date, this action has not occurred. Therefore, we request that you change the compliance deadline for an oxidation process that produces organic chemicals from December 31, 1987, to December 31, 1988. To our knowledge, ours is the only air oxidation process in the State of Ohio that must install an incinerator to comply with OAC 3745–21–09 (EE)."

Response: (1) USEPA agrees that the area where Standard Oil is located is presently designated attainment (49 FR 24124, June 12, 1984). However, it is left to the discretion of the State to determine the applicability of their regulations.

(2) USEPA cannot unilaterally change the compliance date in a proposed SIP revision. USEPA is limited to approving or disapproving any proposed SIP revision which is submitted to it. However, USEPA will consider Standard Oil's comments if Ohio submits as a revision to its SIP, a revised compliance date for Standard Oil.

Final Action on Ohio's RACT III Rules

USEPA takes final action today to approve the Ohio RACT III regulations.

The Office of Management and Budget (OMB) has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from publication). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Intergovernmental relations, Air pollution control, Incorporation by reference, Ozone.

Note: Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 22, 1987.

Lee M. Thomas,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Ohio—Subpart KK

Title 40 of the Code of Federal Regulations, Chapter I, Part 52, is amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1870 is amended by adding new paragraph (c)(80) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(80) On April 9, 1986, the Ohio Environmental Protection Agency submitted a revision to the State Implementation Plan for ozone. The revision consists of the reasonably available control technology (RACT) III volatile organic compound regulations.

(i) Incorporation by reference. Ohio EPA OAC

(A) Rule 3745–21–01, Definitions. Paragraphs (K), (L), (M), and (N), effective May 9, 1986. Ohio EPA OAC

(B) Rule 3745–21–04, Attainment Dates and Compliance Time Schedules. Paragraphs (B)(1), and (C)(36) through (C)(39), effective May 9, 1986. Ohio EPA OAC

(C) Rule 3745–21–09, Control of Emissions of Volatile Organic Compounds from Stationary Sources. Paragraphs (A)(1), (A)(2), (A)(4), (BB), (CC), (DD), (EE), and Appendix A, effective May 9, 1986. Ohio EPA OAC

(D) Rule 3745–21–10, Compliance Test Method and Procedures. Paragraphs (C), (F), (L), (M), (N), (O), and (P), effective May 9, 1986.

[FR Doc. 87–29898 Filed 12–29–87; 8:45am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

Administrative Practice and Procedure; Basic Time Computation

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Section 1.4 of the rules has been revised to clarify the basic time computation procedures contained in this rule. Section 1.4 governs the procedures to be followed for computing filing dates in proceedings before the Commission and is used for computing filing dates for reconsideration and judicial review of Commission decisions. Minor revisions to § 1.429 have also been made with regard to computation of time procedures.

EFFECTIVE DATE: December 30, 1987.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: David H. Solomon, Office of the General Counsel, Federal Communications Commission, (202) 632–6990.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, FCC 87–838, adopted December 7, 1987, and released December 15, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

1. In this *Report and Order* the Commission amends § 1.4 to reorganize and clarify, with the addition of hypothetical examples, the basic time computation procedures. In addition, in order to give all parties equal opportunity to file for judicial review, the Commission has clarified that, when the date of "public notice" ordinarily would fall on a Saturday or other holiday, "public notice" is deemed to occur at 3 p.m. Eastern Time on the subsequent business day. New § 1.4(b)(3) clarifies the date of public notice for rule makings of particular applicability. Further, because the date of mailing often is not indicated on government postmarks, the language of § 1.4(b)(5) has been amended to state that for documents that are neither published in the **Federal Register** nor released, and for which a descriptive "Public Notice" is not released, the controlling date is the date that appears on the face of the document, rather than the date mailed. Finally, § 1.429 (e) and (f) have been amended to clarify that the time computation provisions of § 1.4 apply to petitions for reconsideration.

2. Accordingly, it is ordered, that the attached modifications to §§ 1.4 and 1.429 of the Rules, 47 CFR 1.4 and 1.429, are adopted.

3. It is further ordered that Part 1 of the Commission's Rules as modified herein shall become effective immediately upon publication in the **Federal Register.**

List of Subjects in 47 CFR Part 1

Practice and procedure.

William J. Tricarico,

Secretary.

Appendix

Part 1—[Practice and Procedure] of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 1—[AMENDED]

1. The authority citation for Part 1 continues to read:

Authority: Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

2. Section 1.4 is revised to read as follows:

§ 1.4 Computation of time.

(a) *Purpose*—The purpose of this Rule Section is to detail the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission. It also applies to computation of time for seeking both reconsideration and judicial review of Commission decisions.

(b) *General Rule—Computation of Beginning Date When Action is Initiated by Commission or Staff.* Unless otherwise provided, the first day to be counted when a period of time begins with an action taken by the Commission, Review Board, an Administrative Law Judge or by members of the Commission or its staff pursuant to delegated authority is the *day after the day* on which public notice of that action is given. *See* § 1.4(b) (1)–(5), below. Unless otherwise provided, all Rules measuring time from the date of the issuance of a Commission document entitled "Public Notice" shall be calculated in accordance with this section. *See* § 1.4(b)(4) for a description of the "Public Notice" document. Unless otherwise provided in §§ 1.4 (g) and (h), it is immaterial whether the first day is a "holiday." *See* § 1.4(e)(1) for definition of "holiday."

Note: For purposes of this section, when the date of "public notice" falls on a holiday, "public notice" shall be deemed to occur at 3 p.m. Eastern Time on the next business day. The term "public notice" means the date of the day, commencing at 3 p.m. Eastern Time, after any of the following dates:

(1) For documents in notice and comment rule making proceedings, including summaries thereof, the date of publication in the **Federal Register.**

Example 1: A document in a Commission rule making proceeding is published in the **Federal Register** on Wednesday, May 6, 1987. Public notice commences at 3 p.m. Eastern Time on Thursday, May 7, 1987. The first day to be counted in computing the beginning date of a period of time for action in response to the document is Friday, May 8, 1987, the "day after the day" of public notice.

Example 2: A Notice of Proposed Rule Making is released to the public on Wednesday, July 1, 1987, but not published in the **Federal Register** until Friday, July 10, 1987. Since "the day after the day" of **Federal Register** publication falls on a Saturday, public notice is deemed to occur at 3 p.m. Eastern Time on the next business day, which is Monday, July 13, 1987. The first day to be counted in computing filing periods is Tuesday, July 14, 1987.

Example 3: Section 1.429(e) provides that when a petition for reconsideration is timely filed in proper form, public notice of its filing is published in the **Federal Register.** The time for filing oppositions runs from the publication date of the notice. Section 1.429(f) provides that oppositions to a petition for reconsideration shall be filed within 15 days after public notice of the petition's filing in the **Federal Register.** Public notice of the filing of a petition for reconsideration is published in the **Federal Register** on Wednesday, June 10, 1987. For purposes of computing the filing period for an opposition, the first day to be counted is Friday, June 12, 1987, which is the day after the date of public notice. Therefore, oppositions to the reconsideration petition must be filed by Friday, June 26, 1987, 15 days later.

(2) For non-rulemaking documents released by the Commission or staff, whether or not published in the **Federal Register,** the release date. A document is "released" by making the full text available to the press and public in the

VOL 52 ISS 250 DEC 30 1987 UMI

Commission's Office of Public Affairs. The release date appears on the face of the document.

Example 4: The Chief, Mass Media Bureau, adopts an order on Thursday, April 2, 1987. The text of that order is not released to the public until Friday, April 3, 1987. Since the "day after the day" of release falls on a Saturday, in accordance with § 1.4(b), public notice of this decision is given at 3 p.m. Eastern Time, Monday, April 6, 1987. Tuesday, April 7, 1987, is the first day to be counted in computing filing periods.

(3) For rule makings of particular applicability, if the rule making document is to be published in the **Federal Register** and the Commission so states in its decision, the date of public notice will commence at 3 p.m. Eastern Time on the day following the **Federal Register** publication date. If the decision fails to specify **Federal Register** publication, the date of public notice will commence at 3 p.m. Eastern Time on the day following the release date, even if the document is subsequently published in the **Federal Register**. *See Declaratory Ruling*, 51 FR 23059 (June 25, 1986).

Example 5: An order establishing an investigation of a tariff, and designating issues to be resolved in the investigation, is released on Wednesday, April 1, 1987, and is published in the **Federal Register** on Friday, April 10, 1987. If the decision itself specifies **Federal Register** publication, the date of public notice is 3 p.m. Eastern Time on Monday, April 13, 1987; because public notice would be on a Saturday, it is deemed to occur on the following Monday. If this decision itself does not specify **Federal Register** publication, public notice occurs at 3 p.m. Eastern Time on Thursday, April 2, 1987, and the first day to be counted in computing filing periods is Friday, April 3, 1987.

(4) If the full text of an action document is not to be released by the Commission, but a descriptive document entitled "Public Notice" describing the action is released, the date on which the descriptive "Public Notice" is released.

Example 6: At a public meeting the Commission considers an uncontested application to transfer control of a broadcast station. The Commission grants the application and does not plan to issue a full text of its decision on the uncontested matter. Five days after the meeting, a descriptive "Public Notice" announcing the action is publicly released. The date of public notice commences at 3 p.m. Eastern Time on the day after the release date.

Example 7: A Public Notice of petitions for rulemaking filed with the Commission is released on Wednesday, September 2, 1987; public notice of these petitions is given at 3 p.m. Eastern Standard Time September 3, 1986, the day after release. The first day to be counted in computing filing times is Thursday, September 4, 1987.

(5) If a document is neither published in the **Federal Register** nor released, and if a descriptive document entitled "Public Notice" is not released, the date appearing on the document sent (*e.g.*, mailed, telegraphed, etc.) to persons affected by the action.

Example 8: A Bureau grants a license to an applicant, or issues a waiver for non-conforming operation to an existing licensee, and no "Public Notice" announcing the action is released. The date of public notice commences at 3 p.m. Eastern Time on the day following the date appearing on the license mailed to the applicant or appearing on the face of the letter granting the waiver mailed to the licensee.

Note: *See Memorandum Opinion and Order, Gen. Docket No. 80-488*, 85 FCC 2d 618, 627-28 (1981), for further examples of effective date and time computation.

(c) *General Rule—Computation of Beginning Date When Action is Initiated by Act, Event or Default.* Commission procedures frequently require the computation of a period of time where the period begins with the occurrence of an act, event or default and terminates a specific number of days thereafter. Unless otherwise provided, the first day to be counted when a period of time begins with the occurrence of an act, event or default is the day after the day on which the act, event or default occurs.

Example 9: Commission Rule § 21.39(d) requires the filing of an application requesting consent to involuntary assignment or control of the permit or license within thirty days after the occurrence of the death or legal disability of the licensee or permittee. If a licensee passes away on Sunday, March 1, 1987, the first day to be counted pursuant to § 1.4(c) is the day after the act or event. Therefore, Monday, March 2, 1987, is the first day of the thirty day period specified in § 21.39(d).

(d) *General Rule—Computation of Terminal Date.* Unless otherwise provided, when computing a period of time the last day of such period of time is included in the computation, and any action required must be taken on or before that day.

Example 10: Subsection 1.4(b)(1) provides that "public notice" in a notice and comment rule making proceeding begins at 3 p.m. Eastern Time on the "day after the day" of **Federal Register** publication. Subsection 1.4(c) provides that the first day to be counted in computing a terminal date is the "day after the day" on which public notice occurs. Therefore, if the Commission allows or requires an action to be taken 20 days after public notice in the **Federal Register**, the first day to be counted is the second day after the date of the **Federal Register** publication. Accordingly, if the **Federal Register** document is published on Thursday, July 23, 1987, public notice is given at 3 p.m. Eastern Time on Friday, July 24, and the first day to be counted in computing a 20 day period is Saturday, July 25, 1987. The 20th day or terminal date upon which action must be taken is Thursday, August 13, 1987.

Example 11: Commission Rule § 22.30 requires competing applicants to file a petition to deny within 30 days after the date of public notice of the acceptance for filing of a license application. 47 CFR 22.30(a)(4). A document entitled "Public Notice" announcing acceptance of the license application of Acme Communications Corporation is issued on Friday, August 7, 1987. "Public notice" commences at 3 p.m. Eastern Time on Saturday, August 8, 1987. However, since this is a holiday, public notice is deemed to commence at 3 p.m. Eastern Standard Time on the next business day, which is Monday, August 10, 1987. The first "day to be counted in computing the petition to deny deadline is Tuesday, August 11, 1987 (the day after the day" of public notice). Therefore, the 30th day is Wednesday, September 9, 1987.

(e) Definitions for purposes of this section:

(1) The term "holiday" means Saturday, Sunday, officially recognized federal legal holidays and any other day on which the Commission's offices are closed and not reopened prior to 5:30 p.m. For example, a regularly scheduled Commission business day may become a "holiday" if its offices are closed prior to 5:30 p.m. due to adverse weather, emergency or other closing.

Note: As of August 1987, officially recognized federal legal holidays are New Year's Day, January 1; Martin Luther King's Birthday, third Monday in January; Washington's Birthday, third Monday in February; Memorial Day, last Monday in May; Independence Day, July 4; Labor Day, first Monday in September; Columbus Day, second Monday in October; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25. If a legal holiday falls on Saturday or Sunday, the holiday is taken, respectively, on the preceding Friday or the following Monday. In addition, January 20, (Inauguration Day) following a Presidential election year is a legal holiday in the metropolitan Washington, DC area. If Inauguration Day falls on Sunday, the next succeeding day is a legal holiday. *See* 5 U.S.C. 6103; Executive Order No. 11582, 36 FR 2957 (Feb. 11, 1971). The determination of a "holiday" will apply only to the specific Commission location(s) designated as on "holiday" on that particular day.

(2) The term "business day" means all days, including days when the Commission opens later than the time specified in Rule section 0.403, which are not "holidays" as defined above.

(3) The term "filing period" means the number of days allowed or prescribed by statute, rule, order, notice or other Commission action for filing any document with the Commission. It does not include any additional days allowed for filing any document pursuant to paragraphs (g), (h) and (j) of this section.

(4) The term "filing date" means the date upon which a document must be filed after all computations of time authorized by this section have been made.

(f) Except as provided in § 0.401(b) of the Rules, all petitions, pleadings, tariffs or other documents not required to be accompanied by a fee and which are hand-delivered must be tendered for filing in complete form before 5:30 p.m. in the Office of the Secretary, either in Washington or Gettysburg, as directed by the Rules. The Secretary will determine whether a tendered document meets the pre-5:30 deadline.

(g) If the filing period is less than 7 days, intermediate holidays shall not be counted in determining the filing date.

Example 12: A reply is required to be filed within 5 days after the filing of an opposition in a license application proceeding. The opposition is filed on Wednesday, June 10, 1987. The first day to be counted in computing the 5-day time period is Thursday, June 11, 1987. Saturday and Sunday are not counted because they are "holidays." The document must be filed with the Commission on or before the following Wednesday, June 17, 1987.

(h) If a document is required to be served upon other parties by statute or Commission regulation and the document is in fact served by mail (see § 1.47(f)), and the filing period for a response is 10 days or less, an additional 3 days (excluding holidays) will be allowed for filing a response. This subsection (§ 1.4(h)) shall not apply to documents filed pursuant to §§ 1.89, 1.120(d), 1.315(b) or 1.316.

Example 13: A reply to an opposition for a petition for reconsideration must be filed within 7 days after the opposition is filed. 47 CFR 1.106(h). The rules require that the opposition be served on the person seeking reconsideration. 47 CFR 1.106(g). If the opposition is served on the party seeking reconsideration by mail and the opposition is filed with the Commission on Monday, November 9, 1987, the first day to be counted is Tuesday, November 10, 1987 (the day after the day on which the event occurred, § 1.4(b)), and the seventh day is Monday, November 16. An additional 3 days (excluding holidays) is then added at the end of the 7 day period, and the reply must be filed no later than Thursday, November 19, 1987.

(i) If both subsections (g) and (h) of this section are applicable, make the subsection (g) computation before the subsection (h) computation.

Example 14: Section 1.45(b) requires the filing of replies to oppositions within five days after the time for filing oppositions has expired. If an opposition has been filed on the last day of the filing period (Friday, July 10, 1987), and was served on the replying party by mail, § 1.4(i) specifies that the subsection (g) computation should be made before the subsection (h) computation. Therefore, since the specified filing period is less than seven days, subsection (g) is applied first. The first day of the filing period is Monday, July 13, 1987, and Friday, July 17, 1987 is the fifth day (the intervening weekend was not counted). Subsection (h) is then applied to add three days for mailing (excluding holidays). That period begins on Monday, July 20, 1987. Therefore, Wednesday, July 22, 1987, is the date by which replies must be filed, since the intervening weekend is again not counted.

(j) If the filing date falls on a holiday, the document shall be filed on the next business day. *See* § 1.4(e)(1) above.

Example 15: The filing date falls on Friday, December 25, 1987. The document is required to be filed on the next business day, which is Monday, December 28, 1987.

(k) Where specific provisions of Part 1 conflict with this section, those specific provisions of Part 1 are controlling. *See, e.g.*, §§ 1.45(d), 1.773(a)(3) and 1.773(b)(2).

3. Section 1.429 is amended by revising paragraphs (e) and (f) to read as follows:

§ 1.429 Petition for reconsideration.

* * * * *

(e) Except as provided in § 1.420(f), petitions for reconsideration need not be served on parties to the proceeding. (However, where the number of parties is relatively small, the Commission encourages the service of petitions for reconsideration and other pleadings, and agreements among parties to exchange copies of pleadings.) When a petition for reconsideration is timely filed in proper form, public notice of its filing is published in the **Federal Register**. The time for filing oppositions to the petition runs from the date of public notice. *See* § 1.4(b).

(f) Oppositions to a petition for reconsideration shall be filed within 15 days after the date of public notice of the petition's filing and need be served only on the person who filed the petition. *See* § 1.4(b). Oppositions shall not exceed 25 double-spaced typewritten pages.

[FR Doc. 87-29811 Filed 12-29-87; 8:45 am]

BILLING CODE 4712-01-M

47 CFR Part 73

[MM Docket No. 87-3; FCC 87-345]

Presunrise Service; Authorizations for Daytime Only AM Stations

AGENCY: Federal Communications Commission.

ACTION: Final Rule.

SUMMARY: This action executes the directive in Pub. L. 99-359 Section 2(d)(1) to afford some relief to daytime only AM radio broadcast stations, whose operations were adversely affected by the statutory extension of daylight saving time from the last Sunday in April to the first Sunday of that month, by amending our rules that authorize presunrise operations. By establishing a 10 watt minimum and permitting maximum powers that protect only the 0.5 mV/m groundwave contour of full time and clear channel stations, this rule diminishes the adverse effects on the affected stations and allows them to operate from 6:00 am to local sunrise.

EFFECTIVE DATE: January 22, 1988.

ADDRESS: Federal Communications Commission, Washington, DC, 20554.

FOR FURTHER INFORMATION CONTACT: Vicki Assevero, Mass Media Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in MM Docket No. 87-3, adopted October 30, 1987 and released December 8, 1987.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 23), 1919 M Street, Northwest, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

1. In this *Report and Order* (R&O), we are considering the proposal made by the Clear Channel Broadcasting Service to allow daytime only AM stations to use a minimum of 10 watts of power between the first Sunday and the last Sunday in April as an exceptional presunrise authorization which would protect only the 0.5mV/m groundwave contour instead of both the skywave and groundwave. We had previously considered other forms of relief pursuant to our original Notice adopted January 16, 1987. There, we asked for comments as to how to best execute the statutory directive of Pub. L. 99-359's (which extended daylight saving time) Section 2(d)(1) requiring us to adjust the hours of operation of daytime only AM stations to compensate for the fact that the start of their operations would be delayed by one hour. The Notice proposed a 50 watt minimum power for the daytimers.

VOL 52 ISS 250 DEC 30 1987 UMI

2. In the First Report and Order adopted March 24, 1987, both the comments and our determination that more importance should be attached to the capacity of daytime only stations to provide local service than to the preservation of service by clear channels at very great distances from their principal communities led us to adopt an interim 10 watt minimum power authorizatin for the daytimers pending the development of a more comprehensive record pursuant to our Further Notice, which specifically asked for comment on CCBS proposal.

3. We acknowledge in the R&O that even the 10 watt minimum causes interference to protected skywave service over vast areas in the presunrise period. However, given the unpredictability of the service, the Congressional directive, the relatively short period of 3–4 weeks during which the interference will be tolerated and most particularly the exceptional tolerance of the clear channel stations for this solution, we find it appropriate to enact a permanent rule protecting the 0.5mV/m groundwave contour of the clear channel stations.

4. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 604, a final regulatory flexibility analysis has been prepared. It is available for viewing as part of the full text of this decision which may be obtained from the Commission or its copy contractor.

5. The rule contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection or record keeping labeling, disclosure or record retention requirements; and will not increase or decrease burden hours on the public.

Ordering Clauses

6. Authority for this rulemaking is contained in Pub. L. 99–359 Section 2(d)(1) and in 47 U.S.C. 154 and 303. The Communications Act of 1934 as amended.

7. Accordingly it is ordered that Part 73 of the Commission's rules is amended effective January 22, 1988, as shown below. It is further ordered that this proceeding is terminated.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR Part 73 is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. 47 CFR 73.99 is amended by redesignating paragraphs (c) through (k), as paragraphs (d) through (l), by adding a new paragraph (c), and by revising newly redesignated paragraphs (f)(1) and (j) to read as follows:

§ 73.99 Pre-sunrise service authorization (PSRA) and post-sunset service authorization (PSSA).

* * * * *

(c) Extended Daylight Saving Time Pre-Sunrise Authorizations:

(1) Between the first Sunday in April and the end of the month of April, Class II and Class III daytime-only AM stations will be permitted to conduct pre-sunrise operation beginning at 6:00 a.m. local time with a maximum power of 500 watts (not in excess of the station's regular daytime or critical hours power), reduced as necessary to comply with the following requirements:

(i) Full protection is to be provided as specified in applicable international agreements.

(ii) Domestic protection is to be provided to the 0.5 mV/m groundwave signals of co-channel Class I–A and Class I–B stations, but protection to the 0.5 mV/m 50% skywave of these stations is not required.

(iii) In determining the protection to be provided, the effect of each interfering signal will be evaluated separately. The presence of interference from other stations will not reduce or eliminate the required protection.

(iv) Notwithstanding the requirements of paragraph (c)(1) (ii) and (iii) of this section, the stations will be permitted to operate with a minimum power of 10 watts unless a lower power is required by international agreement.

(2) The Commission will issue appropriate authorizations to Class II or Class III daytime-only stations not previously eligible to operate during this period. Class II or Class III daytime-only station already authorized to operate during this pre-sunrise period may continue to operate under their current authorization.

* * * * *

(f) * * *

(1) Class II stations operating in accordance with paragraphs (b)(1), (b)(2), (d)(1) and (d)(2) of this section are required to protect the nighttime 0.5 mV/m 50% skywave contours of co-channel Class I stations. Where a 0.5 mV/m 50% skywave signal is not produced, the 0.5 mV/m groundwave contour will be protected.

* * * * *

(j) The Commission will periodically recalculate maximum permissible power and times for commencing PSRA and PSSA for each Class II and Class III station. For each Class II or III daytime only station operating in accordance with paragraph (c) of this section, the Commission will calculate the maximum power at which each individual station may conduct presunrise operations during extended daylight saving time and shall issue conforming authorizations. These original notifications and subsequent notifications should be associated with the station authorization. Upon notification of new power and time of commencing operation, affected stations will make necessary adjustments within 30 days.

* * * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–29468 Filed 12–29–87; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 70605–7141]

Coastal Migratory Pelagic Resources of Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce (Secretary) closes the commercial fishery in the exclusive economic zone (EEZ) for king mackerel from the Gulf migratory group in the eastern zone. The Acting Regional Director, Southeast Region, NMFS, has determined that the commercial quota of 0.46 million pounds for the eastern zone will be reached on December 28, 1987. This closure is necessary to protect the overfished king mackerel resource.

EFFECTIVE DATE: Closure is effective at 0001 hours, local time, December 29, 1987, until 2400 hours, local time, June 30, 1988.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813–893–3722.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP), as amended, was developed by the South Atlantic and Gulf of Mexico Fishery Management Councils (Councils) under authority of the Magnuson Fishery Conservation and Management Act, and is implemented by regulations at 50 CFR Part 642. Amendment 1 to the FMP established separate allocations for the Gulf and Atlantic migratory groups of king mackerel. Regulations effective June 30, 1987 (52 FR 23836, June 25, 1987) implemented catch limits recommended by the Councils for the Gulf migratory group for the fishing year (July 1, 1987, through June 30, 1988). Those regulations set the commercial allocation at 0.7 million pounds, divided into quotas of 0.48 million pounds for the eastern zone and 0.22 million pounds for the western zone (52 FR 25012, July 2, 1987, corrected at 52 FR 33594, September 4, 1987). From November 1 through March 31, the management area for the Gulf migratory group of king mackerel extends from the Mexico/United States border to a line extending directly east from the Volusia/Flagler County, Florida, boundary (29°25' N. latitude). From April 1 through October 31, the management area extends from the Mexico/United States border to a line extending directly west from the Monroe/Collier County, Florida, boundary (25°48' N. latitude). The boundary between the eastern and western zones is a line extending directly south from the Florida/Alabama boundary (87°3'06" W. longitude). (See 50 CFR Part 642, Appendix A, Figure 2.)

The Secretary is required under § 642.22 to close any segment of the king mackerel fishery when its allocation or quota has been reached or is projected to be reached by publishing a notice in the Federal Register. The Acting Regional Director has determined that the quota of 0.48 million pounds for the eastern zone of the Gulf migratory group of king mackerel will be reached on December 28, 1987. Hence, the commercial fishery for Gulf migratory group king mackerel from the eastern zone is closed effective 0001 hours, local time, December 29, 1987. The closure will remain in effect through June 30, 1988, the end of the fishing year.

The Acting Regional Director previously determined that the commercial quota of 0.22 million pounds of king mackerel for the western zone would be reached on November 1, 1987, and closed this segment of the fishery on November 2, 1987 (52 FR 42296, November 4, 1987). He also previously determined that the recreational allocation of 1.5 million pounds for Gulf migratory group king mackerel would be reached on December 15, 1987. The recreational bag limit for this group was reduced to zero on December 16, 1987 (52 FR 47224, December 16, 1987).

With closure of the commercial fishery in the eastern zone, all commercial and recreational fisheries for Gulf migratory group king mackerel in the EEZ are closed through June 30, 1988. During the closure, Gulf migratory group king mackerel may not be harvested from or possessed in the EEZ and may not be purchased, bartered, traded, or sold. The latter prohibition does not apply to trade in king marckerel harvested, landed, and bartered, traded, or sold prior to the closure and held in cold storage by a dealer or processor.

Other Matters

This action is required by 50 CFR 642.22(a) and complies with E.O. 12291.

Authority: 16 U.S.C. 1801 *et seq.*

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 23, 1987.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 87–29648 Filed 12–24–87; 10:58 am]

BILLING CODE 3510–22–M

BEST COPY AVAILABLE

VOL 52 ISS 250 DE 30 1987 UMI

Proposed Rules

Federal Register
Vol. 52, No. 250
Wednesday, December 30, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 851-0091]

Florence Multiple Listing Service, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, a Florence, SC firm to make membership in the multiple listing service reasonably available to all firms on a nondiscriminatory basis. Respondent also would no longer require new members to have owned and operated a business for six months before application for membership and would no longer insist on a vote of FMLS members as a condition of membership.

DATE: Comments must be received on or before February 29, 1988.

ADDRESS: Comments should be addressed to: FTC/Office of the Secretary, Room 136, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: FTC/S-3115, Elizabeth Gee, Washington, DC 20580. (202) 326-2756.

SUPPLEMENTARY INFORMATION: Pursuant to section 8(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Multiple listing service, Real estate, Trade practices.

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission, having initiated an investigation of certain acts and practices of the Florence Multiple Listing Service, Inc., and it now appearing that the Florence Multiple Listing Service, Inc., hereinafter sometimes referred to as the proposed respondent or "FMLS," is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between the Florence Multiple Listing Service, Inc., by its duly authorized officer and its attorney, and by counsel for the Federal Trade Commission that:

1. Proposed respondent is organized, existing, and doing business under and by virtue of the laws of the State of South Carolina, with its offices and principal place of business located at 121 South Warley Street, in the City of Florence, State of South Carolina.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of the complaint here attached.

3. Proposed respondent waives:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

d. Any claim under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

Definitions

For the purposes of this order, the following definitions shall apply:

1. "Multiple listing service" shall mean a clearinghouse through which members, real estate brokerage firms exchange information on listings of real estate properties and share sales commissions with members who locate purchasers.

2. "Listing" shall mean any agreement between a real estate broker and a property owner for the provision of real estate brokerage services.

3. "Exclusive agency listing" shall mean any listing under which a property owner appoints a broker as exclusive agent for the sale of the property at an agreed commission, but reserves the right to sell the property personally to a direct purchaser (one not procured in any way through the efforts of any broker) at an agreed reduction in the commission or with no commission owed to the agent broker.

4. "FMLS" shall mean the Florence Multiple Listing Service, Inc. and its successors, assigns, officers, directors, committees, agents, representatives, members or employees.

I

It is ordered that respondent FMLS, directly, indirectly or through any device, in or in connection with the operation of a multiple listing service in or affecting commerce, as "commerce" is defined in section 4 of the Federal Trade Commission Act, as amended, 15 U.S.C. 44, shall cease and desist from:

(A) Adopting, maintaining or enforcing any bylaw, rule, regulation, policy, agreement or understanding, or taking any other action that has the purpose or effect of:

(1) Conditioning membership in FMLS or use of its multiple listing service on the length of time any applicant has owned, operated or maintained a real estate brokerage firm or other business;

(2) Requiring as a condition of FMLS membership or use of its multiple listing service that applicants who satisfy FMLS' other conditions of membership receive the approval by vote of any portion of FMLS members; or

(3) Conditioning membership in FMLS or use of its multiple listing service on any person's refraining or withdrawing from ownership, operation or other association with any lawful business.

(B) Forbidding publication through respondent FMLS's multiple listing service of any exclusive agency listing, or restricting such publication in any way other than by requiring designation of the listing as one granting an exclusive agency or by imposing terms applicable to all listings accepted for publication by the FMLS multiple listing service.

II

It is further ordered that FMLS shall:

(A) Within ninety (90) days after this order becomes final, amend its policies, bylaws, guidelines, rules and regulations, and any other of its instructive or suggestive materials to conform to the provisions of this order.

(B) For a period of five (5) years after this order becomes final:

(1) Provide to any applicant who has been denied membership prompt and clear written notice of the denial, specifying the membership requirements not met and explaining in what manner the requirements are not met; and

(2) Maintain in one separate file, segregated by the names of the applicants, all documents and correspondence that discuss, refer, or relate to any denied or approved. application.

(C) For a period of three (3) years after this order becomes final furnish promptly, by first-class mail, a copy of the announcement in the form shown in Appendix A to any person who inquires about, or who submits an application for, membership in the FMLS.

(D) For a period of three (3) years after this order becomes final furnish promptly, by first-class mail, a copy of this order to any person who requests a copy.

III

It is further ordered that FMLS shall:

(A) Within thirty (30) days after this order becomes final, mail an announcement in the form shown in Appendix A, and a copy of the Complaint and Decision and Order to each member of FMLS.

(B) Within ninety (90) days after this order becomes final, submit a written report to the Federal Trade Commission setting forth in detail the manner and form in which FMLS has complied and is complying with this order.

(C) Notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in FMLS, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any change in its incorporation that may affect compliance obligations arising out of this order.

Appendix A.—Announcement

As you may be aware, the Florence Multiple Listing Service, Inc. ("FMLS") has entered into a consent agreement with the Federal Trade Commission that has now become final. Acceptance of this agreement is for settlement purposes and does not constitute an admission that the FMLS has violated the law. The following is a brief summary of the provisions of the order issued pursuant to the consent agreement:

1. *Eligibility for membership:* The FMLS no longer requires, as a condition of membership, that a broker have owned and operated a business for a six-month period or any other time period. In addition, the FMLS no longer requires that any applicant or member who satisfies FMLS, other conditions of membership receive the approval by vote of any portion of FMLS members. Specific eligibility or membership requirements are set forth in official FMLS bylaws and policies. If any membership application is denied, the FMLS promptly will provide to the applicant a written explanation of the specific reasons for the denial.

2. *Property listings that limit or differ from an exclusive right to sell arrangement:* The FMLS will not prohibit members from entering exclusive agency listings—listings in which the broker and owner contract that the owner will owe a reduced commission or no commission to the agent broker if the owner locates the purchaser entirely independent of the services of any real estate broker. The FMLS will publish all listings of this type but may give notice that the listing is an exclusive agency listing rather than an exclusive right to sell listing.

3. *Broker's development of or participation in organizations, services, businesses or ventures that compete with one another or with the MLS:* The FMLS will not prohibit members from operating or joining any lawful business.

The FTC does not endorse any practice of the FMLS. For more specific information, you should refer to the FTC order itself. [A copy of the proposed order is attached.] [1]

President,
Florence Multiple Service, Inc.

Florence Multiple Listing Service, Inc.; Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed

[1] The sentence enclosed in brackets is required to be included in this Announcement only when the Announcement is sent to members of respondent Florence Multiple Listing Service as required by Part III(A) of the proposed order to which this Announcement is attached as an appendix.

consent order from the Florence Multiple Listing Service, Inc. ("FMLS"), which is located in Florence, South Carolina. The agreement would settle charges by the Commission that the proposed respondent violated Section 5 of the Federal Trade Commission Act by maintaining bylaws and engaging in practices that excluded certain licensed real estate brokers and restricted competition among FMLS members.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Complaint

The complaint prepared for issuance by the Commission along with the proposed order alleges that FMLS and its members have engaged in various acts and practices that have unreasonably excluded from the respondent's multiple listing service certain licensed real estate brokers in the Florence area (*i.e.*, the northern and central portions of Florence County, and its environs including the City of Florence, and the City of Darlington). The complaint also alleges that FMLS and its members have restrained price and service competition among residential real estate brokers in the Florence, South Carolina area. The complaint alleges that FMLS members have conspired through the FMLS unlawfully to:

(1) Deny or delay FMLS membership to applicants that have not owned a real estate business for at least six months;

(2) Deny or delay FMLS membership to applicants that fail to receive an affirmative vote for admission from two-thirds of the FMLS members who choose to vote on the question;

(3) Restrict member participation in any organization that competes with FMLS's multiple listing service;

(4) Restrict the publication on FMLS of "exclusive agency contracts;" and

(5) Restrict member participation in ventures and services that compete with real estate brokerage, such as ventures that assist homeowners to market their homes without the full array of traditional brokerage services.

The complaint alleges that these acts and practices violate section 5 of the Federal Trade Commission Act.

According to the complaint, the FMLS provides a multiple listing service for member real estate brokerage firms doing business in the Florence, South Carolina, area. As described in the complaint, the multiple listing service is a clearinghouse through which competing firms exchange information on "listings" (*i.e.*, brokerage service contracts) of residential real estate for sale and share commissions when other members locate purchasers. The FMLS charges a service fee to members for each listing published on the FMLS.

According to the complaint, access to FMLS services provides a valuable competitive advantage to member firms, as it significantly reduces the costs of obtaining current, comprehensive information on listings and sales that is important to compete effectively. The complaint states that the FMLS provides the only multiple listing service serving the Florence area and that about 65 percent of real estate firms in the Florence area are FMLS members. The complaint also states that, for 1985, sales of FMLS published listings accounted for about 75 percent of the dollar volume of all sales of Florence area residences involving a broker.

As explained in the complaint, the FMLS permits members to publish on its multiple listing service, only "exclusive right to sell" listings, *i.e.*, brokerage service contracts where the property owner agrees to pay a commission if the property is sold, regardless of who locates the purchaser. The FMLS prohibited any member from publishing an "exclusive agency" listing. As described in the complaint, an "exclusive agency" listing is a brokerage service contract where the property owner agrees to pay a commission if the property is sold through a broker, but not if the owner locates the purchaser independently of any broker. The complaint challenges the FMLS's refusal to publish such listings on its multiple listing service.

The complaint alleges that the purposes or effects of the challenged acts or practices have been unreasonably to:

A. Restraining or deterring the entry of new brokerage firms, and of new joint ventures or shared brokerage or multiple listing services, in competition with the FMLS multiple listing service;

B. Limit consumers ability to choose among a variety of brokerage firms competing on the basis of price, contract terms, and services;

C. Restrain competition among brokerage firms based on their willingness to offer or accept different contract terms that may be attractive and beneficial to consumers, such as terms that allow the property owner to pay a reduced commission or no commission if the owner sells the property through means alternative to a broker's services;

D. Limit the ability of consumers to negotiate lower prices for brokerage services or brokerage contract terms that may be more advantageous for them than an exclusive right to sell listing;

E. Limit the ability of residential property sellers to compete with real estate brokers in locating purchasers.

The Proposed Consent Order

Part I of the order describes the conduct prohibited by the order. Subsection (1) of Part I(A) prevents the proposed respondent from conditioning membership in FMLS or use of its multiple listing service on the length of time any applicant (who must be a licensed real estate broker under South Carolina law) has owned, operated, or maintained a real estate brokerage firm or other business.

Subsection (2) of Part I(A) would prevent the FMLS from requiring, as a condition of membership or use of its multiple listing service, that applicants who satisfy FMLS's other conditions of membership receive approval by vote of any portion of FMLS members. This provision prohibits FMLS from subjecting applicants to a vote of the existing members in which they may be rejected regardless of their already having met the FMLS's objective conditions for membership.

Subsection (3) of Part I(A) would prohibit the FMLS from conditioning membership in FMLS or use of its multiple listing service on any person's refraining or withdrawing from ownership, operation, or other association with any lawful business. This subsection prohibits the FMLS from attempting to limit the range and scope of real estate brokerage or other business activities of its members.

Part I(B) would prohibit the FMLS from establishing any policy or practice that would forbid the publication through the FMLS of any exclusive agency listing, or would restrict such publication in any way other than by requiring designation of the listing as one granting an exclusive agency or by imposing terms applicable to all listings accepted for publication by the FMLS.

Part II(A) requires the FMLS to amend its bylaws to conform them with the terms of the order within 90 days of the final date of the order. Part II(B) requires, for 5 years, that the FMLS maintain special procedures with respect to applicants who are denied membership. Part II(C) requires, for three years, the FMLS to submit a copy of a notice providing a brief summary of the provisions of the order to any person inquiring or applying for membership. Part II(D) requires, for three years, the FMLS to furnish a copy of the order to each person who requests it.

The remainder of the order's provisions pertain to the filing of compliance reports and notification of changes of the MLS's corporate form, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any change in its incorporation that may affect compliance obligations arising out of the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order or to modify their terms in any way.

This proposed consent order has been entered into for settlement purposes only and does not constitute an admission by the respondent that the law has been violated as alleged in the complaint.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 87-29852 Filed 12-29-87; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[File No. 851-0106]

Multiple Listing Service Mid County Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a Brooklyn, N.Y. real estate firm from participating in various practices that have allegedly restrained price and service competition among residential real estate brokers. Respondent would be prohibited from: requiring that any applicant or member operate a full time office; fixing, maintaining or recommending any division of commission between selling and listing brokers; adopting any policy that has the purpose or effect of exclusive agency listings; requiring any member to inform Mid County or any of its members of the commission agreed to between any listing broker and homeowner; and adopting any policy having the purpose or effect of delaying the solicitation of a listing agreement.

DATE: Comments must be received on or before February 29, 1988.

ADDRESS: Comments should be addressed to: FTC/Office of the Secretary, Room 136, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Alfred J. Ferrogari, Federal Trade Commission, 2243 Federal Bldg., 26 Federal Plaza, New York, NY 10278. (212) 264-8855.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Multiple listing service, Real estate, Trade practices.

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Multiple Listing Service Mid County Inc., a corporation, and it now appearing that Multiple Listing Service Mid County Inc., hereinafter sometimes referred to as proposed respondent or "Mid County," is willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated,

It is hereby agreed by and between Mid County, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

(1) Proposed respondent Mid County is a corporation organized, existing, and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 1706 Flatbush Avenue, Brooklyn, New York 11210.

(2) Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint attached hereto.

(3) Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

(4) This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

(5) This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint attached hereto.

(6) This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint attached hereto and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public with respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement

may be used to vary or contradict the terms of the order.

(7) Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

Definitions

For purposes of this order, the following definitions shall apply:

(1) "Multiple listing service" shall mean a clearinghouse through which member real estate brokerage firms regularly and systematically exchange information on listings of real estate properties and share commissions with other members.

(2) "Broker" shall mean any person, firm, or corporation that, for another and for a fee or commission, lists for sale, sells, exchanges, or offers or attempts to negotiate a sale, exchange, or purchase of an estate or interest in real estate.

(3) "Applicant" shall mean any owner or co-owner of a real estate brokerage firm who is duly licensed as a real estate broker within the State of New York and who has applied on behalf of his or her firm for membership in respondent's multiple listing service.

(4) "Member" shall mean any real estate brokerage firm that is entitled to participate in the multiple listing service offered by Mid County.

(5) "Listing agreement" shall mean any agreement between a real estate broker and a property owner for the provision of real estate brokerage services.

(6) "Listing broker" shall mean any broker who lists a real estate property with a multiple listing service pursuant to a listing agreement with the property owner.

(7) "Selling broker" shall mean any broker, other than the listing broker, who locates the purchaser for a listed property.

(8) "Exclusive agency listing" shall mean any listing under which a property owner appoints a broker as exclusive agent for the sale of the property at an agreed commission, but reserves the right to sell the property personally to a direct buyer (one not procured in any way through the efforts of any broker) at an agreed reduction in the commission or with no commission owed to the agent broker.

(9) "Exclusive right to sell listing" shall mean any listing under which a property owner appoints a broker as exclusive agent for the sale of the property and agrees to pay the broker an agreed commission if the property is sold, whether the purchaser is located by the broker or any other person, including the owner.

I

It is ordered that respondent Mid County, its successors and assigns, and its directors, officers, committees, agents, representatives, and employees, directly or indirectly, or through any corporation, subsidiary, division, or other device, in connection with respondent's operation of a multiple listing service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

(A) Requiring, urging, recommending or suggesting that any applicant or member:

(1) Operate an office full-time or during customary or specified hours;

(2) Derive any particular amount or portion of income from real estate brokerage; or

(3) Engage in real estate brokerage full-time or during customary or specified hours;

provided, however, that nothing contained in this subpart shall prohibit respondent from adopting or enforcing any reasonable and nondiscriminatory policy to assure that its members are actively engaged in real estate brokerage and that listings published on respondent's multiple listing service are adequately serviced.

(B) Adopting any policy or taking any other action that has the purpose or effect of unreasonably discriminating against any prospective applicant, applicant or member that is a new entrant in the market or new to respondent's multiple listing service.

(C) Fixing, establishing, maintaining, recommending or suggesting any rate, range or amount of any division or split of commission or other fees between any selling broker and any listing broker;

(D) Adopting or maintaining any policy or taking any other action that has the purpose or effect of restricting any homeowner's participation in the determination of the division or split of commission or other fees between any listing broker and any selling broker.

(E) Restricting or interfering with:

(1) Any broker's offering or accepting any exclusive agency listing; or

(2) The publication on respondent's multiple listing service of any exclusive agency listing of a member;

provided, however, that nothing contained in this subpart shall prohibit respondent from: (a) Including a simple designation, such as a code or symbol, that a published listing is an exclusive agency listing; or (b) applying reasonable terms and conditions equally applicable to the publication of any listing, whether exclusive agency or exclusive right to sell.

(F) Requiring any member to publish or otherwise distribute to or among members of respondent, or to respondent, the rate or amount of commission agreed to between any listing broker and any property owner; provided, however, that nothing contained in this subpart shall prohibit respondent from publishing or otherwise distributing to or among members of respondent the rate or amount of commission to be paid.

(G) Adopting or maintaining any policy, or taking any other action that has the purpose, capacity, tendency or effect of prohibiting, discouraging or delaying the solicitation of a listing agreement for any property; provided, however, that nothing contained in this subpart shall prohibit respondent from adopting or enforcing any reasonable and nondiscriminatory policy that prohibits any member from using information provided to it by Mid County that pertains to a specific listed property in the solicitation of a listing agreement for that property.

II

It is further ordered that respondent Mid County shall:

(A) Within thirty (30) days after this order becomes final, furnish an announcement in the form shown in Appendix A to each member of Mid County.

(B) Within sixty (60) days after this order becomes final, amend its by-laws, rules and regulations, and other of its materials to conform to the provisions of this order and provide each member with a copy of the amended by-laws, rules and regulations, and other materials.

(C) For a period of three (3) years after this order becomes final, furnish an announcement in the form shown in Appendix A to each new member of Mid County within thirty (30) days of the new member's admission.

III

It is further ordered that respondent Mid County shall:

(A) Within ninety (90) days after this order becomes final, submit a verified written report to the Federal Trade Commission setting forth in detail the manner and form in which respondent has complied and is complying with this order.

(B) In addition to the report required by Paragraph III(A), annually for a period of three (3) years on or before the anniversary date on which this order becomes final, and at such other times as the Federal Trade Commission or its staff may by written notice to respondent require, file a verified written report with the Federal Trade Commission setting forth in detail the manner and form in which respondent has complied and is complying with this order.

(C) For a period of five (5) years after this order becomes final, maintain and make available to the Commission staff for inspection and copying, upon reasonable notice, all documents that relate to the manner and form in which respondent has complied with this order.

(D) Notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in respondent that may affect compliance obligations arising out of this order.

Appendix A

[Respondent's Regular Letterhead]

As you may be aware, the Federal Trade Commission has entered into consent decrees with several multiple listing services in order to halt certain multiple listing service practices. To avoid litigation, Multiple Listing Service Mid County has entered into such a consent agreement. The agreement is not an admission that Mid County or any of its members has violated any law. For your information, the substantive provisions of the consent decree are reproduced below:

Order

I

It is ordered that respondent Mid County, its successors and assigns, and its directors, officers, committees, agents, representatives, and employees, directly or indirectly, or through any corporation, subsidiary, division, or other device, in connection with respondent's operation of a multiple listing service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

(A) Requiring, urging, recommending or suggesting that any applicant or member:

(1) Operate an office full-time or during customary or specified hours;

(2) Derive any particular amount or portion of income from real estate brokerage; or

(3) Engage in real estate brokerage full-time or during customary or specified hours;

provided, however, that nothing contained in this subpart shall prohibit respondent from adopting or enforcing any reasonable and nondiscriminatory policy to assure that its members are actively engaged in real estate brokerage and that listings published on respondent's multiple listing service are adequately serviced.

(B) Adopting any policy or taking any other action that has the purpose or effect of unreasonably discriminating against any prospective applicant, applicant or member that is a new entrant in the market or new to respondent's multiple listing service.

(C) Fixing, establishing, maintaining, recommending or suggesting any rate, range or amount of any division or split of commission or other fees between any selling broker and any listing broker.

(D) Adopting or maintaining any policy or taking any other action that has the purpose or effect of restricting any homeowner's participation in the determination of the division or split of commission or other fees between any listing broker and any selling broker.

(E) Restricting or interfering with:

(1) Any broker's offering or accepting any exclusive agency listing; or

(2) The publication on respondent's multiple listing service of any exclusive agency listing of a member;

provided, however, that nothing contained in this subpart shall prohibit respondent from: (a) Including a simple designation, such as a code or symbol, that a published listing is an exclusive agency listing; or (b) applying reasonable terms and conditions equally applicable to the publication of any listing, whether exclusive agency or exclusive right to sell.

(F) Requiring any member to publish or otherwise distribute to or among members of respondent, or to respondent, the rate or amount of commission agreed to between any listing broker and any property owner; provided, however, that nothing contained in this subpart shall prohibit respondent from publishing or otherwise distributing to or among members of respondent the rate or amount of commission to be paid.

(G) Adopting or maintaining any policy, or taking any other action that has the purpose, capacity, tendency or effect of prohibiting, discouraging or delaying the solicitation of a listing agreement for any property; provided, however, that nothing contained in this subpart shall prohibit respondent from adopting or enforcing any reasonable and nondiscriminatory policy that prohibits any member from using information provided to it by Mid County that pertains to a specific listed property in the solicitation of a listing agreement for that property.

Mid County previously revised several of its policies in response to concerns expressed by the Federal Trade Commission staff. Further, Mid County has now made additional changes to certain of its by-laws, rules, and regulations to comply with the consent agreement.

Multiple Listing Service Mid County Inc.; Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Multiple Listing Service Mid County Inc. ("Mid County"). The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Complaint

A complaint prepared for issuance by the Commission along with the proposed order alleges that Mid County, acting as a combination of its members, has engaged in various acts and practices that have unreasonably restrained price and service competition among residential real estate brokers in the territory within which Mid County operates. The complaint alleges that these acts and practices violate Section 5 of the Federal Trade Commission Act.

According to the complaint, Mid County provides a multiple listing service for member residential real estate brokers. As described in the complaint, the multiple listing service is a clearinghouse through which competing firms exchange information on listings, *i.e.*, agreements for the provision of brokerage services. Each commission earned is split between the broker that obtained the listing and the broker that located the purchaser of the property.

The complaint states that membership in Mid County is of substantial

competitive value, significantly increasing opportunities for brokers to procure listings and significantly reducing the costs of obtaining current listings and sales information. The multiple listing of properties through Mid County, the complaint continues, generally is considered to be the most effective means of marketing residential property located within the area served by Mid County.

The complaint alleges that Mid County unlawfully denied membership to any firm not operating a full-time brokerage office. According to the complaint, the purpose or effect of this denial was to impede entry into the brokering of residential real estate in the area served by Mid County.

The complaint further alleges that Mid County fixed the maximum share of the commission that could be retained by listing brokers when sales were co-brokered. No more than 40% of the commission could be retained on the sale of residential real estate subject to an "exclusive right to sell" listing, *i.e.*, a listing under which the homeowner agrees to pay the listing broker an agreed commission on the sale of the property, irrespective of who procures the sale. No more than 30% of the commission could be retained by the listing broker on the sale of a property subject to an "exclusive agency" listing, *i.e.*, a listing under which the homeowner may sell the property to a buyer located without the assistance of any broker at a reduced commission or no commission to the listing broker. The purpose or effect of these limitations, according to the complaint, has been to deprive consumers of the advantages of competition in the listing and selling of residential real estate in the area served by Mid County.

The complaint also alleges that Mid County adopted a rule that may be construed to exclude homeowners from any role in the determination of commission splits between listing and selling brokers. The tendency or effect of this rule, the complaint states, is to deprive homeowners of the competitive advantages of negotiating with the listing broker the division of commissions.

The complaint recites that a provision of Mid County's Code of Ethics may be construed as discouraging broker acceptance of exclusive agency listings. According to the complaint, the tendency or effect of this provision is to deprive consumers of the advantages of competition among Mid County members with respect to the types of brokerage services offered.

The complaint further states that Mid County requires its members to disclose, to other members or to Mid County, the total commission or the split of commission agreed to between listing brokers and property owners. The purpose or effect of this disclosure requirement, the complaint alleges, is to reduce the likelihood of discounting and to fix commission rates among Mid County members.

The complaint also indicates that Mid County prohibited members, other than the listing broker, from soliciting the relisting of any property already subject to a published listing agreement until the prior listing has expired. The complaint alleges that the purposes or effects of this prohibition are to restrain competition among Mid County members for relistings of residential properties, stabilizing the price of brokerage services in Mid County's service area and depriving homeowners of price and service competition.

The complaint concludes that the unlawful conduct alleged may continue or recur unless the requested relief is granted.

The Proposed Order

The proposed order would prohibit Mid County from requiring or recommending that any applicant or member operate an office or otherwise engage in real estate brokerage full-time or during customary or specified hours. In addition, it would prohibit Mid County from requiring or recommending that any applicant or member derive any particular amount or portion of income from real estate brokerage. The purpose of these provisions is to prevent the creation of barriers to participation in the multiple listing service that may injure competition among real estate brokers within the area served by Mid County. The proposed order would not prevent Mid County from adopting reasonable and non-discriminatory policies to ensure that members adequately service the listings published on Mid County's multiple listing service. However, the proposed order would prohibit Mid County's adoption of any policy having the purpose or effect of unreasonably discriminating against brokerage firms new to the area serviced by Mid County or new to the multiple listing service.

The proposed order also would prohibit Mid County from fixing, maintaining, or recommending any rate, range, or amount of any division of commission between selling and listing brokers. Further, the proposed order would prohibit Mid County's adoption of any policy that has the purpose or effect of restricting homeowner participation in the determination of the division of commissions. The purpose of these provisions is to prevent Mid County from interfering with the determination of the division of commissions by market forces—including negotiations among prospective listing brokers and homeowners.

The proposed order would bar Mid County from interfering with brokers' offering, accepting, and publishing of exclusive agency arrangements. The purpose of this provision is to restrain Mid County from interfering with homeowner choice as to the type of listing arrangement selected, *i.e.*, exclusive agency or exclusive right to sell listing. The proposed order would not prohibit Mid County from designating a published listing as an exclusive agency listing, thus enabling each prospective selling broker to understand the terms under which its sales effort is invited. Further, the proposed order would not prohibit Mid County from applying reasonable terms and conditions equally applicable to exclusive right to sell and exclusive agency agreements.

In addition, the proposed order would prohibit Mid County from requiring any member to inform Mid County or any of its members of the commission agreed to between any listing broker and any homeowner. The purpose of this provision is to bar Mid County from requiring the disclosure of information that would identify, and thereby discourage, discounting by member brokers. The proposed order would not prohibit Mid County from requiring members to disclose the commission to be paid to the selling broker. Moreover, to the extent that any listing broker voluntarily informs Mid County of the commission agreed to between it and any homeowner, the proposed order would not prohibit Mid County's distribution of that information.

The proposed order also would proscribe Mid County's adoption of any policy having the purpose or effect of delaying the solicitation of a listing agreement. The purpose of this provision is to prevent Mid County from restraining member competition for the relisting of any property already subject to a listing agreement. The proposed order would not prohibit Mid County from adopting any reasonable and non-discriminatory policy to prevent the use of its information regarding a listed property in the solicitation of a listing agreement for that particular property.

The proposed order would require Mid County to provide a copy of the announcement shown in Appendix A to the consent order to each of its members within thirty (30) days after the order becomes final. The announcement contains a verbatim recitation of the substantive provisions of the order. In addition, for a period of three (3) years, Mid County would be required to furnish a copy of the announcement to each new member within thirty (30) days of the new member's admission. The proposed order also would require Mid County to conform its by-laws and rules to the order within sixty (60) days after the order becomes final.

The proposed order also would require Mid County, within ninety (90) days after the order becomes final and then annually for a period of three years, to file a report with the Federal Trade Commission setting forth the manner of its compliance. For a period of five years, Mid County would be required to maintain and make available to the Commission staff all documents that relate to the manner of its compliance with the order. Finally, Mid County would be required to give the Federal Trade Commission thirty (30) days advance notice of any change in Mid County that may affect its compliance obligations under the order, such as dissolution or sale.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 87-29853 Filed 12-29-87; 8:45 am]

BILLING CODE 6750-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 7H5522/P435; FRL 3309-3]

Pesticide Tolerance for Deltamethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a food additive regulation be established to permit combined residues of the insecticide deltamethrin and its major metabolite, *trans*-deltamethrin, in tomato products (concentrated). This proposal to establish the maximum permissible level for residues of the insecticide in tomato products was requested by the Hoechst-Roussel Agri-Vet Co., acting as Registered U.S. Agent for Roussel Uclaf of Paris, France.

DATE: Comments must be received on or before January 29, 1988.

ADDRESS: By mail, submit written comments to: Information Service Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: George T. LaRocca, Product Manager (PM) 15, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 204, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-2400.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of January 29, 1987 (52 FR 2960), that Hoechst-Roussel Agri-Vet Co., acting as U.S. Agent for Roussel Uclaf of Paris, France, Route 202-206 North, Somerville, NJ 08876, had submitted food additive petition (FAP) 7H5522 to the Agency proposing to amend 21 CFR Part 193 by establishing a regulation permitting combined residues of the insecticide deltamethrin ((1*R*,3*R*(2,2-dibromovinyl) 2,2-dimethylcyclopropanecarboxylic acid (*S*)-alpha-cyano-3-phenoxybenzylester) and its major metabolite, *trans*-deltamethrin, in tomato products at 0.2 part per million (ppm).

There were no comments received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicity and other relevant data on this insecticide are included in a related proposed rule [PP 2E2663/P432], which is published elsewhere in this issue of the Federal Register and proposes establishing a tolerance in or on the raw agricultural commodity tomatoes.

Based upon the review of residue data, EPA is proposing that the level of 0.2 ppm in or on tomato products be set at 1.0 ppm. This increase in the food additive tolerance is necessary to adequately cover potential concentrations of residues in tomato products.

The pesticide is considered useful for the purpose for which the tolerance is sought. Based on the above information, the Agency has determined that the proposed tolerance for tomato products would protect the public health.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 7H5522/P435]. All comments filed in response to this proposed rulemaking will be available in the Product Manager's Office, Registration Division, at the address given above from 8 a.m. to 4 p.m., Monday through Firday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels, do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

List of Subjects in 21 CFR Part 193

Animal feeds, Pesticides and pests.

Dated: December 17, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, it is proposed that 21 CFR Part 193 be amended as follows:

PART 193—[AMENDED]

1. The authority citation for Part 193 continues to read as follows:

Authority: 21 U.S.C. 348.

2. New § 193.478 is added to read as follows:

§ 193.478 Deltamethrin.

A regulation is established permitting combined residues of the insecticide

deltamethrin [(1*R*,3*R*)-3(2,2-dibromovinyl)-2, 2-dimethylcyclopropanecarboxylic acid (*S*)-alpha-cyano-3-phenoxybenzyl ester] and its major metabolite, *trans*-deltamethrin, in or on the following food commodity:

Food	Part per million
Tomato products (concentrated)	1.0

[FR Doc. 87-29872 Filed 12-29-87; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 46

Administration of Adult Education Program

November 3, 1987.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs is publishing proposed regulations that will establish standardized administrative procedures for operating and administering an educational program for Indian adults. The new regulations will apply to adult education programs within the Bureau and tribally contracted adult education programs. The Office of Inspector General has recommended that regulations be developed to govern the administration of the adult education programs. These proposed regulations are in response to the recommendation of the Office of Inspector General.

DATES: Comments must be recieved on or before February 29, 1988.

ADDRESSES: Mail or hand carry written comments to: Wilson Babby, Deputy to the Assistant Secretary/Director—Indian Affairs (Indian Education Programs), Bureau of Indian Affairs, Department of the Interior, 18th & C Streets, NW., Room 3512, Main Interior, Washington, DC 20245.

FOR FURTHER INFORMATION CONTACT: Esther Whalen, Office of Indian Eduction Programs, Bureau of Indian Affairs, Department of the Interior, 18th & C Streets, Main Interior, NW., Washington, DC 20245, telephone number (202) 343-4871.

SUPPLEMENTARY INFORMATION: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. Adult education monies have been appropriated, identified, and allotted to the Bureau of Indian Affairs since Fiscal Year 1955. These proposed rules are being prepared to give guidance and direction to the administration of these funds. The rules will ensure that the Bureau of Indian Affairs Adult Education Program shall provide educational opportunities and learning experiences to enable Indian adults to acquire basic literacy skills, continue their education to at least the level of completion of secondary school, and to gain the skills needed to improve their functioning as individuals and as members of families and communities. The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding proposed rules to the location identified in the address section of this preamble. Comments must be received on or before February 29, 1988.

The primary author of this document is Esther Whalen, Branch Chief, Bureau of Indian Affairs, Office of Indian Education Programs, Washington, DC 20245, telephone number (202) 343-4871.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291. This rule does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969. The proposed regulations do not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 606 *et seq*). These proposed regulations will only effect the delivery of audit education services to eligible individual Indian adults, and will not have an impact on small entities as defined in the Act.

The information collection requirements contained in §§ 46.5, 46.9, and 46.10 have been submitted to the Office of Management and Budget for approval as requried by 44 U.S.C. 3501 *et seq*. The collection of this information will not be required until the collection form has been approved by the Office of Management and Budget.

The Bureau of Indian Affairs previously defined all applicants for assistance under the Adult Education Program to mean a person who is recognized as a member of an Indian tribe by the Secretary of the Interior, and who has at least one-fourth degree Indian blood, Alaska Native, Eskimo or Aleut blood (Alaska Native). However, the U.S. Court of Appeals for the Ninth Circuit has ruled that such one-fourth blood requirement is not in accordance with the authorizing statute, Zarr v. Barlow, No. 85-2170 (September 30, 1986). Therefore, the quarter blood requirement is being removed. Comments are especially desired on this section of eligibility.

List of Subjects in 25 CFR Part 46

Indians, Adult education programs.

It is proposed to add a new Part 46 to Subchapter E, Chapter I of Title 25, of the Code of Federal Regulations to read as follows:

PART 46—ADMINISTRATION OF THE ADULT EDUCATION PROGRAM

Sec.
46.1 Purpose and scope.
46.2 Definitions.
46.3 Information collection. [Reserved]
46.4 Eligible activities.
46.5 Education program plan requirements.
46.6 Approval of education program plans.
46.7 Maximum program participation.
46.8 Eligible students.
46.9 Application form.
46.10 Program records and reporting requirements.

Authority: 43 U.S.C. 1457; 25 U.S.C. 2, 9, and 13, and the Reorganization Plan No. 3 of 1950 (65 Stat. 1262); 209 DM 8.

§ 46.1 Purpose and scope.

This Part governs the program parameters and expenditure of funds appropriated for the Adult Education Programs funded by the Bureau of Indian Affairs. It sets forth the requirements to administer Bureau operated and tribally contracted Adult Education Programs. The adult education program is designed to help raise the level of education for Indian adults and to enhance their opportunities for self-dependence, to improve their ability to benefit from occupational training and otherwise increase their opportunites for more productive and profitable employment, and to enhance their capabilities in meeting their responsibilities.

§ 46.2 Definitions.

As used in this part: "Adult Basic Education [ABE]" means education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to obtain or retain employment commensurate with their real ability.

"Adult education" means educational instruction below the college level, for Indian adults sixteen years of age or older who are not enrolled in a formalized school education program or postsecondary education program, which is intended to enhance self-dependence, improve ability to benefit from occupational training or otherwise increase their opportunities for more productive and profitable employment, and/or otherwise to enhance abilities to fulfill responsibilities.

"Assistant Secretary" means the Assistant Secretary—Indian Affairs, Department of the Interior or his/her authorized representative.

"Community service courses" means the non-credit short courses, seminars or workshops planned to meet the adult education needs of the community.

"Continuing Education Unit (CEU)" means course work in which credit may be earned but not counted toward a postsecondary degreed program. One CEU represents ten contact hours of participation in an organized educational experience under responsible sponsorship, capable direction and qualified instruction.

"Director" means the Deputy to the Assistant Secretary/Director—Indian Affairs (Indian Education Programs), Bureau of Indian Affairs or his/her authorized representative.

"General Educational Development Test (GED)" means the test taken to obtain a high school equivalency diploma.

"Indian" means a person who is a member of an Indian tribe and is eligible to receive services from the Secretary of the Interior.

"Indian adult student" means an Indian who has attained 16 years of age or is beyond the age of compulsory school attendance under State or tribal law and is not currently enrolled in a formal secondary or postsecondary education program.

"Indian priority system" means the Bureau of Indian Affairs budget formulation process that allows direct tribal government involvement in the setting of relative priorities for the local operating programs.

"Indian tribe" means any Indian tribe, band, nation, rancheria, pueblo, colony, or community including any Alaska Native village which is Federally recognized by the United States Government through the Secretary for special programs and services provided by the Secretary to Indians because of their status as Indians.

"Life coping skills" means (1) everyday basic skills leading to self-sufficiency in such areas as seeking employment, social responsibilities, budgeting, money management, filling out applications, consumer awareness, and (2) instructional information services from Federal, state, and tribal programs (i.e., medicare, Social Security, filing of federal and state taxes, per capita entitlements, and real estate and trust services).

"Program administrator" means an individual who is directly responsible for the operation of a Bureau or tribally contracted Adult Education Program.

"Program officer" means the officer administering funds appropriated to the Bureau for the Adult Education Program.

"Public Law 93-638" means the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 (88 Stat. 2203)).

"Secretary" means the Secretary of the Interior or his/her authorized representative.

"Service area" means the geographic area served by an Adult Education Program.

"Supportive services" means recruitment, child care, transportation and follow-up services for Indian adult participants.

"Tribal contractor" means an Indian tribe or organization which has contracted with the Bureau of Indian Affairs for the administration of the Adult Education Program under the authority of Public Law 93-638.

§ 46.3 Information collection [reserved].

§ 46.4 Eligible activities.

(a) Funds appropriated for Adult Education Programs may be used for:

(1) Programs of instruction (including costs of developing and planning these programs) for Indian adults for the purpose of enabling these adults to become productive members of society. These programs of instruction may include preparation for the General Educational Development test, Adult Basic Education, community service courses, and life coping skills courses.

(2) Programs of instruction in Adult Basic Education or preparation for the GED designed to operate in conjunction with existing Federal and non-Federal programs and activities to develop occupational and related skills for Indian adults, particularly programs authorized under the Job Training Partnership Act (29 U.S.C. 1501 *et seq.*), the Vocational Education Act of 1963, as amended (20 U.S.C. 2301), or under the Older Americans Act of 1965 (42 U.S.C. 3001 *et seq.*).

(3) Programs providing educational support services that meet the needs of Indian adults, including but not limited to—

(i) Tutoring, and

(ii) Guidance and counseling with regard to educational opportunities.

(4) Special instructional programs for elderly Indians designed to equip such elderly persons to deal successfully with practical problems in their everyday living, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those Indian Trust Services, public assistance, social security benefits, and housing.

(b) The Adult Education Program Officer may not use adult education funds for purposes that duplicate available State, local or other Federal programs or services.

§ 46.5 Education program plan requirements.

(a) For each fiscal year covered by programs under this Part, each program office shall develop and implement an educational plan based on the funding level established for adult education in the formulation of the budget under the Indian Priority System.

(b) These plans shall be updated every other year to reflect the current needs of the Indian adults in the service area.

(c) The educational plan shall include, but not be limited to the following information:

(1) Assessment of adult education needs of the target population;

(2) A description of programs of instruction planned in response to this assessment, which may not duplicate activities or services available under State, local or other Federal programs;

(3) A statement of goals and measurable objectives for each program of instruction planned;

(4) Procedures, organization and methods to be used to accomplish the goals and objectives for each program of instruction;

(5) A description of the evaluation procedures to be used to measure achievement of objectives;

(6) A budget showing the amount and sources of funding and other resources required for the program;

(7) Findings, supported by an evaluation of expected program accomplishments, that the program is cost effective;

(8) A staffing plan, including position qualifications to be used in the program and including requirements that program personnel be experienced and trained in fields related to the program activities;

(9) An indentification of the facilities to be used and certification that they are adequate to support the planned activities; and

(10) Criteria for the course work is established prior to the beginning of the activity if Continuing Education Units (CEU) are to be awarded to students.

§ 46.6 Approval of education program plans.

Program plans for each Adult Education Program are subject to the approval of the appropriate Agency Superintendent for Education (ASE) or of the Area Education Programs Administrator (AEPA) based on the criteria set forth in § 46.5.

§ 46.7 Maximum program participation.

To assure maximum program participation, adult education funds expended under this Part may be used for recruitment, child care, student transportation, staff development and follow-up, provided that no more than 15 percent of the program allocation is used for these activities.

§ 46.8 Eligible students.

To be eligible for assistance from funds appropriated to the Bureau for adult education, an applicant must:

(a) Be an Indian as defined in § 46.2;

(b) Be sixteen years of age or beyond the age of compulsory school attendance under State or tribal law; and

(c) Be currently not enrolled in a formal secondary or postsecondary education program.

§ 46.9 Application form.

The "Bureau of Indian Affairs Adult Education Application" shall be used by all applicants participating in adult education programs under this Part in accordance with the requirements of the Paperwork Reduction Act, section 3504(h) of Pub. L. 96–511. Such forms shall be available at Bureau Agency and Area Offices, and tribal offices administering this program under Pub. L. 93–638 contract.

§ 46.10 Program records and reporting requirements.

(a) Each program officer shall annually submit by December 1, a report on the previous fiscal year's activities to the Deputy to the Assistant Secretary/Director—Indian Affairs (Indian Education Programs) through the appropriate ASE or AEPA by December 1 of each year. The report shall include the following information:

(1) Number of program participants by instructional area (i.e., ABE, GED preparation, community service classes, life coping skills) and records of program completion; and information regarding duration of course hours;

(2) Number of participants that earned high school equivalency diplomas;

(3) Listing of courses offered as community service courses, life coping skills classes, special courses for the elderly, etc. along with data on the total number of participants in each course offered and those who completed the program;

(4) Narrative statements, including the financial statement, describing how all fiscal year Bureau funds were used for the adult education program;

(5) Narrative statements providing description of program accomplishments, facts, suggestions recommendations, newsletters, (if applicable) pictures (if applicable) and highlights.

(b) Each adult education program officer shall maintain records necessary to identify all transactions involving Bureau funds available under this Part. Such records shall include:

(1) Student files that identify each adult student and his/her status;

(2) Student files that show attendance, courses taken, and placement test results;

(3) Adequate documentation to demonstrate the eligibility of every student assisted by the program;

(4) Information regarding the number of participants served by the programs and the number of participants that earned high school equivalency diplomas; and

(5) Documentation of program expenditures.

Ross O. Swimmer

Assistant Secretary—Indian Affairs.

[FR Doc. 87–29824 Filed 12–29–87; 8:45 am]

BILLING CODE 4310-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 7E3549/P439; FRL 3308–7]

Pesticide Tolerance for 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)-propyl]-3-hydroxy-2-cyclohexene-1-one

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the herbicide 2-[1-(ethoxyimino)-butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one and its metabolites (referred to in this document as "sethoxydim") in or on the raw agricultural commodity artichokes. The regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments, identified by the document control number [PP 7E3549/P439], should be received on or before January 29, 1988.

ADDRESS: By mail, submit written comments to: Information Services Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part of all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (TS–767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703)–557–2310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, submitted pesticide petition 7E3549 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project, and the Agricultural Experiment Station of California.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one and its metabolites containing the 2-cyclohexene-1-one moiety (calculated as the herbicide) in or on the raw agricultural commodity artichokes at 3.0 parts per million (ppm). The petitioner proposed that use of sethoxydim on artichokes be limited to California based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance include:

1. A 6-month dog feeding study with a no-observed-effect level (NOEL) of 2 milligrams (mg)/kilogram (kg)/day (equivalent to 60 ppm).

2. A 2-year chronic feeding/oncogenicity study in rats with a NOEL equal to or greater than 360 ppm (equivalent to 18 mg/kg/day, highest does tested) and no oncogenic effects observed under the conditions of the study at all dose levels tested (40, 120, and 360 ppm).

3. A 2-year chronic feeding/oncogenicity study in mice with a NOEL of 120 ppm (equivalent to 18 mg/kg/day) and no oncogenic effects observed under the conditions of the study at all dose levels tested (0, 40, 120, 360, and 1,080 ppm).

4. A two-generation reproduction study in rats with a NOEL of 360 ppm (equivalent to 18 mg/kg/day).

5. A teratology study in rats with no observed teratogenic effects at 250 mg/kg/day (highest dose tested) and a NOEL of 40 mg/kg/day for maternal toxicity.

6. A teratology study in rabbits with a NOEL for teratogenic effects and maternal toxicity at 160 mg/kg/day.

7. Mutagenicity studies including recombinant assays and forward mutations in *B. subtilis, E. coli,* and *S. typhimurium* (negative at concentrations of chemical to 100 percent), and a host-mediated assay (mouse) with *S. typhimurium* (negative at 2.5 grams (gms)/kg/day of chemical).

8. A metabolism study in rats which showed negligible accumulation and extremely rapid excretion of the chemical.

The acceptable daily intake (ADI), based on the 6-month dog feeding study NOEL of 2 mg/kg/day and using a 100-fold safety factor, is calculated to be 0.02 mg/kg of body weight/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 1.2 mg/day. The theoretical maximum residue contribution(TMRC) from existing tolerances for uses of sethoxydim is calculated to be 0.006874 mg/kg/day. The current action will increase the TMRC by 0.000010 mg/kg/day (0.14 percent). Published tolerances utilize 34.37 percent of the ADI, and the current action will utilize an additional 0.05 percent.

The nature of the residues is adequately understood, and an adequate analytical method, gas-liquid chromatography using a flame photometric detector, is available for enforcement purposes. Analytical enforcement methods are currently available in the Pesticide Analytical Manual (PAM), Volume II. There are currently no actions pending against the continued registration of this chemical.

No secondary residues in meat, milk, poultry, or eggs are expected since artichokes are not considered a livestock feed commodity. Based on the information and data considered, the Agency concludes that the tolerance will protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 7E3549/P439]. All written comments filed in response to this petition will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: December 17, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.412 is amended by designating the current paragraph and list of tolerances as paragraph (a) and by adding new paragraph (b) to read as follows:

§ 180.412 2-[1-(Ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one; tolerances for residues.

* * * * *

(b) Tolerances with regional registration, as defined in § 180.1(n), are established for the combined residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one and its metabolites containing the 2-cyclohexene-1-one moiety (calculated as the herbicide) in or on the following raw agricultural commodities:

Commodities	Parts per million
Artichokes	3.0

[FR Doc. 87–29875 Filed 12–29–87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 7E3527/P438; FRL 3308–8]

Pesticide Tolerance for Fluazifop-butyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of the herbicide fluazifop-butyl in or on the raw agricultural commodity rhubarb. The proposed regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments, identified by the document control number [PP 7E3527/

P436], must be received on or before January 29, 1988.

ADDRESS: By mail, submit written comments to:

Information Services Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

Hoyt Jamerson, Emergency Response and Minor Use Section (TS–767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)–557–2310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 7E3527 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project, and the Agricultural Experiment Stations of Maryland and New Jersey.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide (R)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy] propanoic acid (resolved isomer of fluazifop), both free and conjugated and of butyl[R]-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]-oxy]phenoxy] propanoate (resolved isomer of fluazifop-P-butyl), all expressed as fluazifop, in or on the raw agricultural commodity rhubarb at 0.5 part per million (ppm). The petitioner proposed that use on this commodity be limited to Maryland and New Jersey based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contract the Agency's Registration Division at the address provided above.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance include:

1. A 2-year chronic feeding/oncogenicity study in rats which was negative for oncogenic potential under the conditions of the study at 3.0 milligrams (mg) per kilogram (kg) of body weight (bw) per day (equivalent to 60 ppm highest dose tested) and a systemic no-observed-effect level (NOEL) of 1 mg/kg/day.

2. A 90-day rat feeding study with a NOEL of 0.5 mg/kg/day (equivalent to 10 ppm).

3. A 90-day dog feeding study with a NOEL of 25 mg/kg/day (equivalent to 1,000 ppm).

4. A rat oral lethal dose LD_{50} of 3,300 mg/kg.

5. A rat teratology study with a teratogenic and maternal toxicity NOEL of 10 mg/kg/day (equivalent to 200 ppm) and a NOEL for fetotoxicity of 1 mg/kg/day.

6. A rabbit teratology study with no teratogenic effect at 90 mg/kg/day (highest dose tested) and a NOEL for fetotoxicity of 10 mg/kg/day (equivalent to 330 ppm).

7. A two-generation rat reproduction study with a NOEL of 1 mg/kg/day.

8. A 1-year dog feeding study with a NOEL of 5 mg/kg/day.

9. An 18-month mouse chronic feeding/oncogenicity study with no observed oncogenic potential under the conditions of the study at 3.0 mg/kg/day (highest dose tested) and a NOEL for systemic toxicity of 1.0 mg/kg/day (equivalent to 7 ppm).

10. An Ames test (negative), a rat cytogenetic study (negative), and an *in-vitro* transformation assay (negative).

11. An acute delayed neurotoxicity study in hens (negative).

The acceptable daily intake (ADI), based on the 2-year rate feeding study (NOEL of 1.0 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.01 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.6 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.001712 mg/kg/day; the current action will increase the TMRC by 0.000002 mg/kg/day (0.12 percent). Published tolerances utilize 17.1 percent of the ADI; the current action will utilize an additional 0.02 percent.

The nature of the residues is adequately understood, and an adequate analytical method, high pressure liquid chromatography using an ultraviolet detector, is available in Pesticide Analytical Manual, Volume II (PAM–II), for enforcement purposes.

Based on the above information considered, the Agency concludes that the tolerance established by amending 40 CFR 180.411 will protect the public health. No secondary residues in meat, milk, poultry, or eggs are expected since rhubarb is not considered a livestock feed commodity.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 7E3527/P436]. All written comments filed in response to this petition will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 17, 1987.

Edwin F. Tinsworth

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. In § 180.411 by adding new paragraph (d) to read as follows:

§ 180.411 Fluazifop-butyl; tolerances for residues.

* * * * *

(d) Tolerances with regional registration, see § 180.1[n], are established for residues of the herbicide, fluazifop, (R)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]-oxy]phenoxy] propanoic acid, both free and conjugated and of fluazifop-P-butyl, butyl[R]-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy] propanoate, all expressed as fluazifop, in or on the raw agricultural commodities:

Commodity	Parts per million
Rhubarb	0.5

[FR Doc. 87–29876 Filed 12–29–87; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 2E2663/P432; FRL 3308–6]

Pesticide Tolerance for Deltamethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the insecticide deltamethrin and its major metabolite, *trans*-deltamethrin, in or on the raw agricultural commodity tomatoes. The proposed regulation to establish a maximum permissible level for residues of the insecticide was requested, pursuant to a petition, by Hoechst-Roussel Agri-Vet Co., acting as Registered U.S. Agent for Roussel Uclaf of Paris, France.

DATE: Comments must be received on or before January 29, 1988.

ADDRESS: By mail, submit written comments to: Information Services Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

In person, bring comments to: Room 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Room 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: George T. LaRocca, Product Manager (PM) 15, Registration Division (TS–767C), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Office location and telephone number: Rm. 204, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)–557–2400.

SUPPLEMENTARY INFORMATION: The Hoechst-Roussel Agri-Vet Co., acting as Registered U.S. Agent for Roussel Uclaf of Paris, France, Route 202–206 North, Somerville, NJ 08876, submitted pesticide petition 2E2663 to the EPA. The petition requests that the Administrator propose that 40 CFR Part 180 be amended by establishing a tolerance for the combined residues of the insecticide deltamethrin [(1*R*,3*R*)-3(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylic acid (*S*)-alpha-cyano-3-phenoxybenzyl ester) and its major metabolite, *trans*-deltamethrin, in or on the raw agricultural commodity tomatoes imported from Mexico at 0.2 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include a rat chronic feeding/oncogenicity study which was negative for oncogenic effects under the conditions of the study up to and including 50 ppm, the highest dose tested (HDT). The no-observed-effect level (NOEL) for this study was 20 ppm. At the highest dose level tested (50 ppm) there were decreases in body weight gain. Other studies include a 2-year dog chronic feeding study with a NOEL of 40 ppm (HDT); a mouse oncogenicity study which showed no oncogenic or other effects under the conditions of the study at 100 ppm (HDT); mouse and rat teratology studies which showed no teratogenic effects up to and including 10.0 milligrams per kilogram per day (mg/kg/day) (HDT); a rabbit teratology study which showed no teratogenic effects up to and including 16 mg/kg/day (HDT); a rat three-generation reproduction study which had a NOEL of 50 ppm (HDT); a delayed neurotoxicity study with hens which was negative at doses up to and including 5,000 mg/kg; mutagenicity—*E. coli* (Slater and Bridges test) in which deltamethrin was not mutagenic up to and including 5,000 µg/milliliter; two mutagenicity [Ames test) which were negative with or without metabolic activation with strains TA98, TA100, TA1535, TA1537, and TA1538; a dominant lethal test with mice which did not show mutagenic effects; and microsomal metabolism studies *in vitro* (rat liver, housefly, cabbage looper) in which oxidative and hydrolytic enzyme metabolism was studied and metabolites identified.

The acceptable daily intake (ADI) is calculated to be 0.01 mg/kg/day based on a 2-year rat chronic feeding study with a NOEL of 20.0 ppm (1 mg/kg/day) and a hundredfold safety factor. The maximum permissible intake is calculated to be 0.6 mg/day for a 60-kg person. Establishment of this tolerance, based on the Tolerance Assessment System analysis, which estimated the average U.S. population dietary exposure, will result in a theoretical maximum residue contribution of 0.0002 mg/kg/day.

Data desirable but currently lacking from the petitioner are additional mutagenicity tests in accordance with Subpart F of the Agency's Guidelines. The petitioner has been informed of these date requirements and has agreed to submit the data by March of 1989.

There are no regulatory actions pending against registration of the insecticide, nor are there any other relevant considerations involved in establishing the proposed tolerance. The metabolism of deltamethrin and its major metabolite, *trans*-deltamethrin, is adequately understood for this use, and an adequate analytical method (the same methodology used for (1*R*,3*S*)3[(1′*RS*)(1′,2′,2′,2′-tetrabromoethyl)]-2,2-dimethylcyclo-

propanecarboxylic acid (*S*)-*alpha*-cyano-3-phenoxybenzyl ester (40 CFR 180.422)), gel permeation chromatography and gas liquid chromatography with an electron capture detector, is available in the FDA Pesticide Analytical Manual, vol. II, for enforcement purposes.

Imported tomatoes are not processed into dried tomato pomace for animal feed; therefore, there is no reasonable expectation of secondary residues in eggs, meat, milk, or poultry.

The pesticide is considered useful for the purpose for which the tolerance is sought. Based on the above information, the Agency has determined that the proposed tolerance for residues of the pesticide in or on tomatoes will protect the public health.

Any person who has registered or submitted an application for registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, which contains any of the ingredients listed herein may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments in the proposed regulation. Comments must bear a notation indicating the document control number. [PP 2E2663/P432]. All comments filed in response to this proposed rulemaking will be available in the Product Manager's Office, Registration Division, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Date: November 13, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. New § 180.435 is added to read as follows:

§ 180.435 Deltamethrin; tolerances for residues.

A tolerance is established for residues of the insecticide deltamethrin [(1*R*,3*R*)-3(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylic acid (*S*)-alpha-cyano-3-phenoxybenzyl ester] and its major metabolite, *trans*-deltamethrin, in or on the following raw agricultural commodity:

Commodity	Part per million
Tomatoes	.01

[FR Doc. 87-29873 Filed 12-29-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[Common Carrier Docket No. 87-530; FCC 87-363]

Private Networks and Private Line Users of Exchange Access

AGENCY: Federal Communications Commission (FCC).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to reexamine the access charge rules as they apply to private networks and private line users of exchange access. This action is necessary to determine whether a more rational approach to the assessment charges is possible.

DATES: Comments are due by February 29, 1988, and reply comments by March 30, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Judith Wish, (202) 632-4047.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking in Common Carrier Docket 87-530, FCC 87-363, Adopted November 24, 1987, and Released December 15, 1987.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rulemaking

1. In a series of orders in CC Docket No. 78-72, the Commission adopted a comprehensive access charge plan for the recovery by local exchange carriers (LECs) of the costs associated with the origination and termination of interstate telecommunications.[1] A primary objective of the plan was to reduce or eliminate discrimination or preferences in charges for telecommunications services. Thus, the plan applied switched access charges to most interstate services that use local exchange switches and common line facilities for access, including MTS, WATS, and MTS/WATS-equivalent services, as well as those that combine interstate private line service with these facilities, such as FX, CCSA, and CCSA-equivalent services.

2. However, in attempting to implement an access charge plan in which all interstate traffic that traversed the local exchange would receive the same treatment, the Commission encountered two obstacles: The "leaky PBX" phenomenon and "rate shock." The leaky PBX phenomenon arises because most private line users who terminate their lines in PBXs can interconnect those lines to local exchange subscriber lines to route interstate calls through the local exchange switch to another subscriber line. Because these interstate calls appear to the LEC as local calls, the LEC was unable to identify the interstate calls for purpose of applying access charges.

3. The leaky PBX problem arises with any device that can interconnect private lines with local exchange subscriber lines, including Centrex equipment. In drafting the present access charge rules the Commission treated Centrex leakage like PBX leakage because of concern that Centrex raised the same measurement problems that PBX did. In addition, the Commission seemed to be concerned that, because Centrex and PBX competed directly with one another, treating them differently for access charge purposes would have serious competitive impacts.

4. "Rate shock" refers to the Commission's concerns that immediate application of switched access charges to certain interstate services that use local exchange switches and common line might unduly burden, or even disrupt, their operations. In response to these concerns, the Commission granted temporary exemptions from payment of such charges to certain resellers, enhanced service providers, and sharers. Recently, the Commission eliminated the exemption for resale carriers,[2] and on July 17, 1987, initiated a rulemaking to consider whether to eliminate the exemption for enhanced service providers.[3]

5. While the Commission did not apply switched access charges to leaked interstate PBX traffic and other exempt traffic, it developed a surrogate charge—the special access surcharge—applicable to all special access lines that terminate in a PBX or any other device that can interconnect special access lines with subscriber lines, and that do not fall within certain specified exceptions. The Commission recognized at the time that there were notable limitations on the surcharge as an effective substitute for switched access charges, and the Commission indicated that it expected that superior methods of dealing with the leaky PBX problem would be developed.

6. Thus, in their present form, the access charge rules create a substantial dichotomy in the charges applied to private networks and private lines depending or whether they access the local exchange facilities via (a) CCSA or equivalent switching services, or (b) PBX or equivalent devices, including Centrex.

7. Since the Commission adopted the access charge plan, there have been significant developments in switch technology and increasing competition in the private line and private network market. Thus, the more sophisticated switches available today enable certain Centrex and PBX equipment to distinguish and measure interstate traffic "leaked" into the local exchange. Moreover, competition is increasing in the private network market as functionally similar interstate private network switching services are being provided interexchange carriers, local exchange carriers, and CPE. Thus, Centrex-Electronic Tandem Switching (Centrex-ETS) service, and similarly sophisticated ETS-like PBX devices, largely unknown in their present form in 1983, have become increasingly and directly competitive with CCSA switching services. Yet, the Commission's rules and orders do not define CCSA-equipment or list its characteristics. Neither do the rules and orders specifically mention Centrex-ETS or PBX-ETS service, or indicate whether the Commission intended them to be considered CCSA-like or PBX-like services.

8. The Bell Atlantic Declaratory Ruling Order, adopted along with this *NPRM*,[4] considers the appropriate access charge treatment of Centrex-ETS for the first time. The Commission there concluded that Centrex-ETS, although something of a "hybrid" service—combining both CCSA-like and PBX-like characteristics—is functionally and competitively so similar to CCSA service that under the present access charge rules it should be treated as a CCSA-equivalent service. That result raises questions regarding discrimination, efficiency, and enforcement, since it treats off-network interstate private network traffic switched by Centrex-ETS switches differently from such traffic switched by PBX-ETS, conventional Centrex, and conventional PBX systems.

9. In light of these developments, the Commission has decided to reexamine the present access charge rules to determine whether a more technically and economically rational approach to the assessment of charges for private network access that better promotes the goals of the access charge plan is possible. Specifically, the *NPRM* proposes to reexamine and seeks comment on the following issues relating to the application of the access charge rules to private networks and private line users:

a. *Centrex-ETS:* The *NPRM* seeks comment on whether Centrex-ETS service should continue to be treated as a CCSA-equivalent for access charge purposes. Specifically, the *NPRM* tentatively concludes that Centrex-ETS is functionally similar to CCSA, competes for the same business as CCSA, and, in most, if not all, cases, can identify and measure interstate private network traffic switched off the private network (off-net). The *NPRM* seeks comment on these conclusions. In addition, the *NPRM* indicates that certain problems may arise if Centrex-ETS continues to be treated differently from conventional Centrex, and requests comment on the potential definitional problems and possible network inefficiencies that might arise.

b. *Conventional Centrex:* The *NPRM* tentatively concludes that conventional Centrex is functionally distinct from Centrex-ETS and CCSA-type service, and seeks comments on that conclusion and on whether that distinction should affect the access charge treatment of conventional Centrex service. In addition, the *NPRM* seeks comment on whether and, if so, the extent to which conventional Centrex switches can identify and measure interstate traffic switched into and out of the local exchange. The *NPRM* also seeks comment on whether the Commission should, to further its goal of having all interstate users of local exchange switches pay similar access charges for similar use, require application of switched access charges whenever measurement is possible. Finally, the *NPRM* asks commenters to consider the likely competitive effects of applying switched access charges to conventional Centrex service, but not to conventional PBX switches.

c. *PBX-ETS:* The *NPRM* tentatively concludes that PBX-ETS is functionally equivalent to Centrex-ETS and CCSA, and is being used interchangeably with those services in large, nationwide private networks. The *NPRM* asks commenters to provide data on the growth of the private network market, the switching devices that are part of it, and the ways in which that growth might be affected by changes in the access charge rule that would treat all electronic tandem switching devices—CCSA, Centrex-ETS, and PBX-ETS—the same. The *NPRM* points out that while equal treatment may be desirable, the LEC may not be able to measure the interstate usage by the PBX-ETS; it seeks comment on the LEC's capability to do so. The *NPRM* requests comment on whether PBX-ETS private networks now use, or should be required to use, dedicated off-network access lines (ONALS) for off-net access, over which measurement would presumably be possible. Alternatively, the *NPRM* seeks comment on whether the Commission

---

[1] Third Report and Order, MTS and WATS Market Structure, CC Docket No. 78-72, 93 FCC 2d 241 (1983) (*Access Charge Order*), *modified on reconsideration*, 97 FCC 2d 682 (1983) (*First Reconsideration Order*), *modified on further reconsideration*, 97 FCC 2d 834 (1984) (*Second Reconsideration Order*).

[2] WATS-Related and Other Amendments of Part 69 of the Commission's Rules, Second Report and Order, CC Docket No. 86-1, FCC 86-377 (released Aug. 28, 1986) (*Second Report and Order*).

[3] Amendment of Part 69 of the Commission's Rules Relating to Enhanced Service Providers, Notice of Proposed Rulemaking, CC Docket No. 87-215, FCC 87-288 (released July 17, 1987) (*Enhanced Services NPRM*).

[4] Bell Atlantic Petition for Declaratory Ruling Concerning Application of the Commission's Access Charge Rules to Private Telecommunications Systems, FCC 87-361 (released Dec. 15, 1987).

VOL 52 ISS 250 DEC 30 1987 UMI

should require PBX–ETS users to measure their own leakage and report that leakage to the LEC, and on the difficulties inherent in such an approach. Finally, the *NPRM* indicates that problems may arise if PBX–ETS is treated differently from conventional PBX, and requests comment on the potential definitional problems and possible network inefficiencies that might arise.

d. *Conventional PBX:* The *NPRM* concludes that conventional PBX, like conventional Centrex, is functionally distinct from PBX–ETS, Centrex-ETS, and CCSA-type interstate private network switching services, and seeks comment on that conclusion. The *NPRM* also seeks comment on the measurement capability of conventional PBX switches in use now. If measurement is possible on some, or all, such switches, the *NPRM* asks whether they should be subject to switched access charges. Finally, the *NPRM* seeks comment on how such a requirement might be implemented.

10. In those cases where the Commission concludes that it is not possible or desirable to impose switched access charges on certain private networks and private line users, the *NPRM* suggests that a surrogate charge—like the special access surcharge—may continue to be the best way of ensuring that private line users contribute in some way to the local exchange facilities they use in originating and terminating interstate calls through the public switched network. At the time the Commission adopted the special access surcharge in 1983, it recognized that the surrogate charge contained many defects, and anticipated that it would soon be replaced. In 1984, the Commission issued a Notice of Proposed Rulemaking to consider modifications and/or elimination of the special access surcharge.[5] The record developed in the proceeding has been made part of this docket. Based on the comments and reply comments filed in that proceeding and in view of the changes in switch technology since 1983, the *NPRM* proposes the following possible modifications to the special access surcharge, and seeks comment on each:

a. *Eliminate the self-certification exemption to the special access surcharge.* The *NPRM* seeks comment on whether the Commission should eliminate the surcharge exemption for private line subscribers who certify that they have implemented hardware or software restrictions to disable their PBX or similar device from leaking. The *NPRM* points out that many commenters, in response to the earlier Notice, assert that the exemption has been abused, and is difficult for the LECs to enforce; or the other hand, the exemption may have reduced leakage and discouraged facilities bypass. The *NPRM* seeks comment on the effects and value of the exemption, and on whether it should be eliminated.

b. *Reduce the surcharge to reflect the decrease in CCL charges.* The present surcharge was computed as a surrogate for both end office access charges and CCL charges for interstate use of the local exchange. The CCL charge has decreased since 1983. The *NPRM* invites specific proposals for a mechanism that would, in applying the existing surcharge formula, either simply reduce the surcharge amount by some factor to reflect decreases in the CCL charge, or adjust the surcharge amount to take account of other factors.

c. *Modified measurement approach.* The *NPRM* invites comment on a proposed modified measurement approach to replace the present surcharge, consisting of the following: Each LEC would be required to develop a measurement-based charge, involving actual measurement or a representative sampling of leakage through conventional Centrex equipment. That charge would then be applied to special access lines connected to all Centrex and PBX switches that are subject to the surcharge. The *NPRM* also seeks comment on variations or improvements in this proposal.

d. *Maintain the existing surcharge.* The *NPRM* seeks comment on whether, in view of the problems that might arise with respect to the proposed modifications in the surcharge, no other surcharge mechanism would be more effective than the present one or would better serve the public interest.

1. Finally, the *NPRM* considers the appropriate access charge treatment for entities that share private lines and private networks. As noted, the access charge rules initially exempted resale carriers, enhanced service providers, and sharers from switched access charges because of rate shock concerns. The resellers' exemption has been eliminated, and the Commission recently proposed to eliminate the exemption for enhanced service providers. MCI filed a Petition for Clarification in CC Docket No. 86–1 requesting the Commission to clarify that in eliminating the exemption for resellers it also intended to eliminate the exemption for entities that share private networks and systems. The Commission, in an Order adopted along with the *NPRM*,[6] denied the petition, stating that the reseller order does not extend to sharers. However, in view of these actions, the *NPRM* concludes that it is no longer appropriate to maintain a switched access charge exemption for entities that share private lines and private networks to the extent they use the local network in the same way as resellers and other users of private networks and private line services. The *NPRM* tentatively concludes that switched access charges should apply to private line sharers in the same way that they apply to all private users of the local exchange, and seeks comment on that tentative conclusion and on potential implementation problem with it.

Procedural Matters

12. Pursuant to 47 U.S.C. 154(i), 154(j), 201–05, 218, and 403, and 5 U.S.C. 553, notice is hereby given of proposed adoption of new or modified rules.

13. All interested persons may file comments on the issues and proposals discussed herein not later than February 29, 1988, and replies may be filed not later than March 30, 1988. In accordance with the provisions of § 1.419, an original and five copies of all statements, briefs, comments, or replies shall be filed with the Federal Communications Commission, Washington, DC, 20054, and all such filings will be available for public inspection in the Docket Reference Room at the Commission's Washington, DC office. In addition, two copies of each pleading should be filed with the Policy and Program Planning Division, Common Carrier Bureau, 1919 M Street NW., Washington, DC 20554. A copy of all filings should also be sent to the Commission's contractor for public records duplication, International Transcription Service, Inc., 2100 M Street NW., Suite 140, Washington, DC 20037, (202) 857–3800. In reaching its decision, the Commission may consider information and ideas not contained in filings, provide that such information is reduced to writing and placed in the public file, and provided that the fact of the Commission's reliance on any such information or ideas is noted in the Order.

14. For purposes of this nonrestricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* presentations are

[5] MTS and WATS Market Structure, Notice of Proposed Rulemaking, 49 FR 50,413 (1984).

[6] WATS-Related and Other Amendments of Part 69 of the Commission's Rules, CC Docket No. 86–1, FCC 87–362 (released Dec. 15, 1987).

permitted except during the Sunshine Agenda period. *See generally* § 1.1206(a). The Sunshine Agenda period is the period of time which commences with the release of a public notice that a matter has been placed on the Sunshine Agenda and terminates when the Commission (1) releases the text of a decision or order in the matter; (2) issues a public notice stating that the matter has been deleted from the Sunshine Agenda; or (3) issues a public notice stating that the matter has been returned to the staff for further consideration, whichever occurs first. Section 1.1202(f). During the Sunshine Agenda period, no presentations, *ex parte* or otherwise, are permitted unless specifically requested by Commission or staff for the clarification or adduction of evidence or the resolution of issues in the proceeding. Section 1.1203.

15. In general, an *ex parte* presentation is any presentation directed to the merits or outcome of the proceeding made to decision-making personnel which (1) if written, is not served on the parties to the proceeding, or (2) if oral, is made without advance notice to the parties to the proceeding and without opportunity for them to be present. Section 1.1202(b). Any person who submits a written *ex parte* presentation must provide on the same day it is submitted a copy of same to the Commission's Secretary for inclusion in the public record. Any person who makes an oral *ex parte* presentation that presents data or arguments not already reflected in that person's previously-filed written comments, memoranda, or filings in the proceeding must provide on the day of the oral presentation a written memorandum to the Secretary (with a copy to the Commission or staff member involved) which summarizes the data and arguments. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. Section 1.1206.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–29813 Filed 12–29–87; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 87–563, RM–6078]

Radio Broadcasting Services; Dyersburg, Tennessee; Jonesboro, Hoxie, and Newport, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Dr Pepper Pepsi-Cola Bottling Company of Dyersbury, Inc., proposing the substitution of Class C2 Channel 261 for Channel 261A at Dyersburg, as that community's first wide coverage area FM station. The proposal requires a site restriction of 18.8 kilometers (11.7 miles) northwest of Dyersburg. In order to accomplish the substitution at Dyersburg, substitutions must also be made at Jonesboro, Arkansas, Channel 262A for 261A (Station KDEZ(RM)); Newport, Arkansas, Channel 264A for 288A (Station KOKR(FM)); and at Hoxie, Arkansas, Channel 287A for 263A, where there is an outstanding construction permit.

DATES: Comments must be filed on or before February 8, 1988, and reply comments on or before February 23, 1988.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Edward S. O'Neill, Esquire, Peggy Kobacker Shiffrin, Esquire, Bryan, Cave, McPheeters and McRoberts, Suite 1000, 1015 Fifteenth Street NW., Washington, DC 20005 (Counsels for petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–563, adopted December 2, 1987, and released December 18, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87–29814 Filed 12–29–87; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 52, No. 250
Wednesday, December 30, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Schedule for Awarding Executive Service; Performance Awards (Bonuses)

AGENCY: ACTION.

ACTION: Notice.

SUMMARY: ACTION hereby amends its schedule for awarding Senior Executive Service Bonuses.

FOR FURTHER INFORMATION CONTACT: Phyllis D. Beaulieu, Director of Personnel, ACTION, 806 Connecticut Avenue, NW., Washington, DC 20525.

SUPPLEMENTARY INFORMATION: Office of Personnel Management Guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service Bonuses at least 14 days prior to the date on which the awards will be paid.

Schedule for Awarding Senior Executive Service Bonuses

ACTION intends to award Senior Executive Service Bonuses for the 1986–1987 rating cycle. Payouts will occur on or about January 18, 1988. Issued in Washington, DC on December 23, 1987.

Donna M. Alvardo,
Director, ACTION.

[FR Doc. 87–29907 Filed 12–29–87; 8:45 am]
BILLING CODE 6050–28–M

Performance Review Board; Membership

AGENCY: ACTION.

ACTION: Revision of list of Performance Review Board Positions.

SUMMARY: ACTION publishes the revised list of positions which comprise the Performance Review Board established by ACTION under the Civil Service Reform Act.

FOR FURTHER INFORMATION CONTACT: Phyllis D. Beaulieu, Director of Personnel, ACTION, 806 Connecticut Avenue, NW., Washington, DC, 20525, (202) 634–9263.

SUPPLEMENTARY INFORMATION: The Civil Service Reform Act of 1978 (CSRA), which created the Senior Executive Service (SES), requries that each agency establish one or more prformance review boards to review and evaluate the initial appraisal of a senior executive's performance by the supervisor and to make recommendations to the appointing authority concerning the performance of the senior executive.

The positions listed below will serve as members on the ACTION Performance Review Board:

1. Assistant Director for VISTA and Service Learning Programs, Chairman.
2. Associate Director, Domestic and Anti-Poverty Operations.
3. Associate Director, Office of Management and Budget.
4. Executive Officer, Domestic and Anti-Poverty Operations.
5. General Counsel, ACTION.
6. Deputy General Counsel, ACTION.

Issued in Washington, DC, on December 23, 1987.

Donna M. Alvarado,
Director, ACTION.

[FR Doc. 87–29908 Filed 12–29–87; 8:45 am]
BILLING CODE 6050–28–M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

December 25, 1987.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

- **Agricultural Stabilization and Conservation Service**

Farm Storage and Drying Equipment Loan Program-Loan Application and Approval
CCC–185
On occasion
Farms; Businesses or other for-profit; Small businesses or organizations; 5,000 responses; 1,000 hours; not applicable under 3504(h)
Beverly Pritts (202) 447–8374

- **Rural Electrification Administration**

Request for Release of Lien and/or Approval of Sale
REA 793
On occasion
Small businesses or organizations; 75 responses; 75 hours; not applicable under 3504(h)
David K. Iverson (202) 382–9539

Larry K. Roberson,
Acting Departmental Clearance Officer.

[FR Doc. 87–29920 Filed 12–29–87; 8:45 am]
BILLING CODE 3410–01–M

Forest Service

Intent To Prepare Significant Amendment to Grand Mesa, Uncompahagre and Gunnison National Forests Land and Resource Management Plan

The Department of Agriculture, Forest Service has concluded the major portion of the re-analysis of the Grand Mesa, Uncompahagre and Gunnison National Forests Plan as required by Deputy Assistant Secretary of Agriculture, Douglas W. MacCleery's decision of July 31, 1985. Re-analysis of the Forest Plan has resulted in a decision to prepare a "significant amendment" to the Forest Plan. The Forest Supervisor is now in the process of developing a significant amendment to the Forest Plan. This process also will result in supplementing the Forest Plan Environmental Impact Statement to present additional information requested by Deputy Assistant Secretary MacCleery.

A Notice of Intent to Reanalyze the Forest Plan appeared in the October 3, 1986 **Federal Register**. This Re-analysis of the Forest Plan was prompted by a review of the Chief's decision on an appeal of the EIS and Plan by the Natural Resource Defense Council, and by important changes taking place in demand for wood products from these National Forests. The analysis concentrated on the following issue areas:

1. USDA decision of July 31, 1985;
2. Below cost timber sales;
3. Timber demand; and
4. Aspen management.

The re-analysis has resulted in a determination that there is a need to change the Forest Plan. Needed changes affect the Forests' timber management program with possible effects on the water, wildlife and range resources of these National Forests. The needed changes are "significant changes" according to the guidelines laid down in 36 CFR 219.10 (f). Consequently, a "Significant Amendment" to the Forest Plan is being developed to reflect the changes needed in the Forests' timber management program.

The Forest Supervisor has been communicating with interested and affected members of the public to determine the scope of the needed changes since October 1986. In continuation of this process, the National Forests will hold a series of nine "open houses" to inform the public and encourage public participation in the Forest Plan amendment process. All open houses will be held from 1:00 PM to 8:00 PM, and will take place in the following locations:

1/19/88 Montrose: BLM District Office, 2465 S. Townsend Ave, Montrose, CO,
Norwood: U.S. Forest Service Office, 1760 Grande, Norwood, CO,
1/20/88 Denver: Executive Towers Inn, 1405 Curtis, Denver, CO,
Delta: U.S. Forest Service Office, 2250 Highway 50, Delta, CO,
1/21/88 Grand Junction: Forest Service Office, 764 Horizon Dr., Grand Junction,
Gunnison: U.S. Forest Service Office, 216 N. Colorado, Gunnison, CO,
1/22/88 Paonia; Paonia City Hall, 214 Grande Ave, Paonia, CO.

The draft amendment to the Forest Plan and supplement to the Environmental Impact Statement are expected to be available for public review and comment in April 1988. The final amendment and supplement are scheduled to be completed in September 1988. Gary E. Cargill, Regional Forester, Rocky Mountain Region, is the responsible official.

Date: December 17, 1987.

Raymond J. Evans,
Forest Supervisor.

[FR Doc. 87–29820 Filed 12–29–87; 8:45 am]
BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

Action: Notice of Issuance of an Amended Export Trade Certificate of Review, Application #85–A0015.

Summary: The Department of Commerce has issued an amendment to the export trade certificate of review granted to California Dried Fruit Export Trading Company ("CDFETC") January 27, 1986 (51 FR 3996, January 31, 1986).

FOR FURTHER INFORMATION CONTACT: John E. Stiner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97–290) authorizes the Secretary of Commerce to issue Export Trade certificates of review. The regulations implementing Title III are found at 15 CFR Part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

The export trade certificate of review, Application No. 85–00015, issued January 27, 1986, is amended as follows:

The section captioned "Members" is amended to add "Fresno Cooperative Raisin Growers, Inc.; Madera Raisin Sales Co.; and West Coast Growers and Packers, Inc."

Effective Date: September 28, 1987.

A copy of the certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Dated: December 22, 1987.

John E. Stiner,
Director, Office of Export Trading Company Affairs.

[FR Doc. 87–29832 Filed 12–29–87; 8:45 am]
BILLING CODE 3510–DR–M

[Docket No. 71144–7244]

Foreign Availability Assessment; Isopropyl N-(3-chlorophenyl) carbamate

AGENCY: Export Administration, International Trade Administration.

ACTION: Notice of finding of foreign availability assessment.

SUMMARY: the Office of Foreign Availability (OFA) of Export Administration is required by sections 5 (f) and (h) of the Export Administration Act of 1979, as amended (EAA), to initiate and review claims of foreign availability on items controlled for national security purposes.

OFA has completed an assessment on isopropyl N-(3-chlorophenyl) carbamate, an alkyl carbamate, controlled under ECCN 4707B on the Commodity Control List. Based on such assessment, the Department of Commerce has found foreign availability for this commodity.

FOR FURTHER INFORMATION CONTACT: Jo-Anne A. Jackson, Office of Foreign Availability, Department of Commerce, Telephone: (202) 377–5953.

SUPPLEMENTARY INFORMATION:

Background

The Office of Foreign Availability has completed an assessment on the foreign ability of isopropyl N-(3-chlorophenyl) carbamate. This substance is a synthetic organic agricultural chemical controlled for national security purposes under

BEST COPY AVAILABLE

ECCN 4707B on the Commodity Control List.

The Office of Foreign Availability has completed its assessement of the availability of the above described chemical from non-U.S. sources and has determined the existence of foreign availability as defined by law.

Therefore, Export Administration will publish regulations removing the national security controls on isopropyl N-(3-chlorophenyl) carbamate. Isopropyl N-(3-chlorophenyl) carbamate will be controlled only for foreign policy reasons and accordingly will be added to the list of chemicals requiring an individual validated license under ECCN 6799G.

If OFA receives substantive new evidence affecting this foreign availability determination, the assessment will be reevaluated. Inquiries concerning the scope of this assessment may be directed to the Office of Foreign Availability at the above adress.

Dated: December 23, 1987.

Irwin M. Pikus,

Director, Office of Foreign Availability.

[FR Doc. 87-29830 Filed 12-29-87; 8:45 am]

BILLING CODE 3510-DT-M

Minority Business Development Agency

Business Development Center Program Applications; Connecticut

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate a MBDC for a three (3) year period, subject to available funds. The cost of performance for the first twenve months is estimated at $217,700 for the project performance of June 1, 1988 to May 31, 1989. The MBDC will operate in the Connecticut Standard Metropolitan Statistical Area (SMSA). The first year cost for the MBDC will consist of $217,700 in Federal funds and a minimum of $38,418 in Non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, non-profit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firms proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a three (3) year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for applications is February 1, 1988. Applications must be postmarked on or before February 1, 1988.

ADDRESS: New York Regional Office, Minority Business Development Agency, Jacob K. Javits Federal Building, Room 3720, New York, New York 10278, (212) 264-3262.

FOR FURTHER INFORMATION CONTACT: Gina A. Sanchez, Regional Director New York Regional Office at (212) 264-3262.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information copies of application kits and applicable regulations can be obtained at the above address.

William R. Fuller,

Regional Director (Deputy), New York Regional Office.

Date: December 22, 1987.

[FR Doc. 87-29845 Filed 12-29-87; 8:45 am]

BILLING CODE 3510-21-M

Business Development Center Program Applications; Nassau-Suffolk Long Island NY

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate a MBDC for a three (3) year period, subject to available funds. The cost of performance for the first twelve months estimated at $217,700 for the project performance of June 1, 1988 to May 31, 1989. The MBDC will operate in the Nassau/Suffolk Long Island, N.Y. Standard Metropolitan Statistical Area (SMSA). The first year cost for the MBDC will consist of $217,700 in Federal funds and a minimum of $38,418 in Non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, non-profit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDC supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a three (3) year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for applications is February 1, 1988. Applications must be postmarked on or before February 1, 1988.

ADDRESS: New York Regional Office, Minority Business Development Agency, Jacob K. Javits Federal Building, Room 3720, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: Gina A. Sanchez, Regional Director, New York Regional Office at (212) 264-3262.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

William R. Fuller,

Regional Director (Deputy), New York Regional Office.

Date: December 22, 1987.

[FR Doc. 87-29846 Filed 12-29-87; 8:45 am]

BILLING CODE 3510-22-M

National Oceanic and Atmospheric Administration

Evaluation of State/Territorial Coastal Management Programs, Coastal Energy Impact Programs and National Estuarine Research

AGENCY: National Oceanic and Atmospheric Administration, National Oceanic Service, Office of Ocean and Coastal Resource Management, Commerce.

ACTION: Corrected Notice of Availability of Evaluation Findings.

Federal Register Notice Doc. 87-28604, published December 14, 1987, incorrectly lists several states as having recent evaluation findings indicating adherence to their coastal management and estuarine research reserve programs.

Notice is hereby given that the evaluation findings for the California Coastal Management Program indicate that the State did not comply with the provisions of the California Coastal Management Program and the underlying requirements of the CZMA and its implementing regulations. Evaluation findings for the State of Georgia and the Commonwealth of Puerto Rico indicate that they are not adhering to the terms and intent of section 315 of the Coastal Zone Management Act of 1972, as amended, and to the National Estuarine Sanctuary Program Regulations. A copy of the assessment and detailed findings for these programs may be obtained on request from: John H. McLeod, Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1825 Connecticut Avenue NW., Washington, DC 20235 (telephone: 202/673-5104).

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: December 22, 1987.

James P. Blizzard,

Acting Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 87-29901 Filed 12-29-87; 8:45 am]

BILLING CODE 3510-08-M

Intent to Evaluate Performance; Correction

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management, Commerce.

ACTION: Corrected Notice of Intent to Evaluate.

Notice is hereby given that the National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management will not evaluate the American Samoa Coastal Management during the second quarter of fiscal year 1988, as previously published in the **Federal Register** on December 14, 1987, Doc. 87-28605.

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration

Date: December 22, 1987.

James P. Blizzard,

Acting Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 87-29902 Filed 12-29-87; 8:45 am]

BILLING CODE 3510-08-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Levels and Guaranteed Access Levels for Certain Cotton, Man-Made Fiber and Other Vegetable Fiber, Textile Products from Jamaica, Effective on January 1, 1988

December 24, 1987.

The Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, and the President's February 20, 1986 announcement of a Special Access Program for textile products assembled in participating Caribbean Basin beneficiary countries from fabric formed and cut in the United States, and pursuant to the requirements set forth in 51 FR 21208 (June 11, 1986) and 52 FR 26057 (July 10, 1987), has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information, contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of certain cotton, man-made fiber and other vegetable fiber textiles and textile products, produced or manufactured in Jamaica and exported during 1988, in excess of the designated twelve-month levels.

In addition, the Commissioner is also directed to establish guaranteed access levels for certain properly certified cotton, man-made fiber and other vegetable fiber textiles and textile products which are assembled in Jamaica from fabric formed and cut in the United States and exported during the same twelve-month period.

Background

Under the terms of Section 204 of the Agricultural Act of 1956, as amended, and the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Textile Agreement of August 27, 1986, as amended, between the Governments of the United States and Jamaica, and as translated to the new category system, CITA will establish designated consultation levels for Categories 331/631, 347/348/647/648, 352/652 and 632 and specific limits for Categories 338/339/638/639, 340/640, 341/641, 345/845 and 445/446, produced or manufactured in Jamaica and exported during the agreement year which begins on January 1, 1988 and extends through December 31, 1988. The limit for Categories 341/641 has been adjusted for carryforward used in 1987.

In addition to the designated consultation levels, the bilateral agreement also establishes guaranteed access levels for properly certified

textile products assembled in Jamaica from fabric formed and cut in the United States within Categories 331/631, 338/339/638/639, 340/640, 341/641, 345/845, 347/348/647/648, 349/469, 352/642 and 632, exported from Jamaica during the agreement year which begins on January 1, 1988 and extends through December 31, 1988.

Textile products in Categories 331/631, 338/339/638/639, 340/640, 341/641, 345/845, 347/348/647/648, 349/649, 352/652 and 632 which are exported from Jamaica on or after January 1, 1988, qualifying for the Special Access Program for entry under TSUSA 807.0010, must be accompanied by a properly completed CBI Export Declaration (Form ITA–370P).

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 28622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1988).

The letter to the Commissioner and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

William J. Dulka,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 24, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 27, 1986, as amended, between the Governments of the United States and Jamaica; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption or withdrawal from warehouse for consumption of cotton, wool, man-made fiber and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Jamaica and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of the following designated levels:

Category and Twelve-Month Restraint Level

331/631—350,000 dozen pairs
338/339/638/639—575,000 dozen
340/640—325,000 dozen of which not more than 275,000 dozen shall be in shirts made from fabrics with two of more colors in the warp and/or the filling (Categories 340pt./640pt.—only TSUSA numbers 381.0522, 381.3132, 381.3142, 381.3152, 381.5500, 381.5610, 381.5625, 381.5637, 381.5660, 381.9535, 381.9547 and 381.9550
341/641—388,850 dozen
345/845—100,700 dozen
347/348/647/648—653,000 dozen
352/652—100,000 dozen
445/446—47,470 dozen
632—100,000 dozen pairs

To the extent that trade which now falls in the foregoing categories is within a category limit for the period which began, in the case of Categories 331/631, 338/339/638/639, 340/640 and 347/348/647/648 on September 1, 1986; in the case of Categories 341/641 and 345/845 on January 1, 1987; and in the case of Categories 352/652, 445/446 and 632 on June 1, 1987 and extends through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

In accordance with the provisions of the Special Access Program, as set forth in 51 FR 21208 (June 11, 1986) and 52 FR 26057 (July 10, 1987), you are directed to establish guaranteed access levels for properly certified cotton, man-made fiber and other vegetable fiber textile products in the following categories which are assembled in Jamaica from fabric formed and cut in the United States and exported to the United States from Jamaica during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988.

Category and Guaranteed Access Level

331/631—1,320,000 dozen pairs
338/339/638/639—795,000 dozen
340/640—200,000 dozen
341/641—200,000 dozen
345/845—50,000 dozen
347/348/647/648—1,250,000 dozen
349/649—2,200,000 dozen
352/652—1,350,000 dozen
632—2,000,000 dozen pairs

Any shipment for entry under TSUSA 807.0010 which is not accompanied by a valid and correct certification and CBI Export Declaration in accordance with the provisions of the certification requirements established in the directive of February 19, 1987 shall be denied entry unless the Government of Jamaica authorizes the entry and any charges to the appropriate designated consultation levels or specific limits. Any shipment which is declared as TSUSA 807.0010 but found not to qualify for the Special Access Program may be denied entry into the United States.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for compensation to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

William J. Dulka,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–29923 Filed 12–29–87; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Malaysia

December 24, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port of call (202) 343–6496. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States from Malaysia for consumption, or withdrawal from warehouse for consumption, of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Malaysia and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of the designated restraint limits.

Background

During consultations held on November 5, 1987 between the Governments of the United States and Malaysia, agreement was reached to further amend their Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement between the Governments of the United States and Malaysia, effected by exchange of notes dated July 1 and 11, 1985, as amended. The agreement, as translated to the new category system, establishes specific limits for cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 200, 218, 219, 220, 225–227, 300/301, 313–315, 317, 326, 331/631, 333/334/335/835, 336/636, 337/637, 338/339, 340/640, 341/641, 342/642/842, 345, 347/348, 351/651, 363, 369–S, 435, 438–W (women's knit shirts and blouses), 442, 445/446, 604, 613/614/615/617, 634/635, 638/639, 645/646 and 647/648, produced or manufactured in Malaysia and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988. The agreement also establishes a group limit for certain cotton and man-made fiber fabric (Categories 218, 219, 220, 225–227, 313, 314, 315, 317, 326 and 613/614/615/617 as a group), with sublimits within the group, and Group II (Categories 201, 222–224, 229, 239, 330, 332, 349, 350, 352–354, 359–262, 369–O, 400–434, 436, 438–O, 440, 443, 444, 447, 448, 459, 464–469, 600–603, 606, 607, 611, 618–622, 624–630, 632, 633, 643, 644, 649, 650, 652–654, 659, 665–670, 831–834, 836, 848, 840 and 843–859, as a group).

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 28622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

William J. Dulka,

Acting Chairman, Committee for the Implementation of Textile Agreements

Committee for the Implementation of Textile Agreements

December 24, 1987.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes dated July 1 and 11, 1985, as amended, between the Governments of the United States and Malaysia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Malaysia and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988, in excess of the following restraint limits:

Category and Twelve-Month Restraint Limit

218, 219, 220, 225–227, 313–315, 317, 326, 613/614/615/617, as a group—70,000,000 square yards equivalent

Sublevels within the group

218—4,500,000 square yards
219—21,800,000 square yards
220—21,800,000 square yards
225—21,800,000 square yards
226—21,800,000 square yards
227—21,800,000 square yards
313—26,000,000 square yards
314—28,000,000 square yards
315—21,800,000 square yards
317—21,800,000 square yards
326—3,000,000 square yards
613/614/615/617—21,800,000 square yards

Other Specific Limits

200—349,800 pounds
300/301—3,710,000 pounds
331/631—1,155,405 dozen pairs
333/334/335/835—132,500 dozen of which not more than 66,250 dozen shall be in Category 333, not more than 66,250 dozen shall be in Category 334, not more than 66,250 dozen shall be in Category 335 and not more than 66,250 dozen shall be in Category 835
336/636—245,002 dozen
337/637—213,484 dozen
338/339—607,418 dozen
340/640—742,901 dozen
341/641—962,827 dozen of which not more than 343,489 dozen shall be in Category 341
342/642/842—230,618 dozen
345—88,433 dozen
347/348—248,744 dozen
351/651—143,100 dozen
363—4,240,000 numbers
369–S [1]—1,012,364 pounds
435—13,847 dozen
438–W [2]—11,333 dozen
442—16,877 dozen
445/446—26,788 dozen
604—1,626,753 pounds
634/635—449,379 dozen of which not more than 196,100 dozen shall be in Category 635
638/639—264,719 dozen
645/646—202,473 dozen
647/648—952,813 dozen of which not more than 666,969 dozen shall be in Category 647–K [3] and not more than 666,969 dozen shall be in Category 648–K [4]

Group II

201, 222–224 229, 239, 330, 332, 349, 350, 352–354, 359–362, 369–O [5], 400–434, 436, 438–O [6], 440, 443, 444, 447, 448, 459, 464–469, 600–603, 606, 607, 611, 618–622, 624–630, 632, 633, 643, 644, 649, 650, 652–654, 659, 665–670, 831–834, 836, 838, 840 and 843–859, as a group—28,317,367 square yards equivalent

To the extent that trade which now falls in the foregoing categories is within a category limit for the period January 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the limits set forth in this directive.

The limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of July 1 and 11, 1985, as amended, between the Governments of the United States and Malaysia which provide, in part, that: (1) specific limits or sublimits may be exceeded by not more than 5 percent, provided a corresponding reduction in equivalent square yards is made in one or more other specific limits during the same agreement year; (2) specific limits may be adjusted for carryover and carryforward up to 11 percent of the applicable category limits; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry into the United States for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

---

[1] In Category 369–S, only TSUSA number 366.2040.

[2] In Category 438–W, only TSUSA numbers 384.1309, 384.2711, 384.5434, 384.5910, 384.6310, 384.7724 and 384.9640.

[3] In Category 647–K, only TSUSA numbers 381.2350, 381.2370, 381.2859, 381.6679, 381.8531, 381.8730, 381.8815, 381.8835, 381.8840, 381.9234, 384.1926, 384.2010, 384.2040, 384.8241, 384.8256, and 384.8262.

[4] In Category 648–K, only TSUSA numbers 384.1927, 384.1929, 384.1950, 384.2015, 384.2017, 384.2030, 384.2050, 384.2267, 384.2722, 384.5482, 384.7756, 384.8242, 384.8244, 384.8245, 384.8247, 384.8258, 384.8263, 384.8265, 384.8682 and 791.7458.

[5] In Category 369–O, all TSUSA numbers except 366.2040.

[6] In Category 438–O, all TSUSA numbers except 384.1309, 384.2711, 384.5434, 384.5910, 384.6310, 384.7724 and 384.9640.

Sincerely,
William J. Dulka,
Acting Chairman, Committee for the Implementation of Textile Agreements.
[FR Doc. 87-29925 Filed 12-29-87; 8:45 am]
BILLING CODE 3510-DR-M

Announcing Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Republic of Singapore

December 24, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 535-6736. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, or certain cotton, wool and man-made fiber textiles and textile products in Groups I and II and which are in excess of the designated limits.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 31 and June 5, 1986, as amended, between the Governments of the United States and Singapore, and as translated to the new category system, establishes specific limits for cotton, wool and man-made fiber textile products in Categories 239, 331, 334, 335, 337, 338/339, 340, 341, 342, 347/348, 435, 604, 631, 634, 635, 638, 639, 640, 641, 645/646, 647 and 648 in Group I, produced or manufactured in Singapore and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988. The agreement also include a Group II limit for cotton, wool and man-made fiber textile products in Categories 200-229, 300/301, 313-330, 332, 333/633, 336, 345, 349, 350, 351/651, 352/652, 353/354/653/654, 359-369, 400-434, 436, 442-444, 445/446, 447, 448, 459-469, 600-603, 606, 607, 611-630, 632, 636, 637, 642-644, 649, 650, parts of 659, 665-670 and individual categories within the group, produced or manufactured in Singapore and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

William J. Dulka,
Acting Chairman, Committee for the Implementation of Textile Agreements.

December 24, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated May 31 and June 5, 1986, as amended, between the Governments of the United States and Singapore; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Singapore and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988, in excess of the following levels of restraint:

Category and Twelve-Month Restraint Limit

Group I

239—725,000 pounds
331—324,480 dozen pairs
334—54,262 dozen
335—163,223 dozen
337—62,733 dozen
338/339—814,449 dozen of which not more than 475,971 dozen shall be in Category 338 and not more than 529,220 dozen shall be in Category 339
340—569,993 dozen
341—143,325 dozen
342—88,200 dozen
347/348—763,848 dozen of which not more than 477,405 dozen shall be in Category 347 and not more than 371,315 dozen shall be in Category 348
435—6,200 dozen
604—1,506,478 pounds
631—330,750 dozen pairs
634—207,166 dozen
635—212,000 dozen
638—760,883 dozen
639—2,863,220 dozen
640—121,517 dozen
641—198,208 dozen
645/646—116,999 dozen
647—410,000 dozen
648—1,392,125 dozen

Group II

200-229, 300/301, 313-330, 332, 333/633, 336, 345, 349, 350, 351/651, 352/652, 353/354/653/654, 359-369, 400-434, 436, 442-444, 445/446, 447, 448, 459-469, 600-603, 606, 607, 611-630, 632, 636, 637, 642-644, 649, 650, 659-S [1], 659-V [2], 659-O [3] 665-670, as a group—45,000,000 square yards equivalent

Sublevels Within Group II

200—555,556 pounds
201—571,429 pounds
218—2,000,000 square yards
219—2,000,000 square yards
220—2,000,000 square yards
222—373,134 pounds
223—263,158 pounds
224—2,000,000 square yards
225—2,000,000 square yards
226—2,000,000 square yards
227—2,000,000 square yards
229—270,270 pounds
300/301—434,783 pounds
313—2,000,000 square yards
314—2,000,000 square yards
315—2,000,000 square yards
317—2,000,000 square yards
326—2,000,000 square yards
330—1,176,471 dozen
332—434,783 dozen pairs

[1] In Category 659-S, only TSUSA numbers 381.2340, 381.3170, 381.9100, 381.9570, 384.1700, 384.2339, 384.8300, 384.8400 and 384.9353.

[2] In Category 659-V, only TSUSA numbers 381.2836, 381.3332, 381.9224, 381.9837, 384.2250, 384.2251, 384.2863, 384.2864, 384.8677, 384.9472 and 384.9473.

[3] In Category 659-O, all TSUSA numbers except 381.2340, 381.3170, 381.9100, 381.9570, 384.1700, 384.2339, 384.8300, 384.8400 and 384.9353 (659-S); 381.2836, 381.3332, 381.9224, 381.9837, 384.2250, 384.2251, 384.2863, 384.2864, 384.8677, 384.9472 and 384.9473 (659-V).

333/633—41,500 dozen
336—70,000 dozen
345—54,348 dozen
349—416,667 dozen
350—39,216 dozen
351/651—38,462 dozen
352/652—148,148 dozen
353/354/653/654—48,426 dozen
359—434,783 pounds
360—1,818,182 numbers
361—322,581 numbers
362—289,855 numbers
363—4,000,000 numbers
369—434,783 pounds
400—75,000 pounds
410—150,000 square yards
414—100,000 pounds
431—71,429 dozen pairs
432—53,571 dozen pairs
433—4,167 dozen
434—6,000 dozen
436—3,049 dozen
442—10,000 dozen
443—33,336 numbers
444—33,336 numbers
445/446—20,000 dozen
447—8,333 dozen
448—8,333 dozen
459—75,000 pounds
464—115,385 pounds
465—1,500,000 square feet
469—75,000 pounds
600—571,429 pounds
603—588,235 pounds
606—183,486 pounds
607—571,429 pounds
611—2,000,000 square yards
613—2,000,000 square yards
614—2,000,000 square yards
615—2,000,000 square yards
617—2,000,000 square yards
618—2,000,000 square yards
619—2,000,000 square yards
620—2,000,000 square yards
621—256,410 pounds
622—2,000,000 square yards
624—2,000,000 square yards
625—2,000,000 square yards
626—2,000,000 square yards
627—2,000,000 square yards
628—2,000,000 square yards
629—2,000,000 square yards
630—1,176,471 dozen
632—434,783 dozen pairs
636—140,000 dozen
637—93,897 dozen
642—175,570 dozen
643—444,444 numbers
644—444,444 numbers
649—416,667 dozen
650—39,216 dozen
659-S—320,000 pounds
659-V—320,000 pounds
659-O—320,000 pounds
665—20,000,000 square feet
666—256,410 pounds
669—256,410 pounds
670—1,000,000 pounds

To the extent that trade which now falls in the foregoing categories is within a category limit for the period January 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

Imports in categories 352/652 shall be converted to square yard equivalent at the rate of 13.5 square yards equivalent per dozen.

The limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement, effected by exchange of notes dated May 31 and June 5, 1986, as amended, between the Governments of the United States and the Republic of Singapore, which provide, in part, that: (1) Specific limits may be exceeded by certain designated percentages; (2) specific limits may be increased by carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustment under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
William J. Dulka,
Acting Chairman, Committee for the Implementation of Textile Agreements.
[FR Doc. 87-29924 Filed 12-29-87; 8:45 am]
BILLING CODE 3510-DR-M

Textile and Apparel Categories; Changes in Visa Arrangements To Coincide With the Onset of the New Category System

December 24, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Kathy Davis, International Trade Specialist, Office of Textiles & Apparel, United States Department of Commerce, (202) 377-4212.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to change the visa requirements for certain cotton, wool, man-made fiber, vegetable fiber other than cotton, and silk blend textiles and textile products to conform with the new categtory system. The letter contains both a general section, applicable to all countries, and a country specific section, for visa changes by country, that are not generally applicable.

Background

Pursuant to its authority under Section 204 of the Agricultural Act of 1956, as amended, CITA is amending the visa requirements for imports to the United States of certain cotton, wool, man-made fiber, vegetable fiber, other than cotton, and silk blend textiles and textile products. These changes will be effective for products exported to the United States on and after January 1, 1988. These changes are due to the new category system, or coincide with the advent of that new system (see 52 FR 47745 of December 16, 1987).

Interested persons are advised to take all necessary steps to ensure that cotton, wool, man-made fiber, vegetable fiber, other than cotton, and silk blend textiles and textile products that are affected by the changes in the accompanying letter to the Commissioner of Customs, that are exported on and after January 1, 1988, and are to be entered or withdrawn from warehouse for consumption in the United States, will meet the requirements set forth in the notice.

William J. Dulka,
Acting Chairman, Committee for the Implementation of Textile Agreements.
BILLING CODE 3510-DR-M

UNITED STATES DEPARTMENT OF COMMERCE
International Trade Administration
Washington D C 20230

December 24, 1987

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs
Department of the Treasury
Washington, D.C. 20229

Dear Mr. Commissioner:

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to make the changes shown below in the current visa requirements with all countries with which visa arrangements are in place, effective for goods exported to the United States from the respective countries of origin on and after January 1, 1988.

GENERAL SECTION:

For all countries, the following categories and part categories will no longer be valid, nor will any part categories within these categories and part categories, nor will any combined whole and/or part category combinations that include these be valid.

310, 311, 312, 316, 317-S 1/, 317-T 2/, 318, 319, 320, 359-I 3/, 369-W 4/, 411, 425, 429, 601, 602, 605, 610, 612, 614-W 5/, 614-P 6/, 659-I 7/, 669-F 8/

For all countries for which there is a correct category visa requirement, and for which a visa is currently required for shipments of cotton, wool and man-made fiber textiles and textile products in categories 300-369, 400-469, and 600-669 (or 600-670, as applicable), the following new categories will be required.

200, 201, 218, 219, 220, 222, 223, 224, 225, 226, 227, 229, 239, 326, 414, 606, 607, 615, 617, 618, 619, 620, 621, 622, 624, 628, and 629

For all countries, part and/or combined category visa requirements, if not addressed in either the General or the Country Specific Sections of this letter, remain unchanged.

1/ In Category 317-S, only TSUSA numbers 320.— through 331.—, with statistical suffixes 50, 87 and 93.
2/ In Category 317-T, only TSUSA numbers 320.— through 331.—, with statistical suffixes 51, 52, 83, 85, 89, 91 and 95.
3/ In Category 359-I, only TSUSA numbers 384.0439, 384.0441, 384.0442, 384.0444, 384.0805, 384.0810, 384.0815, 384.0820, 384.0825, 384.5162, 384.5163, 384.5167, 384.5169, 384.5172, 384.3451, 384.3452, 384.3453 and 384.3454.
4/ In Category 369-W, only TSUSA number 303.2040.
5/ In Category 614-W, only TSUSA numbers 338.1000, 338.1505, 338.1508, 338.1511, 338.1525, 338.1528, 338.1531, 338.1552, 338.1554, 338.1556, 338.1558, 338.1562, 338.1564, 338.1568 and 338.1572.
6/ In Category 614-P, only TSUSA numbers 338.5040, 338.5045, 338.5051, 338.5056, 338.5061, 338.5065, 338.5069, 338.5072, 338.5075, 338.5079, 338.5084, 338.5087, 338.5092, 338.5095 and 338.5098.
7/ In Category 659-I, only TSUSA numbers 384.2105, 384.2115, 384.2120, 384.2125, 384.2646, 384.2647, 384.2648, 384.2649, 384.2652, 384.8651, 384.8652, 384.8653, 384.8654, 384.9356, 384.9357, 384.9358, 384.9359 and 384.9365.
8/ In Category 669-F, only TSUSA numbers 355.4520 and 355.4530.

COUNTRY SPECIFIC SECTION:

For the following countries, the changes listed have not been addressed by the General Section above. Where the coverage of a specific country visa system is unique, whether changed or not, the category coverage to be effective for exports on and after January 1, 1988 is also listed in this section. Part and/or combined category visa requirements, if not already addressed in the General Section, and if not addressed in the Country Specific Section, remain unchanged.

BRAZIL:
There is still no correct category requirement, but coverage now includes the 200 series categories. Total coverage, then, becomes 200-239, 300-369 and 600-669.

CHINA:
The following new combined categories will be valid:

317/326	(will be valid for all products in 317/326, except those in 326, which must have a 326 visa)
338/339	(will be valid for products in categories 338/339, except for those in 338-S/339-S 1/)
338-S/339-S	(will be required)
638/639	

The following new part categories will be required:

341-Y 2/	(category 341 will be valid for all products within category 341, except those in 341-Y)
410-A 3/	
410-B 4/	
440-M 5/	(category 440 will be valid for all products within category 440, except those in 440-M)

Because part category 317-S will no longer be valid, part category 317-O will no longer be valid. All products in category 317 will require either a 317/326 visa, or a 317 visa.

Because part category 359-I will no longer be valid, part category 359-O 6/ becomes all TSUSA numbers in category 359 except those in part categories 359-C and 359-V

Because part category 600-Y will no longer be valid, 600-O will no longer be valid. All products in category 600 will require a whole category 600 visa.

Because part category 659-I will no longer be valid, part category 659-O 7/ becomes all TSUSA numbers in category 659 except those in part categories 659-C, 659-H, and 659-S.

The following part categories will no longer be valid:
338-X
338-O
613-C
613-R
613-O

1/ In Category 338-S/339-S only TSUSA numbers 381.0240, 381.0425, 381.3516, 381.4020, 381.4130, 381.4337, 381.6610, 381.8506, 381.9924, 384.0216, 384.0223, 384.0229, 384.0232, 384.2818, 384.2930, 384.2970 and 384.3437 in Category 338; and 384.0212, 384.0214, 384.0217, 384.0225, 384.0227, 384.0230, 384.0231, 384.0233, 384.0235, 384.0330, 384.0461, 384.2704, 384.2815 384.2816, 384.2821, 384.2934, 384.2935, 384.2950, 384.2980, 384.3439, 384.3441, 384.3462, 384.5404, 384.7704 and 384.9517 in Category 339.

2/ In Category 341-Y only TSUSA numbers 384.0505, 384.0511, 384.0512, 384.4608, 384.4610, 384.4612 and 384.4788.

3/ In Category 410-A only TSUSA numbers 335.5500, 336.1505, 336.1540, 336.5000, 336.6210, 336.6270, 336.6275, 336.6410, 336.6470, 336.6475, 337.5030, 337.5055, 337.5090, 337.5500, 339.0500, 363.1500 and 363.7000.

4/ In Category 410-B only TSUSA numbers 336.1000, 336.1510, 336.2000, 336.2500, 336.3000, 336.3500, 336.4000, 336.5500, 336.6205, 336.6260, 336.6265, 336.6405, 336.6460, 336.6465 and 377.5080.

5/ In Category 440-M only TSUSA numbers 381.1730, 381.3532, 381.6942, 381.7830, 381.8340, 381.8646, 381.9948, 384.1515, 384.6505 and 384.7010.

6/ In category 359-O all TSUSA numbers except 381.0822, 381.6510, 384.0928, 384.5222 (359-C), 381.0258, 381.0554, 381.3949, 381.5800, 381.5920, 384.0451, 384.4300, 384.4421, 384.4422, 384.0648, 384.0650, 384.0651, 384.3449 and 384.3450 (359-V)

7/ In category 659-O all TSUSA numbers except 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607, 384.9310 (659-C), 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560, 703.1000, 703.1610, 703.1620, 703.1630, 703.1640, 703.1650 (659-H), 381.2340, 381.3170, 381.9100, 381.9570, 384.1700, 384.2339, 384.8300, 384.8400 and 384.9353 (659-S)

HONG KONG:
The following new combined categories will be valid:
225/317/326
226/313

For Hong Kong, with the exception of made-to-measure suits of wool, man-made fiber, silk blend and vegetable fibers other than cotton, not accompanying the traveller, all textile and apparel products including bona fide gifts valued at U.S.$50 or less, shipped for the personal use of the importer, and not for resale, regardless of value; and properly marked commercial sample shipments valued at U.S.$250 or less, shall not be subject to visa requirements. Made-to-measure suits of wool, man-made fiber, silk blend and vegetable fibers, other than cotton, not accompanying the traveller, will require the following visas: 443/643/843(1) or 444/644/844(1)

INDONESIA:
The following new combined categories will be valid:
317/326/617
338/339
613/614/615
625/626
638/639

INDIA:
The following part category is amended:
341-Y 1/

1/ In Category 341-Y, only TSUSA numbers 384.0505, 384.0511, 384.0512, 384.4608, 384.4610, 384.4612 and 384.4788.

JAPAN:
There is still no correct category requirement, but coverage now includes the 200 series categories. Total coverage, then, becomes 200-239, 300-369, 400-469, 600-670, and 800-899

KOREA:
The following new combined categories will be valid:
317/326
613/614
619/620
625-629 (for combined categories 625/626/627/628/629)

The following new part categories will be required:
229-F 1/
229-O 2/

Because part category 669-F will no longer be valid, the coverage of category 669-O 3/ becomes all TSUSA numbers in category 669 except those in part categories 669-P, 669-T and 669-C

Part Categories 640-DO 4/, 640-DY 5/, 640-OO 6/, 640-OY 7/, 641-Y 8/ and 641-O 9/ are amended.

1/ In Category 229-F, only TSUSA numbers 355.4520 and 355.4530.
2/ In Category 229-O, all TSUSA numbers except 355.4520 and 355.4530.
3/ In Category 669-O, all TSUSA numbers except 385.5300 in Category 669-P; 386.1105 and 389.6210 in Category 669-T; and 348.0065, 348.0075, 348.0565 and 348.0575 in Category 669-C.
4/ In Category 640-DO, only TSUSA numbers 381.3134, 381.3558, 381.6972, 381.8666, 381.9540 and 381.9968.
5/ In Category 640-DY, only TSUSA numbers 381.3132 and 381.9535.
6/ In Category 640-OO, only TSUSA numbers 381.3144, 381.3154, 381.3333, 381.9305, 381.9400, 381.9549, 381.9844, 384.2313 and 384.9127.
7/ In Category 640-OY, only TSUSA numbers 381.3142, 381.3152, 381.9547, 381.9550 and 384.2306.
8/ In Category 641-Y, only TSUSA numbers 384.2302, 384.2304, 384.2307, 384.9110 and 384.9120.
9/ In Category 641-O, all TSUSA numbers in Category 641 except 384.2302, 384.2304, 384.2307, 384.9110 and 384.9120.

Because part category 614-W will no longer be valid, 614-O will no longer be valid, and only whole category 614 visas will be accepted for 1988 exports in category 614.

MALAYSIA:
The following new combined categories will be valid:
613/614/615/617
331/631
336/636

Because part category 369-W will no longer be valid, 369-O 1/ becomes all TSUSA numbers in category 369 except those in 369-S.

1/ In Category 369-O, all TSUSA numbers except 366.2840 in Category 369-S.

Because part category 317-S will no longer be valid, 317-O will no longer be valid. All products in category 317 will require a whole category 317 visa.

MEXICO:
Excludes cotton balls in category 223 (only TSUSA number 355.0200).

The following new combined categories will be valid:
300/301
336/636
337/637
338/339/638/639
340/640
341/641 1/ (for cotton and man-made fiber not knit blouses except those in 341-Y/641-Y)
341-Y/641-Y 2/ (for cotton and man-made fiber blouses made with two or more colors in the warp and/or the filling)
342/642
349/649
352/652

The following new part categories will be required:
359-C 3/
359-O 4/
604-A 5/
604-O 6/
659-C 7/
659-H 8/
659-O 9/

1/ In Category 341/641 all TSUSA numbers except 384.4608, 384.4610, 384.4612, 384.0505, 384.0511, 384.0512, 384.2302, 384.2304, 384.2307, 384.9110, 384.9120 and 384.4788.
2/ In Category 341-Y/641-Y, only TSUSA numbers 384.4608, 384.4610, 384.4612, 384.0505, 384.0511, 384.0512, 384.2302, 384.2304, 384.2307, 384.9110, 384.9120 and 384.4788.
3/ In Category 359-C, only TSUSA numbers 381.0822, 381.6510, 384.0928 and 384.5222.
4/ In Category 359-O, all TSUSA numbers except 381.0822, 381.6510, 384.0928 and 384.5222.
5/ In Category 604-A, only TSUSA numbers 310.5049 and 310.6045.

6/ In Category 604-O, all TSUSA numbers except 310.5049 and 310.6045.
7/ In Category 659-C, only TSUSA numbers 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607 and 384.9310.
8/ In Category 659-H, only TSUSA numbers 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560, 703.1000, 703.1610, 703.1620, 703.1630, 703.1640 and 703.1650.
9/ In Category 659-O, all TSUSA numbers except 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607, 384.9310 in Category 659-C; and 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560, 703.1000, 703.1610, 703.1620, 703.1630, 703.1640 and 703.1650 in Category 659-H.

PAKISTAN:
The following new combined categories will be valid:
633/833
645/646/845/846
642/842
643/843
644/844
650/850
651/851
652/852

The following part categories will no longer be valid:
613-B 1/
613-S 2/
613-P 3/
613-O 4/

1/ In Category 613-B, only TSUSA numbers 338.5039, 338.5042, 338.5047, 338.5053, 338.5058, 338.5059, 338.5060, 338.5067, 338.5081 and 338.5089.
2/ In Category 613-S, only TSUSA numbers 338.5043, 338.5044, 338.5054, 338.5055, 338.5077, 338.5078, 338.5082 and 338.5083.
3/ In Category 613-P, only TSUSA numbers 338.5048, 338.5049 and 338.5050.
4/ In Category 613-O, all TSUSA numbers except those in footnotes 1/, 2/ and 3/ above.

PERU:
The following new combined categories will be valid:
226/313
338/339 (for products in 338/339 other than 338-S 1/ and 339-S 2/)
317/326 (for products in 317/326 other than 326)

1/ In Category 338-S, only TSUSA numbers 381.0240, 381.0425, 381.3516, 381.4020, 381.4130, 381.4337, 381.6610, 381.8506, 381.9924, 384.0216, 384.0223, 384.0229, 384.0232, 384.2818, 384.2930, 384.2970 and 384.3437.

2/ In Category 339-S, only TSUSA numbers 384.0212, 384.0214, 384.0217, 384.0225, 384.0227, 384.0230, 384.0231, 384.0233, 384.0235, 384.0330, 384.0461, 384.2704, 384.2815 384.2816, 384.2821, 384.2934, 384.2935, 384.2950, 384.2980, 384.3439, 384.3441, 384.3462, 384.5404, 384.7704 and 384.9517.

The following part categories will be required:
338-S
339-S

PHILIPPINES
Because 359-I will no longer be valid, 359-O will no longer be valid, and all products in 359 will require a whole category 359 visa. Because 659-I will no longer be valid, 659-O 1/ will become all TSUSA numbers in category 659 other than those in 659-H. Category 640-Y 2/ is amended.

1/ In Category 659-O, all TSUSA numbers except 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560, 703.1000, 703.1610, 703.1620, 703.1630, 703.1640 and 703.1650.
2/ In Category 640-Y only TSUSA numbers 381.3132, 381.3142, 381.3152, 381.9535, 381.9547, 381.550 and 384.2306.

ROMANIA:
The following new combined categories will be valid:
335/835
341/840

SINGAPORE:
The following new combined categories will be valid:
300/301
333/633
351/651
352/652
353/354/653/654
445/446
645/646

Because category 659-I will no longer be valid, category 659-O 1/ becomes all TSUSA numbers in category 659 except those in 659-S and 659-V.

1/ In Category 659-O, all TSUSA numbers except 381.2340, 381.3170, 381.9100, 381.9570, 384.1700, 384.2339, 384.8300, 384.8400 and 384.9353 in Category 659-S; and 381.2836, 381.3332, 381.9224, 381.9837, 384.2250, 384.2251, 384.2663, 384.2664, 384.8677, 384.9472 and 384.9473 in Category 659-V.

TAIWAN:
The following new combined categories will be valid:
225/317/326
613/614/615/617
619/620
625/626/627/628/629

The following new part categories will be required:
229-F 1/
229-O 2/

The following part categories, in addition to those in the General Section, will no longer be valid:
670-U
670-A
670-T

Because 359-I will no longer be valid, 359-O 3/ becomes all TSUSA numbers in category 359 except those in part categories 359-C, 359-H and 359-V.

Because 614-P will no longer be valid, 614-O will no longer be valid, and all products in category 614 must have a whole category 614 visa.

Because 659-I will no longer be valid, 659-O 4/ becomes all TSUSA numbers in category 659 except those in part categories 659-B, 659-C, 659-H, and 659-S.

Because 669-P will no longer be valid, 669-O 5/ becomes all TSUSA numbers in category 669 except those in part categories 669-P and 669-T.

Because 670-A will no longer be valid, 670-H 6/ becomes all handbags in category 670.

Because 670-T will no longer be valid, 670-F 7/ becomes all flatgoods in category 670.

Because 670-U will no longer be valid, 670-L 8/ becomes all luggage in category 670.

Part Categories 640-Y 9/, 640-O 10/, 641-Y 11/ and 641-O 12/ are amended.

1/ In Category 229-F only TSUSA numbers 355.4520 and 355.4530.
2/ In Category 229-O, all TSUSA numbers except 355.4520 and 355.4530.

3/ In Category 359-O, all TSUSA numbers except 702.0600 and 702.1200 in Category 359-H; 381.0258, 381.0554, 381.3949, 381.5800, 381.5920, 384.0451, 384.4300, 384.4421, 384.4422, 384.0648, 384.0650, 384.0651, 384.3449 and 384.3450 in Category 359-V; and 381.0822, 381.6510, 384.0928 and 384.5222 in Category 359-C.
4/ In Category 659-O, all TSUSA numbers except 384.1815 and 384.8022 in Category 659-B; 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607 and 384.9310 in Category 659-C; 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560, 703.1000, 703.1610, 703.1620, 703.1630, 703.1640 and 703.1650 in Category 659-H; and 381.2340, 381.3170, 381.9100, 381.9570, 384.1700, 384.2339, 384.8300, 384.8400 and 384.9353 in Category 659-C.
5/ In Category 669-O, all TSUSA numbers except 386.1105 and 389.6210 in Category 669-T; and 385.5300 in Category 669-P
6/ In Category 670-H, only TSUSA numbers 706.4125 and 706.3405.
7/ In Category 670-F, only TSUSA numbers 706.3900 and 706.3425.
8/ In Category 670-L, only TSUSA numbers 706.3415, 706.4130 and 706.4135.
9/ In Category 640-Y, only TSUSA numbers 381.3132, 381.3142, 381.3152, 381.9535, 381.9547, 381.550 and 384.2306.
10/ In Category 640-O, all TSUSA numbers except 381.3132, 381.3142, 381.3152, 381.9535, 381.9547, 381.550 and 384.2306.
11/ In Category 641-Y, only TSUSA numbers 384.2302, 384.2304, 384.2307, 384.9110 and 384.9120.
12/ In Category 641-O, all TSUSA numbers except 384.2302, 384.2304, 384.2307, 384.9110 and 384.9120.

THAILAND:
The following new combined categories will be valid:
334/335
342/642

Combined category 333/334 shall no longer be valid:

The following new part categories shall be required:
301-P 1/
301-O 2/
669-P 3/

1/ In Category 301-P, only TSUSA numbers 300.6025, 300.6027 and 300.6028.
2/ In Category 301-O, all TSUSA numbers except 300.6025, 300.6027 and 300.6028.
3/ In Category 669-P, only TSUSA number 385.5300.

Products in category 669 other than those in 669-P shall be visaed as category 669.

TURKEY:
The complete list of whole, combined and part categories, which shall be subject to the visa system with Turkey, for goods exported on and after January 1, 1988, is as follows:

200, 219, 300/301, 313, 317/326 (for products in 317/326 other than 326), 326, 335, 337, 339, 340/640 (for products in 340/640 other than those in 340-Y/640-Y 1/), 340-Y/640-Y, 341 (for products in 341 other than those in 341-Y), 341-Y, 347 (for products in 347 other than those in 347-T 2/), 347-T, 348 (for products in 348 other than those in 348-T 3/), 348-T, 350, 361, 369-S 4/ and 604.

Part Category 341-Y 5/ is amended.

1/ In Category 340-Y/640-Y, only TSUSA numbers 381.0522, 381.5637, 381.5610, 381.5625, 381.5660 and 381.5500 in Category 340; and 381.3132, 381.3142, 381.3152, 381.9535, 381.9547, 381.9550 and 384.2306 in Category 640.
2/ In Category 347-T, all TSUSA numbers except 381.0530, 381.6210, 384.0738, 384.3122 and 384.4720.
3/ In Category 348-T, all TSUSA numbers except 384.0739, 384.0741, 384.3123, 384.3125, 384.4723, 384.4724.
4/ In Category 369-S, only TSUSA number 366.2840.
5/ In Category 341-Y, only TSUSA numbers 384.0505, 384.0511, 384.0512, 384.4608, 384.4610, 384.4612 and 384.4788.
Of the categories above, 200, 219, 337, 347 and whole category 604 are new to coverage under the visa arrangement with Turkey.

No longer valid will be categories 604-A, 604-O, 605-H, 317-S, 319

YUGOSLAVIA:
The complete list of whole, combined and part categories will be subject to the visa system with Yugoslavia, for goods exported on and after January 1, 1988, is as follows:
340/640, 341/641, 433, 434, 435, 442, 443/643, 444, 447/448, 604-A 1/, 645/646 and 666

1/ In Category 604-A, only TSUSA numbers 310.5049 and 310.6045.

A description of the textile categories in terms of T.S.U.S.A. numbers is provided in the 1988 TSUSA CORRELATION, available, at a cost of $30.00, from the Office of Textiles and Apparel, Room 3110, U.S. Department of Commerce, Washington, D.C. 20230.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Customs territory of the United States (i.e., the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico).

The actions taken with respect to the Governments of the exporting countries affected by this directive have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

William J. Dulka

William J. Dulka
Acting Chairman, Committee for the Implementation of Textile Agreements

[FR Doc. 87-29922 Filed 12-28-87: 11:03 am]
BILLING CODE 3510-DR-C

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

December 22, 1987.

The USAF Scientific Advisory Board Ad Hoc Committee on Software Expertise and the Ada Language will meet on January 21, 1988, from 8:00 a.m. to 5:00 p.m. and on January 22, 1988, from 8:00 a.m. to 4:00 p.m. at Headquarters, Aeronautical Systems Division, Building 14, Area B, Wright Patterson Air Force Base, Ohio.

The purpose of this meeting is to receive briefings on and to discuss implementation of the Ada language in current and future Air Force weapon systems.

This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 87-29821 Filed 12-29-87; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF EDUCATION

Education Appeal Board; Applications for Review

AGENCY: Department of Education.

ACTION: Notice of applications for review accepted for hearing by the Education Appeal Board.

SUMMARY: This notice lists the applications for review accepted for hearing by the Education Appeal Board (the Board) between August 11, 1987 and December 2, 1987. The Chairman has prepared a summary of each appeal to help potential intervenors. In addition, the notice explains how interested third parties may intervene in proceedings before the Board.

FOR FURTHER INFORMATION CONTACT: The Honorable Ernest C. Canellos, Chairman, Education Appeal Board, 400 Maryland Avenue, SW. (Room 1065, FOB-6), Washington, DC 20202. Telephone (202) 732-1756.

SUPPLEMENTARY INFORMATION: Under sections 451 through 454 of the General Education Provisions Act (20 U.S.C. 1234 *et seq.*), the Board has authority to conduct (1) audit appeal hearings, (2) withholding, termination, and cease and desist hearings initiated by the Secretary of Education (the Secretary), and (3) other proceedings designated by the Secretary as being within the jurisdiction of the Board.

The Secretary has designated the Board as having jurisdiction over appeal proceedings related to final audit determinations, the withholding or termination of funds, and cease and desist actions for most grant programs administered by the Department of Education (the Department). The Secretary also has designated the Board as having jurisdiction to conduct hearings concerning most Department-administered programs that involve (a) a determination that a grant is void, (b) the disapproval of a request for permission to incur an expenditure during the term of a grant, or (c) determinations regarding cost allocation plans or special rates negotiated with specified grantees.

Regulations governing Board jurisdiction and procedures are set forth in 34 CFR Part 78.

Applications Accepted

Appeal of the State of Alabama, Docket No. 16(252)87, ACN: 04-53027.

The State appealed a final letter of determination issued by the Assistant Secretary for Special Education and Rehabilitative Services. The underlying audit reviewed programs conducted under Part B of the Education of the Handicapped Act (EHA-B) during fiscal year 1984.

The Assistant Secretary concluded that twelve (12) Local Education Associations budgeted less State and local funds for special education during fiscal year 1984 than had been spent for the same programs during fiscal year 1983, thus violating the non-supplanting provisions of EHA-B.

The Department seeks a refund of $197,650. The State disputes all liability.

Appeal of the State of New York, Docket No. 17(253)87, ACN: 02-50286.

The State appealed a final letter of determination issued by the Acting Assistant Secretary for Elementary and Secondary Education. The underlying audit reviewed portions of the Promotional Gates program funded under Chapter 1 of the Education Consolidation and Improvement Act of 1981 administered by the New York State Education Department and implemented by the New York City Board of Education (BOE) during fiscal year 1983.

The Acting Assistant Secretary concluded that the BOE violated the non-supplanting provisions of Chapter 1 and used those funds for programs that were neither described nor included in its funding application to the New York State Education Department.

The Department seeks a refund of $20,643,510. The State disputes all liability.

Appeal of the National League of Cuban American Community-Based Centers (IN), Docket No. 18(254)87, ACN: 05-60307.

The League appealed a final letter of determination issued by the Grants and Contracts Service (GCS). The underlying audit reviewed costs attributed to the operation of its Educational Opportunity Center between July 1, 1982 and June 30, 1985.

GCS determined that the League reported costs that exceeded the actual incurred costs, and failed to maintain appropriate records that would support salary expenditures.

The Department seeks a refund of $69,333. The League disputes all liability.

Appeal of the National League of Cuban American Community-Based Centers (IN), Docket No. 19(255)87, ACN: 05-60308.

The League appealed a final letter of determination issued by the Grants and Contracts Service (GCS). The underlying audit reviewed the Bilingual Vocational Training program conducted between September 1, 1984 and December 31, 1985.

GCS disallowed expenditures attributable to excessive or unapproved salary/fringe benefits, undocumented student training costs and costs reported in excess of costs incurred.

The Department seeks a refund of $16,724. The League disputes all liability.

Appeal of the State of Connecticut, Docket No. 20(256)87, ACN: 01-40107.

The State appealed a final letter of determination issued by the Assistant Secretary for Special Education and Rehabilitative Services. The underlying audit reviewed expenditures under part B of the Education of the Handicapped Act (EHA-B) during the fiscal year ending June 30, 1983.

The Assistant Secretary concluded that the State awarded two contracts to the Capitol Region Education Council for services that did not constitute a direct or support service as defined by EHA-B. Additionally, discretionary funds were used for unauthorized equipment purchases and excess indirect costs.

The Department seeks a refund of $161,330. The State concedes $1,200 and disputes liability for the remainder.

Appeal of Glenpool School District (OK), Docket No. 21(257)87, ACN: 06-00500.

The District appealed a final letter of determination issued by the Assistant Secretary for Elementary and Secondary Education. The underlying audit reviewed programs conducted under Part A of the Indian Education Act between July 1, 1982 and May 8, 1986.

The Assistant Secretary disallowed salary and fringe benefits for two counselors because they constituted a general expense. Costs for printing also were determined to be an unapproved budget expense.

The Department seeks a refund of $164,630. The District disputes all liability.

Appeal of Louisiana State Department of Education, Docket No. 22(258)87, ACN: 06-50070.

The State appealed a final letter of determination issued by the Assistant Secretary for Special Education and Rehabilitative Services. The underlying audit reviewed programs funded under Part B of the Education of the Handicapped Act (EHA-B) and Chapter 1 of the Education Consolidation and Improvement Act of 1981 during fiscal years 1981 and 1982.

The Assistant Secretary concluded that the State improperly used EHA-B funds to finance the operating costs of Special School District #1 rather than distributing the funds to eligible local educational agencies in proportion to their respective child counts. Chapter 1 Handicapped Children Program funds were also used to finance a Statewide Regional Review Project that directly benefited children who were ineligible for the use of Chapter 1 funds.

The Department seeks a refund of $1,897,970. The State disputes all liability.

Appeal of the State of Louisiana, Docket No. 23(259)87, ACN: 05-50280.

The State appealed a final letter of determination issued by the Assistant Secretary for Special Education and Rehabilitative Service. The underlying audit reviewed programs funded under Part B of the Education of the Handicapped Act between fiscal years 1982 and 1985.

The Assistant Secretary concluded that the State conducted programs that did not directly benefit the handicapped children for whom the funds were granted.

The Department seeks a refund of $912,678. The State disputes all liability.

Appeal of the State of Kentucky, Docket No. 24(260)87, ACN: 04-40070.

The State appealed a final letter of determination issued by the Assistant Secretary for Special Education and Rehabilitative Service. As pertinent, the underlying audit reviewed programs conducted under Part B of the Education of the Handicapped Act (EHA-B) during fiscal years 1980, 1981 and 1983.

The Assistant Secretary concluded that the State failed to obligate EHA-B grant funds within the statutory period of availability, thus violating the provisions of the Tydings Amendment.

The Department seeks a refund of $1,252,959. The State disputes all liability.

Appeal of the State of New York, Docket No. 25(261)87, ACN: 02-60301.

The State appealed a final letter of determination issued by the Assistant Secretary for Elementary and Secondary Education. The underlying audit reviewed programs conducted under Chapter 1 of the Education Consolidation and Improvement Act of 1981 for the period October 1, 1982 through September 30, 1985.

The Assistant Secretary concluded that the State supplanted non-federal funds and violated other provisions of Chapter 1 in providing bilingual and English as a second language programs to students who had limited English speaking skills.

The Department seeks a refund of $1,326,760. The State disputes all liability.

Appeal of the Kickapoo Nation School, Docket No. 26(262)87.

Kickapoo Nation School (Kickapoo) appealed a fiscal year 1987 funding decision of the Office of Bilingual Education and Minority Language Affairs (OBEMLA) to deny a second-year continuation grant under the Bilingual Education Act. The Secretary has designated the Board as the forum for this appeal.

The principal basis for the funding decision was that Kickapoo's second year continuation application failed to meet the applicable statutory and regulatory requirements of a transitional bilingual education program designed to serve Limited English Proficient (LEP) students.

Intervention

Regulations in 34 CFR 78.43 provide that an interested person, group, or agency may file an application to the Board Chairman to intervene in an appeal before the Board.

An application to intervene must indicate to the satisfction of the Board Chairman or, as appropriate, the Panel Chairperson, that the potential intervenor has an interest in, and information relevant to, the specific issues raised in the appeal. If an application to intervene is approved, the intervenor becomes a party to the proceedings.

Applications to intervene, or questions, should be addressed to the Board Chairman at the address provided above.

(Catalog of Federal Domestic Assistance No. not applicable).

(20 U.S.C. 1234)

Dated: December 23, 1987.

Peter P. Greer,

Deputy Under Secretary, Intergovernmental and Interagency Affairs.

[FR Doc. 87-29870 Filed 12-29-87; 8:45 am]

BILLING CODE 4000-01-M

Extention of Deadline for Transmittal of Applications for State-Wide Systems Change Projects (CFDA 84.086J) Under Program for Severely Handicapped Children for Fiscal Year 1988

Purpose: On November 18, 1987, the Office of Special Education Programs (OSEP), published a notice in the **Federal Register** at 52 FR 44330 establishing January 22, 1988 as the deadline for the transmittal of applications for FY 1988 awards under the Program for Severely Handicapped Children. One of the announced priorities, Priority 3: State-Wide Systems Change (CFDA) No. 84.086J, provides funding through grants or cooperative agreements to public or private, nonprofit or profit, organizations or institutions, to conduct programs that meet the specifications published in the **Federal Register** on November 18, 1987 (52 FR 44331).

Because the State-Wide Systems Change priority requires extensive coordination within any given State prior to the submission of an application for competition, the Secretary is extending the deadline date for transmittal of applications to permit potential applicants who are addressing this Priority 3 more time to prepare their applications. Only the deadline date for this Priority 3: State-Wide Systems Change has been changed through this announcement.

Deadline for Transmittal of Applications: March 11, 1988

Applications available: November 18, 1987

Available funds: $950,000

Applicable Regulations: (a) The regulations for the Program for Severely Handicapped Children, 34 CFR Part 315, as amended August 24, 1987 (52 FR 31958); (b) the Education Department General Administrative Regulations, (EDGAR), 34 CFR Parts 74, 75, 77 and 78; and (c) when adopted in final form, the annual funding priority for this program.

For Applications or Information: Severely Handicapped Branch, Division of Educational Services, Office of Special Education Programs, Department of Education, 400 Maryland

Avenue, SW., (Switzer Building, Room 3511–M/S 3409), Washington, DC 20202. Telephone (202) 732–1177.

Program authority: 20 U.S.C. 1424.

Dated: December 24, 1987.

Madeleine Will,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 87–29871 Filed 12–29–87; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Receipt and Financial Settlement Provisions for Nuclear Research Reactor Fuels

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Department of Energy is amending the provisions of its current policy providing for the receipt and financial settlement of U.S.-origin spent research reactor fuels by extending the date by which it will receive highly enriched uranium (HEU) fuels to December 31, 1988.

FOR FURTHER INFORMATION CONTACT: Louis R. Willett, Office of Nuclear Materials Production, DP–133.2–GTN, U.S. Department of Energy, Washington, DC 20545, 301/353–3968.

SUPPLEMENTARY INFORMATION: On November 9, 1982, the Department of Energy announced in the **Federal Register** that it was extending until December 31, 1987, its policy for the receipt and financial settlement of U.S.-origin spent research reactor fuels (47 FR 50737). It was determined at that time that there was a continued need in the research reactor community for a fuel return capability and that the U.S. interests in limiting worldwide inventories of HEU were served by an extension of the policy. This extension was restated, without change, in a February 1986 **Federal Register** notice that expanded DOE's fuel receipt and financial settlement provisions to include low enriched uranium research reactor fuels (51 FR 5754).

DOE has determined that this need still exists and that once again it is in the best interest of the United States to extend the effective date for the receipt and finanical settlement for HEU research reactor fuels of U.S. origin. The Department has reviewed the policy extension under the National Environmental Policy Act (NEPA) and has found that the extension itself clearly has no significant impact. Exports of or subsequent arrangements involving nuclear materials are reviewed by DOE on a case-by-case basis in accordance with the Guidelines for Implementing Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, and NEPA. In 1987, DOE initiated studies, including a study of the potential cummulative environmental effects, to determine the impact of a 10-year extension of this policy on DOE programs. These studies are ongoing and have identified a number of important issues that must be resolved prior to extending the provisions of this policy for the long term.

To provide for continuation of beneficial research reactor programs and to permit the additional time required for DOE to complete its review of a 10-year extension of this policy, DOE is amending its fuel receipt and financial settlement provisions by extending the effective date for receipt of U.S.-origin HEU research reactor fuels to December 31, 1988. To provide for this extension, the following amendment to the **Federal Register** notice entitled "Receipt and Financial Settlement Provisions for Nuclear Research Reactor Fuels," 51 FR 5754, published February 18, 1986, and as corrected on March 4, 1986 [51 FR 7487], is made:

1. Delete paragraph 6.a. and substitute in its place:

"a. For research reactor fuels described in 4.a. and 4.c.—December 31, 1988."

Troy E. Wade II,

Acting Assistant Secretary for Defense Programs.

[FR Doc. 87–29910 Filed 12–29–87; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–3309–4]

Science Advisory Board, Environmental Health Committee, Metals Subcommittee; Open Meeting

Under Public Law 92–463, notice is hereby given that a two day meeting of the Science Advisory Board's Metals Subcommittee of the Environmental Health Committee will be held on January 14–15, 1988 at the St. James Hotel, 950 24th St. NW., Washington, DC 20037. The meeting will begin at 8:30 a.m. on January 14 and adjourn no later than Noon on January 15.

The Metals Subcommittee of the Environmental Health Committee will review the health criteria documents for mercury, selenium, barium and copper.

An agenda for the meeting is available from Ms. Renee Butler, Staff Secretary, Science Advisory Board (A–101F); U.S. Environmental Protection Agency, Washington, DC, 20460, (202) 382–2552. The health criteria documents are available from the Health Effects Branch, Office of Drinking Water, USEPA, Washington, DC, 20460, (202) 382–7571.

The meeting will be open to the public. Any member of the public wishing to attend, obtain information or otherwise participate in these meetings must contact Dr. C. Richard Cothern, Executive Secretary, Environmental Health Committee by telephone at (202) 382–2552 or by mail to: Science Advisory Board (A–101–F), 401 M Street, SW., Washington, DC, 20460 no later than c.o.b. on January 4, 1988.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 87–29886 Filed 12–29–87; 8:45 am]

BILLING CODE 6560–50–M

[OPP–36152; FRL 3309–1]

Availability of Position Documents Concerning Pesticide Test Protocols

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of two position documents concerning pesticide test protocols. The two documents address residue storage stability data, and the use of the Maximum Tolerated Dose in oncogenicity studies. The Agency has made arrangements with the National Technical Information Service (NTIS) to process and distribute these two documents.

ADDRESS: The documents may be purchased from NTIS at the following address: National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703–487–4650). Orders may be placed by telephone to the NTIS order desk and charged against a deposit account or American Express, VISA, or MasterCard, or sent by mail with check, money order, or deposit account number.

FOR FURTHER INFORMATION CONTACT: For information on the storage stability document, contact by mail:

Francis D. Griffith, Jr., Residue Chemistry Branch, Hazard Evaluation Division (TS–769C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 810, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–7484).

For information on the maximum tolerated dose document, contact, by mail, Dr. Theodore M. Farber, Toxicology Branch, Hazard Evaluation Division, at the Agency address given above. Office location and telephone number: Rm. 821, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–7351).

SUPLEMENTARY INFORMATION: Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Agency requires that applicants and registrants of pesticides submit various types of data on the health and environmental effects of a pesticide. The Agency describes protocols for these studies in its Pesticide Assessment Guidelines, available from the NTIS. As necessary, the Agency updates or issues revisions or clarifications to those Guidelines. The Office of Pesticide Programs (OPP) is making available through the NTIS two position documents concerning test methods:

1. Effects of Storage (Storage Stability) on Validity of Pesticide Residue Data. This document supplements information provided in the Pesticide Assessment Guidelines, Subdivision O: Residue Chemistry, concerning the requirements for residue storage stability data. The NTIS accession number for this document is PB88–112362.

2. Selection of a Maximum Tolerated Dose (MTD) in Oncogenicity Studies. This document supplements information provided in the Pesticide Assessment Guidelines, Subdivision F: Toxicology, concerning oncogenicity studies. The NTIS accession number for this document is PB88–116736/AS.

In ordering either document from NTIS, specify the accession number and whether paper copy or microfiche is desired. Paper copies vary in price, but microfiche copies uniformly cost $9.95.

Dated: December 17, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 87–29878 Filed 12–29–87; 8:45 am]

BILLING CODE 6560–50–M

[OPP–30263; FRL 3309–2]

Certain Companies; Applications To Register Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comments by January 29, 1988.

ADDRESS: By mail, submit written comments identified by the document control number [OPP–30283] and the registration/file number, attention Product Manager (PM) named in each application at the following address:

Information Services Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Registration Division (TS–767C), Attn: (Product Manager (PM) named in each registration), Environmental Protection Agency, Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

In person: Contact the PM named in each registration at the following office location/telephone number:

Product Manager	Office location/ telephone number	Address
Phil Hutton (PM 17).	Rm. 207, CM #2 (703–557–2690).	EPA, 1921 Jefferson Davis Hwy, Arlington, VA
Lois Rossi (PM 21).	Rm. 229, CM#2 (703–557–1900).	Do.

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

I. Products Containing Active Ingredients Not Included In Any Previously Registered Products

1. *File Symbol:* 56984–R *Applicant:* California Dept. of Health Services, Vector Biology and Control Branch, 714/744 "P" Street, Sacramento, CA 95814. *Product name:* Lagenidium Giganteum Mycelium. Insecticide. *Active Ingredient: Lagenidium giganteum* (California strain) mycelium 20%. *Proposed classification/Use:* General. For control of mosquito larvae in unpolluted freshwater. (PM 17)

2. *File Symbol:* 56984–E. *Applicant:* California Dept. of Health Services. *Product name:* Lagenidium Giganteum Mycelium. Insecticide. *Active Ingredient: Lagenidium giganteum* (California strain) mycelium 20%. *Proposed classification/Use:* General. For control of mosquito larvae in unpolluted freshwater. (PM 17)

3. *File Symbol:* 56984–G. *Applicant:* California Dept. of Health Services, Vector Biology and Control Branch, 714/744 "P" Street, Sacramento, CA 95814. *Product name:* Lagenidium Giganteum Mycelium. Insecticide. *Active Ingredient: Lagenidium giganteum* (California strain) mycelium 20%. *Proposed classification/Use:* General. For control of mosquito larvae in unpolluted freshwater. (PM 17)

4. *File Symbol:* 53219–R. *Applicant:* Mycogen Corp., 5451 Oberlin Drive, San Diego, CA 92121. *Product name:* M-One™ Insecticide. Insecticide. *Active Ingredient: Bacillus thuringiensis* var. san diego 4.5%. *Active Proposed classification/Use:* General. For control of Colorado Potato Beetle larvae and Elm Leaf Beetle larvae on potatoes, tomatoes, and eggplants. (PM 17)

5. *File Symbol:* 51456–G. *Applicant:* MicroGeneSys, Inc., 400 Frontage Road, West Haven, CT 06516. *Product name:* MGS 400 AcMNPV. A biological Insecticide. *Active Ingredient:* Polyhedral inclusion bodies of *autographa californica* nuclear-polyhedrosis virus 5.0%. *Proposed classification/Use:* General. For control of alfalfa looper, cabbage looper, diamond moth, and beet armyworm on cabbage, lettuce, soybeans, and cotton. (PM 17)

6. *File Symbol:* 58246–R. *Applicant:* Bob McBrayer, 4350 E Acampo St., CA 85220. *Product name:* Nematrol™. Nematicide. *Active Ingredient:* Ground sesame plant 100%. *Proposed classification/Use:* General. For controlling soil nematodes on terrestrial food and non-food products. (PM 21)

Notice of approval or denial of an application to register a pesticide

product will be announced in the Federal Register. The procedure for requesting data will be given in the Federal Register if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Program Management and Support Division (PMSD) office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the PMSD Office (703–557–3262), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

Dated: December 18, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87–29677 Filed 12–29–87; 8:45 am]

BILLING CODE 6560–50–M

[PP 5G3283/T552; FRL 3308–9]

Oxyfluorfen; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended a temporary tolerance for the combined residues of the herbicide oxyfluorfen and its metabolites in or on the raw agricultural commodity alfalfa.

DATE: This temporary tolerance expires December 31, 1988.

FOR FURTHER INFORMATION CONTACT:

By mail:
Richard Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice, which was published in the Federal Register of December 10, 1986 (51 FR 44517), stating that a temporary tolerance had been established for the combined residues of the herbicide oxyfluorfen, 2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodity alfalfa at 0.1 part per million (ppm). This tolerance was issued in response to pesticide petition PP 5G3283, submitted by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105. This temporary tolerance has been extended to permit the continued marketing of the raw agricultural commodity named above when treated in accordance with the provisions of experimental use permit 707–EUP–110, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95–396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the extension of this temporary tolerance will protect the public health. Therefore, the temporary tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Rohm and Haas Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires December 31, 1988. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

Dated: December 12, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87–29678 Filed 12–29–87; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3308–3]

Underground Injection Control Program; Establishment of Maximum Allowable Injection Pressure For Rule Authorized Wells in State of Montana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice with request for comment.

SUMMARY: EPA Region VIII has, after extensive investigation, developed and is publishing, for public comment today, sand-face fracture gradients and a maximum allowable surface injection pressure formula for oil and gas-bearing formations in the State of Montana where enhanced recovery injection wells operate under the Underground Injection Control (UIC) program's rule authorization. EPA is providing this notice in accordance with 40 CFR 144.22(b), 144.28(f)(3)(i) and 147.1354(a).

DATES: Anyone wishing to make comments may do so until February 16, 1988. If no significant public comments are received which warrant changes to this proposal, including public comment which may be received if a public hearing is held, this proposal will become final on March 14, 1988. A public hearing to discuss this proposal has been scheduled for 1:00 p.m. on January 29, 1988. However, if sufficient public interest is not expressed for a public hearing by January 20, 1988, EPA reserves the right to cancel this hearing.

ADDRESS: Comments should be submitted to Debra G. Ehlert, Section Chief, Ground Water Section, U.S. EPA, Region VIII, 999–18th Street, Suite 500, Denver, Colorado 80202–2405. The public hearing will be on the 5th Floor, U.S. EPA Region VIII Offices at the above address.

FOR FURTHER INFORMATION CONTACT: Debra G. Ehlert, (303) 293–1417.

SUPPLEMENTARY INFORMATION:

Background

Section 147.1354(a)(1)(i) of the UIC program regulations for Montana states ". . . the owner or operator shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing . . ."

EPA Region VIII has developed sand-face fracture gradients and a maximum allowable surface injection pressure (Pmax) formula for oil and gas-bearing geologic formations in those portions of the State of Montana where enhanced recovery operations occur under the UIC program's rule authorization and for which the operators have submitted definitive reservoir fracture data. The resultant calculations address approximately 1200 enhanced recovery injection wells and were developed using 41 separate field-specific determinations for 60 operating units.

Basis for Proposal

The proposed sand-face fracture gradients and the maximum allowable surface injection pressure formula set forth today were developed from information submitted to EPA during the promulgation process of the Montana UIC program in 1984 as well as from additional information supplied to EPA by owners and operators during the first year of program implementation.

Table I provides the sand-face fracture gradient of the geologic formations and the fields where definitive data were available. These sand-face fracture gradients were determined by analyzing instantaneous shut-in pressures, step-rate tests, operating data, and other relevant geological data from wells drilled into these oil and gas-bearing strata. In determining each sand-face fracture gradient, the hydrostatic pressure gradient was calculated as the product of the fresh water hydrostatic gradient in pounds per square inch per foot (psi/ft), Specific Gravity (Sp. Gr.) of the specific fluid injected, and the average depth in feet to the top of the injection (or producing) formation. The pressure loss caused by friction was purposely not considered in determining the listed sand-face fracture gradients, thus providing a reasonable safety margin in the protection of underground sources of drinking water.

TABLE I.—PROPOSED SAND-FACE FRACTURE GRADIENTS (MONTANA)

Oil field/unit/operator	Producing formation	Fracture gradient, psi/ft
Keg Coulee/Buttes	Tyler Sandstone	0.850
Ragged Point/Buttes	Tyler Sandstone	0.726
Sawyer/Buttes	Tyler Sandstone	0.723
SE. Sumatra/Buttes	Tyler Sandstone	0.704
Sumatra/Buttes	Tyler Sandstone	0.723
Cat Creek/Units #1 & #2/Cenex	1st & 2nd Cat Creek Sand	1.200
Cat Creek/Amsden & Swift/Cenex	Amsden & Swift (Ellis)	1.200
Sumatra/Grebe/Cenex	Tyler Sandstone	0.674
Flat Lake East/Chevron	Ratcliffe Lime	0.770
Flat Lake West/Chevron	Ratcliffe Lime	0.770
W. Sumatra/TSU/Conoco	Tyler Sandstone	0.870
N. Cut Bank/Croft	Cut Bank Sandstone	1.360
W. Sumatra/Kincheloe/Exeter	Tyler Sandstone	0.870
Red Creek/Exxon	Madison Limestone	1.070
Red Creek/Exxon	Cut Bank Sandstone	1.370
Bell Creek/Ranch Creek Unit and Units A, B, C, D, and E/GWOP	Muddy Sandstone	0.907
Cat Creek/Ellis Sand Unit/Hoss	Ellis Sandstone	1.070
Graben Coulee/Cut Bank Sand Unit/ Monte Grande	Cut Bank Sandstone	1.282
Highview/Madison/Mountain States	Madison Limestone	0.980
SW. Ragged Point/Tyler A/Pet.-Lewis	Tyler A Sandstone	0.750
N. Cut Bank Sand Unit/Phillips	Cut Back Sandstone	1.440
SW. Cut Bank Sand Unit/Phillips	Cut Bank Sandstone	1.330
Dwyer/Charles/Phillips	Charles Limestone	0.780
Flat Coulee/Swift /Phillips	Swift Sandstone	1.170
SW. Cut Bank/Two Medicine Unit/Wold	Cut Bank Sandstone	1.290
Cabin Creek, Gas City, Little Beaver, E. Little Beaver, Monarch, Pennel, Lookout Butte-Coral Creek, N. Pine, S. Pine, and Pine Units/Shell.	Siluro-Ordovician	0.765
Winnette Junction/Tyler/Templeton	Tyler Sandstone	1.110
Big Wall/Tyler B/Texaco	Tyler B. Sandstone	1.110
Bowes/Sawtooth/Texaco	Sawtooth Sandstone	1.110
Central Sumatra/Tyler/Texaco	Tyler Sandstone	1.020
NE. Sumatra/Tyler/Texaco	Tyler Sandstone	1.020
N. Sumatra/Tyler/Texaco	Tyler Sandstone	1.020
Sunburst Sand Unit/Texaco	Sunburst Sandstone	1.110
Stensvad/Lower Tyler Unit/Tomahawk	Lower Tyler Sandstone	0.986
Cut Bank/S. Central Cut Bank Sand Unit/Union	Cut Bank Sandstone	1.434
S. Central Cut Bank Sand Unit/Union	Cut Bank Sandstone	1.434
Cut Bank/Madison Unit/Union	Madison Limestone	0.980
Reagan Unit/Union	Madison Limestone	0.980
Moulton Unit/Union (terminated)	Mouton Sandstone	0.000
Jim Coulee/Tyler Sand Unit/Union-Texas	Tyler Sandstone	0.821
Jim Coulee/Tyler Sand Unit, Well #BNI 33–3/Union-Texas	Tyler Sandstone	1.272
Kelly Unit/Union-Texas	Tyler Sandstone	0.888

VOL 52 ISS 250 DEC 30 1987 UMI

TABLE I.—PROPOSED SAND-FACE FRACTURE GRADIENTS (MONTANA)—Continued

Oil field/unit/operator	Producing formation	Fracture gradient, psi/ft
S. Little Wall/Tyler Sand Unit/Union-Texas	Tyler Sandstone	0.700

The maximum allowable surface injection pressure (Pmax) formula to be used for each field unit with wells authorized by rule is as follows:

Pmax = [Fracture Gradient - (0.433) (Sp.Gr.)] × [Well Depth, shallowest in project]

When the operator calculates the (Pmax) values, the fresh water hydrostatic pressure gradient (0.433 psi/ft) must be multiplied by the Specific Gravity of the appropriate injection fluid (Sp.Gr., unitless) before being subtracted from the established sand-face fracture gradient (psi/ft). The well depth to be used in the calculation of the maximum allowable surface injection pressure shall be that depth to the top of the injection perforations of the shallowest well in the injection formation in a rule authorized project. The value shall then apply to all injection wells in that field and/or unit. This procedure provides a safety margin because the use of a well depth with a deeper injection formation for these calculations could lead to significantly higher, possibly excessive, injection pressures in projects with highly dipping beds.

If a sufficient data base was not available to determine an appropriate sand-face fracture gradient for an injection formation/field as a part of this notice, EPA Region VIII has not herein listed a specific fracture gradient. In this case, EPA Region VIII will require the use of the previously established fracture gradient value of 0.733 psi/ft, as identified in the UIC Rules promulgated in 49 FR 20181 on May 11, 1984, and the attendant state-specific preamble. Therefore, for all of those geologic formations/fields not listed in Table I, but being used for the enhanced recovery of oil or gas, the formula for determining the maximum allowable surface injection pressure is as follows:

Pmax = [0.733-(0.433)(Sp.Gr.)] × [Well Depth, shallowest in project]

Written request for modifications of the above specifications may be made during the public comment period and shall be sent to the address provided at the beginning of this notice. EPA Region VIII will consider such requests which are accompanied by new data appropriate to the determination of a revised sand-face fracture gradient for a formation/field in the above list. The operator of a specific rule authorized enhanced recovery well(s) not included in the above list may also request a Pmax determination by EPA during the public comment period. Appropriate evidence of formation fracture pressure data shall accompany such requests.

Subsequent to final promulgation of today's proposed fracture gradients and maximum allowable injection pressures (as may be modified during the comment period), as operator may obtain authority to inject at a pressure greater than these established herein only be submitting a written request to EPA. Any such request must be addressed to the Regional Administrator and must demonstrate that the requested injection pressure will not initiate new fractures or propagate existing fractures in the confining zone, or cause movement of fluids into an USDW. Any such request will be approved only after notice, opportunity for comment and opportunity for a public hearing, in accordance with Part 124 of Subpart A of this chapter (Ch. 1).

Anyone wishing to review the supporting information which led to the development of this proposal may do so by visiting the EPA Region VIII office.

Dated: October 7, 1987.

Alexandra B. Smith,

Acting Regional Administrator, EPA Region VIII.

[FR Doc. 87-29897 Filed 12-29-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. W-30]

Window Notice for Filing of FM Broadcast Applications

Released: December 16, 1987.

Notice is hereby given that applications for vacant FM broadcast allotment listed below may be submitted for filing during the period beginning December 16, 1987 and ending January 16, 1988 inclusive. Selection of a permittee from a group of acceptable applicants will be by the Comparative Hearing process.

CHANNEL—282 A	
E Porterville	CA
Rohnerville	CA
Henry	IL
Carrollton	MI
Walker	MI
Willard *	MO
Lebanon	NH
Warrensburg	NY
Elizabethville	PA
Marion	SC
Columbus	WI
CHANNEL—283 C2	
Louisville	KY
CHANNEL—254 A	
Winton	CA
East Lyme	CT
Anderson	IN
Somersworth	NH
Winchester	NH
Villas	NJ
Crestline	OH
NYSSA	OR
Spencer	TN

*A proposal is pending under Docket 87-474 to change channel and class to 286C2.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 87-29816 Filed 12-29-87; 8:45 am]

BILLING CODE 6717-01-M

Petitions for Reconsideration and Clarification of Actions in Rulemaking Proceedings; Correction

On December 22, 1987, at 52 FR 48458, the Commission published a public notice (Report No. 1699) announcing the filing of petitions for reconsideration in the proceeding concerning the separation of costs of regulated telephone service from costs of nonregulated activities, CC Docket No. 86-111. The due date for oppositions was inadvertently omitted. That date is January 7, 1988.

William J. Tricarico,

Secretary.

[FR Doc. 87-29817 Filed 12-29-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant	City/State	File No.	MM Docket No.
A. Courtney Jackson	Ft. Scott, KS	BPCT-861230KG	87-523
B. Family Broadcasting Company, Inc.	do	BPCT-870331KK	
C. Steven Heft d.b.a. Hefty Communications, Ltd.	do	BPCT-870331LE	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, issued below to signify whether the issue in question applies to that particular applicant.

Issue Heading	Applicant(s)
Air Hazard	B
Environmental	A,B
Comparative	A,B,C
Ultimate	A,B,C

See Appendix.

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

Appendix—Non-Standardized Issue(s)

Applicant(s)

Hefty Communications, Ltd. 1. To determine with respect to Hefty Communications, Ltd., whether its failure to disclose its interests in other pending broadcast applications as required by Section II, Item 6(b), FCC Form 301, was an attempt to conceal material facts from the Commission and, if so, the effect thereof on its basic qualifications to be a Commission licensee.

[FR Doc. 87-29816 Filed 12-29-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM Docket No.
A. Edward P. Ockenden	Kittery, Maine	BPH-851029MC	87-548
B. Michael M. Colby and Jay Thomas, A Partnership	do	BPH-851030MA	
C. James A. Moyer	do	BPH-851030MB	
D. C.G. Associates	do	BPH-851030MC	
E. Stuart Moore	do	BPH-851030MD	
F. Kittery Associates	do	BPH-851030ME	
G. Margaret O. Nightswander	do	BPH-851030MF	
H. Dane Stener d.b.a. Stener Communications	do	BPH-851030MT	
I. Earl Terry Courtney	do	BPH-8512177MI (Dismissed)	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirely under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that parreexamine and seeks

Issues Heading	Applicants
1. Air Hazard	C
2. Comparative	A-H
3. Ultimate	A-H

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which is applies are set forth in an Appendix to this notice. A copy of the complete HDO in this proceeding is available for inspection and copying normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington D.C. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87-29819 Filed 12-29-87; 8:45 am]

BILLING CODE 6712-01-M

BEST COPY AVAILABLE

VOL 52 ISS 250 DEC 30 1987 UMI

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-805-DR]

Major Disaster and Related Determinations; Puerto Rico

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Puerto Rico (FEMA-805-DR), dated December 17, 1987, and related determinations.

DATED: December 17, 1987.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

Notice: Notice is hereby given that, in a letter dated December 17, 1987, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288), as follows:

I have determined that the damage in certain areas of the Commonwealth of Puerto Rico from severe storms and flooding beginning on November 24, 1987, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I, therefore, declare that such a major disaster exists in the Commonwealth of Puerto Rico.

You are authorized to provide Individual Assistance in the affected areas. You are also authorized to provide Public Assistance in the affected areas, if warranted, and an acceptable Commonwealth commitment for these purposes is provided. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Public Law 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated areas.

Pursuant to section 408(b) of Public Law 93-288, you are authorized to advance to the Commonwealth its 25 percent share of the Individual and Family Grant program, to be repaid to the United States by the Commonwealth when it is able to do so.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Jose A. Bravo of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Puerto Rico to have been affected adversely by this declared major disaster:

The Municipalities of Adjuntas, Aibonito, Canovanas, Carolina, Coamo, Fajardo, Gurabo, Humacao, Juana Diaz, Juncos, Las Piedras, Loiza, Maunabo, Naguabo, Patillas, Ponce, Rio Grande, Sabana Grande, Salinas, San Lorenzo, Yabucoa, and Yauco for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Julius W. Becton, Jr.,

Director, Federal Emergency Management Agency.

[FR Doc. 87-29880 Filed 12-29-87; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-805-DR]

Amendment to Notice of a Major Disaster Declaration; Puerto Rico

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Puerto Rico (FEMA-805-DR), dated December 17, 1987, and related determinations.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3614.

Notice: The notice of a major disaster for the Commonwealth of Puerto Rico, dated December 17, 1987, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 17, 1987:

The Municipalities of Culebra and Vieques for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 87-29881 Filed 12-29-87; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-805-DR]

Amendment to Notice of a Major Disaster Declaration; Puerto Rico

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Puerto Rico (FEMA-805-DR), dated December 17, 1987, and related determinations.

DATE: December 21, 1987.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the Commonwealth of Puerto Rico, dated December 17, 1987, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 17, 1987:

The Municipalities of Adjuntas, Canovanas, Coamo, Guayanilla, Gurabo, Humacao, Juana Diaz, Juncos, Las Piedras, Maunabo, Naguabo, Orocovis, Patillas, Penuelas, Ponce, Rio Grande, Sabana Granda, San German, San Lorenzo, Utuado, Villalba, Yabucoa, and Yauco for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

[FR Doc. 87-29882 Filed 12-29-87; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL HOME LOAN BANK BOARD

Yankee Bank for Finance and Savings, FSB, Boston, MA; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(D) of the Home Owners' Loan Act of 1933, 12 U.S.C. 1464(d)(6)(D) (1982), the Federal Home Loan Bank Board duly appointed the Federal Deposit Insurance Corporation as sole receiver for Yankee Bank for Finance and Savings, FSB, Boston, Massachusetts on October 16, 1987.

Dated: December 23, 1987.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 87-29860 Filed 12-29-87; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-002813-006.

Title: San Francisco Terminal Agreement.

Parties: Port of San Francisco, California Stevedore and Ballast Co. (CS&B)

Synopsis: The proposed amendment enlarges the premises and imposes promotional and reporting obligations on CS&B.

Agreement No.: 224-003945-010.

Title: Port of Oakland Terminal Agreement.

Parties: City of Oakland, Maersk Line Pacific, Ltd.

Synopsis: The proposed amendment amends the basic agreement to provide for the proration of the minimum annual compensation and annual breakpoint levels for the final partial contract year. The agreement also provides for the possible extension of the basic agreement and the related container crane nonexclusive preferential assignment agreement.

Dated: December 23, 1987.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 87-29804 Filed 12-29-87; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 212-010027-019.

Title: Brazil/U.S. Atlantic Coast Agreement.

Parties:

Companhia de Navegacao Lloyd Brasileiro

Companhia de Navegacao Maritima Netumar

American Transport Lines, Inc.

Empresa Lineas Maritimas Argentinas S.A.

A. Bottacchi S.A. de Navegacion C.F.I.I.

A/S Ivarans Rederi

Van Nievelet, Goudriaan & Co., B.V.

Synopsis: The proposed modification creates three accountings for pool period ending December 31, 1987: (1) The period U.S. Lines (S.A.) Inc., participated in the pool; (2) the period no U.S. carrier participated in the pool; and 3 the period American Transport Lines ("AmTrans") began its participation in the pool.

Agreement No.: 212-010746-003.

Title: Columbus/PACE/SCNZ/PAD Space Charter and Sailing Agreement.

Parties:

Hamburg-Sudamerikanische Dampfschifffahrts-Gesellschaft Eggert & Amsinck

Associated Container Transportation (Australia). Ltd.

The Shipping Corporation of New Zealand Limited

Blue Star Line, Ltd.

Pacific Australia Direct Line

Synopsis: The proposed amendment (1) removes Blue Star Line, Ltd. from the agreement; (2) adds the Australia-New Zealand Direct Line; (3) modifies vessel capacities for certain parties; (4) provides further detail on existing authority to pool certain revenue; (5) extendes the commencement date from January 1, 1988, to February 1, 1988; and (6) makes other changes in the agreement generally reflecting the change in parties.

By Order of the Federal Maritime Commission

Joseph C. Polking,

Secretary.

Dated: December 24, 1987

[FR Doc. 87-29850 Filed 12-29-87; 8:45 am]

BILLING CODE 6730-01-M

Practices of Ocean Common Carriers Regarding Effective Date of Rate Changes; Filing of Petition for Rulemaking

Notice is given that a petition has been filed by the Transpacific Westbound Rate Agreement ("TWRA") requesting the Federal Maritime Commission to adopt a rule in 46 CFR Part 580 which would state that "tariff rates and rules may not be applicable to cargo that is received by the carrier or its agent (including a connecting inland carrier in the case of an intermodal movement) prior to the effective date of the tariff provision." According to TWRA, the purpose of the requested rule is to preclude carriers from utilizing secret rates under tariff rules allowing rate changes to be applied retroactively to cargo which has already been received by the carrier and has started its transportation move.

In order for the Commission to make a thorough evaluation of the petition, interested persons are requested to submit views, arguments or data on the petition no later than February 5, 1988. Responses shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573-0001, in an original and 15 copies. Responses shall also be served on counsel for TWRA: R. Frederic Fisher, Esq., Lillick, McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Copies of the petition are available for examination at the Washington, DC Office of the Commission, 1100 L Street NW., Room 11101.

Joseph C. Polking,

Secretary.

[FR Doc. 87-29861 File 12-29-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Winston C. Brown, Jr. et al.

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the officers of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the Offices of the Board of

Governors. Comments must be received not later than January 21, 1988.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Winston C. Brown, Jr.*, Fraziers Bottom, West Virginia; to acquire an additional 24.0 percent of the voting shares of First Bancorp of Wayne, Inc., Sprague, West Virginia, and thereby indirectly acquire The First National Bank of Kenova, Kenova, West Virginia.

2. *David Lee*, Fraziers Bottom, West Virginia; to acquire an additional 24.0 percent of the voting shares of First Bancorp of Wayne, Inc., Sprague, West Virginia, and thereby indirectly acquire The First National Bank of Kenova, Kenova, West Virginia.

3. *R. Wade Caskey*, Charleston, West Virginia; to acquire an additional 24.0 percent of the voting shares of First Bancorp of Wayne, Inc., Sprague, West Virginia, and thereby indirectly acquire The First National Bank of Kenova, Kenova, West Virginia.

B. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Michael J. Brennan and Patricia R. Brennan*, St. Paul, Minnesota, to acquire an additional 3.1 percent of the voting shares of Minnesota State Bancorporation, Inc., St. Paul, Minnesota, and thereby indirectly acquire Minnesota State Bank of St. Paul, St. Paul, Minnesota.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Ronald L. Moore*, Englewood, Colorado, to acquire an additional 10.13 percent of the voting shares of Rice Insurance Agency, Strasburg, Colorado, and thereby indirectly acquire The First National Bank of Strasburg, Strasburg, Colorado.

2. *Leo Payne*, Lakewood, Colorado, to acquire an additional 31.5 percent of the voting shares of Jefferson Bank & Trust Company, Lakewood, Colorado.

Board of Governors of the Federal Reserve System, December 23, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-29857 Filed 12-29-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Respiratory Disease Intervention Peer Review and Control of Anesthetic Gases in Dental Operatories; Open Meetings

The following meetings will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) and will be open to the public for observation and participation, limited only by the space available:

Respiratory Disease Intervention Peer Review

Date: January 13, 1988.
Time: 9 a.m.–4:30 p.m.
Place: Conference Room C, Alice Hamilton Laboratory, 5555 Ridge Avenue, Cincinnati, Ohio 45213.

Purpose: To conduct a review of medical intervention for workers at risk of developing respiratory disease. Questions to be considered: (1) What are the medical benefits of informing workers at risk of (a) malignant respiratory disease, (b) non-malignant respiratory disease, (c) pleural mesothelioma; (2) Are any of the following interventions (screening, counseling for recognition of early signs and symptoms, risk factor modification; e.g., smoking cessation) useful for workers exposed to known lung carcinogens?

Additional information may be obtained from: Paul A. Schulte, Ph.D., Division of Surveillance, Hazard Evaluations and Field Studies, NIOSH, CDC, 4676 Columbia Parkway, R–13, Cincinnati, Ohio 45226, Telephones: FTS: 684–4203, Commercial: 513/841–4203.

Control of Anesthetic Gases in Dental Operatories

Date: January 20, 1988.
Time: 9 a.m.–11:30 a.m.
Place: Conference Room A, Alice Hamilton Laboratory, 5555 Ridge Avenue, Cincinnati, Ohio 45213.

Purpose: To conduct a meeting for the review of a project which will seek methods to consistently achieve the NIOSH recommended limit of 50 parts per million parts air for nitrous oxide exposure among dental personnel.

Additional information may be obtained from: James D. McGlothlin, Division of Physical Sciences and Engineering NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephones: FTS: 684–4368, Commercial: 513/841–4368.

Viewpoints and suggestions from industry, organized labor, academia, other governmental agencies, and the public are invited.

Dated: December 22, 1987.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 87-29843 Filed 12-29-87; 8:45 am]

BILLING CODE 4160-19-M

Collection of Fees for Sanitation Inspections of Passenger Cruise Ships

AGENCY: Centers for Disease Control (CDC), Public Health Service, HHS.

ACTION: Notice of collection of fees for sanitation inspections of passenger cruise ships.

SUMMARY: Collection of fees for sanitation inspections of passenger cruise ships currently inspected under the Vessel Sanitation Program, CDC, will commence on March 1, 1988.

EFFECTIVE DATE: March 1, 1988.

FOR FURTHER INFORMATION CONTACT: Vernon N. Houk, M.D., Director, Center for Environmental Health and Injury Control, CDC, Atlanta, Georgia, 30333. Telephone: FTS: 236–4111, Commercial: (404) 488–4111.

SUPPLEMENTARY INFORMATION: A notice of the collection of fees for sanitation inspections of passenger cruise ships currently inspected under the Vessel Sanitation Program, CDC, was published in the Federal Register on Tuesday, Novembr 24, 1987 (52 FR 45019). The January 1, 1988, effective starting date has been changed to March 1, 1988.

Dated: December 22, 1987.

Glenda S. Cowart,

Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 87-29844 Filed 12-29-87; 8:45 am]

BILLING CODE 4160-18-M

Cooperative Agreements for Hepatitis B Vaccine Trial Follow-Up Program Announcement and Availability of Funds for Fiscal Year 1988

Introduction

The Centers for Disease Control (CDC) announces the availability of funds for Fiscal Year 1988 for continuation of existing cooperative agreements for Hepatitis B Vaccine Trial Follow-up.

Plans are for renewal of existing cooperative agreements to the San Francisco Department of Health, San Francisco, CA; Howard Brown Memorial Clinic, Chicago, IL; and Denver Department of Health and Hospitals, Denver, CO who were participants in the original CDC multicenter Hepatitis B Virus (HBV) vaccine trial in homosexual men. The objectives relate specifically to follow-up of recipients of vaccine in the original multicenter trial. Each of these centers has followed 100 or more HB vaccine recipients on a six-month basis for more than five years, and has obtained information necessary to further assess the duration and nature of long-term protection by this vaccine. Therefore this is not a request for new applications.

Authority

This program is authorized under section 318(b) of the Public Health Service Act (42 U.S.C. 247c(b)), as amended. The Catalog of Federal Domestic Assistance Number is 13.978.

Objectives

The objectives of these cooperative agreements are to provide assistance to participating clinics to:

1. Contact vaccine trial participants who are eligible for follow-up and re-enroll those who wish to be part of the follow-up study.

2. For participants whose immunity to hepatitis B has waned to very low levels during the trial, offer a single booster dose of vaccine, and monitor response to this booster dose at intervals specified in the study protocol.

3. Administer a questionnaire, with informed consent, and perform venipuncture at intervals established by the study protocol and the cooperative agreement.

4. Separate and ship serum to CDC for testing for makers of hepatitis B infection.

5. Maintain a system for accurately matching participating vaccinees with serologic status, locating information, consent forms, follow-up visit scheduling and other necessary record keeping.

6. Inform study participants as to their HBW serologic status, based upon blood test results; and refer carriers and those who develop acute HBV for appropriate medical follow-up.

Availability of funds

Approximately $104,000 will be available for the first year. Three awards will be made for renewal applications for hepatitis B vaccine trial follow-up ranging from approximately $28,000 to $39,000 with the average award being $35,000.

The cooperative agreements will begin on January 1, 1988, and will be funded in 12-month budget periods within a 2-year project period. Continuation awards will be made on the basis of satisfactory progress in meeting project objectives and the availability of funds. The funding estimate outlined above may vary and is subject to change.

Information

Information may be obtained from the individuals listed below:

Technical:

Stephen C. Hadler, M.D., Hepatitis Branch, Center for Infectious Diseases, Centers for Disease Control, Atlanta, Georgia 30333, Telephone: (404) 639–2346 or FTS 236–2346

Business:

Marsha D. Driggans, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 321, Atlanta, Georgia 30305, Telephone: (404) 842–6575 or FTS 236–6575.

Dated: December 22, 1987.

Glenda S. Cowart,

Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 87-29841 Filed 12-29-87; 8:45 am]

BILLING CODE 4160-18-M

Hospital and Regional Monitoring of Trauma Outcomes; Meeting

Action: Notice of meeting—data sets for monitoring trauma outcomes.

Time and date:

4:00 pm–6:30 pm—January 20, 1988
8:30 am–8:00 pm—January 21, 1988
8:30 am–8:00 pm—January 22, 1988
8:30 am–12:30 pm—January 23, 1988

Place: Hotel Tower Place, 3340 Peachtree Road, Atlanta, Georgia 30021.

Status: Open to public, limited only by the space available.

Matters to be discussed: The Centers for Disease Control (CDC) is convening a public meeting of biomedical investigators, clinicians, health planners, other professionals with expertise in injury control, and other interested parties to discuss data requirements for hospital and regional monitoring of trauma outcomes. The purpose of this meeting is to present information on data sets for hospital and regional monitoring of trauma outcomes. Input from attendees will be used to assist CDC in developing recommendations for minimum and optimum data sets to monitor trauma outcomes.

For further information contact: Stuart T. Brown, M.D., Director, Division of Injury Epidemiology and Control, Center for Environmental Health and Injury Control, CDC, Atlanta, Georgia, 30333, Telephones: FTS: 236–4690, Commercial (404) 488–4690.

Dated: December 22, 1987.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 87-29842 Filed 12-29-87; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-660-07-4133-02]

Information Collection Submitted to Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone (202) 395–7340.

Title: Solid Minerals (Other than Coal) Exploration and Mining Operations Reporting (43 CFR Part 3590)

Abstract: Requirements are given in this part for exploration and mining plans, including surface and underground maps. These maps are required to be furnished to the authorized officer annually or as otherwise specified. Other information required in this part include records of all core or test holes made on the leased or permit lands, mining methods, and changes to exploration and/or mining plans. Normally this information is received on an "on occasion" basis and does not require formal or routine reporting. Production maps which show the extent of mining activities are required on a routine basis (usually quarterly) to enable the authorized officer to verify production.

The information contained in 43 CFR Part 3590 is being collected to permit the authorized officer to determine whether proposed and existing exploration and mining operations for leasable minerals, other than coal and oil and gas, on the

Federal lands are in compliance with the applicable statutory and regulatory requirements, and to ensure that production reported for royalty purposes is accurate.

Frequency: On occasion, quarterly.

Description of Respondents: Solid Mineral (other than coal) lessees, permittees and operators.

Annual Reponses: 3,240.

Annual Burden Hours: 6,480.

Bureau Clearance Officer: Rick Iovaine, (202) 653–8853.

Date: December 11, 1987.

Adam A. Sokoloski,

DAD, Energy & Mineral Resources.

[FR Doc. 87–29825 Filed 12–29–87; 8:45 am]

BILLING CODE 4310–84–M

[NV–930–08–4212–24; N–45128]

Nevada; Realty Action; Correction

AGENCY: Bureau of Land Management, Inteior.

ACTION: Correction; notice of realty action.

EFFECTIVE DATE: December 30, 1987.

FOR FURTHER INFORMATION CONTACT: Rodney Harris, District Manager, 3900 E. Idaho St., Elko, Nevada 89801, (702) 738–4071.

SUPPLEMENTARY INFORMATION: FR Doc. 87–27409 appearing in 52 FR 45507 on November 30, 1987, failed to contain all the information relative to termination of the segregative effect on the lands described therein. The second paragraph is corrected to include the following: "The segregative effect will terminate upon issuance of a patent or two years from the date of publication of this notice in the **Federal Register**, whichever occurs first.".

Dated: December 18, 1987.

Rodney Harris,

District Manager.

[FR Doc. 87–29826 Filed 12–29–87; 8:45 am]

BILLING CODE 4310–HC–M

[NM 010–3110–10–6201, NM 68472]

New Mexico; Realty Action Designating Public Lands for Transfer Out of Federal Ownership in Exchange for State Lands To Be Acquired Within De-na-zin Wilderness Area

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: The following described Federal surface and subsurface has been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716 and section 104 of the San Juan Basin Wilderness Protection Act of 1984, 98 Stat. 3156.

New Mexico Principal Meridian

T. 17N., R. 2W.
Section 9, E½ (surface and subsurface), W½ (subsurface)
Section 10, SW¼ (surface and subsurface), NW¼ (subsurface)

containing 480 acres of surface estate and 960 acres of subsurface estate within Sandoval County.

In exchange for this Federal surface and subsurface estate, the United States has selected approximately 1,282.36 acres of State of New Mexico mineral estate within McKinley County De-na-zin Wilderness Area listed below:

New Mexico Principal Meridian

T. 24N., R. 12W.
Section 2, Lots 1–4, S½N½, S½
Section 16, All.

Containing 1,282.36 acres

Upon competition of the final appraisal, the actual acreage exchanges will be adjusted to reflect equal values as much as possible.

The lands to be transferred from the United States will be subject to:

1. All valid and existing right including any right-of-way, easement, or lease of record. The State of New Mexico will assume all of the administrative responsibilities for rights-of-way granted by the United States.

2. A reservation to the United States for rights-of-way ditches and canals under the Act of August 30, 1890.

3. Existing Federal grazing authorizations for a 2 year period, from the date of receipt of this notice, if other negotiated arrangements cannot be agreed on.

Existing Federal grazing lessees or permittees will be offered up to the legal maximum of a 5 year State Land Office grazing lease with the preferential right of renewal.

The purpose of this exchange is to complete subsurface estate acquisition by the Federal government within De-na-zin Wilderness Area.

The purpose of this Notice of Realty Action is two-fold. First, this notice will provide a response period during which public comments will be accepted regarding this exchange proposal. Secondly, this action as provided in 43 CFR 2201.01(b) should segregate the public lands described in this notice from the operation of the public land laws, including the mining and mineral leasing laws subject to prior existing rights. The segregation shall terminate upon issuance of a conveyance document or the expiration of two years from the date of this publication, whichever occurs first.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange is available at the Albuquerque District Office, 435 Montano NE, Albuquerque, NM 87107.

For a period of forty-five (45) days after publication of this notice interested parties may submit comments to the District Manager at the above address.

Dated: December 21, 1987.

Michael F. Reitz,

Associate District Manager.

[FR Doc. 87–29713 Filed 12–29–87; 8:45 am]

BILLING CODE 4310–FB–M

Bureau of Reclamation

[FES 87–72]

Newlands Project Operating Criteria and Procedures, Churchill and Storey Counties, NV

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of final environmental impact statement, Newlands Project Operating Criteria and Procedures.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a Final Environmental Impact Statement (FEIS) addressing alternative diversions for the Newlands Project Operating Criteria and Procedures (OCAP). The FEIS was prepared by the Bureau of Reclamation, Mid-Pacific Region, Sacramento, California. The FEIS has been filed with the Environmental Protection Agency and is available to the public.

DATES: Following the 30-day waiting period, which starts when the Environmental Protection Agency notice of availability of this FEIS appears in the **Federal Register**, a decision will be made on adoption of the proposed OCAP.

ADDRESSES: Copies of the FEIS are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7425, Bureau of Reclamation, Washington, DC 20240, Telephone: (202) 343–4991

Regional Director, Bureau of Reclamation, Mid-Pacific Region, 2800 Cottage Way, Sacramento, California 95825–1898, Telephone: (916) 978–5049

Division of Acquisition and Property Management, Document Systems Management Branch, Library Section, Code 823, Engineering and Research Center, Denver Federal Center, Denver, Colorado 80225, Telephone: (303) 236–6463

FOR FURTHER INFORMATION CONTACT: John C. Brooks, Environmental Specialist, Mid-Pacific Region, Bureau of Reclamation, MP–410, 2800 Cottage Way, Sacramento, California 95825–1898, telephone No. (916) 978–5049.

SUPPLEMENTARY INFORMATION: The FEIS describes the environmental consquences of adopting long-term OCAP for the Newlands Project. OCAP consists of criteria defining the amount and timing of diversions from the Carson and Truckee Rivers to meet the decreed water rights requirements for Newlands Project water use and insuring the criteria are met. The FEIS confines the analysis to the No Action Alternative; Alternaitve C, which was the proposed action in the DEIS; and Alternative E, the new proposed action. The FEIS analyzes the impacts of phasing in diversion levels of 338,000 acre-feet in 1988 to 320,000 acre-feet or less by 1992.

The FEIS complies with the requirements of the Endangered Species Act, Fish and Wildlife Coordination Act, National Historic Preservation Act, Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands). Single copies of the statement may be obtained on request to the Director, Office of Environmental Affairs or the Regional Director at the above addresses. Copies will also be available for inspection in libraries in the project vicinity. Questions or any comments on the FEIS should be sent within 30 days to the Regional Director at the above address.

Date: December 24, 1987.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 87–29805 Filed 12–29–87; 8:45 am]

BILLING CODE 4310–09–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–273]

Certain Cellular Mobile Telephones and Subassemblies and Component Parts Thereof; Change of Commission Investigative Attorney

Before John J. Mathias Administrative Law Judge.

Notice is hereby given that, as of this date, Stephen L. Sulzer, Esq., of the Office of Unfair Import Investigations will be the Commission investigative attorney in the above-cited investigation instead of Steven H. Schwartz, Esq.

The Secretary is requested to publish this notice in the **Federal Register.**

Arthur Wineburg,

Director, Office of Unfair Import Investigations, U.S. International Trade Commission.

Dated: December 17, 1987.

[FR Doc. 87–29888 Filed 12–30–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–367 through 370 (Final)]

Color Picture Tubes From Canada, Japan, Republic of Korea, and Singapore

Determination

On the basis of the record [1] developed in the subject investigations, the Commission determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), that an industry in the United States is materially injured by reason of imports from Canada, Japan, the Republic of Korea (Korea), and Singapore of color picture tubes,[3] provided for in items 684.96 and 687.35 of the Tariff Schedules of the United States (TSUS), that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted these investigations effective June 30, 1987, following preliminary determinations by the Department of Commerce that imports of color picture tubes from Canada, Japan, Korea, and Singapore were being sold at LTFV within the meaning of section 731 of the Act (19 U.S.C. 1673). Notice of the institution of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of July 29, 1987 (52 FR 28353). The hearing was held in Washington, DC, on November 19, 1987, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in these investigations to the Secretary of Commerce on December 22, 1987. The views of the Commission are contained in USITC Publication 2046 (December 1987), entitled "Color Picture Tubes from Canada, Japan, the Republic of Korea, and Singapore: Determinations of the Commission in Investigations Nos. 731–TA–367 through 370 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

By order of the Commission:

Kenneth R. Mason,

Secretary.

Issued: December 23, 1987.

[FR Doc. 87–29910 Filed 12–29–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–385 and 386 (Preliminary)]

Granular Polytetrafluoroethylene Resin From Italy and Japan

Determination

On the basis of the record [1] developed in the subject investigations, the Commission unanimously determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Italy and Japan of granular polytetrafluoroethylene resin, whether filled or unfilled, provided for in item 445.54 of the Tariff Schedules of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On November 6, 1987, a petition was filed with the Commission and the Department of Commerce by E. I. Du Pont De Nemours & Co., Wilmington, DE, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of granular polytetrafluoroethylene resin from Italy and Japan. Accordingly, effective November 6, 1987, the Commission instituted preliminary antidumping investigations Nos. 731–TA–385 and 386 (Preliminary).

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Chairman Liebeler determines that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of LTFV imports from Canada, Japan, the Republic of Korea, and Singapore.

[3] Color picutre tubes are defined as cathode ray tubes suitable for use in the manufacture of color television receivers or other color entertainment display devices intended for television viewing.

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of November 17, 1987 (52 FR 43952). The conference was held in Washington, DC, on December 1, 1987, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in these investigations to the Secretary of Commerce on December 21, 1987. The views of the Commission are contained in USITC Publication 2043 (December 1987), entitled "Granular Polytetrafluoroethylene Resin from Italy and Japan: Determination of the Commission in Investigations Nos. 731-TA-385 and 386 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 22, 1987.

[FR Doc. 87-29911 Filed 12-29-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-262]

Certain Hard-Sided Molded Luggage Cases; Decision Not To Review Initial Determination of No Violation of Section 337 of the Tariff Act of 1930; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: (1) Decision not to review the presiding administrative law judge's initial determination finding no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the above-captioned investigation; and (2) termination of the investigation.

FOR FURTHER INFORMATION CONTACT: George Thompson, Esq., Office of the General Counsel, U.S. International Trade Commission; telephone 202-523-1683.

SUPPLEMENTARY INFORMATION: The authority for the Commission's action is contained in 19 U.S.C. 1337 and 19 CFR 210.53.

On November 4, 1987, the presiding administrative law judge (ALJ) issued an initial determination (ID) that there is no violation of section 337 in the above-captioned investigation. On November 16, 1987, a petition for review of the ID was filed by complainant Samsonite Corporation. On November 23, 1987 the active respondents and the Commission investigative attorney filed oppositions to the petition for review. No government agency comments were received.

On December 21, 1987, the Commission determined not to review the ID. By virtue of the Commission's decision not to review the ID, the ID has become the final Commission determination in this investigation. 19 CFR 210.53(h).

Copies of the public version of ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, Docket Section, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission TDD terminal on 202-724-0002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 22, 1987.

[FR Doc. 87-29912 Filed 12-29-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-270]

Certain Noncontact Tonometers; Import Investigation

Notice is hereby given that the prehearing conference in this matter will commence at 8:00 a.m. on January 4, 1988, in Courtroom B, Room 111 at the International Trade Commission Building at 500 E Street. SW., Washington, DC, and the hearing will commence immediately thereafter.

The Secretary shall publish this notice in the Federal Register.

Janet D. Saxon,

Chief Administrative Law Judge.

Issued: December 22, 1987.

[FR Doc. 87-29913 Filed 12-29-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-270]

Certain Noncontact Tonometers; Commission Determination Not To Review Initial Determination Denying Motion for Temporary Relief

AGENCY: U.S. International Trade Commission.

ACTION: Nonreview of an initial determination (ID) denying a motion for temporary relief in the above-captioned investigation.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an ID denying the motion of complainant Cambridge Instruments, Inc., for temporary relief in the investigation.

FOR FURTHER INFORMATION CONTACT: Timothy M. Reif, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-5937.

SUPPLEMENTARY INFORMATION: On July 18, 1987, Cambridge Instruments, Inc., of Buffalo, New York, a domestic manufacturer of noncontact tonometers, filed a complaint and a motion for temporary relief, alleging a violation of section 337 of the Tariff Act of 1930 in the unlawful importation and sale of certain noncontact tonometers, manufactured abroad by a process that, if practiced in the United States, would infringe claims 3 and 4 of U.S. Letters Patent 3,585,849, claim 1 of U.S. Letter Patent 3, 756,073, and claim 1 of U.S. Letters Patent 4, 386,611, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The Commission instituted an investigation of Cambridge Instrument, Inc.'s complaint and published a notice of investigation in the Federal Register on July 22, 1987 (52 F.R. 27595). The respondents named in the notice of investigation were Tokyo Optical Co., Ltd; Topcon Instrument Corporation of America; Keeler Instruments, Inc.; Keeler Holdings, Ltd.; Keeler Ltd; and PA Consulting Services, Ltd.

On November 24, 1987, the presiding administrative law judge (ALJ) issued an ID denying complainant's motion for temporary relief under subsections (e) and (f) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337 (e) and (f)). No petitions for review or government agency comments were received.

Having examined the record, including the submissions of the parties, the Commission has decided not to review the ID and, therefore, adopts the conclusion of the ID that there is no reason to believe that there is a violation of section 337 of the Tariff Act of 1930. The Commission further adopts the conclusion of the ID that temporary relief should not be issued.

The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and 19 U.S.C. 1337a, and in section 210.53 of the Commission's Rules of Practice and Procedure (19 CFR 210.53).

Copies of the nonconfidential version of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 21, 1987.

[FR Doc. 87-29914 Filed 12-29-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-248]

In the Matter of Certain Plastic Fasteners and Processes for Manufacture Thereof; Decision Terminating Investigation Based on Finding No Violation of Section 337

AGENCY: U.S. International Trade Commission.

ACTION: Termination of the above-captioned investigation based on a finding of no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

Authority: The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.56 of the Commission's Rules of Practice and Procedure (19 CFR 210.56).

FOR FURTHER INFORMATION CONTACT: Stephen A. McLaughlin, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0421.

SUPPLEMENTARY INFORMATION: On June 18, 1986, the Commission instituted this investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) pursuant to a complaint filed by Dennison Manufacturing Company (Dennison) of Framingham, Massachusetts, to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain plastic fasteners into the United States, or in their sale, by reason of alleged manufacture abroad by a process which, if practiced in the United States, would infringe certain claims of three patents owned by Dennison and infringement of a fourth patent owned by Dennison. The complaint also alleged that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. 51 FR 22144 (June 18, 1986). Prior to the evidentiary hearing in this investigation, the complainant withdrew two of the patents as bases for a violation of section 337.

On June 19, 1987, the presiding administrative law judge (the ALJ) issued an Initial Determination (ID) finding no violation of section 337 with regard to the importation and sale of the subject fasteners. Petitions for review were filed by the complainant and two groups of respondents. Responses to the petitions for review were filed by those same parties, as well as the Commission investigative attorney. On July 30, 1987, the Commission extended the deadline for a decision on whether to review the ID until August 14, 1987. On August 14, 1987, the Commission again extended the deadline for a decision on whether to review and ID until September 18, 1987 and extended the deadline for completion of the investigation until November 17, 1987. On September 18, 1987, the Commission determined to review the ID in its entirety and extended the deadline for completion of the investigation to December 18, 1987.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 21, 1987.

[FR Doc. 87-29915 Filed 12-29-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-248]

Certain Plastic Fasteners and Processes for the Manufacture Thereof; Commission Action and Order

On June 18, 1986, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, pursuant to a complaint filed by Dennison Manufacturing Company (Dennison) of Framingham, Massachusetts, to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain plastic fasteners into the United States, or in their sale, by reason of alleged manufacture abroad by a process which, if practiced in the United States, would infringe certain claims of (1) U.S. Letters Patent 4,183,894 (the '894 patent); (2) U.S. Letters Patent 4,416,838 (the '838 patent); and (3) U.S. Letters Patent 4,304,743 (the '743 patent); and (4) by reason of alleged infringement of certain claims of U.S. Letters Patent 4,429,437 (the '437 patent), the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. 51 F.R. 22144 (June 18, 1986). Prior to the hearing in this investigation, the complainant withdrew the '743 and '437 patents as bases for a violation of section 337, leaving only the '894 and '838 patents in issue.

On June 19, 1987, the presiding Administrative Law Judge Sidney Harris (the ALJ) issued an Initial Determination (ID) in the above-referenced investigation finding no violation of section 337 with regard to the importation and sale of plastic fasteners alleged to be made by a process which, if practiced in the United States, would infringe certain claims of the '894 patent and the '838 patent. Petitions for review were filed by the complainant and two groups of respondents. Responses to the petitions for review were filed by those same parties, as well as the Commission investigative attorney (IA). On July 30, 1987, the Commission extended the deadline for a decision on whether to review the ID until August 14, 1987. On August 14, 1987, the Commission again extended the deadline for a decision on whether to review the ID until September 18, 1987 and extended the deadline for completion of the investigation until November 17, 1987. On September 18, 1987, the Commission determined to review the ID in its entirety and extended the deadline for completion of the investigation to December 18, 1987.

ACTION

Having reviewed the ID, the submissions of the parties, and the record in this investigation, the Commission has determined that there is no violation of section 337. More specifically, the Commission has reached the following conclusions:

1. Claims 1, 2, 6, and 10-12 of the '894 patent and claim 12 of '838 patent are

invalid under 35 U.S.C. 112 for indefiniteness.

2. Claim 9 of the '894 patent is invalid under 35 U.S.C. 132 as drawn to new matter.

3. All of the allegedly infringed claims of the '894 and '838 patent are invalid under 35 U.S.C. 112 for failure to disclose the best mode.

4. All of the allegedly infringed claims of the '894 patent are invalid under 35 U.S.C. 112 for lack of an enabling disclosure.

5. All of the allegedly infringed claims of the '894 patent are invalid as anticipated under 35 U.S.C. 102 or for obviousness under 35 U.S.C. 103 in view of the prior art.

6. All of the allegedly infringed claims of the '838 patent are invalid for obviousness under 35 U.S.C. 103 in view of the prior art.

7. If the patents were valid, the Dai Won process would infringe the asserted claims of the '894 patent, but would not infringe the '838 patent.

8. If the patents were valid, the manufacturing processes of Kyung-Won and Dong Hwa by evidentiary inferences would infringe the asserted claims of the '894 and '838 patents.

9. There is a domestic industry in the exploitation by the complainant of the '894 patent, which is efficiently and economically operated.

10. If the '894 patent were valid, the respondents have imported and sold plastic fasteners in the United States and such importation and sale would have the effect or tendency to destroy or substantially injure the domestic industry based upon the '894 patent.

11. There is no domestic industry exploiting the '838 patent nor is there prevention of establishment of such an industry by the accused imports.

Additionally, the Commission has specifically determined not to adopt the ALJ's determination with respect to the enforceability of the '894 and '838 patents. The Commission has also determined to adopt those portions of the Initial Determination that are not inconsistent with this Action and Order or the Commission's supplemental opinion, which will be issued shortly.

Order

Accordingly, it is hereby Ordered that—

1. This investigation is terminated with a finding of no violation of section 337; and

2. The Secretary shall serve copies of this Commission Action and Order upon each party of record to this investigation and publish notice thereof in the **Federal Register**.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 21, 1987.

[FR Doc. 87-29916 Filed 12-29-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-266]

Certain Reclosesble Plastic Bags and Tubing; Determination Not To Review Initial Determination Finding Respondents in Default

AGENCY: U.S. International Trade Commission.

ACTION: Nonreview of initial determination (ID) finding eight respondents in default.

SUMMARY: Notice is hereby given that the Commission has determined not to review the presiding administrative law judge's (ALJ's) ID finding respondents Hogn Ter Product Co., Ltd. (Hogn Ter), Insertion Advertising Corp. (Insertion), Ka Shing Corp. (Ka Shing), Nina Plastic Bags, Inc. (Nina Plastic), Siam Import-Export Ltd. (Siam Import), Ta Sen Plastic Industrial Co., Ltd. (Ta Sen), Teck Keung Manufacturing Ltd. (Teck Keung), and Tracon Industries Corp. (Tracon) in default in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Paul R. Bardos, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

SUPPLEMENTARY INFORMATION: This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rule 210.53 (19 CFR 210.53).

On October 9, 1987, the ALJ ordered (Order No. 29) respondents Hogn Ter, Insertion, Ka Shing, Nina Plastic, Siam Import, Ta Sen, Teck Keung, and Tracon to show cause why each should not be held in default for failure to properly respond to the complaint and notice of investigation. No proper responses were received.

On November 19, 1987, the ALJ issued an ID (Order No. 44) finding respondents Hogn Ter, Insertion, Ka Shing, Nina Plastic, Siam Import, Ta Sen, Teck Keung, and Tracon in default pursuant to Commission rule 210.25 (19 CFR 210.25). No petitions for review of the ID were received nor were any Government agency comments received.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 21, 1987.

[FR Doc. 87-29917 Filed 12-29-87; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 69]

Perishables Tariff Bureau-Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of institution of show-cause proceeding.

SUMMARY: The Commission has made preliminary findings relating to the application of Perishables Tariff Bureau (PTB) for approval of its collective ratemaking agreement and directed PTB to show cause: (1) Why it and its member carriers should not be directed to cease and desist from engaging in certain collective ratemaking activity; and (2) why any claimed antitrust immunity should not be revoked. This action is taken to update the record in this proceeding in light of statutory changes made by the Motor Carrier Act of 1980 and to ensure compliance with all requirements for rate bureaus continuing to receive antitrust immunity for collective activity.

DATES: PTB's response to the show cause order is due January 29, 1988. Comments from other parties are due February 29, 1988. PTB's rebuttal is due March 21, 1988.

FOR FURTHER INFORMATION CONTACT: J.R. Hodge, (202) 275-7890. [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To obtain a copy contract Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission, Washington, DC 20423, or call (202) 289-4357, (assistance for the hearing impaired is available through TDD Services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 11701, 10706, and 10321.

Decided: December 18, 1987.

By the Commission, Chairman Gardison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29894 Filed 12-29-87; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Applications To Consolidate, Merge or Acquire Control; Red and Tan Enterprises

Decided: December 22, 1987.

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1. Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. If the protest includes a request for oral hearing, the request shall meet the requirements of 49 CFR 1182.3 and shall include the required certification. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding.

In the absence of legally sufficient protests as to the finance application or to any application directly related hereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notification of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Findings

The findings for these applications are set forth at 49 CFR 1182.6.

Noreta R. McGee,

Secretary.

MC-F-18857, filed November 23, 1987. RED & TAN ENTERPRISES (Enterprises) (126 North Washington Ave., Bergenfield, NJ 07621)—CONTINUANCE IN CONTROL—RED & TAN CHARTER, INC. (Charter) (126 North Washington Ave., Bergenfield, NJ 07621). Representative: Michael J. Marzano, 99 Kinderkamack Road, Westwood, NJ 07675. Enterprises, a noncarrier, seeks to continue in control of Charter, which has an application pending in No. MC-204842 for common carrier authority to transport passengers in charter and special operations between points in the United States (except Hawaii). Enterprises currently controls, with Commission approval, Rockland Coaches, Inc. (No. MC-29890), The Hudson Bus Transportation Co., Inc. (No. MC-29854), North Boulevard Transportation Co. (No. MC-13492), and Red & Tan Tours (No. 162174), all of which are common carriers. Enterprises is controlled by Ernest A. Capitani, Jr., Amelia Capitani Gerace, Richard A. Capitani, Ronald Gerace, Janis Gerace, Lori Finley, Arleen Schmidt, and Mildred Capitani.

[FR Doc. 87-29893 Filed 12-29-87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31177]

Maryland Midland Railway, Inc.; Exemption Operation; Lines of Western Maryland Railway Co.

Maryland Midland Railway, Inc. (MMR) filed a notice of exemption to operate approximately 8 miles of rail line which the State of Maryland purchased from Western Maryland Railway Co. (WM), extending from milepost 24.30 near Cedarhurst, MD to milepost 32.28 near Westminster MD, in Carroll County, MD. Comments must be filed with the Commission and served on Henry E. Seaton, 525 McLachlen Bank Building, 11th and G Streets NW., Washington, DC 20001; (202) 347-8862.

This notice is related to Finance Docket No. 31188 in which MMR has filed a petition pursuant to 49 U.S.C. 10505 for exemption from the prior approval requirements of 49 U.S.C. 11343 to acquire from WM approximately 4.42 miles of rail line between Emery Grove, MD (milepost 19.88) and Cedarhurst, MD (milepost 24.3), together with an isolated 10-foot section near Westminster, MD. MMR intends to resume local and through service from points on its system to the new resulting interchange point with CSX Transportation Inc. at Emery Grove.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 17, 1987

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29814 Filed 12-29-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree; City of Auburn

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on August 7, 1987, a proposed Consent Decree in *United States* v. *City of Auburn*, was lodged with the United States District Court for the Northern District of New York. The Consent Decree concerns the City's failure to timely develop and implement a pretreatment program pursuant to its State Pollutant Discharge Elimination System permit in connection with the operation of its publicly owned treatment works.

Under the terms of the Consent Decree, the City will implement the pretreatment program that has been approved by EPA. Further, the city will pay a civil penalty in the amount of $43,000, for past violations, half of which is to be paid to the State of New York, and half of which is to be paid to the United States.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States* v. *City of Auburn*, D.J. Reference 90-5-1-1-2553.

The proposed Consent Decree can be examined at the office of the United States Attorney, 369 Federal Building, Syracuse, New York 13260 and at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278. Copies of the proposed Consent Decree may also

be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. Any request for a copy of the Consent Decree should be accompanied by a check in the amount of $1.50 ($0.10 per page) payable to "United States Treasurer."

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-29859 Filed 12-29-87; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on December 14, 1987 a proposed Consent Decree in *United States v. Kansas City Board of Public Utilities et al.*, Civil Action No. 87-2043-S, was lodged with the United States District Court for the District of Kansas. The proposed Consent Decree concerns violations of the New Source Performance Standards ("NSPS") 40 CFR Part 60, Subparts A and D. The proposed Consent Decree requires defendants, Kansas City Board of Public Utilities and the city of Kansas City, Kansas, to comply with the provisions of the NSPS and to install new air pollution control equipment at a cost of about $8.0 million Further, the defendants will pay a civil penalty of $168,519.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC. 20530, and should refer to *United States v. Kansas City Board of Public Utilities et al.*, D.J. Ref. No. 90-5-2-1-1016.

The proposed Consent Decree may be examined at the office of the United States Attorney for the District of Kansas, 812 North Seventh Street, Room 412, Kansas City, Kansas 66101 and at the Region VII, office of the United States Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101.

The Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.20 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Roger J. Marzulla,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-29840 Filed 12-29-87; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATE: Requests for copies must be received in writing on or before February 16, 1988. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESS: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION:

Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of the Air Force, Directorate of Administration, Records Management Branch (N1-AFU-87-2). Records relating to internal audits.

2. Department of the Air Force (N1-AFU-88-10). Records relating to non-appointed Air Force Academy candidates.

3. Department of the Air Force (N1-AFU-88-12). Records of the Air Force Academy pertaining to graduate scholarships and fellowships offered by foundations and universities.

4. Office of the Secretary of Defense, Department of Defense Dependent Schools (N1-330-88-1). Records relating to students attending Department of Defense dependent schools, including transcripts, health records, cards, test results, and attendance records.

5. General Services Administration, Federal Supply Service (N1-137-88-1). Subject file relating to land grant railroads, 1920-55. Includes copies of correspondence, agreements, legislation, publications, and related reference materials.

6. War Assets Administration, abolished and functions transferred to the General Services Administration for liquidation in 1949 (N1-270-88-1). Non-permanent records of the War Assets Administration and its predecessor agencies, 1943-50. Records documenting the functions and activities of these agencies have been identified and designated for permanent retention in the National Archives.

7. Small Business Administration, Office of Administrative Services (N1-309-87-3). Field office general subject correspondence files and reduced retention period for sets of agency notices maintained by filed offices.

8. Department of State, Office of Foreign Missions (N1-59-87-9). Comprehensive schedule providing for the destruction of facilitative records and the permanent retention of policy documentation.

9. Department of Transportation, Maritime Administration (N1-357-88-1). Mobilization ship design records.

10. Department of the Treasury, Internal Revenue Service (N1-58-87-6). Revisions to Records Control Schedule 206, Service Centers.

11. Veterans Administration, Department of Medicine and Surgery (N1-15-88-1). Health Professional Scholarship Program administrative housekeeping records.

Dated: December 23, 1987.

James C. Megronigle,

Acting Archivist of the United States.

[FR Doc. 87-29847 Filed 12-29-87; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Design Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Design Advancement/Organizations Section) to the National Council on the Arts will be held on January 19-21, 1988, from 9:00 a.m.-5:30 p.m., and on January 22, 1988, from 9:00 a.m.-5:00 p.m. in room M-14 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on January 22, 1988 from 2:30 p.m.-5:00 p.m. The topic for discussion will be policy issues.

The remaining sessions of this meeting on January 19-21, 1988, from 9:00 a.m.-5:30 p.m. and on January 22, 1988, from 9:00 a.m.-1:30 p.m. are for the purpose of review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87-29833 Filed 12-29-87; 8:45 am]

BILLING CODE 7537-01-M

Media Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Film/Video Production Prescreening #2) to the National Council on the Arts, will be held on January 26-28, 1988, from 9:00 a.m.-6:00 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87-29834 Filed 12-29-87; 8:45 am]

BILLING CODE 7537-01-M

Meeting of the Office of Partnership Advisory Panel (State Programs Section)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Office of Partnership Advisory Panel (State Programs Section) to the National Council on the Arts will be held on January 20-21, 1988, from 9:00 a.m.-5:30 p.m., and on January 22, 1988, from 9:00 a.m.-5:00 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on January 20, 1988 from 9:00 a.m.-10:00 a.m. and 3:30 p.m.-5:30 p.m. and on January 21, 1988 from 9:00 a.m.-5:30 p.m. The topics for discussion will include full panel recommendations on applications, guidelines for Expansion Arts' Rural Arts Organizations and State Programs, State of the Arts Report, and State Programs Reassessment.

The remaining sessions of this meeting on January 20, 1988, from 10:00 a.m.-3:30 p.m. and on January 22, 1988, from 9:00 a.m.-5:00 p.m. are for the purpose of review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the

Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

December 22, 1987.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87-29835 Filed 12-29-87; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Statement of Organization, Functions, and Delegations of Authority

AGENCY: National Science Foundation.

ACTION: Notice of amendment to statement of organization, functions, and delegations of authority.

SUMMARY: In accordance with the Administrative Procedures Act (5 U.S.C. 551 et seq.), this notice amends the Statement of Organization that was published on January 14, 1987 (Federal Register, Volume 52, No. 9, Pages 1540-1549). This statement reflects the current organization of the National Science Foundation and is intended to advise the public of recent changes.

EFFECTIVE DATE: December 18, 1987.

FOR FURTHER INFORMATION CONTACT: M. Rebecca Winkler, National Science Foundation, Division of Personnel and Management, Room 208, Washington, DC 20550, telephone 202-357-9520.

I. Creation and Authority

The National Science Foundation (NSF) is an independent agency of the U.S. Government, established by the National Science Foundation Act of 1950, as amended, and related legislation, 42 U.S.C. 1861 et seq., and was given additional authority by the Science and Engineering Equal Opportunities Act (41 U.S.C. 1985), and Title I of the Education for Economic Security Act (99 Stat. 893; 20 U.S.C. 3911-3922).

A. Staff Offices

The Office of Science and Technology Centers Development (STC) was established in the Office of the Director to provide leadership and internal coordination during the development of the Foundation's new Science and Technology Centers Program. The Office provides a focal point for general inquiries about the S&T Centers Program; helps stimulate other sectors (industry, the States) to support and participate in S&T Centers; manages budget and planning activities related to the Program; develops relevant program announcements and proposal solicitations; coordinates the review of S&T Centers proposals; coordinates the management of Center awards; and tracks center and group research support activities across the Foundation.

B. Directorates

Directorate for Computer and Information Science and Engineering (CISE). The networking and communications research activities of the Division of Advanced Scientific Computing (ASC) were moved into a newly established Division of Networking and Communications Research and Infrastructure. The functional statement for ASC now reads:

The Division of Advanced Scientific Computing (ASC) provides researchers access to advanced computational facilities located at several centers, provides a variety of services and training opportunities to new users, supports research on new algorithms, peripheral devices, and innovative supercomputing systems. The Centers program is devoted to delivering needed advanced computational services to the academic research community and to maintaining and improving supercomputer performance at the facilities. The New Technologies program is responsible for research and development and implementation of novel systems for increasing the future power and expanding the horizon of computational capabilities for frontier scientific and engineering research.

The Division of Networking and Communications Research and Infrastructure (NCRI) has a three-fold responsibility. NSFNET's mission is improving scientific networking infrastructure for both supercomputing and general research productivity improvement. EXPRES is charged with experimenting with and developing a system for exchanging compound documents among academic researchers. The Networking and Communications Research Program supports research in networking and communication theory including such topics as digital communications networks, communications and information theory, network architectures, distributed systems, and digital encryption and data security.

Directorate for Engineering (ENG)

The Division of Foundamental Research in Emerging and Critical Engineering Systems was reorganized into two Divisions: the Division of Fundamental Research in Emerging Engineering Technologies (EET) and the Division of Fundamental Research in Critical Engineering Systems (CES).

The Division of Fundamental Research in Emerging Engineering Systems (EET) supports fundamental research to increase the knowledge and human resources base in emerging engineering systems, which encompass technical areas that cut across traditional engineering disciplinary lines. Emerging Engineering Systems are those that show great promise for enhancing the Nation's economy, employment base, security and international competitiveness, and for which the Nation's universities do not yet have an adequate research and human resources base. Major research areas within this Division include Biotechnology, Lightwave Technology, Bioengineering and Research to Aid the Handicapped, Computational Engineering and Neuroengineering.

The Division of Fundamental Research in Critical Engineering Systems (CES) supports fundamental research to expand the knowledge base in critical engineering systems which encompass technical areas that cut across traditional engineering disciplinary lines. Critical Engineering Systems are those that are essential, either because they significantly affect the economic viability and security needs of the Nation, or because they are required in maintaining the public infrastructure. Major research areas within this Division include Earthquake Hazard Mitigation, Natural and Man-made Hazard Mitigation, Environmental Engineering, and Systems Engineering for Large Structures.

Date: December 24, 1987.

Jeff Fenstermacher,

Assistant Director for Administration.

[FR Doc. 87-29895 Filed 12-29-87; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-416]

Mississippi Power and Light Co., System Energy Resources, Inc., and South Mississippi Electric Power Association

Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.55a(c)(1) to Mississippi Power and Light Company, et al. (the licensee), for the Grand Gulf Nuclear Station, Unit No. 1, (the facility) located in Claiborne County, Mississippi.

Environmental Assessment

Identification of Proposed Action:

The Commission's rules at 10 CFR 50.2 and 10 CFR 50.55a(c)(1) require that reactor coolant pressure boundary (RCPB) piping extend out to the outboard containment isolation valve and that RCPB piping meet the requirements for Class 1 components in Section III of the ASME Boiler and Pressure Vessel Code (ASME Code). By letter dated November 25, 1987, as revised December 10, 1987, the licensee requested an exemption from 10 CFR 50.55a(c)(1) to permit continued use of a section of RCPB piping in the reactor water cleanup (RWCU) system, although it is classified as ASME Code, Class 2, provided an ASME Code, Section III, Class 1, stress analysis is performed and provided this piping is included in the ASME Code, Section XI, Class 1, inservice inspection program.

The Need for the Proposed Action

In order to meet all ASME Code, Class 1, criteria required by the regulation, the affected section of piping would need to be replaced. The plant is currently in a refueling outage and the replacement of this piping is estimated by the licensee to add about 10 days to the outage with consequent significant fuel replacement costs, in addition to significant engineering and construction costs. The alternative proposed by the licensee is to demonstrate by a stress analysis that the piping meets ASME Code, Section III, Class 1, allowable stress criteria and to inspect the piping in accordance with ASME Code, Section XI, Class 1, inservice inspection criteria. The licensee contends that this proposal achieves the underlying purpose of § 50.55a(c)(1) without imposing an undue delay in startup from the present refueling outage.

Environmental Impacts of the Proposed Action

The proposed exemption involves a change in the installation or use of the facility's components located entirely within the restricted area as defined in 10 CFR Part 20. Our evaluation of the proposed exemption from 10 CFR 50.55a(c)(1) indicated that the proposed exemption involves no significant increase in the amounts, and no significant change in the types of any radioactive effluents that may be released offsite because there is no change to the piping or operation. Our evaluation also indicated that there is no significant effect of the proposed exemption on the probability or consequences of an accident because this section of piping would be essentially equivalent to ASME Code, Class 1, piping. Therefore, this section of piping would have essentially the same margin to pipe failure. The pipe materials, valves and welding meet ASME Code, Class 1, criteria and the piping will be stress analyzed and inspected to ASME Code, Class 1, criteria. The piping cannot be re-stamped as ASME Code, Class 1, because it was procured to ASME Code, Class 2, requirements. The ASME Code, Class 1, inservice inspection would result in an increase in occupational radiation exposures because this inspection is more extensive than inspection to ASME Code, Class 2, criteria; however, personnel exposures would not be significantly increased because this section of RWCU piping is a small fraction of the reactor coolant pressure boundary that is inspected to ASME Code, Class 1, criteria. The proposed exemption does not affect any other occupational radiation exposures because no change in system equipment or operation is involved. The exemption does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

Since the staff has concluded there are no significant environmental impacts from the proposed action, any alternatives would have equal or greater environmental impacts.

The principal alternative would be to deny the requested exemption. Such an action would not reduce environmental imapcts of plant operation.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement for the Grand Gulf Nuclear Station, Unit 1, dated September 1981.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did no consult with any other agencies or persons.

Finding of no Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for exemption dated November 25, 1987, as revised December 10, 1987, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Dated at Bethesda, Maryland, this 23rd day of December 1987.

For the Nuclear Regulatory Commission.

Elinor Adensam,

Director, Project Directorate II-1, Division of Reactor Projects-1/II, Office of Nuclear Reactor Regulation.

[FR Doc. 87-29887 Filed 12-29-87; 8:45 am]

BILLING CODE 7590-01-M

Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

VOL 52 ISS 250 DEC 30 1987 UMI

This biweekly notice includes all notices of amendments issued, or proposed to be issued from December 7, 1987 through December 18, 1987. The last biweekly notice was published on December 16, 1987 (52 FR 47775).

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resource Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By January 29, 1988 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Project Director*): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Alabama Power Company, Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendments request: December 9, 1987

Description of amendments request: The proposed change would change the Radioactive Effluent Release Report requirements of Technical Specification (TS) 6.9.1.9 to allow the use of historical annual average meteorological data to determine the doses due to the routine release of radioactive gaseous effluents. In addition, the spelling of the word "or" would be corrected in the same paragraph of the TS.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a no significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed amendment against the standards in 10 CFR 50.92 and has determined:

(1) The proposed change will not increase the probability or consequences of an accident previously evaluated. The gaseous pathway doses that are reported in the routine radioactive effluent release reports are the result of routine normal operation of the plant. The methodology used to calculate these doses is not related to any accident analyses. Therefore, the proposed change, which would allow the use of historical annual average meteorological conditions in calculating gaseous pathway doses, is administrative in nature and will not increase the probability or consequences of an accident previously evaluated.

(2)The proposed change will not increase the possibility of a new or different kind of accident from any previously evaluated because neither the plant design nor plant operation will be changed. The proposed change only affects the meteorological input used in calculating the gaseous pathway doses due to routine radioactive effluent releases. Therefore, the proposed change cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed change will not involve a reduction in a margin of safety because the proposed change is consistent with the guidance provided in NUREG-0311, Regulatory Guide 1.111, and the Standard Review Plan. As stated above, the proposed change only involves a change in the meteorological input (i.e., annual average as opposed to real time) used in calculating gaseous pathway doses. An annual summary of hourly meteorological data will still be provided as required by Specification 6.9.1.9. Therefore, this change will not involve a reduction in a margin of safety.

Based on the above, the licensee has determined that the proposed amendment does not involve a significant hazards consideration. The NRC staff has reviewed the licensee's no significant hazards consideration. determination and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the requested amendment does not involve a significant hazards consideration.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303

Attorney for licensee: Ernest L. Blake, Esquire, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: Elinor G. Adensam

Arizona Public Service Company, et al., Docket Nos. STN 50-529 and STN 50-530, Palo Verde Nuclear Generating Station (PVNGS), Units 2 and 3, Maricopa County, Arizona

Date of amendment request: September 14, 1987 as revised by letter dated October 1, 1987.

Description of amendment request: The proposed amendments would revise Technical Specification 5.3.1 in each of the two licenses (NPF-51 and NPF-74 for Palo Verde, Units 2 and 3, respectively) by changing the maximum enrichment for reload fuel from 4.0 to 4.05 weight percent U-235.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided guidance for determining whether a proposed amendment involves a significant hazards consideration and has provided examples of amendments that are not likely to involve a significant hazards consideration (51 FR 7751). Example (iii) in 51 FR 7751 is as follows: (iii) For a nuclear power reactor, a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, that the analytical methods used to demonstrate conformance with the technical specifications and regulations are not significantly changed, and that NRC has previously found such methods acceptable.

The staff considers the proposed amendments to be similar to example (iii) since they are directly related to a reactor core reloading and the fuel assemblies are not significantly different than those previously found acceptable for the initial core reloading at Palo Verde. The only difference is the proposed increase for maximum fuel enrichment from 4.0 to 4.05%. In addition, no significant changes are being made to the previously approved acceptance criteria for the technical specifications or to the analytical methods used to demonstrate conformance with the specifications and regulations.

Accordingly, the Commission has proposed to determine that the above chnage does not involve a significant hazards consideration.

Local Public Document Room location: Phoenix Public Library, Business, Science and Technology

Department, 12 East McDowell Road, Phoenix, Arizona 85004.

Attorney for licensees: Mr. Arthur C. Gehr, Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85007.

NRC Project Director: George W. Knighton

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station (PVNGS), Units 1 and 2, Maricopa County, Arizona

Date of amendment request: November 20, 1987

Description of amendment request: The proposed amendments would revise Table 3.3-6 in Technical Specification 3.3.3.1, "Radiation Monitoring Instrumentation," for each of the three licenses (NPF-41, NPF-51 and NPF-74 for Palo Verde Units 1,2 and 3, respectively) by replacing the present detectable range of the two main steam line effluent monitors from 10^{-3} - 10^{4} R per hour (i.e., 10^{10} - 10^{7} mR per hour) with the appropriate measurement range of 10^{10} - 10^{5} mR per hour, consistent with Regulatory Guide 1.97.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided guidance for determining whether a proposed amendment involves a significant hazards consideration and has provided examples of amendments that are not likely to involve a significant hazards consideration (51 FR 7751). Example (i) in 51 FR 7751 is as follows: (i) A purely administrative change to technical specification: for example, a change to achieve consistency throughout the technical specifications, correction of an error or a change to nomenclature.

The staff considers the proposed amendments to be similar to example (i) since they involve a correction to the range of accurately measured detectable radiation for the two main steam line effluent monitors.

Accordingly, the Commission has proposed to determine that the above change does not involve a significant hazards consideration.

Local Public Document Room location: Phoenix Public Library, Business, Science and Technology Department, 12 East McDowell Road, Phoenix, Arizona 85004.

Attorney for licensees: Mr. Arthur C. Gehr, Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85007.

NRC Project Director: George W. Knighton

Commonwealth Edison Company, Docket Nos. 50-373 and 50-374, LaSalle County Station Unit Nos. 1 and 2, LaSalle County, Illinois

Date of amendment request: August 24, 1987

Description of amendments request: The proposed amendments to Operating License No. NPF-11 and Operating License No. NPF-18 would revise the LaSalle Units 1 and 2 Technical Specifications to revise the wording of the Jet Pump Operability Technical Specification Surveillance to require balanced drive flow rather than equal flow control valve position. The changes are administrative in nature to perform the surveillance with what the licensee believes to be the intent of the specifications. The wording of Technical Specification 4.4.1.2.1 is based on the assumption that given pumps of equal pumping capacity and identically calibrated control systems, equal indicated FCV positions should produce equal drive loop flows. Therefore, Commonwealth Edison believes the intent of the specification is to balance loop drive flows before performing the jet pump operability surveillance. This interpretation is consistent with the requirements of Technical Specification 3.4.1.3, which limits drive flow mismatch to less than 5% (with core flow greater than 70% of rated core flow), and intends to enforce balanced loop flows.

Using specification 3.4.1.3 as a guide, the criteria for balanced drive flows for performance of surveillance 4.4.1.2.1 shall be that the indicated drive flow difference be within 5% of rated recirculation flow. In this manner, system differences or changes throughout plant life which affect the FCV position versus drive flow relationship will not impede the successful performance of the surveillance.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether no significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined, and the NRC staff agrees, that the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated because this proposed change of the Technical Specifications is an administrative change to clarify the conditions necessary to perform the jet pump operability surveillance and correct typographical errors.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated because this proposed change of the Technical Specifications is an administrative change to clarify the conditions necessary to perform the jet pump operability surveillance and correct typographical errors.

3. Involve a significant reduction in the margin of safety because this proposed change of the Technical Specifications is an administrative change to clarify the conditions necessary to perform the jet pump operability surveillance and correct typographical errors. Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specifications involve no significant hazards consideration.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Attorney to licensee: Joseph Gallo, Esq., Isham, Lincoln and Beale, Suite 1100, 1150 Connecticut Avenue, NW., Washington, DC 20036.

NRC Project Director: Daniel R. Muller

Commonwealth Edison Company, Docket No. 50-373, LaSalle County Station, Unit No. 1, LaSalle County, Illinois

Date of amendment request: August 25 and November 17, 1987

Description of amendment request: The proposed amendment to Operating License No. NPF-11 would revise the LaSalle Unit 1 Technical Specifications to change the identification of the compartment in which the normal and emergency supply breakers for the Shutdown Cooling Isolation Valve (1E12 F0009) are located. This change was required because the licensee has replaced the motor operator with a larger capacity motor operator to increase the reliability of the valve. The new, larger capacity operator requires the use of larger capacity breakers which will not fit into the existing cubicles. The replacement breakers will be installed in larger compartments within the same Motor Control Center (MCC's) as the originals. This change is purely administrative in nature to correct the identification of these new cubicle locations.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples of actions not likely to involve a significant hazards consideration (48 FR 14870). One of the examples (i) relates to purely administrative changes to technical specifications; for example, a change to achieve consistency throughout the technical specifications, correct errors, or change nomenclature. The proposed change is purely administrative and corrects the identification of new cubicle locations. Based on the above, since the proposed change involves actions that conform to example (i), the staff proposes to determine that this application for amendment involves no significant hazards consideration.

Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specifications involve no significant hazards considerations.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Attorney to licensee: Joseph Gallo, Esq., Isham, Lincoln and Beale, Suite 1100, 1150 Connecticut Avenue, NW., Washington, DC 20036.

NRC Project Director: Daniel R. Muller

Commonwealth Edison Company, Docket No. 50-373 , and 50-374 LaSalle County Station, Unit Nos. 1 and 2, LaSalle County, Illinois

Date of amendment request: November 9, 1987

Description of amendment request: The proposed amendment to Operating License No. NPF-11 and Operating License No. NPF-18 would revise the LaSalle Units 1 and 2 Technical Specifications to conform with the LER Rule, 10 CFR 50.73. The proposed amendments will change the wording in Technical Specification 6.1.G.1.7 from "Reportable occurrences requiring 24-hour notification to the NRC" to "All Reportable Events."

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples of actions not likely to involve a significant hazards consideration (48 FR 14870). One of the examples (i) relates to purely administrative changes to technical specifications; for example, a change to achieve consistency throughout the technical specifications, correct errors, or change nomenclature. The proposed change is administrative and would change wording to allow the Technical Specification to conform to 10 CFR 50.73. Based on the above, since the proposed change involves actions that conform to example (i), the staff proposes to determine that this application for amendment involves no significant hazards consideration.

Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specifications involve no significant hazards considerations.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Attorney to licensee: Joseph Gallo, Esq., Isham, Lincoln and Beale, Suite 1100, 1150 Connecticut Avenue, NW., Washington, DC 20036.

NRC Project Director: Daniel R. Muller

Commonwealth Edison Company, Docket No. 50-254, Quad Cities Nuclear Power Station, Unit 1, Rock Island County, Illinois

Date of application for amendment: November 17, 1987

Description of amendment request: Commonwealth Edison Company (CECo, the licensee) submitted an amendment request to revise Appendix A of DPR-29, Technical Specifications (TS), because of modifications to the Standby Liquid Control System (SBLC) accomplished in accordance with the requirements of 10 CFR 50.62. Consistent with SBLC system modifications, TS 3.4.A, 4.4.A and Figure 3.4-1 would be revised to reflect new system flow rates, boron concentration and volume, two pump operation, and surveillance requirements. Associated TS bases would also be revised.

Basis for proposed no significant hazards consideration determination: 10 CFR 50.62(c)(4) requires a SBLC system with a minimum flow capacity and boron content equivalent to 86 gpm of 13 weight percent sodium pentaborate solution. For Quad Cities Unit 1, this is being accomplished by modifying the SBLC system to allow dual pump operation (80 gpm combined flow rate) and revising TS to require a 14% minimum concentration. The original amount of total boron injection has not been altered, just the injection rate.

The Commission has provided standards for determining whether a significant hazards consideration exists as stated in (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequence of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. In accordance with 10 CFR 91(a), the licensee has provided the following analysis in their amendment application addressing these three standards.

CECo has analyzed this proposed amendment and determined that operation of the facility, in accordance with the proposed amendment, would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated because TS changes do not alter the total amount of boron injection previously required by TS, thereby maintaining the previous shutdown reactivity capability. This amendment is needed to implement the requirements of 10 CFR 50.62 and has no impact on systems or equipment that could potentially initiate or impact the probability of an accident. The boron injection rate was increased by modifications to the SBLC system in order to improve accident initiation capabilities and reduce potential consequences of an accident.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated, because the only function of the SBLC system is to provide backup shutdown capability. System modifications and TS revisions do not affect any other systems or equipment which could initiate an accident. Although dual pump operation will increase total boron flow rate, the system continues to be isolated from inadvertent actuation and injection into the reactor vessel by fail safe explosive squib valves (provide high assurance of opening, and extra protection against undesired admission).

3. Involve a significant reduction in the margin of safety, because overall shutdown reactivity capability (i.e. total boron injection) of the SBLC system was not reduced. The proposed amendment supports required modifications which will increase the SBLC system injection rate, thereby increasing not reducing, the margin of safety for Anticipated Transient Without Scram (ATWS) events.

Based on the proceeding analysis and a preliminary review of the license amendment request the Commission has determined that the proposed TS changes would not involve Significant Hazards Considerations.

Local Public Document Room location: Dixon Public Library, 221

Hennephin Avenue, Dixon, Illinois 61021.

Attorney to licensee: Michael I. Miller, Esq., Isham, Lincoln, & Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602.

NRC Project Director: Daniel R. Muller

Commonwealth Edison Company, Docket Nos. 50-295, Zion Nuclear Power Station, Unit No. 1, Lake County, Illinois

Date of application for amendment: September 22, 1987, modified by letter dated October 27, 1987.

Description of amendment request: During the last Unit 1 outage, two inaccessible snubbers were found with the hydraulic fluid supply ports uncovered. In accordance with Section 4.22.2.A.1, these snubbers are to be considered inoperable for the purpose of establishing the next visual inspection interval. A subsequent visual inspection is required by Section 4.22.2.A.1 to be conducted within 12 months (plus or minus 3 months). The snubbers that would be required to be inspected are inaccessible with the Unit above hot shutdown (Mode 3). The Unit 1 inaccessible snubber visual inspection was completed on November 20, 1986. This would require the next inspection to be conducted on November 20, 1987 plus or minus three months. The Unit is scheduled to be at power for the duration of this time period and a Unit shutdown would be required to perform this inspection. Therefore, to prevent the shutdown of Unit 1 solely to perform the snubber inspection, that inspection must be delayed until the beginning of the next scheduled Unit 1 refueling outage, tentatively scheduled for February/March, 1988.

In summary, this proposed change involves the one-time alteration of the allowable snubber inspection periods. Unit 1's inspection will be delayed by approximately 30 days. This alteration will prevent a forced shutdown of Zion Unit 1.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequence of an accident previously evaluated; (2) create the possibility of a new or different kind of accident of from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The license provided the following discussion regarding the above three criteria:

Criterion 1

An amendment to the Zion facility operating license is proposed to allow the performance of required visual snubber inspections to take place during scheduled refueling outages. This will preclude a forced shutdown of the Zion Unit 1. This proposed change will involve an approximate 30 day delay in the performance of Unit 1 snubber inspection.

The alteration of the inaccessible snubber inspection intervals on a one-time basis has no relationship to the probability of any of the accidents previously evaluated. The initiating events associated with the accidents contained in Zion's FSAR have been reviewed. None of these events are adversely affected by the one-time alteration of inaccessible snubber inspections.

As discussed on page 295AA8 of the Zion Technical Specifications, the "inspection frequency is based upon maintaining a constant level of snubber protection". The approximate 30-day delay in the performance of Unit 1's snubber exam corresponds to an 8% increase in the allowed inspection period beyond the existing requirements. This small delay will not adversely affect the level of snubber protection afforded Unit 1.

Thus, the proposed one-time alteration of the allowable inaccessible snubber visual inspection periods will not significantly alter the level of snubber protection at Zion Station. The snubbers' performance will not be altered by this proposed amendment.

Therefore, based upon the above discussion, the proposed amendment will not involve a significant increase in the probability or consequences of any previously evaluated accidents.

Criterion 2

The one-time alteration of the allowable inspection periods for the inaccessible snubbers will have no effect on the performance of any of Zion's systems or structures. The snubber inspection frequency likewise has no interaction with any external events such as tornadoes or floods.

Since the allowable snubber inspection periods hold no potential for any adverse interaction, no new or different kind of accident is feasible. Therefore, this proposed amendment will not create the possibility of a new or different kind of accident.

Criterion 3

As discussed, above the one-time alteration of the allowable inspection period for inaccessible snubbers will have no effect on the overall level of snubber protection at Zion Station. As a result, this proposed amendment will not involve a significant reduction in the margin of safety.

Therefore, since the application for amendment satisfies the criteria specified in 10 CFR 50.92, Commonwealth Edison Company has made a determination that the application involves no significant hazards consideration.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis.

Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specification involve no significant hazards consideration.

Local Public Document Room location: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60055.

Attorney to licensee: P. Steptoe, Esq., Isham, Lincoln and Beale, Counselors at Law, Three First National Plaza, 51st Floor, Chicago, Illinois 60602.

NRC Project Director: Daniel R. Muller

Consumers Power Company, Docket No. 50-155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: July 23, 1987

Description of amendment request: The proposed amendment would revise Facility Operating License No. DPR-6 to make administrative changes to the Big Rock Point Plant Technical Specifications. The proposed changes would: correct accumulated editorial and typographical errors; capitalize defined terms consistent with the practice in the Standard Technical Specifications; correct references to the revised Code of Federal Regulations; correct titles of senior onsite managers and other organizational elements; and delete the Technical Specification and Order for Modification of License associated with environmental qualification of electrical equipment.

Basis for proposed no significant hazards consideration determination: The Commission has provided examples of amendments that are considered not likely to involve significant hazards considerations (51 FR 7751, March 6, 1986). Example (i) relates to a purely administrative change to Technical Specifications, such as a change to achieve consistency throughout the

Technical Specifications, correction of an error, or a change in nomenclature. Most of the proposed changes fit this category, as they include capitalizing defined terms in accordance with standard format, correcting typographical and editorial errors overlooked in previous amendments and changing references for certain reporting requirements in accordance with recent changes to the Code of Federal Regulations.

Example (i) also applies to the proposed organizational changes, that involve changes to titles. The proposed changes to Figure 6.2-1 of the Big Rock Point Technical Specifications would modify the title of "Plant Superintendent" to "Plant Manager," with no change in that individual's responsibility. Several existing corporate positions would be added to the figure for completeness and for consistency with the Palisades Technical Specifications. Additionally, the Director of Nuclear Safety would be designated as Chairman of the Nuclear Safety Board (NSB), replacing the Executive Director of Nuclear Assurance in that capacity. However, both individuals would still serve as Board members; this change would merely formalize current practice, in which, as Vice Chairman of the NSB, the Director of Nuclear Safety effectively presides over NSB activities. This change would also be consistent with a recent amendment to the Palisades Technical Specifications.

An additional organizational change would reassign the corporate responsibility for the overall fire protection program to the Manager of Information and Operations from the Director of Property Protection. This transfer of responsibility is not significant in that both positions report to the Vice President of General Services. Further, the responsibility for the site fire protection program remains with the Plant Manager. Consequently, this proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated, nor does it create the possibility of a new or different accident, nor involve a significant reduction in a margin of safety; as the fire protection program itself, the corporate oversight of the program, and the independent control over implementation at the site would remain unchanged.

Example (vii) of amendments not likely to involve significant hazards considerations relates to changes to conform a license to changes in the regulations, where the license change results in very minor changes to facility operations, clearly in keeping with the regulations. The remaining proposed changes would delete the Order for Modification of License, dated October 24, 1980, and Technical Specification Section 6.13, which relate to environmental qualification of electrical equipment. These requirements have been superseded by Title 10, Part 50.49 of the Code of Federal Regulations. The proposed change would not affect facility operations and would conform to changes in the regulations.

On these bases, the Commission's staff proposes to determine that the requested amendment does not involve a significant hazards consideration. The proposed changes are administrative in nature and do not involve changes to existing plant equipment, procedures or administrative controls. Therefore, the proposed changes do not involve a significant increase in probability or consequences of a previously evaluated accident; they do not create the possibility of a new or different kind of accident from any accident previously evaluated; nor do they involve a significant reduction in a margin of safety.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Project Director: Martin J. Virgilio

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Caroline

Date of amendment request: June 29, 1987, as supplemented December 4, 1987

Description of amendment request: The proposed amendments would revise Technical Specification (TS) Table 4.3-1, "Reactor Trip Systems Instrumentation Surveillance Requirements" to delete the requirement to test the reactor coolant flow rates in the bypass loops in which Resistance Temperature Detectors (RTDs) are installed to measure the hot leg and cold leg temperatures. The flow rates affect the time response of the temperature signals which are needed for reactor controls and protection. The licensee proposes to remove the RTD bypass manifolds and to place the RTDs directly in the hot leg and cold leg pipes, thereby eliminating the need for bypass flow testing requirements. The proposed station modifications are scheduled to be made during outages in January 1988 for Unit 2 and in January 1989 for Unit 1.

For Unit 2, the proposed modifications will begin before the next flow rate verification tests are required by the TS. For Unit 1, however, the next flow rate verification tests are due in May 1988 according to the TS requirement for flow rate verification tests every 18 months. The proposed amendments would exempt the licensee from the requirement to perform these tests just a few months before the Unit 1 bypass loop will be removed.

In its letters of June 29 and December 4, 1987, the licensee provided the following justifications for the proposed change:

1. The performance of the RTD Bypass Loop flow rate test involves four people (two Nuclear Equipment Operators, one Performance Technician and one Health Physics Technician) spending four hours each in lower containment, which results in a significant dose to those involved.

2. There is minimal potential for flow blockage in the 2-inch and 3-inch diameter bypass lines.

3. Individual low flow alarms with individual status lights for each reactor coolant loop bypass flow are provided on the main control board. The alarm and status lights provide the operator with immediate indication of low flow condition in the bypass loops associated with any reactor coolant loop. If the RTD Bypass Loop flow rate for Loop A, B, C or D decreases to 90% of its initial measured value, an annunciator alarms in the control room. Since the initial measured values for all of the loop flows are well above the minimum acceptable flow rates, the control room annunciator will alarm well in advance of any loop flow rate dropping below the acceptance criterion flow rate.

4. Local indicators are provided to monitor total flow through the RTD bypass manifolds for each loop. The indicators are located inside containment but are accessible during power operations. These indicators will be monitored quarterly, as well as following any bypass low flow alarm or following a period when a bypass loop has been out of service.

5. The deletion of the flow rate verification tests will have no effect upon the ability of the RTDs to perform their intended safety functions.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a

BEST COPY AVAILABLE

VOL 52 ISS 250 DEC 30 1987 UMI

facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendments will not (1) involve a significant increase in the probability or consequences of an accident previously evaluated because the deletion of the bypass flow rate verification tests will not degrade the safety aspects of the RTD temperature measurement capability. Low bypass flow rates will continue to be alarmed in the control room, and the flow rates will continue to be measured quarterly on the local flow rate indicators.

The proposed amendments will not (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the design and operation of the plant will be unaffected and no new plant configurations are introduced.

The proposed amendment will not (3) involve a significant reduction in a margin of safety because of the continued availability of the local flow rate indicators and of the low flow alarms in the control room.

Based on the above considerations, the Commission proposes to determine that the proposed amendment involves no significant hazards considerations.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: Kahtan N. Jabbour, Acting Director

Duke Power Company, et al., Docket No. 50-414, Catawba Nuclear Station, Unit 2, York County, South Carolina

Date of amendment request: December 4, 1987

Description of amendment request: The proposed amendment would revise License Condition 2.C.(8)(b) of Catawba Unit 2 Facility Operating License NPF-52 to: (1) make it consistent with the NRC staff's conclusions contained in a September 4, 1987, letter to the licensee (from J. H. Sniezek, NRC, to H. B. Tucker, Duke), and (2) allow an extension of time for the resolution of the Safety Parameter Display System (SPDS) issue. The extension would be for one complete cycle of operation. Thus, the license condition proposed by the licensee would read:

Prior to startup following the second refueling outage, Duke Power Company shall add to the existing SPDS and have operational the following SPDS parameters: (a) residual heat removal flow, (b) containment isolation status, (c) stack radiation measurements, and (d) steam generator or steamline radiation. The actual value of these and all other SPDS variables should be displayed for operator viewing in easily and rapidly accessible display formats.

Basis for proposed no significant hazards consideration determination: Supplement 1 to NUREG-0737 required licensees to install an SPDS which provides a concise display of critical plant variables to control room operators to aid them in rapidly and reliably determining the safety status of the plant.

In February 1986, the NRC staff issued the low-power Facility Operating License, NPF-48, for Catawba Unit 2 along with Supplement 5 to the Safety Evaluation Report. Supplement 5 concluded that the Catawba SPDS does not fully meet the applicable requirements of Supplement 1 to NUREG-0737. However, since the staff did not identify any serious safety concerns with the existing system, the Catawba SPDS may be operated as an interim implementation until startup following the first refueling outage.

The SER identified five parameters and the backup display as modifications needing to be made to the Catawba SPDS. These requirements were imposed as License Condition 2.C.(9)(b) of the low-power Facility Operating License, NPF-48, and later as License Condition 2.C.(8)(b) in the full-power Facility Operating License, NPF-52.

On March 25, 1986, the licensee identified the requested changes as a plant-specific backfit and requested that the NRC staff prepare a backfit analysis. By letter dated June 13, 1986, the staff denied the licensee's backfit claim. On March 26, 1987, the licensee appealed the staff's denial of the backfit claim. By letter dated September 4, 1987, the staff concluded that 4 of the 5 parameters identified in Supplement 5 along with the backup displays should be added. One of the five parameters previously required, hot leg temperature, was already included as an input into SPDS.

The licensee stated that a proposed resolution of the SPDS issue is in preparation, and that the four additional parameters would be added along with changes to the backup display. With NRC staff acceptance of this proposed resolution, modifications to the SPDS, including operator training and procedure revision, could be completed within six months. As currently scheduled, the Catawba Unit 2 first refueling outage should be completed by late February 1988.

The SPDS is not a safety-grade system and is not intended to fulfill the post-accident monitoring requirements of Regulatory Guide 1.97. All parameters, including the additional parameters, are already provided in the control room. It is therefore the licensee's conclusion that extension of the date for modification of the Catawba Unit 2 SPDS until startup following the second refueling outage does not involve any adverse safety considerations. The staff agrees with the licensee's evaluation for extending the implementation date by one complete cycle of operation.

The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendment would not involve a significant increase in the probability of an accident previously evaluated because the SPDS is provided as an aid to the operator, all parameters displayed on the SPDS are provided separately in the control room, and the SPDS is not used for control functions.

The proposed amendment would not create the possibility of a new or different kind of accident than previously evaluated because the design and operation of Catawba Unit 2 will not be affected.

The proposed amendment would not cause a significant reduction in a margin of safety. The extension of time in which to resolve the SPDS issue and perform required modifications would have no impact on safety margins because the SPDS is intended to aid the operators and is not relied upon as a safety system.

Based on the above considerations, the Commission proposes to determine that the proposed amendment involves no significant hazards consideration.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: Kahtan N. Jabbour, Acting Director

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: November 13, 1987 as supplemented December 11, 1987

Description of amendment request: The proposed amendments would modify the Technical Specifications (TSs) for Catawba Units 1 and 2 with the following changes:

Change 1 would revise the TSs to ensure that plant operation is consistent with the design and safety evaluation conclusions made in the Reload Safety evaluation (RSE) for Catawba Unit 2, Cycle 2. Most of the changes affect Unit 2 only. Unit 1 is included because the TSs are combined in one document applicable to both units. These changes are already in place for Unit 1.

Change 2 deals with the addition of the Boron Dilution Mitigation System (BDMS) for Unit 2. In particular, TSs 4.1.1.1.3; 4.1.1.1.4; 4.1.1.2.2; Table 3.3-1, item 6.b; Table 3.3-1, Action 5; Table 4.3-1, Note (9); 3/4.3.3.12; 4.9.1.3; and 3/4.9.2 reflect the addition of this system to Unit 2. These TSs would not apply to Unit 2 until prior to startup (Mode 2) to allow calibration and testing of the system so that it can be declared operable. In the interim between issuance of the License Amendments and Unit 2 entering Mode 2 following the first refueling outage, the requirements of the deleted TSs concerning the source range monitors will be administratively imposed by the licensee to ensure that there will always be adequate protection in the event of a boron dilution accident. The BDMS is already installed and operable for Unit 1.

Change 3 would delete Surveillance Requirement 4.3.3.12.1(b) because this surveillance is required only prior to startup (Mode 2) but the TS associated with this Surveillance Requirement is applicable in hot standby, hot shutdown and cold shutdown (Modes 3, 4, and 5, respectively).

Change 4 to TS 3.9.2.1, Action (a)(2), would delete the phrase "and control room" from the sixth line because it is a repeat of the same phrase in line 5. Thus, it is an editorial correction.

Change 5 regarding the addition of Action (d) to TS 3.9.2.1 would allow the plant to change modes if the Boron Dilution Mitigation System is inoperable. This statement already appears in TS 3.3.3.12 which covers all other applicable modes.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee, in its December 11, 1987 submittal, provided evaluations of the proposed changes with regard to these three standards:

Proposed Change 1 for Catawba Unit 2 does not involve a significant hazards consideration because it would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated because the Westinghouse RSE (Attachment 3 to the licensee's letter of November 13, 1987) provides a discussion of each affected accident analysis and demonstrates that the changes required as a result of this reload will not result in a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated because the RSE concludes that the amendment will not introduce any changes that will fall outside of the previously evaluated accidents. Operation in accordance with the proposed reload related changes will ensure that the plant is operated within the current design limits as discussed in the RSE.

3. Involve a significant reduction in a margin of safety because the RSE concludes that operation with the proposed amendments in place will not result in a plant condition outside of the already established safety analysis. Incorporation of the reload related changes will ensure that the plant is operated in accordance with the requirements as discussed in the RSE.

This change is applicable to Unit 2 only. Regarding proposed Change 1 for Catawba Unit 1, the Commission has provided standards for the determination that an amendment request involves no significant hazards consideration (51 FR 7744). One example of actions not likely to involve a significant hazards consideration is example (i) which relates to a purely administrative change to TSs to achieve consistency throughout the TSs, correction of an error, or a change in nomenclature. Proposed Change 1 for Catawba Unit 1 is a purely administrative change which matches example (i) because the TSs for both Units are combined in a single document.

Proposed Change 2 for Catawba Unit 2 does not involve a significant hazards consideration because it would not:

1. Involve a significant increase in the probability or consequences of any previously evaluated accident because as long as Unit 2 is operated within the parameters specified, the previously accepted safety analyses for Unit 1 (which already has the BDMS installed and operable) discussed in the Final Safety Analysis Report (FSAR), Section 15.4.6, would be applicable to Unit 2. Therefore, the addition of the BDMS TSs for Unit 2 will ensure that Unit 2 will meet the requirements and assumptions of a previously evaluated accident.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated because the incorporation of the changes to reflect the addition of the BDMS will ensure that the plant is operated in accordance with the current boron dilution accident analysis as presented in FSAR Section 15.4.6. This analysis assumes that the BDMS is installed and operable and functions to mitigate the consequences of a boron dilution event. The addition of the BDMS TS requirements will not result in the possibility of a new or different kind of accident than any previously evaluated.

3. Involve a significant reduction in a margin of safety because the incorporation of the BDMS TS changes will add additional restrictions in that there will be new Limiting Conditions for Operation, Action Statements and Surveillance Requirements in place applicable to Unit 2. These requirements will ensure that the BDMS is maintained operable or that appropriate alternative actions were taken.

This change is applicable to Unit 2 only. Proposed Change 2 for Catawba Unit 1, is a purely administrative change which matches example (i) because the TSs for both Units are combined in a single document.

Proposed Change 3 for Catawba Units 1 and 2 does not involve a significant hazards consideration because it would not:

1. Involve a significant increase in the probability or consequences of any previously evaluated accident because deletion of Surveillance Requirement 4.3.3.12.1(b) will have no effect on the BDMS. Since this TS is applicable in

Modes 3, 4 and 5, deletion of this Surveillance (which is required to be performed prior to entering Mode 2) will have no impact on the operability of the BDMS in those modes. The BDMS will still be demonstrated operable in the appropriate modes via other existing surveillances. Therefore, deletion of this surveillance requirement will not decrease the reliability of the BDMS and will not increase the probability or consequences of any previously evaluated accident.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated because the deletion of the Surveillance Requirement will not change the requirements for operability of the BDMS and will not result in the plant being operated in any new configuration not already allowed. This surveillance is not necessary because it is required to be performed prior to the plant entering Mode 2, yet the BDMS is not required to be operable in Mode 2. Therefore, its deletion will have no effect on the operability of the BDMS in Modes 3, 4 and 5 for which it is required to be operable.

3. Involve a significant reduction in a margin of safety because this Surveillance Requirement is to be performed just prior to entering a mode where the BDMS is not required. The net outcome is that the surveillance will demonstrate the operability of the BDMS just prior to its not being needed for accident mitigation. Thus, its deletion will not affect the probability that the BDMS will be operable in Modes 3, 4 or 5 because other applicable surveillances will still be required to be performed. Thus, there is no significant reduction in the safety margin because of the deletion of this surveillance requirement.

Proposed Change 4 for Catawba Units 1 and 2 regarding deleting the phrase "and control room" from the sixth line of TS 3.9.2.1, Action (a)(2), is an editorial correction which matches example (i) because this phrase is a repeat of the same phrase in line 5.

Proposed Change 5 for Catawba Units 1 and 2 does not involve a significant hazards consideration because it would not:

1. Involve a significant increase in the probability or consequences of any previously evaluated accident because TS 3.9.2.1, Action Statements (a), (b) or (c), do not allow mode changes if appropriate backup to the BDMS cannot be established. Allowing mode changes with appropriate backup in place will not increase the probability or consequences of any previously evaluated accident because the backup to the BDMS will be at least as reliable and/or conservative as the existing BDMS.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated because the Action Statements which are currently in place call for verification of an acceptable backup systems to the BDMS or the halt of core alterations (and, in effect, mode changes). Thus, the plant will not be allowed to change modes unless an acceptable backup to the BDMS (if it is inoperable) is operable. Therefore adequate assurance is maintained that the plant will have the capability to detect and to mitigate the consequences of a boron dilution event.

3. Involve a significant reduction in a margin of safety because other applicable Action Statements require the establishment of adequate backup systems to the BDMS in case the BDMS is inoperable. If these backup systems cannot be established, these Action Statements will not allow mode changes.

The staff has considered the proposed amendments and agrees with the licensee's evaluation of proposed changes 1, 2, 3 and 5 with respect to the three standards. For proposed change 4 the staff considers that example (i) is a more appropriate standard.

Accordingly, the Commission proposes to determine that the requested changes do not involve a significant hazards consideration.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: Kahtan N. Jabbour, Acting Director

Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: November 20, 1987

Description of amendment request: The amendment would revise the Technical Specifications regarding radioactive effluent to reflect the staff's position as expressed in the Standard Technical Specifications, (STS) and a letter to the licensee dated May 7, 1987. The changes are as follows:

Replacing "from the site" with "from each reactor unit from the site" in applicable specifications reflects Draft Revision 5 of the STS and is in accordance with 10 CFR 50 Appendix I.

Replacing reference to Figure 5.1-2 with Figure 5.1-1 reflects the change to Figure 5.1-1 which would be editorially combined with Figure 5.1-2. Clarification of the * note in Section 3.11.1.2 is provided to reflect the qualification specified in Draft Revision 5 of the STS so that the required Special Report will address the radiological impact on the drinking water sources within 3 miles downstream of the plant. An * note would be added to Section 3.11.2.1 for clarification purposes to specify the time applicable when determining the dose rate for comparison to the limits. Table 4.11-2 note c would be revised to clearly specify that the tritium grab samples are to be taken from the ventilation system in use and that not all ventilation systems must be sampled. Section 3.11.2.6 would be revised to correct the Action statements to provide the correct action requirements when the oxygen concentration exceeds 2% in the waste gas holdup system.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed changes would either clarify certain points, make the technical specifications consistent with the regulation, or make them consistent with each other. None of these changes affects any analysis in the FSAR and none of the changes is caused by or would cause a hardware change. Thus, there is no increase in the probability of occurrence or the consequences of any accident previously analyzed. These changes are administrative in nature and do not affect the operating procedures of the plant; therefore, these changes will not create the possibility of a new or different kind of accident from those described in the FSAR. Furthermore, no safety margin will be affected or reduced as a result of these changes.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: John F. Stolz

Florida Power and Light Company, et al., Docket No. 50-389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of amendment request: November 16, 1987

Description of amendment request: The proposed amendment would revise St. Lucie Unit 2 Technical Specifications (TS) Sections 4.7.1.5 and 4.7.1.6, which specify the surveillance requirements for the main steam isolation valves (MSIVs) and main feedwater isolation valves (MFIVs), respectively. The proposed amendment consists of the following changes: (1) it shows the correct value for the MSIV response time, 6.75 seconds, consistent with Section 3/4.3.2 of the TS, and (2) it adopts the wording of the Combustion Engineering Standard Technical Specifications (STS) for the MSIV and the MFIV surveillance frequency requirements.

Basis for proposed no significant hazards consideration determination: The standards used to arrive at a determination that a request for amendment in volves no significant hazards considerations are included in the Commission's regulations, 10 CFR 50.92(c), which states that no significant hazards considerations are involved if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

Based on all of the above, the proposed changes do not involve significant hazards considerations because operation of St. Lucie Unit 2 in accordance with the proposed changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The MSIV response time does not affect the probability of an accident previously evaluated, but it does affect the consequences of such an accident. However, since the St. Lucie Unit 2 "stretch" power accident analysis, previously reviewed and accepted by the NRC staff, assumes a 6.75 second MSIV response time, and this value is not being changed by this amendment, the proposed insertion of the correct response time in Section 4.7.1.5 of the TS would not increase the probability or consequences of an accident previously evaluated. Furthermore, since the proposed wording of both surveillance requirements, except for the addition of the definition of response time, is identical to that in the NRC-approved Combustion Engineering STS, with plant-specific response times inserted, the proposed wording would not affect the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated. With respect to the MSIV response time limit, the creation of the possibility of a new or different kind of accident from any accident previously evaluated was considered as part of the "stretch" power safety analysis and it was determined that such a possibility was not created with this limit. The requirements on surveillance test types and frequencies remain unchanged in adopting the STS wording. The mode of operation of the MSIVs and MFIVs would not be affected by the proposed changes.

(3) Involve a significant reduction in a margin of safety. The "stretch" power safety analysis assumes an MSIV response time of 6.75 seconds; therefore, this proposed change does not alter the margin of safety with respect to limiting containment peak pressures or positive reactivity effects due to reactor coolant system cooldown during a postulated main steam line break accident. The requirements associated with ASME Boiler and Pressure Vessel Code Article IWV-3410 and applicable addenda are maintained with the proposed wording revisions to Specifications 4.7.1.5 and 4.7.1.6, hence, the margin of safety is not changed.

Therefore, the proposed changes meet the criteria specified in 10 CFR 50.92(c) and, thus, the NRC staff proposes to determine that the proposed license amendment does not involve any significant hazards considerations.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036.

NRC Project Director: Herbert N. Berkow

Indiana and Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendments request: January 16, 1987, as supplemented June 25, 1987 and November 25, 1987.

Description of amendments request: The proposed amendments would revise the Technical Specifications for the emergency diesel generators to improve and maintain reliability (per Generic Letter 84-15 issued July 2, 1984), change a number of related Technical Specifications to improve clarity and correct errors, and revise the emergency battery loads testing to allow simulated connected loads during tests. This application was originally noticed on February 26, 1987 (52 FR 5857) and renoticed on July 29, 1987 (52 FR 28380).

Basis for proposed no significant hazards consideration determination: The Commission's standard for determining whether a significant hazards consideration exists is as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

Generic Letter 84-15 on the subject "Proposed Staff Actions to Improve and Maintain Diesel Generator Reliability," established new requirements that would reduce the risk of core damage from station blackout events by, among other things, changes to the technical specifications which support a desired diesel generator reliability goal. The licensee proposes to adopt many of the technical specification changes which were determined by the NRR as risk reduction actions. The additional proposal dated June 25, 1987 adds surveillances for water removal, oil sampling and storage tank sampling. The proposal dated November 25, 1987 modifies the fuel oil surveillances and further addresses the tank cleaning requirements. The proposed changes, therefore, should reduce the probabilities and consequences of accidents previously analyzed and should increase the margin of safety. The proposed changes will not place the plant in a new or unanalyzed condition, therefore, the changes will not create a new or different kind of accident from any previously analyzed.

The licensee also proposes to change a number of related Technical Specifications to improve clarity and correct errors. Several changes were made to reflect plant design and to make the two Units' Technical Specification alike. There are also a number of

VOL 52 ISS 250 DEC 30 1987 UMI

editorial changes and error corrections. All of these changes are administrative in nature and do not change the probabilities or consequences of any previously analyzed accidents. The changes reflect plant design similarities and correct errors; therefore, there is no change The corrections and clarifications will not result in a reduction in any margin of safety.

In amendments 86 and 72 for Unit Nos. 1 and 2, respectively, the licensee was granted approval to test the battery capacities with simulated loads using a load bank in place of the actual loads using the static inverters. The surveillance requirement being changed is to determine the condition of the battery; a separate surveillance test is required for determining the performance discharge through actual battery loads. The use of a load bank which simulates actual loads should not affect the test nor would it significantly increase the probabilities or consequences of any previously analyzed accident. While the battery is connected to the load bank during testing, the battery cannot affect other systems or components which are required to be operable. Therefore, the change would not create a new or different kind of accident from any previously analyzed.

The batteries will continue to be capacity tested on the same frequency; only the method of loading the batteries is changed. Since the change will not impact the batteries in the modes when the batteries are required to be operable, the change will not affect the ability of the batteries to perform their safety function. Therefore, the proposed change will not involve a significant reduction in a margin of safety.

On the basis of the above consideration, the staff proposes to find that the changes do not involve a significant hazards consideration.

Local Public Document Room location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Kenneth E. Perkins.

Iowa Electric Light and Power Company, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: August 31, 1987

Description of amendment request: The proposed license amendment would revise the Duane Arnold Energy Center (DAEC) Facility Operating License No. DPR-49 by revising the Technical Specifications to (1) delete the requirement that emergency diesel generators (EDGs) must be operable before the Standby Gas Treatment and Standby Filter Unit Systems are considered operable, (2) modify the requirement from one year to once per operating cycle for EDG inspections, and (3) add a requirement that certain auxiliary AC power sources and emergency filtration systems be available during core alterations.

This notice relates to item (2) only. The other items will be noticed separately.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards (10 CFR 50.92(c)) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has provided an analysis of each of the above criteria for the amendment request as follows:

(1) Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Surveillance Requirement 4.8.A.1.e requires that the EDGs be given an annual inspection. The licensee previously requested a license amendment to accommodate an 18-month rather than a 12-month operating cycle for the DAEC. NRC approval was granted by the issuance of License Amendment No. 143. he licensee did not then seek approval to extend the annual EDG inspection to 18 months. The licensee has subsequently reviewed the reliability data on the EDGs, in accordance with Generic Letter 84-15 and Regulatory Guide 1.108, "Periodic Testing of Diesel Generator Units Used as Onsite Electrical Power Systems at Nuclear Power Plants." An engineering review has shown that in three years (January 1984 to June 1987) the "A" EDG (1G-31) has a start reliability of 100% (over 120 successful starts) and a load reliability of 98.6% (1 failure in 75 loading tests). In the same timefram, the "B" EDG (1G-21) has a start reliability of 100% (over 121 successful starts) and a load reliability of 100% (no failures in 78 loading tests). The licensee's proposed extension is consistent with both the Standard Technical Specifications (STSs) Surveillance Requirement and the manufacturer's recommendations.

Because both EDGs have demonstrated a high degree of reliability, extending the inspection interval to 18 months, during shutdown, will not affect their reliability, and therefore, there will be no increase in the probability or consequences of previously evaluated accidents.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

The existing EDG systems, setpoints, or overall plant design will not be changed by extending the EDG surveillances from annually to once per operating cycle; and therefore, this change will not create the possibility of a new or different kind of accident.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

The licensee has conducted an engineering evaluation of EDG reliability data which demonstrates that the EDGs are highly reliable. In addition, the extension is consistent with the STSs and the manufacturer's recommendations. Therefore, there will not be a significant reduction in the margins of safety for the EDGs.

Based on an evaluation of the above licensee analysis, the Commission's staff has made a proposed determination that the requested amendment involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Kathleen H. Shea, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036.

NRC Project Director: Martin J. Virgilio.

Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: December 1, 1987.

Description of amendment request: The amendment would modify the Technical Specifications to (A) revise the Source Range Monitor (SRM) and Intermediate Range Monitor (IRM) neutron monitoring systems operability requirements to clarify that negative power supply voltage is required in order for the instruments to be operable, (B) delete operability and surveillance requirements for certain post-accident monitoring systems during shutdown and refueling conditions, and (C) revise an incorrect statement regarding the main steamline (MSL) high flow isolation instrumentation setpoint.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of criteria for no significant hazards consideration determination by providing examples of amendments that are considered not likely to involve significant hazards considerations (51 FR 7751). These examples include:

(1) A purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature.

(2) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example a more stringent surveillance requirement.

(3) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP): for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

Table 3.2.C of the Technical Specifications presently states that an SRM or IRM is inoperable when (a) the mode switch is not in Operate, (b) power supple voltage is low, or (c) circuit boards are not installed. Change A would add an additional statement that the instruments are inoper able when negative supply voltage is lost. This change constitutes an addi tional limitation not presently included and is therefore encompassed by example (2).

Section 3.2.H of the Technical Specifications requires that the minimum number of operable channels for the High Range Noble Gas Monitor on the Elevated Release Point, the Turbine Building Ventilation Exhaust High Range Noble Gas Monitor, the Radwaste/Augmented Radwaste/High Range Noble Gas Monitor, and the Primary containment Gross Radiation Monitor be operable at all times. Change B would revise 3.2.H to suspend these operability requirements during cold shutdown and refueling conditions. Inoperability of the instruments may in some way increase the probability or consequences of a refueling accident, however, the change is consistent with staff guidance and acceptance criteria relating to Post Accident Monitoring Instrumentation contained in Generic Letter 83-36 and Standard Review Plan Section 7.5. The change is therefore encompassed by example (3).

In Amendment 96 to the staff revised the MSL high flow isolation instrument setpoint from 140% of rated flow to 150% of rated flow. Due to oversight, not all pages of the Technical Specifications which specify the setpoint were reissued with the revised value. Change C would correct Page 52 to make it consistent with pages 50 and 84 of Amendment 96. This change corrects and error and is therefore encompassed by example (1).

Since the application for amendment involves proposed changes that are encompassed by examples for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 88305.

Attorney for licensee: Mr. G.D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68601.

NRC Project Director: Jose A. Calvo

Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: December 22, 1987

Description of amendment request: The proposed amendment would modify the Technical Specifications to permit use of the Banked Position Withdrawal System (BWPS), as enforced by the Rod Worth Minimizer (RWM), for control of rod patterns between 100% and 50% rod density.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of criteria for no significant hazards consideration determination by providing examples of amendments that are considered not likely to involve significant hazards considerations (51 FR 7751). These examples include: "A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP): for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

The proposed amendment would delete the requirement for the rod sequence control system (RSCS) to be operable between 100% and 50% control rod density. With the RSCS inoperable during this period it would be possible to use the BPWS resulting in lower rod worths and elimination of the need to perform a control rod drop accident (CRDA) analysis for each core configuration. The elimination of the CRDA analysis for each reload, and the elimination of RSCS operability requirements between 100% and 50% rod density may result in an increase of the probability or consequences of a CRDA due to reduced control over rod worth. However, the rod worth controls resulting from the proposed amendment are within the acceptance criteria of Section 15.4.1 of the Standard Review Plan which requires stringent controls to preclude the possibility of single operator error or equipment failure resulting in a core configuration such that fuel peak enthalphy could exceed 280 calories per gram during a CRDA. The proposed amendment is thus within the scope of the Commission example cited above.

Since the application for amendment involves proposed changes that are encompassed by an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 88305.

Attorney for licensee: Mr. G.D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68601.

NRC Project Director: Jose A. Calvo

Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of amendment request: November 19, 1987, as supplemented November 24, and December 11, 1987

Description of amendment request: The proposed amendment would revise Technical Specification 4.8.4.1.a.2 to permit surveillance testing of molded case circuit breakers and unitized starters instantaneous trip elements at -25% to +40% of instantaneous trip current range rather than the ±20% value in the present Technical Specifications. These instantaneous trip elements provide overcurrent protection for containment electrical penetrations.

The plant is presently in a scheduled refueling outage. The licensee stated in a submittal dated November 19, 1987, that restart is scheduled for December 17, 1987; however, the licensee informed the staff by telephone on December 4, 1987, and by letter dated December 11, 1987, that the outage would be extended with restart to be sometime in late February 1988.

Basis for proposed no significant hazards consideration determination: In accordance with 10 CFR 50.92, the licensee has reviewed the proposed changes and has concluded that the amendment does not involve a

significant hazards consideration because the change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed test current values are in accordance with manufacturer's recommendations for field testing of molded case circuit breakers and unitized starters and are within the thermal capability of the containment electrical penetrations. Therefore, the proposed change does not involve an increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously evaluated. There is no new failure mode associated with the proposed change. The proposed change does not modify plant response. Therefore, the proposed change does not create the possibility of an accident or malfunction of a different type than any evaluated previously in the safety analysis report.

3. Involve a significant reduction in a margin of safety. The revised test current values remain well within the electrical penetration's thermal limits. There is no significant reduction in the margin of safety for the containment electrical penetrations. The staff has reviewed the licensee's submittal and concurs with its no significant hazards determination.

Local Public Document Room Location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385

Attorney for licensee: Gerald Garfield, Esq., Day, Berry, and Howard, City Place, Hartford, Connecticut 06103-3499

NRC Project Director: John F. Stolz

Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: October 7, 1987

Description of amendment request: The proposed amendment would revise the Susquehanna Steam Electric Station (SSES) Units 1 and 2 Technical Specifications in response to the Commission's Generic Letter 87-09. The requested changes are as follows:

(1) Section 3.0.4 is to be revised to define that this Specification's provisions will apply in those cases where the affected action statement permits continued operation for an unlimited period of time;

(2) Section 4.0.3 is to be revised to include a 24-hour delay in implementing action requirements due to a missed surveillance for those cases where the action requirements provide a restoration time that is less than 24 hours; and

(3) Section 4.0.4 is to be revised to assure that the provisions of this section do not prevent the plant's passage through or to operational conditions required to comply with action requirements.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The staff has reviewed the licensee's request and concurs with the following basis and conclusions provided by the licensee in its October 7, 1987 application.

The following three questions are addressed below for each of the proposed Technical Specification changes:

I. Does the proposed changed involve a significant increase in the probability or consequences of an accident previously evaluated?

II. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

III. Does the proposed change involve a significant reduction in a margin of safety?

3.0.4:

I. No. In each case where relief from Operational Condition change restrictions will now be available, it was either available before or it is being proposed in recognition that taking the prescribed remedial action upon entry into a given specified condition as opposed to having already been in that condition is not adverse to safety. This is a valid statement because such relief is only allowed when the prescribed action has no time limits, which signifies that unlimited operation under the action has already been determined by the (Nuclear Regulatory Commission) to be an acceptably safe alternative means of meeting the LCO requirements. Based on the above, the proposed change to Specification 3.0.4 (and the editorial changes to the attached marked-up specifications where the provision of 3.0.4 were previously stated to be not applicable) do not adversely affect the probability or consequences of any previously evaluated accident.

II. No. As stated in I above, the unlimited nature of the actions associated with this proposal ensure a level of safety commensurate with that which is normally required. Therefore these conditions (do not create a possibility of a new or different kind of accident from any previously evaluated and) will not require analysis of potentially new or different accidents.

III. No. Again, the premise upon which these changes are proposed is that the difference in safety margin between taking a timeindependent action upon entry into a given operational condition and taking the same action while in that condition is insignificant.

4.0.3:

I. No. Although it is conceivable under this proposal that additional time could be provided for restoration of inoperable components, this occurs only when the component affected by the missed surveillance is found to be inoperable once the test is actually performed. Therefore, the effect of this change is to only allow entry into action statements when the component is known to be inoperable or when adequate (24 hours) test performance time is provided. This has an insignificant effect on previous analyses because the potential for an untested component to be inoperable is low and because the action (which must be within 24 hours) is entered as soon as the test is failed. Furthermore, very few missed surveillances are anticipated and of these few cases, a smaller number will involve inoperable components.

Based on the above, this change has no significant effect on the probability or consequences of previously analyzed accidents.

II. No. The revised provisions of 4.0.3. modify existing constraints on previously analyzed conditions, as was analyzed in I above. They do not create the possibility for new or different accident scenarios.

III. No. The margin of safety is affected by this change, but the (e)ffect is insignificant at worst and subjectively improved at best for the following reasons:

1. Based on experience, the proposed change will minimize the potential for shutdowns due to the inability to perform a missed surveillance on components that are, in all probability, operable. Therefore, unwarranted plant transients will be avoided and safety is improved.

2. The provision does not provide additional time when the situation does not warrant it. When greater than 24 hours exists, or when the component is known to be operable, the normal action applies.

3. The potential for misinterpretation of the new wording was reviewed, and it is believed that the improved Bases section for the proposed change (as well as the guidance in the Generic Letter, if needed) will mitigate any potential for problems in this area.

4.0.4:

I. No. As stated in Generic Letter 87-09, "It is not the intent of Specification 4.0.4 to prevent passage through or to operational modes to comply with action requirements and it should not apply when mode changes are imposed by "Action Requirements."" Therefore, this change can be interpreted as editorial clarification. Regardless, ensuring that performance of surveillance tests will not be required during shutdowns to comply with actions will reduce the probability of previously analyzed transients and accidents by minimizing activities which could challenge safety systems during a shutdown evolution.

II. No. This change will lessen the probability of known events as described in I above. It has no features which could create the possibility of new or different scenarios.

III. No. As inferred in I above, the margin of safety is improved due to this change by minimizing challenges to safety systems when they are not warranted. Therefore, this clarification cannot adversely affect safe operation.

Based on the above considerations, the Commission proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, DC 20036

NRC Project Director: Walter R. Butler

Tennessee Valley Authority, Dockets Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment requests: May 15, 1987 (TS 230)

Description of amendment requests: Tennessee Valley Authority proposes to modify the Browns Ferry Nuclear Plant, Units 1, 2, and 3 Technical Specifications to delete references to a reduced pressure test method for the integrated leakage rate test (ILRT) denoted in Surveillance Requirements 4.7.A.2.a, 4.7.A.2.b, 4.7.A.2.f.1, 4.7.A.2.f.3 and bases section 4.7.A. The reduced pressure test is allowed in accordance with 10 CFR Part 50, Appendix J for periodic integrated leakage rate testing and is based upon a performance test correlation between that of a reduce pressure test (25 psig) and a full pressure test (49.6 psig). As no clear correlation can be established between the measured leakage at reduced pressure and full pressure, the proposed change would delete references to the reduced pressure test and would require a more stringent full pressure test on the periodic containment ILRT.

The proposed change also contains a correction of an error for the leak rate limit of drywell atmosphere to suppression chamber with a one psi differential pressure denoted in Surveillance Requirement 4.7.A.4.d and bases section 4.7.A. The current technical specification limits of 0.38 inch of water per minute pressure change and 0.14 pound per second of containment air are in error and would be changed to 0.25 inch of water per minute pressure and 0.09 pound per second of containment air.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee addressed the above three standards in the amendment application and has determined that the proposed changes: (1) Would not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change to delete the reduced pressure test methods for ILRT will simply remove an option that exists in the current technical specifications. The limiting conditions for operation will continue to be verified by the implementation of a more stringent full pressure test rather than a reduced pressure test. The proposed change to correct the error for the leak rate limit of drywell atmosphere to suppression chamber with a one psi differential pressure would actually reduce the allowable leakage limit and could therefore further mitigate the consequences of an accident. Neither of these changes result in any modifications to the plant or system operation and no safety-related equipment or function would be altered. (2) Would not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change to delete the reduced pressure test method for ILRT and to correct the allowable leak rate limit would actually require more stringent testing requirements and specify more restrictive leakage limits, respectively. In addition, these changes do not result in any modification to the plant design or system operation and would continue to provide the appropriate surveillance testing to demonstrate compliance with 10 CFR Part 50, Appendix J. (3) Would not involve a significant reduction in a margin of safety. The proposed change to delete the reduced pressure test methods for ILRT and to correct the allowable leak rate limit would in fact increase the margin of safety. As stated above, the reduced pressure test would be replaced by the more stringent full pressure test and the allowable leak rate limit would specify more restrictive leakage limits.

In addition, the Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751) of amendments that are considered not likely to involve significant hazards considerations.

One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications. The proposed changes discussed above actually require more stringent testing requirements or specify more restrictive leakage limits.

The staff has reviewed the licensee's no significant hazards consideration determination analysis. Based on the review and the above discussion, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Assistant Director: Gary G. Zech

Tennessee Valley Authority, Dockets Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment requests: May 20, 1987 (TS 231)

Description of amendment requests: Tennessee Valley Authority proposes to modify the Browns Ferry Nuclear Plant, Unit 1, 2, and 3 Technical Specifications to prevent excessive testing of the diesel generators. The technical specifications currently contain requirements that have been determined by Generic Letter 84-15 to be detrimental to the performance of the onsite emergency electrical power system. Therefore, the proposed changes to the technical specifications would provide the improvements which are recommended by Generic Letter 84-15 to enhance the reliability of the diesel generators and include the following:

1. Delete the requirements for diesel generator testing whenever an emergency core cooling system (ECCS) train becomes inoperable.

2. Change the requirements for testing the diesel generators to allow 24 hours for testing remaining diesels and other equipment in the event of inoperable electrical equipment.

3. Administrative changes to add Table 4.9.A which specifies diesel generator testing frequencies and reliability program.

4. Restrict the requirement for diesel generator fast starts to once per 184 days.

5. Require a log book to record diesel generator starts.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The licensee addressed the above three standards in the amendment application and has determined that the proposed changes: (1) would not involve a significant increase in the probability or consequences of an accident previously evaluated. Reducing the test frequency and modifying the starting requirements to be consistent with the recommendations of Generic Letter 84-15 enhances diesel generator reliability by minimizing severe test conditions that can lead to premature failures. Therefore, the probability of a malfunction of equipment important to safety has not changed since the new surveillance requirements would enhance the reliability and operation of the diesel generators; (2) would not create the possibility of a new or different kind of accident from any accident previously evaluated. The changes affect only the frequency of the starting and the loading practices during testing of the diesel generators. Operation of the diesel generators cannot create a new type of accident; and (3) would not involve a significant reduction in a margin of safety. These proposed testing requirements do not affect the ability of the diesel generators to perform their function but rather enhance the reliability of the diesel generators by revising the testing frequency and starting requirements and, therefore, there is no reduction in safety margins.

The staff has reviewed the licensee's no significant hazards consideration determination analysis. Based on the review and the fact that the diesel generator reliability changes resulted from Generic Letter 84-15, the staff proposes to determine that the requested amendments do not involve a significant hazards consideration.

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Assistant Director: Gary G. Zech

Tennessee Valley Authority, Dockets Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment requests: June 4, 1987 (TS 233)

Description of amendment requests: Tennessee Valley Authority proposes to modify the Browns Ferry Nuclear Plant, Units 1, 2, and 3 Technical Specifications to impose a limit on reactor operation when nitrogen is not being used to supply the pneumatic control system inside containment.

The proposed amendments would add new technical specification requirements in response to Generic Letter 84-09, Hydrogen Recombiner Capability. The purpose of these technical specifications is to limit the possibility of the pneumatic control system being an oxygen source inside primary containment during reactor power operation and includes the following:

1. Technical specification 3.7.A.5.a would be revised to delete the first phrase which is obsolete.

2. Technical specification 3.7.A.5.c would be renumbered to be technical specification 3.7.A.5.d.

3. A new specification, technical specification 3.7.A.4.c, would be added to limit reactor operation when air, instead of nitrogen, is being used to supply the pneumatic control systems inside the primary containment.

4. A new surveillance requirement would be added as technical specification 4.7.A.5.c to verify that the air supply valve for the pneumatic control system inside the drywell and torus is closed prior to startup and during reactor power operation.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92 (c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The licensee addressed the above three standards in the amendment application and has determined that the proposed changes: (1) would not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed changes to impose a limit on reactor operation when nitrogen is not being used to supply the pneumatic control system inside containment do not change any operational conditions on normal valve alignment and does not affect any safety-related equipment. The consequences of an accident could be reduced since the proposed change would decrease the likelihood of having oxygen concentration exceed four percent in the containment atmosphere after an accident; (2) would not create the possibility of a new or different kind of accident previously evaluated. The changes do not result in any modification to the plant or system operation and no safety-related equipment or functions would be altered. Imposing a limit on reactor operation when nitrogen is not being used to supply the pneumatic control system inside containment reduces the possibility of the containment becoming deinerted in post-accident situations while at the same time allowing for a more orderly shutdown on loss of normal pneumatic supply to motive power for equipment important to safety. The requested changes do not create any new accident modes; and (3) would not involve a significant reduction in a margin of safety. The proposed changes to impose a limit on reactor operation when nitrogen is not being used to supply the pneumatic control system inside containment actually increases the margin of safety since the likelihood of attaining a combustible hydrogen and oxygen mixture in containment has been reduced.

In addition, the Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751) of amendments that are considered not likely to involve significant hazards considerations. One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to a change that consitutes an additional limitation, restriction, or control not presently included in the technical specifications. The proposed change provides additional limitations and improvements in response to Generic Letter 84-09 to preclude the likelihood of attaining a combustible hydrogen and oxygen mixture in containment.

Another example (i) of actions not likely to involve a significant hazards consideration relates to changes which are purely administrative. For example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. The proposed change in Technical Specification 3.7.A.5.a to delete the phrase "After completion of the fire-related startup retesting program, containment atmosphere shall be..." is purely administrative and removes extraneous information. The retesting program has been completed and the requirement is effective.

The staff has reviewed the licensee's no significant hazards consideration determination analysis. Based on the review and the fact that the additional limitations were in response to Generic Letter 84-09, the staff proposes to determine that the requested amendments do not involve a significant hazards consideration.

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Assistant Director: Gary G. Zech

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment requests: August 5, 1987 (TS 87-27)

Description of amendment requests: The proposed change would revise surveillance requirement 4.5.2.d.1 by changing the reactor coolant system (RCS) pressure from 750 psig to 700 psig for the purpose of verifying automatic isolation of the residual heat removal (RHR) system.

Basis for proposed no significant hazards consideration determination: The Commission has provided Standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). 10 CFR 50.91 requires that at the time a licensee requests an amendment, it must provide to the Commission its analyses, using the standards in Section 50.92, on the issue of no significant hazards consideration. Therefore, in accordance with 10 CFR 50.91 and 10 CFR 50.92, the licensee has performed and provided the following analysis:

The Sequoyah Nuclear Plant (SQN) design criteria for the RHR System valves requires the suction valves from the RCS to automatically close at an RCS pressure of 700 psig. The Final Safety Analysis Report (FSAR) and current testing practice also agree with the design criteria. The proposed change simply makes the technical specifications consistent with the design criteria, the FSAR, and current instrument setpoint.

1. Is the probability of an occurrence or the consequences of an accident previously evaluated in the safety analysis report significantly increased?

No. The suction isolation valves from the RCS are interlocked for automatic closure at an RCS pressure of 700 psig. This function is to protect the system from overpressurization. The proposed change only revises the technical specifications to be consistent with the design criteria and the FSAR.

2. Is the possibility for an accident of a new or different type than evaluated previously in the safety analysis report created?

No. The capability for RHR system isolation has not been changed. The proposed change simply makes the technical specifications consistent with the design and as-built configuration of the plant. No hardware changes or changes in testing requirements have been made.

3. Is the margin of safety significantly reduced?

No. The proposed change is editorial in nature and does not effect changes to plant equipment, operating setpoints or limits, or operating procedures. Therefore, the margin of safety has not been reduced.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, the staff proposes to determine that the application for amendments involves no significant hazards considerations.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Assistant Director: Gary G. Zech

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: December 15, 1987.

Description of amendment request: The proposed amendment would revise Technical Specification Figure 6.2-1, Figure 6.6-2 and Section 6.5.1 to reflect nuclear function organizational changes associated with the establishment of the positions of Manager, Licensing and Fuels, and Assistant Manager, Work Control and the elimination of the Assistant Manager, Support Services position and the resulting changes in the operating organization, engineering organization and On-Site Review Committee.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The licensee has provided the following analysis of no significant hazards considerations using the Commission's standards.

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. This is based on the fact that the organization changes improve the interdepartmental responsiveness and efficiency by providing better coordination and communication. The changes do not

reduce the overall experience base nor reduce commitments to minimum qualifications.

The proposed amendment does not create the possibility of a new or different kind of accident than previously evaluated because the proposed change is administrative in nature, and no physical alterations of plant configuration or changes to setpoints or operating parameters are proposed.

The proposed amendment does not involve significant reduction in a margin of safety. Through Union Electric's strong Quality Assurance programs and its commitment to maintain only qualified personnel in positions of responsibility, it is assured that safety functions performed by the On-Site and the Corporate organizations will continue to be performed at a high level of competence.

Based on the previous discussions, the licensee concluded that the proposed amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated; does not create the possibility of a new or different kind of accident from any accident previously evaluated; or does not involve a reduction in the required margin of safety. The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. The staff, therefore, proposes to determine that the licensee's request does not involve a significant hazards consideration.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Kenneth E. Perkins.

Virginia Electric and Power Company, Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2 (NA-1&2), Louisa County, Virginia

Date of amendment request: December 4, 1987

Description of amendment request: The proposed change would implement more stringent primary-to-secondary coolant system leakage limits and establish surveillance requirements to assure operability of the existing and new N-16 instrumentation used to assure compliance with the revised leakage limits. The more stringent leakage limits and increased instrumentation requirements were put in place for both NA-1&2 by the licensee's Standing Order No. 155 following the Steam Generator (SG) tube rupture event at NA-1 on July 15, 1987. The failure mechanism was determined to be fatigue induced by limited displacement fluidelastic instability. A number of corrective actions were taken in both NA-1&2 to minimize the probability of recurrence. These measures included installation of downcomer flow resistance plates to reduce the source of loads associated with the fatigue mechanism in the U-bend area and the preventive plugging of potentially susceptible tubes. Even though these measures are considered to be very conservative and highly effective in reducing the probability of fatigue-induced tube rupture, enhanced leakage monitoring and more conservative leakage limits were also established. In the low probability event that the downcomer modification and preventive plugging are unsuccessful in preventing occurrence of a similar fatigue failure, the enhanced monitoring system should provide sufficient notification to permit orderly shutdown prior to a tube rupture. The specific changes are described below.

Bases 3/4.4.5 and 3/4.4.6

The Bases would be revised to include a discussion of the bases for the new leakage limits. Bases 3/4.4.5, Steam Generators, would include the discussion that, under certain conditions, the SG may produce limited displacement fluidelastic instability in the tube bundle that may result in fatigue failure of a tube. Modifications have been accomplished in all SGs consisting of installation of downcomer resistance plates and preventive plugging of potentially susceptible tubes. Even though these measures are considered to have been conservative and highly effective in reducing the probability of fatigue-induced tube rupture, enhanced leakage monitoring and more stringent leak rate limits have been established. Leakage is now limited to 100 gallons per day (gpd) (rather than 500 gpd) per SG when operating at greater than 50% power. Cyclic life analysis of fatigue-induced tube cracks has shown that, assuming a post-modification maximum stress amplitude of 7 ksi, a leak rate of up to 500 gpd would be reached some 90 minutes prior to tube rupture. Therefore, the 100 gpd leak rate limit is bounding since: (a) the 100 gpd limit would be detected well in advance of reaching 500 gpd; (b) the time required for leak rate detection and power reduction to less than 50% is expected to be less than 90 minutes; and (c) the maximum stress amplitude is anticipated to lie in the 5 ksi range, which would allow for much earlier leak-before-break warning than would occur in the assumed 7 ksi case.

These assumptions also include an appropriate allowance for measurement uncertainty. (References: Virginia Electric and Power Co., "North Anna Unit 1, July 15, 1987 Steam Generator Tube Rupture Event Report, Revision 1, September 15, 1987," and Westinghouse WCAP-11601, "North Anna Unit 1 Steam Generator Tube Rupture and Remedial Actions Technical Evaluation, September 1987").

Bases 3.4.4.6.2, Operational Leakage, would include a discussion that when operating at greater than 50% power, more stringent primary-to-secondary leakage limits of 300 gpd total from all three SGs and 100 gpd from an individual SG would be imposed. These limits ensure that in the event that a fatigue-induced crack were to occur in one or more generators, the resulting leak would be detected in sufficient time to conduct an orderly shutdown prior to catastrophic tube failure. The limits on an increase in leakage of 60 gpd between surveillance intervals and for an increasing trend indicating that 100 gpd would be exceeded within 90 minutes ensure that, in the event of fatigue crack initiation, power can be reduced to a level below which propagation will not occur. In the latter case, the limit also provides for orderly shutdown, since the 100 gpd limit is being approached. These leakage rates are conservative with regard to dosage contribution in that they are less than the previously analyzed total amount of 1 gallon per minute (gpm) and 500 gpd for any single SG.

Specification 3.4.6.2

The Limiting Condition for Operation (LCO) specifying primary-to-secondary SG leakage limits would be footnoted to refer to Specification 3.4.6.3 when operating at greater than 50% power. The purpose of this change is to impose more stringent leakage limits when operating at greater than 50% power as explained in Bases 3/4.4.6.2, Operational Leakage, and as discussed above.

Specification 3.4.6.3

A new LCO and action would be added which imposes more stringent leakage limits and trends when operating at greater than 50% power. The purpose of these more stringent limits is to provide sufficient notification of leakage to permit orderly shutdown prior to potential tube rupture. The more stringent primary-to-secondary leakage limits would specify: (a) total leakage from all SGs to be 300 gpd; (b) leakage from an individual SG to be 100 gpd; (c) total leakage increase of 60 gpd between surveillance intervals; and (d) an increasing trend based on the latest surveillance that indicates 100 gpd would not be exceeded on an individual SG within 90 minutes. Once the LCO would be exceeded, the corresponding action must be followed to completion as specified below:

(a) If the total leakage limit from all SGs or the leakage limit from any individual SG is exceeded, be in hot standby within the next 6 hours and cold shutdown within the following 30 hours.

(b) If the increase in total leakage from all SGs exceeds 60 gpd between surveillance intervals, reduce power below 50% rated thermal power within 90 minutes.

(c) If an increasing trend indicates that the limit of 100 gpd per SG is going to be exceeded within 90 minutes, reduce power to below 50% rated thermal power within 90 minutes, be in hot standby within the next 6 hours and cold shutdown within the following 30 hours.

Specification 4.4.6.3

New surveillance requirements would be added to assure that the more stringent leakage limits described above (Specification 3.4.6.3) are properly monitored and trended. Primary-to-secondary leakage would be demonstrated to be within each of the limits specified in 3.4.6.3 by stating:

(a) Primary-to-secondary leakage would be recorded and trended at least every 4 hours from each operable N-16 continuous readout and alarm radiation monitoring system and the condenser air ejector exhaust continuous readout and alarm radiation monitor.

(b) Primary-to-secondary leakage would be determined from a condenser air ejector grab sample at least every 24 hours.

(c) Primary-to-secondary leakage would be determined from SG and reactor coolant liquid samples at least every 72 hours.

(d) If the above surveillance operations cannot be performed as specified, the LCO and associated action statements of Specification 3.4.6.4 (described below) would apply.

Specification 3.4.6.4

A new LCO and action would be added which defines operability of the primary-to-secondary leakage detection systems when operating at greater than 50% power. The purpose of this specification is to assure adequate capability for monitoring and trending of leakage in order to comply with the limits of Specification 3.4.6.3 as discussed above. Operability would be defined as: (a) one of the two N-16 radiation monitoring systems (either the N-16 continuous readout and alarm radiation monitors on each steam line, or the N-16 continuous readout and alarm radiation monitor on the main steam header); (b) the condenser air ejector exhaust continuous readout and alarm radiation monitor; (c) the capability to obtain and analyze a condenser air ejector exhaust grab sample; and (d) the capability to obtain and analyze a liquid sample from each SG and from the RCS.

The corresponding actions for the LCOs stated above for Mode 1 at greater than 50% power would specify:

(a) If both the N-16 radiation monitoring system on each steam line and the N-16 radiation monitoring system on the main steam header are inoperable, increase the frequency of the condenser air ejector grab sample required by Specification 4.4.6.3b to at least once every 4 hours and return at least one of the systems to operation within 7 days or reduce power to less than 50% within the next 4 hours.

(b) If the condenser air ejector exhaust continuous readout and alarm radiation monitor is inoperable, provided at least one of the N-16 monitoring systems is operable, increase the frequency of the condenser air ejector grab sample required by Specification 4.4.6.3b to at least once every 4 hours and return the system to operation within 7 days or reduce power to less than 50% within the next 4 hours.

(c) If the capability to obtain and analyze a condenser air ejector grab sample is lost, provided at least one of the N-16 monitoring systems is operable and the condenser air ejector exhaust continuous readout and alarm radiation monitor is operable, restore the capability within 7 days or reduce power to less than 50% within 4 hours.

(d) If both N-16 monitoring systems are inoperable and either the condenser air ejector exhaust continuous readout and alarm radiation monitor is inoperable or the capability to obtain and analyze a condenser air ejector exhaust grab sample is lost, reduce power to less than 50% within the next 90 minutes.

(e) If the condenser air ejector exhaust continuous readout and alarm radiation monitor is inoperable and the capability to obtain and analyze a condenser air ejector exhaust grab sample is lost, reduce power to less than 50% within the next 90 minutes.

(f) If the capability to obtain and analyze a liquid sample from each SG and the RCS is lost, increase the frequency of performance of the RCS water inventory balance in TS 4.4.6.2.1d to once every 24 hours.

Specification 4.6.6.4

A new surveillance requirement would be added to assure operability of the detection systems addressed in Specification 3.4.6.4 (discussed above). The N-16 monitors and air ejector exhaust radiation monitoring instrumentation channels would be demonstrated operable by the performance of the channel check, channel calibration and channel functional test during the modes and at the frequencies shown in Tables 4.4-2a and 4.3-14 for NA-1 and Tables 4.4-2a and 4.3-13 for NA-2. Table 4.4-2a has been added to address the surveillance requirements for the newly installed N-16 radiation monitors.

Table 3.3-14 (NA-1) and Table 3.3-13 (NA-2)

The action statement in Tables 3.3-14 and 3.3-13 would be revised to require more frequent sampling of the air ejector exhaust (every 4 hours instead of 12 hours) when the condenser air ejector system gross activity monitoring system is inoperable.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (51 FR 7741). Example (ii) states that a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement, is explicitly considered not likely to involve significant hazards. The proposed changes create more stringent primary-to-secondary leakage limits and increased surveillance requirements. Accordingly, the Commission proposes to determine the changes involve no significant hazards considerations.

Local Public Document Room location: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093 and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Attorney for licensee: Michael W. Maupin, Esq., Hunton, Williams, Gay and Gibson, P.O. Box 1535, Richmond, Virginia 23212.

NRC Project Director: Herbert N. Berkow

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendments request: October 13, 1987.

Description of amendments request: Technical Specification 15.5.3.A.8 specifies limits on the mass of enriched fissionable material which may be used in the core, or available on the plant

VOL 52 ISS 250 DEC 30 1987 UMI

VOL 52 ISS 250 DEC 30 1987 UMI

site, in the form of fabricated neutron flux detectors. The proposed amendments would delete Technical Specification 15.5.3.A.8. The licensee states that failure to delete this specification on a previous amendment was an oversight. Specifically, on March 17, 1976, the Commission issued Amendment 15 to DPR-24 and Amendment 20 to DPR-27. Those amendments revised Paragraph 2.C of the Operating Licenses to permit the licensee to receive, possess and use at any time any source and special nuclear materials as fission detectors in the amounts as required. Continuing to specify a limiting quantity of fissionable material in the form of fabricated neutron flux detectors in Technical Specification 15.5.3.A.8 is inconsistent with Amendments 15 and 20.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The licensee has examined the proposed Technical Specification change request with respect to the criteria of 10 CFR 50.92 and has determined that the proposed amendments would not result in a significant hazards consideration. The licensee used the following to reach this determination:

The first criterion concerns changes involving a significant increase in the probability or consequences of an accident previously evaluated. This change request is a deletion of a requirement which is consistent with Commission guidance and provisions of the operating licenses. As no physical plant alterations result from this change, and requirements are not relaxed, there can be no change in the probability or consequences of an accident previously evaluated. The second criterion involves creating the possibility of a new or different kind of accident from any accident previously evaluated. Again, as stated above, since no physical change has been made, nor has any requirement been relaxed, this possibility is precluded. The third criterion concerns a significant reduction in a margin of safety. Margin of safety is not reduced by this deletion as Operating License Paragraph 2.C has been, and will continue to be, the condition to which we conform.

The staff has reviewed the licensee's no significant hazards consideration and agrees with the licensee's analysis. The staff, therefore, proposes to determine that the licensee's request does not involve a significant hazards consideration.

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Kenneth E. Perkins.

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this biweekly notice. They are repeated here because the biweekly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Northeast Nuclear Energy Company, et al., Docket No. 50-245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of amendment request: October 27, 1987

Description of amendment request: The amendment would revise the Millstone Unit No. 1 Technical Specifications to reflect the deletion of the low reactor pressure permissive switches from the emergency core cooling system pump start logic during the 1987 refueling outage. The removal of the low reactor pressure permissive switches from the ECCS pump start logic results in the sending of a start signal to the ECCS pumps upon indication of either high drywell pressure or low-low reactor water level. Previously, low-low reactor water level alone would not have initiated the ECCS pumps without the presence of a low reactor pressure signal. The changes are conservative in that given a low-low reactor water level condition, a start signal to the ECCS pumps will not be bypassed/delayed while waiting for receipt of indication of low reactor pressure.

Date of publication of individual notice in **Federal Register**: November 13, 1987 (52 FR 43694).

Expiration date of individual notice: December 14, 1987.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, Docket No. 50-440, Perry Nuclear Power Plant, Unit No. 1, Lake County, Ohio

Date of application for amendment: September 22, 1987

Brief description of amendment: The amendment made various changes to the organization charts, Figures 6.2.1-1 and 6.2.2-1 of the Technical Specifications, to revise titles and delete non-key positions.

Date of issuance: December 11, 1987

Effective date: December 11, 1987

Amendment No. 9

Facility Operating License No. NPF-58. This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 22, 1987 (52 FR 39576). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 11, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: Perry Public Library, 3753 Main Street, Perry, Ohio 44081

Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station Unit Nos. 1 and 2, Ogle County, Illinois; Docket Nos. STN 50-456 and STN 457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of Application for amendments: September 30, 1987, supplemented October 30, 1987

Brief description of amendments: These amendments revise the Technical Specifications to allow deletion of the reactor trip on turbine trip below 30 percent power.

Date of issuance: December 8, 1987

Effective date: December 8, 1987

Amendment Nos.: 13 for Byron, 3 for Braidwood

Facility Operating License Nos. NPF-37, NPF-66 and NPF-72. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 4, 1987 (52 FR 42359) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 8, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61101; and Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Commonwealth Edison Company, Docket Nos. 50-373 and 50-374, La Salle County Station Unit Nos. 1 and 2, La Salle County, Illinois

Date of application for amendments: June 16, 1987

Brief description of amendments: The amendments revise the La Salle County Station, Units 1 and 2 Operating Licenses to permit the fuel pool of each unit to receive and store spent fuel from either unit.

Date of issuance: December 8, 1987

Effective date: Thirty-days following date of issuance.

Amendment Nos.: 52 and 34

Facility Operating License Nos. NPF-11 and NPF-18. Amendments revised the license.

Date of initial notice in **Federal Register:** August 26, 1987 (52 FR 32196). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 8, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Commonwealth Edison Company, Docket Nos. 50-373 and 50-374, La Salle County Station Unit Nos. 1 and 2, La Salle County, Illinois

Date of application for amendments: June 16, 1987

Brief description of amendments: The amendments revise the La Salle County Station, Units 1 and 2 Operating Licenses to permit the fuel pool of each unit to receive and store spent fuel from either unit.

Date of issuance: December 8, 1987

Effective date: Thirty-days following date of issuance.

Amendment Nos.: 52 and 34

Facility Operating License Nos. NPF-11 and NPF-18. Amendments revised the license.

Date of initial notice in **Federal Register:** August 26, 1987 (52 FR 32196). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 8, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of application for amendment: January 28, 1987, as superseded May 26, 1987

Brief description of amendment: This amendment revised the Fermi-2 Facility Operating License No. NPF-43, License Condition 2.C.(10), to: (1) incorporate the requirement for periodic gap checks of the Emergency Diesel Generator (EDG) engine main bearings; and (2) delete the requirement for the disassembly and removal of engine oil filters and substitute the requirement for the monthly analysis of EDG engine lube oil samples. The inspections and analyses required by the revised license condition will supplement the action and surveillance requirements pertaining to the EDG in Section 3/4.8.1 of the Fermi-2 Plant Technical Specifications.

Date of Issuance: December 16, 1987

Effective Date: December 16, 1987

Amendment No.: 12

Facility Operating License No. NPF-43: Amendment revised the license.

Date of initial notice in **Federal Register:** July 1, 1987 (52 FR 24547) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 16, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: October 14, 1987, and supplemented November 18, 1987

Brief description of amendments: The amendments modified the Technical Specifications to increase the limit placed on the amount of time the 4-inch Containment Air Release and Addition system valves may be open from 2000 hours per calendar year to 3000.

Date of issuance: December 11, 1987

Effective date: December 11, 1987

Amendment Nos.: 36 and 28

Facility Operating License Nos. NPF-35 and NPF-52. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 4, 1986 (52 FR 42360) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 11, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: March 7, 1986, as supplemented June 12 and July 1, 1987

Brief description of amendments: The amendments modified the Technical Specifications primarily to eliminate typographical errors, provide additional clarification and improve consistency.

Date of issuance: December 14, 1987

Effective date: December 14, 1987

Amendment Nos.: 37 and 29

Facility Operating License Nos. NPF-35 and NPF-52. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 27, 1986 (51 FR 30585) The June 12 and July 1, 1987 supplements did not significantly alter the substance of the changes noticed in the **Federal Register** on August 27, 1986, and did not affect the proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 14, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

No significant hazards consideration comments received: No

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Duke Power Company, Docket Nos. 50-269, 50-270, and 50-287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of application for amendments: August 13, 1986, as supplemented May 14, 1987

Brief description of amendments: The amendments modified the Technical Specifications to raise the reactor protection system high reactor coolant system pressure trip setpoint from 2300 psig to 2355 psig.

Date of Issuance: December 7, 1987

Effective date: December 7, 1987

Amendment Nos.: 164, 164, and 161

Facility Operating Licenses Nos. DPR-38, DPR-47, and DPR-55. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 26, 1987 (52 FR 5853) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 7, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691

Duke Power Company, Docket Nos. 50-269, 50-270 and 50-287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of application for amendments: August 15, 1985

Brief description of amendments: The amendments revise the TSs to correct typographical errors in several sections; correct a section title in the Table of Contents; address a change in nomenclature; update Final Safety Analysis Report (FSAR) references; delete out-of-date footnotes; delete an unnecessary section; change wording for clarification; and also, update organizational charts that appear in the TSs. Proposed revisions to TS page 6.1-5 are denied because the licensee did not provide any technical justification or no significant hazards consideration determination.

Date of Issuance: December 11, 1987

Effective date: December 11, 1987

Amendment Nos.: 165, 165, and 162

Facility Operating License Nos. DPR-38, DPR-47, and DPR-55. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 23, 1985 (50 FR 43025) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 11, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691

Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of application for amendment: February 24, 1987

Brief description of amendment: The amendment, which is a partial response to the above submittal, changes the Technical Specifications for Beaver Valley Unit No. 1 to incorporate a number of changes in the areas of instrumentation and administrative controls.

Date of issuance: December 7, 1987

Effective date: December 7, 1987

Amendment No. 120

Facility Operating License No. DPR-66. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 6, 1987 (52 FR 16844) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 7, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: May 20, 1987

Brief description of amendment: This amendment reflects the installation of a dedicated emergency feedwater (EFW) tank which will serve as the primary source of water for the emergency feedwater system, and updates the Bases to reflect the installation of the dedicated emergency feedwater tank and the analysis clarifications which are based on improved understanding of the length of time and amount of feedwater required for cooldown following a postulated loss of offsite power.

Date of issuance: December 14, 1987

Effective date: December 14, 1987

Amendment No.: 102

Facility Operating License No. DPR-72. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 12, 1987 (52 FR 29916) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 14, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Crystal River Public Library, 668 NW. First Avenue, Crystal River, Florida 32629

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: April 15, 1987, as supplemented July 17, 1987, September 16, 1987, and October 27, 1987.

Brief description of amendment: This amendment provides revised Technical Specifications (TS) to support operation of Crystal River Unit 3 for Fuel Cycle 7.

Date of issuance: December 14, 1987

Effective date: December 14, 1987

Amendment No.: 103

Facility Operating License No. DPR-72. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 4, 1987 (52 FR 43261) The October 27, 1987 letter provided supplemental information which did not alter the staff's initial determination of no significant hazards consideration published in the **Federal Register.** The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 14, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Crystal River Public Library, 668 NW. First Avenue, Crystal River, Florida 32629

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of application for amendments: February 13, 1987

Brief description of amendments: The amendments modify the Technical Specifications to incorporate the revised reporting requirements of 10 CFR 50.72 and 50.73 and the revised reporting requirements for primary coolant iodine spiking and remove existing requirements for plant shutdown if primary coolant iodine activity limits are exceeded for 800 hours within a 12-month period.

Date of issuance: December 1, 1987

Effective date: December 1, 1987

Amendment Nos.: 149 and 86

Facility Operating License Nos. DPR-57 and NPF-5. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 15, 1987 (52 FR 26587) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 1, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513

Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of amendment request: June 18, 1987 as supplemented July 31, 1987 and revised October 8, 1987.

Brief description of amendment: The amendment revised Section 6.0, Administrative Controls, of the Technical Specifications. The changes include revisions to the River Bend Nuclear Group Organization, the River Bend Station Organization, and the composition of both the Facility Review Committee and the Nuclear Review Board. In addition, the Technical Specifications have been changed to meet the Commission Policy Statement on Engineering Expertise on Shift.

Date of issuance: December 9, 1987.

Effective date: December 9, 1987.

Amendment No.: 17

Facility Operating License No. NPF-47. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 9, 1987 (52 FR 34007). The licensee's October 8, 1987 submittal provided organizational figures which originally had been proposed be deleted, clarified the organizational changes and the qualifications of the shift technical advisor, and increased the membership of the Nuclear Review Board to 12 from the 11 proposed originally. This submittal did not alter the NRC staff's determination of no significant hazards as published in the **Federal Register.** The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 9, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

Indiana and Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of application for amendments: May 19, 1986 as revised July 16, 1987

Brief description of amendments: The amendments revised the Technical Specifications by adding requirements for the containment sump level and flow monitoring system for both units and by correcting a duplication of surveillance requirements on the reactor coolant leakage detection system for Unit 1.

Date of issuance: December 10, 1987

Effective date: December 10, 1987

Amendment Nos.: 112 and 95.

Facility Operating License Nos. DPR-58 and DPR-74. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 26, 1987 (52 FR 32203) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 10, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085

Mississippi Power & Light Company, System Energy Resources, Inc., South Mississippi Electric Power Association, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: October 9, 1987

Brief description of amendment: The amendment adds two maximum planar linear heat generation rate (MAPLHGR) curves for two new types of fuel assemblies being loaded into the core for fuel cycle 3 and remove one MAPLHGR curve for a type fuel assembly being unloaded. In addition, the average planar exposure limit is increased from 25,000 megawatt days per short ton (MWD/ST) to 28,500 MWD/ST. Administrative changes were made to reflect the new fuel types and to correct an error in one figure.

Date of issuance: December 15, 1987

Effective date: December 15, 1987

Amendment No. 39

Facility Operating License No. NPF-29. This amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** November 4, 1987 (52 FR 42365) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 15, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154

Mississippi Power & Light Company, System Energy Resources, Inc., South Mississippi Electric Power Association, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Dates of application for amendment: July 31, 1987, September 10, 1987 and December 11, 1987.

Brief description of amendment: This amendment changes Technical Specifications Section 6, "Administrative Controls," to reflect changes in the offsite organization in several areas. Changes in the quality assurance organization provide a two-manager system that more clearly separates the in-line quality control functions of inspection and deficiency control from the independent quality assurance functions of audits, implementation observations and assessments. Changes in the projects organization provide a more equal distribution of workload and a more effective management chain. Changes in the administrative support area

consolidate support functions of word processing and other office support services within a new Support Services group that is not included in the Technical Specifications. Other changes involve title changes to more accurately reflect present responsibilities.

Date of issuance: December 15, 1987
Effective date: December 15, 1987
Amendment No. 40
Facility Operating License No. NPF-29. This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 9, 1987 (52FR 34013) and October 7, 1987 (52FR 37548) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 15, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: June 22, 1987.

Brief description of amendment: The amendment changed Sections 3.4 and 4.4 of the Technical Specifications in order to accomplish the purpose of 10 CFR Part 50, Section 50.62(c)(4), related to the standby liquid control system (SLCS). A related exemption was also issued at the same time.

Date of issuance: December 11, 1987
Effective date: December 11, 1987
Amendment No.: 56.
Facility Operating License No. DPR-22. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 29, 1987 (52 FR 28369 at 28381) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 11, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: June 10, 1986, as supplemented December 1, 1986.

Brief description of amendments: The amendments add the laundry and solid waste storage facility to Figure 5.1-3 of the Technical Specifications to identify this facility as a routine radioactive gaseous release point.

Date of Issuance: December 16, 1987
Effective date: December 16, 1987
Amendment Nos: 24 and 23
Facility Operating Licenses Nos. DPR-80 and DPR-82: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 22, 1987 (52 FR 13342) The letter of December 1, 1986 provided supplemental information which did not change the initial proposed determination of no significant hazards consideration. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 16, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: May 14, 1987, as supplemented September 10, 1987.

Brief description of amendments: The amendments change the control sample (background) location for radioactivity sampling in fish from a location one-quarter of a mile from Diablo Cove to a new location three miles to the South of Diablo Cove. The amendments also correct a typographical error found in the environmental sampling program table.

Date of Issuance: December 16, 1987
Effective date: December 16, 1987
Amendment Nos: 25 and 24
Facility Operating Licenses Nos. DPR-80 and DPR-82: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 12, 1987 (52 FR 29927). The September 10, 1987 letter provided supplemental information which clarified the reason for the change in location of the fish sampling. The clarification did not change the initial proposed determination of no significant hazards consideration nor the subject of the amendment described in the August **Federal Register** notice. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 16, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407

Portland General Electric Company, Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: May 20, 1987, as supplemented September 16, 1987.

Brief description of amendment: The amendment, approves, and incorporates into the license, changes to the physical security plan by deleting the condensate storage tank from classification as vital equipment.

Date of issuance: December 7, 1987
Effective date: December 7, 1987
Amendment No.: 138
Facilities Operating License No. NPF-1: Amendment revised paragraph 2.D of the license.

Date of initial notice in **Federal Register:** August 26, 1987 (52 FR 32206).

No significant hazards consideration comments received: No.

Local Public Document Room location: Portland State University Library, 731 S. W. Harrison St., Portland Oregon 97207.

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: September 22, 1986 as supplemented February 20, 1987 and November 25, 1987.

Brief description of amendment: This amendment redefines "Refueling Interval" and extends the surveillance interval of internal vent valves to Cycle 8 refueling.

Date of issuance: December 7, 1987
Effective date: December 7, 1987
Amendment No.: 92
Facility Operating License No. DPR-54: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register: August 26, 1987 (52 F.R. 32209).** The November 25, 1987 submitted was a clarification involving cumulative testing intervals and did not change the substance of the noticed amendment. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 7, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California 95814

Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: October 9, 1987

Brief description of amendment: This amendment revises the Technical Specifications to permit an extension in the next due dates for performing the tests and inspections required by Surveillance Requirements 4.8.1.1.2.d.1 and 4.8.1.1.2.d.3.(c) from January 3, 1988, and December 10, 1987, to March 31, 1988, and March 20, 1988, for EDG 1-1 and EDG 1-2 respectively. In addition, the amendment clarifies Surveillance Requirement 4.8.1.1.2.d.3 by correctly referring to the safety features actuation system test signal.

Date of issuance: December 8, 1987
Effective date: December 8, 1987
Amendment No. 105
Facility Operating License No. NPF-3. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 4, 1987 (52 FR 42371) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 8, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia.

Date of application for amendments: February 23, 1987

Brief description of amendments: The amendments modify the Techncial Specifications to allow the accumulator water volume to vary between 975 and 1025 ft^3 per accumulator instead of 975 and 989 ft^3 per accumulator, and the height dependent heat flux hot channel factor ($F_o(z)$) to be as high as 2.32 instead of 2.18 as presently stated in the Technical Specifications.

Date of issuance: December 10, 1987
Effective date: December 10, 1987
Amendment Nos. 115 and 115
Facility Operating License Nos. DPR-32 and DPR-37: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 15, 1987 (52 FR 26602) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 10, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185

Wolf Creek Nuclear Operating Corporation, Kansas Gas and Electric Company, Kansas City Power & Light Company, Kansas Electric Power Cooperative, Inc., Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: May 14, 1987 and a supplement dated August 31, 1987.

Brief description of amendment: The amendment revises Wolf Creek Generating Station (WCGS) Technical Specification Section 6.5.2 to replace the table of qualified personnel who are designated as members of the Nuclear Safety Review Committee (NSRC). This table will consist of eight members, including the Chairman, from Wolf Creek Nuclear Operating Corporation (WCNOW) organization or from outside organizations. These members shall meet or exceed the requirements of ANSI/ANS 3.3-1981. A specific list of NSRC members similar to Technical Specification Section 6.5.2.2 will be maintained in a WCNOC procedure.

Date of issuance: December 10, 1987
Effective date: December 10, 1987
Amendment No.: 14

Facility Operating License No. NPF-42. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 3, 1987 (52 FR 20806) he licensee's August 31, 1987 supplement clarified the May 14, 1987 application to indicate that the NSRC members would meet the requirements of the 1981 revision of ANSI/ANS 3.3 rather than an earlier version. This additional clarification is acceptable to the staff and does not alter the NRC staff's conclusion regarding a no significant hazards consideration, nor does it change the subject of the amendment as previously described in the **Federal Register.** The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 10, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka Kansas.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING (EXIGENT OR EMERGENCY CIRCUMSTANCES)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communi-cation for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may

provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By January 29, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Project Director):* petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: April 15, 1987

Brief description of amendment: This amendment (1) changes the current Technical Specification (TS) Section 4.5.1.d by deleting the requirement to verify each core flooding tank isolation valve closed alarm by an actuation test and replacing it with a requirement to perform a channel calibration of each alarm; and (2) adds to TS Bases 3/4.5.1 a description of the actuation of the core flooding tank isolation valve closed alarm.

Date of issuance: December 14, 1987

Effective date: December 14, 1987

Amendment No.: 101

Facility Operating License No. DPR-72. Amendment revised the Technical Specifications. Public comments requested as to proposed no significant hazards consideration: Yes. A notice requesting public comments and opportunity for a hearing was published in the **Federal Register** on November 25, 1987 (52 FR 45260). Comments or request for a hearing received: No. The notice published on November 25, 1987 allowed the public 15 days to comment and until December 10, 1987 to file a petition for leave to intervene on the proposed amendment. The public should have been allowed 30 days to file a petition. This notice, which will be published in the **Federal Register** as part of the Biweekly Sholly Report on December 30, 1987, correctly provides a 30 day period for the public to file a petition for leave to intervene with respect to this amendment. The Commission's related evaluation of the amendment, consultation with the State and final determination of no significant hazards consideration is contained in a Safety Evaluation dated December 14, 1987.

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20037

Local Public Document Room Location: Crystal River Public Library, 668 NW. First Avenue, Crystal River, Florida 32629

NRC Project Director: Herbert N. Berkow

Dated at Bethesda, Maryland this 24th day of December 1987.

FOR THE NUCLEAR REGULATORY COMMISSION

Dennis M. Crutchfield,

Director, Division of Reactor Projects- III, IV, V and Special Projects Office of Nuclear Reactor Regulation.

[Doc. 87-29886 Filed 12-29-87; 8:45 am]

BILLING CODE 7590-01-D

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Meeting

Notice is hereby given of the meeting of the Prospective Payment Assessment Commission on Wednesday, January 13, 1987, at the Hyatt Regency Crystal City at Washington National Airport, 2799 Jefferson Davis Highway, Arlington, Virginia.

The Full Commission will convene its meeting at 7:30 A.M. in Regency Rooms A and B on the Second Concourse, and is open to the public.

Executive Director.

Donald A. Young,

[FR Doc. 87-29836 Filed 12-29-87; 8:45 am]

BILLING CODE 6820-BW-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2300]

Arkansas; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on December 17, 1987, I find that Crittenden County in the State of Arkansas constitutes a disaster area because of damage from tornadoes which occurred on December 14, 1987. Eligible persons, firms, and organizations may file applications for physical damage until the close of business on February 16, 1988, and for economic injury until the close of business on September 19, 1988, at:

Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051.

or other locally announced locations.

The interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (non-profit) organizations including charitable and religious organizations)	9.000

The number assigned to this disaster is 230012 for physical damage and for economic injury the number is 658300.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Date: December 21, 1987.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 87-29892 Filed 12-29-87; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2301]

Puerto Rico; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on December 17, 1987, I find that the following municipalities in the Commonwealth of Puerto Rico constitute a disaster area because of damage from severe storms and flooding beginning on November 24, 1987: Adjuntas, Aibonito, Canovanas, Carolina, Coamo, Fajardo, Gurabo, Humacao, Junana Diaz, Las Piedras, Loiza, Maunabo, Maguabo, Patillas, Ponce, Rio Grande, Sabana Grande, Salinas, San Lorenzo, Yabucoa, and Yauco.

Eligible persons, firms, and organizations may file applications for physical damage until the close of business on February 16, 1988, and for economic injury until the close of business on September 19, 1988, at: Disaster Area 1 Office, Small Business Administration, 15-01 Broadway, Fair Lawn, New Jersey 07410; or other locally announced locations.

The interest rates are:

Homeowners with credit available elsewhere—8.000%

Homeowners without credit available elsewhere—4.000%

Businesses with credit available elsewhere—8.000%

Businesses without credit available elsewhere—4.000%

Businesses (EIDL) without credit available elsewhere—4.000%

Other (non-profit organizations including charitable and religious organizations)—9.000%

The number assigned to this disaster is 230106 for physical damage and for economic injury the number is 658400.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Date: December 21, 1987.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 87-29891 Filed 12-29-87; 8:45 am]

BILLING CODE 8025-01-M

Region I Advisory Council; Public Meeting

The U.S. small Business Administration, Region I Advisory Council, located in the geographical area of Montpelier, Vermont, will hold a public meeting at 10:00 a.m. Wednesday, February 10, 1988, at the Holiday Inn, Waterbury, Vermont, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Ora H. Paul, District Director, U.S. Small Business Administration, Federal Building, 87 State Street, P.O. Box 605, Montpelier, Vermont 05602. (802) 828-4422.

Jean M. Nowak,

Director, Office of Advisory Councils.

December 22, 1987.

[FR Doc. 87-29890 Filed 12-29-87; 8:45 am]

BILLING CODE 8025-01-M

BEST COPY AVAILABLE

VOL 52 ISS 250 DE 30 1987 UMI

DEPARTMENT OF STATE

Advisory Committee on International Intellectual Property; Meeting

The International Copyright Panel of the Department of State's Advisory Committee on International Intellectual Property will meet in open session on Tuesday, January 26, 1988, in Room 1107 of the Department of State. The meeting will begin at 10:00 a.m. and will conclude at 1:00 p.m.

The meeting will be open to the general public. This meeting of the International Copyright Panel is being convened to present reports on major international copyright developments in 1987 and to obtain private sector views on certain upcoming events in 1988.

The public attending may, as time permits and subject to the instructions of the Chairperson, participate in the discussions or may submit their views in writing to the chairperson prior to, or at the meeting, for later consideration by the Committee.

Members of the public who plan to attend the meeting will be admitted up to the limits of the conference room's capacity. Members of the general public who plan to attend the meeting are requested to provide their name, affiliation, address and phone number to Ms. Bobbi Tinsley, Office of Business Practices, Department of State, telephone (202) 647-1825, prior to January 26, 1988. All attendees to the meeting should use the Main Entrance (2201 C Street, NW.) of the Department of State Building.

Date: December 18, 1987.

Harvey J. Winter,
Executive Secretary.

[FR Doc. 87-29837 Filed 12-29-87; 8:45 am]
BILLING CODE 4710-07-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

List in Compliance With Section 135(c) of Pub. L. 100-202

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Office of the United States Trade Representative ("USTR") is publishing the list below in compliance with the requirements of section 135(a) of the continuing resolution on the Fiscal Year 1988 budget, H.J. Res. 395 (Pub. L. 100-202, 101 Stat. 1329).

EFFECTIVE DATE: December 30, 1987.

FOR FURTHER INFORMATION CONTACT: Beverly Vaughan, Director for Procurement Trade Policy, Office of the United States Trade Representative ("USTR"), 600 17th St. NW., Washington, DC 20506, (202) 395-3063 (procurement issues); Amelia Porges, Associate General Counsel, USTR, (202) 395-7305 (legal issues); Glen Fukushima, Director of Japan Affairs, USTR, (202) 395-5070 (Japanese issues).

Discussion: The continuing resolution on the Fiscal Year 1988 Budget, H.J. Res. 395, was signed and enacted as Pub. L. 100-202, on December 22, 1987. Section 135(a) of Pub. L. 100-202 provides certain requirements and prohibitions applicable to Federal public works procurement. Section 135(c) requires the USTR to maintain a list of certain foreign countries. The legislative history specifies that the list shall be created on the date of enactment and shall include initially "the country of Japan and any other country which has expressed a policy of denying [fair and equitable] market opportunities" for products and services of the United States, in bidding or procurement for certain construction projects. The relevant construction projects are those that cost over $500,000 each and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country. Not later than 30 days after enactment of Pub. L. 100-202, the USTR is required to determine whether other foreign countries deny such market opportunities. If a foreign country is found to deny such opportunities, the USTR must then include that country on this list.

The attached list implements this statutory mandate, on the basis of the requirements in Pub. L. 100-202 and the information presently available to me.

Michael B. Smith,
Acting United States Trade Representative.

Attachments

List Pursuant to Section 135(c) of Pub. L. 100-202

Japan.

[FR Doc. 87-29928 Filed 12-29-87; 8:45 am]
BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

[Docket 45163]

Spokane-Vancouver Service Case; Hearing

Notice is hereby given that the hearing in the above-entitled case is to be held on January 26, 1988 at 10 a.m. (local time) in Room 5332, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, before the undersigned administrative law judge.

Daniel M. Head,
Administrative Law Judge.

[FR Doc. 87-29862 Filed 12-29-87; 8:45 am]
BILLING CODE 4910-62-M

Maritime Administration

[Docket S-821]

Farrell Lines Inc.; Application

In the matter of a notice of application pursuant to section 605(c) of the Merchant Marine Act, 1936, as amended, to remove subsidized sailing restrictions on TR 13.

Notice is hereby given that Farrell Lines Incorporated (Farrell) by application dated December 9, 1987, has applied pursuant to section 605(c) of the Merchant Marine Act, 1936, as amended (Act), to remove a restriction in its Operating-Differential Subsidy (ODS) Contract imposed in December 1980, which limits Farrell to a maximum of 15 subsidized sailings annually from U.S. South Atlantic ports to ports in North Africa.

Farrell operates, *inter alia*, subsidized liner service on Trade Route (TR) 10 (U.S. North Atlantic/Mediterranean) with the privilege of calling at TR 13 ports (U.S. South Atlantic/Mediterranean) on all TR 10 voyages. Farrell's ODS Contract MA/MSB-482 requires Farrell to make a minimum of 44 and a maximum of 66 voyages on TR 10.

Farrell has served a wide range of ports in the Mediterranean on TR 10 and TR 13, including ports in North Africa (Morocco, Algeria, Tunisia, and Egypt) and has provided regular containership service on TR 10/13 from Charleston, South Carolina, to North Africa, particularly Egypt, since late June of 1986, on approximately half its sailings. Its first 15 sailings per year from Charleston to North Africa has been subsidized. The remainder have been subject to a reduction of subsidy resulting from the TR 13 North Africa limitation.

Farrell believes that section 605(c) is not a bar to an amendment to its ODS Contract which would authorize payment of subsidy, without limitation, for all Farrell's sailings serving TR 10 and South Atlantic portion of TR 13. This is because, in Farrell's view, (a) Farrell has an existing fortnightly service from U.S. South Atlantic ports to North Africa and payment of full subsidy for this segment of Farrell's voyages would not give undue advantage or be unduly prejudicial to any U.S.-flag carrier which may now operate in the trade, and (b) existing U.S.-flag service, other than that provided by Farrell, is grossly inadequate and, in the accomplishment of the purposes and policies of the Act, additional U.S.-flag subsidized sailings should be operated between U.S. South Atlantic ports and North African ports.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such request and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Comments must be received no later than 5:00 p.m. on January 15, 1988. The Maritime Subsidy Board will consider any comments submitted and take such action with respect thereto as may be deemed appropriate

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies))

By Order of the Maritime Subsidy Board.

Date: December 23, 1987.

Joel C. Richard
Assistant Secretary.

[FR Doc. 87-29858 Filed 12-29-87; 8:45 am]
BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

[Notice No. 651]

Commerce in Explosives; List of Explosive Materials

Pursuant to the provisions of section 841(d) of Title 18, United States Code, and 27 CFR 55.23, the Director, Bureau of Alcohol, Tobacco, and Firearms, must publish and revise at least annually in the **Federal Register** a list of explosives determined to be within the coverage of 18 U.S.C. Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Materials. This Chapter covers not only explosives, but also blasting agents and detonators, all of which are defined as explosive materials in section 841(c) of Title 18, United States Code.

Accordingly, the following is the 1988 List of Explosive Materials subject to regulation under 18 U.S.C. Chapter 40, which includes both the list of explosives (including detonators) required to be published in the **Federal Register** and blasting agents. The list is intended to also include any and all mixtures containing any of the materials in the list. Materials constituting blasting agents are marked by an asterisk. While the list is comprehensive, it is *not* all inclusive. The fact that an explosive material may not be on the list does not mean that it is not within the coverage of the law if it otherwise meets the statutory definitions in section 841 of Title 18, United States Code. Explosive materials are listed alphabetically by their common names followed by chemical names and synonyms in brackets. This revised list supersedes the List of Explosive Materials dated December 29, 1986 (50 FR 50578) and will be effective as of January 1, 1988).

List of Explosive Materials

A

Acetylides of heavy metals.
Aluminum containing polymeric propellant.
Aluminum ophorite explosive.
Amatex.
Amatol.
Ammonal.
Ammonium nitrate explosive mixtures (cap sensitive).
*Ammonium nitrate explosive mixtures (non cap sensitive).
Aromatic nitro-compound explosive mixtures.
Ammonium perchlorate having particle size less than 15 microns.
Ammonium perchlorate composite propellant.
Ammonium picrate [picrate of ammonia, Explosive D].
Ammonium salt lattice with isomorphously substituted inorganic salts.
*ANFO [ammonium nitrate-fuel oil].

B

Baratol.
Baronol.
BEAF [1, 2-bis (2, 2-difluoro-2-nitroacetoxyethane)].
Black powder.
Black powder based explosive mixtures.
*Blasting agents, nitro-carbo-nitrates, including non cap sensitive slurry and water-gel explosives.
Blasting caps.
Blasting gelatin.
Blasting powder.
BTNEC [bis(trinitroethyl) carbonate].
BTNEN [bis(trinitroethyl) nitramine].
BTTN [1,2,4 butanetriol trinitrate].
Butyl tetryl.

C

Calcium nitrate explosive mixture.
Cellulose hexanitrate explosive mixture.
Chlorate explosive mixtures.
Composition A and variations.
Composition B and variations.
Composition C and variations.
Copper acetylide.
Cyanuric triazide.
Cyclotrimethylenetrinitramine [RDX].
Cyclotetramethylenetetranitramine [HMX].
Cyclotol.

D

DATB [diaminotrinitrobenzene].
DDNP [diazodinitrophenol].
DEGDN [diethyleneglycol dinitrate].
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine [glycerol dinitrate].
Dinitrophenol.
Dinitrophenolates.
Dinitrophenyl hydrazine.
Dinitroresorcinol.
Dinitrotoluene-sodium nitrate explosive mixtures.
DIPAM.
Dipicryl sulfone.
Dipicrylamine.
DNDP [dinitropentano nitrile].
DNPA [2,2-dinitropropyl acrylate].
Dynamite.

E

EDDN [ethylene diamine dinitrate].
EDNA.
Ednatol.
EDNP [ethyl 4,4-dinitropentanoate].
Erythritol tetranitrate explosives.
Esters of nitro-substituted alcohols.
EGDN [ethylene glycol dinitrate].
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive mixtures containing tetranitromethane (nitro form).
Explosive nitro compounds of aromatic hydrocarbons.
Explosive organic nitrate mixtures.
Explosive liquids.
Explosive powders

F

Fulminate of mercury.
Fulminate of silver.
Fulminating gold.
Fulminating mercury.
Fulminating platinum.
Fulminating silver.

G

Gelatinized nitrocellulose.
Gem-dinitro aliphatic explosive mixtures.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guenylidene hydrazine.
Guncotton.

H

Heavy metal azides.
Hexanite.

Hexanitrodiphenylamine.
Hexanitrostilbene.
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
HMX [cyclo-1,3,5,7-tetramethylene-2,4,6,8-tetranitramine; Octogen].
Hydrazinium nitrate/hydrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.
Initiating tube systems.

K

KDNBF [potassium dinitrobenzo-furoxane].

L

Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead salts, explosive.
Lead styphnate [styphnate of lead, lead trinitroresorcinate].
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen explosives.

M

Magnesium ophorite explosives.
Mannitol hexanitrate.
MDNP [methyl 4,4-dinitropentanoate].
MEAN [monoethanolamine nitrate].
Mercuric fulminate.
Mercury oxalate.
Mercury tartrate.
Metriol trinitrate.
Minol-2 [40% TNT, 40% ammonium nitrate, 20% aluminum].
MMAN [monomethylamine nitrate; methylamine nitrate.
Mononitrotoluene-nitroglycerin mixture.
Monopropellants.

N

NIBTN [nitroisobutametriol trinitrate].
Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated polyhydric alcohol explosives.
Nitrates of soda explosive mixtures.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatin explosive.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerine [NG, RNG, nitro, glyceryl trinitrate, trinitroglycerine].
Nitroglycide.
Nitroglycol (ethylene glycol dinitrate, EGDN)
Nitroguanidine explosives.
Nitroparaffins Explosive Grade and ammonium nitrate mixtures.
Nitronium perchlorate propellant mixtures.
Nitrostarch.
Nitro-substituted carboxylic acids.
Nitroureas.

O

Octogen [HMX].
Octol [75 percent HMX, 25 percent TNT].
Organic amine nitrates.
Organic nitramines.

P

PBX [RDX and plasticizer].
Pellet powder.
Penthrinite composition.
Pentolite.
PYX [2,6-bis(picrylamino)-3,5-dinitropyridine
Perchlorate explosive mixtures.
Peroxide based explosive mixtures.
PETN [nitropentaerythrite, pentaerythrite, tetranitrate, pentaerythritol tetranitrate].
Picramic acid and its salts.
Picramide.
Picrate of potassium explosive mixtures.
Picratol.
Picric acid (explosive grade).
Picryl chloride.
Picryl fluoride.
PLX [95% nitromethane, 5% ethylenediamine].
Polynitro aliphatic compounds.
Polyolpolynitrate-nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium nitrate explosive mixtures.
Potassium nitroaminotetrazole.

R

RDX [cyclonite, hexogen, T4, cyclo-1,3,5,-trimethylene-2,4,6,-trinitramine; hexahydro-1,3,5-trinitro-S-triazine].

S

Safety fuse.
Salts of organic amino sulfonic acid explosive mixture.
Silver acetylide.
Silver azide.
Silver fulminate.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel and sensitizer (cap sensitive).
Smokeless powder.
Sodatol.
Sodium amatol.
Sodium azide.
Sodium dinitro-ortho-cresolate.
Sodium nitrate-potassium nitrate explosive mixture.
Sodium picramate.
Squibs.
Styphnic acid.

T

Tacot [tetranitro-2,3,5,6-dibenzo-1,3a,4,6a-tetrazapentalene].
TATB [triaminotrinitrobenzene].
TEGDN [triethylene glycol dinitrate].
Tetrazene [tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate].
Tetranitrocarbazole.
Tetryl [2,4,6 tetranitro-N-methylaniline].
Tetrytol.
Thickened inorganic oxidizer salt slurried explosive mixture.
TMETN (trimethylolethane trinitrate).
TNEF [trinitroethyl formal].
TNEOC [trinitroethylorthocarbonate].
TNEOF [trinitroethyl orthoformate].
TNT [trinitrotoluene, trotyl, trilite, triton].
Torpex.
Tridite.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthane trinitrate-nitrocellulose.
Trimonite.
Trinitroanisole.
Trinitrobenzene.
Trinitrobenzoic acid.
Trinitrocresol.
Trinitro-meta-cresol.
Trinitronaphthalene.
Trinitrophenetol.
Trinitrophloroglucinol.
Trinitroresorcinol.
Tritonal.

U

Urea nitrate.

W

Water bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive).
Water-in-oil emulsion explosive compositions.

X

Xanthamonas hydrophilic colloid explosive mixture.

FOR FURTHER INFORMATION CONTACT: Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20228 (202–566–7591).

Signed: December 22, 1987.

Stephen E. Higgins,

Director.

[FR Doc. 87–29706 Filed 12–29–87; 8:45 am]

BILLING CODE 4810-31-M

Fiscal Service

[4-00236]

Renegotiation Board Interest Rate; Prompt Payment Interest Rate; and Contracts Disputes Act

Although the Renegotiation Board is no longer in existence, other Federal Agencies are required to use interest rates computed under the criteria established by the Renegotiation Act of 1971 (Pub. L. 92–41). For example, the Contracts Disputes Act of 1978 (Pub. L. 95–563) and the Prompt Payment Act (Pub. L. 97–177) are required to calculate interest due on claims "* * * at a rate established by the Secretary of the Treasury pursuant to Pub. L. 92–41 (85 Stat. 97) for the Renegotiation Board."

Therefore, notice is hereby given that, pursuant to the above mentioned sections, the Secretary of the Treasury has determined that the rate of interest

applicable for the purpose of said sections, for the period beginning January 1, 1988 and ending on June 30, 1988, is 9⅜% per centum per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 87–29638 Filed 12–29–87; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Scientific Review and Evaluation Board for Health Services Research and Development; Meeting

The Veterans Administration gives notice under Pub. L. 92–463 that an advisory committee meeting of the Scientific Review and Evaluation Board for Health Services Research and Development will be held at the Radisson Park Terrace Hotel, 1515 Rhode Island Avenue, NW., Washington, DC, on January 12 and 13, 1988. The meeting will be open at 8 a.m. on January 12 and 13 and adjourn at 5 p.m. on January 12 and 3:30 p.m. on January 13, 1988. The purpose of the meeting will be to review research and development applications concerned with the measurement and evaluation of health care systems and with testing new methods of health care delivery and management. Applications are reviewed for scientific and technical merit and recommendations regarding their funding are prepared for the Assistant Chief Medical Director for Research and Development.

The meeting will be open to the public (to the seating capacity of the room) at the start of the January 12th session for approximately one hour to cover administrative matters and to discuss the general status of the program.

The closed portion of the meeting involves: Discussion, examination, reference to, and oral review of staff and consultant critiques of research protocols, and similar documents. During this portion of the meeting, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action regarding such research projects. As provided by subsection 10(d) of Pub. L. 92–463, as amended by Pub. L. 94–409, closing portions of these meetings is in accordance with 5 U.S.C., 552b (c)(6) and (9)(B).

Due to the limited seating capacity of the room, those who plan to attend the open session should contact Mrs. Carolyn Smith, Program Analyst, Health Services Research and Development Service, 810 Vermont Avenue, NW., Washington, DC 20420, (phone: 202/233–5365) at least 5 days before the meeting.

Dated: December 23, 1987.

By direction of the Administrator:

Dennis R. Boxx,

Deputy Associate Deputy Administrator for Public Affairs.

[FR Doc. 87–29831 Filed 12–29–87; 8:45 am]

BILLING CODE 8320-01-M

VOL 52 ISS 250 DEC 30 1987 UMI

Sunshine Act Meetings

Federal Register
Vol. 52, No. 250
Wednesday, December 30, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Tuesday, December 29, 1987, 10:00 a.m.

LOCATION: Room 440, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: The Commission will consider Enforcement Matter OS# 4572.

For a recorded message containing the lastest agenda information, call: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 301-492-6800.

Sheldon D. Butts,
Deputy Secretary.
December 24, 1987.

[FR Doc. 87-30015 Filed 12-28-87; 8:45 am]
BILLING CODE 6355-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of December 28, 1987, January 4, 11, and 18, 1988.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of December 28

No Commission Meetings.

Week of January 4—Tentative

Wednesday, January 6

10:00 a.m.
Briefing on Status of NRC Internal Drug Program (Public Meeting)

Thursday, January 7

10:00 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
2:00 p.m.
Briefing on Status of Maintenance Program and Policy Statement/Advanced Notice of Proposed Rulemaking (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of January 11—Tentative

No Commission Meetings.

Week of January 18—Tentative

Wednesday, January 20

10:00 a.m.
Briefing on Status of Sequoyah Restart (Public Meeting)
2:00 p.m.
Briefing on NRC Technical Training Program (Public Meeting)

Thursday, January 21

10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for South Texas (Public Meeting) (Tentative)
2:00 p.m.
Briefing on Regulation of Transportation of Radioisotopes and Results of the Modal Study (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meetings Call: (Recording)—(202) 634-1498.

CONTACT PERSON FOR FURTHER INFORMATION: Andrew Bates (202) 634-1410.

Andrew L. Bates,
Office of the Secretary.
December 23, 1987.

[FR Doc. 87-29903 Filed 12-28-87; 9:19 am]
BILLING CODE 7590-01-M

POSTAL SERVICE, BOARD OF GOVERNORS

Amendment to Notice of Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 52 FR 48621, December 23, 1987.

PREVIOUSLY ANNOUNCED DATE OF MEETING: January 4, 1988.

CHANGE: Delete the following:

1. Capital Investment: South Tampa Bay, FL., Mail Processing Center.

CONTACT PERSON FOR MORE INFORMATION: David F. Harris, (202) 268-4800.

David F. Harris,
Secretary.
[FR Doc. 87-29930 Filed 12-28-87; 10:18 am]
BILLING CODE 7710-12-M

Corrections

Federal Register
Vol. 52, No. 250
Wednesday, December 30, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

United States Department of Energy et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

Correction

In notice document 87-26018 beginning on page 43221 in the issue of Tuesday, November 10, 1987, make the following corrections:

1. On page 43221, in the second column, in the second paragraph from the bottom, in the last two lines, the date should read "October 2, 1987".

2. On the same page, in the same column, after the second paragraph from the bottom insert the following:

Docket Number: 87-259. *Applicant:* University of Wisconsin, Madison, WI 53706-1572. *Instrument:* Demonstration Model of Measuring Machine. *Manufacturer:* Institut fur Werkzeugmaschinenbau und Fertigungstechnik, Switzerland. *Intended Use:* See notice at 52 FR 32824, August 31, 1987. *Reasons for This Decision:* The foreign article provides three axis, adjustable non-perpendicularities, roll, pitch and yaw movements and adjustable scales for linearity and non-linearity. *Advice Submitted by:* National Bureau of Standards, September 29, 1987.

Docket Number: 87-257. *Applicant:* University of Miami, Coral Gables, FL 33124. *Instrument:* Digital Controllers. *Manufacturer:* GDS Instruments, Ltd., United Kingdom. *Intended use:* See notice at 52 FR 32823, August 31, 1987. *Reasons for This Decision:* The foreign article is a programmable source of pressure generation, strain and displacement applications providing consistently precise and accurate measurements. *Advice Submitted by:* National Bureau of Standards, September 29, 1987.

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

University of Illinois et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

Correction

In notice document 87-26024 beginning on page 43224 in the issue of Tuesday, November 10, 1987, make the following correction:

On page 43225, in the second column, in the second paragraph, in the first line, "87-161" should read "87-141".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 7E3532/P436; FRL-3302-2]

Pesticide Tolerance for 2-(2-Chlorophenyl)Methyl-4,4-Dimethyl-3-Isoxazolidinone

Correction

In proposed rule document 87-28611 beginning on page 47733 in the issue of Wednesday, December 16, 1987, make the following correction:

On page 47733, in the first column, under **DATE**, in the second and third lines, the document control number should read "PP 7E3532/P436".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

[OPTS-62036B; FRL-3305-1]

Asbestos; Proposed Release of Information

Correction

In proposed rule document 87-29263 beginning on page 48286 in the issue of Monday, December 21, 1987, make the following corrections:

1. On page 48286, in the first column, in the heading, "OPTS-6203B" should read "OPTS-62036B"

2. On the same page, in the third column, in the first complete paragraph, in the sixth line, "the sources" should read "three sources".

3. On page 48287, in the first column, in the first complete paragraph, in the 14th line, "contracting" should read "contacting".

4. On page 48288, in the second column, in the first complete paragraph, in the 20th line, "contracted" should read "contacted".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-00087; FRL-33044]

Biotechnology Science Advisory Committee; Open Meeting

Correction

In notice document 87-29157 appearing on page 48155 in the issue of Friday, December 18, 1987, make the following correction:

In the second column, under **SUMMARY**, in the last line, "produce" should read "product".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[PF-488; FRL-3301-4]

Pesticide Tolerance Petitions; Dennis Edwards et al.

Correction

In notice document 87-28509 appearing on page 47754 in the issue of Wednesday, December 16, 1987, make the following correction:

In the third column, in paragraph 7, the ninth line should read "oxo-1H-imidazol-2-yl]-3-".

BILLING CODE 1505-01-D

VOL
52
ISS
250
DE
30
1987
UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 872

[Docket No. 78N-2830]

Dental Devices; General Provisions and Classifications of 110 Devices

Correction

In rule document 87-18265 beginning on page 30082 in the issue of Wednesday, August 12, 1987, make the following corrections:

§872.6080 [Corrected]

On page 30105, in § 872.6080(a), in the first column, in the second line, "dental" was misspelled; in the fifth line, after "paper", remove the typesetting code "I11" and start a new paragraph beginning with (b). Also, in the sixth line, after " Class III", remove the typesetting code, "I11" and start a new paragraph with (c).

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 57

Grants for Nurse Practitioner Traineeship Programs

Correction

In rule document 86-15864 beginning on page 25891 in the issue of Thursday, July 17, 1986, make the following correction:

§ 57.2615 [Corrected]

On page 25895, in the first column, in § 57.2615(c)(3), in the second line, "possible" should read "impossible".

BILLING CODE 1505-01-D

INFORMATION SECURITY OVERSIGHT OFFICE

32 CFR Part 2003

National Security Information Standard Forms

Correction

In rule document 87-29152 appearing on page 48367 in the issue of Monday, December 21, 1987, make the following corrections:

1. In the first column, under **SUMMARY**, in the first line, "amendment" was misspelled.

§ 2003.20 [Corrected]

2. In the third column, in § 2003.20(h)(1)(i), in the 14th line, "of Executive" should read "or Executive"; and in the 17th line, "classification" was misspelled.

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-206, 50-361 and 50-362]

Proposed Corporate Restructuring; Southern California Edison Co., et al.

Correction

In notice document 87-28223 appearing on page 46694 in the issue of Wednesday, December 9, 1987, make the following corrections:

1. In the first column, in the first paragraph, in the 33rd line, "co-workers" should read "co-owners".

2. In the second column, in the FR Docket line "87-20223" should read "87-28223".

BILLING CODE 1505-01-D

federal register

Wednesday
December 30, 1987

Part II

Department of Health and Human Services

Office of Human Development Services

FY 1988 Coordinated Discretionary Funds Program; Availability of Funds and Request for Applications; and Request for Public Comment on Fiscal Year 1988 Developmental Disabilities Proposed Projects of National Significance; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. HDS-88-2]

FY 1988 Coordinated Discretionary Funds Program; Availability of Funds and Request for Applications; and Request for Public Comment on Fiscal Year 1988 Developmental Disabilities Proposed Projects of National Significance

AGENCY: Administration on Aging, Administration for Children, Youth and Families, Administration on Developmental Disabilities, Administration for Native Americans, Office of Human Development Services, HHS.

ACTION: Announcement of availability of funds and request for applications under the Office of Human Development Services' Coordinated Discretionary Funds Program; and request for public comment on proposed topics for research and demonstration for the developmental disabilities Projects of National Significance.

SUMMARY: The Office of Human Development Services (HDS) announces the beginning of its Coordinated Discretionary Funds Program for Fiscal Year 1988 and proposes, for public comment, topics for research and development for Projects of National Significance under the developmental disabilities program.

Funding for HDS grants and cooperative agreements is authorized by legislation governing the discretionary programs of the three Program Administrations within HDS—the Administration on Aging (AoA); the Administration for Children, Youth and Families (ACYF); and the Administration for Native Americans (ANA).

Unlike previous years, the Administration on Developmental Disabilities (ADD) will not be funding applications under this announcement. Instead, it is requesting comments on proposed Projects of National Significance.

This program announcement consists of four parts. Part I, the Preamble, discusses the purpose of the HDS Coordinated Discretionary Funds Program, and lists the statutory funding authorities.

In addition, section C of Part I lists ADD's proposed priority areas for future funding of Projects of National Significance. Public comments on these and other suggested research and demonstration projects are invited. *No applications should be submitted at this time based on these ADD priorities.* Part II describes the programmatic priorities under which HDS solicits applications for funding of projects. Part III provides the necessary background information for applicants. Part IV describes in detail how to prepare and submit an application. All of the forms and instructions necessary to submit an application are published as part of this announcement following Part IV.

No separate application kit is either necessary or available for submitting an application. If you have a copy of this announcement, you have all the information and forms required to submit an application.

Grants will be made under this program announcement subject to the availability of funds for support of these activities.

DATES: The closing date for receipt of applications under this announcement is March 18, 1988. The closing date for receipt of comments on the ADD priorities is February 29, 1988. Comments received after this date may not be considered.

ADDRESSES: Application receipt point: Department of Health and Human Services, HDS/Grants and Contracts Management Division, 200 Independence Avenue, SW., Room 724–F, Washington, DC 20201, Attn: HDS–88–2.

Comments on ADD priority areas: Commissioner, Administration on Developmental Disabilities, Department of Health and Human Services, 200 Independence Avenue, SW., Room 351–D, Washington, DC 20201.

This program announcement is available as an electronic document through the HDS Computer Bulletin Board. Organizations equipped with computers and modems may link to the bulletin board by calling (202) 755–1642. Most popular communications programs will work. The correct settings are 8 data bits, one stop bit, no parity, 1,200 bits per second (BAUD).

FOR FURTHER INFORMATION CONTACT: Department of Health and Human Services, HDS/Office of Policy, Planning and Legislation, Division of Research and Demonstration, 200 Independence Avenue, SW., Room 724–F, Washington, DC 20201. Telephone (202) 755–4633. To provide 24 hour coverage, calls to this number may be answered by an answering machine. Only information related to applications will be provided through this contact.

SUPPLEMENTARY INFORMATION:

Part I—Preamble

Executive Order 12606: The Family

In developing the goals of the Office of Human Development Services (HDS) and the specific priority areas listed in this program announcement, HDS has applied the Family Policy making Criteria established by the President in Executive Order 12606. These criteria are in the form of questions used to assess policies and regulations that may have a significant impact on family formation, maintenance, and general well-being:

(a) Does this action by government strengthen or erode the stability of the family and, particularly, the marital commitment?

(b) Does this action strengthen or erode the authority and rights of parents in the education, nature, and supervision of their children?

(c) Does this action help the family perform its functions, or does it substitute governmental activity for the function?

(d) Does this action by government increase or decrease family earnings? Do the proposed benefits of this action justify the impact on the family budget?

(e) Can this activity be carried out by a lower level of government or by the family itself?

(f) What message, intended or otherwise, does this program send to the public concerning the status of the family?

(g) What message does it send to young people concerning the relationship between their behavior, their personal responsibility, and the norms of our society?

A. Goals of the Office of Human Development Services (HDS)

The four Program Administrations within the Office of Human Development Services (HDS), although different from one another in the specific populations they serve, share a common mission: to reduce dependency and increase self-sufficiency among our most vulnerable citizens. Emphasis on this mission, and progress toward it, will help more Americans live independent lives, and in the end it will reduce demand for services.

Public resources are no longer being expended at a rapid pace without considerable forethought. We have left an era when the trend was to assign to the Federal government an ever-increasing responsibility for identifying the needs for social services and for designing programs to meet those needs. Public policy now articulates that decisions are best made at the level of government closest to the target populations served—by elected State and local officials, by those who manage at the State and local levels, including government officials, private organizations, voluntary organizations, schools or religious organizations.

Therefore, specific HDS goals have been adopted which reflect the policy that social service needs are more effectively and efficiently defined and addressed at the State and local community level—all to the end that families and individuals are helped to achieve self-sufficiency and independence. These goals are:

- To increase family and individual self-sufficiency and independence through social and economic development strategies;
- To target Federal assistance to those most in need; and,
- To improve the effectiveness and efficiency of State, local and tribally-administered human services.

In order to be considered for funding under the Coordinated Discretionary Funds Program (CDP), each applicant must describe activities that are in harmony with the goals of HDS.

B. The HDS Program Administrations

1. Administration on Aging

The Administration on Aging (AoA) was established in 1965 by the Older Americans Act (Pub. L. 89–73). AoA is mandated to serve as the focal point and advocate for the elderly, within the Department of Health and Human Services and with other Federal departments and agencies, and to provide guidance and assistance to States and communities in the development and implementation of comprehensive and coordinated service systems for older persons.

AoA has established the following long-range objectives which are reflected in the announcement:

- Stimulating systems change to enhance family and community-based care;
- Promoting the adoption of healthy lifestyles among the elderly;
- Providing services to the elderly in greatest need;
- Promoting preparation for an aging society; and
- Assisting State and Area Agencies on Aging and Tribal organizations in carrying out their leadership roles in planning, coordinating and assuring the availability of services for the elderly.

Title IV of the Older Americans Act is the major research, demonstration, training and development effort of the Administration on Aging. Title IV authorizes a program of discretionary grants and contracts to support training and education, research and demonstration, and other activities.

A primary purpose of these activities is to assist AoA and the State and Area Agencies on Aging to carry out the goals and objectives set forth in the Act. This is accomplished by AoA, together with State and Area Agencies on Aging, nonprofit, voluntary and philanthropic organizations and local communities, through analyzing trends and anticipating social issues that will become paramount in the future; improving the effectiveness and efficiency of services to the elderly by developing new techniques and approaches to deal with social issues; and by developing alternatives to traditional social service approaches.

AoA expects the discretionary projects which it supports to demonstrate the critical leadership roles that State and Area Agencies on Aging can play—as catalysts, brokers, coordinators—in developing systems of family and community-based care for older persons throughout the United States. AoA discretionary funds are not intended to provide for ongoing social services (including case management services), the construction and renovation of buildings, or to supplement funds for local activities which need operating subsidies.

AoA encourages applicants to include an emphasis on addressing the special needs of minority elderly by including minority concerns as part of the larger problem to be addressed by the application. Applicants must be able to show how minority needs will be met as part of a comprehensive delivery system and how community resources will be mobilized. Projects are expected to involve a high degree of collaboration among State, area and local agencies as appropriate; and agencies representing minority concerns. Roles and responsibilities in the project must be delineated, and this delineation should be supported with letters of commitment for collaboration.

2. Administration for Children, Youth and Families

The Administration for Children, Youth and Families (ACYF) serves as the focal point within the Federal government for programs, activities and concerns designed to improve the quality of life for children, youth and families. It administers the following programs:

- Head Start provides comprehensive services primarily to low-income preschool children, age three to the age of school attendance, and their families. In order to aid enrolled children to obtain their full potential, Head Start programs provide comprehensive educational, health, nutrition, social and other services.
- Child Welfare Services assist State public welfare agencies to improve their child welfare services with the goal of keeping families together. State services include preventive intervention so that, if possible, children will not have to be removed from their homes; services to develop alternative placements such as Foster Care or Adoption if children cannot remain at home; and reunification services so that children can return home if at all possible.
- Foster Care provides funds to States to assist with the cost of foster care for eligible children, administrative costs to manage the programs and training for staff. The purpose of the program is to help States provide care for children who, because they are abused or neglected or are otherwise at-risk, need placement outside their homes in a foster family home or in a child care institution. The adoption assistance program provides funds to States to facilitate the placement of foster care children with special needs in adoptive homes and, therefore, to prevent long, inappropriate stays in foster care. Funds are used for the provision of subsidies to cover the extra maintenance costs (basic living expenses) that are associated with the adoption of a special needs child, based upon the individual child's needs; for the administrative costs of managing the program; and for the training of staff.
- Child Welfare Training discretionary grants are awarded to public and private nonprofit institutions of higher learning to develop and improve educational and training programs as well as resources for child welfare service providers by upgrading their skills and qualifications.
- Adoption Opportunities eliminates barriers to adoption and helps to find permanent homes for children who would benefit by adoption, particularly children with special needs. The three major program areas are: (1) The development and implementation of a national adoption and foster care data gathering and analysis system; (2) the development and implementation of a national adoption information exchange system; and (3) the development and implementation of an adoption training and technical assistance system.
- Child Abuse and Neglect programs, through State grants and research and evaluation grants, assist State, local, and volunteer agencies and organizations to strengthen their capacities to prevent, identify and treat

child abuse and neglect. Under the State grant program, grants are made directly to States meeting the legislative eligibility requirements to improve prevention and treatment services. The discretionary grant program provides support for research, demonstration, service improvement, information dissemination and technical assistance activities designed to improve and increase national, State, community and family efforts for the prevention, identification and treatment of child abuse and neglect.

• State Challenge Grants are provided to encourage States to establish and maintain trust funds, or other funding mechanisms, to support child abuse and neglect prevention activities.

• The Runaway and Homeless Youth program addresses the crisis needs of runaway and homeless youth and their families through the establishment or strengthening of community-based programs providing temporary shelter, counseling, and aftercare services. Additionally, this program provides support to networking grants designed to share information, expertise, and resources among service providers; and to a toll-free, 24-hour National Runaway Switchboard which serves as a neutral channel of communication between young people and their families as well as a source of referral to needed services.

• Dependent Care provides grants to States for the planning, development, establishment, expansion, or improvement of (1) State and local dependent care resource and referral systems; and (2) school-age child care services before and after school hours.

3. Administration on Developmental Disabilities

The overall purpose of the Administration on Developmental Disabilities (ADD), as specified by the Developmental Disabilities Assistance and Bill of Rights Act of 1987 (Pub. L. 100–146), is to provide assistance to States and public and private nonprofit agencies and organizations to ensure that all persons with developmental disabilities can receive the services and other assistance and opportunities necessary to enable such persons to achieve their maximum potential through increased independence and productivity and integration in the community. ADD also seeks to enhance the role of the family in assisting persons with developmental disabilities to achieve their maximum potential as well as ensuring the protection of their legal and human rights.

The specific purposes of the program are:

• To assist States in the development of a comprehensive system and a coordinated array of services and other assistance for persons with developmental disabilities through the conduct of, and appropriate planning and coordination of, administrative activities, Federal priority activities, and a State priority activity.

• To make grants and contracts to States and public and private, nonprofit agencies for Projects of National Significance relating to persons with developmental disabilities, including projects to educate policymakers, develop an ongoing data collection system, determine the feasibility and desirability of developing a nationwide information and referral system, pursue Federal interagency initiatives, and other projects of expanding or otherwise improving opportunities for persons with developmental disabilities.

• To make grants to university affiliated programs to assist in the provision of interdisciplinary training, the demonstration of exemplary services and technical assistance, and the dissemination of information which will increase and support the independence, productivity and integration into the community of persons with developmental disabilities.

• To make grants to support a system in each State to protect the legal and human rights of all persons with developmental disabilities.

This information is provided as background information for individuals and organizations interested in commenting on the ADD priorities in Section C which follows. No applications should be submitted in response to these priorities.

4. Administration for Native Americans

The mission of the Administration for Native Americans (ANA) is to promote the goal of social and economic self-sufficiency for American Indians, Native Hawaiians and Alaska Natives. ANA defines self-sufficiency as the level of development at which a Native American community can control and internally generate resources to provide for the needs of its members and meet its own short and long range social and economic goals.

Social and economic underdevelopment is the paramount obstacle to the self-sufficiency of Native American communities and families. Underdevelopment contributes to high unemployment and school dropout rates, poor health and other problems which affect Native Americans to a greater degree than almost any other population group. Underdevelopment, and the resulting lack of a strong diversified economic base, has made Native American communities especially dependent on Federally-designed, Federally-funded and Federally-operated programs.

Native American programs and policies foster a balanced developmental approach at the community level through three major goals: (1) Governance: to strengthen Tribal governments, Native American institutions and local leadership, to assure local control over all resources; (2) economic development: to foster the development of stable, diversified local economies in order to provide jobs and reduce dependency on welfare services; and (3) social development: to support local access to, and coordination of, services and programs which safeguard the health and well-being of Native Americans. These goals are based on the premise that the local Native American community has the primary responsibility for determining its own needs, for planning and implementing its own programs, and for building an economic base from its own natural, physical, and human resources.

C. Notice of Proposed FY 1988 Developmental Disabilities Priorities for Projects of National Significance and Request for Public Comments

On October 29, 1987, Congress enacted the Developmental Disabilities Assistance and Bill of Rights Act of 1987 (Pub. L. 100–146). A new provision of this Act in section 162(c) requires that the Office of Human Development Services (HDS) publish in the **Federal Register**, not later than January 1 of each year, proposed priorities for grants and contracts to carry out Projects of National Significance. The Act also requires a period of 60 days for public comment and suggestions. After analyzing and considering such comments, HDS must publish in the **Federal Register** the priorities for such grants and contracts.

We welcome specific comments and suggestions concerning the following priorities for Projects of National Significance. We are also interested in receiving suggestions on topics not covered in this announcement, but which are timely and relate to specific needs in the field of developmental disabilities.

The actual solicitation of applications will be published in the **Federal Register** at a later date. *No proposals, concept papers or other forms of application should be submitted at this time.* Any such submission will be discarded.

No acknowledgments will be made of the comments in response to this notice, but all comments will be considered in preparing the priorities for developmental disabilities activities to be included in the Fiscal Year 1988 HDS Projects of National Significance Program Announcement. A copy of the program announcement will be sent to all persons who comment on this Notice. We anticipate that the program announcement for Projects of National Significance will be published in the spring of 1988.

Comments should be addressed to: Commissioner, Administration on Developmental Disabilities, HHH Building, Room 351–D, 200 Independence Avenue SW., Washington, DC 20201.

Proposed FY 1988 Priority Areas for Projects of National Significance

I. Projects to Educate Policymakers

There is a need to provide information to policymakers on critical issues pertaining to developmental disabilities.

We propose:

A. To conduct a study to evaluate and identify policies which have proven successful in removing barriers for persons with developmental disabilities to access specialized and generic services at the State, county, and local levels;

B. To conduct a study to evaluate and identify existing planning and policy practices which have lead to the effective combination of services provided by the DD and Aging networks for elderly persons with developmental disabilities; and

C. To conduct a study to identify policies which enable disabled individuals to work more productively in integrated settings in the community.

The results from the above proposed studies would be used to provide training and technical assistance to policymakers at the State, county, and local levels to enhance the ability of persons with developmental disabilities to obtain and maintain full integration within their communities.

II. Projects To Develop an Ongoing Data Collection System

There is a need for an ongoing data collection system that will meet ADD's legislative reporting requirements and document progress made to improve the independence, productivity and integration into the community of persons with developmental disabilities.

We propose:

A. To assess the extent, scope, and effectiveness of services provided and activities performed by all State agencies whose services impact on persons with developmental disabilities (including education, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, aging, children with special health care needs, housing, and comprehensive health and mental health);

B. To conduct a survey of a representative sample of consumers with developmental disabilities regarding their satisfaction with those services;

C. To assess eligibility criteria and the extent to which such criteria tend to exclude persons with developmental disabilities;

D. To assess need for changes in Federal and State policies which have a negative impact on the ability of persons with developmental disabilities to benefit from such programs; and

E. To assess approaches for the incorporation of data from this analysis in ongoing planning and policy analysis activities.

The ongoing data collection system should build on the several existing national data sets currently maintained on residential services, expenditures, vocational services, and program impact. The data generated by the system will be used by the State Planning Councils, Protection and Advocacy Program, University Affiliated Facilities, researchers and the Federal government to develop reports on the nation's ability to coordinate service delivery systems which meet the needs of persons with developmental disabilities.

III. Projects To Determine the Feasibility and Desirability of Developing a Nationwide Information and Referral System

Section 163 of the Act requires the Secretary to fund not more than three projects to determine the feasibility and desirability of developing a nationwide information and referral system for persons with developmental disabilities within six months after the date of enactment of the Act. ADD has, therefore, published a separate **Federal Register** announcement to solicit applications for these projects.

Grantees will make recommendations related to the feasibility and desirability of establishing information and referral systems at the national and regional levels for the purpose of effectively linking persons with developmental disabilities and their families to service providers.

IV. Other Projects of National Significance

In FY 1988, ADD proposes to conduct studies which focus on two or more of the following topical areas:

A. AIDS and its potential impact on children with developmental disabilities;

B. Training of professionals in the mental health and mental retardation fields related to serving persons with dual impairments (MR/MH);

C. Identification of best practices related to serving minority populations such as Blacks, Hispanics, Native Americans, Native Hawaiians, and Pacific Asians; and

D. Service needs and legal rights of criminal offenders with mental retardation.

D. Cross-Program Focus of the HDS Coordinated Discretionary Funds Program (CDP)

For the past seven years, the HDS Coordinated Discretionary Funds Program (CDP) has brought the major portion of the research and demonstration funding efforts of the four Program Administrations within HDS (AoA, ACYF, ADD, ANA) under one solicitation Announcement. Based on new legislative requirements, this year the Administration on Developmental Disabilities (ADD) is requesting only comments on its proposed priority areas.

Through the CDP, two or more Program Administrations within HDS in the past have addressed an important issue or need in which each has program and discretionary interest. For example: several social service needs or issues in the area of child welfare may be of program/discretionary interest not only to the Administration for Children, Youth and Families (ACYF), but also (Indian Child Welfare) to the Administration for Native Americans (ANA), and (children with developmental disabilities) to the Administration on Developmental Disabilities (ADD). More than a few such social service issues and needs fit into such a "Cross-Program" category. Other examples, where more than one Program Administration within HDS may generate research and demonstration discretionary activities, are: Elder Abuse (AoA, ANA, ACYF); Family Support/Caregiving (AoA, ANA, ACYF); Substance Abuse/Alcoholism (ACYF, ANA, AoA); Teen Pregnancy (ACYF, ANA); Intergenerational (ANA, ACYF, AoA); Data Systems (ACYF, ANA, AoA); etc.

The CDP allows HDS to expand the boundaries of human service knowledge

VOL 52 ISS 250 DEC 30 1987 UMI

by drawing on and testing new ideas, and then incorporating these new ideas in a "cross-program" approach within HDS. In this way, the CDP becomes an integral part of the policy making process within HDS, with the findings from its research and demonstration projects providing the basis for substantiating or modifying current policy and practice in addressing social service needs. The CDP allows HDS, together with nonprofit, voluntary and philanthropic organizations, and local communities, to analyze trends and anticipate social issues that will become paramount in the future; and to improve the effectiveness and efficiency of human services by developing innovative and alternate techniques and approaches to address social service needs.

Additionally, the CDP makes possible a coordinated use of information systems and related technologies in a more efficient and less costly grant making activity than would be possible if done independently by separate discretionary authorities.

In summary, the HDS Coordinated Discretionary Funds Program (CDP) is based on the principle that the well-being of a specific target population is the responsibility of individuals, families, and the communities in which the target populations live. The CDP is guided by the premise that human service needs are best defined, as well as more effectively and efficiently served, through institutions and organizations at the level closest to the individual—State, Tribal, and local governments, public agencies, businesses, private sector and voluntary organizations, religious institutions, communities, and families.

HDS is primarily interested in providing funds for projects offering immediate impact, or which can become self-sustaining in a short period of time. The CDP is not intended to provide funds for ongoing social services, or to serve as a supplemental source of funds for local activities which need operating subsidies.

E. Focus on Minority Populations Served by the HDS Coordinated Discretionary Funds Program

Because minority populations are frequently more vulnerable and at-risk regarding human service needs, the three Program Administrations (AoA, ACYF and ANA) of HDS, as well as special "Cross-program" initiatives (such as Youth 2000), have a significant interest in providing a focus on minority populations.

Organizations and institutions which especially serve at-risk minority populations are encouraged to apply and compete for funds available under the HDS Coordinated Discretionary Funds Program (CDP). HDS is interested in increasing the number and qualifications of applications received from such institutions and organizations. These organizations and institutions are also especially encouraged to participate in the Technical Assistance Workshops and the Dissemination Workshops discussed in Sections H and I of Part I in this announcement.

Organizations and institutions which especially serve minorities are encouraged to apply under all the priority areas—as they have done in the past. Additionally, such organizations and institutions, including Historically Black Colleges and Universities and Tribally Controlled Community Colleges, are encouraged to submit applications under those priority areas which singularly focus on their social service interests. The priority areas which singularly address the concerns of minority populations are priority areas 3.3, 4.3, 5.2, 6.4, 7.2, 8.1–8.3, 9.2D1, 9.2D2, 9.3A, 10.4, and 8.4.

F. Youth 2000 Initiative

Youth 2000 has been designated by the Secretary of the Department of Health and Human Services (HHS) as a special Departmental Initiative under his agenda for promoting the "Future of the Family." HDS has been delegated the responsibility for managing and coordinating this Initiative, among the various Operating Divisions within the Department.

Youth 2000 is a nationwide "call to action" between now and the year 2000 designed to enlist the involvement of all sectors of society in helping vulnerable and at-risk youth achieve social and economic self-sufficiency and fulfill their potential as viable, contributing members of society. The goals of Youth 2000 are: (1) To increase the employability and self-sufficiency of young people; (2) to improve their literacy and educational attainment; (3) to reduce the incidence of teenage pregnancy; (4) to promote lifestyles free from substance abuse; and (5) to reduce violent and accidental injuries and deaths among young people.

The need for the Youth 2000 campaign is clear and compelling: our Nation needs the productive energies of all of its young people to ensure its continued social and economic progress as we move into the 21st Century. While the majority of young people are adequately preparing to meet these challenges, 10–15 percent of the population aged 16 to 19 are at-risk of not making the transition from adolescence to a productive and responsible adulthood due to various, often interrelated, problems. For example:

- Nearly one million young people drop out of high school annually. Nationwide, approximately one out of every four ninth-graders will not graduate from high school and, in some urban areas, the dropout rate approaches 50 percent.
- One out of every eight 17 year-olds in this country is functionally illiterate.
- More than 573,000 babies are born to teenage mothers each year, and half of these young women will not complete high school. Moreover, teenage pregnancy is often associated with long-term poverty, health defects and other types of problems.
- An alarming number of young people use alcohol, and a high percentage are users of drugs such as marijuana and cocaine. A 1986 survey of high school seniors found that more than 65 percent of the youth surveyed were current users of alcohol; over 23 percent were current users of marijuana; and more than 6 percent were current users of cocaine.
- Automobile accidents, homicides and suicides, respectively, constitute the three leading causes of death among adolescents.

Despite these alarming statistics, anticipated demographic changes between now and the year 2000 offer a unique opportunity regarding employment. Between now and the year 2000, the number of young people will decrease dramatically while the number of new jobs will continue to grow. It is estimated that 16 million new jobs will be created over the next 13 years, but that only 14 million young people will be available to fill these positions.

Therefore, by the year 2000, a job will be available for every qualified young adult who wants one.

The key is, however, preparation. Young people must begin now to prepare and qualify themselves for these employment opportunities. Helping them to do so is a key element of the Department's Youth 2000 initiative. The jobs of the future will require higher skill levels than those of today. Over half of the jobs that will be created between now and the year 2000 will require education or training beyond high school, and almost one-third will be filled by college graduates.

The Youth 2000 Initiative is being jointly implemented by HHS and the Department of Labor (DOL). A variety of efforts have been undertaken by both Departments in support of Youth 2000, including a joint program of competitive grants to the States to assist them in addressing the issue of youth self-sufficiency. As the lead agency within HHS charged with overall management responsibility for the Youth 2000 Initiative, HDS has also supported a number of efforts designed to promote broad based State and community involvement in Youth 2000-related activities.

Since FY 1986, for example, HDS has used the CDP and other funding vehicles to support efforts designed to promote the social and economic self-sufficiency of various populations of at-risk youth such as older adolescents in foster care, runaway and homeless youth, drop outs, pregnant teenagers, young people with developmental disabilities, and Native American youth. In 1987 alone, through the CDP, HDS funded a total of 58 projects focused on youth-at-risk. Additionally, HDS has undertaken a series of activities designed to increase public awareness about youth issues, to provide assistance to public official's to address these problems, and to promote involvement in the Youth 2000 campaign at the grassroots level nationwide.

Other Operating Divisions within the Department are also significantly involved in Youth 2000. For example, the Public Health Service, which has the lead responsibility for the Youth 2000 objectives related to reducing the youth mortality rate due to intentional and unintentional injuries as well as youth substance abuse, is undertaking a wide variety of activities in support of Youth 2000.

These include the provision of financial support to projects focused on prevention/intervention as well as the conduct of public education and other informational efforts. Additionally, the Family Support Administration, the lead agency in HHS for the Youth 2000 objective related to reducing the incidence of teenage pregnancy, is undertaking a series of leadership activities in the area of adolescent pregnancy prevention. These efforts are designed to heighten public awareness about the issue and to assist States, communities and service providers in their efforts to address the problem.

The programs administered by ACYF, ADD and ANA address the issues encompassed by the Youth 2000 Initiative (e.g., substance abuse and youth self-sufficiency) as do the intergenerational projects supported by AoA. This "cross-program" interest is reflected in the priority areas included in this announcement which are supportive of the Initiative.

In addition to the Youth 2000-specific priority areas (1.1, 1.2 and 1.3), other priority areas in this CDP which are related to the Youth 2000 Initiative in a "cross-program" way include: 3.1, "Challenge Grants to Community Foundations: Mainstreaming Troubled Youth"; 3.2, "Challenge Grants to Foundations: Independent Living for Older Homeless Youth"; 3.4, "Develop An Urban Strategy for the Prevention of Youth Suicide"; 7.7, "Preparation for Independent Living in Foster Care Among Pre and Early Adolescent Youth"; 8.1, "Resolving Alcohol and Substance Abuse Within Native American Communities"; and 8.2, "Innovative Community Approaches to Entrepreneurial Activity With Native American Youth."

The reader should be alerted that, in addition to this announcement, Youth 2000-related grant solicitations will also be published by other Operating Divisions within the Department during FY 1988. For example, the Alcohol, Drug Abuse and Mental Health Administration of the Public Health Service (PHS) anticipates making FY 1988 awards under five grants programs that have relevance to the Youth 2000 initiative. Grants will be awarded in the following areas:

- Drug and Alcohol Abuse Prevention Research Grant Announcement. The focus is on (1) etiologic research to identify factors that might place individuals at-risk of drug and alcohol abuse and factors that mitigate such risk; and (2) clinical intervention research to develop and test strategies that will prevent the onset of drug and alcohol abuse.
- Cocaine Research to clarify (1) the nature and extent of cocaine use; (2) the impact of such use on individuals' performance and functioning; (3) neurobiological concomitants of cocaine use; and (4) effective methods of treating and preventing cocaine use.
- Research on Children of Alcoholics. Areas of special interest include research on biological markers; coping mechanisms of invulnerable children; family interaction and the influence of children on the drinking status of the alcoholic parent; and the relationship between excessive drinking and (1) sexual abuse and (2) violent behavior directed toward the children and spouse.
- Research Grants on Alcohol-Related Performance Effects and Traumatic Injury. One area of special interest is the conduct of controlled studies on the design, development and assessment of prevention and intervention programs which efficiently and effectively provide new techniques and strategies for reducing alcohol-related deaths and injuries for groups and individuals known to be at high risk.
- Community Prevention Research in Alcohol and Drug Abuse designed to encourage rigorous scientific study of substance abuse prevention techniques at multiple levels in the community (e.g., individual, small group, family, parent groups, and community boards) in order to determine their efficacy in preventing the onset of both alcohol and drug use and the patterns of abuse.

Grant programs administered by the Centers for Disease Control within the PHS dealing with injury prevention have not yet been scheduled, and are pending passage of the FY 1988 appropriation.

Additionally, the Family Support Administration will issue separate grant announcements for the following programs during FY 1988: the Office of Community Services, the Office of Family Assistance and the Office of Child Support Enforcement. These announcements will deal with at-risk youth and family-related issues based upon the purpose and legislative intent of each program.

G. Family Caregiving Initiative (Family Support Activities)

Family Caregiving has been designated by the Assistant Secretary for Human Development Services as a Special Initiative. Just as with Youth 2000, there is a "cross-program" interest among the Program Administrations within HDS.

The Family Caregiving Initiative is a pledge among public agencies, voluntary organizations and organizations representing the interests of our client populations to share information and provide better training for professionals, paraprofessionals, volunteers and the caregiving families with whom they are working. The Family Caregiving Initiative is also an effort to mobilize communities so that family support resources will be developed and coordinated where they are not currently available.

The need for The Family Caregiving Initiative is growing. Family members provide loved ones who have temporary or chronic illnesses or impairments with care that prevents unnecessary hospitalization or institutionalization. The growing need for care includes:

- Approximately five million older Americans living in their communities who need assistance to perform one or more personal care activities. By 2030, there will be about 65 million older people—and with advanced age comes increased risk of illness and impairment.
- Ninety percent of the nearly four million individuals with developmental disabilities live at home with their families; and the number of infants with

developmental disabilities is increasing as a result of the use of drugs and alcohol by pregnant teenagers.

• Many more of the estimated 29 million Americans that suffer from mental illness are remaining in their own homes and communities.

Despite the growing need, the availability of caregivers is decreasing because women, the traditional caregivers, are now working outside the home.

The key to meeting caregiving needs is a new level of awareness and a shifting of service priorities so that the caregiving family is supported as a unit, rather than providing the client with one set of services and the caregiver with another. Caregiving families need to understand that physical and emotional stress is common, and that resources are available and should be used.

Professionals, paraprofessionals and volunteers need to be educated to work with the family as a unit and to train family members in how to access services and provide needed care. Communities need to disseminate information about the needs of caregiving families and the resources that are available within their respective communities.

In addition to the crosscutting priority area in this announcement: 10.1, "Training Caregiving Families and Providing Practical Support," other family support priority areas include: 7.10, "Utilizing Family-Based Prevention Approaches for Reunification and Replicating Specialized Foster Care Programs," and 9.1A, "Field Initiated Research on Community Based Systems of Care."

More than 60 projects have been funded throughout the Department of Health and Human Services to address the needs of caregiving families. For more information about these projects, refer to the description under priority area 10.1.

G. Technical Assistance Workshops for Prospective CDP Applicants

HDS has tentative plans to conduct CDP workshops to provide guidance and technical assistance to prospective applicants, pending the availability of funds. *For information on the exact time and location of each workshop, you may call the contact persons listed below under each city or (202) 755–4633.* The proposed schedule for the three-hour workshops is as follows:

Albuquerque, New Mexico;
Contact Person: Ed Henderson
Telephone Number: (214) 767–4540
Atlanta, Georgia;
Contact Person: Sherrill Ritter, Jr.
Telephone Number: (404) 331–2287
Boston, Massachusetts;
Contact Person: John Thomas
Telephone Number: (617) 565–1101
Chicago, Illinois;
Contact Person: Robert Moman
Telephone Number: (312) 353–8322
Dallas, Texas;
Contact Person: Ed Henderson
Telephone Number: (214) 767–4540
Denver, Colorado;
Contact Person: Harry Frommer
Telephone Number: (303) 844–2622
Kansas City, Missouri;
Contact Person: Linda Carson
Telephone Number: (816) 374–3961
Los Angeles, California;
Contact Person: Richard Silva
Telephone Number: (415) 556–7800
Miami, Florida;
Contact Person: Sherrill Ritter, Jr.
Telephone Number: (404) 331–2287
New York, New York;
Contact Person: Junius Scott
Telephone Number: (212) 264–3472
Phoenix, Arizona;
Contact Person: Richard Silva
Telephone Number: (415) 556–7800
Portland, Oregon;
Contact Person: Ed Singler
Telephone Number: (206) 442–2430
Pueblo, Colorado;
Contact Person: Harry Frommer
Telephone Number: (303) 844–2622
San Antonio, Texas;
Contact Person: Ed Henderson
Telephone Number: (214) 767–4540
San Francisco, California;
Contact Person: Richard Silva
Telephone Number: (415) 556–7800
Seattle, Washington;
Contact Person: Ed Singler
Telephone Number: (206) 442–2430
Washington, DC, Tuesday, February 2, 1:00–4:00 p.m. HHS North Auditorium, 330 Independence Avenue, SW.
Contact Person: Richard Jakopic
Telephone Number: (202) 245–6233

I. Dissemination Workshops on CDP Projects

HDS annually sponsors Dissemination Conferences in Washington, D.C. and around the country to showcase the findings and products of funded projects in specific topical areas. In order to be placed on a mailing list for information about these Conferences, send a name and mailing address to Richard Jakopic, Division of Research and Demonstration/OPPL, Room 721B, Office of Human Development Services/HHS, 200 Independence Avenue, SW., Washington, DC 20201.

J. Continued Emphasis on Joint Funding With Other Federal Agencies

In order to avoid duplication and in order to maximize resources, HDS has joined with other Federal agencies in planning and coordinating efforts to deal with issues of national concern. During the past two years, several interagency agreements were established between HDS and other Federal agencies. Examples are as follows:

• In FY 1986, several interagency agreements between HDS and the Employment and Training Administration (ETA) within the Department of Labor (DOL) led to the solicitation of applications in the FYs 1986 and 1987 CDP announcements addressing youth issues of national concern. Subsequently, during FY 1987, the Secretary of each Department signed a Memorandum of Agreement between HHS and DOL related to cooperative activities in the Youth 2000 Initiative.

• HDS and the National Institute of Corrections plan to continue the effort begun in FY 1987 to strengthen families through demonstrations of parenting programs for incarcerated parents.

• HHS and the Department of Defense (DOD) have an Interagency Agreement designed to improve services to military families without the need for new Federal funds, reduce duplication of efforts, and increase the cooperation between HHS and DOD family support services.

• HDS and the National Institute of Mental Health plan to continue the effort begun in FY 1987 to strengthen linkages between the mental health service system and the child welfare system.

K. Statutory Authorities

The individual statutory authorities under which grants and cooperative agreements will be awarded through the HDS Coordinated Discretionary Funds Program are as follows:

• Head Start: Head Start Act, Subchapter B of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9831 et seq.);

• Child Welfare Services: Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C. 626); section 426 of the Social Security Act, as amended;

• Runaway Youth Program: Runaway and Homeless Youth Act, as amended (42 U.S.C. 5701 et seq.);

• Child Abuse: Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.);

• Adoption Opportunities: Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, as amended (42 U.S.C. 5111 et seq.);

• Native Americans: Native American Programs Act of 1974, as amended (42 U.S.C. 2991 et seq.);

• Older Americans: Training, Research and Discretionary Projects and Programs: Title IV of the Older Americans Act, as amended (42 U.S.C. 3001 et seq.);

• Social Services Research and Demonstrations: Section 1110 of the Social Security Act, as amended (42 U.S.C. 1310); and

• Family Violence Prevention and Services: Family Violence Prevention and Services Act (42 U.S.C 10401).

Part II—Priority Areas

Preceding the actual descriptions of each Priority Area for which applications are solicited through the announcement, two indexes are presented below for easy reference by potential applicants.

Index One is a reference of Priority Areas by an alphabetical listing of Key Words or Topics.

Index Two is a reference of Priority Areas by the HDS Programs or program Administrations.

Index One: Priority Areas Listed by Key Word

Abuse, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.11, 4.12, 9.4C, 10.2
Adoption, 5.1, 5.2, 5.3, 5.4, 5.5
AIDS, 7.8
Alcoholism, 7.2, 8.1, 9.3A, 9.4B
American Samoans, 8.4
Caregiving, 9.4A, 9.4D, 10.1
Challenge Grants, 3.1, 3.2
Children, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.12, 5.1, 5.2, 6.4, 7.8
Child Development, 2.2
Child Welfare, 7.3, 7.4, 7.9
Community-Based, 1.2, 1.3, 8.2, 9.5B
Curriculum, 2.3, 4.5
Elderly Persons, 9.1A, 9.1B., 9.2A, 9.2B, 9.2C, 9.3A, 9.3B, 9.4A, 9.4B, 9.4C, 9.4D, 9.4E
Employment, 8.2, 8.3
Evaluation, 7.3, 7.4, 7.5, 10.5
Family, 4.6, 4.8, 5.1, 5.2, 5.3, 7.5, 7.6, 7.9, 10.1, 10.2
Family Support, 7.10, 9.1A, 10.1
Family Violence, 10.2
Fatalities, 3.4, 4.9
Foster Care, 7.1, 7.6, 7.7, 7.10
Foundations, 3.1, 3.2
Head Start, 2.1, 2.2, 2.3, 2.4
Historically Black Colleges, 10.4
Homeless, 3.2, 3.3
Incarcerated, 3.5
Independent Living, 3.2, 7.7
International, 10.3
Local Government, 1.1, 4.4, 5.4, 6.3
Mental Health, 7.9
Migrant, 2.2
Minority, 2.2, 3.3, 4.3, 4.5, 5.2, 6.4, 7.2, 8.1, 8.2, 8.3, 9.1B, 9.2D1, 9.3A, 10.4, 8.4
Native Americans, 4.5, 6.4, 7.2, 8.1, 8.2, 8.3, 9.1B, 9.3A
Neglect, 4.1, 4.2, 4.3, 4.4, 4.7, 4.8, 4.9, 4.12
Older Persons, 9.1A, 9.1B, 9.2A, 9.2B, 9.2C, 9.3A, 9.3B, 9.4A, 9.4B, 9.4C, 9.4D, 9.4E
Parent, 2.4, 3.5, 5.3
Public/Private Partnership, 1.1, 4.4, 5.4
Recruit, 5.2, 7.1
Research, 4.8, 4.10, 4.12, 7.3, 7.4, 7.5, 9.1A, 9.1B
Runaway, 3.3
Sexual Abuse, 4.5, 4.6, 5.5
Special Needs, 5.1, 5.2, 5.5
Study, 4.8, 4.10, 4.12, 7.3, 7.4, 7.5, 9.1A
Substance Abuse, 8.1, 9.3A
Suicide, 3.4
Teen Pregnancy, 1.3, 4.11
Training, 2.2, 6.1, 6.2, 6.4, 9.2A, 9.2B, 9.2C, 9.2D1, 9.2D2, 9.2E, 9.3A, 9.3B, 9.3C, 9.4B, 10.2, 10.4
Treatment, 4.6, 4.7, 9.4A, 9.4D, 10.2
Tribally Controlled Community Colleges, 6.4, 9.2D2, 10.4
Urban, 3.4
Youth, 1.1, 1.2, 1.3, 3.1, 3.2, 3.3, 3.4, 4.11, 7.7, 8.2
Youth 2000, 1.1, 1.2, 1.3, 3.1, 3.2, 3.3, 3.4, 3.5, 4.2, 4.11, 8.2

Index Two: Priority Areas Listed by Program

Youth 2000

1.1 Support for the Development of City, County or Other Local Public/Private Sector Youth 2000 Partnerships
1.2 Involvement of Young People in Community-Based Efforts to Address Youth Needs and Problems
1.3 Support for the Planning, Development and Implementation of Community-Based Efforts to Reduce Teenage Pregnancy

Administration for Children, Youth and Families

Head Start

2.1 Head Start Cultural Enrichment Modules
2.2 CDA Training-Instream Migrants/Geographically Isolated Programs
2.3 Head Start Curriculum Models for National Dissemination
2.4 Parent Involvement in Head Start Activities

Runaway and Homeless Youth and Families

3.1 Challenge Grants to Community Foundations: Mainstreaming Troubled Youth
3.2 Challenge Grants to Foundations: Independent Living For Older Homeless Youth
3.3 Improving Minority Participation in Runaway and Homeless Youth Centers
3.4 Developing An Urban Strategy for the Prevention of Youth Suicide
3.5 Parenting Programs for Incarcerated Parents

Child Abuse and Neglect

4.1 Advocates for Children in Criminal Court Proceedings
4.2 Prevention of Serious or Fatal Maltreatment
4.3 Minority Organizations Assisting in Combating Child Abuse and Neglect
4.4 Public-Private Partnerships to Combat Child Abuse and Neglect
4.5 Child Sexual Abuse Curricula Adapted to Native Americans
4.6 Treatment Approaches for Intra-Familial Child Sexual Abuse
4.7 Diagnosing and Treating Chronic Neglect
4.8 Longitudinal Study for Child Abuse and Neglect
4.9 Child Fatalities
4.10 Impact of Investigations
4.11 Relationship Between Child Abuse and Teenage Pregnancy
4.12 Field Initiated Research for Child Abuse and Neglect

Adoption Opportunities

5.1 Post Adoption Services for Children with Special Needs and Their Families
5.2 Effective Strategies for Recruiting and Preparing Prospective Adoptive Families for Hispanic Children with Special Needs
5.3 Effective Practices for Terminating Parental Rights
5.4 Partnership Between Regional Adoption Exchanges and Social Service Agencies
5.5 Services for Families Who Adopt Children Who Have Been Sexually Abused

Child Welfare Training

6.1 Traineeships
6.2 In-Service Training
6.3 Collaboration Between Schools of Social Work and Child Welfare Agencies
6.4 Indian Child Welfare Training

Child Welfare

7.1 Methods and Practices to Recruit and Retain Family Foster Homes
7.2 Placement Prevention and Reunification with American Indian Families Involved with Alcohol Abuse
7.3 Longitudinal Cohort Study for Child Welfare
7.4 Synthesis of Child Welfare Evaluation Research Studies
7.5 Research Study of Intensive Family Services
7.6 Maximizing Reunification in Foster Care with Minimum Re-Entry Rates
7.7 Preparation for Independent Living in Foster Care among Pre and Early Adolescent Youth
7.8 Providing Services for Children with Acquired-Immune Deficiency Syndrome (AIDS)
7.9 Mental Health Services and the Child Welfare System
7.10 Utilizing Family-Based Prevention Approaches for Reunification and Replicating Specialized Foster Care Programs

Administration for Native Americans

8.1 Resolving Alcohol and Substance Abuse within Native American Communities
8.2 Innovative Community Approaches to Entrepreneurial Activity with Native American Youth
8.3 Development of Models Applying the Enterprise Zone Concept to Native Americans
8.4 Human Service Needs of American Samoans

Administration on Aging

Research

9.1A Field Initiated Research on Community Based Systems of Care
9.1B Research on Native American Aging

Education and Training

9.2A Statewide Short-Term Training and Continuing Education for Professionals and Paraprofessionals
9.2B Aging Content in Professional Academic Training
9.2C National Projects to Improve Accreditation Requirements in Aging

Minority Training and Development

9.2D1 Minority Management Traineeship Program
9.2D2 Training for Indian Tribe Directors of Title VI Programs

VOL 52 ISS 250 DEC 30 1987 UMI

VOL 52 ISS 250 DEC 30 1987 UMI

9.2E Executive Leadership Institute on Aging

Health Promotion

9.3A Prevention and Treatment of Alcoholism Among Older Indians
9.3B Education for Self-Care
9.3C Prevention of Fires and Smoke Related Injuries and Death

National Resource Centers

9.4A Long Term Care National Resource Center
9.4B Health Promotion and Wellness National Resource Center
9.4C Elder Abuse National Resource Center
9.4D Long Term Care Ombudsman National Resource Center
9.4E Special Aging Populations National Resource Center

Systems Development

Legal Assistance for Older Persons

9.5A1 National Legal Assistance Support System Projects
9.5A2 State/Community-Level Demonstration Projects
9.5B State Agency on Aging Leadership Roles for Elderly Housing
9.5C Quality Assurance

Unique Cross-Program Priority Areas

10.1 Training Caregiving Families and Providing Practical Support
10.2 Training and Technical Assistance for Family Violence Prevention and Treatment Programs
10.3 Transfer of International Innovations
10.4 Increasing Minority Organizations' Participation in HDS Programs
10.5 Human Services Management Improvement through Information Technology, Data Application, and Evaluation

Youth 2000

An overview of the Youth 2000 initiative and its objectives is included in Part I of this announcement.

1.1 Support for the Development of City, County or Other Local Public/Private Sector Youth 2000 Partnerships

Increased efforts are needed at the city, county or other local levels to focus broad attention on, and to create awareness about, the issues that threaten to prevent a sizeable proportion of young people from successfully making the transition from adolescence into productive adulthood. Among others, these include the problems of illiteracy, dropping out of school, pregnancy, substance abuse, and accidents and violent behavior. Beyond awareness, sustained, collaborative action at these levels is also needed to identify, develop and implement strategies for addressing these youth problems based upon local perceptions of priorities and conditions.

The problems experienced by today's youth are complex and interrelated, cut across agency and institutional settings and impact upon all sectors of society. Broad based partnerships which draw upon the resources, expertise, energies, commitment and ideas of many different groups and individuals, therefore, are needed to begin to undertake concerted efforts at the community level to improve conditions for young people, particularly those who are especially at risk.

Grants under this priority area will be awarded for the development of broadly based public/private sector Youth 2000 partnerships or coalitions at the city, county or other local levels which will spearhead the conduct of community-based public education/awareness campaigns as well as the development and implementation of action plans designed to address local youth problems. Each partnership project will be expected to generate the financial, programmatic, political and other types of support and commitments that will be required for its continued operation beyond the period of Federal support and for the conduct of long-term efforts designed to improve the status of and conditions for youth who are at-risk of not successfully making the transition into adulthood.

The partnerships envisioned under this priority area are broad based confederations of public and private sector organizations and individuals within the locality which join together to pool their expertise and resources to improve conditions for youth, particularly at-risk youth. Such partnerships might be focused upon a specific youth problem or might choose to more broadly address a range of youth issues within the community. Depending upon the types of youth concerns to be addressed, membership in these partnerships or coalitions would vary, and would involve appropriate representatives of both the public and private sector entities—e.g., local education agencies, agencies of local government, businesses or corporations, voluntary organizations, foundations, religious organizations—as well as individuals that pledge to commit time, financial support, expertise, or other resources in support of the local Youth 2000 campaign. Similarly, the types of pledges that would be made by these members would also vary, depending upon the specific youth issues and problems that would be addressed by the local partnership.

The following examples of membership pledges that might be made to a local Youth 2000 campaign are illustrative only, and are provided solely to give an indication of the nature and scope of the commitments that would be expected of the members of the partnership projects to be supported under this priority area. None of these examples, by itself, constitutes a partnership. Rather, the individual pledges that are made by each member (or jointly by two or more members) must, collectively, constitute a multi-faceted approach to addressing the youth issue or set of problems which are the focus of the local Youth 2000 campaign.

As a member of a community partnership, for example, a local advertising firm might pledge to undertake a campaign designed to increase public awareness about the problems to be addressed by the local Youth 2000 campaign, the need to focus upon these youth issues and the partnership effort that has been established within the community to undertake efforts directed at these concerns.

Similarly, a business or corporation might pledge to adopt a junior or senior high school and provide orientation to students on the world of work and to the skills that will be required for various types of jobs in the future. It might also agree to employ a specific number of students on a full or part-time basis and/or provide release time to employees to serve as mentors or tutors to the students of the adopted school.

As their contribution to a community partnership, public and/or private sector agencies might pledge to provide young people with opportunities for leadership development and civic participation.

As other examples, a youth organization or program might pledge to expand its membership to include hard-to-reach youth populations who would benefit from such participation but who are currently underserved by the organization or program; and a local newspaper or a radio or television station might pledge to provide coverage on youth problems within the community and on the efforts that are being conducted by the partnership, including its various members, to address these problems.

Applications for partnership grants under this priority area must be submitted by an agency or organization, or by a consortium of two or more such agencies or organizations, with a demonstrated capacity to carry out the proposed effort and which, at least during the initial stages of the local Youth 2000 campaign, would serve as the nucleus of or the steering committee for the establishment, promotion and maintenance of the community partnership. Letters of intent or interest from public and private sector entities or individuals regarding potential membership in the partnership, including the types of commitments they might make to the local Youth 2000 campaign, must be included as evidence of broad support for the undertaking of such an effort and for its continuation following the period of Federal support.

An overview of youth problems in the city, county or community, supported by local data, must also be presented in the proposal, including the problem areas that the partnership would address as well as the initial activities and events that would be undertaken to address these problems, with appropriate rationale. Additionally, proposals must, at a minimum, address the following: how overall guidance and direction would be provided to the partnership relative both to its establishment and ongoing maintenance; how members would be recruited and the phasing, if any, of special recruitment drives to be conducted; the types of consultation that would be available to organizations or individuals interested in becoming members but requiring assistance regarding how they might most effectively participate; how members would be kept informed about the partnership's plans and activities; and the efforts that would be undertaken to provide for the continued operation of the partnership and its activities beyond the period of Federal support.

Federal funding for partnership grants under this priority area is limited to a maximum of $75,000 per project for a period not to exceed 17 months.

1.2. Involvement of Young People in Community-Based Efforts To Address Youth Needs and Problems

The vast majority of young people feel that they have access to meaningful social roles within their families, schools and communities which give them a sense of competence, make them feel that they are valued members of society and enable them to look forward to productive, responsible and rewarding adulthood. As such, most youth do not experience the severe alienation and frustration which can result in problems such as violence, dropping out of school, extensive substance abuse and other forms of acting out behavior. Other young people, lacking the sense that they have a stake in society and control over the direction of their futures, experience rejection and defeat and engage in counter-productive behavior because they feel that they have little to lose, either in the present or in the future, by doing so.

Many communities are already engaged in activities designed to provide young people with meaningful roles within the institutions which affect their lives and provide them with opportunities to identify, problem solve and take action around the issues which confront them and their peers. In many instances, however, the youth who are the hardest to reach are not involved in these efforts. Additional efforts, therefore, are needed which allow young people, particularly those who are at-risk of not making a successful transition into adulthood, to actively engage in such activities. Such efforts are important not only because they enable young people to develop skills, but also because they increase confidence and self-esteem and promote the feeling that young people have control over their present and future lives. Additionally, young people directly experience or observe the causes and consequences of youth problems such as substance abuse, dropping out of school and teenage pregnancy. As such, they have a unique perspective to offer in planning and implementing community efforts designed to address these problems.

The purpose of this priority area is to promote and stimulate the development or expansion of community-based efforts designed to involve youth as active, legitimate partners in efforts designed to focus upon local youth issues; to identify solutions to these problems; and to implement strategies, actions, programs and/or policies to address these concerns.

The youth issues to be addressed by these community-based efforts must relate to one or more of the concerns encompassed by the Youth 2000 initiative: preparation for social and economic self-sufficiency; and reductions in illiteracy, school drop out rates, substance abuse, intentional and unintentional injuries and death (automobile accidents, homicides and suicides) and teenage pregnancy. Depending upon local priorities and other considerations, applicants may propose to focus upon youth problems within one institutional setting impacting upon youth, such as a school or a local school system, or may be more broadly based and propose to focus on youth problems which cut across institutional settings.

Applications under this priority area must be submitted by a public or private agency or organization appropriate to the youth issue or issues to be addressed and which has the capacity to implement the programmatic and/or policy changes which might result from the planning efforts that are conducted. As appropriate, applicants may include Indian Tribal Organizations and other minority agencies. For example, a local school or school district might propose to undertake efforts to improve literacy rates, reduce high school drop out rates and/or enable pregnant or parenting teenagers to remain in or to return to school. In addition to youth who are themselves at-risk of or who have experienced these problems, other participants might include parents, members of the business community and others. Similarly, a broad based committee, composed of young people as well as adults, could be established by a private, nonprofit, youth-serving agency to address substance abuse or other pressing youth needs in the community. Letters of support relative to their participation in the planning for and implementation of strategies to deal with the problems to be addressed must be included from those agencies and organizations (e.g., local governmental agencies, members of the business community, private sector agencies) whose involvement would be pivotal to the proposed undertaking.

In order to avoid negative labelling of the youth participants, applicants must describe how a broad based mix of young people would be involved in the planning and action processes, including the recruitment efforts that would be conducted to secure the participation of both at-risk and not-at-risk youth in such an effort.

Applicants must also describe the key tasks that would be undertaken in implementing the project as well as how the youth members would be involved, including the training and/or other types of assistance that would be provided to enable them to actively participate in the process. Applicants must also provide an assurance that, if funded, the project's final report would include sufficient documentation and information on the implementation of the project, including problems and how they were overcome, so that the report would be useful to other communities interested in undertaking similar efforts. Finally, applicants must describe how the project supported by the grant would be continued following the period of Federal support.

Federal funding for projects under this priority area is limited to a maximum of $75,000 per project for a period not to exceed 17 months.

1.3 Support for the Planning, Development and Implementation of Community-Based Efforts to Reduce Teenage Pregnancy

Over one million teenage girls become pregnant each year and, in 1986, approximately 480,000 adolescents became mothers. The costs associated

with teenage pregnancy, both to the individuals themselves and to society, are enormous. Half of the teenagers who give birth do not complete high school, and the magnitude of the dropout rate increases the younger the age of the mother at her first birth. A 1983 survey conducted by the Charles Stewart Mott Foundation found that 71 percent of the mothers who had their first child at age 14 or younger dropped out of school, as did 50 percent of the mothers aged 15–17 and 33 percent of the mothers aged 18–19. The high school dropout rate among teenage fathers, similarly, is high: These young men are 40 percent more likely to drop out of school than are their peers.

The health costs associated with teenage pregnancy are also high. Twenty percent of all premature infants are born to teenagers. Due to various factors, including poor prenatal care, the infants of teenage mothers are more likely to have lower birthrates as well as other medical problems and deficits than do the children born to mothers who are over the age of 20.

In 1986, nearly $18 billion was expended in Aid to Families with Dependent Children (AFDC) benefits, Medicaid and food stamps for families formed as a result of a teenage birth. The average cost to the taxpayer for a teenager on public welfare is estimated to be $37,500 by the time her child is age 20. These costs would be considerably reduced, by about one-third, if these mothers had waited until age 20 to have their first child.

Many factors contribute to the problem of teenage pregnancy. These include poor self-image and low self-esteem; the absence of orientation toward future goals; limited (often negative) prospects regarding the future; poor decision-making skills; immaturity; and limited information about human sexuality. Lacking a sense of purpose and having limited expectations both educationally and occupationally leads many young people, both male and female, to feel that they have little to lose—either in the present or future—by having a child or by dropping out of school.

The purpose of this priority area is to provide support for the development and implementation of comprehensive, community-based efforts designed to reduce the incidence of teenage pregnancy. The efforts proposed must be broad based—involving, for example, schools, the business community, churches and synagogues, youth-serving organizations, local governmental officials, the media, health care providers, parents, youth themselves and others—and must be directed toward planning, developing and implementing community-specific strategies and activities which will retarget existing community resources and impact upon the problem of teenage pregnancy.

The activities to be implemented as part of the proposed project should provide opportunities for young people, both male and female, to obtain the information and experiences they require to make informed decisions about their lives, including not becoming a teenage parent and staying in school; to view themselves and their futures more positively; and to increase their sense of purpose and their appreciation of the range of options that are available to them. Elements of such projects might include mentoring, tutorials, life skills training and innovative approaches to working with at-risk youth.

The efforts that are supported under this priority area may focus upon a specific neighborhood with a high incidence of teenage pregnancy or may be community-wide. Data on the incidence and extent of teenage pregnancy and related problems (e.g., school dropout and youth unemployment rates) in the area to be impacted as well as a brief description of existing programs or activities within the community which focus on the problem must be included in the application.

Letters of commitment from at least three organizations that would participate in the planning and implementation of the proposed project must be included as part of the application. Additionally, the application must contain assurances that those agencies and organizations that would be involved in implementing the activities in the plan would participate in the planning phase. The identification and commitment of resources to support the implementation of the planned programs and activities must be addressed as one task of the planning phase of the project.

Eligible applicants are community agencies or local organizations which are affiliated with national organizations. This restriction is designed to increase the likelihood of the replication of the efforts supported under this priority area in additional communities across the country in future years without additional HDS resources.

Federal funding for projects under this priority area is limited to a maximum of $50,000 per project for a period not to exceed 12 months.

Administration for Children, Youth and Families

Head Start

2.1 Head Start Cultural Enrichment Modules

Over the past several years, the Head Start Bureau in conjunction with the early childhood field has developed and widely disseminated four curriculum models as part of its strategy for Spanish-speaking children. These curricula, as well as others, can be enriched or modified to serve the children and their families of the diverse cultures represented in the Head Start program.

In order to augment the previously developed curricula and in response to requests from Head Start programs for enrichment materials across a wide variety of cultures, HDS seeks applications which address the needs of a wide variety of families of diverse cultures and backgrounds enrolled in Head Start. These families include all minorities traditionally served by Head Start as well as new immigrants to this country such as Asians, smaller groups of refugees, and culturally different groups which have been in this country for some time but whose uniqueness is not yet adequately reflected in Head Start's educational program.

The goal is to develop printed and/or audio visual materials for the Head Start staff to enhance cross-cultural understanding among staff and families in Head Start. This will augment the on-going curriculum by providing pertinent information about the backgrounds, cultures, beliefs and behaviors of children and families from cultures represented in Head Start programs.

Because language and culture are so interrelated, it is expected that grantees under this priority area will develop modules which will foster the use of English as a second language and will address one or more of the following topics: cultural mores, food preferences, child rearing practices, health and mental health attitudes, rules of expected conduct in that culture and the roles of parents and elders within the family unit and wider circle of friends.

Grantees under this priority must involve members of the particular cultural group in the development of the modules. Therefore applications should include a description of the population for whom the materials are being developed as well as a description of their role in the development of the materials. In order to ensure that the materials reflect a cultural consensus, a minimum of 20 families of the targeted cultural group must participate in the development. This group may consist of presently enrolled Head Start families or a mix of Head Start families and other families drawn from the larger community. Applicants must also provide a plan for securing at least 50 Head Start families or families from other child care programs and 50 families from at least one other cultural group or a mix of other cultural groups for the second year. These families will be in the pool used to field test the materials, to provide adequate critique of the materials and approaches, and to assess their ability to enhance the understanding and appreciation of that culture by other cultural groups.

As a requirement of the grant, applicants must propose a process by which the newly developed Head Start cultural enrichment modules could be incorporated by other grantees into the curriculum they are using.

Grantees funded under this priority area will be required to cooperate with a third party evaluator to be identified and paid for by ACYF.

Based on a careful review of the outcomes of the various grants funded under this priority area, HDS will determine which specific products and approaches will be reproduced and disseminated to Head Start programs nationwide. These materials will be disseminated to other Head Start programs which need more information and tools with which to work with various cultural groups. Dissemination will take place through a network of ten Head Start Resource Centers and a Multicultural Resource Support System established in 1986, consisting of 25 Head Start grantees.

HDS intends to fund projects of 24 months duration with the Federal share not to exceed $40,000 per project per year. The budget should include the expenses for one individual to participate in an annual meeting each year in Washington, DC of all successful applicants under this priority area. Eligible applicants are Head Start grantees and delegate agencies.

2.2 CDA Training-Instream Migrants/ Geographically Isolated Programs

The number of infants, toddlers and 4 and 5-year old children in group programs has multiplied dramatically in recent years in public school kindergartens, pre-kindergartens, Head Start programs, day care, and many other privately and publicly-funded settings. Families place great trust in the staff of these programs, and it is the daily performance of the teacher or caregiver that determines the quality of the children's preschool experiences. The Child Development Associate (CDA) competency standards and assessment system have been developed to support quality programs for preschool children by providing standards for training, evaluation and recognition of teachers and caregivers based on their ability to meet the unique needs of this age group.

Although formal training is not a requirement for the CDA assessment, the majority of candidates enroll in child development courses to increase their knowledge and understanding and, in part, to prepare for CDA assessment.

Initiated in 1971, the CDA National Credentialing program is a major national effort to evaluate and improve the skills of caregivers in center-based, family day care, and home visitor programs. A Child Development Associate is a person who has demonstrated competence in caring for young children during an assessment conducted by the CDA National Credentialing Program. Competent caregivers are awarded the Child Development Associate credential. An optional bilingual specialization is available to candidates working in bilingual (Spanish/English) programs. Nearly 20,000 child care providers have earned the CDA credential since 1975, and more than half of the States have incorporated the credential in child care licensing requirements.

However, the majority of those credentialed to date have been individuals located in geographic areas where access to the community college system is relatively easy.

Therefore, HDS wants to stimulate two-year community colleges to develop ways to deliver training based on the CDA competencies to child care providers who are located in hard-to-reach areas and to prepare up to twenty candidates for the successful completion of the assessment process and award of the credential by the CDA national body. Such individuals may be hard-to-reach because they are located in remote rural areas, working with instream migrants or are isolated due to geography, such as the Atlantic and Pacific Island areas, Indian Reservations and Alaskan Villages.

Applicants will be expected to initiate new or adapt their current curriculum for center-based caregivers of infants and toddlers (0–3 years) and/or of preschool age children (3–5 years); and/or family day care providers; and/or home visitors to meet specific requirements for CDA assessments in these settings.

It is expected that candidates will be awarded appropriate college credit for work successfully completed. In developing delivery systems for hard-to-reach locations, it is anticipated that applicants will propose the use of a variety of technologies. Among them, for example, might be the use of telecommunication and/or video instruction in conjunction with itinerant instructors and periodic cluster sessions for participating candidates. Experience has shown that some CDA candidates may need considerable tutoring relative to basic academic skills.

The outreach and recruitment endeavors of applicants under this priority area should include soliciting the participation of Head Start parents who have shown interest in entry level positions in child care programs, including family day care providers; as well as current Head Start educational staff who do not have a CDA credential.

Applicants must include documentation which confirms that the individuals to be served are, in fact, in hard-to-reach locations, or isolated by other factors and have no other means of participating in CDA training.

Information about the CDA requirements is available from the Council for Early Childhood Professional Recognition, 1718 Connecticut Avenue, NW., Suite Fifth Floor, Washington, DC 20009. The toll-free telephone number is 800–424–4310.

Applicants should describe proposed efforts to disseminate findings at local and State levels and participate in two meetings in Washington, DC of all successful applicants under this priority area.

Eligibility under this priority area is restricted to two-year community colleges.

HDS anticipates funding 17-month projects having a Federal share not to exceed $80,000 per project. The budget should include the expenses for one individual to participate in two meetings in Washington, DC and the cost of CDA application, assessment and credential award for a minimum of 15 successful candidates.

2.3 Head Start Curriculum Models for National Dissemination

Head Start programs are required to develop a written education plan which includes a developmentally appropriate curriculum. It is the responsibility of staff and parents to determine which curriculum best meets the needs of the children and families to be served.

It is the intent of this priority area to work with a small group of selected grantees or delegate agencies which have a locally developed curriculum that meets requirements of the Head Start Program Performance Standards, and an

BEST COPY AVAILABLE

VOL 52 ISS 250 DEC 30 1987 UMI

accompanying staff training plan in the use of the curriculum. The programs funded under this priority area would be part of a national effort to field test their material and, based on its suitability, prepare it for dissemination for other Head Start programs nationwide.

It would be expected that the locally developed curricula would be piloted in as many classes as possible in order to provide adequate critique and refinement of the materials and approaches. In addition, it is recommended that grantees draw on the expertise of early childhood education faculty in a local college or university and that a résumé for this individual(s) be included in the grant application.

In year one grantees will concentrate on refinement and/or review of their curriculum by using the materials in no less than five classrooms and make changes based on staff, parent and child evaluations. In year two the curriculum models will be formally assessed as to their effectiveness and general applicability through the use of a third party evaluator. In order to accomplish the second year assessment, the applicants must demonstrate that they have a minimum of ten classrooms within a second Head Start program which serves a different population in terms of racial/ethnic groups and/or urban/rural location and which is willing to participate in the assessment phase.

Head Start applicants under this priority area are requested to describe the curriculum content and provide a brief overview of the process that was followed in developing their curriculum for the Head Start center-based option which, within a philosophical framework, includes developmentally appropriate activities, i.e., stories, games, foods, play accessories, field trips, and parent activities which although unique to their communities, would be appropriate for use by other Head Start grantees. A copy of their curriculum should be enclosed with each copy of the application.

In addition to meeting the Head Start Program Performance Standards, it is expected that the locally developed curricula would also compare favorably with the following three documents: Developmentally Appropriate Practices, National Association for the Education of Young Children (NAEYC); National Accreditation Criteria and Procedures of the National Academy of Early Childhood Programs (NAECP); and A Guide for Education Coordinators in Head Start (ACYF).

Because of the two year timeframe, only grantees and delegate agencies who have curricula which are in keeping with the various elements described above and which contain the following elements are encouraged to apply.

1. A discussion of the theoretical or philosophical developmental framework on which the curriculum is based.
2. A description of the population for whom the curriculum was developed.
3. Clearly stated goals and objectives for children and/parents.
4. Activities and materials which are logically related to those objectives.
5. Training materials on the use of the curriculum for staff.

Upon completion of the grant work in this priority area, HDS will disseminate a compendium of Head Start developed curricula and training approaches as part of a nationwide effort to stimulate Head Start grantees to enhance their educational components.

HDS anticipates funding projects of 24 months duration with a Federal share not to exceed $28,000 per project per year. The budgets should include the expenses for one individual to participate in three meetings in Washington, DC. Year two funding will be based on successful completion of year one grant activities and requirements. Eligible applicants are Head Start grantees and delegate agencies.

2.4 Parent Involvement in Head Start Activities

Head Start history indicates, and research evidence continues to support the premise that when parents become more involved in Head Start programs they experience greater feelings of mastery and greater current life satisfaction. This meaningful participation by parents in Head Start program activities leads to their feeling more skillful in dealing with life's problems, and feeling more satisfied with the current quality of their lives. Some parents report that Head Start changes their lives, expands their world, and improves their perceptions of themselves and their children. Additionally, some claim to feel more competent as parents, and understand better what quality education means for their children. Parents who have been actively involved in Head Start decision-making and policy-making activities (such as provided through the policy groups), report they have a better understanding of the political process; a greater sensitivity for how governments work; and feel more powerful and skilled in approaching bureaucratic organizations and institutions when attempting to have their family or community needs met.

In an attempt to capitalize on these positive causes and effective powerful outcomes, HDS will fund selected Head Start grantees to expand and build upon their already existing parent involvement component by focusing on demonstrations that will increase the number of parents participating in the program and that will further enhance the quality of this vital component. Such demonstrations should address one or more of the following areas:

1. *Working With Community Colleges:* Parents are their children's primary and most influential educators. Parents, through their participation in Head Start, become more skilled parents who are better able to assist their children in all aspects of their development. They learn about child growth and development by participating in various parenting education courses. Grantees should provide opportunities for parents and staff to receive academic credit for participating in the parenting education courses, such as LOOKING AT LIFE and EXPLORING PARENTING in order to encourage more parents to become involved in the program and with their children's education. Applicants focusing on this activity should indicate how they will work with the local college or junior college to increase parents' participation through offering college credit, or CEUs (Continuing Education Units) for the classes they take with Head Start. It is anticipated that each grantee will include at least twelve parents in the program each year. The goal of this option is to demonstrate to parents the value of education.

2. *Economic Self-Sufficiency:* A few parents through participation in the various aspects of Head Start as observers, volunteers and paid staff become able to lift their families from poverty and move towards greater economic self-sufficiency. To systematically assist more parents to become economically self-sufficient, grantees should (1) develop unique activities that cut across components and provide parents the opportunity to learn more about Head Start and the functions of different staff members in order to expose them to more career choices, and to gain work experience, and/or (2) work closely with other community organizations or agencies to provide experience and job training for Head Start parents. Grantees choosing this option may use the unpublished EXPLORING SELF-SUFFICIENCY(ESS) booklets that were developed by Head Start as resource material. ESS is designed to explore areas that can affect the financial security of the family in a supportive, non-judgmental atmosphere.

3. *Parent Initiated Projects:* Head Start has always emphasized the importance of parents as participants and decision makers in the program. Parents bring to Head Start a tremendous amount of information and insight related to the importance of Head Start as a comprehensive child development program. They know and understand the needs of their local communities. Under this option grantees are invited to submit projects to be designed by parents that serve their unique needs as Head Start decision makers; i.e., developing special training courses that enhance their skills as decision makers and/or developing projects that will increase the overall number of parents who actively participate in Head Start. These activities may be targeted to particular parent groups such as fathers, single parents, teen parents, and working parents.

4. *Project Literacy:* Illiteracy in the United States has been of concern to many persons at all levels of society. In 1983 the President announced a campaign to combat illiteracy among adults. Head Start programs have been involved in the fight against adult illiteracy almost from their inception. In addition, HDS initiated an effort in 1984 which was designed to encourage several Head Start grantees to develop their own models for improving functional illiteracy among adults in the communities where the programs operated. Sixteen grantees participated in the pilot literacy effort. The experience of each grantee in starting an adult literacy program, recruiting volunteer teachers, securing training materials, conducting outreach for trainees, soliciting support from other community organizations, working out transportation arrangements where necessary, and all other aspects of program activity has been compiled in a descriptive evaluation report. Using the "Head Start Adult Literacy Activity Evaluation: Final Report" (April 27, 1986) grantees can replicate some aspects of the literacy project that seem promising for their local community. Each project must minimally include: interagency cooperation, needs assessment, identification of the target population (including Head Start parents, other family members or community residents) to be served and recruitment strategies to be used.

Applicants applying for these grants should indicate how they will implement the program i.e., expectations, targets, recruitment procedures, number of parents involved in these activities and the program's accomplishments.

HDS anticipates funding 24-month projects having a Federal share not to exceed $25,000 annually per project per year. The budgets should include the expenses for one individual to participate in two meetings in Washington, DC during the 24-month funding.

Runaway and Homeless Youth and Families

3.1 Challenge Grants to Community Foundations: Mainstreaming Troubled Youth

The purpose of this priority area 3.1 and the following priority area 3.2 is to stimulate community strategies that address critical issues involved in meeting the needs of at risk adolescent youth:

- An estimated 2.4 million youth are failing in school or work or are being failed by their families.
- Approximately one million youth, some as young as seven years old, are running away from home—often from life threatening situations.
- In 1984 there were 276,000 youth in foster care in the United States. Twenty four percent of these were between the ages of 16–20 and 50% were between the ages of 6–15.
- Of the number of youth seen in the runaway shelters, HDS estimates that approximately 35.5% are homeless.

Using the concept of challenge grants HDS hopes to stimulate both short and long term activity to address these problems.

Grants to local or State foundations will be made for three years for specific project activity described below and with the submission of a yearly application.

The long term purpose of challenge grants to foundations is to stimulate the development of endowed restricted funds for the support of small and medium sized human service organizations which work with the target population.

Eligible applicants are those which:

(1) Meet the legal requirements which qualify them as a foundation;

(2) Are an already established foundation;

(3) Have an endowment or are actively working towards building one; and

(4) Have a giving program which addresses a broad range of community needs.

Non-Federal funds: For every Federal dollar provided each year of the grant, the foundation must provide two dollars in cash, cash equities, bonds or commercial papers (representing new private funds). Other similar instruments must be approved by HDS.

The non-Federal funds must be deposited in an endowed, restricted fund. The future income of this fund must be used to support small and medium sized human service organizations which address the needs of at-risk adolescent youth.

Emphasis shall be placed on increased human services to youth at-risk such as runaways, homeless youth, older adolescents in foster care and unemployed, low-income youth. At the end of the third year, the foundation shall begin to use the income from the endowed restricted fund to fund subgrantees. The grants would continue to focus on the needs of the youth target population, but different project designs could be used after the three-year period.

Federal funds: Federal funding for challenge grants to foundations will be $50,000 per project per year for three years and will contain a requirement for submission of annual applications for approval by HDS. During the first three years, foundations will use Federal funds to address the needs of the target population including grants to subgrantees, as appropriate.

Foundations shall propose selection criteria for any subgrantees in the applications and upon approval from HDS, select subgrantees which will provide the services or shall propose subgrantees in their application and provide the selection criteria used. The use of subgrantees is mandatory for the Mainstreaming priority area and optional for the Independent Living priority area.

In FY 1988, HDS will fund projects in two topical areas: Mainstreaming Troubled Youth; and Independent Living for Older Homeless Youth. The programmatic concepts for Mainstreaming Troubled Youth are discussed below.

This priority area addresses the idea of brokering new pathways for low income youth and youth at-risk in the social/human services system to enter or reenter the mainstream life of their community.

The degree to which different age groups are underserved varies. Therefore, mainstreaming activities could feasibly address a broad age range of adolescent youth.

Generically, HDS programs offer shelter care; intervention; protection and rehabilitation. There is, however, another dimension to be addressed, that of additional motivation, socialization and support at the point where social

VOL 52 ISS 250 DEC 30 1987 UMI

service programs leave off and self-sufficiency begins.

Traditional organizations in the community (Girl Scouts, Police Boys and Girls Clubs, fraternities, sororities, etc.) that do not usually deal with these subpopulations have much to offer in this area. Their programs already include constructive use of leisure time, reinforcement of positive decision-making, strengthening self-esteem and self-awareness, adult role models, peer support, skills building, community service, conflict management and mediation. The target population of this priority area are the hidden clientele of numbers of such organizations which presently perceive working with at-risk youth as outside their general program efforts.

HDS seeks to continue the effort begun last year to develop community models for mainstreaming troubled youth through the use of challenge grants to foundations. In 1987, six grants were awarded which proposed a variety of strategies.

Two of these are described below.

(a) Involving youth who are currently in foster care in Girl/Boy Scouts on an ongoing basis; provision of support to these youth by furnishing them with required uniforms; transportation to meetings; working with scout leaders to facilitate the entry of these youth into the program; involving foster parents in scouting activities and in the Foster Parent's Association.

(b) Developing a collaborative community effort to better respond to the needs of adolescent females, ages 12–14, using trained volunteers as mentors who share activities and relate to these youth on a one-to-one basis; developing working agreements among several traditional youth organizations with which this target population will become involved; developing a training curriculum for volunteers and youth service providers.

What appears to be a key factor in implementing grants of this nature is the involvement of a local advocate group as a broker. The broker works with one or more local organizations each year of the grant providing technical assistance in developing programs to aid in the mainstreaming of at-risk youth.

The broker role may be carried out by a single subgrantee or by several subgrantees. The broker subcontracted for by the foundation should be prepared to work with at least one new traditional organization each year.

Runaway and homeless youth shelters and coordinated youth networks not only provide short term shelter care and counseling for troubled youth, but they also spend a major portion of their time and resources brokering the youth and their families into the appropriate service system for addressing their longer term needs. In this capacity and in their education/prevention efforts, shelters have become strong youth advocates in their communities. This priority area would like to involve foundations and runaway youth shelters or coordinated networks in a partnership to develop the concept described above. If a shelter is not available, other local youth advocate groups may be proposed as "brokers."

HDS anticipates funding projects for 36 months each at a Federal funding level not to exceed $50,000 per project per year.

3.2 Challenge Grants to Foundations: Independent Living For Older Homeless Youth

See introduction under Priority Area 3.1 above.

Statistics show a continuing increase in the numbers of older adolescents who are homeless and unprepared to live independently. This population of youth too often lacks the basic skills necessary to obtain employment and housing, manage money and time, seek acute and preventive health care, practice proper nutrition, and avoid substance abuse and sexual exploitation. Moreover, they are at-risk of becoming long-term dependents of local, State, and Federal social service systems.

Recent studies, including HDS funded demonstrations, have reflected the accumulated program experiences of States, cities, foundations and national organizations that comprehensive programs *can* be effective in reconnecting youth to society and developing needed competencies for productive self-sufficient lives.

In the last three years, HDS has funded projects that have demonstrated innovative models for developing independent living skills and transitional living arrangements for older homeless youth for whom returning home or state custody is not an option.

Many different social service agencies are attempting to deal with these problems. Transitional living, however, is a community-wide problem that requires community leadership and coordination of services. Three key criteria for successful program models have emerged from recent HDS funded demonstrations: residential facilities where youth are housed; full community acceptance of the residence and program; and financial and other supportive services for youth not in State custody and for whom Federal and State grant funds do not exist. These youth stand at a crossroad. If they do not grow to independence and full productive adult lives, they are at risk of becoming long-term dependents of the social service system.

Foundations are invited to submit proposals in which effective partnerships are established with youth-serving agencies; e.g., runaway and homeless youth shelters or networks of shelters and youth service organizations to provide independent living skills to older homeless youth or youth in need of alternative living. With the assistance of Federal funds and the establishment of endowed funds, foundations are encouraged to provide a leadership role in developing options for local independent living programs. The foundation can play a major role in the development of specific plans for gaining community support for a transitional living residence through meeting zoning requirements, providing public awareness, and involving business and community leaders and residents in selected phases of program operations. Many older homeless youth who are not in State custody have no mechanism for financial and personal support. Applicants are encouraged to develop funds to provide for such special needs as clothing, medical and dental care, and other needs that would not normally be covered under a Federal grant or State contract, perhaps as seed money or local challenge grants.

Applicants should provide leadership in the development of comprehensive programs and support networks; i.e., job training and assistance services, volunteer mentors, and training in life skills designed to prepare these youth for self-sufficiency. Socialization services as well as educational and health services should be included.

HDS anticipates funding projects for 36 months each at a Federal funding level of approximately $50,000 per year per project.

3.3 Improving Minority Participation in Runaway and Homeless Youth Centers

In most instances, minority youth are underrepresented as self referred clients in the runaway and homeless youth centers compared to their numbers in the target population being served. The Runaway and Homeless Program which serves runaway and homeless youth and their families is seeking ways to increase runaway shelter capacity to more effectively serve minority youth and their families.

The purpose of this priority area is to develop and test methods and model practices for increasing the capacity of runaway and homeless youth shelters to

serve at risk minority youth through such mechanisms as outreach activities and public education campaigns. Specifically, there is a need to increase the awareness in the minority community about available runaway and homeless youth services; to increase minority representation on the runaway shelter staff and boards of directors; and to develop and test program models which will improve the centers' capacity to serve minority runaway and homeless youth, particularly the 16–18 year olds.

Cultural and service-oriented minority organizations have a great deal to offer in helping to respond to the needs of minority runaway and homeless youth and their families and to improve the center's capacities to serve minority populations. National organizations such as the NAACP, COSSMHO, the Urban League and the National Congress of American Indians have affiliates and/or chapters in most cities which could be instrumental in increasing shelter visibility and viability as a prevention-oriented, community-based resource for minority youth and their families.

HDS is soliciting proposals from runaway and homeless youth centers and coordinated runaway and homeless youth networks which will develop formal linkages with minority organizations such as those mentioned above to develop and test innovative approaches and strategies to provide services to at risk minority youth and their families. The eligible applicants should consist of a partnership between the following: (a) A runaway and homeless youth center; or (b) a local, State or regional coordinated network as defined by Title III regulations; and (c) a local or State-wide minority service and/or cultural organization. Through a joint planning and program approach, the runaway and homeless youth programs and minority organizations should develop applications that provide statistics and describe the scope of the problem and the needs in their community; identify the specific minority target population or populations to be served; and indicate how the applicant proposes to address the problem. On-going substantive involvement of minority youth should be a key element in the development of these strategies on the assumption that the participating youth will provide valuable insights about the minority youth community's attitudes concerning the accessibility and appropriateness of available services.

Project outcomes should include successful models for increasing the number of minority youth and families served. Models should include culturally and ethnically effective service approaches to serving the target population. Non-traditional as well as traditional ways to serve the target population may be called for. Models should be replicable for use by other runaway and homeless youth shelters.

The applicants shall indicate in the application ways to determine the project's accomplishments, whether the project has reached its goals and objectives, and how it will assess the effectiveness of the project.

Projects will be funded for 24 months. The level of Federal funding would be approximately $60,000 per year per project.

3.4 Developing An Urban Strategy for the Prevention of Youth Suicide

Youth suicide is the second largest cause of death among the age group 15–24 with indications that the rate is increasing. In addition, the number of suicide attempts is much greater than the actual number of suicides. These attempts are a particular problem among runaway youth. In fiscal year 1985, HDS funded a cluster of projects designed to identify or develop effective techniques for the intervention and provision of emergency services to seriously depressed and suicidal youths. Several effective tools and strategies have emerged from these demonstrations; e.g., a computerized training program for runaway shelter staff; an effective screen for detecting the degree of risk of adolescent suicidal behavior; a model of programmatic linkages between hospitals and runaway shelters and other youth serving agencies to better detect, diagnose and treat suicide behavior; and an innovative model involvement of youth themselves in reducing teenage suicides.

With the continued increase in teenage suicides, particularly in medium and large size metropolitan areas, and the complex nature of this phenomenon, HDS is interested in developing an effective urban strategy for addressing this issue. The focus of this strategy is youth suicide prevention, but the larger issue is meeting the health and mental health needs of adolescent youth at-risk through the development of a community-based treatment network.

One of the outcomes of the group of projects funded in 1985 was a successful model of a community based service network. HDS would like to test the replicability of this model which would also include the use of other effective tools developed by this cluster of projects.

This model, developed by Columbia University, consists of three agencies—runaway shelters, a comprehensive youth services program, and a hospital-based treatment and research facility. First, an effective screen for detecting the degree of risk of adolescent suicidal behavior was developed. The screen uses a scale that assists center staff in determining which level of service is needed. Imminent danger would call for hospitalization, risk or high risk would call for psychiatric evaluation and mental health services. Next, resources were put in place to meet these needs. This screen and triage model has already resulted in a reduction of suicide attempts in the shelters in the New York City area. Detailed information about the model design including the specific components of training, agency protocols and networking strategies for the model's implementation should be obtained from Dr. Mary Jane Rotherman or Mr. Jon Bradley at the Columbia University College of Physicians and Surgeons, Research Foundation for Mental Hygiene, Inc., 722 West 168th Street, New York, NY 10032 (telephone: (212) 960–2332 or 2565).

Applicants are invited to submit proposals designed to replicate the Columbia University model. Applicants should be a combination of runaway and homeless youth shelters and one or more hospital based research and treatment facilities. Either the hospital facility or the shelter may be the lead applicant. Specifically, proposals should show a good understanding of the model and discuss the needs of the community and how the model will address these needs. Project outcomes should specifically address the establishment of cost-effective models designed to reduce incidence of suicide, suicide attempts, and associated at-risk behavior. Projects should result in the establishment of a viable triage service system including intake, assessment, diagnosis and treatment and staff training. Applications should show evidence of commitment and partnership between a major hospital and a group of shelters. Applicants should also provide in their budgets for the costs of training for three project staff at a training workshop which will be provided by Dr. Rotherman and her staff on the implementation of this model. Information on the costs of training can be obtained from project staff at Columbia University.

HDS anticipates funding projects at a Federal funding level of $130,000 per year per project for each of two years.

3.5 Parenting Programs for Incarcerated Parents

There is little information about the stigmas that are attached to parents who are incarcerated and their children. Past experience, however, indicates that parenting skills and visitation programs for these parents are critical factors in promoting emotional stability for both parents and children.

Evidence suggests that parenting skills programs can and do have a positive impact on incarcerated parents' sense of self worth and confidence in dealing with their children.

The importance and need for further program development and documentation in this area is illustrated by the following data from three projects funded in this priority area in FY 1987:

1. An estimated 81% of the female population at one State correctional institution have an average of 2.5 children;

2. Another State correctional institution found that most inmate mothers (83.6%) will regain custody of their minor children; and

3. In some State correctional institutions, mothers (as many as 46.8% in one survey) report that they have not seen one or more of their children during incarceration.

Information from projects thus far seem to confirm that many incarcerated mothers themselves suffered abuse and/or neglect as a child.

HDS and the National Institute of Corrections (NIC) will fund parenting skill development demonstration programs, which include but are not limited to innovative visitation type programs. Applicants should address the impact of parenting programs on incarcerated parents and their children. Impacts may primarily be addressed in terms of:

First, as a possible preventive/intervention factor to break the cycle of abuse; or

Second, as a means of strengthening the motivation of incarcerated parents to develop more constructive coping skills through increased self-awareness, improved self-image, and parenting skill development.

Through these projects HDS expects information on what components—or mix of components—best improve parenting skills, increase self-worth, stimulate self improvement activity and/or reduce recidivism. HDS is particularly interested in knowing the circumstances in which such components are effective. In addition, State correctional institutions need information on how innovations in a State correctional institution can be implemented and maintained over time.

A number of incarcerated parents were themselves victims of physical, emotional, and sexual abuse. We are interested in learning more about what this factor may imply in developing a permanent and successful parenting program for incarcerated parents, specifically in the area of rehabilitation from the affects of abuse and intervention in the high risk cycle that an abused child is likely to become an abusive parent.

Proposals should include a well designed evaluation component that addresses the impact of the program on factors such as increased parenting skills, child-parent relationships, improved self-image, greater interest in self development, job skills, and participation in career counseling, taking into account the possible relationship of these factors to recidivism within given time frames and level of participation. Project applicants should be prepared to address not only the design and development of successful programs, their implementation and evaluation, but also the design and development of documentation which will provide both qualitative and quantitative indicators of impact.

Although credible data is needed to specify program outputs to parents and as base line information for possible future projects, this data *per se* will not be interpreted as necessarily success or failure of a particular program.

Eligibility in this area is limited to a partnership between a State correctional institution and one or more of the following types of organizations: Professional associations in the field with research capability; educational institutions which include universities and colleges; graduate schools of social work; and institutes or centers of child and family development. Applicants are strongly encouraged to include a volunteer component. Applicants should list the organization(s) that will work on the project along with a description of their specific contribution to the project. Written assurances should be included with the application, if available. The State correctional institution is the lead partner and should act as the grantee. Once funded, grantees, either through a conference call or during a meeting in Washington, will work together to establish common data collection terms and practices.

HDS and NIC anticipate funding 36 month projects having a Federal share not to exceed $65,000 per project, per year. Because of the way State correctional institutions are organized, applicants should focus separately on either incarcerated mothers or incarcerated fathers.

Child Abuse and Neglect

4.1 Advocates for Children in Criminal Court Proceedings

The purpose of the Children's Justice Act is to improve the handling of child abuse cases, particularly cases of child sexual abuse, in a manner that reduces additional trauma to the child victim. HDS seeks to extend the use of advocates for children from juvenile court proceedings to criminal court proceedings, in order to provide more support for the child victim in the court process.

Abused children, particularly those who are sexually abused, are often involved in criminal court proceedings as a victim/witness. The experience is often devastating to children and, unless special measures are taken to prepare and support these children when called upon to testify, additional abuse can occur. A child must attempt to cope with confronting the alleged perpetrator, the intimidating formality of the courtroom, a room full of strangers, and intensive questioning by attorneys. The immaturity of the child makes it difficult for him/her to cope with the complicated judicial proceedings, which even adults often find frightening.

HDS proposes to develop programs of trained volunteer advocates working with the courts and the criminal justice system to serve children involved in criminal court proceedings. Some of the tasks an advocate would perform include:

- Explaining the judicial system in terms children can understand. This should include explaining the roles and responsibilities of the various people in child protective services and law enforcement, as well as the courtroom setting;
- Walking the child through a court proceeding in advance of trial explaining what happens in the courtroom, where the different people will be seated and who will participate in the court hearing;
- Offering support to the child in court proceedings by explaining the next step in the process, preparing the child for the hearing, taking the child to the hearing, and sitting beside the child during a hearing or a trial;
- Monitoring the dockets, hearings and proceedings of all of the courts in which the child is involved; and
- Acting as an amicus curiae (friend of the court) regarding issues concerning the child. This role must be developed in a manner that ensures the alleged perpetrator's constitutional rights are protected.

HDS will support projects to assist court systems, public or nonprofit agencies or coalitions of agencies to recruit, train and use volunteer advocates in criminal court proceedings with special emphasis on: (1) Abused children, particularly sexually abused children, and (2) appointment of advocates at the earliest pre-trial stage.

Applicants are required to describe proposed evaluation procedures which include input from the applicant, the applicable court, the prosecuting attorney's office(s), child protective services, defense counsel, and the child. The joint evaluation process should address whether the project reduced additional trauma to the child victim/witness.

Applicants must provide written assurances of participation from the applicable court, prosecuting attorney's office, and child protective service agency.

Applicants must show that efforts will be made to enlist volunteers who represent the social or ethnic characteristics of the child population being served. The applicant must indicate how the program will continue after Federal assistance ends.

HDS anticipates funding 24-month projects having a Federal share not to exceed $50,000 per project per year.

4.2 Prevention of Serious or Fatal Maltreatment

It is estimated that at least 1,200 children died in 1986 due to child abuse and neglect—approximately half from neglect and half from abuse. An additional undetermined number suffered serious maltreatment due to child abuse and neglect, although they did not actually die.

In July 1987, the National Committee for Prevention of Child Abuse sponsored a national symposium on the issue of child fatalities, at which the available research and data were presented and discussed. Several basic conclusions were reached at this symposium:

1. The total number of child fatalities due to child abuse and neglect is too small to develop valid predictions of which individuals might fatally injure children.

2. It is possible to sort out some high risk child populations for serious or fatal abuse and neglect. For example, infants under the age of one are particularly vulnerable to serious and fatal abuse and neglect. For teenagers, violent deaths and sexual abuse are potential problems.

3. The most effective approach to reducing child fatalities, including those for child abuse and neglect, is the development of prevention programs which address high risk populations. A number of suggestions were made at the symposium for further development of effective prevention approaches, including community wide models to support families in which children are given responsibility for caring for their younger siblings and variations of home visitor programs.

The purpose of this priority area is to request field initiated demonstrations of prevention programs in child abuse and neglect, aimed at preventing serious and/or fatal child abuse and neglect.

The proposed demonstrations should clearly address what high risk populations will be serviced, specifically what measurable outcomes will be sought to achieve an overall reduction in serious or fatal child abuse neglect cases, and the specific prevention interventions which will be used. Applicants should propose a well developed third party evaluation to measure the results, as well as products and resources for dissemination of successful approaches.

HDS expects to fund projects with a 24-month project period having a Federal share not to exceed a maximum of $100,000 per year per project.

4.3 Minority Organizations Assisting in Combating Child Abuse and Neglect

National, regional and State minority organizations capable of focusing attention on child maltreatment issues through educational initiatives designed specifically for their constituent populations at the State, regional and local levels are asked to submit proposals for combating child abuse and neglect.

Child abuse and neglect is present in all races and cultures; it is found at all social and economic levels. The rise in reported cases over the past several years has increased public awareness and aroused considerable concern. That, in turn, has contributed to a heightened national focus which is reflected in the efforts of various agencies and organizations to work to protect the nation's children from abuse and neglect. HDS seeks the assistance of minority organizations which interact with minority groups at the regional or community level which have not been involved in the decision-making process for defining and seeking solutions to child abuse and neglect in the community.

It has been established that different minority groups have specific needs at the service delivery level; child abuse and neglect is no exception. Yet specific needs in a given constituent population are often overlooked. Therefore, HDS is soliciting applications from national, regional and State, minority organizations, associations, and fraternal orders with the capability of focusing attention on child maltreatment issues through educational and other initiatives developed specifically for their constituent populations.

Proposals should include strategies for:

- Defining the problem of child abuse and neglect for the constituent population;
- Developing and field testing public awareness campaigns to address the problems of child abuse and neglect among the constituent population;
- Ensuring that minority child maltreatment issues are addressed by State, county, and local child abuse and neglect agencies in all phases of the development and delivery of prevention, identification, treatment and training programs on child abuse and neglect. This could include (in addition to other strategies to ensure respresentation and participation) minority professionals on staff who reflect the makeup of the client population, and minority representation and participation on public and private Advisory Boards. Moreover, other strategies could be included that provide for the development of child abuse and neglect prevention, intervention, treatment and training programs utilizing the resources of the local community, such as churches, businesses, and professional and fraternal organizations. Such groups could be instrumental in obtaining suitable community volunteers.

There should be evidence of coordination with the appropriate State/county Child Abuse and Neglect agencies and organizations. Letters of support and commitment from participating organizations should be provided. Applications from coalitions of organizations are encouraged. HDS will fund projects having a Federal share not to exceed $100,000 per year per project for 24 months.

4.4 Public-Private Partnerships to Combat Child Abuse and Neglect

Child abuse is a multifaceted problem in our society and requires the combined resources of the public and private sectors to develop prevention and treatment programs. The business sector has in the past become involved in seeking solutions to human service problems, by lending their time, skills, and other resources to worthwhile efforts. They have come to realize they

VOL 52 ISS 250 DEC 30 1987 UMI

can enhance their public image, improve worker morale, and create a better community through these efforts. Corporate social responsibility has become a hallmark of many successful corporations. In this priority area HDS seeks proposals from nonprofit organizations which will develop and demonstrate innovative ways the business sector can join with public and private agencies to help combat child abuse and neglect.

Proposals are sought from nonprofit organizations such as national/state associations, fraternal organizations or foundations to develop projects which will collaborate with the business community to develop innovative and creative child abuse prevention projects. These projects will use the resources, commitment and expertise of the corporate sector to carry the child abuse and neglect prevention message to a broad sector of the population, which is larger than the traditional Child Protective System network. The applicant organization, for example, could propose to work with the business community to:

- Sponsor National campaigns to increase public awareness of child abuse and neglect and methods of prevention.
- Establish child abuse and neglect prevention and/or treatment programs within their organizational structure. This approach could include strategies to reduce working parents' stress on the job by such methods as: supporting the establishment of parent support groups, providing flexible work schedules, assisting with child care and developing employee assistance programs.
- Collaborate in a State or local community effort to combat child abuse and neglect. This approach is similar to those in which corporations support a social service program by providing financial, and managerial support, or volunteers, thus allowing the corporation and its employees to have a sense of responsibility and satisfaction for the success of the particular service program sponsored.

Applications should have letters of commitment from the organizations which will participate in a project. There should be evidence of coordination and cooperation with the state or local child abuse and neglect agency as well as expressions of intent on the part of the participating corporations or businesses.

HDS will fund projects with 24 month project periods having a Federal share not to exceed $100,000 per project per year.

4.5 Child Sexual Abuse Curricula Adapted To Native Americans

Child sexual abuse now is recognized as pervading modern society with estimates that by the age of eighteen 15–25% of girls and 3–10% of boys will be sexually abused. The Native American population is no exception.

Several curricula have been developed and used to train children, parents and teachers how: (1) to talk about and cope with past child sexual abuse, and (2) to prevent future child sexual abuse. The curricula has usually been taught in a school setting. Many experts believe that how and by whom the curriculum is implemented makes a difference in how a child accepts and incorporates the information. An appropriate educational setting is believed to be a familiar and nonthreatening environment to children, and a teacher is a responsible person that children often trust and to whom they will be open. It is also critical to involve school administration and parents to ensure that they fully support the program.

Some curricula which have been recognized in the field include the following:

Talking About Touching (1983) Ruth Harmes and Donna James. Seattle, Washington: Committee for Children. Grade level: K–4.

This curriculum is divided into four units: Personal safety and decision making, touching, assertiveness, and community support systems. Each lesson consists of a photograph with objectives, notes to the teacher, a story and discussion questions. Also included are physical indicators, handling disclosure, responsibilities for reporting and suggestions for addressing parents.

Personal Safety Curriculum: Prevention of Child Sexual Abuse (1983) Geraldine Crisci Hadley, Massachusetts Grade level: Preschool–6.

This curriculum resulted from one of six prevention projects funded by NCCAN in 1980. Curriculum components include the touch continuum, problem-solving skills, social support systems, and emphasizes safety without engendering fear.

Personal Safety: Curriculum for Prevention of Child Sexual Abuse (1982) Marlys Olson, Child Sexual Abuse Prevention Program, Tacoma, Washington Grade level: Preschool–12.

This curriculum contains comprehensive material including bibliographic information and complete lesson plans for Head Start, K–2, 3–4, 5–6, junior high school, and senior high school.

An annotated bibliography of curricula, selected model curricula materials, and support can be obtained from NCCAN and the Bureau of Indian Affairs.

We are requesting proposals for demonstration projects from national Indian organizations and Federally recognized Indian Tribes to adapt child sexual abuse prevention training curricula for children on Indian reservations, grades two through six. The proposals should address the following issues:

(1) All applicants must include plans for selecting and contracting with consultants who are experts in child sexual abuse prevention training. In addition selected Tribal members who are also parents should be included as members of the staff or in an advisory capacity. An applicant, with the assistance of a consultant, staff and parent advisors will review the state of the art curricula, select the curriculum most suitable for the Tribe, and adapt the curriculum for use in the Tribal community.

(2) The training curriculum will target Native American children grades two through six "on or near" the reservation. The program will include training for the teachers to implement the program as well as for the parents and children. The location and the setting where the training will take place is to be provided by the applicant.

Letters of commitment clearly detailing what will be provided are required from all schools, cooperative service providers and facility providers including volunteer organizations.

Applicants from national Indian organizations are required to provide a letter(s) of commitment from the Tribal council of one or more Federally recognized Indian Tribes which clearly details: (1) The participation of the Tribe in the development and implementation of the program; (2) how the Tribal council will be involved in the program; and (3) the Tribal council's agreement to accept the curriculum selected.

Applications from Indian Tribes must include a letter of commitment from the the Tribal council detailing clearly the proposed involvement in the program.

Eligibility for this priority area is limited to Federally recognized Indian Tribes and national Indian organizations.

HDS will fund projects with 24 month project periods having a Federal share not to exceed $100,000 per project per year.

4.6 Treatment Approaches for Intra-Familial Child Sexual Abuse

A variety of interventions to ameliorate the effects of child sexual abuse have been developed over the last decade. Often, of necessity, the primary and sometimes the only focus has been the protection of the child and services that minimize the trauma to the child.

Although the healthy functioning of the family where sexual abuse has occurred is recognized as necessary to the well-being of the victim, it has generally not been the primary focus of intervention. At this time what is needed are family based treatment and service provision models which define the family in which child sexual abuse has occurred as the primary client and which emphasize both of the following:

- Treatment of the family as a unit, including both the victim and, if available, the perpetrator in intra-familial cases; and
- Adaptation of an intensive family based services approach for work with these families. This approach seeks to enable families to assume greater responsibility for their own lives by providing intensive, goal oriented services with goals determined and prioritized by the families themselves.

The project should result in the adaptation of family based treatment and services, potentially replicable by other programs, which work with sexually abusive families. The desirability of treating the entire family involved in sexual abuse is supported by research which suggests that intra-familial sexual abuse is not based solely on the relationship between the perpetrator and the victim.

There is often a collaborative role on the part of the mother in father-daughter incest. More than one child victim and/or more than one perpetrator may be involved, although this may not be known initially. Thus, therapeutic interventions must focus on the entire family in order to improve family functioning by building on the strengths that exist within the family. If the victim has been removed, and the case plan is to return the child to the family, special efforts must be made to maintain and improve the ongoing relationship between child and family. If the perpetrator is enjoined from relating to the family, or is in jail, all family members need help in handling these circumstances.

HDS is interested in proposals for demonstrating family based treatment models for families where the sexually abused child is at home or where reunification with the family is the plan. Applicants must demonstrate proven ability in family treatment or family based services within a child welfare setting. Applicants should present an evaluation plan that an external evaluator can utilize in order to evaluate the outcome of the project. This evaluation plan should identify the type, quantity of data to be collected, possible instruments to be utilized and other relevant information. Applicants may wish to contact the NCCAN supported National Resource Center on Family-Based Services, University of Iowa school of Social Work, N240 Oakdale Hall, Iowa City, Iowa 52242 for additional information on family-based services involving sexual abuse.

Letters of commitment from agencies which will be involved in the project should address the specific level and type of commitment they are prepared to support.

HDS anticipates funding three-year projects having a Federal share not to exceed $125,000 per project per year. The first two years will focus on methods and approaches of providing short-term treatment; the third year will continue this with existing cases, but will focus on evaluating the various modes of intervention used with these families.

4.7 Diagnosing and Treating Chronic Neglect

Information gathered from surveys of reports and case records indicates that among neglectful families there is a core group (perhaps five to ten percent) which consumes a disproportionate amount of services over long periods of time. These are families who have become known to an array of agencies and courts over the years. Sustained service efforts made on behalf of these chronically neglectful families do not sufficiently improve their functioning to enable them to overcome their neglectful behavior, to remain intact and manage independently. The provision of intensive comprehensive social services over short periods of time has been relatively ineffective in improving the functioning of these particular families.

However, several program characteristics have been identified by practitioners and researchers as critical to successful intervention with chronically neglecting families: (a) alleviation of the family's distrust of social service agencies; (b) the critical need for an accurate and comprehensive differential diagnosis at intake or shortly thereafter; (c) special efforts to develop and utilize peer support groups; and (d) provision for an extended continuous period of time for working with these families.

HDS is soliciting proposals for demonstration projects which will address the problem of *chronic neglect*. The proposals must include the following:

1. Specific criteria for identifying the *chronically* neglecting families. These criteria should differentiate this subset of families based on characteristics of parental behavior/condition and should not include neglect by reason of poverty alone. It is anticipated that these families will comprise less than ten percent of incoming cases.

2. Development of a differential diagnosis or assessment of the family. Treatment and service plans must be tailored specifically to meet the needs of each family and family member. (It is important to note that recent studies indicate that many of these parents have been victims of child sexual abuse which has not been diagnosed and treated previously.)

3. Plans for developing peer support groups.

4. Description of the plan for case management. Each family must be assigned a case manager to work with the family and coordinate services. The case manager should be responsible for maintaining a regular schedule of dependable contact with the family, for establishing and continuing a supportive relationship and for providing a source of familiarity with the family's history.

5. Regularly scheduled meetings of service providers, use of special teams of consultants, and coordination with other community agencies.

6. Plans for the recruitment, training and use of paraprofessionals and lay volunteers.

7. Treatment of these families should be continuous, although the particular services provided may change as indicated by the family's needs. It is important that assessment of a family functioning be ongoing and that the applicant develop (a) criteria for determining the family's capacity to improve sufficiently to be an intact family, and (b) criteria for the determination of when alternate plans must be made for the children.

Applicants must agree to work collaboratively with other projects and a consortium leader (to be selected from the successful applicants) in order to collect a common core of data and measurements of outcome. Applicants will propose data to be collected: profile data, assessment instruments, diagnostic categories, services provided, and outcome measures. After funding decisions have been made, all grantees will meet with the designated consortium leader to agree on common data to be collected by all projects. Additional data may be collected by individual projects. Adequate time for at least one qualified person to be responsible for data collection management must be proposed by each applicant.

Letters of commitment are required from all cooperating service providers including volunteer organizations, and

VOL 52 ISS 250 DEC 30 1987 UMI

all must agree to collect data and provide it to the consortium leader.

It is expected that within the first six months the projects will identify the families to be included, and will, therefore, have two years for treatment, so that outcomes can be studied in the final six months.

An applicant should indicate if there is interest in serving as a consortium leader. Interested applicants should provide information about qualifications of staff available to carry out this evaluation function. An additional six months and additional funding will be provided to the consortium leader to allow for analysis of data from the five projects.

HDS will fund projects with 36 month project periods having a Federal share not to exceed $125,000 per project per year (30 months for implementation and treatment and six months for follow-up). The third year funding will be determined after receipt of each applicant's third year budget suggesting the amount needed.

4.8 Longitudinal Study for Child Abuse and Neglect

The National Center proposes to support a longitudinal life-course study of families at-risk of or involved with child maltreatment. It is anticipated that the study will help contribute to our knowledge of the etiological, and ecological understandings of child maltreatment. By focusing on child and family development and examining systems theories, the study will derive new insights into intervention, prevention, amelioration or treatment as experienced by the study sample. This developmental grant will be used to prepare a scientifically valid, comprehensive and feasible longitudinal study design including the following: a critical review of the pertinent literature; identification of specific study issues; design of a sampling framework, including sample attrition and retention; identification of instrumentation available or to be developed; and outline of a problem identification and resolution methodology.

Applicants should demonstrate an indepth understanding of the impact of child maltreatment on victims, families and the community at large as well as up-to-date knowledge of the extent of the problems, issues, research and treatment modalities on child maltreatment. The etiological, causal, and ecological problems and issues dealing with child maltreatment should be discussed.

In addition to a well-defined and carefully worked out study design and methodology, applications should include a discussion of the innovativeness of the design and uniqueness of the study. The evaluation component should be well-defined with data collection and analyses geared to measure the degree to which the goals and objectives of the study are achieved.

In the discussion of the proposed approach, applicants should include options which could be used to address contingencies which may occur during a longitudinal study, such as unavailable subjects.

In evaluating applications under this priority area, the dissemination and utilization criterion worth 15 points has been eliminated. Those 15 points have been added to the level of effort criterion for a total of 35 points.

HDS will fund projects in Phase I to develop a design of the study with a Federal share not to exceed $50,000 per project for 12 months. Upon completion of Phase I, HDS will evaluate the design of the study and make a decision as to which application to fund. In Phase II, HDS will fund one project for an indefinite period of up to 10 years with a Federal share not exceeding $200,000 per year. Non-Federal funds required of the applicant must comprise at least five percent of the total cost of this project.

4.9 Child Fatalities

One study has estimated that at least 1,200 children died in 1986 as the result of abuse and neglect. Another study suggests the number may be closer to 5,000. Half the number of children died of battering, single violent incidents or the cumulative result of repeated episodes. The remaining number died because of neglect.

Some studies indicate that it is difficult or impossible to predict a child abuse or neglect fatality. Consequently, in order to make advances in the prevention of child fatalities, it is necessary to examine the issue of prediction more closely.

Some studies indicate that in most cases the perpetrator of the child fatality is male. Statistics also indicate that the child is most often two years old or younger. However, while these factors have been recognized, precise indicators of the factors potentially leading to a child fatality have not been forthcoming.

Research is needed to determine if there are clear causes (e.g., personality attributes of the parent, specific child traits or conditions, precise environmental factors) for the child fatalities resulting from child neglect, for the child fatalities resulting from one incident of child abuse, or the cumulative impact of repeated incidents of child abuse.

HDS is interested in developing indicators which will assist protective service workers in the field in distinguishing those situations where children are at-risk of fatal injury.

HDS anticipates funding projects of up to 36 months duration having a Federal share not to exceed $150,000 per project per year. Non-Federal funds must comprise at least five percent of the total cost of the project under this priority area.

4.10 Impact of Investigations

The number of reports of suspected child abuse and neglect received by Child Protective Services agencies has escalated at a rate often beyond the agencies' capacity to respond fully to each report. In an effort to more effectively channel available resources, many States have implemented risk assessment systems to identify and investigate the most serious cases. These systems are utilized by intake workers to determine probable cause for further investigation of the report.

As a result of this process, increasing numbers of families are being "screened out." As a corollary to current study efforts on various risk assessment systems, we need to examine if these families come into the protective services system at a later date and with more serious implications. We need also to examine effective strategies for early intervention or warning to reduce the potential for subsequent family dysfunction.

Research is needed to answer some critical questions:

- What services, if any, are provided to these families?
- What is the impact on families screened out at intake?
- What is the return rate of these families?
- What is the degree of family dysfunction?
- What is the nature of the abuse and/or neglect at the later date?
- Do any of the above vary by the level of training of the intake worker?

Applications should list all the organizations that will work on the project, along with a description of the nature and extent of their collaboration. Written assurances should be included with the application if available. Applicants should show ability to gain access to necessary information.

HDS anticipates funding projects for up to 36 months in duration having a Federal share not to exceed $150,000 per project per year. Non-Federal funds must comprise at least 5 percent of the total cost of projects under this priority area.

4.11 Relationship Between Child Abuse and Teenage Pregnancy

In past years, the provision of parent support and educational services to teenage parents has been a primary focus of child maltreatment prevention efforts. The rationale for this focus has been the assumption that parents in this age group represent a high risk population as potential child abusers. While anecdotal evidence from numerous demonstration programs seems to bear out this assumption, contradictory findings have emerged from other research studies and reporting data.

Further research is needed in this area for two purposes: (1) To test the validity of the assumption that child maltreatment among teenage mothers is more prevalent than maltreatment among parents in other age groups; and (2) to explore the unique causal factors for maltreatment that may exist among these parents, including those that identify high risk sub-populations. Such factors may include situational stresses, level of emotional and psychological maturity, economic dependency, parental victimization as a child, and lack of parenting skills.

HDS will consider studies in this area and plans to fund projects for a 36 month duration at a Federal share not to exceed $150,000 per project per year. Non-Federal funds must comprise at least 5 percent of the total costs of project under this priority area.

4.12 Field Initiated Research for Child Abuse and Neglect

HDS is interested in supporting research initiated by researchers in the child abuse and neglect field to carry out the legislative responsibilities established for the National Center on Child Abuse and Neglect by the Child Abuse Prevention and Treatment Act, Pub. L. 93–247. One of these responsibilities is to:

> * * * conduct research on the causes, prevention, identification, and treatment of child abuse and neglect, and on appropriate and effective investigative, administrative and judicial procedures in cases of child abuse.

Basic research in the behavioral and social sciences which contributes to theory development is not within the purview of this announcement. Our particular interest is current issues having widespread impact on the field of child abuse and neglect, and on the target population.

Applications should list all organizations that will work on the project, along with a description of their contribution. Written assurances should be included with the application. Applications should show that applicants will have the ability to gain access to necessary information.

HDS will fund studies for up to 36 months duration at a Federal share not to exceed $150,000 per project per year depending on the questions to be answered, the intensity of the effort proposed, and the generalizability of the results which may be anticipated. Through this priority area HDS seeks to provide a comparative process for field generated topics. Non-Federal funds must comprise at least 5 percent of the total cost of projects under this priority area.

Applicants should clearly demonstrate an indepth understanding of the issues and problems associated with child abuse and neglect. In addition, the literature survey should be up-to-date and reflect evidence of familiarity with the various organizations that deal with child abuse and neglect at the macro and micro levels.

In evaluating applications under this priority area, the disseminiation and utilization criterion worth 15 points has been eliminated. Those 15 points have been added to the level of effort criterion for a total of 35 points.

For potential applicants seeking additional information on any of the above priority areas, a series of bibliographies related to NCCAN's *research* efforts are available, free of charge, from the Clearinghouse on Child Abuse and Neglect Information, P.O. Box 1182, Washington, DC 20013.

Bibliographies are available for the longitudinal study, including etiological and causal factors on child maltreatment, as well as intervention and prevention efforts; child fatalities; information on protective services intervention and investigatory procedures; and adolescent pregnancy and teenage mothers.

Adoption Opportunities

5.1 Post Adoption Services for Children With Special Needs and Their Families

In the past decade there have been many changes in adoption services, especially as they affect children with special needs and their adoptive families. It has become increasingly evident, that families formed by adoption are in some ways different from other families, have unique problems and need access to services from providers that are knowledgeable about these differences. Many adoption agencies understand the need for post-adoption services and most agree that post-adoption services are an essential component of adoption services. Current practice standards require that the availability of post-adoption services should be introduced during preparation of the family for adoption, be available throughout the time the child is growing up and be available as an integral part of agency service.

A number of models of post-adoption services have been developed which address the following core issues and approaches: (1) Increasing the understanding of mental health professionals that families formed by adoption have different problems from other families; (2) training in the use of successful techniques for dealing with the problems experienced by adoptive children and families; and (3) interagency collaboration among public and voluntary not-for-profit social services and mental health agencies to offer better post adoption services. Recently developed models of training for post adoption services include: *Adoption Resources for Mental Health Professionals*, Children's Aid Society, Mercer County, Pennsylvania in conjunction with the Mental Health Association, Butler County, Pennsylvania; and *After Adoption, A Manual for Professionals Working With Adoptive Families*, Illinois Department of Children and Family Services. More information on these models can be obtained from:

Paul D. Reitnauer, Children's Aid Society, 350 West Market Street, Mercer, Pennsylvania 16137 (412) 662–3707

Mary Patricia Clemmons, Illinois Department of Children and Family Services, 100 West Randolph Street, Suite 6–100, Chicago, Illinois 60601 (312) 917–6864

HDS is interested in proposals which develop new models or which refine or replicate existing models for the purpose of establishing ongoing institutionalized programs. The proposed post adoption program should include, as appropriate, the key elements which have proven to be successful and should emphasize collaborative efforts among public and voluntary social service and mental health agencies.

The applicants shall indicate in their application ways to document the project's accomplishments to determine whether the project has reached its goals and objectives, and to assess the effectiveness of the project. Applicants are expected to develop and disseminate information concerning successful aspects of their programs.

VOL 52 ISS 250 DEC 30 1987 UMI

Eligible applicants include public and voluntary not-for-profit child placing agencies.

HDS anticipates funding 24 month projects having a Federal share not to exceed $100,000 per project per year.

5.2 Effective Strategies for Recruiting and Preparing Prospective Adoptive Families for Hispanic Children With Special Needs

The purpose of this priority area is to demonstrate innovative methods for recruiting and preparing prospective adoptive families for Hispanic children with special needs.

During recent years States have developed and used a variety of new strategies to recruit prospective adoptive families for children with special needs. Among the most successful models were:

- One Church, One Child (which developed a partnership between the Black church and the State social service agency for recruiting families for Black children); and
- Friends of Black Children (the State social service agency assisted in the creation of State and local citizen groups to recruit families for Black children).

Each of these models required very active community participation in recruitment and often in family preparation. These recruitment models were particularly successful in the recruitment of Black families and the placement of Black children. States that adopted these models reported a significant increase in the number of families who responded to media and other presentations on adoption.

HDS will consider demonstration projects to establish ongoing recruitment programs for prospective adoptive families for Hispanic children with special needs. Each applicant should be prepared to develop and disseminate training or technical assistance resources on successful aspects of its project. Each applicant should target a specific number of prospective adoptive families to be recruited (a minimum of 50 is suggested) as a result of the project and describe any extraordinary social or community involvement.

Eligible applicants may include public child welfare and voluntary adoption placement agencies working in close collaboration with Hispanic organizations, or Hispanic organizations working in collaboration with child placing agencies. Letters of commitment to the activities and outcomes of the project must be submitted from participating agencies at the time of the application.

The applicants shall indicate in their application ways to document the project's accomplishments to determine whether the project has reached its goals and objectives, and how they will assess the effectiveness of the project.

HDS anticipates funding 24 month projects having a Federal share not to exceed $100,000 per year per project.

5.3 Effective Practices for Terminating Parental Rights

There continues to be a problem in facilitating the termination of parental rights (TPR) for children in the care of child welfare agencies who have adoption as a goal. These difficulties include early identification of children for whom adoption is appropriate, preparing cases for court, working with court officials, preparing birth families for the process and completing legal termination. Therefore, many children wait for unnecessarily long periods of time to be legally free for adoptive placement. Such difficulties subject the child to delays in being placed with a permanent family.

There is a need for collaborative efforts between agencies and courts to provide timely services to children who cannot return to their birth families. The courts and agencies must work together toward this end.

A number of States have worked on this problem in the past few years. The American Bar Association (ABA), through a project funded by HDS in 1983, worked with five States to eliminate or minimize the legal barriers which impede the timely movement of children with special needs into adoptive families. For information on the ABA project, contact:

Ellen Segal or Mark Hardin, American Bar Association, 1800 M Street, Washington, DC 20036 (202) 331–2250

Some of the States in the project were very successful in significantly reducing the time a child had to wait for TPR. Essex County, New Jersey, provides a good example in that they were able to reduce the average length of time a child remains in the court process, once the termination papers are filed, from 34 weeks to six weeks.

HDS is interested in proposals which address specific problems or issues concerning TPR which act as barriers in the area served by the applicant, such as the number of children now waiting for TPR, length of time they must wait for TPR, and/or court related difficulties. Goals, expected outcomes of the project and how the system will be changed should be projected in measurable terms, and the applicant should describe procedures for keeping track of how children are affected by the enacted changes. The children to be served in this project are those in the foster care population for whom adoption is the goal and who are not yet legally free for adoption. They are primarily in the care of a public agency although they may be served by a voluntary agency through purchase of service.

Since this is a collaborative effort between agencies and courts, each type of applicant must have specific letters of commitment from the other types which document the areas of collaboration and support.

HDS anticipates funding 24-month projects having a Federal share of $75,000 to $100,000 per project per year. Diversity among geographic regions and types of applicant will be considered in making awards. HDS will consider disseminating exemplary models.

5.4 Partnership Between Regional Adoption Exchanges and Social Service Agencies

Adoption Exchanges have been a positive force in facilitating the adoption of children with special needs. They operate on local, State, regional and national levels, providing a variety of services which include the listing of approximately 25,000 children and 22,000 prospective adoptive families each year (*Adoption Exchange Study*, Westat, Inc., 1986).

Regional adoption exchanges which are generally located in contiguous States, have been effective in planning and implementing adoption services for special needs children and potential adoptive families. These services include recruitment of families; assisting in placing children out of State; technical assistance to State and local agencies; arranging for media coverage in cooperation with agencies and preparing children for child specific media activities. Some regional exchanges have developed creative ways to increase public awareness concerning the plight of waiting children and to raise funds to support exchange services. For example, the Rocky Mountain Adoption Exchange (RMAE), has for the past four years conducted a docuthon, a non-commercial telethon of a documentary nature, which raised a subsiantial amount of money and recruited potential adoptive families. The RMAE has had the support and cooperation of businesses, corporations, local television stations, and social service agencies in conducting docuthons.

Findings from the *Adoption Exchange Study* suggest that exchanges and agencies must work more closely in developing recruitment plans; i.e., "recruitment activities are only as effective as the follow-through provided by exchanges and agency personnel." Although exchanges have successfully recruited prospective adoptive families, subsequent agency follow-up is often delayed to the point that families lose interest or experience difficulty in getting to the adoption preparation stage.

HDS is interested in (a) supporting and strengthening existing regional adoption exchanges to conduct recruitment campaigns in cooperation with social service agencies to recruit potential adoptive families and establish a pool of prepared and approved adoptive families able to parent special needs children; and (b) establishing regional exchanges in regions where they do not exist.

Eligibility is limited to regional exchanges and agencies and organizations that plan to establish regional exchanges. Applicants will be required to have agreements with participating States. There must be cooperation and coordination between the States and the regional exchange and procedures to be used to promptly prepare and utilize prospective adoptive families in order to increase the adoptive placement of special needs children.

HDS anticipates funding 17-month projects having a Federal share not to exceed $60,000 per project.

5.5 Services for Families Who Adopt Children Who Have Been Sexually Abused

Sexual abuse has been identified within the past decade as a significant problem affecting many children.

The American Humane Association annual survey of State Central Registry Reports estimated that 113,000 cases of sexual abuse were reported in 1985, approximately 13% higher than the 1984 estimate. Most experts attribute the increase reflected in these statistics to heightened public awareness and willingness to report suspected sexual abuse. It is not known how many additional cases occur but are not reported.

During FY 1987, the National Center on Child Abuse and Neglect funded four projects to develop and implement specialized training programs for foster parents and group care staff who care for sexually abused children. While these efforts will focus on the provision of needed mental health services and the establishment of supportive systems for the child victims, the primary objective is to rebuild biological family relationships. However, a number of these children cannot return to their birth families and will be placed for adoption.

When these children are placed for adoption, the situation is further complicated because the history of sexual abuse is not always known to the adoption agency or the adopting family. The problem may not be discovered until the family reaches a crisis. Even when the abuse is known, the family may not be prepared for the extent of the damage to the child.

The purpose of this priority area is to address the unique circumstances facing the adoptive family:

- Recognizing the symptoms, accurately diagnosing and effectively dealing with the resulting behavior of the child as caused by a history the adoptive family does not share with the child;
- Understanding and accepting the significance of the trauma experienced by the sexually abused child, such as guilt, shame and inability to trust which often results from such experiences, while at the same time, making a life-long commitment to the establishment of a new family identity and relationship; and
- The need to obtain therapeutic and other types of help to prevent the disruption or dissolution of the adoption.

HDS will fund 24-month projects, with a Federal share not to exceed $125,000 per project per year, to develop replicable service models or to adapt existing successful models for families who are adopting or have adopted sexually abused children. The projects should address the provision of comprehensive services, including but not limited to, therapeutic interventions, training of service providers, development of support services for the family and the child, and developing and providing needed information on sexual abuse as an integral part of the preparation of the adoptive family. Dissemination of the models developed must be addressed in detail.

The applicants shall indicate in their application ways to document the project's accomplishments to determine whether the project has reached its goals and objectives, and how they will assess the effectiveness of the project.

Applicants may be private or public adoption agencies, public welfare or social service agencies, national adoption organizations, or professional associations interested in assisting adoptive families of sexually abused children.

Child Welfare Training

The need for adequately trained and skilled staff is crucial to the delivery of high quality, cost-effective public child welfare services. This is particularly true as the child welfare field increasingly is involved with an older, more handicapped and more difficult population of children and their families. Yet the most recently available data indicate that the vast majority of individuals who are employed in public child welfare lack the professional preparation which would equip them to perform this demanding work.

The social work profession has historically taken a lead role in the professional preparation of child welfare workers. However, as the field and the profession have evolved, fewer graduates of social work programs have taken positions in public agencies and some agencies have either been unable to find qualified persons to fill positions or have declassified positions and have hired individuals with no professional credentials. The combination of these and other factors has created a critical problem in child welfare service delivery.

The child welfare training priority areas described below are intended to address this problem, promote effective collaboration between schools of social work and public child welfare agencies and expand the number of professionally trained and qualified individuals who provide services in the public child welfare system.

For Traineeships, In-Service Training and Collaboration among Agencies, applications will be considered from institutions of higher education which are accredited by the appropriate accrediting authority and which train bachelors or masters level students in social work. Training must be for candidates for bachelors or masters degrees in social work. For Indian Child Welfare Training, applications will be considered from two and four year colleges controlled by Tribes or serving reservations and accredited by the appropriate accrediting authorities. The proposed budget in the application should include the costs for at least one trip to the national grantees' meeting in Washington, DC.

In evaluating Traineeships (6.1), In-service Training (6.2) and Indian Child Welfare Training (6.4), the "dissemination and utilization" criterion worth 15 points is eliminated, and those 15 points will be added to the "expected outcome" criterion for a total of 30 points.

Applications are sought in four priority areas: (1) Traineeships for students pursuing degrees in social work or child welfare; (2) in-service training for persons employed in the field of child welfare; (3) demonstration projects

VOL 52 ISS 250 DEC 30 1987 UMI

which involve collaborative efforts between schools of social work and public child welfare agencies; (4) special grants for Indians. Institutions may apply for traineeship grants and one other type of grant.

6.1 Traineeships

Traineeship grants will provide financial support for the education and professional training of students pursuing undergraduate or graduate social work degrees or graduate degrees in child welfare who have a stated interest in practice in public child welfare after graduation. Traineeships are intended to support the education of professionals who will assume leadership positions in the field of public child welfare. All traineeships must include a field placement component that provides the student with direct experience in a child welfare related setting, preferably in the public sector. HDS is especially interested in proposals for traineeships for minority students.

Applicants are encouraged to seek cooperative agreements with public child welfare agencies in order to provide traineeships to public agency employees who demonstrate potential for leadership in child welfare and who wish to return to school to obtain an undergraduate or graduate level degree in social work.

Applications should describe the curriculum utilized and how it relates to the needs of child welfare practitioners. Traineeships grants may only be used for student financial support and not for any other direct or indirect costs for the applicant institution, except to pay for one person to travel to the national grantees' meeting in Washington, DC.

Traineeship grants will be awarded for up to 24 months, for stipends with a maximum of $5,000 per student not to exceed a total of $25,000 per year per institution. No matching funds are required for traineeships.

6.2 In-Service Training

In-service training grants will support training for personnel employed in public/Tribal child welfare agencies. Topics for training should address specific high priority training needs identified by the public/Tribal agency and may focus on any level of personnel, including front line workers, supervisors or administrators. HDS is especially interested in leadership training for persons in management and senior supervisory positions and for other agency employees who demonstrate potential for leadership in the child welfare field.

The training program should be described in detail with specific measurable outcomes and a plan for evaluation of effectiveness. Applicants must demonstrate and document that Tribal and public child welfare agencies have actively participated in the selection of training topics and in the planning and implementation of the project. Participating agencies are encouraged to contribute resources toward the completion of the project goals.

HDS anticipates funding 17-month training grants having a Federal share not to exceed $100,000 per grant.

6.3 Collaboration Between Schools of Social Work and Child Welfare Agencies

Grants will be awarded in this area to support special projects of national significance from institutions of higher education that demonstrate creative, innovative, organizationally sound and economically feasible methods to facilitate continuing interaction between schools of social work and public child welfare agencies in order to promote child welfare training objectives. These collaborative efforts may also include professional associations with significant involvement in public child welfare.

Some examples are: (a) Demonstration of a model to share or exchange staff and faculty in order to enrich teaching and promote improvement in the quality of agency services; (b) Efforts to promote the upgrading of State and/or local merit system procedures for classifying professional social work positions; (c) Efforts to improve the extent to which interdisciplinary services are provided to child welfare clients; (d) Development of uniform certification standards for child welfare workers; (e) Definition of competencies for supervisors in child welfare practice, including child protective services and development of a curriculum which prepares personnel for supervisory work; (f) Definitions of competencies needed for child protective services practice and the development of a curriculum which provides training skill in those competency skills; and (g) Development and implementation of strategies to recruit and train individuals with the characteristics, motivation and ability to become supervisors and administrators in child welfare agencies.

These examples are meant to be illustrative only and HDS encourages the field to generate additional concepts.

The applicants shall indicate in their application ways to document the project's accomplishments to determine whether the project has reached its goals and objectives, and how they will assess the effectiveness of the project.

Projects which are primarily in-service training or traineeships will not be funded under this priority area. HDS anticipates funding 24-month collaborative grants having a Federal share not to exceed $100,000 per grant per year.

6.4 Indian Child Welfare Training

Eligible applicants for this priority area are two and four year colleges controlled by Tribes or serving reservations. Applications from non-Indian colleges which focus on the education and training of American Indians must be submitted under any of the three previous child welfare training priorities.

Eligible applicants for this priority area may apply for the following:

1. Traineeships

Traineeship grants will provide financial support for the education and professional training of Indian students who have a stated interest in practice in public child welfare after graduation. All traineeships must include a field placement component that provides the student with direct experience in a child welfare related setting.

Applicants are encouraged to seek cooperative agreements with Tribal and other child welfare agencies in order to provide traineeships to agency employees who demonstrate potential for leadership in child welfare. Agreements between two year and four year colleges are encouraged to assist child welfare trainees in two year colleges to enter advanced degree programs.

Applications should describe the curriculum utilized and how it relates to the needs of child welfare practitioners.

Traineeship grants may only be used for student financial support and for limited additional support and advisory services which may be necessary to maintain Indian Students in school, such as remedial assistance, but not for any other direct or indirect costs for the applicant institution.

Traineeship grants will be awarded for up to 36 months, for a maximum of five stipends per school, not to exceed a Federal share of $25,000 per school, per year. No matching funds are required for these Traineeships.

2. In-Service Training

In-service training grants will support training projects from two and four year colleges controlled by Tribes or serving reservations for personnel employed in Tribal child welfare agencies. Topics for training should address specific high priority training needs identified by the Tribal agency and may focus on any level of personnel, including front line workers, supervisors or administrators.

The training program should be described in detail with specific measurable outcomes and a plan for evaluation of effectiveness. Applicants must show that Tribal child welfare agencies have actively participated in the selection of training topics and in the planning and implementation of the project. Emphasis should be placed on administrative and practice skills such as interviewing, case management, therapeutic intervention techniques, interagency coordination and networking with other service agencies, liability issues, records maintenance and community needs assessment and community planning. Participating agencies are encouraged to contribute resources toward the completion of the project goals.

HDS anticipates funding 17-month grants having a Federal share not to exceed $100,000 per grant.

Child Welfare

7.1 Methods and Practices To Recruit and Retain Family Foster Homes

There is a growing need to increase the supply of foster homes and to enable them to care effectively for children currently being placed into foster care.

Child placing agencies are having increasing difficulty recruiting and retaining foster homes. Many children currently being placed have intense, complex problems including emotional disturbance, developmental disabilities, trauma from physical or sexual abuse, drug abuse, juvenile delinquency, or educational, behavioral and medical problems. Other children in need of care include medically fragile infants and young children.

Agencies report critical problems in recruiting and retaining homes to care for these children with more difficult problems. Children, even pre-school children, are being placed into child care institutions because appropriate foster homes are not available. Reports of emergency group home placements and the "boarder babies" can be traced, at least in part, to the shortage of appropriate foster homes.

Recently, many efforts have been made to increase the supply and effectiveness of foster homes, including intensive recruitment, training of foster parents, development of specialized family foster home programs and respite care, strengthening of State foster parent associations and networking of foster parents, and in some instances, increasing foster parent payment. These efforts, however, have not kept pace with the growing severity of children's problems and the diminishing supply of foster homes. Programs attempting specialized recruitment have reported that efforts generally are less effective unless there also are comprehensive system and practice changes, including support for foster parents as active participants on the treatment team.

As the supply of traditional foster homes decreases, child placing agencies have an increasing responsibility to develop skills in their selection process so that the safety and well being of the child is assured.

HDS is requesting proposals which further demonstrate and seed the development of effective programs to recruit and retain foster families for the more specialized foster care population. Proposals should focus on a combination of the following approaches:

- Increasing payment rates;
- Improving the status and participation of the foster parents as partners in the service delivery;
- Training foster parents and staff;
- Enlarging the support services available to assist foster families, including respite care, mental health services, specialized day care and day treatment services;
- Revising foster care policies and procedures to support an effective specialized family foster care program;
- Strengthening or improving State programs for licensing child placing agencies or family foster homes; and
- Developing foster parent peer support groups, especially in collaboration with local or State foster parent associations.

Projects are encouraged to build upon previous efforts and should identify the successful models used to design the proposed project. Projects will be expected to develop resource materials concerning the project as an aid to others who wish to replicate their effort. Letters of commitment from participating organizations should be included.

The applicants shall indicate in their application ways to document the project's accomplishments to determine whether the project has reached its goals and objectives, and to assess the effectiveness of the project. Federal funding for projects will be for 24 months at $80,000 to $100,000 per project per year.

Eligible applicants are public or private child placing agencies.

7.2 Placement Prevention and Reunification With American Indian Families Involved With Alcohol Abuse

The rate of out-of-home care of Indian children remains high in spite of the positive effects of the Indian Child Welfare Act (ICWA), and it is almost certain to increase as the new program for interdisciplinary child abuse teams facilitates the reporting and identification of abuse, neglect and sexual abuse in American Indian reservation communities. Treatment facilities for families are limited, and generally have not been able to integrate the treatment of parents for alcohol and other substance abuse into the child welfare program. New funding for substance abuse is now available, and all Tribes are developing Tribal Action Plans to determine the most effective use of these funds available under Pub. L. 99–570. Child welfare programs must establish links to these new programs to insure that treatment priorities are established for parents with children in foster care or with children at imminent risk of placement.

It is currently estimated that 75% to 90% of child welfare placements of Indian children are at least in part due to problems related to parental alcoholism. Since 1982, there has been a gradual increase in the numbers of children in out of home care, and it is probable that current totals exceed those of 1977–78, before passage of ICWA. Intensive family treatment approaches are effective with Indian families, but limited resources have seriously delayed their implementation in Tribal social service agencies.

HDS will fund demonstrations to establish placement prevention/reunification programs for American Indian families with children in care, or at risk of placement because of alcoholism or alcohol abuse of parent(s). The projects must demonstrate how to stabilize or reestablish families through involving the parent in alcohol treatment, and using parent aides or family support workers to provide help with services, and ongoing monitoring of the family. Services may include housing, food and clothing, parenting and life skills training, family and individual counseling, household management, medical and financial assistance and recreation. Costs of the alcohol treatment must be met by the Tribe under its Tribal Action Plan (BIA–IHS funding) and the application must include assurances to this effect. Applicants should also indicate plans for continuing the program after the

demonstration using this Federal funding ends.

ICWA programs and Tribal social service programs are eligible to apply for demonstration funds.

Programs must outline services including commitment from an alcohol treatment program. The applicants shall indicate in their application ways to document the project's accomplishments to determine whether the project has reached its goals and objectives, and to assess the effectiveness of the project.

HDS will fund 24-month demonstration projects having a Federal share of $75,000 to $100,000 per project per year, depending on size of the service population.

7.3 Longitudinal Cohort Study for Child Welfare

There have been very few longitudinal cohort studies to examine the long-term consequences of the foster care experience of children on their subsequent adult functioning and life cycle. HDS is interested in a study of foster care children and a comparative group of children not experiencing foster care which is national in scope, scientific in design and longitudinal (10 years) in nature.

This study would collect extensive data on the children and would contain psychological test scores, school performance data, parental visiting patterns, service provided, assessment data from social workers, teachers and parents. As the study progresses, additional data would be collected on the accomplishments/failures of the foster care and control group children. This would include social activities, income/job performance measures, marriage and parenting information, and drinking and drug abuse.

Although there have been a number of follow-up studies of children in foster care, none had a comparison group, and all but one studied less than 300 children. The frequency and length of time for follow-up also varied considerably. The major shortcoming of these studies was a lack of a comprehensive and uniform coding of data relating to the foster care experience of the child and family. Therefore, the longitudinal study which HDS is interested in must be structured to collect complete information on both the study cohort and the control group and propose appropriate procedures to maintain frequent contact with all participants, since significant data can be lost over time if study and control group participants drop out or cannot be located. Also to be considered and addressed in the application are options available should contingencies occur, such as study dropouts.

HDS is interested in funding the design phase for the kind of study described above. Proposed staff or consultants must have experience in longitudinal research projects, research study design and implementation, data collection, instrument development, client interviews, processing multiple types of data, data analysis, report preparation, child welfare programs, and outcome analysis. Also, the applicant should demonstrate the need for multi-disciplinary approaches (social work, education, psychology) to be used in the study. The description of the research methodology should include a detailed description of the research framework, sampling procedures, outcome measures and expected outcomes.

HDS anticipates a two-phase funding approach in this area. During Phase I, HDS will fund projects at a Federal share of $50,000 per project for a design study covering six to twelve months of effort. Subsequent HDS Federal funding for Phase II of up to a Federal share of $200,000 per year for one project would be based on a determination of the feasibility of the total effort. The non-Federal share must comprise at least five percent of the total cost of the project under this priority area.

In evaluating the applications under this priority area, the dissemination and utilization criterion worth 15 points has been eliminated. Those 15 points have been added to the level of effort criterion for a total of 35 points.

7.4 Synthesis of Child Welfare Evaluation Research Studies

For the past 25 years the Children's Bureau has provided support for research studies that advance and improve child welfare. Beginning in 1975 with *Child Welfare in 25 States—An Overview*, the Bureau has complemented the research leading to knowledge generation with an examination of the child welfare system and its components. There exist between 50 to 75 studies that have been conducted, mostly unpublished but available as final reports, that examine issues concerning the delivery of child welfare services.

HDS is interested in a synthesis of this literature and other significant studies generated by the field to identify what has been learned and what remains to be learned. Syntheses should be organized around large questions facing the field. They are not to be a simple abstracting and compiling of studies. Support shall be provided to studies that address the following:

1. Systems and public administration issues: Evaluation research that has assessed how well the child welfare systems function. Evaluation issues that need assessment include: Program impact, services delivered, deficiencies in child welfare system services delivery practices, barriers to program implementation, unmet needs of the client population and the impact of programs on service delivery and child welfare policy at State and national levels.

2. Research on clinical and treatment issues in child welfare services. Research issues that need assessment include: Population served, problems and needs of the populations, etiology, treatment approaches at individual and program levels and administration approaches.

3. Analytic methods: Methodological issues that need assessment include: Type of method or analytical paradigm (experimental design, statistical analyses such as regression and time series methods, curve fittings, operations research or simulation modeling), effectiveness of the method, and theoretical and methodological assumptions that may have influenced the findings.

For all of the above, the studies shall:

- Be organized by: type of delivery system, population served, and services delivered.
- Be arranged by source: former Federal (especially Children's Bureau) and State unpublished reports and by exemplary studies published in child welfare research literature.
- Type of study: control group experimental, quasi-experimental, or clinical.
- Contain a synopsis of each study tabulations of findings including qualitative findings, sample size and discussions of critical areas that need to be examined, promising new directions and the influence of each study on practice and child welfare policy.
- Use current meta analytical or traditional literature analysis methods.

HDS plans to support one or more studies from senior investigators for one year studies not to exceed a Federal share of $40,000 per project with a minimum of five percent non-Federal match. Applicants need not propose to synthesize more than one topic. However, applicants are encouraged to consider a comprehensive crosscutting view for these syntheses.

7.5 Research Study of Intensive Family Services

Over the past 10 years, programs have been developed to provide intensive in-home services to families identified as being at high risk of having their children placed in some form of out of home care because of abuse or neglect, or because parents are unable to manage or control emotionally or behaviorally disturbed children and youth.

For public policy, the issue is important since national data indicate that the number of children in public care has been increasing since 1984. However, existing family based programs have not been systematically studied, and while generally regarded positively, information is lacking on their effectiveness in addressing specific family problems, relative costs, and other information needed for administrators to make effective policy and program decisions and allocate resources.

Currently, there are more than 200 family based programs nationwide ranging from comprehensive statewide programs to small, private agency activities. Common program elements include services to the whole family, services provided primarily in the home and services focused on empowering the family to effectively meet its own needs.

Although program approaches vary in some essential elements including method and duration of treatment, staffing patterns and training, four major strategies can be identified: family therapy, parent education, resource development and community support.

Currently, several formal studies have developed outcome measures and provided a basis for systematic study of these services. A bibliography is available from the National Resource Center for Family Based Services, University of Iowa, (319) 335-4123.

HDS is requesting proposals for a scientifically valid research study of the treatment effectiveness and cost effectiveness of these family treatment programs. Applicants must use random assignment for comparative analysis of program effectiveness. Outcome measures must include measures of family and child functioning in addition to out of home placement episodes, and a follow up interview with the family and child after a reasonable period. Universities or research agencies in collaboration with State or private service providers are eligible to apply.

Applicants must include a selected review of the literature, clear statement of the research design, outcome measures to be used, hypotheses to be tested and proposed data analysis. Proposals must include letters of commitment from cooperating agencies.

Projects will be funded with project period of 36 months having a Federal share not to exceed $225,000 per project per year. The non-Federal share must comprise at least five percent of the total cost of the project under this priority area.

7.6 Maximizing Reunification in Foster Care With Minimum Re-Entry Rates

Within the child welfare field there has been considerable emphasis on reunification of the child with the family as the permanency goal. Unfortunately, studies in Illinois and data from the National Voluntary Cooperative Information System also indicate that from 29–33 percent of the children who leave foster care subsequently re-enter the system. Re-entry may be due to one or more of four factors or their interaction: (1) Decision by the agency to reunify the child before the family and child were prepared for the move; (2) inadequate post placement services; (3) unanticipated crises in family dynamics or structure; or (4) ecological change beyond the control of the family.

To address problems of re-entry, HDS has supported the development of a systems dynamic model which demonstrated the potential for testing alternative policy and practice decisions for increasing reunification. HDS is now seeking applicants interested in replicating the model which was originally pilot tested in several States. In addition HDS has also identified a model used by the health system to reduce maternal mortality which might be adaptable to the child welfare system to reduce the re-entry of children into foster care who were reunited with their families.

Agencies may wish to concentrate their efforts on either demonstration or use both models simultaneously with a design that can associate outcomes to each model's effects.

As background for those applicants interested in the systems dynamics model, HDS funded a project in 1985 to examine the process of reunification for minority foster care children. From that project a systems dynamics model was designed that approximated the practices of the agencies studied and allowed evaluators to examine how the foster care reunification rate would change under different policy decisions. Each simulation responded to a "what if" scenario and the model offered strategies to make the best use of agency resources under the given circumstances.

Unlike cause and effect models (traditional multiple regression models), the systems dynamics model examines the often recursive and inter-related aspects of different variables.

Agencies can, for example, use preventive services very aggressively and rely on foster care for only the most difficult cases. Such an agency can make excellent use of the resources even though its rate of reunification in these difficult cases is low. Similarly, agencies may move to long-term foster care with reunification attempted in only the more promising cases or terminate parental rights and seek adoption. Time to achieve reunification in such agencies may be shorter than in agencies that strive to achieve reunification in a larger percentage of their foster care cases. Looking at reunification in isolation without these other factors can be misleading and deprive agencies of alternatives that help them do the best job for their clients using the limited resources they have.

The model, comprised of a set of mathematical equations based on the particular agency's foster care data, allows the agency to consider all reunification factors in a given agency and assess alternative strategies, and then make decisions to implement the best option for their circumstances.

Those applicants interested in adapting the concept used by the health system to child welfare, should note that the essential component was a professional review group. When it was tried in the health field to reduce maternal mortality, local sections of professional organizations involved in pregnancy and hospital delivery established local committees to investigate all maternal deaths. They reviewed the hospital records, physician records, and interviewed staff involved with the pregnant women. Based on their professional study, recommendations were made for changes in hospital practice, training and certification for physicians, for obstetrical care, and public education encouraging prenatal care. These review committees are called Professional Review Action Groups (PPAG) for the purposes of this announcement.

HDS envisions that this concept of establishing PRAG committees can be adapted to help reduce the re-entry rate of children into foster care. The PRAG committees would consist of a peer review panel of experts in child welfare who would review all records for children re-entering the foster care system within 12 months after reunification. The committee should consist of two or three professionally qualified people, one of whom is a member of the agency which has re-admitted the child. The other members may be selected from schools of social

VOL 52 ISS 250 DEC 30 1987 UMI

work, voluntary agencies, or professional organizations.

These PRAG groups would review every re-entry case to determine whether the reason was due to inappropriate initial decision making, inadequate post placement services, family crises or ecological change or some combination of these factors. Whenever poor decision making is uncovered, this information would be conveyed to the agency to correct current practice. When other factors are identified, this information would be used to effect changes in the community support system to avert the re-entry of the child in foster care.

For more information on either of these models, contact the Administration for Children, Youth and Families, (202) 755–7758.

It is now proposed that the systems dynamics model and/or the PRAG component be tested through full scale demonstrations at a local foster care agency. HDS will consider applications from State or local agencies to further pilot test these approaches. Interested agencies should discuss the systems dynamics model and the PRAG re-entry component and how they might best be adapted to their local decision making process and explicitly link the information from the systems dynamics model and/or the PRAG re-entry component to an agency decision making process. Projects must include a scientifically valid evaluation component which can determine the extent to which the system dynamics model results influenced program, fiscal or administrative changes in the agency, and the impact of those changes on the agency and the program and whether the use of PRAG impacts on foster care re-entry as well as improving the decision making process.

If a combined demonstration effort is attempted, agencies will need to have data on (a) the systems dynamics model outcomes, (b) the PRAG model outcomes, and (c) the outcomes related to both systems dynamics and the PRAG. This can be obtained, for example, through a three-county demonstration effort within the State.

HDS anticipates funding 36-month projects having a Federal share ranging from $125,000 to $175,000 per project per year.

7.7 Preparation for Independent Living in Foster Care among Pre and Early Adolescent Youth

Thirty one percent of the children in substitute care are ages 11 to 15, the largest proportion of foster children in any age bracket. While many of these children will go home, or move into other permanent homes, it is likely that they will spend from 17 months to more than two years in substitute care before they do so. These are critical years during which children in their own homes develop rudimentary self-sufficiency skills, such as earning money, establishing savings accounts, selecting clothes, learning to deal with various community institutions, gradually learning to assume responsibility and to solve the personal problems of early adolescence under the general guidance of their parents, siblings, teachers and peers. Children in out-of-home care, particularly if they have more than one placement, may miss continuity in many of these "growing up" experiences, and thus be unprepared for the next phases of increasing independence and autonomy.

Responsibility for supervision is frequently left to the foster parents under the guidance of the caseworker. In agencies with well trained foster parents and staff with limited caseloads, developmental activities for the early adolescent may occur in an appropriate fashion. However, in systems that are overloaded and respond primarily to emergencies, normal developmental issues are likely to have low priority.

The new Federally funded independent living initiative provides special programs for foster children age 16 and older. Assessment of the developmental gaps of youth in these programs may provide future guidance on specific needs which should be met in programs for younger adolescents. Meanwhile, however, there is a need to address the problem of preparing for independence at an earlier period in the lives of young people in the child welfare system.

HDS will consider applications for demonstrations which will develop and test curricula or program guidance for foster parents and caseworkers, including the study of resources and programs an agency should make available to its foster care program. Products expected include curricula for foster parents, program guidance for social workers, policy statements and program guidance for the agency based on research or direct experience geared to adolescent issues.

Public or private agencies may apply, but the project must address the problems experienced by public agencies, and develop realistic and cost effective approaches for children in public care.

HDS anticipates funding projects for seventeen months having a Federal share not to exceed $100,000 per project.

7.8 Providing Services for Children with Acquired Immune Deficiency Syndrome (AIDS)

It is estimated that nearly 500 infants and children have been diagnosed as having AIDS. Roughly two to four times as many may have AIDS Related Complex (ARC) and an unknown number are infected with HIV (the AIDS virus). These infections are incurred at birth from an infected mother, through blood transfusions, through sexual abuse by an infected adult or, for youth, through sexual activity or the sharing of infected needles in drug use.

There is a rapidly increasing need for medical, social and support services for infants and children who have tested positive for AIDS, who may be in the care of their parents, or in substitute care, or in need of other care options.

Currently a few State and local agencies have developed guidelines and services for infants and children with AIDS (e.g., New Jersey, New York City). These include instructions or directions for care of children with a major focus on personal and health care. However, few support services such as day care, recreation or educational services are available. Development of social and support services for children is hampered because of the public's fear of the disease and uncertainty about the possibility of transmission through physical contacts.

Guidelines for the management of HIV infections within child welfare settings and a list of other appropriate guidelines have appeared in the Mortality and Morbidity Report (MMWR) published by the Centers for Disease Control (CDC) or have been issued by the American Academy of Pediatrics. This information and the "Recommendations of the Surgeon General's Workshop on AIDS, Children with HIV Infection and their Families" will be made available to applicants who request it from the Children's Bureau at (202) 755–7730.

HDS will fund demonstration projects to establish innovative child welfare services appropriate for infants and young children who have tested positive for AIDS, and whose parents are unable to care for them. Both foster family care and innovative community based alternatives to hospitalization should be considered along with provision of day care, respite care, and other support services for caregivers. Educational materials should be developed for families, foster families and group home staff.

Public and nonprofit private agencies which are able to demonstrate competence and prior experience are

eligible to apply. There should be letters of commitment from all cooperating agencies, and these should include medical, mental health, and other public agencies with responsibility in the program.

HDS will fund projects with project period of 36 months having a Federal share not to exceed $200,000 per project per year.

7.9 Mental Health Services and the Child Welfare System

Children in the child welfare system and the families who relate to them (whether birth, foster or adoptive) often have multiple problems which require the skills and expertise of mental health services in addition to child welfare services.

The purpose of this priority area is to support collaborative efforts between community mental health services and child welfare services to develop and/or expand specialized treatment skills and resources for the children and families served by the child welfare system, and to ensure that there are mechanisms in place which permit and encourage child welfare agencies and families access to these resources and services.

The types of mental health problems of child welfare clients are not unique, but these clients exist in familial contexts which can be different from other mental health clients. Extensive support is frequently required for addressing the needs of and providing treatment for children and their parents in these families.

Specifically we identify a need for family mental health treatment/intervention in several related but different situations:

(a) Families which are physically or sexually abusive or neglecting, where the abused child(ren) is in the home but at risk of removal;

(b) Families with behaviorally disturbed children who are either at risk of placement, or have children placed out of the home and require assistance to ensure their return;

(c) Adoptive families who experience difficulty in adjusting to the changes necessitated by the adoption, particularly when older and special needs children have been adopted, and the adoption may be at risk of disruption or dissolution.

In addition, children in all of the above situations are in need of assessment and treatment for a variety of developmental problems, behavioral symptoms, depression and mental health problems as a result of inadequate parenting, instability, family disruption, physical and sexual abuse and neglect. While many of these children are with their families as noted above, many others have been removed and are now in foster family or residential care, and are in need of a variety of treatment services to improve adjustment and facilitate their reunification with their own families, or with suitable adoptive families. Foster parents must also be involved, when that is appropriate.

As in FY 1987, HDS will fund projects that demonstrate inter-agency coordination and improved mental health services to child welfare clients. Projects should specify methods and models for coordinated planning, resource development and systems integration that will provide a continuum of home and community-based services to assist in strengthening families, preventing placement, providing early intervention, reducing waiting periods for service while demonstrating cost-effectiveness. Public child welfare and mental health agencies as well as private nonprofit child welfare or mental health agencies are encouraged to apply. Consortia of private and public agencies that demonstrate collaborative planning and joint commitment of resources, including personnel, are encouraged. Emphasis should be placed on involvement of existing community mental health facilities. For applicants other than public child welfare agencies, evidence of support from the public child welfare agency (local/regional/State) is highly desirable. Written assurances should be included with the application if available.

The applicants shall indicate in their application ways to document the project's accomplishments to determine whether the project has reached its goals and objectives, and to assess the effectiveness of the project.

HDS anticipates funding 24 month projects having a Federal share between $100,000 and $150,000 per project, per year with a possibility of renewal for an additional 12 months. It is expected that projects proposed by both public and private nonprofit applicants will be funded. Applicants may address one or more type of services component (protective services, placement prevention, foster care or adoption).

7.10 Utilizing Family—Based Prevention Approaches for Reunification and Replicating Specialized Foster Care Programs

The number of children living in substitute care has decreased significantly since 1977 as has the average amount of time an individual child spends in foster care. Since 1984, however, the number of children in substitute care has increased. Further, the problems of families seeking services are increasingly complex and the resources and expertise of responding agencies are severely taxed. It has become more important than ever to assure the utilization of available resources and materials by child welfare agencies.

A. Prevention programs to assist and support troubled families and prevent foster care placement are now well developed. The activities and services which are effective in preventing placement should be equally effective in reunification, however, reunification efforts have not been approached as systematically as prevention programs.

Program models developed for placement prevention should be adapted to reunify children with their families. Several models have been replicated and evaluated and are known to be effective. HDS wishes to encourage States and communities to adapt these *programs for reunification.* The following models are suggested:

1. *The Maryland Model of Placement Prevention* is an intensive in-home services program which uses parent aides working in partnership with the social worker to provide parenting skills, modeling of behavior, and to enhance self-sufficiency. In addition, this program provides emergency funds to assist families with housing, transportation, child care and other emergency expenses which otherwise could result in the placement of children. The approach is equally effective for reunification. The program is described in *Intensive Family Services—A Prevention Service Model* by Sondra Jackson, State Program Director, available from the National Resource Center for Family Based Services (see address below).

2. *Family Centered Social Services: A Model for Child Welfare Agencies* is a more widely tested placement prevention model of intensive family services using a structural family therapy approach which is described in *Family Centered Social Services: A Model for Child Welfare Agencies.* Existing programs in Iowa, Minnesota, Wisconsin, Kentucky and other States have been very successful in developing treatment plans based on assessment of the entire family, and resolving the problems which threatened the family. This report also provides information on agency structure, personnel allocation and cost analysis. Available from the National Resource Center for Family Based Services, School of Social Work, University of Iowa, Oakdale, Iowa

52319, (319) 353–5076. The Center will also provide consultation and training.

3. *The Black Family Preservation Program* is a program designed to meet the specific needs of inner city families, particularly minority families. *The Black Family Preservation Program* is a specialized and effective neighborhood based program using women from the local housing project to provide outreach, intervention and support to parents at-risk of having their children removed. Resource materials are available from:

Office of Program Development, Illinois Department of Children and Family Services, 406 E. Monroe Street, Springfield, Illinois 62701

4. *Homebuilders* is a short term intensive in home services model. Services are provided in home by a professional team of two up to 12 hours per day for the first two weeks, and are limited to a maximum of six weeks. The program's philosophy is behavioristic. It has been adopted in many communities and seems to be especially effective with behavior problem youth and their families in preventing the need for placement in residential care. Information is available from:

Behavioral Sciences Institute, 1717 S. 341st Place, Suite B, Federal Way, Washington 98003.

B. Replication of Specialized Family Foster Care. Many foster children with a history of abuse or neglect and the instability of multiple foster placements have behavioral emotional problems. Status offenders, juvenile delinquents, runaway and homeless youth in the child welfare population include many older children with severe problems. In addition, children with multiple handicaps and developmentally disabled children are sometimes candidates for foster care. Many of these youngsters are cared for in institutions because States do not have enough specialized families and specialized support services. Foster parents need training to provide care to the increasing number of children with such complex needs.

HDS has identified several successful specialized family foster care projects which could be replicated by States and local communities.

1. *Boysville, Michigan* is a private multi-service agency which provides care at three varied sites—rural, small community and a large metropolitan area. Foster parents receive extensive training and the social workers are trained in structural family therapy. The children and families receive a full range of services. Information on this program is available from:

Mark Robinson, Director of Specialized Family Foster Care, Boysville of Michigan, 8744 Clinton Macon Road, Clinton, Michigan 49236

2. *Special Family Foster Care, Boston, Massachusetts* is a State sponsored project which operates in cooperation with other agencies in six areas of the State. Children from birth to age eighteen are eligible for a broad range of services related to medical, developmental handicaps, emotional and behavioral problems. The initial project is now available State-wide. Information on this program is available from:

Ms. Linda Spears, Department of Social Services, 150 Causeway, Boston, Massachusetts 02114

3. *The Oregon Social Learning Center* is a private research and treatment center created to strengthen the foundation of families. One of its components is a specialized family foster care program for seriously disturbed children who have been hospitalized. The program provides intensive training for foster parents who are also actively involved with the agency in providing treatment services to children and their families. Information on this program is available from:

Dr. Patricia Chamberlain, Oregon Social Learning Center, 207 E. 5th Avenue, Suite 202, Eugene, Oregon 97401

HDS is requesting proposals to replicate or adapt these programs to improve the quality and availability of reunification services and specialized foster family care.

Public and private nonprofit agencies are eligible to apply. Private agencies must include a letter of commitment from the public agency.

HDS anticipates funding 17-month projects in each area having a Federal share between $70,000 and $100,000 per project.

Administration for Native Americans

8.1 Resolving Alcohol and Substance Abuse Within Native American Communities

Widespread problems associated with alcohol and substance abuse among the Native American population have been documented by various studies/reports through the Indian Health Service (IHS) and the Bureau of Indian Affairs (BIA). The costs of alcohol and substance abuse measured in terms of physical, mental, social and economic means have been enormous to Native Americans.

Historically the health status of Native Americans has been substantially below that of the U.S. population, especially in terms of alcohol and alcohol-related health problems.

Referring to the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (Pub. L. 99–570), the Congressional Record under Subtitle C, sec. 4202, Findings reports that:

Indians die from alcoholism at over four times the age-adjusted rates for the U.S. population; alcohol and substance abuse results in a rate of years of potential life lost nearly five times that of the general U.S. population;

Four of the top ten causes of death among Indians are alcohol and drug related injuries (18 percent of all deaths), chronic liver disease and cirrhosis (5 percent), suicide (3 percent), and homicide (3 percent);

Indians between 15 and 24 years of age are more than two times as likely to commit suicide as the general population and approximately 80 percent of those suicides are alcohol-related; and

Indians between 15 and 24 years of age are twice as likely as the general population to die in automobile accidents, 75 percent of which are alcohol-related.

The Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986, Title IV, Subtitle C of Pub. L. 99–570 directs the Department of Education, the Department of Health and Human Services and the Bureau of Indian Affairs to determine and define the scope of substance abuse problems among Indian Tribes and to identify resources and programs of IHS and BIA. The law authorizes approximately $22 million annually (each) for the IHS and BIA, beginning in FY 1987–1989. In addition, funds are available through the Department of Education to Indian Tribes for drug abuse education and prevention programs.

The Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 also directs the BIA agency and education superintendents, where appropriate, and the Indian Health Service unit directors to cooperate fully with tribal requests made in regards to Tribal Action Plans (TAP). The purpose of TAP is to address alcohol and substance abuse issues and problems through implementation plans.

Alcoholism is a prevalent health and social problem throughout the Native American community. Alcohol abuse affects and is associated with not only the abuser, but also the abuser's family. Family as is commonly understood in most Native American communities means the extended family and includes

parents, their children, grandparents, aunts, uncles, etc. The problem of alcohol also affects and is associated with the abuser's friends and peers, therefore impacting on the condition of the workplace and the school environment. Because alcoholism not only has damaging effects on the growth and development of the individual, but also affects and is associated with the family and the community in general, the approach to solving the alcohol abuse behavior and its related problems requires a comprehensive approach. Community support through public awareness as one means might prove useful in the problem solving process.

It is important to point out the merit of traditionally held Indian values, as practiced by Native American families, as a factor in reducing the use of alcohol and other substances. A 1980 study by E.R. Oetting et al. found that Native American youth who did not use drugs or alcohol, consistently came from homes that had strong family sanctions against substance abuse. These families were perceived as being more successful in the "Indian way." A 1985 study of 2,000 Native American youth age 11 to 18, conducted by Velma Mason, showed that youth who did not use drugs or alcohol exhibited a high degree of family-oriented identity and perceived their families as maintaining traditional values. The reverse was found for Indian youth who reported drug or alcohol involvement.

Applications are solicited from American Indian Tribes, Alaskan Native villages, Hawaiian groups and other Native American organizations for demonstrations designed to show positive measurable outcomes in preventing or reducing alcohol and substance abuse. The purpose of this area is to address the reduction or prevention of alcohol and substance abuse through innovative prevention and/or intervention projects.

Applicants are encouraged to submit proposals that present a comprehensive prevention and intervention approach involving the family and community, however, they may focus on a particular segment within the family or community, such as the workplace or school. Applicants who are Indian Tribes or Alaskan Native villages must state how the proposal relates to or could relate to their TAP. However, the proposal can not duplicate an existing funded element of the TAP or propose to develop or coordinate the TAP. In addition, on-going social service delivery, expansion or continuation of existing social service delivery programs, or direct services do not meet the purposes of this announcement.

Cooperative efforts including the general public and private agencies and/or organizations are encouraged. Applications may also have a cultural approach focusing on traditional Native American practices.

Federal funding for projects in this priority area is limited to a total of $160,000 for a maximum 3 year project period. Applicants should include a budget for each year for which Federal funding is requested. Applicants are encouraged to contact Sharon McCully at ANA, (202) 245–7714, for information concerning specific programmatic issues in this priority area.

8.2 Innovative Community Approaches to Entrepreneurial Activity With Native American Youth

In 1986 the national campaign to nurture America's youth from now until the year 2000 was launched as a cooperative effort between the Department of Health and Human Services and the Department of Labor. The campaign, Youth 2000, is highlighting youth issues and coordinating the efforts of businesses, communities and Federal, State and local levels of government in support of this endeavor.

The Department's 1980 report entitled "Indian People in Indian Lands," a report using the 1980 U.S. Census data, states that the Native American population is younger than the overall population of the country and that Native Americans have the highest birth rate.

According to the 1980 U.S. Census, the Native American population has an unusually high young population with more than one out of three Native Americans under the age of twenty. In addition, the Census also points out that there is relatively no Indian middle class.

Few Native American children have been exposed to entrepreneurial activity through their school experience or through community role models. In fact the idea of private ownership and/or private profit is not a commonly held value among many Native Americans. Native American youth have not had the opportunity to develop entrepreneurial and management skills through the traditional programs whose purpose is to offer an entrepreneurial orientation to young students.

Recent studies have pointed out the lack of entrepreneurial and management know-how among the Native American community as a barrier to economic development. Reservation economic development in particular is still in an embryonic stage of development offering tremendous economic potential for the future. Since a large segment of the Native American population is young and will provide the leadership of tomorrow, an entrepreneurial experience for training future leaders seems desirable.

The primary purpose of this priority area is the enrichment associated with the operation of a formal program through which work-related skills are transmitted in the classroom, through summer activities and/or through extra-curricular activities geared to business operations. Such projects can provide for skills acquisition not only for the youth themselves but also for the community's need for persons with entrepreneurial orientations and management skills. Projects can include a component addressing the exposure to business opportunities or business activities.

In 1987, HDS funded four projects under the same priority area. These projects represent a wide range of approaches such as classroom-type training, computer-based instruction, field trips and the development and operation of businesses. This priority area is being repeated again this year because of the continuing concern about the need to develop entrepreneurial skills among young Native Americans as well as the need for a variety of models for replication.

Applications are solicited from American Indian Tribes, Alaskan Native Villages, Hawaiian Native groups and other Native American organizations including Indian-controlled academic institutions for demonstrations promoting entrepreneurship among Native American junior and senior high school students. HDS will consider demonstrations that are student operated and that include the expectation that income producing enterprises will develop. These activities may include the development of a service needed by the community or the organization, co-ops providing for the needs of the participants, and/or individual or group-managed businesses for which markets may be identified.

Applications in this priority area should include an implementation plan and specific measurable outcomes such as a decline in the rates of school drop out or increased competency in employment-related skills among the population identified, to name a few examples. Applicants are encouraged to include participation by local resources such as local banks, Private Industry Councils, colleges, universities, etc. Projects may relate to programs in

BEST COPY AVAILABLE

VOL 52 ISS 250 DEC 30 1987 UMI

boarding schools, public schools or day schools on reservations or they may be after school type activities unrelated to the school setting.

Federal funding for projects in this priority area is limited to a total of $200,000 for a maximum 3 year project period. Applicants should include a budget for each year for which Federal funding is requested. Applicants are encouraged to contact Sharon McCully at ANA, (202) 245–7714, for information concerning specific programmatic issues in this priority area.

8.3 Development of Models Applying the Enterprise Zone Concept to Native Americans

The concept of enterprise zones as a means of attracting business and capital to Indian reservations is getting increased attention. American Indian Tribes have many of the attributes conducive to enterprise zone application; such as tax immunities, jurisdictional prerogatives, and natural and human resources.

In 1987, five projects were funded to test the application of the enterprise zone concept to Indian reservations. In 1988, applications are solicited to apply the enterprise zone concept in urban settings and the Alaska Native Community, as well as on reservations.

The Administration for Native Americans is interested in addressing the enterprise zone concept in two parts. Part I focuses on Federally recognized Tribes and Part II looks at urban Indian organizations. Alaska Native villages, Alaska Native Indian communities and nonprofit Alaska Native Regional Corporations may refer to Part I and II where appropriate.

Part I: The purpose of an enterprise zone is to attract business and investment capital to an economically-distressed area primarily through packaging and marketing of local resources, governmental attributes and certain locational advantages. Enterprise zones seek to increase employment in targeted locations by removing tax and regulatory obstacles to business.

Tribes, like state governments, have the necessary attributes of sovereignty to create their own enterprise zones prior to passage of Federal legislation. Tribes also have the option to explore jointly-sponsored enterprise zones with their state or other local governments.

According to a comprehensive 1981 report titled "The Applicability of Enterprise Zones to American Indian Reservations," certain principal factors are important to industry in determining where to locate. While the application should not be limited to these factors, identified below, they should be addressed:

1. Basic economic factors (location, labor availability and skills, land, resource availability, market demand and availability of private capital);
2. Civil order (personal safety, property security, enforcement of contracts and political stability);
3. Taxes and regulations (Federal, State, Tribal and local);
4. Infrastructure/service delivery (transportation access, utilities, site preparation, fire protection, schools and street maintenance); and
5. Assistance programs (job training, management assistance services, grants and low-interest loans).

Copies of the above-referenced report may be obtained by writing to the Administration for Native Americans, 330 Independence Avenue, SW., Room 5318, North Building, Washington, DC 20201 Attention: Sharon McCully.

Part II: For an enterprise zone concept to work effectively for an urban Indian community that population should be concentrated in a specific area of the city.

It must be remembered that "Indian preference" in hiring, although legally practiced in certain Federal agencies and by Tribes on Indian reservations, is generally looked upon as against equal opportunity laws when applied outside the reservations and in the specific Federal agencies. Therefore, an enterprise zone created to address unemployment problems among the urban Indian community cannot discriminate against non-Indians seeking employment inside their zone. The urban Indian organization must use the enterprise zone, then, to address the Indian unemployment problem by (1) bringing the job opportunities to the community, and (2) assuring strong affirmative action programs geared to employing Indian people in the businesses attracted to the zone.

The urban Indian organization that sponsors the creation of an enterprise zone should be one that is free of intra-community factionalism. In order to institute an effective enterprise zone, business conducted with the private sector and municipal governments must be free of political interference. Accordingly, an urban Indian organization might consider creating a special board to handle the enterprise zone program.

Resources and attributes that could be packaged and marketed to attract industry and jobs to economically-distressed urban areas with high concentrations of Indian people are:

1. Local, municipal and state government commitments:
   a. Targeted assistance programs (SCORE, JTPA, etc.);
   b. Bond issuance for manufacturing facilities and equipment;
   c. Tax and regulatory relief incentives; and
   d. Improved municipal services (trash removal, security, etc.)
2. Local and regional private sector:
   a. Financial contributions for venture capital fund;
   b. Technical and management assistance; and
   c. Other creative corporate philanthropy
3. Federal government assistance programs:
   a. BIA (where "on or near reservations" situations exist);
   b. SBA, EDA and other programs available for technical and financial assistance; and
   c. Minority preference in securing contracts
4. The Urban Indian organization:
   a. Employment and training programs;
   b. Employee counseling and support programs; and
   c. Creation of venture capital fund (UIDA's BIDCO fund, the Dakota Fund, etc.).

Eligibility is restricted to Federally-recognized Indian Tribes; Alaska Native villages, as defined in the Alaska Native Claims Settlement Act; Nonprofit Alaska Native Regional Corporations; Alaska Native Indian communities, as recognized by the Bureau of Indian Affairs and urban Indian organizations. Applications should address the planning and setting up of the enterprise zone structure and the implementation of a zone.

It is expected that applications addressing both the planning phase and implementation/marketing phase will require three years. In addition, projects that will not be completed or self-sustaining or supported by other than ANA funds at the end of the project period do not meet the purposes of this announcement. It is also expected that financing for the enterprise zone will be secured or will soon be in place at the end of the project period.

Applications from urban Indian centers should have a letter of commitment from their municipal and State governments. Tribes proposing to engage in a jointly sponsored enterprise zone with another governmental entity should also have a letter of commitment. Federal funding for projects in this area is limited to a total of $275,000 for a maximum 3 year project period. Applicants should include a budget for each year for which Federal funding is requested. Applicants are encouraged to contact Sharon McCully at ANA, (202) 245–7714, for information concerning specific programmatic issues in this priority area.

8.4 Human Service Needs of American Samoan Natives

American Samoa is an unincorporated and unorganized territory of the United States which is administered by the Department of the Interior. Its natives are classified as "American Nationals" and have free entry to the United States. Census Bureau figures indicate that there are approximately 40,000 Samoans residing in the United States, most of them in Hawaii and California. This priority area addresses those American Samoans who live in the United States.

American Samoans are a young community, with more than 50% of their population under the age of 19. They lack education and job skills and have limited English language proficiency and communicative competence. As a result, they experience high levels of unemployment, alcoholism, violent crimes, health problems and other problems associated with extreme poverty.

The percentage of American Samoan families living below the poverty level is 140% greater than for all families in the United States. In States where American Samoans are heavily concentrated, even greater discrepancies emerge. In California, 21.0% of American Samoan families live below the poverty level, compared to 8.7% of all Californian families; in Hawaii, 37.5% of American Samoan families are below the poverty level compared to 7.8% of all Hawaiian families. Per capita income for American Samoans residing in the United States is the second lowest of all population groups.

The unemployment rate of American Samoans in the United States is much greater than that of the general population. The unemployment rate for American Samoans in California is 55% greater than that for the State as a whole. In Hawaii, the overall unemployment rate of American Samoans is more than double the state-wide rate.

American Samoans tend to be overlooked by many community-based agencies and organizations that provide health, educational, and other social services. Data show that personnel employed in existing social service programs know little about the unique aspects of American Samoan culture and tradition. Research indicates that there have been few outreach efforts and only isolated attempts by these agencies to hire American Samoan staff and increase American Samoan participation in programs. As a result, American Samoan communities lack knowledge about existing services and participation in many community-based social programs is low.

HDS believes that it is important to respond to the diverse problems experienced by American Samoans, to identify and address the pressing human service needs of American Samoan individuals and their families. Since a high proportion of the American Samoan population is under the age of 19, applications which focus on the needs of American Samoan youth are encouraged.

HDS intends to fund several 24-month projects to develop social service delivery models to address the unique needs of American Samoans. HDS anticipates a Federal funding level of $50,000 per year for each project. Eligible applicants are non-profit incorporated organizations whose principal purpose is serving American Samoan Natives residing in the United States.

Applicants are encouraged to contact Sharon McCully at ANA, (202) 245–7714, for information concerning specific programmatic issues in this priority area.

Administration on Aging

Research

9.1A Field Initiated Research on Community Based Systems of Care

Under the Older Americans Act, as amended, the Commissioner on Aging is authorized to support research to develop an information and knowledge base useful for the purpose of formulating public policy on behalf of elderly people. This research can, among other purposes, establish demographic data bases which contain information about the elderly population or segments of that population and examine effective models of planning and practice that will improve or enhance services to older people. This year, applications for research are sought in the specific area of community-based systems of care.

In recent years there has been a strong national emphasis on developing comprehensive and coordinated community based systems of services so that all older persons have maximum opportunity to live independent, meaningful and dignified lives in their own communities as long as possible. All systems are made up of interconnected elements working together to achieve a common purpose. In any community the elements that make up a service system include the range of service providers, funding agencies, planning agencies and local governments. Coordination and purpose are what make a system out of the collection of elements. Ideally such a system should provide a continuum of care for the elderly that brings together an effective and appropriate mix of family, community and institutional resources.

Many communities have had experience and success in building comprehensive and coordinated community based systems of service for the elderly. A better understanding of the experiences these communities have had could assist other communities to build their own systems of service and assist policy makers and planners to promote adoption of successful methods and techniques.

Applicants are invited to conduct research in one or more of the following areas that:

- Compare and contrast coordinated and comprehensive community based systems of service for the elderly. Systems should be selected with a view toward their potential for replication in other communities. A complete analysis should be developed which describes how the system functions, the services delivered, arrangements between participating agencies and service providers and the role and contribution of each to the system, and its effectiveness in serving the elderly;
- Compare and contrast approaches for creating community based systems such as influencing the political environment, developing coordination with the system, advocacy on behalf of the elderly, providing public information on the needs of the elderly and accessing local resources; and
- Identify and analyze issues relevant to improving the accessibility, responsiveness, and effectiveness of supportive service delivery systems for the elderly.

Applicants should describe the significance of the proposed research in terms of how the knowledge to be gained could be utilized, benefits to be derived, and the potential implications for the aged population, policy makers and service providers. A plan for dissemination of the results to appropriate audiences to promote widespread understanding and implementation of successful approaches should be developed and will be an important criteria in making awards under this priority area.

AoA expects to fund three to five projects under this priority area, with a Federal share of up to $200,000 per project per year, and a project duration of up to two years. Non-Federal funds

must comprise at least five percent of the total cost of any project under this priority area.

9.1B Research on Native American Aging

The Administration on Aging is interested in supporting broad-based research in the field of Native American aging, with a particular emphasis on the gathering and analysis of national or regional data and statistics on the Native American elderly population. This priority area focuses on research aimed at compiling, critically examining, and synthesizing existing data and statistics, and on identifying gaps in knowledge pertaining to all older Native Americans. The intent is to develop state of the art data which will give the Administration on Aging, and other appropriate agencies and organizations, a better understanding of the needs of older Native Americans. Subsequent research will be based on an assessment of the identified knowledge gaps and will contribute to the development of a research agenda.

The types of data on older Native Americans to be analyzed during this initial stage of research include, but are not limited to: demographic information; health and housing conditions; social and economic status; and the availability and accessibility of supportive services.

Each application should contain the following:

- The identification of the data to be collected, examined, and synthesized;
- A research design and operational plan for conducting the proposed project;
- The identification of key audiences, and a plan for disseminating the study results to those key audiences, in order to promote widespread understanding of the existing knowledge and data gaps.

Each study should result in:

- A synthesis of existing research and information;
- An identification and assessment of knowledge gaps; and
- Recommendations for follow-up action, as needed.

AoA anticipates funding up to three 1 year projects having a Federal share not to exceed $100,000 per year per project. Non-federal funds must comprise at least five percent of the total cost of any project under this priority area. There are no restrictions on applicant eligibility.

Education and Training

There are a wide variety of professional and paraprofessional occupations which significantly impact the lives of older people. The Administration on Aging seeks to expand the number of persons in those occupations that affect the elderly who have been properly trained to meet the unique and special needs of this segment of our population. This goal is especially important in light of the projected significant increase in the numbers of older persons in American society.

9.2A Statewide Short-Term Training and Continuing Education for Professionals and Paraprofessionals

Short-term and continuing education and training opportunities must be available for persons currently working in occupations that significantly affect the elderly. With the continued growth of the elderly population, opportunities must be provided to continually upgrade job knowledge and skills that increase the capacity of these professionals and paraprofessionals to serve older people effectively and compassionately. These professionals and paraprofessionals include mental health counselors, hospital discharge planners, home health aides, homemaker aides, respite care and day care personnel, community health center personnel, nursing home administrators and others.

Applicants are encouraged to propose training of persons who are employed in leadership positions that impact on services to the elderly, e.g. managers of home health programs, hospital administrators, nursing home administrators and other types of decision-makers.

Eligible applicants include State Agencies on Aging, State professional associations, colleges and universities. Each application should include the following:

(1) A statement clearly specifying the *single* profession or occupation that is being targeted and the number of persons who are expected to be trained. The application should specify how the expected level of participation in the proposed training activities will be achieved.

(2) A plan to conduct *Statewide* continuing education and short-term training for the single profession or training that will impact on a targeted profession or occupation targeted. Applications which do not offer training that will impact on a targeted profession or occupation *throughout the State* will not be funded.

(3) In every case, the State Agency on Aging and a State or other appropriate association representing the targeted profession or occupation must be partners in the project. Applications should list all the organizations that will collaborate on the project along with a description of the nature and extent of that collaboration. Written assurances should be included with the application.

Applicants may apply for support for a number of different professional or paraprofessional occupations within the State. However, each application must target a *single* professional or paraprofessional occupation and show promise of significant impact on that occupation, and subsequently on the elderly, throughout the State.

(4) The applicant should present a training plan which shows how existing training materials will be used wherever possible. A wide variety of curriculum materials have been developed with the support of AoA and other Federal, State and private efforts. Every project need not develop new materials.

(5) Applications must make a major effort to disseminate project products to other State Agencies on Aging and to the national associations representing members of the targeted profession. The application must specify how this will be accomplished.

(6) AoA will give special consideration to applications which propose to enhance and improve training programs for Title III service providers and nursing home providers which focus on serving older persons with the greatest economic and social need, particularly low-income minority elderly.

(7) Except as specified in the previous paragraph, applications may not propose training for individuals for whom the State Agency on Aging has primary training responsibility as described under section 308(a)(1) of the Older Americans Act, i.e., "short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act."

Institutions of higher education with significant minority enrollment are particularly encouraged to apply. AoA expects to fund up to ten projects under this priority area, with a Federal share of up to $150,000 per project, and a project duration of up to 17 months.

Projects will be funded at a level not to exceed $150,000 in Federal funds for a maximum duration of up to 17 months.

9.2B Aging Content in Professional Academic Training

The Administration on Aging encourages the inclusion of aging content in programs leading to certification or an academic degree for persons preparing for employment in occupations that significantly impact on the elderly population. Professionals and paraprofessionals who would benefit from specialized gerontological or geriatric content in their career preparation include, physical therapists, counselors, occupational and recreational therapists, home economists, pharmacists, home health aides and others. Applications may be submitted which focus their training on other professions and occupations. However, such applicants must demonstrate that these professions or paraprofessional occupations have not developed significant gerontological or geriatric components previously.

Applications are requested from institutions of higher education or national and state professional associations for the purpose of training persons in a specific professional or paraprofessional occupation. Community colleges and institutions with substantial minority enrollment are particularly encouraged to apply. The training should focus on aging concepts and best practices for working with the elderly. Each application should include the following:

(1) A statement clearly specifying the *single* professional or paraprofessional occupation being targeted.

(2) Evidence that the State Agency on Aging has been significantly involved in the design of the training proposal.

(3) Evidence that the proposed activity is in response to documented needs for aging content in the profession targeted for training.

(4) Evidence that the proposed activity will be on-going once the grant terminates.

(5) A brief description of current gerontology courses or program offered at the institution and how the proposed activity would strengthen or enhance the existing program.

(6) Written assurance from agencies or organizations involved in a collaborative effort should be included.

AoA will give special consideration to those applications which include curricula focused on serving older persons with the greatest economic and social need, particularly low-income minority elderly.

Applicants should identify and adapt existing aging education and training curricula to the needs of the program. Information on curricula that have been developed with AoA support is archived in four major clearinghouses. Information may be obtained by calling Project Share (301) 231–9535; the National Technical Information Service (703) 487–4650; the American Association of Retired Persons' "Ageline" (800) 345–4277; and the U.S. Government Printing Office Library Programs Service (202) 275–1007.

Applications must include a plan to collect and report information on students participating in the proposed program. The information, to be collected and reported at the beginning and end of the project, must include: (1) Number of students in the program; (2) aggregate demographic characteristics including such factors as sex, race, age and geographic background of the students (i.e., urban or rural) so long as the confidentiality of individuals is assured; (3) types of courses and practical experiences; and (4) upon each student's graduation, the employment secured.

AoA expects to fund up to nine projects under this priority area, with a Federal share of up to $150,000 per project, and a project duration of up to 17 months. Eligible applicants in this priority area are limited to institutions of higher education and national and State professional associations.

9.2C National Projects to Improve Accreditation Requirements in Aging

Applications are requested from national organizations with authority for planning, supporting, assessing, and sanctioning instructional programs in post-secondary institutions. Applications must have primary focus on improvement of instructional content in gerontology and aging-related knowledge and skills unique to one or more recognized professions, fields, or skilled occupational areas.

Highest priority will be given to applications which address the following areas of interest:

(1) Development of a national plan for increasing the requirements or standards for accreditation of instructional programs in specific professional, paraprofessional or specialized occupational fields.

(2) Assessment and reporting of minimum knowledge and skills and methods of their evaluation for credentialed, certified, registered or licensed individuals completing a post-secondary instructional program.

(3) Assessment and reporting of state and national laws, rules and regulations which sanction or promote improvement of aging content in specific professional, paraprofessional or specialized occupational fields.

(4) Development of long term organizational membership services which promote, encourage and sponsor improvement in instructional programs using available curricula, with emphasis on faculty, administrators, and institutional officials and a plan for ongoing implementation beyond the period of AoA funding.

Highest priority will be given to those applications which include all of the following:

(1) Evidence of consultation with representatives of State Agencies on Aging in development of the proposal and involvement of one or more State Agency on Aging representatives as advisors or consultants in implementation and evaluation of project activities.

(2) Evidence of involvement and participation of State government organizations which regulate, support or influence instructional programs or license, register or certify graduates of instructional programs which are the central focus of the application.

(3) Evidence of intent to continue project goals and selective activities once the project grant is completed.

(4) A brief description of the applicant organization's mission, functions, and structure, as they relate to the conduct of instructional programs in post-secondary institutions.

(5) Written assurances from agencies and organizations involved in collaborative efforts described in the methodology section of the proposal.

(6) Identification of and reference to relevant training and education project activities supported by the Administration on Aging, the Public Health Service, Veterans' Administration, Department of Education and major private foundations.

AoA expects to fund up to five projects under this priority area, with a Federal share of up to $150,000 per project, and a project duration of up to 17 months. Applicants in this priority area should be appropriate national bodies which are in a position to have a national impact on the identified profession or occupation.

Minority Training and Development

Proposals are solicited which would increase the number of individuals who are members of minority groups working in aging-related jobs through innovative efforts that: (a) Promote the development and placement of minorities as program managers in aging network and aging related private sector jobs; and (b) develop a formal training program and/or course for Indian Tribe Directors of Title VI programs of supportive and nutrition services.

9.2D1 Minority Management Traineeship Program

The Administration on Aging (AoA) is interested in increasing the number of minorities in management/administrative positions in State and

VOL 52 ISS 250 DEC 30 1987 UMI

Area Agencies as well as other organizations impacting the elderly. Applications are solicited from State and Area Agencies on Aging, educational institutions, Indian Tribal Organizations funded under Title VI of the Older Americans Act and other appropriate organizations to participate in the Minority Management Traineeship Program. The objective of this program is to enable trainees to assume management positions after completion of their traineeship. The program is intended to place college graduates with either significant prior aging program experience, graduate degrees, or masters-level students as management trainees in organizations serving the elderly. Applications should contain information about the host agencies, procedures for selecting and recruiting trainees, a description of the traineeship itself and information about training and supervision associated with the traineeship.

Applicants must include a plan to assure that when the traineeship is completed the trainee will assume a management position in an organization serving older persons.

The level of Federal financial participation in projects under this priority area is limited to a maximum of $1,000 per traineeship per month. A project proposing a traineeship program lasting for nine months and involving ten trainees may apply for a maximum of $90,000 in Federal funding. Applicants are encouraged to obtain other contributions in support of their traineeship programs. Any such support will not be subjected to the $1,000 per traineeship-per-month Federal cost constraint.

AoA expects to fund up to nine projects under this priority area, with a Federal share of up to $150,000 per project, and a project duration of up to 17 months.

9.2D2 Training for Indian Tribe Directors of Title VI Programs

AoA is interested in increasing the competence of Indian Tribe Directors of Title VI programs of supportive and nutrition services and providing recognition for persons working in these positions. Proposals are solicited from public, voluntary or profit-making training organizations which are familiar with Older American Act Programs, and which can offer full training courses.

The course could be a combination of full time instruction, correspondence, individual and group sessions or other formats. A description of the course to be offered must be submitted along with the application. This training should include all subject areas involved in administering the Title VI Program: financial management, nutrition, social services, budgeting, personnel, planning, facilities management, public relations, gerontology, Indian Culture, fundraising, etc. Applicants must include: (a) A plan to offer the course to at least 20 persons the first year, (b) a plan to offer the course to as many as desire it over a three-year period, (c) an estimate of the number of Tribes likely to participate, and (d) a method for selecting the students. The proposal should include: (a) Funds for tuition, travel and maintenance expense for students, and (b) a plan to evaluate the course after the first year and modify it if needed. Persons selected for this training should have some experience in administering all or part of a Title VI Program and a guarantee of continued employment by the Tribe. Tribes should agree to continue participant's salary while involved in this training.

AoA expects to fund up to two projects under this priority area, with a Federal share of up to $200,000 per project per year, and a project duration of up to three years.

9.2E Executive Leadership Institute on Aging

The role and challenge for the aging network of State and Area Agencies on Aging will continue to change as our nation's older population grows and changes. Executives, managers, and key staff of State and Area Agencies on Aging must be knowledgeable and current about our changing society and how it affects their roles as they provide leadership designed to assure that each and every community in our nation is a good place in which to live and mature.

In order to meet this challenge, the Administration on Aging (AoA) is interested in enabling aging network agencies to further strengthen and develop the leadership capacities of their executives and managers. In order to assist States in accomplishing this objective, AoA will support the establishment of one (1) Executive Leadership Institute on Aging to train a cadre of highly qualified executives, managers, and key staff in State and Area Agencies on Aging and Indian Tribes.

The applicant selected to receive an award for the development and implementation of the Executive Leadership Institute on Aging must be qualified to provide high quality training at a level beyond that normally carried out by State and Area Agencies on Aging. The training program proposed must not duplicate the ongoing training which is the responsibility of State, Tribal, and Area Agencies on Aging. Applicants should propose a strategy which would best implement the concept of an Executive Leadership Institute on Aging.

The strategy proposed may include residential programs which adapt features of other successful executive development programs, or the training might be provided on a multi-site basis with training programs scheduled at different locations around the country at different times; or applicants may propose a combination of these approaches, e.g., residential training for executives and managers and multi-site training for other staff.

Whatever the approach proposed, it is essential that the Executive Leadership Institute develop a prestigious, high quality program which executives will be nominated for and selected to attend. Because of the quality of the training presented, the limited number of training modules available each year, and the small number of individuals allowed to participate in each module, it is expected that competition will develop for the available training slots. Therefore, applicants should specify the number and types of training courses proposed and how they will address the needs of their intended audiences. The appropriateness and quality of the proposed training courses will weigh heavily in the selection of the applicant to conduct this Institute.

Participation will be limited to executives, top managers, and key mid-level staff of State and Area Agencies on Aging and Tribal governments as well as a limited number of advisory council members and other appropriate officials whose responsibilities directly impact on older persons. It is expected that each of these groups will have distinct training modules customized to its needs. To insure that the State and Tribal Agencies on Aging have the full opportunity to play a significant role in developing the executives and key staff within their jurisdiction, all participants must be nominated by a State Agency on Aging or Tribal government.

Faculty should include resident core staff with expertise in one or several of the curriculum topics. In order to maintain continuity in the educational program, a number of core faculty members should be available throughout the duration of the training. The work of the core faculty should be supplemented by visiting faculty who are expert in a particular topical area or who have otherwise made a significant contribution to the area of study.

The Executive Leadership Institute on Aging also is expected to serve as a resource to State or Tribal Agencies on Aging as they design their own training programs for other staff of State and Area Agencies on Aging, and service providers. On a limited basis, the Institute shall assist the States in designing such training programs, developing curricula, and identifying qualified training sources for use by individual States. No more than 20% of the Institute's award may be used for such technical assistance.

The following features will characterize this program:

- The applicant selected will be awarded a Cooperative Agreement for a three year project period.
- The Administration on Aging and the organization selected to serve as the Executive Leadership Institute on Aging will work cooperatively in the development of the Institute agenda.
- The Executive Leadership Institute on Aging shall have its own organizational identity within the structure of the performing organization. Evidence must be provided that the Institute will have the ability to function in a independent manner.
- The Executive Leadership Institute on Aging shall have a Director with an appropriate background and who will devote full time to this position. Appropriately qualified individuals shall be appointed to the Institute faculty.
- An Executive Leadership Institute Advisory Committee will be established to insure that the Institute is responsive to the needs of the aging network.

Federal funding for the Executive Leadership Institute will be in an amount not to exceed $300,000 for the first year and $500,000 per year in the second and third years of the Institute. After the third year, additional diminishing support from AoA will be conditional on successful performance based on participant satisfaction and the ability of the Institute to obtain alternative funds for movement towards eventual self-sufficiency.

AoA funds will support administration of the Executive Leadership Institute on Aging, the cost of conducting the training, and the living expenses of the students. As the Executive Leadership Institute on Aging becomes more established, it is anticipated that the agencies sponsoring the participants will bear a larger portion of the costs.

9.3A Prevention and Treatment of Alcoholism Among Older Indians

According to data published by the Indian Health Service, the rate of alcoholism among older Indians is considerably higher than that of the general population. It is further found that 95% of American Indians and Alaskan Natives are affected either directly or indirectly by a family member's use or abuse of alcohol. The National Center of Health Statistics, DHHS, reports that four of the top ten causes of death among Indians of all ages may be directly related to alcohol abuse. The four causes are accidents, cirrhosis of the liver, suicide, and homicide. It is for these reasons that the HHS Secretary has placed a priority on the prevention and treatment of alcoholism among Indians.

Alcoholism and alcohol abuse among older persons can be prevented and/or treated whether the problem is a new one or has existed for many years. However, in order for prevention, detection, and treatment to be effective, both formal and informal caregivers, especially family members, need to be sensitized to recognize the particular needs and concerns of older persons, which often include loss, grief, failing health and other problems related to growing old.

The purpose of this priority area is to solicit project proposals for Indian reservation-wide projects for education, detection, treatment and prevention of alcoholism and alcohol abuse among older persons with a strong focus on counseling for the alcoholic and his other family provided by older Indians as role models. Projects should emphasize a comprehensive approach to the problem of alcohol abuse among older persons including education for prevention as well as building adequate social infrastructure so that older persons facing personal grief and crisis can have an appropriate outlet. Projects should also focus on assisting older persons, their families and caregivers to recognize when a problem exists and where to go for assistance in addressing the problem. Projects should also focus on utilizing older Indians to assist in being role models and teachers to younger Indians who may either be at risk or already have drinking problems.

A multi-pronged program is proposed. First, projects are solicited which develop and implement public education programs which (1) address concerns which may lead older persons to drinking; (2) suggest alternatives to drinking; and (3) identify where older persons and their families can go for help in dealing with pre, post and alcoholic older persons. Second, projects are being solicited which will establish or reinforce community-based programs for the detection and treatment of alcoholism among older persons. It has been demonstrated that older persons are more receptive to treatment in a familiar setting, such as a senior center nutrition site or locus of other health care, rather than an institution removed from their familiar surroundings. The third emphasis is on training caregivers to recognize symptoms of alcoholism among older persons and deal with older drinkers with compassion and hope.

Eligible applicants are limited to Federally recognized Indian tribes. Applications should demonstrate collaboration with relevant aging, alcohol abuse, and mental health service providers in the conduct of the effort. All applications should clearly define a strategy that will enlist the efforts of these other relevant agencies and organizations including other appropriate public and private entities.

AoA expects to fund up to six projects under this priority area, with a Federal share of up to $75,000 per project, and a project duration of up to 17 months.

9.3B Education for Self Care

The longer a person lives, the greater his or her chance of incurring at least one or more chronic or disabling conditions. In 1980, 10.8 million people over the age of 65 had at least some degree of limitation in daily activity, from mild to severe, due to chronic illness. Future projections indicate that 16.4 million persons age 65 or older are expected to have functional limitations at the turn of the century. This figure will reach 23.3 million by the year 2020 and 31.8 million by the year 2050.

The increase in longevity and the proportionate increase in chronic and disabling conditions places tremendous demands on the health care system. Given the increase in complexity and specialization of the health care system coupled with the increase in health care costs, older persons must make efficient use of available resources in order to prevent or reduce the need for frequent and intensive health care and to be able to obtain the optimum health care when the need arises. One way of doing this is to become better informed about one's illness or disease and to be more knowledgeable about appropriate care. Since many of the chronic conditions from which older persons suffer, such as heart disease, hypertension, and emphysema, are caused by lifestyle habits, such as poor diet, insufficient or inappropriate exercise, and smoking, it is essential for older persons and their caregivers to become partners with health care providers to improve the management of their care. The more a person knows about what kind of care is required for certain types of chronic conditions, the greater the chances

become for a successful partnership with health care professionals.

The purpose of this priority area is to develop model programs that will educate older persons to take a more active role in the management of their health care. Projects should address such topics as how to teach older persons and their caregivers to recognize symptoms and early warnings of impending disease or illness. Information should be made available and accessible for older persons and their families as to where to go for more information, what type of help to seek for a symptom or problem, what to tell the health care professional and what to ask them about their prognosis and care.

Projects should also encourage older persons and their caregivers to recognize the active role that they can play in improving the management of their own illnesses, how to prevent other illness and maintain optimal health. It is critical that older persons and their caregivers be better informed so that when they have interactions with health care professionals they leave with a clear understanding of the role they must play to achieve optimum health status.

Projects may be national or State-wide in scope and should involve close collaboration of the appropriate aging and health care agencies and organizations of professionals and providers. The cooperation of State-wide associations representing health care professionals and providers is critical to the success of these projects and applicants must provide evidence of commitments of cooperation from such organizations. Partnerships with other private and voluntary sector organizations also are strongly encouraged. This priority area supports the Joint National Initiative on Health Promotion for Older Persons of the Administration on Aging (AoA) and the Public Health Service (PHS). State-wide projects should work in conjunction with the existing State Health Promotion Coalition established in connection with the AoA/PHS Health Promotion Initiative for older persons.

AoA expects to fund up to three projects under this priority area, with a Federal share of up to $150,000, and a project duration of up to 17 months.

9.3C Prevention of Fires and Smoke-Related Injuries and Deaths

Statistics show that in 1983, fires, burns, and injuries associated with fires were the fourth leading cause of accidental death among persons over age 65. Furthermore, the percentage of fire deaths continues to increase disproportionately with advancing age. There are a number of reasons why older persons are more susceptible to fire-related deaths and injuries including living in older and frequently substandard and/or poorly wired homes, reduced perception to detect fires and smoke, as well as decreased physical flexibility to escape injury. Furthermore, older persons have a greater likelihood of causing accidents due to physical limitations and forgetfulness.

Smoke inhalation, related asphyxiation and burns are factors which cause injury and deaths from fires. Older persons have far less chance of survival from fire, first because of their inability to move as fast as might be necessary to avoid injury and second, because of the effects of injury to aging bodies. Burns are a serious problems at any age, but in older persons, the ratio of injury to death is much higher than in the younger population due to increased complications and the frequent presence of other medical conditions.

Data from almost every source indicate that fires resulting from cigarette smoking are the most common source of injury and death among all age groups, but especially among older persons. Fires resulting from faulty or inappropriate use of heating and electrical equipment are the second leading cause of fire-related injuries.

The purpose of this priority area is to prevent the death, dysfunction and disability resulting from fires and smoke- related injuries to older persons. Applicants are encouraged to address two facets for improving in-home fire safety for older persons: (1) Public education and (2) advocacy for programs to assist older persons in making necessary modifications to their living environment to minimize the risk of fires.

Community public education efforts should focus on fire prevention for older persons, their families and caregivers. In addition, projects should address the education of fire fighters and other community personnel on how to deal with the special needs of older persons.

Applicants also should address advocacy for and/or implementation of programs to assist older persons who need assistance in modifying their homes to reduce the risks of fire, to detect them more easily in a shorter period of time, and to escape fire.

Projects should develop models of how such programs can be implemented and should build on materials developed previously and supplement these materials, as necessary. Project funds may not be used to purchase equipment to be installed in the home of individual older persons.

Public education campaigns should involve national, State and local fire prevention agencies and organizations, State and local aging agencies and organizations and relevant private and voluntary organizations. Because projects in this area support the Joint Health Promotion Initiative for Older Persons of the Administration on Aging (AoA) and the Public Health Service (PHS), applicants should also work in conjunction with the existing State Health promotion coalitions established in connection with the AoA/PHS national initiative on health promotion for older persons.

Applicants focusing on public education efforts should have at least a Statewide focus. Applicants focusing on advocacy and or implementation are encouraged to take a Statewide approach, but may focus on developing model local programs which can be expanded throughout a State to assist older persons to retrofit their homes.

AoA expects to fund up to three projects under this priority area, with a Federal share of up to $150,000, and a project duration of up to 17 months.

National Resource Centers on Aging

The population of older persons is rapidly expanding in our society. Because of the complex, and often fragmented nature of current service delivery systems and the growing need for professionals, service providers and the public to be better prepared to respond to the needs of older persons, our society is being called upon to develop and/or expand services, coordinate more effectively, and assure the development of trained manpower to implement these initiatives.

The purpose of the priority areas which follow is to support National Resource Centers on Aging which will provide technical information and expertise to states, communities, educational institutions, professionals in the field, and the public which can help them meet the needs of older persons and their families. Centers must be national in scope and address one topical area specified below. Centers are expected to support the State Agencies on Aging as they promote the development of community based systems of services for older persons throughout their State.

Centers will focus their efforts on analyzing and synthesizing available knowledge; putting it in a format which is useful to planners, practitioners, and others; conducting training based upon it; and promoting the dissemination and utilization of this knowledge in efforts to improve the well-being of older persons.

Types of Activities To Be Undertaken

All Centers, except the Long Term Care Ombudsman National Resource Center under priority area 9.4D, must undertake the following activities on a national scope:

1. Training of staff of State Agencies on Aging and, under the direction of State Agencies, their Area Agencies on Aging on key practical issues within their topical area relating to the development of service systems for older persons through seminars, workshops, conferences, on-site consultation, as well as presentations and forums for the public;

2. Technical assistance to help State Agencies on Aging and their Area Agencies on Aging, under the direction of State Agencies, as well as others to utilize knowledge to implement or expand services and service delivery systems for older persons and their families; and initiate or expand educational programs for professionals in the health and social service fields and other disciplines relevant to services for older persons;

3. Information dissemination initiatives that will result in effectively sharing the latest concepts, methods and findings with State Agencies on Aging and their Area Agencies on Aging, educators, service providers, researchers, and the public; and

4. A limited amount of research and development of a short term nature which is oriented to the development of a practical product such as an analysis of key issues of concern on a particular subject, a useful instrument or tool, educational, practice and technical assistance materials, or a description of new practice concepts as well as the development of new ones.

Each National Resource Center must undertake all four of these activities within its topical area. Centers should also earmark approximately fifteen per cent of their funding for short term activities to be developed during the course of the Center project period. Center awards are not for the support of long term or basic research projects (although it is expected that Centers will undertake such activities using other sources of support) or preprofessional academic training.

Other features of the National Resource Center Program:

- Applicants selected will be awarded Cooperative Agreements for three year project periods.
- Each applicant for a Center must specify topical sub-areas of specialization in which the Center will focus.
- The Administration on Aging and the Centers will work cooperatively in the development of Center agendas. AoA will share with the Centers information about other Federally supported projects and Federal activities relevant to these topical areas.
- AoA will work with the Centers to develop a system to set priorities for the training and technical assistance provided by the Centers and to insure that requests for training and technical assistance are channeled through the cognizant State Agency on Aging;
- The maximum Federal support per year will be $200,000 for the first year of the project and $400,000 a year for the second and third years. Applications for Center awards must indicate that the applicant understands and accepts this limitation and will seek alternate sources of support for the period beyond this award.
- Several Centers will be funded to address the issues for long-term care, one or more Centers will be funded in the area of special aging populations, and one Center will be awarded in *each* of the following areas: Health promotion and wellness; elder abuse, and long term care ombudsman programs.
- Applications are solicited from institutions of higher education and other organizations which can provide evidence of relevant expertise as well as active and successful programs devoted to the concerns of older persons.
- Substantial institutional commitment, made by the highest levels of the institution, must be clearly evident.
- Each Center must have its own organizational identity within the awardee organization. Evidence must be provided that the Center will have the ability to function in an independent manner.
- The Center shall have a Director with an appropriate background and shall devote, at a minimum, fifty percent of his/her time to this position. Appropriately qualified individuals shall be appointed to the Center faculty.
- Each Center is expected to include within its plan of work a significant number of special activities to address the needs of minority elderly within the Center's topical area.
- Each Center shall have an Advisory Committee which will provide the Director with guidance of Center activities. Members of this committee shall include a predominant representation of Directors of State Agencies on Aging.
- In order to insure that State Agencies on Aging have a full opportunity to exercise leadership roles in assisting their Area Agencies on Aging, contacts with Area Agencies on Aging and public bodies within a State are to be made and responded to only through the cognizant State Agencies on Aging.

The topical areas for which Centers will be funded are outlined in the priority areas which follow.

9.4A Long Term Care National Resource Centers

Several decades of research, program development and educational initiatives in long term care have produced a great deal of information about the characteristics of frail and vulnerable older persons and their family caregivers, their need for services, methods of service provision, the outcomes of care and the various educational programs that prepare professionals to work in this field. What is lacking, however, is a comprehensive and coordinated method of providing easy access to such accumulated knowledge by professionals, educators, service providers and the public.

In order to improve the transfer of knowledge and provide the technical assistance that may be needed to implement such knowledge, the Administration on Aging is interested in establishing several Long Term Care National Resource Centers to assist in the development and expansion of comprehensive and coordinated community-based long term care service systems in this country.

Within the broad area of community-based systems development, each applicant for a Long Term Care National Resource Center shall propose (subject to negotiation with AoA) one or more specific topical area(s) of focus. Examples of such topics include, but are not limited to

- Effective State policies and community level organizational structures for comprehensive and responsive community based service systems which are available and accessible;
- Functional assessment and care planning;
- Linkages between community service agencies and hospitals and residential long-term care facilities to increase the options available for older persons to remain as independent as possible; and
- The development of interdisciplinary teams including both health and social service professionals.

Center applications may also address such issues as the development of services including adult day care,

respite care, and other services to assist family caregivers of older persons with severe impairments, and the identification and treatment of dementias including Alzheimer's Disease.

9.4B Health Promotion and Wellness National Resource Center

Since 1984, the Administration on Aging (AoA) has been working with the U.S. Public Health Service (PHS) on a joint national initiative to develop and expand health promotion and wellness programs for older persons. Launched under an interagency agreement, a key objective of this initiative is to encourage collaboration among State and local health departments. State and Area Agencies on Aging, and voluntary organizations in the development of health promotion for older persons.

To date, the initiative has addressed the areas of nutrition, physical fitness, drug management, injury prevention, smoking cessation, mental health, dental health, prevention of pedestrian and motor vehicle accidents and injuries, and adult immunization. In the coming year, AoA and PHS will continue to emphasize these areas, as well as focus on several new areas. These areas include: alcoholism among older persons; the prevention of smoke and fire related accidents and injuries; consumer education for older patients; and helping older persons to be better managers of their own health care.

A key objective of the Health Promotion and Wellness National Resource Center will be to support the efforts of State Health Promotion Coalitions as they seek to insure that health promotion programs become a permanent part of the programs of health and aging agencies. In support of this objective, the Center is expected to bring together and actively disseminate the findings of the various projects which AoA has supported in this area and to provide technical assistance as needed.

9.4C Elder Abuse National Resource Center

Recognition of elder abuse as a subject for public concern is growing rapidly. Forty-nine States have enacted legislation which addresses elder abuse; but, despite these actions, there is a gap between the state of knowledge about elder abuse and the availability of effective practical methods to intervene, to prevent abuse from occurring, and to provide services to those who have been victimized.

Since 1978, the Administration on Aging has funded a number of research and demonstration projects whose focus has been the problem of elder abuse. A repository of information and knowledge is now needed to consolidate what has been learned and to provide consultation, information, and training to public, professional, and voluntary organizations; and State Agencies and their Area Agencies on Aging, in planning, developing, and implementing elder abuse services and advancing the state of knowledge about elder abuse and neglect. The Administration on Aging plans to establish one (1) Elder Abuse National Resource Center on Aging.

Within the broad area of community-based systems development, and consistent with the four generic responsibilities of all

National Resource Centers on Aging, each applicant is expected to pay particular attention to the following:

- Analysis of effectiveness of various methods for identification, investigation, intervention, and prevention of elder abuse or neglect;
- Causes of elder abuse and neglect; and
- Analysis of effectiveness of various methods of organization, planning, and delivery of services by all levels of government and by the private sector, including the volunteer sector, to combat elder abuse.

9.4D Long Term Care Ombudsman National Resource Center

Currently, there are nearly 3 million persons over the age of 85. This is the fastest growing age group in America today. With improved health care and healthier lifestyles, it is anticipated that the number of old-old will continue to increase significantly. Although most older persons are cared for by family members, nearly one out of five of all persons over 85 reside in long term care facilities. The need for institutional care continues to rise with the increasing numbers of older persons, especially those persons over the age of 85.

Residential long term care facilities (nursing homes) provide care to a heterogeneous group of residents with a wide spectrum of needs. The ongoing concern about the quality of care and the quality of life in these facilities led to the establishment of the Title III Long Term Care Ombudsman program. Although all States have implemented a Statewide program to meet the requirements of the 1978 Amendments to the Older Americans Act, much remains to be done to assure the full development of quality Statewide programs as called for in the 1987 Amendments to the Older Americans Act.

To address this need for continued development, the Administration on Aging will fund one (1) National Resource Center to conduct training and to assist State Agencies on Aging in the further development of their own training programs. This Center will be responsible for nationwide technical assistance and will serve as a resource on ombudsmen concerns for State Agencies on Aging. This Center will have four major functions (which differ from the four functions of other types of National Resource Centers). These functions are:

1. To design and conduct ongoing, short-term training for professional staff working with the ombudsman program at both the State and local level. This training is intended to assist State Agencies in fulfilling their responsibilities to train ombudsman staff. Such training is to focus upon improving the skills and capacities of professional staff who administer statewide and local programs and who are responsible for supervising paraprofessional and volunteer staff.

This training should include:

- An overview of the Older Americans Act;
- Federal requirements for the Ombudsman Program;
- An overview of various State approaches;
- A discussion of the complex issues that affect provision of long term care services;
- Comprehensive community based service systems and the role of the ombudsman in systems building; and
- Methods for improving administration and management of a Statewide program and techniques for improving program effectiveness.

Sessions should also be included for the orientation of new ombudsman professional staff.

2. To provide technical assistance to State Agencies on Aging for the development of curricula and other technical assistance materials which State Agencies may use in training at the State and local levels including volunteers, advisory committees, resident councils or other personnel who relate to ombudsman programs. Assistance should be provided to increase professionalism, to encourage credentialing or certification, or to employ other techniques which will enhance the skills of the ombudsmen as they carry out their responsibilities under State guidelines.

3. To develop materials including "how-to" materials designed to help State Agencies on Aging integrate the ombudsman program into

comprehensive and coordinate systems of services. Other technical assistance materials may be prepared to assist State Agencies in effective communication with nursing home personnel, regulatory officials, and health care professionals, and to increase community involvement and awareness, or other items of use to States in meeting program requirements.

4. To serve as a resource for States by collecting and disseminating state-of-the-art knowledge and providing for the exchange of information about long term care ombudsman programs in other States. This exchange of information should include materials which describe and discuss long term care issues, alternate approaches for meeting Federal requirements, licensing and certification of long term care facilities, working with board and care facilities, legal concerns, residents rights and other related items.

9.4E Special Aging Populations National Resource Center

The 1987 Amendments to the Older Americans Act contain special language to assure preference of service provision to those older persons with the greatest social and economic needs. Those with the greatest social and/or economic needs often are individuals from such special aging populations as ethnic and racial minority groups; the chronically impaired and disabled; older women; and the geographically isolated.

The premise upon which support for this priority area is based is that some older persons, because of their special population status, find it difficult to access benefit and service programs available to the general population of elderly, or otherwise find that such programs and services are unresponsive to their needs. Further, it is felt that information properly packaged and presented can be useful to the policy makers, planners, practitioners and others who are concerned with making programs and services more responsive to the needs of these special populations of elderly.

Numerous research and program development efforts have targeted special aging populations. There is now a need to systematically consolidate that information and knowledge about these special aging populations; to provide consultation, information and training to public, voluntary organizations, State and Area Agencies on Aging, and other agencies or organizations in planning and developing services for special aging populations; and to assure that comprehensive community service systems are responsive to the needs of these special aging groups.

The Administration on Aging plans to establish one (1) or more Special Aging Populations National Resource Centers. It views the creation of these Centers as a way of complementing efforts which have already been undertaken to address the needs of special aging populations. Each applicant must:

- Clearly define the special aging population on which the Center will focus, and describe the current state of knowledge pertaining to that population;
- Delineate the scope, nature, and importance of its social and economic needs;
- Justify that the establishment of the proposed Center will have a significant impact on the needs identified with the special aging population(s);
- Describe how the work of the proposed Center will complement existing efforts to address the social and economic needs of the special aging population(s).

The Center(s) to be funded in this area should have a broad rather than a narrow focus. In the case of racial and ethnic minority aging populations, for example, the Center's sphere of interest should not be limited to any particular minority aging population.

Within the broad area of community based systems development, and consistent with the four generic responsibilities of all National Resource Centers on Aging, each applicant (subject to negotiation with AoA) is expected to pay particular attention to:

- Barriers to service delivery;
- Effective programs and outreach efforts for special aging populations; model development and best practice materials; new strategies for service delivery; continuing education and training programs;
- Public policies with a potentially significant impact on special aging populations; and
- Statistical trends and other changes in characteristics of special aging populations which impact on their future needs for services.

Systems Development

Legal Assistance for Older Persons

The Administration on Aging (AoA) is interested in making discretionary project awards aimed at providing a national system of legal assistance support activities to State Agencies on Aging, and their Area Agencies on Aging, for providing, developing, and supporting legal assistance for older individuals. For several years, AoA has supported the development and strengthening of various elements of such a system. Through these and related efforts, the capability of State and Area Agencies and legal services providers to plan for and provide needed legal assistance has been enhanced.

The Administration on Aging will continue to support both national technical assistance and demonstration projects that contribute to the further systematic expansion, development, and strengthening of the national system of legal assistance support to State Agencies on Aging and their Area Agencies on Aging. For the next two years, AoA will direct its Title IV legal assistance grant resources toward strengthening the State role in the national system and, in particular, the leadership capacity of State Agencies on Aging to:

- Develop responsive State-wide systems of legal assistance;
- Link these systems with the broader array of services and service systems needed to promote the independence and dignity of older persons; and
- Assist Area Agencies on Aging in the integration of legal assistance programs for older people with existing community based service delivery systems.

The priority areas which follow address these concerns.

9.5A1 National Legal Assistance Support System Projects

Section 424 of the Older Americans Act specifies four component activities of a national legal assistance support system. Each activity is a valuable resource for strengthening the leadership roles of State Agencies on Aging in developing systems of legal assistance for older persons. AoA expects that the project(s) funded under this priority area will, either singularly or collectively, encompass at least these four components:

(1) Case Consultations

In addition to providing appropriate case consultation, this component should include such follow-up activities as: documenting the resolution of those cases and issues which have precedent-setting implications, and making that documentation and analysis available to State Agencies on Aging nationwide;

(2) Training

The applicant is expected to propose a strategy for meeting the training and technical assistance needs of legal assistance providers and other appropriate persons, as identified by State Agencies on Aging. That strategy should describe the training and

technical assistance to be provided; the intended target audience; and the materials/curricula which will be utilized and made available to State Agencies for the replication of such training;

(3) Provision of Substantive Legal Advice and Assistance

The applicant is expected to apprise State Agencies on Aging of policy and program developments in substantive areas where legal assistance can facilitate access or assist older persons to maintain their independence. The applicant should analyze the substantive issue area, explain its importance to older persons, and identify a suitable format (policy paper, newsletter, etc.) and dissemination plan. The substantive areas could include, but are not limited to, such important areas as: Medicare and Medicaid; protective services, guardianship and alternatives; health care decision making; legal issues involving housing such as tenants rights, consumer contracts and potential uses of home equity; and

(4) Assistance in the Design, Implementation, and Administration of Legal Assistance, Delivery Systems to Local Providers of Legal Assistance for Older Individuals

The applicant should show how it will assist State Agencies on Aging to work toward the development of a State-wide system for providing legal assistance to older persons. Areas for assistance to State Agencies could include the identification of issues for use in planning, the design of a legal manpower needs assessment and identification of alternative approaches to meeting those needs, the design of strategies for linking with other agencies and organizations, and the design of, and assistance in implementing, strategies for supporting Area Agencies on Aging in their work with local providers.

For each of the activities it proposes to undertake, the applicant should:

- Present the current state of knowledge and experience and document what it perceives to be serious gaps in information and practice;
- Specify the nature and scope of efforts needed to close those gaps, and how those efforts will advance the rights of older persons;
- Indicate its plan for achieving national coverage of the assistance to be provided; and
- Provide detailed descriptions of specific products or outcomes proposed for development or modification.

As provided by section 424(c), eligibility is limited to national, nonprofit legal assistance organizations experienced in providing support, on a nationwide basis, to legal assistance programs.

AoA anticipates that a total Federal share of up to $750,000 per year will be available to fund one or more projects in this priority area. The grant award(s) will take the form of a Cooperative Agreement(s). Project period(s) may not exceed 24 months. Approval of a request for continuation beyond the initial 12 month budget period will depend upon a determination of the grantee's performance as satisfactory during the initial budget period. In part, such determination will be based upon assessments of grantee's performance by State Agencies on Aging.

9.5A2 State/Community-Level Demonstration Projects

Proposals are solicited from State Agencies on Aging to assist in the implementation of demonstrations that will facilitate the integration of legal assistance programs for the elderly into their community based comprehensive, coordinated service delivery systems throughout the State. Section 424(a)(2) of the Older Americans Act authorizes demonstration projects to expand or improve the delivery of legal assistance to older individuals with social or economic needs. For the purpose of these demonstrations, AoA is interested in addressing the issues of coordination and targeting.

State-level demonstration projects under this priority area will focus on the three areas identified below. The first two exemplify the potential for advancing the legal status of older persons through State Agency on Aging linkages with, respectively, the court system and consumer protection agencies. The third area underlines the special emphasis which the legislation places on targeting legal assistance to the most vulnerable elderly.

(1) Coordination of Court Actions in Servicing Older Persons

One of the most intimidating events in the life of an older person could be involvement in a court action. Court actions such as guardianship can inhibit an older person's ability to make his or her own decisions; or, an older victim of a crime may need counseling or other supports to assist them through what could be a traumatic judicial process.

Applications should demonstrate approaches for increasing the capacity of the court system to safeguard the legal rights to older persons. Such approaches would include but not be limited to:

- Increasing access to dispute resolution services;
- Promoting the use of least restrictive alternatives in guardianship and protective services cases; and
- Assisting elderly victims of crime to cope with the various steps in the legal process.

(2) State/Area Agency Linkages with Consumer Protection Agencies and Better Business Bureaus

Today, consumer decisions are becoming increasingly more complex. Often, older people become the victims of fraudulent business practices or suffer from the results of uninformed consumer decisions. Areas such as health, home repair and maintenance, mail orders, and financial planning can be particularly distressful for older people.

Applications should demonstrate strategies for combining the resources of State and Area Agencies on Aging with those of Consumer Protection Agencies and Better Business Bureaus to assist older persons in making informed consumer decisions and in gaining access to complaint resolution mechanisms.

(3) Improving the Targeting of Legal Assistance to the Vulnerable Elderly

State and Area Agencies on Aging have the responsibility to target services to vulnerable older persons. This may be accomplished through a number of methodologies, including the service planning and needs assessment processes, types of services to be provided, methods of service delivery, location of services, and outreach strategies. Applications under this area should develop and implement innovative strategies in such areas as those listed below:

- Developing needs assessment methodologies that more adequately identify the legal assistance needs of vulnerable older persons. Concern has been expressed that the traditional method of primarily requesting needs information from vulnerable older people may not adequately reflect the true legal assistance needs of this at risk population. Proposed methodologies could include the identification and/or development of secondary data sources and accompanying methodologies for accessing these data sources, and the development of legal services reporting systems that produce data for future needs assessment processes;
- Developing replicable service delivery strategies designed to provide legal services to the vulnerable in an easily accessible manner, including at their residences; and
- Developing outreach strategies specifically designed to identify vulnerable older people in need of legal assistance.

Proposals are solicited from State Agencies on Aging. As appropriate, applicants are encouraged to work with Area Agencies on Aging, as well as with national, State, and local legal services and other organizations.

AoA anticipates that a total Federal share of up to $500,000 per year will be available to fund 3–5 projects in this priority area. Project period(s) may not exceed 24 months. Approval of continuation requests beyond the initial 12 month budget period will depend upon a determination of the grantee's performance.

9.5B State Agency on Aging Leadership Roles for Elderly Housing

Housing is a critical issue facing the nation's low to moderate income elderly. States and communities need to develop strategies to respond to the pressing need for adequate, appropriate, and affordable housing facing these groups. The purpose of this priority area is to demonstrate effective models that will assist State Agencies on Aging, and through them Area Agencies on Aging, to exert more effective leadership in the housing area.

Two outcomes are expected from projects in this priority area. One is a demonstration of effective models for leadership by State Agencies on Aging at the state level. State Agencies on Aging can play a leadership role in influencing the variety of State actions that impact the cost, volume and types of elderly housing produced. These actions include legislation, regulations on zoning, site development, building codes, techniques to increase the supply of mortgage funds to make borrowing more affordable and to lower construction costs, establishing linkages with other key State Agencies and organizations such as the State Housing Finance Agency, as well as actions which influence the development of service packages responsive to the needs of older people. State Agencies on Aging would be expected to undertake a variety of actions designed to demonstrate potentially effective leadership roles.

A second expected outcome is the development of effective roles for State Agencies on Aging in working with their Area Agencies on Aging to assist them in the development of comprehensive community based housing plans in several communities across the State. In addition to the state level activities described above, State Agencies on Aging would be responsible for providing project funds, training and technical assistance to their participating Area Agencies on Aging.

The Area Agencies on Aging would be expected to work with community housing networks, local officials, homebuilders associations, local lenders, aging organizations and other interested groups to develop and implement comprehensive community based housing plans. These plans would build upon existing assessments of elderly housing needs and incorporate appropriate solutions to the identified housing needs of low and moderate income older persons. The implementation of specific solutions to problems would be based on community preferences and priorities for employing a combination of such options as adaptive reuse; shared housing; housing counseling; developing a home equity conversion program; establishing a housing trust fund, etc. There currently exists a large body of resource materials and models for assessing elderly housing conditions, and for developing alternative housing options, that can be used to support State and local efforts to develop a comprehensive elderly housing system. Successful applicants may wish to utilize these materials, many of which were developed with AoA support.

Only State Agencies on Aging are eligible to apply under this priority area. Applications must list the Area Agencies on Aging which will participate in the project and include letters of commitment from those agencies. The participating communities must also be identified along with, to the extent possible, letters of commitment from local groups and organizations that will participate with the Area Agencies on Aging. Applications will be judged in part on the comprehensiveness of the project. It is expected that three to five projects will be funded for up to two years with a maximum annual Federal share of $200,000 per project per year.

9.5C Quality Assurance

The increase in the elderly population has brought about growth in the number and types of entities providing support services to the elderly. This increase in kinds of agencies providing different types of services has raised concern about the quality of care and safety of older persons.

Quality assurance for in-home supportive services involves many complex issues. States have considerable flexibility in determining which services are to be made available; how services delivery should be organized; to whom services should be provided; and how quality should be maintained. Given the wide range of in-home supportive services—from home-delivered meals to personal care—and the variation in the availability, organization and delivery of services, the States and communities are the most appropriate levels for setting regulatory standards, licensing providers, and monitoring performance.

In view of the increasing public concern about the quality of in-home services, and because of the proliferation of in-home service providers to meet growing demands, under this priority area proposals are invited to:

Develop new models of quality assurance systems for in-home supportive services which are suitable for statewide implementation. Such systems may include such elements as:

- Recruitment and selection standards;
- Innovative approaches to training and accreditation;
- Establishment of, or changes in, licensure and regulatory requirements;
- Innovative monitoring techniques which focus on the quality of services delivered;
- Linkages to relevant agencies who share concerns in this area; and
- Creative approaches to addressing the problem of providers whose services are sub-standard.

The development of such models should be based on an analysis that encompasses existing strategies employed by States to influence the quality of in-home services, the results of pertinent AoA and other agency-supported R&D projects, and the quality assurance approaches utilized in the private and voluntary sectors.

Projects funded under this priority area must also include major nationwide efforts to disseminate their results to State and Area Agencies on Aging and other public and private agencies with relevant concerns.

Applicants are restricted to State Agencies on Aging which, where and when appropriate, may propose to carry out the project in cooperation with their Area Agencies on Aging. AoA expects to fund up to ten projects, with a Federal share of up to $150,000 per project per year, and a project duration of up to two years. To demonstrate their interest in and commitment to this effort, applicants are urged to propose sharing a proportion of total project costs significantly greater than the standard 25%.

Unique Cross-Program Priority Areas

10.1 Training Caregiving Families and Providing Practical Support

Family members—wives and husbands, daughters and sons, friends and neighbors—provide the great majority of help needed by individuals to continue living in their own homes and communities. However the ability of family members to continue to be caregivers is being challenged: women, the traditional caregivers, are now working outside of the home; and the number of people who need some assistance is growing.

The U.S. population as a whole is aging. With age comes an increased risk of illness and impairment. The number of people who experience chronic health problems and functional impairments is growing.

The number of developmentally disabled infants is increasing, largely as a result of the use of drugs and alcohol among pregnant teenage women. Greater numbers of persons with developmental disabilities are remaining in their own homes and communities. The rate of child abuse and neglect continues to increase.

In addition to the growing numbers of people who need help with daily activities, the following social trends are having an impact upon the availability of caregivers and upon the caregiver's ability to provide needed services:

- Geographic mobility of the United States population is creating numerous long distance families;
- Increasing divorce rate is creating fragmented and redefined families;
- Increasing number of women in the workforce is forcing a redefinition of the caregiver role;
- Changing characteristics of the older population are requiring caregivers to possess new coping skills; and
- Size of families is decreasing, thereby decreasing the pool of caregivers.

Family members are the primary care providers for all populations who require some help. Families want to care for their impaired relatives. And people who need care prefer to be cared for by family members because they can handle crises and reach quick decisions when necessary. Equally important, a family relationship is a reciprocal one—so the person in need of care does not feel totally dependent. They return love and support in a family relationship.

The informal caregiving network provides a range of personal, household and nursing care services. Included in the services provided are food preparation, feeding, laundry, dressing, bathing, shopping, transportation, chores, home maintenance and financial management. In certain cases, caregivers also change dressings and bed linens, as well as dispense medications.

In response to the problems faced by caregivers, the Department of Health and Human Services has launched a national initiative which focuses on: (1) Preventing inappropriate institutionalization of a family member; (2) preventing unnecessary hospitalization and reducing the length of stay for a family member; and (3) continuing the caregiver's employment.

A conference of researchers, practitioners and policymakers sponsored by the Department of Health and Human Services in June, 1986, and a review of the literature on family caregiving suggests that the most basic caregiver needs are to become educated about the problems that they and their family members are experiencing, to learn how to provide care, and to receive supportive services which permit them to maintain their own health and allow them to continue to be employed. Current trends raise provocative questions about the capacity of informal caregivers to continue providing the bulk of long term care. What are the best practices that delay or prevent more costly caregiving alternatives? What training and preventive mechanisms are available to strengthen the caregiving support systems and reduce institutionalization or lengthy hospitalization?

To obtain a more detailed description of The Family Caregiving Initiative and individual grant abstracts for the 60 projects included under the Initiative, write to: Office of Public Affairs, HDS, Department of Health and Human Services, 200 Independence Avenue, SW., Room 329–D, Washington, DC 20201.

HDS is interested in funding demonstrations which develop and test curriculum/continuing education materials for professionals, paraprofessionals and volunteers who are working with caregiving families. These curricula/materials would provide instruction on how to train family caregivers and the types of training they need (e.g., generic training on coping with physical and emotional demands; specific training on how to provide care based on the type of client, illness/impairment such as stroke, alzheimers, etc.). Specific training and reference materials would also be developed and tested for the family caregivers.

The demonstration should include an assessment component that determines the effectiveness of the training and reference materials.

HDS intends to fund projects in this priority area for a Federal contribution not to exceed $100,000 per year per project for a total of 24 months. AoA does not intend to fund any projects under this priority area.

10.2 Training and Technical Assistance for Family Violence Prevention and Treatment Programs

Programs to prevent and treat family violence have been established in all States, typically by local public and non profit private organizations (including religious, charitable, and voluntary associations). These programs provide emergency shelter and related assistance to victims of family violence and their dependents in safe houses or shelters. Adjunct services and treatment programs may also be available in the community. These services include counseling and self help services to victims, dependents, and abusers, and health care services, such as, drug and alcohol abuse treatment.

Section 305(b)(3) of the Family Violence Prevention and Services Act requires that the Department provide training and technical assistance in the conduct of programs for the prevention and treatment of family violence.

Applications from State coalitions or Councils of State Directors of Family Violence Programs are solicited to provide training and/or technical assistance in one or multiple HHS regions, on a multi-State basis. The proposed project should be in response to the identified priority needs of such State coordinating councils or coalitions. Activities funded under the grant may include training and training protocols for use at the local level; and such technical assistance as the exchange of information on model programs, management and operational techniques, community relations, fund raising, and specialized services.

All applicants must show evidence that the proposed project responds to the identified training and technical assistance needs of the relevant State Coalitions or Councils of Family Violence Shelter Directors. If possible, directors of family violence prevention and services programs in Indian Tribes should also be included. A list of Indian Tribes funded under the Act is available by calling (202) 245–2892.

Projects should, to the extent possible, utilize the considerable expertise currently available in State and local programs and in national organizations established to support family violence prevention and services activities. The methodology for accomplishing the training and technical assistance may include the combined use of workshops, the distribution of informational materials, and teleconferencing.

In addition to the provision of training and technical assistance, an expected outcome of the funded projects is the establishment of an on-going process of coordination and peer assistance that will continue after the conclusion of the grant.

HDS plans to fund no more than five projects in this priority area with Federal funding of between $10,000-$15,000 for each project. The Federal funding will be for a maximum of 12 months. AoA does not intend to fund any projects under this priority area.

10.3 Transfer of International Innovations

While this country is a natural field for research and demonstration in the area of social services, there is considerable insight which may be gained from other countries. Knowledge of social services in other countries, their programs, authorizations and governance, delivery systems, and innovations can be of benefit to U.S. domestic programs. HDS seeks proposals which address the transfer of innovations from other countries.

The following factors should be considered in proposing the transfer of innovations from another country:

- Promise of contributing significantly to the achievement of one or more of the major HDS goals cited in the Preamble to this Announcement and be of benefit to one or more of the HDS target groups, which include Native Americans, the socially and economically needy, the elderly, the developmentally disabled and at-risk children, youth, and families.
- Be relevant to domestic research with the possibility of complementing ongoing or new U.S. projects.
- Relate to the U.S. commitment to its participation in international organizations, both governmental and nongovernmental, and to United Nations-sponsored events, such as International Youth Year-1985; follow-up to the World Assembly on Aging; and the United Nations Decade of Disabled Persons.

Examples of areas which HDS will consider are: access to services by the handicapped; children and youth at-risk; community and in-home services for functionally impaired populations; projects which strengthen community and family-based systems of services for older persons and other vulnerable populations; innovative housing arrangements for the aged; intergenerational linkages; programs designed to reduce dependency, including work-related day care; self-help; strategies for strengthening families; social indicators; and social service coordination and management systems.

Applicants in other countries are eligible to apply to this priority area. The primary focus, however, cannot be exclusively in another country; it must be either in the United States or shared. The proposal must include an American component and American co-project director.

Neither Federal funds nor the non-Federal match or cost-sharing can be used for expenditures related to international travel. However, applicants may use other sources of funds available to them for this purpose.

There are no eligibility restrictions for applications in this priority area. However, HDS is interested in supporting innovative models and is not interested in funding ongoing direct service projects which have been imported to the U.S. or exported to another country. AoA does not intend to fund any projects under this priority area.

Besides the CDP, the following are bilateral mechanisms also available to support cooperative activities in HDS-related areas:

- The U.S.-India Joint Fund for Scientific, Educational, and Cultural Cooperation supports cooperative efforts between organizations in India and the United States.
- The U.S.-Yugoslav Joint Board on Scientific and Technological Cooperation supports cooperative efforts between organizations in Yugoslavia and the United States.

Full information regarding these bilateral programs may be obtained by contacting the Science Attaches in the American Embassies in New Delhi and Belgrade and/or Stanley N. Bendet, HDS Special Assistant for International Affairs (202/245–6233).

10.4 Increasing Minority Organizations' Participation in HDS Programs

HDS is interested in increasing the participation of minority organizations and institutions in its grants programs, specifically the CDP. HDS has been concerned about the small number of applications received from minority organizations and institutions, specifically the small number of applications from the Historically Black Colleges and Universities (HBCUs).

In order to address this concern, applications are solicited from minority institutions of higher education and other appropriate nonprofit minority organizations to develop materials and conduct a series of training seminars intended to provide information on the availability of HDS grants and contracting opportunities. The seminars will provide an interactive learning process intended to strengthen and increase the abilities of minority institutions and organizations to participate in HDS sponsored programs. The interactive learning process also will serve to identify creative and constructive ways to strengthen and expand the relationships between HDS sponsored programs and these institutions and organizations.

The services the grantee would provide are to be specifically focused on the HDS CDP grant programs, the specific priority areas under which we solicit applications, and the techniques proven successful in preparing applications which resulted in grant awards.

The grantee would be expected to develop, distribute and maintain a compilation of instructional materials, guides, video-tapes and other educational tools for further re-distribution, follow-up workshops and ongoing skills development in the grantsmanship area.

The seminars should provide potential CDP applicants and contract offerors with the information and training necessary for them to successfully compete for awards. The grantee should provide information on the full range of activities involved in getting an award, from initiating the research for grant and contract proposals to negotiating the final award. Some workshops should include developing a proposal for submittal to HDS as an exercise. The materials prepared for the seminar should be in an easy to use format so that individuals unable to attend the seminars could use them independently at a later date.

Applicants should be familiar with the CDP and other HDS grant programs. Applicants should present evidence of their institutional or organizational success in acquiring discretionary project or demonstration funds through a competitive process.

Applicants should identify which minority institutions or organizations are willing to collaborate in this activity and to what extent. Letters of commitment should be included with the application.

Finally, in order to avoid duplication of effort and maximize all available public and private resources, the grantee must identify, list and make a summary assessment of all similar technical assistance available from public and

nonprofit private sources. This information will assist HDS in planning the scope and focus of future technical assistance efforts.

HDS will fund several projects at a level not to exceed $100,000 in Federal funds each year for a period of 24 months. AoA does not intend to fund any projects under this priority area.

10.5 Human Services Management Improvement through Information Technology, Data Application, and Evaluation

In past years, HDS has funded a variety of successful grants in the areas of data, evaluation, and systems. HDS is still interested in these three topical areas; however, this year HDS would like to stress the interrelationship of these areas with improved management of human services programs. For instance, evaluations of human services programs require both availability and accessibility of data, as well as often requiring computer systems to collect and analyze data. Further, many efforts involving data analysis, evaluation, and systems are often done without regard as to how management will use the results to improve either service delivery efficiency and effectiveness or to improve overall management of the organization. Therefore, this priority area stresses the relationships of information systems, data analysis, and evaluation as parts of the overall management process.

It is expected that the primary beneficiaries of the recommendations from the grant to be funded under this priority area will be managers of State and local service delivery organizations. Methodologies should focus on the use of small-scale technology and other "off-the-shelf" tools as a means of providing ease of transferability to other organizations.

Applications will be considered only for HDS-related programs and are solicited from States, tribal organizations, local delivery organizations, national organizations, and universities. While a grant may be made to single organization, preference may also be given to consortia and applications providing for multi-organization advisory groups.

HDS has sponsored numerous projects which have resulted in the establishment of data collection efforts outside the Federal government and of certain data analysis routines and applications. Moreover, HDS has broadened its attention from assisting the development of new data bases to include making better use of existing data. Some of these efforts have involved the identification of existing data; other efforts have involved the application of existing data.

With the passage of the Omnibus Budget Reconciliation Act of 1981, there has been an increased emphasis on the planning and management of service programs at the State and local levels. HDS has accordingly adjusted its role to continue its support of management decision-making at the State and local levels through the development and analysis of better data and decision-making aids. HDS intends to support these efforts by encouraging the further development and broader application of innovative data analysis techniques which have recently been designed, and are still emerging.

HDS recognizes that some State human service agencies have made important progress in using data to manage human services programs. HDS will consider applications which:

1. Synthesize proven analysis applications and techniques for human services programs; and

2. Further develop innovative data analysis techniques, including the application of management science techniques to existing HDS and external data sources.

HDS wishes to support additional analytical activities of primary and secondary data collected by national organizations as well as program data available within HDS, particularly those data sources which address critical policy issues that cross-cut social services and welfare reform areas. In particular, HDS will consider supporting a project aimed at translating the results of analytical activities into specific strategies for improving intervention policies and practices in State and local agencies.

It is imperative that State and local executives structure the programs within their domains in a manner which provides for clear delineation of: expected outcomes or results; collection of information on program performance; utilization of performance data as a tool for improving program performance; and communication to policymakers and the tax-paying public on the results of programs paid for by tax dollars. Public executives can improve both management of their programs as well as their public image by adopting accountability approaches.

HDS seeks demonstrations of the application of results-oriented management approaches by State and local government as well as by private nonprofit human service agencies. These demonstrations should go beyond the establishment of results-oriented management systems and provide for the evidence of the impact of such systems on program management, client outcomes, and public confidence.

HDS will fund one project at a level not to exceed $100,000 in Federal funds for a period of 17 months. AoA does not intend to fund any projects under this priority area.

Part III—Application Process

This part provides necessary background information for potential applicants. The specific information to be used in developing an application is contained in Part IV. This information does not apply to comments to be submitted in response to the Administration on Developmental Disabilities (ADD) notice of proposed priorities for Projects of National Significance.

A. Eligible Applicants

In general, any State, public or private nonprofit organization, institution or agency may submit an application under this announcement. Individuals are not eligible to apply.

Some priority areas or topics included in this announcement may have restrictive eligibility requirements. Where limitations exist, the eligible entities are identified in the priority area description. Applications from organizations that do not meet the eligibility restrictions in the priority area description will not be reviewed.

We encourage applications that are developed jointly by State, local and community-based social services agencies, foundations or universities, since this helps to coordinate local resources. For these applications, a lead organization must be identified, and that organization must be an eligible applicant.

For-profit organizations may be eligible for certain projects funded under the authority of the Head Start Act, Native American Programs Act, Runaway and Homeless Youth Act, section 1110 of the Social Security Act and, in limited cases, the Older Americans Act. For-profit organizations may also participate as contractors under grants to eligible applicants on all projects.

Except in those priority areas that are open to both nonprofit and for-profit organizations, any applicant applying as a nonprofit organization must submit proof of its nonprofit status. This can be done by either making reference to its listing in the Internal Revenue Service's most recent list of tax-exempt organizations or submitting a copy of its letter from IRS (IRS Code section 501 (c)(3)). HDS cannot fund a nonprofit applicant without acceptable proof of its status.

B. Available Funds

The availability of funds for FY 1988 and FY 1989 is dependent on passage of appropriations by the Congress. Based on the level of funding for FY 1987, HDS expects to award new grants and cooperative agreements during the third and fourth quarters of FY 1988. Subject to Congressional action on the FY 1988 budget, HDS may also award a number of grants under this announcement in the first and second quarters of FY 1989. Appropriate HDS discretionary funding authorities will be used to fund projects, and more than one authority may be used to fund some projects.

Applicants should be aware that HDS receives 2,000 to 3,000 applications annually to its Coordinated Discretionary Funds Program. HDS expects to make approximately 350 new awards pursuant to this announcement. The Federal share of these projects ranges from $25,000 to a maximum of $250,000 per budget period (except where noted in the priority area descriptions), with an average award of $125,000. Actual awards may vary widely and eligible applicants requesting smaller awards (or awards for projects of less than 12 months duration) are encouraged to apply.

C. Grantee Share of the Project

Under the Coordinated Discretionary Funds Program, HDS does not make grant awards for the entire project cost (with the exceptions described below). Successful applicants must contribute $1, secured from non-Federal sources, for every $3 received in Federal funding up to the limits specified in the priority area description in this announcement. This grantee share amounts to 25% of the entire project cost.

The first exception relates to Tribal organizations or projects funded under the Native Americans Act, where the grantee match must be 20% of the total cost of the proposed project ($1 match for every $4 requested from HDS). Tribal organizations, however, may include in their applications a request to the Administration for Native Americans for a waiver of the non-Federal cost-sharing requirement for the project. Such requests will be dealt with on a case-by-case basis according to applicable laws and regulations.

The second exception relates to applications originating from American Samoa, Guam, the Virgin Islands or the Northern Mariana Islands. Applicants from these territories are covered by section 510(d) of Pub. L. 95–134, which requires the Department to waive "any requirement for local matching funds under $200,000" for these territories.

The third exception is in the case of research projects, where the non-Federal share must comprise at least 5 percent of the total project cost.

The final exception relates to projects funded under the child welfare training priority areas. Under priority area 6.1 and traineeships under priority area 6.4, no match or cost-sharing is required.

The non-Federal share of total project costs for each budget period may be in the form of grantee-incurred costs and/or third party in-kind contributions. HDS strongly encourages applicants to propose a grantee share which is more than 25% of the project costs. HDS also encourages applications where the matching requirement will be met in cash (as opposed to in-kind contributions) from non-Federal funding sources.

If the required non-Federal share is not met by a grantee for each budget period during the project period, HDS will disallow any unmatched Federal dollars. The amount of non-Federal share required will be the amount proposed by the applicant. If the proposed share exceeds 25%, the applicant will be required to provide the additional cost-sharing or matching. Therefore, applicants should be sure of any amount proposed as match before including these funds in their budgets.

D. Application Consideration

Applications that conform to the requirements of this program announcement will be reviewed and scored competitively against the evaluation criteria specified in Part III.H.2 of this announcement by non-Federal experts in the field. In addition, applications will be evaluated by Federal officials and qualified persons from outside of the Federal government. The results of this review are a primary factor considered in making the decisions about an application. Applications which do not meet the screening criteria listed in Part III.H.1 will not be reviewed and will receive no further consideration for funding.

HDS also solicits comments from other Federal Departments, from Federal and Regional Office staff, from interested foundations, national organizations, specialists, experts, States and the general public. These comments, along with such other factors as the geographic distribution of funding and the compatibility of applications with HDS priorities, will be considered by the Assistant Secretary for Human Development Services and HDS Senior Staff in making funding decisions.

E. Consideration for Funding

Within the limits of available Federal funds, HDS makes financial assistance awards consistent with the purposes of the statutory authorities governing the HDS Coordinated Discretionary Funds Program and this announcement. In making these decisions, preference will be given to applications which focus on or feature: minority populations; a substantial innovation that has the potential to improve theory or practice in the field of human services; a model practice or set of procedures that hold the potential for dissemination to, and utilization by, organizations involved in the administration or delivery of human services; substantial involvement of volunteers; substantial involvement (either financial or programmatic) of the private sector; a favorable balance between Federal and non-Federal funds available for the proposed project; the possibility of a large degree of benefit for a small Federal investment; a programmatic focus on those most in need; and substantial involvement in the proposed project by national or community foundations.

To the extent possible, final decisions will reflect the equitable distribution of assistance among the States, geographical areas of the nation, rural and urban areas, and ethnic populations. HDS Senior Staff also take into account the need to avoid wasteful duplication of effort in making funding decisions.

HDS reserves the option of discussing applications with, or referring them to, other Federal or non-Federal funding sources when this is determined to be in the best interest of the Federal government or the applicant.

The Older Americans Act places certain responsibilities upon, and authority in, the Commissioner on Aging which affects the role of the Administration on Aging in implementing this program announcement. All such requirements will be met through actions which conform to the mandates of the Act. Only the Commissioner on Aging has the authority to approve applications for funding under Title IV of the Older Americans Act.

F. Funding Limitations on Indirect Costs

Applicants should be aware that for training projects to institutions of higher education, hospitals, and other nonprofit institutions, there is a limitation on Federal reimbursement of indirect costs to eight percent of the total allowable direct costs or, where a current agreement exists, the organization's

negotiated indirect cost rate, whichever is lower. For all other applicants, indirect costs may be requested only if the applicant has a negotiated indirect cost rate with the Department's Division of Cost Allocation or with another Federal agency. Local government agencies (other than local education agencies) are not required to submit their indirect cost proposals unless requested by HDS.

G. Budget Expressed in Total Project Costs (Federal Plus Non-Federal)

We will continue the practice begun last year of expressing the project budget as total costs (Federal plus non-Federal). Last year, applicants had trouble distinguishing between cash match where a cost to the grantee for the project is paid from non-Federal sources (either the grantee or a third party) and in-kind, by which is meant strictly a valuation with no cost to the grantee, e.g., volunteers, donated services, donated space.

Cash match is included in the direct and indirect cost budget included in Section III.B of the SF 424. In-kind contributions are listed separately but are part of the total budget. Total direct costs (Federal plus non-Federal) plus indirect costs (Federal plus non-Federal) plus in-kind contributions equal the total approved budget.

H. Criteria for Screening and Review

All applications that meet the deadline will be screened to determine completeness and conformity to the requirements of this announcement. Complete, conforming applications will then be reviewed and scored competitively. Nonconforming applications will *not* be reviewed, and the applicants will be so informed.

1. Screening Requirements

In order for an application to be complete and in conformance, it must meet the following requirements:

(a) *Preparation of copies:* An original signed application, with the original signature appearing on SF 424, Item #23, and two copies must be submitted. The application includes the required sections of the SF 424, and the narrative description of the proposed project. A copy of SF 424 may be found at the end of this announcement.

(b) *Length:* The narrative portion of the application must meet minimum and maximum length requirements. It must be at least six double-spaced pages (or three single-spaced pages) but *must not exceed twenty double-spaced pages* (or ten single-spaced pages) typewritten on one side of the paper. The capability statement must not exceed two double-spaced or one single-spaced typewritten page.

(c) *Deadline:* Applications must be postmarked by 12:00 midnight on March 18, 1988 or if hand-delivered must be delivered to Room 724–F, HHH Building, 200 Independence Avenue, SW by 5:30 p.m. See Part III.I for additional guidance on the application deadline.

(d) *Priority Area:* The priority area(s) under which the application is being submitted must be indicated at the top of the first page of the SF 424.

(e) *Priority area eligibility requirements:* Applications must meet any eligibility requirements specific to the priority areas under which they are being submitted (e.g., eligible organization, funding limit, duration of project).

Applications which do not meet these screening requirements will not be referred to reviewers.

2. Evaluation Criteria

Applications which pass the screening will be reviewed by a panel of at least three individuals. These reviewers will be primarily experts from outside the Federal government. Reviewers will comment on and score the applications, basing their comments and scoring decisions on the criteria below. The only exception to the use of these criteria will be the evaluation of applications submitted under priority areas 4.8, 4.12, 6.1, 6.2, 6.4 and 7.3. Applications under these six priority areas will be evaluated using only four criteria since the dissemination and utilization criterion has been eliminated for these priority areas. The 15 points for the dissemination and utilization criterion have been redistributed among the other criteria as explained in the descriptions for each of these six priority areas.

(a) *Need for the Project (Objectives) 20 points.* State the specific objectives and needs addressed by the project in terms of its national or regional significance, its theoretical importance and its applicability to practices and subordinate objectives of the project. Provide a detailed discussion of the "state-of-the-art" relative to the problem or area addressed by the proposal and indicate how the proposed effort will impact on it. For research projects, state the hypothesis(es) to be tested or the specific questions to be answered. For demonstration, training, technical assistance, and evaluation projects, state the goals or service objectives of the proposal. Provide supporting documentation or other testimonies from concerned interests other than the applicant. Summarize, evaluate and relate relevant data, based on planning or demonstration studies, to the proposed project.

Give a precise location of the project or area to be served by the proposed project.

(b) *Project Methodology (Project Implementation Plan): 30 points—Tasks to be performed.* Describe in detail the tasks to be performed including the events, activities and expected products. Identify the key staff member that will be the lead person. Relate each task to each of the objectives. Provide a chart indicating the timetable for completing each task, the lead person and the time committed.

Approach. Explain, in detail, the approach to be used for accomplishing each task and how this approach will accomplish the project objectives as well as how these objectives will solve the problem(s). Also, fully describe the research methodology, demonstration plan, design of training program or other appropriate techniques to be used.

(c) *Expected Outcomes: 15 points.* Identify, in specific terms, the results and benefits—for target groups and human service programs—to be derived from implementing the proposed project. Describe how the expected results and benefits will relate to previous research and/or demonstration efforts. Also describe in specific terms the anticipated contribution that this project will make to policy, practice, theory and/or future research.

Describe in detail evaluation plans and procedures which are capable of measuring the degree to which the project objectives have been accomplished. Provide an explanation on why these evaluation techniques will be used.

(d) *Dissemination and Utilization: 15 points.* Describe in detail the product(s) resulting from the proposed project that will be disseminated. Also describe the steps to be taken to disseminate and promote the utilization of these products and findings. State what resources will be used to disseminate these products and findings. Finally, explain why these steps are expected to be successful in disseminating the products and findings. The specific audiences to whom the products and findings will be disseminated must be specified as well as the reason why these audiences will benefit from these results. State in detail the steps to be taken to have the products and findings adopted by these audiences.

(e) *Level of Effort: 20 points—Staffing pattern.* Describe the staffing pattern for the proposed project, clearly linking responsibilities to project tasks and specifying the contributions to be made by key staff.

Competence of Staff. List the qualifications of the project team including any experiences working on similar projects. Also list the variety of skills to be used, relevant research experience, educational background and the demonstrated ability to produce final results that are readily comprehensible and usable.

Adequacy of Resources. Specify the adequacy of the available facilities, resources and organizational experience with regard to the tasks of the proposed project.

List the financial, physical and other resources to be provided by other profit and nonprofit organizations. Explain how these organizations will participate in the day to day operations of the project. Also explain the available resources or commitments for the continuation of the project after the federal funding period terminates or the demonstration is concluded.

Budget. Relate the proposed budget to the level of effort required to attain project objectives and provide a cost/benefit analysis. Demonstrate that the project's costs are reasonable in view of the anticipated results.

Collaborative Efforts. Discuss in detail and provide documentation for any collaborative and coordinated efforts with other agencies or organizations. Identify these agencies or organizations and explain how these will enhance the project. Letters of commitment must be included with the application. Also explain in detail the coordination efforts to bring community agencies to work together in support of the proposed project.

Authorship. The authors of the application must be clearly identified together with their current relationship to the applicant organization and any future project role they may have if the application is funded.

These evaluation criteria correspond to the outline for the narrative section of the application and the descriptions of the five criteria above should be used as headings in developing the program narrative.

I. Closing Date for Receipt of Applications

The closing date for submittal of applications under this program announcement is March 18, 1988. Applications must be mailed or hand-delivered to: HDS/Division of Grants and Contracts Management, 200 Independence Avenue, SW., HHH Building, Room 724–F, Washington, DC 20201, Attention HDS–88–2, Priority Area:_____

Hand-delivered applications are accepted during the normal working hours of 9:00 a.m. to 5:30 p.m., Monday through Friday. An application will be considered as meeting the deadline if it is either:

1. Received on or before the deadline date at the above address; or

2. Sent on or before the deadline date and received in time to be considered during the competitive review and evaluation process. Applicants are encouraged to obtain a legibly dated receipt from a commercial carrier or from the U.S. Postal Service. Applicants will be asked to provide proof of mailing by the deadline date, if there is a question as to receipt of the application. Private metered postmarks are not acceptable as proof of timely mailing.

Applications which do not meet the above criteria are considered late applications. HDS will notify each late applicant that its application will not be considered in the current competition.

HDS may extend the deadline for all applicants because of acts of God, such as floods, hurricanes or earthquakes, when there is widespread disruption of the mail or when HDS determines an extension to be in the best interest of the government. However, if HDS does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant(s).

Part IV—Instructions for Completing Applications

This part provides guidance on how to prepare and submit an application in response to this announcement. This information does not apply to comments to be submitted in response to the Administration on Developmental Disabilities (ADD) notice of proposed priorities for Projects of National Significance.

A. Application Process

1. Availability of Forms

All instructions and forms required for submittal of applications are provided at the end of this announcement. No additional forms are available. A copy of this announcement may be obtained by writing or telephoning: HDS/Division of Grants and Contracts Management, 200 Independence Avenue, SW., HHH Building, Room 724–F, Washington, DC 20201, Attention: HDS–88–2, Telephone: (202) 755–4633.

In order to assure 24-hour coverage, this number may be answered by an answering machine during some time periods.

2. Application Submission

One signed original and two copies of the application must be submitted to:

Department of Health and Human Services, HDS/Division of Grants and Contracts Management, 200 Independence Avenue, SW., HHH Building, Room 724–F, Washington, DC 20201, Attention HDS–88–2, Priority Area:——

3. Notification Under Executive Order 12372

This program is covered under Executive Order 12372 "Intergovernmental Review of Federal Programs" and 45 CFR Part 100 "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. All States and territories except Alaska, Idaho, Nebraska, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these five areas need take no action regarding E.O. 12372. Applications for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Applicants should contact their SPOCs as soon as possible to alert them to the prospective application and to receive any necessary instructions.

Applicants must submit any required material as early as possible so the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the SF 424, item 22a. SPOCs will be notified of any applicant not indicating SPOC contact on the application, when SPOC contact is required. SPOCs have sixty (60) days starting from the application deadline to comment on applications for financial assistance under this program. Comments are, therefore, due no later than May 18, 1988.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested clearly to differentiate between mere advisory comments and those official State process recommendations which they intend to trigger the "accommodate or explain" rule. It is helpful in tracking SPOC comments if the SPOC will clearly

indicate the applicant organization as it appears on the application SF 424.

When comments are submitted directly to HDS, they should be addressed to:

Department of Health and Human Services, HDS/Division of Grants and Contracts Management, 200 Independence Avenue, SW., HHH Building, Room 724–F, Washington, DC 20201. Attention: HDS–88–2, Priority Area:——

A list of the State Single Points of Contact is included at the end of this announcement.

B. Application Package

In order to expedite the processing of applications, we request that you *adhere to the following instructions exactly.* Each application package must include:

1. A copy of the *Checklist of Application Requirements* (found in Part IV.E) with all the completed items checked.

2. An original and two copies of the application (see Part IV.D below). Each copy should be stapled securely (front and back if necessary) in the upper left corner. Pages of the narrative should be sequentially numbered beginning with "Need for Project" as page one. The original copy of the application must have an original signature in item 23 on page 1 of the SF 424. In order to facilitate handling, please do not use covers, binders or tabs. Do not include extraneous materials as attachments; such as, agency promotion brochures, slides, tapes, film clips, vitae, minutes of meetings, survey instruments or articles of incorporation. It is not feasible to use such items in the review process, and they will be discarded if included.

Do not include a self-addressed, stamped acknowledgment card. All applicants will be automatically notified of receipt and of the four digit identification number assigned to their application. This number and the priority area must be referred to in *all* subsequent communication with HDS concerning the application. If acknowledgment is not received within eight weeks after the deadline date, please notify HDS by telephone at (202) 755–4633. After an identification number is assigned and the applicant has been notified of the number, applications are filed numerically by identification number to aid in quick retrieval. It will not be possible for HDS staff to provide a timely response to inquiries about a specific application unless the identification number and the priority area are given.

Applicants should be advised that HDS staff cannot release pre-decisional information relative to an application other than that it has been received and that it is going through the review process. Unnecessary inquiries delay the award process. Once a decision is reached, the applicant will be notified as soon as possible of the acceptance or rejection of the application.

C. Content of Application

Each copy of the application *must* contain an SF 424, completed and assembled in accordance with the following instructions:

1. Page 1, the cover page of the application;

2. Part II, Project Approval Information;

3. Part III, Budget Information: Section A (Budget Summary); Section B (Budget Categories); and Section E (Budget Estimates of Federal Funds Needed for Balance of the Project);

4. Summary description with listing of key words;

5. Part IV, Program Narrative, which should be at least six double-spaced (or three single-spaced) pages but must not exceed twenty double-spaced (or ten single-spaced) pages, typewritten on one side of the paper. The narrative should be organized with sections addressing the following five areas: (a) Need for the project, (b) project methodology, (c) expected outcomes, (d) dissemination and utilization and (e) level of effort;

6. An organizational capability statement, no more than two double-spaced (or one single-spaced) typewritten pages;

7. Part V, Assurances; and,

8. Letters which show collaboration or substantive commitment to the project by organizations other than the applicant organization are not part of the narrative and, therefore, are not counted against the twenty page limit for the narrative. However, they may not exceed a total of ten (10) additional pages. Include letters when required in the priority area description or when other organizations are crucial to the project and will provide tangible resources such as staff, equipment, space or funds.

D. Preparing the Application

The SF 424 has been reprinted for your convenience. We suggest that you reproduce it and type your application on the copy. Prepare your application in accordance with the following instructions:

1. *SF 424, Page 1:* Complete only the items specified. Specific instructions are as follows:

Top of Page. Priority area numbers must be indicated for all applications. If the priority area(s) is not indicated, the application will not be reviewed.

Item 1. Preprinted on the form.

Item 2a. Applicant's own control number, if desired.

Item 2b. Date application is signed.

Item 3a. Enter the number assigned, if available, by the State Single Point of Contact (SPOC). Applications submitted to HDS must contain this identifier, if provided by the SPOC prior to application submittal. (Item 22 must also be completed).

Item 3b. Date identifier is assigned by SPOC.

Item 4a. Enter the name of applicant organization. Do not include the name of an individual. Use abbreviations to limit the name to 30 characters, including spaces and punctuation.

Item 4b. Enter the unit within the organization that will actually carry out the project. If 4a and 4b are the same, leave 4b blank. Use abbreviations to limit this line to 30 characters, including spaces and punctuation.

Items 4c–4g. Enter the address that the organization actually uses to receive mail, as this is where all correspondence will be sent. Do not include both street address and P.O. box number unless both must be used in mailing.

Item 4h. Enter the name and telephone number of a person who can respond to questions about the application. This person should be accessible at the address given in 4c–4g.

Item 5. Enter the employer identification number of the applicant organization as assigned by the IRS. If the applicant organization has been assigned a DHHS Entity Number consisting of the IRS employer identification number prefixed by "1" and suffixed by a two-digit number, enter the full Entity Number. If applicant has other grants with DHHS and has been assigned a Payee Identification Number (PIN), enter the PIN in parenthesis ( ) beside employer identification number.

Item 6a. Leave blank.

Item 6b. Leave blank.

Item 7. The title should be no more than 200 characters long, including spaces and punctuation. It should be typed in not more than four lines of 50 characters each.

Summary Description. Item 7 also asks for a summary description of the project using Section IV. In place of Section IV, use a separate sheet of 8½ x 11 plain paper to provide this summary description of the project. Clearly mark this separate page with the applicant name as shown in item 4a and the priority area number as shown at the top of the page. The summary description should not exceed 1,200 characters, including spaces and punctuation. These 1,200 characters become part of the computer data base on each project.

Care should be taken to produce a summary description which accurately and concisely reflects the proposal. It should describe the objectives of the project, the approaches to be used and the outcomes expected. The description should also include a list of major products that will result from the proposed project (such as software packages, materials, management procedures, data collection instruments, training packages or videos). This information in conjunction with the information on the SF 424, becomes the project's "abstract" and will be the major source of information about the proposed project; it is the first information that the reviewers read in evaluating the application. Applicants which do not submit this summary description may jeopardize their chances of being funded.

At the bottom of the page, but apart from the summary description, type up to 10 key words describing the service(s) and target population(s) to be covered by the proposed project. The key words are to be selected from the list at the end of Part IV of this announcement. These key words will be used for computer searches for specific types of proposed and funded projects.

Item 8. Self-explanatory with the exception of 8e, "City," which includes a town, township, or other municipality.

Item 9. Leave blank.

Item 10. Enter specific number of persons to be directly benefited or served during the life of the project. This number should be substantiated in the application's Program Narrative, Part IV.

Item 11. Preprinted on the form.

Items 12a–12f. Enter the budget for the total project period, if that period is 17 months or less; if the proposed project period exceeds 17 months, enter budget for the first 12 months.

Item 12a. Enter the amount of Federal funds requested. This amount should be no greater than the maximum amount specified in the priority area description.

Items 12b–12e. Enter the amount(s) of funds from non-Federal sources that will be contributed to the proposed project. These items (b–e) are considered cost-sharing or "matching funds." It is important that the dollar amounts entered here (the non-Federal share) total at least 25 percent of the total project cost (the requested Federal funds plus funds from non-Federal sources) for the project period if that period is 17 months or less or for the first 12 months if the project period exceeds 17 months.

The 25 percent "matching funds" is required for each budget period whether that period is less than 17 months or exceeds 17 months. The following are exceptions to the required 25 percent "matching funds": (1) For applications from American Native tribal organizations or for projects funded under the Native Americans Act, the non-Federal share must be 20 percent of the total project cost; (2) in the case of research projects, where the non-Federal share must be at least 5 percent of the total project cost; (3) non-Federal cost sharing is not required on applications originating from American Samoa, Guam or the Northern Mariana Islands; and (4) no match or cost-sharing is required for Child Welfare and Indian Child Welfare traineeship projects.

Item 12f. Enter the sum of items 12a–12e.

Item 13a. Enter the number of the Congressional district where the principal office is located.

Item 13b. Enter the number of the Congressional districts(s) where the project will be located. If State-wide, a several state effort, or nationwide, enter "00."

Item 14. Preprinted on the form.

Item 15. Enter the desirable start date for the project, beginning on or after July 1, 1988. Most awards made from this program announcement will have start dates between July 1 and September 30, 1988.

Item 16. Enter the estimated number of months to complete the project after Federal funds are available. Projects are generally for 12 months, 24 months or 36 months or for the duration specified in the priority area description. Ensure that this number does not exceed the limitation indicated in the priority area description.

Item 17. Leave blank.

Items 18 and 19. Preprinted on the form.

Item 20. Leave blank.

Item 21. Preprinted on the form.

Item 22a. Enter the date the applicant contacted the SPOC regarding this application. Select the appropriate SPOC from the attached listing. All applicants, except those in Alaska, Idaho, Nebraska, American Samoa and Palau must contact their SPOC. Review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application. If there is a discrepancy in dates, the SPOC may request that the Federal agency delay any proposed funding until the full review time of 60 days is afforded.

Item 22b. Check the appropriate box if not covered by E.O. 12372.

Item 23a. Enter the name and title of the Certifying Representative of legal applicant.

Item 23b. Signature of Certifying Representative entered in Item 23a.

Items 24–33. Leave blank.

SF 424, Part II, Project Approval Information: Negative answers will not require an explanation unless HDS requests more information at a later date. All "yes" answers must be explained on a separate page in accordance with these instructions.

Item 1. Provide the name of the governing body establishing the priority system and the priority rating assigned to this project. If the priority rating is not available, give the approximate date that it will be obtained.

Item 2. Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval. If the clearance is not available, give the approximate date that is will be obtained.

Item 3. Furnish the name of the approving agency and the approval date. If the approval has not been received, state approximately when it will be obtained.

Item 4. Show whether the approved comprehensive plan is State, local or regional; or, if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination, and state whether this project is in conformance with the plan. If the plan is not available, explain why.

Item 5. Show the population residing or working on the Federal installation who will benefit from this project. Federally recognized Indian reservations are not "Federal installations."

Item 6. Show the percentage of the project work that will be conducted on federally owned land or leased land. Give the name of the Federal installation and its location.

Item 7. Briefly describe the possible beneficial and/or harmful effect on the environment because of the proposed project. If an adverse environmental effect is anticipated, explain what action will be taken to minimize it.

Item 8. State the number of individuals, families, businesses or farms this project will displace.

Item 9. Show the Catalog of Federal Domestic Assistance number, the program number, the type of assistance, the status, the amount of each project where there is related previous, pending or anticipated assistance from another funding source.

3. *SF 424, Part III—Budget Information:* We have added certain sections that were deleted last year to

BEST COPY AVAILABLE

VOL 52 ISS 250 DE 30 1987 UMI

clarify our requests and your presentation.

Section A—Budget Summary

This section includes a summary of the budget. On line 5, enter total Federal costs in column (e) and total non-Federal costs in column (f). Enter total of (e) and (f) in column (g).

Section B—Budget Categories

This budget which includes the Federal as well as non-Federal funding for the proposed project covers (1) the total project period of 17 months or less or (2) the first year if the proposed project exceeds 17 months. It should relate to item 12f, total funding, on page one of the SF 424.

Under column (5), enter the total (Federal and non-Federal) funds, by object class category, for the total project period, if the project will be completed in 17 months or less; or for the first year, if the proposed project exceeds 17 months.

A budget justification should be included to explain fully and justify major items, as indicated below. The budget justification should not exceed three typed pages and should follow Part III—Budget Information.

Personnel—Line 6a. Enter the total costs of salaries and wages of applicant/grantee staff. Identify the principal investigator or project director, if known. Specify the percentage of time and titles of the organization's staff who will be working on the project as part of the budget justification. Do not include the costs of consultants, which should be included on line h, Other.

Fringe Benefits—Line 6b. Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate. Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

Travel—6c. Enter total costs of out-of-town travel (travel requiring per diem) for staff of the project. Do not enter costs for consultant's travel or local transportation. Provide justification for requested travel costs. Include the name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

Equipment—Line 6d. Enter the total costs of all equipment to be acquired by the project. "Equipment" is non-expendable tangible personal property having a useful life of more than two years and an acquisition cost of $500 or more per unit. An applicant may use its own definition, provided that it would at least include all non-expendable tangible personal property as defined in the preceding sentence.

Supplies—Line 6e. Enter the total costs of all tangible expendable personal property (supplies) other than those included on line 6d.

Contractual—Line 6f. Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and, (2) contracts with secondary recipient organizations including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. Attach a list of contractors indicating the name of the organization, the purpose of the contract and the estimated dollar amount of the award. If the name of contractor, scope of work and estimated total is not available or has not been negotiated, include in Line h, "Other." Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must complete this section (Section B, Budget Categories) for each delegate agency by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide back-up documentation identifying the name of contractor, purpose of contract and major cost elements.

Construction—Line 6g. Leave blank since new construction is not allowable and HDS funds are rarely used under this program announcement for either renovation or repair.

Other—Line 6h. Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, medical and dental costs, noncontractual fees and travel paid directly to individual consultants, local transportation (all travel which does not require per diem is considered local travel), space and equipment rentals, printing and publication, computer use, training costs including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Total Direct Charges—Line 6i. Show the totals of Lines 6a through 6h.

Indirect Charges—Line 6j. Enter the total amount of indirect costs. If no indirect costs are requested enter "none." This line should be used only when the applicant (except local governments) has a current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency. Enclose a copy of this agreement. Local governments shall enter the amount of indirect costs determined in accordance with HHS requirements.

In the case of training grants to other than State or local governments (as defined in 45 CFR Part 74), the reimbursement of indirect costs will be limited to the lesser of the negotiated or actual indirect cost rate or 8 percent of the amount allowed for direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations. It should be noted that when indirect charges are included, these charges should not be charged as direct charges to the grant.

Total—Line 6k. Enter the total amounts of Lines 6i and 6j.

Program Income—Line 7. Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Describe the nature, source, and anticipated use of income in the Program Narrative.

In-Kind Contributions—Line 8. After program income, enter the value of in-kind contributions. In-kind contributions are defined in Title 45 of the Code of Federal Regulations, Part 74.51 as, "property or services which benefit a grant-supported project or program and which are contributed by non-Federal third parties without charge to the grantee, the subgrantee, or a cost-type contractor under the grant or subgrant."

Section E—Budget Estimate of Federal Funds Needed for Balance of the Project

This section should only be completed if the total project period exceeds 17 months.

Totals—Line 20. For projects that will have more than one budget period, enter the estimated required *Federal* funds for the second budget period (months 13 through 24) under column (b) First. If a third budget period will be necessary, enter the Federal funds needed for months 25 through 36 under (c) Second. Columns (d) and (e) will be blank since HDS limits funding under this announcement to a three year maximum.

4. *SF 424, Part IV, Program Narrative:* Describe the project proposed in response to this announcement addressing the specific concerns mentioned under the priority area description in Part II. The narrative should provide information on how that application meets the evaluation criteria in Part III, which are the same as the format below. This narrative should be no less than 6 double-spaced or 3 single-spaced pages and not more than 20 double-spaced or ten single-spaced pages. It should be typed on 8½" x 11" plain white bond with 1" margins on both sides and the pages numbered, with the first page of the narrative as page number 1. Reproductions of larger size paper, reduced to meet the size requirement, are not acceptable.

Applicants (except those under priority areas 4.8, 4.12, 6.1, 6.2, 6.4 and 7.3) are required to follow the format described below in preparing their applications, using the five headings for sections of the application. However, the number of pages for each section is given as a suggestion only. More information on the exceptions follows the descriptions of the five sections below.

(a) *Need for the Project—Objectives:* (four pages double-spaced). State the specific objectives and needs addressed by the project in terms of its national or regional significance, its theoretical importance and its applicability to practices and subordinate objectives of the project. Provide a detailed discussion of the "state-of-the-art" relative to the problem or area addressed by the proposal and indicate how the proposed effort will impact on it. For research projects, state the hypothesis(es) to be tested or the specific questions to be answered. For demonstration, training, technical assistance, and evaluation projects, state the goals or service objectives of the proposal. Provide supporting documentation or other testimonies from concerned interests other than the applicant. Summarize, evaluate and relate relevant data, based on planning or demonstration studies, to the proposed project.

Give a precise location of the project or area to be served by the proposed project.

(b) *Project Methodology—Project Implementation Plan:* (six pages double-spaced).

Tasks to be performed. Describe in detail the tasks to be performed including the events, activities and expected products. Identify the key staff member that will be the lead person. Relate each task to each of the objectives. Provide a chart indicating the timetable for completing each task, the lead person and the time committed.

Approach. Explain, in detail, the approach to be used for accomplishing each task and how this approach will accomplish the project objectives as well as how these objectives will solve the problem(s). Also, fully describe the research methodology, demonstration plan, design of training program or other appropriate techniques to be used.

(c) *Expected Outcomes:* (three pages double-spaced). Identify, in specific terms, the results and benefits—for target groups and human service programs—to be derived from implementing the proposed project. Describe how the expected results and benefits will relate to previous research and/or demonstration efforts. Also describe in specific terms the anticipated contribution that this project will make to policy, practice, theory and/or future research

Describe in detail evaluation plans and procedures which are capable of measuring the degree to which the project objectives have been accomplished. Provide an explanation on why these evaluation techniques will be used.

d. *Dissemination and Utilization:* (three pages double-spaced) Describe in detail the product(s) resulting from the proposed project that will be disseminated. Also describe the steps to be taken to disseminate and promote the utilization of these products and findings. State what resources will be used to disseminate these products and findings. Finally, explain why these steps are expected to be successful in disseminating the products and findings. The specific audiences to whom the products and findings will be disseminated must be specified as well as the reason why these audiences will benefit from these results. State in detail the steps to be taken to have the products and findings adopted by these audiences.

(e) *Level of Effort:* (four pages double-spaced).

Staffing pattern. Describe the staffing pattern for the proposed project, clearly linking responsibilities to project tasks and specifying the contributions to be made by key staff.

Competence of staff. List the qualifications of the project team including any experiences working on similar projects. Also list the variety of skills to be used, relevant research experience, educational background and the demonstrated ability to produce final results that are readily comprehensible and usable.

Adequacy of resources. Specify the adequacy of the available facilities, resources and organizational experience with regard to the tasks of the proposed project.

List the financial, physical and other resources to be provided by other profit and nonprofit organizations. Explain how these organizations will participate in the day to day operations of the project. Also explain the available resources or commitments for the continuation of the project after the federal funding period terminates or the demonstration is concluded.

Budget. Relate the proposed budget to the level of effort required to attain project objectives and provide a cost/benefit analysis. Demonstrate that the project's costs are reasonable in view of the anticipated results.

Collaborative efforts. Discuss in detail and provide documentation for any collaborative and coordinated efforts with other agencies or organizations. Identify these agencies or organizations and explain how these will enhance the project. Letters of commitment must be included with the application. Also explain in detail the coordination efforts to bring community agencies to work together in support of the proposed project.

Authorship. The authors of the application must be clearly identified together with their current relationship to the applicant organization and any future project role they may have if the application is funded.

Applications submitted under the following priority areas: Longitudinal Study for Child Abuse and Neglect (4.8), Field Initiated Research for Child Abuse and Neglect (4.12), and Longitudinal Cohort Study for Child Welfare (7.3) should not be prepared using this format since the dissemination and utilization criterion has been eliminated. Each priority area description indicates how the 15 points for the eliminated criterion has been redistributed.

Applications under the Child Welfare Traineeship (6.1), In-Service Training (6.2) and Indian Child Welfare Training (6.4) priority areas also will not be evaluated against the dissemination and utilization criterion. The 15 points for the eliminated criterion have been added to the criterion on expected outcomes for a total of 30 points.

The chart below summarizes information on the six priority areas which are exceptions:

Number of Double-spaced Pages for the Narrative Sections

	Priority Areas					
Sections	4.8	4.12	6.1	6.2	6.4	7.3
Need/project	4	4	4	4	4	4
Methodology	6	6	6	6	6	6
Outcomes	3	3	6	6	6	3
Level/effort	7	7	4	4	4	7
Total pages	20	20	20	20	20	20

Organizational Capability Statement

A brief (maximum 2 pages double-spaced or one page single-spaced) background description of how the applicant agency (or the particular division of a larger agency which will

have responsibility for this project) is organized and the types and quantity of services it provides or research capabilities it possesses. This description should cover capabilities not included in the program narrative under level of effort. It may include descriptions of any current or previous relevant experience or describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable.

Part V—Assurances

Applicants are required to file Part V, Assurances, and the Assurance of Compliance with the DHHS Regulations under Title VI of the Civil Rights Act of 1964 and the Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, as amended. Copies of these assurances are reprinted at the end of this announcement.

For research grants involving Head Start and Runaway and Homeless Youth populations, an Assurance of Protection of Human Subjects is required. For other research projects for which human subjects may be at risk (for instance, research involving cases of child sexual abuse), an assurance may also be needed. If there is a question regarding the applicability of this assurance (located at the end of this announcement) contact the Office of Research Risks of the National Institutes of Health at (301) 496–7041.

Checklist of Application Requirements

The checklist below is to be typed on 8½" x 11" plain bond paper, completed and included in your application package.

Included in your application package are:

- ☐ Checklist;
- ☐ One original application plus two copies. The original and both copies of the application should include the following:
- ☐ SF 424, page 1 and Parts II and III;
- ☐ Summary description;
- ☐ SF 424, Part IV, Program Narrative (not less than 6 pages nor more than 20 pages, double-spaced) including Need for the Project, Project Methodology, Expected Outcomes, Dissemination and Utilization, and Level of Effort;
- ☐ Organizational Capability Statement (2 pages, double-spaced maximum);
- ☐ Part V, Assurances; and,
- ☐ Letters of Commitment (not more than 10 pages).
- ☐ SF 424 has been completed according to the instructions, signed in blue ink and dated by an authorized official (item 23), and the original has been included in the package to be mailed along with the two copies.
- ☐ The original and two copies of the application have been stapled securely (no folders or binders) with the first page of the SF 424 as the first page of each copy of the application.

The Checklist, original application and two copies of the application should be packaged together so that they can be processed together. However, if more than one application set is to be submitted, each application set should be packaged separately and submitted under separate cover.

Remember, applications must be postmarked or hand delivered by 5:30 p.m. no later than March 18, 1988 to:

HDS/Division of Grants and Contracts Management, 200 Independence Avenue, SW., HHH Building, Room 724–F, Washington, DC 20201, Attention HDS–88–2, Priority Area——

(Federal Catalog of Domestic Assistance Numbers: 13.600 Head Start; 13.608 Child Welfare Services; 13.670 Child Abuse Prevention; 13.623 Runaway and Homeless Youth; 13.652 Adoption Opportunities; 13.631 Developmental Disabilities Special Projects; 13.661 Native Americans Program Act; 13.668 Title IV of the Older Americans Act; and 13.647 Social Services Research—Section 1110).

Dated: October 27, 1987.

Phillip N. Hawkes,

Acting Assistant Secretary for Human Development Services.

G. Barry Nielsen,

Director, Office of Policy, Planning and Legislation.

Dodie Livingston,

Commissioner, Administration for Children, Youth and Families.

William L. Engles,

Commissioner, Administration for Native Americans.

Lucy C. Biggs,

Commissioner, Administration on Developmental Disabilities.

Carol Fraser Fisk,

Commissioner, Administration on Aging.

BILLING CODE 4130-01-M

PRIORITY AREA:

OMB Approval No. 0346-0006

FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION (Mark appropriate box)	☐ NOTICE OF INTENT (OPTIONAL) ☐ PREAPPLICATION ☒ APPLICATION	2. APPLICANT'S APPLICATION IDENTIFIER	a. NUMBER / b. DATE Year month day 19
3. STATE APPLICATION IDENTIFIER NOTE: TO BE ASSIGNED BY STATE	a. NUMBER / b. DATE ASSIGNED Year month day 19		

Leave Blank

SECTION I—APPLICANT/RECIPIENT DATA

4. LEGAL APPLICANT/RECIPIENT
a. Applicant Name .
b. Organization Unit .
c. Street/P.O. Box .
d. City . e. County .
f. State . g. ZIP Code .
h. Contact Person (Name & Telephone No.) .

5. EMPLOYER IDENTIFICATION NUMBER (EIN)

6. PROGRAM (From CFDA) a. NUMBER N/A MULTIPLE ☐ b. TITLE N/A

7. TITLE OF APPLICANT'S PROJECT (Use section IV of this form to provide a summary description of the project.)

8. TYPE OF APPLICANT/RECIPIENT
A—State; B—County; C—Municipal; D—Township; E—Interstate; F—Intermunicipal; G—Special Purpose District; H—Independent School Dist.; I—State Controlled Institution of Higher Learning; J—Private University; K—Indian Tribe; L—Individual; M—Profit Organization; N—Other (Specify):
Enter appropriate letter ☐

9. AREA OF PROJECT IMPACT (Names of cities, counties, states, etc.) N/A

10. ESTIMATED NUMBER OF PERSONS BENEFITING

11. TYPE OF ASSISTANCE
A—New; B—Supplemental Grant; C—Loan; D—Renewal; E—Other
Enter appropriate letter ☐ A

12. PROPOSED FUNDING

a. FEDERAL	$ .00
b. APPLICANT	.00
c. STATE	.00
d. LOCAL	.00
e. OTHER	.00
f. Total	$ .00

13. CONGRESSIONAL DISTRICTS OF:
a. APPLICANT . b. PROJECT .

14. TYPE OF APPLICATION
A—New; B—Revision; C—Revision; D—Augmentation; E—Continuation
Enter appropriate letter ☐ A

15. PROJECT START DATE Year month day 19

16. PROJECT DURATION Months

17. TYPE OF CHANGE (For 14c or 14e)
A—Increase Dollars; B—Decrease Dollars; C—Increase Duration; D—Decrease Duration; E—Cancellation; F—Other (Specify):
Enter appropriate letter ☐

18. DATE DUE TO FEDERAL AGENCY ▶ Year month day 19 88/03/18

19. FEDERAL AGENCY TO RECEIVE REQUEST Department of Health and Human Services

20. EXISTING FEDERAL GRANT IDENTIFICATION NUMBER N/A

a. ORGANIZATIONAL UNIT (IF APPROPRIATE) Office of Human Development Svc.

b. ADMINISTRATIVE CONTACT (IF KNOWN) Division of Grants & Contr.

c. ADDRESS 200 Independence Avenue, SW, HHH Building, Room 724-F Washington, DC 20201 ATTN: HDS-88-1

21. REMARKS ADDED ☒ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT▶ To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.

a. YES, THIS NOTICE OF INTENT/PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____

b. NO, PROGRAM IS NOT COVERED BY E.O. 12372 ☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW ☐

23. CERTIFYING REPRESENTATIVE a. TYPED NAME AND TITLE . b. SIGNATURE .

SECTION III—FEDERAL AGENCY ACTION

24. APPLICATION RECEIVED Year month day 19

25. FEDERAL APPLICATION IDENTIFICATION NUMBER

26. FEDERAL GRANT IDENTIFICATION

27. ACTION TAKEN
☐ a. AWARDED
☐ b. REJECTED
☐ c. RETURNED FOR AMENDMENT
☐ d. RETURNED FOR E.O. 12372 SUBMISSION BY APPLICANT TO STATE
☐ e. DEFERRED
☐ f. WITHDRAWN

28. FUNDING

a. FEDERAL	$ .00
b. APPLICANT	.00
c. STATE	.00
d. LOCAL	.00
e. OTHER	.00
f. TOTAL	$ .00

29. ACTION DATE▶ Year month day 19

30. STARTING DATE Year month date 19

31. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)

32. ENDING DATE Year month date 19

33. REMARKS ADDED ☐ Yes ☐ No

NSN 7540-01-008-8162 424-103 STANDARD FORM 424 PAGE 1 (Rev. 4-84)
PREVIOUS EDITION IS NOT USABLE Prescribed by OMB Circular A-102

OMB NO. 0348-0008

PART II
PROJECT APPROVAL INFORMATION

Item 1.
Does this assistance request require State, local regional, or other priority rating?
_____ Yes _____ No
Name of Governing Body _____
Priority Rating _____

Item 2.
Does this assistance request require State, or local advisory, educational or health clearances?
_____ Yes _____ No
Name of Agency or Board _____
(Attach Documentation)

Item 3.
Does this assistance request require State, local, regional or other planning approval?
_____ Yes _____ No
Name of Approving Agency _____
Date _____

Item 4.
Is the proposed project covered by an approved comprehensive plan?
_____ Yes _____ No
Check one: State ☐ Local ☐ Regional ☐
Location of Plan _____

Item 5.
Will the assistance requested serve a Federal installation?
_____ Yes _____ No
Name of Federal Installation _____
Federal Population benefiting from Project _____

Item 6.
Will the assistance requested be on Federal land or installation?
_____ Yes _____ No
Name of Federal Installation _____
Location of Federal Land _____
Percent of Project _____

Item 7.
Will the assistance requested have an impact or effect on the environment
_____ Yes _____ No
See instructions for additional information to be provided.

Item 8.
Will the assistance requested cause the displacement of individuals, families, businesses, or farms?
_____ Yes _____ No
Number of:
Individuals _____
Families _____
Businesses _____
Farms _____

Item 9.
Is there other related assistance on this project previous, pending, or anticipated
_____ Yes _____ No
See instructions for additional information to be provided.

OMB NO. 0348-0008

PART III - BUDGET INFORMATION

SECTION A - BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. N/A	N/A	$ N/A	$ N/A	$ N/A	$ N/A	$ N/A
2. N/A	N/A	N/A	N/A	N/A	N/A	N/A
3. N/A	N/A	N/A	N/A	N/A	N/A	N/A
4. N/A	N/A	N/A	N/A	N/A	N/A	N/A
5. TOTALS HDS/CDP		$ - 0 -	$ - 0 -	$	$	$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	- Grant Program, Function or Activity				(Federal & non-Federal) Total
	(1) N/A	(2) N/A	(3) N/A	(4) N/A	(5)
a. Personnel	$ N/A	$ N/A	$ N/A	$ N/A	$
b. Fringe Benefits	N/A	N/A	N/A	N/A	
c. Travel	N/A	N/A	N/A	N/A	
d. Equipment	N/A	N/A	N/A	N/A	
e. Supplies	N/A	N/A	N/A	N/A	
f. Contractual	N/A	N/A	N/A	N/A	
g. Construction	N/A	N/A	N/A	N/A	
h. Other	N/A	N/A	N/A	N/A	
i. Total Direct Charges	N/A	N/A	N/A	N/A	
j. Indirect Charges	N/A	N/A	N/A	N/A	
k. TOTALS	$ N/A	$ N/A	$ N/A	$ N/A	$
7. Program Income	$ N/A	$ N/A	$ N/A	$ N/A	$

8. In-Kind Contributions $

(the value of property, goods, or services donated to a grantee at no charge to the grantee, subgrantee, or cost type contractor)

Note: Other cost sharing equals costs of the grant not borne by HDS and is included in items B.6.a-k above.

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16. N/A	$ N/A	$ N/A	$ N/A	$ N/A
17. N/A	N/A	N/A	N/A	N/A
18. N/A	N/A	N/A	N/A	N/A
19. N/A	N/A	N/A	N/A	N/A
20. TOTALS HDS/CDP	$	$	$ N/A	$ N/A

PART V

ASSURANCES

The Applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements, including 45 CFR Part 74 and OMB Circulars No. A-102, A-110 and applicable cost principles, (Circulars: A-21, "Educational Institutions"; A-87, "Cost Principles for State and Local Governments"; and A-122, "Nonprofit Organizations"), as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also the applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.

3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.

5. It will comply with the provisions of the Hatch Act which limit the political activity of State and local government employees.

6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201) as they apply to employees of institutions of higher education, hospitals, other nonprofit organizations, and to employees of State and local governments who are not employed in integral operations in areas of traditional governmental functions.

   Head Start, Certification of Minimum Wage: It certifies that it has reviewed the salary structures and wages for all positions and certifies that persons employed in carrying out this program shall not receive compensation at a rate which is (a) in excess of the average rate of compensation paid in the area to persons providing substantially comparable services; or (b) less than the minimum wage rate prescribed in section 6(a) of the Fair Labor Standards Act of 1938. Documentation of the methods by which it established wage scales is available in their files for review by audit and HDS personnel.

7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

8. It will give the sponsoring agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant, including the records of contractors and subcontractors performing under the grant.

9. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.

10. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

11. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

12. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the grantee's activity and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

13. Applicants for the Administration for Native Americans Programs, hereby certify in accordance with 45 CFR 1336.53, that the financial assistance provided by the Office of Human Development Services for the specified activities to be performed under this program, will be in addition to, and not in substitution for, comparable activities provided without Federal assistance.

14. It will comply with the Age Discrimination Act of 1975 enacted as an amendment to the Older Americans Act (Pub. L. 94-135), which provides that: No person in the United States shall, on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity for which the applicant receives Federal financial assistance.

15. It will comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto, which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance.

16. It will comply with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.) which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance (whether or not the programs or activities are offered or sponsored by an educational institution).

17. It will comply with Pub. L. 93-348 as implemented by Part 46 of Title 45 (45 CFR 46, 42 U.S.C. 2891) regarding the protection of human subjects involved in research, development, and related activities supported by the grant.

18. It will comply with the equal opportunity clause prescribed by Executive Order 11246, as amended, and will require that its subrecipients include the clause in all construction contracts and subcontracts which have or are expected to have an aggregate value within a 12-month period exceeding $10,000, in accordance with Department of Labor regulations at 41 CFR Part 60.

19. It will include, and will require that its subrecipients include, the provision set forth in 29 CFR 5.5(c) pertaining to overtime and unpaid wages in any nonexempt nonconstruction contract which involves the employment of mechanics and laborers (including watchmen, guards, apprentices, and trainees) if the contract exceeds $2,500.

VOL 52 ISS 250 DEC 30 1987 UMI

ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

_____ (hereinafter called the "Applicant") HEREBY
Name of Applicant (type or print)

AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 80) issued pursuant to that title, to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Date _____ By _____
Signature and Title of Authorized Official

_____
Area Code — Telephone Number

_____
Applicant (type or print)

_____
Street Address

_____
City State Zip

HHS-441 (7/84) Rev.

HDS GRANTS MANAGEMENT
GPO 906-715

DEPARTMENT OF HEALTH AND HUMAN SERVICES
ASSURANCE OF COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

The undersigned (hereinafter called the "recipient") HEREBY AGREES THAT it will comply with section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto.

Pursuant to § 84.5(a) of the regulation [45 C.F.R. 84.5(a)], the recipient gives this Assurance in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts (except procurement contracts and contracts of insurance or guaranty), property, discounts, or other federal financial assistance extended by the Department of Health and Human Services after the date of this Assurance, including payments or other assistance made after such date on applications for federal financial assistance that were approved before such date. The recipient recognizes and agrees that such federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance and that the United States will have the right to enforce this Assurance through lawful means. This Assurance is binding on the recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the recipient.

This Assurance obligates the recipient for the period during which federal financial assistance is extended to it by the Department of Health and Human Services or, where the assistance is in the form of real or personal property, for the period provided for in § 84.5(b) of the regulation [45 C.F.R. 84.5(b)].

The recipient: [Check (a) or (b)]

a. ( ) employs fewer than fifteen persons;

b. ( ) employs fifteen or more persons and, pursuant to § 84.7(a) of the regulation [45 C.F.R. 84.7(a)], has designated the following person(s) to coordinate its efforts to comply with the HHS regulation:

_____
Name of Designee(s) — Type or Print

_____ _____
Name of Recipient — Type or Print Street Address

_____ _____
(IRS) Employer Identification Number City

_____ _____
Area Code — Telephone Number State Zip

I certify that the above information is complete and correct to the best of my knowledge.

_____ _____
Date Signature and Title of Authorized Official

If there has been a change in name or ownership within the last year, please PRINT the former name below:

HHS-641 (7/84) REV.)
GPO 906-714

HDS GRANTS MANAGEMENT

VOL 52 ISS 250 DEC 30 1987 UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PROTECTION OF HUMAN SUBJECTS ASSURANCE/CERTIFICATION/DECLARATION

☐ ORIGINAL ☐ FOLLOWUP ☐ REVISION

☐ GRANT ☐ CONTRACT ☐ FELLOW ☐ OTHER

☐ NEW ☐ RENEWAL ☐ CONTINUATION

APPLICATION IDENTIFICATION NUMBER *(If known)*

STATEMENT OF POLICY: Safeguarding the rights and welfare of subjects at risk in activities supported under grants and contracts from DHHS is primarily the responsibility of the institution which receives or is accountable to DHHS for the funds awarded for the support of the activity. In order to provide for the adequate discharge of this institutional responsibility, it is the policy of DHHS that no activity involving human subjects to be supported by DHHS grants or contracts shall be undertaken unless the Institutional Review Board has reviewed and approved such activity, and the institution has submitted to DHHS a certification of such review and approval, in accordance with the requirements of Public Law 93-348, as implemented by Part 46 of Title 45 of the Code of Federal Regulations, as amended, (45 CFR 46). Administration of the DHHS policy and regulation is the responsibility of the Office for Protection from Research Risks, National Institutes of Health, Bethesda, MD 20205.

1. TITLE OF PROPOSAL OR ACTIVITY

2. PRINCIPAL INVESTIGATOR/ACTIVITY DIRECTOR/FELLOW

3. DECLARATION THAT HUMAN SUBJECTS EITHER WOULD OR WOULD NOT BE INVOLVED

☐ A. NO INDIVIDUALS WHO MIGHT BE CONSIDERED HUMAN SUBJECTS, INCLUDING THOSE FROM WHOM ORGANS, TISSUES, FLUIDS, OR OTHER MATERIALS WOULD BE DERIVED, OR WHO COULD BE IDENTIFIED BY PERSONAL DATA, WOULD BE INVOLVED IN THE PROPOSED ACTIVITY. (IF NO HUMAN SUBJECTS WOULD BE INVOLVED, CHECK THIS BOX AND PROCEED TO ITEM 7. PROPOSALS DETERMINED BY THE AGENCY TO INVOLVE HUMAN SUBJECTS WILL BE RETURNED.)

☐ B. HUMAN SUBJECTS WOULD BE INVOLVED IN THE PROPOSED ACTIVITY AS EITHER: ☐ NONE OF THE FOLLOWING, OR INCLUDING: ☐ MINORS, ☐ FETUSES, ☐ ABORTUSES, ☐ PREGNANT WOMEN, ☐ PRISONERS, ☐ MENTALLY RETARDED, ☐ MENTALLY DISABLED. UNDER SECTION 6. COOPERATING INSTITUTIONS, ON REVERSE OF THIS FORM, GIVE NAME OF INSTITUTION AND NAME AND ADDRESS OF OFFICIAL(S) AUTHORIZING ACCESS TO ANY SUBJECTS IN FACILITIES NOT UNDER DIRECT CONTROL OF THE APPLICANT OR OFFERING INSTITUTION.

4. DECLARATION OF ASSURANCE STATUS/CERTIFICATION OF REVIEW

☐ A. THIS INSTITUTION HAS NOT PREVIOUSLY FILED AN ASSURANCE AND ASSURANCE IMPLEMENTING PROCEDURES FOR THE PROTECTION OF HUMAN SUBJECTS WITH THE DHHS THAT APPLIES TO THIS APPLICATION OR ACTIVITY. ASSURANCE IS HEREBY GIVEN THAT THIS INSTITUTION WILL COMPLY WITH REQUIREMENTS OF *DHHS Regulation 45 CFR 46*, THAT IT HAS ESTABLISHED AN INSTITUTIONAL REVIEW BOARD FOR THE PROTECTION OF HUMAN SUBJECTS AND, WHEN REQUESTED, WILL SUBMIT TO DHHS DOCUMENTATION AND CERTIFICATION OF SUCH REVIEWS AND PROCEDURES AS MAY BE REQUIRED FOR IMPLEMENTATION OF THIS ASSURANCE FOR THE PROPOSED PROJECT OR ACTIVITY.

☐ B. THIS INSTITUTION HAS AN APPROVED GENERAL ASSURANCE (DHHS ASSURANCE NUMBER _____) OR AN ACTIVE SPECIAL ASSURANCE FOR THIS ONGOING ACTIVITY, ON FILE WITH DHHS. THE SIGNER CERTIFIES THAT ALL ACTIVITIES IN THIS APPLICATION PROPOSING TO INVOLVE HUMAN SUBJECTS HAVE BEEN REVIEWED AND APPROVED BY THIS INSTITUTION'S INSTITUTIONAL REVIEW BOARD IN A CONVENED MEETING ON THE DATE OF _____ IN ACCORDANCE WITH THE REQUIREMENTS OF THE *Code of Federal Regulations on Protection of Human Subjects (45 CFR 46)*. THIS CERTIFICATION INCLUDES, WHEN APPLICABLE, REQUIREMENTS FOR CERTIFYING FDA STATUS FOR EACH INVESTIGATIONAL NEW DRUG TO BE USED (SEE REVERSE SIDE OF THIS FORM).

THE INSTITUTIONAL REVIEW BOARD HAS DETERMINED, AND THE INSTITUTIONAL OFFICIAL SIGNING BELOW CONCURS THAT:

EITHER ☐ HUMAN SUBJECTS WILL NOT BE AT RISK; OR ☐ HUMAN SUBJECTS WILL BE AT RISK.

5. AND 6. SEE REVERSE SIDE

7. NAME AND ADDRESS OF INSTITUTION

8. TITLE OF INSTITUTIONAL OFFICIAL	TELEPHONE NUMBER
SIGNATURE OF INSTITUTIONAL OFFICIAL	DATE

HHS-596 (Rev. 5-80)

ENCLOSE THIS FORM WITH THE PROPOSAL OR RETURN IT TO REQUESTING AGENCY.

5. INVESTIGATIONAL NEW DRUGS - ADDITIONAL CERTIFICATION REQUIREMENT

SECTION 46.17 OF TITLE 45 OF THE Code of Federal Regulations states, "Where an organization is required to prepare or to submit a certification . . . and the proposal involves an investigational new drug within the meaning of The Food, Drug, and Cosmetic Act, the drug shall be identified in the certification together with a statement that the 30-day delay required by 21 CFR 130.3(a)(2) has elapsed and the Food and Drug Administration has not, prior to expiration of such 30-day interval, requested that the sponsor continue to withhold or to restrict use of the drug in human subjects; or that the Food and Drug Administration has waived the 30-day delay requirement; provided, however, that in those cases in which the 30-day delay interval has neither expired nor been waived, a statement shall be forwarded to DHHS upon such expiration or upon receipt of a waiver. No certification shall be considered acceptable until such statement has been received."

INVESTIGATIONAL NEW DRUG CERTIFICATION

TO CERTIFY COMPLIANCE WITH FDA REQUIREMENTS FOR PROPOSED USE OF INVESTIGATIONAL NEW DRUGS IN ADDITION TO CERTIFICATION OF INSTITUTIONAL REVIEW BOARD APPROVAL, THE FOLLOWING REPORT FORMAT SHOULD BE USED FOR EACH IND: (ATTACH ADDITIONAL IND CERTIFICATIONS AS NECESSARY).

— IND FORMS FILED: ☐ FDA 1571, ☐ FDA 1572, ☐ FDA 1573

— NAME OF IND AND SPONSOR _____

— DATE OF 30-DAY EXPIRATION OR FDA WAIVER
(FUTURE DATE REQUIRES FOLLOWUP REPORT TO AGENCY) _____

— FDA RESTRICTION _____

— SIGNATURE OF INVESTIGATOR _____ DATE _____

6. COOPERATING INSTITUTIONS - ADDITIONAL REPORTING REQUIREMENT

SECTION 46.16 OF TITLE 45 OF THE *Code of Federal Regulations* IMPOSES SPECIAL REQUIREMENTS ON THE CONDUCT OF STUDIES OR ACTIVITIES IN WHICH THE GRANTEE OR PRIME CONTRACTOR OBTAINS ACCESS TO ALL OR SOME OF THE SUBJECTS THROUGH COOPERATING INSTITUTIONS NOT UNDER ITS CONTROL. IN ORDER THAT THE DHHS BE FULLY INFORMED, THE FOLLOWING REPORT IS REQUESTED WHEN APPLICABLE.

USE FOLLOWING REPORT FORMAT FOR EACH INSTITUTION OTHER THAN GRANTEE OR CONTRACTING INSTITUTION WITH RESPONSIBILITY FOR HUMAN SUBJECTS PARTICIPATING IN THIS ACTIVITY: (ATTACH ADDITIONAL REPORT SHEETS AS NECESSARY).

INSTITUTIONAL AUTHORIZATION FOR ACCESS TO SUBJECTS

— SUBJECTS: STATUS (WARDS, RESIDENTS, EMPLOYEES, PATIENTS, ETC.) _____

NUMBER _____ AGE RANGE _____

NAME OF OFFICIAL (PLEASE PRINT) _____

TITLE _____ TELEPHONE _____

NAME AND ADDRESS OF COOPERATING INSTITUTION _____

— OFFICIAL SIGNATURE _____

NOTES: *(e.g., report of modification in proposal as submitted to agency affecting human subjects involvement)*

HHS-596 (Rev. 5-80) (Back)

BILLING CODE 4130-01-C

Executive Order 12372—State Single Points of Contact

Alabama

Mrs. Donna J. Snowden, SPOC, Alabama State Clearinghouse, Alabama Department of Economic and Community Affairs, 3465 Norman Bridge Road, Post Office Box 2939, Montgomery, Alabama 36105–0939, Tel. (205) 284–8905.

Alaska

None.

Arizona

Department of Commerce, State of Arizona.

Note.—Correspondence & questions concerning this State's E.O. 12372 process should be directed to: Janice Dunn, ATTN: Arizona State Clearinghouse, 1700 West Washington, Fourth Floor, Phoenix, Arizona 85007, Tel. (602) 255–5004.

Arkansas

Joe Gillesbie, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Tel. (501) 371–1074.

California

Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Tel. (916) 323–7480.

Colorado

State Clearinghouse, Division of Local Government, 1313 Sherman Street, Rm. 520, Denver, Colorado 80203, Tel. (303) 866–2156.

Connecticut

Gary E. King, Under Secretary, Comprehensive Planning Division, Office of Policy and Management, Hartford, Connecticut 06106–4459.

Note.—Correspondence & questions concerning this State's E.O. 12372 process should be directed to: Intergovernmental Review Coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106–4459, Tel. (203) 566–3410.

Delaware

Executive Department, Thomas Collins Building, Dover, Delaware 19903, Attn: Francine Booth, Tel. (302) 736–4204.

Florida

Ron Fahs, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32301, Tel. (904) 488–8114.

Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, SW—Rm. 608, Atlanta, Georgia 30334, Tel. (404) 656–3855.

Hawaii

Roger A. Ulveling, Director, Department of Planning and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804.

For Information Contact: Hawaii State Clearinghouse, Tel. (808) 548–3016 or 548–3085.

Idaho

None.

Illinois

Tom Berkshire, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Tel. (217) 782–8639.

Indiana

Ms. Peggy Boehm, Deputy Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Tel. (317) 232–5604.

Iowa

A. Thomas Wallace, Iowa Dept. of Economic Development, Division of Community Progress, 200 East Grand Avenue, Des Moines, Iowa 50309, Tel. (515) 281–3864.

Kansas

Martin Kennedy, Intergovernmental Liaison, Department of Administration, Division of Budget, Rm. 152–E, State Capitol Bldg., Topeka, Kansas 66612, Tel. (913) 296–2436.

Kentucky

Bob Leonard, Kentucky State Clearinghouse, 2nd Floor, Capital Plaza, Tower, Frankfort, Kentucky 40601, Tel. (502) 564–2382.

Louisiana

Colby S. La Place, Assistant Secretary, Dept. of Urban & Community Affairs, Office of State Clearinghouse, P.O. Box 94455, Capitol Station, Baton Rouge, Louisiana 70804, Tel. (504) 342–9790.

Maine

State Planning Office, Attn: Intergovernmental Review Process/Hal Kimbal, State House Station #38, Augusta, Maine 04333, Tel. (207) 289–3154.

Maryland

Guy W. Hager, Director, Maryland State Clearinghouse, for Intergovernmental Assistance, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201–2365, Tel. (301) 225–4490.

Massachusetts

Executive Office of Communities and Development, Attn: Beverly Boyle, 100 Cambridge Street, Rm. 904, Boston, Massachusetts 02202, Tel. (617) 727–3253.

Michigan

Michelyn Pasteur, Director, Local Development Services, Department of Commerce, P.O. Box 30225, Lansing, Michigan 48909, Tel. (517) 373–3530. Staff Contact:, Don Bailey, Tel. (517) 334–6190.

Minnesota

Maurice D. Chandler, Intergovernmental Review, Minnesota State Planning Agency, Room 101, Capitol Square Building, St.Paul, Minnesota 55101, Tel. (612) 296–2571.

Mississippi

Office of Federal State Programs, Department of Planning and Policy, 2000 Walter Sillers Bldg., 500 High Street, Jackson, Mississippi 39202.

For Information Contact: Mr. Marlan Baucum, Department of Planning and Policy, Tel. (601) 359–3150.

Missouri

Lois Pohl, Coordinator, Missouri Federal Assistance Clearinghouse, Office of Administration, Division of General Services, P.O. Box 809, Room 760 Truman Building, Jefferson City, Missouri 65102, Tel. (314) 751–4834.

Montana

Sue Heath, Intergovernmental Review Clearinghouse, c/o Office of the Lieutenant Governor, Capitol Station, Helena, Montana 59620, Tel. (406) 444–5522.

Nebraska

None.

Nevada

Ms. Jean Ford, Director, Nevada Office of Community Services, Capitol Complex, Carson City, Nevada 89710, Tel. (702) 885–4420.

Note.—Correspondence & questions concerning this State's E.O. 12372 process should be directed to: John Walker, Clearinghouse Coordinator, Tel. (702) 885–4420.

New Hampshire

David G. Scott, Acting Director, New Hampshire Office of State Planning, 2½ Beacon Street, Concord, New Hampshire 03301, Tel. (603) 271–2155.

New Jersey

Mr. Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, 363 West State Street, Trenton, New Jersey 08625–0803, Tel. (609) 292–6613.

Note.—Correspondence & questions concerning this State's E.O. 12372 process should be directed to: Nelson S. Silver, State Review Process, Division of Local Government Services—CN 803, Trenton, New Jersey 08625–0803, Tel. (609) 292–9025.

New Mexico

Dean Olson, Director, Management and Program Analysis Div., Department of Finance and Administration, Management and Contracts Review Div., Clearinghouse Bureau, Room 424, State Capitol, Santa Fe, New Mexico 87503, Tel. (505) 827–3885.

New York

Director of the Budget, New York State.

Note.—Correspondence & questions concerning this State's E.O. 12372 process should be directed to: Harold W. Juhre, Jr., New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Tel. (518) 474–1605.

North Carolina

Mrs. Chrys Baggett, Director, State Clearinghouse, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27611, Tel. (919) 733–4131.

North Dakota

Bill Robinson, Office of Intergovernmental Assistance, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505, Tel. (701) 224–2094.

Ohio

State Clearinghouse, Office of Budget and Management, 30 East Broad Street, Columbus, Ohio 43215.

For Information Contact: Mr. Leonard E. Roberts, Deputy Director, Tel. (614) 466–0699.

Oklahoma

Don Strain, Oklahoma Dept. of Commerce, Office of Federal Assistance Management, 6601 Broadway Extension, Oklahoma City, Oklahoma 73116, Tel. (405) 843–9770.

Oregon

Intergovernmental Relations Division, State Clearinghouse, Attn: Delores Streeter, Executive Building, 155 Cottage Street, NE., Salem, Oregon 97310, Tel. (503) 373–1998.

Pennsylvania

Laine A. Heltebridle, Special Assistant, Pennsylvania Intergovernmental Council, P.O. Box 11880, Harrisburg, Pennsylvania 17108, Tel. (717) 783–3700.

Rhode Island

Daniel W. Varin, Chief, Rhode Island Statewide Planning Program, 265 Melrose Street, Providence, Rhode Island 02907, Tel. (401) 277–2656.

Note.—Questions & correspondence concerning this State's review process should be directed to: Mr. Michael T. Marfeo, Review Coordinator.

South Carolina

Danny L. Cromer, Grant Services, Office of the Governor, 1205 Pendleton Street, Rm. 477, Columbia, South Carolina 29201, Tel. (803) 734–0435.

South Dakota

Sue Korte, State Clearinghouse Coordinator, State Government Operations, Second Floor, Capitol Building, Pierre, South Dakota 57501, Tel. (605) 773–3661.

Tennessee

Charles Brown, Tennessee State Planning Office, 1800 James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37219, Tel. (615) 741–1676.

Texas

Leon Willhite, State Planning Director, Office of the Governor, P.O. Box 13561, Capitol Station, Austin, Texas 78711.

Note.—Questions concerning this State's review process should be directed to: Intergovernmental Relations Division, Tel. (512) 463–1814.

Utah

Dale Hatch, Director, Office of Planning and Budget, State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Tel. (801) 533–5245.

Vermont

State Planning Office, Attn: Bernie Johnson, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Tel. (802) 828–3326.

Virginia

Nancy Miller, Intergovernmental Affairs Review Officer, Department of Housing and Community Development, 205 North 4th Street, Richmond, Virginia 23219, Tel. (804) 786–4474.

Washington

Washington Department of Community Development, Attn: Washington Intergovernmental Review Process, Dori Goodrich, Coordinator, Ninth and Columbia Building, Olympia, Washington 98504–4151, Tel. (206) 586–1240.

West Virginia

Mr. Fred Cutlip, Director, Community Development Division, Governor's Office of Community and Industrial Development, Building #6, Rm. 553, Charleston, West Virginia 25305, Tel. (304) 348–4010.

Wisconsin

Secretary James R. Krauser, Wisconsin Department of Administration, 101 South Webster—GEF 2, P.O. Box 7864, Madison, Wisconsin 53707–7864, Tel. (608) 266–1741.

Note.—Correspondence and questions concerning this State's E.O 12372 process should be directed to: Thomas Krauskopf, Federal-State Relations Coordinator, Wisconsin Department of Administration, P.O. Box 7864, Madison, Wisconsin 53707–7864, Tel. (608) 266–8349.

Wyoming

Ann Redman, Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Tel. (307) 777–7574.

District of Columbia

Lovetta Davis, DC State Single Point of Contact for E.O. 12372, Executive Office of the Mayor, Office of Intergovernmental Relations, Rm. 416, District Building, 1350 Pennsylvania Avenue, NW., Washington, DC 20004, Tel. (202) 727–9111.

Virgin Islands

Toya Andrew, Federal Program Coordinator, Office of the Governor, The Virgin Islands of the United States, Charlotte Amalie, St. Thomas 00801, Tel. (809) 774–6517.

Puerto Rico

Ms. Patricia G. Custodio, P.E., Chairman and Isael Soto Marrero, Director, Federal Proposal Review Office, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–9985, Tel. (809) 727–4444.

Northern Mariana Islands

Planning and Budget Office, Office of the Governor, Saipan, CM 96950.

American Samoa

None.

Guam

Guam State Clearinghouse, Office of the Lieutenant Governor, P.O. Box 2950, Agana, Guam 96910.

List of Key Words

Abused elderly
Accreditation
Adoption
Advocacy and guardianship
Adult day care (use home care with aging and elderly)
Adults
Aging and elderly
Aging-out
Agriculture
Allied professional education
Alternative financing
Anions
Audio-visual
Barrier-free design
Blacks
Board and care
Budgeting and finance
Business development training
Cable television
Career and vocational education
Case Management
Child abuse and neglect
Child care
Child care centers
Children
Clearinghouse
Client outcome measures
Colleges and Universities
Community Care
Community-based organizations
Competitive employment
Comprehensive care
Computer networks
Computers
Conferences
Congregate housing
Consumer education
Continuing education
Contracting
Cooperatives
Coordination
Corrections
Counseling
Courts
Crisis intervention
Cross-cultural
Cross-cutting
Cultural activities
Curriculum development
Data collection
Day care
Day care centers
Deinstitutionalization
Design
Disabled
Developmentally disabled
Dissemination
Dropouts
Economic development
Education and training
Effectiveness measures
Efficiency
Emergency services
Emergency shelters
Employer-supported human services
Employment
Entrepreneurship
Environment
Environmental design
Evaluation
Exploited youth
Families
Family counseling
Family day care
Family support/Caregiving
Films
Finance
Fire safety
Fiscal management
Food and nutrition
Food banks
Forecasting
Foster care
Foster grandparents
Foundations
Frail elderly
Friendly visitors
Gerontology training
Group homes
Guardianship
Handbooks
Historically Black Colleges and Universities (use HBCU)
Head Start
Health
Hispanics
Home care
Home equity conversions
Homeless
Hospitals
Hospices and nursing homes
Housing
Human services
Immigrants and refugees
Income generation
Independent living
Indians
Infants and toddlers
Informal caregivers
Information centers
Information and referral
In-home care
Institutionalization
Information transfer
Interagency cooperation
Interdisciplinary
Intergenerational
Interstate agreements
Investigations
Isolated elderly
Job bank
Job clubs
Job placement
Judicial system
Juvenile justice
Latchkey and school-age children
Law enforcement
Legal
Legal counseling
Legislation and model codes
Linkages
Living skills
Low-cost alternatives
Low-income
Mainstreaming
Management
Management Information Systems
Management training
Manuals
Marketing
Materials
Meals
Media
Medical
Mental health
Mentally disabled
Mentors
Microcomputers
Minorities
Native Alaskans
Native Americans
Native Hawaiians
Needs assessment
Newsletters
Newspapers
Nursing homes
Nutrition counseling
On-the-job training
Outreach
Parent education
Peer counseling
Performance-based contracting
Permanency planning
Physically disabled
Planning
Preschools
Prevention
Preventive care
Primary schools
Private sector
Prostitution
Public education
Public-private cooperation
Radio
Rate-setting
Readiness skills
Recreation
Recruitment
Recycling
Referral
Refugees
Research
Residential care
Resource allocation
Respite care
Retirement
Runaways
Rural
Samoans
School-age children
Secondary schools
Self-care
Self-help
Seminars
Sheltered workshops
Single parents
Small business
Social services
Software
Special education
Special needs adoption
Speech impairment
Standards
Support groups
Target populations
Television
Taxes
Technical assistance
Technology transfer
Teenage parents
Teenage pregnancy
Telecommunications
Therapeutic day care
Toddlers
Training
Training of trainers
Transitioning
Transportation
Unemployed

Urban
User fees
Video
Visual Impairment
Vocational training
Volunteers
Vouchers
Women
Workplace
Youth

[FR Doc. 87-29565 Filed 12-29-87; 8:45 am]
BILLING CODE 4130-01-M

VOL 52 ISS 250 DEC 30 1987 UMI

VOL
52
ISS
250
DE
30
1987
UMI

federal register

Wednesday
December 30, 1987

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 764 and 769

State and Federal Processes for Designating Lands Unsuitable for Surface Coal Mining Operations; Final Rule

VOL
52
ISS
250
DE
30
1987
UMI

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 764 and 769

State and Federal Processes for Designating Lands Unsuitable for Surface Coal Mining Operations

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) is amending its permanent program rules that govern the processing of petitions to designate specified areas of land as unsuitable for surface coal mining operations. The amendments eliminate provisions providing for the suspension of petition processing and make the State and Federal processes consistent in the completeness review. These changes are being made in response to a decision by the U.S. District Court for the District of Columbia and comments on the proposed rule.

EFFECTIVE DATE: January 29, 1988.

ADDRESS: Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Catherine Roy, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240; telephone 202–343–5143 (FTS 343–5143).

SUPPLEMENTARY INFORMATION:

I. Background
II. Public Comments on Proposed Rule and Responses to Comments
III. Procedural Matters

I. Background

Section 522 of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (SMCRA), establishes a process through which mining may be limited or prohibited where other values are found to be more important than mining and specifies certain areas as unsuitable for mining. OSMRE promulgated rules implementing this section of SMCRA as part of the permanent regulatory program for surface coal mining operations on March 13, 1979 (44 FR 14901). These rules provided for the designation of lands as unsuitable for all or certain types of surface coal mining operations, for terminating such designations, for identifying lands on which surface coal mining operations are limited or prohibited under section 522(e) of SMCRA, and for implementing those limits and prohibitions. The State processes for submitting and reviewing petitions to designate areas as unsuitable are at 30 CFR Part 764. Procedures for such petitions for Federal lands are at 30 CFR Part 769.

OSMRE revised 30 CFR Part 764 and 30 CFR Part 769 on September 14, 1983 (48 FR 41312). The State process for unsuitability petitions was amended to allow the regulatory authority to hold a hearing or solicit written comments on the completeness of petitions. The time period for the regulatory authority to make a completeness review and determination under Part 764 was extended from 30 days to 60 days (30 CFR 764.15(a)(1)).

The 1983 revisions also included a provision to allow the regulatory authority to suspend the processing of an unsuitability petition if certain conditions exist. In the State processes, the regulatory authority was allowed to suspend petitions where there was found to be no real or foreseeable potential for surface coal mining to occur. Real or foreseeable potential was defined as meaning that "the petitioned lands are likely to be subject to leasing or mining activity within 5 years" (30 CFR 764.15(a)(3)).

For Federal Lands, a "ripeness" test was added, and the Director was allowed to suspend a petition for lack of ripeness. Ripe was defined in 30 CFR 769.14(a)(3) as meaning that the petitioned lands are (1) subject to a Federal coal lease, (2) included in a tract for which land use planning has been completed and which tract is available for further consideration for Federal coal leasing, (3) not required to be leased because the mineral rights are not owned by the United States or are owned by the Tennessee Valley Authority, or (4) over unleased Federal coal and subject to surface disturbance from neighboring surface coal mining operations.

The petition process for designation of Federal lands as unsuitable for all or certain types of surface coal mining operations (and for termination of previous designations) was challenged in the U.S. District Court for the District of Columbia (*In re: Permanent Surface Mining Regulation Litigation*, C.A. No. 79–1144). In a decision dated July 15, 1985, the court upheld the Secretary's petition process; however, it noted that the Secretary had failed to justify the procedural differences in the State and Federal petition processes, specifically, the differences in the length of time for the completeness review and the absence in the Federal procedures of the possibility of a hearing or other form of public participation during this review, as was provided in the regulations that apply to State programs (and non-Federal lands in Federal program States).

In the same order, the court remanded the portions of the rule allowing suspension of processing unsuitability petitions on the grounds of no real or foreseeable potential for mining and on the ground of ripeness. The court found §§ 764.15(a)(3), 769.14(a)(3) and 769.14(b)(2) inconsistent with law. The court further found that the Secretary had provided no rational basis or justification in the preamble to 30 CFR 764.15(a)(3).

On November 20, 1986, OSMRE published a notice (51 FR 41952) suspending the rules which authorize the suspension of processing of unsuitability petitions and all references to suspended petitions in other portions of the regulations. In the rules applying to petitions to State regulatory authorities to designate non-Federal or non-Indian lands unsuitable (and petitions to OSMRE for all lands in Federal program States), the suspended portions include 30 CFR 764.15(a)(3) and 764.15(a)(8). In the rules applying to petitions for Federal lands, the suspended portions include paragraphs 769.14(a)(3), (b)(2), and (h). In addition, portions of sections 769.14(a)(1) and (c) were also suspended in regard to their references to suspension of petitions.

On June 9, 1987, OSMRE proposed a rulemaking (52 FR 21904) that would delete the provision for suspension of processing unsuitability petitions and provide consistency between the Federal and State processes to determine whether a petition is complete. In that notice, OSMRE solicited public comments and made provisions to hold public hearings upon request. Industry and environmental groups sent comments during the 70-day comment period. No one requested a public hearing, and none was held.

II. Public Comments on Proposed Rule and Response to Comments

Four groups commented on this proposed rule: one industry group and three environmental groups. The comments addressed each of the changes proposed for the processing of unsuitability petitions. A discussion of these comments and OSMRE's responses follows.

1. Deletion of the Suspension of Processing Unsuitability Petitions

In this final rule, OSMRE adopts the proposal to remove the concepts of "ripeness" and "foreseeable potential for mining" as grounds on which regulatory authorities could decide not to process unsuitability petitions. Three commenters supported OSMRE's proposal to eliminate "ripeness" in 30 CFR Part 769 and "foreseeable potential for mining" in Part 764. One commenter suggested that OSMRE incorporate these concepts as a reason for rejecting petitions as frivolous, on the grounds that if the coal reserves underlying a petition area have not been demonstrated to be economically recoverable with current technology, the regulatory authority should have the discretion to reject the petition as lacking merit.

OSMRE disagrees. The comment, if adopted, would be inconsistent with the Act, as already determined in litigation. In the decision dated July 15, 1985, cited above, the court held that the regulatory authority must process unsuitability petitions in a timely manner, which in no way is dependent upon the imminence of mining. Also, the question of whether a petition is frivolous is unrelated to the imminence of mining, but rather relates to the merits of the allegations that mining would harm people, land, air, water, or other resources.

2. Deletion of the Opportunity for Public Comment During Completeness Review

This section is amended as proposed. All commenters supported the proposal to delete the opportunity for public comment during the regulatory authority's review to determine whether the petition is complete. This is an administrative decision on whether all the information required by the regulations is contained in the petition. If a petition is complete, the public has the opportunity to comment on the substance of the petition (the allegations upon which the request for an unsuitability designation is based) during the formal review stage.

One commenter suggested that the public should be allowed to comment on completeness during this later stage and that if substantial questions are raised, the regulatory authority should reconsider its decision that the petition is complete. OSMRE disagrees with this suggestion. Once a petition is determined to be complete, processing of the petition may proceed, and no further completeness determination is necessary. Questions that subsequently arise as to the adequacy of the allegations may be dealt with in determining whether the petition should be granted.

3. Extension of Completeness Review Period for the Federal Process

One commenter supported the proposed provision that would extend the time frame for completeness review under the Federal process from thirty to sixty days. Three commenters opposed this extension, arguing for a thirty-day review period for both State and Federal processes. OSMRE's regulations at 30 CFR 764.15(a)(7) and 769.14(g) address the circumstance in which an unsuitability petition has been received and a complete permit application submitted for the same lands before a completeness determination is made on the petition. In such a case, the regulatory authority may proceed to process the permit application and delete those lands included in the permit application from the petition. The commenters felt that by extending the completeness review period and delaying a decision on completeness, OSMRE would restrict the ability of a petitioner to protect eligible lands. The commenters further suggested that there was no need to extend the review period because there was no indication that the existing thirty days is administratively unworkable or constitutes an administrative burden on the agency.

OSMRE has reviewed this issue further and agrees that the thirty-day review period is not an administrative burden. In States where a greater than an average number of unsuitability petitions have been filed, the regulatory authority has been able to make a completeness determination in fewer than thirty days with no problems. OSMRE, therefore, accepts the comment and adopts a thirty-day completeness review period in the final rule for both State and Federal processes.

III. Procedural Matters

Federal Paperwork Reduction Act

The final rule does not contain new information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Executive Order 12291 and the Regulatory Flexibility Act

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq*). The rule would not cause major economic impacts and would have no adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of U.S. enterprises to compete in domestic or export markets.

National Environmental Policy Act

OSMRE has prepared an environmental assessment (EA) on this final rule and has made a finding that it would not have a significant impact on the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). The EA and the finding of no significant impacts are on file in the OSMRE Administrative Record at the Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1100 L Street, NW., Room 5131, Washington, DC 20240.

Author

The author of this final rule is Catherine Roy, Division of Technical Services, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240. Telephone: 202–343–5143 (FTS 343–5143).

List of Subjects

30 CFR Part 764

Administrative practice and procedure, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 769

Administrative practice and procedure, Public lands, Reporting and recordkeeping requirements, Surface mining, Underground mining.

For the reasons set out in this preamble, 30 CFR Parts 764 and 769 are amended as set forth below.

Date: November 19, 1987.

J. Steven Griles,

Assistant Secretary for Land and Minerals Management.

PART 764—STATE PROCESSES FOR DESIGNATING AREAS UNSUITABLE FOR SURFACE COAL MINING OPERATIONS

1. The authority citation for Part 764 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.* and Pub. L. 100–34.

2. Section 764.15 is amended by revising paragraph (a)(1) to read as follows:

§ 764.15 Initial processing, recordkeeping, and notification requirements.

(a)(1) Within 30 days of receipt of a petition, the regulatory authority shall notify the petitioner by certified mail

BEST COPY AVAILABLE

VOL
52
ISS
250
DE
30
1987
UMI

whether the petition is complete under § 764.13(b) or (c). Complete, for a designation or termination petition, means that the information required under § 764.13(b) or (c) has been provided.

* * * * *

3. Section 764.15 is further amended by removing paragraphs (a)(3), (a)(8), and (b)(2), by redesignating paragraphs (a)(4) through (a)(7) as (a)(3) through (a)(6) respectively, and by redesignating paragraph (b)(3) as (b)(2).

PART 769—PETITION PROCESS FOR DESIGNATION OF FEDERAL LANDS AS UNSUITABLE FOR ALL OR CERTAIN TYPES OF SURFACE COAL MINING OPERATIONS AND FOR TERMINATION OF PREVIOUS DESIGNATIONS

4. The authority citation for Part 769 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.* and Pub. L. 100–34.

5. Section 769.14 is amended by revising paragraphs (a)(1), (a)(4), and (c) to read as follows:

§ 769.14 Initial processing, recording, and notification requirements.

(a)(1) Within 30 days of receipt of a petition, OSMRE shall determine whether the petition is complete and not frivolous. OSMRE may request other supplementary information that is readily available to be provided by the petitioner. Any request for such supplementary information from the petitioner shall not affect OSMRE's determination that the petition is complete for further processing.

* * * * *

(4) *Frivolous,* for a designation or termination petition, means that:

(i) The allegations of harm lack serious merit; or

(ii) Available information shows that no "mineable" coals resources exist in the petitioned area or that the petitioned area is not or could not be subject to related surface coal mining operations and surface impacts incident to an underground coal mine or an adjoining surface mine (mineable coal is coal with development potential as mapped or reported by the Bureau of Land Management under 43 CFR 3420.1–4(e)(1); and privately owned coal under land owned by the United States).

* * * * *

(c) When the Director finds that the petition is complete and not frivolous, he or she shall initiate the petition review and so advise the petitioner via certified mail.

* * * * *

6. Section 769.14 is amended by removing paragraph (a)(3), (b)(2), and (h), and by redesignating paragraphs (a)(4) as (a)(3) and (b)(1) as (b).

[FR Doc. 87–29855 Filed 12–29–87; 8:45 am]
BILLING CODE 4310–05–M

federal register

Wednesday
December 30, 1987

Part IV

Department of Energy

Economic Regulatory Administration

Electric and Gas Utilities Covered in 1988; Requirements for State Regulatory Authorities to Notify the Department of Energy; Notice

VOL 52 ISS 250 DEC 30 1987 UMI

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-R-79-43B]

Electric and Gas Utilities Covered in 1988; Requirements for State Regulatory Authorities To Notify the Department of Energy

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: Sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA) and section 211(b) of the National Energy Conservation Policy Act (NECPA) require the Secretary of Energy to publish a list before the beginning of each calendar year, identifying each electric utility and gas utility to which Titles I and III of PURPA and Titles II and VII of NECPA apply during each calendar year. The 1988 list is published here as two separate tabulations. Appendix A lists the covered utilities by State, and Appendix B lists them alphabetically.

Each State regulatory authority is required, pursuant to sections 102(c) and 301(d) of PURPA and section 211(b) of NECPA, to notify the Secretary of Energy of each electric utility and gas utility on the list for which such State regulatory authority has ratemaking authority. In addition, written comments are requested on the accuracy of the list of electric utilities and gas utilities.

DATES: Notifications by State regulatory authorities and written comments must be received by no later than 4:30 p.m. on February 15, 1988.

ADDRESSES: Notifications and written comments should be forwarded to: Department of Energy, Coal and Electricity Division, 1000 Independence Avenue, SW., (Room GA-076, Docket No. ERA-R-79-43B, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Steven Mintz, Coal and Electricity Division, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue SW., Room GA-076, Washington, DC 20585, 202/586-9506.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*), and section 211(b) of the National Energy Conservation Policy Act (NECPA), Pub. L. 95-619, 92 Stat. 3206 *et seq.*, (42 U.S.C. 8211 *et seq.*), hereinafter referred to as the "Acts," the Department of Energy (DOE) is required to publish a list of utilities to which Titles I and III of PURPA and Titles II and VII of NECPA apply in 1988.

State regulatory authorities are required by the above cited Acts to notify the Secretary of Energy as to their ratemaking authority over the listed utilities. The inclusion or exclusion of any utility on or from the list does not affect the legal obligations of such utility or the responsible authority under the Acts.

The term "State regulatory authority" means any State, including the District of Columbia and Puerto Rico, or a political subdivision thereof, and any agency or instrumentality, either of which has authority to fix, modify, approve, or disapprove rates with respect to the sale of electric energy or natural gas by any utility (other than such State agency) and in the case of a utility for which the Tennessee Valley Authority (TVA) has ratemaking authority, the term "State regulatory authority" means the TVA.

Title I of PURPA sets forth ratemaking and regulatory policy standards with respect to electric utilities. Section 102(c) requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each electric utility to which Title I applies during such calendar year. An electric utility is defined as any person, State agency or Federal agency, which sells electric energy. An electric utility is covered by Title I for any calendar year if it had total sales of electric energy for purposes other than resale in excess of 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. An electric utility is covered in 1988 if it exceeded the threshold in any year from 1976-1986.

Title III of PURPA addresses ratemaking and other regulatory policy standards with respect to natural gas utilities. Section 301(d) of Title III requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each gas utility to which Title III applies during such calendar year. A gas utility is defined as any person, State agency or Federal agency, engaged in the local distribution of natural gas and the sale of natural gas to any ultimate consumer of natural gas. A gas utility is covered by Title III if it had total sales of natural gas for purposes other than resale in excess of 10 billion cubic feet during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. A gas utility is covered in 1988 if it exceeded the threshold in any year from 1976-1986.

Title II, Part 1, of NECPA, addresses residential conservation programs, and Title VII of NECPA, enacted as part of the Energy Security Act, Pub. L. 96-294, 94 Stat. 611 *et seq.* (42 U.S.C. 8701 *et seq.*), addresses commercial building and multi-family dwelling conservation programs. Section 211(b) contains a requirement, similar to that of PURPA, that the Secretary of Energy publish a list of electric and gas utilities to which Titles II and VII apply. The NECPA requirements for coverage of electric utilities and gas utilities differ from the PURPA requirements in only three respects:

(1) The threshold for electric utilities is 750 million kilowatt-hours for purposes other than resale;

(2) A utility is covered for any calendar year if it exceeded the threshold during the second preceding calendar year. A utility is covered in 1988 if it exceeded the threshold in 1986; and

(3) Only utilities which have residential sales are covered by Title II and only utilities which have sales to commercial buildings or multi-family dwellings are covered by Title VII.

In compiling the list published today, DOE revised the 1987 list (51 FR 46914, December 29, 1986), upon the assumption that all entities included on the 1987 list are properly included on the 1988 list unless DOE has information to the contrary. In doing this, DOE took into account information which was received from the Rural Electrification Agency, or included in public documents, regarding entities which exceeded the PURPA and NECPA thresholds for the first time in 1986. DOE believes that it will become aware of any errors or omissions in the list published today by means of the comment process called for by this notice. DOE will, after consideration of any comment and other information available to DOE, provide written notice of any further additions or deletions to the list.

II. Notification and Comment Procedures

No later than 4:30 p.m. on February 15, 1988, each State regulatory authority must notify the Department of Energy in writing of each utility on the list over which it has ratemaking authority. Five copies of such notification should be submitted to the address indicated in the "ADDRESS" section of this Notice and should be identified on the outside of the envelope and on the document with the designation "Docket No. ERA-R-79-43B." Such notification should include:

1. A complete list of electric utilities and gas utilities over which the State regulatory authority has ratemaking authority;

2. Legal citations pertaining to the ratemaking authority of the State regulatory authority; and

3. For any listed utility known to be subject to other ratemaking authorities within the State for portions of its service area, a precise description of the portion to which such notification applies.

All interested persons, including State regulatory authorities, are invited to comment in writing, no later than 4:30 p.m. on February 15, 1988, on any errors or omissions with respect to the list. Five copies of such comments should be sent to the address indicated in the "ADDRESS" section of this Notice and should be identified on the outside of the envelope, and on the document with the designation "Docket No. ERA-R-79-43B." Written comments should include the commenter's name, address and telephone number.

All notifications and comments received by DOE will be available for public inspection in the Freedom of Information Reading Room, Room 1E-190, 1000 Independence Avenue, SW., Washington, DC 20585 between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday.

III. List of Electric Utilities and Gas Utilities

DOE is publishing in Appendix A and Appendix B, two different tabulations of the list of utilities which meet both PURPA and NECPA coverage requirements. In both appendices, the listed utilities not covered by NECPA are noted. As stated above, the inclusion or exclusion of any utility on or from the lists does not affect its legal obligations or those of the responsible State regulatory authority under PURPA and NECPA.

Appendix A is a tabulation of utilities which separately identifies, by State, and each State regulatory authority, the covered utilities it regulates, and other covered utilities in the State which are not regulated by the State regulatory authority. This tabulation, including explanatory notes, is based on information provided to DOE by State regulatory authorities in response to the December 29, 1986 Federal Register Notice (51 FR 46914) requiring each State regulatory authority to notify DOE of each utility on the list over which it has ratemaking authority, comments received with respect to that notice, and information subsequently available to DOE.

The utilities classified in Appendix A as not regulated by the State regulatory authority may in fact be regulated by local municipal authorities. These municipal authorities would be State agencies as defined by PURPA, and thus have responsibilities under PURPA identical to those of the State regulatory authority. Therefore, each such municipality is to notify DOE of each utility on the list over which it has ratemaking authority.

In Appendix B, the utilities are listed alphabetically, subdivided into electric utilities and gas utilities, and further subdivided by type of ownership: investor-owned utilities, publicly-owned utilities, and rural cooperatives.

The changes to the 1987 list of electric and gas utilities are as follows:

Additions:
- Northern Central Public Service Company (MN)

Modifications:
- Change—Inter-City Gas Company (MN)
- To—Northern Minnesota Utilities-Division of UtiliCorp United, Inc. (MN)
- Change—Lake Superior District Power Company (WI)
- To—Northern States Power Company (WI)

Asterisk (*) Removed:
- Duck River Electric Membership Corporation (TN)
- Southern Pine Electric Power Association (MS)
- Walton Membership Corporation (GA)

Erroneously Listed in 1987 List:
- Gas Light Company to Columbus (GA)

(Public Utility Regulatory Policies Act of 1978, Pub. L. 97-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et. seq.*); National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3206 *et seq.* (42 U.S.C. 8211 *et seq.*))

Issued in Washington, DC on December 18, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

Appendix A

All gas utilities listed below had natural gas sales, for purposes other than resale, in excess of 10 billion cubic feet in 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, or 1986. All except those marked (*) are covered by PURPA Title III, and NECPA Titles II and VII. Utilities marked (*) are not covered by NECPA Titles II and VII because they either did not exceed the NECPA threshold of 10 billion cubic feet in 1986 for purposes other than resale, or do not have residential or commercial sales.

All electric utilities listed below had electric energy sales, for purposes other than resale, in excess of 500 million kilowatt-hours in 1976, 1977, 1978, 1979, 1980, 1981, 1983, 1984, 1985 or 1986. All, except those marked (*) are covered by PURPA Title I and NECPA Titles II and VII. Utilities marked (*) are not covered by NECPA Titles II and VII because they either did not exceed the NECPA threshold of 750 million Kilowatt-hours in 1986 for purposes other than resale, or do not have residential or commercial sales.

State: Alabama

Regulatory Authority: Alabama Public Service Commission.

Gas Utilities

Investor-Owned:
- Alabama Gas Corporation
- *Alabama-Tennessee Natural Gas Company
- Mobile Gas Service Corporation
- Northwest Alabama Gas Dist.

Electric Utilities

Investor-Owned:
- Alabama Power Company

The following covered utilities within the State of Alabama are not regulated by the Alabama Public Service Commission:

Electric Utilities

Publicly-Owned:
- Decatur Electric Department
- *Dothan Electric Department
- Florence Electric Department
- Huntsville Utilities

Rural Electric Cooperatives:
- Rural Electric System

State: Alaska

Regulatory Authority: Alaska Public Utilities Commission.

Gas Utilities

Investor-Owned:
- Enstar Natural Gas Company

Electric Utilities

Rural Electric Cooperatives:
- Chugach Electric Association

Publicly-Owned:
- * Anchorage Municipal Light & Power Department

State: Arizona

Regulatory Authority: Arizona Corporation Commission.

Gas Utilities

Investor-Owned:
- Southern Union Gas Company
- Southwest Gas Corporation

Electric Utilities

Investor-Owned:
Arizona Public Service Company
Tucson Electric Power Company

Publicly-Owned:
* Trico Electric Cooperative, Inc.

Rural Electric Cooperative:
Duncan Valley Electric Cooperative, Inc.

The following covered utilities within the State of Arizona are not regulated by the Arizona Corporation Commission:

Electric Utilities

Publicly-Owned:
Salt River Project Agricultural Improvement and Power District

State: Arkansas

Regulatory Authority: Arkansas Public Service Commission.

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Arkansas-Oklahoma Gas Corporation
Arkansas Western Gas Company
Associated Natural Gas Company

Electric Utilities

Investor Owned:
Arkansas Power and Light Company
Empire District Electric Company
Oklahoma Gas and Electric Company
Southwestern Electric Power Company

Rural Electric Cooperatives:
* First Electric Cooperative Corporation

The following covered utility within the State of Arkansas is not regulated by the Arkansas Public Service Commission:

Publicly-Owned:
* North Little Rock Electric Department

State: California

Regulatory Authority: California Public Utilities Commission.

Gas Utilities

Investor-Owned:
Pacific Gas and Electric Company
San Diego Gas and Electric Company
Southen California Gas Company
Southwest Gas Corporation

Electric Utilities

Investor-Owned:
Pacific Gas and Electric Company
Pacific Power and Light Company
San Diego Gas and Electric Company
Sierra Pacific Power Company
Southern California Edison Company

The following covered utilities within the State of California are not regulated by the California Public Utilities Commission:

Electric Utilities

Publicly-Owned:
Anaheim Public Utilities Department
Burbank Public Service Department
* Glendale Public Service Department
Imperial Irrigation District
Los Angeles Department of Water and Power
Modesto Irrigation District
Palo Alto Electric Utility
Pasadena Water and Power Department
Riverside Public Utilities
Sacramento Municipal Utility District
Santa Clara Electric Department
Turlock Irrigation District
Vernon Municipal Light Department

Gas Utilities

Publicly-Owned:
Long Beach Gas Department

State: Colorado

Regulatory Authority: Colorado Public Utilities Commission.

Gas Utilities

Investor-Owned:
Greeley Gas Company
Iowa Electric Light and Power Company
Kansas-Nebraska Natural Gas Company
Peoples Natural Gas Company, Division of Internorth, Inc.
Public Service Company of Colorado

Publicly-Owned:
Colorado Springs Department of Utilities (jurisdiction only sales to another gas utility)

Electric Utilities

Investor-Owned:
Public Service Company of Colorado
Southern Colorado Power Division of Centel

The following covered utilities within the State of Colorado are not regulated by the Colorado Public Utilities Commission:

Gas Utilities

Publicly-Owned:
Colorado Springs Department of Utilities (except sales to another gas utility)

Electric Utilities

Publicly-Owned:
Colorado Springs Department of Utilities

Rural Electric Cooperatives:
* Intermountain Rural Association
Moon Lake Electric Association

State: Connecticut

Regulatory Authority: Connecticut Department of Public Utility Control

Gas Utilities

Investor-Owned:
Connecticut Light and Power Company
Connecticut Natural Gas Corporation
Southern Connecticut Gas Company

Electric Utilities

Investor-Owned:
Connecticut Light and Power Company
United Illuminating Company

Publicly-Owned:
* Groton Public Utilities

State: Delaware

Regulatory Authority: Delaware Public Service Commission.

Gas Utilities

Investor-Owned
Delmarva Power and Light Company

Electric Utilities

Investor-Owned:
Delmarva Power and Light Company

State: District of Columbia

Regulatory Authority: Public Service Commission of the District of Columbia

Gas Utilities

Investor-Owned:
Washington Gas Light Company

Electric Utilities

Investor-Owned:
Potomac Electric Power Company

State: Florida

Regulatory Authority: Florida Public Service Commission.

Gas Utilities

Investor-Owned:
* City Gas Company of Florida
Peoples Gas System

Electric Utilities

Investor-Owned:
Florida Power Corporation
Florida Power and Light Company
Gulf Power Company
Tampa Electric Company

Publicly-Owned: The Florida Public Service Commission has rate structure jurisdiction over the following utilities—
Gainesville Regional Utilities
Jacksonville Electric Authority
Lakeland Department of Electric and Water
* Ocala Electric Authority
Orlando Utilities Commission
Tallahassee, City of

Rural Electric Cooperative: The Florida Public Service Commission has rate structure jurisdiction over the following utilities—
Clay Electric Cooperative
Lee County Electric Cooperative
* Sumter Electric Cooperative, Inc.
Withlacoochee River Electric Cooperative

State: Georgia

Regulatory Authority: Georgia Public Service Commission.

Gas Utilities

Investor-Owned:
Atlanta Gas Light Company

Electric Utilities

Investor-Owned:
Georgia Power Company
Savannah Electric and Power Company

The following utilities within the State of Georgia are not regulated by the Georgia Public Service Commission.

Electric Utilities

Publicly-Owned:
*Albany Water, Gas & Light Commission
*Dalton Water, Light & Sink

Rural Electric Cooperatives:
*Douglas County Electric Membership Corporation
Cobb Electric Membership Corporation
Flint Electric Membership Corporation
Jackson Electric Membership Corporation
North Georgia Electric Membership Corporation
Walton Electric Membership Corporation

State: Hawaii

Regulatory Authority: Hawaii Public Utilities Commission.

Gas Utilities

None.

Electric Utilities

Investor-Owned:
Hawaiian Electric Company, Inc.

State: Idaho

Regulatory Authority: Idaho Public Utilities Commission.

Gas Utilities

Investor-Owned:
Intermountain Gas Company
Washington Water Power Company

Electric Utilities

Investor-Owned:
Idaho Power Company
Pacific Power and Light Company
Utah Power and Light Company
Washington Water Power Light Company

State: Illinois

Regulatory Authority: Illinois Commerce Commission.

Gas Utilities

Investor-Owned:
Central Illinois Light Company
Central Illinois Public Service Company
Illinois Power Company
Iowa-Illinois Gas and Electric Company
North Shore Gas Company
Northern Illinois Gas Company
*Panhandle Eastern Pipeline Company
Peoples Gas, Light and Coke Company

Electric Utilities

Investor-Owned:
Central Illinois Light Company
Central Illinois Public Service Company
Commonwealth Edison Company
Illinois Power Company
Interstate Power Company
Iowa-Illinois Gas and Electric Company
Union Electric Company

The following covered utility within the State of Illinois is not regulated by the Illinois Commerce Commission:

Electric Utilities

Publicly-Owned:
Springfield Water, Light and Power Department

State: Indiana

Regulatory Authority: Indiana Public Service Commission.

Gas Utilities

Investor-Owned:
Indiana Gas Company
Northern Indiana Public Service Company
Southern Indiana Gas and Electric Company
Terre Haute Gas Corporation

Publicly-Owned:
Citizens Gas and Coke Utility

Electric Utilities

Investor-Owned:
Indiana and Michigan Electric Company
Indianapolis Power and Light Company
Northern Indiana Public Service Company
Public Service Company of Indiana
Southern Indiana Gas and Electric Company

Publicly-Owned:
*Richmond Power and Light

State: Iowa

Regulatory Authority: Iowa Commerce Commission.

Gas Utilities

Investor-Owned:
Interstate Power Company
Iowa Electric Light and Power Company
Iowa-Illinois Gas and Electric Company
Iowa Power and Light Company
Iowa Public Service Company
Iowa Southern Utilities Company
Peoples Natural Gas Company, Division of Internorth, Inc.

Electric Utilities

Investor-Owned:
Interstate Power Company
Iowa Electric Light and Power Company
Iowa-Illinois Gas and Electric Company
Iowa Power and Light Company
Iowa Public Service Company
Iowa Southern Utilities Company
Union Electric Company

Publicly-Owned: The Iowa Commerce Commission has service and safety regulation over the following utilities—
*Muscatine Power and Water
Omaha Public Power District

State: Kansas

Regulatory Authority: Kansas State Corporation Commission.

Gas Utilities

Investor-Owned:
Anadarko Production Company
Arkansas-Louisiana Gas Company
Gas Service Company
Greeley Gas Company
Kansas-Nebraska Natural Gas Company
Kansas Power and Light Company
*Panhandle Eastern Pipeline Company
Peoples Natural Gas Company, Division of Internorth, Inc.
Union Gas System Inc.

Electric Utilities

Investor-Owned:
Empire District Electric Company
Kansas City Power and Light Company
Kansas Gas and Electric Company
Kansas Power and Light Company
Southwestern Public Service Company
Western Power Division of Centel

Rural Electric Cooperatives:
Midwest Energy Incorporated

The following covered utility within the State of Kansas is not regulated by the Kansas State Corporation Commission:

Electric Utilities

Public-Owned:
Kansas City Board of Public Utilities

State: Kentucky

Regulatory Authority: Kentucky Energy Regulatory Commission.

Gas Utilities

Investor-Owned:
Columbia Gas of Kentucky, Inc.
Louisville Gas and Electric Company
Union Light, Heat and Power Company
Western Kentucky Gas Company

Electric Utilities

Investor-Owned:
Kentucky Power Company
Kentucky Utilities Company
Louisville Gas and Electric Company
Union Light, Heat and Power Company
Rural Electric Cooperatives:
Green River Electric Corporation
Henderson-Union Rural Electric Cooperative Corporation

The following covered utilities within the State of Kentucky are not regulated by the Kentucky Energy Regulatory Commission:
Bowling Green Municipal Utilities
Owensboro Municipal Utilities
Pennyrile Rural Electric Cooperative Corporation
Warren Rural Electric Cooperative Corporation
West Kentucky Rural Electric Cooperative Corporation

State: Louisiana

Regulatory authority: Louisiana Public Service Commission.

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Entex, Inc.
Gulf States Utilities Company
Louisiana Gas Service Company
New Orleans Public Service, Inc. (East and West Bank)
Trans Louisiana Gas Company

Electric Utilities

Investor-Owned:
Arkansas Power and Light
Central Louisiana Electric Company
Gulf States Utilities Company
Louisiana Power and Light Company (West Bank)
New Orleans Public Service, Inc. (East Bank)
Southwestern Electric Power Company
Rural Electric Cooperatives:
Dixie Electric Membership Corporation

The following covered utilities within the State of Louisiana are not regulated by the Louisiana Public Service Commission:

Electric Utilities

Publicly-Owned:
Lafayette Utilities System
Rural Electric Cooperatives:
Southwest Louisiana Electric Membership Corporation

State: Maine

Regulatory Authority: Maine Public Utilities Commission.

Gas Utilities

None.

Electric Utilities

Investor-Owned:
Bangor Hydro-Electric Company
Central-Maine Power Company

State: Maryland

Regulatory Authority: Maryland Public Service Commission.

Gas Utilities

Investor-Owned:
Baltimore Gas and Electric Company
Washington Gas Light Company

Electric Utilities

Investor-Owned:
Baltimore Gas and Electric Company
*Conowingo Power Company
Delmarva Power and Light Company of Maryland
Potomac Edison Company
Potomac Electric Power Company
Rural Electric Cooperatives:
Southern Maryland Electric Cooperative, Inc.

State: Massachusetts

Regulatory Authority: Massachusetts Department of Public Utilities.

Gas Utilities

Investor-Owned:
Bay State Gas Company
Boston Gas Company
Colonial Gas Energy System
Commonwealth Gas Company
Lowell Gas Company

Electric Utilities

Investor-Owned:
Boston Edison Company
Cambridge Electric Light Company
Commonwealth Electric Company
Eastern Edison Company
Massachusetts Electric Company
Western Massachusetts Electric Company

State: Michigan

Regulatory Authority: Michigan Public Service Commission.

Gas Utilities

Investor-Owned:
Consumers Power Company
Michigan Consolidated Gas Company
Michigan Gas Utilities Company
Michigan Power Company
Southeastern Michigan Gas Company
Wisconsin Public Service Corporation

Electric Utilities

Investor-Owned:
Consumers Power Company
Detroit Edison Company
Indiana and Michigan Electric Company
*Lake Superior District Power Company
*Michigan Power Company
Upper Peninsula Power Company
Wisconsin Electric Power Company
Wisconsin Public Service Corporation

The following covered utilities within the State of Michigan are not regulated by the Michigan Public Service Commission:

Gas Utilities

Investor-Owned:
Battle Creek Gas Company

Electric Utilities

Publicly-Owned:
Lansing Board of Water and Light

State: Minnesota

Regulatory Authority: Minnesota Public Utility Commission.

Gas Utilities

Investor-Owned:
Interstate Power Company
Iowa Electric Light and Power Company
Minnegasco, Inc.
Northern Central Public Service Company
Northern Minnesota Utilities—Division of UtiliCorp United, Inc.
Northern States Power Company
Peoples Natural Gas Company—Division of UtiliCorp United, Inc.

Electric Utilities

Investor-Owned:
Interstate Power Company
Minnesota Power and Light Company
Northern States Power Company
Otter Tail Power Company
Rural Electric Cooperative:
*Dakota Electric Association

The following covered utilities within the State of Minnesota are not regulated by the Minnesota Public Service Commission:

Electric Utilities

Publicly-Owned:
*Rochester Department of Public Utilities
Rural Electric Cooperatives:
*Anoka Electric Cooperative

State: Mississippi

Regulatory Authority: Mississippi Public Service Commission.

Gas Utilities

Investor-Owned:
Entex, Incl.
Mississippi Valley Gas Company

Electric Utilities

Investor-Owned:
Mississippi Power and Light Company
Mississippi Power Company

The following covered utilities within the State of Mississippi are not regulated by the Mississippi Public Service Commission.

Electric Utilities

Rural Electric Cooperatives:
*Alcorn County Electric Power Association
*Coast Electric Power Association
*4-County Electric Power Association
*Singing River Electric Power Association
Southern Pine Electric Power Association
Tombigbee Electric Power Association

State: Missouri

Regulatory Authority: Missouri Public Service Commission.

Gas Utilities

Investor-Owned:
Associated Natural Gas Company
Gas Service Company
Laclede Gas Company Consolidated
Missouri Public Service Company
Peoples Natural Gas Company Division of InterNorth, Inc.

Electric Utilities

Investor-Owned:
Empire District Electric Company
Kansas City Power and Light Company
Missouri Public Service Company
St. Joseph Light and Power Company
Union Electric Company

The following covered utilities within the State of Missouri are not regulated by Missouri Public Service Commission:

Gas Utilities

Investor-Owned:
Cities Service Gas Company
Publicly-Owned:
Springfield City Utilities

Electric Utilities

Publicly-Owned:
*Independence Power and Light Department
Springfield City Utilities

State: Montana

Regulatory Authority: Montana Public Service Commission.

Gas Utilities

Investor-Owned:
Montana-Dakota Utilities Company
Montana Power Company

Electric Utilities

Investor-Owned:
Black Hills Power and Light Company
Montana-Dakota Utilities Company
Montana Power Company
Pacific Power and Light Company
Washington Water Power Company

State: Nebraska

Regulatory Authority-Nebraska Public Service Commission.

The Commission does not regulate the rates and service of the gas and electric utilities of the State of Nebraska.

The following covered utilities within the State of Nebraska are not regulated by the Nebraska Public Service Commission.

Electric Utilities

Publicly-Owned
Lincoln Electric System
Nebraska Public Power District
Omaha Public Power District

Gas Utilities

Investor-Owned
Gas Service Company
Iowa Electric Light and Power Company
Iowa Public Service Company
KN Energy, Inc.
Minnegasco, Inc.
Northwestern Public Service Company
Peoples Natural Gas Company Division of Internorth, Inc.

The governing body of each Nebraska municipality exercises ratemaking jurisdiction over gas utility rates, operations and services provided by a gas utility within its city or town limits. These municipal authorities would be State agencies as defined by PURPA, and thus have responsibilities under PURPA identical to those of the State regulatory authority.
Publicly-Owned:
Metropolitan Utilities District of Omaha

State: Nevada

Regulatory Authority: Nevada Public Service Commission.

Gas Utilities

Investor-Owned:
Southwest Gas Corporation

Electric Utilities

Investor-Owned:
Idaho Power Company
Nevada Power Company
Sierra Pacific Power Company

State: New Hampshire

Regulatory Authority: New Hampshire Public Utilities Commission.

Electric Utilities

Investor-Owned:
Public Service Company of New Hampshire

State: New Jersey

Regulatory Authority: New Jersey Department of Energy Board of Public Utilities.

Gas Utilities

Investor-Owned:
Elizabethtown Gas Company
New Jersey Natural Gas Company
Public Service Electric and Gas Company
South Jersey Gas Company

Electric Utilities

Investor-Owned:
Atlantic City Electric Company
Jersey Central Power and Light Company
Public Service Electric and Gas Company
Rockland Electric Company

State: New Mexico

Regulatory Authority: New Mexico Public Service Commission.

Gas Utilities

Gas Company of New Mexico

Electric Utilities

Investor-Owned:
El Paso Electric Company
Public Service Company of New Mexico
Southwestern Public Service Company
Texas-New Mexico Power Company
Rural Electric Cooperative:
*Duncan Valley Electric Cooperative, Inc.
*Lea County Electric Cooperative, Inc.

State: New York

Regulatory Authority: New York Public Service Commission.

Gas Utilities

Investor-Owned:
Brooklyn Union Gas Company

Columbia Gas of New York, Inc.
Consolidated Edison Company of New York, Inc.
Long Island Lighting Company
National Fuel Gas Distribution Corporation
New York State Electric and Gas Corporation
Niagara Mohawk Power Corporation
Orange and Rockland Utilities
Rochester Gas and Electric Corporation

Electric Utilities

Investor-Owned:
Central Hudson Gas and Electric Corporation
Consolidated Edison Company of New York
Long Island Lighting Company
New York States Electric and Gas Corporation
Niagara Mohawk Power Corporation
Orange and Rockland Utilities
Rochester Gas and Electric Corporation

The following covered utility within the State of New York is not regulated by the New York Public Service Commission:

Electric Utilities

Publicly-Owned:
Power Authority of New York

State: North Carolina

Regulatory Authority: North Carolina Utilities Commission.

Gas Utilities

Investor-Owned:
North Carolina Natural Gas Corporation
Piedmont Natural Gas Company
Public Service Company, Inc. of North Carolina

Electric Utilities

Investor-Owned:
Carolina Power and Light Company
Duke Power Company
Nantahala Power & Light Company
Virginia Electric and Power Company

The following covered utilities within the State of North Carolina are not regulated by the North Carolina Utilities Commission:

Electric Utilities

Publicly-Owned:
Fayetteville Public Works Commission
*Greenville Utilities Commission
*High Point Electric Utility Department
*Rocky Mount Public Utilities
*Wilson Utilities Department
Rural Electric Cooperatives:
*Blue Ridge Electric Membership Corp.
*Rutherford Electric Membership Corporation

State: North Dakota

Regulatory Authority: North Dakota Public Service Commission.

Gas Utilities

Investor-Owned:
Montana Dakota Utilities Company
Northern States Power Company

Electric Utilities

Investor-Owned:
Montana Dakota Utilities Company
Northern States Power Company
Otter Tail Power Company

State: Ohio

Regulatory Authority: Ohio Public Utilities Commission.

Gas Utilities

Investor-Owned:
Cincinnati Gas and Electric Company
Columbia Gas of Ohio, Inc.
Dayton Power and Light Company
East Ohio Gas Company
National Gas and Oil Company
West Ohio Gas Company

Electric Utilities

Investor-Owned:
Cincinnati Gas and Electric Company
Cleveland Electric Illuminating Company
Columbus and Southern Ohio Electric Company
Dayton Power and Light Company
Monongahela Power Company
Ohio Edison Company
Ohio Power Company
Toledo Edison Company

The following covered utilities within the State of Ohio are not regulated by the Ohio Public Utilities Commission:

Electric Utilities

Publicly-Owned:
*Cleveland Division of Light and Power
Rural Electric Cooperative:
Southern Central Power Company

State: Oklahoma

Regulatory Authority: Oklahoma Corporation Commission

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Arkansas-Oklahoma Gas Corporation
Gas Service Company
Lone Star Gas Company
Oklahoma Natural Gas Company
Southern Union Gas Company
Union Gas System Inc.

Electric Utilities

Investor-Owned:
Empire District Electric Company
Oklahoma Gas and Electric Company
Public Service Company of Oklahoma
Southwestern Public Service Company
Rural Electric Cooperative:
*Cotton Electric Cooperative

Gas Utilities

Investor-Owned:
Cities Service Gas Company

State: Oregon

Regulatory Authority: Public Utility Commissioner of Oregon.

Gas Utilities

Investor-Owned:
Cascade Natural Gas Corporation
Northwest Natural Gas Company

Electric Utilities

Investor-Owned:
*CP National Corporation
Idaho Power Company
Pacific Power and Light Company
Portland General Electric Company

The following covered utilities within the State of Oregon are not regulated by the Public Utility Commissioner of Oregon:

Electric Utilities

Publicly-Owned:
Central Lincoln People's Utility District
*Clatskanie People's Utility District
Eugene Water and Electric Board
*Springfield Utilities Board
Rural Electric Cooperatives:
*Umatilla Electric Cooperative Association

State: Pennsylvania

Regulatory Authority: Pennsylvania Public Utility Commission.

Gas Utilities

Investor-Owned:
Carnegie Natural Gas Company
Columbia Gas of Pennsylvania, Inc.
Equitable Gas Company
National Fuel Gas Distribution Corporation
North Penn Gas Company
Pennsylvania Gas and Water Company
Peoples Natural Gas Company
Philadelphia Electric Company
T.W. Phillips Gas and Oil Company
UGI Corporation

Electric Utilities

Investor-Owned:
Duquesne Light Company
Metropolitan Edison Company
Pennsylvania Electric Company
Pennsylvania Power Company
Pennsylvania Power and Light Company
Philadelphia Electric Company
*UGI—Luzerne Electric Company
West Penn Power Company

The following covered utility within the State of Pennsylvania is not regulated by the Pennsylvania Public Utility Commission:

Gas Utilities

Publicly-Owned:
Philadelphia Gas Works

State: Puerto Rico

Regulatory Authority: Puerto Rico Public Service Commission.

Gas Utilities

None.

Electric Utilities

None.

The following covered utility within Puerto Rico is not regulated by the Puerto Rico Public Service Commission:

Electric Utilities

Publicly-Owned:
Puerto Rico Electric Power Authority

State: Rhode Island

Regulatory Authority: Rhode Island Public Utilities Commission.

Gas Utilities

Investor-Owned:
Providence Gas Company

Electric Utilities

Investor-Owned:
Blackstone Valley Electric Company
Narragansett Electric Company

State: South Carolina

Regulatory Authority: South Carolina Public Service Commission.

Gas Utilities

Investor-Owned:
Carolina Pipeline Company
Piedmont Natural Gas Company
South Carolina Electric and Gas Company

Electric Utilities

Investor-Owned:
Carolina Power and Light Company
Duke Power Company
South Carolina Electric and Gas Company

The following covered utilities within the State of South Carolina are not regulated by the South Carolina Public Service Commission:

Electric Utilities

Publicly-Owned:
South Carolina Public Service Authority
Rural Electric Cooperatives:
*Berkeley Electric Cooperatives, Inc.
*Palmetto Electric Cooperative, Inc.

State: South Dakota

Regulatory Authority: South Dakota Public Utilities Commission.

Gas Utilities

Investor-Owned:
Iowa Public Service Company
Minnegasco, Inc.
Montana-Dakota Utilities Company
Northwestern Public Service Company

Electric Utilities

Investor-Owned:
Black Hills Power and Light Company
Iowa Public Service Company
Montana-Dakota Utilities Company
Northern States Power Company
Northwestern Public Service Company
Otter Tail Power Company

The following covered utility within the State of South Dakota is not regulated by the South Dakota Public Service Commission:

Electric Utilities

Publicly-Owned:
Nebraska Public Power District

State: Tennessee

Regulatory Authority: Tennessee Public Service Commission.

Gas Utilities

Investor-Owned:
Chattanooga Gas Company
Nashville Gas Company

Electric Utilities

Investor-Owned:
Kingsport Power Company

The following covered utilities within the State of Tennessee are not regulated by the Tennessee Public Service Commission:

Electric Utilities

Publicly-Owned:
*Bristol Tennessee Electric System
Chattanooga Electric Power Board
*Clarksville Department of Electricity
*Cleveland Utilities
*Greeneville Light and Power System
Jackson Utility Division—Electric Department
Johnson City Power Board
Knoxville Utilities Board
*Lenoir City Utilities Board
Memphis Light Gas and Water Division
*Murfreesboro Electric Department
Nashville Electric Services
*Sevier County Electric System
Rural Electric Cooperatives:
*Appalachian Electric Cooperative
Cumberland Electric Membership Corporation
Duck River Electric Membership Corporation
*Gibson County Electric Membership Corporation
*Meriwether Lewis Electric Cooperative
Middle Tennessee Electric Membership Corporation
*Southwest Tennessee Electric Membership Corporation
*Tri-County Electric Membership Corporation
*Upper Cumberland Electric Membership Corporation
Volunteer Electric Cooperative

Gas Utilities

Publicly-Owned:
Memphis Light, Gas and Water Division

State: Tennessee

Regulatory Authority: Tennessee Valley Authority.

Gas Utilities

None.

Electric Utilities

Publicly-Owned:
*Bowling Green Municipal Utilities
*Bristol Tennessee Electric System
Chattanooga Electric Power Board
*Clarksville Department of Electricity
*Cleveland Utilities
Decatur Electric Department
Florence Electric Department
*Greeneville Light and Power System
Huntsville Utilities
Jackson Utility Division—Electric Department
Johnson City Power Board
Knoxville Utilities Board
*Lenoir City Utilities Board
Memphis Light, Gas and Water Division
*Murfreesboro Electric Department
Nashville Electric Service
*Sevier County Electric System
Rural Electric Cooperatives:
*Alcorn County Electric Power Association
*Appalachian Electric Cooperative
Cumberland Electric Membership Corporation
Duck River Electric Membership Corporation
*4-County Electric Power Association
*Gibson County Electric Membership Corporation
*Meriwether Lewis Electric Cooperative
Middle Tennessee Electric

Membership Corporation
North Georgia Electric Membership Corporation
*Pennyrile Rural Electric Cooperative Corporation
*Southwest Tennessee Electric Membership Corporation
*Tombigbee Electric Power Association
*Tri-County Electric Membership Corporation
*Upper Cumberland Electric Membership Corporation
Volunteer Electric Cooperative
Warren Rural Electric Cooperative Corporation
*West Kentucky Rural Electric Cooperative Corporation

State: Texas

Regulatory Authority: Texas Public Utility Commission.

Gas Utilities

Investor-Owned:
None.

Electric Utilities

Investor-Owned:
Central Power and Light Company
El Paso Electric Company
Gulf States Utilities
Houston Lighting and Power Company
Southwestern Electric Power Company
*Southwestern Electric Company
Southwestern Public Service Company
Texas-New Mexico Power Company
Texas Utilities Electric Company
West Texas Utilities Company
Publicly-Owned:
*Lower Colorado River Authority
Rural Electric Cooperatives:
*Bluebonnet Electric Cooperative, Inc.
*Guadalupe Valley Electric Cooperative
Pedernales Electric Cooperative
*Sam Houston Electric Cooperative

The governing body of each Texas municipality exercises exclusive original jurisdiction over electric utility rates, operations and services provided by an electric utility (whether privately owned or publicly owned), within its city or town limits, unless the municipality has surrendered this jurisdiction to the Texas Public Utility Commission. The Commission hears *de novo* appeals from the decisions of such municipalities. These municipal authorities would be State agencies as defined by PURPA, and thus have responsibilities under PURPA identical to those of a State regulatory authority.

The municipally-owned electric utilities listed below are not under the commission's original ratemaking jurisdiction.

Electric Utilities

Publicly-Owned:
Austin Electric Department
Garland Electric Department
*Lubbock Power and Light
San Antonio City Public Service Board

State: Texas

Regulatory Authority: Railroad Commission of Texas.

Gas Utilities

Investor-Owned:
Energas Company
Entex, Inc.
Lone Star Gas Company, a division of ENSERCH Corp.
Southern Union Company

The governing body of each Texas municipality exercises exclusive original ratemaking jurisdiction over gas utility rates, operations, and services provided by a gas utility within its city or town limits, subject to appellate review by the Railroad Commission of Texas. These municipal authorities would be State agencies as defined by PURPA and thus have responsibilities under PURPA identical to those of a State regulatory authority.

The following covered utilities within the State of Texas are not regulated by the Railroad Commission of Texas. (The Railroad Commission's appellate authority does not extend to municipally owned gas utilities.)

Gas Utilities

Public-Owned:
City Public Service Board (San Antonio)

State: Utah

Regulatory Authority: Utah Public Service Commission.

Gas Utilities

Investor-Owned:
Mountain Fuel Supply Company

Electric Utilities

Investor-Owned:
Utah Power and Light Company
Rural Electric Cooperatives:
Moon Lake Electric Association

State: Vermont

Regulatory Authority: Vermont Public Service Board.

Gas Utilities

None.

Electric Utilities

Investor-Owned:
Central Vermont Public Service Corporation
Green Mountain Power Corporation
Public Service Company of New Hampshire.

State: Virginia

Regulatory Authority: Virginia State Corporation Commission.

Gas Utilities

Investor-Owned:
Columbia Gas of Virginia, Inc.
Commonwealth Gas Services, Inc.
Northern Virginia Natural Gas
Virginia Natural Gas

Electric Utilities

Investor-Owned:
Appalachian Power Company
Delmarva Power and Light Company
*Old Dominion Power Company
Potomac Edison Company
Virginia Electric and Power Company

Rural Electric Cooperatives

Northern Virginia Electric Cooperative
Rappahannock Electric Cooperative

The following covered utility within the State of Virginia is not regulated by the Virginia State Corporation Commission.

Gas Utilities

Publicly-Owned:
City of Richmond, Virginia, Department of Public Utilities

Electric Utilities

Publicly-Owned:
*Danville Water, Gas & Electric

State: Washington

Regulatory Authority: Washington Utilities and Transportation Commission.

Gas Utilities

Investor-Owned:
Cascade Natural Gas Corporation
Northwest Natural Gas Company
Washington Natural Gas Company
Washington Water Power Company

Electric Utilities

Investor-Owned:
Pacific Power and Light Company
Puget Sound Power and Light Company
Washington Water Power Company

The following covered utilities within the State of Washington are not regulated by the Washington Utilities and Transportation Commission.

Electric Utilities

Publicly-Owned:
*Port Angeles Light and Water Department
Public Utility District No. 1 of Benton County
Public Utility District No. 1 of Chelan County
Public Utility District No. 1 of Clark County
Public Utility District No. 1 of Cowlitz County
Public Utility District No. 1 of Douglas County
Public Utility District No. 1 of Franklin County
Public Utility District No. 1 of Grant County
Public Utility District No. 1 of Grays Harbor County
Public Utility District No. 1 of Lewis County
Public Utility District No. 1 of Snohomish County
*Richland Energy Service Department
Seattle City Light Department
Tacoma Public Utility—Light Division

State: West Virginia

Regulatory Authority: West Virginia Public Service Commission.

Gas Utilities

Investor-Owned:
Equitable Gas Company
Hope Gas, Incorporated
Mountaineer Gas Company

Electric Utilities

Investor-Owned:
Appalachian Power Company
Monongahela Power Company
Potomac Edison Company
Virginia Electric and Power Company
Wheeling Electric Company

State: Wisconsin

Regulatory Authority: Wisconsin Public Service Commission.

Gas Utilities

Investor-Owned:
Madison Gas and Electric Company
Northern States Power Company
Wisconsin Fuel and Light Company
Wisconsin Gas Company
Wisconsin Natural Gas Company
Wisconsin Power and Light Company
Wisconsin Public Service Corporation

Electric Utilities

Investor-Owned:
Madison Gas and Electric Company
Northern States Power Company
Wisconsin Electric Power Company
Wisconsin Power and Light Company
Wisconsin Public Service Corporation

State: Wyoming

Regulatory Authority: Wyoming Public Service Commission.

Gas Utilities

Investor-Owned:
*Cheyenne Light Fuel and Power Company
Kansas-Nebraska Natural Gas Company
Montana-Dakota Utilities Company
Mountain Fuel Supply Company

Electric Utilities

Investor-Owned:
Black Hills Power and Light Company
Montana-Dakota Utilities Company
Pacific Power and Light Company
Utah Power and Light Company
Rural Electric Cooperative:
Tri-County Electric Association, Inc.

Appendix B

Electric Utilities

All utilities listed below had electric energy sales, for purposes other than resale, in excess of 500 million kilowatt hours in 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985 or 1986. All except those marked (*) are covered by PURPA Title I and NECPA Titles II and VII. Utilities marked (*) either did not exceed the NECPA threshold of 750 million kilowatt-hour in 1986 for purposes other than resale, or do not have residential or commercial sales and therefore, are not covered by NECPA Titles II and VII. The utilities listed more than once have sales in more than one State, and those States are indicated by abbreviations in parentheses.

Investor-Owned:
Alabama Power Company
Appalachian Power Company [VA]
Appalachian Power Company [WV]
Arizona Public Service Company
Arkansas Power & Light Company [AR]
Arkansas Power & Light Company [LA]
Atlantic City Electric Company
Baltimore Gas & Electric Company
Bangor Hydro-Electric Company
Black Hills Power & Light Company [MT]
Black Hills Power & Light Company [SD]
Black Hills Power & Light Company [WY]
Blackstone Valley Electric Company
Boston Edison Company
Cambridge Electric Light Company
Carolina Power & Light Company [NC]
Carolina Power & Light Company [SC]
Central Hudson Gas & Electric Corporation
Central Illinois Light Company
Central Illinois Public Service Company
Central Louisiana Electric Company
Central Maine Power Company
Central Power & Light Company
Central Vermont Public Service Corporation
Cincinnati Gas & Electric Company
Cleveland Electric Illuminating Company
Columbus and Southern Ohio Electric Company
Commonwealth Edison Company
Commonwealth Electric Company
Connecticut Light & Power Company
*Conowingo Power Company
Consolidated Edison Company of New York
Consumer Power Company
*CP National Corporation
Dayton Power & Light Company
Delmarva Power & Light Company [DE]
Delmarva Power & Light Company [VA]
Delmarva Power & Light Company of Maryland
Detroit Edison Company
Duke Power Company [NC]
Duke Power Company [SC]
Duquesne Light Company
Eastern Edison Company
El Paso Electric Company [NM]
El Paso Electric Company [TX]
Empire District Electric Company [AR]
Empire District Electric Company [KS]
Empire District Electric Company [MO]
Empire District Electric Company [OK]
Florida Power Corporation
Florida Power & Light Company
Georgia Power Company
Green Mountain Power Corporation
Gulf Power Company
Gulf States Utilities Company [LA]
Gulf States Company [TX]
Hawaiian Electirc Company Inc.
Houston Lighting & Power Company
Idaho Power Company [ID]
Idaho Power Company [NV]
Idaho Power Company [OR]
Illinois Power Company
Indiana & Michigan Electric Company [IN]
Indiana & Michigan Electric Company [MI]
Indianapolis Power & Light Company
Interstate Power Company [IA]
Interstate Power Company [IL]
Interstate Power Company [MN]
Iowa Electric Light & Power Company
Iowa-Illinois Gas & Electric Company [IA]
Iowa-Illinois Gas & Electric Company [IL]
Iowa Power & Light Company
Iowa Public Service Company [LA]
Iowa Public Service Company [SD]
Iowa Southern Utilities Company
Jersey Central Power & Light Company

Kansas City Power & Light Company [KS]
Kansas City Power & Light Company [MO]
Kansas Gas & Electric Company
Kansas Power & Light Company
Kentucky Power Company
Kentucky Utilities Company
Kingsport Power Company
Lake Superior District Power Company [MI]
Long Island Lighting Company
Louisiana Power & Light Company
Louisville Gas & Electric Company
Madison Gas & Electric Company
Massachusetts Electric Company
Metropolitan Edison Company
*Michigan Power Company
Minnesota Power & Light Company
Mississippi Power Company
Mississippi Power & Light Company
Missouri Public Service Company
Monongahela Power Company [OH]
Monongahela Power Company [WV]
Montana-Dakota Utilities Company [MT]
Montana-Dakota Utilities Company [ND]
Montana-Dakota Utilities Company [SD]
Montana-Dakota Utilities Company [WY]
Montana-Dakota Power Company
Nantahala Power & Light Company
Narragansett Electric Company
Nevada Power Company
New Orleans Public Service Inc.
New York State Electric & Gas Corporation
Niagara Mohawk Power Company
Northern Indiana Public Service Company
Northern States Power Company [MN]
Northern States Power Company [ND]
Northern States Power Company [SD]
Northern States Power Company [WI]
Northwestern Public Service Company
Ohio Edison Company
Ohio Power Company
Oklahoma Gas & Electric Company (AR)
Oklahoma Gas & Electric Company (OK)
Old Dominion Power Company
Orange & Rockland Utilities
Otter Tail Power Company (MN)
Otter Tail Power Company (ND)
Otter Tail Power Company (SD)
Pacific Gas & Electric Company
Pacific Power Light Company (CA)
Pacific Power Light Company (ID)
Pacific Power Light Company (MT)
Pacific Power Light Company (OR)
Pacific Power Light Company (WA)
Pacific Power Light Company (WY)
Pennsylvania Electric Company
Pennsylvania Power & Light Company
Pennsylvania Power Company
Philadelphia Electric Company
Portland General Electric Company
Portland General Electric Company
Potomac Edison Company (MD)
Potomac Edison Company (VA)
Potomac Edison Company (WV)
Potomac Electric Company (DC)
Potomac Electric Company (MD)
Public Service Company of Colorado
Public Service Company of Indiana
Public Service Company of New Hampshire (NH)
Public Service Company of New Hampshire (VT)
Public Service Company of New Mexico
Public Service Company of Oklahoma
Public Service Electric and Gas Company
Puget Sound Power & Light Company
Rochester Gas & Electric Corporation
Rockland Electric Company
St. Joseph Light & Power Company
San Diego Gas & Electric Company
Savannah Electric & Power Company
Sierra Pacific Power Company (CA)
Sierra Pacific Power Company (NV)
South Carolina Electric & Gas Company
Southern California Edison Company
Southern Colorado Power Division of Centel (CO)
Southern Indiana Gas & Electric Company
Southwestern Electric Power Company (AR)
Southwestern Electric Power Company (LA)
Southwestern Electric Power Company (TX)
Southwestern Electric Service Company
Southwestern Public Service Company (KS)
Southwestern Public Service Company (NM)
Southwestern Public Service Company (OK)
Southwestern Public Service Company (TX)
Tampa Electric Company
Texas-New Mexico Power Company
Texas Utilities Electric Company
Toledo Edison Company
Tucson Electric Power Company
*UGI-Luzerne Electric Division
Union Electric Company (LA)
Union Electric Company (IL)
Union Electric Company (MO)
Union Light, Heat & Power Company
United Illuminating Company
*Upper Peninsula Power Company
Utah Power & Light Company (ID)
Utah Power & Light Company (UT)
Utah Power & Light Company (WY)
Virginia Electric & Power Company (NC)
Virginia Electric & Power Company (VA)
Virginia Electric & Power Company (WV)
Washington Water Power Company (ID)
Washington Water Power Company (MT)
Washington Water Power Company (WA)
West Penn Power Company
West Texas Utilities Company
Western Massachusetts Electric Company
Western Power Division of Centel (KS)
Wheeling Electric Company
Wisconsin Electric Power Company (MI)
Wisconsin Electric Power Company (WI)
Wisconsin Power & Light Company
Wisconsin Public Service Corporation (MI)
Wisconsin Public Service Corporation (WI)

Publicly-Owned:
*Albany Water Gas & Light Commission (GA)
Anaheim Public Utilities Department (CA)
*Anchorage Municipal Light & Power Department (AK)
Austin Electric Department (TX)
*Bowling Green Municipal Utilities (KY)
*Bristol Tennessee Electric System (TN)
*Brownsville Public Utility Board (TX)
Burbank Public Service Department (CA)
Central Lincoln People's Utility District (OR)
Chattanooga Electric Power Board (TN)
*Clarksville Department of Electricity (TN)
*Clatskanie People's Utility District (OR)
*Cleveland Division of Light & Power (OH)
*Cleveland Utilities (TN)
Colorado Springs Department of Utilities (CO)
*Dalton Water Light & Sink (GA)
*Danville Water Gas & Electric (VA)
Decatur Electric Department (AL)
*Dothan Electric Department (AL)
Eugene Water & Electric Board (OR)
Fayetteville Public Works Commission (NC)
Florence Electric Department (AL)
Gainesville Regional Utilities (FL)
Garland Electric Department (TX)
Glendale Public Service Department (CA)
*Greeneville Light & Power System (TN)
*Greenville Utilities Commission (NC)

*Groton Public Utilities (CT)
*High Point Electric Utility Dept. (NC)
Huntsville Utilities (AL)
Imperial Irrigation District (CA)
*Independence Power & Light Department (MO)
Jackson Utility Division—Electric Department (TN)
Jacksonville Electric Authority (TN)
Johnson City Power Board (TN)
Kansas City Board of Public Utilities (KS)
Knoxville Utilities Board (TN)
Lafayette Utilities System (LA)
Lakeland Department of Electric and Water (FL)
Lansing Board of Water & Light (MI)
*Lenoir City Utilities Board (TN)
Lincoln Electric System (NE)
Los Angeles Department of Water and Power (CA)
*Lower Colorado River Authority (TX)
*Lubbock Power & Light (TX)
Memphis Light, Gas & Water Division (TN)
Modesto Irrigation District (CA)
*Murfreesboro Electric Dept. (TN)
*Muscatine Power & Water (IA)
Nashville Electric Service (TN)
Nebraska Public Power District (NE)
Nebraska Public Power District (SD)
*North Little Rock Electric Department (AR)
*Ocala Electric Authority (FL)
Omaha Public Power District (IA)
Omaha Public Power District (NE)
Orlando Utilities Commission (FL)
*Owensboro Municipal Utilities (KY)
Palo Alto Electric Utility (CA)
Pasadena Water & Power Department (CA)
*Power Authority of New York (NY)
*Port Angeles Light & Water Department (WA)
Public Utility District No. 1 of Benton County (WA)
Public Utility District No. 1 of Chelan County (WA)
Public Utility District No. 1 of Clark County (WA)
Public Utility District No. 1 of Cowlitz County (WA)
*Public Utility District No. 1 of Douglas County (WA)
*Public Utility District No. 1 of Franklin County (WA)
Public Utility District No. 1 of Grant County (WA)
Public Utility District No. 1 of Grays Harbor County (WA)
*Public Utility District No. 1 of Lewis County (WA)
Public Utility District No. 1 of Snohomish County (WA)
Puerto Rico Electric Power Authority
*Richland Energy Services Department (WA)
*Richmond Power & Light (IN)
Riverside Public Utilities (CA)
*Rochester Department of Public Utilities (MN)
*Rocky Mount Public Utilities (NC)
Sacramento Municipal Utility District (CA)
Salt River Project Agricultural Improvement and Power District (AZ)
San Antonio City Public Service Board (TX)
Santa Clara Electric Department (CA)
Seattle City Light Department (WA)
*Sevier County Electric System (TN)
South Carolina Public Service Authority
*Springfield City Utilities (MO)
*Springfield Utilities Board (OR)
Springfield Water, Light & Power Department (IL)
Tacoma Public Utilities—Light Division (WA)
*Trico Electric Cooperative, Inc. (AZ)
Tallahassee, City of (FL)
Turlock Irrigation District (CA)
Vernon Municipal Light Department (CA)
*Wilson Utilities Department (NC)

Rural Electric Cooperatives

*Alcorn County Electric Power Association (MS)
*Anoka Electric Cooperative (MN)
*Appalachian Electric Cooperative (TN)
*Berkeley Electric Cooperative (SC)
*Bluebonnet Electric Cooperative, Inc. (TX)
*Blue Ridge Electric Membership Corporation (NC)
Chugach Electric Association (AK)
Clay Electric Cooperative (FL)
*Coast Electric Power Association (MS)
Cobb Electric Membership Corporation (GA)
*Cotton Electric Cooperative (OK)
Cumberland Electric Membership Corporation (TN)
*Dakota Electric Association (MN)
*Douglas County Electric Membership Corporation (GA)
Dixie Electric Membership Corporation (LA)
Duck River Electric Membership Corporation (TN)
*Duncan Valley Electric Cooperative, Inc. (AZ, NM)
*First Electric Cooperative Corporation (AR)
*Flint Electric Membership Corporation (GA)
*4-County Electric Power Association (MS)
*Gibson County Electric Membership Corporation (TN)
Green River Electric Corporation (KY)
*Guadalupe Valley Electric Cooperative (TX)
Henderson-Union Rural Electric Cooperative Corporation (KY)
*Intermountain Rural Electric (CO)
Jackson Electric Membership Corporation (GA)
*Lea County Electric Cooperative, Inc. (NM)
Lee County Electric Cooperative (FL)
*Meriweather Lewis Electric Cooperative (TN)
Middle Tennessee Electric Membership Corporation (TN)
*Midwest Energy Incorporated (KS)
Moon Lake Electric Association (CO)
*Northern Virginia Electric Cooperative (VA)
North Georgia Electric Membership Corporation (TX)
*Palmetto Electric Cooperative, Inc. (SC)
Pedernales Electric Cooperative Corporation (TX)
*Pennyrile Rural Electric Cooperative Corporation (KY, TN)
Rappahannock Electric Cooperative (VA)
Rural Electric System (AL)
*Rutherford Electric Membership Corporation NC)
*Sam Houston Electric Cooperative (TX)
*Singing River Electric Power Association (MS)
South Central Power Company (OH)
Southern Maryland Electric Cooperative, Inc. (MD)
Southern Pine Electric Power Association (MS)
Southwest Louisiana Electric Membership Corporation (LA)
*Southwest Tennessee Electric Membership Corporation (TN)
*Sumter Electric Cooperative (FL)
*Tombigbee Electric Power Association (MS)
Tri-County Electric Association Inc. (WY)
*Tri-County Electric Membership Corporation (TN)
*Umatilla Electric Cooperative Association (OR)
*Upper Cumberland Electric Membership Corporation (TN)
Volunteer Electric Cooperative (TN)
Walton Electric Membership Corporation (GA)
Warren Rural Electric Cooperative Corporation (KY)
*West Kentucky Rural Electric Cooperative Corporation (KY)
Withlacoochee River Electric Cooperative (FL)

Federal Agencies

*Bonneville Power Administration (OR)
*Tennessee Valley Authority (TN)
*Western Area Power Administration (CO)

Gas Utilities

All gas utilities listed below had natural gas sales, for purposes other than resale, in excess of 10 billion cubic feet in 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985 or 1986. All except those marked (*) are covered by PURPA Title III and NECPA Titles II and VII. Utilities marked (*) are not covered by NECPA Titles II and VII because they either did not exceed the NECPA threshold of 10 billion cubic feet in 1986 for purposes other than resale, or do not have residential or commercial sales. The utilities listed more than once have sales in more than one State and those States are indicated by abbreviations in parentheses.

Investor-Owned:
- Alabama Gas Corporation
- Alabama-Tennessee Natural Gas Company
- Anadarko Production Company
- Arkansas-Louisiana Gas Company (AR)
- Arkansas-Louisiana Gas Company (KS)
- Arkansas-Louisiana Gas Company (LA)
- Arkansas-Louisiana Gas Company (OK)
- Arkansas-Oklahoma Gas Corporation (AR)
- Arkansas-Oklahoma Gas Corporation (OK)
- Arkansas Western Gas Company
- Associated Natural Gas Company (AR)
- Associated Natural Gas Company (MO)
- Atlanta Gas Light Company
- Baltimore Gas & Electric Company
- Battle Creek Gas Company
- Bay State Gas Company
- Boston Gas Company
- Brooklyn Union Gas Company
- Carnegie Natural Gas Company
- Carolina Pipeline Company
- Cascade Natural Gas Corporation (OR)
- Cascade Natural Gas Corporation (WA)
- Central Illinois Light Company
- Central Illinois Public Service Company
- Chattanooga Gas Company (TN)
- *Cheyenne Light, Fuel and Power Company
- Cincinnati Gas and Electric Company
- Cities Services Gas Company (covered by NECPA only)
- *City Gas Company of Florida
- Colonial Gas Energy System
- Columbia Gas of Kentucky, Inc.
- Columbia Gas of New York, Inc.
- Columbia Gas of Ohio, Inc.
- Columbia Gas of Pennsylvania, Inc.
- Columbia Gas of Virginia, Inc.
- Commonwealth Gas Company
- Commonwealth Gas Service Incorporated
- Commonwealth Gas Services, Incorporated
- Connecticut Light & Power Company.
- Connecticut Natural Gas Corporation
- Consolidated Edison Company of New York, Inc.
- Consumers Power Company
- Dayton Power & Light Company
- Delmarva Power & Light Company (DE)
- East Ohio Gas Company
- Elizabethtown Gas Company
- Energas Company
- Enstar Natural Gas Company
- Entex Inc. (LA)
- Entex Inc. (MS)
- Entex Inc. (TX)
- Equitable Gas Company (PA)
- Equitable Gas Company (WV)
- Gas Company of New Mexico
- Gas Service Company (KS)
- Gas Service Company (MO)
- Gas Service Company (NE)
- Gas Service Company (OK)
- Greeley Gas Company (CO)
- Greeley Gas Company (KS)
- Gulf States Utilities Company
- Hope Gas, Incorporated
- Illinois Power Company
- Indiana Gas Company
- Intermountain Gas Company
- Interstate Power Company (IA)
- Interstate Power Company (MN)
- Iowa Electric Light & Power Company (CO)
- Iowa Electric Light & Power Company (IA)
- Iowa Electric Light & Power Company (MN)
- Iowa Electric Light & Power Company (NE)
- Iowa-Illinois Gas & Electric Company (IA)
- Iowa-Illinois Gas & Electric Company (IL)
- Iowa Power & Light Company
- Iowa Public Service Company (IA)
- Iowa Public Service Company (NE)
- Iowa Public Service Company (SD)
- Iowa Southern Utilities Company
- Kansas-Nebraska Natural Gas Company (CO)
- Kansas-Nebraska Natural Gas Company (KS)
- Kansas-Nebraska Natural Gas Company (WY)
- Kansas Power & Light Company
- KN Energy, Inc.
- Laclede Gas Company Consolidated
- Lone Star Gas Company (OK)
- Lone Star Gas Company, a division of ENSERCH Corp. (TX)
- Long Island Lighting Company
- Louisiana Gas Service Company
- Louisville Gas & Electric Company
- Lowell Gas Company
- Madison Gas & Electric Company
- Michigan Consolidated Gas Company
- Michigan Gas Utilities Company
- Michigan Power Company
- Minnegasco, Inc. (MN)
- Minnegasco, Inc. (NE)
- Minnegasco, Inc. (SD)
- Mississippi Valley Gas Company
- Missouri Public Service Company
- Mobile Gas Service Corporation
- Montana-Dakota Utilities Company (MN)
- Montana-Dakota Utilities Company (MT)
- Montana-Dakota Utilities Company (ND)
- Montana-Dakota Utilities Company (SD)
- Montana-Dakota Utilities Company (WY)
- Montana Power Company
- Mountaineer Gas Company
- Mountain Fuel Supply Company (UT)
- Mountain Fuel Supply Company (WY)
- Nashville Gas Company
- National Fuel Gas Distribution Corporation (NY)
- National Fuel Gas Distribution Corporation (PA)
- National Gas and Oil Company
- New Jersey Natural Gas Company
- New Orleans Public Service, Inc.
- New York State Electric & Gas Corporation
- Niagara Mohawk Power Company
- North Carolina Natural Gas Corporation
- North Shore Gas Company
- Northern Central Public Service Company
- Northern Illinois Gas Company
- Northern Indiana Public Service Company
- Northern Minnesota Utilities—Division of Utilicorp United, Inc.
- Northern Natural Gas Company (KS)
- Northern Natural Gas Company (NE)
- Nothern States Power Company (MN)
- Nothern States Power Company (ND)
- Nothern States Power Company (WI)
- North Penn Gas Company
- Northwest Alabama Gas District
- Northwest Natural Company (OR)
- Northwest Natural Gas Company (WA)
- Northwestern Public Service Company (NE)
- Northwestern Public Service Company (SD)
- Oklahoma Natural Gas Company
- Orange & Rockland Utilities
- Pacific Gas & Electric Company
- *Panhandle Eastern Pipeline Company (IL)
- *Panhandle Eastern Pipeline Company (KS)
- Pennsylvania Gas & Water Company
- Peoples Gas, Light and Coke Company
- Peoples Gas System
- Peoples Natural Gas Company
- Peoples Natural Gas Company, Division of Internorth, Inc. (IA)
- Peoples Natural Gas Company, Division of Internorth, Inc. (IA)
- Peoples Natural Gas Company, Division of Internorth, Inc. (KS)
- Peoples Natural Gas Company, Division of Internorth, Inc. (MN)
- Peoples Natural Gas Company, Division of Internorth, Inc. (MO)
- Peoples Natural Gas Company, Division of Internorth, Inc. (NE)
- Philadelphia Electric Company
- Piedmont Natural Gas Company (NC)
- Peidmont Natural Gas Company (SC)
- Providence Gas Company
- Public Service Company of Colorado
- Public Service Company Inc. of North Carolina
- Public Service Electric and Gas Company
- Rochester Gas & Electric Corporation
- San Diego Gas & Electric Company
- South Carolina Gas & Electric Company
- South Jersey Gas Company
- Southeastern Michigan Gas Company
- Southern California Gas Company
- Southern Connecticut Gas Company
- Southern Indiana Gas & Electric Company
- Southern Union Company (TX)
- Southern Union Gas Company (AZ)
- Southern Union Gas Company (OK)
- Southwest Gas Corporation (AZ)
- Southwest Gas Corporation (CA)
- Southwest Gas Corporation (NV)
- Terre Haute Gas Corporation
- Trans Louisiana Gas Company
- T.W. Phillips Gas and Oil Company
- UGI Corporation
- Union Gas System, Inc. (KS)
- Union Gas System, Inc. (OK)
- Union Light, Heat & Power Company (KY)
- Virginia Natural Gas
- Washington Gas Light Company (DC)
- Washington Gas Light Company (MD)
- Washington Gas Light Company (VA)
- Washington Natural Gas Company
- Washington Water Power Company (ID)
- Washington Water Power Company (WA)
- West Ohio Gas Company
- Western Kentucky Gas Company
- Wisconsin Fuel & Light Company
- Wisconsin Gas Company
- Wisconsin Natural Gas Company
- Wisconsin Power & Light Company
- Wisconsin Public Service Corporation (MI)
- Wisconsin Public Service Corporation (WI)

Public-Owned
- Citizens Gas & Coke Utility (IN)
- City of Richmond, Virginia, Department of Public Utilities (VA)
- City Public Services Board (San Antonio) (TX)
- Colorado Springs, Department of Utilities (CO)
- Long Beach Gas Department (CA)
- Memphis Light, Gas & Water Division (TN)
- Metropolitan Utilities Distict of Omaha (NE)
- Philadelphia Gas Works (PA)
- Springfield City Utilities (MO)

[FR Doc. 87-29919 Filed 12-29-87; 8:45 am]
BILLING CODE 6450-01-M

VOL
52
ISS
250
DE
30
1987
UMI

Reader Aids

Federal Register
Vol. 52, No. 250
Wednesday, December 30, 1987

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

45597–45800.....1
45801–45934.....2
45935–46050.....3
46051–46342.....4
46343–46444.....7
46445–46584.....8
46585–46730.....9
46731–46982.....10
46983–47364.....11
47365–47544.....14
47545–47686.....15
47687–47890.....16
47891–48078.....17
48079–48178.....18
48179–48390.....21
48391–48510.....22
48511–48660.....23
48661–48792.....24
48793–48958.....28
48959–49128.....29
49129–49340.....30

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

305.....49141

3 CFR

Proclamations:
5748.....46729
5749.....46731
5750.....46733
5751.....46735
5752.....47365, 47545
5754.....48959
5755.....48961
5756.....48963
5757.....48965
5758.....49129
5759.....49131

Executive Orders:
12163 (Amended by EO 12620).....49135
12462.....48179
12543 (See Notice of Dec. 15, 1987).....47891
12591 (Amended by 12618).....48661
12616.....46730
12617.....48179
12618.....48661
12619.....48663
12620.....49135

Administrative Orders:
Notices:
Dec. 15, 1987.....47891
Statements:
Dec. 7, 1987.....46728
Memorandums:
Dec. 23, 1987.....49118
Dec. 24, 1987.....49137, 49139

4 CFR

21.....46445

5 CFR

351.....46051
540.....46051
551.....47687
831.....47893
870.....46343
874.....46343
1201.....47547
1204.....45597
1303.....49152
1600.....45801
1605.....46314

Proposed Rules:
302.....49023
330.....48824
332.....48824
333.....49023

7 CFR

6.....48079
7.....48511
8.....47660
21.....48015
226.....48967
301.....45597, 47367, 47688, 48181
319.....46052, 47372
352.....47373, 48905
401.....45598–45604
413.....47375
422.....48182
423.....45805, 47376
431.....47376
432.....47377
770.....45606
907.....46060, 46737, 46983, 48080, 48793
908.....46737
910.....46061, 46984, 48080, 48794
911.....46344
915.....46344
966.....46345
981.....45607, 45609
1002.....48794
1004.....48794
1434.....48081
1736.....48795
1900.....45806, 46348
1924.....48391, 48799
1942.....47097
1944.....45807, 48391
1955.....48519
1956.....46348, 47688

Proposed Rules:
52.....46486
318.....48272
319.....49026
401.....45830
735.....47009
905.....46366
959.....46366, 48826
966.....47576
971.....46366
979.....48827
985.....46600
987.....46366
1403.....49028
1951.....45638

8 CFR

212.....48082, 48799
214.....48082
238.....48082
245.....48082
248.....48082
299.....48082
316a.....46738

Proposed Rules:
3.....46776
109.....46092
208.....46776
236.....46776

242.....46776
253.....46776

9 CFR

77.....49155
78.....47378
85.....45935
92.....45611, 47548, 48968
303.....48084
381.....48084

Proposed Rules:

51.....49029
145.....47014
147.....47014
316.....45639
350.....45639

10 CFR

30.....48092
40.....48092
70.....48092
1039.....48015

Proposed Rules:

Ch. I.....47398
2.....48447
35.....47726
61.....47396
62.....47578
430.....46367, 47549
1035.....48693
1036.....48693

12 CFR

4.....46061
204.....46450, 47689
208.....46964
217.....47689
220.....48804
226.....45611, 48665
265.....48804
304.....48183
337.....47379
346.....49156
574.....48519
611.....48093
614.....46151, 48673
624.....48673
706.....46585

Proposed Rules:

202.....47589
205.....47591
210.....47112
226.....47552, 48702, 48707
229.....47112
332.....48447
701.....46601, 47014

13 CFR

102.....47699
125.....48391

Proposed Rules:

121.....47937

14 CFR

21.....46348
25.....46348
39.....45612–45614, 45808–45810, 46064–46067, 46452, 46739, 46985–46995, 47387, 47551, 47702–47704, 47990, 48184–48187, 48392, 48673, 48805
71.....45615, 45616, 46556, 46740–46742, 46995–46997, 47304, 47308, 47676, 48191, 48393, 48522, 48806
75.....47677
91.....47672
97.....45617, 46743, 48394
108.....48508
121.....45910, 47991
129.....48508
135.....45910, 47991
234.....48395, 48969
255.....48395
1208.....48015
1213.....45935
1221.....45811

Proposed Rules:

Ch. I.....45831
39.....45640, 45642, 45831, 46094, 46776, 47015, 47016, 47398–47401, 47943–47946, 48274, 48542, 48829
43.....47680
71.....45644, 46778, 46779, 47017–47020, 47402, 47727, 48274, 48448, 48449, 48484, 48715
73.....47021, 48274
91.....47680

15 CFR

11.....48015
371.....45618, 48522
372.....48808
374.....45618
385.....46886
387.....48808
388.....48808
399.....46886, 47388, 48522, 48523, 48808
801.....46587

Proposed Rules:

18.....47597

16 CFR

6.....45619
13.....45937
305.....46888
1000.....48969
1015.....45631
1608.....48810

Proposed Rules:

13.....45645, 45970, 45972, 48276, 48543, 49164, 49167
453.....46706
455.....48908
500.....48716
1016.....47599
1700.....48450

17 CFR

1.....46070, 47705, 48974
30.....48811
200.....48191
211.....46454, 48193
229.....48977
240.....48977
250.....48985
270.....48977
274.....46350

Proposed Rules:

34.....47022
240.....48125

18 CFR

2.....47897, 47914, 48398
4.....48398
11.....48398
116.....49157
154.....48407
157.....47897
270.....48407
271.....46072
273.....48407
284.....47914, 48986
375.....48398, 48407
380.....47897
381.....48407
389.....45823
1306.....48015
1312.....47720

Proposed Rules:

1310.....47728

19 CFR

Proposed Rules:

4.....46602, 48194
6.....48833
101.....47908
113.....48833
128.....47729
143.....47729
177.....47601
201.....48994
212.....48994
213.....48994

20 CFR

355.....47705
404.....47914

Proposed Rules:

365.....47601
614.....46604

21 CFR

74.....45938
176.....46968
184.....47918, 48905
333.....47312, 48792
369.....47312, 48792
520.....48094, 48674
558.....48095
862.....48623
872.....49249

Proposed Rules:

182.....46968
193.....49171
352.....46095

22 CFR

302.....47714
502.....47991

Proposed Rules:

502.....47029
1506.....46779

23 CFR

Proposed Rules:

625.....47403
635.....45645

24 CFR

200.....48197
203.....48197
204.....48197
213.....48197
220.....48197
221.....48197
222.....48197
226.....48197
227.....48197
235.....48197
237.....48197
240.....48197
888.....48205
3280.....47552

Proposed Rules:

42.....47953
43.....47953
236.....48276
813.....46614
840.....48792
841.....48792
885.....46614
888.....48278

25 CFR

Proposed Rules:

46.....49172
177.....46781

26 CFR

1.....47554, 48407, 48524, 48994
18.....48524
31.....45632
35a.....46075
54.....46747
602.....46075, 46747, 47554, 48407, 48994

Proposed Rules:

1.....45835, 47609, 48452, 48546, 49030
18.....48546
48.....45901
54.....46782
602.....46782, 47609

27 CFR

9.....46589
19.....47557
25.....47557
47.....48096
240.....47557
250.....46592, 47557
270.....47557
275.....47557
285.....47557

Proposed Rules:

9.....48279
250.....46626

28 CFR

Ch. VII.....48097
0.....48997
2.....46596, 47921
68.....48997
549.....48068

Proposed Rules:

16.....48279
701.....47406

29 CFR

12.....48015
19.....48419
22.....48492
103.....48534
1601.....48998
1613.....48263
1910.....46075, 46168
1915.....46075
1917.....46075
1918.....46075
1926.....46075, 46168
1928.....46075
1952.....48103
2613.....47561
2617.....47561
2619.....47561, 47562, 48905
2621.....47563
2676.....47564

Proposed Rules:

103.....47029
1910.....47097

30 CFR

764.....49322
769.....49322
779.....47352
780.....47352
783.....47352
784.....45920, 47352
816.....47352
817.....45920, 47352
913.....48421
935.....46597
934.....49031
942.....47716

Proposed Rules:

904.....47411
934.....48835
935.....46377, 46379, 46783, 48125
952.....46095
953.....46097

31 CFR

316.....48422
342.....48422
351.....46455, 48422

Proposed Rules:

0.....45648

32 CFR

40a.....48431
41.....46997
102.....48998
209.....47389
229.....47720
259.....48015
536.....45938
706.....46080, 47922
811.....48675
811a.....48681
1900.....46456
2003.....48367, 49249

Proposed Rules:

199.....46098, 47029
285.....48452
1636.....47949
1656.....47949

33 CFR

62.....46351
95.....47526
100.....46351
110.....46760
117.....46081, 47391, 47923, 48263, 49010
146.....47526
150.....47526
160.....48264
165.....46351, 47924, 48811
173.....47526
177.....47526

Proposed Rules:

117.....48717, 49031
140.....48717
143.....48717
146.....48717
165.....45973, 47413
179.....47950

34 CFR

15.....48015
668.....45712, 46353
674.....45738
675.....45738
676.....45738
690.....45712

Proposed Rules:

251.....47951
333.....46720
671.....49122
776.....47538
778.....46784
790.....46785

36 CFR

296.....47720
904.....48015
1155.....47717

Proposed Rules:

1150.....48546
1202.....48280
1258.....48280

37 CFR

304.....49010

Proposed Rules:

304.....45664

38 CFR

4.....46439
8a.....48681
21.....45633
25.....48015

Proposed Rules:

21.....46494

39 CFR

111.....48436, 48683
224.....46998, 49015
225.....46998
226.....46998
227.....46998
228.....46998
229.....46998
777.....48029, 48812

Proposed Rules:

111.....48281

40 CFR

4.....48015
52.....45634, 45958, 45959, 46463, 46762, 46764, 47392, 47565, 47566, 47925, 48265, 48535, 48812, 48813, 49157
60.....47826
81.....46081, 46465
82.....47486
85.....46354
86.....47858
123.....45823
144.....45788, 46946
180.....45824, 46019, 46598, 47990, 48536–48539
260.....46946
264.....45788, 46946
265.....45788
270.....45788, 46946
271.....45634, 45788, 46466
355.....48072
600.....47858
716.....47990

Proposed Rules:

35.....46712
52.....46495, 46786, 47610, 48285, 48837
60.....47032
62.....46380
80.....47032
82.....47489
86.....47032
160.....48920
180...47733, 47734, 49174, 49175, 49177, 49249
228.....48838, 48841
280.....48638
281.....48638
600.....47032
721.....46496
763.....48286, 49249
792.....48933

41 CFR

12–60.....48630
101–6.....45926
101–7.....45825, 48685
101–38.....48540
101–44.....47393
101–47.....46467
105–51.....48015
105–55.....46468
114–50.....48015
128–18.....48015
201–1.....46468
201–2.....46468
201–23.....46468
201–24.....46468

Proposed Rules:

101–41.....48547

42 CFR

57.....49249
124.....46022, 48362
401.....48112
405.....48112
408.....48112
417.....47003
431.....47926
435.....47926, 48438
436.....48438
440.....47926
441.....47926
455.....48814
466.....47003
476.....47003

Proposed Rules:

405.....47990
409.....48127
410.....48127
416.....48127
421.....48127
433.....48290
435.....47414
436.....47414
441.....48127
442.....47990
488.....47990
489.....47990, 48127

43 CFR

4.....46355, 47097
7.....47720
2920.....49114
3420.....46469
3460.....46469
3560.....48124
9260.....49114

Proposed Rules:

3450.....46499

44 CFR

25.....48015
64.....44685, 48818
65.....46501
67.....46505

Proposed Rules:

67.....46787, 47611

45 CFR

15.....48015
206.....45687
233.....45687
1100.....48265

Proposed Rules:

233.....47420
1803.....48297

46 CFR

4.....47526
5.....47526
26.....47526
35.....47526
78.....47526
97.....47526
109.....47526
167.....47526
185.....47526
196.....47526
197.....47526
560.....45960
586.....46356

Proposed Rules:

38.....45665
42.....47422
44.....47422
45.....47422
54.....45665
69.....46103
98.....45665
151.....45665
170.....47422
174.....47422
249.....48077
503.....45835
572.....46501
588.....46505

47 CFR

1.....49159
15.....45961
25.....45636
73.....45636, 45963–45965, 46598, 46599, 47004, 47567, 47722–47724, 47935, 48268, 48438, 48439, 48689, 48690, 48819, 49161
74.....47567
76.....45961, 46363
80.....48439
90.....47569
300.....49015

Proposed Rules:

1.....46628, 48725, 48843, 49032
2.....48844
15.....47615
22.....48844
43.....46628, 48843
64.....47951
65.....48727
69.....49178
73.....45974, 45975, 46629–46631, 47032, 47033, 47735, 47736, 48130–48133, 48728, 48844, 48845, 49181
80.....45665

48 CFR

Ch. 63.....48630
232.....47005
519.....47396
532.....47005

552.....47005
553.....47006
801.....49016
814.....49016
815.....49016
819.....46082
833.....49016
836.....49016
852.....49016
1801.....46765
1805.....46765
1807.....46765
1808.....46765
1809.....46765
1812.....46765
1813.....46765
1815.....46765
1827.....46765
1830.....46765
1831.....46765
1832.....46765
1836.....46765
1837.....46765
1852.....46765, 47935
1853.....46765
2401.....47395
2402.....47395

Proposed Rules:

31.....46043
226.....48549
245.....47427
252.....48549
506.....48729
553.....48729
1033.....48729
1409.....48301
1415.....48301
1452.....48301
2409.....46560
2412.....46560
2413.....46560
2415.....46560
2416.....46560
2417.....46560
2424.....46560
2427.....46560
2432.....46560
2434.....46560
2437.....46560
2442.....46560
2446.....46560
2451.....46560
2452.....46560
2453.....46560
2470.....46560
5215.....48550
5252.....48550
5706.....47033

49 CFR

1.....46364, 46478, 47007, 47097
24.....47994
25.....48015
571.....46479, 46480, 48690
1002.....46481
1007.....46481
1011.....45636, 46773, 48440
1052.....45966
1103.....46481
1150.....46481
1152.....45636, 46773, 48440
1160.....45827, 46481
1162.....46481
1169.....46481
1171.....46481
1177.....46481
1180.....46481
1182.....46481

Proposed Rules:

17.....46510, 46511
24.....45667
383.....47326
571.....49033, 49038
575.....49038
701.....46381

50 CFR

14.....46019
17.....46083, 46085
20.....46087
23.....48820
50.....47571
371.....49017
611.....45966, 46484, 48362
642.....47724, 49162
649.....46088
650.....46485
652.....47008, 49019
661.....49019
672.....48691, 49021
675.....45966, 46484, 48362, 49021
681.....47572

Proposed Rules:

13.....48948
17.....45976, 46106, 46334, 46336, 48552
20.....47426
21.....47428, 48948
253.....47990
611.....48303
655.....47034
658.....47615
663.....45668
672.....48303
675.....48303

LIST OF PUBLIC LAWS

Last List December 29, 1987

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 390/Pub. L. 100-210

To provide that a special gold medal be presented to Mary Lasker for her humanitarian contributions in the areas of medical research and education, urban beautification and the fine arts, and for other purposes. (Dec. 24, 1987; 101 Stat. 1441; 1 page) Price: $1.00

H.R. 2121/Pub. L. 100-211

To authorize and direct the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park in Georgia. (Dec. 24, 1987; 101 Stat. 1442; 1 page) Price: $1.00

H.R. 2639/Pub. L. 100-212

To repeal the Brown-Stevens Act concerning certain Indian tribes in the State of Nebraska. (Dec. 24, 1987; 101 Stat. 1443; 1 page) Price: $1.00

H.R. 2669/Pub. L. 100-213

Arms Control and Disarmament Amendments Act of 1987. (Dec. 24, 1987; 101 Stat. 1444; 4 pages) Price: $1.00

H.J. Res. 255/Pub. L. 100-214

Designating the third week in May 1988 as "National Tourism Week". (Dec. 24, 1987; 101 Stat. 1448; 1 page) Price: $1.00

S. 1642/Pub. L. 100-215

To designate the United States Post Office at 600 Franklin Avenue in Garden City, New York, as the "John W. Wydler United States Post Office". (Dec. 24, 1987; 101 Stat. 1449; 1 page) Price: $1.00

VOL
52
ISS
2
50
DE
30
1987
UMI

VOL
52
ISS
251
DE
31
1987
UMI

12-31-87
Vol. 52 No. 251

federal register

Thursday
December 31, 1987

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
52
ISS
251
DE
31
1987
UMI

12-31-87
Vol. 52 No. 251
Pages 49341-49654

federal register

Thursday
December 31, 1987

BEST COPY AVAILABLE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $188.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202-783-3238
Magnetic tapes	275-3328
Problems with public subscriptions	275-3054

Single copies/back copies:

Paper or fiche	783-3238
Magnetic tapes	275-3328
Problems with public single copies	275-3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523-5240
Magnetic tapes	275-3328
Problems with Federal agency subscriptions	523-5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 52, No. 251
Thursday, December 31, 1987

Agricultural Marketing Service
RULES
Olives grown in California and imported, 49345
PROPOSED RULES
Olives grown in California, 49416

Agriculture Department
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Farmers Home Administration; Federal Grain Inspection Service; Food Safety and Inspection Service; Forest Service; Rural Electrification Administration; Soil Conservation Service
RULES
Freedom of Information Act; implementation:
Uniform fee schedule and administrative guidelines, 49383

Animal and Plant Health Inspection Service
RULES
Plant regulations:
Aircraft and watercraft; mandatory notification of arrival, 49343
NOTICES
Environmental statements; availability, etc.:
Tobacco plants, genetically engineered herbicide tolerant; field test permit, 49457, 49458
(2 documents)

Army Department
See Engineers Corps

Career Federal Executives, President's Commission on Compensation
See President's Commission on Compensation of Career Federal Executives

Centers for Disease Control
NOTICES
Meetings:
Injury control information systems, 49509

Coast Guard
RULES
Drawbridge operations:
Florida, 49405

Commerce Department
See National Oceanic and Atmospheric Administration; National Technical Information Service

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Indonesia, 49465, 49468
(2 documents)
Japan, 49470
Macau, 49466
Peru, 49467, 49471
(2 documents)

Commodity Credit Corporation
RULES
Loan and purchase programs:
Peanuts; warehouse storage loans and handler operations, 49347

Commodity Futures Trading Commission
NOTICES
Meetings; Sunshine Act, 49568
(8 documents)

Council on Environmental Quality
NOTICES
Meetings; Sunshine Act, 49568

Defense Department
See also Engineers Corps
RULES
Acquisition regulations:
Machine tools, acquisition from foreign sources; restrictions, 49413
NOTICES
Meetings:
Armed Forces Epidemiological Board, 49472
(2 documents)

Education Department
NOTICES
Grants; availability, etc.:
Christa McAuliffe fellowship program, 49475

Employment and Training Administration
NOTICES
Federal-State unemployment compensation program:
Unemployment insurance program letters—
Interpretations; employment for trade readjustment allowance, 49534

Energy Department
See Federal Energy Regulatory Commission

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
Big River Water Supply Project, RI, 49474
Rio Grande Floodway, NM, 49473
Santa Fe Dam and Flood Control Basin, Irwindale, CA, 49472

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Connecticut et al., 49406
Air quality planning purposes; designation of areas:
New Jersey, 49408
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Sulfiting agents on grapes, 49411

NOTICES
Environmental statements; availability, etc.:
Agency statements—
Comment availability, 49503
Weekly receipts, 49504
Palos Verdes Peninsula, CA; ocean disposal site, 49480
Meetings:
Science Advisory Board, 49479
Pesticide programs:
Special review—
Alachlor, 49480
Water Quality Act of 1987; implementation:
Guidance documents availability, 49505

Environmental Quality Council
See Council on Environmental Quality

Executive Office of the President
See Council on Environmental Quality; Management and Budget Office; Presidential Documents; Science and Technology Policy Office

Farmers Home Administration
RULES
Program regulations:
Construction and repair—
Planning and performing construction and other development, 49349

Federal Aviation Administration
RULES
Jet routes, 49394
PROPOSED RULES
Rulemaking petitions; summary and disposition, 49423
Transition areas, 49423

Federal Communications Commission
RULES
Common carrier services:
Telephone companies—
Terminal equipment; line power output functions continuity requirements; correction, 49413

Federal Deposit Insurance Corporation
RULES
Financial disclosure, etc., by FDIC insured State nonmember banks, 49377

Federal Energy Regulatory Commission
NOTICES
Applications, hearings, determinations, etc.:
Bayou Interstate Pipeline System, 49476
Distrigas Corp. et al., 49477
Gasdel Pipeline System, Inc., 49477
Mobil Oil Exploration & Producing Southeast Inc., 49477
Mountain Fuel Resources, Inc., 49478
Southwest Gas Corp., 49478
Tenneco Oil Co., 49479
Wiliston Basin Interstate Pipeline Co., 49479

Federal Grain Inspection Service
NOTICES
Agency designation actions:
Arizona, 49461
California and Washington, 49459
Illinois, 49461
Iowa, 49460
Nebraska, 49459

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Brevard County, FL, 49566

Federal Home Loan Bank Board
RULES
Competitive Equality Banking Act; implementation:
Savings and loan holding companies—
Holding company indebtedness, 49361
Federal home loan bank system:
Bank operations; charitable contributions, 49361

Federal Reserve System
RULES
Securities of State member banks (Regulation F) and membership of State banking institutions (Regulation H):
Filing requirements, use of SEC forms, etc., 49374
NOTICES
Agency information collection activities under OMB review, 49505
Meetings; Sunshine Act, 49569
Applications, hearings, determinations, etc.:
Bankers Trust New York Corp., 49505
Banque Indosuez et al., 49506
Lane Financial, Inc., et al., 49507
National Westminster Bank PLC, 49508
North Side Bancorp, Inc., et al., 49508
Orrstown Financial Services, Inc., et al., 49509

Federal Trade Commission
RULES
Appliances, consumer; energy costs and consumer information use in labeling and advertising:
Central air conditioners and furnaces, 49834

Fish and Wildlife Service
PROPOSED RULES
Migratory bird hunting:
Alaska; subsistence harvest regulations, 49449

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
Sponsored compounds in food-producing animals; carcinogenic residues, criteria and procedures for evaluating safety, 49572
NOTICES
Animal drugs, feeds, and related products:
Products derived from fermentation guidelines; availability, 49589
Sponsored compounds in food-producing animals; safety guidelines; availability, 49589

Food Safety and Inspection Service
RULES
Meat and poultry inspection:
Trichinae in pork products; methods for destruction—
Waiver extension for dry cured or country ham, 49350
PROPOSED RULES
Meat and poultry inspection:
Enforcement-related regulations; regulatory review, 49418

Forest Service
NOTICES
Environmental statements; availability, etc.:
Mark Twain National Forest, MO, 49463

Health and Human Services Department
See also Centers for Disease Control; Food and Drug Administration; Health Care Financing Administration; Inspector General Office, Health and Human Services Department; National Institutes of Health
RULES
Medicare and medicaid programs:
Fraud and abuse; civil money penalty statute of limitations, 49412

Health Care Financing Administration
See also Inspector General Office, Health and Human Services Department
NOTICES
Medicare and medicaid:
Joint Commission on Accreditation of Healthcare Organizations et al; recognition, 49510
Meetings:
Technology-Dependent Children Task Force, 49517

Housing and Urban Development Department
PROPOSED RULES
Mortgage and loan insurance programs:
Nursing homes and similar projects mortgage coverage; full insurance and coinsurance, 49424

Indian Affairs Bureau
NOTICES
Committees; establishment, renewals, terminations, etc.:
Osage Tribal Education Committee, 49519
Liquor and tobacco sale or distribution ordinance:
Cocopah Indian Reservation, AZ, 49520
Organization, functions, and authority delegations:
Superintendents et al., 49519

Inspector General Office, Health and Human Services Department
RULES
Medicare and medicaid programs:
Fraud and abuse; civil money penalty statute of limitations, 49412

Interior Department
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Minerals Management Service; Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
PROPOSED RULES
Income taxes:
Passive activity losses and credits, investment interest, and personal interest limitations; allocation of interest expenses, 49448

Interstate Commerce Commission
NOTICES
Motor carriers:
Agricultural cooperative transportation filing notices, 49532
Compensated intercorporate hauling operations, 49532
Railroad operation, acquisition, construction, etc.:
Claussen, H. Peter, et al., 49531
Golden Cat Railroad Corp., 49532
Maryland Midland Railway, Inc., 49533
Wiregrass Central Railroad Co., Inc., 49531
Railroad services abandonment:
CSX Transportation, Inc., 49531
Sand Springs Railway Co., 49531

Justice Department
NOTICES
Pollution control; consent judgments:
Associated Metal & Minerals Corp. et al., 49533
Bliss, Russell Martin, et al., 49533

Labor Department
See Employment and Training Administration; Occupational Safety and Health Administration; Pension and Welfare Benefits Administration

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
Coal preference right lease applications—
Colorado, 49523
Mark Twain National Forest, MO, 49463
Tonopah and Stateline Resource Areas, NV, 49524
Meetings:
Safford District Grazing Advisory Board, 49524
Motor vehicles; off-road vehicle designations:
California, 49524
Oil and gas leases:
New Mexico, 49525
Organization, functions, and authority delegations:
Farmington, NM, Resource Area; office relocation, 49528
Realty actions; sales, leases, etc.:
Arizona, 49526
California, 49526
Montana, 49525, 49527
(3 documents)
Nevada, 49528
Withdrawal and reservation of lands:
New Mexico, 49529
Oregon; correction, 49529

Management and Budget Office
NOTICES
Budget rescissions and deferrals
Cumulative reports, 49650

Minerals Management Service
NOTICES
Outer Continental Shelf; development operations coordination:
Chevron U.S.A., Inc., 49529
(2 documents)
Walter Oil & Gas Corp., 49530
Outer Continental Shelf operations:
Oil and gas information program; Pacific Summary/Index, 49530

National Institute for Occupational Safety and Health
See Centers for Disease Control

National Institutes of Health
NOTICES
Meetings:
Advisory Committee to Director, 49517
Fogarty International Center Advisory Board, 49518
National Heart, Lung, and Blood Institute, 49518
(2 documents)

National Institute of Arthritis and Musculoskeletal and Skin Diseases, 49518
National Library of Medicine, 49519

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Gulf of Mexico and South Atlantic coastal migratory pelagic resources, 49415
PROPOSED RULES
Marine mammals:
North Pacific fur seals—
Pribilof Island population depletion designation, 49450
NOTICES
Meetings:
North Pacific Fishery Management Council, 49464
South Atlantic Fishery Management Council, 49465
Permits:
Marine mammals, 49463, 49464
(3 documents)
Rulemaking petitions:
Bering Sea Fishermen's Association, 49464

National Science Foundation
NOTICES
Agency information collection activities under OMB review, 49535

National Technical Information Service
NOTICES
Patent licenses, exclusive:
Ocenco Inc.; correction, 49465

Nuclear Regulatory Commission
RULES
Freedom of Information Act; implementation:
Uniform fee schedule and administrative guidelines, 49350
Licenses and applicants for licenses; completeness and accuracy of information, maintenance of records, and information disclosure, 49362
PROPOSED RULES
Plants and materials; physical protection:
Strategic special nuclear material; fuel facilities processing formula quantities safeguards requirements, 49418
NOTICES
Meetings:
Boiling water reactor MARK I containment; workshop, 49538
Applications, hearings, determinations, etc.:
Battelle Memorial Institute, Columbus Division, 49539
Commonwealth Edison Co., 49539, 49540
(2 documents)
Dairyland Power Cooperative, 49535
Florida Power & Light Co. et al., 49537

Occupational Safety and Health Administration
RULES
Safety and health standards, etc.:
Grain handling facilities, 49592

Office of Management and Budget
See Management and Budget Office

Panama Canal Commission
NOTICES
Privacy Act; systems of records, 49541

Pension and Welfare Benefits Administration
NOTICES
Meetings:
Employee Welfare and Pension Benefit Plans Advisory Council, 49535

Pension Benefit Guaranty Corporation
RULES
Multiemployer and single-employer plans:
Late premium payments and employer liability underpayments and overpayments; interest rates, 49395
Withdrawal liability collection; interest rate, 49396

Physician Payment Review Commission
NOTICES
Meetings, 49557

Postal Service
NOTICES
Privacy Act:
Computer matching program, 49556

Presidential Documents
EXECUTIVE ORDERS
Committees; establishment, renewals, terminations, etc.:
Presidential Task Force on Market Mechanisms (EO 12621), 49341

President's Commission on Compensation of Career Federal Executives
NOTICES
Meetings, 49557

Public Health Service
See Centers for Disease Control; Food and Drug Administration; National Institutes of Health

Rural Electrification Administration
PROPOSED RULES
Electric standards and specifications:
Underground electric distribution; specifications and drawings, 49417
NOTICES
Environmental statements; availability, etc.:
Plumas-Sierra Rural Electric Cooperative, 49462

Science and Technology Policy Office
NOTICES
Committees; establishment, renewals, terminations, etc.:
White House Science Council, 49541

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc., 49557
Philadelphia Stock Exchange, Inc., 49559
Applications, hearings, determinations, etc.:
Delaware Group State Tax-Free Fund, Inc., 49560
Kemper Investors Life Insurance Co. Variable Annuity Account B, 49563
Lutheran Brotherhood Variable Insurance Products Co. et al., 49563
Public utility holding company filings, 49561
Security First Trust et al., 49564

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
Warsaw, NY, 49462

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program submission:
Kansas, 49398
Kentucky, 49396
Montana, 49401
Virginia, 49403, 49404
(2 documents)

Tennessee Valley Authority
NOTICES
Meetings; Sunshine Act, 49569

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration

Treasury Department
See also Internal Revenue Service
NOTICES
Bank Secrecy Act; electronic filing of currency transaction reports, 49567

Separate Parts in This Issue

Part II
Department of Health and Human Services, Food and Drug Administration, 49572

Part III
Department of Labor, Occupational Safety and Health Administration, 49592

Part IV
Federal Trade Commission, 49634

Part V
Office of Management and Budget, 49650

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders:
12614 (Amended by EO 12621)..... 49341
12621..... 49341

7 CFR
1..... 49383
330..... 49343
932..... 49345
944..... 49345
1446..... 49347
1924..... 49349
Proposed Rules:
932..... 49416
1736..... 49417

9 CFR
318..... 49350
Proposed Rules:
304..... 49418
305..... 49418
306..... 49418
308..... 49418
309..... 49418
310..... 49418
313..... 49418
317..... 49418
318..... 49418
320..... 49418
325..... 49418
329..... 49418
335..... 49418
350..... 49418
351..... 49418
352..... 49418
354..... 49418
355..... 49418
362..... 49418
381..... 49418

10 CFR
2 (2 documents)..... 49350, 49362
9..... 49350
30..... 49362
40..... 49362
50..... 49362
55..... 49362
60..... 49362
61..... 49362
70..... 49362
71..... 49362
72..... 49362
110..... 49362
150..... 49362
Proposed Rules:
73..... 49418

12 CFR
206..... 49374
208..... 49374
350..... 49377
524..... 49381
584..... 49381

14 CFR
75..... 49394
Proposed Rules:
Ch. 1..... 49423
71..... 49423

16 CFR
305..... 49634

21 CFR
70..... 49572
500..... 49572
514..... 49572
571..... 49572

24 CFR
Proposed Rules:
232..... 49424
252..... 49424

26 CFR
Proposed Rules:
1..... 49448

29 CFR
1910..... 49592
1917..... 49592
2610..... 49395
2622..... 49395
2644..... 49396

30 CFR
916..... 49396
917..... 49398
926..... 49401
946 (2 documents)..... 49403, 49404

33 CFR
117..... 49405

40 CFR
52..... 49406
81..... 49408
180..... 49411

42 CFR
1003..... 49412

47 CFR
68..... 49413

48 CFR
225..... 49413
245..... 49413
252..... 49413

50 CFR
642..... 49415
Proposed Rules:
20..... 49449
216..... 49450

Federal Register
Vol. 52, No. 251
Thursday, December 31, 1987

Presidential Documents

Title 3—

The President

Executive Order 12621 of December 29, 1987

President's Task Force on Market Mechanisms

By the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered that Section 2(b) of Executive Order 12614 of November 5, 1987, is amended to read: "The Task Force shall submit its recommendations to the President no later than January 8, 1988."

Ronald Reagan

THE WHITE HOUSE,
December 29, 1987.

[FR Doc. 87-30181
Filed 12-30-87; 10:59 am]
Billing code 3195-01-M

VOL
52
ISS
251
DEC
31
1987
UMI

Rules and Regulations

Federal Register
Vol. 52, No. 251
Thursday, December 31, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 330

[Docket No. 87-034]

Mandatory Notification of Arrival

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations by requiring that representatives of certain aircraft and watercraft notify us of intended arrivals at United States ports. Advance notification will make it possible for us to prepare to perform inspections and other required activities immediately upon arrival of the craft. Expediting inspection services in this way will reduce the periods during which unscheduled aircraft and watercraft must remain in port, awaiting one of our inspectors occupied elsewhere.

EFFECTIVE DATE: February 1, 1988.

FOR FURTHER INFORMATION CONTACT: Charles A. Havens, Field Operations Support Staff, PPQ, APHIS, USDA, Room 663, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8295.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR Part 330 authorize Plant Protection and Quarantine (PPQ) inspectors and Veterinary Services (VS) inspectors to inspect certain carriers and travelers arriving at U.S. ports. These port inspections are designed to prevent incoming aircraft and watercraft from bringing plant and animal diseases or pests into the United States.

In a document published in the Federal Register on December 29, 1986 (51 FR 46864–46867, Docket Number 85–396), we proposed to amend the regulations by adding § 330.111, requiring that the PPQ office serving the port of arrival (PPQ office) receive advance notification before certain aircraft and watercraft arrive at U.S. ports. We received five comments addressing our proposal, three from government agencies and two from trade associations. All supported the proposal, but four recommended various modifications, which we discuss below.

We have changed the final rule in response to two of the recommendations. Also, in the interest of clarity, we have decided against finalizing our proposed definition of "arrival (arrive)." The "Definitions" section of any regulations should comprise only terms being used in some special sense; the fact that a term appears in a "Definitions" section signals this to the reader of the regulations. This explicit signal, or reader's aid, draws attention to the term's meaning precisely as we intend it, so that there is no question of what the regulations might mean. However, with the proposed definition of "arrival (arrive)," we made the mistake of transforming an action—that of reaching a place—into a measure of time, and created confusion about an ordinary term. Our regulations do not make sense if "arrival (arrive)" is understood to mean "the estimated time of docking or landing"; when we mean "estimated time" we say "estimated time." Therefore, we are not adding "arrival (arrive)" to the list of terms in § 330.100. In addition, we have made nonsubstantive changes to avoid ambiguity and present the provisions of this rule more clearly. With these exceptions, we are adopting the provisions of the proposal as a final rule for the reasons given in this and the previous document.

Comment

One commenter expressed concern about our ability to enforce the rule on mandatory notification. Under 7 U.S.C. 150gg and 163, we have authority to exact civil and criminal penalties from persons violating provisions of, and regulations under, the Federal Plant Pest Act and the Plant Quarantine Act.

Exempting precleared military aircraft from the mandatory notification provisions disturbed a second commenter, concerned that military cooperators would not inspect aircraft as thoroughly as would PPQ personnel. However, we have traced no infestation to any aircraft precleared by the military; given that experience, and the controls represented by our spotchecks of precleared aircraft, we consider the exemption justified. For the same reasons, we disagree with this commenter's argument that we should specify which members of the military we consider authorized to conduct these inspections for PPQ.

A third commenter focused on the conditions under which we will exempt aircraft or watercraft from the mandatory notification requirement. First, he objected to exempting carriers that do not regularly transport passengers or cargo for a fee, although he conceded that a case might be made for exempting those carriers originating in Mexico or Canada. As we indicated in our proposed rule, evidence amassed over the last decade revealed no significant disease or pest risk attributable to aircraft and watercraft in this category, that is, not regularly transporting passengers or cargo for a fee, irrespective of point of origin. This commenter also took issue with our willingness to waive the requirement that PPQ offices at all U.S. ports on a carrier's itinerary receive notification of planned arrivals. However, our willingness to waive this requirement is discretionary; we retain the right to make these decisions on a case-by-case basis. Finally, this commenter saw no reason for us to exempt aircraft on scheduled flights from having to notify us when an estimated time of arrival changes from the published schedule. We agree that an unannounced change by more than one hour could cause problems, and are adding this mandatory notification requirement to paragraph (g)(2) of § 330.111, thereby removing the exemption, as suggested.

A fourth commenter also objected to proposed paragraph (g)(2) of § 330.111, finding ambiguous our reference to carriers "granted continuing landing rights by the U.S. Customs Service." We meant to include in this category only flights scheduled in the North American and Worldwide editions of the Official Airline Guide. Our revised wording makes this clear. This commenter's further point that charter and ferry flights likewise warrant exemption from

the mandatory notification rule is inappropriate, because those are not scheduled flights. Unable to predict unscheduled arrivals, inspectors at the PPQ office need the advance notice we are requiring.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less that $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action will, with certain exceptions, affect all aircraft and watercraft arriving at United States ports from specified points outside the United States and from specified points within the United States. However, this action will require only that these aircraft and watercraft inform the PPQ office in advance of their arrival at United States ports. Existing requirements for inspection, sealing, and quarantine will not change.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

Information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and have been assigned OMB control number 0579–0054.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 7 CFR Part 330

Customs duties and inspection, Garbage, Imports, Plant diseases, Plant pests, Plants (agriculture), Quarantine, Soil, Stone and quarry products, Transportation.

PART 330—FEDERAL PLANT PEST REGULATIONS: GENERAL; PLANT PESTS, SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE

Accordingly, 7 CFR Part 330 is amended as follows:

PART 330—FEDERAL PLANT PEST REGULATIONS: GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE

1. The authority citation for Part 330 is revised to read as follows and the authority citations following the sections in Part 330 are removed:

Authority: U.S.C. 147a, 150bb, 150dd–150ff, 161, 162, 164a, 450, 2260; 19 U.S.C. 1306; 21 U.S.C. 111, 114a; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 44 U.S.C. 3507; 7 CFR 2.17, 2.51, and 371.2(c).

§ 330.100 [Amended]

2. In § 330.100, the paragraph designations are removed and the definitions are rearranged in alphabetical order.

3. In Part 330, a new § 330.111 is added to read as follows:

§ 330.111 Advance notification of arrival of aircraft and watercraft.

The owner, operator, or other representative of any aircraft or watercraft entering the United States from a foreign country, or arriving in the continental United States from Hawaii or any territory or possession of the United States, shall provide every Plant Protection and Quarantine office (OPPQ office) serving a port of arrival on the itinerary of the craft while in the United States with advance notification of intent to arrive at that port. This advance notification of arrival shall:

(a) Reach the appropriate PPQ office not less than 12 hours before the craft's estimated time of arrival at the port;

(b) Be communicated by radio, wire, telephone, or any other means; and

(c) Include the following information:

(1) The name or other identifying feature of the individual craft;

(2) The date and estimated time of arrival at the port;

(3) The location of arrival, providing the most site-specific data available, such as the dock, pier, wharf, berth, mole, anchorage, gate, or facility, and;

(4) The names of all foreign and non-Continental U.S. ports where any cargo, crew, or passenger destined for the continental United States has boarded the craft since its most recent arrival at a port in the United States.

(d) If the craft's estimated time of arrival changes by more than one hour, the PPQ office that serves the port of arrival must be notified and provided with updated information immediately.

(e) If the craft's site of arrival changes after a PPQ office has received advance notification of arrival, both that PPQ office and the newly affected PPQ office shall be notified of this change immediately. This applies, too, to site-specific changes involving watercraft.

(f) If the craft's point of arrival is an anchorage, the PPQ office shall be notified, as soon as possible after the craft's arrival at the anchorage, of the specified site, such as berth, mole, pier, to which the craft will be moving, as well as of its estimated time of arrival at that site.

(g) Aircraft and watercraft meeting any of the following conditions are exempt from the provisions in this section, and need not provide advance notification of arrival:

(1) The craft is not regularly used to carry passengers or cargo for a fee;

(2) The aircraft is making a flight scheduled in the Official Airline Guide, North American Edition, or the Official Airline Guide, Worldwide Edition, unless the scheduled time of arrival changes by more than one hour or the plane is diverted to another landing port;

(3) An inspector has precleared the aircraft in Hawaii, a territory or possession of the United States, or a foreign port, having determined that the aircraft contained only articles that are not prohibited or restricted importation into the United States under the provisions of 7 CFR Chapter III and 9 CFR Chapter I; or

(4) Personnel of the United States armed forces, including the U.S. Coast Guard, in Hawaii, a territory or possession of the United States, or a foreign port, have precleared an aircraft, having determined that the aircraft contained only articles that are not prohibited or restricted importation into the United States under the provisions of 7 CFR Chapter III and 9 CFR Chapter I.

(5) The owner, operator, or other representative of the aircraft or watercraft not leaving the United States has been informed in writing by a PPQ inspector that notification of intended arrival is not required at subsequent ports in the United States.

(Approved by the Office of Management and Budget under control number 0579–0054)

Done in Washington, DC, this 28th day of December, 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87–30042 Filed 12–30–87; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Parts 932 and 944

Olives Grown in California and Imported Olives; Establishment of Grade and Size Requirements for Limited Use Styles of California Processed Olives for the 1987–88 Season, Changes in Incoming and Outgoing Size Requirements for California Olives, and Conforming Changes in the Olive Import Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department is adopting as a final rule the provisions of an interim rule which: (1) Established grade and size requirements for California processed olives used in the production of limited use styles of olives such as wedges, halves, slices, or segments; (2) changed certain incoming and outgoing size ranges to allow smaller California olives to be included in limited use styles and whole and pitted olives; and (3) made similar changes in the olive import regulation to bring it into conformity with the domestic requirements. The provisions for items (2) and (3) are the same as those included in the interim rule. The provisions for item (1) are the same except for a correction in the weight requirements listed for certain varieties of olives. Olives used in limited use styles are too small to be desirable for use as whole or pitted canned olives because their flesh to pit ratio is too low. However, they are satisfactory for use in the production of products where the form of the olive is changed. Their use in such products is helping the California olive industry meet the increasing market needs of the food service industry. Items (1) and (2) were recommended by the California Olive Committee, which works with the Department in administering the marketing order program for olives grown in California. Item (3) is required pursuant to § 8e of the Agricultural Marketing Agreement Act of 1937.

EFFECTIVE DATE: December 31, 1987.

FOR FURTHER INFORMATION CONTACT: George J. Kelhart, Marketing Order Administration Branch, F&V Division, AMS, USDA, P.O. Box 96456, Room 2532–S, Washington, DC 20090–6456; telephone 202–475–3919.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 932 [7 CFR Part 932], as amended [the order], regulating the handling of olives grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the "Act".

This rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act [RFA], the Administrator of the Agricultural Marketing Service has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately seven handlers of California olives subject to regulation under the order and approximately 1,390 producers in California. Approximately 26 importers of olives will be subject to the olive import regulation. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.2] as those having annual gross revenues for the last three years of less than $100,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. Most but not all of the olive producers and importers may be classified as small entities. None of the olive handlers may be classified as small entities.

Nearly all of the olives grown in the United States are produced in California. The growing areas are scattered throughout California with most of the commercial production coming from inland valleys. About 75 percent of the production comes from the San Joaquin Valley and 25 percent from the Sacramento Valley.

Olive production has fluctuated from a low of 24,200 tons in the 1972–73 crop year to a high of 146,500 tons in the 1982–83 crop year. Last year's production totaled 107,900 tons. The various varieties of olives produced in California have alternate bearing tendencies with high production one year and low the next. Because of the alternate bearing tendencies and the extreme variance in the size of the 1987–88 crop the industry expects the crop to be slightly more than 63,000 tons. As of October 23, 1987, a total of 58,891 tons of olives were received by California olive handlers.

The primary use of California olives is for canned ripe olives which are eaten out of hand as hors d'oeuvres or used as an ingredient cooking. The canned ripe olive market is essentially a domestic market. Very few California olives are exported.

This action will allow handlers to market more olives than would be permitted in the absence of these relaxations in size requirements. This additional opportunity is provided to maximize the use of the California olive supply, facilitate market expansion, and benefit both growers and handlers. In the absence of this action, the committee was concerned that there would not be enough olives this season to meet all market needs.

The interim rule was issued October 7, 1987, and published in the **Federal Register** on October 15, 1987 [52 FR 38223]. That rule invited interested persons to submit written comments through November 16, 1987. No comments were received.

The interim rule modified §§ 932.151, 932.152, and 932.153 of Subpart-Rules and Regulations [7 CFR 932.108–932.161]. The modifications established grade and size regulations for 1987–88 crop limited use size olives, and allowed more small olives to be used in limited use styles and in certain sizes of canned whole or pitted olives. The modifications were issued pursuant to §§ 932.51 and 932.52 of the order. That rule also made necessary conforming changes in the olive import regulation [Olive Regulation 1; 7 CFR 944.401]. The import regulation is issued pursuant to section 8e of the Act. Section 8e provides that whenever, grade, size, quality, or maturity provisions are in effect for specified commodities, including olives, under a marketing order the same or comparable requirements must be imposed on the imports. The conforming changes would benefit importers because they permitted importers to use larger percentages of undersized limited use size olives and allowed more small olives to be used in certain sizes of canned whole or pitted olives.

Section 932.52(a)(3) provides that processed olives smaller than the sizes

VOL 52 ISS 251 DEC 31 1987 UMI

prescribed for whole and pitted styles may be used for limited uses if recommended annually by the committee and approved by the Secretary. The sizes are specified in terms of minimum weights for individual olives in various size categories. The section further provides for the establishment of size tolerances.

To enhance supplies and allow handlers to take advantage of the strong market for halved, segmented, sliced, and chopped canned ripe olives, the committee recommended that grade and size requirements again be established for limited use olives for the 1987–88 crop year [August 1–July 31]. The grade requirements are the same as those applied during the 1986–87 crop year, as are the sizes. However, the size tolerances have been increased for the various categories to make more undersize olives available for use in the production of limited use styles. The size tolerances specified in § 932.153(b) (2) and (3) are increased from 25 percent to 35 percent; the tolerances in § 932.153(b) (4) and (5) are increased from 20 percent to 35 percent. Permitting handlers to use larger percentages of undersized fruit in limited use style canned olives will have a positive impact on industry returns. In the absence of this action, undersized fruit would have to be used for noncanning uses, like oil, for which returns are lower.

The modifications hereinafter set forth in § 932.153 to implement these changes are the same as those contained in the interim rule except for a correction in the minimum size specified in paragraph (b)(3). The minimum size specified for Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties was incorrectly listed as 1/40 pound. It should have been 1/140 pound, the same as prescribed for the 1986–87 crop.

Section 944.401(b)(12) of the olive import regulation allows imported bulk olives which do not meet the minimum size requirements for canned whole and pitted ripe olives to be used for limited use styles if they meet specified size requirements. Continuation of the limited use authorizations and tolerance changes for California olives require the changes made by the interim rule in § 944.401(b)(12) to be continued to keep the import regulation in conformity with the applicable domestic requirements.

Section 932.51 of the order specifies size designations in addition to those contained in the U.S. Standards for Grades of Canned Ripe Olives [7 CFR Part 52]. This action leaves in effect a new paragraph (g) added to § 932.151 which modified the size designations. The modifications changed the approximate count per pound of Petites and Extra Large Sevillano "L" 's from 160 and 82, to 166 and 86, respectively, and changed the average count range (per pound) for Extra Large Sevillano "L" 's from 76–88, inclusive to 76–90, inclusive. The modifications eliminate a gap between the smallest Sevillano canning size (average count 65–75) and undersize Sevillano olives (average count above 91), and allow more small olives to be utilized.

In addition, this action also leaves in effect changes made in certain average count ranges contained in Tables I and II in § 932.152. These changes permit smaller olives to be included in the various size designations in conformity with the committee's recommendations to allow more small olives to be used for limited use styles and smaller olives to be used for whole and pitted styles. Continuation of these changes is expected to have a positive effect on industry returns and benefit both growers and handlers.

The average count ranges per pound in Table I for Extra Large Ascolano, Barouni, and St. Agostino olives in Variety Group 1 and all Extra Large olives in Variety Group 2 are changed from 65–88 to 65–90. This action also leaves in effect conforming changes in § 944.401(b)(3) of the olive import regulation necessary because of the change in Table I. Section 944.401(b)(3) specifies size requirements for Ascolano, Barouni, and St. Agostino olives in Variety Group 1. The minimum weight for such olives is changed from 1/88 pound to 1/90 pound each.

In Table II, which is redesignated as Table III by this action, the average count ranges per pound for Large and Extra Large Variety Group 2 olives are changed from 89–105 and 65–88 to 91–105 and 65–90, respectively. New Table III is contained in § 932.152(g)(2). These changes bring the average count ranges per pound into conformity with those specified for Extra Large Group 2 olives in Table I, and the U.S. Standards for Grades of Canned Ripe Olives [7 CFR 52.3751 through 52.3764] that establishes a count of 91–105 for "Large" canning size olives.

This action also establishes a new Table II in § 932.152(g)(1) with average count ranges per pound for limited use size olives in Variety Groups 1 and 2 for easier reference.

Based on the above, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, the information and recommendations submitted by the committee, and other available information, it is determined that the rule as hereinafter set forth will tend to effectuate the declared policy of the Act. Pursuant to 5 U.S.C. 553, it is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) This action leaves in effect requirements currently being applied to California and imported olives under an interim rule; (2) the olive import requirements are mandatory under section 8e of the Act; (3) this action relieves restrictions on handlers and importers; and (4) no useful purpose would be served by delaying the effective date of this action until 30 days after publication.

List of Subjects in 7 CFR Parts 932 and 944

Marketing agreements and orders, Olives, California, Imports.

For the reasons set forth in the preamble, the following action pertaining to Parts 932 and 944 is taken:

PART 932—OLIVES GROWN IN CALIFORNIA

PART 944—FRUITS; IMPORT REGULATIONS

1. The authority citations for 7 CFR Parts 932 and 944 continue to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 932.153 [Revised]

§§ 932.151, 932.152 and 944.401 [Amended]

2. Accordingly, the interim rule revising § 932.153, and amending §§ 932.151, 932.152 and 944.401(b), which was published at 52 FR 38223 on October 15, 1987, is adopted as a final rule with one change. In § 932.153(b)(3) the minimum weight "1/40" is changed to "1/140" wherever it appears in that paragraph.

Dated: December 24, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87–29959 Filed 12–30–87; 8:45 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1446

Peanut Warehouse Storage Loans and Handler Operations for the 1986 Through 1990 Crops

AGENCY: Commodity Credit Corporation (CCC), U.S. Department of Agriculture (USDA).

ACTION: Interim rule.

SUMMARY: This interim rule amends regulations set forth at 7 CFR Part 1446 for the 1987 through 1990 crops of peanuts. This rule amends those regulations to provide that handlers selecting nonphysical supervision may, under certain circumstances, obtain credit toward their sound mature kernel (SMK) and sound split (SS) kernel obligations for the disposition of additional peanuts by crushing peanuts for use as oil in the domestic or export market. Under this rule, subject to certain restrictions, handlers will be able to crush peanuts for such credit when such peanuts are found to be ineligible for edible use due to aflatoxin contamination. In addition, handlers will be allowed annually a one-time option to crush peanuts which are eligible for edible use for application toward their SMK and SS obligations.

DATES: This interim rule is effective December 31, 1987; comments must be received on or before February 29, 1988.

ADDRESSES: Send comments to the Director, Tobacco and Peanuts Division, ASCS, USDA, P.O. Box 2415, Washington, DC 20013. All written submissions made pursuant to this notice will be made available for public inspection in Room 5756, South Building, USDA, between the hours of 8:15 a.m. and 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Chief, Peanut Operations Branch, Tobacco and Peanuts Division, ASCS, USDA, P.O. Box 2415, Washington, DC 20013, telephone 202–447–7127. The Final Regulatory Impact Analysis will be available upon request.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under USDA procedures, Executive Order 12291, and Secretary's Memorandum No. 1512–1, and has been classified "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, industries, Federal, State or local government agencies, or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The information collection requirements contained in this regulation and information requests authorized by the regulation have been reviewed and approved by the Office of Management and Budget (OMB) under OMB Number 0560–0024.

The title and number of the Federal assistance program to which this rule applies are: Title—Commodity Loans and Purchases, Number—10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Discussion

Under the provisions of the Agricultural Adjustment Act of 1938 (the 1938 Act), as amended by the Food Security Act of 1985, for the 1986 through 1990 peanut crops, additional peanuts (non-quota peanuts) may be used by handlers only for export or for crushing. To insure that additional peanuts are used for those purposes, the disposition of additional peanuts must be supervised. There are two supervision options. Those two options are "physical" supervision and "nonphysical" supervision. Regulations concerning this aspect of the peanut program appear in 7 CFR Part 1446. Specific regulations governing nonphysical supervision appear at 7 CFR 1446.139. Under § 1446.139, handlers who elect "nonphysical" supervision must export SMK and SS kernels in the following quantities: (1) SS kernels in an amount equal to twice the total amount of SS kernels acquired by the handler as additional peanuts for the relevant crop year; and (2) SMK's in an amount equal to the quantity of SMK's acquired as additional peanuts for the relevant crop year less an amount equal to the amount of SS kernels acquired as additional peanuts for the same crop year. The remaining quantities of total kernel content of peanuts (i.e., all other (AO) kernels) purchased as additional peanuts by the handler for the crop year may be crushed for domestic or foreign oil use, or exported for edible use or for crushing.

The provisions of § 1446.139 of the regulations implement provisions of section 359(p) of the 1938 Act. The relevant provisions of that section of the 1938 Act are as follows:

(p)(1) Except as provided in paragraph (2), the Secretary shall require that the handling and disposal of additional peanuts be supervised by agents of the Secretary or by area marketing associations designated pursuant to Section 108B(3)(A) of the Agricultural Act of 1949.

(2)(A) Supervision of the handling and disposal of additional peanuts by a handler shall not be required under paragraph (1) if the handler agrees in writing, prior to any handling or disposal of such peanuts, to comply with regulations that the Secretary shall issue.

(B) The Regulations issued by the Secretary under subparagraph (A) shall include, but need not be limited to, the following provisions:

(i) Handlers of shelled or milled peanuts may export peanuts classified by type in all of the following quantities (less such reasonable allowance for shrinkage as the Secretary may prescribe):

(I) Sound split kernel peanuts in an amount equal to twice the poundage of such peanuts purchased by the handler as additional peanuts.

(II) Sound mature kernel peanuts in an amount equal to the poundage of such peanuts purchased by the handler as additional peanuts less the amount of sound split kernel peanuts purchased by the handler as additional peanuts.

(III) The remaining quantity of total kernel content of peanuts purchased by the handler as additional peanuts and not crushed domestically * * *

Generally speaking, additional peanuts can be used either for crushing into oil or for export. However, because of the formula that appears in § 1446.139, the options of handlers choosing nonphysical supervision under the current regulations are limited in that there is a substantial portion of the obligation acquired by the handler as a result of the purchase of additional peanuts which may be satisfied by export only. This has been the source of requests for a change in the regulations.

Since the 1985 amendments to the 1938 Act first applied to the 1986 crop, the 1986 crop was the first year of operation for the provisions of § 1446.139 of the regulations. As a result of experiences with that crop year, essentially all segments of the peanut industry have requested that the

Department consider amending the program regulations to allow greater flexibility for handlers attempting to meet their disposition requirements for additional peanuts. There have been two sources of concern with respect to the requirements of § 1446.139 in this regard. The initial request for a change in those provisions arose out of the operation of the peanut quality control and indemnity programs administered by the Peanut Administrative Committee (PAC). The export market for additional peanuts is essentially limited to marketings for edible use, and peanuts containing aflatoxin are not eligible for such use. For that reason, essentially all aflatoxin-contaminated peanuts, to the extent that they were brought out of commingled storage, were treated by the PAC as quota peanuts since the peanuts could not be used to meet the main part of the disposition obligation for additional peanuts of handlers choosing nonphysical supervision. This was the case even though such peanuts were otherwise eligible for use for crushing into oil. In other words, since the aflatoxin peanuts could not be used to satisfy the export obligation for additional peanuts, they were effectively treated by the PAC as quota peanuts. However, since aflatoxin peanuts must be crushed, the actual value of that use was considerably less than the quota support value and the likely price paid by the handler to purchase the peanuts. This resulted in substantial losses to the PAC under the PAC indemnification program. Some corrective action was taken by the PAC by requiring that aflatoxin-contaminated peanuts, in order to be fully indemnified as quota peanuts, had to be remilled, blanched, or both remilled and blanched. However, there was an additional problem in that in some instances a handler might not have an export market for his peanuts at the end of the marketing year even though there might be a substantial market for peanuts to be used for crushing. In the event of such an occurrence, the crushing of the peanuts might not satisfy the handler's export obligation. Consequently, the handler would either be liable for a penalty or would have to purchase quota peanuts at quota prices and use such peanuts at a loss to satisfy the export obligation. The possibility of such harm is and was essentially universal for all handlers since, with only rare exceptions, peanut handlers have chosen nonphysical supervision as their supervision option. In response to the request for changes in the regulations in this regard, several options were considered, those being:

(1) Continuing the present system without amendment;

(2) Permitting a one-time change from nonphysical supervision to physical supervision to allow any additional peanuts to be crushed in order to meet a handler's nonphysical supervision export obligation;

(3) Permitting only aflatoxin-contaminated peanuts to be used for crushing to satisfy such a handler's disposition requirements for additional peanuts;

(4) Permitting a one-time change to physical supervision to allow crushing of peanuts to meet the additional peanut obligation, but limiting that to peanuts which meet edible standards;

(5) Subject to physical supervision: (a) Permitting aflatoxin peanuts to be crushed at any time within the normal marketing year for credit toward the additional peanut obligation, provided that a percentage of the handler's aflatoxin kernels which would be eligible for such credit could not exceed the percentage of the handler's purchases of additional peanuts to the total peanut purchases of the handler for the relevant crop year; and (b) permitting, for one time only for each marketing year, edible quality peanuts to be crushed for such credit.

It was determined that option 1 would be unduly restrictive on handlers for the reasons given above. Option 2 was considered unacceptable since it might create an unfair competitive advantage for peanut handlers who handle both additional and quota peanuts. Such handlers could effectively crush all of their aflatoxin peanuts for credit and thereby free all of their non-contaminated peanuts for use as quota peanuts. Such a result would work unfairly against those handlers who, because they do not handle additional peanuts, could not effectively move their aflatoxin-contaminated peanuts to an additional peanut use. Option 3 was considered unacceptable because it would not permit a handler without an export market to take corrective action to avoid a substantial loss. Option 4 was also considered unnecessarily restrictive, since it would unduly place losses on handlers for aflatoxin peanuts regardless of the actual ratio of additional peanuts purchased by the handler to total peanut purchases by the handler. For these reasons, it was determined that option 5 would be adopted for purposes of this interim rule.

Accordingly, this interim rule amends the regulations in 7 CFR Part 1446 by adding a new section, 7 CFR 1446.141, applicable to the 1987 through 1990 crops. That section, implemented in this rule, provides that prior to the end of the marketing year, additional peanuts that are graded or regraded as inedible due to aflatoxin contamination may be crushed under physical supervision of the area marketing association. In such cases, credits for the SMK, SS or AO content of the peanuts will be applied to the handler's export obligations for these kernels. However, for each kernel type, the percentage of the total quantity of such contaminated kernels eligible for export credit may not exceed the percentage that the handler's additional peanut purchases for the year comprises the handler's total peanut purchases for the year. For example, if additional peanut purchases amount to 20 percent of a handler's total purchases, only 20 percent of the handler's SMK and SS aflatoxin-contaminated kernels crushed for oil may be used for export credit under the allowance permitted by the new section. For edible quality peanuts, § 1446.141 provides, in addition, for a one-time per marketing year crushing for credit toward satisfying the handler's SS and SMK obligations. Such crushing must occur under physical supervision. Aflatoxin peanuts will not be limited to the one-time per year rule.

Peanuts have already begun to be marketed for the present marketing year. As the matters covered in this rule could be significant for handlers planning for the present marketing year, it has been determined that this rule should be issued as an interim rule.

List of Subjects in 7 CFR Part 1446

Loan programs—Agriculture, Peanuts, Price support programs, Warehouse.

Interim Rule

Accordingly, 7 CFR Part 1446, Subpart—Peanut Warehouse Storage Loans and Handler Operations for the 1986 Through 1990 Crops is amended as follows:

PART 1446—[AMENDED]

1. The authority citation for Subpart—Peanut Warehouse Storage Loans and Handler Operations for the 1986 Through 1990 Crops continues to read as follows:

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 101, 108, A, 401 *et seq.* 63 Stat. 1051, as amended (7 U.S.C. 1441, 1421 *et seq.*); Sec. 359, 375, 52 Stat. 31, 64 as amended (7 U.S.C. 1359, 1375), unless otherwise noted.

2. Section 1446.141 is added to read as follows:

§ 1446.141 Export credits for crushing SMK and SS peanuts for 1987 through 1990 crops.

(a) *Requesting physical supervision of crushing for export credit.* Beginning with the 1987 crop of peanuts, prior to August 31 of the year following the calendar year in which the peanuts were produced, or November 30 if an extension to export has been granted, a handler operating under the provisions of this subpart with respect to nonphysical supervision may request and arrange for the area marketing association to supervise the crushing of SMK and SS peanuts for export credit for the applicable kernel type by obtaining physical supervision of the peanuts under the following conditions and those set forth in paragraphs (b) through (d) of this section:

(1) *Peanuts contaminated with aflatoxins.* A request to change to physical supervision for crushing aflatoxin-contaminated peanuts for SMK and SS export credit may be made at any time prior to the final disposition date for additional peanuts for the relevant crop year.

(2) *Edible quality peanuts.* Unless otherwise approved by the Executive Vice President, CCC, a request to change to physical supervision for the crushing of peanuts that meet PAC edible export standards shall not be approved if a request for supervision of crushing of edible quality peanuts has been approved for the handler for peanuts of the same crop year and the crushing of such peanuts under physical supervision pursuant to the previous request has occurred prior to the approval of the current request.

(3) *Farmers stock peanuts.* In addition to the restriction set forth in paragraph (a)(2) of this section for edible quality peanuts, a request to change to physical supervision for crushing farmer stock peanuts must be made and approved prior to the peanuts being graded out of commingled storage.

(4) *Cost of supervision.* The handler shall bear the cost of all supervision required by this section or undertaken pursuant to this section.

(b) *Supervision of crushing of SMK and SS peanuts*—(1) *Farmers stock peanuts.* Physical supervision of farmers stock peanuts pursuant to this section must begin at the gradeout from commingled storage and continue through the crushing of the peanuts as required by the provisions of this subpart applicable to handlers' choosing physical supervision for all of their farmers stock peanuts.

(2) *Milled peanuts.* Subject to the provisions of paragraph (a) of this section, physical supervision of milled peanuts shall be provided under the provisions of this subpart applicable to physical supervision of milled peanuts. The association may require that the positive identified lots be regraded before crushing.

(c) *Determining export credit.* Export credit for SMK, SSS, and AO kernels crushed under physical supervision shall be determined for farmers stock peanuts from the applicable ASCS–1007, and for milled peanuts from the applicable FV–184–II.

(d) *Application of crushing credits to export/disposition obligation*—(1) *Peanuts meeting edible export standards.* The peanuts crushed for export credit which meet PAC edible export standards may apply pound for pound toward the SMK, SS, or AO kernel export credit for like kernel type crushed under physical supervision.

(2) *Peanuts not meeting edible export standards due to aflatoxin contamination.* Peanuts that are graded to regraded as inedible due to aflatoxin contamination may be crushed and credits for the SMK, SS, or AO kernel content applied to the export obligation for like kernel types, except that the percentage of peanuts allowed such credit for each kernel type shall not exceed the percentage of the total quantity of peanuts purchased by the handler for the marketing year which were additional peanuts purchased for crushing or export by the handler.

(3) *Peanuts not meeting edible export standards due to other factors.* Peanuts that do not meet edible export standards for any reason other than aflatoxin contamination are not eligible for crushing toward a handler's obligations under the nonphysical supervision option except as AO kernels.

Signed at Washington, DC on December 24, 1987.

Milton Hertz,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 87–29970 Filed 12–30–87; 8:45 am]

BILLING CODE 3410–05–M

Farmers Home Administration

7 CFR Part 1924

Planning and Performing Construction and Other Development

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of extension of compliance date.

SUMMARY: The Farmers Home Administration (FmHA) announces an extension of the transition period from December 31, 1987, (Notice published in the Federal Register August 17, 1987, 52 FR 30658) to September 30, 1988, for States where certification of single family housing building plans and specifications cannot be readily obtained. During this time, uncertified plans and specifications will be accepted and reviewed by the FmHA County Supervisor in accordance with the former FmHA Minimum Property Standards (MPS). These standards were adopted from the Department of Housing and Urban Development (HUD) as of September 1, 1982, and were utilized until May 12, 1987, when FmHA regulations contained in 7 CFR Part 1924, Subpart A, were revised by a final rule published March 13, 1987 (52 FR 7998).

DATE: The transition period will be through September 30, 1988.

ADDRESS: Submission of plans and specifications will be to FmHA field offices; interested persons may contact their State FmHA Office for information.

FOR FURTHER INFORMATION CONTACT: Reginald J. Rountree, Loan Officer, Single Family Housing Processing Division, FmHA, USDA, Room 5347, South Agriculture Building, Washington, DC 20250, telephone: 202–475–4209.

SUPPLEMENTARY INFORMATION: The revised FmHA Instruction 1924–A "Planning and Performing Construction and Other Development," dated May 12, 1987, has been reviewed. It replaced the existing MPS with other development standards. FmHA is in the process of developing a proposed rule change that will authorize a wide range of individuals or organizations, trained and experienced in the compliance, interpretation or enforcement of applicable development standards, to certify that the plans and specifications meet adopted codes and standards. Therefore, rather than impact the public with requirements that may be obsoleted in the near future, we have extended the transition period from December 31, 1987 to September 30, 1988, to consider the proposed changes to FmHA Instruction 1924–A, "Planning and Performing Construction and Other Development."

The FmHA programs which are listed in the Catalog of Federal Domestic Assistance under numbers 10.405–Farm Labor Housing Loans and Grants; 10.411—Rural Housing Site Loans; 10.420—Rural Self-Help Housing Technical Assistance are subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local

officials (7 CFR Part 3015, Subpart V, 48 FR 29112, June 24, 1983).

Numbers 10.404—Emergency Loans; 10.407—Farm Ownership Loans; 10.410—Very Low- and Low-Income Housing Loans are excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with state and local officials.

Date: December 18, 1987.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 87-30045 Filed 12-30-87; 8:45 am]

BILLING CODE 3410-07-M

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 80-054F-E-1]

Production of Dry Cured or Country Ham Not Using Prescribed Methods To Destroy Trichinae

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Partial waiver of final rule—extension.

SUMMARY: On January 2, 1987, the Food Safety and Inspection Service (FSIS) published a notice announcing its intent to permit producers of dry cured or country ham not using the prescribed methods for destroying trichinae in pork to continue to use nonconforming methods until December 31, 1987. This waiver was provided to protect consumers and to permit dry cured or country ham producers to continue production while research concerning the effectiveness of current processing techniques was undertaken. Due to unavoidable delays in conducting the research, FSIS is exending that waiver to December 31, 1988, or until the publication of a final rule, whichever comes first.

EFFECTIVE DATE: December 31, 1987.

FOR FURTHER INFORMATION CONTACT: Bill F. Dennis, Director, Processed Products Inspection Division, Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3840.

SUPPLEMENTARY INFORMATION:

Background

Prior to August 6, 1985, § 318.10(c)(3)(iv) of the Federal meat inspection regulations (9 CFR 318.10(c)(3)(iv)) provided two methods of destroying any possible live trichinae while processing dry salt cured hams, one of which may be used to manufacture country hams. These two methods have been in use for over 50 years. On February 7, 1985 (50 FR 5226), FSIS published a final rule, effective August 6, 1985, prescribing a third method for destroying live trichinae in dry salt cured hams and which could also be used for country hams. With the development and publication of the third method, FSIS believed it had addressed all dry curing methods currently in use. However, FSIS learned that many country ham producers use methods which still do not meet the requirements of any of the three prescribed methods. These producers use ambient temperatures that may not meet the time/temperature requirements; use a curing process that does not include a mid-cure re-exposure of the ham to salt (overhaul); wash the ham before the required curing time is completed; or in some way do not meet the requirements. For several years, the Agency has permitted the use of nonconforming processing methods since they were traditional, decade-old methods believed to be effective in destroying trichinae. In addition, the Department has not received any reports of trichinosis occurring from ingestion of any dry cured or country hams.

Because of the inability of certain producers to meet the August 6, 1985, effective date and since there were no reported cases of trichinosis from products not treated under the three prescribed methods, FSIS published a notice on June 18, 1985 (50 FR 25202), allowing producers of dry cured or country ham not using the prescribed methods to continue production until December 31, 1986, under the following conditions:

1. Any dry cured or country hams in processing prior to August 6, 1985, would be controlled under the previous two methods.

2. Dry cured ham producers using processing techniques not covered by the prescribed methods had to submit a description of their processed to FSIS by August 6, 1985, and the description had to contain the following information:

a. The average and maximum ham weight;

b. The cure and the smoking times and temperatures and, if used, heating times and temperatures;

c. The amount of salt used and how applied and, if applicable, how reapplied and/or replenished;

d. If and when hams are washed.

Dry cured and country ham producers were permitted to continue using their current processes until December 31, 1986, unless:

1. Upon initial review of the process, the Administrator determined that the method was not likely to prove effective; or

2. Data became available to substantiate the effectiveness or ineffectiveness of the method.

In the notice, FSIS stated that reserch would be conducted between that time and December 31, 1986, to find one or more additional processing methods.

On January 2, 1987, FSIS published an extension of the waiver until December 31, 1987. The Agency stated that because of unavoidable delays, research was still under way. In this connection, a considerable amount of time had been consumed in developing a fully satisfactory protocol. Secondly, there had been problems in assembling experimental equipment. Thirdly, the experimenters experience unexpected difficulties in conducting the experiment. Fourthly, there had been some difficulties with the interpretation and analysis of the test data. As a result, the experimenters did not submit a final report to the Agency until November 9, 1987.

The experimental data are complex, and are more indicative than conclusory. However, because of the importance of the indications for consumer health, using the experimental data coupled with other known data, the Agency has decided a proposed rule can be developed. The proposed rule should be published in the early part of 1988, and further procedures will be conducted in a timely fashion.

Because it is impossible to accurately estimate the time to complete the rulemaking, the Administrator is extending the waiver until December 31, 1988, or until a final rule is published and becomes effective, whichever occurs first.

Done at Washington, DC, on: December 28, 1987.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 87-29961 Filed 12-30-87; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 9

Revision of Freedom of Information Act Regulations; Conforming Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations pertaining to Public Records in order to conform its Freedom of Information Act (FOIA) regulations to the FOIA as amended by the Freedom of Information Reform Act of 1986 and to reflect current NRC organizational structure and current agency practice and delegation. These amendments also reduce the repetition of statutory requirements. These amendments are necessary to inform the public about the procedural changes to the FOIA regulations.

EFFECTIVE DATE: February 1, 1988.

FOR FURTHER INFORMATION CONTACT: Donnie H. Grimsley, Director, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: The Freedom of Information Reform Act of 1986 (Pub. L. 99-570) was signed by the President on October 27, 1986. The Act provides for broader exemption protection for law enforcement information (Exemption 7 of the FOIA) and new law enforcement record exclusions. The new exemption provisions became effective immediately. The amendments changed the threshold of records encompassed under Exemption 7 from "investigatory records" to all records or information compiled for law enforcement purposes. The Act also establishes new provisions related to the assessment of charges and waiving of fees for records requested under the FOIA. The Act requires affected agencies to use the March 27, 1987 (52 FR 10012) OMB guidelines in structuring their implementing regulations. The new fee structure provisions of the Act became effective on April 25, 1987.

Important features of the new fee structure involve substantial changes that relate to agency charges for search, review, and duplication of records. In addition, the new guidelines set forth procedures for conducting searches without charge, duplicating records without charge, waiving or reducing a fee, and the provisions for assessing interest on unpaid bills that are more than 30 days delinquent. Moreover, the Freedom of Information Reform Act of 1986 requires the agency to provide the first 100 pages of requested records free of charge for requests other than for commercial use.

Conforming amendments have been made to Part 2 and Part 9, Subparts B, C, and D, to conform cross-references to the renumbered sections of Part 9, Subpart A, and to reflect the changes to Exemption 7 of the FOIA.

The proposed rule was published in the Federal Register on August 6, 1987 (52 FR 29196). The comment period expired on August 20, 1987.

Analysis of Comments Received by NRC

The NRC received six comment letters from the following sources:

Public Citizen Litigation Group
Reporters Committee for Freedom of the Press
Ohio Citizens for Responsible Energy (OCRE)
Mr. Joseph M. Felton
Commonwealth Edison
Kerr-McGee Corporation

The comments are addressed below in sequential order according to the specific part of the proposed rule to which they apply.

1. Regulatory Analysis and Regulatory Flexibility Certification

One commenter stated that the conclusions drawn in these two discussions were "unsubstantiated and contrary to the small business size standards published by NRC in December 198[5]." The commenter further stated that the NRC should prepare an analysis that would show "the actual cost impact of the regulations on requesters." With regard to small entities, the commenter recommended the "NRC should consider reducing costs for search and reproduction."

When the NRC published its notice of adoption of size standards in December 1985 (50 FR 50241), it acknowledged that approximately 25 to 35 percent of its licensees were considered to be small entities. These licensees were comprised of various discrete groups, chiefly private practice physicians, small radiography and well logging companies, and various other small independent entities scattered among the remaining NRC materials licensees. It would be impossible to draw a correlation between small entities among NRC licensees and persons or entities submitting Freedom of Information Act (FOIA) requests. As the Securities and Exchange Commission indicated in its Initial Regulatory Flexibility Analysis (June 29, 1987; 52 FR 24145), "There is no reasonable method for estimating the number of entities involved." Neither the Freedom of Information Reform Act nor the guidelines of OMB and the Department of Justice suggest that agencies should tier or reduce the fees for any groups of requesters not specifically mentioned in the legislation. As a matter of practice, however, the NRC routinely places records responding to FOIA requests, along with their appendices, in the NRC's Public Document Room. This practice permits FOIA requesters, among whom may be commercial-use requesters and other small entities, to review requested records, and thus affords them an opportunity to reduce the financial burden by purchasing only records for which they are specifically interested. The financial burden of using the FOIA may also be reduced if a requester meets the legal requirements for a waiver and/or reduction of fees. The NRC provides procedures for making such a request at § 9.41.

A survey of 15 agencies revealed that 12 of them either stated that the Regulatory Flexibility Act did not apply to this type of rulemaking or did not mention the Regulatory Flexibility Act in the rulemaking at all.[1] Among the agencies stating that the Regulatory Flexibility Act does not apply is the Department of Justice, the agency taking the leading role in the development of the fee waiver guidelines. The NRC believes, absent any other comments regarding the subject, that its Regulatory Analysis and Regulatory Flexibility Certification represent a good faith effort at estimating the impact on requesters and the NRC.

2. Section 9.13 Definitions

Several commenters addressed one or more of the definitions in this section. One commenter stated that paragraph (2) under the definition of "agency record" is incongruent with § 9.200(b), which defines NRC personnel to include contractors. Part 9 was amended in 1985 to remove the reference (in former § 9.4 Availability of Records) to NRC contractor records because existing case law and long-standing agency practice held that records not actually in the possession and control of the NRC are not agency records. The definition in § 9.200(b) is not incongruent with § 9.13 because § 9.200(b) is in Subpart D, "Production or disclosure in response to subpoenas or demands of courts or other authorities," and pertains to the power of subpoenas and court orders, which is broader in scope than the term "agency record," which defines the reach of the FOIA.

The same commenter questioned the content of paragraph (4) of the same definition and asked who would make the determination of what information is substantial and what is not. The

[1] Agencies surveyed included the ACUS; Departments of Agriculture, Commerce, Defense, Energy, Justice, State, and Treasury; CIA; FEMA; ICC; NASA; NRC; Postal Service; and SEC.

VOL 52 ISS 251 DEC 31 1987 UMI

commenter also questioned if the discretionary practice could shield potential wrongdoing. Another commenter recommended deleting paragraph (4) because it duplicates paragraph (3). As the commenter stated, "Records are either personal records or agency records, depending upon their content." NRC guidance issued in 1983 indicated that Commissioners' appointment records and telephone logs were not agency records, as long as the records did not contain any substantive information and they were not circulated for any agency decisionmaking. This view was upheld in a 1984 decision in *Bureau of National Affairs Inc.* v. *United States*, D.C. Cir. No. 83–1138. In that case, the court "held they were not agency records because they were not distributed to other employees and because they were created for the personal convenience of individual officers in organizing both their personal and business appointments." In the event a FOIA request is made for a specific Commissioner's appointment calendar, the Assistant Secretary of the Commission, in consultation with the Commission and the Office of the General Counsel, will make a disclosure determination.

Another commenter stated that the definition of "news" would "be crucial in deciding whether a requester is entitled to the benefits enjoyed by a representative of the news media." The commenter misunderstands the purpose of the definition of news. In the OMB guidelines, it was a part of the definition of "representatives of the news media," and the NRC decided to separate the term into two separate definitions; however, this separation has led to some misunderstanding, and they are being put back together to conform to the OMB definitions. The definition of news does not require each FOIA requester to be involved in matters "of current events" or "current interest to the public" in order to obtain records, but representatives of the news media should be. In addition, in response to another comment, the proposed definition of representatives of the news media has been expanded to conform more completely to OMB's final definition of the term to imply that newsletter publishers are included in this group.

One commenter recommended deleting the last sentence from the definition of "record" that reads "Record does not include an object or article such as a structure, furniture, a tangible exhibit or model, or a vehicle or piece of equipment." In response to this recommendation, the NRC has decided to retain this sentence because the commenter has provided no basis for its deletion, and the NRC believes this provides appropriate clarification.

3. Section 9.17 Agency Records Exempt From Public Disclosure

Several commenters noted that the explanatory information that formerly appeared in § 9.5 Exemptions has been deleted in proposed § 9.17, and one commenter suggested that this was due to a typographical error. When the NRC was revising the FOIA regulations, a decision was made to list the exemptions exactly as they appear in the law. For that reason, all of the explanatory information has been removed.

One commenter concluded that the removal of the explanatory information from the exemptions will "permit the public disclosure of a greater range of NRC documents * * *." As previously explained, the exemptions now track the law as written. The NRC lists the categories of agency records that are routinely made publicly available in § 9.21. This commenter also concluded that under the expanded scope of exemption 7 that it will be appropriate for his organization to protect (i) "any information which [it] obtains from criminal history records forwarded to it pursuant to 10 CFR 73.57 and subsequently provided to the NRC," and (ii) "any information which the NRC has obtained from investigative reports provided by [it] such that the release of that information could reasonably be expected to result in the identification of suspects, witnesses, complainants or employees or otherwise interfere with the effectiveness of an Employee Assistance Program." It should be noted that the commenter's organization is not a Federal agency, so the Freedom of Information Act has no applicability to his records. However to the extent that his organization's records are used by a Federal agency in a law enforcement proceeding, the records could qualify for protection from public disclosure by a Federal agency under exemption 7.

4. Section 9.19 Segregation of Exempt Information and Deletion of Identifying Details

One commenter noted that this section permits the NRC to delete names and identifying details which would constitute a clearly unwarranted invasion of personal privacy, but states that the agency proposal "eliminates the threshold test [a determination that the information withheld appears in personnel and medical or similar files] for invoking that exemption." (*New York Times Co.* v. *NASA*, Civil No. 86–2860 (D.D.C. June 3, 1987)) (appeal pending).

This section implements 5 U.S.C. 552(a)(2) of the FOIA, which does not have the threshold requirements mentioned by the commenter. The threshold requirement found in 5 U.S.C. 552(b)(6) is implemented at § 9.17(a)(6).

5. Section 9.21 Publicly Available Records

A commenter noted that the proposed section (§ 9.21(c)), which supersedes former § 9.7, deleted "final vote of each member of the Commission in every proceeding." Section 9.21(c) specifically implements 5 U.S.C. 552(a) which defines four categories of records which must be made public. The NRC dropped the reference to final votes because it was not specifically stated in 5 U.S.C. 552(a) as a category of records.

6. Section 9.23 Requests for Records

One commenter recommended the deletion of paragraph (c) because it pertained to when records were made available at a contractor's site. The NRC disagrees, and the paragraph will be retained because there is, for example, the possibility that records could be made available at an NRC Regional Office. The same commenter recommended a slight modification of paragraph (d) to indicate that "the introductory 'except' phrase applies to both sentences." The NRC has made this change.

7. Section 9.25 Initial Disclosure Determination

Several commenters addressed this section. One commenter concluded that this section will require any NRC employee who intends to release an otherwise withholdable (proprietary) record provided by a licensee to first obtain the licensee's approval prior to releasing the record. The commenter has drawn an inaccurate conclusion. Currently, Part 9 has no procedures pertaining to the decision to disclose records containing proprietary information; however, 10 CFR 2.790(b) does contain detailed procedures for assuring the proper handling and protection of records containing this type of information.

Another commenter stated that with regard to paragraph (d), the FOIA provides time for consultation between agencies but does not allow "wholesale referral of requests which are exclusive or primary responsibility of another agency." The commenter has drawn some erroneous conclusions regarding routine NRC procedures for processing FOIA requests. If the records that respond to a FOIA request received by the NRC contain other agency records among the NRC records, the NRC segregates those records and ascertains whether or not the records in question have been made publicly available. If they have been, the NRC will release them. If they have not been made publicly available, the NRC will refer the records to the appropriate agency for a disclosure determination and, usually, a direct response to the requester.

A third commenter recommended a slight modification to paragraph (b), which the NRC has made. The commenter also requested the deletion of paragraph (f) because "as a practical matter, this procedure has never been followed by NRC." The NRC disagrees and the provision is being retained.

8. Section 9.29 Appeal from Initial Determination

One commenter recommended the deletion of paragraph (d) "since it represents an internal procedure which should be included in the NRC Manual rather than the regulations."

The NRC disagrees and is retaining the paragraph because the section tells the public how the agency processes appeals.

9. Section 9.33 Search, Review, and Special Service Fees

Several commenters objected to paragraph (a)(4) which permits the NRC to assess fees for unsuccessful searches.

Section 9.b. of the final OMB Guidelines published on March 27, 1987 (52 FR 10012) states that "Agencies should give notice in the regulations that they may assess charges for time spent searching, even if the agency fails to locate the records or if records located are determined to be exempt from disclosure." Further, if an agency estimates that the search charges will exceed $25, the agency must advise the requester, unless the requester agreed in advance to pay fees as high as what the agency anticipates. Under the Freedom of Information Reform Act, 5 U.S.C. 552(a)(4)(A)(ii) provides for fees to be charged for *search* for *all* requesters except educational or non-commercial scientific institutions or representatives of the news media when the records are not sought for commercial use. In addition, 5 U.S.C. 552(a)(4)(A)(iv) provides that "fee schedules shall provide for the recovery of only the direct costs of *search*, duplication, or review * * *. (Emphasis added) Therefore, the NRC has not changed paragraph (a)(4) of this section.

10. Section 9.35 Duplication Fees

The commenter questions why the charge in paragraph (b)(1) was not the same as the charge at the NRC's Public Document Room.

The cost for duplicating records at the Public Document Room is one that was negotiated between the NRC and a private contractor who specializes in high volume duplication which affords high cost efficiency. In contrast, in 1987, the NRC performed an in-house study of reproduction costs for typical FOIA requests. The figure derived—20¢ per page—is based on the following:

> * * * the operator's salary, figured on an average grade of XP–6/1 for a copy machine bindery worker in the quick copy center and GS–6/1 for the average clerical worker operating a copy machine in the satellite copy centers, the machine costs as well as copying supplies. These figures were based on NRC wide copying costs over the past year. A degree of difficulty 8.7 was added because of the highly customized style of work required to copy most FOIA documents that must be disassembled, hand-fed, reassembled in accordance with inventory instructions. This factor of difficulty was the result of time tests performed in the Quick Copy Center in the Phillips Building * * *. The base per cost costs are determined by a review of agency-wide figures and thus are not subject to fluctuations in volume in a quantity as small as 60,000 pages in a year.

The NRC's figure of 20¢ per page is not out of line in comparison with other agencies. For example, of 15 agencies listing fees, the Department of Energy is the only agency with a price as low as 5¢ per page. The average of the 15 agencies is almost 18¢ per page. For these reasons, the NRC will leave paragraph (b)(1) unchanged.

11. Section 9.37 Fees for Search, Review, and Duplication of Records by NRC Personnel

One commenter made several recommendations regarding this section: (i) A separate staff charge for duplication should be deleted since costs are already included in the copy cost; (ii) charges should be based on the actual salary of the person performing the search, not an average grade of all employees; (iii) if (ii) is not acceptable, the rates should be reduced to $10 for clerical staff and $20 for professional staff; (iv) the regulations should make clear that review time will only be charged once and not for each level of review; and (v) NRC should make clear in the regulations that it will charge costs based on quarter-hour time periods as the current regulations do.

The NRC response to these recommendations is as follows:

(i) The NRC agrees with this comment and the title and introductory text have been changed to delete the word "duplication."

(ii) and (iii) In developing this rule, the NRC followed the OMB guidelines which state that the elements of direct costs are the basic rate of hourly pay of the employee performing the task plus 16 percent for fringe benefits. The NRC also identified three types of homogeneous effort involved in the NRC search and review process—clerical, professional/managerial, and executive/Commission—and for each level, the NRC established an average salary figure. After establishing these figures, the NRC consulted with OMB and that agency expressed no objection to NRC's methodology or the figures that the methodology produced. Moreover, seven of the 15 agencies surveyed gave no specific salary figures but indicated that the fees for search and review were the actual salary of the employee performing the task plus 16 percent. The remaining 8 agencies indicated specific amounts, although there is very little uniformity among the figures. The NRC has decided to leave its fees as proposed.

(iv) In response to this comment, the review for which the NRC may charge is defined in § 9.13. This definition follows the language used to define review in the OMB guidelines. The NRC believes that the definition adequately defines the types of review effort for which the NRC may charge.

(v) No change has been made. The commenter is incorrect in the assertion that the NRC has made provision for quarter-hour time periods in its regulations.

12. Section 9.39 Search and Duplication Provided Without Charge

The commenter believes the categories of requesters are too narrow and tend to exclude bona fide nonprofit public interest organizations.

In responding to public comments regarding this point, OMB indicated that the legislative history does not define the term "educational institution" (52 FR 10013). In response to comments recommending the definition of education institution to be that used by the IRS for institutions qualifying for tax exempt status, OMB commented that it did "not think it appropriate to tie eligibility for inclusion in the 'education institution' fee category to an IRS interpretation of the institutions' eligibility for tax exempt status" (52 FR 10014). The NRC believes it is prudent and exhibits the goal of uniformity to

BEST COPY AVAILABLE

VOL 52 ISS 251 DEC 31 1987 UMI

use the same definitions that OMB has used.

13. Section 9.41 Requests for Waiver or Production of Fees

Most commenters generally believed that this section is too burdensome, that the threshold is too steep to overcome, and that the Department of Justice Guidelines go beyond the intent of the law. Some suggested that the NRC should not use the 6 questions contained in the Justice Guidelines but should use the text indicated in the Freedom of Information Reform Act which consists of only two tests—"if disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester."

The NRC has independently reviewed the Department of Justice Guidelines and believes that the factors adopted reflect the intent of the law; however, the NRC has decided to delete factors 7, 8, and 9 of § 9.41(d) as a result of its further reflection of the comments.

One commenter recommended, for paragraphs (a)(2) and (b), adding the words "in excess of those authorized by § 9.39" after the word "fees." According to the commenter, this would "make clear that the specific information should only be submitted when a fee waiver is requested beyond the automatic waiver limits."

The NRC believes that the charges are clearly specified in the Freedom of Information Reform Act in 5 U.S.C. 552(a)(4)(A)(ii) and in the NRC's regulations at § 9.39. Therefore, no change has been made to these two paragraphs.

14. Section 9.43 Processing of Requests for a Waiver or Reduction of Fees

One commenter suggested that there is an inconsistency between paragraphs (a)(2) and (a)(5) and recommended revising the second sentence in (a)(5) to read, "If the fee is between $26 and $250, the NRC may not begin to process the request until the requester agrees to bear the estimated costs." The NRC believes that the factors relating to assessment of fees should be removed from this section into a newly created section, § 9.40 "Assessment of fees", for purposes of clarity.

The commenter also made the following observation:

> In § 9.43(d), because of the mandatory 'shall' language, NRC is to be congratulated for taking the position that it will not charge fees if it does not act upon a fee waiver request within 10 days. This provision clearly reflects the efficiency of the FOIA staff and the Division of Rules and Records.

The NRC believes this interpretation is incorrect. In order to correct it, the NRC has deleted the phrase "within 10 working days" from the paragraph.

15. General Comment

One commenter made the following general comment:

> NRC should clarify the status of organizations such as nonprofit public interest groups and state agencies which do not readily fall within the definitions set forth in the rule. Are such groups entitled to an automatic waiver or do they pay full costs like commercial use requesters? Similarly, what is the status of an individual requesting records for his own, non-commercial, use? Waiver or full costs?

The NRC is following the guidance with regard to the categories of requesters as defined by OMB. The legislative history is silent with regard to nonprofit groups. Within the NRC, fee waiver requests from these groups will be handled on a case-by-case basis.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget approval numbers 3150–0136 (Part 2) and 3150–0043 (Part 9).

Regulatory Analysis

The final rule implements the provisions of the FOIA as amended by the Freedom of Information Reform Act of 1986 and brings Part 9 into conformance with current agency practice and several of the major recommendations of the Office of the General Counsel.

The Freedom of Information Reform Act of 1986 established (1) three levels of fees, (2) new standards for waiving or reducing fees, and (3) an exclusion from providing records without charge. Basically, the NRC will not charge fees for the first two hours of search and the first 100 pages duplicated for all requesters, except commercial-use requesters. Any requester may also seek a waiver or reduction of fees for records in excess of 100 pages. The NRC will not charge fees if the cost of collecting the fee is equal to or greater than the fee itself.

There will be an economic impact on all requesters. However, the most significant economic impact will fall on commercial-use requesters. In keeping with the intent of the Federal user fee concept, the NRC will charge commercial-use requesters full direct cost fees for all search for, review, and duplication of requested records. Commercial-use requesters are not considered to be "small entities," and the NRC believes that assessment of the fees will not cause a significant economic burden on them.

Estimated Annual Costs for Commercial-Use Requesters

(Figure of 350 commercial-use requesters based on actual 1986 statistics)

Search costs (⅓ Clerical + ⅔ Professional)	$14,000
Review costs (Professional)	17,000
Total estimated costs	$31,000

For the remaining three categories of requesters, the Freedom of Information Reform Act requires agencies to provide 100 pages and two hours of search time free of charge. In addition, these requesters may request a waiver or reduction of fees, which would normally be charged for duplication and search time in excess of the initially waived amounts, if they can show that their request for agency records is in the public interest and is not primarily in their commercial interest.

As a result of the amendments, several principal economic impacts on the NRC are expected. Additional administrative effort will be required by the staff to record time spent in processing FOIA requests, time spent in recording staff processing reports, and time spent in determining the amount requesters will be billed. Also, additional staff duplication effort will be required to provide requesters copies that must be provided without charge.

Estimated Annual Costs for NRC To Process FOIA Requests

(Figures based on estimated 833 hours)

Staff recording of time (⅓ Clerical + ⅔ Professional)	$17,000
Billing Costs	3,000
Duplication of first 100 free pages (23,000 sheets × $.20 per page)	5,000
Total estimated costs	25,000

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. This final rule implements the Freedom of Information Reform Act of 1986 (Pub. L. 99–570) which includes the establishment of three levels of fees and specific provisions regarding waiver or assessment of fees for search, review, and duplication of records. Because the Freedom of Information Reform Act of 1986 provides relief for all requesters, except for commercial-use requesters, through waiver or reductions of fees, the NRC does not believe that the majority of potential requesters would fall under the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards issued by the Small Business Administration at 13 CFR Part 121.

Backfit Analysis

This final rule pertains to the implementation of the Freedom of Information Reform Act of 1986; therefore, no backfit analysis has been prepared.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalty, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 9

Freedom of information, Penalty, Privacy, Reporting and recordkeeping requirements, Sunshine Act.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Parts 2 and 9.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for Part 2 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

2. In § 2.790, paragraphs (a)(7), (b)(1)(ii), and (d) are revised to read as follows:

§ 2.790 Public inspections, exemptions, requests for withholding.

(a) * * *

(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information.

(i) Could reasonably be expected to interfere with enforcement proceedings;

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority, or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual;

* * * * *

(b)(1) * * *

(ii) Contains a full statement of the reasons on the basis of which it is claimed that the information should be withheld from public disclosure. Such statement shall address with specificity the considerations listed in paragraph (b)(4) of this section. In the case of an affidavit submitted by a company, the affidavit shall be executed by an officer or upper-level management official who has been specifically delegated the function of reviewing the information sought to be withheld and authorized to apply for its withholding on behalf of the company. The affidavit shall be executed by the owner of the information, even though the information sought to be withheld is submitted to the Commission by another person. The application and affidavit shall be submitted at the time of filing the information sought to be withheld. The information sought to be withheld shall be incorporated, as far as possible, into a separate paper. The affiant may designate with appropriate markings information submitted in the affidavit as a trade secret or confidential or privileged commercial or financial information within the meaning of § 9.17(a)(4) of this chapter and such information shall be subject to disclosure only in accordance with the provisions of § 9.19 of this chapter.

* * * * *

(d) The following information shall be deemed to be commercial or financial information within the meaning of § 9.17(a)(4) of this chapter and shall be subject to disclosure only in accordance with the provisions of § 9.19 of this chapter.

* * * * *

PART 9—PUBLIC RECORDS

3. The authority citation for Part 9 is revised to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Subpart A also issued under 5 U.S.C. 552; 31 U.S.C. 9701; Pub. L. 99–570. Subpart B is also issued under 5 U.S.C. 552a. Subpart C also issued under 5 U.S.C. 552b.

4. Section 9.1 is revised to read as follows:

§ 9.1 Scope and purpose.

(a) Subpart A implements the provisions of the Freedom of Information Act, 5 U.S.C. 552, concerning the availability to the public of Nuclear Regulatory Commission records for inspection and copying.

(b) Subpart B implements the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, concerning disclosure and availability of certain Nuclear Regulatory Commission records maintained on individuals.

(c) Subpart C implements the provisions of the Government in the Sunshine Act, 5 U.S.C. 552b, concerning the opening of Commission meetings to public observation.

(d) Subpart D describes procedures governing the production of agency records, information, or testimony in response to subpoenas or demands of courts or other judicial or quasi-judicial authorities in State and Federal proceedings.

§§ 9.1a, 9.3, 9.5, and 9.8 [Removed]

5. Sections 9.1a, 9.3, 9.5, and 9.8 are removed.

§ 9.2 [Redesignated as § 9.3]

6. Section 9.2 is redesignated § 9.3 and revised to read as follows:

§ 9.3 Definitions.

As used in this part:

"Commission" means the Commission of five members or a quorum thereof sitting as a body, as provided by section 201 of the Energy Reorganization Act of 1974.

"Government agency" means any executive department, military department, Government corporation,

VOL 52 ISS 251 DEC 31 1987 UMI

Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

"NRC" means the Nuclear Regulatory Commission, established by the Energy Reorganization Act of 1974.

"NRC personnel" means employees, consultants, and members of advisory boards, committees, and panels of the NRC; members of boards designated by the Commission to preside at adjudicatory proceedings; and officers or employees of Government agencies, including military personnel, assigned to duty at the NRC.

"Working days" mean Monday through Friday, except legal holidays.

§ 9.29 [Redesignated as § 9.5]

7. Section 9.2a is redesignated § 9.5 and is revised to read as follows:

§ 9.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized as binding upon the Commission.

§ 9.2b [Redesignated as § 9.8]

8. Section 9.2b is redesignated § 9.8 and revised to read as follows:

§ 9.8 Information collection requirements: OMB approval.

(a) The NRC has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). OMB has approved the information collection requirements contained in this part under control number 3150-0043.

(b) The approved information collection requirements contained in this part appear in §§ 9.29, 9.41, 9.54, 9.55, and 9.202.

9. Subpart A currently consists of §§ 9.3–9.16. New §§ 9.3, 9.5, and 9.8 are redesignated to precede Subpart A and the remaining section in Subpart A are renumbered and revised to read as follows (new §§ 9.11 through 9.45):

Subpart A—Freedom of Information Act Regulations

Sec.

9.11 Scope of subpart.
9.13 Definitions.
9.15 Availability of records.
9.17 Agency records exempt from public disclosure.
9.19 Segregation of exempt information and deletion of identifying details.
9.21 Publicly available records.
9.23 Requests for records.
9.25 Initial disclosure determination.
9.27 Form and content of responses.
9.29 Appeal from initial determination.
9.31 Extension of time for response.
9.33 Search, review, and special service fees.
9.34 Assessment of interest and debt collection.
9.35 Duplication fees.
9.37 Fees for search and review of agency records by NRC personnel.
9.39 Search and duplication provided without charge.
9.40 Assessment of fees.
9.41 Requests for waiver or reduction of fees.
9.43 Processing of requests for a waiver or reduction of fees.
9.45 Annual Report to Congress.

Subpart A—Freedom of Information Act Regulations

§ 9.11 Scope of subpart.

This subpart prescribes procedures for making NRC agency records available to the public for inspection and copying pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552) and provides notice of procedures for obtaining NRC records otherwise publicly available. This subpart does not affect the dissemination or distribution of NRC-originated, or NRC contractor-originated, information to the public under any other NRC public, technical, or other information program or policy.

§ 9.13 Definitions.

As used in this subpart:

"Agency record" is a record in the possession and control of the NRC that is associated with Government business. Agency record does not include records such as—

(1) Publicly available books, periodicals, or other publications that are owned or copyrighted by non-Federal sources;

(2) Records solely in the possession and control of NRC contractors;

(3) Personal records in possession of NRC personnel that have not been circulated, were not required to be created or retained by the NRC, and can be retained or discarded at the author's sole discretion, or records of a personal nature that are not associated with any Government business; or

(4) Non-substantive information in logs or schedule books of the Chairman or Commissioners, uncirculated except for typing or recording purposes.

"Commerical-use request" means a request made under § 9.23(b) for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made.

"Direct costs" mean the expenditures that an agency incurs in searching for and duplicating agency records. For a commercial-use request, direct costs include the expenditures involved in reviewing records to respond to the request. Direct costs include the salary of the employee category performing the work based on that basic rate of pay plus 16 percent of that rate to cover fringe benefits and the cost of operating duplicating machinery.

"Duplication" means the process of making a copy of a record necessary to respond to a request made under § 9.23. Copies may take the form of paper copy, microform, audio-visual materials, disk, magnetic tape, or machine readable documentation, among others.

"Educational institution" means an institution which operates a program or programs of scholarly research. Educational institution refers to a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, or an institution of vocational education.

"Noncommercial scientific institution" means an institution that is not operated on a commercial basis, as the term "commercial" is referred to in the definition of "commercial-use request," and is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

"Office", unless otherwise indicated, means all offices, boards, panels, and advisory committees of the NRC.

"Record" means any book, paper, map, photograph, brochure, punch card, magnetic tape, paper tape, sound recording, pamphlet, slide, motion picture, or other documentary material regardless of form or characteristics. Record does not include an object or article such as a structure, furniture, a tangible exhibit or model, a vehicle, or piece of equipment.

"Representative of the news media" means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who

make their products available for purchase or subscriptions by the general public.

"Review" means the process of examining records identified as responsive to a commercial-use request to determine whether they are exempted from disclosure in whole or in part. Also, review includes examining records to determine which Freedom of Information Act exemptions are applicable, identifying records or portions thereof to be disclosed, and excising from the records those portions which are to be withheld.

"Search" means all time spent looking for records, either by manual search or search using existing computer programs, that respond to a request including a page-by-page or line-by-line identification of responsive information within the records.

"Unusual circumstances" mean—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which will be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the NRC having substantial subject-matter interest therein.

§ 9.15 Availability of records.

The NRC will make available for public inspection and copying any reasonably described agency record in the possession and control of the NRC under the provisions of this subpart, and upon request by any person. Records that the NRC routinely makes publicly available are described in § 9.21. Procedures and conditions governing requests for records are set forth in § 9.23.

§ 9.17 Agency records exempt from public disclosure.

(a) The following types of agency records are exempt from public disclosure under § 9.15:

(1) Records (i) which are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy, and (ii) which are in fact properly classified pursuant to such Executive order;

(2) Records related solely to the internal personnel rules and practices of the agency;

(3) Records specifically exempted from disclosure by statute (other than 5 U.S.C. 552b), provided that such statute—

(i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or

(ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information—

(i) Could reasonably be expected to interfere with enforcement proceedings;

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Could reasonably by expected to constitute an unwarranted invasion of personal privacy;

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority, or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual;

(8) Matters contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) Nothing in this subpart authorizes withholding of information or limiting the availability of records to the public except as specifically provided in this part, nor is this subpart authority to withhold information from Congress.

(c) Whenever a request is made which involves access to agency records described in paragraph (a)(7) of this section, the NRC may, during only such time as that circumstance continues, treat the records as not subject to the requirements of this subpart when—

(1) The investigation or proceeding involves a possible violation of criminal law; and

(2) There is reason to believe that—

(i) The subject of the investigation or proceeding is not aware of its pendency; and

(ii) Disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings.

§ 9.19 Segregation of exempt information and deletion of identifying details.

(a) For records required to be made available under 5 U.S.C. 552(a)(2), the NRC shall delete the name with any identifying details, if the release of the name or other identifying details of, or relating to, a private party will constitute a clearly unwarranted invasion of personal privacy. The NRC shall provide notification that names of parties and certain other identifying details have been removed in order to prevent a clearly unwarranted invasion of the personal privacy of the individuals involved.

(b) In responding to a request for information submitted under § 9.23, in which it has been determined to withhold exempt information, the NRC shall segregate—

(1) Information that is exempt from public disclosure under § 9.17(a) from nonexempt information; and

(2) Factual information from advice, opinions, and recommendations in predecisional records unless the information is inextricably intertwined, or is contained in drafts, legal work products, and records covered by the lawyer-client privilege, or is otherwise exempt from disclosure.

§ 9.21 Publicly available records.

(a) Publicly available records of NRC activities described in paragraphs (c) and (d) of this section are available through the National Technical Information Service. Subscriptions to these records are available on 48x microfiche and may be ordered from the

VOL 52 ISS 251 DEC 31 1987 UMI

National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. Single copies of NRC publications in the NUREG series, NRC Regulatory Guides, and Standard Review Plans are also available from the National Technical Information Service.

(b) For the convenience of persons who may wish to inspect without charge or purchase copies of a record or a limited category of records for a fee, publicly available records of the NRC's activities described in paragraph (c) of this section are also made available at the NRC Public Document Room. The NRC Public Document Room is located at 1717 H Street NW., Washington, DC, and is open between 7:45 a.m. and 4:15 p.m. on Monday through Friday, except legal holidays.

(c) The following records of NRC activities are publicly available at the NRC Public Document Room for public inspection and copying:

(1) Final opinions including concurring and dissenting opinions as well as orders of the NRC issued as a result of adjudication of cases;

(2) Statements of policy and interpretations which have been adopted by the NRC and have not been published in the **Federal Register**;

(3) Nuclear Regulatory Commission rules and regulations;

(4) Nuclear Regulatory Commission Manual and instructions to NRC personnel that affect any member of the public;

(5) Records made available for public inspection and copying under this chapter and the NRC Manual. (NRC Bulletin 3203–15 describes the "NRC Policy for Routinely Making NRC Records Publicly Available");

(6) Current indexes to records made available under 5 U.S.C. 552(a)(2) and that are made publicly available are listed in NUREG–0550, "Title of List of Documents Made Publicly Available," which is published monthly.

(d) Records made publicly available under paragraphs (c)(1), (2), and (5) of this section are also available for purchase through the National Technical Information Service.

§ 9.23 Requests for records.

(a)(1) A person may request access to records routinely made available by the NRC under § 9.21 in person or in writing at the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555

(i) Each record requested must be described in sufficient detail to enable the Public Document Room to locate the record. If the description of the record is not sufficient to allow the Public Document Room staff to identify the record, the Public Document Room shall advise the requester to select the record from the indexes published under § 9.21(c)(6).

(ii) In order to obtain copies of records expeditiously, a person may open an account at the Public Document Room with the private contracting firm that is responsible for duplicating NRC records.

(2) A person may also order records routinely made available by the NRC under § 9.21 from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia, 22161.

(b) A person may request agency records by submitting a request authorized by 5 U.S.C. 552(a)(3) to the Director, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. The request must be in writing and clearly state on the envelope and in the letter that it is a "Freedom of Information Act request." The NRC does not consider a request as received until it has been received and logged in by the Director, Division of Rules and Records, Office of Administration and Resources Management.

(1) A Freedom of Information request covers only agency records that are in existence on the date the Director, Division of Rules and Records, receives the request. A request does not cover agency records destroyed or discarded before receipt of a request or which are created after the date of the request.

(2) All Freedom of Information Act requests for copies of agency records must reasonably describe the agency records sought in sufficient detail to permit the NRC to identify the requested agency records. Where possible, the requester should provide specific information regarding dates, titles, docket numbers, file designations, and other information which may help identify the agency records. If a requested agency record is not described in sufficient detail to permit its identification, the Director, Division of Rules and Records, shall inform the requester of the deficiency within 10 workng days after receipt of the request and ask the requester to submit additional information regarding the request or meet with appropriate NRC personnel in order to clarify the request.

(3) Upon receipt of a request made under paragraph (b) of this section, the NRC shall provide written notification to the requester that indicates the request has been received, the name of the individual and telephone number to contact to find out the status of the request, and other pertinent matters regarding the processing of the request.

(4) (i) The NRC shall advise a requester that fees will be assessed if—

(A) A request involves anticipated costs in excess of the minimum specified in § 9.39; and

(B) Search and duplication is not provided without charge under § 9.39; or

(C) The requester does not specifically state that the cost involved is acceptable or acceptable up to a specified limit.

(ii) The NRC has discretion to discontinue processing for records responsive to a request made under this paragraph (b) until—

(A) A required advance payment has been received;

(B) The requester has agreed to bear the estimated costs;

(C) A determination has been made on a request for waiver or reduction of fees; or

(D) The requester meets the requirements of § 9.39.

(c) If a requested agency record that has been reasonably described is located at a place other than the NRC Public Document Room or NRC headquarters, the NRC may, at its discretion, make the record available for inspection and copying at the other location.

(d) Except as provided in § 9.39—

(1) If the record requested under paragraph (b) of this section is a record available through the National Technical Information Service, the NRC shall refer the requester to the National Technical Information Service; and

(2) If the requested record has been placed in the NRC Public Document Room under § 9.21, the NRC may inform the requester that the record is in the PDR, and that the record may be obtained in accordance with the procedures set forth in paragraph (a) of this section.

(e) The Director, Division of Rules and Records, shall promptly forward a Freedom of Information Act request made under § 9.23(b) for an agency record which is not publicly available in the NRC Public Document Room under § 9.21 to the head of the office primarily concerned with the records requested and to the General Counsel, as appropriate. The responsible office will conduct a search for the agency records responsive to the request and compile those agency records to be reviewed for initial disclosure determination under §§ 9.25 and 9.27.

§ 9.25 Initial disclosure determination.

(a) The head of the responsible office shall review agency records located in a search under § 9.23(b) to determine whether the agency records are exempt from disclosure under § 9.17(a). If the head of the office determines that, although exempt, the disclosure of the agency records will not be contrary to the public interest and will not affect the rights of any person, the head of the office may authorize disclosure of the agency records. If the head of the office authorizes disclosure of the agency records, the head of the office shall furnish the agency records to the Director, Division of Rules and Records, who shall notify the requester of the determination in the manner provided in § 9.27.

(b) Except as provided in paragraph (c) of this section, if, as a result of the review specified in paragraph (a) of this section, the head of the responsible office finds that agency records should be denied in whole or in part, the head of the office will submit that finding to the Director, Division of Rules and Records, who will, in consultation with the Office of the General Counsel, make an independent determination whether the agency records should be denied in whole or in part. If the Director, Division of Rules and Records, determines that the agency records sought are exempt from disclosure and disclosure of the records is contrary to the public interest and will adversely affect the rights of any person, the Director, Division of Rules and Records, shall notify the requester of the determination in the manner provided in § 9.27.

(c) For agency records located in the office of a Commissioner or in the Office of the Secretary of the Commission, the Assistant Secretary of the Commission shall make the initial determination to deny agency records in whole or in part under § 9.17(a) instead of the Director, Division of Rules and Records. For agency records located in the Office of the General Counsel, the General Counsel shall make the initial determination to deny agency records in whole or in part instead of the Director, Division of Rules and Records. If the Assistant Secretary of the Commission or the General Counsel determines that the agency records sought are exempt from disclosure and that their disclosure is contrary to the public interest and will adversely affect the rights of any person, the Assistant Secretary of the Commission or the General Counsel shall furnish that determination to the Director, Division of Rules and Records, who shall notify the requester of the determination in the manner provided in § 9.27.

(d) If a requested record that is located is one of another Government agency or deals with subject matter over which an agency other than the NRC has exclusive or primary responsibility, the NRC shall promptly refer the record to that Government agency for disposition or for guidance regarding disposition.

(e) The 10-working day period for response to a request for agency records provided in paragraphs (a), (b), and (c) of this section may be extended for unusual circumstances as provided in § 9.31.

(f) In exceptional circumstances where is does not appear possible to complete action on a request within the maximum 20 working-day limit as provided in § 9.31, the Director, Division of Rules and Records, may seek an agreement with the requester for a specified extension of time in which to act upon the request. The NRC shall confirm the agreement for an extension of time in writing.

(g) If the NRC does not respond to a request within the 10-working-day period, or within the extended periods described in paragraph (e) of this section, the requester may treat that delay as a denial request and immediately appeal to the Executive Director for Operations as provided in § 9.29(a) or sue in a district court as noted in § 9.29(c).

§ 9.27 Form and content of responses.

(a) When the NRC has located a requested agency record and has determined to disclose the agency record, the Director, Division of Rules and Records, shall promptly furnish the agency record or notify the requester where and when the agency record will be available for inspection and copying. The NRC will normally place copies of agency records disclosed in response to Freedom of Information Act requests in the NRC Public Document Room and, for agency records relating to a specific nuclear power facility, in the Local Public Document Room established for that facility. The NRC shall also advise the requester of any applicable fees under § 9.35.

(b) When the NRC denies access to a requested agency record or denies a request for a waiver or reduction of fees, the Director, Division of Rules and Records, shall notify the requester in writing. The denial includes as appropriate—

(1) The reason for the denial;

(2) A reference to the specific exemption under the Freedom of Information Act and the Commission's regulations authorizing the withholding of the agency record or portions of it;

(3) The name and title or position of each person responsible for the denial of the request, including the head of the office recommending denial of a record;

(4) A statement stating why the request does not meet the requirements of § 9.41 if the request is for a waiver or reduction of fees; and

(5) A statement that the denial may be appealed within 30 days from the receipt of the denial to the Executive Director for Operations or to the Secretary of the Commission, as appropriate.

(c) The Director, Division of Rules and Records, shall maintain a copy of each letter granting or denying requested agency records or denying a request for waiver or reduction of fees in accordance with the NRC Comprehensive Records Disposition Schedule.

§ 9.29 Appeal from initial determination.

(a) A requester may appeal a notice of denial of a Freedom of Information Act request for agency records or a request for waiver or reduction of fees under this subpart within 30 days of the date of the NRC's denial. For agency records denied by an Office Director reporting to the Executive Director for Operations or for a denial of a request for a waiver or reduction of fees, the appeal must be in writing and addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555 For agency records denied by an Office Director reporting to the Commission, the Assistant Secretary of the Commission, or by the Advisory Committee Management Officer, the appeal must be in writing and addressed to the Secretary of the Commission The appeal should clearly state on the envelope and in the letter that it is an "Appeal from Initial FOIA Decision." The NRC does not consider an appeal that is not marked as indicated in this paragraph as received until it is actually received by the Executive Director for Operations or Secretary of the Commission.

(b) The NRC shall make determination on any appeal made under this section within 20 working days after the receipt of the appeal.

(c)(1) If the appeal of the denial of the request for agency records is upheld in whole or in part, the Executive Director for Operations or the Secretary of the Commission shall notify the requester of the denial, specifying—

(i) The exemptions relied upon;

(ii) An explanation of how the exemption applies to the agency records withheld; and

(iii) The reasons for asserting the exemption.

(2) If, on appeal, the denial of a request for waiver or reduction of fees for locating and reproducing agency records is upheld in whole or in part, the Executive Director for Operations shall notify the person making the request of

his decision to sustain the denial, including a statement explaining why the request does not meet the requirements of § 9.41.

(3) The Executive Director for Operations or Secretary of the Commission shall inform the requester that the denial is a final agency action and that judicial review is available in a district court of the United States in the district in which the requester resides or has a principal place of business, in which the agency records are situated, or in the District of Columbia.

(d) The Executive Director for Operations or Secretary of the Commission shall furnish copies of all appeals and written determinations on appeals to the Director, Division of Rules and Records.

§ 9.31 Extension of time for response.

(a) In unusual circumstances defined in § 9.13, the NRC may extend the time limits prescribed in § 9.25 or § 9.29 by not more than 10 working days. The extension may be made by written notice to the person making the request to explain the reasons for the extension and indicate the date on which a determination is expected to be dispatched.

(b) An extension of the time limits prescribed in §§ 9.25 and 9.29 may not exceed a combined total of 10 working days per request.

§ 9.33 Search, review, and special service fees.

(a) The NRC charges fees for—

(1) Search, duplication, and review, when agency records are requested for commercial use;

(2) Duplication of agency records provided in excess of 100 pages when agency records are not sought for commercial use and the request is made by an educational or noncommercial scientific institution, or a representative of the news media;

(3) Search and duplication of agency records in excess of 100 pages for any request not described in paragraphs (a)(1) and (2) of this section;

(4) The direct costs of searching for agency records. The NRC will assess fees even when no agency records are located as a result of the search or when agency records that are located as a result of the search are not disclosed; and

(5) Computer searches which include the cost of operating the Central Processing Unit for that portion of operating time that is directly attributable to searching for agency records plus the operator/programmer salary apportionable to the search.

(b) The NRC may charge requesters who request the following services for the direct costs of the service:

(1) Certifying that records are true copies; or

(2) Sending records by special methods, such as express mail, package delivery service, etc.

§ 9.34 Assessment of interest and debt collection.

(a) The NRC shall assess interest on the fee amount billed starting on the 31st day following the day on which the billing was sent in accordance with NRC's regulations set out in § 15.37 of this chapter. Interest is at the rate prescribed in 21 U.S.C. 3717.

(b) The NRC will use its debt collection procedures under Part 15 of this chapter for any overdue fees.

§ 9.35 Duplication fees.

(a)(1) Charges for the duplication of records made available under § 9.21 at the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555 by the duplicating service contractor are as follows:

(i) Six cents per page for paper copy to paper copy, except for engineering drawings and any other records larger than 17 x 11 inches for which the charges vary as follows depending on the reproduction process that is used:

(A) Xerographic process—$1.50 per square foot for large documents or engineering drawings (random size up to 24 inches in width and with variable length) reduced or full size;

(B) Photographic process—$7.00 per square foot for large documents or engineering drawings (random size exceeding 24 inches in width up to a maximum size of 42 inches in length) full size only.

(ii) Six cents per page for microform to paper copy, except for engineering drawings and any other records larger than 17 x 11 inches for which the charge is $1.25 per square foot or $3.00 for a reduced-size print (18 x 24 inches).

(iii) One dollar per mocrofiche to microfiche.

(iv) One dollar per aperture card to aperture card.

(2) Self-service, coin-operated, duplicating machines are available at the PDR for the use of the public. Paper to paper is $0.10 per page. Microform to paper is $0.10 per page on the reader printers.

(3) A requester may submit mail-order requests for contractor duplication of NRC records made by writing to the NRC Public Document Room. The charges for mail-order duplication of records are the same as those set out in paragraph (a)(1) of this section, plus mailing or shipping charges.

(4) A requester may open an account with the duplicating service contractor. A requester may obtain the name and address and billing policy of the contractor from the NRC Public Document Room.

(5) Any change in the costs specified in this section will become effective immediately pending completion of the Commission's rulemaking that amends this section to reflect the new charges. The Commission shall post the charges that will be in effect for the interim period in the Public Document Room. The Commission shall complete the rulemaking necessary to reflect the new charges within 15 working days from the beginning of the interim period.

(b) The NRC shall assess the following charges for copies of records to be duplicated by the NRC at locations other than the NRC Public Document Room located in Washington, DC or at local Public Document Rooms:

(1) Sizes up to 8½ x 14 inches made on office copying machines—$0.20 per page of copy; and

(2) The charge for duplicating records other than those specified in paragraphs (a) and (b) is computed on the basis of NRC's direct costs.

(c) In compliance with the Federal Advisory Committee Act, a requester may purchase copies of transcripts of testimony in NRC Advisory Committee proceedings, which are transcribed by a reporting firm under contract with the NRC directly from the reporting firm at the cost of reproduction as provided for in the contract with the reporting firm. A requester may also purchase transcripts from the NRC at the cost of reproduction as set out in paragraphs (a) and (b) of this section.

(d) Copyrighted material may not be reproduced in violation of the copyright laws.

(e) Charges for the duplication of NRC records located in NRC Local Public Document Rooms are those costs that the institutions maintaining the NRC Local Public Document Room collections establish.

§ 9.37 Fees for search and review of agency records by NRC personnel.

The NRC shall charge the following hourly rates for search and review of agency records by NRC personnel:

(a) Clerical search, review, and duplication at a salary rate that is equivalent to a GG–7, Step 5 plus 16 percent fringe benefits;

(b) Professional/managerial search, review, and duplication at a salary rate that is equivalent to a GG–13, Step 5 plus 16 percent fringe benefits; and

(c) Senior executive or Commissioner search, review, and duplication at a salary rate that is equivalent to an ES–3 plus 16 percent fringe benefits.

§ 9.39 Search and duplication provided without charge.

(a) The NRC shall search for agency records requested under § 9.23(b), without charges when agency records are not sought for commercial use and the records are requested by an educational or noncommercial scientific institution, or a representative of the news media.

(b) The NRC shall search for agency records requested under § 9.23(b) without charges for the first two hours of search for any request not sought for commercial use and not covered in paragraph (a) of this section.

(c) The NRC shall duplicate agency records requested under § 9.23(b) without charge for the first 100 pages of standard paper copies, or equivalent pages in microfiche, computer, disks, etc., if the requester is not a commercial-use requester.

(d) The NRC may not bill any requester for fees if the cost of collecting the fee would be equal to or greater than the fee itself.

(e) The NRC may aggregate requests in determining search and duplication to be provided without charge as provided in paragraphs (a) and (b) of this section, if the NRC finds a requester has filed multiple requests for only portions of an agency record or similar agency records for the purpose of avoiding charges.

§ 9.40 Assessment of fees.

(a) If the request is expected to require the NRC to assess fees in excess of $25 for search and/or duplication, the NRC shall notify the requester that fees will be assessed unless the requester has indicated in advance his or her willingness to pay fees as high as estimated.

(b) In the notification, the NRC shall include the estimated cost of search fees and the nature of the search required and estimated cost of duplicating fees.

(c) The NRC will encourage requesters to discuss with the NRC the possibility of narrowing the scope of the request with the goal of reducing the cost while retaining the requester's original objective.

(d) If the fee is determined to be in excess of $250, the NRC shall require an advance payment.

(e) Unless a requester has agreed to pay the estimated fees or, as provided for in paragraph (d) of this section, the requester has paid an estimated fee in excess of $250, the NRC may not begin to process the request.

(f) If the NRC receives a new request and determines that the requester has failed to pay a fee charged within 30 days of receipt of the bill on a previous request, the NRC may not accept the new request for processing until payment of the full amount owed on the prior request, plus any applicable interest assessed as provided in § 9.34, is made

(g) Within 10 working days of the receipt of NRC's notice that fees will be assessed, the requester shall provide advance payment if required, notify the NRC in writing that the requester agrees to bear the estimated costs, or submit a request for a waiver or reduction of fees pursuant to § 9.41.

§ 9.41 Requests for waiver or reduction of fees.

(a)(1) The NRC shall collect fees for searching for, reviewing, and duplicating agency records, except as provided in § 9.39, unless a requester submits a request in writing for a waiver or reduction of fees. To assure that there will be no delay in the processing of Freedom of Information Act requests, the request for a waiver or reduction of fees should be included in the initial Freedom of Information Act request letter.

(2) Each request for a waiver or reduction of fees must be addressed to the Director, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(b) A person requesting the NRC to waive or reduce search, review, or duplication fees shall:

(1) Describe the purpose for which the requester intends to use the requested information;

(2) Explain the extent to which the requester will extract and analyze the substantive content of the agency record;

(3) Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to public understanding;

(4) Describe the likely impact on the public's understanding of the subject as compared to the level of understanding of the subject existing prior to disclosure;

(5) Describe the size and nature of the public to whose understanding a contribution will be made;

(6) Describe the intended means of dissemination to the general public;

(7) Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee; and

(8) Describe any commercial or private interest the requester or any other party has in the agency records sought.

(c) The NRC will waive or reduce fees, without further specific information from the requester if, from information provided with the request for agency records made under § 9.23(b), it can determine that disclosure of the information in the agency records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government and is not primarily in the commercial interest of the requester.

(d) In making a determination regarding a request for a waiver or reduction of fees, the NRC shall consider the following factors:

(1) How the subject of the requested agency records concerns the operations or activities of the Government;

(2) How the disclosure of the information is likely to contribute to an understanding of Government operations or activities;

(3) If disclosure of the requested information is likely to contribute to public understanding;

(4) If disclosure is likely to contribute significantly to public understanding of Government operations or activities;

(5) If, and the extent to which, the requester has a commercial interest that would be furthered by the disclosure of the requested agency records; and

(6) If the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

(e) If the written request for a waiver or reduction of fees does not meet the requirements of this section, the NRC will inform the requester that the request for waiver or reduction of fees is being denied and set forth the appeal rights under § 9.29 to the requester.

§ 9.43 Processing of requests for a waiver or reduction of fees.

(a) Within 10 working days after receipt of a request for access to agency records for which the NRC agrees to waive fees under § 9.39(a) through (d) or § 9.41(c), the NRC shall respond to the request as provided in § 9.25.

(b) In making a request for a waiver or reduction of fees, a requester shall provide the information required by § 9.41(b).

VOL 52 ISS 251 DEC 31 1987 UMI

(c) After receipt of a request for the waiver or reduction of fees made in accordance with § 9.41, the NRC shall either waive or reduce the fees and notify the requester of the NRC's intent to promptly provide the agency records or deny the request and provide a statement to the requester explaining why the request does not meet the requirements of § 9.41(b).

(d) As provided in § 9.29, a requester may appeal a denial of a request to waive or reduce fees within 30 days to the Executive Director for Operations.

§ 9.45 Annual report to Congress.

(a) On or before March 1 of each calendar year, the Chairman of the NRC will submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report includes—

(1) The number of determinations made by the NRC to deny requests for records made to the NRC under this part and the reasons for each determination;

(2) The number of appeals made by persons under § 9.29, the results of the appeals, and the reason for the action taken on each appeal that results in a denial of information;

(3) The names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;

(4) The results of each proceeding conducted pursuant to 5 U.S.C. 552(a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records, or an explanation of why disciplinary action was not taken;

(5) A copy of every rule the NRC published affecting this part;

(6) A copy of the fee schedule and the total amount of fees collected by the NRC for making records available under this part; and

(7) Any other information that indicates efforts to administer fully the provisions of 5 U.S.C. 552.

(b) The NRC shall make a copy of each report submitted to the Congress under paragraph (a) of this section available for public inspection and copying in the NRC Public Document Room.

10. Section 9.85 is revised to read as follows:

§ 9.85 Fees.

Fees shall not be charged for search for or review of records requested pursuant to this subpart or for making copies or extracts of records in order to make them available for review. Fees established pursuant to 31 U.S.C. 483c and 5 U.S.C. 552a(f)(5) shall be charged according to the schedule contained in § 9.35 of this part for actual copies of records requested by individuals, pursuant to the Privacy Act of 1974, unless the Director, Division of Rules and Records, waives the fee because of the inability of the individual to pay or because making the records available without cost, or at a reduction in cost, is otherwise in the public interest.

11. Section 9.100 is revised to read as follows:

§ 9.100 Scope of subpart.

This subpart prescribes procedures pursuant to which NRC meetings shall be open to public observation pursuant to the provisions of 5 U.S.C. 552b. This subpart does not affect the procedures pursuant to which NRC records are made available to the public for inspection and copying which remain governed by Subpart A, except that the exemptions set forth in § 9.104(a) shall govern in the case of any request made pursuant to § 9.23 to copy or inspect the transcripts, recordings, or minutes described in § 9.108. Access to records considered at NRC meetings shall continue to be governed by Subpart A of this part.

12. In § 9.200, paragraph (b) is revised to read as follows:

§ 9.200 Scope of subpart.

* * * * *

(b) For purposes of this subpart, the term "employee of the NRC" includes all NRC personnel as that term is defined in § 9.3 of this part, including NRC contractors.

* * * * *

Dated at Washington, DC, this 23rd day of December 1987.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 87-29904 Filed 12-30-87; 8:45 am]

BILLING CODE 7590-01-M

---

10 CFR Parts 2, 30, 40, 50, 55, 60, 61, 70, 71, 72, 110 and 150

Completeness and Accuracy of Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule and statement of policy.

SUMMARY: The NRC is amending its regulations to codify the obligations of licensees and applicants for licenses to provide the Commission with complete and accurate information, to maintain accurate records and to provide for disclosure of information identified by licensees as significant for licensed activities. This action re-emphasizes the NRC's need to receive complete, accurate, and timely communications from its licensees and license applicants if the NRC is to fulfill it statutory responsibilities. In addition, the Commission is revising its Enforcement Policy to reflect the new rule.

EFFECTIVE DATE: February 1, 1988.

FOR FURTHER INFORMATION CONTACT: Mary E. Wagner, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492-1683.

SUPPLEMENTARY INFORMATION:

I. Background

On March 11, 1987, the Nuclear Regulatory Commission published in the **Federal Register** (52 FR 7413) a proposed rule to codify an applicant's and licensee's obligation to ensure the completeness and accuracy of its communications with the Commission, to maintain accurate records and to report to the NRC information identified by the applicant or licensee as having a significant implication for the public health and safety or common defense and security.

As discussed in the statement of considerations that accompanied the proposed rule, accuracy and forthrightness in communications to the NRC by licensees and applicants for licenses are essential if the NRC is to fulfill its responsibilities to ensure that utilization of radioactive material and the operation of nuclear facilities are consistent with the health and safety of the public and the common defense and security. Several provisions of the Atomic Energy Act highlight the importance of accurate information. Section 186 provides that:

> Any license may be revoked for any material false statement in the application or any statement of fact required under section 182 * * *.

Section 182 provides that:

> The Commission may at any time after the filing of the original application, and before the expiration of the license, require further written statements in order to enable the Commission to determine whether the application should be granted or denied or whether a license should be modified or revoked. All applications and statements shall be signed by the applicant or licensee.

> Applications for and statements made in connection with, licenses under sections 103 and 104 shall be made under oath or affirmation. The Commission may require any other applications or statements to be made under oath or affirmation.

This need for accuracy in communications has been emphasized through the adoption in licensing provisions, although not on a uniform basis, of requirements regarding the submission of applications. See, e.g., 10 CFR 50.30(b), 55.10(d), 61.20(a), 70.22(e) and 72.11(b).

The Commission's expectation of accuracy in communications has not been limited to written information submitted in applications. The Commission's decision in a 1976 enforcement action taken against a utility established a comprehensive requirement for applicants and licensees to provide complete and accurate information to the Commission. In that case, false statements were alleged to have been made in the utility's submissions to the Commission on the geology of the plant site. Omissions of information by the utility were also evaluated: Two were failures to present evidence at the Licensing Board construction permit hearings about suspected faulting and the third omission was the utility's failure to provide the Board or staff with reports prepared by its geology consultant. In its decision, the Commission concluded "that the material false statement phrase in the Atomic Energy Act may appropriately be read to require full disclosure of material data". Virginia Electric & Power Company (North Anna Power Station, Units 1 and 2), CLI-76-22, 4 NRC 480 (1976), aff'd, 571 F.2d 1289 (4th Cir. 1978) (hereinafter VEPCO). The Commission decided materiality is to be judged by whether information has a natural tendency or capability to influence an agency decisionmaker; that knowledge of the falsity of a material statement is not necessary for a material false statement under section 186 and that material omissions are actionable to the same extent as affirmative material false statements.

Under this standard, both the inaccurate written statements and the omissions made by the utility in that case were subject to civil penalties. In subsequent years, the Commission took a number of enforcement actions for material false statements. These enforcement actions included the following factual situations: omission of information about receipt of draft reports during oral statements made in an informal meeting between the staff and a licensee; statements in a telephone call, letter and oral briefing that mobile sirens forming part of a licensee's prompt public notification system were installed and operational, when in fact they were not; oral statements to an NRC inspector that licensed material had not been out of storage, when in fact it had been used; and erroneous statements in response to an IE Bulletin concerning the use of certain lubricants and fasteners.

The Commission's General Policy and Procedure for NRC Enforcement Actions, 10 CFR Part 2, Appendix C, originally published on March 9, 1982 (47 FR 9987), specifically dealt with enforcement for material false statements. In March 1984, after several years of handling enforcement cases under the VEPCO holding and this enforcement policy, the Commission specifically solicited comments on whether the Commission should consider changes to its policy on material false statements. (49 FR 8584, March 8, 1984). Comments received in response to this solicitation were summarized in the March 11, 1987 notice.

On August 31, 1984 the Commission formally established the Advisory Committee for Review of the Enforcement Policy, a small committee of individuals selected from outside the agency, to conduct an in-depth study of the enforcement program. (49 FR 35273, September 6, 1984). In addition to considering the comments already submitted to the Commission, the Committee solicited further comments from interested persons on the extent to which the NRC's enforcement policy had been serving the purposes announced by the Commission, including the policy on material false statements. (50 FR 1142, January 9, 1985). Public meetings were held by the Committee during which 46 witnesses drawn from NRC staff, licensees, industry groups and law/consulting groups gave testimony to the Committee, many of whom commented on the material false statement policy. The Committee's conclusions and recommendations are summarized in the March 11, 1987 **Federal Register** notice proposing this rule.

II. Analysis of Public Comments

In response to the March 11, 1987 **Federal Register** notice, the Commission received comments from 23 organizations and individuals, including utilities, law firms, citizens' organizations, a medical physicist, a commercial testing laboratory, and other members of the public. Copies of the comments may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, DC. The comments, summarized and responded to below, have been categorized under the following topics: (1) Licensee notification of significant information; (2) legal issues; (3) material false statements; and (4) completeness of information.

Licensee Notification of Significant Information

Many commenters opposed the adoption of paragraph (b) of the regulation, in its entirety. A variety of reasons were given as to why paragraph (b) should not be adopted.

Comment: Several commenters expressed the view that the reporting requirements of paragraph (b) are vague and difficult to implement; what is "significant" is not defined, and cautious licensees will flood the Commission with information.

Response: The Commission believes that the requirements of proposed paragraph (b) are sufficiently clear that licensees will be able to determine when reporting is required. The standard for reporting is not so broad that licensees should have difficulty recognizing it. For example, the rule does not require licensees to predict what the NRC will likely deem to be "material" information, an arguably vague standard; rather, the standard is one of a licensee's own recognition of information with significant health or safety or common defense or security implications. This is a standard that the Commission should reasonably expect licensees to understand and apply. Moreover, the notice of proposed rulemaking gives guidance, in the form of examples, as to what could indicate recognition by licensees of the significance of the information. As noted in VEPCO, no specific set of regulations can be expected to cover all possible circumstances; within this constraint, the Commission believes the requirements of paragraph (b) are clearly set forth.

Comment: One commenter expressed the view that the provision that the requirement is "not applicable to information * * * required to be provided * * * by other requirements" could be interpreted to mean that paragraph (b) does not apply to power reactors.

Response: The provision that the rule is "not applicable to information * * * required to be provided * * * by other requirements" is intended to make clear that the rule requires the reporting of residual information not covered by one of the specific reporting requirements, and is not intended to exempt power reactor licensees from the provision.

VOL 52 ISS 251 DEC 31 1987 UMI

Comment: Some commenters expressed the view that paragraph (b) is unnecessary. They felt that paragraph (a) of the proposed regulation provides the necessary degree of confidence that information that is significant enough to have implications for the public health and safety or the common defense and security will be provided to the Commission. In the same vein, others noted that the Commission cites no instance where a licensee discovered, but was able to conceal, some significant information because it was not specifically reportable; therefore, since no need for the requirement has been identified, it should not be imposed.

Response: No specific set of reporting requirements, such as those already existing under NRC regulations, can ever be expected to cover all possible circumstances, and for this reason a residual requirement is considered appropriate.

Comment: Several commenters thought that the two-day period for notification of the appropriate Regional Administrator was not long enough.

Response: The Commission believes that, once a licensee recognizes information as having significant implications for public health and safety or the common defense and security, two working days is ample time in which to report the information. As noted below, this notification may be oral.

Comment: One commenter questioned whether the notification was to be oral or in writing.

Response: The notification may be oral.

Comment: One commenter saw some ambiguity in the proposed rule with respect to the relationship between paragraph (a) and paragraph (b); since the intent element of paragraph (b) does not apply to omissions under paragraph (a), and most information can be linked to some licensing submittal or construed to be covered by paragraph (a). It was suggested that the rule be clarified to include all omissions under paragraph (b), to avoid an "overly broad" enforcement policy.

Response: The Commission does not wish to limit violations for omissions to situations involving an element of intent, as the commenter has proposed. Paragraph (a) and paragraph (b) impose two distinct requirements. Paragraph (a) codifies an applicant's and a licensee's obligation to ensure accuracy and completeness of communications with the Commission or in records required by the Commission to be maintained. Paragraph (b) pertains to a licensee's obligation to report information identified by the licensee as significant, notwithstanding a non-reportability determination under other reporting requirements. While intent is an appropriate element of a violation under paragraph (b), it is not a necessary element of a violation under paragraph (a).

Comment: One commenter argued that proposed § 55.6b(b), which imposes a notification requirement that runs directly to individual licensed operators, interferes with managerial prerogatives and subjects individual operators to serving two masters.

Response: The Commission has decided to delete proposed § 55.6b(b) from the final rule. The Commission appropriately looks to the utility licensee to evaluate the safety significance of information identified by its employees, and to notify the NRC of information having significant safety or security implications. Employees are expected to notify company management of information of which they become aware that may have such implications. Appropriate company officials would then be required to determine the significance of the information and reportability to the Commission. NRC's adoption of a rule which would place on the individual operator an obligation to report information directly to NRC, independent of the employee's obligation to report such information to his employer, would place the individual in a situation involving potential conflict with his management (if the employee thought the information was significant and his employer did not), without appreciably enhancing the agency's ability to obtain needed safety information. Section 55.6a(a) of the proposed rule is being retained, and appears as § 55.9 in the final rule.

Comment: A number of commenters criticized the rule for imposing a reporting requirement only on information which an applicant or licensee determines to be significant. Some thought this provision will allow licensees to evade the rule by never finding any information to be significant. One commenter said that leaving the decision to the utilities as to what is "significant" essentially amounts to an abdication of responsibility by the NRC.

Response: While deference is being given the licensee under the rule, it is not absolute nor is it an abdication of the NRC's responsibilities. A licensee cannot evade the rule by never "finding" information to be significant. The fact that a licensee considers information to be significant can be established, for example, by the actions taken by the licensee to evaluate that information. Thus, even though the rule contains a subjective test in requiring reporting of information a licensee recognizes as significant, there are objective indicia of recognition that can be used by the NRC in determining whether a licensee in fact recognizes the significance of the information in question. The Commission believes that the rule as drafted, requiring reporting of significant information only when licensee recognizes it as such, offers more guidance to a licensee than a formulation which would require a licensee to try to predict what the Commission will deem to be material, and is sufficiently specific to discourage attempts to evade the rule.

Legal Issues

Comment: One commenter questioned the Commission's legal authority to impose an "additional recordkeeping requirement" and a "new notification requirement", arguing that section 182 of the Atomic Energy Act does not authorize the imposition of a generic recordkeeping requirement or generic notification requirement.

Response: The Commission has extensive statutory authority in addition to section 182 to require licensees and applicants to report complete information and to maintain accurate records. That authority is derived from the licensing provisions in the Atomic Energy Act and the rulemaking authority of section 161o of the Atomic Energy Act, which permit the imposition of reporting requirements and recordkeeping requirements. Neither Paragraph (a) of the new rule, which codifies an applicant's and licensee's obligation to ensure the accuracy of its communications with the Commission, nor paragraph (b), which codifies in modified form the "full disclosure" aspects of the VEPCO decision, creates any new obligations for licensees and applicants.

Comment: It was also argued that section 186 of the Atomic Energy Act permits revocation of a license only for a material false statement in connection with a license application or with statements provided in response to a request under section 182.

Response: The commenter's conclusion is based on his reading sections 182 and 186 of the Atomic Energy Act to say that a material false statement can exist only when the statement in question is contained in an application or sought by the NRC under section 182 of the Act. The commenter is both misreading section 186 and misconstruing the basis of authority for the new rule. One can make the

argument that a literal reading of the Atomic Energy Act requires a false statement to be in an application or a response sought by the NRC under section 182. However, the court in VEPCO held that the Commission's expanded interpretation of section 186 permitted the term "material false statements" to encompass omissions as well as affirmative statements. Moreover, the Commission's long standing practice since the VEPCO decision has been consistent with the VEPCO interpretation to reach statements and omissions not contained in an application or section 182 response.

More importantly, the new rule does not utilize the term "material false statement" and is not based solely on sections 186 and 182. Rather, the rule is also based on the licensing provisions of the Act and section 161. It is inconceivable that Congress would have established the broad regulatory authority in the Atomic Energy Act, which is considered unique, Siegel v. AEC, 400 F.2d 778, 783 (D.C. Cir. 1968), and not granted sufficient authority for the Commission to require communications, regardless of the format, to be complete and accurate. The public health and safety and common defense and security require no less. Under the new regulations, civil penalties would be authorized under section 234 because the regulations are issued under the enumerated licensing provisions in section 234(a)(1). In addition, a violation of these regulations would constitute a violation for which a license could be revoked under section 186. Under section 186, a license can be revoked for failure to meet a regulation, including the communication regulation. Finally, the Act permits a license to be revoked because of conditions which would warrant refusing to grant a license on an original application. Clearly, the Commission would not have issued a license to persons who were not committed to providing complete and accurate information in all of their communications to the Commission.

Material False Statements

Most commenters endorsed, as a positive proposal, the Commission's decision to exercise its discretion in the application of the term "material false statement" to miscommunications and limiting the use of the term to situations where there is an element of intent. They expressed the view that careful use of the label "material false statement" should assure that any adverse connotation associated with its use is justified.

Comment: A few commenters opposed narrowing the application of the term "material false statement". In their view, retention of the material false statement language (and its negative connotations) for a broad range of communication errors would provide more incentive for licensees to report information in a timely and complete fashion.

Response: As many commenters have pointed out, a charge of material false statement is equated by most people with lying and an intention to mislead. Because of this connotation, the Commission believes the charge should be reserved for such communication failures.

Under prior policy, a material false statement could be either an affirmative statement, oral or written, or an omission, and could be unintended and inadvertent as well as intentional. The Commission believes that application of the term material false statement to all of these situations is not as effective in improving accuracy and completeness of information as the reservation of this label as an additional enforcement tool in egregious situations. The rule will minimize the potential of persons not providing information because of a fear of being labeled as a submitter of a material false statement.

Comment: One commenter criticized the rule for not containing a definition of material false statement.

Response: The Commission has decided to exercise its discretion in the application of the term material false statement by limiting the use of the term to situations where there is an element of intent. As emphasized in the statement of considerations accompanying both the proposed rule and this final rule, the Commission is reserving the use of this label as an additional enforcement tool in egregious situations, which will be determined on a case-by-case basis. With the adoption of this rule, the Commission will have the mechanism to apply the full range of enforcement sanctions to inaccurate communications or records without reliance on the term material false statement. Thus, the label of material false statement is no longer significant from a legal perspective.

Moreover, the Department of Justice supports the Commission's decision not to define a material false statement, in view of the potential for confusion between the Commission's use of the term material false statement in its civil context and criminal prosecutions for material false statements under 18 U.S.C. 1001.

Comment: One commenter objected to the use of the term "careless disregard" which is used in the statement of considerations accompanying the proposed rule to illustrate a situation where a material false statement label might be appropriate. To the commenter, the concept of "careless disregard" is appropriately used in the context of negligent behavior and not where there is an element of intent.

Response: The concept of "careless disregard" goes beyond simple negligence, as the term has been applied in judicial decisions defining willful conduct and as it has been applied by this agency. See, e.g., Trans World Airlines, Inc. V. Thurston, 83 L.Ed.2d 523, 537 (1985); Reich Geo-Physical, Inc., ALJ–85–1, 22 NRC 941, 962–63 (1985). "Careless disregard" connotes a reckless regard or callous our indifference toward one's responsibilities or the consequences of one's actions, and in that sense it appropriately describes circumstances in which the Commission may apply the term "material false statement."

Completeness of Information

Comment: One commenter thought that the requirement in paragraph (a) for "completeness of information", if interpreted in a strict sense, may encompass more than the NRC intended, and will exact superfluous information.

Response: Since the Commission, in requiring completeness of information, is not imposing a new requirement, it does not expect to see an increase in the amount of information reported by a licensee or applicant as a result of this codification of existing policy.

Comment: Another commenter expressed the view that reporting as much information as possible during an event can conflict with providing complete and accurate information; in practice, the requirement may limit information exchange during an incident to information known to be accurate.

Response: As described above, since the Commission, in requiring complete and accurate information, is not imposing a new requirement, it does not expect to see a significant change in licensee or applicant behavior in reporting as a result of this codification of existing policy.

Comment: Some commenters stated that oral communications should be excluded from the rule, on fairness grounds. One commenter noted that in telephone communications the data transmitted and the data received are not always identical in that people interpret communications within their own terms of reference. Moreover, when an inadvertent error is made in an oral communication, a call back to correct

the error, in the view of this commenter, would be an admission of a violation of the rule.

Response: The rule covers all communications. However, the Commission intends to apply a rule of reason in assessing completeness of a communication. For example, in the context of reviewing an initial application or a renewal application for a license, it is not uncommon for an NRC reviewer to seek additional information to clarify his or her understanding of the information already provided. This type of inquiry by the NRC does not necessarily mean that incomplete information which would violate this rule has been submitted.

Normally, an inadvertent error in an oral communication that is promptly corrected will not result in an enforcement action. Further guidance on oral communications is provided below in the discussion of Enforcement Policy associated with the rule.

Comment: One commenter noted that only a very small percentage of documents maintained by a licensee undergo the kind of scrutiny given to documents actually provided to the NRC as an affirmative representation of what it believes to be correct information on which the NRC should rely in licensing or regulating a plant. The commenter predicted a "compliance nightmare" if the standard of completeness were applied to all files generated for licensee's internal use, such as quality assurance (QA) files.

Response: It has always been implicit in the Commission's requirements that a licensee maintain certain records that those records accurately reflect the activities documented. An incomplete QA file is a violation of existing requirements. The explicit statement in paragraph (a) of the new rule of the standard of accuracy of records required by the NRC to be kept does not in any way change existing recordkeeping requirements or add to the kind or nature of records expected to be maintained.

III. The New Regulations

After careful consideration of all the comments received, the Commission has deleted proposed § 55.6b(b), which would impose a notification requirement, running directly to licensed operators and senior operators, for significant information, and otherwise adopted the amendments in the same form that they appeared in the March 11, 1987 **Federal Register** proposed rule.

The new regulations include identical provisions in Parts 30, 40, 50, 60, 61, 70, 71, 72, and 110 which contain two elements: (a) A general provision which codifies the current policy which requires that all information provided to the Commission by an applicant or licensee or required by the Commission to be maintained by the applicant or licensee shall be complete and accurate in all material respects; and (b) a reporting requirement to replace the full disclosure aspects of the current material false statement policy that would require applicants and licensees to report to the NRC information identified by the applicant or licensee as having a significant implication for the public health and safety or common defense and security. The amendment to Part 55 contains the first element only. Section 150.20 is being amended to provide that when an Agreement State licensee is operating within NRC's jurisdiction under the general license granted by § 150.20, the licensee is subject to the above requirements.

These regulations are being issued under the Commission's authority in sections 62, 63, 65, 81, 82, 103, 104, 107, 161c, 161o, 182, and 274, as well as section 186, of the Atomic Energy Act of 1954, as amended. In addition, while section 186 can be read as addressing only material false statements made in certain contexts, the scope of the Commission's responsibilities under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as well as the Commission's decision in the VEPCO case and subsequent enforcement actions under that statement of the law, make it clear that the Commission has the inherent authority to require communications with the agency on regulatory matters to be complete and accurate regardless of their context. Under section 186 of the Atomic Energy Act, failure to observe any of the terms or provisions of any regulation of the Commission is an explicit basis for revocation of a license. Thus, with the adoption of these new regulations regarding accuracy in communications and records, a violation of paragraph (a) or (b) of the proposed rule may be grounds for revocation of a license as well as imposition of civil penalties under section 234 of the Atomic Energy Act.

The final rule codifies in a uniform manner an applicant's and a licensee's obligation, as articulated in the VEPCO decision, to ensure the accuracy of its communications with the Commission. The provision does not create any new obligations for licensees and applicants; rather, it describes in a regulation rather than in an adjudicatory decision, the standard for accuracy and completeness to be adhered to when supplying information to the agency or when generating and maintaining records required to be kept by the Commission. The standard described in paragraph (a) of the proposed rule, "complete and accurate in all material respects," continues the degree of accuracy prescribed in the VEPCO decision; that is, any information provided to the Commission or maintained in records required by the Commission which has the ability to influence the agency in the conduct of its regulatory responsibilities must be complete and accurate.

Under this rule, not only material incorrect information, written or oral, but omitted information which causes an affirmative statement to be materially incomplete or inaccurate, will be subject to sanctions. The rule uses the phrase "provided to the NRC" rather than "submitted to the NRC" to indicate that all communications, oral or written, throughout the term of the license, not just at the application stage, are expected to be complete and accurate. The Commission intends to apply a rule of reason in assessing completeness of a communication. For example, in the context of reviewing an initial application or a renewal application for a license, it is not uncommon for an NRC reviewer to seek additional information to clarify his or her understanding of the information already provided. This type of inquiry by the NRC does not necessarily mean that incomplete information which would violate this rule has been submitted.

This new provision also makes explicit the requirement that records required to be maintained by the Commission must be complete and accurate in all material respects. It is clear that when the Commission establishes a requirement that a licensee generate records to document a particular licensed activity, inherent in that requirement is the expectation that those records will accurately reflect the activities accomplished. In the past, when the Commission has discovered that inaccurate or incomplete records have been developed or maintained, citations have been issued for violation of the underlying recordkeeping requirement. Now that the Commission is adopting a regulation which states a generic requirement for accuracy in information made available to the agency, it is deemed desirable to explicitly refer to information kept in records pursuant to Commission requirements for inspection by the NRC, as well as information submitted to the NRC, since the standard for accuracy and completeness is the same for all information in whatever form it is made

available to the Commission. This explicit statement of the standard of accuracy required for records does not in any way change existing recordkeeping requirements or add to the kind or nature of records expected to be maintained.

Like paragraph (a), paragraph (b) creates no new obligation to report information to the Commission. Rather, it merely codifies in a modified form the "full disclosure" aspects of licensees' and applicants' obligations established by the VEPCO decision. In that decision the Commission recognized its obligation "to promulgate regulations which provide clear, comprehensive guidance to applicants and licensees," but went on to conclude that,

> [T]he fact remains that no specific set of regulations, however carefully drawn, can be expected to cover all possible circumstances. Information may come from unexpected sources or take an unexpected form, but if it is material to the licensing decision and therefore to the public health and safety, it must be passed on to the Commission if we are to perform our task * * *.

VEPCO at 489. Since the initial description of the "full disclosure" requirement in VEPCO, however, reporting obligations for substantial additional categories of significant safety information have been affirmatively established, e.g., 10 CFR 21.21, and 10 CFR 50.72 and 50.73. Both material and reactor licenses contain numerous reporting requirements. Most safety information which a licensee may develop will likely be required to be reported by some specific requirement. Nevertheless, there may be some circumstances where a licensee possesses some residual information which could affect licensed activities but which is not otherwise required to be reported.

Therefore, the rule provides that if a licensee or an applicant identifies information which has significant implications for public health and safety or the common defense and security, it must be reported to the Commission. The rule makes clear that reporting under this section is not required if such reporting would duplicate information already submitted in accordance with other requirements such as 10 CFR 20.402-20.408, 21.21, 50.34, 50.71, 50.72, 50.73, and 73.71.

The purpose of the reporting requirement which is being imposed is to provide clear notice that if any applicant or licensee recognizes it has information with significant health or safety or common defense or security implications, the information must be reported to the NRC notwithstanding the absence of a specific reporting requirement. Submission of a report depends upon the licensee's recognition of the significance of the information.

The codification of a full disclosure requirement in this manner should not result in additional burdens on applicants and licensees. Licensees and applicants will not be required to develop formal programs similar to those prescribed under 10 CFR Part 21 to identify, evaluate, and report information. What is expected is a professional attitude toward safety throughout a licensee's or applicant's organization such that if a person identifies some potential safety information, the information will be freely provided to the appropriate company officials to determine its significance and reportability to the Commission.

While paragraph (b) defers to the licensee's judgment of the significance of information, the licensee's "identification" of the significance of the information need not be in the form of a specific documented decision before a violation of the rule exists for failure to report. An applicant's or licensee's recognition of information as significant could be established by circumstancial evidence such as specific meetings being held to discuss the matter, analyses performed or other internal actions taken to evaluate the matter. In addition, abuse of of a licensee's responsibility under paragraph (b), if not punishable as a violation of paragraph (b), could be addressed by the Commission under its authority to issue orders to modify, suspend or revoke a license. For example, an order would be appropriate where the action of a licensee in not recognizing the significance of the information and failing to report it, together with other relevant facts, raises serious questions about either its competency or its trustworthiness.

Finally, the Commission has decided to exercise its discretion in the application of the term material false statement by limiting use of the term to situations where there is an element of intent. A charge of material false statement is equated by the public and most people in the industry with lying and intention to misled. Yet under the current policy, a material false statement under the Atomic Energy Act can be either an affirmative statement, oral as well as written, or an omission, and can be unintended and inadvertent as well as intentional.

This change recognizes the negative connotations which are associated by the public and the industry with the term material false statement but retains the use of this label as an additional enforcement tool in egregious situations, which will be determined on a case-by-case basis. The Commission expects to use the term rarely because with the adoption of this rule, the Commission will have the mechanism to apply the full range of enforcement sanctions to inaccurate communications or records without reliance on the term material false statement. Consequently, the Commission sees no need to develop a specific definition of the term "material false statement." [1] The Department of Justice supports this approach in view of the potential for confusion from the Commission's use of the term material false statement in its civil context and criminal prosecutions for material false statements under 18 U.S.C. 1001. However, should a violation of the proposed requirement for complete and accurate information be labeled as a material false statement, it is expected that the communication failure will involve, for example, instances (1) where an inaccurate or incomplete written or sworn oral statement is made knowing the statement is inaccurate or incomplete, or with careless disregard for its accuracy or completeness; or (2) where an inaccurate or incomplete unsworn oral statement is made with a clearly demonstrable knowledge of its inaccuracy or incompleteness.

IV. Enforcement Policy

The Commission's existing material false statement policy is currently reflected in the General Statement of Policy and Procedure for NRC Enforcement Actions, 10 CFR Part 2, Appendix C (Enforcement Policy). Modifications to this policy to reflect the new rules and the changes to Commission policy announced here are being published concurrently with these new rules.

A violation of the regulations on submitting complete and accurate information, whether or not considered a material false statement, can result in the full range of enforcement sanctions. The labeling of a communication failure as a material false statement will be made on a case-by-case basis and will be reserved for egregious violations. Prior consultation with the Commission

[1] Any characterization or use which the Commission gives to the term material false statement as used in the Atomic Energy Act of 1954 as amended, is, of course, limited to the Commission's civil enforcement actions and has no legal impact on the meaning given to similar terms and phrases used in other statutes, e.g., 18 U.S.C. 1001, or on the authority of the Department of Justice to prosecute under such statutes. Thus, regardless of what enforcement action NRC may take for a communication failure, the failure may be subject to criminal sanctions.

VOL 52 ISS 251 DEC 31 1987 UMI

will continue for those cases in which the staff recommends using the material false statement label. Violations involving inaccurate or incomplete information will be categorized based on the guidance in the Enforcement Policy, Section III (Severity of Violations), new Section VI (Inaccurate and Incomplete Information), and the revised Supplement VII. Consistent with the existing supplement, willful communications failures or communications failures regarding very significant information are categorized at a Severity Level I or II, and other significant communication failures normally will be categorized at a Severity Level III. Less significant failures normally will be categorized at a Severity Level IV or V as appropriate. Guidance on taking enforcement action for incomplete or inaccurate information and the failure to provide significant information identified by a licensee is found in the new Section VI and the revised Supplement VII of the revised Enforcement Policy.

The Commission recognizes that oral information may in some situations be inherently less reliable than written submittals because of the absence of an opportunity for reflection and management review. However, the Commission must be able to rely on oral communications from licensee officials concerning significant information.[2] Therefore, in determining whether to take enforcement action for an oral statement, consideration may be given to such factors as (1) the degree of knowledge that the communicator should have had regarding the matter, in view of his or her position, training, and experience, (2) the opportunity and time available prior to the communication to assure the accuracy or completeness of the information, (3) the degree of intent or negligence, if any, involved, (4) the formality of the communication, (5) the reasonableness of NRC reliance on the information, (6) the importance of the information which was wrong or not provided, and (7) the reasonableness of the explanation for not providing complete and accurate information.

Absent at least careless disregard, an incomplete or inaccurate unsworn oral statement normally will not be subject to enforcement action unless it involves significant information provided by a licensee official. However, enforcement action may be taken for an unintentionally incomplete or inaccurate oral statement provided to NRC by a licensee official or others on behalf of a licensee, if a record was made of the oral information and provided to the licensee thereby permitting an opportunity to correct the oral information, such as if a transcript of the communication or meeting summary containing the error was made available to the licensee.

When a licensee has corrected inaccurate or incomplete information, the decision to issue a citation for the initial inaccurate or incomplete information normally will be dependent on the circumstances, including the ease of detection of the error, the timeliness of the correction, whether the NRC or the licensee identified the problem with the communication, and whether the NRC relied on the information prior to the correction. Generally, if the matter was promptly identified and corrected by the licensee prior to reliance by the NRC, or the NRC raising a question about the information, no enforcement action will be taken for the initial inaccurate or incomplete information. On the other hand, if the misinformation is identified after the NRC relies on it, or after some question is raised regarding the accuracy of the information, then some enforcement action normally will be taken even if it is in fact corrected. However, if the initial submittal was accurate when made but later turns out to be erroneous because of newly discovered information or advance in technology, a citation normally would not be appropriate if, when the new information became available, the initial submittal was promptly corrected.

The failure to correct inaccurate or incomplete information which the licensee does not identify as significant normally will not constitute a separate violation. However, the circumstances surrounding the failure to correct may be considered relevant to the determination of enforcement action for the initial inaccurate or incomplete statement. For example, an unintentionally inaccurate or incomplete submission may be treated as a more severe matter if the licensee later determines that the intitial submittal was in error and does not correct it or if there were clear opportunities to identify the error. If information not corrected was recognized by a licensee as significant, a separate citation may be made for the failure to provide significant information. In any event, in serious cases where the licensee's actions in not correcting or providing information raise questions about its commitment to safety or its fundamental trustworthiness, the Commission may exercise its authority to issue orders modifying, suspending, or revoking the license. The Commission recognizes that enforcement determinations must be made on a case-by-case basis, taking into consideration the issues described above.

[2] A licensee official means a first line supervisor or above as well as a licensed individual, Radiation Safety Officer, or a person listed on a license as an authorized user of licensed material.

V. Practical Impacts

Environmental Impact: Categorical Exclusion

With respect to the amendments to 10 CFR Parts 30, 40, 50, 60, 61, 70, 71, and 72, the NRC has determined that the rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(3). The NRC has also determined that the amendments to 10 CFR Parts 2, 55, 110, and 150 meet the eligibility criteria for the categorical exclusion described in 10 CFR 51.22(c)(1). Accordingly, neither an environmental impact statement nor an environmental assessment has been prepared in connection with the issuance of the rule.

Paperwork Reduction Act Statement

This rule adds a specific information collection requirement that is subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The information collection requirements contained in these Regulations have been approved by the Office of Management and Budget; OMB approval Nos. 3150–0017 (Part 30); –0020 (Part 40); –0011 (Part 50); –0018 (Part 55); –0127 (Part 60); –0135 (Part 61); –0009 (Part 70); –0008 (Part 71); –0132 (Part 72); –0032 (Part 150).

Regulatory Analysis

The Commission's current requirement for accuracy and completeness of information provided to the Commission is specified in the adjudicatory decision rendered with respect to an enforcement action taken against Virginia Electric Power Company in 1976. The rule articulates this requirement, which governs the day-to-day interactions between NRC personnel and licensees and applicants, in a regulation issued under the Commission's general authority to establish instructions for the provision of information and reports to the Commission rather than by interpretation of the material false statement provision of section 186 of the Atomic Energy Act in an adjudicatory decision. Codifying this requirement is preferable to continued reliance on the adjudicatory decision as the only statement of the requirement. Codification of the requirement will give the regulated community more explicit and accessible notice of the standards of accuracy expected of it and will give the Commission greater flexibility to enforce these standards without unnecessarily applying the label material false statement to communications from licensees and applicants. In view of the extensive public comments and the recommendations of the Advisory Committee for Review of the Enforcement Policy received in response to the Commission's request for evaluation of the existing practice and proposed changes to it, it is apparent that this rule is the preferred alternative and the cost entailed in its promulgation and application is necessary and appropriate. The foregoing discussion constitutes the regulatory analysis for this rule.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), and consistent with NRC's Size Standards published December 9, 1985 (50 FR 50241), the Commission certifies that this rule does not have a significant economic impact upon a substantial number of small entities. The rule, which will affect large and small licensees alike, merely codifies an existing requirement, established through an adjudicatory decision, that all information provided to the Commission relating to licensed activities or maintained pursuant to Commission requirements be complete and accurate in all material respects. In addition, the rule will reduce the existing burden on licensees because the full disclosure aspect of the current judicially imposed requirement has been modified to limit it to that information which the licensee itself has determined has a significant implication for licensed activities.

In the notice of proposed rulemaking, the Commission specifically requested comment on the economic impact of this action on small entities. No comments were received in response to this request.

Backfit Statement

The rule codifies the existing obligations of applicants and licensees to provide information relating to licensed activities which could have significant implications for those activities and to ensure that all information provided to the Commission or maintained pursuant to Commission requirements is complete and accurate in all material respects. The Commission has determined, therefore, that the backfit rule, 10 CFR 50.109, does not apply to the rule.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalty, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 30

Byproduct material, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

Government contracts, Hazardous materials—transportation, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 50

Antitrust, Classified information, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 55

Manpower training programs, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements.

10 CFR Part 60

High-level waste, Nuclear power plants and reactors, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 61

Low-level waste, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 70

Hazardous materials—transportation, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 71

Hazardous materials—transportation, Nuclear materials, Packaging and containers, Penalty, Reporting and recordkeeping requirements.

10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

10 CFR Part 110

Administrative practice and procedure, Classified information, Export, Import, Incorporation by reference, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements, Scientific equipment.

10 CFR Part 150

Hazardous materials—transportation, Intergovernmental relations, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR Parts 2, 30, 40, 50, 55, 60, 61, 70, 71, 72, 110 and 150.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for Part 2 is revised to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200–2.206 also issued under secs. 186, 234, 68 Stat. 955, 83 Stat. 444, as amended (42 U.S.C. 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.600–2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770 also issued under 5 U.S.C. 557. Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134,

Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Appendix A also issued under sec. 6, Pub. L. 91–560, 84 Stat. 1473 (42 U.S.C. 2135). Appendix B also issued under sec. 10, Pub. L. 99–240, 99 Stat. 1842 (42 U.S.C. 2021b *et seq.*)

2. In Appendix C—General Statement of Policy and Procedure for NRC Enforcement Actions to 10 CFR Part 2, Sections VI., VII. and VIII. are redesignated as Sections VII., VIII. and IX.; and a new Section VI entitled "Inaccurate and Incomplete Information" is added to read as follows:

Appendix C—General Statement of Policy and Procedure for NRC Enforcement Actions

* * * * *

VI. Inaccurate and Incomplete Information

A violation of the regulations on submitting complete and accurate information, whether or not considered a material false statement, can result in the full range of enforcement sanctions. The labeling of a communication failure as a material false statement will be made on a case-by-case basis and will be reserved for egregious violations. Violations involving inaccurate or incomplete information or the failure to provide significant information identified by a licensee normally will be categorized based on the guidance herein, in Section III "Severity of Violations", and in Supplement VII.

The Commission recognizes that oral information may in some situations be inherently less reliable than written submittals because of the absence of an opportunity for reflection and management review. However, the Commission must be able to rely on oral communications from licensee officials concerning significant information. A licensee official for purposes of application of the Enforcement Policy means a first line supervisor or above as well as a licensed individual, radiation safety officer, or a person listed on a license as an authorized user of licensed material. Therefore, in determining whether to take enforcement action for an oral statement, consideration may be given to such factors as (1) the degree of knowledge that the communicator should have had, regarding the matter, in view of his or her position, training, and experience, (2) the opportunity and time available prior to the communication to assure the accuracy or completeness of the information, (3) the degree of intent or negligence, if any, involved, (4) the formality of the communication, (5) the reasonableness of NRC reliance on the information, (6) the importance of the information which was wrong or not provided, and (7) the reasonableness of the explanation for not providing complete and accurate information.

Absent at least careless disregard, an incomplete or inaccurate unsworn oral statement normally will not be subject to enforcement action unless it involves significant information provided by a licensee official. However, enforcement action may be taken for an unintentionally incomplete or inaccurate oral statement provided to the NRC by a licensee official or others on behalf of a licensee, if a record was made of the oral information and provided to the licensee thereby permitting an opportunity to correct the oral information, such as if a transcript of the communication or meeting summary containing the error was made available to the licensee and was not subsequently corrected in a timely manner.

When a licensee has corrected inaccurate or incomplete information, the decision to issue a citation for the initial inaccurate or incomplete information normally will be dependent on the circumstances, including the ease of detection of the error, the timeliness of the correction, whether the NRC or the licensee identified the problem with the communication, and whether the NRC relied on the information prior to the correction. Generally, if the matter was promptly identified and corrected by the licensee prior to reliance by the NRC, or before the NRC raised a question about the information, no enforcement action will be taken for the initial inaccurate or incomplete information. On the other hand, if the misinformation is identified after the NRC relies on it, or after some question is raised regarding the accuracy of the information, then some enforcement action normally will be taken even if it is in fact corrected. However, if the initial submittal was accurate when made but later turns out to be erroneous because of newly discovered information or advance in technology, a citation normally would not be appropriate if, when the new information became available, the initial submittal was corrected.

The failure to correct inaccurate or incomplete information which the licensee does not identify as significant normally will not constitute a separate violation. However, the circumstances surrounding the failure to correct may be considered relevant to the determination of enforcement action for the initial inaccurate or incomplete statement. For example, an unintentionally inaccurate or incomplete submission may be treated as a more severe matter if the licensee later determines that the initial submittal was in error and does not correct it or if there were clear opportunities to identify the error. If information not corrected was recognized by a licensee as significant, a separate citation may be made for the failure to provide significant information. In any event, in serious cases where the licensee's actions in not correcting or providing information raise questions about its commitment to safety or its fundamental trustworthiness, the Commission may exercise its authority to issue orders modifying, suspending, or revoking the license. The Commission recognizes that enforcement determinations must be made on a case-by-case basis, taking into consideration the issues described above.

* * * * *

3. In Appendix C—General Statement of Policy and Procedure for NRC Enforcement Actions to 10 CFR Part 2, Supplement VII—Severity Categories, is revised to read as follows:

Appendix C—General Statement of Policy and Procedure for NRC Enforcement Actions

* * * * *

Supplement VII—Severity Categories

Miscellaneous Matters

A. Severity I—Violations involving for example:

1. Inaccurate or incomplete information [18] which is provided to the NRC (a) deliberately with the knowledge of a licensee official that the information is incomplete or inaccurate, or (b) if the information, had it been complete and accurate at the time provided, likely would have resulted in regulatory action such as an immediate order required by the public health and safety;

2. Incomplete or inaccurate information which the NRC requires be kept by a licensee which is (a) incomplete or inaccurate because of falsification by or with the knowledge of a licensee official, or (b) if the information, had it been complete and accurate when reviewed by the NRC, likely would have resulted in regulatory action such as an immediate order required by public health and safety considerations;

3. Information which the licensee has identified as having significant implications for public health and safety or the common defense and security ("significant information identified by a licensee") and which is deliberately withheld from the Commission;

4. Action by senior corporate management in violation of 10 CFR 50.7 or similar regulations against an employee; or

5. A knowing and intentional failure to provide the notice required by Part 21.

B. Severity II—Violations involving for example:

1. Inaccurate or incomplete information which is provided to the NRC (a) by a licensee official because of careless disregard for the completeness or accuracy of the information, or (b) if the information, had it been complete and accurate at the time provided, likely would have resulted in regulatory action such as a show cause order or a different regulatory position;

2. Incomplete or inaccurate information which the NRC requires be kept by a licensee which is (a) incomplete or inaccurate because of careless disregard for the accuracy of the information on the part of a licensee official, or (b) if the information, had it been complete and accurate when reviewed by the NRC, likely would have resulted in regulatory action such as a show cause order or a different regulatory position;

3. "Significant information identified by a licensee" and not provided to the Commission because of careless disregard on the part of a licensee official;

4. Action by plant management above first-line supervision in violation of 10 CFR 50.7 or similar regulations against an employee; or

5. A failure to provide the notice required by Part 21.

[18] In applying the examples in this supplement regarding inaccurate or incomplete information and records, reference also should be made to the guidance in Section VI.

C. Severity III—Violations involving for example:

1. Incomplete or inaccurate information which is provided to the NRC (a) because of inadequate actions on the part of licensee officials but not amounting to a Severity Level I or II violation, or (b) if the information, had it been complete and accurate at the time provided, likely would have resulted in a reconsideration of a regulatory position or substantial further inquiry such as an additional inspection of a formal request for information;

2. Incomplete or inaccurate information which the NRC requires be kept by a licensee which is (a) incomplete or inaccurate because of inadequate actions on the part of licensee officials but not amounting to a Severity Level I or II violation, or (b) if the information, had it been complete and accurate when reviewed by the NRC, likely would have resulted in a reconsideration of a regulatory position or substantial further inquiry such as an additional inspection or a formal request for information;

3. Failure to provide "significant information identified by a licensee" to the Commission and not amounting to a Severity Level I or II violation'

4. Action by first-line supervision in violation of 10 CFR 50.7 or similar regulations against an employee; or

5. Inadequate review or failure to review such that, if an appropriate review had been made as required, a Part 21 report would have been made.

D. Severity IV—Violations involving for example:

1. Incomplete or inaccurate information of more than minor significance which is provided to the NRC but not amounting to a Severity Level I, II, or III violation;

2. Information which the NRC requires be kept by a licensee and which is incomplete or inaccurate and of more than minor significance but not amounting to a Severity Level I, II, or III violation; or

3. Inadequate review or failure to review under Part 21 or other procedural violations associated with Part 21 with more than minor safety significance.

E. Severity V—Violations involving for example:

1. Incomplete or inaccurate information which is provided to the Commission and the incompleteness or inaccuracy is of minor significance;

2. Information which the NRC requires be kept by a licensee which is incomplete or inaccurate and the incompleteness or inaccuracy is of minor significance; or

3. Minor procedural requirements of Part 21.

* * * * *

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

4. The authority citation for Part 30 is revised to read as follows:

Authority: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec 223, 68 Stat. 958, as amended (42 U.S.C. 2273); 30.3, 30.34(b) and (c), 30.41(a) and (c), and 30.53 are issued under sec 161b., 68 Stat. 948 as amended (42 U.S.C. 2201(b)); and 30.6, 30.9, 30.36, 30.51, 30.52, 30.55 and 30.56(b) and (c) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

5. Immediately following § 30.8, a new § 30.9 is added to read as follows:

§ 30.9 Completeness and accuracy of information.

(a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects.

(b) Each applicant or licensee shall notify the Commission of information identified by the applicant or licensee as having for the regulated activity a significant implication for public health and safety or common defense and security. An applicant or licensee violates this paragraph only if the applicant or licensee fails to notify the Commission of information that the applicant or licensee has identified as having a significant implication for public health and safety or common defense and security. Notification shall be provided to the Administrator of the appropriate Regional Office within two working days of identifying the information. This requirement is not applicable to information which is already required to be provided to the Commission by other reporting or updating requirements.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

6. The authority citation for Part 40 is revised to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11(e)(2), 83, 84, Pub. L. 95–604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97–415, 96 Stat. 2067 (42 U.S.C. 2022).

Section 40.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 40.3, 40.25(d)(1)–(3), 40.35(a)–(d), 40.41(b) and (c), 40.46, 40.51(a) and (c), and 40.63 are issued under sec. 161b, 68 Stat. 948 as amended, (42 U.S.C. 2201(b)); and §§ 40.5, 40.9, 40.25(c), (d)(3), and (4), 40.26(c)(2), 40.35(e), 40.42, 40.61, 40.62, 40.64 and 40.65 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

7. Immediately following § 40.8, a new § 40.9 is added to read as follows:

§ 40.9 Completeness and accuracy of information.

(a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the license shall be complete and accurate in all material respects.

(b) Each applicant or licensee shall notify the Commission of information identified by the applicant or licensee as having for the regulated activity a significant implication for public health and safety or common defense and security. An applicant or licensee violates this paragraph only if the applicant or licensee fails to notify the Commission of information that the applicant or licensee has identified as having a significant implication for public health and safety or common defense and security. Notification shall be provided to the Administrator of the appropriate Regional Office within two working days of identifying the information. This requirement is not applicable to information which is already required to be provided to the Commission by other reporting or updating requirements.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

8. The authority citation for Part 50 is revised to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185.

68 Stat. 936, 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.23, 50.35, 50.55, 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 50.103 also issued under sec. 108, 68 Stat. 939 as amended (42 U.S.C. 2138). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 50.10(a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§50.10(b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.9, 50.55(e), 50.59(b), 50.70, 50.71, 50.72, 50.73, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

9. Immediately following § 50.8, a new § 50.9 is added to read as follows:

§ 50.9 Completeness and accuracy of information.

(a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects.

(b) Each applicant or licensee shall notify the Commission of information identified by the applicant or licensee as having for the regulated activity a significant implication for public health and safety or common defense and security. An applicant or licensee violates this paragraph only if the applicant or licensee fails to notify the Commission of information that the applicant or licensee has identified as having a significant implication for public health and safety or common defense and security. Notification shall be provided to the Administrator of the appropriate Regional Office within two working days of identifying the information. This requirement is not applicable to information which is already required to be provided to the Commission by other reporting or updating requirements.

PART 55—OPERATORS' LICENSES

10. The authority citation for Part 55 is revised to read as follows:

Authority: Sec. 107, 161, 182, 68 Stat. 939, 948 953, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2137, 2201, 2232, 2282); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

Sections 55.41, 55.43, 55.45, and 55.59 also issued under sec. 306, Pub. L. 97–425, 96 Stat. 2262 (42 U.S.C. 10226). Section 55.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 55.3, 55.21, 55.49, and 55.53 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 55.9, 55.23, 55.25, and 55.53(f) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

11. Immediately following § 55.8, a new § 55.9 is added to read as follows:

§ 55.9 Completeness and accuracy of information.

Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects.

PART 60—DISPOSAL OF HIGH LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES; LICENSING PROCEDURES

12. The authority citation for Part 60 is revised to read as follows:

Authority: Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233), secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); sec. 121, Pub. L. 97–425, 96 Stat. 2228 (42 U.S.C. 10141).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 60.10, 60.71 to 60.75 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

13. Immediately following § 60.9, a new § 60.10 is added to read as follows:

§ 60.10 Completeness and accuracy of information.

(a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects.

(b) Each applicant or licensee shall notify the Commission of information identified by the applicant or licensee as having for the regulated activity a significant implication for public health and safety or common defense and security. An applicant or licensee violates this paragraph only if the applicant or licensee fails to notify the Commission of information that the applicant or licensee has identified as having a significant implication for public health and safety or common defense and security. Notification shall be provided to the Administrator of the appropriate Regional Office within two working days of identifying the information. This requirement is not applicable to information which is already required to be provided to the Commission by other reporting or updating requirements.

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

14. The authority citation for Part 61 is revised to read as follows:

Authority: Secs. 53, 57, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246, (42 U.S.C. 5842, 5446); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851).

For the purposes of sec. 223, 68 Stat. 958, as amended, (42 U.S.C. 2273); Tables 1 and 2, §§ 61.2, 61.24, 61.25, 61.27(a), 61.41 through 61.43, 61.52, 61.53, 61.55, 61.56, and 61.61 through 61.63 are issued under sec. 161i, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); 61.9a, 61.10 through 61.16, 61.24, and 61.80 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

15. Immediately following § 61.9, a new § 61.9a is added to read as follows:

§ 61.9a Completeness and accuracy of information.

(a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects.

(b) Each applicant or licensee shall notify the Commission of information identified by the applicant or licensee as having for the regulated activity a significant implication for public health and safety or common defense and security. An applicant or licensee violates this paragraph only if the applicant or licensee fails to notify the Commission of information that the applicant or licensee has identified as having a significant implication for public health and safety or common defense and security. Notification shall be provided to the Administrator of the appropriate Regional Office within two working days of identifying the information. This requirement is not applicable to information which is already required to be provided to the Commission by other reporting or updating requirements.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

16. The authority citation for Part 70 is revised to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Section 70.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93–377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 70.3, 70.19(c), 70.21(c), 70.22(a), (b), (d)–(k), 70.24(a) and (b), 70.32(a)(3), (5), (6), (d), and (i), 70.36, 70.39(b) and (c), 70.41(a), 70.42(a) and (c), 70.56, 70.57(b), (c), and (d), 70.58(a)–(g)(3) and (h)–(j) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b); §§ 70.7, 70.20a(a) and (d), 70.20b(c) and (e), 70.21(c), 70.24(b), 70.32(a)(6), (c), (d), (e), and (g), 70.36, 70.51(c)–(g), 70.56, 70.57(b) and (d), and 70.58(a)–(g)(3) and (h)–(j) are issued under sec. 161i, 68 Stat. 949, as amended (42 (U.S.C. 2201(i)); and §§ 70.5, 70.9, 70.20b(d) and (e), 70.38, 70.51(b) and (i), 70.52, 70.53, 70.54, 70.55, 70.58(g)(4), (k), and (l), 70.59 and 70.60(b) and (c) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

17. Immediately following § 70.8, a new § 70.9 is added to read as follows:

§ 70.9 Completeness and accuracy of information.

(a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects.

(b) Each applicant or licensee shall notify the Commission of information identified by the applicant or licensee as having for the regulated activity a significant implication for public health and safety or common defense and security. An applicant or licensee violates this paragraph only if the applicant or licensee fails to notify the Commission of information that the applicant or licensee has identified as having a significant implication for public health and safety or common defense and security. Notification shall be provided to the Administrator of the appropriate Regional Office within two working days of identifying the information. This requirement is not applicable to information which is already required to be provided to the Commission by other reporting or updating requirements.

PART 71—PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

18. The authority citation for Part 71 is revised to read as follows:

Authority: Secs. 53, 57, 62, 63, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2111, 2201, 2232, 2233); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 71.97 also issued under sec. 301, Pub. L. 96–295, 94 Stat. 789–790.

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 71.3, 71.43, 71.45, 71.55, 71.63(a) and (b), 71.83, 71.85, 71.87, 71.89, and 71.97 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 71.5(b), 71.6a, 71.91, 71.93, 71.95, and 71.101(a) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

19. Immediately following § 71.6, a new § 71.6a is added to read as follows:

§ 71.6a Completeness and accuracy of information.

(a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects.

(b) Each applicant or licensee shall notify the Commission of information identified by the applicant or licensee as having for the regulated activity a significant implication for public health and safety or common defense and security. An applicant or licensee violates this paragraph only if the applicant or licensee fails to notify the Commission of information that the applicant or licensee has identified as having a significant implication for public health and safety or common defense and security. Notification shall be provided to the Administrator of the appropriate Regional Office within two working days of identifying the information. This requirement is not applicable to information which is already required to be provided to the Commission by other reporting or updating requirements.

PART 72—LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL IN AN INDEPENDENT SPENT FUEL STORAGE INSTALLATION (ISFSI)

20. The authority citation for Part 72 is revised to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332).

Section 72.34 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 72.6, 72.14, 72.15, 72.17(d), 72.19, 72.33(b)(1), (4), (5), (e), (f), and 72.36(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 72.10, 72.15, 72.17(d), 72.33(c), (d)(1), (2), (e), 72.81, 72.83, 72.84(a), 72.91 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 72.9a, 72.33(b)(3), (d)(3), (f), 72.35(b), 72.50–72.52, 72.53(a), 72.54(a), 72.55, 72.56, 72.80(c), and 72.84(b) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

21. Immediately following § 72.9, a new § 72.9a is added to read as follows:

§ 72.9a Completeness and accuracy of information.

(a) Information provided to the Commission by an applicant for a license or by a licensee or informaion required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects.

(b) Each applicant or licensee shall notify the Commission of information identified by the applicant or licensee as having for the regulated activity a significant implication for public health and safety or common defense and security. An applicant or licensee violates this paragraph only if the applicant or licensee fails to notify the Commission of information that the applicant or licensee has identified as having a significant implication for public health and safety or common defense and security. Notification shall be provided to the Administrator of the appropriate Regional Office within two

BEST COPY AVAILABLE

VOL 52 ISS 251 DEC 31 1987 UMI

working days of identifying the information. This requirement is not applicable to information which is already required to be provided to the Commission by other reporting or updating requirements.

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

22. The authority citation for Part 110 is revised to read as follows:

Authority: Secs. 51, 53, 54, 57, 63, 64, 65, 81, 82, 103, 104, 109, 111, 126, 127, 128, 129, 161, 181, 182, 183, 187, 189, 68 Stat. 929, 930, 931, 932, 933, 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2071, 2073, 2074, 2077, 2092–2095, 2111, 2112, 2133, 2134, 2139, 2139a, 2141, 2154–2158, 2201, 2231–2233, 2237, 2239); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Section 110.1(b)(2) also issued under Pub. L. 95–92, 93 Stat. 710 (22 U.S.C. 2403). Section 110.11 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152) and secs. 54c and 57d., 88 Stat. 473, 475 (42 U.S.C. 2074). Section 110.27 also issued under sec. 309(a), Pub. L. 99–440. Section 110.50(b)(3) also issued under sec. 123, 92 Stat. 142 (42 U.S.C. 2153). Section 110.51 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 110.52 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). Sections 110.80–110.113 also issued under 5 U.S.C. 552, 554. Sections 110.30–110.35 also issued under 5 U.S.C. 553.

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); 110.20–110.29, 110.50, and 110.120–110.129 also issued under secs. 161 b and i, 68 Stat. 948, 949, as amended (42 U.S.C. 2201 (b) and (i)); and §§ 110.7a and 110.53 are also issued under sec. 161(o), 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

22. Immediately following § 110.7, a new § 110.7a is added to read as follows:

§ 110.7a Completeness and accuracy of information.

(a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects.

(b) Each applicant or licensee shall notify the Commission of information identified by the applicant or licensee as having for the regulated activity a significant implication for public health and safety or common defense and security. An applicant or licensee violates this paragraph only if the applicant or licensee fails to notify the Commission of information that the applicant or licensee has identified as having a significant implication for public health and safety or common defense and security. Notification shall be provided to the Administrator of the appropriate Regional Office within two working days of identifying the information. This requirement is not applicable to information which is already required to be provided to the Commission by other reporting or updating requirements.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

24. The authority citation for Part 150 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2021); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Sections 150.3, 150.15, 150.15a, 150.31, 150.32 also issued under secs. 11e(2), 81, 68 Stat. 923, 935, as amended, secs. 83, 84, 92 Stat. 3033, 3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114). Section 150.14 also issued under sec. 53, 68 Stat. 930, as amended (42 U.S.C. 2073). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 83 Stat. 444 (42 U.S.C. 2282).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); 150.20(b) (2)–(4) and 150.21 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); § 150.14 is issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and 150.16–150.19 and 150.20(b) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

25. The introductory paragraph of § 150.20(b) is revised to read as follows:

§ 150.20 Recognition of Agreement State licenses.

* * * * *

(b) Notwithstanding any provision to the contrary in any specific license issued by an Agreement State to a person engaging in activities in a non-Agreement State or in offshore waters under the general licenses provided in this section:

* * * * *

Dated at Washington, DC this 24th day of December, 1987.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 87–29906 Filed 12–30–87; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 206 and 208

[Docket No. R–0609]

Securities of State Member Banks and Membership of State Banking Institutions in the Federal Reserve System

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending its regulations issued pursuant to section 12(i) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78/(i)) (the "1934 Act"). The amendment provides that State member banks required by sections 12(b) and 12(g) of the 1934 Act (15 U.S.C. 78/ (b) and (g)) ("registered State member banks") to file certain information with the Board must do so on the forms prescribed by the Securities and Exchange Commission (the "SEC") for other entities subject to reporting requirements under the 1934 Act. The amendment rescinds the Board's present regulation dealing with disclosures by registered State member banks under the 1934 Act, Regulation F (12 CFR Part 206), and adds the new securities disclosure requirement to Regulation H (12 CFR Part 208), which governs the activities of State member banks generally. The amendment will also permit, but not require, a registered State member bank with no foreign offices and total assets of $150 million or less to substitute the financial statements from its quarterly report of condition filed with the Board (Federal Financial Institutions Examination Council Forms 033 or 034) for the financial statements normally required on SEC Form 10–Q.

DATES: This amendment is effective for all filings submitted after January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Walter R. McEwen, Attorney, Legal Division (202/452–3321), Kenneth M. Kinoshita, Attorney, Legal Division (202/452–3721), Rhoger H. Pugh, Manager, Policy Development Section, Division of Banking Supervision and Regulation (202/452–5883) or Gerald A. Edwards, Supervisory Financial Analyst, Division of Banking Supervision and Regulation (202/452–2741); and for the hearing impaired *only:* Telecommunication Device for the Deaf, Earnestine Hill or Dorothea Thompson (202/452–3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: State member banks issuing securities that are registered under sections 12(b) or 12(g) of the 1934 Act and certain of their principal shareholders are currently required to file certain reports with the Board under the 1934 Act and the Board's Regulation F, which implements the reporting requirements of the 1934 Act as they apply to State member banks. The purpose of these reports is to provide investors in registered State member bank securities with information on the activities and operations of these banks.

Section 12(i) of the 1934 Act authorizes the Board to promulgate such rules and regulations as may be necessary to implement the provisions of 1934 Act as to State member banks. That section also requires the Board to issue rules and regulations that are substantially similar to those issued by the SEC under sections 12, 13, 14(a), 14(c), 14(d), 14(f) and 16 of the 1934 Act for entities subject to reporting requirements under those provisions. The reporting requirements adopted by the Board for State member banks are currently codified in Regulation F and have traditionally been substantially identical to the rules and regulations issued by the SEC under sections 12, 13, 14(a), 14(c), 14(d), 14(f) and 16 of the 1934 Act. Because of the small number of registered State member banks and the few substantive differences between Regulation F and the rules and regulations issued by the SEC under sections 12, 13, 14(a), 14(c), 14(d), 14(f) and 16 of the 1934 Act, the Board believes that it would be appropriate to replace its securities disclosure regulations with a requirement that State member banks file with the Board the information and forms proscribed by the SEC under the 1934 Act. This amendment would ensure that the Board's securities regulation under section 12(i) of the 1934 Act automatically incorporates any amendments adopted by the SEC under sections 12, 13, 14(a), 14(c), 14(d), 14(f) and 16 of the 1934 Act.

The Board has decided to codify this requirement in Regulation H, which applies to the activities of State member banks generally, and to rescind Regulation F. Accordingly, a new § 208.16(a) of Regulation H will provide that registered State member banks required to file reports with the Board under sections 12(b) and 12(g) of the 1934 Act must follow the rules, regulations and forms prescribed by the SEC pursuant to sections 12, 13, 14(a), 14(c), 14(d), 14(f) and 16 of the 1934 Act.

The Board recognizes that this amendment will require registered State member banks to submit audited annual financial statements as required by the SEC's Regulation S–X. The Board notes, however, that 33 of the 36 registered State member banks already submit audited annual financial statements and believes that the value of the independent audit outweighs the burden imposed on those banks which presently do not furnish audited annual financial statements.

The Board originally proposed to allow banks which have no foreign offices and total assets of less than $100 million to elect to substitute the balance sheet and income statement from the quarterly report of condition required to be filed by the bank with the Board under section 9 paragraph 6 of the Federal Reserve Act (12 U.S.C. 324) (Federal Financial Institutions Examination Council Form 034) for the quarterly financial statements required in the SEC's Form 10–Q. Comments on the proposed rule suggested that the Board amend the rule to allow banks which have no foreign offices and total assets of $150 million or less to take advantage of this provision. The commenters pointed out that the $150 million figure conforms to the cut-off in the Board's Capital Adequacy Guidelines (12 CFR Part 225, Appendix A). The Board agrees with the commenters and has decided to increase the cut-off for use of this provision to banks with assets of $150 million or less. Accordingly, the final rule also permits banks with assets over $100 million but less than $150 million to elect to file either the balance sheet and income statement required by Form 10–Q or the balance sheet and income statement required by FFIEC Form 033 for those banks.

The basic information disclosed in FFIEC Forms 033 and 034 is substantially similar to that required by SEC Form 10–Q, although the format of the forms differs. Therefore, the Board concludes that no substantive purpose is served by requiring a small registered State member bank to file two forms detailing similar information in different formats.

The amendment permits registered State member banks to make this election only if the net income, total assets and total equity capital reported in financial statements filed on FFIEC Forms 033 or 034 would not differ materially from corresponding amounts in financial statements prepared in accordance with generally accepted accounting principles ("GAAP"). The balance sheet and income statement required by FFIEC Forms 033 and 034 are prepared in accordance with certain Federal bank regulatory reporting standards. The Board concludes, however, that financial statements prepared under regulatory reporting standards and financial statements prepared under GAAP are not likely to be significantly different in banks with less than $150 million in assets. Where the financial statements would be materially different, the banks may not elect to use the financial statements from FFIEC Forms 033 and 034 in lieu of the financial statements required by Form 10–Q.

Regulatory Flexibility Act and Paperwork Reduction Act

The Board will publish its analysis of the impact of this amendment under the Regulatory Flexibility Act of 1980 and the Paperwork Reduction Act of 1980 in a subsequent **Federal Register** notice.

List of Subjects

12 CFR Part 206

Accounting, Confidential business information, Federal Reserve System, Reporting and recordkeeping requirements, Securities.

12 CFR Part 208

Membership, Banks, Accounting, Confidential business information, Federal Reserve System, Reporting and recordkeeping requirements, Securities.

For the reasons set out in this notice, and pursuant to the Board's authority under section 12(i) of the 1934, the Board amends 12 CFR Parts 206 and 208 as follows:

PART 206—[REMOVED AND RESERVED]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

1. The authority citation for Part 208 is revised to read as follows:

Authority: 12 U.S.C. 248, 321–338, 486, 1814, 3907, 3909 and 15 U.S.C. 78/(i).

2. Section 208.16 is added to read as follows:

§ 208.16 Reporting requirements for State member banks subject to the Securities Exchange Act of 1934.

(a) *Filing requirements.* Except as otherwise provided in this section, a State member bank the securities of which are subject to registration pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (the "1934 Act") (15 U.S.C. 78*l* (b) and (g)) shall comply with the rules, regulations and forms adopted by the Securities and Exchange Commission ("Commission") pursuant to sections 12, 13, 14(a), 14(c), 14(d), 14(f) and 16 of the 1934 Act (15 U.S.C. 78*l*, 78m, 78n(a), (c), (d), (f) and 78p). The term "Commission" as used in those rules and regulations shall with respect to securities issued by State member banks be deemed to refer to the Board unless the context otherwise requires.

(b) *Elections permitted of State member banks with total assets of $150 million or less.* (1) Notwithstanding paragraph (a) of this section or the rules and regulations promulgated by the Commission pursuant to the 1934 Act, a State member bank that has total assets of $150 million or less as of the end of its most recent fiscal year and no foreign offices may elect to substitute for the financial statements required by the Commission's Form 10–Q the balance sheet and income statement from the quarterly report of condition required to be filed by such bank with the Board under section 9 of the Federal Reserve Act (12 U.S.C. 324) (Federal Financial Institutions Examination Council Form 033 or 034).

(2) A State member bank may not elect to file financial statements from its quarterly report of condition pursuant to paragraph (b)(1) of this section if the amounts reported for net income, total assets or total equity capital in those statements, which are prepared on the basis of Federal bank regulatory reporting standards, would differ materially from such amounts reported in financial statements prepared in accordance with generally accepted accounting principles ("GAAP").

(3) A State member bank qualifying for and electing to file financial statements from its quarterly report of condition pursuant to paragraph (b)(1) of this section in its form 10–Q shall include earnings per share or net loss per share data prepared in accordance with GAAP and disclose any material contingencies as required by Article 10 of the Commission's Regulation S–X [15 CFR 210.10–01], in the Management's Discussion and Analysis of Financial Condition and Results of Operations section of Form 10–Q.

(c) *Filing instructions, inspection of documents, and nondisclosure of certain information filed.* (1) All papers required to be filed with the Board pursuant to the 1934 Act or regulations thereunder shall be submitted to the Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. Material may be filed by delivery to the Board, through the mails, or otherwise. The date on which papers are actually received by the Board shall be the date of filing thereof if all of the requirements with respect to the filing have been complied with.

(2) No filing fees specified by the Commission's rules shall be paid to the Board.

(3) Copies of the registration statement, definitive proxy solicitation materials, reports and annual reports to shareholders required by this section (exclusive of exhibits) will be available for public inspection at the Board's offices in Washington, DC, as well as at the Federal Reserve Banks of New York, Chicago, and San Francisco and at the Reserve Bank in the district in which the reporting bank is located.

(4) Any person filing any statement, report, or document under the 1934 Act may make written objection to the public disclosure of any information contained therein in accordance with the procedure set forth below:

(i) The person shall omit from the statement, report, or document, when it is filed, the portion thereof that the person desires to keep undisclosed (hereinafter called the confidential portion). The person shall indicate at the appropriate place in the statement, report, or document that the confidential portion has been so omitted and filed separately with the Board.

(ii) The person shall file with the copies of the statement, report, or document filed with the Board:

(A) As many copies of the confidential portion, each clearly marked "CONFIDENTIAL TREATMENT", as there are copies of the statement, report, or document filed with the Board. Each copy of the confidential portion shall contain the complete text of the item and, notwithstanding that the confidential portion does not constitute the whole of the answer, the entire answer thereto; except that in case the confidential portion is part of a financial statement or schedule, only the particular financial statement or schedule need be included. All copies of the confidential portion shall be in the same form as the remainder of the statement, report, or document; and

(B) An application making objection to the disclosure of the confidential portion. Such application shall be on a sheet or sheets separate from the confidential portion, and shall (*1*) identify the portion of the statement, report, or document that has been omitted, (*2*) include a statement of the grounds of objection, and (*3*) include the name of each exchange, if any, with which the statement, report, or document is filed. The copies of the confidential portion and the application filed in accordance with this paragraph shall be enclosed in a separate envelope marked "CONFIDENTIAL TREATMENT" and addressed to Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551.

(iii) Pending the determination by the Board on the objection filed in accordance with this paragraph, the confidential portion will not be disclosed by the Board.

(iv) If the Board determines that the objection shall be sustained, a notation to that effect will be made at the appropriate place in the statement, report, or document.

(v) If the Board determines that the objection shall not be sustained because disclosure of the confidential portion is in the public interest, a finding and determination to that effect will be entered and notice of the finding and determination will be sent by registered or certified mail to the person.

(vi) If the Board determines that the objection shall not be sustained pursuant to paragraph (c)(4)(v) of this section, the confidential portion shall be made available to the public:

(A) 15 days after notice of the Board's determination not to sustain the objection has been given as required by paragraph (c)(4)(v) of this section, provided that the person filing the objection has not previously filed with the Board a written statement that he intends in good faith to seek judicial review of the finding and determination;

(B) 60 days after notice of the Board's determination not to sustain the objection has been given as required by paragraph (c)(4)(v) of this section and the person filing the objection has filed with the Board a written statement that he intends to seek judicial review of the finding and determination but has failed to file a petition for judicial review of the Board's determination; or

(C) Upon final judicial determination, if adverse to the party filing the objection.

(vii) If the confidential portion is made available to the public, a copy thereof shall be attached to each copy of the statement, report, or document filed with the Board.

By order of the Board of Governors of the Federal Reserve System, December 23, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 29933 Filed 12–30–87; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 350

Disclosure of Financial and Other Information by FDIC-Insured Nonmember Banks

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Board of Directors of the Federal Deposit Insurance Corporation (the "FDIC") is adopting a new Part 350 to the FDIC's rules and regulations that requires FDIC-insured state-chartered banks that are not members of the Federal Reserve System and FDIC-insured state-licensed branches of foreign banks to prepare, and make available on request, annual disclosure statements consisting of (1) required financial data comparable to specified schedules in call reports filed for the previous two year-ends, (2) information that the FDIC may require of particular organizations, and (3) other optional information. The first annual disclosure statement required by Part 350 is for 1987 and it must be prepared by March 31, 1988, or the fifth day after an organization's annual report covering the year 1987 is sent to shareholders, whichever occurs first. In place of Call Report data, a bank may use audited financial statements or reports prepared pursuant to other regulations by the bank or a parent one-bank holding company.

EFFECTIVE DATE: February 1, 1988.

ADDRESS: Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

FOR FURTHER INFORMATION CONTACT: William P. Carley or Robert F. Storch, Planning and Program Development Specialists, Division of Bank Supervision, FDIC, (202) 898–6903.

SUPPLEMENTARY INFORMATION: On June 17, 1987, the Board of Directors of the FDIC approved a proposed new Part 350 to the FDIC's rules and regulations for a 60-day comment period. (52 FR 23554 and 25021, June 23 and July 2, 1987.) Proposed Part 350 was substantially similar to a proposed revision of 12 CFR Part 18 by the Office of the Comptroller of the Currency (the "OCC") that would apply to all national banks. (52 FR 23456, June 22, 1987.) As a result of the two staffs' cooperation in evaluating comments on the respective proposals, this final Part 350 is substantially the same as the OCC's final revision of 12 CFR Part 18.

By adopting this regulation, the FDIC intends to improve public awareness and understanding of the financial condition of individual banks. In FDIC's view, improved financial disclosure should reduce the likelihood of the market or bank customers overreacting to incomplete information. The FDIC believes that the required disclosures will complement its supervisory efforts and enhance public confidence in the banking system.

The FDIC received 125 comment letters on its June 17 proposal. Although certain of those comments resulted in changes, this final rule retains the general framework of that proposal. Organizations subject to the regulation shall notify the general public, and in some instances shareholders, that disclosure statements are available on request. Required disclosures consist of financial reports for the current and preceding years and this data could be photocopied directly from year-end call reports. Also, on a case-by-case basis, the FDIC may require that descriptions of enforcement actions be included in disclosure statements. Finally, the regulation allows, but does not require, the inclusion of management discussions and analyses.

Changes From the Proposal

Based on comments received, this final Part 350 reflects changes from the June proposal.

In some instances the text of the proposal has been rearranged to more closely align the sequence of the provisions in the respective FDIC and OCC final rules. Also, the purpose section has been removed to conform with the style used in other parts of the FDIC's rules and regulations.

As a result of commenters expressing uncertainty about which entities were subject to the proposal, the final regulation adds a section that defines the term "bank" for purposes of Part 350. Also, to avoid misunderstandings in other sections of the regulation, the added section defines the term "Call Report" for purposes of Part 350. (§ 350.2)

The proposal would have required disclosure statements to be available by February 15, except for banks with foreign branches which would have had a March 1 availability date. Many commenters requested postponing the availability dates to make it realistically possible for banks to use options in the proposal to substitute audited financial statements or statements prepared pursuant to the requirements of the Securities Exchange Act of 1934 in place of Call Report data. Because of those comments, the final regulation requires disclosure statements to be available generally by March 31. However, when comparable information is compiled and sent to shareholders in the form of annual reports before March 31, disclosure statements must be available to the public not later than the fifth day after annual reports are sent to shareholders. (§ 350.3(b))

Commenters requested that the regulation specify a date after which an annual disclosure statement would no longer have to be made available. In this regard, the final regulation provides that each year's disclosure statement shall be available until the disclosure statement for the succeeding year is available. (§ 350.3(b))

As proposed, required financial data would have been based on, or comparable to, the contents of call reports filed by domestic banks and no allowance would have been made for the fact that reports filed by insured state-licensed branches of foreign banks are materially different from those of domestic banks. In this connection, commenters suggested that state-licensed branches of foreign banks be exempted from the regulation or that disclosures by such entities be based on reports they presently file. The final regulation provides that required disclosures of financial data by insured state-licensed branches of foreign banks be comparable to financial data filed in specified publicly available schedules in the reports filed by such entities. (§ 350.4(a)(2))

The proposal would not have allowed reports of holding companies to be used in place of reports required of banks. In this regard, commenters argued that in some instances information about a one-bank holding company is, for most intents and purposes, equivalent to information about the subsidiary bank. Accordingly, commenters requested that banks be allowed to use reports of holding companies prepared pursuant to other regulatory requirements to satisfy the proposed requirements. Based on those comments and on the staff's consideration of the cutoff point at which a holding company report would no longer be a reasonable proxy for a report of the subsidiary bank, reports of one-bank holding companies prepared in

accordance with requirements of the Securities and Exchange Commission or Regulation Y of the Federal Reserve System may be used by the bank to satisfy the regulation in instances where no less than 95 percent of the holding company's consolidated total assets and total liabilities are assets and liabilities of the bank and the bank's subsidiaries. (§ 350.5(c))

Commenters questioned why the proposed signature and attestation section should apply to disclosure statements that contain audited financial information. In this regard, the intention was to make the requirement applicable only when unaudited financial information (generally Call Report data) is used. Accordingly, the section has been restated to require a signature and attestation only when the financial reports are not accompanied by an auditor's certificate or report. (§ 350.6)

The proposal would have required banks to include announcements of the disclosure statements' availability with notices of annual meetings sent to shareholders. On this point some commenters questioned whether the FDIC intended to originate a requirement for sending notices of meetings to shareholders. One commenter assumed that this was the intention and argued that the FDIC lacks authority to impose such a requirement. Some asked if notices of meetings or announcements of the availability of disclosure statements had to be sent to holding companies that own substantially all outstanding shares of their subsidiary banks. Others asked if announcements of availability were required to be sent to shareholders of bank holding companies. In this regard, neither the proposal nor the final regulation is intended to require that notices of annual meetings be sent to shareholders. To avoid misunderstandings, the final regulation has been restated to provide that for banks that give written notices of their annual meetings, shareholders shall be simultaneously informed that the disclosure statement is available. This means that when written notices of shareholders' meetings are not given, banks are not required to send shareholders announcements of the availability of disclosure statements. The regulation is not applicable to communications sent to shareholders of a bank holding company. (§ 350.7(a))

As proposed, banks would have been required to provide shareholders and the public with an address, telephone number and name or title of the bank employee from whom disclosure statements should be requested. Also, banks would have been required to promptly mail or otherwise make disclosure statements available. On these points, commenters argued that it would be more practical to identify only an address and telephone number to which requests should be directed and to omit the requirement to identify a particular employee by name or title. Other commenters observed the impracticality and additional costs associated with maintaining supplies of disclosure statements at each location of a large branching system in order to satisfy the promptness requirement. Others asked for a definition of "promptly." Based on those comments, the final regulation does not require identifying by name or title an employee from whom requests for disclosure statements should be made. The final regulation retains the promptness requirement and thereby applies a standard of reasonableness to each bank's circumstances. This means a bank has flexibility to adopt a distribution system suitable to its own needs, such as a central mail distribution point as opposed to a stockpile of disclosure statements at each branch, and it is protected against unforeseen events that could temporarily interrupt the supply or distribution of statements. (§ 350.8)

Other Comments

In addition to comments that resulted in changes, the FDIC received other comments on the June proposal.

A small number of commenters argued that the FDIC did not have authority to adopt the proposed regulation in final form because the rule was either an invasion of privacy, contrary to an unidentified provision of the U.S. Constitution, or not consistent with the purpose of FDIC's authority to require publication of call reports. The FDIC has considered those positions but, in view of its authority pursuant to 12 U.S.C. 1817(a)(1) and 1819 "Seventh" and "Tenth," it does not agree.

Slightly more than one-half of the 125 comments that were received said that the proposal should not be adopted because of one or more of the following reasons: The public already has sufficient information. Depositors rely on the strength of FDIC insurance and not on an analysis of bank information. Deposit runs will result from the inability of individuals and the news media to interpret the data correctly.

The FDIC does not accept the unsupported conclusion that the public has sufficient information. As to depositor reliance on FDIC insurance, the preamble to the June proposal noted that many small, *i.e.*, fully insured, depositors are business firms or professional individuals who greatly value and depend on their relationship with banks as a source of continued and uninterrupted credit and banking services. Although fully insured, these depositors have the incentive for analyzing and acting on bank disclosures. The preamble to the proposal also noted that bank management should make use of its option to include analyses and discussion sections to assist readers in attaching the appropriate significance to the various items of financial information and in reaching sound and meaningful conclusions. Also, the preamble drew attention to the fact that banks with securities registered with the Securities and Exchange Commission or with a bank regulatory agency have made public disclosures more comprehensive than those called for in the proposal with no pattern of distorted reporting by the news media.

About one-fifth of the commenters objected to the proposal because it would not extend to all financial institutions. In this regard, the FDIC does not have jurisdiction to impose requirements on savings and loan institutions and credit unions. As to FDIC-insured banks, nonmember and national banks will be subject to either the FDIC's or the OCC's disclosure regulations and the Federal Reserve Board is considering a requirement for disclosures by state member banks. Accordingly, it is likely that essentially all FDIC-insured organizations will be subject to annual disclosure requirements.

The proposal would have required that each disclosure statement contain the disclaimer: "This statement has not been reviewed, or confirmed for accuracy or relevance, by the Federal Deposit Insurance Corporation." On this matter, commenters noted that another of the proposed provisions carried a general prohibition against any bank representing that the FDIC had passed upon the accuracy or completeness of the disclosure statement. In view of that prohibition, the commenters questioned the utility of requiring the inclusion of a disclaimer. Some opined that the disclaimer carried unnecessarily negative connotations. The FDIC has considered these views but has decided to retain the disclaimer requirement because it is probable that some readers will assume that statements prepared in accordance with an agency's requirements have been reviewed or otherwise approved by the agency. In this connection, the FDIC notes that many public disclosures made pursuant to requirements of the Securities and Exchange Commission have carried similar disclaimers without readers drawing negative connotations.

The proposal asked for comments on: (1) Procedures for monitoring compliance; (2) the possible addition of a requirement for disclosing insider transactions; (3) whether disclosures should be other than annually; (4) the effectiveness of the proposed means of making disclosure statements available; and (5) costs of compliance. About one-fourth of the commenters addressed one or more of these topics.

Consistent with the great majority of relevant comments, the final regulation, like the proposal: (1) Does not prescribe formal compliance procedures but leaves this matter to subsequent review during FDIC bank examinations; (2) does not specifically require disclosure of insider transactions; (3) requires disclosures annually; and (4) provides for furnishing disclosure statements on request following a notice of availability rather than providing disclosure statements automatically to designated groups. On these issues, the FDIC considered but did not accept suggestions that: (1) The FDIC certify the accuracy of bank financial reports before such information is included in disclosure statements; (2) disclosure statements include information on insider loans that are past due or charged off; (3) banks make disclosures quarterly rather than annually; and (4) shareholders receive disclosures automatically whether or not requested.

In regard to costs, some commenters stated that the proposal would impose only insignificant costs. Others addressing this issue stated that the cost of compliance would be excessive. Generally costs were attributed to preparing large numbers of documents that might not be requested. Also, costs were ascribed to the time bank executives would spend explaining the disclosures to large numbers of depositors on an individual basis. The FDIC believes that the five-day response time allowed for furnishing disclosure statements provides an opportunity for banks to devise procedures for preparing disclosure statements on an as requested basis and, consequently, avoid preparing excess documents. As to demands on executives' time, the FDIC notes that management can avoid this result by providing clear and objective analyses and discussions as part of disclosure statements.

Also in regard to costs, commenters suggested that banks be allowed to charge for copies of their disclosure document in some instances and others suggested that banks be allowed to deny requests from competitors, noncustomers, or those who do not state a sufficient reason for obtaining a disclosure statement. The FDIC did not accept these suggestions because they are inconsistent with the purposes of the regulation.

Commenters suggested that the regulation provide its own automatic termination date which would be subject to subsequent extension by the FDIC. Pursuant to the FDIC's existing policy for the development and review of rules and regulations, reviews of FDIC regulations are made periodically to determine whether they should be continued, revised, or eliminated.

In regard to proposed prohibition against omissions of pertinent information, three commenters stated that there is no appropriate frame of reference for identifying information that is pertinent and two opined that the prohibition would make the management and analysis section mandatory rather than optional. On review, the FDIC believes that the prohibition is unambiguous and does not conflict with other provisions. Inasmuch as the disclosure statement is primarily comprised of financial reports, pertinent information relates to the relevance and reliability of such reports. Also, the prohibition does not override the optional nature of a management discussion and analysis. However, when optional material is included, the prohibition against omissions ensures that such material will be candid.

Other comments of one to five in number that were evaluated and not adopted would have: Made lobby posters optional; required notice by mail to all bank customers and shareholders; had the FDIC publish all of its administrative orders; provided FDIC credit to all customers of failed banks; made disclosures of income statements by small or agricultural banks optional; directed requesters to obtain disclosure documents from the FDIC rather than from banks; required rather than allowed disclosure statements to contain a management discussion and analysis; deleted the possibility of providing an analysis and discussion by management; allowed banks to publish examination ratings or required the FDIC to publish such ratings; substituted summaries of agency-prepared uniform bank performance reports for reports prepared by banks; required the public to make written requests for disclosure statements and allow banks 15 days to respond; inserted a statement in Part 350 that the regulation does not create a private right of action; required disclosures of all enforcement actions, FDIC ratings pursuant to the Community Reinvestment Act and information concerning the pricing of consumer products; required financial reports to be prepared pursuant to generally accepted accounting principles; and required the publication of summary condition reports in local newspapers rather than providing disclosure statements on request.

Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 605, the requirements of 5 U.S.C. 603 and 604 for initial and final regulatory analyses do not apply to the adoption of Part 350 because the Board of Directors of the FDIC certified on June 17, 1987, that the regulation, if adopted in final form, would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The requirements for the collection of information contained in Part 350 have been approved by the Officer of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 12 CFR Part 350

Banks, Banking, Depositors, Disclosure, Financial information, Shareholders.

Final Regulation

For the reasons set out in the preamble, Title 12, Chapter III, Subchapter B of the Code of Federal Regulations, is amended by adding a new Part 350 as set forth below.

PART 350—DISCLOSURE OF FINANCIAL AND OTHER INFORMATION BY FDIC-INSURED STATE NONMEMBER BANKS

Sec.

350.1 Scope.
350.2 Definitions.
350.3 Requirement for annual disclosure statement.
350.4 Contents of annual disclosure statement.
350.5 Alternative annual disclosure statements.
350.6 Signature and attestation.
350.7 Notice and availability.
350.8 Delivery.
350.9 Disclosure of examination reports.
350.10 Prohibited conduct and penalties.
350.11 Safe harbor provision.
350.12 Disclosure required by applicable securities law or regulations.

Authority: 12 U.S.C. 1817(a)(1), 1819 "Seventh" and "Tenth".

§ 350.1 Scope.

This part applies to FDIC-insured state-chartered banks that are not

members of the Federal Reserve System, and to FDIC-Insured state-licensed branches of foreign banks.

§ 350.2 Definitions.

(a) *Bank.* For purposes of this part, the term "bank" means an FDIC-insured state-chartered organization that is not a member of the Federal Reserve System, and an FDIC-insured state-licensed branch of a foreign bank.

(b) *Call Report.* For purposes of this part, the term "Call Report" means the report filed by a bank pursuant to 12 U.S.C. 1817(a)(1).

§ 350.3 Requirement for annual disclosure statement.

(a) *Contents.* Each bank shall prepare and make available on request an annual disclosure statement, beginning with the year 1987. The statement shall contain information required by § 350.4(a) and § 350.4(b) of this part and may include other information that bank management believes appropriate, as provided in § 350.4(c).

(b) *Availability.* A bank shall make its annual disclosure statement available to requesters beginning not later than the following March 31 or, if the bank mails an annual report to its shareholders, beginning not later than five days after the mailing of such reports, whichever occurs first. A bank shall continually make a disclosure statement available until the disclosure statement for the succeeding year becomes available.

§ 350.4 Contents of annual disclosure statement.

(a) *Financial reports.* The annual disclosure statement for any year shall reflect a fair presentation of the bank's financial condition at the end of that year and the preceding year and, except for state-licensed branches of foreign banks, the results of operations for each such year. The annual disclosure statement may, at the option of bank management, consist of the bank's entire Call Report, or applicable portions thereof, for the relevant dates and periods. At a minimum, the statement must contain information comparable to that provided in the following Call Report schedules:

(1) For insured state-chartered organizations that are not members of the Federal Reserve System:

(i) Schedule RC (Balance Sheet);

(ii) Schedule RC–N (Past Due and Nonaccrual Loans and Leases—column A covering loans and leases past due 30 through 89 days and still accruing and Memorandum item 1 need not be included);

(iii) Schedule RI (Income Statement);

(iv) Schedule RI–A (Changes in Equity Capital—commercial banks, or Changes in Net Worth—savings banks); and

(v) Schedule RI–B (Charge-Offs and Recoveries and Changes in Allowance for Loan and Lease Losses—commercial banks, or Charge-Offs, Recoveries, and Changes in Allowance for Loan and Lease Losses—savings banks). (Part I of the commercial bank Schedule RI–B covering specified types of loans and breakdowns by types of loans by savings banks may be omitted).

(2) For insured state-licensed branches of foreign banks:

(i) Schedule RAL (Assets and Liabilities);

(ii) Schedule E (Deposit Liabilities and Credit Balances); and

(iii) Schedule P (Other Borrowed Money).

(b) *Other required information.* The annual disclosure statement shall include such other information as the FDIC may require of a particular bank. This could include disclosure of enforcement actions where the FDIC deems it in the public interest to do so.

(c) *Optional information.* The bank may, at its option, provide additional information. Such disclosures could include information which bank management deems important to an evaluation of the overall condition of the bank. Information which management might consider adding includes, but is not limited to, a discussion of the financial data; pertinent information relating to mergers and acquisitions; the existence of and facts relating to regulatory enforcement actions; business plans; and material changes in balance sheet and income statement items.

(d) *Disclaimer.* The following legend shall be included in the annual disclosure statement to assure the public that the FDIC has not reviewed the information contained therein: "This statement has not been reviewed, or confirmed for accuracy or relevance, by the Federal Deposit Insurance Corporation."

§ 350.5 Alternative annual disclosure statements.

The requirements of § 350.4(a) may be satisfied:

(a) *In the case of a bank having a class of securities registered pursuant to section 12 of the Securities Exchange Act of 1934,* by the bank's annual report to security holders for meetings at which directors are to be elected (see 12 CFR 335.203) or the bank's annual report on Form F–2 (see 12 CFR 335.312);

(b) *In the case of a bank with independently audited financial statements,* by copies of the audited financial statements and the certificate or report of the independent accountant to the extent that such statements contain information comparable to that specified in § 350.4(a); and

(c) *In the case of a bank subsidiary of a one-bank holding company,* by an annual report of the one-bank holding company prepared in conformity with the regulations of the Securities and Exchange Commission or by sections in the holding company's consolidated financial statements on Form FR Y–9C pursuant to Regulation Y of the Federal Reserve Board (12 CFR Part 225) that are comparable to the Call Report schedules enumerated in § 350.4(a)(1) of this part, provided that in either case not less than 95 percent of the holding company's consolidated total assets and total liabilities are assets and liabilities of the bank and the bank's consolidated subsidiaries.

§ 350.6 Signature and attestation.

A duly authorized officer of the bank shall sign the annual disclosure statement and shall attest to the correctness of the information contained in the statement if the financial reports are not accompanied by a certificate or report of an independent accountant.

§ 350.7 Notice and availability.

(a) *Shareholders.* If the bank provides written notice of the annual meeting of shareholders, the bank shall include with, or as part of, that notice an announcement that the bank's annual disclosure statement will be sent to the shareholder either automatically or upon request. For disclosure statements available on request, the announcement shall indicate at a minimum an address and telephone number to which requests may be directed. The first copy of the annual disclosure statement shall be provided to a shareholder without charge.

(b) *Customers and the general public.* In the lobby of its main office and each branch, the bank shall at all times display a notice that the annual disclosure statement may be obtained from the bank. The notice shall include at a minimum an address and telephone number of which requests should be directed. The first copy of the annual disclosure statement shall be provided to a requester free of charge.

§ 350.8 Delivery.

Each bank shall, after receiving a request for an annual disclosure statement, promptly mail or otherwise furnish a statement to the requester.

§ 350.9 Disclosure of examination reports.

Except as permitted under specific provisions of the FDIC's regulations (12 CFR Part 309), a bank may not disclose any report of examination or report of supervisory activity or any portion thereof prepared by the FDIC. The bank also shall not make any representation concerning such report or the findings therein.

§ 350.10 Prohibited conduct and penalties.

(a) *Misrepresentations.* No officer, director, employee, agent, or other person participating in the affairs of a bank, shall, directly or indirectly:

(1) Disclose or cause to be disclosed false or misleading information in the annual disclosure statement, or omit or cause the omission of pertinent or required information in the annual disclosure statement; or

(2) Represent that the FDIC, or any employee thereof, has reviewed, or confirmed the accuracy or relevance of the disclosure statement.

(b) *Participating persons.* For purposes of this part, a person "participating in the affairs of a bank" shall include (but not be limited to) any person who provides information contained in, or directly or indirectly assists in the preparation of, the annual disclosure statement.

(c) *Enforcement actions.* Conduct that violates paragraph (a) of this section may constitute an unsafe or unsound banking practice or otherwise serve as a basis for an enforcement action by the FDIC.

§ 350.11 Safe harbor provision.

The provisions of § 350.10 shall not apply unless it is shown that the information disclosed was included without a reasonable basis or other than in good faith.

§ 350.12 Disclosure required by applicable securities law or regulations.

The requirements of this part are not intended to replace or relieve any disclosure required to be made under applicable securities law or regulations.

(Approved by the Office of Management and Budget under control number OMB 3064–0090)

By order of the Board of Directors. Dated at Washington, DC, this 17th day of December 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87–29884 Filed 12–30–87; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 524

[No. 87–1309]

Operations of the Banks

Dated: December 22, 1987.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is amending its regulation pertaining to charitable donations by the Federal Home Loan Banks ("Banks"). First, the Board is raising the limit placed upon an individual Bank's charitable contributions to any one organization in any given calendar year from $1,000 to $5,000. In addition, the Board is raising the permissible aggregate contributions that a Bank may give in charitable contributions in any given calendar year from $5,000 to $25,000.

EFFECTIVE DATE: The regulation is effective December 31, 1987.

FOR FURTHER INFORMATION CONTACT: William Carey, Director, Bank Liaison Division, Office of District Banks, (202) 377–6656; or Charles J. Szlenker, Attorney, Office of General Counsel, (202) 377–6664, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: The Board, by Resolution No. 75–892, dated October 1, 1975, permitted Banks to make charitable donations within reasonable limits (40 FR 46302, 12 CFR 524.11). The Board found that charitable donations, within reasonable limits, would further the corporate interests of the Banks. Thie amendment recognizes the inflationary effect that the intervening twelve years have had on the original "reasonable" limits of $1,000 for each individual contribution and $5,000 for the aggregate total annual contributions permitted by a Bank. By today's dollar standards, the Board finds that $5,000 is a reasonable limit for charitable contributions to any one organization, and $25,000 is a reasonable limit for the aggregate total annual charitable contributions that a Bank, in its discretion, finds to be in its corporate interest to make.

Pursuant to 12 CFR 508.11 and 508.14 the Board finds that this amendment makes no substantial change in the Board's policy regardng charitable donations by Banks. Under the current regulations a Bank may, with prior Board approval, contribute more than $1,000 to a single charitable entity or exceed the annual cap of $5,000. This amendment will merely facilitate Bank contributions of more than $1,000 to each charity and more than $5,000 in annual charitable contributions.

The Board finds that this regulation is to be effective immediately upon publication in the **Federal Register** because it relieves a previous restriction. Consequently, the Board finds that public notice is not required, and the 30-day delay of the effective date of this amendment is also unnecessary.

List of Subjects in 12 CFR Part 524

Federal home loan banks, Securities, Surety bonds.

Accordingly, the Board hereby amends Part 524, Subchapter B, Chapter V, Title 12, *Code of Federal Regulations,* as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 524—OPERATIONS OF THE BANKS

1. The authority citation for Part 524 is revised to read as follows:

Authority: Sec. 10, 47 Stat. 732, as amended (12 U.S.C. 1430); sec. 12, 47 Stat. 735, as amended (12 U.S.C. 1432); sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071.

2. Revise § 524.11 to read as follows:

§ 524.11 Donations.

A Bank may contribute to charitable organizations provided that in any calendar year donations do not exceed $5,000 to any one orgnization or $25,000 in total. Each donation shall be approved by the Bank's board of directors. Exceptions shall be made only with prior approval of the Director or Assistant Director, Office of District Banks.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 87–29931 Filed 12–30–87; 8:45 am]

BILLING CODE 6720–01–M

12 CFR PART 584

[No. 87–1270]

Holding Company Indebtedness

Date: December 18, 1987.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; request for comments.

SUMMARY: The Federal Home Loan Bank Board ("Board"), as the operating head

of the Federal Savings and Loan Insurance Corporation ("Corporation" or "FSLIC"), is amending its regulation governing the amount of debt incurred by certain types of savings and loan holding companies: (1) To incorporate a 60-day limit, imposed by the Competitive Equality Banking Act of 1987 ("CEBA"), on the processing of completed debt applications and (2) to expand the delegated authority of the Supervisory Agents to approve or deny most debt applications and administer the new time limit on review. The Board is also seeking comment on ways in which holding company debt procedures may be further streamlined through expanded use of regulatory preapprovals or exemptions or changes in the criteria for granting preapprovals or exemptions.

DATES: The rule becomes effective on December 31, 1987. Comments on regulatory preapprovals or exemptions must be received on or before February 29, 1988.

ADDRESS: Send comments to: Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: Richard L. Little, Associate General Counsel, (202) 377–6447, Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552; or Robyn Dennis, Financial Analyst, (202) 778–2660, Office of Regulatory Policy, Oversight and Supervision, Federal Home Loan Bank System, 900 19th Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

A. General

Under section 408(g) of the National Housing Act ("Act") (12 U.S.C. 1730a(g) (1982 and Supp. I 1983) and § 584.6 of the Regulations for Savings and Loan Holding Companies ("Regulations") (12 CFR 584.6 (1987)), without prior written FSLIC approval, no savings and loan holding company ("holding company"), nor any subsidiary that is not an insured institution ("non-thrift subsidiary"), may incur any debt that, aggregated with all debt outstanding, would exceed 15 percent of consolidated net worth. By statute, debt incurred by a diversified holding company or any non-thrift subsidiary is entirely exempt from this restriction. 12 U.S.C. 1730a(g)(2)(A). Moreover, by regulation, the Board has preapproved debt issued in certain contexts and has exempted certain other types of debt from the computation with respect to 15 percent of consolidated net worth. 12 CFR 584.6(b) and (c).

For debt that is neither exempt nor preapproved, the necessary FSLIC approval can be secured only through submission of an application on a prescribed form. *Id.* 584.6(d). Section 410(b) of the CEBA (101 Stat. 620) added a new subparagraph (7) to section 408(g) of the Act to the effect that any completed debt application will be deemed approved unless the Corporation issues a notice of approval or disapproval within 60 days of the date of which the application is filed.

To implement new section 408(g)(7) of the Act, the Board is revising paragraph (f) of § 584.6 of the Regulations to incorporate both the basic statutory time limit on agency review and procedures for determining the date from which the review period will run. Since the new time-frame applies only to applications that are "completed," with respect to completeness the regulatory procedures allow 30 calendar days for review of an initial application, or any material amendment, and 15 calendar days for review of any additional information. By the close of the initial review period, a notification that the application is deemed completed or that additional information is required must be issued or the application will be treated as completed.

Excluded entirely from the term "completed application" are those debt applications filed in conjunction with any holding company application subject to Part 574 of the Regulations (12 CFR Part 574), which governs acquisitions of control of insured institutions and holding companies. In cases in which debt is incurred in connection with an acquisition, review of the debt forms an integral part of consideration of the financial resources and future prospects of the acquiror, and the Board's practice has been to consider the proposed incurrence of debt as part of the acquisition transaction taken as a whole. Also, although applications under Part 574 are not subject to the recently adopted general guidelines on processing (52 FR 39064 (Oct. 20, 1987)), Part 574 contains internal processing deadlines to ensure that decisions will be rendered without undue delay.

For applications deemed completed as of the end of the initial 30 day review period, the date of filing of a completed application for purposes of computing the 60-day overall review period will revert to the date of receipt of the application. In cases in which additional information is required, the date of filing of a completed application will be the date of receipt of information sufficient to deem the application completed. Failure by an applicant to respond completely to a request for additional information within 30 calendar days will be treated as a withdrawal of the application. With respect to the procedures regarding additional information, it is the Board's expectation that, under all but the most extraordinary circumstances, only one request is to be issued for any given application.

In conjunction with implementation of the new review procedures, the Board has also decided to add a new paragraph (g) to § 584.6 to delegate all of the FSLIC's authority to take action with respect to debt applications that do not raise any significant issues of law or policy to Supervisory Agents ("SAs") who are presidents of Federal Home Loan Banks. Historically, administration of the debt control provisions of the Act has not been controversial. Even prior to passage of CEBA, the Board had been considering delegation of its debt control authority to the SAs as the most feasible means of accelerating the decision-making process. By eliminating review at the Washington level for most applications, the delegations should help achieve the significant reductions in processing time mandated by the recent statutory amendments. For applications that might require action at the Washington level, new paragraph (g) also establishes a procedure for referrals to the Office of Regulatory Policy, Oversight and Supervision.

Finally, for purposes of further streamlining the debt approval process, the Board is seeking comments on ways in which agency review of the incurrence of debt can be eliminated entirely. Specifically, the Board is interested in circumstances under which existing types of regulatory preapprovals or exemptions could be expanded or the standards by which they are granted might be changed to accommodate larger classes or types of transactions.

B. Notice and Comment Considerations

The Board finds that, in connection with adoption of this rule, observance of the notice and comment procedures, prescribed by 5 U.S.C. 553(b) (1982) and 12 CFR 508.11 and 508.12 (1987) is unnecessary. The amendment constitutes adoption of a rule of agency organization, procedure or practice. Accordingly, the exception set forth in paragraph (A) of section 553(b) of Title 5 of the United States Code applies to adoption of the amendment.

C. Effective Date Considerations

This rule is effective for applications filed after December 31, 1987. Since the substantive statutory amendment being implemented went into effect on August 10, 1987, the Board finds that the full thirty-day delay of effective date following publication of the rule is unnecessary pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14.

List of Subjects in 12 CFR Part 584

Holding companies, Savings and loan associations, Securities.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 584, Subchapter F, Chapter V, Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

PART 584—REGULATED ACTIVITIES

1. The authority citation for Part 584 continues to read as follows:

Authority: Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended (12 U.S.C. 1425a); sec. 2, 48 Stat. 128, as amended (12 U.S.C. 1462); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 401–403, 405–407, 48 Stat. 1255–1257, 1258–1260, as amended (12 U.S.C. 1724–1726, 1728–1730); sec. 408, 82 Stat. 5, as amended (12 U.S.C. 1730a); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–1948 Comp., p. 1071.

2. Amend § 584.6 by revising paragraph (d); by revising the heading and the text of paragraph (f); and by adding a new paragraph (g) to read as follows.

§ 584.6 Holding company indebtedness.

* * * * *

(d) *Filing of applications.* Applications for prior written approval of the Corporation for the issuance, sale, renewal, or guarantee of any debt security, or the assumption of any debt, shall be filed with the Corporation in the form prescribed in paragraph (e) of § 584.10 of this subchapter. Applications shall be addressed to the Supervisory Agent of the district in which the principal office of the subsidiary insured institution which conducts the principal savings and loan or savings bank business of such holding company is located.

* * * * *

(f) *Time limit on consideration of applications.* (1) Any completed application filed under this section shall be deemed to be approved as of the end of the 60-day period beginning on the date such application was filed, as provided in paragraph (f) (3)(ii) or (3)(iii) of this section, unless the Corporation issues a notice of approval or disapproval of the application before the end of such period.

(2) For purposes of this paragraph (f), the term "completed application" shall mean an application that contains all the information required by the form prescribed in paragraph (e) of § 584.10 of this subchapter, as determined by the Corporation or its delegate, but shall not include any such application that is filed in conjunction with any application subject to Part 574 of this subchapter.

(3)(i) Within 30 calendar days of receipt of an application filed under this section, or 15 calendar days of receipt of information furnished pursuant to a written request by the Corporation, the Corporation shall notify an applicant in writing either that the application is deemed completed or that additional information is required, *Provided That,* failure by the Corporation to notify an applicant in writing within the time period specified in this paragraph (f) shall constitute a determination that the application is completed.

(ii) If an application is deemed completed within 30 calendar days after receipt of an initial application, the application will be treated as filed on the date of receipt of the initial application.

(iii) If an application is deemed completed within 15 calendar days of receipt of information furnished pursuant to a written request by the Corporation, the application will be treated as filed on the date of receipt of information sufficient to deem the application completed.

(iv) Failure by an applicant to respond completely to a request by the Corporation for additional information within 30 calendar days of the date of such request shall be deemed to constitute withdrawal of the application.

(g) *Delegations of authority.* (1) The Supervisory Agent, as defined in § 583.5(a) of this subchapter, is authorized to:

(i) Issue notices of approval or disapproval for any application filed under this section in accordance with the standards contained in paragraph (e) of this section, provided that no notice may be issued if the application raises a significant issue of law or policy;

(ii) Condition approval of any such application upon agreement in writing that no dividends in excess of 50 percent of net income per year on a cumulative basis shall be paid by any subsidiary institution to its savings and loan holding company or any other affiliate as defined in § 583.15 of this part, except upon waiver by the Supervisory Agent;

(iii) Take any actions on behalf of the Corporation contemplated under paragraph (f) of this section including determining that an application is deemed completed and issuing a notice thereof, requesting additional information and determining the appropriate date of filing.

(2)(i) In cases in which the Supervisory Agent believes an application may raise a significant issue of law or policy, within 30 calendar days of receipt of the application, the Supervisory Agent shall transmit a copy of the application to the Office of Regulatory Policy, Oversight and Supervision ("ORPOS") in Washington.

(ii) If, within 10 calendar days of receipt of the copy referred to in paragraph (g)(2)(i) of this section, ORPOS fails to notify the Supervisory Agent that the application presents a significant issue of law or policy, the Supervisory Agent shall continue to process the application as provided in paragraph (f) of this section.

(iii) If ORPOS notifies the Supervisory Agent within the time period specified in paragraph (g)(2)(ii) of this section that the application presents a significant issue of law or policy, ORPOS will be responsible for processing the application for decision by the Corporation as provided in paragraph (f) of this section.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 87–29864 Filed 12–30–87; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

Freedom of Information Act; Implementing Regulations

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This notice sets forth the revisions to the Department of Agriculture's regulations (7 CFR Part 1, Subpart A) implementing the Freedom of Information Act (FOIA). The regulations as proposed were published in the **Federal Register** on July 28, 1987, at 52 FR 28149.

The revisions to those regulations are the result of comments received in the Department during the public comment period and are intended to clarify the guidelines for assisting the public in obtaining access to Department records, and for assessing fees. The **"SUPPLEMENTARY INFORMATION"** section

below provides a detailed explanation of the revisions.

EFFECTIVE DATE: The regulations become effective February 1, 1988.

FOR FURTHER INFORMATION CONTACT: Milton Sloane, U.S. Department of Agriculture, Office of Governmental and Public Affairs, Office of Information, Special Programs Division, Washington, DC 20250; (202) 447–8164.

SUPPLEMENTARY INFORMATION: This rule does not constitute a "major rule" within the meaning of Executive Order No. 12291 (Improving Government Regulations) nor will these regulations cause a significant economic impact or other substantial effect on small entities. Therefore, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, do not apply.

Following is a description of the comments made and the actions taken as the result of those comments.

I. Analysis of Comments

A total of eight comment letters was postmarked or received within the comment period. Comments were received from the following:

- National Broiler Council
- The Reporters Committee for Freedom of the Press
- Sierra Club Legal Defense Fund, Inc.
- Region 1 of the Forest Service, USDA
- Region 10 of the Forest Service, USDA
- National office of the Forest Service, USDA
- Farmers Home Administration, USDA
- Office of Personnel, USDA

1. Policy (proposed § 1.2(a)). One commenter inquired whether the notification referred to in the proposed section need be in writing. Another commenter suggested that it should be.

Section 1.2(a) has been amended to require written notification, to be consistent with § 1.14 (a) and (d) of this subpart.

2. Requests for records (proposed § 1.6). This section generated four comments.

(a) One commenter suggested that proposed § 1.6(d) be amended to provide clearer guidance on an agency's responsibility with regard to oral requests.

Section 1.6(d) is, for the most part, discretionary. The section merely points out that an agency may, if it chooses, and at its sole discretion, accept an oral request for agency records. If the agency does so, however, and "the requester is dissatisfied with the response, the agency official involved shall advise the requester to submit a written request • • •." Section 1.6(d) remains as proposed.

(b) One commenter suggested that § 1.6(e) be amended to provide for appeal rights for requesters who are denied documents.

Section 1.6(e) already provides such appeal rights. The right to appeal a denial also is stated in § 1.8(a)(3) of this subpart.

(c) One commenter suggested that, where appropriate, agencies should be allowed under § 1.6(f) to deal with each other in forwarding information requiring review by another agency, directly to that other agency.

The purpose of § 1.6(f) is to expedite the processing of requests submitted to the Department by getting them into the proper hands. The process outlined in § 1.6(f) is not intended to act as a hindrance. USDA agencies have long been encouraged to collaborate and to coordinate their actions in responding to requests that cut across agency lines, to the greatest extent practicable. In light of that fact, no change to the proposed section was deemed necessary.

(d) One commenter inquired about the date of receipt for requests referred under § 1.6(g) by the central processing unit.

The date of receipt is as stated in § 1.12 of this subpart.

3. Aggregating requests (proposed § 1.7). One commenter suggested that for purposes of aggregating requests agencies consider the relationship between the subject matter of the requests.

Implicit in the whole concept of determining if requests have been made for the purpose of avoiding the payment of fees, is whether the requests relate in any manner to the same topic. No change was made to the proposed section.

4. Agency response to requests for records (proposed § 1.8). This section generated two comments:

(a) One commenter questioned the relationship between § 1.8(a) and § 1.8(f). The commenter asked if the two sections required separate letters.

Proposed § 1.8(f) is an extension of, and an elaboration on, proposed § 1.8(a) to make clearer the administrative procedures involved concerning a denial of documents. After reviewing the section, the Department believes that § 1.8(f) might be more effective if it immediately followed § 1.8(a). Proposed § 1.8(f), therefore, has been modified slightly, and redesignated as § 1.8(b). All other proposed subsections under § 1.8 have been redesignated accordingly.

(b) One commenter asked when the response time begins for requests forwarded under proposed § 1.8(b) (subsequently redesignated as § 1.8(c)) to or from other Federal agencies.

For requests forwarded from USDA, the response time will begin as stated by the agency to which the request was referred. For requests forwarded to USDA, the response time will begin as stated in § 1.12 of this subpart.

5. Handling information from a private business (proposed § 1.11). One commenter urged USDA to make clear that the notification procedures must be performed within the time limits of the Act. Time limits are provided by the Act and USDA regulations at §§ 1.2(a) and 1.8. Implicit within these sections is the USDA policy to meet these time limits to the fullest extent. Where they cannot be met, §§ 1.14 and 1.15 provide guidance. The Department perceives no need to provide further guidance in § 1.11.

6. Failure to meet administrative deadlines (proposed § 1.15). One commenter urged that the section be deleted on the ground that it promotes apathy in the handling of requests.

It is the USDA view that in spite of the noblest objectives of the Act and the implementing regulations of USDA, there are occasionally instances whereby a request cannot be processed within the prescribed timeframes. When those situations occur, USDA believes it is helpful to have some guidance on how agencies should proceed, notwithstanding the fact that the requester may have exhausted his or her administrative remedies and can take the matter directly to court. Deleting the section will not ensure that all requests are processed within the required time periods. It will, however, help ensure that agencies operate with due diligence. Section 1.15 remains as proposed.

7. Exemptions and discretionary release (proposed § 1.17(b)). One commenter asked that the term "in the public interest" be defined. The term is defined to mean a decision by an agency after conducting a balancing test that the benefit to the public in releasing exempt documents outweighs any harm likely to result from disclosure. Proposed § 1.17 has been amended to elaborate on the term.

8. Annual report (proposed § 1.18(a)(6)). One commenter asked how an agency can annually report on the total amount of fees collected when the fees are paid to the U.S. Treasury.

As is pointed out elsewhere in this analysis, fees are not paid directly by requesters to the U.S. Treasury, but should only be made payable to the U.S. Treasury. All fees owed by requesters should be sent directly to the agency requesting payment.

9. Compilation of new records (proposed § 1.19). One commenter suggested that a statement be added regarding the provision of documents in a particular format.

Agencies are under no obligation to provide requested records in any special format. It is the opinion of USDA that the reformatting of information to satisfy a person's request is tantamount to "creating a new record" which agencies are not required to do. As § 1.19 points out, however, agencies may elect to compile a new record to fulfill a request if the action is deemed to be in the public interest or in the interest of USDA. Section 1.19 remains as proposed.

10. Instances in which fees will not be charged (proposed section 3, Appendix A). This section generated the following comments:

(a) One commenter suggested that section 3(a) of Appendix A be reworded to avoid any misinterpretation in determining for which of the elements listed in the section there would be no charge. The commenter felt the elements could be viewed as being exclusive of each other.

Since the intent is that no charge should be made for either the duplication or the search time, the word "either" has been added before the listed elements.

(b) One commenter asked how agencies can determine when the cost of collecting a fee would be equal to or greater than the fee itself.

Agencies do not have to make that determination. For USDA, the figure has already been determined to be $25.00. Reference to that threshold was made in the notice of proposed rulemaking—and continues in this final rule—in the section dealing with "Fee waivers and reductions," section 6(a)(4) of Appendix A. To underscore that threshold, § 3(b) of Appendix A is amended by the addition of a second sentence.

(c) One commenter suggested that a statement be added to note that no charge can be made for postage costs to mail requested records.

Section 3(c) of Appendix A has been amended to make clear that no charge will be made for ordinary postage costs. However, as provided in section 2 of Appendix A, special postage costs such as express mail may be charged.

11. Fees for records and related services (proposed section 4, Appendix A). This section produced two comments.

(a) One commenter requested that the word "page" in section 4(a) of Appendix A be more clearly defined.

Section 4(a) of Appendix A has been amended to indicate that the per-page cost is for each individual side of a sheet. That is to say that one sheet equals two pages.

(b) One commenter asked for the definition of a "homogeneous class of personnel," referenced in section 4(d)(2) of Appendix A.

A homogeneous class of personnel, for purposes of conducting manual searches, and where more than one individual is involved, is a group of employees of like rank, grade, pay, or position. A heterogeneous class of personnel is a group of employees of unlike rank, grade, pay, or position. If a heterogeneous class of personnel is involved in a search, then the search shall be charged for at the salary rate of the individuals. Section 4(d)(2), Appendix A, is amended to include this definition.

12. Levels of fees for each category of requesters (proposed section 5(c)(2), Appendix A). One commenter urged that the definition of the term "news" be deleted on the basis that it would deprive certain media representatives of benefits.

While USDA understands that there may be instances in which requests from the media may not come within the definition of "news," it believes that it is complying with the intent of Congress in limiting the benefit as proposed. Accordingly, only those requests that are for information that is about current events or that would be of current interest to the public will receive the benefits accorded to requests from the media.

Section 5(a)(2) of Appendix A remains as proposed.

13. Fee waivers and reductions (proposed section 6, Appendix A). This section generated three comments.

(a) One commenter suggested that proposed section 6(a)(1) of Appendix A be deleted to eliminate restrictions on the granting of fee waivers. The commenter also said that the proposed rule fails to make a statement on whether a request from the news media is a commercial-use request.

USDA disagrees with the statement. Section 5(c) of Appendix A, last sentence, notes that no request in the news media category can be made for a commercial use. After considering the commenter's entire comments, the Department has decided to let section 6(a)(1) of Appendix A remain as proposed.

(b) One commenter stated that section 6(a)(1) of Appendix A does not specify the weight that is to be given to each of the six enumerated factors in making a fee waiver determination, whether all of the factors need to be satisfied in order to obtain a fee waiver, or whether any single factor is dispositive of the fee waiver determination. The commenter said the section provides no guidance on whether a request qualifies for a fee waiver or only for a fee reduction. The commenter also urged that the word "general" be stricken from in front of the word "public" in section 6(a)(1)(iii), and that section 6(a)(1)(i) be reworded to allow for disclosure of information under a fee waiver or reduction, regardless of subject matter.

The six factors the commenter referenced have been the subject of much concern and controversy since first being issued by the Department of Justice. In fact, some Federal agencies have opted not to adopt them. USDA, however, has elected to adopt generally the six elements in an effort to provide some direction in deciding whether to grant a fee waiver or reduction, and in the absence of any superior guidance. It is USDA's opinion that the factors are of equal weight, and that any may be controlling in determining whether a fee waiver or reduction request may be granted.

Section 6(a)(1) in no way is meant to impede the granting of fee waiver or reduction requests, but to serve as an aid in the attempt to determine whether a request is primarily in the commercial interest of the requester, or may be eligible for a fee waiver or reduction because disclosure of requested records is considered to be in the public interest.

It may do well to point out that in spite of the best guidance, the decision as to whether to grant a fee waiver or reduction is—as it always has been—a judgment call. It is the opinion of USDA that it would be impossible to describe beforehand all of the circumstances in which a request would be eligible for a fee waiver and to do likewise for all circumstances in which a request would qualify for a fee reduction. USDA does not share the concern or belief that the language of section 6(a)(1) will result in disregard for the public's interest in some particular requested documents, or to a requester's reasons that a fee waiver or reduction should be granted on the basis that the information is in the public interest. Requesters who deserve a fee waiver or reduction will continue to receive it.

No change was made as the result of the commenter's remarks on the overall language of section 6(a)(1), Appendix A.

(c) One commenter asked whether section 6(a)(3)(iii) of Appendix A was meant to include environmental groups.

The provision is exclusive only to the extent that fee waivers and reductions may not be granted where it is determined that payment of the full fee

by entities other than those described would be in the interest of the program involved.

14. Payments of fees and charges (proposed section 8, Appendix A). This section generated three comments.

(a) One commenter questioned the process, as the result of the wording under section 8(a) of Appendix A, of billing for and collecting fees under the Act.

To clarify the intent of the section, and to avoid complicating the fee collection process, the word "collected" under the proposed section has been changed to "billed for * * *."

(b) One commenter raised a question under section 8(b) of Appendix A about how agencies are to process payments, and to know whether a bill has been paid, if fees assessed a requester are to be made payable and sent to the U.S. Treasury.

Although all payments made by check, draft, or money order are to be made payable to the Treasury of the United States, the payments should be sent to an office of the agency that requested payment.

(c) One commenter stated that the advance-payment provision under section 8(c) of Appendix A interferes with the agency's prompt delivery—and the media's timely receipt—of information.

The advance-payment provision applies only to requests that exceed $250.00 in fees. It is doubtful the provision will have any effect on the news media, since most, if not all, of the fees associated with news media requests are routinely waived. The section remains as proposed.

II. Other Comments

One commenter agreed in general with the thrust of the proposed rule, and in particular with § 1.11, "Handling information from a private business."

One commenter sought clarification of the phrase "mutually convenient" in the context of inspection of records (proposed § 1.8(e)). Another commenter sought clarification of the term "legal or policy issues" in the context of services for which no charge could be made (proposed section 3(c), Appendix A).

The USDA believes that the words should be given their ordinary meaning and are clear enough. No amendment was made to the affected sections.

III. Other Changes

Two other changes have been made to the proposed regulations:

The mailing address listed for the Forest Service in proposed section 12(a) of Appendix A has been changed. The new address is Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090.

Proposed § 1.22 has been amended to show the Hearing Clerk's office is part of the Office of Administrative Law Judges, and not the Office of Information Resources Management.

List of Subjects in 7 CFR Part 1

Freedom of information.

Accordingly, 7 CFR Part 1, Subpart A is revised to read as follows:

PART 1—ADMINISTRATIVE REGULATIONS

Subpart A—Official Records

Sec.

1.1 Purpose and scope.
1.2 Policy.
1.3 Agency implementing regulations.
1.4 Implementing regulations for the Office of the Secretary.
1.5 Public access to certain materials.
1.6 Requests for records.
1.7 Aggregating requests.
1.8 Agency response to requests for records.
1.9 Search services.
1.10 Review services.
1.11 Handling information from a private business.
1.12 Date of receipt of requests or appeals.
1.13 Appeals.
1.14 Extension of administrative deadlines.
1.15 Failure to meet administrative deadlines.
1.16 Fee schedule.
1.17 Exemptions and discretionary release.
1.18 Annual report.
1.19 Compilation of new records.
1.20 Authentication.
1.21 Compulsory process.
1.22 Records in formal adjudication proceedings.
1.23 Preservation of records.

Appendix A—Fee Schedule

Authority: 5 U.S.C. 301 and 552. Appendix A also issued under 7 U.S.C. 2244; 31 U.S.C. 9701, and 7 CFR 2.75(a)(6)(xiii).

Subpart A—Official Records

§ 1.1 Purpose and scope.

This subpart establishes policy, procedures, requirements, and responsibilities for administration and coordination of the Freedom of Information Act (FOIA), 5 U.S.C. 552, pursuant to which official records may be obtained by any person. It also provides rules pertaining to the disclosure of records pursuant to compulsory process. This subpart also serves as the implementing regulations (referred to in § 1.3, "Agency implementing regulations") for the Office of the Secretary (the immediate offices of the Secretary, Deputy Secretary, Under Secretaries and Assistant Secretaries) and for the Office of Governmental and Public Affairs. The Office of Governmental and Public Affairs has the primary administrative responsibility for the FOIA in the Department of Agriculture (USDA). The term "agency" or "agencies" is used throughout this subpart to include both USDA program agencies and staff offices.

§ 1.2 Policy.

(a) Agencies of USDA shall comply with the time limits set forth in the FOIA for responding to and processing requests and appeals for agency documents, unless there are exceptional circumstances within the meaning of 5 U.S.C. 552(a)(6)(B). An agency shall notify a requester in writing whenever it is unable to respond to or process a request or appeal within the time limits established by the FOIA.

(b) All agencies of the Department shall comply with the fee schedule provided as Appendix A of this subpart, with regard to the charging of fees for providing copies of documents and related services to requesters.

§ 1.3 Agency implementing regulations.

(a) Each agency of the Department shall promulgate regulations setting forth the following:

(1) The location and hours of operation of the agency office or offices where members of the public may gain access to those materials required by § 1.5 to be made available for public inspection and copying;

(2) Information regarding the publication and distribution (by sale or otherwise) of indexes and supplements thereto which are maintained in accordance with the requirements of 5 U.S.C. 552(a)(2) and § 1.5(b);

(3) The title(s) and mailing address(es) of the official(s) of the agency who is/are authorized to receive requests for records submitted in accordance with § 1.6(a), and to make determinations regarding whether to grant or deny such requests. Authority to make such determinations includes authority to:

(i) Extend the 10-day administrative deadline for reply pursuant to § 1.14;

(ii) Make discretionary releases pursuant to § 1.17(b); and

(iii) Make determinations regarding the charging of fees pursuant to Appendix A of this subpart;

(4) The title and mailing address of the official of the agency who is authorized to receive appeals submitted in accordance with § 1.6(e) and to make determinations regarding whether to grant or deny such appeals. Authority to determine appeals includes authority to:

(i) Extend the 20-day administrative deadline for reply pursuant to § 1.14 (to the extent the maximum extension authorized by § 1.14(c) was not used with regard to the initial request);

(ii) Make discretionary releases pursuant to § 1.17(b); and

(iii) Make determinations regarding the charging of fees pursuant to Appendix A of this subpart; and

(5) Other information which would be of concern to a person wishing to request records from that agency in accordance with this subpart.

§ 1.4 Implementing regulations for the Office of the Secretary.

(a) For the Office of the Secretary and for the Office of Governmental and Public Affairs, the information required by § 1.3 is as follows:

(1) Records available for public inspection and copying may be obtained in Room 536–A, Administration Building, USDA, Washington, DC 20250 during the hours of 9:00 a.m. to 5:00 p.m.;

(2) Any indexes and supplements which are maintained in accordance with the requirements of 5 U.S.C. 552(a)(2) and § 1.5(b) will also be available in Room 536–A, Administration Building, USDA, Washington, DC 20250 during the hours of 9:00 a.m. to 5:00 p.m.;

(3) The person authorized to receive FOIA requests and to determine whether to grant or deny such requests is the Director of Information, Office of Governmental and Public Affairs, USDA, Washington, DC 20250;

(4) The official authorized to receive appeals from denials of FOIA requests and to detemine whether to grant or deny such appeals is the Assistant Secretary for Governmental and Public Affairs, USDA, Washington, DC 20250.

(b) The organization and functions of the Office of the Secretary and the Office of Governmental and Public Affairs (OGPA) is as follows:

(1) The Office of the Secretary provides the overall policy guidance and direction of the activities of the Department of Agriculture. Overall policy statements and announcements are made from this office.

(2) The Office of the Secretary consists of the Secretary, Deputy Secretary, Under Secretaries, Assistant Secretaries, and other staff members.

(3) In the absence of the Secretary and the Deputy Secretary, responsibility for the operation of the Department of Agriculture is as delegated at 7 CFR Part 2, Subpart A.

(4) The Office of Governmental and Public Affairs provides policy direction, review, and coordination of all information programs of the Department of Agriculture. The Office is assigned responsibility for maintaining the flow of information and providing liaison between the Department of Agriculture and the Congress, the mass communication media, State and local governments, and the public.

(5) OGPA is headed by the Assistant Secretary for Governmental and Public Affairs. In the Assistant Secretary's absence, the agency is headed by the Assistant Secretary's designee.

(6) OGPA consists of three offices: The Office of Information, Office of Congressional Relations, and the Office of Intergovernmental Affairs. Each of the offices is headed by a director.

(i) The Office of Information is responsible for maintaining the flow of information and providing the liaison between USDA and the mass communication media and the public at large. The office directs and coordinates public affairs work with the various USDA agencies and has final review of all national news releases, broadcast materials, publications, visuals, and other information materials involving Departmental policy. The office provides leadership and facilities in the production of radio and video tapes, film, still photography, exhibits, and other design materials. The office provides Departmental coordination of responses under the Freedom of Information Act and the Privacy Act.

(ii) The Office of Congressional Relations is responsible for liaison with the Congress and the White House on legislative matters of concerns to USDA and the public.

(iii) The Office of Intergovernmental Affairs is responsible for liaison with State Departments of Agriculture and other State and local government agencies interested in agricultural programs and policies.

§ 1.5 Public access to certain materials.

(a) In accordance with 5 U.S.C. 552(a)(2), each agency within the Department shall make the following materials available for public inspection and copying (unless they are promptly published and copies offered for sale):

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Those statements of policy and interpretation which have been adopted by the agency and are not published in the Federal Register; and

(3) Administrative staff manuals and instructions to staff that affect a member of the public.

(b) Each agency of the Department shall also maintain and make available current indexes providing identifying information regarding any matter issued, adopted, or promulgated after July 4, 1987, and required by paragraph (a) of this section to be made available or published. Each agency shall publish and make available for distribution copies of such indexes and supplements thereto at least quarterly, unless it determines by notice published in the Federal Register that publication would be unnecessary and impracticable. After issuance of such Notice, the agency shall provide copies of any index upon request at a cost not to exceed the direct cost of duplication.

§ 1.6 Requests for records.

(a) Any person who wishes to inspect or obtain copies of any record of any agency of the Department shall submit a request in writing and address the request to the official designated in regulations promulgated by the agency. The requester may in his or her petition ask for a fee waiver if there is likely to be a charge for the requested information. To inspect or obtain copies of records of the Office of the Secretary or the Office of Governmental and Public Affairs, requesters should submit their requests to the Director of Information, Office of Governmental and Public Affairs, U.S. Department of Agriculture, Washington, DC 20250. All such requests for records shall be deemed to have been made pursuant to the Freedom of Information Act, regardless of whether that Act is specifically mentioned. To facilitate processing of a request, the phrase "FOIA REQUEST" should be placed in capital letters on the front of the envelope.

(b) A request must reasonably describe the records to enable agency personnel to locate them with reasonable effort. Where possible, a requester should supply specific information regarding dates, titles, etc., which may help identify the records. If the request relates to a matter in pending litigation, the court and its location should be identified.

(c) If an agency determines that a request does not reasonably describe the records, it shall inform the requester of this fact and extend the requester an opportunity to clarify the request or to confer promptly with knowledgeable agency personnel to attempt to identify the records he or she is seeking. The "date or receipt" in such instances, for purposes of § 1.12(a), shall be the date of receipt of the amended or clarified request.

(d) Nothing in this subpart shall be interpreted to preclude an agency from honoring an oral request for information, but, if the requester is dissatisfied with the response, the agency official

involved shall advise the requester to submit a written request in accordance with paragraph (a) of this section. The "date of receipt" of such a request for purposes of § 1.12(a) shall be the date of receipt of the written request. For recordkeeping purposes, an agency responding to an oral request for information may ask the requester to also submit his or her request in writing.

(e) If a request for records or a fee waiver, made under this subpart, is denied, the person making the request shall have the right to appeal the denial. Requesters also may appeal agency determinations of a requester's status for purposes of fee levels under section 5 of Appendix A. All appeals must be in writing and addressed to the official designated in regulations promulgated by the agency which denied the request. To facilitate processing of an appeal, the phrase "FOIA APPEAL" should be placed in capital letters on the front of the envelope.

(f) Requests that are nonagency-specific, i.e., are not addressed to a specific agency in USDA, or which pertain to more than one USDA agency, or which are sent to the wrong agency of USDA, should be forwarded to the Department's central processing unit for FOIA in the Office of Governmental and Public Affairs, Office of Information, Special Programs Division, U.S. Department of Agriculture, Washington, DC 20250.

(g) The central processing unit will determine which agency or agencies should process the request, and, where necessary, refer the request to the appropriate agency (agencies). The unit will also, where necessary, notify the requester of the referral and of the name of each agency to which the request has been referred.

(h) Each agency shall develop and maintain a record of all written and oral requests and appeals received in that agency, which shall include, in addition to any other information, the name of the requester, brief summary of the information requested, an indication of whether the request or appeal was denied or partially denied, the exemption(s) for making any denials, and the amount of fees associated with the request or appeal.

§ 1.7 Aggregating requests.

When an agency reasonably believes that a requester, or a group of requesters acting in concert, is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, the agency may aggregate any such requests and charge accordingly. One element which may be considered in determining whether such a belief would be reasonable is the time period in which the requests have occurred.

§ 1.8 Agency response to requests for records.

(a) 5 U.S.C. 552(a)(6)(A)(i) provides that each agency of the Department to which a request for records or a fee waiver is submitted in accordance with § 1.6(a) shall inform the requester of its determination concerning that request within 10 days of its date of receipt (excepting Saturdays, Sundays, and legal public holidays), plus any extension authorized under § 1.14. If the agency determines to grant the request, it shall inform the requester of any conditions surrounding the granting of the request (e.g., payment of fees) and the approximate date upon which compliance will be effected. If it grants only a portion of the request, it shall treat the portion not granted as a denial. If the agency determines to deny the request in part or in whole, it shall immediately inform the requester of that decision and of the following:

(1) The reasons for the denial;

(2) The name and title or position of each person responsible for denial of the request;

(3) The requester's right to appeal such denial and the title and address of the official to whom such appeal is to be addressed; and

(4) The requirement that such appeal be made within 45 days of the date of the denial.

(b) In the event the records requested contain some portions which are exempt from mandatory disclosure and others which are not, the official responding to the request shall insure that all nonexempt portions are disclosed, and that all exempt portions are identified according to the specific exemption or exemptions which are applicable.

(c) If the reason for not fulfilling a request is that the records requested are in the custody of another agency outside USDA, the agency shall inform the requester of this fact and shall forward the request to that agency or Department for processing in accordance with its regulations. If the agency has no knowledge of requested records or if no records exist, the agency shall notify the requester of that fact.

(d) 5 U.S.C. 552(a)(6)(A)(ii) provides that each agency in the Department to which an appeal of a denial is submitted in accordance with § 1.6(e) shall inform the requester of its determination concerning that appeal within 20 days (excepting Saturdays, Sundays, and legal public holidays), plus any extension authorized by § 1.14, of its date of receipt. If the agency determines to grant the appeal, it shall inform the requester of any conditions surrounding the granting of the request (e.g., payment of fees) and the approximate date upon which compliance will be effected. If it grants only a portion of the appeal, it shall treat the portion not granted as a denial. If it determines to deny the appeal either in part or in whole, it shall inform the requester of that decision and of the following:

(1) The reasons for denial;

(2) The name and title or position of each person responsible for denial of the appeal; and

(3) The right to judicial review of the denial in accordance with 5 U.S.C. 552(a)(4).

(e) If, in compliance with the request, a charge is to be made in accordance with section 8 of Appendix A of this subpart, agencies shall inform the requester of the fee amount and of the basis for the charge. Agencies may, in accordance with section 8 of Appendix A of this subpart, require payment of the entire fee, or a portion thereof, or full payment of a delinquent fee plus any applicable interest, before it provides the requested records. In instances where a requester refuses to remit payment in advance, an agency may likewise refuse to process the request with written notice to that effect forwarded to the requester. The "date of receipt" of a request for which advance payment has been required shall be the date that payment is received.

(f) In the event compliance with the request involves inspection of records by the requester rather than the forwarding of copies, the agency response shall include the name, mailing address, and telephone number of the person to be contacted to arrange a mutually convenient time for such inspection.

(g) Whenever duplication fees, or search fees for unsuccessful searches (see section 4(f) of Appendix A), are anticipated to exceed $25.00, and the requester has not indicated, in advance, a willingness to pay fees as high as those anticipated, agencies shall notify the requester of the amount of the anticipated fee. Similarly, as a matter of policy, where an extensive and therefore costly successful search is anticipated, agencies also should notify requesters of the anticipated fees. The notification shall offer the requester the opportunity to confer with agency personnel to reform the request to meet the requester's needs at a lower fee. In appropriate cases, an advance deposit in accordance with section 8 of Appendix A may be required.

§ 1.9 Search services.

(a) Search services are services of agency personnel—clerical or supervisory/professional salary level—used in trying to find the records sought by the requester. They include time spent examining records for the purpose of finding information which is within the scope of the request. They also include services to transport personnel to places of record storage, or records to the location of personnel for the purpose of the search, if such services are reasonably necessary.

(b) Because of the nature of the Department's business and records, the normal location of a record in a file or other facility will not be considered a search. This would be the same as quickly locating a piece of material for purposes of answering a letter or telephone inquiry, and is based on the Department's obligation to respond to requests furnishing a reasonable specific description of the record.

(c) "Search" is distinguished, however, from "review" of material to determine whether materials are exempt from disclosure.

§ 1.10 Review services.

(a) Review services are services by agency personnel—clerical or supervisory/professional—in examining documents located in response to a request that is for a commercial use (as specified in section 6 of Appendix A) to determine whether any portion of any document located is permitted to be withheld.

(b) Review services include processing any documents for disclosure, e.g., doing all that is necessary to excise exempt portions and otherwise prepare documents for release.

(c) "Review" does not include time spent resolving general legal or policy issues regarding the application of exemptions.

§ 1.11 Handling information from a private business.

(a) The USDA is responsible for making the final determination with regard to the disclosure or nondisclosure of information submitted by a business. When, in the course of responding to an FOIA request, an agency cannot readily determine whether the information obtained from a person is privileged or confidential business information, the policy of USDA is to obtain and consider the views of the submitter of the information and to provide the submitter an opportunity to object to any decision to disclose the information. Whenever a request (including any "demand" as defined in § 1.21) is received in USDA for information which has been submitted by a business, all agencies of the Department shall:

(1) Provide the business information submitter with prompt notification of a request for that information (unless it is readily determined by the agency that the information requested should not be disclosed or, on the other hand, that the information is not exempt by law from disclosure);

(2) Notify the requester of the need to inform the submitter of a request for submitted business information;

(3) Afford business information submitters time in which to object to the disclosure of any specified portion of the information. The submitter must explain fully all grounds upon which disclosure is opposed. For example, if the submitter maintains that disclosure is likely to cause substantial harm to its competitive position, the submitter must explain item-by-item why disclosure would cause such harm. Information provided by a business submitter pursuant to this paragraph may itself be subject to disclosure under FOIA;

(4) Provide business information submitters with notice of any determination to disclose such records prior to the disclosure date, in order that the matter may be considered for possible judicial intervention; and

(5) Notify business information submitters promptly of all instances in which FOIA requesters bring suit seeking to compel disclosure of submitted information.

§ 1.12 Date of receipt of requests or appeals.

(a) The date of receipt of a request or appeal, which contains the phrase "FOIA REQUEST" or "FOIA APPEAL" and is addressed in accordance with applicable agency regulations, shall be the date it is received in the office responsible for the administrative processing of FOIA requests or appeals.

(b) The date of receipt of a request or appeal which is hand-delivered to the address specified in agency regulations shall be the date of such hand-delivery.

(c) The date of receipt of a request or appeal which does not comply with paragraphs (a) or (b) of this section shall be the date it is received by the official designated in agency regulations to make the applicable determination.

§ 1.13 Appeals.

(a) Each agency shall provide for review of appeals by an official different from the official or officials designated to make initial denials.

(b) Each agency, upon a determination that it wishes to deny an appeal, shall send a copy of the records requested and of all correspondence relating to the request to the Assistant General Counsel, Research and Operations Division, Office of the General Counsel. When the volume of records is so large as to make sending a copy impracticable, the agency shall enclose an informative summary of those records. The agency shall not deny an appeal until it receives concurrence from the Assistant General Counsel.

(c) The Assistant General Counsel shall promptly review the matter (including necessary consultation with the Department of Justice and coordination with the Office of Governmental and Public Affairs) and render all necessary assistance to enable the agency to respond to the appeal within the administrative deadline or any extension thereof.

§ 1.14 Extension of administrative deadlines.

(a) In unusual circumstances as specified in this section, either of the administrative deadlines prescribed in § 1.8 may be extended by an authorized agency official. Written notice of the extension shall be sent to the requester within the applicable deadline, setting forth the reasons for such extension and the date a determination is expected to be dispatched. In no event shall the extension exceed a total of 10 working days.

(b) As used in this section, "unusual circumstances" shall be limited to the following:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; and

(3) The need for consultation, which shall be conducted with all practicable speed, with another Department or agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein. (Note: consultation regarding policy or legal issues between an agency and the Office of the General Counsel, Office of Governmental and Public Affairs, or the Department of Justice is not a basis for extension under this section.)

(c) The 10-day extension authorized by this section may be divided between the initial and appellate reviews, but in no event shall the total extension exceed 10 working days.

(d) Nothing in this section shall preclude the agency and the requester from agreeing to an extension of time. Any such agreement should be confirmed in writing and should specify clearly the total time agreed upon.

§ 1.15 Failure to meet administrative deadlines.

In the event an agency fails to meet either of the administrative deadlines set forth in § 1.8, plus any extension authorized by § 1.14, it shall notify the requester, state the reasons for the delay, and the date by which it expects to dispatch a determination. Although the requester may be deemed to have exhausted his or her administrative remedies under 5 U.S.C. 552(a)(6)(C), the agency shall continue processing the request as expeditiously as possible and dispatch the determination when it is reached in the same manner and form as if it had been reached within the applicable deadline.

§ 1.16 Fee schedule.

Pursuant to § 2.75 of this title, the Director, Office of Finance and Management, is delegated authority to promulgate regulations providing a uniform schedule of fees applicable to all agencies of the Department regarding requests for records under this subpart, following public notice and comment. (See Appendix A of this subpart.) Any amendments thereto will be made pursuant to notice and opportunity for comment. Said regulations provide for recovery of direct costs for document search, duplication, and review. The regulations provide that documents may be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest based upon criteria set forth in section 6 of Appendix A.

§ 1.17 Exemptions and discretionary release.

(a) All agency records, except those specifically exempted from mandatory disclosure by one or more provisions of 5 U.S.C. 552(b), shall be made promptly available to any person submitting a request under this subpart.

(b) Except where disclosure is specifically prohibited by Executive Order, statute, or applicable regulations, an agency may release records exempt from mandatory disclosure under 5 U.S.C. 552(b) whenever it determines that such disclosure whould be in the public interest. Such a record is considered to be in the public interest if the benefit to the public in releasing the document outweighs any harm likely to result from disclosure.

§ 1.18 Annual report.

(a) Each agency of the Department shall compile the following information for each calendar year:

(1) The number of determinations made by such agency not to comply with initial requests for records made to it under § 1.6(a), and the reasons for each such determination;

(2) The number of appeals made by persons under § 1.8(d), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) The name and title or position of each person responsible for the denial of records requested under this subpart and the number of instances of participation for each;

(4) The results of each proceeding conducted pursuant to 5 U.S.C. 552(a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) A copy of every rule made by the agency regarding this subpart;

(6) The total amount of fees collected by the agency for making records available under this subpart; and

(7) Such other information as indicates efforts to administer fully this subpart.

(b) Each agency shall compile the information required by paragraph (a) of this section for the preceding calendar year into a report and submit this report to the Director of Information, Office of Governmental and Public Affairs, by February 1 of each year.

(c) The Director of Information shall combine the reports from the various agencies within USDA into a Departmental report, and shall arrange for submission of this report to the President of the Senate and the Speaker of the House of Representatives by March 1 of each year in accordance with 5 U.S.C. 552(d).

§ 1.19 Compilation of new records.

Nothing in 5 U.S.C. 552 or this subpart requires that any agency compile a new record in order to fulfill a request for records. Such compilation may be undertaken voluntarily if the agency determines this action to be in the public interest or the interest of USDA.

§ 1.20 Authentication.

When a request is received for an authenticated copy of a document which the agency determines to make available to the requesting party, the agency shall cause a correct copy to be prepared and sent to the Office of the General Counsel which shall certify the same and cause the seal of the Department to be affixed, except that the Hearing Clerk may authenticate copies of documents in the records of the Hearing Clerk.

§ 1.21 Compulsory process.

(a)(1) In any case where it is sought by subpoena, order, or other compulsory process (hereinafter in this section referred to as a "demand") to require the production or disclosure of any record or material which is exempt from disclosure under 5 U.S.C. 552(b) or information related thereto acquired by an employee of this Department in the performance of his or her official duties, the matter shall be referred to an official authorized by agency regulations to make releases pursuant to § 1.17(b). For the Office of the Secretary and for the Office of Governmental and Public Affairs, this official is the Deputy Assistant Secretary for Governmental and Public Affairs.

(2) Such official may authorize release. However, if such official determines that it would be improper to comply with the demand, the official shall refer it to the agency head. The agency head may authorize release; however, if the agency head concurs with the initial conclusion, the matter shall be referred to the Secretary through the General Counsel for final determination.

(3) If the Secretary determines that the records, material, or information should not be produced, or if no final determination has been made, the employee shall be notified not to produce or disclose the records. The employee who appears in answer to the demand shall respectfully decline to produce or disclose the records, material, or information demanded on the ground that the disclosure is prohibited by this section. The employee shall provide the court or other authority with a copy of this subpart and a copy (when available) of the Secretary's determination, and shall respectfully request the court or other authority to withdraw or stay the demand.

(b)(1) Whenever a demand of the type described in paragraph (a) of this section is made upon an employee of this Department not authorized to make releases pursuant to § 1.17(b), by a court or other authority while he/she is appearing before, or is otherwise in the presence of the court or other authority, the employee, or other appropriate Government official or attorney acting on behalf of the employee, shall:

(i) Immediately inform the court or other authority that this section prohibits the employee from producing or disclosing the information or material demanded; and

(ii) Offer to refer the demand for the prompt consideration of authorized officials, providing the court or other authority a copy of this subpart respectfully and requesting that the demand be stayed pending his/her receipt of appropriate instructions concerning the demand.

(2) If the employee is authorized to make a release pursuant to § 1.17(b), but determines that such release would be improper, the employee shall offer to refer the demand for the prompt consideration of the agency head and/or Secretary and shall otherwise comply with paragraph (b)(1)(ii) of this section.

(c) If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with paragraph (a) or (b) of this section pending the receipt by the employee of instructions or directions, or if the court or other authority rules adversely on any assertion made in conformity with the provisions of this subpart, the employee upon whom the demand has been made may tender the records, material, or information demanded with a request they be held in camera until an appeal can be taken from the adverse ruling.

§ 1.22 Records in formal adjudication proceedings.

Records in formal adjudication proceedings are on file in the Hearing Clerk's office, Office of Administrative Law Judges, U.S. Department of Agriculture, Washington, DC 20250, and shall be made available to the public.

§ 1.23 Preservation of records.

Agencies shall preserve all correspondence relating to the requests it receives under this subpart, and all records processed pursuant to such requests, until such time as the destruction of such correspondence and records is authorized pursuant to Title 44 of the United States Code, and to the General Records Schedule. Under no circumstances shall records be destroyed while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

Appendix A—Fee Schedule

Section 1. General.

This schedule sets forth fees to be charged for providing copies of documents—including photographic reproductions, microfilm, maps and mosaics, and related services—under the Freedom of Information Act (FOIA). Records and related services are available at the locations specified by agencies in their FOIA implementing regulations. The fees set forth in this schedule are applicable to all agencies of the Department of Agriculture, and are based upon guidelines prescribed by the Office of Management and Budget (OMB) issued at 52 FR 10012 (March 27, 1987). No higher fees or charges in addition to those provided for in this schedule may be charged a party requesting services under the Freedom of Information Act.

Section 2. Types of services for which fees may be charged.

Subject to the criteria set forth in section 5, fees may be assessed under the Freedom of Information Act on all requests involving such services as document search, duplication, and review. Fees may also be charged in situations involving special service to a request, such as in certify that records requested are true copies, or in sending records by special methods such as express mail, etc. For services not covered by the FOIA or by this schedule, agencies may set their own fees in accordance with applicable law, or costs incurred will be assessed the requester at the actual cost to the Government. For example, where records are required to be shipped from one office to another by commercial carrier in order to timely answer a request, the actual freight charge will be assessed the requester.

Section 3. Instances in which fees will not be charged.

(a) Except for requests seeking documents for a commercial use (as specified below in section 5), no charge shall be made for either: (1) The first 100 pages of duplicated information (8½" x 14 " or smaller-size paper); or (2) The first two hours of manual search time, or the equivalent value of computer search time as defined in section 4(e).

(b) Also, no charge shall be made—even to commercial use requesters—if the cost of collecting a fee would be equal to or greater than the fee itself. For USDA, this figure has been calculated to be $25.00.

(c) In addition, fees may not be charged for time spent by an agency employee in resolving legal or policy issues, or in monitoring a requester's inspection of agency records. No charge shall be made for normal postage costs.

(d) Documents shall also be furnished without charge under the following conditions:

(1) When filling requests from other Departments or Government agencies for official use, provided quantities requested are reasonable in number;

(2) When members of the public provide their own copying equipment, in which case no copying free will be charged (although search and review fees may still be assessed); or

(3) When any notices, decisions, orders, or other materials are required by law to be served on a party in any proceeding or matter before any Department agency.

Section 4. Fees for records and related services.

(a) The fee for photocopies of pages 8½" x 14" or smaller shall be $0.20 per page (per individual side of sheet).

(b) The fee for photocopies larger than 8½" x 14" shall be $0.50 per linear foot of the longest side of the copy.

(c) The fee for other forms of duplicated information, such as microform, audio-visual materials, or machine-readable documentation (i.e., magnetic tape or disk), shall be the actual direct cost of producing the document(s).

(d) Manual searches shall be charged for in one of the two following manners in the given order:

(1) When feasible, at the salary rate of the employee conducting the search, plus 16 percent of the employee's basic pay; or

(2) Where a homogeneous class of personnel is used exclusively, at the rate of $10.00 per hour for clerical time, and $20.00 per hour for supervisory or professional time. Charges should be computed to the nearest quarter hour required for the search. A homogeneous class of personnel, for purposes of conducting manual searches and where more than one individual is involved, is a group of employees of like rank, grade, pay or position. A heterogeneous class of personnel is a group of employees of unlike rank, grade, pay, or position. If a heterogeneous class of personnel is involved in a search then the search shall be charged for at the salary rate of the individuals.

(e) Mainframe computer searches and services shall be charged for at the rates established in the Users Manual or Handbook published by the computer center at which the work will be performed. Where the rate has not been established, the rate shall be $27.00 per minute. Searches using computers other than mainframes shall be charged for at the manual search rate.

(1) Other rates are published and may be examined at the following places:

Fort Collins Computer Center Users Manual
Fort Collins Computer Center, U.S. Department of Agriculture, 3825 East Mulberry Street (P.O. Box 1206), Fort Collins, Colo. 80521.

National Finance Center, Cost, Productivity & Analysis Section, U.S. Department of Agriculture, 13800 Old Gentilly Road, New Orleans, La. 70129.

Kansas City Computer Center Users Manual
Kansas City Computer Center, U.S. Department of Agriculture, 6930 Ward Parkway (P.O. Box 205), Kansas City, MO. 64141.

Washington Computer Center Users Handbook: Washington Computer Center, U.S. Department of Agriculture, Room S-100, South Building, 12th Street and Independence Avenue, SW., Washington, DC 20250.

St. Louis Computer Center, U.S. Department of Agriculture, 1520 Market Street, St. Louis, MO. 63103.

(f) Charges for unsuccessful searches, or searches which fail to locate records or which locate records which are exempt from disclosure, shall be assessed at the same fee rate as searches which result in disclosure of records.

(g) The fee for providing review services shall be the hourly salary rate (i.e., basic pay plus 16 percent) of the employee conducting the review to determine whether any information is exempt from mandatory disclosure.

(h) The fee for Certifications shall be $5.00 each: Authentications under Department Seal (including aerial photographs), $10.00 each.

(i) All other costs incurred by USDA agencies will be assessed the requester at the actual cost to the Government.

(j) The fees specified in paragraphs (a) through (g) of this section apply to all requests for services under the FOIA, as amended (5 U.S.C. 552), unless no fee is to be charged, or the agency has determined to waive or reduce those fees pursuant to section 6. No higher fees or charges in addition to those provided for in this schedule may be charged for services under the FOIA.

(k) The fees specified in paragraphs (h) and (i) of this section and in section 17 of this schedule apply to requests for services other than those subject to the FOIA. The authority for establishment of these fees is at 31 U.S.C. 9701 (formerly 31 U.S.C. 483a) and other applicable laws.

(l) Except as provided in section 11 of this appendix, for services not subject to the FOIA, and not covered by paragraph (h) of this section, agencies may set their own fees in accordance with applicable law.

Section 5. Levels of fees for each category of requesters.

Under the FOIA, as amended, there are four categories of FOIA requesters: Commercial use requesters, educational and non-commercial scientific institutions; representatives of the news media; and all other requesters. The Act prescribes specific levels of fees for each category:

(a) Commercial use requesters—For commercial use requesters, agencies shall assess charges which recover the full direct costs of searching for, reviewing for release, and duplicating the records sought. Commercial use requesters are not entitled to the free search time or duplication referenced in section 3(a). Agencies may recover the cost of searching for and reviewing records for commercial use requesters even if there is ultimately no disclosure of records.

(1) A commercial use requester is defined as one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made.

(2) In determining whether a requester properly belongs in this category, agencies must determine whether the requester will put the documents to a commercial use. Where an agency has reasonable cause to doubt the use to which a requester will put the records sought, or where that use is not clear from the request itself, the agency may seek additional clarification from the requester.

(b) Educational and non-commercial scientific institution requesters—Fees for this category of requesters shall be limited to the cost of providing duplication service alone, minus the charge for the first 100 reproduced pages. No charge shall be made for search or review services. To qualify for this category, requesters must show that the request is being made as authorized by and under the auspices of an eligible institution and that the records are not sought for a commercial use, but are sought in furtherance of scholarly research (if the request is from an educational institution) or scientific research (if the request is from a non-commercial scientific institution).

(1) The term "educational institution" refers to a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research.

(2) The term "non-commercial scientific institution" refers to institution that is not operated on a "commercial" (see section 5(a)(1)) basis, and which is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.

(c) Requesters who are representatives of the news media—Fees for this category of requesters shall also be limited to the cost of providing duplication service alone, minus the charge for the first 100 reproduced pages. No charge shall be made for providing search or review services. Requests in this category must not be made for a commercial use.

(1) The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

(2) The term "news" means information that is about current events or that would be of current interest to the public.

(3) Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals which disseminate news and who make their products available for purchase or subscription by the general public.

(4) "Freelance" journalists may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it.

(d) All other requesters—Fees for requesters who do not fit into any of the above categories shall be assessed for the full reasonable direct cost of searching for and duplicating documents that are responsive to a request. No charge, however, shall be made to requesters in this category for: (1) The first 100 duplicated pages; or (2) the first two hours of manual search time, or the equivalent value of computer search time as defined in section 4(e).

Section 6. Fee waivers and reductions.

(a) Agencies shall waive or reduce fees on requests for information if disclosure of the information is deemed to be in the public interest. A request is in the public interest if it is likely to contribute significantly to public understanding of the operations or activities of the government, and is not primarily in the commercial interest of the requester.

(1) In determining when fees shall be waived or reduced, agencies should consider the following six factors:

(i) The subject of the request, i.e., whether the subject of the requested records concerns "the operations or activities of the government";

(ii) The informative value of the information to be disclosed, i.e., whether the disclosure is "likely to contribute" to an understanding of government operations or activities;

(iii) The contribution to an understanding of the subject by the general public likely to result from disclosure, i.e., whether disclosure of the requested information will contribute to "public understanding";

(iv) The significance of the contribution to public understanding, i.e., whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities;

(v) The existence and magnitude of a commercial interest, i.e., whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so,

(vi) The primary interest in disclosure, i.e., whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

(2) An agency may, in its discretion, waive or reduce fees associated with a request for disclosure, regardless of whether a waiver or reduction has been requested, if the agency determines that disclosure will primarily benefit the general public.

(3) Agencies may also waive or reduce fees under the following conditions:

(i) Where the furnishings of information or a service without charge or at a reduced rate is an appropriate courtesy to a foreign country or international organization, or where comparable fees are set on a reciprocal basis with a foreign country or an international organization;

(ii) Where the recipient is engaged in a nonprofit activity designed for the public safety, health, or welfare; or

(iii) Where it is determined that payment of the full fee by a State or local government or nonprofit group would not be in the interest of the program involved.

(4) Fees shall be waived, however, without discretion in all circumstances where the amount of the fee is $25.00 or less.

Section 7. Restrictions regarding copies.

(a) Agencies may restrict numbers of photocopies and directives furnished the public to one copy of each page. Copies of forms provided the public shall also be held to the minimum practical. Persons requiring any large quantities should be encouraged to take single copies to commercial sources for further appropriate reproduction.

(b) Single or multiple copies of transcripts, provided to the Department under a reporting service contract, may be obtained by the public from the contractor at a cost not to exceed the cost per page charged to the Department for extra copies. The contractor may add a postage charge when mailing orders to the public, but no other charge may be added.

Section 8. Payments of fees and charges.

(a) Payments should be billed for to the fullest extent possible at the time the requested materials are furnished. Payments should be made by requesters within 30 days of the date of the billing.

(b) Payments shall be made by check, draft, or money order made payable to the Treasury of the United States, although payments may be made in cash, particularly where services are performed in response to a visit to a Department office. All payments should be sent to the address indicated by the agency responding to the request.

(c) Where the estimated fees to be charged exceed $250.00, agencies may require an advance payment of an amount up to the full estimated charges (but not less than 50 percent) from the requester before any of the requested materials are reproduced.

(d) In instances where a requester has previously failed to pay a fee, an agency may require the requester to pay the full amount owed, plus any applicable interest as provided below, as well as the full estimated fee associated with any new request before the agency begins to process that new or subsequent request.

Section 9. Interest charges.

On requests that result in fees being assessed, agencies may begin levying interest charges on an upaid bill starting on the 31st day following the day on which the billing was sent. Interest will be at the rate prescribed in section 3717 of Title 31 U.S.C., and will accrue from the date of the billing.

Section 10. Effect of the Debt Collection Act on fees.

In attempting to collect fees levied under the FOIA, agencies shall abide by the provisions of 31 U.S.C. 3701, 3711–3719, in disclosing information to consumer reporting agencies and in the use of collection agencies, where appropriate, to encourage payment.

Section 11. Photographic reproductions, microfilm, mosaic and maps.

Reproduction of such aerial or other photographic microfilm, mosaic and maps as have been obtained in connection with the authorized work of the Department may be sold at the estimated cost of furnishing such reproduction as prescribed in this schedule.

Section 12. Agencies which furnish photographic reproductions.

(a) Aerial photographic reproductions. The following agencies of the Department furnish aerial photographic reproductions:

Agricultural Stabilization and Conservation Service (ASCS), APFO, USDA–ASCS, 2222 West 2300 South, P.O. Box 30010, Salt Lake City, Utah 84125.

Soil Conservation Service (SCS), USDA, Cartographic Division, Washington, DC 20250, or Cartographic Facility in nearest SCS Technical Service Center.

(b) Other photographic reproductions. Other types of reproductions may be obtained from the following agencies of the Department:

Agricultural Stabilization and Conservation Service (ASCS) (Address above).

Forest Service (FS), USDA, P.O. Box 96090, Washington, DC 20090–6090, or nearest Forest Service Regional Office. Office of Governmental and Public Affairs, USDA, Photography Division, Room 4407 South Building, Washington, DC 20250. Soil Conservation Service, USDA, Information Division, Audio Visual Branch, Washington, DC 20250.

National Agricultural Library, USDA, Office of the Deputy Director, Technical Information Systems, Room 200, NAL Building, Beltsville, MD 20705.

Section 13. Circumstances under which photographic reproductions may be provided free.

Reproductions may be furnished free at the discretion of the agency, if it determines this action to be in the public interest, to:

(a) Press, radio, television, and newsreel representatives for dissemination to the general public.

(b) Agencies of State and local governments carrying on a function related to that of the Department when it will help to accomplish an objective of the Department.

(c) Cooperators and others furthering agricultural programs. Generally, only one print of each photograph should be provided free.

Section 14. Loans.

Aerial photographic film negatives or reproductions may not be loaned outside the Federal Government.

Section 15. Sales of positive prints under government contracts.

The annual contract for furnishing single and double frame slide film negatives and positive prints to agencies of the Department, County Extension Agents, and others cooperating with the Department, carries a stipulation that the successful bidder must agree to furnish slide film positive prints to such persons, organizations, and associations as may be authorized by the Department to purchase them.

Section 16. Procedure for handling orders.

In order to expedite handling, all orders should contain adequate identifying information. Agencies furnishing aerial photographic reproductions require that all such orders identify the photographs. Each agency has its own procedure and order forms.

Section 17. Reproduction prices.

The prices for reproductions listed here are for the most generally requested items.

(a) *National Agricultural Library.* The following prices are applicable to National Agricultural Library items only: Reproduction of electrostatic, microfilm, and microfiche copy—$5.00 for the first 10 pages or fraction thereof, and $3.00 for each additional 10 pages or fraction thereof. Duplication of NAL-owned microfilm—$10.00 per reel. Duplication of NAL-owned microfiche—$5.00 for the first fiche, and $0.50 for each additional fiche. Charges for manual and automated data base searches for bibliographic or other research information will be made in accordance with section 4, paragraphs (c)-(e) of this fee schedule. The contract rate charged by the commercial source to the National Agricultural Library for computer services is available at the National Agricultural Library, Room 111, Information Access Division, USDA, Beltsville, Maryland 20705 (301–344–3834).

(b) *General photographic reproductions.* Minimum charge $1 per order. An extra charge may be necessary for excessive laboratory time caused by any special instructions from the purchaser.

Class of work and unit	Price
1. Black and white line negatives:	
4 by 5 (each)	$5.00
8 by 10 (each)	8.50
11 by 14 (each)	11.00
2. Black and white continuous tone negatives:	
4 by 5 (each)	8.50
8 by 10 (each)	11.00
3. Black and white enlargements: 8 by 10 and smaller (each)	6.50
11 by 14 (each)	11.00
Larger sizes and quantities	(1)
4. Black and white slides:	
2 x 2 cardboard mounted (from copy negative) (each)	4.00
Blue ozalid slides (each)	5.00
5. Color slides: (2 x 2 cardboard mounted):	
Duplicate color slides:	
Display quality (each) (Display color slides are slides copied from 35mm color slides only)	.65
Repro quality (each)	(1)
Original color slides (from flat copy) (each)	6.50
6. Color enlargements and transparencies: 4 by 5 and larger	(1)
7. Slide sets:	
1 to 50 frames	14.50
51 to 60 frames	16.50
61 to 75 frames	18.50
76 to 95 frames	21.50
96 to 105 frames	23.00
106 to 130 frames (Prices include printed narrative guide)	26.50
8. Cassettes: (for the corresponding slide sets above)	3.00

[1] By quotation.

(c) *General aerial photographic reproductions.* There is no minimum charge on general aerial photography orders. The prices for various types of aerial photographic reproductions are set forth below. Size measurements refer to the approximate size in inches of the paper required to produce the print.

Size	Price each
1. Black-and white contact prints:	
10 x 10 paper	8.00
10 x 10 Diapositive (film)	10.00
10 x 10 Copy negative	4.00
2. Aerial photo index sheets:	
20 x 24 RC (resin coated base) paper	8.00
24 x 36 Ozalid	4.00
Microfilm (photo indexes):	
Aperture cards	1.00
Microfiche	2.00

BEST COPY AVAILABLE

Size	Price each: RC paper	Price each: Film positive transparency
3. Black and white enlargements (projection prints):		
12 × 12	$8.00	$12.00
17 × 17	10.00	14.00
20 × 20	11.00	
24 × 24	12.00	20.00
30 × 30	18.00	25.00
38 × 38	25.00	35.00
4. Reproductions from color negative:		
10 × 10 contact	4.00	12.00
12 × 12 enlargement	20.00	
20 × 20 enlargement	25.00	
24 × 24 enlargement	30.00	
30 × 30 enlargement	40.00	
38 × 38 enlargement	45.00	

Size	Price each: RC paper	Price each: Color film positive transparency
4. Reproductions from color positive transparencies:		
10 × 10 contact	$16.00	$24.00
12 × 12 enlargements	30.00	
20 × 20 enlargements	45.00	
24 × 24 enlargements	49.00	
30 × 30 enlargements	58.00	
38 × 38 enlargements	65.00	

Size	Price each: RC paper	Price each: Color film positive transparency
5. Reproductions from color positive transparencies (natural) color or color infrared:		
10 × 10 contact	$8.00	$12.00
12 × 12 enlargement	25.00	
20 × 20 enlargement	30.00	
24 × 24 enlargement	35.00	
30 × 30 enlargement	45.00	
38 × 38 enlargement	50.00	

Aerial photographic reproduction from National High Altitude Photography (NHAP) Program. There is no minimum charge on NHAP aerial photography orders. The prices for various types of aerial photographic reproductions are set forth below. Size measurements refer to the appropriate size in inches of the paper required to produce the Phoprint.

Size	Price each
1. Black and white contact prints:	
10 × 10 paper	$4.00
10 × 10 diapositive	15.00
10 × 10 negative	8.00
2. Aerial photo index sheets:	
20 × 24 RC (resin coated base paper)	5.00
24 × 36 Ozalid	4.00
Microfilm (photo indexes):	
Aperture Cards	1.00
Microfiche	2.00

Size	Price each: RC paper	Price each: Film positive transparency
3. Black and white enlargements (projection prints):		
12 × 12	$14.00	$22.00
17 × 10	17.00	24.00
20 × 20	18.00	
24 × 24	20.00	30.00
30 × 30	27.00	35.00
38 × 38	33.00	45.00

(e) *Special need.* For special needs not covered above, persons desiring aerial photographic reproductions should contact the agency listed in section 12(a) or the Departmental aerial photography coordinator, Aerial Photography Field Office, USDA–ASCS, 2222 West, 2300 South, P.O. Box 30010, Salt Lake City, Utah 84130.

(f) *Audio and videotape reproductions.* For reproductions of audio-videotapes, requesters must supply their own recording tape, and will be assessed a fee of $25.00 an hour for copying work requested. There is a one-hour minimum charge. Payment is required at the time video or audiotapes are accepted by the requester.

Dated: December 24, 1987.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 87–30040 Filed 12–30–87; 8:45 am]

BILLING CODE 3410–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 75

[Airspace Docket No. 86–ASO–5]

Alteration of Jet Route J–89 Between Lakeland, FL and Atlanta, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns J–89 between Lakeland, FL, and Atlanta, GA. This action provides improved en route navigation for pilots, thereby aiding them in maintaining course, and increases system capacity by permitting a reduction in the minimum en route altitude.

EFFECTIVE DATE: 0901 UTC, March 10, 1988.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–9254.

SUPPLEMENTARY INFORMATION:

History

On August 13, 1986, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign J–89 between Lakeland, FL, and Atlanta, GA (51 FR 28957). J–89 is presently aligned as a direct route between these VORTAC's. However, due to the excessive distance, aircraft are required to maintain a high minimum en route flight level. The proposed realignment of J–89 over Valdosta, GA, which is midway betwen Lakeland and Atlanta, permits lower minimum usable flight levels and would increase flight level availability for use on that route segment. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. However, the description of J–89 has been changed because the Valdosta, GA, VORTAC radial for J–89 did not pass FAA's flight check. In order to maintain the required route alignment, Cawly, FL, Intersection, which is over the Valdosta VORTAC, has been added to the description of J–89. Except for the above and editorial changes, this amendment is the same as that proposed in the notice. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 75 of the Federal Aviation Regulations realigns J–89 between Lakeland, FL, and Atlanta, GA. This action provides improved en route navigation for pilots, thereby aiding them in maintaining course, and increases system capacity by permitting a reduction in the minimum en route altitude.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is amended, as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for Part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 108(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

2. Section 75.100 is amended as follows:

J–89 [Amended]

By removing the words "From Lakeland, FL; via Atlanta, GA;" and by substituting the words "From INT of Taylor, FL, 175° and Valdosta, GA, 156° radials; Valdosta; Atlanta, GA;"

Issued in Washington, DC, on December 17, 1987.

Shelomo Wugalter,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87–29976 Filed 12–30–87; 8:45 am]

BILLING CODE 4910–13–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2610 and 2622

Late Premium Payments and Employer Liability Underpayments and Overpayments; Change in Interest Rate

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment notifies the public of a change in the interest rate applicable to late premium payments and employer liability underpayments and overpayments beginning January 1, 1988. The interest rate is established by the Internal Revenue Service and is computed quarterly. This amendment is needed to notify pension plan administrators of the new interest rate.

DATE: Effective January 1, 1988.

FOR FURTHER INFORMATION CONTACT: John Foster, Attorney, Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; telephone 202–778–8850 (202)–778–8859 for TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: As part of Title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), the Pension Benefit Guaranty Corporation ("PBGC") collects premiums from on-going plans to support the single-employer and multiemployer insurance programs. Under the single-employer program, the PBGC also collects employer liability from those persons described in ERISA section 4062(a). Under ERISA section 4007 and 29 CFR 2610.7, the interest rate to be charged on unpaid premiums is the rate established under section 6601 of the Internal Revenue Code ("Code"). Similarly, under 29 CFR 2622.7, the interest rate to be credited or charged with respect to overpayments or underpayments of employer liability is the section 6601 rate.

Section 6601(a) of the Code imposes interest on the underpayment of taxes at the "underpayment rate established under section 6621." Section 6621(a)(2) prescribes this rate: The sum of the short-term Federal rate (average interest rate on Federal securities with a maturity of three years or less) plus three percentage points. This rate is computed quarterly by the Internal Revenue Service.

On December 3, 1987, the Internal Revenue Service announced that for the calendar quarter beginning January 1, 1988, the interest charged on the underpayment of taxes will be at the rate of 11 percent. Accordingly, Appendix A to 29 CFR Part 2610 and Appendix A to 29 CFR Part 2622 are being amended to set forth this rate for the period beginning on January 1, 1988. This rate will be in effect for at least the three-month period ending on March 31, 1988, and will continue in effect after that time if the Internal Revenue Service, in its next quarterly review, determines that no change is needed.

The appendices to 29 CFR Part 2610 and 29 CFR Part 2622 do not prescribe the interest rates under these regulations; the rates prescribed by those parts are the rates under section 6601(a) of the Code. The appendices merely collect and republish the rates in a convenient place. Thus, the interest rates in the appendices are informational only. Accordingly, the PBGC finds that notice of and public comment on these amendments would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making these amendments effective immediately.

The PBGC has determined that neither of these amendments is a "major rule" within the meaning of Executive Order 12291, because they will not have an annual effect on the economy of $100 million or more; nor create a major increase in costs or prices for consumers, individual industries, or geographic regions, nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for these amendments, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 2610

Employee benefit plans, Penalties, Pension insurance, Pensions, and Reporting and recordkeeping requirements.

29 CFR Part 2622

Business and industry, Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements, and Small businesses.

In consideration of the foregoing, Appendix A to Part 2610 and Appendix A to Part 2622 of Chapter XXVI of Title 29, Code of Federal Regulations, are hereby amended as follows:

PART 2610—PAYMENT OF PREMIUMS

1. The authority citation for Part 2610 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1306, 1307, as amended by sec. 11005, Pub. L. 99–272, 100 Stat. 82, 240.

2. Appendix A to Part 2610 is amended by revising the October 1, 1987, entry and adding a new entry to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A—Late Payment Interest Rates

The following table lists the late payment interest rates under § 2610.7(a) for the specified time periods:

From	Through	Interest rate (percent)
.	.	.
Oct. 1, 1987	Dec. 31, 1987	10
Jan. 1, 1988		11

PART 2622—EMPLOYER LIABILITY FOR WITHDRAWALS FROM AND TERMINATIONS OF SINGLE-EMPLOYER PLANS

3. The authority citation for Part 2622 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1362–1364, 1367–68, as amended by secs. 11011, 11016, Pub. L. 99–272, 100 Stat. 253, 268.

4. Appendix A to Part 2622 is amended by revising the October 1, 1987, entry and adding a new entry to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A—Late Payment and Overpayment Interest Rates

The following table lists the late payment and overpayment interest rates under § 2622.7 for the specified time periods:

From	Through	Interest rate (percent)
.	.	.
Oct. 1, 1987	Dec. 31, 1987	10
Jan. 1, 1988		11

Issued in Washington, DC, the 23rd day of December, 1987.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 87–29889 Filed 12–30–87; 8:45 am]

BILLING CODE 7708–01–M

29 CFR Part 2644

Notice and Collection of Withdrawal Liability; Adoption of New Interest Rate

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Notice and Collection of Withdrawal Liability. That regulation incorporates certain interest rates published by another Federal agency. The effect of this amendment is to add to the appendix of that regulation a new interest rate to be effective from January 1, 1988, to March 31, 1988.

DATE: Effective January 1, 1988.

FOR FURTHER INFORMATION CONTACT: John Foster, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; telephone 202–778–8850 (202–778–8859 or TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Under section 4219(c) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), the Pension Benefit Guaranty Corporation ("the PBGC") promulgated a final regulation on Notice and Collection of Withdrawal Liability. That regulation, codified at 29 CFR Part 2644, deals with the rate of interest to be charged by multiemployer pension plans on withdrawal liability payments that are overdue or in default, or to be credited by plans on overpayments of withdrawal liability. The regulation allows plans to set rates, subject to certain restrictions. Where a plan does not set the interest rate, § 2644.3(b) of the regulation provides that the rate to be charged or credited for any calendar quarter is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates").

Because the regulation incorporates interest rates published in Statistical Release H.15, that release is the authoritative source for the rates that are to be applied under the regulation. As a convenience to persons using the regulation, however, the PBGC collects the applicable rates and republishes them in an appendix to Part 2644. This amendment adds to this appendix the interest rate of 8¾ percent, which will be effective from January 1, 1988, through March 31, 1988. This rate is the same rate as the one in effect for the last quarter of 1987. See 52 FR 36759 (October 1, 1987). This rate is based on the prime rate in effect on December 15, 1987.

The appendix to 29 CFR Part 2644 does not prescribe interest rates under the regulation; the rates prescribed in the regulation are those published in Statistical Release H.15. The appendix merely collects and republishes the rates in a convenient place. Thus, the interest rates in the appendix are informational only. Accordingly, the PBGC finds that notice of and public comment on this amendment would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making this amendment effective immediately.

The PBGC has determined that this amendment is not a "major rule" within the meaning of Executive Order 12291, because it will not have an annual effect on the economy of $100 million or more; nor create a major increase in costs or prices for consumers, individual industries, or geographic regions, nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 2644

Employee benefit plans, Pensions.

In consideration of the foregoing, Part 2644 of Subchapter F of Chapter XXVI of Title 29, Code of Federal Regulations, is amended as follows:

PART 2644—NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY

1. The authority citation for Part 2644 is revised to read as follows:

Authority: 29 U.S.C. 1302(b)(3) and 1399(c)(6).

Appendix A—[Amended]

2. Appendix A is amended by adding to the end of the table of interest rates therein the following new entry:

From	To	Date of quotation	Rate (percent)
.	.	.	.
01/01/88	03/31/88	12/15/87	8.75

Issued at Washington, DC, on this 23rd day of December, 1987.

Kathleen P. Utgoff,

Executive Director.

[FR Doc. 87–29888 Filed 12–30–87; 8:45 am]

BILLING CODE 7708–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 916

Approval of an Amendment to the Kansas Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of a proposed amendment submitted by the State of Kansas as a modification to its permanent regulatory program (hereinafter referred to as the Kansas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This amendment consists of revisions to the Kansas program concerning the applicability of SMCRA to the extraction of coal incidental to the extraction of other minerals and the establishment of a schedule for contemporaneous reclamation. OSMRE published a notice in the **Federal Register** on September 16, 1987 (52 FR 34930), announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment. The public comment period ended October 16, 1987. A public hearing was not held because no one requested to testify.

After providing opportunity for public comment and conducting a thorough review of the program amendment, the Director has determined that the amendment meets the requirements of SMCRA and the Federal regulations. Therefore, the Director is approving the amendment.

EFFECTIVE DATE: December 31, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Kovacic, Director, Office of Surface Mining Reclamation and Enforcement, Kansas City Field Office, 1103 Grand Avenue, Room 502, Kansas City, Missouri 64106, Telephone: (816) 374–5527.

SUPPLEMENTARY INFORMATION:

I. Background of the Kansas Program

The Kansas program was conditionally approved by the Secretary of the Interior on January 21, 1981. Information pertinent to the general background and revisions to the permanent program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Kansas program can be found in the January 21, 1981 **Federal Register** (46 FR 5892). Subsequent actions concerning the conditions of approval and program amendments may be found at 30 CFR 916.10, 916.12, 916.15, 916.16 and 916.20.

II. Submission of Proposed Amendment

By letter dated August 5, 1987, the State of Kansas submitted to OSMRE an amendment to its approved permanent regulatory program. The amendment consists of a proposed modification of Kansas' statute concerning the applicability of SMCRA to the extraction of coal incidental to the extraction of other minerals, and modification of Kansas' regulations concerning the establishment of schedules for contemporaneous reclamation.

The September 16, 1987 **Federal Register** (52 FR 34930) announced receipt of the proposed amendment and invited public comment on its adequacy.

III. Directors Findings

Finding 1

Kansas is amending its statute at Kansas Statutes Annotated (K.S.A.) 49–431 to include the activity of extraction of coal incidental to the extraction of other minerals as being exempt from the provision of the Kansas Mined-Land Conservation and Reclamation Act. Specifically it defines this activity as "the extraction of coal incidental to the extraction of other minerals where coal does not exceed 16⅔ percent of the tonnage of minerals removed for purpose of commercial use or sale." This language parallels that of section 701(28)(A) of SMCRA.

Finding 2

Kansas is amending its regulations at Kansas Administrative Regulations (K.A.R.) 47–9–1, incorporating by reference part of 30 CFR 816.100 to include the language "The regulatory authority may establish schedules that define contemporaneous reclamation." This language parallels the Federal regulations and had been inadvertently omitted from a previous regulatory revision.

Finding 3

Kansas is amending its regulations at K.A.R. 47–9–1, expanding the incorporation by reference of part of 30 CFR 816.102 to include a schedule for backfilling and grading. This action places into the regulations the schedule that had been the formal policy of the Kansas Mined-Land Conservation and Reclamation Board (MLCRB). The schedule reads "Absent a regulatory authority approved schedule, backfilling and grading will be completed within 180 days following coal removal and shall not be more than four (4) spoil ridges behind the pit being worked, the spoil from the active pit being considered the first ridge." This amendment involves provisions that lack a Federal counterpart. In 30 CFR 816.100, however, the regulatory authority is given the authority to establish schedules that define contemporaneous reclamation. The schedule for backfilling and grading, as proposed by Kansas, is well defined for monitoring by the State.

Finding 4

Kansas is amending its regulations at K.A.R. 47–9–1, expanding the incorporation by reference of part of 30 CFR 816.22 to include a schedule for topsoil redistribution. This action places into the regulations the schedule that had been the formal policy of the MLCRB. The schedule reads "Absent a regulatory authority approved schedule for soil material distribution, topsoil materials removed under paragraph (1) of this section shall be redistributed within 120 days following rough backfilling and grading in a manner that—." This amendment involves provisions that lack a Federal counterpart. In 30 CFR 816.100, however, the regulatory authority is given the authority to establish schedules that define contemporaneous reclamation. The schedule for topsoil redistribution, as proposed by Kansas, is well defined for monitoring by the State.

Pursuant to SMCRA and Federal regulations at 30 CFR 732.15 and 732.17, the Director finds that the proposed amendments submitted by Kansas on August 5, 1987 are no less stringent than SMCRA and no less effective than the Federal regulations.

IV. Public Comments

The public comment period announced in the September 16, 1987 **Federal Register** (52 FR 34930) ended October 16, 1987. No public comments were received. Since no one made a request to present testimony at the scheduled public hearing, none was held. Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i), comments were also solicited from various Federal and State agencies. Responses were received from the U.S. Soil Conservation Service (SCS) and the U.S. Environmental Protection Agency (EPA).

The following discussion summarizes all comments received. EPA concurred that the proposed amendments to the Kansas program demonstrate the legal authority, administrative capability, and technical conformity to OSMRE regulations necessary to maintain water quality standards promulgated under the authority of the Clean Water Act, as amended (33 U.S.C. 1251 *et seq.*). The SCS provided a reminder that SCS specifications require a cover crop on stockpiled material when left standing longer than 30 days. The SCS comment was noted as being correct, although it has no effect on this particular amendment.

V. Director's Decision

Based upon the findings, the Director is approving the amendment as submitted on August 5, 1987 and is amending Part 916 of 30 CFR Chapter VII to implement this decision.

VI. Procedural Requirements

1. Compliance With the National Environmental Policy Act.

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a regulatory impact analysis statement and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the OMB under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 916

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: December 23, 1987.

James W. Workman,

Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

30 CFR Part 916 is amended as follows:

PART 916—KANSAS

1. The authority citation of Part 916 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 916.15 is amended by adding paragraph (g) as follows:

§ 916.15 Approval of regulatory program amendments.

* * * * *

(g) The following amendments submitted to OSMRE on August 5, 1987 are approved effective December 31, 1987.

(1) Revisions to the Kansas Statutes Annotated in Chapter 49—Act not applicable to extraction of coal in certain circumstances 49–431.

(2) Revisions to the Kansas Administrative Regulations in Chapter 47, Article 9—47–9–1 Incorporation by reference 816.100 Contemporaneous Reclamation, 816.102 Backfilling and Grading-General, 816.22 Topsoil Redistribution.

[FR Doc. 87–29850 Filed 12–30–87; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 917

Approval of Amendments to the Kentucky Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of amendments submitted by the Commonwealth of Kentucky to modify its permanent regulatory program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments were submitted in response to requirements codified at 30 CFR 917.16(d), and pertain to stream buffer zones and backfilling and grading of underground mine face-up areas.

EFFECTIVE DATE: December 31, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. W. Hord Tipton, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 340 Legion Drive, Suite 28, Lexington, Kentucky, 40504; Telephone (606) 233–7327.

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky State Program

Information concerning the general background on the Kentucky program submission and the approval process, as well as the Secretary's findings, the disposition of comments and an explanation of the conditions of approval can be found in the May 18, 1982, **Federal Register** (47 FR 21404–21435). Subsequent actions concerning the conditions of approval and program amendments are identified in 30 CFR 917.11, 917.15, 917.16 and 917.17. Information on the amendments discussed in this notice can be found in the March 27, 1987 **Federal Register** (52 FR 9890).

II. Discussion of Proposed Amendments

On February 27, 1987, the Kentucky Natural Resources and Environmental Protection Cabinet (NREPC) submitted to OSMRE, pursuant to 30 CFR 732.17, certain revisions to the Kentucky program pertaining to stream buffer zones and backfilling and grading (Administrative Record No. KY–730). The revisions were intended to address the requirements at 30 CFR 917.16(d) that Kentucky submit proposed amendments "to provide that in addition to the limitations imposed by 405 KAR 16:080 section 2(3) and 405 KAR 18:080 section 2(3), no exemptions to channel restoration requirements for intermittent and perennial streams shall be approved unless the NREPC finds that the environmental resources of the stream will not be adversely affected;" and, to delete 405 KAR 18:190 section 2(8)(c) and 405 KAR 18:190 section 2(9), which would have allowed incomplete elimination of a highwall if elimination of the highwall was not required in the approved permit.

On March 27, 1987, OSMRE announced receipt of the proposed amendments and the opportunity for public comment and a public hearing, in the **Federal Register** (52 FR 9890). The public hearing scheduled for April 21, 1987, was not held because no one requested an opportunity to testify. The public comment period closed April 27, 1987.

On June 11, 1987, OSMRE sent a letter to Kentucky noting some concerns with the proposed amendments and offering an opportunity for Kentucky to submit additional modification or explanation of its rules, to address these concerns. On July 10, 1987, Kentucky submitted modified amendments along with additional explanation (Administrative Record No. KY–743).

On July 29, 1987, OSMRE reopened the comment period for a period of fifteen days ending August 13, 1987, to allow opportunity for public comment on the revised version of the amendments.

III. Director's Findings

Stream Buffer Zones

1. In response to the requirements at 30 CFR 917.16(d)(1), Kentucky has amended its rules at 405 KAR 16:060 and 18:060 Section 11 subsection (1) to provide that the NREPC may authorize mining closer than 100 feet to, or through, intermittent or perennial streams, only upon findings: that the mining activities will not cause or contribute to the violation of applicable water quality standards or cause significant detrimental effects on water quantity or quality and other valuable environmental resources of the stream; and that diversions will comply with 405 KAR 16:080 or 18:080. Subsection (2) is amended to require that the area that is not to be disturbed shall be designated a buffer zone, adequately shown in the permit application, and marked by the permittee in accordance with Kentucky's requirements for signs and markers. Subsection (3) provides that all information required by NREPC to make the findings required by subsection (1) shall be submitted in the permit application in the prescribed manner. Subsection (4) establishes the applicability of the amended sections.

In a letter to Kentucky dated June 11, 1987, OSMRE expressed concern that the term "long-term" was used to modify "detrimental effects" and that "valuable" modified "environmental resources" in the proposed provisions. The Federal rules at 30 CFR 816.57(a)(1) and 817.57(a)(1) do not contain these modifiers. In its July 10, 1987, response to OSMRE's letter, Kentucky modified the proposed amendments to delete "long term" from proposed revisions and explained that the modifier "valuable" was retained to indicate that zero degradation was not required. Kentucky pointed out that the preamble to the Federal rules indicated that OSMRE recognized some disturbance to the environment would be necessary and that mining operations "would be permissible as long as environmental protection will be afforded to those streams with more significant environmental resources" (48 FR 30313, June 30, 1983). Kentucky also explained that its forthcoming regulations pertaining to fish and wildlife would further clarify which environmental resources are considered to be "valuable".

The Director accepts these changes and explanations and finds that the proposed Kentucky rules are no less effective than the Federal rules in 30 CFR 816.57 and 817.57, and that the amendment satisfactorily addresses the requirement at 30 CFR 917.16(d)(1).

Backfilling and Grading

2. Kentucky has amended 405 KAR 18:190 Section 2 paragraphs (8)(c) and (9) in response to the required amendment in 30 CFR 917.16(d)(2). Kentucky has deleted the previously proposed language and has replaced it with new language, which the Director finds consistent with the Federal requirements in SMCRA section 516 and the Federal rules at 30 CFR 817.106(a) as discussed below.

Kentucky has added language at 405 KAR 18:190 paragraph 2(8)(c) to allow incomplete elimination of face-up areas and similar cut slopes on underground mining operations pursuant to subsection (9). Subsection (9) allows face-up areas and similar cut slopes created prior to the effective date of SMCRA and continuing into permanent program regulation, to be backfilled and graded in accordance with the Kentucky regulations for backfilling and grading of remined areas (at 405 KAR 18:190 Section 5). The Kentucky rules for backfilling and grading remined areas roughly parallel the Federal requirements in 30 CFR 817.106. Under these amended provisions, pre-SMCRA face-up areas and similar cut slopes would be eliminated to the maximum extent technically practicable using all reasonably available spoil, and graded to a slope compatible with the approved postmining land use with a 1.3 long-term static factor of safety and with at least 4 feet of cover on exposed coal seams. Highwall remnants must be stable and not pose a hazard to public health or safety or the environment.

Approval of these provisions will provide equitable treatment for pre-SMCRA mines which have operated continuously since before the effective date of SMCRA. Approval will afford the same variance from approximate original contour requirements as is provided in 30 CFR 817.106 for remining sites where operation of a pre-SMCRA mine has been interrupted and mining was begun again at the sites after the effective date of the Act.

These amended Kentucky provisions address the situation of attempting to reclaim face-up entry areas which are created prior to the passage of SMCRA. Many of these underground mines have been in existence for many years and the earthen material necessary to eliminate the face-up entry is either no longer available or has been completely revegetated and its handling and use would cause new environmental damage and disruption. This problem is unique to underground mines where highwall areas do not move with the coal removal operations (as with surface mines) but exist in a static state for many years. The problem is not encountered in surface mines where post-SMCRA operations are continually creating new highwall rather than extracting coal from pre-SMCRA highwall areas.

In passing the Surface Mining Control and Reclamation Act of 1977, Congress dealt with the surface impacts of underground and surface extraction of coal in a generally similar manner, but did provide for important differences. Congress affirmatively established certain performance standards applicable to underground mines in section 516 of SMCRA, and incorporated others by reference. One of the performance standards incorporated by reference under section 516(b)(10) is that of highwall elimination. However, section 516(b)(10) also charges that "the Secretary shall make such modifications in the requirements imposed by this subparagraph as are necessary to accommodate the distinct difference between surface and underground coal mining." The District Court recognized in *In Re: Permanent Surface Mining Regulation Litigation* (D.D.C., Civil Action No. 79–1144, May 1980) that one of the distinct differences between surface and underground mines was the length of time for mine operation. The difference is apparent in the present instance since surface mines which continued to disturb new highwall after the effective date of the Act were not required to eliminate highwalls created within the same operation before the effective date of the Act. The Director is exercising his authority, as the Secretary's designee, to consider these distinct differences between surface and underground mining as provided in SMCRA section 516(b)(10) in approving Kentucky's program amendment. Approval of this program amendment constitutes a modification pursuant to section 516(b)(10) of the Federal regulatory requirement that there be complete elimination of face-up areas, in these limited circumstances. Exercise of this authority establishes the Federal requirement for the State of Kentucky.

IV. Public Comments

None of the agencies invited to comment on the proposed Kentucky rules offered comments.

In response to the request for public comments, comments were received from Thomas FitzGerald on behalf of the Kentucky Resources Council and from Bill K. Caylor on behalf of the Kentucky Coal Association.

Stream Buffer Zones

Mr. FitzGerald stated that protections from environmental impacts on streams and stream buffer zones should not be limited to "significant long-term detrimental effects" but should consider short-term effects and any adverse

VOL 52 ISS 251 DEC 31 1987 UMI

effects on water quality and quantity and environmental values.

Kentucky has amended its rules to delete the qualifier "long-term." The Director does not agree that the qualifier "significant" must also be deleted, since the preamble to the Federal rules at 30 CFR 816.57(a) and 817.57(a) recognizes that some disturbance to the environment would be necessary and permissible "as long as environmental protection will be afforded to those streams with more significant environmental resources" (48 FR 30312, June 30, 1983).

Mr. FitzGerald also objected to the use of the word "valuable" to modify environmental resources in 405 KAR 16:060 and 18:060 section 11(1)c. Kentucky has explained in its July 10, 1987, submission that its intention in using the word "valuable" is to distinguish between zero degradation standards and those which would protect resources having value or significance. The Director has found that in light of Kentucky's explanation and the preamble discussion to the Federal rules (48 FR 30312) the Kentucky rules are no less effective than the Federal rules.

Backfilling and Grading

Mr. FitzGerald requested that OSMRE reject Kentucky's proposed amendment at 405 KAR 18:190 concerning backfilling and grading of face-up areas and similar cut slopes created prior to the effective date of SMCRA. Mr. FitzGerald stated that "the variance procedure which allows for less than complete highwall elimination absent a specific variance for post-mining land use would be the remaining provisions of 30 CFR 817.106." He stated that this variance would only be available for mining operations on previously mined areas, and that the Kentucky rule would allow the variance on a mine begun before SMCRA and continuing under permit into the permanent program.

Mr. FitzGerald said that Kentucky's proposal would go beyond existing authority by allowing an operation to avoid responsibility for complete highwall elimination when the highwall was created by that operation. He said that such an exemption from highwall elimination would sanction improper spoil disposal. Mr. FitzGerald said there is no authority under SMCRA for this variance.

Mr. Caylor (Kentucky Coal Association) favored approval of the provision proposed in the Kentucky amendment for a variance from the requirement of complete highwall elimination for pre-SMCRA underground mine areas. Mr. Caylor stated that there is no basis for treating mines which have operated continuously since before SMCRA, differently from those which were abandoned before SMCRA and reopened after SMCRA. He stated that rejection of the Kentucky amendment would penalize an operator who continued to operate past May 3, 1978, since, if the operator had closed down on May 3 and reopened May 4, 1978, the operator would have been able to obtain a variance.

Mr. Caylor also stated that in *In Re: Surface Mining Regulation Litigation* 452 F. Supp 327, 339 (D.D.C. 1978) "the District Court of the District of Columbia held that absent an explicit and unmistakable command to the contrary," the provisions of SMCRA would not have retroactive application; the court therefore struck down OSMRE's interim requirement for reconstruction of pre-existing facilities.

Mr. Caylor also stated that in the same court's 1984 decision in *In Re: Permanent Surface Mining Regulation Litigation* No. 79–1144 (D.D.C. July 6, 1984), the court held that Congress did not intend for the grading and highwall elimination requirements of SMCRA section 515(b)(3) to encompass existing highwalls. Mr. Caylor continued that "moreover, the Act directs OSM to consider the distinct difference between surface and underground coal mines" and that one obvious distinction which was recognized by the court in *In Re: Permanent Surface Mining Regulation Litigation*, No. 79–1144 (D.D.C. February 26, 1980) is the duration of an underground mine.

As addressed in the "Findings" above, the Director has found that the Kentucky amendment is consistent with the Federal requirements. The Director, while approving this amendment, disagrees with certain points in the arguments of both commenters.

While Mr. FitzGerald's assertion that the variance which allows for less than complete highwall elimination found at 30 CFR 817.106 applies to remining operations on previously mined areas (as defined at 30 CFR 701.5), is true, the Director disagrees that SMCRA provides no authority for the variance proposed by Kentucky. As explained in Finding 2 above, the Director is exercising his authority pursuant to SMCRA section 516(b)(10) to consider the distinct differences between surface and underground mining in approving Kentucky's amendment. In exercising this authority, the Director is establishing the Federal requirement for this limited circumstance for the State of Kentucky. The Director disagrees that approval of this amendment would sanction improper spoil disposal. In the limited circumstances to which the variance provided by this amendment would apply, spoil disposal was complete before passage of SMCRA. This amendment would not change spoil disposal requirements for areas disturbed after passage of the Act.

Mr. Caylor's arguments are jurisdictional in nature. That is, if the application of the provisions of SMCRA to these existing face-up areas on currently operating mines is retroactive, then the Secretary has no jurisdiction to require either complete or partial elimination. The Director, however, disagrees with Mr. Caylor's interpretation of Judge Flannery's 1978 and 1984 decisions. In the 1978 decision, Judge Flannery did not require operators to dismantle pre-existing structures and facilities to meet the specific design criteria of the regulations. However, the Judge emphasized that the *performance standards* must be met and if the structures and facilities did not meet those performance standards they must be reconstructed. Judge Flannery's opinion does not apply retroactivity principles to the application of performance standards to a pre-existing status where the operation continues. In the 1984 decision, Judge Flannery addressed the situation of an orphaned highwall. The issue was whether the Secretary could allow less than total highwall elimination when an operator proposed to remine the area by auger methods. The court did not hold that the grading and highwall elimination requirements of SMCRA did not encompass existing highwalls but rather that "this limited exception [created by regulation] is not contrary to the Act." 1984 opinion at 29. In order for the Secretary to make the limited exception approved by the court, he must have jurisdiction under SMCRA over the subject matter.

The Secretary has jurisdiction under Title V over pre-existing face-up areas and similar cuts of underground mines which continued in operation after the passage of SMCRA. The Director, as the Secretary's designee, is asserting jurisdiction over this category of highwalls. In exercising that jurisdiction, the Director is adopting a modification, pursuant to the authority in section 516(b)(10), to the requirement of total face-up elimination. The basis for that modification is set out in Part III Findings, above.

V. Director's Decision

The Director, based on the above findings, is approving the Kentucky amendments in 405 KAR 16:060, 405 KAR 18:060 and 405 KAR 18:190 submitted on February 27, 1987 as modified on July 10, 1987. The Federal rules at 30 CFR Part 917 are being amended to implement the Director's decision.

The Director is also removing the requirements at 30 CFR 917.16(d) that Kentucky submit amendments to its rules to address identified deficiencies.

VI. Additional Determinations

1. Compliance With the National Environmental Policy Act.

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1291(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of state regulatory programs. Therefore, for this action OSMRE is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 917

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Date: December 23, 1987.

James W. Workman,

Deputy Director, Operations and Technical Services.

30 CFR Part 917 is amended as follows:

PART 917—KENTUCKY

1. The authority citation for Part 917 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 917.15 is amended by adding a new paragraph (y) as follows:

§ 917.15 Approval of regulatory program amendments.

* * * * *

(y) The following amendments to the Kentucky Administrative Regulations (KAR) submitted to OSMRE on February 27, 1987, as modified on July 10, 1987, are approved effective December 31, 1987: amendments to 405 KAR 16:060 section 11, 405 KAR 18:060 Section 11 and 405 KAR 18:190 Section 2.

§ 917.16 [Amended]

3. 30 CFR 917.16 is amended by removing paragraph (d).

[FR Doc. 87–29957 Filed 12–30–87; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 926

Approval of Amendment to the Montana Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of a proposed amendment submitted by the State of Montana as a modification to its permanent regulatory program (hereinafter referred to as the Montana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment, Montana Legislature House Bill No. 230 (H.B. 230), consists of revisions to the Montana Strip and Underground Mine Reclamation Act, addressing requirements for remining, coal processing, permit applications, and permit fees.

EFFECTIVE DATE: December 31, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry R. Ennis, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building, 100 East B Street, Room 2128, Casper, Wyoming 82601–1918; Telephone: (307) 261–5776.

SUPPLEMENTARY INFORMATION:

I. Background

Information concerning the general background on the permanent program, general background on the State program approval process, general background on the Montana program submission, Secretary's findings, disposition of public comments, and the Secretary's decision of conditional approval can be found in the February 11, 1982, **Federal Register** (47 FR 6268). Subsequent conditions of approval and program amendments are identified at 30 CFR 926.15.

II. Submission of Amendment

On April 23, 1987, Montana submitted to OSMRE for review proposed amendment H.B. 230 addressing remining, coal processing, permit applications, and permit fees for surface mining operations.

The May 21, 1987 **Federal Register** (52 FR 19171) announced receipt of the proposed amendment and invited public comment on their adequacy. Since no one requested a public hearing, none was held. The comment period for this submittal closed June 22, 1987.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the amendment to the Montana Strip and Underground Mine Reclamation Act submitted by Montana on April 23, 1987. Any revisions not specifically discussed below are found to be no less stringent than SMCRA and no less effective than Federal rules. These revisions contain language similar to the corresponding Federal rules, concern non-substantive wording changes, or involve provisions which lack a Federal counterpart and which do not adversely affect other aspects of the program. The Director may require changes in the future as a result of his ongoing review of the Montana program in light of Federal regulatory revisions and court decisions.

Section 1

Montana has amended Section 82–4–203 of the Montana Code Annotated (MCA)—Definitions, by adding new definitions for "Coal Preparation", "Coal Preparation Plant", and "Remining" to this section. The existing definitions for "Operation", "Operator", and "Strip mining" were expanded to reflect the newly added terms.

Section 82–4–203(8) Coal Preparation. Montana proposes to define coal preparation to mean the chemical or physical processing of coal and its cleaning, concentrating, or other processing or preparation. The term excludes processes for converting coal to another energy source. It also excludes coal processing for other than commercial purposes. Montana clarified that its term commercial purposes was included in the statutory language to assure that research coal preparation plants would clearly be excluded from the need for a permit under the State requirements. The Federal regulatory

program does not address the regulation of coal preparation activities in terms of commercial or noncommercial purposes as does the proposed Montana amendment.

Under SMCRA the regulation of coal preparation activities originates from the definition of "surface coal mining operation" at section 701(28)(A). A surface coal mining operation is defined to include activities conducted on the surface of lands in connection with a coal mine. The section goes on to list numerous activities including "chemical or physical processing, and the cleaning, concentrating, or other processing or preparation," of coal which, when conducted *in connection with* a coal mine, are subject to regulation under SMCRA.

While coal preparation activities are usually conducted at the mine site, they also occur at a preparation plant not located at a mine site. To ensure that such off-site coal preparation is regulated, OSMRE includes permitting requirements for off-site preparation plants at 30 CFR 785.21 and performance standards for plants not located within the permit area of a mine at 30 CFR Part 827.

In the preamble to the revised definition of the term "surface coal mining operation" at 30 CFR 700.5 (48 FR 20393, May 5, 1983), OSMRE states that the phrase "in connection with" should be interpreted broadly, although not so broadly as to include facilities operated solely in connection with the end user of the coal. The preamble states further that OSMRE will treat all facilities which handle coal as either operating in connection with a mine or an end user. Examples of facilities operating in connection with a mine include those receiving a significant proportion of their coal from a mine, and those having an economic relationship with a mine or any other type of integration with a mine.

As such, OSMRE interprets Montana's exclusion of coal processing for other than commercial purposes from the definition of "coal preparation" to mean that the definition does not apply to activities associated with an end user, and that any coal preparation activities conducted in connection with a mine will not be excluded from the new definition. Decisions concerning the regulatory status of coal preparation outside the permit area of a specific mine must be made on a case-by-case basis. However, that decision must not be based solely on whether the coal preparation activities are commercial in nature, but whether the activity is in connection with a specific mine. Therefore, based upon the above interpretation, OSMRE finds the Montana definition of "coal preparation" to be no less stringent than section 701(28)(A) of SMCRA and no less effective than the Federal regulations. OSMRE will monitor the State's implementation of this amendment during the oversight process.

Section 82-4-203(9) Coal Preparation Plant. Montana proposes to define a coal preparation plant as a commercial facility where coal is subject to coal preparation. The Director is approving this definition provided that Montana's implementation of the amendment is consistent with the interpretation discussed in section 82-4-203(8) above. OSMRE will monitor the State's implementation of this amendment during the oversight process.

Section 82-4-203(28) Remining. Montana proposes to define remining to mean conducting surface coal mining and reclamation operations that affect previously mined areas, such as the recovery of minerals from existing gob and tailings piles. The Director finds this definition to be consistent with SMCRA and no less effective than the Federal regulations at 30 CFR 701.5.

Section 2

Montana has amended Section 82-4-222 MCA—Permit Application, by inclusion of subsection (h) which requires the applicant to state whether the applicant has a record of outstanding reclamation fees with the Federal coal regulatory authority. The Director finds this amendment to be no less effective than the Federal regulations at 30 CFR 773.15(c)(7) and consistent with SMCRA.

Section 3

Section 82-4-223 MCA—Permit Fee and Security Bond, requires that an application fee be paid before the permit required in this part is issued. Montana has increased the amount of this required fee from $50 to $100. The Director finds this amendment to be consistent with Section 507(a) of SMCRA.

Section 4

Montana has added this new section on extension of authority to insure that the Montana Department of State Lands or the Board of Land Commissioners has the authority to make rules on the subject of the provisions of the Montana Strip and Underground Mine Reclamation Act. The Director finds this amendment no less stringent than section 201(c) of SMCRA.

IV. Public Comments

The Director solicited public comment on the proposed amendment in the May 21, 1987 **Federal Register** (52 FR 19171). No comments were received by the close of the comment period June 22, 1987.

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i), comments were also solicited from various Federal agencies. One comment was received from the National Park Service. The National Park Service was concerned that Section 82-4-221 MCA—Mining Permit Required, was being removed from Montana's law. In Montana's formal amendment submittal, it appeared that Section 82-4-221 MCA—Mining Permit Required, had been stricken from its law. This was an error and was not the State's intent. Montana made no changes to Section 82-4-221 with this amendment.

V. Director's Decision

The Director, based on the above findings, is approving the amendment to the Montana Strip and Underground Mine Reclamation Act as submitted by Montana on April 23, 1987.

VI. Procedural Requirements

1. Compliance With the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a regulatory impact analysis and regulatory review by OMB.

The Department of the Interior has determined that, for purposes of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), this rule will not have a significant economic effect on a substantial number of small entities. This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 926

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Arthur W. Abbs,

Acting Deputy Director, Operations and Technical Services.

Date: December 24, 1987.

30 CFR Part 926 is amended as follows:

PART 926—MONTANA

1. The authority citation for Part 926 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. 30 CFR 926.15 is amended by adding new paragraph (g) as follows:

§ 926.15 Approval of amendments to State regulatory program.

* * * * *

(g) The following amendment to the Montana permanent regulatory program, as submitted to OSMRE on April 23, 1987, is approved effective December 31, 1987. Section 82-4-203 MCA, concerning definitions of coal preparation, coal preparation plant, operation, operator, remaining, the strip mining; Section 82-4-222 MCA, inclusion of records of outstanding reclamation fees in a permit application; Section 82-4-223 MCA, permit application fee and extension of authority.

[FR Doc. 87-29954 Filed 12-30-87; 8:45 am]
BILLING CODE 4310-05-M

---

30 CFR Part 946

Approval of Amendment to Virginia Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of proposed amendments to the Virginia permanent regulatory program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments alter provisions of Virginia's alternative bonding program.

EFFECTIVE DATE: July 1, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Thomas, Director, Big Stone Gap Field Office, Office of Surface Mining Reclamation and Enforcement, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone (703) 523-4303.

SUPPLEMENTARY INFORMATION:

I. Background on the Virginia Program

The Secretary of the Interior approved the Virginia program on December 15, 1981. Information pertinent to the general background and revisions to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval can be found in the December 15, 1981 **Federal Register** (46 FR 61085-61115). Subsequent actions concerning the conditions of approval and proposed amendments are identified at 30 CFR 946.12, 946.13, 946.15, and 946.16.

II. Discussion of Proposed Amendment

By letter dated June 15, 1987 (Administrative Record No. VA 627), Virginia submitted proposed amendments (H.B. 883, Chapter 468 of the 1987 Acts of the Assembly) to section 45.1-270 of the Coal Surface Mining Control and Reclamation Act of 1979 (the Virginia Act). The amendments alter certain provisions of Virginia's alternative bonding program, the Surface Coal Mining Reclamation Fund (the fund), and add additional requirements and provisions affecting fund participants, as discussed below.

Section 45.1-270.4 has been revised to increase the fund balance level at which the collection of reclamation taxes ceases from $1,000,000 to $2,000,000, and to require that participating operators resume payment of reclamation taxes 30 days following the end of any calendar quarter in which the fund balance falls below $1,750,000, rather than $750,000 as previously provided. The revised statute also requires that, when computing the fund's balance, all potential obligations for which cost estimates have been prepared be deducted from the fund's assets regardless of whether actual expenditures have occurred. Any adjustments for expenditures which are lower than the corresponding estimates shall be made in the calendar quarter in which the final expenditure from the fund to reclaim the site is made.

Section 45.1-270.5:1 has been added to allow Virginia to file a civil action to compel permittees participating in the fund to perform the reclamation work in full compliance with the Virginia program in the event of forfeiture.

Section 45.1-270.6B has been added to allow Virginia to file a motion for judgment in any court of competent jurisdiction against the permittee to recover all monies expended from the fund to accomplish reclamation on a forfeited site.

Section 45.1-270.3:1 has been added to provide that, once a site bonded under the fund has been in temporary cessation for six months, no extension of the temporary cessation in excess of nine months shall be approved under section 480-03-19.816.131 or 480.03.817.131 of the Virginia Coal Surface Mining Reclamation Regulations unless the permittee either reclaims the site to the point where the site-specific bond is adequate to complete reclamation or submits additional bond.

OSMRE announced receipt of the proposed amendments in the July 28, 1987 **Federal Register** (52 FR 28166-28167) and, in the same notice, opened the public comment period and provided opportunity for a public hearing on their substantive adequacy.

III. Director's Findings

After a thorough review pursuant to SMCRA and the Federal regulations at 30 CFR 732.17, the Director finds that the amendments submitted by Virginia on June 15, 1987, do not alter the basis on which the Commonwealth's alternative bonding system was approved on September 21, 1982 (47 FR 41556-41558), and that they are therefore not inconsistent with the Federal regulations at 30 CFR 800.11(e), which require that any alternative bonding system assure that the regulatory authority will have available sufficient monies to complete the reclamation plan for any area which may be in default at any time and that the system provide a substantial economic incentive for the permittee to comply with all reclamation provisions. The Director finds that the revisions to sections 45.1-270.4 and 45.1-270.6 of the Code of Virginia and the additions of section 45.1-270.3:1 and section 45.1-270.5:1 will enhance the system's ability to meet these requirements by increasing the bond or amount of reclamation required for operations in a lengthy period of temporary cessation, raising the maximum and minimum levels of the fund for purposes of tax collection, providing for the deduction of all potential obligations regardless of expenditures when computing the final balance, granting the Commonwealth the authority to file civil actions to compel permittees participating in the fund to perform reclamation in full compliance with the Virginia program in the event of forfeiture, and granting Virginia the authority to file for a motion for judgment in the courts against the permittee to recover all monies expended from the fund to accomplish reclamation on a forfeited site.

IV. Public Comment

There were no comments received before or after August 27, 1987, the closing date of the public comment period announced by the Director in the July 28, 1987 **Federal Register** (52 FR 28166–28167). Since no one requested an opportunity to testify at a public hearing, the hearing scheduled in that notice was cancelled.

Pursuant to section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i), the Director also provided various Federal agencies the opportunity to comment on the proposed amendment. The Environmental Protection Agency and the Department of Energy both responded that they had no comments. No other agencies provided a response.

V. Director's Decision

The Director is approving the changes in Virginia's program as submitted June 15, 1987, and is amending 30 CFR Part 946 to reflect approval of these amendments. This final rule is being made effective retroactively to July 1, 1987, to coincide with the date of the State legislation containing these amendments.

VI. Procedural Determinations

1. Compliance With the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Compliance With Executive Order 12291 Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and review by OMB.

3. Compliance With the Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

4. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 946

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Date: December 23, 1987.

James W. Workman,

Deputy Director, Operations and Technical Services.

PART 946—VIRGINIA

30 CFR Part 946 is amended as follows:

1. The authority citation for Part 946 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. In § 946.15, a new paragraph (u) is added to read as follows:

§ 946.15 Approval of regulatory program amendments.

* * * * *

(u) The following amendments to the Virginia program, as contained in H.B. 883, Chapter 468 of the 1987 Virginia Acts of Assembly and as submitted to OSMRE by letter dated June 15, 1987, are approved effective July 1, 1987: Revisions and additions to the Code of Virginia at section 45.1–270.3:1 requiring additional reclamation or bond for permits bonded under the fund and under temporary cessation for an extended period of time; section 45.1–270.4 raising the maintenance levels of the fund and requiring consideration of all potential obligations when computing the fund balance; section 45.1–270.5:1 allowing Virginia to file a civil action to compel reclamation by the permittee in the event of forfeiture under the fund; and section 45.1–270.6B allowing Virginia to file for judgment to recover monies expended from the fund.

[FR Doc. 87–29956 Filed 12–30–87; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 946

Approval of Amendment to Virginia Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of a proposed amendment to the Virginia permanent regulatory program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment will allow the use of personal checks as a method of payment for entry fees to the Surface Coal Mining Reclamation Fund, Virginia's alternative bonding program.

EFFECTIVE DATE: December 31, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Thomas, Director, Big Stone Gap Field Office, Office of Surface Mining Reclamation and Enforcement, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone (703) 523–4303.

SUPPLEMENTARY INFORMATION:

I. Background on the Virginia Program

The Secretary of the Interior approved the Virginia program on December 15, 1981. Information pertinent to the general background and revisions to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval can be found in the December 15, 1981 **Federal Register** (46 FR 61085–61115). Subsequent actions concerning the conditions of approval and proposed amendments are identified at 30 CFR 946.12, 946.13, 946.15, and 946.16.

II. Submission of Amendment

By letter dated July 2, 1987 (Administrative Record No. VA 633), Virginia proposed to amend section 480–03–19.801.12(a) of the Virginia Coal Surface Mining Reclamation Regulations to allow applicants for participation in the Surface Coal Mining Reclamation Fund (Virigina's alternative bonding program) to pay the entrance fee by personal check.

OSMRE announced receipt of the proposed amendment in the August 4, 1987 **Federal Register** (52 FR 28849–28850) and, in the same notice, opened the public comment period and provided opportunity for a public hearing on its substantive adequacy.

III. Director's Findings

After a thorough review pursuant to SMCRA and the Federal regulations at 30 CFR 732.17, the Director finds that the amendment submitted by Virginia on July 2, 1987, does not alter the basis on which the Commonwealth's alternative bonding system was approved on September 21, 1982 (47 FR 41556–41558) and that it is therefore not inconsistent with the Federal requirements for alternative bonding systems as set forth at 30 CFR 800.11(e). The Federal regulations do not address entrance fees or methods of payment.

IV. Public Comment

There were no comments received before or after September 3, 1987, the closing date for the public comment period announced by the Director in the August 4, 1987 **Federal Register** (FR 52 28849–28850). Since no one requested an opportunity to testify at a public hearing, the hearing scheduled in that notice was canceled.

Pursuant to the section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i), the Director also provided various Federal agencies the opportunity to comment on the proposed amendment. The Environmental Protection Agency, the Department of Energy and the Bureau of Mines responded that they had no comments. No other agencies provided a response.

V. Director's Decision

The Director is approving the changes in Virginia's program as submitted July 2, 1987, and is amending 30 CFR Part 946 to reflect this approval. This final rule is being made effective immediately to expedite the State program amendment process and encourage States to conform their programs to the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

1. Compliance with the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 946

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Date: December 23, 1987.

James W. Workman,

Deputy Director, Operations and Technical Services.

Title 30, Code of Federal Regulations, is amended as follows:

PART 946—VIRGINIA

1. The authority citation for Part 946 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. In § 946.15, a new paragraph (v) is added to read as follows:

§ 946.15 Approval of regulatory program amendments.

* * * * *

(v) The following amendment to the Virginia permanent regulatory program, as submitted by letter dated July 2, 1987, is approved effective December 31, 1987: Revisions to the Virginia Coal Surface Mining Reclamation Regulations at section 480–03–19.801.12(a) to allow the use of personal checks as one method for paying entrance fees to Virginia's Surface Coal Mining Reclamation Fund.

[FR Doc. 87–29955 Filed 12–30–87; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7–87–44]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of Martin County, the Coast Guard is changing the regulations governing the Jensen Beach and Ernest Lyons drawbridges in Martin County by permitting the number of openings to be limited during certain periods. This change is being made because of complaints about highway traffic delays. This action will accommodate the current needs of vehicular traffic and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on February 1, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, telephone (305) 536–4103.

SUPPLEMENTARY INFORMATION: On October 2, 1987, the Coast Guard published proposed rule (52 FR 36961) concerning this amendment. The Commander, Seventh Coast Guard District, also published the proposal as a Public Notice dated October 16, 1987. In each notice, interested persons were given until November 16, 1987, to submit comments.

Drafting Information

The drafters of these regulations are Mr. Walt Paskowsky, Bridge Administration Specialist, project officer, and Lieutenant Commander S.T. Fuger, Jr., project attorney.

Discussion of Comments

59 comments were received generally in support of the proposed regulations including 2 petitions with 61 signatures. Many commenters complained about vessels which request openings merely to clear outriggers and antennae. The requirement to lower these appurtenances is contained in 33 CFR 117.11. Several commenters asked that signs stating the bridge opening times be placed along both the waterway and the highway. Waterway signs are addressed by 33 CFR 117.55. Posting of highway signs is not within the Coast Guard's jurisdiction, but the suggestion will be passed to the Florida Department of Transportation. One commentor expressed concern for movement of emergency vehicles when the bridge is open for navigation. This is addressed in 33 CFR 117.31. Some commenters suggested that a limit be placed on the number of vessels allowed to pass through an open bridge to avoid extended openings. This is not considered a safe navigational practice. 33 CFR 117.9 addresses unnecessary delays in the opening and closure of the draw. Several commenters asked that the regulations be implemented year-round. Available highway traffic and bridge opening data do not support the need for year-round regulations. No objections were received from navigation interests, however 2 commenters stated the regulations should be temporary, contingent on replacement of the drawbridges by high level fixed bridges within 2 years. The Coast Guard offers no comment on this proposal since replacement of these bridges goes beyond the scope of these regulations. After careful consideration of all comments, the Coast Guard has determined the final rule will be

unchanged from the proposed rule published on October 2, 1987.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the regulations exempt tugs with tows. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. Section 117.261(o) and (p) are added to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

* * * * *

(o) *Jensen Beach (SR 707a) bridge, mile 981.4 at Stuart.* The draw shall open on signal; except that from December 1 through May 1, from 7 a.m. to 6 p.m., Monday through Friday, except federal holidays, the draw need open only on the hour and half-hour.

(p) *Ernest Lyons (SR A1A) bridge, mile 984.9 at Stuart.* The draw shall open on signal; except that, from December 1 through May 1, from 7 a.m. to 6 p.m., Monday through Friday, except federal holidays, the draw need open only on the hour and half-hour.

* * * * *

Dated: December 22, 1987.

M.J. O'Brien.

Acting Captain, U.S. Coast Guard Commander, Seventh Coast Guard District.

[FR Doc. 87–30026 Filed 12–30–87; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3309–7]

Approval and Promulgation of Air Quality Implementation Plans; States of Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont; Stack Height Reviews

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving declarations by Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont that recent revisions to EPA's stack height regulations do not necessitate revisions to State Implementation Plans (SIPs) in those states. Each state was required to review its SIP for consistency within nine months of final promulgation of the stack height regulations. The intended effect of this action is to formally document that these states have satisfied their obligations under Section 406 of the Clean Air Act to review their SIPs with respect to EPA's revised stack height regulations.

EFFECTIVE DATE: This action will be effective on February 1, 1988.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2312, JFK Federal Building, Boston, MA 02203. Copies of each state's submission are available for public inspection at its respective office, as follows: the Connecticut Department of Environmental Protection, Air Compliance Unit, State Office Building, Hartford, CT 06115; the Massachusetts Department of Environmental Quality Engineering, Eighth Floor, One Winter Street, Boston, MA 02108; the New Hampshire Air Resources Division, 64 N. Main St., Concord, NH 03302; the Rhode Island Department of Environmental Management, Division of Air and Hazardous Materials, Room 204, 45 Davis St., Providence, RI 02908; and the Vermont Agency of Environmental Conservation, 103 South Main St., Waterbury, VT 05676.

FOR FURTHER INFORMATION CONTACT: Stephen S. Perkins, (617) 565–3221; FTS 835–3221.

SUPPLEMENTARY INFORMATION: On June 12, 1987 (52 FR 22501), EPA published a notice of proposed rulemaking for declarations by Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont that recent revisions to EPA's stack height regulations do not necessitate revisions to State Implementation Plans (SIPs) in those states.

Pursuant to section 406(d)(2)(B) of the Clean Air Act (the Act), upon revision of EPA's stack height regulations, all states were required to (1) review and revise, as necessary, their state implementation plans (SIPs) to include provisions that limit stack height credit and dispersion techniques in accordance with the revised regulations and (2) review all existing emission limitations to determine whether any of these limitations have been affected by stack height credits above GEP or any other dispersion techniques. For any limitations so affected, states were to prepare revised limitations consistent with their revised SIPs.

State Submissions

EPA received reviews submitted by Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont. The Connecticut review was submitted on February 21, 1986; the Massachusetts review on April 9, 1986; the New Hampshire review on March 26, 1986; the Rhode Island review on March 27, 1986; and the Vermont review on March 21, 1986. Additional material was submitted by Connecticut on May 27, 1986; by Massachusetts on June 24, 1986; and by New Hampshire on July 25, 1986.

Each state concluded that its SIP includes provisions that limit stack height credits and dispersion techniques in accordance with the revised EPA stack height regulations. Massachusetts, New Hampshire, Rhode Island and Vermont have provided letters committing to interpret their stack height rules consistent with EPA's July 8, 1985 revisions. Connecticut's rules will be reviewed as part of a formal revision to its new source review program. Each state also found that no existing emission limitations have been affected by stack height credits greater than GEP or any other prohibited dispersion techniques. A discussion of each state's findings is presented in the Notice of Proposed Rulemaking (52 FR 22501) and so will not be restated here. EPA did not receive any public comments on the Notice of Proposed Rulemaking.

EPA Review

EPA reviewed each state's submission and concurs with the conclusion that no SIP revisions are necessary as a result of EPA's revised stack height regulations. The stack height rules of Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont apply to all new sources and modifications as required in 40 CFR 51.164, as well as existing sources as required in 40 CFR 51.118. This means that these rules apply to all sources that were or are constructed, reconstructed or modified subsequent to December 31, 1970. EPA has determined that the commitment letters regarding the interpretation of the stack height rules for Massachusetts, New Hampshire, Rhode Island and Vermont are consistent with EPA's requirements for GEP sack height and dispersion techniques as revised on July 8, 1985. As mentioned above, Connecticut's rules will be formally reviewed as part of a forthcoming revision to its new source review program. Thus Massachusetts, New Hampshire, Rhode Island, and Vermont have met their obligations under section 406 of the Act. Connecticut has met its obligations with respect to the review of emission limits but has not yet with respect to the new source review portion. Future rulemaking on Connecticut's new source review rules will satisfy this remaining obligation.

EPA's detailed review and approval of the technical support submitted by each state is contained in a Technical Support Document which summarizes the states' findings for each inventoried source. This document is available for public inspection at the EPA Regional Office listed in the ADDRESSES section of this notice.

EPA is adding the documented reviews and letters regarding interpretation of stack height language to the appropriate SIP as additional material. This will ensure a clear record of each state's actions and intentions in these matters.

Final Action

EPA is approving declarations by Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont that recent revisions to EPA's stack height regulations do not necessitate SIP revisions in those states. EPA is also approving commitments by Massachusetts, New Hampshire, Rhode Island and Vermont to interpret their stack height rules consistent with the revised EPA stack height regulations.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 29, 1988. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subject in 40 CFR Part 52

Air pollution control, Sulfur dioxide.

Note: Incorporation by reference of the State Implementation Plan for the States of Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont was approved by the Director of the Federal Register on July 1, 1982.

Date: December 22, 1987.

Lee M. Thomas,

Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.383 is added to Subpart H to read as follows:

§ 52.383 Stack height review.

The State of Connecticut has declared to the satisfaction of EPA that no existing emission limitations have been affected by stack height credits greater than good engineering practice or any other prohibited dispersion techniques as defined on EPA's stack height regulations as revised on July 8, 1985. Such declarations were submitted to EPA on February 21, 1986 and May 27, 1986.

3. Section 52.1169 is added to Subpart W to read as follows:

§ 52.1169 Stack height review.

The Commonwealth of Massachusetts has declared to the satisfaction of EPA that no existing emission limitations have been affected by stack height credits greater than good engineering practice or any other prohibited dispersion technique as defined in EPA's stack height regulations, as revised on July 8, 1985. This declaration was submitted to EPA on April 8, 1986. The Commonwealth has further declared in a letter from Bruce K. Maillet, dated June 24, 1986, that, "[A]s part of our new source review activities under the Massachusetts SIP and our delegated PSD authority, the Department of Environmental Quality Engineering will follow EPA's stack height regulations, as revised in the **Federal Register** on July 8, 1985 (50 FR 27892)." Thus, the Commonwealth has satisfactorily demonstrated that its regulations meet 40 CFR 51.118 and 51.164.

4. Section 52.1532 is added to Subpart EE to read as follows:

§ 52.1532 Stack height review

The State of New Hampshire has declared to the satisfaction of EPA that no existing emission limitations have been affected by stack height credits greater than good engineering practice or any other prohibited dispersion technique as defined in EPA's stack height regulations, as revised on July 8, 1985. This declaration was submitted to EPA on March 21, 1986. The State has further declared in a letter from Dennis Lunderville, dated July 25, 1986, that, "As part of our new source review activities under the New Hampshire SIP and our delegated PSD authority, the New Hampshire Air Resources Agency will follow EPA's stack height regulation as revised in the **Federal Register** on July 8, 1985 (50 FR 27892)." Thus, New Hampshire has satisfactorily demonstrated that its regulations meet 40 CFR 51.118 and 51.164.

5. Section 52.2085 is added to Subpart OO to read as follows:

§ 52.2085 Stack height review.

The State of Rhode Island has declared to the satisfaction of EPA that no existing emission limitations have been affected by stack height credits greater than good engineering practice or any other prohibited dispersion technique as defined in EPA's stack height regulations, as revised on July 8, 1985. Such declarations were submitted to EPA on March 27, 1986. The State has further declared, in letters from Thomas D. Getz, dated October 15, 1985 and March 27, 1986, that "[R]hode Island will use the 8 July 1985 revised height regulations in administering Section 6.18 of its new source review regulations." Thus, Rhode Island has satisfactorily demonstrated that its regulations meet 40 CFR 51.118 and 51.164.

6. Section 52.2384 is added to Subpart UU to read as follows:

§ 52.2384 Stack height review.

The State of Vermont has declared to the satisfaction of EPA that no existing emission limitations have been affected by stack height credits greater than good engineering practice or any other prohibited dispersion techniques as defined in EPA's stack height regulations, as revised on July 8, 1985. This declaration was submitted to EPA on March 21, 1986. The State has further declared in a letter from Harold T. Garabedian, dated March 21, 1986, that, "[T]he State concludes that our present rule 5–502(4)(d) is adequate to insure that new emission sources will not be able to use credits from modeling ambient impacts at greater than 'good engineering practice' stack height or

from using 'other dispersion techniques." Thus, Vermont has satisfactorily demonstrated that its regulations meet 40 CFR 51.118 and 51.164.

[FR Doc. 87-30005 Filed 12-30-87; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 81

[Region II Docket No. 68; FRL-3307-9]

Designation of Areas for Air Quality Planning Purposes; Revision to Section 107 Attainment Status Designations for the State of New Jersey

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule announces the Environmental Protection Agency's (EPA) final action on a request from the State of New Jersey to revise the air quality designation with respect to sulfur dioxide of a part of Warren County, located in the Northeast Pennsylvania—Upper Delaware Valley Interstate Air Quality Control Region. Such designations are required by section 107(d) of the Clean Air Act and may be revised from time to time at the request of a state. EPA has reviewed the results of mathematical air modeling studies made by the State and others and has concluded on the basis of these results that violations of the short-term ambient sulfur dioxide standards are expected on certain sections of elevated terrain within Warren County. Therefore, EPA is approving New Jersey's request. The effect of this action is, therefore, to redesignate a part of Warren County from "better than national standards" to "does not meet standards" with respect to sulfur dioxide.

The redesignated area includes all of the Townships of Harmony, Oxford, White and the Town of Belvidere, the extreme southern portion of Liberty Township, and the extreme western portion of Mansfield Township.

EFFECTIVE DATE: This action is effective on February 1, 1988.

ADDRESSES: All correspondence, comments and other written submissions pertaining to this action, including documents referenced in this notice, are available for public inspection during normal business hours at the following locations: Environmental Protection Agency, Air Programs Branch, Region II Office, Jacob K. Javits Federal Building, 26 Federal Plaza, Room 1005, New York, New York 10278, Environmental Protection Agency.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278, (212-264-2517).

SUPPLEMENTARY INFORMATION:

I. Background

Section 107(d) of the Clean Air Act, 42 U.S.C. 7407(d), directs each state to submit to the Administrator of the Environmental Protection Agency (EPA) a list of national ambient air quality standard attainment status designations for all areas within the state. It further provides that EPA is to promulgate the list with such modification as EPA deems necessary. Before EPA changes a state's list, however, it must consult with the state. EPA received such designations from the states and subsequently promulgated them on March 3, 1978 (43 FR 8962). Section 107(d)(5) provides that a state from time-to-time may revise and resubmit its designations "as appropriate," and that EPA is to consider and promulgate the revisions with such changes as EPA concludes are necessary after consultation with the state.

On April 30 and June 26, 1986 the New Jersey Department of Environmental Protection (NJDEP) submitted a request to revise the air quality designation for parts of Warren County from "better than national standards" with respect to sulfur dioxide to "does not meet standards." The modeling techniques used in the demonstration supporting this action are based on modeling guidelines in place at the time that analysis was performed i.e., the EPA "Guideline on Air Quality Models" (1978). Since that time revisions to modeling guidance have been promulgated by EPA (51 FR 32176) September 9, 1986. Because the modeling analysis was completed prior to publication of the revised (1986) guidance, EPA accepts the analysis for purposes of this proceeding. Application of the revised (1986) modeling guidance, however, would not have any substantive effect on the technical analysis supporting this redesignation. In the October 29, 1986 issue of the **Federal Register** (51 FR 39550), EPA advised the public that, based on the evidence contained in the technical material submitted by the State and from other modeling studies, it was proposing to approve the requested redesignation. The reader is referred to the October 29, 1986, notice for a detailed description of the State's submittal and EPA's review.

II. Public Comments

A. Introduction

During the public comment period established by its October 29, 1986 proposal, EPA received five letters addressing three principal issues. Some individuals sent more than one letter. After the close of the comment period, 10 additional letters were received. While these 10 comments were received late, most of the significant comments raised are included in the five letters received during the comment period, and they have been included in the docket. Consequently, these comments are responded to in today's notice or in the accompanying technical support document.

B. Response to Comments

1. Technical Issues

Comment: The use of modeling for the redesignation of air quality to nonattainment is inappropriate.

Comment: Monitoring data and not modeling should be used for the purpose of redesignation.

Response: According to section 171(2) of the Clean Air Act, "The term 'nonattainment data' means, for any air pollutant area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the Administrator to be reliable) to exceed any national ambient air quality standard for such pollutant." Further, an April 21, 1983 memo from Sheldon Meyers, the then Director of EPA's Office of Air Quality Planning and Standards, summarizes EPA's policy on designations of air quality according to section 107 of the Clean Air Act. This memo states:

> In most SO_2 cases monitoring data alone will not be sufficient for areas dominated by point sources. A small number of ambient monitors is not representative of the air quality for the entire area. Dispersion modeling, employing the legally enforceable SO_2 SIP limits, will generally be necessary to evaluate comprehensively the sources' impacts as well as to identify the areas of highest concentrations. If either the modeling or monitoring indicates that SO_2 air quality standards are being violated, the area should remain nonattainment.

With respect to this policy memo, EPA maintains that the use of modeling data for designation purposes is supported by both the Clean Air Act and various court decisions. (See *Republic Steel Corp.* v. *Costle*, 621 F.2d 797, (6th Cir., 1980), *PPG Industries, Inc.* v. *Costle*, 630 F.2d 462, (6th Cir., 1980) and *Wisconsin Electric Power Co.* v. *Costle*, Cases Nos. 80-2734 and 82-1724, (7th Cir., 1983)).

With respect to today's action, the area proposed to be redesignated is topographically very complex. It is dominated by individual point sources and, therefore, concentrations would be expected to vary considerably over small distances. Modeling is especially important for emissions of gaseous sulfur dioxide from dominant sources such as those located in the area under consideration. Air monitoring data is available from only two monitors in the region, a number inadequate to determine the sulfur dioxide compliance status throughout the area in question and modeling is used to supplement the monitoring data. For further discussion, the reader is referred to the comment and response concerning the results from the two monitoring stations.

Comment: Modeling used for the redesignation is inaccurate and overpredicts concentrations.

Response: In addition to analyzing the area using modeling techniques contained in EPA's 1978 guideline, the area under consideration was also modeled using complex terrain screening models as recommended by EPA's "Guideline on Air Quality Models (Revised)," July 1986. This guideline and the models that it references have been subject to public hearing and extensive public review with opportunity for comment. The models used as a basis for today's action were developed by EPA. The models are designed to avoid underprediction of actual concentrations in order to protect the ambient air quality standards in complex terrain. Their tendency, in some instances, to overpredict concentrations was considered during the public review process for EPA's "Guidelines on Air Quality Models (Revised)" [See 51 FR 32176 (September 9, 1986)].

However, it should be noted that the majority of Warren County modeling analyses predicted sulfur dioxide concentrations that exceed the 24-hour and 3-hour ambient air quality standards by an average factor of between 3 and 4, and one analysis predicted violations up to a factor of 12. Therefore, even if the models significantly overpredicted concentrations in this instance, there still remains a high expectation that violations of air quality standards are occurring.

Comment: EPA should use the monitoring data to evaluate the model prior to acting on any requests for redesignation.

Response: As discussed previously, EPA has concluded that monitoring data alone is not sufficient to determine the attainment status of Warren County. In addition, EPA does not believe it would be appropriate to delay acting upon New Jersey's request for, at a minimum, the 18 months necessary to complete a model evaluation study which would confirm the technical findings. EPA has already had preliminary discussions with representatives of New Jersey, Pennsylvania and the Pennsylvania Power and Light Company (PP&L) who are developing a model evaluation study to confirm the technical findings to date. The results of this study could support the use of a new refined model which could more precisely define ambient sulfur dioxide levels in the Warren County area. Because such information is not currently available, it cannot be used to support today's rulemaking. Once available, it could lead to further action by EPA in the future.

Comment: The Pennsylvania Power and Light Company (PP&L) has conducted a more refined modeling analysis using the LAPPES model. This analysis demonstrates compliance with all ambient air quality standards.

Response: Even though this analysis was submitted after the close of the comment period, EPA has reviewed it. The model is not contained in either EPA's "Guideline on Air Quality Models" (1978) or EPA's "Guideline on Air Quality Models (Revised)", July 1986, because it has not been demonstrated to be an acceptable modeling technique. As such, PP&L's analysis requires further evaluation for technical adequacy, through a model evaluation study. EPA does not believe it would be appropriate to delay acting upon the State's request until such time as the LAPPES model could be evaluated under EPA-approved procedures. As noted previously, such a study would take a minimum of 18 months to complete.

Comment: EPA is ignoring the results from two "hotspot" sulfur dioxide monitoring stations located in the area proposed for nonattainment.

Response: EPA has examined the data collected at these two sites and has determined that monitoring information is insufficient to determine compliance with air quality standards. It is EPA's general policy that air quality designations for sulfur dioxide not be based on air monitoring data alone. While exceptions are sometimes made, it would not be appropriate to do so here. Section 11 of EPA's "Guideline on Air Quality Models (Revised)," July 1986, contains several prerequisites for the development of a program for use of monitored data in lieu of modeling results. The two monitoring sites and the data collected from them are substantially deficient with regard to these prerequisites. Most importantly, the monitoring referred to by the commenter does not constitute the comprehensive network envisioned by the Guideline in terms of the location of monitoring sites and the coverage of the area. The Guideline states that "the number of monitors required is a function of the problem being considered. The source configuration, terrain configuration and meteorological variations have an impact on the number and placement of monitors. Decisions can only be made on a case-by-case basis." In this case, there is a broad range of all three of these factors: (1) A significant number of contributing sources, (2) a full spectrum of topographic features and complexities, and (3) a wide variety of meteorological conditions. To adequately address these factors it is evident that a substantial network of air quality monitors is needed, if the data from such monitors are to be used in lieu of model estimates.

Additionally, the data that do exist, while indicating that the NAAQS were attained during the data collection period at those locations, present ambiguities which preclude determining the attainment status during periods when sources are operating at allowable emissions. First, the data represent the actual (unknown) emissions from the several sources contributing to the ambient levels during the collection period and not ambient levels which would occur had the sources been operating at allowable emissions. Second, the data represent a composite contribution of sulfur dioxide emissions from several sources in the area and information is not available to perform the analyses required to establish the emission limit culpability of the several contributing sources. In addition, also in regard to establishing source culpability, it should be noted that one of the stacks at the PP&L facility may exceed the Good Engineering Practice (GEP) stack height as described in EPA's stack height regulations (51 FR 27892 (July 8, 1985)). If the stack exceeds GEP height it would call into question the validity of the ambient monitoring data being collected. Such data would be affected by the excess dispersion afforded by that portion of the stack which exceeds GEP. Under section 123 of the Clean Air Act, excess stack height cannot be considered in an air quality demonstration of compliance with national ambient air quality standards. Finally, as mentioned above, EPA maintains that if either modeling or

monitoring indicates that sulfur dioxide standards are being violated, the area should be nonattainment and that use of modeling data for designation purposes is supported by both the Clean Air Act and several court decisions.

Comment: Redesignation to nonattainment conflicts with previous Prevention of Significant Deterioration (PSD) permit findings for modifications made to the Hoffman-La Roche plant in Warren County, New Jersey.

Response: The PSD permit referred to was issued by EPA for nitrogen oxides only. The modifications did not cause a major increase in sulfur dioxide emissions and, therefore, the PSD permit did not contain any findings regarding attainment of sulfur dioxide standards in the area.

2. Reason for Redesignation

Comment: The air quality redesignation is being proposed only to allow construction of a new source of sulfur dioxide emissions.

Response: As a general matter, section 107(d)(5) of the Clean Air Act grants states broad discretion to revise their air quality designations from time to time "as appropriate." Thus, states have leeway in choosing the proper regulatory regime by which to address air quality problems. In this case, New Jersey has chosen to adopt a nonattainment designation to address modeled sulfur dioxide exceedances in Warren County. The screening model data presented here are adequate to conclude that sulfur dioxide levels are likely to be in excess of national standards. Furthermore, section 107(d)(5) gives EPA the power to modify a state's designation only to the extent "necessary," thereby establishing a deferential standard for EPA disposition of a state choice. Here, EPA lacks a sufficient basis to say that modification or rejection of the nonattainment designation is necessary. If, as noted above, a more refined model is found to be appropriate for the area and that model shows that violations are not occurring, then the state will be free to seek yet another change in the status of the area or otherwise to adjust its regulatory regime or SIP planning as appropriate.

EPA is working with other parties who are developing a model evaluation study. When this is completed, the technical findings will be reassessed. EPA wishes to emphasize that although the use of these screening model results is deemed adequate to support redesignation under the circumstances of this case, that data may not be adequate for certain other regulatory purposes. Today's action addresses requirements of the Clean Air Act under section 107 and is not intended to express an opinion regarding EPA's requirements under Part D or the requirements for interstate pollution abatement under section 126.

Regarding New Jersey's purposes in seeking redesignation, it is EPA's understanding that an important factor was New Jersey's desire to facilitate construction and operation of Warren County's resource recovery facility (RRF) pending further refinement and clarification of air quality concerns in the area. Under the PSD rules previously applicable in Warren County, the RRF probably could not have been permitted, because it would result in a small, but nevertheless significant, addition to the modeled sulfur dioxide violations in Warren County, and because offsetting reductions in other sulfur dioxide emissions were unavailable. However, in recognition of the environmental benefits which RRFs can provide, the New Jersey rules applicable in designated nonattainment areas provide that RRFs may be constructed under certain circumstances even if offsets are unavailable. [N.J. Admin. Code Title 7, Ch. 27, §16.5]; see also 40 CFR Part 51, Appendix S, IV.B. Under these rules the RRF will be required to install state-of-the-art sulfur and particulate matter air pollution control equipment. Redesignation will allow this and other qualifying projects locating in the newly designated area to proceed. However, as noted above, EPA is approving New Jersey's request because it satisfies the statutory criteria.

3. Interstate Impacts

Comment: The data relied on by EPA significantly overpredicts ambient concentrations. Thus, EPA cannot approve this redesignation request because approval is tantamount to enforcing a more stringent state standard upon another state.

Response: As explained above, EPA believes that available modeling data predict violations of the sulfur dioxide NAAQS. The redesignation will initiate a process which may lead to the review of existing sulfur dioxide emission limitations for sources within and impacting the Warren County area as they relate to attainment and maintenance of the NAAQS for sulfur dioxide. However, the air quality standards in question here are the national standards set by EPA, not any "more stringent state standard." In any event, emission limits are not the subject of today's action and do not have a direct bearing on EPA's current approval of New Jersey's redesignation request. If the appropriate regulatory agencies determine that the emission limits of sources impacting on Warren County need to be revised, that process will be subject to public notice and comment at some future time. In this regard, as noted above, today's action is not intended to prejudge the adequacy of currently available modeling data as a basis for revision of existing emissions limitations. At this time EPA believes that any further regulatory action can await the results of the model evaluation study or other more conclusive data if the study proceeds expeditiously and its results are available within a reasonable period of time. The EPA further believes that a formal agreement among the parties to complete these efforts should be in place and submitted to the EPA July 1, 1988. The agreement shall contain, but not be limited to, the following items:

1. A network design for ambient sulfur dioxide monitoring and meteorological data for the purposes of model comparison and performance evaluation.

2. A protocol for the model comparison and performance evaluation.

3. Dates by which (a) the network will be in operation, (b) data collection will be complete, (c) data analysis will be complete, (d) the protocol will be executed and the appropriate model determined, (e) the model will be applied to establish emission limitations, and, (f) the State will promulgate sulfur dioxide emission limitations and submit an SIP revision to the EPA.

It should also be noted that to the extent corrective action is necessary, this need would exist independent of whether New Jersey chose to address the problem through the redesignation process.

III. Conclusion

EPA is today approving a redesignation request submitted by the State of New Jersey. The request has been found to meet the requirements of sections 107 and 301 of the Clean Air Act and applicable EPA guidelines.

The areas being redesignated from "better than national standards" to "does not meet national standards" for sulfur dioxide are the Town of Belvidere, the entire Townships of Harmony, White, and Oxford, the portion of Liberty Township south of the Universal Transverse Mercator Grid System (UTM) coordinate N4522 and that portion of Mansfield Township west of UTM coordinate E505. Warren County is located in the northwestern part of New Jersey in the Northeast Pennsylvania-Upper Delaware Valley Interstate Air Quality Control Region.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within sixty days of today. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2).).

List of Subjects in 40 CFR Part 81

Air pollution control, National Parks, Wilderness areas.

Dated: December 22, 1987.

Lee M. Thomas,

Administrator, Environmental Protection Agency.

PART 81—[AMENDED]

40 CFR Part 81, Subpart C, is amended as follows:

Subpart C—New Jersey

Authority: 42 U.S.C. 7401–7642.

1. The authority citation for Part 81 continues to read as follows:

2. Section 81.331 is amended by revising the entry for the Northeast Pennsylvania-Upper Delaware Valley Interstate AQCR in the sulfur dioxide attainment status designation table "New Jersey—SO_2" to read as follows:

§ 81.331 New Jersey.

* * * * *

NEW JERSEY—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * * * *				
Northeast Pennsylvania-Upper Delaware Valley Interstate AQCR:				
The Township of Harmony	X	X		
The Township of White	X	X		
The Township of Oxford	X	X		
The Township of Belvidere	X	X		
Portions of Liberty Township	X	X		
Portions of Mansfield Township	X	X		
Remainder of AQCR	X	X		X

* * * * *

[FR Doc. 87–29899 Filed 12–30–87; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Part 180

[OPP–36145C; FRL 3310–7]

Interim Policy for Sulfiting Agents on Grapes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Amendment and extension of policy statement.

SUMMARY: This document announces that EPA is modifying and extending its interim policy regarding the use of sulfiting agents on grapes through December 31, 1988.

EPA is still evaluating the comments received on the various alternatives provided in the revised interim policy. Because action is required now to enable the grape industry to continue marketing grapes without disruption, EPA has decided to extend certification for another year. Alternatives to certification have not been ruled out, but additional time is needed to resolve the issues they present. These issues, as well as the content and operation of certification programs, will be the topics of meetings to be held in early 1988 with sister agencies, affected states, growers, and other interested parties.

EFFECTIVE DATE: December 28, 1987.

FOR FURTHER INFORMATION CONTACT: By Mail: Walter C. Francis, Disinfectants Branch, Registration Division (TS–767C), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Office location and telephone number: Rm. 711, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA. (703) 557–6909

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of December 31, 1986 (51 FR 47240), EPA announced an interim policy requiring that each foreign or domestic shipper have an acceptable certification program to ensure that residues of sulfites (determined as sulfur dioxide) on treated grapes were below the current level of detection under the modified Monier-Williams procedure, i.e., less than 10 parts per million (ppm), when the grapes were offered for entry into the United States or were otherwise introduced into interstate commerce.

EPA's action was prompted by an announcement by the Food and Drug Administration (FDA) in the **Federal Register** of July 9, 1986 (51 FR 25021), that the use of sulfiting agents as preservatives on raw fruits and vegetables served or sold to consumers was no longer deemed to be generally recognized as safe (GRAS) because some individuals experience severe allergic reactions to sulfite residues on food. FDA's action did not affect the use of sulfiting agents as a fungicide on grapes because this pesticidal use is under EPA's jurisdiction.

In light of FDA's action, and because EPA no longer regards the use of sulfiting agents on grapes as if it were GRAS (for the reasons set forth by FDA with regard to preservative uses), and has not established a tolerance for sulfite residues in or on grapes, EPA adopted the measures specified in the December 31, 1986 notice to protect sulfite-sensitive individuals until a tolerance or some other appropriate clearance could be established. The interim measures were effective December 31, 1986, and were intended to permit shipment of sulfite-treated grapes for 1 year.

The interim policy was amended on August 26, 1987 (52 FR 32128), to permit tagging of individual bunches of grapes or placarding at the retail point of sale of sulfite-treated grapes in lieu of certification that grapes do not contain detectable sulfite residues. The interim policy, as amended, expires December 31, 1987.

VOL 52 ISS 251 DEC 31 1987 UMI

This action was taken because information developed by the California table grape industry, and verified by FDA through its enforcement of the California certification program, indicated significant cost and logistical difficulties associated with the 1987 California certification program. Furthermore, evidence developed by the California table grape industry at that time indicated that repeated sulfite treatment during long-term storage of grapes might result in sulfur dioxide residues in or on the grapes that would be detectable (10 ppm or higher).

In its August 26, 1987 notice, EPA requested comments on the interim policy and a proposed extension of this policy until May 1989. Comments were due October 26, 1987. On October 26, 1987, EPA extended the comment period until November 9, 1987 (52 FR 39917). EPA received 271 timely comments on its interim policy and the proposed extension of this policy until May 1989.

II. Extending Policy With Modifications

Sulfiting agents have been used for many years as a fungicide on grapes. Use of sulfites enables the American public to have a year-round grape supply. There has not been sufficient time since FDA's 1986 announcement, however, to develop data necessary to establish a tolerance or to develop alternatives to sulfites. At this time, sulfite use is essential to the domestic and import grape industry.

At the same time, the use of sulfites on grapes presents a risk to sulfite-sensitive individuals, a small segment of the American population. EPA believes that the use of sulfiting agents with appropriate controls will not present an unreasonable risk to this sensitive population.

Pending establishment of a tolerance or development of a sulfite alternative, EPA believes that continuation of an interim policy is appropriate to protect consumers and allow the continued use of sulfites. Based on a preliminary analysis and consideration of comments and based on discussions with FDA, EPA is modifying and extending its interim policy concerning the use of sulfiting agents on grapes. From January 1, 1988 through December 3, 1988, importers and domestic producers who ship sulfite-treated grapes must certify that the grapes do not contain detectable residues of sulfite (determined as sulfur dioxide). Sulfite residues on grapes must be below the current level of detection under the modified Monier-Williams procedure, i.e., less than 10 ppm, when the grapes are offered for entry into the United States or are otherwise introduced into interstate commerce. Grapes that are not covered by an approved certification program or that bear detectable sulfite residues will be considered adulterated and subject to legal action.

Shipping containers of both foreign and domestic grapes must be labeled in accordance with the provisions of section 403(1) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 343(1), which requires shipping containers to be labeled when a raw agricultural commodity has received postharvest pesticide treatment.

Grapes picked and packed prior to January 1, 1988 will remain subject to EPA's August 26, 1987 policy requiring shippers to certify that residues of sulfite on grapes are less than 10 ppm or to use placards or stem tags. When stem tags are used, forty percent of the bunches of grapes in each shipping carton must be tagged.

Under the EPA policy for 1988, certification programs must be approved by the Federal government (FDA with assistance from EPA). Because of FDA and EPA resource limitations, certification programs will not be considered unless growers in a significant geographic area, i.e., a given country or state, organize and commit to a single certification program. In addition, model certification programs for use by growers will be provided by FDA. Again, to conserve resources and achieve maximum consistency, EPA and FDA will pursue use of model programs to the extent possible. EPA and FDA will work with importers, growers and States to develop programs that place stringent quality assurance responsibilities on importers and growers and that share monitoring responsibilities with State agencies.

EPA believes that the Federal government, State agencies, and the grape industry must share both the responsibility and the cost of protecting sulfite-sensitive individuals while at the same time maintaining the viability of the grape industry and allowing a year-round supply of grapes. EPA believes that the course of action set forth in this notice is only the first step in the effort to resolve further the issues raised by sulfite-treated grapes and EPA's August 26, 1987 policy statement. During 1988, the appropriate Federal and State agencies, growers and other interested parties must work together to ensure that a tolerance for sulfites is established, or that an alternative to sulfites is developed, as soon as possible. In addition, EPA is continuing to consider comments received in response to its August 26, 1987 policy and the Agency will work with FDA and others to determine whether any option other than certification (including tagging) might be implemented during the upcoming shipping season. Issues which need to be addressed include program effectiveness, ease of enforcement, and adequacy of consumer protection. EPA is committed to making decisions on other options early in 1988.

Dated: December 28, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 87-30107 Filed 12-30-87; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

42 CFR Part 1003

Medicare and Medicaid Programs; Fraud and Abuse; Revisions to the Civil Money Penalty Statute of Limitations

AGENCY: Office of the Secretary, HHS, Office of Inspector General (OIG).

ACTION: Final rule.

SUMMARY: This final rule implements section 3(b) of Pub. L. 100-93, the Medicare and Medicaid Patient and Program Protection Act of 1987, by expressly adding a new statutorily mandated statute of limitations that is to be applied to the civil money penalty (CMP) law. Specifically, this rule provides that no action may be initiated under the CMP provisions later than 6 years after the date the claim has been represented. This new 6-year statute of limitations replaces the 5-year "regulations of limitations" currently set forth in regulations.

DATES: Effective date: This regulation is effective on December 31, 1987.

FOR FURTHER INFORMATION CONTACT: Joel J. Schaer, Legislation, Regulations and Public Affairs Staff, (202) 472-5270.

SUPPLEMENTARY INFORMATION:

I. Background

When originally enacted in 1981, the civil money penalties law contained no statute of limitations governing the time in which actions under it must be brought. This lack of such an express limitations period was a matter of concern to both the Department and the provider community which felt that failure to include limitations on a time period could result in unfairness in cases where the passage of time could impair a respondent's ability to defend an action due, for example, to lack of memory on the part of witnesses or the loss of documentation.

In an attempt to address these concerns, in 1983 the Department promulgated a "regulation of limitations" that specifically established a 5-year limitations period for governing CMP actions. This regulatory limitations period was designed to comport with 28 U.S.C 2462, which sets a 5-year limitation period on any "action, suit, or proceeding for the enforcement of any civil fine, penalty or forfeiture."

Those regulations at 42 CFR 1003.132 currently provide that "no action under this part shall be entertained unless commenced pursuant to § 1003.109(a) of this part, within 5 years from the date on which the right of action accrued."

II. Provisions of the Regulation

Section 3(b) of Pub. L. 100-93, the Medicare and Medicaid Patient and Program Protection Act of 1987, adds an express 6-year statute of limitations to the CMP law. As a result, we are amending 42 CFR 1003.132 to indicate that the OIG is not permitted to initiate an action under the CMP provisions later than 6 years after a claim has been presented. This 6-year period is consistent with the limitation period set forth in the False Claims Act, 31 U.S.C. 3731.

III. Waiver of Proposed Rulemaking

In enacting section 3(b) of Pub. L. 100-93, Congress set forth a clear approach for addressing the CMP statute of limitations. Since this aspect of the law is explicit in its requirements, with no room for policy discretion on our part, we believe it is impractical and unnecessary in this instance to publish a notice of proposed rulemaking and request public comments before issuing final regulations.

IV. Impact Analysis

Executive Order 12291

We have determined that this regulation does not meet the criteria for a major rule as defined by section 1(b) of Executive Order 12291. Under those criteria, a rule is classified as major if it would have an annual effect on the economy of $100 million or more; cause a major increase in costs or prices for consumers, government agencies, industry or a geographic region; or cause significant adverse effects on business or employment. As this rule is expected to have no such impact on any of these criteria, no impact analysis is required.

Regulatory Flexibility Analysis

Consistent with the Regulatory Flexibility Act of 1980 (5 U.S.C. 601-612), we prepare a regulatory flexibility analysis when the agency issues certain regulations that would have a significant economic impact on a substantial number of small businesses. The law on which this regulation is based is specific in nature, and provides no leeway or alternatives in its implementation. The revision to the limitation period is to effect all CMP actions and does not effect a particular provider segment. Therefore, the Secretary certifies that a regulatory flexibility analysis is not required for this rulemaking.

List of Subjects in 42 CFR Part 1003

Administrative practice and procedure, Fraud, Grant programs—health, Health facilities, Health professions, Maternal and child health, Medicaid, Medicare Penalties.

TITLE 42—PUBLIC HEALTH

A. 42 CFR Chapter V, Part 1003 is amended as set forth below:

PART 1003—CIVIL MONEY PENALTIES AND ASSESSMENTS

1. The authority citation for Part 1003 continues to read as follows:

Authority: Secs. 1102, 1128, 1128A, 1842(j) and 1842(k) of the Social Security Act (42 U.S.C. 1302, 1320a-7, 1320a-7a, 1395u(j) and 1395u(k)).

2. Section 1003.132 is revised to read as follows:

§ 1003.132 Limitations.

No action under this part shall be entertained unless commenced, pursuant to § 1003.109(a) of this part, within six years from the date on which the claim was presented.

(Catalog of Federal Domestic Assistance Programs, No. 13.714, Medical Assistance Program; and No. 13.744, Medicare—Supplementary Medical Insurance Program)

Dated: December 2, 1987.

Bryan Mitchell,

Acting Inspector General, Department of Health and Human Services.

Otis R. Bowen,

Secretary.

Approved: December 10, 1987.

[FR Doc. 87-29973 Filed 12-30-87; 8:45 am]

BILLING CODE 4150-04-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

Petition for Modification; Terminal Equipment Line Power To Operate Continuity of Output Functions; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Commission issued an erratum to correct errors appearing in the text of revisions to § 68.318(b)(1) of the rule set forth in *Report and Order*, CC Docket 86-423, 52 FR 43077 (November 9, 1987).

FOR FURTHER INFORMATION CONTACT: Patrick Donovan, Domestic Facilities Division, Common Carrier Bureau (202) 634-1832.

SUPPLEMENTARY INFORMATION:

In its *Erratum*, DA 87-1813, released December 18, 1987 the Commission corrected errors appearing in its revised § 68.318(b)(1). Specifically, the sentence is revised § 68.318(b)(1) introductory text of the rules which read "With 60 mA between the transmit and receive pairs, the voltage drop between the transmit pairs shall not exceed 67 Volts." was corrected to read: "With 60 mA between the transmit and receive pairs, the voltage drop between the transmit pairs shall not exceed 67 Volts." was corrected to read: "With 60 mA between the transmit and receive pairs, the voltage drop between the transmit and receive pairs shall not exceed 67 Volts." That portion of the sentence in revised § 68.318(b)(1) introductory text which began "The keep alive signal inserted when the pulse density drops to low * * *" was corrected to read "The keep alive signal inserted when the pulse density drops to low * * *"

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 87-29812 Filed 12-30-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

48 CFR Parts 225, 245, and 252

[DAR Case 86-178]

Department of Defense Federal Acquisition Regulation Supplement; Acquisition of Foreign Machine Tools

AGENCY: Department of Defense (DoD).

ACTION: Amendments to interim rule and request for comments.

SUMMARY: The Defense Acquisition Regulatory Council has amended the

BEST COPY AVAILABLE

VOL
52
ISS
2
5
1
DE
31
1987
UMI

interim rule published in the Federal Register on April 16, 1987 (52 FR 12389) presently in effect, which pertains to the acquisition of foreign machine tools. The original interim rule amended Defense Federal Acquisition Regulation Supplement (DFARS) sections 225.7000 and 225.7001, added new sections 225.7008 and 245.106 and added a new clause at 252.245–7000, Acquisiton of Foreign Machine Tools. The original interim rule implemented the restrictions in the Department of Defense Acquisition Improvement Act of 1987 (Pub. L. 99–500, section 9118). This amendment clarifies that the statutory restrictions also apply to procurements of machine tools directly by the Government for its own use.

This amendment to the interim rule accomplishes four objectives:

a. It transfers the coverage published in the original interim rule at 252.245–7000 to 252.225–7023.

b. It modifies the clause to require an agreement by the contractor that the machine tools delivered under the contract shall be of U.S. or Canadian origin.

c. It adds an additional test for "country of origin" to the test for "cost of components" as applied to machine tools in order to be consistent with the intent of other similar tests used in Buy American Act clauses and with the implementing directives issued by DoD.

d. It modifies the Buy American Act clause prescriptions at 225.109 and 225.407 to permit the use of the new clause at 252.225–7023 to satisfy all Buy American Act requirements when machine tools are the sole item being procured on a solicitation.

DATES: *Effective Date:* February 1, 1988 (effective for contracts resulting from solicitations issued after February 1, 1988). Comments must be received on or before February 29, 1988.

ADDRESS: Comments should be submitted in writing to Mr. Owen Green, Acting Executive Secretary, DAR Council, OASD (P&L)DASD(P)DARS, c/o Room 3D139, The Pentagon, Washington, DC 20301–3062. Please cite DAR Case 86–178 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Mr. Owen Green, Acting Executive Secretary, (202) 697–7266.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9118 of the Department of Defense Acquisition Improvement Act of 1987 (Pub. L. 99–500) prohibited the use of FY 87 funds for the acquisition of certain machine tools not manufactured in the United States or Canada. The coverage has been revised and moved to Part 225.

B. Regulatory Flexibility Act Information

The interim rule does not appear to have a significant economic impact on a substantial number of small entities. When the original interim rule was published, at 52 FR 12390, 16 April 1987, no comments were received concerning the Regulatory Flexibility Act statement that there would not be a significant impact on a substantial number of small entities. This rule affects only those contractors who supply to the Government machine tools not manufactured in the United States or Canada. For these reasons, an initial regulatory flexibility analysis has not been prepared. Comments from small businesses and other interested parties are invited. Comments concerning the affected DoD FAR Supplement Subpart will also be considered in accordance with section 610 of the Regulatory Flexibility Act. Such comments must be submitted separately and cite DAR Case 87–610D in correspondence.

C. Paperwork Reduction Act Information

The rule does not contain information collection requirements which require approval of OMB under 44 U.S.C. 3501 *et seq.*

D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense to issue this coverage as an interim regulation.

List of Subjects in 48 CFR Parts 225, 245, and 252

Government procurement.

Owen Green,

Acting Executive Secretary, Defense Acquisition Regulatory Council.

Adoption of Amendments

Therefore, the DoD FAR Supplement contained in 48 CFR Parts 225, 245, and 252 is amended as set forth below:

1. The authority citation for 48 CFR Parts 225, 245, and 252 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

PART 225—FOREIGN ACQUISITION

225.109 [Amended]

2. Section 225.109 is amended by changing the period to a comma at the end of paragraph (a) (S–70) and by adding the phrase "unless the solicitation is solely for machine tools (see 225.7008(d))."; and by changing the period to a comma at the end of the first sentence of paragraph (d) (S–70) and by adding the phrase "unless the solicitation is solely for machine tools (see 225.7008(d))."

225.407 [Amended]

3. Section 225.407 is amended by changing the period to a comma at the end of paragraph (a)(1) and by adding the phrase "unless the solicitation is solely for machine tools (see 225.7008(d))."; and by changing the period to a comma at the end of the first sentence of paragraph (a)(2) and by adding the phrase "unless the solicitation is solely for machine tools (see 225.7008(d))."

225.7008 [Amended]

4. Section 225.7008 is amended by revising paragraphs (b), (c), and (d); and by removing paragraph (e), to read as follows:

225.7008 Restriction on acquisition of machine tools.

* * * * *

(b) When adequate domestic supplies of the classifications of machine tools set forth in 225.7001 are not available to meet the Department of Defense requirements on a timely basis, the procurement restriction may be waived by the Head of the Agency responsible for the procurement on a case-by-case basis. This authority may not be redelegated. Requests for waivers will contain a full explanation of the facts supporting the waiver and will be submitted in accordance with Departmental procedures.

(c) A machine tool shall be considered to be of United States or Canadian origin, if it is manufactured in the United States or Canada and the cost of its components manufactured in the United States or Canada exceeds 50 percent of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end product and duty (whether or not a duty-free entry certificate may be issued).

(d) The clause at 252.225–7023, "Restriction on Acquisition of Foreign Machine Tools," shall be inserted, in full text, in all solicitations and contracts that obligate FY 87 funds for machine tools. When machine tools are the only items being procured, do not include any of the clauses at 252.225–7000, 252.225–7001, 252.225–7005, 252.225–7006. If machine tools are not the only items being procured, include the clauses at 252.225–7000, 252.225–7001, 252.225–7005, 252.225–7006.

PART 245—GOVERNMENT PROPERTY

Subpart 245.1—[Removed]

5. Subpart 245.1 is removed.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

6. Section 252.225–7023 is added to read as follows:

252.225–7023 Restriction on acquisition of foreign machine tools.

As prescribed in 225.7008(d), insert the following clause.

Restriction on Acquisition of Foreign Machine Tools (Dec. 1987)

(a) This procurement concerns the acquisition of certain machine tools title to which will vest in the Government and which are subject to a statutory origin restriction.

(b) The Contractor agrees that those machine tools within the following Federal Supply Classifications (FSCs), to be delivered as end items under this contract, shall be of United States or Canadian origin: FSCs 3408, 3410–3419, 3428, 3433, 3441–3443, 3446, 3448, 3460 and 3461.

(c) For the purposes of this clause, a machine tool shall be considered to be of United States or Canadian origin if, (i) it is manufactured in the United States or Canada and (ii) the cost of its components manufactured in the United States or Canada exceeds fifty percent (50%) of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end item and duty (whether or not a duty-free entry certificate may be issued).

(End of clause)

252.245–7000 [Removed]

7. Section 252.245–7000 is removed.

[FR Doc. 87–29927 Filed 12–30–87; 8:45 am]
BILLING CODE 3810–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 70605–7141]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce (Secretary) closes the commercial fishery in the exclusive economic zone (EEZ) for Spanish mackerel from the Atlantic migratory group. The Acting Director, Southeast Region, NMFS, has determined that the commercial allocation of 2.36 million pounds will be reached on December 28, 1987. This closure is necessary to protect the overfished Spanish mackerel resource.

EFFECTIVE DATES: Closure is effective at 0001 hours, local time, December 29, 1987, until 2400 hours, local time, March 31, 1988.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813–893–3722.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP), as amended, was developed by the South Atlantic and Gulf of Mexico Fishery Management Councils (Councils) under authority of the Magnuson Fishery Conservation and Management Act, and is implemented by regulations at 50 CFR Part 642. Amendment 2 to the FMP, which went into effect on June 30, 1987 (52 FR 23836, June 25, 1987), established separate allocations for the Gulf and Atlantic migratory groups of Spanish mackerel. Regulations effective June 30, 1987, implemented catch limits recommended by the Councils for the Atlantic migratory group for the fishing year (April 1, 1987, through March 31, 1988). Those regulations set the commercial allocation at 2.36 million pounds (52 FR 25012, July 2, 1987, corrected at 52 FR 33594, September 4, 1987). Until March 31, as specified in § 642.29, the management area for the Atlantic migratory group of Spanish mackerel extends from the Virginia/North Carolina boundary (36° 33'00.8" N. latitude) south to the Dade/Monroe County, Florida boundary (25°20.4' N. latitude).

The Secretary is required under § 642.22 to close any segment of the Spanish mackerel fishery when its allocation has been reached or is projected to be reached by publishing a notice in the Federal Register. The Acting Regional Director had determined that the allocation of 2.36 million pounds for the Atlantic migratory group of Spanish mackerel will be reached on December 28, 1987. Hence, the commercial fishery for the Atlantic migratory of group Spanish mackerel is closed effective 0001 hours, local time, December 29, 1987. The closure will remain in effect through March 31, 1988, the end of the fishing year.

The Acting Regional Director previously determined that the recreational allocation of 0.74 million pounds for the Atlantic migratory group of Spanish mackerel was reached on September 18, 1987. The recreational bag limit for Spanish mackerel from the Atlantic migratory group was reduced to zero on September 19, 1987 (52 FR 35720, September 23, 1987).

With closure of the commercial fishery, all commercial and recreational fisheries in the EEZ for the Atlantic migratory group of Spanish mackerel are closed through March 31, 1988. During the closure, Spanish mackerel for the Atlantic migratory group may not be harvested from or possessed in the EEZ and may not be purchased, bartered, traded, or sold. The latter prohibition does not apply to trade in Spanish mackerel harvested, landed, and bartered, traded, or sold prior to the closure and held in cold storage by a dealer or processor.

Other Matters

This action is required by 50 CFR 642.22(a) and complies with E.O. 12291.

Authority: 16 U.S.C. 1801 *et seq.*

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 28, 1987.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management.

[FR Doc. 87–30046 Filed 12–28–87; 4:27 pm]
BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 52, No. 251
Thursday, December 31, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

Expenses and Assessment Rate for Marketing Order Covering California Olives

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish an assessment rate under Marketing Order 932 for the 1988 fiscal year established for that order. Funds to administer this program are derived from assessments on handlers.

DATE: Comments must be received by January 11, 1988.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2085–S, Washington, DC 20090–6456. Comments should reference the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: George J. Kelhart, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephone 202–475–3919.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Order No. 932 [7 CFR Part 932] regulating the handling of olives grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the Act.

This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1521–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately seven handlers of California olives under this marketing order, and approximately 1,390 olive producers in California. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.2] as those having annual gross revenues for the last three years of less than $100,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. Most, but not all, of the olive producers may be classified as small entities. None of the olive handlers may be classified as small entities.

Each marketing order administered by the Department of Agriculture requires that the assessment rate for a particular fiscal year shall apply to all assessable commodities handled from the beginning of such year. An annual budget of expenses is prepared by each administrative committee and submitted to the Department for approval. The members of administrative committees are handlers and producers of the regulated commodities. They are familiar with the committees' needs and with the cost of goods, services and personnel in their local areas and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by each committee is derived by dividing anticipated expenses by expected shipments of the commodity (e.g., pounds, tons, boxes, cartons, etc.). Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committee's expected expenses. Recommended budgets and rates of assessment are usually acted upon by the committees shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the committees will have funds to pay their expenses.

The California Olive Committee unanimously recommended 1988 fiscal year expenditures of $1,620,350 and an assessment rate of $23.92 per ton of assessable olives shipped under M.O. 932. In comparison, 1987 fiscal year budgeted expenditures were $1,862,400 and the assessment rate was $20.03. Major expenditure categories in the 1988 budget are $430,250 for program administration, $50,000 for production research, $540,000 for consumer advertising, $494,000 for food service advertising, and $106,100 for trade relations. Assessment income for 1988 is expected to total $1,370,350 based on shipments of 57,300 tons of olives. The committee also unanimously recommended that excess 1987 assessments (about $77,993) be placed in its reserve, resulting in a reserve well within the maximum authorized under the order. Committee reserves and other available funds are expected to amount to $391,468 on December 31, 1987, and will be available to cover the anticipated $250,000 deficit in assessment income for 1988.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

Based on the foregoing, it is found and determined that a comment period of less than 30 days is appropriate because the budget and assessment rate approvals for the olive program need to be expedited. The committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis.

List of Subjects in 7 CFR Part 932

Marketing agreements and orders, Olives, California.

For the reasons set forth in the preamble, it is proposed that § 932.222 be added as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR Part 932 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. New § 932.222, is added to read as follows:

§ 932.222 Expenses and assessment rate.

Expenses of $1,620,350 by the California Olive Committee are authorized, and an assessment rate of $23.92 per ton of assessable olives is established, for the fiscal year ending December 31, 1988. Unexpended funds from the 1987 fiscal year may be carried over as a reserve.

Dated: December 24, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87–29980 Filed 12–30–87; 8:45 am]

BILLING CODE 3410–02–M

Rural Electrification Administration

7 CFR Part 1736

Electric Standards and Specifications

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend 7 CFR Chapter XVII, REA Regulations, Part 1736, Electric Standards and Specifications, by revising REA Bulletin 50–6 (D–806), Specifications and Drawings for Underground Electric Distribution. This bulletin provides standard underground electric system construction drawings and specifications that REA electric borrowers may use without REA review of each specific project. The primary changes being proposed consist of: (1) Inclusion of standard drawings for the installation of jacketed cable; (2) renumbering of riser pole drawings so the drawing number will be somewhat descriptive of the type of structure specified; (3) inclusion of several guide drawings which would provide "helpful hints" to accomplish various procedures; (4) elimination of such obsolete items as submersible and direct-buried transformers and sectionalizers and pole-type transformers installed in pad-mounted enclosures; and (5) several changes to conform to the latest edition of the National Electrical Safety Code.

DATE: Public comments must be received by REA no later than February 29, 1988.

ADDRESS: Submit written comments to the Director, Electric Staff Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, DC 20250–1500.

FOR FURTHER INFORMATION CONTACT: Mr. James C. Dedman, Electrical Engineer, Electric Staff Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, DC 20250–1500, telephone (202) 382–9091. A copy of the proposed revised bulletin and the Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option are available from Mr. Dedman at the above address.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*), REA proposed to revise 7 CFR Chapter XVII, REA Regulations, Part 1736, Electric Standards and Specifications, by revising REA Bulletin 50–6 (D–806), Specifications and Drawings for Underground Electric Distribution.

This action has been reviewed in accordance with Executive Order 12291, Federal Regulation. This action will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies; or (3) result in significant adverse effects on competition, employment investment or productivity, and, therefore, has been determined to be "not major."

REA has concluded that promulgation of this rule will not represent a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.* (1976) and, therefore, does not require an environmental impact statement or an environmental assessment.

This proposed regulation contains no information or recordkeeping requirements which require approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*). This action does not fall within the scope of the Regulatory Flexibility Act. This program is listed in the Catalog of Federal Domestic Assistance as 10.850, Rural Electrification Loans and Loan Guarantees. For the reasons set forth in the final rule **Federal Register** notice related to 7 Part CFR Part 3015, Subpart V, in 50 FR 47034, November 14, 1985, this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with state and local officials.

Background

REA maintains a system of bulletins that contains construction standards and specifications for materials and equipment which are applicable to electric system facilities constructed by REA electric borrowers in accordance with the REA loan contract. These standards and specifications contain standard construction units and material items and equipment units commonly used in REA electric and telephone borrowers' systems.

REA bulletin 50–6 (D–806), Specifications and Drawings for Underground Electric Distribution, provides standard underground electric system construction drawings and specifications that REA electric borrowers may use without REA review of each specific project.

Bulletin 50–6 (D–806) was last revised in 1975. In the past 12 years many dramatic changes have been made in the material, equipment, and construction methods used in the underground electric distribution industry. There is a need in the rural electric industry for certain types of underground distribution facilities which did not exist or were not used by borrowers in 1975. A prime example of a product which borrowers did not use is jacketed underground cable. The severe corrosion of bare concentric neutral wires and the damage to cable insulation caused by contact of unjacketed cable with moist earth makes the use of jacketed cable necessary. The proposed revision of Bulletin 50–6 (D–806) includes drawings for practical and effective techniques for installation and grounding of jacketed cable.

The proposed changes would be accomplished by adding several new construction drawings, revising some drawings included in the present edition of the bulletin, and deleting some present drawings. The resulting bulletin would be a complete specification with which REA electric borrowers could construct their rural underground electric distribution systems using state-of-the-art material, equipment, and construciton methods.

The effect of the proposed revision would be a modernization of the drawings and specifications to include the material, equipment, and construction methods presently needed in the rural underground electric distribution industry. The long-term cost of owning and operating underground

electric distribution facilities by the borrowers would decrease. The use of present-day material, equipment and construction methods as proposed in this revision would result in underground systems with longer service life and better reliability.

List of Subjects in 7 CFR Part 1736

Electric utilities, Engineering standards, Incorporation by Reference.

In view of the above, REA hereby proposes to amend 7 CFR Part 1736 as follows:

PART 1736—ELECTRIC STANDARDS AND SPECIFICATIONS

In § 1736.97, paragraph (b) is amended by revising the entry for Bulletin 50–6 (D–806) to read as follows:

§ 1736.97 Incorporation by reference of electric standards and specifications.

* * * * *

(b) List of Bulletins.

* * * * *

Bulletin 50–6 (D–806), Specifications and Drawings for Underground Electric Distribution (Effective Date).

* * * * *

Dated: December 22, 1987.

Harold V. Hunter,

Administrator.

[FR Doc. 87–29969 Filed 12–30–87; 8:45 am]

BILLING CODE 3410–15–M

Food Safety and Inspection Service

9 CFR Parts 304, 305, 306, 308, 309, 310, 313, 317, 318, 320, 325, 329, 335, 350, 351, 352, 354, 355, 362, and 381

[Docket No. 87–004R]

Regulatory Review of Enforcement-Related Regulations

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments; regulatory review; reopening of comment period.

SUMMARY: On August 31, 1987, the Food Safety and Inspection Service (FSIS) published a notice and request for comments to assist Agency personnel in completing a review of its enforcement-related regulations promulgated under the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Agricultural Marketing Act of 1946. FSIS is undertaking a regulatory review of its enforcement-related regulations pursuant to Executive Order 12291 and the Regulatory Flexibility Act. FSIS has received a request from the American Meat Institute to extend the comment period to allow more time to conduct further research on specific items of concern that are included in the review and to submit comments. The comment period closed on October 30, 1987. In response to this request, the Agency has determined that it will reopen the comment period for an additional 60 days.

DATE: Comments must be received on or before February 29, 1988.

ADDRESS: Written comments should be sent in duplicate to the Policy Office, ATTN: Ms. Linda Carey, FSIS Hearing Clerk, Room 3171, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

Any person desiring an opportunity for an oral presentation of views should make such request to Mr. G. Edward McEvoy, Director, Planning Office, Policy and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–3317, so that arrangements may be made for such views to be presented. A transcript will be made of all oral presentations.

FOR FURTHER INFORMATION CONTACT: Mr. G. Edward McEvoy, Director, Planning Office, Policy and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–3317.

SUPPLEMENTARY INFORMATION: On August 31, 1987, the Food Safety and Inspection Service (FSIS) published a notice and request for comments in the **Federal Register** (52 FR 32802) to solicit comments to assist Agency personnel in completing its review, pursuant to Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 601), of its existing enforcement-related regulations, which have been adopted to implement the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*), and the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*).

FSIS has received a request from the American Meat Institute to extend the comment period to allow more time to conduct further research on specific items of concern that are included in the review and to submit comments. The comment period closed on October 30, 1987. In response to this request, FSIS has determined that there is sufficient justification for reopening the comment period for an additional 60 days.

Done at Washington, DC on: December 28, 1987.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 87–29962 Filed 12–30–87; 8:45 am]

BILLING CODE 3410–DM–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

Safeguards Requirements for Fuel Facilities Possessing Formula Quantities of Strategic Special Nuclear Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission(NRC) is proposing to amend its physical protection and security personnel performance regulations for fuel facilities possessing formula quantities of strategic special nuclear material (SSNM) to a level equivalent to the protection in place at comparable Department of Energy (DOE) fuel facilities. The proposed changes have been prompted by a determination that physical protection measures at these fuel facilities should be enhanced based on a recent study which compared NRC's security requirements for SSNM with DOE's recently upgraded security system. The changes are also supported by findings from reviews of safeguards event reports, Regulatory Effectiveness Reviews during (RERs), licensing actions, and inspection reports. The amendments would provide greater assurance that physical protection measures at these fuel facilities can provide the capability to protect against the design basis threat.

DATE: The comment period expires on March 30, 1988. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Send written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may also be delivered to Room 1121, 1717 H Street NW., Washington, DC, between 7:30 a.m. and 4:15 p.m. Copies of any comments received will be available for examination and copying at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. NUREG/CR–4250 is available for inspection or copying for a fee in the NRC Public Document Room, 1717 H Street NW., Washington, DC. This report may be purchased from the U.S. Government Printing Office (GPO) by calling 202–275–2060 or by writing the GPO, P.O. Box 37082, Washington, DC 20013–7082. It may also be purchased from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

FOR FURTHER INFORMATION CONTACT: Dr. Sandra D. Frattali, Division of Regulatory Applications, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301–492–3773; or Mr. C. K. Nulsen, Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301–427–4246.

SUPPLEMENTARY INFORMATION:

Background

In 1974, a national goal was established that weapons-usable material, whether in the licensed or license-exempt sector, should receive fully adequate and essentially comparable levels of protection. The objective of providing comparable protection for SSNM was iterated in a number of subsequent communications by the National Security Council, Energy Research and Development Administration (now DOE), Department of Defense, and NRC. In consonance with this objective, reviews were conducted periodically by joint NRC/DOE comparability review teams. The findings from the most recent review (1986) indicated that DOE has placed increased emphasis on guard weaponry, training, and tactical response exercises and has upgraded some physical security measures. To maintain comparability with DOE as well as to respond to recent NRC security reviews, the NRC is proposing to amend its physical protection regulations for licensed fuel facilities possessing formula quantities of SSNM. These amendments will provide greater assurance that security systems and security force capabilities at these facilities are comparable to those used by DOE. A remaining comparability issue relates to the use of deadly force by licensee guards. This issue is being addressed separately and is not covered by these amendments.

The security force improvements that are addressed by these proposed amendments are in the general areas of training exercises for security force personnel, weapons qualification, weapons requirements for the proposed Tactical Response Team (TRT), and guard skills. Strengthened physical protection measures are also addressed by these proposed amendments and include double physical barriers at the perimeter of the protected area, use of armed guards at material access area (MAA) portals, and vehicle barriers at the perimeter of the protected area. Actions in the following specific areas are proposed: (1) Security system performance evaluation through tactical response exercises, (2) night firing qualification for guards using all assigned weapons, (3) search of 100 percent of entering personnel and packages, (4) posting of armed guards at MAA control points, (5) providing two separate physical personnel barriers around the protected area, and (6) revision of the design basis threat at these fuel facilities to include land vehicle use by adversaries attempting to commit theft and the provision of counter measures to prevent forcibly vehicle entry into the protected area.

On July 5, 1977, the Commission published for public comment (42 FR 34130) proposed amendments to the Commission's regulations to impose strengthened physical security requirements protecting against theft of SSNM. Extensive comments on the proposed rule were received and considered, resulting in substantial revisions in the final rule which was published on November 28, 1979 (44 FR 68184). Since the rule was adopted, the need for upgraded safeguards requirements has been identified through the NRC/DOE comparability reviews, analysis of safeguards event reports, Regulatory Effectiveness Reviews (RERs), licensing actions, and inspection reports. The proposed amendments would augment and amend that rule. They are discussed as follows.

1. Performance Evaluation Through Tactical Response Exercises, Tactical Response Teams (TRT), and Guard Force Weaponry

It is proposed that affected licensees be required to conduct tactical response exercises on a quarterly basis. These quarterly exercises could be short in duration, would have at least one exercise per guard shift and be cumulatively representative of various lighting conditions during a 24-hour day. At least two of these quarterly exercises for each shift would include force-on-force scenarios. It is also proposed that there be an additional, more extensive annual exercise which would also include force-on-force scenarios to be observed by NRC representatives. The exercises are intended to demonstrate the guard force state of readiness and not to be viewed in terms of pass or fail. They should indicate whether additional training or security system improvements are required. Successful tactical exercises would provide greater assurance that security force capabilities can protect against the design basis threat.

The proposed amendments also call for the formation of a designated Tactical Response Team (TRT) which would be provided with individually assigned upgraded weaponry and have a distinctive different item of uniform from the guard force (e.g., cap, armband, etc.). It was recommended, as a result of the NRC reviews, that the establishment of a TRT be made in conjunction with new requirements for security system performance evaluation through tactical response exercises. Requiring a TRT, which replaces the general requirement for an armed response force, adds greater specificity to the responsibility of providing immediate response to potential adversary actions. Creation of the TRT is expected to provide a more highly motivated, professional, and effective organization to respond to and prevent forceful attempts to remove SSNM from licensee sites.

It is proposed that the TRT be armed with 9mm semiautomatic pistols and shoulder fired response weapons with at least one member of the TRT carrying a .30 caliber of 7.62mm rifle. The requirement for a heavier rifle, which was recommended by the NRC/DOE Comparability Review Team to be implemented in conjunction with the requirement for tactical exercises, is intended to provide additional effectiveness against the design basis threat, which has now been revised to include the use of land vehicles. The proposed amendments require TRT members to carry 9mm semiautomatic pistols. Many major city law enforcement agency police officers, particularly SWAT team members, and the U.S. military are shifting from revolvers to semiautomatic pistols in order to take advantage of sustained fire capability. The number of recent police upgrades nationwide responds to increased encounters with adversaries using more sophisticated weapons. Some DOE TRT members are already armed with 9mm semiautomatic pistols, and there is an indication that DOE is considering arming all TRT members with 9mm semiautomatic pistols. The

NRC, after conducting a literature review and talking with various agencies in regard to their rationale for converting from revolvers to semiautomatic handguns, is including in the proposed amendments a requirement for TRT members only (not other security force personnel) to be armed with 9mm semiautomatic pistols.

2. Weapons Qualification

Revisions to weapons qualification requirements are proposed which would provide for night firing qualification and annual requalification. These would replace the current requirement for night familiarization firing only. Specified courses for night firing qualification and annual requalifications would be added as requirements for all assigned weapons and weapons used during a tactical response.

3. Personnel, Package, and Material Entrance Search

The proposed amendments would require search of 100 percent of entering personnel and packages with the exception of those delivery and inspection activities specifically designated by licensees and approved by the Commission. Bona fide Federal, State, and local law enforcement personnel on official duty may be exempted from search requirements.

Presently, only random searches are required of licensee employees who possess an NRC or DOE access authorization and their hand-carried packages. Present requirements also require only random search or other than hand-carried packages and material. Under the proposed amendments, present exemptions would continue for Commission-approved delivery and inspection activities specifically designated by the licensee to be carried out within material access, vital, or protected areas for reasons of safety, security, or operational necessity.

4. Armed Guards at MAA Control Points

The proposed amendments would require that armed guards be stationed at MAA entry/exit control points. Some facilities have already adopted this practice of stationing armed guards instead of unarmed watchmen at these points as part of their overall security program. The stationing of armed guards is expected to strengthen deterrence against intrusion and enhance responsiveness to adversaries.

5. Protected Area Physical Barriers

The perimeter of the protected area of fuel facilities possessing formula quantities of SSNM would be required to have a double physical personnel barrier. The two barriers would be constructed and installed to ensure the ability to assess an attempted penetration of the protected area perimeter at the time of the occurrence and to delay attempts at unauthorized exit from the protected area. The present intrusion detection systems required by NRC will be placed between these two barriers.

6. Design Basis Threat and Vehicle Barriers

A change is being proposed to the present design basis threat contained in 10 CFR 73.1(a)(2) to include use of land vehicles by potential adversaries attempting to commit a theft of SSNM. The change would recognize the possible use of land vehicles for the breaching of perimeter barriers and transporting adversary personnel and their equipment. The NRC considers this change in design basis threat to be a necessary measure reflecting possible use of land vehicles by potential adversaries.

This change in the design basis threat will require installation or modification of barriers at or near the protected area boundary for vehicle denial purposes. The barriers may be constructed of any materials and structures that have been demonstrated to be effective in denying entry to land vehicles. Information on types of structures, their installation, and their response to penetration may be found in "Vehicle Barriers: Emphasis on Natural Features," NUREG/CR–4250, July, 1985; "Security Vehicle Barriers," (SAND 84–2593), November, 1985; and "An Effective Perimeter Barrier Resulting From a Fence and Sensor Combination," (SAND 83–2359), December, 1983. Additional information on the barrier characteristics themselves may be found in the Barrier Technology Handbook (SAND 77–0777) April, 1978. SAND refers to Sandia National Laboratories, Albuquerque, NM 87185.

The Commission is particularly interested in public comments on the security benefits of a second fence and would like suggestions for cost effective alternatives to such a fence that might achieve protection of SSNM at least comparable to that at DOE facilities. The Commission also requests public comment on the requirement for use of a 9mm weapon by Tactical Response Team members and on whether the final choice of weapons should be left to the licensee.

Finding of No Significant Environmental Impact: Availability

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment, and therefore an environmental impact statement is not required. The proposed amendments will affect neither the safety of operation nor the routine release of or exposure to radioactivity from fuel facilities possessing formula quantities of SSNM. Their only intent is to provide greater protection against the revised design basis threat and thus reduce the risks of theft of SSNM from these facilities. Of the six measures proposed, three have no identifiable environmental impact; namely, initiation of security system performance evaluations through tactical team exercises, night firing qualification of guards using all assigned weapons and posting of armed guards at MAA control points. The 100 percent search of entering personnel and packages would require installation of additional walk-through detection equipment which likely would require construction activities to expand or modify the existing building in which this equipment is located. The requirement regarding protected area personnel barriers would necessitate construction, on the licensee's property, of a second barrier. Finally, the installation of measures to prevent forcible vehicle entry would likely require the deployment of vehicle barriers which would be installed on the licensee's property at or near the protected area boundary at points accessible to vehicles. These construction activities at four current licensee sites and at any sites of future fuel facility licensees who require possession of formula quantities of SSNM are considered to have a minor impact on the environment and support a finding that the proposed amendment involves no significant environmental impact. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555. Single copies of the environmental assessment and finding of no significant impact are available from Dr. Sandra D. Frattali, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–3773.

Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This rule has been submitted to the Office of Management and Budget for review and approval of the paperwork requirements.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555. Single copies of the analysis may be obtained from C. K. Nulsen, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 427–4246.

Regulatory Flexibility Certification

Based on the information available at this stage of the rulemaking proceeding and in accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that if promulgated, this rule will not have a significant economic impact upon a substantial number of small entities. The proposed rule would affect four licensees who operate fuel facilities possessing formula quantities of SSNM under 10 CFR Parts 70 and 73. They are GA Technologies Inc., La Jolla, California; Nuclear Fuel Services, Erwin, Tennessee; Babcock & Wilcox, Lynchburg, Virginia; and United Nuclear Corporation, Uncasville, Connecticut. The companies that own these plants are dominant in their service areas and do not fall within the scope of the definition of small entities set forth in section 605(b) of the Regulatory Flexibility Act of 1980 or within the definition of Small Business size standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

Backfit Analysis

As this rule would affect only fuel facilities, a backfit analysis is not required.

List of Subjects in 10 CFR Part 73

Hazardous materials-transportation, Incorporation by reference, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements, Security measures.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR Part 73.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. The authority citation for CFR Part 73 is revised to read as follows:

Authority: Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, as amended, 204, 88 Stat. 1242, as amended, 1245 (42 U.S.C. 5841, 5844).

Section 73.37(f) is also issued under sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note). Section 73.57 is issued under sec. 606, Pub. L. 99–399 and sec. 1611, 68 Stat. 949 (42 U.S.C. 2201(i)).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 73.21, 73.37(g), and 73.55 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 73.20, 73.24, 73.25, 73.26, 73.27, 73.37, 73.40, 73.45, 73.46, 73.50, 73.55, and 73.67 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 73.20(c)(1), 73.24(b)(1), 73.26(b)(2), (h)(6), and (k)(4), 73.27 (a) and (b), 73.37(f), 73.40 (b) and (d), 73.46 (g)(6) and (h)(2), 73.50 (g)(2), (3)(iii)(B), and (h), 73.55(h)(2) and (4)(iii)(B), 73.70, 73.71, and 73.72 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 73.1, paragraph (a)(2)(i) is revised to read as follows:

§ 73.1 Purpose and scope.

(a) * * *

(2) *Theft or diversion of formula quantities of strategic special nuclear material.*

(i) A determined, violent, external assault, attack by stealth, or deceptive actions by a small group with the following attributes, assistance, and equipment.

(A) Well-trained (including military training and skills) and dedicated individuals;

(B) Inside assistance which may include a knowledgeable individual who attempts to participate in a passive role (e.g., provide information), an active role (e.g., facilitate entrance and exit, disable alarms and communications, participate in violent attack), or both;

(C) Suitable weapons, up to and including hand-held automatic weapons, equipped with silencers and having effective long-range accuracy;

(D) Hand-carried equipment, including incapacitating agents and explosives for use as tools of entry or for otherwise destroying reactor, facility, transporter, or container integrity or features of the safeguards system;

(E) Land vehicles used for transporting personnel and their hand-carried equipment; and

(F) The ability to operate as two or more teams.

* * * * *

3. In § 73.2, revise the introductory text; remove paragraph (a) and all alphabetical designators and place all definitions in alphabetical sequence; insert new definition, "Tactical Response Team," in proper alphabetical sequence; and revise paragraph (1) of the definition for "Physical Barrier" to read as follows:

§ 73.2 Definitions

Terms defined in Parts 50 and 70 of this chapter have the same meaning when used in this part. As used in this part:

* * * * *

"Physical Barrier" means:

(1) Fences constructed of No. 11 American wire gauge, or heavier wire fabric, topped by three strands or more of barbed wire or similar material on brackets angled inward or outward between 30° and 45° from the vertical, with an overall height of not less than eight feet, including the barbed topping.

* * * * *

"Tactical Response Team" means the primary response force for each shift which can be identified by a distinctive difference in items of uniform; armed with specified individual response weapons, and whose other duties permit immediate response.

* * * * *

4. In § 73.46, paragraphs (b)(3)(i), (b)(4), (b)(6), (e)(1), (d)(4) through (6), (d)(9), and (h)(3) are revised and paragraphs (b)(7) through (9) are added to read as follows:

§ 73.46 Fixed site physical protection systems, subsystems, components, and procedures.

* * * * *

(b) Security organization.

* * * * *

(3) * * *

(i) Written security procedures which document the structure of the security organization and which detail the duties of the Tactical Response Team, guards, watchmen, and other individuals responsible for security. The licensee shall retain a copy of the current procedures as record until the Commission terminates the license for which they were developed and, if any portion of the procedures is superseded, retain the superseded material for three years after each change; and

* * * * *

(4) The licensee may not permit an individual to act as a guard, watchman, Tactical Response Team member, or other member of the security organization unless the individual has been trained, equipped, and qualified to

VOL 52 ISS 251 DEC 31 1987 UMI

perform each assigned security job duty in accordance with Appendix B of this part, "General Criteria for Security Personnel", and for guards and Tactical Response Team members in accordance with paragraphs (b)(6) and (b)(7) of this section. Upon the request of an authorized representative of the Commission, the licensee shall demonstrate the ability of the security personnel, whether licensee or contractor employees, to carry out their assigned duties and responsibilities. Each guard, watchman, Tactical Response Team member, or other member of the security organization, whether a licensee or contractor employee, shall requalify in accordance with Appendix B of this part, and for guards and Tactical Response Team members in accordance with paragraph (b)(7) of this section at least every 12 months. The licensee shall document the results of the qualification and requalification. The licensee shall retain the documentation of each qualification and requalification as a record for three years after each qualification and requalification.

* * * * *

(6) Guards shall be armed with handguns, as described in Appendix B of this part. Tactical Response Team members shall be armed with 9mm semiautomatic pistols and an individually assigned weapon, either a shotgun or semiautomatic rifle, as described in Appendix B to this part. One member of the Tactical Response Team shall carry, as an individually assigned weapon, a .30 caliber or 7.62mm rifle.

(7) In addition to the qualification criteria of Appendix B of this part, guards and Tactical Response Team members shall qualify and requalify annually for night firing, using revolvers, semiautomatic pistols, semiautomatic rifles, shotguns, and, if assigned, a .30 caliber or 7.62mm rifle. The licensee or the licensee's agent shall document the results of weapons qualification and requalification for night firing. The licensee shall retain the documentation of each qualification and requalification as a record for three years after each qualification and requalification.

(8) In addition to the training requirements contained in Appendix B of this part, Tactical Response Team members and guards who are eligible to be members of the Tactical Response Team shall successfully complete training in response tactics. The licensee shall document the completion of training. The licensee shall retain the documentation of training as a record for three years after training is completed.

(9) The licensee shall conduct Tactical Response Team and Guard exercises to demonstrate the security force effectiveness to perform response and contingency plan responsibilities and to demonstrate individual skills in assigned team duties. These exercises must be scheduled at least quarterly for each shift. Two of these quarterly exercises for each shift must be force-on-force. The licensee shall use these exercises to demonstrate response capabilities to attempts to steal strategic special nuclear material. The licensee shall conduct one annual full-scale force-on-force exercise to demonstrate overall security system performance and shall arrange for NRC to observe this exercise. The licensee shall document the results of these exercises. The licensee shall retain the documentation of each exercise as a record for three years after each exercise is completed.

(c) *Physical barrier subsystems.* (1) Vital equipment must be located only within a vital area, and strategic special nuclear material must be stored or processed only in a material access area. Both vital areas and material access areas must be located within a protected area so that access to vital equipment and to strategic special nuclear material requires passage through at least three physical barriers. The perimeter of the protected area must be provided with two separated physical barriers with an intrusion detection system placed between the two. The inner barrier must be positioned and constructed to enhance assessment of penetration attempts. The perimeter of the protected area must also incorporate features and structures which prevent forcible vehicle entry as well as delay attempts at unauthorized exit from the protected area. More than one vital area or material access area may be located within a single protected area.

* * * * *

(d) *Access control subsystems and procedures.*

* * * * *

(4)(i) The licensee shall control all points of personnel and vehicle access into a protected area. Identification and search of all individuals for firearms, explosives, and incendiary devices must be made and authorization must be checked at these points except for bona fide Federal, State, and local enforcement personnel on official duty and United States Department of Energy couriers engaged in the transport of special nuclear material. The search function for detection of firearms, explosives, and incendiary devices must be accomplished through the use of detection equipment capable of detecting both firearms and explosives. The individual responsible for the last access control function (controlling admission to the protected area) shall be isolated within a structure, with bullet resisting walls, doors, ceiling, floor, and windows.

(ii) When the licensee has cause to suspect that an individual is attempting to introduce firearms, explosives, or incendiary devices into protected areas, the licensee shall conduct a physical pat-down search of that individual. Whenever firearms or explosives detection equipment at a portal is out of service or not operating satisfactorily, the licensee shall conduct a physical pat-down search of all persons who would otherwise have been subject to search using the equipment.

(5) At the point of personnel and vehicle access into a protected area, all hand-carried packages shall be searched for firearms, explosives, and incendiary devices.

(6) All packages and material for delivery into the protected area must be checked for proper identification and authorization and searched for firearms, explosives, and incendiary devices prior to admittance into the protected area, except those of bona fide Federal, State, and local law enforcement personnel on official duty and those Commission-approved delivery and inspection activities specifically designated by the licensee to be carried out within material access, vital, or protected areas for reasons of safety, security, or operational necessity.

* * * * *

(9) The licensee shall control all points of personnel and vehicle access to material areas, vital areas, and controlled access areas. At least two armed guards trained in accordance with the provisions contained in paragraph (b)(7) of this section and Appendix B of this part shall be posted at each material access area control point. Identification and authorization of personnel and vehicles must be verified at the material access area control points. Prior to entry into a material access area, packages must be searched for firearms, explosives, and incendiary devices. All vehicles, materials and packages, including trash, wastes, tools, and equipment exiting from a material access area must be searched for concealed strategic special nuclear material by a team of at least two individuals who are not authorized access to that material access area. Each individual exiting a material access area shall undergo at least two separate searches for concealed strategic special nuclear material. For individuals exiting an area that contains only alloyed or encapsulated strategic special nuclear material, the second search may be conducted in a random manner.

* * * * *

(h) *Contingency and response plans and procedures.*

* * * * *

(3) A Tactical Response Team consisting of a minimum of five (5) guards must be available at the facility to fulfill assessment and response requirements. In addition a force of guards or armed response personnel also must be available to provide assistance as necessary. The size and availability of the additional force must be determined on the basis of site-specific considerations that could affect the ability of the total onsite response force to engage and impede the adversary force until offsite assistance arrives. The reason for determining the total number and availability of onsite armed response personnel must be included in the physical protection plans submitted to the Commission for approval.

* * * * *

Dated at Washington, DC, this 23rd day of December, 1987.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 87-29865 Filed 12-30-87; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-87-11]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before February 29, 1988.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB-10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC on December 16, 1987.

Denise D. Hall,

Acting Manager, Program Management Staff.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the petition
25277	Long Island Pilots Assn.	Petitioner seeks to reduce the size of the regulatory airport radar service area (ARSA) to approximately a 5-mile radius inner core and a 7-mile radius outer core north of the south shore of Long Island. This ARSA requires only two-way radio communication to enter or operate in the ARSA. Denied: October 30, 1987.

[FR Doc. 87-29974 Filed 12-30-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-ASO-19]

Proposed Revision of Transition Area; Fitzgerald, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the Fitzgerald, Georgia, Transition Area by correcting the geographic position latitude/longitude coordinates for the Fitzgerald Municipal Airport increasing the radius area from 5 to 6.5 miles around the airport to accommodate corporate-type aircraft, and revising the arrival area extension for two new standard instrument approach procedures (SIAP's) being developed for the airport. The existing on-airport nondirectional radio beacon (NDB) will be relocated off-airport and a new NDB SIAP is planned. The NDB will also serve as the final approach fix for a new localizer SIAP under development.

DATES: Comments must be received on or before January 27, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO-530, Manager, Airspace and Procedures Branch, Docket No. 87-ASO-19, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to

participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ASO-19." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revise the Fitzgerald, Georgia, Transition Area. This action will provide additional controlled airspace in the vicinity of the Fitzgerald Municipal Airport and along the final approach courses of two new instrument approach procedures currently under development. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, transition area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority. 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Fitzgerald, Georgia (Revised)

That airspace extending upward from 700' above the surface within a 6.5-mile radius of Fitzgerald Municipal Airport (lat. 31°40'59"N., long. 83°16'09"W.); within 3.5 miles each side of the 192° bearing from Fitzgerald NDB (lat. 31°36'46"N., long. 83°17'27"W.), extending from the 6.5-mile radius area to 11.5 miles south of the NDB excluding that portion that coincides with the Tifton, Georgia, Transition Area.

Issued in East Point, Georgia, on December 15, 1987.

William D. Wood,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 87-29975 Filed 12-30-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 232 and 252

[Docket No. R-87-1361; FR-2256]

Full Insurance and Coinsurance of Mortgages Covering Nursing Homes and Similar Projects

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend 24 CFR Part 232 to implement HUD's statutory authority to insure the purchase or refinancing of existing HUD-insured nursing homes, intermediate care facilities and board and care homes. It would also add a new 24 CFR Part 252 to authorize a program of coinsurance for nursing homes, intermediate care facilities and board and care homes. In general, the new coinsurance program follows the full insurance nursing homes program with coinsurance aspects based on the coinsurance programs now applicable to multifamily housing projects. There are, however, some significant differences—including a change in the coinsurance loss sharing ratio.

DATE: *Comment due date:* February 29, 1988.

ADDRESS: Communications concerning this proposed rule should be identified by the above docket number and title and comments should be filed with the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Copies of written views or comments will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James Hamernick, Director, Office of Insured Multifamily Housing Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 755-6500. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 307 of the Housing and Community Development Act of 1974 (Pub. L. 93-383) amended the National Housing Act by adding a new Section 244 entitled, "Coinsurance." Section 244 authorizes the Secretary of Housing and Urban Development to insure, under any provision of title II of the National Housing Act, any mortgage otherwise eligible under that title, pursuant to a Coinsurance Contract that provides that the lender (1) assume a percentage of any loss (and share in Mortgage Insurance Premium income) and (2) carry out (subject to audit and review requirements) such delegated processing functions as the Secretary approves.

The Department has previously undertaken a number of coinsurance initiatives under the section 244 authority and is currently operating three coinsurance programs. Regulations issued on February 12, 1976 (41 FR 6446) added a new Part 204 in title 24 of the CFR that initiated a program of coinsurance for one-to-four family dwellings insured under section 203 of the National Housing Act. Regulations originally issued on July 2, 1980 (45 FR 45117) added a new Part 255 that authorized a program of "Coinsurance for the Purchase or Refinancing of Existing Multifamily Housing Projects." Part 255 permits qualified lending institutions to coinsure and perform delegated processing on mortgage loans on existing multifamily projects using sections 207 and 223(f) of the National Housing Act as the insuring authorities. It was extensively amended on March 31, 1982 (47 FR 13519), May 25, 1983 (48 FR 23399), and June 24, 1985 (50 FR 25924).

A new Part 251 was added on August 9, 1984 (49 FR 32023) as a companion to Part 255. It authorizes a program of coinsurance for newly constructed or substantially rehabilitated multifamily projects insured under section 221(d)(3) or section 221(d)(4) of the National Housing Act. Part 251, along with current Part 255, is available to HUD-approved private lenders and State Housing Finance Agencies; both programs are in operation and very active.

The Department has moved forward in implementing multifamily coinsurance based on a general policy of delegating to participating FHA lenders those processing and underwriting functions that lenders are capable of performing in accordance with HUD criteria, but without HUD staff involvement. Based on the Department's successful experience with Parts 251 and 255, it is now extending the coinsurance concept to another currently active multifamily full insurance program—section 232 for nursing homes, intermediate care facilities and board and care homes.

The addition of this proposed Part 252 will result in a comprehensive HUD policy with respect to delegated processing. For the lender groups now eligible to coinsure section 223(f) and/or section 221(d) mortgages, it offers a coinsurance vehicle for also financing nursing homes and similar facilities now eligible only under section 232 full insurance. For the most part, this new Part 252 does not differ in substance from 24 CFR Part 232 (full insurance nursing homes), except for the addition of provisions to allow for coinsurance for the purchase or refinancing of existing HUD-insured nursing homes and similar facilities. It has, however, been reorganized and rewritten to follow the format and "plain English" style of Parts 251 and 255. All coinsurance programs share the same coinsurance policy framework, one in which lenders agree to share the insurance risk and in return are permitted to perform underwriting and servicing functions with minimal Federal involvement.

In this proposed Part 252, the requirements concerning property eligibility, mortgage terms and cost limits, eligibility and regulation of mortgagors, insurance of advances, inspections and cost certification primarily track similar requirements found in the section 232 full insurance program. With respect to lender eligibility and contract rights, Part 252 draws upon the existing Parts 251 and 255 coinsurance provisions with some significant revisions which are discussed below. There are similar provisions with respect to authorization of full or partial reinsurance at the lender's option; acquisition and sale of properties by the lender (not HUD) after default; restrictions on the assignment of coinsured mortgages to other lenders; lender obligation to bear a deductible of 5 percent of unpaid mortgage balance at default; and HUD guarantees to GNMA providing protection against coinsurance losses.

There are significant revisions with respect to the following items:

(1) The provisions for Sound Capital Resources would be revised to require: (a) Net worth of not less than $1,500,000, which may include an unconditional and irrevocable firm letter of credit of not more than $500,000 from a supervised financial institution with assets of not less than $100,000,000 (the latter figure unchanged from the 221(d)/223(f) requirement);

(b) Liquid assets of $1,500,000 which may include an unconditional and irrevocable firm letter of credit up to $500,000 from a supervised financial institution with assets of not less than $100,000,000 (increased from the 221(d)/223(f) $500,000 liquid asset requirement); and

(c) An additional one dollar in liquid assets for each 200 dollars of outstanding principal indebtedness of a lender's coinsured mortgages (increased from the 221(d)/223(f) one dollar for each 300 dollars requirement).

(2) Under the existing coinsurance provisions, when a lender disposes of a project through a competitive bid procedure, the amount which may be deducted for purposes of calculating the insurance claims payment is the sales price of the property, even if this price is lower than the property's appraised value. This would be revised to base the deduction on the higher of the sales price or the appraised value as is now done in negotiated sale situations.

(3) The current HUD claims settlement of 85 percent of loss (72.25 percent if the lender carries reinsurance at more than 50 percent or at the maximum permitted by State law) would be revised to provide HUD settlement at 75 percent of loss (or 62.25 percent for reinsurance). A corresponding change would be made to share mortgage insurance premiums on a basis of 70 percent to HUD and 30 percent to the Lender.

Inclusion of nursing homes, intermediate care facilities and board and care facilities under the coinsurance umbrella will provide an additional tool for delivering these types of facilities to house the nation's increasing elderly population. At the same time, the risk to the FHA Insurance Fund will be reduced in comparison to full insurance through the coinsurance loss-sharing formula. In drafting this proposal, demonstrated need, licensure, enforcement and other State or Federal requirements were taken into account.

This rulemaking also expands the nursing homes program to include mortgage insurance under both full insurance and coinsurance for the purchase or refinancing of existing HUD-insured nursing homes, intermediate care facilities and board and care homes.

Comments are requested from interested persons on any aspect of this rule. The comment period will provide the mortgage lending industry an adequate opportunity to make its views known, and the comments will be considered as due consultation with the industry as required by section 244(c) of the National Housing Act.

Description of Proposed Rule

The rule HUD is proposing consists of two parts. First, a new subpart E is added to 24 CFR Part 232—Mortgage Insurance for Nursing Homes, Intermediate Care Facilities, and Board and Care Homes—to implement HUD's authority to offer full insurance of purchases or refinancings covering currently insured projects under that

VOL 52 ISS 251 DEC 31 1987 UMI

part. Second, the rule would establish a new program of coinsurance of mortgages covering newly constructed, substantially rehabilitated or currently insured nursing homes, intermediate care facilities and board and care homes. What follows is a section-by-section description pointing out the relationship of each of these parts to the existing regulatory framework of the CFR into which it will fit.

New Subpart E to 24 CFR Part 232

This subpart consists of six sections. Section 232.901 states that notwithstanding the otherwise applicable requirement that mortgages insured under Part 232 cover only newly constructed or substantially rehabilitated Projects, a mortgage insured under this subpart may be executed in connection with the purchase or refinancing of presently insured Projects pursuant to section 223(f) of the National Housing Act. Section 232.902 describes what is meant by an existing Project and distinguishes such projects from those which are "substantially rehabilitated." Section 232.903 sets forth maximum insurable mortgage amounts. Its provisions are similiar to those found in § 255.203. Section 232.904 sets a mortgage term of not less than 10 nor more than the lesser of 35 years or 75 percent of the estimated remaining economic life of the project. This requirement is similar to that in the existing multifamily coinsurance program (see § 255.205). Section 232.905 exempts mortgages insured under this new Subpart E from the otherwise applicable labor standards and prevailing wage requirements found in §§ 232.70–232.74. A similar provision is contained in Part 255 (see § 255.209). Section 232.906 sets forth processing and commitment procedures. It is based upon § 207.32a(a) (1), (2), (3) and (4) in title 24 of the CFR. Section 207.32(a) authorizes full FHA insurance for the purchase or refinancing of existing multifamily housing projects.

New Part 252 to Title 24 of the CFR

As was noted earlier in this Preamble, this proposed new coinsurance program follows the existing full insurance nursing homes program and tracks existing coinsurance provisions found in 24 CFR Parts 251 and 255 with some significant coinsurance revisions. The revisions being proposed are limited to this new program. They provide that nursing home coinsurance will have more conservative terms and conditions than those applicable to multifamily housing coinsurance. Until experience is gained in this new area for coinsurance, the Department considers it desirable to move forward with a fair degree of caution, given the single-purpose nature of facilities covered by this regulation and the related remarketing uncertainty which could directly affect claims against HUD. The coinsurance revisions HUD is proposing for this rule are as follows:

(1) Revise the Sound Capital Resources Requirements

The current requirements for Sound Capital Resources may be inadequate to cover the coinsuring lender's portion of potential losses. This view is supported by the fact that some current coinsuring lenders are establishing their own additional loan loss reserves for the multifamily coinsurance programs which do not have the additional concerns associated with the nursing homes program (see § 252.102).

(2) Revise the Procedure Where the Lender Must Dispose of a Project

Using the higher of the sales price or the appraised value in calculating the claim for insurance benefits, regardless of whether the disposal is through a negotiated sale or a competitive bid, reduces FHA's exposure to losses, especially in light of the remarketing uncertainty of these single-purpose facilities (see § 252.822(f)).

(3) Provide Claims Settlements at a Basic 75 Percent of Loss Ratio

This change will also reduce FHA's exposure to losses under the Coinsurance program and give lenders additional incentive to underwrite this type of project with care (see § 252.820). At the same time, we would allow Lenders to retain 30 percent of the mortgagor insurance premium, while remitting 70 percent to HUD. (*See* §§ 252.801 and 252.802)

Description of the New Part 252 Showing How the Current Part 232 Nursing Home Program Would Fit Into the Part 251 and 255 Coinsurance Structure

Subpart A—General Provisions

§ 252.1 Purpose and scope.

Coinsurance provisions comparable to those in §§ 251.1 and 255.1 would apply to mortgages coinsured under the new part. [No comparable Part 232 section.]

§ 252.2 Coinsurance contract.

Provisions comparable to §§ 251.2 and 255.2 would apply to mortgages coinsured under the new part. [No comparable Part 232 section.]

§252.3 Definitions.

The definitions in Part 251 of "Builder's and Sponsor's Profit and Risk Allowances", "Builder-seller Mortgagor", "Cooperative Mortgagor", "General Mortgagor", "Investor-sponsor Mortgagor", "Limited Distribution Mortgagor", "Nonprofit mortgagor", and Sponsor's Profit and Risk Allowance", contained in Parts 251 and 255 would not be used in this section.

The definitions in Parts 251 and 255 of "Coinsured Mortgage", "Distribution", "Firm Commitment", "Sound Capital Resources", and "Substantial Rehabilitation" are adopted for use in this section except that the $6500 per dwelling unit requirement for "substantial rehabilitation" is deleted as inapplicable to the types of projects covered in the new Part 252.

Definitions of "Nursing Home", "intermediate Care Facility" "Board and care home", "Project", and "State" would be added in this section. They are the same as the definitions used in Part 232 full insurance program.

§ 252.4 Effect of amendments.

Provisions comparable to §§ 251.4 and 255.4 would apply to mortgages coinsured under the new part. [The comparable Part 232 section is § 232.96.]

Subpart B—Lender Requirements

§ 252.101 Eligible lender

Provisions comparable to §§ 251.101 and 255.101 would apply to mortgages coinsured under the new part. [The comparable Part 232 section is § 232.1)(c).]

§ 252.102 Review and approval as coinsuring lender.

Except for the Sound Capital Resources Requirement, provisions comparable to §§ 251.102 and 255.102 would apply to mortgages coinsured under the new part. [No comparable Part 232 section.]

Under this new provision, liquid assets of $1,500,000 (rather than $500,000) would be required to meet the Sound Capital Resources requirement. Also, an additional one dollar in liquid assets would be required for each $200 (rather than $300) in outstanding principal indebtedness of a lender's coinsured mortgages.

§ 252.103 Duration of approval.

Provisions comparable to §§ 252.103 and 255.103 would apply to mortgages coinsured under the new part. [No comparable Part 232 section.]

§ 252.104 Withdrawal of approval.

Provisions comparabel to §§ 251.104 and 255.104 would apply to mortgages coinsured under the new part. [No comparable Part 232 section.]

§ 252.105 Delegation of servicing.

Provisions comparable to §§ 251.105 and 255.105 would apply to mortgages coinsured under the new part. [No comparable Part 232 section.]

§ 252.106 Assignment of coinsured mortgages.

Provisions comparable to §§ 251.106 and 255.106 would apply to mortgages coinsured under the new part. [No comparable Part 232 section but 232 does reference back to Part 207. See §§ 232.251 and 207.261.]

§ 252.107 Reinsurance.

Provisions comparable to §§ 251.107 and 255.107 would apply to mortgages coinsured under the new part. [No comparable Part 232 section.]

§ 252.108 Pledging and other security arrangements.

Provisions comparable to §§ 251.108 and 255.108 would apply to mortgages coinsured under the new part. [No comparable Part 232 section but 232 does reference back to Part 207 See §§ 232.151 and 207.161.]

Subpart C—Program Requirements

§ 252.201 Eligible project.

Paragraph (a) of this section generally would track the existing § 232.39. However, the Department is seeking public comment on alternative versions of this paragraph as it relates to occupancy density requirements for Board and Care homes. Alternative A of the rule text provisions for a maximum ration of four persons per bedroom and per full bathroom in the facilty. Alternative B would offer this four-person per bedroom and per bathroom as a suggested norm, but it would only be the rule in those States where specific standards, as promulgated under section 1616(e) of the Social Security Act, did not exist. Where State standards were in place, Alternative B would defer to the State requirement. The standards "established by the Commissioner" referred to in this paragraph will include handbook provisions for such standards as are necessary to establish the appropriateness of the facility for coinsurance under this part. These standards will cover such areas as construction standards (e.g., State and local codes and minimum health and safety requirements in the absence of acceptable local codes as contained in the HUD Minimum Property Standards for Housing, Handbook 4910.1); underwriting standards (e.g., project financial feasibility including the source and use of different types of incomes); locational standards (e.g., accessibility of related services); facilities requirements (e.g., emergency call equipment congregate dining recreational space or board and care facilities); commercial space limitations; mixed use occupance standards; and founder fee prohibitions. The Department invites public comment on the appropriateness of the examples of standards listed above and on additional areas where standards may be needed.

(b) Provisions comparable to §§ 251.201(b) and 255.201(b) would apply to mortgages coinsured under the new part. [No comparable Part 232 section.]

(c) Provisions comparable to §§ 251.201(c) and 255.201(c) would apply to mortgages coinsured under the new part. [No comparable Part 232 section.]

(d) Provisions comparable to §§ 251.201(d) and 255.201(d) would apply to mortgages coinsured under the new part. [No comparable Part 232 section.]

(e) Provisions comparable to §§ 251.201(e) and 255.201(e) would apply to mortgages coinsured under the new part. [No comparable Part 232 section.]

§ 252.202 Eligible mortgagors.

This section would track the existing § 232.20.

§ 252.203 Maximum mortgage limitations.

(a) In general, the mortgage would involve a principal obligation not in excess of 90 percent of the lender's estimate of the value of the property or project, including equipment to be used in its operation, when the proposed improvements are completed and the equipment is installed. [This paragraph is based upon § 232.30.]

(b) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct a project without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in paragraph (a) the Commissioner may permit the principal obligation of mortgages to be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum otherwise allowable under paragraph (a) of this section by more than one-half thereof. [This paragraph is based upon § 232.31.]

(c) In addition to the limits of paragraphs (a) and (b), additional limits would apply to projects to be substantially rehabilitated. [The additional limits track those set forth in § 232.32.]

(d) [This paragraph is based upon § 232.33. It deals with the valuation of leasehold estates. Closest comparable coinsurance sections are §§ 251.203(b) and 255.203(b).]

§ 252.204 Maximum interest rate.

Provisions comparable to §§ 251.204 and 255.204 would apply to mortgages coinsured under the new part. [The comparable Part 232 is § 232.29.]

§ 252.205 Term of the mortgage.

Provisions comparable to §§ 251.205 and 255.205 would apply to mortgages coinsured under the new part. [The comparable Part 232 is § 232.27.]

§ 252.206 Lenders fees and premiums.

Provisions comparable to §§ 251.206 and 255.206 would apply to mortgages coinsured under the new part. [The comparable Part 232 is §§ 232.29 and 232.12.]

§ 252.207 Coinsurance of mortgages in lender's portfolio.

Generally, the provisions of §§ 251.207 and 255.207 would apply to mortgages coinsured under the new part. The only difference is that mortgages in which no equity is removed would not be subject to the one fourth limitation of paragraph (a)(2).

§ 252.208 Nondiscrimination in occupant eligibility and employment.

Paragraphs (a), (b) and (c) of this section are based upon § 232.34. Paragraphs (d), (e) and (f) are based upon §§ 251.208 (c), (d) and (e) and 255.208 (c), (d) and (e).

§ 252.209 Labor standards and prevailing wage requirements.

With the exception of mortgages coinsured under Subpart J, the provisions of § 251.209 would be applicable to mortgages coinsured under the new part. [The comparable Part 232 sections are §§ 232.70 through 232.74.]

Subpart D—Processing and Commitment

§ 252.301 Processing and development responsibilities.

Provisions comparable to §§ 251.301 and 255.301 would be applicable to mortgages coinsured under the new part. [No comparable Part 232 section.]

§ 252.302 Processing and commitment.

Provisions comparable to §§ 251.302 and 255.302 would be applicable to mortgages coinsured under the new part. [No comparable Part 232 section.]

§ 252.303 Certification by State agency.

The new part adds a section to the basic Part 251 structure. It is based upon the current § 232.6 and sets forth the State certification requirements contained in Part 232.

Subpart E—Insurance of Advances; Insurance Upon Completion; Construction Period

§ 252.401 Insurance of advances or insurance upon completion; applicability of requirements.

Provisions comparable to §§ 251.401 and 255.401 would apply to mortgages coinsured under the new part. [No comparable Part 232 section.]

§ 252.402 Insurance of advances.

Provisions comparable to §§ 251.402 and 255.402 would apply to mortgages coinsured under the new part. [The comparable Part 232 provision for paragraph (a) of this section is § 232.61; for paragraph (b) of this section it is § 232.55; for paragraph (c) it is § 232.57; and for paragraph (d) it is § 232.56.]

§ 252.403 Insurance upon completion.

Provisions comparable to §§ 251.403 and 255.403 would apply to mortgages coinsured under the new part. [The closest comparable Part 232 provision is § 232.50(a)(3).]

§ 252.404 Requirements applicable to both insurance of advances and insurance upon completion cases.

Provisions comparable to §§ 251.404 and 255.404 would apply to mortgages coinsured under the new part. [Comparable Part 232 provisions for each paragraph of this section are as follows:

(a) Section 232.56 is closest comparable, (b) no comparable provision, (c)(1) § 232.80, (c)(2) § 232.80, (c)(3) § 232.82, (c)(4) § 232.83, (d)(1) § 232.85(a), (d)(2) §§ 232.84, 232.85, (e) § 232.85, (f) § 232.86, (g) § 232.87, (h) § 232.91, (i) § 232.92.

§ 252.405 Lender review of mortgage amount.

Provisions comparable to §§ 251.405 and 255.405 would apply to mortgages coinsured under the new part. [Closest comparable Part 232 provision is § 232.89.]

§ 252.406 Application of net income received before beginning of amortization.

Provisions comparable to §§ 251.406 and 255.406 would apply to mortgages coinsured under the new part. [Comparable Part 232 provision is § 232.62.]

§ 251.407 Endorsement by Commissioner.

Provisions comparable to §§ 251.407 and 255.407 would aply to mortgages coinsured under the new part. [No comparable Part 232 provision.]

Subpart F—Mortgage and Closing Requirements

§ 252.501 Mortgage requirements—real estate.

Provisions comparable to §§ 251.501 and 255.501 would apply. [Comparable Part 232 section is § 232.25a.]

§ 252.502 Title.

Provisions comparable to §§ 251.502 and 255.502 would apply. [Comparable Part 232 sections are §§ 232.595 and 232.600.]

§ 252.503 Mortgage provisions.

Except for paragraphs (i), (j) and (k), provisions comparable to §§ 251.503 and 255.503 would apply. The new paragraph 503(i) is based upon §232.37 and relates to prepayment privileges and prepayment charges for the various categories of project covered in the new part, and allows a prepayment lock-out and penalty as agreed upon between the mortgagor and the coinsuring lender consistent with HUD requirements. This differs from § 232.37 where the mortgagor may prepay up to 15 percent in any calendar year without penalty. Paragraph (j) relating to late charges, is the same as § 232.38a. Paragraph (k), on retaining property for residential purposes, is deleted.

§ 252.504 Mortgage lien and other obligations.

This section is based upon § 232.26.

§ 252.505 Regulatory agreement.

Provisions comparable to §§ 251.505 and 255.505 would apply. [Comparable Part 232 provision is §232.45.]

§ 252.506 Other closing documents.

Provisions comparable to §§ 251.506 and 255.506 would apply. [No comparable Part 232 provision.]

Subpart G—Requirements Relating to Structure of Mortgagor Entity and Transfers of Ownership Interest

§ 252.601 Requirements applicable to all projects.

Provisions comparable to §§ 251.601 and 255.601 would apply. [Closest comparable Part 232 sections are §§ 232.20 and 232.13a.]

Subpart H—Program Requirements Relating to Project Operation

Part 232 is silent concerning the various operating requirements set forth in Subpart H of our current coinsurance programs except for a general grant of regulatory authority provided the Commissioner in § 232.45. With respect to this new coinsurance program, the following express operating requirements found in Parts 251 and 255 will apply.

§ 252.701 General.

Provisions comparable to §§ 251.701 and 255.701 would apply to mortgages coinsured under the new part.

§ 252.702 Reserve for replacements and general operating reserve.

(a) Provisions comparable to paragraph (a) of §§ 251.702 and 255.702 would apply to mortgages coinsured under the new part.

(b) [Reserved]

(c) Provisions comparable to paragraph (c) of §§ 251.702 and 255.702 would apply to mortgages coinsured under the new part. [No comparable Part 232 provision.]

§ 252.703 Rents and charges.

The mortgagor will determine rents and charges taking into account facilities and services offered by the Project.

§ 252.704 Use of project funds.

Provisions comparable to §§ 251.704 and 255.704 would apply to mortgages coinsured under the new part.

§ 252.705 Distribution and residual receipts.

(a) Provisions comparable to paragraph (a) of §§ 251.705 and 255.705 would apply to mortgages coinsured under the new part.

(b) Provisions comparable to paragraph (b) of §§ 251.705 and 255.705 would apply to mortgages coinsured under the new part.

(c) [Reserved]

(d) [Reserved]

(e) Provisions comparable to paragraph (e) of §§ 251.705 and 255.705 would apply to mortgages coinsured under the new part.

(f) Provisions comparable to paragraph (f) of §§ 251.705 and 255.705 would apply to mortgages coinsured under the new part.

(g) Provisions comparable to paragraph (g) of §§251.705 and 255.705 would apply to mortgages coinsured under the new part.

§ 252.706 Project management.

(a) Provisions comparable to paragraphs (a) through (h) of §§ 251.706 and 255.706 would apply to mortgages coinsured under the new part. The remaining paragraphs of that section would not apply.

Subpart I—Contract Rights and Obligations

In part 232, the subject matter of Subpart I is covered by a reference back to a similar subpart in Part 207. In developing the Part 251 and 255 coinsurance programs, the Department considered what modifications in "Contract Rights and Obligations" as found in Part 207, would be needed for coinsurance and promulgated them as a Subpart I in both parts. In this new Part 252, the Department has incorporated the existing coinsurance Subpart I with the following major exceptions.

(1) The coinsurance share ratios found in §§ 251.820 and 255.820 (85 percent of loss—72.25 percent if the lender carries the maximum allowable reinsurance) are changed to a basic 75 percent of loss ratio. With reinsurance the new ratio would be 62.25 percent (see new § 252.820).

(2) The provisions in §§ 251.822(f)(1) and (2) and 255.822(f)(1) and (2), relating to amounts deductible where the lender must dispose of the project, are changed to require a deduction equal to the higher of the sales price or the appraised value of the property in every case (see new § 252.822(f)).

(3) Insurance benefits will be paid in cash unless the lender files a written request for payment in debentures (see § 252.819).

Subpart J—Coinsurance of Mortgages Covering Existing Projects

This subpart consists of six sections similar in sequence and substance to those found in the new Subpart E to 24 CFR Part 232 which was described above.

Procedural Requirements

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. Experience under HUD section 232 full insurance has not demonstrated any substantial impact on small entities. The new coinsurance program would supplement and be carried out in coordination with this full insurance program.

This rule was listed as item H–32–86 [Sequence Number 953] in the Department's Semiannual Agenda of Regulations published on October 26, 1987 (52 FR 40358) under Executive Order 12291 and the Regulatory Flexibility Act.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

Information collection requirements contained in this rule have been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). The OMB control numbers, when assigned will be announced by separate publication in the **Federal Register.**

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the proposed rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises in domestic or export markets.

The catalog of Federal Domestic Assistance program number is 14.129.

List of Subjects

24 CFR Part 232

Fire prevention; Health facilities, Mortgage insurance, Nursing homes, Intermediate care facilities, Board and care homes.

24 CFR Part 252

Mortgage insurance, Coinsurance of nursing homes, intermediate care facilities, and board and care homes.

Accordingly, 24 CFR Part 232 is proposed to be amended and a new Part 252 is proposed to be added to title 24 of the CFR as follows:

PART 232—MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE HOMES

1. The authority citation for 24 CFR Part 232 is revised to read as follows:

Authority: Secs. 211, 232 and 244, National Housing Act (12 U.S.C. 1715b, 1715w, and 1715z[9]); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart E—Insurance of Mortgages Covering Existing Projects

Sec.

232.901 Mortgages covering existing insured projects are eligible for insurance.
232.902 Eligible project.
232.903 Maximum mortgage limitations.
232.904 Term of the mortgage.
232.905 Labor standards and prevailing wage requirements.
232.906 Processing and commitment.

2. 24 CFR Part 232 is amended by adding at the end thereof a new subpart E to read as follows:

Subpart E—Insurance of Mortgages Covering Existing Projects

§ 232.901 Mortgages covering existing insured projects are eligible for insurance.

Notwithstanding the generally applicable requirement that mortgages insured under this part be limited to Projects to be constructed or substantially rehabilitated after commitment for insurance, a mortgage executed in connection with the purchase or refinancing of an existing Project covered by a mortgage insured by the Commissioner may be insured under this subpart pursuant to section 223(f) of the Act. A mortgage insured pursuant to this subpart shall meet all other requirements of this part except as expressly modified by this subpart.

§ 232.902 Eligible project.

(a) Existing Projects covered by a mortgage insured under section 232 of the Act (with such repairs and improvements as are determined by the Commissioner to be necessary) are eligible for insurance under this subpart. The Project must not require substantial rehabilitation as defined in paragraph (b) of this section and three years must have elapsed from the date of completion of construction or substantial rehabilitation of the Project, or from the beginning of occupancy, whichever is later, to the date of application for insurance. In addition, the Project must have attained sustaining occupancy (occupancy that would produce income sufficient to pay operating expenses, annual debt service

VOL
52
ISS
2
51
DE
31
1987
UMI

and reserve fund for replacement requirements) as determined by the Commissioner, before endorsement of the Project for insurance; alternatively, the mortgagor must provide an operating deficit fund at the time of endorsement for insurance, in an amount, and under an agreement, approved by the Commissioner.

(b) "Substantial rehabilitation" consists of repairs, replacements, improvements and additions:

(1) The cost of which exceeds the greater of fifteen percent (15%) of the Project's value after completion of all repairs, replacements, improvements, and additions, or

(2) That involve the replacement of more than one major building component. For purposes of this definition, the term major building component includes:

(i) Roof structures;
(ii) Ceiling, wall, or floor structures;
(iii) Foundations;
(iv) Plumbing systems;
(v) Heating and air conditioning systems;
(vi) Electrical systems.

§ 232.903 Maximum mortgage limitations.

Notwithstanding the maximum mortgage limitations set forth in § 232.30, a mortgage within the limits set forth in this section shall be eligible for insurance under this subpart.

(a) *Value limit.* The mortgage shall involve a principal obligation of not in excess of eighty-five percent (85%) of the Commissioners estimate of the value of the Project, including major movable equipment to be used in its operation and any repairs and improvements. The Commissioner's estimate of value shall result from consideration of (1) estimated market value of the Project by capitalization, (2) estimated market value of the Project by direct sales comparison, and (3) total estimated replacement cost of the Project. In the event the mortgage is secured by a leasehold estate rather than a fee simple estate, the value of the property described in the mortgage shall be the value of the leasehold estate (as determined by the Commissioner) which shall in all cases be less than the value of the property in fee simple.

(b) *Debt service limit.* The coinsured mortgage shall involve a principal obligation not in excess of the amount that could be amortized by eighty-five percent (85%) of net projected Project income available for payment of debt service. Net projected Project income available for debt service shall be determined by reducing the Commissioner's estimated gross income for the Project by a vacancy and collection loss factor and by the cost of all estimated operating expenses, including deposits to the reserve for replacements and taxes.

(c) *Project to be refinanced—additional limit.* In addition to meeting the requirements of paragraphs (a) and (b) of this section, if the Project is to be refinanced by the insured mortgage (*i.e.*, without a change of ownership or with the Project sold to a purchaser who has an identity of interest as defined by the Commissioner with the seller with the purchase to be financed with the insured mortgage), the maximum mortgage amount must not exceed the greater of:

(1) Seventy percent (70%) of the Commissioner's estimate of value of the Project, or

(2) The cost to refinance the existing indebtedness, which will consist of the following items, the eligibility and amounts of which must be determined by the Commissioner:

(i) The amount required to pay off the existing indebtedness;

(ii) The amount of the initial deposit for the reserve fund for replacements;

(iii) Reasonable and customary legal, organization, title, and recording expenses, including mortgagee fees under § 232.15;

(iv) The estimated repair costs, if any;

(v) Architect's and engineer's fees, municipal inspection fees, and any other required professional or inspection fees.

(d) *Project to be acquired—additional limit.* In addition to meeting the requirements of paragraphs (a) and (b) of this section, if the Project is to be acquired by the mortgagor and the purchase price is to be financed with the insured mortgage, the maximum amount must not exceed eighty-five percent (85%) of the cost of acquisitions as determined by the Commissioner. The cost of acquisition shall consist of the following items, to the extent that each item (except for paragraph (d)(1) of this section) is paid by the purchaser separately from the purchase price. The eligibility and amounts of these items must be determined in accordance with standards established by the Commissioner.

(1) Purchase price is indicated in the purchase agreement;

(2) An amount for the initial deposit to the reserve fund for replacements;

(3) Reasonable and customary legal, organizational, title, and recording expenses, including mortgagee fees under § 232.15;

(4) The estimated repair cost, if any;

(5) Architect's and engineer's fees, municipal inspection fees, and any other required professional or inspection fees.

§ 232.904 Term of the mortgage.

Notwithstanding the provisions of § 232.27, a mortgage insured under this subpart must have a maturity satisfactory to the Commissioner which is not less than 10 years, nor more than the lesser of 35 years or 75 percent of the estimated remaining economic life of the physical improvements. The term of the mortgage will begin on the first day of the second month following the date of endorsement of the mortgage for insurance.

§ 232.905 Labor standards and prevailing wage requirements.

The provisions of §§ 232.70–232.74 of this part shall not apply to mortgages insured under commitments issued in accordance with this subpart.

§ 232.906 Processing and commitment.

Notwithstanding the provisions of §§ 232.5, 232.10 and 232.12 of this part, a mortgage insured under this subpart shall meet the following application's commitment, inspection and fee requirements.

(a) *Application.* An application for a conditional or firm commitment for insurance of a mortgage on a Project shall be submitted by the sponsor and an approved mortgagee. Such application shall be submitted to the local HUD office on an FHA approved form. No application shall be considered unless accompanied by the exhibits required by the form. An application may, at the option of the applicant, be submitted for a firm commitment omitting the conditional commitment stage. An application may be made for a commitment which provides for the insurance of the mortgage upon completion of the improvements or for a commitment which provides, in accordance with standards established by the Commissioner, for the completing of specified repairs and improvements after endorsement.

(b) *Application fee—conditional commitment.* An application-commitment fee of $2 per thousand dollars of the requested mortgage amount shall accompany an application for conditional commitment.

(c) *Application fee—firm commitment.* An application for firm commitment shall be accompanied by an application-commitment fee of $3 per thousand dollars of the requested mortgage amount to be insured less the amount of any fee previously received for a conditional commitment.

(d) *Inspection fee.* Where an application provides for the completion of repairs and improvements, an inspection fee of up to one percent (1%) of the cost of the repairs and improvements maybe charged by the Commissioner.

3. Title 24 of the Code of Federal Regulations is amended by adding a new Part 252, to read as follows:

PART 252—COINSURANCE OF MORTGAGES COVERING NURSING HOMES, INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE HOMES

Subpart A—General Provisions

Sec.
252.1 Purpose and scope.
252.2 Coinsurance contract.
252.3 Definitions.
252.4 Effect of amendments.

Subpart B—Lender Requirements

252.101 Eligible lender.
252.102 Review and approval as coinsuring lender.
252.103 Duration of approval.
252.104 Withdrawal of approval.
252.105 Delegation of servicing.
252.106 Assignment of and participation in coinsured mortgages.
252.107 Reinsurance.
252.108 Pledging and other security arrangements.

Subpart C—Program Requirements

252.201 Eligible project.
252.202 Eligible mortgagors.
252.203 Maximum mortgage limitations.
252.204 Maximum interest rate.
252.205 Term of the mortgage.
252.206 Lender's fees and premiums.
252.207 Coinsurance of mortgages in lender's portfolio.
252.208 Nondiscrimination in housing and employment.
252.209 Labor standards and prevailing wage requirements.

Subpart D—Processing and Commitment

252.301 Processing and development responsibilities.
252.302 Processing and commitment.
252.303 Required certificates.

Subpart E—Insurance of Advances; Insurance Upon Completion; Construction Period

252.401 Insurance of advances or insurance upon completion; applicability of requirements.
252.402 Insurance of advances.
252.403 Insurance upon completion.
252.404 Requirements applicable to both insurance of advances and insurance upon completion cases.
252.405 Lender review of mortgage amount.
252.406 Application of net income received before beginning of amortization.
252.407 Endorsement by the Commissioner.

Subpart F—Mortgage and Closing Requirements

252.501 Mortgage requirements—real estate.
252.502 Title.
252.503 Mortgage and note provisions.
252.504 Mortgage lien and other obligations.
252.505 Regulatory agreement.
252.506 Other closing documents.

Subpart G—Requirements Relating to Structure of Mortgagor Entity and Transfers of Ownership Interest

252.601 Requirements applicable to all projects.

Subpart H—Program Requirements Relating to Project Operation

252.701 General.
252.702 Reserve for replacements and general operating reserve.
252.703 Rents and charges.
252.704 Use of project funds.
252.705 Distributions and residual receipts.
252.706 Project management.

Subpart I—Contract Rights and Obligations

Mortgage Insurance Premiums
252.801 MIP in insurance of advances cases.
252.802 MIP in insurance upon completion cases.
252.803 Duration and method of payment of MIP.
252.804 Pro-rata refund of annual MIP.
252.805 Late charges—MIP.
252.806 [Reserved]
Delinquency and Default Under the Mortgage
252.807 Notice of delinquency.
252.808 Definition of default.
252.809 Date of default.
252.810 Notice of default.
252.811 Financial relief to cure a default.
252.812 Reinstatement of a defaulted mortgage.
Termination
252.813 Termination of coinsurance contract.
252.814 Notice and date of termination by Commissioner.
Claim Procedure and Payment of Insurance Benefits
252.815 Notice of election to acquire property and file a claim.
252.816 Acquisition of property.
252.817 Deed-in-lieu of foreclosure.
252.818 Disposition of property and application for insurance benefits.
252.819 Method of payment.
252.820 Amount of payment.
252.821 Items included in payment.
252.822 Items deducted from payment.
252.823 [Reserved]
Remedies for Default by a Lender-Issuer Under the Government National Mortgage Association (GNMA) Mortgage-Backed Securities Program
252.824 Indemnification of GNMA.
252.825 Withdrawal of lender approval.
252.826 HUD recourse against lender-issuer.
252.827 GNMA right to assignment.
252.828 GNMA right to claim coinsurance benefits after lender-issuer's acquisition of title.

Subpart J—Coinsurance of Mortgages Covering Existing Projects

252.901 Mortgages covering existing insured projects eligible for coinsurance.
252.902 Eligible project.
252.903 Maximum mortgage limitations.
252.904 Terms of the mortgage.
252.905 Labor standards and prevailing wage requirements.
252.906 Processing and commitment.

Authority: Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)), sec. 211, National Housing Act, 12 U.S.C. 1715(b), and sec. 244, National Housing Act, 12 U.S.C. 1715z(9).

Subpart A—General Provisions

§ 252.1 Purpose and scope.

(a) Section 307 of the Housing and community Development Act of 1974 amended the National Housing Act (the Act) by adding a new section 244 entitled, "Coinsurance". Section 244 authorizes the Department to insure, under a Coinsurance Contract, any Mortgage otherwise eligible for insurance under Title II of the Act. The Coinsurance Contract provides that the approved lender,

(1) Assume a percentage of any loss, and

(2) Carry out (subject to monitoring), underwriting, commitment, property disposition and other functions that the Federal Housing Commissioner (Commissioner) approves.

(b) HUD expects that the sharing of risk and the assumption by the lender of major processing functions under Coinsurance will reduce processing time and HUD staff burden, and increase lender involvement in all phases of the HUD Mortgage insurance process.

(c) Section 244(c) of the Act permits the Secretary to coinsure Mortgages only if the Secretary determines, after due consultation with the mortgage lending industry, that Coinsurance will not disrupt the Mortgage market or reduce the availability of Mortgage credit to borrowers who depend upon full mortgage insurance provided under the Act. HUD has invited, and will continue to invite, through formal public comment procedures and otherwise, the Mortgage lending industry and other interested parties to make their view known on these issues. Issuance of this Part 252 (and any later amendment to it) for effect will mean that no adverse effects are reasonably predictable at the time of issuance. However, the Department will continue to monitor the effects of Coinsurance and will welcome the submission of evidence that shows that disruption of the housing or Mortgage market or reductions in Mortgage credit are occurring (or will occur) as a result of the Coinsurance program.

(d) This part provides for the Coinsurance of Mortgages under section 232 of the Act, which covers nursing homes, intermediate care facilities and board and care homes. With the exception of mortgages coinsured under

Subpart J of this part. Projects covered by a coinsured mortgage under this part must be newly constructed or substantially rehabilitated.

(e) No full insurance authorized under any provision of the Act will be withdrawn, denied, or delayed because of the availability of Coinsurance under this part.

(f)(1) If the Commissioner determines that Coinsurance under this part is having an adverse effect on the availability of Mortgage credit to older and declining neighborhoods or to purchasers of older and lower cost housing, the Commissioner will discontinue the program after due notice. In such a case, no further Coinsurance applciations will be accepted nor will any further commitments under the program be authorized.

(2) If the Commissioner determines that coinsurance under this part is disrupting (or will disrupt) the market for projects under this part and related facilities or mortgage markets, or is adversely impacting (or will adversely impact other federally insured projects in a market area, the Commissioner will modify, suspend, or discontinue coinsurance activities in such area after due notice.

(g) Neither the Coinsuring lender nor the Mortgagor shall have any vested or other right in the General Insurance Fund.

§ 252.2 Coinsurance contract.

The Contract of Coinsurance is the agreement between the lender and the Commissioner to coinsure a Mortgage under this part. It is evidenced by an endorsement on the Mortgage note by the Commissioner, or by the Commissioner's authorized Departmental representative, and includes the terms, conditions and provisions of this part.

§ 252.3 Definitions.

(a) "Act"means the National Housing Act, as amended.

(b) "Board and Care Homes" means a proprietary residential facility, or a residential facility owned by a private nonprofit corporation or association, providing room, board and continuous protective oversight, which facility is regulated by a State in accordance with section 161(6)(e) of the Social Security Act. Said facility will be located in a State that, at the time an application is made for coinsurance under this part, has demonstrated to the coinsuring lender that it is in compliance with the provisions of section 161(6)(e). Continuous protective oversight involves a range of activities or services, which services might include such services for relatively independent occupants as awareness on the part of management and staff of an occupant's condition and whereabouts and the ability to intervene in the event of crisis, or for relatively dependent occupants, such services as supervision of nutrition or medication, assistance as necessary with activities of daily living, such as bathing, dressing, shopping, or eating, or a twenty-four hour responsibility for the welfare of the occupant. Continuous protective oversight is not limited to the above activities, nor must it include the examples given.

(c) "Coinsured mortgage" means a Mortgage concerning which the risk of loss is shared by the lender and the Commissioner. The coinsurance is evidenced by an endorsement of the mortgage note by the Commissioner or by the Commissioner's authorized representative.

(d) "Distribution" means the withdrawal of any cash or asset of the Project, excluding outlays for:

(1) Any payment due under the Mortgage or regulatory agreement.

(2) Reasonable expenses necessary for proper operation and maintenance of the Project; and

(3) Repayment of advances from the owner, when such repayments are authorized by the Commissioner.

(e) "Firm commitment" means the commitment from the lender to the Mortgagor that contains final determinations by the lender of the maximum insurable Mortgage, which determination is based upon complete working drawings, specifications and cost estimates, and is prepared in a manner specified by the Commissioner. The Firm Commitment may not be issued for longer than sixty days, by which time the Project must be initially endorsed for insurance of advanced cases, or construction started for insurance upon completion cases. The Firm Commitment may be extended by the lender as provided in § 252.4.

(f) "Intermediate Care Facility" means a proprietary facility or a facility of a private nonprofit corporation or association licensed or regulated by the State, or if there is no State law providing for such licensing and regulation, then by the municipality or other political subdivision in which the facility is located. The facility will provide for the accommodation of persons who, because of incapacitating infirmities, require minimum but continuous care but are not in need of continuous medical or nursing services. The term also includes additional facilities for the nonresident care of elderly individuals and others who are able to live independently but who require care during the day.

(g) "Mortgage" means a first lien on real estate and other property commonly given to secure either advances on real estate or the unpaid balance of the purchase price of real estate under the laws of the jurisdiction in which the real estate is located. "Mortgage" includes any credit instrument(s) secured by the real estate.

(h) "Mortgage Insurance Premium" (MIP) means the mortgage insurance premium collected under §§ 252.801 and 252.802 of this part.

(i) "Mortgagor" means the original borrower under a Mortgage and its successors, and any assigns approved by the Commissioner.

(j) "Nonprofit mortgagor" means an entity that is organized for reasons other than financial gain and that the lender finds is not controlled or directed by persons or firms seeking to derive financial gain from it. The operation of a Nonprofit Mortgagor must be regulated under Federal or State law, and by the lender by means of a regulatory agreement.

(k) "Nursing Home" means a proprietary facility or a facility of a private nonprofit corporation or association licensed or regulated by the State, or a municipality or other political subdivision in which the facility is located. The facility will also provide for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing care and related medical services. In all such facilities, the nursing care and medical services must be prescribed by or performed under the general direction of persons licensed to provide such care or services in accordance with the laws of the State where the facility is located.

(l) "Project" means a Nursing Home, Intermediate Care Facility or Board and Care Home, or any combination of Nursing Home, Intermediate Care Facility, or Board and Care Home approved by the lender under provisions of this subpart. A Project includes the land on which it is situated and, subject to standards established by the Commissioner, a Project may include,

(1) Such additional facilities as may be authorized by the lender for the nonresident care of elderly individuals and others who are able to live independently but who require care during the day and

(2) Such major movable equipment as may be authorized by the lender as necessary for the operation of the Project.

(m) "Proprietary mortgagor" means an owner that is profit motivated, and may be a corporation, partnership, trust, individual, or any other qualified legal entity.

(n) "State" includes the several States, Puerto Rico, the District of Columbia, Guam, the Trust Territory of the Pacific Islands, American Samoa, and the Virgin Islands.

(o) "Substantial rehabilitation" consists of repairs, replacements, and improvements and additions:

(1) The cost of which exceeds the greater of fifteen percent (15%) of the Project's value after completion of all repairs, replacements, improvements, and additions, or

(2) That involve the replacement of more than one major building component. For purposes of this definition, the term major building component includes:

(i) Roof structures;

(ii) Ceiling, wall, or floor structures;

(iii) Foundations;

(iv) Plumbing systems;

(v) Heating and air conditioning systems;

(vi) Electrical systems.

(p) "Sound capital resources" means the excess of the coinsuring lender's assets (minus any valuation allowances) over its liabilities (generally referred to as its net worth), plus allowed letters of credit. Net worth includes paid-in capital stock, surplus reserves, undistributed earnings and any other unencumbered resources of the coinsuring lender. Sound capital resources may include (up to the limit specified in § 252.102(b) (2)) an unconditional and irrevocable firm letter of credit from a supervised financial institution with assets of not less than $100,000,000. For purposes of determining sound capital resources, a loss reserve established to cover coinsurance liability under this part that is treated as a liability in the lender's balance sheets may be deemed a capital item rather than a liability.

(q) "Surplus cash" means any unrestricted cash remaining after:

(1) The payment of: (i) All sums due or currently required to be paid under the terms of the Mortgage coinsured by the Commissioner;

(ii) All amounts required to be deposited in any replacement or operating reserve; and

(iii) All other obligations of the Project, unless funds for payment are set aside or deferral of payment has been approved by the lender; and

(2) The segregation and recording of an amount equal to: (i) The aggregate of any special funds required to be maintained by the Project; and

(ii) The Project's total liability for patient or resident security deposits.

In computing Surplus Cash, the Mortgagor must follow any administrative requirements prescribed by the Commissioner.

§ 252.4 Effect of amendments.

The Commissioner may amend the regulations in this part from time to time. Amendments will not adversely affect the interests of a lender under a Contract of Coinsurance on any Mortgage already coinsured or on any Mortgage to be coinsured on which the lender has already issued a firm commitment to insure, provided the Mortgage is initially endorsed (insurance of advances) or construction starts (insurance upon completion) within 60 days after issuance of the Firm Commitment. The 60 days will run from the date of the original issuance of the Firm Commitment or from the date of any amendment, reissuance, or extension of a commitment that occurred before the effective date of the amendment of the regulation.

Subpart B—Lender Requirements

§ 252.101 Eligible lender.

The Commissioner may approve as a coinsuring lender any lender that (a) is currently a HUD-approved multifamily lender under 24 CFR 203.3 through 203.6, or 203.7(c); and (b) meets the requirements of § 252.102. A lender approved as a coinsuring lender under the provisions of 24 CFR Part 255 may be approved for coinsurance for the purchase or refinancing of Nursing Homes, Intermediate Care Facilities or Board and Care Homes only if the lender has also been approved as a coinsuring lender under provisions of this part.

§ 252.102 Review and approval as coinsuring lender.

The Commissioner will review an applicant lender's technical staff and procedures before granting approval as a coinsuring lender under this part. This review, which may include an on-site review of the lender's operations, will establish the adequacy of technical staff, processing procedures, development and management oversight, mortgage servicing, and any disposition functions.

(a) A fee of $5,000 is charged for each application for approval as a coinsuring lender. This fee will not be refunded once the application has been determined acceptable for initial review.

(b) An applicant lender must submit:

(1) A written opinion of its counsel that it has the necessary powers to participate in the coinsurance program under this part.

(2) Evidence acceptable to the Commissioner of Sound Capital Resources of not less than $1,500,000, in liquid funds. Up to $500,000 of the Sound Capital Resources may be met by an unconditional and irrevocable firm letter of credit. The lender must agree that, for the period of the coinsurance, it will maintain the basic Sound Capital Resources requirement and an additional one dollar of liquid assets for each 200 dollars of outstanding principal indebtedness on mortgages it has coinsured under this part.

(3) Evidence acceptable to the Commissioner that:

(1) The lender has the operating procedures, internal management controls, and technical staff (under contract or in its own employ) necessary to discharge full Mortgage underwriting, oversight, servicing, management, property repair and disposition, and other functions. It must employ adequate staff to monitor contract work and make final underwriting conclusions.

(ii) The lender has technical staff in its own employ who are experienced in the operation/management of Nursing Homes, Intermediate Care Facilities and Board and Care Homes, and are experienced in analyzing the certificates required under the provisions of § 252.303 of this part, and are experienced in analyzing reimbursement for Nursing Homes, Intermediate Care Facilities and Board and Care Homes under all Federal or State funded programs and other third party payors.

(4) A statement agreeing to notify HUD of any changes in its operating procedures and principal staff and to make no changes that are inconsistent with this part.

(5) The lender's most recent detailed audit report of its financial records, supplemented as the Commissioner may require. The audit must be made by an independent certified public accountant or independent public accountant licensed by a regulatory authority of a State or other political subdivision on or before December 31, 1970.

(6) A statement agreeing to file annual audits similar to those described in paragraph (a)(5) of this section, and annual reports on its processing and commitment activities, coinsured loan portfolio and loan servicing activities. The annual audits and reports must be prepared in formats acceptable to the Commissioner and submitted within the time limits established by the Commissioner.

BEST COPY AVAILABLE

VOL 52 ISS 251 DEC 31 1987 UMI

VOL 52 ISS 251 DEC 31 1987 UMI

(7) A statement agreeing to auditing by the Commissioner, the HUD Inspector General, and the Comptroller General of the United States with respect to its activities under this part. For this purpose, the Commissioner, the HUD Inspector General, the Comptroller General and their authorized agents shall have access to the financial records of the lender.

(8) A statement agreeing to comply with the provisions of Title VIII of the Civil Rights Act of 1968 as amended, the Equal Credit Opportunity Act, Executive Order 11063 as amended, and other Federal laws and regulations issued under these authorities with respect to the lending, investing of funds in mortgages, or the lender's activities as a coinsuring lender under this part.

(9) A statement agreeing to retain all its legal obligations under this part, if it delegates servicing functions, as provided in § 252.105.

(10) A statement agreeing to abide by all applicable requirements issued by the Commissioner for performing the lender's functions under this part.

§ 255.103 Duration of approval.

Initial approval as a coinsuring lender will continue in force until one of the following occurs:

(a) Expiration of the Secretary's authority to coinsure under this part. A temporary lapse in this authority will not terminate the lender's approved coinsurer status or affect outstanding firm commitments or coinsurance in force. However, lenders are responsible for suspending issuance, extension, or reopening of commitments during these periods.

(b) Suspension or withdrawal of approval under § 252.104.

§ 252.104 Withdrawal of approval.

(a) Approval as a coinsuring lender under this part may be withdrawn or suspended for any of the following causes:

(1) Failure to maintain satisfactory Sound Capital Resources;

(2) Failure to discharge its responsibilities under any regulatory agreement, coinsurance contract, or administrative procedures issued by the Commissioner under this part;

(3) Payment by the lender, in any insurance transaction, of any fee, kickback, or other consideration, directly or indirectly, to any person who has received any consideration from another person for services related to the transaction; however, compensation may be paid for the actual performance of services approved by the Commissioner;

(4) Submission of a false, fraudulent or incomplete report to HUD or the incurring of any indebtedness to HUD for which no satisfactory repayment plan or agreement is in effect;

(5) Failure to pay any amount owed to a holder of securities guaranteed by the Government National Mortgage Association (GNMA) and backed by a coinsured loan;

(6) Assigning a Coinsured Mortgage to an entity that is not a HUD-approved coinsuring lender;

(7) Other reasons the Commissioner determines to be justified in accordance with Part 24 of this title or by action of the Mortgagee Review Board in accordance with Part 25 of this title.

(8) Failure to comply with the provisions of Executive Order 11063 as amended, the Equal Credit Opportunity Act, Title VIII of the Civil Rights Act of 1968, as amended, and regulations issued under these authorities with respect to the lending, investing of funds in mortgages, or the lender's activities as a coinsuring lender under this part.

(b) HUD may place a mortgagee on probation for a specified period of time for the purpose of evaluating the mortgagee's compliance with the requirements of the coinsurance program. During the probation period the mortgagee may continue to issue commitments for insurance, subject to conditions required by HUD. Such conditions may include, but are not limited to, submission of the processing to HUD for its approval before issuance of the commitment.

(c) Coinsuring lenders will be notified in writing by the Commissioner, or designee, when a probation, suspension or withdrawal action is taken. The notice will specifically state the cause, effect, the duration of the action. Lenders must comply with the conditions of the notice immediately, but may request an informal hearing on the action within 10 working days of receipt of the notice. The hearing shall be held by the Commissioner or designee. The lender shall be given the opportunity to be heard within 10 days of receipt of the request and may be represented by counsel. The Commissioner or designee will notify the lender in writing of the results of the hearing within 10 working days of the hearing and receipt of any materials. A decision to withdraw, suspend, or continue probation following a hearing constitutes final agency action.

(d) Probation, withdrawal or suspension of approval as a coinsuring lender will not affect any coinsurance or commitments in effect at the time of the probation, withdrawal or suspension of approval.

(e) Serious misconduct or noncompliance with the requirements of the coinsurance program may also result in action against coinsurance lenders in accordance with Part 24 of this title or by action of the Mortgagee Review Board in accordance with Part 25 of this title.

§ 252.105 Delegation of servicing.

(a) The lender must directly service all coinsured loans included in GNMA securities pools. In all other instances, the lender may choose to service its coinsured loans or arrange for another entity to service the Mortgages, provided the contract servicer is a HUD-approved lender under §§ 203.1 through 203.0, or § 203.7(c) of this chapter, and the coinsuring lender retains its obligations under this part.

(b) The lender must inform HUD of any delegation of servicing on a form prescribed by the Commissioner.

(c) If HUD considers the servicer's performance to be unsatisfactory, HUD may require the lender to cancel the servicing agreement after giving the lender a 30-day written notice.

§ 252.106 Assignment of and participation in coinsured mortgages.

(a) A lender may assign a Coinsured Mortgage to another lender if the following requirements are satisfied:

(1) The assignee is a HUD-approved coinsuring lender;

(2) The lender shows, to the satisfaction of the Commissioner, good cause for the assignment;

(3) The Commissioner finds that the assignment is for good cause and that there will be no disavantage to HUD; and

(4) The Commissioner gives prior written approval for the assignment and any risk allocation between the assignor and assignee.

(b) The lender must inform HUD in a form prescribed by the Commissioner following the assignment of any Coinsured Mortgage. The lender will not be relieved of its obligation to pay mortgage insurance premiums until HUD has received this notice.

(c) Transfer of partial interest under participating agreement.

(1) A partial interest in a Coinsured Mortgage shall be held by an approved coinsuring lender, which shall (for purposes of this paragraph) be transferble without obtaining the approval of the Commissioner under a participation agreement or arrangement, if the following conditions are met:

(i) The Coinsured Mortgage shall be held by an approved coinsuring lender, which shall (for purposes of this paragraph) be referred to as the "principal lender;"

(ii) A participation or partial interest in a Coinsured Mortgage shall be issued to and held by:

(A) A lender approved by the Commissioner or

(B) A pension or retirement fund or a profit-sharing plan maintained and administered by a corporation or by a governmental agency or by a trustee or trustees, which the principal lender determines has lawful authority to acquire a partial interest in a Coinsured Mortgage under the conditions set forth in this paragraph;

(iii) The participation agreement or arrangement shall provide that the principal lender shall remain the lender of record under the Contract of Coinsurance and that the Commissioner shall have no obligation to recognize or do business with any other party except the lender of record with respect to the rights, benefits, and obligations of the lender under the Contract of Coinsurance.

(2) No notice of any sale or transfer of a participating or partial interest is required unless the Coinsured Mortgage is transferred in its entirety to a new principal lender on the publis records.

(3) The participation agreement, declaration of trust or other instrument under which the interest is transferred shall disclose:

(i) That the principal lender has assumed a stated percentage of the risk of loss under the coinsured mortgage or mortgages;

(ii) Whether the transfer of the partial interest will shift any portion of the risk of loss to the holder of the partial interest; and

(iii) That no insurance fund administered by HUD will pay benefits to protect against any risk of loss assumed by the principal lender and transferred to the holder of the partial interest.

(d) Government National Mortgage Association requirements: (1) If the Coinsured Mortgage is used to back securities guaranteed by the Government National Mortgage Insurance association (GNMA), GNMA approval is required for the assignment of the pooled mortgage.

(2) When a coinsured mortgage is to be in a GNMA mortgage pool backing one or more GNMA Project Loan Certificates, the lender-issuer and the holder of a partial interest under participation agreement (b) of this section must certify that the interest shall terminate as of the release (delivery) of the Project Loan Certificates. No partial interest may exist in mortgages backing GNMA Construction Loan Certificates or GNMA Project Loan Certificates.

§ 252.107 Reinsurance.

(a) The lender may reinsure its potential loss with respect to a particular Project. Reinsurance may be obtained for:

(1) Up to and including 50 percent of its risk;

(2) Above 50 percent; or

(3) That percentage of its risk that equals the maximum amount the reinsurer is authorized by State law to reinsure.

(b) The effect of reinsurance on the insurance benefits payable by the Commissioner is governed by § 252.820.

(c) Any reinsurance policy must name the Commissioner as contingent beneficiary where default by the lender compels the Commissioner under § 252.824 to reimburse the Government National Mortgage Association for the amount that the GNMA had to pay securities holders as a result of the lender's default in payment, subject to the ceilings provided in § 252.824.

§ 252.108 Pledging and other security arrangements.

A lender may pledge the beneficial interests in a Coinsured Mortgage as security under the terms of a reunsurance contract, trust indenture, third party gurantee agreement, or similar financing arrangement directly related to the coinsurance transaction, subject to the following conditions:

(a) The lender must retain legal title to the note and the Mortgage, subject to the security interest created, unless the title is otherwise transferred in accordance with § 252.106. Legal title to the note and Mortgage may not, at any time, be held by other than a coinsuring lender approved by the Commissioner.

(b) The Commissioner will have no obligation to recognize or deal with anyone other than the coinsuring lender of record of any successor to the lender's title to the Mortgage and mortgage note with respect to the rights, benefits, and obligations of the coinsuring lender.

(c) The Mortgagor will have no obligation to recognize or deal with anyone other than the coinsuring lender or an approved coinsuring lender succeeding to title to the Mortgage or Mortgage note, or to such other person or entity servicing the Mortgage loan under § 252.105, except that the mortgagor may be directed to make payments under the Mortgage and the Mortgage note to a successor lender or to one or more custodial accounts.

(d) A lender may not pledge the beneficial interests of Coinsured Mortgages backing Government National Mortgage Association (GNMA) Construction or Project Loan Certificates except as authorized by GNMA.

Subpart C—Program Requirements

§ 252.201 Eligible project.

(a) Except as provided in Subpart J, to be eligible for coinsurance under this part a Project must be newly constructed or substantially rehabilitated. A Project must conform to standards established by the Commissioner, including limitations on commercial space, and comply with all applicable zoning or deed restrictions, and applicable building and other government regulations.

(1) If a nursing home or intermediate care facility, a Project shall consist of not fewer than 20 beds after completion of the construction or rehabilitation. The nursing home or intermediate care beds will be clearly designated and separate from any board and care beds in the facility.

[Alternative A]

(2) If a board and care home, a Project shall contain not fewer than five residential one-bedroom or efficiency accommodations after completion of the construction or substantial rehabilitation. A maximum of four persons per full bathroom shall be permitted in each board and care home. Group dining facilities shall be available. Kitchen facilities are not required in each accommodation. Only one to four person occupancy will be permitted in each bedroom accommodation. A board and care home owner must also meet State and local occupancy requirements permitting fewer than four persons per accommodation. The board and care beds will be clearly designated and separate from any nursing home or intermediate care beds in the facility.

[Alternative B]

(2) If a board and care home, a Project shall contain not fewer than five residential one-bedroom or efficiency accommodations after completion of the construction or substantial rehabilitation. Unless State or local standards, as provided by requirements designated under section 1616 of the Social Security Act otherwise indicate, a maximum ratio of four persons per full bathroom and four person occupancy in each bedroom accommodation shall be permitted in each board and care home. Group dining facilities shall be available. Kitchen facilities are not

required in each accommodation. A board and care home owner must also meet State and local occupancy requirements permitting fewer than four persons per accommodation. The board and care beds will be clearly designated and separate from any nursing home or intermediate care beds in the facility.

(b) The Commissioner must review all projects proposed for coinsurance under this part for compliance with the requirements of the National Environmental Policy Act of 1969 and related laws and authorities as set forth in Part 50 of this title.

(c) No insurance will be made available under this part for any building located in an area identified by the Federal Emergency Management Agency (FEMA) as having special hazards unless

(1) The jurisdiction in which the project is located in participating in the National Flood Insurance Program and is subject to 44 CFR Parts 59 through 79 or

(2) Less than a year has passed since FEMA notification regarding such hazards, and flood insurance is obtained in compliance with the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001).

(d) No insurance will be made available under this part with respect to a property within the Coastal Barriers Resources Systems established by the Coastal Barriers Resources Act (16 U.S.C. 3501).

(e) Wherever applicable, projects under this part must comply with the National Historic Preservation Act (16 U.S.C. 470).

§ 252.202 Eligible mortgagors.

Nonprofit and proprietary mortgagors approved by the coinsuring lender in accordance with standards established by the Commissioner are eligible under this part. The mortgagor must possess the legal powers necessary and incidental to operating the Project except where it leases the Project to a qualified operator, in which case the lessee shall be approved by the coinsuring lender and must possess the legal powers necessary and incidental to operating the Project.

§ 252.203 Maximum mortgage limitations.

The coinsured mortgage shall involve a principal obligation not in excess of ninety percent (90%) of the coinsured lender's estimate of the value of the Project, including major movable equipment to be used in its operation, when the proposed improvements are completed and the equipment is installed.

(a) A coinsured mortgage covering a Project to be substantially rehabilitated shall also be subject to the following limitations:

(1) Where the Project is owned by the mortgagor in unencumbered fee simple, or is subject to existing indebtedness to be refinanced by part of the proceeds of the coinsured mortgage, the maximum coinsured mortgage may not exceed the lesser of

(i) The sum of the cost of rehabilitation plus the existing indebtedness or

(ii) Ninety percent of the estimated Project value after completion of rehabilitation, and installation of major movable equipment.

(2) Where the Project is to be acquired and the purchase price to be financed with part of the proceeds of the coinsured mortgage, the maximum coinsured mortgage may not exceed the lesser of

(i) The sum of the cost of rehabilitation plus the purchase price of the Project or

(ii) Ninety percent of the value of the Project after rehabilitation.

(b) Where the coinsured mortgage covers a leasehold estate rather than a fee simple estate, the value of the Project shall include the value of the leasehold estate, as determined by the lender, which shall in all cases be less than the value or replacement cost of the Project in fee simple.

§ 252.204 Maximum interest rate.

The interest rate in a commitment to coinsure, including a commitment for Mortgage increase, shall be at such rate as may be agreed upon by the Mortgagor and the coinsuring lender at the time the commitment is issued. The interest rate may be increased or decreased only after reprocessing and issuance of an amended commitment. The interest rate may not be increased after initial endorsement (insurance of advances) or start of construction (insurance upon completion), except that where a Mortgage increase is requested, processed, and approved, a higher rater may be applied to the amount of the increase only.

§ 252.205 Term of the mortgage.

The Mortgage term may not exceed 40 years from the date of first payment to principal or 75 percent of the lender's estimate of the project's remaining economic life.

§ 252.206 Lender's fees and premiums.

(a) The lender may collect from the mortgagor, and include in the coinsured mortgage, an application fee, financing fee, permanent placement fee, and inspection fee. These fees may not exceed the maximums approved by the Commissioner. The lender may collect additional fees, approved by the Commissioner, that are outside the coinsured mortgage and that must be disclosed at initial endorsement (insurance of advances) or endorsement (insurance upon completion). In no event will the fees allowed under this paragraph be permitted to exceed comparable fees allowed in the full insurance program under section 232 of the Act.

(b) The coinsuring lender may collect a lender's premium of up to .25 percent per year of the average outstanding principal balance of the Mortgage (without regard to delinquent payments or prepayments) beginning not earlier than 12 months after the date of initial endorsement (insurance of advances) or the date of endorsement (insurance upon completion). This premium will be for the account of the lender or an insurer of the lender.

§ 252.207 Coinsurance of mortgages in lender's portfolio.

(a) Coinsurance under this part is available for Mortgages that the lender (or a related entity) already holds in its own portfolio only if:

(1) The loan is current and has not been in default, modification, or forbearance at any time during the two years preceding the submission of the application to the lender.

(2) Refinancing of portfolio loans makes up no more than one-fourth of the total number of loans the lender presents for endorsement for coinsurance during any 12-month period; and

(3) The entire loan transaction is reviewed and approved by the Commissioner (in his or her discretion) before any commitment is issued.

(b) The following loans will not be subject to the one-fourth limitation in paragraph (a)(2) of this section:

(1) Mortgages insured by HUD under its full insurance programs; and

(2) Mortgages in which the lender's sole investment is servicing.

(3) Mortgages in which no equity is removed.

§ 252.208 Nondiscrimination in housing and employment.

The mortgagor shall certify to the lender and to the Commissioner that, as long as the mortgage is coinsured under this part:

(a) Neither it, nor anyone authorized to act for it, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the property covered by the mortgage to any person because of race, color, sex, religion, or national origin;

(b) Any restrictive covenant on such property relating to race, color, sex, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed;

(c) Civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification;

(d) It will comply with title VIII of the Civil Rights Act of 1968, as amended, and implementing regulations and adminstrative procedures that prohibit discrimination because of race, color, religion (creed), sex, or national origin; administer the Project and related activities to further fair housing in an affirmative manner; and comply with State and local fair housing laws;

(e) It will comply with Executive Order 11063 and implementing regulations and administrative procedures that prohibit discrimination because of race, color, religion (creed), sex, or national origin in housing and related facilities provided with Federal financial assistance; and

(f) It will not discriminate because of race, color, religion, sex, or national origin against any employee or applicant for employment. Provisions to this effect, and, in addition, the provisions of Executive Order 12246 and 41 CFR Chapter 60, where appropriate, will apply to any contract or subcontract for project repairs and improvements over the life of the mortgage.

(g) Marketing will be done in accordance with the HUD-approved Fair Housing Marketing Plan.

§ 252.209 Labor standards and prevailing wage requirements.

With the exception of mortgages coinsured under Subpart J of this part, the following labor standards and prevailing wage requirements shall be applicable to Mortgages coinsured under this part. The Commissioner shall assure compliance with those standards and requirements and the lender must obtain, evaluate, and submit any information or certifications required by the Commissioner to assist the Commissioner in carrying out this function.

(a) *Labor standards.* Any contract, subcontract, or building loan agreement executed for a project to be constructed or Substantially Rehabilitated under this part shall comply with all applicable labor standards and provisions of 29 CFR Parts 1, 3 and 5, issued by the Secretary of Labor.

(b) *Ineligible advances.* No advance under the Mortgage shall be eligible for coinsurance after the lender determines (in accordance with the Commissioner's administrative procedures) that the general contractor or any subcontractor or any firm, corporation, partnership or association in which the contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on the ineligible list established by the Comptroller General, pursuant to 29 CFR 5.12, issued by the Secretary of Labor.

(c) *Wage certificate.* No advance under any Mortgage shall be coinsured under this part unless there is filed with the application for the advance, and no mortgage shall be coinsured under this part unless there is filed with the Commissioner after completion of the construction or Substantial Rehabilitation, a certificate or certificates in the form required by the Commissioner, supported by such other information as the Commissioner may prescribe, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or Project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor before the beginning of construction and after the date of filing of the application for insurance.

(d) *Waiver of compliance with contract requirements—nonprofit mortgagors.* In the case of a nonprofit mortgagor, the Commissioner may waive the requirement for compliance with the contract provisions prescribed in paragraph (a) of this section in cases or classes of cases where laborers or mechanics, not otherwise employed at any time in the construction or rehabilitation of the project, voluntarily donate their services without compensation for the purpose of lowering the costs of construction and where the Commissioner determines that full credit has been received by the mortgagor for any amounts saved through such donated services.

Subpart D—Processing and Commitment

§ 252.301 Processing and development responsibilities.

(a) The lender is responsible for the performance of all functions under this part, including acceptance and review of applications, issuance of commitments, inspections and closings, except those functions specified in paragraphs (b), (d) and (e) of this section.

(b) Certain functions are retained by the Commissioner. The lender must submit any information or certifications required by the Commissioner to permit determinations of compliance with requirements concerning:

(1) Previous participation of the principals of the Mortgagor, general contractor, consultant, and management agent in accordance with the Previous Participation and Clearance Review Procedures of 24 CFR 200.210 through 200.218;

(2) Environmental impact under the National Environmental Policy Act of 1969 and related laws and authorities set forth in 24 CFR Part 50;

(3) Equal opportunity considerations in the development and operation of the proposed project in accordance with the provisions of Executive Order 11063, as amended, the Equal Credit Opportunity Act, Title VIII of the Civil Rights Act of 1968, as amended, and regulations issued under these authorities.

(4) The National Historic Preservation Act, 16 U.S.C. 470, where applicable.

(c) The lender must also submit any information required by the Commissioner for tracking or monitoring purposes.

(d) The Commissioner's authorized Departmental representative must endorse the Mortgage for coinsurance.

(e) With the exception of mortgages coinsured under Subpart J of this part, the Commissioner retains responsibility for enforcement of labor standards and prevailing wage requirements set out in § 252.209. The Commissioner will perform all functions under § 252.209 except that he may delegate to the lender information collection (e.g., payroll review and routine interviews) or other routine administration and enforcement functions, subject to monitoring by the Commissioner.

§ 252.302 Processing and commitment.

(a) After acceptance of an application for a commitment to coinsure, the lender will determine the maximum coinsurable Mortgage, review plans and specifications for compliance with HUD standards, determine the acceptability of the proposed management agent, and make other determinations necessary to assure acceptability of the proposed project. The lender must make these determinations in the manner prescribed by the Commissioner.

(b) The lender may issue a Firm Commitment to coinsure after completion of its review and after receipt of written evidence from the Commissioner of:

(1) The acceptability of the Project in the areas of responsibility retained by

the Commissioner under § 252.301(b), and

(2) Completion of any case review requirements of the Commissioner that are part of its lender approval process.

(c) Subject to standards established by the Commissioner, the lender is responsible for extending commitments assuring commitments are updated when appropriate, and amending commitments. The lender may also reopen commitments within 90 days of the expiration of an earlier commitment, reconsider previously rejected applications, and may charge a reopening or reexamination fee acceptable to the Commissioner.

§ 252.303 Required certificates.

(a) *Nursing Homes and Intermediate Care Facilities.* Every application for coinsurance of a nursing home or an intermediate care facility shall be accompanied by a certificate executed by the appropriate State agency for the State in which the project is or will be located, designated in accordance with section 604(a)(1) or section 1521 of the Public Health Service Act. Such certificate shall evidence that:

(1) There is need for the project.

(2) There are in force in the State or other political subdivision of the State reasonable minimum standards for licensure and for methods of operation for the project.

(3) The prescribed standards of licensure and operation will be applied and enforced with respect to any project for which mortgage insurance is provided.

(b) *Board and Care Homes.* (1) Every application for insurance involving a board and care home shall be accompanied by a statement executed by the appropriate State agency for the State in which the project is or will be located, certifying that the State is in compliance with section 1616(e) of the Social Security Act.

(2) If any additional certificates or licenses are required by the appropriate State agency, copies of those documents must also be provided to the coinsuring lender.

Subpart E—Insurance of Advances; Insurance Upon Completion; Construction Period

§ 252.401 Insurance of advances or insurance upon completion; applicability of requirements.

Either insurance of advances or insurance upon completion procedures may be used under this part. In insurance upon completion cases, only the permanent loan is coinsured and a single endorsement is required after satisfactory completion of construction or Substantial Rehabilitation. In insurance of advance cases, progress payments approved by the lender are also coinsured and both an initial and final endorsement on the Mortgage are required. The requirements of §§ 252.404 through 252.406 apply in either case and the Mortgage and other closing documents must meet the requirements of Subpart F.

§ 252.402 Insurance of advances.

(a) *Financial Requirements.* (1) Before initial endorsement, the Mortgage (other than a Nonprofit Mortgagor) must make a working capital deposit of two percent of the face amount of the Mortgage. The deposit must be made to the lender or be controlled by the lender in a depository acceptable to it. Unless the Commissioner approves exceptions, this deposit may be used only for equipping and rent-up of the project and, during construction, for allocation by the lender to accruals for taxes, ground rents, MIP, property insurance premiums, and assessments required by the terms of the Mortgage.

(2) Before initial endorsement, the Mortgagor must deposit with the lender cash that the lender deems sufficient, when added to the proceeds of the insured Mortgage, to assure completion of the project and to pay the initial service charge, the carrying charges, and the legal and organizational expenses incident to construction of the project. This cash will be held by the lender under an appropriate agreement. The agreement will require all cash held to be disbursed for work and material on the physical improvements, and for other charges and expenses to be paid when due, before the advance of any Mortgage money. If all or part of the funds required under this paragraph (a)(2) are to be provided through a grant or loan from a Federal, State or local governmental agency or instrumentality, Mortgage proceeds may, with the prior written approval of the Commissioner, be advanced before the full disbursement of the grant or loan funds, to pay cost of work, material or other charges and expenses. However, if any portion of these funds is to be provided by the Mortgagor, that portion must be disbursed in full before the disbursement of the Mortgage proceeds.

(3) Charges to be paid by the Mortgagor in connection with the financing that are in excess of the initial service charge and that are acceptable to the Commissioner must be deposited with the lender in cash at or before initial endorsement. Alternatively, a note, in a form prescribed by the Commissioner, may be accepted by the lender. The note must evidence the obligations of a party other than the Mortgagor and may not be secured by the assets of the Mortgagor entity.

(4) The lender must require assurance of completion of offsite public utilities and streets. (An exception is made where a public body has agreed to install offsite improvements without cost to the Mortgagor and this agreement is acceptable to the lender.) The assurance must be either a cash escrow deposit or the retention by the lender at inital closing of a specified amount of the Mortgage proceeds allocated to land in the project analysis. If a cash escrow is used, it must be deposited with the lender or a depository designated by the lender. The lender may also require a surety bond.

(5) The lender may accept, in lieu of a cash deposit required by paragraphs (a)(1), (3) and (4) of this section, an unconditional irrevocable letter of credit issued to the lender by a banking institution. If all or part of the funds required under paragraph (a)(2) of this section are to be provided through a grant or loan from a Federal, State or local governmental agency or instrumentality, the lender may accept for the portion so provided, in lieu of a cash deposit required by paragraph (a)(2) of this section, either an unconditional irrevocable letter of credit issued to the lender by a banking institution or an agreement, as described in § 207.19(c)(7) of this chapter, entered into by HUD, the governmental agency or instrumentality, the Mortgagor and the lender. The lender of record may not be issuer of any letter of credit referred to in this paragraph (a)(5) without the prior written consent of the Commissioner. If a demand under a letter of credit referred to in this paragraph is not immediately met, the lender must provide cash equivalent to the undrawn balance under the letter of credit.

(b) *Building loan agreement.* Before initial endorsement, the lender and Mortgagor must execute a building loan agreement in a form approved by the Commissioner. This agreement sets out the terms and conditions under which progress payments may be advanced during construction. To be covered by coinsurance, each progress payment must be approved by the lender and must contain a certificate that the prevailing wage requirements of § 252.209 have been met.

(c) *Insured advances of components stored off-site.* The provisions of 24 CFR 221.541a apply to projects coinsured under this part, except that the lender performs the functions otherwise performed by the Commissioner.

(d) *Assurance of completion.* (1) The Mortgagor must furnish assurance of completion of the Project. The lender may establish more stringent criteria, but, at minimum, must require assurance by bonds issued by a surety company acceptable to the Commissioner for payment and performance each in the amount of 100 percent of the estimated construction or rehabilitation cost, or a completion assurance agreement secured by a cash deposit in the amount of 15 percent (or 25 percent where the structure contains an elevator and is four stories or more) of the amount of the estimated construction or rehabilitation cost. An unconditional and irrevocable letter of credit may be substituted for this cash deposit under the same terms and conditions as provided in paragraph (a)(5) of this section.

(2) Alternatively, where the estimated cost of construction or rehabilitation is $500,000 or less, the lender may accept assurance of completion in the form of a personal indemnity agreement executed by the controlling principals of the general contractor.

§ 252.403 Insurance upon completion.

A commitment to coinsure upon completion prescribes a designated period during which the Mortgagor must start construction or Substantial Rehabilitation. If construction or rehabilitation is started as required, the commitment will be valid for an additional period no longer than the lender's estimate of the construction period plus six months, except as extended as provided § 252.302(c).

§ 252.404 Requirements applicable to both insurance of advances and insurance upon completion cases.

(a) *Latent defects escrow.* (1) In insurance upon completion cases, the Mortgagor must make a cash escrow deposit at endorsement of two and one-half percent of the principal amount of the mortgage, or provide a surety bond of 10 percent of the lender's estimate of the cost of construction or Substantial Rehabilitation, as a latent defects escrow. An unconditional and irrevocable letter of credit may be substituted for this cash escrow deposit under the same terms and conditions as provided in § 252.402(a)(5). This escrow must be retained by the lender for 15 months after substantial completion.

(2) In insurance of advances cases, if a completion assurance agreement referred to in § 252.402(d) was used at initial endorsement, an amount equal to two and one-half percent of the construction contract must be retained in case or a letter of credit for a period of 15 months following substantial completion as a lanten defects escrow.

(b) *Inspections during construction.* The lender must inspect projects under this part at such times during construction or Substantial Rehabilitation as the lender determines, within standards established by the Commissioner. The inspections must be conducted to assure compliance with the contract documents.

(c) *Cost certification requirements—Mortgagor.* (1) Before initial endorsement (insurance of advances) or start of construction (insurance upon completion) the Mortgagor and the lender must enter into an agreement satisfactory to the Commissioner that precludes any excess of Mortgage proceeds over statutory and regulatory limitations. In this agreement, the Mortgagor must also disclose its relationship with the builder, including any collateral agreement, and agree to:

(i) Enter into a construction contract that

(A) Complies with requirement of § 221.548 of the chapter (as to whether the contract should be lump sum or cost-plus) and

(B) Is approved by the lender and acceptable to the Commissioner as to form and content;

(ii) Execute a certificate of actual costs when all physical improvements are complete; and

(iii) Reduce the Moratgage if necessary in accordance with § 252.405

(2) The provisions of paragraph (c)(1) of this section relating to disclosure and the requirement of a construction contract do not apply where the Mortgagor and the general contractor are one and the same.

(3) If the Mortgagor, the general contractor, or their officers, directors, or stockholders have any interest, financial or otherwise, as defined by the Commissioner, in any subcontractor, material supplier, or equipment lessor, the Mortgagor must disclose the identity of interest before start of construction. The lender may approve the use of a subcontractor, material supplier or equipment lessor having an identity of interest if the amounts paid to that entity do not exceed the rate prevailing in the locality for similar types of labor and materials.

(4) The Mortgagor's certificate of actual cost, in a form prescribed by the Commissioner, must be submitted to the lender when the improvements are completed to the satisfaction of the lender and before final endorsement (or before endorsement in the case of insurance upon completion). The certificate must show the actual cost to the Mortgagor of:

(i) The cost-plus construction contract or the lump sum construction contract or the cost of the construction of the Project where the Mortgagor and the general contractor are one and the same and no construction contract is executed;

(ii) The architect's fee;

(iii) The offsite public utilities and streets not included in § 252.402(a)(4) of this part.

(iv) The organizational and legal expenses;

(v) In cases where a cost-plus contract is used, any BSPRA or SPRA, if applicable; and

(vi) Other items of expense approved by the Commission.

(d) *Cost certification requirements-general contractor.* (1) Where a cost-plus form of contract is used, the Mortgagor must also submit to the lender a certification of the general contractor, in a form prescribed by the Commissioner, as to all actual costs paid for labor, materials, and subcontract work under the general contract, exclusive of the builder's fee;

(2) Where there is cost-plus contract and the lender determines that an identity of interest (as defined by the Commissioner) exists between the Mortgagor or general contractor or any of their officers, directors, stockholders, or partners and any subcontractor, material supplier, or equipment lessor, the lender may require the Mortgagor to submit a certification by the subcontractor, material supplier, or equipment lessor, as to the actual costs paid for labor, materials, subcontractors and overhead. This certification must be in a form prescribed by the Commissioner.

(e) *Exclusions.* The certifications required by paragraphs (c)(4) and (d) of this section may not include any kickbacks, rebates, trade discounts, or other similar payments to the general contractor, the Mortgagor or any of their officers, directors, stockholder or partners.

(f) *Records.* The Mortgagor must maintain adequate records of all costs of any construction or other cost items that do not represent work under the general contract and, in the case of a lump sum contract, must require the builder to keep similar records and, if requested by the lender or the Commissioner, must make these records (including any collateral agreements) available for examination, including examination by the Inspector General of HUD or the Comptroller General.

(g) *Certificate of public accountant.* In all Projects exceeding 40 units, cost certifications must be supported by an audit of the cost certification statement and accompanying financial statements by an independent Certified Public Accountant or by an independent public accountant licensed by a regulatory authority of a State or other political subdivision on or before December 31, 1970. The audit must include a statement that the accounts, records and supporting documents have been examined in accordance with generally accepted auditing standards to the extent necessary to verify that they present fairly the actual costs.

(h) *Requisites of agreement and certification.* Any agreement, statement or certification required by this section must specifically state that it has been prepared for the purpose of influencing an official action of the Commissioner and may be relied upon by the Commissioner and the lender as true.

(i) *Cost certification incontestable.* Upon the lender's approval of the Mortgagor's certification, the certification will be final and incontestable except for fraud or material misrepresentation on the part of the Mortgagor.

§ 252.405 Lender review of mortgage amount.

When the cost certifications submitted under § 252.404 are reviewed and approved by the lender, the lender must determine, in accordance with standards set by the Commissioner, whether a mortgage reduction is necessary and whether any requests for a mortgage increase are approvable.

§ 252.406 Application of net income received before beginning of amortization.

(a) If prior to the beginning of amortization, net income, as defined by the Commissioner, is received as a result of the operation of the Project, such net income, to the extent determined by the Commissioner, shall be applied in one or more of the following ways:

(1) To advance amortization.

(2) To offset construction costs approved by the lender.

(3) To be deposited in the reserve fund for replacement and to be held as a reserve in addition to the monthly deposits required by the regulatory agreement.

(b) The provisions of paragraph (a) of this section shall not be applicable to a mortgagor that is a private nonprofit corporation or association.

§ 252.407 Endorsement by the Commissioner.

Before start of construction in insurance of advanced cases, and in all cases after completion of construction or Substantial Rehabilitation and completion of the lender's review of the Mortgage amount, the lender will hold a closing and submit required documentation to the Commission's authorized Department representative for coinsurance of the Mortgage by endorsement of the Mortgage note. The note must identify the section of the regulations under which the Mortgage is coinsured, the percentage of risk assumed by the lender and the Commissioner, and the date of coinsurance, i.e., the date of HUD endorsement of the Project Mortgage. The lender's submission must include a certification that it has obtained written HUD approval of compliance with the requirements referred to in § 252.301(b) and any additional documents and information required by the Commissioner's administrative procedures.

Subpart F—Mortgage and Closing Requirements

§ 252.501 Mortgage requirements—real estate.

The mortgage, to be eligible for insurance, shall be on property located in a State, as defined in § 252.3(n).

(a) The mortgage must be on real estate held:

(1) In fee simple; or

(2) Under a lease for not less than 99 years which is renewable; or

(3) Under a lease having a period of not less than 55 years to run from the date the mortgage is executed; or

(4) Under a lease executed by a government agency, an Indian, an Indian tribe, or such other lessor as the Commissioner may approve for the maximum term consistent with the legal authority for the execution of such a lease, provided that the term of any such lease shall run for a period of not less than 50 years from the date the mortgage is executed.

(b) The property must be held by an eligible Mortgagor and must, at the time the mortgage is coinsured, be free and clear of other liens except those approved by the lender in accordance with § 252.504.

§ 252.502 Title.

(a) *Eligibility of title.* In order for the mortgaged property to be eligible for insurance, the coinsuring lender shall determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for the record. The title evidenced shall be examined by the lender and the original endorsement of the credit instrument for insurance shall be evidence of its acceptability.

(b) *Title evidence.* Before coinsurance of the mortgage, the coinsuring lender shall furnish to the Commissioner a survey of the mortgaged property, satisfactory to him, and a policy of title insurance covering such property, as provided in paragraph (b)(1) of this section. If, for reasons the Commissioner deems satisfactory, title insurance cannot be furnished, the mortgagee shall furnish such evidence of title in accordance with paragraph (b)(2), (3), or (4) of this section, as the coinsuring lender may require. Any survey, policy of title insurance, or evidence of title required under this subsection shall be furnished without expenses to the Commissioner. The types of evidence are:

(1) A policy of title insurance issued by a company and in a form satisfactory to the Commissioner. The policy shall name as the insureds the mortgagee and the Secretary of Housing and Ubran Development, as their respective interests may appear. The policy shall provide that upon acquisition of title by the mortgagee, it will become an owner's policy running to the mortgagee or the Secretary, as the case may be.

(2) An abstract of title satisfactory to, the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experiences in the examination of titles.

(3) A torrens or similar title certificate.

(4) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State of Territory therof.

§ 252.503 Mortgage and note provisions.

(a) The Mortgage and note must be executed on a form approved by the Commissioner for use in the jurisdiction in which the property is located. The form must not be changed without prior written approval of the Commissioner.

(b) The Mortgage must be executed by an eligible Mortgagor.

(c) The Mortgage must be first lien on property that conforms with property standards prescribed by the Commissioner.

(d) The note must provide for equal monthly payments of interest and principal due on the first day of each month in accordance with a level annuity amortization plan agreed to by the Mortgagor and lender and acceptable to the Commissioner.

(e) The lender will determine the date of first payment to principal. The lapse of time between completion of the project and beginning of amortization must not be longer than the lender determines, in accordance with standards established by the Commissioner, to be necessary to obtain sustaining occupancy.

(f)(1) The Mortgage must provide that all monthly payments made by the Mortgagor to the lender be added together into a single payment made by the Mortgagor on each monthly payment date. The lender must apply payments received from the Mortgagor or for the account of the Mortgagor to the following items in the order listed:

(i) MIP under Contract of Coinsurance;

(ii) Ground rents, taxes, special assessments, and fire and other hazard insurnace premiums;

(iii) Interest on the Mortgage; and

(iv) Principal on the Mortgage.

(2) Any deficiency in the amount of the aggregate monthly payment required under paragraph (f)(1) of this section will constitute a fiscal default. The Mortgage will further provide for a grace period of 30 days within which time the default must be made good.

(g) The Mortgage must provide for payments by the Mortgagor to the lender, on each monthly payment date, of an amount sufficient to accumulate the next annual MIP one payment period before the MIP is due. These payments will continue only as long as the Contract of Coinsurance is in effect.

(h) The Mortgage must provide for equal monthly payments sufficient to pay any ground rents, estimated taxes, water charges, special assessments, and fire and other hazard insurance premiums, within a period ending one month before these items become due. The Mortgage must also make provision for adjustments in case the estimated amount of any of these items differs from amounts actually payable by the Mortgagor.

(i) Partial or full prepayment of the mortgage subject to the following standards and restrictions.

(l) *Proprietary facilities.* In the case of the mortgagor operating a proprietary facility, the following provisions shall be applicable:

(i) *Prepayment privilege.* Except as otherwise provided in paragraph (3), the mortgagor may prepay the mortgage in whole or in part upon any interest payment date after giving to the lender 30 days' notice in writing in advance of its intention to so prepay.

(ii) *Prepayment charge.* The mortgage may contain a provision for such additional charge in the event of perpayment of principal as may be agreed upon between the mortgator and the coinsuring lender, in accordance with standards adopted by the Commissioner. Any reduction in the original principal amount of the mortgage resulting from the certification of cost requirements of this part shall not be construed as a prepayment of the mortgage.

(2) *Nonprofit facility.* In the case of a facility operated by a nonprofit corporation or association, the following provisions shall be applicable:

(i) *Prepayment in full.* The mortgage indebtedness may be prepaid in full and the Commissioner's controls terminated only upon the condition that the Commissioner's prior consent is obtained as he may prescribe.

(ii) *Partial prepayments.* With the prior written approval of the Commissioner, partial prepayments may be made for the purpose of reducing succeeding monthly payments of the remaining balances as recast over the remaining portion of the original mortgage term.

(iii) *Optional provision.* The mortgage may, if required by the mortgagee, contain a provision that prior to maturity and with the approval of the Commissioner, partial prepayment may be made after 30 days' written notice to the mortgagee on any principal payment date. A reasonable charge may be allowed as agreed upon between the mortgagor and the mortgagee in accordance with standards adopted by the Commissioner.

(3) *Prepayment of bond-financed mortgages.* Where the mortgage is given to secure a loan made by a lender that has obtained the funds for the loan by the issuance and sale of bonds or bond anticipation notes, or both, the mortgage may contain a prepayment restriction and repayment penalty charge acceptable to the lender as to terms, amount, and conditions in accordance with standards adopted by the Commissioner.

(j) The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed 2 cents for each dollar of each payment of interest or principal more than 15 days in arrears, to cover the expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

(k) [Reserved]

(l) The mortgage must contain a covenant, acceptable to the Commissioner, that binds the mortgagor to keep the property insured by one or more standard policies for fire or other hazards stipulated by the Commissioner or the lender. The amount must comply with the coinsurance clause applicable to the location and character of the property, but may not be less than 80 percent of the actual cash value of the insurable improvements and equipment of the project. The initial coverage must be in the amount estimated by the lender after completion of the project. A standard mortgagee clause making loss payable to the lender and the Commissioner as their interests may appear must be included in the mortgage. The lender is responsible for assuring that insurance is maintained in force and in the amount required by this paragraph and the mortgage. If the mortgagor does not obtain the required insurance, the lender must do so and assess the mortgagor for such costs. These insurance requirements apply as long as the Coinsurance Contract is in force.

§ 252.504 Mortgage lien and other obligations.

The mortgagor shall certify at the final endorsement of the mortgage for insurance as to each of the following:

(a) That the mortgage is a first lien upon and covers the entire Project, including the equipment financed with mortgage proceeds.

(b) That the property upon which the improvements have been made or constructed, and the equipment financed with mortgage proceeds, are free and clear of all liens other than the insured mortgage and such other liens as may be approved by the lender in accordance with standards established by the Commissioner.

(c) That the certificate sets forth all unpaid obligations in connection with the mortgage transaction, the purchase of the mortgaged property, the construction or rehabilitation of the Project or the purchase of the equipment financed with mortgage proceeds.

§ 252.505 Regulatory agreement.

The lender and the Mortgagor must execute a regulatory agreement in a form acceptable to the Commissioner. The regulatory agreement must require the Mortgagor to comply with the requirements of Subparts G and H and other applicable provisions of this part for as long as the Commissioner coinsures the Mortgage. In the regulatory agreement, the lender may regulate the Mortgagor on other matters if the Commissioner determines that the additional lender controls or

requirements do not conflict with the requirements of this part or requirements contained in the administrative instructions issued under this part.

§ 252.506 Other closing documents.

The lender will require execution of such other closing documents as the Commissioner may require.

Subpart G—Requirements Relating to Structure of Mortgagor Entity and Transfers of Ownership Interest

§ 252.601 Requirements applicable to all projects.

(a) The Mortgagor may issue shares of capital stock, partnership participations or beneficial certificates of interest, as applicable, only if the number and form approved by the lender.

(b) The Mortgagor must comply with the Commissioner's administrative procedures for previous participation clearance and Transfers of Physical Assets before conveying, assigning or transferring any ownership interest in the project or any beneficial interest in any trust holding title to the project.

(c) The Mortgagor must obtain the Commissioner's and the lender's written approval before:

(1) Conveying, assigning, transferring, encumbering or disposing of any legal interest in the project, including rents and security deposits:

(2) Engaging, except for natural persons, in any business or activity, including the operation of any other project, or incurring any liability or obligation not in connection with the project.

(d) The mortgagor may not resign or withdraw from the Project until the lender has approved a substitute Mortgagor.

Subpart H—Program Requirements Relating to Project Operation

§ 252.701 General.

In order to be eligible for the benefit of coinsured financing under this part, the Mortgagor must agree to be regulated and restricted by the lender with respect to the ongoing operation of the project as set forth in this subpart.

§ 252.702 Reserve for replacements and general operating reserve.

(a) The Mortgagor must establish and maintain a reserve for replacements which will be held and administered by the lender. The Mortgagor must accumulate, maintain and use this reserve, and the lender must administer this reserve, only as provided in the regulatory agreement and the Commissioner's administrative procedures.

(b) [Reserved]

(c) To the extent consistent with the project's liquidity needs, money placed in a reserve for replacements must be invested in United States Treasury securities, securities issued by a Federal agency, or deposits that are insured by an agency of the Federal government.

§ 252.703 Rents and charges.

The mortgagor will determine rents and charges taking into a account facilities and services offered by the Project.

§ 252.704 Use of project funds.

(a) The Mortgagor must deposit all rents and other receipts of the project in the name of the project in accounts that are fully insured as to principal by an agency of the Federal government. Project funds in excess of these needed to meet short-term project operating expenses may be invested in accordance with the administrative instructions of the Commissioner.

(b) The Mortgagor may use project funds only for:

(1) Payment of Mortgage obligations;

(2) Payment of reasonable expenses necessary to the proper operations and maintenance of the project;

(3) Deposits to the reserve for replacements and other required reserves;

(4) Repayment of Mortgagor advances authorized by the Commissioner's administrative procedures.

(5) Distributions of Surplus Cash permitted under § 252.705;

(c) The Mortgagor may not use project funds to liquidate liabilities related to the construction of the project, other than the Coinsurance Mortgage, unless the lender authorized this use in accordance with the Commissioner's administrative procedures.

(d) The Mortgagor must deposit and maintain resident's security deposits in a trust account separate and apart from all other funds of the Project. The trust account must be held in the name of the Project and the balance in the account must at all times equal or exceed the Project's liability for resident's security deposits. The owner must comply with any State or local laws regarding investment of security deposits and the Distribution of interest or other income earned thereon. Any earnings received from the investment of security deposits must accrue to the benefit of the Project or the Project residents.

§ 252.705 Distributions and residual receipts.

(a) The Mortgagor may make, receive or retain Distributions only as provided in this section. The Mortgagor must compute Surplus Cash and Distributions in accordance with the Commissioner's administrative requirements.

(1) Distributions may be paid only from Surplus Cash that exists as of the end of a semiannual or annual fiscal period.

(2) Initial Distributions may be paid only after construction has been completed and the Mortgagor has submitted the cost certifications required by § 252.402.

(3) No distribution may be paid from borrowed funds, or when payments due under the note, Mortgage, or regulatory agreement have not been made.

(b) If any of the conditions listed below applies, the Mortgagor may distribute Surplus Cash only after obtaining the lender's written approval to do so:

(1) The Mortgagor has not satisfactorily responded to any lender on HUD on-site review report, annual financial statement correspondence or any other correspondence that requires the Mortgagor to implement corrective action, and that was received at least 30 days before the end of the fiscal period for which the Surplus Cash computation is made;

(2) The lender determines and gives the owner written notification that the project has significant uncorrected physical deficiencies; or

(3) There is a convenant, default (as defined in § 252.606(b) under the provisions of the Mortgage or the regulatory agreement.

(c) [Reserved]

(d) [Reserved]

(e) Residual Receipts must at all times remain under the control of the lender. The lender must administer the Residual Receipts account in accordance with the Commissioner's administrative requirements.

(f) The lender must invest Residual Receipts in accordance with the administrative requirements of the Commissioner. All earnings on these investments must be added to the Residual Receipts account unless other disposition of such earnings has been approved by the Commissioner, or by the lender in accordance with the Commissioner's administrative requirements.

(g) When the contract of coinsurance is terminated any funds remaining in the Residual Receipts account must be distributed in accordance with the

Commissioner's administrative requirements.

§ 252.706 Project management.

The Mortgagor must:

(a) Provide for management satisfactory to the lender and the Commissioner, execute a management contract that meets the requirements of the Commissioner, and deliver to the lender such certifications and information regarding project management as the Commissioner and lender may require.

(b) Maintain the project in good repair and condition and promptly complete necessary repairs and maintenance as required by the lender.

(c) Assure that all project expenses are reasonable in amount and necessary to the operation of the project.

(d) Obtain the lender's and the Commissioner's written approval before undertaking self-management, contracting for management services, or paying (or incurring any obligation to pay) fees for management services.

(e) Establish and maintain the Project's books, accounts and records in accordance with the Commissioner's and lender's administrative requirements. Books and accounts must be maintained for such periods of time as the Commissioner may prescribe.

(f) Permit the lender, the Commissioner, the HUD Inspector General, the Comptroller General of the United States, or their authorized agents to inspect the project's property, equipment, buildings, plans, offices apparatus, devices, books, accounting records, contracts, and documents during reasonable business hours. This right to inspect extends to the records of the Mortgagor, as well as to the records of any companies with which the Mortgagor has an identity of interest, as defined in the regulatory agreement.

(g) Furnish the lender and the Commissioner with a financial report on the project's operations within 60 days following the end of each fiscal year, unless the lender authorizes the Mortgagor to submit the report on a later date. Unless the Commissioner authorizes the lender to accept an unaudited report, the report must be made by an independent certified public accountant or by an independent public accountant licensed by a State or other political subdivision on or before December 31, 1970.

(h) Upon request, furnish the lender with operating budgets; occupancy, accounting and other reports; properly certified copies of minutes of meetings of the directors, officers, shareholders, or beneficiaries of the Mortgagor entity; and specific answers to questions raised from time to time by the lender relative to income, assets, liabilities, expenses, operation, and condition of the project. The Mortgagor must furnish a response to the lender's or HUD's on-site review reports and written inquiries regarding annual or monthly financial statements no later than 30 days after receipt of the lender's report or inquiries.

(i) In renting units adhere to the civil rights and equal opportunity requirements set forth in § 252.208.

Subpart I—Contract Rights and Obligations

Mortgage Insurance Premiums

§ 252.801 MIP in insurance of advances cases.

(a) *Amount of MIP to be collected from the Mortgagor.* (1) Before the initial endorsement of the Mortgage for coinsurance, the lender must collect a MIP from the Mortgagor equal to one percent of the original amount of the Mortgage.

(2) If the date of the first principal payment is more than one year after the date of initial endorsement, the lender must, before each anniversary of the date of initial endorsement that occurs more than 30 days before the first principal payment, collect from the Mortgagor an additional MIP equal to 0.5 percent of the original Mortgage amount.

(3) Before the first principal payment, the lender must collect from the Mortgagor an amount equal to 0.5 percent of the average outstanding principal balance of the Mortgage for the year following the first principal payment.

(4) Beginning with the first principal payment and continuing until the Coinsurance Contract terminates, the lender must collect and place in escrow monthly MIP sufficient to accumulate 0.5 percent of the average principal that will be outstanding during the upcoming year. No adjustments may be made for delinquent payments or prepayments on the Mortgage except as provided in § 252.804.

(5) The MIP required under paragraphs (a)(1) and (2) of this section may be included in the Mortgage. The Mortgagor must pay the MIP required under paragraphs (a)(3) and (4) of this section from its own funds.

(b) *Payment of MIP by the lender.* (1) At initial endorsement, the lender must pay to the Commissioner an initial MIP equal to .65 percent of the original amount of the Mortgage.

(2) If the date of the first principal payment is more than one year after the date of the initial endorsement, the lender must, on each anniversary of the date of initial endorsement that occurs more than 30 days before the first principal payment, pay to the Commissioner an additional MIP equal to 0.5 percent of the original Mortgage amount.

(3) Following final endorsement, the Commissioner will adjust the MIP so that it equals .65 percent per year of the average outstanding principal balance for the year following the date of initial endorsement plus 0.5 percent per year of the average outstanding principal balance for the period from the first anniversary of initial endorsement to the date of the first principal payment. If the adjusted amount is less than the amount previously paid by the lender, the Commissioner will refund the excess amount to the lender for application to the mortgagor's account.

(4) On the date of the first principal payment and each year thereafter on the anniversary of the date on which the first principal payment was due, and continuing until the Coinsurance Contract is terminated, the lender must pay to the Commissioner a MIP equal to 0.35 percent of the average outstanding principal balance of the mortgage for the 12 months following the date the premium becomes payable. The average outstanding principal balance is computed using the project's amortization schedule. No adjustments may be made for delinquent payments or Mortgage prepayments except as provided in § 252.804.

§ 252.802 MIP in insurance upon completion cases.

(a) *Amount of MIP to be collected from the Mortgagor.* (1) Before endorsement of the Mortgage for coinsurance, the lender must collect from the Mortgagor a MIP equal to 0.5 percent per year of the average outstanding principal balance of the Coinsured Mortgage from the date of the endorsement to one year after the due date of the first payment to principal.

(2) For each year thereafter, the lender must collect from the Mortgagor monthly MIP sufficient to accumulate and place in escrow 0.5 percent of the average principal balance outstanding during the upcoming year. No adjustments may be made for delinquent payments or prepayments on the Mortgage except as provided in § 252.804.

(b) *Payment of MIP by the lender.* (1) At endorsement, the lender must pay to the Commissioner an initial MIP equal to 0.5 percent of the face amount of the Mortgage. Following endorsement, the Commissioner will adjust the initial MIP so that it equals 0.5 percent per year of the average outstanding balance of the

Mortgage from the date of endorsement to one year after the due date of the first payment to principal. If this adjusted amount is more than the amount paid by the lender at endorsement, the Commissioner will bill the lender for the difference. If the adjusted amount is lower than the amount paid by the lender at endorsement, the Commissioner will refund the excess amount to the lender for application to the Mortgagor's account.

(2) Beginning on the anniversary of the date on which the first principal payment was due and continuing annually thereafter until the Coinsurance Contract is terminated, the lender must pay to the Commissioner a MIP equal to 0.35 percent of the average outstanding principal balance for the 12 months following the date the premium becomes available. The average outstanding principal balance is computed using the project's amortization schedule. No adjustments may be made for delinquent payments or Mortgage prepayments except as provided in § 252.804.

§ 252.803 Duration and method of payment of MIP.

(a) MIP payments must continue annually until one of the following occurs:

(1) The Mortgage is paid in full;

(2) A deed to the lender is filed for record; or

(3) The Contract of Coinsurance is otherwise terminated with the consent of the Commissioner.

(b) The lender may pay any MIP required under this part in cash or debentures.

§ 252.804 Pro-rata refund of annual MIP.

If the Coinsurance Contract is terminated by prepayment in full or by termination with the consent of the Commissioner after the due date of the first annual MIP, the Commissioner will refund any MIP paid for the period after the effective date of the termination of insurance. The refund will be mailed to the lender for credit to the Mortgagor's account. In computing the pro rata portion of the annual MIP, the date of termination of coinsurance will be the last day of the month in which the Mortgage is prepaid or the Commissioner receives a termination request. No refund will be made if insurance was terminated because of a default or if termination occurs before the date the first annual MIP is due.

§ 252.805 Late charges—MIP.

(a) If the Commissioner receives a MIP payment more than 15 days after the later of the billing date or due date, the lender must pay a late charge of four percent of the amount due.

(b) If the Commissioner receives a MIP payment more than 30 days after the later of the billing date or due date, the lender must pay both the four percent late charge and interest. Interest will be charged from the later of the billing date or the due date at a rate set in conformity with the Treasury Fiscal Requirements Manual.

§ 252.806 [Reserved]

Delinquency and Default Under the Mortgage

§252.807 Notice of delinquency.

If the lender has not received the Mortgagor's monthly Mortgage payment by the 16th day of the month in which the payment is due, the lender must give the Commissioner and the mortgagor written notice of the delinquency. This notice must include the information required by the Commissioner's administrative procedures. The lender must mail this notice in time for it to be received by the Commissioner by the 20th day of that month.

§ 252.808 Definition of default.

(a) A monetary default exists when the Mortgagor fails to make any payment due under the Mortgage.

(b) A covenant default exists when the Mortgagor fails to perform any other covenant under the provisions of the Mortgage or the regulatory agreement, which is incorporated in the Mortgage. A lender becomes eligible for insurance benefits on the basis of a covenant default only after the lender has accelerated the debt and the owner has failed to pay the full amount due, thus converting a covenant default into a monetary default.

§ 252.809 Date of default.

For purposes of this subpart, the date of default is:

(a) The date of the first uncorrected failure to perform a mortgage covenant or obligation; or

(b) The date of the first failure to make a monthly payment that is not covered by subsequent payments, when such subsequent payments are applied to the overdue monthly payments in the order in which they were due.

§ 252.810 Notice of default.

If a default (as defined in § 252.808) continues for a period of 30 days, the lender must notify the Commissioner within 30 days thereafter, unless the default is cured. Unless waived by the Commissioner, the lender must submit this notice monthly on a form prescribed by the Commissioner until the default has been cured, the lender has acquired title to the property, or the coinsurance contract has been terminated.

§ 252.811 Financial relief to cure a default.

(a) To reinstate a defaulted Mortgage, the lender may use one or more of the forms of financial relief described in this section. The lender's efforts to cure a default will not result in a curtailment of interest as provided by § 252.821(b) in any subsequent claim for insurance benefits, if the lender complies with the conditions set forth in this section and the notice requirements set forth in §§ 252.810 and 252.815. The lender must service delinquent loans in accordance with the Commissioner's administrative requirements.

(1) Temporary adjustment of Mortgage payments. Without obtaining the Commissioner's approval, the lender may agree to hold the Mortgage in default and temporarily adjust payments, if a temporary payment plan meets the conditions listed below. The lender may approve a payment plan that does not meet all of these conditions only after obtaining the Commissioner's written approval.

(i) The temporary payment plan will last no longer than 18 months.

(ii) Payments will be set at less than the debt service and escrows required by the Mortgage for no more than six months.

(iii) The plan requires the Mortgagor to pay a specific dollar amount each month toward the Mortgage delinquency, but also gives the lender the right (subject to the Commissioner's administrative requirements) to require that the Mortgagor also apply any net operating income to the Mortgage delinquency.

(iv) The Plan requires the Mortgagor to furnish the lender monthly accounting reports until the Mortgage is reinstated.

(v) The Mortgagor agrees that, even if the project is current under the terms of a temporary payment plan, no distributions will be paid until the Mortgage itself has been brought current and the Mortgagor has complied with all terms of the temporary payment plan and any broader reinstatement plan, including the completion of any maintenance work or management initiatives.

(2) Withdrawal from the reserve for replacements. If the Mortgage is more than 25 days delinquent, the lender may withdraw reserve funds without prior Commissioner approval to pay up to one month's debt service and Mortgage escrows. The lender must obtain the Commissioner's written approval for withdrawals that, individually or cumulatively over a 12-month period, would exceed one month's Mortgage payment.

(3) Suspension of deposits to the reserve for replacements. The lender may suspend up to six months' reserve deposits for up to six months during any 36 month period. The lender must obtain the Commissioner's written approval for suspensions in excess of six months during any 36-month period.

(4) Recasting the Mortgage. The lender may recase delinquent principal and interest over the remaining Mortgage term so long as the sum of the outstanding principal balance of the Mortgage and the delinquency being recast does not exceed the original Mortgage amount, and the lender obtains the Commissioner's written approval before executing an agreement permanently modifying the terms of the Mortgage.

(b) For any project comprising a GNMA pool, the lender-issuer must continue to pay the securities holders the full amount of scheduled payments due under the securities, even if the lender does not collect the full amount from the Mortgagor.

§ 252.812 Reinstatement of a defaulted mortgage.

If the Mortgagor cures the default before the completion of any foreclosure proceedings, the insurance will continue as if a default had not occurred. The mortgagor must pay all reasonable expenses that the lender incurs in connection with the foreclosure proceedings. The lender must give written notice of reinstatement to the Commissioner.

Termination

§ 252.813 Termination of coinsurance contract.

(a) The Contract of Coinsurance will terminate if any of the following occurs:

(1) The Mortgage is paid in full;

(2) The lender acquires the Mortgaged property and notifies the Commissioner that it will not make a claim for insurance benefits;

(3) The Mortgagor redeems the property after foreclosure;

(4) A party other than the lender acquires the property at a foreclosure sale;

(5) The Mortgagor and lender jointly request termination and the Commissioner grants approval; or

(6) The lender or its successors or assigns commit fraud or make a material misrepresentation to the Commissioner with respect to the Contract of Coinsurance on the Mortgage.

(b) The Contract of Coinsurance may, at the option of the Commissioner, be terminated in the event of the assignment or transfer of interest of a Coinsured Mortgage which does not meet the requirements of §252.106.

(c) When the Coinsurance Contract is terminated, all of the rights and obligations of the Mortgagor and the lender, including the obligation to pay MIP, will terminate.

§ 252.814 Notice and date of termination by Commissioner.

The Commissioner will notify the lender that the contract of coinsurance on a Mortgage has been terminated and will establish the effective date of the termination. The termination date will be the last day of the month in which any one of the events specified in § 252.813 occurs.

Claim Procedure and Payment of Insurance Benefits

§ 252.815 Notice of election to acquire property and file a claim.

Unless the Commissioner has given the lender a written extension, the lender must notify the Commissioner of its election to acquire the property and its intention to file a claim for insurance benefits within 75 days of the date of default. The Commissioner will approve an extension of the 75-day deadline if the Commissioner determines that

(a) The lender and the Mortgagor are diligently pursuing reinstatement of the Mortgage, and

(b) Reinstatement of the Mortgage and resolution of the problems that led to the default are feasible.

§ 252.816 Acquisition of property.

Unless the Commissioner has given the lender a written extension, within 30 days after submitting the notice required by § 252.815, the lender must institute action either to foreclose the Mortgage or acquire title to the Mortgaged property through deed-in-lieu of foreclosure. The lender must exercise reasonable diligence in pursuing this action, and must promptly report to the Commissioner any developments that might delay the completion of acquisition. During the period that the lender controls the property, it must adhere to the Commissioner's requirements for project management, as set forth in the regulatory agreement and the Commissioner's administrative procedures.

§ 252.817 Deed-in-lieu of foreclosure.

In lieu of instituting or completing a foreclosure, the lender may acquire the property by voluntary conveyance from the Mortgagor. The lender may accept a deed-in-lieu of foreclosure if:

(a) The Mortgage is in default at the time the deed is excuted and delivered;

(b) The credit instrument is cancelled and surrendered to the Mortgagor;

(c) The Mortgage of record is satisfied as a part of the consideration for the conveyance; and

(d) The deed from the Mortgagor conveys marketable title and contains a convenant that warrants against the acts of the grantor and all claims by, through, or under the grantor.

§ 252.818 Disposition of property and application for insurance benefits.

(a) After the acquisition of marketable title to the property, the lender must obtain two appraisals of the property performed by independent appraisers. The lender must select the appraisers from a panel approved by the Commissioner. The appraisals must estimate the market value of the property, as of the date of acquisition, for its highest and best use. The higher of the two appraisal values shall be deemed the appraisal value for purposes of this subpart.

(b) After the lender sells the property, or after the end of 12 months from the date of acquisition of title, whichever occurs first, the lender may file a claim for any insurance benefits to which it is entitled under § 252.820. The lender must file the claim no later than 15 days after the sale, or expiration of the 12-month period, whichever is applicable, or Mortgage interest will be curtailed in accordance with § 252.821(b).

(c) The lender must file the claim on a form approved by the Commissioner and must state the sales price and the income and expenses incurred in connection with the acquisition, repair, operation, and sale of the property. The lender must also submit evidence in support of the claim, as prescribed by the Commissioner, including the appraisals required by paragraph (a) of this section, and ledger records and documentation for all accounts relating to the Mortgage transaction.

(d) If the property has not been disposed of at the time of the lender's request for payment, the lender must use the higher of the two appraised values of the property secured in accordance with paragraph (a) of this section in its notification to the Commissioner, in lieu of the sales price.

§ 252.819 Method of payment.

The Commissioner will pay insurance benefits in cash, unless the lender files a written request for payment in debentures. If the lender requests debentures, all of the provisions of 24 CFR 207.259(e) will apply.

§ 252.820 Amount of payment.

(a) The basis for the computation of insurance benefits will be:

(1) The principal balance of the Mortgage unpaid as of the date of the institution of foreclosure proceedings or the date of acquisition of the property by deed-in-lieu of foreclosure;

(2) Plus all items set forth in § 252.821;

(3) Less all items set forth in § 252.822.

(b) The Commissioner will pay insurance benefits equal to 75 percent of the amount computed under paragraph (a) of this section if the lender—

(1) Has obtained no insurance of its coinsurance risk,

(2) Has insured 50 percent or less of its coinsurance risk or

(3) Is a State Housing Agency eligible as a lender under § 203.7(c) of this chapter that obtained reinsurance from an authorized public mortgage insurer for any portion or all of its coinsurance risk, where the Commissioner finds an identity of interest exists between the State Housing Agency and the public mortgage insurer.

(c) The Commissioner will pay insurance benefits equal to 62.25 percent of the amount computed under paragraph (a) of this section if the lender has obtained insurance for either more than 50 percent of its coinsurance risk or that portion of its coinsurance risk that equals the maximum amount that the insurer is authorized to insure.

(d) This paragraph sets forth the amount of coinsurance benefits to be paid when the amount of reinsurance obtained by the lender changes. If reinsurance is increased after initial or final endorsement, HUD's insurance benefits will be reduced accordingly. HUD's insurance benefits will not be increased if reinsurance is reduced or cancelled after final endorsement.

§ 252.821 Items included in payment.

In computing insurance benefits, the following items will be added to the amount described in § 252.820(a)(1):

(a) The amount of all payments that the lender made from its own funds and not from project income for:

(1) Taxes, special assessments, and water bills that are liens before the Mortgage;

(2) Fire and hazard insurance on the property; and

(3) Any Mortgage insurance premiums paid after the date of default. However, HUD will not reimburse the lender for any interest, late charge or other penalties imposed because of the lender's failure to make the required payments when due.

(b) An amount equivalent to Mortgage interest on the unpaid principal balance of the Mortgage on the date the lender initiated foreclosure proceedings or on the date the lender acquired title to the property through deed-in-lieu of foreclosure. This interest will be payable from the date of default to the date of payment of the insurance benefits. However, if the lender fails to meet any of the requirements of §§ 252.810, 252.815, 252.816, or 252.818(b), within the specified time (including any permissible extension of time), the accrual of interest allowance on the cash payment will be curtailed by the number of days by which the required action was late.

(c) An amount not in excess of two-thirds of the costs actually paid by the lender and approved by the Commissioner of acquiring the property. These costs may not include loss or damage resulting from the invalidity or unenforceability of the Mortgage lien or the unmarketability of the Mortgagor's title.

(d) Reasonable payments that the lender made from its own funds and not from project income for:

(1) Ordinary and necessary preservation, operation and maintenance of the property;

(2) Repairs necessary to meet the objectives of the HUD minimum property standards, those required by local law, and additional repairs that HUD specifically approved in advance; and

(3) Ordinary and necessary expenses in connection with the sale of the property.

§ 252.822 Items deducted from payment.

In computing insurance benefits, the following items will be deducted from the amount described in § 252.820(a)(1):

(a) An amount equal to five percent of the outstanding principal balance of the Mortgage on the date the lender instituted foreclosure proceedings or acquired title to the property through deed-in-lieu of foreclosure;

(b) All amounts received by the lender on account of the Mortgage after the institution of foreclosure proceedings or the acquisition of the property through deed-in-lieu of foreclosure after default, and any other reimbursement to the lender, other than under the Coinsurance Contract;

(c) All cash or funds related to the mortgaged property that the lender holds (or to which it is entitled) including deposits and escrows made for the account of the Mortgagor. However, for any Mortgage comprising a GNMA pool, this deduction must exclude any funds in the lender-issuer's custodial accounts and collateral funding a GNMA Deposit Agreement relating to the lender-issuer loss exposure during the GNMA Indemnity Period;

(d) The amount of any undrawn balance under a letter of credit that the lender accepted in lieu of a cash deposit for an escrow agreement;

(e) Any net income from the Mortgaged property that the lender received after the date of default;

(f) The proceeds from the sale of the project or the appraised value of the project as provided in § 252.818, as follows:

(1) If the lender disposes of the Project through a negotiated sale or through a competitive bid procedure approved by the Commissioner, the amount deducted will be the higher of the sales price or the appraised value;

(2) If the lender has not disposed of the project within 12 months from the date of acquisition, the amount deducted will be the appraised value; and

(g) Any and all claims that the lender has acquired in connection with the acquisition and sale of the property. Claims include but are not limited to returned premiums from cancelled insurance policies, interest on investments of reserve for replacement funds, tax refunds, refunds of deposits left with utility companies, and amounts received as proceeds of a receivership.

§ 252.823 [Reserved]

Remedies for Default by a Lender-Issuer Under the Government National Mortgage Association (GNMA) Mortgage-Backed Securities Program

§ 252.824 Indemnification of GNMA.

(a) If, after the Commissioner pays a coinsurance claim, the lender-issuer fails to pay the full amount owed to a holder of securities guaranteed by GNMA and backed by a coinsured loan, the Commissioner will reimburse the Association for the amount the Association must pay securities holders as a result of the lender's default in payment.

(b) This amount will not exceed 25 percent or 37.75 percent (whichever is appropriate) of the amount computed under § 252.820, plus the amount referenced in § 252.822(a). The Commissioner will make payment in cash. After payment by the Commissioner, the lender-issuer will have no claim against the Commissioner for any such funds.

§ 252.825 Withdrawal of lender approval.

If the Commissioner is required to make payments to GNMA because of the lender-issuer's failure to pay any amount owed to a holder of GNMA securities backed by a Coinsured Mortgage, the Commissioner may request that the Mortgage Review Board withdraw approval of the lender-issuer as HUD-approved Mortgagee, under the provisions of Part 25 of this title.

§ 252.826 HUD recourse against lender-issuer.

If the Commissioner is required to make payments to GNMA because of the lender-issuer's failure to pay any amount owed to a holder of GNMA securities backed by a Coinsured Mortgage, the lender-issuer will be liable for reimbursing the Commissioner for the payments.

§ 252.827 GNMA right to assignment.

If the lender-issuer defaults on its obligations under the GNMA Mortgage-Backed Securities Program, GNMA will have the right, notwithstanding the requirements of § 252.106, to cause all Coinsured Mortgages held in GNMA pools by the defaulting coinsuring lender-issuer to be assigned to another GNMA-approved coinsuring lender-issuer or to itself.

(a)(1) For any Coinsured Mortgage that is not in default and is held by a defaulting lender-issuer, GNMA will first attempt to have the Mortgage assigned to another eligible coinsuring lender by soliciting offers to assume the defaulting lender-issuer's rights and obligations under the Mortgage from those eligible coinsuring lenders that are indicated on a periodically updated listing furnished to GNMA by the Commissioner and that are also GNMA issuers.

(2) If GNMA rejects all offers or no offers are received, GNMA will have the right to perfect an assignment of the Mortgage to itself.

(b) For any Coinsured Mortgage that is in default and held by a defaulting lender-issuer, GNMA will have the right to perfect an assignment of the Coinsured Mortgage directly to itself before extinguishing the Mortgage by completion of foreclosure action or acquisition of title by deed-in-lieu of foreclosure.

(c) GNMA, as assignee, will give the Commissioner written notice within 30 days after taking a Mortgage by assignment in accordance with this section, in order to allow an appropriate endorsement and necessary changes in the Commissioner's records.

(d) The Commissioner will endorse any Mortgage assigned to GNMA as provided by this section for full insurance effective as of the date of assignment in accordance with the appropriate provisions of 24 CFR Part 221. Any future insurance claim by GNMA or any assignment of the fully insured Mortgage will be governed by the appropriate provisions of 24 CFR Part 221, except that any payment will be made in cash instead of debentures.

§ 252.828 GNMA right to claim coinsurance benefits after lender-issuer's acquisition of title.

(a) If, as a result of a default by a lender-issuer on its obligations under the GNMA Mortgage-Backed Securities (MBS) program, GNMA must pay any amount owed to a securities holder, GNMA as substitute lender-issuer shall be entitled to file a claim for and to receive coinsurance benefits in accordance with this subpart. GNMA may file a claim with the Commissioner immediately upon its declaration of the lender-issuer's default under the GNMA MBS program, if the defaulting lender-issuer has acquired legal title to property previously covered by a coinsured mortgage ("coinsured property") but has not received coinsurance benefits under this subpart, and if the defaulting lender-issuer cannot or will not convey legal title to the coinsured property to GNMA. Such a claim may be filed by GNMA notwithstanding the requirements of § 252.818(b) that claims be submitted after the sale of the coinsured property or the expiration of 12 months from the acquisition of title. The claim shall be based upon property appraisals obtained by the lender-issuer at the time of acquisition of title, or, in the absence of such appraisals, upon appraisals obtained by GNMA after default of the lender-issuer. The lender-issuer will have no claim against the Commissioner for any payment pursuant to this section.

(b) If, as a result of the lender-issuer's default, the full amount paid by GNMA to one or more securities holders exceeds the amount of coinsurance benefits paid by the Commissioner to GNMA under paragraph (a) with respect to the Coinsured Mortgage that backed the securities, then the Commissioner shall reimburse GNMA for such additional amount in accordance with § 252.824(b).

(c) For any Coinsured Mortgage that is to be included in a GNMA MBS pool, GNMA shall obtain an assignment by contract of any future right of the lender-issuer to collect coinsurance benefits on the Coinsured Mortgage following the lender-issuer's acquisition of legal title to the underlying coinsurance property on behalf of securities holders and GNMA. Such assignment shall become effective upon default by any lender-issuer after its acquisition of legal title to the coinsured property.

(d) If the lender-issuer is unable or unwilling to transfer legal title to the coinsured property promptly to GNMA, GNMA shall take all necessary and appropriate action to obtain legal title to it. Upon receipt of legal title, GNMA shall convey the coinsured property to the Commissioner. In the event GNMA cannot acquire legal title, GNMA shall transfer to the Commissioner any other rights or interests it possesses in the coinsured property.

(e) GNMA shall reimburse the Commissioner in an amount not to exceed the amount of any payment by the Commissioner to GNMA under paragraph (a) of this section if the Commissioner is required to pay coinsurance proceeds under this subpart to any party other than GNMA with respect to the Coinsured Mortgage.

Subpart J—Coinsurance of Mortgages Covering Existing Projects

§ 252.901 Mortgages covering existing insured projects eligible for coinsurance.

Notwithstanding the generally applicable requirement that mortgages coinsured under this part be limited to Projects to be constructed or substantially rehabilitated after commitment for coinsurance, a mortgage executed in connection with the purchase or refinancing of an exsiting Project covered by a mortgage insured by the Commissioner may be coinsured under this subpart pursuant to section 223(f) of the Act. A mortgage coinsured pursuant to this subpart shall meet all other requirements of this part except as expressly modified by this subpart.

§ 252.902 Eligible project.

(a) Notwithstanding the requirements set forth in § 252.201, existing Projects covered by a mortgage insured by the Commissioner (with such repairs and improvements as are determined by the lender to be necessary) are eligible for coinsurance under this subpart. The Project must not require substantial rehabilitation as defined in § 252.3 and three years must have elapsed from the date of completion of construction or substantial rehabilitation of the Project, or from the beginning of occupancy, whichever is later, to the date of application for coinsurance. In addition:

(b) The Project must presently be at sustaining occupancy (occupancy that would produce income sufficient to pay operating expenses, annual debt service and reserve fund for replacement requirements) as determined by the coinsuring lender, before endorsement of the Project for coinsurance; alternatively, the mortgagor must

provide an operating deficit fund at the time of endorsement for coinsurance, in an amount, and under an agreement, approved by the coinsuring lender in accordance with standards established by the Commissioner.

§ 252.903 Maximum mortgage limitations.

Notwithstanding the maximum mortgage limitations set forth in § 252.203, a mortgage within the limits set forth in this section shall be eligible for coinsurance under this subpart.

(a) *Value limit.* The coinsured mortgage shall involve a principal obligation of not in excess of eighty-five percent (85%) of the coinsuring lender's estimate of the value of the Project, including major movable equipment to be used in its operation and any repairs and improvements. The coinsuring lender's estimate of value shall result from consideration of (1) estimated market value of the Project by capitalization, (2) estimated market value of the Project by direct sales comparison, and (3) total estimated replacement cost of the Project. In the event the mortgage is secured by a leasehold estate rather than a fee simple estate, the value of the property described in the mortgage shall be the value of the leasehold estate (as determined by the lender) which shall in all cases be less than the value of the property in fee simple.

(b) *Debt service limit.* The coinsured mortgage shall involve a principal obligation not in excess of the amount that could be amortized by eighty-five percent (85%) of net projected Project income available for payment of debt service. Net projected Project income available for payment of debt service shall be determined by reducing the coinsuring lender's estimated gross income for the Project by a vacancy and collection loss factor and by the cost of all estimated operating expenses, including deposits to the reserve for replacements and taxes.

(c) *Project to be refinanced—additional limit.* In addition to meeting the requirements of paragraphs (a) and (b) of this section, if the Project is to be refinanced by the coinsured mortgage (*i.e.*, without a change of ownership or with the Project sold to a purchaser who has an identity of interest as defined by the Commissioner with the seller with the purchase to be financed with the coinsured mortgage), then the maximum mortgage amount must not exceed the greater of:

(1) Seventy percent (70%) of the coinsuring lender's estimate of value of the Project, or

(2) The cost to refinance the existing indebtedness, which will consist of the following items, the eligibility and amounts of which must be determined by the coinsuring lender:

(i) The amount required to pay off the existing indebtedness;

(ii) The amount of the initial deposit for the reserve fund for replacements;

(iii) Reasonable and customary legal, organizational, title, and recording expenses, including lender fees under § 252.206;

(iv) The estimated repair costs, if any;

(v) Architect's and engineer's fees, municipal inspection fees, and any other required professional or inspection fees.

(d) *Project to be acquired—additional limit.* In addition to meeting the requirements of paragraphs (a) and (b) of this section, if the Project is to be acquired by the mortgagor and the purchase price is to be financed with the insured mortgage, the maximum amount must not exceed eighty-five percent (85%) of the cost of acquisition as determined by the Commissioner. The cost of acquisition shall consist of the following items, to the extent that each item (except for item numbered (1)) is paid by the purchaser separately from the purchase price. The eligibility and amounts of these items must be determined in accordance with standards established by the Commissioner.

(1) Purchase price as indicated in the purchase agreement;

(2) An amount for the initial deposit to the reserve fund for replacements;

(3) Reasonable and customary legal, organizational, title, and recording expenses, including mortgagee fees under § 255.206;

(4) The estimated repair cost, if any;

(5) Architect's and engineer's fees, municipal inspection fees, and any other required professional or inspection fees.

§ 252.904 Term of the mortgage.

Notwithstanding the provisions of § 252.205, a mortgage coinsured under this subpart must have a maturity satisfactory to the coinsuring lender, which is not less than 10 years, nor more than the lesser of 35 years or 75 percent of the estimated remaining economic life of the physical improvements. The term of the mortgage will begin on the first day of the second month following the date of endorsement of the mortgage for coinsurance.

§ 252.905 Labor standards and prevailing wage requirements.

The provisions of § 252.209 and paragraph 252.301(e) of this part shall not apply to mortgages coinsured under commitments issued in accordance with this subpart.

§ 252.906 Processing and commitment.

Except where otherwise specified in this section, the provisions of § 252.302 shall not apply to mortgages coinsured under this subpart.

(a) After acceptance of an application for a commitment to coinsure, the coinsuring lender will determine the maximum coinsurable Mortgage, review any list of repairs for compliance with HUD standards, determine the acceptability of the proposed management agent, and make other determinations necessary to assure acceptability of the proposed Project. The lender must make these determinations in the manner prescribed by the Commissioner.

(b) Paragraph (b) of § 252.302 applies to mortgages coinsured under this subpart.

(c) Paragraph (c) of § 252.302 applies to mortgages coinsured under this subpart.

(d) An application may be made for a commitment that provides for the coinsurance of the mortgage after completion of repairs and improvements or for a commitment that provides, in accordance with standards established by the Commissioner, for the completion of specified repairs and improvements after endorsement.

Date: December 1, 1987.

Thomas T. Demery,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 87-29863 Filed 12-30-87; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-10-87]

Allocation of Interest Expense Among Expenditures; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the allocation of interest expense for purposes of applying the limitations on passive activity losses and credits, investment interest, and personal interest.

DATES: The public hearing will be held on Tuesday, March 1, 1988, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Tuesday, February 16, 1988.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-10-87), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Marcia Evans of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, telephone 202-566-3935 (not a toll-free call).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations and the amendments thereto under the following sections of the Internal Revenue Code of 1986: sections 469 (relating to the limitation on passive activity losses and credits) and 163(h) (relating to the disallowance of deductions for personal interest) and amended section 163(d) (relating to the limitation on investment interest). The proposed regulations appeared in the **Federal Register** for Thursday, July 2, 1987 (52 FR 25036).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than February 16, 1988, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue:

Robert A. Bley,

Executive Assistant to Director, Legislation and Regulations Division.

[FR Doc. 87-30032 Filed 12-30-87; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Policies and Actions With Regard to Subsistence Taking of Migratory Birds in Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed policy statement.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service) published a Notice of Intent in the May 19, 1986, **Federal Register** (51 FR 18349) to propose rules governing subsistence hunting of migratory birds in Alaska. This action was undertaken on the basis of a U.S. District Court ruling that, until the Secretary established subsistence hunting regulations under the 1978 Fish and Wildlife Improvement Act, Alaska Natives could take migratory birds for food at any time under the terms of the 1925 Alaska Game Law. On October 9, 1987, the U.S. Court of Appeals for the Ninth Circuit reversed the District Court.

In view of this court decision, the Service will not proceed with the rulemaking announced in the May 19, 1986, Notice of Intent. The Service has developed a policy for enforcement of the closed season under the Migratory Bird Treaty Act (MBTA) with emphasis on protecting species and populations known to be seriously reduced in numbers and most in need of protection. This policy is published in this Notice for public comment. The Service also plans to consult with Native groups and other affected and interested parties prior to implementation of this policy this spring.

DATES: Comments must be received on or before February 29, 1988.

ADDRESS: Comments may be addressed to: Regional Director, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503. Telephone: (907) 786-3545.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Assistant Regional Director, Refuges and Wildlife (907) 786-3545; or R. David Purinton, Assistant Regional Director, Division of Law Enforcement (907) 786-3311.

SUPPLEMENTARY INFORMATION: Since 1984, subsistence harvest of four species of geese that nest in the Yukon-Kuskokwim Delta region of western Alaska has been managed pursuant to cooperative plans (the Yukon-Kuskokwim Delta Goose Management Plan) signed by representatives of the Service, the Alaska Department of Fish and Game, Alaska Natives, and the California Department of Fish and Game. The legality of these plans was challenged in *Alaska Fish and Wildlife Federation and Outdoor Council, Inc. v. Jantzen*, No. J84-013 CIV (D.Alaska), on the grounds that they violated the Migratory Bird Treaty Act. On January 24, 1986, the U.S. District Court for Alaska ruled that the 1925 Alaska Game Law, rather than the MBTA, governed subsistance hunting for migratory birds in Alaska and that, until the Secretary of the Interior adopted regulations under section 3(h)(2) of the Fish and Wildlife Improvement Act of 1978 (Improvement Act), 16 U.S.C. 712(1), Alaska Natives were allowed by the Alaska Game Law to take migratory waterfowl at any time when "in need of food and other sufficient food is not available." Section 3(h)(2) of the Improvement Act authorizes the Secretary to issue regulations permitting subsistence hunting of migratory birds in accordance with the various migratory bird treaties.

Based on the January 1986 District Court ruling and on section 3(h)(2) of the Improvement Act, the Service published a Notice of Intent in the May 19, 1986, **Federal Register** (51 FR 18349) to propose rules governing subsistence harvest of migratory birds in Alaska. The Service initially proposed to adopt final rules by the spring of 1987. In order to provide increased opportunity for public participation in developing the regulations, the date for adoption of final rules subsequently was changed to spring of 1988. On October 9, 1987, however, the U.S. Court of Appeals for the Ninth Circuit reversed the January 24, 1986, District Court ruling upon which this rulemaking was premised.

The Service will take the following actions:

1. *Subsistence Hunting Regulations.* In light of the Ninth Circuit opinion the Service will not proceed with and hereby terminates the rulemaking on subsistence hunting of migratory birds announced to the public on May 19, 1986.

2. *Yukon-Kuskokwim Delta Goose Management Plan.* The Service views management agreements, such as the Yukon-Kuskokwim Delta Goose Management Plan, as an important element in the conservation of geese that nest in western Alaska. The Service accordingly intends to enter into a new management plan that contains provisions relative to cooperative efforts to achieve Arctic goose population objectives, cooperative information and education efforts, communications and other aspects benefiting the cooperative management of affected species. The Service anticipates that the Plan will

VOL
52
ISS
251
DE
31
1987
UMI

continue to apply to cackling Canada geese, emperor geese, Pacific white-fronted geese, and Pacific brant. As in the past, the Service will develop the 1988 Goose Management Plan in conjunction with the parties.

3. *Closed Season Enforcement Policy in Alaska.* The Service has developed the following enforcement policy with regard to hunting in Alaska during the closed season. This is preceded by a brief discussion of the relevant factors taken into account when drafting this policy.

The MBTA prohibits the taking of migratory birds in the United States except as permitted by regulations published by the Service. The MBTA further requires that the regulations must be consistent with the provisions of the Canadian Treaty. Accordingly, the Service publishes regulations annually that establish open seasons and bag limits for migratory game birds within the September 1 to March 10 period provided by the Canadian Treaty. Except in Alaska, the Service has always strictly enforced the prohibitions against taking migratory birds during closed seasons, that is, during those times of year outside the hunting seasons established in the annual hunting regulations. Because of the following special circumstances in Alaska, these closed season provisions generally have not been strictly enforced.

(a) The Canadian Treaty makes specific exceptions to the prohibition against taking migratory birds during closed seasons that apply to Alaska. It provides that Indians may take at anytime scoters for food and it permits Eskimos and Indians to take, at any season, auks, auklets, guillemots, murres, and puffins and their eggs for food and clothing.

(b) The Service by regulation (50 CFR 20.132) permits any person in Alaska to take snowy owls and cormorants and their eggs at any time for food and clothing. This regulation was established when owls and cormorants were added to the list of birds protected under the migratory bird treaty with Mexico (in 1972) and thereby were covered by the provisions of the MBTA. The regulation was in response to a well-established customary and traditional use of snowy owls and cormorants in Alaska.

(c) The Service has recognized for many years that residents of certain rural areas in Alaska depend on waterfowl and some other migratory birds as customary and traditional sources of food, primarily in spring and early summer. Because of this long established dependence, prohibitions on taking during the closed season generally have not been strictly enforced provided that the birds were taken in a nonwasteful manner and were used for food.

Historically the taking of waterfowl and other migratory birds for subsistence purposes in Alaska does not appear to have had a significant adverse impact on the populations from which the birds were taken. In recent years, however, the levels of taking, in Alaska and elsewhere, in combination with other factors, such as nest predation by foxes, have caused drastic declines in some populations of birds. This has been particularly apparent in populations of four species of geese that nest primarily on the Yukon-Kuskokwim Delta. In an effort to address this problem the Service joined with other parties in the Yukon-Kuskokwim Delta Goose Management Plan which included provisions covering subsistence hunting during the closed season. As discussed previously, the Service now intends to negotiate a new management agreement that is supportive of its enforcement policy.

Closed Season Enforcement Policy in Alaska

Service enforcement efforts in Alaska during the closed season will be concentrated on violations that have the most serious impact on the resource. Special attention will be given to the protection of cackling Canada geese, emperor geese, Pacific white-fronted geese, and Pacific brant, the species presently covered by the Yukon-Kuskokwim Delta Goose Management Plan. The Service will also give priority to protecting waterfowl from the following illegal actions regardless of where they may occur:

—Taking cackling Canada and emperor geese at any time;
—Taking Pacific white-fronted geese or brant during the nesting, brood rearing, and flightless periods;
—Taking the eggs of any of the above four species of geese;
—Taking other waterfowl (ducks, geese, and swans) during the nesting, brood rearing, and molting periods except as specifically permitted by law;
—Taking eggs of waterfowl (ducks, geese, and swans); and
—Using charter or private aircraft for the purpose of hunting migratory birds, including the use of aircraft for transportation to or from the hunting area of for shipping or transporting migratory birds.

Finally, the Service recognizes that unforseen emergency situations can occur in rural Alaska where food is unavailable and no means of transportation or other opportunitites exist to obtain food. Regardless of the prohibitions outlined above, the taking of migratory birds in such situations in limited numbers to provide emergency food will not be referred to the United States Attorney for prosecution.

Comments Solicited

The Service wishes to provide opportunity for public review and comment to the maximum extent possible. Accordingly, the public is invited to comment on the matters discussed in this Notice. Any comment received within 60 days from the date of publication of this Notice will be considered in further developing and implementing an enforcement policy and developing more detailed proposals for management of the four species of Arctic nesting geese discussed above on the Yukon-Kuskowim Delta and elsewhere in the State of Alaska.

Date: December 17, 1987.

Steve Robinson,

Acting Director, U. S. Fish and Wildlife Service.

[FR Doc. 87-29808 Filed 12-30-87; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 50219-7272]

North Pacific Fur Seals—Pribilof Island Population; Designation as Depleted

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Reopening of the comment period on the proposed rule.

SUMMARY: The NMFS is reopening the public comment period on the proposed rule designating the Pribilof Island population of North Pacific fur seals as depleted under the Marine Mammal Protection Act. Comments are requested on new information concerning possible changes in the carrying capacity of the Bering Sea ecosystem.

DATE: Comments must be received by February 29, 1988.

ADDRESS: Nancy Foster, Director, Office of Protected Resources (F/PR), NMFS, NOAA, Department of Commerce, Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, 202-673-5351.

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1986 (51 FR 47155), a proposed rule was published to add the Pribilof Island population of North Pacific fur seals to the list of depleted species at 50 CFR 216.15. At the request of a number of Native Alaskan and subsistence interest groups and their representatives, a public meeting was held in Anchorage, Alaska, on January 21, 1987 to accept oral comments on the proposed rule. An extension of the public comment period was granted to accommodate the special needs of rural Alaskans (52 FR 4365, February 11, 1987). Comments were received and accepted through March 30, 1987.

On September 1, 1987, NMFS received a petition regarding this rulemaking from the St. Paul Aleut Community and the Pribilof Aleut Sealing Commission. The petition requested a reopening of the record, an environmental impact statement, and adjudicatory hearing, peer review, and a contribution to a Bering Sea scientific conference. NMFS determined that no useful purpose would be served by delaying this rulemaking to further consider potential impacts of the nondiscretionary depletion designation and denied the petition on September 28, 1987. Copies of the petition and the NMFS response may be obtained by writing to the address listed above.

The Northwest and Alaska Fisheries Center (NWAFC), NMFS, Seattle, Washington, has raised serious questions regarding the scientific basis for the proposed depletion designation. A depletion designation for this population depends, in part, on the assumption, discussed in the preamble to the proposed rule (51 FR 47156), that the carrying capacity of the Bering Sea and North Pacific Ocean for fur seals has probably not changed significantly since peak numbers of animals were observed during the 1940s–1950s. The following additional scientific information has been provided by the NWAFC to counter this assumption.

Additional Scientific Information

The following information refers to the claim that the carrying capacity of Pribilof Island fur seals has not changed since the 1940s-early 1950s. Presented in Figures 1 through 5 are biomass trends for red king crab and several species of groundfish for the eastern Bering Sea. While data displayed in these figures do not go back to the 1940s, they do indicate that important components of the Bering Sea ecosystem have undergone dramatic change during the 1970s and first part of the 1980s. Changes shown in these figures have been attributed to natural environmental variation, as opposed to fishery related causes (Bakkala 1987; Major and Wilderbuer 1987). While no definitive quantitative statements can be made about the carrying capacity of this ecosystem, these date provide evidence which indicates that the Bering Sea ecosystem is dynamic. This characteristic suggests that the carrying capacity may not have been constant.

Changes in environmental conditions suggested above may also have affected fur seals, and perhaps other marine mammal stocks. If current carrying capacity differs significantly from that associated with the 1940s-early 1950s, the approach of using the fur seal population level determined for this time period as a definition of carrying capacity is inappropriate.

It is important to note that attendees at the 1983 fur seal workshop concluded that a reliable measurement of the current carrying capacity for fur seals does not exist: "Given the available data and analyses, it is not possible to clearly determine whether the Pribilof fur seal population is currently at, above, or below carrying capacity levels; whether carrying capacity has changed significantly in the last two or three decades; or whether the observed population decline is due to declining carrying capacity, increased mortality, or some combination of both." (Fowler 1986).

Since this time new evidence has been published that the North Pacific carrying capacity has changed over the past 20 years (Venrich, et al. 1987). In their article, a significant increase in chlorophyll a, an index of phytoplankton biomass, was correlated with decreased sea surface temperatures and more active winter storminess, which has been documented for vigorous winters during the 1980–1985 period. Studies conducted by the National Marine Mammal Laboratory (York, unpublished. 1985) suggest that mortality of young fur seals (first 5 years of age) increased with decreases in coastal sea surface temperatures in the North Pacific, south of the Bering Sea (50°N), during the same period as the results reported in SCIENCE. Hard evidence to correlate the kind of findings in York (1985 ms) and Venrick et al. (1987) are not available; however, they suggest one plausible mechanism, a trend in storm activity, through which the carrying capacity for fur seals might be affected. Copies of the following references may be obtained by writing to the address listed above.

References

Bakkala, R.G. (ed.). 1987. Condition of groundfish resources of the Eastern Bering Sea and Aleutian Islands Region in 1987. NWAFC. Unpublished Rpt. Submitted to the International North Pacific Fisheries Commission, October 1987. 187 pp.

Fowler, C.W. (ed.) 1986. Report of the Workshop on the Status of Northern Fur Seals on the Pribilof Islands, Alaska, November 14–16, 1983. NWAFC Processed Rpt. 86–01. 80 pp.

Major, R.L. and P.K. Wilderbuer (eds.). 1987. Condition of groundfish resources in the Gulf of Alaska Region as assessed in 1987. NWAFC. Unpublished Rpt. Submitted to the International North Pacific Fisheries Commission, October 1987. 228 pp.

Venrick, E.L., J.A. McGowan, D.R. Cayan and T.L. Hayward. 1987. Climate and chlorophyll a: long-term trends in the Central North Pacific Ocean. SCIENCE 238:70–72.

York, A. 1985 ms. Forecast of 1985 harvest on St. Paul Island. Unpublished manuscript submitted as a background paper to the 28th Annual Meeting of the North Pacific Fur Seal Commission, Tokyo, Japan, April, 1985. 23 pp.

Date: December 18, 1987.

Bill A. Powell,

Executive Director, National Marine Fisheries Service.

BILLING CODE 3510-22-M

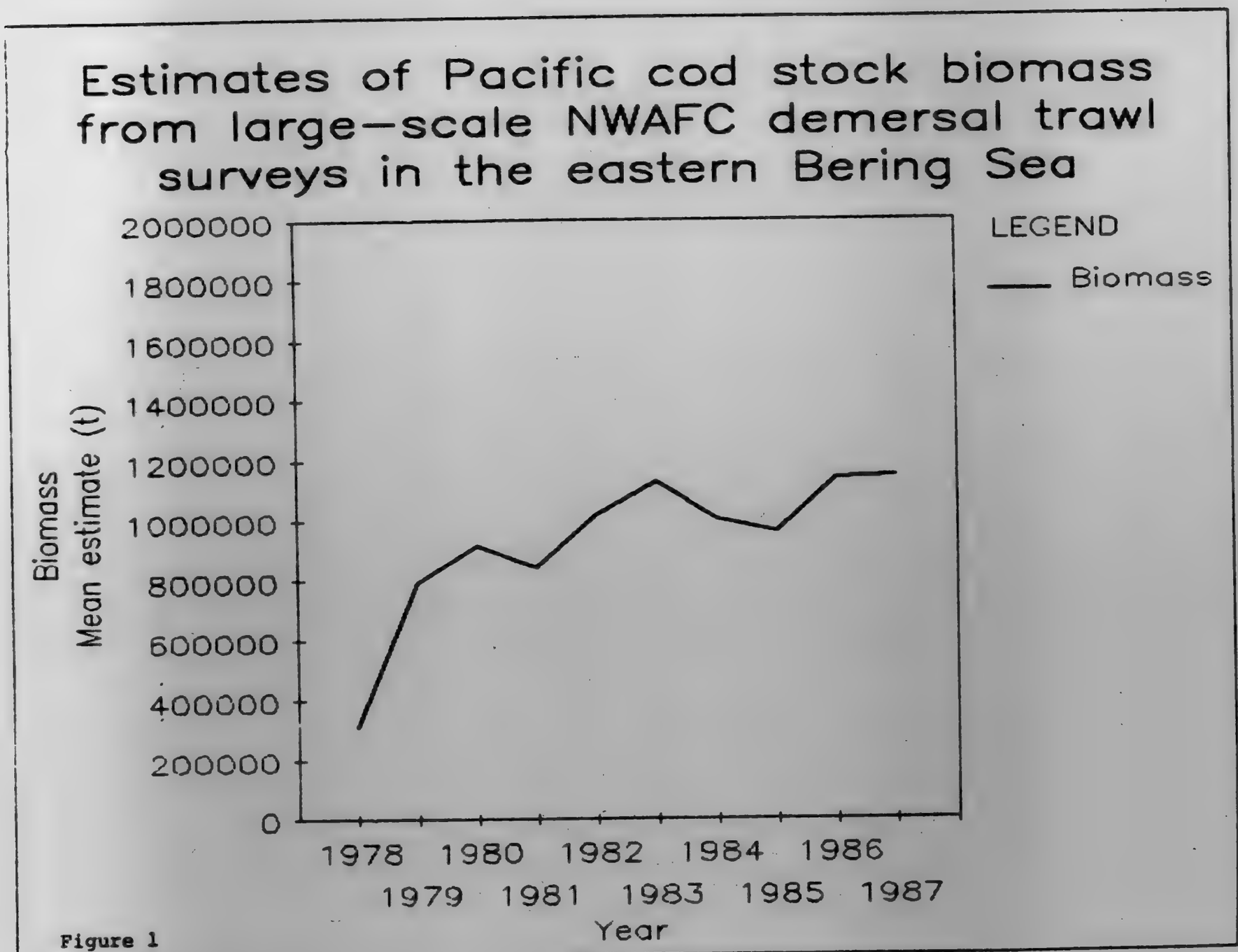

Estimates of Pacific cod stock biomass from large-scale NWAFC demersal trawl surveys in the eastern Bering Sea
Biomass
Mean estimate (t)
2000000
1800000
1600000
1400000
1200000
1000000
800000
600000
400000
200000
0
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
Year
LEGEND
Biomass

Figure 1

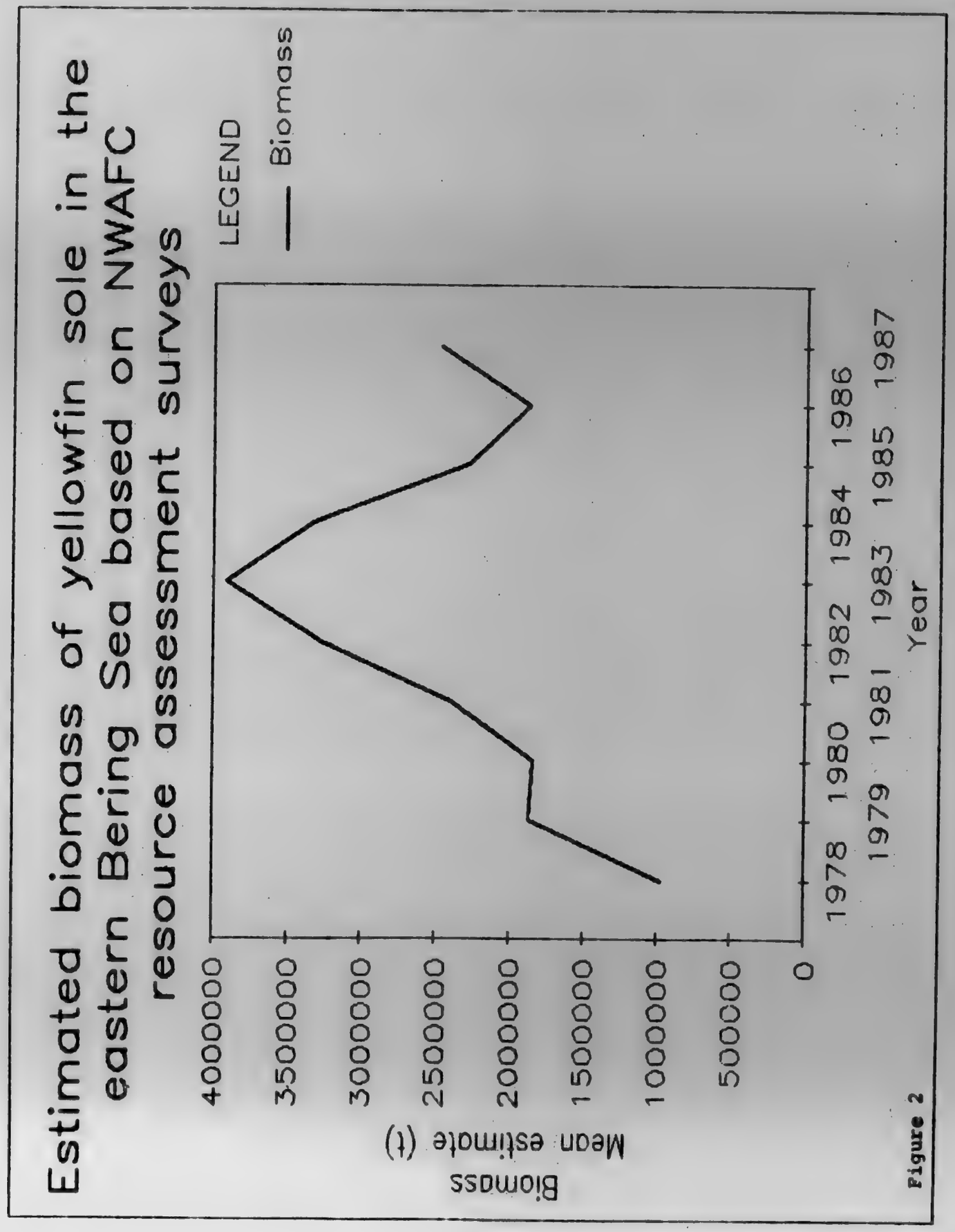


Figure 2

BEST COPY AVAILABLE

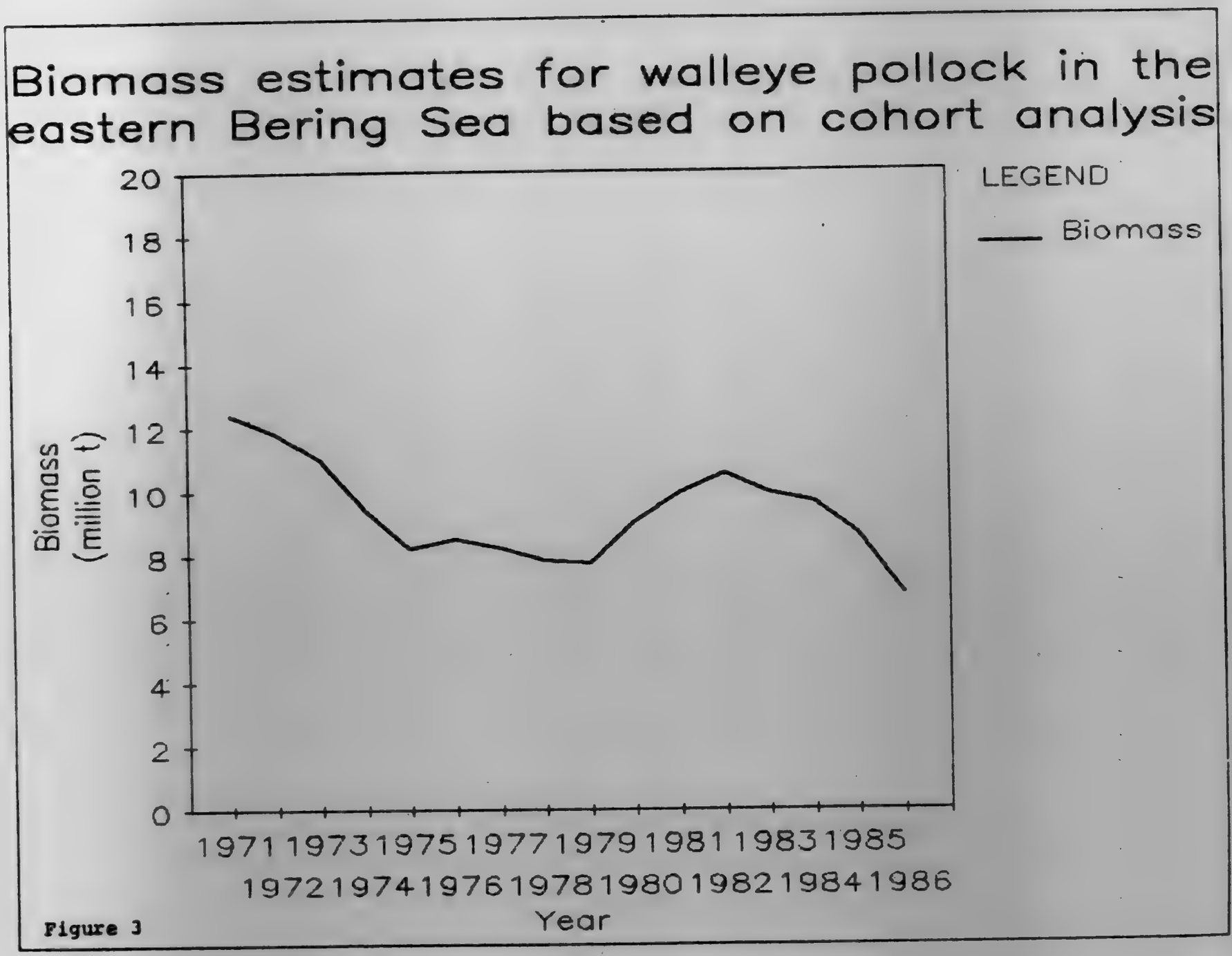

Biomass estimates for walleye pollock in the eastern Bering Sea based on cohort analysis
LEGEND
Biomass
Biomass (million t)
20
18
16
14
12
10
8
6
4
2
0
1971 1973 1975 1977 1979 1981 1983 1985
1972 1974 1976 1978 1980 1982 1984 1986
Year

Figure 3

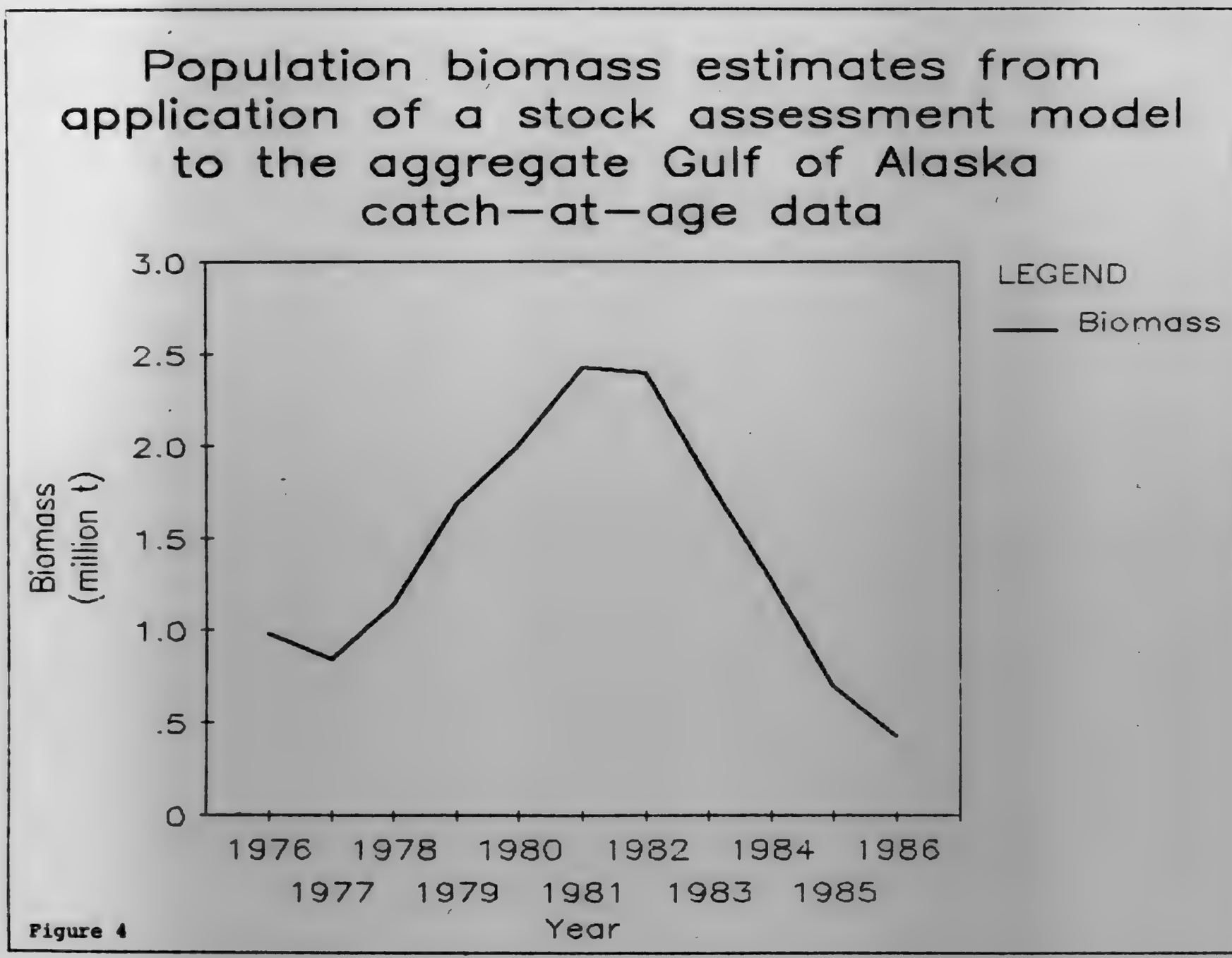

Population biomass estimates from application of a stock assessment model to the aggregate Gulf of Alaska catch–at–age data
LEGEND
Biomass
Biomass (million t)
3.0
2.5
2.0
1.5
1.0
.5
0
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
Year

Figure 4

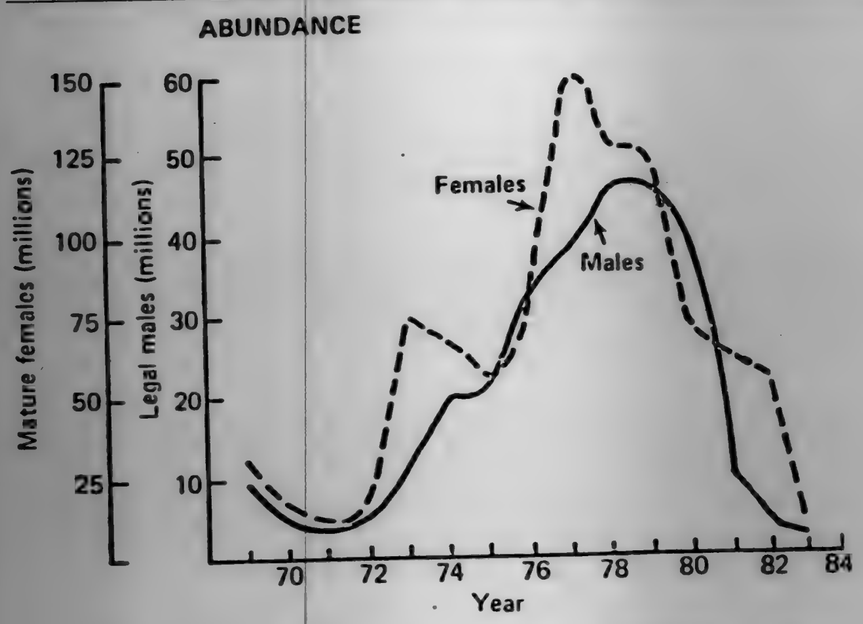


Figure 5 --Male and female red king crab abundance trends.

[FR Doc. 87-29521 Filed 12-30-87; 8:45 am]
BILLING CODE 3510-22-C

Notices

Federal Register
Vol. 52, No. 251
Thursday, December 31, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 87-155]

Availability of Environmental Assessment and Finding of No Significant Impact Relative to Issuance of Permit To Field Test Genetically Engineered Herbicide Tolerant Tobacco Plants

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This document provides notice that an environmental assessment and finding of no significant impact has been prepared by the Animal and Plant Health Inspection Service relative to the issuance of a permit to Calgene, Inc., to allow the field testing of genetically engineered tobacco plants, designed to be tolerant to the herbicide bromoxynil. The assessment provides a basis for the conclusion that the field testing of the genetically engineered tobacco plants does not present a risk of plant pest introduction or dissemination and also will not cause any significant impact to the quality of the human environment. Based upon this finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

ADDRESS: Copies of the environmental assessment and finding of no significant impact are available for public inspection at the Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Copies of the environmental assessment are also available upon request at this same address.

FOR FURTHER INFORMATION CONTACT: Dr. John Payne, Staff Microbiologist, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7908.

SUPPLEMENTARY INFORMATION:

Background

On June 16, 1987, the Animal and Plant Health Inspection Service (APHIS) published a final rule in the **Federal Register** (52 FR 228992-22915) which established a new Part 340 in Title 7 of the Code of Federal Regulations (7 CFR Part 340) entitled, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests" (hereinafter "the rule"). The rule regulates the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products which are plant pests or which there is reason to believed are plant pests (regulated articles). The rule sets forth procedures for obtaining a permit for the release into the environment of a regulated article and for obtaining limited permits for the importation or interstate movement of a regulated article. A permit must be obtained before a regulated article can be introduced in the United States.

APHIS Has stated that it would prepare environmental assessments and, where necessary, environmental impact statements prior to issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

Calgene, Inc. of Davis, California has submitted an application for a permit for release into the environment of genetically engineered tobacco plants that are designed to be tolerant to the herbicide bromoxynil. In the course of reviewing the permit application APHIS assessed the impact to the environment of releasing the tobacco plants under the conditions described in the Calgene application. APHIS concluded that the field testing will not present a risk of plant pest introduction or dissemination and will also not cause any significant impact on the human environment.

The environmental assessment and finding of no significant impact which is based on data submitted by Calgene, Inc. as well as a review of other relevant literature, provides the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field testing.

The facts supporting APHIS' finding of no significant impact are summarized below and are contained in the environmental assessment.

1. A gene for herbicide tolerance has been inserted into a chromosome of these tobacco plants. In nature, genetic material contained on the chromosomes of tobacco plants can only be transferred to other compatible plants by cross pollination. In this field test the introduced gene cannot spread to other plants by cross pollination for the following reasons: (1) The field test plot is located hundreds of miles from any compatible plants with which it might cross pollinate; (2) no pollen will be produced since the tops of the plants will be removed upon flower initiation; and (3) the field test will be conducted at a time of year when tobacco is rarely grown.

2. Neither the herbicide tolerance gene itself, nor its gene product, confer on tobacco any plant pest characteristics. Traits that lead to weediness in plants are multi-gene traits and cannot be conferred by adding a single herbicide tolerance gene.

3. The microorganism from which the herbicide tolerance gene was isolated is not a plant pest and is widely distributed in the soil.

4. The herbicide tolerance gene does not provide the transformed tobacco plants with any measurable selective advantage over nontransformed tobacco plants in their ability to be disseminated or to become established in the environment.

5. The vector used to transfer the herbicide tolerance gene to tobacco plants has been evaluated for its use in this specific experiment and does not pose a plant pest risk in this experiment. The vector, although derived from a DNA sequence with known plant pest potential, has been disarmed; that is, genes that are necessary for producing plant disease have been removed from the vector. The vector has been tested and shown to be nonpathogenic to plants.

6. The vector agent, the bacterium that was used to deliver the vector DNA and the herbicide tolerance gene into the

plant cell, has been shown to have been eliminated and no longer associated with the transformed tobacco plants.

7. Horizontal movement of the introduced gene is not possible. The vector acts by delivering the gene to the plant genome where it is inserted into the plant chromosomal DNA, and the remaining vector material disintegrates. The vector does not survive in the plant. No mechanism exists in nature to move the inserted gene from the plant to other organisms.

8. Bromoxynil is one of the new herbicides that is rapidly degraded in the environment. It has been shown to be less toxic to animals than many herbicides commonly used.

9. The size of the test plot is very small (440 feet wide by 1,034 feet long) and is biologically isolated from many species of wild plants and animals by a surrounding area of cultivated land. The area surrounding the plot has been used to grow cotton, an intensively managed crop. Cotton fields are known for their paucity of wildlife.

10. The plot has good physical security. Physical isolation will be ensured and incursion by large animals and humans will be prevented by a chain-link fence surrounding the plot. The occupants of a nearby farm house will provide additional security.

The environmental assessment and finding of no significant impact has been prepared in accordance with (1) the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331 *et seq.*); (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (Title 40, Code of Federal Regulations (CFR) Parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR Part 1b); and (4) APHIS guidelines implementing NEPA (44 FR 50381–50384 and 44 FR 51272–51274).

Done at Washington, DC, this 24th day of December, 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87–30043 Filed 12–30–87; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 87–156]

Availability of Environmental Assessment and Finding of No Significant Impact Relative to Issuance of Permit To Field Test Genetically Engineered Herbicide Tolerant Tobacco Plants

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This document provides notice that an environmental assessment and finding of no significant impact has been prepared by the Animal and Plant Health Inspection Service relative to the issuance of a permit to Calgene, Inc., to allow the field testing of genetically engineered tobacco plants, designed to be tolerant to the herbicide glyphosate. The assessment provides a basis for the conclusion that the field testing of the genetically engineered tobacco plants does not present a risk of plant pest introduction or dissemination and also will not cause any significant impact to the quality of the human environment. Based upon this finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

ADDRESS: Copies of the environmental assessment and finding of no significant impact are available for public inspection at the Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Copies of the environmental assessment are also available upon request at this same address.

FOR FURTHER INFORMATION CONTACT: Dr. John Payne, Staff Microbiologist, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7908.

SUPPLEMENTARY INFORMATION:

Background

On June 16, 1987, the Animal and Plant Health Inspection Service (APHIS) published a final rule in the **Federal Register** (52 FR 228992–22915) which established a new Part 340 in Title 7 of the Code of Federal Regulations (7 CFR Part 340) entitled, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests" (hereinafter "the rule"). The rule regulates the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products which are plant pests or which there is reason to believed are plant pests (regulated articles). The rule sets forth procedures for obtaining a permit for the release into the environment of a regulated article and for obtaining limited permits for the importation or interstate movement of a regulated article. A permit must be obtained before a regulated article can be introduced in the United States.

APHIS has stated that it would prepare environmental assessments and, where necessary, environmental impact statements prior to issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

Calgene, Inc. of Davis, California has submitted an application for a permit for release into the environment of genetically engineered tobacco plants that are designed to be tolerant to the herbicide glyphosate. In the course of reviewing the permit application APHIS assessed the impact to the environment of releasing the tobacco plants under the conditions described in the Calgene application. APHIS concluded that the field testing will not present a risk of plant pest introduction or dissemination and will also not have any significant impact on the human environment.

The environmental assessment and finding of no significant impact which is based on data submitted by Calgene, Inc. as well as a review of other relevant literature, provides the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field testing.

The facts supporting APHIS' finding of no significant impact are summarized below and are contained in the environmental assessment.

1. A gene for herbicide tolerance has been inserted into a chromosome of these tobacco plants. In nature, genetic material contained on the chromosomes of tobacco plants can only be transferred to other compatible plants by cross pollination. In this field test the introduced gene cannot spread to other plants by cross pollination for the following reasons: (1) The field test plot is located hundreds of miles away from any compatible plants with which it might cross pollinate; (2) no pollen will be produced since the tops of the plants will be removed upon flower initiation; and (3) the field test will be conducted at a time of year when tobacco is rarely grown.

2. Neither the herbicide tolerance gene itself, nor its gene product, confer on tobacco any plant pest characteristics. Traits that lead to weediness in plants are multi-gene traits and cannot be conferred by adding a single herbicide tolerance gene.

3. The microorganism from which the herbicide tolerance gene was isolated is not a plant pest.

4. The herbicide tolerance gene does not provide the transformed tobacco plants with any measurable selective advantage over nontransformed tobacco plants in their ability to be disseminated or to become established in the environment.

5. The vector used to transfer the herbicide tolerance gene to tobacco plants has been evaluated for its use in this specific experiment and does not pose a plant pest risk in this experiment. The vector, although derived from a DNA sequence with known plant pest potential, has been disarmed; that is, genes that are necessary for producing plant disease have been removed from the vector. The vector has been tested and shown to be nonpathogenic to plants.

6. The vector agent, the bacterium that was used to deliver the vector DNA and the herbicide tolerance gene into the plant cell, has been shown to have been eliminated and no longer associated with the transformed tobacco plants.

7. Horizontal movement of the introduced gene is not possible. The vector acts by delivering the gene to the plant genome where it is inserted into the plant chromosomal DNA, and the remaining vector material disintegrates. The vector does not survive in the plant. No mechanism exists in nature to move the inserted gene from the plant to other organisms.

8. Glyphosate is one of the new herbicides that is rapidly degraded in the environment. It has been shown to be less toxic to animals than many herbicides commonly used.

9. The size of the test plot is very small (440 feet wide by 1,034 feet long) and is biologically isolated from many species of wild plants and animals by a surrounding area of cultivated land. The area surrounding the plot has been used to grow cotton, an intensively managed crop. Cotton fields are known for their paucity of wildlife.

10. The plot has good physical security. Physical isolation will be ensured and incursion by large animals and humans will be prevented by a chain-link fence surrounding the plot. The occupants of a nearby farm house will provide additional security.

The environmental assessment and finding of no significant impact has been prepared in accordance with (1) the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331 *et seq.*); (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (Title 40, Code of Federal Regulations (CFR) Parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR Part 1b); and (4) APHIS guidelines implementing NEPA (44 FR 50381–50384 and 44 FR 51272–51274).

Done at Washington, DC, this 24th day of December, 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87–30044 Filed 12–30–87; 8:45 am]

BILLING CODE 3410-34-M

Federal Grain Inspection Service

Designation Renewal of the States of California (CA) and Washington (WA)

AGENCY: Federal Grain Inspection Service (Service), USDA.

ACTION: Notice.

SUMMARY: This notice announces the designation renewal of the California Department of Food and Agriculture (California) and Washington Department of Agriculture (Washington), as official agencies responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act).

EFFECTIVE DATE: February 1, 1988.

ADDRESS: James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service announced that California's and Washington's designations terminate on January 31, 1988, and requested applications for official agency designation to provide official services within specified geographic areas in the August 3, 1987, **Federal Register** (52 FR 28738). Applications were to be postmarked by September 2, 1987. California and Washington were the only applicants for designation in their geographic area and each applied for designation renewal in the area currently assigned to that agency.

The Service announced the applicant names in the October 1, 1987, **Federal Register** (52 FR 36807) and requested comments on the designation renewal of California and Washington. Comments were to be postmarked by November 16, 1987; none were received.

The Service evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act; and, in accordance with section 7(f)(1)(B), determined that California and Washington are able to provide official services in the geographic area for which the Service is renewing their designations. Effective February 1, 1988, and terminating January 31, 1991, California and Washington will provide official inspection and Class X or Class Y weighing services in their entire specified geographic area, previously described in the August 3 **Federal Register**.

Interested persons may obtain official services by contacting the agencies at the following addresses: California Department of Food and Agriculture, 1220 N. Street, Sacramento, CA 95814; and Washington Department of Agriculture, 406 General Administration Building, Olympia, WA 98504.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: December 16, 1987.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 87–29963 Filed 12–30–87; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Designation Applicants in the Geographic Area Currently Assigned to the Lincoln (NE) and Omaha (NE) Agencies

AGENCY: Federal Grain Inspection Service (Service), USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for official agency designation in the geographic area currently assigned to the Lincoln Inspection Service, Inc. (Lincoln) and Omaha Grain Inspection Service, Inc. (Omaha).

DATE: Comments to be postmarked on or before February 16, 1988.

ADDRESS: Comments must be submitted in writing to Lewis Lebakken, Jr., Information Resources Staff, FGIS, USDA, Room 1661 South Building, P.O. Box 96454, Washington, DC 20090–6454.

Telemail users may respond to [IRSTAFF/FGIS/USDA] telemail

Telex users may respond as follows:

To: Lewis Lebakken

TLX: 7607351, ANS:FGIS UC.

All comments received will be made available for public inspection at the above address located at 1400 Independence Avenue, SW., during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–1735.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action..

The Service requested applications for official agency designation to provide official services within specified geographic areas in the November 2, 1987, **Federal Register** (52 FR 42023). Applications were to be postmarked by December 2, 1987. Lincoln and Omaha were the only applicants for designation in their geographic area and each applied for designation renewal in the area currently assigned to that agency.

This notice provides interested persons the opportunity to present their comments concerning the designation of the applicants. Commenters are encouraged to submit reasons for support or objection to this designation action and include pertinent data to support their views and comments. All comments must be submitted to the Information Resources Staff, Resources Management Division, at the above address.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the **Federal Register**, and the applicants will be informed of the decision in writing.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: December 16, 1987.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 87–29964 Filed 12–30–87; 8:45 am]

BILLING CODE 3410-EN-M

Request for Designation Applicants to Provide Official Services in the Geographic Area Currently Assigned to the Sioux City (IA) and Tischer (IA) Agencies

AGENCY: Federal Grain Inspection Service (Service), USDA.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as Amended (Act), official agency designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act. This notice announces that the designation of two agencies will terminate, in accordance with the Act, and requests applications from parties interested in being designated as the official agency to provide official services in the geographic area currently assigned to the specified agencies. The official agencies are the Sioux City Grain Inspection and Weighing Agency, Inc. (Sioux City), and A.V. Tischer and Son, Inc. (Tischer).

DATE: Applications to be postmarked on or before January 29, 1988.

ADDRESS: Applications must be submitted to James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. All applications received will be made available for public inspection at this address located at 1400 Independence Avenue, SW., during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act specifies that the Administrator of the Service is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Sioux City, located at 310 South Floyd Blvd., Sioux City, IA 51101, was designated under the Act as an official agency to provide inspection functions on July 1, 1985. Tischer, located at 137 10th Street, NW., P.O. Box 339, Fort Dodge, IA 50501, was designated under the Act as an official agency to provide inspection and weighing functions on that date.

Each official agency's designation terminates on June 30, 1988. Section 7(g)(1) of the Act states that designations of official agencies shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Sioux City, in the States of Iowa, Nebraska, and South Dakota, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation is as follows:

In Iowa:

Bounded on the North by the northern Iowa State line from the Big Sioux River east to U.S. Route 59;

Bounded on the East by U.S. Route 59 south to B24; B24 east to the eastern O'Brien County line; the O'Brien County line south; the northern Buena Vista County line east to U.S. Route 71; U.S. Route 71 south to the southern Sac County line;

Bounded on the South by the Sac and Ida County lines; the eastern Monona County line south to State Route 37; State Route 37 west to State Route 175; State Route 175 west to the Missouri River; and

Bounded on the West by the Missouri River north to the Big Sioux River; the Big Sioux River north to the northern Iowa State line.

In Nebraska: Cedar, Dakota, Dixon, Pierce (north of U.S. Route 20 and west of U.S. Route 81), and Thurston Counties.

In South Dakota:

Bounded on the North by State Route 44 (U.S. 18) east to State Route 11; State Route 11 south to A54B; A54B east to the Big Sioux River;

Bounded on the East by the Big Sioux River; and

Bounded on the South and West by the Missouri River.

The following locations, outside of the above contiguous geographic area, are part of this geographic area assignment: Farmers Elevator Company, and Feeders Mill & Elevator, Inc., both in Platte, Charles Mix County, South Dakota (located inside Aberdeen Grain Inspection, Inc.'s area); Charter Oak Grain & Seed, and Delanty Grain Company, both in Charter Oak, Crawford County, Iowa (located inside Fremont Grain Inspection Department, Inc.'s area); Gooch Seed Mill, and Ernie's Seed & Field Service, both in Storm Lake, Buena Vista County, Iowa (located inside A. V. Tischer and Son's Inc.'s area).

The geographic area presently assigned to Tischer, in the State of Iowa, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation is as follows:

Bounded on the North by Iowa-Minnesota State line from U.S. Route 71 east to U.S. Route 169;

Bounded on the East by U.S. Route 169 south to State Route 9; State Route 9 west to U.S. Route 169; U.S. Route 169 south to the northern Humboldt County line; the Humboldt County line east to State Route 17; State Route 17 south to C54; C54 east to U.S. Route 69; U.S. Route 69 south to the northern Hamilton County line; the Hamilton County line west to R38; R38 south to U.S. Route 20; U.S. Route 20 west to the eastern and southern Webster County lines to U.S. Route 169; U.S. Route 169 south to E18; E18 west to the eastern Greene County line; the Greene County line south to U.S. Route 30;

Bounded on the South by U.S. Route 30 west to E53; E53 west to N44; N44 north to U.S. Route 30; U.S. Route 30 west to U.S. Route 71; and

Bounded on the West by U.S. Route 71 north to the Iowa-Minnesota State line.

The following locations, outside of the above contiguous geographic area, are part of this geographic area assignment: Farmers Co-op Elevator, Boxholm, Boone County (located inside Central Iowa Grain Inspection Service, Inc.'s area); and Cargill, Inc., Algona, Kossuth County; Big Six Elevator, Burt, Kossuth County; Farmers Elevator, Goldfield, Wright County; and Farmers Co-op Elevator, Holmes, Wright County (located inside D. R. Schaal Agency's area).

Exceptions to Tischer's assigned geographic area are the following locations inside Tischer's area which have been and will continue to be serviced by the following official agencies:

1. D. R. Schaal Agency: Gold Eagle Co-op, Eagle Grove, Wright County; and
2. Sioux City Inspection and Weighing Agency, Inc.: Gooch Seed Mill, and Ernie's Seed & Field Service, both in Storm Lake, Buena Vista County.

Interested parties, including Sioux City and Tischer, are hereby given opportunity to apply for official agency designation to provide the official services in the geographic area, as specified above, under the provisions of section 7(f) of the Act and § 800.196(d) of the regulations issued thereunder. Designation in each specified geographic area is for the period beginning July 1, 1988, and ending June 30, 1991. Parties wishing to apply for designation should contact the Review Branch, Compliance Division, at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Date: December 16, 1987.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 87–29965 Filed 12–30–87; 8:45 am]

BILLING CODE 3410-EN-M

Designation of Kankakee Grain Inspection Bureau, Inc. (IL), in the Kankakee, Illinois, Geographic Area

AGENCY: Federal Grain Inspection Service (Service), USDA.

ACTION: Notice.

SUMMARY: This notice announces the designation of Kankakee Grain Inspection Bureau, Inc., as an official agency responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act), in the Kankakee, Illinois, geographic area.

EFFECTIVE DATE: February 1, 1988.

ADDRESS: James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service announced the cancellation of designation of Kankakee Grain Inspection Bureau, Inc., effective January 31, 1988, and requested applications for official agency designation to provide official services within a specified geographic area in the August 3, 1987, **Federal Register** (52 FR 28739). Applications were to be postmarked by September 2, 1987. There were two applicants for designation in the Kankakee, Illinois, geographic area. Michael J. Fegan, Kankakee, Illinois, proposed to establish a new corporation with the name Kankakee Grain Inspection Bureau, Inc. Mark A. Beaupre, St. Anne, Illinois, proposed to do business as Illinois Valley Inspection. Both applicants applied for designation in the entire area available for assignment.

The Service announced the applicant names in the October 1, 1987, **Federal Register** (52 FR 36809) and requested comments on the designation of either applicant. Comments were to be postmarked by November 16, 1987; none were received.

The Service evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act; and, in accordance with section 7(f)(1)(B), determined that Kankakee Grain Inspection Bureau, Inc., to be owned and operated by Michael J. Fegan, is better able than any other applicant to provide official services in the geographic area for which the Service is designating it. Effective February 1, 1988, and terminating January 31, 1991, Kankakee Grain Inspection Bureau, Inc., will provide official inspection services in the entire specified geographic area, previously described in the August 1 **Federal Register.**

Interested persons may obtain official services by contacting the agency at the following address: 232 North Main, Bourbonnais, IL 60914.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Date: December, 16, 1987.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 87–29966 Filed 12–30–87; 8:45 am]

BILLING CODE 3410-EN-M

Designation Renewal of the Agri Seed Agency (AZ)

AGENCY: Federal Grain Inspection Service (Service), USDA.

ACTION: Notice.

SUMMARY: This notice announces the designation renewal of the Agricultural Seed Laboratories, Inc. (Agri Seed), as an official agency responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act).

EFFECTIVE DATE: January 1, 1988.

ADDRESS: James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service announced that Agri Seed's designation terminates on December 31, 1987, and requested applications for official agency designation to provide official services within a specified geographic area in the July 1, 1987, **Federal Register** (52 FR 24490). Applications were to be postmarked by July 31, 1987, but the Service received no applications for designation postmarked by that date. As a result, the Service again requested applications in the September 1, 1987, **Federal Register** (52 FR 32949). Applications were to be postmarked by

October 1, 1987. Agri Seed was the only applicant for designation in its geographic area and applied for designation renewal in the area currently assigned to that agency.

The Service announced the applicant name in the November 2, 1987, **Federal Register** (52 FR 42024) and requested comments on the designation renewal of Agri Seed. Comments were to be postmarked by December 17, 1987; none were received.

The Service evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act; and, in accordance with section 7(f)(1)(B), determined that Agri Seed is able to provide official services in the geographic area for which the Service is renewing its designation. Effective January 1, 1988, and terminating December 31, 1990, Agri Seed will provide official inspection services in its entire specified geographic area, previously described in the July 1 **Federal Register**.

Interested persons may obtain official services by contacting the agency at the following address: 212 S. 25th Avenue, P.O. Box 6363, Phoenix, AZ 85005.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: December 16, 1987.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 87–29967 Filed 12–30–87; 8:45 am]

BILLING CODE 3410-EN-M

Rural Electrification Administration

Plumas-Sierra Rural Electric Cooperative; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, as amended, the Council on Environmental Quality Regulations (40 CFR Parts 1500 through 1508), and REA Environmental Policy and Procedures (7 CFR Part 1794), has made a Finding of No Significant Impact (FONSI) with repect to the construction of a 69 kV transmission line and associated facilities by Plumas-Sierra Rural Electric Cooperative (Plumas-Sierra). The proposed facilities would be constructed in Plumas and Lassen Counties, California.

FOR FURTHER INFORMATION CONTACT: REA's FONSI and Environmental Assessment (EA) and Plumas-Sierra's Borrower's Environmental Report (BER) may be reviewed at the ofice of the Director, Southwest Area—Electric, Room 0207, South Agriculture Building, Rural Electrification Administration, Washington, DC 20250, telephone (202) 382–0848; or at the office of Plumas-Sierra Rural Electric Cooperative, (Bernard W. Pfile, Manager), P.O. Box 2000, Portola, California, 96122–2000, telephone (916) 832–4261, during regular business hours.

Copies of the EA and FONSI can be obtained from either of the contacts listed above. Any comments or questions should be directed to the REA contact.

SUPPLEMENTARY INFORMATION: REA has reviewed the BER submitted by Plumas-Sierra and determined that it represents an accurate assessment of the environmental impact of the proposed project. The proposed project consists of constructing approximately 51.2 km (32 miles) of 69 kV transmission line between the Chilcoot and Herlong Substations in Plumas and Lassen Counties, California. Possible REA actions might include providing financing assistance to Plumas-Sierra for the proposed project and approving construction contracts, power supply contracts, etc., related to implementation and utilization of the proposed facilities. The BER and EA adequately consider potential impacts of the proposed project to resources including, but not limited to, threatened and endangered species, prime farmland, prime forest land, prime rangeland, cultural resources, floodplains, and wetlands.

Alternatives examined included no action, rebuilding the existing 69 kV transmission line, building a new line adjacent to the existing 69 kV transmission line and removing the existing line, constructing a new line between the Chilcoot and Herlong Substations (proposed project) and alternate routes. After reviewing the engineering, economic and environmental aspects of these alternatives, REA determined that the proposed project is an acceptable alternative that meets Plumas-Sierra's needs with a minimum of environmental impact.

In accordance with REA's Environmental Policies and Procedures, 7 CFR Part 1794, Plumas-Sierra advertised the availability of its BER in the local newspapers. No comments were received.

Based upon the BER and other data, REA prepared an EA and FONSI concerning the proposed construction. REA independently evaluated the proposed project and concluded that approval of financing assistance for the project would not constitute a major Federal action significantly affecting the quality of the human environment.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.850—Rural Electrification Loans and Loan Guarantees. For the reasons set forth in the final rule related notice to 7 CFR Part 3015 Subpart V., this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with state and local officials.

Dated: December 23, 1987.

Harold V. Hunter,

Administrator.

[FR Doc. 87–29968 Filed 12–30–87; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Finding of No Significant Impact; Village of Warsaw Critical Area Treatment RC&D Measure, Wyoming County, NY, Seneca Trail RC&D Area

The measure concerns a plan to provide for the reduction of critical erosion along a streambank bordering a closed landfill in the Village of Warsaw. In addition, the plan provides for the control of surface and subsurface water entering the site. The planned works of improvement include the installation of rock riprap, grade stabilization sills, a diversion, surface drainage channels, an outlet channel, and outlet rock chutes. All disturbed areas will be seeded and mulched. Benefits will be derived through improved water quality by the reduction of sediment, reduction of the exposure of buried landfill materials, and reduction of leachate into Oatka Creek.

An environmental assessment as part of the measure planning process was conducted. The assessment revealed no significant adverse impacts to the environment would occur as a result of project implementation.

The environmental assessment prepared for this measure is available for public review at the James M. Hanley Federal Building, 100 South Clinton Street, Room 771, Syracuse, New York 13260.

Based on the facts derived from the assessment, it was concluded that an environmental impact statement would not be necessary.

Date: December 17, 1987.

Paul A. Dodd,

State Conservationist, U.S. Department of Agriculture, Soil Conservation Service, Syracuse, New York.

[FR Doc. 87–30033 Filed 12–30–87; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–030–08–4133–08; ES–08157–008]

Environmental Impact Statement; Mark Twain National Forest, Carter, Oregon and Shannon Counties, MO

AGENCY: Forest Service, USDA and Bureau of Land Management (BLM), Interior.

ACTION: Change in public comment period for Draft Environmental Impact Statement and Final Environmental Impact Statement availability date.

SUMMARY: This notice revises the written comment period for the Draft Environmental Impact Statement and the Final Environmental Impact Statement availability date for the Environmental Impact Statement, Hardrock Mineral Leasing, Mark Twain National Forest, Carter, Oregon, and Shannon Counties, Missouri.

DATE: Written comments on the Draft Environmental Impact Statement will be accepted until February 5, 1988, as opposed to the January 6, 1988 date published in the November 20, 1987, **Federal Register**. The Final Environmental Impact Statement will be available in July 1988, as opposed to the April 1988 date as previously announced.

Date: December 17, 1987.

Leon E. Kriedlbaugh

Acting Forest Supervisor, USDA—Forest Service, Mark Twain National Forest.

Date: December 18, 1987.

Bert Rodgers,

District Manager, Milwaukee District Office, Bureau of Land Management.

[FR Doc. 87–29982 Filed 12–30–87; 8:45 am]

BILLING CODE 4310-GJ-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Mammals; Application for Permit; Indianapolis Zoological Society Inc. (P409)

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: Indianapolis Zoological Society Inc., 1200 West Washington Street, Indianapolis, Indiana 46222.
2. Type of Permit: Public Display.
3. Name and Number of Marine Mammals:
   Atlantic bottlenose dolphins (*Tursiops truncatus*)—10.
   False killer whale (*Pseudorca crassidens*)—6.
4. Location and Type of Take: The dolphins will be collected from Florida. The take killer whales will be imported from Japan.
5. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved. Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Rm 805, Washington, DC;
Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930; and
Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: December 23, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

[FR Doc. 87–30028 Filed 12–30–87; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Permit Modification; LGL Limited, Environmental Research Associates (P273C and P273D); Modification to Permits No. 517 and 518

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), and § 220.24 of the regulations on endangered species (50 CFR Parts 217–227), Scientific Research Permits No. 517 and 518 issued to LGL Limited, Environmental Research Associates, P.O. Box 280, King City, Ontario, LOG 1KO, Canada, on August 23, 1985 (50 FR 35286) are modified as follows:

Section B.7. of Permit No. 517 is changed to read:

7. This Permit is valid with respect to the taking authorized herein until December 31, 1989.

Section B.7. of Permit No. 518 is changed to read:

7. This Permit is valid with respect to the taking authorized herein until December 31, 1990.

As required by the Endangered Species Act of 1973 issuance of these modifications are based on a finding that such modifications (1) was applied for in good faith (2) will not operate to the disadvantage of the endangered species which is the subject of the modification, and (3) will be consistent with the purposes and policies set forth in section 2 of the Endangered Species Act of 1973. These modifications were issued in accordance with, and is subject to Parts 220–222 of Title 50 CFR of the National Marine Fisheries Service regulations governing endangered species permits (39 FR 41367), November 27, 1974.

Documents submitted in connection with the above Permits and modification are available for review in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue, NW. Room 805, Washington, DC; and
Director, Southwest Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: December 23, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

[FR Doc. 87–30029 Filed 12–30–87; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Permit Modification; Ocean World (P21D) Modification No. 5 to Permit 334

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Public Display Permit No. 334 issued to Ocean World, 1701 SE 17th Street Causeway, Fort Lauderdale, Florida on May 8, 1981 (46 FR 26673) as modified on October 6, 1982 (47 FR 44830), December 31, 1984 (50 FR 873), January 24, 1986 (51 FR 4408), and December 24, 1986 (52 FR 127), is further modified as follows:

Section B.2. is changed to read:

2. This Permit is valid with respect to the taking authorized herein until December 31, 1988. The terms and conditions of this Permit (Sections B and C) shall remain in effect as long as one of the marine mammals taken hereunder is maintained in captivity under the authority and responsibility of the Permit Holder.

This modification becomes effective on December 23, 1987.

Documents submitted in connection with the above Permit and modification are available for review in the following offices:

Office of Protected Resources and Habitat Program, National Marine Fisheries Service, 1825 Conn. Ave. NW., Room 805, Washington, DC; and Director, Southwest Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Date: December 23, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

[FR Doc. 87-30030 Filed 12-30-87; 8:45 am]

BILLING CODE 3510-22-M

Extension of Comment Period on the Bering Sea Fishermen's Association; Petition for Rulemaking

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice.

SUMMARY: On November 5, 1987 (52 FR 42469), NOAA announced receipt of a petition for rulemaking submitted by the Bering Sea Fishermen's Association. The petition asks the United States Department of Commerce to adopt a rule prohibiting foreign fishing for anadromous species in the international waters of the North Pacific Ocean and the Bering Sea. The rule submitted by petitioners provides for observer coverage and a permit system, and would define foreign fishing for anadromous species to include fishing by a foreign fishing vessel for squid, pollock, and other nonanadromous species in the international waters of the North Pacific Ocean and Bering Sea at times of the year and with gear that can reasonably be expected to result in the taking of anadromous species.

At its December 1987 meeting, the North Pacific Fishery Management Council requested a longer comment period to provide the opportunity to consider the petition at their next meeting and submit timely comments. In view of the interest expressed in the petition, NOAA is extending the comment period for 60 days. NOAA is particularly interested in receiving information and comments on the relationship between directed fishing for nonanadromous species and the interception of anadromous species. Comments will be accepted for 60 days and will be considered by the Secretary in determining whether to undertake rulemaking.

DATE: Comments on the petition are invited until February 29, 1988.

ADDRESSES: Copies of the petition and the rule suggested by the Bering Sea Fishermen's Association are available and may be obtained by contacting Marilyn F. Luipold, Attorney Advisor, Office of General Counsel, NMFS, Universal South Building, 1825 Connecticut Avenue, NW., Room 611, Washington, DC 20235, telephone (202) 673-5206. Comments on the need for such a regulation, its objectives, alternative approaches to the issues addressed in the petition, as well as other comments on the petition may be addressed to John D. Kelly, Fees and Permits, Trade Services Division, NMFS, Universal South Building, 1825 Connecticut Avenue, NW., Room 906, Washington, DC 20235, telephone (202) 673-5319.

FOR FURTHER INFORMATION CONTACT: Marilyn F. Luipold, Attorney Advisor (202) 673-5206.

Dated: December 28, 1987.

Carmen J. Blondin,

Special Associate for Trade, National Marine Fisheries Service.

[FR Doc. 87-30027 Filed 12-30-87; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council; Public Meetings

Agency: National Marine Fishery Service, NOAA, Commerce.

The North Pacific Fishery Management Council, its Scientific and Statistical Committee, and its Advisory Panel will convene separate public meetings at the Sheraton Hotel, Anchorage, AK, as follows:

Council will convene January 20, 1988, at 9 a.m., to review proposals for amendments to the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fishery management plans to determine which should be further developed by the plan teams for presentation at the Council's April meeting, before going out for public review. Final decisions on the amendments will be made in June. The Council also will consider delaying the opening of the Gulf of Alaska longline fishery for sablefish to coincide with the halibut season, and placing a condition on joint venture permits restricting rock sole to a bycatch only status in the Bering Sea eliminating targeted joint ventures on roe-bearing fish until April 15. Also during the week the Council will convene in executive session (not open to the public) to discuss personnel actions. The public meeting will adjourn January 22, 1988.

Scientific and Statistical Committee and Advisory Panel will convene January 18-19, 1988. Other workgroup and plan team meetings may also be convened on short notice during the week. For further information about the above meetings contact the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 274-4563.

Future of Groundfish Committee will convene January 11, 1988, at 9 a.m., at the National Marine Fisheries Service, Northwest and Alaska Fisheries Center, Building 4, Room 2079, 7500 Sand Point Way, NE., Seattle, WA, to continue to hear presentations on various management systems currently employed in other fisheries and to begin development of recommendations for alternative management strategies for the Alaska groundfish fisheries. The public meeting will adjourn January 12. For further information contact Dorothy Lowman of the North Pacific Fishery Management Council, address and telephone number above.

Date: December 28, 1987.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 87-30047 Filed 12-30-87; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council and its Committees will convene public meetings as follows:

South Atlantic Fishery Management Council, its Committees, Gulf of Mexico Fishery Management Council, and the Florida Marine Fisheries Commission will convene a joint public meeting, January 25-29, 1988, at the Sheraton Brickell Point Hotel, Miami FL, to discuss king and Spanish mackerel, billfish, swordfish, spiny lobster, bluefish, snapper-grouper, and other fishery management business. A detailed agenda will be available to the public on or about January 14, 1988.

South Atlantic Fishery Management Council's Law Enforcement Committee will convene a public meeting, January 19-20, 1988, at the South Atlantic Council's office (address below), to review all fishery management plan (FMP) regulations, penalty schedules and enforcement records. They also will discuss FMP regulations to determine appropriateness relative to enforceability and ease of public understanding, as well as developing a standard permit system for each FMP. A detailed agenda will be available to the public on or about January 8, 1988.

For further information contact Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407; telephone: (803) 571-4366.

Date: December 28, 1987.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 87-30048 Filed 12-30-87; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent to Grant Exclusive Patent License; Orenco Inc.;

In FR doc. 87-25588 which appeared on Thursday, November 5, 1987, page 42470, in line 7 after "Patent Application S.N. 6-943,347" add the title of the invention, "Method of Determining Inert Content in Coal Dust."

Douglas J. Campion,

Associate Director, Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 87-29977 Filed 12-30-87; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

New Import Limits and Restraint Period for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Indonesia

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Pamela Smith, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 535-9480. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs to Commissioner of Customs to amend the import restraint limits and periods for certain cotton, wool and man-made fiber textile products, produced or manufactured in Indonesia and exported during the new restraint period which began on July 1, 1987 and extends through December 31, 1987.

Background

A CITA directive dated June 25, 1987 (52 FR 24504) established import restraint limits for certain cotton, wool and man-made fiber textile products, produced or manufactured in Indonesia and exported during the twelve-month period which began on July 1, 1987 and extends through June 30, 1988.

The Governments of the United States and Indonesia have agreed to amend further their Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated September 25, 1985 and October 3, 1985, as amended, and the Ramie Agreement, effected by exchange of notes dated September 25, 1985, to a combined agreement which covers cotton, wool, man-made fiber textiles and silk blend and other vegetable fiber apparel, produced or manufactured in Indonesia and exported during the period which began on July 1, 1985 and extends through June 30, 1992.

The agreement establishes, among other things, new import limits for certain cotton, wool and man-made fiber textile products in Group I Categories 313, 314, 315, 317, 317-S, 319, 320-P, 331, 334, 335, 336, 337, 338/339 (newly merged), 340, 341, 347/348, 351, 369-S, 445/446, 604-A, 613, 614, 631-W, 635, 638/639 (newly merged), 640, 641, 645/646, 647 and 648, as a group, including individual categories within the group; and a new limit for Group II Categories 300, 301, 310-312, 316, 318, 320-O, 330, 332, 333, 342/642, 345, 349, 350, 352-354, 359-363, 369-D, 369-O, 400-444, 447, 448, 459-469, 600-603, 604-O, 605, 610-612, 625-627, 630, 631-O, 632-634, 636, 637, 643, 644, 649-654, 659, 665, 666, 669, 670, 831-836, 838, 840, 842-847, 850-852, 858 and 859, as a group, including specific limits for Categories 342/642, 350, 345, 369-D, 636, 637 and 651, exported during the new six-month period which began on July 1, 1987 and extends through December 31, 1987. The wool subgroup limit within Group II for Categories 400-444, 447, 448 and 459-469, as a group, is also being amended for the same six-month period. Carryforward and carryover of 100 percent will be available in the foregoing categories between this and the next restraint period.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1987 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the *Tariff Schedules of the United States Annotated* (1987).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to

assist only in the implementation of certain of its provisions.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee For The Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of June 25, 1987 issued to you by the Chairman of the Committee for the Implementation of Textile Agreements concerning imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Indonesia and exported during the twelve-month period which began on July 1, 1987 and extends through June 30, 1988.

Effective on January 1, 1988, the directive of June 25, 1987 is amended to include new restraint limits for the following categories, produced or manufactured in Indonesia and exported during the new restraint period which began on July 1, 1987 and extends through December 31, 1987.

Category	Six-month restraint limit
Group I	132,079,442 square yards equivalent.
313	8,988,800 square yards.
314	7,865,200 square yards.
315	8,932,620 square yards.
317	5,618,000 square yards of which not more than 1,179,780 square yards shall be in sateens in TSUS items 320.—through 331.—with statistical suffixes 50, 87 and 93.
319	2,955,068 square yards.
320-P [1]	6,011,260 square yards.
331	224,720 dozen pairs.
334	15,731 dozen.
335	40,449 dozen.
336	36,517 dozen.
337	42,135 dozen.
338/339	303,372 dozen.
340	207,866 dozen.
341	224,720 dozen.
347/348	393,260 dozen.
351	61,798 dozen.
369-S [2]	505,620 dozen.
445/446	255,025 dozen.
604-A [3]	393,260 pounds.
613	8,427,000 square yards.
614	8,427,000 square yards.
631-W [4]	365,170 dozen pairs.
635	42,135 dozen.
638/639	387,642 dozen.
640	151,394 dozen.
641	589,890 dozen.
645/646	196,630 dozen.
647	140,450 dozen.
648	674,160 dozen.
Group II:	
300, 301, 310-312, 316, 318, 320-0 [5], 330, 332, 333, 342/642, 345, 349, 350, 352-354, 359-363, 369-D [6], 369-0 [7], 400-444, 447, 448, 459-469, 600-603, 604-0 [8], 605, 610-612, 625-627, 630, 631-0 [9], 632-634, 636, 637, 643, 644, 649-654, 659, 665, 666, 669, 670, 831-836, 838, 840, 842-847, 850-852, 858 and 859, as a group.	32,147,755 square yards equivalent.
Subgroup: 400-444, 447, 448 and 459-469, as a group.	1,530,150 square yards equivalent.
Sublevels within Group II:	
342/642	84,800 dozen.
345	108,650 dozen.
350	30,740 dozen.
369-D	450,500 dozen.
636	111,300 dozen.
637	68,900 dozen.
651	54,590 dozen.

[1] In Category 320, only TSUS items 320.—, 221.—, 322.—, 326.—, 327.— and 328.— with statistical suffixes 21, 22, 24, 31, 38, 49, 57, 74, 80 and 98.

[2] In Category 369, only TSUSA number 366.2840.

[3] In Category 604, only TSUSA numbers 310.5049 and 310.6045.

[4] In Category 631, only TSUSA numbers 704.3215, 704.8525, 704.8550 and 704.9000.

[5] In Category 320, all TSUSA numbers except those listed in footnote 1.

[6] In Category 369, only TSUSA numbers 365.6615, 366.1720, 366.1740, 366.2020, 366.2040, 366.2420, 366.2440 and 366.2860.

[7] In Category 369, all TSUSA numbers except 365.5515, 366.1720, 366.1740, 366.2020, 366.2040, 366.2420, 366.2440 and 366.2860 in 369-D and 366.2840 in 369-S.

[8] In Category 604, all TSUSA numbers except 310.5049 and 310.6045.

[9] In Category 631, all TSUSA numbers except 704.3215, 704.8525, 704.8550 and 704.9000.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-30067 Filed 12-30-87; 8:45 am]

BILLING CODE 3510-DR-M

Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Macau, Effective on January 1, 1988

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 343-6495. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Macau and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of the designated limits.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated December 28, 1983 and January 9, 1984, as amended and extended, between the Governments of the united States and Macau establishes an aggregate limit and, within the aggregate, group limits for Catgories 200-239, 300-369, 600-670 and 800-899, as a group (Group I); and Categories 400-469, as a group (Group II), for the agreement year which begins on January 1, 1988 and extends through December 31, 1988. Within those overall limits are individual limits for Categories 331/831, 333/334/335/833/834/835, 336/836, 338, 339, 340, 341, 342, 345, 347/348/847, 350/850, 351/851, 359/859, 631, 633/634/635, 636, 638/639/838, 640, 641/840, 641/842, 645/646, 647/648, 652/852, 659, 670 and 845/846 in Group I; and Categories 434, 435, 436, 438, 442 and 445/446 in Group II.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 27, 1984 (49 FR 26622), July 18, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commission of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee For The Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes dated December 28, 1983 and January 9, 1984, as amended and extended, between the Governments of the United States and Macau; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textilollowing categories, produced or manufactured in Macau and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988, in excess of the following restraint limits:

Category	Twelve-month restraint limit
200-239, 300-369, 400-469, 600-670 and 800-899 as a group,	86,122,890 square yards equivalent.
Group I: 200-239, 300-369, 600-700 and 800-899, as a group.	82,929,291 square yards equivalent.
Sublevels within Group I: 331/831	300,000 dozen pairs.
333/334/335/833/834/835.	146,625 dozen of which not more than 79,688 dozen shall be in Categories 333/335/833/835.
336/836	23,000 dozen.
338	188,756 dozen.
339	790,633 dozen.
340	178,658 dozen.
341	115,231 dozen.
342	39,326 dozen.
345	31,875 dozen.
347/348/847	446,781 dozen.
350/850	18,000 dozen.
351/851	27,000 dozen.
359/859	304,000 dozen.
631	200,000 dozen pairs.
633/634/635	297,966 dozen.
636	15,453 dozen.
638/639/838	966,875 dozen.
640	68,745 dozen.
641/840	118,155 dozen.
642/842	56,313 dozen.
645/646	161,145 dozen.
647/648	325,081 dozen.
652/852	160,000 dozen.
659	197,892 pounds.
670	750,000 pounds.
845/846	201,000 dozen.
Group II: 400-469, as a group.	1,631,453 square yards equivalent.
Sublevels within Group II: 434	1,852 dozen.
435	1,852 dozen.
436	2,033 dozen.
438	6,667 dozen.
442	5,556 dozen.
445/446	73,541 dozen.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period January 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances shall be charged against the levels of restraint established for such goods during that period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of December 28, 1983 and January 9, 1984, as amended and extended which provide, in part, that: (1) within the aggregate and applicable group limits, specific limits may be exceeded by designated percentages; (2) these same limits may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry into the United States for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisons of 5 U.S.C. 553(a)(1).

Sincerely,

Ferenc Molnar,

Acting Chairman, Committee for the Implementaiton of Textile Agreements.

[FR Doc. 87-30068 Filed 12-30-87; 8:45 am]

BILLING CODE 3510-DR-M

Amendment to Import Limits and the Restraint Period for Certain Cotton and Wool Textiles and Textile Products Produced or Manufactured in Peru

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information of the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to amend the previously established import restraint limits for cotton, wool and man-made fiber textile products, produced or manufactured in Peru and exported during the new restraint period which began on May 1, 1987 and extends through December 31, 1987.

Background

The CITA directive dated April 13, 1987 was published in the **Federal**

VOL 52 ISS 251 DEC 31 1987 UMI

Register (52 FR 12449) which announced the establishment of import restraint limits for certain cotton, wool and man-made fiber textile products, produced or manufactured in Peru and exported during the twelve-month period which began on May 1, 1987 and extends through April 30, 1988.

During consultations held between the Governments of the United States and Peru, agreement was reached to amend the previously established restraint limits for cotton and wool textile products in Categories 300, 301, 313, 315, 317, 319, 320, 338/339 and 410; Categories 330–359 (cotton apparel group), and Categories 400–469 (wool group), produced or manufactured in Peru and exported during the new prorated period which began on May 1, 1987 and extends through December 31, 1987. Carryforward and carryover of 100 percent will be available in the foregoing categories between this and the next restraint period.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 447892), July 14, 1986 (51 FR 25386), July 29, 1986, (51 FR 27968) and in Statistical Headnote 5, Schedule 3, of the *Tariff Schedules of the United States Annotated* (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustment to the limits affected by adoption of the HCC will be published in the **Federal Register.**

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilaterial agreement, but are designed to assist only in the implementation of certain of its provisions.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee For The Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on April 13, 1987 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of cotton and wool textile products, produced or manufactured in Peru during the twelve-month period which began on May 1, 1987 and extends through April 30, 1988.

Effective on January 1, 1988, the directive of April 13, 1987 is hereby amended to amend the previously established import restraint limits for cotton and wool textile products in the following categories, produced or manufactured in Peru and exported during the new restraint period which began on May 1, 1987 and extends through December 31, 1987:

Category	Amended restraint limit
300–359	6,666,667 square yards equivalent.
400–469	2,666,667 square yards equivalent.
300	2,000,000 pounds.
301	1,500,000 pounds.
313	13,357,167 square yards.
315	2,940,103 square yards.
317	12,250,430 square yards of which not more than 3,675,129 square yards shall be in Category 317pt. [1]
319	16,333,907 square yards.
320	11,842,082 square yards of which not more than 3,266,781 square yards shall be in Category 320pt. [2]
338/339	321,000 dozen of which not more than 214,000 dozen shall be in Categories 338pt./339pt. [3]
410	1,000,000 square yards.

[1] In Category 317pt., only TSUSA items 320.— through 331.—, with statistical suffixes 50, 87 and 93.

[2] In Category 320pt., only TSUSA items 320.—, 321.—, 322.—, 326.—, 327.—, and 328.—, with statistical suffixes 21, 22, 24, 31, 36, 49, 57, 74, 80 and 98.

[3] In Category 338pt./339pt., all TSUSA numbers except 381.0220, 381.0230, 381.4010, 381.4120, 384.0205, 384.0207, 384.0208, 384.0212, 384.0219, 384.0220, 384.0221, 384.2806, 384.2810, 384.2812, 384.2814, 384.2910, 384.2914 and 384.2915.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–30069 Filed 12–30–87; 8:45 am]

BILLING CODE 3510–DR–M

Announcement of Import Levels for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Indonesia Effective on January 1, 1988

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Pamela Smith, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 535–9480. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Indonesia and exported during the six-month period which begins on January 1, 1988 and extends through June 30, 1988, in excess of the designated levels.

Background

The Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes dated September 25 and October 3, 1985, as amended, establishes limits for cotton, wool and man-made fiber textile products in Categories 219, 313–315, 317/617/326, 331, 334–337, 338/339, 340, 341, 347/348, 351, 369–S, 445/446, 604–A, 613/614/615, 625/626, 635, 638/639, 631–W, 640, 641, 645/646, 647 and 648, as a group (Group I), and individual limits within the group; and cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 200–218, 220–239, 300, 301, 330, 332, 333, 342/642, 345, 349, 350, 352–354, 359–363, 369–D, 369–O, 400–444, 447–469, 600, 603, 604–O, 606, 607, 611, 618–630, 631–O, 632–634, 636, 637, 642–644, 649–654, 659–670 and 831–859, as a group (Group II), and a wool subgroup

for Categories 400–444 and 447–469, as a group, and individual limits within Group II, produced or manufactured in Indonesia and exported during the six-month period which begins on January 1, 1988 and extends through June 30, 1988.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the *Tariff Schedules of The United States Annotated* (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes dated September 25 and October 3, 1985, as amended, between the Governments of the United States and the Republic of Indonesia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in the following categories, produced or manufactured in Indonesia and exported during the six-month period which begins on January 1, 1988 and extends through June 30, 1988, in excess of the following levels of restraint:

Category	Six-month restraint limit
Group I: 219, 313–315, 317/617/326, 331, 334–337, 338/339, 340, 341, 347/348, 351, 369–S[1], 445/446, 604–A[2], 613/614/615, 625/626, 631–W[3], 635, 638/639, 640, 641, 645/646, 647 and 648, as a group.	131,554,631 square yards equivalent.
Within Group I:	
219	2,871,679 square yards.
313	5,210,634 square yards.
314	18,194,229 square yards.
315	8,477,887 square yards.
317/617/326	8,085,392 square yards.
331	224,720 dozen pairs.
334	15,731 dozen.
335	40,450 dozen.
336	36,517 dozen.
337	42,135 dozen.
338/339	303,372 dozen.
340	207,855 dozen.
341	224,720 dozen.
347/348	393,260 dozen.
351	61,798 dozen.
369–S	505,620 pounds.
445/446	25,503 dozen.
604–A	393,260 pounds.
613/614/615	7,185,399 square yards.
625/626	7,927,736 square yards.
635	42,135 dozen.
638/639	387,642 dozen.
640	205,611 dozen.
641	569,673 dozen.
645/646	196,630 dozen.
647	245,670 dozen.
648	568,941 dozen.
Group II: 200–218, 220–239, 300, 301, 330, 332, 333, 342/642, 345, 349, 350, 352–354, 359–363, 369–D[4], 369–O[5], 400–404, 447–469, 600–603, 604–O[6], 606, 607, 611, 618–630, 631–O[7], 632–634, 636, 637, 642–644, 649–654, 659–670 and 831–859, as a group.	32,672,565 square yard equivalent.
Subgroup within Group II: 400–444 and 447–469, as group.	1,530,150 square yards equivalent.
Sublevels within Group II:	
342/642	84,801 dozen.
345	108,650 dozen.
350	30,740 dozen.
369–D	450,500 pounds.
636	111,300 dozen.
637	68,900 dozen.
651	54,590 dozen.

[1] In Category 369–S, only TSUSA number 366.2840.

[2] In Category 604–A, only TSUSA numbers 310.5049 and 310.6045.

[3] In Category 631–W, only TSUSA numbers 704.3215, 704.8525, 704.8550 and 704.9000.

[4] In Category 369–D, only TSUSA numbers 365.6615, 366.1720, 366.1740, 366.2020, 366.2040, 366.2420, 366.2440 and 366.2860.

[5] In Category 369–O, all TSUSA numbers except 365.6615, 366.1720, 366.1740, 366.2020, 366.2040, 366.2420, 366.2440 and 366.2860 in 369–D and 366.2840 in 369–S.

[6] In Category 604–O, all TSUSA numbers except 310.5049 and 310.6045.

[7] In Category 631–O, all TSUSA numbers except 704.3215, 704.8525, 704.8550 and 704.9000.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period July 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels or restraint established for such goods during the period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement between the Governments of the United States and the Republic of Indonesia, which provide, in part, that specific limits may be increased by designated percentages for swing, carryover and carryforward; and administrative arrangement or adjustments may be made to resolve problems arising in the implementation of the bilateral agreement. Appropriate adjustments, referred to above, will be made to you by letter.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–30070 Filed 12–30–87; 8:45 am]

BILLING CODE 3510–DR–M

Announcement of Import Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Japan Effective on January 1, 1988

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin board of each Customs port or call (202) 535–9480. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of certain cotton textile and apparel products, in excess of the designated limits.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 6, 1987 between the Governments of the United States and Japan, as translated to the new category system, establishes, among other things, group limits for Categories 239, 330–354, 359, 431–448, 459, 630–654 and 659 (Group I), and within Group I specific limits for Categories 239, 331/631, 333, 334, 335, 337, 338, 339, 340, 341/641, 342/642, 347/348, 350, 435, 442, 444, 448, 634, 644, 645/646, 648 and 659–C (coveralls, etc.); Categories 200–229, 300, 301, 313–326, 360–369, 400–414, 464–469, 603, 604, 607, 611–629 and 665–670 (Group II), and within Group II a subgroup for Categories 218–220, 225–227 and 313–326, and within the subgroup individual limits for Categories 218, 313, 314, 315, and 317/326; also within Group II, specific limits for Categories 300/301, 410, 604pt. (acrylic plied yarn), 611, 613/614/615/617, 619, 620, 624, 625/626/627/628/629; and Categories 600 and 606, as a group (Group III); produced or manufactured in Japan and exported during the period which begins on January 1, 1988 and extends through December 31, 1988.

Deferred import charges for goods in Category 611 exported during 1986 and imported after March 31, 1987 in the amount of 3,312, 206 square yards will be charged to the 1988 limit established for Category 611. Additional adjustments will be made to Category 611 as the data become available.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 6, 1987 between the Governments of the United States and Japan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Japan and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of the indicated restraint limits:[1]

Category	12-month restraint limit
Group I: 239, 330–354, 359, 431–448, 459, 630–654 and 659, as a group.	132,036,768 square yards equivalent.
Sublevels within Group I:	
239	923,636 pounds.
331/631	2,291,456 dozen pairs.
333	15,913 dozen.
334	26,877 dozen.
335	180,263 dozen.
337	91,078 dozen.
338	800,506 dozen.
339	1,266,905 dozen.
340	106,079 dozen.
340	106,079 dozen.
341/641	520,200 dozen.
342/642	349,019 dozen.
347/348	1,591,350 dozen.
350	21,430 dozen.
435	28,754 dozen.
442	22,251 dozen.
444	184,860 numbers.
448	37,606 dozen.
634	102,141 dozen.
644	241,668 numbers.
645/646	188,660 dozen.
648	500,497 dozen.
659pt.[1]	100,786 pounds.
Group II: 200–229, 300, 301, 313–326, 360–369, 400–414, 464–469, 603, 604, 607, 611–629 and 665–670, as a group.	509,349,618 square yards equivalent.
Subgroup: 218–220, 225–227, and 313–326, as a group..	129,065,996 square yards.
Sublevels within the subgroup:	
218	35,300,000 square yards.
313	8,013,799 square yards.
314	26,999,541 square yards.
315	17,035,316 square yards.
317/326	15,422,183 square yards of which not more than 9,874,391 square yards shall be in Category 326.
Sublevels within Group II:	
300/301	2,781,000 pounds.
410	10,711,050 square yards equivalent.
604pt.[2]	3,657,299 pounds.
611	18,041,965 square yards.
613/614/615/617.	11,062,386 square yards.
619	129,000,000 square yards.
620	56,105,500 square yards.
624	8,670,850 square yards.
625/626/627/628/629.	19,180,232 square yards.
Group III: 600 and 606, as a group.	137,533,422 square yards equivalent.

[1] In Category 659pt., coveralls, overalls, etc. in TSUSA numbers 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607, and 384.9310.

[2] In Category 604pt., only TSUSA numbers 310.5049 and 310.6045.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period January 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limited established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to further adjustment in the future according to the provisions of the bilateral agreement between the Governments of the United States and Japan, which provides, in part, that: (1) Group limits, sublimits and specific limits may be increased by designated percentages for swing, carryover and carryforward; however, carryover shall not be available in the specific arrangement period in which the limit is established; (2) exports in excess of annual limits shall be charged to the limits for the subsequent year; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the bilateral agreement. Appropriate adjustments, referred to above will be made to you by letter.

Also effective on January 1, 1988, you are directed to charge 3,250,000 square yards and 62,206 square yards, for shipments exported in 1986, to the limited established in this letter for Category 611.

In carrying out the above directions the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreement.

[FR Doc. 87–30071 Filed 12–30–87; 8:45 am]

BILLING CODE 3510–DR–M

Announcement To Establish Import Limits for Certain Cotton and Wool Textiles and Textile Products Produced or Manufactured in Peru Effective on January 1, 1988

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, and withdrawal from warehouse for consumption, of cotton and wool textile products, produced or manufactured in Peru and exported during the four-month period which begins on January 1, 1988 and extends through April 30, 1988.

Background

Pursuant to consultations held under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 3, 1985, as amended, between the Governments of the United States and Peru, it was agreed to establish individual limits for cotton and man-made fiber textile products in Categories 219, 220, 226/313, 300, 301, 315 and 317/326; Categories 330–359 (cotton apparel group), a sublevel within the group for Categories 338/339; and Categories 400–469 (wool group), a sublevel within the group for Category 410, produced or manufactured in Peru and exported during the four-month period beginning on January 1, 1988 and extending through April 30, 1988. Carryover of 100 percent will be available from the previous restraint period, as adjusted.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the *Tariff Schedules of the United States Annotated* (1987).

The letter to the Commissioner of Customs and actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of January 3, 1985, as amended, between the Governments of the United States and Peru; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Peru and exported during the four-month period beginning on January 1, 1988 and extending through April 30, 1988, in excess of the following restraint limits:

Category	4-Month restraint limits
Group limit: 330–359, as a group.	3,333,333 square yards equivalent.
Sublevel within Group: 338/339.	160,500 dozen of which not more than 107,000 dozen shall be in Categories 338pt./339pt. (other than tank tops and T-shirts).[1]
Group limit: 400–469, as a group.	1,333,333 square yards equivalent.
Sublevel within Group: 410.	500,000 square yards.
Individual limits not in a group:	
219	8,196,890 square yards.
220	4,042,302 square yards.
226/313	7,787,031 square yards.
300	1,000,000 pounds.
301	750,000 pounds.
315	1,470,052 square yards.
317/326	6,182,473 square yards of which not more than 1,873,699 square yards shall be in Category 326.

[1] In Categories 338pt./339pt., all TSUSA numbers except 381.0220, 381.0230, 381.4010, 381.4120, 384.0205, 384.0207,

384.0208, 384.0212, 384.0219, 384.0220, 384.0221, 384.2806, 384.2810, 384.2812, 384.2814, 384.2910, 384.2914 and 384.2915.

To the extent that trade which now falls in the foregoing categories is within a category limit for the period May 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall, be charged against the levels of restraint established for that period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The restraint limits set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of January 3, 1985, as amended, between the Governments of the United States and Peru which provide, in part, that: (1) specific limits may be exceeded by designated percentages, provided a corresponding reduction in equivalent square yards is made in one or more other specific limits during the same agreement year; (2) specific limits may be increased for carryover and carryforward not to exceed 11 percent, and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ferenc Molnar,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-30072 Filed 12-30-87; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Armed Forces Epidemiological Board; Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of Committee: Armed Forces Epidemiological Board, DOD.

Date of Meeting: 27 January 1988.

Time: 0830-1700.

Place: Rochester, Minnesota.

Proposed Agenda: Comprehensive review of the Army Cardiovascular Screening Program for soldiers aged 40 and over prior to undertaking strenuous physical exercise.

2. This meeting will be open to the public but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, AFEB, Sykline Six, 5109 Leesburg Pike, Room 667, Falls Church, Virginia 22041-3258.

Dated: December 14, 1987.

Robert A. Wells,

COL, USA, MSC, Executive Secretary.

[FR Doc. 87-30055 Filed 12-30-87; 8:45 am]

BILLING CODE 3710-08-M

Armed Forces Epidemiological Board; Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of Committee: Armed Forces Epidemiological Board, DOD.

Date of Meeting: 28 January 1988

Time: 0830-1200

Place: Rochester, Minnesota

Proposed Agenda: Comprehensive review of the Army Cardiovascular Screening Program for soldiers aged 40 and over prior to undertaking strenuous physical exercise.

2. This meeting will be open to the public but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advice the Executive Secretary, AFEB, Sykline Six, 5109 Leesburg Pike, Room 667, Falls Church, Virginia 22041-3258.

Dated: December 14, 1987.

Robert A. Wells,

COL, USA, MSC, Executive Secretary.

[FR Doc. 87-30056 Filed 12-30-87; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent to Prepare a Draft Environmental Impact Statement (DEIS) For a Proposed Use of Federal Lands at Santa Fe Dam and Flood Control Basin to Facilitate Parking for Raider Stadium, Irwindale, CA

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare Draft Environmental Impact Statement (DEIS).

SUMMARY:

1. *Study Alternatives.* The City of Irwindale in conjunction with the Raiders football organization have proposed the development of a new football stadium in the City of Irwindale. The City of Irwindale has approached the U.S. Army Corps of Engineers, Los Angeles District and requested the use of Federal lands at Santa Fe Dam and Flood Control Basin to facilitate parking for the proposed stadium. The proposed football stadium would have a maximum seating capacity for 70,000 attendants. Proposed adjacent off street parking would accommodate a maximum of approximately 22,975 passenger vehicles, and 250 charter buses and provide facilities to be used by fans for picnics and tailgate parties. The stadium would be utilized by the Los Angeles Raiders for their home events, totalling approximately 10 games. Other stadium-type events to be scheduled at the discretion of the sponsors may be added to this total. People attending stadium-type events including: Regular season and postseason collegiate and junior college football; Regular season and postseason high school football; Stage events; Field events; Motor events; Arena events; Trade shows; and, Closed circuit television and video board events would utilize parking areas associated with the proposed Raiders stadium. General parking lot sites on non-event days may be used for trade shows, swap meets, or charitable and non-profit events.

The need for proposed project parking is estimated to be 19,125 passenger vehicle spaces in addition to the spaces that can be accommodated at the proposed stadium site. Maximum estimated acreage to fulfill the 19,125 parking spaces needed is 178 acres. This acreage could be reduced through use of stack parking or multi-level parking structures.

Potential alternate sites within a 1.5 to 2 mile radius from the proposed stadium site, estimated to be greater than approximately 30 acres in size, are under consideration as components of alternate parking configurations. The proponent for use of Federal lands to facilitate parking, the City of Irwindale, has expressed interest in utilizing a combination of Site 1, Site 2 and Site 3 (described below) to accommodate the requisite number of parking spaces. The Corps of Engineers has no preferred alternative pending examination of all potential solutions through the NEPA review process. The Draft Environmental Impact Statement will examine the potential for two-row parking, parking structures, three per row stack parking and four per row stack parking at the following sites and combinations of the following sites to provide the requisite equivalent of 19,125 vehicle parking spaces.

Site 1. An approximate 53-acre site located adjacent and east of the San Gabriel River channel and located north of the 210 Foothill Freeway on Federal lands in Santa Fe Flood Control Basin. Site access is via Foothill Boulevard. This area is currently zoned as a Natural Area.

Site 2. An approximate 33-acre site located adjacent and east of the San Gabriel River channel and north of Foothill Boulevard on Federal land in the Santa Fe Flood Control Basin. Site access is via Foothill Boulevard. Lands within this site are currently zoned as Natural Area and Low Density Recreation. Site 2 is located adjacent to and to the northeast of Site 1.

Site 3. An approximate 92-acre site is located south of and adjacent to the 210 Foothill Freeway, west of the Miller Brewery site on Federal land within the Santa Fe Flood Control Basin. Site access is via First Street and via a proposed pedestrian overpass or underpass crossing the 210 Foothill Freeway. This area is currently zoned as Wildlife Management Area. Site 3 is located adjacent to and to the southwest of Site 1.

Site 4. An approximate 50-acre quarry site is located south of and adjacent to the 210 Foothill Freeway, east of the Santa Fe Flood Control Basin and within the northwest section of the approximate 210 acre Miller Brewery site, Irwindale, California. Site access is via First Street to an unnamed, unimproved roadway west of the pit and via a proposed pedestrian underpass or overpass, as previously described under Site 3.

Site 5. An approximate 72-acre site located at the south portion of the approximate 210-acre Miller Brewery site, south of the 210 Foothill Freeway and west of Irwindale Avenue, Irwindale, California. This 72-acre site includes an inactive quarry pit and adjacent areas that appear to be vacant. Access to this 72-acre site is via First Street.

Site 6. An approximate 175-acre site located north of Foothill Boulevard and Irwindale Boulevard, Irwindale, California. The site is accessed via Foothill Boulevard. The site is presently an active quarry included in the adopted City of Irwindale Redevelopment Project. It appears that approximately 40 percent of the site is currently used for quarry operations.

Site 7. An approximate 106 acre site located on Federal land at the south end of the Santa Fe Control Basin, southwest of the existing parking area provided for the Santa Fe Dam Recreation Area. This area is currently zoned as for Operations. Access to this site is via the current access road to the Recreation area (i.e. the northerly extension of Azusa Canyon Road).

Site 8. An approximate 245-acre site located northwest of the intersection of Gladstone Avenue and Jackson Avenue in the Cities of Azusa and Irwindale, California. Site access is via the northerly extension of Vincent Avenue. The site is known to be currently used for quarry and landfilling activities; however, it appears that portions of the site are not currently used for these operations. Approximately 30 percent of the site, or 73 acres, along the site perimeter appear currently not to be in use.

Site 9. An approximate 140-acre site located southwest of Arrow Highway and Irwindale Avenue in Irwindale, California. Site across in via either Arrow Highway and/or Irwindale Avenue. The site is a quarry included as a redevelopment site under the adopted City of Irwindale Industrial Redevelopment Project.

Site 11. An approximate 135-acre site located on Federal land at the spillway of the Santa Fe Dam. Site access is provided by an unnamed access road leading north from Arrow Highway, beneath the 605 San Gabriel River Freeway northeast to the east side of Site 11. This area is currently zoned for operations and is used on intermittent basis for water conservation by Los Angeles County Department of Public Works.

2. *Scoping Process.* Resources potentially impacted by the proposed use of Federal lands to facilitate parking in conjunction with the proposed Raider Stadium include biological resources, cultural resources, water conservation, recreation and traffic. Site 1, Site 2 and Site 3 are parts of the 1000 acres within Santa Fe Flood Control Basin leased to the County of Los Angeles for recreational development. Site 7 and site 11 are also on Federal land within the Santa Fe Flood Control Basin. The U.S. Army Corps of Engineers, Los Angeles District developed the 1975 Santa Fe Dam Master Plan in concert with Los Angeles County Department of Parks and Recreation to provide a conceptual framework for development of those lands leased to the County and those lands administered by the Corps. Site 1 and portions of Site 2 are designated as a Natural Area in the 1975 Master Plan. The designation was based on the presence of regionally unique alluvial scrub habitat and an effort to offset impacts to biological and open space resources resulting from the recreational development proposed in the Master Plan. Site 3 is designated as a Wildlife Management Area as mitigation for impacts to wildlife resources resulting from recreation development within Santa Fe Flood Control Basin. The alluvial scrub habitat at Santa Fe Dam is one of the few remaining pristine alluvial scrub sites in southern California. Examples of cultural resources which may be impacted by the proposed use of Federal lands for parking include the Santa Fe railroad bridge situated to the west of Site 1 which may be a significant historical resources. Potentially significant buried historic resources may also be present. Archival studies and a historic evaluation of the railroad will be required. Santa Fe Dam Recreation Area experiences heavy use during the summer months and on weekends throughout the year. Transportation routes accessing Sante Fe Dam and those within the flood control basin are heavily utilized during these times. Existing traffic, potential impacts to traffic, and means of mitigating those impacts will be a key issue in reviewing the possibility of utilizing lands within the flood control basin for the purpose of parking. In addition, the Corps is concerned with potential impacts to current recreation users at the Santa Fe Dam Recreation Area which may occur as a result of the proposed use of adjacent lands for parking.

3. *Scoping Meeting.* Two scoping meetings will be held in January 1988 to present alternatives under consideration to facilitate parking demands created by the proposed Raider Stadium. These meetings are tentatively scheduled for January 11 and 13 in Irwindale, California and Los Angeles, California respectively.

4. *Publication of the DEIS.* The Draft Environmental Impact Statement is scheduled to be available for public reivew in late January 1988.

ADDRESS: Questions about the proposed action, its alternatives, the DEIS, and the DEIS can be answered by, Mr. Rick Grover (213) 894-5635, U.S. Army Corps of Engineers, 300 N. Los Angeles Street, P.O. Box 2711, Los Angeles, California, 90053-2325.

Date: December 7, 1987.

Glen F. Weien,

Lieutenant Colonel, Corps of Engineers, Deputy District Engineer for Civil Works.

[FR Doc. 87-30057 Filed 12-30-87; 8:45 am]

BILLING CODE 3710-KF-M

Intent To Prepare a Supplemental Environmental Impact Statement; Rio Grande, NM

The Albuquerque District, U.S. Army Corps of Engineers intends to prepare a supplemental environmental impact statement on a proposal to reduce flooding and sedimentation in the

BEST COPY AVAILABLE

middle Rio Grande valley of New Mexico.

AGENCY: U.S. Army Corps of Engineers, Albuquerque District, DOD.

ACTION: Intent to prepare a supplemental environmental impact statement.

SUMMARY:

1. *Alternatives Considered.* The purpose of the study is to reevaluate the plan of improvement authorized by the Flood Control Act of 1948 (Pub. L. 80–858, 203) in light of the economic infeasibility of recommended detention reservoirs on the Rio Puerco and Rio Salado drainages. Its objective is to reduce the effects of flooding and sediment deposition on farmlands, urban areas, a national wildlife refuge, and major water conveyance and storage facilities in the middle Rio Grande valley resulting from drainage from two major tributaries, the Rio Puerco and Rio Salado. Coincident objectives are the preservation, conservation, and enhancement of biological, recreational, social, and aesthetic values. A single alternative measure being evaluated in lieu of the previously recommended flood and sediment control dams consists of the orignally authorized plan of rehabilitating the existing levee system. Other alternatives formulated and evaluated during earlier studies and found not to be feasible included alternative dam sites, local levees around high value property, floodproofing of structures, flood plain zoning for future development, relocation of structures, and watershed treatment. This study comprises General Design Memorandum studies and will culminate in a recommendation that best satisfies overall public needs and desires.

2. *Public Involvement Process.* Coordination is being maintained with both public and private concerns having jurisdiction or an interest in land and resources in the Rio Puerco and Rio Salado watersheds and middle Rio Grande valley of New Mexico. These concerns include the general public, the U.S. Bureau of Reclamation, the U.S. Fish and Wildlife Service, and the Interstate Stream Commission. A fully coordinated final environmental impact statement (EIS) addressing the previous recommendation to construct flood and sediment control dams on the Rio Puerco and Rio Salado was filed with the Council on Environmental Quality in 1977. An early public meeting was held in the city of Socorro in 1979. Coordination will be expanded and intensified as plans become increasingly refined. Federal, State, and local input in the development of the EIS will be obtained by the combination of agency coordination, workshops, and, if necessary, public meetings. All interested parties will be invited to submit comments on the EIS when it is circulated for review.

The planning effort is being coordinated with the U.S. Fish and Wildlife Service pursuant to the requirements of the Fish and Wildlife Coordination Act of 1972 (72 Stat. 563) (Pub. L. 85–624) and the Endangered Species Act of 1973, as amended (87 Stat. 884) (Pub. L. 93–205). Consultation with the Advisory Council on Historic Preservation and the New Mexico State Historic Preservation Officer will be initiated pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915) (Pub. L. 89–655), and the Preservation of Historic and Archeological data (88 Stat. 174) (Pub. L. 93–291).

3. *Significant Issues to be Analyzed.* Significant issues to be analyzed in the development of the EIS include the effect of the recommended plan and any accompanying alternatives on human safety, flood plain development, water conveyance and storage facilities, riparian biological systems, wildlife refuge objectives, endangered species, social welfare, cultural resources, and aesthetic qualities. Also, the development of mitigative measures will be undertaken if necessary.

4. *Public Review.* The estimated date that the draft General Design Memorandum will be completed and the draft Supplemental EIS circulated for public review is December 1988.

5. *Further Information.* Questions regarding the study and the supplemental EIS may be directed to: Mark Sifuentes, USAED, Albuquerque, P.O. Box 1580, Albuquerque, New Mexico 87103, Phone: (505) 766–3577.

Date: December 21, 1987.

Kent R. Gonser,

Lieutenant Colonel, CE District Engineer.

[FR Doc. 87–29979 Filed 12–30–87; 8:45 am]

BILLING CODE 3710-KK-M

Intent to Prepare a Draft Environmental Impact Statement; Big River Water Supply Project, RI

To prepare a Draft Supplemental Environmental Impact Statement (SEIS) for a Regulatory Permit for the development of the Big River Water Supply Project within the communities of Coventry, East Greenwish, West Greenwish and Exeter, Rhode Island.

AGENCY: New England Division, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Supplemental Environmental Impact Statement (SEIS).

SUMMARY: 1. *Description of Action:* The Rhode Island Water Resources Board has made an application for a permit under Section 404 of the Clean Water Act for the construction of the Big River Water Supply Project.

The project proposed by the Rhode Island Water Resources Board has a number of features similar to a project proposed by the U.S. Army Corps of Engineers as a multi-purpose water resource project. An Environmental Impact Statement (EIS) was used to evaluate the multi-purpose project of water supply, flood control and recreation. The State's project is a single-purpose project for water supply and design modifications have been made from the original Federal Project. For these reasons as well as others, the Corps has determined that a Supplemental Environmental Impact Statement (SEIS) is required.

The total reservoir area would encompass approximately 3,600 acres at elevation 303 feet MSL. At the normal operating level of 300 feet MSL the water area will comprise 3,470 acres. The proposed dam and its appurtenant structures will cross the Big River 100 feet upstream of Zeke's Bridge on Harkney Hill Road in Coventry. The maximum height of the dam will be 70 feet at elevation 310 feet MSL. The dam crest will be 2,200 feet along its axis with a top width of 25 feet. Water from the reservoir will be conveyed via a 2,000-foot long conduit to the proposed Big River Water Treatment Plant. A 96-inch diameter rock tunnel will convey water from the treatment plant to the Providence Water Supply Board's transmission connection in West Warwick.

2. *Alternatives:* A complete alternatives analysis based on the scoping process will be carried out during the development of the SEIS.

3. *Scoping Process:* The Corps of Engineers held a preliminary meeting with Federal and state agencies to solicit initial environmental concerns on December 8, 1987. NED will review EIS information supplied by the Rhode Island Water Resources Board, along with other agencies who have the appropriate jurisdiction or expertise. Coordination will be made with the Environmental Protection Agency and the U.S. Fish and Wildlife Service.

The Supplemental Environmental Impact Statement will address and analyze indepth potential direct and indirect impact of the construction and operation of the Big River Reservoir, including water quality, fish and wildlife resources, recreation, endangered species, cultural resources, as well as an alternative analysis and demands analysis.

4. *Scoping Meeting:* The Corps and the Rhode Island Water Resources Board plans to hold a public scoping meeting on January 12, 1988 at the Coventry Town Hall in Coventry, Rhode Island at 2:00 p.m. and 7:30 p.m. All interested agencies, organizations and publics are invited to attend this meeting.

5. *Availability:* It is anticipated that the Draft SEIS would be made available for review in January 1989.

ADDRESS: Questions about the proposed action and SEIS can be answered by Mr. Douglas Sparrow, New England Division, Corps of Engineers, 424 Trapelo Road, Waltham, MA 02254–9149. Phone: 617–647–8499.

Dated: December 18, 1987.

Stanley J. Murphy,

LTC, Corp of Engineers District Engineer.

[FR Doc. 87–29978 Filed 12–30–87; 8:45 am]

BILLING CODE 3710-24-M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.190]

Invitation; Applications for New Awards Under the Christa McAuliffe Fellowship Program for Fiscal Year 1988

Purpose: To provide fellowships to outstanding teachers to enable and encourage them to continue their education or to develop educational projects and programs.

Deadline for Transmittal of Applications: Applications to statewide panel: February 15, 1988. Recommendations to Department of Education: March 30, 1988.

Available funds anticipated: It is estimated that approximately $2,000,000 will be available for fiscal year 1988 awards under this competition. However, applicants should note that Congress has not yet completed action on the fiscal year 1988 appropriation.

Estimated range of awards: $13,000 to $26,704.

Estimated average size of awards: $16,000–$22,000.

Estimated number of awards: 80–128.

Project period: Up to 12 months.

Supplementary Information: Section 563(a)(3) of the Higher Education Act, as amended (20 U.S.C. 1113b(a)(3)), the Christa McAuliffe Fellowship Program statute states that "If the appropriation for this subpart under section 502(d) [of the Higher Education Act] is not sufficient to provide the number of fellowships required by paragraph (1) [one in each congressional district, the District of Columbia, and the Commonwealth of Puerto Rico; and one such fellowship in Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and Palau] at the level required under paragraph (2), [not to exceed the national average salary of public school teachers], the Secretary shall determine and publish an alternative distribution of fellowships which will permit fellowship awards at that level and which is geographically equitable." The Secretary herein publishes the alternative distribution method for fiscal year 1988 awards. Funds will be distributed so that a minimum of $26,704, the national average teacher salary, will be available for public and private school teachers in each State, the District of Columbia, and the Commonwealth of Puerto Rico. For each of the Outlying Areas—Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and Palau—$16,000 will be available. The balance of the funds will be distributed among the States, District of Columbia, and Puerto Rico according to their relative numbers of public school teachers. Awards to individual teachers may not exceed $26,704 for the 50 States, District of Columbia, and Puerto Rico or $16,000 for the Outlying Areas. The Secretary urges that fellowships be awarded in the maximum amount whenever possible.

Applicable Regulations: The Christa McAuliffe Fellowship Program Regulations, 34 CFR Part 237.

For Applications Call or Write State Contact Persons

Alabama

Mr. J. Paul Copeland, Alabama State House, Montgomery, Alabama 36130 (205) 261–7182

Alaska

Ms. Sandra Berry, Alaska Dept. of Education, P.O. Box F, Juneau, Alaska 99811, (907) 465–2141

American Samoa

Mr. Ralph Farrow, Dept. of Education, American Samoa Government, Pago Pago, American Samoa 96799, (684) 633–5237

Arizona

Ms. Nancy Mendoza, Arizona Dept. of Education, 1535 West Jefferson Street, Phoenix, Arizona 85007, (602) 255–3204

Arkansas

Ms. Brenda Matthews, Arkansas Dept. of Education, #4 Capitol Mall, Little Rock, Arkansas 72201, (501) 371–1281

California

Peter G. Mehas, Governor's Office, State Capitol, Sacramento, California 95814, (916) 323–0611

Colorado

Dr. Ray E. Kilmer, Colorado Dept. of Education, 201 East Colfax Avenue, Denver, Colorado 80203, (303) 866–6806

Connecticut

Mr. Thomas Lovia Brown, Connecticut State Dept. of Education, 165 Capitol Avenue, Hartford, Connecticut 06106, (203) 566–4122

Delaware

Dr. William B. Keene, Dept. of Public Instruction, Townsend Building, Dover, Delaware 19903, (302) 736–4601

District of Columbia

Ms. Eloise Turner, Office of Postsecondary Education Research and Assistance, 1331 H St., NW., Suite 600, Washington, D.C. 20005, (202) 727–3685

Florida

Ms. Ida S. Baker, Florida State Dept. of Education, G20–Collins, Tallahassee, Florida 32099, (904) 488–5724

Georgia

Ms. Gale Samuels, Georgia Dept. of Education, Twin Towers East, Atlanta, Georgia 30334, (404) 656–2476

Guam

Ms. Rosa S. Palomo, Governor's Office, P.O. Box 2950, Agana, Guam 96910, (671) 4728–931/9x212

Hawaii

Ms. Mary Tanouye, Hawaii Dept. of Education, P.O. Box 2360, Room 301, Honolulu, Hawaii 96804, (808) 548–5215

Idaho

Mr. Gene Peterson, Executive Office of the Governor, State House, Boise, Idaho 83720, (208) 334–3309

Illinois

Ms. Gail Lieberman, State Capitol, Room 2½, Springfield, Illinois 62706, (217) 782–4921

Indiana

Ms. Betty Johnson, Indiana Dept. of Education, 251 E. Ohio, Indianapolis, Indiana 46204, (317) 269–9641

Iowa

Ms. Carol Bradley, Iowa Dept. of Education, Grimes State Building, Des Moines, Iowa 50319, (515) 281–3575

Kansas

Mr. Warren Bell, Kansas State Dept. of Education, 120 East 10th Street, Topeka, Kansas 66612, (913) 296–2306

Kentucky

Ms. Beth Brinly, Office of the Governor, State Capitol Bldg., Rm. 103, Frankfurt, Kentucky 40601, (502) 564–2611

Louisiana

Dr. Sally Clausen, Governor's Office, P.O. Box 94095, Baton Rouge, Louisiana 70804, (504) 342–7000

Maine

Ms. Polly Ward, Maine Dept. of Education, State House Station 23, Augusta, Maine 04333, (207) 289–5803

Maryland

Dr. Douglas S. MacDonald, Maryland State Scholarship Board, 2100 Guilford Avenue, Baltimore, Maryland 21218, (301) 333–6420

Massachusetts

Ms. Nancy Richardson, State House, Room 173, Boston, Massachusetts 02133, (617) 727–0600

Michigan

Ms. Debra Clemmons, Michigan Dept. of Education, P.O. Box 30008, Lansing, Michigan 48908, (517) 373–3608

Minnesota

Dr. Susan K. Vaughn, Minnesota Dept. of Education, 645 Capitol Square Building, St. Paul, Minnesota 55101, (612) 296–4075

Mississippi

Mr. Jack Lynch, Mississippi Dept. of Education, P.O. Box 771, Jackson, Mississippi 39205, (601) 359–3519

Missouri

Ms. Georganna Beachboard, Missouri Dept. of Education, P.O. Box 480, Jefferson City, Missouri 65102, (314) 751–2661

Montana

Mr. J. Michael Pichette, Governor's Office, State Capitol, Helena, Montana 59620, (406) 444–3111

Nebraska

Mr. Andy Cunningham, Policy Research Office, Box 94601, Lincoln, Nebraska 68509, (402) 471–2414

Nevada

Ms. Marcia R. Reardon, Nevada Dept. of Education, 400 West King Street, Carson City, Nevada 89710, (702) 885–3104

New Hamsphire

Mr. David M. Carney, Office of the Governor, State House, Concord, New Hamsphire 03301, (603) 271–2121

New Jersey

Dr. Valerie French, New Jersey Dept. of Education, CN 500, Trenton, New Jersey 08625, (609) 292–4450

New Mexico

Ms. Marlis Mann, Governor's Office, State Capitol, Santa Fe, New Mexico 87503, (505) 827–3000

New York

Mr. Mike Van Ryn, State Education Department, Albany, New York 12230, (518) 474–3096

North Carolina

Ms. Grace Drain, N.C. Dept. of Public Instruction, 116 West Edenton Street, Raleigh, North Carolina 27603, (919) 733–4736

North Dakota

Mr. Wayne Sanstead, Department of Public Instruction, State Capitol, Bismarck, North Dakota 58505, (701) 224–2276

Northern Marianas

Mr. Robert Coldeen, Department of Education, Saipan, CM 96950, (670) 322–3184

Ohio

Dr. G. Robert Bowers, Ohio Dept. of Education, 65 S. Front Street, Columbus, Ohio 43266, (614) 466–2329

Oklahoma

Ms. Sharon A. Lease, State Dept. of Education, 2500 N., Lincoln Blvd., Oklahoma City, Oklahoma 73105, (405) 521–4311

Oregon

Ms. Joyce M. Reinke, Oregon Dept. of Education, 700 Pringle Parkway, SE., Salem, Oregon 97310, (503) 373–7118

Palau

Mr. William Tabelual, Palau Dept. of Education, P.O. Box 189, Koror, Palau 96940, Intl. Op. 160+680 Palau #952

Pennsylvania

Dr. William Logan, Pennsylvania Dept. of Education, 333 Market Street, Harrisburg, Pennsylvania 17126, (717) 787–3785

Puerto Rico

Mrs. Awilda Aponte Roque, G.P.O. Box 759, Hato Rey, Puerto Rico 00919, (809) 751–5372

Rhode Island

Mr. Ronald L. DiOrio, State House, Room 128, Smith Street, Providence, Rhode Island 02903 , (401) 277–2080

South Carolina

Dr. Floride M. Martin, Governor's Office, P.O. Box 11369, Columbia, South Carolina 29211, (803) 734–9818

South Dakota

Mr. James O. Hansen, South Dakota Dept. of Education, 700 Governor's Drive, Pierre, South Dakota 57501, (605) 773–8134

Tennessee

Mr. Estel Mills, Tennessee Dept. of Education, Cordell Hull Building, Rm. 200, Nashville, Tennessee 37219, (615) 741–0874

Texas

Ms. Betsy Bishop, Governor's Office, Box 12428, Austin, Texas 78711, (512) 463–1778

Utah

Mr. Scott Cameron, Utah State Office of Education, 250 East Fifth South, Salt Lake City, Utah 84111, (801) 533–4095

Vermont

Dr. Stephen Kaagan, Department of Education, 120 State Street, Montpelier, Vermont 05602, (802) 828–3135

Virgin Islands

Dr. Linda Creque, Department of Education, P.O. Box 6640, Charlotte Amalie, St. Thomas, VI 00801, (809) 774–0100

Virginia

Dr. Margaret Roberts, State Dept. of Education, 101 North 14th Street, Richmond, Virginia 23219, (804) 225–2540

Washington

Mr. Ronn Robinson, Office of the Governor, 320 Insurance Building, Mail Stop AQ–44, Olympia, Washington, 98504, (206) 753–5460

West Virginia

Mr. Thomas R. Tinder, Office of the Governor, State Capitol, Charleston, West Virginia 25305, (304) 340–1600

Wisconsin

Ms. Harlene Ames, Dept. of Public Instruction, P.O. Box 7841, Madison, Wisconsin 53707, (608) 266–9849

Wyoming

Dr. Audrey M. Cotherman, State Dept. of Education, Hathaway Building, Cheyenne, Wyoming 82002, (307) 777–6202

For information contact: Donna Moore, Education Program Specialist, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., Room 2004, Washington, DC 20202, Telephone (202) 732–5104.

Program authority: 20 U.S.C. 1113–1113e.

Dated: December 23, 1987.

Beryl Dorsett,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 87–29971 Filed 12–30–87; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP88–1–003]

Bayou Interstate Pipeline System; Proposed Changes in FERC Gas Tariff

December 24, 1987.

Take notice that on December 21, 1987, Bayou Interstate Pipeline System (Bayou) tendered for filing the following revised tariff sheets:

Volume No. 1
Fourth Revised Sheet No. 4
Volume No. 1A
Substitute Original Sheet No. 2

The proposed effective date is April 1, 1988.

Bayou states these revised tariff sheets comply with ordering paragraph (C) of the order denying rehearing and motion for stay and granting alternate

request issued December 14, 1987 which directed the elimination from Bayou's rates the replacement cost calculation utilized in the rate of return and related income tax amounts. Bayou further states that the compliance filing is made with the understanding that any "surrogate fee" approved by the Commission shall become effective on April 1, 1988, concurrently with the other proposed rates in this proceding.

Copies of this filing have been served upon Bayou's jurisdictional customer, the Louisiana Public Service Commission and the Department of Natural Resources Office of Conservation of the State of Louisiana.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with the requirements of Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before January 6, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filling are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–29945 Filed 12–30–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA88–1–12–000]

Distrigas Corp. and Distrigas of Massachusetts Corp.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision and Request for Waiver

December 24, 1987.

Take notice that on December 21, 1987, Distrigas Corporation ("Distrigas") tendered 20th Revised Sheet No. 1 to its FERC Gas Tariff to reflect (1) a rate reduction for LNG from two cargoes delivered in December 1987, and January 1988 and Distrigas of Massachusetts Corporation ("DOMAC") tendered for filing 20th Revised Sheet No. 3A of its FERC Gas Tariff to also reflect a rate reduction.

Distrigas' 20th Revised Sheet No. 1 is being filed pursuant to the Purchased LNG Cost Adjustment provision set forth in this FERC Gas Tariff. The Distrigas rate changes are being filed to reflect a reduction in its sales rates to DOMAC of over 47 cents per MMBtu.

DOMAC states that its 20th Revised Sheet No. 3A is being filed under section 15 of the General Terms and Conditions of its FERC Gas Tariff to reflect the Distrigas rate changes in DOMAC's rates for sale to its distribution customers, a losses and uses factor and the GRI surcharge. DOMAC further states that no surcharge is filed to recover outstanding balances in its unrecovered purchased LNG cost account and that this filing is a reduction in its gas cost of over 72 cents per MMBtu.

Distrigas and DOMAC request a waiver of all applicable notice requirements so that the proposed tariff sheets become effective on delivery of LNG on or about December 26, 1987.

Distrigas and DOMAC state that a copy of their filing is being served on all affected parties and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before January 6, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filling are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–29946 Filed 12–30–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP88–22–001]

Gasdel Pipeline System, Inc.; Compliance Filing

December 24, 1987

Take notice that on December 21, 1987, Gasdel Pipeline System, Incorporated ("Gasdel") tendered for filing Substitute Original Sheet Nos. 5, 8, 16, 33, 35, 36, 38 and 40 in its FERC Gas Tariff Original Volume No. 1–A.

Gasdel states that the revised tariff sheets are being filed pursuant to ordering paragraph (A) of the Commission's Order issued December 4, 1987 requiring that Gasdel file revised tariff sheets reflecting modifications to various provisions of its tariff filing and the use of projected units of transportation in developing its transportation rates.

Gasdel requests waiver of all Commission rules and regulations, as necessary, to permit the tendered tariff sheets to become effective on December 5, 1987.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1987). All such motions or protests should be filed on or before January 6, 1988. Protests will be considered by the Commission in determining the appropriate parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–29947 Filed 12–30–87; 8:45 am]

BILLING CODE 6717–01–M

[Dockets Nos. CI77–782–002, et al]

Mobil Oil Exploration & Producing Southeast Inc.; Applications for Permanent Abandonment of Service

December 24, 1987.

Take notice that on December 10, 1987, Mobil Oil Exploration & Producing Southeast Inc. (MOEPSI), Nine Greenway Plaza, Suite 2700, Houston, TX 77046 filed applications in the referenced dockets requesting authorization to permanently abandon sales of gas to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) from the South Pass 78 Field, South Pass 78/ West Delta 109 Field, South Pass 49 Field, Mississippi Canyon 63 Field and Mississippi Canyon 148 Field, Offshore Louisiana.

MOEPSI states expedited relief is sought for the reason that various disputes have arisen concerning performance and contractual obligations, including take-or-pay and price issues. By an Agreement of Compromise to be effective January 1, 1988, MOEPSI and Tennessee resolved the disputes and agreed to terminate the sales. MOEPSI states that as part of the settlement: (1) Tennessee agreed to make certain cash payments and other considerations to MOEPSI in settlement of all claims and demands, including take-or-pay issues, (2) Tennessee will fully support MOEPSI's applications for

the subject abandonment, (3) the gas will be temporarily released for sale under a blanket limited-term abandonment [1], and (4) the gas will be sold to the traditional purchaser and on the spot market. Deliverability is approximately 17,600 Mcf per day of NGPA section 102(d) gas. Sales have been made under MOEPSI's certificates issued in Docket Nos. CI77–782, CI81–187, CI81–299, CI81–313, and CI82–15 and FERC GAs Rate Schedule Nos. 78, 111, 127, 128 and 130, respectively. Gas is also sold to Columbia Gas Transmission Corporation (Columbia) subject to the certificates and rate schedules set forth above. Columbia is unaffected by these filings. MOEPSI requests that its applications be considered on an expedited basis under procedures established by Order No. 436, Docket No. RM85–1–000, at 19 CFR 2.77.[2] MOEPSI requests the Commission waive any and all rate filing and blanket affidavit filing requirements, as required by § 154.94 of the Commission's Regulations.

Since MOEPSI has requested that its applications be considered on an expedited basis, all as more fully described in the applications which are on file with the Commission and open to public inspection, any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to the proceedings herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for MOEPSI to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–29948 Filed 12–30–87; 8:45 am]

BILLING CODE 6717–01–M

[1] By order issued March 31, 1987, in Docket No. CI87–282–000, MOEPSI received a blanket limited-term abandonment and sales authorization (LTA). 38 FERC ¶ 61,343 (1987). This authorization will expire on March 31, 1988.

[2] The Unied States Court of Appeals for the District of Columbia vacated the Commission's Order No. 436 on June 23, 1987. In vacating Order No. 436, the Court rejected challenges to the Commission's statement of policy in § 2.77 of its Regulations. Section 2.77 states that the Commission will consider on an expedited basis applications for certificate and abandonment authority where the producers assert they are subject to substantially reduced takes without payment or where the parties have entered into a take-or-pay buy-out pursuant to § 2.76.

[Docket No. RP86–7–004]

Mountain Fuel Resources, Inc.; Rate Change

December 24, 1987.

Take notice that on December 21, 1987, Mountain Fuel Resources, Inc. (MFR) tendered for filing and acceptance revised tariff sheets to its FERC Gas Tariff as follows:

MFR has requested that Substitute Eleventh Revised Sheet No. 12 to First Revised Volume No. 1 be approved to be effective December 1, 1987; and that Substitute Twelfth Revised Sheet No. 12 to First Revised Volume No. 1, Substitute Fourth Revised Sheet No. 5 to Original Volume No. 1–A, and Substitute Seventh Revised Sheet No. 8 to Original Volume No. 3 be approved to be effective January 1, 1988.

MFR further states that the purpose of this filing is to place into effect tariff sheets which correctly reflect MFR's base rates, as approved by letter order dated December 4, 1987, in Docket No. RP86–7–000, and MFR's currently effective Purchased Gas Adjustment, as approved by letter order dated November 23, 1987, in Docket No. TA88–1–55–000.

MFR has requested waiver of the filing fee requirements of § 381.204 of the Commission's regulations and any other necessary waivers to allow the tendered tariff sheets to become effective as proposed.

MFR further states that it has provided a copy of the filing to interested parties and state public service commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–29949 Filed 12–30–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA88–2–41–000]

Southwest Gas Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

December 24, 1987.

Take notice that Southwest Gas Corporation (Southwest) on December 22, 1987, tendered for filing Thirty-seventh Revised Sheet No. 10 pursuant to section 9, Purchased Gas Adjustment Clause (PGAC), of the General Terms and Conditions contained in its FERC Gas Tariff, Original Volume No. 1. The purpose of said filing is to reflect an increase in rates occasioned by an increase in rates from Northwest Pipeline Corporation (Northwest). Southwest's sole supplier of gas in northern Nevada, effective January 1, 1988. Southwest has requested that its filing become effective January 1, 1988, concurrent with Northwest's approved rate increase.

Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and CP National Corporation.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protest should be filed on or before January 6, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–29950 Filed 12–30–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CI88–41–000 and CI88–44–000]

Tenneco Oil Co.; Applications for Permanent Abandonment and Blanket Limited-Term Certificate With Pregranted Abandonment

December 25, 1987.

Take notice that on October 19, 1987, as supplemented on December 7 and 17, 1987, Tenneco Oil Company (Tenneco), P.O. Box 2511, Houston, TX 77252 filed applications in Docket No. CI88–44–000 requesting permanent abandonment of sales of gas to Northwest Pipeline Corporation (Northwest) from the Erin Stays Com well number 1, located within Section 2, Township 25N, Range 11W, Basin Field, San Juan County, New Mexico, and requesting in Docket No. CI88–41–000 a three-year blanket limited-term certificate with pregranted abandonment for sales for resale in interstate commerce of the released gas to other purchasers.

Tenneco states expedited relief is sought for the reason that takes of gas under the terms of the Gas Purchase Contract dated September 2, 1977, have been substantially reduced without payment. Northwest gave formal notice on October 20, 1986, of cancellation of the gas sales contract. Deliverability is approximately 12.4 MMcf per month. The gas is NGPA section 104 post-1974 gas. Sales have been made under Applicant's certificate issued in Docket No. CI78–74 and FERC Gas Rate Schedule No. 333. Tenneco requests that its applications be considered on an expedited basis under procedures established by Order No. 436, Docket No. RM85–1–000, at 18 CFR 2.77.[1] Tenneco requests the Commission waive any and all rate filing and blanket affidavit filing requirements, as required by Section 154.94 of the Commission's Regulations.

Since Tenneco has requested that its applications be considered on an expedited basis, all as more fully described in the applications which are on file with the Commission and open to public inspection, any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to the proceedings herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Tenneco to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–29951 Filed 12–30–87; 8:45 am]

BILLING CODE 6717–01–M

[1] The United States Court of Appeals for the District of Columbia vacated the Commission's Order No. 436 on June 23, 1987. In vacating Order No. 436, the Court rejected challenges to the Commission's statement of policy in § 2.77 of its Regulations. Section 2.77 states that the Commission will consider on an expanded basis applications for certificate and abandonment authority where the producers assert they are subject to substantially reduced takes without payment or where the parties have entered into a take-or-pay buy-out pursuant to § 2.76.

[Docket No. RP87–32–001]

Williston Basin Interstate Pipeline Co.; Federal Energy Regulatory Commission Annual Charge Adjustment Filing

December 24, 1987.

Williston Basin Interstate Pipeline Company (Williston Basin), on December 18, 1987, submitted for filing as part of its FERC Gas Tariff the following tariff sheets:

First Revised Volume No. 1

Second Revised Sheet No. 4
Substitute Fourth Revised Sheet No. 10
Substitute First Revised Sheet No. 115
Substitute Original Sheet No. 115A

Original Volume No. 1–A

Second Revised Sheet No. 4
Fifth Revised Sheet No. 11
Seventh Revised Sheet No. 12
First Revised Sheet No. 88
Second Revised Sheet No. 97
First Revised Sheet No. 146
Original Sheet No. 146A

Original Volume No. 2

Second Revised Sheet No. 1C
Substitute Seventh Revised Sheet No. 10
Substitute Eighth Revised Sheet No. 11

The proposed effective date of the tariff sheets is October 1, 1987.

Williston Basin states that the filing is in compliance with the Office of Pipeline and Producer Regulation blanket order of September 29, 1987 in Docket Nos. RP87–109 *et al.* and the Commission's December 10, 1987 order denying Williston Basin's request for waiver in Docket Nos. RM87–3–000 *et al.* and applies a Federal Energy Regulatory Commission Annual Charge Adjustment Provision (ACA) to all of its jurisdictional sales and transportation rate schedules pursuant to § 154.38(d)(6)(i) of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before January 6, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–29952 Filed 12–30–87; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–3309–5]

Science Advisory Board, Environmental Engineering Committee and Unsaturated Zone Code Subcommittee; Two Open Meetings—January 19–20, 1988

Under Pub. L. 92–463, notice is hereby given that the Unsaturated Zone Code Subcommittee of the Science Advisory Board's Environmental Engineering Committee will meet from 8:00 a.m. to 1:00 p.m. on Tuesday, January 19, 1988 in the Administrator's Conference Room, 1101 West Tower, 401 M Street, SW., Washington, DC. The Subcommittee will continue the review of the Office of Solid Waste's Unsaturated Zone Code, FECTUZ.

At 2:00 p.m., the Environmental Engineering Committee will convene at the same location, and adjourn no later than 4:00 p.m. on Wednesday, January 20. The Committee will hear the reports of the Mine Waste Risk Screening Subcommittee and the Unsaturated Zone Code Subcommittee, discuss possible changes to the Underground Storage Tank draft report, consider a resolution on modeling and be briefed by the Agency on a variety of Environmental Protection Agency's engineering activities.

The meeting is open to the public. Any member of the public wishing to attend or submit written comments should notify Mrs. Kathleen Conway, or Marie Miller at 202/382-2552 by January 15, 1988.

Date: December 21, 1987.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 87-30008 Filed 12-30-87; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3310-1]

Designation of an Ocean Disposal Site for THUMS Drilling Muds and Cuttings in the San Pedro Basin Off the Palos Verdes Peninsula, California; Intent To Prepare an Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of Intent to prepare a Supplemental Environmental Impact Statement (SEIS) on the designation of an Ocean Disposal Site off the Palos Verdes Peninsula, California.

Purpose: The U.S. EPA, in accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) and EPA's policy for the preparation of an EIS for all ocean disposal sites (39 FR 37119, October 21, 1974), will prepare a SEIS on the designation of the THUMS drilling muds and cuttings ocean disposal site located in the San Pedro Basin off the Palos Verdes Peninsula, California. A SEIS is needed to provide the information necessary to redesignate the ocean disposal site. This Notice of Intent is issued pursuant to section 102 of the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972, and 40 CFR Part 228 (Criteria for the Management of Disposal Sites for Ocean Dumping).

For Further Information and To Be Placed on the Mailing List Contact: Patrick J. Cotter, Oceans and Estuaries Section (W-5-3), Water Management Division, U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105, telephone number (415) 974-0257 or FTS 454-0257; or Virginia Fox-Norse, Marine Operations Division, Office of Marine and Estuarine Protection (WH-556F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, telephone number (202) 475-7129 or FTS 475-7129.

SUMMARY: The THUMS drilling muds and cuttings ocean disposal site was previously designated for a three year period (50 FR 9273, March 7, 1985). The site was used after an ocean dumping special permit (OD 82-01) was issued by EPA Region 9 on April 8, 1985. Both the permit and the site designation expire on April 8, 1988.

A SEIS will be prepared as a supplement to the final EIS (FEIS) issued in February 1985. This SEIS will be used by EPA to evaluate the impact of disposal during the term of the previous ocean dumping permit. The SEIS will be prepared using the FEIS and all of the monitoring data collected during the tenure of THUMS' three year ocean dumping permit (Special Permit OD 82-01).

The SEIS will examine the period of use for the site. While the existing designation was for a finite period of 3 years, the SEIS will examine whether another finite period or continuing use is appropriate. The SEIS will consider the impacts which could result from continued offshore disposal of drilling muds and cuttings from THUMS' oil production facilities at the existing designated site.

The center of the present THUMS ocean disposal site is located approximately 16 nautical miles (29.6 kilometers) southwest from the Los Angeles/Long Beach Harbor breakwater at coordinates 33°34'30" North latitude by 118°27'30" West longitude. The radius of the site is 1.5 nautical miles (2.8 kilometers) and water depth is approximately 485 fathoms (887 meters).

Need for Action: On July 1, 1986, EPA Region 9 received THUMS' ocean dumping permit reapplication, and Region 9 deemed the application completed on November 7, 1986. In response to this request, EPA has determined that a SEIS will be prepared to redesignate a site in the San Pedro Basin located off the Palos Verdes Peninsula, California. The site would be for the disposal of drilling muds and cuttings, when ocean dumping is the preferred alternative, from THUMS' oil production facilities within Long Beach Harbor. A SEIS is required to provide the necessary information to evaluate disposal alternatives and to designate the preferred site. Disposal of THUMS' drilling muds and cuttings, under Section 102 of MPRSA, will not be permitted unless EPA determines that the material is acceptable for disposal under the Ocean Dumping Criteria at 40 CFR Part 227, and a new special permit is issued.

Alternatives: The SEIS will characterize environmental parameters, assess environmental impacts and evaluate a reasonable range of alternatives to determine whether redesignation of the THUMS ocean disposal site is acceptable. The alternatives include: (1) Redesignation of the THUMS site, (2) no action, (3) land disposal, (4) disposal at a nearshore site, and (5) disposal at an alternate deep water site.

Scoping: A scoping meeting is not contemplated, unless significant comments are received in response to this Notice of Intent. Scoping will be accomplished with affected Federal, State and local agencies, as well as interested parties, by written responses to this notice. Comments on this Notice of Intent should be sent to the contact person listed above no later than 30 days after the publication of this notice.

Estimated Date of Release: The draft SEIS will be made available in early 1988.

Responsible Official: Tudor T. Davies, Director, Office of Marine and Estuarine Protection.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 87-30025 Filed 12-30-87; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30000/44C; FRL 3310-4]

Alachlor; Notice of Intent to Cancel Registrations; Conclusion of Special Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Final Determination; Notice of Intent to Cancel; Notice of Intent to Deny Applications for Registration.

SUMMARY: This Notice announces EPA's intent to cancel registrations and to deny registration applications for all pesticide products containing alachlor as an active ingredient (a.i.) unless the registrations/applications comply with the terms and conditions of registration that are set forth in this Notice. This action concludes EPA's Special Review of alachlor, and is based on the Agency's determination that the use of alachlor products without such modified terms and conditions of registration will result in unreasonable adverse effects on humans or the environment.

DATE: Requests for a hearing by a registrant, applicant, or other adversely affected party must be received on or before February 1, 1988, or, for a registrant or applicant, within 30 days from the receipt of this Notice, whichever occurs later.

ADDRESS: Requests for a hearing must be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, DC, 20460.

Additional information supporting this action is available for public inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays in the: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, Room 236, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: By mail:

James V. Roelofs, Special Review Branch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC, 20460.

Office Location and Telephone Number: Room 1006, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, 22202, Telephone (703 557-0064).

SUPPLEMENTARY INFORMATION: This Notice announces EPA's decision to cancel registrations and deny applications for registrations of pesticide products containing alachlor (2-chloro-2', 6'-diethyl-N-(methoxymethyl) acetanilide) as an active ingredient (a.i.), unless the terms and conditions of registration are amended to comply with the terms and conditions set forth in this Notice. This Notice concludes the Agency's administrative Special Review of the risks and benefits of alachlor which was initiated in a **Federal Register** notice of January 9, 1985, (50 FR 1115). A Notice of Preliminary Determination concerning alachlor was published in the **Federal Register** on October 8, 1986, (51 FR 36166), and supporting documents were made available to any requesting party at that time. EPA has evaluated the issues raised in the preliminary documents listed above in the light of comments and additional data received during the Special Review process. In summary, EPA is requiring that alachlor be classified for restricted use by certified applicators or persons under their direct supervision; that aerial application of alachlor be allowed only if mechanical and not human flaggers are used; and that persons applying alachlor to 300 or more acres per year use mechanical transfer (pumping) systems for mixing and loading alachlor.

This Notice is organized into seven units. Unit I is an Introduction providing background information on alachlor, EPA actions prior to this Notice, and the legal basis for these actions. Units II and III summarize EPA's risk and benefit evaluations of alachlor, respectively. Comments received from interested parties on specific risk and benefit issues are also discussed in these units. Unit IV discusses the comments of the Secretary of Agriculture, the Scientific Advisory panel and other parties on the regulatory actions previously proposed by EPA in its Preliminary Notice of Determination of October 8, 1986. Unit V describes the Agency's final determination and the actions required by this Notice. Unit VI describes the procedures for implementing the actions required by this Notice, as well as the procedures for requesting a hearing. Unit VII lists references used in this Notice.

I. Introduction

Pesticide products containing the active ingredient alachlor have been registered in the United States since 1969 by Monsanto Chemical Company. EPA records indicate that there are nine federally registered products containing alachlor, and nine products registered for intrastate sale only.

Alachlor is a selective herbicide used for preemergence control of many broadleaf weeds and grasses. Registered uses include selective weed control in cultivated agricultural land and woody ornamentals. In the United States, usage of alachlor is estimated at 80 to 84 million pounds a.i. per year. Approximately 94 percent of alachlor use is on three sites: corn (83 percent), soybeans (28 percent), and peanuts (3 percent). Alachlor is also registered for use on dry beans, lima beans (green), mung beans, green peas (for processing), cotton, grain sorghum, and sunflowers.

A. Regulatory History

In November 1984, the Agency issued a document entitled "Guidance for the Interim Registration of Pesticide Products Containing Alachlor as an Active Ingredient" (the Registration Standard). Prior to the issuance of the Registration Standard, the registrant voluntarily amended alachlor product labels to delete aerial application. Several label modifications were proposed through the Registration Standard, including a warning on possible risks of tumor formation and directions on the use of protective clothing by applicators. The Agency also required registrants to develop and implement an information and training program for users of alachlor products. Additional data were also required pursuant to section 3(c)(2)(B) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C. 136 *et seq.*), including data on alachlor contamination of ground and surface waters, and on residues in various food commodities.

The Registration Standard was followed by publication of a Notice of Initiation of Special Review of Registrations of Pesticide Products Containing Alachlor, hereafter referred to as the Notice of Initiation of Special Review, which was published in the **Federal Register** of January 9, 1985 (50 FR 1115). That Notice also announced the availability of the Alachlor Position Document 1 (PD-1), which set out in detail the basis for initiating the Special Review.

The Special Review was initiated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) because pesticide products containing alachlor met or exceeded EPA's then applicable oncogenicity risk criteria under 40 CFR 162.11(a)(3). Specifically, EPA determined that exposure to pesticide products containing alachlor resulted in increased incidence of tumors at multiple sites in two species of laboratory animals. Subsequently, the risk criteria in 40 CFR 162.11 were superceded by revised criteria set forth in 40 CFR 154.7(a)(2). However, the Agency determined that alachlor exceeds the revised criteria for oncogenicity as well.

Following review of public comments received in response to the Notice of Initiation of Special Review and the alachlor PD-1, EPA issued a Notice of Preliminary Determination in which the Agency announced its proposed decision to allow the continued use of alachlor products subject to modification of the terms and conditions of registration. The Agency proposed to reclassify alachlor as a restricted use pesticide, to require the use of a closed mixing/loading system whenever alachlor was applied to 300 acres or more annually, to reinstate aerial application of alachlor but prohibit the use of human flaggers, and to retain the tumor warning statement on the labels. In addition, pursuant to 40 CFR 162.17, EPA notified producers of all alachlor products registered solely for intrastate sale and distribution that they were required to submit complete applications for Federal registration.

The Notice of Preliminary Determination was published in the **Federal Register** of October 8, 1986 (51 FR 36166). That Notice also announced the availability of the Alachlor Technical Support Document (TSD), which set out in detail the basis for the Agency's Preliminary Determination. In accordance with sections 6 and 25 of FIFRA, the Agency sent the Notice of Preliminary Determination, the Technical Support Document, and a draft Notice of Intent to Cancel to the Secretary of Agriculture and the Scientific Advisory Panel for the required 30-day review. The same documents were sent to all registrants and applicants for registration of

alachlor products. The Technical Support Document (TSD) is a detailed discussion of the risk and benefit data on alachlor considered by EPA, and is incorporated by reference in this Notice, except where it is specifically noted that additional information has led EPA to revise an evaluation presented in the TSD.

By this Notice, EPA is announcing that it will cancel the registrations of alachlor products and deny applications for registration of such products which have not complied with the modified terms and conditions of registration set forth in this Notice within 30 days of publication or receipt by registrants of this Notice, whichever occurs later. As further discussed in Unit I.B. and in Unit VI of this Notice, persons adversely affected by this action and who are not registrants who elect to amend registrations may request a hearing.

B. Legal Background

Before a pesticide product may be lawfully sold or distributed in either intrastate or interstate commerce, the product must be registered by the Environmental Protection Agency [FIFRA sections 3(a) and 12(a)(1)]. A registration is a license allowing a pesticide product to be sold and distributed for specified uses in accordance with specified use instructions, precautions, and other terms and conditions.

In order to obtain a registration for a pesticide under FIFRA, an applicant must demonstrate that the pesticide satisfies the statutory standard for registration. The standard requires, among other things, that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment," under FIFRA section 3(c)(5). The term "unreasonable adverse effects on the environment" is defined in FIFRA section 2(bb) as "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide." This standard requires a finding that the benefits of the use of the pesticide exceed the risks of use, when the pesticide is used in compliance with the terms and conditions of registration or in accordance with commonly recognized practices.

The burden of proving that a pesticide satisfies the statutory standard is on the proponents of registration and continues as long as the registration remains in effect. Under FIFRA section 6, the Administrator may issue a notice of intent to cancel the registration of a pesticide product whenever it is determined that the pesticide product causes unreasonable adverse effects on the environment. The Agency created the Special Review process to facilitate the identification of pesticide uses which may not satisfy the statutory requirements for registration and to provide an informal procedure to gather and evaluate information about the risks and benefits of these uses.

A Special Review is initiated if a pesticide meets or exceeds the risk criteria set out in the regulations at 40 CFR Part 154. The Agency announces that a Special Review is initiated by issuing a notice in the **Federal Register**. Registrants and other interested persons are invited to review the data upon which the Special Review is based and to submit data and information to rebut the Agency's conclusions by showing that the Agency's initial determination was in error, or by showing that use of the pesticide is not likely to result in any significant risk to human health or the environment. In addition to submitting rebuttal evidence, commenters may submit relevant information to aid in the determination of whether the economic, social, and environmental benefits of the use of the pesticide outweigh the risks of use. After reviewing the comments received and other relevant material obtained during the Special Review process, the Agency makes a decision on the future status of registrations of the pesticide.

The Special Review process may be concluded in various ways depending upon the outcome of the Agency's risk/benefit assessment. If the Agency concludes that all of its risk concerns have been adequately rebutted, the pesticide registration will be maintained unchanged. If, however, all risk concerns are not rebutted, the Agency will proceed to a full risk/benefit assessment. In determining whether the use of a pesticide poses risks which are greater than its benefits, the Agency considers possible changes to the terms and conditions of registration which can reduce risks, and the impacts of such modifications on the benefits of use. If the Agency determines that such changes reduce risks to the level where the benefits outweigh the risks, it may require that such changes be made in the terms and conditions of the registration. Alternatively, the Agency may determine that no changes in the terms and conditions of a registration will adequately assure that use of the pesticide will not pose any unreasonable adverse effects. If the Agency makes such a determination, it may seek cancellation, and, if necessary, suspension. In either case, the Agency must issue a Notice of Intent to Cancel the registrations. If the Notice requires changes in the terms and conditions of registration, cancellation may be avoided by making the specified changes set forth in the Notice, if possible. Adversely affected persons, including registrants and applicants for registration, may also request a hearing on the cancellation of a specified registration and use, and if they do so in a legally effective manner, that registration and use will be continued pending a decision at the close of an administrative hearing.

As noted above, no pesticide may be lawfully sold in interstate or intrastate commerce unless it is registered by EPA. However, under 40 CFR 162.17, the Agency has permitted certain products previously registered under State law to continue to be sold and distributed solely in intrastate commerce, pending a final decision concerning Federal registration. In each instance, the State registrant was required to submit a "notice of application" for Federal registration and to agree to submit the balance of the application upon request by the Agency. Depending on the circumstances, when the Agency announces its intent to cancel Federal registrations for a pesticide, it may either instruct intrastate applicants for similar products to submit a full application for Federal registration conforming to appropriate terms and conditions, or notify the intrastate applicant that it intends to deny the application.

II. Summary of Risk Assessment and Agency Evaluation of Comments and Additional Data Received

The regulatory actions required by this Notice are based on the Agency's determination that the use of alachlor products as currently registered will result in significant risks to applicators of these products, and that these risks are not outweighed by the benefits associated with the uses of alachlor. The basis for this determination is discussed in detail in the Technical Support Document, and summarized in Unit V below.

The primary health effect of concern for alachlor is oncogenicity (tumor formation), but other adverse effects have been observed in animal studies. Available data show that alachlor has a low degree of acute toxicity. Chronic exposure of laboratory animals has shown evidence of a degenerative eye problem known as uveal degeneration syndrome (UDS), as well as toxic effects on the liver and kidney in rat and dog studies. The available data are adequate to identify No Observed Effect Levels (NOELs) for non-oncogenic effects, as

follows. A 2-year feeding study in rats showed a NOEL of 2.5 mg/kg/day for UDS (molting of pigmentation from the retina). A 3-generation reproduction study in rats showed a NOEL of 10 mg/kg/day for kidney effects in the offspring. Alachlor did not cause birth defects (teratogenesis) in rats at the highest dose tested (400 mg/kg/day). A teratogenicity study in rabbits was judged to be inadequate: An additional rabbit study has been required (due in March 1988). A 1-year oral dosing study in beagle dogs showed a NOEL of 1 mg/kg/day for effects (hemosiderosis) in the liver, kidney and spleen.

Based on the beagle dog study, the Agency has established a provisional Reference Dose for alachlor of 0.01 mg/kg/day, incorporating a 100-fold uncertainty factor (i.e., the NOEL is divided by 100) to reflect possible differences in sensitivity between laboratory animals and humans. A Reference Dose represents the quantity of a substance which, if absorbed by the human system on a daily basis over a lifetime, is not expected to pose significant risks of certain adverse health effects. The alachlor Reference Dose is provisional because additional toxicity data are still required (e.g., teratology in rabbits).

It is EPA's assessment based on the available data that the exposures to alachlor typically experienced by users of alachlor products or consumers of treated commodities are not likely to pose significant risks of non-oncogenic health effects including UDS, kidney and/or liver effects, or adverse reproductive effects. Thus, EPA's risk assessment for alachlor is focused on oncogenicity.

A. Oncogenicity Data

The Special Review of alachlor products was initiated in 1985 because laboratory animal feeding studies demonstrated oncogenic effects in two species. One study (Daly, 1981a) conducted in mice showed a statistically significant increase in lung tumors in female CD–1 mice at the highest dose. Three chronic feeding studies (Daly, 1981b; Stout, 1983a; Stout, 1983b) were conducted in the Long-Evans strain of rat. These studies showed statistically significant increases in stomach, thyroid and nasal turbinate tumors in both sexes, at various dose levels. All stomach tumors observed were malignant, as were several of the tumors observed at other sites. In addition, an increased incidence of nasal turbinate tumors was observed after 2 years in rats which had received only 5 to 6 months of alachlor exposure, indicating that less than lifetime exposure is sufficient to elicit an oncogenic response in rats.

Supporting evidence for oncogenicity includes data showing that two metabolites of alachlor are mutagenic in the Ames assay, and that the structurally similar pesticide compound acetochlor has shown positive mutagenic effects, and caused increased incidence of hepatocellular carcinoma and thyroid follicular cell adenomas in high dose male rats. Another structurally related pesticide compound, metolachlor, has shown limited evidence of carcinogenic effects in rats.

On the basis of the available evidence, EPA assessed alachlor to be in Group B2 of the classification system set forth in EPA's Carcinogen Risk Assessment Guidelines (51 FR 33992, September 24, 1986). In general terms, a B2 classification means that the weight of evidence from laboratory animal data is sufficient to consider the compound a probable human carcinogen. Evidence is sufficient if there is an increased incidence of tumors (a) in multiple species or strains of test animals; or (b) in multiple experiments, for example, with different dose levels or routes of administration; or (c) to an unusual degree in a single experiment with regard to high incidence, unusual site or type of tumor, or early age at onset.

1. *Registrant comments on oncogenicity issues.* In response to the Agency's Notice of Initiation of Special Review and the alachlor PD–1, the registrant submitted comments in rebuttal of EPA's interpretation of the available data on the oncogenicity of alachlor. No new oncogenicity studies were submitted. The Agency addressed these comments in detail in the Technical Support Document of October 1986 (pp. II–43 through II–51). EPA concluded that the concern for oncogenicity of alachlor had not been rebutted by the registrant's responses.

In accordance with section 6 of FIFRA, the Agency's proposed decision to cancel alachlor registrations (unless the terms were modified) due to the identified risks of oncogenicity, was submitted to the Scientific Advisory Panel (SAP) for review. The SAP held a public meeting on November 19, 1986, at which both EPA and the registrant made presentations. The SAP's report of November 25, 1986, is reprinted in its entirety in Unit IV of this Notice. The SAP concluded that available data supported the classification of alachlor as a B2, probable human carcinogen. However, the SAP did not think the available mouse data showed an oncogenic effect in that species. The panel also stated that "the monkey may be a better metabolic surrogate for man than is the rat * * *", and suggested that metabolism data from monkeys might be used to modify the interpretation of rat data in regard to assessment of potential for human cancer risk.

In December 1986, EPA received further comments from the registrant of alachlor concerning the proposed decision, the Technical Support Document, and the SAP report. EPA had previously received data on the metabolism of alachlor in Rhesus monkeys from the registrant, and received additional data from this monkey study on November 10, 1986. The comments received from the registrant and other parties, and EPA's detailed evaluations of these comments are included in the public docket (OPP 30000/44B), available for inspection as noted at the beginning of this Notice under "**ADDRESS**".

The Agency reconsidered the classification of alachlor as a B2 oncogen in the light of the SAP's and the registrant's comments. Below is a summary of the four principal issues raised by the registrant in support of their contention that alachlor should be reclassified as a Group C oncogen (a compound for which there is limited evidence of oncogenicity).

a. There is evidence for oncogenicity in only one species: both the SAP and the registrant felt that the mouse study was negative for oncogenicity, since the incidence of lung tumors in female CD–1 mice was within the historical range of tumors experienced by control animals for this strain of mouse, as reported in published literature (specifically, Sher, et al., Toxicology Letters, 11: 103–110, 1982). EPA disagrees with the registrant and the SAP on this point, and does not feel that the literature cited is wholly relevant in this case. In EPA's view it is more appropriate to consider data on control animals drawn from concurrent or contemporaneous studies performed at the same laboratory which conducted the mouse study in question. Such data from the performing laboratory show a range of 0–23 percent spontaneous lung tumors in CD–1 mice for studies of 23 or 24 months duration, rather than the 0–41 percent cited in the Sher paper. In EPA's view, the mouse study is positive because of significantly ($p < 0.05$) increased lung tumors in high dose females, and in the mice which died *in extremis*, lung tumors were significantly ($p < 0.01$) induced, indicating early onset. The Agency notes that it would not be unexpected for lung tumor incidence in the 18 month alachlor study to be within the range of historical controls since the rate for spontaneous

occurrence of these tumors increases significantly with age. Thus, the 22 percent incidence rate of tumors in the alachlor study is just within the range of historical controls for the performing laboratory for studies of 5 to 6 months longer duration, and is not inconsistent with a treatment-related oncogenic response.

b. The registrant claims that nasal turbinate tumors induced by alachlor were mostly benign, especially at doses considered to be at or below the maximum tolerated dose (MTD) of 42 mg/kg/day. The Agency agrees that most nasal turbinate tumors observed at the lower dose levels were benign, but this is still significant evidence of an oncogenic response. Also, malignant nasal turbinate tumors were induced at the 126 mg/kg/ day dose level, which shows that this tumor type progresses to malignancy.

c. The registrant contends that the nasal turbinate tumors were not induced to an unusual degree at doses below the MTD, nor are they rare tumors. The registrant states that such tumors were not routinely looked for at the time of the alachlor study, but would not be considered uncommon today. However, the registrant submitted no data to support the view that nasal turbinate tumors are no longer considered rare tumors, or that they occur spontaneously in the Long-Evans strain of rats. Such tumors were not observed in the control animals in any of the alachlor studies.

d. The registrant argues that alachlor is not a genotoxic oncogen, since available mutagenicity assays of alachlor are negative. The Agency agrees that the weight of evidence indicates that alachlor itself is not a mutagen. However, two metabolites of alachlor are mutagenic in the Ames assay. These two metabolites are N-2-ethyl-6-(1-hydroxyethyl)-phenyl-2(methylsulfonyl) acetamide and N-[2-ethyl-6-(1-hydroxyethyl)phenyl]-N-(methoxymethyl) acetamide. Both of these metabolites have been identified in rats, and one of them in the monkey.

In regard to the idea that the monkey may be a more appropriate model than the rat for assessing the oncogenic potential of alachlor to humans, the Agency observes that in the absence of any actual oncogenicity data on monkeys, rodent data must be used for cancer risk assessment. However, the Agency notes that the available metabolism data on monkeys do not necessarily support the view that monkeys, in fact, offer a more appropriate surrogate than rats in relation to oncogenic risks of alachlor. For example, certain types of metabolites which may be relevant to oncogenicity (side chain hydroxylated metabolites) have been detected in all three species, i.e., in rats given alachlor orally, in humans exposed topically, and in monkeys exposed intravenously. The presence of these metabolites suggests that the rat is an equally appropriate metabolic model.

The Agency agreed with the registrant on several issues, most notably on the point that additional evaluation of the data indicates that tumors originally diagnosed as brain tumors in rats receiving a 126 mg/kg/day dose of alachlor are actually extensions of nasal turbinate adenocarcinomas in those animals.

EPA and the registrant disagreed on whether or not stomach adenocarcinomas seen in rats at the 2.5 mg/kg/day dose level are treatment-related. Such tumors are seen in high dose animals in two other studies, and in no control animals. Thus, EPA believes these tumors are treatment-related.

On the general issue of classifying alachlor according to the weight of evidence for potential human oncogenicity, the Agency concludes that alachlor does meet the criteria for Group B2 classification, and that the comments and information submitted by the registrant have not changed that assessment. Alachlor is associated with statistically significant increases in the incidence of benign and malignant tumors at multiple organ sites in both sexes of rats, in three different experiments involving different dose levels, as well as increased incidence of benign lung tumors in female mice. Observed effects include tumor incidence at unusual sites (nasal turbinates) and to an unusual degree (i.e., after 5 to 6 months of exposure in one study).

2. *Other comments on toxicity/ oncogenicity of alachlor.* The Natural Resources Defense Council (NRDC) expressed concern about the SAP's comment that "the Panel is not comfortable with the implied conclusion of the EPA Guideline that this classification means that alachlor is a probable human carcinogen * * *." EPA notes that there is frequently disagreement in the scientific community about the extent to which certain animal data can be used to assess human risk. This is likely to remain an issue until the mechanisms of carcinogenesis are much more thoroughly understood than they are at the present time. However, the Panel did uphold EPA's classification of alachlor as a B2 carcinogen.

NRDC also objected to the SAP suggestion that "metabolic data from the monkey be used to scale the interpretation of risk from the rat data." As noted above, the available data on the metabolism of alachlor in rats, mice, monkeys and humans do not, in EPA's view, support this approach, and the Agency did not follow the SAP suggestion.

The National Network to prevent Birth Defects commented on non-oncogenic toxicity issues. This group stated that "A chemical that caused thyroid tumors and deterioration of the eye is certainly a candidate for neurological injury in adults and children." The eye effect known as uveal degeneration syndrome (UDS) refers to the vascular, pigmented middle coating of the eye, which is not neural tissue. EPA does not believe that UDS can be characterized as a neurotoxic effect. Thyroid tumors were induced by alachlor at relatively high dose levels compared to nasal turbinate tumors. The Agency is not aware of any correlation between the occurrence of thyroid tumors and neurotoxicity.

This group also commented that alachlor does not appear to have been adequately tested for birth defects. As noted above, alachlor was not teratogenic in rats at the highest dose tested. However, EPA agrees that teratology data are also needed in a second species, and has required a second rabbit study due for submission in March 1988 to replace a previous rabbit study which did not meet EPA standards for an adequate data submission.

B. Exposure and Risk Determinations

This Unit describes the Agency's assessments of exposure and associated risks for persons involved in applying alachlor, for dietary exposure through treated commodities, and through alachlor residues which may occur in ground or surface waters. An analysis of the comments received on these issues is presented following each category of potential risk.

The estimates of oncogenic risk cited in this Notice are upper bound estimates at the 95 percent confidence level, meaning that there is a 95 percent probability that the true risks do not exceed the estimates, and may be lower. The numerical risk estimates are based on the use of the linearized multistage model as recommended by EPA's Carcinogen Risk Assessment Guidelines. Applying this model to the rat oncogenicity data described in Unit II. A. of this Notice leads to the calculation of a cancer potency value for alachlor. This value, known as the "Q star" (written as Q_1^*) is multiplied by measured or estimated human exposure to alachlor (expressed in milligrams per kilogram of body weight per day) to give an estimate of increased risk of tumor incidence. Based on a 1987 review of the oncogenicity data by Agency scientists, the Q_1^* for alachlor used in the estimates given below is 8×10^{-2} (mg/kg/day)$^{-1}$, or 0.08 (mg/kg/day)$^{-1}$.

The Agency's Guidelines point out that the use of upper bound risk estimates is generally appropriate, but that the lower bound of risk may be as low as zero. The Guidelines state: "An established procedure does not yet exist for making 'most likely' or 'best' estimates of risk within the range of uncertainty defined by the upper and lower limit estimates." Thus, upper bound estimates are a prudent approach to risk estimation which may overstate risks, but it is designed to avoid understating them.

In this Notice, the upper bound risk estimates are cited in terms of an order of magnitude. For example, estimated risks in the range of 10^{-3} or 10^{-6} indicate increased risk of about one tumor/ cancer case per 1000 or per 1,000,000 persons exposed, respectively. By simply multiplying a Q_1^* times an exposure level, a risk number can be generated which appears to give a more precise measure of risk, such as 3×10^{-5} for example, predicting three additional tumors/cancers for every 100,000 persons exposed at that level. However, in view of the many assumptions involved in calculating both cancer potency values and typical human exposure levels, cancer risk estimates do not realistically offer such precise predictions of disease incidence. The order of magnitude of risk is the main concern of the risk estimation process. In this Notice, incidence numbers are rounded off to the nearest order of magnitude.

1. *Applicator exposure and risk.* The Agency's risk estimates for ground and aerial applicators and mixer/loaders of alachlor given in the Alachlor PD–1 were based primarily on registrant data measuring exposure to the emulsifiable concentrate, microencapsulated and granular formulations of alachlor. Dermal exposure was assessed by measuring residue deposits on gloves or gauze pads attached to the workers' clothing (patch data). Inhalation exposure is considered insignificant compared to dermal exposure, since data show that less than 1 percent of applicator exposure is by the inhalation route. It was further assumed that protective clothing such as coveralls and rubber gloves would reduce exposure by 80 percent. The exposure estimates assumed a 50 percent dermal absorption rate for the emulsifiable concentrate, and 12 percent for the microencapsulated and granular formulations. The Agency also estimated the number of days per year that an applicator would be exposed. These ranged from 1 to 6 days for private farmers and up to 30 days for commercial applicators. Based on these data and assumptions, the Agency calculated the 95 percent upper bound risk estimate for various categories of users, including private farmers, commercial applicators, aerial applicators, and flaggers. These estimates showed that commercial ground applicators exposed for 30 days per year could face a lifetime risk of 10^{-3} (estimating about 1 increased incident of tumor formation per 1000 persons exposed). The risk to most classes of farm users ranged from 10^{-3} to 10^{-6} (i.e., from about 1 per thousand to 1 per million).

In response to the Notice of Initiation of Special Review and the Alachlor PD–1, the registrant submitted biomonitoring data for applicators, a monkey metabolism study, and a dermal absorption study. The registrant also supplied data to show that the number of days per year alachlor is typically applied should be revised downward to 3 days for a large private farmer, and 15 days for a commercial pesticide applicator. In addition to data from the registrant, the Agency also made use of data from the open literature concerning applicator and mixer/loader exposures resulting from identical application methods of pesticides other than alachlor. These "surrogate" data provide a check on the alachlor exposure estimates. As a result of assessing these additional data, the Notice of Preliminary Determination and the TSD of October 1986 presented revised estimates of lower exposure and risk for farmers and commercial applicators than were given in the PD–1.

The most significant factor to point out about EPA's revised exposure estimates for application of alachlor is the use of human biomonitoring data. EPA believes that biomonitoring data from well-designed and executed studies, if supported by adequate metabolism studies, provide a better measure of exposure than patch data. In general terms, biomonitoring measures the level of pesticides/metabolites in blood or tissues, or the levels excreted. In either case, an adequate understanding of the metabolism and pharmacokinetics of a compound make it possible to calculate with reasonable accuracy an actual dose absorbed into the body—as opposed to patch data, which only give an estimate of the amount of residues on the body's surface available for absorption. In this case, monkey data showing the rate and ratio of excreted alachlor metabolites can be used to interpret the results of the biomonitoring data. (Calculation of the absorbed dose represents a relatively limited use of monkey data in comparison to the more general qualitative issue raised by the SAP concerning rat versus monkey data as indicators of oncogenic risk in humans). Together with the registrant's patch data and surrogate patch data from the open literature, EPA used the biomonitoring data to calculate a range of exposures that are believed to more accurately reflect applicator exposure than the PD–1 estimates.

In the Technical Support Document, the revised estimates for applicator exposure indicated risks for farmers applying alachlor would range from 10^{-4} to 10^{-7}, and for commercial applicators, risks would be in the range of 10^{-4} to 10^{-6}. These risks pertain to ground application methods. The Agency noted in the TSD that registrant data and open literature data both showed that aerial applicators receive significantly less exposure than ground boom applicators. Thus, the Agency proposed to allow aerial application (deleted by the registrant in 1984) to be reinstated on the label under certain conditions. The exposure for human flaggers associated with aerial application was 10 times or more the exposure for pilots, posing upper bound risks in the 10^{-3} range. The Agency proposed to allow aerial application only if mechanical flagging systems were employed.

Following the issuance of the Notice of Preliminary Determination and the TSD, the registrant submitted additional biomonitoring data generated during 1986. These data include a study of open pour mixing/loading, and enclosed cab application, and a study of closed system mixing/loading, and enclosed cab application. Both studies are considered acceptable, and have been used to refine the exposure estimates for alachlor, although associated risk estimates are changed only slightly. Below are the estimated risks for the three principal groups of alachlor applicators, and the assumptions included in generating these upper bound estimates of oncogenic risk.

The risk estimates are for a 70 year lifetime and assume 40 years of exposure through application. Private farmers are assumed to fall into two groups: Those treating less than 300 acres per year, who are assumed to

apply alachlor only 1 day per year; and those treating over 300 acres, who are assumed to apply alachlor 3 days per year. Commercial applicators are assumed to apply alachlor 15 days per year. The small private user is assumed to mix and load alachlor by "open pouring", i.e., simply pouring the pesticide from 2.5 gallon containers into a mixing tank. The larger private users and commercial applicators are assumed to use mechanical transfer devices which pump pesticide material from large containers into mixing tanks. A mechanical transfer device is not necessarily an entirely hard-coupled system, but rather, any system that transfers pesticide material by pumping, and not open pouring. Available data indicate that most large scale pesticide users already employ mechanical transfer systems. The Notice of Preliminary Determination proposed that alachlor application to 300 or more acres per year require use of "closed systems", by which EPA intended to indicate mechanical transfer systems.

The Agency has used the registrant's biomonitoring data to define the low end of the range of estimated exposures because their data were based on workers wearing protective clothing, and applying alachlor with closed cab equipment. This represents a "best case" for applicator exposure. Based on patch data, as well as literature documenting exposure variability, the Agency has defined the upper end of the range as two orders of magnitude higher than the low end. The estimated annual exposures to alachlor for these three groups, and the associated upper bound risks are given in Table 1.

TABLE 1.—RISKS TO APPLICATORS

Type of applicator	Frequency of application (days/year)	Annual exposure (mg/kg/yr)	Upper bound oncogenic risks
Private farmers [1].	1	0.0019–0.19	10^{-7} to 10^{-5}
Private farmers [2].	3	0.0037—0.37	10^{-6} to 10^{-4}
Commercial applicators.	15	0.018—1.8	10^{-6} to 10^{-4}

[1] Applying alachlor on less than 300 acres per year.

[2] Applying alachlor on 300 acres or more per year.

Exposure estimates for human flaggers in aerial application are unaffected by these revisions, and therefore the Agency's position on this issue remains as stated in the Preliminary Notice of Determination.

2. *Comments on applicator exposure.*—a. The registrant commented that the 1986 biomonitoring data would lower estimated exposure dosage by an order of magnitude, and thus the acreage requirement for mechanical transfer systems should be raised accordingly from 300 to 3,000 acres. This would make the requirement unnecessary, since virtually no farmer treats 3,000 acres.

EPA disagrees with this rationale. The requirement is a reasonable one for minimizing exposure. A farmer treating 300 acres (or more) will be using over 1,000 gallons of alachlor, and the Agency believes that the resulting exposure, even adjusted by the 1986 biomonitoring data, would pose unacceptable risks if open pouring of alachlor took place in mixing/loading operations. The requirement for mechanical transfer systems is not burdensome, since EPA has information indicating that most users treating more than 100 acres already use mechanical transfer devices, which are readily available. In EPA's view this requirement implements what is already fairly common practice, and is also a reasonable means of avoiding unnecessary exposure and risk.

b. The registrant and EPA differ by a factor of 4 in their calculations of the actual absorbed dose of alachlor derived from the biomonitoring data.

The registrant treated urine samples that contained nondetectable levels of alachlor metabolites as if they contained zero alachlor metabolites. However, standard EPA practice, as indicated in the Pesticide Assessment Guidelines (Subdivision U—"Applicator Exposure") is to treat samples below the limit of analytical detection as containing one-half the detection limit. Thus, samples containing less than the 2.5 parts per billion (ppb) detection limit of metabolites were computed as containing 1.25 ppb. As a result of this difference, EPA's estimate of actual human dosage associated with open pour mixing and loading and enclosed cab application of alachlor turned out to be about 4 times higher than the registrant's estimate. EPA's procedure represents a prudent assumption as well as a standard procedure for dealing with the analytical limits of detection for chemical residues.

c. The Natural Resources Defense Council (NRDC) commented that the registrant's biomonitoring data was based on a very small sample (4 persons), that they were registrant employees, wore full protective clothing (rubber gloves, goggles), and applied alachlor from closed cab tractors. For all these reasons, NRDC felt the data would not represent typical usage and exposure to alachlor.

The Agency recognizes these considerations, and therefore views the registrant data as a "best case" for applicator exposure. As noted above, EPA applied its own procedures and assumptions to the interpretation of these data, and utilized the results to define a low-end for the range of probable applicator exposures.

d. NRDC commented that EPA should explain the basis for changing the estimated dermal absorption rate for alachlor from 50 percent in the PD–1 to 24 percent in the TSD.

EPA found the registrant's data on dermal absorption used in the PD–1 were difficult to interpret because of the failure to recover significant percentages of the radio-labeled material. The data required EPA to make various worst-case assumptions in order to generate a preliminary estimate of 50 percent dermal absorption. Additional data on Rhesus monkeys received and used for the TSD's estimate of 24 percent were considered more reliable, though still difficult to interpret.

However, the Agency's present exposure estimates do not rely on assumptions or estimates of dermal absorption. EPA's exposure estimates are based on a range of exposures defined by biomonitoring data (actual absorbed dosage) adjusted by the general range of variability as indicated by patch data. Thus, the dermal absorption rate is essentially a moot point. This response also applies to NRDC's concern about why EPA used surrogate patch data (i.e., on pesticides other than alachlor). These data help to establish the range of variability in pesticide exposures typical of the application methods used for alachlor. In this case, EPA defined the range as two orders of magnitude higher than the "best case" indicated by biomonitoring of fully protected workers.

3. *Dietary exposure and risk.* In the Alachlor PD–1, dietary exposure was calculated for alachlor and one class of its metabolites, those containing 2,6-diethylaniline (DEA). The total dietary exposure to the U.S. population was estimated two ways: (a) By assuming that 100 percent of each crop on the alachlor label is actually treated and contains alachlor residues at the tolerance levels, and (b) based on actual residue data, but still assuming 100 percent of the crop is treated. Exposure was estimated to be 0.0006 mg/kg/day using the first method, and 0.0004 mg/kg/day using the second method. These estimates were believed to underestimate actual exposure because the analytical methods available at the time could detect only the diethylaniline (DEA) class of alachlor metabolites, along with parent alachlor. The Agency required the development of an analytical method capable of detecting the other major class of alachlor metabolites, those containing hydroxyethylethylaniline (HEEA). Based on these earlier exposure estimates, the Agency calculated that the upper bound on risk from dietary exposure to alachlor ranged from 10^{-6} to 10^{-5}.

In response to the Alachlor Registration Standard and Notice of Initiation of Special Review, the registrant submitted residue data for alachlor and its DEA and HEEA metabolites on the following crops and food sources: corn, eggs, meat, milk, peanuts, poultry, and soybeans. For the remaining crop uses (dry beans, lima beans, cottonseed, peas, sorghum and sunflower seeds), data were submitted for residues of alachlor and the DEA metabolites only.

Thus, in the 1986 Technical Support Document, the Agency had both DEA and HEEA residue measurements for the three major crop uses of alachlor, corn, soybeans and peanuts, as well as estimates for these metabolites in meat, milk, poultry and eggs. For dry beans, lima beans and peas, the Agency estimated a proportion of residues likely to be HEEA metabolites, based on data for related legume crops (i.e., soybeans and peanuts). For cottonseed, sorghum and sunflower seeds, HEEA residues were not estimated, since there was no basis for estimating the likely ratio of DEA to HEEA metabolites for these crops.

In the Notice of Preliminary Determination and the TSD, the Agency used estimates of the percentage of each commodity actually treated with alachlor, as well as the new residue data. This assessment showed that exposure from alachlor residues in meat, milk, poultry, and eggs had been overestimated in the PD–1. Instead of accounting for 50 percent of total dietary exposure estimated in the PD–1, these sources were found to account for only 4.2 percent of total exposure. This reduced exposure estimate is primarily due to taking account of the actual percentage of commodities treated with alachlor, and for some commodities, lower residue measurements as well.

The new residue data submitted to the Agency also showed that total dietary exposure had been overestimated in the Alachlor PD–1. EPA recalculated alachlor residue levels, and corresponding dietary risk, using the assumption of 100 percent of the crop treated, and also on the basis of best available estimates of percentage of crop treated. The new estimates of dietary risk were in the range of 10^{-5} and 10^{-6}, respectively.

Subsequent to the Preliminary Notice of Determination and the TSD, additional residue data have been submitted to EPA. These data include measurements of both DEA and HEEA metabolites of alachlor in dry beans, lima beans, peas, cottonseed, sorghum and sunflower seeds, and additional residue data on peanuts. The Agency has utilized these data to revise dietary exposure and risk estimates for alachlor using the following assumptions. The estimates below are based on the highest value for residues obtained in field trials for each crop. Each crop was treated at the maximum application rate for a typical labeled use. (A few labeled uses allowing higher rates are discussed in the comment section below, Unit II.B.4.f.) The residue values are multiplied by the percentage of the crop treated.

Dietary oncogenic risk is calculated for the U.S. population average, which is a weighted average of risk for adults and children. However, in this case, risk has also been calculated for children aged 1 to 6 years as a separate group. A separate estimate of risk for children is made because it may be appropriate to consider children a potentially susceptible population. This concern is based on some data indicating increased tumor incidence observed after two years in rodents which received limited alachlor exposure (5 to 6 months) in early life.

In the alachlor PD–1, the Agency pointed out that a risk estimate specific for children should be interpreted with caution. In general terms, risks for children are different from adults because of differences in their diet, as well as their lower body weight. However, these factors do not remain constant. Thus, estimates specific to children would yield the appropriate assessment of risk if, in fact, risk is determined by the level of exposure to alachlor in early life, or by the highest exposure occurring for any short portion of the lifespan. However, such an estimate would tend to overstate risk if it is average exposure over a prolonged period which is the determining factor for adverse health effects. The available animal data do not provide any basis to differentiate between these possibilities, or to draw any definitive conclusions regarding the risks of partial lifetime exposure to alachlor.

The following Table 2 presents upper bound risks by crop group, for both the U.S. average, and for children. The risk level for children is about twice that for average U.S. residents, but the difference is usually not great enough to change the order of magnitude of risk. For example, the calculation of risk (the Q_1^* times exposure, without rounding off) for adults from peanuts is 9.6×10^{-7}, and for children, 3.0×10^{-6}. As discussed earlier in this Notice, risk numbers are meaningful primarily as orders of magnitude, so that both of the risk estimates for peanuts, when rounded off, are cited as 10^{-6}.

TABLE 2.—UPPER BOUND ONCOGENIC RISK, BY COMMODITY GROUP

Crop	U.S. average	Children 1 to 6
Legumes	10^{-6}	10^{-6}
Peanuts	10^{-6}	10^{-6}
Soybeans	10^{-7}	10^{-7}
Corn	10^{-7}	10^{-7}
Red meat	10^{-8}	10^{-7}
Poultry	10^{-10}	10^{-9}
Eggs + Milk	10^{-7}	10^{-6}
Total [1]	10^{-6}	10^{-5}

[1] The other crops treated with alachlor, i.e., cottonseed, grain sorghum and sunflower seeds are negligible sources of human dietary exposure, but to the extent these are animal feed items, they are reflected in the meat, poultry, milk and eggs estimates.

The majority (70 percent) of dietary risk from food commodities is due to the legume group (dry beans, lima beans, peas, soybeans and peanuts). With the exception of soybeans, the current residue data and associated risk estimates for these commodities are based on the highest levels found on the raw commodities in field trials, and not on the processed or cooked foods as they are actually consumed.

The Agency has required cooking/processing data for these commodities (and certain corn products), and these data (due for submission in June, 1988) are expected to show that cooking or other processing reduces levels of alachlor, since reduction in residues is demonstrated by available data on soybean processing. However, the registrant has indicated that they will not submit processing data for peas, but rather, will amend their registration to remove peas from the label.

The estimates in Table 2 include the assumption, also used in the TSD, that peanut forage will not be used as animal fodder, since the registrant has reaffirmed their intention to amend the label to include a prohibition against using treated peanut forage as animal fodder.

The Agency recognizes that drinking water may also be a source of alachlor in the diet for some people. As discussed in Unit II.B.5. of this Notice, current data are not adequate for a definitive assessment of the number of people who may be exposed by this route, or the levels of alachlor most likely to occur. In general terms, available data indicate that alachlor can be expected to occur in some drinking water in areas of heavy alachlor use at relatively low levels, e.g., at concentrations in the range of 0.2 to 2.0 parts per billion (ppb).

At this time, any specific exposure level attributed to alachlor in drinking water should be understood as an example of including this route of exposure in the risk assessment, and not as an actual estimate based on sampling data. For example, if alachlor occurs in a drinking water supply at 2.0 ppb as an average over time, then the increased risk for both adults and children from this source would be in the 10^{-6} range. Including drinking water with 2 ppb alachlor in a total dietary exposure estimate still yields upper bound risks of 10^{-6} for adults and 10^{-5} for children, because the added exposure is not enough to change the magnitude of dietary risk. It should be noted that such levels of alachlor are not considered likely to occur in drinking water except infrequently in areas of heavy alachlor use, and that alachlor levels in drinking water can be reduced by available technology, namely, activated carbon filtration. Moreover, data on the seasonal nature of alachlor use suggest that levels approximating 2 ppb are likely to be transitory and not typical of long-term exposures.

4. *Comments on dietary exposure issues.* The following comments were made by the Natural Resources Defense Council (NRDC) regarding the dietary exposure assessment in the Preliminary Notice of Determination and TSD. In general, it is NRDC's view that EPA underestimates dietary exposure and risk for a variety of technical and procedural reasons.

a. Alachlor residues in meat, milk, eggs and poultry are inadequately characterized.

EPA response: The metabolism of alachlor in plants is adequately understood. Residues consist of alachlor and its DEA and HEEA metabolites. However, the metabolism of alachlor in animal tissues is not fully characterized at this time. Alachlor and its DEA and HEEA metabolites are known to occur, but there is also some evidence of alachlor metabolites containing the dihydroxyethylaniline moiety in meat and poultry products. EPA has informed the registrant of this problem, and the registrant must resolve this point in order to meet the data requirements issued pursuant to section 3(c)(2)(B) of FIFRA as part of the alachlor Registration Standard. EPA will reevaluate exposure from these animal commodities if further information indicates that it is warranted.

b. NRDC comments that exposure to alachlor through meat, milk, poultry and eggs may be underestimated because one-third of the 2.6 billion bushels of U.S. corn is fed to livestock and poultry on farms where corn is raised, and additional feeding of alachlor treated corn occurs off the farms where it is grown, e.g., in commercial feedlots.

EPA response: Data from crop reporting services and USDA indicate that 35 percent of field corn grown in this country is treated with alachlor, and that is the percentage of the crop treated used in estimating dietary exposure, including livestock diets. The location of feeding does not appear relevant to this estimate. The registrant estimates that 39 percent of field corn is treated with alachlor. Because of the low residue levels in corn grain (0.016 parts per million, based on maximum levels in field trials), the difference between 35 percent and 39 percent of crop treated would not result in a significant difference in estimated residues in meat and poultry products.

c. EPA assumed (in the TSD) that peanut hay and forage would not be fed to livestock because the registrant had agreed not to seek a tolerance for peanut hay and forage. NRDC felt that this assumption needed to be justified by a label prohibition on feeding these items to livestock.

EPA response: Subsequent to the publication of the TSD, the registrant submitted additional residue data on peanuts showing higher levels than previously estimated. The current dietary risk assessment uses the new residue data, but still assumes livestock will not be fed treated peanut hay, because the registrant has informed EPA that the label will be amended to include a prohibition on feeding alachlor treated peanut hay and forage to livestock. The dietary risks associated with meat products would be in the 10^{-6} range even if feeding of treated peanut hay and forage were allowed.

d. NRDC expressed concern that the current dietary risk estimates were based on residue data from the registrant which have not been validated, since supporting raw data were not available to the Agency. NRDC states that "EPA should never accept residue data that has not been validated by Agency scientists. Moreover, this is especially true when the analytical methodology for detecting alachlor residues has only just been submitted to EPA."

EPA response: In conducting exposure and risk assessments through the Special Review process, EPA uses the best information available, which in regard to alachlor residues on food items, is the registrant's data, even though they are not fully validated. It should be noted that validation data have been submitted by the registrant for previously submitted residue measurements on beans, peas, cottonseed and sunflower seeds, and the Agency is confident that the registrant is producing accurate results using its newly developed methodology. For purposes of enforcing tolerances, an analytical method must be reproducible by other laboratories. EPA is now conducting a method trial of the registrant's analytical method for the detection of alachlor and its DEA and HEEA metabolites to determine if it is suitable for enforcement of tolerances, which is a requirement set forth in the Registration Standard for alachlor.

e. NRDC commented that the Technical Support Document was vague in its discussion of analytical methods for alachlor, and asked for clarification of several points. Specifically NRDC noted that analytical methodology available at the time of the PD–1 appeared very limited, since it detected only 10 percent and 8 percent of soybean foliar and bean residues, respectively. The TSD mentioned new and more sensitive methods. NRDC asks:

(i) Why did EPA register this pesticide for use on food when apparently there was no effective analytical method for tolerance enforcement?

(ii) Are the [new] analytical methods designed to detect alachlor metabolites, in lieu of alachlor?

(iii) What evidence is there that measurement of these metabolites accurately reflects alachlor residues in foods?

EPA response: (1) The original analytical method for alachlor was based on converting alachlor and its DEA metabolites to DEA, and measuring DEA. This was considered acceptable because the parent alachlor molecule contains the DEA moiety, and so did all the known major metabolites of alachlor. For similar reasons, the same method was used for propachlor residues, and had undergone a successful method trial on that compound. Thus, at the time of its registration (1969), an adequate enforcement method was considered to be available for alachlor residues, including its metabolites. Most tolerances for alachlor were set at the limit of detection for this method, 0.02 ppm. The reference to 10 percent and 8 percent detection of residues on soybeans is based on later metabolism studies showing that HEEA metabolites account for a large percentage of alachlor applied to corn and soybeans. Based on the most recent residue data, EPA estimates that 25 percent of alachlor residues on soybeans are due to parent alachlor (which contains DEA) or DEA metabolites, and that most of the remainder is attributable to HEEA metabolites.

(2) The registrant has developed a more sensitive method of analysis which measures parent alachlor and its DEA and HEEA metabolites as low as 0.5 parts per billion (ppb) of each class. Because of the extensive metabolism of alachlor in plants, it is essential to detect metabolites as well as parent alachlor. Since most of the residues are in the form of metabolites, the goal of the analytical method is to measure alachlor and its combined metabolites.

(3) Metabolism studies determine what residues must be detected by an analytical method in order for the method to be acceptable. The metabolism of alachlor in plants is adequately understood, and only parent alachlor and its DEA and HEEA metabolites have been determined to be of toxicological significance. In animal products, alachlor and its DEA and HEEA metabolites have been determined to be of toxicological significance. While there is evidence of a third class of alachlor metabolites in animal products, residues of this third class, if present at all, would be expected to occur at very low levels. It is estimated that such residues would occur in most animal products at less than 0.1 ppb, except in beef livers and kidneys, where less than 0.5 ppb would be expected.

f. NRDC states that EPA's Best Available Estimates in the TSD underestimate exposure from corn, soybeans and peanuts because the Agency assumed only one alachlor treatment at a rate of 4 pounds of active ingredient per acre (ai/A), although several product registrations allow treatment at double this rate. EPA should have used the maximum rate for these estimates.

EPA response: The Agency did not use the maximum allowable rate for corn, peanuts and soybeans in its exposure estimates, because these rates are not representative of alachlor usage. Available information indicates that less than 1 percent of these three crops is likely to receive two applications totalling 8 lbs. ai/A, or a single application of 8 lbs. ai/A. The 8 lb. ai/A rate is allowed by some labels for certain soil conditions. For peanuts, the 8 lbs. ai/A rate of application is registered in Virginia and North Carolina under section 24(c) of FIFRA.

g. NRDC felt that EPA underestimated exposure for lima beans, dry beans, peas, cottonseed, sorghum and sunflower seeds, because the residue estimates were calculated on the basis of DEA metabolites only.

EPA response: As noted elsewhere in this Unit, the Agency has received data measuring both DEA and HEEA metabolites in these commodities since issuing the Preliminary Notice and TSD. The new residue calculations have been used in the current dietary exposure and risk estimates. These new data show that the previous residue estimates for dry beans, lima beans, and peas, which were based on ratios of DEA to HEEA metabolites from soybean data, were overestimated.

h. NRDC stated that dietary risk estimates should include drinking water, since alachlor occurs in some drinking water.

EPA response: The Agency has given a combined food and water dietary risk estimate in this Notice, but notes that such combined risk is only likely to occur in limited areas of heavy alachlor use, while food-only dietary risk calculations are more likely to be applicable on a national basis.

i. NRDC stated their position that EPA should always estimate worst case dietary exposure by assuming that residues are present at tolerance levels because this is the legally allowed amount. The Agency is free to conduct a lower bound exposure estimate as well.

EPA response: There are a number of possible procedures for estimating dietary exposure to pesticide residues. The worst case estimate for dietary exposure to any pesticide can be generated by assuming that 100 percent of each crop on the label is treated, and that residues are present at the legal maximum, that is, at the tolerance level. EPA uses this procedure when no better information is available. However, the Agency does not agree that there is any reasonable purpose served by purely theoretical worst case estimates which are known to be wrong, when more accurate estimates can be acheived by making reasonable adjustments based on product usage information and/or actual residue data from field trials. Data on percent of crop treated is especially useful with a chemical long in use, such as alachlor, since its market share is unlikely to change dramatically, absent regulatory action. EPA used both up-dated residue data and percent of crop treated data for its estimates.

EPA did assume residues at the tolerance level in the PD–1, and in the TSD, tolerance level residues were assumed for sunflower seeds, due to lack of actual residue data. However, actual residue data from field testing is now available for all the commodities. Thus, the current exposure estimates use a different but still conservative assumption that residues will be equal to the highest levels detected in field trials for each crop. Each crop was treated at the typical maximum application rate. In most cases this procedure will still tend to overestimate exposure, since a maximum rather than an average or typical level is used. However, this is not always the case. For example, the maximum detected residue level on peanuts was 0.27 ppm, which is higher than the tolerance of 0.05 ppm. In this case, the use of actual field testing data is both more realistic and more conservative than the assumption of tolerance level residues. This finding also indicates that the tolerance for peanuts will be reassessed through the reregistration process when additional residue data required by EPA for certain geographic areas have been received.

The adjustment for percentage of crop treated also helps to make exposure estimates more realistic. However, the final risk estimates presented in this Notice still contain highly conservative assumptions or sets of assumptions which are more likely to overstate than to understate risk. These are: (1) The use of maximum rather than average detected levels; (2) the assumption that an individual eats all of the commodities for which alachlor tolerances exist; and (3) the use of the exposure estimates to generate upper bound estimates of risk at the 95 percent confidence level. Thus, EPA does not believe dietary risk has been underestimated.

5. *Ground and surface water exposure and risks.* In the Alachlor PD–1, EPA indicated its concern about ground and surface water contamination based on mathematical modeling assessments and on monitoring data from several

VOL 52 ISS 251 DEC 31 1987 UMI

States and Ontario, Canada. These data showed that levels of alachlor in ground water attributable to normal use of the herbicide ranged from 0.01 to 16.6 ppb. Modeling assessments predicted levels in surface water from 2 to 5 ppb in areas of high alachlor use. EPA received additional data as well as extensive comments on the detection of alachlor in both ground and surface water. Ground water and surface water data are summarized separately in the following Units. II.B.5.a. and II.B.5.b.

a. *Ground water.* Additional ground water monitoring data were received in response to the Alachlor PD–1. Data originated from the registrant, the United States Geological Survey (USGS), and from various State agencies. The registrant submitted the results of a ground water sampling study of 246 wells. This study found detectable levels of alachlor in 4 percent of the wells (10 of 246 wells). The concentrations of alachlor in these wells ranged from 0.2 to 22.0 ppb. The remaining 236 wells contained no detectable levels of alachlor (limit of detection was 0.2 ppb).

The data from the USGS and the State agencies found alachlor contamination in some ground water in eight States and Ontario, Canada. The concentrations of alachlor attributable to normal use were similar to those reported in the PD–1 findings (range from 0.1 to 16.6 ppb with the majority in the range of 0.2 to 2.0 ppb). The available ground water data were presented in Tables 8A and 8B of the 1986 TSD. These tables noted that high levels detected in some wells were attributable to spills or runoff in the vicinity of wells, rather than to leaching associated with agricultural use.

In the TSD, the Agency noted its concern that some public wells were contaminated, although this appeared to be proportionally less frequent than contamination of private wells. It also appeared that all detections of alachlor in public wells over 2 ppb were attributable to spills or runoff events, rather than leaching after normal applications.

The TSD also presented a discussion of EPA's use of mathematical modeling to predict the leaching behavior of alachlor under "reasonable worst case" agricultural use conditions (e.g., application to corn or soybeans in sandy soil conditions). The use of EPA's Pesticide Root Zone Model (PRZM) indicated that alachlor is not likely to leach below the root zone of corn, but that a small percentage of applied alachlor (4.6 percent) may leach below the shallower root zone of soybeans in some climates. These modeling results were regarded as generally confirmed by monitoring data evidence that alachlor has a definite potential for leaching to ground water, at least under some soil and climatic conditions.

EPA stated in the Notice of Preliminary Determination and TSD that the ground water monitoring data available were not sufficient to properly assess the extent to which alachlor may be a ground water contaminant. The studies available did not provide a representative or statistically valid data base, which is important in view of the large volume and geographically widespread use of alachlor. The Agency noted that such a study, based on proper statistical, hydrogeological and agronomic criteria, was being conducted by the registrant under a protocol approved by EPA.

Since publication of the Preliminary Notice and the TSD, EPA has received additional well water data, including some additional sampling results from States represented in the TSD (Pennsylvania, Iowa and Minnesota), and data from States not previously reported in the TSD (Vermont, Arkansas, New York, Florida and Wisconsin). A revised version of Table 8 of the TSD incorporating these new data has been entered in the alachlor public docket. The Agency's current assessment of the available ground water data is summarized below in terms of findings for public wells, private wells, and wells intended specifically for monitoring purposes.

Significant sampling of public drinking water wells has been done in Iowa and Minnesota. In Iowa, 297 public wells were sampled, with 9 (3 percent) showing positive alachlor detections in a range of 0.09 to 2.30 ppb. The majority of positives were less than 1.0 ppb, and the study authors attributed the residues to leaching following normal agricultural use of alachlor (Kelly, et al., 1988; Kelly and Wnuk, 1988; and Kelly, 1985).

In Minnesota, 463 public wells were sampled with 9 (2 percent) positive detections of alachlor ranging from 0.08 to 4.03 ppb. Most positives were below 1.0 ppb. In this joint study by the Minnesota Departments of Health and Agriculture, attempts have been made to identify the source of the alachlor found in wells. At this time, it is the best estimate of the study authors that as many as one-half of the positive detections may not be due to leaching, but rather to point sources of contamination such as spills or runoff events near wells. If such point sources were confirmed for the Minnesota results, the combined incidence rate for both Iowa and Minnesota of alachlor residues in public wells attributable to leaching after normal use would be 2 percent or less.

For several alachlor monitoring studies of private wells, the source of most positive detections is attributable to leaching following normal use, and not point source spills or other anomalies. The following Table 3 lists the State, number of wells tested, percent of wells positive for alachlor, and range and mean level of alachlor concentrations detected.

TABLE 3.—ALACHLOR DETECTIONS IN PRIVATE WELLS

State	No. wells tested	Percent positive	Range of concentration (in ppb)	Mean level of alachlor (in ppb)
Massachusetts	147	3.4	0.2–4.4	1.3
Ontario [1]	281	7.5	1.0–>100	9.0
Minnesota	222	10.5	0.05–9.76	Unknown
Pennsylvania	[2] 52	11.5	0.1–1.8	0.45
	[3] 87	6.3	0.05–20.0	4.7
Iowa	[4] 93	9.6	0.10–16.6	8.3
	[5] 59	1.7	0.05	n/a
Maryland	30	13.3	0.10–0.8	0.4
Florida	c. 250	0.8	2.0–99.9	[6] n/a

[1] Several high detections attributed to point sources.
[2] Data of Buchanan, et al., 1984.
[3] Data of Loper et al., 1985. 20 ppb finding attributed to point source; mean without 20 ppb case is 0.80 ppb.
[4] Libra, 1984.
[5] Hallberg, et al., 1985.
[6] Findings discussed in text.

In several States, alachlor was not detected in any of the wells sampled: Vermont, 165 wells; Kansas, 58 wells; Nebraska, 75 wells; and Arkansas, 28 wells. However, in each of these surveys, the limit of detection was higher than usual, being 0.4 ppb in the Kansas study and 1.0 ppb in the other three. Limits of detection for alachlor in water are usually between 0.15 and 0.25 ppb, and lower levels have been achieved in some studies.

As noted in Table 3, several high detections in these studies are attributable to point source contamination. For example, in the Ontario study (which also used a 1.0 ppb detection limit), the authors attributed 8 out of 21 positive wells to leaching following normal agricultural use, and the rest to runoff incidents or spills. These 8 wells showed a range of 1.0 to 12 ppb, with a mean of 4.2 ppb. Similarly, the Pennsylvania data show that the highest detection of 20 ppb occurred near a chemical distribution center, which suggests a point source for that positive reading.

High levels of alachlor reported in 1 of the 2 positive wells in Florida (out of about 250 wells sampled) appear to be anomalous. The Florida Department of Agriculture and Consumer Services is unsure of the cause of contamination for the well in question, but consistently high levels ranging from 42 to 99 ppb in monthly samples suggest a point source. For the second well, alachlor was initially detected at 83 ppb, but subsequent testing found levels between 2 ppb and 4 ppb. The Florida Department of Environmental Regulation attributes the presence of alachlor in this well to leaching following normal agricultural applications.

The two wells positive for alachlor in Florida are in different counties. Since the Florida study tested a high number of drinking water wells in five counties near farms known to have used alachlor, and found only these two positive results, the Agency cannot reach any definitive conclusions regarding alachlor contamination of ground water in Florida.

The rate of positive alachlor detections in private wells varies considerably from study to study, ranging from 0.8 percent to 13.3 percent. It appears that the rate of positives for private wells is greater than the rate in public wells, although this is not considered to be a statistically valid data base.

Only one on-going study is available involving wells dug for the purpose of studying alachlor leaching to a shallow aquifer (between 8 and 19 feet from the soil surface) beneath treated fields. This is a joint study by the Wisconsin Department of Natural Resources and the Department of Agriculture, Trade and Consumer Protection (Postle and Jones, 1986; Postle, 1987). Nine fields in 5 counties were monitored with 3 wells per field. It was concluded that one field, with readings up to 113 ppb, had been the site of a spill. Of the remaining 8 fields/24 wells, 3 fields/5 wells were positive, with a range of 0.1 to 7.7 ppb, and a mean of 2.1 ppb. In July and August of 1987, 5 additional fields were sampled once, with no positive detections of alachlor.

In summary, the additional data on ground water received and evaluated by EPA are essentially consistent with the data reported in the previous alachlor position documents. The available information shows that alachlor residues do occur in ground water, and that leaching following normal agricultural use is one of the likely causes for such contamination, as are spills, careless handling or disposal, and surface runoff events in conjunction with improper or inadequate well construction. It appears that detected alachlor residues in ground water attributable to leaching after normal use are rarely higher than 10 ppb and typically fall in the range of 0.2 to 2.0 ppb. The available data base does not provide an adequate basis for a risk assessment, because it is not considered adequately representative of alachlor's use in terms of geographic areas and associated hydrogeologic conditions. Also, the data base consists of various studies employing different criteria, methodologies and levels of quality control. The registrant's large scale monitoring study, conducted under a single, consistent protocol approved by EPA, should provide a more appropriate data base for determining the actual extent to which alachlor use may pose a threat to ground water.

b. *Surface water.* Additional data on alachlor residues in surface water were submitted in response to the PD–1. The TSD presented surface water sampling data involving over 60 sites from a number of States and Canada. Only some of these data concerned sources of drinking water. The registrant submitted monitoring data gathered in 1985 on 24 community water supplies (CWSs).

The registrant's 1985 data showed alachlor residues in 14 of the 24 CWSs (42 percent). The communities were located in areas of high alachlor use in seven States. Results were reported for weekly composites of daily samples over the entire calendar year. The highest weekly composite concentration was 10.9 ppb. Annualized mean concentrations ranged from the limit of detection (0.2 ppb) to a high of 1.5 ppb.

The registrant's data and other studies show that alachlor levels tend to peak just after the application season, in May and June, and decline rapidly thereafter. In some bodies of water, alachlor levels drop below the limits of detection in later months, while in some studies, alachlor has been detected throughout the year.

The registrant submitted a similar study of 30 CWSs in areas of high alachlor use for 1986. Alachlor was detected in 13 of these locations, with the highest weekly composite concentration at 9.5 ppb, and annualized mean concentrations from the limit of detection (0.2 ppb) to 0.98 ppb.

The Agency noted in the TSD that the monitoring data on alachlor runoff to surface waters under various conditions tended to confirm the results of mathematical modeling predictions. Thus, the Agency is reasonably confident in estimating that for areas of high alachlor use, residues which may occur in some sources of drinking water will, on an annualized basis, generally be below 2 ppb, and more likely fall in the range of 0.5 to 1.0 ppb.

Finally, it should be noted that alachlor residues have been reported in rain water samples collected at several sites between 1984 and 1986 by Dr. David Baker of Heidelberg College. All positive alachlor detections reported for rain water have been in the low parts per billion range. The highest peak level reported is 6.59 ppb, and the mean levels (simple arithmetic means) for the various sites range from 0.02 ppb to 1.67 ppb. The mechanism by which these residues occur in rain water is unknown, but presumably has to do with volatilization of alachlor after it is applied. Since the aerial application of alachlor was largely discontinued after the 1984 season due to labeling amendments, and essentially identical levels in rain water are reported for 1985

and 1986, it is not likely that aerial application is a significant contributing factor to this phenomenon.

It is not clear what alachlor residues in rain water might contribute in terms of the residue burden in surface or ground waters, or as an additional avenue of exposure for people or crops. The levels reported indicate that rain water is a very dilute source of alachlor for crops or water supplies, in comparison to the intentional use of pesticide products. However, rain water is also a mechanism for spreading residues far beyond original application sites. Any additional information which helps to identify the mechanism of transport, as well as any data showing significantly increased exposure to alachlor through rain water may be used by the Agency as a basis for re-evaluating the uses and application methods which may contribute to residues in rain water. At present, there is no adequate basis for incorporating the limited information available on alachlor in rain water into a risk assessment.

c. The Agency's current conclusions on risks associated with alachlor residues in ground and surface waters primarily concern potential dietary exposure through drinking water.

Existing data on alachlor residues in surface waters indicate that the upper bound of oncogenic risk associated with drinking water supplied by surface waters in areas of heavy alachlor use will generally not exceed the 10^{-6} range, assuming residues occur in the 0.2 to 2.0 ppb range. This is the same conclusion on risks given in the Preliminary Notice of Determination, and additional data received since publication of that Notice continue to support this assessment.

The risks associated with alachlor residues in ground water can not be adequately assessed at this time because of the lack of thorough and representative monitoring data. A monitoring study that should be adequate to generate such data is underway, and EPA will defer a final assessment of alachlor in ground water until after the completion of that study, scheduled for submission at the end of 1989.

In spite of the limitations of the available data, the Agency has been able to draw some tentative conclusions regarding alachlor in ground water. The available data suggest that a relatively small percentage of wells in areas of high alachlor use have detectable residues. The data also suggest that when spills and other point sources of well contamination are ruled out, the residues which are most likely to represent leaching after normal applications of alachlor occur in a low range, typically from 0.2 to 2.0 ppb. As noted earlier in this Notice, assuming the occurrence of 2.0 ppb alachlor in any drinking water source poses an upper bound oncogenic risk in the 10^{-6} range for both the U.S. average and for children ages 1 to 6.

The Agency is planning to propose a Maximum Contaminant Level (MCL) for alachlor under the Safe Drinking Water Act during late 1987. The levels being considered for the proposed MCL include 2.0 ppb. Under this Act, regulations would require appropriate treatment to reduce residues in any public drinking water supply determined to be exceeding the MCL for alachlor. The determination of whether or not an MCL is being exceeded is based on quarterly sampling to determine an annualized mean concentration of alachlor. Alachlor residues can be removed from water to a substantial degree through the use of powdered or granulated activated carbon filtration. The promulgation of a final MCL for alachlor would provide an enforceable means of controlling exposure through public drinking water supplies to ensure that the levels of concentration which may occur do not pose unreasonable risks.

At this time the Agency has no adequate basis for estimating how many public drinking water supplies might be affected in terms of exceeding an MCL for alachlor in the low parts per billion range. The available data suggest that it may occur in some areas of heavy alachlor use, but that annualized mean concentrations of alachlor in excess of (for example) 2.0 ppb are likely to be relatively infrequent.

6. *Comments on ground and surface water issues.* This Unit, II.B.6., presents the principal comments on water contamination issues submitted by the registrant and other interested parties in response to the October, 1986 Notice of Preliminary Determination and the accompanying Technical Support Document (TSD).

a. The registrant states that EPA evaluated only those monitoring data which reported positive alachlor findings, and assumed, incorrectly, that there must have been a hydrogeologic connection between well findings and normal agricultural use of alachlor. Negative findings should have been evaluated with equal vigor.

EPA response: EPA did not assume that all positives were the result of normal use of alachlor. The Agency evaluated each study to determine (1) whether the positive findings were the result of normal use or whether they could be attributed to point sources of contamination (e.g., spills, improper disposal and the like), and (2) whether an adequate quality assurance procedure was included in the sampling program. When necessary, EPA directly contacted the authors of these studies to resolve such questions. To the extent that satisfactory answers were obtained, EPA felt it was appropriate to report the results, but cases of probable point source contamination were noted in the TSD and in the current Notice. The Agency concedes that most of the data brought to its attention involve positive detections of alachlor. The current Notice does include reports of four negative studies.

b. The registrant made numerous comments criticizing specific aspects of various ground water studies cited in the TSD. The objections range from the number of wells being inaccurately listed in the TSD, to the overall validity of specific studies. All of the registrant's comments are part of the public docket for the alachlor Special Review.

EPA response: The Agency's detailed responses to the registrant's comments are also entered in the public docket. In general terms, some of the registrant's comments were accepted, and changes were made accordingly to a revised version of the listing of monitoring data presented in Table 8A of the TSD. For example, the Agency deleted the Illinois data (Felsot, 1983) as not having adequate confirmation of alachlor detections. The number of wells cited for Ontario has been corrected from 305 to 281, and other minor corrections and clarifications made to other study citations. The Agency did not agree with the registrant that positive results reported for Ontario, Pennsylvania (Buchanan, et al., 1984) or Minnesota were all problematic and could not be attributed to normal agricultural use. In each of these cases, EPA is satisfied that the study employed adequate quality controls, and that some of the positives can be reasonably attributed to normal agricultural use.

c. The registrant pointed out that their 1985 ground water monitoring study found infrequent positives, and very low levels.

EPA response: The registrant's 1985 study was to have met the Registration Standard requirement, issued November 21, 1984. A protocol for this study was submitted to EPA in August 1985, after the study was underway. The Agency did not approve the protocol. In reviewing the study itself, EPA finds that it does not fulfill its stated objective "to sample from rural domestic drinking water wells that can be considered to have the highest potential for contamination based on sales and hydrogeologic information." In EPA's view, the wells sampled were not the most vulnerable, but included a high proportion of very deep wells. Also, top soil characteristics were not verified. To provide adequate data on ground water, the registrant is now pursuing a monitoring study under a protocol approved by the Agency.

d. The registrant claims that their 1985 field dissipation studies of alachlor in experimental plots in Georgia and Illinois indicate rapid dissipation and a lack of propensity for leaching under a variety of soil and climatic conditions.

EPA response: Agency review of these studies indicates that they do not meet Agency guideline requirements for field dissipation data. Specifically, the registrant has not submitted daily rainfall data, pre- and post-application soil samples, nor calculation of field half-lives. EPA can not accept the registrant's interpretation of these incomplete studies.

e. The registrant pointed out that the State of Wisconsin has conducted extensive monitoring for alachlor, and found nearly all the positives (35 out of 565 wells sampled) to be the result of point source contamination.

EPA response: The monitoring referred to by the registrant has been conducted by the Wisconsin Department of Natural Resources (DNR) primarily in connection with investigations of suspected point source contamination incidents. This monitoring is separate and distinct from the joint research project between DNR and the Wisconsin Department of Agriculture, Trade and Consumer Protection mentioned earlier in this Notice. As of July, 1987, Wisconsin DNR monitoring has tested 733 wells for alachlor, with 62 positives. Only 3 of these are thought to be possibly attributable to normal use of alachlor, which is hardly surprising given the nature of this monitoring program. The most common explanation for the positives in the DNR monitoring is that the wells are in the immediate vicinity of pesticide handling facilities.

f. The registrant cited a study by Exner and Spalding (1985) which sampled 268 wells in Nebraska for various contaminants, including alachlor. The study showed over 90 percent of wells failed to meet minimal construction standards, and this correlated with the occurrence of agrichemical contaminants. Only one well contained alachlor at 0.02 ppb.

EPA response: The Agency does not feel that this study is useful in regard to the alachlor ground water data base. Only 47 of the wells in this study were tested for pesticide chemicals, and no effort was made to identify areas of significant alachlor use.

g. The registrant noted that EPA's STORET data base, and the WATSTORE data base of the USGS were not accessed for information pertaining to alachlor in ground water. The registrant pointed this out in response to the PD-1, but the subsequent TSD did not include STORET data. The STORET data base shows that between December, 1984 and April, 1986, alachlor was not detected in samples from 475 wells in 21 states.

EPA response: The Agency has reported monitoring data which show an adequate degree of quality control, and which are designed to look for alachlor in the vicinity of known alachlor use, or in the vicinity of a point source. Information of this character is not readily available from STORET outputs. The Agency is in the process of compiling monitoring data for all pesticides, and this project involves extensive searching of the STORET data base. Scientists who have entered data in STORET which appear to be relevant are being contacted by the Agency and requested to provide their data. However, this process is very time-consuming, and to date, has not resulted in identifying additional monitoring data on alachlor which could be used in assessing ground water contamination during the Special Review.

h. The registrant claims that the parameters for alachlor used in the Pesticide Root Zone Model (PRZM) were not proper and the resulting simulations were unrealistic.

EPA response: The Agency presented extensive explanation of the PRZM parameters in the TSD and does not feel they need to be repeated here. EPA cited four references in support of its choice for a partition coefficient for sand soils, and also explained that the use of a 42-day half-life represented a reasonable worst case assumption. The Agency conclusion stated in the TSD based on the results of the PRZM simulations was that "* * * alachlor has the potential to leach below the soybean root zones, but in all likelihood would be retained within the deeper corn root zones until microbial degradation resulted in complete dissipation" (TSD, p. II–29). The Agency continues to regard this as a valid conclusion.

i. The National Audubon Society and the Natural Resources Defense Council (NRDC) both commented that alachlor contamination of ground water is likely to increase over time. There are data from Iowa showing increasing concentrations over a period of years.

EPA response: The Agency is aware of the studies by Hallberg which suggest a trend of increasing alachlor levels in some bodies of water, which might reflect considerable persistence of alachlor in some soils. EPA is concerned by the implications of Hallberg's data, but also notes that the appearance of a trend could be partly an artifact of increased monitoring efforts. The essential point, however, is that EPA believes that the true occurrence rate of alachlor in drinking water wells is not known at this time, nor is it adequately indicated by the existing data, even though a fairly large number of wells have been sampled. Thus, it is essential to complete a valid and comprehensive ground water monitoring survey to address this issue. The registrant's monitoring study now underway is designed to provide authoritative data concerning the extent and the conditions under which alachlor may pose risks of contaminating ground water.

j. The Audubon Society points out that time was lost for collecting monitoring data because the registrant embarked on a study without EPA approval of the protocol.

EPA response: It is true that the 1985 registrant monitoring study was not approved by EPA, and that further development of an acceptable protocol was necessary. It should be noted that the approved monitoring study now underway is both large and complex, and will not be completed until 1989. EPA's evaluation of the results will be completed in 1990.

k. The Natural Resources Defense Council (NRDC) stated their view that additional ground water monitoring data are not needed. Available data show widespread contamination, and the Agency should take regulatory action on that basis.

EPA response: The occurrence of alachlor residues in ground (and surface) water, and the risks which may be posed to the public as a consequence of such residues are among the major concerns EPA has about alachlor which led to the Special Review of this chemical. However, EPA has repeatedly pointed out in the Preliminary Notice of Determination, the TSD, and in this Notice, that the existing data on alachlor residues in ground water are not adequate to characterize the true extent to which alachlor use does or does not pose a problem for well contamination. Moreover, to the extent that data are available on alachlor levels in water, they do not show that alachlor is posing unreasonable levels of risk.

EPA is committed to the protection of ground water resources. The Agency's requirement for the registrant to conduct an adequate monitoring study is

BEST COPY AVAILABLE

VOL 52 ISS 251 DEC 31 1987 UMI

consistent with the Agricultural Chemicals Strategy now under development within EPA, which recognizes that monitoring to define the scope of a ground water contamination problem is generally the essential first step toward selecting appropriate regulatory responses.

EPA would like to emphasize that issuing a final position document concluding the Special Review of alachlor should not be interpreted as ending the Agency's concern or active involvement with the regulation of alachlor. EPA's responsibility for evaluating the safety of registered pesticides continues throughout the life of a registration. Alachlor represents a good example of this on-going responsibility as evidenced by the long-term monitoring study EPA has required in order to provide definitive information on the ground water risk issue. If it is shown that alachlor residues are occurring in ground water at levels which pose unreasonable risks, the Agency will take appropriate action. However, EPA does not agree with the commenter that the data now available are adequate to warrant the action they advocate (cancellation or suspension of registration).

l. NRDC states that EPA should provide more information about the registrant's well water monitoring program, such as its intended scope and due dates for interim and final results.

EPA response: The specific contents of this testing protocol are claimed as confidential information by the registrant. In general terms, the registrant's ground water study is targeted on areas of high alachlor use, is nationwide in scope, involves sampling of about 1500 wells, and is scheduled for completion in 1989. It is expected that EPA's assessment of the results of this study will be available in early 1990. In the event that interim results are considered so significant as to require Agency action before that time, the results of such an Agency assessment would also be available to the public.

m. NRDC states that EPA should explain why high levels of alachlor in ground water are often attributed to spills and related point source contamination incidents.

EPA response: As noted earlier, the Agency evaluated the various studies received to determine, among other things, whether the source of alachlor residues could be identified. In some cases, the Agency contacted the authors of studies in order to clarify this issue. Thus, the attribution of positive findings of alachlor to spills, improper handling or surface runoff events generally reflect the judgment of the authors based on direct observation of the wells and the relative location of normal use sites, or of pesticide handling or storage facilities, considered in conjunction with very high residue detections.

n. NRDC commented that in using the PRZM simulation to estimate alachlor migration through the root zones of corn and soybeans, EPA did not use worst case assumptions because the model did not use the maximum allowable application rate for alachlor for these crops. Also, the PRZM model would not reveal the effect of channels through the soil which could lead more directly to ground water.

EPA response: When using the PRZM model, Agency practice is to simulate a "reasonable worst case". This means the simulation of a typical use pattern (typical application rate, method of application, and date of application), but in a hydrogeologically vulnerable setting, e.g., sandy soil. In other words, the "worst case" element among the assumptions used is the hydrogeological setting, and the other factors reflect typical usage for alachlor. Corn and soybeans are grown in many locations, and EPA is assuming that at least some of these crops are grown in highly vulnerable sandy soil, although the actual percentage is probably very small. The Agency does not think the usefulness of the modeling simulation would be improved by adding more "worst case" assumptions in addition to the hydrogeologic factor since the result would be to further reduce the likelihood that the estimates reflect any real world conditions.

The second issue is known as "macropore" transport, which refers to the effect of fissures, worm, insect or animal burrows, or any other relatively large physical pathways in soil or unsaturated geological strata which have the potential to act as channels for contaminants to reach ground water more quickly than by leaching through soil layers with few or no macropores. EPA recognizes that the PRZM does not simulate such effects. The existence of macropore transport is known, but the nature and extent of this phenomenon is not well understood, and it is the subject of much current research. At this time the state of the art of modeling ground water contamination events does not include an ability to address this potential mechanism of transport.

o. The Department of Public Works for the City of Akron, Ohio, commented that they believed the risks of alachlor outweigh its benefits. They cited the risks to applicators without closed loading systems, and the increased cost to water treatment facilities for removal of alachlor. They questioned EPA's assertion that the levels of alachlor detected in drinking water sources are low.

EPA response: The upper bound risks for private farmers who will not be required under EPA's decision to use mechanical tranfer systems for mixing/loading alachlor are estimated to be 10^{-8} to 10^{-7}, which are not considered unreasonable levels of risk for that population in relation to the benefits of alachlor use. The issue of treatment cost in the event that a community water supply does need to remove alachlor residues is discussed in Unit III of this Notice on benefits and impacts. Both the TSD and this Notice have presented data which show that the levels of alachlor which have been found in drinking water sources would pose risks in the 10^{-5} or 10^{-6} range. EPA regards alachlor residues in drinking water in the low parts per billion range as significant and worthy of careful evaluation and concern. As indicated in this Notice, the Agency is continuing to review this issue in both its pesticide and water programs.

p. Alaska Survival commented that public exposure to alachlor through drinking water is not negligible. This organization did not think alachlor should be termed as having a "potential" to leach to ground water, since it has actually been found in ground water.

EPA response: The Agency agrees that exposure to alachlor in drinking water is a matter of concern. However, as noted in the preceding response, EPA's assessment is that the levels of alachlor reported in drinking water do not appear to pose unreasonable risks. The term "potential" is used to mean that the chemical properties of alachlor are thought to be such that the chemical may leach to ground water under some conditions. EPA agrees that the available data show that some leaching has occurred, but these data also show that alachlor does not always leach to ground water.

III. Summary of Benefits Assessment and Agency Evaluation of Comments and Additional Data Received

In its Preliminary Notice of Determination EPA presented an analysis of the benefits associated with the continued use of alachlor herbicide products, and presented a crop-by-crop evaluation of benefit considerations in the accompanying Technical Support Document. The benefits of alachlor were assessed in terms of the economic impacts which would result if the chemical were no longer available because of regulatory action such as

cancellation or suspension. Impacts were estimated for the farmer/user level, and for the larger society (commodity markets and consumers). The main factors in the impact analysis are changes in production costs and crop yields.

An assessment of the effects of cancelling alachlor provides a baseline estimate of the value of alachlor products to the agricultural community and society and illustrates the effects that would follow if all current alachlor users had to switch to alternative weed control measures. Obviously this is a worst case estimate of impacts, since the Agency is not proposing cancellation.

In the Notice of Preliminary Determination and the TSD, the Agency estimated that cancellation of all uses of alachlor would result in total first year losses to farmers of $510 to $750 million, which represents the cost of increased weed control using registered alternative pesticides, and the decreased value of production (decreased yields). It was estimated that the burden of these impacts would be largely borne by the farmer, with possibly one-third of the burden shifted to the consumer. The overall loss of benefits to society in the first year of cancellation was estimated to be between $302 and $508 million.

In response to the Preliminary Notice of Determination the Agency received numerous comments relating to its assessment of benefits and potential economic impacts. Virtually all of these comments concerned the evaluation of alachlor's use and importance as a herbicide on corn. As a result of the concerns raised by commenters, and additional data which became available, the Agency has revised its estimates of the economic impacts relating to alachlor use on corn. The estimated economic impacts for other crops treated with alachlor are essentially unchanged from those given in the TSD, since no additional data or substantive consideration for modifying the previous analysis has come to EPA's attention. The following section gives EPA's current estimate of impacts that would result from loss of alachlor availability by crop.

A. Summary of Potential Impacts by Crop

1. *Corn.* The largest use of alachlor is on field corn, which represents about 63 percent of total annual use. Between one-fourth and one-third of the U.S. corn crop is treated with alachlor. The primary alternative herbicide for corn is metolachlor. Alachlor and metolachlor are both acetanilide herbicides which play a major role in corn/soybean rotations and in conservation tillage. These herbicides are not phytotoxic to rotated crops, and are surface applied, imposing minimal disturbance to the soil surface.

In the TSD, the Agency concluded on the basis of all available comparative product performance data that alachlor yields were slighly greater then metolachlor in comparative test plots in the northern corn growing areas of the U.S. For these areas, alachlor was found to control certain weeds more effectively than metolachlor and to be less stressful (phytotoxic) to corn grown under cold/wet conditions.

The latter effect is known as the hybrid stress factor, which developed in seed corn because of the early introduction of alachlor by seed companies as a standard grass herbicide in their plots. This hybrid stress factor does not affect all corn at all times, but rather appears to be associated with cold and/or wet soil conditions which slow down the seedling growth of metolachlor sensitive hybrids.

Based on available data, about 70 percent of corn hybrids appear to be more sensitive to metolachlor than to alachlor. The cold/wet conditions associated with this effect occur on about 40 percent of corn acres in the north central U.S. in a given year. This effect does not seem to be a concern in the southern States.

Many commenters on the TSD, including the registrant of metolachlor, disagreed with EPA's assessment of yield differentials between alachlor and metolachlor. Accordingly, EPA engaged an independent crop consultant to evaluate the accuracy of the biological assessment in the TSD, and any other data submitted by the registrants or other parties. Data were provided by both the alachlor and metolachlor registrants, by crop consultants and seed companies.

Based on a review of all the data available, EPA's consultant concluded that there is a consistent positive yield advantage for alachlor over metolachlor regardless of how data bases are compared. Even the metolachlor registrant's data shows this trend. However, the yield differential is relatively slight, i.e., less than 5 bushels per acre. Such a differential can not be quantified with statistical rigor, because yield differences of 5 bushels per acre or less are not statistically significant by the methods utilized by most researchers in standard weed control plots.

In summary, the weight of evidence consistently points to a yield advantage in favor of alachlor under most conditions associated with herbicide stress. The Agency is confident that the yield differential for corn is less than 5 bushels per acre. Thus, the impact of losing alachlor is best represented by the lower end of the range given in the TSD.

The Agency's earlier benefits assessment also assumed that yield losses would be reflected in reduced deficiency payments to farmers, since the Secretary of Agriculture had the option of basing deficiency payments on the average of actual historical yields. However, current information from the Department of Agriculture indicates that deficiency payments are to be frozen at the 1981–85 average, so that yield reductions will not impact these subsidy payments to farmers.

As a result of considerations discussed above, the Agency believes a lower estimate of potential impacts on corn is appropriate based on the best information now available. The range of first year losses to farmers resulting from a cancellation of alachlor would be in the range of $184 to $270 million, which represents losses of 5 to 7 percent of the expected net income from corn acreage of the typical farmer using alachlor. The first year losses to society would range from $122 to $208 million which represents between 1 and 2 percent of the value of the corn crop.

Losses would decrease over time, since the hybrid stress factor will dissipate eventually with development of less sensitive hybrids and/or less stress inducing formulations of metolachlor. There is no adequate basis for predicting when the impact of hybrid stress would cease to be a factor, but 10 years has been cited as a plausible time horizon. There would still be impacts attributable to specific weed control differences between alachlor and its alternatives. Thus, the elimination of the stress factor would still leave an estimated on-going annual impact of between $29 and $42 million due to increased weed control costs.

2. *Soybeans.* The second largest use of alachlor is on soybeans, which represents 28 percent of the total annual usage. Alachlor is used on about 13.5 million acres of soybeans, or about 21 percent of the U.S. crop. Metolachlor is the primary alternative to alachlor in soybeans, with other herbicides and/or cultivations used under some conditions. The use of alternatives could increase average weed control costs by about $6.00 per acre for alachlor users. Yield reductions of 3.5 to 5 bushels per acre could occur on about 18 percent of those acres currently treated with alachlor. The cancellation of alachlor use on

soybeans could result in annual losses to users of $153.6 to $159.5 million (EPA, 1986). This represents increased production costs of $113 million and decreased value of production of $40.6 to $46.5 million. Such losses, in aggregate, would represent less than 2 percent of the $10 billion value of soybean production, but approximately $1,150 to the typical soybean grower using alachlor. Costs to consumers of soybean products could increase slightly (less than 1 percent).

Since the TSD benefits analysis of alachlor, the Agency suspended the use of dinoseb, another herbicide used on soybeans. However, several new herbicides have also been registered for use on soybeans. The impact of these developments has not been included in the current assessment due to lack of data.

3. *Peanuts.* Alachlor is applied to about 60 percent of the U.S. peanut crop. Over 90 percent of the alachlor used on peanuts is applied as a cracking stage treatment. Metolachlor is the only herbicide which could be used as a substitute. Alachlor is a more effective product in that it gives better control of broadleaf weeds and does not retard peanut yields. Relying on metolachlor, peanut yield losses of 14 to 17 percent could occur in the Southeastern region. The cancellation of alachlor could result in user losses of about $35 million (EPA, 1986). This represents about 2 percent of the value of peanut production, and about $2,000 for the average producer. It is estimated that impact on consumers would be about $37 million.

The suspension of dinoseb for use on peanuts has created uncertainty about the benefits of alachlor. Dinoseb was typically applied as a tank mix with alachlor. Other things being equal, the loss of dinoseb may make peanut production less profitable. However, there are no data available at this time to assess the impact of the dinoseb suspension on peanut production, or how the use of alachlor on this crop may have been affected.

4. *Dry beans.* Dry beans represent less than 1 percent of total alachlor usage. If alachlor is cancelled, equally effective alternatives exist for some regions of the country, and less effective alternatives exist for others. The loss of alachlor could result in annual losses of $0.4 to $1.5 million. These losses include increased production costs of $12.74 per acre to alachlor users.

5. *Grain sorghum.* Alachlor is used on about 1.4 million acres of grain sorghum which represent about 8 percent of U.S. planted acres. It is estimated that the cancellation of alachlor use on grain sorghum would have little if any impact to users. Metolachlor, the currently registered alternative, appears to be the preferred herbicide for use on grain sorghum.

6. *Sweet corn or popcorn.* Current information indicates that about 300,000 acres of sweet corn and popcorn, which represents about 25 percent of the total acreage for these crops are treated with alachlor. The cancellation of alachlor could result in losses of $3 to $10 million to alachlor users. Weed control costs could increase about $300,000 with value of production losses of $2.8 to $9.6 million. This could represent losses for farmers of about $9.00 to $32.00 per acre. Available information indicates that the losses could be borne largely by the farmer with little passed on to consumers.

7. *Sunflowers.* Less than 1 percent of the sunflower crop is treated with alachlor for weed control. It is estimated that the loss of alachlor could result in minor annual losses. Alternatives to alachlor include trifluralin, EPTC, and pendimethalin.

8. *Cotton.* Alachlor is currently used on about 30,000 acres of cotton which represent less than 1 percent of the U.S. planted acres. The cancellation of alachlor use on cotton could result in losses of about $160,000 to users.

9. *Green peas.* Limited quantities of alachlor are used on green peas. Metolachlor has comparable grass control, while alachlor and propachlor can be used on soils with a higher organic content. The registrant intends to delete this use from its label.

10. *Lima beans.* Alachlor is currently used on about 6,000 to 9,000 acres of lima beans, or about 10 to 14 percent of U.S. planted acres. The cancellation of alachlor would result in little, if any, efficiency losses to society.

11. *Ornamentals.* Alachlor is registered for use on selected woody ornamentals. However, the Agency did not find any evidence that alachlor is actually used on ornamentals.

12. *Summary.* The Agency has lowered its estimates of the economic benefits of alachlor somewhat, primarily because of further evaluation of its role in corn production. As a result of reevaluating the potential impact on the corn crop, the overall estimated impact of the loss of alachlor is about 10 to 20 percent below the range cited in the TSD. Thus, total estimated losses at the farm level for all crops would be between $413 and $465 million. The loss to society would fall betweeen $300 and $404 million.

B. Comments and Agency Responses Relating to Benefits

1. A total of 13 academic experts in weed control submitted comments relating to yield differentials in corn between alachlor and metolachlor. In addition, the registrants of alachlor and metolachlor made presentations to EPA on this issue, and submitted data, some of it from seed companies. All of these responses, and Agency memoranda describing the registrant presentations are included in the public docket. Most of the academic experts reported that they did not think that there was a significant difference in corn yields between metolachlor and alachlor.

EPA response: The Agency's response has been summarized above, and consisted of engaging an independent consultant to evaluate all pertinent data. Only one of the commenters from the various colleges and universities submitted data in support of his comment. EPA's consultant concluded that the available data do demonstrate a slight yield advantage for alachlor in cold/wet soil conditions, i.e., conditions which may affect corn grown in the northern U.S. The Agency's impact analysis in the TSD only assumed a yield differential in the northern region, and assumed zero difference in the southern States.

2. The National Audubon Society commented at length on EPA's benefits assessment, arguing that for a number of reasons the Agency exaggerated the benefits of alachlor. The Audubon Society's main points are itemized below. To begin with, Audubon does not believe there is a yield differential between alachlor and metolachlor, and that all estimates based on that calculation are in error.

EPA response: The Agency has described the reexamination of comparative yield data by its consultant, and the conclusion that there is a yield differential consistently supported by the data. Audubon submitted no data in support of its view.

3. The Audubon Society commented that the withdrawal of alachlor would hardly be noticed in corn and soybean production because any yield losses would be insignificant in view of the large surpluses for these crops.

EPA response: The Agency recognizes that the impacts on these crops would represent a very small percentage of the value of corn or soybeans. Audubon's comment is probably correct for the short term, since there are significant surpluses of these crops. However, it should also be noted that current Administration policy is to eliminate subsidies and reduce surplus stocks. The implementation of the 1985 Farm Bill has already begun to reduce surplus stocks of corn. Thus, the Society's comment may not be valid in the long term. In addition, the Agency's impact assessment also considers the effects at the grower level, where reduced yields and increased costs would reduce the net income of farm families.

4. The Audubon Society disagrees with estimates of increased costs for weed control. Audubon states that prices for herbicides in general are declining, and new products have become available.

EPA response: The Agency analyzed production costs both with and without the availability of alachlor. If alachlor were removed from the market, metolachlor would have a near monopoly of some large agricultural use patterns, and EPA believes prices for metolachlor would rise. It is true that if the related acetanilide herbicide, acetochlor, were registered, it would probably compete successfully for a market share and possibly reduce prices.

5. The Audubon Society notes that the alachlor patent is about to expire, and this may result in generic alachlor products competing for market share beginning in 1988. The likely result will be a decrease in alachlor prices, which makes EPA's cost estimates erroneous, and will encourage more alachlor use.

EPA response: The Agency recognizes that product price reductions could result from competition by generic alachlor, and did consider this effect in its assessment. However, generic product competition is only one factor involved in trying to forecast the use of alachlor. For example, total acres planted to corn and soybeans have been declining for several years due to government policies and market conditions for these crops. Also, profits for growers of these crops have been declining, with the result that farmers have been reducing production inputs, including the use of pesticides. Thus, it is not clear that Audubon's prediction of dramatically increasing use is correct.

6. The Audubon Society pointed out that EPA's inclusion of reduced deficiency payments in estimated impacts on growers does not reflect announced Department of Agriculture policy.

EPA response: This comment is correct, at least in the short run, since the Department of Agriculture has indicated that deficiency payments are to be frozen at levels based on the 1981–85 historical average yield rates. EPA has revised its impact assessment accordingly.

7. The Audubon Society comments that one of the benefits EPA cites for alachlor use is its role in conservation tillage (i.e., use of a herbicide rather than conventional tilling in order to reduce soil erosion). However, Audubon comments that application rates for conservation tillage are often higher than for conventional tillage systems, and this leads to high alachlor concentrations in runoff from treated fields.

EPA response: It appears to be Audubon's position that the use of alachlor in conservation tillage is a problem rather than a benefit, because it is a water soluble pesticide, and conservation tillage leads to higher runoff. The labels for alachlor do not allow higher application rates for conservation tillage systems versus conventional tillage applications. Thus, it is not clear whether Audubon is making a general comment which happens not to apply to alachlor, or is claiming that applications are made at maximum label rates as opposed to typical rates when a conservation tillage system is involved.

EPA recognizes Audubon's concern that conservation tillage increases surface application of herbicides and consequently the potential for runoff to surface waters. However, as Audubon itself points out in its comments, other application methods such as banding or soil incorporation may only increase the potential for ground water contamination. In short, modifying existing application methods does not seem to offer any practical solutions to the potential for some degree of ground or surface water contamination by alachlor.

In the Agency's view, the issue here is not whether this potential for agricultural runoff exists, as it surely does, but whether the use of alachlor poses risks which outweigh its benefits. That issue has been addressed through EPA's risk and benefits assessments, which at this time indicate that alachlor use is not posing risks that outweigh its benefits.

8. The Audubon Society states that conservation tillage is not needed on 90 to 100 percent of the land devoted to row crops in this country.

EPA response: The Agency is not directly involved in evaluating or formulating soil conservation policy, but notes that the U.S. Department of Agriculture encourages the adoption of conservation tillage practices. The basis for Audubon's statement is not explained. EPA notes that aside from the value of preventing soil erosion, conservation tillage practices are economically appealing to farmers because the number of trips over the field are reduced, saving fuel and related costs. Increased habitat for wildlife has also been noted in areas where conservation tillage is practiced.

9. The National Network to Prevent Birth Defects states that EPA failed to consider alternatives to alachlor other than metolachlor, including non-chemical cultivation methods of weed control.

EPA response: The TSD does discuss in detail other registered pesticides which can be used for the same sites as alachlor. However, for many of the major use sites, metolachlor is the most likely alternative to be chosen, since it is the most cost-effective. The Agency did evaluate the availability of Integrated Pest Management techniques, including mechanical and cultural practices, in its biological analysis of alachlor. This report is in the alachlor public docket. The use of such techniques would be highly desirable from the perspective of reducing concerns about alachlor. However, it is EPA's judgment that for cost reasons, metolachlor is the alternative most likely to be chosen by growers if alachlor were not available.

10. The Department of Public Works for the City of Akron, Ohio, commented that the occurrence of alachlor in drinking water would impose costs for remedial treatment on communities.

EPA response: The Agency actions under the FIFRA required by this Notice do not directly impose costs for water treatment. However, the commenter is correct in the sense that a Maximum Contaminant Level (MCL) for alachlor set by the Agency under the Safe Drinking Water Act could require a community to monitor for alachlor and to undertake treatment adequate to reduce levels below the MCL if alachlor in excess of that level occurs in a public drinking water supply.

This is a difficult issue to evaluate, in part because the Agency has not yet proposed a specific MCL for alachlor. As noted earlier in this Notice, a level of 2.0 ppb is being considered as the proposed MCL for alachlor. If it is assumed that this level is ultimately adopted, the question remains as to how many public drinking water supplies may exceed that level. The data discussed in this Notice include studies of 54 community water supplies using surface water, none of which exceeded 2.0 ppb as an annualized mean concentration. However, these studies used many weekly samples to compute an annualized mean. If the MCL established by EPA is defined as the average of only four samples collected quarterly, as MCLs generally are, then

VOL 52 ISS 251 DEC 31 1987 UMI

there is a potential that a high level detected during the peak period of alachlor use in May and June could result in raising the annualized average above the MCL.

At this time, the Agency's best assessment based on the available monitoring information is that it is relatively unlikely that public water supplies will be out of compliance with an MCL for alachlor in the low parts per billion. However, such events may occur, and the effect could be to require treatment to bring a public drinking water supply into compliance with the MCL.

The available technology for removing alachlor residues from water is the use of powdered or granulated activated carbon filtration. It is estimated that fewer than one percent of water treatment systems are currently equipped with activated carbon filtration systems. This treatment method is relatively expensive. Capital costs could range from about $45,000 for a small system to tens of millions for a large municipal system. The per gallon treatment cost is estimated to range from about $1.71 per 1000 gallons for a small system to about $0.06 per 1000 gallons for a large system. The costs of treating ground water would be similar. Available data on the effectiveness of activated carbon indicate that these systems remove about 60 percent of the detected alachlor. Activated carbon filtration is not a treatment specific to alachlor; rather, it is the recommended treatment for the removal of most pesticides and other potentially toxic organic compounds from drinking water. Thus, an activated carbon system might also be needed in some locations to achieve compliance with MCLs for compounds besides or in addition to alachlor.

State governments have certain options in the event the MCL for alachlor (or any other pesticide) is exceeded. Under the FIFRA, States retain the authority to impose pesticide use regulations more stringent than the terms of the Federal registration. Thus, in response to alachlor residues levels exceeding the MCL in one or more water supplies, a State has the option of limiting alachlor use according to criteria of its own determination in order to reduce or eliminate those residues, rather than impose the cost of treatment on affected communities.

Some communities might have other options available, such as diluting a water source known to contain alachlor with an uncontaminated source during the periods of peak alachlor residue occurrence, or switching altogether to another source during such peak periods.

In should be noted that States determine which water systems are monitored for compliance with MCLs. The cost of quarterly sampling for alachlor would be about $800 annually per water system, regardless of size, and the tests would also detect other organohalide pesticides or industrial chemicals.

The Agency currently estimates that alachlor is used in about 1160 counties, which represents about 16,000 public drinking water systems. If all these systems were monitored, the total cost would be about $12.8 million annually, spread among numerous State and local jurisdictions. The States may not require every system to be monitored.

In summary, the costs which may be associated with an MCL for alachlor include monitoring, which is minor in cost, and activated carbon treatment of public drinking water supplies which exceed the MCL, which is expected to be an infrequent occurrence, but which would involve high costs, potentially in the millions of dollars for individual communities. There are no data available that would support a specific estimate of the number of communities that might exceed an MCL for alachlor. The data now available indicate that it is unlikely that significant numbers of public drinking water supplies will exceed an MCL for alachlor in the 2 ppb range. As noted above, State or local restrictions on alachlor use, rather than remedial treatment of drinking water is an alternative approach to ensuring MCL compliance. Since MCL compliance is likely to be an infrequent and localized issue, this approach may be the most cost-effective alternative available in most circumstances. It is also consistent with the Agency's Agricultural Chemical Strategy to recognize that State and local governments have an essential role in protecting water resources and making the risk/benefit evaluations affecting their local communities.

IV. Comments of the Scientific Advisory Panel, Secretary of Agriculture and Other Parties

As required under sections 6 and 25 of FIFRA, the Agency provided its Preliminary Notice of Determination and TSD to the Scientific Advisory Panel and the Secretary of Agriculture, respectively, for their comments, which are presented below. This section also includes general comments from other parties which relate to the regulatory measures proposed in the Preliminary Notice of Determination, as opposed to comments on specific risk or benefit issues.

A. Comments of the Scientific Advisory Panel

EPA presented its proposed decision on alachlor at a public meeting of the Scientific Advisory Panel held in Arlington, Virginia on November 19, 1986. The Panel issued its response in a written report of November 25, 1986. The Panel's report is reproduced below in its entirety.

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) Scientific Advisory Panel

A Set of Scientific Issues Being Considered by the Agency in Connection with the Special Review of Alachlor

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) has completed review of the data base supporting the Environmental Protection Agency's (EPA) preliminary decision to cancel the registrations of all pesticide products containing the active ingredient alachlor unless certain modifications to the terms and conditions of registrations are made by the registrants. The review was conducted in an open meeting held in Arlington, Virginia, on November 19, 1986. All Panel members except Dr. Harold L. Bergman, Dr. John J. Lech, and Dr. Thomas W. Clarkson were present for the review. Although Dr. Lech was not present at the meeting, he provided his comments via telephone to the Chairman of the Scientific Advisory Panel and agreed with the Panel's recommendations.

Public notice of this meeting was published in the Federal Register on Friday, October 24, 1986.

Oral statements were received from staff of the Environmental Protection Agency and from Mr. Robert Harness, Monsanto Company.

In consideration of all matters brought out during the meeting and careful review of all documents presented by the Agency, the Panel unanimously submits the following report.

Report of Panel Recommendations

Alachlor

The Agency requested the Panel to focus its attention upon a set of scientific issues relating to the Special Review of Alachlor. There follows a list of the issues and the Panel's response to each issue:

A. *Toxicological Issues.* The Agency has classified alachlor as a category B_2 probable human carcinogen.

1. Part of the basis for this classification is a statistically significant increase in lung bronchioalveolar tumors at the highest dose tested in female mice.

Panel Response: The Panel does not agree with the Agency's interpretation of the female mouse lung tumor data. The technical support document incorrectly suggests that the Sher paper's data are from mice 91 to 105 weeks of age. In reality, the paper clearly states that "Almost all studies were of 81 weeks duration in mice * * *". The Panel recognizes that lung tumor incidence in mice represents one of the more variable endpoints in carcinogenesis bioassays. The control incidence for adenomas/carcinomas in the Monsanto study was 6 percent whereas the average incidence in 1240 control mice was 17 percent (range 0–41 percent). Thus, the finding of a lung tumor incidence of 22 percent in the high dose group was considered by the Panel to be within the limits of normal variation. Additional support for this interpretation was provided by the lack of evidence of progression from benign to malignant tumors, and the lack of an increase in tumor multiplicity in treated mice.

2. The rat is an appropriate model for predicting human risk for alachlor.

Panel Response: The Panel agrees that more data are available on metabolism of alachlor and on the carcinogenic potential of this chemical in rats than in other species. The Panel concurs that alachlor is carcinogenic for the rat and that it produces nasal adenomas and adenocarcinomas, an unusual type of neoplasm that has a low spontaneous incidence. However, whether the rat (or any other nonhuman species) is an appropriate model for predicting human risk for alachlor is not presently an answerable question. The Panel believes that the monkey may be a better metabolic surrogate for man than is the rat; unfortunately, data are not available on the tumorigenicity of alachlor in the monkey, so the circle of evidence for carcinocenesis risk evaluation in this species cannot be closed. Thus, the only positive evidence on which to evaluate human risk of carcinogenicity is the rat data. (The Panel does not believe that the mouse data show that alachlor is carcinogenic in this species). The Panel suggests, however, that metabolic data from the monkey may be used to scale the interpretation of risk from the rat data.

The Panel believes that alachlor should be classified as a B_2 carcinogen based on the production of an unusual type of neoplasm in the rat, coupled with the finding that two metabolites of alachlor are mutagenic. While the Panel is not comfortable with the implied conclusion of the EPA Guideline that this classification means that alachlor is a probable human carcinogen, the data available clearly meet the criteria for B_2 classification.

B. *Exposure Issues.* The Agency estimated applicator dosage by pooling Monsanto patch data and surrogate patch data from published exposure studies to calculate a range of exposure, and then applied this range to the biomonitoring dosage.

Panel Response: It was encouraging to see the use of a limited amount of biomonitoring data, both by the Agency and by the Monsanto Company. Even though the data are limited in scope, it can serve to corroborate the exposure assessment generated by the Agency. We compliment the Agency on expediting the incorporation of the 1985 Monsanto biomonitoring data in its exposure and risk assessment evaluation.

FOR THE CHAIRMAN

Certified as an accurate report of Findings:

Stephen L. Johnson,
Executive Secretary,
FIFRA Scientific Advisory Panel
Date: November 25, 1986.

The Agency's response to the toxicological issues raised by the SAP comments has already been noted in Unit II of this Notice. In brief, the Agency interpreted historical control data on lung tumors in CD–1 mice as supporting the evidence of oncogenesis in mice. EPA also believes that the rat does provide an appropriate metabolic model for evaluating human risk to alachlor, and adjustments based on monkey data are not required. EPA agrees with the SAP that the rat tumor data are the best available data for carcinogenic risk assessment purposes, that is, for the determination of cancer potency values utilized in upper bound risk estimates.

B. Comments of the Secretary of Agriculture

The comments of the U.S. Department of Agriculture in response to the Notice of Preliminary Determination, Draft Notice of Intent to Cancel and the Technical Support Document, dated January 12, 1987, are printed in full below:

Mr. Douglas Campt, Director,
Office of Pesticide Programs (TS–766C), U.S. Environmental Protection Agency,
Washington, DC 20460

Dear Mr. Campt:

This is the Department of Agriculture's response to EPA's notice of proposed decision to allow the continued registration of alachlor products with various specified modifications to the terms of registration and use.

We do not have any objection to your proceeding with your proposed decision nor do we have any major discussion in relation to the documents furnished. We note that there are places within the documentation where space has been reserved to expand the language. We would appreciate receiving a copy of the final document when it is completed.

Finally, as discussed with Mr. Giamporcaro, the bibliography will be corrected by including reference to the Kuchler-Osteen report.

Sincerely,
Charles L. Smith, Coordinator,
Pesticides and Pesticide Assessment.

C. Other Comments on the Proposed Regulatory Actions

1. The National Audubon Society and the Natural Resources Defense Council (NRDC) both commented that the proposed classification of alachlor for restricted use would do little to reduce risks for applicators, and is not relevant to the problems of ground and surface water contamination.

EPA response: The Agency acknowledges that this measure may not result in a major (or quantifiable) degree of risk reduction, especially in view of the fact that many private farmers and virtually all commercial applicators affected are already certified. However, EPA estimates there may be approximately 150,000 current alachlor users who are not certified, and therefore it makes sense to ensure that they all receive training in the proper handling, application and disposal of this pesticide, especially in view of the fact that a portion of the known well contaminations with alachlor are attributable to improper handling.

2. In its Preliminary Notice, EPA asked for suggestions on measures that might reduce concerns about exposure to or environmental contamination by alachlor. The Audubon Society commented that various alternative methods of applying alachlor, such as soil incorporation rather than surface spraying, or band application, all tended to involve unacceptable trade-offs between increased risks to ground water for reduced risks to surface water, or vice versa. Audubon suggested that more encouragement be given to biological controls, crop rotation practices, use of pest-resistant crop strains, and organic farming.

EPA response: The Agency agrees that Integrated Pest Management techniques and organic farming are desirable ways to address concerns about environmental contamination resulting from pesticide use. However, the present Special Review has to focus on a risk/benefit decision concerning the continued use of alachlor. The Agency agrees with the Audubon Society that choices among the existing application methods for alachlor do not seem to offer any likely alternatives for addressing concerns that have been raised about alachlor's potential for water contamination.

3. The Audubon Society and NRDC commented that a cancer warning statement is not an effective risk reduction measure, and in any case, the warning is already on labels as a result of the 1984 Registration Standard.

EPA response: The purpose of health warning statements on pesticide labels is not primarily to achieve risk reduction in the same sense as label directions, such as the use of protective clothing. Rather, the purpose is to give the persons involved in direct handling and application of the chemical valid information about the hazards of the substance in order to give them an informed basis for taking appropriate precautions. The view that this is not a major risk reducing action is a matter of judgment; however, the Agency did not

assume any quantified reduction in risk from this requirement.

4. NRDC commented that the requirement for mechanical transfer devices to mix/load alachlor applied to over 300 acres is not a significant risk reduction measure.

EPA response: The Agency's assessment is that persons treating more than 300 acres per year with alachlor as currently registered may receive significant exposure. Available data show that the use of mechanical transfer systems reduces exposure during mixing and loading by approximately fortyfold, which is more than one order of magnitude. Consequently, the requirement does achieve significant risk reduction for a high risk group of applicators. The fact that most of these applicators already use mechanical transfer systems to handle alachlor is not an argument against mandating the use of such systems to ensure that all such applicators are protected.

5. NRDC states that EPA's sole justification for allowing the reinstatement of aerial application is that ground boom applicators are at higher risk. Aerial application will also pose risks of human exposure through drift, and mixing and loading operations at airports pose increased risks of ground and surface water contamination.

EPA response: The Agency's assessment is that aerial applicators are not exposed to alachlor at levels which pose unreasonable risks of adverse effects. With the exception of human flaggers, EPA has no evidence that exposure to alachlor through aerial drift has been a significant route of exposure in the past. The Agency has no information to indicate that mixing/loading operations at airports are a specific problem in relation to water contamination with alachlor. Historically, less than 1 percent of alachlor has been applied aerially. It is true that improper handling and disposal of alachlor appears to be associated with some contamination of wells. However, improper disposal under any circumstances is a violation of label requirements.

V. Initiation of Regulatory Actions

A. Introduction

In its Preliminary Notice of Determination the Agency reached several conclusions, as follows.

In relation to ground water, EPA determined that the available data were not adequate for a proper assessment of the potential risks which alachlor use may pose through contamination of this resource. That conclusion is unchanged by this Notice. EPA has taken the action necessary to ensure that adequate data on ground water contamination by alachlor is developed by the registrant and submitted to the Agency for a more definitive determination on this issue. The conclusion of the Special Review of alachlor is intended to terminate this specific administrative review process, but in no way reduces the Agency's commitment to evaluate alachlor as a potential contaminant of ground water, and to take any further regulatory action which is warranted on the basis of valid evidence.

The Agency also proposed in the Preliminary Notice to consider cancellation of alachlor use on certain crops in order to reduce potential dietary exposure, but to defer a decision pending receipt of residue data on the processed commodities. These crops were lima beans, dry beans and green peas for processing. Since issuance of the Preliminary Notice, the registrant has provided additional residue data on the raw commodities, including validation data for dry beans. However, it was found that exaggerated rates of alachlor would need to be applied in order to have detectable residues in dry beans so that a cooking and processing study could be conducted. These data are now due in June, 1988.

The Agency does not now feel that a decision needs to be deferred, since the additional residue data from field trials indicate that residues on these commodities are lower than previously estimated. As noted earlier in this Notice, the registrant has also indicated that label amendments will remove the crop green peas from their label. Thus, the Agency does not intend to cancel alachlor for use on the commodities dry beans, lima beans or green peas for processing as part of the current decision. The established tolerances for alachlor will be reevaluated when all the residue data required by the Registration Standard have been submitted and evaluated.

Finally, the Notice of Preliminary Determination proposed a number of specific modifications to the terms and conditions of registration for alachlor products. The comments and additional information received by the Agency since publication of the Preliminary Notice of Determination have been presented in this Notice, and have not changed the Agency's previous conclusions, which are briefly summarized as follows.

Alachlor is determined to offer substantial benefits to agriculture. The potential risks posed by alachlor fall into the categories of applicator exposure, dietary risks through residues in food commodities, and dietary risks through the occurrence of alachlor residues in drinking water. The risks posed to applicators and other persons directly involved in application of alachlor were found to be unreasonable and to outweigh the benefits of continued use, unless certain modifications to the terms and conditions of registration are made. The dietary risks to the public were estimated in terms of an upper bound of risk for increased tumor formation, and found to be in the range of 10^{-6} or 10^{-5}, including the possible occurrence of alachlor in drinking water. The actual occurrence of alachlor residues in drinking water at the 2.0 ppb concentration level used for risk estimation would only be expected to occur in areas of heavy alachlor use, and not on a nationwide basis. Upper bound levels of risk of this order of magnitude do not outweigh the substantial benefits of alachlor use.

B. Modifications to Terms and Conditions of Registration

Based on the information summarized in Unit V.A. of this Notice and discussed elsewhere in this Notice, the Agency has determined that the use of alachlor as currently registered poses unreasonable adverse effects to human health or the environment, and that certain modifications to the terms and conditions of registration are required to bring these products into compliance with the statutory standard for registration. Therefore, in order to avoid cancellation, registrations of alachlor products must be modified to include the terms and conditions listed below.

1. *Label changes*—a. *Label requirements.* The following language must appear on the label of all alachlor products:

i. *Restricted use.*

Restricted Use due to oncogenicity.

For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicators' certification.

ii. *Health warning.*

The use of this product may be hazardous to your health. This product contains alachlor which has been determined to cause tumors in laboratory animals.

iii. *Restriction on application.*

The use of a mechanical transfer system is required to be used by all mixer/loaders and/or applicators who treat 300 acres or more annually.

b. *Aerial application.* Aerial application may be reinstated on the alachlor label with the following additional label restriction:

Human flaggers prohibited. Aerial application may be performed using mechanical flaggers ONLY.

2. *Basis for regulatory actions*—a. *Restricted use classification.* Classification of alachlor as a restricted use pesticide will increase the level of protection afforded to users of the product. Certified applicators are trained in safe methods of using pesticides. Untrained users are less likely to be aware of the hazards, both to humans and to the environment, of using alachlor. It should be noted that the existing EPA-approved label for alachlor includes precautions concerning the potential for contaminating ground and surface water. Certification programs emphasize the importance of adherence to the label directions.

Approximately 75 percent of the estimated 500,000 commercial applicators and private farmers who use alachlor are already certified under State certification programs, according to data provided by the registrant. An estimated 150,000 private farmers would comprise nearly all of the remaining uncertified group. The cost to each farmer of obtaining certification would be minimal. States typically charge nominal fees or none at all to certify private farmers.

Thus, the cost of additional certification and training stemming from this requirement would be largely borne by the States. The average cost to a State program of certifyinc an individual is estimated to be about $85. Thus, if all the currently uncertified alachlor users choose to become certified, the total initial impact would be about $9.75 million. This impact would be shared among many State certification programs. The impact would also vary from State to State because of differences in the percentage of farmers already certified. Most commercial applicators using alachlor are already certified and will incur no additional costs as a result of this requirement.

The Agency has determined, therefore, that the greater assurance that label precautions are followed, which would be achieved by restricted use classification, outweighs the costs. The impact of this requirement would be minimal in States which already have a high proportion of private farmers certified, but in other States, the initial impact on the resources of the State certification and training program could be substantial.

b. *Restriction on application.* Studies have demonstrated that the use of mechanical transfer systems for mixing/loading can substantially reduce exposure to some pesticides. EPA expects that use of a mechanical transfer system for alachlor will reduce exposure by fortyfold. This estimate is based on the Agency's review of many pesticide applicator exposure studies.

Approximately 40 percent of the farms using alachlor apply it to 300 or more acres annually. Available information indicates that most large farms already use mechanical transfer systems for mixing/loading operations, and therefore EPA expects this requirement to have minimal impact. The registrant has developed a "shuttle system" which is essentially a 200 gallon container of alachlor with a built in pumping system for mixing/loading. This system is not purchased by the user, but returned to the dealer for refilling and servicing. The cost of purchasing alachlor with this system is only about 1 percent higher than purchasing alachlor in conventional bulk containers, a difference amounting to less than $100 for most large users. Pumping devices designed for transferring pesticide chemicals from drums ("barrel suckers") are also available at moderate cost, and are already in widespread use.

Since mechanical transfer systems are already widely used as a practical convenience rather than a safety measure, EPA has no way of estimating how many users would incur a new expense in order to meet this requirement. Since the potential reduction in exposure and risk is more than one order of magnitude, and the cost would be less than $100 for the typical user, this is a cost-effective and reasonable requirement for risk reduction.

c. *Prohibition of human flaggers.* Human flaggers face a substantial risk through exposure to alachlor which may be as high as 10^{-3}. The use of mechanical flaggers would eliminate this avenue of human exposure. The potential population of human flaggers is not known, since this task is often performed by farmers themselves; several thousand persons could be affected. Alachlor has historically been applied by air to less than 1 percent of total acres treated. If 410,000 to 440,000 acres (1 percent of total acres) were aerially treated using mechanical flaggers, the total cost would be under $40,000. The Agency concludes that the avoidance of significant risks for human flaggers outweighs the minor cost of requiring mechanical flaggers during aerial applications.

d. *Summary.* The Agency has concluded that, subject to the modifications to the terms and conditions of registration set forth in this Notice, the risks of continued use of alachlor are outweighed by the substantial benefits of its use, notwithstanding any impact of implementing this regulatory decision.

Additional data concerning alachlor's potential for ground water contamination are due in 1988, and will be evaluated by EPA in 1990. It has been noted that alachlor's benefits on various crops might decline over time. Thus, the evaluation of ground water data in 1990 offers an appropriate occasion to revisit the risks and benefits of alachlor on a crop-by-crop basis to determine whether the risk/benefit balance has changed to a degree requiring regulatory action.

C. Existing Stocks and Disposal Provisions

Pursuant to FIFRA section 6(a)(1), "the Administrator may permit the continued sale and use of existing stocks of a pesticide whose registration [is cancelled pursuant to this Notice] to such extent, under such conditions, and for such uses as he may specify, if he determines that such sale or use is not inconsistent with the purposes of [FIFRA] and will not have unreasonable adverse effects on the environment". The Agency has determined that limited sale and use of certain existing stocks of alachlor is not inconsistent with FIFRA and will not cause unreasonable adverse effects on the environment. Accordingly, under the authority of FIFRA section 6(a)(1), EPA will permit the continued sale and use of existing stocks of alachlor products whose registrations are cancelled pursuant to this Notice, subject to the following conditions and limitations. For purposes of this Notice, EPA defines the term "existing stocks" to mean any quantity of alachlor product in the United States on the date of publication of this Notice of Intent to Cancel that has been formulated, packaged, and labeled for use and is being held for shipment or release, or has been shipped or released into commerce. No stocks of alachlor products formulated, packaged, or labeled for use subsequent to the publication of this Notice shall qualify as "existing stocks", notwithstanding delayed cancellation following a hearing resulting from this Notice.

In order to allow a reasonable time to accomplish the modifications to the terms of registration required by this Notice, EPA will allow the sale and distribution of existing stocks of alachlor products whose registrations are cancelled pursuant to this Notice for up to 6 months after publication of this Notice of Intent to Cancel in the Federal Register. After that date, no registrant may release for shipment any alachlor product subject to this Notice unless the product bears an amended label which complies with the requirements set forth in Unit V.B. of this Notice. EPA also will

VOL 52 ISS 251 DEC 31 1987 UMI

VOL 52 ISS 251 DEC 31 1987 UMI

allow use of existing stocks for up to 1 year after publication of the Notice. EPA is requiring registrants to affix revised labeling to existing stocks in their possession to indicate the time limitations on distribution, sale, and use. In addition, EPA is also requiring registrants to contact commercial distributors of alachlor products to inform them of the time limitations on distribution, sale, and use and to provide revised labeling that reflects the time limitations for existing stocks in the possession of the commercial distributors. Upon expiration of the time limitations for use of existing stocks, disposal of cancelled alachlor products must be in accordance with the requirements of the Resource Conservation and Recovery Act.

VI. Procedural Matters

This Notice announces the Agency's final decision to cancel all registrations and to deny all applications for registration of products containing alachlor which do not comply with the modified terms and conditions of registration set forth in this Notice. This action is being taken pursuant to authority granted by section 6(b) of FIFRA. Under FIFRA sections 6(b)(1) and 3(c)(6), applicants, registrants, and certain other adversely affected parties may request a hearing on the cancellation and denial actions that this Notice initiates. Any hearing concerning cancellation or denial of registration for any pesticide product containing alachlor will be held in accordance with FIFRA section 6(d). Alternatively, registrants/applicants may apply to amend the product registrations/applications in accordance with the terms and conditions set forth in this Notice. Unless a hearing or amended registration is properly requested with regard to a particular registration or application, the registration will be cancelled or the application denied. This Unit of the Notice explains how such persons may request a hearing or amend their registrations in accordance with the procedures specified in this Notice, and the consequences of requesting or failing to request a hearing or submit an amended registration or application.

A. Procedures for Requesting a Hearing

To contest the regulatory action initiated by this Notice, registrants, or any applicant whose application for registration is affected by this Notice (including intrastate applicants who have previously marketed such products pursuant to 40 CFR 162.17), may request a hearing within 30 days of receipt of this Notice, or within 30 days from the publication of this Notice in the Federal Register, whichever occurs later. Any other persons adversely affected by the cancellation action described in this Notice, or any interested persons with the concurrence of an applicant whose application for registration has been denied, may request a hearing within 30 days of publication of this Notice in the Federal Register.

All registrants, applicants, and other adversely affected persons who request a hearing must file the request in accordance with the procedures established by FIFRA and the Agency's Rules of Practice Governing Hearings (40 CFR Part 164). These procedures require that all reguests must identify the specific registration(s) by Registration Number(s) and the specific use(s) for which a hearing is requested, and must be received by the Hearing Clerk within the applicable 30-day period. Failure to comply with these requirements will result in denial of the request for a hearing. Requests for a hearing should also be accompanied by objections that are specific for each use of the pesticide product for which a hearing is requested.

Requests for a hearing must be submitted to: Hearing Clerk (A–100), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

1. *Consequences of filing a timely and effective hearing request.* If a hearing on any action initiated by this Notice is requested in a timely and effective manner, the hearing will be governed by the Agency's Rules of Practice Governing Hearings under FIFRA section 6 (40 CFR Part 164). In the event of a hearing, each cancellation action concerning the specific use or uses of the specific registered product which is the subject of the hearing will not become effective except pursuant to an order of the Administrator at the conclusion of the hearing. Similarly, in the event of a hearing, each denial of registration which is a subject of the hearing will not become effective prior to the final order of the Administrator at the conclusion of the hearing.

The hearing will be limited to the specific registrations or applications for which the hearing is requested.

2. *Consequences of failure to file in a timely and effective manner.* If a hearing concerning the cancellation or denial of registration of a specific alachlor product subject to this Notice is not requested in a timely and effective manner by the end of the applicable 30-day period, registration of that product will be cancelled, or the denial will be effective.

B. Amendment of Registration or Application

Registrants of alachlor products who are affected by this Notice of Intent to Cancel may avoid cancellation of their registrations, without requesting a hearing, by filing an application for an amended registration that contains the label modifications detailed in Unit V.B.1. of this Notice of Intent to Cancel. Applications containing the label modifications required by this Notice must contain a sample label. The approved label must be affixed to all end use products released for shipment 6 months after publication of this Notice. All registrations or applications for registration must be amended to comply with the requirements of 40 CFR 162.10 and PR Notices issued by EPA. This application must be filed within 30 days of receipt of the final notice, or within 30 days of publication of the final notice, whichever occurs later. Similarly, applicants for a registration that is subject to this Notice of Intent to Cancel must file an amended application for registration within the applicable 30-day period to avoid denial of the application.

Registrants whose registrations become cancelled but who wish to use the existing stocks provisions provided above, must submit revised labeling, including time limitations on use, for EPA acceptance prior to the sale and distribution of such existing stocks. All applications must be addressed to: Robert Taylor, Product Manager 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency 401 M St., SW., Washington, DC 20460

C. Procedures for Intrastate Products

Under 40 CFR 162.17, the Agency has permitted certain alachlor products previously registered under State law to continue to be sold and distributed solely in intrastate commerce, pending a final decision concerning Federal registration. In the Notice of Preliminary Determination published in the Federal Register of October 8, 1986 (51 FR 36166), the Agency notified producers of such products that they were required to submit a complete application for Federal registration within 60 days of the date of publication of the Notice of Preliminary Determination. Failure to submit a timely application would result in the Agency considering the producer's Notice of Intent to Apply as an application for Federal registration. Producers were further notified that, should the Agency issue a final notice allowing continued registration of alachlor products under certain circumstances, they would be notified of that decision and allowed at least 30 days to make changes that would allow EPA to approve the applications for Federal registration. If an application has not been amended in the prescribed manner within the period allowed, the application may be denied.

In light of the regulatory decision set forth in this Notice, the Agency hereby notifies all such producers that within 30 days of publication or receipt of this Notice, whichever occurs later, their applications for Federal registration must be amended to comply with the terms and conditions of registration set forth in this Notice. Failure to make the necessary changes in a timely manner will result in denial of the application.

Under FIFRA section 3(c)(6), the issuance of a denial notice entitles an applicant, or other interested person with the concurrence of the applicant, to request a hearing to challenge the denial decision. The procedures for requesting a hearing and the consequences of not filing a request are discussed above in Unit VI. A.

D. Separation of Functions

The Agency's rules of practice forbid anyone who may take part in deciding this case, at any stage of the proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of his/her representatives (40 CFR 164.7).

Accordingly, the following EPA offices, and the staffs thereof, are designated as the judicial staff of the Agency in any administrative hearing on this Notice of Intent to Cancel: The Office of Administrative Law Judge, the Office of the Judicial Officer, the Deputy Administrator and the members of the staff in the immediate office of the Deputy Administrator, the Administrator and the members of the staff in the immediate office of the Administrator. None of the persons designated as the judicial staff may have any ex parte communication with the trial staff or any other interested person not employed by EPA on the merits of any of the issues involved in these proceedings, without fully complying with the applicable regulations.

VII. References

The references used in this Federal Register Notice are listed below:

(1) "Alachlor Monitoring of Ontario Drinking Water May–November 1985", Ontario Ministry of the Environment, 1985.

(2) Ascheman, R.E., "Alachlor/Corn Biological Analysis", prepared for Benefits and Use Division, Office of Pesticide Programs under EPA Contract No. 68–02–4272, May 1987.

(3) Becher, A., Pennsylvania Geological Survey, Personal Communication to M. Lorber, 1987.

(4) Buchanan, J.W., W.C. Loper, W.P. Schaffstall, and R.A. Hainly, "Water Resources Data, Pennsylvania Water Year 1983", Vol 2. Susquehanna and Potomac River Basins, U.S. Geological Survey Water—Data Report Pa–83–2, 1984.

(5) Comstock, J., Vermont Department of Agriculture, Pesticide Monitoring Program. Personal communication to M. Lorber, 1987.

(6) Exner, M.E., and R.F. Spalding, "Ground-Water Contamination and Well Construction in Southeast Nebraska", in *Ground Water* 23 (1): 26–33, 1985.

(7) Felsot, A., "Survey for Pesticides in Ground Water Supplies in Illinois", Illinois Natural History Survey, 1983.

(8) Frank, R., Ontario Ministry of Agriculture and Food, personal communication to M. Lorber, 1984.

(9) Hallberg, G.R., B.E. Hoyer, E.A. Bettis, and R.D. Libra, "Hydrogeology, Water Quality, and Land Management in the Big Spring Basin, Clayton County, Iowa", Iowa Geological Survey report on contract number 82–5500–02 from the Iowa Department of Environmental Quality, 1983.

(10) Hallberg, G.R., R.D. Libra, and B.E. Hoyer, "Nonpoint Source Contamination of Groundwater in Karst-Carbonate Aquifers in Iowa", in "Perspectives on Nonpoint Source Pollution", EPA publication No. 440/5, 85–001, Washington, DC, 1985.

(11) Hallberg, G.R., "Agrichemicals and Water Quality", prepared for Colloquium on Agrichemical Management to Protect Water Quality, National Academy of Sciences, 1986.

(12) Hallberg, G.R., personal communication to M. Lorber, 1987.

(13) Inman, R., Florida Department of Agriculture and Consumer Services, letter to M. Lorber dated August 18, 1987.

(14) Kelly, R.D., "Synthetic Organic Compound Sampling Survey of Public Water Supplies", Iowa DWAWN Report, 1985.

(15) Kelly, R., G.R. Hallberg, L.G. Johnson, R.D. Libra, C.A. Thompson, R.C. Splinter, and M.G. DeTroy, "Pesticides in Ground Water in Iowa", unpublished study available from the authors, 1986.

(16) Kelly, R.D., and M. Wnuk, "Little Sioux River Synthetic Organic Compound Municipal Well Sampling Survey", Iowa DWAWN Report, 1986.

(17) Klaseus, T., Minnesota Department of Health, personal communication to M. Lorber, 1987.

(18) Lavy, T.L., J.D. Mattice, and T.C. Cavelier, "Analyses of Groundwater for Trace Levels of Pesticides", Arkansas Water Resources Research Center, University of Arkansas, Fayetteville, 1985.

(19) Libra, R.D., G.R. Hallberg, G.R. Ressmeyer, and B.E. Hoyer, "Ground Water Quality and Hydrogeology of Devonian-Carbonate Aquifers in Floyd and Mitchell Counties, Iowa", Iowa Geological Survey, Report 84–2, 1984.

(20) Loper, W.C., T.E. Behrendt, W.P. Schaffstall, and R.A. Hainly, "Water Resources Data, Pennsylvania, Water Year 1984", volume 2, Susquehanna and Potomac River Basins, U.S. Geological Survey, Water Data Report PA–84–2, 1985.

(21) Massachusetts Interagency Pesticide Task Force Publication #14, "1985 Summary Report: Interagency Pesticide Monitoring Program", Boston, 1986.

(22) "Minnesota Pesticide Monitoring Surveys", Minnesota Department of Health and Minnesota Department of Agriculture, Conference report presented at "Pesticides and Groundwater: A Health Concern for the Midwest", Minneapolis, Oct. 16, 1986.

(23) Osteen, C. and F. Kuchler, "Potential Bans of Corn and Soybean Pesticides", USDA Economic Research Service, Agricultural Economic Report No. 546, 1986.

(24) Postle, J.K., Wisconsin Department of Agriculture, Trade and Consumer Protection, personal communication to M. Lorber, 1987.

(25) "Results of a Maryland Ground Water Herbicide Survey", Office of Environmental Programs, Maryland Department of Health and Mental Hygiene, Annapolis, 1983.

(26) United States Environmental Protection Agency, "Alachlor Residue Estimates for Use in the Tolerance Assessment System", memorandum of August 18, 1987.

(27) United States Environmental Protection Agency, "Dietary Exposure Analysis for Alachlor", memorandum of August 18, 1987.

All but the published references are available for inspection in Room 236, 1921 Jefferson Davis Highway, Arlington, Virginia, from 9 a.m. to 4 p.m. Monday through Friday, except legal holidays.

Dated: December 14, 1987.

J.A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 87–30041 Filed 12–30–87; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–3309–9]

Environmental Impact Statements and Regulations; Availability of EPA Comments Prepared December 14 Through 18, 1987

Availability of EPA comments prepared December 14, 1987 through December 18, 1987 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5075/76.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 24, 1987 (52 FR 13749).

Draft EISs

ERP No. D-BLM-K60017-CA, Rating LO, Western Mojave Land Tenure Adjustments Project, Implementation, Kern, Los Angeles, and San Bernadino Counties, CA.

Summary

EPA expressed a lack of objections to the proposal but asked that BLM determine if hazardous waste problems exist on any lands that would be transferred to BLM's ownership in the land adjustment plan.

ERP No. D-NPS-J70015-00, Rating LO, Fishing Bridge Developed Area, Development Concept Plan, Implementation, Yellowstone National Park, Fremont County, ID, Park and Gallatin Counties, MT and; Park and Teton Counties, WY.

Summary

EPA has no objection to the project as proposed, but requests additional information on water quality impacts from petroleum based products leaking from parked vehicles.

ERP No. DS-USA-K21000-00, Rating * * *, Johnston Atoll Chemical Agent Disposal System (JACADS) of Generated Liquid and Solid Waste, Additional Information, Special Use Permit, Pacific Ocean.

Summary

EPA rated each disposal option individually. Options A-3, B-1, and C-3 were rated LO. Options A-1, A-4, B-2, B-3, C-1, C-2, and C-4 were rated EC-2 for a variety of environmental reasons. Option A-2 was rated EO-2 because of the potential for discharged brines to be washed onto the island's reef. EPA made recommendation that additional information be included to improve the document's value as a decision-making tool. Further, EPA recommendation that the final supplementary EIS identify and briefly discuss any further studies that may be needed to complete the subsequent ocean site designation process if designation is pursued. EPA recognizes that the primary objective of this document is to analyze all feasible disposal options before proceeding with the ocean disposal site designation EIS. EPA will continue to work with the Army on this project.

Final EISs

ERP No. F1-BLM-J65106-C0, Glenwood Springs Resource Area, Wilderness Recommendations, Designation or Nondesignation, Eagle Mountain, Hack Lake, Bull Gulch and Castle Peak WSA's Garfield, Eagle and Pitkin Counties, CO.

Summary

The Final EIS adequately addressed EPA concerns. No formal comments were made.

Note.—The above summary should have appeared in the 12-24-87 FR Notice.

ERP No. FA-COE-G30008-LA, New Orleans to Venice Hurricane Protection Plan, Barrier Feature Construction, Implementation, Plaquemines Parish, LA.

Summary

In response to EPA's concerns regarding mitigation of the fishery and upland habitat losses, the COE has responded favorably and is stated as being in agreement that the mitigation plan should be developed for full agency and public review and is committed to implement the mitigation measures that are responsive to the COE regulations and National mitigation policy. With these stated commitments and assurances to satisfy the mitigation concerns, EPA has no serious objections to the proposed plan and level of protection. However, EPA must defer any final comments regarding compliance with the section 404(b)(1) Guidelines and NEPA regulations until the mitigation plan, and agency and public review have been provided.

ERP No. F-SCS-J31019-WY, Big Sandy River Unit, Onfarm Irrigation Improvements, Colorado River Salinity Control Program, Implementation, Funding, Sublette and Sweetwater Counties, WY.

Summary

EPA notes the improvements of the document over the draft EIS, but continues to request that SCS ensure maintenance of Bone Draw existing uses.

Note.—The above summary should have appeared in the 12-24-87 FR Notice.

Regulations

ERP No. R-AFS-A65154-00, 36 CFR Part 222; Grazing Fees on National Forests in the 16 Western States (52 FR 37483).

Summary

EPA is concerned that the environmental impacts of the proposed regulation have not been adequately documented. EPA believes that the Forest Service needs to more thoroughly evaluate the potential environmental impacts of the proposed regulation and the various alternatives available for mitigating and preventing such impacts.

Note.—The above summary should have appeared in the 12-24-87 FR Notice.

ERP No. R-BLM-A65155-00, 43 CFR Part 4100; Grazing Administration-Exclusive of Alaska; Grazing Fees (AA-220-87-4322-02) (52 FR 37485).

Summary

EPA is concerned that the environmental impacts of the proposed regulation have not been adequately documented. EPA believes that BLM needs to more thoroughly evaluate the potential environmental impacts of the proposed regulation and the various alternatives available for mitigating and preventing such impacts.

Note.—The above summary should have appeared in the 12-18-87 FR Notice.

Dated: December 28, 1987.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 87-30020 Filed 12-30-87; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3309-8]

Availability of Environmental Impact Statements Filed December 21, 1987 Through December 25, 1987

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

EIS No. 870449, Draft, FHW, DE, 12th Street Improvement Project, I-495/12th Street Interchange to the Central Business District of Wilmington at Walnut Street, Funding and 404 Permit, New Castle County, Due: February 15, 1988, Contact: Robert Wheeler (302) 734-5323.

EIS No. 870450, Draft, FHW, IN, Harding Street Improvement, Relocation and Upgrading, Funding and 404 Permit, Marion County, Due: February 15, 1988, Contact: Larry Tucker 1-(317) 269-7494.

EIS No. 870451, Final, FHW, CT, CT-72 Extension, Plainville to Bristol, Funding and 404 Permit, Hartford County, Due: February 1, 1988, Contact: James Barakos (203) 722-2420.

EIS No. 870452, Final, DOE, WA, Hanford Site, Defense High-Level Transuranic and Tank Wastes Disposal Plan, Implementation, Richland County, Due: February 1, 1988, Contact: Tom Bauman (509) 376-7501.

EIS No. 870453, Final, NOA, NH, Great Bay National Estuarine Research Reserve Designation and Management Plan, Establishment and Funding, Towns of Durham, Newmarket, Newfields, Stratham and Newington, Straffard County, Due: February 5, 1988, Contact: Joseph Uravitch (202) 673-5126.

EIS No. 870454, Draft, FHW, OR, OR-42/Coos Bay/Roseburg Highway, Widening and Realignment, Cedar Point Road to Main Street, Funding and 404 Permit, City of Coquille, Coos County, Due: February 19, 1988, Contact: Dale Wilken (503) 399-5749.

EIS No. 870455, Final, IBR, NV, Newlands Project, Operating Criteria and Procedures, Adoption, Implementation and Possible 404 Permit, Carson River Basin, Truckee and Carson Rivers Water Diversion, Churchill and Storey Counties, Due: February 1, 1988, Contact: John Brooks (916) 978-5049.

EIS No. 870456, Final, BLM, NV, Esmeralda and Southern Nye Planning Area WSAs', Wilderness Recommendations, Designation or Nondesignation, Silver Peak Range, Pigeon Spring, Queer Mountain, Grapevine Mountains and Resting Springs WSAs', Nye and Esmeralda Counties, Due: February 1, 1988, Contact: Janaye Byergo (702) 388-6403.

EIS No. 870457, Draft, AFS, OR, Winema National Forest, Land and Resource Management Plan, Implementation, Klamath County, Due: March 30, 1988, Contact: J.L. Christensen (503) 883-6714.

Amended Notice

EIS No. 870434, Draft Supplement, UMT, Los Angeles Metro Rail Rapid Transit Project, Wilshire/Fairfax Methane Gas Zone Alternate Alignment Alternatives, Funding, Los Angeles County, Due: January 27, 1988, Published FR 12-11-87—Review period extended.

Dated: December 28, 1987.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 87-30021 Filed 12-30-87; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-3308-1]

Water Quality Act of 1987 Implementation; Final Guidance Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of a final guidance document entitled "State Water Quality-based Toxics Control Program Review Guidance." The purpose of this guidance is to provide information to EPA Regional Offices and States necessary to conduct comprehensive assessments of State toxics control programs on a State-by-State basis, and to develop detailed State action plans to strengthen State toxics control programs, including monitoring, water quality standards, and NPDES permitting.

DATE: Copies of this final guidance document are available beginning December 31, 1987.

ADDRESSES: EPA will mail to those people who submitted comments on the final draft guidance documents: (1) A copy of the final guidance document; and (2) a responsiveness summary of the comments submitted to EPA. Others who want to receive a copy of the final "State Water Quality-based Toxics Control Program Review Guidance" may obtain it by contracting Mr. Rick Brandes, Office of Water, Office of Water Enforcement and Permits, EN-336, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 or telephoning him at (202) 475-9525.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, Office of Water, at the above address and telephone number, or contact the EPA Regional Office nearest you.

Date: December 16, 1987.

Larry Jensen,

Assistant Administrator for Water.

[FR Doc. 87-29900 Filed 12-30-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

December 23, 1987.

Background

Notice is hereby given of final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulation on Controlling Paperwork Burdens on the Public).

For Further Information Contact:

Federal Reserve Board Clearance Officer—Nancy Steele—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3822)

OMB Desk Officer—Robert Fishman—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503 (202-395-7340)

Proposal to approve under OMB delegated authority the implementation of the following report

1. *Report title:* Survey to Obtain information on the Relevant Market in Individual Merger Cases.

Agency form number: FR 2060

OMB Docket Number: 7100-0232

Frequency: On occasion

Reporters: Small businesses and consumers

Annual reporting hours: 92

Small businesses are affected.

General description of report:

This information collection is voluntary [12 U.S.C. 1828(c)] and is given confidential treatment [5 U.S.C. 552(b)(4) and (b)(6)].

To provide the Federal Reserve with information needed to analyze local market competition in specific merger and acquisition applications, Federal Reserve employees will conduct a telephone survey of small businesses and consumers.

Board of Governors of the Federal Reserve System, December 23, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-29934 Filed 12-30-87; 8:45 am]

BILLING CODE 6210-01-M

Bankers Trust New York Corp., New York, NY; Application To Offer Investment Advice, Securities Brokerage, and Permissible Underwriting Activities on a Combined Basis to Institutional Customers

Bankers Trust New York Corporation, New York, New York ("Applicant" or "BTNY"), has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) ("BHC Act") and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), for permission to expand the authority of its subsidiaries, BT Brokerage Corporation, New York, New York ("BT Brokerage"), and BT Securities Corporation, New York, New York ("BT Securities") (collectively, "brokerage subsidiaries"), to offer, through either or both of these subsidiaries, investment advice, securities brokerage, and (for BT Securities only) permissible underwriting activities on a combined basis to institutional customers. In particular, BTNY has applied for permission to expand the authority of BT Brokerage to offer, in addition to its previously approved securities brokerage services, fee and non-fee investment advisory services, as well as an integrated combination of securities brokerage services and investment advisory activities ("full service brokerage"). With respect to BT Securities, Applicant has applied to expand its authority to offer, in addition to its previously approved activities of underwriting and dealing in bank-

eligible securities,[1] securities brokerage services, fee and non-fee investment advisory services and full service brokerage activities.

Applicant also has proposed that the brokerage subsidiaries be empowered to offer discretionary investment management services upon a client's request, and limited to institutional customers only. Applicant would conduct the proposed activities from domestic and foreign offices of its brokerage subsidiaries for institutional customers located both within the United States and abroad, as well as for affiliates.

The Board previously has determined that the combined offering of investment advice with securities brokerage services to institutional customers from the same bank holding company subsidiary is a permissible nonbanking activity and does not violate the Glass-Steagall Act. *National Westminster Bank PLC*, 72 Federal Reserve Bulletin 584 (1986) ("*NatWest*"); *Manufacturers Hanover Corporation*, 73 Federal Reserve Bulletin 930 (1987) ("*Manufacturers Hanover*"). That position has been upheld by the U.S. Court of Appeals for the District of Columbia Circuit in its affirmance of the Board's *NatWest* Order. *Securities Industry Ass'n* v. *Board of Governors*, 821 F. 2d 810 (D.C. Cir. 1987), *petition for cert. filed*, 56 U.S.L.W. 3303 (U.S. Oct. 5, 1987) (No. 87-562). The provision of discretionary investment management services for institutional customers is an activity previously approved by Board Order in *J.P. Morgan and Company, Inc.*, 73 Federal Reserve Bulletin 810 (1987) ("*J.P. Morgan*").

In addition to those classes of institutional customers previously authorized to receive such combined services in the *Manufacturers Hanover* Order, Applicant's proposed definition of institutional customer will encompass: an employee of the Applicant or one of its subsidiaries; and investment or banking professionals. It also appears that Applicants proposal differs from the combined activities authorized by the Board in the *NatWest*, *J.P. Morgan*, and *Manufacturers Hanover* Orders in several other respects. When brokering or recommending securities, BT Securities also may take a principal's position in securities it is authorized to underwrite, but it will inform clients as to whether it is acting as principal or agent in any particular transaction. (Applicant's brokerage subsidiaries will not, pursuant to this application, offer securities to the public as agent for an issuer.) Applicant also proposes that officers of affiliated banks may be directors of BT Brokerage, but that no officer of its brokerage subsidiaries will serve as an officer or director of an affiliated bank, and no director of the brokerage subsidiaries will serve as a director of an affiliated bank. Finally, Applicant proposes to engage in the cross (or joint) marketing of its various services for institutional customers provided by the brokerage subsidiaries as well as other affiliates of Applicant.

Section 4(c)(8) of the BHC Act provides that a bank holding company may engage in any activity which the Board has determined to be "so closely related to banking or managing or controlling banks as to be a proper incident thereto." A particular activity may be found to meet the "closely related to banking" test if it is demonstrated that banks have generally provided the proposed activity; that banks generally provide services that are operationally or functionally so similar to the proposed activity so as to equip them particularly well to provide the proposed activity; or that banks generally provide services that are so integrally related to the proposed activity as to require their provision in a specialized form. *National Courier Ass'n.* v. *Board of Governors*, 516 F.2d 1229, 1237 (D.C. Cir. 1975). In addition, the Board my consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y, 49 FR 806 (1984).

BTNY believes that its proposed securities activities are closely related to banking essentially for the reasons previously espoused by the Board concerning the provision of similar activities to institutional customers in the Board's *NatWest*, *Manufacturers Hanover*, and *J.P. Morgan* Orders. Moreover, BTNY notes that the OCC has authorized operations subsidiaries of national banks to offer investment advisory services to retail securities brokerage customers. OCC Interpretive Letter No. 386 (June 19, 1987), *reprinted in* [Current] Fed. Banking L. Rep. (CCH) ¶ 85,610, at 77,932.

In determining whether an activity meets the second, or proper incident to banking test of section 4(c)(8), the Board must consider whether the performance of the activity by an affiliate of a holding company "can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Applicant contends that Company's conduct of the proposed activities will not result in any significant adverse effects, primarily for the reasons set forth by the Board in its *NatWest* Order, where the Board declined to find significant adverse effects in the conduct of similar activities.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than January 29, 1988. Any request for a hearing must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Boston.

Board of Governors of the Federal Reserve System, December 24, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-29935 Filed 12-30-87; 8:45 am]

BILLING CODE 6210-01-M

[1] BT Securities also has received Board approval to engage in underwriting and dealing in bank-ineligible securities. These activities are currently subject to the securities powers moratorium imposed by the competitive Equality Banking Act of 1987, and are also the subject of a judicial stay arising from litigation regarding Board approval of such activities. *See Securities Industries Ass'n* v. *Board of Governors*, No. 87-4041 (2nd Cir. May 19, 1987).

Banque Indosuez, et al.; Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8)) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 19, 1988.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Banque Indosuez*, Paris, France, and Compagnie Financiere De Suez, Paris, France; to engage *de novo* through their subsidiary, BI Systems, Inc., New York, New York, in data processing and data transmission activities pursuant to § 225.25(b)(7) of the Board's Regulation Y.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Riggs National Corporation*, Washington, DC; to engage *de novo* in making or acquiring commercial loans and participation interests therein, such as would be made by a commercial finance company pursuant to § 225.25(b)(1) of the Board's Regulation Y. Comments on this application must be received by January 15, 1988.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *National City Bancorporation*, Minneapolis, Minnesota; to continue to engage through its subsidiary, National City Business Credit, Inc., Minneapolis, Minnesota, in making consumer and commercial financing activities pursuant to § 225.25(b)(1) of the Board's Regulation Y. Applicant seeks to gain approval to expand the geographic scope of its financing activities from the State of Minnesota to a nationwide basis. Comments on this application must be received by January 15, 1988.

D. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Business Bancorp*, San Jose, California; to engage *de novo* in providing data processing services pursuant to § 225.25(b)(7) of the Board's Regulation Y. This activity will be conducted in the State of California. Comments on this application must be received by January 15, 1988.

Board of Governors of the Federal Reserve System, December 24, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-29936 Filed 12-30-87; 8:45 am]

BILLING CODE 6210-01-M

Lane Financial, Inc, et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than January 20, 1988.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Lone Financial, Inc.*, Northbrook, Illinois; to acquire Lane Data Services, Inc., Northbrook, Illinois, and thereby engage in providing data processing and data transmission services, and in permissible courier services pursuant to § 225.25 (b)(7) and (b)(10) of the Board's REgulation Y.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Wisdom Holding Corporation*, Salem, Missouri; to acquire Wisdom & Merrell Insurance Agency, Inc., Rolla, Missouri; and Your Insurance Man Agency, Inc., Salem, Missouri; and thereby engage in operating a general insurance agency in a town with population less than 5,000 by a bank holding company with consolidated assets of less than $50 million pursuant to § 225.25 (b)(8)(iii)(A) and (b)(8)(vi) of the Board's Regulation Y. Wisdom & Merrell Insurance Agency, Inc., Rolla, Missouri, will operate from offices in the towns of Rolla and St. James, Missouri. Your Insurance Man Agency, Inc., Salem, Missouri, will operate from an office in the town of Salem, Missouri.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Standard Chartered PLC and Standard Chartered Bank*, London, England; to acquire Scimitar North American Asset Management, Inc., Boston, Massachusetts, and thereby engage in general investment advisory services pursuant to § 225.25(b)(4) of the Board's Regulation Y. Comments on this application must be received by January 15, 1988.

Board of Governors of the Federal Reserve System, December 24, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-29937 Filed 12-30-87; 8:45 am]

BILLING CODE 6210-01-M

VOL 52 ISS 251 DEC 31 1987 UMI

National Westminster Bank PLC, London, England; Proposal To Officer Investment Advice, Including Analysis of U.S. Legislative and Regulatory Developments, and Securities Brokerage Services on a Combined Basis to Institutional Customers

National Westminster Bank PLC, London, England, and NatWest Holdings Inc., New York, New York (collectively, "Applicant" or "NatWest"), have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) ("BHC Act") and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)) to acquire indirectly through their wholly owned subsidiaries, County NatWest Inc., New York, New York and County Securities Corporation USA, New York, New York ("CSC"), Washington Analysis Corporation, Washington, DC ("WAC"). WAC is currently engaged in the activity of providing investment advice, including analysis of U.S. legislative and regulatory developments, to institutional customers. CSC has previously received Board approval to offer investment advice and securities brokerage services on a combined basis to institutional customers. *National Westminster Bank PLC*, 72 Federal Reserve Bulletin 584 (1986) ("*NatWest*"). NatWest now proposes to offer WAC's services as part of the investment advisory package that CSC provides to institutional customers in combination with its security brokerage services. NatWest intends to offer these services to institutional customers within the United States and abroad, both directly and through CSC affiliates.

The Board previously has determined that the combined offering of investment advice and securities brokerage services to institutional customers by the same bank holding company subsidiary is a permissible nonbanking activity and does not violate the Glass-Steagall Act. *See e.g., NatWest* Order; *Manufacturers Hanover Corporation*, 73 Federal Reserve Bulletin 930 (1987) ("*Manufacturers Hanover*"). That position has been upheld by the U.S. Court of Appeals for the District of Columbia Circuit in its affirmance of the Board's *NatWest* order. *Securities Industry Ass'n* v. *Board of Governors*, 821 F. 2d 810 (D.C. Cir. 1987), *petition for cert. filed*, 56 U.S.L.W. 3303 (U.S. Oct. 5, 1987) (No. 87–562).

Applicant has indicated that the investment advisory activities previously approved by the Board for CSC in its *NatWest* Order did not specifically include analysis of U.S. legislative and regulatory developments. Applicant maintains, however, that the proposed activities are permitted under 12 CFR 225.25(b)(4)(iv) and do not represent an expansion of the activities previously authorized to CSC under the terms of the earlier *NatWest* Order.

Section 4(c)(8) of the BHC Act provides that a bank holding company may engage in any activity "which the Board after due notice and opportunity for hearing has determined to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." A particular activity may be found to meet the "closely related to banking" test if it is demonstrated that banks have generally provided the proposed activity; that banks generally provide services that are operationally or functionally so similar to the proposed activity so as to equip them particularly well to provide the proposed activity; or that banks generally provide services that are so integrally related to the proposed activity as to require their provision in a specialized form. *National Courier Ass'n* v. *Board of Governors*, 516 F.2d 1229, 1237 (D.C. Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y, 49 Federal Register 806 (1984).

NatWest believes that its proposed investment advisory activities are closely related to banking essentially for the reasons previously espoused by the Board concerning the provision of similar activities to institutional customers in the Board's *NatWest* and *Manufacturers Hanover* Orders. NatWest believes that the combined offering of brokerage and investment advisory services, which will include analysis of U.S. legislative and regulatory development services, does not alter the operational characteristics of the combined services so that they lose their close functional connection to banking activities.

In determining whether Applicant's proposed investment advisory activities meet the second, or proper incident to banking test of section 4(c)(8), the Board must consider whether the performance of the activity by an affiliate of a holding company "can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Applicant contends that the proposed activities will not result in any significant adverse effects, primarily for the reasons set forth by the Board in its *NatWest* Order, where the Board declined to find significant adverse effects in the conduct of similar activities. As noted previously, Applicant maintains that the proposed activities are permitted under 12 CFR 225.25(b)(4)(iv) and do not represent an expansion of the activities previously authorized to CSC by in the Board's earlier *NatWest* Order. Thus, according to NatWest, there is no reason to believe that the inclusion of analysis of U.S. legislative and regulatory developments as part of its previously approved investment advisory activities would alter the adverse effects analysis contained in the *NatWest* Order.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than January 25, 1988. Any request for a hearing must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, December 24, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–29938 Filed 12–30–87; 8:45 am]

BILLING CODE 6210–01–M

North Side Bancorp, Inc., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 20, 1988.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *North Side Bancorp, Inc.*, Wilmington, Delaware; to become a bank holding company by acquiring 100 percent of the voting shares of North Side Savings Bank, Bronx, New York. Comments on this application must be received by January 15, 1988.

B. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Apple Creek Banc Corp.*, Apple Creek, Ohio; to become a bank holding company be acquiring 100 percent of the voting shares of Apple Creek Banking Company, Apple Creek, Ohio.

2. *Banc One Corporation*, Columbus, Ohio; to merge with Universal Corporation, Ypsilanti, Michigan, and thereby indirectly acquire National Bank of Ypsilanti, Ypsilanti, Michigan. Comments on this application must be received by January 15, 1988.

3. *First West Virginia Bancorp, Inc.*, Wheeling, West Virginia; to acquire 100 percent of the voting shares of Farmers and Merchants National Bank in Bellaire, Bellaire, Ohio.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *ComSouth Bankshares, Inc.*, Columbia, South Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of Commercial Bank of the South, N.A., Columbia, South Carolina, a de novo bank.

2. *Fidelity BancShares (N.C.), Inc.*, Fuquay-Varina, North Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of The Fidelity Bank, Fuquay-Varina, North Carolina.

3. *First United Corporation*, Oakland, Maryland; to acquire 100 percent of the voting shares of The First National Bank of Piedmont, Piedmont, West Virginia.

D. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Owenton Bancorp, Inc. Employee Stock Ownership Plan*, Owenton, Kentucky, which engages in the sale, as agent, of credit related insurance sold in connection with extensions of credit made by it; to become a bank holding company by acquiring 30.01 percent of the voting shares of Owenton Bancorp, Inc., Owenton, Kentucky, and thereby indirectly acquire Peoples Bank and Trust Company, Owenton, Kentucky.

E. **Federal Reserve Bank of Kansas City** (Thomas Mr. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Akron Bancorp*, Akron, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Akron, Akron, Colorado. Comments on this application must be received by January 15, 1988.

F. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Enterprise Bancorp, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares of Enterprise Bank-West, N.A., Houston, Texas.

Board of Governors of the Federal Reserve System, December 23, 1987.

James McAfee,

Associate Secretary of the Board.

FR Doc. 87–29939 Filed 12–30–87; 8:45 am]

BILLING CODE 6210–01–M

Orrstown Financial Services, Inc., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 20, 1988.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Orrstown Financial Services, Inc.*, Orrstown, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Orrstown Bank, Orrstown, Pennsylvania.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Chemical Financial Corporation*, Midland, Michigan; to acquire 100 percent of the voting shares of First National Bank & Trust, Big Rapids, Michigan.

2. *Unibancorp, Inc.*, Chicago, Illinois; to acquire 100 percent of the voting shares of Farmers State Bank of Lostant, Lostant, Illinois. Comments on this application must be received by January 15, 1988.

C. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Newberry Bancorp, Inc.*, Newberry, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Newberry State Bank, Newberry, Michigan.

Board of Governors of the Federal Reserve System, December 24, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–29940 Filed 12–30–87; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Injury Control Information Systems; Meeting

Time and Date: 8:30 a.m. to 5:00 p.m.—January 19 and 20, 1988. 8:30 a.m. to 3:00 p.m.—January 21, 1988.

Place: Presidential Hotel, 4001 Presidential Parkway, Doraville, Georgia 30340.

Status: Open to public.

Matters To Be Discussed: The Centers for Disease Control (CDC) is convening a public meeting of injury control

researchers, State public health officials, Federal agency representatives, and other interested parties regarding the development of an information system to serve CDC and the injury control constituency. The purpose of the meeting is to obtain information and recommendations from individuals and organizations most likely to be served by the system, those who generate injury control information, and experts in information management. The input will be used to assist CDC in developing short- and long-term plans for the development of injury control information systems to allow practitioners, researchers, and others to obtain information about injury control research, research findings, prevention programs, vital statistics, numerical data, and other pertinent information.

For Further Information Contact: Stuart T. Brown, M.D., Director, Division of Injury Epidemiology and Control, Center for Environmental Health and Injury Control, CDC, 1600 Clifton Road, NE.; F36, Atlanta, Georgia 30333, Telephones: FTS: 236–4690, Commercial: (404) 454–4690.

Dated: December 22, 1987.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 87–30117 Filed 12–30–87; 8:45 am]

BILLING CODE 4160–18–M

Health Care Financing Administration

[BERC–413–PN]

Medicare and Medicaid Programs; Recognition of Joint Commission on Accreditation of Healthcare Organizations' Home Care Program Standards and the National League for Nursing's Standards for Home Health Agencies

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed notice.

SUMMARY: In this notice, we propose to recognize both the accreditation program of the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) for hospital-based home health agencies, and the standards of the National League for Nursing (NLN) for home health agencies, that wish to participate in the Medicare or Medicaid programs. We believe that the accreditation processes of these two organizations provide a reasonable assurance that home health agencies accredited by them meet the conditions required by the law and regulations. As a result of this recognition, hospital-based home health agencies accredited by JCAHO and home health agencies accredited by the NLN would not ordinarily be subject to an inspection by Medicare State survey agencies to determine their compliance with Federal requirements. They would be "deemed" to meet the Medicare conditions of participation (42 CFR, Part 405, Subpart L). As a result of the home health agency's deemed status, a State could also choose to permit the agency to participate as a provider under the Medicaid program (42 CFR 440.70(d)).

DATE: To be considered, comments must be mailed or delivered to the appropriate address, as provided below, and must be received by 5:00 p.m. on February 29, 1988.

ADDRESS: Mail comments to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BERC–413–PN, P.O. Box 26676, Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to one of the following addresses:

Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, DC, or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to file code BERC–413–PN. Comments will be available for public inspection as they are received, beginning approximately three weeks after publication of this document, in Room 309–G of the Department's offices at 200 Independence Ave., SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone: 202–245–7890).

FOR FURTHER INFORMATION CONTACT: Thomas Hoyer, (301) 594–9446.

SUPPLEMENTARY INFORMATION:

I. Background

A. Determining Compliance—Surveys and Deeming

Providers of health care services participate in the Medicare and Medicaid programs under provider agreements with HCFA (for Medicare) and State Medicaid agencies (for Medicaid). In order to enter into a provider agreement, an entity, generally, must first be certified by a State survey agency as complying with the conditions of participation or standards set forth in regulations. Facilities are surveyed periodically by State survey agencies to ascertain their continued compliance with these Federal requirements.

Not all providers of services, however, are surveyed by the Medicare State survey agencies for compliance with the conditions of participation. Medicare legislation at section 1865(a) of the Social Security Act (the Act) specifies that certain providers which are accredited by a national accrediting organization, may be considered as meeting the applicable conditions of participation. The legislation states that if the Secretary finds that the accreditation of the provider by the national accreditation body provides a reasonable assurance that the Medicare conditions of participation are met, then he may treat any or all of the conditions of participation as met to the extent he deems it appropriate.

An accrediting organization may request, at any time, that the Secretary recognize its program as providing reasonable assurance that some or all of the Medicare conditions for participation are met. Thus, if the Secretary recognizes an accrediting organization in this manner, the providers it accredits are considered or "deemed" to meet the same conditions of participation for which the accreditation standards have been recognized. To provide a mechanism by which such requests could be received and evaluated, we established a process through which we publish a notice in the **Federal Register** to discuss our intent to "deem", including any conditions we may impose, and provide an opportunity for the public to comment on the notice. If, after analysis of the public comments, we decide to finalize the proposed decision to "deem" (in whole or in part), we would publish a final notice in the **Federal Register** to announce the decision and to address the public comments.

On April 26, 1985, we wrote to the Joint Commission for Accreditation of Hospitals (JCAH) and a number of other organizations that had previously indicated a desire to have entities that were accredited by them deemed to be in compliance with the conditions of participation. (**Note:** JCAH has since changed names. The new name for this organization is the Joint Commission on Accreditation of Healthcare Organizations. Throughout the remainder of this document, we will refer to this organization as JCAHO regardless of whether we are referring to the organization before or after the name change.) We advised them of the process that we would use to make "deeming" decisions. In addition to advising them of the newly established process, we specified the information that they would have to submit based on their current standards (rather than any previously submitted information) and asked that they respond with respect to whether they continued to desire deemed status for accredited facilities.

JCAHO and the National League for Nursing (NLN) responded to our April 26, 1985 letter. JCAHO requested that the home care programs of JCAHO-accredited hospitals be deemed to be in compliance with the Medicare conditions of participation for home health agencies (HHAs), based upon the home care program standards contained in the JCAHO Accreditation Manual for Hospitals (AMH). NLN requested that we deem HHAs accredited by NLN to be in compliance with the Medicare conditions of participation.

In 1985 there were 5,963 HHAs participating in Medicare. Approximately 1,363 of these were hospital-based, and approximately 4,484 were freestanding agencies.

B. Home Health Agency Conditions of Participation and Requirements

The regulations specifying the Medicare conditions of participation for HHAs are located at 42 CFR Part 405, Subpart L and implement the elements of the statutory definition of an HHA contained in section 1861(o) of the Act. In addition to the specific requirements it articulates, section 1861(o) also includes general authorization for the Secretary to prescribe other requirements that are found necessary in the interest of the health and safety of the individuals who are furnished services by the HHA. Additional requirements were developed under this authority and also are included in the conditions of participation contained in regulations. An HHA must meet the conditions of participation contained in the regulations to be determined to be an HHA for Medicare program purposes.

II. Proposed Approval of JCAHO and NLN Accreditation

We believe that JCAHO accreditation of a hospital with a home care program provides reasonable assurance that the hospital and its home care program, when considered together, meet the Medicare conditions of participation for HHAs. We also believe that NLN accreditation of a HHA provides reasonable assurance that the HHA meets the Medicare conditions of participation for HHAs. We have drawn these conclusions based on a thorough examination of the accrediting programs of the organizations, which we have discussed below. Accordingly, we propose that home care programs of hospitals that are accredited by JCAHO and that HHAs accredited by NLN be deemed to meet the Medicare conditions of participation for HHAs. This also means that State Medicaid programs could permit the accredited programs and agencies to be deemed to meet the Medicaid requirements for HHAs.

Our comparison of the Medicare conditions of participation and survey procedures to the JCAHO and NLN home care standards revealed both areas in which JCAHO and NLN requirements are more stringent than the Medicare requirements, and areas in which Medicare requirements are more stringent than those of either JCAHO or NLN. Based on our initial review of NLN's 1986 standards and survey procedures, we contacted NLN to discuss the differences between the Medicare conditions of participation and the NLN standards. NLN responded to our concerns by proposing to change their standards. The proposed changes were accepted by their Board of Directors and are reflected in NLN's standards for HHAs applying for accreditation or reaccreditation after January 1, 1987. Thus, for NLN, we compared their new standards and survey procedures for 1987 to the Medicare conditions of participation and survey procedures. For JCAHO, we compared the 1987 standards contained in their AMH and their survey procedures to the Medicare conditions of participation for HHAs and survey procedures.

In evaluating the accreditation standards and survey processes of the two organizations to determine if there was a reasonable assurance that the facilities they have accredited meet the conditions of participation, we looked at the individual requirements and overall effects of the accreditation process. We did so because we recognize that positive health care outcomes are achieved not only through adherence to specific requirements but through achievement of specific and general results. Accordingly, we first did a point by point comparison of the requirements to determine which ones could be directly matched and to establish whether the JCAHO and NLN requirements were the same as the Medicare requirements or more or less stringent. In cases where there were not directly comparable requirements, we looked at the effect of combinations of requirements, as well as at the survey processes and the guidelines used for them, to determine whether the operation of the accreditation process as a whole achieved the desired result. In some few cases, we also considered whether there were other, external assurances that would enable us to conclude that a reasonable assurance existed that our conditions of participation would be met if the accreditation process was permitted to take the place of the Medicare survey and certification.

In most cases, we were able to establish that the accreditation standards and survey processes were equal or superior to Medicare requirements based on a simple comparison of standards. In some cases, however, our conclusions were based on a more complex comparison of the systems. The discussion that follows details the differences between the Medicare requirements and the requirements of the JCAHO and the NLN which required such an analysis. It also explains the reasons why we have concluded that there is a reasonable assurance that our requirements are met by the respective accreditation processes and specifies certain stipulations and restrictions that we would establish in connection with our decision.

In addition to reviewing the standards of the accrediting organizations, we looked at the facilities which they routinely survey and accredit, in light of their compliance level with Medicare's conditions of participation for HHAs. Specifically, we reviewed the survey and qualification data on 75 NLN-accredited and 500 JCAHO-accredited facilities currently participating in the Medicare program as HHAs, to determine their continued compliance with Medicare requirements. The review confirmed that no facility accredited by either the NLN or the JCAHO which also was participating in Medicare as an HHA had its provider agreement terminated because of a failure to be in compliance with Medicare's conditions of participation as applied and interpreted by Medicare State survey agencies.

A. Differences Between JCAHO and Medicare Conditions

1. Medicare annual survey for HHAs versus JCAHO survey every three years or less.

State survey agencies survey HHAs against the Medicare conditions of participation once a year. The JCAHO survey cycle for hospitals includes the home care program which JCAHO accredits and inspects as a part of the hospital every three years. (We are required by law to recognize JCAHO accreditation of hospitals and deem the accredited hospitals to meet most of the Medicare conditions of participation).

The three year survey cycle has not proven problematic in the context of the

JCAHO's hospital accreditation program for which we have had the statutory authority to validate for many years. The JCAHO requirements for hospital-based HHAs are integrated into the overall hospital accreditation requirements and survey process (including many shared requirements). We believe that accepting the home care aspects of the JCAHO process, which we already have long accepted, would provide reasonable assurance that the Medicare requirements for the home care programs are met. Also, as in the case of current JCAHO hospital accreditations, we would continue to maintain the right, provided under § 1864(c) of the Act, to validate the accreditation process for Medicare purposes.

2. Medicare announced and unannounced surveys versus JCAHO announced only surveys.

Medicare surveys of HHAs generally are announced and, if warranted, unannounced. JCAHO surveys are always announced.

As we noted above, we are considering these requirements in the context of a longstanding hospital accreditation program that functions well and that HCFA routinely monitors through validation reviews. We believe that our experience with the JCAHO's methods and the results of its reviews provides reasonable assurance that the intent of surveys (that is, to assure that requirements continue to be met over time) has been achieved. In order to ensure that this continues to be the case, we will, as appropriate, make announced and unannounced visits to JCAHO accredited hospital-based HHAs in response to complaints and as part of our monitoring of JCAHO's program.

3. Medicare certification of a hospital based HHA as a provider apart from the hospital versus JCAHO's accreditation of both the hospital and its home care program in the context of the hospital's accreditation.

HCFA approves a hospital-based HHA for participation in the Medicare program as a separate entity from the hospital, even though the functions of the HHA may be fully integrated into the hospital, causing them to share basic functions (for example, governing body, medical records, accounting systems, etc.). Separate provider agreements are issued to the hospital and to its HHA. (In fact, to be determined to be "hospital-based" for Medicare cost limits purposes, the HHA and the hospital must be fully integrated.) Therefore, approval to participate in the Medicare program may be withdrawn separately, if necessary, from either the HHA or the hospital. JCAHO, on the other hand, views a hospital's home care program exclusively in the context of the hospital's functions and accredits the hospital as a single entity, one component of which is the home care program. Thus, if we recognized JCAHO's home care standards for purposes of the Medicare program, unless any deficiencies in a hospital's home care program were so serious as to cause the hospital to lose its JCAHO accreditation, the hospital's home care program would continue to be deemed to be in compliance with the Medicare conditions of participation for HHAs in spite of the deficiencies.

Our acceptance of JCAHO accreditation of hospital-based home care programs in place of a survey against the conditions of participation for HHAs would be contingent upon the agreement of the accredited organization to authorize the JCAHO to release to HCFA, and the JCAHO's actual release of: (1) Any JCAHO survey report upon request of HCFA; and (2) any JCAHO survey report which cited a deficiency with respect to the hospital or its home care program that has not been resolved within 90 days. We would review the reports and would determine what action should be taken. We also would reserve the right to survey any HHA directly, to withdraw an agency's deemed status, or to require a satisfactory plan of correction if warranted by deficiencies.

Because we are relying on a strong and effective survey process whose efficacy has been accepted by Congress and demonstrated over time, and because we would be assured access to any survey information that might provide the basis for terminating a provider agreement, we believe that there exists a reasonable assurance that any problems would be identified and dealt with as effectively as would have been the case under the Medicare conditions of participation and procedures.

We propose to continue to issue separate provider agreements to the hospital-based HHA and the hospital as separate providers, and would reserve the right to terminate either provider agreement independently of the other.

4. Medicare withholding of approval pending an acceptable plan of correction versus JCAHO's granting of contingent accreditation.

Medicare withholds approval of a provider pending an acceptable plan of correction. JCAHO grants accreditation contingent upon the correction of deficiencies.

Our experience with the JCAHO's hospital survey process has been, as we have noted, quite positive. The JCAHO has a consistent history of following up on deficiencies, thereby supporting a conclusion that deficiencies would be corrected promptly. We would also note, however, that our proposed stipulation that the provider authorize release by the JCAHO and that the JCAHO provide to us all survey reports containing deficiencies enables us to validate the process continuously. Thus, despite our general reliance on the JCAHO's process, we are assured of the means to make independent judgments and withhold provider status if appropriate.

5. Medicare's complete access to the findings of the State survey agencies versus JCAHO's requirement for hospital permission to release findings.

Medicare has open access to the reports of Medicare State surveys of HHAs. JCAHO does not release reports of its survey findings unless it has the permission of the hospital.

We propose to make the Medicare deeming of a hospital-based HHA accredited by the JCAHO contingent upon the HHA's agreement to authorize JCAHO to release its accreditation findings to HCFA, upon HCFA's request, and HCFA's receipt of the findings. We would request that all survey reports that contain deficiencies related to the provision of home care be provided to HCFA routinely when they have remained unresolved for 90 days or longer.

Section 1865(a) of the Act prohibits the Secretary from disclosing any accreditation survey made and released to him by any national accreditation body, of an entity accredited by such body. Hence, the accreditation surveys that would be provided to HCFA as a condition of the granting of deemed status would be protected from disclosure.

6. Medicare definition of hospital-based HHAs as subordinate to the hospital versus the absence of an explicit JCAHO requirement that a home care program meet the hospital-based "definition".

Medicare requires that a HHA meet all of the conditions of participation for HHAs, but allows hospital-based HHAs to meet many, particularly administrative, requirements, through the use of services from a corresponding department of the hospital. JCAHO home care standards treat home care as one of the many integrated programs or departments of a hospital and are written as an add-on to the basic AMH. Thus, we also had to look to the JCAHO standards applicable to the hospital overall to determine whether there was a reasonable assurance that its accreditation process assured that all the Medicare HHA requirements would be met. Based on this review, we believe that deeming would be appropriate for HHAs that are truly hospital-based (that is, physically located in or near a hospital and administratively and financially integrated and dependent on the hospital) since their mode of operation lends itself to assessment in the context of the JCAHO's integrated standards and survey process. However, if the home care program does not meet this definition (that is, wholly owned subsidiaries, or hospital-owned HHAs that meet the Medicare definition of subunits, etc.), we believe that it would not be appropriate to deem the program as being in compliance with the Medicare conditions of participation based on the JCAHO accreditation of the hospital with which they were not administratively and financially integrated.

Therefore, we propose to grant deemed status based on JCAHO accreditation only to those hospital-based HHAs that are administratively and financially integrated and dependent on the JCAHO-accredited hospital where they are based. Medicare has already established, and Medicare intermediaries have already applied, a definition that enforces this distinction. It is the definition used for the application of the Medicare home health cost limits. (These guidelines were published with the cost limits at 45 FR 38017, June 5, 1980.) Only HHAs that are recognized as hospital-based for reimbursement purposes and whose parent hospital is accredited by JCAHO could be deemed to be in compliance with the Medicare home health conditions of participation.

7. The Medicare requirement for physician review and approval of the plan of treatment and inclusion of frequency, duration and amount of therapy services versus the JCAHO absence of such requirements.

Medicare requires that a physician review and approve a plan of treatment for each patient, and that the plan of treatment include the frequency, duration and amount of therapy services. JCAHO requires that each patient have a patient care plan that contains everything that the Medicare conditions of participation require be contained in the plan of treatment except for the duration and amount of therapy services. JCAHO requires that the plan conform to the physician's orders for the patient's care and that all other medical record standards for JCAHO accreditation of the hospital be met. These medical record standards include the requirement that all physician orders for services be authenticated by a physician.

Because the physician orders must be authenticated by a physician, we believe that JCAHO's medical records standards are sufficient to provide for physician review and approval of the plan of treatment. Moreover, Medicare also imposes the requirements with respect to physician review and approval of the plan of treatment and the inclusion of duration and amount of therapy services in the plan of treatment as payment requirements (as distinguished from participation requirements) for both Medicare and Medicaid patients. Because an HHA must furnish this information to be paid, we believe that it would comply with these requirements for its Medicare and Medicaid patients. Also, we believe that the need to demonstrate that services were provided on the order of a physician and in the quantities ordered for purposes of other third party payment and to demonstrate appropriate professional behavior in the event of a dispute, have now led to increasingly standard documentation practices which are consistent with our requirements.

8. Medicare requirement for registered nurse (RN) assignment of home health aides to particular patients and RN supervisory visits every two weeks versus JCAHO absence of such requirements.

Medicare requires that an RN, in assessing the patient's particular needs, assign home health aides to particular patients. Medicare also requires that the HHA have the RN make supervisory visits to the patient's home every two weeks to ensure that the services of the home health aides and others are being provided properly and that the patient's needs are being met. JCAHO's standards do not explicitly require that an RN assign home health aides to particular patients, or that an RN make supervisory visits every two weeks.

As we noted earlier, however, the JCAHO standards for home care are an integrated part of its overall hospital standards package. Our review of the package as a whole shows that the home care section requires nursing and related services be provided under the same requirements that relate to those services as described throughout the AMH and that they be provided by qualified and properly trained nurses or monitored and supervised by them. The same supervision and quality assurance requirements applicable in the hospital setting, which have proven their effectiveness, are also applicable in the home care setting. Thus, we are satisfied that the JCAHO standards in this area provide reasonable assurance that the supervision and care quality objectives underlying the Medicare requirements are met.

9. Medicare prohibition against delegation of administrative and supervisory functions versus JCAHO absence of such prohibition.

Medicare prohibits the delegation of administrative and supervisory functions outside of the HHA (that is, to an entity providing services "under arrangements") under the condition of participation at 42 CFR 405.1221. JCAHO does not have an identical restriction.

The Medicare provision requires that the HHA assume full authority and responsibility for the care delivered but is expressed in the context of an assumption that the HHA is an independent agency whose agreements are, of necessity, with other entities. In the context of a JCAHO accredited home care program, the assumption is inherently different because the program is an integral part of the hospital and draws upon the other departments of the hospital for assistance as if those departments were a part of the agency. Hence, the language of the JCAHO home care standard that relates to delegation of responsibility may be understood more properly to be describing the allocation of responsibility within the organization. The JCAHO accreditation standards make it clear that the responsibility for and control of all functions do lie within the home care department. We believe that these requirements, taken as a whole, create a reasonable assurance that the Medicare conditions of participation relating to administration is met.

10. Medicare definitions for branches, subunits, types of HHAs, etc., versus JCAHO's absence of such definitions.

Medicare defines branches, subunits, types of HHAs, subdivisions, etc. for purposes of determining which Medicare requirements apply to the entity requesting participation. JCAHO has no such definitions, and applies its standards to any home care program operated by a hospital requesting accreditation. We would note, however, that the home care concept embodied in the JCAHO standards is one which envisions that the service would be a single, integral aspect of the operation of an accredited hospital. Therefore, the issues relating to branches and subunits do not arise, and the definitions do not appear to have any relevance in connection with JCAHO accredited programs.

BEST COPY AVAILABLE

VOL 52 ISS 251 DEC 31 1987 UMI

11. Medicare's specific criteria for professional qualifications versus JCAHO allowing "equivalent training".

Medicare conditions of participation specify criteria that must be met for the individuals providing skilled home health services. If the criteria are not met, the individual may not be considered qualified to provide the service, irrespective of what other training he or she has. JCAHO also specifies criteria that must be met, but allows hospitals to use individuals who have "equivalent training". The determination of whether the individual has "equivalent training" is made by the hospital medical staff and JCAHO requires that the same staff qualifications which are applied to those who provide care to inpatients be applied as well to those who provide home health care.

Our experience with the JCAHO requirements relating to training give us a reasonable assurance that appropriately trained and supervised staff are providing the services. Thus, we do not believe that these JCAHO requirements detract from the overall conclusion we have made that the JCAHO standards provide reasonable assurance that our conditions of participation have been met.

12. Medicare five year record retention requirement versus JCAHO's allowance of hospital discretion.

Medicare requires that records be retained for at least five years after the end of the month in which the Medicare cost report is filed. JCAHO leaves the retention of records to the hospital's discretion, subject to State and local laws.

This Medicare requirement is not contained in the JCAHO hospital standards which, for many years, have been deemed to satisfy the conditions of participation for hospitals. It has not proven to be a problem because there are duplicate Medicare payment requirements that provide external assurance that hospitals and hospital-based HHAs will retain records needed to make appropriate payment determinations. Section 1815 of the Act and the regulations governing provider agreements require that hospitals retain the documentation necessary for the determination of appropriate payments. If the records are not available to support a provider's claim, payment is not made. We believe that this basic requirement for payment provides an overriding assurance that appropriate documentation will be retained by the provider.

13. Medicare recognition of more stringent State requirements versus JCAHO failure to specifically recognize them.

The Medicare conditions of participation for HHAs contain an appendix that recognizes several States' requirements that are more stringent than those of Medicare. The appendix specifies these State requirements and requires that they must be met in order for an agency to meet the conditions of participation. JCAHO, of course, does not specifically refer to these requirements in its accreditation standards. JCAHO does, however, have a threshold requirement for hospitals to meet before they may apply for accreditation: "The hospital must have all current licenses required by governmental authorities having jurisdiction". When these higher State requirements are also conditions for receiving a license, we believe that the JCAHO requirement would provide a reasonable assurance that these hospitals will have met higher State standards when they are accredited. We are, however, in the process of making further inquiries relating to the source of the requirements (that is, are they part of State licensing requirements or are they imposed by some other mechanism). Based on our conclusions from this inquiry, we will determine if an accredited facility can be deemed to meet these State requirements. We invite public comment on this issue.

B. Proposed Stipulations Relating to JCAHO Accreditation

We propose to recognize as meeting Medicare's home health conditions of participation those programs accredited under JCAHO's accreditation program for home care programs of hospitals with the following restrictions:

1. We would reserve the right to withdraw deemed status from all JCAHO-accredited hospital-based HHAs if JCAHO revises its standards or accreditation policies and procedures in such a manner that they fail to provide reasonable assurance that JCAHO-accredited hospital-based HHAs meet the conditions of participation. We also would reserve the right to withdraw deemed status from all JCAHO-accredited hospital-based HHAs if we should change the home health conditions of participation in such a manner that the JCAHO standards or accreditation policies would no longer provide a reasonable assurance that Medicare's conditions would be met.

2. We would reserve the right to withdraw deemed status from all JCAHO-accredited hospital-based HHAs if a HCFA validation survey or a public complaint survey reveals widespread, systematic, and unresolvable problems with the JCAHO accreditation process with respect to these programs. Such problems would provide evidence that there has ceased to be reasonable assurance that JCAHO hospital based HHAs meet the Medicare conditions of participation.

3. We would reserve the right to perform, as appropriate, announced and unannounced validation and complaint surveys to ensure that the home care programs of JCAHO-accredited hospitals which participate as HHAs meet the conditions of participation.

4. The granting of "deemed status" to a hospital-based HHA based upon the hospital's accreditation by JCAHO would be contingent upon the existence of an agreement between the hospital and the JCAHO under which the JCAHO would release copies of all survey documents to HCFA upon request and also would automatically provide copies of all survey documents to HCFA whenever a noted deficiency remains unresolved for 90 days. We would cease to deem the hospital in compliance with our conditions of participation if such an agreement were not in force or if the JCAHO does not release the information that is the subject of the agreement. We would reserve the right to survey any accredited HHA, to require a satisfactory plan of corrective action if appropriate, and to withdraw "deemed status" from an agency if appropriate.

5. We would continue to treat the hospital as a separate provider from the HHA and would reserve the right to terminate either provider separately from the other, if appropriate.

6. We would grant "deemed status" only to hospital-based HHAs that are administratively and financially integrated with and dependent upon a JCAHO-accredited hospital. Only if the HHA meets the Medicare definition of "hospital based" for purposes of the Medicare HHA cost limits would the agency be considered administratively and financially integrated with and dependent upon the JCAHO-accredited hospital.

7. The granting of deemed status to a JCAHO accredited hospital-based HHA would be contingent upon JCAHO's agreement to report (to the Office of the Inspector General and the State agency responsible for investigating fraud and abuse for Medicaid): any complaints received from persons working in an accredited agency or any substantial complaints from others, anonymous or identified, concerning potential fraud and abuse violations; and any indication of a Medicare program abuse encountered by JCAHO during the course of a JCAHO inspection or the

accreditation process. We believe that this requirement is necessary to ensure that the fraud and abuse reporting which presently occurs as a byproduct of the Medicare State survey's inspection of the agency continues to occur.

C. Differences Between NLN and Medicare Conditions

1. Medicare annual survey for HHAs versus NLN survey every three years or less.

State survey agencies survey HHAs against the Medicare conditions of participation once a year. The NLN would survey and accredit HHAs on a three year cycle effective for HHAs applying or reapplying for accreditation after January 1, 1987. This constitutes a change from the NLN's current five year accreditation cycle. Agencies that are currently accredited may remain in the five year cycle, subject to continuing Medicare surveys, until they are reaccredited by NLN, at which time they would become subject to the three year accreditation cycle. These agencies alternatively may opt into the three year cycle at some time prior to the expiration of their current five year accreditation. When accredited or reaccredited, they would enter the three year survey cycle. As we noted earlier in this notice, our review of Medicare survey data concerning facilities accredited by the NLN indicates that facilities the NLN surveys and accredits have uniformly received and retained Medicare approval based on independent surveys by State survey agencies. We believe, particularly based on the NLN's consent to shorten the period between surveys to make it consistent with the practices of the JCAHO, that this survey frequency is adequate to assure that appropriate standards are enforced.

Moreover, as with hospitals, we would maintain the right to perform, as appropriate, announced and unannounced, validation and complaint surveys to ensure that HHAs accredited by NLN that participate in Medicare meet the conditions of participation.

2. Medicare announced and unannounced surveys versus NLN announced only surveys.

Medicare surveys of HHAs generally are announced but, when warranted, unannounced. NLN surveys are always announced.

Medicare's unannounced surveys are performed when it receives information that leads it to believe that a program is out of compliance with its standards. Medicare continues to have the ability to make such visits and continues to have access to the same types of information that have prompted such visits in the past. We will, as appropriate, make announced and unannounced visits to NLN accredited agencies in response to complaints and as part of our monitoring of NLN's program. Thus, we believe that the NLN's regular practices do not impair our enforcement ability in such cases.

3. Medicare withholding of approval pending acceptable plan of correction versus NLN use of latitude.

Medicare withholds approval pending the submission of an acceptable plan of correction. The NLN's procedures focus on actual correction of the deficiencies rather than on the development and acceptance of a "plan of correction". The NLN procedures assume a plan and contain three different measures for determining that actual corrections are made. NLN may: (a) Accredit the facility but request a progress report or interim report within a specific timeframe; (b) defer initial accreditation pending receipt of additional information; or (c) schedule a supplementary visit to examine progress on a particular issue. HCFA would be provided with a survey report for any agency which does not correct a deficiency related to a Medicare condition of participation within 90 days.

Any of the options open to an NLN Board of review as discussed above would ensure that deficiencies are resolved timely. Moreover, we would be promptly notified of unresolved problems.

4. Medicare prohibition against delegation of administrative and supervisory functions versus NLN absence of this prohibition.

Medicare prohibits the delegation of administrative and supervisory functions outside of the HHA (that is, to an entity providing services "under arrangements"). The NLN approaches this objective in a different manner by stipulating, instead, that the contract under which a program arranges for services embody a description of the mechanisms to be used for assuring that the program's requirements are met. The program remains responsible for assuring that the terms of the contract are met. Thus, we believe that there is a reasonable assurance that the procedures the NLN has adopted with respect to these services assure that the HHA's administrative and supervisory responsibilities continue to be met through its own management.

5. Medicare requirement for physician review of the plan of treatment, inclusion of frequency, duration and amount of therapy services, and requirement for physician countersignature on oral orders versus NLN absence of such requirements.

Medicare requires that the physician review and approve the plan of treatment, that the plan include the frequency, duration and amount of therapy services, and that the physician countersign oral orders. NLN requires that the service record of each patient contain everything that the Medicare conditions of participation require be contained in the plan of treatment except the frequency, amount and duration of therapy services. NLN further requires that the service record contain appropriate, current and signed medical orders where applicable. They also require that the service record reflect that medications are administered as ordered by the physician.

We believe that State Nurse Practice Acts would require that all services provided by HHAs that might be covered by Medicare, be furnished only pursuant to medical orders. Therefore, the NLN requirement would result in there being current, signed medical orders for all services provided by the HHA which are of the nature that Medicare might cover. We believe that the existence of current signed medical orders constitutes a de facto demonstration of physician review and approval of the plan of treatment, and of any oral orders given by the physician. Moreover, Medicare coverage requirements mandate the submission of a plan of treatment specifying the amount, duration, and scope of services and require a physician's signature demonstrating that he ordered the services and certifies that they are necessary. Thus, in addition to the NLN standard's basic operation to assure that these requirements are met, there is an external Medicare coverage requirement to assure that the program takes further steps to create and maintain the evidence of this fact in the form required by the Medicare program. These coverage requirements would not be subject to "deeming" and would continue to be enforced. The physician signature on the plan of treatment required for payment would constitute the required countersignature for oral orders. Thus, we believe that there is a reasonable assurance that an NLN accredited agency would be in compliance with these Medicare requirements.

6. Medicare recognition of more stringent State requirements versus NLN failure to specifically recognize them.

The Medicare conditions of participation for HHAs contain an appendix that recognizes several States'

requirements that are more stringent than those of Medicare. The appendix specifies these State requirements and requires that they be met in order for an agency to meet the conditions of participation. NLN does not specify these requirements.

As in the case of the JCAHO, the NLN requires that both the program and the staff are appropriately licensed as a condition of applying for accreditation. As we noted in connection with our discussion of the JCAHO accreditation program, we believe that these prerequisites for accreditation provide a reasonable assurance that these specific State requirements have been met. However, we are making further inquiries on this matter and will take any necessary actions needed to provide an external assurance of compliance if we find that it is necessary.

D. Proposed Stipulations Relating to NLN Accreditation

We propose to recognize as meeting Medicare's home health conditions of participation those programs accredited by the NLN with the following restrictions:

1. We would reserve the right to withdraw deemed status from all NLN accredited HHAs if NLN revises its standards or accreditation policies and procedures in such a manner that they fail to provide reasonable assurance that NLN accredited HHAs meet the conditions of participation. We also would reserve the right to withdraw deemed status if the Medicare conditions of participation changed to such a degree that the NLN standards or accreditation policies would no longer provide a reasonable assurance that Medicare's conditions would be met.

2. We would reserve the right to withdraw deemed status from all NLN accredited HHAs if HCFA's validation or public complaint surveys reveal widespread, systematic, and unresolvable problems with the NLN accreditation process, thereby providing evidence that there is not reasonable assurance that NLN HHAs meet the Medicare conditions of participation.

3. We would reserve the right to perform, as appropriate, announced and unannounced validation and complaint surveys to ensure that the NLN accredited HHAs that participate in Medicare meet the conditions of participation.

4. The granting of "deemed status" to a HHA based upon accreditation by NLN would be contingent upon the HHA's and NLN's continued agreement to release to HCFA the survey reports of NLN surveyors. If the reports reveal deficiencies which we believe warrant action by HCFA, we would reserve the right to survey the HHAs with deficiencies, withdraw "deemed status" if appropriate, and to require a satisfactory plan of corrective action.

Section 1865(a) of the Act prohibits the Secretary from disclosing any accreditation survey made and released to him by any national accreditation body, of an entity accredited by such body. Hence, the accreditation surveys that would be provided to HCFA as a condition of the granting of deemed status would be protected from disclosure.

5. The granting of deemed status to a NLN accredited HHA would be contingent upon NLN's agreement to report (to the Office of the Inspector General and the State agency responsible for investigating fraud and abuse for Medicaid): complaints received from persons working in an accredited agency or from others, anonymous or identified, concerning potential fraud and abuse violations; and any indication of a Medicare program abuse encountered by NLN during the course of a NLN inspection or the accreditation process. We believe that this requirement is necessary to ensure that the fraud and abuse reporting which presently occurs as a byproduct of the Medicare State survey's inspection of the agency continues to occur.

E. Conclusion

In conclusion, we believe that both the JCAHO and the NLN accreditation standards and survey processes, subject to the stipulations described above, provide the Secretary with a reasonable assurance that the Medicare conditions of participation have been met. Accordingly, subject to those stipulations, we propose to deem home health programs accredited by JCAHO or NLN to be in compliance with the Medicare conditions of participation in accordance with the authority provided in section 1865 of the Act.

III. Regulatory Impact Statement

A. Executive Order 12291

Executive Order 12291 requires us to prepare and publish an initial regulatory impact analysis for any proposed major rule. A major rule is defined as any regulation that is likely to: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; or (3) result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets. We do not expect this proposed notice to meet any of the criteria for a major rule. Therefore, we are not including an initial regulatory impact analysis.

B. Regulatory Flexibility Act

We generally prepare and publish an initial regulatory flexibility analysis consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), unless the Secretary certifies that a notice such as this would not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we treat all HHAs, both free-standing and hospital-based, as small entities.

The HHAs currently participating in the Medicare program and which are accredited by JCAHO or NLN would be affected only to the extent that Medicare surveys would no longer be routinely performed. New agencies would continue to have the currently existing free choice to seek accreditation by the NLN or the JCAHO or to rely, instead, upon Medicare survey and certification processes. Thus, implementing these policies would not have a significant impact with respect to cost of operation and would, to the extent that Medicare surveys would be discontinued in some cases, reduce the administrative burden currently borne by these entities. Therefore, the Secretary certifies that this proposed notice would not have a significant economic effect on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not included in this proposed notice.

IV. Response To Comments

Because of the large number of pieces of correspondence we normally receive on proposed documents, we cannot acknowledge or respond to them individually. However, we will consider all comments that are received by the end of the comment period and, if we proceed with a final notice, we will respond to those comments in the preamble to that notice.

(Sec. 1865(a) of the Social Security Act (42 U.S.C. 1395bb(a)))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare-Hospital Insurance, and No. 13.714, Medical Assistance Program)

Dated: June 3, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: September 30, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87-29883 Filed 12-30-87; 8:45 am]

BILLING CODE 4120-01-M

[HCFA-016-N]

Task Force on Technology-Dependent Children; Public Meeting

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), this notice announces a meeting of the Task Force on Technology-Dependent Children.

DATES: The meeting will be held on January 28, 1988 from 9:00 a.m. to 5:00 p.m., E.S.T., and on January 29, 1988 from 9:00 a.m. to 3:30 p.m., E.S.T. The meeting will be open to the public.

ADDRESS: The meeting will be held in the Belleview Biltmore Hotel, 25 Belleview Boulevard, Clearwater, Florida 34616.

FOR FURTHER INFORMATION CONTACT: Bill Pickens, Executive Director, Task Force on Technology-Dependent Children, Department of Health and Human Services, Room 4414 HHS North Building, 330 Independence Avenue, SW, Washington, DC 20201, (202) 245-0070.

SUPPLEMENTARY INFORMATION:

Purpose

The Task Force on Technology-Dependent Children, established under section 9520 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272), investigates alternatives to institutional care for technology-dependent children. Technology-dependent children are those with chronic conditions requiring continuing use of medical technology.

The Task Force must report to the Secretary of Health and Human Services and to Congress concerning alternatives to institutional care for technology-dependent children. The Task Force must develop recommendations designed to—

(1) Identify barriers that prevent the provision of appropriate care in a home or community setting to meet the special needs of technology-dependent children; and

(2) Recommend changes in the provision and financing of health care in private and public health care programs (including appropriate joint public-private initiatives) so as to provide home and community-based alternatives to the institutionalization of technology-dependent children.

The Task Force will address fully the two specified goals before it takes up any other questions. To the extent that time and resources permit, the Task Force may develop recommendations that would address additional concerns regarding technology-dependent children. The Task Force recommendations are intended to be used only at the option of the Department of Health and Human Services and the Congress.

Agenda

The Task Force will conduct a business meeting to review, recommend, and edit for final approval the Report on Technology-Dependent Children, which is due to be issued on April 7, 1988. It will consider barriers to, and recommendations for change in, the areas of finance, case management, family services, standards, respite, and access.

The public is invited to present testimony to the Task Force. We request those wishing to testify to contact the Task Force by January 14, 1988.

Agenda its are subject to change as priorities dictate.

(Sec. 10(a)(2) of Pub. L. 92-463, as amended (5 U.S.C. App. I, sec. 1-15) and sec. 9520 of Pub. L. 99-272 (42 U.S.C. 1396a note); 45 CFR Part 11)

Dated: December 24, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 87-30031 Filed 12-30-87; 8:45 am]

BILLING CODE 4120-01-M

National Institutes of Health

Advisory Committee to the Director; Meeting

Notice is hereby given that the National Institutes of Health (NIH) will hold the fifth and sixth meetings of a series of seven regional public briefing meetings to be conducted under the auspices of the Advisory Committee to the Director, NIH on "The Health of Biomedical Research Institutions." The purpose of the meetings is two-fold:

(1) To provide current information concerning the activities of the NIH by describing the broad political context in which the NIH operates, discussing the Federal budget process as it affects the formulation of the NIH budget, demonstrating recent trends in the funding of NIH programs, discussing the broad strategies adopted by NIH to meet emerging needs, and describing new NIH policies and programs designed to achieve program objectives; and

(2) To solicit through public testimony the views of biomedical researchers, university faculty and administrators, representatives of professional societies, and other interested parties concerning the impact of the Federal system of sponsored research on the health of biomedical research institutions.

The fifth meeting will be held on Thursday, February 18, 1988, from 9:00 a.m. to 4:30 p.m. at the University of Texas Southwestern Medical Center at Dallas, Dallas, Texas. The sixth will be held on February 19, 1988, from 9:00 a.m. to 4:30 p.m. at the Emory University School of Medicine, Atlanta, Georgia. Notice of the time and location of the final meeting will be published later.

Following presentations by the Director, NIH, and his senior staff, a panel comprised of members of the Advisory Committee to the Director, NIH; representatives of NIH national advisory councils; and senior NIH staff will spend the remainder of the day receiving testimony from public witnesses. Each witness will be limited to a maximum of ten minutes. Attendance and the number of presentations will be limited to the time and space available. Consequently, all individuals wishing to attend or to present a statement at this public meeting should notify, in writing, Jay Moskowitz, Ph.D., Executive Secretary, Advisory Committee to the Director, National Institutes of Health, Shannon Building, Room 137, Bethesda, Maryland 20892. Those planning to make a presentation should file a one-page summary of their remarks with Dr. Moskowitz by January 22, 1988; a copy of the full text of these remarks should be submitted for the record at the time of the meeting. Please indicate which of the two meetings you plan to attend. Additional information may be obtained by calling Mr. Edward Lynch, Division of Program Analysis, Office of Program Planning and Evaluation, National Institutes of Health, at (301) 496-4461.

Date: December 24, 1987.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 87-30049 Filed 12-30-87; 8:45am]

BILLING CODE 4140-01-M

Fogarty International Center Advisory Board; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Fogarty International Center (FIC) Advisory Board, January 26 and 27, 1988, in the Stone House (Building 16), at the National Institutes of Health.

The meeting will be open to the public on January 26 from 8:30 a.m. to 4:30 p.m., and on January 27, from 8:30 a.m. to 12 noon. On January 26, the morning agenda will include a discussion with the Director, NIH, on "Thoughts on the FIC at the NIH," and an Overview Report by the Director of the FIC including discussions of proposed program initiatives. The afternoon agenda will include a report on the last meetings of the Advisory Committee to the NIH Director; reports from the Advanced Studies and Research Awards Working Groups of the FIC Advisory Board; and a report on an FIC WHO Collaborating Center project on "Research Strengthening in the Americas." On January 27, the agenda will include a legislative update; a scientific overview of research activities and contributions of the Gorgas Memorial Laboratory; and discussions of FIC future program and policy direction and the FIC Advisory Board Biennial Report. The meeting will conclude with comments from retiring Board members.

In accordance with the provisions of sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on January 26, from 4:30 p.m. to adjournment for the review, discussion, and evaluation of individual research fellowship applications. These applications contain information of a proprietary nature, including detailed research protocols, designs, and other technical information; and personal information about individuals associated with the applications.

Myra Halem, Committee Management Officer, Fogarty International Center, Building 38A, Room 609, National Institutes of Health, Bethesda, Maryland 20892 (301–496–1491), will provide a summary of the meeting and a roster of the committee members upon request.

Dr. Coralie Farlee, Assistant Director for Planning and Evaluation, Fogarty International Center (Executive Secretary) Building 38A, Room 609, telephone 301–496–1491, will provide substantive program information.

Dated: December 15, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–30050 Filed 12–30–87; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting of the Clinical Applications and Prevention Advisory Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Epidemiology and Clinical Applications, National Heart, Lung, and Blood Institute, National Institutes of Health, on February 17–18, 1988, in Building 31, Conference Room 7, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on February 17 from 9 a.m. to recess and from 8:30 a.m. to adjournment on February 18 to discuss new initiatives, program policies, and issues. Attendance by the public will be limited to space available.

Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of committee members upon request.

Dr. Lawrence Friedman, Acting Director, Division of Epidemiology and Clinical Applications, Federal Building, Room 212, Bethesda, Maryland 20892, (301) 496–2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: December 28, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–30051 Filed 12–30–87; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting of Blood Diseases and Resources Advisory Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Blood Diseases and Resources Advisory Committee, National Heart, Lung, and Blood Institute, February 29 and March 1, 1988, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892. The Committee will meet in Building 31, Conference Room 7, C Wing.

The entire meeting will be open to the public from 9 a.m. to recess on February 29, and from 9 a.m. to adjournment on March 1 to discuss the status of the Blood Diseases and Resources program needs and opportunities. Attendance by the public will be limited to space available.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496–4236, will provide a summary of the meeting and a roster of the Committee members.

Dr. Fann Harding, Assistant to the Director, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, Federal Building, Room 5A–08, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496–1817, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: December 24, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–30052 Filed 12–30–87; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Arthritis and Musculoskeletal and Skin Disease; Meeting, National Arthritis and Musculoskeletal and Skin Diseases Advisory Council

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council to provide advice to the National Arthritis and Musculoskeletal and Skin Diseases on February 17 and 18, 1988, Conference Room 6, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public February 17 from 8:30 a.m. to 12 noon to discuss administrative details relating to Council business and special reports. Attendance by the public will be limited to space available.

The meeting of the Advisory Council will be closed to the public on February 17 from 1 p.m. to adjournment and again on February 18 from 8:30 a.m. to adjournment at approximately 12 noon in accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These deliberations could reveal confidential trade secrets or commercial property, such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning the Council meeting may be obtained from Dr. Steven J. Hausman, Executive Secretary, National Arthritis and Musculoskeletal and Skin Diseases Advisory Council, NIAMS, Westwood Building, Room 403, Bethesda, Maryland 20892, (301) 496–7495.

A summary of the meeting and roster of the members may be obtained from the Committee Management Office, NIAMS, Building 31, Room 4C11, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–0803.

(Catalog of Federal Domestic Assistance Program No. 13.846, Arthritis, Bone and Skin Diseases, National Institutes of Health)

Dated: December 15, 1987.

Betty J. Beveridge,

NIH. Committee Management Officer.

[FR Doc. 87–30053 Filed 12–30–87; 8:45 am]

BILLING CODE 4140–01–M

National Library of Medicine; Meetings of the Board of Regents, the Extramural Programs and Program Outreach Subcommittees

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on January 28–29, 1988, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meetings of the following subcommittees:

Program Outreach Subcommittee, Conference Room A, Mezzanine, National Library of Medicine, from 1 to 2 p.m., January 27.

Extramural Programs Subcommittee, 5th-floor Conference Room, Lister Hill Center Building, 2 to 3 p.m., January 27.

The meeting of the Board will be open to the public from 9 a.m. to approximately 5:00 p.m. on January 28 and from 9 a.m. to approximately 11:15 a.m. on January 29 for administrative reports and program discussions. The entire meeting of the Program Outreach Subcommittee will be open to the public. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4), 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the entire meeting of the Extramural Programs Subcommittee on January 27, will be closed to the public, and the regular Board meeting on January 29 will be closed from approximately 11:15 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20894, Telephone Number: 301–496–6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Dated: December 15, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–30054 Filed 12–30–87; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Announcement of Vacancy; Osage Tribal Education Committee; Vacancy

December 15, 1987.

25 CFR 122.5(e)(5) states that any vacancies shall be filled in the same manner described by this section for the selection of committee members. The period of time for receiving applications shall not exceed 30 days with the expiration date to be announced by the Assistant Secretary. The purpose of this announcement is to solicit nominations from individuals or from Osage organizations on behalf of nominees for this vacancy.

This notice announces that a vacancy has occurred on the Osage Tribal Education Committee. This vacancy is the Member At Large Representative.

The requirements of the Member at Large are: (a) Must be an adult person of Osage Indian Blood, who is an allottee or a descendant of an allottee; and (b) May include residents who are living anywhere in the United States.

The nominee or his representative organization should submit a brief statement requesting that he/she be considered as a candidate for the vacancy and the reason for desiring to serve on the committee. If nominated by an Osage organization, a written statement from the nominee stating his/her willingness to serve on the committee must be included with the Osage organization nomination.

Applications and nominations must be made no later than 30 days from the publishing date of this notice and shall be mailed to: Assistant Secretary-Indian Affairs, Attention: Deputy to the Assistant Secretary/Director—Indian Education (Indian Education Programs), Room 3512, 18th & C Streets, NW., Washington, DC 20240.

This notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

W.P. Ragsdale,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 87–29980 Filed 12–30–87; 8:45 am]

BILLING CODE 4310–01–M

[Phoenix Area Office Redelegation Order 3, Amdt. 6]

Delegation of Real Estate Services Authority; Superintendents, et al.

December 7, 1987.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

This delegation is issued under the authority delegated to the Assistant Secretary—Indian Affairs from the Secretary of the Interior in 230 DM 1 and redelegated by the Assistant Secretary—Indian Affairs in 230 DM 3.

The Phoenix Area Office Redelegation Order 3, published on page 11108 in the July 1, 1969, issue of the **Federal Register** (34 FR 11108), as amended, is further amended by redelegating to the Superintendent, Uintah and Ouray Agency, the authority to approve Indian Mineral Development Act of 1982 agreements, under § 2.17 of Part 2—Authority of Superintendents Functions Relating to Specific Programs.

As amended, Part 2 reads as follows:

Part 2—Authority to Superintendents Functions Relating to Specific Programs

Sec. 2.17 *Oil and Gas Agreements, Uintah and Ouray.* To the Superintendent of the Uintah and Ouray Agency only, the authority of the Area Director relating to oil and gas agreements on tribal or individually owned Indian lands. Such authority includes the responsibility for compliance with the provisions of the Indian Mineral Development Act of 1982 (96 Stat. 1938; 25 U.S.C. 2101–2108). This authority does not apply to:

(1) Lands purchased or reserved for agency, school or other administrative purposes; and,

(2) Modification of any forms approved by the Assistant Secretary—Indian Affairs.

James Stevens,

Area Director.

Approved:

Ross O. Swimmer,

Assistant Secretary—Indian Affairs.

[FR Doc. 87-29981 Filed 12-30-87; 8:45 am]

BILLING CODE 4310-02-M

Ordinance Relating to the Use and Distribution of Liquor; Cocopah Tribe of the Cocopah Indian Reservation, AZ

This notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify that Resolution No. CT-87-26 enacting Ordinance No. CTO-87-02 the "Cocopah Indian Tribal Liquor Control Ordinance" was duly adopted by the Cocopah Tribal Council on July 2, 1987. The ordinance provides for the distribution of alcoholic beverages in the area of Indian country under the jurisdiction of the Cocopah Tribe of the Cocopah Reservation. The ordinance reads as follows:

Ross O. Swimmer,

Assistant Secretary—Indian Affairs.

Resolution No. CT-87-26 of the Governing Body of the Cocopah Tribe of the Cocopah Indian Reservation

A resolution authorizing the approved Cocopah Indian Tribal Liquor Control Ordinance.

Whereas: The Cocopah Tribal Council acting on behalf of the Cocopah Indian Tribe under Articles VI, and;

Whereas: The Cocopah Tribal Council wishes to confirm its previous passage of Ordinance Number CTO-87-02 on February 18, 1987;

Whereas: The Cocopah Tribal Council requests the Secretary of the Interior to certify and publish the Liquor Control Ordinance in the **Federal Register.**

Now, therefore, be it resolved, that the Chairman be authorized to execute the confirmation of Passage of Ordinance Number CTO-87-02 on February 18, 1987.

Certification

The foregoing Resolution was passed at a duly called meeting of the Cocopah Tribal Council at a special meeting held on the 2nd day of July, 1987, with a quorum present by a vote of three (3) For, and two (2) Abstain.

Fred Miller, Sr.,

Tribal Chairman, Cocopah Tribal Council.

Faye Ortega,

Secretary, Cocopah Tribal Council.

Ordinance of the Cocopah Indian Tribe of the Cocopah Indian Reservation

Be it enacted by the Tribal Council of the Cocopah Indian Tribe, duly assembled: Has enacted Ordinance Number CTO-87-02 which shall be known as the Cocopah Indian Tribe Liquor Control Ordinance.

Section I—Declaration of Public Policy and Purpose

(a) Federal Law prohibits the introduction of liquor into Indian country, 18 U.S.C. section 1154, unless the tribe having jurisdiction over that Indian country enacts an ordinance authorizing such introduction. The Tribal Council finds that exclusive tribal control and regulation of liquor sales on Cocopah Indian Reservation land through a tribally operated establishment will enhance the ability of the tribal government to control reservation liquor distribution and possession, and at the same time provide an important source of revenue for the operation of the tribal government and delivery of essential tribal social services.

(b) This ordinance shall be cited as the "Cocopah Indian Tribal Liquor Control Ordinance" and under the inherent sovereignty of the Cocopah Indian Tribe, shall be deemed an exercise of the Tribe's power, for the protection of the welfare, health, safety, morals, and peace of the people of the Tribe, and all of the provisions shall be liberally construed for the accomplishment of that purpose, and it is declared to the public policy that the traffic in alcoholic beverages if it affects the public interest of the people, should be regulated to the extent of prohibiting all traffic of liquor, except as provided by this Ordinance.

Section II—Definitions

As used in this Ordinance, the following words shall have the following meanings unless the context clearly requires otherwise.

(a) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilution and mixtures of this substance.

(b) "Alcoholic Beverage" is synonymous with the term liquor as defined in Section II (o) of this Ordinance.

(c) "Application" shall mean a formal request for the issuance of a license supported by a verified statement of facts.

(d) "Beer" means any beverage obtained by the alcoholic fermentation, infusion, or decoction of barley, malt, hops, or other ingredients not drinkable, or any combination of them. "Beer" as defined in herein shall include "low-point beer" which is hereby defined as beer having not more than 3.2% alcohol content by weight.

(e) "Board" means the Cocopah Indian Tribe Business Development Committee previously established under resolution.

(f) "Broken Package" means any container of alcoholic beverages on which the United States tax seal has been broken or removed, or from which the cap, cork, or seal placed thereupon by the manufacturer has been removed.

(g) "Bulk Container" means any package or a container within which container are one or more packages.

(h) "Cocopah Easy Corner" means that gas station, convenience store, and smokeshop facility located on the Cocopah Reservation which was constructed and is maintained and operated under that certain Joint Venture Agreement dated October 10, 1986, as amended, between the Cocopah Tribe of Indians and Easy Corner, Inc., a Colorado Corporation authorized to do business in Arizona. References to "Cocopah Easy Corner" may include references to employees hired by the joint venture as store employees.

(i) "Company" or "Association" when used in reference to a corporation includes successors or assigns.

(j) "Election Days" means the biennial primary election for nomination of United States, State, County and precinct officers, a special election called pursuant to Section 1, Article 21, of the Constitution of the State of Arizona, the biennial general election of the State of Arizona and all Cocopah Indian Tribal Elections.

(k) "Foreign" means any corporation not incorporated under the laws of the Cocopah Indian Tribe.

(l) "Joint Venture Management Group" shall mean the persons or committees controlling any business joint ventures established between the Cocopah Tribe of Indians and any persons, partnerships, corporations, or associations pursuant to written agreements approved by the Bureau of Indian Affairs.

(m) "Legal Age" means the age requirement as defined in this Ordinance.

(n) "Liquor Store" means any store established by the Cocopah Indian Tribe Business Development Committee which is authorized to sell alcoholic beverages, such as, Cocopah Easy Corner.

(o) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine, and beer), and all fermented spiritous, vinous, or malt liquor or combinations thereof; and mixed liquor, a part of which is fermented; spiritous, vinous or malt liquor; and every liquid or solid, or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquors and all preparations or mixtures capable of human consumption and any liquid, semi-solid or solid substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating liquor.

(p) "Malt Liquor" means ale, beer, stout, and porter.

(q) "Package" means the bottle or immediate container of any alcoholic beverage.

(r) "Package Dealer" means the Cocopah Indian Tribe and its liquor retail outlet known as Cocopah Easy Corner.

(s) "Person" includes any partnerships, association, enterprise, or corporation, as well as, a natural person.

(t) "Sale" and "Sell" means the selling or supplying or distributing of liquor or any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor, or wine, by the Tribal retail outlet known as Cocopah Easy Corner.

(u) "Spiritous Liquor" includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor, malt beverage, absinthe or compound (or mixture of any of them with any vegetable or other substance), alcohol bitters, bitters containing alcohol and any liquid mixtures or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one percent alcohol by volume.

(v) "Stamp" shall mean the various stamps required by this Ordinance to be affixed to the package or bulk container, as the case may be, to evidence payment of the tax prescribed by the Cocopah Indian Tribe Tax Code.

(w) "Vehicle" means any means of transportation by land, water, or air, and includes everything made use of in any way for such transportation.

(x) "Veteran" means a person who served in the United States Armed Forces, or Merchant Marine Service, or as an active nurse in the service of the Red Cross in a time of war, or in any expedition of the Armed Forces of the United States and received a discharge other than dishonorable.

(y) "Wholesaler" shall mean any person other than a brewer or bottler of beer, who shall sell, barter, exchange, offer for sale, have in possession with intent to sell, deal or traffic in intoxicating liquor or beer; no wholesaler shall be permitted to sell liquor for consumption upon the premises.

(z) "Wine" means the product obtained by the fermentation of grapes or other agricultural products containing natural or added sugar or any such alcoholic beverages fortified with grape brandy and containing not more than twenty-four percent of alcohol by volume.

Section III—General Prohibition

It shall be unlawful to manufacture for sale or to sell, offer, or keep for sale, possess or transport alcoholic beverages, wine, or, beer except upon the terms, conditions, limitations, and restrictions specified in this Ordinance.

Section IV—Liquor Division Created Under the Business Development Committee

There is hereby established a branch of the Cocopah Indian Tribe Business Development Committee known as the Liquor Division. This branch shall be constituted as an agency and department of the Cocopah Indian Tribe Business Development Committee.

Section V—Cocopah Indian Tribe Liquor Division

Liquor Division Established—Composition. There is hereby established a Cocopah Indian Tribe Liquor Division (herein referred to as "Liquor Division"). The members of the Cocopah Indian Tribe Business Development Committee shall serve as the members of the Liquor Division. The Liquor Division is empowered to:

1. Administer this Ordinance by exercising general control, management, and supervision of all liquor sales, places of sale, and sale retail outlets, as well as, exercising all powers necessary to accomplish the purpose of this Ordinance.

2. Adopt and enforce rules and regulations in furtherance of the purposes of this Ordinance and the performance of its administrative functions.

3. Employ any and all persons necessary in any capacity, professional or otherwise, to allow the Liquor Division to perform its function.

4. Bring suit in the appropriate jurisdictions to enforce the provisions of this Ordinance with the consent of the Cocopah Indian Tribal Council.

Section VI—Tribal Business Manager

Powers and Duties. The Tribal Business Manager shall have the following powers and duties in regard to the Liquor Division:

1. To manage the Liquor Division for the benefit of the Cocopah Indian Tribe.

2. To establish within the Liquor Division, subject to its approval, such administrative procedures as are necessary to govern the operation of the Liquor Division.

3. To report and account to the Liquor Division at least four times per year regarding the operation and financial status of the Liquor Division. The Liquor Division may require that the Tribal Business Manager report and account on a more frequent basis if necessary.

4. To hire and set salaries of additional personnel, subject to Liquor Division approval, as he deems necessary to the successful operation of the Liquor Division.

5. To supervise all persons employed by the Liquor Division.

6. To purchase and maintain real and personal property with the approval of the Liquor Division.

7. To transfer all tax revenues and gross proceeds of the Liquor Division to the Tribal Treasurer for disposition in accordance with Section XI.

8. To require all Joint Venture Management Groups engaged in maintaining tribally authorized retail liquor outlets to obtain and maintain in full force and effect a policy of general liability insurance covering the premises in an amount set by the Liquor Division. The policy shall contain the stipulation that the Tribe shall be given ten days' notice of the proposed cancellation or expiration of such policy. The Tribal Business Manager shall submit to the Liquor Division a certificate of insurance for such policy and shall have available for inspection a complete copy of such policy.

9. The Tribal Business Manager shall be bonded for such additional amount and for such additional purposes as the Liquor Division shall determine to be appropriate in managing the Liquor Division.

Section VII—Sales

(a) Only Tribal Sales Allowed. No sales of alcoholic beverages shall be made within the exterior boundaries of the Cocopah Indian Reservation except

at retail outlets properly authorized under this Ordinance to conduct such sales.

(b) No credit shall be extended to any person, organization, or entity except by means of recognized bank and other major credit cards.

(c) All Sales for Personal Use. All sales of alcoholic beverage shall be for the personal use of the purchaser, and resale for profit of any alcoholic beverage purchased at an authorized tribal retail outlet is prohibited. The purchase of an alcoholic beverage at an authorized tribal retail outlet and subsequent resale of that beverage for profit, whether in the original container or not, shall be a violation of this Ordinance and the violator shall be subject to the penalties described in section XI.

(d) Ownership of Liquor Stock. The entire stock of liquor and alcoholic beverages referred to under this Ordinance shall remain the property of the Joint Venture conducting sales at any authorized tribal retail outlet until sold.

Section VII—Taxation

(a) *Tax Imposed.* There has been levied and shall be collected a tax on all retail sales of alcoholic beverages on the Cocopah Indian Reservation in the amount of four percent of the retail sales price. The tax imposed by this section shall apply to all retail sales of liquor on the Cocopah Indian Reservation. No municipality, city, town, county, nor the State of Arizona shall have any power to impose an excise tax on liquor or alcoholic beverages as defined by this title or govern or license the sale or distribution thereof in any manner within the Cocopah Indian Reservation except to the extent permitted by 18 U.S.C. Section 1161. The tax hereunder shall not be effective until ordered by the Tribal Council and the Liquor Division.

(b) *Distribution of Taxes.* All taxes and profits from the sales of alcoholic beverages on the Cocopah Indian Reservation shall be paid over to the tax and liquor fund of the Cocopah Tribe and be subject to distribution by the Cocopah Tribal Council in accordance with its usual appropriation procedures for essential governmental and social services. Provided, however, that priority in funding shall be given to those Tribal programs which demonstrate the greatest need and past successful performance in providing community services to Tribal members, with specific consideration given to the Detox Program as more fully set forth in Section XI of this Ordinance.

Section IX—Illegal Activities

Violations

1. *Liquor Stamp Contraband.* It shall be a violation of this Ordinance for any person to sell alcoholic beverages on the Cocopah Indian Reservation other than as authorized by this Ordinance. All alcoholic beverages not stamped which are sold or held for sale on the Cocopah Indian Reservation are hereby declared contraband and, in addition to the penalties or fines imposed by the courts for violation of this Section, shall be confiscated and forfeited in accordance with the procedures set out in the Cocopah Tribal Court's Rules of Civil Procedures.

2. *Use of Seal.* It shall be a violation of this Ordinance for any person, other than an employee of the Liquor Division, to willfully keep or have in his possession any legal seals prescribed under this Ordinance unless the same is attached to a package which has been purchased from an authorized tribal retail outlet, or to willfully keep or have in his possession any design imitation of any official seal prescribed under this Ordinance or calculated to deceive by its resemblance to any official seal, or any paper upon which such design is stamped, engraved, lithographed, printed, or otherwise marked.

3. *Illegal Sales of Liquor by Drink or Bottle.* It shall be a violation of this Ordinance for any person to sell, by the drink or by the bottle, any liquor except as otherwise provided in this Ordinance.

4. *Illegal Transportation; Still.* It shall be a violation of this Ordinance for any person to sell or offer for sale or transport in any manner any liquor in violation of this Ordinance, or to operate or have in his possession any mash capable of being distilled into liquor.

5. *Illegal Purchase of Liquor.* It shall be a violation of this Ordinance for any person within the boundaries of the Cocopah Indian Reservation to buy liquor from any person other than at the properly authorized tribal retail outlets, such as, Cocopah Easy Corner.

6. *Illegal Possession of Liquor; Intent to Sell.* It shall be a violation of this Ordinance for any person to keep or possess liquor upon his person or in any place or on premises conducted or maintained by him as a principal or agent with the intent to sell it; unless such sale is otherwise authorized by this Ordinance.

7. *Sales to Persons Apparently Intoxicated.* It shall be a violation of this Ordinance for any person to sell liquor to a person apparently under the influence of liquor.

8. *Possession and Use of Liquor by Minors.* It shall be a violation of this Ordinance for any person under the age of twenty-one years to consume, acquire, or have in his possession any alcoholic beverage.

9. *Furnishing Liquor to Minors.* It shall be a violation of this Ordinance for any person to permit any other person under the age of twenty-one years to consume liquor on premises under his control or ownership.

10. *Sale of Liquor to Minors.* It shall be a violation of this Ordinance for any person to sell liquor to any person under the age of twenty-one years.

11. *Unlawful Transfer of Identification.* It shall be a violation of this Ordinance for any person to transfer in any manner an identification of age to a minor for the purpose of permitting such minor to obtain liquor.

12. *Possession of False or Altered Identification.* It shall be a violation of this Ordinance for any person to attempt to purchase an alcoholic beverage through the use of false or altered identification which falsely purports to show the individual to be over the age of twenty-one years.

13. *Identification; Proof of Minimum Age.* Where there may be a question of a person's right to purchase liquor by reason of his age, such a person shall be required to present any one of the following officially issued cards or identification which shows correct age and bears his signature and photograph:

(i) Liquor Control Authority Card or officially issued identification card of any state;

(ii) Driver's License of any state or an identification card issued by a State Department of Motor Vehicles;

(iii) United States Active Duty Military Identification;

(iv) Passport.

14. It shall be a violation of this Ordinance to employ a person under the age of nineteen years to sell or dispose of alcoholic beverages.

15. It shall be a violation of this Ordinance to employ a person under the age of nineteen years in any capacity connected with the handling of alcoholic beverages.

16. It shall be a violation of this Ordinance for an employee of a tribally authorized retail outlet, during his working hours or in conection with his employment, to give to or purchase for any other person, or, to purchase for himself, or to consume alcoholic beverages.

17. It shall be a violation of this Ordinance for an employee of a tribally authorized retail outlet to sell to a person alcoholic beverages on the retail outlet premises except during the normal posted business hours of the retail outlet.

18. It shall be a violation of this Ordinance for an employee of a tribally authorized retail outlet to sell, dispose of, deliver, or give away alcoholic beverages on the retail outlet premises on election days during the hours that polling places are open for voting.

19. It shall be a violation of this Ordinance for an employee of a tribally authorized retail outlet to sell alcoholic beverages except in the original container, to permit alcoholic beverages to be consumed on the retail outlet premises, or to sell alcoholic beverages in a container having a capacity less than eight ounces.

20. It shall be a violation of this Ordinance for a person to have in his possession or to transport alcoholic beverages which are manufactured in a distillery, winery, brewery, or rectifying plant contrary to the laws of the United States.

21. It shall be a violation of this Ordinance for an employee of a tribally authorized retail outlet, when engaged in waiting on or serving customers, to consume alcoholic beverages or remain on or about the premises while in an intoxicated or disorderly condition.

22. It shall be a violation of this Ordinance for an individual to publicly consume, possess, or sell any alcoholic beverage within Tribal Residential Areas and Cocopah Tribal Office Areas of the Cocopah Indian Reservation.

Section X—Tribal Court Jurisdiction, Enforcement

(a) The Cocopah Indian Tribal Court of the Cocopah Indian Tribe, Arizona, shall have jurisdiction over all offenses and unlawful acts enumerated in this Ordinance when committed by an Indian, whether or not the violator is a member or non-member of the Cocopah Indian Tribe.

(b) *Proof of Unlawful Sale; Intent.* In any proceeding under this Ordinance, proof of one unlawful sale of alcoholic beverages shall suffice to establish prima facie the intent or purpose of unlawfully keeping liquor for sale in violation of this Ordinance.

(c) *General Penalties.* Any person adjudged to be in violation of this Ordinance shall be subject to a civil penalty of not more than five hundred dollars ($500.00) for each such violation. The Liquor Division may adopt by separate rule or regulation a schedule of fines for each type of violation, taking into account its seriousness and the threat it may pose to the general health and welfare of the Tribal members. Such a schedule may also provide, in the case of repeated violations, for imposition of monetary fines in excess of those otherwise imposed for a first offense.

(d) *Illegal Items Declared Contraband.* Alcoholic beverages which are possessed contrary to the terms of this section are declared to be contraband. Any tribal law enforcement officer who issues a citation under this section may seize all contraband under this section and shall have the authority to seize consistent with the Cocopah Tribal Constitution and the applicable provisions of 25 U.S.C. section 1302.

(e) *Preservation of Forfeiture.* Any tribal law enforcement officer seizing contraband shall preserve the contraband by placing it in a secured area provided for storage of impounded property and shall promptly prepare an inventory. Upon entry of judgment, the person adjudged to be in violation of this Ordinance shall forfeit all right, title, and interest in the items seized, which shall be disposed of in accordance with the Cocopah Tribal Court's Rules of Civil Procedures.

Section XI—Profits

Distribution of Profits. The gross proceeds collected by the Liquor Division for all sales of alcoholic beverages on the Cocopah Indian Reservation shall be distributed as follows:

(i) The Cocopah Tribe's Alcohol and Detox Program in an amount of at least twenty-five percent (25%) of the total tax and profit received.

(ii) The Liquor Division may authorize that a portion of the profit and taxes received shall be turned over to the general fund of the Cocopah Tribe on a monthly or other periodic payment schedule established by the Liquor Division and shall be expended by the Cocopah Tribal Council for the general services of the Tribe.

(iii) The remainder of all gross proceeds shall be paid over to the Cocopah Indian Tribe Business Development Committee and the Cocopah Tribal Account.

Section XII—Severability and Revision

(a) If any section or any part of this Ordinance or the application thereof to any party or class, or to any circumstances, shall be held to be invalid for any cause whatsoever, the remainder of the section or part of the Ordinance shall not be effected thereby and shall remain in full force and effect as through no part thereof had been declared to be invalid.

(b) All Prior Ordinances and Resolutions Repealed. All prior ordinances and resolutions or provisions thereof that are repugnant or inconsistent to any provision of this Ordinance are hereby repealed.

(c) Application of 18 U.S.C. section 1161. All acts and transactions under this Ordinance shall be in conformity with this Ordinance and in conformity with the laws of the State of Arizona as that term is used in 18 U.S.C. Section 1161.

The foregoing Ordinance Number CTO–87–02 was on February 18, 1987, duly enacted by a vote of three (3) for and one (1) against by the Tribal Council of the Cocopah Tribe, pursuant to authority vested in it by Article VI of the Constitution and Bylaws of the Tribe.

For the Cocopah Tribe of Indians.
Fred Miller Sr.,
Tribal Chairman.
Faye Ortega,
Secretary.
Felix Montague,
Superintendent.

[FR Doc. 87–30019 Filed 12–30–87; 8:45 am]
BILLING CODE 4310–02–M

Bureau of Land Management

[CO–010–08–4121–12]

Draft Environmental Impact Statement for Northwest Colorado Coal Preference Right Lease Applications

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of the draft Environmental Impact Statement (EIS) for the Northwest Colorado Coal Preference Right Lease Applications and plan amendment.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management has prepared a draft EIS on two coal preference right lease applications (PRLAs) in northwest Colorado. The applications are in Rio Blanco County, Colorado. Copies of the draft EIS are available for public review and comment. The draft EIS also documents an amendment to a planning document for the PRLAs.

DATES: Written comments on the draft EIS will be accepted up to and including April 8, 1988.

ADDRESS: Written comments on the proposals in the document should be addressed to: Roger Wickstrom, Project Coordinator, Bureau of Land Management, White River Resource Area, PO Box 928, Meeker, Colorado 81641; telephone (303) 878–3601.

AVAILABILITY: Single copies on the draft EIS are available from the White River Resource Area Office (address and phone listed above).

FOR FURTHER INFORMATION CONTACT: Roger Wickstrom, Bureau of Land Management, White River Resource Area, Meeker, Colorado 81641; telephone (303) 878–3601.

SUPPLEMENTARY INFORMATION: This draft EIS describes and analyzes the environmental impacts of the proposed leasing of two preference right lease applications (PRLAs), Chapman-Riebold C–0125366 north of Rangely, and Jensen-Miller C–4275 northeast of Meeker, in northwest Colorado. It also serves as the analysis for amending the White River Resource Area Management Framework Plan by applying the unsuitability criteria (43 CFR Part 3460) to the project area.

The alternatives considered in the EIS include:

No Action
Exchange
Withdrawal/Just Compensation
Proposed Action
BLM's Preferred Alternative

If there is adequate interest, a public meeting will be held to discuss the proposals in more detail. Any interested parties should contact Roger Wickstrom, Project Coordinator, at the above address before February 12, 1988.

Date: December 23, 1987.

Neil F. Morck,

State Director, Colorado State Office.

[FR Doc. 87–29929 Filed 12–30–87; 8:45 am]

BILLING CODE 4310–JB–M

[NV–930–08–4332–09; FES 87–71]

Availability of Esmeralda-Southern NYE Final Wilderness Environmental Impact Statement for the Tonopah and Stateline Resource Areas

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of Availability of Final Environmental Impact Statement (EIS) on the Wilderness Recommendations for the Tonopah and Stateline Resource Areas, Battle Mountain and Las Vegas Districts, Nevada.

SUMMARY: This EIS assesses the environmental consequences of managing five wilderness study areas (WSA) as wilderness or nonwilderness. The alternatives analyzed included: (1) A No Wilderness/No Action alternative for each WSA, (2) an All Wilderness alternative for each WSA, and (3) a Partial Wilderness alternative for four of the WSAs.

The names of the WSAs analyzed in the EIS, their total acreage, and the proposed action for each are as follows:

WSA	Acres suitable	Acres nonsuitable
Silver Peak Range	[1] 17,850	17,234
Pigeon Spring	0	3,575
Queer Mountain	0	81,550
Grapevine Mountains	0	66,800
Resting Springs	0	3,850

[1] Includes acres added from outside the WSA.

The Bureau of Land Management wilderness proposals will ultimately be forwarded by the Secretary of the Interior to the President and from the President to Congress. The final decision on wilderness designation rests with Congress. In any case, no final decision on these proposals will be made by the Secretary during the 90 days following the filing of this EIS. This complies with the Council on Environmental Quality Regulations, 40 CFR 1506.10B(2)

SUPPLEMENTARY INFORMATION: A limited number of individual copies of the EIS may be obtained from the District Manager, Las Vegas District, 4765 W. Vegas Dr., P.O. Box 26569, Las Vegas, Nevada 89126, or call (702) 388–6403. Copies are also available for inspection at the following locations:

Department of the Interior, Bureau of Land Management, 18th and C Street, NW., Washington, DC 20240;
Bureau of Land Management, Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, NV 89520;
Bureau of Land Management, Battle Mountain District, N. 2nd & Scott Steets, Battle Mountain, Nevada 89820.

FOR FURTHER INFORMATION CONTACT: Janaye Byergo, EIS Team Leader, at 4765 W. Vegas Dr., P.O. Box 26569, Las Vegas, Nevada 89126.

Dated: December 21, 1987.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 87–29849 Filed 12–30–87; 8:45 am]

BILLING CODE 4310–HC–M

[AZ–040–07–4322–02]

Safford District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92–463, that a meeting of the Safford District Grazing Advisory Board will be held.

DATE: Friday, February 12, 1988, 9:00 a.m.

ADDRESS: BLM Safford District Office, 425 E. 4th Street, Safford, Arizona.

SUPPLEMENTARY INFORMATION: The agenda for the meeting includes the following items: Time Control Grazing; District Resource Management Plan; Plant Seed Available for Reseeding; Report of Advisory Board Funds Use in FY 87; BLM management update; Business from the floor.

The meeting is open to the public. Interested persons may make oral statements to the Board between 10:00 a.m. and 11:00 a.m. A written copy of the oral statement may be required to be provided at the conclusion of the presentation. Written statements may also be filed for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546, by 4:15 p.m., Thursday, February 11, 1988.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection and production (during regular business hours) within thirty (30) days following the meeting.

Date: December 22, 1987.

Ray A. Brady,

District Manager.

[FR Doc. 87–29984 Filed 12–30–87; 8:45 am]

BILLING CODE 4310–33–M

[CA–059–08–4333–10]

Off-Road Vehicle Use Designation; California

ACTION: Notice of off-road vehicle use designation, special area designation, closures and restrictions applying to the Sacramento River Special Recreation Management Area.

SUMMARY: Notice is hereby given that the below listed off-road vehicle use designation, special area designation, closures and restrictions apply to those public lands which lie within the boundaries of the Sacramento River Area Management Plan area. These designations, closures and restrictions are made as implementation of management actions contained in the Sacramento River Area Management Plan, in accordance with the authority contained in 43 CFR 8342.1, 8364.1 and 8372.1.

1. Off-road vehicle use is limited to the designated road and trails located in Sections 1, 11, 12 and 14, T. 28 N., R. 3 W., M.D.M. All other areas and trails in these sections, as well as areas and trails located in Sections 24, 25, 26 and 36, T. 29 N., R. 3 W., M.D.M., are designated closed to off-road vehicle use.

(2) Those public lands located in Section 34, known as Jellys Ferry, and those public lands located in Section 25, E½SW¼, W½SE¼; and a portion of Lots 6 and 7 of Section 36, also known as the Mouth of Inks Creek, are closed to camping.

(3) The Sacramento River Area is designated as a special area under 43 CFR 8372, requiring Special Recreation Permits for group uses or events which are not commercial, competitive, or off-road vehicle events involving 50 or more vehicles.

(4) The Sacramento River Area is closed to shooting. The exceptions to this restriction include: (a) properly licensed hunters shooting at game during legal hunting seasons in compliance with California State Law, and (b) target shooting at the area within the NE¼ of Section 14, T. 28 N., R. 3 W., M.D.M.

The purpose of these designations, restrictions and closures is to provide a means by which the Bureau of Land Management can effectively control visitor activities which jeopardize public safety, damage populations of both Federally and State listed threatened and endangered plant and animal species, destroy historic and pre-historic artifacts and sites, create soil erosion, and damage fish and wildlife habitat. These designations, restrictions and closures were developed with full public participation as action decisions in the Sacramento River Area Management Plan, which was approved after the completion of an environmental assessment.

DATE: These designations, restrictions and closures are effective December 31, 1987, and will remain in effect until modified or rescinded by the authorized officer.

SUPPLEMENTARY INFORMATION: Authority for these designations, restrictions and closures is contained in CFR Title 43, Chapter II, Parts 8342, 8364 and 8372. Any person who violates or fails to comply with this designation, restriction and closure order may be subject to a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months under the authority of 43 CFR 8360.0–7, 8340.0–7 and 8372.0–7.

The Sacramento River Area Management Plan, approved December 31, 1986, provides management direction for a portion of the Sacramento River Special Recreation Management Area, including approximately 4,330 acres of public lands adjoining the Sacramento River in Tehama County, California.

ADDRESS: Send inquiries to Area Manager, Redding Resource Area, 355 Hemsted Drive, Redding, California 96002. The Sacramento River Area Management Plan is available for public review at the Redding Area Office from 7:45 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Joe Williams, Outdoor Recreation Planner, at (916) 246–5325.

Date: December 23, 1987.

Timothy P. Julius,

Acting District Manager.

[FR Doc. 87–29985 Filed 12–30–87; 8:45 am]

BILLING CODE 4310–40–M

[NM–943–08–4111–13; NM NM 68038]

New Mexico; Proposed Reinstatement of Terminated Oil and Gas Lease; Atlantic Richfield Co.

United States Department of the Interior, Bureau of Land Management, Santa Fe, New Mexico 87504. Under the provisions of 43 CFR 3108.2–3, Atlantic Richfield Company, petitioned for reinstatement of oil and gas lease NM NM 68038 covering the following described lands located in Eddy, New Mexico:

T. 18 S., R. 31 E., NMPM
Sec. 5: Lots 1, 2, SE¼NE¼, S½NW¼
Containing 200.04 acres.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of $500.00 has been paid. Future rentals shall be at the rate of $7.00 per acre per year and royalties shall be at the rate of 16⅔ percent. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, August 1, 1987.

Date: December 3, 1987.

Dolores L. Vigil,

Acting Chief, Adjudication Section.

[FR Doc. 87–29986 Filed 12–30–87; 8:45 am]

BILLING CODE 4310–FB–M

[MT–930–08–4212–13; M 72225]

Conveyance of Public Land in Lewis and Clark County, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This Notice informs the public and interested state and local government officials of the completion of a land exchange and issuance of the conveyance documents. The land acquired in the exchange has high recreational and natural resource values and is a part of the Sleeping Giant Recreation Area.

FOR FURTHER INFORMATION CONTACT: Edward H. Croteau, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–657–6082.

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that pursuant to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), the following described surface and mineral estates were transferred to Sieben Ranch Company:

Principal Meridian, Montana

T. 13N., R. 3 W.,
Sec. 32, W½NW¼SE¼, W½SE¼N W¼SE¼.
Containing 25 acres.

2. The following described surface estate and all minerals except oil and gas were also transferred to Sieben Ranch Company:

Principal Meridian, Montana

T. 13 N., R. 4 W.,
Sec. 18, lot 1.
T. 13 N., R. 5 W.,
Sec. 2, lot 4, S½NW¼, N½SE¼;
Sec. 4, S½NW¼;
Sec. 6, lot 1;
Sec. 10, SE¼SW¼, SW¼SE¼;
Sec. 20, E½NE¼, N½NW¼, SW¼NW¼;
Sec. 26, E½NE¼, NW¼NE¼;
Sec. 28, W½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 33, lot 1, N½SE¼;
Sec. 34, NE¼, N½NW¼, SW¼NW¼, SE¼SW¼, S½SE¼.
Aggregating 1,587.36 acres.

Upon termination or relinquishment of the existing oil and gas leases on the above lands, all rights and interests in the oil and gas deposits shall automatically vest in Sieben Ranch Company, its successors or assigns.

Total acreage patented—1,612.36 acres.

John A. Kwaitkowski,

Deputy State Director, Division of Lands and Renewable Resources.

December 22, 1987.

[FR Doc. 87-29983 Filed 12-30-87; 8:45 am]

BILLING CODE 4310-DN-M

[AZ-020-08-4212-13; A-18992]

Realty Action; Public Land Exchange; Mohave County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of termination/realty action—Exchange, Public Land, Mohave County, Arizona.

SUMMARY: The following described lands and interests therein have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian

T. 14 N., R. 20 W.,
Sec. 4, lots 5, 8, and 9;
Sec. 9, lots 2 and 3, SW¼NW¼, N½N½ NW¼SW¼.
Containing 144.5 acres, more or less.

In exchange for these lands, the United States will acquire the mineral interest in the following described lands from New Mexico and Arizona Land Company of Phoenix, Arizona:

Gila and Salt River Meridian

T. 17 N., R. 19 W.,
Sec. 1, lots 1–4, S½N½, S½;
Sec. 3, lots 1–4, S½N½;
Sec. 5, lots 1–4, S½N½, S½;
Sec. 7, lots 1–4, E½, E½W½;
Sec. 11, all;
Sec. 13, all;
Sec. 15, NE¼, S½NW¼, S½;
Sec. 17, W½NE¼, S½;
Sec. 19, lots 1–4, E½, E½W½;
Sec. 21, all;
Sec. 23, all;
Sec. 25, all;
Sec. 27, all;
Sec. 29, all;
Sec. 31, lots 1–4, E½, E½W½;
Sec. 33, all;
Sec. 35, NE¼, N½NW¼, E½SE¼.
T. 18 N., R. 19 W.,
Sec. 3, lots 1–4, S½N½, S½;
Sec. 5, lots 1–4, S½N½, S½;
Sec. 7, lots 1–4, E½, E½W½;
Sec. 9, all;
Sec. 11, all;
Sec. 13, all;
Sec. 15, all;
Sec. 17, all;
Sec. 19, lots 1–4, E½, E½W½;
Sec. 21, all;
Sec. 23, all;
Sec. 25, all;
Sec. 27, all;
Sec. 29, all;
Sec. 31, lots 1–4, E½, E½W½;
Sec. 33, all;
Sec. 35, all.
T. 18 N., R. 18 W.,
Sec. 5, lots 1–4, S½N½, S½;
Sec. 7, lots 1–4, E½, E½W½;
Sec. 9, all;
Sec. 17, all;
Sec. 19, lots 1–4, E½, E½W½;
Sec. 21, all;
Sec. 27, all;
Sec. 29, all;
Sec. 31, lots 1–4, E½, E½W½;
Sec. 33, all.
T. 19 N., R. 18 W.,
Sec. 29, all.
T. 19 N., R. 19 W.,
Sec. 5, lots 1–4, S½, S½N½;
Sec. 7, lots 1–7, NE¼, E½W½, NE¼SE¼;
Sec. 9, all;
Sec. 19, lots 1 & 2, E½, E½NW¼;
Sec. 25, all;
Sec. 27, all;
Sec. 29, all;
Sec. 31, lots 1–4, E½, E½W½;
Sec. 33, all;
Sec. 35, all.
T. 20 N., R. 19 W.,
Sec. 5, lots 1–4, S½N½, S½;
Sec. 7, lots 1–4, E½, E½W½;
Sec. 17, all;
Sec. 19 lots 1–4, E½, E½W½;
Sec. 29 all;
Sec. 31, lots 1–7, NE¼, E½NW¼, NE¼SW¼, N½SE¼.
Containing 48,228.97 acres, more or less.

The public land to be transferred will be subject to the following terms and conditions:

1. Reservations to the United States: (a) Right-of-way for ditches and canals pursuant to the Act of August 30, 1890.

2. Subject to: (a) Restrictions that may be imposed by the Mohave County Board of Supervisors in accordance with county floodplain regulations established under Resolution No. 84-10 adopted on December 3, 1984, as amended; (b) Right-of-way to the Arizona State Highway Department (A-4315); (c) Right-of-way to Citizens Utilities Rural Company, Inc. (A-7475); (d) Right-of-way to the Mohave County Board of Supervisors (A-17951); (e) Rights-of-way to Citizens Utilities Company (A-20874 and PHX-034352); (f) Reservation of all minerals to Santa Fe Pacific Railroad Company (sec. 9 only); and (g) Continuation of grazing by Havasu Heights Ranch and Development Corporation through June 21, 1989.

The purpose of the exchange is to unify the surface and mineral estates under federal ownership to facilitate resource management in recreation, minerals, wildlife and range and to dispose of isolated and/or difficult to manage land with speculative development potential.

Publication of this Notice will serve as public notification that all action relating to private exchange A-22308 described in the **Federal Register** publication of June 25, 1987, Volume 52, No. 122, page 23895, is terminated as to the public lands described in this Notice. However, the subject lands are to remain segregated from operation of the public land laws, including the mining laws, but not the mineral leasing laws. This segregation will terminate upon the issuance of a deed or patent, publication of a Notice of Termination or June 24, 1989, whichever occurs first.

Detailed information concerning this exchange may be obtained from the Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401. For a period of forty-five (45) days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be evaluated by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Date: December 23, 1987.

Henri R. Bisson,

District Manager.

[FR Doc. 87-29988 Filed 12-30-87; 8:45 am]

BILLING CODE 4310-32-M

[CA-059-08-7122-10-U012; CA 19062]

Sale of Interest in Public Lands; Shasta County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Under section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) the reserved perpetual exclusive easement interest in the westerly 60' × 1190' of Lot 8, Section 18, T. 31 N., R. 5 W., M.D.M., California (containing 1.64 acres) is proposed for direct sale to Bill G. and Marylee Minton at the appraised fair market value of $1500.00. The reserved interest has never ben used for the intended purpose, no are there any known plans for future use of this reserved easement and right-of-way.

SUPPLEMENTARY INFORMATION: This action is consistent with County and Bureau planning decisions. Terms and conditions applicable to this action are:

1. Title transfer will be subject to valid existing rights.

2. BLM may withdraw this interest from sale at any time if, in the opinion of the Authorized Officer, consummation of the sale would not be in the best interest of the United States.

3. The United States will convey the interest reserved in Patent 04-72-0109 dated May 8, 1972 specifically "a perpetual easement and right-of-way, including but not limited to the right and privilege, in the public, to use same, and to locate, construct, relocate, maintain, control, and repair a road and public utility facilities, situated on the westerly 60 feet of Lot 8".

4. The interst will be conveyed as a direct sale at the fair market value of $1500.00 plus the cost of obtaining an appraisal and publication of the Notice of Realty Action.

DATE: Comments may be sent to the Area Manager for a period of up to and including February 16, 1988.

ADDRESS: Area Manager, BLM, 355 Hemsted Drive, Redding, California 96002.

Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of Interior.

Date: December 23, 1987.

Timothy P. Julius,

Acting District Manager.

[FR Doc. 87-29989 Filed 12-30-87; 8:45 am]

BILLING CODE 4310-40-M

[M-74540; MT-020-08-4212-14]

Realty Action; Direct Sale; Montana

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice of realty action M-74540, sale of public land in Rosebud County, Montana.

SUMMARY: The following described land has been determined to be suitable for disposal by direct, noncompetitive sale under section 203 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1713).

Principal Meridian

T. 2 N., R. 39 E.,
Section 12, NW¼SE¼.
Containing approximately 40 acres.

The land will be offered for direct sale to Mary Genie Dowlin at not less than the established fair market value of $1,400.00 and not until 60 days after the date of this notice.

DATES: For a period of up to and including February 16, 1988, interested parties may submit comments to the District Manager, Bureau of Land Management at the address shown below. Any adverse comments will be evaluated by the BLM, Montana State Director, who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Information relating to the sale, including the environmental assessment and the land report is available for review at the Miles City District Office, P.O. Box 940, Miles City, Montana 59301.

SUPPLEMENTARY INFORMATION: The land described is hereby segregated from appropriation under the public land laws, including the mining laws, until patent is issued or 270 days from the date of this notice, whichever occurs first.

The sale will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945.

2. A reservation to the United States of all minerals.

3. All valid existing rights and reservations of record.

The land has been determined to have no known mineral values and the exercise of surface rights will not interfere with mineral development. The proposed sale is consistent with the Bureau's planning and has been discussed with State and local officials. The purpose of this sale is to resolve an unauthorized use of the lands.

Date: December 22, 1987.

Sandra E. Sacher,

Associate District Manager.

[FR Doc. 87-29990 Filed 12-30-87; 8:45 am]

BILLING CODE 4310-DN-M

[M-75256, M-75257; MT-020-08-4212-21]

Realty Action; Leases in Wheatland and Carbon Counties, MT

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Non-competitive leasing of public land in Wheatland and Carbon County, Montana.

SUMMARY: The following described lands have been examined and identified as suitable for leasing under section 302 of the Federal Land Policy and Management Act (43 U.S.C. 1732) at not less than fair market value:

M-75256

Principal Meridian

T. 6 S., R. 21 E.,
Sec. 5, E½SE¼SE¼.

Carbon County

Containing 7 acres.

M-75257

Principal Meridian

T. 9 N., R. 12 E.,
Sec. 28, S½NW¼.

Wheatland County

Containing 80 acres.

The purpose of each lease is to authorize the agricultural use of public land. Lease M-75256 will be offered non-competitively to Devries Sheep and Land Company, Box 60, Joliet, Montana 59070 as the land is an overlap of their circular sprinkler irrigation system. Lease M-75257 will be offered non-competitively to the Martinsdale Colony, Box 152, Martinsdale, Montana 59053. The land to be leased for farming is adjacent to the private property of the proposed lessee. The proposed leases will provide authorized agriculture use of the public land. The terms, conditions, and reservations of the leases are:

1. The leases will run for a ten year period to be further evaluated upon expiration.

2. The lands will be leased subject to all valid existing rights of record.

3. All the coal, oil, gas geothermal and other mineral deposits are reserved together with the right to enter upon the land and prospect for, mine and remove such materials.

4. The United States reserves the right to issue rights-of-way or use permits over the area. Such uses, however, shall not unduly impair the use of said lands for authorized improvements therein.

5. The United States reserves the right to use the public lands or authorize use of the public lands by the general public in any way compatible or consistent with the use authorized by this lease.

DATES: For a period of up to and including February 16, 1988, interested parties may submit comments to Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301. Any adverse comments will be evaluated by the BLM, Montana State Director, who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Sally King, Billings Resource Area, 810 East Main, Billings, Montana 59105, Telephone Number 406–657–6262.

Date: December 22, 1987.

Sandra E. Sacher,

Associate District Manager.

[FR Doc. 87–29991 Filed 12–30–87; 8:45 am]

BILLING CODE 4310-DN-M

[NV–020–08–4212–14; N–47294]

Realty Action; Advertisement of Public Land To Be Sold by Noncompetitive Sale Procedures; Humboldt County, NV

ACTION: Notice of realty action—advertisement of public land to be sold by noncompetitive sale procedures—N–47294. The land is located within Humboldt County, Nevada.

SUMMARY: Notice is hereby given that pursuant to the Act of October 21, 1976 (43 U.S.C. 1713, section 203), the Bureau of Land Management is selling at fair market value, the following public lands by noncompetitive land sale procedures:

Mount Diablo Meridian, Nevada

T. 44 N., R. 30 E., Sec. 23, NE1/4SE1/4
40 acres more or less

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, 705 East 4th Street, Winnemucca, Nevada 89445.

DATE: February 1, 1988.

FOR FURTHER INFORMATION CONTACT: Hal Green, District Realty Specialist, Winnemucca District Office, Bureau of Land Management, 705 East 4th Street, Winnemucca, NV 89445, (702) 623–3676.

SUPPLEMENTARY INFORMATION: This parcel of public land is bordered by private land at the Big Creek Ranch which is near Denio, Nevada. Competitive interest could not be determined at the time of sale preparation and to eliminate conflicts of interest in land ownership, noncompetitive sale procedures were used for the purpose of disposal of the parcel.

Publication of this Notice in the **Federal Register** shall segregate the land to the extent that it will not be subject to appropriation under the public land laws, including the mining laws. Any subsequent application shall not be considered as filed and shall be returned to the applicant. This segregative effect of the Notice of Realty Action shall terminate upon issuance of the patent or other document of conveyance to such land, upon publication in the **Federal Register** of a termination of the segregation or 270 days from the date of publication, whichever occurs first.

Payment for the property shall be by cash, certified check, postal money order, bank draft, or cashier's check made payable to the Dept. of the Interior—BLM. The Authorized Officer may withdraw the parcel from sale if it is determined that consumation of the sale would be inconsistent with the provisions of existing law or policy.

The sale is consistent with the Federal Regulations contained in Title 43 CFR, specifically:

1. 43 CFR 2430.5(a) which states that the lands which have value for residential, commercial, agricultural, or industrial purposes or for more than one such purpose, will be considered chiefly valuable for that purpose which represents the "highest and best use: of the lands, for example, their most profitable legal use is in private ownership.

2. 43 CFR 2430.5(c) which states that the lands determined to be valuable for residential, commercial, agricultural, or industrial use may be classified for disposal under appropriate authority providing such classification is consistent with local government comprehensive plans or in the absence of such plans, with the views of local government authorities.

3. 43 CFR 2410(b) which states that all present and potential uses and users of the land have been taken into consideration and the land classification will achieve the maximum future benefit and use with minimal disturbance to or dislocation to existing users.

4. 43 CFR 2410.1(d) which states that the Bureau Motion Land Sale is consistent with Federal programs and policy.

Conditions of Sale

Craig Moore agrees that he takes the parcel which will be subject to the existing grazing preference of Julian Marcuerquiaga to graze domestic livestock on the land according to the terms and conditions of the Alder Creek Grazing Allotment. The preference of Julian Marcuerquiaga to graze domestic livestock on the parcel of land according to the terms and conditions of the above mentioned allotment will cease on October 12, 1989. Craig Moore is entitled to receive annual grazing fees from Julian Marcuerquiaga for the livestock grazing in the same amounts as the fee that is published in the **Federal Register** annually. This requirement will expire on October 12, 1989.

Reservations to the Federal Government:

1. Rights-of-way for ditches and canals constructed under the Authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits together with the right to prospect for, mine, and remove the same.[1]

3. Patent, when issued, will be subject to the following rights-of-way of record: N–16244, an irrigation ditch issued to the Big Creek Ranch for purposes of transferring agricultural water to the ranch and farmland.

Note.—The land purchaser and right-of-way holder being the same person, titles will merge upon issuance of the land patent.

4. All geothermal resources will be reserved to the United States Government.

Dated: December 18, 1987.

Frank C. Shields,

District Manager.

[FR Doc. 87–29992 Filed 12–30–87; 8:45 am]

BILLING CODE 4310-HC-M

[NM–010–08–4111–16]

Office Relocation; Farmington, NM

AGENCY: Bureau of Land Management.

ACTION: Notice of Office Relocation—Farmington, New Mexico.

SUMMARY: All offices of the Bureau of Land Management currently located in Farmington, New Mexico, at the following locations, 3535 E. 30th Street, Room 206, and 900 La Plata Highway will be moved to a new location between January 15 and January 31, 1988. During this period, services to the public may be curtailed to the extent necessary to complete the move as quickly as possible.

All Farmington BLM offices will be located at 1235 La Plata Highway effective January 15, 1988. The new mailing address for all offices will be:

[1] The mineral deposits or interests having no known mineral value will be conveyed simultaneously with the surface estate at the time of sale. The purchaser will be required to remit $50.00, nonrefundable fee. Failure to do so will result in the cancellation of the sale.

Bureau of Land Management, 1235 La Plata Highway, Farmington, New Mexico 87401. All telephone numbers currently listed in the Farmington phone directory will remain unchanged.

Other phone numbers to individual offices or specialists may be changed.

FOR FURTHER INFORMATION CONTACT: Ron Fellows, Area Manager, (505) 325–3581, 325–4572 or FTS 476–6465.

Richard Fagan,

Acting District Manager.

[FR Doc. 87–29987 Filed 12–30–87; 8:45 am]

BILLING CODE 4310-FB-M

[NM–940–08–4220–11; NM NM 6266]

Proposed Continuation of Withdrawal; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior proposes that a 160-acre withdrawal for the Bureau of Reclamation continue for an additional 20 years. The land would remain closed to surface entry. The mineral estate is reserved to and controlled by the State of New Mexico.

DATE: Comments should be received by March 30, 1988.

ADDRESS: Comments should be sent to: New Mexico State Director, BLM, P. O. Box 1449, Santa Fe, New Mexico 87504–1449.

FOR FURTHER INFORMATION CONTACT: Kay Thomas, BLM New Mexico State Office, 505–988–6589

The Department of the Interior proposes that the existing land withdrawal made by Public Land Order No. 4798 of April 14, 1970, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

New Mexico Principal Meridian

T. 10. N., R. 31 E.,
sec. 16, E½E½.

The area described contains 160 acres in Quay County.

The purpose of the withdrawal is for use in connection with the Tucumcari Reclamation Project. The withdrawal segregates the land from the operation of the public land laws generally. The minerals are not owned by the United States.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, in connection with the proposed withdrawal continuation may present their views in writing to the New Mexico State Director at the address indicated above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued, and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Larry L. Woodard,

State Director.

Dated: December 22, 1987.

[FR Doc. 87–29993 Filed 12–30–87; 8:45 am]

BILLING CODE 4310-FB-M

[OR–943–08–4220–11; GP–08–040; ORE–05047]

Proposed Continuation of Withdrawal; Oregon; Correction

The FR Doc. 87–26474 published at page 43951 in the issue of Tuesday, November 17, 1987 make the following corrections:

1. In the second column, in the fourth line, land description "sec. 21, lots 1 and 2", should read "sec. 24, lots 1 and 2;"

2. In the second column, in the sixteenth line, land description "sec. 4, S¼SW¼, NE¼, SW¼NW¼", should read "sec. 4, S½SW¼NE¼, SW¼NW¼,".

B. Lavelle Black,

Chief, Branch of Lands and Minerals Operations.

Dated: December 22, 1987.

[FR Doc. 87–29994 Filed 12–30–87; 8:45 am]

BILLING CODE 4310-33-M

Minerals Management Service

Development Operations Coordination Document; Chevron U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 1260, Block 177, South Timbalier Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Leeville, Louisiana.

DATE: The subject DOCD was deemed submitted on December 18, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Warren Williamson; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2874.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: December 22, 1987

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87–29995 Filed 12–30–87; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Chevron U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc., Unit Operator of the South Timbalier Block 135 Federal Unit Agreement No. 14–08–001–6669, has submitted a DOCD describing the activities it proposes to conduct on the South Timbalier Block 135 Federal unit. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Leeville, Louisiana.

DATE: The subject DOCD was deemed submitted on December 16, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Al Durr; Minerals Management Service; Gulf of Mexico OCS Region; Production and Development; Development and Unitization Section; Unitization Unit; Telephone (504) 736–2050.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to inform the public pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: December 21, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87–29996 Filed 12–30–87; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Walter Oil & Gas Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Walter Oil & Gas Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 4138, Block 565, Matagorda Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Port O'Connor, Texas.

DATE: The subject DOCD was deemed submitted on December 22, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Warren Williamson, Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2874.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: December 22, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87–29997 Filed 12–30–87; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf Oil and Gas Information Program (OCSIP)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given that the "Pacific Summary/Index: June 1, 1986-July 31, 1987" (OCS Information Report MMS 87–0078) has been published. The publication's purpose is to provide affected States, local governments, and other interested parties with current information on OCS oil and gas activities and related issues so that they may plan for any possible impacts.

DATES: Availability effective December 31, 1987.

To obtain copies: Write or call the OCS Information Program, Office of Offshore Information and Publications, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Mail Stop 642, Vienna, VA 22180. Telephone (703) 285–2280. Copies are free upon request.

FOR FURTHER INFORMATION CONTACT: Douglas L. Slitor, Chief, OCS Information Program, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Mail Stop 642, Vienna, VA 22180. Telephone (703) 285–2285.

SUPPLEMENTARY INFORMATION: The OCSIP publishes its documents in compliance with a mandate in the OCS Lands Act Amendments of 1978 (43 U.S.C. 1352). According to the mandate, the documents are to provide affected States, local governments, and other interested parties with current information on OCS oil and gas activities and related issues to help them plan for any potential impacts.

This Pacific Summary/Index has a slightly altered format:

(1) The chapters on "Transportation Scenarios" and "Onshore Facilities" are merged into one chapter entitled "Project-Specific Developments and Status."

(2) Appendix A contains detailed MMS leasing procedures.

(3) Some of the standard narrative now appears as tables or graphs instead of text.

(4) Each chapter ends with a list of "Additional Reading" for reference to more detailed discussions of relevant topics and issues.

(5) A special feature is the 53" x 42" map that provides with pictorial symbols and tabular data an overview of the oil and gas activities and related onshore facilities in the Southern California area.

The Summary/Index's data support the premise that with current market conditions, industry has shifted its interest in the Pacific OCS Region from an acquisition and exploration phase to development and production. Discoveries over the past 5 years led to estimates of increased amounts of oil and gas reserves. Subsequent development is expected to bring new production on line to reverse the declining trend. Platform Irene in the Point Pedernales Unit is already producing, and Chevron and Texaco were expected to be producing in the Point Arguello field late this year. As for interest in State waters and onshore activities, the document highlights the status of some proposed and existing projects, such as the Celeron interstate pipeline, the expansion of the Gaviota and Los Flores marine terminals, and the Coal Oil Point and Hercules projects.

Date: December 16, 1987.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 87–29998 Filed 12–30–87; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31183]

H. Peter Claussen and Linda Claussen; Continuance in Control Exemption; Wiregrass Central Railroad Co., Inc.

H. Peter Claussen and Linda Claussen (Mr. and Mrs. Claussen) have filed a notice of exemption under 49 CFR 1180.4(g) regarding their continuance in control of Wiregrass Central Railroad Company, Inc. (WCRC), under the provisions of 49 CFR 1180.2(d)(2). At present, Mr. and Mrs. Claussen control Alabama & Florida Railroad Company (A&F) and Gulf & Ohio Railways, Inc., doing business as Mississippi Delta Railroad (G&O).

WCRC, a noncarrier, has filed concurrently a notice of exemption in Finance Docket No. 31184, *Wiregrass Central Railroad Company, Inc.—Acquisition and Operation Exemption—Rail Lines of CSX Transportation, Inc.*, relating to WCRC's purchase and operation of a 23.2-mile line of railroad in Alabama. The line will be purchased from CSX Transportation, Inc.

Mr. and Mrs. Claussen are the sole shareholders of WCRC. Their control of A&F and G&O, was previously approved by the Commission in Finance Docket No. 30837. Mr. and Mrs. Claussen indicate that: (1) The railroads will not connect with each other or any railroad in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a class I carrier. Therefore, this transaction involves the continuance in control of a nonconnecting carrier and is exempt from the prior review requirements of 49 U.S.C. 11343. *See* 49 CFR 1180.2(d)(2).

As a condition to the use of this exemption, any employee affected by the transaction will be protected by the conditions set forth in *New York Dock. Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 10, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87–29481 Filed 12–30–87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31184]

Wiregrass Central Railroad Co., Inc.; Acquisition and Operation Exemption; Rail Lines of CSX Transportation, Inc.

Wiregrass Central Railroad Company, Inc. (WCRC), has filed a notice of exemption to acquire and operate approximately 23.2 miles of railroad of CSX Transportation, Inc. (CSX), located in Alabama. The line extends from milepost 800.00 at Waterford, AL, to milepost 823.20, at Clintonville, AL. The agreement for transfer of the lines between WCRC and CSX will be consummated on or about December 18, 1987.

A transaction relating to the control of WCRC by H. Peter Claussen is the subject of a notice of exemption filed concurrently in Finance Docket No. 31183, *H. Peter Claussen—Continuance in Control Exemption—Wiregrass Central Railroad Company, Inc.* Any comments must be filed with the Commission and served on Mark M. Levin, Weiner, McCaffrey, Brodsky & Kaplan, P.C., 1350 New York Avenue NW., Suite 800, Washington, DC 20005–4797.

This transaction will also involve the issuance of securities by WCRC, which will be a Class III carrier. The issuance of these securities is an exempt transaction under 49 CFR 1175.1.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 10, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87–29482 Filed 12–30–87; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB–55 (Sub-No. 223X)]

CSX Transportation, Inc.—Exemption—Abandonment Near Quarry Road, North Baltimore in Wood County, OH

Applicant filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon 1.88 miles of railroad near Quarry Road, North Baltimore, in Wood County, OH, between valuation station 880 + 66 and valuation station 980 + 09.

Applicant has certified that (1) no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line, or may be rerouted, and (2) no formal complaint, filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

Applicant has filed an environmental report which shows that no significant environmental or energy impacts are likely to result from the abandonment.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective January 30, 1988, unless stayed pending reconsideration. Petitions to stay must be filed by January 11, 1988, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by January 20, 1988 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicants' representatives: Patricia Vail, Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: December 21, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87–29731 Filed 12–30–87; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB–257 (Sub-No. 1X)]

Sand Springs Railway Co.—Abandonment Exemption—Tulsa County, OK

Applicant filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 1.6-mile line of railroad in Tulsa, Tulsa County, OK, starting at a point 350 feet south of the south line of West First Street, and running north and east to the end of the

line at its interchange with the Missouri Pacific Railroad Company and the Atchison, Topeka and Santa Fe Railway Company east of Greenwood Avenue, at King Street.

Applicant has certified that (1) no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line, or may be rerouted, and (2) that no formal complaint, filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line, either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

Applicant has filed an environmental report which shows that no significant environmental or energy impacts are likely to result from the abandonment.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective January 30, 1988, unless stayed pending reconsideration. Petitions to stay must be filed by January 11, 1988, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by January 20, 1988 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: S. Douglas Dodd, Doerner, Stuart, Saunders, Daniel & Anderson, 1000 Atlas Life Building, Tulsa, OK 74103.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: December 21, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29732 Filed 12-30-87; 8:45 am]

BILLING CODE 7035-01-M

Agricultural Cooperative; Intent to Perform Interstate Transportation for Certain Nonmembers

Date: December 28, 1987.

The following Notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, non-exempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, DC 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC.

A. (1) Tennessee Farmers Cooperative;
(2) P.O. Box 3003, LaVergne, TN 37086;
(3) P.O. Box 3003, LaVergne, TN 37086;
(4) Joe L. Wright, P.O. Box 3003, LaVergne, TN 37086.

B. (1) Southern States Cooperative, Inc.;
(2) P.O. Box 26234, Richmond, VA 23260;
(3) 6606 West Broad Street, Richmond, VA 23230;
(4) Garry L. Horn, P.O. Box 26234, Richmond, VA 23260.

Noreta R. McGee,

Secretary.

[FR Doc. 87-30008 Filed 12-30-87; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Spring Industries, Inc., Fort Mill, South Carolina 29715.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) or incorporation:

(i) Graber Industries, Inc.—DE
(ii) Brooksea Foods, Inc.—GA
(iii) Lancaster International Sales, Inc.—SC
(iv) Fort Mill Properties, Inc.—DE
(v) Fort Mill A, Inc.—DE
(vi) Clark-Schwebel Fiber Glass Corporation—NY
(vii) Clark-Schwebel Corporation—NY
(viii) King Fiber Glass Corporation—DE
(ix) Fiber Glass Reinforcements, Inc.—CA
(x) Accel Plastic Products, Inc.—AZ
(xi) Catawba Trucking, Inc.—SC

Noreta R. McGee,

Secretary.

[FR Doc. 87-30009 Filed 12-30-87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31139]

The Golden Cat Railroad Corp.; Acquisition and Operation Exemption; Certain Line of Missouri Pacific Railroad Co.; Supplement to Notice of Exemption'

The notice of exemption served November 19, 1987, concerned the acquisition and operation by the Golden Cat Railroad Corporation (GCR), a noncarrier, of 10.8 miles of rail line of Missouri Pacific Railroad Company (MPR) between milepost 149.5 located at or near Delta, MO, and milepost 160.3 located at or near Newman Spur, MO. The Acquisition included the involved right-of-way and associated real estate.

The notice of exemption stated that it was unclear whether the proposed operator of the rail line, Cape County Development, Inc., doing business as The Jackson & Southern Railroad (JSR), would be operating the line in its own name or an behalf or GCR. By supplemental statement filed December 8, 1987, GCR has clarified the situation by explaining that it, rather than JSR, will be operating as a rail common carrier over the line and that JSR will merely perform physical rail service on behalf of GCR over the line on a non-exclusive basis. Thus, JSR will not assume the status of a rail common carrier.

The notice of exemption should be considered clarified to the extent indicated here, and in all other respects it shall remain in full force and effect.

Decided: December 22, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-30010 Filed 12-30-87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31138]

Maryland Midland Railway, Inc.; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission, under 49 U.S.C. 10505, exempts the acquisition by Maryland Midland Railway, Inc. of 4.42 miles of track owned by Western Maryland Railway Company from the requirements of 49 U.S.C. 11343.

DATES: This exemption is effective on January 14, 1988. Petitions to reopen must be filed by January 25, 1988.

ADDRESSES: Send pleadings referring to Finance Docket No. 31138 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.
(2) Petitioner's representative: Henry E. Seaton, Suite 525, McLachlen Bank Building, 11th and G Streets, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245. [TDD for hearing impaired: (202) 275-1721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (DC Metropolitan area). [assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

Decided: December 23, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87-30065 Filed 12-30-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Order; Associated Metal and Minerals Corp., et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent order in *United States* v. *Associated Metal and Minerals Corporation and Gulf Chemical and Metallurgical Company, Inc.* was lodged in the United States District Court for the Southern District of Texas on December 7, 1987.

The proposed consent order resolves a lawsuit initiated by a complaint that the United States filed on January 15, 1985. The complaint alleged violations of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, during the operation of defendants' catalyst reclamation facility in Freeport, Texas. The proposed order contains interim effluent limitations and ultimately requires compliance with the NPDES permit in effect on March 31, 1989. The proposed order also provides stipulated penalties for failure to comply with interim or final effluent limitations. It also contains a $230,000 civil penalty for past violations.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed order. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Associated Metal and Minerals Corporation and Gulf Chemical and Metallurgical Company, Inc.* D.J. Ref. 90-5-1-1-2297.

The proposed order may be examined at the Office of the United States Attorney, Federal Building and U.S. Courthouse, 515 Rusk Avenue, Houston, Texas 77002, the Region VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202-2733, and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Ave., NW., Washington, DC 20530. A copy of the proposed order may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-29999 Filed 12-30-87; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to CERCLA; Russell Martin Bliss, et al.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on December 7, 1987 a proposed Consent Decree in *United States v. Russell Martin Bliss, et al.*, Civil No. 84-2086-C-1; *United States v. Russell Martin Bliss, Primerica, et al.*, Civil No. 87-1558-C-2; *State of Missouri v. Russell Martin Bliss*, Civil No. 84-1148-C-1; and *State of Missouri v. Grover Callahan*, Civil No. 84-2092-C-1, was lodged with the United States District Court for the Eastern District of Missouri Eastern Division.

The Consent Decree was entered into between the United States and the state of Missouri, and the following defendants: Primerica Corporation, American National Can Company, Inc.; G.K. Technologies, Inc.; Kisco Company, Inc.; and The Orchard Corporation of America.

Four civil actions were brought by the United States and the state of Missouri pursuant to section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9607, for reimbursement of certain costs incurred by the United States and Missouri in connection with the release of hazardous substances, pollutants and contaminants (hazardous substances) from the Callahan and Rosalie site near Ballwin, Missouri, and for other relief.

The Consent Decree, subject to certain re-opener provisions, resolves the governmental claims against the Settling Defendants as alleged in the complaints and provides for the payment of $566,670 to the United States and $93,330 to the state of Missouri.

The proposed decree may be examined at the office of the United States Attorney for the Eastern District of Missouri 1114 Market Street, St. Louis, Missouri 63101; at the Region VII office of the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101; and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, 10th and Pennsylvania Avenue, Washington, DC 20530.

The Department of Justice will receive written comments relating to the proposed partial consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Russell Martin Bliss, et al.*, Civil No. 84-2086-C-1; *United States v. Bliss, Primerica, et al.*, Civil No. 87-1558-C-2; *State of Missouri v. Russell Martin Bliss*, Civil No. 84-1148-C-1; and *States of Missouri v. Grover Callahan*, Civil No. 84-2092-C-1 Department of Justice Reference Nos. 90-11-2-42; 90-11-3-155.

In requesting a copy please enclose a check in the amount of $1.70 (10 cents

BEST COPY AVAILABLE

per page reproduction charge) payable to the Treasurer of the United States.

Roger J. Marzulla

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-30000 Filed 12-30-87; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

[Unemployment Insurance Program Letter No. 6-88]

Revised Definition of Employment for Trade Readjustment Allowance (TRA) Qualifying Purposes Applicable to Claims for Weeks of Unemployment Beginning Before October 1, 1981

On June 30, 1987, the United States District Court for the District of Columbia issued an Order directing the Secretary of Labor to promulgate a new definition of weeks of employment and wages needed by a worker to qualify for trade readjustment allowances (TRA). The Decision which resulted in the Order involves claims for weeks of unemployment beginning before October 1, 1981.

The Department of Labor has announced to all SESAs the revised departmental interpretations of weeks of employment and wages and provided instructions for implementing them in accordance with the court Order. The revised departmental interpretations and instructions are contained in UIPL No. 6-88, which is published below.

Dated: December 18, 1987.

Roberts T. Jones,

Acting Assistant Secretary of Labor.

Classification: UI/TRA.
Correspondence Symbol: TEUMI.
Date: November 17, 1987.
Directive: Unemployment Insurance Program Letter No. 6-88.
To: All State Employment Security Agencies.
From: Donald J. Kulick, Administrator, for Regional Management.
Subject: Revised Definition of Employment for Trade Readjustment Allowances (TRA) Qualifying Purposes Applicable to Claims for Weeks of Unemployment Beginning Before October 1, 1981.

1. *Purpose.* To advise State Employment Security Agencies (SESAs) of the revised interpretation of section 231 of the Trade Act of 1974 as required by order of the United States District Court for the District of Columbia concerning eligibility for TRA for weeks beginning prior to October 1, 1981.

2. *References.* Section 231(2) of the Trade Act of 1974 as in effect before the 1981 amendments; United States District Court for the District of Columbia, Civil Action No. 81-1954, Order dated June 30, 1987, United States Court of Appeals for the District of Columbia Circuit, No. 83-2026, decision dated April 24, 1987, United States Court for the District of Columbia, Civil Action 81-1954, decision dated July 28, 1983 (568 F. supp. 1047); and ET Handbook 336, Part C, Page C-I-4.

3. *Background.* On July 28, 1983, the United States Court for the District of Columbia ruled in a suit against the Department of Labor, brought by the International union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), that the phrase "weeks of employment" in section 231(2) of the Trade Act, given its ordinary meaning, includes weeks in which a worker received a payment of workers' compensation, disability pay, sickness or accident pay, holiday pay, back pay or fringe benefits of at least $30.

Subsequently, the United States Court of Appeals for the District of Columbia Circuit reversed the District Court decision on the grounds that the UAW did not have standing to file a class action on behalf of the TRA claimants involved. Further appeal to the United States Supreme Court was made and that body ruled that the UAW did have standing to file a class action on behalf of the TRA claimants involved and the case was remanded back to the U.S. Court of Appeals for the District of Columbia Circuit to rule on the merits of the case.

On April 24, 1987, the Court of Appeals for the District of Columbia Circuit affirmed the decision by the District Court concerning the meaning of "weeks of employment" in section 231(2) of the Trade Act, and the case was remanded to the District Court with instructions that:

> [T]he District Court should direct the Secretary to promulgate a new definition that comports with congressional intent as found in the foregoing opinion, and then advise the state agencies of the correct interpretation of the statute. The trial court should also direct the Secretary to order agency officials to take appropriate action to enforce this correct interpretation of the statute in pending and future cases, and, consistent with state law, to correct any erroneous eligibility determinations that may have occurred as a result of his incorrect interpretation.

On June 30, 1987, the District Court issued an Order with the following directions:

> In accordance with the Court of Appeals' opinion, the Court h[illegible]y directs the Secretary to promulgate a new definition of section 231 of the Trade Act that comports with congressional intent as set forth in the opinion and to advise the state agencies of the correct interpretation of the statute. The Secretary is also directed to order agency officials to take appropriate action to enforce this correct interpretation of the statute in pending and future cases, and, consistent with state law, to correct any erroneous eligibility determinations that may have occurred as a result of his incorrect interpretation.

This program letter sets forth the instructions which SESAs shall follow in carrying out the District Court's Order. These instructions are issued solely for this purpose, and shall not under any circumstances, be construed to apply, or be applied, with respect to entitlement to TRA for any week which begins after September 30, 1981.

4. *Definitions of "Employment" and "Wages".* Solely for the purposes of section 231(2) of the Trade Act of 1974, prior to the amendment of such provision by section 2503 of Pub. L. 97-35, and with respect to weeks of unemployment for TRA purposes which began before October 1, 1981, the terms "employment" and "wages" in section 231(2) are defined as follows:

1. The term "employment" means any service performed for an employer by an individual for wages or by an officer of a corporation and also includes all periods for which the employment relationship continues and for which the individual receives a payment of workers' compensation, disability pay, sickness or accident pay, holiday pay, back pay or fringe benefits as a result of services performed for such employer.

2. The term "wages" means all compensation for employment from an employer including commissions, bonuses, the cash value of all compensation in a medium other than cash, workers' compensation, disability pay, sickness or accident pay, holiday pay, back pay, and fringe benefits.

To be a qualifying week for purposes of section 231(2), the week must be a week of "employment" as defined above for which the gross "wages" as defined above equal or exceed the sum of $30.

These definitions of "employment" and "wages" are applicable solely to TRA claims for weeks of unemployment beginning on or after April 3, 1975 and through September 30, 1981.

5. *Implementation.* For purposes of implementing the instructions in this program letter, the procedures under the State law for making determinations and redeterminations and appeal and review, shall be the same procedures as apply to claims for unemployment compensation under the State law, as required by 20 CFR 617.51 and 617.52 and other provisions of the regulations.

a. *Pending Claims.* SESAs should make determinations on any pending claims for the period at issue (April 3, 1975 through September 30, 1981) according to the definitions of "employment" and "wages" in this program letter. Any cases pending in State court, or before a referee or appeal board, shall be disposed of in a manner consistent with this program letter and applicable State procedures.

b. *Denied Claims.* SESAs are to redetermine previously denied claims for which appeals filing periods have ended only to the extent that the applicable State law would permit redeterminations for regular UI claims having the same elapsed time periods as the TRA claims. A survey made of SESAs indicated that a majority of States could not make redeterminations for the pre-October 1, 1981 period. However, those States whose laws would permit it must do so. The provisions of State law should be the sole criterion in determining whether SESAs have the authority to make the redeterminations. See 20 CFR 617.51(c).

SESAs which have the authority to make redeterminations in accordance with State law shall search their records for TRA claims denied because of insufficient weeks of employment, and where weeks of unemployment may have occurred in the period from April 3, 1975 through September 30, 1981. If it is possible that the claimants would have 26 weeks of employment as defined in this program letter, they shall be invited to file claims if their current address can be determined. News releases may also be used to help identify eligible claimants.

To the extent redeterminations are authorized by State law, SESAs shall make every effort to locate supporting records from their files, employer, or other contracts, as provided in 29 CFR 91.8. Verification shall be pursued as provided in paragraph (d) of 29 CFR 91.8. Unemployment and availability for work must also be documented for each week claimed.

To the extent State laws do not allow the redetermination of claims, SESAs should not solicit claims. Neither should claims be solicited beyond the limit set forth in each State's statutory redetermination authority. If any unallowable claims are received, they would have to be denied in accordance with the provisions of the State law; appealable determinations must be issued in accordance with 20 CFR 617.51 and 617.52.

The redeterminations shall be made applying the substantive law and regulations (29 CFR Part 91) as in effect before the 1981 amendments to the Trade Act. For example, any UI payable for the week is deducted from any TRA payable. The TRA weekly amount shall be based on 70 percent of the individual's average weekly wage not to exceed the average weekly manufacturing wage (AWMW) determined by the Bureau of Labor Statistics for the applicable period. Weekly amounts and duration shall be computed in accordance with 29 CFR 91.11 and 91.12. The following table shows the correct AWMW to use:

On or after	And through	TRA will not exceed
Mar. 20, 1981	Sept. 30, 1981	$349
Mar. 20, 1980	Mar. 19, 1981	289
Mar. 22, 1979	Mar. 19, 1980	250
Mar. 24, 1978	Mar. 21, 1979	227
Mar. 17, 1977	Mar. 20, 1978	209
Mar. 20, 1976	Mar. 16, 1977	190
Apr. 3, 1975	Mar. 19, 1976	176

6. *Funding.* For reimbursement for the administrative costs of these special redeterminations, an MPU of 130 will be allowed for all subject SESAs. The MPU for continued claims and appeals that result from the redeterminations will be the same as is currently allowed for TRA continued claims and appeals. A separate UI-3 will be submitted to the appropriate Regional Office. Only section II of the form will be completed, and all administrative costs will be reflected on part I of the regular UI-3. TRA benefit costs will be paid from "M" account FUBA funds and must be requested in advance. Attention: TSCA, and written approval received before any funds are obligated.

7. *Reports.* The claims taken and paid should be reported on the Form ETA 563, Monthly Determinations, Allowance Activities and Reemployment Services under the Trade Act. It is important that the correct petition number be shown on the form 563 so that these claims and payments can be identified as those occurring because of the court order.

8. *Action Required.* SESA administrators should communicate the content of this UIPL to appropriate staff, and implementation should be initiated and concluded as quickly as possible.

9. *Inquiries.* Direct questions to the appropriate Regional Office.

[FR Doc. 87-29943 Filed 12-30-87; 8:45 am]

BILLING CODE 4510-30-M

Pension and Welfare Benefits Administration

Advisory Council on Employee Welfare and Pension Benefits Plans; Meeting

Pursuant to section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Thursday, January 21, 1988, in Room S-4215C, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC.

The purpose of the meeting, which will begin at 9:30 a.m., is to consider the items listed below and to invite public comment on any aspect of the administration of ERISA.

I. Introduction and Swearing-In of New Council Members.

II. Assistant Secretary's Report on:

A. Pension Reform
B. Status of Advisory Council recommendations on ESOP/LBO's
C. Status of Advisory Council recommendations on Individual Benefit Reporting & Recordkeeping
D. PWBA Priorities for 1988
E. Naming of Council Chairperson and Vice Chairperson
F. Miscellaneous Issues

III. Report of existing Advisory Council Working Groups (as appropriate).

IV. Determination of Council Working Groups for 1988.

V. Statements from the Public.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before January 15, 1988 to Charles W. Lee, Jr., Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N-5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals wishing to address the Advisory Council should forward their request to the Executive Secretary or telephone (202) 523-8753. Oral presentations will be limited to ten minutes, but an extended statement may be submitted for the record.

Signed at Washington, DC
this 28th day of December, 1987.

David M. Walker,

Assistant Secretary for Pension and Welfare Benefits.

[FR Doc. 87-29942 Filed 12-30-87; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL SCIENCE FOUNDATION

Forms Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting this notice of information collection that will affect the public.

Agency Clearance Officer: Herman G. Fleming, (202) 357-9520.

OMB Desk Officer: Jim Houser, (202) 395-7316.

Title: Survey of Science and Engineering Faculty and Staff.

Affected Public: Non-profit institutions.

Number of Responses: 23,850 responses; total of 6,670 hours

Abstract: This survey provides the only national statistics on numbers and characteristics of faculty and research staff by science/engineering field at academic institutions. Data will used by the National Science Foundation, other Federal agencies, professional societies and institutions to monitor S/E faculty, vacancies, and undergraduate instruction.

Dated: December 28, 1987.

Herman G. Fleming,

NSF Reports Officer.

[FR Doc. 87-29953 Filed 12-30-87; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-409]

Dairyland Power Coop., (LaCrosse Boiling Water Reactor); Exemption

I

Dairyland Power Cooperative (the licensee) is the holder of a Provisional License No. DPR-45 which authorizes

the possession but not the operation of the LaCrosse Boiling Water Reactor (LACBWR). The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect. The facility consists of a permanently shut down boiling water reactor and stored spent fuel located at the licensee's site in Vernon County, Wisconsin.

II

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.2 of Appendix E requires that each licensee at each site annually exercise its emergency plan. Section 50.47(b)(7) of 10 CFR requires that information be made available to the public on a periodic basis.

The Commission may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a) are (1) authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Section 50.12(a)(2)(ii) describes the special circumstances such that application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

III

LACBWR was permanently shut down on April 30, 1987 and reactor defueling was completed on June 11, 1987. The licensee applied for a license amendment change to a possess-but-not-operate status on May 22, 1987. The amendment was issued on August 4, 1987. Among other things, the NRC found that (1) the licensee's facility will be maintained in conformance with the application, (2) there is reasonable assurance: (i) That the activities authorized by the amendment can be conducted without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Subsequently, on September 1, 1987, the licensee submitted a request for exemption from the requirement for an annual emergency preparedness exercise and from the preparation and distribution of a public information brochure. The licensee clarified the request in a October 1, 1987 letter by stating that the intent was to request an exercise exemption for the 1987 exercise only. The licensee plans to conduct an emergency preparedness exercise within 180 days after the date of the Commissions approval of the revised emergency plan, submitted on September 29, 1987. The revised emergency plan reflects the changed status of the plant, and the next exercise would follow the training of the LACBWR staff in the new emergency preparedness assignments.

The request for an exemption from the requirement to produce the distribute an annual information brochure was qualified by the licensee's intent to distribute a final letter to the residents of the current emergency planning zone. This final letter would inform the public of the current status of LACBWR and state that there is no further need for public protective actions. The licensee would sent this letter within 90 days of the Commissions approval of the revised emergency plan.

The bases for both these requests were the permanent shut down and defueled status of LACBWR and the licensee's analysis of the reduced consequences of a "worst-case" spend fuel accident. The licensee calculated that a "worst-case" scenario would result in a maximum whole body dose of less than 50 mRem at the Exclusion Area Boundary.

IV

Based on a review of the licensee's exemption request, the NRC staff finds that the following factors support the granting of the requested exemption.

1. LACBWR is permanently shut down and defueled. The spent fuel is located in the spent fuel pool which is, in turn, in the reactor containment. The license for LACBWR has been amended to a possess-but-not-operate status.

2. The licensee plans to conduct annual emergency exercises based on a revised emergency plan. The first such exercise would be held within 180 days of the Commissions approval of the revised emergency plan, submitted September 30, 1987.

3. The licensee plans to distribute a final letter to the residents of the current plume exposure pathway emergency planning zone informing them that there is no further need for public protective actions. This letter would be sent within 90 days following the Commissions approval of ther revised emergency plan.

Based on the foregoing, and in accordance with 10 CFR 50.12(a)(2)(ii), the staff concludes that the exemption from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.2, as discussed above, is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Similarily, given the permanent shutdown status of LACBWR, the 10 CFR 50.47(b)(7) requirement to make information available to the public on a periodic basis would not serve the underlying purpose of the rule nor is it necessary to achieve the underlying purpose of the rule after the public is informed of the current status of LACBWR. The staff finds that the exemption from 10 CFR 50.47(b)(7) may be granted with the condition that the licensee make information available to the public in the current plume exposure pathway emergency planning zone, within 90 days of the Commission's approval of the revised emergency plan. The information shall include, but is not limited to (1) the current status of the reactor and fuel, (2) instructions on appropriate actions for the public in the event of an emergency at LACBWR, (3) contacts for further information, and (4) notification that no further periodic information will be required to be furnished.

Accordingly, the Commission hereby grants the following:

(1) Dairyland Power Cooperative is exempt from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.2. for the conduct of an annual exercise for the calendar year 1987 of its emergency plan provided that such an exercise is conducted within 180 days of the Commission's approval of the revised emergency plan for the LaCrosse Boiling Water Reactor that reflects the permanent shutdown status of the reactor.

(2) Dairyland Power Cooperative is exempt from the requirements of 10 CFR 50.47(b)(7) for periodically making information available to the public provided that within 90 days of the Commission's approval of the revised emergency plan for LaCrosse Boiling Water Reactor, the licensee disseminates to the public in the plume exposure pathway emergency planning zone, information including:

(a) The current status of the reactor and fuel,

(b) Instructions on appropriate actions for the public in the event of an emergency at LACBWR,

(c) Contacts for further information,

(d) Notification that no further periodic information will be required to be furnished.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the environment (52 FR 47982). This Exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 23rd day of December, 1987.

For the Nuclear Regulatory Commission.

Gary M. Holahan,

Acting Director, Division of Reactor Projects III/IV/V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 87-30038 Filed 12-30-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power and Light Co. et al., (Crystal River Unit 3); Exemption

I

Florida Power Corporation, et al. (FPC, the licensee) are the holders of Facility Operating License No. DPR-72, which authorizes operation of Crystal River Unit 3 (CR3, the facility) at steady-state power levels not in excess of 2544 megawatts thermal. The license provides, among other things, that the facility is subject to all the rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a pressurized water reactor (PWR) located at the licensee's site in Citrus County, Florida.

II

General Design Criterion-17 (GDC-17) requires that the onsite power supply (diesel generators) for nuclear plants be of sufficient capacity and capability to assure that (1) specified acceptable fuel design limits and design conditions of the reactor coolant pressure boundary are not exceeded as a result of anticipated operational occurrences, and (2) the core is cooled and containment integrity and other vital functions are maintained in the event of postulated accidents. NRC Safety Guide 9 (and subsequently Regulatory Guide 1.9) describes a basis for selection of a diesel generator of sufficient capacity to implement GDC-17. It indicates that predicted diesel generator loads should not exceed the lower of the 2000 hour rating or 90 percent of the 30 minute rating.

III

An inspection recently performed by the staff identified discrepancies between the surveillance requirements of the Technical Specifications (TS) and the manufacturer's recommendations related to the diesel generator ratings. In reviewing this situation and verifying loads, the licensee identified an error in the load calculations. Diesel generator loads were recalculated using conservative best estimates based on actual equipment configuration for each accident scenario and, after deleting certain unnecessary loads, it was determined that for all accident scenarios except two, maximum diesel generator loads for one of the two emergency diesel generators, generator "A", would be within the 2000 hour rating. The two scenarios, involving large and intermediate size loss-of-coolant accidents (LOCAs), loss of offsite power, and failure of either diesel generator "B" or emergency feedwater pump"B", result in calculated auto-connected loads of approximately 3228 KW. Although this is in excess of the 2000 hour rating, it is within the 30 minute rating of the diesel generator. Certain auto-connected loads not needed for these scenarios can and will be manually tripped prior to 30 minutes. Dropping these loads will reduce the load demand on generator "A" to a level within the 2000 hour rating.

The auto-connected loads in the original plant design were below the 2000 hour rating of the diesel generators. However, loads have been added to the diesel generators, the largest of which is the electric emergency feedwater pump motor, added after the TMI-2 accident. This additional load has resulted in generator "A" being loaded in the 30 minute rating.

By letter dated December 14, 1987, the licensee requested a temporary exemption from the requirements of GDC-17, in accordance with 10 CFR 50.12(a), until the next scheduled refueling outage. In that letter, the licensee referenced its letter dated November 16, 1987 and the information transmitted therewith. The licensee's letter of December 16, 1987 further describes testing to be performed which will support this request for exemption. The licensee's letter of November 20, 1987 describes alternatives the licensee is examining to bring the facility in compliance with GDC-17, and commits to submit to the Commission by March 30, 1988 its proposed actions.

This case involves special circumstances as set forth in 10 CFR 50.12(a)(2)(v). The exemption will provide only temporary relief until the end of the next refueling outage, by which time the licensee is to be in full compliance with GDC-17, and the licensee has made a good faith effort to comply with GDC-17. Promptly upon identifying the problem of diesel generator capacity, the licensee undertook a number of analyses and design modifications in order to reduce auto-connected loads on the diesels to levels acceptable for long-term operation. Although the licensee has been able to reduce load estimates to within the 2000 hour rating of generator "B" and to within the 30 minute rating of generator "A", it has not been able to reduce auto-connected loads to within the 2000 hour rating of generator "A". Specifically, the licensee:

—Removed loads not required for safety from the diesel while retaining required loads,

—Employed adequately conservative scenario-based load analyses,

—Provided additional guidance, procedures, and training to the plant operators to permit timely and effective load management, and

—Designed automatic load control features which would have prevented exceedance of the 2000 hour rating but which were determined by the staff to be undesirable for other reasons.

Compensatory measures and features proposed and committed to by the licensee to be completed before exceeding 5% power and to be in effect during the temporary exemption period include the following:

(1) Control room alarms have been provided which will alert the operators initially when the diesels are operating in the 30 minute rating and again when 5, 24, and 29 minutes of that period have expired.

(2) Operators are well-trained in the facility's symptom-based emergency operating procedures and will receive additional training and guidance to better equip them to manage diesel generator loads by tripping those which are not required for any particular scenario in order to bring the loads within the 2000 hour rating in a timely manner. The licensee has stated that when load management is necessary, a dedicated operator will be available to accomplish that function.

(3) Individual loads will be tested to verify the calculated values and the diesel generators will be tested to demonstrate their ability to handle the expected accident loads.

On the following basis, the staff concludes that operation of the facility with the diesels functioning in the manner described above, including the additional compensatory measures discussed, provides a level of safety for the period of the exemption equivalent to that provided by compliance with GDC-17.

VOL 52 ISS 251 DEC 31 1987 UMI

(1) The exemption is only temporary in nature, lasting about 24 months until the next refueling outage.

(2) The auto-connected load demand exceeds the 2000 hour rating of diesel generator "A" only for two very unlikely scenarios.

(3) The potential loss of offsite power occurring simultaneously with such unlikely scenarios is remote.

(4) The low probability of simultaneous loss of diesel generator "B" or emergency feedwater pump "B" reduces risk even further.

(5) The compensating measures described above include measures to assure that loads not needed to cope with the accidents imposing the greatest demand can and will be dropped while generator "A" is still within its 30 minute rating.

The licensee has supplied reliability assessments which indicate that the probability of simultaneous occurrence of all the failures necessary to produce the highest load on diesel generator "A" is between 10^{-7} and 10^{-8}. This further supports the staff's conclusion that an adequate level of safety exists for the duration of the exemption.

IV

Based on the above and on our review of the licensee's submittals, the staff concludes that: (1) The licensee's load calculations are acceptable, provided they are confirmed by valid tests, (2) loads not needed to mitigate any particular design basis accident scenario can be tripped within 30 minutes to bring the load on the "A" diesel generator to within the 2000 hour rating, and (3) the diesel generators will remain operable so that accident consequences previously analyzed will not be affected by this exemption. The NRC staff therefore finds the proposed temporary exemption from the requirements of GDC–17 of Appendix A to 10 CFR Part 50 to be acceptable.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(v), are present justifying he exemption, namely that the exemption would provide only temporary relief from the applicable regulation and that FPC has made a good faith effort to comply with the regulations.

Therefore, the Commission hereby approves the following exemption from the requirements of GDC–17: The facility may operate with predicted loads for diesel generator "A" within the 30 minute rating of the diesel generator for not more than 30 minutes, provided that (1) the principal estimate loads are confirmed by test as described in the licensee's letters dated November 16, 1987, December 14, 1987 and December 16, 1987, and (2) operators are trained, and alarms and procedures are provided as described in the licensee's letters dated November 16 and December 14, 1987, and, when required, a dedicated operator will be available for load management. This exemption shall expire at the end of the next refueling outage.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this exemption will have no significant effect on the environment (52 FR 48351, December 21, 1987).

For further details with respect to this action, see the licensee's request dated November 14, 1987, as supplemented November 20, December 14 and December 16, 1987, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555 and at the Crystal River Public Library, 668 NW. First Avenue, Crystal River, Florida 32629.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland this 23rd day of December, 1987.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Director, Division of Reactor Projects–I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 87–30039 Filed 12–30–87; 8:45 am]

BILLING CODE 7590–01–M

BWR MARK I Improvements; Workshop

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of workshop on MARK I Reactor Containments.

SUMMARY: The U.S. Nuclear Regulatory Commission staff will hold a workshop to discuss the boiling water reactor MARK I containment with emphasis on understanding severe accident challenges and potential ways to improve the performance of the MARK I in response to severe accident challenges. Specific plant improvements, and the benefits and drawbacks are to be discussed. In the course of examining the potential plant improvements for the MARK I containment, it is expected that an in-depth discussion of the phenomenology concerning the containment challenge and response to a spectrum of severe accidents will result. These discussions of phenomenology and improvements are intended to focus on differing views on improvement issues and to assist the staff in their resolution. Following the meeting, the NRC staff intends to evaluate the issues and make recommendations to the Commission to effect closure of MARK I severe accident containment performance issues. The staff intends to specifically invite some individuals from industry and the research communities to provide their views in the form of written analyses and verbal summaries of the issues. In addition, other individuals interested in participating should contact Jerry Hulman (tel. 301–492–3976) or John Lane (tel. 301–492–3985) before January 15, 1988 to receive an invitation and a preliminary statement of issues. Participation would expected to be primarily in the form of written assessments of issues.

DATES AND TIMES: Wednesday, Thursday, and Friday, February 24, 25 and 26, 1988; 8:30 am to 5:00 pm first two days, 8:30 am to noon last day.

ADDRESS: The location of the workshop will be determined by January 15, 1988.

FOR FURTHER INFORMATION CONTACT: Jerry Hulman, Chief, Severe Accident Issues Branch, Office of Nuclear Regulatory Research, Washington, DC 20555 (301–492–3975).

SUPPLEMENTARY INFORMATION: Members of the public may submit written assessments of the issues. Verbal comments by members of the public may be permitted at the workshop as time permits. Prospective attendees should notify Jerry Hulman or John Lane by February 1, 1988 of their intention to attend to facilitate planning. An information package for the workshop containing a preliminary statement of the issues and related questions will be sent with copies of the invitation. A written record of the meeting will be placed in the NRC Public Document Room.

Dated at Rockville, Maryland, this 15th day of December, 1987.

For the U.S. Nuclear Regulatory Commission.

Jerry Hulman,

Acting Director, Division of Reactor Accident Analysis, Office of Nuclear Regulatory Research.

[FR Doc. 87–30034 Filed 12–30–87; 8:45 am]

BILLING CODE 7590–01–M

The Battelle Memorial Institute, Columbus Division (The Battelle Research Reactor); Order Terminating Facility Operating License

[Docket No. 50–6]

By application to Materials License SNM–7 dated March 6, 1987, and by the resulting Amendment No. 2 to Materials License SNM–7 dated June 2, 1987, The Battelle Memorial Institute, Columbus Division (the licensee) requested the Nuclear Regulatory Commission (the Commission) for authorization to terminate Facility Operating License No. R–4. A notice of "Proposed Issuance of Order Terminating Facility License", was published in the **Federal Register** on August 21, 1987 (52 FR 31683). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

Reactor operations were terminated in December 1974 and all fuel has been removed from the core and shipped to a DOE facility. The reactor facility has been dismantled in accordance with the Commission approved "Dismantling Plan for the Battelle Research Reactor" and the residual activation and fission products that remained were transferred to Materials License SNM–7 on June 2, 1987. Therefore, pursuant to the application filed by Battelle Memorial Institute, Columbus Division, located in West Jefferson, Madison County, Ohio, Facility Operating License No. R–4 is terminated as of the date of this Order.

For further details with respect to this action, see (1) the application for amendment to Materials License SNM–7, dated March 6, 1987, (2) Amendment No. 2 to Materials License SNM–7 dated June 2, 1987, (3) the Commission's Safety Evaluation related to the termination of the license, (4) the notice of "Proposed Issuance of Order Terminating Facility License" published in the **Federal Register** on August 21, 1987 (52 FR 31683). Each of these items is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. Copies of items (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects—III, IV, V and Special Projects.

Dated at Bethesda, Maryland this 22nd day of December 1987.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Director, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 87–30035 Filed 12–30–87; 8:45 am]

BILLING CODE 7590–01–M

Commonwealth Edison Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

[Docket No. 50–254]

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–29 issued to Commonwealth Edison Company, (the licensee), for operation of Quad Cities, Unit 1, located in Rock Island County, Illinois.

Pursuant to 10 CFR 50.90, Commonwealth Edison Company (CECo, the licensee) has proposed an amendment of Facility Operating License DPR–29 which would revise Technical Specifications (TS) in order to accommodate for continued operation of Quad Cities Nuclear Power Station (QCNPS), Unit 1, with a failed jet pump flow instrument line.

Proposed TS 3.6.G. Limiting Conditions of Operation (LCO) would change the total number of jet pump flow indications from "20" to "19" for: (1) Verification of recirculation flow prior to reactor startup from cold conditions, (2) input to the indicated core flow, and (3) applicable technical bases.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By February 1, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and-or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and exent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commissions Public Document Room, 1717 H Street, NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Wester Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator

should be given Datagram Identification Number 3737 and the following message addressed to Daniel R. Muller: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel—Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and to Michael Miller of Isham, Lincoln, and Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602, attorney for the licensee.

Nontimely Filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to the action see the application for amendment dated November 16, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, DC; and at the Dixon Public Library, 221 Hennepin Ave., Dixon, Illionois 61021.

Dated at Bethesda, Maryland this 23rd day of December 1987.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Director, Project Directorate III–2, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 87–30036 Filed 12–30–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No.: STN 50–454, et al.]

Commonwealth Edison Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–37 and NPF–66 issued to Commonwealth Edison Company (the licensee), for operation of Byron Station, Units 1 and 2 located in Ogle County, Illinois, and Facility Operating License Nos. NPF–72 and NPF–75, issued to the licensee, for operation of Braidwood Station, Units 1 and 2, located in Will County, Illinois.

These amendments modify Figure 3.2–2 in the Technical Specifications which depicts the normalized heat flux hot channel factor as a function of core height in accordance with the licensee's application for amendment dated December 4, 1987. This figure is being modified to include more operating margin that resulted from removing some conservatism when the small break loss of coolant accident analysis was repeated for the hot leg temperature reduction program.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By February 1, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspects(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Daniel R. Muller: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel—Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Michael Miller, Esq., Isham, Lincoln, and Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petition and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factor specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated December 4, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC; the Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61101; and the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Dated at Bethesda, Maryland this 23rd day of December 1987.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Director, Project Directorate III–2, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 87–30037 Filed 12–30–87; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

White House Science Council; Renewal

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), it is hereby determined that the Renewal of the White House Science Council is necessary, appropriate, and in the public interest in connection with the performance of duties imposed upon the Director, Office of Science and Technology Policy, by the Presidential Science and Technology Advisory Organization Act of 1976 and other applicable law. This determination follows consultation with the General Services Administration, pursuant to section 9(a)(2) of the Federal Advisory Committee Act and the GSA Interim Rule on Federal Advisory Committee Management (48FR 19324, April 28, 1983).

1. *Name of Group:* White House Science Council

2. *Purpose:* The purpose of the White House Science Council is to advise the Director, Office of Science and Technology Policy (OSTP), on science and technology issues of national concern. The Council shall concern itself with specific issues assigned by the Director, OSTP, and will keep him informed of changing perspectives in the science and technology communities.

3. *Effective Date of Establishment and Duration:* The renewal of the White House Science Council is effective upon filing of the charter with the Director, OSTP, and with the standing committees of Congress having legislative jurisdiction over the Office of Science and Technology Policy. The White House Science Council will terminate on December 31, 1989, unless sooner extended.

4. *Membership:* Members of the White House Science Council will be appointed by the Director, Office of Science and Technology Policy. That appointment shall be subject to review every 365 days unless earlier terminated. The Council shall consist of no more than 20 members. Additional technical experts will be utilized as needed to constitute panels and study groups.

5. *Advisory Group Operation:* The White House Science Council will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92–463), GSA Interim Rule on Federal Advisory Committee Management (48FR 19324), and other directives and instructions issued in implementation of the Act.

Jonathan F. Thompson,

Executive Director.

Office of Science and Technology Policy

Charter: White House Science Council

1. *Committee's Official Designation:* White House Science Council (WHSC)

2. *Objectives and scope of Activities and Duties:*

- The purpose of the WHSC is to advise the Director, Office of Science and Technology Policy (OSTP), on science and technology issues of national concern.
- In furtherance of this mission the WHSC shall concern itself with specific issues assigned by the Director, OSTP, and will keep him informed of changing perspectives in the science and technology communities.

3. *Duration:* The Council will terminate on December 31, 1989, unless sooner extended.

4. *Official to Whom the Council Reports:* The WHSC will report to the Director, OSTP.

5. *Agency Responsible for Providing Necessary Support for this Council:* Office of Science and Technology Policy.

6. *Description of Duties:* The duties of the Council are solely advisory and are stated in paragraph 2 above.

7. *Costs:* The estimated annual operating cost of the Council is $50,000.

8. *Estimated Number and Frequency of Meetings:* The White House Science Council shall normally meet six times each year at regular intervals, and at such other times as may be called by the Director, OSTP. In addition, 10–15 meeting each year by subgroups are anticipated.

9. *Subgroups:* Subgroups may be formed to conduct studies on specific issues assigned by the Director, OSTP.

10. *Members:* WHSC members shall be appointed by the Director, OSTP. That appointment shall be subject to review every 365 days unless terminated earlier. The WHSC shall consist of no more than 20 members. *The Director, OSTP shall appoint a Chairman and Vice Chairman from the members of the Council.*

The Council shall utilize additional technical experts as needed to constitute its panels and study groups. *These technical experts shall be appointed by the Director, OSTP, and shall be for the duration of the panel upon which the Associate Member serves or 365 days, whichever is sooner, unless terminated earlier by the Director.*

This Charter for the Advisory Committee named above is hereby approved on:

Date: December 16, 1987.

Jonathan F. Thompson,

Committee Management Officer.

Date filed: December 21, 1987.

[FR Doc. 87–30158 Filed 12–30–87; 8:45 am]

BILLING CODE 3170–01–M

PANAMA CANAL COMMISSION

Privacy Act of 1974; Systems of Records, Deletions, Revisions

AGENCY: Panama Canal Commission.

ACTION: Annual notice.

SUMMARY: The Panama Canal Commission is required by the Privacy Act of 1974, 5 U.S.C. 552(a)(e)(4), to give annual notice in the Federal Register of the existence and character of the systems of records it maintains. Included in this annual publication are the nine new systems of records that were published in the Federal Register [52 FR 28498]: PCC/AE–1, Executive Personnel Financial Disclosure Reports; PCC/AMTE–2, Equity Adjustment Records; PCC/FMAC–10, Estate Files; PCC/FMAP–2, Payroll Deduction System for Court Ordered Wage Garnishments; PCC/FMCL–1, Travel and Transportation Claims; PCC/GCCL–1, Marine Accident/Miscellaneous General Claims; PCC/MRNP–1, Employee Training Development Records; PCC/PRAA–1, Adverse Actions Files; and PCC/PRCL–1, Injury Claims (FECA) Files. This document fulfills the Privacy Act annual notice requirement for 1987.

EFFECTIVE DATE: December 31, 1988.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Fuller, Assistant to the Secretary for Commission Affairs, Panama Canal Commission, 2000 L Street NW., Suite 550, Washington, DC. 20036–4996 (Telephone: 202–634–6441).

SUPPLEMENTARY INFORMATION: The Panama Canal Commission maintains active and inactive Privacy Act System of Records. This agency defines active systems as those systems which the Commission continues to collect and which maintain personal information on individuals. Inactive systems are defined as those systems for which the Panama Canal Commission no longer has a requirement to collect or update personal information. This agency last

published a complete description of its Privacy Act Systems of Records, both active and inactive, in the **Federal Register** on January 7, 1983.

In accordance with the provisions of the Panama Canal Act of 1979, Pub. L. 96–70, 93 Stat. 452 and the Panama Canal Treaty of 1977, the Canal Zone Government was disestablished and the Panama Canal Company was replaced by the Panama Canal Commission on October 1, 1979. The disestablishment of the Panama Canal Government, along with the gradual phase out of several law enforcement and court related functions between October 1, 1979 and March 31, 1982 obviated the need to continue to operate several Privacy Act Systems of Records. Recognizing, however, that individuals may continue to have a need to request copies of records in these systems, the PCC has continued to report them as "inactive systems" in the **Federal Register**.

The revisions of the Panama Canal Commission's systems of records are generally editorial in nature and do not affect the character of information contained in any systems described, nor do they expand the population of individuals to whom the systems apply or change any individual rights.

The changes in the systems of records maintained by the Panama Canal Commission appear below preceded by the modified prefatory statement of the general routine uses applicable to all systems, which was published in the **Federal Register** (52 FR 28498) and is reprinted for the benefit of the reader.

Thomas E. Pierce,

Acting Agency Records Officer.

1. The Prefatory Statement of General Routine Uses (35 CFR Part 10, Appendix A)

Information about an individual which is maintained in any system of records under the control of the Panama Canal Commission is subject to disclosure, as a routine use of such information, to any of the following persons or agencies under the circumstances described:

1. Information indicating a violation or potential violation of law (whether civil, criminal, or regulatory in nature, and whether involving a statute or regulation or a rule, or order issued pursuant thereto) may be referred to an appropriate Federal, state, local or foreign agency responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation or order, where there is an indication of a violation or potential violation of the statute, rule, regulation or order and the information disclosed is relevant to the matter.

2. Information which has a bearing on matters which may be in dispute may be disclosed in the course of presenting evidence or argument to a court or administrative tribunal, a judicial official, or counsel for a party in connection with litigation or administrative proceedings in which the agency, or its officers or employees, are or may become involved.

3. Information may be provided to persons or agencies from whom information is solicited, to the extent necessary to elicit facts which may be relevant to a financial audit or an agency decision to hire or retain an employee, issue a security clearance, award a contract, grant a license, or other benefits.

4. Information may be disclosed to a federal agency, in response to its request in a particular case or in a category of cases, in connection with that agency's (a) decision in a personnel matter; (b) financial audits and accounting; (c) issuance of a security clearance; (d) investigation of an individual employed or formerly employed by the Panama Canal Commission (or its predecessors); or (e) decision to award a contract, grant a license, or other benefit.

5. Information may be supplied in response to an inquiry from a Member of Congress on behalf of an individual or, at any stage of the legislative coordination and clearance process, to the Office of Management and Budget in connection with the review of private relief legislation.

6. Information contained in licenses or certifications issued by the agency (including the former Panama Canal Company/Canal Zone Government) to professional employees (such as architects, canal pilots, attorneys, engineers, medical practitioners and teachers) of the agency may be released to professional licensing, certification or other regulatory boards or commissions. Disclosure pursuant to this routine use shall be limited to the names and types of license or certifications, dates of issuance, and dates of expiration, if appropriate.

7. To the extent necessary for implementation of the Panama Canal Treaty of 1977 and related agreements, information may, upon approval by the Agency Records Officer (Chief, Administrative Services Division) or that official's designee, be disclosed to officials of the Government of the Republic of Panama and to U.S. Government agencies which, under the Treaty, assumed functions formerly performed by the Panama Canal Company or the Canal Zone Government.

2. Due to the continuing reorganization of the Panama Canal Commission, five active systems of records and two inactive systems of records have been relocated, thus changing the alphanumerical designation as listed below:

PCC/AMSA–1 to PCC/AMTE–1
PCC/AMSE–3 to PCC/AMRM–8
PCC/FMAX–1 to PCC/FMAC–1
PCC/FMAC–4 to PCC/FMAP/AC–4
PCC/FMGA–1 to PCC/GA–1
PCC/GSPL–13 to PCC/PR–14
PCC/MRNV–2 to PCC/MRCP–1

3. The following active and inactive systems, identified by their alphanumerical designation and system name, have been discontinued and are hereby removed.

Systems Removed:

PCC/AEPR–3 Probation and Parole Unit Statistical File.
PCC/AMRM–2 Advance Authorizations to Enter the Canal Zone.
PCC/AMRM–5 Directory of Forwarding Addresses.
PCC/AMRM–6 Postal Claims and Inquiries.
PCC/CALS–10 Runners, Peddlers, and Solicitors-Application and License Files.
PCC/CALS–2 Hunting Permit Application File.
PCC/CALS–3 Fishing Pass Application File.
PCC/CAPS–5 Philatelic Program.
PCC/FMAC–3 Trust Fund Records.
PCC/FMAK–1 Claims Files.
PCC/GSCE–1 Emergency Preparedness Records (Civil Defense/Emergency Management).
PCC/MRNV–1 Marine Accident Reference Cards.
PCC/OPR–2 Operating Unit Employment Inquiry Files.
PCC/PR–11 Racial, National Origin Code Records.
PCC/PR–3 Personnel Data Records.

4. The following is the revised listing of active Panama Canal Commission Privacy Act Systems of Records.

PCC/AE–1 Executive Personnel Financial Disclosure Reports.
PCC/WO/AE–2 Panama Canal Commission Board of Directors Biographical and Correspondence Files.
PCC/ADSA–1 Biographical Data.
PCC/AMRM–1 General Files of the Panama Canal Commission.
PCC/AMSA–3 Land Utilization Records.
PCC/AMTE–1 ID Card and Documentation Control System.
PCC/AMTE–2 Equity Adjustment Records.

PCC/AMTR–1 Employees and Dependents Travel Orders.
PCC/ECIN–1 Plumbing and Welding License Files.
PCC/ECLE–1 Telephone Exchange Directory.
PCC/EO–1 Racial/National Origin Category Data.
PCC/EO–2 Equal Employment Opportunity Complaint File.
PCC/FMAC–1 Embezzlements, Burglaries, and Cash Shortages.
PCC/FMAC–2 Accounts Receivable Records.
PCC/FMAC–5 Delegation of Authority for Procurement.
PCC/FMAC–6 Cash Collection Agents and Sugagents.
PCC/FMAC–7 Canal Commission Awards and Service Contracts Control Records.
PCC/FMAC–8 Accounts Payable Disbursement Records.
PCC/FMAC–9 Unnegotiated Checks Over One Year Old.
PCC/FMAC–10 Estate Files.
PCC/FMAP–1 Payroll Master File for Panama Canal Commission Employees.
PCC/FMAP–2 Payroll Deduction System for Court Ordered Wage Garnishments.
PCC/FMAP–3 Injury Compensation Payroll Records.
PCC/FMAP–/AC–4 Payroll Deductions.
PCC/FMCL–1 Travel and Transportation Claims.
PCC/FMTR–1 Termination of Employment Actions Records.
PCC/FMTR–2 Internal Revenue Service Notice of Levy Files.
PCC/FMTR–3 Suspension of Check Cashing Privileges Files.
PCC/GA–1 Cash Audit Files.
PCC/GCCL–1 Marine Accident/Miscellaneous General Claims.
PCC/GSCL–1 Library Services Branch Registration Record.
PCC/GSCP–2 Canal Protection Division Incident Report Files.
PCC/GSCS–1 Housing Files.
PCC/GSCS–2 Housing Complaints File.
PCC/GSCX–1 Administrative Reports, Transfer of Custody and Official Complaint files.
PCC/IR–1 Quarterly Report of Employee Union Dues Deductions.
PCC/IR–2 Records of grievances, appeals and adverse actions processed under a Negotiated Grievance Procedure (NGP).
PCC/MRBL–1 Marine License Files.
PCC/MRBL–2 Marine Accident Reports and Investigations.
PCC/MRCP–1 Pilot Workload Statistics.
PCC/MRNA–1 Admeasurer Examination File.
PCC/MRNP–1 Employee Training Development Records.
PCC/OM–1 Ombudsman Investigation Files.
PCC/OM–2 Residents' Advisory Committee Files.
PCC/OPR–1 Operating Unit Personnel Records.
PCC/PA–1 News Morgue Records.
PCC/PB–1 Merit System Recruiting, Examining and Placement Records.
PCC/PB–2 Appeals, Grievances, Complaints, and Assistance Records.
PCC/PB–3 Personnel Investigation Records.
PCC/PR–1 Disability Relief, Retirement and Group Supplementary Life Insurance Records.
PCC/PR–2 Employee Benefits Records.
PCC/PR–4 Personnel Management System.
PCC/PR–5 Recruiting and Placement Records.
PCC/PR–6 Training and Employee Development Records.
PCC/PR–7 Personnel Reference Unit Files.
PCC/PR–8 Systems of records notice by the Office of Personnel Management and applicable to the Panama Canal Commission.
PCC/PR–9 Incentive Awards Programs Files.
PCC/PR–10 Occupational Health Records.
PCC/PR–12 Industrial Accident Prevention Supervisor/Unit Awards File.
PCC/PR–13 20/30/40 Safety Key Awards Files.
PCC/PR–14 Arrest Record Files.
PCC/PRAA–1 Adverse Action Files.
PCC/PRCL–1 Injury Claims (FECA) Files.

5. The following active systems are modified as follows:

PCC/WO/AE–2

SYSTEM NAME:

Panama Canal Commission Board of Directors Biographical and Correspondence Files, PCC/WO/AE–2.

SYSTEM LOCATION:

Office of Executive Administration, Administration Bldg., Balboa Heights, Republic of Panama and Office of the Secretary, 2000 L Street NW., Suite 550, Washington, DC 20036–4996.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain names, addresses, newspaper clippings, general biographical information, minutes of Board meetings, and official correspondence between Commission officials and Board members.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Director, Office of Executive Administration, Panama Canal Commission, APO Miami 34011–5000; Assistant to the Secretary, Panama Canal Commission, 2000 L. Street NW., Suite 550, Washington, DC 20036–4990.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Managers or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/ADSA–1

SYSTEM NAME:

Biographical Data, PCC/ADSA–1.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Office of the Staff Assistant, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/AMRM–1

SYSTEM NAME:

General Files of the Panama Canal Commission, PCC/AMRM–1.

* * * * *

RETENTION AND DISPOSAL:

Records transferred to Agency Records Center after eight years and retained permanently. General files prior to June 30, 1960 have been accessioned by the National Archives of the United States. General files for July 1, 1960–September 30, 1976 have been accessioned by the Federal Records Center in Duluth, Ga.

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/AMSA-3

SYSTEM NAME:

Land Utilization Records, PCC/AMSA-3.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Administrative Services Division, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Rules are published in 35 CFR Part 10.

* * * * *

PCC/AMTE-1

SYSTEM NAME:

ID Card and Documentation Control System PCC/AMTE-1.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in connection with applications for Photo-Identification and/or purchase authority cards; subsystem in connection with applications for U.S. Government Vehicle Operator's identification and Material Handling card; subsystem in connection with application of exoneration of customs duty to import goods into the Republic of Panama; and subsystem in connection with administrative investigations on persons reported to be, or suspected of involvement in activities which are violations of treaty provisions governing identification documents and importation, purchase, use, transfer of goods or services, including but not limited to transfer of duty free goods and services into the Republic of Panama without proper Panama customs clearances; shoplifting in military retail facilities, and abuse of mailing privileges. Records include applicant's name, identity number, social security number, home address, postal address, birthdate, citizenship, employment status and/or employing unit, position title, marital status, purchase authority status, medical privilege status, work and home telephone number, name, date of birth, relationship, physical impairments and citizenship of dependents of applicant, and history of identification cards issued.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Supervisor, Employee and Cargo Documentation Section, Transportation Services Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/AMTR-1

SYSTEM NAME:

Employees and Dependents Travel Orders, PCC/AMTR-1.

SYSTEM LOCATION:

Transportation Services Branch, Bldg. 5140, Diablo Heights, Republic of Panama.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Transportation Services Branch, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURES:

Information may be obtained from System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/ECIN-1

SYSTEM NAME:

Plumbing and Welding License Files, PCC/ECIN-1.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

For plumbing license file, Director, Engineering and Construction Bureau, Panama Canal Commission, APO Miami 34011-5000. For welding license file, Chief, Industrial Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Managers or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/ECLE-1

SYSTEM NAME:

Telephone Exchange Directory, PCC/ECLE-1.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Electrical Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURES:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

* * * * *

PCC/EO-1

SYSTEM NAME:

Racial/National Origin Category Data, PCC/EO-1.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Equal Opportunity, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/EO-2

SYSTEM NAME:

Equal Employment Opportunity Complaint File, PCC/EO-2.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Director, Office of Equal Opportunity, Panama Canal Commission, APO Miami 34011-5000.

* * * * *

PCC/FMAC-1

SYSTEM NAME:

Embezzlements, Burglaries, and Cash Shortages, PCC/FMAC-1.

* * * * *

RETENTION AND DISPOSAL:

Placed in inactive file when case is closed and cutoff at end of fiscal year. Destroyed ten years after cutoff.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/FMAC-2

SYSTEM NAME:

Accounts Receivable Records, PCC/FMAC-2.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/FMAC-5

SYSTEM NAME:

Delegation of Authority for Procurement, PCC/FMAC-5.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/FMAC-6

SYSTEM NAME:

Cash Collection Agents and Subagents, PCC/FMAC-6.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/FMAC-7

SYSTEM NAME:

Canal Commission Awards and Service Contracts Control Records, PCC/FMAC-7.

* * * * *

RETENTION AND DISPOSAL:

Records of transactions of more than $10,000 and construction contracts exceeding $2,000 are destroyed six years and three months after final payment. Records of transactions of $10,000 or less and construction contracts under $2,000 are destroyed three years after final payment.

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/FMAC-8

SYSTEM NAME:

Accounts Payable Disbursement Records, PCC/FMAC-8.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained to show payments from accounts of the former Canal agencies and the Commission including such documentation as purchase orders, vendors invoices, payment authorizations, approvals, check follow copies, and accounting classifications, vendor condensed listing, and vendor historical listings. Those two last listings resulted from the accounts payable system being automated and include the names and addresses of all vendors in alphabetical order and the historical record of all payment and other transactions to individual vendors.

* * * * *

STORAGE:

Paper records in folders and individual forms.

RETRIEVABILITY:

Filed alphabetically by name through September 1984. Since October 1984, when accounts payable system was automated, files are kept in vendor number sequence.

SAFEGUARDS:

Paper records stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed six years and three months after the period of the account.

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10

* * * * *

PCC/FMAC-9

SYSTEM NAME:

Unnegotiated Checks Over One Year Old, PCC/FMAC-9.

* * * * *

STORAGE:

Cards and papers in file folders and listed in microcomputers by bank in check date and check number sequence.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/FMAP-1

SYSTEM NAME:

Payroll Master File for Panama Canal Commission Employees, PCC/FMAP-1.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/FMAP-3

SYSTEM NAME:

Injury Compensation Payroll Records, PCC/FMAP-3.

* * * * *

RETENTION AND DISPOSAL:

SF 115, Request for Records Disposition Authority, submitted to NARA.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. See rules published in 35 CFR Part 10.

* * * * *

RECORD SOURCE CATEGORIES:

Panama Canal Commission Office of Personnel Administration and Occupational Health Division.

* * * * *

PCC/FMAP/AC–4

SYSTEM NAME:

Payroll Deductions, PCC/FMAP/AC–4.

* * * * *

STORAGE:

Computer runs, discs, cards, ledgers, and papers in file folders.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

For Payroll Master File: Chief, Payroll Branch, Accounting Division, Panama Canal Commission, APO Miami 34011–5000. For accounts receivable: Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Managers or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/FMTR–1

SYSTEM NAME:

Termination of Employment Actions Records, PCC/FMTR–1.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Treasurer, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/FMTR–2

SYSTEM NAME:

Internal Revenue Service Notice of Levy Files, PCC/FMTR–2.

* * * * *

RETENTION AND DISPOSAL:

Destroyed when four years old.

SYSTEM MANAGER(S) AND ADDRESS:

Treasurer, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/FMTR–3

SYSTEM NAME:

Suspension of Check Cashing Privileges Files, PCC/FMTR–3.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Treasurer, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/GA–1

SYSTEM NAME:

Cash Audit Files, PCC/GA–1.

SYSTEM LOCATION:

Office of General Auditor, Bldg. 6530, Corozal, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal Commission collecting agents whose accounts are audited by the Office of General Auditor.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

General Auditor, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Bldg., Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

* * * * *

PCC/GSCL–1

SYSTEM NAME:

Technical Resources Center Registration Record, PCC/GSCL–1.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Technical Resources Center, Panama Canal Commission, APO Miami 34011–3000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/GSCP–2

SYSTEM NAME:

Canal Protection Division Incident Report Files, PCC/GSCP–2.

SYSTEM LOCATION:

Canal Protection Division Pacific and Atlantic Area Chiefs' Offices, at Bldg. 6534 Corozal, Republic of Panama and Bldg. 40, Gatun, Republic of Panama respectively.

* * * * *

STORAGE:

Printed forms 8½ by 11 inches, logbooks and disks.

RETRIEVABILITY:

Chronological logbook and specific variable searches give cross-reference to incident reports filed in numerical order.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Canal Protection Division, Panama Canal Commission, APO Miami 34011–5000.

* * * * *

PCC/GSCS–1

SYSTEM NAME:

Housing Files, PCC/GSCS–1.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Community Services Division, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records

Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/GSCS–2

SYSTEM NAME:

Housing Complaints File, PCC/GSCS–2.

SYSTEM LOCATION:

General Services Bureau, Bldg. 28, Balboa, Republic of Panama.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, General Services Bureau, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/GSCX–1

SYSTEM NAME:

Administrative Reports, Transfer of Custody and Official Complaint files, GSCX–1.

SYSTEM LOCATION:

Offices of Area Coordination, Bldg. 5140, Diablo, and Bldg. 7998, Margarita, Republic of Panama.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Cases involving the Transfer of Custody of Commission employees or their dependents, and copies of their Panamanian Court dispositions. Cases involving the theft of Commission property, including records on the value of Commission recovered or stolen property, and copies of Panama's National Department of Investigations reports on these cases. Records of shoplifting cases or other misconduct referred to the Area Coordination by either the U.S. military or Government of Panama law enforcement authorities for review, counseling and/or administrative action to be carried out by the appropriate Commission officials. Additionally, records on individuals provided assistance or requested assistance from the Offices of Area Coordination, including any involvement with authorities of the Government of Panama.

* * * * *

STORAGE:

Paper records in file folders and index cards. Also recorded in a computer. Stored in locked metal file cabinets in building which is locked when not in use. Access and use are restricted to authorized personnel for official use.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief of Operations, Office of Area Coordination, General Services Bureau, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to either of addressees designated in Notification Procedure, preceding.

* * * * *

PCC/IR–1

SYSTEM NAME:

Quarterly Report of Employee Union Dues Deductions, PCC/IR–1.

SYSTEM LOCATION:

Office of Industrial Relations, Bldg. 37, Balboa, Republic of Panama.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Director of Industrial Relations, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Office, Panama Canal Commission, APO Miami 34011–5000.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

* * * * *

PCC/IR–2

SYSTEM NAME:

Records of grievances, appeals and adverse actions processed under a Negotiated Grievance Procedure (NGP), PCC/IR–2.

SYSTEM LOCATION:

Office of Industrial Relations, Bldg. 37, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Panama Canal Commission whose grievances related to disciplinary and adverse actions and to other complaints have been referred to binding arbitration by a certified representative in accordance with an appropriate negotiated grievance procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files on employee grievances and adverse or disciplinary action appeals containing the formal grievance or appeal; background, supporting, and investigatory information; record of hearing, arbitrator's award and related documents.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Director of Industrial Relations, Panama Canal Commission, APO Miami 34011–5000.

* * * * *

RECORD SOURCE CATEGORIES:

Individuals to whom the record pertains; officials of the Canal agencies; witnesses; official documents related to the appeal or grievance; and others involved in the grievance or appeal procedure.

PCC/MRBL–1

SYSTEM NAME:

Marine License Files, PCC/MRBL–1

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Board of Local Inspectors, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/MRBL–2

SYSTEM NAME:

Marine Accident Reports and Investigations, PCC/MRBL–2.

* * * * *

RETENTION AND DISPOSAL:

Retention pending submission of SF 115 to NARA.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Board of Local Inspectors, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/MRCP–1

SYSTEM NAME:

Pilot Workload Statistics, PCC/MRCP–1.

SYSTEM LOCATION:

Office of the Chief Pilot, Marine Traffic Control Center, Bldg. 910, La Boca, Republic of Panama; and Data Processing Systems Division, Administration Bldg., Balboa Heights, Republic of Panama.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Pilot Rotation and Scheduling Unit, Office of the Chief Pilot, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

* * * * *

PCC/MRNA–1

SYSTEM NAME:

Admeasurer Examination File, PCC/MRNA–1.

SYSTEM LOCATION:

Admeasurement Office, Bldg. 729, Balboa, Republic of Panama.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Director of Admeasurement, Panama Canal Commission, APO Miami 34011–5000.

* * * * *

PCC/OM–1

SYSTEM NAME:

Ombudsman Investigation Files, PCC/OM–1.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Ombudsman, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/OM–2

SYSTEM NAME:

Residents' Advisory Committee Files, PCC/OM–2.

* * * * *

RETENTION AND DISPOSAL:

Maintained indefinitely pending submission of SF 115 to NARA. Forwarded to Agency Records Center for disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Ombudsman, Panama Canal Commission, APO Miami 34011–5000

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/OPR–1

SYSTEM NAME:

Operating Unit Personnel Records, PCC/OPR–1

* * * * *

STORAGE:

Paper files maintained in file folders stored in desk drawers or filing cabinets.

RETRIEVABILITY:

Employee name.

SAFEGUARDS:

Paper records maintained in lockable file cabinets or supervisor's desk. Access and use restricted to authorized personnel.

RETENTION AND DISPOSAL:

Folders are reviewed at the end of each calendar year. Documents whose retention period have expired or are no longer applicable are destroyed by burning or shredding one year after transfer or separation by the employee.

SYSTEM MANAGER(S) AND ADDRESS:

Head of Branch, Division, Independent Unit, or Bureau where employee works.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

RECORD SOURCE CATEGORIES:

Supervisor/Unit records.

PCC/PA–1

SYSTEM NAME:

News Morgue Records, PCC/PA–1.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Office of Public Affairs, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/PB–1

SYSTEM NAME:

Merit System Recruiting, Examining and Placement Records, PCC/PB–1

* * * * *

RETENTION AND DISPOSAL:

* * * * *

e. * * *

Index Cards:

a. * * *

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Panama Area Personnel Board, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, his delegate the Manager, Central Examining Office, or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Individual should provide name, date of birth, approximate date of record, and title of examination or announcement with which concerned. Rules are published in 35 CFR Part 10.

* * * * *

PCC/PB–2

SYSTEM NAME:

Appeals, Grievances, Complaints, and Assistance Records, PCC/PB–2.

* * * * *

RETENTION AND DISPOSAL:

Destroy three years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Panama Area Personnel Board, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Individual should provide name, date of birth, and approximate date and kind of action taken. Rules are published in 35 CFR Part 10.

CONTESTING RECORD PROCEDURES:

Subject individuals; agency and Board officials; affidavits of employees; testimonies of witnesses; documents in file related to the appeal, grievance, complaint, or request for assistance; and correspondence from organizations or persons with pertinent knowledge.

* * * * *

PCC/PB–3

SYSTEM NAME:

Personnel Investigation Records, PCC/PB–3.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Panama Area Personnel Board, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, his delegate the Manager, Central Examining Office, or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Individual should provide name, date of birth, approximate date of record, and title of examination or announcement with which concerned. Rules are published in 35 CFR Part 10.

* * * * *

PCC/PR–1

SYSTEM NAME:

Disability Relief, Retirement and Group Supplementary Life Insurance Records, PCC/PR–1.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Panama Area Personnel Board, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/PR–2

SYSTEM NAME:

Employee Benefits Records, PCC/PR–2.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/PR–4

SYSTEM NAME:

Personnel Management System, PCC/PR–4.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/PR–5

SYSTEM NAME:

Recruiting and Placement Records, PCC/PR–5.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/PR–6

SYSTEM NAME:

Training and Employee Development Records, PCC/PR–6.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/PR–7

SYSTEM NAME:

Personnel Reference Unit Files, PCC/PR–7.

SYSTEM LOCATION:

Personnel Reference Unit, Office of Personnel Administration, Bldg. 780, Balboa, Republic of Panama.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Personnel Policy and Programs, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011–5000.

* * * * *

PCC/PR–8

SYSTEM NAME:

Systems of records noticed by the Office of Personnel Management and applicable to the Panama Canal Commission, as follows:

* * * * *

(1) * * * [1]

PCC/PR–9

SYSTEM NAME:

Incentive Awards Programs Files, PCC/PR–9.

* * * * *

RETENTION AND DISPOSAL:

Paper records maintained manually. Employee Awards files:

1. General: Destroy two years after approval or disapproval.

2. Correspondence or memoranda: Destroy when two years old.

---

[1] As an exception to standard practice on retention of out-of-service Official Personnel Folders the Canal agencies are authorized to retain the Official Personnel Folders of their former non-U.S. citizen employees for two years. Thereafter they are sent to the National Personnel Records Center in St. Louis, Missouri (35 CFR Parts 253–292). Some of these former employees now may be U.S. citizens or resident aliens of the United States who are granted access to the records under provisions of the Privacy Act. Questions from such individuals regarding notification procedures, access, and contest in connection with these records should be addressed to the Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011–5000, who is the System Manager, or to the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

3. Length of Service: Destroy when one year old.

4. Reports pertaining to Incentive Awards: Destroy when three years old.

5. Incentive Award suggestion: Close files annually and destroy two years after break.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Personnel Policy and Programs, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/PR–10

SYSTEM NAME:

Occupational Health Records, PCC/PR–10.

* * * * *

RETENTION AND DISPOSAL:

Retained until employee terminates employment with the agency. Thereafter, retired to the Agency Records Center for disposition in accordance with Federal records retention schedules. Disposition of employee medical records are suspended until further notice.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Occupational Health Division, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/PR–12

SYSTEM NAME:

Industrial Accident Prevention Supervisor/Unit Awards File, PCC/PR–12.

SYSTEM LOCATION:

Incentive Awards Unit, Bldg. 5553, Diablo Heights, Republic of Panama.

* * * * *

RETENTION AND DISPOSAL:

Maintained while employee is in a hazardous-duty supervisory capacity. Destroy two years after approval or disapproval.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Personnel Policy and Programs, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/PR–13

SYSTEM NAME:

20/30/40 Safety Key Awards Files, PCC/PR–13.

SYSTEM LOCATION:

Incentive Awards Unit, Bldg. 5553, Diablo Heights, Republic of Panama.

* * * * *

STORAGE:

Computer strip size 12½ by 3½ inches. Cards 3 by 8 inches. Magnetic tapes and disks and computer printouts and related documents.

* * * * *

SAFEGUARDS:

Records maintained in metal card files and lockable metal filing cabinets. Access and use are restricted to authorized personnel. A combination of standard physical security measures, appropriate management information practices and computer system/network security controls are used to protect these records. Reports, tapes, and disks are kept in a locked cabinet or secure area when not in use. The stringent safeguards required by Office of Management and Budget (OMB) Circular A–71, Transmittal No. 1 are applied.

RETENTION AND DISPOSAL:

Paper records manually maintained. Records on active employee in the automated data base are retained as long as they are employed. Destroy when employees retire.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Personnel Policy and Programs, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

6. The following is the revised listing of inactive systems.

Title Listing of Inactive Panama Canal Commission Systems of Records

PCC/AEPR–1 Probation and Parole Unit Child Custody Reports.
PCC/AEPR–2 Presentence and Pre-Parole Investigation Reports.
PCC–CZG/ADGS–1 Purchase Authority Cards.
PCC/AMRM–7 Records of Births, Deaths, and Marriages that occurred in the former Canal Zone.
PCC/AMSA–2 Employee Application for Outside Employment.
PCC–CZG/BRAE–1 Canal Zone Board of Registration for Architects and Professional Engineers Reference Files.
PCC–CZG/BRAE–2 Canal Zone Board of Registration for Architects and Professional Engineers Directory.
PCC–CZG/CACU–9 Vehicle Registration for RP-Series License Plates.
PCC–CZG/CACU–10 U.S. Immigration and Naturalization Service U.S. Citizenship Certificate Application and Appointment Records.
PCC–CZG/CACU–12 Immigration Detention Orders.
PCC–CZG/CALS–4 Civil and Amateur Radio Operator and Station License files.
PCC–CZG/CALS–7 Driver's License Investigatory File.
PCC–CZG/CALS–8 Motor Vehicle and Motorboat Registration and Operator's License File.
PCC–CZG/CALS–11 Official Permits to Have or Carry Firearms.
PCC–CZG/CAPL–14 Inmate Trust Fund File.
PCC–CZG/CAPL–20 Driver's License Revocation Lists.
PCC–CZG/CAPS–2 Case Investigations.
PCC/ECCN–2 Contractor Employee Payroll Records.
PCC/FMAP–2 Payroll System for Vessel Employees.
PCC–CZG/FVGA–2 Cash Register Receipt Shortages.
PCC–CZG/GE–1 Visa records. (STATE–39)
PCC/GSPL–1 Law Enforcement Case Report Files.
PCC/GSPL–4 Convict Files.
PCC/GSPL–5 Prisoner Record Cards.
PCC/GSPL–6 Police Photo Files.
PCC/GSPL–7 Fingerprint File.
PCC/GSPL–10 Master Name File.
PCC/GSPL–15 Complaints Against Policemen.
PCC/GSPL–16 Traffic Accident Reports.
PCC/GSPL–18 Prisoner Property Record.
PCC/GSSP–1 Expert and Consultant Records.
PCC/GSSS–1 Vessel Employee Records.
PCC–CZG/HL–1 Health, Medical, Dental, and Veterinary Records Systems.
PCC–CZG/HL–2 Medical Administration System Exempt.
PCC–CZG/HL–3 Medical Administration System—Non exempt.
PCC/PR–14 Arrest Record File.
PCC–CZG/SC–4 Refugee Records.

7. The following inactive systems are revised as follows:

PCC–CZG/ADGS–1

SYSTEM NAME:

Purchase Authority Cards, PCC–CZG/ADGS–1

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to court officials for the purpose of compiling jury duty rosters. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

* * * * *

PCC/AEPR–1

SYSTEM NAME:

Probation and Parole Unit Child Custody Reports, PCC/AEPR–1.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to officials of U.S. District Court for the District of the Canal Zone and Administrative Office of the U.S. Courts. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Records Management Branch, Panama Canal Commission, APO Miami 34011–5000.

PCC/AEPR–2

SYSTEM NAME:

Presentence and Pre-Parole Investigation Reports, PCC/AEPR–2.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to officials of U.S. District Court for the District of the Canal Zone and Administrative Officer of the U.S. Courts. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011–5000.

PCC/AMRM–7

SYSTEM NAME:

Records of Births, Deaths, and Marriages that occurred in the former Canal Zone, PCC/AMRM–7.

SYSTEM LOCATION:

Records Management Branch, Administrative Services Division, Balboa Heights, Republic of Panama.

* * * * *

RETRIEVABILITY:

By name, date of birth, death or marriage, and number of certificate.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/AMSA–2

SYSTEM NAME:

Employee Application for Outside Employment, PCC/AMSA–2.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Request should be addressed to either of addressees designated in Notification Procedures, preceding.

* * * * *

PCC–CZG/BRAE–1

SYSTEM NAME:

Canal Zone Board of Registration for Architects and Professional Engineers Reference Files, PCC–CZG/BRAE–1.

* * * * *

SYSTEM LOCATION:

Federal Records Center, East Point, Georgia.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

* * * * *

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or which would reveal the identity of confidential sources, or is testing or examination material is exempt from certain subsections of 5 U.S.C 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

* * * * *

PCC-CZG/BRAE-2

SYSTEM NAME:

Canal Zone Board of Registration for Architects and Professional Engineers Directory, PCC-CZG/BRAE-2.

* * * * *

SYSTEM LOCATION:

Federal Records Center, East Point, Georgia.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC-CZG/CACU-9

SYSTEM NAME:

Vehicle Registration for RP-Series License Plates, PCC-CZG/CACU-9.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

* * * * *

PCC-CZG/CACU-10

SYSTEM NAME:

U.S. Immigration and Naturalization Service U.S. Citizenship Certificate, PCC-CZG/CACU-10.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons born outside the United States who are requesting United States citizenship certificates issued by the Immigration and Naturalization Service pursuant to one or more of the statutes referred to in the authority portion of this notice.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC-CZG/CACU-12

SYSTEM NAME:

Immigration Detention Orders, PCC-CZG/CACU-12.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC-CZG/CALS-4

SYSTEM NAME:

Civil and Amateur Radio Operator and Station License files, PCC-CZG/CALS-4.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosed upon request to the Federal Communications Commission, local U.S. military frequency control coordinators; Government, State and local radio licensing authorities. Information may also be disclosed to licensing agencies of foreign governments where the applicant is claiming reciprocal licensing privileges in order to obtain a Canal Zone or foreign radio operator's license. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

* * * * *

PCC-CZG/CALS-7

SYSTEM NAME:

Driver's License Investigatory File, PCC-CZG/CALS-7.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

* * * * *

PCC-CZG/CALS-8

SYSTEM NAME:

Motor Vehicle and Motorboat Registration and Operator's License File, PCC-CZG/CALS-8.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC-CZG/CALS-11

SYSTEM NAME:

Official Permits to Have or Carry Firearms, PCC-CZG/CALS-11.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who applied for, or were issued official permits to have or carry firearms in the Canal Zone.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division,

Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC-CZG/CAPL-14

SYSTEM NAME:

Inmate Trust Fund File, PCC-CZG/CAPL-14.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who were serving sentences in the Canal Zone Penitentiary who were enrolled in the Inmate Trust Fund program.

* * * * *

SAFEGUARDS:

Maintained in file cabinet. Access and use are restricted to authorized personnel.

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

* * * * *

PCC-CZG/CAPL-20

SYSTEM NAME:

Driver's License Revocation Lists, PCC-CZG/CAPL-20.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who had their driving privileges revoked in the Canal Zone.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

* * * * *

PCC-CZG/CAPS-2

SYSTEM NAME:

Case Investigations, PCC-CZG/CAPS-2.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

* * * * *

PCC/ECCN-2

SYSTEM NAME:

Contractor Employee Payroll Records, PCC/ECCN-2.

* * * * *

SYSTEM LOCATION:

Agency Records Center, Bldg. 42-D, Diablo, Republic of Panama.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/FMAP-2

SYSTEM NAME:

Payroll System for Vessel Employees, PCC/FMAP-2.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Payroll Branch, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC-CZG/FVGA-2

SYSTEM NAME:

Cash Register Receipt Shortages, PCC-CZG/FVGA-2.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

* * * * *

PCC-CZG/GE-1 (STATE-39)

SYSTEM NAME:

Visa Records, PCC-CZG/GE-1 (STATE-39).

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for visas; aliens who may be eligible to receive visas.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

BEST COPY AVAILABLE

VOL 52 ISS 251 DEC 31 1987 UMI

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

* * * * *

PCC/GSPL-1

SYSTEM NAME:

Law Enforcement Case Report Files, PCC/GSPL-1.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been subjects of police investigations, including persons who have committed crimes, or were alleged to have committed crimes; persons witnessing or reporting criminal activities; missing persons; and persons filing official complaints about the conduct of other persons when such conduct is not a violation of law.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

* * * * *

PCC/GSPL-4

SYSTEM NAME:

Convict Files, PCC/GSPL-4.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

* * * * *

PCC/GSPL-5

SYSTEM NAME:

Prisoner Record Cards, PCC/GSPL-5.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who had been arrested by the Canal Zone Government Police on or before September 30, 1979, or by the Panama Canal Commission Police between October 1, 1979 and March 31, 1982.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000

* * * * *

PCC/GSPL-6

SYSTEM NAME:

Police Photo Files, PCC/GSPL-6.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who had been arrested, booked, and photographed by the Canal Zone Government Police on or before September 30, 1979, or by the Panama Canal Commission Police between October 1, 1979 and March 31, 1982.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

* * * * *

PCC/GSPL-7

SYSTEM NAME:

Fingerprint File, PCC/GSPL-7.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who had been fingerprinted, or whose prints had been provided to, the Canal Zone Government Police on or before September 30, 1979, or by the Panama Canal Commission Police between October 1, 1979 and March 31, 1982.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

* * * * *

PCC/GSPL-10

SYSTEM NAME:

Master Name File, PCC/GSPL-10.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who had been reported missing; persons who had outstanding warrants; persons who had been arrested; persons about whom offenses had been reported to the police; and/or persons who had been involved in an incident coming to the attention of the the Canal Zone Government Police on or before September 30, 1979, or to the attention of the Panama Canal Commission Police between October 1, 1979 and March 31, 1982.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

* * * * *

PCC/GSPL-15

SYSTEM NAME:

Complaints Against Policemen, PCC/GSPL-15.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Police personnel about whom written complaints had been submitted from citizens.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/GSPL-16

SYSTEM NAME:

Traffic Accident Reports, PCC/GSPL-16.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons involved in traffic accidents which occurred in the Canal areas.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC/GSPL-18

SYSTEM NAME:

Prisoner Property Record, PCC/GSPL-18.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose personal property was held or seized by the police at the time of arrest or incarceration.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

* * * * *

PCC/GSSP-1

SYSTEM NAME:

Expert and Consultant Records, PCC/GSSP-1.

* * * * *

SYSTEM LOCATION:

Agency Records Center, Bldg. 42-D, Diablo, Republic of Panama.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

* * * * *

PCC/GSSS-1

SYSTEM NAME:

Vessel Employee Records, PCC/GSSS-1.

* * * * *

SYSTEM LOCATION:

Logistical Support Division, New Orleans Branch, Bldg. 601-5-A, Panama Canal Commission, 4400 Dauphine Street, New Orleans, Louisiana 70146-6800.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former crew members of the S.S. Cristobal.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Logistical Support Division, New Orleans Branch, Bldg. 601-A, Panama Canal Commission, 4400 Dauphine Street, New Orleans, Louisiana 70146.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000 Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

* * * * *

PCC-CZG/HL-1

SYSTEM NAME:

Health, Medical, Dental, and Veterinary Records Systems, PCC-CZG/HL-1.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

4. To provide basis for administrative and professional decisions regarding the coordination with U.S., foreign, and international health agencies in disease prevention and control, including information related to zoonotic and agricultural disease; inspection, surveillance, and control of food products; and international quarantine measures.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000 Individuals requesting information should provide full name, date of birth, social security number (optional), agency affiliation at time of medical treatment, inclusive dates, when medical treatment was rendered, or other specific information applicable to the inquiry that might assist in identification. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding. Procedures for disclosure of information from the medical records of the individual requesting access are set forth in 35 CFR 10.9.

* * * * *

PCC-CZG/HL-2

SYSTEM NAME:

Medical Administration System Exempt, PCC-CZG/HL-2.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000 Rules are published in 35 CFR Part 10.

Individuals requesting information should provide full name, date of birth, social security number (optional), agency affiliation at time of medical treatment, inclusive dates, when medical treatment was rendered, or other specific information applicable to the inquiry that might assist in identification. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding. Procedures for disclosure of information from the medical records of the individual requesting access are set forth in 35 CFR 10.9.

* * * * *

PCC-CZG/HL-3

SYSTEM NAME:

Medical Administration System—Non exempt, PCC-CZG/HL-3.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

2. To insurance companies and sponsoring agencies, organizations, or foreign governments for the purpose of documenting treatment or billings.

3. To officials of other agencies, foreign governments, and private organizations in connection with treatment and professional assistance in

child abuse cases and in connection with adoption, foster home, and other social service programs; and

4. To United States, foreign and international health officials and agencies, including the Communicable Disease Center, in connection with the reporting of human and animal communicable diseases.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

Individuals requesting information should provide full name, date of birth, social security number (optional), agency affiliation at time of medical treatment, inclusive dates when medical treatment was rendered, or other specific information applicable to the inquiry that may assist in identification. Rules are published in 35 CFR Part 10.

* * * * *

PCC/PR–14

SYSTEM NAME:

Arrest Record File, PCC/PR–14.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who had been arrested, fingerprinted, photographed for violations of law. Also includes those persons who were required to appear in Magistrates Court for traffic violations.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000. Rules are published in 35 CFR Part 10.

* * * * *

PCC–CZG/SC–4

SYSTEM NAME:

Refugee Records, PCC–CZG/SC–4.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who were granted temporary refuge in the Canal Zone because of civil disturbance or natural disaster or because they were seeking political asylum.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Records Management Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011–5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011–5000 Rules are published in 35 CFR Part 10.

* * * * *

[FR Doc. 87–29941 Filed 12–30–87; 8:45 am]

BILLING CODE 3640–04–M

POSTAL SERVICE

Privacy Act of 1974; Computer Matching Programs—Postal Service/Federal Creditor Agencies

AGENCY: United States Postal Service.

ACTION: Notice of Matching Program—U.S. Postal Service/Department of Housing and Urban Development, Veterans Administration, Small Business Administration, Department of Agriculture, and Department of Education.

SUMMARY: The United States Postal Service is providing notice that it intends to conduct continuing matching programs to identify postal employees who are delinquently indebted to the Federal Government under programs administered by the Department of Housing and Urban Development, Veterans Adminstration, Small Business Administration, Department of Agriculture and Department of Education. The Postal Service will act as the matching agency and compare its payroll records against delinquent debtor records provided by those creditor agencies. Debts not voluntarily repaid will be subject to collection pursuant to the Debt Collection Act of 1982.

DATE: It is anticipated that matches with the Small Business Administration, Department of Agricultural and Department of Education will begin in or about January 1988.

ADDRESS: Send any comments to Records Officer, Room 8121, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260–5010. Copies of all written comments will be available for inspection and photocopying between 9:00 a.m. and 4:00 p.m. Monday through Friday in Room 8121 at the above address.

FOR FURTHER INFORMATION CONTACT: Betty Sheriff, Records Office (202) 268–5158.

SUPPLEMENTARY INFORMATION: Section 5 of the Debt Collection Act of 1982 permits a federal agency to offset the salaries of its employees who owe delinquent debts to the Federal Government when payment of those debts has not been made voluntarily. A Government-wide effort is currently underway to identify employees who are delinquent debtors and to recoup those debts. The Postal Service plans to participate in this effort by acting as the matching agency for all computer matches of its employee data that may be conducted against the delinquent debtor records of requesting creditor agencies. The five major creditor agencies whose debtor records are being matched in accordance with this notice are: U.S. Department of Housing and Urban Development (HUD), Veterans Administration (VA), Small Business Administration (SBA), Department of Agriculture (USDA) and Department of Education (ED). Initial matches under this program have already been made with HUD (pursuant to an earlier program as described at 49 FR 32138, August 9, 1984) and with the VA (as described at 51 FR 30934). Initial matches with SBA, USDA and ED and follow-up matches with the five named agencies with be conducted as further described in the "Report" below.

Set forth below is the information required by paragraph 5.f.(1) of the Revised Supplemental Guidance for Conducting Computer Matching Programs issued by the Office of Management and Budget (47 FR 21656; May 19, 1982). A copy of this Notice has been provided to both Houses of Congress and to the Offices of Management and Budget.

Report of a Matching Program: U.S. Postal Service (USPS)/Department of Housing and Urban Development, Veterans Administration, Small Business Administration, Department of Agriculture, and Department of Education.

a. *Authority:* 39 U.S.C. 404; 5 U.S.C. 5514(a).

b. *Program Description:* An above-named creditor agency will submit its file of delinquent debtors identified by name and social security account number (SSAN) to the USPS. Using SSAN, the USPS will match that file against its payroll system file (USPS 050.020, Finance Records—Payroll System), identifying employees who are alleged delinquent debtors under a Federal program administered by the creditor agency. For those individuals common to both tapes (i.e., "hits"), the USPS will provide to the creditor agency the following data elements: name, SSAN, date of birth, home address and work address.

The validity of "matched" employee/debtor information will be verified by the creditor agency. Those individuals who do not have a current repayment plan in effect may be subject to salary offset pursuant to the Debt Collection Act of 1982 (DCA) if the claim of indebtedness is not resolved through the due process procedures afforded by the DCA. Those procedures require the creditor agency to give the alleged debtor thirty days written notice of its determination of the debt and an explanation of the individual's rights under the Act which include an opportunity to inspect and copy Government records relating to the debt, an opportunity to enter into a repayment agreement, and a hearing on the validity of the debt and terms of its repayment.

The USPS Inspection Service may participate in the investigation of hits and establish investigative case files within the parameters of Privacy Act systems USPS 080.010, "Inspection Requirements Investigative File System" (last published in 48 FR 10975 of March 15, 1983).

c. *Records to be Matched:* Each match under this program will compare records within the USPS' payroll system file (USPS 050.020, Finance Records—Payroll System, most recently published in 52 FR 6251 of March 2, 1987). Disclosure of information for purposes of this program is authorized by that system's routine use No. 34.

d. *Period of the Match:* Initial matches with SBA, USDA and ED are expected to occur in or about January 1988. Subsequent matches with any of the five named creditor agencies will be conducted as described above with no further notice, but no more often than semiannually.

2. *Security:* Each match will be conducted in accordance with a written agreement between the USPS and the creditor agency. The agreement will call for maintenance of exchanged data in such a manner as to restrict access to only those individuals who have a legitimate need to see or review it in order to accomplish the official purpose of the matching program, and storage of hard copy records in locked desks or file cabinets and automated records in limited access computer facilities.

f. *Disposition of Records:* Data exchanged will be used only for the purpose of this matching program and will not be derivatively disclosed. Tapes will be returned immediately upon completion of the matching operation and information about individuals verified as "non-hits" will be destroyed immediately.

g. *Other Comments:* No changes will be made to an individual's payments or benefits without first providing due process to the individual concerned.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87–30014 Filed 12–30–87; 8:45 am]

BILLING CODE 7710–12–M

PHYSICIAN PAYMENT REVIEW COMMISSION

Commission Meeting

AGENCY: Physician Payment Review Commission.

ACTION: Notice of public meeting.

SUMMARY: The Physician Payment Review Commission will hold a public meeting on Thursday, January 14, 1988, from 10:00 a.m. to 5:00 p.m. and on Friday, January 15, 1988, from 8:30 a.m. to 12:00 noon. The meeting will be held in the New Hampshire III room of the Ramada Renaissance Hotel, 1143 New Hampshire Avenue, NW. The agenda for the meeting will include the following topics: Commission activities related to a relative value scale for Medicare; specialty differentials; diagnostic services with little physician input; alternative processes for updating the fee schedule; utilization review; assignment and the participating physician program; and capitation. Other topics may be covered, if time permits.

ADDRESS: The Commission is located at Suite 510, 2120 L Street, NW., Washington, DC. The telephone number is 202/653–7220.

FOR FURTHER INFORMATION CONTACT: Lauren LeRoy, Deputy Director, 202/653–7220.

Paul B. Ginsburg,

Executive Director.

[FR Doc. 87–30007 Filed 12–30–87; 8:45 am]

BILLING CODE 6820–SE–M

PRESIDENT'S COMMISSION ON COMPENSATION OF CAREER FEDERAL EXECUTIVES

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the President's Commission on Compensation of Career Federal Executives will be held Wednesday, January 13, 1988, from 9:30 a.m. to 12 Noon (e.s.t.) in the Conference Room, Suite 5H–09, 5th floor, Office of Personnel Management Building, 1900 E Street, NW., Washington, DC.

This is a working meeting of the Commission to consider various measures pertaining to the SES compensation issue.

The meeting is open to the public and oral comments will be accepted as time permits. Persons wishing to receive further information on this meeting or who wish to submit written or oral statements concerning matters to be discussed should contact Stephen A. Gleason, Executive Director, President's Commission on Compensation of Career Federal Executives, Room 5554, OPM Building, 1900 E Street, NW., Washington, DC 20415 (202) 632–6703.

Date: December 16, 1987.

Jonna Lynne Cullen,

Chairman.

[FR Doc. 87–30066 Filed 12–30–87; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34–25209; File No. SR–CBOE–87–50]

Self-Regulatory Organizations; Proposed Rule Change by the Chicago Board Options Exchange, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act"), notice is hereby given that on October 23, 1987, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposal replaces existing Interpretation and Policy .02 to Rule 11.1 with a new options exercise policy. It also adds new Interpretation .03, .04 and

.05. The new proposed provisions are italicized.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Exercise of Option Contracts

Rule 11.1 . . . Interpretations and Policies

.02 An exercise instruction memorandum must be prepared and time stamped for the exercise of all option contracts not automatically exercised pursuant to Clearing Corporation Rules. The preparation, time stamping or submission of an exercise instruction memorandum prior to the purchase of such contracts shall be deemed a violation of this Rule.

.03 Clearing Members must follow the procedures of the Clearing Corporation when exercising index option contracts issued or to be issued in any account at the Clearing Corporation. Members and member organizations must also follow the procedures set forth below:

(a) For all contracts exercised, an "exercise advice" must be delivered by the member or member organization in such form or manner prescribed by the Exchange to a place designated by the Exchange no later than 3:15 p.m. (CT) on that day;

(b) Subsequent to the delivery of an "exercise advice", should the market-maker, customer or firm determine not to exercise all or part of the advised contracts, the member or member organization must also deliver an "advice cancel' in such form or manner prescribed by the Exchange to a place designated by the Exchange no later than 3:15 p.m. (CT) on that day;

(c) The preparation, time stamping or submission of an "exercise advice" prior to the purchase of the contracts to be exercised shall be deemed a violation of this Rule;

(d) The failure of any member or member organization to follow the procedures in this Interpretation .03 may be referred to the Business Conduct Committee and result in the assessment of a fine, which may include but is not limited to disgorgement of potential economic gain obtained or loss avoided by the subject exercise, as determined by the Committee; and

(e) The above procedures do not apply to expiring series on the business day prior to expiration.

.04 The exercise cutoff time pursuant to Rule 11.1(b) for index option contracts shall be 5:30 p.m. (CT) on the business day immediately prior to expiration.

.05 This rule is subject to Rules 6.2 (Trading Rotations), 6.6 (Unusual Market Conditions) and 24.7 (Trading Halts or Suspensions).

II. Procedures of the Self-Regulatory Organization

On October 19, 1987, the Exchange's Office of the Chairman approved the filing of this proposed rule change. The Exchange's contact person is Frederic M. Krieger, Associate General Counsel at (312) 786–7465.

III. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change are to clarify the index exercise advice procedures and require the submission of such advices for all exercises. Violations have occurred due to the complexity of the rule regarding the calculation of the quantity for which an exercise advice was to be submitted and the requirements for time stamping exercise instruction memoranda and exercise advice forms. The calculation of the quantity to exercise involves aggregating accounts under common control, even though each of the aggregated individuals did not exercise more than 24 contracts.

The proposed rule does not substantively change the intent of the previous rule. The exercising of cash settled index options after the close of trading is still prohibited. The rule has been rewritten to provide additional clarity. In Interpretation .02 the Exchange identifies the need to prepare and time stamp exercise instruction memoranda after the contracts to be exercised have been purchased. This requirement has been separated from the advice form interpretation because it applies to all exercise instruction memoranda.

Interpretation .03 contains the requirement that an index exercise advice must be submitted for all index option contracts that are to be exercised. The procedures to follow for cancelling such advices and the requirements regarding time stamping are also explained. Finally, the inclusion of a disgorgement amount, as part of the Business Conduct Committee fine, states existing fining authority and reminds members of this possibility. Interpretation .04 is consistent with the prior rule but is listed separately for the purpose of its application to the exercise of all index options.

Interpretation .05 is new, stating existing Exchange interpretation that the cut-off time provision for exercise advice forms is subject to the authority of the Exchange to halt trading, open trading, and conduct rotations. Thus, if trading is halted, the Exchange may restrict exercises, and if trading is extended (for example, for a closing trading rotation under Rule 6.2), exercise advice forms, may be received during such a rotation.

The proposed rule change is consistent with the provision of the Securities Exchange Act of 1934 and, in particular, section 6(b)(5) thereof, in that the rule change is designed to enforce just an equitable principles of trade.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregong. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 21, 1988.

Dated: December 17, 1987.

For the Commission by the Division of Market Regulation, pursuant to delegated authority

Jonathan G. Katz,

Secretary.

[FR Doc. 87–30058 Filed 12–30–87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34–25218; File No. SR–Phlx–87–33]

Self-Regulatory Organizations; Proposed Rule Change by the Philadelphia Stock Exchange, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act"), notice is hereby given that on November 9, 1987, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organizations. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange ("Phlx" or the "Exchange") pursuant to Rule 19b–4, hereby proposes the following rule change: (Brackets indicate deletions, *italics* indicate additions.)

OPTIONS RULES

Certain Types of Orders Defined

Rule 1066 (a) through (h) No change.

. . . Commentary .01 No change.

. . . *Commentary .02 For options on foreign currency, a spread order may consist of different numbers of contracts (representing different amounts of underlying currency), so long as the amounts of the underlying currency do not differ by a ratio of more than three to one. Similarly, for options on foreign currency, a straddle or combination order may consist of different numbers of puts and calls (representing different amounts of foreign currency), so long as the amounts of the underlying currency represented by the puts and calls do not differ by a ratio of more than three to one. The Foreign Currency Options Committee shall have the authority to specify the ratio or ratios above one-to-one up to three-to-one that are acceptable for the entry of the ratio spread, straddle and combination orders.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to allow PHLX market participants to more effectively utilize foreign currency options contracts as risk hedging instruments. The foreign currency options markets tend to attract and be utilized by sophisticated institutional and corporate investors in part due to the nature of the instruments and the tremendous size of the underlying currency markets. Among other things, this has meant that, rather than rely solely on one-to-one spreads and other multi-part orders, foreign currency options traders frequently effect ratio orders, in which different numbers of contracts may be purchased or sold on each leg of a multi-part order. Most commonly, ratio positions are established because a trader intends to hold a fully hedged position. Where the two legs of the order have different "deltas", different numbers of contracts must be published or sold on each leg to establish a hedged position.

During ten trading sessions in February 1987, the PHLX Market Surveillance Department surveyed several floor brokers to determine the extent to which ratio orders were received by them. In aggregate, in 29.5% of the instances surveyed, spread, straddle or combination ratio orders were received.[1]

Historically, the Commission reluctantly has permitted the exchanges to extend priority for spreads and other multi-part orders over orders on the limit order Book. The preponderance of limit orders come from small public investors, while spreads, straddles and combinations generally reflect large professional orders. Therefore, the Commission's reluctance to accord priority to multi-part orders over previously entered limit orders arises from the concern that priority trading rules for multi-part orders would give trading priority to professionals, and thus be contrary to the interests of public investors. Nevertheless, the Commission has allowed one leg of a spread, straddle or combination order to be executed at the established bid or offer, thus taking priority over a booked customer or other crowd order at that bid or offer, provided that the other leg of the order is simultaneously executed at a price which is better than the established bid or offer. Executing the other leg of the order at a better price than the established bid or offer will improve the market on at least one side. In this regard, the Commission has accorded these orders priority over previously entered customer limit orders which may have the result in that these spreads, straddles and combination orders take priority over the book or the crowd. The Commission has allowed such priority for multi-part orders partially in recognition of the fact that, if priority were not granted, the multi-part order would not be executed. Not permitting such priority, however, would likely have no effect on whether the customer limit order would be filled.

We believe that there should not be a concern that a significant number of previously entered public customer limit orders will fail to receive executions as the result of the rule. By view of the highly sophisticated nature of most foreign currency options investors, there are not a substantial number of limit orders placed on the books of any of the foreign currency options specialists on PHLX. A recent census of the specialist books indicated that, on average, there are 20 booked orders per American style currency options class (virtually none in the European style options). Most of these orders were substantially away from the current market in the options.

The proposed rule change would place a cap of three-to-one on permissible

[1] These orders were handled in a variety of ways. Several orders were executed as a one-to-one order, with the balance of the excess on the unfilled leg executed separately. That is, a 200 contract buy/100 contract sell ratio spread would be executed as a 100 contract spread and a separate 100 contract buy order. Other orders were executed as two separate unhedged orders. Others were not executed. This figure understates the potential benefit of the rule, because it is likely that many persons interested in effecting a ratio transaction do not enter an order on that basis because ratio orders are accorded no status and receive no priority under current PHLX rules.

VOL 52 ISS 251 DEC 31 1987 UMI

ratio orders. This is to prevent orders whereby a trader seeking priority over an order on the book (or in the crowd) could, for example, restate an order to buy 100 calls as a ratio spread to buy 100 calls and sell 1 out-of-the-money call. Floor participants indicate that a maximum ratio of three-to-one should meet satisfactorily the vast preponderance of investor needs.

To further guard against abuse, the proposed rule authorizes the Foreign Currency Options Committee to specify the ratios that would be permitted under the rule. Preliminarily, the Committee's Rules Subcommittee has determined that it would be appropriate to start by allowing just two kinds of ratio orders: Two-to-one and three-to-two. The reason for this limitation is to prevent floor traders from having an undue advantage over orders entered from off the floor. For example, if a 200 by 100 ratio spread were entered from off the floor, two floor participants that wished to trade at that same ratio without permitting the off-floor order to participate could reconfigure their transaction as a 201 by 100 ratio spread. Limiting permissible ratio spreads to the most commonly used ratios will minimize any risk of abuse. Overall, the Exchange believes the proposal will not pose any noticed risks of harm to public investors.

By contrast, the benefits of the rule would be significant. As noted above, approximately 30% of customer spread, straddle and combination orders were placed as ratio orders currently, even without specific rules in place allowing either the execution of ratio orders or priority for such executions.

Accordingly, the PHLX believes that the ability to utilize ratio orders and other sophisticated ratio spreading strategies will increase liquidity and facilitate opportunities for risk hedging and arbitrage activities leading to a more efficiently priced foreign currency options market. The proposed rule change is consistent with section 6(b)(5) of the Exchange Act, in that it will facilitate transactions in securities and protect investors and the public interest while being designed to promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days or such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 21, 1988.

Dated: December 23, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-30059 Filed 12-30-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-16192; 811-4687]

Delaware Group State Tax-Free Fund, Inc.; Notification of Investment Company Deregistration

December 23, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an order under the Investment Company Act of 1940 ("1940 Act").

Applicant: Delaware Group State Tax-Free Fund, Inc.

Relevant 1940 Act Section: Order requesting deregistration under section 8(f) and Rule 8f-1

Summary of Application: Applicant seeks an order declaring that Applicant has ceased to be an investment company.

Filing Date: The application was filed on November 30, 1987.

Hearing on Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC on January 15, 1988, by 5:30 p.m. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for attorneys, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, One Commerce Square, Philadelphia, PA 19003.

FOR FURTHER INFORMATION CONTACT: Sherry A. Hutchins, Staff Attorney, (202) 272-3026 or Brion R. Thompson, Special Counsel, (202) 272-3016, Office of Investment Company Regulation, Division of Investment Management.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier which may be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. On June 2, 1986, Applicant registered as an open-end, non-diversified management investment company under the 1940 Act. Applicant's initial public offering of its shares commenced on August 21, 1986.

2. On July 16, 1987, Applicant's Board of Directors (the "Board") approved a merger of Applicant into DMC Tax-Free Income USA, Inc. ("DMC"), another investment company registered under the 1940 Act (File No. 811-2850). Applicant states that when the Board approved the merger it considered several factors such as: the size and expected growth of Applicant; the yield of Applicant in comparison with the after-tax yield of DMC, and the potentially adverse effect on Applicant's shareholders of certain recently enacted changes in New York State personal income taxes. Applicant further states that its Board and officers consist of the same individuals who serve as DMC's directors and officers and will continue to serve as directors and officers of the surviving corporation.

3. A majority of Applicant's shareholders also approved the merger on October 21, 1986 at a special meeting called for such purpose. On October 26, 1987, the effective date of the merger, Applicant had 727,744.988 shares of common stock, par value .01 per share with a net asset value of $8.12 per share. The shareholders of Applicant received in exchange for their shares that number of full and fractional shares of DMC, which had an aggregate net asset value as of the effective date of the merger equal to the net asset value of the shares of the Applicant being surrendered.

4. Applicant has not retained any assets and there are no investment securities retained by Applicant. Applicant has not, within the past 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are securityholders of Applicant.

5. Applicant incurred certain expenses in connection with the merger, such as printing, mailing of proxy statements to its shareholders and holding a special shareholders meeting which were ultimately borne by Delaware Management Company, Inc., the investment manager. DMC bore the cost of supplying its printed prospectus.

6. Applicant is not now engaged nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs. Applicant has no other outstanding liabilities and is not a party to any litigation or administrative proceeding. Applicant filed the Agreement and Articles of Merger with the Maryland Department of Assessment and Taxation on October 26, 1987 and merged out of existence on that same date under Maryland State law.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-30060 Filed 12-30-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24540]

Filings Under the Public Utility Holding Company Act of 1935 ("Act"); General Public Utilities Corp., et al

December 23, 1987.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transactions(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by January 19, 1988 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the addresses specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issue of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s) as filed or as amended, may be granted and/or permitted to become effective.

General Public Utilities Corporation, et al. (70-3816)

General Public Utilities Corporation ("GPU"), 100 Interpace Parkway, Parsippany, New Jersey 07054, a registered holding company, and its subsidiaries, Jersey Central Power & Light ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, Metropolitan Edison Company ("Met-Ed"), P.O. Box 16001, Reading, Pennsylvania 19640, and Pennsylvania Electric Company ("Penelec"), 1001 Broad Street, Johnstown, Pennsylvania 15907, (collectively, "Utility Subsidiaries"), have filed a post-effective amendment to their declaration pursuant to section 12(b) of the Act and Rule 45 thereunder.

By order dated February 11, 1986 (HCAR No. 24016), the Utility Subsidiaries were authorized to make additional capital contributions to their wholly owned subsidairy, Saxton Nuclear Experimental Corporation ("Saxton") throught December 31, 1987 which, when added to contributions previously made, would not exceed an aggregate amount of $11.5 million. As of September 30, 1987, the Utility Subsidiaries had made capital contributions to Saxton aggregating approximately $11,016,000. Saxton requires additional cash capital contributions to wind up its affairs, to monitor and dispose of its properties or to place and maintain such properties in a safe condition and to obtain any and all necessary permits and approval from governmental agencies and others. It is estimated that these costs for the period January 1, 1988 through December 31, 1989 will be approximately $1.5 million.

The Utility Subsidiaries now propose to make additional capital contributions to Saxton, from time-to-time through December 31, 1989, in an aggregate amount not to exceed $13 million, in the following proportions: JCP&L, 44%; Met-Ed, 32%; and Penelec, 24%.

Public Service Company of Oklahoma (70-8827)

Public Service Company of Oklahoma ("PSO"), 212 East 6th Street, Tulsa, Oklahoma 74119, an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed a post-effective amendment to its application-declaration pursuant to section 6(a), 7, 9(a), 10 and 12 of the Act and Rules 43 and 54 thereunder.

By order dated November 30, 1976 (HCAR No. 19777), PSO was authorized to acquire all the outstanding common stock of Ash Creek Mining Company ("Ash Creek"), a mining subsidiary of PSO, to transfer to Ash Creek all of its existing coal interest in exchange for Ash Creek's common stock, and to make short-term loans to Ash Creek to finance its fuel programs. By order dated January 3, 1986 (HCAR No. 23982), PSO was authorized to finance Ash Creek through December 31, 1987 in the maximum principal amount outstanding at any one time of $2,972,500.

PSO now requests an extension of its authorization to finance Ask Creek through December 31, 1989 in the maximum principal amount of $2,972,500 outstanding at any time. Said amount includes $400,000 and $425,000 to cover

estimated budgeted expenditures during 1988 and 1989, respectively. It is estimated that borrowings outstanding as of December 31, 1987 will be approximately $2,345,000.

Jersey Central Power & Light Company (70-7283)

Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, a wholly owned subsidiary of General Public Utilities Corporation, a registered holding company, has filed an application pursuant to section 6(b) of the Act and Rule 50 thereunder.

On July 3, 1986 (HCAR No. 24143), a notice was issued in this matter on a proposal by Jersey Central to issue and sell through December 31, 1987 up to $100 million of additional first mortgage bonds (Bonds") and up to $100 million of additional shares of cumulative preferred stock. As a consequence of Jersey Central's inability to complete the record, an order has not issued in connection with this proposal. Jersey Central has filed an amendment to its original proposal and now proposes to issue and sell Bonds for cash, from time-to-time through December 31, 1988, for a term of 10 to 30 years in an aggregate principal amount of up to $100 million. Jersey Central proposes to sell the Bonds through competitive bidding pursuant to Rule 50 or, alternatively, in accordance with the Commission's Statement of Policy in HCAR No. 22623 (September 2, 1982). Jersey Central may request at a later date an exception from competitive bidding requirement in the event that circumstances and market conditions change.

Southern Indiana Gas and Electric Company (70-7451)

Southern Indiana Gas and Electric Company ("SIGECO"), 20-24 N.W. Fourth Street, Evansville, Indiana 47741, an exempt holding company, has filed an application pursuant to sections 9(a)(2) and 10 of the Act.

SIGECO proposes to acquire from the holders thereof (except MPM Investment Corporation) all of their holdings of the outstanding common stock of Horizon Investments, Inc. ("Horizon"), which owns 100% of the common stock of Hoosier Gas Corporation ("Hoosier"), a gas-utility company, and all of the outstanding common stock of MPM Investment Corporation ("MPM"), which owns 33⅓% (the remaining shares) of the Horizon common stock.

SIGECO is an Indiana public-utility company engaged in the generation, transmission, and distribution of electric energy to retail residential, commercial, and industrial customers in a southwestern region of Indiana. It is also engaged in the purchase, distribution, transportation, and sale of natural gas in Evansville, Indiana, and 38 nearby communities and their environs. It is a public-utility holding company by virtue of its ownership of 33% of the common stock of Community Natural Gas Company, Inc., a small gas utility company operating in Southwestern Indiana. SIGECO is exempt under Rule 2 from all of the provisions of the Act except section 9(a)(2). Through its wholly owned subsidiary, Southern Indiana Properties, Inc., SIGECO also engages in certain nonutility businesses. Southern Indiana Group, Inc. ("SIGI"), an Indiana corporation, is a wholly owned subsidiary of SIGECO and is presently not engaged in any business.

Horizon is a closely held Indiana corporation which owns 100% of the common stock of Hoosier and has no other significant assets. Hoosier is an Indiana public-utility company engaged in the gas utility business. Its gas service area is adjacent to SIGECO's gas service territory. MPM is a closely held Indiana corporation which owns 33⅓% of common stock of Horizon. MPM has no other significant assets.

The terms of the proposed acquisition were arrived at after arm's-length negotiations with Horizon. Horizon and NPM are to be merged with and into SIGI, with SIGI as the surviving corporation. In the contemplated merger, the issued and outstanding shares of Horizon and MPM would be converted into and become a right to receive that number of shares of (i) SIGECO common stock, (ii) SIGECO preferred stock, or (iii) both SIGECO common and preferred stock, in such proportions as the shareholders of Horizon and MPM shall have elected having an aggregate value of $14,000,000, reduced by the outstanding principal balance at the date of conversion ("Closing Date") of the term indebtedness of Horizon to The Indiana National Bank; provided that the shares of Horizon common stock owned by MPM shall not be converted into rights to SIGEO Shares but shall be automatically cancelled on the Closing Date so that two-thireds (⅔) of the aggregate value of SIGECO shares issuable pursuant to the merger shall be issued to the shareholders of Horizon other than MPM and one-third (⅓) of such shares shall be directly issuable to the shareholders of MPM, in accordance with the respective elections of all such shareholders. For this purpose, the SIGECO common stock shall be valued at $35 per share, and the SIGECO preferred shall be valued at $100 per share, regardless of the actual trading price, if any, of SIGECO shares on the Closing Date.

SIGECO asserts that the proposed transaction will benefit all concerned by tending towards the economical and efficient development of an integrated gas operation. The acquisition of all of the Horizon stock and related transactions have been approved by the Indiana Public Utility Commission.

American Electric Power Corporations, Inc. (70-7465)

American Electric Power Corporation, Inc. ("AEP"), 1 Riverside Plaza, Columbus, Ohio 43215, a registered holding company, has filed a declaration pursuant to sections 6(a), 7 and 12(e) of the Act and Rules 62 and 65 thereunder.

AEP proposes to make the following amendments to the Restated Certificate of Incorporation, and to solicit proxies from its shareholders for approval of those amendments at its annual meeting to be held April 27, 1988.

1. Eliminate or limit the personal liability of the directors of AEP to AEP or its shareholders for damages for breach of fiduciary duty to the fullest extent permitted by the New York Business Corporation law as it exists on the date hereof or as it may hereafter be amended.

2. Increase the authorized number of shares of AEP's Common Stock, $6.50 par value, from 225,000,000 to 300,000,000.

3. Provide that certain minimum price and procedural requirements be met by any party which acquires 5% or more of AEP's Common Stock and then seeks to accomplish a merger or other business combination or transaction, unless certain shareholder or director voting requirements are otherwise satisfied.

AEP also proposes to amend its By-Laws by action of the Board of Directors on April 27, 1988, immediately following the annual meeting of shareholders; (i) To eliminate the present right of shareholders of AEP owning at least 25% of AEP's Common Stock to call a special meeting of shareholders; and (ii) to permit special meetings of shareholders to be held outside the State of New York.

The Columbia Gas System, Inc. (70-7474)

The Columbia Gas System, Inc. ("Columbia") 20 Montchanin Road, Wilmington, Delaware 19807, a registered hold company, has filed an application-declaration pursuant to sections 6(a), 7, 9(a), 10 and 12(c) of the Act and Rule 42 thereunder.

Columbia requests authorization to acquire on the open market from time-to-time through December 31, 1989 up to 2% of its outstanding shares of common stock ("Common Stock"), $10 par value per share, and for the potential reissue of such Common Stock to fulfill stock options exercised under Columbia's Long-Term Incentive Plan, to fulfill stock purchase requirements under Columbia's Dividend Reinvestment Plan, and for such other purposes as may be approved by the Commission upon request by Columbia. As of October 31, 1987, 2% of Columbia outstanding shares of Common Stock constitute 891,000 shares.

Funds for the purchase of the shares will be obtained from internally generated cash and from financing authorized by the Commission. Columbia proposes to retain a brokerage firm to act as agent in purchasing the Common Stock on Columbia's behalf.

Central and South West Corporation (70-7479)

Central and South West Corporation ("CSW"), 2121 San Jacinto Street, Dallas, Texas 75201, a registered holding company, has filed a declaration pursuant to section 12(c) of the Act.

CSW proposes to purchase and retire shares of its outstanding common stock in open market and negotiated transactions through December 31, 1989. In no event would CSW purchase more than 10% of such shares issued and outstanding as of September 30, 1987. Purchases would be made only if CSW determined that it was in its best interest to do so. Funds for such purchases would be obtained solely from available internally generated funds.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-30063 Filed 12-30-87; 8:45 am]

BILLING CODE 8010-01-M

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company.

Filing Date: The application was filed on October 5, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the requested order will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any request must be received by the SEC by 5:30 p.m., on January 18, 1988. Request a hearing in writing, giving the nature of your interest and the reason for your request. Serve the Applicant, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, in the case of an attorney at law, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549; Kemper Investors Life Insurance Company Variable Annuity Account B, 120 S. LaSalle Street, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: Wendell M. Faria, Staff Attorney, at (202) 272-3450, or Lewis B. Reich, Special Counsel, at (202) 272-2061 (Division of Investment Management, Office of Insurance Products and Legal Compliance).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person, or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant, a unit investment trust registered under the Investment Company Act of 1940, was established pursuant to California law on May 10, 1979 by Kemper Investors Life Insurance Company, depositor.

2. A registration statement on Form S-6 for the variable annuity contracts to be issued by Applicant was filed on August 3, 1979.

3. The registration statement filed on Form S-6 never became effective and no public offering of securities was ever made.

4. Applicant represents that it has no assets or liabilities, is not a party to any litigation or administrative proceeding, and that it has made no sales of securities of which it is the issuer.

5. Applicant further represents that it is not now engaged in, nor proposes to engage in, any business activity other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-30061 Filed 12-30-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No IC-16191; File No. 812-7995]

Lutheran Brotherhood Variable Insurance Products Company, et al.

December 23, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Lutheran Brotherhood Variable Insurance Products Company ("Company"), LBVIP Variable Insurance Account II (the "Account"), LBVIP Series Fund ("Fund"), Inc., and Lutheran Brotherhood Securities Corp ("LBSC") (collectively referred to as "Applicants").

Relevant 1940 Act Sections: Exemption requested pursuant to section 6(c) from sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act and Rule 6e-2(b)(15) thereunder.

Summary of Application: Applicants seek an order to the extent necessary to permit the sale of shares of the Fund to both variable annuity and variable life insurance separate accounts of the Company and its affiliates.

Filing Date: The application was filed on November 5, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on January 18, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o Otis F. Hilbert, 625 Fourth Avenue South, Minneapolis, MN 55415.

FOR FURTHER INFORMATION CONTACT: Jeffrey M. Ulness, Attorney, (202) 272-

[Release No. IC-16190; File No. 811-2942]

Kemper Investors Life Insurance Company Variable Annuity Account B

December 23, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application pursuant to section 8(f) of the Investment Company Act of 1940 ("1940 Act").

Applicant: Kemper Investors Life Insurance Company Variable Annuity Account B ("Applicant").

Relevant 1940 Act Sections: Deregistration order requested under section 8(f) and Rule 8f-1 thereunder.

VOL 52 ISS 251 DEC 31 1987 UMI

2020 or Lewis B. Reich, Special Counsel, (202) 272–2061 (Office of Insurance Products and Legal Compliance).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 253–4300).

Applicants' Representations and Statements

1. The Company is a stock life insurance company organized under the laws of the State of Minnesota. The Account, a separate account of the Company, is registered under the 1940 Act as a unit investment trust. LBSC, an indirect wholly-owned subsidiary of the Company, is the principal underwriter for the Account.

2. The Company and the Account intend to issue variable life insurance contracts as defined in paragraph (c)(1) of Rule 6e–2 under the 1940 Act, funded through the Account. The contract will permit only a single premium payment. The contract provides for life insurance and the accumulation of value under the contract on a variable basis. The Applicants represent that the contract satisfy the requirements of paragraph (a) of Rule 6e–2 under the Act.

3. Assets of the Account will be invested in shares of the Fund, a diversified management investment company registered under the 1940 Act. The Fund is a series company currently offering four separate portfolios. For each portfolio of the Fund there is a corresponding sub-account of the Account. Shares of each portfolio will be sold without sales charge to the Account and to other separate accounts of the Company and its affiliates. Applicants propose to offer Fund shares to the separate accounts of LBVIP and its affiliates which issue either variable annuity contracts or scheduled or flexible premium variable life insurance contracts.

4. Rule 6e–2 under the 1940 Act provides certain exemptions from the 1940 Act in order to permit insurance company separate accounts to issue variable life insurance. Rule 6e–2(b) (15), however, precludes mixed funding. Applicants have requested exemptive relief to the extent necessary to permit shares of the Fund to be sold for mixed funding. Applicants propose that the requested relief extend to a class consisting of variable life separate accounts investing in the Fund (and principal underwriters and depositors of such separate accounts) which would otherwise be precluded from investing in the Fund because the Fund offers its shares to variable annuity separate accounts.

5. Applicants assert that granting the request for relief to engage in mixed funding will benefit variable contract owners by eliminating a significant portion of the cost of establishing and administering separate funds and by allowing for the development of larger pools of assets resulting in greater cost efficiencies. Applicants assert that the portfolios of the Fund will not be managed to favor or disfavor any particular type of insurance product.

6. Applicants request an exemption from sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act and Rule 6e–2(b)(15) thereunder to the extent necessary to permit the sale of the Fund shares to both variable annuity and variable life insurance separate accounts subject to the provisions of clauses (i) through (iv) of Rule 6e–2(b)(15) and the conditions set forth below.

7. Applicants submit that there is no policy reason why the exemptions provided by Rule 6e–2(b)(15) should not apply to the Fund solely because variable annuity separate accounts of the Company as well as the Account will invest in Fund shares. Applicants submit that the relief requested is not inconsistent with proposed amendments to Rule 6e–2 which permit "mixed funding" of variable annuity and variable life separate accounts under certain conditions.

Applicants' Conditions

If the requested order is granted, Applicants agree to the following conditions:

1. The Board of Directors of the Fund, constituted with a majority of disinterested directors, will monitor the Fund for the existence of any material irreconcilable conflict between the interests of variable annuity contractholders investing in the Fund and interests of variable life contractholders (including owners of the contracts).

2. The Company agrees that it will be responsible for reporting any potential or existing conflicts to the directors of the Fund.

3. If a material irreconcilable conflict arises, the Company will, at its own cost, remedy such conflict up to and including establishing a new registered management investment company and segregating the assets underlying the variable annuity contracts and the variable life contracts (including the contracts).

For the reasons stated above, Applicants submit that the requested relief is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–30082 Filed 12–30–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–16193; 812–6895]

Applications for Exemption; Security First Trust et al.

December 23, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: Security First Trust ("Trust"), Security First Life Insurance Company ("Security First"), Security First Life Separate Account A and Security First Variable Life Account, Fidelity Standard Life Insurance Company ("Fidelity Standard") and Fidelity Standard Life Separate Account, and certain Life Insurance Companies and their Separate Accounts registered under the 1940 Act which may invest in the Trust.

Relevant 1940 Act Sections: Exemptions requested under section 6(c) from sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act, and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder.

Summary of Application: Applicants seek an order to permit shares of the Trust to be sold to and held by registered variable annuity and variable life insurance Separate Accounts of both affiliated and unaffiliated life insurance companies.

Filing Date: The application was fined on October 13, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on January 18, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o Richard C. Pearson, Esquire, 11365 West Olympic Boulevard, Los Angeles, California 90064.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Nancy M. Rappa, (202) 272–2058 or Special Counsel Lewis B. Reich, (202) 272–2061 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 253–4300).

Applicants' Representations

1. The Trust, an open-end, diversified, management investment company organized as a Massachusetts business trust, consists of three separate series of shares: the Bond Series, the Money Market Series, and the Growth and Income Series. At present, Trust shares are offered to Separate Accounts of Security First, Fidelity Standard and Capitol Life in connection with the issuance of variable annuity contracts.

2. The Trust proposes to offer its shares to Security First Variable Life Account, which will offer variable life contracts under Rule 6e–3(T). In the future, the Trust may offer its shares to other registered Separate Accounts of both affiliated and unaffiliated insurance companies offering variable annuity contracts, or single, scheduled, or flexible premium variable life insurance contracts ("contracts") relying on either Rule 6e–2 or 6e–3(T).

3. Rules 6e–2 and 6e–3(T) of the 1940 Act provide certain exemptions with respect to variable life insurance contracts. However, Rule 6e–2(b)(15) precludes mixed and shared funding and Rule 6e–3(T)(b)(15) precludes shared funding. "Mixed funding" is the use of the shares of one investment company to fund both variable life insurance and variable annuity separate accounts. "Shared funding" is the use of the shares of one investment company to fund separate accounts of unaffiliated life insurance companies. Applicants propose that the relief granted by Rules 6e–2(b)(15) and 6e–3(t)(b)(15) from sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act be extended to a class of insurance companies and their registered Separate Accounts which may use the Trust as an investment medium to fund contracts to the extent necessary to permit shares of the Trust to be sold in connection with both mixed and shared funding, subject to the conditions set forth in the application and summarized below.

4. Mixed and shared funding will benefit contract owners by eliminating the cost of establishing and administering separate portfolio investment companies. The Trust will be managed in pursuit of the stated objectives of the Series and consistent with their policies, and will not be managed to favor or disfavor a particular type of contract or insurance company.

5. Section 9(a) of the Act provides that it is unlawful for any company to serve as investment advisor or principal underwriter of any registered investment company if an affiliated person of that company is subject to an enumerated disqualification. Rules 6e–2(b)(15) (i) and (ii), and 6e–3(T)(B)(15) (i) and (ii), provide exemptions from section 9(a) under certain circumstances, subject to limitations on mixed and shared funding. These exemptions limit the application of the eligibility restrictions to affiliated individuals or companies that directly participate in the management of the underlying management company. The partial relief granted in Rules 6e–2(b)(15) and 6e–3(T)(b)(15) from the requirements of section 9(a) in effect limits the amount of monitoring necessary to ensure compliance with section 9 to that which is appropriate in light of the policy and purposes of section 9. Applicants believe that it is unnecessary to apply section 9(a) to the large number of individuals in various unaffiliated insurance companies (or affiliated companies of participating insurance companies) that may utilize the Fund as the funding medium for variable contracts, and allege that applying the requirements of section 9(a) merely because of mixed and shared funding would serve no regulatory purpose.

6. The language of Rules 6e–2(b)(15) and 6e–3(T)(b)(15) recognizes that variable life insurance contract owners are entitled to pass-through voting privileges. To the extent the SEC continues to interpret the 1940 Act to require pass-through voting privileges, participating insurance companies will vote shares of the Trust held in their Separate Accounts in a manner consistent with instructions received from their contract owners. Rules 6e–2 and 6e–3(T) provide exemptions from this pass-through voting requirement in limited situations. Participating insurance companies also will be responsible for assuring that each of their Separate Accounts participating in the Trust calculates voting privileges in a manner consistent with other variable annuity or variable life Separate Accounts.

7. Applicants will be subject to the undertakings proposed as conditions to receipt of exemptive relief. These conditions will be set forth in agreements entered into by participating insurance companies with respect to participation in the Trust.

Conditions

If the requested order is granted, the Applicants agree to the following conditions:

1. A majority of the Trust's Board shall consist of persons who are not "interested persons" of the Trust, as defined by section 2(a)(19) of the Act, except that if this condition is not met by reason of the death, disqualification, or bona fide resignation of any Trustees then the operation of this condition shall be suspended (a) for a period of 45 days if the vacancy or vacancies may be field by the Trust's board; (b) for a period of 60 days if a vote of shareholders is required to fill the vacancy or vacancies; or (c) for such longer period as the Commission may prescribe by order upon application.

2. The Board will monitor the Trust for the existence of any material irreconcilable conflict between the interests of contractowners of all Separate Accounts investing in the Trust. An irreconcilable material conflict may arise for a variety of reasons, including: (a) An action by any state insurance regulatory authority; (b) a change in applicable federal or state insurance, tax, or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretative letter, or any similar action by insurance, tax, or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of any series are being managed; (e) a difference in voting instructions given by variable annuity contractowners and variable life insurance contractowners; or (f) a decison by an insurer to disregard the voting instructions of contractowners.

3. The insurance companies whose Separate Accounts invest in the Trust ("participating insurance companies") shall report any potential or existing conflicts to the Trust's Board. Participating insurance companies will be responsible for assisting the Board in carrying out its responsibilities under these conditions by providing the Board with all information reasonably necessary for the Board to consider any issues raised. This includes, but is not limited to, an obligation by each

participating insurance company to inform the Board whenever contractowner voting instructions are disregarded. The responsibility to report such information and conflicts, and to assist the Board, will be a contractual obligation of all participating insurance companies under their agreements governing participation in the Trust.

4. If it is determined by a majority of the Board of the Trust, or a majority of its disinterested members, that a material irreconcilable conflict exists, the relevant insurance companies shall, to the extent reasonably practicable (as determined by a majority of the disinterested members of the Board), take whatever steps are necessary to eliminate the irreconcilable material conflict, including: (1) Withdrawing the assets allocable to some or all of the Separate Accounts from the Trust or any Series and reinvesting such assets in a different investment medium, including another Series of the Trust, or submitting the question whether such segregation should be implemented to a vote of all affected contractowners and, as appropriate, segregating the assets of any appropriate group that votes in favor of such segregation, or offering to the affected contractowners the option of making such a change; and (2) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of a participating insurance company's decision to disregard contractowner voting instructions and that decision represents a majority position or would preclude a majority vote, the participating insurance company may be required, at the Trust's election, to withdraw its Separate Account's investment in the Trust and no charge or penalty will be imposed as a result of such withdrawal. The responsibility to take remedial action in the event of a Board determination of a material irreconcilable conflict, and to bear the cost of such remedial action, will be a contractual obligation of all participating insurance companies under their agreements governing participation in the Trust. A majority of the disinterested members of the Board shall determine whether any proposed action adequately remedies any material irreconcilable conflict, but in no event will the Trust be required to establish a new funding medium for any variable contract. No insurer will be required to establish a new funding medium for any variable annuity or variable life insurance contract, if an offer to do so has been declined by vote of majority of contract owners materially adversely affected by the irreconcilable material conflict.

5. The Board's determination of the existence of an irreconcilable material conflict and its implications shall be made known promptly in writing to all participating insurance companies.

6. All reports received by the Board of potential or existing conflicts, and all Board action with regard to determining the existence of a conflict, notifying participating insurance companies of a conflict, and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

7. Participating insurance companies will provide pass-through voting privileges to all variable contractowners to the extent the Commission continues to interpret the Act to require pass-through voting in such cases. Participating insurance companies shall be responsible for assuring that each of their Separate Accounts participating in the Trust calculates voting privileges in a manner consistent with other variable annuity or variable life Separate Accounts. The obligation to calculate voting privileges in this manner shall be a contractual obligation of all participating insurance companies under their agreements governing participation in the Trust.

8. The Trust shall disclose in its prospectus that (1) shares of the Trust are offered in connection with mixed and shared funding, (2) mixed and shared funding may present certain conflicts of interest, and (3) the Board will monitor for the existence of any material conflicts and determine what action, if any, should be taken. The Trust will notify all participating insurance companies that prospectus disclosure regarding potential risks of mixed and shared funding may be appropriate.

9. If and to the extent Rules 6e–2 and 6e–3(T) are amended, or Rule 6e–3 is adopted, to provide exemptive relief from any provision of the Act or the rules promulgated thereunder with respect to mixed or shared funding on terms and conditions materially different from any exemptions granted in the Order requested in this application, then the Applicants shall take such steps as may be necessary to comply with Rules 6e–2 and 6e–3(T), as amended, and Rule 6e–3, as adopted, to the extent such rules are applicable.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–30064 Filed 12–30–87; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Brevard County, FL

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rescind notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will not be prepared for a proposed highway project, Apollo Hickory, in Brevard County, Florida.

FOR FURTHER INFORMATION CONTACT: D. B. Luhrs, District Engineer, Federal Highway Administration, 227 North Bronough Street, Room 2015, Tallahassee, Florida 32301, Telephone: (904) 681–7239.

SUPPLEMENTARY INFORMATION: A Notice of Intent to prepare an Environmental Impact Statement (EIS) for a proposed highway project to construct an improved alignment of State Road 5 from the intersection of Apollo II Blvd. and State Road 5 in Palm Bay to the intersection of County Road 511 and State Road 5 in the City of Melbourne, a distance of approximately 6.7 miles, was issued on August 1, 1985 and published in the August 8, 1985 Federal Register. A notice of availability of the Draft Environmental Impact Statement was published in the July 17, 1987 Federal Register. The FHWA, in cooperation with the Florida Department of Transportation, has since determined that the project as proposed in the Draft Environmental Impact Statement will be terminated. The northernmost 0.36-mile segments of the project, Aurora Road between Stewart Avenue and US–1 (SR–5), will be implemented based upon a Finding of No Significant Impact.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: December 21, 1987.

J. R. Skinner,

Division Administrator, Tallahassee, Florida.

[FR Doc. 87–30003 Filed 12–30–87; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Bank Secrecy Act; Magnetic Tape Filing of Currency Transaction Reports

AGENCY: Departmental Offices, Treasury.

ACTION: Notice.

SUMMARY: The Department of Treasury is making permanent the pilot program announced last March (52 FR 10163, March 30, 1987) in which participating financial institutions may report on magnetic media currency transactions as required by the Bank Secrecy Act. Such magnetic media filing must include all the information required to be provided on paper forms.

EFFECTIVE DATE: December 31, 1987.

ADDRESS: Requests for specifications should be addressed to: Chief, Currency and Banking Reports Division, Internal Revenue Service Data Center, 1300 John Lodge Drive, Detroit, MI 48226, Attention: Phyllis A. Goldsworthy, CTR Magnetic Filing Coordinator.

FOR FURTHER INFORMATION CONTACT: Phyllis A. Goldsworthy, CTR Magnetic Filing Coordinator, (313) 226–3293.

SUPPLEMENTARY INFORMATION: Under the Bank Secrecy Act, and the regulations promulgated thereunder, the Department of Treasury requires designated financial institutions to file reports of currency transactions over $10,000 on form prescribed by the Secretary of the Treasury. 31 CFR 103.22 and 103.26. Until recently, the only form of reporting has been paper filing on the Currency Transaction Report (Form 4789).

However, on March 30, 1987 (52 FR 10163), Treasury announced a pilot program in which participating financial institutions could report currency transactions on magnetic media (tape filing). The major purposes of the program were to evaluate the benefits of magnetic filing, increase the accuracy of the data being reported while reducing processing costs, gauge the receptivity of the financial institutions to this method of filing, and to identify and test the modifications to Treasury systems and procedures necessary for magnetic filing. Treasury hoped that non-paper filing would provide cost and other advantages to the government and participating financial institutions. Treasury noted that, based on the pilot test results, it might consider making the program permanent.

There was a highly favorable response to the pilot program from the financial community. Treasury received over 280 requests for information following publication of the Federal Register Notice. Fourteen were software vendors and/or service bureaus representing several thousand additional institutions. Of the 45 organizations that made application to file magnetically during the pilot program, which runs through December, 1987, 25 organizations had passed the acceptance testing standards and were certified to file magnetically by the end of July, 1987. Several banks examined the benefit of participating in the magnetic filing program. Their analysis revealed that, in the long run, an automated filing system will yield considerable benefits to the financial institutions.

Because the pilot test confirmed that this method to input would provide cost benefits and other advantages to the Government and the participating financial institutions, Treasury has decided to make permanent the option for financial institutions to file CTRs by magnetic media. Institutions which were previously accepted into the pilot program need not reapply for acceptance into the permanent program. Institutions that applied under the pilot program but failed the acceptance test may, if they desire, reapply under this permanent program. Filing by magnetic media is voluntary, and financial institutions may continue to file the paper CTRs if they do not wish to participate in this program.

Treasury will not furnish the software required for magnetic media filing. Treasury will accept magnetic media CTRs only from financial institutions that have applied to and been accepted by the Internal Revenue Service Data Center in Detroit, Michigan. Approval is contingent upon successful completion of an acceptance test to be administered by the Data Center. All information regarding the acceptance test, including the date by which it must be completed, may be obtained by writing to the Detroit Data Center for specifications. Magnetic media reports must contain all the information currently required on paper CTRs and must be in the format prescribed in the specifications. All magnetic media submissions must be accompanied by a transmittal document signed by an official of the financial institution attesting to the completeness and accuracy of the information transmitted.

The magnetic media filing will affect only the form in which financial institutions file CTRs; requirements of 31 CFR Part 103 will continue to apply in their entirety to participating institutions. An individual financial institution's participation may be terminated at any time at the option of Treasury. Upon termination of a financial institution from a program, that institution must immediately recommence filing paper CTRs.

Dated: December 21, 1987.

Francis A. Keating II,

Assistant Secretary (Enforcement).

[FR Doc. 87–30004 Filed 12–30–87; 8:45 am]

BILLING CODE 4810–25–M

VOL 52 ISS 251 DEC 31 1987 UMI

Sunshine Act Meetings

Federal Register
Vol. 52, No. 251
Thursday, December 31, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., January 8, 1988.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Market Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 87–30150 Filed 12–29–87; 2:31 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:30 a.m., January 8, 1988.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 87–30151 Filed 12–29–87; 2:31 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., January 15, 1988.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Market Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 87–30152 Filed 12–29–87; 2:31 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:30 a.m., January 15, 1988.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 87–30153 Filed 12–29–87; 2:31 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., January 22, 1988.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Market Surveillance Matters

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 87–30154 Filed 12–29–87; 2:31 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:30 a.m., January 22, 1988.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 87–30155 Filed 12–29–87; 2:31 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:30 a.m., January 22, 1988.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 87–30156 Filed 12–29–87; 2:31 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., January 29, 1988.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Market Surveillance Matters

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 87–30157 Filed 12–29–87; 2:31 pm]

BILLING CODE 6351–01–M

COUNCIL ON ENVIRONMENTAL QUALITY

DATE, TIME, AND PLACE: Wednesday, February 17, 1988, 10:00 a.m., Council on Environmental Quality Conference Room, First Floor, 722 Jackson Place, NW., Washington, DC 20503.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. The Council on Environmental Quality has held a series of public meetings on the issues of stratospheric ozone depletion and global warming. To date, the Council has heard from experts concerning the scientific aspects of the problem and the human health and biological impacts.

At this meeting, the Council will be hearing from Dr. Robert Worrest. Dr. Worrest will address the aquatic impacts of stratospheric ozone depletion and global warming.

This meeting was originally scheduled for December 16, 1987, but was cancelled because of unforeseen circumstances.

2. Other matters may be discussed.

FOR FURTHER INFORMATION CONTACT: Lucinda Low Swartz, Deputy General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, DC. 20503; Telephone: (202) 395–5754.

A. Alan Hill,
Chairman.

[FR Doc. 87–30140 Filed 12–29–87; 2:03 pm]

BILLING CODE 3125–01–M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, January 6, 1988.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: December 29, 1987.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 87–30166 Filed 12–29–87; 4:01]

BILLING CODE 6210–01–M

TENNESSEE VALLEY AUTHORITY

(Meeting No. 1397)

TIME AND DATE: 10 a.m. (e.s.t.), Monday, December 21, 1987.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

AGENDA ITEM: Consideration of proposed power rate reduction.

CONTACT PERSON FOR MORE INFORMATION: Alan Carmichael, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615–632–8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202–245–0101.

SUPPLEMENTARY INFORMATION:

TVA Board Action

The TVA Board of Directors has found, the public interest not requiring otherwise, that TVA business requires that this meeting be called at the time set out above and that no earlier announcement of this meeting was possible.

The members of the TVA Board voted to approve the above findings and their approvals are recorded below.

Approved.

C. H. Dean, Jr.,
Director and Chairman.

Dated: December 18, 1987.

John B. Waters,
Director.

[FR Doc. 87–30119 Filed 12–29–87; 12:56 pm]

BILLING CODE 8120–01–M

VOL
52
ISS
251
DE
31
1987
UMI

federal register

Thursday
December 31, 1987

Part II

Department of Health and Human Services

Food and Drug Administration

21 CFR Parts 70, 500, 514, and 571
Sponsored Compounds in Food-Producing Animals; Criteria and Procedures for Evaluating the Safety of Carcinogenic Residues; Final Rule

Availability of Guidelines for Human Food Safety Evaluation; Notices

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 70, 500, 514, and 571

[Docket No. 77N-0026]

Sponsored Compounds in Food-Producing Animals; Criteria and Procedures for Evaluating the Safety of Carcinogenic Residues; Animal Drug Safety Policy

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is establishing procedures and minimum criteria to ensure the absence of significant concentrations of cancer-causing residues in the edible products of food-producing animals to which drugs, food additives, or color additives have been administered. The procedures and criteria are contained in final regulations and revised guidelines. The procedures and criteria implement the DES Proviso, an exception to the Delaney anticancer clause, which, in relevant part, permits approval of the use of a carcinogenic compound in food-producing animals, provided that the concentration of any residue remaining in edible tissues is so low that it would not present any significant risk of cancer to people.

EFFECTIVE DATE: February 29, 1988.

FOR FURTHER INFORMATION CONTACT: Robert Benson, Center for Veterinary Medicine (HFV-102), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4500.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 31, 1985 (50 FR 45530), FDA reproposed regulations governing the approval of carcinogenic compounds to be used in food-producing animals, and made available a series of guidelines for implementing the regulations (50 FR 45556). The final regulations, adopted in this document, contain several changes from the reproposal. FDA has deleted from the regulations, and placed in a guideline, specific reference to the extrapolation procedure and the confidence limit to be used in quantifying the risks posed by carcinogenic compounds (see paragraph 25, below). The agency has also included in the final regulations a section on implementation, which was proposed in amended form in 1983 (see Section XII, below). The agency has also substituted the word "chronic" for "lifetime" in defining the kinds of carcinogenicity tests required (see paragraph 7, below), has deleted reference to the regulation of compounds whose test results are equivocal (see paragraph 13, below), and has made a minor change in the definition of the term "target tissue" (see paragraph 34, below).

This preamble explains the changes that have been made, and responds to comments submitted on the 1985 reproposal. FDA has also made minor revisions in the guidelines for implementing the regulations. A separate notice published elsewhere in this issue of the **Federal Register** announces their availability.

The final regulations include a new Subpart E in 21 CFR Part 500, which is titled "Regulation of Carcinogenic Compounds Used in Food-Producing Animals." The new regulation applies to drugs, food additives, and color additives that are to be administered to animals. FDA is also making conforming amendments to regulations in 21 CFR Part 70 (color additives), Part 514 (animal drugs), and Part 571 (animal food additives).

I. Introduction

A. Background and Purpose

The Federal Food, Drug, and Cosmetic Act (the act) contains three Delaney, or anticancer, clauses: Sections 409(c)(3)(A), 512(d)(1)(H), and 706(b)(5)(B) (21 U.S.C. 348(c)(3)(A), 360b(d)(1)(H), and 376(b)(5)(B)), pertaining to food additives, new animal drugs, and color additives, respectively. These clauses prohibit approval of substances that have been shown to induce cancer in man or animals. However, each clause contains an exception that permits administration of such substances to food-producing animals where "no residue" will occur in food products. For example, section 512(d)(1)(H) of the act states that the prohibition against approval of a carcinogenic animal drug:

> * * * shall not apply with respect to such drug if the Secretary finds that, under the conditions of use specified in proposed labeling and reasonably certain to be followed in practice (i) such drug will not adversely affect the animals for which it is intended, and (ii) no residue of such drug will be found (by methods of examination prescribed or approved by the Secretary by regulations, which regulations shall not be subject to subsections (c), (d), and (h)), in any edible portion of such animals after slaughter or in any food yielded by or derived from the living animals; * * *.

Application of the exception, termed the "DES Proviso," hinges therefore on the finding of "no residue" of the substance in edible products.

As a practical matter, however, FDA has been unable to conclude that no trace of any given substance will remain in edible products. The new procedures, therefore, provide an operational definition of "no residue." That is, the procedures are designed to permit the determination of the concentration of residue of a carcinogenic compound that presents an insignificant risk of cancer to the consuming public. That concentration corresponds to a maximum lifetime risk of cancer to the test animal on the order of 1 in 1 million. Thus, the procedures provide for a quantitative estimation of the risk of cancer presented by the residues of a carcinogenic compound proposed for use in food-producing animals. "No residue" remains in food products when conditions of use, including any required preslaughter withdrawal period or milk discard time, ensure that the concentration of the residue of carcinogenic concern in the total diet of people will not exceed the concentration that has been determined to present an insignificant risk.

FDA emphasizes that a 1 in 1 million level of risk does not mean that 1 in every 1 million people will contract cancer as a result of this regulation. Rather, given the assumptions in current risk assessment methodologies, in all likelihood no one will contract cancer as a result of this regulation. A 1 in 1 million level represents (1) a 1 in 1 million increase in risk over the normal risk of cancer to the test animal and (2) a lifetime—not annual—risk. Furthermore, because of a number of assumptions used in the risk assessment procedure and the extrapolation model used, FDA expects that the lifetime risk to an individual will be between 1 in 1 million and a much lower level.

Further, before FDA will approve the compound, an analytical method must be available that can accurately and dependably measure the carcinogenic residues of the compound at a concentration corresponding to that estimated to result in an insignificant potential risk to humans. This operational definition of "no residue" thereby makes the DES Proviso operable, since otherwise no carcinogenic substances could be approved for use in food-producing animals.

The legal theory being applied here is that each statutory provision is to be given effect. That is, if FDA were to interpret the DES Proviso literally, the proviso would be inoperable. This legal theory, therefore, differs from the application to the Delaney Clause of the *de minimis* doctrine, i.e., that the law

does not concern itself with trifling matters. Further discussions of the statutory background and FDA's interpretation of the DES Proviso are contained in the 1985 reproposal, and are incorporated by reference in this document.

B. History of These Rulemaking Proceedings

Before 1973, FDA did not have a consistently applied system for showing the safety of carcinogenic compounds proposed for use in food-producing animals or for invoking the DES Proviso to the Delaney Clause. In the **Federal Register** of July 19, 1973 (38 FR 19226), FDA published a proposal to establish "the minimum standards for determining the acceptability of assay methods used to assure the absence of residues [of carcinogenic concern] in edible products of food-producing animals." The proposal was the agency's first attempt to provide a consistent and predictable approach (1) to approve methods of measurement for the application of the DES Proviso and, therefore, (2) to demonstrate the safety of carcinogenic compounds for use in food-producing animals.

In the **Federal Register** of February 22, 1977 (42 FR 10412), the Commissioner of Food and Drugs promulgated final regulations based on the 1973 proposal. The Commissioner also solicited comments on four specific issues: (1) Acceptable level of risk, (2) comparative metabolism, (3) regulation of endogenous compounds, and (4) methods of determining an assay's lowest limit of reliable measurement.

On May 12, 1977, the Animal Health Institute (AHI) filed a complaint in the United States District Court for the District of Columbia alleging, among other things, that the regulations violated the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) because the regulations were not republished for comment. The court agreed with AHI's contention because it found that the 1977 final rule was significantly different from that proposed in 1973. The court remanded the case to FDA for further consideration. The court did not suggest that FDA's basic approach was suspect. The court, however, requested FDA specifically to consider questions raised by AHI regarding the technical feasibility of the regulations. The court recommended that FDA repropose the regulations.

FDA revoked the regulations on May 26, 1978 (43 FR 22675), and on March 20, 1979 (44 FR 17070), reproposed them for public comment. The 1979 proposal contained an evaluation of and response to AHI's criticisms, the court's questions, and the substantive comments filed on the final rule. The reproposal was also supported by an extensive administrative record. Furthermore, in an effort to promote the submission of well-directed comments, FDA held a public hearing on the proposal on June 21 and 22, 1979 (44 FR 23538, April 29, 1979; 44 FR 26899, May 8, 1979). A transcript of the hearing has been made a part of the administrative record of this proceeding.

Finally, as described above, in the **Federal Register** of October 31, 1985 (50 FR 45530), FDA reproposed the regulations and made available a series of guidelines for implementing the regulations (50 FR 45556).

II. Overview of the Regulations and Guidelines

The regulations and guidelines provide an operational definition of "no residue." In addition, they identify the procedures and the criteria that if followed will permit the approval of carcinogenic compounds intended for use in food-producing animals, provided that the level of any residue remaining in edible tissues is so minimal that it would not present any significant risk of cancer. FDA emphasizes that the final regulations pertain to only one potential adverse effect: carcinogenicity. Every sponsored compound must also be evaluated for other potential adverse effects, which are not the subject of the regulations, but which are the subject of the guidelines.

The first step in the evaluation of any compound proposed for use in animals is the "threshold assessment," FDA's pivotal determination as to whether carcinogenicity testing is necessary for a sponsored compound. The threshold assessment is conducted under the authority of the general safety provisions of sections 409, 512, and 706 of the act. Although the 1977 and 1979 versions of the regulations included the threshold assessment, the 1985 reproposal and the final regulation merely refer to the threshold assessment (§ 500.80 (b) and (c)). The Threshold Assessment Guideline contains the procedures and criteria FDA uses in making the threshold assessment. See Section III of this preamble.

If, after conducting the threshold assessment, FDA determines (also under the authority of the general safety provisions) that carcinogenicity testing (chronic feeding studies) of the compound in laboratory animals is necessary, FDA will request the sponsor to test the parent compound ("parent" compound refers to the sponsored compound itself, the compound that is to be administered to the target animal). FDA will also request testing of any metabolites (degradation products resulting from breakdown of the parent compound by enzymes or physiological fluids) identified by the agency to be of carcinogenic concern (§ 500.80(b)).

To determine whether metabolites are produced, FDA requires metabolism studies to identify and quantify metabolites. The Guideline for Metabolism Studies and for Selection of Residues for Toxicological Testing provides guidance for such testing, as well as for selection of residues that will he subjected to toxicological (carcinogenicity) testing. The guideline also provides that, as an alternative to separate toxicological testing of each such metabolite, FDA will compare metabolite profiles from tissues of target and test animals and will determine whether the test for the parent compound has adequately tested the metabolites by autoexposure. (The autoexposure approach assumes that the treated animals are exposed, by their own metabolism, to metabolites of the administered compound.) In any event, FDA may require separate studies on a metabolite if it appears that the metabolite has not been adequately tested and is likely to have carcinogenic potency greater than the parent compound. See Section IV of this preamble.

The sponsored compound and any metabolites selected for separate carcinogenicity testing will be subjected to oral, chronic, dose-response studies in two test animal species. See 21 CFR 500.80(b), Section V of this preamble, and the Guideline for Toxicological Testing. If the data from the chronic tests do not demonstrate carcinogenicity from either the parent compound or metabolites, the sponsored compound is not subject to the regulations (§ 500.84(b)). If, on the other hand, the data collected demonstrate carcinogenicity, 21 CFR Part 500, Subpart E, provides that FDA will evaluate the data on the quantitative aspects of the carcinogenicity of the compound and its metabolites. The agency will use a statistical extrapolation procedure, from which it will determine the concentration of the residue of carcinogenic concern that corresponds to a maximum lifetime risk to the test animal of 1 in 1 million. That concentration of residue will be considered safe and will be permitted in the total diet of people. Thus, FDA will consider that "no residue" of the compound remains in food products when conditions of its use will ensure that the permitted concentration of residue will not be exceeded. Because

BEST COPY AVAILABLE

VOL
52
ISS
2
51
DE
31
1987
UMI

the total human diet is not derived from food-producing animals, FDA will make corrections and thereby establish the concentration of residue that will be permitted in each specific edible tissue of treated animals. ("Edible tissue" includes muscle, fat, and organ tissue, as well as milk and eggs, where appropriate.) See 21 CFR 500.84(c), Section VI of this preamble, the Guideline for Toxicological Testing, and the Guideline for Establishing a Tolerance.

The regulations then provide that the sponsor of the compound must develop a reliable and practical assay method, referred to as the "regulatory method," to monitor the permitted concentration of residues in the edible tissues of treated animals (§ 500.88). Because it is unnecessary for the method to measure each tissue and each residue (parent compound and metabolite), the regulations provide for identification of a target tissue and a marker residue. The regulatory method must be capable of measuring, in the target tissue, a specified concentration of the marker residue. If the concentration found is no higher than the specified level, that fact will be taken as confirmation that "no residue" will be found in any of the tissues. See § 500.86, Sections VII and VIII of this preamble, and the Guideline for Approval of a Method of Analysis for Residues.

The final step in the procedures is the determination of when the concentrations of residues of carcinogenic concern in the edible tissue of the treated animals deplete to the permitted concentrations. This information allows for the determination of the last time before marketing an animal may be administered the sponsored compound, e.g., the withdrawal time. See 21 CFR 500.84(c)(2), Section IX of this preamble, and the Guideline for Establishing a Withdrawal Period.

General Comments on the 1985 Reproposal

FDA received a total of 11 comments on the reproposal. The comments are discussed in this section, and in succeeding sections of this preamble.

1. Several comments noted that FDA did not refer to several recently published reports on regulatory philosophy and risk assessment, including the Office of Science and Technology Policy's (OSTP) report, entitled "Chemical Carcinogens: A Review of the Science and Its Associated Principles" (50 FR 10373, March 14, 1985) (Ref. 1) and the April 1985 report to the Secretary, Department of Health and Human Services (DHHS), from the Executive Committee, DHHS Committee to Coordinate Environmental and Related Programs (CCERP), entitled "Risk Assessment and Risk Management of Toxic Substances" (Ref. 2). The comments urged that FDA adopt the guiding principles for the performance of risk assessments as discussed in these reports.

FDA has reviewed the OSTP and CCERP reports and concluded that they are consistent with the 1985 reproposal. Therefore, FDA has decided that the 1985 reproposal does not need to be revised in light of the reports. Further, while the reports stated general principles, FDA must adopt procedures for making risk assessments on specific substances, and has done so in these final regulations and guidelines.

A related comment suggested that FDA establish a broad-based advisory panel to assist FDA in its efforts to stay abreast of current science.

FDA anticipates that the ongoing activities of OSTP and the National Toxicology Program (NTP) on chemical carcinogens will make significant contributions to risk assessment methodology. In addition, FDA itself, notably through its National Center for Toxicological Research, is conducting research on the assumptions involved in risk assessment methodology. Some of this research is described in Action Plan Phase I and Phase II. As a participant in these activities, FDA will stay abreast of current thinking on chemical carcinogens. FDA fully realizes that the science of risk assessment will mature and that FDA must continually focus on the principles of proper risk assessment to meet its regulatory responsibilities. Thus, FDA does not believe that a separate advisory panel is necessary.

2. One comment contended that FDA's interpretation of the DES Proviso violates the "no residue mandate" because it allows carcinogenic residues in animal products. However, the comment proposed a plan under which residues presenting an insignificant level of risk would be permitted in certain circumstances. Under the comment's proposal, if residues of a substance were found by available technology, FDA would have to ban the substance. If, on the other hand, available technology did not detect a residue, FDA would perform a risk assessment to determine what level of residue would pose a significant risk. An assay method sensitive enough to detect that level would be required.

FDA rejects the comment as illogical. Under the proposal made in the comment, whether a risk assessment would be performed would depend on pure chance; that is, whether an assay method of sufficient sensitivity to detect residue happened to be available. If so, the substance would be banned without a determination of a level presenting a significant risk. If not, a risk assessment would then be conducted. Thus, the comment's proposed plan would be even less logical than using the lowest limit of detection capability, an option that FDA has rejected for reasons explained in the preamble to the reproposal (50 FR 45532).

3. One comment contended that the DES Proviso "commands" the approval of a carcinogenic drug meeting its provisions. The comment went on to argue that, because no animal drug has been approved under the risk assessment criteria contained in the 1985 reproposal, the legitimacy of the criteria is questionable.

The DES Proviso is merely an exception to the Delaney Clause—it cannot be said to "command" approval of any drug, but sets criteria which, if met, will allow use of a carcinogenic drug, provided that the terms of the general safety clause are also satisfied. The final regulations and guidelines allow sponsors of compounds for use in food-producing animals to invoke the provisions of the DES Proviso by defining FDA's interpretation of "no residue" in applying the law. The sponsor seeking approval of a substance has the burden of proving that the substance is safe and therefore must show, for a carcinogen, that there will be "no residue" as here defined. Further, the person claiming the benefit of a statutory exception for its product has the burden of establishing that the product is within the scope of the exception. See, e.g., *United States* v. *An Article of Device * * * Toftness Radiation Detector * * **, 731 F.2d 1253, 1261 (7th Cir.), *cert. denied*, 469 U.S. 882 (1984); *United States* v. *Bodine Produce Co.*, 206 F. Supp. 201, 211 (D. Ariz. 1962). The burden of proving the safety of a carcinogenic compound is rigorous. This heavy burden is appropriate in light of the uncertainties involved in determining the mechanism of carcinogenesis, and FDA's statutory mandate to protect the public health. FDA's criteria for risk assessment, contained in the regulations and guidelines, reflect this burden. The legitimacy of the criteria must be evaluated in this context, not by whether sponsors choose to attempt to meet the criteria.

4. Several comments contended that the 1985 reproposal would be significantly strengthened if it made a clear distinction between the scientific function of risk assessment and the social value judgments involved in risk management, especially in view of the multiple conservatisms contained in the procedures and criteria, presumably because of the different functions served by the two concepts.

The term "risk assessment" is generally recognized to mean the characterization of potential adverse health effects on human health from environmental hazards. "Risk assessment" includes several elements: description of the potential adverse health effects based on an evaluation of the results of epidemiological, clinical, toxicological, and environmental research; extrapolation from those results to predict the type and estimate the extent of health effects in humans under given conditions of exposure; judgments as to the number and characteristics of persons exposed at various intensities and for various durations; and judgments on the existence and extent of public health risks presented by such exposure. "Risk assessment" also includes characterization of the uncertainty inherent in the process of inferring risk.

The term "risk management" is generally recognized to mean the process of evaluating alternative regulatory actions and selecting among them. Thus, risk management, as carried out by a regulatory agency, is the decisionmaking process that includes the use of value judgments to determine the acceptability of health risks under a given statutory scheme.

In fact, the regulations and guidelines do include aspects and criteria that differentiate between "risk assessment" and "risk management." For example, the data collection steps clearly are a part of risk assessment. The choice of a permitted level of risk on the other hand, although involving consideration of the results of risk assessment, primarily involves elements of risk management. Similarly, the procedure for establishing a withdrawal period involves elements of risk assessment (the interpretation of residue depletion data) and risk management (the application of the tolerance limit to the residue depletion data to set an appropriate withdrawal period). Where risk assessment and risk management decisions overlap, FDA believes that no useful purpose is served by having the final regulations differentiate between the two approaches. FDA does believe, however, that it is important to understand the interplay between the risk assessment and risk management aspects of the final regulations and to recognize that the seemingly precise numbers derived from a risk assessment are in part the product of reasonable scientific and policy judgments.

5. One comment suggested that for the risk management decisions that accompany the regulations to be "socially sound," it is essential that the scientific bases, i.e., the risk assessment aspects, be grounded on information that is as accurate and complete as possible. The comment contended that the 1985 reproposal contemplates a number of "worst case" assumptions and will rely on equivocal data. The comments argue that the 1985 reproposal would result in a "risk value" much less than the 1 in 1 million lifetime level of risk specified. One comment concluded that such worst case analyses are necessary, but should be accompanied by a full scientific evaluation, including presentation of ranges in the concentrations of the residues that would correspond to a 1 in 1 million risk that would result from use of different plausible mathematical procedures for risk extrapolation, a full characterization of risk based on judgments concerning mechanistic, pharmacokinetic and other biological factors, and a sensitivity analysis.

Generally, FDA does not disagree with the comments. If, in a given risk assessment, FDA can make more plausible and realistic assumptions than those that the agency would ordinarily use, FDA will rely on such information. The waiver section of the final regulations and FDA's reliance on guidelines show FDA's intent to be flexible when evaluating scientific data. See also the section on "Uncertainties in Quantitating Risk Assessment" in the 1985 reproposal (50 FR 45542–45543).

6. Two comments argued that the use of the term "residue" in the definition of "residue of carcinogenic concern" in § 500.82(b) of the 1985 reproposal (final § 500.82(b)) must be limited to residues of the parent compound and may not include metabolites of the parent compound. The comments argued that this limitation is required by the language of the Delaney Clause and the DES Proviso, which, in the case of section 512(d)(1)(H) of the act, refers to "such drug." The comments argued that section 512(d)(2)(A) of the act, which refers to the consumption of "such drug and of any substance formed in or on food because of the use of such drug" directs the evaluation of metabolites under the general food safety clause (section 512(d)(1)(A) of the act). The comments contended that this limitation was accepted by the court in *Hess & Clark* v. *FDA*, 495 F.2d 975, 991 (D.C. Cir. 1974), and was incorporated in FDA's policy for evaluating the safety of constituents of food and color additives (see 47 FR 14464, 14468–14469; April 2, 1982), under which impurities are deemed not to be food or color additives.

FDA disagrees. The DES provision in section 512(d)(1)(H) of the act states that a new animal drug application (NADA) for a carcinogenic new animal drug may not be approved unless there is a finding (among other findings) that "no *residue* of such drug will be found * * * in any edible portion of [the treated] animals after slaughter or in any food yielded by or derived from the living animals" (emphasis added). The same language appears in the DES Provisos contained in the food and color additive sections of the act. FDA has consistently interpreted the word "residue" in the DES Proviso to include whatever was caused to be added to the edible products, whether it was the administered compound (parent compound) or one of its metabolites. The agency has applied that interpretation on a case-by-case basis for a number of years. See, e.g., 42 FR 10412, February 22, 1977; Commissioner's Notice of Hearing on Furazolidone, 49 FR 34972–34973, September 4, 1984; and Commissioner's DES Decision, 44 FR 54852, 54868–54869, September 21, 1979. It is necessary to take metabolites into account because people will consume not only the sponsored compound but, in all likelihood, will also consume the metabolites of the compound (see Section IV below). These metabolites may be more potent than the parent compound. Under these circumstances, to interpret the DES Proviso as not applying both to the carcinogenic compound and its metabolites would contradict the statutory plan for evaluating the safety of substances to which people are directly exposed.

Moreover, the *Hess & Clark* decision does not, as the comment suggested, address the issue of whether the DES Proviso applies solely to the parent compound. Although the court noted that the Delaney Clause might have been inapplicable because the detected residues may not have been DES residues (495 F.2d at 991), the reference was to the possibility that the residues might have been impurities caused by the assay method (495 F.2d at 992, 993). In fact, the court held the Delaney Clause inapplicable in that case "without regard to the composition of the residues" because residues had not been detected using an approved method (495 F.2d at 991).

Finally, FDA's policy for evaluating the constituents of food and color

additives is inapplicable. Under that policy, impurities are treated not as food or color additives but as constituents of those substances. Thus, impurities are not subject to the Delaney Clause.

Under this policy, FDA will approve an additive if the additive as a whole (including its impurities) has not been shown to cause cancer in appropriate testing, provided that FDA finds (using risk assessment) that exposure to the impurities from use of the additive is safe under the general safety clause. This policy was upheld in *Scott* v. *Food and Drug Administration*, 728 F.2d 322 (6th Cir. 1984), because, among other things, it is consistent with the language of section 706, which refers both to the pure dye and impurities in section 706(b)(5)(A)(iv), but which refers only to the color additive in section 706(b)(5)(B), the Delaney Clause provision.

Section 512 makes no similar distinction between parent compounds and metabolites. Nor is there a basis for such a distinction because, unlike the constituents of additives, metabolites are not present in the original compound but are produced by the enzyme systems of the animal to which they are administered. Therefore, they occur separately in the edible products that humans consume.

III. Threshold Assessment

When considering whether a compound proposed for use in food-producing animals is safe within the meaning of the general food safety clause, FDA determines whether the compound has the potential to contaminate the edible tissues of food-producing animals with residues that, if consumed, would present a risk of cancer to people. However, FDA will not require carcinogenicity testing of every sponsored compound. The procedures by which FDA determines whether carcinogenicity testing is necessary are explained in the Threshold Assessment Guideline. This guideline is made available through a notice published elsewhere in this issue of the **Federal Register.**

The Threshold Assessment Guideline offers a decision-tree approach for deciding whether the sponsored compound should be tested for carcinogenicity. The guideline is based on the assumption that the potential of a sponsored compound to present a risk of cancer to people includes two primary elements: (1) The potential carcinogenicity of the compound and (2) the exposure of people to residues of the compound.

When considering the potential carcinogenicity of the sponsored compound, FDA will evaluate the structure of the parent compound and its relationship to the structure of known carcinogens as well as data from short-term genetic toxicity tests and from subchronic toxicity tests performed on the compound. FDA will also evaluate any other relevant information concerning the potential carcinogenicity of the compound.

When considering the potential exposure of people to residues of the compound, FDA will evaluate both the frequency of exposure to residues and the amount of residue ingested during a single exposure. As a measure of the frequency of exposure of people to the compound in food from food-producing animals, FDA will consider the extent of use of the compound in animal husbandry. As a measure of the amount of residue of a compound ingested by a person during a single exposure, FDA will use the results of a residue depletion study on the compound, which takes into account the duration of treatment, the dose administered, the time of treatment in relation to slaughter, and the contribution of various edible tissues to the total diet of people.

After all information is evaluated, FDA will follow the decision elements of the threshold assessment guideline to determine whether it will request carcinogenicity testing.

If FDA does not request testing for carcinogenicity, these final regulations do not apply to the compound. It is possible that subsequent testing that is performed under the general food safety requirements of the act and that is necessary for approval of the product may indicate that the compound possesses the potential to be carcinogenic. Such a finding may result in a request by FDA for carcinogenicity testing.

Comments submitted on the threshold assessment are discussed in a document that is on file under Docket Number 83D-0288. See notice of availability of revised guidelines, published elsewhere in this issue of the **Federal Register.**

IV. Studies To Identify Residues of Toxicological Concern

The DES Provisos specify that no residue of a carcinogenic compound that is administered to animals shall occur in edible products. The compound that is administered to food-producing animals is not necessarily the substance or substances that will be present in the edible products of the treated animals. This is because the enzymatic systems and physiological fluids of an animal can act upon a compound administered to the animal and produce new substances, which are commonly referred to as metabolites or degradation products. The amounts of these substances in edible animal products will be a complex function of the rate and extent of absorption of the parent compound, the rate and extent of the metabolism of the absorbed parent compound, and the rate of excretion of the parent compound and metabolites (Refs. 3 through 6).

Because the structures of metabolites can vary greatly from that of the parent compound, the toxicological properties of these metabolites can also vary. In many instances, a metabolite can be less toxic than the parent compound. However, in other instances, a metabolite can be more toxic than the parent compound (Refs. 7, 8, and 9).

The total residue of the sponsored compound in edible animal products will consist of the parent compound, free (unbound) metabolites, and metabolites that are covalently bound to endogenous molecules, e.g., protein molecules that are already in the animal's cells. The relative and absolute amounts of each residue will vary among the tissues according to the pattern of administration and depletion and the time following the last administration of the sponsored compound to the animal. Because different components of the total residue may possess dissimilar toxicological potential, a compound cannot be shown to be safe until the sponsor has collected information on the amount, persistence, and chemical nature of the total residue in the edible products of the treated animals.

Section 500.80(b) states that if FDA concludes on the basis of the threshold assessment that a sponsor shall conduct carcinogenicity testing on the sponsored compound, FDA will also determine whether and to what extent the sponsor shall conduct carcinogenicity testing on metabolites of the sponsored compound. FDA has prepared a "Guideline for Metabolism Studies and for Selection of Residues for Toxicological Testing" which identifies the extent of metabolite quantification, identification, and testing that FDA believes is necessary for a showing of safety. (This guideline is made available through the notice published elsewhere in this issue of the **Federal Register.**) For example, the guideline permits reliance upon autoexposure testing to the extent scientifically appropriate in an effort to eliminate the need to conduct separate testing on individual metabolites.

If FDA requires that a sponsored compound be subjected to carcinogenicity testing, a sponsor will be required to test the parent compound in

chronic bioassays. FDA uses the information on the amount, persistence, and chemical nature of the metabolites in target animals to select those metabolites of the parent compound that must also be subjected to carcinogenicity testing. FDA will compare data submitted by the sponsor on the metabolites of the compound in target and test animals and will use scientific judgment in determining the adequacy of autoexposure to test metabolites of the sponsored compound. FDA may still require separate toxicity studies if a metabolite is not adequately tested through autoexposure and is likely to have carcinogenic potential greater than the parent compound.

Comments on this portion of the regulations are discussed in a document that is on file under Docket Number 83D-0288. See notice of availability of revised guidelines published elsewhere in this issue of the **Federal Register.**

V. Chronic Toxicity Testing

A. Introduction

The sponsored compound and any metabolites selected for separate carcinogenicity testing must be subjected to oral, chronic dose-response studies in two test animal species (§ 500.80(b)). The purpose of these studies is to determine whether the compounds under test are carcinogenic and, if so, to establish the concentration that will satisfy FDA's operational definition of no residue.

B. Comments on the 1985 Reproposal

7. Three comments were concerned with FDA's description of bioassays in the second sentence of § 500.80(b). One comment requested that this sentence be revised to delete the word "lifetime" and insert the phrase "chronic, dose response studies of appropriate duration * * *" in lieu of "lifetime, dose-response studies." Another comment contended that this sentence was too restrictive for a regulation and did not allow for advances in the science of carcinogenicity testing. This comment suggested that the sentence be revised to read "the bioassays that a sponsor conducts must be appropriate to assess carcinogenicity and to determine the quantitative aspects of any carcinogenic response." The third comment suggested that the reference to chronic bioassays be deleted entirely from the regulations.

FDA agrees that the term "lifetime" is not appropriate for the regulation, and has substituted the term "chronic" for "lifetime" but has made no other changes in § 500.80(b). In this context, FDA will interpret the word "chronic" to mean the length of time recognized in the scientific community as necessary to adequately test the compound. It is well recognized in the scientific community (see OSTP principles 6, 8, 15, 16, and 19 (Ref. 1)) that the chronic bioassay is currently the best way to test the carcinogenicity of a compound. Thus, it is appropriate to utilize that term in the final regulations. Although FDA will use all the evidence available when making decisions on the carcinogenicity of a compound, more weight will be accorded to the results from chronic bioassays than to the other evidence in the foreseeable future. In the event of dramatic advances in the science of risk assessment, FDA will propose appropriate regulatory modifications or respond to petitions.

8. Several comments objected to the definition of carcinogenicity that FDA stated that it would follow (50 FR 45540), claiming that it was a purely statistical definition with no biological basis. One comment also suggested that FDA specify the type of statistics used to analyze the chronic bioassays. The comment also suggested that when considering the statistical significance of the results of the bioassay, FDA should apply a p-value of 0.01 for a common tumor and p-value of 0.05 for a rare tumor.

The comments have misconstrued the definition that was stated in the 1985 reproposal. That definition does not refer only to a statistically significant increase. FDA stated in the 1985 reproposal (50 FR 45540, paragraph 23) that it considers both the statistical and biological significance of the data in its review. To clarify this matter FDA intends to use as a guide the definition of carcinogenicity of the Interdisciplinary Panel on Carcinogenicity which states (Ref. 10):

> The carcinogenicity of a substance in animals is established when administration in adequately designed and conducted studies results in an increase in the incidence of one or more types of malignant (or, where appropriate, a combination of benign and malignant) neoplasms in treated animals as compared to untreated animals maintained under identical conditions except for exposure to the test compound. Determination that the incidence of neoplasms increases as the result of exposure to the test compound requires a full biological, pathological, and statistical evaluation. Statistics assist in evaluating the biological conclusion, but a biological conclusion is not determined by the statistical results.

This definition is consistent with OSTP's principles (Ref. 1) and NTP's recommendations (Ref. 11). In addition, in a situation in which the scientific evidence as a whole will allow FDA to conclude that a tested compound is carcinogenic when it causes benign tumors only or decreases the time it takes for tumors to develop, FDA will regulate that compound as a carcinogen under the Delaney Clause.

FDA will determine, on a case-by-case basis, the most appropriate statistical tests to use in its evaluation of the results of a chronic bioassay. Normally FDA uses the Cochran-Artimage test for trends and, occasionally, the agency uses the Fisher Exact test. In its statistical analysis, FDA will normally use the p-values for common and rare tumors as suggested in the comment and as used by NTP (Ref. 12).

9. Several comments suggested that FDA reconsider its position that it will evaluate only increases in the frequencies of a given tumor in a chronic bioassay. These comments argued that it is scientifically indefensible to ignore a statistically significant decrease in tumors.

In the preamble to the 1985 reproposal (50 FR 45540), FDA stated that when bioassay results show both statistically significant increases and decreases in tumor types, it will emphasize the increase in frequency of a given type of tumor. It is not uncommon for a chemical agent under study to lower the rates of tumors at some anatomical sites (Ref. 13). In many cases the agent's effects on mortality or weight gain explain the decrease. FDA will evaluate the tumor data using an age-adjusted analysis to minimize problems associated with differential mortality in the study. As for weight gain, the nutritional status of the animals is known to affect the rate of tumor production (Ref. 13). Thus, a dose above the maximum tolerated dose may decrease the incidence of tumors because of the decreased weight gain. Therefore, FDA will not use data from doses above the maximum tolerated dose for quantitative risk assessment purposes.

10. Many comments maintained that FDA's procedures, as discussed in the preamble to the 1985 reproposal (50 FR 45540), would not distinguish a "carcinogen" from a "pseudocarcinogen." Several of these comments objected to FDA's position that it will not disregard positive results from chronic bioassays in which an excessive dose of the test substance was administered. Other comments stated it was scientifically indefensible for FDA to consider results from studies using nonoral routes of exposure or unique test animals. Several of these comments urged that FDA consider the

VOL 52 ISS 251 DEC 31 1987 UMI

mechanism of action and pharmacokinetics and adopt a "weight-of-the-evidence" approach similar to that contained in OSTP principle 25 (Ref. 1).

As stated in paragraph 9, FDA will not use data from a dose above the maximum tolerated dose for quantitative risk assessment purposes. However, in the threshold assessment FDA will not disregard positive results (excess tumors) from experiments that use a nonoral route of exposure, excessive doses, or unique test animals. At the very least, these results raise questions concerning the safety of the compound that must be resolved by more definitive testing. However, negative results from any other, more adequate studies would provide a basis for approval of the compound and would therefore take precedence over the results from compromised studies such as the three types of studies listed above, in determining the carcinogenicity of a compound. FDA already uses a weight-of-the-evidence approach similar to that contained in OSTP principle 25 when determining the carcinogenicity of a compound and will consider all data submitted by the sponsor that deal with mechanism of action and pharmacokinetics. For example, in the case of a synthetic sex steroid, FDA will not use the risk assessment procedure in these final regulations if tumors are observed only in endocrine-sensitive tissue and no adverse data are obtained from the battery of genetic toxicity tests. See the Guideline for Toxicological Testing, which is made available through a notice published elsewhere in this issue of the **Federal Register**.

11. One comment proposed that FDA consider a compound carcinogenic only when it gave a positive response in at least two species of test animals.

FDA does not agree. Failure to replicate results across species should not be taken as indicative of a negative finding. It is well known that the target organs for established carcinogens frequently differ from species to species, possibly due to variations in metabolism (Ref. 13). For this reason, FDA requires testing in two species.

12. One comment stated that it is not always scientifically defensible to combine benign and malignant tumors in the evaluation of a chronic bioassay.

FDA agrees that it is not always appropriate to combine benign and malignant tumors. In its analysis of a chronic bioassay, FDA uses the NTP guidelines for combining benign and malignant tumors (Ref. 14).

13. Several comments objected to FDA's proposal to regulate compounds with "equivocal" test results as carcinogens (proposed § 500.84(a)) because this approach is both scientifically unsound and in conflict with the language of the Delaney Clause.

FDA's statement that it would regulate as carcinogens those compounds with "equivocal" test results has been misinterpreted. FDA proposed in the 1985 notice that a compound that had not been demonstrated to be a carcinogen, but that showed questionable results, could be approved provided there were adequate dose-response data upon which to make a reasonable estimate of the risks presented by exposure to the compound. Thus, the substance would have been regulated at the sponsor's request as a carcinogen, while the sponsor was conducting additional chronic testing to resolve the issue of carcinogenicity. The comments apparently believed that FDA was proposing that, even if a compound was not shown to be a carcinogen, FDA would in all cases regulate it as a carcinogen if the initial data are equivocal. This was not FDA's intention. In any event, to remove confusion in the area, FDA has deleted any reference to "equivocal tests" in these final regulations.

14. A comment contended that FDA's 1985 reproposal did not provide for the use of human epidemiological data in its risk assessment process, nor even admit its value.

The contention is incorrect. In its 1985 reproposal (50 FR 45544, paragraph 37), FDA stated that it would accept risk estimates based on appropriate epidemiological data when the data are relevant to a decision on the approval of a compound proposed for use in food-producing animals. This approach is consistent with OSTP recommendations (Ref. 1).

VI. Operational Definition of No Residue

A. The Level of Risk

The 1973 proposal suggested that a permitted level of risk for test animals (and thus for man) was 1 in 100 million over a lifetime. Many comments argued that this level of risk was unnecessarily conservative. FDA agreed and, in the preamble to the final rule, published on February 22, 1977 (42 FR 10412), the agency concluded that the 1 in 100 million level of risk was unduly limiting without substantial compensation in terms of public health. Accordingly, FDA established a new level of risk in the final rule—1 in 1 million. In its March 20, 1979, notice (44 FR 17070), FDA also proposed the 1 in 1 million level of risk as the most appropriate benchmark level.

No comments on the 1979 proposal disagreed with FDA's determination that risks on the order of 1 in 1 million present an insignificant risk to the public. In fact, comments contended that higher levels (e.g., 1 in 100,000 or 1 in 10,000) might also present insignificant risks. In the October 31, 1985, reproposal (50 FR 45541), FDA evaluated these comments and concluded that there was a clear consensus that risks on the order of 1 in 1 million were insignificant, though the same degree of consensus did not obtain for potentially higher levels of risk.

Comments on the 1985 Reproposal

15. Comments on the 1985 reproposal also contended that the 1 in 1 million level is not a reasonable benchmark upon which to assess risk. One comment contended that the most compelling argument against the 1 in 1 million level is the fact that FDA acknowledged in the 1985 reproposal that the actual risk presented by that level is probably some place between 1 in 1 million and a much lower indeterminable level. Comments urged FDA to reconsider the propriety of the 1 in 1 million level.

In FDA's view the permitted level of risk must meet at least two criteria: (1) It must not significantly increase the human cancer risk and (2) it must be high enough to permit the use of carcinogenic animal drugs, food additives, and color additives as contemplated by Congress (44 FR 17092, March 20, 1979). FDA believes that in light of the uncertainties that accompany making a decision as to the most appropriate level of risk, continuing to rely on the benchmark of 1 in 1 million is the most reasonable and defensible course to take.

16. Several comments contended that the 1 in 1 million level of risk is unreasonably low in light of the levels of risk to which society is routinely exposed. One comment contended that risk levels of 1 in 100 to 1 in 10,000 are common and are routinely "ignored, unknown or accepted by society." The comment went on to state that a single individual willingly engages in a broad spectrum of activities that have a wide range of risk levels and that, therefore, different individuals have equally diverse acceptable ranges of risk. Thus, any small risk is lost among the "great variability" of multiple sources of risk.

Data concerning people's perceptions of various risks and how these perceptions come into play in determining what risks are acceptable and what risks are not may help provide a supporting basis for determining the level of risk that is permitted in a social perspective. Standing alone, however, these data on risk perception and acceptance, while relevant to the formulation of public policy, are of limited value in determining from a scientific perspective that level which clearly represents no significant risk to the public health. Moreover, the data provide no empirical basis upon which to assess whether a "small risk" is "lost" among other competing risks. In addition, as discussed in the 1985 reproposal (50 FR 45541 at paragraph 27) there are important distinctions between risks individuals voluntarily accept and risks to which all individuals may be involuntarily subjected to in the food supply.

17. Several comments contended that it is inappropriate to establish a specific level of risk in the regulations. Comments argued that a specific level deprives FDA of flexibility in decisionmaking in developing its risk assessment procedures. The comments also contended that setting such a level implies an unrealistic degree of precision not supported by current science.

FDA agrees that the degree of risk presented by low concentrations of residues in food cannot be precisely calculated. Therefore, FDA relies on the 1 in 1 million level of risk as a benchmark because there is general agreement that the 1 in 1 million level represents an insignificant level of risk for any compound (see 50 FR 45541). As noted elsewhere in this preamble, no comments on the 1979 proposal or 1985 reproposal disagree with FDA's determination that the 1 in 1 million level presents an insignificant risk to the public.

There are also practical considerations. As discussed in the 1985 reproposal (50 FR 45541 at paragraph 28), if no specific permitted level of risk is adopted, then sponsors would receive no guidance about the likelihood of approval of a compound during the expensive stage of drug development. An unstructured ad hoc approach would be contrary to the interests of the public health and could result in inequitable treatment of sponsors.

Finally, the waiver provision and FDA's commitment to use an alternative risk assessment procedure when scientifically justified will ensure that FDA has sufficient flexibility to deal with a unique situation.

18. One comment said that the result of FDA's risk estimate will not be the expected excess of deaths from cancer due to exposure to the substance, because the bioassay does not measure the actual change in mortality due to exposure to the test substance.

The comment appears to have misunderstood FDA's position. The 1985 reproposal states (50 FR 45541) that FDA's risk estimate determines that concentration which will cause no more than one in a million excess tumors, not deaths, over the lifetime of the test animal due to the test substance. This risk estimate is not an actuarial risk based on the actual incidence of an event; rather, it represents an "upper bound" potential risk. As noted above, FDA believes the actual risk will lie somewhere between this risk estimate and zero. In all likelihood, no additional tumors will result.

B. Analysis of Animal Carcinogenesis Data

FDA's interpretation of the DES Proviso where "no residue" is construed to mean "no significant risk" requires an assessment of the risk anticipated from a known carcinogen as a function of the dose. Experiments designed to observe responses in the range of interest (that is, 1 in 1 million) would require impossibly large populations of test animals. Therefore, some method is required to extrapolate data from the standard chronic bioassays, which use much smaller and more manageable numbers of animals, to the range of interest. Because the mechanism of chemical carcinogenesis is not sufficiently understood, none of the available statistical extrapolation procedures has a fully adequate biological rationale. Matters are further complicated by the fact that the dose-response relationships assumed by the various procedures diverge substantially in the projections of risks presented in the range below the lowest dose tested.

FDA's objective has been to select an extrapolation procedure that is well supported by current science to protect the public health. FDA continues to believe that its objectives are best met by a nonthreshold, linear-at-low-dose extrapolation procedure that determines the upper limit of the risk. However, for reasons explained below, FDA has removed reference to the extrapolation procedure and the confidence limit from the regulations and has placed them in a guideline.

Comments on the 1985 Reproposal

19. A comment contended that it was improper to use the concept of the total lifetime dose in the risk assessment procedure because no exposure after the last irreversible step in the initiation/promotion sequence has any effect on the development of cancer in the subject.

FDA is not using the total lifetime dose in its risk extrapolation procedure but rather the concept of continuous exposure. The comment offered no guidance on how to identify the dose required to reach the last irreversible step in the carcinogenic process. In the absence of a demonstration of the dose required to reach the "last irreversible step," FDA will continue to use the concept of the continuous exposure in its assessment of risk.

20. A comment contended that it was improper for FDA to refer to its risk assessment as an upper 95 percent confidence limit estimate when many additional conservatisms were used that greatly increased the magnitude of the confidence limit. Another comment stated that the level of uncertainty involved in a particular risk assessment must be fully disclosed.

If FDA applied the 95 percent confidence limit to the total risk assessment, then the first comment would be well taken. However, FDA applies the 95 percent confidence limit only to the tumor data. FDA believes this approach is necessary to account for the variability in the quantitative results obtained in the bioassay. (See 50 FR 45542, 45544, and 45554.) With respect to the second comment, because a confidence limit cannot be calculated for several aspects of the risk assessment, FDA cannot provide a precise estimate of the uncertainty in the risk assessment. For example, FDA does not know (1) the carcinogenic potency of each metabolite which occurs as a residue, (2) the effect of intermittent dosing on the carcinogenic potency, (3) whether people will be as sensitive to the carcinogen as the most sensitive rodent species, and (4) the extent to which the compound will be used in animal husbandry. These problems preclude making a precise estimate of the uncertainty of the overall risk calculation. However, because of the conservative assumptions used in the risk assessments, FDA believes that the numerical estimates of risks that it uses represent a reliable assessment of the upper limit of risk.

21. A comment contended that FDA completely misunderstood the "superb bioassay" example set out in the preamble to the 1985 reproposal (50 FR 45542). The basis for this contention was that FDA found the risk to the public to be 1 in 200 in that example and simply overlooked the interpolation step when it did its analysis.

The comment, like the one in paragraph 20, is based in part on the misconception regarding the upper 95 percent confidence limit. Moreover, the

comment misunderstands FDA's use of the example in question. FDA did not find the risk to the public to be 1 in 200, but stated (50 FR 45542) that "at the 99 percent confidence level the lifetime risk of cancer to the *test animal was less than* approximately 1 in 200" (emphasis supplied). Under the circumstances of the original example, FDA would conclude that the substance under test was not carcinogenic. Thus, a risk assessment procedure would not be appropriate.

22. A comment contended that the maximum likelihood estimate, which is derived from an extrapolation based on the actual number of tumors observed in the test animals, is the most probable estimate of risk and, therefore, is the most reliable estimate for the calculated safe dose. The comment also contended that the record of these rulemaking proceedings does not support the requirement for the use of the upper 95 percent confidence limit on the tumor data, which results in a permitted concentration that is lower than would be obtained if the extrapolation were done using the actual number of tumors observed in the test animals. Another comment stated the FDA should calculate the maximum likelihood estimate as well as the upper and lower bound estimate of the risk.

FDA does not agree that the maximum likelihood estimate is the most reliable estimate to be used to calculate the safe dose. The maximum likelihood estimate does not take into account the biological variability associated with the tumor response. FDA believes that it is essential to take this variability into consideration and will use the upper 95 percent confidence limit on the tumor data from the bioassay when calculating the permitted concentration of residue. As noted below, however, FDA has removed from the regulation reference to the upper 95 percent confidence limit, and has placed it in a guideline.

As the comment stated, the maximum likelihood estimate and the lower bound estimate of risk can be calculated. These calculations, however, would serve no useful purpose in the context of these final regulations. The regulations present a procedure to ensure the absence of significant concentrations of cancer-causing residue in animal-derived food. Using the maximum likelihood estimate, FDA's objective would be satisfied only about 50 percent of the time. Using the lower 95 percent confidence limit, FDA's objective would be satisfied only 5 percent of the time.

With regard to the use of the upper 95 percent confidence limit, FDA believes that the 95 percent level is necessary to provide adequate assurance that the risk will not be underestimated. The agency has consistently called for the use of confidence limits when analyzing tumor data. See 38 FR 19227, July 19, 1973; 42 FR 10412, February 22, 1977; 44 FR 17091, March 20, 1979; and 50 FR 45543, October 31, 1985. However, FDA has lowered the confidence limit it will use. The agency originally advocated using the upper 99 percent confidence limit. In the 1985 reproposal (50 FR 45543), FDA first proposed using the upper 95 percent confidence limit. In FDA's view, using the 95 percent value rather than the 99 percent value provides for a more reasonable estimate of the permitted concentration of residue.

23. A comment contended that the Gaylor-Kodell procedure cited in the 1985 reproposal (50 FR 45543) has a fatal logical flaw of producing higher risk values as the number of low-dose, no-effect data points obtained from the bioassays increases. The basis for this contention was FDA's use of the upper 95 percent confidence limit on the tumor data. This same comment took issue with FDA's statement that the Gaylor-Kodell procedure uses data from all of the dose levels of the experiment to determine the upper confidence limit and to estimate the risk.

The basis for this comment was the misconception that FDA's use of the upper 95 percent confidence limit on the tumor data meant that FDA assumes that the tumor response rate was 5 percent at the lowest tested dose. Dr. Gaylor, the coauthor of the extrapolation method cited by FDA in the 1985 reproposal, submitted during the comment period information in response to the contentions of this comment. FDA agrees with Dr. Gaylor's response. Dr. Gaylor explained that the permitted concentration would in fact increase as the number of low dose data points with no tumors are obtained:

> It is apparent * * * that there is a grave misunderstanding of how low dose risk estimates are calculated and the impact that low experimental doses have on the risk estimates.
>
> As correctly stated in the [1985 reproposal (50 FR 45543)], the procedure uses the bioassay data from all the doses to establish an upper confidence limit on a fitted dose response curve in the experimental dose range. These upper confidence limits have the property of becoming diminishingly smaller at lower doses and approach zero as the dose approaches zero. As lower doses are added with zero tumor responses, the upper confidence limit approaches zero more rapidly. Contrary to the statement by * * *, the addition of low doses generally will not increase risk estimates much because there is little surety in zero responses at doses below the experimental resolution ability dictated by the relatively small numbers on animals per dose. On the other hand, the observance of zero or low tumor rates at increasingly higher dosages indicates lower carcinogenic potency and results in lower estimates of risk as more zero tumor responses are obtained. To illustrate, consider the two examples given in Table 1. For the first example, the proportion of animals with tumors are linear in dose and curved for the second example. In both cases, zero tumor responses are observed at low doses. For ease of illustration, the highest dose is normalized to one. Note that larger "safe" doses are allowed as additional zero response low doses are added.
>
> Since estimates of tumor rates below 1% are generally imprecise, it is recommended that the extrapolation should not begin from a dose with less than an estimated tumor rate of 1% (ED01). Thus, low dose linear extrapolation would begin at the ED01 or lowest experimental dose, whichever is larger. This modification was suggested by Farmer, J.H., Kodell, R.L., and Gaylor, D.W., Estimation and extrapolation of tumor probabilities from a mouse bioassay with survival/sacrifice components, Risk Analysis, 2, 27–34, 1982. For the above examples, the estimated "safe" doses are about the same whether they are extrapolated from the lowest experimental dose or the ED01.

TABLE 1—OBSERVED PROPORTION OF ANIMALS WITH TUMORS AND CALCULATION OF ESTIMATED "SAFE" DOSES FOR RISKS OF LESS THAN ONE IN A MILLION

Doses	Proportion of animals with tumors							Upper 95% confidence limit at lowest dose [1]	Estimated "safe" dose [2]
	0	0.01	0.05	0.1	0.2	0.5	1.0		
Linear	0/50					5/50	10/50	.150	3.3×10^{-6}
	0/50				2/50	5/50	10/50	.061	3.3×10^{-6}

TABLE 1—OBSERVED PROPORTION OF ANIMALS WITH TUMORS AND CALCULATION OF ESTIMATED "SAFE" DOSES FOR RISKS OF LESS THAN ONE IN A MILLION —Continued

Doses	Proportion of animals with tumors							Upper 95% confidence limit at lowest dose [1]	Estimated "safe" dose [2]
	0	0.01	0.05	0.1	0.2	0.5	1.0		
Curved	0/50			1/50	2/50	5/50	10/50	.031	3.3×10^{-6}
	0/50		0/50	1/50	2/50	5/50	10/50	.015	3.4×10^{-6}
	0/50	0/50	0/50	1/50	2/50	5/50	10/50	.003	3.4×10^{-6}
	0/50					2/50	10/50	.105	4.8×10^{-6}
	0/50				0/50	2/50	10/50	.024	8.5×10^{-6}
	0/50			0/50	0/50	2/50	10/50	.010	10.4×10^{-6}
	0/50		0/50	0/50	0/50	2/50	10/50	.004	11.4×10^{-6}
	0/50	0/50	0/50	0/50	0/50	2/50	10/50	.001	11.6×10^{-6}

[1] Upper 95% confidence limits were obtained by fitting the multistage model to the data by the procedure given by Howe, R.B., and Crump, K.S., "Global 82: A Computer Program to Extrapolate Quantal Animal Toxicity Data to Low Doses," K.S. Crump and Co., Inc., Ruston, LA.
[2] The estimated "safe" dose is obtained by linear extrapolation from the upper confidence limit at the lowest experimental dose to zero. For a maximum risk of one in a million, "safe" dose = lowest experimental dose x 10^{-6}/upper confidence limit.

24. In response to the information supplied by Dr. Gaylor, a supplementary comment stated that neither the 1985 reproposal nor the reference cited by FDA in the 1985 reproposal explained that the extrapolation should not start from a dose that produces less than a 1 percent response.

FDA agrees. As discussed in paragraph 25, FDA has clarified its position on the extrapolation procedure.

25. Several comments recommended that the specific reference to the Gaylor-Kodell method (Ref. 15) and the confidence limit used be deleted from proposed § 500.84(c) and placed in guidelines because risk assessment methods are undergoing rapid development. Several of these comments offered alternative wording for § 500.84(c). Several comments also recommended that specific methods replace the Gaylor-Kodell method. Among those cited were the modified Gaylor-Kodell method (Ref. 16), the Park-Snee method (Ref. 17) or Williams-type tests based on no-effect levels, and the unconstrained multihit model. Another comment recommended that the sponsor be permitted to select the extrapolation procedure which makes the most effective use of the data that are assembled. This latter comment did not state the criteria that should be used to judge whether the data were used effectively.

For the reasons stated in the comments, FDA agrees that the specific reference to the extrapolation procedure and the confidence limit should be removed from the regulations and placed in a guideline, and has revised § 500.84(c) accordingly. The extrapolation procedure and the confidence limit are now incorporated into the Guideline for Toxicological Testing.

After carefully considering the comments on the alternative extrapolation procedures, FDA has decided to adopt as a guideline the modified Gaylor-Kodell procedure (Farmer-Gaylor-Kodell, Ref. 16), using the upper 95 percent confidence limit on the tumor data. FDA's decision is consistent with OSTP principle 26 (Ref. 1). Of course, the inclusion of this extrapolation procedure in the Guideline for Toxicological Testing does not preclude a sponsor from proposing use of an alternative extrapolation procedure in an individual case. See 21 CFR 10.90.

FDA has adopted the Farmer-Gaylor-Kodell method primarily because the procedure makes no assumptions about the mechanism of carcinogenicity. The multistage and multihit procedures are based on assumptions about the biological mechanisms involved in the transformation of a normal cell into a neoplastic cell. The Park-Snee and the Williams-type test approach also make assumptions about the mechanism of carcinogenicity in that they are based on the estimation of the "no effect level."

More importantly, the use of the Park-Snee method with the modifiers proposed in the comment could result in a permitted concentration of a carcinogen 1,000,000 higher than for a noncarcinogen with the same "no observed effect level." For example, assume that (1) chronic testing of compound A resulted in liver carcinomas and kidney damage; (2) the no-observed-effect level (NOEL) for kidney damage was 100 parts per billion (ppb); (3) the estimated NOEL, using a threshold model, was 100 ppb for liver carcinomas; (4) liver carcinomas were the only tumors found; (5) liver carcinomas were found only in one sex and one species of test animals; (6) there was a negative human epidemiological study for compound A; (7) the estimated benefit to society would be over $100 million; and (8) possible catastrophic effects would be less than 100 deaths. The acceptable daily intake for the noncarcinogenic effect (kidney damage) would be 1 ppb (100 divided by the safety factor of 100 used for the chronic study). Using the adjustment factors for the Park-Snee method proposed in the comment and the proposed safety factor of 100, the S_e (see "definitions," § 500.82) for the carcinogenic effect (liver carcinomas) would be 1,000,000 ppb. The calculation would be: the estimated NOEL (100 ppb) divided by the safety factor (100) times the factor for the number of positive assays (10 for one sex/species) times the factor for the type of tumor (100 for mouse rat liver) times the factor for human data (10 for negative results in humans) times the society benefit factor (10 for over $100 million) times the factor for catastrophe possible (10 for less than 100 deaths).

FDA therefore finds that the Park-Snee method, as proposed in the comment, is not acceptable. If this method were used, a carcinogenic effect would very likely be treated less stringently than a noncarcinogenic effect. In addition, the method as proposed could allow people to be exposed to a greater concentration of the substance than were the laboratory animals that were tested.

With regard to the comment that the sponsor be allowed to select the extrapolation procedure which makes the most effective use of the data, as stated above, a sponsor is not precluded

from proposing use of an alternative extrapolation procedure. Sponsors will have greater flexibility in that regard now that FDA has removed the particular method from the regulation. However, FDA believes it important to specify the method that it will ordinarily use, so that sponsors can plan accordingly. The agency also wishes to reiterate its position that a linear extrapolation method that uses all of the data in the experimental dose range is preferable. For reasons stated above and at 50 FR 45543, the agency believes that the Farmer-Gaylor-Kodell method is the best among those methods currently available.

C. Derivation of the Concentration of the Residue of Carcinogenic Concern That Will Be Defined as No Residue

As used in these regulations, S_o means the concentration of total residue of carcinogenic concern of the test compound in the total diet of test animals that corresponds to a maximum lifetime risk of cancer in the test animals of 1 in 1 million. (Total residue includes the parent compound and all metabolites.) These final regulations are based on the assumption that if the S_o concentration of residue occurs in the total human diet, no significant increase in the risk of cancer to people will result. In some cases, a sponsor will have tested a metabolite, in addition to the sponsored compound, for carcinogenicity. In these instances, FDA will assume that the most potent carcinogen of those tested poses the greatest potential carcinogenic threat among the residues. In such instances, the total residue of carcinogenic concern will not be permitted to exceed the concentration of the most potent carcinogen that corresponds to the 1 in 1 million risk. In other words, the concentration of the most potent carcinogen that corresponds to 1 in 1 million risk will be the S_o.

Because the total human diet is not derived from food-producing animals, FDA will make corrections for food intake in determining the concentration of residue of carcinogenic concern that will be permitted in edible animal tissue (see the Guideline for Establishing A Tolerance, which is made available through a notice published elsewhere in this issue of the **Federal Register**). The result of the calculation (the S_m) is the concentration of total residue of carcinogenic concern that FDA will permit in each edible tissue. See § 500.84(c)(2).

Comments on the 1985 Reproposal

26. A comment contended that there is no support for the requirement for the use of the lowest calculated safe dose among all tested substances (S_o), data from all separate bioassays, and data from each separate anatomical site where tumors occur. The comment stated that the regulation should require consideration of applicability of the animal bioassay results to human safety and the reliability of the tumor endpoint for low-dose extrapolation in arriving at the most scientifically appropriate residue level for designation as S_o.

It is not known which laboratory species is the most reliable predictor of human risk. For this reason, FDA will continue to use the lowest calculated safe dose when making safety decisions on sponsored compounds. This approach is consistent with OSTP principles 1, 2, 3, 8, and 25 (Ref. 1).

As part of the scientific review of the bioassay, FDA makes decisions on the appropriateness of the animal bioassay and the reliability of the specific tumor endpoint. As the definition of a carcinogen used by FDA (see paragraph 8 above) achieves the objectives requested in the comment, FDA does not believe that the regulations need revision.

27. A comment suggested that § 500.84(c)(2) be revised to delete the reference to the calculation of an S_m for each edible tissue. The reason given for this change was to place the specific procedures in guidelines and not in the regulation.

FDA is not revising proposed § 500.84(c)(2) as the comment suggests because the section emphasizes that FDA will make corrections for the fact that the entire diet usually will not contain residue of a new animal drug, a food additive, or a color additive. The agency believes that it is important to establish, in the regulations, that, as a part of the correction procedure, it will designate an S_m for each edible tissue.

VII. Studies To Select Marker Residue and Target Tissue

Before the use of a carcinogenic compound can be approved, FDA must determine that a practical and reliable assay is available to measure the residue of carcinogenic concern at the concentration that is within the operational definition of no residue. One approach to this problem would be to require assays that can be used to measure every residue (parent compound and metabolite) in each of the various edible tissues. Because the number of residues is likely to be large and is likely to occur in several edible tissues in each animal, such an approach would be impractical. There is another, far more practical approach which does not violate any safety principle. This alternative approach uses the concepts of marker residue and target tissue. These concepts are described in § 500.86.

A marker residue is a residue whose concentration is in a known quantitative relationship to the concentration of the residue of carcinogenic concern in the last tissue in which the latter residue has depleted to its permitted concentration. The marker residue can be the sponsored compound, any of its metabolites, or a combination thereof for which a common assay can be developed. The marker residue can be a carcinogenic or a noncarcinogenic residue.

The target tissue is the edible tissue selected to monitor for residues in the target animal (the production class of animal in which the substance is to be used after approval). If the concentration of marker residue in the target tissue does not exceed the permitted concentration, FDA is assured that the concentration of residue of carcinogenic concern is below the S_m for each edible tissue. Therefore, FDA's operational definition of no residue will have been satisfied for all of the animal's edible tissues.

When a compound is to be used in milk- or egg-producing animals, milk or eggs will be a target tissue in addition to one tissue selected for the edible carcass. If a compound is used in both milk- and egg-producing animals, both milk and eggs must be target tissues, in addition to the tissue selected for the edible carcass. This is necessary because milk and eggs enter the food supply independently. In all of these cases, it may be necessary to select a marker residue for milk or eggs that is different from the marker residue selected for the target tissue representing the edible carcass.

Application of the concepts of marker residue and target tissue requires an experimental determination of the quantitative relationship among the residues that might serve as marker residues in each of the various edible tissues that might serve as target tissues. These relationships can change during the time period following the last treatment with the compound (the beginning of the withdrawal period). Therefore, the sponsor must measure the depletion of potential marker residues in the potential target tissue or tissues starting after the last treatment with the compound and continuing until the total residue of carcinogenic concern has reached S_m for that tissue. FDA will use the residue depletion profiles and the regulatory method to determine the R_m for the marker residue. The R_m is the concentration of the marker residue in the target tissue at the time the concentration of the total residue of carcinogenic concern is equal to S_m in the last tissue to deplete to S_m.

Comments on the 1985 Reproposal

28. Comments stated that the requirement in proposed § 500.86(b) to determine the concentration and relative percentages of the parent compound and individual metabolites in all edible tissues was an unnecessary burden. Proposed § 500.86(b) stated "For each edible tissue, the sponsor shall also measure the depletion of one or more potential marker residues until the concentration of the residue of carcinogenic concern is at or below S_m." These comments suggested that these determinations should be required only for the target tissue.

FDA agrees that the data usually need not be obtained for all tissues. In fact, in most instances FDA has requested complete information regarding metabolism in only the target tissue. However, FDA will ask for data from additional tissues if necessary to answer outstanding safety questions. Accordingly, FDA has revised § 500.86(b) to read as follows: "In one or more edible tissues, the sponsor shall also measure the depletion of one or more potential marker residues until the concentration of the residue of carcinogenic concern is at or below S_m."

29. One comment stated that § 500.86(a) was too rigid because it implied that the sponsor would have to develop a chemical (as distinguished from a radiochemical) method for each edible tissue in order to measure the depletion of residue in that tissue until its concentration was at or below S_m. The comment argued that, in the past, such information was obtained from a study with the radiolabeled drug.

FDA did not mean to imply in § 500.86(a) that the sponsor would have to develop a chemical method for measuring residues in each edible tissue. FDA will accept data from studies using a radiolabeled drug to make this showing, as discussed in greater detail in the guidelines.

VIII. Regulatory Method

Under the regulations, FDA will approve a carcinogenic compound for use in food-producing animals if the concentration of residue of carcinogenic concern satisfies the operational definition of no residue, and if a method is available that can reliably measure that concentration of residues in edible animal products (21 CFR 500.88). The criteria for determining whether a method is acceptable are described in the "Guideline for Approval of a Method of Analysis for Residues." This guideline is made available through a notice published elsewhere in this issue of the **Federal Register**.

30. One comment stated that § 500.88(b) implied that the R_m would be used as the action level for each edible tissue.

The comment appears to have confused the definitions of R_m and S_m. Sections 500.82 and 500.88 state that R_m applies only to the marker residue in the target tissue. Thus, the R_m will not be used as an action level for each edible tissue.

IX. Withdrawal Period

The regulations define the preslaughter withdrawal period or the milk discard time for a sponsored compound as the period of time required, after the last administration of the sponsored compound, for the concentration of the marker residue to deplete to R_m in the target tissue (§§ 500.84(c) and 500.86(c)). The preslaughter withdrawal period or milk discard time must be compatible with actual conditions of livestock management and be reasonably certain to be followed in practice. Because of the way in which the regulations define marker residue, target tissue, and R_m, the use of the sponsored compound in accordance with the prescribed preslaughter withdrawal period or milk discard time will ensure that unacceptable levels of a carcinogenic residue will not be present in human food derived from treated animals. The data required and the procedure for determining the preslaughter withdrawal period or the milk discard time are described in the "Guideline for Establishing a Withdrawal Period." This guideline is made available through a notice published elsewhere in this issue of the **Federal Register**.

Comments submitted on this portion of the regulation are discussed in a document that is on file under Docket Number 83D-0288. See notice of availability of revised guidelines published elsewhere in this issue of the **Federal Register**.

X. Compliance

The approved regulatory method will be used to monitor the concentration of the marker residue in the target tissue of slaughtered animals. Information and data from monitoring will be used by FDA in conjunction with the U.S. Department of Agriculture (USDA) in a comprehensive effort to assure the safety of food from food-producing animals. If the concentration of the marker residue is found above the R_m in target tissue, the remainder of the carcass may contain violative residues (residues in excess of S_m for that tissue) and the carcass may be seized under 21 U.S.C. 334 as adulterated under 21 U.S.C. 342(a). In appropriate circumstances, the articles may also be detained under the Poultry Products or Meat Inspection Acts (see 21 U.S.C. 451 et seq. and 601 et seq.). Violations may subject those responsible to injunction or criminal prosecution under 21 U.S.C. 332 and 333, respectively.

Information gathered from residue monitoring can assist both FDA and USDA in identifying producers who customarily submit for slaughter animals that are adulterated within the meaning of the act. Among other things, this information may be helpful in detaining, for prophylactic investigation, herds or flocks from such producers. Finally, information regarding the rate and level at which residues above safe concentrations in edible tissue occur may support formal FDA action under the appropriate section of the act to withdraw the approval of the sponsored compound.

No comments on compliance were received.

XI. Waiver of Requirements

Section 500.90 provides that, in response to a petition or on his or her own initiative, the Commissioner may waive the requirements of the regulations in whole or in part. However, that section states that the Commissioner will not waive the requirement under § 500.88 for a regulatory method, which is a statutory requirement in the case of animal drugs. Nevertheless, the possibility always exists that the agency may be precluded from enforcing a statutory requirement. In the special circumstances attending estradiol-containing products in cattle, for example, FDA decided that imposing the requirement for a regulatory method for estradiol would be legally inappropriate because doing so would yield a result so unreasonable that it "could not be thoroughly attributed to Congressional design." *United States* v. *Rutherford*, 442 U.S. 544, 545 (1979). This exception is very narrow, however, and is rarely capable of being met.

Section 500.90 states that a petition for a waiver may be filed by any person who would be adversely affected by the application of the requirements to a particular compound. The petition shall explain and document why the requirements from which waiver is requested are not reasonably applicable to the compound, and describe the alternative procedures that have been,

VOL 52 ISS 251 DEC 31 1987 UMI

VOL 52 ISS 251 DEC 31 1987 UMI

or could be, followed to ensure that use of the compound will not contaminate human food with residues whose consumption could present a risk of cancer to people. The petition must clearly set forth the reasons and supporting information that demonstrate why the alternative procedures will provide an adequate basis for concluding that approval of the compound satisfies the requirements of the anticancer provisions of the act. If the Commissioner determines that waiver of any of the requirements of proposed Subpart E of 21 CFR Part 500 is appropriate, the Commissioner will state the basis for the determination in the regulation approving marketing of the sponsored compound, or in the preamble to the regulation.

FDA received no comments on this section of the regulation.

XII. Implementation

In the **Federal Register** of February 11, 1983 (48 FR 6361), FDA issued an amended proposal to revise § 500.98, which was the implementation section of the regulations proposed in 1979. As in the case of the previous proposal, the amended proposal in § 500.98 stated that the regulations would apply to all new applications and petitions, including supplemental applications and amended petitions, as well as to approved compounds under certain circumstances. Also, as in the case of the 1979 proposal, the 1983 amended proposal provided that the regulations would apply to applications and petitions that were pending before the agency at the time the regulations were adopted. The preamble to the 1983 amended proposal stated, as had previous preambles, that the regulations' procedures had been applied on a case-by-case basis in the past and would continue to be so applied until the regulations were finally adopted.

However, the 1983 amended proposal included a revision of the proposed regulation in that it provided for an exception in the case of drugs that were the subject of pending applications and that met certain criteria as of March 20, 1979 (the "pipeline" criteria). Sponsors of drugs meeting those criteria could request an exception from Subpart E. The preamble stated that, until final adoption of the regulation, FDA would apply the "pipeline" policy on a case-by-case basis. However, sponsors claiming "pipeline" status were advised to submit letters supporting the claims by February 1984. Although the implementation section was not explicitly included in the regulation that was reproposed in 1985, the preamble to the reproposed regulation stated that comments would again be accepted on § 500.98 as proposed in 1983.

These final regulations incorporate § 500.98 (redesignated § 500.92). Several changes, described in the following paragraphs, have been made from the proposed regulation issued in 1983, however. These changes have been made primarily to conform the implementation section to the change in Subpart E, described above, that removed the threshold assessment from Subpart E, so that Subpart E applies after FDA has determined that a compound must be subject to carcinogenicity testing.

FDA has deleted the "pipeline" provision, which relates primarily to the threshold assessment; further, it is unlikely, in view of the passage of time, that any drug that has not yet been approved could meet the pipeline criteria. In addition, the provision concerning previously approved compounds (§ 500.92(b)) has been narrowed in several respects. It has been revised to state that certain portions of the regulation will be applied where an approved compound has been shown to cause cancer, or is a suspect carcinogen. A provision of proposed § 500.92(b) that applied to compounds for which insufficient information was available to determine whether residues present a risk of cancer has been deleted as inappropriate because Subpart E no longer contains the threshold assessment requirement. For the same reason, and to simplify the regulation, FDA has deleted § 500.98(d). That section provided for the publication of notices and issuance of letters, for the establishment of time frames for the submission of data, and for the withdrawal of approvals of compounds that had been determined to be carcinogens, or for which more information is required. However, FDA will continue to publish notices and issue letters establishing appropriate requirements and deadlines and will proceed to withdraw approvals under pertinent sections of the act and regulations.

Section 500.92(a) as proposed and adopted states that Subpart E applies to supplemental applications for approved new animal drugs. The specific circumstances under which FDA will apply the threshold assessment and Subpart E to supplemental applications are described in FDA's supplemental policy for animal drugs. See 42 FR 64367; December 23, 1977.

31. One comment stated that FDA should extend the dates for eligibility for "pipeline" status from March 20, 1979, to the date of promulgation of final regulations, urging that the agency could not apply the regulations retroactively to pending applications.

As explained above, the regulations no longer contain the threshold assessment requirement, and the "pipeline" proposal has been deleted. Further, as explained in the 1985 proposal (50 FR 45549), FDA has used the proposed regulations as a guideline for determining whether a sponsored compound is shown to be safe. This action is consistent with FDA's regulations (see 21 CFR 10.90). Therefore, sponsors have been on notice of FDA's case-by-case application of the regulation for a number of years. Accordingly, any inequity that might have resulted is minimized. Under the circumstances, application of the provisions of the regulation to pending applications is legally permissible. See, e.g., section 512(d)(1)(A) of the act, which requires tests by all methods reasonably applicable to show whether a drug is safe, and section 512(e)(1)(B) of the act, which requires withdrawal of an approval when tests by methods not deemed reasonably applicable when the application was approved show that the drug is not shown to be safe. See also *SEC* v. *Chenery*, 332 U.S. 194 (1947); *Tennessee Gas Pipeline Co.* v. *FERC*, 600 F.2d 1094 (D.C. Cir. 1979), *cert. denied*, 445 U.S. 920 (1980).

32. One comment contended that FDA could not apply the regulation retroactively to approved substances. As explained in the previous paragraph, the fact that the regulation does not contain a requirement for threshold assessment minimizes the impact of the regulations on approved substances. Further, FDA will not apply the operational definition of "no residue" and related sections of Subpart E to an approved compound in the absence of new evidence that the substance is a carcinogen. See § 500.92(b)(2). Also, FDA will not require metabolism studies and chronic bioassays unless there is new evidence that the substance is a suspect carcinogen. See § 500.92(b)(1). Section 512(e)(1)(B) of the act states that approval of a drug may be withdrawn if tests by new methods, or tests by methods not deemed reasonably applicable when the application was approved, show that the drug is not shown to be safe. Thus, the act itself provides for application of the new regulation to approved applications.

33. Another comment stated that FDA should modify the eligibility criteria to assure that "old drugs," i.e., those drugs marketed legally without an approved application are not subject to the

regulations even if the "old drug" was later declared to be a "new drug."

FDA disagrees because the agency believes this comment suggests an approach that would be contrary to the public health, and inconsistent with FDA's administration of the act over the years.

XIII. Additional Comments on the Proposed Regulations

34. One comment stated that "target tissue" was poorly defined in § 500.82. The comment suggested that the term "target tissue" should be changed to "target animal derived food" so as to include eggs and milk.

FDA's definition of "target tissue" was meant to include eggs and milk. To clarify the definition, FDA has modified the definition to read as follows: "The edible tissue selected to monitor for residues in the target animals, including, where appropriate, milk or eggs."

35. One comment suggested that the term "residue of carcinogenic concern," which is defined in § 500.82, be changed to "residue of concern" and that the definition include all toxicological endpoints, i.e., all responses of toxicological significance that are observed in the test animals.

FDA emphasizes that these final regulations pertain to only one adverse effect: Carcinogenicity. Therefore, it is appropriate for the term "residue of carcinogenic concern" to be used in the final regulations. Because the guidelines deal with both carcinogenic and noncarcinogenic compounds, however, the term "residue of toxicological concern" is used in those documents to include all potential adverse effects of a compound.

36. A comment suggested that the word "milk" in "milk discard time" in § 500.82 be changed to "food" to avoid excluding eggs.

FDA does not approve drugs for use in laying hens if they require an "egg discard time" because animal husbandry practices have demonstrated that this is not practical or not generally believed to be followed in practice. Therefore, it is not necessary to revise § 500.82.

XIV. Conclusion

The regulations and the implementing guidelines are designed to ensure that edible tissues derived from animals treated with sponsored compounds are safe. All sponsored compounds will be evaluated under the general safety provisions of the act. Sponsored compounds shown by adequate testing to be carcinogenic will be regulated under Subpart E of 21 CFR Part 500.

Executive Order 12291 and the Regulatory Flexibility Act require economic impact analyses of regulations that are likely to have significant consequences on the overall regulated industry or on particular sections of it. In the economic impact analysis prepared for the 1979 proposal, FDA concluded that the expenses of conducting the biological studies and developing the regulatory method of analysis would be several million dollars for each carcinogenic compound. Without this testing, however, the carcinogenic compound could not be approved. In the economic analysis prepared for the 1985 reproposal, FDA reached similar conclusions. However, because FDA is unlikely to receive requests to approve a large number of carcinogenic compounds, these final regulations will not impose an annual effect on the economy of $100 million or more, the threshold value established by Executive Order 12291. In accordance with the Regulatory Flexibility Act, FDA has considered the effect that these final regulations would have on small entities including small businesses and has determined that to date no small firm has sponsored a compound that would be subject to this rule. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action. The economic and regulatory flexibility analyses are on file with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

The agency has determined under 21 CFR 25.24(a)(8) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Sections 500.86, 500.88, 500.90, and 514.1(b)(7) of this final rule contain collection of information requirements that were submitted for review and approval to the Director of the Office of Management and Budget (OMB), as required by section 3504(h) of the Paperwork Reduction Act of 1980. The requirements in §§ 500.86, 500.88, and 500.90 were approved and assigned OMB control number 0910–0228; in § 514.1(b)(7), 0910–0032.

References

The following information has been placed on display in the Dockets Management Branch (address above), and may be reviewed in that office between 9 a.m. and 4 p.m., Monday through Friday.

1. Office of Science and Technology Policy, "Chemical Carcinogens: A Review of the Science and Its Associated Principles," 50 FR 10373, March 14, 1985.

2. Committee to Coordinate Environmental and Related Programs (CCERP), "Risk Assessment and Risk Management of Toxic Substances," Report to the Secretary, Department of Health and Human Services, April 1985.

3. Gillette, J.R., "Other Aspects of Pharmacokinetics," *Handbook of Experimental Pharmacology*, edited by O. Eichler, A. Farah, H. Herken, and A.D. Welch, Vol. XXVIII/3, pp. 35–85. 1975.

4. Gillette, J.R., "Activating Systems Characteristics and Drawbacks—Comparisons of Different Organs, Tissues, Problems with Toxication—Detoxication Balance in Various Tissues, Extrapolation from *in vitro* to *in vivo*, Pharmacokinetics, Absorption, Distribution, Excretion, Metabolism," *In vitro Metabolic Activation in Mutagenesis Testing*, edited by F.J. deSerres, J.R. Fouts, J.R. Bend, R.M. Philpot, Elsevier/North-Holland Biomedical Press, Amsterdam, pp. 13–54, 1976.

5. *Kinetics of Drug Action*, edited by J.J. vanRossum, Springer-Verlag, New York, 1977.

6. Mercer, H.D., J.D. Baggot, and R.A. Sams, "Application of Pharmacokinetic Methods to the Drug Residue Profile," *Journal of Toxicology and Environmental Health*, 2:787–801, 1977.

7. Williams, R.T., *Detoxication Mechanisms*, Wiley, New York, 1959.

8. Nelson, S.D., M.R. Boyd, and J.R. Mitchell, "Role of Metabolic Activation in Chemical-induced Tissue Injury," *ACS Symposium Series*, No. 44, edited by D.M. Jerina, pp. 155–185, 1977.

9. "Biological Reactive Intermediates: Formation, Toxicity, and Inactivation," edited by D.J. Jollow, J.J. Kocsis, R. Snyder, and H. Vainio, Plenum Press, New York, 1977.

10. Interdisciplinary Panel on Carcinogenicity, "Criteria for Evidence of Chemical Carcinogens," *Science*, 225:682–687, 1984.

11. National Toxicology Program, "Levels of Evidence of Carcinogenicity Used To Describe Evaluative Conclusions for NTP Long-term Toxicology and Carcinogenesis Studies; Request for Comments," 51 FR 2579–2582; January 17, 1986, and "Notice of Modifications in the Levels of Evidence of Carcinogenicity Used to Describe Evaluative Conclusions for NTP Long-term Toxicology and Carcinogenesis Studies," 51 FR 11843–11844; April 7, 1986.

12. Haseman, J.K., "A Re-examination of False Positive Rates for Carcinogenic Studies," *Fundamentals of Applied Toxicology*, 3:334–339, 1983.

13. National Toxicology Program, Board of Scientific Counselors, "Report of the NTP Ad Hoc Panel on Chemical Carcinogenesis Testing and Evaluation," 1984.

14. McConnell, E.E., H.A. Solleveld, J.A. Swenberg, and G.A. Boorman, "Guidelines for Combining Neoplasms for Evaluation of Rodent Carcinogenesis Studies," *Journal of*

the National Cancer Institute, 70:283–289, 1983.

15. Gaylor, D.W., and R.L. Kodell, "Linear Interpolation Algorithm for Low Dose Risk Assessment of Toxic Substances," *Journal of Environmental Pathology and Toxicology*, 4:305–312, 1980.

16. Farmer, J.H., R.L. Kodell, and D.W. Gaylor, "Estimation and Extrapolation of Tumor Probabilities from a Mouse Bioassay with Survival/Sacrifice Components," *Society for Risk Analysis*, 2:27–34, 1982.

17. Park, C.N., and R.D. Snee, "Quantitative Risk Assessment: State-of-the-Art for Carcinogens," *The American Statistician*, 37:427–441, 1983.

List of Subjects

21 CFR Part 70

Color additives, Cosmetics, Drugs, Labeling, Packaging and containers.

21 CFR Part 500

Animal drugs, Animal feeds, Labeling, Polychlorinated biphenyls (PCB's).

21 CFR Part 514

Administrative practice and procedure, Animal drugs.

21 CFR Part 571

Administrative practice and procedure, Animal feeds, Animal foods, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act, Parts 70, 500, 514, and 571 are amended as follows:

PART 70—COLOR ADDITIVES

1. The authority citation for 21 CFR Part 70 is revised to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055–1056 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371, 376).

2. Part 70 is amended in § 70.50 by adding new paragraph (c), to read as follows:

§ 70.50 Application of the cancer clause of section 706 of the act.

* * * * *

(c) *Color additives for use as an ingredient of feed for animals that are raised for food production.* Color additives that are an ingredient of the feed for animals raised for food production and that have the potential to contaminate human food with residues whose consumption could present a risk of cancer to people must satisfy the requirements of Subpart E of Part 500 of this chapter.

PART 500—GENERAL

3. The authority citation for 21 CFR Part 500 continues to read as follows:

Authority: Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–351 (21 U.S.C. 360b, 371(a)).

4. Part 500 is amended by adding a new Subpart E, to read as follows:

Subpart E—Regulation of Carcinogenic Compounds Used in Food-Producing Animals

Sec.

500.80 Scope of this subpart.
500.82 Definitions.
500.84 Operational definition of no residue.
500.86 Marker residue and target tissue.
500.88 Regulatory method.
500.90 Waiver of requirements.
500.92 Implementation.

Subpart E—Regulation of Carcinogenic Compounds Used in Food-Producing Animals

§ 500.80 Scope of this subpart.

(a) The Federal Food, Drug, and Cosmetic Act requires that sponsored compounds intended for use in food-producing animals be shown to be safe and that food produced from animals exposed to these compounds be shown to be safe for consumption by people. The statute prohibits the use in food-producing animals of any compound found to induce cancer when ingested by people or animals unless it can be determined by methods of examination prescribed or approved by the Secretary (a function delegated to the Commissioner of Food and Drugs under § 5.10 of this chapter) that no residue of that compound will be found in the food produced from those animals under conditions of use reasonably certain to be followed in practice. This subpart provides an operational definition of no residue and identifies the steps a sponsor of a compound shall follow to secure the approval of the compound. FDA guidelines contain the procedures and protocols FDA recommends for the implementation of this subpart. These guidelines are available from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Requests for these guidelines should be identified with Docket No. 83D–0288.

(b) If FDA concludes on the basis of the threshold assessment that a sponsor shall conduct carcinogenicity testing on the sponsored compound, FDA will also determine whether and to what extent the sponsor shall conduct carcinogenicity testing on metabolites of the sponsored compound. The bioassays that a sponsor conducts must be oral, chronic, dose-response studies and must be designed to assess carcinogenicity and to determine the quantitative aspects of any carcinogenic response.

(c) If FDA concludes on the basis of the threshold assessment or at a later time during the approval process that the data show that the sponsored compound and its metabolites should not be subject to this subpart, FDA will continue to consider the compound for approval under the general safety provisions of the act for risks other than cancer.

(d) This subpart does not apply to essential nutrients.

§ 500.82 Definitions.

(a) The definitions and interpretations contained in section 201 of the act apply to those terms when used in this subpart.

(b) The following definitions apply to this subpart:

"Act" means the Federal Food, Drug, and Cosmetic Act (sections 201–901, 52 Stat. 1040 et seq. as amended (21 U.S.C. 301–392)).

"Essential nutrients" means compounds that are found in the tissues of untreated, healthy target animals and not produced in sufficient quantity to support the animal's growth, development, function, or reproduction, e.g., vitamins, "essential" minerals, "essential" amino acids, and "essential" fatty acids. These compounds must be supplied from external sources.

"FDA" means the Food and Drug Administration.

"Marker residue" means the residue selected for assay whose concentration is in a known relationship to the concentration of the residue of carcinogenic concern in the last tissue to deplete to its permitted concentration.

"Preslaughter withdrawal period" or "milk discard time" means the time after cessation of administration of the sponsored compound for the residue of carcinogenic concern in the edible product to deplete to the concentration that will satisfy the operational definition of no residue.

"Regulatory method" means the aggregate of all experimental procedures for measuring and confirming the presence of the marker residue of the sponsored compound in the target tissue of the target animal.

"R_m" means the concentration of the marker residue in the target tissue when the residue of carcinogenic concern is equal to S_m in the last tissue to deplete to its permitted concentration.

"Residue" means any compound present in edible tissues of the target animal which results from the use of the sponsored compound, including the sponsored compound, its metabolites, and any other substances formed in or on food because of the sponsored compound's use.

"Residue of carcinogenic concern" means all compounds in the total residue of a demonstrated carcinogen excluding any compounds judged by FDA not to present a carcinogenic risk.

"S_m" means the permitted concentration of residue of carcinogenic concern for a specific edible tissue.

"S_o" means the concentration of the test compound in the total diet of test animals that corresponds to a maximum lifetime risk of cancer in the test animals of 1 in 1 million. For the purpose of this subpart, FDA will also assume that this S_o will correspond to the concentration of residue of carcinogenic concern in the total human diet that represents no significant increase in the risk of cancer to people.

"Sponsor" means the person or organization proposing or holding an approval by FDA for the use of a sponsored compound.

"Sponsored compound" means any drug or food additive or color additive proposed for use, or used, in food-producing animals or in their feed.

"Target animals" means the production class of animals in which a sponsored compound is proposed or intended for use.

"Target tissue" means the edible tissue selected to monitor for residues in the target animals, including, where appropriate, milk or eggs.

"Test animals" means the species selected for use in the toxicity tests.

"Threshold assessment" means FDA's review of data and information about a sponsored compound to determine whether chronic bioassays in test animals are necessary to resolve questions concerning the carcinogenicity of the compound.

§ 500.84 Operational definition of no residue.

(a) On the basis of the results of the chronic bioassays and other information, FDA will determine whether any of the substances tested are carcinogenic.

(b) If FDA concludes that the results of the bioassays do not establish carcinogenicity, then FDA will not subject the sponsored compound to the remainder of the requirements of this subpart.

(c) For each sponsored compound that FDA decides should be regulated as a carcinogen, FDA will analyze the data from the bioassays using a statistical extrapolation procedure.

(1) For each substance tested in separate bioassays, FDA will calculate the concentration of the residue of carcinogenic concern that corresponds to a maximum lifetime risk to the test animal of 1 in 1 million. FDA will designate the lowest value obtained as S_o.

(2) FDA will consider that "no residue" of the compound remains in the edible tissue when conditions of use of the sponsored compound, including any required preslaughter withdrawal period or milk discard time, ensure that the concentration of the residue of carcinogenic concern in the total diet of people will not exceed S_o. Because the total diet is not derived from food-producing animals, FDA will make corrections for food intake. FDA will designate as S_m the concentration of residue of carcinogenic concern that is permitted in a specific edible product.

§ 500.86 Marker residue and target tissue.

(a) For each edible tissue, the sponsor shall measure the depletion of the residue of carcinogenic concern until its concentration is at or below S_m.

(b) In one or more edible tissues, the sponsor shall also measure the depletion of one or more potential marker residues until the concentration of the residue of carcinogenic concern is at or below S_m.

(c) From these data, FDA will select a target tissue and a marker residue and designate the concentration of marker residue (R_m) that the regulatory method must be capable of measuring in the target tissue. FDA will select R_m such that the absence of the marker residue in the target tissue above R_m can be taken as confirmation that the residue of carcinogenic concern does not exceed S_m in each of the edible tissues and, therefore, that the residue of carcinogenic concern in the diet of people does not exceed S_o.

(d) When a compound is to be used in milk- or egg-producing animals, milk or eggs must be the target tissue in addition to the tissue selected to monitor for residues in the edible carcass.

(Information collection requirements approved by the Office of Management and Budget under number 0910–0228)

§ 500.88 Regulatory method.

(a) The sponsor shall submit for evaluation and validation a regulatory method developed to monitor compliance with FDA's operational definition of no residue.

(b) The regulatory method must reliably measure and confirm the identity of the marker residue in the target tissue at concentrations equal to and above R_m.

(c) FDA will publish in the **Federal Register** the complete regulatory method for measuring the marker residue in the target tissue in accordance with the provisions of sections 409(c)(3)(A), 512(d)(1)(H) and (i), and 706(b)(5)(B) of the act.

(Information collection requirements approved by the Office of Management and Budget under number 0910–0228)

§ 500.90 Waiver of requirements.

In response to a petition or on the Commissioner's own initiative, the Commissioner may waive, in whole or in part, the requirements of this subpart except those provided under § 500.88. A petition for this waiver may be filed by any person who would be adversely affected by the application of the requirements to a particular compound. The petition shall explain and document why the requirements from which a waiver is requested are not reasonably applicable to the compound, and set forth clearly the reasons why the alternative procedures will provide the basis for concluding that approval of the compound satisfies the requirements of the anticancer provisions of the act. If the Commissioner determines that waiver of any of the requirements of this subpart is appropriate, the Commissioner will state the basis for that determination in the regulation approving marketing of the sponsored compound.

(Information collection requirements approved by the Office of Management and Budget under number 0910–0228)

§ 500.92 Implementation.

(a) This Subpart E applies to all new animal drug applications, food additive petitions, and color additive petitions concerning any compound intended for use in food-producing animals (including supplemental applications and amendments to petitions).

(b) This Subpart E also applies in the following manner to compounds already approved:

(1) For those compounds that FDA determines may induce cancer when ingested by man or animals, i.e., suspect carcinogens, §§ 500.80(b), 500.82, and 500.90 apply.

(2) For those compounds that FDA determines have been shown to induce cancer when ingested by man or animals, §§ 500.82 through 500.90 apply.

PART 514—NEW ANIMAL DRUG APPLICATIONS

5. The authority citation for 21 CFR Part 514 continues to read as follows:

Authority: Secs. 512(i), (n), 701(a), 52 Stat. 1055, 82 Stat. 343–351 (21 U.S.C. 360b(i), (n), 371(a)); 21 CFR 5.10, 5.11.

6. Part 514 is amended in § 514.1 by revising the introductory text of paragraph (b)(7) and by revising paragraph (b)(7)(ii) and by adding a

parenthetical statement at the end of the section, to read as follows:

§ 514.1 Applications.

* * * * *

(b) * * *

(7) *Analytical methods for residues.* Applications shall include a description of practicable methods for determining the quantity, if any, of the new animal drug in or on food, and any substance formed in or on food because of its use, and the proposed tolerance or withdrawal period or other use restrictions to ensure that the proposed use of this drug will be safe. When data or other adequate information establish that it is not reasonable to expect the new animal drug to become a component of food at concentrations considered unsafe, a regulatory method is not required.

* * * * *

(ii) A new animal drug that has the potential to contaminate human food with residues whose consumption could present a risk of cancer to people must satisfy the requirements of Subpart E of Part 500 of this chapter.

* * * * *

(Information collection requirements approved by the Office of Management and Budget under number 0910-0032)

7. Section 514.111 is amended by adding new paragraph (a)(10), to read as follows:

§ 514.111 Refusal to approve an application.

(a) * * *

(10) The drug fails to satisfy the requirements of Subpart E of Part 500 of this chapter.

* * * * *

PART 571—FOOD ADDITIVE PETITIONS

8. The authority citation for 21 CFR Part 571 continues to read as follows:

Authority: Secs. 409, 701, 52 Stat. 1055–1056 as amended, 72 Stat. 1785–1788 as amended (21 U.S.C. 348, 371).

9. Part 571 is amended by adding new § 571.115, to read as follows:

§ 571.115 Application of the cancer clause of section 409 of the act.

Food additives intended for use as an ingredient in food for animals that are raised for food production and that have the potential to contaminate human food with residues whose consumption could present a risk of cancer to people must satisfy the requirements of Subpart E of Part 500 of this chapter.

Frank E. Young,

Commissioner of Food and Drugs.

Otis R. Bowen,

Secretary of Health and Human Services.

Dated: October 23, 1987.

[FR Doc. 87-29828 Filed 12-30-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 82D-0090]

New Animal Drugs and Food Additives Derived From a Fermentation; Availability of Guideline for Human Food Safety Evaluation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a revised guideline that describes the tests that the sponsor may conduct to establish safe conditions of use in food-producing animals of a product that is derived from a fermentation that produces a drug and is administered as a complex mixture. This product could contain toxic components that are not readily isolated and identified and that might remain as residues in edible animal products. The guideline also describes the criteria used by FDA to evaluate the results of these tests. FDA invites interested persons to submit written comments on the guideline.

DATE: Written comments on the guideline may be submitted at any time.

ADDRESS: The guideline is available for public examination at, comments may be submitted to, and individual copies may be obtained from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. (Sending two self-addressed adhesive labels will assist the Branch in processing your request.)

FOR FURTHER INFORMATION CONTACT: Robert W. Benson, Center for Veterinary Medicine (HFV-102), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4500.

SUPPLEMENTARY INFORMATION: Over the years, FDA has approved for use in animal feed a number of antibiotics that are marketed as unpurified or partially purified products. The tolerances for most of these products were established from bioassays performed on the pure antibiotic. This regulatory approach assumes that the antibiotic is the most toxic substance in the product. FDA no longer considers this regulatory approach adequate. The drug portion of these products is typically 1 to 25 percent, leaving 75 to 99 percent of the product uncharacterized.

The criteria and procedures described in "General Principles for Evaluating the Safety of Compounds used in Food-Producing Animals" (50 FR 45556; October 31, 1985, Docket No. 83D-0288) assume that the sponsored product is extensively characterized and that any component can be readily isolated, identified, and subjected to the testing described. However, the sponsored products addressed in the guideline that is the subject of this notice are complex mixtures that may contain the organism, its cellular debris and metabolic products, and residual substrate and nonsubstrate material. This mixture could contain toxic components that are not readily identifiable and that might remain as residues in edible animal tissues. The guideline was developed to provide an acceptable procedure for evaluating the safety of these incompletely characterized, multicomponent products.

FDA has reviewed the comments submitted on the guideline. FDA's responses to these comments are available for public examination at the Dockets Management Branch (address above). This guideline has been combined with the other guidelines concerned with the human food safety evaluation of sponsored compounds used in food-producing animals (Docket No. 83D-0288). The complete series of revised guidelines is made available through a notice published elsewhere in this issue of the **Federal Register**. The guideline is available for public examination at the Dockets Management Branch (address above).

Interested persons may, at any time, submit to the Dockets Management Branch (address above) written comments regarding this guideline. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with docket number 83D-0288. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 24, 1987.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 87-29827 Filed 12-30-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83D-0288]

Sponsored Compounds Used in Food-Producing Animals; Availability of Guidelines for Human Food Safety Evaluation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of revised guidelines that describe the tests that the sponsor of a new animal drug or a food or color additive may conduct to establish safe conditions of use of the compound in food-producing animals. These guidelines apply to human food safety, not to target animal safety. FDA invites interested persons to submit written comments on the guidelines.

DATE: Written comments on the guidelines may be submitted at any time.

ADDRESS: The guidelines are available for public examination at, comments may be submitted to, and individual copies may be obtained from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. (Sending two self-addressed adhesive labels will assist the Branch in processing your request.)

FOR FURTHER INFORMATION CONTACT: Robert W. Benson, Center for Veterinary Medicine (HFV-102), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4500.

SUPPLEMENTARY INFORMATION: FDA is required by the general safety provisions of sections 409, 512, and 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348, 360b, and 376) to determine whether each food additive, new animal drug, or color additive proposed for use in food-producing animals is safe for those animals and whether the edible products derived from treated animals are safe for people. The pertinent regulations implementing the statutory provisions are found at 21 CFR Part 70, § 514.1, and Part 570.

The sponsor of the compound is required to furnish to FDA the scientific information necessary for demonstrating that the residues of the sponsored compound in the edible products of treated animals are safe. FDA has developed a series of guidelines to inform sponsors of the type of scientific information FDA believes will provide an acceptable basis for making the safety determination. The individual guidelines are:

I. Guideline for Metabolism Studies and for Selection of Residues for Toxicological Testing.
II. Guideline for Toxicological Testing.
III. Guideline for Threshold Assessment.
IV. Guideline for Establishing a Tolerance.
V. Guideline for Approval of a Method of Analysis for Residues.
VI. Guideline for Establishing a Withdrawal Period.
VII. Guideline for New Animal Drugs and Food Additives Derived from a Fermentation.

FDA made the first six guidelines available through a notice published in the **Federal Register** of October 31, 1985

VOL
52
ISS
251
DE
31
1987
UMI

(50 FR 45556). FDA made the seventh guideline available through a notice published in the **Federal Register** of August 24, 1982 (47 FR 36968). FDA has reviewed the comments submitted on the guidelines. FDA's responses to these comments are available for public examination at the Dockets Management Branch (address above). At this time FDA is making available revised guidelines.

A sponsor may rely upon the guidelines with the assurance that they describe procedures acceptable to FDA (see 21 CFR 10.90). Of course, if a sponsor believes that alternative procedures are also applicable, the guidelines do not preclude a sponsor from pursuing those alternative procedures. Under such circumstances, however, FDA encourages the sponsor to discuss the propriety of alternative procedures in advance with FDA to prevent the expenditure of money and effort on activity that may later be deemed to be unacceptable.

The guidelines are available for public examination at the Dockets Management Branch (address above). Individual copies may be obtained from that office.

Interested persons may, at any time, submit to the Dockets Management Branch (address above) written comments regarding the guidelines. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 24, 1987.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 87-29829 Filed 12-30-87; 8:45 am]

BILLING CODE 4160-01-M

federal register

Thursday
December 31, 1987

Part III

Department of Labor

Occupational Safety and Health Administration

29 CFR Parts 1910 and 1917
Grain Handling Facilities; Final Rule

VOL 52 ISS 251 DEC 31 1987 UMI

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910 and 1917

[Docket H-117]

Grain Handling Facilities

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Final rule.

SUMMARY: This final rule contains minimum requirements for the control of fires, grain dust explosions, and other safety hazards associated with grain handling facilities. Employees in these facilities have been and continue to be exposed to fires and explosions. Additionally, employees are exposed to other safety hazards such as the dangers of entry into bins, silos, and tanks. The requirements in this standard are intended to decrease the number and mitigate the effects of fires and explosions, and to control other known safety hazards in grain handling facilities.

EFFECTIVE DATE: This final rule becomes effective March 30, 1988, except for the information collection requirements contained in § 1910.272 (d) and (i) which are subject to Office of Management and Budget approval. The Department will announce the effective date for these requirements when approval is obtained.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3637, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523–8151.

SUPPLEMENTARY INFORMATION: In this preamble, OSHA identifies sources of information submitted to the record by an exhibit number (Ex. 14). When applicable, comment numbers follow the exhibit in which they are contained (Ex. 14: 1). If more than one comment within an exhibit is cited, the comment numbers are separated by commas (Ex. 14: 1, 2, 3). The page number is also cited if other than page one (p. 2). The transcript of the hearing is cited by the page number (Tr. 49) followed by the identification of the day of the hearing (Tr. 49–6/12). Exhibits and transcripts are separated by semicolons (Ex. 1; Ex. 2; Tr. 49–6/12).

I. Background

Fires and explosions have occurred in grain handling facilities for many years, and such occurrences have been reported for almost two centuries (e.g., Ex. 9: 40, 136; Tr. 136–6/12).

In order for a fire to occur, it is necessary to have fuel (e.g., grain dust), heat (ignition source), and oxygen (air). Additionally, if the elements for a fire occur simultaneously with confinement and sufficient fuel (grain dust) suspended in air, a primary (or initial) explosion will occur.

In a grain handling facility, the primary explosion may result in shaking loose an adequate amount of dust accumulations into the air, causing one or more secondary (or subsequent) explosions. Secondary explosions can be far more destructive than the primary explosion.

National attention was focused on the destructiveness of explosions in grain handling facilities when a series of devastating explosions occurred in these facilities in late 1977 and early 1978. During December 1977, 59 deaths and 49 injuries resulted from explosions (Ex. 9: 27). Various interested groups, including the Congress, the grain handling industry, trade organizations, unions, federal agencies and others, responded to these tragedies in various ways.

Congress has held several hearings on the matter of fires and explosions in grain handling facilities. The hearings included an examination of the causes and prevention of grain elevator explosions (Ex. 9: 22), and a review of research on methods of preventing fires and explosions in grain elevators. Also, as a result of several Congressional requests, the General Accounting Office conducted a study which scrutinized various aspects of grain dust explosions (Ex. 9: 28). Issued in 1979, the study recommended that the Department of Labor evaluate the adequacy of the coverage of grain elevators in the OSHA general industry standards (29 CFR Part 1910).

The National Grain and Feed Association (NGFA), a major industry trade association whose "membership is comprised of 1,300 companies and 46 affiliated state and regional grain and feed associations that include more than 10,000 grain and feed companies nationwide" (Ex. 14: 1472), issued guidelines in 1978 (Ex. 9: 50) to assist association members in improving fire and explosion safety. NGFA has also held several industry conferences that have resulted in the publication of compilations of information concerning elevator design (Ex. 9: 51), elevator dust control (Ex. 9: 52), and retrofitting and constructing of grain elevators (Ex. L–1).

In addition, NGFA established the Fire and Explosion Research Council in 1978 which has maintained a continuing program of research activity. NGFA submitted seventeen research documents (Exs. 81 through 96; Ex. 98) resulting from this research activity to the rulemaking record and noted the sale of approximately 3,500 of these reports (Ex. 189, p. 2).

Another industry trade association has maintained a continuing program directed towards enhancing safety and health in grain handling facilities. In October 1977, the Grain Elevator and Processing Society (GEAPS) sponsored a symposium on grain dust explosions (Ex. 9: 49). Also, with assistance from an OSHA training grant, GEAPS conducted an analysis of the grain industry safety and health training needs (Ex. 9: 47, issued in 1981) which has led to the development of materials focusing on the identified training needs (see Exs. 33; 36; 39; 80; and 130).

Unions have been active in increasing the safety and health awareness of its members working in the grain industry through training and education efforts (American Federation of Grain Millers and Allied Industrial Workers of America). For example, the President of the American Federation of Grain Millers remarked (Tr. 74–6/26):

> In the pursuit of workplace safety and health, we have worked closely with the AFL–CIO, Food and Allied Service Trades Department in sponsoring a comprehensive training and educational program for our membership. In the last six years, this program has reached over 1,500 of our stewards and union officials in all states where we have membership.

Also, the AFL–CIO received an OSHA training grant to assist in the development of a training program for the American Federation of Grain Millers (Ex. 9: 84).

In 1977, thirteen inspectors of the U.S. Department of Agriculture's (USDA) Federal Grain Inspection Service (FGIS, the agency responsible for the quality, grading and weighing of grain for export) were killed in grain elevator explosions. This loss prompted USDA to set up a special task force on grain elevator safety and explosions. The task force issued a report in 1979 which includes a historical overview of fire and explosion experience in grain elevators and mills, and contains numerous recommendations to prevent dust explosions in these facilities (Ex. 9: 27). In addition, USDA participated in the sponsorship of two symposiums (Ex. 9: 23, 37), supported contract efforts of the National Academy of Sciences to study the causes and prevention of fires and explosions in grain elevators and mills (discussed later in this notice), and established a tracking system for grain dust explosions.

The National Institute for Occupational Safety and Health (NIOSH), established under the Occupational Safety and Health Act of 1970 to conduct research, among other duties, published in 1983 the results of an investigation of worker safety in grain elevators and feed mills. The study, "Occupational Safety in Grain Elevators and Feed Mills" (Ex. 9: 136 p. vi), was conducted to:

> • • • develop safe work practices and engineering controls which could be used to reduce the number of accidents and injuries in the workplace and to train workers in the identification and awareness of hazards and their control.

While work progressed on this study, NIOSH also supported the contract efforts of the National Academy of Sciences (discussed later in this notice).

OSHA also directed efforts and resources toward improving the safety and health of employees in this industry. In January 1978, OSHA issued and widely distributed the Grain Elevator Industry Hazard Alert for the purpose of providing employers, employees, and other officials with available information on safety and health hazards associated with the storage and distribution of grain. A listing of free OSHA onsite consultative services available to employers was included with this Alert.

Another step taken by OSHA in 1978 was the initiation of a contract with the National Academy of Sciences (NAS) to study the causes and prevention of grain elevator fires and explosions (later expanded to include mills). OSHA initiated the contract because it believed it was important to increase the understanding of the problem of fires and explosions, as well as to obtain recommendations on corrective actions. Support for this contract was provided by OSHA, NIOSH, and USDA.

Recommendations for first, second, and third priority actions intended to reduce the frequency and severity of explosions, were contained in the NAS report "Prevention of Grain Elevator and Mill Explosions" (Ex. 9: 40 pp. 10 through 12). The NAS panel believed (Ex. 9: 40 p. 10):

> • • • that the first-priority actions should be implemented in *all* facilities and that the second- and third-priority actions should be implemented to the extent possible depending on the specific facility.

The first priority recommendations included such items as continuing research on dust concentrations in legs; establishment of a housekeeping program, preventative maintenance program, and permit procedures for hot work; implementation of a system for indicating belt slippage and misalignment, a method to check the temperature and vibration of bearings, and a means for extracting foreign materials from grain; and, the grounding of conveying and electrical equipment. As discussed later in this notice, these recommendations constitute many of the requirements contained in the final standard.

In an effort to share information resulting from the NAS contract, USDA and OSHA have distributed many copies of the NAS reports to interested persons and groups throughout the country and placed copies in various technical information systems. For example, OSHA distributed approximately 4,000 copies of the primary NAS report, "Prevention of Grain Elevator and Mill Explosions."

On February 15, 1980, OSHA published in the **Federal Register** a request for comments and information, and notice of public meetings, concerning the safety and health hazards in grain handling facilities (45 FR 10732). Although contract efforts with NAS were underway, OSHA wanted to provide interested persons and groups an early opportunity in the rulemaking to provide views, data, and information regarding the content of a standard, should one be developed.

Responses to the notice were to be received by May 5, 1980, but due to numerous requests, the comment period was extended to June 30, 1980 (45 FR 21265). OSHA received more than 200 comments, and over 2000 pages of testimony resulted from public meetings held in Superior, WI; New Orleans, LA; and Kansas City, MO, in April–May 1980. As with the NAS reports, the information resulting from this notice helped OSHA to focus on those factors which would have the greatest potential for decreasing the number and mitigating the effects of fires and explosions in grain handling facilities.

Over the last several years, OSHA has received numerous communications regarding the inadequacy of current OSHA standards to address the hazards of grain handling facilities, and requesting the development of a specific standard for grain handling facilities. In fulfilling its mission of assuring insofar as possible that the nation's employees have a safe and healthful workplace, OSHA believed that available evidence supported the need for a standard and that adequate data and information existed upon which a standard could be based. Accordingly, on January 6, 1984, OSHA published a notice of proposed rulemaking on grain handling facilities (49 FR 996). Written comments, objections and hearing requests in response to the proposed standard were to have been received by March 9, 1984. At the request of numerous commenters, the period for receiving written comments was extended until June 8, 1984 (49 FR 6923).

In addition to requests to extend the comment period, OSHA received numerous requests to conduct a public hearing on the proposed standard. The hearing requests were submitted by various interested persons and organizations and addressed a broad range of issues. Consequently, OSHA published a notice on April 17, 1984, announcing the scheduling of a public hearing to receive testimony on the proposed standard; the availability of a supplemental economic analysis; and a request for written comments on certain issues that were of special concern to OSHA (49 FR 15093). These issues concerned extending the compliance period for housekeeping for small elevator facilities and small feed mills; the size of grate openings; and means of emergency escape in facilities. While OSHA asked for views and data on these specific issues, testimony was invited on all aspects of the proposed standard since hearing requests addressed a broad range of issues.

The hearings on the proposed standard for grain handling facilities were held in Washington, DC (June 12–14); Kansas City, MO (June 19–21); Minneapolis, MN (June 26–28); and Dallas, TX (July 10–12).

The Administrative Law Judge presiding at the hearings allowed certain specified times upon the completion of the hearings for participants to submit additional data and for filing of post-hearing comments and briefs. Additional data was to be submitted by October 10, 1984, and post-hearing comments and briefs were to be submitted by November 26, 1984. The Administrative Law Judge certified the public record for the proposed rule to the Assistant Secretary of Labor for Occupational Safety and Health on April 23, 1985.

The public record for grain handling facilities consists of material submitted to the OSHA Docket Officer by either OSHA or the public including the following:

1. Comments and testimony received in response to the request for comments and information and notice of public meetings (February 15, 1980; 45 FR 10732).
2. Comments submitted in response to the notice of proposed rulemaking (January 6, 1984; 49 FR 996).
3. Background materials collected by OSHA.

BEST COPY AVAILABLE

4. Preliminary regulatory impact and regulatory flexibility analysis, as well as the supplemental economic analysis.

5. Notices of intention to appear at the public hearings.

6. Transcripts of the public hearings.

7. Post hearing submissions.

The views of a wide range of employees, businesses, labor unions, trade associations, state officials and other interested parties are represented in the public record.

OSHA received more than 5000 comments in response to the notice of proposed rulemaking. In addition to these numerous comments, the hearing resulted in more than 3000 pages of testimony, numerous submissions of data, as well as post-hearing comments and briefs.

A substantial amount of data and information were contributed and views expressed during the rulemaking. Several major issues were raised consistently throughout the comments and testimony including the following:

1. The need for a standard;

2. Whether the standard should exclude certain segments of the grain handling industry from the standard (e.g., feed mills, small feed mills, flour mills, country elevators, processing facilities) based on alleged differences in operations and/or decreased risk to employees;

3. The economic impact of the proposed standard; and

4. The need for modification of the provisions contained in the proposed standard.

The record for this rulemaking is extensive and OSHA appreciates the time and effort expended by interested parties to ensure that as much information as possible was available to the Agency for purposes of making decisions on the final standard. In analyzing the record and preparing this final document, OSHA has carefully reviewed all of the information received, and has considered the concerns expressed by all of the parties participating in this rulemaking.

II. Agency Action

The record indicates that fire and explosion hazards in grain handling facilities have existed for many years. For example, Premo Chiotti, co-author of a literature survey on dust explosions, stated in an address to the Grain Elevator and Processing Society (GEAPS) International Symposium on Grain Dust Explosions in October 1977 (Ex. 9: 49 p. 14):

> In all of the recorded history of industrial dust explosions in the United States, grain elevators rank first in number of occurrences, people injured, and amount of property damage.

Chiotti also noted (p. 16):

> An average of 6.7 grain elevator dust explosions per year occurred in the nine years between 1938 and 1946. The following nine year period, 1947 through 1955, marked a brief lull in these disasters with an average of two explosions per year. However, the late fifties witnessed an increased frequency in grain elevator explosions, a trend which has continued to the present time.

Additionally, the record indicates that fires and explosions in grain handling facilities continue to occur. For example, the National Institute for Occupational Safety and Health in its technical guidelines for occupational safety in grain handling (Ex. 9: 136 p. 23) indicated:

> A recently updated USDA compilation includes 434 explosions in U.S. grain-handling facilities in the 25-year period from 1958 through 1982 which resulted in 776 injuries and 209 deaths. Yearly explosions ranged from a high of 45 incidents during 1980 to a low of 8 incidents during 1961 and 1965. The number of deaths per year ranged from 0 to 65, but normally was 6 or less. Chiotti and Verkade and the USDA both reported the lack of an accurate, comprehensive, and uniform reporting system, indicating that many additional incidents may not have been recorded.

More recent data from USDA for 1983 shows 13 explosions, no deaths and 14 injuries; for 1984, 20 explosions, nine deaths and 29 injuries; and for 1985, 22 explosions, four deaths and 20 injuries. (Additional examples of incident information supporting the need for a standard may be found in the record in the following exhibits: Ex. 9: 6, 14, 15, 18, 27, 33, 49, 90.)

In supporting the need for a safety standard based on the fire and explosion experience of the industry, a representative from the Oil, Chemical and Atomic Workers, whose membership includes grain workers, (Tr. 589–6/13), remarked:

> * * * the history of work in this industry has been a long and sometimes tragic story. For years, workers in elevators and other grain handling facilities have been "held hostage" to the fear of a devastating explosion or fire which might snuff out their lives, or worse, leave them disfigured, disabled and psychologically scarred from the unimaginable tragedy of being burned.

Another union group, the Food and Allied Services Trades Department, stated (Ex. 213, p. 3):

> Fortunately for workers, the record of the grain handling rulemaking contains extensive evidence and testimony which supports and requires OSHA to issue a meaningful final regulation.

However, various commenters and persons testifying from the industry stated their belief that the industry has made significant advances in recent years toward the resolution of the problem of fires and explosions in grain handling facilities and, consequently, have questioned the need for a standard (e.g., Ex. 14: 1112, 1135, 1213, 1424, 1436, 1635, 2056, 2081, 2119, 2487, 2529, 2803, 2896, 3024, 3484, 3604, 3634, 3939; Ex. 215). For example, the National Grain and Feed Association (Ex. 14: 1472 p. 2), stated:

> The industry has demonstrated its commitment to safety. This was accomplished without specific OSHA grain handling safety standards. A much more effective approach has been taken by the industry—through research, safety education and training programs. These programs provide the motivation to actually improve safety. OSHA's proposed safety standards and rules are not the answer—they could, in fact, detract from safety because they are in many instances misdirected, technically infeasible and costly.

Another commenter, representing Cargill, a large grain company, (Ex. 14: 1845), observed:

> Given the industry's concerted efforts to improve elevator safety and its long-term safety record, the proposed rules are especially troublesome.

However, the Food and Allied Service Trades Department took the position that (Ex. 213, p. 3):

> The record demonstrates: the need for a comprehensive standard for all segments of the grain handling industry; the need for a specific level of dust to be included in the standard's housekeeping provision; the inadequacy of sweeping once a shift for dust control; and the feasibility of a standard in all areas of the industry.

OSHA acknowledges the efforts of the industry directed toward improving safety in grain elevators, and commends these industry efforts, which include the GEAPS training programs and the NGFA's research program. The Agency also fully endorses the importance of training and education, as evidenced by the inclusion of training provisions in the proposed and final standard. Further, OSHA believes a continuing research program will be of overall benefit to the whole industry. However, OSHA believes that these approaches alone are not sufficient to deal with the risks of fires and explosions in grain handling facilities.

As discussed previously, certain elements are necessary for a fire or explosion to occur. The record indicates that the elements of air, dust, and confinement continuously exist in grain handling facilities and the additional element of an ignition source either exists or may be readily introduced into all grain handling facilities. OSHA's expert witness on dust, Mr. Murray Jacobson, stated (Tr. 125–6/12):

> Potential dust explosion hazards exist wherever combustible dusts are made, handled, processed or accumulated, and dust explosions have occurred persistently in a wide variety of industries including the agricultural, mining, plastics, chemicals and metals.

The National Academy of Sciences (NAS) observed (Ex. 9: 40 pp. 21, 32) that three elements for explosions always exist in grain elevators and mills—air, dust, and confinement. Further, NAS noted that ignition sources will always exist or be brought into these facilities.

Finally, the National Institute for Occupational Safety and Health asserted (Ex. 9: 136 p. 3) that the danger of fires and explosions is "ever-present in the industry because of the physical characteristics of organic dust that is generated while handling and processing grain."

Based on the record, therefore, it is OSHA's position that the elements necessary for fires and explosions exist continually in grain handling facilities; and, OSHA has concluded that the potential of fires and explosions resulting from these elements presents a significant risk to employees in these facilities.

OSHA indicated in the notice of proposed rulemaking (49 FR 996) that the death and injury experience described in the record was compelling evidence that OSHA needed to take action to reduce or eliminate deaths and injuries and, accordingly, determined there was a need for a mandatory standard to mitigate the problem of fires and explosions and other safety hazards in this industry.

Also, OSHA believes that the standards contained in the OSHA General Industry Standards (29 CFR Part 1910) have been, and continue to be, inadequate in reducing death and injuries to employees in the grain handling industry. Further, certain hazards that pose risks to employees in grain handling facilities are not directly addressed at all by the current General Industry Standards. These hazards include grain dust explosions and fires; entry into bins, silos and tanks; and the hazards of being caught inadvertently in moving machinery.

The available data indicate that the problems of fires and explosions continue to persist, and that the voluntary methods suggested by the industry, while beneficial, have not been successful in eliminating the significant risk to employees.

OSHA carefully evaluated what control measures in grain handling facilities would reduce the number and mitigate the effects of fires and explosions in grain handling facilities and would, consequently, reduce exposure of employees to the risk of injury or death. OSHA determined that several of the elements necessary for fires and explosions would be very difficult if not impossible to control (air, confinement). OSHA also determined that the remaining elements, ignition sources and dust, could be controlled to a greater extent.

The National Academy of Sciences stated (Ex. 9: 40, pp. 31, 32):

> To forestall a dust explosion it is necessary to prevent the sequence of events that can lead to the simultaneous occurrence of the conditions for an explosion * * *. Some of these conditions are always present and some occur from time to time and their frequency of occurrence can be reduced; however, none can be totally eliminated.
>
> Since none of the conditions can be totally eliminated there is no single, simple process for preventing explosions. On the other hand, applying what is known about the hazard can reduce the risk to a more tolerable level.
>
> Since grain dust is the fuel for an explosion, decreasing the amount of dust present at all points in a grain-handling structure is the most important "mechanical" step to be taken and will produce the greatest results.
>
> Reducing the number of ignition sources to a minimum is the second most important method of prevention. Like dust, sources of ignition always will exist in or be brought into an elevator.

OSHA's expert witness on explosions in grain handling facilities, Dr. C.W. Kauffman, noted at the hearing (Tr. 138, 162–6/12):

> Air is ubiquitous and the scale of required inerting would be quite large * * * confinement can be dealt with most easily during construction of a facility.
>
> We know what to do, we know why the explosions occur, and it's simply a question of taking care of these ignition sources and the dust available.

OSHA agrees with these comments and believes that the control of fuel (dust control) and the control of ignition sources in grain handling facilities can be effective in reducing the hazard of fires and explosions. OSHA has also determined that these control methods are both technologically and economically feasible, and they are being included in the final standard.

OSHA drew upon available data and information to develop the proposed standard and included safety controls and measures OSHA believed would be technologically and economically feasible, would be effective in decreasing the number and mitigating the effects of fires and explosions, and would be effective in reducing employee injuries and deaths resulting from these hazards. OSHA's expert witness on the grain industry, Robert Hubbard, stated his belief (Tr. 215–6/12):

> This proposed regulation is not lengthy or complicated. I believe it contains those things which loss control programs should include, and I believe it will be effective and feasible.

Another OSHA witness, Leland Hall, who for many years was employed by a grain facility insurer, was asked if the implementation of the required precautions of the proposal would have a significant effect in reducing fires and explosions throughout the industry. The witness responded, "If they are properly installed and properly used, yes" (Tr. 406–6/13).

Additionally, Factory Mutual Research Corporation submitted the following comment (Ex. 14: 51):

> In general our philosophy and recommendations for property damage parallel those in this proposed standard by OSHA.

As discussed in the notice of proposed rulemaking (49 FR 998), information available to OSHA (Ex. 9: 16, 17, 18, 19, 136) also indicated the existence of safety hazards other than fire and explosion hazards in grain handling facilities, i.e., those associated with entry into bins, silos and tanks and the repair and maintenance of mechanical systems. Accordingly, OSHA included criteria in the proposal which addressed these safety hazards. While these hazards may not be unique to this industry, present OSHA standards do not adequately address these hazards. Therefore, OSHA believes minimum precautions are appropriate, and such precautions are included in the final standard.

In conclusion, OSHA has determined that the hazards associated with fires and explosions in grain handling facilities have existed for many years; that employees continue to be exposed to the hazard of fires and explosions as well as to other hazards; that incident information and other relevant information and data demonstrate that these hazards pose significant risks to employees in grain handling facilities; and, that feasible control measures are available that will reduce these risks of employees being injured or killed. The final standard reflects this determination and contains provisions which address the hazards of: Fires and explosions (dust control, ignition source control, employee emergency action, etc.); bin entry (permit, bin entry precautions, etc.); and, moving

VOL 52 ISS 251 DEC 31 1987 UMI

machinery (lock-out and tag-out procedures, and training).

OSHA is convinced that compliance with the final standard provisions, in conjunction with current General Industry Standards, will mitigate many of the hazards present in the grain handling industry. As a result, OSHA believes the risk of death or injury to employees in this industry will be significantly reduced.

III. Summary and Explanation

This section contains an analysis of the record evidence and policy decisions pertaining to certain general issues of the standard, as well as the various provisions of the standard.

The Occupational Safety and Health Act (OSH Act) defines an occupational safety and health standard as a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

Under section 6(b) of the OSH Act, the Secretary (of Labor) may by rule promulgate, modify or revoke any occupational safety and health standard in a prescribed manner. One consideration concerns the national consensus standards. Section 6(b)(8) of the OSH Act states that:

> Whenever a rule promulgated by the Secretary differs substantially from an existing national consensus standard, the Secretary shall, at the same time, publish in the **Federal Register** a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

In this instance, there exist three separate national consensus standards which address the prevention of fires and explosions in grain facilities. These are the American National Standards Institute/National Fire Protection Association (ANSI/NFPA) standards 61B, grain elevators and facilities handling bulk raw agricultural commodities; 61C, feed mills; and 61D, the milling of agricultural commodities for human consumption. These consensus standards prescribe requirements for safety to life and property from fire or explosions, and apply only to facilities on which construction was begun after the consensus standards were published. They contain no provisions for preexisting facilities.

The OSHA final standard differs in several ways. OSHA has developed a single standard to apply to all grain handling facilities, including existing facilities, which addresses only employee safety, and not property protection. Further, the final standard, in addition to addressing fires and explosions, addresses other safety hazards (e.g., bin entry).

OSHA believes that this final rule will reduce the number of employees injured and killed in existing and new grain handling facilities due to fires and explosions, and will reduce the number of employees injured and killed due to other safety hazards. Therefore, OSHA believes this final standard will better effectuate the purposes of the OSH Act.

One general objection received during this rulemaking concerned the use of the phrase "the employer shall assure" in numerous provisions of the proposed standard (e.g., Ex. 14: 7, 20, 401, 1112, 1849, 1871, 2115, 2119; Tr. 397–6/21).

This language was intended to draw attention to the employer's obligation under the OSH Act to comply with occupational safety and health standards promulgated by OSHA.

While, in light of the objections, OSHA is deleting this introductory phrase, it is important to note that the employer's obligation as noted remains the same.

Scope: Paragraph (a). In paragraph (a), OSHA identified the scope of the proposed standard. The proposed standard contained requirements for the control of fires, explosions and other known safety hazards associated with grain handling facilities in general industry and maritime employments. Based on the record, OSHA has made several changes to this paragraph.

OSHA received numerous comments and testimony (e.g., Ex. 14: 1472, 1849, 1871, 2135, 3025, 3251) regarding the terminology "hazards associated with grain handling facilities in general industry and maritime employments." Commenters noted that the implied distinction that some employees in grain handling facilities are maritime employees would be confusing to employers and employees.

For example, one commenter, the Grain Elevator and Processing Society (Ex. 14: 1849 p. 6), stated:

> The terms "grain handling facilities" and "maritime employments" should be deleted. The basic purpose of grain handling facilities is to receive, store and ship bulk raw grain. Employees at grain handling facilities are not maritime employees * * *. GEAPS suggests that these terms be deleted.

Another commenter, from Continental Grain Company (Ex. 14: 3251 p. 3), remarked:

> We believe the statement of scope should end with "grain handling facilities" and the reference to general industry and maritime employments should be deleted. The location of a grain handling facility, either inland or on water, has no direct bearing on the meaning of a grain handling facility.

Finally, the United States Brewers Association Inc. (Ex. 14: 2135) added:

> To consider grain handling facilities that are located in ports or on navigable waterways as "maritime employment" sets a confusing, redundant and contradictory definition to a grain handling facility with the basic purpose of receiving, storing and shipping bulk raw grain.

OSHA's intended purpose in specifying maritime employments was to assure that interested persons were aware that facilities included in the coverage of the marine terminal standard (29 CFR Part 1917) would be subject to the grain handling facilities standard. However, OSHA did propose to incorporate the grain handling facilities standard by reference (§ 1917.1(a)(2)(ix)) into the marine terminal standard, which makes the terminology "maritime employment" unnecessary. Therefore, OSHA has eliminated the terminology from the final standard to eliminate potential confusion. The standard applies to grain facilities regardless of their location inland or on or near water.

With respect to the incorporation by reference of the grain standard into the marine terminal standard, several commenters (Ex. 14: 1112; 1472; 1849; 1871) suggested that duplicating or conflicting requirements may exist in the marine terminal and the grain standards. Additionally, they contended that employers and employees may be unnecessarily confused unless OSHA clarifies which standard takes precedence. For example, a commenter from Continental Grain Company (Ex. 14: 3251 p. 3) stated:

> We strongly suggest that OSHA clarify that innovations found in 1910.272 [the grain standard] take precedence over all similar requirements found in 1917. Without doing so, OSHA will be creating monumental compliance problems for grain elevator operators located on waterways, increasing the cost of compliance and most importantly, detracting from effective safety efforts.

The Grain Elevator and Processing Society (Ex. 14: 1849 p. 6) remarked:

> GEAPS suggests that it be made clear that the provisions of 1910.272 will take precedence over any requirements of 1917 which address the same or similar hazards.

OSHA's intention is that the grain standard takes precedence inside the grain handling facility over other provisions in the marine terminal standard (as it does with regard to other provisions in Part 1910 for facilities in general industry) for the specific hazards the grain standard addresses.

For example, the provisions in the grain standard for entry into bins, silos and tanks supersede provisions in the marine terminal standard as they relate to entry into bins, silos and tanks (§ 1917.23). Those subjects not specifically addressed by the provisions of the grain standard would be covered by the marine terminal standard if applicable (e.g., § 1917.117, Manlifts).

Additionally, OSHA would like to make it clear that grain handling facilities in agriculture, i.e., establishments which are primarily engaged in the production of crops or livestock, such as farms or feed lots, are not covered by this final standard.

Application: Paragraph (b). In paragraph (b), Application, OSHA proposed that the standard apply to all grain elevators (including those that are adjuncts to mills), dust pelletizing plants, feed mills, rice mills, flour mills, and corn and soybean milling operations, although some provisions were applicable only to grain elevators (such as provisions for grain dryers and bucket elevators).

OSHA invited comment in the notice of proposed rulemaking on various aspects of the applicability of the standard as proposed. One aspect of concern was the appropriateness of covering diverse types of operations by a single standard. It has been suggested that because the function, design, equipment, and conditions in mills vary significantly from those of a grain elevator, they should not be included in the same standard. For example, the National Institute for Occupational Safety and Health observed in its study concerning grain elevators and feed mills (Ex. 9: 136, pp. 6, 7):

> Incoming grain is generally received by truck or rail, or in some cases, from an adjacent grain elevator. Receiving operations in mills are very similar to those in grain elevators. However, receiving areas tend to be smaller, are less likely to have facilities such as truck dump platforms, and generally have much lower handling rate capacities.
>
> Grain and feed handling is accomplished by bulk conveyors and bucket elevators. Systems are generally much smaller and slower than those in grain elevators. Drag and screw conveyors are used more extensively and some ingredients may be transferred pneumatically.
>
> Dust-control equipment may be provided in areas of high dust generation, such as receiving areas. Dust generation tends to be much less in feed mills than in grain elevators because of slower grain transfer speeds, less grain handled, and the tendency to use enclosed conveyors.

Many participants in the rulemaking (e.g., Ex. 14: 98, 1025, 1304–1307, 1413, 1575–1581, 1604, 1845, 1880, 2135, 2245, 2787–93, 3598, 3724, 4017; Tr. 614–6/14; Tr. 646–6/14) stated that feed mills and/or other mills (and processing plants) should not be included in a standard with grain elevators. They asserted that segments of the grain industry differ widely in operations, conditions and risks. For example, one commenter from Cargill (Ex. 14: 1845 p. 2) noted:

> As a starting point, the proposal should be revised to exclude feed mills, flour mills and other milling and processing operations. Grain and processed commodities are different substances, and grain-handling operations are very different from milling. Each industry has its own, different safety requirements, and the two should not be lumped together in standards of this sort.

Further, the United States Brewers Association (Ex. 14: 2135) remarked:

> This standard should apply only to facilities or portions of facilities that are engaged in the handling (receiving, storing and shipping) of bulk raw grain that has not or is not being processed or milled.
>
> The inclusion of milling and processing operations expands the scope of the standard into areas with different operations, equipment and working conditions. * * * The broad application of this standard would do little to prevent grain elevator explosions and result in vague and complex language which would make compliance difficult for operations unique to producing grain products.

Numerous commenters also addressed the various *differences* between mills and grain elevators. For example, the American Feed Manufacturers Association (Ex. 212, pp. 14,15) indicated:

> * * * feed manufacturing facilities typically operate at a much slower speed and have a smaller capacity than a grain elevator. Feed mills generally run year round with little seasonal change allowing for more systematic and scheduled maintenance of equipment.
>
> * * * feed mills typically use a myriad of ingredients, most of which are much less explosive than grain dust. Some of the ingredients are inert fire retardants, such as limestone and bentonite. Other non-explosive and non-flammable ingredients include salt, dicalcium phosphate, monocalcium phosphate, and trace minerals. Feed mills also use a large number of non-flammable liquid ingredients such as molasses, mineral oil, and water soluble ingredients which further reduce the explosibility or flammability of the grain and its dust generation potential. The pelleting process commonly used in feed manufacturing necessitates the inclusion of steam or water to the ingredients, further reducing the risk of explosion or fire.
>
> Raw bulk grain is only a small part of the total ingredient mix used in a feed mill. Soybean meal, animal by-products such as meat and bone meal, dehydrated alfalfa, corn gluten meal, beet pulp, and sugar are just a few of the many major ingredients used to produce livestock and poultry feed. All of these ingredients are significantly less explosive and flammable than bulk grain dust.

A commenter from Continental Grain Company (Ex. 14: 3251, p. 5) observed:

> A small number of older feed mills * * * may have a separate and distinct segment where bulk raw grain is received and stored. These segments, if meeting the definition of a grain elevator could be covered by the standard. The manufacturing operation which principally involves mixing and pelletizing, uses a number of non-grain ingredients including vitamins, drug additives, liquids such as molasses, minerals, salt, etc., all of which are combined with the ground grain product to make animal feed. These ingredients and any dust liberated from them do not present the problem associated with grain dust. These areas (feed mills) should not be included in the application of the standard. Unless a specific separate segment can be identified as a grain elevator, feed mills should *not* be included under this standard.

A representative from AgriBasics Company (Ex. 14: 4180) noted:

> One of the major differences between these two facilities is that most feed mills probably handle somewhere between 25 and 50% grain, whereas grain elevators handle 100% grain.
>
> Grain elevators move grain and its component contaminates at speeds in the neighborhood of 40–50,000 bushels an hour where feed mills normally are content with 5–10,000 bushels per hour.

The Millers' National Federation (Ex. 14: 1524 p. 7), which has indicated that it represents 80% of the flour milling capacity in the United States, remarked:

> A flour mill and grain elevator are very dissimilar in design, construction and function. A grain elevator unintentionally creates dust as grain is handled. A flour mill intentionally grinds and sifts wheat to produce flour. In order for processing equipment to function smoothly, the temperature and humidity within a flour mill must be controlled. To separate the endosperm from the wheat bran and germ, the wheat must be dampened (tempered) with steam or water to about 18% moisture. All working areas must be kept free of dust to prevent infestation and to produce a wholesome product. Both FDA and the Department of Agriculture have stringent housekeeping and infestation standards which apply to mills.

It has also been suggested that mills have a smaller risk of death and injury from explosions than grain elevators and, therefore, should not be included in the same standard with grain elevators.

OSHA performed an analysis of the risks due to explosions associated with various segments of the grain handling industry for the period 1974 through 1984. The following table derives from data available to OSHA and contains the number of facilities, employees,

explosions, deaths, and injuries associated with each grain industry segment for this period (1974–1984).

Type facility	Number	Full-time employees	Explosions	Deaths	Injuries
Grain elevators	14,000	79,395	186	141	368
Feed mills	9,000	80,674	32	16	96
Soybean mills	80	2,000	5	0	1
Flour/other grain products	360	11,400	3	1	10
Rice mills	68	4,400	3	1	2
Totals:	23,508	177,869	229	159	477

If all mills are combined into a single category, the totals for this eleven year period are: 43 explosions, 18 deaths, and 109 injuries. The totals for grain elevators for the same period are: 186 explosions, 141 deaths, and 368 injuries. A simple comparison of this data reveals that the totals associated with mill explosions are three to four times lower than those associated with grain elevator explosions.

OSHA also calculated the average number of deaths and injuries resulting from explosions for this eleven year period. For mills these figures are: 18 (deaths) and 109 (injuries)/11 (years) or, an average of 11.54 deaths and injuries per year resulting from mill explosions. For grain elevators these figures are: 141 (deaths) and 368 (injuries)/11 (years) or, an average of 46.27 deaths and injuries per year resulting from grain elevator explosions.

In further analysis, the Agency computed an explosion incident rate per 100 full-time workers for grain elevators and for mills. It is important to note that comparison of these rates with incidence rates of other industries would not be valid because these grain facility rates reflect the risks associated only with explosions and not other safety hazards. However, these rates are useful in comparing the relative risks between segments within the grain handling industry (i.e., mills compared with grain elevators). Using the data contained in the above table, the incident rate per 100 full-time workers can be computed by using the Bureau of Labor Statistics (BLS) formula. The BLS occupational incidence rates are computed on the basis of 100 workers, each working 2,000 hours a year. The formula is as follows.

(N/EH)×200,000=incidence rate per 100 full-time workers where

N=number of injuries and illnesses (including deaths) or lost workdays.

EH=total hours worked by all employees during calendar year.

200,000=base for 100 full-time equivalent workers (working 40 hours per week, 50 weeks per year)

Using this formula, the incidence rate per 100 full-time workers for deaths and injuries (from explosions only) for 1974–1984 period would be for grain elevators:

$46.27/(79{,}395\times2000)\times200{,}000=.058$

and, for mills:

$11.54/(98{,}474\times2000)\times200{,}000=.012$

For ease of comparison, these rates can also be expressed in terms of 100,000 full-time workers. This results in an incidence rate of 58 per 100,000 full-time employees for grain elevators, compared to an incidence rate of 12 per 100,000 full-time employees for mills. This analysis indicates that the risk of an employee death or injury resulting from an explosion is almost five times greater in grain elevators than in mills.

OSHA has concluded from its risk analysis, and from information submitted to the record, that there is a significant risk of harm to employees working in grain elevators and mills. However, OSHA has also concluded that operational differences between mills and grain elevators, result in different and lower, but still significant, risks for mills.

In mills, grain handling rate capacities are generally lower than grain elevators. Bulk conveyors and bucket elevators are usually smaller and slower then those in grain elevators. Because of slower grain transfer speeds and less grain handled, dust generation tends to be less in mills than in grain elevators.

To reflect these differences in operation and in the relative risks of fires and explosions, the application of the final standard is somewhat different for mills than it is for grain elevators. The final standard does not impose specific requirements on bucket elevators (process legs) in mills; and, although mills are required to have a written housekeeping program, the ⅛ inch action level for dust accumulations (described later) does not apply to mills.

During this rulemaking, much has been made of the argument that small elevator facilities have a lower accident and injury rate from explosions and fires than do larger facilities, and should therefore be subject to less stringent or no regulation. The available data are not sufficient to permit an accurate estimate of the relative risks in large and small elevators. While OSHA was able to calculate death and injury incidence rates (based on hours worked) for elevators and mills, it is not possible to make such calculations by size of facility. The discussions of accident and injury experience by size have focused on annual numbers of explosions, deaths or injuries. For example, OSHA estimates there are about eight small explosions (defined as an explosion with fewer than 15 casualties) per year among the 12,000 grain elevators with a capacity of less than one million bushels, compared with about ten per year among the 2,000 facilities with a capacity of 1 million or more bushels. Thus, the risk of explosion in the larger elevators appears to be about eight times higher than the risk in small elevators.

The use of an entire year as a basis for determining the severity of hazards in the grain industry, however, tends to understate the hazards for much of the industry, primarily for small facilities. While large grain handling facilities, such as export elevators, operate virtually all year long (with exceptions due to weather conditions, such as on the Great Lakes), and employees are exposed to fire and explosion hazards throughout the year, many so-called "country elevators" operate primarily during harvest seasons, with short periods of intensive effort. Correspondingly, when these efforts are concluded, the facility essentially goes down to a much lower and safer level of activity and some go out of operation for perhaps months at a time. The effect of this pattern of operation on accident and injury data is to take several months of intensive operation and average the accidents and injuries of the partial year over the full 12-month period, thus, providing a significant underestimate of incidence rates for the small elevators.

During periods of intense operation, when elevators are receiving and moving grain, OSHA has concluded that the *potential* risks of death and injury from fires or explosions are similar for both small and large grain handling facilities. The fact that small facilities may shut down for significant periods during the year does not obscure the fact that workers face the same hazards during grain handling periods in small facilities as they face in large facilities.

Another misleading aspect of the available data involves the emphasis on injuries and fatalities to the exclusion of total numbers of fires and explosions. OSHA recognizes that many fires and explosions occur in grain handling facilities which, fortunately, do not result in injury or death to employees. There are many factors involved in explaining this phenomenon, such as findings that the employees are simply at a different part of the facility when the dust ignites. There is nothing predictable about whether a grain handling facility will have a fire or explosion when employees are at any given place within the facility. The only constant is that the fires and explosions take place when the facility is or has been moving grain, and dust has been liberated from the grain stream. Employees are at some part of the facility during that activity, and it is largely a matter of chance that exposes some employees to the explosion and spares others. As the NAS report made clear, and as Murray Jacobsen testified at the hearing, there is no way to predict when an explosion will take place, once all the elements of a grain dust explosion are present in a facility. Thus, it is necessary to look beyond the numbers of injuries and fatalities alone in order to determine the true magnitude of fire and explosion hazards to employees in grain handling facilities. Because of the chance element involved with employee exposure to the hazards, OSHA must view any fire or explosion at a grain handling facility as having the potential to injure or kill employees. Accordingly, it is the total number of fires and explosions that occur in grain handling facilities, both large and small, and not just the reported numbers of deaths and injuries, that provide a complete picture of the risks to which grain handling employees are exposed.

After careful consideration of these factors, OSHA has concluded that the *potential* risks of death and injury from fires or explosions are similar for both small and large grain handling facilities.

OSHA requested information on how to reduce the high cost of compliance for small facilities without reducing the protections afforded by the standard. Country elevators, the category of elevators comprising the smallest elevators, make up the vast majority of all grain elevators. OSHA specifically defined a small elevator facility in the proposal in order to provide special consideration to smaller facilities. OSHA defined a "small elevator facility" as a grain elevator which has less than one million bushel storage capacity and which had less than a four million bushel throughput during the previous 12 month period. Using this criteria, it was estimated that of a total 11,200 elevators (not including mill elevators), some 9,500 elevators fit the definition of "small elevator facility." It was further estimated that of the 11,200 elevators, 10,400 had less than ten employees. A survey conducted under the auspices of the National Grain and Feed Association estimates that the average number of employees in country elevators is five (Ex. 44 p. 5), and the National Institute for Occupational Safety and Health estimates between two and four employees.

In addition to certain considerations given to all elevators in the proposal (such as delayed compliance with certain provisions), OSHA also proposed a three year delay for a small elevator facility to comply with the major housekeeping provision in the proposed standard to mitigate the economic impact on small elevators. Many participants in the rulemaking representing country elevators (not all of which would meet the proposal's definition of small elevator facility) objected to being included in the application of the standard. Many of these participants also argued that if OSHA did determine that their facilities would be covered by the final standard, then special considerations should be given to country elevators, including various modifications of the standard and delaying the effective date of the standard for three years (e.g., Ex. 14: 114, 124–135, 138–165, 1032, 1433, 1470, 2196, 3395).

Participants in the rulemaking cited several reasons for their belief that country elevators should not be covered by the grain handling standard, or at a minimum, be given special considerations under the standard. Participants contended that country elevators are different than larger elevators (slower speed and smaller capacities) and, consequently, have fewer explosions; that the proposed standard would not decrease the number of fires and explosions and, therefore, would not improve employee safety and health; and, that country elevators would bear a disproportionate cost of the standard based on risks and this cost may well be economically devastating.

Various participants in the rulemaking agreed with the Office of Management and Budget's (OMB) observations regarding the coverage of country elevators in the standard (e.g., Ex. 14: 1444, 1470, 1841, 2115, 2119, 3265). OMB remarked (Ex. 14: 104 p. 25):

> * * * Risk rates are substantially higher in the large elevator segments * * * than in the other segments of the industry * * *. It is important to understand the reason for this difference in risk rates between segments in order to properly tailor the final regulation to the hazard environment of the industry.

Further, OMB noted (p. 26) that:

> * * * analysis suggests that the standard should only be applied to large- or high-throughput elevators. This segment is where significant risk exists.

Numerous participants suggested alternative ways of defining small elevators (e.g., Ex. 14: 59, 72, 1833, 1853, 1874, 2115, 2119, 2563, 4078, 4179; Tr. 285, 333–6/21; Tr. 122–7/10). One commenter, Quincy Soybean Company (Ex. 14: 17), suggested that a small elevator facility be defined as:

> * * * a grain elevator which has less than one million bushel storage capacity *or* less than a four million bushel annual throughput. Throughput will be based on the most recent three year average.

Further, many participants suggesting an alternative to OSHA's definition for small elevator facility recommended that these facilities be exempted from coverage under the standard, or at a minimum, that coverage be delayed for several years (e.g., Ex. 14: 114, 124–135, 1433, 2099, 2813–2838, 3075, 3126, 3597). One of these commenters, Northwest Agri-Dealers Association (Ex. 14: 1470, p. 4), remarked:

> It is the recommendation of Northwest Agri-Dealers Association that country elevators be exempt from these standards. The definition of a country elevator should be a facility having less than 2.5 million bushels storage or a throughput of less than 10 million bushels.

Another commenter, Pomeroy Grain Growers, Inc. (Ex. 14: 2196), stated:

> I therefore support the suggestion made by some others that these standards not apply to small grain and feed elevators.

Further, the commenter noted (p. 2):

VOL 52 ISS 251 DEC 31 1987 UMI

If these regulations must apply to anyone, all effective dates should be set at least 3 years after publication of final standards.

The predominant recommendation from commenters was to exempt elevators with a 2.5 million bushel capacity or a ten million bushel throughput (e.g., Ex. 14: 116–120, 1433, 1470, 1874, 2099, 3075, 3126, 3395, 3700; Tr. 94, 281–6/27; Tr. 9–6/28). Commenters based their recommendation on a 1978 amendment to the Clean Air Act exempting from coverage elevators with a 2.5 million bushel storage capacity. One commenter (Ex. 14: 2115), who recommended an exemption for elevators with a 2.5 million bushel permanent storage capacity and more than a ten million throughput, suggested that facilities which might later expand beyond the 2.5 million bushel capacity should still retain the exemption.

As discussed above, OSHA believes that employees in grain facilities of all sizes are exposed to similar risks from fires and explosions (as well as to other known safety hazards). In its technical guidelines (Ex. 9: 136 p. 3) NIOSH noted:

> Fires and explosions in these facilities have been reported in this country and abroad for almost 200 years. This danger is ever-present in the industry because of the physical characteristics of organic dust that is generated while handling and processing grains.

NAS observed after studying the causes and prevention of fires and explosions in grain elevators and mills (Ex. 9: 40 p. 13):

> The panel found that the potential for grain dust explosions existed in every elevator and mill it visited. An extrapolation to the approximately 15,000 elevators existing in this country at present indicates the potential magnitude of the problem.

In the Agency Action section of this preamble, OSHA expressed its belief that based on the record a standard needs to be developed to assure, to the extent possible, safe and healthful working conditions in all grain facilities, and that the standard can be feasible. Therefore, OSHA does not agree that smaller elevators should be completely exempted. OSHA has been persuaded by participants in the rulemaking, however, that special considerations should be given to smaller elevators based on considerations of feasibility.

Further, OSHA believes that a grain elevator with a 2.5 million bushel capacity is a large facility regardless of whether it is termed a country, terminal, or export elevator. The NAS study (Ex. 9: 40 p. 17) observed:

> Elevators vary in size from 400,000 to 800,000 bushels for the average storage capacity of country elevators (some may be smaller or considerably larger) * * * to an average of about 4 million for those terminal elevators registered under the Uniform Storage Agreement in 1976 * * *. Eighty-seven percent of export elevators have a storage capacity greater than 2 million bushels, with some exceeding a 10 million bushel capacity * * *.

NIOSH (Ex. 9: 136 p. 3) noted:

> Storage capacities vary widely; however, country elevators typically have capacities of 100,000 to 1,000,000 bushels * * *. Inland terminals and export terminals are normally the largest facilities, reaching capacities of over 10,000,000 bushels.

OSHA has decided to retain the less than one million bushel storage capacity as a reasonable representation of a small elevator. However, for the reasons noted in the discussion of risks above, OSHA is not using this figure to provide a total exemption from coverage for small elevators. Rather, as discussed with regard to paragraphs (p)(5) through (p)(7) below, this size is used to provide relief from specific equipment requirements in the final standard .

OSHA has decided to eliminate the use of throughput as a determining factor for small facilities. One commenter, Landmark, Inc. (Ex. 14: 3265 p. 11), observed:

> A through-put test would place elevators in constant jeopardy of being found "country elevators" one day and "regulated elevators" the next. Regulations cannot be based upon such a vacillating standard. Thus, Congress wisely chose to predicate its definition on storage capacity of elevators (which is fixed) as opposed to through-put (which is variable). [Reference to the Clear Air Act]

OSHA fully agrees with this observation and accordingly has eliminated "throughput" as a determining factor of what constitutes a small elevator facility.

As indicated, one of the most pressing concerns raised by representatives of country elevators was the economic burden imposed by the requirements of the standard on smaller facilities. Commenters and persons testifying contended that they would bear a disproportionate cost of the standard based on risks in these facilities and that these costs would be difficult for smaller facilities to absorb. For example, one commenter, ICM Grain Company (Ex. 14: 3024), noted:

> We strongly support the concept of a safer industry and a safe workplace for our employees. However, it is critical that we emphasize the tremendous impact this proposed standard will have on the overall Agri-Business Community. This aspect seems to have been overlooked. The proposed standards will affect farmer-producers and all who supply goods and services to them. We ask that you give much greater attention to this aspect of the standards.

U.S. Congressman Tom Tauke (Ex. 14: 3177) indicated:

> We certainly agree that every effort must be made to minimize the number of deaths and injuries in these facilities. However, I am concerned that the expenditure of the funds necessary to bring the industry into compliance will require an excessive initial investment and such a large annual operating cost that many facilities will be hard-pressed to continue.

Additionally, the National Grain and Feed Association (Ex. 14: 1472 pp. 8–9) remarked:

> The preamble to the proposed rules states that there is a "considerably lower likelihood of death in small facilities." Yet the total cost of the standard proposed by OSHA would be highest for small facilities. Many of these facilities will have to cease operations if the standard, as proposed, is adopted.
>
> OSHA must recognize the extreme economic burden of the proposed standard upon smaller and many existing facilities and provide economic relief in the form of exemptions, grandfathering and time extensions for compliance.

Finally, The Hall Grain Company (Ex. 14: 382), also concerned about the economic impact, stated:

> There must be a balance between proposals and safety that results in a commonsense approach which will benefit the safety of the worker while not crippling the employer. After all, if you put the employer out of business and the employee loses his job, nothing has been accomplished * * *.

(See other examples Ex. 14: 12, 24, 382, 420, 1425,1472, 1586, 1836, 1874, 2081, 2099, 2115, 2141, 2526, 3013, 3261, 3527, 3700, 4149; Tr. 285–6/21; Tr. 4, 5–6/28).

Commenters have convinced OSHA that special practical considerations must be given to smaller elevators based on the Agency's concerns about the economic feasibility of the proposal. It was not OSHA's intention to so burden smaller elevators that their very existence was threatened. U.S. Congressman Byron L. Dorgan (Ex. 14: 3178 p. 1, 2) remarked:

> * * * I urge strongly that OSHA develop a two-tiered grain dust standard that will allow the country elevators in this country to comply with the standard and be a safer work place without imposing intolerable investment that could ultimately bankrupt many of them.

OSHA agrees with this commenter and has incorporated a two-tiered system for certain provisions in the final standard based on the permanent storage capacity of the facility, making it unnecessary to retain the definition of "small elevator facility" as proposed in

§ 1910.272(c)(10). In the final standard OSHA is allowing grain elevators with less than one million bushel permanent storage capacity greater flexibility and an increased use of alternatives in the requirements for bucket elevators (discussed later in this notice). OSHA believes these separate considerations will relieve the excessive burden on small elevators while still enhancing employee safety and health.

Definitions: Paragraph (c). Paragraph (c) contains the definitions of terms as they are used in this section. Three proposed definitions have been deleted from the final standard, and one new definition has been added. Therefore, it is necessary to renumber the proposed paragraphs as follows:

Proposal	Final
(c)(1) Acute debilitating health effects.	Deleted.
(c)(2) Choked leg	Retained as (c)(1).
(c)(3) Fugitive grain dust	Retained as (c)(2).
(c)(4) Grain elevator	Retained as (c)(3).
(c)(5) Hot work	Retained as (c)(4).
(c)(6) Inside bucket elevator	Retained as (c)(5).
(c)(7) Jogging	Retained as (c)(6).
(c)(8) Lagging	Retained as (c)(7).
(c)(9) Partially-inside bucket elevator.	Deleted.
(c)(10) Small elevator facility	Deleted—new term "permit" (c)(8).

Paragraph (c)(1) of the proposal defined the term "acute debilitating health effects." Several commenters (e.g., Ex. 14: 1849, 2135, 2803, 3024) supported the concept represented by the term, but believed that the term itself was misleading and confusing. For example, one commenter, The Andersons (Ex. 14: 3284 p. 3), stated:

> This definition is confusing and is used only once throughout the standard. It would seem better to use the words of the definition rather than the term at the one location it is used in the standards.

OSHA has decided to accept this suggestion in order to eliminate any confusion in the meaning of terms. Accordingly, the term "acute debilitating health effects" has been deleted and the language used in the definition of the term has been included in paragraph (g)(1)(iii) of the final standard.

Paragraph (c)(1) of the final standard defines the term "choked leg." The proposal defined this term as:

> A condition of material buildup in the bucket elevator that results in the stoppage of material flow and bucket movement.

Several commenters (e.g., Ex. 14: 1849, 2135, 2803) noted that a sentence should be added to the definition for "choked leg" or "jogging" to clarify that partially or fully-loaded buckets do not constitute a choked leg as long as bucket movement is not prevented. One commenter, Bunge Corporation (Ex. 14: 1112 pp. 8–9), remarked:

> * * * recognition should be given to the accepted practice of starting and stopping a leg in order to resume operations after the material responsible for the choked condition has been cleared from the head and boot sections of the leg, even though the buckets themselves have not been emptied.

The National Grain and Feed Association (Ex. 14: 1472) added:

> Simply having grain in the buckets of the up-leg should not be defined as part of a choked leg condition, as which the proposed definition now implies. Emptying grain from the up-leg is not necessary for safe restarting of the leg; bucket elevators are designed to be able to start up under full load.

It was not the intent of OSHA to define a partially or fully-loaded up-leg as a "choked leg," as long as the condition did not prevent bucket movement. OSHA is adding a sentence to the proposed definition for "choked leg" to clarify its intent.

Additionally, the term "choked leg" is contained in the definition for "jogging." OSHA believes that adding a sentence to the proposed definition for "choked leg" will clarify any misunderstanding with respect to what the Agency considers to be "jogging," as well as what the Agency considers to be a "choked leg."

Accordingly, the following sentence has been added to the definition for the term "choked leg":

> A bucket elevator is not considered choked that has the up-leg partially or fully loaded and has the boot and discharge cleared allowing bucket movement.

Paragraph (c)(2) of the final standard defines the term "fugitive grain dust," and is a modification of the proposed definition. The proposal defined the term "fugitive grain dust" as follows:

> The dust particles which result from the breakage and handling of grain and grain products which are 400 microns in size or smaller and which are emitted from the stock handling system.

Several commenters (e.g., Ex. 14: 73, 1833, 3024, 3284) questioned OSHA's reason for specifying 400 microns as the upper limit for dust particle size. These commenters suggested that 74 microns be specified as the upper limit for dust particle size because this would be consistent with the Bureau of Mines Report of Investigation–5753, "Explosibility of Agricultural Dusts." The commenters also contended that 74 microns tended to be the upper limit for dust particle size with respect to explosion sensitivity.

OSHA would like to clarify any misunderstanding of the Bureau of Mines Report of Investigation–5753 (BOM–5753). This report describes tests that were conducted with different agricultural commodities. Most of these tests were conducted with dust particles that could pass through a 200 mesh sieve (74 microns or less). However, the report did not *define* dust as being 74 microns or smaller, nor did it infer that 74 microns was the upper limit for dust particle size in regards to explosion sensitivity. As a matter of fact, one of the authors of BOM–5753, Murray Jacobson, was an OSHA witness at the Washington, DC hearing. In his testimony (Tr. 126–6/12) he stated:

> A dust has been defined as any finely divided solid material passing through a No. 40 U.S. Standard sieve which would have an apparent diameter of 425 micrometers or less.
>
> Tests in the laboratory indicate that industrial dust, coarser then 425 micrometers, did not materially contribute to the pressure produced in the explosion vessel.

Other studies (e.g., Ex. 9: 121, 131) suggest that dust particles as large as 500 microns may be the upper limit with respect to explosion sensitivity. Although there is some disagreement about the upper limit of dust particle size in relation to *explosion sensitivity*, evidence contained in the record demonstrates that larger or coarser particles (ranging up to 425 microns) can *contribute* to an explosion. For example, Mr. Jacobson (Tr. 127–6/12) stated:

> * * * it's highly unlikely that all the particles in a sample of dust collected in an operating plant would have uniform diameter, but rather would contain proportions of finer particles.
>
> And in an explosion propagating through these fines, a contribution to the combustion is made by the relatively coarse particles even though the latter may be too large to sustain the flame propagation themselves.

Further, OSHA is concerned with dust *fires* as well as dust *explosions*. An accumulation of dust, consisting of dust particles which are 425 microns or smaller in size, not only can contribute to an explosion, but also can be the source of a fire. Consequently, OSHA believes that accumulations of dust particles that are combustible and 425 microns or smaller in size need to be addressed by the housekeeping provisions of the final standard.

It should be noted that "425 microns" corresponds to the maximum sized particle that will pass through a U.S. Standard 40 mesh sieve. The proposal inadvertently identified this particle size as "400 microns" instead of "425 microns."

Accordingly, the final standard defines the term "fugitive grain dust" as follows:

Combustible dust particles, emitted from the stock handling system, of such size as will pass through a U.S. Standard 40 mesh sieve (425 microns or less).

The proposal defined the term "Grain elevator" as:

A facility engaged in the receipt, handling, storage, and shipment of bulk raw agricultural commodities such as corn, wheat, oats, barley, sunflower seeds, and soybeans.

No substantive comment was received with respect to this definition, and it has been retained in the final standard as proposed.

The proposal defined the term "hot work" as work involving electric or gas welding, cutting, brazing, or similar flame producing operations. No substantive comment was received with respect to this definition and it has been retained in the final standard as proposed.

The proposal contained definitions for the terms "inside bucket elevator" and "partially-inside bucket elevator." OSHA made a distinction between these two terms in order to propose less stringent requirements for those bucket elevators partially inside the grain elevator structure, compared to those completely inside the grain elevator structure. However, OSHA received extensive comment and testimony questioning the appropriateness of this approach (e.g., Ex. 14: 14, 1135, 1874, 3284; Tr. 156–7/10; Tr. 691–6/14).

The thrust of these comments and testimony was that substantial confusion, not intended by the proposal, would result if these two definitions were retained in the final standard. As an alternative, it was suggested that OSHA delete the term "partially-inside bucket elevator" from the final standard and only define what the Agency considers to be an "inside bucket elevator." With this approach, OSHA would regulate those bucket elevators the Agency considers to be *inside* the grain elevator structure; all other bucket elevators would be considered *outside* the grain elevator structure and would not be addressed by the final standard.

OSHA did not intend that this standard cover any bucket elevator which is outside the grain elevator structure. The Agency believes that locating bucket elevators outside the grain elevator structure is one of the most positive steps that can be taken to lessen the impact of an explosion should one occur in the bucket elevator. The comments and testimony have convinced OSHA that the term "partially-inside bucket elevator" may be confusing and misleading with respect to those bucket elevators that the Agency intends to address in the standard.

Therefore, OSHA has deleted the term "partially-inside bucket elevator" from the final standard, and revised the term "inside bucket elevator" to describe more specifically those bucket elevators that the Agency believes need to be addressed by the final standard.

With respect to the definition for "inside bucket elevator," it was asserted that it is not necessary to graphically describe a bucket elevator and its functions as contained in the proposal. In this regard, ICM Grain Company (Ex. 14: 3024 p. 3) stated:

In the definition of "Inside Bucket Elevator" there is no real need for the attempt to graphically describe a bucket elevator. Everyone directly involved or associated with the grain industry knows what a bucket elevator is.

The purpose of the definition should be to designate what is meant by "inside" rather than what is meant by the term "Bucket Elevator."

OSHA agrees with this comment and has revised the definition to specify what the Agency considers to be an *inside* bucket elevator instead of describing what is meant by the term "bucket elevator."

OSHA realizes that there are some bucket elevators that are located almost totally *outside* the grain elevator structure, except for a small portion of the leg that is located inside the grain elevator structure. OSHA is not addressing these bucket elevators in the final standard because there is a reduced level of employee exposure to fire and explosion hazards in these situations. It is the intent of the Agency to address only those bucket elevators which are located *principally inside* the grain elevator structure, because if an explosion occurs in them, it is these bucket elevators that pose the greatest risk to employees. OSHA received many suggestions, consistent with this intent, which were useful in describing what the Agency considers to be an "inside bucket elevator."

A number of commenters (e.g., Ex. 14: 1112, 1472, 2115, 2119) suggested that the definition for "inside bucket elevator" contain the following two points for clarity: (1) An inside bucket elevator should be defined as having more than 20% of the total leg height inside the grain elevator structure; and, (2) Bucket elevators with legs passing only through rail or trunk dump sheds should not be considered an inside bucket elevator. For example, the Iowa Grain and Feed Association (Ex. 14: 1833 p. 2) stated:

* * * we feel that the use of an "outside leg" may be one of the biggest steps an elevator operator can take to lessen the impact of any explosion in the leg area. Therefore, we would urge the Agency to recognize the safety potential of such legs by exempting any leg with more than 80% of the casing above grade located outside the facility. The result of such a change in definition would be to insure that those that are located principally inside the facility are regulated, as they pose the largest potential danger.

The Farmers Elevator Association of Minnesota (Ex. 14: 1874 p. 2) asserted:

* * * only bucket elevators having more than 20% of the above grade casing located inside the grain facility should be considered "inside" bucket elevators.

Continental Grain Company (Ex. 14: 3251 p. 7) added:

Bucket elevators passing only through rail or truck sheds should be considered outside bucket elevators since they only pass through a partially enclosed structure, generally providing sufficient space for venting. This concept is consistent with OSHA's position on housekeeping where truck and rail sheds with two open ends are exempt from housekeeping regulations.

The description of an "inside bucket elevator" suggested by these comments reflects OSHA's own position with respect to those bucket elevators that need to be addressed by the final standard.

Consequently, in paragraph (c)(5) of the final standard, OSHA has used the suggestions contained in these comments to define the term "inside bucket elevator" as follows:

A bucket elevator that has the boot and more than 20% of the total leg height (above grade or ground level) inside the grain elevator structure. Bucket elevators with leg casings that are inside (and pass through the roofs) of rail or truck dump sheds, with the remainder of the leg outside the grain elevator structure, are not considered inside bucket elevators.

Paragraph (c)(6) of the final standard contains the definition of the term "jogging." As discussed previously, the final standard clarifies those conditions OSHA considers to be a choked leg. With this clarification, it is not necessary to change the proposed definition of the term "jogging." Accordingly, paragraph (c)(6) of the final standard defines the term "jogging" as repeated starting and stopping of drive motors in an attempt to clear choked legs.

The proposal defined the term "lagging" as a covering on drive pulleys used to increase the coefficient of friction between the pulley and the belt. No substantive comment was received with respect to this definition and it has been retained in the final standard as proposed.

The proposed definition for the term "partially-inside bucket elevator," as discussed previously, has been deleted from the final standard.

Also, as discussed previously, OSHA has eliminated the need for defining a small elevator facility. Consequently, the proposed term "small elevator facility" is no longer used, and has been deleted from the final standard.

Paragraph (c)(8) of the final standard defines the term "permit." The meaning of this term was contained in the text of the proposed standard. However, since the explanation of the term is for informational purposes, OSHA believes that it is more appropriate to add a definition of this term to paragraph (c), rather than retain it in the text of the final standard. Therefore, paragraph (c)(8) of the final standard defines the term "permit" as a certificate of permission to perform identified work operations that is signed and dated by the employer or the employer's representative.

Emergency action plan: Paragraph (d). Paragraph (d) of the final standard contains requirements for an emergency action plan. The proposal required employers to develop and implement an emergency action plan in accordance with 29 CFR 1910.38(a), except that the plan did not have to be written. It is important to note that § 1910.38(a) requires the emergency action plan to be in writing, except for employers with 10 or fewer employees.

This proposed requirement to implement an emergency action plan received widespread support from commenters and witnesses testifying at the informal public hearings (e.g., Ex. 14: 1416, 1472, 1849, 1871; Tr. 269–6/21). However, a large number of commenters and hearing participants (e.g., Ex. 14: 21, 123, 1833; Tr. 16–7/12) asserted that the emergency action plan should be in writing. These rulemaking participants contended that oral communication of the emergency action plan is ineffective, particularly in facilities with a large number of employees, and in those instances where there is a high rate of employee turnover. For example, USDA's Federal Grain Inspection Service (Ex. 14: 1851) remarked:

The emergency action plan should be in writing. Employee turnover is high at some locations, and if a plan is not written, it may not be communicated to employees in a consistent manner.

Another commenter, the Alliance of American Insurers (Ex. 14: 55), stated:

A quality emergency plan should be documented even if it consists of a single page. It has been our experience that an unwritten emergency plan is equivalent to having no plan at all.

OSHA has concluded from information contained in the record that it is imperative for employees to be aware of the actions they are to take during an emergency. Additionally, the record of this rulemaking has convinced OSHA that the most effective means of communicating this information to employees in larger grain facilities (i.e., those with more than 10 employees) is through implementation of a written emergency action plan.

Consequently, paragraph (d) of the final standard requires employers to develop and implement an emergency action plan meeting the requirements contained in § 1910.38(a). As noted previously for facilities with more than 10 employees, § 1910.38(a) requires employers to have a *written* emergency action plan; for those employers with 10 or fewer employees, OSHA believes that it is equally effective for the plan to be communicated orally to employees and the employer need not maintain a written plan.

Training: Paragraph (e). OSHA believes that employee training is a cornerstone of an effective safety program, and one of the most important steps employers can take to enhance employee safety. Additionally, not only OSHA, but virtually all participants in this rulemaking process consider an effective training program to be extremely valuable and necessary.

It was the intent of OSHA that there be a degree of consistency in the type, content, and frequency of training that employees receive. OSHA also realized, however, that employers need flexibility in designing their training programs.

Therefore, OSHA proposed performance-oriented training requirements that addressed the following: A minimum frequency for training and a need to train employees in general safety hazards associated with their work tasks, paragraph (e)(1)(i); training employees in those procedures and safety practices established by the employer, paragraph (e)(1)(ii); and, training employees in procedures for handling special tasks to which they may be assigned, paragraph (e)(2).

The performance-oriented approach and the elements of the proposed training requirements received widespread support from participants in this rulemaking process (e.g., Ex. 9: 135, 40; Ex. 14: 1416, 1470, 1851, 2517, 3024, 1112; Tr. 93–6/19; Tr. 267–68–6/21; Tr. 216–6/12).

However, several commenters (e.g., Ex. 14: 1472, 1871, 2115, 2135, 3024) suggested that proposed paragraphs (e)(1)(i) and (e)(1)(ii) be modified to indicate that employees be provided training only in those areas relevant to their job responsibilities and assignments. For example, Continental Grain Company (Ex. 14: 3251 p. 9) stated:

This is a vital part of the Standard and as presently written, needs clarification. The paragraph should break-out training requirements into two sections: (1) Required training for general and specific safety hazards associated with each employee's work task and (2) training for employees assigned to infrequently performed or special tasks. This format more clearly follows the standard mode for employee training and will help ensure that necessary information on general hazards, fire and explosion protection and specific job task hazards are covered.

A second commenter, the Grain Elevator and Processing Society (Ex. 14: 1849 p. 9), asserted:

GEAPS believes in training employees to recognize the hazards associated with their jobs. However, it should not be the intent of this standard to require training employees in all hazards related to grain handling facilities, but only those to which employees will be exposed by their responsibilities or assignments.

Additionally, the McLean County Service Company (Ex. 14: 2517 p. 2) remarked:

The area of employee training is very vital to the industry and one of the most effective methods of increasing overall safe operations. However, it is our opinion that the employees need not receive training in all industry hazards, but only those hazards related to their specific job responsibilities and job assignments.

These comments have brought to the attention of OSHA a misunderstanding of the proposed training requirements that needs to be clarified. Actually, it was the intent of OSHA that training be provided to employees only in the areas related to their job assignments. This intent was reflected in the preamble to the proposed standard where OSHA stated, in part (49 FR 999):

* * * current employees, and new employees prior to starting work, be trained in at least the recognition of and preventive measures for the *hazards associated with their work tasks* * * *. (emphasis added) Additionally, OSHA is proposing that the training include *where applicable* * * *. (emphasis added)

Because this intent was misunderstood by a number of commenters, OSHA has revised proposed paragraphs (e)(1)(i) and (e)(1)(ii) to relate the final standard

training requirements more specifically to job tasks of employees.

Paragraph (e)(1)(i) of the final standard contains training requirements with respect to *general* precautions associated with grain facilities, such as dust accumulations and common ignition sources.

Paragraph (e)(1)(ii) of the final standard contains training requirements with respect to the more *specific* procedures and safety practices applicable to *employees' job tasks.*

As noted previously in this preamble, paragraph (e)(2) of the proposal required employers to train employees in procedures for handling *special* tasks to which they may be assigned. In the absence of any negative comments, this provision has been retained in the final standard as proposed except for minor editorial modifications.

Hot work: Paragraph (f). Paragraph (f) of the proposal was titled "permit system" and contained requirements for the development and implementation of a permit system for both hot work and work requiring entry into bins, silos, and tanks. However, the proposal did not require a permit for hot work performed in welding shops authorized by the employer.

The record strongly supports the concept of a permit system, as well as implementing appropriate precautions before performing hot work or work requiring entry into bins, silos and tanks. A large number of commenters (e.g., Ex. 14: 45, 211, 1671, 1880, 2135), however, suggested that paragraph (f) contain only those requirements pertaining to hot work, and that the title of paragraph (f) be changed from "permit system" to "hot work." It was also suggested that hot work and bin entry be addressed separately, and that all requirements concerning bin entry be contained in paragraph (g).

According to the Kansas Grain and Feed Dealers (Ex. 14: 2119 p. 3):

> This section could more appropriately be titled 'Hot work' since this section addresses primarily hot work. Also, the permit suggestions covering bin entry could be included in section (g).

USDA's Federal Grain Inspection Service (Ex. 14: 1851 p. 2) stated:

> Since section (g) of the standards covers requirements for entering bins, etc., the permit system proposed for this activity should be included in section (g), and section (f) should be retitled 'Hot work'.

Another commenter, the California Grain and Feed Association (Ex. 14: 2803 p. 3), remarked:

> CGFA recommends that the title and focus of this section be changed to 'Hot work'. Since the requirements of this section deal primarily with hot work, to avoid confusion it should be stated as such. Additionally, permits for hot work and entry into bins, silos and tanks should be separate.

OSHA agrees with these commenters and, for clarity, has retitled paragraph (f) of the final standard as "Hot work permit." Additionally, permit requirements for bin entry have been relocated from paragraph (f) to paragraph (g) of the final standard ("Entry into bins, silos, and tanks").

As noted previously in this preamble, OSHA did not propose to require a permit for welding shops authorized by the employer. The purpose of a permit is to assure that the employer is aware of the hot work being performed (particularly when performed by contractors), and that appropriate safety precautions have been taken prior to beginning the work. Since welding shops authorized by the employer are locations specifically designated and suited for hot work operations, OSHA believed it unnecessary to require a permit for these locations.

However, several commenters and hearing participants (e.g., Ex. 14: 1112, 1416, 1472, 3024; Tr. 166–6/12; Tr. 158–7/10) suggested that, in addition to welding shops, there are other areas and circumstances where it is unnecessary to require a permit for hot work. It was asserted that there are locations *outside* and away from the grain facility where explosion hazards do not exist, and that a permit should not be required for such locations when authorized by the employer.

It was also asserted that there are circumstances where the employer, or the employer's representative, is present during the work procedure. It was contended that in such circumstances, a permit would not be necessary since it is the employer or employer's representative who normally would authorize the permit.

Based on the remarks of these rulemaking participants, OSHA agrees that in addition to authorized welding shops, there are other areas and circumstances where a hot work permit is not necessary. Therefore, paragraph (f)(1) of the final standard contains three exceptions to the requirement for a hot work permit. These are: (i) Where the employer or the employer's representative (who would otherwise authorize the permit) is present while the hot work is being performed; (ii) in welding shops authorized by the employer; and (iii) in hot work areas authorized by the employer which are located outside of the grain handling structure.

OSHA also proposed that hot work operations must meet the safety precautions contained in § 1910.252(d). Even though employers are currently required to comply with these safety precautions, OSHA believed it would be appropriate to reference § 1910.252(d) in the grain standard itself to emphasize the importance of these safety precautions. Since OSHA did not receive any adverse comments with respect to these safety precautions, this requirement has been retained in the final standard as paragraph (f)(2), except for editorial modifications clarifying OSHA's intent that the permit is a certification by the employer authorizing the work to be performed, rather than a recordkeeping burden.

Entry into bins, silos, and tanks: Paragraph (g). Paragraph (g) of the proposal contained several safety precautions that were to be implemented when employees enter bins, silos, and tanks.

An analysis of the record indicates that employers and employees alike are aware of the importance of implementing certain safety precautions before entry is made into bins, silos, and tanks. Additionally, there was little disagreement with the types of precautions proposed by OSHA, although excellent suggestions were made to improve and clarify some of the proposed provisions.

Many commenters did object, however, to the scope of coverage of this proposed paragraph. It was asserted that OSHA did not clarify what it meant by "bins, silos, and tanks" and, as a result, the scope of this proposed paragraph would include *all* bins, silos, and tanks including "flat storage" facilities. These commenters (e.g., Ex. 14: 1845, 1867, 2517, 3264, 3284) contended that not all bins, silos, and tanks present entry hazards. For example, one commenter, North Pacific Grain Growers Inc. (Ex. 14: 1028 p. 2), stated:

> Many bins, tanks, and silos, such as large diameter steel or concrete tanks and flat storage buildings, do not present an entry hazard.

A second commenter, Terminal Grain Corp. (Ex. 14: 18), added:

> Bin, silo, and tanks should be more clearly defined so as to exclude flat storage buildings with no bottom draw-off. The dangers represented in this section do not exist in conventional flat storage buildings which usually have large doorways and are at ground level.

The Heart of Georgia Peanut and Gin Company (Ex. 14: 1424 p. 2) remarked:

> Many bins connected with grain facilities, e.g., flat storage and large diameter steel or concrete bins with ground level entry, present no entry hazards.

OSHA agrees with these commenters to the extent that those large diameter tanks and flat storage buildings which are not entered from the top do not pose the same hazards as taller, cylindrical structures where ingress and egress are difficult, and where the quality of the atmosphere within such structures may be uncertain.

Therefore, in order to focus more specifically on those structures that pose entry hazards to employees, OSHA has added the following statement to paragraph (g) of the final standard:

> This paragraph applies to employees entering bins, silos, or tanks. It does not apply to employees entering flat storage buildings or tanks where the diameter of such structures is greater than the height, unless entry is made from the top of the structure.

Paragraph (g)(1) of the proposal required certain precautions to be taken before employees enter bins, silos, or tanks. These precautions have been modified in the final standard to reflect information contained in the record.

As discussed previously in this preamble, OSHA concurs with those commenters who suggested that requirements for a hot work permit be contained in paragraph (f) of the final standard, and that requirements for a "bin entry" permit be contained in paragraph (g) of the final standard. Accordingly, paragraph (g)(1)(i) of the final standard contains requirements for a permit, and reads as follows:

> The employer shall issue a permit for entering bins, silos, or tanks unless the employer or the employer's representative (who would otherwise authorize the permit) is present during the entire operation. The permit shall certify that the precautions contained in this paragraph (§ 1910.272(g)) have been implemented prior to employees entering bins, silos, or tanks. The permit shall be kept on file until completion of the entry operations.

Paragraph (g)(1)(i) of the proposal ((g)(1)(ii) of the final standard) required equipment to be either disconnected or locked-out and tagged if it presented a danger to employees inside bins, silos, or tanks. Several rulemaking participants (e.g., Tr. 144–6/19; Ex. 14: 1849, 2119, 2135, 3025) expressed concerns that this proposed requirement did not provide enough flexibility for providing protective measures with respect to equipment. For example, ICM Grain Company (Ex. 14: 3024 p. 15) said:

> Disconnections, locking out and tagging are not the only means of providing protection. Provision should be made to allow blocking off or protection by other means or methods determined by employers.

Another commenter, the California Grain and Feed Association (Ex. 14: 2803 p. 4), stated:

> CGFA supports protecting employees working inside confined spaces from equipment which present a danger. Specifying how employers are to do this does not provide adequate operational flexibility or allow for administrative controls.

OSHA agrees with these commenters that more flexibility is needed in this requirement to permit additional measures to protect employees from equipment when inside bins, silos, or tanks. Therefore, paragraph (g)(1)(ii) of the final standard reads as follows:

> All mechanical, electrical, hydraulic, and pneumatic equipment which present a danger to employees inside bins, silos, or tanks shall be disconnected, locked-out and tagged, blocked-off, or prevented from operating by other means or methods.

Paragraph (g)(1)(ii) of the proposal addressed testing of the atmosphere within a bin, silo, or tank for toxic conditions or for conditions of oxygen deficiency. Paragraph (g)(1)(iii) of the proposal contained protective measures to be taken if these conditions were present.

It was asserted that the manner in which these two proposed provisions were written could result in a misunderstanding of when atmospheric testing was required. Several commenters (e.g., Ex. 14: 1849, 2135, 2803, 3264) suggested combining these two proposed provisions to eliminate any confusion.

OSHA wants to assure that protective measures contained in proposed paragraph (g)(1)(iii) directly reflect the atmosphere testing requirements contained in proposed paragraph (g)(1)(ii). To eliminate any misunderstanding, therefore, OSHA has combined these two proposed paragraphs into a single paragraph of the final standard, (g)(1)(iii).

Paragraph (g)(1)(ii) of the proposal stated, in part:

> The atmosphere within a bin, silo, or tank shall be tested for the presence of combustible gases, vapors, and toxic agents *when there is reason to believe they may be present* (emphasis added).

OSHA received several remarks and suggestions concerning the phrase: "when there is reason to believe they may be present." Some rulemaking participants (e.g., Tr. 28–6/21) suggested that this provision be changed to read, "when the *employer* has reason to believe" (emphasis added). This change was suggested to eliminate any confusion with respect to who would make the decision. It was the intent of OSHA that the employer make this decision. This provision of the final standard has been modified to reflect this intent.

Other commenters (e.g., Ex. 14: 42, 50) asserted that the "reason to believe" phrase should be deleted because it was vague and did not provide adequate protection.

OSHA disagrees with these commenters. In other industries, employees may have to enter *unfamiliar* (confined) spaces that may contain toxic substances in unknown concentrations. In those circumstances, it is imperative that the atmosphere of such spaces be tested before employees enter them.

However, this is not the case in the grain industry. Employers and employees are generally *familiar* with the bins, silos, and tanks at their own facility, and employees may enter the same bin, silo, or tank occasionally for cleaning and other purposes. Not only is there familiarity with the physical limitations of these spaces, but with the contents as well (e.g., Ex. 14: 1026, 1424, 1470, 1635, 1849). Employers will be aware of the type of grain stored, the number of times the grain has been turned-over, the amount of aeration of the grain, and whether or not the grain has been recently fumigated.

There are certain obvious situations where the atmosphere of these spaces must be tested, such as a silo containing grain which has been recently fumigated. The National Grain and Feed Association (Ex. 14: 1472 p. 12) stated:

> Hazardous atmospheres are not present unless fumigants are applied at the grain handling facility.

Because of the familiarity with the bins, silos, and tanks at their own facility, OSHA believes that employers can make appropriate decisions with respect to testing of the atmosphere within these spaces. Therefore, the phrase: "when the employer has reason to believe they may be present" has been retained in paragraph (g)(1)(iii) of the final standard.

Additionally, paragraph (g)(1)(iii) of the final standard contains protective measures (ventilation and/or the use of respirators) that must be taken if the quality of the atmosphere within a bin, silo, or tank does not meet certain specified criteria. These protective measures are the same as those contained in the proposal except that the provision concerning respirators, (g)(1)(iii)(B), has been modified to clarify OSHA's intent that the use of respirators is an alternative to ventilation only for toxic and oxygen-deficient atmospheres—not for atmospheres containing combustible gases or vapors.

Paragraph (g)(2) of the proposal required employees to wear a body

harness with lifeline or use a boatswain's chair (meeting the requirements of Subpart D of 29 CFR Part 1910) when entering bins, silos, or tanks from the top.

Several commenters (e.g., Ex. 14: 1026, 1424, 1867) contended that this proposed provision is unnecessary for very large tanks and flat storage buildings. As noted previously in this preamble, however, this issue has been clarified since this paragraph of the final standard does not apply to these types of spaces unless entered from the top.

One commenter (Ex. 14: 3251) disagreed with a boatswain's chair being a substitute for a body harness with lifeline because no protection would be provided should the lowering device for the chair fail or the line attached to the chair fail. This commenter suggested that a lifeline and harness is needed in addition to the boatswain's chair.

The use of a boatswain's chair was not intended to be a substitute for a body harness and lifeline but, instead, an additional means to enter a bin, silo, or tank from the top. As noted previously, this proposed provision required the boatswain's chair to meet the requirements contained in Subpart D of 29 CFR Part 1910. It is important to note that one of the provisions contained in Subpart D requires that employees using a boatswain's chair also wear a safety belt and lifeline (§ 1910.28(j)(4)). Therefore, while OSHA appreciates and concurs with this commenter's suggestion, this proposed provision already incorporated the necessary protection.

Other commenters (e.g., Ex. 14: 2135, 2803, 3024, 3264) asserted that it is unnecessary to require the use of a body harness and lifeline for *all* situations where bins, silos or tanks are entered from the top. These commenters contended that in some situations it would be impractical and too restrictive to use a harness with lifeline or boatswain's chair. As an alternative, it was suggested that if certain other specified precautions were implemented, that OSHA not require the use of a harness with lifeline or boatswain's chair. For example, the Grain Elevator and Processing Society (Ex. 14: 1849 p. 12) remarked:

> * * * the requirement for a body harness with a lifeline or a boatswain's chair in subsection (g)(2) is an operationally restrictive and impractical requirement for some situations. Specifically, employees are required to enter large storage tanks and buildings from time-to-time to "walk the top of the grain" for conditioning purposes. In these instances, several employees may be inside the storage area at one time. The horizontal distance they may have to travel from the point of entry would make the use of lifeline or boatswain's chair ineffective or impractical. While GEAPS recognizes the need to protect employees from flowing grain, other means or methods such as those specified in the other subsections may minimize more appropriately the potential hazard. GEAPS suggests that the use of a lifeline or boatswain's chair not be required when "all precautions specified in subsections (g) (1), (3), (4), (5), (6) and (7) have been taken."

OSHA strongly disagrees with these commenters. Employees are exposed to hazards whenever they enter a bin from the top, regardless of whether grain movement is taking place. It is certainly clear to OSHA, and recommended by various comments, that employees must never be permitted to walk or stand on grain, as correctly noted by some of these commenters, while the grain is flowing (being drawn-off at the bottom, moved by auger, etc.). OSHA has addressed this hazard by mandating controls on equipment in paragraph (g)(1)(ii) of the final standard. However, the record also contains descriptions of many incidents where fatalities have occurred when grain was not flowing (e.g., Ex. 9: 18 pp. 12, 14, 15, 20, 89, 92). These incidents indicate that bin entry is hazardous whether or not grain is being moved in the bin.

Additionally, while OSHA believes that it is necessary to implement the other "bin entry" provisions contained in the final standard, the Agency does not consider these other provisions to be an equally protective *substitute* for the use of a body harness with lifeline or boatswain's chair. The incident data contained in the record has convinced OSHA that employees must wear a body harness with lifeline or use a boatswain's chair in all instances where bins, silos, or tanks are entered from the top.

Consequently, paragraph (g)(2) of the final standard reads as follows:

> When entering bins, silos or tanks from the top, employees shall wear a body harness with lifeline, or use a boatswain's chair that meets the requirements of Subpart D of this Part.

Paragraph (g)(3) of the proposal required an observer, equipped to provide assistance, to be stationed outside the bin, silo, or tank being entered by an employee. This proposed paragraph also required that communications be maintained between the observer and the employee entering the bin, silo, or tank.

OSHA did not receive any substantive comments with respect to this provision, and paragraph (g)(3) of the final standard remains the same as that which was proposed except for minor editorial modifications.

Paragraph (g)(4) of the proposal required rescue equipment to be provided that is specifically suited for the bin, silo, or tank being entered.

Paragraph (g)(5) of the proposal required the employee, acting as observer, to be trained in rescue procedures including notification methods for obtaining additional assistance.

OSHA did not receive any substantive comments with respect to these two provisions and, therefore, paragraphs (g)(4) and (g)(5) of the final standard remain the same as those which were proposed.

Paragraph (g)(6) of the proposal required an employee, trained in cardio-pulmonary resuscitation (CPR), to be available to provide assistance. OSHA proposed that an employee be trained in CPR because suffocation is a major potential hazard to employees entering bins, silos, and tanks. An employee with this training would be of extreme benefit if an incident occurred.

While recognizing the value of CPR, some rulemaking participants (e.g., Tr. 28–29–6/21; Tr. 181–182–7/10; Tr. 275–6/21; Ex. 14: 2119, 1472) disagreed that it should be mandatory. These commenters believe that such a requirement could result in a liability problem for the employee administering the CPR and that it could be particularly burdensome for smaller facilities.

For example, Bunge Corporation (Ex. 14: 1112 p. 13) stated:

> Subparagraph (g)(6) is particularly burdensome for smaller facilities which may have only two employees. It raises some liability questions for the CPR-trained employee as well as the employer.
>
> * * * We question that it is reasonable to expect a continuing level of competence from grain elevator workers, as opposed to medical technicians and trained emergency personnel. (Note that Bunge is in favor of CPR Training and offers it to employees at several facilities on a *voluntary* basis. We are, nevertheless, opposed to a *mandatory* standard.)

Although OSHA is not convinced that a mandatory CPR provision would pose liability problems, the Agency is concerned with any additional burdens that may be placed on smaller facilities. The record has convinced OSHA that a CPR-trained employee, available to provide assistance, may not always be economically or logistically feasible, especially for those facilities with a small number of employees.

Accordingly, the proposed CPR requirement has not been included in the final standard. It is important to note, however, that an employee or employees must be trained in first aid at those facilities where emergency medical services are not available in the near vicinity (§ 1910.151).

Paragraph (g)(7) of the proposal prohibited employees from entering a bin, silo, or tank underneath a bridging condition, or underneath a buildup of grain or grain products on the sides of a bin, silo, or tank. The record contains the description of many "bin entry" fatalities (e.g., Ex. 9: 18) which have occurred as a result of this practice. OSHA did not receive any adverse comments with respect to this provision, and it has been retained in the final standard as proposed except for minor editorial changes to clarify that employees also shall not enter bins, silos, or tanks "where a build-up of grain products on the sides could fall and bury them." Additionally, the designation of this provision has been changed from (g)(7) to (g)(6) since the provision for CPR has not been included in the final standard.

Contractors: Paragraph (h). OSHA proposed requirements concerning contractors to assure that the contractors were aware of both the hazards associated with the work being performed at the facility, and the actions to be taken during emergencies.

Paragraph (h)(1) of the proposal required the employer to inform contractors performing work at the facility of any potential fire and explosion hazards. This proposed provision also required the employer to inform contractors of the applicable safety rules of the facility. This proposed provision was well supported by the record with the exception that several commenters (e.g., Ex. 14: 1416, 1871, 3264, 2135) disagreed with the use of the term "any." To avoid ambiguity, it was suggested that the term "any" be changed to "known." For example, Gold Kist Inc. (Ex. 14: 1880 p. 5) stated:

> We also suggest that reference to "any" potential fire and explosion hazard be replaced by *known* potential fire and explosion hazards to relieve the burden on the employer of addressing unrecognized or hypothetical hazards.

Another commenter, The Andersons (Ex. 14: 3284 p. 4), remarked:

> The intent of this standard appears to be consistent with industry practice. However, the duty of the employer to inform the contractor of any potential fire and explosion hazard is so broad that compliance is impossible. The word "any" should be changed to "known."

In addition, Continental Grain Company (Ex. 14: 3251 p. 14) asserted:

> The reference to "any potential fire" should be changed to read * * * "of potential fire and explosion hazards related to the contractor's work/work area."
>
> To cover all potential fire/explosion hazards, i.e. ignition sources, etc., would be unnecessarily burdensome, time consuming and would only detract from the specific precautions which contractor personnel must be aware of and follow to perform their specific work.

OSHA agrees with these commenters that the use of the term "known" is more appropriate than the term "any" when referring to potential fire and explosion hazards in this provision. OSHA also agrees that informing contractors of fire and explosion hazards should be more specifically related to the work and work location of the contractor.

Therefore, paragraph (h)(1) of the final standard reads as follows:

> The employer shall inform contractors performing work at the grain handling facility of known potential fire and explosion hazards related to the contractor's work and work area. The employer shall also inform contractors of the applicable safety rules of the facility.

Paragraph (h)(2) of the proposal required employers to explain the applicable provisions of the emergency action plan to contractors. This provision was well supported by the record, and OSHA did not receive any adverse comments with respect to this proposed provision. Accordingly, paragraph (h)(2) of the final standard remains the same as that which was proposed.

Housekeeping: Paragraph (i). OSHA proposed four provisions with respect to housekeeping. These provisions addressed the following: (1) Implementation of a housekeeping program; (2) implementation of one of three alternative methods for reducing dust accumulations; (3) use of compressed air or other means to blow dust from ledges, walls, and other areas; and, (4) handling of grain or product spills.

Some of these proposed provisions were very controversial, and the information OSHA received regarding these proposed provisions constituted a major portion of this rulemaking record. Proposed paragraph (i)(2), concerning the three alternative methods for reducing dust accumulations, alone resulted in literally thousands of comments and hundreds of pages of testimony.

Before discussing the proposed housekeeping provisions in detail, OSHA first would like to address and clarify the issue of whether OSHA placed too much emphasis on dust control. This issue arose because the potential costs associated with the proposed housekeeping provisions (which many commenters alleged to be significant when compared to other proposed provisions), together with the voluminous amount of information generated on this subject, led many rulemaking participants (e.g., Ex. 14: 1423, 1849, 1867, 2803; Tr. 14–6/28) to believe that OSHA was placing too much emphasis on dust control. For example, a witness for the National Grain and Feed Association (Tr. 7–6/21) remarked:

> OSHA continues to place an undue emphasis and reliance upon minimizing dust as the most effective and fundamental means for reducing the number of fires and explosions. On the contrary, housekeeping addresses only one of the four explosion elements, fuel.

The North Pacific Grain Growers Inc. (Ex. 14: 1026), one of the commenters, asserted:

> Housekeeping is an important part of an overall safety program. Housekeeping addresses only one of four explosion elements—the fuel. If undue emphasis is placed on only one element—grain dust—all available funds will be directed to this single explosion factor.

The Heart of Georgia Peanut & Gin Company (Ex. 14: 1424) stated:

> By placing undue emphasis on one element of the explosion phenomenon—fuel—OSHA is diverting attention away from other, equally practical and effective safety techniques.

Another commenter, Northwest Terminal Elevator Association (Ex. 14: 1871 p. 4), remarked:

> NWTEA recognizes the importance of dust control as part of a comprehensive program to reduce the likelihood of a fire or explosion and to minimize the potential for secondary explosions. However, research has shown that controlling the ignition sources may be the most practical and effective way to prevent fires and explosions from occurring in the first place.
>
> By focusing the standard primarily on housekeeping—controlling the fuel sources for secondary explosions—OSHA has greatly undervalued the effectiveness of controlling ignition sources as an effective means to reduce the likelihood of a primary explosion.

There is widespread agreement throughout this rulemaking record that it is the *secondary* explosions that cause most of the deaths, injuries, and devastation, and, by controlling dust accumulations, the risk and magnitude of secondary explosions will be reduced. OSHA, therefore, does not believe it placed too much emphasis on dust control.

OSHA believes that the proposal presented a balanced approach in

dealing with the various elements associated with grain facility fires and explosions, and has adopted this approach in the final rule, as well. OSHA considers all of the provisions of the standard to be important. No one provision, implemented by itself, will eliminate the hazards associated with grain handling facilities. It is the position of OSHA that the final standard must be, and is, an integrated standard—where implementation of all of the provisions, *together*, is necessary in order to have a positive impact on the safety of employees in grain handling facilities.

OSHA would now like to focus its discussion on the specific housekeeping provisions contained in the proposal.

Paragraph (i)(1) of the proposal stated:

> The employer shall develop and implement a housekeeping program consisting of a dust control and removal method or combination of methods which will minimize fugitive grain dust accumulations inside grain handling facilities on ledges, floors, equipment, and other exposed surfaces.

Some commenters (e.g. Ex. 14: 2803, 3264) suggested that the word "minimize" be deleted because it may have a different meaning to different people. As a result, it was contended that the proposed provision may create confusion and be difficult to enforce. As discussed below, OSHA has revised this proposed provision and deleted the term "minimize" to eliminate any confusion and to make the provision more performance-oriented.

There were also some suggestions regarding the wording of this proposed provision, as well as disagreement concerning what constitutes an *effective* housekeeping program. However, unions, grain elevator operators, employees, and trade associations *did* agree on the importance of implementing a housekeeping program (e.g., Ex. 9: 27, 40; Ex. 14: 123, 1635, 1879, 2119, 2803, 3284; Ex. 196; Ex. 213). In fact, *OSHA did not find any comments in the record that opposed the concept of implementing a housekeeping program.*

Although there was widespread support for a housekeeping program, an OSHA analysis of the record did reveal a commonality in suggested changes with respect to the proposed provision. These suggestions were: The housekeeping program should be in writing; *all* facilities should have a housekeeping program; and, the housekeeping requirements should be performance-oriented.

The following comments exemplify these suggestions:

> It is important, of course, that each facility, large or small, have an ongoing housekeeping plan as part of its maintenance and safety program (North Pacific Grain Growers, Inc., Ex. 14: 1026 p. 2).
>
> GEAPS supports the development of a performance-oriented dust control program as a key element of an effective fire and explosion management program. While each facility should be required to implement a dust control program, it is imperative that the program requirements of the standard be performance-oriented. To be effective, the dust control program must address the diverse and unique operational and design characteristics of the individual facilities (Grain Elevator and Processing Society, Ex. 14: 1849 p. 13).
>
> NWTEA supports requiring an effective dust control program as part of a facility's overall program of fire and explosion risk management. However, to be effective, this program must recognize the unique characteristics of the individual facility in terms of design as well as type of commodity handled and facility size and throughput. To do so will require operational flexibility, and therefore, a totally performance-oriented standard (Northwest Terminal Elevator Association, Ex. 14: 1871 p. 5).
>
> We oppose the establishment of arbitrary criteria. It is important only that a facility develop and implement a written housekeeping program that specifies the areas and frequency of checking and cleaning by using sweeping, dust control or a combination of methods to reduce dust accumulations (Farmers Elevator Association of Minnesota, Ex. 14: 1874 p. 3).
>
> OSHA's intent for good housekeeping within the industry is certainly consistent with recommended industry practice. However, the choice of rather arbitrary standards does not seem appropriate. It would be better if OSHA would require each elevator to develop a written housekeeping program that would include a measurable standard of what is considered an acceptable amount of grain dust for each specific area within each individual facility (The Andersons, Ex. 14: 3284 p. 4).

In reference to an industry proposal that facilities have a written, performance-oriented housekeeping program, counsel for the National Grain and Feed Association (Tr. 63–6/21) said:

> This proposal would produce probably the most enforceable regulation that OSHA has on its books because what the employers are required to do is written down. If he hasn't done it, it is right there. It is going to be very difficult for him to contest a violation if he hasn't complied with his own plan that he has set down.

OSHA has been convinced that *all* grain facilities should implement a housekeeping program because of its recognized importance in controlling dust. After analysis of the record, OSHA has also concluded that it is important that the housekeeping program be in writing because it establishes the planned actions that the employer expects to be taken in relation to dust control; it provides a measure of compliance with respect to those planned actions; and, it apprises employees of their duties and responsibilities for controlling dust in the grain handling facility.

Further, OSHA agrees with those rulemaking participants who suggested that the housekeeping requirements be performance-oriented. The Agency believes it is important for the employer to have the necessary flexibility to choose the most economical and feasible dust control method, or combination of methods, that will best reduce dust accumulations.

To reflect these considerations, therefore, paragraph (i)(1) of the final standard reads as follows:

> The employer shall develop and implement a written housekeeping program that establishes the frequency and method(s) determined best to reduce accumulations of dust on ledges, floors, equipment, and other exposed surfaces.

Paragraph (i)(2) of the proposal required implementation of one of the following three alternatives: ⅛ inch action level (i.e., when dust accumulations reach ⅛ inch, action must be initiated to remove such accumulations); once per shift cleaning; or, installation of a pneumatic dust control system.

This proposed provision received an enormous amount of criticism. There was criticism of the three alternatives, as well as criticism of the approach that required implementation of one of only three specified alternatives for reducing dust accumulations.

In addition to their objections to proposed paragraph (i)(2), many rulemaking participants focused their discussions on the issue of what would constitute an effective housekeeping provision. From these discussions emerged two groups with opposite opinions: Proponents of a ⅛ inch action level; and opponents of this action level who believed that a performance-oriented provision without an action level would be more effective.

The proponents of the ⅛ inch action level contended that the record contains abundant evidence that hazardous dust accumulations are currently unregulated; that dust conditions are not similar (some grain facilities are spotless—some are not); and, that an effective housekeeping provision is necessary to correct these conditions.

These proponents agree with the concept that the housekeeping provision should be performance-oriented to facilitate the use of any combination of methods to reduce dust accumulations. However, they also believe that such a provision must contain a "target level" with respect to dust accumulations to mandate the *initiation* of appropriate measures when dust accumulations reach that specified target level (e.g., Tr. 223–6/12; Tr. 580–6/12; Tr. 33–7/10; Tr. 258–6/19; Tr. 202–7/11; Ex. 213).

The following are only a few examples of the many statements reflecting this group's position concerning the need for a specified level of dust accumulation:

> At the plant where we work, I feel there's a specific need for regulations on dust control because management consistently contradicts itself on housekeeping. A supervisor was talking to me, just two of us, one day, and told me that housekeeping was number one until it got in the way of production (Charles Ross, Tr. 206–207–6/19).
>
> The ⅛ inch level, although not completely eliminating the hazards for explosion, would tend to make a work environment a much safer place.
>
> Unless OSHA sets specific levels, this standard would have little effect. Who for example would be the judge of what a hazardous accumulation of dust was, or what does it mean to control these accumulations?
>
> As you have heard, within our own city, conditions vary from elevator to elevator. It's not fair that some plants are safer than others. All workers should be entitled to a safe workplace (Joe Viggiano, Tr.103, 106–6/26).
>
> We also heard testimony from another member who stated "our biggest problem is dust. I work in the elevator out there and we have probably two to three inches of dust on beams and floors." Dust conditions in our elevators are clearly not consistent. Some are spotless and some are not (Howard W. Roe, Tr. 90–6/19).
>
> I will not repeat the previous statement of our General President, Robert Willis, but I will echo his concern for the need for an action level in the standard which will most adequately assure, to the extent feasible, the highest degree of safety protection of the employee. Without a specific set of criteria set out in the standard, such as the target level, the important provisions on dust control will be unenforceable, vague, and open to wide interpretation (Larry Barber, Tr. 96–6/26).
>
> * * * But what does good housekeeping mean? In some of our facilities, it means no dust at all. In others, it has a very different criterion. There is an obvious need for a better, more effective and clearer standard * * *.
>
> Of the three options OSHA provides in this provision, the first, the 1/8th inch action level, would provide the greatest measure of safety, for it sets out specific criteria that employers must meet. This is the true performance approach. An approach that sets criteria, but does not dictate the means by which it shall be achieved (Robert Willis, Tr. 76–77–6/26).

The proponents of the ⅛ inch action level also contend that the record demonstrates that secondary explosions are not inevitable and can be prevented. The following is one example given to support this contention and concerns the Nebraska Fire Marshal's report about the Blue Valley grain elevator explosion in Tamore, Nebraska (Ex. 213 p. 21):

> There were no secondary explosions in this elevator explosion. A primary explosion was ignited in the bucket leg by a hot bearing (they had no detection device). The report states that: "It was noted from the investigation, that this elevator was a clean elevator. It is felt that part of this is due to the positive air displacement system that is maintained in the tunnel area of the elevator. This creates an air pressure within the tunnel area that forces the dust to stay within the leg and the conveyor system, keeping dust from filtering out of these areas throughout the rest of the elevator. It is felt that this, in fact, did help hold down the amount of damage and destruction that resulted from this explosion."

To summarize this position, proponents of the ⅛ inch action level believe that any provision for dust control must be performance-oriented, but must contain the ⅛ inch (or less) action level to establish an identifiable and specific criterion by which to judge performance. They contend that such a provision would not only promote a consistent level of safety among grain elevator housekeeping programs, but also, would result in eliminating or reducing the effects of secondary explosions.

Opponents to the ⅛ inch action level contended that a dust level should not be specified because tests have demonstrated that dust accumulations (test medium was corn starch) of as little as 1/100 of an inch can fuel the spread of a flame front, and an action level of 1/100 of an inch is not obtainable or practicable (e.g., Tr. 8–9–6/21; Tr. 129–7/11; Tr. 261–7/11; Ex. 14: 1423, 1833, 2803). They also asserted that, instead of an action level, a performance-oriented requirement to implement a housekeeping program would be more effective (e.g., Ex. 14: 1849, 1112, 2119, 1871, 3024; Tr. 48–50–6/21; Tr. 26–27–7/11). The following statements are only a few examples that express this position:

> Another research project, entitled "Dust Explosion Propagation in Simulated Grain Conveyor Galleries", performed by Factory Mutual Research Corporation, found that less than 1/100th of an inch of grain dust is sufficient to fuel the spread of a flame front.
>
> Clearly a 1/100th-inch action level is not obtainable or practicable in an operating facility.
>
> The NGFA believes that OSHA's housekeeping proposal must be redirected, if it is to be cost-effective in improving safety. The NGFA opposes the establishment of arbitrary housekeeping criteria, including the three so-called housekeeping "options" proposed by OSHA. However, the NGFA does believe that grain handling facilities should develop and implement a written housekeeping program that specifies the area and frequency of checking and cleaning by using sweeping, dust control or a combination of methods to reduce dust accumulations (National Grain and Feed Association, Ex. 14: 1472 p.21; 27).
>
> OSHA may be creating a false sense of security for the grain industry and its employees. It is neither technically nor economically feasible to completely rid an elevator of grain dust and no level of grain dust is "safe"—even less than 1/100 of an inch of dust has been shown to support flame propagation (Northwest Terminal Elevator Association, Ex. 14: 1871 p. 4).
>
> As a matter of fact, the industry has information to suggest that as little as 1/100 of an inch of dust can support a grain dust explosion (Northwest Agri-Dealers Association, Ex. 14: 1470 p. 4).
>
> It is common knowledge that dust levels far below ⅛" will support an explosion. Setting a level of ⅛" or even less will only provide a sense of false security for our employees. We recommend that OSHA's proposed housekeeping program be deleted and that it be replaced with the following: "Each facility shall develop and implement a written housekeeping program that describes areas and frequency of cleaning" (Cargill Commodity Marketing Division, Ex. 14: 1416).
>
> Research conducted by the industry has shown that dust layers of less than 1/100th of an inch can support flame propagation.
>
> OSHA would do well to substantially recast this section to allow each facility to simply develop and implement a performance-oriented written housekeeping program that describes the areas to be cleaned and the frequency of the cleanings (Cargill, Tr. 261–262–7/11).

The opponents to the ⅛ inch action level (as well as many other rulemaking participants) also believed that the housekeeping program should specifically address "critical areas" (e.g., Ex. 14: 2135, 2517, 3024, 3025, 3264; Tr. 86–6/19; Tr. 222–6.12; Tr. 68–6/21; Tr. 182–183–7/10).

These "critical areas" are described as those areas around or near known potential ignition sources that should be cleaned first. For example, a witness for the Grain Elevator and Processing Society at the Kansas City hearing (Tr. 18–19–6/28) remarked:

> * * * the program should focus dust control on or around known ignition sources where dust accumulations may present a hazard.

The National Grain and Feed Association (Ex. 14: 1472 p. 27) stated:

> Because the location of the layered dust plays a role in the propagation of an explosion, a housekeeping program could identify the need for more frequent housekeeping near potential ignition sources or areas adjacent to operating machinery. Attention could be directed toward dust accumulations on equipment which has the greatest potential for overheating or malfunctions or towards dust accumulations

in areas around and adjacent to bucket elevators, enclosed conveyors, etc.

Another commenter, Continental Grain Company (Ex. 14: 3251 p. 17), asserted:

> Primary emphasis for both control of dust and ignition sources must be placed at areas identified as more hazardous.
>
> We suggest that if OSHA wishes to maintain a provision for housekeeping, that it specify employers identify areas for primary housekeeping emphasis based on identification of known ignition sources such as bucket elevators, major bearings and sources of frictional heat. These areas should receive primary emphasis for housekeeping and dust control.

In summary, opponents of the ⅛ inch action level contended that no level should be specified because, based on research, dust accumulations much less than ⅛ inch (as little as 1/100 of an inch) are recognized as hazardous, and specification of the ⅛ inch level could give employees a false sense of security.

Instead, they suggest a performance-oriented housekeeping provision that addresses the frequency and methods to be used to control dust accumulations, particularly in "critical areas."

Based on its evaluation of the record, OSHA has determined that the final standard should contain: A performance-oriented provision for housekeeping; establishment of critical areas as priority areas for housekeeping; and, the use of a ⅛ inch action level in these priority areas. The following discussion focuses on each of these elements.

Performance-oriented housekeeping provision: A performance-oriented provision specifies a goal, but does not specify the means of reaching that goal. OSHA agrees with this approach with respect to housekeeping. The goal is to reduce dust accumulations, but specific means of reaching that goal need not be mandated by OSHA. This will provide the employer the flexibility needed to utilize the method(s) best suited for reducing dust accumulations at a particular facility. This performance-oriented approach is reflected in paragraph (i)(1) of the final standard.

Critical housekeeping areas: While it is OSHA's position that housekeeping be performed throughout the entire grain facility, the Agency also believes there are critical areas in certain facilities (where known potential ignition sources exist) that require priority attention with respect to housekeeping. OSHA prefers to describe these as "priority housekeeping areas" rather than critical areas. Based on the record, and the importance of controlling dust accumulations in these areas, OSHA believes that it is necessary to address specifically these priority housekeeping areas in the housekeeping program.

Rulemaking participants (e.g., Ex. 14: 3251, 1472, 1849; Tr. 68–6/21) were very helpful in identifying certain areas that present significant fire and explosion hazards because of the presence of ignition sources and dust generating equipment and operations. As a result of this input, OSHA has determined that three areas constitute priority housekeeping areas and must be addressed by all grain elevator housekeeping programs. These three areas are: Areas within 35 feet of inside bucket elevators; enclosed areas containing grinding equipment; and, enclosed areas containing grain dryers located inside the facility.

OSHA believes it is important to establish a minimum distance between an inside bucket elevator (the location of potential *ignition sources*) and dust accumulations (which can provide the *fuel* for a fire or explosion). Such a requirement is not unique to this standard. One example of the establishment of such a minimum distance is found in the current standards on hot work (welding and cutting) in § 1910.252(d)(2)(vii)). That provision provides for separation of ignition sources from fuel sources, before welding and cutting operations begin (ignition sources), by requiring the removal of all combustible materials (fuel sources) within 35 feet of the operations. OSHA believes that it is reasonable to require a like distance (35 feet) in grain facilities between inside bucket elevators (the location of potential "ignition sources") and dust accumulations ("fuel source"), and to establish that 35 foot area as a priority housekeeping area.

The use of an action level in priority areas is a departure from the proposal since the action level in the proposal applied to any 200 square foot area in the entire facility. Limiting the action level to priority areas around and near known ignition sources, instead of any 200 square foot area in the facility, will significantly reduce the area regulated by the ⅛ inch action level and will be less of an economic burden than the approach proposed. Additionally, this approach more directly focuses on the hazard of dust accumulations around ignition sources and, consequently, will enhance employee safety.

Appropriateness of mandating a ⅛ inch action level: OSHA proposed a ⅛ inch *action* level—not a "safe" level. As discussed in the proposal (49 FR 1000–1001), OSHA does not consider, nor has it ever implied, that a ⅛ inch dust accumulation is safe. Instead, the Agency considers dust accumulations of ⅛ inch to be a recognized hazard, and a level which can be feasibly measured and controlled—particularly in priority housekeeping areas.

Much of the opposition to a ⅛ inch action level was based on the results of a research project performed for the National Grain and Feed Association (NGFA) by the Factory Mutual Research Corporation (Ex. 96). As discussed above, it was contended that the results of the tests performed showed that dust accumulations as little as 1/100 of an inch can fuel the spread of a flame front. While some rulemaking participants disagreed with certain technical aspects of this research (e.g., Ex. 206; Ex. 213), the fact remains that this research shows, and a vast majority of the industry agrees, that dust accumulations which are much less than ⅛ inch are recognized as hazardous (e.g., Tr. 261–7/11; Tr. 8–9–6/21; Tr. 129–7/11; Ex. 14: 1416, 1423, 1472, 1871, 3024, 2803). This only buttresses OSHA's position that a dust accumulation of even ⅛ inch is a recognized hazard, and a level at which (and preferably before) corrective action must be taken.

It is interesting to note that Factory Mutual Research Corporation, which performed the tests for the NGFA, *also recommended an action level*—one even less than that proposed by OSHA:

> Tests have shown very small amounts of combustible dusts are sufficient to propagate an explosion. We are aware of the economic implications of decreasing the OSHA recommended ⅛ in. of dust accumulations further, but still feel that it is too high. The Factory Mutuals recommend that 1/16 of an inch be the minimum (Ex. 14: 51).

Even though dust accumulations of ⅛ inch are well recognized as hazardous, numerous situations have been documented in the record where dust accumulations were recognized to be well in excess of ⅛ inch, yet no corrective action was taken. For example:

> Q. How deep does the dust get at that point?
>
> A. Three days ago I saw it two feet deep.
>
> Q. What area of the facility was that?
>
> A. The turnhead. That is my responsibility to clean it. We were busy and I couldn't get to it (Donald Spoeneman, Tr. 319–6/20).

Mr. Murra: Well, in the North elevator basement where the main tank valves and the main legs are going up there, I've seen as much as, oh, five or six inches of dust when you come back after the housekeepers have not been working (Jim Murra, Tr. 168–6/19).

> We do transfer grain, and we store grain in our plant. And the dust accumulation amounts to quite a bit, anywhere from zero to a foot at times, and there are times when you don't know whether to sweep or just get the hell out of the place. That's how bad it gets (Rick Krause, Tr. 133–6/26).

There are places that the dust exceeds maybe an inch or so in depth. These areas have not been cleaned in a very long time and won't be unless these regulations are enforced (Donald Baldridge, Tr. 204–6/19).

> A. The headhouse is the worst. It's the worst area of the elevator * * *.
>
> Q. How deep would the dust be up on the headhouse?
>
> A. It could probably get three to five inches in one day (Rick Krause, Tr. 145–6/26).

So, when the dust systems don't work, we just keep on keeping on it and after 8 or 10 or 12 or 14 hours of moving grain around, you are looking at three or four inches of dust, maybe two or three feet of dust. It scares me (Donald Spoeneman, Tr. 305–6/20).

Because there is documented evidence in the record that corrective action is not always being taken when hazardous accumulations of dust exist in priority housekeeping areas, it is OSHA's position that mandating an action level for priority housekeeping areas is necessary. The record also contains substantial support for an action level at priority housekeeping areas (e.g., Ex. 14: 58, 3024, 2803, 3025, 3264; Tr. 48–49–6/21), rather than the proposed approach of imposing a ⅛ inch action level over any 200 square foot area in the entire facility.

The record has convinced OSHA that the proposed approach of using the 200 square foot area as the criterion for initiating corrective action is unnecessary. This is because such an approach could result in problems with measurement and with economic feasibility, and would not focus dust control at the most potentially hazardous locations. Instead of the proposed approach, OSHA believes that the approach contained in the final standard of imposing a ⅛ inch action level at *priority housekeeping areas* will not only mandate correction of a recognized hazardous accumulation of dust at the areas of highest potential for ignition, but will also provide a measure of compliance that will promote a more consistent level of safety among housekeeping programs.

It has been said (e.g., Ex. 215; Ex. 14: 588, 1026, 1423, 1472, 1470, 1853) that the ⅛ inch level of dust accumulations is not based on scientific evidence; that this level would be difficult to measure; and, therefore, specification of such a level would be arbitrary and capricious. It is true that there is no scientific evidence that dust accumulations of ⅛ inch constitute a safe level. However, the proposed ⅛ inch action level was based on recommendations prepared by Factory Mutual and the Canadian Grain Handling Association several years earlier as a maximum level of grain dust in grain handling facilities (Ex. 9: 69, 111). Further, as discussed previously, OSHA does not consider dust accumulations of ⅛ inch to be a safe level but a level which is a recognized hazard. OSHA does not believe it arbitrary nor capricious to mandate corrective action when a recognized hazard exists.

Additionally, while some rulemaking participants suggest that the action level should be less than ⅛ inch, OSHA remains convinced that a dust accumulation of ⅛ inch is the minimum that can be feasibly controlled and easily measured. Measurement can consist of using a simple measuring device such as a ruler or tape measure.

Accordingly, OSHA has concluded that it is necessary to mandate a ⅛ inch action level for dust accumulations at priority housekeeping areas. Whereas the proposed action level concept would have applied to all locations in all grain handling facilities, OSHA has determined that the action level is more appropriately limited to grain elevators, and further to specific areas within such elevators, because their potential ignition sources cannot be readily identified and controlled with any certainty or comprehensiveness, and has determined that these specific areas are the ones involved in the majority of the explosions.

The final rule concentrates on "priority housekeeping areas" for grain elevators, and applies a ⅛ inch action level to such areas; when dust accumulations exceed ⅛ inch anywhere in these areas, the employer is required to take action under the housekeeping program to remove such accumulations. The priority housekeeping areas include those areas surrounding the equipment used to transport grain throughout the facility, namely, the inside bucket elevator, grinding equipment, and grain dryers. It is not possible to isolate all individual points within the bucket elevator which could constitute ignition sources. Where possible, ignition sources are identified and specific control measures established, such as belt alignment indicators. However, because of the uncertainty as to specific ignition sources and the methods for controlling them, it is necessary to maintain low levels of dust around grain elevator equipment in order to reduce the potential for dust to ignite or explode. The ⅛ inch level is by no means a "safe" level for grain dust; it is considered by OSHA to be a reasonable action level which meets the constraints of feasibility, while providing protection to employees. The standard does not specify the means to be used by the employer in removing accumulations above ⅛ inch from the priority housekeeping area. The written housekeeping program allows the employer flexibility in determining the type or combination of dust removal method(s) to employ. The standard only requires that such method "best reduce" grain dust accumulations. This criterion is to be evaluated based on the totality of relevant factors in the facility, including number of priority housekeeping areas, number of shifts operated, and facility size.

One argument against the ⅛ inch action level is that it is not a "safe" level for grain dust. Industry has argued that because lesser accumulations of dust are hazardous, OSHA should not set ⅛ inch or *any other* criterion for dust removal. This argument says, in essence, that because an "action level" low enough to prevent all grain dust explosions is clearly not feasible, OSHA should not set an action level at all. This argument is not persuasive. Based on explosivity alone, and the need to control dust accumulations in areas with known potential ignition sources, an action level below ⅛ inch would be supportable, since grain dust has been demonstrated to be explosive in levels as low as 1/64 inch. However, one of OSHA's constraints in regulating safety and health hazards is the feasibility of the standards that it promulgates. OSHA's choice of a ⅛ inch action level for priority housekeeping areas is not based on a finding that this level will eliminate the significant risk of explosions and fires in grain handling facilities. Rather, it is based on the Agency's determination that, at least in priority housekeeping areas, there is a need to control dust accumulations to some objective criterion that can be readily measured, and to assure that when dust concentrations reach that criterion, clean-up efforts are instituted under the housekeeping program. A ⅛ inch action level will not eliminate the risk; however, OSHA believes that it is necessary to apply some limit to dust accumulations in priority areas, and a ⅛ inch action level has been demonstrated to be feasible in most facilities in which it will be applied. Lower action levels have been considered by OSHA, but the Agency does not believe that such levels are feasible. The record indicates that application of a ⅛ inch action level in

VOL
52
ISS
251
DE
31
1987
UMI

priority housekeeping areas will substantially reduce the risks of fires and explosions in areas where known potential ignition sources exist.

There are several incentives for reducing dust levels in grain elevators. Besides the obvious benefits resulting from improved safety, there are also economic incentives. Decreased amounts of dust mean less time needed for housekeeping, and decreased labor costs. Additionally, grain elevator operators should be aware of new regulations of the U.S. Department of Agriculture concerning constraints placed upon returning dust to the stock handling system.

The best approach for handling the ⅛ inch action level is for the grain elevator operator to implement measures to prevent dust accumulations from reaching ⅛ inch in the first place. There are several dust control methods any of which, when implemented properly, can be effective in preventing dust accumulations from reach ⅛ inch.

Regardless of the method used, the grain elevator operator should, first, analyze the entire stock handling system to identify the location of dust emissions. Holes in spouting, casings of bucket elevators, drag conveying systems, screw augers, etc., should be repaired or patched to prevent any leakage.

One method of controlling dust emissions is to enclose the conveying system, pressurizing the general work area, and providing a lower pressure inside the enclosed conveying system. Although this method is effective in controlling dust emissions from the conveying system, it is imperative to provide adequate access to the inside of the enclosure to facilitate frequent removal of dust accumulations.

A frequently used method of controlling dust emissions is a pneumatic dust collection system. It is important, however, that the system be *designed properly* and *installed properly*. When installing a new or upgraded pneumatic dust control system, the grain elevator operator should require an acceptance test to ensure that the system is operating as intended and designed.

Aspiration of the leg, as part of a pneumatic dust collection system, is another effective method of controlling dust emissions. Aspiration of the leg consists of a flow of air across the entire boot, which entrains the liberated dust and carries it up the up-leg to take-off points. With proper aspiration, dust concentrations in the leg can be lowered below the lower explosive limit.

The use of edible oil sprayed on or into a moving stream of grain is another method that can be used to control dust emissions. Tests performed using this method have shown that the oil treatment is *very effective* in reducing accumulations of dust in the work areas. Recent research and improvements in the use of oil additives have made this process more effective and more economically competitive.

The grain elevator operator is encouraged to carefully evaluate the various methods available to reduce dust accumulations. This is because when designed, implemented, inspected, and maintained properly, these methods can be effective in preventing dust accumulations from even reaching the ⅛ inch action level; and, can greatly reduce the need for manual labor to remove the dust.

While the final rule incorporates the ⅛ inch action level, it also provides an alternative to that level for employers who can demonstrate and assure that their housekeeping program provides equivalent safety. OSHA recognizes that any housekeeping program which allows dust accumulations of greater than ⅛ inch cannot provide "equivalent safety" unless additional steps are taken to reduce the combustibility of the accumulated dust. For example, it may be possible to treat the grain stream with oil additives which inhibit the combustibility of any dust which is emitted from the grain handling system. The record indicates that such additives are already available and in use for various types of grain, and that they can be highly effective in both reducing the amount of dust generated and reducing the combustibility of that dust. It may also be possible to "wet down" the areas of dust accumulation, using either an oil- or water-based solution, in a manner similar to that used in controlling the combustibility of coal dust in mining operations. The standard allows for the use of such means of controlling the combustibility of grain dust, or any other means which may be developed in the future, if the employer can demonstrate that it will provide protection equivalent to the removal of grain dust accumulations whenever such accumulations exceed ⅛ inch. OSHA believes that this provision will allow for the development of new and improved methods of preventing dust accumulations from igniting or exploding. In brief, the standard requires that the grain elevator employer either comply with the action level, removing grain dust accumulations whenever they exceed ⅛ inch in depth, or employ an alternative method. Where an alternative method is used, and accumulations of greater than ⅛ inch of grain dust are allowed to remain without being cleaned up, the employer must demonstrate that those accumulations do not pose a greater fire or explosion hazard than would exist if they were removed.

The record indicates that OSHA needs to be concerned with both primary and secondary explosion hazards in grain handling facilities. It is self-evident that prevention of primary explosions will necessarily eliminate secondary explosions as well. OSHA believes that the approach set forth in the final rule, which focuses primarily on the areas in which primary explosions are most likely to occur, will be effective in reducing the number of such primary explosions. The standard is much more detailed in its requirements for these areas, which are designated as "priority housekeeping areas," than it is for other areas in the grain handling facility. It must be noted, however, that the written housekeeping program must be developed and implemented for the entire facility, and not just for priority housekeeping areas. This is intended to assure that dust accumulations are periodically removed throughout the facility to minimize the possibility of a secondary explosion in the event that a primary explosion takes place. As will be noted below, OSHA believes that regardless of the steps taken by the standard to control potential ignition sources and dust accumulations near those sources, it is not possible to identify and control all possible sources of grain dust ignition. The Agency believes that the standard accomplishes this goal within the limits of feasibility, and that the supplemental dust control requirements in priority housekeeping areas will further reduce the risk of secondary explosions.

In controlling the risk of primary explosions, it is necessary to concentrate on both the fuel for such explosions, grain dust, and the potential ignition sources which could touch off explosions. As was stressed by industry representatives throughout the rulemaking proceeding, control of ignition sources is central to the prevention of primary explosions. Ideally, if one could first identify and then control all such potential ignition sources that are present in a grain handling facility, it would be possible to prevent all primary explosions in that facility, regardless of the amount of grain dust that had accumulated. For certain types of grain handling facilities, such as feed mills, it is possible to narrow down the potential ignition sources sufficiently, and to formulate appropriate control methods for such sources. The vast majority of explosions

in feed mills can be traced almost exclusively to the grinding equipment used in the facilities, and to the presence of tramp metal and other foreign materials, such as tools, which get into the grain stream. For these types of facilities, OSHA believes it is possible to prevent primary explosions without imposing specific dust accumulation limits in priority housekeeping areas, because the potential ignition sources can be identified and controlled. In the case of feed mills, the standard controls the potential ignition sources, namely, the grinding equipment, by requiring means for the removal of foreign materials from the grain and by requiring an effective preventive maintenance program. Unlike grain elevators, mills have potential ignition sources that are readily identifiable with some specificity, and that are amenable to specific control measures. This is not to say that there are no such readily identifiable ignition sources in grain elevators; indeed, the standard does identify several specific ignition sources such as overheated bearings and misaligned belts, and prescribes appropriate control measures. However, as the NAS report clearly illustrates (Ex. 9:40), the number of potential ignition sources to be found in a bucket elevator is not readily quantifiable, and not all such sources are identifiable, even after an explosion has taken place. The efforts of the grain industry to identify and control these sources, and to carry out research projects directed at developing safer grain transport systems within grain elevators, are laudatory; however, because of the nature of the hazard and illusiveness of the potential ignition sources, an approach which concentrates solely on ignition sources cannot succeed, and must incorporate dust control measures as well. The final rule provides the kind of balanced program of dust control and ignition control that the Agency envisioned when it began this rulemaking effort. For facilities in which virtually all potential ignition sources can be identified and controlled, the standard provides for this to be accomplished, and supplements these efforts with a general written housekeeping program. The Agency recognizes that the controls specified in the standard assume a general level of housekeeping to remove dust, since large quantities of accumulated dust can result in fires and explosions from sources of ignition which would not normally be considered to be significant. OSHA believes that if the known potential ignition sources in these facilities can be effectively controlled, there is minimal need to supplement the general housekeeping program with an "action level."

Another reason for not imposing more stringent housekeeping requirements on mills in this standard is that such facilities are already subject to requirements of the Food and Drug Administration (FDA) which address sanitation of food contact and non-food-contact surfaces. These requirements, which are found in Title 21 of the Code of Federal Regulations, cover the manufacture of animal feeds and food for human consumption. For example, Subpart B of 21 CFR Part 110 contains provisions for "good manufacturing practice" involving buildings and facilities used for the production of food for human consumption. Paragraph (c) of § 110.37 provides, in part, that:

> All utensils and product-contact surfaces of equipment shall be cleaned as frequently as necessary to prevent contamination of food and food products. Non-product-contact surfaces of equipment used in the operation of food plants should be cleaned as frequently as necessary to minimize accumulation of dust, dirt, food particles, and other debris * * *

Because regulations of this type are directed at the cleanliness of food and feed products, and not at employees' working conditions, they are in no way preemptive of OSHA's regulatory authority under section 4(b)(1) of the OSH Act. However, they do have the side effect of reducing the potential for dust fires and explosions by not permitting accumulations of dust on surfaces in mill facilities. OSHA believes that the active involvement of FDA in the manufacturing process of food and feed mills significantly reduces the degree to which an OSHA grain handling standard needs to specify housekeeping procedures for such facilities.

By contrast, however, it should be noted that by express exception in § 110.19, the good manufacturing practice provisions for food for human consumption do not apply to establishments engaged solely in the harvesting, storage, or distribution of raw agricultural commodities which are ordinarily cleaned, prepared, treated or otherwise processed before being marketed to the consuming public. Thus, the requirements of Subpart B of 21 CFR Part 110 are not applicable to grain elevators. The ameliorating effects of such FDA regulations, therefore, are not achieved for grain elevators, but are applicable only to mills.

FDA also regulates sanitation in animal feed additives and drugs used in medicated feeds. Although these regulations are not directly applicable to the grain itself, they are important to OSHA's regulation of mills in two ways: First, they are concerned with keeping the feed from becoming adulterated by the work environment and equipment, and with preventing cross-contamination between batches of product. This involves additional equipment cleaning procedures which reduce the likelihood that grain dust will be allowed to accumulate anywhere in the facilities. For example, in Subpart B of 21 CFR Part 225, § 225.65(b) requires that all equipment that comes in contact with medicated feed be subject to "all reasonable and effective procedures to prevent unsafe contamination of manufactured feed." These procedures must, where appropriate, consist of physical means (vacuuming, sweeping, or washing), flushing, and/or sequential production of feeds. Second, these regulations indicate the wide range of additives that feed manufacturers handle in manufacturing animal feed products, and the care that must be taken in providing adequate sanitation. As noted earlier, most of these additives, particularly those which are provided in liquid form, greatly reduce the ability of a grain mixture to generate combustible dust as it is transported through the mill. This, together with the control of ignition sources, greatly reduces the need for housekeeping, and makes it unnecessary for OSHA to establish priority housekeeping areas for mills.

To summarize paragraphs (i)(1) and (i)(2) of the final standard, paragraph (i)(1) applies to all grain handling facilities and requires the development and implementation of a written housekeeping program. Paragraph (i)(2) applies only to grain elevators, and requires that the housekeeping program address priority housekeeping areas. When any dust accumulation exceeds ⅛ inch at priority housekeeping areas, designated means or methods must be initiated to remove such accumulations immediately.

Paragraph (i)(3) of the proposal addressed the use of compressed air to blow dust from ledges, walls, and other areas which are difficult to reach. It was the intent of OSHA to permit this practice only after certain precautions had been implemented. To assure that there is no misunderstanding with respect to its intent, OSHA has made minor modifications to the proposed language of this paragraph. Consequently, paragraph (i)(3) of the final standard reads as follows:

BEST COPY AVAILABLE

VOL 52 ISS 251 DEC 31 1987 UMI

The use of compressed air to blow dust from ledges, walls, and other areas shall only be permitted when all machinery that presents an ignition source in the area is shut-down, and all other known potential ignition sources in the area are removed or controlled.

Paragraph (i)(4) of the proposal stated that grain or product spills would not be considered grain dust accumulations, but required that procedures for removing such spills be addressed by the housekeeping program. OSHA did not receive any adverse comments regarding this provision. Therefore, paragraph (i)(4) of the final standard reads the same as that which was proposed.

Grate openings: Paragraph (j). This paragraph of the proposal required that receiving-pit feed openings be covered by grates, and that the openings in the grates be no larger than 2½ inches by 2½ inches unless a magnet is used to remove ferrous material from the grain stream.

OSHA proposed the use of magnets as an alternative to grate openings having to be 2½ inches in two dimensions (length and width). However, many rulemaking participants objected to this proposed requirement (e.g., Ex. 14: 7, 588, 1186, 1416, 1470, 1635, 1833, 1867, 1874, 3284). They contended that this provision would impact most of the industry because existing grates are 2½ inches in one dimension, but not both. They further contended that this provision would not only be costly, but also impractical with no increased benefit in safety. For example, one commenter, North Pacific Grain Growers Inc. (Ex. 14: 1026 p. 2), stated:

> There is no scientific justification that shows a 2.5 inch square grate opening will provide greater safety than those now in use. The proposed grate size would severely impede grain flow of many commodities, increasing handling costs with no safety benefit.

Another commenter, from Cargill (Ex. 14: 1845 p. 3), remarked:

> The 2.5 inch standard dictated in the proposal has no demonstrated safety advantage. Yet according to a recent survey by an industry organization, only about 8 percent of the industry could comply. If the proposal were modified to require only one dimension of the opening to meet the 2.5 inch standard, roughly 80 percent of the industry could be brought into compliance without significant impairment of the proposal's goal: the elimination of tramp metal in the grain stream.

Other commenters (e.g. Ex. 14: 1416, 1470, 1635, 1874, 2115, 2119, 3264) contended that the installation of magnets, as an alternative to the 2½ inch by 2½ inch grate opening requirement, would be costly and that there was no proof that the use of magnets would be effective in removing foreign objects and tramp metal from the grain stream.

After review of the record, OSHA has concluded that the installation of magnets is not an equally protective alternative to grates because magnets would not prevent nonferrous objects from entering the grain stream. Instead, it is OSHA's position that receiving-pit feed openings must be covered by grates, and that the grate openings must be of such size that large foreign objects will be prevented from entering the grain stream. The record has convinced OSHA that mandating grates with openings of 2½ inches (maximum) in width will accomplish these goals. Therefore, paragraph (j) of the final standard has been modified to read as follows:

> Receiving-pit feed openings, such as truck or railcar receiving-pits, shall be covered by grates. The width of openings in the grates shall be a maximum of 2½ inches (6.35 cm).

Filter collectors: Paragraph (k). Paragraph (k)(1) of the proposal required fabric dust filter collectors, which are a part of a pneumatic dust collection system, to be equipped with a monitoring device that indicates when the filter becomes blinded. It also required that such indication be observable at a designated inspection or work location.

Several commenters (e.g., Ex. 14: 123, 1416, 1849, 1871, 1880) contended that they were unclear as to OSHA's definition of "blinded," and questioned the importance of requiring monitoring at a designated inspection or work location.

OSHA concedes that the term "blinded" may have been unclear. The intent of the term blinded was to require an indication whenever there was a pressure-drop across the surface of the filter, which is a sign that the filter collector is not functioning at its designed efficiency. The final standard incorporates this clarification. Additionally, OSHA believes that the sentence: "Such indication shall be observable at a designated inspection or work location," contained in the proposed provision, is no longer necessary since its intent will be accomplished by the preventive maintenance requirements (discussed below) contained in the final standard.

Consequently, paragraph (k)(1) of the final standard reads as follows:

> Not later than (one year after the effective date of this standard), all fabric dust filter collectors which are a part of a pneumatic dust collection system shall be equipped with a monitoring device that will indicate a pressure drop across the surface of the filter.

Paragraph (k)(2) of the proposal addressed the location of filter collectors that are installed after the effective date of the final standard. The location of existing filter collectors would be "grandfathered." OSHA proposed three alternative locations for new filter collectors.

The first (and preferable) location proposed, (k)(2)(i), was outside of the facility. OSHA did not receive any negative comments with respect to this alternative, and it has been included in the final standard.

The second alternative location proposed, (k)(2)(ii), was: "In an area inside the facility protected by a fire or explosion suppression system." While some commenters supported locating a filter collector inside the facility if it were protected by an *explosion* suppression system, there was some disagreement with permitting it to be protected by a *fire* suppression system. For example, a commenter from the National Fire Protection Association (Ex. 14: 1756 p. 2) remarked:

> Regarding use of suppression systems, the OSHA option will not provide the desired level of safety if fire suppression is allowed. A fire suppression system will not function rapidly enough to quench a deflagration and may not extinguish a fire fast enough to prevent a deflagration from occurring anyway. NFPA 61B only allows explosion suppression to be used.

Another commenter from the Alliance of American Insurers (Ex. 14: 55 p. 2) asserted:

> Fire suppression systems such as automatic sprinklers, carbon dioxide flooding, and water spray are not equivalent to an explosion suppression system. The words "fire or" should be eliminated from this subparagraph.

OSHA agrees with these commenters that a *fire* suppression system would not be adequate in this type of situation since it would not activate fast enough to prevent an explosion. Therefore, OSHA has deleted the words "fire or" from paragraph (k)(2)(ii) of the final standard.

The third alternative location proposed by OSHA was:

> Located in an area inside the facility provided with explosion venting to the outside and separated from other areas of the facility by construction having at least a one hour fire-resistance rating.

Several commenters (e.g., Ex. 14: 55, 58, 1756) disagreed with this proposed alternative location. They suggested that this provision follow the National Fire Protection Association's (NFPA) Standard 61B, "Standard for the Prevention of Fires and Explosions in Grain Elevators and Facilities Handling Bulk Raw Agricultural Commodities," concerning filter collectors located inside buildings. These commenters contended that the approach taken in NFPA 61B is safer than that proposed by OSHA because the NFPA 61B approach requires venting to be applied to the collector itself, with ductwork to direct the overpressures and flames to the outside of the building. They asserted that this approach of direct venting of the collector would cause little damage to the collector, no damage to the room in which the collector is located, and no injury to employees who happen to be in the room at the time.

OSHA agrees with these commenters that this approach is more protective of employees than that proposed by OSHA. Therefore, paragraph (k)(2)(iii) has been modified to be more consistent with NFPA 61B, and reads as follows in the final standard:

> Located in an area inside the facility that is separated from other areas of the facility by construction having at least a one hour fire-resistance rating, and which is adjacent to an exterior wall and vented to the outside. The vent and ductwork shall be designed to resist rupture due to deflagration.

Preventive maintenance: Paragraph (l). Rulemaking participants recognized the importance of a preventive maintenance program in eliminating potential ignition sources, and considered preventive maintenance a valuable tool for keeping equipment functioning properly and safely (e.g., Ex. 14: 1416, 1849, 1871, 2803, 3024, 1472; Tr. 160–7/10; Tr. 42–6/27). OSHA also received excellent suggestions for modifying some of the proposed preventive maintenance provisions.

Paragraph (l)(1)(i) of the proposal required regularly scheduled inspection of certain mechanical and safety control equipment. Rulemaking participants supported this performance-oriented provision, except there were some suggestions with respect to making two changes for clarity (e.g., Ex. 14: 3251, 1416). First, it was suggested that the proposed phrase of "removal of ferrous objects" be changed to "grain stream processing equipment" because it describes the specific *equipment* which requires preventive maintenance, rather than the *process* of removing ferrous objects from the equipment. Second, it was suggested that the term "bucket elevator" be substituted for the proposed term of "elevator legs." It was asserted that the use of the term "bucket elevator" would be consistent with other provisions of the standard.

OSHA agrees with both of these suggestions and, for clarity, has made the suggested changes to paragraph (l)(1)(i) of the final standard.

Paragraph (l)(1)(ii) of the proposal required lubrication and other appropriate preventive maintenance of equipment to assure continued, safe operation. Several commenters (e.g., Ex. 14: 18, 1849, 2135, 3025, 3264) disagreed with the phrase, "to assure continued, safe operation" because they contended that employers cannot completely *assure* that a failure of equipment will not occur even through the best preventive maintenance program. Instead, it was recommended that the provision require lubrication and other appropriate maintenance to be performed in accordance with manufacturers' recommendations, or as determined necessary by prior operating records.

OSHA concurs with these commenters, and believes that the suggested changes reflect an industry practice considered to be effective when implemented.

Consequently, paragraph (l)(1) of the final standard reads as follows:

> The employer shall implement preventive maintenance procedures consisting of:
>
> (i) Regularly scheduled inspections of at least the mechanical and safety control equipment associated with dryers, grain stream processing equipment, dust collection equipment including filter collectors, and bucket elevators;
>
> (ii) Lubrication and other appropriate maintenance in accordance with manufacturers' recommendations, or as determined necessary by prior operating records.

Paragraph (l)(2) of the proposal addressed the "prompt correction" of certain conditions related to equipment problems. Several commenters (e.g., Ex. 14: 18, 1849, 1874, 3263) asserted that it is not always possible to correct certain equipment problems promptly, and that the alternative of removing the equipment from service should be permitted. For example, a commenter from the Bunge Corporation (Ex. 14: 1112 p. 18) remarked:

> The employer should be given the alternative of correcting the conditions listed in subparagraph (l)(2) or taking the equipment out of service.

Another commenter, from ICM Grain Company (Ex. 14: 3024 p. 18), stated:

> The term "promptly correct" used in this section is too operationally restrictive. Resources (parts or manpower) may not be available to allow prompt correction. Employers must be allowed the option of removing the equipment from service.

OSHA agrees that the employer should be permitted the alternatives of promptly correcting certain conditions or removing certain equipment from service. Accordingly, paragraph (1)(2) of the final standard has been modified to read as follows:

> The employer shall promptly correct dust collection systems which are malfunctioning or which are operating below designed efficiency. Additionally, the employer shall promptly correct, or remove from service, overheated bearings and slipping or misaligned belts associated with inside bucket elevators.

Paragraph (1)(3) of the proposal required the employer to implement a system for identifying the date, maintenance performed and/or results of the equipment inspection. OSHA considers such a system to be an important aspect of an effective preventive maintenance program for identifying problem equipment.

Several commenters (e.g., Ex. 14: 1849, 3024, 2803, 1874) contended that the *results* of routine inspections do not need to be reported since the important factor is that appropriate maintenance, if any, be performed.

OSHA concedes that performing the needed maintenance is what is important, not reporting the results of routine inspections. Further, while OSHA *recommends* an effective recordkeeping system which describes the maintenance that has been performed, the Agency also wants to minimize the amount of paperwork that the employer will have to perform. Consequently, this requirement is being modified so that the employer may *certify* that inspection of the equipment has been performed, rather than develop a recordkeeping system. Therefore, paragraph (1)(3) of the final standard has been modified to read as follows:

> A certification record shall be maintained of each inspection, performed in accordance with this paragraph (1), containing the date of the inspection, the name (signature) of the person who performed the inspection and the serial number, or other identifier, of the equipment specified in paragraph (1)(1)(i) of this section that was inspected.

The record contains evidence (Ex. 9: 19) of employees being killed or injured because of the inadvertent activation of equipment that is being repaired, serviced, or adjusted. Accordingly, paragraph (1)(4) of the proposal required the implementation of procedures, consisting of tags and locks, to mitigate this hazard.

OSHA did not receive any substantive comment with respect to this approach, and paragraph (1)(4) of the final

VOL 52 ISS 251 DEC 31 1987 UMI

standard remains the same as that which was proposed.

Grain stream processing equipment: Paragraph (m). This paragraph of the proposal required employers to equip grain stream processing equipment (such as hammer mills, grinders, and pulverizers) with an effective means of removing ferrous material from the incoming grain stream.

OSHA did not find any rulemaking participants who disagreed with the intent of this proposed provision. Therefore, paragraph (m) of the final standard remains the same as that which was proposed, except for minor editorial changes relating to the "shall assure" term.

Emergency escape: Paragraph (n). The proposed emergency escape provisions were intended to recognize the difficulty existing facilities had in complying with the two means of egress requirements contained in 29 CFR Part 1910, Subpart E. As discussed in the preamble to the proposal (49 FR 1002), by definition, a means of egress consists of three distinct parts: The way of exit access, the exit, and the way of exit discharge (§ 1910.35(a)). With respect to the term "exit," fire-resistance rated enclosures are required for stairways used as exits (§ 1910.37(b)(1)).

Recognizing that most grain facilities could not "technically" meet the requirements for exits (e.g., fire-resistance rated stairway enclosures), OSHA decided to propose a requirement where facilities would have less compliance difficulty: Two "means of emergency escape." A means of emergency escape can consist of windows, emergency escape ladders, controlled descent devices, and other alternative measures—less stringent than requirements for an exit. OSHA believed that specifying two means of emergency escape would provide adequate egress because these means of escape can safely handle the small number of employees using them.

The emergency escape provisions were the most misunderstood provisions contained in the proposal. A large number of rulemaking participants (e.g., Ex. 14: 588, 1472, 1112, 1026, 1416, 1849, 1851, 2517) objected to the proposed emergency escape requirements because they incorrectly interpreted these proposed requirements to be more stringent than those contained in 29 CFR Part 1910, Subpart E. They contended that the proposal would require two "exits" (rather than two "emergency escapes" actually proposed by OSHA) from areas of the facility where it would be impossible for them to comply.

Even though OSHA clarified its intention further during the hearing phase of this rulemaking, there were still objections to the proposed provisions. Specifically, rulemaking participants (e.g., Ex. 14: 18, 123, 1871, 1880, 1883, 2517, 3025) asserted that the term "normally occupied" in proposed paragraph (n)(1) was unclear. Other rulemaking participants (e.g., Ex. 14: 1470, 1871, 1879, 2517, 3024, 3284) contended that it would still be difficult to comply with the two means of emergency escape requirements for certain areas of the facility, such as headhouses, scale floors, and tunnels. Also, some rulemaking participants (e.g., Ex. 14: 7, 18, 2803, 3024, 3264) disagreed with proposed provision (n)(2), concerning the separation of emergency escape routes, since this subject is already addressed in Subpart E.

Based on the information contained in the record, OSHA has concluded that galleries and tunnels should have two means of emergency escape because of their restrictive egress arrangements. However, the record has also convinced OSHA that existing grain elevators would have great difficulty in feasibly providing two emergency escapes from tunnels. Therefore, the final standard requires at least one means of emergency escape from tunnels in existing grain elevators. Tunnels in grain elevators constructed after the effective date of this standard, however, will be required to have at least two means of emergency escape.

OSHA has also concluded that scale floors and headhouses, because of their smaller size, do not have the same egress limitations as galleries and tunnels, and therefore, are not addressed by this provision of the final standard. However, scale floors and headhouses must still meet appropriate provisions of Subpart E.

Continuous-flow bulk raw grain dryers: Paragraph (o). The title of this proposed paragraph was "Bulk raw grain dryers." However, several commenters (e.g., Ex. 14: 1849, 1871, 2119) suggested that "continuous-flow" be added to the title because it would be a more accurate term for those dryers with which OSHA is concerned, and would separate these dryers from portable or batch type dryers that do not present the hazard of returning grain directly to the facility.

OSHA agrees with these commenters, and has changed the title of paragraph (o) of the final standard to the more accurate term of "continuous-flow bulk raw grain dryers."

Paragraph (o)(1) of the proposal required direct-heat dryers to be equipped with certain automatic controls. Paragraph (o)(1)(i) required automatic controls which would shut-off the fuel supply in case of power or flame failure or interruption of air movement through the exhaust fan. OSHA did not receive any adverse comments with respect to this provision, and paragraph (o)(1)(i) of the final standard remains the same as that which was proposed.

Paragraph (o)(1)(ii) of the proposal required automatic controls that would stop the grain from being fed into the dryer if the grain discharge mechanism became clogged, or excessive temperature occurred in the exhaust of the drying section.

OSHA did not receive many comments with respect to this proposed provision, but those who did comment, generally supported the last part of this provision which addressed stopping the grain from being fed into the dryer if excessive temperature occurred in the exhaust of the drying section. Some commenters (e.g., Ex. 14: 3251, 3264), however, disagreed with the first part of this proposed provision regarding stopping the grain from being fed into the dryer if the grain discharge mechanism became clogged. For example, a commenter from the National Grain and Feed Association (NGFA) (Ex. 14: 1472 p. 34) stated:

> While most grain dryers are equipped with devices to detect and prevent grain flow into the dryer when excessive temperatures are reached, very few are equipped with a device to detect a plugged condition in the grain discharge and subsequently stop grain from feeding into the dryer.
>
> * * * The device to detect the discharge plugged condition would only serve to duplicate the detection of excessive temperatures since the temperature device would soon be activated if grain flow through the dryer ceased. The NGFA recommends that OSHA delete the portion of the requirement which stipulates that grain dryers be equipped with a device that will detect a clogged condition in the grain stream exit.

After analysis of the information contained in the record, OSHA agrees with the recommendation of NGFA. Therefore, paragraph (o)(1)(ii) of the final standard reads as follows:

> * * * Will stop the grain from being fed into the dryer if excessive temperature occurs in the exhaust of the drying section.

Also, based on the record, OSHA has decided to allow employers three years to comply with paragraph (o)(1)(ii) of the final standard in order to obtain the required equipment.

Paragraph (o)(2) of the proposal addressed the location of those dryers installed after the effective date of the standard. OSHA did not receive any negative comments with respect to this provision and, therefore, paragraph (o)(2) of the final standard remains the same as that which was proposed except for minor editorial changes.

Inside bucket elevators: Paragraph (p). Paragraph (p) of the proposal contained several requirements that were intended to mitigate hazards associated with inside bucket elevators. The record indicates (e.g., Ex. 9: 40, 52; Ex. 213; Tr. 254–6/21; Ex. 215) that inside bucket elevators are well recognized as potential ignition sources for primary explosions. As a result, OSHA received constructive criticism and helpful suggestions that were useful in developing the final standard requirements for inside bucket elevators.

OSHA also proposed delayed effective dates for several of the requirements in order to provide employers a sufficient phase-in period for implementing certain requirements, and requested comment on extending these dates because of the anticipated burden in complying with the provisions. While a few participants in the rulemaking believed the effective dates were too long (e.g., Ex. 14: 42), a significant number of participants believed that an inadequate amount of time was specified, and suggested extending effective dates for a variety of reasons (e.g., Ex. 14: 129, 629, 786, 1432, 1472, 1948, 2201, 2428, 2549, 3229, 3264, 3508, 3603, 3773; Ex. 189).

For example, a representative of the National Grain and Feed Association, Mr. Gary Barnett of Nabisco Brands, Inc. (Tr. 36, 37–6/21), stated:

> The bucket elevator requirements are among the most costly proposed in the standard. Many of the requirements will present both technical and economic burdens upon the grain industry.
>
> Because of the large number of devices that will need to be purchased and installed in bucket elevators, it is necessary that additional time be granted for the industry to meet any retained provisions * * *. Time extensions will be necessary to purchase and install devices and to make modifications to existing bucket elevators.

Another representative of the National Grain and Feed Association, Mr. James Maness (Tr. 78–6/21), added:

> * * * some of our members report that there are long delay times when they order this equipment—when they've ordered in mass—to get it and to get it installed.
>
> And it's even a greater delay time to get a qualified electrician, get this stuff put in, calibrate it, and make sure it's working correctly. And we think that's going to be a great inhibiting factor to putting that in.
>
> We think it's important in terms of the time extension. And I think it also points out the problems that they're going to have in getting the equipment overall and putting it in.

After careful analysis of the record, OSHA is convinced that several requirements concerning inside bucket elevators may pose substantial burdens for small grain elevators, and that a period of time may be needed for all employers to plan and implement these requirements.

Based on economic feasibility, equipment availability, and recommendations submitted to the record, OSHA has concluded that three years is an appropriate amount of time to phase-in those provisions that require installation of equipment or modification to the bucket elevator. Accordingly, several requirements for inside bucket elevators have a two year delayed effective date.

Paragraph (p)(1) of the proposal prohibited the practice of jogging bucket elevators to free a choked leg. Rulemaking participants agreed that this practice should be prohibited, as long as the Agency was clear in its intent of what constitutes a "choked leg." As discussed previously in this preamble, OSHA has clarified the meaning of "choked leg" in the definition of the term. Consequently, paragraph (p)(1) of the final standard remains the same as that which was proposed.

Paragraph (p)(2) of the proposal required elevator legs to be electrically grounded. Many commenters (e.g., Ex. 14: 18, 1416, 1424, 1635, 1851, 1865, 2135) objected to this proposed requirement, and asserted that it should be deleted from the final standard. It was contended that grounding concrete and wooden legs would be impossible and no evidence exists which suggests that electrostatics caused an explosion. For example, a commenter from Archer Daniels Midland Company (Ex. 14: 73 p. 2) stated:

> It is impossible to comply with the requirement regarding the grounding of elevator legs if the elevator legs are wooden.

A second commenter, from the North Dakota Grain Dealers Association (Ex. 14: 2115 p. 6), added:

> We know of no evidence that static electricity in bucket elevators is a problem, and therefore believe this section is unnecessary.

Another commenter, from GEAPS (Ex. 14: 1849 p. 17), remarked:

> Subsection (p)(2) should be deleted. Research has not shown that electrical grounding of legs will reduce the fire and explosion hazard. To our knowledge, no incidence of fire and explosion has been traced to lack of grounding as a cause. Additionally, this requirement is not practical or even possible for wooden or concrete legs.

The record indicates that a metal casing bucket elevator may be adequately grounded by nature of its construction, and OSHA agrees that grounding wooden and concrete bucket elevators would be difficult. These factors, together with a lack of conclusive evidence at this time that grounding would have a positive impact on preventing fires and explosions, have convinced the Agency to delete this proposed provision from the final standard. However, the Agency believes that a ground on the drive motor of the head pulley (which is required by the OSHA electrical standards in 29 CFR Part 1910 Subpart S), together with the requirement contained in paragraph (p)(3) of this section (discussed below), will adequately control these electrical hazards.

Paragraph (p)(3) of the proposal required belts and lagging to be conductive and to have a surface electrical resistance not to exceed 300 megohms. Several commenters (e.g., Ex. 14: 1871, 1879, 3025, 3264, 3284) suggested that the term "installed" be changed to "purchased" because this would allow the use of belts in stock.

OSHA agrees that employers should be permitted to use existing inventories of belts before they install belts specified by this provision. Therefore, this provision has been redesignated as (p)(2) in the final standard and reads as follows:

> All belts and lagging purchased after (the effective date of this standard) shall be conductive. Such belts shall have a surface electrical resistance not to exceed 300 megohms.

Paragraph (p)(4) of the proposal required installation of inspection "doors" to allow inspection of the head pulley, lagging, belt, and discharge throat of the elevator head section. It also required boot sections to be provided with "doors" for clean-out of the boot and for inspection of the boot pulley and belt.

A large number of rulemaking participants (e.g., Ex. 14: 1416, 1424, 1849, 1635, 3251) disagreed with the term "doors" because they contended other equally effective means of access would not be able to be used. For example, a commenter from Bunge Corporation (Ex. 14: 1112 p. 20) remarked:

> The requirements of subparagraph (p)(4) should be made more flexible by permitting any form of access which allows inspection, maintenance and cleaning.

A commenter from NGFA (Ex. 14: 1472 p. 38) stated:

> The inspection door provision needs to be made more performance oriented. Any access which would allow for inspection of the head or boot section of a bucket elevator, whether

it be a door, access panel or other means of visual and maintenance access, should be permitted.

OSHA not only agrees with these commenters, but it was actually the intent of the Agency that any means of access would be permitted if it allowed for inspection and maintenance of the head and boot sections.

Therefore, this provision has been redesignated as (p)(3) of the final standard, and has been modified to read as follows:

Not later than (three years after the effective date of this standard), all bucket elevators shall be equipped with a means of access to the head pulley section to allow inspection of the head pulley, lagging, belt, and discharge throat of the elevator head. The boot section shall also be provided with a means of access for clean-out of the boot and for inspection of the boot, pulley, and belt.

The proposed provision concerning bearings, proposed paragraph (p)(6), will be discussed next to reflect the actual order of provisions contained in the final standard.

Paragraph (p)(6) of the proposal required the employer to mount bearings externally to the leg casing or, as an alternative, required bearings mounted totally or partially inside leg casings to be equipped with a temperature monitoring device which could be read at a designated inspection or work location.

An OSHA analysis of the record indicates that rulemaking participants agree that bearings should be located externally to the leg casing. However, they asserted that it would be too costly to relocate existing bearings outside the leg casing. They also contended that OSHA's proposed alternative, a temperature monitoring device, was too restrictive because other equally effective means are available for monitoring bearings (e.g., Ex. 14: 56, 1424, 1865, 1871, 3024). For example, a commenter from Continental Grain Company (Ex. 14: 3251 p. 23) stated:

In place of the requirement for a temperature monitoring device, other equally if not more effective means for monitoring the condition of bearings are available. Infrared and particularly vibration monitoring devices have proven to be effective for identifying bearings which *could* become ignition sources.

Another commenter, from GEAPS (Ex. 14: 1849 p. 18), remarked:

Again the language of this subsection does not allow for operational flexibility to comply with the intent of the requirement. While temperature monitoring may be effective in some situations; vibration or shock pulse monitoring may prove equally adequate and more effective in preventing the hazard to begin with. Additionally, it is not clear what is meant by the term "device." Heat sensitive tape can be quite effective as a bearing hazard monitor.

These comments and other information contained in the record have convinced OSHA that there are other effective means to monitor bearings, and they should be recognized in the final standard. The Agency considers temperature monitoring devices, vibration monitoring, and infrared monitoring to be effective means to monitor bearings. Consequently, OSHA has redesignated this provision as (p)(4) of the final standard and has modified it to be more performance-oriented to read as follows:

Not later than (three years after the effective date of this standard), the employer shall:

(i) Mount bearings externally to the leg casing; or

(ii) Provide vibration monitoring, temperature monitoring, or other means to monitor the condition of those bearings mounted inside or partially-inside the leg casing.

Paragraph (p)(5) of the proposal required the employer to equip elevator legs with a motion detection device which initiates an alarm to employees when belt speed is reduced by no more than 15% of the normal operating speed, and shuts-down the leg when the belt speed is reduced by no more than 20% of the normal operating speed. This provision also proposed to require conveyor equipment which feeds the leg to be equipped with an interlock to shut-down these conveyors in the event that the leg they are serving is shut-down.

OSHA proposed that a motion detection device initiate an alarm at 15% of the normal operating speed to give some time for corrective action to be taken before the bucket elevator is automatically shut-down at 20% of the normal operating speed.

However, an analysis of the record suggests that double-set-point motion detection devices should not be mandated since the important factor is shut-down of the bucket elevator; this can be accomplished by a single-set-point motion detection device (e.g., Ex. 14: 7, 3251). Therefore, OSHA is requiring only that a motion detection device be installed which will shut-down the bucket elevator at, or before, a reduction of 20% of the normal operating speed.

Many rulemaking participants (e.g., Ex. 14: 56, 588, 1867, 2135, 2803, 3024, 1472) also objected to the "interlock" requirement of this proposed provision. It was contended that interlocking feed conveyors to shut-down when the bucket elevator shuts-down is more an operational than safety related function. It was also contended that it would be very costly to interlock conveyors with bucket elevators, as well as impractical for non-automated facilities.

OSHA agrees that the key issue is to shut-down the bucket elevator—not shut-down the conveyors feeding it. Although OSHA recommends interlocking conveyors with bucket elevators, where practical, the Agency believes this practice should be optional rather than mandatory. Accordingly, this provision has been modified to exclude the "interlock" requirement and paragraph (p)(5) of the final standard reads as follows:

Not later than (three years after the effective date of this standard), the employer shall equip bucket elevators with a motion detection device which will shut-down the bucket elevator when the belt speed is reduced by no more than 20% of the normal operating speed.

Paragraph (p)(7) of the proposal required the employer to equip elevator legs with a belt alignment monitoring device which initiates an alarm to employees when the belt is not tracking properly.

Many commenters (e.g., Ex. 14: 588, 1186, 1112, 1472, 1635, 2115) disagreed with this proposed provision and suggested that it be deleted because belt alignment monitoring is a new technology, and devices that are currently available are unreliable.

The record contains contradictory evidence with respect to the reliability of these devices, but OSHA continues to believe that vigilance in maintaining proper belt alignment is necessary in mitigating potential hazards associated with bucket elevators. Therefore, OSHA has decided to include a requirement for belt alignment monitoring in the final standard. It is important to note, however, that OSHA is permitting several alternatives (discussed below) to the requirements for both belt alignment monitoring devices and motion detection devices.

The record also contains suggested alternative devices to those proposed by OSHA for belt alignment monitoring. It was recommended that proximity switches and heat-activated friction-sensing devices be permitted as belt alignment monitoring devices. Actually, it was OSHA's intent to recognize these devices since they do, in fact, meet the proposed requirement for belt alignment monitoring devices.

Additionally, a commenter from Continental Grain Company (Ex. 14: 3251 p. 23) suggested that an effective alternative to belt alignment monitoring devices is the use of hydraulic boot take-up systems that provide constant alignment adjustment of belts.

OSHA agrees that such a system is an effective alternative and the Agency permits such a system in the final standard as an alternative to a belt alignment monitoring device. Consequently, this provision concerning belt alignment monitoring devices has been redesignated as paragraph (p)(6) of the final standard and reads as follows:

Not later than (three years after the effective date of this standard), the employer shall:

(i) Equip bucket elevators with a belt alignment monitoring device which will initiate an alarm to employees when the belt is not tracking properly; or,

(ii) Provide a means to keep the belt tracking properly, such as a system that provides constant alignment adjustment of belts.

Throughout this rulemaking process OSHA has been interested in viable alternatives that would minimize the potential economic impact of the standard on grain elevators (particularly smaller grain elevators), while enhancing the safety and health of employees at these facilities. Several rulemaking participants (e.g., Ex. 14: 56, 2803, 3264; Tr. 150–6/27; Tr. 71–7/11; Tr. 210–6/27; Tr. 151–6/27) described their operations as including frequent inspection of bucket movement and tracking of the belt. It was suggested that since this inspection was so frequent, that it be considered an alternative to motion detection devices and belt alignment monitoring devices.

After careful consideration of the information contained in the record, OSHA has concluded that operators at smaller grain elevators can effectively inspect bucket movement and the tracking of the belt because of the fewer number of bucket elevators at these facilities. Therefore, OSHA has decided to recognize this type of inspection in smaller grain elevators as an alternative to motion detection devices and belt alignment monitoring devices.

Consequently, OSHA has included a new paragraph (p)(7), in the final standard which reads as follows:

Paragraphs (p)(5) and (p)(6) of this section do not apply to grain elevators having a permanent storage capacity of less than one million bushels, provided that daily visual inspection is made of bucket movement and tracking of the belt.

Paragraph (p)(8) of the proposal contained two alternatives for compliance with the provisions concerning bearings, motion detection devices, and belt alignment.

The first alternative, (p)(8)(i), consisted of equipping bucket elevators with an operational fire and explosion suppression system capable of protecting at least the head and boot section of the bucket elevator. The record reflects broad support for this proposed alternative and it has been included as paragraph (p)(8)(i) of the final standard.

The second proposed alternative, (p)(8)(ii), consisted of equipping bucket elevators with a pneumatic or other dust control system that keeps the dust concentration inside the leg casing below 50% of the lower explosive limit (LEL) at all times during operations.

The record contains information (e.g., Ex. 9: 41, 96) regarding the effectiveness of reducing the dust concentration inside the leg below the LEL. Some rulemaking participants (e.g., Ex. 14: 1833, 211), however, questioned the technical feasibility of this approach. Other rulemaking participants (e.g., Ex. 14: 18, 1416, 1849, 1971, 2803, 3264) disagreed with the proposed concentration of 50% below the LEL. They contended that it was important only that the concentration be kept below the LEL, and that 50% below the LEL was too stringent as well as unnecessary.

After careful review of the record, OSHA has concluded that reducing dust concentrations below the LEL in bucket elevators can be accomplished, and should be recognized as an alternative to paragraphs (p)(4), (p)(5), and (p)(6) of the final standard.

OSHA also concurs with commenters that 50% below the LEL may be too stringent. However, it is still the Agency's position that a margin of safety must be maintained to preclude the concentration from exceeding the LEL. Therefore, OSHA has decided to specify "25% below the LEL" as the margin of safety rather than 50% below the LEL.

There were other commenters (e.g., Ex. 14: 1849, 1871, 3284) who asserted that the phrase in this proposed provision, "pneumatic or other dust control systems" was too restrictive because it could be interpreted to mean that other equally effective "methods" would not be acceptable as alternatives.

OSHA did not intend to exclude any system or method that may be effective in reducing dust concentrations inside bucket elevators. In fact, the Agency believes that larger buckets, slower speeds, oil additives and other methods may be effective in reducing dust concentrations inside bucket elevators. Consequently, this provision of the final standard will recognize these other "methods" as acceptable alternatives.

Accordingly, this alternative has been modified to reflect the changes discussed above, and paragraph (p)(8)(ii) of the final standard reads as follows:

Bucket elevators which are equipped with pneumatic or other dust control systems or methods that keep the dust concentration inside the leg casing at least 25% below the lower explosive limit at all times during operations.

Appendices. OSHA included three appendices to § 1910.272 in the notice of proposed rulemaking. The appendices serve as nonmandatory guidelines to the standard, as well as providing other helpful information. Various commenters made suggestions regarding the appendices which have been incorporated to the extent possible. (See Ex. 14: 18, 50, 53, 73, 1849, 1851, 1871, 2135, 3264, 3284, 3670.)

IV. Summary of the Regulatory Impact and Regulatory Flexibility Analysis and the Environmental Impact Assessment

A. Regulatory Impact Analysis

This analysis has been performed in accordance with the requirements of Executive Order 12291 and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*). The conclusions presented here were drawn from many sources including Arthur D. Little, Inc.; Booz, Allen, and Hamilton, Inc.; G.E.M. Consultants, Inc.; Midwest Research Institute; and the American Feed Manufacturers Association. These conclusions were also derived from information submitted by the Food and Beverage Trades Department of the AFL–CIO and the American Federation of Grain Millers. Finally, the analysis relied on comments submitted by grain elevator employees, employers, and equipment manufacturers. The following paragraphs summarize the methodology, benefits and costs, as well as economic and other impacts of the grain handling facilities standard on those sectors most likely to be affected.

(1) Industry Profile

The major sectors affected by the final standard are grain elevators and grain mills. The grain elevators that have similar economic and other characteristics are grouped into the following industry segments: country elevators, inland elevators, high-throughput inland terminal elevators, and export terminal elevators. The grain processing segments that will be affected by this standard include feed mills, flour mills, rice mills, dry corn mills, and dust pelletizing plants. The standard also covers facilities involved in soybean flaking operations and dry soycake grinding operations.

VOL 52 ISS 251 DEC 31 1987 UMI

VOL 52 ISS 251 DE 31 1987 UMI

Grain Elevators (SICs 0723, 4221, 5153 and Others)—Country Elevators. There are about 13,200 country elevators, which are defined as those elevators with a storage capacity of less than 2 million bushels and a throughput ratio of less than three. Total storage capacity of all country elevators is about 7.1 billion bushels and employment is estimated at 70,800 full-time equivalent employees.

Country elevators primarily provide storage and purchasing services to farmers in their immediate areas. They may also provide services such as grain cleaning, drying, and blending (collectively known as grain conditioning).

The country elevator business is highly competitive and localized. These operations are primarily owned by individual family corporations or partnerships, farmer cooperatives, or large companies that own a network of facilities.

Inland-Terminal Elevators. Inland-terminal elevators are those with a storage capacity of more than 2 million bushels. They function primarily as seasonal long-term storage facilities. There are about 450 inland terminal elevators, with total storage capacity of approximately 1.5 billion bushels, or 3.4 million bushels per facility. The total employment in this sector is estimated at 6,100 full-time equivalent employees, or about 12.4 full-time employees and 8.3 part-time employees per establishment.

Many inland-terminal elevators have become obsolete because of elevator capacity limitations, difficulty in complying with air pollution control and other regulations, and changes in rail handling capabilities. In other instances, firms have made substantial investments in order to upgrade older facilities to meet the new operating requirements.

High-Throughput Inland Terminal Elevators. The operators of high-throughput terminal elevators are essentially grain merchandisers who provide few storage or drying services. These elevators are low-margin operations, and their profits are based on the ability to assemble grain at the least cost and to direct it toward profitable markets with minimum transportation costs.

There are about 250 high-throughput inland elevators in the U.S. with a total storage capacity estimated at 887.5 million bushels. They generally have storage capacities that are greater than 2 million bushels and almost all have storage capacities ranging from .5 million to 7 million bushels.

On average, there are an estimated 13.6 full-time employees and 6.1 part-time employees per establishment. Total employment is estimated at 3,700 full-time equivalent employees in this sector.

Export Terminal Elevators. There are about 75 export terminals in the United States. These typically have large storage capacities and high-throughput ratios and are located in areas where they can provide access for ships and barges for the export market. The total storage capacity of export elevators is estimated at 370.5 million bushels.

On average, an export elevator will employ 55.4 full-time employees and 11 part-time employees. There are an estimated 4,350 full-time equivalent employees in this sector.

Grain Mills—Prepared Feeds and Feed Ingredients (SIC 2048). The prepared feeds and feed ingredients sector is primarily engaged in the manufacture of animal feeds. Feed mills grind and process grain, grain byproducts, and oilseed meals in the production of animal feeds. There were slightly more than 9,000 feed mill facilities in the United States in 1984. About 900 mills produce over 50,000 tons per year, 2,000 mills produce between 15,000 and 49,999 tons per year, and 6,100 mills produce up to 14,999 tons per year.

There are an estimated 98,500 workers employed at feed mills. The average small feed mill has 5.03 full-time employees and 1.60 seasonal part-time employees who work about 10 weeks a year. Large feed mills employ 24.19 full-time employees and 2.86 seasonal employees 10 weeks a year.

Many mills are attached to country elevators. As a result, many employees work in both elevators and mills. OSHA estimates that 90 percent of the employees in small and medium-sized mills were included in its estimate of the number of employees in country elevators. That is, 57,353 of the estimated 63,726 full-time equivalent employees of small- and medium-sized mills would also be country elevator employees.

The feed industry is highly competitive, with price and service the most important determinants of feed purchase decisions. Feed processing and handling technology is not changing rapidly.

Oil Seed Processing (SICs and 2075). Soybean oil mills produce diverse products for various uses. The soybean processing industry includes establishments primarily engaged in the manufacture of soybean oil, and byproduct cake and meal. This industry converts soybeans that can be used as ingredients in human food or animal feeds.

The National Soybean Processors Association (NSPA) reports that about 80 processing plants operated in the United States during 1984. According to NSPA, there are approximately 25 production employees per facility.

Grain Processing (SICs 2041, 2044 and 2047). The firms that comprise SICs 2041, 2044, and 2047 include flour mills; rice mills; and dog, cat, and other pet food producers. According to Census of Manufacturers data [1, pp. 20 D–6 to 20 D–7], in 1985, there were 360 flour mills with 11,400 production employees and 70 rice mills with 4,400 production employees. There were also 285 dog, cat, and other pet food plants with 12,800 production employees.

(2) Nonregulatory Alternatives

The objective of OSHA's standard covering grain handling facilities is to reduce the rate of employee injury and death resulting from fires, explosions, and other workplace hazards such as unsafe entry into bins, silos, and tanks. OSHA believes that the present risk to employees in grain handling facilities is significant and that implementation of this final rule will prevent a substantial proportion of the work-related accidents. OSHA examined nonregulatory or other approaches for promoting adequate levels of workplace safety in grain handling facilities, including (1) economic forces generated by the private market system, (2) incentives created by Workers' Compensation premiums or the threat of private liability suits, and (3) related activities of other private or governmental agencies. As a result of this review, OSHA has determined that the need for government regulation stems from the significant risk of job-related injury or death caused by the inadequate rate of private hazard-abatement expenditure in grain handling facilities. Private markets fail to provide enough safety and health resources due to the lack of risk information, the immobility of labor, and the externalization of some of the social costs of worker injuries and deaths. Workers' Compensation systems do not offer an adequate remedy because the premiums do not reflect specific workplace risk, and tort liability claims are restricted by state statutes preventing employees from suing their employers. While certain voluntary and environmental standards exist, their scope and approach fail to provide adequate worker protection for all workers. Thus, OSHA has determined that a federal standard is necessary, and that its provisions will enhance competitive market forces by internalizing the societal costs of workplace accidents.

(3) Technological Feasibility

This analysis demonstrates that it is currently feasible to meet the requirements of each provision of the standard for grain handling facilities. Four basic steps were used to conduct this analysis. First, the technical requirements of the final provisions, as well as the compliance options available to the employer were examined. Second, the current work conditions in the facilities were considered. Third, the technologies required to comply with the individual provisions of the standard were identified. Fourth, the ability of suppliers to respond to increases in demand for materials and equipment, given the permitted compliance periods, was analyzed.

OSHA finds that compliance with the provisions covering an emergency action plan, training, hot work, contractors, preventive maintenance, and emergency escape do not require technological inputs. The other provisions, including housekeeping; entry into bins, silos, and tanks; grate openings; filter collectors; grain stream processing equipment; grain dryers, and inside bucket elevators do require technological inputs. OSHA has evaluated the technological feasibility of these latter provisions and finds them to be technologically feasible. In almost every case, evidence in the public docket shows that some elevators and mills are already using the equipment sucessfully. In addition, companies in other industries with similar material handling processes are already using the equipment successfully. Moreover, some provisions have delayed effective dates to assure the specific material and equipment will be available. OSHA therefore concludes that the provisions of the grain handling facilities standard are technologically feasible across all sectors covered by the standard.

(4) Estimated Costs of the Final Standard

This standard will result in increased costs to the industry. The estimated total annual cost of compliance for grain elevators ranges from $35.7 million to $63.1 million (see Table 1). For grain mills, this cost is $5.7 million (see Table 2). The low and high estimates for grain elevators result from the uncertainty surrounding the estimated cost of complying with the housekeeping provisions. These costs are less than the costs of the proposed rule because the ⅛-inch action level provision now applies to priority housekeeping areas in elevators.

TABLE 1.—TOTAL ANNUAL COMPLIANCE COSTS FOR GRAIN ELEVATORS BY PROVISION

[1985 dollars]

Provision	Total annual costs [1]
(d) Emergency alarm and action plan	144,600
(e) Training	1,867,500
(f) Hot work	254,600
(g) Bin entry	9,346,900
(h) Contractors	208,700
(i) Housekeeping ⅛-inch action level: [2]	
High estimate	44,722,500
Low estimate	17,276,300
(j) Grate openings	593,000
(k) Filter collectors	1,300
(l) Preventive maintenance	449,200
(m) Grain stream processing	0
(n) Emergency escape	0
(o) Continuous-flow bulk raw grain dryers	520,900
(p) Inside bucket elevator legs	5,007,700
Totals:	
High estimate	63,116,300
Low estimate	35,670,100

[1] Total annual costs equals annualized start-up and capital costs plus annual operating costs.

[2] The low estimate assumes one housekeeping pass per 8-hour shift. The high estimate assumes three housekeeping passes per 8-hour shift.

Source: U.S. Department of Labor, OSHA, Office of Regulatory Analysis.

TABLE 2.—TOTAL ANNUAL COMPLIANCE COSTS FOR GRAIN MILLS BY PROVISION

[1985 dollars]

Provision	Total annual costs [1]
(d) Emergency action plan	67,100
(e) Training	469,900
(f) Hot work	131,600
(g) Bin entry	3,370,100
(h) Contractors	654,900
(i) Housekeeping program	35,900
(j) Grate openings	28,700
(k) Preventive maintenance	329,700
(l) Grain stream processing	629,700
Total	[2] 5,717,600

[1] Total annual cost equals annualized start-up and capital costs plus annual operating cost.

[2] Numbers may not sum due to rounding.

Source: U.S. Department of Labor, OSHA, Office of Regulatory Analysis.

The most costly provision for grain elevators is the provision requiring added housekeeping where dust accumulations exceed ⅛ inch at priority housekeeping areas. The total annual costs for this provision range from $17.3 million to $44.7 million, or from 48 percent to 71 percent of estimated total annual cost of compliance. The second most costly provision is bin entry, which is estimated at $9.3 million, or between 15 and 26 percent of the total costs of compliance. Finally, the third most costly provision is for inside bucket elevator legs, which is estimated at $5.0 million, or between 8 and 14 percent of the total costs of compliance.

The industry segment that will incur the largest percent of the total annual costs is the 10,603 country elevators with a capacity of less than 750,000 bushels. They are expected to incur costs of between $20.8 million and $32.9 million, or between $2,000 and $3,100 per facility. The industry segment that will incur the second largest percent of the total annual costs is the 1,193 country elevators with a storage capacity of 1,000,000 bushels or more. They are expected to incur costs of between $5.4 million and $10.2 million, or between $4,500 and $8,600 per facility.

The per facility costs are expected to be greatest for export terminal elevators that have a capacity of 1 million bushels or more. OSHA estimates that each of these 73 export terminals will incur annual costs of between $17,900 and $46,400. The two export terminal elevators with a capacity of less than 750,000 bushels will incur annual costs averaging between $15,800 and $44,100.

The most costly provision for grain mills is for bin entry, which is expected to cost $3.4 million, or 59 percent of the total compliance costs for mills. The second most costly provision pertains to briefing contractors, which is expected to cost about $0.7 million, or 11 percent of the total. Finally, the provision covering grain stream processing equipment is expected to cost more than $0.6 million, or 11 percent of the total.

The highest per facility costs are expected to be for medium-sized feed mills with a capacity of between 15,000 tons and 49,999 tons. OSHA expects that each of these 2,000 mills will incur annual costs of about $1,140. The next higher per facility costs are expected to be for the 900 large feed mills with a capacity greater than 49,999 tons. These mills each will incur annual costs of about $1,000.

As a partial offset to these compliance costs, the grain handling standard should provide financial benefits to the industry in terms of reduced property losses from explosions and fires. These financial benefits are estimated at $35.4 million annually. OSHA estimates that about 0.2 large explosions and 11.1 small explosions, 11.4 large fires, and 868 small fires will be prevented annually by the promulgation of the standard.

The expected property losses avoided as a result of the standard are estimated at $6.3 million for large explosions, $9.5 million for small explosions, $8.1 million for large fires, and $11.4 million for small fires. Property losses should decline about $16.9 million for large elevators, $13.9 million for small elevators, and almost $4.7 million for grain mills.

The total net annual cost of the grain handling facilities standard, after subtracting the expected property losses avoided, is estimated between $5.9 million and $33.4 million. These estimates are provided for small and large elevators and for mills as shown in Table 3.

(5) Estimated Benefits of the Final Standard

The standard for grain handling is designed to reduce the risk to employee safety and health. The benefits resulting from the standard are the fatalities, injuries, and illnesses that will be prevented from fewer explosions, fires, and other types of accidents. OSHA estimates that about 18 deaths and 394 injuries will be avoided annually as a result of the standard. OSHA does not endorse any particular value for deaths and injuries avoided. Based on the assumption however, that the value per death avoided equals $3.5 million and the value per injury avoided equals $34,100, then the estimated total value of benefits is $70.0 million.

About 7 deaths prevented result from fewer explosions and 2 deaths prevented result from fewer fires. Nine of the 18 deaths prevented would be from accidents other than fires and explosions. Of the 394 injuries prevented, about 274 result from a reduction in the number of fires, and only approximately 21 injuries prevented result from fewer explosions. An estimated 99 injuries prevented result from fewer accidents other than fires and explosions.

TABLE 3.—ANNUAL COST OF THE STANDARD

[1985 dollars]

Facility	Compliance cost [1]		Net cost [2]	
	Low	High	Low	High
Small elevators [3]	24,658,600	40,460,400	10,765,751	26,567,551
Large elevators	11,011,400	22,655,800	(5,849,025)	5,795,375
Mills	5,717,600	5,717,600	1,026,283	1,026,283
Total [4]	41,387,700	68,833,400	5,943,009	33,389,209

[1] The low estimate assumes that it is necessary to make one housekeeping pass per 8-hour shift. The high estimate is based on the need to make three housekeeping passes per 8-hour shift.
[2] Net cost estimate is the compliance cost less the property value losses avoided as a result of the standard.
[3] Small elevators are those with a grain storage capacity of less than 1 million bushels. Large elevators are all others.
[4] Totals may not sum due to rounding.
Source: U.S. Department of Labor, OSHA, Office of Regulatory Analysis.

Of the nearly 18 deaths that will be prevented each year, from 6 to 7 deaths will be avoided in small grain elevators, and about 7 deaths will be avoided in large grain elevators. Approximately 4 deaths will be avoided in grain mills. About 172 of the 394 injuries prevented will be in small grain elevators and 125 injuries will be prevented in large grain elevators. Approximately 97 injuries will be prevented in grain mills.

The first step in deriving the above estimate of annual benefits, was to determine the baseline level of risk by establishing the number of explosions, fires, and other accidents occurring in the grain handling industry each year. The baseline also established the number of deaths and injuries associated with these events.

The results show that, on average, almost 26 explosions, resulting in 12 deaths and 41 injuries, occur annually. Of this total, about 18 explosions, 9 deaths, and 25 injuries occur in grain elevators. About 25 of these 26 explosions were considered small (i.e., resulting in fewer than 15 casualties per explosion), and almost 18 of these small explosions were in grain elevators.

About half of the 0.8 large explosions that occur annually occur in grain elevators. The remaining half are divided evenly between feed mills and other grain processing facilities.

OSHA's analysis also shows that there are about 27 major fires causing more than $100,000 damage per year in grain handling facilities, resulting in 3 to 4 deaths and 15 injuries per year. Most of these large fires (18.7) occur in grain elevators, resulting in from 2 to 3 deaths and 10.5 injuries per year. The number of small fires is estimated at 2,200 per year. Almost 1,400 small fires occur in grain elevators and 810 occur in feed mills and other grain processing facilities. There are no reports of deaths from minor fires but about 528 injuries result from these small fires per year. Most of these injuries from small fires (334 out of 528) occur in grain elevators.

This baseline also includes a large number of injuries and casualties occurring at grain handling facilities each year as a result of events other than fires and explosions. One of the most commonly occurring fatalities is suffocation in grain storage areas. OSHA estimates that 10 employees suffocate annually in grain storage bins in grain handling facilities; 6 to 7 suffocate in grain elevators. OSHA also estimates that about 3 deaths resulting from "other causes" are potentially avoidable each year. Lost workday injuries from other hazards are estimated at about 8,000 lost workday cases, or 5.84 cases per 100 full-time equivalents.

The second step in estimating benefits is to evaluate the source of risk for fires, explosions, and other accidents. Sources include bucket elevators, grain dryers, work areas, and "other." Data from the U.S. Department of Agriculture show that over 40 percent of all primary explosions occur in the bucket elevator legs, and an estimated 35 percent of all primary explosions occur in work areas. The percentage of known explosions in grain dryers and other locations is less. Data collected by OSHA show that about 43 percent of fires occur in work areas and 24 percent occur in bucket elevators. Again, the percentage of known fires in grain dryers and other locations is less.

The third and final step of this methodology was to estimate the

changes attributable to the standard. These estimated benefits of the final standard reflect the projected improvement over the current baseline of deaths and injuries. A summary of these benefits is provided in Table 4.

(6) Economic Impacts and Other Effects

OSHA has estimated that the economic impact of the final rule on grain handling facilities would not cause major market disruptions and therefore is economically feasible. Table 5 shows estimates of the ratio of annualized compliance costs to the 1983 net income of elevators by storage capacity and sales on the basis of these figures, OSHA estimates that from 77 to 129 facilities would experience net losses due to the standard. The effect on grain mills should be even smaller as the compliance cost as a percent of mill shipments is only about 0.02 percent. OSHA has also determined that the final rule would not have a disproportionate financial impact on a substantial number of small entities. OSHA has tailored the rule to minimize the costs on small entities while maximizing the level of benefits. For example, parts of the provision on inside bucket elevators do not apply to grain elevators that have a capacity of less than 1 million bushels.

B. Environmental Impact Assessment

The rule and its major alternatives have been reviewed in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321, et seq.), the regulations of the Council on Environmental Quality (CEQ) (40 CFR Part 1500), and the Department of Labor's (DOL's) NEPA Procedures (29 CFR Part 11). As a result of this review, the Assistant Secretary for OSHA has determined that the proposed rule will have no significant environmental impact.

TABLE I-4.—SUMMARY OF ANNUAL BENEFITS OF THE GRAIN HANDLING STANDARD BY TYPE OF ACCIDENT AND SIZE AND TYPE OF FACILITY

Type of benefits	Small grain elevators	Large grain elevators	All grain elevators	Grain mills	Total
Number of deaths avoided:					
Fires	0.9	0.7	1.6	0.2	1.8
Explosions	1.2	5.1	6.3	0.7	7.0
Other accidents	4.3	1.4	5.7	3.3	9.0
Total	6.4	7.2	13.6	4.1	17.7
Number of injuries avoided:					
Fires	137.5	103.7	241.2	32.9	274.0
Explosions	5.4	11.8	17.3	3.4	20.7
Other accidents	29.5	9.3	38.8	60.6	99.4
Total	172.4	124.8	297.3	96.9	394.1
	(Dollars)				
Value of benefits: [1]					
Fires	7,786,483	6,071,732	13,858,215	1,700,059	15,558,274
Explosions	4,445,600	18,193,989	22,639,589	2,408,042	25,047,631
Other accidents	15,969,375	5,303,705	21,273,080	13,616,460	34,889,540
Total	28,201,458	29,569,426	57,770,884	17,724,561	75,495,445

[1] Assumes value per fatality avoided equals $3.5 million and value per injury avoided equals $34,100. Some numbers may not sum due to rounding.
Source: U.S. Department of Labor, OSHA, Office of Regulatory Analysis.

TABLE 5.—RATIO OF ANNUALIZED COST TO 1983 NET INCOME OF ELEVATORS, BY STORAGE CAPACITY AND SALES (PERCENT)

Industry segment storage capacity (bushels)	Low-cost estimate	High-cost estimate
Less than $5 million in sales:		
Country elevators:		
<750,000	4.86	7.68
750,000–999,999	3.57	6.89
>1,000,000	4.93	9.37
Inland terminals:		
>2,000,000	2.90	5.02

TABLE 5.—RATIO OF ANNUALIZED COST TO 1983 NET INCOME OF ELEVATORS, BY STORAGE CAPACITY AND SALES (PERCENT)—Continued

Industry segment storage capacity (bushels)	Low-cost estimate	High-cost estimate
Greater than $5 million in sales:		
Country elevators:		
<750,000	2.27	3.56
750,000–999,999	2.53	4.89
>1,000,000	2.61	4.95
Inland terminals:		
>2,000,000	1.56	2.73
High throughput:		
<1,500,000	2.88	7.66
1,500,000–2,499,999	4.13	10.27

TABLE 5.—RATIO OF ANNUALIZED COST TO 1983 NET INCOME OF ELEVATORS, BY STORAGE CAPACITY AND SALES (PERCENT)—Continued

Industry segment storage capacity (bushels)	Low-cost estimate	High-cost estimate
>2,500,000	1.67	4.16
Export terminals:		
<1,500,000	5.37	15.16
1,500,000–2,499,999	5.16	21.10
>2,500,000	3.31	8.55

Source: U.S. Department of Labor, OSHA, Office of Regulatory Analysis, and U.S. Department of Agriculture [2;3].

VOL 52 ISS 251 DEC 31 1987 UMI

Although safety standards rarely impact on air, water or soil quality, plant or animal life, the use of land or other aspects of the environment, it is appropriate to examine whether the reduction of dust in grain handling facilities might alter the quality of the environment.

Grain dust emissions have been recognized as a significant contributor to air quality problems and grain dust emissions are covered under the Environmental Protection Agency's (EPA) National Ambient Air Quality Standards for Total Suspended Particulates under the Clean Air Act. In addition, various state implementation plans exist in an effort to comply with the EPA's national air quality standards. New, modified, or reconstructed grain facilities built after 1978 must also meet the criteria of EPA's National New Source Performance Standards. State and federal air pollution regulations are currently sufficient to cause dust control equipment to be in place in large and high-throughput grain handling facilities and to have some effect on dust control in medium-sized facilities. Most small facilities are able to meet emissions requirements without dust control equipment, but would be required to use such controls if they were to increase capacity and consequently increase emissions.

Although the removal of dust from the workplace might seem to contribute to the pollution of the ambient air surrounding grain handling facilities, this is not anticipated because of the need to comply with federal and state environmental air quality standards, and because direct capture systems are already in place to comply with these standards. Such controls include baghouses—which can attain a 99.9 percent efficiency factor—cyclones, or induced-draft or negative-pressure systems to capture particulates that would otherwise be vented directly to the ambient atmosphere. In addition, as employers can choose housekeeping control methods, it does not necessarily follow that these measures will automatically result in the venting of particulates to the ambient atmosphere. For example, local vacuuming would capture particulates without releasing them to the external environment. Such particulates might be disposed of as solid waste but frequently could be reentrained into the grain stream process. In other instances, there may be a periodic use of wet methods to control dust levels in these facilities, but this is not anticipated to result in any increased wastewater effluents or to have any significant effect on water quality.

In sum, the focus of the final standard is on reducing accidents and injuries by means of work practices and procedures, through the proper handling and use of equipment, training, preventive maintenance, housekeeping measures, and the implementation of emergency procedures. Such procedures and applications do not impact on air, water or soil quality, plant or animal life, the use of land or other aspects of the environment.

References

1. U.S. Department of Commerce. Bureau of the Census. Census of Manufactures—Industry Series: Fats and Oils. MC 82–1–20 G. Washington, DC: Government Printing Office, March 1985.

2. U.S. Department of Agriculture. Agricultural Cooperative Service. Financial Profile of Cooperatives Handlers. $15 Million Sales or Larger. ACS Research Report No. 53. Washington, DC: U.S. Government Printing Office, January 1986.

3. U.S. Department of Agriculture. Agricultural Cooperative Service. Financial Profile of Cooperatives Handling Grain: First Handlers, $5 Million to $14.9 Million. ACS Research Report No. 55. Washington, DC: U.S. Government Printing Office, May 1986.

Lists of Subjects

29 CFR Part 1910

Fire prevention, Grain handling, Grain elevators, Occupational safety and health, Protective equipment, Safety, Welding.

29 CFR Part 1917

Longshoremen, Fire prevention, Grain handling, Grain elevators, Occupational safety and health, Protective equipment, Safety, Welding.

VI. The information collection requirements in the final standard are being considered by the Office of Management and Budget under the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. 3501, et seq. These requirements will not take effect until they are approved by the Office of Management and Budget and are assigned a control number.

VII. State Plan States

The 25 states and territories with their own OSHA-approved occupational safety and health plans must revise their existing standard within six months of the publication date of the final standard or show OSHA why there is no need for action, e.g, because an existing State standard covering this area is already "at least as effective" as the revised Federal standard. These states are: Alaska, Arizona, California, Connecticut (State and local government employees only), Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, New York (State and local government employees only), North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Virgin Islands, Washington, Wyoming.

VIII. Authority

This document was prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Accordingly, pursuant to section 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941); secs. 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 9–83 (48 FR 35736); and, 29 CFR Part 1911, 29 CFR Parts 1917 and 1910 are amended as set forth below.

Signed at Washington, DC, this 24th day of December 1987.

John A. Pendergrass,

Assistant Secretary of Labor.

Part 1917 of Title 29 of the Code of Federal Regulations is amended as follows:

PART 1917—MARINE TERMINALS

1. The authority citation for Part 1917 continues to read as follows:

Authority: Sec. 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), or 9–83 (48 FR 35736), as applicable; 29 CFR Part 1911.

2. Section 1917.1 is amended by adding a new paragraph (a)(2)(x) to read as follows:

§ 1917.1 Scope and applicability.

(a) * * *

(2) * * *

(x) Grain handling facilities. Subpart R, § 1910.272.

* * * * *

§ 1917.72 [Removed]

3. Section 1917.72 *Grain elevator terminals*, which is currently reserved is removed.

Part 1910 of 29 CFR is amended as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

4. The authority citation for Subpart R of 29 CFR Part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), or 9–83 (48 FR 35736), as applicable. Sections 1910.261, 1910.262, 1910.265, 1910.267, 1910.268, 1910.269, 1910.272, 1910.274 and 1910.275 also issued under 29 CFR Part 1911.

5. Part 1910 of Title 29 of the Code of Federal Regulations is amended by adding a new § 1910.272 and Appendices A, B and C to § 1910.272 to read as follows:

§ 1910.272 Grain handling facilities.

(a) *Scope.* This section contains requirements for the control of grain dust fires and explosions, and certain other safety hazards associated with grain handling facilities. It applies in addition to all other relevant provisions of Part 1910 (or Part 1917 at marine terminals).

(b) *Application.* (1) Paragraphs (a) through (m) of this section apply to grain elevators, feed mills, flour mills, rice mills, dust pelletizing plants, dry corn mills, soybean flaking operations, and the dry grinding operations of soycake.

(2) Paragraphs (n), (o), and (p) of this section apply only to grain elevators.

(c) *Definitions.* (1) "Choked leg" means a condition of material buildup in the bucket elevator that results in the stoppage of material flow and bucket movement. A bucket elevator is not considered choked that has the up-leg partially or fully loaded and has the boot and discharge cleared allowing bucket movement.

(2) "Fugitive grain dust" means combustible dust particles, emitted from the stock handling system, of such size as will pass through a U.S. Standard 40 mesh sieve (425 microns or less).

(3) "Grain elevator" means a facility engaged in the receipt, handling, storage, and shipment of bulk raw agricultural commodities such as corn, wheat, oats, barley, sunflower seeds, and soybeans.

(4) "Hot work" means work involving electric or gas welding, cutting, brazing, or similar flame producing operations.

(5) "Inside bucket elevator" means a bucket elevator that has the boot and more than 20 percent of the total leg height (above grade or ground level) inside the grain elevator structure. Bucket elevators with leg casings that are inside (and pass through the roofs) of rail or truck dump sheds with the remainder of the leg outside of the grain elevator structure, are not considered inside bucket elevators.

(6) "Jogging" means repeated starting and stopping of drive motors in an attempt to clear choked legs.

(7) "Lagging" means a covering on drive pulleys used to increase the coefficient of friction between the pulley and the belt.

(8) "Permit" means the written certification by the employer authorizing employees to perform identified work operations subject to specified precautions.

(d) *Emergency action plan.* The employer shall develop and implement an emergency action plan meeting the requirements contained in § 1910.38(a).

(e) *Training.* (1) The employer shall provide training to employees at least annually and when changes in job assignment will expose them to new hazards. Current employees, and new employees prior to starting work, shall be trained in at least the following:

(i) General safety precautions associated with the facility, including recognition and preventive measures for the hazards related to dust accumulations and common ignition sources such as smoking; and,

(ii) Specific procedures and safety practices applicable to their job tasks including but not limited to, cleaning procedures for grinding equipment, clearing procedures for choked legs, housekeeping procedures, hot work procedures, preventive maintenance procedures and lock-out/tag-out procedures.

(2) Employees assigned special tasks, such as bin entry and handling of flammable or toxic substances, shall be provided training to perform these tasks safely.

(f) *Hot work permit.* (1) The employer shall issue a permit for all hot work, with the following exceptions:

(i) Where the employer or the employer's representative (who would otherwise authorize the permit) is present while the hot work is being performed;

(ii) In welding shops authorized by the employer;

(iii) In hot work areas authorized by the employer which are located outside of the grain handling structure.

(2) The permit shall certify that the requirements contained in § 1910.252(d) have been implemented prior to beginning the hot work operations. The permit shall be kept on file until completion of the hot work operations.

(g) *Entry into bins, silos, and tanks.* This paragraph applies to employees entering bins, silos, or tanks. It does not apply to employees entering flat storage buildings or tanks where the diameter of such structures is greater than the height, unless entry is made from the top of the structure.

(1) The following actions shall be taken before employees enter bins, silos, or tanks:

(i) The employer shall issue a permit for entering bins, silos, or tanks unless the employer or the employer's representative (who would otherwise authorize the permit) is present during the entire operation. The permit shall certify that the precautions contained in this paragraph (§ 1910.272(g)) have been implemented prior to employees entering bins, silos or tanks. The permit shall be kept on file until completion of the entry operations.

(ii) All mechanical, electrical, hydraulic, and pneumatic equipment which present a danger to employees inside bins, silos, or tanks shall be disconnected, locked-out and tagged, blocked-off, or prevented from operating by other means or methods.

(iii) The atmosphere within a bin, silo, or tank shall be tested for the presence of combustible gases, vapors, and toxic agents when the employer has reason to believe they may be present. Additionally, the atmosphere within a bin, silo, or tank shall be tested for oxygen content unless there is continuous natural air movement or continuous forced-air ventilation before and during the period employees are inside. If the oxygen level is less than 19.5%, or if combustible gas or vapor is detected in excess of 10% of the lower flammable limit, or if toxic agents are present in excess of the ceiling values listed in Subpart Z of 29 CFR Part 1910, or if toxic agents are present in concentrations that will cause health effects which prevent employees from effecting self-rescue or communication to obtain assistance, the following provisions apply.

(A) Ventilation shall be provided until the unsafe condition or conditions are eliminated, and the ventilation shall be continued as long as there is a possibility of recurrence of the unsafe condition while the bin, silo, or tank is occupied by employees.

(B) If toxicity or oxygen deficiency cannot be eliminated by ventilation, employees entering the bin, silo, or tank shall wear an appropriate respirator. Respirator use shall be in accordance with the requirements of § 1910.134.

(2) When entering bins, silos, or tanks from the top, employees shall wear a body harness with lifeline, or use a boatswain's chair that meets the requirements of Subpart D of this Part.

(3) An observer, equipped to provide assistance, shall be stationed outside the bin, silo, or tank being entered by an employee. Communications (visual, voice, or signal line) shall be maintained between the observer and employee entering the bin, silo, or tank.

VOL 52 ISS 251 DEC 31 1987 UMI

(4) The employer shall provide equipment for rescue operations which is specifically suited for the bin, silo, or tank being entered.

(5) The employee acting as observer shall be trained in rescue procedures, including notification methods for obtaining additional assistance.

(6) Employees shall not enter bins, silos, or tanks underneath a bridging condition, or where a buildup of grain products on the sides could fall and bury them.

(h) *Contractors.* (1) The employer shall inform contractors performing work at the grain handling facility of known potential fire and explosion hazards related to the contractor's work and work area. The employer shall also inform contractors of the applicable safety rules of the facility.

(2) The employer shall explain the applicable provisions of the emergency action plan to contractors.

(i) *Housekeeping.* (1) The employer shall develop and implement a written housekeeping program that establishes the frequency and method(s) determined best to reduce accumulations of fugitive grain dust on ledges, floors, equipment, and other exposed surfaces.

(2) In addition, the housekeeping program for *grain elevators* shall address fugitive grain dust accumulations at priority housekeeping areas.

(i) Priority housekeeping areas shall include *at least* the following:

(A) Floor areas within 35 feet (10.7 m) of inside bucket elevators;

(B) Floors of enclosed areas containing grinding equipment;

(C) Floors of enclosed areas containing grain dryers located inside the facility.

(ii) The employer shall immediately remove any fugitive grain dust accumulations whenever they exceed ⅛ inch (.32 cm) at priority housekeeping areas, pursuant to the housekeeping program, or shall demonstrate and assure, through the development and implementation of the housekeeping program, that equivalent protection is provided.

(3) The use of compressed air to blow dust from ledges, walls, and other areas shall only be permitted when all machinery that presents an ignition source in the area is shut-down, and all other known potential ignition sources in the area are removed or controlled.

(4) Grain and product spills shall not be considered fugitive grain dust accumulations. However, the housekeeping program shall address the procedures for removing such spills from the work area.

(j) *Grate openings.* Receiving-pit feed openings, such as truck or railcar receiving-pits, shall be covered by grates. The width of openings in the grates shall be a maximum of 2⅛ inches (6.35 cm).

(k) *Filter collectors.* (1) Not later than March 30, 1989, all fabric dust filter collectors which are a part of a pneumatic dust collection system shall be equipped with a monitoring device that will indicate a pressure drop across the surface of the filter.

(2) Filter collectors installed after March 30, 1988 shall be:

(i) Located outside the facility; or

(ii) Located in an area inside the facility protected by an explosion suppression system; or

(iii) Located in an area inside the facility that is separated from other areas of the facility by construction having at least a one hour fire-resistance rating, and which is adjacent to an exterior wall and vented to the outside. The vent and ductwork shall be designed to resist rupture due to deflagration.

(l) *Preventive maintenance.* (1) The employer shall implement preventive maintenance procedures consisting of:

(i) Regularly scheduled inspections of at least the mechanical and safety control equipment associated with dryers, grain stream processing equipment, dust collection equipment including filter collectors, and bucket elevators;

(ii) Lubrication and other appropriate maintenance in accordance with manufacturers' recommendations, or as determined necessary by prior operating records.

(2) The employer shall promptly correct dust collection systems which are malfunctioning or which are operating below designed efficiency. Additionally, the employer shall promptly correct, or remove from service, overheated bearings and slipping or misaligned belts associated with inside bucket elevators.

(3) A certification record shall be maintained of each inspection, performed in accordance with this paragraph (l), containing the date of the inspection, the name of the person who performed the inspection and the serial number, or other identifier, of the equipment specified in paragraph (l)(1)(i) of this section that was inspected.

(4) The employer shall implement procedures for the use of tags and locks which will prevent the inadvertent application of energy or motion to equipment being repaired, serviced, or adjusted, which could result in employee injury. Such locks and tags shall be removed in accordance with established procedures only by the employee installing them or, if unavailable, by his or her supervisor.

(m) *Grain stream processing equipment.* The employer shall equip grain stream processing equipment (such as hammer mills, grinders, and pulverizers) with an effective means of removing ferrous material from the incoming grain stream.

(n) *Emergency escape.* (1) The employer shall provide at least two means of emergency escape from galleries (bin decks).

(2) The employer shall provide at least one means of emergency escape in tunnels of existing grain elevators. Tunnels in grain elevators constructed after the effective date of this standard shall be provided with at least two means of emergency escape.

(o) *Continuous-flow bulk raw grain dryers.* (1) Not later than April 1, 1991, all direct-heat grain dryers shall be equipped with automatic controls that:

(i) Will shut-off the fuel supply in case of power or flame failure or interruption of air movement through the exhaust fan; and,

(ii) Will stop the grain from being fed into the dryer if excessive temperature occurs in the exhaust of the drying section.

(2) Direct-heat grain dryers installed after March 30, 1988 shall be:

(i) Located outside the grain elevator; or

(ii) Located in an area inside the grain elevator protected by a fire or explosion suppression system; or

(iii) Located in an area inside the grain elevator which is separated from other areas of the facility by construction having at least a one hour fire-resistance rating.

(p) *Inside bucket elevators.* (1) Bucket elevators shall not be jogged to free a choked leg.

(2) All belts and lagging purchased after March 30, 1988 shall be conductive. Such belts shall have a surface electrical resistance not to exceed 300 megohms.

(3) Not later than April 1, 1991, all bucket elevators shall be equipped with a means of access to the head pulley section to allow inspection of the head pulley, lagging, belt, and discharge throat of the elevator head. The boot section shall also be provided with a means of access for clean-out of the boot and for inspection of the boot, pulley, and belt.

(4) Not later than April 1, 1991, the employer shall:

(i) Mount bearings externally to the leg casing; or,

(ii) Provide vibration monitoring, temperature monitoring, or other means to monitor the condition of those bearings mounted inside or partially-inside the leg casing.

(5) Not later than April 1, 1991, the employer shall equip bucket elevators with a motion detection device which will shut-down the bucket elevator when the belt speed is reduced by no more than 20% of the normal operating speed.

(6) Not later than April 1, 1991, the employer shall:

(i) Equip bucket elevators with a belt alignment monitoring device which will initiate an alarm to employees when the belt is not tracking properly; or,

(ii) Provide a means to keep the belt tracking properly, such as a system that provides constant alignment adjustment of belts.

(7) Paragraphs (p)(5) and (p)(6) of this section do not apply to grain elevators having a permanent storage capacity of less than one million bushels, provided that daily visual inspection is made of bucket movement and tracking of the belt.

(8) Paragraphs (p)(4), (p)(5), and (p)(6) of this section do not apply to the following:

(i) Bucket elevators which are equipped with an operational fire and explosion suppression system capable of protecting at least the head and boot section of the bucket elevator; or,

(ii) Bucket elevators which are equipped with pneumatic or other dust control systems or methods that keep the dust concentration inside the bucket elevator at least 25% below the lower explosive limit at all times during operations.

(Information collection requirements contained in paragraphs (d) and (i) were approved by the Office of Management and Budget under Control Number .)

Note: The following appendices to § 1910.272 serve as nonmandatory guidelines to assist employers and employees in complying with the requirements of this section, as well as to provide other helpful information.

No additional burdens are imposed through these appendices.

Appendix A to § 1910.272 Grain Handling Facilities

Examples presented in this appendix may not be the only means of achieving the performance goals in the standard.

1. Scope and Application

The provisions of this standard apply in addition to any other applicable requirements of this Part 1910 (or Part 1917 at marine terminals). The standard contains requirements for new and existing grain handling facilities. The standard does not apply to seed plants which handle and prepare seeds for planting of future crops, nor to on-farm storage or feed lots.

2. Emergency Action Plan

The standard requires the employer to develop and implement an emergency action plan. The emergency action plan (§ 1910.38(a)) covers those designated actions employers and employees are to take to ensure employee safety from fire and other emergencies. The plan specifies certain minimum elements which are to be addressed. These elements include the establishment of an employee alarm system, the development of evacuation procedures, and training employees in those actions they are to take during an emergency.

The standard does not specify a particular method for notifying employees of an emergency. Public announcement systems, air horns, steam whistles, a standard fire alarm system, or other types of employee alarm may be used. However, employers should be aware that employees in a grain facility may have difficulty hearing an emergency alarm, or distinguishing an emergency alarm from other audible signals at the facility, or both. Therefore, it is important that the type of employee alarm used be distinguishable and distinct.

The use of floor plans or workplace maps which clearly show the emergency escape routes should be included in the emergency action plan; color coding will aid employees in determining their route assignments. The employer should designate a safe area, outside the facility, where employees can congregate after evacuation, and implement procedures to account for all employees after emergency evacuation has been completed.

It is also recommended that employers seek the assistance of the local fire department for the purpose of preplanning for emergencies. Preplanning is encouraged to facilitate coordination and cooperation between facility personnel and those who may be called upon for assistance during an emergency. It is important for emergency service units to be aware of the usual work locations of employees at the facility.

3. Training

It is important that employees be trained in the recognition and prevention of hazards associated with grain facilities, especially those hazards associated with their own work tasks. Employees should understand the factors which are necessary to produce a fire or explosion, i.e., fuel (such as grain dust), oxygen, ignition source, and (in the case of explosions) confinement. Employees should be made aware that any efforts they make to keep these factors from occurring simultaneously will be an important step in reducing the potential for fires and explosions.

The standard provides flexibility for the employer to design a training program which fulfills the needs of a facility. The type, amount, and frequency of training will need to reflect the tasks that employees are expected to perform. Although training is to be provided to employees at least annually, it is recommended that safety meetings or discussions and drills be conducted at more frequent intervals.

The training program should include those topics applicable to the particular facility, as well as topics such as: Hot work procedures; lock-out/tag-out procedures; bin entry procedures; bin cleaning procedures; grain dust explosions; fire prevention; procedures for handling "hot grain"; housekeeping procedures, including methods and frequency of dust removal; pesticide and fumigant usage; proper use and maintenance of personal protective equipment; and, preventive maintenance. The types of work clothing should also be considered in the program at least to caution against using polyester clothing that easily melts and increases the severity of burns, as compared to wool or fire retardant cotton.

In implementing the training program, it is recommended that the employer utilize films, slide-tape presentations, pamphlets, and other information which can be obtained from such sources as the Grain Elevator and Processing Society, the Cooperative Extension Service of the U.S. Department of Agriculture, Kansas State University's Extension Grain Science and Industry, and other state agriculture schools, industry associations, union organizations, and insurance groups.

4. Hot Work Permit

The implementation of a permit system for hot work is intended to assure that employers maintain control over operations involving hot work and to assure that employees are aware of and utilize appropriate safeguards when conducting these activities.

Precautions for hot work operations are specified in 29 CFR 1910.252(d), and include such safeguards as relocating the hot work operation to a safe location if possible, relocating or covering combustible material in the vicinity, providing fire extinguishers, and provisions for establishing a fire watch. Permits are not required for hot work operations conducted in the presence of the employer or the employer's authorized representative who would otherwise issue the permit, or in an employer authorized welding shop or when work is conducted outside and away from the facility.

It should be noted that the permit is not a record, but is an authorization of the employer certifying that certain safety precautions have been implemented prior to the beginning of work operations.

5. Entry Into Bins, Silos, And Tanks

In order to assure that employers maintain control over employee entry into bins, silos, and tanks, OSHA is requiring that the employer issue a permit for entry into bins, silos, and tanks unless the employer (or the employer's representative who would otherwise authorize the permit) is present at the entry and during the entire operation.

Employees should have a thorough understanding of the hazards associated with entry into bins, silos, and tanks. Employees are not to be permitted to enter these spaces from the bottom when grain or other agricultural products are hung up or sticking to the sides which might fall and injure or kill an employee. Employees should be made aware that the atmosphere in bins, silos, and tanks can be oxygen deficient or toxic.

VOL 52 ISS 251 DEC 31 1987 UMI

Employees should be trained in the proper methods of testing the atmosphere, as well as in the appropriate procedures to be taken if the atmosphere is found to be oxygen deficient or toxic. When a fumigant has been recently applied in these areas and entry must be made, aeration fans should be running continuously to assure a safe atmosphere for those inside. Periodic monitoring of toxic levels should be done by direct reading instruments to measure the levels, and, if there is an increase in these readings, appropriate actions should be promptly taken.

Employees have been buried and suffocated in grain or other agricultural products because they sank into the material. Therefore, it is suggested that employees not be permitted to walk or stand on the grain or other grain product where the depth is greater than waist high. In this regard, employees must use a full body harness or boatswain's chair with a lifeline when entering from the top. A winch system with mechanical advantage (either powered or manual) would allow better control of the employee than just using a hand held hoist line, and such a system would allow the observer to remove the employee easily without having to enter the space.

It is important that employees be trained in the proper selection and use of any personal protective equipment which is to be worn. Equally important is the training of employees in the planned emergency rescue procedures. Employers should carefully read § 1910.134(e)(3) and assure that their procedures follow these requirements. The employee acting as observer is to be equipped to provide assistance and is to know procedures for obtaining additional assistance. The observer should not enter a space until adequate assistance is available. It is recommended that an employee trained in CPR be readily available to provide assistance to those employees entering bins, silos, or tanks.

6. Contractors

These provisions of the standard are intended to ensure that outside contractors are cognizant of the hazards associated with grain handling facilities, particularly in relation to the work they are to perform for the employer. Also, in the event of an emergency, contractors should be able to take appropriate action as a part of the overall facility emergency action plan. Contractors should also be aware of the employer's permit systems. Contractors should develop specified procedures for performing hot work and for entry into bins, silos, and tanks and these activities should be coordinated with the employer.

This coordination will help to ensure that employers know what work is being performed at the facility by contractors; where it is being performed; and, that it is being performed in a manner that will not endanger employees.

7. Housekeeping.

The housekeeping program is to be designed to keep dust accumulations and emissions under control inside grain facilities. The housekeeping program, which is to be written, is to specify the frequency and method(s) used to best reduce dust accumulations.

Ship, barge, and rail loadout and receiving areas which are located outside the facility need not be addressed in the housekeeping program. Additionally, truck dumps which are open on two or more sides need not be addressed by the housekeeping program. Other truck dumps should be addressed in the housekeeping program to provide for regular cleaning during periods of receiving grain or agricultural products. The housekeeping program should provide coverage for all workspaces in the facility and include walls, beams, etc., especially in relation to the extent that dust could accumulate.

Dust Accumulations

Almost all facilities will require some level of manual housekeeping. Manual housekeeping methods, such as vacuuming or sweeping with soft bristle brooms, should be used which will minimize the possibility of layered dust being suspended in the air when it is being removed.

The housekeeping program should include a contingency plan to respond to situations where dust accumulates rapidly due to a failure of a dust enclosure hood, an unexpected breakdown of the dust control system, a dust-tight connection inadvertently knocked open, etc.

The housekeeping program should also specify the manner of handling spills. Grain spills are not considered to be dust accumulations.

A fully enclosed horizontal belt conveying system where the return belt is inside the enclosure should have inspection access such as sliding panels or doors to permit checking of equipment, checking for dust accumulations and facilitate cleaning if needed.

Dust Emissions

Employers should analyze the entire stock handling system to determine the location of dust emissions and effective methods to control or to eliminate them. The employer should make sure that holes in spouting, casings of bucket elevators, pneumatic conveying pipes, screw augers, or drag conveyor casings, are patched or otherwise properly repaired to prevent leakage. Minimizing free falls of grain or grain products by using choke feeding techniques, and utilization of dust-tight enclosures at transfer points, can be effective in reducing dust emissions.

Each housekeeping program should specify the schedules and control measures which will be used to control dust emitted from the stock handling system. The housekeeping program should address the schedules to be used for cleaning dust accumulations from motors, critical bearings and other potential ignition sources in the working areas. Also, the areas around bucket elevator legs, milling machinery and similar equipment should be given priority in the cleaning schedule. The method of disposal of the dust which is swept or vacuumed should also be planned.

Dust may accumulate in somewhat inaccessible areas, such as those areas where ladders or scaffolds might be necessary to reach them. The employer may want to consider the use of compressed air and long lances to blow down these areas frequently. The employer may also want to consider the periodic use of water and hoselines to wash down these areas. If these methods are used, they are to be specified in the housekeeping program along with the appropriate safety precautions, including the use of personal protective equipment such as eyewear and dust respirators.

Several methods have been effective in controlling dust emissions. A frequently used method of controlling dust emissions is a pneumatic dust collection system. However, the installation of a poorly designed pneumatic dust collection system has fostered a false sense of security and has often led to an inappropriate reduction in manual housekeeping. Therefore, it is imperative that the system be designed properly and installed by a competent contractor. Those employers who have a pneumatic dust control system that is not working according to expectations should request the engineering design firm, or the manufacturer of the filter and related equipment, to conduct an evaluation of the system to determine the corrections necessary for proper operation of the system. If the design firm or manufacturer of the equipment is not known, employers should contact their trade association for recommendations of competent designers of pneumatic dust control systems who could provide assistance.

When installing a new or upgraded pneumatic control system, the employer should insist on an acceptance test period of 30 to 45 days of operation to ensure that the system is operating as intended and designed. The employer should also obtain maintenance, testing, and inspection information from the manufacturer to ensure that the system will continue to operate as designed.

Aspiration of the leg, as part of a pneumatic dust collection system, is another effective method of controlling dust emissions. Aspiration of the leg consists of a flow of air across the entire boot, which entrains the liberated dust and carries it up the up-leg to take-off points. With proper aspiration, dust concentrations in the leg can be lowered below the lower explosive limit. Where a prototype leg installation has been instrumented and shown to be effective in keeping the dust level 25% below the lower explosive limit during normal operations for the various products handled, then other legs of similar size, capacity and products being handled which have the same design criteria for the air aspiration would be acceptable to OSHA, provided the prototype test report is available on site.

Another method of controlling dust emissions is enclosing the conveying system, pressurizing the general work area, and providing a lower pressure inside the enclosed conveying system. Although this method is effective in controlling dust emissions from the conveying system, adequate access to the inside of the enclosure is necessary to facilitate frequent removal of dust accumulations. This is also necessary for those systems called "self-cleaning."

The use of edible oil sprayed on or into a moving stream of grain is another method which has been used to control dust emissions. Tests performed using this method have shown that the oil treatment can reduce dust emissions. Repeated handling of the grain may necessitate additional oil treatment to prevent liberation of dust. However, before using this method, operators of grain handling facilities should be aware that the Food and Drug Administration must approve the specific oil treatment used on products for food or feed.

As a part of the housekeeping program, grain elevators are required to address accumulations of dust at priority areas using the action level. The standard specifies a maximum accumulation of ⅛ inch dust, measurable by a ruler or other measuring device, anywhere within a priority area as the upper limit at which time employers must initiate action to remove the accumulations using designated means or methods. Any accumulation in excess of this amount and where no action has been initiated to implement cleaning would constitute a violation of the standard, unless the employer can demonstrate equivalent protection. Employers should make every effort to minimize dust accumulations on exposed surfaces since dust is the fuel for a fire or explosion, and it is recognized that a ⅛ inch dust accumulation is more than enough to fuel such occurrences.

8. Filter Collectors

Proper sizing of filter collectors for the pneumatic dust control system they serve is very important for the overall effectiveness of the system. The air to cloth ratio of the system should be in accordance with the manufacturer's recommendations. If higher ratios are used, they can result in more maintenance on the filter, shorter bag or sock life, increased differential pressure resulting in higher energy costs, and an increase in operational problems.

A photohelic gauge, magnehelic gauge, or manometer, may be used to indicate the pressure rise across the inlet and outlet of the filter. When the pressure exceeds the design value for the filter, the air volume will start to drop, and maintenance will be required. Any of these three monitoring devices is acceptable as meeting paragraph (k)(1) of the standard.

The employer should establish a level or target reading on the instrument which is consistent with the manufacturer's recommendations that will indicate when the filter should be serviced. This target reading on the instrument and the accompanying procedures should be in the preventive maintenance program. These efforts would minimize the blinding of the filter and the subsequent failure of the pneumatic dust control system.

There are other instruments that the employer may want to consider using to monitor the operation of the filter. One instrument is a zero motion switch for detecting a failure of motion by the rotary discharge valve on the hopper. If the rotary discharge valve stops turning, the dust released by the bag or sock will accumulate in the filter hopper until the filter becomes clogged. Another instrument is a level indicator which is installed in the hopper of the filter to detect the buildup of dust that would otherwise cause the filter hopper to be plugged. The installation of these instruments should be in accordance with manufacturer's recommendations.

All of these monitoring devices and instruments are to be capable of being read at an accessible location and checked as frequently as specified in the preventive maintenance program.

Filter collectors on portable vacuum cleaners, and those used where fans are not part of the system, are not covered by requirements of paragraph (k) of the standard.

9. Preventive Maintenance

The control of dust and the control of ignition sources are the most effective means for reducing explosion hazards. Preventive maintenance is related to ignition sources in the same manner as housekeeping is related to dust control and should be treated as a major function in a facility. Equipment such as critical bearings, belts, buckets, pulleys, and milling machinery are potential ignition sources, and periodic inspection and lubrication of such equipment through a scheduled preventive maintenance program is an effective method for keeping equipment functioning properly and safely. The use of vibration detection methods, heat sensitive tape or other heat detection methods that can be seen by the inspector or maintenance person will allow for a quick, accurate, and consistent evaluation of bearings and will help in the implementation of the program.

The standard does not require a specific frequency for preventive maintenance. The employer is permitted flexibility in determining the appropriate interval for maintenance provided that the effectiveness of the maintenance program can be demonstrated. Scheduling of preventive maintenance should be based on manufacturer's recommendations for effective operation, as well as from the employer's previous experience with the equipment. However, the employer's schedule for preventive maintenance should be frequent enough to allow for both prompt identification and correction of any problems concerning the failure or malfunction of the mechanical and safety control equipment associated with bucket elevators, dryers, filter collectors and magnets. The pressure-drop monitoring device for a filter collector, and the condition of the lagging on the head pulley, are examples of items that require regularly scheduled inspections. A system of identifying the date, the equipment inspected and the maintenance performed, if any, will assist employers in continually refining their preventive maintenance schedules and identifying equipment problem areas. Open work orders where repair work or replacement is to be done at a designated future date as scheduled, would be an indication of an effective preventive maintenance program.

It is imperative that the prearranged schedule of maintenance be adhered to regardless of other facility constraints. The employer should give priority to the maintenance or repair work associated with safety control equipment, such as that on dryers, magnets, alarm and shut-down systems on bucket elevators, bearings on bucket elevators, and the filter collectors in the dust control system. Benefits of a strict preventive maintenance program can be a reduction of unplanned downtime, improved equipment performance, planned use of resources, more efficient operations, and, most importantly, safer operations.

The standard also requires the employer to develop and implement procedures consisting of locking out and tagging equipment to prevent the inadvertent application of energy or motion to equipment being repaired, serviced, or adjusted, which could result in employee injury. All employees who have responsibility for repairing or servicing equipment, as well as those who operate the equipment, are to be familiar with the employer's lock and tag procedures. A lock is to be used as the positive means to prevent operation of the disconnected equipment. Tags are to be used to inform employees why equipment is locked out. Tags are to meet requirements in § 1910.145(f). Locks and tags may only be removed by employees that placed them, or by their supervisor, to ensure the safety of the operation.

10. Grain Stream Processing Equipment

The standard requires an effective means of removing ferrous material from grain streams so that such material does not enter equipment such as hammer mills, grinders and pulverizers. Large foreign objects, such as stones, should have been removed at the receiving pit. Introduction of foreign objects and ferrous material into such equipment can produce sparks which can create an explosion hazard. Acceptable means for removal of ferrous materials include the use of permanent or electromagnets. Means used to separate foreign objects and ferrous material should be cleaned regularly and kept in good repair as part of the preventive maintenance program in order to maximize their effectiveness.

11. Emergency Escape

The standard specifies that at least two means of escape must be provided from galleries (bin decks). Means of emergency escape may include any available means of egress (consisting of three components, exit access, exit, and exit discharge as defined in § 1910.35), the use of controlled descent devices with landing velocities not to exceed 15 ft/sec., or emergency escape ladders from galleries. Importantly, the means of emergency escape are to be addressed in the facility emergency action plan. Employees are to know the location of the nearest means of emergency escape and the action they must take during an emergency.

12. Dryers

Liquefied petroleum gas fired dryers should have the vaporizers installed at least ten feet from the dryer. The gas piping system should be protected from mechanical damage. The employer should establish procedures for

VOL 52 ISS 251 DEC 31 1987 UMI

locating and repairing leaks when there is a strong odor of gas or other signs of a leak.

13. Inside Bucket Elevators

Hazards associated with inside bucket elevator legs are the source of many grain elevator fires and explosions. Therefore, to mitigate these hazards, the standard requires the implementation of special safety precautions and procedures, as well as the installation of safety control devices. The standard provides for a phase-in period for many of the requirements to provide the employer time for planning the implementation of the requirements. Additionally, for elevators with a permanent storage capacity of less than one million bushels, daily visual inspection of belt alignment and bucket movement can be substituted for alignment monitoring devices and motion detection devices.

The standard requires that belts (purchased after the effective date of the standard) have surface electrical resistance not to exceed 300 megohms. Test methods available regarding electrical resistance of belts are: The American Society for Testing and Materials D257–76, "Standard Test Methods for D–C Resistance or Conductance of Insulating Materials"; and, the International Standards Organization's #284, "Conveyor Belts-Electrical Conductivity-Specification and Method of Test." When an employer has a written certification from the manufacturer that a belt has been tested using one of the above test methods, and meets the 300 megohm criteria, the belt is acceptable as meeting this standard. When using conductive belts, the employer should make certain that the head pulley and shaft are grounded through the drive motor ground or by some other equally effective means. V-type drive belts should not be used to transmit power to the head pulley assembly from the motor drive shaft because of the break in electrical continuity to the motor ground.

Employers should also consider purchasing new belts that are flame retardant or fire resistive. A flame resistance test for belts is contained in 30 CFR 18.65.

Appendix B to § 1910.272 Grain Handling Facilities

National Consensus Standards

The following table contains a cross-reference listing of current national consensus standards which provide information that may be of assistance to grain handling operations. Employers who comply with provisions in these national consensus standards that provide equal or greater protection than those in § 1910.272 will be considered in compliance with the corresponding requirements in § 1910.272.

Subject	National consensus standards
Grain elevators and facilities handling bulk raw agricultural commodities	ANSI/NFPA 61B
Feed mills	ANSI/NFPA 61C
Facilities handling agricultural commodities for human consumption	ANSI/NFPA 61D
Pneumatic conveying systems for agricultural commodities	ANSI/NFPA 65
Guide for explosion venting	ANSI/NFPA 68
Explosion prevention systems	ANSI/NFPA 69
Dust removal and exhaust systems	ANSI/NFPA 91

Appendix C to § 1910.272 Grain Handling Facilities

References for Further Information

The following references provide information which can be helpful in understanding the requirements contained in various provisions of the standard, as well as provide other helpful information.

1. *Accident Prevention Manual for Industrial Operations;* National Safety Council, 425 North Michigan Avenue, Chicago, Illinois 60611.

2. *Practical Guide to Elevator Design;* National Grain and Feed Association, P.O. Box 28328, Washington, DC 20005.

3. *Dust Control for Grain Elevators;* National Grain and Feed Association, P.O. Box 28328, Washington, DC 20005.

4. *Prevention of Grain Elevator and Mill Explosions;* National Academy of Sciences, Washington, DC. (Available from National Technical Information Service, Springfield, Virginia 22151.)

5. *Standard for the Prevention of Fires and Explosions in Grain Elevators and Facilities Handling Bulk Raw Agricultural Commodities,* NFPA 61B; National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

6. *Standard for the Prevention of Fire and Dust Explosions in Feed Mills,* NFPA 61C; National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

7. *Standard for the Prevention of Fire and Dust Explosions in the Milling of Agricultural Commodities for Human Consumption,* NFPA 61D; National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

8. *Standard for Pneumatic Conveying Systems for Handling Feed, Flour, Grain and Other Agricultural Dusts,* NFPA 66; National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

9. *Guide for Explosion Venting,* NFPA 68; National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

10. *Standard on Explosion Prevention Systems,* NFPA 69; National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

11. *Safety-Operations Plans;* U.S. Department of Agriculture, Washington, DC 20250.

12. *Inplant Fire Prevention Control Programs;* Mill Mutual Fire Prevention Bureau, 2 North Riverside Plaza, Chicago, Illinois 60606.

13. *Guidelines for Terminal Elevators;* Mill Mutual Fire Prevention Bureau, 2 North Riverside Plaza, Chicago, Illinois 60606.

14. *Standards for Preventing the Horizontal and Vertical Spread of Fires in Grain Handling Properties;* Mill Mutual Fire Prevention Bureau, 2 North Riverside Plaza, Chicago, Illinois 60606.

15. *Belt Conveyors for Bulk Materials,* Part I and Part II, Data Sheet 570, Revision A; National Safety Council, 425 North Michigan Avenue, Chicago, Illinois 60611.

16. *Suggestions for Precautions and Safety Practices in Welding and Cutting;* Mill Mutual Fire Prevention Bureau, 2 North Riverside Plaza, Chicago, Illinois 60606.

17. *Food Bins and Tanks,* Data Sheet 524; National Safety Council, 425 North Michigan Avenue, Chicago, Illinois 60611.

18. *Pneumatic Dust Control in Grain Elevators;* National Academy of Sciences, Washington, DC. (Available from National Technical Information Service, Springfield, Virginia 22151.)

19. *Dust Control Analysis and Layout Procedures for Grain Storage and Processing Plants;* Mill Mutual Fire Prevention Bureau, 2 North Riverside Plaza, Chicago, Illinois 60606.

20. *Standard for the Installation of Blower and Exhaust Systems for Dust, Stock and Vapor Removal,* NFPA 91; National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

21. *Standards for the Installation of Direct Heat Grain Driers in Grain and Milling Properties;* Mill Mutual Fire Prevention Bureau, 2 North Riverside Plaza, Chicago, Illinois 60606.

22. *Guidelines for Lubrication and Bearing Maintenance;* Mill Mutual Fire Prevention Bureau, 2 North Riverside Plaza, Chicago, Illinois 60606.

23. *Organized Maintenance in Grain and Milling Properties;* Mill Mutual Fire Prevention Bureau, 2 North Riverside Plaza, Chicago, Illinois 60606.

24. *Safe and Efficient Elevator Legs for Grain and Milling Properties;* Mill Mutual Fire Prevention Bureau, 2 North Riverside Plaza, Chicago, Illinois 60606.

25. *Explosion Venting and Supression of Bucket Elevators;* National Grain and Feed Association, P.O. Box 28328, Washington, DC 20005.

26. *Lightning Protection Code,* NFPA 78; National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

27. *Occupational Safety in Grain Elevators,* DHHS (NIOSH) Publication No. 83–126); National Institute for Occupational Safety and Health, Morgantown, West Virginia 26505.

28. *Retrofitting and Constructing Grain Elevators;* National Grain and Feed Association, P.O. Box 28328, Washington, DC 20005.

29. *Grain Industry Safety and Health Center—Training Series* (Preventing grain dust explosions, operations maintenance safety, transportation safety, occupational safety and health); Grain Elevator and Processing Society, P.O. Box 15026, Commerce Station, Minneapolis, Minnesota 55415–0026.

30. *Suggestions for Organized Maintenance;* The Mill Mutuals Loss Control Department, 2 North Riverside Plaza, Chicago, Illinois 60606.

31. *Safety—The First Step to Success;* The Mill Mutuals Loss Control Department, 2 North Riverside Plaza, Chicago, Illinois 60606.

32. *Emergency Plan Notebook;* Schoeff, Robert W. and James L. Balding, Kansas State University, Cooperative Extension Service, Extension Grain Science and Industry, Shellenberger Hall, Manhattan, Kansas 66506.

[FR Doc. 87–29928 Filed 12–30–87; 8:45 am]

BILLING CODE 4510–26–M

VOL
52
ISS
251
DE
31
1987
UMI

federal register

Thursday
December 31, 1987

Part IV

Federal Trade Commission

16 CFR Part 305

Using Energy Costs and Consumption Information Used in Labeling and Advertising for Consumer Appliances Under the Energy Policy and Conservation Act; Final rule

BEST COPY AVAILABLE

VOL 52 ISS 251 DEC 31 1987 UMI

FEDERAL TRADE COMMISSION

16 CFR Part 305

Using Energy Costs and Consumption Information Used in Labeling and Advertising for Consumer Appliances Under the Energy Policy and Conservation Act

AGENCY: Federal Trade Commission.

ACTION: Final rule; Corrections to Appendices A–I.

SUMMARY: The Commission is amending Appendices A–I of its Appliance Labeling Rule to correct deficiencies that appeared in the Appendices when the Commission published amendments to the Rule on December 10, 1987.

EFFECTIVE DATE: December 31, 1987.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC, 20580 (202) 326–3035.

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act (EPCA)[1] requires the Federal Trade Commission to prescribe labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances: (1) Refrigerators and refrigerator-freezers; (2) freezers; (3) dishwashers; (4) clothes dryers; (5) water heaters; (6) room air conditioners; (7) home heating equipment, not including furnances; (8) televison sets; (9) kitchen ranges and ovens; (10) clothes washers; (11) humidifiers and dehumidifiers; (12) central air conditioners; and (13) furnaces. Under the statute, the Department of Energy (DOE) is responsible for developing test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

Section 305.8 of the rule requires manufacturers of covered appliances to submit annually to the Commission the energy costs or energy efficiencies of their products. Section 305.10 requires that the Commission compile ranges of comparability from these data. According to this section, the Commission must then publish these ranges in the **Federal Register**. The ranges of comparability presently appear in Appendices A–I of the Rule.

[1] Public Law 94–163, 89 Stat. 871, 42 U.S.C. 6201 (1975).

On November 19, 1979, the Commission issued a final rule[2] covering seven of the thirteen appliance categories: refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners and furnaces. Five categories were exempted at the time, and for one category DOE has not yet developed a test procedure.

The rule requires that energy efficiency ratings or energy costs and related information be disclosed on labels, fact sheets and in retail sales catalogs for all covered products manufactured on or after May 19, 1980. Certain point-of-sale promotional materials must disclose the availability of energy cost or energy efficiency rating information. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of the DOE tests procedures.

On December 10, 1987,[3] the Commission amended its Appliance Labeling Rule by adding a new category of appliances to the Rule—central air conditioners (which includes heat pumps)—and extending the Rule's existing coverage under the furnace catetory to include two new types of furnaces—pulse combustion furnaces and condensing furnaces. The December 10, 1987 **Federal Register** publication included a reprinting of the amended Rule with all of its Appendices (A–J).

The Appendices published on December 10 contain several deficiencies.

Today's announcement corrects the deficiencies as follows:

(1) Current figures for the ranges of estimated yearly energy costs or energy efficiency ratings have been inserted in the range tables, and the Appendices have been updated to reflect the national average representative unit energy costs that were used to calculate the ranges;

(2) Appendices H and I (for central air conditioners and heat pumps) have been changed to reflect the fact that current representative unit energy costs must be used in required cost calculations.

Although Appendix J requires no corrections, the Commission is reprinting it (to avoid confusion) so the Notice will contain all the appendices to the Rule at one time.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

[2] 44 FR 66466, 16 CFR Part 305 (Nov. 19, 1979).
[3] 52 FR 46888 (Dec. 10, 1987).

Amendments

Accordingly, Part 305 of 16 CFR is amended as follows:

PART 305—[AMENDED]

1. The authority citation for Part 305 continues to read as follows:

Authority: Sec. 324 of the Energy Policy and Conservation Act, Pub. L. 94–163, as amended by the National Energy Conservation Policy Act, Pub. L. 95–619 (42 U.S.C. 6294).

2. Appendices A through J to Part 305 are revised to read as follows:

Appendices to Part 305

Appendix A1—Refrigerators
Appendix A2—Refrigerator-Freezers
Appendix B—Freezers
Appendix C—Dishwashers
Appendix D1—Water Heater-Gas
Appendix D2—Water Heater-Electric
Appendix D3—Water Heater-Oil
Appendix E—Room Air Conditioners
Appendix F—Clothes Washers
Appendix G1—Furnaces-Gas
Appendix G2—Furnaces-Electric
Appendix G3—Furnaces-Oil
Appendix H—Cooling Performance and Cost for Central-Air Conditioners
Appendix I—Heating Performance and Cost for Central-Air Conditioners
Appendix J—Suggested Data Reporting Format

Appendices to Part 305

Appendix A1—Refrigerators

1. Range Information:

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of estimated yearly energy costs	
	Low	High
Less than 10.5	$32	$52
10.5 to 12.4	42	81
12.5 to 14.4	42	121
14.5 to 16.4	45	125
16.5 to 18.4	61	120
18.5 to 20.4	75	124
20.5 to 22.4	80	121
22.5 to 24.4	85	129
24.5 to 26.4	107	148
26.5 to 28.4	127	128
28.5 and over	(1)	(1)

[1] No data submitted.

2. Yearly Cost Information: Estimates on the scale are based on a national average electric rate of 6.75¢ per kilowatt hour.

Cost per kilowatt hour	
4¢	
6¢	
8¢	
10¢	
12¢	
14¢	

Beside each cost in the table place the cost estimate for the model being labeled using the table costs in place of the national average rate.

3. Additional Information—[Reserved].

Appendix A2—Refrigerator-Freezers

1. Range Information:

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of estimated yearly energy costs	
	Low	High
Less than 10.5	$32	$52
10.5 to 12.4	42	81
12.5 to 14.4	42	121
14.5 to 16.4	45	125
16.5 to 18.4	61	120
18.5 to 20.4	75	124
20.5 to 22.4	80	121
22.5 to 24.4	85	129
24.5 to 26.4	107	148
26.5 to 28.4	127	128
28.5 and over	(1)	(1)

[1] No data submitted.

2. Yearly Cost Information: Estimates on the scale are based on a national average electric rate of 6.75¢ per kilowatt hour.

Cost per kilowatt hour	
4¢	
6¢	
8¢	
10¢	
12¢	
14¢	

Beside each cost in the table place the cost estimate for the model being labeled using the table costs in place of the national average rate.

3. Additional Information—[Reserved].

Appendix B—Freezers

1. Range Information:

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of estimated yearly energy costs	
	Low	High
Less than 5.5	$18	$46
5.5 to 7.4	23	41
7.5 to 9.4	34	50
9.5 to 11.4	34	56
11.5 to 13.4	35	68
13.5 to 15.4	48	96
15.5 to 17.4	52	103
17.5 to 19.4	57	103
19.5 to 21.4	59	114
21.5 to 23.4	67	148
23.5 to 25.4	72	79
25.5 to 27.4	71	86
27.5 to 29.4	87	87
29.5 and over	114	182

2. Yearly Cost Information: Estimates on the scale are based on a national average electric rate of 6.75¢ per kilowatt hour.

Cost per kilowatt hour	
4¢	
6¢	
8¢	
10¢	
12¢	
14¢	

Beside each cost in the table place the cost estimate for the model being labeled using the table costs in place of the national average rate.

3. Additional Information—[Reserved]

Appendix C—Dishwashers

1. Range Information: "Compact" includes countertop dishwasher models with a capacity of less than eight (8) place settings.

"Standard" includes portable or built-in models with a capacity of eight (8) or more place settings.

Place settings shall conform to AHAM Specification DE–1 (1) for chinaware, flatware and serving pieces. Load patterns shall conform to the operating normal for the model being tested.

Ranges of comparability	Electrically heated water		Natural gas heated water	
	Low	High	Low	High
Compact	(1)	(1)	(1)	(1)
Standard	$54.00	$90.00	$27.00	$52.00

[1] No data submitted.

2. Yearly Cost Information: Estimates on the scales are based on a national average electric rate of 7.63¢ per kilowatt hour, a national average natural gas rate of 62.7¢ per therm, and eight loads of dishes per week.

Cost per kilowatt hour	Loads of dishes per week.				
	2	4	6	8	10
4¢					
6¢					
8¢					
10¢					
12¢					
14¢					

Appendix D1—Water Heater—Gas

1. Range Information:

First hour rating	Ranges of estimated yearly energy cost			
	Natural Gas		Propane	
	Low	High	Low	High
Less than 21	(1)	(1)	(1)	(1)
21 to 24	(1)	(1)	(1)	(1)
25 to 29	(1)	(1)	(1)	(1)
30 to 34	(1)	(1)	(1)	(1)
35 to 40	$186.00	$219.00	(1)	(1)
41 to 47	187.00	202.00	$258.00	$284.00
48 to 55	176.00	266.00	243.00	368.00
55 to 64	188.00	295.00	260.00	407.00
65 to 74	185.00	273.00	255.00	377.00
75 to 86	170.00	286.00	236.00	397.00
87 to 99	210.00	243.00	290.00	335.00
100 to 114	219.00	304.00	301.00	419.00
115 to 131	254.00	256.00	351.00	368.00
Over 131	254.00	256.00	351.00	397.00

(1) No data submitted.

2. Yearly Cost Information—Natural Gas and Propane: Estimates on the scale are based on a national average natural gas rate of 62.7¢ per therm and a national average propane rate of 78.7¢ per gallon.

Cost Per Therm	
40¢	
50¢	
60¢	
70¢	
80¢	
90¢	

Beside each cost in the table place the cost estimate for the model being labeled using the table costs in place of the national average rate.

3. Additional Information [Reserved]

Appendix D2—Water Heater—Electric

1. Range Information:

First hour rating	Ranges of estimated yearly energy cost	
	Low	High
Less than 21	(1)	(1)
21 to 24	$414.00	$443.00
25 to 29	469.00	469.00
30 to 34	414.00	469.00
35 to 40	410.00	513.00
41 to 47	402.00	513.00
48 to 55	406.00	526.00
55 to 64	406.00	519.00
65 to 74	410.00	549.00
75 to 86	419.00	573.00
87 to 99	414.00	557.00
100 to 114	419.00	528.00
115 to 131	448.00	573.00
Over 131	(1)	(1)

(1) No data submitted.

2. Yearly Cost Information—Electricity: Estimates on the scale are based on a national average electric rate of 7.63¢ per kilowatt hour.

Cost Per Kilowatt Hour	
4¢	
6¢	
8¢	
10¢	
12¢	
14¢	

Beside each cost in the table place the cost estimate for the model being labeled using the table costs in place of the national average rate.

3. Additional Information—[Reserved]

Appendix E—Room Air Conditioners

1. Range Information:

First hour rating	Low	High
Less than 65	(1)	(1)
65 to 74	(1)	(1)
75 to 86	(1)	(1)
87 to 99	(1)	(1)
100 to 114	(295.00)	(295.00)
115 to 131	(288.00)	(309.00)
Over 131	(1)	(1)

(1) No data submitted.

2. Yearly Cost Information—Oil: Estimates on the scale are based on a national average oil rate of $1.22 per gallon

Cost Per Gallon	Yearly cost
.85	
.90	
.95	
1.00	
1.05	
1.10	

Beside each cost in the table, place the cost estimate for the model being labeled using the table costs in place of the national average rate.

3. Additional Information—[Reserved]

Manufacturers rated cooling capacity in BTU's/hr.	Ranges of energy efficiency ratings	
	Low	High
Less than 4,000	(1)	(1)
4,000 to 4,299	5.1	7.5
4,300 to 4,799	5.5	7.5
4,800 to 5,299	5.6	8.7
5,300 to 5,799	6.3	9.0
5,800 to 6,299	6.4	9.5
6,300 to 6,799	8.5	9.0
6,800 to 7,299	5.6	10.1
7,300 to 7,799	5.4	9.0
7,800 to 8,299	5.7	5.8
8,300 to 8,799	5.5	9.4
8,800 to 9,299	5.6	11.0
9,300 to 9,799	6.1	10.9
9,800 to 10,299	6.1	11.5
10,300 to 10,799	7.2	9.1
10,800 to 11,299	6.0	8.8
11,300 to 11,799	6.0	9.0
11,800 to 12,299	5.1	9.5
12,300 to 12,799	7.6	9.6
12,800 to 13,299	5.8	9.0
13,300 to 13,799	7.2	9.7
13,800 to 14,299	6.0	9.9
14,300 to 14,799	6.3	8.4
14,800 to 15,299	5.5	8.6
15,300 to 15,799	5.7	7.5
15,800 to 16,499	5.9	8.5
16,500 to 17,499	7.5	8.7
17,500 to 18,499	5.8	9.2
18,500 to 19,499	7.9	9.3
19,500 to 20,499	6.4	7.8
20,500 to 21,499	6.7	8.2
21,500 to 22,499	6.5	8.6
22,500 to 24,499	5.9	9.0
24,500 to 26,499	7.5	8.2
26,500 to 28,499	6.0	8.2
28,500 to 32,499	5.8	8.3
32,500 to 36,000	6.6	7.2

(1) No data submitted.

2. Yearly Cost Information:

Cost per kilowatt hour	Yearly hours of use				
	250	750	1,000	2,000	3,000
4¢					
6¢					
8¢					
10¢					
12¢					
14¢					

Below the appropriate number of yearly hours of use and beside each cost in the table, place the cost estimate for the model being labeled using the table costs and using the yearly hours of use.

3. Additional Information—[Reserved]

Appendix F—Clothes Washers

1. Range Information: "Compact" includes all household clothes washers with a tub capacity of less than 1.6 cu. ft. or 13 gallons of water.

"Standard" includes all household clothes washers with a tub capacity of 1.6 cu. ft. or 13 gallons of water or more.

Ranges of comparability	Ranges of estimated yearly energy costs			
	Electrically heated water		Natural gas heated water	
	Low	High	Low	High
Compact	$43.00	$97.00	$15.00	$41.00
Standard	37.00	150.00	19.00	62.00

2. Yearly Cost Information: Estimates on the scales are based on a national average electric rate of 7.63¢ per kilowatt hour, a national average natural gas rate of 62.7¢ per therm, and eight loads of clothes per week.

Cost per kilowatt hour [1]	Loads of clothes per week					
	2	4	6	8	10	12
4¢						
6¢						
8¢						
10¢						
12¢						
14¢						

[1] For chart on natural gas, substitute the following cost figures:
Cost per therm—40¢, 50¢, 60¢, 70¢, 80¢, 90¢.

Below the appropriate number of clothes loads in the table and beside each cost, place the cost estimate for the model being labeled using the table costs and using the designated loads in the table.

3. Additional Information—[Reserved]

APPENDIX G1.—FURNACES—GAS

Comparability (Btu per hour)	Ranges of energy efficiency ratings;	
	Low	High
5,000 to 10,000	(1)	(1)
11,000 to 16,000	(1)	(1)
17,000 to 25,000	68.30	70.58
26,000 to 42,000	55.00	82.00
43,000 to 59,000	51.40	81.19
60,000 to 76,000	54.00	86.20
77,000 to 93,000	55.00	85.90
94,000 to 110,000	54.00	84.70
111,000 to 127,000	54.00	85.70
128,000 to 144,000	57.80	85.30
145,000 to 161,000	63.37	84.60
162,000 to 178,000	63.73	78.78
179,000 to 195,000	63.79	83.00
196,000 and over	63.92	82.00

[1] No data submitted.

APPENDIX G2.—FURNACES—ELECTRIC

Comparability (Btu per hour)	Ranges of energy efficiency ratings;	
	Low	High
5,000 to 10,000	100.00	100.00
11,000 to 16,000	100.00	100.00
17,000 to 25,000	99.60	100.00
26,000 to 42,000	99.20	100.00
43,000 to 59,000	96.50	100.00
60,000 to 76,000	98.50	100.00
77,000 to 93,000	98.30	100.00
94,000 to 110,000	99.20	100.00
111,000 to 127,000	100.00	100.00
128,000 to 144,000	100.00	100.00
145,000 to 161,000	(1)	(1)
162,000 to 178,000	100.00	100.00
179,000 to 195,000	100.00	100.00
196,000 and over	100.00	100.00

[1] No data submitted.

Appendix G3—Furnaces—Oil

1. Range Information:

Comparability (Btu per hour)	Ranges of energy efficiency ratings	
	Low	High
5,000 to 10,000	(1)	(1)
11,000 to 16,000	(1)	(1)
17,000 to 25,000	(1)	(1)
26,000 to 42,000	(1)	(1)
43,000 to 59,000	71.00	87.10
60,000 to 76,000	67.10	87.96
77,000 to 93,000	66.80	87.29
94,000 to 110,000	65.90	86.36
111,000 to 127,000	66.00	85.96
128,000 to 144,000	66.00	85.31
145,000 to 161,000	62.00	84.40
162,000 to 178,000	73.40	83.30
179,000 to 195,000	71.93	85.39
196,000 and over	74.30	85.39

[1] No data submitted.

2. Yearly Cost Information:

Cost per kilowatt hour [1]	Btu Heat Loss of Home (See Chart Below)
4¢	
6¢	
8¢	
10¢	
12¢	
14¢	

[1] For charts on natural gas, oil and propane gas, substitute the following cost figures:
a. Cost per therm—10¢, 20¢, 30¢, 40¢, 50¢, 60¢.
b. Cost per gallon (oil)—76¢, 79¢, 82¢, 85¢, 88¢, 91¢, 94¢, 97¢, $1.00.
c. Cost per gallon (propane)—35¢, 40¢, 45¢, 50¢, 55¢, 60¢.

The following table shows the heat loss values (in thousand Btu/hr.) to be used in the grid above:

Manufacturer's rated heat output of model to be labeled (Btu per hour)	Design heat loss of model to be labeled (1,000 Btu per hour)	Heat loss values to be used on the grid (1,000 Btu per hour)
5,000 to 10,000	5	5
11,000 to 16,000	10	5, 10
17,000 to 25,000	15	10, 15
26,000 to 42,000	20	15, 20, 25
43,000 to 59,000	30	25, 30, 35, 40
60,000 to 76,000	40	35, 40, 45, 50
77,000 to 93,000	50	40, 45, 50, 60
94,000 to 110,000	60	50, 60, 70, 80
111,000 to 127,000	70	60, 70, 80, 90
128,000 to 144,000	80	70, 80, 90, 100
145,000 to 161,000	90	80, 90, 100, 110, 120
162,000 to 178,000	100	90, 100, 110, 120, 130
179,000 to 195,000	110	100, 110, 120, 130, 140
196,000 and over	130	120, 130, 140, 150, 160

Beside each cost in the grid on the opposite page, and below the appropriate heat loss value taken from the table above, place the cost estimate for the model being labeled using the table costs in place of the national average cost and using the heat loss values in place of the design heat loss used above with the national average cost.

3. Additional Information—[Reserved]

Appendix H. Cooling Performance and Cost For Central-Air Conditioners

1. *Range Information*:

Manufacturer's rated cooling capacity (BTU/hr.)	Range of EER's (Generic)	
	Low	High
All Capacities		

2. *Yearly Cost Information*: For each model, display three annual operating costs, based on 7.94¢ per kilowatt hour, rounded to the nearest $10, corresponding to the three building heat gains from the chart below:

Manufacturers rated cooling capacity (BTU/hr)	Building heat gain (in 1000's BTU's/hr)
Up to 9,000	3 6 9
9,100 to 15,000	9 12 15
15,100 to 21,000	15 18 21
21,100 to 27,000	21 24 27
27,200 to 33,000	27 30 33
33,200 to 39,000	33 36 39
39,500 to 45,000	39 42 45
45,500 to 51,000	45 48 51
51,500 to 57,000	51 54 57
57,500 to 63,000	57 60 63
63,500 and over	63 66 69

The values of building heat gain are to be considered cooling capacities in the calculation of annual operating cost in accordance with 10 CFR 430.22 (m) (1) (i).

Include the following note on every fact sheet page that lists annual operating costs.

Note: These figures are based on U.S. Government standard tests and are for national averages of 1000 cooling load hours and 7.94¢/KWH. Your cost will vary depending on your local energy rate and how you use the product. A method for estimating your cost of operation is given [direct user to location].

The methodology referred to in the note is provided below. This information shall be included at least once in all compendiums of fact sheets. If separate fact sheets are prepared for individual distribution to consumers, this methodology must be provided on or with the unbound fact sheets.

How to Estimate Your Cooling Cost

To estimate your actual cost-of operation, find your cooling load hours from the map, your average annual operating cost from the National Average Annual Operating Cost Table, and determine your electrical rate in cents per kilowatt hour (KWH) from your electric bill.

$$\text{Your estimated cost} = \text{Listed average annual operating cost}^{*} \times \frac{\text{Your cooling load hours}^{**}}{1000} \times \frac{\text{Your electrical rate in cents Per KWH}}{7.94¢}$$

*From the National Average Annual Operating Cost Table.
**From the map.

Example: If your cooling load hours = 1500, and your electric rate is 11.9¢/KWH and your listed annual operating cost is $100, then:

$$\text{Your estimated cost} = \$100 \times \frac{1500}{1000} \times \frac{11.9¢}{7.94¢}$$

$$\text{Your estimated cost} = \$100 \times 1.5 \times 1.5 = \$225$$

Your estimated cost = $225.

BILLING CODE 6750-01-M

Cooling Load Hour Map



		Cooling	Load	Hours
Alaska	— 0	"	"	"
Canal Zone	— 6,000	"	"	"
Guam	— 6,600	"	"	"
Hawaii	— 2,300	"	"	"
Puerto Rico	— 6,000	"	"	"
Samoa	— 6,600	"	"	"
Virgin Island	— 6,000	"	"	"

This map must be included at least once in all compendiums of fact sheets. If separate fact sheets are prepared for individual distribution to consumers, this map must be provided on or with the separate fact sheets.

AN EXAMPLE OF A FACT SHEET FOR
CENTRAL AIR CONDITIONERS OR FOR ONLY
THE COOLING FUNCTION OF HEAT PUMPS

ENERGYGUIDE

CENTRAL AIR CONDITIONER (Cooling only)

Cooling Capacity

MODELS	XXX/C1	31,000	BTU/hr
	XXX/C2	31,400	BTU/hr
	YYY/C3	29,000	BTU/hr
	YYY/C6	29,400	BTU/hr

Comparability Range: 27,200 to 33,000

NOTE Since product specific labels showing ranges are required on each product the inclusion of ranges on fact sheets is optional

COOLING PERFORMANCE

Least Efficient Model 6.00 — This Model 7.70 — Most Efficient Model 12.00

Model XXX/C1 — Energy Efficiency Rating (EER)

Least Efficient Model 6.00 — This Model 7.60 — Most Efficient Model 12.00

Model XXX/C2 — Energy Efficiency Rating (EER)

Least Efficient Model 6.00 — This Model 8.00 — Most Efficient Model 12.00

Model YYY/C3 — Energy Efficiency Rating (EER)

Least Efficient Model 6.00 — This Model 7.90 — Most Efficient Model 12.00

Model YYY/C6 — Energy Efficiency Rating (EER)

This (or these) energy rating(s) is (or are) based on U.S. Government standard tests of this (or these) condenser model(s) combined with the most common coil(s). The ratings may vary slightly with different coils.

(This is page 1 of sample fact sheet)

NATIONAL AVERAGE ANNUAL OPERATING COST TABLE ($ per year)

MODEL	Building Heat Gain (BTU/hour) 27,000	30,000	33,000
XXX/C1	$200	$220	$240
XXX/C2	$200	$220	$240
XXX/C3	$190	$210	$230
XXX/C6	$190	$210	$230

NOTE: These figures are based on U.S. Government standard tests and are for national averages of 1000 cooling load hours and 7.94 ¢/KWH. Your cost will vary depending onn your local energy rate and how you use the product. A method for estimating your cost of operation is provided on page 2 of this fact sheet.

HOW TO ESTIMATE YOUR COOLING COST:

To estimate your actual cost of operation, find your actual cooling load hours from the map, your average annual operating cost from the National Average Annual Operating Cost Table, and determine your electrical rate in cents per kilowatt hour (KWH) from your electrical bill.

Your Estimated Cost = Listed average annual operating cost* × (Your cooling load hours** / 1000) × (Your electrical rate in cents per KWH / 7.94¢)

* From the national average table, above
** From map

Example: If your cooling load hours are 1500, and your electric rate is 11.9¢/KWH, and your listed annual operating cost is $100, then

Your Estimated Cost = $100 × (1500 / 1000) × (11.9¢ / 7.94¢)

Your Estimated Cost = $100 × 1.5 × 1.5 = $225

Your Estimated Cost = $225

(This is page 2 of sample fact sheet)

BILLING CODE 6750-01-C

Appendix L—Heating Performance And Cost For Central-Air Conditioners

1. Range Information:

Manufacturer's rated heating capacity (Btu/hr.)	Range of EER's (generic)	
	Low	High
All capacities		

2. *Yearly Heating Cost Information:* For each model, display a regional annual operating cost, based on 7.94¢ per kilowatt hour, rounded to the nearest $10, calculated according to 10 CFR 430.22(m)(3)(ii) for each region. The heat loss of home values given in the chart below are to be considered standardized design heating requirements in the calculation of annual operating cost in accordance with 10 CFR 430.22(m)(3)(ii).

Capacity	Region	Average design heat loss (in 1000's Btu's/hr.)	Heat loss of home values used on the grid (in 1000's Btu's/hr.)
Up to 9,000	1	10	5, 10
	2		5, 10, 15
	3		5, 10, 15
	4		10, 15, 20
	5		10, 15, 20
	6		5, 10, 15
9,100 to 15,000	1	20	5, 10,15
	2		5, 10, 15, 20
	3		10, 15, 20, 25
	4		10, 15, 20, 25, 30
	5		10, 15, 20, 25, 30
	6		5, 10, 15, 20
15,100 to 21,000	1	25	10, 15, 20
	2		10, 15, 20, 25
	3		15, 20, 25, 30
	4		15, 20, 25, 30, 35, 40
	5		15, 20, 25, 30, 35, 40
	6		10, 15, 20, 25, 30, 35
21,100 to 27,000	1	30	10, 15, 20, 25
	2		15, 20, 25, 30
	3		15, 20, 25, 30, 35, 40
	4		20, 25, 30, 35, 40, 50
	5		20, 25, 30, 35, 40, 50, 60
	6		15, 20, 25, 30, 35, 40
27,100 to 33,000	1	35	15, 20, 25, 30
	2		20, 25, 30, 35, 40
	3		20 25, 30, 35, 40, 50
	4		25, 30, 35, 40, 50, 60
	5		25, 30, 35, 40, 50, 60, 70, 80
	6		20, 25, 30, 35, 40, 50, 60
33,200 to 39,000	1	50	15, 20, 25, 30, 35
	2		25, 30, 35, 40, 50
	3		30, 35, 40, 50, 60
	4		35, 40, 50, 60, 70, 80, 90
	5		35, 40, 50, 60, 70, 80, 90
	6		25, 30, 35, 40, 50
39,500 to 45,000	1	60	20, 25, 30, 35, 40
	2		25, 30, 35, 40, 50, 60
	3		30, 35, 40, 50, 60
	4		40, 50, 60, 70, 80, 90, 100
	5		40, 50, 60, 70, 80, 90, 100, 110
	6		25, 30, 35, 40, 50, 60, 70, 80
45,500 to 51,000	1	70	20, 25, 30, 35, 40
	2		30, 35, 40, 50, 60
	3		35, 40, 50, 60, 70, 80
	4		50, 60, 70, 80, 90, 100, 110
	5		50, 60, 70, 80, 90, 100, 110, 130
	6		30, 35, 40, 50, 60, 70, 80, 90, 100, 110, 120
51,500 to 57,000	1	70	25, 30, 35, 40, 50
	2		35, 40, 50, 60, 70
	3		40, 50, 60, 70, 80, 90
	4		50, 60, 70, 80, 90, 100, 110
	5		50, 60, 70, 80, 90, 100, 110, 130
	6		35, 40, 50, 60, 70, 80, 90, 100

Capacity	Region	Average design heat loss (in 1000's Btu's/hr.)	Heat loss of home values used on the grid (in 1000's Btu's/hr.)
57,500 to 63,000	1	80	25, 30, 35, 40, 50
	2		35, 40, 50, 60, 70
	3		50, 60, 70, 80, 90
	4		60, 70, 80, 90, 100, 110
	5		60, 70, 80, 90, 100, 110, 130
	6		35, 40, 50, 60, 70, 80, 90, 100
63,500 and over	1	90	30, 35, 40, 50, 60
	2		40, 50, 60, 70, 80
	3		50, 60, 70, 80, 90, 100
	4		70, 80, 90, 100, 110, 130
	5		70, 80, 90, 100, 110, 130
	6		40, 50, 60, 70, 80

Include the following note on every fact sheet page that lists annual operating costs.

Note. These annual heating costs are based on U.S. Government standard tests and on a national average cost of electricity of 7.94¢/KWH. Your cost will vary depending on your local energy rate and how you use the product. A method for estimating your cost of operation is given [direct user to location].

The methodology referred to in the note is provided below. This information shall be included at least once in all compendiums of fact sheets. If separate fact sheets are prepared for individual distribution to consumers, this methodology must be provided on or with the unbound fact sheets.

How to Estimate Your Heating Costs

To estimate your heating cost, determine your cost of electricity in cents per kilowatt hour (KWH) from your electric bill, your listed average annual heating cost from the National Average Annual Heating Cost Table, and use that number in the following equation:

$$\text{Your estimated cost} = \text{Listed annual heating cost}^{*} \times \frac{\text{Your Electric Cost in Cents per ¢/KWH}}{7.94\ ¢/KWH}$$

*From the National Average Annual Heating Cost Table

Example: If your electric rate is 11.9¢/KWH and the anual heating cost listed in the chart is $200:

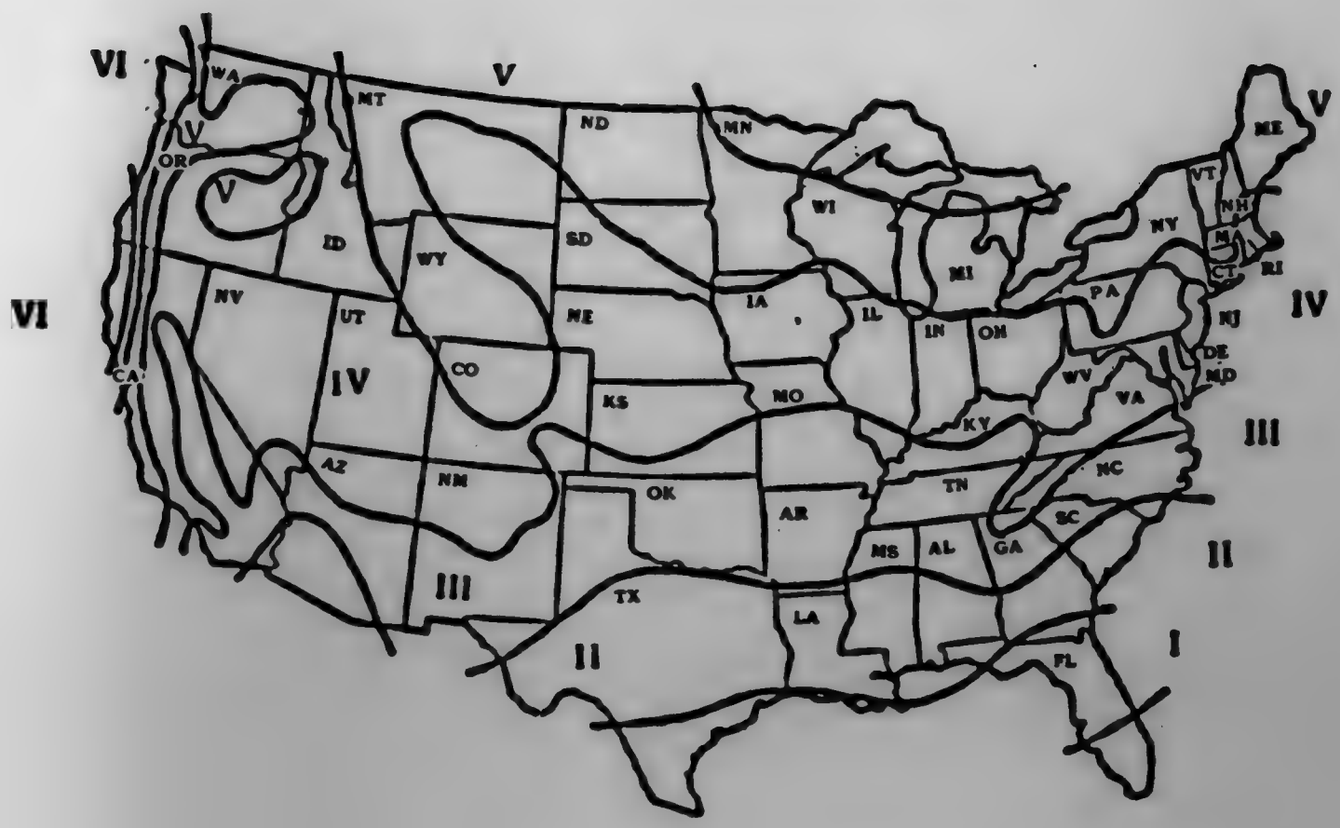
$$\text{Your estimated cost} = \$200 \times \frac{11.9¢}{7.94¢}$$

$$\text{Your estimated cost} = \$200 \times 1.5 = \$300$$

Your estimated cost=$300.

BILLING CODE 6750-01-M

Heating Region Map



This map must be included at least once in all compendiums of fact sheets. If separate fact sheets are prepared for individual distribution to consumers, this map must be provided on or with the separate fact sheets.

AN EXAMPLE OF A FACT SHEET SHOWING ONLY

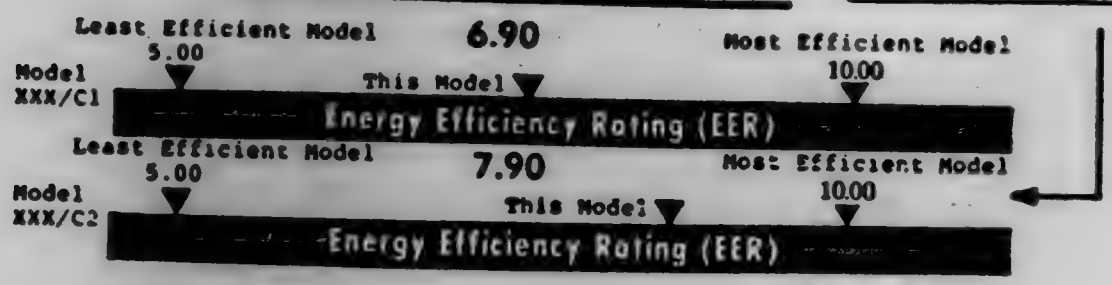
THE HEATING FUNCTION FOR HEAT PUMPS

ENERGYGUIDE

MODEL	HEATING CAPACITY (BTU's/hr.)
XXX/C1	33,000
XXX/C2	35,000

NOTE: Since product-specific labels showing ranges are required on each product, the inclusion of ranges on fact sheets is optional.

HEATING PERFORMANCE FOR REGION IV:



This (or these) energy rating(s) is (or are) based on U.S. Government standard tests of this (or these) condenser model(s) combined with the most common coil(s). The ratings will vary slightly with different coils and in different geographic regions.

NATIONAL AVERAGE ANNUAL HEATING COST TABLE ($ per year)

MODEL XXX/C1	Heat Loss of Home (in 1000's Btu's/hr.)									
	15	20	25	30	35	40	50	60	70	80
* Region 1	$60	$80	$100	$120						
" 2		$140	$170	$200	$240	$280				
" 3			$250	$300	$350	$400	$520			
" 4			$350	$410	$480	$550	$710	$910	$1110	$1330
" 5				$560	$660	$750	$970	$1200	$1460	$1720
" 6		$300	$370	$430	$500	$590				

MODEL XXX/C2	Heat Loss of Home (in 1000's Btu's/hr.)									
	15	20	25	30	35	40	50	60	70	80
* Region 1	$50	$70	$90	$110						
" 2		$130	$160	$190	$220	$260				
" 3			$240	$280	$330	$400	$500			
" 4			$330	$400	$450	$520	$580	$880	$1020	$1230
" 5				$540	$640	$730	$940	$1100	$1300	$1620
" 6		$300	$350	$400	$470	$560				

*From Heating Region Map

(This is page 1 of sample sheet)

NOTE: These annual heating costs are based on U.S. Government standard tests and on a national average cost of electricity of 7.94 ¢/KWH. Your cost will vary depending on your local energy rate and how you use the product. A method for estimating your cost of operation is given below.

HOW TO ESTIMATE YOUR HEATING COST:

To estimate your heating cost, determine your cost of electricity in cents per kilowatt hour (KWH) from your electric bill, your listed average annual heating cost from the National Average Annual Heating Cost Table, and substitute that number in the following equation:

$$\text{Your Estimated Cost} = \text{Listed annual heating cost}^{\bullet} \times \frac{\text{Your electrical cost in cents}}{7.94\text{¢/KWH}}$$

• from the National Average Annual Heating Cost Table

Example: If your electric cost is 11.9 ¢/KWH and the annual heating cost listed in the table is $200:

$$\text{Your Estimated Cost} = \$200 \times \frac{11.9\text{¢}}{7.94\text{¢}}$$

$$\text{Your Estimated Cost} = \$200 \times 1.5 = \$300$$

Your Estimated Cost = $300

(This is page 2 of sample sheet)

BILLING CODE 6750-01-C

Appendix J—Suggested Data Reporting Format

1. Date of Report _____
2. Company Name _____
3. City _____
4. State _____
5. Product _____
6. Energy Type (gas, oil, etc.) _____
7. Model Number _____
8. Estimated Annual Energy Cost or Energy Efficiency Rating _____
9. Capacity _____
10. Number of Tests Performed _____
11. Total Energy Consumption (based on all tests performed) _____

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 87-29851 Filed 12-30-87; 8:45 am]

BILLING CODE 6750-01-M

VOL 52 ISS 251 DEC 31 1987 UMI

VOL
52
ISS
2
5
1
DE
31
1987
UMI

federal register

Thursday
December 31, 1987

Part V

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

December 1, 1987.

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of December 1, 1987, of 19 deferrals contained in the two special messages of FY 1988. There have been no rescissions proposed. These messages were transmitted to the Congress on October 1 and 29, 1987.

Rescissions (Table A and Attachment A)

As of December 1, 1987, there were no rescission proposals pending before the Congress.

Deferrals (Table B and Attachment B)

As of December 1, 1987, $1,866 million in budget authority was being deferred from obligation. Attachment B shows the history and status of each deferral reported during FY 1988.

Information from Special Messages

The special messages containing information on the deferrals covered by this cumulative report are printed in the **Federal Register** listed below:

Vol. 52, FR p. 37739, Thursday, October 8, 1987
Vol. 52, FR p. 42400, Wednesday, November 4, 1987

James C. Miller III,
Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1988 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	0
Accepted by the Congress	0
Rejected by the Congress	0
Pending before the Congress	0

****

TABLE B

STATUS OF 1988 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	1,873.0
Routine Executive releases through December 1, 1987 (OMB/Agency releases of $7.0 million and cumulative adjustments of $0)	-7.0
Overturned by the Congress	0
Currently before the Congress	1,866.0

Attachments

Attachment A - Status of Rescissions - Fiscal Year 1988

As of December 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
NONE								

Attachment B - Status of Deferrals - Fiscal Year 1988

As of December 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 12-1-87
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance Economic support fund	D88-1	40,000		10-1-87	5,000				35,000
Special Assistance for Central America Promotion of stability and security in Central America	D88-2	1,000		10-1-87					1,000
DEPARTMENT OF AGRICULTURE									
Forest Service									
Expenses, brush disposal	D88-3	120,425		10-1-87					120,425
Timber salvage sales	D88-4	34,841		10-1-87					34,841
Cooperative work	D88-5	628,025		10-1-87					628,025
Gifts, donations, and bequests for forest and rangeland research	D88-6	104		10-1-87					104
DEPARTMENT OF DEFENSE - MILITARY									
Military Construction Military construction, Defense	D88-7	900		10-1-87					900
Family Housing Family housing, Defense	D88-8	51,015		10-1-87					51,015
DEPARTMENT OF DEFENSE - CIVIL									
Wildlife Conservation, Military Reservations Wildlife conservation, Defense	D88-9	636		10-1-87					636
DEPARTMENT OF ENERGY									
Power Marketing Administration									
Alaska Power Administration, Operation and maintenance	D88-14	120		10-29-87					120
Southeastern Power Administration, Operation and maintenance	D88-15	2,000		10-29-87	2,000				C

Attachment B - Status of Deferrals - Fiscal Year 1988

As of December 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 12-1-87
Southwestern Power Administration, Operation and maintenance	D88-16	6,000		10-29-87					6,000
Western Area Power Administration, Construction, rehabilitation, operation and maintenance	D88-17	774		10-29-87					774
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Office of Assistant Secretary for Health Scientific activities overseas (special foreign currency program)	D88-18	2,391		10-29-87					2,391
Social Security Administration: Limitation on administrative expenses (construction)	D88-10	6,171		10-1-87					6,171
DEPARTMENT OF JUSTICE									
Office of Justice Programs Crime victims fund	D88-19	85,000		10-29-87					85,000
DEPARTMENT OF STATE									
Bureau for Refugee Programs United States emergency refugee and migration assistance fund, executive	D88-11	11,638		10-1-87					11,638
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration Facilities and equipment (Airport and airway trust fund)	D88-12	879,049		10-1-87					879,049
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing Local government fiscal assistance trust fund	D88-13	2,933		10-1-87					2,933
TOTAL, DEFERRALS		1,873,023	0		7,000	0	0		1,866,023

[FR Doc. 87-30001 Filed 12-30-87; 8:45 am]

BILLING CODE 3110-01-C

BEST COPY AVAILABLE

VOL
52
ISS
251
DE
31
1987
UMI

Reader Aids

Federal Register
Vol. 52, No. 251
Thursday, December 31, 1987

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

45597–45800.....1
45801–45934.....2
45935–46050.....3
46051–46342.....4
46343–46444.....7
46445–46584.....8
46585–46730.....9
46731–46982.....10
46983–47364.....11
47365–47544.....14
47545–47686.....15
47687–47890.....16
47891–48078.....17
48079–48178.....18
48179–48390.....21
48391–48510.....22
48511–48660.....23
48661–48792.....24
48793–48958.....28
48959–49128.....29
49129–49340.....30
49341–49654.....31

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

305.....49141

3 CFR

Proclamations:
5748.....46729
5749.....46731
5750.....46733
5751.....46735
5752.....47365, 47545
5754.....48959
5755.....48961
5756.....48963
5757.....48965
5758.....49129
5759.....49131

Executive Orders:
12163 (Amended by EO 12620).....49135
12462.....48179
12543 (See Notice of Dec. 15, 1987).....47891
12591 (Amended by EO 12618).....48661
12614 (Amended by EO 12621).....49341
12616.....46730
12617.....48179
12618.....48661
12619.....48663
12620.....49135
12621.....49341

Administrative Orders:
Notices:
Dec. 15, 1987.....47891
Statements:
Dec. 7, 1987.....46728
Memorandums:
Dec. 23, 1987.....49118
Dec. 24, 1987.....49137, 49139

4 CFR

21.....46445

5 CFR

351.....46051
540.....46051
551.....47687
831.....47893
870.....46343
874.....46343
1201.....47547
1204.....45597
1303.....49152
1600.....45801
1605.....46314

Proposed Rules:
302.....49023
330.....48824
332.....48824
333.....49023

7 CFR

1.....42393
6.....48079
7.....48511
8.....47660
21.....48015
226.....48967
301.....45597, 47367, 47688, 48181
319.....46052, 47372
330.....49343
352.....47373, 48905
401.....45598–45604
413.....47375
422.....48182
423.....45805, 47376
431.....47376
432.....47377
770.....45606
907.....46060, 46737, 46983, 48080, 48793
908.....46737
910.....46061, 46984, 48080, 48794
911.....46344
915.....46344
932.....49345
944.....49345
966.....46345
981.....45607, 45609
1002.....48794
1004.....48794
1434.....48081
1446.....49347
1736.....48795
1900.....45806, 46348
1924.....48391, 48799, 49349
1942.....47097
1944.....45807, 48391
1955.....48519
1956.....46348, 47688

Proposed Rules:
52.....46486
316.....48272
319.....49026
401.....45830
735.....47009
905.....46366
932.....49416
959.....46368, 48826
966.....47576
971.....46366
979.....48827
985.....46600
987.....46366
1403.....49026
1736.....49417
1951.....45638

8 CFR

212 ..... 48082, 48799
214 48082
238 48082
245 48082
248 48082
299 48082
316a 46738

Proposed Rules:

3 46776
109 46092
208 46776
236 46776
242 46776
253 46776

9 CFR

77 49155
78 47378
85 45935
92 ..... 45611, 47548, 48968
303 48084
318 49350
381 48084

Proposed Rules:

51 49029
145 47014
147 47014
304 49418
305 49418
306 49418
308 49418
309 49418
310 49418
313 49418
316 45639
317 49418
318 49418
320 49418
325 49418
329 49418
335 49418
350 ..... 45639, 49418
351 49418
352 49418
354 49418
355 49418
362 49418
381 49418

10 CFR

2 ..... 49350, 49362
9 49350
30 ..... 48092, 49362
40 ..... 48092, 49362
50 49362
55 49362
60 49362
61 49362
70 ..... 48092, 49362
71 49362
72 49362
110 49362
150 49362
1039 48015

Proposed Rules:

Ch. I 47398
2 48447
35 47726
61 47398
62 47578
73 49418
430 ..... 46367, 47549
1035 48693
1036 48693

12 CFR

4 46061
204 ..... 46450, 47689
206 49374
208 ..... 46984, 49374
217 47689
220 48804
226 ..... 45611, 48665
265 48804
304 48183
337 47379
346 49156
350 49377
524 49381
574 48519
584 49381
611 48093
614 ..... 46151, 48673
624 48673
706 46585

Proposed Rules:

202 47589
205 47591
210 47112
226 ..... 47592, 48702, 48707
229 47112
332 48447
701 ..... 46601, 47014

13 CFR

102 47699
125 48391

Proposed Rules:

121 47937

14 CFR

21 46348
25 46348
39 ..... 45612–45614, 45808–45810, 46064–46067, 46452, 46739, 46985–46995, 47387, 47551, 47702–47704, 47990, 48184–48187, 48392, 48673, 48805
71 ..... 45615, 45616, 46556, 46740–46742, 46995–46997, 47304, 47308, 47676, 48191, 48393, 48522, 48806
75 ..... 47677, 49394
91 47672
97 ..... 45617, 46743, 48394
108 48508
121 ..... 45910, 47991
129 48508
135 ..... 45910, 47991
234 ..... 48395, 48969
255 48395
1208 48015
1213 45935
1221 45811

Proposed Rules:

Ch. I 45831, 49423
39 ..... 45640, 45642, 45831, 46094, 46776, 47015, 47016, 47399–47401, 47943–47946, 48274, 48542, 48829
43 47680
71 ..... 45644, 46778, 46779, 47017–47020, 47402, 47727, 48274, 48448, 48449, 48484, 48715, 49423
73 ..... 47021, 48274
91 47680

15 CFR

11 48015
371 ..... 45618, 48522
372 48808
374 45618
385 46886
387 48808
388 48808
399 ..... 46886, 47388, 48522, 48523, 48808
801 46587

Proposed Rules:

18 47597

15 CFR

6 45619
13 45937
305 ..... 46888, 49634
1000 48969
1015 45631
1606 48810

Proposed Rules:

13 ..... 45645, 45970, 45972, 48276, 48543, 49164, 49167
453 46706
455 48908
500 48716
1016 47599
1700 48450

17 CFR

1 ..... 46070, 47705, 48974
30 48811
200 48191
211 ..... 46454, 48193
229 48977
240 48977
250 48985
270 48977
274 46350

Proposed Rules:

34 47022
240 48125

18 CFR

2 ..... 47897, 47914, 48398
4 48398
11 48398
116 49157
154 48407
157 47897
270 48407
271 46072
273 48407
284 ..... 47914, 48986
375 ..... 48398, 48407
380 47897
381 48407
389 45823
1306 48015
1312 47720

Proposed Rules:

1310 47728

19 CFR

Proposed Rules:

4 ..... 46602, 48194
6 48833
101 47908
113 48833
126 47729
143 47729
177 47601
201 48994
212 48994
213 48994

20 CFR

355 47705
404 47914

Proposed Rules:

365 47601
614 46604

21 CFR

70 49572
74 45938
176 46968
184 ..... 47918, 48905
333 ..... 47312, 48792
369 ..... 47312, 48792
500 49572
514 49572
520 ..... 48094, 48674
558 48095
571 49572
862 48623
872 49249

Proposed Rules:

182 46968
193 49171
352 46095

22 CFR

302 47714
502 47991

Proposed Rules:

502 47029
1506 46779

23 CFR

Proposed Rules:

625 47403
635 45645

24 CFR

200 48197
203 48197
204 48197
213 48197
220 48197
221 48197
222 48197
226 48197
227 48197
235 48197
237 48197
240 48197
888 48205
3280 47552

Proposed Rules:

42 47953
43 47953
232 49424
236 48276
252 49424
813 46614
840 48792
841 48792
885 46614
888 48278

25 CFR

Proposed Rules:

46 49172
177 46781

26 CFR

1 ..... 47554, 48407, 48524, 48994
18 48524
31 45632
35a 46075

54 46747
602 ..... 46075, 46747, 47554, 48407, 48994

Proposed Rules:

1 ..... 45835, 47609, 48452, 48546, 49030, 49448
18 48546
48 45901
54 46782
602 ..... 46782, 47609

27 CFR

9 46589
19 47557
25 47557
47 48096
240 47557
250 ..... 46592, 47557
270 47557
275 47557
285 47557

Proposed Rules:

9 48279
250 46628

28 CFR

Ch. VII 48097
0 48997
2 ..... 46596, 47921
68 48997
549 48068

Proposed Rules:

16 48279
701 47406

29 CFR

12 48015
19 48419
22 48492
103 48534
1601 48998
1613 48263
1910 ..... 46075, 46168, 49592
1915 46075
1917 ..... 46075, 49592
1918 46075
1926 ..... 46075, 46168
1928 46075
1952 48103
2610 49395
2613 47561
2617 47561
2619 ..... 47561, 47562, 48905
2621 47563
2622 49395
2644 49396
2676 47564

Proposed Rules:

103 47029
1910 47097

30 CFR

764 49322
769 49322
779 47352
780 47352
783 47352
784 ..... 45920, 47352
816 47352
817 ..... 45920, 47352
913 48421
916 49396
917 49398
926 49401
934 49031
935 46597
942 47716
946 ..... 49403, 49404

Proposed Rules:

904 47411
934 48835
935 ..... 46377, 46379, 46783, 48125
952 46095
953 46097

31 CFR

316 48422
342 48422
351 ..... 46455, 48422

Proposed Rules:

0 45648

32 CFR

40a 48431
41 46997
102 48998
209 47389
229 47720
259 48015
536 45938
706 ..... 46080, 47922
811 48675
811a 48681
1900 46456
2003 ..... 48367, 49249

Proposed Rules:

199 ..... 46098, 47029
285 48452
1636 47949
1656 47949

33 CFR

62 46351
95 47526
100 46351
110 46760
117 ..... 46081, 47391, 47923, 48263, 49010, 49405
146 47526
150 47526
160 48264
165 ..... 46351, 47924, 48811
173 47526
177 47526

Proposed Rules:

117 ..... 48717, 49031
140 48717
143 48717
146 48717
165 ..... 45973, 47413
179 47950

34 CFR

15 48015
668 ..... 45712, 46353
674 45738
675 45738
676 45738
690 45712

Proposed Rules:

251 47951
333 46720
671 49122
776 47538
778 46784
790 46785

36 CFR

296 47720
904 48015
1155 47717

Proposed Rules:

1150 48546
1202 48280
1258 48280

37 CFR

304 49010

Proposed Rules:

304 45664

38 CFR

4 46439
8a 48681
21 45633
25 48015

Proposed Rules:

21 46494

39 CFR

111 ..... 48436, 48683
224 ..... 46998, 49015
225 46998
226 46998
227 46998
228 46998
229 46998
777 ..... 48029, 48812

Proposed Rules:

111 48281

40 CFR

4 48015
52 ..... 45634, 45958, 45959, 46463, 46762, 46764, 47392, 47565, 47566, 47925, 48265, 48535, 48812, 48813, 49157, 49406
60 47826
81 ..... 46081, 46465, 49408
82 47486
85 46354
86 47858
123 45823
144 ..... 45788, 46946
180 ..... 45824, 46019, 46598, 47990, 48536–48539, 49411
260 46946
264 ..... 45788, 46946
265 45788
270 ..... 45788, 46946
271 ..... 45634, 45788, 46466
355 48072
600 47858
716 47990

Proposed Rules:

35 46712
52 ..... 46495, 46786, 47610, 48285, 48837
60 47032
62 46380
80 47032
82 47489
86 47032
160 48920
180 ..... 47733, 47734, 49174, 49175, 49177, 49249
228 ..... 48838, 48841
280 48638
281 48638
600 47032
721 46496
763 ..... 48286, 49249
792 48933

41 CFR

12–60 48630
101–6 45926
101–7 ..... 45825, 48685
101–38 48540
101–44 47393
101–47 46467
105–51 48015
105–55 46468
114–50 48015
128–18 48015
201–1 46468
201–2 46468
201–23 46468
201–24 46468

Proposed Rules:

101–41 48547

42 CFR

57 49249
124 ..... 46022, 48362
401 48112
405 48112
406 48112
417 47003
431 47926
435 ..... 47926, 48438
436 48438
440 47926
441 47926
455 48814
466 47003
476 47003
1003 49412

Proposed Rules:

405 47990
409 48127
410 48127
416 48127
421 48127
433 48290
435 47414
436 47414
441 48127
442 47990
488 47990
489 ..... 47990, 48127

43 CFR

4 ..... 46355, 47097
7 47720
2920 49114
3420 46469
3460 46469
3560 48124
9260 49114

Proposed Rules:

3450 46499

44 CFR

25 48015
64 ..... 44685, 48818
65 46501
67 46505

Proposed Rules:

67 ..... 46787, 47611

45 CFR

15 48015
206 45687
233 45687
1100 48265

Proposed Rules:

233 47420
1803 48297

46 CFR

4 47526
5 47526
26 47526
35 47526
78 47526
97 47526
109 47526
167 47526
185 47526
196 47526
197 47526
560 45860
586 46356

Proposed Rules:

38 45665
42 47422
44 47422
45 47422
54 45665
58 46103
98 45665
151 45665
170 47422
174 47422
249 48077
503 45835
572 46501
586 46505

47 CFR

1 49159
15 45861
25 45636
68 49413
73 ..... 45636, 45963–45965, 46598, 46599, 47004, 47567, 47722–47724, 47935, 48268, 48438, 48439, 48689, 48690, 48819, 49161
74 47567
76 ..... 45961, 46363
80 48439
90 47569
300 49015

Proposed Rules:

1 ..... 46628, 48725, 48843, 49032
2 46844
15 47615
22 46844
43 ..... 46628, 48843
64 47951
65 48727
69 49178
73 ..... 45974, 45975, 46629–46631, 47032, 47033, 47735, 47736, 48130–48133, 48728, 48844, 48845, 49181
80 45665

48 CFR

Ch. 63 48630
225 49413
232 47005
245 49413
252 49413
519 47396
532 47005
552 47005
553 47006
801 49016
814 49016
815 49016
819 46082
833 49016
836 49016
852 49016
1801 46765
1805 46765
1807 46765
1808 46765
1809 46765
1812 46765
1813 46765
1815 46765
1827 46765
1830 46765
1831 46765
1832 46765
1836 46765
1837 46765
1852 ..... 46765, 47935
1853 46765
2401 47395
2402 47395

Proposed Rules:

31 46043
228 48549
245 47427
252 48549
508 48729
553 48729
1033 48729
1409 48301
1415 48301
1452 48301
2406 46560
2412 46560
2413 46560
2415 46560
2416 46560
2417 46560
2424 46560
2427 46560
2432 46560
2434 46560
2437 46560
2442 46560
2446 46560
2451 46560
2452 46560
2453 46560
2470 46560
5215 48550
5252 48550
5706 47033

49 CFR

1 ..... 46364, 46478, 47007, 47097
24 47904
25 48015
571 ..... 46479, 46480, 48690
1002 46481
1007 46481
1011 ..... 45636, 46773, 48440
1052 45966
1103 46481
1150 46481
1152 ..... 45636, 46773, 48440
1160 ..... 45827, 46481
1162 46481
1169 46481
1171 46481
1177 46481
1180 46481
1182 46481

Proposed Rules:

17 ..... 46510, 46511
24 45667
383 47326
571 ..... 49033, 49038
575 49038
701 46361

50 CFR

14 46019
17 ..... 46083, 46085
20 46087
23 48820
60 47571
371 49017
611 ..... 45966, 46484, 48362
642 ..... 47724, 49162, 49415
649 46088
650 46485
652 ..... 47008, 49019
661 49019
672 ..... 48691, 49021
675 ..... 45966, 46484, 48362, 49021
681 47572

Proposed Rules:

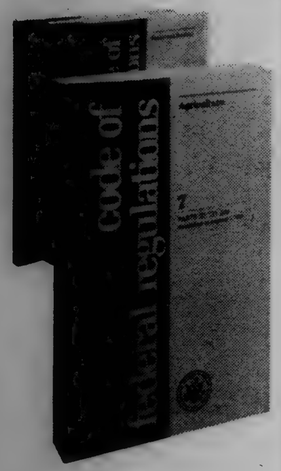
13 48948
17 ..... 45976, 46106, 46334, 46336, 48552
20 ..... 47428, 49449
21 ..... 47428, 48948
216 49450
253 47990
611 48303
655 47034
658 47615
663 45668
672 48303
675 48303

LIST OF PUBLIC LAWS

Last List December 30, 1987

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202–275–3030).

VOL
52
ISS
251
DE
31
1987
UMI



Just Released

Code of Federal Regulations

Revised as of July 1, 1987

Quantity	Volume	Price	Amount
_____	Title 29—Labor (Parts 1900–1910) (Stock No. 869–001–00101–1)	$28.00	$_____
_____	Title 30—Mineral Resources (Parts 0–199) (Stock No. 869–001–00105–4)	20.00	_____
_____	Title 32—National Defense (Parts 1–189) (Stock No. 869–001–00110–1)	20.00	_____
		Total Order	$_____

A cumulative checklist of CFR issuances appears every Monday in the Federal Register in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form **Mail to:** Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐–☐

Order No._____

VISA® MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

VOL
52
ISS
2
5
1
DE
31
1987
UMI

J E

1987

U M I

code of federal regulations

LSA

List of CFR Sections Affected

June 1987

Save this issue for Titles 28–41 (Annual)

United States Government Printing Office
SUPERINTENDENT OF DOCUMENTS
Washington, DC 2040

OFFICIAL BUSINESS
Penalty for private use

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

**********5-DIGIT 48106

A FR SERIA300S NOV 87 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

J E

1987

UMI

code of federal regulations

LSA

List of CFR Sections Affected

June 1987

Save this issue for Titles 28–41 (Annual)

Titles 1–16
Changes January 2, 1987
through June 30, 1987

Titles 17–27
Changes April 1, 1987
through June 30, 1987

Titles 28–41 (Annual)
Changes July 1, 1986
through June 30, 1987

Titles 42–50
Changes October 1, 1986
through June 30, 1987

Parallel Table of Authorities and Rules

J E

1987

U M I

LSA—LIST OF CFR SECTIONS AFFECTED

The LIST OF CFR SECTIONS AFFECTED is a monthly publication designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles.

HOW TO USE THIS FINDING AID

The CFR is revised annually according to the following schedule:

Titles 1-16—as of Jan. 1
17-27—as of April 1
28-41—as of July 1
42-50—as of Oct. 1

To bring these regulations up to date, consult the most recent LIST OF CFR SECTIONS AFFECTED for any changes, additions, or removals published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing in the Reader Aids of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

Boldface page numbers under a particular title indicate that the page numbers span 2 years. **Boldface** is used to distinguish the current year from the previous year.

Cite a page reference from this publication as 51 FR for 1986 page numbers and 52 FR for 1987 page numbers. Example: 16052 cite as 51 FR 16052; **490** cite as 52 FR 490.

ISSUES TO BE SAVED

There is no single annual issue of the LIST OF CFR SECTIONS AFFECTED. Four ANNUAL ISSUES must be saved; the DECEMBER issue is the ANNUAL for Titles 1-16; the MARCH issue is the ANNUAL for Titles 17-27; the JUNE issue is the ANNUAL for Titles 28-41; the SEPTEMBER issue is the ANNUAL for Titles 42-50. ANNUAL ISSUES to be saved are clearly designated on the cover.

PARALLEL TABLE OF AUTHORITIES AND RULES

Following Title 50 is an update to Table I—Parallel Table of Authorities and Rules found in the CFR Index and Finding Aids. This table contains authority citations added to or removed from Table I as a result of documents published in the Federal Register since January 1, 1987.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the inclusive page numbers and corresponding Federal Register issue dates for the period covered.

INDEXES

An INDEX to the daily Federal Register is published monthly and is cumulated for 12 months. A separate volume, the CFR Index and Finding Aids to the entire Code of Federal Regulations, is revised as of January 1 each year.

INQUIRIES AND SUGGESTIONS

Loren S. Myers was Chief Editor of the LSA. The LSA was prepared under the direction of Martha B. Girard, assisted by Ruth C. Pontius. INQUIRIES, telephone 202-523-5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to John E. Byrne, Director, Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408.

(Comprising a complete CFR set)

Title	Price	Revision Date
1, 2 (2 Reserved)	$9.00	Jan. 1, 1987
3 (1986 Compilation and Parts 100 and 101)	11.00	Jan. 1, 1987
4	14.00	Jan. 1, 1987
5 (Parts 1-1199)	25.00	Jan. 1, 1987
(Parts 1200-End), 6 (6 Reserved)	9.50	Jan. 1, 1987
7 (Parts 0-45)	25.00	Jan. 1, 1987
(Parts 46-51)	16.00	Jan. 1, 1987
(Part 52)	23.00	Jan. 1, 1987
(Parts 53-209)	18.00	Jan. 1, 1987
(Parts 210-299)	22.00	Jan. 1, 1987
(Parts 300-399)	10.00	Jan. 1, 1987
(Parts 400-699)	15.00	Jan. 1, 1987
(Parts 700-899)	22.00	Jan. 1, 1987
(Parts 900-999)	26.00	Jan. 1, 1987
(Parts 1000-1059)	15.00	Jan. 1, 1987
(Parts 1060-1119)	13.00	Jan. 1, 1987
(Parts 1120-1199)	11.00	Jan. 1, 1987
(Parts 1200-1499)	18.00	Jan. 1, 1987
(Parts 1500-1899)	9.50	Jan. 1, 1987
(Parts 1900-1944)	25.00	Jan. 1, 1987
(Part 1945-End)	26.00	Jan. 1, 1987
8	9.50	Jan. 1, 1987
9 (Parts 1-199)	18.00	Jan. 1, 1987
(Part 200-End)	16.00	Jan. 1, 1987
10 (Parts 0-199)	29.00	Jan. 1, 1987
(Parts 200-399)	13.00	Jan. 1, 1987
(Parts 400-499)	14.00	Jan. 1, 1987
(Part 500-End)	24.00	Jan. 1, 1987
11	7.00	Jan. 1, 1986
12 (Parts 1-199)	11.00	Jan. 1, 1987
(Parts 200-299)	27.00	Jan. 1, 1987
(Parts 300-499)	13.00	Jan. 1, 1987
(Part 500-End)	27.00	Jan. 1, 1987
13	19.00	Jan. 1, 1987
14 (Parts 1-59)	21.00	Jan. 1, 1987
(Parts 60-139)	19.00	Jan. 1, 1987
(Parts 140-199)	9.50	Jan. 1, 1987
(Parts 200-1199)	19.00	Jan. 1, 1987
(Part 1200-End)	11.00	Jan. 1, 1987
15 (Parts 0-299)	10.00	Jan. 1, 1987
(Parts 300-399)	20.00	Jan. 1, 1987
(Part 400-End)	14.00	Jan. 1, 1987
16 (Parts 0-149)	12.00	Jan. 1, 1987
(Parts 150-999)	13.00	Jan. 1, 1987
(Part 1000-End)	19.00	Jan. 1, 1987
17 (Parts 1-199)	14.00	April 1, 1987
(Parts 1-239)	26.00	April 1, 1986
(Part 240-End)	19.00	April 1, 1986
18 (Parts 1-149)	15.00	April 1, 1987
(Parts 150-279)	14.00	April 1, 1987
(Parts 280-399)	13.00	April 1, 1987
(Part 400-End)	8.50	April 1, 1987
19 (Parts 1-199)	27.00	April 1, 1987
(Part 200-End)	5.50	April 1, 1987

(Comprising a complete CFR set)

Title	Price	Revision Date
20 (Parts 1-399)	$10.00	April 1, 1986
(Parts 400-499)	22.00	April 1, 1986
(Part 500-End)	24.00	April 1, 1987
21 (Parts 1-99)	12.00	April 1, 1987
(Parts 100-169)	14.00	April 1, 1987
(Parts 170-199)	16.00	April 1, 1987
(Parts 200-299)	5.50	April 1, 1987
(Parts 300-499)	26.00	April 1, 1987
(Parts 500-599)	21.00	April 1, 1987
(Parts 600-799)	7.00	April 1, 1987
(Parts 800-1299)	13.00	April 1, 1987
(Part 1300-End)	6.00	April 1, 1987
22 (Parts 1-299)	19.00	April 1, 1987
(Part 300-End)	13.00	April 1, 1987
23	16.00	April 1, 1987
24 (Parts 0-199)	14.00	April 1, 1987
(Parts 200-499)	26.00	April 1, 1987
(Parts 500-699)	9.00	April 1, 1987
(Parts 700-1699)	17.00	April 1, 1986
(Part 1700-End)	12.00	April 1, 1987
25	24.00	April 1, 1987
26 (Part 1 §§ 1.0-1—1.60)	12.00	April 1, 1986
(§§ 1.0-1—1.169)	29.00	April 1, 1986
(§§ 1.170—1.300)	16.00	April 1, 1986
(§§ 1.301—1.400)	14.00	April 1, 1987
(§§ 1.401—1.500)	20.00	April 1, 1986
(§§ 1.501—1.640)	15.00	April 1, 1987
(§§ 1.641—1.850)	17.00	April 1, 1987
(§§ 1.851—1.1200)	29.00	April 1, 1986
(§§ 1.1201—End)	29.00	April 1, 1986
(Parts 2-29)	20.00	April 1, 1987
(Parts 30-39)	13.00	April 1, 1987
(Parts 40-299)	25.00	April 1, 1986
(Parts 50-299)	14.00	April 1, 1987
(Parts 300-499)	14.00	April 1, 1986
(Parts 500-599)	7.50	*April 1, 1980
(Part 600-End)	6.00	April 1, 1987
27 (Parts 1-199)	21.00	April 1, 1987
(Part 200-End)	13.00	April 1, 1987
28	21.00	July 1, 1986
29 (Parts 0-99)	16.00	July 1, 1986
(Parts 100-499)	7.00	July 1, 1986
(Parts 500-899)	24.00	July 1, 1986
(Parts 900-1899)	9.00	July 1, 1986
(Parts 1900-1910)	27.00	July 1, 1986
(Parts 1911-1919)	5.50	**July 1, 1984
(Part 1920-End)	29.00	July 1, 1986
30 (Parts 0-199)	16.00	***July 1, 1985
(Parts 200-699)	8.50	July 1, 1986
(Part 700-End)	17.00	July 1, 1986
31 (Parts 0-199)	11.00	July 1, 1986
(Part 200-End)	16.00	July 1, 1986
32 (Parts 1-189)	17.00	July 1, 1986
(Parts 190-399)	23.00	July 1, 1986
(Parts 400-629)	21.00	July 1, 1986

Footnotes at end of table.

(Comprising a complete CFR set)

Title	Price	Revision Date
(Parts 630-699)	$13.00	July 1, 1986
(Parts 700-799)	15.00	July 1, 1986
(Parts 800-End)	16.00	July 1, 1986
33 (Parts 1-199)	27.00	July 1, 1986
(Part 200-End)	18.00	July 1, 1986
34 (Parts 1-299)	20.00	July 1, 1986
(Parts 300-399)	11.00	July 1, 1986
(Part 400-End)	25.00	July 1, 1986
35	9.50	July 1, 1986
36 (Parts 1-199)	12.00	July 1, 1986
(Part 200-End)	19.00	July 1, 1986
37	12.00	July 1, 1986
38 (Parts 0-17)	21.00	July 1, 1986
(Part 18-End)	15.00	July 1, 1986
39	12.00	July 1, 1986
40 (Parts 1-51)	21.00	July 1, 1986
(Part 52)	27.00	July 1, 1986
(Parts 53-60)	23.00	July 1, 1986
(Parts 61-80)	10.00	July 1, 1986
(Parts 81-99)	25.00	July 1, 1986
(Parts 100-149)	23.00	July 1, 1986
(Parts 150-189)	21.00	July 1, 1986
(Parts 190-399)	27.00	July 1, 1986
(Parts 400-424)	22.00	July 1, 1986
(Parts 425-699)	24.00	July 1, 1986
(Part 700-End)	24.00	July 1, 1986
41 (Chapters 1—100)	9.50	July 1, 1986
(Chapter 101)	23.00	July 1, 1986
(Chapters 102-200)	12.00	July 1, 1986
(Chapter 201-End)	7.50	July 1, 1986
42 (Parts 1-60)	15.00	Oct. 1, 1986
(Parts 61-399)	10.00	Oct. 1, 1986
(Parts 400-429)	20.00	Oct. 1, 1986
(Part 430-End)	15.00	Oct. 1, 1986
43 (Parts 1-999)	14.00	Oct. 1, 1986
(Parts 1000-3999)	24.00	Oct. 1, 1986
(Part 4000-End)	11.00	Oct. 1, 1986
44	17.00	Oct. 1, 1986
45 (Parts 1-199)	13.00	Oct. 1, 1986
(Parts 200-499)	9.00	Oct. 1, 1986
(Parts 500-1199)	18.00	Oct. 1, 1986
(Part 1200-End)	13.00	Oct. 1, 1986
46 (Parts 1-40)	13.00	Oct. 1, 1986
(Parts 41-69)	13.00	Oct. 1, 1986
(Parts 70-89)	7.00	Oct. 1, 1986
(Parts 90-139)	11.00	Oct. 1, 1986
(Parts 140-155)	8.50	****Oct. 1, 1985
(Parts 156-165)	14.00	Oct. 1, 1986
(Parts 166-199)	13.00	Oct. 1, 1986
(Parts 200-499)	19.00	Oct. 1, 1986
(Part 500-End)	9.50	Oct. 1, 1986
47 (Parts 0-19)	17.00	Oct. 1, 1986
(Parts 20-39)	18.00	Oct. 1, 1986
(Parts 40-69)	11.00	Oct. 1, 1986
(Parts 70-79)	17.00	Oct. 1, 1986

Footnotes at end of table.

(Comprising a complete CFR set)

Title	Price	Revision Date
(Part 80–End)	$20.00	Oct. 1, 1986
48 (Chapter 1, Parts 1–51)	21.00	Oct. 1, 1986
(Chapter 1, Parts 52–99)	16.00	Oct. 1, 1986
(Chapter 2)	27.00	Dec. 31, 1986
(Chapters 3–6)	17.00	Oct. 1, 1986
(Chapters 7–14)	23.00	Oct. 1, 1986
(Chapter 15–End)	22.00	Oct. 1, 1986
49 (Parts 1–99)	10.00	Oct. 1, 1986
(Parts 100–177)	24.00	Oct. 1, 1986
(Parts 178–199)	19.00	Oct. 1, 1986
(Parts 200–399)	17.00	Oct. 1, 1986
(Parts 400–999)	21.00	Oct. 1, 1986
(Parts 1000–1199)	17.00	Oct. 1, 1986
(Parts 1200–End)	17.00	Oct. 1, 1986
50 (Parts 1–199)	15.00	Oct. 1, 1986
(Part 200–End)	25.00	Oct. 1, 1986
CFR Index and Findings Aids	27.00	Jan. 1, 1987
Complete 1986 CFR set	595.00	1986
Microfiche CFR edition:		
Complete set (one-time mailing)	155.00	1983
Complete set (one-time mailing)	125.00	1984
Complete set (one-time mailing)	115.00	1985
Subscription (mailed as issued)	185.00	1986
Subscription (mailed as issued	185.00	1987
Individual copies	3.75	1987

*No amendments to this volume were promulgated during the period April 1, 1980 through March 31, 1986. The CFR volume issued as of April 1, 1980, should be retained.

**No amendments to this volume were promulgated during the period July 1, 1984 through June 30, 1986. The CFR volume issued as of July 1, 1984, should be retained.

***No amendments to this volume were promulgated during the period July 1, 1985 through June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

****No amendments to this volume were promulgated during the period October 1, 1985 through September 30, 1986. The CFR volume issued as of October 1, 1985 should be retained.

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Charge orders (VISA, CHOICE, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday–Friday (except holidays).

Other Related Publications

Title	Price	Revision Date
Federal Register	$340.00	daily
Federal Register Document Drafting Handbook	4.75	April 1986
Guide to Record Retention Requirements in the Code of Federal Regulations	10.00	Jan. 1, 1986
1987 Supplement—February 27, 1987 Federal Register, Part II	1.50	Jan. 1, 1987
List of Sections Affected, 1949–1963	Out of print	1966
List of CFR Sections Affected, 1964–1972		
(Titles 1 through 27) Vol. I	Out of print	1980
(Titles 28 through 50) Vol. II	14.00	1980
LSA (List of CFR Sections Affected):		
Yearly subscription	24.00	
Individual copies	1.50	monthly
Federal Register Index:		
Yearly subscription	22.00	
Individual copies	1.50	monthly

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

TITLE 1—GENERAL PROVISIONS

Chapter III—Administrative Conference of the United States

Page

304.1—304.6 (Subpart A) Authority citation revised 22753
304.3 (a) revised; (b) and (c) amended; (d) removed; (e) redesignated as (d) and revised; interim 22753
(c) correctly designated 23627
304.6 Revised; interim 22753
305.87-1 Added 23629
305.87-2 Added 23631
305.87-3 Added 23632
305.87-4 Added 23634
305.87-5 Added 23635
310.12 Added 23636

Title 1—*Proposed Rules:*
301—326 (Ch. III) 7814, 7879, 13448
456 15729

TITLE 3—THE PRESIDENT

Proclamations

5453 Modified by Proc. 5660 19259
5595 229
5596 755
5597 1431
5598 1897
5599 2213
5600 2503
5601 2663
See U.S. Trade Representative Notice 3523
5602 2921
5603 2975
5604 2977
5605 3393
5606 3783
5607 4489
5608 4887
5609 5271
5610 5425
5611 5523
5612 6123
5613 6125
5614 6769
5615 6771
5616 7263
5617 7265
5618 8439
5619 8441
5620 8443
5621 9281
5622 9283
5623 9793
5624 11019
5625 11453
5626 11611
5627 11613
5628 11809
5629 12126
5630 12129
5631 13412
See U.S. Trade Representative Notice 22693
5632 13618
5633 13620
5634 13622
5635 13625
5636 13823
5637 13825
5638 15295
5639 15696
5640 15697
5641 15699
5642 15701
5643 15935
5644 16229
5645 16367
5646 16805
Correction 17678
5647 16815
5648 16817
5649 16819
5650 17382
5651 17915
5652 17917
5653 18187
5654 18189
5655 18898
5656 18900
5657 19122
5658 19123
5659 19257
5660 19259
5661 19479
5662 19829
5663 20695
5664 21239
5665 23007
5666 23009
5667 23011
5668 23165
5669 23537

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

TITLE 3 Proclamations—Con. Page

5670 23539
5671 23541
5672 24127
5673 24275

Executive Orders

6269 Amended by PLO 6642..... 16248
12088 Amended by EO 12580..... 2923
12316 Revoked by EO 12580..... 2923
12367 Amended by EO 12593..... 13624
12368 Amended by EO 12590..... 10021
12462 Amended by EO 12579..... 515
12496 Superseded by EO 12578..... 505
12513 *See* Notice of April 21, 1987..... 13425
12547 Revoked by EO 12597..... 18335
12575 Amended by EO 12581..... 2979
12576 Superseded by EO 12598..... 23421
12578 505
12579 515
12580 2923
12581 2979
12582 3395
12583 5427
12584 5429
12585 6773
12586 7103
12587 7397
12588 8859
12589 8861
12590 10021
12591 13414
12592 13417
12593 13624
12594 15703
12595 17383
12596 17537
12597 18335
12598 23421
12599 23779
12600 23781
12601 24129

Administrative Orders

Letters

January 5, 1987..... 4125

Memorandums

December 30, 1986..... 231, 233, 1619
January 2, 1987..... 389
April 17, 1987..... 13419
May 12, 1987..... 20053
May 14, 1987..... 18685
May 19, 1987..... 19271

Notices

April 21, 1987..... 13425

Presidential Determinations

No. 87-6 of December 27, 1986..... 2389
No. 87-7 of January 5, 1987..... 2391
No. 87-10 of March 5, 1987..... 9107
No. 87-11 of March 12, 1987..... 9795
No. 87-12 of March 17, 1987..... 11807
No. 87-14 of June 2, 1987..... 22431
No. 87-15 of June 23, 1987..... 23785
No. 87-16 of June 24, 1987..... 23931

Presidential Recommendation

January 20, 1987..... 2822
Corrections..... 3079, 3526

TITLE 4—ACCOUNTS

Title 4—*Proposed Rules:*

21..... 9664

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Office of Personnel Management

110.201 (b) table amended (OMB numbers)..... 7400
(b) table amendment at 51 FR 36176 republished; interim (OMB number)..... 16175
213 Authority citation revised..... 11185
213.3202 (e) revised..... 11185
294 Authority citation revised..... 13216
294.101—294.111 (Subpart A) Revised..... 13216
294.401 (Subpart D) Revised..... 13219
300.701—300.307 (Subpart G) Added..... 7400
315 Authority citation revised; subpart and section authority citations removed..... 5431
Authority citation revised..... 15705
315.608 Revised; interim..... 15706
315.610 Added..... 5431
316 Authority citation revised..... 15706
316.302 (c)(3) revised; interim..... 15706

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

Page

316.402 (b)(2) revised; interim..... 15706
351 Authority citation revised..... 10024
351.301—351.303 (Subpart C) Revised..... 10024
410 Authority citation revised; section authority citations removed..... 7402
410.603 Revised..... 7402
534.401—534.404 (Subpart D) Heading revised..... 2
534.403 Revised..... 2
591.202 Amended; interim..... 12131
591.201—591.213 (Subpart B) Appendix B amended; interim..... 12131
630 Authority citation revised; section authority citations removed..... 10214
630.901—630.911 (Subpart I) Added; interim..... 10214
831.201 (g) added; interim..... 17388
831.301 (d) added; interim..... 10026
831.304 Added; interim..... 3786
831.305 Added; interim..... 3786
831.306 Added; interim..... 3786
831.307 Added; interim..... 5069
831.308 Added; interim..... 19125
831.606 (d) revised..... 10216
831.612 (a)(1) revised; interim..... 3209
831.703 Added; interim..... 1622
Revised..... 22434
831.1704 (d) and (e)(1) revised; interim..... 3210
841.101—841.110 (Subpart A) Added; interim; effective date pending in part..... 19242
841.201—841.203 (Subpart B) Added; interim..... 19244
841.301—841.309 (Subpart C) Added; interim..... 19244
841.501—841.507 (Subpart E) Added; interim..... 2057
841.601—841.607 (Subpart F) Added; interim..... 12132
841.801—841.804 (Subpart H) Added; interim..... 2058
841.1001—841.1008 (Subpart J) Added; interim..... 5432
842.201—842.212 (Subpart B) Added; interim..... 4473
842.301—842.308 (Subpart C) Added; interim..... 18193
842.401—842.406 (Subpart D) Added; interim..... 4475

Page

842.402 Heading revised; text amended; interim..... 22436
842.407 Added; interim..... 22436
842.501—842.505 (Subpart E) Added; interim..... 4479
842.601—842.615 (Subpart F) Added; interim..... 2061
842.701—842.706 (Subpart G) Added; interim..... 2067
842.801—842.809 (Subpart H) Added; interim..... 2069
843 Added; interim..... 2074
Addition confirmed; authority citation added; subpart authority citations removed..... 23013
843.102 Corrected..... 2352
843.211 Added..... 23014
843.303 (a) introductory text revised..... 23014
843.306 (a) introductory text amended..... 23014
843.307 (a), (b) (1) and (2) amended..... 23014
843.309 (a) introductory text revised..... 23014
843.310 Amended..... 23014
843.311 (a) introductory text and (b) amended..... 23014
845 Added; interim..... 5931
Addition confirmed; authority citation added; subpart authority citations removed..... 23014
846 Added; interim..... 19235
870.103 Amended..... 3398
870.202 (a)(8) added; interim..... 17388
870.401 (h) revised; (i) added..... 3398
870.501 (d) removed; (e) and (f) redesignated as (d) and (e); interim..... 12134
871.401 (g) revised; (h) added..... 3398
872.401 (g) revised; (h) added..... 3398
873.401 (e) revised; (f) added..... 3398
890 Authority citation revised..... 3211, 3398
890.101 (a) introductory text revised; (a)(1) removed; (a)(2) through (12) designations removed; (a) amended..... 3399
890.102 (c)(8) added; interim..... 17388
890.108 Added..... 3
890.201 (a)(4) amended..... 10217
890.203 (a)(2) revised; (a) (3) and (4) added..... 23934
890.301 (n) revised..... 2505

TITLE 5 Chapter I—Con. Page

(d) republished....2665
890.303 (b) amended; interim....17388
890.306 (g) added....10217
890.401 (c) added....10217
890.502 (d) and (e) added....3399
890.503 (c) revised....3212
890.701 Amended....2666
890.702 (b) republished....2666
890.806 (b) amended....2506
890.808 (b)(1) revised; (d)(1) amended....2506
911 Added; interim....4491
950 Revised; interim....16176

Chapter II—Merit Systems Protection Board

1201 Appendix II revised....10875
Appendix III amended....17919

Chapter VI—Federal Retirement Thrift Investment Board

Chapter VI Chapter established....6127
1600 Added....6127
1600.2 (d) revised; interim....20591
1605 Added; interim....17920
1605.3 (b)(5) corrected....19018
1630 Added; interim....8053
1631 Added; interim....17923
1640 Added; interim....20371

Chapter XIV—Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority and Federal Service Impasses Panel

Chapter XIV Appendix A corrected....1313

Title 5—*Proposed Rules:*

213....23040
307....15730
316....15730
340....9867
353....11657
432....5463
550....17762
572....7427
735....3251
752....9867
831....19150
870....5466
890....3816, 5466, 17300, 19151, 22475, 24014
930....8909
2411....11995

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

1d Added....20376
2.15 (b)(6) revised; (b)(7) added....21493
2.17 (a)(3)(xvi) and (4) removed....235
2.19 (d)(22), (f)(11) and (12) added....235
(d)(23) added....17539
(d) (5), (6), and (18) revised; (d) (24) through (26) added....24131
2.21 (b), (d)(20) and (32) revised....236
2.25 (c)(8)(ix) removed; (c)(8) introductory text and (xiii) and (e)(15) revised; (c)(8) (xiv) through (xvi) and (h)(23) added; (k) and (l) redesignated as (l) and (m); new (k) added....2507
(c)(9) added....18687
(i) revised....21494
2.27 (a) (16) and (17) added....2666
2.29 (c)(11) added....2099
2.30 (a)(81) and (82) added....237
(a)(76) removed....2507
(a) (83) through (85) added....17540
(a) (86) and (87) added....21931
2.33 (c) removed....18687
2.50 (a)(3)(xvi) and (4) removed....237
2.60 (a)(24) added....238
(a)(25) added....17540
(a) (5) and (6) revised; (a) (26) through (28) added....24132
2.62 (a)(14) and (15) added....238
2.65 (a) revised....238
2.68 (a)(25) and (35) revised....239
2.75 (a)(17) removed....2507
2.76 (a)(1)(ii), (10) introductory text and (xiii) revised; (a)(10)(ix) removed; (a)(10) (xiv) through (xvi) added....2507
(a)(11) added....18687
2.78 (a)(27) revised....2508
2.79 Removed....2508

Page

2.80 Heading and (a) introductory text revised; (a) (19) through (21) added....2508
(a)(19) revised....21494
2.84 (a) (10) and (11) added....2666
2.85 (a) (5) and (6) added....2666
2.87 (a)(1)(i) revised....2666
2.92 (a)(6) revised; (a)(7) added....21493
2.106 (a)(33) added....240
(a)(34) added....17540
2.107 (a) (24) and (25) added....21931
2.108 (a)(25) and (26) added....240
(a)(27) added....21931
2.110 (a)(7) removed....2508
4 Removed....21651
6.21 (m) amended....19463
6.26 (c)(2) introductory text and (3) introdutory text revised....19463
6.28 OMB number removed....19463
6.34 Added....19463
6.20—6.34 (Subpart) Appendixes 1 and 2 amended....19463
8.3 Amended....8432
8.9 Revised....8432
12.5 (b)(2) revised; (b)(3) removed; interim....24133
17.2 (b) corrected....1623
17.7 (d) and (e) correctly designated....1623
17.21 Corrected....1623

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

51.885 (b) Tables I and II amended; (b) footnote 2 removed....22437
51.887 (a) introductory text and (1) revised....22437
51.910 Revised....22437
51.3000—51.3006 (Subpart) Revised....3400
51.3006 (c) Table II corrected....4822
52.1761—52.1770 (Subpart) Revised....6130
55.510 (b), (c), and (d) revised....13628
55.550 Revised....13628
(a) table corrected....15802
55.560 (a)(3) revised....13628
56.9 (b) revised (OMB numbers)....23935
56.46 (b) and (c) revised....13628
56.47 Revised....13629
56.52 (a)(4) revised....13629
56.54 (a)(2) revised....13629
57 Removed; eff. 3-14-88....7818
59.126 Revised....13629
59.370 (b) revised....13629
68.42a Heading and Table 2 revised; eff. 3-14-88....7818
70.71 (b) and (c) revised....13629
70.72 Revised....13629
70.76 (a)(2) revised....13629
70.77 (a)(4) and (5) revised....13629

Chapter II—Food and Nutrition Service, Department of Agriculture

210.2 Amended....7560
210.10 (c) table, (d)(1), and (i)(6) (i) and (ii) amended....9110
210.14 (a) amended....15298
210.16 (a) introductory text revised....11187
210.18 (f)(6) and (7) amended; (f)(8) and (m) added; (l) revised....5736
210.20 (a)(5) and (b)(7) and (8) amended; (a)(6) redesignated as (a)(7); new (a)(6) added....5737
215.1 Revised; interim....7562
215.2 (k-1) added; (v)(1) amened....7560
(x-1) added; interim....7562
215.7 (a) revised; interim....7562
(d)(1) amended....15298
220.2 (j-1) added; (u)(1) revised....7560
220.7 (e)(1)(ii) amended; (e)(1)(iii) and (iv) redesignated as (e)(1) (iv) and (v); new (e)(1)(iii) added....15298
225 Authority citation revised....15298
225.19 (j) amended....15298
226 Authority citation revised....5526, 15298
226.6 (j) introductory text amended....5526
226.8 (g) added....5526
226.15 (j) added....15298
227.5 (a) revised....8223
240 Authority citation revised....7267
240.1 (b) amended....7267
240.3 (a) amended....7267

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

TITLE 7 Chapter II—Con. Page

245.2 (a-1), (a-2), and (a-3) redesignated as (a-2), (a-3), and (a-4); (a-1) and (b-1) added; (a-4) (3) and (4) amended; (k) revised; interim....19274
245.5 (a)(1) (iii), (iv), and (vi) revised; interim....19275
245.6 (a) introductory text and (1) amended; interim....19275
245.6a (a)(1) and (b)(3) amended; (a) (2) and (3) revised; interim....19275
245.11 (a)(2) amended; interim....19276
246 Authority citation revised....21236
246.3 (d) and (e) redesignated as (e) and (f); new (d) added; new (e)(3) amended....21236
246.4 (a)(8) and (b) revised; (a)(18) added....21236
246.7 (h)(8) revised; (i)(7) redesignated as (i)(8); (c)(2)(iv)(L) and new (i)(7) added....21236
246.9 (a), (c) and (k)(3) revised....21237
246.12 (f)(2)(xx) added; (k)(2) amended....21237
246.14 (b) revised; (c)(1) introductory text amended....21237
246.16 (b), (c)(2) and (d) revised; (c)(3) added....21237
246.23 (a) heading and (b) heading revised; (c) redesignated as (d); new (c) added....21238
246.25 (b) revised....21238
250 Authority citation revised....17932
250.4 (a) revised....17932
251.2 (c) revised....17933
251.4 (g) and (h) redesignated as (h) and (i); new (g) and (j) added....17933
251.6 (a) revised....17934
251.9 Redesignated as 251.10 and (d) removed and (e), (f), and (g) redesignated as (d), (e), and (f); new 251.9 added....17934
251.10 Redesignated from 251.9; (d) removed; (e), (f), and (g) redesignated as (d), (e), and (f)....17934

Page

252.4 (b) revised; interim....16369
271 Authority citation revised....11814
271.2 Amended....3406, 7556, 13222
Amendment confirmed; amended....11814
272 Authority citation revised....11814
272.1 (g)(83) added; interim....1299
(d)(1) amended; (d)(2) revised; (g)(71) added....3406
(g)(77) and (g)(76)(iii) corrected....3411
(g)(84) added....5436
(g)(85) added....7557
(g)(86) added....11022
(g)(72) addition confirmed; (g)(87) added....11814
(g)(88) added; interim....20058
(g)(87) correctly designated; (g)(89) added; interim....20379
Technical correction....22888
272.2 (a)(2) amended....3407
272.9 Added....7557
273 Authority citation revised....11814
273.1 (e)(5) and (f)(4)(iv) added....7557
(e) amended; (f)(2)(i) amendment confirmed....11814
273.2 (i)(3)(i) revised; (i)(3)(ii) amended; interim....1299
(b)(1)(vii) corrected....1300
(d)(2) revised; (f)(1)(ix) added; (f)(3)(ii) amended....3407
(j)(2)(i) and (k) introductory text corrected; (l) correctly designated....3411
(f)(1)(ii) (A) and (B) amended; (f)(1)(ii) (D), (E), and (F) redesignated as (f)(1)(ii) (E), (F), and (G); new (f)(1)(ii)(D) added; interim....20058
273.4 (a) (2), (3), (4), and (5) amended; (a) (8) through (11) added; interim....20058
(a)(9) corrected....22888
273.7 (b)(2)(i), (g)(2) introductory text, (i), (iii), and (iv) and (o)(6) heading amended; (g)(2)(ii) revised; (h)(5) added....11022
273.8 (e)(11)(xi) added; interim....20379

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

Page

Technical correction....22888
273.9 (d)(6)(i) and (v)(B) amended; (d)(6)(ii) revised....5436
(c) (3), (4) and (5)(ii)(B) amended; (c)(10)(xi) added....20379
Technical correction....22888
273.10 (d)(1)(i) amended; (d)(6) revised....5436
(e)(2)(iii)(B)(*8*) and (*9*) removed....11022
(e)(1)(i)(A) amendment confirmed....11814
273.11 (h), (i), and (j) redesignated as (i), (j), and (k); new (h) added....7557
(a)(2)(iii) and (e)(1) revised....11814
274 Authority citation revised....11814
274.10 (e), (f), (g), and (h) redesignated as (f), (g), (h), and (i); new (e) added; new (i) amended....7557
(d)(1) amendment confirmed....11815
275.1 (a) amended; (b) revised....3407
275.2 (a)(2) revised....3407
275.3 (a), (b), (c) introductory text and (1) heading and introductory text revised; (c)(2) removed; (c) (3), (4), and (5) redesignated as (c) (2), (3), and (4); new (c)(2) revised; (c)(5) added....3407
275.5 (b) revised; (c) removed....3408
275.6 (a) amended....3408
275.7 (b) and (e) revised; (f) removed....3408
275.8 Revised....3408
275.9 (a), (b), and (c) revised; (d), (e), and (f) removed; (g) redesignated as (d) and amended....3409
275.11 (b)(1)(ii) table amended; (f)(2) (ii) and (iii) redesignated as (f)(2) (iii) and (iv); new (f)(2)(ii) added....3409
275.15 (a) (2), (3) and (d) removed; (a)(1), (e), (f), and (g) redesignated as (a), (d), (e), and (f)....3409
275.16 (a) amended; (b) and (d) revised....3409
275.17 (a) revised; (c) and (d) added....3409
275.20 Revised....3410
275.21 (c) and (d) amended....3410

Page

275.22 Removed; new 275.22 redesignated from 275.23....3410
275.23 Redesignated as 275.22; new 275.23 redesignated from 275.25 and (a)(1) and (d)(1)(i) and (2) amended....3410
275.25 Redesignated as 275.23 and (a)(1) and (d)(1)(i) and (2) amended....3410
276.4 (d) introductory text and (2) amended....3410
278 Authority citation revised....11814
278.1 (c)(4) amended; (c)(5) and (h) through (q) redesignated as (c)(6) and (i) through (r); new (c)(5) and (h) added....7557
(e) amended....11815
(b)(4)(ii) amended; (o), (p), (q), and (r) redesignated as (p), (q), (r), and (s); new (o) added; new (r) revised....13222
278.2 (a), (b), (c), (d), (g), and (h) amended; new (l) added....7557
278.3 (a) amended....7558
278.4 (c) amended....7558
278.5 (a)(1) amendment confirmed....11815
(a) (1) and (3) amendment confirmed....18198
278.6 (e)(2) (iii) and (iv) and (3) (iii) and (v) amended....7558
(f) text redesignated as (f)(1); (f) (2), (3), and (4) added....13222
278.9 (e) added....7558
(c) addition confirmed....11815
(f) added....13223
(d) addition confirmed....18198

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

300 Revised....1179
Authority citation revised....6952
300.1 Revised; interim....6952
300.3 Removed; interim....6952
301.52-2a Amended; interim....12634
301.75-6 (e) added....7563
301.75-7 (e) and (f) added....7563
301.75-15 Revision confirmed....1180
301.75-16 Revision confirmed....1180

TITLE 7 Chapter III—Con. Page

301.78—301.78-10 (Subpart) Added; interim....10360
301.93—301.93-10 Removal confirmed....9285
318 Authority citation revised; section authority citations removed....8864
318.13-1 (l) and (l) revised....8864
318.13-2 (a) text redesignated as (a)(1); (a)(2) added....8864
318.13-3 (b) text redesignated as (b)(1); (b)(2) added....8864
318.13-4 (c) amended....8864
318.13-4g Added....8865
318.13-17 Revised....8865
319.56-2h Addition reconfirmed....2099
319.56-2i Addition reconfirmed....2099
330 Authority citation revised....22907
330.100 (h) revised....22907
340 Added....22908
354.1 (a)(1) revised....16822
354.2 Table amended....10365, 12898

Chapter IV—Federal Corp Insurance Corporation, Department of Agriculture

400.40—400.42 (Subpart E) Added....4592
400.45—400.49 (Subpart F) Revised....19128
400.50—400.56 (Subpart G) Removed....17543
400.75—400.81 (Subpart I) Removed....17543
400.92 (g) added....24278
400.141—400.157 (Subpart L) Added....17543
402.7 (d) revised....3214
403.7 (d) amended....3214
(d) corrected....6775
405.7 (d) amended....3214
409.7 (d) amended....3214
410.7 (d) amended....3214
411.7 (d) amended....3214
413.7 (d) amended....3214
(d) corrected....6775
414.7 (d) amended....3214
415.7 (d) amended....3214
416.7 (d) amended....3214
417.7 (d) amended....3214
418 Sales closing date extended....7818

Page
418.7 (d) amended....3214
(d) amended; interim....23424
418.8 Revised....24279
419 Sales closing date extended....7818
419.7 (d) amended....3214
(d) amended; interim....23424
419.8 (b) amended....9286
419.9 Revised....24279
420 Sales closing date extended....7818
420.7 (d) amended....3214
(d) amended....17547, 17548
420.8 Revised....24279
421 Sales closing date extended....7818
421.7 (d) amended....3214
(d) corrected....6775
421.8 Revised....24279
422.7 (d) amended....3214, 23425
423.7 (d) amended....3214
424 Sales closing date extended....7818
424.7 (d) amended...3214, 17547, 17548
424.8 Revised....24279
425.7 (d) amended...3214, 17547, 17548
(d) corrected....6775
427 Sales closing date extended....7818
427.7 (d) amended....3214
(d) amended; interim....23424
427.8 Revised....24279
428.7 (d) amended...3214, 17547, 17548
429.7 (d) amended....3214
(d) amended; interim....23424
430.7 (d) amended...3214, 17547, 17548
(d) corrected....6775
431.7 (d) amended...3214, 17547, 17548
432 Sales closing date extended....7818
432.7 (d) amended...3214, 17547, 17548
432.8 Revised....24279
433.7 (d) amended...3214, 17547, 17548
435.7 (d) amended....3214
(d) corrected....6775
436.7 (d) amended....3214
(d) corrected....6775
437.7 (d) amended....3214
438.7 (d) amended....3214
(d) corrected....6775
439.7 (d) amended....3214
440.7 (d) amended....3214
441.7 (d) amended....3214
442.7 (d) amended....3214
443.7 (d) amended....3214

Page
444.7 (d) amended....3214, 17547, 17548, 17549
445.7 (d) amended....3214, 17547, 17548, 17549
446.7 (d) amended....3214
(d) corrected....6775
447.7 (d) amended....3214, 17547, 17548
448 Sales closing date extended....7818
448.7 (d) amended....3214
(d) corrected....6775
448.8 Revised....24279
449.7 (d) amended....3214, 17547, 17548, 17549
450.7 (d) amended....3214
451.7 (d) amended....3214
452 Added....9288
454 Added....4593

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

701 Authority citation revised....19716
701.23 Revised....19716
702 Added; interim....16741
704 Revised....4269
713.2 (f) addition confirmed....10727
713.3 (d)(1) revision and (e)(3) addition confirmed; (d)(1)(v) and (e)(2)(vii) revised....10727
713.12 (a)(1) revision and (d) removal confirmed....10727
713.58 Addition confirmed....10727
713.63 (a) and (c)(2) revision confirmed....10727
713.100 (a) revised....10728
713.155 Revision confirmed....10727
717.21 (d) addition confirmed....10727
724.36 Removal confirmed....10727
724.57 (b)(1)(i) (*b*) and (*c*) revisions and (b)(1)(i)(*d*) and (2)(ii) additions confirmed....10727
724.62 Introductory text amendment, (c) (7) and (9) removal, and (c)(8) redesignation as (c)(7) confirmed....10727
724.69 (n) amendment confirmed....10727
724.70 (w) revision confirmed....10727
(m) revised; interim....22288
724.72 (b) amendment confirmed....10727

Page
724.81 (d) and (e) revision and (f) removal confirmed....10727
725.51 (e-1)(2) (iv) and (v) revision, (e-1)(2)(vi) addition, and (k) amendment confirmed....10727
725.60 (b) (3) and (4) revision and (b)(5) addition confirmed....10727
725.72 (d)(3)(viii) and (e)(4)(i) amendment confirmed....10727
(d)(5)(i) revised; (d)(5)(vi) added; interim....22288
725.73 (a) revision confirmed....10727
725.87 (a)(2) and (f) (1), (2), and (4) amendment and (f)(3) revision confirmed....10727
725.91 (a) amendment confirmed....10727
725.95 (a), (b), (d), and (e) amendment and (f) revision confirmed....10727
725.99 (a)(4)(x), (b), and (c) (1), (2), and (3) amendment confirmed....10727
725.100 (a)(1)(viii), (b) (1) and (3), and (c)(7) amendment confirmed....10727
725.103 (a) and (h) amendment confirmed....10727
725.104 (a) amendment confirmed....10727
725.107 (b) amendment confirmed....10727
725.115 (a)(2)(iv) and (b)(4) amendment confirmed....10727
726.51 (aa) (3) and (4) and (ff)(1)(vi) revision, (aa)(5) addition, and (i) amendment confirmed....10727
726.68 (e)(4) revision confirmed....10727
(d)(5) (vi) and (vii) added; interim....22288
726.81 (a)(2) and (f) (1), (2), and (4) amendment and (f)(3) revision confirmed....10727
726.85 (a) amendment confirmed....10727
726.89 (a), (b), (d), (e), and (f) amendment confirmed....10727
726.93 (a)(4)(vii), (b)(1), and (c) (1), (2), and (3) amendment confirmed....10727

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

TITLE 7 Chapter VII—Con. Page

726.94 (b) (1) and (3) and (c) (5) and (7) amendment confirmed....10727
726.98 (b) amendment confirmed....10727
726.105—726.107 Undesignated center heading removal confirmed....10727
726.105 (h) amendment confirmed....10727
726.106 (a) amendment confirmed....10727
726.107 (a)(2)(iv) and (b)(4) amendment confirmed....10727
736.42 Revised....8057
760.2 (k) (1) and (2), (l) and (o) amended....17935
760.8 Amendment confirmed....17935
760.23 (c) addition confirmed....17935
770.4 (f) revision confirmed....10727

Chapter VIII—Federal Grain Inspection Service, Department of Agriculture

800.0 (b) (2) through (105) redesignated as (b) (3) through (106); new (b)(2) added....6495
800.60—600.61 Undesignated center heading revised....24437
800.61 Added....24437
800.88 Revised....6495
800.95 Revised....6495
800.96 Revised....6495
800.97 Revised....6496
800.98 Revised....6496
800.99 Revised....6497
800.100 Removed....6497
800.101 Removed....6497
800.102 Removed....6497
800.103 Removed....6497
800.162 (b) redesignated as (c) and revised; new (b) added....24437
810 Revised....24418
810.107 Revised; eff. 5-1-88....24441
810.207 (d) removed; (e) redesignated as (d); eff. 5-1-88....24441
810.402 (a) through (e) redesignated as (b), (c), (d), (f), and (g); new (a) and (e) added; (g) revised....24437
810.405 (c) removed; (d) redesignated as (c); eff. 5-1-88....24441

Page

810.805 (d) removed; (e) and (f) redesignated as (d) and (e); eff. 5-1-88....24441
810.1005 (g) removed; (h) and (i) redesignated as (g) and (h); eff. 5-1-88....24441
810.1205 (c) removed; (d) through (g) redesignated as (c) through (f); eff. 5-1-88....24441
810.1402 (a) through (i) redesignated as (b) through (e) and (g) through (k); new (a) and (f) added....24437
810.1405 (a) removed; (b) designation removed; eff. 5-1-88....24441
810.1605 (b) removed; (a) designation removed; eff. 5-1-88....24441
810.1805 Removed; eff. 5-1-88....24441
810.2005 (c) removed; (d), (e), and (f) redesignated as (c), (d), and (e); eff. 5-1-88....24441
810.2204 (a) table amended; eff. 5-1-88....24442
810.2205 (c) removed; (d), (e), and (f) redesignated as (c), (d), and (e); eff. 5-1-88....24442

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

900 Technical correction....20591
900.700—900.707 (Subpart) Added....13630
905 Limitation of handling....10028
Limitation of handling; interim....19718
906 Budget of expenses....1899
907 Limitation of handling....240, 757, 1901, 2509, 2981, 3787, 4763, 5273, 5938, 6952, 7820, 9111, 9797, 10728, 11615, 12511
Budget of expenses....3412
907.102 (a)(2) and (3) introductory text and (viii) revised....2984
907.104 Revised....2984
907.930 Added....3215
Removed....16370
908 Budget of expenses....3412
Limitation of handling....7821, 19278
908.104 Revised....2984
910 Limitation of handling....241,

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

Page

758, 1901, 2510, 2985, 3788, 4764, 5274, 5939, 7115, 8058, 9111, 9798, 10729, 11616, 12512, 13632, 15937, 17388, 18339, 19276, 20381, 21241, 22438, 23265, 23936
910.180 (d)(3) amended....18902
911.20 (a) amended....7117
911.22 (b)(3) revised....7117
911.48 (a)(1) amended....7117
911.64 (c) revised; (d) redesignated as (e) and republished; new (d) added....7117
Budget of expenses....1899
911.111 Revised....759, 24134
911.311 (a)(5) Table 1 revised....4598
911.329 (a)(2)(ix) added....1314
(a)(2)(vii) amended....4598
912 Budget of expenses....1900
Removed....21242
913 Budget of expenses....1900
915 Limitation of handling....2101
915.20 (a) amended....7118
915.22 (b)(3) revised....7118
915.64 (c) revised; (d) redesignated as (e) and republished; new (d) added....7118
915.305 (a)(1) revised; (a)(2) amended; (a)(3), (5), (6), and (7) removed; (a)(4) and (8) through (16) redesignated as (3) through (12); new (a)(5) revised....4598
915.332 Added....19833
916.356 (a)(2) introductory text, (3) introductory text and (ii), and (4) revised; (a)(5), (6), and (7) added....15487
(a)(4) corrected....17504
917 Budget of expenses....5738
917.121 Revised....12513
917.454 (b)(4) removed; (b)(5) redesignated as (b)(4)....15488
917.459 (a)(2) introductory text, (4), and (5) revised....15488
917.460 (b) and (c) revised....15488
918 Budget of expenses....23015
918.325 Revised....21496
918.326 Removed....21495
923.322 (a) (2) and (3), (b)(2)(ii), and (c)(1) Table and (2) amended....20382
925 Budget of expenses....11617
925.304 Introductory text revised....8870

Page

(b)(1)(vi) redesignated as (b)(1)(vii); new (b)(1)(vi) added....20383
927 Budget of expenses....1900, 11617
928.121 Added....15489
929 Budget of expenses....1899, 3412
929.153 (a) and (d) revised....5528
931 Budget of expenses....1900
932 Budget of expenses....5737
932.121 Added....12135
932.125 Added....12135
932.145 Removed....7403
944.31 Added....19835
944.503 (a)(3) revised....8870
945 Limitation of handling....5530
946 Budget of expenses....1900
Limitation of handling....15490
946.25 (c) amended....13070
946.104 (a)(5) revised....13070
947 Limitation of handling....7120
948 Limitation of handling; interim published at 51 FR 25850 confirmed....7269
Budget of expenses....23015
948.103 Revised....12515
948.104 Revised....12515
948.150 Added....12515
953 Budget of expenses....23015
959 Budget of expenses....5737, 24281
Limitation of handling....19281
Limitation of handling corrected....20192
966 Budget of expenses....1900
971 Budget of expenses....5738
979 Budget of expenses....5738
979.304 (a) revised....17390
980.116 Removed....19281
980.117 (a)(1)(ii), (2), and (b)(1) revised....8872
(a)(2) and (b) (1) and (2) revised....19281
981.441 (d)(1)(iii) added....13428
982 Budget of expenses....1900
Marketing percentages....17392
985 Marketing percentages....9452
984 Budget of expenses....1900
989 Budget of expenses....1900
Marketing percentages....16233
989.212 (a) and (c) and note revised....12516

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

TITLE 7—Con.

Chapter X—Agricultural Marketing Service (Marketing Agreements and Order; Milk), Department of Agriculture

Page

1006.52 (a) table revised....5071
1007.52 (a) and (b) revised....5071
1007.61 (a)(3) revised....5071
1007.73 (a)(2) introductory text revised....5071
1007.75 (a) revised....5071
1011.52 (a) revised....5071
1012.52 (a) table revised....5072
1013.52 (a) table revised....5072
1030 Existing regulations unchanged....3413
1032.7 (d)(2) revised....3216
1032.52 (a)(1), (2) (i) and (ii), (3), and (4), and (b) revised; (a)(2)(iii) added....3413
1033.6 (a), (b), and (c) revised; (d) and (e) added....3414
1033.53 (a) (1), (2), and (3) revised; (a)(4) redesignated as (a)(5) and republished; new (a)(4) added....3414
1036.2 (a), (b), and (c) revised; (d) removed....242
1036.50 (a) amended....242
1036.52 (a) and (b) revised....242
1040.7 (b)(1) introductory text temporarily suspended in part; (b)(1)(i) temporarily suspended....11456
(b)(2) introductory text temporarily suspended in part; (b)(2) (i) and (ii) temporarily suspended....18340
1046.9 (c) amended....17748
1046.52 (a) revised....5072
1049.52 (a) (1) and (2) revised....3414
1050.52 (a) and (b) revised....3415
1065.13 (d) (2) and (3) temporarily amended....1315
1065.52 (b)(3) amended....3217
1079.52 (b)(3) amended....3217
1093.52 (a)(1) table revised; (a)(2), (3), (4) and (6) amended....5072
1094.2 Amended....5072
1094.52 (a)(1) table revised; (a)(2)(i), (ii), and (iii), (3) and (5) amended....5073
1096.52 (a) revised....5073

Page

1097.7 (b) temporarily suspended....10730
1098.52 (a) revised....5073
1099.52 (a) revised....5073
1102 Removed....6318
1106.2 Amended....6318
1106.7 (c) introductory text revised; (c) temporary amendments of 51 FR 6731 and 7247 terminated....6318
1106.12 (b)(5) temporarily suspended....20384
1106.13 (d)(1) suspended....19837
1106.52 (a)(1) table amended; (a)(3)(i) and (4) revised....6318
1137.12 (a)(1) temporarily suspended in part....10732

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

1200 Authority citation revised....12899
1200.2 (a) revised....12899
1205.1—1205.19 (Subpart) Removed....12899
1207.1—1207.19 (Subpart) Removed....12899
1240 Authority citation revised....3103
1240.100—1240.125 (Subpart) Added....3103
1250.1—1250.19 (Subpart) Removed....12899

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

1403 Authority citation revised....2394
1403.21—1403.46 (Subpart B) Heading revised; interim....2394
1403.46 Added; interim....2394
1421.1 Amended....1434
1421.4 (b) amended....1434
1421.6 (c) revision confirmed....1433
1421.7 (a) revision confirmed....1433
1421.22 (c)(2) amended....1434
1421.400—1421.406 (Subpart) Heading amended; authority citation revised....1434

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

Page

1421.400 Nomenclature change....1434
1421.420—1421.425 (Subpart) Removed....1434
1421.900—1421.917 (Subpart) Authority citation revised....1316
1421.902 Revised....1316
1434.1—1434.36 (Subpart) Heading amendment confirmed....11619
1434.1 Amended; interim....11618
Amendment confirmed....11619
1434.2 (c) removed; (d) and (e) redesignated as (c) and (d); interim....11618
1434.3 (h) addition confirmed....11619
1434.4 (a) amended; interim....6776
(e) amendment confirmed....11619
1434.6 (b) amended; interim....6776
(b) amendment confirmed....11619
1434.7 (c) introductory text amended; interim....11619
1434.8 (b) revision confirmed....11619
1434.18 (c) addition confirmed....11619
1434.25 (a), (b), and (c) amendment and (d) addition confirmed....11619
1434.26 (a) amendment confirmed....11619
1434.27 Amendment confirmed....11619
1434.34 (f) removed; (g) and (h) redesignated as (f) and (g); interim....11619
1438 Removed....1434
1468.103 Amended; interim....4277
Comment time extended....10732
1468.107 (c) (1) and (2) revised; (c) (3) and (4) removed; interim....4277
Comment time extended....10732
1468.116 (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; interim....4277
Comment time extended....10732
1472.1503 Amended; interim....4277
Comment time extended....10732
1472.1507 (c)(1) and (2) revised; (c)(3) and (4) removed; interim....4277
(c) (3) and (4) correctly removed; comment time extended....10732

Page

1472.1545 (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; interim....4277
Comment time extended....10732
1475.52 (h), (l), (m), and (n) revision confirmed....10728
1475.53 Revision confirmed....10728
1475.54 (a) revision confirmed....10728
1475.55 (d)(3), and (e) (2) and (3) revision confirmed....10728
1475.56 Revision confirmed....10728
1475.58 (c) revision confirmed....10728
1475.69 Added....10728
1476 Removed....1434
1477 Authority citation revised....4129
1477.3 (e) (2), (3), and (4) added; interim....4130
Confirmed....18198
1480 Removed....1434
1493.1—1493.15 (Subpart A) Authority citation revised....17550
1493.2 (f) and (o) revised....17550
1496.1 (b) and (c) removed; (a) designation removed....5728
1496.2 (a) amended; (b) revised....5728
1496.3 (f) and (h) removed; (g) redesignated as (f) and revised; (e) revised....5728
1496.5 (a) revised; (f) added....5729

Chapter XVII—Rural Electrification Administration, Department of Agriculture

1736 Authority citation revised....22289
1736.97 (b) table revised....22289
1772 Authority citation revised....1182
1772.97 Table amended....1182
1786 Added....1436
1787 Added; interim....2395

Chapter XVIII—Farmers Home Administration, Department of Agriculture

1804 Removed....19283
1806.25 (a)(2) introductory text revised....8002

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

TITLE 7 Chapter XVIII—Con. Page

1822 Authority citation revised....19283
1822.21—1822.26 (Subpart B) Exhibit A amended....8002
1822.267 (l)(2) introductory text amended....8002
(e) revised....19283
1822.271 (b)(3)(v) revised....19283
1901 Authority citation revised....8002
1901.205 (b)(1), (2)(i), (3)(ii) and (iv), and (e)(2) amended....8002
1901.201—1901.205 (Subpart E) Exhibit C revised....8002
1910 Authority citation revised....15491
1910.3 (i) introductory text revised; (i)(4) added....15491
1910.101 (Subpart C) Added....6498
1922.104 (a)(12) amended....11982
Policy guidelines....23543
1924 Authority citation revised....8002
1924.5 (d)(2) and (e) (2) and (4) amended....19283
1924.1—1924.50 (Subpart A) Text and Exhibits A through I, K and L revised....8002
Exhibits I and J amended....19283
1924.101—1924.150 (Subpart C) Added....19284
1924.253 (a)(3) amended; (c) revised....8034
1930.110 (c) introductory text amended....20697
1930.119 (b) amended....20697
1930.124 (a)(3) (ii) and (v) amended....20697
1930.101—1930.150 (Subpart C) Exhibit B amended....8034, 20697
Exhibits C, C-2, and E amended....20698
Exhibits B and E amended....24287
1933 Authority citation revised....19301
1933.409 (f) revised....8034
1933.412 Revised....19301
1940 Authority citation revised....8035
1940.305 (j) added....8035
1942.17 (p)(4) and (5) and (r)(3)(i) and (ii) amended....8035
1942.18 (n)(3), (o)(1), (3), (5) and (7)(ii) amended....8035
1943.1—1943.50 (Subpart A) Exhibit A amended....8035
1943.32 (a) amended....8035
1943.82 (a) amended....8035
1943.132 (a) amended....8035
1944.2 (f) and (j) revised....11982
Policy guidelines....23543
1944.11 Heading and (c) revised; (d) redesignated as (e); new (d) added....11982
(b) revised....19301
Policy guidelines....23543
1944.16 (a)(1)(i), (5), and (b) revised....8035
Revised....11983
Policy guidelines....23543
1944.17 (e) added....246
1944.22 (a) revised....246
(a) correctly revised....6132
(e)(3) amended....8035
1944.24 (b) amended....19301
1944.26 (a)(2) introductory text and (f)(2) introductory text revised....11984
Policy guidelines....23543
1944.30 (a) amended....8036
1944.33 (f) revised....246
1944.34 (e)(3)(ii) revised....246
(h)(2) revised....11984
Policy guidelines....23543
1944.45 (f)(5), (h), (i)(2), and (k) amended....8036
(f)(3)(ii) revised....19301
1944.46 (d), (f), and (g) amended....8036
1944.47 Addition confirmed....9649
1944.1—1944.50 (Subpart A) Exhibit A amended....8036
Exhibit D amended....9113
1944.163 (e) revised....8036
1944.164 (j)(2) (i) and (ii) amended....19301
(p) revised....24288
1944.175 (a)(4) amended....8036
1944.176 (c)(3) revised....24288
1944.200 Removed....24288
1944.151—1944.200 (Subpart D) Exhibit A-3 amended....8036, 19302
1944.212 (c)(2)(i) revised....8036
(p)(3) amended....19302
1944.215 (a)(1) introductory text, (iii), and (iv) and (3)(v) revised....8036

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

Page

1944.222 (c)(1) and (d)(1) introductory text amended....19302
1944.235 (c)(1)(v) and (vii) amended....8036
1944.237 (e) added....24288
1944.201—1944.240 (Subpart E) Exhibit H amended....8037
1944.456 Introductory text amended....11985
(a) introductory text revised....19302
Policy guidelines....23543
1944.463 (a), (b), and (c)(4) amended....8037
1944.469 (f)(1)(i) and (ii) and (g)(1)(iii)(A)(*l*) amended....8037
1945.163 (b)(6) introductory text, (i)(B), and (ii) through (v), (7), and (8) revised....20385
1945.151—1945.200 (Subpart D) Exhibit A amended....8037
1951 Authority citation revised....6319, 11457
1951.7 (h) added....11457
1951.105 (f) amended....18544
1951.111 Added....18544
1951.207 (l) added....11457
1951.301—1951.318 (Subpart G) Revised....246
1951.304 Added; interim....6319
1951.315 Corrected....6132
1951.407 (c) amended....9113
1951.408 Removed....9113
1951.604 (a)(1)(iv)(B) amended....11985
Policy guidelines....23543
1955.53 (o) revised....8037
1965.65 (a)(1)(i) revised; (a)(1)(iv) and (f)(6)(iv) removed; (a)(1)(v), (c) (1) through (14), and (f) (8) through (13) redesignated as (a)(1)(iv), (c) (2) through (15), and (f) (9) through (14); new (c)(1) and (f)(8) added; new (c)(10)(i) revised....24288
1965.70 (a) amended; (d)(8) revised....24288
1965.90 Revised....24288
1965.92 Amended....24291
1965.51—1965.100 (Subpart B) Exhibit A redesignated as Exhibit B and revised; new Exhibits A and C added....24291
1965.103 (b) introductory text amended....9113
1965.105 (b)(1) amended; (c) revised....9113
1965.106 (a) heading revised; (b) and (c) redesignated as (c) and (d); new (d) amended; new (b) added....9113
1965.110 (a)(1)(ii) amended; (a)(4) added....9113
1965.111 (a) and (b) amended; (c) removed....9113
1965.112 (b) revised....9114
1965.113 (a) amended; (c) revised....9114
1965.116 (b) revised....9114
1965.117 Introductory text, (b)(5), (d)(2) and (g) amended; (e) revised; (h) added....9114
1965.118 (c) revised; (d) added....9114
1965.125 (a)(1) introductory text amended; (a) (2) and (3) revised....9115
1965.126 Introductory text, (b) (2) and (5), (c) (1) and (2) introductory text, (i), and (ii) and (e)(4) revised; (b)(13) added; (b)(3), (4)(i), and (12) and (e)(5) amended....9115
1965.127 (a)(3) introductory text, (b)(1)(i) and (2) revised....9116
1965.137 Revised....9116
1980 Authority citation revised....19302
1980.11 Amended....6500
1980.12 (a) (1) and (3) revised....6500
1980.41 (b)(3)(iii)(A) revised....6500
1980.46 (a)(2) revised....6500
1980.61 (b)(4) and (h) revised....6500
1980.63 Revised....6501
1980.67 Revised....6501
1980.83 (b) table amended....6501, 22290
1980.85 Added....6501
1980.146 (c)(2) amended....22290
1980.307 (d)(1) and Administrative amended....19302
1980.327 (b)(1) revised....19302
1980.401—1980.500 (Subpart E) Sections revised....6501
1980.401—1980.500 (Subpart E) Appendix C revised; Appendix H added....6522

TITLE 7—Con.

Chapter XXXIV—Cooperative State Research Service, Department of Agriculture

Page

3402 Added....4713

Chapter XXXVI—National Agricultural Statistics Service

Chapter XXXVI Chapter established....2667
3600 Added....2667
3601 Added....2669

Chapter XXXIX—Economic Analysis Staff

Chapter XXXIX Chapter established....9798
3900 Added....9798
3901 Added....9798

Title 7—*Proposed Rules:*

1d....13246
28....16394, 19018
46....23842
51....16399
53....6577
54....6577
55....6162, 8404
56....6162, 8404
59....6162, 8404, 17763
70....6162, 8404
220....12419, 23041
226....19354, 22030
246....12527
250....22660
251....21545
272....3817, 7158, 19514
273....7158, 13450, 17580
275....7158
277....3817
278....19514
301....291, 1276
318....292
319....685; 2114
330....12917, 15802
400....5773, 10764
401....22476
418....11078
419....2711, 11078
420....3013, 11078
421....11078
422....9301
424....3013, 11078
425....3013
427....11078
428....3013
430....3013
431....3013
432....3013, 11078
433....3013
444....3013
445....3013
447....3013
448....11078
449....3013
452....2713
453....15506
455....24299
656....20606
658....1465
713....13248, 18565
725....18918
726....18918
736....10104
795....9302
800....7880
810....4151, 7880, 8455
900....3119
907....17764, 21546
908....7884, 12535, 17764, 21546
910....12536
911....10108
912....6980
915....13688
916....2800, 9173
917....2800, 6165, 9173
918....16401
923....13842
925....432, 13457, 20402, 21960, 24090
928....3433, 4462, 21065, 22888
929....15510, 18369, 19631
932....6166
933....17581
944....432, 13688
945....10893
946....5778, 6167
948....6168
959....7428, 9870, 21068
979....12185
980....7428, 9870
981....1918
982....5307
989....1919
994....10984, 12285
999....5307
1007....15951, 17678
1011....3251, 12186, 15951, 17678, 23453
1030....18894
1032....2537
1033....17586, 23306
1036....17586
1040....8074, 12537, 17586
1046....11475, 15951, 17678, 23306
1065....21560
1068....23843
1093....15951, 17678
1094....15951, 17678
1096....15951, 17678
1097....8075
1098....15951, 17678

Page

1102....4775
1106....4775, 12538, 16402
1137....6579
1210....3588, 4783, 13086
1240....797
1493....8605
1610....5779
1809....1706, 4913
1900....1706, 4913
1902....1706, 4913
1910....1706, 4913
1924....1706, 2717, 4913
1930....296, 8606
1941....1706, 2717, 4913
1942....3433, 12539
1943....1706, 4913
1944....7584, 8606, 21069
1945....1706, 4913
1951....1706, 2717, 4913, 19732
1955....1706, 4913, 10577
1962....1706, 4913
1965....1706, 2717, 4913, 8606, 10577
1980....1706, 4913
2201....6803, 8611
3016....21820, 23627

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

1 Authority citation revised; section authority citations removed....2936
1.1 (h) revised....2936
3 Authority citation revised; section authority citations removed....2936
Nomenclature change....2941
3.1 (b)(3) revised....2943
3.3 (a) amended; (b) revised....2936
3.4 Amended....2936
3.7 Revised....2936
Corrected....7369
3.11 Added....2942
3.12—3.38 (Subpart C) Added....2936
100 Authority citation revised....16191
100.2 (c)(3) (iv) and (v) amended; (c)(3)(vi) added....16191
100.4 (f) added....16191
(c)(4) revised....22629
103 Authority citation revised; section authority citations removed....2939
Authority citation revised....16192

Page

103.1 (l)(1) amended....2985
(f)(1) (iv) and (v) and (q) amended; (f)(1)(vi) and (2) (xxvii) through (xxxii), (n)(2) and (t) added; (n) redesignated as (n)(1)....16192
(o)(2) revised....22629
103.2 (c) added....16192
103.3 (a) redesignated as (a)(1); (a)(2) added....16192
103.4 Revised....661
Existing text designated as (a); (b) added....16192
103.5 Existing text designated as (a); (b) added....16193
103.7 (d) (1) and (4) revised....3
(c)(1) revised....2939
(b)(1) amended....16193, 19719
103.8 Introductory text republished; (c) revised....2942
103.10 (b)(1)(ii) removed; (b)(1) (iii) through (vi) redesignated as (b)(1) (ii) through (v)....2942
103.37 Added....16193
109 Removed....16220
204.2 (c)(7) revised....16233
210 Added....16199
211 Authority citation revised....16193
211.1 (d) added....16193
211.5 (d) added....16193
212 Authority citation revised....16193, 16372
212.3 Revised....2943, 11621
212.5 (b) amended; (d)(2) redesignated as (d)(2)(i); (d)(2)(ii) added....16194
212.11 Added; interim....16372
214 Authority citation revised....13226, 20555
214.2 (h)(6)(i) and (9) and (l) revised; (h)(6)(ii), (10), (11), (12), (13), and (14) redesignated as (h)(6)(v), (11), (13), (10), (14), and (15); new (h)(10) and (11) revised; new (h)(6)(ii), (iii), and (iv) and (12) added....5750
(l) correctly designated; (l)(3)(i) corrected....7063
(f)(4)(ii), (5), (6) (ii) through (v), (7), (8), and (10) revised....13226
(h) (3) through (15) redesignated as (h) (4) through

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

TITLE 8 Chapter I—Con. Page

(16); new (h)(3) added; new (h)(4) heading revised; (h)(4)(ii)(B) amended; interim....20555
214.3 (g)(1) (i) through (xii) revised; flush text following (g)(1)(xii) added....13229
234 Authority citation revised....16194
234.2 (b) amended....16194
236 Authority citation revised; section authority citations removed....2939
236.5 (a), (b), and (c) removed; (d) and (e) redesignated as (b) and (c); new (a) added....2939
236.6 Revised....2939
236.7 Revised....2939
238.3 (b) amended....2670
241 Heading and authority citation revised; interim....16372
241.2 Added; interim....16372
242 Authority citation revised; section authority citations removed....2939
Authority citation revised...16194, 16372
242.1 (a) and (b) revised....2939
(a) revised....3098
(a) introductory text corrected....5616
Effective date corrected....6133
242.2 (a) introductory text amended; (b) revised....2939
(a) revised....3098
(a)(1)(viii) corrected....5616
Effective date corrected....6133
(a) through (e) redesignated as (b) through (f); (a) and (g) added; interim....16372
242.5 (b) amended....2940
242.7 (a) and (b) revised....2940
(a) revised....3099
(a)(3) corrected....5616
Effective date corrected....6133
242.12 Revised....2940
242.13 Revised....2940
242.14 (e) revised....2940
242.16 (d) amended....2940
242.20 Revised....2941
242.21 Existing text designated as (a); (b) added....16194
245.1 (b)(5) through (8) and (c) through (f) redesignated as (b)(7) through (10) and (d) through (g); new (b)(5) and (6) and (c) added; interim....6321
245.6 Redesignated as 245.7; new 245.6 added; interim....6322
(c)(3) corrected....13827
245.7 Redesignated as 245.8; new 245.7 redesignated from 245.6; interim....6322
245.8 Redesignated as 245.9; new 245.8 redesignated from 245.7; interim....6322
245.9 Redesignated from 245.8; interim....6322
245a Added....16208
248 Authority citation revised....11621
248.1 (e) added; interim....11621
249.2 Revised; interim....6322
264 Authority citation revised....16194
264.1 (a), (b), and (c) amended....16194
274a Added....16221
287 Authority citation revised....16372
287.1 (g) through (i) added; interim....16372
287.7 Added; interim....16373
292 Authority citation revised; section authority citations removed....2941
292.4 (a) revised....2941
299 Authority citation revised....16195
299.1 Amended....16195
299.3 Amended....16195
341.1 Revised....19719
341.7 Revised; interim....13229

Title 8—*Proposed Rules:*

1—499 (Ch. I)....2115
1....19733
3....2948
100....8740
103....8740
109....8762, 10187
204....18236
207....4913, 23307
210....8745
211....8740
212....8740
214....22661
234....8740
242....2949, 7741, 8740
244....2950
245....11659
245a....8752

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

Page
252....1634
264....8740
271....1920
274a....8762, 10187
292....2948, 2951
299....8740

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

50.1 (p) amendment and (r) addition confirmed....1317
50.16 Addition confirmed....1317
51.1 Amended....6524
Corrected....22290
71 Authority citation revised; section authority citations removed....2987
71.18 (a)(1)(i), (ii), and (iii) amended; (a)(5) added....2987
75.5 (d), (g) through (m), and footnotes 3a and 4 removed; designations removed; section amended; interim....7404
75.7 Revised; interim....7404
75.8 Removed; interim....7405
75.9 Removed; interim....7405
77.4 (b) revision confirmed...4599, 8224
(b) amended; interim....23937
77.9 (b) introductory text amendment confirmed....1317
78.20 (a) and (b) amendment confirmed....5940
78.41 (c) and (d) amended; interim....1625
(b) and (c) amended; interim....4600
(c) and (d) amendment confirmed....6524
(b) and (c) amended....9453
(c) and (d) revised....10555
(a) and (b) amended; interim....22292
(b) and (c) amendment confirmed....22292
(c) and (d) amendment confirmed....23016
78.43 Revised; interim....18688
91.14 (a)(5) removal and (a)(6) through (16) redesignation as (a)(5) through (15) confirmed....8225
92.1 (cc) added....2990
Page
Amended....5941
(k), (l), and all paragraph designations removed; amended....11023
92.2 (k) added....2653
(i)(2)(iii)(C), (iv)(A) and (B), (v)(A)(*2*)(*i*), (B), (E), and (G) revised; (i)(2)(vi) redesignated as (i)(2)(vii); new (i)(2)(vi) added....2990
(k) removed; interim....8437
Footnote 2a removed; (c)(1), (2)(i) and (3) amended....21497
92.4 (a)(6)(iii)(C)(*1*), (8)(i), (ii) introductory text, and (9) introductory text, (ii), and (iii) revised....2992
92.11 (e) and (f)(3)(ii)(E) amended....21497
92.17 Amended....2992
92.20 (b) revised; footnote 10 removed....11023
(c)(5) and (d) revised; OMB number....18199
92.27 Footnote 11 redesignated as footnote 10....11023
92.31 Footnote 12 redesignated as footnote 11....11023
92.35 (c)(2) and (3) redesignated as (c)(3) and (4); new (c)(2) added....5941
92.41 Footnotes 13 and 13a redesignated as footnotes 12 and 13....11023
94.1 (a)(2) amended....2653
(a)(2) amended; interim....8437
94.11 (a) amended....2653
(a) amended; interim....8437
94.17 Added....11625
97.1 (a) and (b) amended....16823
97.2 Table amended....16234
102.2 Revised....11026
102.4 (f) revised....11026
102.5 (b) and (e) revised....11026
102.6 Added....11026
113.101 (c)(2) removed; (c) (3) through (7) redesignated as (c)(2) through (6) and revised....9117
113.102 (c)(2) removed; (c) (3) through (7) redesignated as (c) (2) through (6) and revised....9118
113.103 (c)(2) removed; (c) (3) through (7) redesignated as

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

TITLE 9 Chapter I—Con. Page

(c) (2) through (6) and revised....9118
114.1 Revised....11026
151 Authority citation revised; section authority citations removed....1317, 13070
151.9 (a) table amended....1318, 13071
166.1 Amended....4890
166.2 (b) and (c) amended....4890
166.4 (b) amended....4890
166.5 (b) amended....4890
166.6 Amended....4890
166.8 Amended....4890
166.9 (d) amended....4890
166.10 (a), (c) (1) and (2), and (d) amended....4890
166.11 (b) and (d) amended....4890
166.12 (c) and (d) amended....4890
Redesignated as 166.13; new 166.12 added....4891
166.13 Redesignated as 166.14 and (a), (b), (c), and (d) amended; new 166.13 redesignated from 166.12....4891
166.14 Redesignated as 166.15 and (d) and (e) amended; new 166.14 redesignated from 166.13 and (a), (b), (c), and (d) amended....4891
166.15 Redesignated from 166.14 and (d) and (e) amended....4891
(c) revised; interim....13231

Chapter III—Food Safety and Inspection Service, Meat and Poultry Inspection, Department of Agriculture

303 Authority citation added....10032
303.1 (g) revised; authority citation removed; interim....10032
303.2 Added; interim....10032
307.5 (a) revised....4
308 Policy statement....3595
309.16 (d)(3) revised; interim....2104
310.21 (c) introductory text, footnote 1, and (d) revised; interim....2104
318 Policy statement....3595
318.7 (c)(4) table amended....17284, 19303
318.10 Partial waiver extended....5
(c)(3)(iv) Table 6 corrected....12517

Page
318.21 Added....2185
320 Policy statement....3595
327 Policy statement....3595
335.40 (Subpart E) Added; interim....13828
350 Authority citation revised....4
350.7 (c) revised....4
351.8 Revised....5
351.9 (a) revised....5
354.101 (b) and (c) revised....5
355.12 Revised....5
362.5 (c) revised....5
381 Policy statement....3595
381.3 (b) amended; (c), (d), and (e) added; interim....10033
381.38 (a) revised....5
381.153 Added....2192
381.196 (b) amended....23021

Title 9—*Proposed Rules:*

1....10292, 19359
2....10298, 19359
50....24165
54....12189
71....1921
76....1921
77....24165
78....1336
85....1921
91....17597, 21688
92....2654, 2658, 9871, 10765
94....7885, 12917, 13693, 15802
160....5308, 19359
161....5308, 19359
307....12422
308....12422
309....21561
310....21561
314....21561
317....10766, 11828
319....2416, 5991, 9303, 10766, 11828
327....23041
362....21563
381....11828, 15960, 23041, 24303

TITLE 10—ENERGY

Chapter I—Nuclear Regulatory Commission

Chapter I Policy statements revocation corrected....20592
0 Authority citation revised....11027
0.735-21 (b)(1) revised; (e) added....11027
0.735-29 (b)(1)(v) revised....11028

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

Page
2.785 (a) revised....2993
9.95 Revised....760
19.2 Amended....8240
19.3 (d) amended....8240
20.2 Amended....8240
20 Authority citation revised....4605
20.3 (a)(20) added; eff. 2-12-88....4604
(a)(9) amended....8240
20.202 (c) added; eff. 2-12-88....4604
21.2 Amended....8241
30 Authority citation revised....1294
30.4 Introductory text, (b), and (i) amended; (x) removed....8241
30.5 Amended....8241
30.6 (a) and (b)(1) amended....8241
30.11 (a) amended....8241
30.13 Amended....8241
30.14 (a) and (c) amended....8241
30.15 (a) amended....8241
30.16 Amended....8241
30.18 (a) amended....8241
30.19 (a) amended....8241
30.20 (a) amended....8241
30.31 Amended....8241
30.33 (a)(4) amended....8241
30.34 (h) added....1295
(a), (b), (c), (d), and (e) amended....8241
30.39 Amended....8241
30.51 (a), (b), (d)(1) and (2) amended....8241
30.53 Amended....8241
30.56 Removed....8241
35.205 Exemption....9292
39 Added....8234
40 Authority citation revised....1295, 9651
40.1 (a) revised....9651
40.4 (r) added....9651
40.5 (b)(1) amended....8241
40.12 Revised....9651
40.23 Added....9651
40.41 (f) added....1295
40.66 Added....9651
40.67 Added....9652
50 Authority citation revised; section and Appendix authority citations removed....1295
Authority citation corrected....2352
Policy statement; interim....3788
50.33 Authority citation correctly removed....2352
50.34 (b)(8) revised....9469
50.54 (cc) added....1295
(p)(1) correctly designated....1415

Page
(i) and (i-1) revised....9469
(f) corrected....19303
50.74 Added....9469
50 Appendix E amended....16829
51.22 (c)(3), (10), and (14) amended....8241
51.60 (a) amended....8241
51.66 (a) amended....8241
51.68 Amended....8241
55 Revised....9460
61 Technical position statement availability....397
Authority citation revised....1295
61.24 (k) added....1295
70 Authority citation revised....1296, 9652, 10037, 21657
70.4 (w) removed....8241
70.5 (b)(1) amended....8241
70.8 (c)(6) added....19305
70.20a (b) amended....8241
70.20b Revised....9652
70.22 (b) revised....10038
70.32 (a) introductory text republished; (a)(9) added....1296
(c)(1) revised....10038
(c)(1)(i) corrected....22416
70.51 (b) and (e) introductory text revised....10038
70.52 Revised....21657
70.53 (b) revised....19305
70.57 (b) introductory text revised....10038
70.58 (a) revised....10038
70.60 Removed....8241
71.0 (b) amended....8241
72 Authority citation revised....1296, 21657
Authority citation corrected....23257
72.33 (b) introductory text republished; (b)(6) added....1296
72.52 Revised....21657
73 Authority citation revised....6314, 9653, 21657
73.1 (b)(8) added....9653
73.55 (e)(1) revised....12365
73.57 Added....6314
(b)(1) and (5) and (f)(3)(ii) corrected....7821
73.67 (e)(3)(vii) and (g)(3)(iii) revised....21657
73.71 Revised....21658
(a) (1) and (5) corrected....23257
73.72 Revised....9653
73.73 Added....9653
73.74 Added....9654

TITLE 10 Chapter I—Con. Page
73 Appendix E added; Appendix F revised....9654
Appendix G added....21658
74 Authority citation revised....10038, 19305, 21659
74.4 Amended....10039
74.8 (b) revised....10040
(c)(4) added....19305
74.11 Revised....21659
(b) corrected....23257
74.17 Added....19305
74.51—74.59 (Subpart E) Added....10040
110 Authority citation revised....9654
110.50 (b)(4) revised....9655
150.20 (b) amended....8241
170.2 (a) amended....8242

Chapter II—Department of Energy

420 Class deviation....18548
456 Revised; interim....6715
465 Class deviation....18548
503.13 (b) introductory text amendment confirmed and republished....658
600 Class deviation....18548

Chapter III—Department of Energy

962 Added....15940

Chapter X—Department of Energy (General Provisions)

1040.101—1040.170 (Subpart D) Addition published at 51 FR 4574 and 51 FR 4579 removed (regulations transferred to Part 1041)....1902
1041 Heading added; text transferred from 1940.101—1040.170 (Subpart D) published at 51 FR 4574 and 51 FR 4579....1902
1041.170 (c) revised....1902

Title 10—*Proposed Rules:*

2....1415, 3442, 6286, 11475, 12192, 20089
30....2540, 7432, 12921
32....2540
40....7432, 12921
50....543, 1200, 2416, 2951, 3121, 3822, 5780, 6334, 6650, 6980, 7432, 7887, 8075, 8460, 8917, 10771, 16275, 24015
55....7432, 7887
60....5992, 7432, 16403
61....7432
62....1634
70....7432, 12921
71....7432
72....7432
73....5781
110....7432
150....7432
430....7972, 12342
435....17052
456....6754
458....6754
600....21820, 23627
625....22960
703—961 (Ch. III)....2792
725....15324
763....4151
1004....23156
1010....17765, 18647
1013....20403

TITLE 11—FEDERAL ELECTIONS

Chapter I—Federal Election Commission

4 Authority citation revised....23637
4.1 (g) through (n) added; interim....23637
4.5 (a) introductory text and (7) revised; (b) through (d) redesignated as (c) through (e); new (b) added; interim....23638
4.7 (c) revised; interim....23638
4.9 Revised; interim....23638
5.6 (a)(1) amended; interim....23640
100.7 (c) revised (effective date pending)....773
Eff. 4-8-87....11187
100.8 (c) revised (effective date pending)....773
Eff. 4-8-87....11187
102.9 Introductory text and (e) revised; (f) added (effective date pending)....773
Eff. 4-8-87....11187
103.3 Revised (effective date pending)....774
Eff. 4-8-87....11187
104 Authority citation revised....774
104.8 (d) revised (effective date pending)....774
Eff. 4-8-87....11187

Page
106 Authority citation revised....20874
106.2 Revised (effective date pending)....20874
110 Authority citation revised....769
110.1 Revised (effective date pending)....769
Eff. 4-8-87....11187
110.2 Revised (effective date pending)....772
Eff. 4-8-87....11187
9001 Revised (effective date pending)....20876
9002 Revised (effective date pending)....20876
9003 Revised (effective date pending)....20877
9004 Revised (effective date pending)....20882
9005 Revised (effective date pending)....20886
9006 Revised (effective date pending)....20887
9007 Revised (effective date pending)....20887
9012 Revised (effective date pending)....20891
9031—9039 (Subchapter F) Revised (effective date pending)....20892

Title 11—*Proposed Rules:*

100....2416
110....6580
114....16275

TITLE 12—BANKS AND BANKING

Chapter I—Comptroller of the Currency, Department of the Treasury

5.1 (a) revised....5942
5.3 Revised....5942
21 Heading and authority citation revised....2859
21.21 (Subpart C) Added....2859

Chapter II—Federal Reserve System

202 Appendix B and Supplement I amended....10733
203 Exemption terminated....10365
204 Authority citation revised....2215
204.2—204.4 Authority citations removed....2215
204.9 Authority citation removed....2215
205 Supplement II amended....10734
207 OTC margin stock list....3218, 15941
208 Authority citation revised....2859
208.14 Added....2860
220 OTC margin stock list....3218, 15941
221 OTC margin stock list....3218, 15941
224 OTC margin stock list....3218, 15941
225.43 (a) revised....23023
(c)(2) and (d) revised....23024
226 Supplement I amended....10878
227.14 Exemption granted in part....2400
261 Policy statement....15707
261.4 (g) removed....15300
261.8 Added....15300

Chapter III—Federal Deposit Insurance Corporation

309.5 (a)(1), (b), and (c)(7) revised....23426
Technical correction....24090
326 Heading and authority citation revised....2860
326.0—326.7 (Subpart A) Heading added....2860
326.0 Heading revised....2860
326.8 (Subpart B) Added....2860
337.4 (h)(3) revised....23544
341.4 (a) revised....1182

Chapter V—Federal Home Loan Bank Board

500.10 Amended....7120
500.31 Revised....5942
(a) (1) and (2) amended....10557
500.32 (a), (b) (1), (3), (5), (6), (8), (9), (10), and (12), and (c) introductory text revised....7120
(c) introductory text corrected....8550
505 Authority citation revised....7121
505.3 (c) and (d) removed; (e) and (f) redesignated as (c) and (d); new (d) revised....7121

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

TITLE 12 Chapter V—Con. Page

505.4 (d) amended; authority citation removed....7121
505a Authority citation revised....7121
505a.3 (c) revised....7121
505b Authority citation revised....7121
505b.7 Amended....7121
508 Authority citation revised; section authority citations removed....7121
508.13 Amended....7121
510a Added....17392
522.87 (a) designation removed....7122
523 Authority citation revised; section authority citations removed....7122
523.3–3 Amended....7122
523.10 (h)(5) amended....7122
545.11 (a) heading added; (b) amended....7122
545.74 (d)(4) amended....7122
545.82 (e) amended....7122
545.102 (b) revised....24135
545.115 (b) revised....18350
545.138 (f) heading added....7122
546.2 (d)(3) and (h)(1)(i) revised....9800
552 Authority citation revised; section authority citations removed....7122
552.2–2 (d) amended....7122
552.8 (b) and (f)(2) amended; (f)(1) revised....7122
552.13 (h)(2) amended....7122
(i)(3) revised; (j)(3) amended....9800
552.14 (b) amended....7122, 9800
555 Authority citation revised; section authority citations removed....7122
555.10 Amended....7122
555.12 Amended....7122
555.17 (d)(2) amended....7122
556 Authority citation corrected....8550
556.5 (i) amended....7123
556.8 Amended....7123
561 Authority citation revised....7123
561.11a (f)(2) introductory text revised....8242
561.11f (a)(3)(ii) amended....8242
561.11g (a) amended....8242
561.13 (c) (1) and (2) amended....7123

Page

Revised....18350
561.15 (b), (d)(2), and (j) (1) and (3) amended....7123
(j)(1) correctly designated....8550
561.17 (a) amended....7123
563.4 (d)(3) amended....7123
563.6 (d) revised....8242
563.7–4 (i)(2)(iv) amended....7123
563.8 (c) heading added....7123
563.8–1 (d)(1)(v)(c) amended....7123
563.9–7 (b) amended....7123
563.9–8 (h) amended; interim....7822
(b)(1)(i), (g)(6), and (h) amended; (f) text designated as (f)(1); (b)(11), (c)(3), (f)(2), and (g)(3)(iv) added; (c)(2) and (g)(2)(v) and (3)(ii) introductory text and (A) through (C) revised....8205
Heading, (a), (c)(2) (i) and (ii), and (e)(2) revised; nomenclature change; (b)(1) introductory text and (6)(ii) and (e)(1) amended; (b)(6)(iii), (9), (10), and (11) redesignated as (b)(6)(iv), (10), (11), and (12); new (b)(6)(iii) and (9) and (f)(3) added....23802
563.13 (b)(4)(i)(E) revised....23641
Nomenclature change....23802
(b)(4)(ii)(D)(*2*)(*iii*) amended; (b)(4)(ii)(D)(*2*)(*iv*) redesignated as (b)(4)(ii)(D)(*2*)(*v*); new (b)(4)(ii)(D)(*2*)(*iv*) added; (b)(4)(ii)(E)(*2*) and (F)(*2*) revised....23803
563.13–1 (e) introductory text amended....7123
563.13–2 (a)(4) and (e)(1)(i) amended....23802
563.17–1 (c)(8) amended....7123
(c)(8) corrected....8550
563.17–4 (g) removed....18351
563.17–7 Added....2860
OMB number....3207
563.22 (b) amended; (d) and (e)(1)(i) revised....9800
563.23–1 (f)(3)(i) revised....7123
(a) and (b) revised; (f) removed; (g) redesignated as new (f)....18351
563.23–2 Removed....18351
563.23–3 (c) revised; (d) added....18352
563.27 (b) amended....7123

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

Page

563.35 (b) and (d) introductory text amended....7123
563.37 (b) amended....23802
563.38 (a) amended....23802
563.39 (b) (2) and (3) revised....4892
563.43 (b)(5) amended....7123
563.45 (c) and (d) amended....7123
563b Authority citation revised....7123
563b.1 (a)(2) removed; (a)(1) designation removed....7123
Amendatory instruction corrected....8550
563b.2 (a)(19) revised....7123
563b.101 Form PS amended....7124
563c Authority citation revised....7124, 18352
563c.14 (f) added....18352
563c.102 Amended....7124
Corrected....8550
564 Authority citation revised....7124
564.9 (b) amended....7124
(b) revised....10558
569 Authority citation revised....7124
569.3 (b)(2) amended; (c)(2) removed; (c)(1) designation removed....7124
570 Authority citation revised....18352
570.4 Heading and (a) revised....18352
571 Authority citation revised; section authority citations removed....7124
Authority citation revised....23941
571.5 (a) revised....23941
571.8 Amended....7124
572 Authority citation revised....7124
572.1 (c)(2) and (e)(3) amended....7124
572a Authority citation revised....9801
572a.5 (c)(5) amended....9801
574 Authority citation revised....7124
574.2 (a)(2) revised; (k)(2) amended....9801
574.3 (c)(2)(iii) amended....7124
(c)(2)(iv)(A) revised....9801
574.4 (d)(5) revised....9801
574.5 (a)(1) revised....9801
574.6 (a)(3) revised; (e) and (f)(2) amended....9801

Page

574.7 (e), (f), (g)(1)(ii) introductory text and (iii) revised....9801
574.8 (a)(3)(iv) revised....9802
584 Authority citation revised; section authority citations removed....7124
584.2–1 (a) and (b)(1)(v) amended....7124
584.4 (a) amended....7124
584.6 (c)(1) amended....7124

Chapter VI—Farm Credit Administration

602.250 (a) introductory text, (5) and (8) revision eff. 5–6–86....2105
605 Authority citation revised....18200
605.502 (d), (f) and (j) revised....18200
611.1140 (b) introductory text, (1)(ii) and (2)(v), (vi) (B), (C), (F), and (H) and (4) (i), (ii) and (iii) revised; (b)(1)(iii) added (effective date pending)....12142
Eff. 5–20–87....19129
611.1142 (i) introductory text, (3) and (l)(3) revised; (l)(10) added (effective date pending)....12143
Eff. 5–20–87....19129
614.4366 (e) revised (effective date pending)....12147
Eff. 5–20–87....19129
614.4367 (a) introductory text revised; (g) and (h) added (effective date pending)....12147
Eff. 5–20–87....19129
614.4440 (c) revised (effective date pending)....12147
Eff. 5–20–87....19129
614.4442 (b) revised (effective date pending)....12147
Eff. 5–20–87....19129
614.4443 Existing text designated as (a); (b) added (effective date pending)....12147
Eff. 5–20–87....19129
620 Addition eff. 5–6–86....2105
Hearings....8581
620.3 Technical correction....1440
621 Addition eff. 5–6–86....2105
621.2 Technical correction....1440

TITLE 12 Chapter VI—Con. Page

624 Hearings....2672
Heading and authority citation revised....13429
624.104 Introductory text revised....2671
Redesignated as 624.105; new 624.104 added....13429
624.105 Redesignated from 624.104....13429
624.110 Revised....13429
624.111 Revised....2671
624.113 (b) introductory text and (1) revised....2671
(a) and (b) introductory text and (1) revised....13429

Chapter VII—National Credit Union Administration

701.21 (c)(7) revised....8061
(a), (c) (5) and (8), and (d)(5) revised; (h) added....12368
708 Revised....12374
741 Authority citation revised....12370
741.3 Redesignated as 741.4; new 741.3 added....12370
741.4 Redesignated as 741.5; new 741.4 redesignated from 741.3....12370
741.5 Redesignated as 741.6; new 741.5 redesignated from 741.4....12370
741.6 Redesignated as 741.7; new 741.6 redesignated from 741.5....12370
741.7 Redesignated as 741.8; new 741.7 redesignated from 741.6....12370
741.8 Redesignated as 741.9; new 741.8 redesignated from 741.7....12370
741.9 Redesignated as 741.10; new 741.9 redesignated from 741.8....12370
741.10 Redesignated from 741.9....12370
748 Heading and authority citation revised....2861
748.2 Added....2861
(b) revised....8062

Title 12—*Proposed Rules:*

3....23045
16....23456
211....21564
220....13458
225....543, 3447, 4629, 5119, 9304, 18703, 21564
261....10233, 13458
262....21564
309....13843
325....11476, 11660
332....7442
337....11492
350....23554
404....21569
522....12425
523....3450
545....3665
561....18369
563....80, 3665, 3669, 8207, 17406, 18043, 18369, 18386, 23845
564....3126, 8611
565....17408
571....5782, 7887, 18369, 18386, 23181
588....23181
611....13694
612....11080
614....21073
705....12427
790....19152

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

101.3-2 Amended....18352
121.2 Existing Table designated as Table 2; (d) and new Table 1 added; interim emergency....399
Table 1 corrected....2400, 6133
(c)(2) table corrected....21497

Chapter III—Economic Development Administration, Department of Commerce

309.3 (f) and (m) revised; interim....21932
311 Authority citation revised....11627
311.1 (a)(5) added; (c) revised....11627
311.3 (d) revised....11627

Title 13—*Proposed Rules:*

102....18570
120....19155
121....8261
142....19156

Page

143....21820, 23627

TITLE 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

15 Added....18171
21 Special FAA conditions corrected....656
Authority citation revised; section authority citations removed....1835
Special FAA conditions amended....3416, 11629, 23026
21.17 (b) through (d) redesignated as (c) through (e); new (b) added; new (d) introductory text and (2) amended....8042
21.19 (b) introductory text amended....1835
21.21 Heading and introductory text amended....1835
Heading and introductory text revised....8042
21.23 Removed....8042
21.27 (a) and (f) table amended....1835
(f) table corrected....7262
21.31 (c) revised....8042
21.37 Amended....1835
21.39 (a) amended....1835
21.50 (b) revised....8042
21.73 (c) amended....1836
21.93 (b)(3) amended....1836
21.175 (a) amended....1836
(a) revised....8043
21.183 Heading and (e)(2) amended....1836
Heading revised....8043
21.195 (b) amended....1836
21.213 (c) amended....1836
21.231 (a) (2) through (5) redesignated as (a) (3) through (6); new (a)(2) added....1836
21.327 (f)(2) amended....1836
23 Special FAA conditions corrected....656
Heading revised....1825
Special FAA conditions amended....11629
23.1 (a) revised....1825
23.3 (a) introductory text, (b) introductory text, and (c) revised; (d) redesignated as (e) and revised; new (d) added....1825
23.25 (a) introductory text revised; (a)(2) amended....1825
23.45 (a) revised; (f) added....1826
23.51 (b) and (c) removed; (d) and (e) redesignated as (b) and (c); new (d) added....1826
23.53 Added....1826
23.55 Added....1826
23.57 Added....1827
23.59 Added....1827
23.61 Added....1827
23.65 (d) added....1827
23.67 (a), (b) and (c) amended; (e) added....1827
(e)(3) introductory text corrected....7261
23.75 (g) added....1828
23.77 (a) and (b) amended; (c) added....1828
23.161 (b) and (c) introductory text and (3) revised....1828
23.173 (b) revised....1828
23.175 (b)(2) introductory text revised....1828
23.333 (b)(3) amended; (c)(1)(iii) added; (d) diagram revised....1829
23.335 (a)(1)(i) and (b)(2)(i) revised; (d) added....1829
23.337 (a)(1) and (b)(1) amended....1829
23.349 (a)(2) revised....1829
23.397 (b) table footnote 1 amended....1829
23.443 (b) and (c) redesignated as (c) and (d); new (b) added....1830
(b) corrected....7262
23.572 Heading revised; (a) amended; (b) added....1830
23.677 (d) added....1830
23.721 Added....1830
23.783 (c) added....1830
23.785 (g) revised....1830
23.787 (g) added....1830
23.803 Added....1831
23.807 (d) added....1831

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

TITLE 14 Chapter I—Con. Page

23.815 Added....1831
23.831 Existing text designated as (a); (b) added....1831
23.851 Added....1831
23.853 (d) and (e) redesignated as (e) and (f); (d) added....1831
23.901 (b)(3) added....1832
23.903 (d) text redesignated as (d)(1); (d)(2) added; (e)(2) revised....1832
23.933 (d) added....1832
23.963 (f) added....1832
23.997 (e) added....1832
23.1163 (d) added....1832
23.1165 (f) added....1833
23.1193 (g) added....1833
23.1195 Added....1833
23.1197 Added....1833
23.1199 Added....1833
23.1201 Added....1833
(a) corrected....7262
23.1203 Amended....1833
23.1305 (f), (h) and (k) revised....1833
23.1309 (d) added....1833
23.1323 (c) and (d) added....1834
23.1325 (f) added....1834
23.1351 (a)(2), (b) (2), (3) and (4), and (d) revised; (b)(5) added....1834
23.1523 (a) revised....1834
23.1581 (e) added....1834
23.1583 (a)(3), (c) (3) and (4), and (e)(4) added....1834
23.1585 (h) added....1835
23.1587 (d) added....1835
23 Appendixes F and G amended....1835
25 Special FAA conditions amended....3416, 23026
25.853 Comment time extended....5422
25 Appendix F comment time extended....5422
36 Authority citation revised; section authority citations removed....1836
36.1 (a)(2) and (e) amended....1836
36.9 Heading and introductory text amended....1836
36.501 (Subpart F) Heading amended....1836
36.501 (a)(2) amended....1836
36.1581 (d) amended....1836
36 Appendix F amended....1836

Page

39.13 ....517, 519–524, 1319, 1320, 1441–1443, 2216–2218, 2511, 2512, 2673, 2674, 2676, 3108–3112, 3419–3422, 3424, 3426, 3596–3600, 3793, 3998–4000, 4278–4281, 4605–4607, 4764–4767, 4892, 5074, 5437, 5438, 5531, 5944–5947, 6134, 6135, 6777, 6778, 6953–6956, 7405, 7564–7567, 7823, 8063, 8582, 8583, 8873, 9121, 9294, 9470, 9471, 10044, 10218–10220, 10558, 10736, 10737, 11631–11639, 11985–11987, 12517–12519, 13232–13234, 13633, 13635, 13636, 15303, 15709, 16830, 16831, 17551, 17748–17750, 17936, 17937, 18549, 18551, 18902, 19131, 19306, 19481–19485, 20699–20702, 21243–21245, 21498, 21660, 22630, 23427, 23428, 23643–23645, 23942–23948, 24136–24142
Corrected....3079, 6286, 7568
43 Authority citation revised....3390
43.13 (c) heading and text amended....20028
43 Appendix F revised....3390
Appendix F corrected....6651
Appendix A amended....17277
61.107 (d)(1) and (f)(1) revised....17277
61.113 (a), (b) and (c) amended; (d) and (e) added....4846
61.127 (f)(1) revised....17277
61.131 (a) and (b) amended; (c) and (d) added....4847
65 Authority citation revised; section authority citations removed....17518
65.31 (c) revised....17518
65.33 (d) revised....17519
65.49 (a) revised....17519
71.123 ....4130, 4893, 5948, 8243, 11033, 17552, 18903, 21248
Corrected....3079, 7262
71.125 21247
71.127 Corrected....3079
71.151 ....5078, 11034, 21247, 21500
Technical correction....7370
71.171 ....525, 775, 2219, 5439, 9122, 10045, 11816, 15710, 15711, 19133, 21499, 23429
Corrected....19132
71.181 526,

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

Page

1626, 3601, 4282, 5439, 5440, 6136, 6137, 6778, 7406, 7407, 8243, 8874, 10559, 11816, 15710–15713, 17553, 17938, 18551, 19132, 19837, 20703, 21246, 21499, 22631, 23429, 23430
Corrected...12900, 19132, 20194, 23138
71.203 21248
71.207 21248
71.401 ....4894, 11031
Corrected....7369
71.501 ....1423, 1430, 4487, 7395, 9383, 11183, 15480
Corrected....4079, 4608, 17366
Technical correction....13173
73.21 21249
73.22 4131
73.23 ....4895, 10560, 11034, 17394
Corrected....7370
73.25 ....4895, 21500
73.29 21249
73.30 ....18552, 21250
Corrected....19962
73.32 21247
73.34 11034
73.41 10560
73.42 16833
73.44 21250
73.48 10560
73.53 21250
73.55 5078
Technical correction....7370
73.66 8874
73.71 21250
75.100 ....5079, 18903, 21247, 21248, 21251, 21252
91 Authority citation revised....1836
Authority citation revised; section authority citations removed....9636
Special FAA Reg. 50 added....9775
Special FAA Reg. 50 corrected....18689
Special FAA Reg. 50 redesignated as FAA Reg. 50–1 and revised....22743
91.24 (a) and (b) revised....3391
91.35 Introductory text and (a) through (d) redesignated as (a) introductory text and (1) through (4); new (b) added....9636
91.90 (b)(2)(iii) revised....3391
91.161 (b) revised....20028

Page

91.173 (a)(1) amended....17277
91.213 (a)(3) added....1836
93.101—93.105 (Subpart H) Removed....19254
95 ....4132, 10739, 19839
97.21—97.35 ....662, 2220, 3427, 4610, 5949, 8244, 10046, 12520, 13637, 17395, 19841, 21501, 23431
121 Authority citation revised....3391
Authority citation revised; section authority citations removed....9636, 20957
121.3 (i) added....20028
121.312 Comment time extended....5422
121.337 Revised....20957
121.343 Revised....9636
121.345 (c) revised....3391
121.417 (c) revised; (d) redesignated as (e); new (d) and (f) added....20958
121.589 Revised....21476
121 Appendix B amended....9637
125 Authority citation revised; section authority citations removed....9637
125.1 (e) amended....6957
(d) and (e) removed; (a) and (b) (1), (3), and (4) revised....20028
125.11 (a) revised; (c) added....20028
125.202 Added....9637
127 Authority citation revised....3392
127.123 (b) revised....3392
129 Heading revised....20029
129.1 Revised....20029
129.11 (a) introductory text revised; (a)(4) and (c) added....20029
129.14 Added....20029
129 Appendix A amended....20029
135 Authority citation revised....3392
Authority citation revised; section authority citations removed....9637
Special FAA Reg. 50 added....9775
Special FAA Reg. 50 corrected....18689
Special FAA Reg. 50 redesignated as FAA Reg. 50–1 and revised....22743
135.11 (c) added....20029

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

TITLE 14 Chapter I—Con. Page

135.143 (c) revised....3392
135.151 (a) introductory text revised; (b) redesignated as (c); new (b) added....9637
135.169 (a) and (b) introductory text revised; (b) (5) and (6) amended; (b)(7) added....1836
135.363 (j) added....1836
135.398 Added....1836
159 Authority citation revised....21504, 21910
159.79 Revised....21504
(a)(1)(i) corrected....23762
159.89 (a) revised; (c) added....21504
159.181 Revised....21910
Technical correction....23762
159.183 Revised....21911
Technical correction....23762
159.184 Added....21911
Technical correction....23762
159.185 Revised....21911
Technical correction....23762
171 Policy statement....20703

Chapter II—Office of the Secretary, Department of Transportation (Aviation Proceedings)

211 Authority citation revised....5442
211.30—211.35 (Subpart D) Added....5442
241 Nomenclature change (OMB numbers)....9132
Sec. 7 amended....9129
Sec. 12 amended....9129
Sec. 19-7 revised....6529
Sec. 19-7 Appendix A added....6530
Sec. 21 (b), (d) and (l) revised....9130
Sec. 22 (a) tables revised....9130
Sec. 23 amended....9131
Sec. 24 amended....9131
Sec. 25—Sec. 26 undesignated center heading revised....9132
Sec. 25 Schedule T-7 removed....9132
Sec. 26 removed....9132
272 Added....5443
300.2 (e) revised....18904
Technical correction....21150
302.8 (g) added....5445
302.9 Revised....5445
302.1705 (c) revised....5445
385.21 Added....18905

Chapter V—National Aeronautics and Space Administration

Page

1206 Authority citation revised....18905
1206.101 (g) through (o) added; interim....18905
1206.601 (c) revised; interim....18906
1206.603 (c) revised; interim....18906
1206.700—1206.706 (Subpart 7) Revised; interim....18906
1207 Revised....22755
1215 Appendix A revised....10881
1260.104 (b) revised....12378
1260.105 (a) and (b) revised....12378
1260.109 Added....12378
1260.406 Amended....12378
1260.420 (e) added....12378
(e) correctly designated....13375
1260.514 (d) amended....12379
1260.602 Revised....12379
1260.603 Amended....12379
1261.400—1261.417 (Subpart 1261.4) Revised....19487
1261.500—1261.508 (Subpart 1261.5) Added....19495
1261.600—1261.606 (Subpart 1261.6) Added....19497

Title 14—*Proposed Rules:*

1—199 (Ch. I)....1924, 5309, 8078, 8918, 22329
1....1635
21....9176, 10109, 10111, 17409, 17410, 18573, 19517, 19520
23....9176, 10109, 10111, 18573, 19517
25....5424, 17890, 19520
27....1635, 20938
29....1635, 11997, 20938
36....7618, 8050, 23144
39....435, 551-557, 1338, 1468, 3126, 4021, 4914, 4915, 5140, 5141, 5546, 6001, 6170, 6804, 6987, 7443, 7619, 8079-8082, 8263, 8264, 8612-8615, 8919, 9181, 10113, 10114, 10236-10238, 10581, 11081, 11663, 11664, 11997, 11998, 12644, 12545, 13249, 13251, 16851, 16852, 17598-17601, 17958, 17959, 18575, 19168, 20721, 20722, 21312, 21314, 21572-21575, 22329, 22331, 22786, 23461-23466, 23661-23663, 24304
61....22918

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

Page

71....81, 297, 558-560, 1925, 2545, 2722, 4348, 4629, 4916, 6002, 6805, 6988, 6989, 7279, 7444, 7445, 8730, 8920, 8921, 9182-9184, 9312, 9313, 10115, 10582, 11082, 11828, 12286, 12935, 13713, 15326, 15511, 15512, 16853-16858, 18536, 18576, 18920, 19360, 19521, 20412, 20825, 21316, 22031, 22332, 22918, 23468-23470, 24017, 24305, 24306
73....2545, 2546, 3079, 15326
75....4153, 6989, 8920-8923, 12000, 12286
91....2236, 2547, 7618, 22918, 23144
121....5424, 20560, 20982
135....2236, 20560
159....7446
215....5547
234....22046
255....22046
298....5547
382....5467, 19881
389....5547
1203....2548

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

22 Added....7

Chapter III—International Trade Administration, Department of Commerce

302 Removed....5757
303.14 (e) revised....3794
369 Supplement No. 14 added....17285
370.11 (c) revised....11640
371 Authority citation revised....2106
Export controls continued....2500
371.1 Amended....6138
371.2 (c)(11) amended....2106
371.5 (d) revised....2106
371.7 (d) added....2106
371.14 Added....5275
(c) corrected....6649, 10741
371.16 Introductory text revised....2106
371.17 Introductory text, (a)(2) heading, (e), (f) heading, introductory text, (1) (i), (ii), and (iii), and (3)(v) revised; (a)(5) added; (a)(2)(i) introductory text, (f)(1) (iv) and (v), (2) heading, introductory text, (i) and (iii), and (3) (i) and (iii) amended....23028
(a)(2) heading and (i) and (f) introductory text, (2) heading and text, and (3)(i) amended....23168
371.18 (b) (2) and (3) revised....23027
(a)(1) footnote 12 redesignated as footnote 11....23029
371.20 Added....5275
371.22 (d)(1) introductory text and (2) revised....6138
(b) introductory text footnote 13 and (4) footnote 14 redesignated as footnotes 12 and 13....23029
371 Supplement No. 1 added....5275
372 Authority citation revised....2106
372.2 (b) (1) and (4) revised; (b)(3) amended....6138
372.4 (c) revised....6138
372.9 (c) revised....664
372.11 (e)(2)(iii) amended; (e)(2)(iv) added....6138
373 Authority citation revised....2106
Export controls continued....2500
373.1 (a)(1)(iii) revised....2106
373.2 (b)(2) added....6138
(d)(3) and (e)(4)(ii) revised....22632
(b)(8) amended....23168
373.3 (d)(3)(ii)(E)(*3*)(*iii*) amended....2106
(f)(5) revised....22632
(a)(1)(ii) amended....23168
373.7 (b)(7), (d)(1), (2) (i) and (ii) and (3), and (h)(1)(ii) amended....6138
(f)(3) revised....22632
(c)(1) heading and text amended....23168
373.8 (a)(2) amended....23168
373 Supplement No. 6 amended....9149
374.2 (j) revised....3601
(a)(1) amended....5275
(a)(4) revised....23029
(a)(4)(i) amended....23168
374.6 Revised....6138
375.6 (b)(1) amended....3601
376 Export controls continued....2500

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

TITLE 15 Chapter III—Con. Page

376.8 (b)(1) (ii) and (iii) amended....23168
376.12 Revised....9149
376.14 (a) amended....5532, 11640
376.17 Added....776
377.6 (d)(2) amended....2106
379 Authority citation revised....2106
Export controls continued....2500
379.4 (e) (1) and (2) amended....2106
(f)(1) introductory text revised; (f)(1)(i)(P) removed....2500
(f)(1) amended....6139
(b)(5) added; interim....21505
379 Supplement No. 3 amended....2106
385 Authority citation revised....2106
Export controls continued....2500
385.1 (b)(2) amended....9151
385.2 (c) removed....2501
385.4 (c)(9) (i) and (iii) amended; (a)(13) added....2107
(f) amended....2501
(d)(2) amended; (d)(4) redesignated as (d)(5) and revised; new (d)(4) added....23168
(d)(2) amended....23545
385 Supplement No. 2 amended....2107
386 Authority citation revised....2106
386.1 (c)(2)(i) amended....6139
386.3 (r)(2) amended....6139
386.6 (a)(1)(ii) amended....5275
386.7 Revised....664
386 Supplement No. 1 revised....6139
387 Authority citation revised....2106
389 Authority citation revised....2106
389.2 (b)(1) amended....6139
399 Interpretation....405
Authority citation revised....2106
Export controls continued....2500
399.1 Supplement No. 1, Group 0 amended....2501
Supplement No. 1, Group 1 amended....2501
Supplement No. 1, Group 3 amended....666, 2501, 3602, 6139, 8445, 22632
Supplement No. 1, Group 4 amended....23168, 23545
Supplement No. 1, Group 5 amended....666, 2107, 2501, 3602, 5532, 11458, 11641, 13829, 22632, 23169, 23545
Supplement No. 1, Group 6 amended....6139, 11641, 22632, 23545
Supplement No. 1, Group 7 amended....666, 2107, 2501, 11458, 22632
Supplement No. 1, Group 9 amended....5533
399.2 Supplement No. 1 amended....2501, 8445
Supplement No. 1 corrected....23170

Chapter VIII—Bureau of Economic Analysis, Department of Commerce

801.9 (a) revised....19843
801.10 Added....19843
806.14 (f) (1) and (2) revised....8446
806.15 (h) (1) and (2) revised....8446

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce

904 Revised....10325
908.9 Revised....4896
908.11 (a) revised....4896

Title 15—*Proposed Rules:*

4....15327
7....11498
24....21820, 23627
30....13714
280....11498
368....10771
371....8265
374....8265
399....8265, 9241
801....5785

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

3.22 (a), (b), (c), and (e) revised....22293
3.24 (a)(2) revised....22293
3.45 (b) and (d) revised; (e) added....22293
3.46 (a) revised....22294
3.51 (c)(1) revised....22294
3.52 (f) through (j) redesignated as (g) through (k); new (f) added....22294
4.9 (b)(5) introductory text and (c) heading revised; (c)(2) redesignated as (c)(3); new (c)(2) added....22294
13 Amended....253, 254, 2513, 3221, 3602, 5079, 6540, 7407, 8446, 9294, 9655, 12379, 12900, 16234
Corrected....656
305.9 (a) Table 1 revised....22633
436 Existing regulations unchanged....18353
455 Staff compliance guidelines....18553
Staff compliance guidelines corrected....19845
702.1 (c) revised; (g) removed....7574
702.3 (a) revised....7574
801.1 (b) introductory text, (1), and (2) revised; existing Example designated as 1; Examples 2, 3, and 4 added....20063
801.4 (b) *Example* 1 revised....7080
801.11 (a) revised; (e) added....7080
801.12 (b)(1) revised....7081
801.13 (a)(1) and (b)(2)(ii) revised; (a)(2) *Example* 4 and (3) added....7081
801.15 (a)(2) and (c) *Example* 4 revised....7081
801.30 (b) *Example* 3 revised....7082
801.40 *Example* revised....7082
802.35 Added....7082
802.41 *Example* 1 revised....7082
802.70 Revised....7082
803.5 (a)(1)(iii) revised; (a)(2) *Example* designated as (a)(2) *Example* 1; (a)(2) *Examples* 2 through 5 added....7082
803.10 (a)(2) redesignated as (a)(3) and revised; new (a)(2) added....7083
803 Appendix revised....7084

Chapter II—Consumer Product Safety Commission

Page

1019 Existing regulations unchanged....5080
1034 Correctly designated....405
1109 Existing regulations unchanged....5080
1115 Existing regulations unchanged....5080
1201 Existing regulations unchanged....5080
1202 Existing regulations unchanged....5080
1205 Existing regulations unchanged....5080
1207 Existing regulations unchanged....5080
1209 Existing regulations unchanged....5080
1212 Existing regulations unchanged....5080
1301 Existing regulations unchanged....5080
1302 Existing regulations unchanged....5080
1303 Existing regulations unchanged....5080
1304 Existing regulations unchanged....5080
1305 Existing regulations unchanged....5080
1401 Existing regulations unchanged....5080
1402 Existing regulations unchanged....5080
1404 Existing regulations unchanged....5080
1750.7 (b) correctly designated....406

Title 16—*Proposed Rules:*

13....1926, 3252, 6003, 6172, 6806, 8461, 12430, 12546, 17602, 17960, 20096, 20723, 22789
424....2115
456....2723
703....9314, 13715
801....7095
802....7095
803....7095
1015....17767

CHANGES JANUARY 2 THROUGH JUNE 30, 1987

CHANGES APRIL 1, 1987 THROUGH JUNE 30, 1987

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Futures Trading Commission

Page

1.42 (a) revised....18910
5 Appendix B amended....22635
11 Appendix A added....19501
15.03 (a) revised....18910
16.00 (a)(3) removed....18910
31 Appendixes A and B amended....22635
140.735–4 (b) (1) and (2) revised....20592
(b)(1)(iii)(B) corrected....22415
145 Authority citation revised....19307
145.7 (e) through (i) redesignated as (f) through (j); new (e) added....19307
145 Appendix B revised; Appendix B authority citation removed....19308

Chapter II—Securities and Exchange Commission

200.19b Revised....12148
200.30–3 (a)(6) revised....19856
200.30–4 (a)(7) revised....12148
200.30–5 (a)(8) revised....18690
200.80—200.83 (Subpart D) Authority citation revised; section authority citations removed....24146
200.80 (a)(1)(iv), (2) introductory text, and (3), (b) introductory text, (d)(5), (7)(i), and (8) introductory text, and (e)(5) amended; (b)(7)(i), (c)(1) introductory text, (d) (1), (2), (4), and (6)(ii), and (e) (1), (2), (4), and (7) introductory text revised; (e) (8) through (14) added; (f) removed; interim....24146
200.80b (a) removed; (b) amended and designation removed; interim....24148
200.80c Heading and (a) amended; (b) revised; interim....24148
200.80d Revised....24148
200.80e Revised....24148

Page

203.7 (a) revised....12148
210.6–07 Amended....23172
211 Interpretative releases....17396, 18200, 21933
229.10 (c)(1)(iii) amended....21260
229.304 Instructions amended....21939
229.501 (c)(8) revised....21260
229.502 (d)(2) revised....21260
229.512 (j) added....21260
(h) heading and introductory text amended....21939
229.601 Instruction 1 (Item 601) revised....21260
230.423 Amended....21260
230.424 (a), (b), (c), and (e) revised; (c) Note added....21260
230.439A Added....21261
230.481 (b)(2) and (d)(2) revised....21262
230.482 (a)(4) added....21262
230.497 (h) added....21262
230.499 (c)(7) amended....21262
239.13 Form S–3 amended....21262
239.16b Form S–8 amended....21262
239.25 Form S–4 amended....21262, 21938
239.33 Form F–3 amended....21263
239.34 Form F–4 amended....21263, 21939
240 Authority citation amended....16838
240.10a–1 (a)(1)(ii) revised....24152
240.11Aa2–1 Revised....24153
240.11Aa3–1 (a) (4), (5), and (6) and (b)(1) revised; (b)(2) (i) through (vii) redesignated as (b)(2) (ii) through (viii); new (b)(2)(ii) revised; new (b)(2)(i) added....24153
240.11Ac1–1 (a)(16) revised; (a)(19) removed; (a) (20) and (21) redesignated as (a) (19) and (20)....24153
240.14a–1 (b) through (j) redesignated as (c) through (k); new (b) added....23648
240.14a–2 Heading, introductory text, (a) introductory text and (b) introductory text amended....21936
240.14a–6 (j) introductory text revised....21936
240.14a–8 (c)(1) amended....21936
240.14a–11 (b)(5) amended....21936

TITLE 17 Chapter II—Con. Page

240.14a-13 (a)(1)(i)(B), (ii)(A), (2) and Note 1, and (b)(3) revised; (a)(1)(i)(D) and (d) added 23648
240.14a-14 Added 21936
240.14a-101 Amended 21263, 21937
240.14b-1 (a) introductory text revised 23649
240.14b-2 (a)(1), (b) introductory text, (e)(1), (h) introductory text and (i) Note 2 revised; (c)(1)(i)(b) correctly designated as (c)(1)(i)(B); (j) added 23649
240.14c-1 (b) through (i) redesignated as (c) through (j); new (b) added 23649
240.14c-7 (a)(1)(i)(A) and Note 1, (b)(3), and (c) revised; (a)(1)(i)(C) and (d) added 23649
240.15b1-3 (b) revised 16838
240.15b2-2 (a) and (b) revised 16838
240.15c3-1 (a)(9) and (c)(2)(iv)(H) added; (c)(2)(iv)(F) (*1*), (*2*), and (*3*) revised 22298
240.15Ca1-1—240.15Cc1-1 Undesignated center heading added 16839
240.15Ca1-1 Added 16839
240.15Ca2-1 Added 16839
240.15Ca2-2 Added 16839
240.15Ca2-3 Added 16840
240.15Ca2-4 Added 16840
240.15Ca2-5 Added 16840
240.15Cc1-1 Added 16841
240.17a-3 (a)(4) (v) and (vi), (5) and (8) revised; (a)(4)(vii) added 22299
240.17a-13 (b) (1), (2), and (3) revised 22299
240.31-1 (f) revised 24153
241 Interpretative releases 11458
249.501 Form BD amended 16841
249.501a Form BDW revised 15492
Revised 16844
270.6e-3(T) Revised 11208

Chapter IV—Department of the Treasury

Chapter IV Chapter established 19682
400—499 (Subchapter A) Added 19682
400 Added 19682
401 Added 19685
402 Added 19687
402.2a Schedules B and C correctly revised 23141
403 Added 19702
404 Added 19706
405 Added 19708
449 Added 19710
450 (Subchapter B and Part) Added 19711

Title 17—*Proposed Rules:*

3 19522
4 19522
33 22333
140 19522
210 11665
229 ..... 13715, 24018
239 11665
240 ..... 11083, 11089, 11665, 18237, 19885, 22334, 22493, 23665, 23849, 23855, 24018
249 ..... 17301, 24018
250 23679
270 ..... 22334, 22496
274 24018
279 11665

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Energy Regulatory Commission, Department of Energy

2.400 Undesignated center heading and section added 19310
Undesignated center heading correctly added 21410
4.38 Rehearing denied 13234
4.41 Rehearing denied 13234
4.51 Rehearing denied 13234
4.61 Rehearing denied 13234
11.1 (a) (2) and (4) and (b) (2), (3) and (4) revised; (b)(6) removed 18208
11.2 (b), (c), and (d) revised 18209
11.3 (c) revised 18209
11.4 (b) revised 18209
11 Schedule A added 18210
16 Authority citation revised 11039
16.1 Revised; interim 11039
16.14 Added; interim 11039
16.15 Added; interim 11039
16.16 Added; interim 11039

Page

(c)(1) revised; (d)(1) suspended; interim 18228
35 Authority citation revised 23965
35.26 Revised 23965
37.9 (d) table revised 13638
154 Authority citation revised 21292, 21668
154.38 (h)(3)(v) amended 15714
(d)(6) added 21292
Clarification 23650
Technical correction 24153
154.94 (k)(4) revised 21668
270.201 (a) (5) through (7) redesignated as (a) (6) through (8); new (a)(7) revised; new (a)(5) and (b)(5) added 21677
271 Authority citation revised 21668, 23030
271.101 (a) Tables I and II amended 15714
271.102 (c) Table III amended 15715
271.703 (d)(111)(iii) added 10741
271.1104 (d)(1)(iv) revised; (h) added 21668
(h) correctly revised 23030
282 Order 15715, 19856
284.225 Revised 21678
284.226 Revised 21679
300.1 (a) revised 20709
300.14 Added 20709
300.21 (c)(2) revised 20709
375 Authority citation revised 18562, 21292
375.306 (j) added 21292
Clarification 23650
Technical correction 24153
375.307 (a)(18) added 18562
(w) added 21292
Clarification 23650
Technical correction 24153
375.308 (v) added 21292
Clarification 23650
Technical correction 24153
381 Authority citation revised 10367
381.201 Amended 10367
381.202 Amended 10367
381.204 Amended 10367
381.205 Amended 10367
381.207 (b) amended 10367
381.208 Amended 10367
381.209 (b) amended 10367
381.302 (a) amended 10367
381.303 (a) amended 10367
381.304 (a) amended 10367
381.401 Amended 10367
381.402 Amended 10367
381.403 Amended 10367
381.405 Amended 10367
381.505 Amended 10367
381.506 Amended 10367
381.507 Amended 10367
381.508 Amended 10367
381.509 Amended 10367
381.510 Amended 10367
382 Added 21292
Clarification 23650
Technical correction 24153
385.401—385.411 (Subpart D) Petitions for rehearing granted 16844
389.101 (b) table amended (OMB numbers) 18228

Chapter III—Delaware River Basin Commission

410 Water Code amended 16239
Water Code corrected 17888

Chapter XIII—Tennessee Valley Authority

1301.1—1301.4 (Subpart A) Authority citation revised 17939
1301.2 Revised 17939

Title 18—*Proposed Rules:*

2 ..... 20314, 23183
3 24027
4 ..... 10898, 19889, 21576, 23557
11 ..... 10898, 19889
12 23557
154 20828
157 ..... 18703, 20192
161 21578
250 21578
271 ..... 15731, 18577, 18578
282 20828
284 ..... 18703, 20192
292 15732
375 ..... 10898, 19889, 20828
380 ..... 20314, 23183
381 ..... 20828, 24027
388 24027
401 24307
1301 10772
1310 19734

TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury

Page

4.41 (a) amended....20066
4.98 (j) addition comment time extended....20593
6.3a (a) introductory text, (1), and (2) revised....24292
6.7 (b)(3)(ii) amended....20066
6.12 (g) amended....20066
6.16 Amended....20066
10.6 Revised....20066
10.9 (g) and (h) removed; (i) through (l) redesignated as (g) through (j)....20066
10.10 Section and footnote 8 removed....20066
10.35 (b) and (d) removed; (c) redesignated as (b)....20066
10.50 Section and footnote 45 removed....20066
10.53 (a) and (b) and footnotes 48 and 50 removed; (c) through (i) redesignated as (a) through (g); new (b), (c), and (e)(6) amended....20066
10.54 (b) and footnote 51 and (a) designation removed....20066
10.56 (f) amended....20066
10.58 (a) removed; footnote 55 removed....20066
10.64a Removed....20066
10.66 (a)(2) and footnotes 61 and 62 removed; (a) (3) and (4) redesignated as (a) (2) and (3); (b) amended....20066
10.70 (a) and footnotes 64 and 65 removed; (b) and (c) redesignated as (a) and (b); heading revised; new (a) amended....20066
10.71 (f) amended....20066
10.72 Section and footnote 66 removed....20067
10.73 Section and footnote 67 removed....20067
10.74 Section revised; footnote 68 removed....20067
10.78 (a) revised....20067
10.79 Removed....20067
10.81 (b) amended....20067
10.82 Removed....20067
10.83 (a) revised....20067

Page

10.90 (a), (b), and (d) and footnote 81 removed; (c), (e), (f), and (g) redesignated as (a), (b), (c), and (d); new (d) amended....20067
10.98 (e) amended....20067
10.101 (b) and (c) heading and text amended....20067
10.106 Section and note removed....20067
10.108 (b) and footnote 100 removed; (a) designation removed....20067
10.110 Section and footnote 103 removed....20067
18.2 (a)(2)(ii) and (c)(1) amended....20067
18.13 (b) revised....20067
19.16 Removed....20067
24 IRS interest rate....10561
24.24 (b)(1) table, (c)(6)(i), and (e)(3)(ii) corrected....10970
Addition comment time extended....20593
54.5 (a) amended....20067
54.6 (a) revised; (d) and footnote 1 amended....20067
101.3 (b) table amended....15496, 22300
101.5 Revised....16374
Effective date note corrected....18322
123.4 (b) amended....20068
123.52 (e) and (f) amended....20068
123.64 (b), (c), and (d)(2) amended....20068
123.65 (d)(2) amended....20068
127 Authority citation revised....15497
127.22 Revised....15497
133.42 (c) corrected....10668
141.11 (a)(4) amended; (a)(5) removed....20068
141.61 (a)(2), (e)(1)(i)(A), and (f)(1)(iv) and (2)(i) amended....20068
141.63 (c) added....24155
141.68 (h) amended....20068
141.111 (b)(1) and (c) removed....20068
143.23 Introductory text amended....20068
143.24 Heading and text amended....20068
143.25 Amended....20068

Page

144.42 (b) (1), (2), and (3) amended....20068
145.4 (c) amended....20068
145.12 (b)(1), (c), and (e)(1) amended....20068
146.22 (e) corrected....10970
(e) addition comment time extended....20593
148.101 Introductory text, *Example 1* text, and *Example 2* text corrected; *Example 1* table and *Example 2* table correctly revised....12149
172.2 Revised....12151
172.12 (b) revised....12152
172.23 Amended....12152
172.33 (a)(1) and (c)(2)(ii) revised....12152
177 Interpretative rule....11216
178.2 Table amendment (OMB numbers) comment time extended....20593

Title 19—*Proposed Rules:*

4....24169
101....13473, 17770
111....10774
127....12000
175....15512
201....21317

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Office of Workers' Compensation Programs, Department of Labor

10.1 Revised; eff. 6-1-87....10503
10.2 (b) revised; eff. 6-1-87....10503
10.3 (i) added; eff. 6-1-87....10503
10.4 Revised; eff. 6-1-87....10503
10.5 (a)(6), (11) (iv) through (xx), (12) and (14) through (20) and (b) revised; (a) (21) through (26) added; (c) and (d) removed; eff. 6-1-87....10503
10.10 Revised; eff. 6-1-87....10504
10.11 Revised; eff. 6-1-87....10505
10.12 Added; eff. 6-1-87....10505
10.20 (b) table amended; eff. 6-1-87....10505
10.23 Revised; eff. 6-1-87....10505
10.100 Revised; eff. 6-1-87....10505
10.101 Redesignated as 10.103 and revised; new 10.101 redesignated from 10.102 and revised; eff. 6-1-87....10506
10.102 Redesignated as 10.101 and revised; new 10.102 redesignated from 10.103 and revised; eff. 6-1-87....10506
10.103 Redesignated as 10.102 and revised; new 10.103 redesignated from 10.101 and revised; eff. 6-1-87....10506
10.104 Added; eff. 6-1-87....10506
10.105 (a) revised; (e) added; eff. 6-1-87....10507
10.106 Revised; OMB number; eff. 6-1-87....10507
10.107 Revised; eff. 6-1-87....10507
10.109 Revised; eff. 6-1-87....10507
10.110 Redesignated as 10.125 and revised; new 10.110 added; eff. 6-1-87....10508
10.111 Revised; eff. 6-1-87....10508
10.120 Revised; eff. 6-1-87....10508
10.121 Revised; eff. 6-1-87....10509
10.122 Revised; OMB number; eff. 6-1-87....10509
10.123 Redesignated as 10.124 and revised; eff. 6-1-87....10509
Added; eff. 6-1-87....10510
10.124 Redesignated as 10.126 and revised; new 10.124 redesignated from 10.123 and revised; eff. 6-1-87....10509
10.125 Redesignated from 10.110 and revised; eff. 6-1-87....10508
10.126 Redesignated from 10.124 and revised; eff. 6-1-87....10509
10.127 Added; eff. 6-1-87....10510
10.128 Added; eff. 6-1-87....10511
10.130 Revised; eff. 6-1-87....10511
10.131 Revised; eff. 6-1-87....10511
10.132 Revised; eff. 6-1-87....10511
10.133 (a) revised; eff. 6-1-87....10512
10.134 Redesignated as 10.136 and revised; eff. 6-1-87....10512
Added; eff. 6-1-87....10513
10.135 Redesignated as 10.137 and revised; new 10.135 added; eff. 6-1-87....10512
10.136 Redesignated as 10.138 and revised; new 10.136 redesignated from 10.134 and revised; eff. 6-1-87....10512

CHANGES APRIL 1, 1987 THROUGH JUNE 30, 1987

TITLE 20 Chapter I—Con. Page

10.137 Redesignated as 10.139; new 10.137 redesignated from 10.135 and revised; eff. 6-1-87....10512
10.138 Redesignated from 10.136 and revised; eff. 6-1-87....10512
10.139 Redesignated from 10.137; eff. 6-1-87....10512
10.140 Revised; eff. 6-1-87....10513
10.141 Revised; eff. 6-1-87....10513
10.144 Revised; eff. 6-1-87....10513
10.145 (c) introductory text, (d), (g), (h) and (i) revised; OMB number; eff. 6-1-87....10513
10.160—10.166 Undesignated center heading added; eff. 6-1-87....10514
10.160—10.164 Added; eff. 6-1-87....10514
10.165 Added; eff. 6-1-87....10515
10.166 Added; eff. 6-1-87....10515
10.200 Revised; eff. 6-1-87....10515
10.201 Revised; eff. 6-1-87....10515
10.202 Redesignated as 10.203 and revised; eff. 6-1-87....10515
Redesignated from 10.210 and revised; eff. 6-1-87....10516
10.203 Removed; new 10.203 redesignated from 10.202 and revised; eff. 6-1-87....10515
10.204 Revised; eff. 6-1-87....10516
10.205 Revised; eff. 6-1-87....10516
10.206 (a) revised; eff. 6-1-87....10517
10.207 Revised; OMB number; eff. 6-1-87....10517
10.208 Revised; eff. 6-1-87....10517
10.209 Revised; eff. 6-1-87....10518
10.210 Redesignated as 10.202 and revised; eff. 6-1-87....10516
10.301 (a) revised; eff. 6-1-87....10518
10.302 Revised; eff. 6-1-87....10518
10.303 Revised; eff. 6-1-87....10518
10.304 Revised; eff. 6-1-87....10519
10.305 Redesignated as 10.306 and revised; new 10.305 added; eff. 6-1-87....10519
10.306 Redesignated as 10.307; new 10.306 redesignated from 10.305 and revised; eff. 6-1-87....10519
10.307 Redesignated from 10.306; eff. 6-1-87....10519
10.310 Revised; eff. 6-1-87....10519

Page

10.311 (b) and (c) revised; eff. 6-1-87....10520
10.313 (a) revised; (c) added; eff. 6-1-87....10520
10.314 Revised; eff. 6-1-87....10520
10.320—10.324 Undesignated center heading added; eff. 6-1-87....10520
10.320 Added; eff. 6-1-87....10520
10.321 Added; eff. 6-1-87....10521
10.322 Added; eff. 6-1-87....10521
10.323 Added; eff. 6-1-87....10522
10.324 Added; eff. 6-1-87....10522
10.400 (e) revised; eff. 6-1-87....10522
10.413 Added; eff. 6-1-87....10522
10.452 (a) revised; eff. 6-1-87....10522
10.500 Revised; eff. 6-1-87....10522
10.503 Introductory text, (b), (c) and (d) revised; eff. 6-1-87....10522
10.506 Added; eff. 6-1-87....10523
10.507 Added; eff. 6-1-87....10523
10.600—10.624 (Subpart H) Added; eff. 6-1-87....10523

Chapter II—Railroad Retirement Board

200 (Subchapter A) Heading revised....11010
200 Heading and authority citation revised....11010
200.1 Redesignated as 200.2; new 200.1 added....11010
200.2 Redesignated as 200.3; new 200.2 redesignated from 200.1....11010
200.3 Redesignated as 200.4; new 200.3 redesignated from 200.2....11010
Revised....11011
200.4 Redesignated as 200.5; new 200.4 redesignated from 200.3....11010
(g) revised....13820
200.5 Redesignated as 200.6; new 200.5 redesignated from 200.4....11010
200.6 Redesignated as 200.7; new 200.6 redesignated from 200.5....11010
200.7 Redesignated from 200.6....11010
209.2 OMB number....11016
210.7 OMB number....11016

CHANGES APRIL 1, 1987 THROUGH JUNE 30, 1987

Page

216.7 OMB number....11016
216.9 OMB number....11017
216.21 OMB number....11017
216.31 OMB number....11017
216.47 OMB number....11017
216.71 OMB number....11017
217.3 OMB number....11017
217.5 OMB number....11017
217.10 OMB number....11017
230.3 OMB number....11017
234.10 OMB number....11017
234.30 OMB number....11017
260.5 OMB number....11017
260.9 OMB number....11017
266.12 OMB number....11017
320.39 OMB number....11017
322.4 OMB number....11017
325.12 OMB number....11017
325.13 OMB number....11017
330.4 OMB number....11017
335.102 OMB number....11017
335.103 OMB number....11018
335.104 OMB number....11018
335.202 OMB number....11018
341.4 OMB number....11018
345.4 OMB number....11018
345.5 OMB number....11018
345.6 OMB number....11018
345.8 OMB number....11018
359 (Subchapter E and Part) Added; interim; effective in part to 8-12-87....19133

Chapter III—Social Security Administration, Department of Health and Human Services

404.301—404.395 (Subpart D) Authority citation revised; section authority citations removed....19136
404.305 (b) revised....19136
(b) corrected....21410
404.965 Removed....17286
416.1201 (c)(1) correctly revised....16845
416.1465 Removed....17286
416.1600—416.1618 (Subpart P) Authority citation revised....21943
416.1615 (a) (2) and (3) revised; (a)(4) added....21943
416.1618 Revised....21943

Chapter V—Employment and Training Administration, Department of Labor

Page

654.400—654.417 (Subpart E) Authority citation revised....20506
654.403 Revised; interim....20506
655 Authority citation revised; subpart and section authority citations removed....20507
655.0 (a) amended; (b) and (c) removed; (d) and (e) redesignated as (b) and (c); interim....20507
655.00 Amended; interim....20507
655.000 (a) amended; interim....20507
655.1 (a) designation and (b) removed; interim....20507
655.90—655.113 (Subpart B) Revised; interim....20507
655.200—655.212 (Subpart C) Heading revised; interim....20524
655.200 (a) and (b) redesignated as (b) and (c); new (a) added; interim....20524
655.202 (b)(9)(ii) revised....11466
655.207 (c) and (d) removed; (e) redesignated as (c)....11466
656 Authority citation revised; section authority citations removed....11218, 20596
656.10 Schedule A amended....20596
656.22 (c)(2) removed; (c)(3) redesignated as new (c)(2)....20596
656.26 (c) amended; (d) through (h) removed; heading and (a) introductory text revised....11218
656.27 Revised....11218
656.27a Removed....11219
656.50 Amended....11219, 20596
656.61 Removed....20596

Title 20—*Proposed Rules:*

61....20536
62....20536
200....10384
404....13014, 19169
410....19169
416....13014, 19169
615....10774
626....23681
627....23681
628....23681
629....23681
630....23681

Title 20—*Proposed Rules—Con.* Page
631 ... 23681
654 ... 16770
655 ... 16770

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health and Human Services

2.125 (e)(11) added ... 15717
5.93 Added ... 10881
74.706 Addition effective date confirmed; (a)(1) revised ... 21508
74.1309 (a)(1) revised ... 21305
74.1706 Addition effective date confirmed; (c)(2) revised ... 21508
74.2706 Addition effective date confirmed ... 21506
74.3045 (c)(1) introductory text and (i) revised ... 15945
74.3602 Added ... 19722
81.1 (a) and (b) tables amended ... 10882
(b) table amended ... 15946, 21305
(a) table amendment effective date confirmed; (a) table amended ... 21509
81.27 (d) introductory text table amended ... 10882, 15946, 21306
(d) introductory text table amendment effective date confirmed; (d) introductory text table amended ... 21509
82.706 Revised ... 21509
172.210 (b)(4) table amended ... 18911
172.859 (a) amended ... 10883
175.105 (c)(5) table amended ... 10884, 12380
(c)(5) table corrected ... 19857
176.170 (a)(5) table amended ... 17553
(b)(2) table amended ... 19724
177.1430 Revised ... 11641
177.1520 (b) table amended ... 23804
177.1660 (c)(1) amended ... 20069
178.2010 (b) table amended ... 20070, 22301
Technical correction ... 24090
184.1639 Added ... 10886
184.1768 Added ... 10886
193.137 Existing text designated as (a); (b) added ... 17941
193.253 Table amended ... 10562
193.472 Added ... 10563
193.473 Added ... 17942
Technical correction ... 23137, 23916
201.20 (a) revised; (c) added ... 21509
201.21 Effective date deferred in part ... 12152
310.201 (a)(6) removed; eff. 5-2-88 ... 15892
312.7 Heading and (d) revised; OMB number ... 19476
Technical correction ... 23628
312.10 OMB number ... 23031
312.23 OMB number ... 23031
312.30 OMB number ... 23031
312.31 OMB number ... 23031
312.32 OMB number ... 23031
312.33 OMB number ... 23031
312.34 Text added ... 19476
Technical correction ... 23628
312.35 Added ... 19477
Technical correction ... 23628
312.36 OMB number ... 23031
312.38 OMB number ... 23031
312.41 OMB number ... 23031
312.42 (b)(3) added ... 19477
Technical correction ... 23628
312.44 OMB number ... 23031
312.45 OMB number ... 23031
312.47 OMB number ... 23031
312.53 OMB number ... 23031
312.55 OMB number ... 23031
312.56 OMB number ... 23031
312.57 OMB number ... 23031
312.59 OMB number ... 23031
312.62 OMB number ... 23031
312.64 OMB number ... 23031
312.66 OMB number ... 23031
312.70 OMB number ... 23031
312.110 OMB number ... 23031
312.120 OMB number ... 23031
312.140 OMB number ... 23031
312.160 OMB number ... 23031
336 Added; eff. 5-2-88 ... 15892
341.76 Technical correction ... 12521
369.20 Amended; eff. 5-2-88 ... 15893
369.21 Amended; eff. 5-2-88 ... 15893
442.127a (a)(1) amended ... 20710
510.600 Technical correction ... 10668, 18495, 23397
(c) (1) and (2) tables amended ... 11041, 11988, 12153, 18691, 19501, 20385, 20597
520 Technical correction ... 10668, 18495
520.314 (a) revised ... 11989
520.1193 Added ... 11042

Page
520.1242a (f)(2)(i) amended ... 20598
520.1540 Removed ... 20597
520.2455 Revised ... 15718
522 Technical correction ... 10668, 18495
522.56 Added ... 11816
(a) corrected ... 15412
522.1183 (e)(1) revised ... 18691
522.1660 (c)(1) (i) and (ii) amended ... 19502
522.1680 (b) revised ... 18691
522.1881 Added ... 23032
524 Technical correction ... 10668, 18495
524.1240 Added ... 10887
524.1580b (b) amended ... 18691
524.1580d (b) revised ... 18691
529.1044a Technical correction ... 10668, 18495
529.1044b Technical correction ... 10668, 18495
544.110 Removed ... 22438
556.420 (b) revised ... 15718
556.500 (d) revised ... 24293
558.311 (d)(5) (i) and (ii) and (e) table amended ... 16240
558.355 (f)(1)(xiii)(*b*) and (xxi)(*b*) revised ... 13641
(b)(4) and (f)(2) added ... 15718
558.360 (d)(3) amended ... 11642
558.450 (d)(1) Table 3 amended ... 24293
558.525 (a)(1) removed ... 12521
558.526 Removed ... 12521
558.625 (b) (37) and (64) removed ... 11041
(b)(7) removed ... 11988
(b)(70) removed ... 12153
561.273 (a) table amended ... 12154
561.439 Added ... 10563
561.440 Added ... 17941
561.441 Added ... 17942
Technical correction ... 23137, 23916
573 Authority citation revised ... 10888
573.920 Revised ... 10888
(c)(1) corrected ... 21001
862 Added ... 16122
864 Authority citation revised; section authority citations removed ... 17732
864.1 Revised ... 17732
864.3 Added ... 17732
864.5220 (c) added ... 17733
864.5680 (c) added ... 17733
864.7250 (c) added ... 17733
864.7300 (c) added ... 17733
864.9205 (c) added ... 17733
864.9245 (c) added ... 17733
866 Authority citation revised; section authority citations removed ... 17733
866.1 Revised ... 17733
866.3 Added ... 17733
(b) and (c) corrected ... 22577
866.2420 (c) added ... 17734
866.3290 (c) added ... 17734
866.3305 (c) added ... 17734
866.3510 (c) added ... 17734
866.6010 (c) added ... 17734
868 Authority citation revised; section authority citations removed ... 17734
868.1 Revised ... 17734
868.3 Added ... 17734
868.1120 (c) added ... 17735
(c) corrected ... 22577
868.1150 (c) added ... 17735
868.1170 (c) added ... 17735
868.1200 (c) added ... 17735
868.2450 (c) added ... 17735
868.2500 (c) added ... 17735
868.5400 (c) added ... 17735
868.5610 (c) added ... 17735
870 Authority citation revised; section authority citations removed ... 17735
870.1 Revised ... 17735
870.3 Added ... 17735
870.1025 (c) added ... 17736
870.1350 (c) added ... 17736
870.1360 (c) added ... 17736
870.3300 (c) added ... 17736
870.3375 (c) added ... 17736
870.3450 (c) added ... 17736
870.3535 (c) added ... 17736
870.3545 (c) added ... 17736
870.3600 (c) added ... 17736
870.3610 (c) added ... 17736
870.3620 (c) added ... 17736
870.3680 (c) added ... 17736
870.3700 (c) added ... 17736
870.3710 (c) added ... 17736
870.3800 (c) added ... 17736
870.3850 (c) added ... 17736
870.3925 (c) added ... 17737
(c) revised; eff. 12-9-87 ... 18163
(c) corrected ... 23137
870.4230 (c) added ... 17737
870.4260 (c) added ... 17737
870.4320 (c) added ... 17737

TITLE 21 Chapter I—Con. Page

870.4350 (c) added....17737
870.4360 (c) added....17737
870.5200 (c) added....17737
870.5225 (c) added....17737
870.5300 (c) added....17737
870.5550 (c) added....17737
874.1100 Correctly designated....18495
876 Authority citation revised; section authority citations removed....17737
876.1 Revised....17737
(d) corrected....22577
876.3 Added....17737
876.3350 (c) added....17738
876.3630 (c) added....17738
876.3750 (c) added....17738
876.4480 (c) added....17738
876.5220 (c) added....17738
876.5270 (c) added....17738
876.5280 (c) added....17738
876.5540 (c) added....17738
876.5860 (c) added....17738
876.5870 (c) added....17738
876.5955 (c) added....17738
880 Authority citation revised; section authority citations removed....17738
880.1 Revised....17738
880.3 Added....17738
880.5130 (c) added....17739
880.5760 (c) added....17739
882 Authority citation revised; section authority citations removed....17739
882.1 Revised....17739
882.3 Added....17739
882.1790 (c) added....17739
882.1825 (c) added....17740
882.5150 (c) added....17740
882.5800 (c) added....17740
882.5840 (c) added....17740
882.5850 (c) added....17740
882.5860 (c) added....17740
882.5940 (c) added....17740
882.5950 (c) added....17740
884 Authority citation revised; section authority citations removed....17740
884.1 Revised....17740
884.3 Added....17740
884.1060 (c) added....17741
884.1100 (c) added....17741
884.1185 (c) added....17741
884.2050 (c) added....17741
884.2620 (c) added....17741
884.2685 (c) added....17741
884.4100 (c) added....17741
884.4150 (c) added....17741
884.4250 (c) added....17741
884.4270 (c) added....17741
884.5050 (c) added....17741
884.5225 (c) added....17741
884.5380 (c) added....17741
884.5940 (c) added....17741
890 Authority citation revised; section authority citations removed....17741
890.1 Revised....17741
890.3 Added....17741
890.3610 (c) added....17742
890.3890 (c) added....17742
(c) corrected....22577
890.5275 (c) added....17742
890.5290 (c) added....17742
890.5300 (c) added....17742
890.5525 (c) added....17742
890.5860 (c) added....17742

Chapter II—Drug Enforcement Administration, Department of Justice

1301.11 (c) and (d) revised....20598
1301.12 Revised....20599
1301.22 (a)(10) revised....17287
1301.31 (c) revised; (d) added....20599
1306.22 Technical correction....13430
1308.11 (b) introductory text revised; (b) (1) through (48) redesignated as (b) (2) through (7), (9) and (10), (12) through (33), (35) through (40), (42) through (51), (53) and (54); new (b) (1), (8), (11), (34), (41), and (52) added; (g) (1), (2), (4), (6), (8), and (9) removed; (g) (3), (5), and (7) redesignated as (g) (1), (2), and (3)....20072
1308.12 (f)(2) added....11043
(f)(2) corrected....12285
1311.02 (d) revised....17288
1311.12 Revised....17288
1311.26 Revised....17288
1311.32 (d) revised; (e) and (f) redesignated as (f) and (g); new (e) added....17288
1311.42 (a), (b)(6) (i) and (iv) revised....17288

Page

1311.44 (a) and (b) revised; (c) through (e) redesignated as (e) through (g); new (c) and (d) added; new (f) (1) and (2) and (g) (1) and (2) revised....17288
1311.47 Revised....17289
1311.53 Revised....17289
1311.61 Revised....17289
1312 Authority citation revised....17289
1312.11 (a) and (b) revised....17289
1312.12 (a) introductory text revised....17289
1312.13 (a)(1) revised; (b) through (e) redesignated as (d) through (g); new (b) and (c) added....17289
1312.18 (a), (b), and (c)(2) revised....17290
1312.21 (a) and (b) revised....17290
1312.22 (a) revised....17290
1312.23 (b) through (d) redesignated as (d) through (f); new (b) and (c) added....17290
1312.27 (a), (b) (2) and (4) revised; (b)(5) added....17290
1312.28 (d) revised....17291
1312.30 Added....17291

Title 21—*Proposed Rules:*

102....18921
103....18922
133....12556
146....19169
161....18921
165....18922
181....18923
182....13086, 18772
184....13086, 18772
186....13086, 18772
310....13107, 23184
312....12431
357....12114, 15732
561....12193
862....16139
880....19735
1240....22340
1301....11091

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

2a Added....12155
41.91 (a)(9)(iii) and (10)(i) revised; interim....17943
42.91 (a)(9)(iv) and (10)(ii) revised; interim....17943
43 Addition confirmed....17948
43.3 (b) amended....17949

Chapter II—Agency for International Development, International Development Cooperation Agency

212 Authority citation revised....11817
212.35 Revised; interim....11817
212.41 (g) revised; interim....11818
212.42 Added; interim....11819
224 Added; interim....13071
Removed; interim....20385

Chapter III—Peace Corps

309 Added....15719

Title 22—*Proposed Rules:*

41....12001, 20725, 22628
135....21820, 23627
171....12936, 15513
224....20413
514....20097
526....22791

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

668.101—668.113 (Subpart A) Revised....21948

Title 23—*Proposed Rules:*

650....11092, 20726
655....11502

TITLE 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

15 Authority citation and heading revised....12160
15.1 (g), (h) and (i) added....12160
15.2 Revised....12160
15.72 Revised....12160
15.73 Revised....12160
15.74 Revised....12161
15.81 (Subpart I) Redesignated as 15.91 (Subpart J)....12161

TITLE 24 Subtitle A—Con. Page
15.81—15.86 (Subpart I) Added..... 12161
15.91 (Subpart J) Redesignated from 15.81 (Subpart I)..... 12161
25.9 (e) revised..... 15304

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

115 List of jurisdictions..... 15304

Chapter II—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

201 High-cost limits.....11643, 17397
203 High-cost limits.....11643, 17397
232.560 (a) revised..... 17751, 18228
234 High-cost limits.....11643, 17397
235.9 (a) revised..... 17752, 18229
235.540 (a) revised..... 17752, 18229
243 Authority citation corrected..... 17949
243.1 (a) corrected..... 17949
255.107 (c) amended..... 16241
255.405 Redesignated from 255.406..... 16241
255.406 Redesignated as 255.405..... 16241
255.706 (g) revised..... 16241
255.801 Amended..... 16241
255.820 Amended..... 16241
255.824 Amended..... 16241

Chapter V—Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

511.11 (f)(3)(iii)(B) corrected.....11598
511.32 Suspended..... 11467

Chapter VIII—Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Section 8 Housing Assistance Programs and Section 202 Direct Loan Program)

842 Authority citation corrected..... 17949
842.1 (a) corrected..... 17949
882.408 (c)(1) revised..... 19725
888 Schedules B and D revised..... 15632
Schedules B and D amended..... 24387

Chapter IX—Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development

942 Authority citation corrected..... 17949
942.1 (a) corrected..... 17949

Chapter XX—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

3283.102 (c) and (d) revised.....11644

Title 24—*Proposed Rules:*

85..... 21820, 23627
111..... 21820, 23627
200.....11686, 21596, 21961
203..... 21961
221..... 21961
222..... 21961
226..... 21961
234..... 21961
235..... 21961
247.....16403, 23761
511..... 21820, 23627
570..... 21820, 23627
571..... 21820, 23627
575..... 21820, 23627
850..... 21820, 23627
886.....16403, 23761
888..... 24172
905.....10668, 21820, 23627
941..... 21820, 23627
968.....10668, 21820, 23627
990..... 21820, 23627
3280..... 17896
3282..... 17411

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

118 Removed..... 15722
120 Removed..... 11468
244 Revised..... 23806

Chapter IV—Navajo and Hopi Indian Relocation Commission

Page
700 Authority citation revised..... 21951
700.183 (a) revised; interim..... 21951

Title 25—*Proposed Rules:*

22..... 17988
40..... 11503
76..... 20727
151..... 23560

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

1 Authority citation amended.....10744, 12162, 15308, 23433
Proclamation..... 18562
1.32-1T Added (temporary)..... 22302
Technical correction..... 23398
1.42-1T Added (temporary)..... 23433
1.56-1 Redesignated as 1.56A-1 and (b)(2)(ii) amended.....15309
1.56-2 Redesignated as 1.56A-2.....15309
1.56-3 Redesignated as 1-56A-3 and (b) and *Example* amended.....15309
1.56-4 Redesignated as 1.56A-4.....15309
1.56-5 Redesignated as 1.56A-5 and (b)(2) flush text, (e)(5), and (h) *Example* (*4*) amended.....15309
1.56A-1 Redesignated from 1.56-1 and (b)(2)(ii) amended.....15309
1.56-0T Added (temporary)..... 15309
1.56-1T Added (temporary)..... 15310
1.56A-2 Redesignated from 1.56-2..... 15309
1.56A-3 Redesignated from 1.56-3 and (b) and *Example* amended.....15309
1.56A-4 Redesignated from 1.56-4..... 15309
1.56A-5 Redesignated from 1.56-5 and (b)(2) flush text, (e)(5), and (h) *Example* (*4*) amended.....15309
1.57-4 (b) introductory text and (2)(ii) flush text and (e) *Example* (*5*) amended..... 15309
1.57-5 (b) amended..... 15309
1.58-7 (c)(1)(iii) *Example* (*4*), (2) *Example* (*3*), and (4) amended.....15309
1.149(e)-1T (e)(3) (ii) and (iii) corrected..... 10368
1.448-1T Added (temporary)..... 22766
1.448-2T Added (temporary)..... 22774
1.924(c)-1T Removed..... 10742
1.924(d)-1T Removed..... 10742
1.924(e)-1T Removed..... 10742
1.1402(e)-5T Added (temporary)..... 12162
1.6045-3T Added (temporary).... 10744
1.6655-7T Added (temporary).... 15320
31 Authority citation amended..... 21511
31.6053-3 (f)(1)(iv) amended; (j)(19) added; (b)(5), (h), and (j)(9) revised..... 21511
31.6053-3T Removed..... 21511
31.6053-4 Added..... 21513
31.6053-4T Removed..... 21511
35a Authority citation amended..... 13432
35a.3406-1 Heading added..... 13432
35a.3406-2 Added..... 13432
54.6011-1T Added (temporary)..... 10563
54.6071-1T Added (temporary)..... 10563
301.6011-2 (f) revised..... 19137
301.6402-6T (b) revised (temporary)..... 17950
602.101 Correctly designated..... 10368
(c) table amended (OMB numbers)..... 10564, 10748, 12163, 13437, 15320, 21513, 23440
602.106 (c) table amended (temporary)..... 22777

Title 26—*Proposed Rules:*

1.0-1—1.60..... 15339, 22345, 23471
1.61—1.169..... 18579, 22716
1.401—1.500..... 22795
1.641—1.850..... 18578
1.1201—end..... 10774, 12194, 23308
54..... 10583
301..... 17989
602.....10583, 10774, 18579, 23308, 23471

CHANGES APRIL 1, 1987 THROUGH JUNE 30, 1987

TITLE 27—ALCOHOL, TOBACCO PRODUCTS AND FIREARMS

Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury

Page

9.48 (c) revised....23652
9.61 (c)(12) revised; (c) (13) through (15) redesignated as (c) (17) through (19); new (c) (13) through (16) added....23651
9.109 Added....13082
9.114 Added....21515
9.116 Added....22304
19.44 Amended....19313
19.519 Amended....19313
19.524 (c)(1) amended....19313
19.525 (a) amended....19313
25.117 (a) and (b)(1) amended; (c) removed; nomenclature change....19313
25.118 Nomenclature change....19313
25.119 Heading and (c) amended; nomenclature change....19313
25.121 Amended; nomenclature change....19313
25.131 Revised....19313
25.122 Nomenclature change....19313
25.125 Nomenclature change....19313
25.126 Nomenclature change....19313
25.132 (b) amended....19313
25.134 Amended....19313
25.163 Revised....19314
25.164 (e)(1) revised....19314
25.165 (c)(1) amended....19314
25.166 (b) amended....19314
25.173 (b) amended....19314
25.175 (b) (1), (2), and (3) amended....19314
25.283 (d) amended....19314
25.285 (a) amended....19314
70 Authority citation revised....19314
70.1 Revised....19314
70.61—70.109 (Subpart E) Added....19314
70.111—70.152 (Subpart F) Added....19325
170.77 (a) amended....19334
170.91 Amended....19334
170.305 (a) amended....19334
170.305a (a), (b), and (c) amended....19334
170.306 (b) amended....19334
179.34 (a) designation and heading and (b) removed; amended; nomenclature change....19334
179.35 Nomenclature change....19334
179.36 Nomenclature change....19334
179.37 Amended....19334
179.38 Amended....19334
179.42 Amended; nomenclature change....19334
179.43 Amended....19334
179.46 Amended; nomenclature change....19334
179.47 Amended; nomenclature change....19334
179.50 Amended; nomenclature change....19334
179.171 Amended....19334
179.172 Amended....19334
194.27 Amended; nomenclature change....19335
194.94 Amended....19335
194.104 Amended....19335
194.104a Revised....19335
194.105 Amended....19335
194.106—194.110 Undesignated center heading amended....19335
194.106 Amended; nomenclature change....19335
194.106a Amended....19335
194.106b Amended....19335
194.106d Removed....19335
194.107 Heading and text nomenclature change....19335
194.109 Amended....19335
194.111 Amended....19335
194.121 Amended....19335
194.121a Amended....19335
194.123 Amended....19335
194.124 Amended; nomenclature change....19335
194.126 Amended; nomenclature change....19335
194.127 Amended....19335
194.132 Amended....19335
194.133 Amended....19335
194.134 Amended; nomenclature change....19335
194.135 Amended....19335
194.136 Amended; nomenclature change....19335
194.137 Amended; nomenclature change....19335
194.139 Amended; nomenclature change....19335

CHANGES APRIL 1, 1987 THROUGH JUNE 30, 1987

Page

194.151 Heading and (a) revised; (b) amended; nomenclature change....19336
194.152 Amended....19336
194.169 Undesignated text following (d) revised....19336
194.201 Revised....19336
197.28 (a) and (b) amended; nomenclature change....19336
197.29—197.31 Undesignated center heading amended....19336
197.29 Amended; nomenclature change....19336
197.29a Amended; nomenclature change....19336
197.29b Nomenclature change....19336
197.29d Removed....19336
197.30 Nomenclature change....19336
197.31 Nomenclature change....19337
197.40 Nomenclature change....19336
197.40a Nomenclature change....19336
197.41 Amended....19336
197.42 Amended; nomenclature change....19336
197.43 Amended; nomenclature change....19336
197.46 Amended....19337
197.48 Amended....19337
197.50 Amended....19337
197.55 Revised....19337
197.56 Amended....19337
197.58 Revised....19337
197.106 Amended....19337
197.111 Revised....19337
240.340 Amended....19337
240.343 Revised....19337
240.344 Revised....19337
240.345 Removed....19337
240.591 (a) amended....19337
240.591a (c)(1) amended....19337
240.594 (a) amended....19337
240.594c Amended....19337
240.595 Amended....19337
240.596 (a) amended....19337
240.807 Amended....19337
250.11 Amended....19338
250.37 Revised....19338
250.44 Amended....19338
250.52 (c) amended....19338
250.54 Amended....19338
250.61 Revised....19338
250.62a Amended....19338
250.65 Amended....19338
250.70 Amended....19338
250.70a Amended....19338
250.71 Nomenclature change....19338
250.72 Nomenclature change....19338
250.74 Nomenclature change....19338
250.75 Amended....19338
250.78 Amended....19338
250.79 Amended....19338
250.81 Amended....19338
250.93 Amended....19338
250.96 (b) amended; nomenclature change....19338
250.102 Amended....19338
250.105 (b) amended; nomenclature change....19338
250.110 Amended....19338
250.112 (e) and (h) revised....19339
250.112a (c)(1) amended....19339
250.113 (a) amended....19339
250.119 Amended....19339
250.126 Amended....19339
250.128 Revised....19339
250.210 Amended....19339
251 Authority citation revised....19339
251.11 Amended....19339
251.30 Amended; nomenclature change....19339
270.44 Amended....19339
270.162 Amended....19339
270.165 (b) amended....19339
270.165a (c) amended....19339
270.166 Amended....19340
270.167 (a) and (b) amended....19340
270.168 Amended....19340
270.281 Amended....19340
270.283 Amended....19340
270.286 Amended....19340
270.311 (b) amended....19340
270.313 Amended....19340
275.11 Amended....19340
275.105 Amended....19340
275.108 Amended....19340
275.109 Amended....19340
275.110 Amended....19340
275.111 Introductory text amended; (a) removed; (b) through (e) redesignated as (a) through (d); new (d) amended....19340
275.112 Amended....19340
275.114 (c) revised....19340
275.114a (a) and (c) amended....19340
275.115 Amended....19340
275.115a (c) amended....19340
275.116 Amended....19340

TITLE 27 Chapter I—Con.

		Page
275.118	Amended	19341
275.123	Amended	19341
275.125	Amended	19341
275.126	Amended	19341
275.127	Amended	19341
275.129	Amended	19341
275.137	Amended	19341
275.161	Amended	19341
275.163	Amended	19341
275.170	(b) amended	19341
275.172	(b) amended	19341
285.25	(b) amended	19341
285.26	Amended	19341
285.27	(c) amended	19341
285.34	Amended	19341
285.171	Amended	19341
285.173	Amended	19341
285.193	Amended	19341
290.67	(a) amended	19341
290.153	Amended	19341
290.154	Amended	19341
295.36	Amended	19341
296.7	Amended	19342
296.74	Amended	19342

Title 27—*Proposed Rules:*

4 23685
5 23685
9 ..... 11689, 13844, 19531, 19535

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

		Page
0	Authority citation revised; subpart, section, and paragraph authority citation removed (eff. 8-27-86)	31939
	Authority citation revised (eff. 8-22-86)	31940
	Authority citation revised	17951
0.15	(f) added	11044
0.23b	Added	11044
0.94-1	Correctly designated	29464
0.96	(t) and (u) added	17951
0.97	Revised	31939
0.104	Revised	30485
0.105	(k) added	11044
0.108	Revised	31939
0.148	Revised	25049
0.149	Revised	25049
0.169	Revised	31940
0.160—0.172	(Subpart Y) Appendix amended	31940
0.172	(a) amended	31940
2.19	(c)(3) added; (c) (1) and (2) republished; eff. 7-16-87	22778
2.20	(j)(2) revised; guidelines amendments confirmed	25051
	Technical correction	26879
	Guidelines amended	32072
	Guidelines amended	5762, 17399
	Guidelines corrected	7575
2.26	(a) amended	32785
2.36	(a)(2)(ii) Note revised	32072
	(a)(1) and (2)(ii) revised	5763
	(a)(3) revised	17399
2.37	Revision confirmed	25052
	Technical correction	26879
2.47	Revised	17400
2.50	(d) revised	32785
2.56	(f) revised	32786
2.64	Added	5764
	Technical correction	8405
14	Authority citation revised; section authority citations removed	7411
14.2	(a) revised	7411
14.3	(e) removed	7412
16.73	(g) and (h) added	26686
	Redesignated from 16.74 and (g) and (h) added	39373
16.74	Redesignated as 16.73 and (g) and (h) added	39373
	Added	39374
16.77	Added	3631
16.83	Added	32305
17	Authority citation revised	17752
17.135	(b) (4) through (6) redesignated as (b) (5) through (7); new (b)(4) added	17752
45.735-14a	Revised	25052
50	Authority citation revised	27022
50.15	(a)(7)(iii) amended; (c) added	27022
51	Revised	490
51.10	Corrected	2648
51.50	(c) corrected	2648
51.61	(a) and (c)(3) corrected	2648
58	Authority citation revised	44288
58.2	Revised	44288
60.2	(i) added	26878
	(j) and (k) added	19138
60.3	(a)(6) amended	26879
	(a) (10), (11), and (12) added	19138
64	Added	4768

Chapter V—Bureau of Prisons, Department of Justice

511.12	(a) revised; interim	26126
540.41	(a) and (b) revised	26127
540.42	Revised	26127
540.50	(b)(1) revised	26128
540.51	(b)(2) and (4) and (g) introductory text and (1) revised	26128
541.10—541.23	(Subpart B) Revised; eff. 7-6-87	20681
544	Authority citation revised	32602
544.30—544.34	(Subpart D) Revised	32602
544.71	(a)(6) revised	42166
	Effective date note corrected	47178
545.10—545.11	(Subpart B) Added	10529
550.50—550.51	(Subpart F) Added	26129
551	Authority citation revised	47178
551.23	Revised	47178
	Comment time extended	3428
551.24	(d) revised	47179
	Comment time extended	3428

TITLE 28—Con.

Chapter VI—Offices of Independent Counsel

Page

Chapter VI Chapter established....7271
Correctly designated....9241
600 Added....7271
601 Added....7272
601.1 Correctly designated....9241
602 Added....22439
Authority citation revised....22439
602.1 (c) redesignated as (d); new (c) added....22439

Title 28—*Proposed Rules:*

2....27424
....7620, 9382, 22499
16....31781
....22795
32....23561
42....9885
44....9274
64....24163
66....21820, 23627
513....6297
523....39840
545....42167, 47180
549....10530

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

20 Authority citation revised....3772
20.74—20.90 (Subpart D) Added....3772
20.81 (c) corrected....13563
33 Added....11606
Authority citation revised; nomenclature change; eff. 7-27-87....23967
33.3 Amended; eff. 7-27-87....23967
33.11 (e)(1) corrected....24367
90 Authority citation revised....23401
90.1 Revised....23401
90.2 Amended....23401
90.11 (c) amended....23401
90.12 Revised....23401
90.13 (a)(2) amended; (d) revised....23401
90.14 (a), (b), and (d) revised....23401
90.15 Removed....23402
90.16 (a) and (b) introductory text revised....23402

Page

90.17 (c) removed; (d) amended....23402
90.18 (a), (e), (h), and (i) revised....23402
90.19 Revised....23402
90.31 (a) revised....23403
90.32 (a) revised....23403
91 Redesignated as 20 CFR Part 617 and revised....45848

Chapter I—National Labor Relations Board

101 Revised; eff. 7-27-87....23968
102 Authority citation revised....23745
102.15 Revised....23745
102.19 (a) and (c) revised....23746
102.20 Revised....23746
102.27 Revised....23746
102.46 (a), (d)(1), (e) and (f)(1) revised....23746
102.48 (d) revised....23746
102.52 Revised....23747
102.54 (a) revised....23747
102.65 (e)(2) revised....23747
102.67 (b), (e), and (g) revised....23747
102.69 (a), (c)(2), (e), and (f) revised....23747
(h) revised....32919
102.71 (c) revised....23748
102.81 (a) and (c) revised....23749
102.88 Revised....30636
102.100 Revised....23749
102.101 Revised....23749
102.107 Revised....23749
102.108 Revised....23749
102.111—102.113 Revised....23749
102.111 (b) revised....32919
102.114 Revised....23750
102.129 (a) revised....30636
(a) corrected....32919
102.132 Revised....32919
102.143 (a) revised....36224
102.147 (a) revised....36224
102.150 (a), (d), and (e) revised....23750
(b) revised....32919

NOTE: **Boldface** indicates 1987 page numbers.

Chapter II—Bureau of Labor-Management Relations and Cooperative Programs, Department of Labor

Page

220 Labor Secretary justification....32306

Chapter V—Wage and Hour Division, Department of Labor

501 Added; interim....20527
511.4 Revised....20386
553 Revised....2032
553.21 Corrected....2648
553.23 (a) (1) and (2) corrected....2648
553.24 (e)(1) corrected....2648
553.25 (a) corrected....2648
553.27 (c) corrected....2648
553.104 (a) corrected....2648
553.200 (b) corrected....2648
553.210 (a)(3) corrected....2648
553.221 (c) and (d) corrected....2648
697 Authority citation revised....39752
697.1 (h)(1) corrected....25525
(a)(1), (b)(1), (c)(1), (d)(1), (e)(1), (f)(1), (g)(1), (h)(1), (i)(1), (j)(1), (k)(1), (l)(1), (m), and (n)(1) revised....39752
697.3 Revised....39752
800 Removed....2518
860 (Subchapter C and Part) Removed....23812
860.120 (f)(1)(iv)(B) court ordered removal....8448
(f)(1)(iv)(B) removal confirmed; remainder of section redesignated as 1625.10 and (a)(1), (d)(2) (i) and (ii) amended....23812

Chapter XII—Federal Mediation and Conciliation Service

1450 Added....24817

Chapter XIV—Equal Employment Opportunity Commission

1600.735-204 (d) and (f)(4) amended....4902
1600.735-402 Nomenclature change....4902

Page

1600.735-403 Nomenclature change....4902
1601 Authority citation revised....29098
1601.13 (a)(3) removed; (a)(4) and (5) redesignated as (a)(3) and (4); new (a)(3) introductory text, (4) introductory text and (ii) introductory text revised....10224
(a)(4)(ii) (A) and (B) corrected....18354
1601.16 (b) revised....29098
1601.74 (a) amended....30486
(a) footnote 4 amended....32073
1601.80 Amended....43
1610 Authority citation revised....13830
1610.1 (d) added; interim....13830
1610.7 Nomenclature change....4902
1610.8 Nomenclature change....4902
1610.9 Nomenclature change....4902
1610.10 Nomenclature change....4902
1610.11 Nomenclature change; (b), (c), and (e) amended....4902
1610.13 Nomenclature change....4902
1610.14 Nomenclature change....4902
Revised; interim....13830
1610.15 Revised; interim....13830
1610.16 (a) amended; (c) revised; interim....13831
1613 Nomenclature changes....10086
1613.218 (a) amended....10085
1613.220 (c) amended....10085
1613.222 Amended....10086
1613.604 (i) amended....10086
1613.608 (b)(2) amended....10086
1613.612 (b) amended....10086
1620.1 Added....29819
1620.2 Added....29819
1620.3—1620.6 Added....29820
1620.7—1620.11 Added....29821
1620.11 (c) corrected....32636
1620.12—1620.14 Added....29822
1620.15—1620.16 Added....29823
1620.17—1620.18 Added....29824
1620.19 Redesignated as 1620.30....29819
Added....29825
1620.20 Redesignated as 1620.31....29819
Added....29825

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 29 Chapter XIV—Con. Page

1620.21 Redesignated as 1620.32.....29819
Added.....29825
1620.22 Redesignated as 1620.33.....29819
Added.....29825
1620.23 Redesignated as 1620.34.....29819
Added.....29825
1620.24—1620.26 Added.....29825
1620.27—1620.29 Added.....29826
1620.30 Redesignated from 1620.19.....29819
1620.31 Redesignated from 1620.20.....29819
1620.32 Redesignated from 1620.21.....29819
1620.33 Redesignated from 1620.22.....29819
1620.34 Redesignated from 1620.23.....29819
1625.9 (a)(1) and (d)(2) amended.....23811
1625.10 Removed; new 1625.10 redesignated from 860.120 and (a)(1), (d)(2) (i) and (ii) amended.....23812
1691.3 Nomenclature change.....4902

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

1901 Authority citation revised; subpart, section, and paragraph authority citations removed.....24526
1902 Authority citation revised; subpart, section, and paragraph authority citations removed.....24526
1903 Authority citation revised; subpart, section, and paragraph authority citations removed.....24526
1904 Authority citation revised; subpart, section, and paragraph authority citations removed.....24526
1905 Authority citation revised; subpart, section, and paragraph authority citations removed.....24526

NOTE: **Boldface** indicates 1987 page numbers.

Page

1907 Authority citation revised; subpart, section, and paragraph authority citations removed.....24526
1908 Authority citation revised; subpart, section, and paragraph authority citations removed.....24526
1910 Authority citation removed.....24526
1910.1—1910.6 (Subpart A) Authority citation added; section authority citations removed.....24526
1910.11—1910.19 (Subpart B) Authority citation added; section authority citations removed.....24526
1910.19 (a) revised.....37004
1910.20 (Subpart C) Authority citation added; section authority citation removed.....24526
1910.21—1910.32 (Subpart D) Authority citation added; section authority citations removed.....24526
1910.35—1910.40 (Subpart E) Authority citation added; section authority citations removed.....24526
1910.66—1910.70 (Subpart F) Authority citation added; section authority citations removed.....24526
1910.68 (e)(3) revised.....34560
1910.94—1910.100 (Subpart G) Authority citation added; section authority citations removed.....24526
1910.96 (b) Table G-18 corrected; CFR correction.....45427
1910.101—1910.116 (Subpart H) Authority citation added; section authority citations removed.....24526
Authority citation amended.....45663
Authority citation corrected.....16241
1910.106 (g)(1)(i)(*g*) removed.....34560
1910.120 Added; interim.....45663
(a)(2)(iii) and (3), (e)(1) introductory text, (6) and (9), (f)(1) introductory text, (i) and (ii), (2) introductory text, (3)(i), (6)(i)(B), (7) (i) and (ii) introductory text and (D), (g)(1)(i), (2) and (3)(v), (h)(1), (j)(5)(iv), (l)(2)(i) and (ii)(A) introductory text, (B), (C), (D), and (E), (4)(i), (n)(6), (o) introductory text, (3) and (5), (p)(4), Note, and Appendix A corrected.....16241
(f)(1)(iii), (2)(iv), and (7)(ii)(B), (g)(1)(ii), (h)(4), (l)(1) (i) and (ii) introductory text, (2) heading, (3)(ii)(D), and (4)(ii) correctly revised; (f)(1)(iv), (7)(iii), (j)(2)(v), and (l)(4)(iv) correctly removed; (j)(1)(xii) and (l)(3)(ii)(J) correctly added; (j)(2) (vi) and (vii) correctly redesignated as (j)(2) (v) and (vi).....16242
1910.132—1910.140 (Subpart I) Section authority citations removed.....24526
Authority citation added.....24527
1910.141—1910.149 (Subpart J) Section authority citations removed.....24526
Authority citation added.....24527
Authority citation revised.....33260
1910.145 (f) revised.....33260
1910.151—1910.153 (Subpart K) Section authority citations removed.....24526
Authority citation added.....24527
1910.155—1910.165 (Subpart L) Section authority citations removed.....24526
Authority citation added.....24527
Authority citation revised.....34560
1910.157 (f)(16) revised.....34560
1910.169—1910.171 (Subpart M) Section authority citations removed.....24526
Authority citation added.....24527
1910.176—1910.190 (Subpart N) Section authority citations removed.....24526
Authority citation added.....24527
Authority citation revised.....34560
1910.179 (j)(2) (iii) and (iv) and (m)(1) introductory text and (2) revised.....34560

NOTE: **Boldface** indicates 1987 page numbers.

Page

1910.180 (d)(6), (g)(1) introductory text and (2)(ii) revised.....34561
1910.181 (g)(1) introductory text and (3) revised.....34561
1910.211—1910.222 (Subpart O) Section authority citations removed.....24526
Authority citation added.....24527
Authority citation revised.....34561
1910.217 (e)(1) (i) and (ii) revised.....34561
1910.218 (a)(2) (i) and (ii) revised.....34561
1910.241—1910.247 (Subpart P) Section authority citations removed.....24526
Authority citation added.....24527
1910.251—1910.254 (Subpart Q) Section authority citations removed.....24526
Authority citation added.....24527
Authority citation revised.....34562
1910.252 (c)(6) revised.....34562
1910.261—1910.275 (Subpart R) Section authority citations removed.....24526
Authority citation added.....24527
1910.301—1910.399 (Subpart S) Authority citation revised.....24527
1910.401—1910.441 (Subpart T) Section authority citations removed.....24526
Authority citation revised...24527, 33033
1910.430 (e)(1) revised.....33033
1910.440 (a)(1) removed.....34562
1910.1000—1910.1500 (Subpart Z) Authority citation revised.....24527, 34597
1910.1000 Table Z-1 corrected (CFR correction).....41477
1910.1001 Appendix H Note added; (o)(1) revised; deferred in part to 4-21-87.....37004
Partial deferral extended to 7-21-88; Appendix H Note revised.....15723
(g)(2)(ii)(B) Table 1, (j)(5)(i), (iii) (G) and (H), (o)(2)(vi), and Appendixes A, B, C, and E through H amended.....17754
OMB number.....17755
1910.1043 (c)(1) heading, (e)(1), (h)(2)(iii),

TITLE 29 Chapter XVII—Con. Page

(m)(2)(ii)(E) and (3), (n)(4) introductory text and (v) and OMB number corrected; eff. date corrected to 3-14-86....24325
1910.1047 Appendix A heading and text, Appendix B heading and text, and Appendixes C and D headings corrected; (j)(1)(ii)(A) correctly designated; (m)(3)(i) corrected....25053
1910.1101 Added....37004
Introductory Note revised....15723
1910.1200 (c) amendment, (i)(1)(iv), (3) (iii) and (v), (6), (7)(i), (8), (9) introductory text, (ii), and (iii), and (10)(i) revisions, and Appendix D addition confirmed; (i)(3) introductory text revised; Appendix D amended....34597
1911 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24527
1912 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24527
1912a Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24527
1913 Subpart, section, and paragraph authority citations removed....24526
Authority citation added....24527
1915 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24527
1915.113 (b)(1) revised....34562
1915.172 (d) revised....34562
1917 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24527
1918 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24527
1919 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528
1920 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528
1921 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528
1922 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528
1924 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528
1925 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528
1926 Authority citations removed....24528
1926.1—1926.4 (Subpart A) Section authority citations removed....24526
Authority citation added....24528
1926.10—1926.16 (Subpart B) Section authority citations removed....24526
Authority citation added....24528
1926.20—1926.32 (Subpart C) Section authority citations removed....24526
Authority citation added....24528
1926.50—1926.57 (Subpart D) Section authority citations removed....24526
Authority citation added....24528
1926.55 (c) revised....37007
1926.58 Appendix I Note added; (o)(1) revised; deferred in part to 4-21-87....37004
Partial deferral extended to 7-21-88; Appendix I Note revised....15723
(b), (e)(6)(iv), (f)(2)(i), (h)(2)(iii)(B) Table D-4, (4)(ii), (k)(3)(i), (iii) (F), (G), and (H), (o)(1) introductory text and (2)(i) and Appendixes A, B, C, and E through H amended; (k)(3)(ii) revised....17755
OMB number....17756
1926.100—1926.107 (Subpart E) Section authority citations removed....24526
Authority citation added....24528
1926.150—1926.155 (Subpart F) Section authority citations removed....24526
Authority citation added....24528
1926.151 (a)(1) amended....25318
1926.152 (b)(4)(v) revised....25318
1926.200—1926.203 (Subpart G) Section authority citations removed....24526
Authority citation added....24528
1926.250—1926.252 (Subpart H) Section authority citations removed....24526
Authority citation added....24528
1926.300—1926.305 (Subpart I) Section authority citations removed....24526
Authority citation added....24528
1926.350—1926.354 (Subpart J) Section authority citations removed....24526
Authority citation added....24528
1926.351 (d)(5) revised....25318
1926.400—1926.405 (Subpart K) Section authority citations removed....24526
Authority citation added....24528
1926.400—1926.449 (Subpart K) Revised; authority citation added....25318
1926.450—1926.452 (Subpart L) Section authority citations removed....24526
Authority citation added....24528
1926.500—1926.502 (Subpart M) Section authority citations removed....24526
Authority citation added....24528
1926.550—1926.556 (Subpart N) Section authority citations removed....24526
Authority citation added....24528
1926.600—1926.606 (Subpart O) Section authority citations removed....24526
Authority citation added....24528

NOTE: **Boldface** indicates 1987 page numbers.

Page

1926.650—1926.653 (Subpart P) Section authority citations removed....24526
Authority citation added....24528
1926.700—1926.702 (Subpart Q) Section authority citations removed....24526
Authority citation added....24528
1926.750—1926.752 (Subpart R) Section authority citations removed....24526
Authority citation added....24528
1926.800—1926.804 (Subpart S) Section authority citations removed....24526
Authority citation added....24528
1926.803 (j)(3) revised....25318
1926.850—1926.860 (Subpart T) Section authority citations removed....24526
Authority citation added....24528
1926.900—1926.914 (Subpart U) Section authority citations removed....24526
Authority citation added....24528
1926.950—1926.960 (Subpart V) Section authority citations removed....24526
Authority citation added....24528
1926.1000—1926.1003 (Subpart W) Section authority citations removed....24526
Authority citation added....24528
1926.1050—1926.1051 (Subpart X) Section authority citations removed....24526
Authority citation added....24528
1928 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528
1928.110 (Subpart I) Added....16095
1949 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528
1950 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528
1951 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 29 Chapter XVII—Con. Page
1952 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised...24528, 27535
Federal enforcement....21952
1952.100 Correctly redesignated from 1952.105....9162
1952.101 Correctly redesignated from 1952.106....9162
1952.102 Correctly redesignated from 1952.107....9162
1952.103 Correctly redesignated from 1952.108....9162
1952.104 Correctly redesignated from 1952.109....9162
1952.105 Correctly redesignated as 1952.100; new 1952.105 correctly redesignated from 1952.110 (published at 51 FR 27025)....9162
1952.106 Correctly redesignated as 1952.101....9162
1952.107 Revised....27025
Correctly redesignated as 1952.102....9162
1952.108 Correctly redesignated as 1952.103....9162
1952.109 Correctly redesignated as 1952.104....9162
1952.110 Revised....27025
Section published at 51 FR 27025 correctly redesignated as 1952.105....9162
1952.175 (h) added....27535
1952.324 Revised....34215
1952.325 Revised....34215
1952.370—1952.376 (Subpart EE) Concurrent Federal enforcement....44784
1953 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528
1954 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528
1955 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528
1956 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528
1956.44 Heading revised; (h) added....29918
(g) correctly added; heading and (h) republished....32454
1956.51 (b), (g), (h), and (l) revised....20073
1956.52 (b) added....20073
1956.55 Added....20073
1960 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528
1960.2 (l)(4) revised....28378
1960.67 Revised....28378
1960.68 Revised....28379
1960.69 Revised....28379
1960.70 (a) (2) and (4) revised....28379
1960.71 (b) revised....28379
1975 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528
1977 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528
1978 Added; interim....42092
1990 Subpart, section, and paragraph authority citations removed....24526
Authority citation revised....24528

Chapter XX—Occupational Safety and Health Review Commission

2200.1—2200.12 (Subpart A) Revised....32015
2200.5 Corrected....13831
2200.6 Corrected....13831
2200.7 (g) corrected....13831
2200.8 (b) and (d) correctly revised....13831
2200.9 Corrected....13831, 19631
2200.11 (b) corrected....13831
2200.12 (a)(2) corrected....13831
2200.20—2200.23 (Subpart B) Revised....32019
2200.22 (b) corrected....13831
2200.30—2200.41 (Subpart C) Revised....32019
2200.32 Corrected....13831
2200.33 (c) corrected....13831
2200.34 (c) correctly revised....13831
2200.35 (b)(2) and (6), (d), and (e) corrected....13831
2200.37 (d)(1) and (4) corrected....13832
2200.40 (c) corrected....13832
2200.41 (b) corrected....13832
2200.51—2200.57 (Subpart D) Revised....32022
2200.51 Corrected....13832
2200.52 (b) and (e) introductory text corrected....13832
2200.56 (d) corrected....13832
2200.57 (b) corrected....13832
2200.60—2200.74 (Subpart E) Revised....32024
2200.60 Corrected....13832
2200.62 (a) corrected....13832
2200.64 (b) corrected....13832
2200.70 (e) corrected....13832
2200.90—2200.95 (Subpart F) Revised....32026
2200.90 (c) corrected....13832
2200.91 (d) corrected....13832
2200.95 (b) corrected....13832
2200.100—2200.108 (Subpart G) Revised....32028
2200.101 (c)(2) and (d)(1) corrected....13832
2200.102 Corrected....13832
2200.108 Heading correctly revised....13832
2204 Authority citation revised....5456
2204.101 Amended....5456
2204.102 (c) revised....5456
2204.103 Revised....5456
2204.105 (b)(1), (4), and (5) revised....5456
2204.106 (a) revised....5456
2204.201 (b) amended....5456
2204.203 Amended....5457
2204.307 (a) revised....5457

Chapter XXV—Pension and Welfare Benefits Administration, Department of Labor

2509 Authority citation revised; section authority citations removed....41280
2509.75-2 Revised....41280
2510 Authority citation revised; section authority citations removed....41280
2510.3-101 Added....41280
(e) introductory text correctly revised; (k)(1) corrected....47226
2520 Authority citation revised; section authority citations removed....41287
2520.103-1 (b)(5)(ii)(B) revised....41288
2520.103-12 Added....41287
2550 Authority citation revised; section authority citations removed....41285
2550.401b-1 Removed....41285

Chapter XXVI—Pension Benefit Guaranty Corporation

2603 Authority citation revised....28380, 35354
Authority citation revised....13438
2603.1 Amended; interim....13438
2603.32 (a) amended; (c) revised; interim....13438
2603.36 (a) revised....28380
Revised; interim....13438
2603.51—2603.55 (Subpart B) Heading revised; interim....13438
2603.51 Revised; interim....13438
2603.52 (a)(1) and (b)(1) revised....35354
Heading, (a) heading, introductory text, and (1), and (b) heading and introductory text revised; (c) redesignated as (b)(5) and amended; new (c) added; interim....13439
2603.53 (a) revised; interim....13440
2603.54 (a) amended; (b) and (c) revised; interim....13440
2603.55 Revised; interim....13440
2615 OMB approval extension request....24145
2616 Transition rule distribution deadline extension....44288
Transition rules....5101
2617 Transition rule distribution deadline extension....44288
Transition rules....5101
2619 Authority citation revised....32637
Authority citation revised....18354

NOTE: **Boldface** indicates 1987 page numbers.

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 29 Chapter XXVI—Con. Page
2619 Appendix B amended...32637, 36690, 41299
Appendix D amended... 45316
Appendix B amended... 4618, 18354, 22636
2621 Authority citation revised... 45317
2621 Appendix A amended... 45317
2622 Authority citation revised... 24156
2622 Appendix A amended... 47227
Appendix A amended... 24156
2623 Transition rule distribution deadline extension... 44288
Transition rules... 5101
2644 Appendix A amended... 34598
Appendix A amended... 257, 10369
2676 Authority citation revised... 12163
2676.15 (c) table amended... 25689, 29216, 32638, 36691, 41300, 44900
(c) table amended... 1627, 4619, 7842, 12164, 18355, 22636

Title 29—*Proposed Rules:*
22... 20606
90... 3310
97... 32793
... 21820, 23627
102... 30884
103... 7450, 9382
500... 16859
501... 16795
516... 32744
530... 30036, 37045, 37298
553... 25710
602... 28840
1470... 21820, 23627
1601... 11503
1613... 29482
1625... 10584
1910... 26660, 30230, 35003, 35241, 42257, 44796
... 1212, 10586, 12116, 12559
1915... 12559
1917... 30230
... 12559
1918... 12559
1919... 12559, 17302
1926... 42680, 42718, 42750
... 5790, 12120, 12288, 12359, 20616, 22799
1928... 7451, 12559
1952... 9185
2200... 24386
... 4917, 9187

2201... 23185
2520... 84
2560... 30501
2570... 30504
2603... 29497
... 13474, 16862
2613... 44798
2617... 44798
2619... 44798
2640... 21319
2646... 21319
2670... 24536
2675... 24536

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 30—MINERAL RESOURCES

Chapter I—Mine Safety and Health Administration, Department of Labor

5—36 (Subchapter B) Heading added; eff. 10–1–87... 17516
5 Added; eff. 10–1–87... 17516
Technical correction... 18772
11 (Subchapter B) Heading removed; eff. 10–1–87... 17516
15—17 (Subchapter C) Heading removed; eff. 10–1–87... 17516
15 Authority citation revised... 17514
15.4 Removed; eff. 10–1–87... 17514
Technical correction... 18772
15.8 Amended; eff. 10–1–87... 17514
Technical correction... 18772
15.24 (a) amended; eff. 10–1–87... 17514
Technical correction... 18772
16 Removed... 37008
17 Removed... 37008
18—29 (Subchapter D) Heading removed; eff. 10–1–87... 17516
18 Authority citation revised; section and subpart authority citations removed... 17514
18.1 Amended; eff. 10–1–87... 17514
Technical correction... 18772
18.7 Removed; eff. 10–1–87... 17514
Technical correction... 18772
18.15 (d) amended... 17514
Technical correction... 18772
18.80 (d) removed; (e) and (f) redesignated as (d) and (e); eff. 10–1–87... 17514
Technical correction... 18772
18.82 (b) removed; (c) through (h) redesignated as (b) through (g); eff. 10–1–87... 17514
Technical correction... 18772

Page
19 Authority citation revised... 17514
19.2 Removed; eff. 10–1–87... 17514
Technical correction... 18772
19.13 (d) amended; eff. 10–1–87... 17514
Technical correction... 18772
20 Authority citation revised... 17514
20.4 Removed; eff. 10–1–87... 17514
Technical correction... 18772
20.14 (d) amended; eff. 10–1–87... 17514
Technical correction... 18772
21 Authority citation revised... 17514
21.3 Removed; eff. 10–1–87... 17514
Technical correction... 18772
21.10 (d) amended; eff. 10–1–87... 17514
Technical correction... 18772
22 Authority citation revised... 17514
22.3 Removed; eff. 10–1–87... 17514
Technical correction... 18772
22.11 (d) amended; eff. 10–1–87... 17514
Technical correction... 18772
23 Authority citation revised; section authority citations removed... 17514
23.4 Removed; eff. 10–1–87... 17514
Technical correction... 18772
23.14 (d) amended; eff. 10–1–87... 17514
Technical correction... 18772
24 Authority citation revised... 17514
24.1 Removed; eff. 10–1–87... 17514
Technical correction... 18772
24.9 (d) amended; eff. 10–1–87... 17514
Technical correction... 18772
25 Authority citation revised... 17515
25.1 Amended; eff. 10–1–87... 17515
Technical correction... 18772
25.4 Removed; eff. 10–1–87... 17515
Technical correction... 18772
25.12 (b) amended; eff. 10–1–87... 17515
Technical correction... 18772
26 Authority citation revised... 17515
26.1 Amended; eff. 10–1–87... 17515
Technical correction... 18772
26.6 Removed; eff. 10–1–87... 17515
Technical correction... 18772
26.19 (b) amended; eff. 10–1–87... 17515
Technical correction... 18772
27 Authority citation revised... 17515
27.1 Amended; eff. 10–1–87... 17515
Technical correction... 18772
27.8 Removed; eff. 10–1–87... 17515
Technical correction... 18772
27.11 (b) amended; eff. 10–1–87... 17515
Technical correction... 18772
28 Authority citation revised... 17515
28.10 (d) removed; (e), (f), and (g) redesignated as (d), (e), and (f); (c) amended; eff. 10–1–87... 17515
Technical correction... 18772
29 Authority citation revised... 17515
29.20—29.21 (Subpart C) Removed; eff. 10–1–87... 17515
29.30 (c) amended; eff. 10–1–87... 17515
Technical correction... 18772
29.35 (e) removed; (f) redesignatated as (e); eff. 10–1–87... 17515
Technical correction... 18772
29.56 Heading revised; (a) designation and (b) removed; eff. 10–1–87... 17515
Technical correction... 18772
31—36 (Subchapter E) Heading removed; eff. 10–1–87... 17516
31 Authority citation revised... 17515
31.3 (c) removed; (d) through (j) redesignated as (c) through (i); eff. 10–1–87... 17515
Technical correction... 18772
31.8 (d) amended; eff. 10–1–87... 17515
Technical correction... 18772
32 Authority citation revised; section authority citations removed... 17515
32.3 (c) removed; (d) through (j) redesignated as (c) through (i); eff. 10–1–87... 17515
Technical correction... 18772
32.8 (c) amended; eff. 10–1–87... 17515
Technical correction... 18772
33 Authority citation revised; section authority citations removed... 17515
33.5 Removed; eff. 10–1–87... 17515
Technical correction... 18772
33.12 (b) amended; eff. 10–1–87... 17515
Technical correction... 18772
35 Authority citation revised... 17515
35.1 Amended; eff. 10–1–87... 17515
Technical correction... 18772

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 30 Chapter I—Con. Page
35.5 Removed; eff. 10-1-87..... 17515
Technical correction..... 18772
35.12 (b) amended; eff. 10-1-87..... 17515
Technical correction..... 18772
36 Authority citation revised; section authority citations removed..... 17515
36.7 Removed; eff. 10-1-87..... 17516
Technical correction..... 18772
36.12 (b) amended; eff. 10-1-87..... 17516
Technical correction..... 18772
56.3000—56.3430 (Subpart B) Revised..... 36197
56.3203 (d) corrected..... 36804
57.3000—57.3461 (Subpart B) Revised..... 36198
57.3203 (d) corrected..... 36804
57.3461 OMB number pending..... 36192
Effective date statement corrected..... 36804
74 Authority citation revised..... 17516
74.6 (a) amended; eff. 10-1-87..... 17516
Technical correction..... 18772
75 Authority citation revised; subpart and section authority citations removed..... 24377
75.1714 (c) added..... 24377

Chapter II—Minerals Management Service, Department of the Interior

206 Authority citation revised..... 3798
206.100 Revised..... 3798
210 Authority citation revised..... 45882
210.53 Redesignated as 210.54; new 210.53 added..... 45882
210.54 Redesignated from 210.53..... 45882
210.204 Added..... 45883
216 Authority citation revised..... 45883
216.15 Added..... 45883
218 Authority citation revised..... 5458
218.51 Revised; eff. 7-27-87..... 23814
218.100 (a) revised; (c) added; eff. 7-27-87..... 23815
218.150 (a) revised; eff. 7-27-87..... 23815
218.152 Revised..... 5458
218.153 Removed..... 5458
218.155 (a) revised; (d) removed; (e) and (f) redesignated as (d) and (e); eff. 7-27-87..... 23815
218.156 Added; eff. 7-27-87..... 23815
218.200 Redesignated as 218.202; new 218.200 added; eff. 7-27-87..... 23815
218.201 Added; eff. 7-27-87..... 23815
218.202 Redesignated from 218.200; eff. 7-27-87..... 23815
218.300 Revised; eff. 7-27-87..... 23815
218.301 Redesignated as 218.302; new 218.301 added; eff. 7-27-87..... 23815
218.302 Redesignated from 218.301; eff. 7-27-87..... 23815
250.3 (b) revised..... 13237
250.45 (c) added; eff. 7-13-87..... 22307
250.93 Revised; eff. 7-27-87..... 23816
251.15-1 (e) added; eff. to 6-22-88..... 23441
256.29 (c) amended..... 37178

Chapter VII—Office of Surface Mining Reclamation and Enforcement, Department of the Interior

700 Authority citation revised..... 21229
700.5 Amended..... 17729
700.11 (b) suspended in part..... 21229
701 Authority citation revised..... 41960
701.5 Amended..... 41737
Suspended in part..... 41960
Revised..... 17529
Amended..... 17729
705 Authority citation revised..... 37122
Technical correction..... 40026
705.4 (d) added..... 37122
705.10 Revised..... 37122
705.11 (a) revised..... 37122
705.13 Revised..... 37122
705.15 Revised..... 37122
731 Authority citation revised..... 4261
731.14 (g)(10) revised; (g)(17) added..... 4261
732 Authority citation revised..... 4261

Page
732.17 (h) (4) through (12) redesignated as (h) (5) through (13); new (h)(4) added..... 4261
761 Authority citation revised..... 25819, 41960
761.5 Suspended in part..... 41960
Amended..... 4261
761.11 (a) revised..... 25819
(a) corrected..... 26385
(c) suspended in part; (h) suspended..... 41961
(c) and (g) revised..... 4261
761.12 (f)(1) suspended in part..... 41961
(f)(1) revised..... 4261
761.15 (a) (3) and (8) suspended..... 41961
762 Authority citation revised..... 18795
762.5 Amended..... 18795
764 Authority citation revised..... 41961
769 Authority citation revised..... 41961
769.14 (a)(1) and (c) suspended in part; (a)(3), (b)(2), and (h) suspended..... 41961
772 Authority citation revised..... 41961
Authority citation revised..... 4262
772.11 (a) and (b)(3) suspended in part..... 41961
772.12 (b)(3) suspended in part..... 41961
(b)(8)(iv) added..... 4262
773 Authority citation revised..... 41961
Authority citation revised..... 4262
773.11 (b)(2) suspended in part..... 41961
773.12 Revised..... 4262
773.15 (c)(11) revised..... 4262
(c)(12) added..... 17529
779 Authority citation revised..... 4262
779.12 (b) revised..... 4262
779.24 (j) revised..... 4262
780 Authority citation revised..... 4262
780.21 (f) suspended in part..... 41961
780.31 Revised..... 4262
783 Authority citation revised..... 4262
783.12 (b) revised..... 4262
783.24 (j) revised..... 4263
784 Authority citation revised..... 4263
784.14 (e) suspended in part..... 41961
784.17 Revised..... 4263
784.20 Introductory text amended; (d), (e), (f) and (g) redesignated as (e), (f), (g) and (h); new (d) added; (b) and new (e) (3) and (4) revised; (e)(5) removed..... 4867
785 Authority citation revised..... 41961
785.16 Suspended in part..... 41961
785.21 (d) and (e) revised..... 17730
816.46 (b)(2) suspended..... 41961
816.49 (a)(3), (5)(i), (8), and (9) suspended in part..... 41961
816.81 (a) and (c)(2) suspended in part..... 41961
816.83 Suspended in part..... 41961
816.84 (b)(2) suspended in part..... 41961
816.89 (d) suspended..... 41962
816.106 (b) removed; introductory text and (a) redesignated as (a) and (b)..... 41737
816.116 (b)(3)(ii) and (c) (2) and (4) suspended in part..... 41962
816.133 (d) suspended in part..... 41962
817.46 (b)(2) suspended..... 41962
817.49 (a)(3), (5)(i), (8), and (9) suspended in part..... 41962
817.81 (a) and (c)(2) suspended in part..... 41962
817.83 Suspended in part..... 41962
817.84 (b)(2) amended..... 41962
817.89 (d) suspended..... 41962
817.106 (b) removed; introductory text and (a) redesignated as (a) and (b)..... 41737
817.116 (b)(3)(ii) and (c) (2) and (4) suspended in part..... 41962
817.121 (c)(2) revised..... 4868
817.133 (d) suspended in part..... 41962
827.12 Introductory text revised..... 17730
827.13 Revised..... 17730
870 Authority citation revised..... 21229
870.11 (b) suspended in part..... 21229
901.15 (h) added..... 29100
(i) added..... 31942

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 30 Chapter VII—Con. Page

906.11 (c), (d), and (bb) removed 17293
906.15 Heading revised; (g) added 23752
(h) added 3634
(i) added 17293
906.16 (a) removed 23752
Removed 3634
910 Authority citation revised 13806
910.700 Heading revised 13806
910.770 Removed 13806
910.771 Removed 13806
910.772 Added 13806
910.773 Added 13806
910.774 Added 13807
910.775 Added 13807
910.776 Removed 13806
910.777 Added 13807
910.778 Revised 13807
910.786—12910.788 Removed 13806
910.816 (b) revised 13807
910.817 (b) revised 13807
910.818 Removed 13806
910.826 Removed 13806
912 Authority citation revised 13807
912.700 (d) revised 13807
912.770 Removed 13806
912.771 Removed 13806
912.772 Added 13807
912.773 Added 13808
912.774 Added 13808
912.775 Added 13808
912.776 Removed 13806
912.777 Added 13808
912.778 Revised 13808
912.782 Removed 13806
912.786—912.788 Removed 13806
912.818 Removed 13806
912.826 Removed 13806
913.15 (h) added 44459
914.15 (n) added 29101
(o) added 2224
(p) added 10373
(q) added 10374
914.16 (d) revised 2224
915 Authority citation added; section authority citations removed 44600
915.10 (a) and (b) revised 35633
915.15 (e) revised 35633
(f) added 44600
915.20 Revised 35633
916.12 Added 19508
916.15 (f) added 19508
916.16 Added 19509
917.15 (u) added 26008
(v) added 30492
(w) added 7136
917.16 (c) added 26008
(d) added 30492
(c)(1) removed 7136
917.17 (c) added 26008
(c) correctly revised 29919
918 Authority citation revised 40795
918.20 Added 40795
920.15 (d) revised 44789
(d) redesignated as (e); new (d) and (f) added 3008
920.16 Revised 44790
921 Authority citation revised 13808
921.700 (d) and (g) revised 13808
921.770 Removed 13806
921.771 Removed 13806
921.772 Added 13809
921.773 Added 13809
921.774 Added 13809
921.775 Added 13809
921.776 Removed 13806
921.777 Added 13809
921.778 Revised 13809
921.782 Removed 13806
921.786—921.788 Removed 13806
921.826 Removed 13806
922 Authority citation revised 13810
922.700 Heading revised 13810
922.770 Removed 13806
922.771 Removed 13806
922.772 Added 13810
922.773 Added 13810
922.774 Added 13810
922.775 Added 13811
922.776 Removed 13806
922.777 Added 13811
922.778 Revised 13811
922.782 Removed 13806
922.787 Removed 13806
922.788 Removed 13806
922.818 Removed 13806
922.826 Removed 13806
925.15 (d) added 536
925.16 (j) and (k) added 536
931.16 Revised 28554
933 Authority citation revised 13811

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

Page

933.700 (g) revised 13811
933.770 Removed 13806
933.771 Removed 13806
933.772 Added 13811
933.773 Added 13811
933.774 Added 13811
933.775 Added 13812
933.776 Removed 13806
933.777 Added 13812
933.778 Revised 13812
933.782 Removed 13806
933.786—933.788 Removed 13806
934.15 (g) added 37274
(h) added 44290
Technical correction 46654
935.12 (b) added 23267
935.15 (v) added 25885
(w) added 26880
(x) added 33035
(y) added 39528
(z) added 6797
(aa) added 23267
935.16 Introductory text republished; (b) added 33035
(b) removed 6797
(c) added 23267
937 Authority citation revised 13812
937.700 Heading revised 13812
937.770 Removed 13806
937.771 Removed 13806
937.772 Added 13812
937.773 Added 13812
937.774 Added 13813
937.775 Added 13813
937.776 Removed 13806
937.777 Added 13813
937.778 Revised 13813
937.782 Removed 13806
937.786—937.788 Removed 13806
937.818 Removed 13806
937.826 Removed 13806
938.12 Added 31946
938.15 (l) added 31945
(m) added 23173
938.16 (g) and (h) added 31945
(c), (d), (e), and (f) amended 19510
(b) removed 23173
939 Authority citation revised 13813
939.772 Added 13813
939.773 Added 13813
939.774 Added 13814
939.775 Added 13814
939.776 Removed 13806
939.777 Added 13814
939.778 Revised 13814
939.782 Removed 13806
939.786—939.788 Removed 13806
939.826 Removed 13806
941 Availability of public comment responses 26687
Authority citation revised 13814
941.700 (d) and (g) revised 13814
941.770 Removed 13806
941.771 Removed 13806
941.772 Added 13814
941.773 Added 13815
941.774 Added 13815
941.775 Added 13815
941.776 Removed 13806
941.777 Added 13815
941.778 Revised 13815
941.782 Removed 13806
941.786—941.788 Removed 13806
941.818 Removed 13806
941.826 Removed 13806
943.16 (a) revised 28555
944 Authority citation revised 7850
944.15 (j) added 26882
(k) added 2864
944.16 (a) removed 26883
944.30 Added 7850
946 Authority citation revised 11049
946.10 Revised 42554
946.12 (b) added 42554
946.15 (r) added 42554
946.16 Added 42554
946.20 Revised 42555
946.25 Added 42555
946.30 Added 11049
947 Authority citation revised 13815
947.700 (g) revised 13815
947.770 Removed 13806
947.771 Removed 13806
947.772 Added 13816
947.773 Added 13816
947.774 Added 13817
947.775 Added 13817
947.776 Removed 13806
947.777 Added 13817
947.778 Revised 13817
947.782 Removed 13806
947.786—947.788 Removed 13806
947.818 Removed 13806
947.826 Removed 13806

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 30 Chapter VII—Con. Page

948.11 (a)(1), (8), (19), (38), (39), and (41) amended....40796
948.16 (c) introductory text amended....40796
950 Authority citation revised....45089
950.10 (a) revised....42218
950.12 Added....42218
(b) added....16847
950.15 (i) added....42219
(j) added....16847
950.16 (e) through (q) added....42219
(r) added....16847
950.20 Revised....45089

Title 30—*Proposed Rules:*

15....41046, 9670
48....24378
57....45678
75....24387, 37376, 9670, 24378
202....1840, 1858, 4732, 7622
203....1840, 1858
206....1840, 1858, 4732, 7622
207....1858
208....2202
209....2202
210....1858
212....1840
218....687, 1471, 1840
241....1858
250....29947, 37200, 40819
256....26268, 40819, 9672
271....17770
280....9758, 15963
700....10352, 11829, 20546, 24092
701....27197, 27508, 21598
702....20546
723....46838, 11287
724....46838, 11287
733....27059, 31139, 10898
736....10352
750....20546, 21328
761....2421
762....44484
764....21904
769....21904
773....25822, 25900, 27508, 33905, 16275, 17366, 20032
774....27558, 6827
778....20032
784....44742

Page
785....9640, 9644
800....23790, 24547, 42984
817....44742
823....9644
842....27197, 21598
843....25822, 27197, 33905, 21598
845....46838, 11287
846....46838, 11287
870....18680, 20546
901....24719
902....4630, 17772
904....42266
906....36231, 3825, 9687, 24173
910....27559, 11287, 20546
912....27559, 11287, 20546
913....25575, 9402, 24035
914....24387, 24388, 37298, 44926, 1339, 4156, 22346
915....28729, 32664
916....44927
917....24390, 32336, 35532, 42267, 46690, 9890
920....28600, 28601
921....27559, 11287, 20546
922....27559, 11287, 20546
925....15733, 22499, 22500
926....19171
931....26911
932....35534
933....27559, 11287, 20546
934....12002, 16863
935....27204, 29112, 46691, 561, 3145, 4157, 7176, 8082, 11692
936....36704, 5550
937....27559, 11287, 20546
938....35370, 42267, 6828, 12195, 13109, 15802
939....27559, 11287, 20546
941....27559, 11287, 20546
942....6827, 11287, 20546
943....43617
944....35666, 9891
946....32106

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

Page
....9892, 13252, 17604
947....27559, 11287, 20546
948....32338, 33066, 9314
950....27560

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

1.36 Amended....11990
5.1—5.4 (Subpart A) Heading added; authority citation revised....44
5.5—5.22 (Subpart B) Added....44
5.23—5.29 (Subpart C) Added....50
5.30—5.38 (Subpart D) Added....52
16 Added; interim....28811
Removed....5282
18 Added (temporary)....1452

Chapter I—Monetary Offices, Department of the Treasury

51 Authority citation revised....415
51.3 (e)(2) amended; interim....26884
51.25 (b) amended; interim....26884
51.26 (a) heading revised; new (a)(3) added....415
51.59 (b)(2) amended; interim....26884
51.60 (c)(2) amended; interim....26884
51.101 (b) amended; interim....26884
51.210 (b)(2) and (10) revised....26885
51.211 (a) and (b) revised....26885
51.217 (a)(2) amended....26886
51.218 Heading revised; nomenclature change....26886
51.219 Amended....26886
51.221 Removed; new 51.221 redesignated from 51.223 and (c) amended....26886
51.222 Removed; new 51.222 redesignated from 51.224 and (b) revised and (c) and (d) amended....26886
51.223 Redesignated as 51.221 and (c) amended....26886
51.224 Redesignated as 51.222 and (b) revised and (c) and (d) amended....26886
103 Authority citation revised....45109

Page
Authority citation revised....11441, 23978
Nomenclature change....11442
103.11 Revised; eff. in part 7-7-87....11441
(c) and (j)(4) corrected....12641
103.22 (d), (e), and (f) redesignated as (e), (f), and (g); new (d) added; new (e) revised; new (g) amended....45109
Revised....11442
103.24 Amended....11443
Correctly designated....12641
103.26 Revised; eff. in part 7-7-87....11443
(a)(1) and (b)(1) corrected....12641
103.27 Revised; eff. in part 7-7-87....11443
Corrected....12641
103.32 Amended....11444
103.33 Introductory text, (a) and (b) revised; OMB number; eff. in part 7-7-87....11444
103.34 (a) (1) and (2) amended; (b)(1) revised; (b)(13) added; OMB number; eff. in part 7-7-87....11444
103.35 (a) (1) and (2) amended; OMB number....11444
103.36 (a) amended; OMB number....11444
103.37 Redesignated as 103.38; new 103.37 added; eff. 7-7-87....11444
103.38 Redesignated as 103.39; new 103.38 redesignated from 103.37....11444
(c) redesignated as (d) and revised; new (c) added; OMB number....11445
103.39 Redesignated from 103.38....11444
103.46 (b) removed; (a) redesignated as (b); new (b) introductory text, (5) and (8) revised; (a), (c), (d), (e) and (f) added....11445
103.47 (a) and (b) redesignated as (b) and (d); new (b) revised; (a), (c), (e), (f), (g) and (h) added....11445
(e) corrected....12641
103.53 Added....11446
103.61—103.67 (Subpart E) Added....23979

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 31—Con.

Chapter II—Fiscal Service, Department of the Treasury

Page

203.15 (d)(10) added 46853
210 Revised 2406
210.14 (a) introductory text corrected 3917
315.31 (a) revised 23753
Effective date corrected 28933
315.35 (e) revised 23753
Effective date corrected 28933
316.8 (b) introductory text, (1), and (2)(i) revised 39990
317.6 (b) Fee schedules 30212
321.23 (a) Fee schedules 30212
332.2 (e) revised 23753
Effective date corrected 28933
332.8 (b)(4) revised 39990
332.10 Revised 23753
Effective date corrected 28933
342.2a (b)(1) revised 39991
344 Revised; interim 47401
Average marginal tax rates 3115
351.0 Amended 39991
351.2 (c) table and (h) amended; (e) introductory text and (1) revised 39991
352.0 Amended 39991
352.2 (d) and (f) revised 23753
Effective date corrected 28933
(e)(1) through (4) redesignated as (e)(2) through (5); new (e)(1) added; new (e)(2) revised 39991
353.35 (c) revised 23754
Effective date corrected 28933
354 Authority citation revised 4495
354.0 (a) revised; interim 4495
354.2 (e) removed; interim 4495
390.5 Revised 39657
390.6 Added 39657
390.7 Added 39657

Chapter V—Office of Foreign Assets Control, Department of the Treasury

500 Authority extended by Memorandum of Aug. 20, 1986 30201
Specially designated nationals list 44460
505 Authority extended by Memorandum of Aug. 20, 1986 30201
515 Authority extended by Memorandum of Aug. 20, 1986 30201
Specially designated nationals list 44460
520 Authority extended by Memorandum of Aug. 20, 1986 30201
535.622 Added 37569
545 Authority citation revised 41907, 46854
Interpretation 41911
Interpretation and guidelines 7275
Interpretation 7855
545.101 Revised 41907
545.201 Revised 41907
545.202 Revised 41907
545.203 Revised 41907
(e) added 46854
(f) added 7274
545.204 Revised 41907
545.205 Added 41907
545.206 Added 41907
545.207 Added 41907
545.208 Added 41907
545.209 Added 46854
545.210 Added 46854
545.211 Added 7273
545.301 Revised 41907
545.302 Revised 41907
545.304 Revised 41908, 46854
545.306 Revised 41908
Amended 46854
545.307 Removed 46854
545.310 Revised 41908
545.311 Added 41908
Revised 46854
545.312 Added 41908
545.313 Added 41908
(c) revised 46854
545.314 Added 41908
545.315 Added 41908
545.316 Added 41908
545.317 Added 46854
545.318 Added 46854
545.319 Added 46854
545.320 Added 46855
545.321 Added 46855
545.402 Revised 41908
545.403 Revised 41908
545.404 Revised 41909, 46855
545.405 Removed 41909
545.406 Revised 41909, 46855
545.407 Revised 41909
545.408 Revised 41909, 46855
545.409 Revised 41909, 46855
545.410 Revised 41909, 46855
545.411 Added 41909
545.412 Added 41909
545.413 Added 41909
545.414 Added 41909
545.415—545.419 Added 46855
545.420—545.424 Added 46856
545.425 Added 7274
545.426 Added 7274
545.427 Added; interim eff. to 7-1-87 7275
545.501 Revised 41909
545.503 Revised 41909
545.504 Removed 41910
545.601 Revised 41910
545.602 Revised 41910
545.603 Added 46856
545.604 Added 46856
545.701 Revised 41910
545.801 (a) added 41910
545.805 Revised 41910
545.807 Added 41910
545.808 Added 7855
545.901 Added 28933
Revised 46856
Revised 7274
550.409 (e) correctly revised 25635
550.605 Added 25634
(b)(1) and (2), (c)(3) introductory text and (i), and (e)(3) corrected 26687
550.901 Revised 28933
555 Added 41916

Title 31—*Proposed Rules:*

1 12003
10 ..... 29113, 30510, 40340
16 21699
18 1473
103 ..... 30233, 42269
..... 21699
357 ..... 29559, 43027, 46692
390 27060

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

40 Revised 23268

NOTE: **Boldface** indicates 1987 page numbers.

Page

40a Added 23298
43.2 (a) amended 17951
43.6 (d)(14) amended 17951
54 Revised 23755
73 Added 35512
76 Revised 44462
90.3 (b) amended 28092
90.6 Enclosure 1 amended 28092, 32305
99 Added 42555
110 Revised 26886
150 Revised 42557
154 Added 11219
155.8 Revised 23757
166 Authority citation revised 3634
Removed 23298
166.11 Revised 3634
198 Added 41784
199 Revised 24008
199.2 (b) amended 36009
199.4 (e)(5)(iii)(B) and (g)(67) revised; (e)(5)(v) added 31102
(e)(10)(i), (ii) and (iv)(H) Note revised 36009
(e)(5)(vi) added 44602
199.6 (b)(4)(ii) through (viii) redesignated as (b)(4)(iii) through (ix); new (b)(4)(ii) added 31102
(b)(4)(iii) through (ix) redesignated as (b)(4)(iv) through (x); new (b)(4)(iii) added 44602
205 Removed 31325
230 Appendix A amended 17294
231a.5 (h)(1)(i) and (j)(3) revised; (j)(4) added 17294
286 Revised; interim 13642
Effective date corrected 15946
286g Removed 31103
289 Revised 41962
289.1 (a) and (b) amended 10225
289.2 (a) amended 10225
289.3 (a) amended 10225
289.4 (b) amended 10225
291b Added 41300
292 Revised 33035
292a Revised 44064
Heading revised 45110
292a.15 (b) amended 45110
358 Revised 37571
359 Revised 32309

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 32—Con.

Chapter V—Department of the Army

Page

553.22 (b) revised 43742

Chapter VI—Department of the Navy

701.31—701.32 (Subpart C) Added 42836
701.100—701.116 (Subpart F) Revised 11052
701.116 (j) correctly added 17295
701.117—701.120 (Subpart G) Revised 11068
701.117 (o) added 5535
701.119 (g)(2) correctly added 17295
706.1 (a) and (b) revised 4770
706.2 Table One amended 28935, 28937, 28938, 29465, 29467, 30214, 32313, 35634
Table One amended 5102, 5104, 6547, 7136, 21001, 21681
Table Two amended 29468, 33745, 41478
Table Two amended 4770
Table Three amended 35634
Table Three amended 5282, 10748, 10749, 21002, 21681
Table Four amended 28938, 28940, 32314
Table Four amended 5282, 6547, 10748, 10749
Table Five amended 27536, 28934–28937, 28939, 28940, 28941, 29465, 29466, 29468, 30493, 30494, 31103–31112, 32314, 32315, 32316, 33746, 36401, 41478
Table Five amended 4287, 4288, 5103, 5765, 8584, 10375, 13238, 13665, 21002, 21680, 21681, 23174, 23545, 23546
706.3 Table One amended 4771
724.109 (a)(4) revised 44909
728 Revised 23972
763.4 (a) and (b) amended 20074
763.5 (a) introductory text, (1), and (2), (b), and (c) amended 20074
765 Authority citation revised 45467
765.14 Added 45467
770.31 (c) (1) and (2) amended 20074

Chapter VII—Department of the Air Force

Page

807 Added 43608
818a Revised 17756
855 Revised 47228
856 Revised 20074

Chapter XII—Defense Logistics Agency

1285 Revised 35634
Appendixes E and F added 37396
1286 Revised 33595

Chapter XVI—Selective Service System

1602.2 Revised 8890
1605.6 Revised 8890
1621.3 Revised 8890
1630.16 Revised 8891
(b) corrected 12641
1630.17 Revised 8891
1633.1 (f) revised 8891
1633.6 Revised 8891
1648.3 (c) revised 8891
1656.2 Revised 8891
1656.5 (e) revised 8892
1662.6 Revised 13665

Chapter XX—Information Security Oversight Office

2003.3 Revised 40681
Revised 10190
2003.20 Revised 40681
(e) amended 10190
2003.27 Added 10190
2003.28 Added 10190
2003.29 Added 10190
2003.30 Added 10190
2003.31 Added 10191
2003.32 Added 10191

Title 32—*Proposed Rules:*

40 31651
43 35535
60a 1340
68 ..... 19361, 22662
155 16864
166 40820
169 43619
169a 43619
171 43619
199 39757
..... 5313, 7453, 20098, 20731

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

Page

220 36023
226 17605
229 10342
230 90
231a 40828
..... 6346
278 ..... 21820, 23627
286 802
292a 30510
552 44997
..... 13719
553 29115
557 3273
701 30377
818a 9499
855 41121
856 803
1602 44485
..... 8924
1605 44485
..... 8924
1609 8924
1618 8924
1621 44485
..... 8924
1624 8924
1630 44485
..... 8924
1633 44485
..... 8924
1636 8924
1639 8924
1642 8924
1648 44485
..... 8924
1651 8924
1653 8924
1656 44485
1657 8924
1662 11830
1698 8924
1900 18579

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

1.07-1—1.07-95 (Subpart 1.07) Authority citation revised 17554
1.07-10 (b) revised 17554
1.07-15 (a) revised 17554
1.07-45 Revised 17554
1.07-75 (a) revised 17555
1.07-80 (b) revised 17555
1.07-85 Revised 17555
1.26-1—1.26-25 (Subpart 1.26) Authority citation revised 25366
1.26-5 (b) revised 25366
3.01-1 (b) revised; (h) added 13083
Effective date correctly added 13788
3.04-1 (b) revised 13083
Effective date correctly added 13788
3.04-3 (b) revised 13084
Effective date correctly added 13788
3.05-1 (b) revised 13084
Effective date correctly added 13788
3.05-25 Redesignated from 3.15-10 13084
Effective date correctly added 13788
3.05-30 Redesignated from 3.15-60 13084
Effective date correctly added 13788
3.05-35 Redesignated from 3.15-55 13084
Effective date correctly added 13788
3.10-10 Revised 2688
Effective date corrected 4771
3.10-15 Revised 2688
Effective date corrected 4771
3.10-20 Removed 37178
3.10-35 Revised 37178
Revised 2688
Effective date corrected 4771
3.10-40 Revised 2689
Effective date corrected 4771
3.10-45 Removed 2689
Effective date corrected 4771
3.15-1—3.15-60 (Subpart 3.15) Heading removed 13084
Effective date correctly added 13788
3.15-1 Removed 13084
Effective date correctly added 13788
3.15-10 Redesignated as 3.05-25 13084
Effective date correctly added 13788
3.15-25 Redesignated as 3.25-05 13084
Effective date correctly added 13788
3.15-55 Redesignated as 3.05-35 13084

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 33 Chapter I—Con. Page
Effective date correctly added....13788
3.15-60 Redesignated as 3.05-30....13084
Effective date correctly added....13788
3.25-1 (b) revised....13084
Effective date correctly added....13788
(b) corrected....16480
3.25-05 Redesignated from 3.15-25....13084
Effective date correctly added....13788
3.55-1 (b) revised....13084
Effective date correctly added....13788
3.55-20 Redesignated from 3.60-55....13084
Effective date correctly added....13788
3.60-1—3.60-10 (Subpart 3.60) Removed....13084
Effective date correctly added....13788
3.60-55 Redesignated as 3.55-20....13084
Effective date correctly added....13788
4.02 (b) table amended....23653
100 Temporary regulations list....26156, 37179
Temporary regulations list....2112, 13822
100.35-1-14 Added (temporary)....21516
100.35-324 Added (temporary)....25886
100.35-326 Added (temporary)....26155
100.35-328 Added (temporary)....26891
100.35-329 Added (temporary)....35217
100.35-330 Added (temporary)....30638
100.35-331 Added (temporary)....30637
100.35-332 Added (temporary)....35216
100.35-0502 Added (temporary)....17401
100.35-702 Added (temporary)....3798
100.35-T0715 Added (temporary)....39658
100.35-0901 Added (temporary)....19138
100.35-0902 Added (temporary)....22307
100.35-0913 Added (temporary)....23174
100.35 11-86-13 Added (temporary)....29919
100.201 Added....18563
100.303 (b) revised (temporary)....24529
100.304 (b) and (c)(6)(i) revised (temporary)....20387
100.307 (b) revised (temporary)....9163
100.308 Revised (temporary)....22309
100.501 Added....19725
100.502 Added (temporary)....19858
100.1102 Added....28706
100.1202 (a) and (b) (1) and (2) revised....22440
100.1203 Added....21003
110 Authority citation revised....39857
110.6a Revised....9829
110.52 (d) added....32317
110.60 (p-1) and (p-2) redesignated as (p-2) and (p-3); new (p-1) added....39857
(p-1) corrected....42163
110.147 (b)(2) redesignated as (b)(3); (a) (5) and (6) and new (b)(2) added....32318
110.224 (d)(1) table amended; (e)(1) removed; (e) (2) through (21) redesignated as (e) (1) through (20)....11646
117 Authority citation revised....39858
Authority citation revised....18229
117.5 Temporary deviation....28707, 30061, 40315, 45318, 47018
117.111 Removed....4771
117.137 (a) removed; (b) designation removed....32318
117.189 (d) added (temporary)....33037
117.202 Added....5536
117.261 (z) added....27407
(ff) revised....11647
117.271 (b) removed....29101
117.311 Removed....31113
117.323 Added....9164

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

Page
Correctly added....21953
117.475 Revised....31113
117.481 Redesignated as 117.482; new 117.481 added....36224
117.482 Redesignated from 117.481....36224
117.501 (b)(8) through (18) redesignated as (b)(9) through (19); new (b)(8) added....3225
117.525 (b) revised....35218
117.561 (b) (3) and (4) and (c) revised (temporary)....18229
117.683 Revised....3639
117.732 Revised....31946
117.739 (l) revised....6973
117.745 Revised....44909
117.821 (a) revised (temporary)....41479
(a), (b), and (c) redesignated as (b), (c), and (d); new (a) added; interm....23441
117.850 Added....28380
117.855 Added....39858
117.911 Technical correction....24655
(c) revised....25054
117.943 Revised....32319
117.949 Revised....32320
Corrected....41894
117.961 (a) and designation (b) removed....30639
117.1054 Removed....670
135 Authority citation revised....23175
135.9 Revised; eff. 8-3-87....23175
140 Authority citation revised....25059
140.7 Revised....25059
(b) correctly revised....28381
140.10 Amended....25059
142 Revised....25059
142.33 (a) correctly revised....28381
142.39 (b) correctly revised....28381
142.48 Correctly revised....28381
142.84 Correctly revised....28381
142.90 (a) corrected....28382
147.1113 Added....9657
151 Addition confirmed....33039
Heading revised....7758
151.01—151.08 (Subpart A) Heading added....7758
151.01 Revised....7758
151.03 (a)(4) revised....7758
151.05 Designations removed; section amended....7758
151.08 Added....7758
151.09—151.25 (Subpart B) Heading added....7758
151.09 (f) revision confirmed....33039
151.30—151.49 (Subpart C) Added....7759
158 Heading and authority citation revised....7761
158.100—158.190 (Subpart A) Revised....7761
158.200 (a) revised....7764
158.210 (b) and (c) revised....7764
158.220 (b), (c) and (d) revised....7764
158.230 (a) and (b) revised....7764
158.300—158.330 (Subpart C) Added....7764
158.400—158.420 (Subpart D) Added....7765
161 Heading and authority citation revised....27840
Authority citation revised....7858
161.101—161.187 Revised....7858
161.188—161.189 Removed....7858
161.402 (b)(1) Note added....27840
162 Authority citation revised....43742
162.132 (e) Table 1 revised....37274
162.270 (a) revised....43742
165 Temporary regulations list....26156, 37179
Temporary regulations list....2112, 13822
165.T0117 Added (temporary)....43907
Removed....3799
165.T338 Added (temporary)....8585
165.T0507 Added (temporary)....29469
(b) revised (temporary)....44603
165.T-07-86-33 Added (temporary)....41480
165.T7-34 Added (temporary)....28383
165.T0745 Added (temporary)....36010
165.T0757 Added (temporary)....671
165.T0902 Added (temporary)....31947
165.T0904 Added (temporary)....39660
165.T0905 Added (temporary)....39658
165.T1155 Added (temporary)....12381

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 33 Chapter I—Con. Page

165.T1165 Added (temporary)....24156
165.T1201 Added (temporary)....6142
165.T1202 Added (temporary)....17298
165.T1203 Added (temporary)....17297
165.T1204 Added (temporary)....17296
165.T1206 Added (temporary)....33039
165.T1407 Added (temporary)....39659
165.T5014 Added (temporary)....15724
165.07-44 Addition at 50 FR 41685 correctly redesignated as 165.731....24655
165.302 (a)(1) revised....17296
165.305 Added....37181
165.503 Ice navigation season notice....3640
165.700 Revision at 50 FR 48405 correctly designated as 165.731....24655
165.703 Added....28382
165.704 Added....2690
165.728 Added....31114
Revised....23442
165.729 Added....31115
Revised....23443
165.731 Correctly designated....24655
165.801 Removed....45765
165.1106 (a) revised....8893
165.1111 Added....18230
165.1112 Added....18231
165.1401 (d) and (e) added....42562
165.1403 Added....42220
166.200 (d)(53) added....18234
166.400 Added....43349
181 Authority citation revised; section authority citations removed....37573
181.1 Revised; eff. 8-1-87....37573
181.5 Revised; eff. 8-1-87....37573
181.15 (f) added; eff. 8-1-87....37573
183 Authority citation revised; section and subpart authority citations removed....37573, 37577
183.1 Revised; eff. 8-1-87....37574
Revised; eff. 11-23-87....19728
183.3 (l), (m), and (n) added; eff. 8-1-87....37574

183.5 Added; eff. 11-23-87....19728
183.53 Revised; eff. 8-1-87....37574
183.110 Amended; eff. 11-23-87....19728
183.402 (a), (d), (e), (g) and (i) removed; (b), (c), (f), and (h) redesignated as (a), (b), (c), and (d); eff. 11-23-87....19728
183.505 Amended; eff. 11-23-87....19728
183.528 (b) revised; eff. 11-23-87....19728
183.532 (b) revised; eff. 11-23-87....19728
183.540 Revised; eff. 11-23-87....19728
183.558 (a) and (b) revised; eff. 11-23-87....19728
183.568 (c) introductory text revised; eff. 11-23-87....19729
183.590 (a)(1) revised; eff. 11-23-87....19729
183.605 Amended; eff. 11-23-87....19729
183.607 Removed; eff. 11-23-87....19729
183.620 (b) revised; eff. 8-1-87....37577
Petition granted....6973

Chapter II—Corps of Engineers, Department of the Army

203.13 (c) revised....25691
203.42 (c) revised....25691
203.81 (a) revised....25691
203.82 (f) added....25692
203.91—203.95 (Subpart H) Added....25692
207.249 Heading revised; (b)(3)(iii) removed; (b)(3)(iv) redesignated as new (b)(3)(iii)....18235
207.250 Removed....18235
207.275 Revised....30640
207.640 (q) designation correctly removed; heading correctly revised....25198
207.718 (a), (f), and (h)(2) revised; (h)(3) added....22310
207.750 (d)(7) through (11) and (g) and (l) correctly redesignated as (a)(2) through (6) and (b) and (c); (a) heading and (1) correctly added; (f) correctly removed....25198

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

Page

209 Authority citation revised....45765
209.110 Removed....45765
209.132 Removed....45765
209.170 (a) and (e) removed; (b), (c), (d), (f) and (g) redesignated as (a), (b), (c), (d) and (e)....45765
209.200 (a) revised; (c), (d), and (f) removed; (e), (g) and (h) redesignated as (c), (d) and (e); new (d) and (e) revised....45765
(d) and (f) correctly removed; (e), (g), and (h) correctly redesignated as (d), (e), and (f)....24157
209.310 Heading revised....45765
Revised....45766
222.7 Appendix E revised....15804
Appendix E corrected....23816
320 Revised....41220
321 Revised....41227
322 Revised....41228
323 Revised....41232
324 Revised....41235
325 Revised....41236
326 Revised....41246
327 Revised....41249
328 Added....41250
329 Revised....41251
330 Revised....41254
330.11 (c) correctly revised....1183
334.460 (a)(3) and (b) (4) and (5) revised....42838

Title 33—*Proposed Rules:*

60....11506
62....11506
66....11506
67....44642
95....4116
100....29948, 40341
....2237, 6990, 7623, 7624, 10593, 10594, 10905, 10906, 11506, 11693, 13011, 21603, 21604, 22347
110....41642, 42269
....90, 3284, 6347, 11512, 17304
117....24720, 24721, 27877, 32339, 33067, 34233, 35535, 37606, 40342, 43047
....1636, 6991, 9673, 11695, 12431, 13847, 15734-15736, 17413, 18582, 19172, 19173, 21605, 23187, 23473, 24176
151....34332, 36233, 37607, 37608, 40950
158....34332, 36233, 37607, 37608, 40950

Page

161....32489
....806, 1691
162....19173
165....31958, 42595
....4039, 8622, 8623, 17305, 20113
166....44072, 46880
167....44072
179....20115
181....26912
183....26913
209....24177
240....22687
334....28248
....17990
402....3826, 5616

TITLE 34—EDUCATION

Subtitle A—Office of the Secretary, Department of Education

30 Revised (effective date pending)....24099
30.20 (a)(3) redesignated as (a)(2); (b)(2)(iii) revised; (f) removed (effective date pending)....35646
30.23 (a)(1) revised; OMB number (effective date pending)....35646
30.24 (a)(1) and (d)(1)(iii)(A) revised; OMB number (effective date pending)....35646
30.25 OMB number (effective date pending)....35647
30.27 (a)(1) amended (effective date pending)....35647
63 Removed....29550
76 Authority citation revised....35583
76.1 Table amended....35583
76.102 (aa) added....35583
76.125 Table amended....35583

Chapter II—Office of Elementary and Secondary Education, Department of Education

200.53 OMB number....25061
200.54 OMB number....25061
211 Removed....29550
221 Revised (effective date pending)....16750
222 Authority citation revised....41562
222.80—222.81 (Subpart I) Revised (effective date pending)....41562

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 34—Con.

Chapter III—Office of Special Education and Rehabilitative Services, Department of Education

Page

338 Authority citation revised....6143
338.10 (a) (3) and (4) amended; (a)(5) removed (effective date pending)....6143
338.32 Added (effective date pending)....6143
338.40 (Subpart E) Added (effective date pending)....6143

Chapter IV—Office of Vocational and Adult Education, Department of Education

400 Authority citation revised....25493
400.4 (b) amended (effective date pending)....25493
401 Authority citation revised....25493
401.13 (a) introductory text and (b) revised; (c) added (effective date pending)....25493
401.14 Revised (effective date pending)....25493
401.15 (d) revised (effective date pending)....25493
401.16 (b) introductory text and (1) revised (effective date pending)....25493
(b) correctly designated....26687
401.19 (b)(6) revised; (b)(14) removed (effective date pending)....25493
401.22 (b)(1) amended (effective date pending)....25493
401.30 (b)(1) revised (effective date pending)....25493
401.73 (c)(2)(xi) revised; (c)(2)(xii) added (effective date pending)....25493
401.76 (c)(2)(xi) revised (effective date pending)....25493
401.93 (b) heading and introductory text republished; (b)(1) revised (effective date pending)....25494
401.96 (b) revised (effective date pending)....25494
401.97 Revised (effective date pending)....25494
401.102 (b)(2) revised; (c) added (effective date pending)....25494
401.105 (b)(2) revised; (c) added (effective date pending)....25494
415 Authority citation revised....25494
415.31 (i)(2)(ii) amended (effective date pending)....25494

Chapter VI—Office of Postsecondary Education, Department of Education

605 Removed....19511
606 Removed....19511
614 Authority citation revised....46583
614.63 Revised....46583
617 Authority citation revised....29438, 46583
617.41—617.44 (Subpart C) Removed....29438
617.67 Added....46583
619 Added....29438
624 Authority citation revised....29197
624.5 (a) revised (effective date pending)....29196
628 Authority citation revised; nomenclature change....11258
628.1 Introductory text revised (effective date pending)....11258
628.5 (a)(1) and (b)(1)(iii) amended; (b)(1)(i) revised (effective date pending)....11258
628.6 Amended (effective date pending)....11258
628.10 Revised (effective date pending)....11258
628.20 (a) designation and (b) removed; (a) (1) and (2) redesignated as (a) and (b) (effective date pending)....11258
628.30 (a) removed; (b) and (c) redesignated as (a) and (b); new (b) amended (effective date pending)....11258
628.32 (a) revised; (b)(1) amended (effective date pending)....11258
628.33 Removed (effective date pending)....11258
628.40 (a) and (b) revised (effective date pending)....11258
628.41 (b)(1) revised (effective date pending)....11258
628.45 (c) amended (effective date pending)....11258
628.46 (a)(1) amended (effective date pending)....11258
628.47 (d) and (e) revised (effective date pending)....11258
628.48 (a)(1) amended (effective date pending)....11258
639 Authority citation revised....12508
639.1 Authority citation amended....12508
639.2 Authority citation amended....12508
639.3 Authority citation amended....12508
639.4 Authority citation amended....12508
639.10 Authority citation amended....12508
639.11 Added (effective date pending)....12508
639.30 Authority citation amended....12508
(a) removed; (b) and (c) redesignated as (a) and (b); new (b)(1) amended; new (a) introductory text revised (effective date pending)....12509
639.31 Authority citation amended....12508
639.40 Authority citation amended....12508
649 Heading and authority citation revised....22284
649.1 (b) (1) and (2) amended; (b)(3) removed; heading and (a) revised; (c) added (effective date pending)....22284
649.3 Revised (effective date pending)....22285
649.4 (b) amended (effective date pending)....22284, 22285
649.10 (a) amended; (b)(2) revised (effective date pending)....22285
649.11 (a)(1), (b) introductory text and (1)(i) amended (effective date pending)....22284
(b)(3) and (b)(3) removed; (b)(4) and (5) redesignated as (b) (3) and (4); (a)(1), (b) introductory text and (c)(3) revised (effective date pending)....22285
649.12 (a)(2) (i) and (iii), (b)(2) (i) and (ii), (c) (1) and (2), (e) and (f) amended (effective date pending)....22284
649.13 (b) amended (effective date pending)....22284
649.14 Removed (effective date pending)....22285
649.30 (c) revised (effective date pending)....22285
649.42 (b) revised (effective date pending)....22285
649.50 (a) amended (effective date pending)....22285
649.51 (a) revised; (c) amended (effective date pending)....22285
649.52 (c) added (effective date pending)....22285
653 Added....35583
Revised (effective date pending)....10006
668 Authority citation revised....29398
668.1—668.7 (Subpart A) Revised (effective date pending)....41921
668.14 (c)(1)(ii) and (2) amended; (c)(3) removed (effective date pending)....43161
668.21 (a)(3) removed (effective date pending)....43161
668.22 (a)(1) amended (effective date pending)....43161
668.32 (d) revised (effective date pending)....43161
668.33 (a)(1) (i) and (ii) amended; (a)(1)(iii) removed (effective date pending)....43161
668.41—668.45 (Subpart D) Revised (effective date pending)....43323
668.41 Amended (effective date pending)....43161
668.51 (c) redesignated as (d); new (c) added (effective date pending)....43333
668.56 (a) introductory text, (3) (i) and (ii), and (b)(2)(ii) (A) and (B) revised; (d)

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 34 Chapter VI—Con. Page

through (g) added (effective date pending)..... 29398
668.57 (a)(1) (ii) introductory text and (iii) introductory text, (6) and (e)(3)(ii) introductory text revised (effective date pending)..... 29398
668.58 (a)(2)(iii) revised; (a)(2)(iv) and (d) added (effective date pending)..... 29398
(d)(2) corrected..... 29920
668.71—668.75 (Subpart F) Revised (effective date pending)..... 43324
668.81—668.97 (Subpart G) Revised (effective date pending)..... 43325
668.85 (c)(1) amended (effective date pending)..... 43161
673 Added (effective date pending)..... 17902
674 Authority citation revised..... 28314, 33728, 41925
674.2 Amended (effective date pending)..... 33728
674.6 Revised..... 28314
674.6a Revised (effective date pending)..... 28314
Correctly designated; (a), (c)(1), (2) introductory text, and (3)(ii) corrected..... 30355
674.7 Heading and (a) revised (effective date pending)..... 28314
674.7a Added (effective date pending)..... 28314
674.9 (a), (e)(2), (f) introductory text, and (2) revised (effective date pending)..... 41925
675 Authority citation revised..... 41925
675.9 (a), (f)(2), (g) introductory text, and (2) revised (effective date pending)..... 41925
676 Authority citation revised..... 41925
676.9 (a), (e)(2), (f) introductory text, and (2) revised (effective date pending)..... 41925
682.100—682.103 (Subpart A) Revised (effective date pending)..... 40888
682.200—682.213 (Subpart B) Revised (effective date pending)..... 40889
682.300—682.304 (Subpart C) Revised (effective date pending)..... 40899
682.400—682.414 (Subpart D) Revised (effective date pending)..... 40902
682.500—682.515 (Subpart E) Revised (effective date pending)..... 40913
682.600—682.610 (Subpart F) Revised (effective date pending)..... 40919
682.700—682.711 (Subpart G) Revised (effective date pending)..... 40923
682 Appendix A revised (effective date pending)..... 40926
Appendix C revised (effective date pending)..... 40927
683 Removed (effective date pending)..... 40888
690 Authority citation revised..... 41926
690.2 (a) amended (effective date pending)..... 41926
(b) amended (effective date pending)..... 43161
690.3 (c) removed (effective date pending)..... 43161
Nomenclature change (effective date pending)..... 43162
690.4 (a) revised (effective date pending)..... 41926
690.7 (b) introductory text and (c) introductory text amended; (d) removed (effective date pending)..... 43161
690.31—690.39 (Subpart C) Section authority citations revised..... 3095
690.32 Amended (effective date pending)..... 3095
690.33 (b)(1) and (2) and (f) amended (effective date pending)..... 3095
690.33a (b) and (f) amended (effective date pending)..... 3095
690.34 (a)(1)(i) revised; (a)(2), (3)(ii), and (4) amended (effective date pending)..... 3095
690.34a (a)(1) revised (effective date pending)..... 3095

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

Page

690.39 (a) introductory text, (1), (2), (3), and (5) and (b) amended (effective date pending)..... 3095
690.41—690.48 (Subpart D) Section authority citations revised..... 3095
690.42 Amended (effective date pending)..... 3095
690.43 (b)(1) and (2) amended (effective date pending)..... 3095
690.44 (a)(1)(i) revised; (a)(2), (3)(ii), and (4) amended (effective date pending)..... 3095
690.48 (a) introductory text, (1), (2), (3), (4), and (6) and (b) amended (effective date pending)..... 3095
690.51—690.57 (Subpart E) Section authority citations revised..... 3095
690.61 Revised (effective date pending)..... 43162
690.63 Nomenclature change (effective date pending)..... 43162
690.65 (a), (b), and (c) revised (effective date pending)..... 43162
690.66 (d) removed; nomenclature change (effective date pending)..... 43162
690.71—690.84 (Subpart G) Heading amended (effective date pending)..... 43162
690.71 Nomenclature change (effective date pending)..... 43162
690.72 Nomenclature change (effective date pending)..... 43162
690.73 (e) removed; nomenclature change (effective date pending)..... 43162
690.74 Nomenclature change (effective date pending)..... 43162
690.75 (a) (3) and (4) and (g) introductory text and (2) revised; (a)(5) removed; (a)(6) redesignated as (a)(5) (effective date pending)..... 41926
690.91—690.101 (Subpart H) Removed (effective date pending)..... 43161
692 Authority citation revised..... 43312
692.3 (b) revised..... 43312
692.21 (g)(1) revised (effective date pending)..... 43312
692.40 (a)(1), (5) and (6) revised (effective date pending)..... 43312

Chapter VII—Office of Educational Research and Improvement, Department of Education

705 Removed..... 19511
726 Removed..... 19511
755 Revised (effective date pending)..... 3692
760.30 (a), (b), and (d) amended (effective date pending)..... 22442
760.31 Redesignated as 760.32 and (a) Points and (f) Points revised; new 760.31 added (effective date pending)..... 22442
76.32 Redesignated as 760.33 and (a) amended and (b) revised; new 760.32 redesignated from 760.31 and (a) Points and (f) Points revised (effective date pending)..... 22442
760.33 Redesignated from 760.32 and (a) amended and (b) revised..... 22442
761 Added (effective date pending)..... 9442
796 Authority citation revised..... 29192
796.3 (b) amended (effective date pending)..... 29192
796.12 Revised (effective date pending)..... 29192
796.15 Revised (effective date pending)..... 29193
796.31 (d) redesignated as (e); new (d) added (effective date pending)..... 29193
796.34 (a) revised (effective date pending)..... 29193

Title 34—*Proposed Rules:*

11..... 30511
30..... 24092
74..... 21820, 21864, 23627
75..... 5142
76..... 5142
80..... 21820, 23627
99..... 22250
206..... 11448
215..... 15896, 17366
221..... 16764

NOTE: **Boldface** indicates 1987 page numbers.

Title 34—*Proposed Rules—Con.* Page
222.....16144, 22501, 23137, 24181
230.....13212
235.....8570
237.....18184
250.....17532
251.....17532
270.....4850
271.....4850
272.....4850
309.....18174
315.....17744
319.....19808
320.....15464
350.....17368
351.....17368
352.....17368
353.....17368
354.....17368
355.....17368
356.....17368
357.....17368
358.....17368
359.....17368
363.....19816
371.....19822
386.....19822
500.....5142
502.....7380
504.....7380
524.....7380
600.....37366
607.....22264
608.....22274
609.....22274
614.....31754, 37366
.....17906
624.....24796
629.....23774
630.....15472
631.....22948
632.....22948
633.....22948
634.....22948
635.....22948
650.....12360
668.....30190, 37132
673.....6924
690.....30190
692.....23260
745.....5142
755.....34662
760.....44800
761.....33218
762.....16362
763.....21920
764.....13608
765.....13608
766.....13608
785.....22062
786.....22062
787.....22062
788.....22062
789.....22062

TITLE 35—PANAMA CANAL

Chapter I—Panama Canal Regulations

103.8 (f)(1) revised; interim.....27174
Confirmed.....45884
105 Authority citation revised.....36011
105.1 (a) revised.....36011
105.7 Added.....36011
119 Authority citation revised.....3800
119.103 Revised.....3800
251 Authority citation revised.....33262
251.3 (b)(4) amended.....33262
251.4 (a) and (b)(2) amended; (b)(3) and (4) removed; (c)(8) redesignated as (b)(6); (g) added.....33262
(b) (4) and (6) effective date corrected.....40418
251.6 Added.....33262
251.12 (b)(1) amended.....33262
251.43 (a) and (b) amended.....33262
253 Authority citation revised.....33262
253.8 (b) introductory text, (1), and (6) revised.....25693
(a) and (c)(9) and (10) amended; (c)(8) removed.....33262
(b)(6) revised.....37182
253.44 (e) revised.....33262
253.47 (b) and (c) amended.....33262
253.291 (Subpart J) Revised.....33262
253.292 Removed.....33262

Title 35—*Proposed Rules:*
119.....39668

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter I—National Park Service, Department of the Interior

1 Authority citation revised.....37010
1.2 Revised.....37010
(e) added.....10683
1.4 (a) amended.....37011
(a) amended.....10683

Page
1.5 (f) revised.....29470
1.6 (e), (g), and (h) revised.....29470
1.8 Revised.....10683
2 Authority citation revised.....33264
Authority citation revised.....10683
2.2 (b)(3) revised.....33264
2.18 (a) and (d)(4) revised; (d) introductory text republished.....10683
2.33 (a) revised.....10683
2.35 (a)(2) (iii) and (iv) removed; (a)(3) revised.....10683
3 Authority citation revised.....29470
3.3 Revised.....29470
4 Revised.....10683
7 Authority citation revised.....37011
Section authority citations removed.....10685
7.3 (g) removed; (h) redesignated as (g).....10685
7.4 (a) through (f) removed; (g) through (i) redesignated as (a) through (c).....10685
7.7 (h)(3) amended.....10685
(d) and (e) removed; (f) through (h) redesignated as (d) through (f); (b) and new (f)(4) amended; eff. 7-20-87.....23304
7.12 (b)(1)(i) and (2)(v)(B) amended.....10686
7.13 (a) and (b)(1) removed; (b)(2), (3) introductory text, (i) and (ii) redesignated as (a), (b) introductory text, (1) and (2).....10686
(e) revised.....19346
7.15 (e) and (f) removed.....10686
(a) revised.....19345
7.16 (d), (f), and (g) removed.....10686
7.20 (a)(1) (ix), (x) introductory text and (B), (2) (i) and (ii), (5) (ii), (iii) and (v), (8) and (10)(ii) introductory text revised; (a)(1)(x) (C) and (D) and (2)(iii) removed; (a)(2) (iv) and (v) and (10) (iii) through (ix) redesignated as (a)(2) (iii) and (iv) and (10) (iv) through (x); new (a)(10)(vi) revised; (a)(1)(xii), (5)(vi), and (10)(iii) added.....7376
(c) added.....7377
(a)(7)(iv) amended.....10686
7.29 (a) amended.....10686
7.34 (k) removed; (l) redesignated as (k).....10686
(f) and (g) removed; (l) redesignated as (d).....20388
Technical correction.....22031
7.35 Revised.....19343
7.41 (d) removed.....10686
7.43 (c)(5) (iii) and (iv) removed; (c)(5)(v) redesignated as (c)(5)(iii).....10686
7.44 Removed.....33040
7.57 (a)(1) designation and (2) removed; (b) revised.....10686
7.58 (b) removed; (c) redesignated as (b).....10686
7.65 (b)(2)(ii)(C) amended.....10686
7.71 (d)(1)(iii) revised; (d)(3) removed.....40419
7.75 (b) revised.....35647
(a)(1)(iii) and (2)(v) removed; (a)(1) (iv), (v) and (vi) redesignated as (a)(1) (iii), (iv) and (v); (a)(1)(ii) amended.....10686
7.96 Added.....37011
8 Authority citation revised.....24656
8.4 Removed; new 8.4 redesignated from 8.5 and revised.....24656
8.5 Redesignated as 8.4 and revised; new 8.5 redesignated from 8.6.....24656
8.6 Redesignated as 8.5; new 8.6 redesignated from 8.7.....24656
8.7 Redesignated as 8.6; new 8.7 redesignated from 8.8.....24656
8.8 Redesignated as 8.7; new 8.8 redesignated from 8.9.....24656
8.9 Redesignated as 8.8; new 8.9 redesignated from 8.10.....24656
8.10 Redesignated as 8.9.....24656
13.10—13.16 Removed.....31629
13.17 Revised.....33484
13.21 (c) and (d) redesignated as (d) and (e); (b) revised; new (c) added.....33487
34 Added.....29103
34.5 (a)(1) and (d) revised.....10686
50 Removed.....37019
59 Added.....34184
59.3 (b)(3)(i) revised.....22747
62.2 Amended.....5458
62.5 Revised.....5458
72.70—72.75 (Subpart E) Added.....34186

TITLE 36—Con.

Chapter II—Forest Service, Department of Agriculture

Page

211.18 (c)(2) and (h) revised; interim....41785
(b)(4) amended; (h) revised; eff. 7-20-87....23178
214 Removed....10086
215 Removed....10086
223.48 (a) and (b) revised; OMB number....40316
223.164 OMB number removed....40316
228.59 (e) added; interim....10565
251 Authority citation removed....41082
251.9—251.35 (Subpart A) Heading and authority citation added; section authority citations removed....41082
251.50—251.64 (Subpart B) Heading and authority citation added; undesignated center heading and Editorial Note removed....41082
251.23 Existing regulations unchanged....33040
261.9 (g) and (h) revised; (i) added; interim....30356
261.58 (s), (t), and (cc) revised....19347
291 Authority citation revised....26827
291.9 Authority citation removed....26827
291.10 Added....26827

Chapter VII—Library of Congress

702.3 Revised....672
702.4 Redesignated as 702.5 and revised; new 702.4 added....672
702.5 Redesignated as 702.6; new 702.5 redesignated from 702.4 and revised....672
702.6 Redesignated as 702.7; new 702.6 redesignated from 702.5....672
Revised....673
702.7 Redesignated as 702.8; new 702.7 redesignated from 702.6....672
Revised....673
702.8 Redesignated as 702.9; new 702.8 redesignated from 702.7....672
Revised....673
702.9 Redesignated as 702.10; new 702.9 redesignated from 702.8....672
702.10 Redesignated as 702.11; new 702.10 redesignated from 702.9....672
702.11 Redesignated as 702.12; new 702.11 redesignated from 702.10....672
702.12 Redesignated as 702.13; new 702.12 redesignated from 702.11....672
702.13 Redesignated as 702.14; new 702.13 redesignated from 702.12....672
702.14 Redesignated as 702.15; new 702.14 redesignated from 702.13....672
Revised....673
702.15 Redesignated from 702.14....672
Revised....673

Chapter VIII—Advisory Council on Historic Preservation

800 Revised....31118

Chapter XI—Architectural and Transportation Barriers Compliance Board

1154 Added; eff. 7-6-87....16380
1155.3 (b)(1) revised; (b)(4)(i) removed; (b)(4) (ii) through (iv) redesignated as (b)(4) (i) through (iii); new (b)(4)(i) revised....36804

Chapter XII—National Archives and Records Administration

1232.4 Revised....948
1253.1 Revised....23821
1253.3 (b) through (g) revised; (h) and (i) added....23821
1253.4 Amended....23821
1253.6 Revised....23821
1254.27 Added....31617
1254.70 Revised....20080
1254.90—1254.102 (Subpart F) Added....20081

Page

1254.92 (a) and (c)(5)(i) corrected....22415
1254.96 (a)(1) corrected....22415
1254.98 (d) corrected....22415
1280.1—1280.8 (Subpart A) Heading added....23821
1280.1 Revised and transferred to new Subpart A....23822
1280.3—1280.8 Added....23822
1280.10—1280.24 (Subpart A) Redesignated as (Subpart B)....23822
1280.12 Revised....23822
1280.14 Introductory text, (a), and (b) revised....23822
1280.20 (f) revised....23823
1280.22 Added....23823
1280.24 Added....23823
1280.40—1280.48 (Subpart B) Redesignated as (Subpart C)....23822
1280.42 (a) revised....23823
1280.44 Revised....23823
1280.60—1280.62 (Subpart C) Redesignated as (Subpart D) and heading revised....23822
1280.60 Revised....23823

Title 36—*Proposed Rules:*

1....12037
2....25576
....12037
7....28107-28110, 29498, 35009, 36409, 37201
....3285, 4511, 4784, 19735, 22662
9....10866, 19889
60....28204
63....28204
211....22348
223....3027, 18399, 18926, 22348, 23188
254....23473
296....10342
902....13722
1190....4352
1207....21820, 23627
1250....13724
1254....39547
1258....13724

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent and Trademark Office, Department of Commerce

1.1 (f) added....9394
1.8 (a)(2)(xi) revised....20046
1.20 (n) added....9394
1.24 Revised....28057
Effective date corrected....28556
1.61 Removed....20046
1.70 Removed....20046
1.101 (a) revised....20046
1.141 Revised....20046
1.401—1.499 (Subpart C) Authority citation revised....20047
1.401 (g) redesignated as (i); new (g) and (h) added....20047
1.414 Revised....20047
1.416 Added....20047
1.431 (d)(2) revised....20047
1.432 (b) revised....20047
1.445 Heading and (a) revised....20047
1.472 Redesignated from 1.475....20047
1.475 Redesignated as 1.472; new 1.475 added....20047
1.476 Redesignated from 1.481 and (a) revised....20048
1.477 Redesignated from 1.482 and heading and (b) revised....20048
1.480—1.489 Undesignated center heading added....20048
1.480 Added....20048
1.481 Redesignated as 1.476 and (a) revised....20048
1.482 Redesignated as 1.477 and heading and (b) revised; new 1.482 added....20048
1.484 Added....20049
1.485 Added....20049
1.487 Added....20049
1.488 Added....20049
1.489 Added....20050
1.491—1.499 Undesignated center heading added....20050
1.491 Added....20050
1.492 Added....20050
1.494 Added....20050
1.495 Added....20051
1.496 Added....20051
1.497 Added....20052
1.499 Added....20052
1.690 Added....13838
1.710—1.785 (Subpart F) Added....9394
2 Authority citation revised...28057, 28709
2.1 Revised....28709

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 37 Chapter I—Con. Page

2.6 Introductory text republished; (a), (n), (o), and (q) revised ... 28057
Effective date corrected; text corrected ... 28556
2.21 (a) introductory text republished; (a)(3) revised ... 29921
2.52 Revised ... 29921
2.54 Removed ... 29922
2.58 (b) revised ... 29922
2.101 (b) revised ... 28709
2.104 Revised ... 28709
2.112 (a) revised ... 28710
2.114 (c) revised ... 28710
2.132 (c) revised ... 28710
2.145 (d)(1) revised ... 28710

Chapter II—Copyright Office, Library of Congress

201.2 (b)(2) and (c)(1) amended ... 30062
201.17 (k) added; interim ... 30216
(k) revised ... 45112
202 Registration decision ... 23443

Chapter III—Copyright Royalty Tribunal

304.5 (c) amended ... 43609
306.3 Revised ... 27537
306.4 Removed ... 27537
307.3 (a), (b) and (c) amended; (d) and (e) added; eff. 7-15-87 ... 22637
(e)(2) correctly revised ... 23546

Chapter IV—Assistant Secretary for Productivity, Technology and Innovation, U.S. Department of Commerce

401 Added; interim ... 25511
Revised ... 8554

Title 37—*Proposed Rules:*

1 ... 27205, 32756
... 6696
201 ... 35244, 36705
202 ... 32665, 36410
... 3146, 23476, 23691
307 ... 11096

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

Page

1.700—1.705 Undesignated center heading added ... 10889
1.700—1.704 Added ... 10889
1.705 Added ... 10890
1.980—1.994 Undesignated center heading added ... 1905
1.980—1.981 Added ... 1905
1.980 (f) corrected ... 23824
1.981 (a)(3) corrected ... 23824
1.982—1.984 Added ... 1906
1.985 Added ... 1907
1.986 Added ... 1907
1.987 Added ... 1907
(a) corrected ... 23824
1.988—1.991 Added ... 1907
1.992—1.994 Added ... 1908
3.202 (c) revised ... 19348
3.204 (c) revised ... 19348
3.205 (c) amended; cross reference added ... 19349
3.206 Cross reference added ... 19349
3.207 Cross reference added ... 19349
3.208 Amended; cross reference added ... 19349
3.209 Amended ... 19349
3.210 (c)(2) revised; cross reference added ... 19349
3.211 Cross reference added ... 19349
3.212 (a) amended; cross reference added ... 19349
3.213 (a) (1), (2), and (3) revised; cross reference added ... 19349
3.214 Amended; cross reference added ... 19349
3.215 Revised; cross reference added ... 19349
13.64 Added ... 26157
13.70 (a) (1) and (2) and (c) amended ... 26158
13.71 (b) revised ... 26158
17.30 (w)(3) removed ... 25064
17.47 (c)(3) and (d)(3) redesignated as (e) (1) and (2); (a), (b), (c), and (d) revised ... 25064
(a)(3) revised ... 11259
17.48 (e) through (h) redesignated as (h) through (k); (b) through (d) revised; new (e), (f) and (l) added ... 25064

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

Page

(g) revised ... 3010
(e)(1) introductory text revised; (e)(8) added ... 11259
17.49 Revised ... 25066
17.50b Revised ... 25066
17.51 Revised ... 25067
17.51a Revised ... 25067
17.51b Revised ... 25067
17.51c—17.51g Undesignated center heading added ... 13441
17.51c Added ... 13441
17.51d Added ... 13441
17.51e Added ... 13441
17.51f Added ... 13442
17.51g Added ... 13442
17.52—17.53d Undesignated center heading revised ... 25067
17.53 Removed ... 25067
17.60 Introductory text, (e), (f) and (j) revised; (m) added ... 25067
17.60g (f) through (i) added ... 25068
17.62 (h) revised ... 3010
17.100 (d) and (j) amended; (a)(3) and (g)(3) removed; introductory text, (e), (f)(1) and (k) revised; (m) added ... 7576
17.168 Added ... 23825
17.170—17.177 Undesignated center heading and Note revised ... 23825
17.170 Introductory text, (d) and (e) revised; (f) through (j) added ... 23825
17.171 (a) introductory text revised ... 23826
17.172 Revised ... 23826
17.173 (e) redesignated as (h); (a) introductory text, (1), and (4), (b) (5) and (8), (c), and (d) revised; (a)(5), (b) (9) and (10), (d), (e), (f), and (g) added ... 23826
17.174 Revised ... 23828
17.175 Revised ... 23828
17.176 Revised ... 23829
17.177 (a)(4)(iii) removed ... 23829
17 Appendix A revised ... 23829
19.129 (b) amended; (c) added ... 26248
19.132 Revised ... 26248
19.168 Revised ... 35648
19.170 Revised ... 35648
21.62 (b)(4) revised ... 2518
21.182 (d) added ... 2518
21.197 (c) (1) and (4) revised ... 2518

NOTE: **Boldface** indicates 1987 page numbers.

Page

21.198 (d) introductory text revised ... 2519
21.324 (n)(2) correctly revised ... 25525
21.430 (c)(1), (2) and (3) revised ... 45767
21.4230 (d) introductory text and (1) revised ... 17952
21.4258 (d) added ... 26158
21.4260 Revised ... 13239
21.4303 Removed ... 26159
21.4504 (d) revised ... 5963
(d) corrected ... 7276
21.4632 (e)(2) (i) and (ii) amended ... 6547
21.5021 (j)(3) removed ... 3429
21.5064 (b)(2) revised ... 46655
21.5072 (a)(1) introductory text and (c) revised ... 3429
21.5132 (a) revised ... 3429
21.5137 Removed ... 3429
21.5138 (a)(2) introductory text and (ix) and authority citation revised ... 3429
21.5250 (k) removed ... 3429
21.5701—21.5901 (Subpart H) Added ... 27026
21.5742 (a)(2) correctly revised ... 29471
26 Revised ... 37182
36.4212 (a) revised ... 44291
(a) revised ... 2520, 12382, 18356
36.4311 (a), (b), and (c) revised ... 44291
(a), (b), and (c) revised ... 2520, 12382, 18356
36.4503 (a) revised ... 44291
(a) revised ... 2520, 12382, 18357
36.4600 (a), (b), and (c) introductory text revised ... 6548

Title 38—*Proposed Rules:*

1 ... 8624, 21700
2 ... 42593
... 19890
3 ... 35667, 41644
... 2559, 3286, 17773, 18772, 23188
4 ... 17607, 19365
8 ... 22350
13 ... 300
14 ... 8472
17 ... 26027, 41807
... 10907, 22351
21 ... 26913, 26914, 31782, 32667
... 3288, 13110, 17990, 18399, 18400, 19174, 19446, 19890, 21709
36 ... 33623, 41808

Title 38—*Proposed Rules—Con.* Page
18401, 19891, 20617
42 16409
43 ..... 21820, 23627

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

10 International Mail Manual amended; incorporation by reference 28384, 31326, 33041, 39374, 45318
International Mail Manual amended; incorporation by reference 673, 6143, 10375, 13442
International Mail Manual amendment at 52 FR 13442 eff. date deferred to 7-4-87 17401
10.3 (d) table amended 3226
111 Authority citation revised 41302
Authority citation revised 19350
111.3 DMM amended; incorporation by reference; interim 25526
DMM amendment; incorporation by reference; interim rule extension of time 29922
DMM amended; incorporation by reference 33610, 41302, 43195
(e) table amended 43907
DMM amended; incorporation by reference 4496, 5283, 19250, 20389
DMM amended; incorporation by reference (republication) 6144
(e) table amended 10750, 23981
221 Authority citation revised 40796
221.2 (a) revised 40796
221.3 (a) revised; (c) amended 40796
221.5 Redesignated as 221.6 and revised; new 221.5 added 40796
221.6 Redesignated as 221.7; new 221.6 redesignated from 221.5 revised 40796
221.7 Redesignated as 221.8; new 221.7 redesignated from 221.6 40796
Revised 40797
221.8 Redesignated from 221.7 40796
Revised 40797
222 Authority citation revised 40797
222.1 (a) and (c) revised; (e) amended 40797
222.2 (a) and (b) amended 40797
222.3 Revised 40797
222.4 Revised 40797
222.5 (a) introductory text, (1), and (7), and (b) amended; (c) revised 40798
222.6 (c) designated as (c) introductory text and revised; (c)(1) through (4), (d), and (e) redesignated from 244.1 (a) (1) through (4), (d), and (e) 40798
222.7 (a)(3) and (c)(2) and (3) amended 40798
222.8 (a)(3) and (c)(3) amended 40798
222.9 Heading, (a) introductory text, and (b) revised 40798
222.10 Heading and text amended 40798
223 Authority citation added; section authority citations removed 40798
223.1 (d) removed; (e) redesignated as (d); (a), (c) heading and text, and new (d) heading and text amended; (b) revised 40798
223.2 (a)(1), (2), and (4), and (c) amended; (b) revised 40798
224.1 (c)(4)(ii)(A) amended 12900
(c)(4)(ii)(A) amended; eff. 7-31—87 18911
224.6 (b) introductory text republished; (b) (15) and (16) amended; (b)(17) added 12900
224.7 Amended 12900
225.9 (b)(9) revised; eff. 7-31-87 18912
233 Authority citation revised; section authority citations removed 31328
Authority citation revised 4497
233.1 (c) added 12901
233.7 Added 31328
Revised 4497
(c) and (h)(2) corrected 5765
244 Removed 40798
244.1 (a)(1) through (4), (b), and (c) redesignated as 222.6 (c)(1) through (4), (d), and (e) 40798
262.2 (a) amended 26385
262.4 (a) amended 26385
265.4 Amended 26386
265.5 Amended 26386
265.6 (a)(2), (c)(2), and (e)(2) amended; (b)(3)(viii) added 26386
(d) (1), (2), and (3) amended 13668
(c) revised; eff. 7-6-87 22778
265.7 (a)(2), (b)(6), (d)(1)(i), and (e)(1) amended 26386
(a)(1) amended; (a)(4) and (c)(2) revised 13668
265.8 (b) (1) and (2) amended; (e)(9) removed; (e) (3), (5), and (6) revised 26386
Revised 13668
265.10 (a)(3) amended 26386
265 Appendix A revised 13671
266 Authority citation revised 26386
266.6 (a) amended 26386
266.7 (a) amended 26386
273 Undesignated center heading above Part removed; part added 12901
320 Authority citation revised; section authority citations removed 29638
320.8 Added 29638
776.2 Amended 40170
776.5 (g), (h), and (i) amended; (f) introductory text revised 40170
916 Removed; eff. 7-31-87 18912
960 Authority citation revised 6797
960.1 Amended 6797
960.2 Revised 6797
960.3 (a) revised 6798
960.4 (b)(1), (2), and (5) and (c) revised; (b) introductory text republished 6798
960.5 (a) revised 6798
960.6 (a) amended 6798
960.8 Revised 6798
960.9 (b) introductory text revised 6798
960.11 Existing text designated as (a) and amended; (b) added 6798
960.12 (c) introductory text republished; (c)(3), (4), and (5) amended; (b)(6) added 6798
960.18 (a) amended 6798
960.19 Existing text designated as (a); (b) added 6798
960.20 Existing text designated as (a); (b) added 6798
960.21 Revised 6799
962 Added 12904
963 Added; eff. 7-31-87 18912
963.3 (e) corrected 20599
963.17 (a) corrected 20599

Chapter III—Postal Rate Commission

3001.42 (c)(4) revised; (c)(5) added; interim 13443
3001.61—3001.68 (Subpart C) Appendix A amended 37019
Appendix A amended 15725, 19139
3001.101 Amended 24531
3001.102 Revised 24531

Title 39—*Proposed Rules:*
10 ..... 24391, 28958, 33792, 43386
..... 2728, 5551, 8627, 9756
111 ..... 25371, 26718, 31673, 43936, 44801, 45781, 46782
..... 2560, 2561, 12432, 12559, 15513, 23308, 23477, 23561
224 7454
265 12434
447 ..... 12196, 13011
960 301
962 7454

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

6.103 (a)(4), (b)(2), (c)(2), (e) and (f) revised 32609
6.105 Heading and (d) revised 32610
6.107 (b) revised; (d), (e) and (f) added 32610
6.108 Heading and (d) revised 32611
6.400 (d), (e) and (f) revised 32611
6.402 (b) revised 32611
6.502 (b)(4) added 32611

NOTE: **Boldface** indicates 1987 page numbers.

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 40 Chapter I—Con. Page

6.503 (b) revised 32611
6.505 (a), (b) and (c) revised; (d) removed; (e) redesignated as (d) and revised 32611
6.506 (a), (b) introductory text and (4) revised 32612
6.507 (a), (b) and (d)(3) revised 32612
6.508 Revised 32612
6.511 (c) revised 32613
6.513 (a) introductory text revised 32613
6.514 (a)(3), (9), and (10), and (b) revised; (a)(11) added 32613
6.602 (b) amended 32613
6.603 Amended 32613
6.800 Amended 32613
6.900—6.905 (Subpart I) Nomenclature change 32613
10.1 Revised 25832
10.2 (c) revised 25832
10.5 Revised 25832
10.9 Amended 25832
10.11 (a) designation removed; (b) removed 25832
14 Revised 25832
16.13 Added 24146
16.14 Revised 24148
33.250 Class deviation 28710
33.305 Class deviation 28710
33.310 Class deviation 28710
51 Nomenclature change 40661
51.1—51.8 (Subpart A) Removed 40661
51.10 Removed 40661
51.11 Removed 40661
51.12 (e) through (i) redesignated as 51.110 (h) through (l); remainder of 51.12 removed 40661
51.13—51.16 Removed 40661
51.24 (l) revised 32178
Technical correction 34086
Redesignated as 51.166 40661
51.30—51.34 (Subpart C) Removed 40661
51.40 (a) and (b) amended 40675
51.41 Amended 40675
51.54 (e) amended 40675
51.61 (e) amended 40675
51.80—51.88 (Subpart E) Removed 40661
51.100—51.105 (Subpart F) Added 40661

Page

51.110—51.119 (Subpart G) Added 40665
51.110 (h) through (l) redesignated from 51.12 (e) through (i) 40661
51.150—51.153 (Subpart H) Added 40668
51.160—51.166 (Subpart I) Heading added 40669
51.160—51.165 Added 40669
51.166 Redesignated from 51.24 40661
(a)(5), (b)(2)(iii)(*e*) (*1*) and (*2*), (*f*), (14)(i)(*b*) and (ii)(*a*), (15)(ii)(*b*), and (17), (f)(3), (g)(2)(i), and (i)(9) amended 40675
51.210—51.214 (Subpart K) Added 40673
51.230—51.232 (Subpart L) Added 40673
51.260—51.262 (Subpart N) Added 40674
51.280 Added 40674
51.281 Added 40674
51.340—51.341 (Subpart R) Added 40674
51.327 Amended 40675
51.328 Removed 40675
51 Appendixes A through H, K, M, O, and R removed; Appendixes L, P, and S amended 40675
52 Restrictions lifted 39375
State Implementation Plan inadequacy 1908
State Implementation Plan approval 4292
State Implementation Plan clarification 11647
52.07 (a) amended 40676
52.10 Amended 40677
52.20 Amended 40676
52.21 (l) revised 32179
Technical correction 34086
(f)(1) and (g)(2)(i) amended 40675
(b)(2)(iii)(*e*)(*1*), (*f*), and (17) amended 40677
52.24 (f)(5)(iii)(*e*) (*1*) and (*2*), (*f*), (6)(iii) and (v)(*c*), and (12), and (j)(2) amended 40677
(i)(2) corrected; (j)(2) amendment at 51 FR 40677 correctly removed 24367

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

Page

52.50 (c)(41) added; (c) introductory text republished 25199
(c)(42) added 25367
(c)(44) added 45470
(c)(38) added 46658
Technical correction 2007
(c)(45) added 4291
52.54 Table amended 25367
Table amended 4291
52.55 (a) amended 40675, 40676
52.57 (a) amended 40676
52.58 Amended 4291
52.59 (a) amended 40676
52.70 (c)(12) added 32639
52.73 (a) amended 40676
52.74 (a) introductory text, (1) (i), (ii), (iii), and (iv), and (2) (i), (ii), (iii), (iv), and (v), and (b) amended 40676
(a)(2)(vi) corrected; (a)(2)(iv) amendment at 51 FR 40676 correctly removed 24367
52.75 Revised 32639
52.76 Removed 32640
52.78 (a) amended 40677
52.80 (a) amended 40677
52.84 (b) and (d)(10) amended 40676
(a) amended 40677
52.85—52.93 Removed 32640
52.88 (a)(5) amended 40677
52.89 (a)(4) amended 40677
52.90 (a)(3) amended 40677
52.91 (a)(3) amended 40677
52.95 (a) and (b) amended 40676
52.123 (c)(1) and (2) removed; (c)(3) redesignated as (c)(1); (b) and (e)(1) and (2) revised 33750
52.124 (a)(1) and (2) revised 33750
52.125 (a)(1) and (b) amended 40676, 40677
52.126 (a) amended 40676
(a) and (c) amended 40677
52.129 (b) and (e) amended 40677
52.130 (a), (b), (d) and (e) amended 40677
52.133 (c) amended 40676, 40677
52.135 (a) amended 40677
52.143 (a) amended 40676
52.170 (c)(23) added 27841
(c)(24) added 40976
52.175 (a) amended 40677
52.178 Removed 27841

Page

(a) amended 40676
52.179 Removed 27841
(a) amended 40676
52.182 (a) and (b) amended 40676
52.220 (c)(153)(vii)(B), (156)(vii), (166) and (167) added 1628
(c)(168) added 3228
(c)(124)(vi)(B), (vii)(B), (viii)(B), (ix)(B), and (x)(B) revised; (c) (164) and (165) added; (c)(6) amended 12523
52.224 (a) amended 40676
52.225 (a) and (b) amended 40676
52.227 (a) amended 40676
52.230 (a) amended 40677
52.232 (a)(1)(i) and (5)(i)(A) amended 40677
(a)(3)(ii) through (v) and (11)(ii) removed 1628
52.233 (c) and (d) amended 40677
52.234 (a), (b), and (e) amended 40677
52.235 Removed 40677
52.240 (f)(1) amended 40675
(b), (e), and (f) (1) and (2) amended 40676
(a) amended 40677
52.255 (g) amended 40676
52.256 (i) amended 40676
52.267 (a) amended 40676
52.269 (a) amended 40676
52.272 (a) amended 40677
52.274 (a), (b), (e), (g), and (h) amended 40677
52.279 Added 3646
52.320 (c)(36) and (37) added 31126
(c)(30) added 43610
(c)(33) added; eff. 8-21-87 23447
52.324 (a) and (c) amended 40676
52.341 (a) amended 40676
52.343 (a) revised 31126
(a)(1) and (8) and (b) correctly revised; (a)(9) correctly added 4622
(a)(10) correctly added 22638
52.370 (c)(36) added 41964
(c)(37) added 5105
52.379 (a) amended 40676
52.420 (c)(35) added 44068
52.426 (a) amended 40677
52.429 (a) amended 40676
52.431 (a) and (b) amended 40676
52.479 (b) amended 40677
52.497 (a) amended 40675

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 40 Chapter I—Con. Page

(a) and (b) amended 40676
52.520 (c)(59) added 3431
52.524 (b)(7) and (c) amended 40676
(a) amended 40677
52.525 (a) amended 40676
52.526 (a) amended 40676
52.529 (a) amended 40676
52.574 (a) amended 40677
52.576 (a) amended 40675, 40676
52.580 (a) amended 40676
52.624 (a) amended 40676
52.625 (a) amended 40676
52.626 (a) amended 40676
52.629 (a) amended 40677
52.631 (a) and (b) amended 40676
52.674 (a) amended 40676
52.675 (a)(1) amended 40676
52.676 (a)(1) amended 40676
52.677 (b) amended 40675
(b) and (c) amended 40676
(a) amended 40677
52.682 (a) amended 40676
52.688 (b)(2) amended 40677
52.690 Correctly designated 23759
52.720 (c)(55) added 42223
(c)(68) added 1455
(c)(67) added 2225
(c)(73) added 8071
(c)(74) added 16386
52.729 (a) amended 40676
52.730 (c) amended 40675
(b)(4) and (c) amended 40676
(a) amended 40677
52.735 (a) and (b) amended 40676
52.770 (c)(59) added 42223
(c) (53) and (61) added 3644
(c)(60) added 4905
(c)(62) added 12911
(c)(36) removed; (c)(53) revised; eff. 7-17-87 23038
52.771 (b), (c), and (d) amended 40675
52.775 (a) introductory text and (1) (i) and (ii), (2) (i), (ii), and (iii), (3) (i) and (ii), (4) (i) and (ii), (5) (i) and (ii), (6) (i) and (ii), (7) (i), (ii), and (iii), (8) (i) and (ii), (9) (i), (ii), and (iii), and (10) (i), (ii), and (iii) amended 40676
(a)(11)(i) corrected 24367
52.776 (a) amended 40676
(l) added 3644
(k) added 4905

NOTE: **Boldface** indicates 1987 page numbers.

Page
(m) added; eff. 7-17-87 23038
52.777 (a) amended 40676
52.778 (c) amended 40675
(c) and (d) amended 40676
(a) amended 40677
52.780 (a) and (e) amended 40677
52.782 (a) amended 40677
52.784 (a) amended 40676
52.785 (a) amended 40676
52.786 (a)(3) amended 40677
52.792 (a) and (b) amended 40676
52.794 (b) amended 40676
(a) and (b) amended 40677
(c) added 3644
(b) removed; (c) revised; eff. 7-17-87 23038
52.795 (c) amended 40676
(b) amended 40677
52.796 (a) amended 40677
52.820 (c)(45) added 25200
(c)(46) added; eff. 8-25-87 23982
52.823 Removed 25200
52.825 (c) amended 40675, 40676
52.828 (b)(1)(iii) amended 40675, 40677
(b)(1) (i) and (iii) amended 40676
(b)(1)(i) corrected 24367
52.832 (a) amended 40676
52.833 Revised; eff. 8-25-87 23982
52.870 (c)(17) added 25202
(c)(18) added 54
52.874 (a), (b) introductory text, (1)(i), (2)(i), and (3)(i) amended 40676
52.876 (c) (1) and (2) amended 40675, 40676
(a) amended 40677
52.878 (a) amended 40677
52.883 (a) and (b) amended 40676
52.920 (c)(45) added 43744
(c)(48) added 3116
52.924 (a) amended 40676
52.925 (a) amended 40676
52.927 (c) amended 40675
(b)(6) and (c) amended 40676
(a) amended 40677
52.929 (a) amended 40676
52.935 (a)(1) (ii), (iii), (iv), (vi), (vii), (viii), and (ix) removed; (a)(1)(v) redesignated as (a)(1)(ii) 43744
52.970 (c)(44) added 13673
52.978 (a) amended 40677
52.980 (a), (b), (c), and (d) amended 40675, 40676

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

Page
52.986 Revised 13673
52.988 (a) amended 40677
52.1020 (c)(21) added 45886
(c)(22) added 3117
52.1023 (a) amended 40676
52.1028 (a) amended 40676
52.1031 Table amended 45886
Table amended 3117
52.1032 Added 45886
52.1070 (c)(85) added 27843
52.1074 (a) amended 40676
52.1077 (a) amended 40677
52.1080 (a) amended 40677
52.1082 (a) and (b) amended 40677
52.1113 (a) amended 40676
52.1115 (a) and (b) amended 40676
52.1117 (b) amended 40676
52.1120 (c)(70) added 28814
(c)(69) added 42564
(c)(71) added 42565
52.1124 (a) and (c) amended 40677
52.1125 (a) and (b) amended 40676
52.1167 Table amended 28814, 40801, 42564
Technical correction 43120, 44408
52.1170 (c)(82) added 42223
(c)(81) added 1185
(c)(83) added 16247
52.1175 (e) amended 40675
(d)(4) and (e) amended 40676
(c) amended 40677
52.1178 (a) amended 40676
52.1220 (c)(23) added 47238
52.1224 (a) amended 40676
52.1225 (a) amended 40677
52.1227 (a) amended 40676
52.1229 (a) amended 40676
52.1274 (a) amended 40675, 40676
52.1275 (a), (b) introductory text, (1)(ii), and (2)(iii) amended 40676
(b)(1)(ii) and (2)(iii) amendment at 51 FR 40676 removed 24367
52.1276 (a) amended 40677
52.1277 (a) amended 40676
52.1279 (a) amended 40676
52.1320 (c)(59) added 30063
(c)(58) added 31329
(c)(61) added 36012
(c)(57) added 40317
(c)(59)(i)(A) corrected 43120
52.1323 Existing text designated as (a); (b) added 31330

NOTE: **Boldface** indicates 1987 page numbers.

Page
(b) removed 36012
52.1324 (a) amended 40676
52.1325 (a)(11)(i), (b) introductory text, (1)(i), (2) (i) and (ii), (3)(i), (4) (i) and (ii), and (5) (i), (ii), and (iii), and (c) amended 40676
(b)(1)(ii) and (2)(iii) corrected; (a)(11)(i) and (b)(1)(ii) and (2)(iii) amendments at 51 FR 40676 correctly removed 24367
52.1328 (a) amended 40677
52.1331 (a) amended 40677
52.1335 (a) amended 40675
(a) and (b) amended 40676
52.1338 (a) amended 40676
52.1378 (a) amended 40676
52.1379 (a) amended 40676
52.1381 (a) amended 40676
52.1420 (c)(33) added 32641
(c)(34) added 33265
52.1425 (a) amended 40675, 40676
52.1470 (c)(33) added 29923
52.1473 (a) amended 40676
52.1475 (a) amended 40676
52.1476 (a) amended 40676
52.1479 (a) and (b) amended 40677
52.1482 (b) and (c) amended 40676
52.1486 (a) amended 40676
52.1487 (a) amended 40675
52.1520 (c)(35) added 3118
(c)(36) added 12164
52.1524 (a), (c), and (d) amended 40676
(b) amended 40677
52.1525 Table amended 3118, 12164
52.1526 (a) amended 40676
52.1528 (a) amended 40676
52.1570 (c)(38) added 42572
52.1574 (a) amended 40676
52.1575 (a) amended 40676
52.1576 (a) amended 40677
52.1577 (b) and (e) amended 40676
(c) amended 40677
52.1578 (a) amended 40677
52.1579 (a) amended 40677
52.1580 Table amended 42573
52.1602 (a) amended 40675
(a) and (b) amended 40676
52.1605 Table amended 42573
52.1606 Correctly designated and revised 23759
52.1620 (c)(37) added 5965
52.1623 (a) amended 40676

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 40 Chapter I—Con. Page

52.1626 (b) amended....40675, 40676
(a) amended....40677
52.1634 Revised....5966
52.1635 (a) amended....40677
52.1670 (c)(75) added....40420
52.1676 (a) amended....40676, 40677
52.1677 (a) amended....40676
(b) and (c) amended....40677
52.1678 (d) amended....40676
52.1679 Table amended....40420
52.1680 (a) amended....40677
52.1683 Added; eff. 8-24-87....23830
52.1688 (a) amended....40676
52.1770 (c)(42) added....32075
(c) (43) and (44) added....41787
(c) (47) and (48) added....45469
(c)(53) added....10751
(c)(52) added....12524
52.1774 (a) amended....40675, 40676
52.1775 Added....32075
52.1777 (a) amended....40676
52.1824 (a) amended....40677
52.1827 (a) amended....40676
52.1830 (a) amended....40675, 40676
52.1831 Correctly designated....23759
52.1870 (c)(69) added....31130
(c)(76) added....42223
52.1877 (a) amended....40676
52.1878 (a)(2) amended....40677
52.1879 (c) amended....40677
52.1880 (a) amended....40676
52.1881 (a) amended....40676
52.1883 (a) and (b) amended....40676
52.1927 (a) amended....40676
52.1970 (c)(75) added....4621
(c)(79) added....7863
52.1973 Table revised....4621
52.1974 (a) amended....40676
52.1975 (b) and (c)(12) amended....40676
(a) amended....40677
52.1976 (a) amended....40676
52.1983 Removed....4622
52.1986 (a) amended....40676
52.2020 (c)(67) added....40318
(c)(65) added....1456
(c)(66) added....11260
52.2024 (a) amended....40676
52.2025 (a) amended....40676
52.2030 (b) and (c) amended....40677
52.2031 (a) and (b) amended....40677
52.2032 (a) amended....40677
52.2036 (a) amended....40676
52.2038 (a)(4) amended....40677

Page
52.2039 (a)(3) amended....40677
52.2056 (a) amended....40675
(a) and (b) amended....40676
52.2070 (c)(25) added....27538
(c)(27) added....44604
52.2073 (a) amended....40676
52.2074 (a) and (b) amended....40676
52.2075 (a) amended....40677
52.2077 (b), (c) and (d) amended....40676
(a) amended....40677
52.2078 (b)(1)(iii) amended....40675, 40677
(b)(1) (i) and (iii) amended....40676
52.2080 (a), (b)(1)(iii) and (3) amended....40675
52.2081 Table amended....27538, 44605
52.2082 (a) amended....40676
52.2120 (c)(29) added....4772
(c)(28) added; eff. 7-27-87....19859
52.2123 (b) amended....40675, 40676
52.2124 (d) amended....40676
52.2125 (a) amended....40677
52.2129 (a) amended....40676
52.2173 (a) amended....40676
52.2176 (a) and (b) amended....40676
52.2220 (c)(72) added....47240
(c)(74) added....1456
(c)(73) added....1629
(c)(75) added....6146
(c)(76) added; eff. 8-17-87....22779
52.2223 (c), (d), (e)(18), and (f) amended....40676
(b) amended....40677
(a)(7) corrected....24367
52.2224 (a), (b), (c), (d), and (e) amended....40676
52.2227 Amended....40677
52.2228 (a) amended....40677
52.2231 Revised....15498
52.2232 (d) amended....40675
(a) and (b) amended....40676
52.2270 (c)(63) added....42224
52.2274 (a) amended....40676
52.2282 (a) amended....40675
52.2285 (g) amended....40676
52.2298 (b) amended....40677
52.2302 (a) amended....40676
52.2333 (a) amended....40676
52.2337 (a)(3) amended....40677
52.2345 (a) amended....40675
(a) and (b) amended....40676
52.2373 (a) amended....40676
52.2374 (a) amended....40676
52.2376 (a) amended....40676

NOTE: Boldface indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

Page
52.2378 Added....42221
52.2379 (a) amended....40676
52.2420 (c)(88) added....42225
52.2424 (a) amended....40676
52.2425 Removed....42225
52.2426 Removed....42225
52.2427 (c) amended....40677
52.2428 (a) and (b) amended....40677
52.2430 (a) and (b) amended....40676
52.2431 (a), (b), (c), and (d) amended....40676
52.2433 (a) amended....40677
52.2435 (a) amended....40675, 40676
52.2436 (a) and (b) amended....40677
52.2438 (g) amended....40676
52.2439 (i) amended....40676
52.2449 (a) amended....40676
52.2470 (c)(35) added....55
(c)(36) added; eff. 7-6-87....16245
52.2475 (a) amended....40676
52.2477 (a) amended....40677
52.2478 Table revised....56
52.2479 Table revised....56
Revised; eff. 7-6-87....16245
52.2481 (b) amended....40676
(a) amended....40677
52.2483 (a) amended....40677
52.2485 (a)(4) amended....40677
52.2491 (a)(3) amended....40677
52.2496 (a) amended....40676
52.2425 (b)(10) and (c) amended....40676
(a) amended....40677
52.2525 (a) amended....40676
52.2526 (a) amended....40676
52.2570 (c)(44) added....32076
(c)(46) added....42223
(c)(45) added....42227
Comment period extended and clarification....43349
(c)(47) added....44910
(c)(49) added....45884
(c)(44) removed....6325
52.2573 (a) amended....40676
52.2574 (a) amended....40676
52.2578 (d) amended....40675
(c)(4), (d), and (e) amended....40676
(b) amended....40677
52.2579 (a) amended....40677
52.2580 (a) amended....40676
52.2623 (a) amended....40677
52.2625 (a) amended....40676
52.2631 (a) amended....40676
52.2674 (a) amended....40676

Page
52.2678 (a) amended....40676
52.2682 (a) amended....40677
52.2684 (a) amended....40677
52.2724 (a) amended....40677
52.2725 (a) amended....40676
52.2726 (a) amended....40676
52.2728 (a) amended....40676
52.2731 (a) amended....40676
52.2770 (c)(16) added; (c) introductory text republished....4620
52.2778 (a) amended....40676
52.2780 (a) amended....40676
52.2824 (a) amended....40677
52.2826 (a) amended....40676
52.2900 (Subpart FFF) Added....40799
60 Authority delegation notices....26546, 27033-27037, 27407, 32641, 32642, 33041-33046, 34216, 44984, 46856
Existing regulations unchanged....43572
Authority delegation notices....8585-8587, 9164, 23178
60.4 (b)(FF)(1) table amended; (b)(BBB) revised....26547
(b)(Q) and (AA) revised; (b)(R) added....37910
(b)(FF)(1) revised....19512
60.7 (a)(7) added....9781
60.11 (b) revised; (e)(1) amended; (e) (5), (6), and (7) redesignated as (e) (6), (7), and (8); new (e)(5) added; new (e)(6) revised....9781
60.13 (c) revised....9782
(j) correctly added....17555
(a) revised....21007
60.16 Amended....42796
Amended....11428
60.17 (a) (1) and (10) revised; (a)(47) added....42794
(a) (13) and (37) and (c) introductory text and (1) revised....11429
60.40b—60.49b (Subpart Db) Added....42788
60.44 (a) (1) and (2) revised....42797
60.45 (c)(1) revised....21007
60.46 (a) (2) and (3), (b), (c), and (f)(3)(ii) revised....42841
60.46b (d) (1), (2) introductory text, (i), and (ii), (5), and (6) revised; (d)(2)(iii) added....42841

NOTE: Boldface indicates 1987 page numbers.

TITLE 40 Chapter I—Con. Page
60.47a (h) introductory text, (1) and (2) and (i)(1) revised....21007
60.48a (a) (1) through (6) revised; (a)(7) removed....42842
60.106 (a)(1)(i) and (2) revised....42842
(d) introductory text amended; (d)(2) revised....20392
60.110—60.113 (Subpart K) Heading revised....11429
60.111 (l) revised....11429
60.110a—60.115a (Subpart Ka) Heading revised....11429
60.111a (g) revised....11429
60.113a (a)(1)(i) introductory text revised; (a)(1)(i) (D) and (E) added....11429
60.114a Revised....11429
60.110b—60.117b (Subpart Kb) Added....11429
60.117b (b) correctly revised....22780
60.343 (b) revised....4773
60.344 (c) revised....4774
60 Appendix A corrected....29104
Appendix A amended....32455, 42842
Appendix A amended....5106, 9658, 20392
Appendix A corrected....10852, 19797, 22888
Appendix B corrected....17556
Appendix F amended....21007
61 Authority delegation notices....27036, 27037, 27407, 32642, 33041-33046, 44984, 46856
Authority delegation notices....8586-8589, 9164, 18357, 23178
61.04 (b)(Q) and (AA) revised....37911
(b)(R) added....18358
61.18 (a)(4) revised; (b)(1) added....34914
61.53 (a)(4), (b)(4), (c)(4) and (d)(5) revised....8726
61.54 (f) revised....8727
61.55 Heading and (a) revised; (b), (c), and (d) added....8727
61.56 Added....8728
61.61 (j), (l), (o), and (p) revised; (v) through (z) added....34908
61.62 (a) and (b) revised....34909
61.63 Revised....34909
61.64 Introductory text, (a) through (d), (e) introductory text and (3), and (f) revised....34909
61.65 Introductory text, (a), and (b)(1)(ii), (2) through (8), and (9)(ii), and (c) revised....34910
61.66 Revised....34912
61.67 (f), (g)(1)(i), (2), (3) introductory text, (i), and (iii), and (5) introductory text and (ii) revised; (g)(6) and (h) added....34912
61.68 (d), (e), and (f) added....34913
61.70 Heading, (a), (c)(1), (2) introductory text, (iii), (iv), (v), and (vi) introductory text, and (3) revised; (c)(4) added....34913
61.71 (a) introductory text revised....34914
61.160—61.165 (Subpart N) Added....28025
61.161 Corrected....35355
61.164 (b)(1) and (d)(4) corrected....35355
61.170—61.177 (Subpart O) Added....28029
61.180—61.186 (Subpart P) Added....28033
61.181 Corrected....35355
61.241 Amended....34915
61.250—61.252 (Subpart W) Added....34066
61 Appendix B amended....28035, 28040
Appendix B corrected....35355
Appendix B amended....20398
62.866 Added....40803
62.4175 Undesignated center heading and section added....37275
62.5351 Added....40801
Technical correction....43120, 44408
62.8350 (b)(4) added....41788
62.9100 Undesignated center heading and section redesignated as 62.9120; new 62.9100 and undesignated center heading added....3229
62.9110 Undesignated center heading and section redesignated as 62.9130....3229
Undesignated center heading and section added....3230

Page
62.9120 Undesignated center heading and section redesignated from 62.9100....3229
62.9130 Undesignated center heading and section redesignated from 62.9110....3229
65 Administrative order....29216
65.271 Table amended....33266
Table amended....3801, 16248
65.301 Table amended....17760
65.431 Table amended....25695, 26892, 28225, 30064, 33267, 36692
Table amended....7864, 7865
65.481 Table amended....24657
80.24 (a) introductory text, (1), and (2) and (b)(2) revised....33731
80 Appendix B heading revised; text amended....259
81 Disapproval of classification....3646
Heading correctly revised....6549
81.301 Amended....17953
81.303 Amended....27844
81.305 Amended....27845
Amendment at 51 FR 27845 withdrawn....35649
81.310 Amended....17954
81.314 Amended....24826
81.317 Amended....25202
81.318 Amended....25204
81.320 Amended....45886
81.323 Corrected....26387
81.324 Amended....33751, 45320
81.328 Amended....32641
81.329 Amended....41789
81.330 Amended....3802
Attainment status designation....22442
81.331 Amended....18692
81.336 Amended....8451
81.339 Amended....27847, 44292
81.341 Amended....30065
81.343 Amended....30066
81.344 Amended....40804
81.348 Amended....57
81.350 Amended....42229
81.355 Amended....7866
86.081-8 Added....24326
86.082-8 Added....24327
86.084-26 (a)(6)(iii) and (d)(2)(ii) revised; interim....24609
86.085-1 (b) revised; interim....24608
86.085-22 (e)(1)(i) revised; interim....24608
86.085-25 (a)(10) revised; interim....24608
86.085-28 (b)(4)(iv) and (c)(4)(iv) revised; interim....24609
86.087-9 (a)(1)(i) revised; interim....24608
86.087-25 (g)(2) revised; interim....24608
86.087-28 (b)(4)(iv) and (c)(4)(iv) revised; interim....24609
86.087-38 (b) and (e) revised; interim....24610
86.088-25 (b)(1) and (g)(2) revised; interim....24609
86.088-28 (b)(4)(iv) and (c)(4)(iv) revised; interim....24609
86.089-9 (a)(1)(i) and (iii)(C) revised; interim....24608
86.091-28 (b)(4)(iv) and (c)(4)(iv) revised; interim....24609
86.113-87 Added; interim....24610
86.513-87 Added; interim....24611
86.609 (a) revised; interim....24611
86.1213-87 Added; interim....24611
86.1310-88 (b)(6)(ii)(E) revised; (b)(6)(ii)(G) and (H) removed; (b)(6)(ii)(I) redesignated as (b)(6)(ii)(G) and revised; interim....24611
86.1313-87 Added; interim....24612
86.1342-84 (c)(3) and (d)(3) revised; interim....24613
86.1513-87 Added; interim....24613
86.1544-84 (a) revised; interim....24613
86 Appendix II amended; interim....24613
110 Revised....10719
117.3 Table 117.3 revised....34547
122.21 (g) introductory text revised; (h), (i) heading, (j) heading, and (k) through (o) redesignated as (i), (j) heading, (k) heading, and (l) through (p); new (h) and (k) text added; OMB number....26991
122.62 (a)(2) amended....26993
131.34 Added....9105
141 Authority citation revised....20674
141.2 (u) revised....20674
141.23 (f)(10) table corrected....24329
141.40—141.43 (Subpart E) Heading revised....20674
141.43 Added....20674

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 40 Chapter I—Con. Page

142 Heading and authority citation revised....20674
142.10 (a) revised....20675
142.30 (c), (d) and (e) removed....20675
142.31 Removed....20675
142.41 (c)(6) revised....20675
142.42 (c) redesignated as (d); new (c) added....20675
142.43 (b)(1), (c)(2), (f) and (g) revised....20675
142.44 (a), (b) introductory text and (3), (c)(2) and (f) revised....20675
142.45 Revised....20675
142.53 (d) revised....20675
142.54 (d) revised....20675
142.55 (b) revised....20675
142.56 Added....20676
143.5 (a) and (b) corrected....24329
144 Authority citation revised....20676
144.1 (a) and (d)(4) revised....20676
144.3 Amended....20676
144.6 (b)(1) revised....20676
144.12 (b), (c)(2) and (e) revised....20676
147 Authority citation revised....17680
147.101 Revised....17680
147.151 Revised....17681
147.250 Introductory text revised....17681
147.251 Revised....17681
147.301 Revised....17681
147.651 Revised....17681
147.801 Revised....17681
147.1151 Revised....17681
147.1351 Revised....17681
147.1400 Introductory text revised....17681
147.1401 Introductory text revised....17681
147.1403 Added....17681
147.1451 Revised....17681
147.2101 Revised....17682
149 Authority citation and heading revised; interim....23986
149.1—149.3 (Subpart A) Added; interim....23986
149.1—149.2 (Subpart A) Heading removed; sections 149.1—149.2 redesignated as 149.100—149.101; interim....23986

Page

149.10—149.19 (Subpart B) Heading removed; sections 149.10—149.19 redesignated as 149.102—149.111; interim....23986
149.100—149.111 (Subpart B) Heading added; interim....23986
149.100—149.101 Redesignated from 149.1—149.2; interim....23986
149.100 Amended....23986
149.101 Amended....23986
149.102—149.111 Redesignated from 149.10—149.19; interim....23986
154 Technical correction....26387
157 Addition eff. 10-15-86....36692
162 Technical correction....26387
162.16 Removal eff. 10-15-86....36692
171 Clarification....30494
172.1—172.11 (Subpart A) Heading added....32920
172.24 Technical correction....26387
180 Interim policy....47240
180.1 (h) table amended....32213
(n) added....46858
180.3 (e)(5) amended....28228
180.33 Revised....6326
(n) corrected....9756
180.122 Removed....46668
180.135 Removed....46665
Technical correction....5241, 12166
180.137 Removed....46665
Technical correction....5241, 12166
180.138 Amended....46662
Technical correction....5241, 12166
180.140 Removed....25698
180.147 Removed....46662
Technical correction....5241, 12166
180.147a Removed....46662
Technical correction....5241, 12166
180.147b Removed....46662
Technical correction....5241, 12166
180.153 Table amended....46858
180.187 Removed....46662
Technical correction....5241, 12166
180.205 Existing text designated as (a); (b) added....9492
180.246 Revised....1914
Table corrected....3916
180.251 Removed....45115
180.287 Introductory text revised; table amended....5767
180.319 Table amended....46668
180.332 Table amended....23654
180.337 Revised....10377

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

Page

180.362 Existing text designated as (a); (b) added....33990
180.368 (a) table revised....25697
(a) table amended....28226
(a) table corrected....28227
(a) introductory text and (b) introductory text revised; (c) added; (a) table amended....21954
180.375 (a) table amended....5769
180.378 (b) table amended....28227, 36013
(b) table amended....10376
180.379 Existing text designated as (a) and amended; (b) added....4907
(a) table amended....5769
180.380 Table amended....9493
Existing text designated as (a); (b) added....17955
180.381 Existing text designated as (a); (b) added....2226
180.382 Existing text designated as (a); (b) added....34973
180.397 (c) revised....34472
180.399 (a) table amended....9492
180.408 (a) table amended....45114
(a) table amended....12168
180.409 Revised....28228
180.411 Introductory text designated as (a) introductory text and revised; (b) added....2226
(c) added....5768
180.412 Table amended....1458, 11261
180.416 Table amended....11262
180.421 Revised....39662
Effective date confirmed....10376
180.422 Heading and introductory text revised; table amended....23039
180.430 Added....4293
Technical correction....4992
180.431 Added....10566
Technical correction....13173
180.432 Added....10568
Correctly designated....16847
180.433 Added....12526
180.434 Added....23656
180.1001 (c) table, (d) table, and (e) table amended....25695
(e) table amended....44466, 44467, 44469
(d) and (e) tables amended....44468
(e) table amended....2947

Page

(c) table amended....4906
(d) and (e) tables corrected....8452, 19880
(d) table amended....13240
180.1072 Added....34975
180.1073 Added....44606
180.1086 Added....12165
190 Petitions denied....42573
228.12 (a)(1)(ii)(E) removed; (b) (23) through (26) added....29927
(a)(1)(i)(I) removed; (b) (27), (28), and (29) added....29931
(a)(3) amended; (b)(30) added....5461
(a)(3) amended....5967
260 Authority citation revised....25471
Public briefings....39859
260.1 (a) and (b) (1) through (4) amended....40636
260.2 (b) revised....28682
(a) and (b) amended....40636
260.3 Introductory text amended....40636
260.10 Amended....25471
Introductory text amended....40636
260.11 (a) amended....8073
260.20 (a) amended....40636
261 Determination....24496
Petitions denied....25887, 35355, 41100, 41313, 41315, 41317, 41319, 41321, 41490, 41493, 41501, 41616, 41617, 41620, 41624, 43712
Guidance document availability....26892
Authority citation revised....28682
Petition denial corrected....31330
Public briefings....39859
Petitions granted....41082
Intrepretation....43350
Effective date corrected....46668
261.1 (a) introductory text and (1) amended....40636
261.3 (c)(2)(ii)(B) revised....11821
261.4 (a)(8) added....25471
(c) and (d)(1) introductory text amended....40636
261.5 (f)(3) and (g)(3) revised....28682
(b), (c), (e) introductory text, (f)(2), and (g)(2) amended....40637
261.6 (a)(3)(i) revised....28682
(a)(3) amended; (c)(1) revised....40637
(a)(3)(vii) revised....11821

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 40 Chapter I—Con. Page

261.7 (a)(1)(ii) and (2)(ii) amended....40637
261.20 (b) amended....40636
261.30 (c) amended....40636
261.32 Table corrected....33612
Table amended....37729
261.33 (e) table revised....28298
(f) table revised....28300
Introductory text revised....21306
261 Appendix IX amended....25701, 25891, 29219, 29222, 32460, 37021, 37725, 41308, 41310, 41313, 41327, 41483, 41486, 41490, 41499
Appendix IX corrected....27038
Appendix IX correctly designated....27039
Appendix VIII revised....28305
Appendixes III and VII amended....37729
Appendix IX amended....2522, 17403
262 Authority citation revised....25472
Public briefings....39859
262.11 (d) added....40637
262.34 (a)(1) and (d)(2) revised; (d) (3) and (4) redesignated as (d) (4) and (5); new (d)(3) added....25472
262.41 (a) introductory text, (3), (4), and (5) revised; (b) amended....28682
262.50—262.58 (Subpart E) Revised....28682
262.60 (Subpart F) Added....28685
262.70 (Subpart G) Added....28685
262 Appendix amended....28685, 35192
263 Authority citation revised....28685, 40637
263.12 Amended....40637
263.20 (a), (c), (e)(2), (f)(2), and (g)(3) revised; (g)(4) added....28685
264 Authority citation revised....25472
Guidance document availability....26008
Public briefings....39859
264.1 (h) correctly added....21016
264.13 (a)(1) and (b)(6) revised; (b)(7) added....40637
(a)(1) corrected....21016
264.15 (b)(4) revised....25472
264.73 (b)(6) revised....25472
(b)(3) revised; (b) (10) through (14) added....40637
(b)(14) corrected....21016
264.75 (h) revised; (i) and (j) added....28556
264.110 (b)(3) added....25472
264.140 (b)(3) added....25472
264.147 (g) redesignated as (h); new (g) added; (a)(2) and (3) and (b)(2) and (3) revised; interim....25354
264.151 (g) revised; interim....25354
(h) redesignated as (h)(1); (h)(2) added; interim....25355
264.190—264.199 (Subpart J) Revised....25472
264.190 (b) corrected....29430
264.191 OMB number corrected....29430
264.192 (b) introductory text corrected....29430
264.193 (a)(3), (e)(1)(iv) and (2)(iii), (f)(2), and (i) (1) and (2) corrected....29430
264.196 (d)(2) correctly revised; (d)(3)(iv) and (f) Note corrected....29430
264.197 (c) introductory text corrected....29430
265 Guidance document availability....26008
Public briefings....39859
265.1 (e) correctly added....21016
265.13 (b)(6) revised....25478
(a)(1) and (b)(6) revised; (b)(7) added....40638
265.15 (b)(4) revised....25478
265.73 (b) (3) and (6) revised....25479
(b)(3) revised; (b) (8) through (12) added....40638
265.75 (h) revised; (i) and (j) added....28556
265.110 (b)(2) revised....25479
265.140 (b) revised....25479
265.147 (g) redesignated as (h); new (g) added; (a)(2) and (3) and (b)(2) and (3) revised; interim....25355
265.190—265.201 (Subpart J) Revised....25479
265.192 (a)(3)(i)(G) correctly revised; (a)(3)(ii) (A), (B), and (C) corrected....29430

NOTE: Boldface indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

Page

265.193 (a)(4), (e)(2)(ii), (g) introductory text, and (i)(1) corrected....29430
265.228 Revised; eff. 9-15-87....8708
266 Guidance document availability....26892
Petitions denied....2695
266.20 (a)(2) revised; (a)(3) removed....21307
266.31 (a)(1) revised....11821
266.34 (e)(1) (i) and (ii) revised; (b) amended....11822
266.35 Introductory text, (c)(3), and (d)(1) revised; (b) amended....11822
266.43 (a) introductory text revised....11822
266.44 (b) amended....11822
268 Public briefings....39859
268.1—268.7 (Subpart A) Added....40638
268.1 (c) (2) and (3) corrected; (c) (1) and (4) correctly revised....21016
268.2 (a) corrected....21016
268.4 (a) introductory text correctly revised; (a) (1), (3) introductory text, (ii) and (iii) and (4) corrected....21016
268.5 (a)(5), (b), (e), and (h)(2)(i), (ii) and (iii) corrected; (i) correctly designated....21016
268.6 (d), (i) and (j) corrected....21016
268.7 (a) introductory text, (1) introductory text and (2) introductory text and (ii) and (3), (b)(2) introductory text and (ii) corrected; (a)(4) correctly added; (b) introductory text and (c) correctly revised; (b)(1) correctly designated....21016
268.30—268.31 (Subpart C) Added; eff. in part 11-8-88....40641
268.30 (a)(3) and (c)(1) corrected; (c) (2) and (3) correctly revised....21017
268.31 (a), (b)(1) and (c) corrected; (b) (2) and (3) correctly revised....21017
268.40—268.44 (Subpart D) Added....40642
268.41 Heading, (a) introductory text and table corrected; (a) table heading correctly revised....21017
268.44 (c) correctly redesignated as (d); new (c) correctly added....21017
268.50 (Subpart E) Added....40642
268.50 (a) introductory text, (1), and (3) and (d) corrected; (a)(2) correctly revised....21017
268 Appendix I and II added....40643
Appendix I corrected....21018
270 Public briefings....39859
270.6 (a) amended....8073
270.14 (b) (5) and (13) revised....25486
(b)(21) added....40653
(c) introductory text republished; (c)(7) introductory text revised; (c)(8)(v) added; OMB number....23450
270.16 Revised....25486
(a) and (e) corrected....29431
270.32 (b)(1) revised....40653
270.42 (o) added....40653
270.72 (e) amended....25486
271 State hazardous waste management programs approved....31618, 36804, 37729, 39752, 45320
Public briefings....39859
State hazardous waste management programs; schedule of compliance....3651, 3652, 7412, 10568, 11263, 13673, 17403, 19129
State hazardous waste management programs approved....19140
271.1 (j) Table 1 amended....25486, 28585
(j) Table 1 corrected....29431
(j) revised....33720
(j) Table 2 corrected....36013
(j) Table 1 amended....37729, 40653
(j) Table 2 amended....40653
(j) Tables 1 and 2 corrected....21018
271.3 (a) through (d) redesignated as (b) through (e); new (a) and (f) added....33721
271.9 Revised....33721
271.10 (e) revised....28685
(i) added....33722
271.11 (c) revised....28686
(e) added....33722

NOTE: Boldface indicates 1987 page numbers.

93-145 O - 87 - 5

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 40 Chapter I—Con. Page

271.13 (a) revised....33722
271.17 (c) revised....33722
271.21 (e) revised; (f) and (g) added....33722
271.24 Revised....33722
271.25 Added....33723
271.121 (l) redesignated as (i)....33723
272 State hazardous waste management programs approved....22443
300—355 (Subchapter J) Heading revised....13395
300 Authority citation revised....41581
Authority citation revised....13395
300.91—300.95 (Subpart I) Added; interim....41581
Removed....13395
300 Appendixes D and E added....41582
Appendixes D and E removed....13395
302.4 Table 302.4 introductory Note correctly revised; Table 302.4 and Appendix A correctly amended....34541, 45767
Table introductory Note, Table text, and Appendix A corrected....45767
302.5 Revised....34547
355 Added....13395
355 Appendix A corrected....15321
Appendixes A and B corrected....15412
403 State pretreatment program and current NPDES list....36806
403.3 (f) and (m) correctly designated....23760
Introductory text, (i) and (n) revised....1600
403.5 (a) and (c)(1) revised....1600
403.6 (e) corrected....23760
403.8 (a) amendment (51 FR 20429) removed....23759
(f)(2)(vii) corrected....23760
403 Appendix D revised....36372
405 Heading and authority citation revised....24996
405.17 Added....24996
405.27 Added....24996
405.37 Added....24996
405.47 Added....24996
405.57 Added....24996
405.67 Added....24996
405.77 Added....24996
405.87 Added....24996
405.97 Added....24996
405.107 Added....24996
405.117 Revised....24996
405.127 Added....24996
406 Authority citation revised....24996
406.27 Added....24997
406.37 Revised....24997
406.47 Revised....24997
406.57 Revised....24997
406.67 Added....24997
406.77 Revised....24997
406.87 Revised....24997
406.97 Added....24997
406.107 Added....24997
407 Authority citation revised....24997
407.17 Revised....24997
407.27 Revised....24997
407.37 Added....24997
407.47 Revised....24997
407.57 Added....24997
407.67 Added....24997
407.77 Added....24997
407.87 Added....24997
408 Authority citation revised....24997
408.17 Added....24997
408.27 Added....24997
408.37 Added....24997
408.47 Added....24997
408.57 Added....24997
408.67 Added....24997
408.77 Added....24997
408.87 Added....24997
408.97 Added....24997
408.107 Added....24997
408.117 Added....24997
408.127 Added....24997
408.137 Added....24997
408.147 Added....24997
408.157 Added....24997
408.167 Added....24998
408.177 Added....24997
408.187 Added....24997
408.197 Added....24997
408.207 Added....24998
408.217 Added....24997
408.227 Added....24997
408.237 Added....24997
408.247 Added....24997
408.257 Added....24998
408.267 Added....24998
408.277 Added....24997
408.287 Added....24997
408.297 Added....24998
408.307 Added....24998
408.317 Added....24997
408.327 Added....24997
408.337 Added....24999
409 Authority citation revised....24999
409.17 Revised....24999
409.27 Revised....24999
409.37 Revised....24999
409.47 Added....24999
409.57 Added....24999
409.67 Added....24999
409.77 Added....24999
409.87 Added....24999
411 Authority citation revised....24999
411.27 Revised....24999
412 Authority citation revised....24999
412.17 Removed....24999
413.01 (c) amended....40421
413.02 (i) amended....40421
418 Authority citation revised....24999
418.17 Heading revised....24999
418.23 Revised....24999
421.272 Removed....3230
421.273 Removed....3230
422 Authority citation revised....25000
422.67 Added....25000
424 Authority citation revised....25000
424.17 Added....25000
424.27 Added....25000
424.37 Added....25000
424.47 Revised....25000
424.67 Revised....25000
424.77 Revised....25000
426 Authority citation revised....25000
426.17 Added....25000
426.47 Added....25000
426.57 Revised....25000
426.67 Revised....25000
426.77 Revised....25000
426.87 Revised....25000
426.107 Revised....25000
426.117 Revised....25000
426.123 Revised....25001
426.127 Revised....25000
426.133 (c) removed....25001
426.137 Revised....25000
Removed....25001
430.13 Text added....45241
430.23 Text added....45241
430.43 Text added....45241
430.53 Text added....45241
430.63 Text added....45240
430.73 Text added....45240
430.83 Text added....45240
430.93 Text added....45240
430.103 Text added....45240
430.113 Text added....45240
430.143 Text added....45240
430.153 Text added....45240
430.163 Text added....45240
430.173 Text added....45240
430.183 Text added....45240
430.193 Text added....45240
430.203 Text added....45240
430.213 Text added....45240
430.223 Text added....45241
430.233 Text added....45240
430.243 Text added....45240
430.253 Text added....45240
430.263 Text added....45240
431.13 Text added....45242
432 Authority citation revised....25001
432.17 Revised....25001
432.27 Revised....25001
432.37 Revised....25001
432.47 Revised....25001
432.57 Added....25001
432.67 Revised....25001
432.77 Revised....25001
432.87 Revised....25001
432.97 Revised....25001
432.107 Added....25001
433.10 (c) amended....40421
433.11 (e) amended....40421
439.13 Text added....45098
439.23 Text added....45099
439.33 Text added....45099
439.43 Text added....45099
455.10 (f) and (g) removed....44911
455.11 Removed....44911
455.20 (d) removed....44911
455.23—455.27 Removed....44911
455.33—455.37 Removed....44911
455.40 Revised....44911
455.41 Removed....44911
455.43—455.47 Removed....44911
455.50 Removed....44911

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 40 Chapter I—Con. Page

455.51 Removed....44911
455 Appendixes A through E removed....44911
461.32 (a)(4) revised....30816
461.33 (a)(4) revised....30816
461.34 (a)(4) revised; (c) added....30817
461.35 (a)(4) revised....30817
600.006–89 Added....37850
600.113–88 Added....37851
600.510–86 (e) revised....37852
600 Appendix II revised....37852
704.9 Added....20083
704.25 Added; eff. 7–13–87....19864
704.30 Added; eff. 7–20–87....21026
704.33 (h) removed....20083
704.83 (g) removed....20083
704.85 (e) removed....20083
704.142 (h) removed....20083
704.175 (f) removed....20083
707.72 Added; eff. 7–6–87....21437
710.39 (b) revised....20083
712.28 (c) revised....20083
712.30 (t) added....41330
(t) introductory text corrected....4079
(u) added....19029
716.1—716.65 (Subpart A) Revised....32726
716.30 (c) revised....20084
716.35 (c) revised....20084
716.105—716.120 (Subpart B) Added....32730
716.120 (a)(1) and (2) and (c) tables corrected....36013
(a) (1) and (2) tables amended....41330
(a) (1) and (2) tables corrected....9663
(a) (1) and (2) tables amended....16025
(a) (1) and (2) tables amended; OMB number....19029
(a)(1) table corrected....22444
717.17 (c) revised....20084
721.109 Added; eff. 7–13–87....19865
721.230 Added....2703
(a)(1) corrected....4079
721.385 Added....11825
721.497 Added....32079
721.1021 Added....2703
761 Clarification....47241
Authority citation revised....10705

761.80 (f)(4), (5), (6) and (7), (m)(5) and (6), (o), (p), (q) and (r) added; (g) and (n) revised....28569
761.120—761.135 (Subpart G) Added....10705
761.123 Corrected....23397
763 Authority citation revised; subpart and section authority citations removed....5623
Authority citation revised....15876
763.120—763.126 (Subpart G) Revised....5623
763.121 (b) and Appendixes A and C corrected....10187
763 (Subpart E) Added (Appendix C only)....15876
766 Added; eff. 7–6–87....21437
790 Meetings....41331
795 Added....40327
795.45 (Subpart B) Added; eff. 7–20–87....21026
795.223 (c)(2)(ii)(C) revised....24157
795.235 Added; eff. 7–13–87....19868
795.285 Added; eff. 7–6–87....19085
796.1550 (b)(1) (ii), (iii), (iv), (vi), (ix)(A), and (xi), (2)(i)(A) and (C), and (3)(vii) amended; (b)(1) (vii), (viii), (x)(D) and (3) (iv) and (ix) revised....19057
796.1840 (b)(1) (iii), (v), (vi)(A), (vii), and (ix), (2)(ii), and (3)(i)(B) and (ii)(B) amended; (b)(1)(vi)(B) and (3)(i)(A) revised....19057
796.1860 (b)(1)(i)(A), (ii) and (iv) and (2)(ii) amended; (b)(1) (iii) and (v) revised....19058
796.2750 (b)(1)(i)(B), (ii), (iii), (iv), (v) introductory text, and (vii) amended; (b)(1) (vi) and (x) revised....19058
796.3100 (a) (4) and (6), (b)(1)(iii) and (2)(ii) and (c)(1) (iv) and (v) and (2)(i) amended; (b)(2)(vi) revised....19058
796.3140 (a) (3) and (5), (b)(1)(iii)(C), (2)(iii) (B) and (G) and (3)(i) amended; (c)(2) introductory text added....19058
797.1050 (c)(4) (iii) and (v), (6)(i)(A), (d) (1), (2) (iii) and (vi), and (3) (ii) and (v), and (e) introductory text amended....19058
(c)(4) (ii), (iv), and (v)(B) introductory text, (d)(2)(v)(A), (3) (i), (iii), and (iv) and (e)(4) and (5) revised....19058
797.1300 (c)(4) (iii) and (vi), (d)(1)(i)(C) and (iv), (2)(i)(A) and (C), (iii) (B) and (C) and (3), and (e) introductory text amended....19059
(c)(4) (ii), (iv), (v), (vii), and (viii) and (6) (i) and (ii), (d)(1)(i)(B), (ii)(A), (iii)(A), (2) (iv) and (v), (3) (i), (iii), (iv) and (e)(4) revised....19059
797.1330 (c)(4) introductory text, (d)(1)(ii)(B), (iii)(A), (iv), and (vi)(A), (2)(i)(A), (ii) (C) and (D), (iv) (B) and (C), (3)(i)(B), and (e) introductory text, (12), (13), and (14) amended....19060
(c)(4) (ii), (v), and (vii), (6) (i) and (ii), (d)(1)(ii)(A), (v)(B), (vi)(A), (2)(i)(A)(*4*), (iii)(B), and (v), (3)(i) (A) and (C), (ii) (A), (B)(*3*), and (C), and (e)(4) revised....19060
797.1400 (c)(4)(iii) and (5) and (d)(1)(ii) (A) and (C) and (3)(ii) amended; (c)(4) (ii), (iv), and (v), (6)(i) (B) and (C) and (iii) (A), (C), (G), and (H) and (d)(2)(iii), (3) (iii) and (iv), and (e)(7) revised....19062
797.1520 (c)(4) (i), (ii)(B), (iii)(C), (v)(B), (vi), (vii) and (viii)(C) and (5) (i) and (ii)(C), (d)(1)(i) (A), (C) and (D) and (iv), (2)(i)(A), and (3)(i) and (e) amended....19063
(c)(4)(ii)(A), (iii)(A), (iv)(A), and (v)(A) and (5)(ii) (A) and (D), and (d)(1)(i)(B), (ii) (B) and (C), and (iii), (2)(i) (B) and (C), and (3)(ii) revised....19063
797.1600 (c)(1)(iii) introductory text and (A), (4)(i)(A), (iii), (iv), (vii), (ix) and (x) (D), (E) and (G), (5) (i), (ii) introductory text and (iii)(D) and (6)(iii), (d)(1)(ii) introductory text and (B), (2)(ii)(C) and (iii)(A), (iv)(C) and (vii)(C)(*1*) and (3) (i) and (iv) (A), (B) and (C) amended....19064
(c)(1)(iii)(B), (4)(i) (D) and (E), (ii)(B), (v)(A), (viii), (x) (A), (B), and (F) and (6) (i), (ii), (iv)(A), and (v) (B) and (C), (d)(1)(ii)(A), (2)(iv)(A), (vii)(A) (*1*), (*2*) and (*3*) and (3)(ii)(B), (iii)(B), and (iv)(E) and (e) introductory text revised....19064
797.1800 (c)(4) (iv), (vii) and (ix) (A) and (B), (d)(1)(i) (A), (C) and (D) and (3)(ii), and (e) amended....19066
(c)(4) (i), (v), (vii), (ix) (C), (D), and (E) and (5)(i), (d)(1)(i)(B), (iii) (A), (B), and (D), (2)(ii), and (3) (i), (ii), (iv), and (v) revised....19066
797.1830 (c)(4) (i), (iv), (v) introductory text, (B) and (C), (vi) introductory text, (C) and (F), and (vii)(A) and (B) (*1*) and (*3*) and (6) (iii) and (iv), (d)(1) (i), (iii), and (iv) and (3) (i) and (iii) and (e) amended....19067
(c)(4) (ii), (iii), (v) (A), (D), and (E), (vi) (A), (B), and (D), and (vii)(C), (5)(ii) and (6)(i) and (d)(1)(ii), (vi) (A), (B), and (C) and (3) (ii), (iv), and (v) revised....19067
797.1930 (c)(4) (ii), (iv), and (vii), (d)(2)(i)(B), (ii) and (iv), (3) introductory text and (ii), and (e) introductory text and (6) amended....19068
(c)(3)(iii), (4) (iii), (v), (vi), (viii), and (ix), and (6) (i) and (ii), (d)(1)(i)(B), (2)(v), and (3) (i) and (iii), and (e)(7) revised....19068
797.1950 (c)(4) (v) and (vi), (d)(1)(i) (C) and (D), (2)(i)(C) and (iv) and (3) introductory text, (ii), and (iii), and (e) introductory text, (9), and (10) amended....19069

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 40 Chapter I—Con. Page

(c)(4) (ii), (iv), (vi), and (viii), (6) (i) and (ii), (d)(1)(i)(B), (2) (ii) and (v), and (3)(i), and (e)(8) revised..... 19069

797.2150 (c)(1) (i), (ii), (iv), (v), (vi), and (ix), (4)(i)(B), (ii), (iii)(A), (iv), (v)(A), (vi), (ix), and (x), (6)(ii)(B), (d)(1)(i) (C), (D), and (E), (ii)(A)(*1*), and (e) amended..... 19070

(c)(1) (iii), (vii), (viii), and (x), (4)(i)(A), (iii)(B), (vii), and (viii), (6)(i)(A), (ii) (A) and (C) and (d)(1)(i) (A) and (B), (ii)(A)(*2*), (*3*), and (*4*) and (B), (2) (iii) and (iv) revised..... 19070

798.2250 (e)(1) (ii), (iii), and (iv), (2), (6)(i), (8), (9) (ii), (iii), (iv), (v), and (vi), (10)(i) introductory text and (ii)(A), (11), and (12) and (f)(1)(i) and (3) introductory text and (ii) (A) and (B) amended..... 19072

(e)(1)(i), (4)(i), (6)(ii), and (7)(i), (9)(i), (10)(i) (A) and (B) and (ii) introductory text, and (11)(iii) revised..... 19072

798.2450 (d)(1) (ii), (iii), (iv)(B), (2), (6)(i), (8) introductory text and (iv), (10) (iii), (v), and (vi), (11)(i) introductory text and (B), (12) (i) and (ii), and (13) and (e)(1)(i) and (3) introductory text and (iv) amended..... 19073

(d)(1)(i) and (iv)(A), (4) (i) and (iv), (5), (6)(ii), (7) (i) and (ii), (8) (i), (ii), and (iii), (9), (10)(i), (11)(i)(A), (ii) introductory text and (A), and (12)(iii) revised..... 19073

798.2650 (e)(1) (ii), (iii), and (iv), (2), (6)(i), (7) (ii) and (iv), (8), (9)(i) introductory text, (ii)(A) and (f)(1)(i) and (3) introductory text and (ii) amended..... 19074

(e)(1)(i), (4)(i), (6)(ii), (7)(v), (8)(i), (9)(i) (A) and (B) and (ii), and (10)(iii) revised..... 19074

798.3300 (b)(1) (i), (ii), (iii) introductory text and (A), and (iv) (A) and (B), (2) introductory text and (i), (5), (6)(i)(B), (ii)(C), (iii)(C), (7) (ii), (iv), (v), and (vi), (8) (ii) and (iv), (9), (10) introductory text, (ii), and (iii), and (11), and (c) (1), (2) (i) and (iii), and (3) amended..... 19075

(b)(3)(i), (6)(i)(A), (iii) (A) and (D), (7) (i) and (iii), and (8) (i) and (iii) revised..... 19075

798.4350 (e)(1) introductory text and (iv), (2), (3) (i), (ii), and (vi), (4), (5), (7) (i), (ii), and (iii), (9) (i), (iii), (vi), and (vii), and (10) and (f) (1) and (3) introductory text and (iii) (C) and (D) amended..... 19076

(e)(3)(iv), (6)(i) (A) and (B), (ii), (7) (ii), (iii), and (iv), (9)(iv), and (10)(ii) and (f)(2) revised..... 19076

798.4420 (c), (d)(1) (ii), (iii), and (iv), (2), (3) (ii) and (iv) introductory text, (A), and (B), (4), (5), (7) (i), (ii), (iii), and (iv), and (8), and (e)(3) (iii) and (iv) amended; (d)(7)(v) and (9)(ii) revised..... 19077

798.4700 (c) (1), (2), (3)(i), (4)(i), (5)(i)(B), (6)(i)(C), (7) (i), (ii), (iv), and (v), and (8) introductory text, (i), and (iii) and (d) (1) and (3) introductory text, (iii), and (v) amended; (c)(2)(iii), (4)(ii)(A), (6)(i)(A), and (iii), (7)(iii), and (9) introductory text and (d)(2)(i) revised..... 19077

798.4900 (e)(1) introductory text and (iv), (2), (3) (i), (ii), and (iii), (4), (5), (7) (i), (ii), (iv), (vi), and (vii), (8) (i), (iii), (iv), (v), (vi), and (vii) and (f) (1) and (3) introductory text, (iii), and (iv) amended; (e)(3)(iv) and (8)(ii) and (f)(2) revised..... 19077

798.5200 (d)(3) (i), (ii), and (iv), (e)(1) and (2)(i), and (f) (2) and (5) amended; (d)(5) (i) and (ii), (e)(2)(ii), and (f)(1) revised..... 19078

798.5265 (d)(5) (i) and (ii), (6)(ii)(B), (e) (4) and (5), and (f)(1), (3)(ii), and (5) introductory text amended; (d)(6)(i) and (ii)(C), (e)(1), (2) (i) and (ii), and (6), and (f)(5)(ii) revised..... 19078

798.5275 (d)(4), (e) (1) and (2), and (f) (1), (2), and (5) amended; (d)(4)(iv) and (5)(ii) revised..... 19079

798.5300 (d)(3)(ii), (4), and (5), (e) (1) and (2), and (f) (1) and (5) amended; (d)(6)(i) and (ii)(B) and (e) (3) and (4) revised..... 19079

798.5375 (d)(3)(ii), (4), (5), and (6)(ii), (e) (3) and (4), and (f)(5) introductory text and (vi) amended; (d)(6)(i), (e)(5) (i) and (iii) and (7), and (f)(1) revised; (e)(8) added..... 19079

798.5385 (d)(3) (ii) and (iv) and (4), (e)(1)(ii), (2), and (3), and (f)(5) amended; (d)(3)(iii), (5) (i) and (ii), and (e)(1)(i) and (4) revised..... 19080

798.5395 (d)(3)(ii), (e)(1) (ii) and (iii), and (f) (1) and (5) amended; (d)(3) (ii) and (iii) and (5) (i) and (ii) and (e)(1)(i) and (2) revised; (d)(1) redesignated as (d)(1)(i); (d)(1) (ii) and (iii) and (g)(7) added..... 19080

798.5450 (d)(3) (ii) and (iv) and (4) and (f) (2) and (5) amended; (d)(3)(iii) and (5) (i) and (ii) and (f)(1) revised; (f)(5)(vi) removed; (f)(5) (vii) and (viii) redesignated as (f)(5) (vi) and (vii); new (f)(5)(vi) revised..... 19081

798.5460 (d)(3) (ii) and (iv) and (4), (e)(2) introductory text, and (f) (1), (2), and (5) amended; (d)(5) (i) and (ii) and (e)(1) revised..... 19081

798.6050 (d)(1)(ii) and (iii)(B), (3), and (8)(ii) amended; (d)(2) and (8)(i) and (e)(3) revised..... 19082

798.6200 (d)(1)(iii)(B) amended..... 19082

798.6400 (d)(1) (i) and (iii) and (8)(ii)(C), (iii), and (iv)(B) and (e) introductory text and (1) amended..... 19082

799 Petition denied..... 30216

Petition denied..... 4622

799.19 Meetings..... 41331

799.500 Added; eff. 7-20-87..... 21028

799.925 (c)(1)(ii), (2)(ii), (3)(ii), and (4)(ii), (d)(1)(ii) and (2)(ii) revised; (c)(1)(iii), (2)(iii), (3)(iii) and (4)(iii) and (d)(1)(iii), (2)(iii), (3) and (e) added; eff. 7-17-87..... 20713

799.940 Added..... 33052

(a)(3) and (c)(1)(i)(K)(*1*)(*ii*) and (L)(*2*) revised..... 1331

799.1051 Added..... 24666

799.1052 (a)(3), (b)(5), and (d) added; OMB number..... 24667

(d)(1)(ii)(C) added..... 10378

799.1053 (a)(3), (b)(5), and (e) added..... 24667

799.1054 Added..... 24667

(c)(2)(ii)(A) revised..... 10378

799.1250 (c)(1) (ii) and (iii), (2) (ii) and (iii), (3) (ii) and (iii), (4) (ii) and (iii), and (5) (ii) and (iii) and (d) added; eff. 7-6-87..... 19087

799.1550 Added..... 32087

799.1575 (c)(1)(ii), (2)(ii), (3)(ii), and (4)(ii), (d) and (e) revised; (c)(1)(iii), (2)(iii), (3)(iii), and (4)(iii) and (f) added..... 3238

799.1650 Added..... 40330

(c)(2)(ii)(C) and (3) revised..... 24158

799.1700 Added; eff. 7-22-87..... 21530

Technical correction..... 23761

799.2175 (d)(1)(ii), (2)(ii), (3)(ii), (4)(ii), (5)(ii) and (6)(ii) revised; (e) and (f) added..... 2527

799.2200 (c)(1) (ii) and (iii), (2) (ii) and (iii), (3) (ii) and (iii), and (4) (ii) and (iii) and (d) added; eff. 7-13-87..... 19870

799.2500 Clarification..... 10752

(c)(1) (ii) and (iii), (2) (ii) and (iii), (3) (ii) and (iii), and (4) (ii) and (iii) and (d) added; eff. 7-6-87..... 19093

799.4400 Meetings..... 41331

799.5000 (Subpart C) Added..... 23548

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

Page

Title 40—*Proposed Rules:*

1—799 (Ch. I)....29499, 30166, 32668
....22244, 23477
30....21820, 23627
33....21820, 23627
50....24392
51....32180, 34428, 34669, 37418
52....24163, 24393, 24853, 25210, 25211, 25371, 25715, 25718, 25720, 25900, 25902, 26269, 27560, 27878, 29116, 30378, 31076, 32180, 33624, 33625, 34669, 37418, 37758, 40446, 40447, 40828, 41809, 41810, 42111, 43387–43394, 46692, 46693, 47032
....91, 1934, 1935, 2728, 2732, 3452, 3670, 4631, 4785, 4789, 4921, 5316, 5552–5559, 6007, 6175, 7802, 8311, 8932, 9502, 9674, 9676, 10239, 10241, 10596, 11287, 11288, 11696, 12940, 15514, 16877, 18240–18244, 18402, 19175, 19539–19541, 20422, 21974, 22501, 22503, 23485, 23492, 24036
60....24164, 24170, 25212, 26271, 34672, 34898, 40043, 40448, 42800, 44075, 44643, 44803
....4994, 5065, 7178, 8476, 15906, 16334
61....13586, 23486
62....39400, 43395
....1474
65....28113, 29949, 30080
....562, 1936, 2952, 2953, 19893
81....24854, 24855, 26272, 29268, 30379, 33626, 33627, 39550, 40043, 41355, 44081
....2117, 3452, 5560, 7802, 21074
85....28114
....924, 4512, 9316, 12561, 12563
86....24614, 30984, 31783, 31959, 32032, 35372, 40986
....9563, 21075
117....8140
122....29950
123....29668
....12039, 23487
124....37608
131....25372
135....29426
137....32886
141....28730, 34836, 37608
....10972, 12876
142....10972, 12876
143....37608
....10972
147....13848, 17684, 17696, 19797
152....42974
....2423
153....24393
166....24393
167....45132
....9504
180....25721, 28249, 28603, 28959, 29669, 30516, 30517, 33906, 40987, 40988, 41811, 41812, 43495, 43643, 44487, 45133, 45134
....563, 2953, 2955, 4356, 6348, 8478, 9241, 11292, 11293, 12198, 13478, 16878, 16880, 19894, 20751, 20753, 21794, 21974, 23694, 22916, 24098
228....30081
....438, 9894, 20429, 21082, 22352
260....24856, 25212, 31783, 33279, 40726, 44714, 45783, 46824
....16982, 20218, 20914
261....24856, 25372, 26417, 26428, 26438, 27061, 27215, 31140, 31783, 32217, 32670, 32929, 33067, 33279, 33628, 35372, 36024, 36233–36241, 36707, 36974, 37140, 37299, 37420, 37760, 37767, 39968, 40343, 41900, 44714, 45485, 46904
....3029, 3748, 5472, 11513, 16982, 18583, 24181
262....24856, 25487, 31783, 33279, 36342, 44714
....16158, 17888
264....24856, 26632, 29812, 31783, 33279, 37608, 37854, 40726, 44714, 45783, 46824
....3748, 8712, 12566, 16982, 19737, 20218, 20754, 23695
265....24856, 29812, 31783, 33279, 36342, 37608, 41646, 44714, 46824
....3748, 8712, 12566, 16982, 19737, 20218, 20754, 20914, 23695
266....16982, 18043
268....24856, 31783, 33279, 44714
....2423, 22356
269....3748
270....24856, 26632, 31783, 33279, 37608, 37854, 40726, 44418, 44714, 45783
....3748, 8712, 16982, 20218, 20754, 20914
271....24549, 24856, 26438, 28094, 28604, 31783, 33279, 36342, 37854, 44714, 46824
....3748, 16982, 20218, 24181
280....12662, 12786, 13375, 19895
281....12853, 19895
300....41593
....2492, 11513, 17991
302....26438

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

Page

....8140, 8172, 24181
370....2836
372....21152
403....25722, 29950
414....44082
....3031
416....44082
....3031
421....2480, 4822
425....2370
440....9414, 17993
700....12940, 20494
704....26273, 35762, 45486
....107, 1583, 15594
712....18245, 18250, 23627, 23628
716....27562, 29499
....15594, 18245
721....24551, 24555, 26273, 26557, 28119, 32495
....107, 1583, 9508, 12285
722....15594
750....23054
763....28914, 42812, 47265
....5616, 15820
766....37612
795....27880
....19096, 20336
796....20336
799....25070, 25577, 26028, 26170, 27880, 28840, 32107, 43397, 45487
....19096, 20336, 23862

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 50—Public Contracts, Department of Labor

50–201.1201 Removed....6147
50–201.105 Revised....6147
50–201.601 (b) revised....6147
50–201.602 Revised....6147
50–201.1101 Revised....6147
50–201.1102 (a) revised....6147

Chapter 51—Committee for Purchase From the Blind and Other Severely Handicapped

51–1.3 (b) revised....34601
51–3.3 Revised....34601
(c) corrected....36560

NOTE: **Boldface** indicates 1987 page numbers.

Chapter 60—Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor

Page

60–250 Authority citation revised....30467
60–250.2 Amended; authority citation removed....30467
60–250.29 Authority citation removed....30467

Chapter 61—Office of the Assistant Secretary for Veterans' Employment and Training, Department of Labor

Chapter 61 Chapter established....6677
61–250 Added....6677
61–250.2 (b)(5) correctly revised....13674
61–250.11 (a) corrected....13674

Chapter 101—Federal Property Management Regulations

101–1—101–8 (Subchapter A Appendix) Temporary Reg. A–30 added....40805
Temporary Reg. A–25, Supp. 2 added....44985
Temporary Reg. A–30 corrected....387
Temporary Reg. A–29 added....2528
Temporary Reg. A–23, Supp. 3 added....5537
Temporary Reg. A–27, Revision 1 added....8893
Temporary Reg. A–23, Supp. 3 corrected....9382
101–17 *See* Temp. Reg. D–73....4295
101–17.002 *See* Temp. Reg. D–71, Supp. 2....27040
101–17.003 *See* Temp. Reg. D–71, Supp. 2....27040
101–17.004 *See* Temp. Reg. D–71, Supp. 2....27040
101–17.009 *See* Temp. Reg. D–71, Supp. 2....27041
101–17.102 *See* Temp. Reg. D–71, Supp. 2....27041
101–17.103 *See* Temp. Reg. D–71, Supp. 2....27041

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 41 Chapter 101—Con. Page

101-17.104-1 *See* Temp. Reg. D-71, Supp. 2....27041
101-17.104-3 *See* Temp. Reg. D-71, Supp. 2....27041
101-17.4902 *See* Temp. Reg. D-71, Supp. 2....27041
101-20 Revised....11263
101-20.103-4 (a), (c), and (d) corrected....24158
101-20.107 Heading correctly revised; (h) corrected....24158
101-20.109-10 Revised....44258
101-20.302 Corrected....24158
101-20.309 Corrected....24158
101-20.403 (a)(2) corrected....24158
101-20.404 (a) corrected....24158
101-17—101-21 (Subchapter D Appendix) Temporary Reg. D-71, Supp. 2 added....27039
Temporary Reg. D-73 added....4294
101-26.102-1 *See* Temp. Reg. E-85....29105
101-26.301 *See* Temp. Reg. E-87....23656
101-28.302 *See* Temp. Reg. E-86....11276
101-28.306-3 *See* Temp. Reg. E-86....11276
101-25—101-34 (Subchapter E Appendix) Temporary Reg. E-85 added....29105
Temporary Reg. E-82, Supp. 1 added....5536
Temporary Reg. E-86 added....11276
Temporary Reg. E-87 added....23656
101-40.000 Revised....24330
Revised....21031
101-40.001 Added....24331
Revised....21031
101-40.101-1 Revised....24331
(a) introductory text and table corrected....27539
Revised....21032
(a) table corrected....23137
101-40.101-2 Revised....24331
101-40.102 Revised....24331
(a) and (b) revised....21032
101-40.103-2 (a) and (b) revised....24331
(b) corrected....27539
(b) revised....21032
101-40.103-3 Added....24332
Corrected....27539
Revised....21032
101-40.104 Revised....21032
101-40.106 Revised....24332
101-40.108 Revised....24332
101-40.109-1 (a) revised....24332
101-40.109-2 (a), (b), and (c) revised....24332
101-40.109-3 (b) revised; (c) added....24332
(b) revised....21032
101-40.110-2 Revised....24332
101-40.110-3 Added....24332
Revised....21033
101-40.111 Revised....24333
101-40.113 Removed....24333
101-40.200—101-40.208 (Subpart 101-40.2) Heading revised....24333
101-40.200 Revised....24333
101-40.201 Revised....24333
101-40.202 Revised....24333
101-40.203-1 Revised....24333
101-40.203-2 Revised....24333
(a) and (b) revised....21033
101-40.203-3 Revised....24334
Revised....21033
101-40.203-4 (a) and (c) revised....24334
101-40.204 Revised....24334
Revised....21033
Corrected....23137
101-40.205 Revised....24334
Revised....21033
Corrected....23137
101-40.206 Revised....24334
Introductory text corrected....27539
101-40.207 Revised....24335
101-40.208 Revised....24335
101-40.300 Revised....24335
101-40.301 (a), (b), and (d) revised....24335
(a) table Note and (b)(1) corrected....27539
(a) (1) and (2) revised....21033
101-40.303 Revised....24336
101-40.303-2 Revised....24336
101-40.303-4 Revised....24336
101-40.304 (b) and (c) revised; (d) added....24336
101-40.305-1 Revised....24336
101-40.305-2 Revised....24336
101-40.305-3 Introductory text, (a), and (d) revised; (b) removed....24336
101-40.306 Revised....24337
101-40.306-1 (a) revised....24337
101-40.306-3 Revised....24337

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

101-40.306-4 Revised....21034
101-40.400—101-40.410-2 (Subpart 101-40.4) Heading revised....24337
101-40.400 Revised....24337
101-40.401 Revised....24337
101-40.402 Revised....24337
(b) revised....21034
101-40.402-1 Removed....24337
101-40.403 Revised....24337
101-40.403-1 Removed....24338
101-40.403-2 Removed....24338
101-40.404 Heading revised....24338
Revised....21034
101-40.404-1 Revised....24338
(b) corrected....27539
101-40.404-2 Revised....24338
101-40.404-3 Removed....24338
Correctly designated....27539
101-40.404-4 Removed....24338
101-40.404-5 Removed....24338
101-40.405 Added....24338
101-40.406 Added....24338
101-40.407 Added....24339
101-40.408 Added....24339
101-40.408-1 Added....24339
101-40.408-2 Added....24339
101-40.408-3 Added....24339
(c)(2)(iii) corrected....27539
101-40.408-4 Added....24340
101-40.409 Added....24340
101-40.409-1 Added....24340
(c) corrected....27539
101-40.409-2 Added....24340
101-40.410 Added....24340
101-40.410-1 Added....24340
101-40.410-2 Added....24341
101-40.702-2 (a) revised....24341
101-40.702-3 (a), (b), (c), and (d) revised....24341
(a) and (d) corrected....27539
(b) revised....21034
101-40.703-2 (a) revised; (d) added....24341
(a) corrected....27539
101-40.703-3 Revised....24342
(a) and (b) corrected....27539
(a) revised....21034
101-40.704-1 (c)(2)(i) revised....24342
101-40.704-2 Revised....24342
101-40.705 (b) revised....24342
101-40.707-1 Revised....24342
101-40.709 (a), (b), and (c) revised....24342
101-40.710 Revised....24343
(a) corrected....27539
101-40.711-1 Revised....24343
101-40.711-2 Introductory text revised....24343
101-40.712 Revised....24343
101-40.4900—101-40.4903 (Subpart 101-40.49) Revised....24343
101-40.4902 (b) revised; (c) added....21034
101-38—101-41 (Subchapter G Appendix) Temporary Reg. G-48 added....29639
101-41.206 (b) and (c) revised....12169
101-41.302-1 (z) removed....21682
101-41.302-2 (c) revised; (e) removed....21682
101-41.307-3 Revised....21683
101-41.802 (a) (2) through (6) and (b) revised; (a)(7) added....12169
101-41.803 (a) and (b) revised; (c) added....12170
101-41.803-1 (a) introductory text revised....12170
101-41.804 Heading revised....12170
101-41.804-1 Revised....12170
101-41.804-2 Revised....12170
101-41.804-4 Revised....12170
101-41.804-5 Revised....12170
101-41.805-1 (a) and (b) revised....12170
101-41.805-2 (c) introductory text, (1) and (2) revised....12170
101-41.806 Heading revised....12170
101-41.806-1 Revised....12170
101-41.806-2 Revised....12171
101-41.806-3 Revised....12171
101-41.807-1 Revised....12171
101-41.807-2 (a) and (d) revised....12171
101-41.808-1 Revised....12171
101-41.4901-1206 Removed....21683
101-45.105-3 (b) and (c) revised....23830
101-45.304-3 Revised....23831
101-45.304-7 (a)(4) and (c)(2) revised....23831
101-47.203-5 (b) and (c) revised....9832
101-47.204-1 (a) and (b) revised....9832
101-47.303-2 Introductory text, (b), (d), (e) introducto-

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

TITLE 41 Chapter 101—Con. Page
ry text and (1), (f), and (g) revised ... 9829
101-47.304-8 Removed ... 5542
101-47.304-9 (c) added ... 23760
101-47.308-9 Added ... 9832
101-47.4906 Revised ... 9830
101-47.4906-2 Added ... 9831
101-47.4908 Added ... 23760

Chapter 105—General Services Administration

105-53.118 (c), (e), (j), and (m) revised ... 23657
105-53.120 Revised ... 23657
105-53.134 Revised ... 23657
105-53.135 Revised ... 23657
105-53.137 Revised ... 23657
105-53.143 (b) revised ... 23657
105-53.147 (b) revised ... 23658
105-53.151 Amended ... 23658

Chapter 114—Department of the Interior

114-52 Revised ... 44471
114-60.000—114-60.003 Removed ... 26388
114-60.100—114-60.106 (Subpart 114-60.1) Removed ... 26388
114-60.200—114-60.203 (Subpart 114-60.2) Removed ... 26388
114-60.300—114-60.303 (Subpart 114-60.3) Removed ... 26388
114-60.400—114-60.406 (Subpart 114-60.4) Removed ... 26388
114-60.500—114-60.501 (Subpart 114-60.5) Removed ... 26388
114-60.600—114-60.605-1 (Subpart 114-60.6) Removed ... 26388
114-60.700—114-60.705 (Subpart 114-60.7) Removed ... 26388
114-60.800—114-60.804 (Subpart 114-60.8) Removed ... 26388
114-60.900—114-60.905 (Suppart 114-60.9) Removed ... 26388
114-60 Appendixes A and B removed ... 26388

Chapter 201—Federal Information Resources Management Regulation

201-1.000-1 *See* Temp. Reg. 13 ... 45887

NOTE: **Boldface** indicates 1987 page numbers.

Page
201-1.102-3 *See* Temp. Reg. 13 ... 45887
201-1.103 *See* Temp. Reg. 13 ... 45887
201-8 Authority citation revised ... 10088
201-8.101-1 Revised ... 10088
201-8.103-5 Added ... 10088
201-8.104 (c) added ... 10088
201-8.105-15 Removed ... 10088
201-8.105-24 Removed ... 10088
201-8.105-37 Revised ... 10088
201-8.105-38 Added ... 10088
201-8.105-39 Added ... 10088
201-8.105-40 Added ... 10089
201-8.105-41 Added ... 10089
201-8.105-42 Added ... 10089
201-8.107 Revised ... 10089
201-8.107-1 Revised ... 10089
201-8.107-2 Revised ... 10090
201-8.107-3 Revised ... 10090
201-8.107-4 Added ... 10090
201-8.107-5 Added ... 10090
201-8.108 Revised ... 10090
201-8.108-1 Added ... 10090
201-8.109 Revised ... 10090
201-8.110-1 (b) revised ... 10091
201-8.111 Revised ... 10092
201-8.111-1 Added ... 10092
201-8.111-2 Added ... 10092
201-8.111-3 Added ... 10092
201-8.111-4 Added ... 10093
201-8.112-17 Added ... 10093
201-11 Authority citation revised ... 10093
201-11.002-1 (b) introductory text revised ... 10093
201-24 Correctly designated ... 656
201-24.202 *See* Temp. Reg. 13 ... 45888
Correctly designated ... 656
201-30 Authority citation revised ... 10093
201-30.018-3 Removed ... 10093
201-30.019 Added ... 10093
201-32 Authority citation revised ... 10379
201-32.400—201-32.404 (Subpart 201-32.4) Added ... 10379
201-32.402-5 (a) corrected ... 13173
201-32.403-3 (a)(1) corrected ... 13173
201-34 Authority citation revised ... 10094
201-34.003 Added ... 10094
Chapter 201 (Appendix A) Temporary Reg. 13 added ... 45887

CHANGES JULY 1, 1986 THROUGH JUNE 30, 1987

Page
Temporary Reg. 13 corrected ... 656
Temporary Reg. 10, Supp. 1 added ... 5113

Title 41—*Proposed Rules:*

50-201 ... 7892
101-6 ... 4631, 18774

NOTE: **Boldface** indicates 1987 page numbers.

Page
101-38 ... 9448
101-41 ... 27425
105-56 ... 35245
105-60 ... 23697
105-70 ... 15339
114-52 ... 32796
201-8 ... 3671
201-33 ... 31674
201-38 ... 9900

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health and Human Services

Page

2 Revised....21803
7 Added....11073
34.2 (b) revised....21533
37.41 (a) and (h)(3) revised....7866
37.52 (b) revised....7866
53 Authority citation revised....39376
53.155 Authority citation removed....39376
53.156 Added....39376
57.201—57.218 (Subpart C) Authority citation revised....20987
57.202 Amended....20987
57.206 (a)(1) (iii) and (iv) revised; (a)(1)(v) added....20987
57.208 Heading revised; (c) added....20987
57.210 (b)(2) revised; (b)(5) added....20988
57.216a Introductory text, (a), (b), and (c)(3) amended....20988
57.301—57.318 (Subpart D) Authority citation revised....10194, 19143
57.302 Amended....10195
57.305 (a) revised....10195
57.306 (a)(1) (iii) and (iv) revised; (a)(1)(v) added....19144
57.310 (b)(2) revised; (b)(5) added....10195
57.316a Introductory text, (a), (b), and (c)(3) revised....10195
57.701—57.712 (Subpart H) Authority citation revised....24160
57.702 Amended....24160
57.704 OMB number....24160
57.705 (b) revised; OMB number....24160
57.706 (a) (6) and (7) and (b)(1) revised; (b)(2) redesignated as (b)(3); new (a)(8) and (b)(2) added; new (b)(3)(i) amended....24160
57.709 (a) and (c) revised....24160
57.710 Revised....24161
57.711 Removed; new 57.711 redesignated from 57.712 and OMB number....24161

Page

57.712 Redesignated as 57.711 and OMB number; new 57.712 redesignated from 57.714....24161
57.713 Removed....24161
57.714 Redesignated as 57.712....24161
57.801—57.803 (Subpart I) Authority citation revised....24159
57.801 (a) revised....24159
57.802 Amended....24160
57.803 (a)(1) revised; (f), (g), and (h) redesignated as (g), (h), and (i); new (f) added; new (h) amended....24160
57.1101—57.1112 (Subpart L) Heading and authority citation revised....19145
57.1101 Revised....19145
57.1102 Amended....19145
57.1104 (c) revised; OMB number....19145
57.1105 (a), (b), (e) and (f) revised; (c) and (d) amended....19145
57.1106 (d) and (e) amended; (f) added....19146
57.1107 (b) revised....19146
57.1109 (a) and (b) revised....19146
57.1110 Revised....19146
57.1111 Removed; new 57.1111 redesignated from 57.1113 and OMB number....19146
57.1112 Removed; new 57.1112 redesignated from 57.1114....19146
57.1113 Redesignated as 57.1111 and OMB number....19146
57.1114 Redesignated as 57.1112....19146
57.2901—57.2915 (Subpart DD) Removed....18675
57.2901—57.2910 (Subpart DD) Added....18675
57.3501—57.3510 (Subpart JJ) Heading and authority citation revised....45768
57.3501 Revised....45768
57.3502 Amended....45768
57.3503 Revised....45769
57.3504 (a) revised; (c) added; OMB number....45769
57.3505 Removed; new 57.3505 redesignated from 57.3513 and revised....45769

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 42 Chapter I—Con. Page

57.3506 Removed; new 57.3506 redesignated from 57.3514 and (b) revised..... 45769
57.3507 Removed; new 57.3507 redesignated from 57.3515..... 45769
57.3513 Redesignated as 57.3505 and revised..... 45769
57.3514 Redesignated as 57.3506 and (b) revised..... 45769
57.3515 Redesignated as 57.3507..... 45769
57.3516 Redesignated as 57.3508..... 45769
57.3517 Redesignated as 57.3509 and revised..... 45769
57.3518 Redesignated as 57.3510..... 45769
57.3608 Removed; new 57.3508 redesignated from 57.3516..... 45769
57.3609 Removed; new 57.3509 redesignated from 57.3517 and revised..... 45769
57.3610 Removed; new 57.3510 redesignated from 57.3518..... 45769
57.3611 Removed..... 45769
57.3612 Removed..... 45769
58.1—58.11 (Subpart A) Authority citation revised..... 23180
58.2 Amended..... 23180
58.4 (a) revised..... 23180
58.10 OMB number..... 23180
60.1 (c) revised; (d) added..... 745
60.5 (g) revised; (h) redesignated as (i); new (h) added..... 745
60.7 (a)(2) redesignated as (a)(3) and (iii) revised; (a)(3) and (c) (2), (3), and (4) redesignated as (a)(5) and (c) (3), (4), and (5); (a) (2) and (4) and (c) (2) and (6) added..... 746
60.8 (a) (3), (5), and (11), and (b)(3) introductory text and (5) revised..... 746
60.10 (a) introductory text revised..... 746
60.11 (e) revised..... 746
60.14 (a) (1) and (2) revised; (a) (3) and (4) redesignated as (a) (4) and (5); new (a)(3) added..... 746
60.15 (a) revised..... 747
60.19 Revised..... 747
60.20 Introductory text revised..... 747
60.31 (a) revised; (c) redesignated as (d); new (c) added..... 747
60.32 (a)(2) revised; (c) redesignated as (c)(1); (c) (2) and (3) added..... 747
60.33 Introductory text revised; (c), (d), and (e) redesignated as (d), (e), and (f); new (c) and (g) added; new (e)(1), (f)(1) (i) and (ii) and (2) revised..... 748
60.34 Heading and (b)(1) revised; introductory text, (c), and (d) added..... 748
60.35 (a) and (b) revised; (c) and (e) redesignated as (e) and (f); new (c) added; (d) revised..... 749
60.37 (a) and (b) revised; (c)(4) added..... 749
60.38 (a) revised..... 749
60.40 (a) and (c) revised..... 750
60.42 Heading and (a)(1) introductory text, (viii), and (ix) revised; (a)(1)(x) and (4), (d) and (e) added..... 750
60.50 (a)(2)(ii)(F) revised..... 751
60.51 Revised..... 751
60.52 (a) removed; (b) and (c) redesignated as (a) and (b); new (a)(1) revised..... 751
60.53 Revised..... 751
60.56 (a) introductory text and (4) revised; (a) (9) and (10) redesignated as (a) (17) and (18); new (18) revised; new (a) (9) through (16), (c), and (d) added..... 751
60.60 (c) revised..... 752
60.61 Added..... 752
64a.101 (b) and (c) revised; (d) added; OMB number..... 18359
64a.105 (e)(1)(iii) added; (g) revised..... 18359
110.101—110.110 (Subpart A) Authority citation revised..... 22321
110.101 Amended..... 22321
110.601—110.605 (Subpart F) Authority citation revised..... 22321
110.604 Revised..... 22321
121—124 (Subchapter K) Heading revised..... 10094
121 Removed..... 10094

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

Page

122 Removed..... 10094
123 Removed..... 10094

Chapter IV—Health Care Financing Administration, Department of Health and Human Services

Chapter IV Nomenclature change..... 41338
400.200 Amended..... 43197
400.310 Table amended (OMB numbers)..... 44986, 44987, 44988
Revised (OMB numbers)..... 11649
405.100 Amended..... 41351
405.152 Heading and (a)(5) revised; (c) through (e) added..... 41336
(d) corrected..... 4499
405.153 (c)(1)(ii) amended..... 41351
405.160 (d) removed..... 43197
405.162 (b) and (c) amended..... 43197
405.201—405.262 (Subpart B) Authority citation revised..... 41336
405.201 Revised..... 41336
405.210 (b)(1) (iii) and (iv) amended..... 41351
405.230—405.232c Removed (regulations transferred to Part 410)..... 41336
405.233 Removed..... 41336
405.234—405.238 Removed (regulations transferred to Part 410)..... 41336
405.239 Removed..... 41336
405.240—405.241 Removed (regulations transferred to Part 410)..... 41336
405.243—405.246 Removed (regulations transferred to Part 410)..... 41336
405.249—405.250 Removed (regulations transferred to Part 410)..... 41336
405.250-2 Removed (regulations transferred to Part 410)..... 41336
405.251—405.252 Removed (regulations transferred to Part 410)..... 41336
405.260—405.262 Removed (regulations transferred to Part 410)..... 41336
405.310 Introductory text, (l)(1) introductory text republished; (l)(2) revised..... 41336
405.310-1 Heading and text amended..... 43197
405.311a (a) amended..... 41351
405.330 (b) amended..... 41337
405.341 (a) (1) and (2) amended..... 41351
405.370 (a) amended..... 41351
405.501—405.580 (Subpart E) Authority citation revised..... 6152
405.501 (c) revised..... 34978
(c) corrected..... 37911
(a) amended..... 41351
405.504 (a)(2) introductory text, (2)(ii) and (3)(i) republished; (a)(1) added; (a)(2)(ii)(A), (B) Example and (a)(3)(ii)(A) and (B) revised..... 34978
405.509 Revised..... 34979
(a) corrected..... 37911
405.511 (c) republished; (c)(1) heading and (2) revised..... 34979
405.514 (k)(1) amended..... 41351
(a) and (k)(2) revised..... 6152
405.515 Introductory text amended..... 41351
405.522 (c) amended..... 41351
405.551 (e) revised..... 34979
(e) heading corrected..... 37911
(e) revised..... 6152
405.640—405.691 (Subpart F) Heading and authority citation revised..... 41337
405.640—405.685 (Subpart F) Removed; 405.640 regulations transferred to 498.20 (a)(2) and 405.685 regulations transferred to 405.1902 (b)..... 22446
405.658—405.659 Removed..... 41337
405.690—405.691 Removed..... 41337
405.701—405.750 (Subpart G) Authority citation revised..... 22644
405.702 Amended..... 22644
Technical correction..... 23628
405.704 (b)(11) amended..... 43197
(b) introductory text republished; (b)(10) revised..... 22645
Technical correction..... 23628
405.705 (b) amended..... 22454
405.803 (b) amended..... 41351
405.903 (b) amended..... 41351

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 42 Chapter IV—Con. Page

(b) corrected ... 4499
405.1101—405.1137 (Subpart K) Authority citation revised ... 22645
405.1501—405.1595 (Subpart O) Removed; regulations transferred to new Part 498 ... 22446
405.1625—405.1697 (Subpart P) Authority citation revised ... 41337
405.1625–1 Removed ... 43196
405.1660 (a) and (b) amended ... 41351
405.1663 (a), (b) and (c) amended ... 41351
405.1672 (b) amended ... 41351
405.1675 (a)(1)(i) amended ... 41351
405.1683 Revised ... 41337
405.1684 Revised ... 41338
405.1695 Revised ... 41338
405.1901 (e)(6) amended ... 22454
405.1902 (c) amended ... 43197
(b) and (c) redesignated as (c) and (d); new (c) heading revised; new (b) and (d) heading added; (b) regulations transferred from 405.685 ... 22446
405.1905 (b) amended ... 22454
405.1913 (f)(9) amended ... 43197
405.2100 (a) amended ... 43197
405.2110 (b) amended ... 43197
405.2112 (a)(7) and (b)(6) and (8) amended ... 43197
405.2114 (b) amended ... 43197
405.2401 (a)(7) (i) and (ii) amended ... 41351
405.2402 (f) amended ... 22454
405.2403 (a)(2) amended ... 41351
405.2404 (b)(3) amended ... 22454
405.2418 Amended ... 41351
405.2425 (b)(3) amended ... 41351
406 Redesignated from Part 408 and heading revised ... 41338
406.2 Amended ... 41338
408 Redesignated as Part 406 and heading revised ... 41338
409 Heading and authority citation revised ... 41338
Authority citation revised ... 22645
409.3 Amended ... 41338
409.30 (a) introductory text republished; (a)(2) revised ... 41338
409.40 (e) amended ... 41338
409.42 Revised ... 41339
(b) (2) and (3) corrected ... 4499
409.43 Revised ... 41339
409.44 Revised ... 41339
409.45 Removed ... 41339
409.46 Added ... 41339
409.60 Revised ... 22645
Technical correction ... 23628
409.61 (d) revised ... 41339
410 Added ... 41339
410.32 (a)(1) and (b)(3) corrected ... 4499
410.40 (e)(1) corrected ... 4499
410.100 (k)(2) corrected ... 4499
410.152 (a)(2)(i) and (e)(1) corrected ... 4499
412.63 (c)(2) introductory text and (3) introductory text republished; (c)(1), (2)(iv), and (3) (i) and (iii) revised; (e), (f), (g), and (h) redesignated as (g), (h), (i), and (j); new (e) and (f) heading added; new (g)(1) and (j) revised; new (g)(4) removed ... 42233
(c)(4) revised ... 23834
412.73 (c)(4) revised; (c)(5) redesignated as (c)(6) and heading revised; new (c)(5) heading added; new (c)(6) text removed ... 42234
412.92 (a)(2)(ii) amended ... 43198
412.96 (h) corrected ... 34980
(c) heading, (1), and (2)(i) revised ... 42234
412.106 (b) and (c)(1) revised; (c) introductory text republished ... 23834
412.113 (d) corrected ... 34980
412.118 (c) and (d) introductory text revised ... 23834
413.5 (c)(4) corrected ... 37398
(c) introductory text and (e) revised ... 21225
(c) introductory text corrected ... 23398
413.13 (c) corrected ... 37398
413.30 (f)(7) removed ... 21225
413.40 (c)(1)(ii) corrected ... 37398
(c)(3)(i) introductory text republished; (c)(3)(i) (B) and (C) heading revised; (c)(3)(i)(C) text removed; (c)(3)(i)(D) added ... 42235
(c)(1)(ii) and (iii) corrected; CFR correction ... 6099
413.53 (a)(1)(i) amendment, (a)(1)(ii) removal, and (a)(1)(iii) redesignation as (a)(1)(ii) at (51 FR 11195) confirmed (paragraphs formerly in 405.452) ... 9863
413.56 (b)(6) corrected ... 37398
Addition at (51 FR 11195) confirmed (formerly in 405.457) ... 9863
413.64 (k)(1)(iii) revised; (k)(6) added ... 42235
413.74 (c) amended ... 41351
413.130 (a) introductory text republished; (a)(8) revised ... 21225
413.157 (b) redesignated as (c); new (b) added; (a) and new (c)(1) revised ... 21225
(b) introductory text and (4) heading and (c)(1)(ii) corrected ... 23398
413.161 (a) amended ... 21226
413.170 (g)(2) corrected ... 37398
416.3 (a) amended ... 41351
416.25 (f) amended ... 22454
416.30 (b) amended ... 41351
416.35 (b)(3) amended ... 22454
416.110 (c) amended ... 41351
417 Authority citation revised ... 22322
417.221 (b) amended ... 41351
417.222 (b) amended ... 41351
(b) corrected ... 4499
417.406 Revised ... 22322
417.407 (b) revised ... 22322
417.428 (a) introductory text and (b) introductory text republished; (a)(3) and (b)(5) added ... 8901
417.440 (b)(1) revised; (d) and (e) added ... 8901
417.450 (a) introductory text revised ... 8901
417.460 (b) revised ... 8901
417.494 (b)(1)(iii) amended ... 22322
417.536 (b) correctly designated ... 37398
417.584 Introductory text revised ... 8901
418.3 Amended ... 4499
418.80 Revised ... 7416
418.83 Added ... 7416
418.202 (c), (f), (g) and (h) amended ... 41351
420.3 (a) amended ... 22454
421.100 (a)(3) amended ... 43198
421.200 (c) revised ... 41350

NOTE: **Boldface** indicates 1987 page numbers.

Page

(c)(2)(ii) amended ... 41351
(a)(1)(iii) amended ... 43198
(c) introductory text corrected ... 4499
430.0 (b)(3) revised ... 36227
431.56 Added ... 41350
(b)(2) corrected ... 4499
431.153 (d)(1) amended ... 22454
431.305 (b) introductory text republished; (b)(7) added ... 5975
431.306 (h) added ... 5975
433 Authority citation revised ... 5975
433.32—433.45 (Subpart B) Authority citation revised ... 36227
433 Authority citation revised ... 41350
433.10 (b) amended ... 41350
433.40 Added ... 36227
433.111 Revised ... 45330
433.112 Heading and (a) revised ... 45330
433.138 Revised ... 5975
434.2 Amended ... 22322
435 Heading revised ... 41350
435.2 Introductory text revised ... 41350
435.3 Amended ... 41350
435.945 (b) revised ... 5977
435.960 Revised ... 5977
442.336 (a) revised ... 22645
Technical correction ... 23628
456.2 (b)(1) amended; (b)(2) removed; (b)(3) redesignated as (b)(2) ... 43198
456.144 (c)(1) amended ... 43198
456.244 (c)(1) amended ... 43198
456.344 (c)(1) amended ... 43198
456.650 (c)(1) amended; (c)(2) removed; (c)(3) redesignated as (c)(2) ... 43198
456.654 (a)(4) amended ... 43198
460 Removed ... 43196
461 Removed ... 43196
462 Authority citation revised ... 43197
462.1 Amended ... 43197
462.2—462.16 (Subpart B) Removed ... 43197
463 Removed ... 43197
466 Authority citation revised ... 43197
466.1 Amended ... 43197
466.2—466.63 (Subpart B) Removed ... 43197

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 42 Chapter IV—Con. Page

473 Authority citation revised....43197
473.1—473.6 (Subpart A) Removed....43197
476 Authority citation revised....43197
476.1—476.4 (Subpart A) Removed....43197
478 Removed....43197
485.70 Introductory text amended....41352
485.74 Amended....22454
489.16 (c)(2) amended....22454
489.23 (d)(2) amended....41352
489.30 Heading and (b) heading, (1), and (2) revised; (a)(3) amended; (a)(4) and (b)(5) added....41350
489.53 (d) amended....22454
498 Added; regulations transferred from 405.640 and 405.1501—405.1595 (Subpart O)....22446

Chapter V—Office of Inspector General—Health Care, Department of Health and Human Services

1001 Authority citation revised....11651
1001.3 Amended....22454
1001.100 Revised....11651
1001.104 Added....11651
1001.128 (b) and (c) amended....22454
1001.134 (d) revised....11651
(b)(2)(ii) amended....22454
1001.201 (c) amended....22454
1001.221 (b) corrected....37577
1003 Authority citation revised....11651
1003.100 (a) corrected....39528
(a) revised....11652
1003.102 (b) introductory text revised; (b)(3) added....11652
1003.106 (c) (1) and (2) corrected....39528
1003.115 (b)(5) corrected....39528
1003.116 (b)(2) correctly designated....37577
(b)(2)(ii) corrected....39528
1004.100 (g) amended....22454
1004.130 (a)(1) amended....22454

Page

Title 42—*Proposed Rules:*

34....21607
36....36412, 40108
57...35668, 36412, 39460, 39669, 43048, 44408, 45000
....20989, 21486, 21490, 22415
58....41988
60....39464
110....1343
405....47266
....2430, 11517, 17777, 22080, 23055, 23514
412....18840, 22080, 22359, 23514
413....20623, 21330, 22080, 23514
416....2430
418....2430
421....2424
431....2733
433....6350
442....2430
447....6350
455....44490
466....22080, 23514
482....2430

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

4.280 Removed....35219
4.251 Introductory text and (b) revised....35219
4.202 Revised....35220
4.208 Added....35220
4.403 Added....21308
7 Heading and authority citation revised....9168
7.1—7.19 (Subpart A) Heading added....9168
7.31—7.37 (Subpart B) Added....9168
11 Existing regulations unchanged....22454
11.15 (a)(1)(iii) added....9095
11.18 (a)(4) added....9095
11.19 Added....9095
11.24 (c) added....9095
11.31 (d) added....9095
11.33 Text added....9095
11.40—11.41 (Subpart D) Added....9096
11.91 (a) revised....9100
11.93 (d) added....9100
17.501—17.570 (Subpart E) Added....6553

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

Page

20 Appendix C availability....3011
36 Technical correction....36011
36.11 (g) correctly designated; (h)(4)(i) corrected....36011
36.13 (c)(3) corrected....36011

Chapter I—Bureau of Reclamation, Department of the Interior

426 Revised....11954

Chapter II—Bureau of Land Management, Department of the Interior

1784.0-3 (b) revised....39529
1784.3 (b) revised....39529
(b) (4) and (5) correctly revised....5284
1784.6-3 Removed....39530
1784.6-4 (b) amended; (d) and (e) redesignated as (e) and (f); new (e) added....39530
1784.6-5 (f) removed....39530
1821.2-1 (d) Note and footnote amended....34981
2090 Authority citation added....12175, 13085
2091.0-1—2091.9-3 (Subpart 2091) Revised....12175
2091.3-1 (b) corrected....13563
2096.0-3—2096.2-8 (Subpart 2096) Removed....13085
2910 Authority citation added....40809
2911.0-1—2911.2-4 (Subpart 2911) Revised....40809
2911.2-3 (b) corrected....45986
2911.2-4 Corrected....45986
3100 Clarification of Form 3104-8....22646
3102.5 Amended....43921
3160 Authority citation revised....5390
Note 1 amended....5390
3160.0-5 Nomenclature changes; amended....5390
3161.1 Revised....5391
3161.2 Nomenclature changes....5391
3161.3 (b) revised....5391
3162.3 (b) amended....5391
3162.3-1 (d) nomenclature change....5391
3162.3-2 (a) and (b) amended....5391
3162.3-3 Nomenclature change....5391

Page

3162.4-1 (b) amended....5391
3162.4-3 Heading amended; nomenclature changes....5391
3162.6 Revised....5391
3162.7-2 Nomenclature change; amended....5392
3162.7-3 Amended....5392
3162.7-4 (a) amended; (b) through (d) revised....5392
3163.1 Revised....5393
(a)(3) corrected....10225
3163.2 Removed; new 3163.2 redesignated from 3163.4-1 and revised....5393
(a) corrected....10225
3163.3 Removed....5393
Redesignated from 3163.4-2....5394
3163.4 Added....5394
Corrected....10225
3163.4-1 Redesignated as 3163.2 and revised....5393
3163.4-2 Redesignated as 3163.3....5394
3163.5 (b) and (c) amended....5394
(a) and (c) corrected....10225
3165.3 Revised....5394
Heading, (a), and (b) corrected....10225
3165.4 Revised....5395
(d)(1) corrected....10225
3400.0-5 (rr) added....43921
(rr)(5) and (6)(i) corrected....416
3472.1-2 (e) revised....43922
(e)(4)(iv)(A) (*3*) and (*5*) corrected....416
3502.1 (d) added....43923

Public Land Orders

547 Revoked in part by PLO 6628....40421
567 Revoked in part by PLO 6643....16248
1094 Revoked in part by PLO 6641....10225
1231 Revoked in part by PLO 6651....24293
1491 Revoked in part by PLO 6647....19351
1641 Revoked in part by PLO 6647....19351
1847 Revoked in part by PLO 6628....40421
3776 Revoked in part by PLO 6646....19351

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 43 Public Land Orders—Con. Page

4825 Revoked in Part by PLO 6637....3802
5184 *See* PLO 6651....24293
5187 *See* PLO 6628....40421
Amended by PLO 6639....4907
See PLO 6647....19351
6554 Corrected by PLO 6633....43351
6566 Corrected by PLO 6648....21035
6624 Corrected by PLO 6644....19352
6625....36808
Corrected....43267
Corrected by PLO 6640....6557
6626....39530
6627....39530
6628....40421
6629....41104
Corrected....45229
Corrected by PLO 6638....4774
6630....41627
6631....43003
6632....43003
Corrected by PLO 6645....19352
6633....43351
6634....44478
6635....45330
6636....1185
6637....3802
6638....4774
6639....4907
6640....6557
6641....10225
6642....16248
6643....16248
6644....19352
6645....19352
6646....19351
6647....19351
6648....21035
6649....23548
6650....23549
6651....24293

Title 43—*Proposed Rules:*

2....17780, 20494
4....35248, 36414, 46846
....20755
7....10342
11....41131
....12886, 19896
12....21820, 23627
29....24181
35....24186
426....40742, 40774
....304, 24041

1600....35378
1820....22592
3000....22592
3040....22592
3100....37202
....22592
3110....22592
3120....22592
3130....22592
3150....22592
3160....22592
3180....22592
3190....36565
3200....22592
3210....22592
3220....22592
3240....22592
3250....22592
3260....22592
3400....37202
3420....18404
3430....5398
3460....18404
3470....37202
3480....1840
3500....37202
4100....19032

TITLE 44—EMERGENCY MANAGEMENT AND ASSISTANCE

Chapter I—Federal Emergency Management Agency

5 Authority citation revised....13677
5.42 Revised....13677
5.43 Revised....13678
5.44 Revised....13678
5.46 Revised....13678
5.71 (g) revised; (j) added....13679
6.82 Amended....13679
6.83 Revised....13679
6.85 Revised....13679
6.87 (a) and (b)(1) revised; (c) added....5114
9.5 (c) introductory text amended; (c)(14) added....39531
10.8 (c)(2)(ix) added....5285
59.1 Amended; eff. to 3-31-88....24372
60.3 (c)(6) suspended; (c)(12) added; eff. to 3-31-88....24372
61.9 Revised....5980
61 Appendixes A(3) and A(4) added....15500
64.6 Table amended....36693, 36699, 39860, 41506, 42575, 43198, 45116, 46859, 46861

NOTE: **Boldface** indicates 1987 page numbers.

Page

Table corrected....46862
Table amended....2530, 2532, 3803, 6327, 10095, 10754, 12179, 13839, 17956, 19730, 20084, 22781, 23987, 24162
Table corrected....21794
65.4 Table amended....37276
Table amended; interim....37277
Table corrected....40331
Table amended....3239, 3241, 22325
Table amended; interim....22323
65.11 Table amended....8902
Table amended; interim....8903
67 Flood elevation determinations....37278, 37280
Flood elevation determinations....3241, 4005, 8251, 8905, 22326
Flood elevation determinations rescission....5981
81.1 (b) revised....44912
(b) revised....21036
222 Added....6800
302.5 (l) and (m) revised; (n) and (o) added....43924

Title 44—*Proposed Rules:*

5....10385
6....304, 10385
13....21820, 23627
61....112
62....18929
65....22360
67....37311, 37438, 44928, 45003
....3289, 3528, 6008, 8084, 8933, 11702, 22800, 23310
80....17415
81....17415
82....17415
83....17415
205....41132
....15348

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health and Human Services

5b.11 (b)(2)(iii)(F) added....41352
30 Revised....264
31 Added; interim....45119
84.55 Note added (clarification of status)....3012
95.601 Revised....45326
95.605 Revised....45326
95.611 Revised....45328
95.612 Removed....45328
95.613 Revised....45329
95.615 Heading revised....45329
95.617 Revised....45329
95.619 Revised....45329
95.621 (d) and (e) added....45329
95.625 Added....45329
95.631—95.633 Undesignated center heading revised....45329
95.631 Revised....45329
95.641 Revised....45329
95.643 Removed....45329
96 State listing....40027
Authority citation revised....4625
96.89 Added; interim....4625
96.89a Added; interim....4626
97.11 Revised....9495
97.12 Revised....9495

Chapter II—Office of Family Assistance (Assistance Programs), Family Support Administration, Department of Health and Human Services

Chapter II Heading revised....11074
201.5 (a)(3) revised....36228
201.66 (b)(8) removed....273
205.35 Revised....45330
233.20 (a)(3)(xvi) revised....39533
233.53 Revised....39533

Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Family Support Administration, Department of Health and Human Services

Chapter III Heading revised....11074
301 Authority citation revised....37730
301.11 OMB numbers....37730
301.12 OMB numbers....37730
301.13 OMB numbers....37731
301.15 OMB numbers....37731
302.12 OMB numbers....37731
302.13 OMB numbers....37731
302.15 OMB numbers....37731
302.17 OMB numbers....37731
302.30 OMB numbers....37731
302.31 OMB numbers....37731
302.32 OMB numbers....37731
302.33 OMB numbers....37731
302.50 OMB numbers....37731

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 45 Chapter III—Con. Page

302.51 OMB numbers....37731
302.52 OMB numbers....37731
302.54 OMB numbers....37731
302.55 OMB numbers....37731
302.56 OMB numbers....37731
302.57 OMB numbers....37731
302.70 OMB numbers....37731
302.75 OMB numbers....37731
302.80 OMB numbers....37731
302.85 OMB numbers....37731
303.10 OMB numbers....37731
303.52 OMB numbers....37731
303.69 OMB numbers....37731
303.70 OMB numbers....37731
303.71 OMB numbers....37731
303.72 OMB numbers....37731
303.100 OMB numbers....37731
303.101 OMB numbers....37731
303.102 OMB numbers....37731
303.103 OMB numbers....37731
303.104 OMB numbers....37731
303.105 OMB numbers....37731
304 Authority citation revised....37732
304.40 (b)(8) removed....273
304.95 OMB numbers....37732
305 Authority citation revised....37732
305.20 OMB numbers....37732
305.24 OMB numbers....37732
305.34 OMB numbers....37732
305.37 OMB numbers....37732
305.38 OMB numbers....37732
305.39 OMB numbers....37732
305.40 OMB numbers....37732
305.41 OMB numbers....37732
305.42 OMB numbers....37732
305.44 OMB numbers....37732
305.45 OMB numbers....37732
305.46 OMB numbers....37732
305.47 OMB numbers....37732
305.48 OMB numbers....37732
305.49 OMB numbers....37732
305.50 OMB numbers....37732
305.51 OMB numbers....37732
305.52 OMB numbers....37732
305.53 OMB numbers....37732
305.54 OMB numbers....37732
305.55 OMB numbers....37732
305.56 OMB numbers....37732
305.99 OMB numbers....37732
306.50 OMB numbers....37732
306.51 OMB numbers....37732

307 Authority citation revised....37732
307.1 Revised....45330
307.10 OMB numbers....37732
307.15 OMB numbers....37732

Chapter IV—Office of Refugee Resettlement, Family Support Administration, Department of Health and Human Services

Chapter IV Heading revised....11074

Chapter V—Foreign Claims Settlement Commission of the United States, Department of Justice

Chapter V Revised....17556
501.5 (a)(3) correctly revised....19731
503 Authority citation revised....13680
503.13 Redesignated from 503.14 and revised....13680
503.14 Redesignated as 503.13 and revised....13680
540—543 (Subchapter D) Subchapter and parts removed....17556
560 (Subchapter E) Subchapter and part removed....17556
580—581 (Subchapter F) Subchapter and parts removed....17556

Chapter VIII—Office of Personnel Management

801 Authority citation revised....416
801.202 Appendix A amended....416

Chapter X—Office of Community Services, Family Support Administration, Department of Health and Human Services

Chapter X Heading revised....11074

Chapter XI—National Foundation on the Arts and the Humanities

1180 Authority citation revised....43353
1180.11 Amended (OMB number)....43354
1180.20 (e), (f), and (g) revised....43353
1180.70 Revised....43354

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

Page

1180.73 (b) revised....5770

Chapter XII—ACTION

1204 Authority citation revised....20714
1204.1 Revised....20714
1204.2 Revised....20714

Chapter XIII—Office of Human Development Services, Department of Health and Human Services

1340 Authority citation revised....3994
1340.1 (c) revised....3994
1340.2 (d) revised....3994
1340.3 (b) revised....3995
1340.13 (a) revised; (c) added....3995
1340.15 OMB number....3995
1340.14 (i) (1) and (2) introductory text republished; (i)(2)(viii) amended; (i) (3) and (4) redesignated as (i) (4) and (5); new (i)(3) added....3995

Chapter XVI—Legal Services Corporation

1611 Appendix A revised....18914
1612 Request for comments....40422

Chapter XX—Commission on the Bicentennial of the United States Constitution

2001 Revised....36786
Authority citation revised....2384
2001.20—2001.29 (Subpart B) Revised....2384
2001.38 Added; interim....22647
2001.39 Added; interim....22648
2001 Appendix A revised....2386
Appendix D added....2387
Appendix E added....22650
2005 Added; interim....5543
2010 Added....47164

Chapter XXII—Christopher Columbus Quincentenary Jubilee Commission

Chapter XXII Chapter established; interim....10870
2201 Added; interim (effective date pending in part)....10870

Page

Title 45—*Proposed Rules:*

13....23311
92....21820, 23627
205....3146
301....43550
302....43550
303....43550
305....43550
306....19738
503....11712, 12040
612....16279
689....4158
1100....18585
1157....21820, 23627
1174....21820, 23627
1179....20628
1180....691
1183....21820, 23627
1204....9901
1207....8479
1208....8480
1234....21820, 23627
1602....19176
2015....21820, 23627

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

30 Authority citation revised; section authority citations removed....7774
30.25-1 Revised....7774
32 Authority citation revised; section authority citations removed....18362
32.01-10 (d) added....18362
(d) corrected....22751
32.15-15 Revised....18362
(a) and (d) heading and text corrected....22751
32.15-20 Removed....18362
32.15-25 Removed....18362
32.40-1—32.40-90 (Subpart 32.40) Revised....18362
32.40-1 (a) and (c) corrected....22751
32.40-35 (d) corrected....22751
32.40-40 (c) and (l) corrected....22751
(l) correctly designated....23515
32.40-90 Corrected....22751
69 Authority citation revised; section authority citations removed....15948
69.01-11 Revised....15948
69.01-15 (a) revised....15948
69.01-17 (b) revised....15948

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 46 Chapter I—Con. Page

69.01–19 Revised....15948
69.15–39 (a) revised....15948
77 Authority citation revised; section authority citations removed....18364
77.13 Removed....18364
77.15 Removed....18364
92 Authority citation revised; section authority citations removed....18364
92.07–10 (g) added....18364
(g) corrected....22751
96 Authority citation revised; section authority citations revised....18364
96.13 Removed....18364
96.15 Removed....18364
98 Authority citation revised; section authority citations removed....7776
98.31–5—98.31–15 (Subpart 98.31) Added....7776
107 Authority citation revised....6978
107.305 (ii) revised....6978
109 Authority citation revised; other authority citations removed....6979
109.121 Revised....6979
(c) (2) and (13) corrected....9383
150 Authority citation revised; section authority citations removed....21036
150.140 Amended....21037
150 Figure 1 amended; Tables I and II and Appendix I revised....21037
151 Heading and authority citation revised; section authority citations removed....7776
151.01–1 Revised....7776
151.01–3 Removed....7776
151.01–5 Removed....7776
151.01–10 (f) removed....7776
(f) table removed....7777
151.01–15 (c) revised....7777
151.03–30 Added....7777
151.03–36 Added....7777
151.03–55 Removed....7777
151.12–5—151.12–10 (Subpart 151.12) Added....7777
153 Authority citation revised; section authority citations removed....7777

Page

Heading revised; nomenclature change....7777
153.0 Added....7777
153.1 Revised....7777
153.2 Amended....7778
153.3 Added....7779
153.5 Removed....7779
153.7 Heading revised; (d) added....7779
153.8 Revised....7779
153.10 Revised....7780
153.12 Revised....7780
153.15—153.19 Undesignated center heading removed....7780
153.15 Transferred to Subpart A and revised....7780
153.16 Transferred to Subpart A....7780
153.19 Redesignated as 153.190....7780
153.30 Added....7780
153.40 Added....7780
153.190—153.812 (Subpart B) Heading revised....7780
153.190 Redesignated from 153.19....7780
153.214 Introductory text revised....7781
153.215 Introductory text added....7781
153.216 Revised....7781
153.231 (b) introductory text revised....7781
153.234 Introductory text added....7781
153.440 Heading and (c) revised; (a)(3) added....7781
153.460 Introductory text added....7781
153.470—153.491 Undesignated center heading added....7781
153.470 Added....7781
153.480—153.481 Added....7781
153.482—153.483 Added....7782
153.486 Added....7782
153.488 Added....7783
153.490—153.491 Added....7783
153.900 Revised....7783
153.901 Revised....7783
153.902 Revised....7784
153.903 Revised....7784
153.908 Added....7784
153.909 Added....7784

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

Page

153.1100—153.1132 Undesignated center heading added....7785
153.1100—153.1102 Added....7785
153.1104 Added....7785
153.1106 Added....7785
153.1108 Added....7786
153.1112 Added....7786
153.1114 Added....7786
153.1116 Added....7786
153.1118 Added....7786
153.1119 Added....7786
153.1120 Added....7787
153.1122 Added....7787
153.1124 Added....7787
153.1126 Added....7787
153.1128 Added....7788
153.1130 Added....7788
153.1132 Added....7788
153.1600—153.1608 (Subpart D) Added....7788
153.1600 Added....7789
153.1602 Added....7789
153.1604 Added....7789
153.1608 Added....7789
153 Table 1 revised....7790
Appendix I removed; Table 2 added; Appendix III amended....7799
159.001–9 (b) amended (OMB numbers)....35220
160.071–1—160.071–25 (Subpart 160.071) Removed....1188
Effective date suspended....13445
160.171–1—160.171–25 (Subpart 160.171) Added....1188
Effective date suspended....13445
160.174–17 (h) (2) and (3) amended....1197
Effective date suspended....13445
170 Authority citation revised....6979
170.055 (k) through (t) correctly redesignated as (l) through (u); new (k) added....35515
170.110 (a) revised....6979
170.130 Removed....6979
172 Authority citation revised....7799
172.130 (a) revised....7799
172.133 (b) introductory text and (d) revised....7799
172.220 (b)(2) corrected....35515

Page

174 Authority citation revised; subpart authority citations removed....6979
174.045 (d) revised....6979
190 Authority citation revised; section authority citations revised....18364
190.07–10 (f) added....18364
(f) corrected....22751
195 Authority citation revised; section and subpart authority citations removed....18364
195.13 Removed....18364
195.15 Removed....18364

Chapter II—Maritime Administration, Department of Transportation

221 Authority citation revised; section authority citations removed....6330
221.14 (f) added....6330
252 Authority citation revised....40425
252.1 Revised....40425
252.3 (f) amended; (j) removed; (k) through (u) redesignated as (j) through (t)....40425
252.4 Added....40425
252.12 (b) revised....40425
252.20 (b)(3) amended....40426
252.22 (a) revised....40426
252.23 Redesignated from 252.24....40426
(d) introductory text amended; (d)(1) removed; (d) (2) and (3) redesignated as (d) (1) and (2) and revised....40426
252.24 Redesignated as 252.23 and amended....40426
252.30—252.34 (Subpart D) Revised....40426
252.40 Revised....40432
252.41 Revised....40432
252.42 Revised....40433
276.3 Revised....23536
281.11—281.17 Undesignated center heading and sections removed....43009
310.50—310.67 (Subpart C) Authority citation revised....21533
310.60 (c) revised....21534
386 Added....21534

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 46—Con.

Chapter III—Coast Guard (Great Lakes Pilotage), Department of Transportation

Page

401.405 Revised....11470
401.410 Revised....11471
401.420 Revised....11471
401.428 Revised....11471

Chapter IV—Federal Maritime Commission

502.69 (a) revised....4143
502.72 (c)(3) amended....4143
502.76 Added....4143
502.91—502.95 (Subpart F) Exhibit No. 1 amended....4144
502.92 (a) (1) and (2) revised....4143
502.241 (a) and (b) revised....4144
502.253 Heading amended; (b) removed; (a) designation removed; section amended....6331
502.254 Added....6331
502.318 Existing text designated as (a); (b) added....6332
503.35 (a)(7) revised; (c) added....13682
503.41 Introductory text and (a) revised....13682
503.43 (a), (b), and (c) revised....13683
515 Authority citation revised....46670
515.7 Added....46670
Technical correction....1629
530 Authority citation revised....2704
530.7 (f) (1) and (2) and (g) amended....2704
559.7 Redesignated as 559.8; new 559.7 added (effective date pending)....18696
559.8 Redesignated from 559.7 (effective date pending)....18696
568 Removed....2705
572.307 Redesignated as 572.308; new 572.307 added....18697
572.308 Redesignated from 572.307....18697
580.7 Removed....24005
581 Added....24005

Title 46—*Proposed Rules:*

1—197 (Ch. I)....12439
98....40951

NOTE: **Boldface** indicates 1987 page numbers.

Page

150....44182
151....40951
153....40951
154....10598
160....45783
....6992, 13479
172....40951
202....36253, 44093
276....7462, 12199
310....6829
382....45135
....11518
386....4357
500—587 (Ch. IV)....17787
502....36730, 37917
....10912, 12208, 12212, 16418
503....8628, 9756, 12212, 16418
550....4040
558....16282, 20430
559....16282, 20430
560....46694
....16282, 20430
561....16282
....20430
562....16282, 20430
564....16282, 20430
566....16282, 20430
568....36034
569....16282, 20430
572....46694
....18722
580....41132, 43267, 45912
....809, 1938
586....11832, 18408, 20430
588....20119, 24308

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

Chapter I Petition denied....44478
Motions granted and denied....2226
Policy statement....16386
0.11 (b) revised....10227
0.231 (c) revised; (h) removed; (i) redesignated as (h)....5288
(k) added; authority citation amended....12383
0.241—0.247 Undesignated center heading revised....41106
0.241 Revised....41106
0.243 (a) revised....41106
0.284 (a)(3) removed; (a) (4) through (11) redesignated as (a) (3) through (10)....5288
0.332 (c) removed; (d) through (j) redesignated as (c) through (i)....5288

Page

0.401 Revised....10227
0.403 Revised....10228
0.406 (b)(2) revised....5288
0.416 Revised....45889
0.445 (a), (b), (d), (e), and (f) revised....45889
0.455 (a)(3) revised....10228
(b)(1) revised....21685
0.465 (a) introductory text and (d)(3) amended; (c)(1), (2), (3), and (4) redesignated as (e), (c)(1), (2), and (3); (a) Note, (b), new (c)(1), and (d)(1) revised; new (c)(3) amended; (d)(4) added....34982
0.482 Revised....10229
1.4 (c) and (d) revised....10229
1.14 Revised....45890
1.80 (h) revised....5288
1.87 Revised....22654
1.221 (f), (g), and Note added....5288
1.227 (b)(4) revised....10229
1.420 (h) Note added....8260
Effective date corrected....11473
1.742 Revised....5289
Revised....10229
1.762 Revised....5289
1.764 (a) revised....5289
1.766 (a) revised....5289
1.767 (a) revised....5289
1.772 Revised....5289
1.786 Revised....1630
1.795 Added....274
1.912 (b), (d), and (e) revised....10229
1.931 (a) revised....10229
1.959 Revised....10230
1.1101—1.1116 (Subpart G) Revised....5289
1.1109 Revised....10230
1.1200—1.1216 (Subpart H) Revised....21052
1.1307 (b) Note revised....13241
1.1502 Revised....11653
1.1503 (a) revised....11653
1.1504 (b) (1), (2), and (5), (c) and (f) revised....11653
1.1505 (a) revised....11653
1.1511 (b) revised....11653
1.1526 (a) revised....11653
1.1801—1.1870 (Subpart N) Added....16258
1 Appendix B removed....5294
2 Authority citation revised....39534

NOTE: **Boldface** indicates 1987 page numbers.

Page

Extension of time for oppositions and replies....1458
2.1 Amended....37399
Petition comment time extended....4016
(c) amended....7417
2.106 Table amended....37399
Table corrected; Footnote US308 correctly revised....39662
Table corrected....417
Table amended; Footnote G105 removed....1331
Petition comment time extended....4016
Table amended; Footnote NG149 added....6154
Table amended....7139
Table amended; Footnote NG148 added....7417
Footnotes US7 and US228 amended....8906
Footnote NG149 correctly designated....20087
Footnote US234 removed....21686
2.901—2.1065 (Subpart J) Authority citation revised....21687
2.909 (f) added....5294
2.925 (b)(4) added; authority citation removed....21687
2.926 (e) revised; authority citation removed....21687
2.933 (a) revised....39535
2.936 (b) and (c) revised....39535
2.939 (a)(1) revised....39535
2.967 (c) revised....39535
2.977 (d) added....41628
Effective date corrected....44478
2.983 (j) revised....10570
(j) correctly revised....15725
2.1001 (d) revised; authority citation removed....39535
(l) added....41628
Effective date corrected....44478
2.1035 (a) and (c)(1) revised....39535
15 Authority citation revised....39535
Extension of time for oppositions and replies....1458
Authority citation revised....22460
15.4 (j)(2) revised....9297
(u) revised....22460
15.46 (a) and (b) revised; authority citation removed....39535
15.48 (a), (b), and (c) introductory text and (1) revised....39535

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 47 Chapter I—Con. Page

15.63 (a) introductory text revised....37400
Petition comment time extended....4016
15.69 (a) revised....37400
Petition comment time extended....4016
(b) table amended....21687
15.72 (b) introductory text revised....37400
Petition comment time extended....4016
15.79 Introductory text revised....37400
Petition comment time extended....4016
15.143 (a) revised....39535
15.305 (d) revised....9297
15.310 Revised....9297
15.312 (b) revised; (c) added....9298
15.324 (b) and (c) revised; (d) removed; (e) redesignated as (d); new (e) added....9298
(b) corrected....13241
15.602 (b) revised; (c) added....22460
15.606 (c) added....22460
15.616 (a) and (c) text revised; (d) added....22460
15.618 Heading and (c) revised....22460
15.623 Added....22460
18 Authority citation revised....43745
18.121 Added....43745
19 Authority citation revised....37022
19.735-202 (b)(2) revised; (b)(5) added....7578
19.735-204 (e)(3) revised....37022
20 Petition comment time extended....4016
21.6 (b) revised....10230
21.20 (b)(2) removed; (b) (3) through (9) redesignated as (b) (2) through (8)....5294
21.106 (a)(3) revised; (a)(4) added....23550
21.107 (b) table revised....7140
21.108 (e) revised....7141
21.801 (a) amended; (b) revised; (g) added....7141
21.804 (d) table amended....7141
21.807 (c) added....7141
22 Extension of time for oppositions and replies....1458
22.2 Amended....10572
22.6 (b)(1) revised; (b)(2) removed....10230
(b)(3) added....16848
22.9 (c)(2) amended (OMB number pending)....39754
(b)(2) redesignated as (b)(3); new (b)(2) added; (e) and (f) removed; (b)(1) and (d) revised....10572
22.13 (f) added....20087
22.15 (i)(3) revised (OMB number pending)....39754
(b)(1) (i), (ii), (iii), and (2)(i) revised....10572
22.20 (b)(2) removed; (b) (3) through (9) redesignated as (b) (2) through (8)....5294
22.31 (a)(1) revised....16848
22.39 (b)(5)(ii) revised....10572
22.40 (a) and (b) revised....10573
22.43 (b)(1) (i) and (ii) added; (a)(3) and (c) revised....10573
(b)(2) added....20087
22.44 (a) (1) and (2) revised....10573
(c) added....20087
22.104 (a)(1) revised....10573
22.106 (b)(1)(ii) revised....10573
22.110 (a)(5) and (e) added....10573
22.117 (b) introductory text and (1) revised....10574
22.213 (b)(5) revised (OMB number pending)....39755
22.501 (a)(5) (ii), (iii) and (iv), (d) and (f)(1)(ii) revised....10574
22.502 Revised....10574
22.514 (a) introductory text revised....39755
22.516 (b)(2) revised....10575
22.901 (c)(3) revised....37023
22.902 (b) correctly revised....35649
(b) (1) and (2) and (e) revised....37400
Petition comment time extended....4016
22.903 (a) correctly revised....35649
(a) revised....22472
22.904 (c) correctly added....35650
(c) revised....22472
22.905 (b) revised....22472
22.913 (a)(10) removed; (a)(11) redesignated as (a)(10) and revised....10575
(a)(10) revised....22472
22.917 (b)(1)(ii) revised....10575
22.920 (a) revised....10575

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

Page

23.50 (d) revised....5294
(b) revised....10230
25 Extension of time for oppositions and replies....1458
Petition comment time extended....4016
Policies and procedures....4017, 12911
25.391 (h) revised....44069
25.523 (c) removed....5294
31 Removed; eff. 1-1-88....43499
Petitions denied in part....44479
31.01-10 Added....6559
31.01-11 Added....6559
31.106 Revised....6559
31.317 Revised....6560
31.370 Introductory text revised; eff. 12-2-87....20601
32 Added; eff. 1-1-88....43499
32.14 (c), (d), (e), and (f) revised; eff. 1-1-88....6560
32.22 (a) revised; eff. 1-1-88....7580
32.23 Revised; eff. 1-1-88....6560
32.25 Revised; eff. 1-1-88....7580
32.27 Added; eff. 1-1-88....6561
32.102 Revised; eff. 1-1-88....6561
32.1220 (g) revised; eff. 1-1-88....6561
32.1406 Revised; eff. 1-1-88....6561
32.2000 (a)(2) and (f)(6) revised; eff. 1-1-88....7580
32.2311 (h) revised; eff. 1-1-88....6561
32.2321 (b) revised; eff. 1-1-88....6561
32.2341 (g) revised; eff. 1-1-88....6562
32.5999 (f)(5) revised; eff. 1-1-88....7580
32.6999 (b) table amended; eff. 1-1-88....6562
32.7620 Revised; eff. 1-1-88....20601
32.7990 Revised; eff. 1-1-88....6562
32.7991 Added; eff. 1-1-88....6562
33 Removed; eff. 1-1-88....43499
36 Added; eff. 1-1-88....17229
42.6 Correctly revised....39536
43 Annual Report Form M amended....37024
43.21 (a) revised....37024
43.31 (a) revised....1630
43.51 Revised....45890
43.52 Removed....45891
43.53 Revised....45891
(a) amended....8453
43.54 Removed....45891
43.74 Removed....45891
61.32 Revised....10230
61.58 Waiver....2412, 16389
61.59 Waiver....2412, 16389
61.74 Waiver....2412, 16389
61.153 Revised....10230
62.22 Revised....5294
64 Report and order....20714
Petition denied....21954
64.201 Revised....17761
Effective date deferred in part; petition denied....23658
64.501 (b) added....3654
64.901 (Subpart I) Added....6560
64 Appendix A amended....34983
65.101 (a)(2) revised; eff. 1-1-88....17251
65.600 (Subpart E) Added....274
67 Petitions denied and granted....2534
Interpretation letter....13445, 13684
Removed; eff. 1-1-88....17251
67.701 (Subpart G) Removed; text redesignated as Part 67 Appendix....21538
67.701—67.741 (Subpart G) Added....21538
67 Appendix redesignated from 67.701 (Subpart G)....21538
68.200 Introductory text revised....10231
69.2 (hh) through (mm) added....21539
69.3 (e) (3) and (4) revised; (e)(8) added....42236
(e)(1) revised; (e)(9) added....21540
69.4 (c) removed....42236
(b) and (c) revised....21540
69.5 (d) added....21540
69.104 (c) and (d) revised; (e) through (m) added....21540
69.105 (a) and (b) revised....21541
69.115 (e)(6) revised....8259
69.116 Added; eff. 4-1-89....21541
69.117 Added; eff. 4-1-89....21541
69.202 Removed....21542
69.203 (a) through (c) revised....21542
69.207 Revised....21542
69.306 (b) and (e) revised....42236
69.307 (d) revised....42236
69.404 (a) and (b) revised....42236
69.405 (c)(1) (iii), (iv), and (viii) revised....42236

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 47 Chapter I—Con. Page

69.406 (c) revised....42237
69.410 Revised....21542
69.411 Added....21542
69.412 Added....21542
69.413 Added....21542
69.501 (a) revised....21542
69.502 Revised....21542
69.601 (b) revised....21542
69.603 (c) through (f) added....21542
69.604 (a) revised....21543
69.605 (a) revised....21543
69.607 (c) revised....42237
69.610 (a) revised....42237
69.612 Added....21543
73 Clarification....10757
Interim policy....12912
Technical correction....16480
Petition denied....23305
73.21 (a)(2)(iii)(B) revised....21311
73.24 (b) Note revised....11654
73.37 (e) and (f)(2) introductory text revised....10570
73.51 (c)(2)(ii) revised....10570
73.68 (b) Note added....40435
73.127 (f) revised....41629
Effective date corrected....44478
73.182 (a) introductory text revised....10570
(d), (m), and (s) table footnote 2 revised....11655
(a) introductory text correctly revised....15725
73.184 Effective date deferred....45891
73.186 (a) introductory text revised....10570
73.189 (b)(6) revised....10570
73.201 Introductory text revised....10570
73.202 (b) table amended....35516, 37024–37026, 37289, 37290, 37405, 40170, 40171, 40433, 40434, 40976, 40977, 43200, 44070, 44988–44990, 45891, 46862
Petitions granted in part....36401
(b) table amendment at 51 FR 45891 suspended....1630
(b) table amended....57, **58, 275–277, 2533, 2534, 3654–3661, 3804, 3805, 4018, 4499, 4500, 5115, 5981, 6154, 7149, 7150, 7276, 7277, 7581, 8453, 8454, 8907, 9298–9300, 10381, 11472, 11473, 11825, 12181, 13242, 13243, 13446, 13447, 15500, 16849, 18698, 18699, 18914, 18915, 21056, 21955–21958, 22473, 22782–22784, 23659, 24294, 24295**
(b) table corrected....16849
73.206 Removed; (b) and (c) transferred to 73.211 (d) and (e)....8260
Effective date corrected....11473
73.211 (d) and (e) added; transferred from 73.206 (b) and (c)....8260
Effective date corrected....11473
73.311 (b)(2) revised....10570
73.313 (d)(1) revised....11655
73.315 (a) Note amended....10570
73.504 (a) table amended....3660
73.606 (b) table amended....35515, 37025, 43200, 45331
Heading, (a), and (b) table footnote 6 revised....44070
(b) table amended....3658–3660, **7148, 7149, 8907, 10382, 11473, 12180, 12181, 13446, 16849, 16850, 18915, 18916, 22473, 22784, 22785, 24296**
73.607 Revised....44070
73.609 (a) introductory text revised....44070
73.610 (a) text, (b) introductory text, and (c) introductory text revised....44070
73.611 Revised....11655
73.612 (a) and (b) Note revised....44070
73.641 Revised....6154
73.642 (a)(1) and (b) revised....6154
73.699 Figure 6 Note 9 revised....11656
73.943 (a) revised....5294
73.1010 (a)(5) revised....5294
73.1120 (b) and (c) removed....21685
73.1125 Revised....21685
73.1130 Removed....21685
73.1205 Petition denied....23551
73.1225 (c) and (d) revised....41629
Effective date corrected....44478
73.1660 (b) and (d) revised....41629
Effective date corrected....44478
73.1690 (e) revised; (b)(1) and (2) removed; (b)(3), (4) and (5) redesignated as (b)(1), (2) and (3)....41629
Effective date corrected....44478
(e)(6)(i) revised....10570
(e) correctly revised....15725
(b)(3) and (d)(1) revised....21685

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

Page

73.3512 Revised....10231
73.3516 (a) revised....44071
73.3517 (a) revised....5294
73.3526 (d) revised....21685
73.3527 (d) revised....21685
73.3538 (a) (5), (6), and (7) revised....21685
73.3550 (a) revised....5295
73.3555 Note 2 amended....1632
73.3564 (a) and (d) revised....7421
73.3571 (d)(4) revised....21311
73.3572 (a)(1) introductory text and (i) and (d) revised....44071
(a) revised....7421
73.3580 (f)(9) revised....21686
73.3584 (a), (b), and (c) revised....7422
73.3594 (d)(5) revised....21686
73.3598 (a) and (b) headings revised....11656
73.3615 (a) introductory text revised....1632
73.4107 (d) added....11656
73.4108 Added....11656
73.4115 Petition denied....23551
73.4140 Heading and (c) revised; (d) added....11656
74.5 (a)(4) revised....5295
74.15 (f) added....7142
74.165 Revised....3806
74.600 Added....7142
74.602 (a) introductory text amended; (e) revised; (j) added....7142
74.631 (e) amended; (j) added....7142
74.632 (a) amended....7142
74.633 (e) redesignated as (f); new (e) added....10570
74.636 (a) designation removed; table revised; (b) removed....7142
74.637 (b) amended; (g) added....7142
74.638 Heading and (b) revised....7142
74.641 (a) introductory text revised; (a)(1) table amended; (a)(4) removed....7143
74.643 Added....7143
74.644 Added....7143
74.661 Revised....7143
74.701 (h) revised....7422
74.702 (b) revised....7423
74.732 (d) revised....7423

Page

(b) revised....10571
74.735 (c)(4) removed; (c) (5) and (6) redesignated as (c) (4) and (5)....7423
74.763 (b) added....7423
74.765 (b) revised....7423
74.780 Revised....7423
74.783 (a) introductory text and (c) revised....7424
74.802 Revised....2535
74.803 (b) revised....2535
74.832 (d) and (f) revised....2535
74.861 (d) introductory text and (e) revised....2535
74.913 (b)(3)(ii) removed; (b)(3)(i) redesignated as (b)(3); Note 3 added....39536
74.933 Revised....3806
74.934 Revised....3806
74.937 (c) removed; (d) through (f) redesignated as (c) through (e)....3806
74.939 (j), (m) and (n) removed; (k) and (l) redesignated as (j) and (k); (f) revised....3806
74.951 (d) removed; (e) through (h) redesignated as (d) through (g)....3806
74.952 Revised....3806
74.961 (a) revised....10571
74.962 Revised....3806
74.965 Revised....3807
74.1202 (b)(1) revised....8260
Effective date corrected....11473
74.1232 (b) and (f) revised....10571
76.5 (d) and (j) revised; (jj), (kk), (ll), and (mm) added....44607
Effective date deferred....5770
(d)(1) introductory text and (ii) and (2) revised; (d)(3) added....17575
(x) Note added....22461
76.7 (g) removed; (h) redesignated as (g)....44608
Effective date deferred....5770
(c)(3) revised....10231
76.53 Amended....44608
Effective date deferred....5770
76.55 Revised....44608
Effective date deferred....5770
Introductory text revised....17575
76.56 Added....44608
Effective date deferred....5770

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 47 Chapter I—Con. Page

(c)(2) removed; (c)(3) and note redesignated as (c)(2) and note; new (c)(3) added; (d) revised....17576
76.57 Removed....44609
Effective date deferred....5770
76.58 Added....44609
Effective date deferred....5770
76.59 Removed....44609
Effective date deferred....5770
76.60 Added....44609
Effective date deferred....5770
(a) revised....17576
76.61 Removed....44609
Effective date deferred....5770
76.62 Added....44609
Effective date deferred....5770
(a)(2) revised; (b) redesignated as (d); new (b) and (c) added....17576
76.64 Revised....44609
Effective date deferred....5770
76.65 Removed....44609
Effective date deferred....5770
76.66 Added....44609
Effective date deferred....5770
Revised....17576
76.67 (a) revised....17577
76.70 Added....17577
76.501 (a) Note 2 amended....1632
76.605 Note added....22461
76.617 Revised....17577
(a) revised....22461
78.5 (i) added....7143
78.11 (d)(2) amended; (f) added....7144
78.13 Revised....7144
78.15 (a) revised....10231
78.18 (a) (6) through (8) added....7144
(a) (1), (2) and (3) tables amended....10571
78.20 (a) revised....10231
78.36 (a) introductory text and (b) revised....7144
78.101 (a) revised; (c) and (d) removed....7144
78.103 (e) added....7145
78.106 Added....7145
78.108 Added....7145
78.111 Revised....7145
80.5 Amended....7417
80.23 (c) revised....10231
80.156 Added....34984

Page

80.205 (a) table amended; (a) table Footnote 12 added....7418
80.207 (d) table footnote 5 corrected....34984
(d) table amended; (d) table Footnote 12 added....7418
80.209 (a) table amended; (a) table Footnote 4 and (c) added....7418
80.213 (c), (d), (f), and (g) redesignated as (d), (c), (g), and (k); new (f), (h), (i), and (j) added....7418
80.215 (l) and (m) added....7419
80.313 Introductory text corrected....34984
80.355 Heading corrected; (c)(2) removed; (c)(3) and (4) redesignated as (c)(2) and (3)....34984
80.357 Heading corrected....34984
80.373 (d)(1) table corrected....34984
80.375 (c) and (d) revised....7419
80.559 (c) corrected....34984
80.605 Revised....7419
87.237 Corrected amended....34984
87.513 (g) revised....37911
90.17 (d)(5) added....6155
90.19 (f)(6) added....6155
90.21 (d)(5) added....6155
90.23 (d)(4) added....6155
90.25 (d)(5) added....6155
90.53 (c)(5) added....6155
90.63 (e)(5) added....6155
90.65 (d)(5) added....6155
90.67 (d)(4) added....6155
90.69 (d)(4) added....6156
90.71 (d)(3) added....6156
90.73 (e)(6) added....6156
90.75 (d)(5) added....6156
90.79 (d)(4) revised....36014
(e)(4) added....6156
90.81 (e)(3) added....6156
90.89 (d)(4) added....6156
90.91 (d)(6) added....6156
90.93 (e) added....6156
90.95 (f) added....6156
90.127 (a) revised....10231
90.135 (a)(8) added....36014
(f) added....10232
90.151 (d) revised....10232
90.175 (f)(3) revised; (f)(13) added....36014
90.179 (e) revised....36014
90.205 (b) table amended....37400

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

Page

Petition comment time extended....4016
90.209 Second (h) redesignated as (i)....37400
(b)(4) and (c) introductory text revised; (b) (5) through (8), (c) (1) through (3), and (h) and (i) redesignated as (b) (6) through (9), (c)(1) (i) through (iii), and (i) and (j); new (b)(5), (c)(2) (i) through (iii), and (h) added....37401
Petition comment time extended....4016
90.211 (d) introductory text and (2) revised; (d)(1)(iii) added....37401
Petition comment time extended....4016
90.213 (a) table amended; footnote 11 revised....37401
Petition comment time extended....4016
90.267 (a) (1) and (2) revised; (a)(6)(iii) added....4501
90.273 Added....6156
90.275 Added....6157
90.277 Added....6157
90.279 Added....6157
90.281 Added....6158
90.354 Revised....10232
90.360 (b) and (c) revised....10232
90.376 (a) revised; (c) added....1332
90.477 (b) introductory text revised....37401
Petition comment time extended....4016
(f) added....15501
90.490 (c) revised; (d) removed....15501
90.492 Revised....37402
Petition comment time extended....4016
90.525 Removed....37406
Petition comment time extended....4016
90.527 Removed....37406
Petition comment time extended....4016
90.555 (Subpart R) Heading revised....37406
Petition comment time extended....4016

Page

90.601—90.657 (Subpart S) Heading revised....37402
Petition comment time extended....4016
90.601 Revised....37402
Petition comment time extended....4016
90.603 Introductory text revised....37402
Petition comment time extended....4016
90.611—90.633 Undesignated center heading revised....37402
Petition comment time extended....4016
90.611 (b) revised....10232
90.613 Introductory text revised; table heading parenthetical text removed; new table added....37402
Petition comment time extended....4016
90.617 Heading revised; Tables 2, 3, and 4 redesignated as Tables 2A, 3A, and 4A and headings revised; new Tables 2B, 3B, and 4B added....37404
(a) introductory text, (b) introductory text, (c) introductory text, and (d) introductory text revised....3662
Petition comment time extended....4016
90.619 (a)(1) introductory text, (2) introductory text, (3) introductory text, (4) introductory text, and (b) introductory text revised....3662
90.621 (a)(1) (i) and (iv), and (2)(i) and (g) revised....37404
(g) revised; (h) added....3662
Petition comment time extended....4016
90.627 (a) and (b)(2) revised; (b)(3) added....37404
Petition comment time extended....4016
90.635—90.657 Undesignated center heading revised....37404
Petition comment time extended....4016
90.635 (d) Tables 2, 3, and 4 headings revised....37404

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 47 Chapter I—Con. Page

Petition comment time extended....4016
90.637 (a) revised....37405
(a) revised; (c) added....1332
Petition comment time extended....4016
90.645 (f) and (g) revised; (h) redesignated as (i); new (h) added....37405
Petition comment time extended....4016
94.9 (b)(2)(iii) and (3) amended....7146
94.15 (b) revised....41630
94.25 (b) revised....10232
94.61 (b) table amended; (b) table footnote 15 removed; (b) table footnotes 30 and 31 added....7146
94.65 (g)(1) and (2) redesignated as (g)(4) and (3); new (g)(1) and (2) and (m) added....7146
94.67 (a) table amended....7146
94.71 (b) table amended....7146
(c)(3) revised; (c)(4) added....23551
94.73 (a)(1) and (2) removed; (a) table added....7146
94.77 Revised....7147
94.79 Added....7147
95.71 (a) revised....10232
95.207 (a) revised; (e) removed....16263
97 Reimbursement fee....45891
Form 610 approved by OMB....7277
Petition for stay denied....13243
Authority citation revised....18916
97.3 (k) revised; (dd) added....37027
97.7 (g)(8) and (9) revised....37027
(a) table and (b) table amended; (g)(1) revised....5116
97.21 Revision eff. 12-31-86....41630
Examination questions maintained....277
Petition for stay denied....4501
(c) and (d) revised....5116
97.23 Revised....5116
97.25 (b) revised....42576
Clarification....278
(b) effective date changed....3663
Petition for stay denied....4501
(a) revised; (e) added....5116
(a) introductory text corrected....18647

97.27 Revision eff. 12-31-86....41630
Examination questions maintained....277
Petition for stay denied....4501
97.28 (e) revised....42577
(e) effective date changed....3663
(a) and (b) revised....5116
97.29 (a) revision eff. 12-31-86....41630
Examination questions maintained....277
Petition for stay denied....4501
97.61 (c) revised....37027
(a) table amended; (d)(3) added....5116, 5117
(c) revised....5461
97.67 (i) revised....37027
(i) correctly designated....39861
(d)(6) revised; (j) and (k) added....5117
97.80 (b) revised....39537
97.85 (g) amended....37027
(i) added....5117
97.86 (e) added....5117
97.87 (f) added....5117
97.114 (b)(4) revised....39537
97.517 Revision eff. 12-31-86....41630
Examination questions maintained....277
Petition for stay denied....4501
97.521 Revision eff. 12-31-86....41630
Examination questions maintained....277
Petition for stay denied....4501
Revised....18916

Title 47—*Proposed Rules:*

0—100 (Ch. I)....36415
....3672, 8313, 13481, 13727
1....35536, 35537, 45912
....1939, 2562, 11519, 21333
2....43749, 44092
....6022, 6024, 13481, 21333, 24042
15....46882
....17612
21....39551
....11519, 11838, 21333
22....42597
....4360, 6022, 19741, 20630
25....40467
....6175, 8937, 12944
31....45915
....1344, 18932
32....45915
....1344, 18932
43....35537
61....45912

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

Page

63....5318
65....3828
67....36731, 37045, 39552, 40232
....2238, 2563, 15354, 15355, 18408, 19896
68....43749
....5318
69....36731, 40990, 45912
....3672, 3829, 17252, 19896
73....36416, 36417, 36731, 37920, 37921, 39553, 39554, 39673-39676, 40467, 40468, 41357-41360, 41647, 42270, 43050-43054, 44094
....113-115, 305, 1345-1349, 2564-2566, 3674-3678, 3830, 3831, 5146-5148, 5472, 6025, 6026, 6176, 7182-7185, 7282, 7624-7627, 8084-8086, 8314-8316, 8481, 8937, 9316, 11519-11521, 11837, 11840, 11842, 12214-12216, 12285, 12945, 13253, 13849-13853, 15515, 15516, 15737, 15738, 16883, 16884, 17791, 17993, 18253, 18723, 18933-18935, 20430-20432, 21086, 21976, 22504-22507, 22816-22818, 23314, 23563-23569, 23704, 23873, 23875, 24309-24312
74....40990
....7627, 7895, 11519, 21333, 21710
76....15738
78....40990
80....37922, 43749
....5474, 18409, 21334, 22508
81....1349
87....21334
90....45025
....4041, 5149, 6024, 10389, 18935, 19544, 21335
94....39551, 44093
....4161, 6022, 11519, 11838, 15356, 21333
95....15516
97....39554
....2239, 6024

TITLE 48—FEDERAL ACQUISITION REGULATIONS SYSTEM

Chapter 1—Federal Acquisition Regulation

1.105 Table amended (OMB numbers)....36971
Table amended (OMB numbers)....18140, 19802
2.101 Amended....19802
3.502 Revised....6121
Correctly designated....7063, 9989
3.502-1 Added....6121
Correctly designated....7063, 9989

3.502-2 Added....6121
(a) introductory text, (d) (1) and (2), (e), and (h) corrected....9989
3.502-3 Added....6121
4.601 (a) amended....19802
5.101 (a) revised; interim....21885
5.201 (a) amended; (b) (1) and (3) revised; interim....21886
5.205 (c) revised; interim....21886
5.206 (a)(2) amended....19802
5.301 Revised....19802
6.302-1 (a)(2) introductory text and (b)(1) revised; (a)(2)(iii) added....21886
6.302-5 (c)(2) amended; (c)(2)(i) and (ii) added....36971
7.305 (c) revised....9037
8.300 Amended....36971
8.800 Revised....9037
8.801 Amended....9037
8.802 (a) revised; (b) and (c) redesignated as (d) and (e); new (b) and (c) added; new (d) revised....9037
9.105-1 (d) added....9038
9.405 (a) amended....9038
9.406-1 (a) amended....6122
13.104 (g) amended; interim....21886
13.105 (d)(2) amended....36971
(a) amended; interim....21886
13.106 (b)(2) amended....19803
13.203-1 (b) and (c) revised....9038
13.402 Amended....19803
15.605 (b) revised....21886
15.704 Amended....9038
15.801 Amended....36971
15.805-5 (h) amended....36971
15.808 (a) (8) and (9) revised....19803
15.810 (a) and (e) revised; (c) redesignated as (f); new (c) added....36971
15.812-1 Revised....21886
15.812-2 (a) revised....21887
16.203-4 (b)(1)(i) amended....19803
19.102 Table revised....21888
19.501 (f)(1) amended....21902
19.508 (a)(2) amended....21902
19.705-6 (c)(1) amended....19803
22.807 (d)(2) amended....19803
22.810 (g) revised....19803
22.1303 (d) amended....19803
22.1403 (d) amended....19803
25.403 (d) revised....19803

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 48 Chapter 1—Con. Page

25.402 Correctly revised; interim ... 8567
27.204-1 (a)(2) amended ... 19803
27.400—27.409 (Subpart 27.4) Revised ... 18140
28.101-1 (b) revised ... 19803
28.101-3 (b) amended ... 19803
31.105 (d)(2)(i)(A) revised; (d)(2)(i)(B) amended ... 19804
31.109 (h) (15) and (16) amended; (h)(17) added ... 9038
31.201-3 Revised ... 19804
31.205-6 (i) revised ... 19804
31.205-22 (f) revised ... 19804
31.205-35 (a) revised; (f) added ... 9038
31.205-38 (f) revised ... 19805
31.205-44 Heading, (a), (b), (d), (e), (f), (h), and (j) revised; (c)(3) redesignated as (c)(4); new (c)(3) added; (c)(2) amended ... 9038
31.205-46 (a)(2)(ii) amended ... 36972
32.406 (a) amended ... 19805
32.504 (d) amended ... 9039
32.805 (c) amended ... 9039
33.210 (b) revised ... 36972
36.102 Amended ... 36972
36.601 Existing text designated as (a); (b) added ... 36972
36.701 (a), (b), and (d) amended ... 19805
44.201-1 (d) amended ... 36972
44.303 (g) and (h) amended; (i) added ... 9039
49.109-7 (g) amended ... 19805
52.103 (d)(1) amended ... 9039
52.203-7 Added ... 6122
52.207-3 Introductory text amended ... 9039
52.210-1 (a) amended ... 9039
52.214-1 Amended ... 9039
52.214-2 Amended ... 9039
52.215-5 Amended ... 9039
52.215-6 Amended ... 9039
52.215-17 Amended ... 9039
52.215-26 Revised ... 21902
52.219-4 Introductory text amended ... 21902
52.219-9 Amended ... 19805
52.222-28 Introductory text amended ... 36972
52.227-14 Added ... 18150
52.227-15 Added ... 18153
52.227-16 Added ... 18153
52.227-17 Added ... 18153
52.227-18 Added ... 18154
52.227-19 Added ... 18154
52.227-20 Added ... 18154
52.227-21 Added ... 18155
52.227-22 Added ... 18156
52.227-23 Added ... 18156
52.228-1 Amended ... 19805
52.233-1 (c) amended ... 36972
52.244-1 Introductory text amended ... 36972
53.214 (d) through (g) redesignated as (e) through (h); (d) reserved ... 19805
53.236-2 (b) and (c) amended ... 36972

Chapter 2—Department of Defense

Chapter 2 Revised ... 46053
203.170 Added; interim ... 12385
203.170-1 Added; interim ... 12385
203.170-2 Added; interim ... 12385
Corrected ... 19870
203.170-3 Added; interim ... 12385
203.170-4 Added; interim ... 12386
203.170-5 Added; interim ... 12386
204.202 (c)(6) added; interim eff. to 9-30-87 ... 42096
(c)(6) added; interim eff. to 1-31-88 ... 4318
204.471 (Subpart 204.4) Added; interim eff. to 1-31-88 ... 4318
204.671-5 (d)(9) and (e)(3)(iii) amended; (e)(3) (iv) and (v) added; (f) revised; interim ... 16264
204.673 Revised; interim ... 43201
204.673-1 Revised; interim ... 43201
204.673-2 Revised; interim ... 43202
204.673-3 Revised; interim ... 43202
204.673-4 Revised; interim ... 43202
204.673-5 Removed; interim ... 43202
204.761-5 (e)(3)(iii) corrected; (e)(3)(v) correctly removed ... 19871
204.7200—204.7204 (Subpart 204.72) Added; interim eff. to 1-31-88 ... 4318
205.202 (a)(4)(S-70) added; interim ... 16264
Correctly removed ... 19871
205.207 (d) (S-72) and (S-73) added; interim ... 16264
205.470 Added; interim ... 12387
206.203—206.203-70 (Subpart 206.2) Added; interim ... 16264

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

Page

208.404-2 (a) (S-70) revised ... 781
214.201 Revised ... 19871
214.201-2 Added ... 19871
215.406 Added ... 19871
215.406-2 Added ... 19871
215.873 Added ... 1915
215.875 Added; interim ... 11277
Correctly designated ... 13447
215.900—215.973 (Subpart 215.9) Revised; interim ... 43202
216.603-3 Added; interim ... 12388
Effective date note corrected ... 19872
216.703 (c) amended; interim ... 12388
Effective date note corrected ... 19872
217.202 Added; interim ... 12388
Effective date corrected ... 19872
217.7204 (a) introductory text and (1) amended; (b) and (c) redesignated as (c) and (d); new (c) (2) and (3) amended; new (b) and (c)(4) added ... 11077
217.7402 (c) added; interim ... 12388
Effective date note corrected ... 19872
217.7500—217.7504 (Subpart 217.75) Added; interim ... 13288
Effective date note corrected ... 19872
217.7503 (b)(3)(ii) and (4) corrected ... 23835
219.000 Added; interim ... 16265
219.001 Added; interim ... 16265
219.201 (a) added; interim ... 16265
219.202-5 Existing text designated as (a); (b) added; interim ... 16265
219.301—219.304 (Subpart 219.3) Added; interim ... 16265
219.304 (b) corrected ... 19871
219.501 (b) added; (c), (d), and (g) amended; interim ... 16266
219.501-70 Added; interim ... 16266
219.502-3 Added; interim ... 16266
219.502-4 Added; interim ... 16266
219.502-70 (b) amended; interim ... 16266
219.502-72 Added; interim ... 16266
219.503 (S-70) added; interim ... 16267
219.504 (b) (1) through (4) redesignated as (b) (2) through (5); new (b)(1) added; interim ... 16267
219.506 (a) added; (b) amended; interim ... 16267
219.507 Added; interim ... 16267
219.508 (S-71) added ... 16267

Page

219.801—219.803 (Subpart 219.8) Added; interim ... 16267
222.7200—222.7202 (Subpart 222.72) Revised ... 43355
223.7100—223.7105 (Subpart 223.71) Added; interim eff. to 9-30-87 ... 42096
225.7000 Amended; interim ... 12390
225.7001 Amended; interim ... 12390
225.7008 Added; interim ... 12390
227.470—227.482 (Subpart 227.4) Revised ... 12391
230.7001—230.7007 (Subpart 230.70) Revised; interim ... 43208
231.7001 (Subpart 231.70) Added; interim ... 5771
232.070 Added; interim ... 43211
232.102 Added; interim ... 43211
232.111 (S-71) and (S-72) added; interim ... 43211
232.501-1 Revised; interim ... 43211
232.502-1 (S-71)(1), (2), (4), (7), and (9) amended; interim ... 43211
232.502-4 (S-72) through (S-74) added; interim ... 43211
240.470 Added; interim eff. to 9-30-87 ... 42096
242.771 Added; interim ... 5772
243.102 Added; interim ... 12389
Effective date note corrected ... 19872
243.201 (a) redesignated as (S-70); (S-71) added; interim ... 12389
Effective date note corrected ... 19872
244.304 (b)(1) (xvi), (xx), and (xxi) amended; (b)(1)(xxii) added ... 8908
245.106 (Subpart 245.1) Added; interim ... 12390
248.201 Revised ... 23835
252.203-7002 Added; interim ... 12386
Corrected ... 19870
252.204-7006 Added; interim eff. to 1-31-88 ... 4319
252.205-7000 Added; interim ... 12387
252.215-7001 Added; interim ... 11277
Introductory text corrected ... 13447
252.217-7270 Amended ... 11077
252.219-7005 Added; interim ... 16267
Correctly designated; heading and text corrected ... 19871
Correctly designated; text corrected ... 22415
252.219-7006 Added; interim ... 16267
Corrected ... 19871
252.222-7002 Revised ... 43355

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 48 Chapter 2—Con. Page

252.223-7003 Added; interim eff. to 9-30-87....42097
252.227-7013 Revised....12405
252.227-7014—252.227-7015 Removed....12405
252.227-7016 Revised....12407
252.227-7017 Revised....12407
252.227-7018 Revised....12407
252.227-7019 Revised....12408
252.227-7020 Revised....12408
252.227-7021 Revised....12408
252.227-7022 Revised....12408
252.227-7023 Revised....12408
252.227-7024 Revised....12409
252.227-7025 Revised....12409
252.227-7026 Revised....12411
252.227-7027 Revised....12411
252.227-7028 Revised....12411
252.227-7029 Revised....12411
252.227-7030 Revised....12411
252.227-7031 Revised....12411
252.227-7032 Revised....12411
252.227-7033 Revised....12412
252.227-7034 Revised....12412
252.227-7035 Added....12412
252.227-7036 Added....12412
252.227-7037 Added....12412
252.231-7001 Added....5772
Corrected....23836
252.231-7002 Added....5772
252.232-7004 Amended; interim....43211
252.232-7005 Added; interim....43211
252.232-7006 Added; interim....43212
252.232-7007 Added; interim....43212
252.245-7000 Added; interim....12390
253.270 Amended; interim....43210

Chapter 3—Department of Health and Human Services

301.105 Amended....44293
301.670-3 (a) amended....44293
302.100 Amended....44293
Corrected....47353
303.704 (Subpart 303.7) Added....44293
304.601 Redesignated as 304.602....44293
304.602 Redesignated from 304.601....44293
304.7101 (c) amended....44293
305.202 (Subpart 305.2) Added....44293
306.202 (a) revised; (b) amended....44293
306.302-1 Heading revised; (b)(2) and (6) redesignated as (a)(2)(ii) and (b)(4); new (a) heading revised; new (b) heading added....44293
307.104 (c) revised....44293
313.404 Removed....44293
314.404 Added....44294
314.404-1 Added....44294
315.103 (Subpart 315.1) Added....44294
315.413-2 (e) and (f) amended....44294
315.608 (b) amended....44294
315.804 Added....44294
315.804-3 Added....44294
316.301-3 (c) introductory text amended....44294
316.306 Added....44294
316.403 (Subpart 316.4) Added....44294
316.603-3 Amended....44294
319.870 (a)(1) and (6) amended....44294
322 Added....44294
322.604-2 Heading correctly added....47353
325.102 (b) revised....44294
(b) correctly designated....47353
330.304 (Subpart 330.3) Added....44294
332.402 Revised....44294
332.406 (c)(2) amended....44294
332.407 (d) amended....44294
332.409-1 Amended....44294
332.501—332.501-2 (Subpart 332.5) Added....44294
353.370-393 Added....44295

Chapter 3, Appendix A—Public Health Service

PHS 315 Added; interim....43357
Effective date corrected....45229
PHS 315.412 (c)(1) corrected....45229
PHS 352.215-10 Added; interim....43357
Text and effective date corrected....45229
PHS 352.280-1 (b) amended....9300
PHS 352.280-2 (b) amended....9300

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

Chapter 4—Department of Agriculture

Page

433.003 Correctly redesignated as 433.203 and (a) amended....41790
433.003-70 Correctly redesignated as 433.203-70....41790
433.009 Correctly redesignated as 433.209 and amended....41790
433.011 Correctly redesignated as 433.211 and amended....41790
433.012 Correctly redesignated as 433.212....41790
433.203—433.212 Correctly redesignated as Subpart 433.2....41790
433.203 Correctly redesignated from 433.003 and (a) amended....41790
433.203-70 Correctly redesignated from 433.003-70....41790
433.209 Correctly redesignated from 433.009 and amended....41790
433.211 Correctly redesignated from 433.011 and amended....41790
433.212 Correctly redesignated from 433.012....41790

Chapter 5—General Services Administration

501.602-1 Revised....45892
501.603 (a), (b)(1) and (2)(i) and (ii), and (c)(2), (4), and (6) revised; (b)(2)(viii) removed; (b)(2)(ix) through (xiii) redesignated as (b)(2)(viii) through (xii)....45892
501.603-1 Revised....45893
501.603-2 (c) revised; (d) added....45893
502.101 Revised....39861
503.303 (Subpart 503.3) Heading revised....5982
503.700—503.705 (Subpart 503.7) Added....5982
505.101 Temporary Reg. AC-86-7 added....41507
Revised....22655
505.201 Temporary Reg. AC-86-7 added....41507
Revised....22655
505.202 (c) added....22655
505.203 Added....22655
505.207 (b) revised....22655
506.302-1 Revised....44990
506.302-5 Removed....44991
506.303-1 Revised....44991
506.303-2 Revised....44991
506.304 Revised....44991
507.305 Temporary Reg. AC-87-1 added....8590
507.306 Temporary Reg. AC-87-1 added....8590
509.105-1 (d) revised....39862
(a) and (c) revised....45896
509.106-70 Revised....39862
509.403 (a) revised....22656
509.404 Revised....22656
509.405 Revised....22656
509.406-3 (b)(3) revised....39862
513.105 Temporary Reg. AC-86-7 added....41507
513.203-1 Revised....45893
(b) revised....45896
513.403 Revised....45894
513.404 Added....45894
513.405 Added....45894
513.501 Revised....45894
513.505.2 Temporary Reg. AC-86-4, Supp. 1 added....36700
(a) and (b) revised....45894
513.505-3 (b) revised....45894
513.7001 Temporary Reg. AC-86-4, Supp. 1 added....36700
(a), (b)(1), and (g) revised; (d)(2) and (3) redesignated as (d)(3) and (4); new (d)(2) added....45894
514.201-6 (b) removed....6562
514.201-71 (b) revised....6562
514.270-1 Revised....45897
514.270-2 (b), (c)(1)(ii) and (2) introductory text, (iv), and (v) revised....45897
514.403 Revised....45896
515.407 (b) removed....6562
515.411-70 Revised....6563
516.603-3 Revised....39862
519.001 Added....16390
519.201 Removed....16391
519.202 (a), (b), (c), and (e) revised....16391
519.202-5 Revised....16391
519.302 Revised....16391
519.304 Added....16391
519.501 Temporary Reg. AC-86-7 added....41507
Removed....16391

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 48 Chapter 5—Con. Page

519.502-1 Temporary Reg. AC-86-7 added ... 41507
(a), (b), (c), (d), (f), (g), (h), (i) and (j) revised ... 16391
519.502-2 Removed ... 16392
519.502-3 Revised ... 16392
519.502-70 Added ... 16392
519.503 Revised ... 16392
519.505 Temporary Reg. AC-86-7 added ... 41508
Removed ... 16393
519.506 Removed ... 16393
519.508 Temporary Reg. AC-86-7 added ... 41508
519.602—519.602-1 Added ... 16393
519.602-3 Added ... 16393
522.1308 Temporary Reg. AC-87-2 added ... 12182
522.1370 Temporary Reg. AC-87-2 added ... 12182
525.105-70 Heading, (b), (c), and (d) revised ... 278
525.105-71 Revised ... 279
525.105-72 (b) and (c) revised ... 279
525.108-70 (a) introductory text, (b) introductory text, and (c) revised ... 279
525.402 Temporary Reg. AC-86-8 added ... 58
528.102-1 (a) revised ... 6564
528.301 Revised ... 6564
533.102 (b) revised ... 6563
533.105 (a)(1)(ii), (3) and (4) and (b) introductory text and (3) revised ... 6563
537.201 Revised ... 6563
537.205 Revised ... 6563
542.1107 (a) revised ... 21057
542.7000—542.7002-3 (Subpart 542.70) Added ... 11826
546.400 Revised ... 35221
546.402 Revised ... 35221
546.403 Revised ... 35221
546.407 Removed ... 35221
546.470 Revised ... 35221
546.470-1 Revised ... 35221
546.470-2 (b) revised ... 35221
552.207-71 Temporary Reg. AC-87-1 added ... 8590
552.212-72 (a) and (b) amended ... 45895
552.214-16 Added ... 45898
552.214-71 Introductory text revised ... 6563
552.214-72 Removed ... 6563
552.214-73 Introductory text revised ... 6563
552.214-74 Introductory text revised ... 6563
552.214-75 Introductory text revised ... 6564
552.215-71 Introductory text revised ... 6564
552.215-72 Removed ... 6564
552.215-73 Introductory text revised ... 6564
552.215-74 Introductory text revised ... 6564
552.219-1 Added ... 16393
552.219-4 Temporary Reg. AC-86-7 added ... 41508
552.219-70 Revised ... 16393
552.222-87 Temporary Reg. AC-87-2 added ... 12182
552.225-70 Revised ... 280
552.225-71 Revised ... 280
552.225-72 Revised ... 280
552.225-73 Introductory text revised ... 280
552.225-74 Introductory text revised ... 280
552.242-70 Temporary Reg. AC-86-6, Supp. 1 added ... 1333
Revised ... 21057
553.173 (c) table amended ... 45896
553.270-3 (b) revised ... 45895
(e) revised ... 21057
553.272 Temporary Reg. AC-86-4 added ... 36700
(a), (b), and (d) revised ... 45895
553.273 Temporary Reg. AC-86-4 added ... 36700
Revised ... 45895, 45896
553.275 (a) revised ... 45895
553.370-300-1 Temporary Reg. AC-86-4, Supp. 1 added ... 36700
553.370-3507 GSA Form 3507 amended ... 21057

Chapter 7—Agency for International Development

701.105 Revised ... 21058
702.170-10 (a) revised ... 41106
705 Authority citation revised ... 42844
705.002 Amended ... 21058
705.202 Revised ... 42845

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

Page

706 Authority citation revised ... 42844
706.101-70 (Subpart 706.1) Removed ... 6158
706.201-70 (Subpart 706.2) Removed ... 42845
709.402 Revised ... 21058
715.504 (a) amended ... 21058
715.506 Amended ... 21058
715.613 Revised ... 6158
715.613-70 Revised ... 6158
715.613-71 Revised ... 6159
719.270 (d) amended ... 21058
719.271-2 (b) (4) and (8) amended ... 21058
719.271-6 (a) introductory text amended; (a)(3) revised ... 21058
725.703 Revised ... 34985
725.706 (a) amended ... 4144
728.305 (a)(2) list revised ... 4144
731.205-6 (b)(2) amended ... 21058
731.371 (a) amended ... 21058
732.406-70 Revised ... 4145
732.406-70-1 Revised ... 4145
732.406-70-2 Revised ... 4145
732.406-70-3 Revised ... 4145
732.406-70-4 Revised ... 4145
732.406-70-5 Revised ... 4145
733 Heading revised ... 4145
736.603 Amended ... 21059
737.200—737.272 (Subpart 737.2) Heading revised ... 34985
752.202 (d) and (h) amended ... 4145
752.219-8 Amended ... 21059
752.7002 Amended ... 34985
752.7016 Amended ... 34985
Chapter 7 Appendix D amended ... 42844
Appendix J added ... 2354
Appendix D amended ... 4145
Appendix G amended ... 4146
Appendix F amended ... 6160
Appendixes D and J amended ... 11075

Chapter 8—Veterans Administration

801.602 Revised ... 24010
801.603-1 Added ... 24010
801.603-3 Removed ... 24010
801.603-4 Removed ... 24010
801.603-70 (c) removed ... 24010
801.670-1 Removed; new 801.670-1 redesignated from 801.670-6 ... 24010
801.670-2 Removed; new 801.670-2 redesignated from 801.670-7 ... 24010
801.670-3 Removed; new 801.670-3 redesignated from 801.670-12 ... 24010
801.670-4 Removed; new 801.670-4 redesignated from 801.670-13 and (a) removed and (b), (c), and (d) redesignated as (a), (b), and (c) ... 24010
801.670-5 Removed; new 801.670-5 redesignated from 801.670-14 ... 24010
801.670-6 Redesignated as 801.670-1; new 801.670-6 redesignated from 801.670-15 ... 24010
801.670-7 Redesignated as 801.670-2 ... 24010
801.670-8 Removed ... 24010
801.670-9 Removed ... 24010
801.670-10 Removed ... 24010
801.670-11 Removed ... 24010
801.670-12 Redesignated as 801.670-3 ... 24010
801.670-13 Redesignated as 801.670-4 and (a) removed and (b), (c), and (d) redesignated as (a), (b), and (c) ... 24010
801.670-14 Redesignated as 801.670-5 ... 24010
801.670-15 Redesignated as 801.670-6 ... 24010
801.690 Added ... 24010
801.690-1 Added ... 24010
801.690-2 Added ... 24011
801.690-3 Added ... 24011
801.690-4 Added ... 24011
801.690-5 Added ... 24012
801.690-6 Added ... 24012
801.690-7 Added ... 24012
801.690-8 Added ... 24012
801.690-9 Heading added ... 24012
802.100 Revised ... 24013
810.001 Added ... 281
810.004 Added ... 281
810.004-70—810.004-72 Added ... 282
810.005 Removed ... 282
833.212 (b)(2) through (5) correctly revised ... 44179
836.202 Added ... 282
(b) corrected ... 1276

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 48 Chapter 8—Con. Page
836.302—836.371 (Subpart 836.3) Heading revised....282
836.606-72 Revised....282
846.403 (b) amended....37027
846.408-70 (a) amended; (b) and (c) redesignated as (c) and (d); new (c) amended; new (b) added....37027
846.408-71 (a) amended....37028
852.236-90 Added....282

Chapter 9—Department of Energy

970 Authority citation revised....43926
970.3101-6 (a) (3) and (8) revised; (a) (10), (11), and (12) added....1607
970.3102-7 Revised....1607
970.3102-17 (c) added....43926
(a) revised....1608
970.3102-19 Added....1608
970.3102-20 Added....1609
970.3102-21 Added....1610
970.3103 Correctly designated....1610
970.5204-13 (e)(33), (34), and (35) added....43926
(e) (1), (8), (11), (12) and (27) revised; (e) (33) and (34) added....1610
970.5204-14 (e)(33) added....43926
(e) (1), (6), (9), (10), and (24) revised; (e) (31) and (32) added....1610

Chapter 10—Department of the Treasury

1033 Authority citation revised....17298

Chapter 13—Department of Commerce

1317.7001 (Subpart 1317.70) Added....3807
1352.217-90—1352.217-112 (Subpart 1352.2) Added....3808

Chapter 14—Department of the Interior

1401.301 (a) and (b) amended....41965
1401.303 Heading revised....41965
1405 Added....41965
1406 Added....41965
1414 Heading revised....41965
1414.404 Added....41965
1414.404-1 Added....41965
1415.608 Added....41965
1415.902 (d) revised....41965
1415.905 (b) amended....41965
1415.905-1 (a) introductory text, (3), and (5) amended; (a) (4) and (5) redesignated as (a) (5) and (4)....41965
1415.905-70 (b)(1) amended....41965
1419.705-6 Added....41966
1420.102 Amended....41966
1428.301 Amended....41966
1437.7001 Amended....41966
1437.7002 (a) amended....41966
1452.228-70 Heading revised; text amended....41966
1453.219-73 Added....41966
1453.303-DI-1920 Revised....41966
1453.303-70 Revised....41968
1453.303-71 Added....41969

Chapter 15—Environmental Protection Agency

1537.205 (b)(3) removed....8073

Chapter 16—Office of Personnel Management Federal Employees Health Benefits Acquisition Regulation

Chapter 16 Chapter established....16037
1601—1606 (Subchapter A) Heading added....16037
1601 Added....16037
1602 Added....16038
1603 Added....16039
1604 Added....16039
1605 Added....16039
1606 Added....16039
1614—1616 (Subchapter C) Heading added....16039
1614 Added....16039
1615 Added....16040
1616 Added....16041
1622—1624 (Subchapter D) Heading added....16041
1622 Added....16041
1624 Added....16041
1631—1649 (Subchapter E) Heading added....16041

NOTE: **Boldface** indicates 1987 page numbers.

Page
1631 Added....16041
1632 Added....16043
1633 Added....16043
1644 Added....16043
1646 Added....16044
1649 Added....16044
1652—1653 (Subchapter H) Heading added....16044
1652 Added....16044
1653 Added....16048

Chapter 17—Office of Personnel Management

Chapter 17 Chapter established....44296
1733 Added....44296

Chapter 18—National Aeronautics and Space Administration

1801.105-1 Revised (OMB numbers)....15414
1801.271 Added....45770
1801.603-2 (d)(2) amended....15414
1802.101 Revised....15414
1803.101-2 Amended....45770
1803.203 Amended....45770
1803.704—1803.705 (Subpart 1803.7) Added....45770
1804.202 Revised....45770
1804.7100 Amended....15415
1804.7102-2 (a) and (b) amended; (f) removed; (g) and (h) redesignated as (f) and (g)....15415
1804.7102-4 (a) revised....15415
1804.7102-5 (c) removed; (d) redesignated as (c)....15415
1804.7103-2 Revised....15415
1805.207 Revised....45770
1805.303-71 (b)(1) introductory text revised....45771
1806.302-270 Added....45771
1806.303-271 Added....45771
1807.102 Revised....45771
1807.103 (b)(1)(i)(A) and (B) and (ii)(A) and (B) anended....45771
1807.170-1 (a)(1)(iii) amended; (a)(1)(iv) removed; (a)(1)(v) redesignated as (a)(1)(iv)....45771
1807.7102 (c) revised....45771
1807.7105 (a) amended....45772
1808.303 Amended....15415
1808.304-2 (c) amended....15415
1808.304-4 (a) amended....15415
1808.304-571 Amended....15415
1808.802 Amended....45772
1809.206-71 Revised....15415
1810.007 Revised....15415
1810.011 Revised....15415
1812.302—1812.303-70 (Subpart 1812.3) Revised....45772
1815.407 Revised....15415
1815.407-70 Revised....15415
1815.412 Added....15415
1815.413-2 (c) amended....15416
1815.570 Amended....45772
1815.613-70 Amended....15416
1815.613-71 (a)(1) introductory text amended....45772
1815.704 Revised....45772
1815.1003 Amended....15416
1822.101-1 (c) revised....15416
1822.103-4 Revised....15416
1822.804-2 Revised....15416
1822.1103 (a) revised....45772
1825.402 Revised....15416
1827.474 (b)(2) revised....45772
1827.475-10 Removed....45773
1828.305 (b)(2)(ii) revised....15416
1828.309 (a) designation removed....15416
1831.303 (Subpart 1831.3) Added; interim....13685
1831.703 (Subpart 1831.7) Added; interim....13685
1832.111-70 (d) amended....15416
1835.070 (c) revised....15416
1836.602-71 (b) revised....45773
1837.204-70 (d) and (e) revised....45773
1839.7001 Revised....15416
1839.7005 (a) revised....45773
1842.202-70 (a)(1) amended; (b) revised....45773
1842.202-71 (b)(2) removed; (b)(3) and (4) redesignated as (b)(2) and (3)....45773
1842.302 Revised....45773
1845.7103 Amended....45774
1846.673 (a) revised....45774
1846.709-70 Amended....15417
1852.000 Revised....15417
1852.204-71 Revised....15417
1852.204-72 Revised....15417
1852.210-70 Revised....15417
1852.215-72 Introductory text revised....15417
1852.215-73 Added....15417

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 48 Chapter 18—Con. Page

1852.227-82 Removed....45774
1852.232-78 Introductory text revised....15417
1852.233-1 Revised....15418
1852.235-70 Revised....45774
1852.235-71 Revised....15418
1852.243-70 Amended....15418
1852.245-71 Amended....15418
1852.249-72 Introductory text revised....15418
1852.250-70 Revised....15418
1852.250-72 Revised....15419
1853.107 Revised....45774
1853.212 Removed....45774
1853.223 Revised....45774
1853.227 Revised....45774
1853.251 Heading revised....45774
1870 Added....15419

Chapter 24—Department of Housing and Urban Development

2413 Authority citation revised....40333
2413.404 Added (effective date pending)....40333
Eff. 3-2-87....3663
2433.000 Revised (effective date pending)....40333
Eff. 3-2-87....3663
2433.104 (f) revised (effective date pending)....40333
Eff. 3-2-87....3663
2433.104-70 Added (effective date pending)....40333
Eff. 3-2-87....3663
2433.105 Revised (effective date pending)....40333
Eff. 3-2-87....3663

Chapter 28—Department of Justice

2804.803-70 (b)(1) table, (2) table, (3) table and (4) table revised....4320
2807.7000—2807.7001 (Subpart 2807.70) Added....4320
2812.303 (Subpart 2812.3) Added....4320

Chapter 29—Department of Labor

2901 Heading revised; interim....40372
2901.603-1 (a)(3) and (d)(8)(i) amended; (d)(4)(iii) and (9), (f)(2), and (g)(2) and (3) revised; interim....40372
2901.603-74 Added; interim....40372
2902 Authority citation revised; section authority citations removed....40373
2902.101 Amended; interim....40373
2903.204 (a) amended; interim....40373
2905.202 (Subpart 2905.2) Added; interim....40374
2906 Added; interim....40374
2909.105-1 (b) revised; interim....40374
2913.403 Amended; interim....40374
2913.503-70 Amended; interim....40374
2914 Heading revised; interim....40374
2914.404 Added; interim....40374
2914.404-1 Added; interim....40374
2914.407-8 Revised; interim....40374
2915.105 (Subpart 2915.1) Removed; interim....40374
2915.213—2915.270 (Subpart 2915.2) Removed; interim....40374
2915.304—2915.307 (Subpart 2915.3) Removed; interim....40374
2915.608 Added; interim....40374
2916.306 (Subpart 2916.3) Added; interim....40374
2917.502 Revised; interim....40374
2919.202-1 (a), (b), and (c) amended; interim....40375
2933 Heading revised; interim....40375
2933.003 Redesignated as 2933.203 and (a) amended; interim....40375
2933.003-70 Redesignated as 2933.203-70; interim....40375
2933.009 Redesignated as 2933.209; interim....40375
2933.011 Redesignated as 2933.211 and amended; interim....40375
2933.012 Redesignated as 2933.212; interim....40375
2933.203—2933.212 (Subpart 2933.2) Heading added; interim....40375
2933.203 Redesignated as 2933.003 and (a) amended; interim....40375

NOTE: **Boldface** indicates 1987 page numbers.

Page

2933.203-70 Redesignated from 2933.003-70; interim....40375
2933.209 Redesignated from 2933.009; interim....40375
2933.211 Redesignated from 2933.011; interim....40375
2933.212 Redesignated from 2933.012; interim....40375
2933.102—2933.105 (Subpart 2933.1) Added; interim....40375
2943 Authority citation revised....40376
2943.301 (Subpart 2943.3) Added; interim....40376
2949.106—2949.111-70 (Subpart 2949.1) Heading revised; interim....40376

Chapter 52—Department of the Navy Acquisition Regulations

5242 Revised....46671
5252 Revised....46672

Chapter 53—Department of the Air Force Federal Acquisition Regulation Supplement

Chapter 53 Chapter established....40978
5315 Added....12414
5316 Added....6332
5350 (Subchapter G) Added....40978
5350 Added....40978

Title 48—*Proposed Rules:*

1....39965
5....17280
6....17280
7....39456
9....4082
13....44410
14....41897
15....36777
....4084
22....39965
31....4084, 15884, 18158
32....8576
35....17280
45....4086
48....43219
51....9436
52....39965, 42805, 43219, 44410
....226, 4082-4086, 8576, 9436
53....39965
201....37205
203....42113, 43801

NOTE: **Boldface** indicates 1987 page numbers.

Page

....9187
204....16289
205....16289
206....16289
208....37207
209....9187
215....809, 5791
219....16289
225....37205
....12440, 22663
227....2082
232....8481
242....6177, 21711
245....37205
252....42113, 43801
....2082, 5791, 16289
PHS 352....40108, 45140
503....39404
509....10913
601—653 (Ch. VI)....19990
819....16290
825....6993
951....46884
952....46884
970....46884
5242....36828
5252....36828
Chapter 53....39676
5315....37451
....6590

TITLE 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

1.44 (j) revised....2012
1.49 Introductory text republished; (bb) added....24164
1.57 (r) added....18917
1.59 (q) added....9864
1 Appendix A amended....1916
71 Authority citation revised....41631
71.1 (c) revised....41631
71.2 (a) revised....41631

Chapter I—Research and Special Programs Administration, Department of Transportation

106 Appendix A amended....34986
107 Authority citation revised....34986
107.105 (d) removed....34986
107.303 Amended....34986
107.309 (a) and (b)(1) amended....34986

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 49 Chapter I—Con.

Page
107.101—107.123 (Subpart B) Appendix A amended 34986
Appendix A amended 13037
107.339 Amended 34987
171 Authority citation revised 42176, 44791
171.7 (d)(21) revised 34987
(d)(27) revised 44791
(d) (1), (2), (3) (ii), (iii), (iv), and (ix) revised; (d)(3) (x), (xi), (xii), and (5)(xxxiv) added 13037
171.8 Amended 42176
Effective date deferred 46672
Amended 13037
171.11 (d)(1)(i) revised 42177
(d)(9) added 44791
Effective date deferred 46672
(d)(1)(i) correctly revised 4825
171.12 (a) amended 13037
171.12a (a)(3)(i) revised 42177
Effective date deferred 46672
(a)(3) correctly revised 4825
171.15 (b) amended 34987
(c) Note added 8592
171.17 (a) amended 34987
Removed 8592
172 Authority citation revised 42177
172.101 Table amended 34987, 41633
(b) and (c)(9) revised 42177
Table amended; Appendix added 42177
Effective date deferred 46672
(c) corrected; Appendix correctly revised 4825
Table amended 13038
172.102 (c) revised 42195
Effective date deferred 46672
(e) correctly revised 4842
172.202 (a)(4) and (c)(1) revised 13038
172.203 (c) revised 42195
Effective date deferred 46672
(c) correctly revised 4842
172.324 Revised 42195
Effective date deferred 46672
Correctly revised 4843
172.336 (c) (4) and (5) revised 13038
172.504 Table 2 footnote 8 revised 13038
172.519 (b) (2) and (4) revised; eff. 5-18-88 13038
172.525 (b) amended 34987
173 Authority citation revised 8592
173.4 (b) amended 15949
173.11 (b)(4) revised 13038
173.12 (b)(2) revised 13038
173.25 (c) introductory text revised 13039
173.31 (d)(6) Table 2 amended 13039
173.33 (d)(13) amended 13039
173.34 (e)(8) amended 13039
173.51 (g) revised 13039
173.57 (b) removed 13039
173.58 (b) removed 13039
173.81 Heading and (b) revised 13039
173.86 (a)(2) revised; (h) and (i) added 13039
173.87 Amended 13039
173.93 (a)(2) added 13039
173.104 Heading and (c) revised 13039
173.118a (b)(6) revised 8592
173.122 (a)(4) removed 13039
173.164 (a)(2) revised 13040
173.197a Revised 13040
173.220 (a) introductory text revised; (a)(3) added 13040
173.245a (a) table footnote 2 revised 13040
173.253 (a) (7) and (8) revised 13040
173.262 (b)(3) amended 34987
(b)(4) amended 13040
173.266 (f)(1) corrected 34987
(f)(2) amended 13040
173.271 (a)(7), (8)(iv) and (9) revised 13040
173.277 (d)(1) removed 13040
173.294 Heading, (a) (2) and (3) and (b) revised 13041
173.301 (k)(1) revised 13041
173.302 (a)(5)(iv) revised 13041
173.304 (a)(2) table amended 13041
173.314 (c) table Note 6 amended 13041
173.315 (c) introductory text revised 13041
173.316 (c)(2) table revised 13041
173.318 (b) and (f) (2) and (3) revised 13041
173.320 Revised 13043
173.415 (c) revised 34987
173.420 Added 41633
(a)(2) revised 46675
(a)(1) revised 7582

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

Page
173.421-1 (b)(2) amended 15949
173.421-2 (d) amended 15949
173.965 Added 13043
174 Authority citation revised 8592
174.45 Revised 8592
174.750 (b) amended 34987
175 Authority citation revised 44791
Authority citation revised 8592
175.10 (a)(4) introductory text and (15) revised 44791
175.20 Revised 34987
175.30 (e)(1)(ii) amended; (e)(1)(iii) added 44791
175.45 (d) removed 8592
176 Authority citation revised 8592
176.48 (b) revised 8592
176.76 (g)(2) added 13043
177 Authority citation revised 8592
177.807 Revised 8592
177.814 (b) revised 13043
177.824 (f) introductory text revised; (f)(2) amended 13044
177.834 (k) removed 13044
177.835 Parenthetical phrase following heading revised 13044
177.837 Parenthetical phrase following heading revised 13044
177.838 Parenthetical phrase following heading and (g) revised 13044
177.839 Parenthetical phrase following heading revised 13044
177.840 Parenthetical phrase following heading revised 13044
177.841 Parenthetical phrase following heading revised; (e) amended 13044
177.848 (b) revised 13044
178.16-19 (c)(2) amended 34987
178.38-10 (b) amended 13044
178.42-14 (a) introductory text revised 13044
178.45-17 (e) amended 34987
178.46-4 (a) revised 13044
178.46-5 (d) (1) and (2) footnote 1 revised 13045
178.46-6 (c) revised 13045
178.46-8 (e) revised 13045
178.51-10 (d) revised 13045
178.53-9 (a) amended 13045
178.54 Removed 13045
178.61-10 (b) revised 13045
178.65-14 (d) amended 34987
178.245-1 (a) introductory text revised 13045
178.337-1 (d) amended 13046
178.337-13 (b) amended 13046
178.338-3 (b) amended 34987
179.100-13 (a) revised 13046
179.100-14 (a) (1) and (3) revised 13046
179.102-2 (a)(3) revised 13046
179.103-5 (b) (1) and (4) revised 13046
179.200-7 (b), (c), (d), (e) and (f) table column headings revised 13046
179.200-13 Revised 13047
179.200-17 (a) (1), (6), and (7) and (b) (1) and (3) revised 13047
179.202-8 Revised 13047
179.202-11 Revised 13047
179.202-16 Revised 13048
179.220-1 Revised 13048
179.220-7 (b), (c), (d) and (e) table column headings revised 13048
179.220-18 (a) (1) and (6) and (b) (1) and (3) revised 13048
179.220-19 (c) amended 13048
179.221-1 Table amended 13049
179.222 Added 13049
179.222-1 Added 13049
179.301 (a) table revised 13049
192.611 (e)(2) revised 34988
192.719 (a) revised 41635
192.743 (b) revised 41634
193 Authority citation revised 675
193.2801 Revised; eff. 1-8-88 675
193.2901 Revised; eff. 1-8-88 675

Chapter II—Federal Railroad Administration, Department of Transportation

219.5 (b) removed 10575
219.205 (c) and (d) revised 10576
219.211 (a)(1) revised 10576
219 Appendix B added 10576
225 Authority citation revised 47019
225.5 (b)(2) revised 47019
225.7 (a) revised 47019
225.19 (b) and (c) amended 47019

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 49 Chapter II—Con. Page
225 Appendix A revised..... 47019

Chapter III—Federal Highway Administration, Department of Transportation

310 Removed..... 22474
383 Added..... 20587
391.11 (b)(7) revised..... 20589
391.21 (b)(10) amended; (b)(11) redesignated as (b)(12); new (b)(11) added..... 20589
391.27 (e) added..... 20589
393 Authority citation revised..... 2803
393.42 Revised..... 2803
394.3 (a)(3) revised..... 7278
350—399 (Subchapter B) Appendix D heading revised; Appendix E added..... 20590

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

531 Authority citation revised..... 35620
531.5 (a) revised..... 35620
533.5 (a) Table II revised..... 6575
(d) revised..... 6576
541 Appendix A revised; Appendixes A–I and A–II added..... 42578
544 Added..... 76
571.100 Added..... 7151
571.101 Amended; eff. in part 9–1–89..... 3247
Amended..... 7157, 19874
571.105 Amended..... 19874
571.108 Corrected..... 35222, 35357
Amended..... 40981
Corrected..... 4774
571.121 Amended..... 20605
571.207 Amended..... 7868
571.208 Amended..... 37033
Amended..... 10103
585.4 Revised..... 37033
585.5 (b)(1) revised..... 37033

Chapter VI—Urban Mass Transportation Administration, Department of Transportation

604 Revised..... 11933
635.3 (c) revised..... 36403

Chapter VII—National Railroad Passenger Corporation

Page
701 Authority citation revised..... 15321
701.2 (b) amended..... 15321
701.3 (a) amended; (b) revised..... 15321
701.4 (a)(4) and (d) revised; (c) amended; (e) added..... 15321
701.7 Revised..... 15321

Chapter IX—United States Railway Association

Chapter IX Chapter removed..... 12916
901 Removed..... 12916
903 Removed..... 12916
932 Removed..... 12916

Chapter X—Interstate Commerce Commission

1001.2 Amended..... 44297
1002 Authority citation revised..... 13686
1002.1 (f) revised; interim..... 13686
1002.2 (f) table amended..... 44297
(f) (60) and (74) revised..... 13245
1003 Policy statement..... 11277
1003.2 Heading and text amended..... 44297
1008 Authority citation revised..... 34989
1008.1 Amended..... 44297
1008.2 (b) amended..... 34989
(a) amended..... 44297
1011.2 (a)(8) added..... 35223
1011.6 (h) removed..... 34989
(b)(4) revised..... 36403
(b)(4) and (k)(1) amended..... 44297
1011.8 (c) added..... 35223
1014 Policies and practices self-evaluation..... 18564
1039 Heading and authority citation revised; interim..... 45899
1039.1—1039.6 Removed (regulations transferred to Part 1313); interim..... 45899
1039.13 Revised..... 23660
1039.16 Revised..... 17404
1039.19 Removed (regulations transferred to Part 1313); interim..... 45899
1039.20 Added..... 46675

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

Page
1041.11 Amended..... 44297
1041.20 Amended..... 44297
1041.21 Amended..... 44297
1043 Authority citation revised..... 3815
Policy statement..... 11277
1043.4 Revised..... 20088
1043.5 (a) revised..... 3815
1049.1 Heading and text amended..... 44297
1049.2 Heading and text amended..... 44297
1050 Removed..... 4626
1052 Authority citation revised..... 11991
1052.3 Revised..... 11991
1052.4 Removed..... 11991
1057 Authority citation revised..... 37034
1057.11 (b)(2) revised; (c)(1) amended..... 37406
1057.12 Authority citation removed..... 37034
(e) amended..... 37406
(f) amended..... 37407
(g) revised..... 2412
1057.41 Removed..... 37034
1058 Authority citation revised..... 41636
1058.5 Existing text designated as (a); (b) added..... 41636
1058.6 Removed..... 41636
1063 Authority citation revised..... 42097
1063.4 (c)(2) and (3) revised..... 42098
1080—1085 Undesignated center heading amended..... 44297
1080 Heading revised..... 44297
1080.1 Amended..... 44297
1080.2 (c) amended..... 44297
1083.1 Heading and text amended..... 44297
1084 Policy statement..... 11277
1084.2 (b) amended..... 44297
1090 Revised..... 23660
1090.2 (a) amended..... 44297
1105.6 (c)(4) amended..... 44297
1130.3 Removed..... 34989
1132.1 (a) and (d) amended..... 44297
1135 Authority citation revised..... 37035
1135.1 (f) redesignated as (g); (b) revised; new (f) added..... 37035
1138 Revised..... 13841

NOTE: **Boldface** indicates 1987 page numbers.

Page
1152.25 (e)(1) revised..... 35223
1152.27 (e) revised..... 35223
1152.32 Introductory text, (g) introductory text and (3)(iii), and (k) amended; (g)(3)(ii) and (h) removed; (n)(4) revised; (n)(5) added..... 2706
(p) amended..... 2708
1152.33 (c)(1) (i) and (ii) revised..... 2709
1152.34 Revised..... 2709
1152.35 Removed..... 2710
1152.36 Table amended..... 2710
1152.50 (d)(5) added..... 42098
1160 Authority citation revised..... 18365
1160.1 (b) amended..... 44297
1160.5 (d)(1) amended; (e) added..... 18365
1160.6 Amended..... 44297
Revised..... 18365
1160.8 Amended..... 18366
1160.19 (e) amended..... 44297
(b) revised..... 18366
1160.22 Heading and text amended..... 44297
1160.23 (e) introductory text revised..... 18366
1160.24 Amended..... 44297
1160.64 (c) revised..... 18366
1160.66 (d) revised..... 18366
1160.71 (a)(5) revised..... 18366
1160.73 (b) revised..... 18366
1160.75 (g) and (j) revised; (k) amended..... 18366
1160.76 (a)(1)(iii) introductory text revised..... 18367
1160.78 (b) revised..... 18367
1160.80 Heading revised..... 18367
1160.87 (a) revised..... 18367
1160.101 Revised..... 43927
1160.105 Revised..... 43927
1160.106 (e)(2) revised..... 18367
1162.3 (b) amended..... 4627
1162.5 (b)(1) amended..... 4627
1165.21 (b)(4) revised; (d) added..... 43927
1165.26 Revised..... 43928
1181.20—1181.27 (Subpart C) Heading amended..... 44297
1181.20 (a)(1) and (2) amended..... 44297
1181.21 (g) and (i) amended..... 44297
1181.24 (d) amended..... 44297

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 49 Chapter X—Con. Page

1181.25 (a), (b), and (c) amended....44297
1181.40—1181.41 (Subpart E) Heading amended....44297
1201 (Subpart A) Authority citation revised....4321
1201 Amended....4321
1206 Authority citation revised; definitions, instructions, and account explanations authority citations removed....20400
0-1 removed; existing text designated as 1206.2....20400
1206.1 Added....20400
1206.2 Heading added; text designated from existing Part 1206....20400
1207 Authority citation revised; definitions, instructions, and account explanations authority citations removed....10382
Existing text designated as 1207.2....10382
1207.1 Added....10383
1207.2 Designated from Part 1207 text....10382
1220.0 Amended....44297
1244 Authority citation revised....12416
1244.8 Added....12416
1249 Authority citation revised....10383
1249.1 Revised....10383
1249.2 Revised....10383
1249.3 Removed....10383
Added....20400
1249.4 Revised....20400
1249.5 Added....10383
1249.12 Removed....10383
1312 Authority citation revised....537, 4627, 15949
1312.1 (b)(6) and (15) amended....44297
1312.4 (b)(7)(i), (iii), (iv), and (v) and (e)(1)(ii)(B) amended....44297
(e)(1)(i)(E) added....537
1312.8 (c)(2) amended....44297
1312.11 Heading amended....44297
1312.12 (e)(1) amended....4627
1312.14 (j) amended....44297
(a)(1) amended....4627
1312.15 Heading amended....44297
1312.17 (k)(3) added....37035
(k)(3) correctly added....40171
(e) amended; interim....15726
1312.32 Introductory text amended....44297
1312.37 (a) amended....44297
1312.39 (h) amended....44297
(h) heading revised; (h)(2) amended....537
(h)(6) revised; interim....15726
(h)(4) revised....15949
1312.41 Removed (regulations transferred to Part 1313); interim....45899
Added....3664
1313 Added (regulations transferred from Part 1039 and Section 1312.41); interim....45899
Comment time extended....7278
1313.10 (b)(4)(i) suspended....3664
1313.11 (b)(3)(i) suspended....3664
1320 Heading amended....44297
1320.1 (a) amended....44297
1330.1 Amended....44297
1331.1 (c) amended....44297

Title 49—*Proposed Rules:*

18....21820, 23627
71....43644
....10119
171—179 (Subchap. C)....16482, 20631, 24795
171....6591, 9996, 19116
172....42114
....6591
173....6178, 6591, 19116
175....9996
176....6591
177....6591
178....6591
180....6591
192....4361, 9189, 21087
195....4361, 9189
219....2118, 7185
387....19116
390....36830
391....35538, 36830
....9192
392....36830
393....36830
....5892, 13853
394....36830
395....36830
396....36830
....5913, 13853
397....36830
398....36830

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

Page

399....36830
501—590 (Ch. V)....39877
531....44492
533....40344
544....19898
571....42598, 43801, 44928
....1474, 3293, 5474, 5563, 8317, 8482, 9194, 9316, 10122, 10775, 17306, 17791, 19179, 20124, 22818, 23314
574....45916
701....13066
845....9678
1000—1332 (Ch. X)....11295, 19896, 23704
1002....45348
1039....5320
1041....15357, 20124
1042....8671
1048....15357, 20124
1049....15357, 20124
1059....9201
1071....13729
1072....13729
1084....44318
1135....4790, 13482
1145....13482
1150....20632
1152....7628
1160....43937
....17420
1162....36732
1165....43937
....17420
1201....5791, 17792, 23316
1241....23316
1312....36732
....564, 10913
1320....11295
1330....9513, 17613

TITLE 50—WILDLIFE AND FISHERIES

Chapter I—United States Fish and Wildlife Service, Department of the Interior

17.11 (h) table amended....39478, 41796, 45910
(h) table amended....288, 5302, 10892, 11169, 11172, 11286, 20719, 20999, 21063, 22430, 22584, 22943, 23151
17.12 (h) table amended....45907
(h) table amended....679, 682, 784, 1462, 2234, 4910, 7426, 11175, 15505, 21480, 21484, 22589, 22933, 22935, 22939
(h) table corrected....6651
17.42 (a) revised....21063
(c) added....23151
17.44 (q) added....39478
(r) added....5302
(r) correctly designated....7369
(s) added....11286
17.84 (c) added....41797
17.95 (e) amended....5302, 11286
20.105 Seasonal hunting adjustments corrected....41508
20.106 Seasonal hunting adjustments corrected....41508
20.134 Revised....42100
20.140—20.143 (Subpart M) Added....42107
23.23 (f) table amended....44480
(f) table amended....1335, 6161
26 Authority citation revised....44793
26.37 Removed....44793
33 Authority citation revised....5304
33.2 (e) amended; table revised (OMB number)....5304
33.3 (e) amended....5304
33.4 Amended....5304
33.5 (d) revised....5304
33.8 (a) (4) and (5) added....5304
33.9 (g) revised....5304
33.12 Added....5305
33.13 (f) and (h)(2) revised; (h)(4) and (5) added....5305
33.14 (a) through (h) redesignated as (b) through (i); new (a) added; new (g)(1) revised....5305
33.17 (b) (1) through (3) revised....5305
33.22 (b)(2), (e)(2) and (f) (1) through (5) revised; (b)(6) and (f) (6) through (9) added....5305
33.23 (b) added....5306
33.25 (c) redesignated as (d); new (c) added....5306
33.32 (a)(3) and (b)(2) revised....5306
33.34 (a)(3) revised....5306
33.37 (b)(4) revised....5306
33.39 Added....5306
33.41 (e)(2) revised....5306
33.44 (b)(2) revised....5306
33.46 (a)(6) added....5306

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 50 Chapter I—Con. Page

33.51 (a) (1) and (2) and (b) (1) and (2) revised....5306
33.55 Added....5306
36.2 (h) amended....44793
(h) corrected....45986
36.3 Amended....44793
36.15 (a) (1) and (2) revised; (a)(3) added....44793
36.21 (e) revised....44794
36.39 (b) added....41509
36.41 (a)(1) revised....44794
91 Revised....18700
96 Removed....44794

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

216 Temporary regulation....36560
216.24 (e)(9) revised; interim emergency....40172
(d)(5)(vii) revised....19880
217.1 Amended....24250
217.2 Amended....24250
217.3 Amended....24250
217.4 Introductory text and (a) amended....24250
217.12 Amended....24250
219 Removed....10340
222.41 (Subpart D) Added....24251
227.72 (e)(2) heading and (3) heading removed; new (e)(2) through (7) added....24251
228.12 Amended; eff. to 12-31-91....1199
258 Removed (regulations transferred to 22 CFR Part 33)....7533
261.104 (e)(3)(iii) revised....34990
261.105 Amended....34990
261.161 Table 1 amended....34990
262.161 Table 1 amended....34990
262.171 (a)(2)(v) amended....34990
262.211 Table I amended....34990
262.221 (g)(6)(iii) amended....34990
263.104 Table 1 amended....34990
263.166 Table IV amended....34990
263.261 (b) table amended....34990
263.301 (b) amended....34990
263.312 (a) amended....34990
263.314 (b) Table II amended....34990
264.111 Table 1 amended....34991
264.155 Table 1 amended....34991
264.221 Table 1 amended....34991
264.252 (a) corrected....34991
264.271 (f)(2)(vii) amended....34991
264.321 (a) Table 1, (f)(2)(ii), (vii) and (g)(2)(ii) amended....34991
264.371 (f)(2)(v) and (vii) amended....34991
264.421 (f)(2)(vii) and (g)(2)(ii) amended....34991
265.106 Appendix 3 amended....34991
265.171 (u)(2)(ii) and (v)(2)(ii) amended....34991
265.175 Table 1 and 2 amended....34991
266.121 (a) and (b) Table 1 amended....34991
266.161 (b) table amended....34991
266.171 (a)(2)(v) and (b)(1) amended....34991
285 Temporary regulations....9170, 20719

Chapter III—International Regulatory Agencies (Fishing and Whaling)

301 Revised....16268
301.19 Revised; interim emergency....10760
(d) table corrected....13788
301.21 Added; interim emergency....7583
371 Inseason orders....41509
372 Removed; interim emergency....43929

Chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce

604.1 (b) table amended (OMB numbers)....37185, 46679
(b) table amended (OMB numbers)....21544, 23838
611 Temporary regulations....37407
Inseason adjustments....41797
Specifications....785, 3248
Specifications corrected....3916
611.22 (a), (b)(1), (c) and (d) revised....422
Technical correction....1917
611.81 Revised....5984
611.92 (c)(1) (i) and (ii), (2)(ii)(A) and (g) suspended; (c)(1) introductory text revised; (c)(1) (iii) and (iv), (2)(ii)(D) and (i) added; interim emergency eff. to 3-31-87....426
(c)(1)(i) and (ii), (2)(i)(C) and (ii)(A), and (g) revised....7872
Interim emergency effectiveness extended....10761
611.93 (b)(3)(ii)(A) suspended; (b)(3)(ii)(D) added; interim emergency eff. to 1-20-87....37411
Technical correction....40810
(b)(3)(ii)(A) suspension and (b)(3)(ii)(D) addition interim emergency effectiveness extended....2235
(b)(1)(iii), (c)(2)(ii)(E)(*2*)(*iv*), (F), and (G) and Figure 1 added....8598
621.3 Removed; new 621.3 redesignated from 621.4....10340
621.4 Redesignated as 621.3....10340
640 Technical correction....23450
640.1 Amended....22659
640.2 Amended....22659
640.3 (a) amended; (c) revised....22659
640.6 (g) and (h) amended; (i) revised....22659
640.7 Introductory text, (a) through (r) and (s) redesignated as (a) introductory text, (1) through (18) and (b); new (a) introductory text, (4), (6), (7), (10) and (11) and new (b) revised; new (a) (5), (15) and (18) amended; (a) (19, (20) and (21) added....22659
640.20 (d) amended....22659
640.21 (a) and (c) revised....22659
640.22 (b) revised....22659
640.23 (b)(1) amended....22659
641 Nomenclature change....5118
641.2 Amended....5118
641.24 (b)(4) revised....5118
642 Temporary regulations....2113, 4019, 4627
642.2 Amended; interim emergency eff. to 3-31-87....289
Interim emergency effectiveness extended....10762
Amended....23838
642.3 (c) amended....23841

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

Page

642.4 (c) removed; (d) through (k) redesignated as (c) through (j); (a), (b), new (c), (e), (f), and (g) revised; new (k) added....23838
642.5 (a) introductory text and (1) revised....23839
(a) introductory text, (b) introductory text, and (c) introductory text amended....23841
642.6 (a) introductory text revised....23839
642.7 (a)(20) suspended; (a)(31) and (32) added; interim emergency eff. to 3-31-87....289
(a)(20) interim emergency suspension effectiveness extended; (a) (31), (32), and (33) added; interim emergency eff. to 6-29-87....10762
(a) (5), (6), (17) through (22), and (27) through (30) revised; (a)(31) added....23839
(a) (3), (4), and (12) amended....23841
642.20 Revised....23840
642.21 (d) and (e) suspended; (g) and (h) added; interim emergency eff. to 3-31-87....289
(d) and (e) interim emergency suspension effectiveness extended....10762
(g) and (h) removed; interim emergency eff. to 6-29-87....10763
(a)(3) amended; (a)(1)(iii) and (e) removed; (a)(1) introductory text, (i), and (ii), (2), (c) and (d) revised; (f) redesignated as (e) and revised....23840
642.22 Revised....23840
642.23 (a) and (b) amended....23841
642.24 Revised....23840
642.26 (a)(1) introductory text and (iii) and (2) amended....23841
642.27 (b), (c), (f)(1)(ii), (2), and (3) revised....23840
642.28 (g) through (j) added; interim emergency eff. to 3-31-87....290
(i) and (j) interim emergency addition effectiveness extended....10762
(g) and (h) revised; interim emergency eff. to 6-29-87....10763
Revised....23841

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 50 Chapter VI—Con. Page

642.29 Revised....23841
642 Appendix A amended....23841
646.1 Amended....9866
646.2 Amended....9865, 9866
646.3 (c) amended....9866
646.5 (a), (e), and (f) amended....9866
646.6 (a) (17) and (18) amended; (a) (19), (20), and (21) added....9865
(a) (4), (5), (6), (7), (9), (16), and (18) amended....9866
646.21 (a), (b), and (c) amended....9866
646.22 (b) (4) and (5) amended....9866
646.24 Added....9866
650.1 Amended....1463
650.2 Amended....1463
650.7 (a) revised....1463
650.20 Revised....1463
650.21 Revised....1463
650.22 Revised....1464
650.23 Added....1464
651 Temporary regulations....17296, 22217
651.4 OMB number; interim effectiveness confirmed to 9-30-87....37185
651.21 OMB number; interim effectiveness confirmed to 9-30-87....37185
(a)(2) table corrected....3250
651.22 Interim effectiveness confirmed to 9-30-87....37185
652 Temporary regulations....40173, 44297
Temporary regulations....4019, 4020, 10763, 16274
1987 final quotas....5461
Inseason adjustment....19352
653 Revised....46679
653.2 Corrected....1917
653.5 (b)(1) introductory text corrected....1917
653.23 (a) and (b) corrected....1917
655 Specifications....39377, 39755
Specifications....537
Purchase ratios....42237
658.1 (c) amended; (d) added....19148
658.2 Amended....19148, 19149
658.5 (c) added; eff. from OMB approval to 8-14-87....19148
Eff. 5-20-87 to 8-14-87....21544
658.6 (a) and (b) amended....19148
658.7 Introductory text and (a) through (l) redesignated as (a) introductory text and (1) through (12); new (a) introductory text revised; (m) removed; new (b) added; new (a) (1), (3), (4), (6), and (8) amended....19148
658.9 Amended....19149
658.21 (b) amended....19148
658.22 Amended....19148
658.23 Introductory text designated as (a); (a) and (b)(1)(i) introductory text, (A), and (B), (ii), and (iii) amended....19148
658.24 (a) and (b) amended....19148
658.25 (a) amended and suspended; (c) added; eff. to 8-14-87....19148
658.26 Amended....19148
661 Fishery management measures....17264
Temporary regulations....18702, 19149, 24297
Fishery management measures correction and clarification....19353
Inseason adjustments....24296
661.20 (a) introductory text revised....4148
661.21 (b) revised....4148
661 Appendix amended....4148-4149
663 Restrictions....37912
Temporary regulations....37913, 43357
Specifications....682
Restrictions....790, 11473, 15726
663.21 (a)(2) removed; (a)(3) redesignated as (a)(2)....4911
663.23 (a) and (b) amended....4911
663.25 Added....4911
663.26 (c) revised; (g) redesignated as (h); new (g) added....4911
663.27 (b)(3) suspension and (b)(4) addition interim emergency effectiveness extended....41969
(b)(3) amended....4911
671 Suspended; interim emergency eff. to 1-29-87....40029
Suspension interim emergency effectiveness extended to 4-29-87....1632
Removed....17579
672 Temporary regulations....36404

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

Page

Inseason adjustments....41797
Specifications....785
Specifications corrected....3916
Temporary regulations....9495, 11991, 12183, 12916, 17404, 20720, 22227, 23552
672.2 Amended; interim emergency eff. to 3-31-87....427
Amended....7872
Amended; interim emergency eff. to 6-16-87....9172
Interim emergency effectiveness extended....10761
672.5 (a)(3) suspended; (a)(4) added; interim emergency eff. to 3-31-87....427
(a) heading, (3) introductory text, (i), and (iv) revised....7873
(a)(5) added; interim emergency eff. to 6-16-87....9172
Interim emergency effectiveness extended....10761
672.7 (i) added; interim emergency eff. to 3-31-87....427
(h) redesignated as (i); new (h) added....7873
Interim emergency effectiveness extended....10761
672.20 Heading revised; (a), (b), (c), (d)(4) and (e) suspended; (d)(5), (f) through (j) added; interim emergency eff. to 3-31-87....427
(b) revised....2414
Technical correction....3916
(c), (d), and (e) redesignated as (d), (e), and (f); heading, (a), (b), new (e)(4), and (f)(1) revised; new (d)(4) redesignated as (d)(5) and revised; new (c) and (d)(4) added; new (d) and (f) republished....7873
Interim emergency effectiveness extended....10761
672.22 Heading, (a), and (b) revised....7875
672.24 (c) added; interim emergency eff. to 3-31-87....430
(b) (1) and (2) revised; (b)(3) added....2414
Technical correction....3916
(b) revised; (c) added; eff. in part to 12-31-89....7876
(c) addition interim emergency effectiveness extended....10761
(b)(2) corrected; (b)(3) heading correctly added....12183
674.21 (a)(2) revised....23452
675 Inseason adjustments....41797
Specifications....785
Specifications corrected....3916
Temporary regulations....15949
Inseason adjustments....18367, 21958, 24297
Inseason adjustment corrected....19962
675.2 Amended; interim emergency eff. to 1-20-87....37412
Technical correction....40810
Amended; interim emergency eff. to 3-31-87....430
Amendment interim emergency effectiveness extended....2235
Amended; eff. in part to 12-31-88....8600
Amendment interim emergency effectiveness extended....10761
Amended....11993
675.5 (a)(3) suspended; (a)(4) added; interim emergency eff. to 3-31-87....430
(a)(3) introductory text, (i) and (iv) revised....8600
Interim emergency effectiveness extended....10761
675.7 Introductory text revised; (g) redesignated as (j); new (g), (h), and (i) added; eff. in part to 12-31-88....8600
675.20 (a)(7) revised; (a)(8) through (10) added; interim emergency eff. to 1-20-87....37412
Technical correction....40810
(a)(7) revision and (a)(8) through (11) addition interim emergency effectiveness extended....2235
(b)(1)(ii) redesignated as (b)(1)(iii); new (b)(1)(ii), (e), (f), and (g) added; (c)(1) revised....8600
(a)(7) revised; (a) (8) through (10) added....11993
(e)(3) introductory text corrected....13375
675.21 Added; eff. to 12-31-88....8601
675.22 Added; eff. to 12-31-88....8604
681.1 (b) amended....9497

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JUNE 30, 1987

TITLE 50 Chapter VI—Con. Page

681.2 Amended 9497
681.5 (d)(1) amended 9497
681.7 (b)(1) suspended; (b)(7) added; interim emergency eff. to 12-26-86 34993
(b)(1) suspended; (b)(7) added; interim emergency eff. to 3-26-87 46863
(b)(1) revised; (a)(12) amended 9497
681.20 Amended 9497
681.23 (a) and (b) suspended; (c) and (d) added; interim emergency eff. to 12-26-86 34993
(a) and (b) suspended; (c) and (d) added; interim emergency eff. to 3-26-87 46863
Revised 9497
685 Added 5987
685.6 (d) (1), (2), (3) and (4) corrected 12641

Title 50—*Proposed Rules:*

16 3748
17 ..... 39758, 40044-40051, 42116, 44808, 45923, 47033 ..... 306, 1494, 1497, 2239, 2242, 5068, 5150, 5155, 7462, 13254, 13729, 13790, 13792, 13794, 13797, 21088, 22944, 23152, 23317, 24312
20 ..... 1636, 1942, 2648, 7900, 20757
23 ..... 37923 ..... 309, 19455, 20433
25 ..... 17613, 21976
26 ..... 5159, 5889
32 13484
33 ..... 39759 13484
97 44812
98 44812
99 44812
100 44812
101 44812
102 44812
103 44812
104 44812
105 44812
106 44812
107 44812
204—296 (Ch. II) 19365
215 17307
216 ..... 36568, 39405, 41814, 43055, 47156 ..... 2566, 4365, 7912
217 ..... 6179, 8087, 9318, 9902, 17615
222 ..... 42271, 43397 ..... 6179, 8087, 9318, 9902, 12040, 17615
227 ..... 6179, 8087, 9318, 9902, 12040, 17615
228 39762
285 15517
604 16419
611 ..... 36569, 37924, 41989, 43397, 44812, 45141, 45349 ..... 198, 3079
640 ..... 5564, 8485, 10780, 13257
641 36574
642 ..... 35670 ..... 4924, 6357, 7463, 11713, 15519, 17422, 21977
644 40233
646 ..... 43937 9513
650 ..... 36576, 40468 21712
651 ..... 10781, 20124, 23570
652 ..... 43055 ..... 4790, 12575, 16419
653 ..... 36035 ..... 9902, 20125, 22822
655 43056
658 7283
661 ..... 37613, 42273, 44007 ..... 6026, 10125, 19744
663 ..... 39766, 43057, 43219 18723
671 ..... 6199, 8319
672 ..... 42603, 43397, 44812 ..... 198, 22829
675 ..... 43397, 43401, 45349 ..... 198, 22829
680 ..... 17422, 18411
681 ..... 43940 ..... 442, 17422, 18411, 24197
683 24197
684 ..... 46886 ..... 17422, 18411
685 ..... 37924, 41989, 45141 ..... 3079, 17422, 18411

NOTE: **Boldface** indicates 1987 page numbers.

Additions to Table I, January through June 1987

This table lists the sections of the U.S. Code, U.S. Statutes at Large, Public Laws, and Presidential documents which are being added to Table I as a result of authority citations carried in the **Federal Register** from January through June 1987. Recent legislation is carried by public law number.

Table I is in the CFR Index and Finding Aids revised as of January 1, 1987.

In order to determine the **Federal Register** page number of a parallel CFR citation, consult this List of CFR Sections Affected (LSA) and the appropriate Annual Issue of the LSA for that CFR title.

U.S. Code:	CFR
2 U.S.C.:	
432	11 Part 110
441i	14 Part 1207
3 U.S.C.:	
301	32 Part 40
5 U.S.C.:	
4a	17 Part 145
522	49 Part 1244
551—557	18 Parts 154, 375, 382
551—552	29 Part 101
552	5 Part 1631
	7 Parts 3600, 3601, 3900, 3901
	8 Part 103
	18 Part 1301
	21 Part 5
	27 Part 70
	45 Part 2005
	49 Parts 701, 1002
552a	5 Parts 841, 1630
	14 Part 1206
	45 Part 30
553	18 Part 375
	21 Part 336
	49 Parts 1052, 1138, 1244
1104	5 Parts 410, 842
3304	5 Part 315
3328	5 Part 300
3503	5 Part 351
5511 et seq	29 Part 20
5514	15 Part 22
	31 Part 5
	45 Part 30
6305	5 Part 630
6326	5 Part 630
8351	5 Parts 1600, 1605
8416—8419	5 Part 842
8424	5 Part 843
8432	5 Part 1600
8439	5 Part 1640
8441—8442	5 Part 843
8461	5 Parts 843, 845, 846
8469	5 Part 841
8474	5 Parts 1600, 1605, 1640
8522	5 Part 841
5 U.S.C.—Con.	CFR
8913	48 Parts 1601-1606, 1614-1616, 1622, 1624, 1631-1633, 1644, 1646, 1649, 1652, 1653
9101	5 Part 911
7 U.S.C.:	
75a	7 Part 810
150aa—150jj	7 Part 340
150ff	7 Part 318
151—167	7 Parts 318, 340
901—950b	7 Parts 1786, 1787
1501—1520	7 Part 400
1506	7 Parts 452, 454
1516	7 Parts 452, 454
1622n	7 Part 340
2243	8 Part 103
3316	7 Part 3402
4601—4612	7 Part 1200
4901—4916	7 Part 1200
8 U.S.C.:	
1101	8 Parts 1, 103, 274a
	29 Part 501
1101 note	8 Parts 210, 245
1103	8 Part 274a
1104	22 Part 43
1153 note	22 Part 43
1160	7 Part 1d
1182	8 Part 287
1184	8 Part 248
	29 Part 501
1186	20 Parts 654, 655
	29 Part 501
1201	8 Part 103
1201a	8 Part 264
1251	8 Parts 241, 287
1252	8 Part 241
1301—1305	8 Part 103
1324A	8 Part 274a
1351	8 Part 103
1357	8 Part 241
1427	28 Part 0
1443	8 Part 103
1454—1455	8 Part 103
10 U.S.C.:	
2397	32 Part 40a

	CFR
11 U.S.C.:	
901	17 Part 200
1109	17 Part 200
12 U.S.C.:	
1425	12 Part 523
1425a	12 Part 571
1425b	12 Parts 523, 552, 555
1437	12 Part 510a
1691	12 Part 523
1701q	24 Part 278
1701r-1	24 Parts 243, 842, 942
1701s	24 Part 278
1710	24 Part 203
1715	24 Part 203
1715b	24 Parts 250, 278
1715u	24 Part 203
1715z-9	24 Part 250
1725	12 Part 510a
1728—1730a	12 Part 523
1757	12 Part 741
1781—1790	12 Part 741
1785—1786	12 Part 708
1786	12 Part 748
1818	12 Part 208
1819	12 Part 326
2001	12 Part 624
2014	12 Part 624
2073	12 Part 624
2093	12 Part 624
2122	12 Part 624
3401—3422	39 Part 233
3535	24 Part 278
15 U.S.C.:	
77f	17 Part 200
77ggg	17 Part 200
77sss	17 Part 200
78a et seq	17 Part 200
78d-1—78d-2	17 Part 200
78m—78o	17 Part 200
78o-5	17 Parts 240, 400-405, 449, 450
78s	17 Part 200
79v	17 Part 200
80a-44	17 Part 200
80b-10	17 Part 200
714b	7 Part 1493
717—717z	18 Part 3
717—717w	18 Parts 381, 382
2032	49 Part 544
2603	40 Part 766
2607	40 Part 766
2611	40 Part 795
2614	40 Part 761
2616	40 Part 761
2641	40 Part 763
2643	40 Part 763
2646—2647	40 Part 763
3301—3432	18 Parts 3, 382
4201 et seq	15 Part 904

	CFR
16 U.S.C.:	
469 et seq	30 Part 773
470 et seq	30 Parts 731, 732, 772, 773, 779, 780, 783, 784
470aa et seq	30 Part 773
485	43 Part 2090
661 et seq	30 Part 773
668a	30 Part 773
703 et seq	30 Part 773
791—828c	18 Part 381
791a—828c	18 Parts 3, 382
791a—825r	18 Part 16
818	43 Part 2090
972—972h	15 Part 904
1151—1175	15 Part 904
1435—1439	15 Part 904
1456	49 Part 1160
1531 et seq	30 Part 773
1801 et seq	50 Part 685
1851 note	15 Part 904
2431—2444	15 Part 904
2601—2645	18 Parts 3, 382
3101 et seq	43 Part 2090
3371—3378	25 Part 244
3631—3644	15 Part 904
3801	7 Part 704
3831—3844	7 Part 704
17 U.S.C.:	
101	19 Part 133
601—603	19 Part 133
18 U.S.C.:	
201—219	14 Part 1207
207	10 Part 0
	45 Part 500
1114	28 Part 64
2254	28 Part 0
3013	28 Part 545
4001	28 Part 0
4041—4042	28 Part 0
4044	28 Part 0
4082	28 Part 0
19 U.S.C.:	
1311	19 Part 151
1460	19 Part 151
1557	19 Part 151
1562	19 Part 151
1584	19 Part 151
1592	19 Part 151
9701	19 Part 133
20 U.S.C.:	
238	34 Part 221
647	34 Part 221
1087a—1087e	34 Part 673
1109—1109d	34 Part 761
1111—1111h	34 Part 653
1134s—1134t	34 Part 639
1234	34 Part 221
1234b	34 Part 221

	CFR
20 U.S.C.—Con.	
3474	34 Part 221
21 U.S.C.:	
321	21 Part 336
331	21 Part 201
351	21 Parts 862, 864, 866, 868, 870, 876, 880, 890
352	21 Part 336
353	21 Part 312
355	21 Parts 201, 336
360	21 Parts 862, 864, 866, 868, 870, 876, 880, 882, 884, 890
360c	21 Part 862
360e	21 Parts 862, 864, 866, 868, 870, 876, 880, 890
360j	21 Parts 862, 864, 868, 870, 876, 880, 890
371	21 Parts 336, 862, 864, 870
606 note	9 Part 335
957	21 Part 1312
22 U.S.C.:	
1431—1442	22 Part 514
1977	22 Part 33
2381	22 Part 212
2451—2460	22 Part 514
2658	22 Part 2a
3811	35 Part 119
4301—4314	22 Part 2a
25 U.S.C.:	
334	43 Part 2090
336	43 Part 2090
396 et seq	30 Parts 206, 218
396a et seq	30 Parts 206, 218
450	34 Part 221
450e	34 Part 221
640d	25 Part 700
1452	34 Part 221
2101 et seq	30 Part 206
2102	43 Part 3160
26 U.S.C.:	
42	26 Part 1
56	26 Part 1
145	26 Part 5h
149	26 Part 1
263A	26 Part 1
422	26 Part 1
441	26 Part 1
807	26 Part 1
1378	26 Part 1
1402	26 Part 1
5025	27 Part 194
5684	27 Part 70
5761	27 Part 70
6020	27 Part 70
6155	27 Part 70
6201	27 Part 70
6203—6204	27 Part 70
6223	26 Part 301

	CFR
26 U.S.C.—Con.	
6227	26 Part 301
6233	26 Part 301
6241	26 Part 301
6245	26 Parts 51, 301
6311	27 Part 70
6313—6314	27 Part 70
6401—6402	27 Part 70
6404	27 Part 70
6407	27 Part 70
6423	27 Part 70
6501	27 Part 70
6511	27 Part 70
6513—6514	27 Part 70
6532	27 Part 70
6601—6602	27 Part 70
6611	27 Part 70
6621—6622	27 Part 70
6651	27 Part 70
6653	27 Part 70
6656—6658	27 Part 70
6662	27 Part 70
6671—6672	27 Part 70
6676	27 Part 70
6701	27 Part 70
6801	27 Part 70
6862—6863	27 Part 70
7011	27 Part 70
7102	27 Part 250
7326	27 Part 72
7553	19 Part 127
9039	11 Parts 9031-9038
28 U.S.C.:	
509—510	8 Part 3
	28 Parts 14, 600-602
509	28 Part 64
515	28 Parts 600-602
1746	8 Parts 3, 103
2672	14 Part 15
2675	14 Part 15
29 U.S.C.:	
794	10 Part 1041
	29 Part 33
	36 Part 1154
	47 Part 1
1301	29 Part 2619
30 U.S.C.:	
351 et seq	30 Parts 206, 218
957	30 Parts 5, 18
1201 et seq	30 Part 762
1701 et seq	30 Parts 206, 218
	43 Part 3160
31 U.S.C.:	
321	31 Part 210
1108	28 Part 0
3121	17 Part 450
3701—3731	45 Part 30
3701—3719	22 Part 309
3701	31 Part 5

31 U.S.C.—Con.	CFR
3716	31 Part 5
3720A	7 Parts 1403, 1951 31 Part 5
3801—3812	39 Parts 273, 962
5311 et seq	12 Parts 21, 208, 326
5311	12 Part 748
6304	34 Part 761
8701	18 Part 154
9110	17 Part 450
9301	27 Parts 72, 250, 252
9303—9304	27 Parts 72, 250, 252
9304	27 Parts 22, 170
9306	27 Parts 22, 72, 170, 250, 252
9701	7 Parts 330, 340 8 Part 103 42 Parts 7, 110, 417
33 U.S.C.:	
494	49 Part 310
526—526a	49 Part 310
535	49 Part 310
1321	40 Part 110
1361	40 Part 110
1517	40 Part 110
1903	46 Parts 98, 151, 153
35 U.S.C.:	
156	37 Part 1
351—376	37 Part 1
37 U.S.C.:	
101	34 Part 221
38 U.S.C.:	
2012	41 Part 61-250
39 U.S.C.:	
204	39 Part 963
401	39 Parts 273, 962, 963
403	39 Part 111
3008	39 Part 963
3220	12 Part 510a 20 Part 364 38 Part 1 47 Part 0
40 U.S.C.:	
304	27 Part 72
318	46 Part 386
751	41 Parts 201-30, 201-32, 201-34
486	48 Parts 1601-1606, 1614-1616, 1622, 1624, 1631-1633, 1644, 1646, 1649, 1652, 1653
42 U.S.C.:	
216	42 Part 7
263	42 Part 7
290dd-3	42 Part 2
290ee-3	42 Part 2
297i	42 Part 57
300g-6	40 Part 141
300h-6	40 Part 149

42 U.S.C.—Con.	CFR
300w note	45 Part 96
405	42 Part 498
1302	42 Part 498
1304 note	45 Part 96
1305	45 Part 96
1320b-7	42 Part 433
1382j	20 Part 416
1395f	42 Part 409
1395cc	42 Part 409
1395ff	42 Part 498
1395hh—1395ii	42 Part 498
1395tt	42 Part 409
1395zz	42 Part 405
1437f	24 Part 278
1760	7 Parts 225, 226
1857f-10	14 Part 21
2011 et seq	10 Part 962
2073	10 Part 39
2077	10 Part 39
2092—2093	10 Part 39
2095	10 Part 39
2099	10 Part 39
2111—2112	10 Part 39
2131—2132	10 Part 50
2135	10 Part 50
2138	10 Part 50
2201	10 Part 39
2232—2233	10 Part 39
2232	10 Part 55
2235	10 Part 50
2236	10 Part 39
2237	10 Part 50
2239	10 Part 72
2273	10 Parts 39, 72
2282	10 Parts 39, 55
2473	48 Part 1870
3535	24 Part 203
4332	10 Part 50
4821—4846	24 Part 200
5042	45 Part 1204
5801 et seq	10 Part 962
5841—5842	10 Part 39
5841	10 Part 74
5844	10 Part 50
5846	10 Part 39
6101 et seq	13 Part 311
6508	43 Part 3160
6901 et seq	40 Part 147
7101—7352	18 Parts 16, 382
7101 et seq	10 Part 962
8621 note	45 Part 96
9118—9119	46 Part 174
9153	46 Part 174
9505	40 Part 300
9601 et seq	44 Part 222
9901 note	45 Part 96
10226	10 Part 55
11002—11004	40 Part 355

42 U.S.C.—Con.	CFR
11025	40 Part 355
11028—11029	40 Part 355
43 U.S.C.:	
231	43 Part 2090
315f	43 Part 2090
321—323	43 Part 2090
327—329	43 Part 2090
641 et seq	43 Part 2090
852 note	43 Part 2090
869 et seq	43 Part 2090
1301 et seq	30 Parts 206, 218
1333	46 Part 172
1592	7 Part 702
1601 et seq	43 Part 2090
1701 et seq	43 Part 2090
1801 et seq	30 Part 206
1811—1824	33 Part 135
44 U.S.C.:	
3501 et seq	9 Part 303
45 U.S.C.:	
362	20 Part 359
797	20 Parts 200, 359
907	20 Part 359
1004	20 Part 359
46 U.S.C.:	
553	46 Part 581
3306	46 Parts 32, 77, 92, 96, 98, 190, 195
3507	46 Part 30
3703	46 Parts 30, 32, 98, 151, 174
5115	46 Part 172
10104	46 Part 109
46 U.S.C. App.:	
808	46 Part 221
835	46 Part 221
839	46 Part 221
841a	46 Part 221
1702	46 Part 581
1706—1707	46 Part 581
1709	46 Part 581
1712	46 Part 581
1714—1716	46 Part 581
1718	46 Part 581
47 U.S.C.:	
151	47 Part 36
154	47 Part 36
205	47 Part 36
221	47 Part 36
403	47 Part 36
410	47 Part 36
49 U.S.C.:	
1—27	18 Parts 3, 381, 382
106	14 Parts 15, 36, 43, 127
1302	14 Part 272
1324	14 Part 272
1344	14 Parts 21, 36
1354	14 Part 15
1355	14 Part 36

49 U.S.C.—Con.	CFR
1422	14 Part 127
1425	14 Part 36
1426	14 Part 21
1428—1430	14 Part 36
1502	14 Parts 211, 272
1651	14 Part 36
1804	46 Parts 30, 98, 150, 153
1806-1807	49 Part 175
2121—2125	14 Part 36
2402	14 Part 159
2404	14 Part 159
2424	14 Part 159
2428	14 Part 159
3102	49 Part 383
10101	49 Part 1052
10303	49 Part 1244
10311	49 Part 1249
10321	49 Parts 1052, 1244
10702	49 Part 1312
10705a	49 Part 1138
10761	49 Part 1312
10762	49 Part 1052
10922	49 Part 1052
11101	49 Part 1052
11142	49 Part 1206
11144	49 Part 1249
11145	49 Part 1244
49 U.S.C. App.:	
2505	49 Part 383
2509	49 Part 393
50 U.S.C.:	
198	46 Part 190
1701 et seq	15 Parts 372, 387, 389
50 U.S.C. App.:	
2401 et seq	15 Part 387
U.S. Statutes at Large:	
96 Stat:	
2201	10 Part 962
98 Stat.:	
183	29 Part 2204
1257	45 Part 2201
100 Stat.:	
20	5 Part 890
1810	29 Part 33
1874	31 Part 18
3207	45 Part 2005
Public Laws:	
97-425	10 Part 962
98-375	45 Part 2201
98-473	14 Part 36
99-64	15 Part 389
99-80	29 Part 2204
99-93	22 Part 2a
99-145	5 Part 300
99-150	29 Part 553
99-169	5 Part 911

Public Laws—Con.	CFR
99–198	7 Parts 250, 400, 1200, 1493
99–239	14 Parts 211, 272
99–272	20 Part 359 29 Parts 2619, 2622 31 Part 51 34 Part 690
99–335	5 Parts 841, 846
99–339	40 Part 144
99–399	10 Part 73
99–401	42 Part 2
99–412	10 Part 456
99–440	15 Parts 371–373, 379, 385–387, 389, 399
99–495	18 Parts 4, 16, 292, 375
99–498	34 Part 690
99–499	40 Part 355 44 Part 222
99–500	5 Part 630 7 Parts 225, 226, 240, 246, 701
99–506	29 Part 33
99–509	7 Part 1786 18 Parts 154, 375, 382 31 Part 18
99–549	45 Part 2001
99–570	5 Parts 294, 1631 14 Part 1206 17 Part 145 29 Parts 1610, 2603 32 Part 286 44 Part 5 45 Parts 503, 2005 49 Parts 383, 393, 701
99–571	17 Parts 400–405, 449, 450
99–586	5 Part 315
99–590	25 Part 700
99–591	5 Part 630 7 Parts 225, 226, 246, 701, 1787 14 Part 159
99–603	8 Parts 210, 245, 248
99–616	37 Part 1
99–641	9 Parts 303, 335
99–658	14 Parts 211, 272
99–661	32 Part 286
99–662	19 Part 24
100–34	30 Parts 700, 870
Executive Orders:	
10450	32 Part 154
10865	32 Part 154
11490	34 Part 221
11735	40 Part 110
12009	18 Parts 16, 382
12234	46 Part 174
12333	32 Part 154
12356	8 Part 103 32 Part 154
12478	22 Part 2a
12525	15 Part 389
12532	15 Parts 372, 387, 389
12571	15 Parts 371–373, 379, 385–387, 389, 399
12580	44 Part 222
12585	5 Parts 315, 316
12589	5 Part 630
Reorganization Plans:	
1947 Plan No. 3	12 Part 510a
1978 Plan No. 3	44 Part 222

Removals from Table I, January through June 1987

This table lists the sections of the U.S. Code, U.S. Statutes at Large, Public Laws, and Presidential documents which are being removed from Table I as a result of documents published in the **Federal Register** from January through June 1987.

Table I is in the CFR Index and Finding Aids revised as of January 1, 1987.

In order to determine the **Federal Register** page number of a parallel CFR citation, consult this List of CFR Sections Affected (LSA) and the appropriate Annual Issue of the LSA for that CFR title.

U.S. Code:	CFR
2 U.S.C.:	
431 note	11 Part 104
5 U.S.C.:	
552	20 Part 200
552a	20 Part 200 49 Part 932
552b	20 Part 200 49 Part 903
553	46 Part 568
554	21 Part 312
559	49 Parts 1138, 1160
1103	5 Part 410
3112	5 Part 315
4118	5 Part 410
5101	45 Part 1204
7701 et seq	5 Part 315
7 U.S.C.:	
71 et seq	7 Part 810
78	7 Part 810
87	7 Part 810
87e	7 Part 810
150bb	7 Part 318
150ee	7 Part 300
161	7 Part 300
414	7 Part 57
601—674	7 Parts 912, 1102
1153	7 Part 4
1375	7 Part 4
1421	7 Part 1438
1447	7 Part 1438
1621—1627	7 Part 57 15 Part 904
1812	7 Part 4
1838	7 Part 4
1989	7 Part 1804
2243	45 Part 503
2669	7 Part 1480
2901—2918	7 Part 1200
8 U.S.C.:	
1101	8 Part 242
1103	8 Parts 1, 109
1184	8 Part 242
1255	8 Parts 109, 242
1357	8 Part 242
12 U.S.C.:	
601 et seq	12 Part 204
1430	12 Part 555
1701n–1	24 Parts 243, 842, 942
1710	24 Part 203
1715	24 Part 203
2201	12 Part 624
14 U.S.C.:	
632	46 Parts 98, 151, 153
15 U.S.C.:	
714b—714c	7 Parts 1438, 1476
16 U.S.C.:	
17j–2	36 Part 4
590d	7 Part 4
718d	50 Part 33
742	50 Part 219
772—772j	50 Part 219
776—776f	15 Part 904 50 Part 219
781—785	50 Part 219
791—828c	18 Part 375
851—856	50 Part 219
916—916*l*	50 Part 219
951—961	50 Part 219
971—971g	50 Part 219
1021 et seq	15 Part 904
1021—1032	50 Part 219
1151—1187	50 Part 219
1158 et seq	15 Part 904
1361—1407	50 Part 219
1431—1434	50 Part 219
1531—1543	50 Part 219
1704	36 Part 214
1801—1882	50 Part 219
1801 et seq	50 Part 671
2601 et seq	18 Part 375
17 U.S.C.:	
109	19 Part 133
18 U.S.C.:	
42—44	50 Part 219
3054	50 Part 219
3112	50 Part 219
19 U.S.C.:	
1201	19 Part 151
1461	19 Part 113
1467	19 Part 113
1623—1624	19 Part 113
20 U.S.C.:	
1011—1015	34 Part 605

20 U.S.C.—Con.	CFR
1016	34 Part 606
1018—1019	34 Parts 605, 606
1119d et seq	34 Part 653
1119d—1119d–8	34 Part 653
1134n—1134p	34 Part 639
1143	34 Part 605
1221–1	34 Part 726
1221e–3	34 Parts 605, 606, 639, 726
3474	34 Parts 605, 639
3971	34 Part 755
21 U.S.C.:	
701	21 Parts 864, 870
1175	42 Part 2
22 U.S.C.:	
1258	22 Part 514
1474	22 Part 514
1977	50 Part 258
1980	50 Part 258
2381	22 Part 224
2402	22 Part 212
2658	22 Part 514
25 U.S.C.:	
1—2	25 Part 120
9	25 Part 700
179	25 Part 700
396b—396q	30 Part 206
397	25 Part 700 30 Part 206
345	25 Part 700
398a—398e	30 Part 206
399	30 Part 206
402	25 Part 700
572	25 Part 118
640d–10	25 Part 700
26 U.S.C.:	
5008	27 Part 251
27 U.S.C.:	
205	27 Part 270
29 U.S.C.:	
152—155	29 Part 101
157—168	29 Part 101
201—219	29 Part 800
401 note	29 Part 101
577a	30 Parts 15, 18–29, 31–33, 35, 36, 74, 75
620	29 Part 860
794	10 Part 1040
801	36 Part 215
30 U.S.C.:	
3	30 Parts 15, 18–29, 31–33, 35, 36
5	30 Parts 15, 18–29, 31–33, 35, 36
7	30 Parts 15, 18–29, 31–33, 35, 36
301—306	30 Part 206
352—359	30 Part 206

30 U.S.C.—Con.	CFR
471	30 Parts 18, 25–27, 33, 35
479	30 Parts 18, 25–27, 33, 35
482	30 Parts 18–27, 31–33, 35
801	30 Parts 18, 28, 29
812	30 Part 75
951	30 Parts 15, 18–19, 31–33, 35, 36, 74, 75
1201 et seq	30 Part 761
1251	30 Parts 731, 732
1253—1254	30 Part 732
1253	30 Part 731
1256—1269	30 Part 732
1271—1272	30 Part 732
31 U.S.C.:	
200	28 Part 0
321	31 Part 16
483	14 Part 65
483a	7 Part 330
951—953	31 Part 5 45 Part 30
3717	20 Part 200
3801—3812	22 Part 224
6701—6724	31 Part 51
9701	18 Part 154
33 U.S.C.:	
1251 et seq	40 Part 110
39 U.S.C.:	
401	39 Part 916
3008	39 Part 916
40 U.S.C.:	
471 et seq	30 Part 206
472	15 Part 302
512	15 Part 302
514	15 Part 302
42 U.S.C.:	
216	42 Parts 122, 123
300–1	42 Part 122
300f et seq	42 Parts 122, 123
300f	40 Part 149
300k–1—300n–1	42 Parts 122, 123
300k–1	42 Part 121
300*l*–4—300*l*–5	42 Part 122
1480	7 Part 1804
1973c	45 Part 801
2000d–1	13 Part 311
2273	10 Part 110
2282	10 Part 50
2403	10 Part 110
5101 note	45 Part 1340
7101 et seq	18 Part 271
7101	18 Part 154
9205	40 Part 300
43 U.S.C.:	
283	43 Part 2090
617e	43 Part 2090

43 U.S.C.—Con.	CFR
1347—1348	46 Part 107
1356	46 Part 107
1451 et seq	25 Part 249
1457	30 Part 206
44 U.S.C.:	
3501 et seq	30 Parts 18, 23, 32, 33, 36, 75
3504	27 Part 194
45 U.S.C.:	
712	49 Part 903
46 U.S.C.:	
86	46 Part 92
88a	46 Part 92, 190
170	46 Parts 30, 32, 92, 98, 151, 153, 195
363	46 Parts 77, 92, 96, 190, 195
367	46 Parts 32, 77, 92, 96, 98, 190, 195
369	46 Parts 32, 92, 98, 151, 153
375	46 Parts 32, 77, 92, 96, 98, 151, 153, 190, 195
379a	46 Part 151
390b	46 Parts 32, 77, 92
391—392	46 Parts 77, 92, 96, 98, 195
391	46 Part 190
391a	46 Parts 30, 32, 153
392	46 Parts 32, 190
395	46 Parts, 77, 92, 96, 190, 195
404	46 Parts 77, 92, 96, 98
405	46 Parts 32, 92
407	46 Part 195
411	46 Part 195
416	46 Parts 32, 77, 92, 96, 98, 151, 153, 190, 195
435	46 Parts 30, 98
445	46 Parts 32, 92, 190, 195
481	46 Parts 32, 77, 92, 96, 98, 190, 195
489	46 Parts 32, 77, 96, 190, 195
526p	46 Parts 32, 77, 92
808	46 Part 221
835	46 Part 221
838—839	46 Part 221
841a	46 Part 221
876	46 Part 221
941a	46 Part 221
961	46 Part 221
1114	46 Part 221
1195	46 Part 221
1271—1279	15 Part 904
1333	46 Part 77
2101	46 Part 174
2104	46 Parts 109, 174
2106	46 Part 109

46 U.S.C.—Con.	CFR
3301	46 Parts 109, 174
3316	46 Parts 107, 174
3318	46 Part 109
3703	46 Part 172
11301	46 Part 109
46 U.S.C. App.:	
86	46 Part 172
88a	46 Part 172
812	46 Part 568
814—817	46 Part 568
820	46 Part 568
833a	46 Part 568
841a	46 Part 568
47 U.S.C.:	
151—155	47 Part 97
151	47 Part 67
154	47 Part 67
221	47 Part 67
410	47 Part 67
49 U.S.C.:	
5b	49 Parts 1206, 1207
12	49 Parts 1206, 1207, 1249
20	49 Parts 1206, 1207, 1249
106	14 Part 159
108	46 Parts 96, 195
204	49 Part 1207
304	49 Parts 1050, 1052, 1206, 1207
307	49 Part 1050
311	49 Part 1052
315—316	49 Part 1052
319—320	49 Part 1052
320	49 Parts 1206, 1207
322	49 Parts 1206, 1207
904	49 Parts 1206, 1207
913	49 Parts 1206, 1207
917	49 Parts 1206, 1207
1003	49 Parts 1206, 1207
1012	49 Parts 1206, 1207
1159	14 Part 65
1347—1348	14 Part 43
1355	14 Part 127
1357	14 Part 43
1372	14 Part 43
1423—1426	14 Part 65
1426—1429	14 Part 127
1428—1430	14 Part 65
1432	14 Part 43
1442—1443	14 Part 43
1472	14 Part 43
1510	14 Part 43
1522	14 Part 43
1652	14 Parts 43, 65
1655	14 Parts 21, 36, 65, 127 46 Parts 32, 77, 92, 96, 98, 151, 153, 190, 195 49 Part 310
1657	14 Part 65

49 U.S.C.—Con.	CFR
1671 et seq	49 Part 193
1674	49 Part 193
1801—1803	46 Part 153
1803	46 Parts 30, 151
1805—1811	46 Part 153
1805	49 Parts 174, 175
1809	49 Part 177
10321	49 Part 1312
10701a	49 Part 1138
10708	49 Part 1312
10751	49 Part 1206
11142	49 Part 1249
50 U.S.C.:	
198	46 Parts 98, 170, 172, 174
1436	32 Part 166
50 U.S.C. App.:	
567	43 Part 2090
1751—1785 note	45 Parts 540-543
2001	45 Part 580
2017n	45 Part 580
U.S. Statutes at Large:	
60 Stat.:	
237	45 Part 503
76 Stat.:	
387	45 Part 560
80 Stat.:	
250	45 Part 503
83 Stat.:	
210	32 Part 166
87 Stat.:	
985	49 Part 901
88 Stat.:	
1561	49 Part 901
93 Stat.:	
492	35 Part 119
95 Stat.:	
1070	43 Part 3160
Public Laws:	
93-502	49 Part 901
94-542	45 Part 581
95-75	46 Part 32
96-70	35 Part 119
96-514	30 Part 206
97-78	30 Part 206
98-590	7 Part 1240
99-190	25 Part 700
99-349	31 Part 16
Executive Orders:	
9830	5 Part 315
10501	22 Part 212
10816	22 Part 212
11103	5 Part 315
11239	46 Parts 32, 77, 92, 96, 98, 190, 195
11521	5 Part 315
11964	46 Part 32
12234	46 Part 172
12364	5 Part 315

1986

23719-24132	July 1
24133-24294	2
24295-24506	3
24507-24640	7
24641-24798	8
24799-25026	9
25027-25186	10
25187-25356	11
25357-25520	14
25521-25640	15
25641-25844	16
25845-25990	17
25991-26146	18
26147-26222	21
26223-26372	22
26373-26534	23
26535-26684	24
26685-26854	25
26855-27016	28
27017-27146	29
27147-27396	30
27397-27514	31
27515-27810	Aug. 1
27811-28058	4
28059-28218	5
28219-28320	6
28321-28508	7
28509-28686	8
28687-28798	11
28799-28920	12
28921-29084	13
29085-29200	14
29201-29442	15
29443-29544	18
29545-29628	19
29629-29900	20
29901-30044	21
30045-30200	22
30201-30322	25
30323-30472	26
30473-30622	27
30623-30834	28
30835-31088	29
31089-31308	Sept. 2
31309-31604	3
31605-31756	4
31757-31924	5
31925-32046	8
32047-32188	9
32189-32296	10
32297-32416	11
32417-32622	12
32623-32776	15
32777-32888	16
32889-33026	17
33027-33232	18
33233-33558	19
33559-33732	22
33733-33860	Sept. 23
33861-34068	24
34069-34192	25
34193-34436	26
34437-34572	29
34573-34944	30
34945-35200	Oct. 1
35201-35344	2
35345-35494	3
35495-35624	6
35625-35990	7
35991-36200	8
36201-36372	9
36373-36530	10
36531-36672	14
36673-36794	15
36795-36990	16
36991-37170	17
37171-37262	20
37263-37378	21
37379-37548	22
37549-37700	23
37701-37884	24
37885-39354	27
39355-39504	28
39505-39636	29
39637-39736	30
39737-39846	31
39847-39992	Nov. 3
39993-40120	4
40121-40300	5
40301-40398	6
40399-40780	7
40781-40956	10
40957-41066	12
41067-41292	13
41293-41470	14
41471-41594	17
41595-41754	18
41755-41928	19
41929-42078	20
42079-42196	21
42197-42542	24
42543-42814	25
42815-42986	26
42987-43166	28
43167-43336	Dec. 1
43337-43578	2
43579-43720	3
43721-43860	4
43861-44032	5
44033-44260	8
44261-44440	9
44441-44582	10
44583-44752	11
44753-44896	12
44897-44982	15
44983-45100	16
45101-45292	17

45293-45440	Dec. 18
45441-45750	19
45751-45870	22
45871-46586	23
46587-46848	24
46849-46984	29
46985-47184	30
47185-47418	31

1987

1-228	Jan. 2
229-388	5
389-516	6
517-660	7
661-754	8
755-1178	9
1179-1312	12
1313-1430	13
1431-1618	14
1619-1896	15
1897-2098	16
2099-2212	20
2213-2388	21
2389-2502	22
2503-2662	23
2663-2800	26
2801-2862	27
2863-2920	28
2921-2974	29
2975-3100	30
3101-3208	Feb. 2
3209-3392	3
3393-3594	4
3595-3782	5
3783-3996	6
3997-4124	9
4125-4264	10
4265-4488	11
4489-4590	12
4591-4762	13
4763-4886	17
4887-5068	18
5069-5270	19
5271-5424	20
5425-5522	23
5523-5734	25
5735-5930	26
5931-6122	27
6123-6316	Mar. 2
6317-6492	3
6493-6768	4
6769-6950	5
6951-7102	6
7103-7262	9
7263-7396	10
7397-7558	11
7559-7816	12
7817-8052	13
8053-8222	16
8223-8438	Mar. 17
8439-8580	18
8581-8858	19
8859-9106	20
9107-9280	23
9281-9450	24
9451-9648	25
9649-9792	26
9793-10020	27
10021-10212	30
10213-10356	31
10357-10556	Apr. 1
10557-10724	2
10725-10874	3
10875-11018	6
11019-11184	7
11185-11452	8
11453-11610	9
11611-11806	10
11807-11980	13
11981-12128	14
12129-12362	15
12363-12510	16
12511-12896	17
12897-13068	20
13069-13214	21
13215-13424	22
13425-13624	23
13625-13822	24
13823-15294	27
15295-15484	28
15485-15698	29
15699-15934	30
15935-16228	May 1
16229-16366	4
16367-16804	5
16805-17282	6
17283-17386	7
17387-17536	8
17537-17746	11
17747-17914	12
17915-18186	13
18187-18334	14
18335-18542	15
18543-18686	18
18687-18900	19
18901-19128	20
19129-19258	21
19259-19478	22
19479-19714	26
19715-19830	27
19831-20052	28
20053-20370	29
20371-20590	June 1
20591-20694	2
20695-21000	3
21001-21238	4
21239-21492	5
21493-21650	8

21651-21930	June 9
21931-22286	10
22287-22430	11
22431-22628	12
22629-22752	15
22753-23006	16
23007-23164	17
23165-23264	18
23265-23420	June 19
23421-23536	22
23537-23628	23
23629-23778	24
23779-23930	25
23931-24126	26
24127-24274	29
24275-24442	30

J L

1987

U M I

code of federal regulations

LSA

List of CFR Sections Affected

July 1987

United States
Government
Printing Office
SUPERINTEI
OF DOCUM
Washington,
OFFICIAL BI
Penalty for p

SECOND CLASS NEWSPAPER

Postage and Fees Paid
ning Office
325)

**********5-DIGIT 48106
A FR SERIA300S NOV 87 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

JL
1987
UMI

code of federal regulations

LSA

List of CFR Sections Affected

July 1987

Titles 1–16
Changes January 2, 1987
through July 31, 1987

Titles 17–27
Changes April 1, 1987
through July 31, 1987

Titles 28–41
Changes July 1 1987
through July 31, 1987

Titles 42–50
Changes October 1, 1986
through July 31, 1987

Parallel Table of Authorities and Rules



J L

987

UMI

LSA—LIST OF CFR SECTIONS AFFECTED

The LIST OF CFR SECTIONS AFFECTED is a monthly publication designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles.

HOW TO USE THIS FINDING AID

The CFR is revised annually according to the following schedule:

Titles 1–16—as of Jan. 1
17–27—as of April 1
28–41—as of July 1
42–50—as of Oct. 1

To bring these regulations up to date, consult the most recent LIST OF CFR SECTIONS AFFECTED for any changes, additions, or removals published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing in the Reader Aids of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

Boldface page numbers under a particular title indicate that the page numbers span 2 years. **Boldface** is used to distinguish the current year from the previous year.

Cite a page reference from this publication as 51 FR for 1986 page numbers and 52 FR for 1987 page numbers. Example: 16052 cite as 51 FR 16052; **490** cite as 52 FR 490.

ISSUES TO BE SAVED

There is no single annual issue of the LIST OF CFR SECTIONS AFFECTED. Four ANNUAL ISSUES must be saved; the DECEMBER issue is the ANNUAL for Titles 1–16; the MARCH issue is the ANNUAL for Titles 17–27; the JUNE issue is the ANNUAL for Titles 28–41; the SEPTEMBER issue is the ANNUAL for Titles 42–50. ANNUAL ISSUES to be saved are clearly designated on the cover.

PARALLEL TABLE OF AUTHORITIES AND RULES

Following Title 50 is an update to Table I—Parallel Table of Authorities and Rules found in the CFR Index and Finding Aids. This table contains authority citations added to or removed from Table I as a result of documents published in the Federal Register since January 1, 1987.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the inclusive page numbers and corresponding Federal Register issue dates for the period covered.

INDEXES

An INDEX to the daily Federal Register is published monthly and is cumulated for 12 months. A separate volume, the CFR Index and Finding Aids to the entire Code of Federal Regulations, is revised as of January 1 each year.

INQUIRIES AND SUGGESTIONS

Loren S. Myers was Chief Editor of the LSA. The LSA was prepared under the direction of Martha B. Girard, assisted by Ruth C. Pontius. INQUIRIES, telephone 202-523-5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to John E. Byrne, Director, Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408.

(Comprising a complete CFR set)

Title	Price	Revision Date
1, 2 (2 Reserved)	$9.00	Jan. 1, 1987
3 (1986 Compilation and Parts 100 and 101)	11.00	Jan. 1, 1987
4	14.00	Jan. 1, 1987
5 (Parts 1-1199)	25.00	Jan. 1, 1987
(Parts 1200-End), 6 (6 Reserved)	9.50	Jan. 1, 1987
7 (Parts 0-45)	25.00	Jan. 1, 1987
(Parts 46-51)	16.00	Jan. 1, 1987
(Part 52)	23.00	Jan. 1, 1987
(Parts 53-209)	18.00	Jan. 1, 1987
(Parts 210-299)	22.00	Jan. 1, 1987
(Parts 300-399)	10.00	Jan. 1, 1987
(Parts 400-699)	15.00	Jan. 1, 1987
(Parts 700-899)	22.00	Jan. 1, 1987
(Parts 900-999)	26.00	Jan. 1, 1987
(Parts 1000-1059)	15.00	Jan. 1, 1987
(Parts 1060-1119)	13.00	Jan. 1, 1987
(Parts 1120-1199)	11.00	Jan. 1, 1987
(Parts 1200-1499)	18.00	Jan. 1, 1987
(Parts 1500-1899)	9.50	Jan. 1, 1987
(Parts 1900-1944)	25.00	Jan. 1, 1987
(Part 1945-End)	26.00	Jan. 1, 1987
8	9.50	Jan. 1, 1987
9 (Parts 1-199)	18.00	Jan. 1, 1987
(Part 200-End)	16.00	Jan. 1, 1987
10 (Parts 0-199)	29.00	Jan. 1, 1987
(Parts 200-399)	13.00	Jan. 1, 1987
(Parts 400-499)	14.00	Jan. 1, 1987
(Part 500-End)	24.00	Jan. 1, 1987
11	7.00	Jan. 1, 1986
12 (Parts 1-199)	11.00	Jan. 1, 1987
(Parts 200-299)	27.00	Jan. 1, 1987
(Parts 300-499)	13.00	Jan. 1, 1987
(Part 500-End)	27.00	Jan. 1, 1987
13	19.00	Jan. 1, 1987
14 (Parts 1-59)	21.00	Jan. 1, 1987
(Parts 60-139)	19.00	Jan. 1, 1987
(Parts 140-199)	9.50	Jan. 1, 1987
(Parts 200-1199)	19.00	Jan. 1, 1987
(Part 1200-End)	11.00	Jan. 1, 1987
15 (Parts 0-299)	10.00	Jan. 1, 1987
(Parts 300-399)	20.00	Jan. 1, 1987
(Part 400-End)	14.00	Jan. 1, 1987
16 (Parts 0-149)	12.00	Jan. 1, 1987
(Parts 150-999)	13.00	Jan. 1, 1987
(Part 1000-End)	19.00	Jan. 1, 1987
17 (Parts 1-199)	14.00	April 1, 1987
(Parts 200-239)	14.00	April 1, 1987
(Part 240-End)	19.00	April 1, 1987
18 (Parts 1-149)	15.00	April 1, 1987
(Parts 150-279)	14.00	April 1, 1987
(Parts 280-399)	13.00	April 1, 1987
(Part 400-End)	8.50	April 1, 1987
19 (Parts 1-199)	27.00	April 1, 1987
(Part 200-End)	5.50	April 1, 1987

(Comprising a complete CFR set)

Title	Price	Revision Date
20 (Parts 1-399)	$12.00	April 1, 1987
(Parts 400-499)	23.00	April 1, 1987
(Part 500-End)	24.00	April 1, 1987
21 (Parts 1-99)	12.00	April 1, 1987
(Parts 100-169)	14.00	April 1, 1987
(Parts 170-199)	16.00	April 1, 1987
(Parts 200-299)	5.50	April 1, 1987
(Parts 300-499)	26.00	April 1, 1987
(Parts 500-599)	21.00	April 1, 1987
(Parts 600-799)	7.00	April 1, 1987
(Parts 800-1299)	13.00	April 1, 1987
(Part 1300-End)	6.00	April 1, 1987
22 (Parts 1-299)	19.00	April 1, 1987
(Part 300-End)	13.00	April 1, 1987
23	16.00	April 1, 1987
24 (Parts 0-199)	14.00	April 1, 1987
(Parts 200-499)	26.00	April 1, 1987
(Parts 500-699)	9.00	April 1, 1987
(Parts 700-1699)	18.00	April 1, 1987
(Part 1700-End)	12.00	April 1, 1987
25	24.00	April 1, 1987
26 (Part 1 §§ 1.0-1—1.60)	12.00	April 1, 1987
(§§ 1.61—1.169)	22.00	April 1, 1987
(§§ 1.170—1.300)	17.00	April 1, 1987
(§§ 1.301—1.400)	14.00	April 1, 1987
(§§ 1.401—1.500)	21.00	April 1, 1987
(§§ 1.501—1.640)	15.00	April 1, 1987
(§§ 1.641—1.850)	17.00	April 1, 1987
(§§ 1.851—1.1000)	27.00	April 1, 1987
(§§ 1.1001—1.1400)	16.00	April 1, 1987
(§§ 1.1201—End)	29.00	April 1, 1986
(Parts 2-29)	20.00	April 1, 1987
(Parts 30-39)	13.00	April 1, 1987
(Parts 40-49)	12.00	April 1, 1987
(Parts 50-299)	14.00	April 1, 1987
(Parts 300-499)	15.00	April 1, 1987
(Parts 500-599)	7.50	*April 1, 1980
(Part 600-End)	6.00	April 1, 1987
27 (Parts 1-199)	21.00	April 1, 1987
(Part 200-End)	13.00	April 1, 1987
28	21.00	July 1, 1986
29 (Parts 0-99)	16.00	July 1, 1986
(Parts 100-499)	7.00	July 1, 1986
(Parts 500-899)	24.00	July 1, 1986
(Parts 900-1899)	9.00	July 1, 1986
(Parts 1900-1910)	27.00	July 1, 1986
(Parts 1911-1919)	5.50	**July 1, 1984
(Part 1920-End)	29.00	July 1, 1986
30 (Parts 0-199)	16.00	***July 1, 1985
(Parts 200-699)	8.50	July 1, 1986
(Part 700-End)	17.00	July 1, 1986
31 (Parts 0-199)	11.00	July 1, 1986
(Part 200-End)	16.00	July 1, 1986
32 (Parts 1-189)	17.00	July 1, 1986
(Parts 190-399)	23.00	July 1, 1986

Footnotes at end of table.

(Comprising a complete CFR set)

Title	Price	Revision Date
(Parts 400-629)	$21.00	July 1, 1986
(Parts 630-699)	13.00	July 1, 1986
(Parts 700-799)	15.00	July 1, 1986
(Parts 800-End)	16.00	July 1, 1986
33 (Parts 1-199)	27.00	July 1, 1986
(Part 200-End)	18.00	July 1, 1986
34 (Parts 1-299)	20.00	July 1, 1986
(Parts 300-399)	11.00	July 1, 1986
(Part 400-End)	25.00	July 1, 1986
35	9.50	July 1, 1986
36 (Parts 1-199)	12.00	July 1, 1986
(Part 200-End)	19.00	July 1, 1986
37	12.00	July 1, 1986
38 (Parts 0-17)	21.00	July 1, 1986
(Part 18-End)	15.00	July 1, 1986
39	12.00	July 1, 1986
40 (Parts 1-51)	21.00	July 1, 1986
(Part 52)	27.00	July 1, 1986
(Parts 53-60)	23.00	July 1, 1986
(Parts 61-80)	10.00	July 1, 1986
(Parts 81-99)	25.00	July 1, 1986
(Parts 100-149)	23.00	July 1, 1986
(Parts 150-189)	21.00	July 1, 1986
(Parts 190-399)	27.00	July 1, 1986
(Parts 400-424)	22.00	July 1, 1986
(Parts 425-699)	24.00	July 1, 1986
(Part 700-End)	24.00	July 1, 1986
41 (Chapters 1—100)	9.50	July 1, 1986
(Chapter 101)	23.00	July 1, 1986
(Chapters 102-200)	12.00	July 1, 1986
(Chapter 201-End)	7.50	July 1, 1986
42 (Parts 1-60)	15.00	Oct. 1, 1986
(Parts 61-399)	10.00	Oct. 1, 1986
(Parts 400-429)	20.00	Oct. 1, 1986
(Part 430-End)	15.00	Oct. 1, 1986
43 (Parts 1-999)	14.00	Oct. 1, 1986
(Parts 1000-3999)	24.00	Oct. 1, 1986
(Part 4000-End)	11.00	Oct. 1, 1986
44	17.00	Oct. 1, 1986
45 (Parts 1-199)	13.00	Oct. 1, 1986
(Parts 200-499)	9.00	Oct. 1, 1986
(Parts 500-1199)	18.00	Oct. 1, 1986
(Part 1200-End)	13.00	Oct. 1, 1986
46 (Parts 1-40)	13.00	Oct. 1, 1986
(Parts 41-69)	13.00	Oct. 1, 1986
(Parts 70-89)	7.00	Oct. 1, 1986
(Parts 90-139)	11.00	Oct. 1, 1986
(Parts 140-155)	8.50	****Oct. 1, 1985
(Parts 156-165)	14.00	Oct. 1, 1986
(Parts 166-199)	13.00	Oct. 1, 1986
(Parts 200-499)	19.00	Oct. 1, 1986
(Part 500-End)	9.50	Oct. 1, 1986
47 (Parts 0-19)	17.00	Oct. 1, 1986
(Parts 20-39)	18.00	Oct. 1, 1986
(Parts 40-69)	11.00	Oct. 1, 1986

Footnotes at end of table.

(Comprising a complete CFR set)

Title	Price	Revision Date
(Parts 70-79)	$17.00	Oct. 1, 1986
(Part 80-End)	20.00	Oct. 1, 1986
48 (Chapter 1, Parts 1-51)	21.00	Oct. 1, 1986
(Chapter 1, Parts 52-99)	16.00	Oct. 1, 1986
(Chapter 2)	27.00	Dec. 31, 1986
(Chapters 3-6)	17.00	Oct. 1, 1986
(Chapters 7-14)	23.00	Oct. 1, 1986
(Chapter 15-End)	22.00	Oct. 1, 1986
49 (Parts 1-99)	10.00	Oct. 1, 1986
(Parts 100-177)	24.00	Oct. 1, 1986
(Parts 178-199)	19.00	Oct. 1, 1986
(Parts 200-399)	17.00	Oct. 1, 1986
(Parts 400-999)	21.00	Oct. 1, 1986
(Parts 1000-1199)	17.00	Oct. 1, 1986
(Parts 1200-End)	17.00	Oct. 1, 1986
50 (Parts 1-199)	15.00	Oct. 1, 1986
(Part 200-End)	25.00	Oct. 1, 1986
CFR Index and Findings Aids	27.00	Jan. 1, 1987
Complete 1986 CFR set	595.00	1986
Microfiche CFR edition:		
Complete set (one-time mailing)	155.00	1983
Complete set (one-time mailing)	125.00	1984
Complete set (one-time mailing)	115.00	1985
Subscription (mailed as issued)	185.00	1986
Subscription (mailed as issued)	185.00	1987
Individual copies	3.75	1987

*No amendments to this volume were promulgated during the period April 1, 1980 through March 31, 1987. The CFR volume issued as of April 1, 1980, should be retained.

**No amendments to this volume were promulgated during the period July 1, 1984 through June 30, 1986. The CFR volume issued as of July 1, 1984, should be retained.

***No amendments to this volume were promulgated during the period July 1, 1985 through June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

****No amendments to this volume were promulgated during the period October 1, 1985 through September 30, 1986. The CFR volume issued as of October 1, 1985 should be retained.

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Charge orders (VISA, CHOICE, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays).

Other Related Publications

Title	Price	Revision Date
Federal Register	$340.00	daily
Federal Register Document Drafting Handbook	4.75	April 1986
Guide to Record Retention Requirements in the Code of Federal Regulations	10.00	Jan. 1, 1986
1987 Supplement—February 27, 1987 Federal Register, Part II	1.50	Jan. 1, 1987
List of Sections Affected, 1949-1963	Out of print	1966
List of CFR Sections Affected, 1964-1972		
(Titles 1 through 27) Vol. I	Out of print	1980
(Titles 28 through 50) Vol. II	14.00	1980
LSA (List of CFR Sections Affected):		
Yearly subscription	24.00	
Individual copies	1.50	monthly
Federal Register Index:		
Yearly subscription	22.00	
Individual copies	1.50	monthly

JL
1987
UMI

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 1—GENERAL PROVISIONS

Chapter III—Administrative Conference of the United States

Page

304.1—304.6 (Subpart A) Authority citation revised 22753
304.3 (a) revised; (b) and (c) amended; (d) removed; (e) redesignated as (d) and revised; interim 22753
(c) correctly designated 23627
304.6 Revised; interim 22753
305.87-1 Added 23629
305.87-2 Added 23631
305.87-3 Added 23632
305.87-4 Added 23634
305.87-5 Added 23635
310.12 Added 23636

Title 1—*Proposed Rules:*

301—326 (Ch. III) 7814, 7879, 13448
456 15729

TITLE 3—THE PRESIDENT

Proclamations

5074 Amended by Proc. 5679 27308
5453 Modified by Proc. 5660 19259
5595 229
5596 755
5597 1431
5598 1897
5599 2213
5600 2503
5601 2663
See U.S. Trade Representative Notice 3523
5602 2921
5603 2975
5604 2977
5605 3393
5606 3783
5607 4489
5608 4887
5609 5271
5610 5425
5611 5523
5612 6123
5613 6125
5614 6769
5615 6771
5616 7263
5617 7265
5618 8439
5619 8441
5620 8443
5621 9281
5622 9283
5623 9793
5624 11019
5625 11453
5626 11611
5627 11613
5628 11809
5629 12126
5630 12129
5631 13412
See U.S. Trade Representative Notice 22693
5632 13618
5633 13620
5634 13622
5635 13625
5636 13823
5637 13825
5638 15295
5639 15696
5640 15697
5641 15699
5642 15701
5643 15935
5644 16229
5645 16367
5646 16805
Correction 17678
5647 16815
5648 16817
5649 16819
5650 17382
5651 17915
5652 17917
5653 18187
5654 18189
5655 18898
5656 18900
5657 19122
5658 19123
5659 19257
5660 19259
5661 19479
5662 19829
5663 20695
5664 21239
5665 23007
5666 23009
5667 23011
5668 23165

TITLE 3 Proclamations—Con. Page

5669 23537
5670 23539
5671 23541
5672 24127
5673 24275
5674 25345
5675 25347
5676 25963
5677 26935
5678 27185
5679 27308
5680 27323
5681 27325
5682 27525
5683 27661
5684 27777
5685 28237

Executive Orders

6269 Amended by PLO 6642..... 16248
12088 Amended by EO 12580..... 2923
12316 Revoked by EO 12580..... 2923
12367 Amended by EO 12593..... 13624
12368 Amended by EO 12590..... 10021
12462 Amended by EO 12579..... 515
12493 Amended by EO 12602..... 27187
12496 Superseded by EO 12578..... 505
12513 *See* Notice of April 21, 1987..... 13425
12547 Revoked by EO 12597..... 18335
12575 Amended by EO 12581..... 2979
12576 Superseded by EO 12598..... 23421
12578 505
12579 515
12580 2923
12581 2979
12582 3395
12583 5427
12584 5429
12585 6773
12586 7103
12587 7397
12588 8859
12589 8861
12590 10021
12591 13414
12592 13417
12593 13624
12594 15703
12595 17383
12596 17537
12597 18335
12598 23421
12599 23779
12600 23781
12601 24129
Amended by EO 12603..... 27315
12602 27187
12603 27315

Administrative Orders

Letters

January 5, 1987..... 4125

Memorandums

December 30, 1986..... 231, 233, 1619
January 2, 1987..... 389
April 17, 1987..... 13419
May 12, 1987..... 20053
May 14, 1987..... 18685
May 19, 1987..... 19271
June 30, 1987..... 24971
July 16, 1987..... 27316

Notices

April 21, 1987..... 13425

Presidential Determinations

No. 87-6 of December 27, 1986..... 2389
No. 87-7 of January 5, 1987..... 2391
No. 87-10 of March 5, 1987..... 9107
No. 87-11 of March 12, 1987..... 9795
No. 87-12 of March 17, 1987..... 11807
No. 87-14 of June 2, 1987..... 22431
No. 87-15 of June 23, 1987..... 23785
No. 87-16 of June 24, 1987..... 23931
No. 87-18 of July 7, 1987..... 27779

Presidential Recommendation

January 20, 1987..... 2822
Corrections..... 3079, 3526

Title 3—*Proposed Rules:*

102..... 25124, 27902

TITLE 4—ACCOUNTS

Title 4—*Proposed Rules:*

21..... 9664

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Office of Personnel Management

110.201 (b) table amended (OMB numbers)..... 7400

Page

(b) table amended at 51 FR 36176 republished; interim (OMB number)..... 16175
213 Authority citation revised..... 11185
213.3202 (e) revised..... 11185
(l) amended; interim..... 25194
294 Authority citation revised..... 13216
294.101—294.111 (Subpart A) Revised..... 13216
294.401 (Subpart D) Revised..... 13219
300.701—300.307 (Subpart G) Added..... 7400
315 Authority citation revised; subpart and section authority citations removed..... 5431
Authority citation revised..... 15705, 25194
315.608 Revised; interim..... 15706
315.610 Added..... 5431
315.710 Added; interim..... 25194
316 Authority citation revised..... 15706
316.302 (c)(3) revised; interim..... 15706
316.402 (b)(2) revised; interim..... 15706
351 Authority citation revised..... 10024
351.301—351.303 (Subpart C) Revised..... 10024
410 Authority citation revised; section authority citations removed..... 7402
410.603 Revised..... 7402
534.401—534.404 (Subpart D) Heading revised..... 2
534.403 Revised..... 2
591.202 Amended; interim..... 12131
591.201—591.213 (Subpart B) Appendix B amended; interim..... 12131
630 Authority citation revised; section authority citations removed..... 10214
630.901—630.911 (Subpart I) Added; interim..... 10214
831.201 (g) added; interim..... 17388
831.301 (d) added; interim..... 10026
831.304 Added; interim..... 3786
831.305 Added; interim..... 3786
831.306 Added; interim..... 3786
831.307 Added; interim..... 5069
831.308 Added; interim..... 19125
831.606 (d) revised..... 10216
831.612 (a)(1) revised; interim..... 3209
831.703 Added; interim..... 1622
Revised..... 22434
831.1704 (d) and (e)(1) revised; interim..... 3210
841.101—841.110 (Subpart A) Added; interim; effective date pending in part..... 19242
841.201—841.203 (Subpart B) Added; interim..... 19244
841.301—841.309 (Subpart C) Added; interim..... 19244
841.403 Revised..... 25196
841.409 Revised..... 25196
841.413 (b)(1) amended..... 25196
841.401—841.413 (Subpart D) Appendix A revised..... 25196
841.501—841.507 (Subpart E) Added; interim..... 2057
841.503 (b) revised..... 25197
841.601—841.607 (Subpart F) Added; interim..... 12132
841.801—841.804 (Subpart H) Added; interim..... 2058
841.1001—841.1008 (Subpart J) Added; interim..... 5432
842.101—842.105 (Subpart A) Authority citation amended..... 25197
842.102 (h)(5) revised..... 25197
842.201—842.212 (Subpart B) Added; interim..... 4473
842.301—842.308 (Subpart C) Added; interim..... 18193
842.401—842.406 (Subpart D) Added; interim..... 4475
842.402 Heading revised; text amended; interim..... 22436
842.407 Added; interim..... 22436
842.501—842.505 (Subpart E) Added; interim..... 4479
842.601—842.615 (Subpart F) Added; interim..... 2061
842.701—842.706 (Subpart G) Added; interim..... 2067
842.801—842.809 (Subpart H) Added; interim..... 2069
843 Added; interim..... 2074
Addition confirmed; authority citation added; subpart authority citations removed..... 23013
843.102 Corrected..... 2352
843.211 Added..... 23014
843.303 (a) introductory text revised..... 23014

TITLE 5 Chapter I—Con.

Page

843.306 (a) introductory text amended....23014
843.307 (a), (b) (1) and (2) amended....23014
843.309 (a) introductory text revised....23014
843.310 Amended....23014
843.311 (a) introductory text and (b) amended....23014
845 Added; interim....5931
Addition confirmed; authority citation added; subpart authority citations removed....23014
846 Added; interim....19235
870.103 Amended....3398
870.202 (a)(8) added; interim....17388
870.205 (a), (b), and (c) revised....25198
870.401 (h) revised; (i) added....3398
870.501 (d) removed; (e) and (f) redesignated as (d) and (e); interim....12134
871.401 (g) revised; (h) added....3398
872.401 (g) revised; (h) added....3398
873.401 (e) revised; (f) added....3398
890 Authority citation revised....3211, 3398
890.101 (a) introductory text revised; (a)(1) removed; (a)(2) through (12) designations removed; (a) amended....3399
890.102 (c)(8) added; interim....17388
890.104 (a), (b) and (c) revised....25198
890.108 Added....3
890.201 (a)(4) amended....10217
890.203 (a)(2) revised; (a) (3) and (4) added....23934
890.301 (n) revised....2505
(d) republished....2665
890.303 (b) amended; interim....17388
890.306 (g) added....10217
890.401 (c) added....10217
890.502 (d) and (e) added....3399
890.503 (c) revised....3212
890.701 Amended....2666
890.702 (b) republished....2666
890.806 (b) amended....2506
890.808 (b)(1) revised; (d)(1) amended....2506
911 Added; interim....4491
950 Revised; interim....16176

Chapter II—Merit Systems Protection Board

Page

1201 Appendix II revised....10875
Appendix III amended....17919
1204 Revised; interim....28123

Chapter VI—Federal Retirement Thrift Investment Board

Chapter VI Chapter established....6127
1600 Added....6127
1600.2 (d) revised; interim....20591
1605 Added; interim....17920
1605.3 (b)(5) corrected....19018
1605.9 Added; interim....27527
1605.10 Added; interim....27528
1620 Added; interim....26293
1630 Added; interim....8053
1631 Added; interim....17923
1640 Added; interim....20371

Chapter XIV—Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority and Federal Service Impasses Panel

Chapter XIV Appendix A corrected....1313
2411.6 (b) (3) and (4) revised....26128
2411.10 Revised....26128

Title 5—*Proposed Rules:*

213....23040
307....15730
316....15730
340....9867
353....11657
432....5463
550....17762
572....7427
723....25124, 27902
735....3251
752....9867
831....19150
870....5466
890....3816, 5466, 17300, 19151, 22475, 24014
930....8909
1207....25124, 27902
1262....25124, 27902
1320....27768
2411....11995
2416....25124, 27902

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

Page

1d Added....20376
2.15 (b)(6) revised; (b)(7) added....21493
2.17 (a)(3)(xvi) and (4) removed....235
2.19 (d)(22), (f)(11) and (12) added....235
(d)(23) added....17539
(d) (5), (6), and (18) revised; (d) (24) through (26) added....24131
2.21 (b), (d)(20) and (32) revised....236
2.25 (c)(8)(ix) removed; (c)(8) introductory text and (xiii) and (e)(15) revised; (c)(8) (xiv) through (xvi) and (h)(23) added; (k) and (l) redesignated as (l) and (m); new (k) added....2507
(c)(9) added....18687
(i) revised....21494
2.27 (a) (16) and (17) added....2666
2.29 (c)(11) added....2099
2.30 (a)(81) and (82) added....237
(a)(76) removed....2507
(a) (83) through (85) added....17540
(a) (86) and (87) added....21931
2.33 (c) removed....18687
2.50 (a)(3)(xvi) and (4) removed....237
2.60 (a)(24) added....238
(a)(25) added....17540
(a) (5) and (6) revised; (a) (26) through (28) added....24132
2.62 (a)(14) and (15) added....238
2.65 (a) revised....238
2.68 (a)(25) and (35) revised....239
2.75 (a)(17) removed....2507
2.76 (a)(1)(ii), (10) introductory text and (xiii) revised; (a)(10)(ix) removed; (a)(10) (xiv) through (xvi) added....2507
(a)(11) added....18687
2.78 (a)(27) revised....2508
2.79 Removed....2508
2.80 Heading and (a) introductory text revised; (a) (19) through (21) added....2508
(a)(19) revised....21494
2.84 (a) (10) and (11) added....2666
2.85 (a) (5) and (6) added....2666
2.87 (a)(1)(i) revised....2666
2.92 (a)(6) revised; (a)(7) added....21493
2.106 (a)(33) added....240
(a)(34) added....17540
2.107 (a) (24) and (25) added....21931
2.108 (a)(25) and (26) added....240
(a)(27) added....21931
2.110 (a)(7) removed....2508
4 Removed....21651
6.21 (m) amended....19463
6.25 (b)(4) amended....26937
6.26 (c)(2) introductory text and (3) introdutory text revised....19463
6.28 OMB number removed....19463
6.34 Added....19463
6.20—6.34 (Subpart) Appendixes 1 and 2 amended....19463
8.3 Amended....8432
8.9 Revised....8432
12.5 (b)(2) revised; (b)(3) removed; interim....24133
17.2 (b) corrected....1623
17.7 (d) and (e) correctly designated....1623
17.21 Corrected....1623

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

29.1026 Revised....28533
29.1037 Revised....28534
29.1161 Removed....28534
29.1181 Table removed....28534
29.1225 Amended....28534
29.8001 (Subpart D) Authority citation added....25199
29.8001 Table amended....25199, 25200
51.885 (b) Tables I and II amended; (b) footnote 2 removed....22437
51.887 (a) introductory text and (1) revised....22437
51.910 Revised....22437
51.3000—51.3006 (Subpart) Revised....3400
51.3006 (c) Table II corrected....4822
52.1761—52.1770 (Subpart) Revised....6130

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 7 Chapter I—Con. Page

52.1811—52.1821 (Subpart) Revised....27664
55.510 (b), (c), and (d) revised....13628
55.550 Revised....13628
(a) table corrected....15802
55.560 (a)(3) revised....13628
56.9 (b) revised (OMB numbers)....23935
56.46 (b) and (c) revised....13628
56.47 Revised....13629
56.52 (a)(4) revised....13629
56.54 (a)(2) revised....13629
57 Removed; eff. 3-14-88....7818
58.2570—58.2578 (Subpart N) Revised....28127
59.126 Revised....13629
59.370 (b) revised....13629
68.42a Heading and Table 2 revised; eff. 3-14-88....7818
70.71 (b) and (c) revised....13629
70.72 Revised....13629
70.76 (a)(2) revised....13629
70.77 (a)(4) and (5) revised....13629

Chapter II—Food and Nutrition Service, Department of Agriculture

210.2 Amended....7560
210.10 (c) table, (d)(1), and (i)(6) (i) and (ii) amended....9110
210.14 (a) amended....15298
210.16 (a) introductory text revised....11187
210.18 (f)(6) and (7) amended; (f)(8) and (m) added; (l) revised....5736
210.20 (a)(5) and (b)(7) and (8) amended; (a)(6) redesignated as (a)(7); new (a)(6) added....5737
215.1 Revised; interim....7562
215.2 (k-1) added; (v)(1) amened....7560
(x-1) added; interim....7562
215.7 (a) revised; interim....7562
(d)(1) amended....15298
220.2 (j-1) added; (u)(1) revised....7560
220.7 (e)(1)(ii) amended; (e)(1)(iii) and (iv) redesignated as (e)(1) (iv) and (v); new (e)(1)(iii) added....15298
225 Authority citation revised....15298
225.19 (j) amended....15298

Page
226 Authority citation revised....5526, 15298
226.6 (j) introductory text amended....5526
226.8 (g) added....5526
226.15 (j) added....15298
227.5 (a) revised....8223
240 Authority citation revised....7267
240.1 (b) amended....7267
240.3 (a) amended....7267
245.2 (a-1), (a-2), and (a-3) redesignated as (a-2), (a-3), and (a-4); (a-1) and (b-1) added; (a-4) (3) and (4) amended; (k) revised; interim....19274
Comment time extended....27669
245.5 (a)(1) (iii), (iv), and (vi) revised; interim....19275
Comment time extended....27669
245.6 (a) introductory text and (1) amended; interim....19275
Comment time extended....27669
245.6a (a)(1) and (b)(3) amended; (a) (2) and (3) revised; interim....19275
Comment time extended....27669
245.11 (a)(2) amended; interim....19276
Comment time extended....27669
246 Authority citation revised....21236
246.2 Amended....25189
246.3 (d) and (e) redesignated as (e) and (f); new (d) added; new (e)(3) amended....21236
246.4 (a)(8) and (b) revised; (a)(18) added....21236
246.7 (h)(8) revised; (i)(7) redesignated as (i)(8); (c)(2)(iv)(L) and new (i)(7) added....21236
246.9 (a), (c) and (k)(3) revised....21237
246.12 (f)(2)(xx) added; (k)(2) amended....21237
246.14 (b) revised; (c)(1) introductory text amended....21237
246.16 (b), (c)(2) and (d) revised; (c)(3) added....21237
(c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; (b)(2) introductory

CHANGES JANUARY 2 THROUGH JULY 31, 1987

Page
text and new (e) and (f) revised....25190
246.23 (a) heading and (b) heading revised; (c) redesignated as (d); new (c) added....21238
246.25 (b) revised....21238
250 Authority citation revised....17932
250.3 Amended; interim....24976
250.4 (a) revised....17932
250.6 (r)(4) amended; interim....24976
250.15 (f) introductory text and (1) through (3), (m)(2) and (n) (2), (3) and (4) and (o) introductory text and (1) through (6) redesignated as (f)(1) introductory text and (i) through (iii), (m)(3), (n) (3), (4) and (5) and (o)(1) introductory text and (i) through (vi); new (f)(1)(iii) revised; new (f) (2), (3), (4) and (5), (m)(2), (n)(2) and (o)(2) added; interim....24976
251.2 (c) revised....17933
251.4 (g) and (h) redesignated as (h) and (i); new (g) and (j) added....17933
251.6 (a) revised....17934
251.9 Redesignated as 251.10 and (d) removed and (e), (f), and (g) redesignated as (d), (e), and (f); new 251.9 added....17934
251.10 Redesignated from 251.9; (d) removed; (e), (f), and (g) redesignated as (d), (e), and (f)....17934
252.2 Amended; interim....24977
252.3 (c) revised; interim....24978
252.4 (b) revised; interim....16369
(c) (6) and (7) amended; (c)(9)(ii) redesignated as (c)(9)(iii); new (c)(9)(ii) added; interim....24978
271 Authority citation revised....11814
271.2 Amended....3406, 7556, 13222
Amendment confirmed; amended....11814
272 Authority citation revised....11814
272.1 (g)(83) added; interim....1299
(d)(1) amended; (d)(2) revised; (g)(71) added....3406

Page
(g)(77) and (g)(76)(iii) corrected....3411
(g)(84) added....5436
(g)(85) added....7557
(g)(86) added....11022
(g)(72) addition confirmed; (g)(87) added....11814
(g)(88) added; interim....20058
(g)(87) correctly designated; (g)(89) added; interim....20379
Technical correction....22888
(g)(90) added; interim....26941
272.2 (a)(2) amended....3407
272.9 Added....7557
273 Authority citation revised....11814
273.1 (e)(5) and (f)(4)(iv) added....7557
(e) amended; (f)(2)(i) amendment confirmed....11814
273.2 (i)(3)(i) revised; (i)(3)(ii) amended; interim....1299
(b)(1)(vii) corrected....1300
(d)(2) revised; (f)(1)(ix) added; (f)(3)(ii) amended....3407
(j)(2)(i) and (k) introductory text corrected; (l) correctly designated....3411
(f)(1)(ii) (A) and (B) amended; (f)(1)(ii) (D), (E), and (F) redesignated as (f)(1)(ii) (E), (F), and (G); new (f)(1)(ii)(D) added; interim....20058
(f)(2) introductory text and (i), (3)(i) introductory text, (A) and (B) redesignated as (f)(2)(i) and (f)(1)(ix), (f)(3) introductory text, (i) and (ii); (f)(3)(ii) removed; new (f)(2)(i), (3) introductory text and (i) amended; interim....26941
273.4 (a) (2), (3), (4), and (5) amended; (a) (8) through (11) added; interim....20058
(a)(9) corrected....22888
273.7 (b)(2)(i), (g)(2) introductory text, (i), (iii), and (iv) and (o)(6) heading amended; (g)(2)(ii) revised; (h)(5) added....11022
273.8 (e)(11)(xi) added; interim....20379
Technical correction....22888

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 7 Chapter II—Con. Page

(e)(15) and (h)(1)(vi) added; interim....26941
273.9 (d)(6)(i) and (v)(B) amended; (d)(6)(ii) revised....5436
(c) (3), (4) and (5)(ii)(B) amended; (c)(10)(xi) added....20379
Technical correction....22888
(b)(1)(v) and (c)(12) added; interim....26941
273.10 (d)(1)(i) amended; (d)(6) revised....5436
(e)(2)(iii)(B)(*8*) and (*9*) removed....11022
(e)(1)(i)(A) amendment confirmed....11814
273.11 (h), (i), and (j) redesignated as (i), (j), and (k); new (h) added....7557
(a)(2)(iii) and (e)(1) revised....11814
274 Authority citation revised....11814
274.10 (e), (f), (g), and (h) redesignated as (f), (g), (h), and (i); new (e) added; new (i) amended....7557
(d)(1) amendment confirmed....11815
275.1 (a) amended; (b) revised....3407
275.2 (a)(2) revised....3407
275.3 (a), (b), (c) introductory text and (1) heading and introductory text revised; (c)(2) removed; (c) (3), (4), and (5) redesignated as (c)(2), (3), and (4); new (c)(2) revised; (c)(5) added....3407
275.5 (b) revised; (c) removed....3408
275.6 (a) amended....3408
275.7 (b) and (e) revised; (f) removed....3408
275.8 Revised....3408
275.9 (a), (b), and (c) revised; (d), (e), and (f) removed; (g) redesignated as (d) and amended....3409
275.11 (b)(1)(ii) table amended; (f)(2) (ii) and (iii) redesignated as (f)(2) (iii) and (iv); new (f)(2)(ii) added....3409
275.15 (a) (2), (3) and (d) removed; (a)(1), (e), (f), and (g) redesignated as (a), (d), (e), and (f)....3409
275.16 (a) amended; (b) and (d) revised....3409
275.17 (a) revised; (c) and (d) added....3409
275.20 Revised....3410
275.21 (c) and (d) amended....3410
275.22 Removed; new 275.22 redesignated from 275.23....3410
275.23 Redesignated as 275.22; new 275.23 redesignated from 275.25 and (a)(1) and (d)(1)(i) and (2) amended....3410
275.25 Redesignated as 275.23 and (a)(1) and (d)(1)(i) and (2) amended....3410
276.2 (a) and (d) amended; (e) added; interim....26941
276.4 (d) introductory text and (2) amended....3410
278 Authority citation revised....11814
278.1 (c)(4) amended; (c)(5) and (h) through (q) redesignated as (c)(6) and (i) through (r); new (c)(5) and (h) added....7557
(e) amended....11815
(b)(4)(ii) amended; (o), (p), (q), and (r) redesignated as (p), (q), (r), and (s); new (o) added; new (r) revised....13222
278.2 (a), (b), (c), (d), (g), and (h) amended; new (l) added....7557
278.3 (a) amended....7558
278.4 (c) amended....7558
278.5 (a)(1) amendment confirmed....11815
(a) (1) and (3) amendment confirmed....18198
278.6 (e)(2) (iii) and (iv) and (3) (iii) and (v) amended....7558
(f) text redesignated as (f)(1); (f) (2), (3), and (4) added....13222
278.9 (e) added....7558
(c) addition confirmed....11815
(f) added....13223
(d) addition confirmed....18198

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

300 Revised....1179
Authority citation revised....6952
300.1 Revised; interim....6952
300.3 Removed; interim....6952

CHANGES JANUARY 2 THROUGH JULY 31, 1987

Page

301 Authority citation revised; section and subpart authority citations removed....27532
301.52 (b) revised; footnote 1 added....26943
301.52-1 (q) amended; footnote 1 redesignated as footnote 2....26943
301.52-2 Heading amended; (b) removed....26943
301.52-2a Amended; interim....12634
301.52-2b Section and footnote 2 removed....26943
301.52-3 (b)(1) removed; (b) (2) through (5) redesignated as (b) (1) through (4); (c) amended....26943
301.75-6 (e) added....7563
301.75-7 (e) and (f) added....7563
301.75-15 Revision confirmed....1180
301.75-16 Revision confirmed....1180
301.78—301.78-10 (Subpart) Added; interim....10360
Removed; interim....27529
301.80-2a Revised; interim....25580
301.93—301.93-10 Removal confirmed....9285
301.93—301.93-10 (Subpart) Added....27532
318 Authority citation revised; section authority citations removed....8864
318.13-1 (i) and (l) revised....8864
318.13-2 (a) text redesignated as (a)(1); (a)(2) added....8864
318.13-3 (b) text redesignated as (b)(1); (b)(2) added....8864
318.13-4 (c) amended....8864
318.13-4g Added....8865
318.13-17 Revised....8865
319.56-2h Addition reconfirmed....2099
319.56-2i Addition reconfirmed....2099
330 Authority citation revised....22907
330.100 (h) revised....22907
Meetings....25861
340 Added....22908
Meetings....25861
352 Authority citation revised....27671
352.29 Added....27671
354.1 (a)(1) revised....16822
354.2 Table amended....10365, 12898

Chapter IV—Federal Corp Insurance Corporation, Department of Agriculture

Page

400.4 Revised....24979
400.5 Amended....24979
400.40—400.42 (Subpart E) Added....4592
400.45—400.49 (Subpart F) Revised....19128
400.50—400.56 (Subpart G) Removed....17543
400.75—400.81 (Subpart I) Removed....17543
400.92 (g) added....24278
400.141—400.157 (Subpart L) Added....17543
401 Added....28447
402.7 (d) revised....3214
403.7 (d) amended....3214
(d) corrected....6775
405.7 (d) amended....3214
409.7 (d) amended....3214
410.7 (d) amended....3214
411.7 (d) amended....3214
413.7 (d) amended....3214
(d) corrected....6775
(d) amended; interim....27782
414.7 (d) amended....3214
415.7 (d) amended....3214
416.7 (d) amended....3214
417.7 (d) amended....3214
418 Sales closing date extended....7818
418.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
418.8 Revised....24279
419 Sales closing date extended....7818
419.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
419.8 (b) amended....9286
419.9 Revised....24279
420 Sales closing date extended....7818
420.7 (d) amended....3214
(d) amended....17547, 17548
420.8 Revised....24279
421 Sales closing date extended....7818
421.7 (d) amended....3214
(d) corrected....6775
421.8 Revised....24279

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 7 Chapter IV—Con. Page

422.7 (d) amended....3214, 23425
423.7 (d) amended....3214
424 Sales closing date extended....7818
424.7 (d) amended...3214, 17547, 17548
424.8 Revised....24279
425.7 (d) amended...3214, 17547, 17548
(d) corrected....6775
427 Sales closing date extended....7818
427.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
427.8 Revised....24279
428.7 (d) amended...3214, 17547, 17548
429.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
430.7 (d) amended...3214, 17547, 17548
(d) corrected....6775
431.7 (d) amended...3214, 17547, 17548
432 Sales closing date extended....7818
432.7 (d) amended...3214, 17547, 17548
432.8 Revised....24279
433.7 (d) amended...3214, 17547, 17548
435.7 (d) amended....3214
(d) corrected....6775
436.7 (d) amended....3214
(d) corrected....6775
437.7 (d) amended....3214
438.7 (d) amended....3214
(d) corrected....6775
439.7 (d) amended....3214
440.7 (d) amended....3214
441.7 (d) amended....3214
442.7 (d) amended....3214
443.7 (d) amended....3214
444.7 (d) amended....3214, 17547, 17548, 17549
445.7 (d) amended....3214, 17547, 17548, 17549
446.7 (d) amended....3214
(d) corrected....6775
447.7 (d) amended....3214, 17547, 17548
448 Sales closing date extended....7818
448.7 (d) amended....3214
(d) corrected....6775
448.8 Revised....24279
449.7 (d) amended....3214, 17547, 17548, 17549
450.7 (d) amended....3214
451.7 (d) amended....3214

Page

452 Added....9288
453 Added....25349
454 Added....4593

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

701 Authority citation revised....19716
701.23 Revised....19716
702 Added; interim....16741
704 Revised....4269
704.7 (a)(3) and (c) revised; (a)(4) and (5) removed; (a)(6) redesignated as (a)(4); interim....27537
704.21 (b)(3) revised; interim....27537
704.22 (a)(2) revised; (a)(3) amended; interim....27537
713.2 (f) addition confirmed....10727
713.3 (d)(1) revision and (e)(3) addition confirmed; (d)(1)(v) and (e)(2)(vii) revised....10727
713.12 (a)(1) revision and (d) removal confirmed....10727
713.55 Revised....25354
713.58 Addition confirmed....10727
713.63 (a) and (c)(2) revision confirmed....10727
713.100 (a) revised....10728
713.155 Revision confirmed....10727
717.21 (d) addition confirmed....10727
724.36 Removal confirmed....10727
724.57 (b)(1)(i) (*b*) and (c) revisions and (b)(1)(i)(*d*) and (2)(ii) additions confirmed....10727
724.62 Introductory text amendment, (c) (7) and (9) removal, and (c)(8) redesignation as (c)(7) confirmed....10727
724.69 (n) amendment confirmed....10727
724.70 (w) revision confirmed....10727
(m) revised; interim....22288
724.72 (b) amendment confirmed....10727
724.81 (d) and (e) revision and (f) removal confirmed....10727
725.51 (e-1)(2) (iv) and (v) revision, (e-1)(2)(vi) addition, and (k) amendment confirmed....10727

CHANGES JANUARY 2 THROUGH JULY 31, 1987

Page

725.60 (b) (3) and (4) revision and (b)(5) addition confirmed....10727
725.72 (d)(3)(viii) and (e)(4)(i) amendment confirmed....10727
(d)(5)(i) revised; (d)(5)(vi) added; interim....22288
725.73 (a) revision confirmed....10727
725.87 (a)(2) and (f) (1), (2), and (4) amendment and (f)(3) revision confirmed....10727
725.91 (a) amendment confirmed....10727
725.95 (a), (b), (d), and (e) amendment and (f) revision confirmed....10727
725.99 (a)(4)(x), (b), and (c) (1), (2), and (3) amendment confirmed....10727
725.100 (a)(1)(viii), (b) (1) and (3), and (c)(7) amendment confirmed....10727
725.103 (a) and (h) amendment confirmed....10727
725.104 (a) amendment confirmed....10727
725.107 (b) amendment confirmed....10727
725.115 (a)(2)(iv) and (b)(4) amendment confirmed....10727
726.51 (aa) (3) and (4) and (ff)(1)(vi) revision, (aa)(5) addition, and (i) amendment confirmed....10727
726.68 (e)(4) revision confirmed....10727
(d)(5) (vi) and (vii) added; interim....22288
726.81 (a)(2) and (f) (1), (2), and (4) amendment and (f)(3) revision confirmed....10727
726.85 (a) amendment confirmed....10727
726.89 (a), (b), (d), (e), and (f) amendment confirmed....10727
726.93 (a)(4)(vii), (b)(1), and (c) (1), (2), and (3) amendment confirmed....10727
726.94 (b) (1) and (3) and (c) (5) and (7) amendment confirmed....10727
726.98 (b) amendment confirmed....10727
726.105—726.107 Undesignated center heading removal confirmed....10727

Page

726.105 (h) amendment confirmed....10727
726.106 (a) amendment confirmed....10727
726.107 (a)(2)(iv) and (b)(4) amendment confirmed....10727
736.42 Revised....8057
760.2 (k) (1) and (2), (l) and (o) amended....17935
760.8 Amendment confirmed....17935
760.23 (c) addition confirmed....17935
770.4 (f) revision confirmed....10727
795 Authority citation revised....26295
795.2 Undesignated center heading removed....26295
795.3—795.4 Undesignated center heading removed....26295
795.3 Revised....26295
795.4 Revised....26295
795.5—795.13 Undesignated center heading removed....26295
795.14—795.16 Undesignated center heading removed....26295
795.17 Undesignated center heading removed....26295
795.20—795.24 Undesignated center heading removed....26295

Chapter VIII—Federal Grain Inspection Service, Department of Agriculture

800.0 (b) (2) through (105) redesignated as (b) (3) through (106); new (b)(2) added....6495
800.60—600.61 Undesignated center heading revised....24437
800.61 Added....24437
800.88 Revised....6495
800.95 Revised....6495
800.96 Revised....6495
800.97 Revised....6496
800.98 Revised....6496
800.99 Revised....6497
800.100 Removed....6497
800.101 Removed....6497
800.102 Removed....6497
800.103 Removed....6497
800.162 (b) redesignated as (c) and revised; new (b) added....24437
810 Revised....24418
Table of contents corrected....28534
810.104 (b) corrected....28534

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 7 Chapter VIII—Con. Page

810.107 Revised; eff. 5-1-88.....24441
810.202 (c)(2)(i) and (t) corrected.....28534
810.204 Table footnote 1 corrected.....28534
810.205 Table footnote 1 corrected.....28534
810.206 Table corrected.....28534
810.207 (d) removed; (e) redesignated as (d); eff. 5-1-88.....24441
810.402 (a) through (e) redesignated as (b), (c), (d), (f), and (g); new (a) and (e) added; (g) revised.....24437
(a) corrected.....28534
810.403 Corrected.....28534
810.404 Table corrected.....28534
810.405 (c) removed; (d) redesignated as (c); eff. 5-1-88.....24441
(d) corrected.....28534
810.805 (d) removed; (e) and (f) redesignated as (d) and (e); eff. 5-1-88.....24441
810.1005 (g) removed; (h) and (i) redesignated as (g) and (h); eff. 5-1-88.....24441
810.1205 (c) removed; (d) through (g) redesignated as (c) through (f); eff. 5-1-88.....24441
810.1402 (a) through (i) redesignated as (b) through (e) and (g) through (k); new (a) and (f) added.....24437
(d) and (i) corrected.....28534
810.1405 (a) removed; (b) designation removed; eff. 5-1-88.....24441
810.1604 Table corrected.....28534
810.1605 (b) removed; (a) designation removed; eff. 5-1-88.....24441
810.1805 Removed; eff. 5-1-88.....24441
810.2002 (a) corrected.....28534
810.2004 Table corrected.....28534
810.2005 (c) removed; (d), (e), and (f) redesignated as (c), (d), and (e); eff. 5-1-88.....24441
810.2203 Corrected.....28534
810.2204 (a) table amended; eff. 5-1-88.....24442
810.2205 (c) removed; (d), (e), and (f) redesignated as (c), (d), and (e); eff. 5-1-88.....24442

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture Page

900 Technical correction.....20591
900.700—900.707 (Subpart) Added.....13630
905 Limitation of handling.....10028
Limitation of handling; interim.....19718
906 Budget of expenses.....1899
907 Limitation of handling.....240, 757, 1901, 2509, 2981, 3787, 4763, 5273, 5938, 6952, 7820, 9111, 9797, 10728, 11615, 12511
Budget of expenses.....3412
907.102 (a)(2) and (3) introductory text and (viii) revised.....2984
907.104 Revised.....2984
907.930 Added.....3215
Removed.....16370
908 Budget of expenses.....3412
Limitation of handling.....7821, 19278
908.104 Revised.....2984
910 Limitation of handling.....241, 758, 1901, 2510, 2985, 3788, 4764, 5274, 5939, 7115, 8058, 9111, 9798, 10729, 11616, 12512, 13632, 15937, 17388, 18339, 19276, 20381, 21241, 22438, 23265, 23936, 25201, 25965, 26944, 27782, 28536
910.180 (d)(3) amended.....18902
911.20 (a) amended.....7117
911.22 (b)(3) revised.....7117
911.48 (a)(1) amended.....7117
911.64 (c) revised; (d) redesignated as (e) and republished; new (d) added.....7117
Budget of expenses.....1899
911.111 Revised.....759, 24134
911.311 (a)(5) Table 1 revised.....4598
911.329 (a)(2)(ix) added.....1314
(a)(2)(vii) amended.....4598
912 Budget of expenses.....1900
Removed.....21242
913 Budget of expenses.....1900
915 Limitation of handling.....2101
915.20 (a) amended.....7118
915.22 (b)(3) revised.....7118
915.64 (c) revised; (d) redesignated as (e) and republished; new (d) added.....7118

CHANGES JANUARY 2 THROUGH JULY 31, 1987

Page

915.305 (a)(1) revised; (a)(2) amended; (a)(3), (5), (6), and (7) removed; (a)(4) and (8) through (16) redesignated as (3) through (12); new (a)(5) revised.....4598
915.332 Added.....19833
916.356 (a)(2) introductory text, (3) introductory text and (ii), and (4) revised; (a)(5), (6), and (7) added.....15487
(a)(4) corrected.....17504
917 Budget of expenses.....5738
917.121 Revised.....12513
917.454 (b)(4) removed; (b)(5) redesignated as (b)(4).....15488
917.459 (a)(2) introductory text, (4), and (5) revised.....15488
917.460 (b) and (c) revised.....15488
918 Budget of expenses.....23015
918.325 Revised.....21496
918.326 Removed.....21495
923.322 (a) (2) and (3), (b)(2)(ii), and (c)(1) Table and (2) amended.....20382
925 Budget of expenses.....11617
925.112 (Subpart) Added.....27538
925.304 Introductory text revised.....8870, 24444
(b)(1)(vi) redesignated as (b)(1)(vii); new (b)(1)(vi) added.....20383
927 Budget of expenses.....1900, 11617
928.121 Added.....15489
929 Budget of expenses.....1899, 3412
929.153 (a) and (d) revised.....5528
(a) revised.....25202
931 Budget of expenses.....1900
932 Budget of expenses.....5737
932.121 Added.....12135
932.125 Added.....12135
932.145 Removed.....7403
944.31 Added.....19835
944.503 (a)(3) revised.....8870
945 Limitation of handling.....5530
946 Budget of expenses.....1900
Limitation of handling.....15490
946.25 (c) amended.....13070
946.104 (a)(5) revised.....13070
947 Limitation of handling.....7120
948 Limitation of handling; interim published at 51 FR 25850 confirmed.....7269
Budget of expenses.....23015
948.103 Revised.....12515
948.104 Revised.....12515
948.150 Added.....12515
953 Budget of expenses.....23015
959 Budget of expenses.....5737, 24281
Limitation of handling.....19281
Limitation of handling corrected.....20192
966 Budget of expenses.....1900
967 Budget of expenses.....25203
971 Budget of expenses.....5738
979 Budget of expenses.....5738
979.304 (a) revised.....17390
980.116 Removed.....19281
980.117 (a)(1)(ii), (2), and (b)(1) revised.....8872
(a)(2) and (b) (1) and (2) revised.....19281
981.441 (d)(1)(iii) added.....13428
982 Budget of expenses.....1900
Marketing percentages.....17392
985 Marketing percentages.....9452
Budget of expenses.....25203
984 Budget of expenses.....1900
989 Budget of expenses.....1900
Marketing percentages.....16233
989.212 (a) and (c) and note revised.....12516
993 Budget of expenses.....27985

Chapter X—Agricultural Marketing Service (Marketing Agreements and Order; Milk), Department of Agriculture

1006.52 (a) table revised.....5071
1007.52 (a) and (b) revised.....5071
1007.61 (a)(3) revised.....5071
1007.73 (a)(2) introductory text revised.....5071
1007.75 (a) revised.....5071
1011.7 (a)(2) revised.....26470
1011.52 (a) revised.....5071
1012.52 (a) table revised.....5072
1013.52 (a) table revised.....5072
1030 Existing regulations unchanged.....3413
1032.7 (d)(2) revised.....3216
1032.52 (a)(1), (2) (i) and (ii), (3), and (4), and (b) revised; (a)(2)(iii) added.....3413
1033.6 (a), (b), and (c) revised; (d) and (e) added.....3414
1033.53 (a) (1), (2), and (3) revised; (a)(4) redesignated as

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 7 Chapter X—Con. Page

(a)(5) and republished; new (a)(4) added....3414
1036.2 (a), (b), and (c) revised; (d) removed....242
1036.50 (a) amended....242
1036.52 (a) and (b) revised....242
1040.7 (b)(1) introductory text temporarily suspended in part; (b)(1)(i) temporarily suspended....11456
(b)(2) introductory text temporarily suspended in part; (b)(2) (i) and (ii) temporarily suspended....18340
1046.9 (c) amended....17748
1046.52 (a) revised....5072
1049.52 (a) (1) and (2) revised....3414
1050.52 (a) and (b) revised....3415
1065.7 (c) temporarily suspended in part....25204
1065.13 (d) (2) and (3) temporarily amended....1315, 20462
1065.52 (b)(3) amended....3217
1076.13 (d) (2) and (3) temporarily suspended....28463
1079.52 (b)(3) amended....3217
1093.52 (a)(1) table revised; (a)(2), (3), (4) and (6) amended....5072
1094.2 Amended....5072
1094.52 (a)(1) table revised; (a)(2)(i), (ii), and (iii), (3) and (5) amended....5073
1096.52 (a) revised....5073
1097.7 (b) temporarily suspended....10730
1098.52 (a) revised....5073
1099.52 (a) revised....5073
1102 Removed....6318
1106.2 Amended....6318
1106.7 (c) introductory text revised; (c) temporary amendments of 51 FR 6731 and 7247 terminated....6318
1106.12 (b)(5) temporarily suspended....20384
1106.13 (d)(1) suspended....19837
1106.52 (a)(1) table amended; (a)(3)(i) and (4) revised....6318
1137.12 (a)(1) temporarily suspended in part....10732

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

Page

1200 Authority citation revised....12899
1200.2 (a) revised....12899
1205.1—1205.19 (Subpart) Removed....12899
1207.1—1207.19 (Subpart) Removed....12899
1240 Authority citation revised....3103
1240.100—1240.125 (Subpart) Added....3103
1250.1—1250.19 (Subpart) Removed....12899

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

1403 Authority citation revised....2394
1403.21—1403.46 (Subpart B) Heading revised; interim....2394
1403.46 Added; interim....2394
1421.1 Amended....1434
1421.4 (b) amended....1434
1421.6 (c) revision confirmed....1433
1421.7 (a) revision confirmed....1433
1421.22 (c)(2) amended....1434
1421.400—1421.406 (Subpart) Heading amended; authority citation revised....1434
1421.400 Nomenclature change....1434
1421.420—1421.425 (Subpart) Removed....1434
1421.900—1421.917 (Subpart) Authority citation revised....1316
1421.902 Revised....1316
1427.1—1427.26 (Subpart) Authority citation revised....25355
1427.5 (l) revised....25355
1434.1—1434.36 (Subpart) Heading amendment confirmed....11619
1434.1 Amended; interim....11618
Amendment confirmed....11619

CHANGES JANUARY 2 THROUGH JULY 31, 1987

Page

1434.2 (c) removed; (d) and (e) redesignated as (c) and (d); interim....11618
1434.3 (h) addition confirmed....11619
1434.4 (a) amended; interim....6776
(e) amendment confirmed....11619
1434.6 (b) amended; interim....6776
(b) amendment confirmed....11619
1434.7 (c) introductory text amended; interim....11619
1434.8 (b) revision confirmed....11619
1434.18 (c) addition confirmed....11619
1434.25 (a), (b), and (c) amendment and (d) addition confirmed....11619
1434.26 (a) amendment confirmed....11619
1434.27 Amendment confirmed....11619
1434.34 (f) removed; (g) and (h) redesignated as (f) and (g); interim....11619
1438 Removed....1434
1468.103 Amended; interim....4277
Comment time extended....10732
1468.107 (c) (1) and (2) revised; (c) (3) and (4) removed; interim....4277
Comment time extended....10732
1468.116 (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; interim....4277
Comment time extended....10732
1472.1503 Amended; interim....4277
Comment time extended....10732
1472.1507 (c)(1) and (2) revised; (c)(3) and (4) removed; interim....4277
(c) (3) and (4) correctly removed; comment time extended....10732
1472.1545 (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; interim....4277
Comment time extended....10732
1475.52 (h), (l), (m), and (n) revision confirmed....10728
1475.53 Revision confirmed....10728
1475.54 (a) revision confirmed....10728
1475.55 (d)(3), and (e) (2) and (3) revision confirmed....10728
1475.56 Revision confirmed....10728
1475.58 (c) revision confirmed....10728

Page

1475.69 Added....10728
1476 Removed....1434
1477 Authority citation revised....4129
1477.3 (e) (2), (3), and (4) added; interim....4130
Confirmed....18198
1480 Removed....1434
1493.1—1493.15 (Subpart A) Authority citation revised....17550
1493.2 (f) and (o) revised....17550
1496.1 (b) and (c) removed; (a) designation removed....5728
1496.2 (a) amended; (b) revised....5728
1496.3 (f) and (h) removed; (g) redesignated as (f) and revised; (e) revised....5728
1496.5 (a) revised; (f) added....5729

Chapter XVII—Rural Electrification Administration, Department of Agriculture

1736 Authority citation revised....22289
1736.97 (b) table revised....22289
1772 Authority citation revised....1182
1772.97 Table amended....1182
1786 Added....1436
1787 Added; interim....2395

Chapter XVIII—Farmers Home Administration, Department of Agriculture

1804 Removed....19283
1806.25 (a)(2) introductory text revised....8002
1807.1 (a) revised....26132
1822 Authority citation revised....19283
1822.21—1822.26 (Subpart B) Exhibit A amended....8002
1822.267 (l)(2) introductory text amended....8002
(e) revised....19283
1822.271 (b)(3)(v) revised....19283
1863.1 Revised....26132
1864.2 (a)(5) revised....26132
1866.3 (b)(1) introductory text and (2) introductory text revised....26132
1900.52 (d) revised....26133

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 7 Chapter XVIII—Con. Page

1901 Authority citation revised....8002
1901.205 (b)(1), (2)(i), (3)(ii) and (iv), and (e)(2) amended....8002
1901.201—1901.205 (Subpart E) Exhibit C revised....8002
1910 Authority citation revised....15491
1910.3 (i) introductory text revised; (i)(4) added....15491
1910.60 (a) revised....25586
1910.61 (b) (1) through (3) and (d) (4) and (5) revised....25586
1910.101 (Subpart C) Added....6498
1922.104 (a)(12) amended....11982
Policy guidelines....23543
1924 Authority citation revised....8002
1924.5 (d)(2) and (e) (2) and (4) amended....19283
1924.13 (e)(1)(v)(C) and (2)(viii)(B) correctly removed; (e)(1)(v)(D) and (2)(viii)(C) correctly redesignated as (e)(1)(v)(C) and (2)(viii)(B); (e)(1)(ii)(F), (v) introductory text and (B) and (e)(2)(viii) introductory text and (A) correctly revised....26139
1924.1—1924.50 (Subpart A) Text and Exhibits A through I, K and L revised....8002
Exhibits I and J amended....19283
1924.51 Revised....26133
1924.60 (d)(7) added....26133
1924.101—1924.150 (Subpart C) Added....19284
1924.253 (a)(3) amended; (c) revised....8034
1930.110 (c) introductory text amended....20697
1930.119 (b) amended....20697
1930.124 (a)(3) (ii) and (v) amended....20697
1930.101—1930.150 (Subpart C) Exhibit B amended....8034, 20697
Exhibits C, C-2, and E amended....20698
Exhibits B and E amended....24287
1933 Authority citation revised....19301
1933.409 (f) revised....8034
1933.412 Revised....19301
1940 Authority citation revised....8035
1940.305 (j) added....8035
1941.16 (m) added....26133
1941.19 (a)(7) added....26133
1942.17 (p)(4) and (5) and (r)(3)(i) and (ii) amended....8035
1942.18 (n)(3), (o)(1), (3), (5) and (7)(ii) amended....8035
1943.1—1943.50 (Subpart A) Exhibit A amended....8035
1943.32 (a) amended....8035
1943.82 (a) amended....8035
1943.132 (a) amended....8035
1944.2 (f) and (j) revised....11982
Policy guidelines....23543
1944.11 Heading and (c) revised; (d) redesignated as (e); new (d) added....11982
(b) revised....19301
Policy guidelines....23543
1944.16 (a)(1)(i), (5), and (b) revised....8035
Revised....11983
Policy guidelines....23543
1944.17 (e) added....246
1944.22 (a) revised....246
(a) correctly revised....6132
(e)(3) amended....8035
1944.24 (b) amended....19301
1944.26 (a)(2) introductory text and (f)(2) introductory text revised....11984
Policy guidelines....23543
1944.30 (a) amended....8036
1944.33 (f) revised....246
1944.34 (e)(3)(ii) revised....246
(h)(2) revised....11984
Policy guidelines....23543
1944.45 (f)(5), (h), (i)(2), and (k) amended....8036
(f)(3)(ii) revised....19301
1944.46 (d), (f), and (g) amended....8036
1944.47 Addition confirmed....9649
1944.1—1944.50 (Subpart A) Exhibit A amended....8036
Exhibit D amended....9113
1944.163 (e) revised....8036
1944.164 (j)(2) (i) and (ii) amended....19301
(p) revised....24288
1944.175 (a)(4) amended....8036
1944.176 (c)(3) revised....24288

CHANGES JANUARY 2 THROUGH JULY 31, 1987

1944.200 Removed....24288
1944.151—1944.200 (Subpart D) Exhibit A-3 amended....8036, 19302
1944.212 (c)(2)(i) revised....8036
(p)(3) amended....19302
1944.215 (a)(1) introductory text, (iii), and (iv) and (3)(v) revised....8036
1944.222 (c)(1) and (d)(1) introductory text amended....19302
1944.235 (c)(1)(v) and (vii) amended....8036
1944.237 (e) added....24288
1944.201—1944.240 (Subpart E) Exhibit H amended....8037
1944.456 Introductory text amended....11985
(a) introductory text revised....19302
Policy guidelines....23543
1944.463 (a), (b), and (c)(4) amended....8037
1944.469 (f)(1)(i) and (ii) and (g)(1)(iii)(A)(*1*) amended....8037
1945.163 (b)(6) introductory text, (i)(B), and (ii) through (v), (7), and (8) revised....20385
1945.151—1945.200 (Subpart D) Exhibit A amended....8037
1950.103 (a) revised....26133
1950.104 Introductory text and (d) revised....26134
1950.105 Added....26134
1951 Authority citation revised....6319, 11457
1951.1 Revised....26134
1951.7 (h) added....11457
1951.9 (a)(4) added....26134
1951.44 (c)(9) added....26134
1951.46 Added....26135
1951.50 Added (OMB number)....26137
1951.105 (f) amended....18544
1951.111 Added....18544
1951.207 (l) added....11457
1951.252 (a) revised....26137
1951.261 (b)(1)(i)(A) revised....26137
1951.301—1951.318 (Subpart G) Revised....246
1951.304 Added; interim....6319
1951.315 Corrected....6132
1951.407 (c) amended....9113
1951.408 Removed....9113
1951.551 Revised....26138
1951.604 (a)(1)(iv)(B) amended....11985
Policy guidelines....23543
1955.3 (d) revised....26138
1955.53 (o) revised....8037
(e) and (g) revised....26138
1955.105 (a) revised....26138
1956 Authority citation revised....28239
1956.54 (f) revised....26138
1956.58 (a) revised....28239
1965.7 (d) revised....26138
1965.12 Introductory text revised....26138
1965.13 Introductory text revised....26139
1965.31 Introductory text added....26139
1965.65 (a)(1)(i) revised; (a)(1)(iv) and (f)(6)(iv) removed; (a)(1)(v), (c) (1) through (14), and (f) (8) through (13) redesignated as (a)(1)(iv), (c) (2) through (15), and (f) (9) through (14); new (c)(1) and (f)(8) added; new (c)(10)(i) revised....24288
1965.70 (a) amended; (d)(8) revised....24288
1965.90 Revised....24288
1965.92 Amended....24291
1965.51—1965.100 (Subpart B) Exhibit A redesignated as Exhibit B and revised; new Exhibits A and C added....24291
1965.103 (b) introductory text amended....9113
1965.105 (b)(1) amended; (c) revised....9113
1965.106 (a) heading revised; (b) and (c) redesignated as (c) and (d); new (d) amended; new (b) added....9113
1965.110 (a)(1)(ii) amended; (a)(4) added....9113
1965.111 (a) and (b) amended; (c) removed....9113
1965.112 (b) revised....9114
1965.113 (a) amended; (c) revised....9114
1965.116 (b) revised....9114
1965.117 Introductory text, (b)(5), (d)(2) and (g) amended; (e) revised; (h) added....9114
1965.118 (c) revised; (d) added....9114

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 7 Chapter XVIII—Con. Page

1965.125 (a)(1) introductory text amended; (a) (2) and (3) revised ... 9115
1965.126 Introductory text, (b) (2) and (5), (c) (1) and (2) introductory text, (i), and (ii) and (e)(4) revised; (b)(13) added; (b)(3), (4)(i), and (12) and (e)(5) amended ... 9115
1965.127 (a)(3) introductory text, (b)(1)(i) and (2) revised ... 9116
1965.137 Revised ... 9116
1980 Authority citation revised ... 19302
1980.11 Amended ... 6500
1980.12 (a) (1) and (3) revised ... 6500
1980.41 (b)(3)(iii)(A) revised ... 6500
1980.46 (a)(2) revised ... 6500
1980.61 (b)(4) and (h) revised ... 6500
1980.63 Revised ... 6501
1980.67 Revised ... 6501
1980.83 (b) table amended ... 6501, 22290
1980.85 Added ... 6501
1980.146 (c)(2) amended ... 22290
1980.307 (d)(1) and Administrative amended ... 19302
1980.327 (b)(1) revised ... 19302
1980.401—1980.500 (Subpart E) Sections revised ... 6501
1980.401—1980.500 (Subpart E) Appendix C revised; Appendix H added ... 6522
1980.602 (a)(1) introductory text revised; interim ... 25587
1980.611 (a) and (c) introductory text revised; interim ... 25588
1980.625 Revised; interim ... 25588
1980.630 Revised; interim ... 25588
1980.632 (c) and (d) revised; interim ... 25588
1980.642 (e), (k), and (l) revised; interim ... 25588
1980.644 Heading, (a), (b), and (d) introductory text revised; (f) added; interim ... 25588
1980.645 (a) and (b) revised; (d) removed; interim ... 25589
1980.646 Removed; interim ... 25589
1980.651 (f) revised; interim ... 25589
1980.655 Revised; interim ... 25589
1980 Appendix B amended; interim ... 25589

Chapter XXXIV—Cooperative State Research Service, Department of Agriculture

Page

3402 Added ... 4713

Chapter XXXVI—National Agricultural Statistics Service

Chapter XXXVI Chapter established ... 2667
3600 Added ... 2667
3601 Added ... 2669

Chapter XXXIX—Economic Analysis Staff

Chapter XXXIX Chapter established ... 9798
3900 Added ... 9798
3901 Added ... 9798

Title 7—*Proposed Rules:*

1 ... 28149
1d ... 13246
28 ... 16394, 19018
29 ... 25235
46 ... 23842
51 ... 16399
53 ... 6577
54 ... 6577
55 ... 6162, 8404
56 ... 6162, 8404
59 ... 6162, 8404, 17763, 27562
60 ... 27685
70 ... 6162, 8404
220 ... 12419, 23041
226 ... 19354, 22030
246 ... 12527, 27005
250 ... 22660
251 ... 21545
272 ... 3817, 7158, 19514
273 ... 7158, 13450, 17580
275 ... 7158
277 ... 3817
278 ... 19514
301 ... 291, 1276
318 ... 292
319 ... 685, 2114, 27686
330 ... 12917, 15802
353 ... 27687
400 ... 5773, 10764
401 ... 22476
418 ... 11078, 25381
419 ... 2711, 11078, 25382
420 ... 3013, 11078
421 ... 11078
422 ... 9301
424 ... 3013, 11078
425 ... 3013

CHANGES JANUARY 2 THROUGH JULY 31, 1987

Page

427 ... 11078, 25383
428 ... 3013
429 ... 25384
430 ... 3013
431 ... 3013
432 ... 3013, 11078
433 ... 3013
439 ... 25015
444 ... 3013
445 ... 3013
447 ... 3013
448 ... 11078
449 ... 3013
452 ... 2713
453 ... 15506
455 ... 24299
656 ... 20606
658 ... 1465
713 ... 13248, 18565
724 ... 27203
725 ... 18918
726 ... 18918
736 ... 10104
795 ... 9302
800 ... 7880
810 ... 4151, 7880, 8455
900 ... 3119
907 ... 17764, 21546
908 ... 7884, 12535, 17764, 21546
910 ... 12536
911 ... 10108
912 ... 6980
915 ... 13688
916 ... 2800, 9173
917 ... 2800, 6165, 9173
918 ... 16401
923 ... 13842
925 ... 432, 13457, 20402, 21960, 24090
928 ... 3433, 4462, 21065, 22888
929 ... 15510, 18369, 19631
932 ... 6166
933 ... 17581, 27369
944 ... 432, 13688
945 ... 10893, 25016
946 ... 5778, 6167
948 ... 6168
959 ... 7428, 9870, 21068
967 ... 27204
979 ... 12185
980 ... 7428, 9870
981 ... 1918, 28157, 28269
982 ... 5307
987 ... 26688
989 ... 1919, 26689, 27369
994 ... 10984, 12285
999 ... 5307
1007 ... 15951, 17678
1011 ... 3251, 12186, 15951, 17678, 23453
1030 ... 18894
1032 ... 2537
1033 ... 17586, 23306, 27205
1036 ... 17586, 27205
1040 ... 8074, 12537, 17586, 27205

Page

1046 ... 11475, 15951, 17678, 23306
1065 ... 21560, 26016, 27216
1068 ... 23843
1076 ... 25020
1079 ... 27216
1093 ... 15951, 17678
1094 ... 15951, 17678
1096 ... 15951, 17678
1097 ... 8075
1098 ... 15951, 17678
1102 ... 4775
1106 ... 4775, 12538, 16402
1136 ... 27372
1137 ... 6579
1139 ... 27372
1210 ... 3588, 4783, 13086
1240 ... 797
1493 ... 8605
1610 ... 5779
1809 ... 1706, 4913
1900 ... 1706, 4913
1902 ... 1706, 4913
1910 ... 1706, 4913
1924 ... 1706, 2717, 4913
1930 ... 296, 8606
1941 ... 1706, 2717, 4913
1942 ... 3433, 12539
1943 ... 1706, 4913
1944 ... 7584, 8606, 21069
1945 ... 1706, 4913
1951 ... 1706, 2717, 4913, 19732, 27562
1955 ... 1706, 4913, 10577
1962 ... 1706, 4913
1965 ... 1706, 2717, 4913, 8606, 10577
1980 ... 1706, 4913
2201 ... 6803, 8611
3016 ... 21820, 23627

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

1 Authority citation revised; section authority citations removed ... 2936
1.1 (h) revised ... 2936
3 Authority citation revised; section authority citations removed ... 2936
Nomenclature change ... 2941
3.1 (b)(3) revised ... 2943
(d)(3) revised ... 24981
3.3 (a) amended; (b) revised ... 2936
3.4 Amended ... 2936

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 8 Chapter I—Con. Page

3.7 Revised....2936
Corrected....7369
3.11 Added....2942
3.12—3.38 (Subpart C) Added....2936
100 Authority citation revised....16191
100.2 (c)(3) (iv) and (v) amended; (c)(3)(vi) added....16191
100.4 (f) added....16191
(c)(4) revised....22629
103 Authority citation revised; section authority citations removed....2939
Authority citation revised....16192
103.1 (l)(1) amended....2985
(f)(1) (iv) and (v) and (q) amended; (f)(1)(vi) and (2) (xxvii) through (xxxii), (n)(2) and (t) added; (n) redesignated as (n)(1)....16192
(o)(2) revised....22629
103.2 (c) added....16192
103.3 (a) redesignated as (a)(1); (a)(2) added....16192
103.4 Revised....661
Existing text designated as (a); (b) added....16192
103.5 Existing text designated as (a); (b) added....16193
103.7 (d) (1) and (4) revised....3
(c)(1) revised....2939
(b)(1) amended....16193, 19719
103.8 Introductory text republished; (c) revised....2942
103.10 (b)(1)(ii) removed; (b)(1)(iii) through (vi) redesignated as (b)(1) (ii) through (v)....2942
103.37 Added....16193
109 Removed....16220
204.2 (c)(7) revised....16233
210 Added....16199
210.1 (k) amended....28662
210.2 (a)(3) and (c)(1) amended....28662
210.6 Added....28663
211 Authority citation revised....16193
211.1 (d) added....16193
211.5 (d) added....16193
212 Authority citation revised....16193, 16372
212.3 Revised....2943, 11621
212.5 (b) amended; (d)(2) redesignated as (d)(2)(i); (d)(2)(ii) added....16194
212.11 Added; interim....16372
214 Authority citation revised....13226, 20555
214.2 (h)(6)(i) and (9) and (l) revised; (h)(6)(ii), (10), (11), (12), (13), and (14) redesignated as (h)(6)(v), (11), (13), (10), (14), and (15); new (h)(10) and (11) revised; new (h)(6)(ii), (iii), and (iv) and (12) added....5750
(l) correctly designated; (l)(3)(i) corrected....7063
(f)(4)(ii), (5), (6) (ii) through (v), (7), (8), and (10) revised....13226
(h) (3) through (15) redesignated as (h) (4) through (16); new (h)(3) added; new (h)(4) heading revised; (h)(4)(ii)(B) amended; interim....20555
214.3 (g)(1) (i) through (xii) revised; flush text following (g)(1)(xii) added....13229
234 Authority citation revised....16194
234.2 (b) amended....16194
236 Authority citation revised; section authority citations removed....2939
236.5 (a), (b), and (c) removed; (d) and (e) redesignated as (b) and (c); new (a) added....2939
236.6 Revised....2939
236.7 Revised....2939
238 Authority citation revised....26944, 26945
238.3 (b) amended....2670, 26945
238.4 Amended....26944
241 Heading and authority citation revised; interim....16372
241.2 Added; interim....16372
242 Authority citation revised; section authority citations removed....2939
Authority citation revised....16194, 16372
242.1 (a) and (b) revised....2939
(a) revised....3098
(a) introductory text corrected....5616
Effective date corrected....6133
242.2 (a) introductory text amended; (b) revised....2939

CHANGES JANUARY 2 THROUGH JULY 31, 1987

Page

(a) revised....3098
(a)(1)(viii) corrected....5616
Effective date corrected....6133
(a) through (e) redesignated as (b) through (f); (a) and (g) added; interim....16372
242.5 (b) amended....2940
242.7 (a) and (b) revised....2940
(a) revised....3099
(a)(3) corrected....5616
Effective date corrected....6133
242.12 Revised....2940
242.13 Revised....2940
242.14 (e) revised....2940
242.16 (d) amended....2940
242.20 Revised....2941
242.21 Existing text designated as (a); (b) added....16194
242.22 Revised....26470
244.2 Revised....24982
245.1 (b)(5) through (8) and (c) through (f) redesignated as (b)(7) through (10) and (d) through (g); new (b)(5) and (6) and (c) added; interim....6321
245.6 Redesignated as 245.7; new 245.6 added; interim....6322
(c)(3) corrected....13827
245.7 Redesignated as 245.8; new 245.7 redesignated from 245.6; interim....6322
245.8 Redesignated as 245.9; new 245.8 redesignated from 245.7; interim....6322
245.9 Redesignated from 245.8; interim....6322
245a Added....16208
248 Authority citation revised....11621
248.1 (e) added; interim....11621
249.2 Revised; interim....6322
264 Authority citation revised....16194
264.1 (a), (b), and (c) amended....16194
274a Added....16221
287 Authority citation revised....16372
287.1 (g) through (i) added; interim....16372
287.7 Added; interim....16373
292 Authority citation revised; section authority citations removed....2941
292.3 (a) introductory text, (5) and (b) revised....24981
292.4 (a) revised....2941
299 Authority citation revised....16195
299.1 Amended....16195
299.3 Amended....16195
341.1 Revised....19719
341.7 Revised; interim....13229

Title 8—*Proposed Rules:*

1—499 (Ch. I)....2115
1....19733
3....2948
100....8740
103....8740, 24475
109....8762, 10187
204....18236
207....4913, 23307
210....8745
211....8740
212....8740
214....22661
234....8740
242....2949, 7741, 8740
244....2950
245....11659
245a....8752
252....1634
264....8740
271....1920
274a....8762, 10187
292....2948, 2951
299....8740

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

50.1 (p) amendment and (r) addition confirmed....1317
50.16 Addition confirmed....1317
51.1 Amended....6524
Corrected....22290
71 Authority citation revised; section authority citations removed....2987
71.18 (a)(1)(i), (ii), and (iii) amended; (a)(5) added....2987
75.5 (d), (g) through (m), and footnotes 3a and 4 removed; designations removed; section amended; interim....7404
Confirmed....28240
75.7 Revised; interim....7404
Confirmed....28240

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 9 Chapter I—Con. Page

75.8 Removed; interim....7405
Confirmed....28240
75.9 Removed; interim....7405
Confirmed....28240
77.4 (b) revision confirmed...4599, 8224
(b) amended; interim....23937
77.9 (b) introductory text amendment confirmed....1317
78.20 (a) and (b) amendment confirmed....5940
78.41 (c) and (d) amended; interim....1625
(b) and (c) amended; interim....4600
(c) and (d) amendment confirmed....6524
(b) and (c) amended....9453
(c) and (d) revised....10555
(a) and (b) amended; interim....22292
(b) and (c) amendment confirmed....22292
(c) and (d) amendment confirmed....23016
(b) corrected....28240
78.43 Revised; interim....18688
91.14 (a)(5) removal and (a)(6) through (16) redesignation as (a)(5) through (15) confirmed....8225
92.1 (cc) added....2990
Amended....5941
(k), (l), and all paragraph designations removed; amended....11023
92.2 (k) added....2653
(i)(2)(iii)(C), (iv)(A) and (B), (v)(A)(*2*)(*i*), (B), (E), and (G) revised; (i)(2)(vi) redesignated as (i)(2)(vii); new (i)(2)(vi) added....2990
(k) removed; interim....8437
Footnote 2a removed; (c)(1), (2)(i) and (3) amended....21497
(k) removal confirmed....28241
92.4 (a)(6)(iii)(C)(*1*), (8)(i), (ii) introductory text, and (9) introductory text, (ii), and (iii) revised....2992
92.11 (e) and (f)(3)(ii)(E) amended....21497
92.17 Amended....2992
92.20 (b) revised; footnote 10 removed....11023
(c)(5) and (d) revised; OMB number....18199

Page

92.27 Footnote 11 redesignated as footnote 10....11023
92.31 Footnote 12 redesignated as footnote 11....11023
92.35 (c)(2) and (3) redesignated as (c)(3) and (4); new (c)(2) added....5941
92.41 Footnotes 13 and 13a redesignated as footnotes 12 and 13....11023
94.1 (a)(2) amended....2653
(a)(2) amended; interim....8437
(a)(2) amendment confirmed....28241
94.6 (a)(2) amended....27327
94.9 (a) amended....27327
94.10 Amended....27327
94.11 (a) amended....2653
(a) amended; interim....8437
(a) amendment confirmed....28241
94.12 (a) amended....27327
94.17 Added....11625
97.1 (a) and (b) amended....16823
97.2 Table amended....16234
102.2 Revised....11026
102.4 (f) revised....11026
102.5 (b) and (e) revised....11026
102.6 Added....11026
113.101 (c)(2) removed; (c) (3) through (7) redesignated as (c)(2) through (6) and revised....9117
113.102 (c)(2) removed; (c) (3) through (7) redesignated as (c) (2) through (6) and revised....9118
113.103 (c)(2) removed; (c) (3) through (7) redesignated as (c) (2) through (6) and revised....9118
114.1 Revised....11026
114.2 (d) addition confirmed....26141
151 Authority citation revised; section authority citations removed....1317, 13070
151.9 (a) table amended....1318, 13071
166.1 Amended....4890
166.2 (b) and (c) amended....4890
166.4 (b) amended....4890
166.5 (b) amended....4890
166.6 Amended....4890
166.8 Amended....4890
166.9 (d) amended....4890
166.10 (a), (c) (1) and (2), and (d) amended....4890
166.11 (b) and (d) amended....4890

CHANGES JANUARY 2 THROUGH JULY 31, 1987

Page

166.12 (c) and (d) amended....4890
Redesignated as 166.13; new 166.12 added....4891
166.13 Redesignated as 166.14 and (a), (b), (c), and (d) amended; new 166.13 redesignated from 166.12....4891
166.14 Redesignated as 166.15 and (d) and (e) amended; new 166.14 redesignated from 166.13 and (a), (b), (c), and (d) amended....4891
166.15 Redesignated from 166.14 and (d) and (e) amended....4891
(c) revised; interim....13231

Chapter III—Food Safety and Inspection Service, Meat and Poultry Inspection, Department of Agriculture

303 Authority citation added....10032
303.1 (g) revised; authority citation removed; interim....10032
303.2 Added; interim....10032
307.5 (a) revised....4
308 Policy statement....3595
309.16 (d)(3) revised; interim....2104
310.21 (c) introductory text, footnote 1, and (d) revised; interim....2104
318 Policy statement....3595
318.7 (c)(4) table amended...17284, 19303
318.10 Partial waiver extended....5
(c)(3)(iv) Table 6 corrected....12517
318.21 Added....2185
320 Policy statement....3595
327 Policy statement....3595
335.40 (Subpart E) Added; interim....13828
350 Authority citation revised....4
350.7 (c) revised....4
351.8 Revised....5
351.9 (a) revised....5
354.101 (b) and (c) revised....5
355.12 Revised....5
362.5 (c) revised....5
381 Policy statement....3595
381.3 (b) amended; (c), (d), and (e) added; interim....10033
381.38 (a) revised....5
381.153 Added....2192

Page

381.196 (b) amended....23021

Title 9—*Proposed Rules:*

1....10292, 19359
2....10298, 19359
50....24165
54....12189
71....1921
76....1921
77....24165
78....1336
85....1921
91....17597, 21688
92....2654, 2658, 9871, 10765, 25606
94....7885, 12917, 13693, 15802, 25020
160....5308, 19359
161....5308, 19359
166....27413
307....12422
308....12422
309....21561
310....21561
314....21561
317....10766, 11828, 24475
319....2416, 5991, 9303, 10766, 11828
327....23041
362....21563
381....11828, 15960, 23041, 24303, 24475

TITLE 10—ENERGY

Chapter I—Nuclear Regulatory Commission

Chapter I Policy statements revocation corrected....20592
0 Authority citation revised....11027
0.735–21 (b)(1) revised; (e) added....11027
0.735–29 (b)(1)(v) revised....11028
2.785 (a) revised....2993
4 Authority citation revised....25357
Table of contents corrected....28132
4.1 Revised....25357
4.1a Redesignated as 4.2 and revised....25358
4.2 Redesignated as 4.3 and revised; new 4.2 redesignated from 4.1a and revised....25358
4.3 Redesignated as 4.4 and (d) revised; new 4.3 redesignated from 4.2 and revised....25358
4.4 Redesignated as 4.5; new 4.4 redesignated from 4.3 and (d) revised....25358
4.5 Redesignated from 4.4....25358
4.301—4.341 (Subpart C) Added....25358

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 10 Chapter I—Con. Page

4 Appendix A amended....25361
9.95 Revised....760
19.2 Amended....8240
19.3 (d) amended....8240
20.2 Amended....8240
20 Authority citation revised....4605
20.3 (a)(20) added; eff. 2-12-88....4604
(a)(9) amended....8240
20.202 (c) added; eff. 2-12-88....4604
21.2 Amended....8241
30 Authority citation revised...1294, 27786
30.4 Introductory text, (b), and (i) amended; (x) removed....8241
30.5 Amended....8241
30.6 (a) and (b)(1) amended....8241
30.11 (a) amended....8241
30.13 Amended....8241
30.14 (a) and (c) amended....8241
30.15 (a) amended....8241
30.16 Amended....8241
30.18 (a) amended....8241
30.19 (a) amended....8241
30.20 (a) amended....8241
30.31 Amended....8241
30.32 (g) added....27786
30.33 (a)(4) amended....8241
30.34 (h) added....1295
(a), (b), (c), (d), and (e) amended....8241
30.39 Amended....8241
30.51 (a), (b), (d)(1) and (2) amended....8241
30.53 Amended....8241
30.56 Removed....8241
32 Authority citation revised....27786
32.1 (a) revised....27786
32.210 (Subpart D) Added....27786
35.205 Exemption....9292
39 Added....8234
40 Authority citation revised...1295, 9651
40.1 (a) revised....9651
40.4 (r) added....9651
40.5 (b)(1) amended....8241
40.12 Revised....9651
40.23 Added....9651
40.41 (f) added....1295
40.66 Added....9651
40.67 Added....9652
50 Authority citation revised; section and Appendix authority citations removed....1295
Authority citation corrected....2352

Page

Policy statement; interim....3788
50.33 Authority citation correctly removed....2352
50.34 (b)(8) revised....9469
50.54 (cc) added....1295
(p)(1) correctly designated....1415
(i) and (i-1) revised....9469
(f) corrected....19303
50.74 Added....9469
50 Appendix E amended....16829
51.22 (c)(3), (10), and (14) amended....8241
51.60 (a) amended....8241
51.66 (a) amended....8241
51.68 Amended....8241
55 Revised....9460
61 Technical position statement availability....397
Authority citation revised....1295
61.24 (k) added....1295
70 Authority citation revised....1296, 9652, 10037, 21657
70.4 (w) removed....8241
70.5 (b)(1) amended....8241
70.8 (c)(6) added....19305
70.20a (b) amended....8241
70.20b Revised....9652
70.22 (b) revised....10038
70.32 (a) introductory text republished; (a)(9) added....1296
(c)(1) revised....10038
(c)(1)(i) corrected....22416
70.51 (b) and (e) introductory text revised....10038
70.52 Revised....21657
70.53 (b) revised....19305
70.57 (b) introductory text revised....10038
70.58 (a) revised....10038
70.60 Removed....8241
71.0 (b) amended....8241
72 Authority citation revised....1296, 21657
Authority citation corrected....23257
72.33 (b) introductory text republished; (b)(6) added....1296
72.52 Revised....21657
73 Authority citation revised....6314, 9653, 21657
73.1 (b)(8) added....9653
73.55 (e)(1) revised....12365
73.57 Added....6314
(b)(1) and (5) and (f)(3)(ii) corrected....7821

CHANGES JANUARY 2 THROUGH JULY 31, 1987

Page

73.67 (e)(3)(vii) and (g)(3)(iii) revised....21657
73.71 Revised....21658
(a) (1) and (5) corrected....23257
73.72 Revised....9653
73.73 Added....9653
73.74 Added....9654
73 Appendix E added; Appendix F revised....9654
Appendix G added....21658
74 Authority citation revised....10038, 19305, 21659
74.4 Amended....10039
74.8 (b) revised....10040
(c)(4) added....19305
74.11 Revised....21659
(b) corrected....23257
74.17 Added....19305
74.51—74.59 (Subpart E) Added....10040
110 Authority citation revised....9654
110.50 (b)(4) revised....9655
150.20 (b) amended....8241
170.2 (a) amended....8242

Chapter II—Department of Energy

420 Class deviation....18548
456 Revised; interim....6715
465 Class deviation....18548
503.13 (b) introductory text amendment confirmed and republished....658
600 Class deviation....18548

Chapter III—Department of Energy

763 Added....28538
962 Added....15940

Chapter X—Department of Energy (General Provisions)

1040.101—1040.170 (Subpart D) Addition published at 51 FR 4574 and 51 FR 4579 removed (regulations transferred to Part 1041)....1902
1041 Heading added; text transferred from 1940.101—1040.170 (Subpart D) published at 51 FR 4574 and 51 FR 4579....1902
1041.170 (c) revised....1902

Page

Title 10—*Proposed Rules:*

2....1415, 3442, 6286, 11475, 12192, 20089, 27821
30....2540, 7432, 12921
32....2540
40....7432, 12921
50....543, 1200, 2416, 2951, 3121, 3822, 5780, 6334, 6650, 6980, 7432, 7887, 8075, 8460, 8917, 10771, 16275, 24015
55....7432, 7887
60....5992, 7432, 16403
61....7432
62....1634
70....7432, 12921
71....7432
72....7432
73....5781
110....7432
150....7432
430....7972, 12342
435....17052
456....6754
458....6754
600....21820, 23627
625....22960
703—961 (Ch. III)....2792
725....15324
763....4151
1004....23156
1010....17765, 18647
1013....20403

TITLE 11—FEDERAL ELECTIONS

Chapter I—Federal Election Commission

4 Authority citation revised....23637
4.1 (g) through (n) added; interim....23637
4.5 (a) introductory text and (7) revised; (b) through (d) redesignated as (c) through (e); new (b) added; interim....23638
4.7 (c) revised; interim....23638
4.9 Revised; interim....23638
5.6 (a)(1) amended; interim....23640
100.7 (c) revised (effective date pending)....773
Eff. 4-8-87....11187
100.8 (c) revised (effective date pending)....773
Eff. 4-8-87....11187
102.9 Introductory text and (e) revised; (f) added (effective date pending)....773
Eff. 4-8-87....11187

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 11 Chapter I—Con. Page

103.3 Revised (effective date pending)....774
Eff. 4-8-87....11187
104 Authority citation revised....774
104.8 (d) revised (effective date pending)....774
Eff. 4-8-87....11187
106 Authority citation revised....20874
106.2 Revised (effective date pending)....20874
110 Authority citation revised....769
110.1 Revised (effective date pending)....769
Eff. 4-8-87....11187
110.2 Revised (effective date pending)....772
Eff. 4-8-87....11187
9001 Revised (effective date pending)....20876
9002 Revised (effective date pending)....20876
9003 Revised (effective date pending)....20877
9004 Revised (effective date pending)....20882
9005 Revised (effective date pending)....20886
9006 Revised (effective date pending)....20887
9007 Revised (effective date pending)....20887
9012 Revised (effective date pending)....20891
9031—9039 (Subchapter F) Revised (effective date pending)....20892

Title 11—*Proposed Rules:*
100....2416
110....6580
114....16275

TITLE 12—BANKS AND BANKING

Chapter I—Comptroller of the Currency, Department of the Treasury

5.1 (a) revised....5942
5.3 Revised....5942
21 Heading and authority citation revised....2859
21.21 (Subpart C) Added....2859

Chapter II—Federal Reserve System

Page

202 Appendix B and Supplement I amended....10733
203 Exemption terminated....10365
204 Authority citation revised....2215
204.2—204.4 Authority citations removed....2215
204.9 Authority citation removed....2215
205 Supplement II amended....10734
207 OTC margin stock list....3218, 15941, 28538
208 Authority citation revised....2859
208.14 Added....2860
220 OTC margin stock list....3218, 15941, 28538
221 OTC margin stock list....3218, 15941, 28538
224 OTC margin stock list....3218, 15941, 28538
225.43 (a) revised....23023
(c)(2) and (d) revised....23024
226 Supplement I amended....10878
227.14 Exemption granted in part....2400
261 Policy statement....15707
261.4 (g) removed....15300
261.8 Added....15300

Chapter III—Federal Deposit Insurance Corporation

309.5 (a)(1), (b), and (c)(7) revised....23426
Technical correction....24090
326 Heading and authority citation revised....2860
326.0—326.7 (Subpart A) Heading added....2860
326.0 Heading revised....2860
326.8 (Subpart B) Added....2860
337.4 (h)(3) revised....23544
341.4 (a) revised....1182

Chapter V—Federal Home Loan Bank Board

500.10 Amended....7120
500.31 Revised....5942
(a)(1) and (2) amended....10557
500.32 (a), (b) (1), (3), (5), (6), (8), (9), (10), and (12), and

CHANGES JANUARY 2 THROUGH JULY 31, 1987

Page

(c) introductory text revised....7120
(c) introductory text corrected....8550
505 Authority citation revised....7121
505.3 (c) and (d) removed; (e) and (f) redesignated as (c) and (d); new (d) revised....7121
505.4 (d) amended; authority citation removed....7121
505a Authority citation revised....7121
505a.3 (c) revised....7121
505b Authority citation revised....7121
505b.7 Amended....7121
508 Authority citation revised; section authority citations removed....7121
508.13 Amended....7121
510a Added....17392
522.87 (a) designation removed....7122
523 Authority citation revised; section authority citations removed....7122
523.3-3 Amended....7122
523.10 (h)(5) amended....7122
545.11 (a) heading added; (b) amended....7122
545.74 (d)(4) amended....7122
545.82 (e) amended....7122
545.102 (b) revised....24135
545.115 (b) revised....18350
545.138 (f) heading added....7122
546.2 (d)(3) and (h)(1)(i) revised....9800
552 Authority citation revised; section authority citations removed....7122
552.2-2 (d) amended....7122
552.8 (b) and (f)(2) amended; (f)(1) revised....7122
552.13 (h)(2) amended....7122
(i)(3) revised; (j)(3) amended....9800
552.14 (b) amended....7122, 9800
555 Authority citation revised; section authority citations removed....7122
555.10 Amended....7122
555.12 Amended....7122
555.17 (d)(2) amended....7122
556 Authority citation corrected....8550
556.5 (i) amended....7123

Page

556.8 Amended....7123
561 Authority citation revised....7123
561.11a (f)(2) introductory text revised....8242
561.11f (a)(3)(ii) amended....8242
561.11g (a) amended....8242
561.13 (c) (1) and (2) amended....7123
Revised....18350
561.15 (b), (d)(2), and (j) (1) and (3) amended....7123
(j)(1) correctly designated....8550
561.17 (a) amended....7123
563.4 (d)(3) amended....7123
563.6 (d) revised....8242
563.7-4 (i)(2)(iv) amended....7123
563.8 (c) heading added....7123
563.8-1 (d)(1)(v)(c) amended....7123
563.9-7 (b) amended....7123
563.9-8 (h) amended; interim....7822
(b)(1)(i), (g)(6), and (h) amended; (f) text designated as (f)(1); (b)(11), (c)(3), (f)(2), and (g)(3)(iv) added; (c)(2) and (g)(2)(v) and (3)(ii) introductory text and (A) through (C) revised....8205
Heading, (a), (c)(2) (i) and (ii), and (e)(2) revised; nomenclature change; (b)(1) introductory text and (6)(ii) and (e)(1) amended; (b)(6)(iii), (9), (10), and (11) redesignated as (b)(6)(iv), (10), (11), and (12); new (b)(6)(iii) and (9) and (f)(3) added....23802
563.13 (b)(4)(i)(E) revised....23641
Nomenclature change....23802
(b)(4)(ii)(D)(*2*)(*iii*) amended; (b)(4)(ii)(D)(*2*)(*iv*) redesignated as (b)(4)(ii)(D)(*2*)(*v*); new (b)(4)(ii)(D)(*2*)(*iv*) added; (b)(4)(ii)(E)(*2*) and (F)(*2*) revised....23803
563.13-1 (e) introductory text amended....7123
563.13-2 (a)(4) and (e)(1)(i) amended....23802
563.17-1 (c)(8) amended....7123
(c)(8) corrected....8550
563.17-4 (g) removed....18351
563.17-7 Added....2860
OMB number....3207

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 12 Chapter V—Con. Page

563.22 (b) amended; (d) and (e)(1)(i) revised ... 9800
563.23–1 (f)(3)(i) revised ... 7123
(a) and (b) revised; (f) removed; (g) redesignated as new (f) ... 18351
563.23–2 Removed ... 18351
563.23–3 (c) revised; (d) added ... 18352
563.27 (b) amended ... 7123
563.35 (b) and (d) introductory text amended ... 7123
563.37 (b) amended ... 23802
563.38 (a) amended ... 23802
563.39 (b) (2) and (3) revised ... 4892
563.43 (b)(5) amended ... 7123
563.45 (c) and (d) amended ... 7123
563b Authority citation revised ... 7123
563b.1 (a)(2) removed; (a)(1) designation removed ... 7123
Amendatory instruction corrected ... 8550
563b.2 (a)(19) revised ... 7123
563b.101 Form PS amended ... 7124
563c Authority citation revised ... 7124, 18352
563c.14 (f) added ... 18352
563c.102 Amended ... 7124
Corrected ... 8550
564 Authority citation revised ... 7124
564.9 (b) amended ... 7124
(b) revised ... 10558
569 Authority citation revised ... 7124
569.3 (b)(2) amended; (c)(2) removed; (c)(1) designation removed ... 7124
570 Authority citation revised ... 18352
570.4 Heading and (a) revised ... 18352
571 Authority citation revised; section authority citations removed ... 7124
Authority citation revised ... 23941
571.5 (a) revised ... 23941
Effective date corrected ... 26295
571.8 Amended ... 7124
572 Authority citation revised ... 7124
572.1 (c)(2) and (e)(3) amended ... 7124
572a Authority citation revised ... 9801
572a.5 (c)(5) amended ... 9801
574 Authority citation revised ... 7124
574.2 (a)(2) revised; (k)(2) amended ... 9801
574.3 (c)(2)(iii) amended ... 7124
(c)(2)(iv)(A) revised ... 9801
574.4 (d)(5) revised ... 9801
574.5 (a)(1) revised ... 9801
574.6 (a)(3) revised; (e) and (f)(2) amended ... 9801
574.7 (e), (f), (g)(1)(ii) introductory text and (iii) revised ... 9801
574.8 (a)(3)(iv) revised ... 9802
584 Authority citation revised; section authority citations removed ... 7124
584.2–1 (a) and (b)(1)(v) amended ... 7124
584.4 (a) amended ... 7124
584.6 (c)(1) amended ... 7124

Chapter VI—Farm Credit Administration

602.250 (a) introductory text, (5) and (8) revision eff. 5–6–86 ... 2105
605 Authority citation revised ... 18200
605.502 (d), (f) and (j) revised ... 18200
611.1140 (b) introductory text, (1)(ii) and (2)(v), (vi) (B), (C), (F), and (H) and (4) (i), (ii) and (iii) revised; (b)(1)(iii) added (effective date pending) ... 12142
Eff. 5–20–87 ... 19129
611.1142 (i) introductory text, (3) and (l)(3) revised; (l)(10) added (effective date pending) ... 12143
Eff. 5–20–87 ... 19129
614.4366 (e) revised (effective date pending) ... 12147
Eff. 5–20–87 ... 19129
614.4367 (a) introductory text revised; (g) and (h) added (effective date pending) ... 12147
Eff. 5–20–87 ... 19129
614.4440 (c) revised (effective date pending) ... 12147
Eff. 5–20–87 ... 19129

CHANGES JANUARY 2 THROUGH JULY 31, 1987

Page

614.4442 (b) revised (effective date pending) ... 12147
Eff. 5–20–87 ... 19129
614.4443 Existing text designated as (a); (b) added (effective date pending) ... 12147
Eff. 5–20–87 ... 19129
620 Addition eff. 5–6–86 ... 2105
Hearings ... 8581
620.3 Technical correction ... 1440
621 Addition eff. 5–6–86 ... 2105
621.2 Technical correction ... 1440
624 Hearings ... 2672
Heading and authority citation revised ... 13429
624.104 Introductory text revised ... 2671
Redesignated as 624.105; new 624.104 added ... 13429
624.105 Redesignated from 624.104 ... 13429
624.110 Revised ... 13429
624.111 Revised ... 2671
624.113 (b) introductory text and (1) revised ... 2671
(a) and (b) introductory text and (1) revised ... 13429

Chapter VII—National Credit Union Administration

701.21 (c)(7) revised ... 8061
(a), (c) (5) and (8), and (d)(5) revised; (h) added ... 12368
708 Revised ... 12374
741 Authority citation revised ... 12370
741.3 Redesignated as 741.4; new 741.3 added ... 12370
741.4 Redesignated as 741.5; new 741.4 redesignated from 741.3 ... 12370
741.5 Redesignated as 741.6; new 741.5 redesignated from 741.4 ... 12370
741.6 Redesignated as 741.7; new 741.6 redesignated from 741.5 ... 12370
741.7 Redesignated as 741.8; new 741.7 redesignated from 741.6 ... 12370
741.8 Redesignated as 741.9; new 741.8 redesignated from 741.7 ... 12370
741.9 Redesignated as 741.10; new 741.9 redesignated from 741.8 ... 12370
741.10 Redesignated from 741.9 ... 12370
748 Heading and authority citation revised ... 2861
748.2 Added ... 2861
(b) revised ... 8062
790.4 (a)(7) revised ... 27987
790.7 Revised ... 27987
795.1 (b) table amended (OMB numbers) ... 28132

Title 12—*Proposed Rules:*

3 ... 23045
18 ... 23456
211 ... 21564, 26153
220 ... 13458
225 ... 543, 3447, 4629, 5119, 9304, 18703, 21564, 26153
227 ... 28271
261 ... 10233, 13458
262 ... 21564, 26153
309 ... 13843
325 ... 11476, 11660
332 ... 7442
337 ... 11492
350 ... 23554, 25021
404 ... 21569
501 ... 25870
522 ... 12425
523 ... 3450
543 ... 25870
544 ... 25870
545 ... 3665, 25870
546 ... 25870
551 ... 25870
561 ... 18369, 27218
563 ... 80, 3665, 3669, 8207, 17406, 18043, 18369, 18386, 23845, 27218, 27219
564 ... 3126, 8611, 26017
565 ... 17408
571 ... 5782, 7887, 18369, 18386, 23181, 27218, 27219
588 ... 23181
611 ... 13694
612 ... 11080
614 ... 21073
700—795 (Ch. VII) ... 27994
701 ... 28274
703 ... 28274
705 ... 12427
721 ... 28274
790 ... 19152

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

Page
101.3–2 Amended....18352
108.1 (b)(3) amended; interim....27675
108.2 Revised; interim....27675
108.4 (d)(2)(iii) amended; interim....27676
108.5 (d) amended; interim....27676
108.503–1 (b)(3) amended; (c)(1)(iii) added; interim....27676
108.503–3 (f) and (g) amended; interim....27677
108.503–4 (c)(3)(iii)(A) amended; (c)(4) added; interim....27677
108.503–6 (a) (1) and (2) amended; (d) redesignated as (e); new (d) added; interim....27677
108.503–7 (b)(2) amended; (c) revised; interim....27677
108.503–8 Revised; interim....27677
108.503–9 (a)(6) removed; (a)(7) through (11) redesignated as (a) (6) through (10); interim....27678
108.503–10 Revised; interim....27678
108.503–12 Revised; interim....27678
108.503–13 (c) and (h) amended; interim....27678
108.504 (a) amended; (b), (c), (e), and (f) revised; (g), (h), and (i) redesignated as (j), (k), and (l); new (g), (h), and (i) added; new (j) revised; interim....27678
108.505 (a), (d), (e), and (h) amended; (f), (g), and (k) revised; interim....27679
121.2 Existing Table designated as Table 2; (d) and new Table 1 added; interim emergency....399
Table 1 corrected....2400, 6133
(c)(2) table corrected....21497
133.1 (c) table revised....27988

Chapter III—Economic Development Administration, Department of Commerce

309.3 (f) and (m) revised; interim....21932
309.7 (c) revised....27539
311 Authority citation revised....11627
311.1 (a)(5) added; (c) revised....11627
311.3 (d) revised....11627

Title 13—*Proposed Rules:*

102....18570
120....19155
121....8261
142....19156
143....21820, 23627
144....26019

TITLE 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

15 Added....18171
21 Special FAA conditions corrected....656
Authority citation revised; section authority citations removed....1835
Special FAA conditions amended....3416, 11629, 23026, 27190
21.17 (b) through (d) redesignated as (c) through (e); new (b) added; new (d) introductory text and (2) amended....8042
21.19 (b) introductory text amended....1835
21.21 Heading and introductory text amended....1835
Heading and introductory text revised....8042
21.23 Removed....8042
21.27 (a) and (f) table amended....1835
(f) table corrected....7262
21.31 (c) revised....8042
21.37 Amended....1835
21.39 (a) amended....1835
21.50 (b) revised....8042
21.73 (c) amended....1836
21.93 (b)(3) amended....1836
21.175 (a) amended....1836
(a) revised....8043
21.183 Heading and (e)(2) amended....1836

Page
Heading revised....8043
21.195 (b) amended....1836
21.213 (c) amended....1836
21.231 (a) (2) through (5) redesignated as (a) (3) through (6); new (a)(2) added....1836
21.327 (f)(2) amended....1836
23 Special FAA conditions corrected....656
Heading revised....1825
Special FAA conditions amended....11629, 27190
23.1 (a) revised....1825
23.3 (a) introductory text, (b) introductory text, and (c) revised; (d) redesignated as (e) and revised; new (d) added....1825
23.25 (a) introductory text revised; (a)(2) amended....1825
23.45 (a) revised; (f) added....1826
23.51 (b) and (c) removed; (d) and (e) redesignated as (b) and (c); new (d) added....1826
23.53 Added....1826
23.55 Added....1826
23.57 Added....1827
23.59 Added....1827
23.61 Added....1827
23.65 (d) added....1827
23.67 (a), (b) and (c) amended; (e) added....1827
(e)(3) introductory text corrected....7261
23.75 (g) added....1828
23.77 (a) and (b) amended; (c) added....1828
23.161 (b) and (c) introductory text and (3) revised....1828
23.173 (b) revised....1828
23.175 (b)(2) introductory text revised....1828
23.333 (b)(3) amended; (c)(1)(iii) added; (d) diagram revised....1829
23.335 (a)(1)(i) and (b)(2)(i) revised; (d) added....1829
23.337 (a)(1) and (b)(1) amended....1829
23.349 (a)(2) revised....1829
23.397 (b) table footnote 1 amended....1829
23.443 (b) and (c) redesignated as (c) and (d); new (b) added....1830
(b) corrected....7262
23.572 Heading revised; (a) amended; (b) added....1830
23.677 (d) added....1830
23.721 Added....1830
23.783 (c) added....1830
23.785 (g) revised....1830
23.787 (g) added....1830
23.803 Added....1831
23.807 (d) added....1831
23.815 Added....1831
23.831 Existing text designated as (a); (b) added....1831
23.851 Added....1831
23.853 (d) and (e) redesignated as (e) and (f); (d) added....1831
23.901 (b)(3) added....1832
23.903 (d) text redesignated as (d)(1); (d)(2) added; (e)(2) revised....1832
23.933 (d) added....1832
23.963 (f) added....1832
23.997 (e) added....1832
23.1163 (d) added....1832
23.1165 (f) added....1833
23.1193 (g) added....1833
23.1195 Added....1833
23.1197 Added....1833
23.1199 Added....1833
23.1201 Added....1833
(a) corrected....7262
23.1203 Amended....1833
23.1305 (f), (h) and (k) revised....1833
23.1309 (d) added....1833
23.1323 (c) and (d) added....1834
23.1325 (f) added....1834
23.1351 (a)(2), (b) (2), (3) and (4), and (d) revised; (b)(5) added....1834
23.1523 (a) revised....1834
23.1581 (e) added....1834
23.1583 (a)(3), (c) (3) and (4), and (e)(4) added....1834
23.1585 (h) added....1835
23.1587 (d) added....1835
23 Appendixes F and G amended....1835
25 Special FAA conditions amended....3416, 23026
25.853 Comment time extended....5422
25 Appendix F comment time extended....5422

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 14 Chapter I—Con. Page

36 Authority citation revised; section authority citations removed....1836
36.1 (a)(2) and (e) amended....1836
36.9 Heading and introductory text amended....1836
36.501 (Subpart F) Heading amended....1836
36.501 (a)(2) amended....1836
36.1581 (d) amended....1836
36 Appendix F amended....1836
39.13 ....517, 519–524, 1319, 1320, 1441–1443, 2216–2218, 2511, 2512, 2673, 2674, 2676, 3108–3112, 3419–3422, 3424, 3426, 3596–3600, 3793, 3998–4000, 4278–4281, 4605–4607, 4764–4767, 4892, 5074, 5437, 5438, 5531, 5944–5947, 6134, 6135, 6777, 6778, 6953–6956, 7405, 7564–7567, 7823, 8063, 8582, 8583, 8873, 9121, 9294, 9470, 9471, 10044, 10218–10220, 10558, 10736, 10737, 11631–11639, 11985–11987, 12517–12519, 13232–13234, 13633, 13635, 13636, 15303, 15709, 16830, 16831, 17551, 17748–17750, 17936, 17937, 18549, 18551, 18902, 19131, 19306, 19481–19485, 20699–20702, 21243–21245, 21498, 21660, 22630, 23427, 23428, 23643–23645, 23942–23948, 24136–24142, 24984, 24985, 25204–25207, 25362, 25590, 25592, 25966, 26296, 26471, 26472, 26663–26666, 26946–26949, 27192–27195, 27787–27789, 28133–28136, 28242–28245
Corrected....3079, 6286, 7568, 27328
43 Authority citation revised....3390
43.13 (c) heading and text amended....20028
43 Appendix F revised....3390
Appendix F corrected....6651
Appendix A amended....17277
61.107 (d)(1) and (f)(1) revised....17277
61.113 (a), (b) and (c) amended; (d) and (e) added....4846
61.127 (f)(1) revised....17277
61.131 (a) and (b) amended; (c) and (d) added....4847
65 Authority citation revised; section authority citations removed....17518
65.31 (c) revised....17518
65.33 (d) revised....17519
65.49 (a) revised....17519
71.123 ....4130, 4893, 5948, 8243, 11033, 17552, 18903, 21248, 27329, 27789
Corrected....3079, 7262
71.125 21247
71.127 Corrected....3079
71.151 ....5078, 11034, 21247, 21500
Technical correction....7370
71.171 ....525, 775, 2219, 5439, 9122, 10045, 11816, 15710, 15711, 19133, 21499, 23429
Corrected....19132
71.181 ....526, 1626, 3601, 4282, 5439, 5440, 6136, 6137, 6778, 7406, 7407, 8243, 8874, 10559, 11816, 15710–15713, 17553, 17938, 18551, 19132, 19837, 20703, 21246, 21499, 22631, 23429, 23430, 26141
Corrected...12900, 19132, 20194, 23138
71.203 21248
71.207 21248
71.401 ....4894, 11031
Corrected....7369
71.501 ....1423, 1430, 4487, 7395, 9383, 11183, 15400
Corrected....4079, 4608, 17366
Technical correction....13173
73.21 21249
73.22 4131
73.23 ....4895, 10560, 11034, 17394
Corrected....7370
73.25 ....4895, 21500
73.29 ....21249, 28225
73.30 ....18552, 21250
Corrected....19962
73.32 21247
73.34 11034
73.41 10560
73.42 16833
73.44 ....21250, 28225
73.48 10560
73.52 27790
73.53 21250
73.55 5078
Technical correction....7370
73.66 8874
73.71 21250
75.100 ....5079, 18903, 21247, 21248, 21251, 21252, 27329
91 Authority citation revised....1836
Authority citation revised; section authority citations removed....9636
Special FAA Reg. 50 added....9775
Special FAA Reg. 50 corrected....18689
Special FAA Reg. 50 redesignated as FAA Reg. 50–1 and revised....22743
91.24 (a) and (b) revised....3391
91.35 Introductory text and (a) through (d) redesignated as (a) introductory text and (1) through (4); new (b) added....9636
91.90 (b)(2)(iii) revised....3391
91.161 (b) revised....20028
91.173 (a)(1) amended....17277
91.213 (a)(3) added....1836
93.101—93.105 (Subpart H) Removed....19254
95 ....4132, 10739, 19839, 27792
97.21—97.35 ....662, 2220, 3427, 4610, 5949, 8244, 10046, 12520, 13637, 17395, 19841, 21501, 23431, 24986, 26951
121 Authority citation revised....3391
Authority citation revised; section authority citations removed....9636, 20957
121.3 (i) added....20028
121.312 Comment time extended....5422
121.337 Revised....20957
121.343 Revised....9636
121.345 (c) revised....3391
121.417 (c) revised; (d) redesignated as (e); new (d) and (f) added....20958
121.589 Revised....21476
121 Appendix B amended....9637
125 Authority citation revised; section authority citations removed....9637
125.1 (e) amended....6957
(d) and (e) removed; (a) and (b) (1), (3), and (4) revised....20028
125.11 (a) revised; (c) added....20028
125.202 Added....9637
127 Authority citation revised....3392
127.123 (b) revised....3392
129 Heading revised....20029
129.1 Revised....20029
129.11 (a) introductory text revised; (a)(4) and (c) added....20029
129.14 Added....20029
129 Appendix A amended....20029
135 Authority citation revised....3392
Authority citation revised; section authority citations removed....9637
Special FAA Reg. 50 added....9775
Special FAA Reg. 50 corrected....18689
Special FAA Reg. 50 redesignated as FAA Reg. 50–1 and revised....22743
135.11 (c) added....20029
135.143 (c) revised....3392
135.151 (a) introductory text revised; (b) redesignated as (c); new (b) added....9637
135.169 (a) and (b) introductory text revised; (b) (5) and (6) amended; (b)(7) added....1836
135.363 (j) added....1836
135.398 Added....1836
159 Authority citation revised....21504, 21910
159.79 Revised....21504
(a)(1)(i) corrected....23762
159.89 (a) revised; (c) added....21504
159.181 Revised....21910
Technical correction....23762
159.183 Revised....21911
Technical correction....23762
159.184 Added....21911
Technical correction....23762
159.185 Revised....21911
Technical correction....23762
171 Policy statement....20703

Chapter II—Office of the Secretary, Department of Transportation (Aviation Proceedings)

211 Authority citation revised....5442
211.30—211.35 (Subpart D) Added....5442
241 Nomenclature change (OMB numbers)....9132
Sec. 7 amended....9129
Sec. 12 amended....9129

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 14 Chapter II—Con. Page

Sec. 19-7 revised....6529
Sec. 19-7 Appendix A added....6530
Sec. 21 (b), (d) and (l) revised....9130
Sec. 22 (a) tables revised....9130
Sec. 23 amended....9131
Sec. 24 amended....9131
Sec. 25—Sec. 26 undesignated center heading revised....9132
Sec. 25 Schedule T-7 removed....9132
Sec. 26 removed....9132
272 Added....5443
300.2 (e) revised....18904
Technical correction....21150
302.8 (g) added....5445
302.9 Revised....5445
302.1705 (c) revised....5445
385.21 Added....18905

Chapter V—National Aeronautics and Space Administration

1206 Authority citation revised....18905
1206.101 (g) through (o) added; interim....18905
1206.601 (c) revised; interim....18906
1206.603 (c) revised; interim....18906
1206.700—1206.706 (Subpart 7) Revised; interim....18906
1207 Revised....22755
1215 Appendix A revised....10881
1260.104 (b) revised....12378
1260.105 (a) and (b) revised....12378
1260.109 Added....12378
1260.406 Amended....12378
1260.420 (e) added....12378
(e) correctly designated....13375
1260.514 (d) amended....12379
1260.602 Revised....12379
1260.603 Amended....12379
1261.400—1261.417 (Subpart 1261.4) Revised....19487
1261.500—1261.508 (Subpart 1261.5) Added....19495
1261.600—1261.606 (Subpart 1261.6) Added....19497

Title 14—*Proposed Rules:*

1—199 (Ch. I)....1924, 5309, 8078, 8918, 22329, 25886, 26020, 27563
1....1635
21....9176, 10109, 10111, 17409, 17410, 18573, 19517, 19520, 27219-27223, 27821
23....9176, 10109, 10111, 18573, 19517, 27219-27223, 27821
25....5424, 17890, 19520
27....1635, 20938
29....1635, 11997, 20938
36....7618, 8050, 23144, 27304, 28416
39....435, 551-557, 1338, 1468, 3126, 4021, 4914, 4915, 5140, 5141, 5546, 6001, 6170, 6804, 6987, 7443, 7619, 8079-8082, 8263, 8264, 8612-8615, 8919, 9181, 10113, 10114, 10236-10238, 10581, 11081, 11663, 11664, 11997, 11998, 12544, 12545, 13249, 13251, 16851, 16852, 17598-17601, 17958, 17959, 18575, 19168, 20721, 20722, 21312, 21314, 21572-21575, 22329, 22331, 22786, 23461-23466, 23661-23663, 24304, 25022-25028, 25236-25239, 25606, 26021, 26022, 26348, 26349, 26484, 27414, 27822, 27823, 28276-28280, 28564-28566
61....22918
71....81, 297, 558-560, 1925, 2545, 2722, 4348, 4629, 4916, 6002, 6805, 6988, 6989, 7279, 7444, 7445, 8730, 8920, 8921, 9182-9184, 9312, 9313, 10115, 10582, 11082, 11828, 12286, 12935, 13713, 15326, 15511, 15512, 16853-16858, 18536, 18576, 18920, 19360, 19521, 20412, 20825, 21316, 22031, 22332, 22918, 23468-23470, 24017, 24305, 24306, 25029, 25240, 26023, 26153, 26350, 26351, 26485-26497, 27224, 27415, 27416, 27824, 27972, 27976
73....2545, 2546, 3079, 15326, 27825
75....4153, 6989, 8920-8923, 12000, 12286, 25241-25244, 25607-25610
91....2236, 2547, 7618, 22918, 23144
121....5424, 20560, 20982
135....2236, 20560
159....7446
215....5547
217....26498
234....22046
241....26498
255....22046
298....5547
382....5467, 19881
389....5547
1203....2548
1245....24477
1251....25124, 27902

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

Page

4 Authority citation revised....26952
4.9 Revised....26952
22 Added....7

Chapter III—International Trade Administration, Department of Commerce

302 Removed....5757
303.14 (e) revised....3794
369 Supplement No. 14 added....17285
370.4 Revised....28543
370.11 (c) revised....11640
371 Authority citation revised....2106
Export controls continued....2500
371.1 Amended....6138
371.2 (c)(11) amended....2106
371.5 (d) revised....2106
371.7 (d) added....2106
371.8 Heading and (a) revised; (b) amended....26954
371.14 Added....5275
(c) corrected....6649, 10741
(b) amended....26954
371.16 Introductory text revised....2106
371.17 Introductory text, (a)(2) heading, (e), (f) heading, introductory text, (1) (i), (ii), and (iii), and (3)(v) revised; (a)(5) added; (a)(2)(i) introductory text, (f)(1) (iv) and (v), (2) heading, introductory text, (i) and (iii), and (3) (i) and (iii) amended....23028
(a)(2) heading and (i) and (f) introductory text, (2) heading and text, and (3)(i) amended....23168
371.18 (b) (2) and (3) revised....23027
(a)(1) footnote 12 redesignated as footnote 11....23029
371.20 Added....5275
(a) introductory text amended....26954
371.22 (d)(1) introductory text and (2) revised....6138
(b) introductory text footnote 13 and (4) footnote 14 redesignated as footnotes 12 and 13....23029
371 Supplement No. 1 added....5275
372 Authority citation revised....2106
372.2 (b) (1) and (4) revised; (b)(3) amended....6138
372.4 (c) revised....6138
372.9 (c) revised....664
372.11 (e)(2)(iii) amended; (e)(2)(iv) added....6138
373 Authority citation revised....2106
Export controls continued....2500
373.1 (a)(1)(iii) revised....2106
373.2 (b)(2) added....6138
(d)(3) and (e)(4)(ii) revised....22632
(b)(8) amended....23168
373.3 (d)(3)(ii)(E)(*3*)(*iii*) amended....2106
(f)(5) revised....22632
(a)(1)(ii) amended....23168
373.7 (b)(7), (d)(1), (2) (i) and (ii) and (3), and (h)(1)(ii) amended....6138
(f)(3) revised....22632
(c)(1) heading and text amended....23168
373.8 (a)(2) amended....23168
373 Supplement No. 6 amended....9149
374.2 (j) revised....3601
(a)(1) amended....5275
(a)(4) revised....23029
(a)(4)(i) amended....23168
374.6 Revised....6138
375 Authority citation revised....28544
375.6 (b)(1) amended....3601
(a) amended; (b)(1) revised; (c) added....28544
376 Export controls continued....2500
376.8 (b)(1) (ii) and (iii) amended....23168
376.12 Revised....9149
376.14 (a) amended....5532, 11640
376.17 Added....776
376.18 Added....28545
377 Authority citation revised....28136
377.1 (b) and (c) (1), (2), (3), and (4) amended....28136
377.2 (d)(1) and (e) amended....28136

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 15 Chapter III—Con. Page

377.3 (a)(2), (b) introductory text and (c) introductory text amended....28136
377.4 (c) introductory text, (d)(1) introductory text and (vi), (e), (f) introductory text, and (1)(i), (h) introductory text, and (i) (1) and (2) amended....28136
377.6 (d)(2) amended....2106
(d) introductory text and (3)(ii) introductory text and (e)(2) amended; footnotes 1 and 2 redesignated as footnotes 2 and 3....28137
377.7 (a), (d), (e) introductory text, (1), (4), and (5), (f)(1), (g) introductory text, flush text following (h)(3), (j), and (m) amended....28136
377.8 (b), (f), (g), (h), (i), (j), and (l) amended; (d) revised....28136
377.9 (b) introductory text and (c) amended....28136
377.15 (d) amended....28136
379 Authority citation revised....2106
Export controls continued....2500
379.4 (e) (1) and (2) amended....2106
(f)(1) introductory text revised; (f)(1)(i)(P) removed....2500
(f)(1) amended....6139
(b)(5) added; interim....21505
(d)(18) amended; (d)(19) redesignated as (d)(20); new (d)(19) added....27498
(d)(19) amended; (d)(20) redesignated as (d)(21); new (d)(20) added....28545
379 Supplement No. 3 amended....2106, 27506
Supplement No. 4 amended....27499, 28545
385 Authority citation revised....2106
Export controls continued....2500
385.1 (b)(2) amended....9151
385.2 (c) removed....2501
385.4 (c)(9) (i) and (iii) amended; (a)(13) added....2107
(f) amended....2501
(d)(2) amended; (d)(4) redesignated as (d)(5) and revised; new (d)(4) added....23168
(d)(2) amended....23545
(e) revised....28551
385 Supplement No. 2 amended....2107
Supplement No. 1 amended....27798
386 Authority citation revised....2106
386.1 (c)(2)(i) amended....6139
386.3 (r)(2) amended....6139
386.6 (a)(1)(ii) amended....5275
386.7 Revised....664
386 Supplement No. 1 revised....6139
387 Authority citation revised....2106
389 Authority citation revised....2106
389.2 (b)(1) amended....6139
399 Interpretation....405
Authority citation revised....2106
Export controls continued....2500
399.1 Supplement No. 1, Group 0 amended....2501, 28546
Supplement No. 1, Group 1 amended....2501, 28546, 28547
Supplement No. 1, Group 2 amended....27501, 27502
Supplement No. 1, Group 2 corrected....28640
Supplement No. 1, Group 3 amended....666, 2501, 3602, 6139, 8445, 22632, 27502, 27503, 28546, 28547
Supplement No. 1, Group 4 amended....23168, 23545, 27503, 27504, 28546, 28548
Supplement No. 1, Group 4 corrected....28640
Supplement No. 1, Group 5 amended....666, 2107, 2501, 3602, 5532, 11458, 11641, 13829, 22632, 23169, 23545, 25208, 27509, 27513, 28246, 28546, 28548
Supplement No. 1, Group 5 corrected....28640
Supplement No. 1, Group 6 amended....6139, 11641, 22632, 23545, 27504
Supplement No. 1, Group 6 corrected....28640

CHANGES JANUARY 2 THROUGH JULY 31, 1987

Page

Supplement No. 1, Group 7 amended....666, 2107, 2501, 11458, 22632, 27504, 27505, 28546, 28550, 28552
Supplement No. 1, Group 7 corrected....28640
Supplement No. 1, Group 8 amended....28546
Supplement No. 1, Group 9 amended....5533
399.2 Supplement No. 1 amended....2501, 8445, 28552
Supplement No. 1 corrected....23170

Chapter VIII—Bureau of Economic Analysis, Department of Commerce

801.9 (a) revised....19843
801.10 Added....19843
806.14 (f) (1) and (2) revised....8446
806.15 (h) (1) and (2) revised....8446

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce

904 Revised....10325
908.9 Revised....4896
908.11 (a) revised....4896
960 Added....25970

Title 15—*Proposed Rules:*

4....15327
7....11498
24....21820, 23627
30....13714
280....11498
368....10771
371....8265
374....8265
399....8265, 9241
801....5785

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

3.22 (a), (b), (c), and (e) revised....22293
3.24 (a)(2) revised....22293
3.45 (b) and (d) revised; (e) added....22293
3.46 (a) revised....22294
3.51 (c)(1) revised....22294
3.52 (f) through (j) redesignated as (g) through (k); new (f) added....22294
4.9 (b)(5) introductory text and (c) heading revised; (c)(2) redesignated as (c)(3); new (c)(2) added....22294
13 Amended....253, 254, 2513, 3221, 3602, 5079, 6540, 7407, 8446, 9294, 9655, 12379, 12900, 16234
Corrected....656
305.9 (a) Table 1 revised....22633
436 Existing regulations unchanged....18353
455 Staff compliance guidelines....18553
Staff compliance guidelines corrected....19845
702.1 (c) revised; (g) removed....7574
702.3 (a) revised....7574
801.1 (b) introductory text, (1), and (2) revised; existing Example designated as 1; Examples 2, 3, and 4 added....20063
801.4 (b) *Example* 1 revised....7080
801.11 (a) revised; (e) added....7080
801.12 (b)(1) revised....7081
801.13 (a)(1) and (b)(2)(ii) revised; (a)(2) *Example* 4 and (3) added....7081
801.15 (a)(2) and (c) *Example* 4 revised....7081
801.30 (b) *Example* 3 revised....7082
801.40 *Example* revised....7082
802.35 Added....7082
802.41 *Example* 1 revised....7082
802.70 Revised....7082
803.5 (a)(1)(iii) revised; (a)(2) *Example* designated as (a)(2) *Example* 1; (a)(2) *Examples* 2 through 5 added....7082
803.10 (a)(2) redesignated as (a)(3) and revised; new (a)(2) added....7083
803 Appendix revised....7084

Chapter II—Consumer Product Safety Commission

1019 Existing regulations unchanged....5080
1034 Correctly designated....405
1109 Existing regulations unchanged....5080

CHANGES JANUARY 2 THROUGH JULY 31, 1987

TITLE 16 Chapter II—Con. Page

1115 Existing regulations unchanged....5080
1201 Existing regulations unchanged....5080
1202 Existing regulations unchanged....5080
1205 Existing regulations unchanged....5080
1207 Existing regulations unchanged....5080
1209 Existing regulations unchanged....5080
1212 Existing regulations unchanged....5080
1301 Existing regulations unchanged....5080
1302 Existing regulations unchanged....5080
1303 Existing regulations unchanged....5080
1304 Existing regulations unchanged....5080
1305 Existing regulations unchanged....5080
1401 Existing regulations unchanged....5080
1402 Existing regulations unchanged....5080
1404 Existing regulations unchanged....5080
1750.7 (b) correctly designated....406

Title 16—*Proposed Rules:*

13....1926, 3252, 6003, 6172, 6806, 8461, 12430, 12546, 17602, 17960, 20096, 20723, 22789, 28534
424....2115
456....2723
703....9314, 13715
801....7095
802....7095
803....7095
1015....17767

CHANGES APRIL 1 THROUGH JULY 31, 1987

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Futures Trading Commission

Page

1 Interpretation....27195
1.12 (f)(3) added....28248
1.17 (c)(2)(i) revised....28250
1.42 (a) revised....18910
5 Appendix B amended....22635
9 Revised....25366
9.2 (k) corrected....27286
9.12 (b) corrected....27286
9.20 (b)(7) corrected....27286
9.24 (b) corrected....27286
11 Appendix A added....19501
15.03 (a) revised....18910
16.00 (a)(3) removed....18910
31 Appendixes A and B amended....22635
140.735–4 (b) (1) and (2) revised....20592
(b)(1)(iii)(B) corrected....22415
145 Authority citation revised....19307
145.7 (e) through (i) redesignated as (f) through (j); new (e) added....19307
145 Appendix B revised; Appendix B authority citation removed....19308

Chapter II—Securities and Exchange Commission

200.19b Revised....12148
200.30–3 (a)(6) revised....19856
200.30–4 (a)(7) revised....12148
200.30–5 (a)(8) revised....18690
200.80—200.83 (Subpart D) Authority citation revised; section authority citations removed....24146
200.80 (a)(1)(iv), (2) introductory text, and (3), (b) introductory text, (d)(5), (7)(i), and (8) introductory text, and (e)(5) amended; (b)(7)(i), (c)(1) introductory text, (d) (1), (2), (4), and (6)(ii), and (e) (1), (2), (4), and (7) introductory text revised; (e) (8) through (14) added; (f) removed; interim....24146
200.80b (a) removed; (b) amended and designation removed; interim....24148
200.80c Heading and (a) amended; (b) revised; interim....24148
200.80d Revised....24148
200.80e Revised....24148
201 Authority citation amended....25208
201.6 (b) revised....25208
203.7 (a) revised....12148
210.6–07 Amended....23172
211 Interpretative releases....17396, 18200, 21933
229.10 (c)(1)(iii) amended....21260
229.304 Instructions amended....21939
229.501 (c)(8) revised....21260
229.502 (d)(2) revised....21260
229.512 (j) added....21260
(h) heading and introductory text amended....21939
229.601 Instruction 1 (Item 601) revised....21260
230.423 Amended....21260
230.424 (a), (b), (c), and (e) revised; (c) Note added....21260
230.430A Added....21261
230.481 (b)(2) and (d)(2) revised....21262
230.482 (a)(4) added....21262
230.497 (h) added....21262
230.499 (c)(7) amended....21262
239.13 Form S–3 amended....21262
239.16b Form S–8 amended....21262
239.25 Form S–4 amended....21262, 21938
239.33 Form F–3 amended....21263
239.34 Form F–4 amended....21263, 21939
240 Authority citation amended....16838, 27969
240.3a43–1 Added....27969
240.3a44–1 Added....27970
240.10a–1 (a)(1)(ii) revised....24152
240.11Aa2–1 Revised....24153
240.11Aa3–1 (a) (4), (5), and (6) and (b)(1) revised; (b)(2) (i) through (vii) redesignated as (b)(2) (ii) through (viii); new (b)(2)(ii) revised; new (b)(2)(i) added....24153

TITLE 17 Chapter II—Con. Page

240.11Ac1-1 (a)(16) revised; (a)(19) removed; (a) (20) and (21) redesignated as (a) (19) and (20)..... 24153
240.14a-1 (b) through (j) redesignated as (c) through (k); new (b) added..... 23648
240.14a-2 Heading, introductory text, (a) introductory text and (b) introductory text amended..... 21936
240.14a-6 (j) introductory text revised..... 21936
240.14a-8 (c)(1) amended..... 21936
240.14a-11 (b)(5) amended..... 21936
240.14a-13 (a)(1)(i)(B), (ii)(A), (2) and Note 1, and (b)(3) revised; (a)(1)(i)(D) and (d) added..... 23648
240.14a-14 Added..... 21936
240.14a-101 Amended..... 21263, 21937
240.14b-1 (a) introductory text revised..... 23649
240.14b-2 (a)(1), (b) introductory text, (e)(1), (h) introductory text and (i) Note 2 revised; (c)(1)(i)(b) correctly designated as (c)(1)(i)(B); (j) added..... 23649
240.14c-1 (b) through (i) redesignated as (c) through (j); new (b) added..... 23649
240.14c-7 (a)(1)(i)(A) and Note 1, (b)(3), and (c) revised; (a)(1)(i)(C) and (d) added..... 23649
240.15b1-3 (b) revised..... 16838
240.15b2-2 (a) and (b) revised..... 16838
240.15c3-1 (a)(9) and (c)(2)(iv)(H) added; (c)(2)(iv)(F) (*1*), (*2*), and (*3*) revised..... 22298
240.15Ca1-1—240.15Cc1-1 Undesignated center heading added..... 16839
240.15Ca1-1 Added..... 16839
240.15Ca2-1 Added..... 16839
240.15Ca2-2 Added..... 16839
240.15Ca2-3 Added..... 16840
240.15Ca2-4 Added..... 16840
240.15Ca2-5 Added..... 16840
240.15Cc1-1 Added..... 16841
240.17a-3 (a)(4) (v) and (vi), (5) and (8) revised; (a)(4)(vii) added..... 22299
240.17a-13 (b) (1), (2), and (3) revised..... 22299
240.31-1 (f) revised..... 24153
241 Interpretative releases..... 11458
249.501 Form BD amended..... 16841
249.501a Form BDW revised..... 15492
Revised..... 16844
270.6e-3(T) Revised..... 11208

Chapter IV—Department of the Treasury

Chapter IV Chapter established..... 19682
Revised..... 27926
400—449 (Subchapter A) Added..... 19682
Revised..... 27926
400 Added..... 19682
Revised..... 27926
401 Added..... 19685
Revised..... 27930
402 Added..... 19687
Revised..... 27931
402.2a Schedules B and C correctly revised..... 23141
403 Added..... 19702
Revised..... 27947
404 Added..... 19706
Revised..... 27952
405 Added..... 19708
Revised..... 27954
449 Added..... 19710
Revised..... 27956
450 (Subchapter B and Part) Added..... 19711
Revised..... 27957

Title 17—*Proposed Rules:*

1..... 28281, 28284
3..... 19522
4..... 19522
33..... 22333
140..... 19522
200..... 25124, 27902
210..... 11665
229..... 13715, 24018
239..... 11665
240..... 11083, 11089, 11665, 18237, 19885, 22334, 22493, 23665, 23849, 23855, 24018, 25245
249..... 17301, 24018
250..... 23679
270..... 22334, 22496
274..... 24018
279..... 11665

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Energy Regulatory Commission, Department of Energy Page

2.400 Undesignated center heading and section added..... 19310
Undesignated center heading correctly added..... 21410
4.38 Rehearing denied..... 13234
4.41 Rehearing denied..... 13234
4.51 Rehearing denied..... 13234
4.61 Rehearing denied..... 13234
11 Rehearing granted..... 25208
11.1 (a) (2) and (4) and (b) (2), (3) and (4) revised; (b)(6) removed..... 18208
11.2 (b), (c), and (d) revised..... 18209
11.3 (c) revised..... 18209
11.4 (b) revised..... 18209
11 Schedule A added..... 18210
16 Authority citation revised..... 11039
16.1 Revised; interim..... 11039
16.14 Added; interim..... 11039
16.15 Added; interim..... 11039
16.16 Added; interim..... 11039
(c)(1) revised; (d)(1) suspended; interim..... 18228
35 Authority citation revised..... 23965, 24993
35.13 (a)(2)(ii) revised..... 24993
35.26 Revised..... 23965
35.27 Added..... 24993
37.9 (d) table revised..... 13638, 27680
154 Authority citation revised..... 21292, 21668
154.38 (h)(3)(v) amended..... 15714
(d)(6) added..... 21292
Clarification..... 23650
Technical correction..... 24153
Petitions granted..... 28463
154.94 (k)(4) revised..... 21668
201 Authority citation revised; text amended..... 28467
270.201 (a) (5) through (7) redesignated as (a) (6) through (8); new (a)(7) revised; new (a)(5) and (b)(5) added..... 21677
271 Authority citation revised..... 21668, 23030
271.101 (a) Tables I and II amended..... 15714, 28468
271.102 (c) Table III amended..... 15715, 28469
271.703 (d)(111)(iii) added..... 10741
271.1104 (d)(1)(iv) revised; (h) added..... 21668
(h) correctly revised..... 23030
272 Authority citation revised..... 26474
272.101 Revised..... 26474
272.103 (a)(3) redesignated as (a)(4); new (a)(3) added..... 26475
272.104 Revised..... 26475
273 Authority citation revised..... 26475
273.204 (a)(1)(v) added..... 26475
282 Order..... 15715, 19856
Removed..... 28467
284 Authority citation revised..... 28467
284.10 Suspended..... 27799
284.224 (e)(3) removed; (e) (4), (5), and (6) redesignated as (e) (3), (4), and (5)..... 28467
284.225 Revised..... 21678
284.226 Revised..... 21679
292 Authority citation revised..... 28467
292.203 (b) revised..... 28467
292.205 (c) removed; (d) redesignated as (c) and revised..... 28467
292.501—292.503 (Subpart E) Removed..... 28467
300.1 (a) revised..... 20709
300.14 Added..... 20709
300.21 (c)(2) revised..... 20709
375 Authority citation revised..... 18562, 21292
375.306 (j) added..... 21292
Clarification..... 23650
Technical correction..... 24153
Petitions granted..... 28463
375.307 (a)(18) added..... 18562
(w) added..... 21292
Clarification..... 23650
Technical correction..... 24153
Petitons granted..... 28463
(l) removed; (m) through (w) redesignated as (l) through (v)..... 28467
375.308 (v) added..... 21292
Clarification..... 23650

TITLE 18 Chapter I—Con. Page

Technical correction....24153
Petitons granted....28463
381 Authority citation revised....10367, 28467
381.201 Amended....10367
381.202 Amended....10367
381.204 Amended....10367
381.205 Amended....10367
381.207 (b) amended....10367
381.208 Amended....10367
381.209 (b) amended....10367
381.302 (a) amended....10367
381.303 (a) amended....10367
381.304 (a) amended....10367
381.401 Amended....10367
Revised....28467
381.402 Amended....10367
381.403 Amended....10367
381.405 Amended....10367
381.505 Amended....10367
381.506 Amended....10367
381.507 Amended....10367
381.508 Amended....10367
381.509 Amended....10367
381.510 Amended....10367
382 Added....21292
Clarification....23650
Technical correction....24153
Petitions granted....28463
385 Authority citation revised....28467
385.401—385.411 (Subpart D) Petitions for rehearing granted....16844
385.1101 (a) revised....28467
389.101 (b) table amended (OMB numbers)....18228, 24994

Chapter III—Delaware River Basin Commission

410 Water Code amended....16239
Water Code corrected....17888

Chapter XIII—Tennessee Valley Authority

1301.1—1301.4 (Subpart A) Authority citation revised....17939
1301.2 Revised....17939
1310 Authority citation revised....25592
1310.2 (c) added....25592
1310.3 (d) redesignated as (e); new (d) added....25592

Page

Title 18—*Proposed Rules:*

2....20314, 23183
3....24027
4....10698, 19889, 21576, 23557, 25246
11....10898, 19889
12....23557, 25246
16....28159
141....28159
154....20828, 25530, 28159
157....18703, 20192, 25530, 28159
161....21576
250....21578
260....25530
271....15731, 18577, 18578
282....20828
284....18703, 20192, 25530
292....15732
375....10898, 19889, 20828
380....20314, 23183
381....20828, 24027
388....24027
401....24307
1301....10772
1310....19734

TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury

4.41 (a) amended....20066
4.98 (j) addition comment time extended....20593
6.3a (a) introductory text, (1), and (2) revised....24292
6.7 (b)(3)(ii) amended....20066
(b)(3)(ii) corrected....26142
6.12 (g) amended....20066
6.16 Amended....20066
10.6 Revised....20066
10.9 (g) and (h) removed; (i) through (l) redesignated as (g) through (j)....20066
10.10 Section and footnote 8 removed....20066
10.18 Revised....24445
10.19 Removed....24445
10.20 Removed....24445
10.35 (b) and (d) removed; (c) redesignated as (b)....20066
10.50 Section and footnote 45 removed....20066
10.53 (a) and (b) and footnotes 48 and 50 removed; (c) through (l) redesignated as (a) through (g); new (b), (c), and (e)(6) amended....20066

Page

10.54 (b) and footnote 51 and (a) designation removed....20066
10.56 (f) amended....20066
10.58 (a) removed; footnote 55 removed....20066
10.64a Removed....20066
10.66 (a)(2) and footnotes 61 and 62 removed; (a) (3) and (4) redesignated as (a) (2) and (3); (b) amended....20066
10.70 (a) and footnotes 64 and 65 removed; (b) and (c) redesignated as (a) and (b); heading revised; new (a) amended....20066
10.71 (f) amended....20066
(f) corrected....26142
10.72 Section and footnote 66 removed....20067
10.73 Section and footnote 67 removed....20067
10.74 Section revised; footnote 68 removed....20067
10.78 (a) revised....20067
10.79 Removed....20067
10.81 (b) amended....20067
10.82 Removed....20067
10.83 (a) revised....20067
10.90 (a), (b), and (d) and footnote 81 removed; (c), (e), (f), and (g) redesignated as (a), (b), (c), and (d); new (d) amended....20067
10.98 (e) amended....20067
10.101 (b) and (c) heading and text amended....20067
10.106 Section and note removed....20067
10.108 (b) and footnote 100 removed; (a) designation removed....20067
10.110 Section and footnote 103 removed....20067
18.2 (a)(2)(ii) and (c)(1) amended....20067
18.13 (b) revised....20067
19.16 Removed....20067
24 IRS interest rate....10561
24.24 (b)(1) table, (c)(6)(i), and (e)(3)(ii) corrected....10970
Addition comment time extended....20593
(b)(1) table revised; interim....26297
54.5 (a) amended....20067
54.6 (a) revised; (d) and footnote 1 amended....20067

Page

101.3 (b) table amended....15496, 22300
101.5 Revised....16374
Effective date note corrected....18322
123.4 (b) amended....20068
(b) corrected....26142
123.52 (e) and (f) amended....20068
123.64 (b), (c), and (d)(2) amended....20068
123.65 (d)(2) amended....20068
127 Authority citation revised....15497
127.22 Revised....15497
133.42 (c) corrected....10668
141.11 (a)(4) amended; (a)(5) removed....20068
141.61 (a)(2), (e)(1)(i)(A), and (f)(1)(iv) and (2)(i) amended....20068
141.63 (c) added....24155
141.68 (h) amended....20068
(h) corrected....26142
141.88 Revised....24445
141.111 (b)(1) and (c) removed....20068
143.23 Introductory text amended....20068
Introductory text corrected....26142
143.24 Heading and text amended....20068
Heading and text corrected....26142
143.25 Amended....20068
Corrected....26142
144.42 (b) (1), (2), and (3) amended....20068
145.4 (c) amended....20068
(c) corrected....26142
145.12 (b)(1), (c), and (e)(1) amended....20068
(b)(1), (c) and (e)(1) corrected....26142
146.22 (e) corrected....10970
(e) addition comment time extended....20593
148.13 (d) revised....24445
148.24 (a) amended....24445
148.101 Introductory text, *Example 1* text, and *Example 2* text corrected; *Example 1* table and *Example 2* table correctly revised....12149
Amended; Examples 1 and 2 footnotes amended....24446
152.1 (a) and (b) removed; (c) amended; (d) added....24446

TITLE 19 Chapter I—Con. Page

152.20 Removed....24446
152.21 Removed....24446
152.22 Removed....24446
152.23 Amended....24446
152.24 Removed....24446
152.31—152.43 (Subpart D) Removed....24446
172.2 Revised....12151
172.12 (b) revised....12152
172.23 Amended....12152
172.33 (a)(1) and (c)(2)(ii) revised....12152
177 Interpretative rule....11216
177.9 (b)(3) amended....24446
178.2 Table amendment (OMB numbers) comment time extended....20593

Title 19—*Proposed Rules:*

4....24169
7....26154
101....13473, 17770
111....10774
127....12000
175....15512
201....21317
353....25246
354....25246
355....25246

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Office of Workers' Compensation Programs, Department of Labor

10.1 Revised; eff. 6-1-87....10503
10.2 (b) revised; eff. 6-1-87....10503
10.3 (i) added; eff. 6-1-87....10503
10.4 Revised; eff. 6-1-87....10503
10.5 (a)(6), (11) (iv) through (xx), (12) and (14) through (20) and (b) revised; (a) (21) through (26) added; (c) and (d) removed; eff. 6-1-87....10503
10.10 Revised; eff. 6-1-87....10504
10.11 Revised; eff. 6-1-87....10505
10.12 Added; eff. 6-1-87....10505
10.20 (b) table amended; eff. 6-1-87....10505
10.23 Revised; eff. 6-1-87....10505
10.100 Revised; eff. 6-1-87....10505
10.101 Redesignated as 10.103 and revised; new 10.101 redesignated from 10.102 and revised; eff. 6-1-87....10506

Page

10.102 Redesignated as 10.101 and revised; new 10.102 redesignated from 10.103 and revised; eff. 6-1-87....10506
10.103 Redesignated as 10.102 and revised; new 10.103 redesignated from 10.101 and revised; eff. 6-1-87....10506
10.104 Added; eff. 6-1-87....10506
10.105 (a) revised; (e) added; eff. 6-1-87....10507
10.106 Revised; OMB number; eff. 6-1-87....10507
10.107 Revised; eff. 6-1-87....10507
10.109 Revised; eff. 6-1-87....10507
10.110 Redesignated as 10.125 and revised; new 10.110 added; eff. 6-1-87....10508
10.111 Revised; eff. 6-1-87....10508
10.120 Revised; eff. 6-1-87....10508
10.121 Revised; eff. 6-1-87....10509
10.122 Revised; OMB number; eff. 6-1-87....10509
10.123 Redesignated as 10.124 and revised; eff. 6-1-87....10509
Added; eff. 6-1-87....10510
10.124 Redesignated as 10.126 and revised; new 10.124 redesignated from 10.123 and revised; eff. 6-1-87....10509
10.125 Redesignated from 10.110 and revised; eff. 6-1-87....10508
10.126 Redesignated from 10.124 and revised; eff. 6-1-87....10509
10.127 Added; eff. 6-1-87....10510
10.128 Added; eff. 6-1-87....10511
10.130 Revised; eff. 6-1-87....10511
10.131 Revised; eff. 6-1-87....10511
10.132 Revised; eff. 6-1-87....10511
10.133 (a) revised; eff. 6-1-87....10512
10.134 Redesignated as 10.136 and revised; eff. 6-1-87....10512
Added; eff. 6-1-87....10513
10.135 Redesignated as 10.137 and revised; new 10.135 added; eff. 6-1-87....10512
10.136 Redesignated as 10.138 and revised; new 10.136 redesignated from 10.134 and revised; eff. 6-1-87....10512
10.137 Redesignated as 10.139; new 10.137 redesignated from 10.135 and revised; eff. 6-1-87....10512
10.138 Redesignated from 10.136 and revised; eff. 6-1-87....10512
10.139 Redesignated from 10.137; eff. 6-1-87....10512
10.140 Revised; eff. 6-1-87....10513
10.141 Revised; eff. 6-1-87....10513
10.144 Revised; eff. 6-1-87....10513
10.145 (c) introductory text, (d), (g), (h) and (i) revised; OMB number; eff. 6-1-87....10513
10.160—10.166 Undesignated center heading added; eff. 6-1-87....10514
10.160—10.164 Added; eff. 6-1-87....10514
10.165 Added; eff. 6-1-87....10515
10.166 Added; eff. 6-1-87....10515
10.200 Revised; eff. 6-1-87....10515
10.201 Revised; eff. 6-1-87....10515
10.202 Redesignated as 10.203 and revised; eff. 6-1-87....10515
Redesignated from 10.210 and revised; eff. 6-1-87....10516
10.203 Removed; new 10.203 redesignated from 10.202 and revised; eff. 6-1-87....10515
10.204 Revised; eff. 6-1-87....10516
10.205 Revised; eff. 6-1-87....10516
10.206 (a) revised; eff. 6-1-87....10517
10.207 Revised; OMB number; eff. 6-1-87....10517
10.208 Revised; eff. 6-1-87....10517
10.209 Revised; eff. 6-1-87....10518
10.210 Redesignated as 10.202 and revised; eff. 6-1-87....10516
10.301 (a) revised; eff. 6-1-87....10518
10.302 Revised; eff. 6-1-87....10518
10.303 Revised; eff. 6-1-87....10518
10.304 Revised; eff. 6-1-87....10519
10.305 Redesignated as 10.306 and revised; new 10.305 added; eff. 6-1-87....10519
10.306 Redesignated as 10.307; new 10.306 redesignated from 10.305 and revised; eff. 6-1-87....10519
10.307 Redesignated from 10.306; eff. 6-1-87....10519
10.310 Revised; eff. 6-1-87....10519
10.311 (b) and (c) revised; eff. 6-1-87....10520
10.313 (a) revised; (c) added; eff. 6-1-87....10520

Page

10.314 Revised; eff. 6-1-87....10520
10.320—10.324 Undesignated center heading added; eff. 6-1-87....10520
10.320 Added; eff. 6-1-87....10520
10.321 Added; eff. 6-1-87....10521
10.322 Added; eff. 6-1-87....10521
10.323 Added; eff. 6-1-87....10522
10.324 Added; eff. 6-1-87....10522
10.400 (e) revised; eff. 6-1-87....10522
10.413 Added; eff. 6-1-87....10522
10.452 (a) revised; eff. 6-1-87....10522
10.500 Revised; eff. 6-1-87....10522
10.503 Introductory text, (b), (c) and (d) revised; eff. 6-1-87....10522
10.506 Added; eff. 6-1-87....10523
10.507 Added; eff. 6-1-87....10523
10.600—10.624 (Subpart H) Added; eff. 6-1-87....10523

Chapter II—Railroad Retirement Board

200 (Subchapter A) Heading revised....11010
200 Heading and authority citation revised....11010
200.1 Redesignated as 200.2; new 200.1 added....11010
200.2 Redesignated as 200.3; new 200.2 redesignated from 200.1....11010
200.3 Redesignated as 200.4; new 200.3 redesignated from 200.2....11010
Revised....11011
200.4 Redesignated as 200.5; new 200.4 redesignated from 200.3....11010
(g) revised....13820
200.5 Redesignated as 200.6; new 200.5 redesignated from 200.4....11010
200.6 Redesignated as 200.7; new 200.6 redesignated from 200.5....11010
200.7 Redesignated from 200.6....11010
209.2 OMB number....11016
210.7 OMB number....11016
216.7 OMB number....11016
216.9 OMB number....11017
216.21 OMB number....11017
216.31 OMB number....11017

CHANGES APRIL 1 THROUGH JULY 31, 1987

TITLE 20 Chapter II—Con. Page

216.47 OMB number..... 11017
216.71 OMB number..... 11017
217.3 OMB number..... 11017
217.5 OMB number..... 11017
217.10 OMB number..... 11017
230.3 OMB number..... 11017
234.10 OMB number..... 11017
234.30 OMB number..... 11017
260.5 OMB number..... 11017
260.9 OMB number..... 11017
266.12 OMB number..... 11017
320.39 OMB number..... 11017
322.4 OMB number..... 11017
325.12 OMB number..... 11017
325.13 OMB number..... 11017
330.4 OMB number..... 11017
335.102 OMB number..... 11017
335.103 OMB number..... 11018
335.104 OMB number..... 11018
335.202 OMB number..... 11018
341.4 OMB number..... 11018
345.4 OMB number..... 11018
345.5 OMB number..... 11018
345.6 OMB number..... 11018
345.8 OMB number..... 11018
359 (Subchapter E and Part) Added; interim; effective in part to 8-12-87..... 19133

Chapter III—Social Security Administration, Department of Health and Human Services

401 Authority citation removed..... 27540
401.100—401.125 (Subpart A) Authority citation added..... 27540
401.200—401.220 (Subpart B) Authority citation added..... 27540
401.300—401.350 (Subpart C) Authority citation added..... 27540
401.400—401.420 (Subpart D) Authority citation added..... 27540
401.500.401.510 (Subpart E) Authority citation added..... 27540
401.600—401.604 (Subpart F) Authority citation added..... 27540
404.1—404.3 (Subpart A) Authority citation revised; section authority citations removed..... 27540
404.101—404.146 (Subpart B) Authority citation revised..... 27540
404.201—404.290 (Subpart C) Authority citation revised; section authority citations removed..... 27540
404.301—404.395 (Subpart D) Authority citation revised; section authority citations removed..... 19136, 27540
Authority citation revised..... 26955
404.305 (b) revised..... 19136
(b) corrected..... 21410
404.366 Introductory text and (b) introductory text revised..... 26955
404.401—404.468 (Subpart E) Authority citation revised; section authority citations removed..... 26145, 27540
404.417 (b) revised..... 26145
404.460 (d) added..... 26145
404.501—404.515 (Subpart F) Authority citation revised; section authority citations removed..... 27540
404.601—404.641 (Subpart G) Authority citation revised; section authority citations removed..... 27540
404.701—404.780 (Subpart H) Authority citation revised; section authority citations removed..... 27540
404.801—404.831 (Subpart I) Authority citation revised; section authority citations removed..... 27540
404.900—404.999d (Subpart J) Authority citation revised; section authority citations removed..... 27540
404.965 Removed..... 17286
404.1001—404.1096 (Subpart K) Authority citation revised; section authority citations removed..... 27541
404.1201—404.1290 (Subpart M) Authority citation revised; section authority citations removed..... 27541
404.1301—404.1371 (Subpart N) Authority citation revised..... 27541
404.1401—404.1413 (Subpart O) Authority citation revised..... 27541
404.1501—404.1599 (Subpart P) Authority citation revised; section authority citations removed..... 27541

CHANGES APRIL 1 THROUGH JULY 31, 1987

Page

404.1601—404.1694 (Subpart Q) Authority citation revised..... 27541
404.1700—404.1799 (Subpart R) Authority citation revised..... 27541
404.1800—404.1825 (Subpart S) Authority citation revised..... 27541
404.1901—404.1930 (Subpart T) Authority citation revised..... 27541
404.2001—404.2065 (Subpart U) Authority citation revised; section authority citations removed..... 27541
404.2101—404.2127 (Subpart V) Authority citation revised..... 27541
416.101—416.121 (Subpart A) Authority citation revised; section authority citations removed..... 27541
416.200—416.269 (Subpart B) Authority citation revised; section authority citations removed..... 27541
416.301—416.360 (Subpart C) Authority citation revised..... 27541
416.401—416.435 (Subpart D) Authority citation revised..... 27541
416.501—416.570 (Subpart E) Authority citation revised..... 27541
416.601—416.665 (Subpart F) Authority citation revised..... 27541
416.701—416.732 (Subpart G) Authority citation revised..... 27541
416.801—416.806 (Subpart H) Authority citation revised..... 27541
416.901—416.998 (Subpart I) Authority citation revised; section authority citations removed..... 27541
416.1001—416.1094 (Subpart J) Authority citation revised..... 27541
416.1100—416.1182 (Subpart K) Authority citation revised; section authority citations removed..... 27541
416.1201—416.1266 (Subpart L) Authority citation revised; section authority citations removed..... 27541
416.1201 (c)(1) correctly revised..... 16845
416.1321—416.1338 (Subpart M) Authority citation revised; section authority citations removed..... 27541
416.1400—416.1499 (Subpart N) Authority citation revised; section authority citations removed..... 27541
416.1465 Removed..... 17286
416.1500—416.1599 (Subpart O) Authority citation revised..... 27541
416.1600—416.1618 (Subpart P) Authority citation revised..... 21943, 27541
416.1615 (a) (2) and (3) revised; (a)(4) added..... 21943
416.1618 Revised..... 21943
416.1701—416.1725 (Subpart Q) Authority citation revised..... 27541
416.1801—416.1881 (Subpart R) Authority citation revised..... 27542
416.1901—416.1922 (Subpart S) Authority citation revised..... 27542
416.2001—416.2098 (Subpart T) Authority citation revised; section authority citations removed..... 27542
416.2101—416.2119 (Subpart U) Authority citation revised..... 27542
416.2201—416.2227 (Subpart V) Authority citation revised..... 27542

Chapter V—Employment and Training Administration, Department of Labor

654.400—654.417 (Subpart E) Authority citation revised..... 20506
654.403 Revised; interim..... 20506
655 Authority citation revised; subpart and section authority citations removed..... 20507
655.0 (a) amended; (b) and (c) removed; (d) and (e) redesignated as (b) and (c); interim..... 20507
655.00 Amended; interim..... 20507
655.000 (a) amended; interim..... 20507
655.1 (a) designation and (b) removed; interim..... 20507
655.90—655.113 (Subpart B) Revised; interim..... 20507
655.200—655.212 (Subpart C) Heading revised; interim..... 20524
655.200 (a) and (b) redesignated as (b) and (c); new (a) added; interim..... 20524
655.202 (b)(9)(ii) revised..... 11466
655.207 (c) and (d) removed; (e) redesignated as (c)..... 11466

CHANGES APRIL 1 THROUGH JULY 31, 1987

TITLE 20 Chapter V—Con. Page

656 Authority citation revised; section authority citations removed 11218, 20596
656.10 Schedule A amended 20596
656.22 (c)(2) removed; (c)(3) redesignated as new (c)(2) 20596
656.26 (c) amended; (d) through (h) removed; heading and (a) introductory text revised 11218
656.27 Revised 11218
656.27a Removed 11219
656.50 Amended 11219, 20596
656.61 Removed 20596

Chapter VII—Benefits Review Board, Department of Labor

801 Revised 27290
801.2 (a)(2) corrected 28640
802 Revised 27292

Title 20—*Proposed Rules:*

61 ..... 20536, 27417
62 ..... 20536, 27417
200 ..... 10384, 27997
404 ..... 13014, 19169
410 19169
416 ..... 13014, 19169
615 10774
626 ..... 23681, 26121
627 ..... 23681, 26121
628 ..... 23681, 26121
629 ..... 23681, 26121
630 ..... 23681, 26121
631 ..... 23681, 26121
654 16770
655 16770
725 26352
802 27300

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health and Human Services

2.125 (e)(11) added 15717
5.93 Added 10881
74.102 Eff. 7-31-87 28553
74.706 Addition effective date confirmed; (a)(1) revised 21508
74.1102 Eff. 7-31-87 28553
74.1309 (a)(1) revised 21305
Technical correction 24583
Effective date confirmed 28552
74.1706 Addition effective date confirmed; (c)(2) revised 21508
74.2706 Addition effective date confirmed 21506
74.3045 (c)(1) introductory text and (i) revised 15945
Effective date confirmed 27542
74.3602 Added 19722
81.1 (a) and (b) tables amended 10882
(b) table amended 15946, 21305, 25209
(a) table amendment effective date confirmed; (a) table amended 21509
Technical correction 24583
81.27 (d) introductory text table amended 10882, 15946, 21306, 25209
(d) introductory text table amendment effective date confirmed; (d) introductory text table amended 21509
Technical correction 24583
82.102 Eff. 7-31-87 28553
82.706 Revised 21509
172.210 (b)(4) table amended 18911
172.859 (a) amended 10883
175.105 (c)(5) table amended 10884, 12380, 27800
(c)(5) table corrected 19857
176.170 (a)(5) table amended 17553
(b)(2) table amended 19724
177.1430 Revised 11641
177.1500 (a)(12) added; (b) table amended 26667
Technical correction 28067
177.1520 (b) table amended 23804
177.1660 (c)(1) amended 20069
178.1005 (d) revised 26146
178.2010 (b) table amended 20070, 22301
Technical correction 24090
(b) table corrected 26764
182.8245 Removed 25211
184.1245 Added 25211
184.1287 Added 25976
184.1639 Added 10886
184.1768 Added 10886
193.137 Existing text designated as (a); (b) added 17941
193.253 Table amended 10562
193.410 Revised 27543
193.472 Added 10563
193.473 Added 17942
Technical correction 23137, 23916
201.20 (a) revised; (c) added 21509

CHANGES APRIL 1 THROUGH JULY 31, 1987

Page

201.21 Effective date deferred in part 12152
310.201 (a)(6) removed; eff. 5-2-88 15892
312.7 Heading and (d) revised; OMB number 19476
Technical correction 23628
312.10 OMB number 23031
312.23 OMB number 23031
312.30 OMB number 23031
312.31 OMB number 23031
312.32 OMB number 23031
312.33 OMB number 23031
312.34 Text added 19476
Technical correction 23628
312.35 Added 19477
Technical correction 23628
312.36 OMB number 23031
312.38 OMB number 23031
312.41 OMB number 23031
312.42 (b)(3) added 19477
Technical correction 23628
312.44 OMB number 23031
312.45 OMB number 23031
312.47 OMB number 23031
312.53 OMB number 23031
312.55 OMB number 23031
312.56 OMB number 23031
312.57 OMB number 23031
312.59 OMB number 23031
312.62 OMB number 23031
312.64 OMB number 23031
312.66 OMB number 23031
312.70 OMB number 23031
312.110 OMB number 23031
312.120 OMB number 23031
312.140 OMB number 23031
312.160 OMB number 23031
336 Added; eff. 5-2-88 15892
341.76 Technical correction 12521
369.20 Amended; eff. 5-2-88 15893
369.21 Amended; eff. 5-2-88 15893
442.127a (a)(1) amended 20710
510 Authority citation revised 25976
510.600 Technical correction 10668, 18495, 23397
(c) (1) and (2) tables amended 11041, 11988, 12153, 18691, 19501, 20385, 20597, 25212, 25976, 27801
520 Technical correction 10668, 18495
Heading corrected 28067
520.314 (a) revised 11989
520.680 Removed 25213
520.680a Removed 25213
520.680b Removed 25213
Correctly designated 27108
520.1193 Added 11042
520.1242a (f)(2)(i) amended 20598
520.1448a (b) removed 27197
520.1540 Removed 20597
520.2455 Revised 15718
522 Technical correction 10668, 18495
522.56 Added 11816
(a) corrected 15412
522.540 (b)(2)(ii) and (c)(2) amended 25212
522.1081 (a)(2)(i) amended 25212
522.1183 (e)(1) revised 18691
522.1258 (b) amended 25212
522.1660 (c)(1) (i) and (ii) amended 19502
522.1680 (b) revised 18691
(b) amended 25212
522.1704 (b)(2) amended 25212
522.1720 (b)(2) amended 25212
522.1881 Added 23032
522.1884 (c) amended 25212
522.2476 Added 24995
524 Technical correction 10668, 18495
524.1240 Added 10887
524.1580b (b) amended 18691
524.1580d (b) revised 18691
529.1044a Technical correction 10668, 18495
529.1044b Technical correction 10668, 18495
544.110 Removed 22438
556.210 Removed 25213
556.420 (b) revised 15718
556.500 (d) revised 24293
556.710 Revised 27683
556.739 Added 24995
558.4 (d) table amended 25213, 26956
558.240 Removed 25213
558.311 (d)(5) (i) and (ii) and (e) table amended 16240
(b) revised; (e) introductory text and (1) through (11) redesignated as (e)(1) introductory text and (i) through (xi); (e)(2) added 24996
(b)(5) added; (e) table amended 26299
558.325 (a)(1)(iv) added 28470
558.355 (f)(1)(xiii)(*b*) and (xxi)(*b*) revised 13641

TITLE 21 Chapter I—Con. Page

(b)(4) and (f)(2) added....15718
(b)(13) and (f)(3)(v) added....27197
558.360 (d)(3) amended....11642
558.450 (d)(1) Table 3 amended....24293
(d)(1) Table 3 corrected....26401
558.525 (a)(1) removed....12521
558.526 Removed....12521
558.600 Added....26956
558.625 (b) (37) and (64) removed....11041
(b)(7) removed....11988
(b)(70) removed....12153
(b)(89) added....27801
558.630 (b)(10) amended....28470
561.99 Revised....27545
561.273 (a) table amended....12154
561.360 Revised....27543
561.430 Table amended....27544
561.439 Added....10563
561.440 Added....17941
561.441 Added....17942
Technical correction....23137, 23916
573 Authority citation revised....10888
573.920 Revised....10888
(c)(1) corrected....21001
805 Added....27763
862 Added....16122
864 Authority citation revised; section authority citations removed....17732
864.1 Revised....17732
864.3 Added....17732
864.5220 (c) added....17733
864.5680 (c) added....17733
864.7250 (c) added....17733
864.7300 (c) added....17733
864.9205 (c) added....17733
864.9245 (c) added....17733
866 Authority citation revised; section authority citations removed....17733
866.1 Revised....17733
866.3 Added....17733
(b) and (c) corrected....22577
866.2420 (c) added....17734
866.3290 (c) added....17734
866.3305 (c) added....17734
866.3510 (c) added....17734
866.6010 (c) added....17734
868 Authority citation revised; section authority citations removed....17734
868.1 Revised....17734
868.3 Added....17734
868.1120 (c) added....17735
(c) corrected....22577
868.1150 (c) added....17735
868.1170 (c) added....17735
868.1200 (c) added....17735
868.2450 (c) added....17735
868.2500 (c) added....17735
868.5400 (c) added....17735
868.5610 (c) added....17735
870 Authority citation revised; section authority citations removed....17735
870.1 Revised....17735
870.3 Added....17735
870.1025 (c) added....17736
870.1350 (c) added....17736
870.1360 (c) added....17736
870.3300 (c) added....17736
870.3375 (c) added....17736
870.3450 (c) added....17736
870.3535 (c) added....17736
870.3545 (c) added....17736
870.3600 (c) added....17736
870.3610 (c) added....17736
870.3620 (c) added....17736
870.3680 (c) added....17736
870.3700 (c) added....17736
870.3710 (c) added....17736
870.3800 (c) added....17736
870.3850 (c) added....17736
870.3925 (c) added....17737
(c) revised; eff. 12-9-87....18163
(c) corrected....23137
870.4230 (c) added....17737
870.4260 (c) added....17737
870.4320 (c) added....17737
870.4350 (c) added....17737
870.4360 (c) added....17737
870.5200 (c) added....17737
870.5225 (c) added....17737
870.5300 (c) added....17737
870.5550 (c) added....17737
874.1100 Correctly designated....18495
876 Authority citation revised; section authority citations removed....17737
876.1 Revised....17737
(d) corrected....22577
876.3 Added....17737
876.3350 (c) added....17738
876.3630 (c) added....17738
876.3750 (c) added....17738
876.4480 (c) added....17738

Page

876.5220 (c) added....17738
876.5270 (c) added....17738
876.5280 (c) added....17738
876.5540 (c) added....17738
876.5860 (c) added....17738
876.5870 (c) added....17738
876.5955 (c) added....17738
880 Authority citation revised; section authority citations removed....17738
880.1 Revised....17738
880.3 Added....17738
880.5130 (c) added....17739
880.5760 (c) added....17739
882 Authority citation revised; section authority citations removed....17739
882.1 Revised....17739
882.3 Added....17739
882.1790 (c) added....17739
882.1825 (c) added....17740
882.5150 (c) added....17740
882.5800 (c) added....17740
882.5840 (c) added....17740
882.5850 (c) added....17740
882.5860 (c) added....17740
882.5940 (c) added....17740
882.5950 (c) added....17740
884 Authority citation revised; section authority citations removed....17740
884.1 Revised....17740
884.3 Added....17740
884.1060 (c) added....17741
884.1100 (c) added....17741
884.1185 (c) added....17741
884.2050 (c) added....17741
884.2620 (c) added....17741
884.2685 (c) added....17741
884.4100 (c) added....17741
884.4150 (c) added....17741
884.4250 (c) added....17741
884.4270 (c) added....17741
884.5050 (c) added....17741
884.5225 (c) added....17741
884.5380 (c) added....17741
884.5940 (c) added....17741
890 Authority citation revised; section authority citations removed....17741
890.1 Revised....17741
890.3 Added....17741
890.3610 (c) added....17742
890.3890 (c) added....17742
(c) corrected....22577
890.5275 (c) added....17742
890.5290 (c) added....17742
890.5300 (c) added....17742
890.5525 (c) added....17742
890.5860 (c) added....17742

Chapter II—Drug Enforcement Administration, Department of Justice

1301.11 (c) and (d) revised....20598
1301.12 Revised....20599
1301.22 (a)(10) revised....17287
1301.31 (c) revised; (d) added....20599
1306.22 Technical correction....13430
1308.11 (b) introductory text revised; (b) (1) through (48) redesignated as (b) (2) through (7), (9) and (10), (12) through (33), (35) through (40), (42) through (51), (53) and (54); new (b) (1), (8), (11), (34), (41), and (52) added; (g) (1), (2), (4), (6), (8), and (9) removed; (g) (3), (5), and (7) redesignated as (g) (1), (2), and (3)....20072
Technical correction....27198
1308.12 (f)(2) added....11043
(f)(2) corrected....12285
1311.02 (d) revised....17288
1311.12 Revised....17288
1311.26 Revised....17288
1311.32 (d) revised; (e) and (f) redesignated as (f) and (g); new (e) added....17288
1311.42 (a), (b)(6) (i) and (iv) revised....17288
1311.44 (a) and (b) revised; (c) through (e) redesignated as (e) through (g); new (c) and (d) added; new (f) (1) and (2) and (g) (1) and (2) revised....17288
1311.47 Revised....17289
1311.53 Revised....17289
1311.61 Revised....17289
1312 Authority citation revised....17289
1312.11 (a) and (b) revised....17289
1312.12 (a) introductory text revised....17289
1312.13 (a)(1) revised; (b) through (e) redesignated as (d) through (g); new (b) and (c) added....17289
1312.18 (a), (b), and (c)(2) revised....17290

TITLE 21 Chapter II—Con. Page
1312.21 (a) and (b) revised....17290
1312.22 (a) revised....17290
1312.23 (b) through (d) redesignated as (d) through (f); new (b) and (c) added....17290
1312.27 (a), (b) (2) and (4) revised; (b)(5) added....17290
1312.28 (d) revised....17291
1312.30 Added....17291
1316.71—1316.81 (Subpart E) Authority citation revised....24446
1316.75 (b)(3) amended....24446

Title 21—*Proposed Rules:*

102....18921, 26690, 28067
103....18922, 26764
133....12556
146....19169
161....18921
165....18922, 26764
181....18923, 26764
182....13086, 18772
184....13086, 18772
186....13086, 18772
310....13107, 23184
312....12431
357....12114, 15732
436....25252
452....25252
561....12193
862....16139
880....19735
1240....22340
1301....11091

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

2a Added....12155
41.91 (a)(9)(iii) and (10)(i) revised; interim....17943
42.91 (a)(9)(iv) and (10)(ii) revised; interim....17943
43 Addition confirmed....17948
43.3 (b) amended....17949

Chapter II—Agency for International Development, International Development Cooperation Agency

212 Authority citation revised....11817
212.35 Revised; interim....11817
212.41 (g) revised; interim....11818
212.42 Added; interim....11819
224 Added; interim....13071
Removed; interim....20385

Chapter III—Peace Corps

Page
309 Added....15719

Title 22—*Proposed Rules:*

41....12001, 20725, 22628
135....21820, 23627
171....12936, 15513
224....20413
502....25384, 26156
503....26024
512....25030
514....20097
526....22791
602....27998
603....27998
711....25124, 27902
1510....25124, 27902

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

650.801—650.809 (Subpart H) Added....28139
668.101—668.113 (Subpart A) Revised....21948

Chapter III—National Highway Traffic Safety Administration, Department of Transportation

1309.4 (a)(2) revised; (a)(3), (b) introductory text and (6) amended....27615

Title 23—*Proposed Rules:*

650....11092, 20726
655....11502
1309....27616

TITLE 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

0 Revised....27113
14 Added....27126
15 Authority citation and heading revised....12160
15.1 (g), (h) and (i) added....12160
15.2 Revised....12160

Page
15.72 Revised....12160
15.73 Revised....12160
15.74 Revised....12161
15.81 (Subpart I) Redesignated as 15.91 (Subpart J)....12161
15.81—15.86 (Subpart I) Added....12161
15.91 (Subpart J) Redesignated from 15.81 (Subpart I)....12161
20.10 Introductory text revised....27130
25.9 (e) revised....15304

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

115 List of jurisdictions....15304

Chapter II—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

200.163 (a)(2) revision eff. 8–1–87....28470
201 High-cost limits....11643, 17397, 28250
203 High-cost limits....11643, 17397, 28250
203.43c (a) revision eff. 8–1–87....28470
203.431 Addition eff. 8–1–87....28470
203.439 Undesignated center heading and section addition eff. 8–1–87....28470
203.604 (b) revision eff. 8–1–87....28470
204.1 Amendment eff. 8–1–87....28470
213.751 (b) amendment eff. 8–1–87....28470
213.800 Revision eff. 8–1–87....28470
220.1 (a) amendment eff. 8–1–87....28470
220.251 (a) amendment eff. 8–1–87....28470
220.900 Revision eff. 8–1–87....28470
221.1 (a) amendment eff. 8–1–87....28470
221.251 (a) amendment eff. 8–1–87....28470
221.800 Revision eff. 8–1–87....28470
222.1 (a) amendment eff. 8–1–87....28470

Page
222.251 (a) amendment eff. 8–1–87....28470
222.400 Revision eff. 8–1–87....28470
226.1 (a) amendment eff. 8–1–87....28470
226.251 (a) amendment eff. 8–1–87....28470
226.300 Revision eff. 8–1–87....28470
227.500 (b) amendment eff. 8–1–87....28470
227.751 (a) amendment eff. 8–1–87....28470
227.800 Revision eff. 8–1–87....28470
232.560 (a) revised....17751, 18228
234 High-cost limits....11643, 17397, 28250
234.63 Revision eff. 8–1–87....28470
235.1 (a) amendment eff. 8–1–87....28470
235.9 (a) revised....17752, 18229
235.201 (a) amendment eff. 8–1–87....28470
235.540 (a) revised....17752, 18229
237.5 Revision eff. 8–1–87....28470
240.1 Amendment eff. 8–1–87....28470
240.400 Revision eff. 8–1–87....28470
243 Authority citation corrected....17949
243.1 (a) corrected....17949
255.107 (c) amended....16241
255.405 Redesignated from 255.406....16241
255.406 Redesignated as 255.405....16241
255.706 (g) revised....16241
255.801 Amended....16241
255.820 Amended....16241
255.824 Amended....16241

Chapter V—Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

511.11 (f)(3)(iii)(B) corrected....11598
511.32 Suspended....11467
511.33 Heading and (b) revised....25595

CHANGES APRIL 1 THROUGH JULY 31, 1987

TITLE 24—Con.

Chapter VIII—Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Section 8 Housing Assistance Programs and Section 202 Direct Loan Program)

Page
842 Authority citation corrected....17949
842.1 (a) corrected....17949
882.408 (c)(1) revised....19725
888 Schedules B and D revised....15632
Schedules B and D amended....24387
Schedule A corrected....24447

Chapter IX—Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development

942 Authority citation corrected....17949
942.1 (a) corrected....17949

Chapter XX—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

3283.102 (c) and (d) revised....11644

Title 24—*Proposed Rules:*

85....21820, 23627
111....21820, 23627
200....11686, 21596, 21961
203....21961
221....21961
222....21961
226....21961
234....21961
235....21961
247....16403, 23761
511....21820, 23627
570....21820, 23627
571....21820, 23627
575....21820, 23627
850....21820, 23627
886....16403, 23761
888....24172
905....10668, 21820, 23627
941....21820, 23627
968....10668, 21820, 23627
990....21820, 23627
3280....17896
3282....17411

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Page
118 Removed....15722
120 Removed....11468
244 Revised....23806
250 Revised; interim....27330

Chapter IV—Navajo and Hopi Indian Relocation Commission

700 Authority citation revised....21951
700.183 (a) revised; interim....21951

Title 25—*Proposed Rules:*

22....17988
40....11503
76....20727
151....23560

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

1 Authority citation amended....10744, 12162, 15308, 23433, 24999
Proclamation....18562
1.23–1 Redesignated from 1.44C–1; (a), (b), (d)(2) (i) and (ii), and (e) amended; (c) revised; (d)(3) (i) through (x) redesignated as (d)(4)(ii) (A) through (J); new (d)(3) and (4)(i) added; new (d)(4)(ii) heading and introductory text amended....26669
1.23–2 Redesignated from 1.44C–2; introductory text, (a)(1) (i) and (iii), (b)(1) and flush text following (2), (c)(4), (d)(3), (4) (iv) and (viii), (e)(1)(iii) and flush text following (iii) and (2), (f) (1) and (4), (g) and (h) amended; (i) added....26670
1.23–3 Redesignated from 1.44C–3; (a)(1), (b), (d), (e), (h)(1) (i) and (ii), (2), (3) and (4) Example 2, (j)(2) Example and (k) introductory text amended; (c) and (j)(1) revised....26672
1.23–4 Redesignated from 1.44C–4....26672
1.23–5 Redesignated from 1.44C–5; (a) (1) through (5), (b)(1) and (c) amended....26672
1.23–6 Redesignated from 1.44C–6; (a)(1) and (e) amended....26673
1.32–1T Added (temporary)....22302
Technical correction....23398
1.42–1T Added (temporary)....23433
(d)(8)(i), (ii)(B) and (e)(2) corrected....24583
1.44C–1 Redesignated as 1.23–1; (a), (b), (d)(2) (i) and (ii), and (e) amended; (c) revised; (d)(3) (i) through (x) redesignated as (d)(4)(ii) (A) through (J); new (d)(3) and (4)(i) added; new (d)(4)(ii) heading and introductory text amended....26669
1.44C–2 Redesignated as 1.23–2; introductory text, (a)(1) (i) and (iii), (b)(1) and flush text following (2), (c)(4), (d)(3), (4) (iv) and (viii), (e)(1)(iii) and flush text following (iii) and (2), (f) (1) and (4), (g) and (h) amended; (i) added....26670
1.44C–3 Redesignated as 1.23–3; (a)(1), (b), (d), (e), (h)(1) (i) and (ii), (2), (3), and (4) Example 2, (j)(2) Example and (k) introductory text amended; (c) and (j)(1) revised....26672
1.44C–4 Redesignated as 1.23–4....26672
1.44C–5 Redesignated as 1.23–5; (a) (1) through (5), (b)(1) and (c) amended....26672
1.44C–6 Redesignated as 1.23–6; (a)(1) and (e) amended....26673
1.48–9 (c)(10), (d) and (e) revised....27337
1.56–1 Redesignated as 1.56A–1 and (b)(2)(ii) amended....15309
1.56–2 Redesignated as 1.56A–2....15309
1.56–3 Redesignated as 1–56A–3 and (b) and *Example* amended....15309
1.56–4 Redesignated as 1.56A–4....15309
1.56–5 Redesignated as 1.56A–5 and (b)(2) flush text, (e)(5), and (h) *Example* (4) amended....15309
1.56A–1 Redesignated from 1.56–1 and (b)(2)(ii) amended....15309
1.56–0T Added (temporary)....15309
1.56–1T Added (temporary)....15310
1.56A–2 Redesignated from 1.56–2....15309
1.56A–3 Redesignated from 1.56–3 and (b) and *Example* amended....15309
1.56A–4 Redesignated from 1.56–4....15309
1.56A–5 Redesignated from 1.56–5 and (b)(2) flush text, (e)(5), and (h) *Example* (4) amended....15309
1.57–4 (b) introductory text and (2)(ii) flush text and (e) *Example* (5) amended....15309
1.57–5 (b) amended....15309
1.58–7 (c)(1)(iii) *Example* (4), (2) *Example* (3), and (4) amended....15309
1.149(e)–1T (e)(3) (ii) and (iii) corrected....10368
1.163–8T Added (temporary)....24999
1.448–1T Added (temporary)....22766
1.448–2T Added (temporary)....22774
1.924(c)–1T Removed....10742
1.924(d)–1T Removed....10742
1.924(e)–1T Removed....10742
1.1016–5 (t) revised....26673
1.1402(e)–5T Added (temporary)....12162
1.6045–3T Added (temporary)....10744
1.6050D–1 (a) introductory text and (1) amended....26673
1.6655–7T Added (temporary)....15320
31 Authority citation amended....21511
31.6053–3 (f)(1)(iv) amended; (j)(19) added; (b)(5), (h), and (j)(9) revised....21511
31.6053–3T Removed....21511
31.6053–4 Added....21513
31.6053–4T Removed....21511
35a Authority citation amended....13432
35a.3406–1 Heading added....13432

CHANGES APRIL 1 THROUGH JULY 31, 1987

93–145 O – 87 – 3

CHANGES APRIL 1 THROUGH JULY 31, 1987

TITLE 26 Chapter I—Con. Page

35a.3406-2 Added 13432
54.6011-1T Added (temporary) 10563
54.6071-1T Added (temporary) 10563
301.6011-2 (f) revised 19137
301.6402-6T (b) revised (temporary) 17950
601.601 (c) amended 26673
602.101 Correctly designated 10368
(c) table amended (OMB numbers) 10564, 10748, 12163, 13437, 15320, 21513, 23440, 25007, 26673
602.106 (c) table amended (temporary) 22777

Title 26—*Proposed Rules:*

1.0-1—1.60 ..... 15339, 22345, 23471, 28162
1.61—1.169 ..... 18579, 22716, 25036, 26122
1.401—1.500 ..... 22795, 28070
1.641—1.850 18578
1.1401—end 10774, 12194, 15339, 23308, 28070, 28162
54 ..... 10583, 28070
301 17989
601 28000
602 ..... 10583, 10774, 18579, 23308, 23471, 25036

TITLE 27—ALCOHOL, TOBACCO PRODUCTS AND FIREARMS

Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury

9.48 (c) revised 23652
9.61 (c)(12) revised; (c) (13) through (15) redesignated as (c) (17) through (19); new (c) (13) through (16) added 23651
9.109 Added 13082
9.114 Added 21515
9.116 Added 22304
19.44 Amended 19313
19.519 Amended 19313
19.524 (c)(1) amended 19313
19.525 (a) amended 19313
25.117 (a) and (b)(1) amended; (c) removed; nomenclature change 19313
25.118 Nomenclature change 19313
25.119 Heading and (c) amended; nomenclature change 19313
25.121 Amended; nomenclature change 19313
25.131 Revised 19313
25.122 Nomenclature change 19313
25.125 Nomenclature change 19313
25.126 Nomenclature change 19313
25.132 (b) amended 19313
25.134 Amended 19313
25.163 Revised 19314
25.164 (e)(1) revised 19314
25.165 (c)(1) amended 19314
25.166 (b) amended 19314
25.173 (b) amended 19314
25.175 (b) (1), (2), and (3) amended 19314
25.283 (d) amended 19314
25.285 (a) amended 19314
70 Authority citation revised 19314
70.1 Revised 19314
70.61—70.109 (Subpart E) Added 19314
70.111—70.152 (Subpart F) Added 19325
170.77 (a) amended 19334
170.91 Amended 19334
170.305 (a) amended 19334
170.305a (a), (b), and (c) amended 19334
170.306 (b) amended 19334
179.34 (a) designation and heading and (b) removed; amended; nomenclature change 19334
179.35 Nomenclature change 19334
179.36 Nomenclature change 19334
179.37 Amended 19334
179.38 Amended 19334
179.42 Amended; nomenclature change 19334
179.43 Amended 19334
179.46 Amended; nomenclature change 19334
179.47 Amended; nomenclature change 19334
179.50 Amended; nomenclature change 19334
179.171 Amended 19334
179.172 Amended 19334
194.27 Amended; nomenclature change 19335
194.94 Amended 19335
194.104 Amended 19335
194.104a Revised 19335
194.105 Amended 19335

CHANGES APRIL 1 THROUGH JULY 31, 1987

Page

194.106—194.110 Undesignated center heading amended 19335
194.106 Amended; nomenclature change 19335
194.106a Amended 19335
194.106b Amended 19335
194.106d Removed 19335
194.107 Heading and text nomenclature change 19335
194.109 Amended 19335
194.111 Amended 19335
194.121 Amended 19335
194.121a Amended 19335
194.123 Amended 19335
194.124 Amended; nomenclature change 19335
194.126 Amended; nomenclature change 19335
194.127 Amended 19335
194.132 Amended 19335
194.133 Amended 19335
194.134 Amended; nomenclature change 19335
194.135 Amended 19335
194.136 Amended; nomenclature change 19335
194.137 Amended; nomenclature change 19335
194.139 Amended; nomenclature change 19335
194.151 Heading and (a) revised; (b) amended; nomenclature change 19336
194.152 Amended 19336
194.169 Undesignated text following (d) revised 19336
194.201 Revised 19336
197.28 (a) and (b) amended; nomenclature change 19336
197.29—197.31 Undesignated center heading amended 19336
197.29 Amended; nomenclature change 19336
197.29a Amended; nomenclature change 19336
197.29b Nomenclature change 19336
197.29d Removed 19336
197.30 Nomenclature change 19336
197.31 Nomenclature change 19337
197.40 Nomenclature change 19336
197.40a Nomenclature change 19336
197.41 Amended 19336
197.42 Amended; nomenclature change 19336
197.43 Amended; nomenclature change 19336
197.46 Amended 19337
197.48 Amended 19337
197.50 Amended 19337
197.55 Revised 19337
197.56 Amended 19337
197.58 Revised 19337
197.106 Amended 19337
197.111 Revised 19337
240.340 Amended 19337
240.343 Revised 19337
240.344 Revised 19337
240.345 Removed 19337
240.591 (a) amended 19337
240.591a (c)(1) amended 19337
240.594 (a) amended 19337
240.594c Amended 19337
240.595 Amended 19337
240.596 (a) amended 19337
240.807 Amended 19337
250.11 Amended 19338
250.37 Revised 19338
250.44 Amended 19338
250.52 (c) amended 19338
250.54 Amended 19338
250.61 Revised 19338
250.62a Amended 19338
250.65 Amended 19338
250.70 Amended 19338
250.70a Amended 19338
250.71 Nomenclature change 19338
250.72 Nomenclature change 19338
250.74 Nomenclature change 19338
250.75 Amended 19338
250.78 Amended 19338
250.79 Amended 19338
250.81 Amended 19338
250.93 Amended 19338
250.96 (b) amended; nomenclature change 19338
250.102 Amended 19338
250.105 (b) amended; nomenclature change 19338
250.110 Amended 19338
250.112 (e) and (h) revised 19339
250.112a (c)(1) amended 19339
250.113 (a) amended 19339
250.119 Amended 19339
250.126 Amended 19339
250.128 Revised 19339
250.210 Amended 19339
251 Authority citation revised 19339
251.11 Amended 19339

CHANGES APRIL 1 THROUGH JULY 31, 1987

TITLE 27 Chapter I—Con. Page

251.30 Amended; nomenclature change 19339
270.44 Amended 19339
270.162 Amended 19339
270.165 (b) amended 19339
270.165a (c) amended 19339
270.166 Amended 19340
270.167 (a) and (b) amended 19340
270.168 Amended 19340
270.281 Amended 19340
270.283 Amended 19340
270.286 Amended 19340
270.311 (b) amended 19340
270.313 Amended 19340
275.11 Amended 19340
275.105 Amended 19340
275.108 Amended 19340
275.109 Amended 19340
275.110 Amended 19340
275.111 Introductory text amended; (a) removed; (b) through (e) redesignated as (a) through (d); new (d) amended 19340
275.112 Amended 19340
275.114 (c) revised 19340
275.114a (a) and (c) amended 19340
275.115 Amended 19340
275.115a (c) amended 19340
275.116 Amended 19340
275.118 Amended 19341
275.123 Amended 19341
275.125 Amended 19341
275.126 Amended 19341
275.127 Amended 19341
275.129 Amended 19341
275.137 Amended 19341
275.161 Amended 19341
275.163 Amended 19341
275.170 (b) amended 19341
275.172 (b) amended 19341
285.25 (b) amended 19341
285.26 Amended 19341
285.27 (c) amended 19341
285.34 Amended 19341
285.171 Amended 19341
285.173 Amended 19341
285.193 Amended 19341
290.67 (a) amended 19341
290.153 Amended 19341
290.154 Amended 19341
295.36 Amended 19341
296.7 Amended 19342
296.74 Amended 19342

Title 27—*Proposed Rules:*

4 23685
5 23685
9 ..... 11689, 13844, 19531, 19535
17 28286
19 28286
170 28286
194 28286
197 28286

CHANGES JULY 1 THROUGH JULY 31, 1987

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

Page

0 Authority citation revised 24447
0.63 Revised 24448
0.100 (b) revised 24447
8.1 Amended 24448
8.8 (b) amended 24448
11 Added; eff. 8-31-87 24449
Technical correction 27496
42.101—42.112 (Subpart C) Authority citation revised 24449
42.101—42.112 (Subpart C) Appendix A revised 24449
42.501—42.540 (Subpart G) Authority citation revised 24450
42.501—42.540 (Subpart G) Appendix A revised 24450

Title 28—*Proposed Rules:*

16 24583

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

Chapter I—National Labor Relations Board

102 Authority citation revised 27990
102.118 Heading and (a)(1) revised 27990
103 Authority citation revised 25215
103.20 (Subpart B) Added 25215

Chapter V—Wage and Hour Division, Department of Labor

516 Revised; eff. 7-31-87 24896
Table of contents corrected 26121

Chapter XIV—Equal Employment Opportunity Commission

1601.6 Existing text designated as (a); (b) redesignated from 1601.18 26957
1601.18 Redesignated as 1601.6 (b); new 1601.18 redesignated from 1601.19; (b) removed; (c) through (g) redesignated as (b) through (f); new (e) and (f) amended 26957
1601.19 Redesignated as 1601.18; (b) removed; (c) through (g) redesignated as (b) through (f); new (e) and (f) amended 26957
Added 26958
1601.21 (a) revised; (d) introductory text amended 26959
1601.24 (a) amended 26959
1601.28 (b)(3) amended 26959

Chapter XXVI—Pension Benefit Guaranty Corporation

2644 Appendix A amended 25008
2676.15 (c) table amended 26475

Title 29—*Proposed Rules:*

100 ..... 25124, 27902
102 27012
103 25142
1910 26776
1926 26776
1953 27417

TITLE 30—MINERAL RESOURCES

Chapter I—Mine Safety and Health Administration, Department of Labor

57.22001—57.22608 (Subpart T) Revised; eff. 10-29-87 24941
57.22005 (f)(1) and (g) corrected 27903
57.22232 Corrected 27903
57.22233 Corrected 27903
57.22240 Corrected 27903

Chapter II—Minerals Management Service, Department of the Interior

216 Authority citation revised 27546
216.40 (a) and (b) revised; (g) added 27546
218 Authority citation revised 24451, 27546
218.40 (a) and (b) revised; (g) added 27546
218.57 Added; eff. 7-31-87 24451

CHANGES JULY 1 THROUGH JULY 31, 1987

TITLE 30—Con.

Chapter VII—Office of Surface Mining Reclamation and Enforcement, Department of the Interior

Page

917.21 Existing text designated as (a); new (b) added....26300
935.12 (c) added....26971
935.15 (bb) added....26971
935.16 (d) through (h) added....26972
938.15 (n) added....26302
946.12 (b)(3) removed....26973
946.15 (s) added....26973

Title 30—*Proposed Rules:*

57....26352
202....25887
203....25887
206....25887
212....25887
218....25887
816....28012
817....28012
870....27419
904....27419
913....28309
914....25887
915....25888
917....26158, 26159, 28310
931....28162
935....25386, 25387, 28165
938....25037
946....28166

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

1 Authority citation revised....26305
1.1—1.7 (Subpart A) Revised....26305
1.8—1.12 (Subpart B) Revised....26319
1.20 Revised....26320
1.21—1.22 Revised....26321
1.23 Revised....26322
1.24 Revised....26323
1.25—1.26 Revised....26324
1.27 Revised....26326
1.28 Revised....26327
1.29—1.30 Revised....26328
1.31—1.32 Revised....26329
1.33 Removed....26302
1.34—1.35 Revised....26329
1.20—1.36 (Subpart C) Appendixes A through L revised....26329

Chapter V—Office of Foreign Assets Control, Department of the Treasury

Page

545.427 Interpretation....25576

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

43.2 (a) amended....25008
43.6 (d)(14) revised....25008
63.3 (o) amended....25215
63.6 (b)(5) (i) through (vii) amended; (e)(2) introductory text revised; (e)(2)(vi) redesignated as (e)(2)(vii); new (e)(2)(vi) added....25215
199.3 (e)(3)(iv) revised....27991
286 Revised....25977
292a.15 Removed....25216

Chapter V—Department of the Army

552.105—552.111 (Subpart G) Added....25862

Chapter VI—Department of the Navy

750 Authority citation revised; footnotes removed....25595
750.3 (d) redesignated as (e); new (d) added....25595
750.4 (c) heading revised....25596
750.7 (a) (5) through (16) and (b) revised; (a) (17) and (18) added....25596
750.8 (a) and (b) amended....25596
750.9 Revised....25597
750.12 (b) amended....25597
750.13 (b) and (c) redesignated as (c) and (d); new (b) added; (c)(2) amended....25597
750.16 (c)(2) amended; (e) revised....25597
750.21 (a) through (c) amended....25598
750.23 Revised....25598
750.24 (b) (2) and (3) revised....25598
750.32 (e)(2) amended....25598
750.52 (b) revised....25598
750.53 (c) amended....25598
751 Authority citation revised; footnotes removed....25598
751.2 Revised....25598

CHANGES JULY 1 THROUGH JULY 31, 1987

Page

751.3 (i)(3)(iii) amended....25599
751.4 (u) added....25599
751.21 (f)(1)(ii) amended....25599
751.22 (b) and (d) amended....25599
751.23 Introductory text amended....25599
751.24 (a)(1) introductory text, (v), (vi), (2), (3)(i), (5) and (6), (b) and (d) revised; (e) amended....25599
751.25 (b) revised....25600
751.28 Revised....25600
751.30 (a) through (d) and (e)4. revised; (e) introductory text amended....25600
757 Authority citation revised....25600
Footnotes removed....25601
757.2 (b)(2) and (c) revised....25601
757.3 (a) amended; (b), (c), (d), and (f)(3) revised....25601
757.8 Amended....25601
757.13 Introductory text and (d) revised; (f) removed....25601
757.15 (a) (1) through (4) revised....25601
757.16 (c) amended; (d) added....25601

Chapter XVI—Selective Service System

1602.2 Revised....24454
1602.11 Revised....24454
1602.14 Revised....24454
1602.15 Revised....24454
1602.18 Revised....24454
1602.24 Revised....24454
1602.25 Revised....24454
1605.51 (b) removed....24454
1605.81 (b) revised....24454
1609.1 Revised....24454
1618.3 Removed....24454
1621.1 Revised....24454
1624.4 (b) and (c) revised....24455
1624.5 (a) revised....24455
1624.6 (a) and (e) removed; (b) and (j) revised....24455
1624.7 Revised....24455
1624.10 Revised....24455
1630.13 Revised....24455
1630.18 Revised....24456
1630.30 Revised....24456
1630.31 Revised....24456
1630.40 (a) introductory text revised; (a)(4) removed....24456
1630.44 Revised....24456

Page

1630.45 Heading and (a) revised....24456
1630.48 Revised....24456
1633.1 (e) and (f) revised....24456
1633.2 Revised....24457
1633.6 Revised....24457
1633.7 (b) revised; (c) removed....24457
1633.10 Revised....24457
1633.11 Revised....24457
1636.3 (a) revised....24457
1636.6 Heading revised....24457
1636.8 (a)(3) revised....24457
1639.3 (a)(1) revised....24458
1639.6 Heading revised....24458
1639.7 (c) revised....24458
1642 Heading revised....24458
1642.3 Revised....24458
1642.4 (a)(4) revised; (b) removed....24458
1642.5 Added....24458
1642.7 (a) revised; (c) removed....24458
1648.1 Revised....24458
1648.2 Removed....24458
1648.3 (a) and (c) revised....24458
1648.4 (b) revised....24458
1648.5 (a) and (i) revised....24459
1648.6 (a) revised....24459
1651.1 (b) revised....24459
1651.4 (a), (j), (n)(3) and (r) revised....24459
1653.3 Heading, (a) and (k) revised....24459
1657 Revised....24459
1698 Added....24460

Chapter XX—Information Security Oversight Office

2001.43 (a)(1) revised....28418

Title 32—*Proposed Rules:*

198a....27421
199....28568
276....26692
277....26693
807....27825

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

Page

3.01–1 (f) removed; (g) redesignated as (f)..... 25217
3.25–1 (b) revised..... 25217
25.103 Revised..... 25217
25.111 (b) revised..... 25217
25.405 (g) revised..... 25218
47 Removed..... 25218
72.01–10 (a)(2) revised..... 25218
80.155 Redesignated from 80.305..... 25218
80.160 Redesignated from 80.310..... 25218
80.165 Redesignated from 80.315..... 25218
80.170 Added..... 25218
80.305—80.325 Undesignated center heading removed..... 25218
80.305 Redesignated as 80.155..... 25218
80.310 Redesignated as 80.160..... 25218
80.315 Redesignated as 80.165..... 25218
80.320 Removed..... 25218
80.325 Redesignated as 80.503..... 25218
80.501 Added..... 25218
80.503 Redesignated from 80.325..... 25218
80.1102 Redesignated from 80.1105..... 25218
80.1104 Redesignated from 80.1110..... 25218
80.1105 Redesignated from 80.1102..... 25218
80.1106 Redesignated from 80.1115..... 25218
80.1108 Redesignated from 80.1120..... 25218
80.1110 Redesignated as 80.1104; new 80.1110 redesignated from 80.1125..... 25218
80.1112 Redesignated from 80.1130..... 25218
80.1114 Redesignated from 80.1135..... 25218
80.1115 Redesignated from 80.1106..... 25218
80.1116 Redesignated from 80.1140..... 25218
80.1118 Redesignated from 80.1145..... 25218
80.1120 Redesignated as 80.1108; new 80.1120 redesignated from 80.1150..... 25218
80.1122 Redesignated from 80.1155..... 25218
80.1124 Redesignated from 80.1160..... 25218
80.1125 Redesignated from 80.1110..... 25218
80.1126 Redesignated from 80.1165..... 25218
80.1130 Redesignated as 80.1112; new 80.1130 redesignated from 80.1205..... 25218
80.1132 Redesignated from 80.1210..... 25218
80.1134 Redesignated from 80.1215..... 25218
80.1135 Redesignated as 80.1114..... 25218
80.1136 Redesignated from 80.1220..... 25218
80.1138 Redesignated from 80.1225..... 25218
80.1140 Redesignated as 80.1116; new 80.1140 redesignated from 80.1230..... 25218
80.1142 Redesignated from 80.1250..... 25218
80.1144 Redesignated from 80.1255..... 25218
80.1145 Redesignated as 80.1118..... 25218
80.1146 Redesignated from 80.1260..... 25218
80.1148 Redesignated from 80.1265..... 25218
80.1150 Redesignated as 80.1120; new 80.1150 redesignated from 80.1270..... 25218
80.1152 Redesignated from 80.1275..... 25218
80.1155 Redesignated as 80.1122..... 25218
80.1160 Redesignated as 80.1124..... 25218
80.1165 Redesignated as 80.1126..... 25218
80.1205—80.1275 Undesignated center heading removed..... 25218
80.1205 Redesignated as 80.1130..... 25218

Page

80.1210 Redesignated as 80.1132..... 25218
80.1215 Redesignated as 80.1134..... 25218
80.1220 Redesignated as 80.1136..... 25218
80.1225 Redesignated as 80.1138..... 25218
80.1230 Redesignated as 80.1140..... 25218
80.1250 Redesignated as 80.1142..... 25218
80.1255 Redesignated as 80.1144..... 25218
80.1260 Redesignated as 80.1146..... 25218
80.1265 Redesignated as 80.1148..... 25218
80.1270 Redesignated as 80.1150..... 25218
80.1275 Redesignated as 80.1152..... 25218
100 Temporary regulations list..... 26675
100.35–544 Added (temporary)..... 26674
100.35–0911 Added (temporary)..... 28554
100.35–0918 Added (temporary)..... 28251
100.101 Redesignated from 100.304 and (b) revised..... 25219
100.102 Redesignated from 100.305 and (b) revised..... 25219
100.103 Redesignated from 100.307 and (b) revised..... 25219
100.104 Redesignated from 100.308 and (b) revised..... 25219
100.301 Redesignated as 100.502 and (b) revised..... 25218
100.302 Redesignated as 100.503 and (b) revised..... 25219
100.303 Redesignated as 100.504 and (b) revised..... 25219
100.304 Redesignated as 100.101 and (b) revised..... 25219
100.305 Redesignated as 100.102 and (b) revised..... 25219
100.306 Redesignated as 100.505 and (b) revised..... 25219
100.307 Redesignated as 100.103 and (b) revised..... 25219
100.308 Redesignated as 100.104 and (b) revised..... 25219
100.502 Redesignated from 100.301 and (b) revised..... 25218
100.503 Redesignated from 100.302 and (b) revised..... 25219
100.504 Redesignated from 100.303 and (b) revised..... 25219
100.505 Redesignated from 100.306 and (b) revised..... 25219
100.1103 Redesignated from 100.1201..... 25219
100.1104 Redesignated from 100.1202..... 25219
100.1201 Redesignated as 100.1103..... 25219
100.1202 Redesignated as 100.1104..... 25219
110.238 Added..... 25864
110.239 Added..... 26147
117.261 (m) removed..... 26677
Heading revised; (qq) added..... 27684
117.561 (b) (1) through (4) and (c) revised; introductory text republished (temporary)..... 26341
117.733 (h) revised..... 25374
117.753 Revised..... 25373
117.1051 (d) introductory text revised; (e) added; eff. to 8–21–87..... 25374
132 Appendix corrected..... 28471
165 Temporary regulations list..... 26675
165.T226 Added (temporary)..... 25375
165.T830 Added (temporary)..... 28252
165.T0906 Added (temporary)..... 28555
165.T1165 Revised (temporary)..... 26147
165.130 Redesignated from 165.301..... 25218
165.140 Redesignated from 165.302..... 25218
165.150 Redesignated from 165.304..... 25218
165.155 Redesignated from 165.305..... 25218
165.160 Redesignated from 165.310..... 25218
165.301—165.310 Undesignated center heading removed..... 25218
165.301 Redesignated as 165.130..... 25218
165.302 Redesignated as 165.140..... 25218
165.303 Redesignated as 165.510..... 25218

TITLE 33 Chapter I—Con. Page

165.304 Redesignated as 165.150....25218
165.305 Redesignated as 165.155....25218
165.310 Redesignated as 165.160....25218
165.510 Redesignated from 165.303....25218
165.1201 Undesignated center heading and section designation removed....25218
174 Authority citation revised....25219
174.121 Revised....25219

Chapter II—Corps of Engineers, Department of the Army

334.78 Added....28556

Title 33—*Proposed Rules:*

110....27688
117....25389, 25391, 27225, 28018
140....25392
143....25392
165....26703
166....25039, 28019

TITLE 34—EDUCATION

Subtitle A—Office of the Secretary, Department of Education

11 Revised....25152
32 Added; eff. 7-31-87....24957
75 Authority citation revised....27803
75.1 (a) Note and tables removed; (a) revised (effective date pending)....27803
75.50 Revised (effective date pending)....27803
75.111 (d) and (e) removed (effective date pending)....27803
75.124 Undesignated center heading and section removed (effective date pending)....27803
75.125 (a) designation and (b) removed (effective date pending)....27803
75.138—75.141 Undesignated center heading and sections removed (effective date pending)....27803
75.200 (b)(3) and (c)(2) revised (effective date pending)....27803

Page

75.201 (b)(1) designation and (2) removed (effective date pending)....27803
75.202—75.206 Removed (effective date pending)....27803
75.210 Revised (effective date pending)....27803
75.217 Revised (effective date pending)....27804
75.219 (b) removed; (c) redesignated as (b) and revised (effective date pending)....27804
75.221 Removed (effective date pending)....27804
75.222 Heading and section amended (effective date pending)....27804
75.250 (a) designation and (b) removed (effective date pending)....27804
75.254 Removed (effective date pending)....27804
75.260 (a) revised (effective date pending)....27804
75.708 (a) revised (effective date pending)....27804
75.721 Removed (effective date pending)....27804
75.733 Removed (effective date pending)....27804
76 Authority citation revised....27804
76.1 (a) Note and tables removed; (a) revised (effective date pending)....27804
76.50 (a) introductory text revised (effective date pending)....27804
76.100 Revised (effective date pending)....27804
76.101 Revised (effective date pending)....27804
76.102 Cross-reference removed (effective date pending)....27804
76.301 Revised (effective date pending)....27804
76.401 (a) introductory text and (b) revised (effective date pending)....27805
76.563 Introductory text amended (effective date pending)....27805
76.772 Cross-reference removed (effective date pending)....27805

Chapter II—Office of Elementary and Secondary Education, Department of Education

Page

206 Authority citation revised....24920
206.1 Authority citation revised....24920
206.2 (a), (b) and authority citation revised (effective date pending)....24920
206.3 Authority citation revised....24920
206.4 (a) and authority citation revised (effective date pending)....24920
206.5 (c)(1) and authority citation revised (effective date pending)....24920
206.10 (b)(1) (i) through (viii) and (2) (i) through (iii) and authority citation revised; (b)(2) (iv) through (vi) and (c) added (effective date pending)....24920
206.20 (a) amended; (b) redesignated as (d); new (b) and (c) added; authority citation revised; OMB number (effective date pending)....24920
206.30 Authority citation revised....24920
(b) revised (effective date pending)....24921
206.31 Authority citation revised....24920
(a)(2)(ii) revised; (i) added; OMB number (effective date pending)....24921
230 Added (effective date pending)....26919
235 Added (effective date pending)....26923
237 Added (effective date pending)....26466
250 Authority citation revised....28232
250.4 (b) amended....28232
251 Authority citation revised....28232
251.31 Added....28232
251.32 Added....28233
270 Revised (effective date pending)....24963
271 Added....24964
272 Added....24965

Chapter III—Office of Special Education and Rehabilitative Services, Department of Education

319 Added (effective date pending)....25831
320 Heading and authority citation revised....26657
320.1 Heading, introductory text and (a) revised; (b) amended; (c) redesignated as (d); new (c) added (effective date pending)....26657
320.10 (a)(2) removed; (a)(3) and (c) redesignated as (a)(2) and (d); (a)(1)(iii) and (b) amended; new (c) added (effective date pending)....26657
320.30 (b)(2)(iii) amended (effective date pending)....26657
320.40 (b) revised (effective date pending)....26657

Chapter V—Office of Bilingual Education and Minority Languages Affairs, Department of Education

500.15—500.20 Undesignated center heading added (effective date pending)....27805
500.15 Added (effective date pending)....27805

Chapter VI—Office of Postsecondary Education, Department of Education

630 Authority citation revised....27523
630.5 (b) amended (effective date pending)....27523
630.11 (c) added; authority citation revised (effective date pending)....27523
630.33 Amended (effective date pending)....27523
630.34 Redesignated as 630.35; new 630.34 added (effective date pending)....27523
630.35 Redesignated from 630.34 (effective date pending)....27523
643 Authority citation revised....27774

TITLE 34 Chapter VI—Con.

Page
643.4 (b) and (c)(1) revised (effective date pending)..... 27774
643.6 (b) amended (effective date pending)..... 27774
643.20 (b) and (c) amended; (d) added (effective date pending)..... 27774
644 Authority citation revised..... 28420
644.4 Removed..... 28420
644.6 (b) amended..... 28420
644.10 (b) amended..... 28420
644.20 (c) added..... 28420
644.42 Removed..... 28420
645 Authority citation revised..... 27776
645.3 (a)(3) revised (effective date pending)..... 27776
645.4 (d)(1) revised (effective date pending)..... 27776
645.6 (b) amended (effective date pending)..... 27776
646 Heading and authority citation revised (effective date pending)..... 27906
646.1 Amended (effective date pending)..... 27906
646.2 Amended (effective date pending)..... 27906
646.3 Introductory text amended; (c) revised (effective date pending)..... 27906
646.4 (a) and (b) amended; (d)(1) revised (effective date pending)..... 27906
646.5 Heading and introductory text amended (effective date pending)..... 27906
646.6 Heading amended (effective date pending)..... 27906
646.10 Heading, (a) introductory text, and (b) amended (effective date pending)..... 27906
(a)(8) redesignated as (a)(9); new (a)(8) added; (a)(4) and new (9) revised (effective date pending)..... 27907
646.30 (b) amended (effective date pending)..... 27906
646.31 (f)(1) introductory text and (iii) and (h)(1) and (2)(iv) amended (effective date pending)..... 27906
646.32 (a)(1) amended (effective date pending)..... 27906
646.40 Introductory text amended (effective date pending)..... 27906
658 Authority citation revised..... 28422
658.10 (a), (b) introductory text, and (c) introductory text amended (effective date pending)..... 28422
658.11 Introductory text amended; (g) revised (effective date pending)..... 28422
658.32 (b)(2)(i) and (c)(2)(ii) amended (effective date pending)..... 28422
660 Authority citation revised..... 28424
660.1 (b) amended; (c) redesignated as (d) and revised; new (c) added (effective date pending)..... 28424
660.10 (b) and (c) introductory text revised (effective date pending)..... 28424
661 Authority citation revised..... 28426
661.10 (h) and (i) amended; (j) added (effective date pending)..... 28426

Chapter VII—Office of Educational Research and Improvement, Department of Education

745 Authority citation revised..... 27805
745.12 Added (effective date pending)..... 27805
764 Added (effective date pending)..... 28527
765 Added (effective date pending)..... 28528
766 Added (effective date pending)..... 28529

Title 34—*Proposed Rules:*
33..... 27650

TITLE 35—PANAMA CANAL

Chapter I—Panama Canal Regulations

257 Added..... 26007

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter II—Forest Service, Department of Agriculture

Page
211.18 (b)(12) added; interim..... 27547

Chapter VIII—Advisory Council on Historic Preservation

800.6 (a)(2) and (c)(2) corrected..... 25376
800.10 Introductory text designation (a) correctly removed..... 25376
800.12 (a) corrected..... 25376

Chapter IX—Pennsylvania Avenue Development Corporation

902 Authority citation revised..... 26677
902.80 (b) revised..... 26677
902.81 Revised..... 26677
902.82 Revised..... 26677
902.83 Revised..... 26679

Title 36—*Proposed Rules:*
223..... 28167
1150..... 26534
1208..... 25124, 27902

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

201.11 Heading, (a) (1), (2), and (5), and (b) through (f) removed; (a) (3) and (4) redesignated as 201.17 (b) (2) and (4)..... 28253
201.17 (b) (2) and (4) redesignated from 201.11 (a) (3) and (4); (b)(7), (e)(2), (9)(vii), and (12), and (g) amended; (d)(2) (i) and (ii), (e)(14)(iii)(E), (h)(2) introductory text, and (3) introductory text revised; footnote 8, (h)(4)(iv), and (j)(5) removed..... 28253

Title 37—*Proposed Rules:*
202..... 28311

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

Page
3.155 (c) text revised; (c) cross reference added..... 27340
3.157 (a) amended; (b)(1) revised..... 27340
3.700 (a)(2) revised; (a)(3) amended; (a)(5) added..... 27340
36.4324 (a) amended..... 26342

Title 38—*Proposed Rules:*
8a..... 26356
15..... 25124, 27902
17..... 25254
21..... 25736, 26026

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

111.3 DMM amended; incorporation by reference; interim..... 27993

Chapter III—Postal Rate Commission

3001.61—3001.68 (Subpart C) Appendix A amended..... 28140

Title 39—*Proposed Rules:*
111..... 27565, 28021

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

50.6 Revised; eff. 7-31-87..... 24663
Technical correction..... 26401
50.7 Removed; eff. 7-31-87..... 24664
Technical correction..... 26401
50 Appendix G amended; Appendix J added; eff. 7-31-87..... 24664
Appendix K added; eff. 7-31-87..... 24667
Technical correction..... 26401
51 Authority citation revised..... 24712
51.100 (oo) through (ss) added; eff. 7-31-87..... 24712
51.151 Amended; eff. 7-31-87..... 24713

CHANGES JULY 1 THROUGH JULY 31, 1987

TITLE 40 Chapter I—Con. Page

51.165 (a)(1)(x) amended; (b) revised; eff. 7-31-87....24713
51.166 (a)(6)(i) and (i)(8)(i)(*c*), (*f*), (*h*), and (*l*) revised; (b)(23)(i), (c) table and (p)(4) table amended; (i)(10) added; eff. 7-31-87....24713
51.322 (a)(1) and (b)(1) revised; eff. 7-31-87....24714
51.323 (a) (1) and (2) revised; (a)(3) added; eff. 7-31-87....24714
51 Appendixes L and S amended; eff. 7-31-87....24714
52.21 (b)(23)(i) table, (c) table, (i)(8)(i), and (p)(5) table amended; (i)(4) (ix) and (x), (11), and (m)(1) (vii) and (viii) added; (w)(2) revised; eff. 7-31-87....24714
(m)(1)(vii) corrected....26401
52.24 (f)(10) amended; eff. 7-31-87....24715
52.50 (c)(46) added....28254
52.220 (c)(154)(v)(B), (159) (ii) through (vi) and (160) added; (c)(159) introductory text republished....26149
52.726 (c) added....26012
52.1970 (c)(80) added....28255
52.2370 (c)(19) added....26981
52.2381 Table amended....26982
53 Technical correction....27902
53.1 (j) revised; (m) and (n) added; eff. 7-31-87....24727
53.2 Revised; eff. 7-31-87....24727
53.3 Revised; eff. 7-31-87....24727
53.4 (a) and (b)(3) amended; footnote 1 removed; (b) (4) through (6) and (c) revised; eff. 7-31-87....24727
53.9 (c) revised; (d), (f), and (g) amended; eff. 7-31-87....24728
53.20—53.23 (Subpart B) Heading revised; eff. 7-31-87....24728
53.30—53.34 (Subpart C) Heading revised; eff. 7-31-87....24728
53.30 (a), (b)(2) heading, (c) and (d)(2) heading, (3) and (4) revised; (b)(4) added; eff. 7-31-87....24728
53.31 (b) heading revised; (b) text amended; eff. 7-31-87....24728
53.32 Heading revised; (c) (1), (2), (3) (i) and (ii) and (4) amended; eff. 7-31-87....24728

Page

53.33 Heading and (h) (2) and (3) revised; (b), (e), (h) heading and (i) amended; eff. 7-31-87....24728
53.34 Added; eff. 7-31-87....24729
53.40—53.43 (Subpart D) Added; eff. 7-31-87....24729
58.1 (t), (u), and (v) added; eff. 7-31-87....24739
58.13 (b) revised; (c) added; eff. 7-31-87....24739
58.20 (e) amended; eff. 7-31-87....24740
58.23 Introductory text revised; eff. 7-31-87....24740
58.30 (a) introductory text amended; eff. 7-31-87....24740
58.34 Introductory text amended; eff. 7-31-87....24740
58.35 (d) amended; eff. 7-31-87....24740
58 Appendex A, B and C amended; eff. 7-31-87....24741
Appendix D amended; eff. 7-31-87....24742
Appendix E amended; eff. 7-31-87....24744
Appendix F amended; eff. 7-31-87....24748
Appendix G amended; eff. 7-31-87....24749
Appendixes D and E corrected....27286
60 Authority delegation notices....28255
60 Appendix F corrected....27612
61 Authority delegation notices....28255
61.123 OMB number....28141
61.124 OMB number....28141
61.125 OMB number....28141
61.126 OMB number....28141
141.2 Amended; eff. 1-9-89....25712
141.24 (g) added....25712
141.32 (a) amended; 1-9-89....25714
141.35 Added....25714
141.40 Revised....25715
141.50 (b) revised; eff. 1-9-89....25716
141.60 Revised; eff. 1-9-89....25716
141.61 Added; eff. 1-9-89....25716
141.100—141.101 (Subpart J) Added; eff. 1-9-89....25716
142.56 Added; eff. 1-9-89....25716
142.62 Added; eff. 1-9-89....25716

CHANGES JULY 1 THROUGH JULY 31, 1987

Page

146 Test program approval extended to 7-14-88....26342
180.135 Technical correction....27548
180.137 Technical correction....27548
180.246 Revised....27552
(b) table amended....28259
180.342 Existing text designated as (a); (b) added....27549
180.412 Table amended....27550
180.414 (a), (b), and (c) revised....27551
180.415 Existing text designated as (a); (b) added....25603
180.434 Table corrected....25602
228.12 (a)(1)(ii)(C) removed; (b) (32), (33), (34) and (35) added....25011
261.33 (c) correctly revised....26012
262.51 Revised....25787
264 Authority citation revised....25964
264.13 (b)(7)(iii) revised....25787
264.98 (h)(2), (3) introductory text and (4)(i) introductory text revised....25946
264.99 (f) revised....25946
264 Appendix IX added....25947
265.13 (b)(7)(iii) revised....25788
268.1 (c) (3) and (4) amended; (c)(5) added....25788
268.2 (a) amended; introductory text republished....25788
268.3 Revised....25788
268.4 (a)(2) revised; (b) added....25788
268.5 (a)(2), (h)(1) and (2)(iii) revised; (h)(2)(v) added....25788
268.6 (k) added....25789
268.7 (a) introductory text, (1) introductory text and (ii) and (2) introductory text, (i)(B) and (ii), (b) introductory text, (1)(ii), (2) introductory text and (i) and (c) revised....25789
268.30 (a)(4) added....25790
268.32 Added....25790
268.40 Revised....25790
268.42 (a) (1) and (2) added; (b) revised....25790
268.50 (a) introductory text and (e) revised; (f) added....25791
268 Appendix III added....25791
270 Authority citation revised....25953
270.14 (c)(4)(ii) revised....25953

Page

270.42 (o) (1) and (2) revised; (p) added....25792
270.72 (e) revised....25792
271 State hazardous waste management programs; schedule of compliance....26013, 27198
State hazardous waste management programs approved....26476
271.1 (j) Tables 1 and 2 amended....25792
272 Comment period corrected....26013
State hazardous waste management programs approved....27199
300 Appendix B revised....27634
418 Authority citation revised....28432
418.10 Revised....28432
421.21 (c) added....25556
421.23 (a) through (h), (j) through (o), and (q) and (r) tables amended....25556
421.24 (b), (d), (e), (h), (k) and (l) tables amended....25558
421.26 (b), (d), (e), (h), (k) and (l) tables amended....25559
421.33 (d) and (g) revised....25559
421.34 (d) and (g) revised....25559
421.35 (d) and (g) revised....25560
421.36 (d) and (g) revised....25560
787.1800 (c)(4)(v) and (d)(1)(iii)(D) corrected....26150
795.120 Added; eff. 8-14-87....24462
796.1550 (b)(3)(ix) corrected....26150
796.1840 (b)(1)(vi)(A) corrected....26150
797.1600 Heading corrected....26150
797.1930 (c)(6) (i) and (ii) corrected....26150
798.2450 (d)(11)(i)(A) corrected....26150
798.4350 (e)(6)(i)(A) corrected....26150
798.5395 (e)(1)(i) corrected....26150
799.1052 (c) removed; eff. 8-14-87....24465
799.1053 (c) removed; (d)(1) (ii) and (iii), (2) (ii) and (iii), (3) (ii) and (iii), (4) (ii) and (iii), (5) (ii) and (iii) and (g) added; eff. 8-14-87....24465
799.1054 (a)(2) revised....26477

CHANGES JULY 1 THROUGH JULY 31, 1987

TITLE 40 Chapter I—Con. Page

799.1700 Technical correction....26982
799.4000 Added....25225

Title 40—*Proposed Rules:*

22....25255
35....28112
50....24670, 24716
51....26404
52....24716, 25256, 26404, 26413-26439, 26534, 27016, 27569, 28570
60....25399
65....28575
81....26410
124....28112
141....25720, 28112
142....28112
143....28112
144....28112
146....28112
180....26536, 28313, 28314
228....27689
260....25612, 26537, 28167
261....25612, 26537
264....25612, 26537, 28167
265....25612, 26537, 28167
266....25612, 26537
270....25612, 26537, 28167
271....25612, 26537, 28167
300....27643
305....26160
306....26160
370....26357
372....25040, 27226
761....25838
763....25041
799....28023

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

Page

101-5 *See* Temp. Reg. A-29....26150
101-1—101-8 (Subchapter A Appendix) Temporary Reg. A-29, Supp. 1 added....26150
101-40.206 *See* Temp. Reg. G-49....26151
101-38—101-41 (Subchapter G Appendix) Temporary Reg. G-49 added....26151
101-43.4801 *See* Temp. Reg. H-25....26152
101-42—101-49 (Subchapter H Appendix) Temporary Reg. H-25 added....26152

Chapter 201—Federal Information Resources Management Regulation

201-8 Authority citation revised....28557
201-8.105-6 (b) revised....28557
201-8.105-37 (d) revised....28557
201-8.105-43 Added....28557
201-8.106-6 Added....28558
201-8.106-7 Added....28558
201-8.107-6 Added....28558
201-8.112-4 Revised....28558

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health and Human Services

Page

2 Revised....21803
7 Added....11073
34.2 (b) revised....21533
36.41 (e) revised....27806
37.41 (a) and (h)(3) revised....7866
37.52 (b) revised....7866
53 Authority citation revised....39376
53.155 Authority citation removed....39376
53.156 Added....39376
57.201—57.218 (Subpart C) Authority citation revised....20987
57.202 Amended....20987
57.206 (a)(1) (iii) and (iv) revised; (a)(1)(v) added....20987
57.208 Heading revised; (c) added....20987
57.210 (b)(2) revised; (b)(5) added....20988
57.216a Introductory text, (a), (b), and (c)(3) amended....20988
57.301—57.318 (Subpart D) Authority citation revised....10194, 19143
57.302 Amended....10195
57.305 (a) revised....10195
57.306 (a)(1) (iii) and (iv) revised; (a)(1)(v) added....19144
57.310 (b)(2) revised; (b)(5) added....10195
57.316a Introductory text, (a), (b), and (c)(3) revised....10195
57.701—57.712 (Subpart H) Authority citation revised....24160
57.702 Amended....24160
57.704 OMB number....24160
57.705 (b) revised; OMB number....24160
57.706 (a) (6) and (7) and (b)(1) revised; (b)(2) redesignated as (b)(3); new (a)(8) and (b)(2) added; new (b)(3)(i) amended....24160
57.709 (a) and (c) revised....24160
57.710 Revised....24161
57.711 Removed; new 57.711 redesignated from 57.712 and OMB number....24161

Page

57.712 Redesignated as 57.711 and OMB number; new 57.712 redesignated from 57.714....24161
57.713 Removed....24161
57.714 Redesignated as 57.712....24161
57.801—57.803 (Subpart I) Authority citation revised....24159
57.801 (a) revised....24159
57.802 Amended....24160
57.803 (a)(1) revised; (f), (g), and (h) redesignated as (g), (h), and (i); new (f) added; new (h) amended....24160
57.1101—57.1112 (Subpart L) Heading and authority citation revised....19145
Heading correctly revised....26122
57.1101 Revised....19145
57.1102 Amended....19145
57.1104 (c) revised; OMB number....19145
57.1105 (a), (b), (e) and (f) revised; (c) and (d) amended....19145
57.1106 (d) and (e) amended; (f) added....19146
57.1107 (b) revised....19146
57.1109 (a) and (b) revised....19146
57.1110 Revised....19146
57.1111 Removed; new 57.1111 redesignated from 57.1113 and OMB number....19146
57.1112 Removed; new 57.1112 redesignated from 57.1114....19146
57.1113 Redesignated as 57.1111 and OMB number....19146
57.1114 Redesignated as 57.1112....19146
57.2401—57.2410 (Subpart Y) Heading and authority citation revised....27342
57.2401 Revised....27342
57.2402 (e), (h), (i), (k), (l) and (o) revised; (q) redesignated as (r) and revised; new (q) added....27342
57.2403 (a)(1), (b) (1), (2) introductory text and (iii) and (3) revised....27343
57.2404 (c)(8) removed; (c)(9) redesignated as (c)(8); (c)(1) (ii), (viii), (ix), and (xii) and (d) revised; OMB number....27343

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 42 Chapter I—Con. Page

57.2405 (a), (b), and (c) introductory text revised; OMB number....27343
57.2406 (a)(1)(ii), (2) (i) and (ii), and (3) and (b)(1) revised....27343
57.2408 (b) removed; (c) redesignated as (b) and revised....27343
57.2409 Revised....27344
57.2410 Removed; new 57.2410 redesignated from 57.2414....27344
57.2411 Removed....27344
57.2412 Removed....27344
57.2413 Removed....27344
57.2414 Redesignated as 57.2410....27344
57.2401—57.2410 (Subpart Y) Appendix heading revised; Appendix text amended....27344
57.2501—57.2510 (Subpart Z) Heading and authority citation revised....27346
Correctly designated....28511
57.2501 Revised....27346
57.2502 Amended....27346
57.2503 (a)(1), (b) (1), (2) introductory text, (i), and (iii) and (3) revised....27346
57.2504 (c) (1) and (11) and (d) revised; (c) (1) through (10) amended; (c) (12) and (13) revised; OMB number (effective date pending in part)....27346
(c) (12) and (13) effective date note corrected....28511
57.2505 (b) revised....27347
57.2506 (a) (1) through (5) and (8), (b) and (c)(1) revised; (a)(9) added....27347
(a)(1) introductory text corrected....28511
57.2508 (b) revised....27347
57.2509 Revised....27347
57.2510 Removed....27347
Redesignated from 57.2514....27348
57.2511 Removed....27347
57.2512 Removed....27347
57.2513 Removed....27347
57.2514 Redesignated as 57.2510....27348
57.2901—57.2915 (Subpart DD) Removed....18675
57.2901—57.2910 (Subpart DD) Added....18675
57.3501—57.3510 (Subpart JJ) Heading and authority citation revised....45768
57.3501 Revised....45768
57.3502 Amended....45768
57.3503 Revised....45769
57.3504 (a) revised; (c) added; OMB number....45769
57.3505 Removed; new 57.3505 redesignated from 57.3513 and revised....45769
57.3506 Removed; new 57.3506 redesignated from 57.3514 and (b) revised....45769
57.3507 Removed; new 57.3507 redesignated from 57.3515....45769
57.3513 Redesignated as 57.3505 and revised....45769
57.3514 Redesignated as 57.3506 and (b) revised....45769
57.3515 Redesignated as 57.3507....45769
57.3516 Redesignated as 57.3508....45769
57.3517 Redesignated as 57.3509 and revised....45769
57.3518 Redesignated as 57.3510....45769
57.3608 Removed; new 57.3508 redesignated from 57.3516....45769
57.3609 Removed; new 57.3509 redesignated from 57.3517 and revised....45769
57.3610 Removed; new 57.3510 redesignated from 57.3518....45769
57.3611 Removed....45769
57.3612 Removed....45769
58.1—58.11 (Subpart A) Authority citation revised....23180
58.2 Amended....23180
58.4 (a) revised....23180
58.10 OMB number....23180
60.1 (c) revised; (d) added....745
60.5 (g) revised; (h) redesignated as (i); new (h) added....745
60.7 (a)(2) redesignated as (a)(3) and (iii) revised; (a)(3) and (c) (2), (3), and (4) redesignated as (a)(5) and (c) (3), (4), and (5); (a) (2) and (4) and (c) (2) and (6) added....746

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

Page

60.8 (a) (3), (5), and (11), and (b)(3) introductory text and (5) revised....746
60.10 (a) introductory text revised....746
60.11 (e) revised....746
60.14 (a) (1) and (2) revised; (a) (3) and (4) redesignated as (a) (4) and (5); new (a)(3) added....746
60.15 (a) revised....747
60.19 Revised....747
60.20 Introductory text revised....747
60.31 (a) revised; (c) redesignated as (d); new (c) added....747
60.32 (a)(2) revised; (c) redesignated as (c)(1); (c) (2) and (3) added....747
60.33 Introductory text revised; (c), (d), and (e) redesignated as (d), (e), and (f); new (c) and (g) added; new (e)(1), (f)(1) (i) and (ii) and (2) revised....748
60.34 Heading and (b)(1) revised; introductory text, (c), and (d) added....748
60.35 (a) and (b) revised; (c) and (e) redesignated as (e) and (f); new (c) added; (d) revised....749
60.37 (a) and (b) revised; (c)(4) added....749
60.38 (a) revised....749
60.40 (a) and (c) revised....750
60.42 Heading and (a)(1) introductory text, (viii), and (ix) revised; (a)(1)(x) and (4), (d) and (e) added....750
60.50 (a)(2)(ii)(F) revised....751
60.51 Revised....751
60.52 (a) removed; (b) and (c) redesignated as (a) and (b); new (a)(1) revised....751
60.53 Revised....751
60.56 (a) introductory text and (4) revised; (a) (9) and (10) redesignated as (a) (17) and (18); new (18) revised; new (a) (9) through (16), (c), and (d) added....751
60.60 (c) revised....752
60.61 Added....752

NOTE: Boldface indicates 1987 page numbers.

Page

64a.101 (b) and (c) revised; (d) added; OMB number....18359
64a.105 (e)(1)(iii) added; (g) revised....18359
110.101—110.110 (Subpart A) Authority citation revised....22321
110.101 Amended....22321
110.601—110.605 (Subpart F) Authority citation revised....22321
110.604 Revised....22321
121—124 (Subchapter K) Heading revised....10094
121 Removed....10094
122 Removed....10094
123 Removed....10094

Chapter IV—Health Care Financing Administration, Department of Health and Human Services

Chapter IV Nomenclature change....41338
400.200 Amended....43197
Amended....27764
400.310 Table amended (OMB numbers)....44986, 44987, 44988
Revised (OMB numbers)....11649
Table amended (OMB numbers); eff. 10-26-87....28147
405.100 Amended....41351
405.152 Heading and (a)(5) revised; (c) through (e) added....41336
(d) corrected....4499
405.153 (c)(1)(ii) amended....41351
405.160 (d) removed....43197
405.162 (b) and (c) amended....43197
405.201—405.262 (Subpart B) Authority citation revised....41336
405.201 Revised....41336
405.210 (b)(1) (iii) and (iv) amended....41351
405.230—405.232c Removed (regulations transferred to Part 410)....41336
405.233 Removed....41336
405.234—405.238 Removed (regulations transferred to Part 410)....41336
405.239 Removed....41336
405.240—405.241 Removed (regulations transferred to Part 410)....41336

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 42 Chapter IV—Con. Page

405.243—405.246 Removed (regulations transferred to Part 410)....41336
405.249—405.250 Removed (regulations transferred to Part 410)....41336
405.250-2 Removed (regulations transferred to Part 410)....41336
405.251—405.252 Removed (regulations transferred to Part 410)....41336
405.260—405.262 Removed (regulations transferred to Part 410)....41336
405.310 Introductory text, (l)(1) introductory text republished; (l)(2) revised....41336
405.310-1 Heading and text amended....43197
405.311a (a) amended....41351
405.330 (b) amended....41337
405.341 (a) (1) and (2) amended....41351
405.370 (a) amended....41351
405.501—405.580 (Subpart E) Authority citation revised....6152
405.501 (c) revised....34978
(c) corrected....37911
(a) amended....41351
405.504 (a)(2) introductory text, (2)(ii) and (3)(i) republished; (a)(1) added; (a)(2)(ii)(A), (B) Example and (a)(3)(ii)(A) and (B) revised....34978
405.509 Revised....34979
(a) corrected....37911
405.511 (c) republished; (c)(1) heading and (2) revised....34979
405.514 (k)(1) amended....41351
(a) and (k)(2) revised....6152
405.515 Introductory text amended....41351
405.522 (c) amended....41351
405.551 (e) revised....34979
(e) heading corrected....37911
(e) revised....6152
405.640—405.691 (Subpart F) Heading and authority citation revised....41337
405.640—405.685 (Subpart F) Removed; 405.640 regulations transferred to 498.20 (a)(2) and 405.685 regulations transferred to 405.1902 (b)....22446
405.658—405.659 Removed....41337
405.690—405.691 Removed....41337
405.701—405.750 (Subpart G) Authority citation revised....22644
405.702 Amended....22644
Technical correction....23628
405.704 (b)(11) amended....43197
(b) introductory text republished; (b)(10) revised....22645
Technical correction....23628
405.705 (b) amended....22454
405.803 (b) amended....41351
405.903 (b) amended....41351
(b) corrected....4499
405.1101—405.1137 (Subpart K) Authority citation revised....22645
405.1501—405.1595 (Subpart O) Removed; regulations transferred to new Part 498....22446
405.1625—405.1697 (Subpart P) Authority citation revised....41337
405.1625-1 Removed....43196
405.1660 (a) and (b) amended....41351
405.1663 (a), (b) and (c) amended....41351
405.1672 (b) amended....41351
405.1675 (a)(1)(i) amended....41351
405.1683 Revised....41337
405.1684 Revised....41338
405.1695 Revised....41338
405.1901 (e)(6) amended....22454
405.1902 (c) amended....43197
(b) and (c) redesignated as (c) and (d); new (c) heading revised; new (b) and (d) heading added; (b) regulations transferred from 405.685....22446
405.1905 (b) amended....22454
405.1913 (f)(9) amended....43197
405.2100 (a) amended....43197
405.2110 (b) amended....43197
405.2112 (a)(7) and (b)(6) and (8) amended....43197
405.2114 (b) amended....43197
405.2401 (a)(7) (i) and (ii) amended....41351
405.2402 (f) amended....22454
405.2403 (a)(2) amended....41351
405.2404 (b)(3) amended....22454
405.2418 Amended....41351
405.2425 (b)(3) amended....41351

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

Page

406 Redesignated from Part 408 and heading revised....41338
406.2 Amended....41338
408 Redesignated as Part 406 and heading revised....41338
409 Heading and authority citation revised....41338
Authority citation revised....22645, 27764
409.3 Amended....41338
409.19 Added....27764
409.30 (a) introductory text republished; (a)(2) revised....41338
409.40 (e) amended....41338
409.42 Revised....41339
(b) (2) and (3) corrected....4499
409.43 Revised....41339
409.44 Revised....41339
409.45 Removed....41339
409.46 Added....41339
409.60 Revised....22645
Technical correction....23628
409.61 (d) revised....41339
410 Added....41339
410.10 (n) redesignated as (o); new (n) added....27765
410.32 (a)(1) and (b)(3) corrected....4499
410.40 (e)(1) corrected....4499
410.64 Added....27765
410.100 (k)(2) corrected....4499
410.152 (a)(2)(i) and (e)(1) corrected....4499
412.63 (c)(2) introductory text and (3) introductory text republished; (c)(1), (2)(iv), and (3) (i) and (iii) revised; (e), (f), (g), and (h) redesignated as (g), (h), (i), and (j); new (e) and (f) heading added; new (g)(1) and (j) revised; new (g)(4) removed....42233
(c)(4) revised....23834
412.73 (c)(4) revised; (c)(5) redesignated as (c)(6) and heading revised; new (c)(5) heading added; new (c)(6) text removed....42234
412.92 (a)(2)(ii) amended....43198
412.96 (h) corrected....34980
(c) heading, (1), and (2)(i) revised....42234

Page

412.106 (b) and (c)(1) revised; (c) introductory text republished....23834
412.113 (d) corrected....34980
412.118 (c) and (d) introductory text revised....23834
413 Correctly designated....26152
413.5 (c)(4) corrected....37398
(c) introductory text and (e) revised....21225
(c) introductory text corrected....23398
413.13 (c) corrected....37398
413.30 (f)(7) removed....21225
413.40 (c)(1)(ii) corrected....37398
(c)(3)(i) introductory text republished; (c)(3)(i) (B) and (C) heading revised; (c)(3)(i)(C) text removed; (c)(3)(i)(D) added....42235
(c)(1)(ii) and (iii) corrected; CFR correction....6099
413.53 (a)(1)(i) amendment, (a)(1)(ii) removal, and (a)(1)(iii) redesignation as (a)(1)(ii) at (51 FR 11195) confirmed (paragraphs formerly in 405.452)....9863
413.56 (b)(6) corrected....37398
Addition at (51 FR 11195) confirmed (formerly in 405.457)....9863
413.64 (k)(1)(iii) revised; (k)(6) added....42235
413.74 (c) amended....41351
413.110 Removed; eff. 10-29-87....28657
413.130 (a) introductory text republished; (a)(8) revised....21225
413.157 (b) redesignated as (c); new (b) added; (a) and new (c)(1) revised....21225
(b) introductory text and (4) heading and (c)(1)(ii) corrected....23398
413.161 (a) amended....21226
413.170 (g)(2) corrected....37398
416.3 (a) amended....41351
416.25 (f) amended....22454
416.30 (b) amended....41351
416.35 (b)(3) amended....22454
416.110 (c) amended....41351
417 Authority citation revised....22322
417.221 (b) amended....41351

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 42 Chapter IV—Con. Page

417.222 (b) amended....41351
(b) corrected....4499
417.406 Revised....22322
417.407 (b) revised....22322
417.428 (a) introductory text and (b) introductory text republished; (a)(3) and (b)(5) added....8901
417.440 (b)(1) revised; (d) and (e) added....8901
417.450 (a) introductory text revised....8901
417.460 (b) revised....8901
417.494 (b)(1)(iii) amended....22322
417.536 (b) correctly designated....37398
417.584 Introductory text revised....8901
418.3 Amended....4499
418.80 Revised....7416
418.83 Added....7416
418.202 (c), (f), (g) and (h) amended....41351
420.3 (a) amended....22454
421.100 (a)(3) amended....43198
421.200 (c) revised....41350
(c)(2)(ii) amended....41351
(a)(1)(iii) amended....43198
(c) introductory text corrected....4499
430.0 (b)(3) revised....36227
(b)(2)(ii) amended; eff. 10–29–87....28657
431.56 Added....41350
(b)(2) corrected....4499
431.153 (d)(1) amended....22454
431.305 (b) introductory text republished; (b)(7) added....5975
431.306 (h) added....5975
433 Authority citation revised....5975
433.32—433.45 (Subpart B) Authority citation revised....36227
433 Authority citation revised....41350
433.10 (b) amended....41350
433.40 Added....36227
433.111 Revised....45330
433.112 Heading and (a) revised....45330
433.138 Revised....5975
434.2 Amended....22322
435 Heading revised....41350

435.2 Introductory text revised....41350
435.3 Amended....41350
435.945 (b) revised....5977
435.960 Revised....5977
442.336 (a) revised....22645
Technical correction....23628
447.253 (a) and (b) introductory text, (1)(ii)(B), and (2) revised; (b)(1)(ii) introductory text republished; eff. in part 10–26–87....28147
447.256 (a)(1) amended; eff. 10–26–87....28147
447.257 Undesignated center heading and section added; eff. 10–26–87....28147
447.272 Added; eff. 10–26–87....28147
447.280 Revised; eff. 10–26–87....28148
447.301 Added; eff. 10–29–87....28657
447.321 Revised; eff. 10–26–87....28148
447.331 Revised; eff. 10–29–87....28657
447.332 Revised; eff. 10–29–87....28658
447.333 Revised; eff. 10–29–87....28658
456.2 (b)(1) amended; (b)(2) removed; (b)(3) redesignated as (b)(2)....43198
456.144 (c)(1) amended....43198
456.244 (c)(1) amended....43198
456.344 (c)(1) amended....43198
456.650 (c)(1) amended; (c)(2) removed; (c)(3) redesignated as (c)(2)....43198
456.654 (a)(4) amended....43198
460 Removed....43196
461 Removed....43196
462 Authority citation revised....43197
462.1 Amended....43197
462.2—462.16 (Subpart B) Removed....43197
463 Removed....43197
466 Authority citation revised....43197
466.1 Amended....43197
466.2—466.63 (Subpart B) Removed....43197
473 Authority citation revised....43197
473.1—473.6 (Subpart A) Removed....43197
476 Authority citation revised....43197
476.1—476.4 (Subpart A) Removed....43197

NOTE: Boldface indicates 1987 page numbers.

Page

478 Removed....43197
485.70 Introductory text amended....41352
485.74 Amended....22454
489 Authority citation revised....27765
489.16 (c)(2) amended....22454
489.21 (g) added....27765
489.23 (d)(2) amended....41352
489.30 Heading and (b) heading, (1), and (2) revised; (a)(3) amended; (a)(4) and (b)(5) added....41350
489.53 (d) amended....22454
498 Added; regulations transferred from 405.640 and 405.1501—405.1595 (Subpart O)....22446
498.3 (b) introductory text republished; (b)(10) added....27765

Chapter V—Office of Inspector General—Health Care, Department of Health and Human Services

1001 Authority citation revised....11651
1001.3 Amended....22454
1001.100 Revised....11651
1001.104 Added....11651
1001.128 (b) and (c) amended....22454
1001.134 (d) revised....11651
(b)(2)(ii) amended....22454
1001.201 (c) amended....22454
1001.221 (b) corrected....37577
1003 Authority citation revised....11651
1003.100 (a) corrected....39528
(a) revised....11652
1003.102 (b) introductory text revised; (b)(3) added....11652
1003.106 (c) (1) and (2) corrected....39528
1003.115 (b)(5) corrected....39528
1003.116 (b)(2) correctly designated....37577
(b)(2)(ii) corrected....39528
1004.100 (g) amended....22454
1004.130 (a)(1) amended....22454

Title 42—*Proposed Rules:*

34....21607
36....36412, 40108
57...35668, 36412, 39460, 39669, 43048, 44408, 45000

Page

....20989, 21486, 21490, 22415
58....41988
60....39464
110....1343
405....47266
....2430, 11517, 17777, 22088, 23055, 23514, 24752, 28666
412....18840, 23080, 22259, 23514, 25613
413....20623, 21330, 23080, 23514, 28666
416....2430
418....2430
421....2424
431....2733
433....6350
441....28666
442....2430, 24752
447....6350
455....44490
466....23080, 23514
482....2430, 28666
485....28666

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

4.280 Removed....35219
4.251 Introductory text and (b) revised....35219
4.202 Revised....35220
4.208 Added....35220
4.231 (b) revised....26345
4.236 (a)(3) and (b) revised....26345
4.320 (c) revised....26345
4.323 Revised....26345
4.403 Added....21308
7 Heading and authority citation revised....9168
7.1—7.19 (Subpart A) Heading added....9168
7.31—7.37 (Subpart B) Added....9168
11 Existing regulations unchanged....22454
11.15 (a)(1)(iii) added....9095
11.18 (a)(4) added....9095
11.19 Added....9095
11.24 (c) added....9095
11.31 (d) added....9095
11.33 Text added....9095
11.40—11.41 (Subpart D) Added....9096
11.91 (a) revised....9100
11.93 (d) added....9100

NOTE: Boldface indicates 1987 page numbers.

TITLE 43 Subtitle A—Con. Page
17.501—17.570 (Subpart E) Added....6553
20 Appendix C availability....3011
36 Technical correction....36011
36.11 (g) correctly designated; (h)(4)(i) corrected....36011
36.13 (c)(3) corrected....36011

Chapter I—Bureau of Reclamation, Department of the Interior

426 Revised....11954

Chapter II—Bureau of Land Management, Department of the Interior

1784.0-3 (b) revised....39529
1784.3 (b) revised....39529
(b) (4) and (5) correctly revised....5284
1784.6-3 Removed....39530
1784.6-4 (b) amended; (d) and (e) redesignated as (e) and (f); new (e) added....39530
1784.6-5 (f) removed....39530
1821.2-1 (d) Note and footnote amended....34981
2090 Authority citation added....12175, 13065
2091.0-1—2091.9-3 (Subpart 2091) Revised....12175
2091.3-1 (b) corrected....13563
2096.0-3—2096.2-8 (Subpart 2096) Removed....13065
2800.0-5 (o) through (t) added....25808
2802.1 (c) amended....25808
2802.4 (a) amended....25808
2802.5 (a)(1) amended....25808
2803.1-1 Removed....25808
2803.1-2 Revised....25818
2803.1-3 Redesignated as 2803.1-4; new 2803.1-3 added....25820
2803.1-4 Redesignated as 2803.1-5; new 2803.1-4 redesignated from 2803.1-3....25820
2803.1-5 Redesignated from 2803.1-4....25820
2803.6-3 Amended....25820
2803.6-4 Revised....25820
2803.6-5 (d) amended....25808
2808.1—2808.6 (Subpart 2808) Added....25808
2881.1-1 (g) amended....25821
2881.2 (a)(2) removed; (a) (3) through (5) redesignated as (a) (2) through (4)....25821
2883.1-2 Amended....25821
2910 Authority citation added....40809
2911.0-1—2911.2-4 (Subpart 2911) Revised....40809
2911.2-3 (b) corrected....45986
2911.2-4 Corrected....45986
3100 Clarification of Form 3104-8....22646
3102.5 Amended....43921
3160 Authority citation revised....5390
Note 1 amended....5390
3160.0-5 Nomenclature changes; amended....5390
3161.1 Revised....5391
3161.2 Nomenclature changes....5391
3161.3 (b) revised....5391
3162.3 (b) amended....5391
3162.3-1 (d) nomenclature change....5391
3162.3-2 (a) and (b) amended....5391
3162.3-3 Nomenclature change....5391
3162.4-1 (b) amended....5391
3162.4-3 Heading amended; nomenclature changes....5391
3162.6 Revised....5391
3162.7-2 Nomenclature change; amended....5392
3162.7-3 Amended....5392
3162.7-4 (a) amended; (b) through (d) revised....5392
3163.1 Revised....5393
(a)(3) corrected....10225
3163.2 Removed; new 3163.2 redesignated from 3163.4-1 and revised....5393
(a) corrected....10225
3163.3 Removed....5393
Redesignated from 3163.4-2....5394
3163.4 Added....5394
Corrected....10225
3163.4-1 Redesignated as 3163.2 and revised....5393
3163.4-2 Redesignated as 3163.3....5394
3163.5 (b) and (c) amended....5394
(a) and (c) corrected....10225
3165.3 Revised....5394
Heading, (a), and (b) corrected....10225

NOTE: Boldface indicates 1987 page numbers.

Page
3165.4 Revised....5395
(d)(1) corrected....10225
3190 Added....27182
3400.0-5 (rr) added....43921
(rr)(5) and (6)(i) corrected....416
3430.3-1 (a) amended....25798
3430.3-2 (c) added....25798
3430.4-1 (c) through (e) redesignated as (d) through (f); new (c) and (g) added; new (d)(2) amended....25799
3430.4-3 Added....25799
3430.4-4 Added....25799
3430.5-1 (a)(2) amended; (c) added....25800
3472.1-2 (e) revised....43922
(e)(4)(iv)(A) (3) and (5) corrected....416
3502.1 (d) added....43923
5441.1 (c) revised....26983

Public Land Orders

547 Revoked in part by PLO 6628....40421
567 Revoked in part by PLO 6643....16248
1094 Revoked in part by PLO 6641....10225
1231 Revoked in part by PLO 6651....24293
1491 Revoked in part by PLO 6647....19351
1641 Revoked in part by PLO 6647....19351
1847 Revoked in part by PLO 6628....40421
3776 Revoked in part by PLO 6646....19351
4825 Revoked in Part by PLO 6637....3802
5184 *See* PLO 6651....24293
5187 *See* PLO 6628....40421
Amended by PLO 6639....4907
See PLO 6647....19351
6554 Corrected by PLO 6633....43351
6566 Corrected by PLO 6648....21035
6624 Corrected by PLO 6644....19352
6625 36808
Corrected....43267
Corrected by PLO 6640....6557
6626 39530
6627 39530
6628 40421
6629 41104
Corrected....45229
Corrected by PLO 6638....4774
6630 41627
6631 43003
6632 43003
Corrected by PLO 6645....19352
6633 43351
6634 44478
6635 45330
6636 1185
6637 3802
6638 4774
6639 4907
6640 6557
6641 10225
6642 16248
6643 16248
6644 19352
6645 19352
6646 19351
6647 19351
6648 21035
6649 23548
6650 23549
6651 24293
6652 27552

Title 43—*Proposed Rules:*

2....17780, 20494
4....35248, 36414, 46846
....20755
7....10342
11....41131
....12886, 19896
12....21820, 23627
29....24181
35....24186
426....40742, 40774
....304, 24041
1600....35378
1820....22592
2920....28024
3000....22592
3040....22592
3100....37202
....22592
3110....22592
3120....22592
3130....22592
3150....22592
3160....22592
3180....22592
3190....36565
3200....22592
3210....22592
3220....22592
3240....22592
3250....22592

NOTE: Boldface indicates 1987 page numbers.

Title 43—*Proposed Rules—Con.* Page
3260....22592
3400....37202
3420....18404
3430....5396
3460....18404
3470....37202
3480....1840, 25887
3500....37202
4100....19082, 27329
8340....27017
9260....28024

TITLE 44—EMERGENCY MANAGEMENT AND ASSISTANCE

Chapter I—Federal Emergency Management Agency

5 Authority citation revised....13677
5.42 Revised....13677
5.43 Revised....13678
5.44 Revised....13678
5.46 Revised....13678
5.71 (g) revised; (j) added....13679
6.82 Amended....13679
6.83 Revised....13679
6.85 Revised....13679
6.87 (a) and (b)(1) revised; (c) added....5114
9.5 (c) introductory text amended; (c)(14) added....39531
10.8 (c)(2)(ix) added....5285
59.1 Amended; eff. to 3-31-88....24372
60.3 (c)(6) suspended; (c)(12) added; eff. to 3-31-88....24372
61.9 Revised....5980
61 Appendixes A(3) and A(4) added....15500
64.6 Table amended....36693, 36699, 39860, 41506, 42575, 43198, 45116, 46859, 46861
Table corrected....46862
Table amended....2530, 2532, 3803, 6327, 10095, 10754, 12179, 13839, 17956, 19730, 20084, 22781, 23987, 24162, 26680, 28260, 28262
Table corrected....21794
65.4 Table amended....37276
Table amended; interim....37277
Table corrected....40331
Table amended....3239, 3241, 22325
Table amended; interim....22323
65.11 Table amended....8902
Table amended; interim....8903

Page
67 Flood elevation determinations....37278, 37280
Flood elevation determinations....3241, 4085, 8251, 8905, 22326, 26984
Flood elevation determinations rescission....5981
81.1 (b) revised....44912
(b) revised....21036
222 Added....6800
302.5 (l) and (m) revised; (n) and (o) added....43924

Title 44—*Proposed Rules:*
5....10385
6....304, 10385
13....21820, 23627
16....25124, 27902
61....112, 24482
62....18929
65....22360
67....37311, 37438, 44928, 45003
....3289, 3838, 6008, 3084, 8933, 11702, 22900, 22310
80....17415
81....17415
82....17415
83....17415
205....41132
....15348
361....25257

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health and Human Services

1.2 Amended; eff. 10-29-87....28658
5b.11 (b)(2)(iii)(F) added....41352
19 Removed; eff. 10-29-87....28658
30 Revised....264
31 Added; interim....45119
84.55 Note added (clarification of status)....3012
95.601 Revised....45326
95.605 Revised....45326
95.611 Revised....45328
95.612 Removed....45328
95.613 Revised....45329
95.615 Heading revised....45329
95.617 Revised....45329
95.619 Revised....45329
95.621 (d) and (e) added....45329
95.625 Added....45329
95.631—95.633 Undesignated center heading revised....45329
95.631 Revised....45329

Page
95.641 Revised....45329
95.643 Removed....45329
96 State listing....40027
Authority citation revised....4625
96.89 Added; interim....4625
96.89a Added; interim....4626
97.11 Revised....9495
97.12 Revised....9495

Chapter II—Office of Family Assistance (Assistance Programs), Family Support Administration, Department of Health and Human Services

Chapter II Heading revised....11074
Technical correction....25603
201.5 (a)(3) revised....36228
201.66 (b)(8) removed....273
205.35 Revised....45330
233.20 (a)(3)(xvi) revised....39533
233.53 Revised....39533

Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Family Support Administration, Department of Health and Human Services

Chapter III Heading revised....11074
Technical correction....25603
301 Authority citation revised....37730
301.11 OMB numbers....37730
301.12 OMB numbers....37730
301.13 OMB numbers....37731
301.15 OMB numbers....37731
302.12 OMB numbers....37731
302.13 OMB numbers....37731
302.15 OMB numbers....37731
302.17 OMB numbers....37731
302.30 OMB numbers....37731
302.31 OMB numbers....37731
302.32 OMB numbers....37731
302.33 OMB numbers....37731
302.50 OMB numbers....37731
302.51 OMB numbers....37731
302.52 OMB numbers....37731
302.54 OMB numbers....37731
302.55 OMB numbers....37731
302.56 OMB numbers....37731
302.57 OMB numbers....37731
302.70 OMB numbers....37731
302.75 OMB numbers....37731

Page
302.80 OMB numbers....37731
302.85 OMB numbers....37731
303.10 OMB numbers....37731
303.52 OMB numbers....37731
303.69 OMB numbers....37731
303.70 OMB numbers....37731
303.71 OMB numbers....37731
303.72 OMB numbers....37731
303.100 OMB numbers....37731
303.101 OMB numbers....37731
303.102 OMB numbers....37731
303.103 OMB numbers....37731
303.104 OMB numbers....37731
303.105 OMB numbers....37731
304 Authority citation revised....37732
304.40 (b)(8) removed....273
304.95 OMB numbers....37732
305 Authority citation revised....37732
305.20 OMB numbers....37732
305.24 OMB numbers....37732
305.34 OMB numbers....37732
305.37 OMB numbers....37732
305.38 OMB numbers....37732
305.39 OMB numbers....37732
305.40 OMB numbers....37732
305.41 OMB numbers....37732
305.42 OMB numbers....37732
305.44 OMB numbers....37732
305.45 OMB numbers....37732
305.46 OMB numbers....37732
305.47 OMB numbers....37732
305.48 OMB numbers....37732
305.49 OMB numbers....37732
305.50 OMB numbers....37732
305.51 OMB numbers....37732
305.52 OMB numbers....37732
305.53 OMB numbers....37732
305.54 OMB numbers....37732
305.55 OMB numbers....37732
305.56 OMB numbers....37732
305.99 OMB numbers....37732
306.50 OMB numbers....37732
306.51 OMB numbers....37732
307 Authority citation revised....37732
307.1 Revised....45330
307.10 OMB numbers....37732
307.15 OMB numbers....37732

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 45—Con.

Chapter IV—Office of Refugee Resettlement, Family Support Administration, Department of Health and Human Services

Page

Chapter IV Heading revised..... 11074
Technical correction..... 25603

Chapter V—Foreign Claims Settlement Commission of the United States, Department of Justice

Chapter V Revised..... 17556
501.5 (a)(3) correctly revised..... 19731
503 Authority citation revised..... 13680
503.13 Redesignated from 503.14 and revised..... 13680
503.14 Redesignated as 503.13 and revised..... 13680
540—543 (Subchapter D) Subchapter and parts removed..... 17556
560 (Subchapter E) Subchapter and part removed..... 17556
580—581 (Subchapter F) Subchapter and parts removed..... 17556

Chapter VI—National Science Foundation

689 Added..... 24468

Chapter VIII—Office of Personnel Management

801 Authority citation revised..... 416
801.202 Appendix A amended..... 416

Chapter X—Office of Community Services, Family Support Administration, Department of Health and Human Services

Chapter X Heading revised..... 11074
Technical correction..... 25603

Chapter XI—National Foundation on the Arts and the Humanities

1179 Added..... 28472
1180 Authority citation revised..... 43353
1180.11 Amended (OMB number)..... 43354
1180.20 (e), (f), and (g) revised..... 43353
1180.70 Revised..... 43354
1180.73 (b) revised..... 5770

Chapter XII—ACTION

1204 Authority citation revised..... 20714
1204.1 Revised..... 20714
1204.2 Revised..... 20714

Chapter XIII—Office of Human Development Services, Department of Health and Human Services

1340 Authority citation revised..... 3994
1340.1 (c) revised..... 3994
1340.2 (d) revised..... 3994
1340.3 (b) revised..... 3995
1340.13 (a) revised; (c) added..... 3995
1340.15 OMB number..... 3995
1340.14 (i) (1) and (2) introductory text republished; (i)(2)(viii) amended; (i) (3) and (4) redesignated as (i) (4) and (5); new (i)(3) added..... 3995

Chapter XVI—Legal Services Corporation

1611 Appendix A revised..... 18914
1612 Request for comments..... 40422
Revised..... 28436

Chapter XX—Commission on the Bicentennial of the United States Constitution

2001 Revised..... 36786
Authority citation revised..... 2384
2001.20—2001.29 (Subpart B) Revised..... 2384
2001.38 Added; interim..... 22647
2001.39 Added; interim..... 22648
2001 Appendix A revised..... 2386
Appendix D added..... 2387
Appendix E added..... 22650
2005 Added; interim..... 5543
2010 Added..... 47164

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

Chapter XXII—Christopher Columbus Quincentenary Jubilee Commission

Page

Chapter XXII Chapter established; interim..... 10870
2201 Added; interim (effective date pending in part)..... 10870

Title 45—*Proposed Rules:*

3..... 27422
13..... 23311
73..... 25408
79..... 27423
92..... 21820, 23627
201..... 27827
205..... 3146
301..... 43550
302..... 43550
303..... 43550
305..... 43550
306..... 19738
503..... 11712, 12040
612..... 16279
689..... 4158
1100..... 18585
1157..... 21820, 23627
1174..... 21820, 23627
1179..... 20628
1180..... 891
1183..... 21820, 23627
1204..... 9901
1207..... 8479
1208..... 8480
1234..... 21820, 23627
1602..... 19176
1612..... 28441
2015..... 21820, 23627

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

30 Authority citation revised; section authority citations removed..... 7774
30.25-1 Revised..... 7774
32 Authority citation revised; section authority citations removed..... 18362
32.01-10 (d) added..... 18362
(d) corrected..... 22751
32.15-15 Revised..... 18362
(a) and (d) heading and text corrected..... 22751
32.15-20 Removed..... 18362
32.15-25 Removed..... 18362
32.40-1—32.40-90 (Subpart 32.40) Revised..... 18362
32.40-1 (a) and (c) corrected..... 22751
32.40-35 (d) corrected..... 22751
32.40-40 (c) and (l) corrected..... 22751
(l) correctly designated..... 23515
32.40-90 Corrected..... 22751
69 Authority citation revised; section authority citations removed..... 15948
69.01-11 Revised..... 15948
69.01-15 (a) revised..... 15948
69.01-17 (b) revised..... 15948
69.01-19 Revised..... 15948
69.15-39 (a) revised..... 15948
77 Authority citation revised; section authority citations removed..... 18364
77.13 Removed..... 18364
77.15 Removed..... 18364
92 Authority citation revised; section authority citations removed..... 18364
92.07-10 (g) added..... 18364
(g) corrected..... 22751
96 Authority citation revised; section authority citations revised..... 18364
96.13 Removed..... 18364
96.15 Removed..... 18364
98 Authority citation revised; section authority citations removed..... 7776
98.31-5—98.31-15 (Subpart 98.31) Added..... 7776
107 Authority citation revised..... 6978
107.305 (ii) revised..... 6978
109 Authority citation revised; other authority citations removed..... 6979
109.121 Revised..... 6979
(c) (2) and (13) corrected..... 9383
150 Authority citation revised; section authority citations removed..... 21036
150.140 Amended..... 21037
150 Figure 1 amended; Tables I and II and Appendix I revised..... 21037
151 Heading and authority citation revised; section authority citations removed..... 7776
151.01-1 Revised..... 7776
151.01-3 Removed..... 7776

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 46 Chapter I—Con. Page

151.01-5 Removed 7776
151.01-10 (f) removed 7776
(f) table removed 7777
151.01-15 (c) revised 7777
151.03-30 Added 7777
151.03-36 Added 7777
151.03-55 Removed 7777
151.12-5—151.12-10 (Subpart 151.12) Added 7777
153 Authority citation revised; section authority citations removed 7777
Heading revised; nomenclature change 7777
153.0 Added 7777
153.1 Revised 7777
153.2 Amended 7778
153.3 Added 7779
153.5 Removed 7779
153.7 Heading revised; (d) added 7779
153.8 Revised 7779
153.10 Revised 7780
153.12 Revised 7780
153.15—153.19 Undesignated center heading removed 7780
153.15 Transferred to Subpart A and revised 7780
153.16 Transferred to Subpart A 7780
153.19 Redesignated as 153.190 7780
153.30 Added 7780
153.40 Added 7780
153.190—153.812 (Subpart B) Heading revised 7780
153.190 Redesignated from 153.19 7780
153.214 Introductory text revised 7781
153.215 Introductory text added 7781
153.216 Revised 7781
153.231 (b) introductory text revised 7781
153.234 Introductory text added 7781
153.440 Heading and (c) revised; (a)(3) added 7781
153.460 Introductory text added 7781
153.470—153.491 Undesignated center heading added 7781
153.470 Added 7781
153.480—153.481 Added 7781
153.482—153.483 Added 7782
153.486 Added 7782
153.488 Added 7783
153.490—153.491 Added 7783
153.900 Revised 7783
153.901 Revised 7783
153.902 Revised 7784
153.903 Revised 7784
153.908 Added 7784
153.909 Added 7784
153.1100—153.1132 Undesignated center heading added 7785
153.1100—153.1102 Added 7785
153.1104 Added 7785
153.1106 Added 7785
153.1108 Added 7786
153.1112 Added 7786
153.1114 Added 7786
153.1116 Added 7786
153.1118 Added 7786
153.1119 Added 7786
153.1120 Added 7787
153.1122 Added 7787
153.1124 Added 7787
153.1126 Added 7787
153.1128 Added 7788
153.1130 Added 7788
153.1132 Added 7788
153.1600—153.1608 (Subpart D) Added 7788
153.1600 Added 7789
153.1602 Added 7789
153.1604 Added 7789
153.1608 Added 7789
153 Table 1 revised 7790
Appendix I removed; Table 2 added; Appendix III amended 7799
159.001-9 (b) amended (OMB numbers) 35220
160.071-1—160.071-25 (Subpart 160.071) Removed 1188
Effective date suspended 13445
160.171-1—160.171-25 (Subpart 160.171) Added 1188
Effective date suspended 13445
160.174-17 (h) (2) and (3) amended 1197
Effective date suspended 13445
170 Authority citation revised 6979

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

Page

170.055 (k) through (t) correctly redesignated as (l) through (u); new (k) added 35515
170.110 (a) revised 6979
170.130 Removed 6979
172 Authority citation revised 7799
172.130 (a) revised 7799
172.133 (b) introductory text and (d) revised 7799
172.220 (b)(2) corrected 35515
174 Authority citation revised; subpart authority citations removed 6979
174.045 (d) revised 6979
190 Authority citation revised; section authority citations revised 18364
190.07-10 (f) added 18364
(f) corrected 22751
195 Authority citation revised; section and subpart authority citations removed 18364
195.13 Removed 18364
195.15 Removed 18364

Chapter II—Maritime Administration, Department of Transportation

221 Authority citation revised; section authority citations removed 6330
221.14 (f) added 6330
252 Authority citation revised 40425
252.1 Revised 40425
252.3 (f) amended; (j) removed; (k) through (u) redesignated as (j) through (t) 40425
252.4 Added 40425
252.12 (b) revised 40425
252.20 (b)(3) amended 40426
252.22 (a) revised 40426
252.23 Redesignated from 252.24 40426
(d) introductory text amended; (d)(1) removed; (d) (2) and (3) redesignated as (d) (1) and (2) and revised 40426
252.24 Redesignated as 252.23 and amended 40426
252.30—252.34 (Subpart D) Revised 40426
252.40 Revised 40432
252.41 Revised 40432
252.42 Revised 40433
276.3 Revised 21536
281.11—281.17 Undesignated center heading and sections removed 43009
310.50—310.67 (Subpart C) Authority citation revised 21533
310.60 (c) revised 21534
386 Added 21534

Chapter III—Coast Guard (Great Lakes Pilotage), Department of Transportation

401.405 Revised 11470
401.410 Revised 11471
401.420 Revised 11471
401.428 Revised 11471

Chapter IV—Federal Maritime Commission

502 Authority citation revised 28264
502.2 Revised 27002
502.69 (a) revised 4143
502.72 (c)(3) amended 4143
502.74 (a) revised 28264
502.76 Added 4143
502.91—502.95 (Subpart F) Exhibit No. 1 amended 4144
502.92 (a) (1) and (2) revised 4143
502.241 (a) and (b) revised 4144
502.253 Heading amended; (b) removed; (a) designation removed; section amended 6331
502.254 Added 6331
502.318 Existing text designated as (a); (b) added 6332
502.991 (Subpart V) Redesignated as 502.991 (Subpart W) 28264
502.501—502.503 (Subpart V) Added 28264
502.991 (Subpart W) Redesignated from 502.991 (Subpart V) 28264
503.35 (a)(7) revised; (c) added 13682
503.41 Introductory text and (a) revised 13682
503.43 (a), (b), and (c) revised 13683
503.82 (e) added 27002
515 Authority citation revised 46670

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 46 Chapter IV—Con. Page

515.7 Added....46670
Technical correction....1629
530 Authority citation revised....2704
530.7 (f) (1) and (2) and (g) amended....2704
550.5 (b)(8)(xiv) introductory text revised; (b)(8)(xiv)(A) amended....26479
559.7 Redesignated as 559.8; new 559.7 added (effective date pending)....18696
559.8 Redesignated from 559.7 (effective date pending)....18696
568 Removed....2705
572.307 Redesignated as 572.308; new 572.307 added....18697
572.308 Redesignated from 572.307....18697
580.7 Removed....24005
581 Added....24005
Authority citation corrected....27553
581.1 (i), (n), and (q) corrected....27612
581.3 (a) introductory text and (1)(i) corrected....27553

Title 46—*Proposed Rules:*

1—197 (Ch. I)....12439
2....25409
27....25890
31....25409
34....25409
58....25409
71....25409
76....25409
91....25409
95....25409, 26121
98....40951
107....25409
108....25409
109....25409
146....25409
147....25409
150....44182
151....40951
153....40951
154....10598
160....45783
....6992, 13479
167....25409
172....40951
176....25409
181....25409
189....25409
193....25409
202....36253, 44093

276....7442, 12199
310....6829
382....45135
....11518
386....4357
500—587 (Ch. IV)....17787
502....36730, 37917
....10912, 12208, 12212, 16418
503....8628, 9756, 12212, 16418
550....4040
558....16282, 20430
559....16282, 20430
560....46694
....16282, 20430
561....16282
....20430
562....16282, 20430
564....16282, 20430
566....16282, 20430
568....36034
569....16282, 20430
572....46694
....18722
580....41132, 43267, 45912
....809, 1938
586....11832,
18408, 26430, 26027, 28578
588....20119, 24308, 26537, 28316

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

Chapter I Petition denied....44478
Motions granted and denied....2226
Policy statement....16386
Determination....27348
0.11 (b) revised....10227
0.231 (c) revised; (h) removed; (i) redesignated as (h)....5288
(k) added; authority citation amended....12383
0.241—0.247 Undesignated center heading revised....41106
0.241 Revised....41106
0.243 (a) revised....41106
0.284 (a)(3) removed; (a) (4) through (11) redesignated as (a) (3) through (10)....5288
0.332 (c) removed; (d) through (j) redesignated as (c) through (i)....5288
0.401 Revised....10227
0.403 Revised....10228
0.406 (b)(2) revised....5288
0.416 Revised....45889

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

Page

0.445 (a), (b), (d), (e), and (f) revised....45889
0.455 (a)(3) revised....10228
(b)(1) revised....21685
0.465 (a) introductory text and (d)(3) amended; (c)(1), (2), (3), and (4) redesignated as (e), (c)(1), (2), and (3); (a) Note, (b), new (c)(1), and (d)(1) revised; new (c)(3) amended; (d)(4) added....34982
0.482 Revised....10229
1.4 (c) and (d) revised....10229
1.14 Revised....45890
1.80 (h) revised....5288
1.87 Revised....22654
1.221 (f), (g), and Note added....5288
1.227 (b)(4) revised....10229
1.420 (h) Note added....8260
Effective date corrected....11473
Heading, (a) and (b) revised....25866
1.742 Revised....5289
Revised....10229
1.762 Revised....5289
1.764 (a) revised....5289
1.766 (a) revised....5289
1.767 (a) revised....5289
1.772 Revised....5289
1.773 (a)(1)(iii) added; eff. 1-1-88....26682
1.786 Revised....1630
1.795 Added....274
1.912 (b), (d), and (e) revised....10229
1.931 (a) revised....10229
1.959 Revised....10230
1.1101—1.1116 (Subpart G) Revised....5289
1.1109 Revised....10230
1.1200—1.1216 (Subpart H) Revised....21052
1.1307 (b) Note revised....13241
1.1502 Revised....11653
1.1503 (a) revised....11653
1.1504 (b) (1), (2), and (5), (c) and (f) revised....11653
1.1505 (a) revised....11653
1.1511 (b) revised....11653
1.1526 (a) revised....11653
1.1801—1.1870 (Subpart N) Added....16258
1 Appendix B removed....5294
2 Authority citation revised....39534
Extension of time for oppositions and replies....1458

2.1 Amended....37399
Petition comment time extended....4016
(c) amended....7417
2.106 Table amended....37399
Table corrected; Footnote US308 correctly revised....39662
Table corrected....417
Table amended; Footnote G105 removed....1331
Petition comment time extended....4016
Table amended; Footnote NG149 added....6154
Table amended....7139
Table amended; Footnote NG148 added....7417
Footnotes US7 and US228 amended....8906
Footnote NG149 correctly designated....20067
Footnote US234 removed....21686
2.901—2.1065 (Subpart J) Authority citation revised....21687
2.909 (f) added....5294
2.925 (b)(4) added; authority citation removed....21687
2.926 (e) revised; authority citation removed....21687
2.933 (a) revised....39535
2.936 (b) and (c) revised....39535
2.939 (a)(1) revised....39535
2.967 (c) revised....39535
2.977 (d) added....41628
Effective date corrected....44478
2.983 (j) revised....10570
(j) correctly revised....15725
2.1001 (d) revised; authority citation removed....39535
(l) added....41628
Effective date corrected....44478
2.1035 (a) and (c)(1) revised....39535
15 Authority citation revised....39535
Extension of time for oppositions and replies....1458
Authority citation revised....22460
15.4 (j)(2) revised....9297
(u) revised....22460
15.46 (a) and (b) revised; authority citation removed....39535
15.48 (a), (b), and (c) introductory text and (1) revised....39535
15.63 (a) introductory text revised....37400

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 47 Chapter I—Con. Page

Petition comment time extended....4016
15.69 (a) revised....37400
Petition comment time extended....4016
(b) table amended....21687
15.72 (b) introductory text revised....37400
Petition comment time extended....4016
15.79 Introductory text revised....37400
Petition comment time extended....4016
15.143 (a) revised....39535
15.305 (d) revised....9297
15.310 Revised....9297
15.312 (b) revised; (c) added....9298
15.324 (b) and (c) revised; (d) removed; (e) redesignated as (d); new (e) added....9298
(b) corrected....13241
15.602 (b) revised; (c) added....22460
15.606 (c) added....22460
15.616 (a) and (c) text revised; (d) added....22460
15.618 Heading and (c) revised....22460
15.623 Added....22460
18 Authority citation revised....43745
18.121 Added....43745
19 Authority citation revised....37022
19.735–202 (b)(2) revised; (b)(5) added....7578
19.735–204 (e)(3) revised....37022
20 Petition comment time extended....4016
21.0 (a) revised....27554
21.2 Amended....27554
21.6 (b) revised....10230
21.7 (a) and (b) revised....27554
21.11 (a), (d), and (f) revised....27554
21.20 (b)(2) removed; (b) (3) through (9) redesignated as (b) (2) through (8)....5294
21.31 (e)(6)(iv) added....27554
21.40 (a) introductory text revised....27554
21.44 (c) revised....27555
21.100 (d) (1), (4), (5), (8), (9), (10), and (11) revised....27555
21.106 (a)(3) revised; (a)(4) added....23550
21.107 (b) table revised....7140
21.108 (e) revised....7141
21.119 Revised....27555
21.301 Revised....27555
21.303 (b) and (c) revised....27555
21.801 (a) amended; (b) revised; (g) added....7141
21.804 (d) table amended....7141
21.807 (c) added....7141
21.900 Revised....27556
21.902 (b) introductory text revised....27556
21.903 (a) and (b) revised....27556
21.907 (a) through (e) revised....27556
21.909 (b)(2)(i) revised....27556
21.910 Added....27557
22 Extension of time for oppositions and replies....1458
22.2 Amended....10572
22.6 (b)(1) revised; (b)(2) removed....10230
(b)(3) added....16848
22.9 (c)(2) amended (OMB number pending)....39754
(b)(2) redesignated as (b)(3); new (b)(2) added; (e) and (f) removed; (b)(1) and (d) revised....10572
22.13 (f) added....20087
22.15 (i)(3) revised (OMB number pending)....39754
(b)(1) (i), (ii), (iii), and (2)(i) revised....10572
22.20 (b)(2) removed; (b) (3) through (9) redesignated as (b) (2) through (8)....5294
22.31 (a)(1) revised....16848
22.39 (b)(5)(ii) revised....10572
22.40 Revised....10573
22.43 (b)(1) (i) and (ii) added; (a)(3) and (c) revised....10573
(b)(2) added....20087
22.44 (a) (1) and (2) revised....10573
(c) added....20087
22.104 (a)(1) revised....10573
22.106 (b)(1)(ii) revised....10573
22.110 (a)(5) and (e) added....10573
22.117 (b) introductory text and (1) revised....10574
22.213 (b)(5) revised (OMB number pending)....39755
22.501 (a)(5) (ii), (iii) and (iv), (d) and (f)(1)(ii) revised....10574
22.502 Revised....10574
22.514 (a) introductory text revised....39755

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

Page

22.516 (b)(2) revised....10575
22.901 (c)(3) revised....37023
22.902 (b) correctly revised....35649
(b) (1) and (2) and (e) revised....37400
Petition comment time extended....4016
22.903 (a) correctly revised....35649
(a) revised....22472
22.904 (c) correctly added....35650
(c) revised....22472
22.905 (b) revised....22472
22.913 (a)(10) removed; (a)(11) redesignated as (a)(10) and revised....10575
(a)(10) revised....22472
22.917 (b)(1)(ii) revised....10575
22.920 (a) revised....10575
23.50 (d) revised....5294
(b) revised....10230
25 Extension of time for oppositions and replies....1458
Petition comment time extended....4016
Policies and procedures....4017, 12911
25.391 (h) revised....44069
25.523 (c) removed....5294
31 Removed; eff. 1–1–88....43499
Petitions denied in part....44479
31.01–10 Added....6559
31.01–11 Added....6559
31.106 Revised....6559
31.317 Revised....6560
31.370 Introductory text revised; eff. 12–2–87....20601
32 Added; eff. 1–1–88....43499
32.14 (c), (d), (e), and (f) revised; eff. 1–1–88....6560
32.22 (a) revised; eff. 1–1–88....7580
32.23 Revised; eff. 1–1–88....6560
32.25 Revised; eff. 1–1–88....7580
32.27 Added; eff. 1–1–88....6561
32.102 Revised; eff. 1–1–88....6561
32.1220 (g) revised; eff. 1–1–88....6561
32.1406 Revised; eff. 1–1–88....6561
32.2000 (a)(2) and (f)(6) revised; eff. 1–1–88....7580
32.2311 (h) revised; eff. 1–1–88....6561
32.2321 (b) revised; eff. 1–1–88....6561
32.2341 (g) revised; eff. 1–1–88....6562
32.5999 (f)(5) revised; eff. 1–1–88....7580
32.6999 (b) table amended; eff. 1–1–88....6562
32.7620 Revised; eff. 1–1–88....20601
32.7990 Revised; eff. 1–1–88....6562
32.7991 Added; eff. 1–1–88....6562
33 Removed; eff. 1–1–88....43499
36 Added; eff. 1–1–88....17229
42.6 Correctly revised....39536
43 Annual Report Form M amended....37024
43.21 (a) revised....37024
43.31 (a) revised....1630
43.51 Revised....45890
43.52 Removed....45891
43.53 Revised....45891
(a) amended....8453
43.54 Removed....45891
43.74 Removed....45891
61.12 (e) and (f) redesignated as (f) and (g); new (e) added; eff. 1–1–88....26682
61.32 Revised....10230
61.33 (c) and (d) redesignated as (d) and (e); (b) redesignated as (c) and revised; new (b) added; eff. 1–1–88....26682
61.38 (a) revised; eff. 1–1–88....26682
61.39 Added; eff. 1–1–88....26682
61.58 Waiver....2412, 16389
61.59 Waiver....2412, 16389
61.74 Waiver....2412, 16389
61.153 Revised....10230
62.22 Revised....5294
64 Report and order....20714
Petition denied....21954
64.201 Revised....17761
Effective date deferred in part; petition denied....23658
64.501 (b) added....3654
64.901 (Subpart I) Added....6560
64 Appendix A amended....34983
65.101 (a)(2) revised; eff. 1–1–88....17251
65.600 (Subpart E) Added....274
67 Petitions denied and granted....2534
Interpretation letter....13445, 13684
Removed; eff. 1–1–88....17251
67.701 (Subpart G) Removed; text redesignated as Part 67 Appendix....21538

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 47 Chapter I—Con. Page

67.701—67.741 (Subpart G) Added....21538
67 Appendix redesignated from 67.701 (Subpart G)....21538
68.200 Introductory text revised....10231
69.2 (hh) through (mm) added....21539
69.3 (e) (3) and (4) revised; (e)(8) added....42236
(e)(1) revised; (e)(9) added....21540
(a) revised; (f) added; eff. 1-1-88....26683
69.4 (c) removed....42236
(b) and (c) revised....21540
69.5 (d) added....21540
69.104 (c) and (d) revised; (e) through (m) added....21540
69.105 (a) and (b) revised....21541
69.115 (e)(6) revised....8259
69.116 Added; eff. 4-1-89....21541
69.117 Added; eff. 4-1-89....21541
69.202 Removed....21542
69.203 (a) through (c) revised....21542
69.207 Revised....21542
69.306 (b) and (e) revised....42236
69.307 (d) revised....42236
69.404 (a) and (b) revised....42236
69.405 (c)(1) (iii), (iv), and (viii) revised....42236
69.406 (c) revised....42237
69.410 Revised....21542
69.411 Added....21542
69.412 Added....21542
69.413 Added....21542
69.501 (a) revised....21542
69.502 Revised....21542
69.601 (b) revised....21542
69.603 (c) through (f) added....21542
(g) added; eff. 1-1-88....26683
69.604 (a) revised....21543
69.605 (a) revised....21543
69.607 (c) revised....42237
69.610 (a) revised....42237
69.612 Added....21543
73 Clarification....10757
Interim policy....12912
Technical correction....16480
Petition denied....23305
Table of Contents amended....25867
73.21 (a)(2)(iii)(B) revised....21311
73.24 (b) Note revised....11654
73.37 (e) and (f)(2) introductory text revised....10570

73.51 (c)(2)(ii) revised....10570
73.68 (b) Note added....40435
73.127—73.190 Undesignated center heading removed....25866
73.127 (f) revised....41629
Effective date corrected....44478
73.182 (a) introductory text revised....10570
(d), (m), and (s) table footnote 2 revised....11655
(a) introductory text correctly revised....15725
(a) (1), (3) Note 1 and (v) Note revised....25866
(v) Note corrected....28225
73.184 Effective date deferred....45891
73.186 (a) introductory text revised....10570
73.189 (b)(6) revised....10570
73.201 Introductory text revised....10570
73.202 (b) table amended....35516, 37024-37026, 37289, 37290, 37405, 40170, 40171, 40433, 40434, 40976, 40977, 43200, 44070, 44988-44990, 45891, 46062
Petitions granted in part....36401
(b) table amendment at 51 FR 45891 suspended....1690
(b) table amended....57, 58, 275-277, 2533, 2534, 3654-3661, 3804, 3805, 4018, 4499, 4500, 5115, 5981, 6154, 7149, 7150, 7276, 7277, 7581, 8453, 8454, 8907, 9298-9300, 10381, 11472, 11473, 11825, 12181, 13242, 13243, 13446, 13447, 15500, 16849, 18698, 18699, 18914, 18915, 21056, 21955-21958, 22473, 22782-22784, 23659, 24294, 24295, 24470-24472, 25226-25228, 25868, 25869, 27349-27351
(b) table corrected....16849
Technical correction....28267
73.206 Removed; (b) and (c) transferred to 73.211 (d) and (e)....8260
Effective date corrected....11473
73.211 (d) and (e) added; transferred from 73.206 (b) and (c)....8260
Effective date corrected....11473
73.311 (b)(2) revised....10570
73.313 (d)(1) revised....11655
73.315 (a) Note amended....10570
73.318 (b) revised....25866

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

Page

73.504 (a) table amended....3660
(b) revised....25867
73.525 (c)(2) revised....25867
73.606—73.699 Undesignated center heading removed....25866
73.606 (b) table amended....35515, 37025, 43200, 45331
Heading, (a), and (b) table footnote 6 revised....44070
(b) table amended....3658-3660, 7148, 7149, 8907, 10382, 11473, 12180, 12181, 13446, 16849, 16850, 18915, 18916, 22473, 22784, 22785, 24296
73.607 Revised....44070
73.609 (a) introductory text revised....44070
73.610 (a) text, (b) introductory text, and (c) introductory text revised....44070
73.611 Revised....11655
73.612 (a) and (b) Note revised....44070
73.641 Revised....6154
73.642 (a)(1) and (b) revised....6154
73.682 (a)(23)(iv) revised....25867
73.699 Figure 6 Note 9 revised....11656
73.933 (b)(12) revised....25867
73.943 (a) revised....5294
73.1010 (a)(5) revised....5294
73.1020 (a) revised....25604
73.1030 (b)(2) revised....25867
73.1120 (b) and (c) removed....21685
73.1125 Revised....21685
73.1130 Removed....21685
73.1202 (a) introductory text revised....25867
73.1205 Petition denied....23551
73.1225 (c) and (d) revised....41629
Effective date corrected....44478
73.1660 (b) and (d) revised....41629
Effective date corrected....44478
73.1690 (e) revised; (b)(1) and (2) removed; (b)(3), (4) and (5) redesignated as (b)(1), (2) and (3)....41629
Effective date corrected....44478
(e)(6)(i) revised....10570
(e) correctly revised....15725
(b)(3) and (d)(1) revised....21685
73.2080 Revised....26684
73.3500 Table amended....26685
73.3512 Revised....10231
73.3516 (a) revised....44071

73.3517 (a) revised....5294
73.3522 (a)(1) revised....25867
73.3526 (d) revised....21685
73.3527 (d) revised....21685
73.3538 (a) (5), (6), and (7) revised....21685
73.3550 (a) revised....5295
73.3555 Note 2 amended....1632
73.3564 (a) and (d) revised....7421
73.3571 (d)(4) revised....21311
73.3572 (a)(1) introductory text and (i) and (d) revised....44071
(a) revised....7421
73.3580 (f)(9) revised....21686
73.3584 (a), (b), and (c) revised....7422
73.3594 (d)(5) revised....21686
73.3598 (a) and (b) headings revised....11656
73.3615 (a) introductory text revised....1632
73.4107 (d) added....11656
73.4108 Added....11656
73.4115 Petition denied....22551
73.4140 Heading and (c) revised; (d) added....11656
74 Table of Contents amended....25867
74.5 (a)(4) revised....5295
74.15 (f) added....7142
(b) and (d) revised....25604
74.165 Revised....3806
74.600 Added....7142
74.602 (a) introductory text amended; (e) revised; (j) added....7142
74.631 (e) amended; (j) added....7142
74.632 (a) amended....7142
74.633 (e) redesignated as (f); new (e) added....10570
74.636 (a) designation removed; table revised; (b) removed....7142
74.637 (b) amended; (g) added....7142
74.638 Heading and (b) revised....7142
74.641 (a) introductory text revised; (a)(1) table amended; (a)(4) removed....7143
74.643 Added....7143
74.644 Added....7143
74.661 Revised....7143
74.701 (h) revised....7422
74.702 (b) revised....7423

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 47 Chapter I—Con. Page

74.732 (d) revised 7423
(b) revised 10571
74.735 (c)(4) removed; (c) (5) and (6) redesignated as (c) (4) and (5) 7423
74.763 (b) added 7423
74.765 (b) revised 7423
74.780 Revised 7423
Heading revised; text amended 25867
74.783 (a) introductory text and (c) revised 7424
74.802 Revised 2535
74.803 (b) revised 2535
74.832 (d) and (f) revised 2535
74.861 (d) introductory text and (e) revised 2535
74.913 (b)(3)(ii) removed; (b)(3)(i) redesignated as (b)(3); Note 3 added 39536
74.933 Revised 3806
74.934 Revised 3806
74.937 (c) removed; (d) through (f) redesignated as (c) through (e) 3806
74.939 (j), (m) and (n) removed; (k) and (l) redesignated as (j) and (k); (f) revised 3806
74.951 (d) removed; (e) through (h) redesignated as (d) through (g) 3806
74.952 Revised 3806
74.961 (a) revised 10571
74.962 Revised 3806
74.965 Revised 3807
74.1202 (b)(1) revised 8260
Effective date corrected 11473
74.1232 (b) and (f) revised 10571
76 Table of Contents amended 25867
76.5 (d) and (j) revised; (jj), (kk), (ll), and (mm) added 44607
Effective date deferred 5770
(d)(1) introductory text and (ii) and (2) revised; (d)(3) added 17575
(x) Note added 22461
76.7 (g) removed; (h) redesignated as (g) 44608
Effective date deferred 5770
(c)(3) revised 10231
76.53 Amended 44608
Effective date deferred 5770
76.55 Revised 44608
Effective date deferred 5770
Introductory text revised 17575
76.56 Added 44608
Effective date deferred 5770
(c)(2) removed; (c)(3) and note redesignated as (c)(2) and note; new (c)(3) added; (d) revised 17576
76.57 Removed 44609
Effective date deferred 5770
76.58 Added 44609
Effective date deferred 5770
76.59 Removed 44609
Effective date deferred 5770
76.60 Added 44609
Effective date deferred 5770
(a) revised 17576
76.61 Removed 44609
Effective date deferred 5770
76.62 Added 44609
Effective date deferred 5770
(a)(2) revised; (b) redesignated as (d); new (b) and (c) added 17576
76.64 Revised 44609
Effective date deferred 5770
76.65 Removed 44609
Effective date deferred 5770
76.66 Added 44609
Effective date deferred 5770
Revised 17576
76.67 (a) revised 17577
76.70 Added 17577
76.501 (a) Note 2 amended 1632
76.605 Note added 22461
76.617 Revised 17577
(a) revised 22461
78 Table of Contents amended 25867
78.5 (i) added 7143
78.11 (d)(2) amended; (f) added 7144
78.13 Revised 7144
78.15 (a) revised 10231
78.18 (a) (6) through (8) added 7144
(a) (1), (2) and (3) tables amended 10571
78.20 (a) revised 10231
78.36 (a) introductory text and (b) revised 7144
78.101 (a) revised; (c) and (d) removed 7144
78.103 (e) added 7145
78.106 Added 7145
78.108 Added 7145
78.111 Revised 7145
80.5 Amended 7417
80.23 (c) revised 10231
80.156 Added 34984
80.205 (a) table amended; (a) table Footnote 12 added 7418
80.207 (d) table footnote 5 corrected 34984
(d) table amended; (d) table Footnote 12 added 7418
80.209 (a) table amended; (a) table Footnote 4 and (c) added 7418
80.213 (c), (d), (f), and (g) redesignated as (d), (c), (g), and (k); new (f), (h), (i), and (j) added 7418
80.215 (l) and (m) added 7419
80.313 Introductory text corrected 34984
80.355 Heading corrected; (c)(2) removed; (c)(3) and (4) redesignated as (c)(2) and (3) 34984
80.357 Heading corrected 34984
80.373 (d)(1) table corrected 34984
80.375 (c) and (d) revised 7419
80.559 (c) corrected 34984
80.605 Revised 7419
80.1185 Revised 27003
80.1187 Revised 27003
80.1189 Added 27003
87.237 Corrected amended 34984
87.513 (g) revised 37911
90.17 (d)(5) added 6155
90.19 (f)(6) added 6155
90.21 (d)(5) added 6155
90.23 (d)(4) added 6155
90.25 (d)(5) added 6155
90.53 (c)(5) added 6155
90.63 (e)(5) added 6155
90.65 (d)(5) added 6155
90.67 (d)(4) added 6155
90.69 (d)(4) added 6156
90.71 (d)(3) added 6156
90.73 (e)(6) added 6156
90.75 (d)(5) added 6156
90.79 (d)(4) revised 36014
(e)(4) added 6156
90.81 (e)(3) added 6156
90.89 (d)(4) added 6156
90.91 (d)(6) added 6156
90.93 (e) added 6156
90.95 (f) added 6156
90.127 (a) revised 10231
90.135 (a)(8) added 36014
(f) added 10232
90.151 (d) revised 10232
90.175 (f)(3) revised; (f)(13) added 36014
90.179 (e) revised 36014
90.205 (b) table amended 37400
Petition comment time extended 4016
90.209 Second (h) redesignated as (i) 37400
(b)(4) and (c) introductory text revised; (b) (5) through (8), (c) (1) through (3), and (h) and (i) redesignated as (b) (6) through (9), (c)(1) (i) through (iii), and (i) and (j); new (b)(5), (c)(2) (i) through (iii), and (h) added 37401
Petition comment time extended 4016
90.211 (d) introductory text and (2) revised; (d)(1)(iii) added 37401
Petition comment time extended 4016
90.213 (a) table amended; footnote 11 revised 37401
Petition comment time extended 4016
90.267 (a) (1) and (2) revised; (a)(6)(iii) added 4501
90.273 Added 6156
90.275 Added 6157
90.277 Added 6157
90.279 Added 6157
90.281 Added 6158
90.354 Revised 10232
90.360 (b) and (c) revised 10232
90.376 (a) revised; (c) added 1332
90.477 (b) introductory text revised 37401
Petition comment time extended 4016
(f) added 15501
90.490 (c) revised; (d) removed 15501
90.492 Revised 37402
Petition comment time extended 4016
90.525 Removed 37406

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 47 Chapter I—Con. Page

Petition comment time extended....4016
90.527 Removed....37406
Petition comment time extended....4016
90.555 (Subpart R) Heading revised....37406
Petition comment time extended....4016
90.601—90.657 (Subpart S) Heading revised....37402
Petition comment time extended....4016
90.601 Revised....37402
Petition comment time extended....4016
90.603 Introductory text revised....37402
Petition comment time extended....4016
90.611—90.633 Undesignated center heading revised....37402
Petition comment time extended....4016
90.611 (b) revised....10232
90.613 Introductory text revised; table heading parenthetical text removed; new table added....37402
Petition comment time extended....4016
90.617 Heading revised; Tables 2, 3, and 4 redesignated as Tables 2A, 3A, and 4A and headings revised; new Tables 2B, 3B, and 4B added....37404
(a) introductory text, (b) introductory text, (c) introductory text, and (d) introductory text revised....3662
Petition comment time extended....4016
90.619 (a)(1) introductory text, (2) introductory text, (3) introductory text, (4) introductory text, and (b) introductory text revised....3662
90.621 (a)(1) (i) and (iv), and (2)(i) and (g) revised....37404
(g) revised; (h) added....3662
Petition comment time extended....4016
90.627 (a) and (b)(2) revised; (b)(3) added....37404
Petition comment time extended....4016
90.635—90.657 Undesignated center heading revised....37404
Petition comment time extended....4016
90.635 (d) Tables 2, 3, and 4 headings revised....37404
Petition comment time extended....4016
90.637 (a) revised....37405
(a) revised; (c) added....1332
Petition comment time extended....4016
90.645 (f) and (g) revised; (h) redesignated as (i); new (h) added....37405
Petition comment time extended....4016
94.9 (b)(2)(iii) and (3) amended....7146
94.15 (b) revised....41630
94.25 (b) revised....10232
94.61 (b) table amended; (b) table footnote 15 removed; (b) table footnotes 30 and 31 added....7146
94.65 (g)(1) and (2) redesignated as (g)(4) and (3); new (g)(1) and (2) and (m) added....7146
94.67 (a) table amended....7146
94.71 (b) table amended....7146
(c)(3) revised; (c)(4) added....23551
94.73 (a)(1) and (2) removed; (a) table added....7146
94.77 Revised....7147
94.79 Added....7147
95.71 (a) revised....10232
95.207 (a) revised; (e) removed....16263
Technical correction....27993
97 Reimbursement fee....45891
Form 610 approved by OMB....7277
Petition for stay denied....13243
Authority citation revised....18916
97.3 (k) revised; (dd) added....37027
97.7 (g)(8) and (9) revised....37027
(a) table and (b) table amended; (g)(1) revised....5116
97.21 Revision eff. 12-31-86....41630
Examination questions maintained....277

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

Page

Petition for stay denied....4501
(c) and (d) revised....5116
97.23 Revised....5116
97.25 (b) revised....42576
Clarification....278
(b) effective date changed....3663
Petition for stay denied....4501
(a) revised; (e) added....5116
(a) introductory text corrected....18647
97.27 Revision eff. 12-31-86....41630
Examination questions maintained....277
Petition for stay denied....4501
97.28 (e) revised....42577
(e) effective date changed....3663
(a) and (b) revised....5116
97.29 (a) revision eff. 12-31-86....41630
Examination questions maintained....277
Petition for stay denied....4501
97.61 (c) revised....37027
(a) table amended; (d)(3) added....5116, 5117
(c) revised....5461
97.67 (i) revised....37027
(i) correctly designated....39861
(d)(6) revised; (j) and (k) added....5117
97.80 (b) revised....39537
97.85 (g) amended....37027
(i) added....5117
97.86 (e) added....5117
97.87 (f) added....5117
97.114 (b)(4) revised....39537
97.517 Revision eff. 12-31-86....41630
Examination questions maintained....277
Petition for stay denied....4501
97.521 Revision eff. 12-31-86....41630
Examination questions maintained....277
Petition for stay denied....4501
Revised....18916

Title 47—*Proposed Rules:*

0—100 (Ch. I)....36415
....3672, 8313, 13481, 13727
1....35536, 35537, 45912
....1939, 2562, 11519, 21333, 25261
2....43749, 44092
....6022, 6024, 13481, 21333, 24042, 25413
15....46882
....17612, 25613
21....39551
....11519, 11838, 21333
22....42597
....4360, 6022, 19741, 20630, 26704
25....40467
....6175, 8937, 12944, 26538, 28316
31....45915
....1344, 18932
32....45915
....1344, 18932
43....35537
....26704, 27435
61....45912
63....5318
65....3828
67....36731, 37045, 39552, 40232
....2238, 2563, 15354, 15355, 18408, 19896, 25263, 28316
68....43749
....5318
69....36731, 40990, 45912
....3672, 3829, 17252, 19996, 28317
73....36416, 36417, 36731, 37920, 37921, 39553, 39554, 39673-39676, 40467, 40468, 41357-41360, 41647, 42270, 43050-43054, 44094
....113-115, 305, 1345-1349, 2564-2566, 3674-3678, 3830, 3831, 5146-5148, 5472, 6025, 6026, 6176, 7182-7185, 7282, 7624-7627, 8084-8086, 8314-8316, 8481, 8937, 9316, 11519-11521, 11837, 11840, 11842, 12214-12216, 12285, 12945, 13253, 13849-13853, 15515, 15516, 15737, 15738, 16883, 16884, 17791, 17993, 18253, 18723, 18932-18935, 20430-20432, 21086, 21976, 22504-22507, 22816-22818, 23314, 23563-23569, 23704, 23873, 23875, 24309-24312, 24484, 25264, 25892, 25893, 26162, 26358-26360, 26539, 26540, 27019, 27436, 27437, 27570, 28319-28321, 28476
74....40990
....7627, 7895, 11519, 21333, 21710, 27571
76....15738, 26162
78....40990
80....37922, 43749
....5474, 18409, 21334, 22508
81....1349
87....21334, 26360
90....45025
....4041, 5149, 6024, 10389, 18935, 19544, 21335, 25265
94....39551, 44093
....4161, 6022, 11519, 11838, 15356, 21333
95....15516
97....39554

Title 47—*Proposed Rules—Con.* Page
.....2239, 6024

TITLE 48—FEDERAL ACQUISITION REGULATIONS SYSTEM

Chapter 1—Federal Acquisition Regulation

1.105 Table amended (OMB numbers).....36971
Table amended (OMB numbers).....18140, 19802
2.101 Amended.....19802
3.502 Revised.....6121
Correctly designated.....7063, 9989
3.502–1 Added.....6121
Correctly designated.....7063, 9989
3.502–2 Added.....6121
(a) introductory text, (d) (1) and (2), (e), and (h) corrected.....9989
3.502–3 Added.....6121
4.601 (a) amended.....19802
5.101 (a) revised; interim.....21885
5.201 (a) amended; (b) (1) and (3) revised; interim.....21886
5.205 (c) revised; interim.....21886
5.206 (a)(2) amended.....19802
5.301 Revised.....19802
6.302–1 (a)(2) introductory text and (b)(1) revised; (a)(2)(iii) added.....21886
6.302–5 (c)(2) amended; (c)(2)(i) and (ii) added.....36971
7.305 (c) revised.....9037
8.300 Amended.....36971
8.800 Revised.....9037
8.801 Amended.....9037
8.802 (a) revised; (b) and (c) redesignated as (d) and (e); new (b) and (c) added; new (d) revised.....9037
9.105–1 (d) added.....9038
9.405 (a) amended.....9038
9.406–1 (a) amended.....6122
13.104 (g) amended; interim.....21886
13.105 (d)(2) amended.....36971
(a) amended; interim.....21886
13.106 (b)(2) amended.....19803
13.203–1 (b) and (c) revised.....9038
13.402 Amended.....19803
15.605 (b) revised.....21886
(b) corrected.....28225
15.704 Amended.....9038

Page
15.801 Amended.....36971
15.805–5 (h) amended.....36971
15.808 (a) (8) and (9) revised.....19803
15.810 (a) and (e) revised; (c) redesignated as (f); new (c) added.....36971
15.812–1 Revised.....21886
15.812–2 (a) revised.....21887
16.203–4 (b)(1)(i) amended.....19803
19.102 Table revised.....21888
19.501 (f)(1) amended.....21902
19.508 (a)(2) amended.....21902
19.705–6 (c)(1) amended.....19803
22.807 (d)(2) amended.....19803
22.810 (g) revised.....19803
22.1303 (d) amended.....19803
22.1403 (d) amended.....19803
25.403 (d) revised.....19803
25.402 Correctly revised; interim.....8567
27.204–1 (a)(2) amended.....19803
27.400—27.409 (Subpart 27.4) Revised.....18140
28.101–1 (b) revised.....19803
28.101–3 (b) amended.....19803
31.105 (d)(2)(i)(A) revised; (d)(2)(i)(B) amended.....19804
31.109 (h) (14) and (16) amended; (h)(17) added.....9038
(h)(14) correctly designated.....27806
31.201–3 Revised.....19804
31.205–6 (i) revised.....19804
31.205–22 (f) revised.....19804
31.205–35 (a) revised; (f) added.....9038
31.205–38 (f) revised.....19805
31.205–44 Heading, (a), (b), (d), (e), (f), (h), and (j) revised; (c)(3) redesignated as (c)(4); new (c)(3) added; (c)(2) amended.....9038
(h)(2) corrected.....27806
31.205–46 (a)(2)(ii) amended.....36972
52.210–1 Corrected.....27806
32.406 (a) amended.....19805
32.504 (d) amended.....9039
32.805 (c) amended.....9039
33.210 (b) revised.....36972
36.102 Amended.....36972
36.601 Existing text designated as (a); (b) added.....36972
36.701 (a), (b), and (d) amended.....19805
44.201–1 (d) amended.....36972

NOTE: Boldface indicates 1987 page numbers.

Page
44.303 (g) and (h) amended; (i) added.....9039
49.109–7 (g) amended.....19805
52.103 (d)(1) amended.....9039
52.203–7 Added.....6122
52.207–3 Introductory text amended.....9039
52.210–1 (a) amended.....9039
52.214–1 Amended.....9039
52.214–2 Amended.....9039
52.215–5 Amended.....9039
52.215–6 Amended.....9039
52.215–17 Amended.....9039
52.215–26 Revised.....21902
52.219–4 Introductory text amended.....21902
52.219–9 Amended.....19805
52.222–28 Introductory text amended.....36972
52.227–14 Added.....18150
52.227–15 Added.....18153
52.227–16 Added.....18153
52.227–17 Added.....18153
52.227–18 Added.....18154
52.227–19 Added.....18154
52.227–20 Added.....18154
52.227–21 Added.....18155
52.227–22 Added.....18156
52.227–23 Added.....18156
52.228–1 Amended.....19805
52.233–1 (c) amended.....36972
52.244–1 Introductory text amended.....36972
53.214 (d) through (g) redesignated as (e) through (h); (d) reserved.....19805
53.236–2 (b) and (c) amended.....36972

Chapter 2—Department of Defense

Chapter 2 Revised.....46053
203.170 Added; interim.....12385
203.170–1 Added; interim.....12385
203.170–2 Added; interim.....12385
Corrected.....19870
203.170–3 Added; interim.....12385
203.170–4 Added; interim.....12386
203.170–5 Added; interim.....12386
204.202 (c)(6) added; interim eff. to 9–30–87.....42096
(c)(6) added; interim eff. to 1–31–88.....4318
204.471 (Subpart 204.4) Added; interim eff. to 1–31–88.....4318

Page
204.671–5 (d)(9) and (e)(3)(iii) amended; (e)(3) (iv) and (v) added; (f) revised; interim.....16264
204.673 Revised; interim.....43201
204.673–1 Revised; interim.....43201
204.673–2 Revised; interim.....43202
204.673–3 Revised; interim.....43202
204.673–4 Revised; interim.....43202
204.673–5 Removed; interim.....43202
204.761–5 (e)(3)(iii) corrected; (e)(3)(v) correctly removed.....19871
204.7200—204.7204 (Subpart 204.72) Added; interim eff. to 1–31–88.....4318
205.202 (a)(4)(S–70) added; interim.....16264
Correctly removed.....19871
205.207 (d) (S–72) and (S–73) added; interim.....16264
205.470 Added; interim.....12387
206.203—206.203–70 (Subpart 206.2) Added; interim.....16264
208.404–2 (a) (S–70) revised.....781
214.201 Revised.....19871
214.201–2 Added.....19871
215.406 Added.....19871
215.406–2 Added.....19871
215.872 Revised.....26346
215.873 Added.....1915
215.875 Added; interim.....11277
Correctly designated.....13447
215.900—215.973 (Subpart 215.9) Revised; interim.....43202
216.603–3 Added; interim.....12388
Effective date note corrected.....19872
216.703 (c) amended; interim.....12388
Effective date note corrected.....19872
217.202 Added; interim.....12388
Effective date corrected.....19872
217.7204 (a) introductory text and (1) amended; (b) and (c) redesignated as (c) and (d); new (c) (2) and (3) amended; new (b) and (c)(4) added.....11077
217.7402 (c) added; interim.....12388
Effective date note corrected.....19872
217.7500—217.7504 (Subpart 217.75) Added; interim.....13288
Effective date note corrected.....19872
217.7503 (b)(3)(ii) and (4) corrected.....23835
219.000 Added; interim.....16265
219.001 Added; interim.....16265
219.201 (a) added; interim.....16265

NOTE: Boldface indicates 1987 page numbers.

TITLE 48 Chapter 2—Con. Page
219.202-5 Existing text designated as (a); (b) added; interim....16265
219.301—219.304 (Subpart 219.3) Added; interim....16265
219.304 (b) corrected....19871
219.501 (b) added; (c), (d), and (g) amended; interim....16266
219.501-70 Added; interim....16266
219.502-3 Added; interim....16266
219.502-4 Added; interim....16266
219.502-70 (b) amended; interim....16266
219.502-72 Added; interim....16266
219.503 (S-70) added; interim....16267
219.504 (b) (1) through (4) redesignated as (b) (2) through (5); new (b)(1) added; interim....16267
219.506 (a) added; (b) amended; interim....16267
219.507 Added; interim....16267
219.508 (S-71) added....16267
219.801—219.803 (Subpart 219.8) Added; interim....16267
222.7200—222.7202 (Subpart 222.72) Revised....43355
223.7100—223.7105 (Subpart 223.71) Added; interim eff. to 9-30-87....42096
225.7000 Amended; interim....12390
225.7001 Amended; interim....12390
225.7008 Added; interim....12390
227.470—227.482 (Subpart 227.4) Revised....12391
230.7001—230.7007 (Subpart 230.70) Revised; interim....43208
231.7001 (Subpart 231.70) Added; interim....5771
232.070 Added; interim....43211
232.102 Added; interim....43211
232.111 (S-71) and (S-72) added; interim....43211
232.501-1 Revised; interim....43211
232.502-1 (S-71)(1), (2), (4), (7), and (9) amended; interim....43211
232.502-4 (S-72) through (S-74) added; interim....43211
235.003 (a) and (b) revised....24473
(b)(S-71)(iv) correctly added....28148
240.470 Added; interim eff. to 9-30-87....42096
242.771 Added; interim....5772
243.102 Added; interim....12389
Effective date note corrected....19872
243.201 (a) redesignated as (S-70); (S-71) added; interim....12389
Effective date note corrected....19872
244.304 (b)(1) (xvi), (xx), and (xxi) amended; (b)(1)(xxii) added....8908
245.106 (Subpart 245.1) Added; interim....12390
248.201 Revised....23835
252.203-7002 Added; interim....12386
Corrected....19870
252.204-7006 Added; interim eff. to 1-31-88....4319
252.205-7000 Added; interim....12387
252.215-7001 Added; interim....11277
Introductory text corrected....13447
Redesignated as 252.215-7002; new 252.215-7001 added....26347
252.215-7002 Redesignated from 252.215-7001....26347
252.217-7270 Amended....11077
252.219-7005 Added; interim....16267
Correctly designated; heading and text corrected....19871
Correctly designated; text corrected....22415
252.219-7006 Added; interim....16267
Corrected....19871
252.222-7002 Revised....43355
252.223-7003 Added; interim eff. to 9-30-87....42097
252.227-7013 Revised....12405
252.227-7014—252.227-7015 Removed....12405
252.227-7016 Revised....12407
252.227-7017 Revised....12407
252.227-7018 Revised....12407
252.227-7019 Revised....12408
252.227-7020 Revised....12408
252.227-7021 Revised....12408
252.227-7022 Revised....12408
252.227-7023 Revised....12408
252.227-7024 Revised....12409
252.227-7025 Revised....12409
252.227-7026 Revised....12411
252.227-7027 Revised....12411
252.227-7028 Revised....12411
252.227-7029 Revised....12411
252.227-7030 Revised....12411
252.227-7031 Revised....12411
252.227-7032 Revised....12411
252.227-7033 Revised....12412
252.227-7034 Revised....12412
252.227-7035 Added....12412

NOTE: Boldface indicates 1987 page numbers.

Page
252.227-7036 Added....12412
252.227-7037 Added....12412
252.231-7001 Added....5772
Corrected....23836
252.231-7002 Added....5772
252.232-7004 Amended; interim....43211
252.232-7005 Added; interim....43211
252.232-7006 Added; interim....43212
252.232-7007 Added; interim....43212
252.245-7000 Added; interim....12390
253.270 Amended; interim....43210

Chapter 3—Department of Health and Human Services

301.105 Amended....44293
301.670-2 (b) revised....27558
301.670-3 (a) amended....44293
302.100 Amended....44293
Corrected....47353
Amended....27558
303.704 (Subpart 303.7) Added....44293
304.601 Redesignated as 304.602....44293
304.602 Redesignated from 304.601....44293
304.7101 (c) amended....44293
(c) amended....27558
305.202 (Subpart 305.2) Added....44293
306.202 (a) revised; (b) amended....44293
306.302-1 Heading revised; (b)(2) and (6) redesignated as (a)(2)(ii) and (b)(4); new (a) heading revised; new (b) heading added....44293
306.501 Amended....27558
307.104 (c) revised....44293
313.404 Removed....44293
314.404 Added....44294
314.404-1 Added....44294
315.103 (Subpart 315.1) Added....44294
315.413-2 (e) and (f) amended....44294
315.608 (b) amended....44294
315.804 Added....44294
315.804-3 Added....44294
316.301-3 (c) introductory text amended....44294
316.306 Added....44294
316.403 (Subpart 316.4) Added....44294
316.603-3 Amended....44294
319.801—319.870 (Subpart 319.8) Revised....27558
319.870 (a)(1) and (6) amended....44294
322 Added....44294
322.604-2 Heading correctly added....47353
325.102 (b) revised....44294
(b) correctly designated....47353
330.304 (Subpart 330.3) Added....44294
332.402 Revised....44294
Revised....27560
332.406 (c)(2) amended....44294
332.407 (d) amended....44294
(d) amended....27560
332.409-1 Amended....44294
Amended....27560
332.501—332.501-2 (Subpart 332.5) Added....44294
332.501-2 (a)(3) amended....27560
352.227-1 Removed....27560
353.370-393 Added....44295

Chapter 3, Appendix A—Public Health Service

PHS 315 Added; interim....43357
Effective date corrected....45229
PHS 315.412 (c)(1) corrected....45229
PHS 352.215-10 Added; interim....43357
Text and effective date corrected....45229
PHS 352.280-1 (b) amended....9300
PHS 352.280-2 (b) amended....9300

Chapter 4—Department of Agriculture

433.003 Correctly redesignated as 433.203 and (a) amended....41790
433.003-70 Correctly redesignated as 433.203-70....41790
433.009 Correctly redesignated as 433.209 and amended....41790
433.011 Correctly redesignated as 433.211 and amended....41790
433.012 Correctly redesignated as 433.212....41790

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 48 Chapter 4—Con. Page

433.203—433.212 Correctly redesignated as Subpart 433.2....41790
433.203 Correctly redesignated from 433.003 and (a) amended....41790
433.203-70 Correctly redesignated from 433.003-70....41790
433.209 Correctly redesignated from 433.009 and amended....41790
433.211 Correctly redesignated from 433.011 and amended....41790
433.212 Correctly redesignated from 433.012....41790

Chapter 5—General Services Administration

501.602-1 Revised....45892
501.603 (a), (b)(1) and (2)(i) and (ii), and (c)(2), (4), and (6) revised; (b)(2)(viii) removed; (b)(2)(ix) through (xiii) redesignated as (b)(2)(viii) through (xii)....45892
501.603-1 Revised....45893
501.603-2 (c) revised; (d) added....45893
502.101 Revised....39861
503.303 (Subpart 503.3) Heading revised....5982
503.700—503.705 (Subpart 503.7) Added....5982
505.101 Temporary Reg. AC-86-7 added....41507
Revised....22655
505.201 Temporary Reg. AC-86-7 added....41507
Revised....22655
505.202 (c) added....22655
505.203 Added....22655
505.207 (b) revised....22655
506.302-1 Revised....44990
506.302-5 Removed....44991
506.303-1 Revised....44991
506.303-2 Revised....44991
506.304 Revised....44991
507.305 Temporary Reg. AC-87-1 added....8590
507.306 Temporary Reg. AC-87-1 added....8590
509.105-1 (d) revised....39862
(a) and (c) revised....45896
509.106-70 Revised....39862

Page

509.403 (a) revised....22656
509.404 Revised....22656
509.405 Revised....22656
509.406-3 (b)(3) revised....39862
513.105 Temporary Reg. AC-86-7 added....41507
513.203-1 Revised....45893
(b) revised....45896
513.403 Revised....45894
513.404 Added....45894
513.405 Added....45894
513.501 Revised....45894
513.505.2 Temporary Reg. AC-86-4, Supp. 1 added....36700
(a) and (b) revised....45894
513.505-3 (b) revised....45894
513.7001 Temporary Reg. AC-86-4, Supp. 1 added....36700
(a), (b)(1), and (g) revised; (d)(2) and (3) redesignated as (d)(3) and (4); new (d)(2) added....45894
514.201-6 (b) removed....6562
514.201-71 (b) revised....6562
514.270-1 Revised....45897
514.270-2 (b), (c)(1)(ii) and (2) introductory text, (iv), and (v) revised....45897
514.403 Revised....45896
515.407 (b) removed....6562
515.411-70 Revised....6563
516.603-3 Revised....39862
519.001 Added....16390
519.201 Removed....16391
519.202 (a), (b), (c), and (e) revised....16391
519.202-5 Revised....16391
519.302 Revised....16391
519.304 Added....16391
519.501 Temporary Reg. AC-86-7 added....41507
Removed....16391
519.502-1 Temporary Reg. AC-86-7 added....41507
(a), (b), (c), (d), (f), (g), (h), (i) and (j) revised....16391
519.502-2 Removed....16392
519.502-3 Revised....16392
519.502-70 Added....16392
519.503 Revised....16392
519.505 Temporary Reg. AC-86-7 added....41508
Removed....16393
519.506 Removed....16393

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

Page

519.508 Temporary Reg. AC-86-7 added....41508
519.602—519.602-1 Added....16393
519.602-3 Added....16393
522.1308 Temporary Reg. AC-87-2 added....12182
522.1370 Temporary Reg. AC-87-2 added....12182
525.105-70 Heading, (b), (c), and (d) revised....278
525.105-71 Revised....279
525.105-72 (b) and (c) revised....279
525.108-70 (a) introductory text, (b) introductory text, and (c) revised....279
525.402 Temporary Reg. AC-86-8 added....58
528.102-1 (a) revised....6564
528.301 Revised....6564
533.102 (b) revised....6563
533.105 (a)(1)(ii), (3) and (4) and (b) introductory text and (3) revised....6563
537.201 Revised....6563
537.205 Revised....6563
542.1107 (a) revised....21057
542.7000—542.7002-3 (Subpart 542.70) Added....11826
546.400 Revised....35221
546.402 Revised....35221
546.403 Revised....35221
546.407 Removed....35221
546.470 Revised....35221
546.470-1 Revised....35221
546.470-2 (b) revised....35221
552.207-71 Temporary Reg. AC-87-1 added....8590
552.212-72 (a) and (b) amended....45895
552.214-16 Added....45898
552.214-71 Introductory text revised....6563
552.214-72 Removed....6563
552.214-73 Introductory text revised....6563
552.214-74 Introductory text revised....6563
552.214-75 Introductory text revised....6564
552.215-71 Introductory text revised....6564
552.215-72 Removed....6564
552.215-73 Introductory text revised....6564

Page

552.215-74 Introductory text revised....6564
552.219-1 Added....16393
552.219-4 Temporary Reg. AC-86-7 added....41508
552.219-70 Revised....16393
552.222-87 Temporary Reg. AC-87-2 added....12182
552.225-70 Revised....280
552.225-71 Revised....280
552.225-72 Revised....280
552.225-73 Introductory text revised....280
552.225-74 Introductory text revised....280
552.242-70 Temporary Reg. AC-86-6, Supp. 1 added....1333
Revised....21057
553.173 (c) table amended....45896
553.270-3 (b) revised....45895
(e) revised....21057
553.272 Temporary Reg. AC-86-4 added....36700
(a), (b), and (d) revised....45895
553.273 Temporary Reg. AC-86-4 added....36700
Revised....45895, 45896
553.275 (a) revised....45895
553.370-300-1 Temporary Reg. AC-86-4, Supp. 1 added....36700
553.370-3507 GSA Form 3507 amended....21057

Chapter 7—Agency for International Development

701.105 Revised....21058
702.170-10 (a) revised....41106
705 Authority citation revised....42844
705.002 Amended....21058
705.202 Revised....42845
706 Authority citation revised....42844
706.101-70 (Subpart 706.1) Removed....6158
706.201-70 (Subpart 706.2) Removed....42845
709.402 Revised....21058
715.504 (a) amended....21058
715.506 Amended....21058
715.613 Revised....6158
715.613-70 Revised....6158
715.613-71 Revised....6159
719.270 (d) amended....21058

NOTE: Boldface indicates 1987 page numbers.

TITLE 48 Chapter 7—Con. Page

719.271-2 (b) (4) and (8) amended....21058
719.271-6 (a) introductory text amended; (a)(3) revised....21058
725.703 Revised....34985
725.706 (a) amended....4144
728.305 (a)(2) list revised....4144
731.205-6 (b)(2) amended....21058
731.371 (a) amended....21058
732.406-70 Revised....4145
732.406-70-1 Revised....4145
732.406-70-2 Revised....4145
732.406-70-3 Revised....4145
732.406-70-4 Revised....4145
732.406-70-5 Revised....4145
733 Heading revised....4145
736.603 Amended....21059
737.200—737.272 (Subpart 737.2) Heading revised....34985
752.202 (d) and (h) amended....4145
752.219-8 Amended....21059
752.7002 Amended....34985
752.7016 Amended....34985
Chapter 7 Appendix D amended....42844
Appendix J added....2354
Appendix D amended....4145
Appendix G amended....4146
Appendix F amended....6160
Appendixes D and J amended....11075

Chapter 8—Veterans Administration

801 Nomenclature change....28559
801.301 (c) added....28559
801.602 Revised....24010
801.602-70 (a)(4)(ii) removed; (a)(4) (iii) through (xi) redesignated as (a)(4) (ii) through (x); (b) and (d) revised; (i) added....28559
801.602-71 (b) (1), (2), and (3) amended; (a) and (b)(5) revised....28559
801.602-72 (a) amended; (d) revised....28559
801.603-1 Added....24010
801.603-3 Removed....24010
801.603-4 Removed....24010
801.603-70 (c) removed....24010
801.670-1 Removed; new 801.670-1 redesignated from 801.670-6....24010
801.670-2 Removed; new 801.670-2 redesignated from 801.670-7....24010
801.670-3 Removed; new 801.670-3 redesignated from 801.670-12....24010
801.670-4 Removed; new 801.670-4 redesignated from 801.670-13 and (a) removed and (b), (c), and (d) redesignated as (a), (b), and (c)....24010
801.670-5 Removed; new 801.670-5 redesignated from 801.670-14....24010
801.670-6 Redesignated as 801.670-1; new 801.670-6 redesignated from 801.670-15....24010
801.670-7 Redesignated as 801.670-2....24010
801.670-8 Removed....24010
801.670-9 Removed....24010
801.670-10 Removed....24010
801.670-11 Removed....24010
801.670-12 Redesignated as 801.670-3....24010
801.670-13 Redesignated as 801.670-4 and (a) removed and (b), (c), and (d) redesignated as (a), (b), and (c)....24010
801.670-14 Redesignated as 801.670-5....24010
801.670-15 Redesignated as 801.670-6....24010
801.690 Added....24010
801.690-1 Added....24010
801.690-2 Added....24011
801.690-3 Added....24011
801.690-4 Added....24011
801.690-5 Added....24012
801.690-6 Added....24012
801.690-7 Added....24012
801.690-8 Added....24012
801.690-9 Heading added....24012
802 Nomenclature change....28559
802.100 Revised....24013
806.302-5 (a) and (b) amended....28560
808.304-1 (b) introductory text amended....28560
808.307-2 Revised....28560
810.001 Added....281
810.004 Added....281
810.004-70—810.004-72 Added....282

Page

810.005 Removed....282
813.103 (a) amended....28560
813.506-70 Revised....28560
814.404-1 (b) amended....28560
815 Nomenclature change....28559
833 Nomenclature change....28559
833.103 (d) revised....28560
833.104 (c) amended....28560
833.106 Revised....28561
833.211 (c) introductory text and (d) introductory text amended....28561
833.212 (b)(2) through (5) correctly revised....44179
836.202 Added....282
(b) corrected....1276
836.302—836.371 (Subpart 836.3) Heading revised....282
836.606-72 Revised....282
846.403 (b) amended....37027
846.408-70 (a) amended; (b) and (c) redesignated as (c) and (d); new (c) amended; new (b) added....37027
846.408-71 (a) amended....37028
852.233-2 Footnote ** revised....28561
852.233-70 Added....28561
852.236-88 Introductory text, (a) clause and (b) clause amended....28561
852.236-90 Added....282

Chapter 9—Department of Energy

970 Authority citation revised....43926
970.3101-6 (a) (3) and (8) revised; (a) (10), (11), and (12) added....1607
970.3102-7 Revised....1607
970.3102-17 (c) added....43926
(a) revised....1608
970.3102-19 Added....1608
970.3102-20 Added....1609
970.3102-21 Added....1610
970.3103 Correctly designated....1610
970.5204-13 (e)(33), (34), and (35) added....43926
(e) (1), (8), (11), (12) and (27) revised; (e) (33) and (34) added....1610
970.5204-14 (e)(33) added....43926

Page

(e) (1), (6), (9), (10), and (24) revised; (e) (31) and (32) added....1610

Chapter 10—Department of the Treasury

1033 Authority citation revised....17298

Chapter 13—Department of Commerce

1317.7001 (Subpart 1317.70) Added....3807
1352.217-90—1352.217-112 (Subpart 1352.2) Added....3808

Chapter 14—Department of the Interior

1401.301 (a) and (b) amended....41965
1401.303 Heading revised....41965
1405 Added....41965
1406 Added....41965
1414 Heading revised....41965
1414.404 Added....41965
1414.404-1 Added....41965
1415.608 Added....41965
1415.902 (d) revised....41965
1415.905 (b) amended....41965
1415.905-1 (a) introductory text, (3), and (5) amended; (a) (4) and (5) redesignated as (a) (5) and (4)....41965
1415.905-70 (b)(1) amended....41965
1419.705-6 Added....41966
1420.102 Amended....41966
1428.301 Amended....41966
1437.7001 Amended....41966
1437.7002 (a) amended....41966
1452.228-70 Heading revised; text amended....41966
1453.219-73 Added....41966
1453.303-DI-1920 Revised....41966
1453.303-70 Revised....41968
1453.303-71 Added....41969

Chapter 15—Environmental Protection Agency

1537.205 (b)(3) removed....3873

93-145 O - 87 - 5

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 48—Con.

Chapter 16—Office of Personnel Management Federal Employees Health Benefits Acquisition Regulation

Page

Chapter 16 Chapter established 16037
1601—1606 (Subchapter A) Heading added 16037
1601 Added 16037
1602 Added 16038
1603 Added 16039
1604 Added 16039
1605 Added 16039
1606 Added 16039
1614—1616 (Subchapter C) Heading added 16039
1614 Added 16039
1615 Added 16040
1616 Added 16041
1622—1624 (Subchapter D) Heading added 16041
1622 Added 16041
1624 Added 16041
1631—1649 (Subchapter E) Heading added 16041
1631 Added 16041
1632 Added 16043
1633 Added 16043
1644 Added 16043
1646 Added 16044
1649 Added 16044
1652—1653 (Subchapter H) Heading added 16044
1652 Added 16044
1653 Added 16048

Chapter 17—Office of Personnel Management

Chapter 17 Chapter established 44296
1733 Added 44296

Chapter 18—National Aeronautics and Space Administration

1801.105–1 Revised (OMB numbers) 15414
1801.271 Added 45770
1801.603–2 (d)(2) amended 15414
1802.101 Revised 15414
1803.101–2 Amended 45770
1803.203 Amended 45770
1803.704—1803.705 (Subpart 1803.7) Added 45770
1804.202 Revised 45770
1804.7100 Amended 15415
1804.7102–2 (a) and (b) amended; (f) removed; (g) and (h) redesignated as (f) and (g) 15415
1804.7102–4 (a) revised 15415
1804.7102–5 (c) removed; (d) redesignated as (c) 15415
1804.7103–2 Revised 15415
1805.207 Revised 45770
1805.303–71 (b)(1) introductory text revised 45771
1806.302–270 Added 45771
1806.303–271 Added 45771
1807.102 Revised 45771
1807.103 (b)(1)(i)(A) and (B) and (ii)(A) and (B) amended 45771
1807.170–1 (a)(1)(iii) amended; (a)(1)(iv) removed; (a)(1)(v) redesignated as (a)(1)(iv) 45771
1807.7102 (c) revised 45771
1807.7105 (a) amended 45772
1808.303 Amended 15415
1808.304–2 (c) amended 15415
1808.304–4 (a) amended 15415
1808.304–571 Amended 15415
1808.802 Amended 45772
1809.206–71 Revised 15415
1810.007 Revised 15415
1810.011 Revised 15415
1812.302—1812.303–70 (Subpart 1812.3) Revised 45772
1815.407 Revised 15415
1815.407–70 Revised 15415
1815.412 Added 15415
1815.413–2 (c) amended 15416
1815.570 Amended 45772
1815.613–70 Amended 15416
1815.613–71 (a)(1) introductory text amended 45772
1815.704 Revised 45772
1815.1003 Amended 15416
1822.101–1 (c) revised 15416
1822.103–4 Revised 15416
1822.804–2 Revised 15416
1822.1103 (a) revised 45772
1825.402 Revised 15416
1827.474 (b)(2) revised 45772
1827.475–10 Removed 45773
1828.305 (b)(2)(ii) revised 15416
1828.309 (a) designation removed 15416

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

Page

1831.303 (Subpart 1831.3) Added; interim 13685
1831.703 (Subpart 1831.7) Added; interim 13685
1832.111–70 (d) amended 15416
1835.070 (c) revised 15416
1836.602–71 (b) revised 45773
1837.204–70 (d) and (e) revised 45773
1839.7001 Revised 15416
1839.7005 (a) revised 45773
1842.202–70 (a)(1) amended; (b) revised 45773
1842.202–71 (b)(2) removed; (b)(3) and (4) redesignated as (b)(2) and (3) 45773
1842.302 Revised 45773
1845.7103 Amended 45774
1846.673 (a) revised 45774
1846.709–70 Amended 15417
1852.000 Revised 15417
1852.204–71 Revised 15417
1852.204–72 Revised 15417
1852.210–70 Revised 15417
1852.215–72 Introductory text revised 15417
1852.215–73 Added 15417
1852.227–82 Removed 45774
1852.232–78 Introductory text revised 15417
1852.233–1 Revised 15418
1852.235–70 Revised 45774
1852.235–71 Revised 15418
1852.243–70 Amended 15418
1852.245–71 Amended 15418
1852.249–72 Introductory text revised 15418
1852.250–70 Revised 15418
1852.250–72 Revised 15419
1853.107 Revised 45774
1853.212 Removed 45774
1853.223 Revised 45774
1853.227 Revised 45774
1853.251 Heading revised 45774
1870 Added 15419

Chapter 24—Department of Housing and Urban Development

2413 Authority citation revised 40333
2413.404 Added (effective date pending) 40333
Eff. 3–2–87 3663

NOTE: Boldface indicates 1987 page numbers.

Page

2433.000 Revised (effective date pending) 40333
Eff. 3–2–87 3663
2433.104 (f) revised (effective date pending) 40333
Eff. 3–2–87 3663
2433.104–70 Added (effective date pending) 40333
Eff. 3–2–87 3663
2433.105 Revised (effective date pending) 40333
Eff. 3–2–87 3663

Chapter 28—Department of Justice

2804.803–70 (b)(1) table, (2) table, (3) table and (4) table revised 4320
2807.7000—2807.7001 (Subpart 2807.70) Added 4320
2812.303 (Subpart 2812.3) Added 4320

Chapter 29—Department of Labor

2901 Heading revised; interim 40372
2901.603–1 (a)(3) and (d)(8)(i) amended; (d)(4)(iii) and (9), (f)(2), and (g)(2) and (3) revised; interim 40372
2901.603–74 Added; interim 40372
2902 Authority citation revised; section authority citations removed 40373
2902.101 Amended; interim 40373
2903.204 (a) amended; interim 40373
2905.202 (Subpart 2905.2) Added; interim 40374
2906 Added; interim 40374
2909.105–1 (b) revised; interim 40374
2913.403 Amended; interim 40374
2913.503–70 Amended; interim 40374
2914 Heading revised; interim 40374
2914.404 Added; interim 40374
2914.404–1 Added; interim 40374
2914.407–8 Revised; interim 40374
2915.105 (Subpart 2915.1) Removed; interim 40374
2915.213—2915.270 (Subpart 2915.2) Removed; interim 40374

TITLE 48 Chapter 29—Con. Page

2915.304—2915.307 (Subpart 2915.3) Removed; interim.....40374
2915.608 Added; interim.....40374
2916.306 (Subpart 2916.3) Added; interim.....40374
2917.502 Revised; interim.....40374
2919.202-1 (a), (b), and (c) amended; interim.....40375
2933 Heading revised; interim.....40375
2933.003 Redesignated as 2933.203 and (a) amended; interim.....40375
2933.003-70 Redesignated as 2933.203-70; interim.....40375
2933.009 Redesignated as 2933.209; interim.....40375
2933.011 Redesignated as 2933.211 and amended; interim.....40375
2933.012 Redesignated as 2933.212; interim.....40375
2933.203—2933.212 (Subpart 2933.2) Heading added; interim.....40375
2933.203 Redesignated as 2933.003 and (a) amended; interim.....40375
2933.203-70 Redesignated from 2933.003-70; interim.....40375
2933.209 Redesignated from 2933.009; interim.....40375
2933.211 Redesignated from 2933.011; interim.....40375
2933.212 Redesignated from 2933.012; interim.....40375
2933.102—2933.105 (Subpart 2933.1) Added; interim.....40375
2943 Authority citation revised.....40376
2943.301 (Subpart 2943.3) Added; interim.....40376
2949.106—2949.111-70 (Subpart 2949.1) Heading revised; interim.....40376

Chapter 52—Department of the Navy Acquisition Regulations

5242 Revised.....46671
5252 Revised.....46672

Chapter 53—Department of the Air Force Federal Acquisition Regulation Supplement

Page

Chapter 53 Chapter established.....40978
5315 Added.....12414
5316 Added.....6332
5350 (Subchapter G) Added.....40978
5350 Added.....40978

Title 48—*Proposed Rules:*

1.....39965
5.....17280
6.....17280
7.....39456
9.....4082, 28642
13.....44410
14.....41897
15.....36777
.....4084, 26446
22.....39965
31.....4084, 15884, 18158
32.....8576
35.....17280
44.....28642
45.....4086
48.....43219
51.....9436
52.....39965, 42805, 43219, 44410
.....226, 4082–4085, 8576, 9436, 26446, 28642
53.....39965
201.....37205
203.....42113, 43801
.....9187
204.....16289, 24485
205.....16289, 24485
206.....16289, 24485
208.....37207
209.....9187
215.....809, 5791, 26363, 27019, 27902
219.....16289, 24485
225.....37205
.....12440, 22663
227.....2082
232.....8481
242.....6177, 21711
245.....37205
.....25614
252.....42113, 43801
.....2082, 5791, 16289, 24485, 27019
253.....25614
PHS 352.....40108, 45140
503.....39404
509.....10913
601—653 (Ch. VI).....19990
819.....16290
825.....6993
951.....46884

NOTE: Boldface indicates 1987 page numbers.

Page

952.....46884
970.....46884
1804.....25417
1805.....26705
1812.....25417
1815.....26705
1832.....25417
1842.....25417
1845.....26541
1847.....25417
1852.....25417, 26541
1870.....26705
5242.....36828
5252.....36828
Chapter 53.....39676
5315.....37451
.....6590

TITLE 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

1.44 (j) revised.....3012
1.49 Introductory text republished; (bb) added.....24164
1.57 (r) added.....18917
1.59 (q) added.....9864
1 Appendix A amended.....1916
71 Authority citation revised.....41631
71.1 (c) revised.....41631
71.2 (a) revised.....41631

Chapter I—Research and Special Programs Administration, Department of Transportation

106 Appendix A amended.....34986
107 Authority citation revised.....34986
107.105 (d) removed.....34986
107.303 Amended.....34986
107.309 (a) and (b)(1) amended.....34986
107.101—107.123 (Subpart B) Appendix A amended.....34986
Appendix A amended.....13037
107.339 Amended.....34987
171 Authority citation revised.....42176, 44791
171.7 (d)(21) revised.....34987
(d)(27) revised.....44791
(d) (1), (2), (3) (ii), (iii), (iv), and (ix) revised; (d)(3) (x), (xi), (xii), and (5)(xxxiv) added.....13037

Page

171.8 Amended.....42176
Effective date deferred.....46672
Amended.....13037, 24474
171.11 (d)(1)(i) revised.....42177
(d)(9) added.....44791
Effective date deferred.....46672
(d)(1)(i) correctly revised.....4825
171.12 (a) amended.....13037
171.12a (a)(3)(i) revised.....42177
Effective date deferred.....46672
(a)(3) correctly revised.....4825
171.15 (b) amended.....34987
(c) Note added.....8592
171.17 (a) amended.....34987
Removed.....8592
172 Authority citation revised.....42177
172.101 Table amended....34987, 41633
(b) and (c)(9) revised.....42177
Table amended; Appendix added.....42177
Effective date deferred.....46672
(c) corrected; Appendix correctly revised.....4825
Table amended.....13038
172.102 (e) revised.....42195
Effective date deferred.....46672
(e) correctly revised.....4842
172.202 (a)(4) and (c)(1) revised.....13038
172.203 (c) revised.....42195
Effective date deferred.....46672
(c) correctly revised.....4842
172.324 Revised.....42195
Effective date deferred.....46672
Correctly revised.....4843
172.336 (c) (4) and (5) revised.....13038
172.504 Table 2 footnote 8 revised.....13038
172.519 (b) (2) and (4) revised; eff. 5-18-88.....13038
172.525 (b) amended.....34987
173 Authority citation revised.....8592, 25341
173.4 (b) amended.....15949
173.11 (b)(4) revised.....13038
173.12 (b)(2) revised.....13038
173.25 (c) introductory text revised.....13039
173.31 (d)(6) Table 2 amended.....13039
173.33 (d)(13) amended.....13039
173.34 (e)(8) amended.....13039
173.51 (g) revised.....13039
173.57 (b) removed.....13039

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 49 Chapter I—Con. Page

173.58 (b) removed 13039
173.81 Heading and (b) revised 13039
173.86 (a)(2) revised; (h) and (i) added 13039
173.87 Amended 13039
173.93 (a)(2) added 13039
173.104 Heading and (c) revised 13039
173.118a (b)(6) revised 8592
173.122 (a)(4) removed 13039
173.164 (a)(2) revised 13040
173.197a Revised 13040
173.220 (a) introductory text revised; (a)(3) added 13040
173.245a (a) table footnote 2 revised 13040
173.253 (a) (7) and (8) revised 13040
173.262 (b)(3) amended 34987
(b)(4) amended 13040
173.266 (f)(1) corrected 34987
(f)(2) amended 13040
173.271 (a)(7), (8)(iv) and (9) revised 13040
173.277 (d)(1) removed 13040
173.294 Heading, (a) (2) and (3) and (b) revised 13041
173.301 (k)(1) revised 13041
173.302 (a)(5)(iv) revised 13041
173.304 (a)(2) table amended 13041
173.314 (c) table Note 6 amended 13041
173.315 (c) introductory text revised 13041
173.316 (c)(2) table revised 13041
173.318 (b) and (f) (2) and (3) revised 13041
173.320 Revised 13043
173.415 (c) revised 34987
173.420 Added 41633
(a)(2) revised 46675
(a)(1) revised 7582
(a)(2) revised 25341
173.421–1 (b)(2) amended 15949
173.421–2 (d) amended 15949
173.965 Added 13043
174 Authority citation revised 8592
174.45 Revised 8592
174.750 (b) amended 34987
175 Authority citation revised 44791
Authority citation revised 8592

175.10 (a)(4) introductory text and (15) revised 44791
175.20 Revised 34987
175.30 (e)(1)(ii) amended; (e)(1)(iii) added 44791
175.45 (d) removed 8592
176 Authority citation revised 8592
176.48 (b) revised 8592
176.76 (g)(2) added 13043
177 Authority citation revised 8592
177.807 Revised 8592
177.814 (b) revised 13043
177.824 (f) introductory text revised; (f)(2) amended 13044
177.834 (k) removed 13044
177.835 Parenthetical phrase following heading revised 13044
177.837 Parenthetical phrase following heading revised 13044
177.838 Parenthetical phrase following heading and (g) revised 13044
177.839 Parenthetical phrase following heading revised 13044
177.840 Parenthetical phrase following heading revised 13044
177.841 Parenthetical phrase following heading revised; (e) amended 13044
177.848 (b) revised 13044
178.16–19 (c)(2) amended 34987
178.38–10 (b) amended 13044
178.42–14 (a) introductory text revised 13044
178.45–17 (e) amended 34987
178.46–4 (a) revised 13044
178.46–5 (d) (1) and (2) footnote 1 revised 13045
178.46–6 (c) revised 13045
178.46–8 (e) revised 13045
178.51–10 (d) revised 13045
178.53–9 (a) amended 13045
178.54 Removed 13045
178.61–10 (b) revised 13045
178.65–14 (d) amended 34987
178.245–1 (a) introductory text revised 13045
178.337–1 (d) amended 13046
178.337–13 (b) amended 13046
178.338–3 (b) amended 34987
179.100–13 (a) revised 13046
179.100–14 (a) (1) and (3) revised 13046

Note: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

Page

179.102–2 (a)(3) revised 13046
179.103–5 (b) (1) and (4) revised 13046
179.200–7 (b), (c), (d), (e) and (f) table column headings revised 13046
179.200–13 Revised 13047
179.200–17 (a) (1), (6), and (7) and (b) (1) and (3) revised 13047
179.202–8 Revised 13047
179.202–11 Revised 13047
179.202–16 Revised 13048
179.220–1 Revised 13048
179.220–7 (b), (c), (d) and (e) table column headings revised 13048
179.220–18 (a) (1) and (6) and (b) (1) and (3) revised 13048
179.220–19 (c) amended 13048
179.221–1 Table amended 13049
179.222 Added 13049
179.222–1 Added 13049
179.301 (a) table revised 13049
192.611 (e)(2) revised 34988
192.719 (a) revised 41635
192.743 (b) revised 41634
193 Authority citation revised 675
193.2801 Revised; eff. 1–8–88 675
193.2901 Revised; eff. 1–8–88 675

Chapter II—Federal Railroad Administration, Department of Transportation

219.5 (b) removed 10575
219.205 (c) and (d) revised 10576
219.211 (a)(1) revised 10576
219 Appendix B added 10576
225 Authority citation revised 47019
225.5 (b)(2) revised 47019
225.7 (a) revised 47019
225.19 (b) and (c) amended 47019
225 Appendix A revised 47019

Chapter III—Federal Highway Administration, Department of Transportation

310 Removed 22474
383 Added 20587
391.11 (b)(7) revised 20589

Page

391.21 (b)(10) amended; (b)(11) redesignated as (b)(12); new (b)(11) added 20589
391.27 (e) added 20589
392 Authority citation revised 27201
392.5 (c), (d) and (e) amended 27201
393 Authority citation revised 2803
393.42 Revised 2803
394.3 (a)(3) revised 7278
350—399 (Subchapter B) Appendix D heading revised; Appendix E added 20590

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

531 Authority citation revised 35620
531.5 (a) revised 35620
533.5 (a) Table II revised 6575
(d) revised 6576
541 Appendix A revised; Appendixes A–I and A–II added 42578
544 Added 76
567.4 (g)(5)(ii) revised 28562
571.100 Added 7151
571.101 Amended; eff. in part 9–1–89 3247
Amended 7157, 19874
571.105 Amended 19874
571.108 Corrected 35222, 35357
Amended 40981
Corrected 4774
571.121 Amended 20605
571.207 Amended 7868
571.208 Amended 37033
Amended 10103
575 Authority citation revised 27810
575.6 (a) amended; authority citation removed 27810
575.7 Authority citation removed 27810
575.104 Authority citation removed 27810
585.4 Revised 37033
585.5 (b)(1) revised 37033

Note: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 49—Con.

Chapter VI—Urban Mass Transportation Administration, Department of Transportation

Page
604 Revised....11933
635.3 (c) revised....36403

Chapter VII—National Railroad Passenger Corporation

701 Authority citation revised....15321
701.2 (b) amended....15321
701.3 (a) amended; (b) revised....15321
701.4 (a)(4) and (d) revised; (c) amended; (e) added....15321
701.7 Revised....15321

Chapter IX—United States Railway Association

Chapter IX Chapter removed....12916
901 Removed....12916
903 Removed....12916
932 Removed....12916

Chapter X—Interstate Commerce Commission

1001.2 Amended....44297
1002 Authority citation revised....13686
1002.1 (f) revised; interim....13686
1002.2 (f) table amended....44297
(f) (60) and (74) revised....13245
1003 Policy statement....11277
1003.2 Heading and text amended....44297
1008 Authority citation revised....34989
1008.1 Amended....44297
1008.2 (b) amended....34989
(a) amended....44297
1011.2 (a)(8) added....35223
1011.6 (h) removed....34989
(b)(4) revised....36403
(b)(4) and (k)(1) amended....44297
1011.8 (c) added....35223
1014 Policies and practices self-evaluation....18564
1039 Heading and authority citation revised; interim....45899

Page
1039.1—1039.6 Removed (regulations transferred to Part 1313); interim....45899
1039.13 Revised....23660
1039.16 Revised....17404
1039.19 Removed (regulations transferred to Part 1313); interim....45899
1039.20 Added....46675
1041.11 Amended....44297
1041.20 Amended....44297
1041.21 Amended....44297
1042 Heading revised; authority citation added....28474
1042.1—1042.2 (Subpart A) Removed....28474
1042.10—1042.13 (Subpart B) Heading and authority citation removed....28474
1043 Authority citation revised....3815
Policy statement....11277
1043.4 Revised....20088
Revised; interim....27351
Correctly revised....28474
1043.5 (a) revised....3815
1049.1 Heading and text amended....44297
1049.2 Heading and text amended....44297
1050 Removed....4626
1052 Authority citation revised....11991
1052.3 Revised....11991
1052.4 Removed....11991
1057 Authority citation revised....37034
1057.11 (b)(2) revised; (c)(1) amended....37406
1057.12 Authority citation removed....37034
(e) amended....37406
(f) amended....37407
(g) revised....2412
1057.41 Removed....37034
1058 Authority citation revised....41636
1058.5 Existing text designated as (a); (b) added....41636
1058.6 Removed....41636
1063 Authority citation revised....42097
1063.4 (c)(2) and (3) revised....42098
1080—1085 Undesignated center heading amended....44297

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

Page
1080 Heading revised....44297
1080.1 Amended....44297
1080.2 (c) amended....44297
1083.1 Heading and text amended....44297
1084 Policy statement....11277
1084.2 (b) amended....44297
1090 Revised....23660
Authority citation revised....27811
1090.2 (a) amended....44297
Revised....27811
1090.3 Revised....27811
1105.6 (c)(4) amended....44297
1130.2 (e)(1) introductory text and flush text following (xi) and (2) introductory text and flush text following (vi) amended....26479
1130.3 Removed....34989
1132.1 (a) and (d) amended....44297
1135 Authority citation revised....37035
1135.1 (f) redesignated as (g); (b) revised; new (f) added....37035
1138 Revised....13841
1152.25 (e)(1) revised....35223
1152.27 (e) revised....35223
1152.32 Introductory text, (g) introductory text and (3)(iii), and (k) amended; (g)(3)(ii) and (h) removed; (n)(4) revised; (n)(5) added....2706
(p) amended....2708
1152.33 (c)(1) (i) and (ii) revised....2709
1152.34 Revised....2709
1152.35 Removed....2710
1152.36 Table amended....2710
1152.50 (d)(5) added....42098
1160 Authority citation revised....18365
1160.1 (b) amended....44297
1160.5 (d)(1) amended; (e) added....18365
1160.6 Amended....44297
Revised....18365
1160.8 Amended....18366
1160.19 (e) amended....44297
(b) revised....18366
1160.22 Heading and text amended....44297
1160.23 (e) introductory text revised....18366
1160.24 Amended....44297

Page
1160.64 (c) revised....18366
1160.66 (d) revised....18366
1160.71 (a)(5) revised....18366
1160.73 (b) revised....18366
1160.75 (g) and (j) revised; (k) amended....18366
1160.76 (a)(1)(iii) introductory text revised....18367
1160.78 (b) revised....18367
1160.80 Heading revised....18367
1160.87 (a) revised....18367
1160.101 Revised....43927
1160.105 Revised....43927
1160.106 (e)(2) revised....18367
1162.3 (b) amended....4627
1162.5 (b)(1) amended....4627
1165.21 (b)(4) revised; (d) added....43927
1165.26 Revised....43928
1181.20—1181.27 (Subpart C) Heading amended....44297
1181.20 (a)(1) and (2) amended....44297
1181.21 (g) and (i) amended....44297
1181.24 (d) amended....44297
1181.25 (a), (b), and (c) amended....44297
1181.40—1181.41 (Subpart E) Heading amended....44297
1201 (Subpart A) Authority citation revised....4321
1201 Amended....4321
1206 Authority citation revised; definitions, instructions, and account explanations authority citations removed....20400
0–1 removed; existing text designated as 1206.2....20400
1206.1 Added....20400
1206.2 Heading added; text designated from existing Part 1206....20400
1207 Authority citation revised; definitions, instructions, and account explanations authority citations removed....10982
Existing text designated as 1207.2....10982
1207.1 Added....10983
1207.2 Designated from Part 1207 text....10982
1220.0 Amended....44297

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 49 Chapter X—Con. Page

1244 Authority citation revised....12416
1244.8 Added....12416
1249 Authority citation revised....10383
1249.1 Revised....10383
1249.2 Revised....10383
1249.3 Removed....10383
Added....20400
1249.4 Revised....20400
1249.5 Added....10383
1249.12 Removed....10383
1312 Authority citation revised....537, 4627, 15949
1312.1 (b)(6) and (15) amended....44297
1312.4 (b)(7)(i), (iii), (iv), and (v) and (e)(1)(ii)(B) amended....44297
(e)(1)(i)(E) added....537
1312.8 (c)(2) amended....44297
1312.11 Heading amended....44297
1312.12 (e)(1) amended....4627
1312.14 (j) amended....44297
(a)(1) amended....4627
1312.15 Heading amended....44297
1312.17 (k)(3) added....37035
(k)(3) correctly added....40171
(e) amended; interim....15726
1312.32 Introductory text amended....44297
1312.37 (a) amended....44297
1312.39 (h) amended....44297
(h) heading revised; (h)(2) amended....537
(h)(6) revised; interim....15726
(h)(4) revised....15949
1312.41 Removed (regulations transferred to Part 1313); interim....45899
Added....3664
1313 Added (regulations transferred from Part 1039 and Section 1312.41); interim....45899
Comment time extended....7278
Authority citation revised....25228
1313.2 (a) text designated as (a)(1); (a)(2) added....25228
1313.10 (b)(4)(i) suspended....3664
1313.11 (b)(3)(i) suspended....3664
1320 Heading amended....44297
1320.1 (a) amended....44297
1330.1 Amended....44297
1331.1 (c) amended....44297

Title 49—*Proposed Rules:* Page

18....21820, 22627
71....43644
....10119
171—179 (Subchap. C)....16482, 20631, 24195
171....6591, 9996, 19116
172....42114
....6591
173....6178, 6891, 19116, 25342, 26932
175....9996
176....6591
177....6591, 26923, 26933
178....6591, 26027
180....6591
192....4361, 9189, 21007
195....4361, 9189
219....2118, 7185
387....19116
390....36830
....26278
391....35538, 36830
....9192, 26278
392....36830
....26278
393....36830
....5892, 13853, 26278
394....36830
....26278
395....36830
....26278, 26289
396....36830
....5913, 13853, 26278
397....36830
....26278
398....36830
399....36830
501—590 (Ch. V)....39877
531....44492
533....40344
544....19696
571....42598, 43801, 44928
....1474, 3293, 5474, 5563, 8317, 8482, 9194, 9316, 10122, 10775, 17206, 17791, 19179, 20124, 22813, 25314
574....45916
580....27022
701....13066
845....9678
1000—1332 (Ch. X)....11295, 19696, 23704, 25168
1002....45348
1039....5320
1041....15357, 20124
1042....8631
1048....15357, 20124
1049....15357, 20124
1059....9201
1071....13729
1072....13729

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

Page

1084....44318
1135....4790, 13482
1145....13482
1150....20632
1152....7628
1160....43937
....17420
1162....36732
1165....43937
....17420
1201....5791, 17792, 22316
1241....22316
1312....36732
....564, 10913
1320....11295
1330....9513, 17613

TITLE 50—WILDLIFE AND FISHERIES

Chapter I—United States Fish and Wildlife Service, Department of the Interior

17 Classification review....25522
17.11 (h) table amended....39478, 41796, 45910
(h) table amended....288, 5302, 10892, 11169, 11172, 11286, 20719, 20999, 21063, 22430, 22584, 22943, 23151, 25233, 25380
17.12 (h) table amended....45907
(h) table amended....679, 682, 784, 1462, 2234, 4910, 7426, 11175, 15505, 21480, 21484, 22589, 22933, 22936, 22939
(h) table corrected....6651
17.42 (a) revised....21063
(c) added....23151
17.44 (q) added....39478
(r) added....5302
(r) correctly designated....7369
(s) added....11286
17.84 (c) added....41797
17.95 (e) amended....5302, 11286
20.21 Introductory text republished; (j) revised....27364
20.105 Seasonal hunting adjustments corrected....41508
20.106 Seasonal hunting adjustments corrected....41508
20.108 Revised....27364
20.134 Revised....42100
20.140—20.143 (Subpart M) Added....42107

Page

23.23 (f) table amended....44480
(f) table amended....1335, 6161
26 Authority citation revised....44793
26.37 Removed....44793
32 Authority citation revised....27815
32.11 Amended....27815
Corrected....28511
32.21 Amended....27815
32.31 Amended....27815
33 Authority citation revised....5304
33.2 (e) amended; table revised (OMB number)....5304
33.3 (e) amended....5304
33.4 Amended....5304, 27815
33.5 (d) revised....5304
33.8 (a) (4) and (5) added....5304
33.9 (g) revised....5304
33.12 Added....5305
33.13 (f) and (h)(2) revised; (h)(4) and (5) added....5305
33.14 (a) through (h) redesignated as (b) through (i); new (a) added; new (g)(1) revised....5305
33.17 (b) (1) through (3) revised....5305
33.22 (b)(2), (e)(2) and (f) (1) through (5) revised; (b)(6) and (f) (6) through (9) added....5305
33.23 (b) added....5306
33.25 (c) redesignated as (d); new (c) added....5306
33.32 (a)(3) and (b)(2) revised....5306
33.34 (a)(3) revised....5306
33.37 (b)(4) revised....5306
33.39 Added....5306
33.41 (e)(2) revised....5306
33.44 (b)(2) revised....5306
33.46 (a)(6) added....5306
33.51 (a) (1) and (2) and (b) (1) and (2) revised....5306
33.55 Added....5306
36.2 (h) amended....44793
(h) corrected....45986
36.3 Amended....44793
36.15 (a) (1) and (2) revised; (a)(3) added....44793
36.21 (e) revised....44794
36.39 (b) added....41509
36.41 (a)(1) revised....44794
91 Revised....18700
96 Removed....44794

NOTE: Boldface indicates 1987 page numbers.

TITLE 50—Con.

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Page
215 Harvest levels....26479
216 Temporary regulation....36560
216.24 (e)(9) revised; interim emergency....40172
(d)(5)(vii) revised....19880
217.1 Amended....24250
217.2 Amended....24250
217.3 Amended....24250
217.4 Introductory text and (a) amended....24250
217.12 Amended....24250
219 Removed....10340
222.41 (Subpart D) Added....24251
227.72 (e)(2) heading and (3) heading removed; new (e)(2) through (7) added....24251
228.12 Amended; eff. to 12-31-91....1199
258 Removed (regulations transferred to 22 CFR Part 33)....7533
261.104 (e)(3)(iii) revised....34990
261.105 Amended....34990
261.161 Table 1 amended....34990
262.161 Table 1 amended....34990
262.171 (a)(2)(v) amended....34990
262.211 Table I amended....34990
262.221 (g)(6)(iii) amended....34990
263.104 Table 1 amended....34990
263.166 Table IV amended....34990
263.261 (b) table amended....34990
263.301 (b) amended....34990
263.312 (a) amended....34990
263.314 (b) Table II amended....34990
264.111 Table 1 amended....34991
264.155 Table 1 amended....34991
264.221 Table 1 amended....34991
264.252 (a) corrected....34991
264.271 (f)(2)(vii) amended....34991
264.321 (a) Table 1, (f)(2)(ii), (vii) and (g)(2)(ii) amended....34991
264.371 (f)(2)(v) and (vii) amended....34991
264.421 (f)(2)(vii) and (g)(2)(ii) amended....34991
265.106 Appendix 3 amended....34991
265.171 (u)(2)(ii) and (v)(2)(ii) amended....34991
265.175 Table 1 and 2 amended....34991
266.121 (a) and (b) Table 1 amended....34991
266.161 (b) table amended....34991
266.171 (a)(2)(v) and (b)(1) amended....34991
285 Temporary regulations....9170, 20719
285.2 Amended....25011
285.6 (a) revised....25012
285.23 (f) revised....25012
285.25 (c) amended....25012
285.30 (c)(2) amended....25012
285.31 (a) (8) and (9) revised....25012

Chapter III—International Regulatory Agencies (Fishing and Whaling)

301 Revised....16268
301.19 Revised; interim emergency....10760
(d) table corrected....13788
301.21 Added; interim emergency....7583
371 Inseason orders....41509
372 Removed; interim emergency....43929

Chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce

603 Suspended; interim eff. to 12-31-87....26686
604.1 (b) table amended (OMB numbers)....37185, 46679
(b) table amended (OMB numbers)....21544, 23838, 27816
605 Added; interim eff. to 12-31-87....26686
611 Temporary regulations....37407
Inseason adjustments....41797
Specifications....785, 3248
Specifications corrected....3916
611.22 (a), (b)(1), (c) and (d) revised....422
Technical correction....1917
611.81 Revised....5984
611.92 (c)(1) (i) and (ii), (2)(ii)(A) and (g) suspended; (c)(1) introductory text revised; (c)(1) (iii) and (iv), (2)(ii)(D) and (i) added; interim emergency eff. to 3-31-87....426
(c)(1)(i) and (ii), (2)(i)(C) and (ii)(A), and (g) revised....7872
Interim emergency effectiveness extended....10761
611.93 (b)(3)(ii)(A) suspended; (b)(3)(ii)(D) added; interim emergency eff. to 1-20-87....37411
Technical correction....40810
(b)(3)(ii)(A) suspension and (b)(3)(ii)(D) addition interim emergency effectiveness extended....2235
(b)(1)(iii), (c)(2)(ii)(E)(2)(iv), (F), and (G) and Figure 1 added....8596
621.3 Removed; new 621.3 redesignated from 621.4....10340
621.4 Redesignated as 621.3....10340
640 Technical correction....23450
640.1 Amended....22659
640.2 Amended....22659
640.3 (a) amended; (c) revised....22659
640.6 (g) and (h) amended; (i) revised....22659
640.7 Introductory text, (a) through (r) and (s) redesignated as (a) introductory text, (1) through (18) and (b); new (a) introductory text, (4), (6), (7), (10) and (11) and new (b) revised; new (a) (5), (15) and (18) amended; (a) (19, (20) and (21) added....22659
640.20 (d) amended....22659
640.21 (a) and (c) revised....22659
640.22 (b) revised....22659
640.23 (b)(1) amended....22659
641 Nomenclature change....5118
641.2 Amended....5118
641.24 (b)(4) revised....5118
642 Temporary regulations....2113, 4019, 4837
642.2 Amended; interim emergency eff. to 3-31-87....289
Interim emergency effectiveness extended....10762
Amended....23838
642.3 (c) amended....23841
642.4 (c) removed; (d) through (k) redesignated as (c) through (j); (a), (b), new (c), (e), (f), and (g) revised; new (k) added....23838
642.5 (a) introductory text and (1) revised....23839
(a) introductory text, (b) introductory text, and (c) introductory text amended....23841
642.6 (a) introductory text revised....23839
642.7 (a)(20) suspended; (a)(31) and (32) added; interim emergency eff. to 3-31-87....289
(a)(20) interim emergency suspension effectiveness extended; (a) (31), (32), and (33) added; interim emergency eff. to 6-29-87....10762
(a) (5), (6), (17) through (22), and (27) through (30) revised; (a)(31) added....23839
(a) (3), (4), and (12) amended....23841
642.20 Revised....23840
642.21 (d) and (e) suspended; (g) and (h) added; interim emergency eff. to 3-31-87....289
(d) and (e) interim emergency suspension effectiveness extended....10762
(g) and (h) removed; interim emergency eff. to 6-29-87....10763
(a)(3) amended; (a)(1)(iii) and (e) removed; (a)(1) introductory text, (i), and (ii), (2), (c) and (d) revised; (f) redesignated as (e) and revised....23840
Revised....25013
642.22 Revised....23840
642.23 (a) and (b) amended....23841
642.24 Revised....23840
642.26 (a)(1) introductory text and (iii) and (2) amended....23841
642.27 (b), (c), (f)(1)(ii), (2), and (3) revised....23840
642.28 (g) through (j) added; interim emergency eff. to 3-31-87....290
(i) and (j) interim emergency addition effectiveness extended....10762
(g) and (h) revised; interim emergency eff. to 6-29-87....10763
Revised....23841
(a) revised....25014
642.29 Revised....23841

NOTE: **Boldface** indicates 1987 page numbers.

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 50 Chapter VI—Con. Page

642 Appendix A amended....23841
646.1 Amended....9866
646.2 Amended....9865, 9866
646.3 (c) amended....9866
646.5 (a), (e), and (f) amended....9866
646.6 (a) (17) and (18) amended; (a) (19), (20), and (21) added....9865
(a) (4), (5), (6), (7), (9), (16), and (18) amended....9866
646.21 (a), (b), and (c) amended....9866
646.22 (b) (4) and (5) amended....9866
646.24 Added....9866
650.1 Amended....1463
650.2 Amended....1463
650.7 (a) revised....1463
650.20 Revised....1463
650.21 Revised....1463
650.22 Revised....1464
650.23 Added....1464
651 Temporary regulations...17298, 22327
651.4 OMB number; interim effectiveness confirmed to 9–30–87....37185
651.21 OMB number; interim effectiveness confirmed to 9–30–87....37185
(a)(2) table corrected....3250
651.22 Interim effectiveness confirmed to 9–30–87....37185
652 Temporary regulations...40173, 44297
Temporary regulations....4019, 4020, 10763, 16274, 25014
1987 final quotas....5461
Inseason adjustment....19352
652.1 Existing text designated as (a) and amended; (b) added....27816
652.2 Amended....27816, 27817
652.4 (c) introductory text and (h) introductory text revised; (h)(2) redesignated as (h)(3); new (h)(2) added....27816
(a)(1) (i) and (ii) amended....27817
652.7 (a) introductory text and (f)(1) revised; (m) and (n) redesignated as (n) and (o); new (m) added....27816
652.10 Amended....27817
652.21 (a)(3), (b)(3), and (c) (2) and (3) revised....27817
652.22 (a)(4) and (f)(1) revised; (f)(2) amended....27817
653 Revised....46679
653.2 Corrected....1917
653.5 (b)(1) introductory text corrected....1917
653.23 (a) and (b) corrected....1917
655 Specifications....39377, 39755
Specifications....537
Purchase ratios....42237
658.1 (c) amended; (d) added....19148
658.2 Amended....19148, 19149
658.5 (c) added; eff. from OMB approval to 8–14–87....19148
Eff. 5–20–87 to 8–14–87....21544
658.6 (a) and (b) amended....19148
658.7 Introductory text and (a) through (l) redesignated as (a) introductory text and (1) through (12); new (a) introductory text revised; (m) removed; new (b) added; new (a) (1), (3), (4), (6), and (8) amended....19148
658.9 Amended....19149
658.21 (b) amended....19148
658.22 Amended....19148
658.23 Introductory text designated as (a); (a) and (b)(1)(i) introductory text, (A), and (B), (ii), and (iii) amended....19148
658.24 (a) and (b) amended....19148
658.25 (a) amended and suspended; (c) added; eff. to 8–14–87....19148
658.26 Amended....19148
661 Fishery management measures....17264
Temporary regulations....18702, 19149, 24297, 27817, 28562
Fishery management measures correction and clarification....19353
Inseason adjustments....24296, 25605, 26013, 27004, 27560, 28268
661.20 (a) introductory text revised....4148
661.21 (b) revised....4148
661 Appendix amended....4148–4149
663 Restrictions....37912
Temporary regulations...37913, 43357
Specifications....682

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

Page

Restrictions....790, 11473, 15726, 27818
663.21 (a)(2) removed; (a)(3) redesignated as (a)(2)....4911
663.23 (a) and (b) amended....4911
663.25 Added....4911
663.26 (c) revised; (g) redesignated as (h); new (g) added....4911
663.27 (b)(3) suspension and (b)(4) addition interim emergency effectiveness extended....41969
(b)(3) amended....4911
671 Suspended; interim emergency eff. to 1–29–87....40029
Suspension interim emergency effectiveness extended to 4–29–87....1632
Removed....17579
672 Temporary regulations....36404
Inseason adjustments....41797
Specifications....785
Specifications corrected....3916
Temporary regulations....9495, 11991, 12183, 12916, 17404, 20720, 22337, 23552, 27202
672.2 Amended; interim emergency eff. to 3–31–87....427
Amended....7872
Amended; interim emergency eff. to 6–16–87....9172
Interim emergency effectiveness extended....10761
672.5 (a)(3) suspended; (a)(4) added; interim emergency eff. to 3–31–87....427
(a) heading, (3) introductory text, (i), and (iv) revised....7873
(a)(5) added; interim emergency eff. to 6–16–87....9172
Interim emergency effectiveness extended....10761
672.7 (i) added; interim emergency eff. to 3–31–87....427
(h) redesignated as (i); new (h) added....7873
Interim emergency effectiveness extended....10761
672.20 Heading revised; (a), (b), (c), (d)(4) and (e) suspended; (d)(5), (f) through (j) added; interim emergency eff. to 3–31–87....427
(b) revised....2414
Technical correction....3916
(c), (d), and (e) redesignated as (d), (e), and (f); heading, (a), (b), new (e)(4), and (f)(1) revised; new (d)(4) redesignated as (d)(5) and revised; new (c) and (d)(4) added; new (d) and (f) republished....7873
Interim emergency effectiveness extended....10761
672.22 Heading, (a), and (b) revised....7875
672.24 (c) added; interim emergency eff. to 3–31–87....430
(b) (1) and (2) revised; (b)(3) added....2414
Technical correction....3916
(b) revised; (c) added; eff. in part to 12–31–89....7876
(c) addition interim emergency effectiveness extended....10761
(b)(2) corrected; (b)(3) heading correctly added....12183
674 Temporary regulations...26014, 26483
674.21 (a)(2) revised....23452
675 Inseason adjustments....41797
Specifications....785
Specifications corrected....3916
Temporary regulations....15949, 25232
Inseason adjustments....18367, 21953, 24297
Inseason adjustment corrected....19962
675.2 Amended; interim emergency eff. to 1–20–87....37412
Technical correction....40810
Amended; interim emergency eff. to 3–31–87....430
Amendment interim emergency effectiveness extended....2235
Amended; eff. in part to 12–31–88....8600
Amendment interim emergency effectiveness extended....10761
Amended....11993
675.5 (a)(3) suspended; (a)(4) added; interim emergency eff. to 3–31–87....430
(a)(3) introductory text, (i) and (iv) revised....8600
Interim emergency effectiveness extended....10761

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

TITLE 50 Chapter VI—Con. Page

675.7 Introductory text revised; (g) redesignated as (j); new (g), (h), and (i) added; eff. in part to 12–31–88 8600
675.20 (a)(7) revised; (a)(8) through (10) added; interim emergency eff. to 1–20–87 37412
Technical correction 40810
(a)(7) revision and (a)(8) through (11) addition interim emergency effectiveness extended 2225
(b)(1)(ii) redesignated as (b)(1)(iii); new (b)(1)(ii), (e), (f), and (g) added; (c)(1) revised 8600
(a)(7) revised; (a) (8) through (10) added 11993
(e)(3) introductory text corrected 13375
675.21 Added; eff. to 12–31–88 8601
675.22 Added; eff. to 12–31–88 8604
681.1 (b) amended 9497
681.2 Amended 9497
681.5 (d)(1) amended 9497
681.7 (b)(1) suspended; (b)(7) added; interim emergency eff. to 12–26–86 34993
(b)(1) suspended; (b)(7) added; interim emergency eff. to 3–26–87 46863
(b)(1) revised; (a)(12) amended 9497
681.20 Amended 9497
681.23 (a) and (b) suspended; (c) and (d) added; interim emergency eff. to 12–26–86 34993
(a) and (b) suspended; (c) and (d) added; interim emergency eff. to 3–26–87 46863
Revised 9497
685 Added 5987
685.6 (d) (1), (2), (3) and (4) corrected 12641

Title 50—*Proposed Rules:*

13 21030
16 2748
17 ..... 39758, 40044–40051, 42116, 44808, 45923, 47033

Page

..... 306, 1494, 1497, 2229, 2242, 5068, 5150, 5155, 7462, 13254, 13729, 13790, 13792, 13794, 13797, 21088, 22944, 23132, 23317, 24312, 24985, 25265–25275, 25522, 26630–26640, 26164, 27229, 27437, 28026, 28480
20 ..... 1636, 1942, 2648, 7900, 28757, 25170, 25419
21 26030
23 37923
..... 389, 19455, 29433, 26043, 26049
25 ..... 17613, 21976
26 ..... 5159, 5869
32 ..... 13484, 27820
33 39759
..... 13484
80 26660
97 44812
98 44812
99 44812
100 44812
101 44812
102 44812
103 44812
104 44812
105 44812
106 44812
107 44812
204—296 (Ch. II) 19365
215 17307
216 ..... 36568, 39405, 41814, 43055, 47156
..... 2566, 4365, 7912
217 ..... 6179, 8087, 9318, 9902, 17615
222 ..... 42271, 43397
..... 6179, 8087, 9318, 9902, 12040, 17615
226 26541
227 ..... 6179, 8087, 9318, 9902, 12040, 17615
228 39762
285 15517
604 16419
611 ..... 36569, 37924, 41989, 43397, 44812, 45141, 45748
..... 198, 3079
640 ..... 5364, 8485, 10780, 13257
641 36574
642 35670
..... 4924, 6357, 7463, 11713, 15519, 17422, 21977
644 40233
646 43937
..... 9513
649 ..... 27031, 27564
650 ..... 36576, 40468
..... 21712, 25041
651 ..... 10781, 20124, 23570
652 43055
..... 4790, 12575, 16419, 25042
653 36035
..... 9902, 20125, 22822
655 43056

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH JULY 31, 1987

Page

658 ..... 7282, 26051
661 ..... 37613, 42273, 44007
..... 6026, 10125, 19744, 28321
..... 28027
662 28027
663 ..... 39766, 43057, 43219
..... 18723
671 ..... 6199, 8319
672 ..... 42603, 43397, 44812
..... 198, 22829
675 ..... 43397, 43401, 45349

Page

..... 198, 22829
680 ..... 17422, 18411
681 43940
..... 442, 17422, 18411, 24197, 28028
683 ..... 24197, 27838
684 46886
..... 17422, 18411
685 ..... 37924, 41989, 45141
..... 3079, 17422, 18411

Additions to Table I, January through July 1987

This table lists the sections of the U.S. Code, U.S. Statutes at Large, Public Laws, and Presidential documents which are being added to Table I as a result of authority citations carried in the **Federal Register** from January through July 1987. Recent legislation is carried by public law number.

Table I is in the CFR Index and Finding Aids revised as of January 1, 1987.

In order to determine the **Federal Register** page number of a parallel CFR citation, consult this List of CFR Sections Affected (LSA) and the appropriate Annual Issue of the LSA for that CFR title.

U.S. Code:	CFR
2 U.S.C.:	
432	11 Part 110
4411	14 Part 1207
3 U.S.C.:	
301	32 Part 40
5 U.S.C.:	
4a	17 Part 145
500	29 Part 103
504	24 Part 14
	46 Part 502
522	49 Part 1244
551—557	18 Parts 154, 375, 382
551—552	29 Part 101
551	46 Part 502
552	5 Part 1631
	7 Parts 3600, 3601, 3900, 3901
	8 Part 103
	18 Part 1301
	21 Part 5
	27 Part 70
	45 Part 2005
	49 Parts 701, 1002
552a	5 Parts 841, 1630
	14 Part 1206
	45 Part 30
552b	34 Part 11
553	18 Part 375
	21 Part 336
	29 Part 103
	46 Part 581
	49 Parts 1052, 1138, 1244
1104	5 Parts 410, 842
1205	5 Part 1204
3304	5 Part 315
3328	5 Part 300
3503	5 Part 351
5511 et seq	29 Part 20
5514	15 Part 22
	31 Part 5
	34 Part 32
	45 Parts 30, 1179
6305	5 Part 630
6326	5 Part 630
8351	5 Parts 1600, 1605
8416—8419	5 Part 842

5 U.S.C.—Con.	CFR
8424	5 Part 843
8432	5 Part 1600
8439	5 Part 1640
8441—8442	5 Part 843
8461	5 Parts 843, 845, 846
8469	5 Part 841
8474	5 Parts 1600, 1605, 1640
8522	5 Part 841
8913	48 Parts 1601–1606, 1614–1616, 1622, 1624, 1631–1633, 1644, 1646, 1649, 1652, 1653
9101	5 Part 911
App. 2	34 Part 11
7 U.S.C.:	
7a	17 Part 9
16a	17 Part 9
75a	7 Part 810
149	7 Part 352
150aa—150jj	7 Part 340
150ff	7 Part 318
151—167	7 Parts 318, 340
901—950b	7 Parts 1786, 1787
1501—1520	7 Part 400
1506	7 Parts 401, 452–454
1516	7 Parts 401, 452–454
1622n	7 Part 340
2243	8 Part 103
3316	7 Part 3402
4601—4612	7 Part 1200
4901—4916	7 Part 1200
8 U.S.C.:	
1101	8 Parts 1, 103, 274a
	29 Part 501
1101 note	8 Parts 210, 245
1103	8 Part 274a
1104	22 Part 43
1153 note	22 Part 43
1160	7 Part 1d
1182	8 Part 287
1184	8 Part 248
	29 Part 501
1186	20 Parts 654, 655
	29 Part 501
1201	8 Part 103

8 U.S.C.—Con.	CFR
1201a	8 Part 264
1251	8 Parts 241, 287
1252	8 Part 241
1301—1305	8 Part 103
1324A	8 Part 274a
1351	8 Part 103
1357	8 Part 241
1427	28 Part 0
1443	8 Part 103
1454—1455	8 Part 103
10 U.S.C.:	
2397	32 Part 40a
2733	32 Part 751
7420	15 Part 377
7430	15 Part 377
11 U.S.C.:	
901	17 Part 200
1109	17 Part 200
12 U.S.C.:	
1141	46 Part 502
1425	12 Part 523
1425a	12 Part 571
1425b	12 Parts 523, 552, 555
1437	12 Part 510a
1691	12 Part 523
1701q	24 Part 278
1701r-1	24 Parts 243, 842, 942
1701s	24 Part 278
1710	24 Part 203
1715	24 Part 203
1715b	24 Parts 250, 278
1715u	24 Part 203
1715z-9	24 Part 250
1725	12 Part 510a
1728—1730a	12 Part 523
1757	12 Part 741
1781—1790	12 Part 741
1785—1786	12 Part 708
1786	12 Part 748
1818	12 Part 208
1819	12 Part 326
2001	12 Part 624
2014	12 Part 624
2073	12 Part 624
2093	12 Part 624
2122	12 Part 624
3401—3422	39 Part 233
3535	24 Part 278
15 U.S.C.:	
77f	17 Part 200
77ggg	17 Part 200
77sss	17 Part 200
78a et seq	17 Part 200
78d-1—78d-2	17 Part 200
78m—78o	17 Part 200
78o-5	17 Parts 240, 400–405, 449, 450
78s	17 Part 200
79v	17 Part 200

15 U.S.C.—Con.	CFR
80a-44	17 Part 200
80b-10	17 Part 200
714b	7 Part 1493
717—717z	18 Part 3
717—717w	18 Parts 381, 382
2032	49 Part 544
2603	40 Part 766
2607	40 Part 766
2611	40 Part 795
2614	40 Part 761
2616	40 Part 761
2641	40 Part 763
2643	40 Part 763
2646—2647	40 Part 763
3301—3432	18 Parts 3, 382
4201 et seq	15 Part 904
4244	15 Part 960
16 U.S.C.:	
469 et seq	30 Part 773
470 et seq	30 Parts 731, 732, 772, 773, 779, 780, 783, 784
470aa et seq	30 Part 773
485	43 Part 2090
661 et seq	30 Part 773
668a	30 Part 773
703 et seq	30 Part 773
791—828c	18 Part 381
791a—828c	18 Parts 3, 382
791a—825r	18 Part 16
818	43 Part 2090
972—972h	15 Part 904
1151—1175	15 Part 904
1435—1439	15 Part 904
1456	49 Part 1160
1531 et seq	30 Part 773
1801 et seq	50 Part 685
1851 note	15 Part 904
1853	50 Part 605
2431—2444	15 Part 904
2601—2645	18 Parts 3, 382
3101 et seq	43 Part 2090
3371—3378	25 Part 244
3631—3644	15 Part 904
3801	7 Part 704
3831—3844	7 Part 704
17 U.S.C.:	
101	19 Part 133
601—603	19 Part 133
18 U.S.C.:	
201—219	14 Part 1207
207	10 Part 0
	45 Part 500
210—212	24 Part 0
1114	28 Part 64
3013	28 Part 545
19 U.S.C.:	
1311	19 Part 151
1460	19 Part 151

19 U.S.C.—Con.	CFR
1557	19 Part 151
1562	19 Part 151
1584	19 Part 151
1592	19 Part 151
1606—1608	21 Part 1316
1610	21 Part 1316
1613	21 Part 1316
1618	21 Part 1316
9701	19 Part 133
20 U.S.C.:	
238	34 Part 221
647	34 Part 221
887e	34 Parts 500, 745
1070	34 Part 646
1087a—1087e	34 Part 673
1109—1109d	34 Part 761
1111—1111h	34 Part 653
1113—1113e	34 Part 237
1134s—1134t	34 Part 639
1135	34 Part 630
1135e—1135e-1	34 Part 630
1211h	34 Part 250
1233 et seq	34 Part 11
1233a	34 Part 11
1234	34 Part 221
1234b	34 Part 221
1432	34 Part 319
1434	34 Part 319
3474	34 Part 221
4132	34 Part 230
4641	34 Parts 764, 765
4642	34 Parts 764, 766
4644	34 Part 230
4645	34 Part 235
4661	34 Parts 764–766
4664	34 Part 764
21 U.S.C.:	
321	21 Part 336
331	21 Part 201
351	21 Parts 862, 864, 866, 868, 870, 876, 880, 890
352	21 Part 336
353	21 Part 312
355	21 Parts 201, 336
360	21 Parts 862, 864, 866, 868, 870, 876, 880, 882, 884, 890
360c	21 Part 862
360e	21 Parts 862, 864, 866, 868, 870, 876, 880, 890
360j	21 Parts 862, 864, 868, 870, 876, 880, 890
371	21 Parts 336, 862, 864, 870
606 note	9 Part 335
957	21 Part 1312
22 U.S.C.:	
1431—1442	22 Part 514
1977	22 Part 33
2381	22 Part 212
2451—2460	22 Part 514
2658	22 Part 2a
3811	35 Part 119
4301—4314	22 Part 2a
25 U.S.C.:	
334	43 Part 2090
336	43 Part 2090
396 et seq	30 Parts 206, 218
396—396q	43 Part 3190
396a et seq	30 Parts 206, 218
397—398	43 Part 3190
398a—398e	43 Part 3190
450	34 Part 221
450e	34 Part 221
640d	25 Part 700
1452	34 Part 221
2101 et seq	30 Part 206
2102	43 Part 3160
26 U.S.C.:	
42	26 Part 1
56	26 Part 1
145	26 Part 5h
149	26 Part 1
263A	26 Part 1
422	26 Part 1
441	26 Part 1
469	26 Part 1
501	46 Part 502
807	26 Part 1
1378	26 Part 1
1402	26 Part 1
5025	27 Part 194
5684	27 Part 70
5761	27 Part 70
6020	27 Part 70
6155	27 Part 70
6201	27 Part 70
6203—6204	27 Part 70
6223	26 Part 301
6227	26 Part 301
6233	26 Part 301
6241	26 Part 301
6245	26 Parts 51, 301
6311	27 Part 70
6313—6314	27 Part 70
6401—6402	27 Part 70
6404	27 Part 70
6407	27 Part 70
6423	27 Part 70
6501	27 Part 70
6511	27 Part 70
6513—6514	27 Part 70
6532	27 Part 70
6601—6602	27 Part 70
6611	27 Part 70
6621—6622	27 Part 70
6651	27 Part 70

26 U.S.C.—Con.	CFR
6653	27 Part 70
6656—6658	27 Part 70
6662	27 Part 70
6671—6672	27 Part 70
6676	27 Part 70
6701	27 Part 70
6801	27 Part 70
6862—6863	27 Part 70
7011	27 Part 70
7102	27 Part 250
7326	27 Part 72
7553	19 Part 127
9039	11 Parts 9031–9038
28 U.S.C.:	
301	28 Part 11
509—510	8 Part 3 21 Part 1316 28 Parts 11, 14, 600–602
509	28 Part 64
515	28 Parts 600–602
1746	8 Parts 3, 103
2672	14 Part 15
2675	14 Part 15
29 U.S.C.:	
151	29 Part 103
156	29 Part 103
201 et seq	29 Part 516
794	10 Part 1041 29 Part 33 35 Part 257 36 Part 1154 47 Part 1
1301	29 Part 2619
30 U.S.C.:	
181 et seq	43 Part 3190
185	15 Part 377
351 et seq	30 Parts 206, 218
351—359	43 Part 3190
957	30 Parts 5, 18
1001 et seq	30 Part 218
1201 et seq	30 Part 762
1701 et seq	30 Parts 206, 218 43 Parts 3160, 3190
31 U.S.C.:	
321	31 Parts 1, 210
3121	17 Part 450
3701—3731	45 Part 30
3701—3721	32 Parts 750, 751, 757
3701—3719	22 Part 309
3701	31 Part 5
3716	15 Part 4 31 Part 5 34 Part 32
3718	28 Part 11
3720A	7 Parts 1403, 1951 31 Part 5
3801—3812	39 Parts 273, 962
5311 et seq	12 Parts 21, 208, 326
5311	12 Part 748
6304	34 Part 761
8701	18 Part 154
9110	17 Part 450
9301	27 Parts 72, 250, 252
9303—9304	27 Parts 72, 250, 252
9304	27 Parts 22, 170
9306	27 Parts 22, 72, 170, 250, 252
9701	7 Parts 330, 340, 352 8 Part 103 42 Parts 7, 110, 417
33 U.S.C.:	
401	23 Part 650
491 et seq	23 Part 650
494	49 Part 310
511 et seq	23 Part 650
526—526a	49 Part 310
535	49 Part 310
1251 et seq	40 Part 418
1321	40 Part 110
1361	40 Part 110
1517	40 Part 110
1903	46 Parts 98, 151, 153
35 U.S.C.:	
156	37 Part 1
351—376	37 Part 1
37 U.S.C.:	
101	34 Part 221
38 U.S.C.:	
2012	41 Part 61–250
39 U.S.C.:	
204	39 Part 963
401	39 Parts 273, 962, 963
403	39 Part 111
3008	39 Part 963
3220	12 Part 510a 20 Part 364 38 Part 1 47 Part 0
40 U.S.C.:	
304	27 Part 72
318	46 Part 386
486	48 Parts 1601–1606, 1614–1616, 1622, 1624, 1631–1633, 1644, 1646, 1649, 1652, 1653
751	41 Parts 201–8, 201–30, 201–32, 201–34
42 U.S.C.:	
216	42 Part 7
263	42 Part 7
290dd–3	42 Part 2
290ee–3	42 Part 2
297l	42 Part 57
300g–6	40 Part 141
300h–6	40 Part 149
300w note	45 Part 96

42 U.S.C.—Con.	CFR
405	42 Part 498
602	20 Part 401
1302	42 Part 498
1304 note	45 Part 96
1305	45 Part 96
1320b–7	42 Part 433
1382f	20 Part 416
1382j	20 Part 416
1383a	20 Part 416
1395y	21 Part 805
	42 Parts 409, 489
1395y note	21 Part 805
1395ff	42 Part 498
1395hh—1395ii	42 Part 498
1395zz	42 Part 405
1437f	24 Part 278
1760	7 Parts 225, 226
1857f-10	14 Part 21
1870	45 Part 669
2000c—2000c-2	34 Parts 271, 272
2000c-5	34 Parts 271, 272
2011 et seq	10 Part 962
2073	10 Part 39
2077	10 Part 39
2092—2093	10 Part 39
2095	10 Part 39
2099	10 Part 39
2111—2112	10 Part 39
2131—2132	10 Part 50
2135	10 Part 50
2138	10 Part 50
2201	10 Parts 39, 763
2232—2233	10 Part 39
2232	10 Part 55
2235	10 Part 50
2236	10 Part 39
2237	10 Part 50
2239	10 Part 72
2273	10 Parts 39, 72
2282	10 Parts 39, 55
2473	48 Part 1870
3435	24 Part 14
3535	24 Part 203
4332	10 Part 50
4821—4846	24 Part 200
5042	45 Part 1204
5801 et seq	10 Part 962
5841—5842	10 Part 39
5841	10 Part 74
5844	10 Part 50
5846	10 Part 39
6101 et seq	13 Part 311
6101	10 Part 4
6212	15 Part 377
6508	43 Part 3160
6901 et seq	40 Part 147
6924	40 Part 270
7101—7352	18 Parts 16, 382

42 U.S.C.—Con.	CFR
7101 et seq	10 Part 962
8621 note	45 Part 96
9118—9119	46 Part 174
9153	46 Part 174
9505	40 Part 300
9601 et seq	44 Part 222
9901 note	45 Part 96
10226	10 Part 55
11002—11004	40 Part 355
11025	40 Part 355
11028—11029	40 Part 355
43 U.S.C.:	
231	43 Part 2090
315f	43 Part 2090
321—323	43 Part 2090
327—329	43 Part 2090
641 et seq	43 Part 2090
852 note	43 Part 2090
869 et seq	43 Part 2090
1301 et seq	30 Parts 206, 218
1333	46 Part 172
1354	15 Part 377
1592	7 Part 702
1601 et seq	43 Part 2090
1701 et seq	43 Part 2090
1801 et seq	30 Parts 206, 218
1811—1824	33 Part 135
44 U.S.C.:	
3501 et seq	9 Part 303
45 U.S.C.:	
362	20 Part 359
797	20 Parts 200, 359
907	20 Part 359
1004	20 Part 359
46 U.S.C.:	
466	15 Part 377
3306	46 Parts 32, 77, 92, 96, 98, 190, 195
3507	46 Part 30
3703	46 Parts 30, 32, 98, 151, 174
4302	33 Part 174
5115	46 Part 172
10104	46 Part 109
12302	33 Part 174
46 U.S.C. App.:	
808	46 Part 221
835	46 Part 221
839	46 Part 221
841a	46 Part 221
1702	46 Part 581
1706—1707	46 Part 581
1709	46 Part 581
1712	46 Part 581
1714—1716	46 Part 581
1718	46 Part 581
47 U.S.C.:	
151	47 Part 36

47 U.S.C.—Con.	CFR
154	47 Part 36
205	47 Part 36
221	47 Part 36
403	47 Part 36
410	47 Part 36
49 U.S.C.:	
1—27	18 Parts 3, 381, 382
106	14 Parts 15, 36, 43, 127
1302	14 Part 272
1324	14 Part 272
1344	14 Parts 21, 36
1354	14 Part 15
1355	14 Part 36
1422	14 Part 127
1425	14 Part 36
1426	14 Part 21
1428—1430	14 Part 36
1502	14 Parts 211, 272
1651	14 Part 36
1804	46 Parts 30, 98, 150, 153
1806–1807	49 Parts 173, 175
2121—2125	14 Part 36
2402	14 Part 159
2404	14 Part 159
2424	14 Part 159
2428	14 Part 159
3102	49 Part 383
10101	49 Parts 1042, 1052
10303	49 Part 1244
10311	49 Part 1249
10321	49 Parts 1052, 1244
10505	49 Part 1313
10702	49 Part 1312
10705a	49 Part 1138
10761	49 Part 1312
10762	49 Part 1052
10813	49 Part 1313
10922	49 Part 1052
11101	49 Part 1052
11142	49 Part 1206
11144	49 Part 1249
11145	49 Part 1244
49 U.S.C. App.:	
2505	49 Parts 383, 392
2509	49 Part 393
50 U.S.C.:	
198	46 Part 190
1701 et seq	15 Parts 372, 387, 389
50 U.S.C. App.:	
451 et seq	32 Part 1698
2401 et seq	15 Part 387
U.S. Statutes at Large:	
96 Stat.:	
2201	10 Part 962
98 Stat.:	
183	29 Part 2204
1257	45 Part 2201

100 Stat.:	CFR
20	5 Part 890
1810	29 Part 33
1874	31 Part 18
3207	45 Part 2005
Public Laws:	
97–425	10 Part 962
98–375	45 Part 2201
98–473	14 Part 36
99–58	15 Part 377
99–64	15 Part 389
99–80	29 Part 2204
99–93	22 Part 2a
99–145	5 Part 300
99–150	29 Part 553
99–169	5 Part 911
99–198	7 Parts 250, 400, 1200, 1427, 1493
99–239	14 Parts 211, 272
99–272	20 Part 359
	29 Parts 2619, 2622
	31 Part 51
	34 Part 690
99–335	5 Parts 841, 846
99–339	40 Part 144
99–399	10 Part 73
99–401	42 Part 2
99–412	10 Part 456
99–440	15 Parts 371–373, 379, 385–387, 389, 399
99–495	18 Parts 4, 16, 292, 375
99–498	34 Part 690
99–499	40 Part 355
	44 Part 222
99–500	5 Part 630
	7 Parts 225, 226, 240, 246, 701, 795
99–506	29 Part 33
99–509	7 Part 1786
	18 Parts 154, 375, 382
	31 Part 18
99–549	45 Part 2001
99–570	5 Parts 294, 1204, 1631
	14 Part 1206
	17 Part 145
	29 Parts 1610, 2603
	32 Part 286
	44 Part 5
	45 Parts 503, 2005
	49 Parts 383, 392, 393, 701
99–571	17 Parts 400–405, 449, 450
99–578	28 Part 11
99–586	5 Part 315
99–590	25 Part 700

Public Laws—Con.	CFR
99-591	5 Part 630
	7 Parts 225, 226, 246, 701, 795, 1787
	14 Part 159
99-603	8 Parts 210, 245, 248
99-616	37 Part 1
99-641	9 Parts 303, 335
99-643	20 Part 416
99-658	14 Parts 211, 272
99-661	32 Part 286
99-662	19 Part 24
100-17	23 Part 650
100-34	30 Parts 700, 870
Executive Orders:	
10450	32 Part 154
10865	32 Part 154
11222	46 Part 502
11490	34 Part 221
11623	32 Part 1698
11735	40 Part 110

Executive Orders—Con.	CFR
11912	15 Part 377
12009	18 Parts 16, 382
12107	45 Part 1179
12234	46 Part 174
12333	32 Part 154
12356	8 Part 103
	32 Part 154
12478	22 Part 2a
12525	15 Part 389
12532	15 Parts 372, 387, 389
12571	15 Parts 371-373, 379, 385-387, 389, 399
12580	44 Part 222
12585	5 Parts 315, 316
12589	5 Part 630
12596	5 Part 315
Reorganization Plans:	
1947 Plan No. 3	12 Part 510a
1978 Plan No. 3	44 Part 222

Removals from Table I, January through July 1987

This table lists the sections of the U.S. Code, U.S. Statutes at Large, Public Laws, and Presidential documents which are being removed from Table I as a result of documents published in the **Federal Register** from January through July 1987.

Table I is in the CFR Index and Finding Aids revised as of January 1, 1987.

In order to determine the **Federal Register** page number of a parallel CFR citation, consult this List of CFR Sections Affected (LSA) and the appropriate Annual Issue of the LSA for that CFR title.

U.S. Code:	CFR
2 U.S.C.:	
431 note	11 Part 104
5 U.S.C.:	
552	20 Part 200
552a	20 Part 200
	49 Part 932
552b	20 Part 200
	49 Part 903
553	46 Part 568
554	21 Part 312
559	49 Parts 1138, 1160
1103	5 Part 410
3112	5 Part 315
4118	5 Part 410
5101	45 Part 1204
7701 et seq	5 Part 315
App	20 Part 404
7 U.S.C.:	
71 et seq	7 Part 810
78	7 Part 810
87	7 Part 810
87e	7 Part 810
150bb	7 Parts 301, 318
150ee	7 Part 300
161	7 Part 300
164—166	7 Part 301
414	7 Part 57
601—674	7 Parts 912, 1102
1153	7 Part 4
1375	7 Part 4
1421	7 Part 1438
1447	7 Part 1438
1621—1627	7 Part 57
	15 Part 904
1812	7 Part 4
1838	7 Part 4
1989	7 Part 1804
2012 note	20 Part 416
2016	20 Part 416
2243	45 Part 503
2669	7 Part 1480
2901—2918	7 Part 1200
8 U.S.C.:	
1101	8 Part 242
1103	8 Parts 1, 109
1184	8 Part 242
1255	8 Parts 109, 242

8 U.S.C.—Con.	CFR
1357	8 Part 242
10 U.S.C.:	
1037	33 Part 47
12 U.S.C.:	
601 et seq	12 Part 204
1430	12 Part 555
1701n-1	24 Parts 243, 842, 942
1710	24 Part 203
1715	24 Part 203
2201	12 Part 624
14 U.S.C.:	
632	46 Parts 98, 151, 153
15 U.S.C.:	
714b—714c	7 Parts 1438, 1476
717 et seq	18 Part 282
717x—717z	18 Part 385
3301 et seq	18 Part 282
16 U.S.C.:	
17j-2	36 Part 4
590d	7 Part 4
718d	50 Part 33
742	50 Part 219
772—772j	50 Part 219
776—776f	15 Part 904
	50 Part 219
781—785	50 Part 219
791—828c	18 Part 375
825s-828c	18 Part 385
851—856	50 Part 219
916—916l	50 Part 219
951—961	50 Part 219
971—971g	50 Part 219
1021 et seq	15 Part 904
1021—1032	50 Part 219
1151—1187	50 Part 219
1158 et seq	15 Part 904
1361—1407	50 Part 219
1431—1434	50 Part 219
1531—1543	50 Part 219
1704	36 Part 214
1801—1882	50 Part 219
1801 et seq	50 Part 671
2601 et seq	18 Part 375
17 U.S.C.:	
109	19 Part 133

	CFR
18 U.S.C.:	
42—44	50 Part 219
3054	50 Part 219
3112	50 Part 219
19 U.S.C.:	
1201	19 Part 151
1461	19 Part 113
1467	19 Part 113
1623—1624	19 Part 113
20 U.S.C.:	
1011—1015	34 Part 605
1016	34 Part 606
1018—1019	34 Parts 605, 606
1119d et seq	34 Part 653
1119d—1119d–8	34 Part 653
1134n—1134p	34 Part 639
1143	34 Part 605
1221–1	34 Part 726
1221e–3	34 Parts 206 605, 606, 639, 726
3474	34 Parts 605, 639
3971	34 Part 755
21 U.S.C.:	
701	21 Parts 864, 870
1175	42 Part 2
22 U.S.C.:	
1258	22 Part 514
1474	22 Part 514
1977	50 Part 258
1980	50 Part 258
2381	22 Part 224
2402	22 Part 212
2658	22 Part 514
25 U.S.C.:	
1—2	25 Part 120
9	25 Part 700
179	25 Part 700
396b—396q	30 Part 206
397	25 Part 700 30 Part 206
345	25 Part 700
398a—398e	30 Part 206
399	30 Part 206
402	25 Part 700
572	25 Part 118
640d–10	25 Part 700
26 U.S.C.:	
5008	27 Part 251
27 U.S.C.:	
205	27 Part 270
28 U.S.C.:	
542	28 Part 0
29 U.S.C.:	
141—168	29 Part 103
152—155	29 Part 101
157—168	29 Part 101
201—219	29 Part 800
401 note	29 Part 101

29 U.S.C.—Con.	CFR
577a	30 Parts 15, 18–29, 31–33, 35, 36, 74, 75
620	29 Part 860
794	10 Part 1040
801	36 Part 215
30 U.S.C.:	
3	30 Parts 15, 18–29, 31–33, 35, 36
5	30 Parts 15, 18–29, 31–33, 35, 36
7	30 Parts 15, 18–29, 31–33, 35, 36
301—306	30 Parts 206, 216, 218
352—359	30 Parts 206, 216
471	30 Parts 18, 25–27, 33, 35
479	30 Parts 18, 25–27, 33, 35
482	30 Parts 18–27, 31–33, 35
801	30 Parts 18, 28, 29
812	30 Part 75
951	30 Parts 15, 18–19, 31–33, 35, 36, 74, 75
1201 et seq	30 Part 761
1251	30 Parts 731, 732
1253—1254	30 Part 732
1253	30 Part 731
1256—1269	30 Part 732
1271—1272	30 Part 732
31 U.S.C.:	
200	28 Part 0
240—243	32 Parts 750, 751
321	31 Part 16
483	14 Part 65
483a	7 Parts 330, 352
951—953	31 Part 5 45 Part 30
952	32 Part 757
3717	20 Part 200
3801—3812	22 Part 224
6701—6724	31 Part 51
9701	18 Part 154
33 U.S.C.:	
1251 et seq	40 Part 110
39 U.S.C.:	
401	39 Part 916
3008	39 Part 916
40 U.S.C.:	
471 et seq	30 Parts 206, 216, 218
472	15 Part 302
486	45 Part 19
512	15 Part 302
514	15 Part 302

	CFR
42 U.S.C.:	
216	42 Parts 122, 123 45 Part 19
300–1	42 Part 122
300f et seq	42 Parts 122, 123
300f	40 Part 149
300k–1—300n–1	42 Parts 122, 123
300k–1	42 Part 121
300*l*–4—300*l*–5	42 Part 122
404—405	20 Part 416
421	20 Part 404
423	20 Part 416
428	20 Part 416
611	20 Part 401
1302	45 Part 19
1327	20 Part 404
1382a	20 Part 404
1382c	20 Part 404
1383	20 Part 404
1395f	45 Part 19
1395x	45 Part 19
1396	20 Part 416 45 Part 19
1396a	45 Part 19
1480	7 Part 1804
1973c	45 Part 801
2000d–1	13 Part 311
2273	10 Part 110
2282	10 Part 50
2403	10 Part 110
3535	24 Part 0
4321 et seq	30 Parts 216, 218
5101 note	45 Part 1340
6927	40 Part 270
6939	40 Part 270
6974	40 Part 270
7101 et seq	18 Parts 271, 282
7101	18 Parts 154, 273
7107 et seq	18 Part 282
9205	40 Part 300
43 U.S.C.:	
283	43 Part 2090
617e	43 Part 2090
1347—1348	46 Part 107
1356	46 Part 107
1451 et seq	25 Part 249
1457	30 Parts 206, 216, 218
44 U.S.C.:	
3501 et seq	30 Parts 18, 23, 32, 33, 36, 75
3504	27 Part 194
45 U.S.C.:	
712	49 Part 903
46 U.S.C.:	
86	46 Part 92
88a	46 Part 92, 190
170	46 Parts 30, 32, 92, 98, 151, 153, 195

46 U.S.C.—Con.	CFR
363	46 Parts 77, 92, 96, 190, 195
367	46 Parts 32, 77, 92, 96, 98, 190, 195
369	46 Parts 32, 92, 98, 151, 153
375	46 Parts 32, 77, 92, 96, 98, 151, 153, 190, 195
379a	46 Part 151
390b	46 Parts 32, 77, 92
391—392	46 Parts 77, 92, 96, 98, 195
391	46 Part 190
391a	46 Parts 30, 32, 153
392	46 Part 32, 190
395	46 Parts, 77, 92, 96, 190, 195
404	46 Parts 77, 92, 96, 98
405	46 Parts 32, 92
407	46 Part 195
411	46 Part 195
416	46 Parts 32, 77, 92, 96, 98, 151, 153, 190, 195
435	46 Parts 30, 98
445	46 Parts 32, 92, 190, 195
481	46 Parts 32, 77, 92, 96, 98, 190, 195
489	46 Parts 32, 77, 96, 190, 195
526p	46 Parts 32, 77, 92
808	46 Part 221
835	46 Part 221
838—839	46 Part 221
841a	46 Part 221
876	46 Part 221
941a	46 Part 221
961	46 Part 221
1114	46 Part 221
1195	46 Part 221
1271—1279	15 Part 904
1333	46 Part 77
1467	33 Part 174
1488	33 Part 174
2101	46 Part 174
2104	46 Parts 109, 174
2106	46 Part 109
3301	46 Parts 109, 174
3316	46 Parts 107, 174
3318	46 Part 109
3703	46 Part 172
11301	46 Part 109
46 U.S.C. App.:	
86	46 Part 172
88a	46 Part 172
812	46 Part 568
814—817	46 Part 568
820	46 Part 568
833a	46 Part 568

46 U.S.C. App.—Con.	CFR
841a	46 Part 568
47 U.S.C.:	
151—155	47 Part 97
151	47 Part 67
154	47 Part 67
221	47 Part 67
410	47 Part 67
49 U.S.C.:	
5b	49 Parts 1206, 1207
12	49 Parts 1206, 1207, 1249
20	49 Parts 1206, 1207, 1249
106	14 Part 159
108	46 Parts 96, 195
204	49 Part 1207
304	49 Parts 392, 1042, 1050, 1052, 1206, 1207
307—308	49 Part 1042
307	49 Part 1050
311	49 Part 1052
315—316	49 Part 1052
319—320	49 Part 1052
320	49 Parts 1206, 1207
322	49 Parts 1206, 1207
904	49 Parts 1206, 1207
913	49 Parts 1206, 1207
917	49 Parts 1206, 1207
1003	49 Parts 1206, 1207
1012	49 Parts 1206, 1207
1159	14 Part 65
1347—1348	14 Part 43
1355	14 Part 127
1357	14 Part 43
1372	14 Part 43
1423—1426	14 Part 65
1426—1429	14 Part 127
1428—1430	14 Part 65
1432	14 Part 43
1442—1443	14 Part 43
1472	14 Part 43
1510	14 Part 43
1522	14 Part 43
1652	14 Parts 43, 65
1655	14 Parts 21, 36, 65, 127 46 Parts 32, 77, 92, 96, 98, 151, 153, 190, 195 49 Parts 173, 310
1657	14 Part 65
1671 et seq	49 Part 193
1674	49 Part 193
1801—1803	46 Part 153
1803	46 Parts 30, 151
1805—1811	46 Part 153
1805	49 Parts 174, 175
1809	49 Parts 173, 177
10321	49 Part 1312
10701a	49 Part 1138

49 U.S.C.—Con.	CFR
10708	49 Part 1312
10713	49 Part 1313
10751	49 Part 1206
11142	49 Part 1249
50 U.S.C.:	
198	46 Parts 98, 170, 172, 174
1436	32 Part 166
50 U.S.C. App.:	
567	43 Part 2090
1751—1785 note	45 Parts 540–543
2001	45 Part 580
2017n	45 Part 580
U.S. Statutes at Large:	
60 Stat.:	
237	45 Part 503
76 Stat.:	
387	45 Part 560
80 Stat.:	
250	45 Part 503
83 Stat.:	
210	32 Part 166
87 Stat.:	
985	49 Part 901
88 Stat.:	
1561	49 Part 901
93 Stat.:	
492	35 Part 119
95 Stat.:	
1070	43 Part 3160
Public Laws:	
93–502	49 Part 901
94–542	45 Part 581
95–75	46 Part 32
96–70	35 Part 119
96–514	30 Parts 206, 218
97–78	30 Parts 206, 218
98–590	7 Part 1240
99–190	25 Part 700
99–349	31 Part 16
Executive Orders:	
9830	5 Part 315
10501	22 Part 212
10816	22 Part 212
11103	5 Part 315
11239	46 Parts 32, 77, 92, 96, 98, 190, 195
11521	5 Part 315
11964	46 Part 32
12009	18 Part 282
12234	46 Part 172
12364	5 Part 315
Reorganization Plans:	
1950 Plan No. 3	30 Parts 216, 218
1950 Plan No. 5	15 Part 4
1953 Plan No. 1	20 Part 404

1985	
34945–35200	Oct. 1
35201–35344	2
35345–35494	3
35495–35624	6
35625–35990	7
35991–36200	8
36201–36372	9
36373–36530	10
36531–36672	14
36673–36794	15
36795–36990	16
36991–37170	17
37171–37262	20
37263–37378	21
37379–37548	22
37549–37700	23
37701–37884	24
37885–39354	27
39355–39504	28
39505–39636	29
39637–39736	30
39737–39846	31
39847–39992	Nov. 3
39993–40120	4
40121–40300	5
40301–40398	6
40399–40780	7
40781–40956	10
40957–41066	12
41067–41292	13
41293–41470	14
41471–41594	17
41595–41754	18
41755–41928	19
41929–42078	20
42079–42196	21
42197–42542	24
42543–42814	25
42815–42986	26
42987–43166	28
43167–43336	Dec. 1
43337–43578	2
43579–43720	3
43721–43860	4
43861–44032	5
44033–44260	8
44261–44440	9
44441–44582	10
44583–44752	11
44753–44896	12
44897–44982	15
44983–45100	16
45101–45292	17
45293–45440	18
45441–45750	19
45751–45870	22
45871–46586	23
46587–46848	24
46849–46984	Dec. 29
46985–47184	30
47185–47418	31

1987	
1–228	Jan. 2
229–388	5
389–516	6
517–660	7
661–754	8
755–1178	9
1179–1312	12
1313–1430	13
1431–1618	14
1619–1896	15
1897–2098	16
2099–2212	20
2213–2388	21
2389–2502	22
2503–2662	23
2663–2800	26
2801–2862	27
2863–2920	28
2921–2974	29
2975–3100	30
3101–3208	Feb. 2
3209–3392	3
3393–3594	4
3595–3782	5
3783–3996	6
3997–4124	9
4125–4264	10
4265–4488	11
4489–4590	12
4591–4762	13
4763–4886	17
4887–5068	18
5069–5270	19
5271–5424	20
5425–5522	23
5523–5734	25
5735–5930	26
5931–6122	27
6123–6316	Mar. 2
6317–6492	3
6493–6768	4
6769–6950	5
6951–7102	6
7103–7262	9
7263–7396	10
7397–7558	11
7559–7816	12
7817–8052	13
8053–8222	16
8223–8438	17
8439–8580	18
8581–8858	19
8859–9106	20
9107–9280	23

9281-9450	Mar. 24
9451-9648	25
9649-9792	26
9793-10020	27
10021-10212	30
10213-10356	31
10357-10556	Apr. 1
10557-10724	2
10725-10874	3
10875-11018	6
11019-11184	7
11185-11452	8
11453-11610	9
11611-11806	10
11807-11980	13
11981-12128	14
12129-12362	15
12363-12510	16
12511-12896	17
12897-13068	20
13069-13214	21
13215-13424	22
13425-13624	23
13625-13822	24
13823-15294	27
15295-15484	28
15485-15698	29
15699-15934	30
15935-16228	May 1
16229-16366	4
16367-16804	5
16805-17282	6
17283-17386	7
17387-17536	8
17537-17746	11
17747-17914	12
17915-18186	13
18187-18334	14
18335-18542	15
18543-18686	18
18687-18900	19
18901-19128	20
19129-19258	21
19259-19478	22
19479-19714	26
19715-19830	27
19831-20052	May 28
20053-20370	29
20371-20590	June 1
20591-20694	2
20695-21000	3
21001-21238	4
21239-21492	5
21493-21650	8
21651-21930	9
21931-22286	10
22287-22430	11
22431-22628	12
22629-22752	15
22753-23006	16
23007-23164	17
23165-23264	18
23265-23420	19
23421-23536	22
23537-23628	23
23629-23778	24
23779-23930	25
23931-24126	26
24127-24274	29
24275-24442	30
24443-24970	July 1
24971-25192	2
25193-25344	6
25345-25578	7
25579-25860	8
25861-25962	9
25963-26126	10
26127-26292	13
26293-26468	14
26469-26662	15
26663-26934	16
26935-27184	17
27185-27322	20
27323-27524	21
27525-27660	22
27661-27776	23
27777-27984	24
27985-28122	27
28123-28238	28
28239-28442	29
28443-28532	30
28533-28680	31

O

JL

1987

UMI

A G

1987

UMI

code of federal regulations

LSA

List of CFR Sections Affected

August 1987

United States Government Printing Office
SUPERINTENDENT OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN [illegible])

**********5-DIGIT 48106

A FR SERIA300S NOV 87 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

A G

1987

UMI

code of federal regulations

LSA

List of CFR Sections Affected

August 1987

Titles 1–16
Changes January 2, 1987
through August 31, 1987

Titles 17–27
Changes April 1, 1987
through August 31, 1987

Titles 28–41
Changes July 1, 1987
through August 31, 1987

Titles 42–50
Changes October 1, 1986
through August 31, 1987

Parallel Table of Authorities and Rules



A G

1987

UMI

LSA—LIST OF CFR SECTIONS AFFECTED

The LIST OF CFR SECTIONS AFFECTED is a monthly publication designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles.

HOW TO USE THIS FINDING AID

The CFR is revised annually according to the following schedule:

Titles 1–16—as of Jan. 1
17–27—as of April 1
28–41—as of July 1
42–50—as of Oct. 1

To bring these regulations up to date, consult the most recent LIST OF CFR SECTIONS AFFECTED for any changes, additions, or removals published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing in the Reader Aids of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

Boldface page numbers under a particular title indicate that the page numbers span 2 years. **Boldface** is used to distinguish the current year from the previous year.

Cite a page reference from this publication as 51 FR for 1986 page numbers and 52 FR for 1987 page numbers. Example: 16052 cite as 51 FR 16052; **490** cite as 52 FR 490.

ISSUES TO BE SAVED

There is no single annual issue of the LIST OF CFR SECTIONS AFFECTED. Four ANNUAL ISSUES must be saved; the DECEMBER issue is the ANNUAL for Titles 1–16; the MARCH issue is the ANNUAL for Titles 17–27; the JUNE issue is the ANNUAL for Titles 28–41; the SEPTEMBER issue is the ANNUAL for Titles 42–50. ANNUAL ISSUES to be saved are clearly designated on the cover.

PARALLEL TABLE OF AUTHORITIES AND RULES

Following Title 50 is an update to Table I—Parallel Table of Authorities and Rules found in the CFR Index and Finding Aids. This table contains authority citations added to or removed from Table I as a result of documents published in the Federal Register since January 1, 1987.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the inclusive page numbers and corresponding Federal Register issue dates for the period covered.

INDEXES

An INDEX to the daily Federal Register is published monthly and is cumulated for 12 months. A separate volume, the CFR Index and Finding Aids to the entire Code of Federal Regulations, is revised as of January 1 each year.

INQUIRIES AND SUGGESTIONS

Loren S. Myers was Chief Editor of the LSA. The LSA was prepared under the direction of Martha B. Girard, assisted by Ruth C. Pontius. INQUIRIES, telephone 202-523-5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to John E. Byrne, Director, Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408.

(Comprising a complete CFR set)

Title	*Price*	*Revision Date*
1, 2 (2 Reserved)	$9.00	Jan. 1, 1987
3 (1986 Compilation and Parts 100 and 101)	11.00	Jan. 1, 1987
4	14.00	Jan. 1, 1987
5 (Parts 1-1199)	25.00	Jan. 1, 1987
(Parts 1200-End), 6 (6 Reserved)	9.50	Jan. 1, 1987
7 (Parts 0-45)	25.00	Jan. 1, 1987
(Parts 46-51)	16.00	Jan. 1, 1987
(Part 52)	23.00	Jan. 1, 1987
(Parts 53-209)	18.00	Jan. 1, 1987
(Parts 210-299)	22.00	Jan. 1, 1987
(Parts 300-399)	10.00	Jan. 1, 1987
(Parts 400-699)	15.00	Jan. 1, 1987
(Parts 700-899)	22.00	Jan. 1, 1987
(Parts 900-999)	26.00	Jan. 1, 1987
(Parts 1000-1059)	15.00	Jan. 1, 1987
(Parts 1060-1119)	13.00	Jan. 1, 1987
(Parts 1120-1199)	11.00	Jan. 1, 1987
(Parts 1200-1499)	18.00	Jan. 1, 1987
(Parts 1500-1899)	9.50	Jan. 1, 1987
(Parts 1900-1944)	25.00	Jan. 1, 1987
(Part 1945-End)	26.00	Jan. 1, 1987
8	9.50	Jan. 1, 1987
9 (Parts 1-199)	18.00	Jan. 1, 1987
(Part 200-End)	16.00	Jan. 1, 1987
10 (Parts 0-199)	29.00	Jan. 1, 1987
(Parts 200-399)	13.00	Jan. 1, 1987
(Parts 400-499)	14.00	Jan. 1, 1987
(Part 500-End)	24.00	Jan. 1, 1987
11	7.00	Jan. 1, 1986
12 (Parts 1-199)	11.00	Jan. 1, 1987
(Parts 200-299)	27.00	Jan. 1, 1987
(Parts 300-499)	13.00	Jan. 1, 1987
(Part 500-End)	27.00	Jan. 1, 1987
13	19.00	Jan. 1, 1987
14 (Parts 1-59)	21.00	Jan. 1, 1987
(Parts 60-139)	19.00	Jan. 1, 1987
(Parts 140-199)	9.50	Jan. 1, 1987
(Parts 200-1199)	19.00	Jan. 1, 1987
(Part 1200-End)	11.00	Jan. 1, 1987
15 (Parts 0-299)	10.00	Jan. 1, 1987
(Parts 300-399)	20.00	Jan. 1, 1987
(Part 400-End)	14.00	Jan. 1, 1987
16 (Parts 0-149)	12.00	Jan. 1, 1987
(Parts 150-999)	13.00	Jan. 1, 1987
(Part 1000-End)	19.00	Jan. 1, 1987
17 (Parts 1-199)	14.00	April 1, 1987
(Parts 200-239)	14.00	April 1, 1987
(Part 240-End)	19.00	April 1, 1987
18 (Parts 1-149)	15.00	April 1, 1987
(Parts 150-279)	14.00	April 1, 1987
(Parts 280-399)	13.00	April 1, 1987
(Part 400-End)	8.50	April 1, 1987
19 (Parts 1-199)	27.00	April 1, 1987
(Part 200-End)	5.50	April 1, 1987

(Comprising a complete CFR set)

Title	Price	Revision Date
20 (Parts 1-399)	$12.00	April 1, 1987
(Parts 400-499)	23.00	April 1, 1987
(Part 500-End)	24.00	April 1, 1987
21 (Parts 1-99)	12.00	April 1, 1987
(Parts 100-169)	14.00	April 1, 1987
(Parts 170-199)	16.00	April 1, 1987
(Parts 200-299)	5.50	April 1, 1987
(Parts 300-499)	26.00	April 1, 1987
(Parts 500-599)	21.00	April 1, 1987
(Parts 600-799)	7.00	April 1, 1987
(Parts 800-1299)	13.00	April 1, 1987
(Part 1300-End)	6.00	April 1, 1987
22 (Parts 1-299)	19.00	April 1, 1987
(Part 300-End)	13.00	April 1, 1987
23	16.00	April 1, 1987
24 (Parts 0-199)	14.00	April 1, 1987
(Parts 200-499)	26.00	April 1, 1987
(Parts 500-699)	9.00	April 1, 1987
(Parts 700-1699)	18.00	April 1, 1987
(Part 1700-End)	12.00	April 1, 1987
25	24.00	April 1, 1987
26 (Part 1 §§ 1.0-1—1.60)	12.00	April 1, 1987
(§§ 1.61—1.169)	22.00	April 1, 1987
(§§ 1.170—1.300)	17.00	April 1, 1987
(§§ 1.301—1.400)	14.00	April 1, 1987
(§§ 1.401—1.500)	21.00	April 1, 1987
(§§ 1.501—1.640)	15.00	April 1, 1987
(§§ 1.641—1.850)	17.00	April 1, 1987
(§§ 1.851—1.1000)	27.00	April 1, 1987
(§§ 1.1001—1.1400)	16.00	April 1, 1987
(§§ 1.1401—End)	20.00	April 1, 1987
(Parts 2-29)	20.00	April 1, 1987
(Parts 30-39)	13.00	April 1, 1987
(Parts 40-49)	12.00	April 1, 1987
(Parts 50-299)	14.00	April 1, 1987
(Parts 300-499)	15.00	April 1, 1987
(Parts 500-599)	7.50	*April 1, 1980
(Part 600-End)	6.00	April 1, 1987
27 (Parts 1-199)	21.00	April 1, 1987
(Part 200-End)	13.00	April 1, 1987
28	21.00	July 1, 1986
29 (Parts 0-99)	16.00	July 1, 1986
(Parts 100-499)	7.00	July 1, 1986
(Parts 500-899)	24.00	July 1, 1986
(Parts 900-1899)	10.00	July 1, 1987
(Parts 1900-1910)	27.00	July 1, 1986
(Parts 1911-1925)	6.50	July 1, 1987
(Part 1920-End)	29.00	July 1, 1986
30 (Parts 0-199)	16.00	**July 1, 1985
(Parts 200-699)	8.50	July 1, 1986
(Part 700-End)	17.00	July 1, 1986
31 (Parts 0-199)	12.00	July 1, 1987
(Part 200-End)	16.00	July 1, 1986
32 (Parts 1-189)	17.00	July 1, 1986
(Parts 190-399)	23.00	July 1, 1986

Footnotes at end of table.

(Comprising a complete CFR set)

Title	Price	Revision Date
(Parts 400-629)	$21.00	July 1, 1986
(Parts 630-699)	13.00	July 1, 1986
(Parts 700-799)	15.00	July 1, 1986
(Parts 800-End)	16.00	July 1, 1986
33 (Parts 1-199)	27.00	July 1, 1986
(Part 200-End)	18.00	July 1, 1986
34 (Parts 1-299)	20.00	July 1, 1986
(Parts 300-399)	11.00	July 1, 1986
(Part 400-End)	25.00	July 1, 1986
35	9.50	July 1, 1986
36 (Parts 1-199)	12.00	July 1, 1986
(Part 200-End)	19.00	July 1, 1986
37	12.00	July 1, 1986
38 (Parts 0-17)	21.00	July 1, 1986
(Part 18-End)	15.00	July 1, 1986
39	13.00	July 1, 1987
40 (Parts 1-51)	21.00	July 1, 1986
(Part 52)	27.00	July 1, 1986
(Parts 53-60)	23.00	July 1, 1986
(Parts 61-80)	10.00	July 1, 1986
(Parts 81-99)	25.00	July 1, 1986
(Parts 100-149)	23.00	July 1, 1986
(Parts 150-189)	21.00	July 1, 1986
(Parts 190-399)	27.00	July 1, 1986
(Parts 400-424)	22.00	July 1, 1986
(Parts 425-699)	24.00	July 1, 1986
(Part 700-End)	24.00	July 1, 1986
41 (Chapters 1—100)	9.50	July 1, 1986
(Chapter 101)	23.00	July 1, 1986
(Chapters 102-200)	12.00	July 1, 1986
(Chapter 201-End)	7.50	July 1, 1986
42 (Parts 1-60)	15.00	Oct. 1, 1986
(Parts 61-399)	10.00	Oct. 1, 1986
(Parts 400-429)	20.00	Oct. 1, 1986
(Part 430-End)	15.00	Oct. 1, 1986
43 (Parts 1-999)	14.00	Oct. 1, 1986
(Parts 1000-3999)	24.00	Oct. 1, 1986
(Part 4000-End)	11.00	Oct. 1, 1986
44	17.00	Oct. 1, 1986
45 (Parts 1-199)	13.00	Oct. 1, 1986
(Parts 200-499)	9.00	Oct. 1, 1986
(Parts 500-1199)	18.00	Oct. 1, 1986
(Part 1200-End)	13.00	Oct. 1, 1986
46 (Parts 1-40)	13.00	Oct. 1, 1986
(Parts 41-69)	13.00	Oct. 1, 1986
(Parts 70-89)	7.00	Oct. 1, 1986
(Parts 90-139)	11.00	Oct. 1, 1986
(Parts 140-155)	8.50	***Oct. 1, 1985
(Parts 156-165)	14.00	Oct. 1, 1986
(Parts 166-199)	13.00	Oct. 1, 1986
(Parts 200-499)	19.00	Oct. 1, 1986
(Part 500-End)	9.50	Oct. 1, 1986
47 (Parts 0-19)	17.00	Oct. 1, 1986
(Parts 20-39)	18.00	Oct. 1, 1986
(Parts 40-69)	11.00	Oct. 1, 1986

Footnotes at end of table.

(Comprising a complete CFR set)

Title	*Price*	*Revision Date*
(Parts 70–79)	$17.00	Oct. 1, 1986
(Part 80–End)	20.00	Oct. 1, 1986
48 (Chapter 1, Parts 1–51)	21.00	Oct. 1, 1986
(Chapter 1, Parts 52–99)	16.00	Oct. 1, 1986
(Chapter 2)	27.00	Dec. 31, 1986
(Chapters 3–6)	17.00	Oct. 1, 1986
(Chapters 7–14)	23.00	Oct. 1, 1986
(Chapter 15–End)	22.00	Oct. 1, 1986
49 (Parts 1–99)	10.00	Oct. 1, 1986
(Parts 100–177)	24.00	Oct. 1, 1986
(Parts 178–199)	19.00	Oct. 1, 1986
(Parts 200–399)	17.00	Oct. 1, 1986
(Parts 400–999)	21.00	Oct. 1, 1986
(Parts 1000–1199)	17.00	Oct. 1, 1986
(Parts 1200–End)	17.00	Oct. 1, 1986
50 (Parts 1–199)	15.00	Oct. 1, 1986
(Part 200–End)	25.00	Oct. 1, 1986
CFR Index and Findings Aids	27.00	Jan. 1, 1987
Complete 1986 CFR set	595.00	1986
Microfiche CFR edition:		
Complete set (one-time mailing)	155.00	1983
Complete set (one-time mailing)	125.00	1984
Complete set (one-time mailing)	115.00	1985
Subscription (mailed as issued)	185.00	1986
Subscription (mailed as issued)	185.00	1987
Individual copies	3.75	1987

*No amendments to this volume were promulgated during the period April 1, 1980 through March 31, 1987. The CFR volume issued as of April 1, 1980, should be retained.

**No amendments to this volume were promulgated during the period July 1, 1985 through June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

***No amendments to this volume were promulgated during the period October 1, 1985 through September 30, 1986. The CFR volume issued as of October 1, 1985 should be retained.

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Charge orders (VISA, CHOICE, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday–Friday (except holidays).

Other Related Publications

Title	*Price*	*Revision Date*
Federal Register	$340.00	daily
Federal Register Document Drafting Handbook	4.75	April 1986
Guide to Record Retention Requirements in the Code of Federal Regulations	10.00	Jan. 1, 1986
1987 Supplement—February 27, 1987 Federal Register, Part II	1.50	Jan. 1, 1987
List of Sections Affected, 1949–1963	Out of print	1966
List of CFR Sections Affected, 1964–1972		
(Titles 1 through 27) Vol. I	Out of print	1980
(Titles 28 through 50) Vol. II	14.00	1980
LSA (List of CFR Sections Affected):		
Yearly subscription	24.00	
Individual copies	1.50	monthly
Federal Register Index:		
Yearly subscription	22.00	
Individual copies	1.50	monthly

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

TITLE 1—GENERAL PROVISIONS

Chapter III—Administrative Conference of the United States

Page

304.1—304.6 (Subpart A) Authority citation revised 22753
304.3 (a) revised; (b) and (c) amended; (d) removed; (e) redesignated as (d) and revised; interim 22753
(c) correctly designated 23627
(a) revision, (b) and (c) amendment, (d) removal, (e) redesignation as (d) confirmed; (d) revised 29498
304.6 Revised; interim 22753
Revision confirmed; (h) introductory text added; (i) (1) and (2) amended 29498
305.87-1 Added 23629
305.87-2 Added 23631
305.87-3 Added 23632
305.87-4 Added 23634
305.87-5 Added 23635
310.12 Added 23636

Title 1—*Proposed Rules:*

301—326 (Ch. III) 7814, 7879, 13448
456 15729

TITLE 3—THE PRESIDENT

Proclamations

5074 Amended by Proc. 5679 27308
5453 Modified by Proc. 5660 19259
5595 229
5596 755
5597 1431
5598 1897
5599 2213
5600 2503
5601 2663
See U.S. Trade Representative Notice 3523
5602 2921
5603 2975
5604 2977
5605 3393
5606 3783
5607 4489
5608 4887
5609 5271
5610 5425
5611 5523
5612 6123
5613 6125
5614 6769
5615 6771
5616 7263
5617 7265
5618 8439
5619 8441
5620 8443
5621 9281
5622 9283
5623 9793
5624 11019
5625 11453
5626 11611
5627 11613
5628 11809
5629 12126
5630 12129
5631 13412
See U.S. Trade Representative Notice 22693
5632 13618
5633 13620
5634 13622
5635 13625
5636 13823
5637 13825
5638 15295
5639 15696
5640 15697
5641 15699
5642 15701
5643 15935
5644 16229
5645 16367
5646 16805
Correction 17678
5647 16815
5648 16817
5649 16819
5650 17382
5651 17915
5652 17917
5653 18187
5654 18189
5655 18898
5656 18900
5657 19122
5658 19123
5659 19257
5660 19259
5661 19479

TITLE 3 Proclamations—Con.

	Page
5662	19829
5663	20695
5664	21239
5665	23007
5666	23009
5667	23011
5668	23165
5669	23537
5670	23539
5671	23541
5672	24127
5673	24275
5674	25345
5675	25347
5676	25963
5677	26935
5678	27185
5679	27308
5680	27323
5681	27325
5682	27525
5683	27661
5684	27777
5685	28237
5686	28959
5687	28961
5688	29363
5689	29365
5690	29655
5691	29833
5692	30125
5693	30653
5694	30655
5695	31975
5696	32905

Executive Orders

6039 Partially revoked by PLO 6656....31623
6269 Amended by PLO 6642....16248
12088 Amended by EO 12580....2923
12316 Revoked by EO 12580....2923
12367 Amended by EO 12593....13624
12368 Amended by EO 12590....10021
12462 Amended by EO 12579....515
12493 Amended by EO 12602....27187
12496 Superseded by EO 12578....505
12513 *See* Notice of April 21, 1987....13425
12528 Amended by EO 12604....29495
12547 Revoked by EO 12597....18335
12575 Amended by EO 12581....2979
12576 Superseded by EO 12598....23421
12578....505
12579....515
12580....2923
12581....2979
12582....3395
12583....5427
12584....5429
12585....6773
12586....7103
12587....7397
12588....8859
12589....8861
12590....10021
12591....13414
12592....13417
12593....13624
12594....15703
12595....17383
12596....17537
12597....18335
12598....23421
12599....23779
12600....23781
12601....24129
Amended by EO 12603....27315
12602....27187
12603....27315
12604....29495
12605....30325

Administrative Orders

Letters

January 5, 1987....4125

Memorandums

December 30, 1986....231, 233, 1619
January 2, 1987....389
April 17, 1987....13419
May 12, 1987....20053
May 14, 1987....18685
May 19, 1987....19271
June 30, 1987....24971
July 16, 1987....27316
August 5, 1987....29367
August 12, 1987....32117

Notices

April 21, 1987....13425

Presidential Determinations

No. 87-6 of December 27, 1986....2389
No. 87-7 of January 5, 1987....2391
No. 87-10 of March 5, 1987....9107
No. 87-11 of March 12, 1987....9795
No. 87-12 of March 17, 1987....11807
No. 87-14 of June 2, 1987....22431

Page
No. 87-15 of June 23, 1987....23785
No. 87-16 of June 24, 1987....23931
No. 87-18 of July 7, 1987....27779
No. 87-19 of August 5, 1987....31749

Presidential Recommendation

January 20, 1987....2822
Corrections....3079, 3526

Title 3—*Proposed Rules:*

102....25124, 27902

TITLE 4—ACCOUNTS

Title 4—*Proposed Rules:*

21....9664

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Office of Personnel Management

110.201 (b) table amended (OMB numbers)....7400
(b) table amendment at 51 FR 36176 republished; interim (OMB number)....16175
213 Authority citation revised....11185
213.3202 (e) revised....11185
(l) amended; interim....25194
294 Authority citation revised....13216
294.101—294.111 (Subpart A) Revised....13216
294.401 (Subpart D) Revised....13219
300.701—300.307 (Subpart G) Added....7400
315 Authority citation revised; subpart and section authority citations removed....5431
Authority citation revised....15705, 15194
315.608 Revised; interim....15706
315.610 Added....5431
315.710 Added; interim....25194
316 Authority citation revised....15706
316.302 (c)(3) revised; interim....15706
316.402 (b)(2) revised; interim....15706
351 Authority citation revised....10024
351.301—351.303 (Subpart C) Revised....10024
410 Authority citation revised; section authority citations removed....7402
410.603 Revised....7402
534.401—534.404 (Subpart D) Heading revised....2
534.403 Revised....2
572 Authority citation added; section authority citations removed....28817
572.101—572.201 (Subpart A) Redesignated as 572.201—572.202 (Subpart B) and heading revised....28817
572.101—572.102 (Subpart A) Added....28817
572.201—572.202 (Subpart B) Redesignated from 572.101—572.201 (Subpart A) and heading revised....28817
572.301 (Subpart C) Added....28817
591.202 Amended; interim....12131
591.201—591.213 (Subpart B) Appendix B amended; interim....12131
630 Authority citation revised; section authority citations removed....10214
630.901—630.911 (Subpart I) Added; interim....10214
831.105 (i) added....32287
831.201 (g) added; interim....17388
831.301 (d) added; interim....10026
831.304 Added; interim....3786
831.305 Added; interim....3786
831.306 Added; interim....3786
831.307 Added; interim....5069
831.308 Added; interim....19125
831.606 (d) revised....10216
831.612 (a)(1) revised; interim....3209
831.703 Added; interim....1622
Revised....22434
831.1704 (d) and (e)(1) revised; interim....3210
841.101—841.110 (Subpart A) Added; interim; effective date pending in part....19242
841.201—841.203 (Subpart B) Added; interim....19244
841.301—841.309 (Subpart C) Added; interim....19244
841.403 Revised....25196
841.409 Revised....25196

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

TITLE 5 Chapter I—Con. Page

841.413 (b)(1) amended....25196
841.401—841.413 (Subpart D) Appendix A revised....25196
841.501—841.507 (Subpart E) Added; interim....2057
841.503 (b) revised....25197
841.601—841.607 (Subpart F) Added; interim....12132
841.801—841.804 (Subpart H) Added; interim....2058
841.1001—841.1008 (Subpart J) Added; interim....5432
842.101—842.105 (Subpart A) Authority citation amended....25197
842.102 (h)(5) revised....25197
842.201—842.212 (Subpart B) Added; interim....4473
842.301—842.308 (Subpart C) Added; interim....18193
842.401—842.406 (Subpart D) Added; interim....4475
842.402 Heading revised; text amended; interim....22436
842.407 Added; interim....22436
842.501—842.505 (Subpart E) Added; interim....4479
842.601—842.615 (Subpart F) Added; interim....2061
842.701—842.706 (Subpart G) Added; interim....2067
842.801—842.809 (Subpart H) Added; interim....2069
843 Added; interim....2074
Addition confirmed; authority citation added; subpart authority citations removed....23013
843.102 Corrected....2352
843.211 Added....23014
843.303 (a) introductory text revised....23014
843.306 (a) introductory text amended....23014
843.307 (a), (b) (1) and (2) amended....23014
843.309 (a) introductory text revised....23014
843.310 Amended....23014
843.311 (a) introductory text and (b) amended....23014
845 Added; interim....5931
Addition confirmed; authority citation added; subpart authority citations removed....23014
846 Added; interim....19235

Page

870.103 Amended....3398
870.202 (a)(8) added; interim....17388
870.205 (a), (b), and (c) revised....25198
870.401 (h) revised; (i) added....3398
870.501 (d) removed; (e) and (f) redesignated as (d) and (e); interim....12134
871.401 (g) revised; (h) added....3398
872.401 (g) revised; (h) added....3398
873.401 (e) revised; (f) added....3398
890 Authority citation revised....3211, 3398
890.101 (a) introductory text revised; (a)(1) removed; (a)(2) through (12) designations removed; (a) amended....3399
890.102 (c)(8) added; interim....17388
890.104 (a), (b) and (c) revised....25198
890.108 Added....3
890.201 (a)(4) amended....10217
890.203 (a)(2) revised; (a) (3) and (4) added....23934
890.301 (n) revised....2505
(d) republished....2665
890.303 (b) amended; interim....17388
890.306 (g) added....10217
890.401 (c) added....10217
890.502 (d) and (e) added....3399
890.503 (c) revised....3212
890.701 Amended....2666
890.702 (b) republished....2666
890.806 (b) amended....2506
890.808 (b)(1) revised; (d)(1) amended....2506
911 Added; interim....4491
950 Revised; interim....16176

Chapter II—Merit Systems Protection Board

1201 Appendix II revised....10875
Appendix III amended....17919
1204 Revised; interim....28123

Chapter VI—Federal Retirement Thrift Investment Board

Chapter VI Chapter established....6127
1600 Added....6127
1600.2 (d) revised; interim....20591
1603 Added; interim....29835
1605 Added; interim....17920

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

Page

1605.3 (b)(5) corrected....19018
1605.9 Added; interim....27527
1605.10 Added; interim....27528
1620 Added; interim....26293
1630 Added; interim....8053
1631 Added; interim....17923
1640 Added; interim....20371
1650 Added; interim....32281
Effective date note corrected....32868

Chapter XIV—Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority and Federal Service Impasses Panel

Chapter XIV Appendix A corrected....1313
2411.6 (b) (3) and (4) revised....26128
2411.10 Revised....26128

Title 5—*Proposed Rules:*

213....23040
297....28833
307....15730
316....15730
340....9867
353....11657
432....5463
531....29862
540....28840
550....17762
572....7427
723....25124, 27902
735....3251
752....9867
831....19150
870....5466, 28841
874....28841
890....3816, 5466, 17300, 19151, 22475, 24014
930....8909
1207....25124, 27902
1262....25124, 27902
1303....31036
1320....27768
2411....11995
2416....25124, 27902

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

1d Added....20376
2.15 (b)(6) revised; (b)(7) added....21493

Page

2.17 (a)(3)(xvi) and (4) removed....235
2.19 (d)(22), (f)(11) and (12) added....235
(d)(23) added....17539
(d) (5), (6), and (18) revised; (d) (24) through (26) added....24131
2.21 (b), (d)(20) and (32) revised....236
2.25 (c)(8)(ix) removed; (c)(8) introductory text and (xiii) and (e)(15) revised; (c)(8) (xiv) through (xvi) and (h)(23) added; (k) and (l) redesignated as (l) and (m); new (k) added....2507
(c)(9) added....18687
(i) revised....21494
2.27 (a) (16) and (17) added....2666
2.29 (c)(11) added....2099
2.30 (a)(81) and (82) added....237
(a)(76) removed....2507
(a) (83) through (85) added....17540
(a) (86) and (87) added....21931
2.33 (c) removed....18687
2.50 (a)(3)(xvi) and (4) removed....237
2.60 (a)(24) added....238
(a)(25) added....17540
(a) (5) and (6) revised; (a) (26) through (28) added....24132
2.62 (a)(14) and (15) added....238
2.65 (a) revised....238
2.68 (a)(25) and (35) revised....239
2.75 (a)(17) removed....2507
2.76 (a)(1)(ii), (10) introductory text and (xiii) revised; (a)(10)(ix) removed; (a)(10) (xiv) through (xvi) added....2507
(a)(11) added....18687
2.78 (a)(27) revised....2508
2.79 Removed....2508
2.80 Heading and (a) introductory text revised; (a) (19) through (21) added....2508
(a)(19) revised....21494
2.84 (a) (10) and (11) added....2666
2.85 (a) (5) and (6) added....2666
2.87 (a)(1)(i) revised....2666
2.92 (a)(6) revised; (a)(7) added....21493
2.106 (a)(33) added....240
(a)(34) added....17540
2.107 (a) (24) and (25) added....21931

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

TITLE 7 Subtitle A—Con. Page
(a) (26) through (34) added..... 31373
2.108 (a)(25) and (26) added..... 240
(a)(27) added..... 21931
2.110 (a)(7) removed..... 2508
Removed..... 31373
4 Removed..... 21651
6.20—6.33 (Subpart) Authority citation correctly revised..... 32529
6.21 (m) amended..... 19463
6.25 (b)(4) amended..... 26937
(b)(4) correctly revised..... 32529
6.26 (c)(2) introductory text and (3) introdutory text revised..... 19463
6.28 OMB number removed..... 19463
6.34 Added..... 19463
6.20—6.34 (Subpart) Appendixes 1 and 2 amended..... 19463
8.3 Amended..... 8432
8.9 Revised..... 8432
12.5 (b)(2) revised; (b)(3) removed; interim..... 24133
17.2 (b) corrected..... 1623
17.7 (d) and (e) correctly designated..... 1623
17.21 Corrected..... 1623

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

28.1—28.165 (Subpart A) Authority citation revised..... 30880
28.2 (j) through (u) redesignated as (k) through (v); new (j) added; (d), (f), (h), (i) and new (k) revised..... 30880
28.4 Revised..... 30881
28.5—28.6 Removed..... 30881
28.7 Revised..... 30881
28.8 Revised..... 30881
28.15 (a) and (c) revised..... 30881
28.16 Revised..... 30881
28.17 Revised..... 30881
28.18 Revised..... 30881
28.19 Revised..... 30881
28.25 Introductory text, (f), (g) and (h) revised..... 30881
28.26 Revised..... 30881
28.27 Revised..... 30881
28.28 Revised..... 30882
28.29 Revised..... 30882
28.32 (a) revised..... 30882
28.36 Revised..... 30882
28.37 Revised..... 30882
28.40 (b) revised..... 30882
28.45 Revised..... 30882
28.47 Revised..... 30882
28.55 Revised..... 30882
28.56 (a) and (b) revised..... 30882
28.59 Revised..... 30882
28.60 Revised..... 30882
28.66 Revised..... 30882
28.105 (a) and (b) (2) and (3) revised..... 30883
28.107 (d) revised..... 30883
28.115 Revised..... 30883
28.117 Revised..... 30883
28.137 Removed..... 30883
28.138 Introductory text revised..... 30883
28.139 Revised..... 30883
28.140 Introductory text revised..... 30883
28.142 Revised..... 30883
28.146 Revised..... 30883
28.165 Undesignated center heading and section revised (OMB numbers)..... 30884
28.177 Revised..... 30884
28.178 Revised..... 30884
28.180 Introductory text and (e) revised..... 30884
28.181 Revised..... 30884
28.182 Revised..... 30884
28.901—28.917 (Subpart D) Authority citation revised..... 30880
29.1026 Revised..... 28533
Technical correction..... 30280
29.1037 Revised..... 28534
Technical correction..... 30280
29.1161 Removed..... 28534
Technical correction..... 30280
29.1181 Table removed..... 28534
Technical correction..... 30280
29.1225 Amended..... 28534
Technical correction..... 30280
29.8001 (Subpart D) Authority citation added..... 25199
29.8001 Table amended..... 25199, 25200
46.6 Revised..... 30329
51.885 (b) Tables I and II amended; (b) footnote 2 removed..... 22437
51.887 (a) introductory text and (1) revised..... 22437
51.910 Revised..... 22437

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

Page
51.3000—51.3006 (Subpart) Revised..... 3400
51.3006 (c) Table II corrected..... 4822
52.1761—52.1770 (Subpart) Revised..... 6130
52.1811—52.1821 (Subpart) Revised..... 27664
55.510 (b), (c), and (d) revised..... 13628
55.550 Revised..... 13628
(a) table corrected..... 15802
55.560 (a)(3) revised..... 13628
56.9 (b) revised (OMB numbers)..... 23935
56.46 (b) and (c) revised..... 13628
56.47 Revised..... 13629
56.52 (a)(4) revised..... 13629
56.54 (a)(2) revised..... 13629
57 Removed; eff. 3-14-88..... 7818
58.2570—58.2578 (Subpart N) Revised..... 28127
59.126 Revised..... 13629
59.370 (b) revised..... 13629
68 Existing regulations unchanged..... 31751
68.42a Heading and Table 2 revised; eff. 3-14-88..... 7818
70.71 (b) and (c) revised..... 13629
70.72 Revised..... 13629
70.76 (a)(2) revised..... 13629
70.77 (a)(4) and (5) revised..... 13629

Chapter II—Food and Nutrition Service, Department of Agriculture

210.2 Amended..... 7560, 30128
210.10 (c) table, (d)(1), and (i)(6) (i) and (ii) amended..... 9110
210.14 (a) amended..... 15298
210.16 (a) introductory text revised..... 11187
210.18 (f)(6) and (7) amended; (f)(8) and (m) added; (l) revised..... 5736
210.20 (a)(5) and (b)(7) and (8) amended; (a)(6) redesignated as (a)(7); new (a)(6) added..... 5737
215.1 Revised; interim..... 7562
215.2 (k-1) added; (v)(1) amened..... 7560
(x-1) added; interim..... 7562
(k-1), (bb) and (cc) removed; (v)(1) amended..... 30128
215.7 (a) revised; interim..... 7562
(d)(1) amended..... 15298
220.2 (j-1) added; (u)(1) revised..... 7560
(j-1), (bb) and (cc) removed; (u)(1) amended..... 30128
220.7 (e)(1)(ii) amended; (e)(1)(iii) and (iv) redesignated as (e)(1) (iv) and (v); new (e)(1)(iii) added..... 15298
225 Authority citation revised..... 15298
225.19 (j) amended..... 15298
226 Authority citation revised..... 5526, 15298
226.6 (j) introductory text amended..... 5526
226.8 (g) added..... 5526
226.15 (j) added..... 15298
227.5 (a) revised..... 8223
240 Authority citation revised..... 7267
240.1 (b) amended..... 7267
240.3 (a) amended..... 7267
245.2 (a-1), (a-2), and (a-3) redesignated as (a-2), (a-3), and (a-4); (a-1) and (b-1) added; (a-4) (3) and (4) amended; (k) revised; interim..... 19274
Comment time extended..... 27669
245.5 (a)(1) (iii), (iv), and (vi) revised; interim..... 19275
Comment time extended..... 27669
245.6 (a) introductory text and (1) amended; interim..... 19275
Comment time extended..... 27669
245.6a (a)(1) and (b)(3) amended; (a) (2) and (3) revised; interim..... 19275
Comment time extended..... 27669
245.11 (a)(2) amended; interim..... 19276
Comment time extended..... 27669
246 Authority citation revised..... 21236
246.2 Amended..... 25189
246.3 (d) and (e) redesignated as (e) and (f); new (d) added; new (e)(3) amended..... 21236
246.4 (a)(8) and (b) revised; (a)(18) added..... 21236
246.7 (h)(8) revised; (i)(7) redesignated as (i)(8); (c)(2)(iv)(L) and new (i)(7) added..... 21236

TITLE 7 Chapter II—Con. Page

246.9 (a), (c) and (k)(3) revised....21237
246.12 (f)(2)(xx) added; (k)(2) amended....21237
246.14 (b) revised; (c)(1) introductory text amended....21237
246.16 (b), (c)(2) and (d) revised; (c)(3) added....21237
(c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; (b)(2) introductory text and new (e) and (f) revised....25190
246.23 (a) heading and (b) heading revised; (c) redesignated as (d); new (c) added....21238
246.25 (b) revised....21238
250 Authority citation revised....17932
250.3 Amended; interim....24976
250.4 (a) revised....17932
250.6 (r)(4) amended; interim....24976
250.15 (f) introductory text and (1) through (3), (m)(2) and (n) (2), (3) and (4) and (o) introductory text and (1) through (6) redesignated as (f)(1) introductory text and (i) through (iii), (m)(3), (n)(3), (4) and (5) and (o)(1) introductory text and (i) through (vi); new (f)(1)(iii) revised; new (f) (2), (3), (4) and (5), (m)(2), (n)(2) and (o)(2) added; interim....24976
251.2 (c) revised....17933
251.4 (g) and (h) redesignated as (h) and (i); new (g) and (j) added....17933
251.6 (a) revised....17934
251.9 Redesignated as 251.10 and (d) removed and (e), (f), and (g) redesignated as (d), (e), and (f); new 251.9 added....17934
251.10 Redesignated from 251.9; (d) removed; (e), (f), and (g) redesignated as (d), (e), and (f)....17934
252.2 Amended; interim....24977
252.3 (c) revised; interim....24978
252.4 (b) revised; interim....16369
(c) (6) and (7) amended; (c)(9)(ii) redesignated as (c)(9)(iii); new (c)(9)(ii) added; interim....24978
271 Authority citation revised....11814
271.2 Amended....3406, 7556, 13222
Amendment confirmed; amended....11814
272 Authority citation revised....11814
272.1 (g)(83) added; interim....1299
(d)(1) amended; (d)(2) revised; (g)(71) added....3406
(g)(77) and (g)(76)(iii) corrected....3411
(g)(84) added....5436
(g)(85) added....7557
(g)(86) added....11022
(g)(72) addition confirmed; (g)(87) added....11814
(g)(88) added; interim....20058
(g)(87) correctly designated; (g)(89) added; interim....20379
Technical correction....22888
(g)(90) added; interim....26941
(g)(91) added; interim....29658
272.2 (a)(2) amended....3407
272.9 Added....7557
273 Authority citation revised....11814
273.1 (e)(5) and (f)(4)(iv) added....7557
(e) amended; (f)(2)(i) amendment confirmed....11814
273.2 (i)(3)(i) revised; (i)(3)(ii) amended; interim....1299
(b)(1)(vii) corrected....1300
(d)(2) revised; (f)(1)(ix) added; (f)(3)(ii) amended....3407
(j)(2)(i) and (k) introductory text corrected; (l) correctly designated....3411
(f)(1)(ii) (A) and (B) amended; (f)(1)(ii) (D), (E), and (F) redesignated as (f)(1)(ii) (E), (F), and (G); new (f)(1)(ii)(D) added; interim....20058
(f)(2) introductory text and (i), (3)(i) introductory text, (A) and (B) redesignated as (f)(2)(i) and (f)(1)(ix), (f)(3) introductory text, (i) and (ii); (f)(3)(ii) removed; new (f)(2)(i), (3) introductory text and (i) amended; interim....26941
273.4 (a) (2), (3), (4), and (5) amended; (a) (8) through (11) added; interim....20058
(a)(9) corrected....22888
273.7 (b)(2)(i), (g)(2) introductory text, (i), (iii), and (iv) and (o)(6) heading amended; (g)(2)(ii) revised; (h)(5) added....11022
273.8 (e)(11)(xi) added; interim....20379
Technical correction....22888
(e)(15) and (h)(1)(vi) added; interim....26941
273.9 (d)(6)(i) and (v)(B) amended; (d)(6)(ii) revised....5436
(c) (3), (4) and (5)(ii)(B) amended; (c)(10)(xi) added....20379
Technical correction....22888
(b)(1)(v) and (c)(12) added; interim....26941
273.10 (d)(1)(i) amended; (d)(6) revised....5436
(e)(2)(iii)(B)(*8*) and (*9*) removed....11022
(e)(1)(i)(A) amendment confirmed....11814
273.11 (h), (i), and (j) redesignated as (i), (j), and (k); new (h) added....7557
(a)(2)(iii) and (e)(1) revised....11814
274 Authority citation revised....11814
274.10 (e), (f), (g), and (h) redesignated as (f), (g), (h), and (i); new (e) added; new (i) amended....7557
(d)(1) amendment confirmed....11815
275.1 (a) amended; (b) revised....3407
275.2 (a)(2) revised....3407
275.3 (a), (b), (c) introductory text and (1) heading and introductory text revised; (c)(2) removed; (c) (3), (4), and (5) redesignated as (c) (2), (3), and (4); new (c)(2) revised; (c)(5) added....3407
275.5 (b) revised; (c) removed....3408
275.6 (a) amended....3408
275.7 (b) and (e) revised; (f) removed....3408
275.8 Revised....3408

Page

275.9 (a), (b), and (c) revised; (d), (e), and (f) removed; (g) redesignated as (d) and amended....3409
275.11 (b)(1)(ii) table amended; (f)(2) (ii) and (iii) redesignated as (f)(2) (iii) and (iv); new (f)(2)(ii) added....3409
275.12 (d)(2)(v) and (f)(3) added; interim....29658
275.15 (a) (2), (3) and (d) removed; (a)(1), (e), (f), and (g) redesignated as (a), (d), (e), and (f)....3409
275.16 (a) amended; (b) and (d) revised....3409
275.17 (a) revised; (c) and (d) added....3409
275.20 Revised....3410
275.21 (c) and (d) amended....3410
275.22 Removed; new 275.22 redesignated from 275.23....3410
275.23 Redesignated as 275.22; new 275.23 redesignated from 275.25 and (a)(1) and (d)(1)(i) and (2) amended....3410
(e)(7) added....29659
275.25 Redesignated as 275.23 and (a)(1) and (d)(1)(i) and (2) amended....3410
276.2 (a) and (d) amended; (e) added; interim....26941
276.4 (d) introductory text and (2) amended....3410
278 Authority citation revised....11814
278.1 (c)(4) amended; (c)(5) and (h) through (q) redesignated as (c)(6) and (i) through (r); new (c)(5) and (h) added....7557
(e) amended....11815
(b)(4)(ii) amended; (o), (p), (q), and (r) redesignated as (p), (q), (r), and (s); new (o) added; new (r) revised....13222
278.2 (a), (b), (c), (d), (g), and (h) amended; new (l) added....7557
278.3 (a) amended....7558
278.4 (c) amended....7558
278.5 (a)(1) amendment confirmed....11815
(a) (1) and (3) amendment confirmed....18198

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

TITLE 7 Chapter II—Con. Page

278.6 (e)(2) (iii) and (iv) and (3) (iii) and (v) amended 7558
(f) text redesignated as (f)(1); (f) (2), (3), and (4) added 13222
278.9 (e) added 7558
(c) addition confirmed 11815
(f) added 13223
(d) addition confirmed 18198

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

300 Revised 1179
Authority citation revised 6952
300.1 Revised; interim 6952
300.3 Removed; interim 6952
301 Authority citation revised; section and subpart authority citations removed 27532
301.52 (b) revised; footnote 1 added 26943
301.52-1 (q) amended; footnote 1 redesignated as footnote 2 26943
301.52-2 Heading amended; (b) removed 26943
301.52-2a Amended; interim 12634
301.52-2b Section and footnote 2 removed 26943
301.52-3 (b)(1) removed; (b) (2) through (5) redesignated as (b) (1) through (4); (c) amended 26943
301.75-6 (e) added 7563
301.75-7 (e) and (f) added 7563
301.75-15 Revision confirmed 1180
301.75-16 Revision confirmed 1180
301.78—301.78-10 (Subpart) Added; interim 10360
Removed; interim 27529
301.80-2a Revised; interim 25580
301.83 Revised 32291
301.87-1 Amended 31374
301.87-2 (c) amended; (d) redesignated as (e) and amended; new (d) added 31374
301.87-10 (e) added 31374
301.93—301.93-10 Removal confirmed 9285
301.93—301.93-10 (Subpart) Added 27532
301.93-3 (c) amended; interim 29174
318 Authority citation revised; section authority citations removed 8864
318.13-1 (i) and (l) revised 8864
318.13-2 (a) text redesignated as (a)(1); (a)(2) added 8864
318.13-3 (b) text redesignated as (b)(1); (b)(2) added 8864
318.13-4 (c) amended 8864
318.13-4g Added 8865
318.13-17 Revised 8865
319.28 (b) introductory text and (6) and (g) revised; (h) and (i) added 32291
319.56-1 Designations removed; section amended 29370
319.56-2 (e) revised; (f) redesignated as (g) and OMB number; new (f) added 29370
319.56-2h Addition reconfirmed 2099
319.56-2i Addition reconfirmed 2099
330 Authority citation revised 22907
330.100 (h) revised 22907
Meetings 25861
340 Added 22908
Meetings 25861
352 Authority citation revised 27671
352.29 Added 27671
354.1 (a)(1) revised 16822
354.2 Table amended 10365, 12898

Chapter IV—Federal Corp Insurance Corporation, Department of Agriculture

400.4 Revised 24979
400.5 Amended 24979
400.40—400.42 (Subpart E) Added 4592
400.45—400.49 (Subpart F) Revised 19128
400.50—400.56 (Subpart G) Removed 17543
400.75—400.81 (Subpart I) Removed 17543
400.92 (g) added 24278
400.141—400.157 (Subpart L) Added 17543
401 Added 28447
402.7 (d) revised 3214
403.7 (d) amended 3214

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

Page

(d) corrected 6775
405.7 (d) amended 3214
409.7 (d) amended 3214
410.7 (d) amended 3214
411.7 (d) amended 3214
413.7 (d) amended 3214
(d) corrected 6775
(d) amended; interim 27782
414.7 (d) amended 3214
415.7 (d) amended 3214
416.7 (d) amended 3214
417.7 (d) amended 3214
418 Sales closing date extended 7818
418.7 (d) amended 3214
(d) amended; interim 23424
(d) corrected 25585
418.8 Revised 24279
419 Sales closing date extended 7818
419.7 (d) amended 3214
(d) amended; interim 23424
(d) corrected 25585
419.8 (b) amended 9286
419.9 Revised 24279
420 Sales closing date extended 7818
420.7 (d) amended 3214
(d) amended 17547, 17548
420.8 Revised 24279
421 Sales closing date extended 7818
421.7 (d) amended 3214
(d) corrected 6775
421.8 Revised 24279
422.7 (d) amended 3214, 23425
423.7 (d) amended 3214
424 Sales closing date extended 7818
424.7 (d) amended 3214, 17547, 17548
424.8 Revised 24279
425.7 (d) amended 3214, 17547, 17548
(d) corrected 6775
427 Sales closing date extended 7818
427.7 (d) amended 3214
(d) amended; interim 23424
(d) corrected 25585
427.8 Revised 24279
428.7 (d) amended 3214, 17547, 17548
429.7 (d) amended 3214
(d) amended; interim 23424
(d) corrected 25585
430.7 (d) amended 3214, 17547, 17548
(d) corrected 6775
431.7 (d) amended 3214, 17547, 17548
432 Sales closing date extended 7818
432.7 (d) amended 3214, 17547, 17548
432.8 Revised 24279
433.7 (d) amended 3214, 17547, 17548
435.7 (d) amended 3214
(d) corrected 6775
436.7 (d) amended 3214
(d) corrected 6775
437.7 (d) amended 3214
438.7 (d) amended 3214
(d) corrected 6775
439.7 (d) amended 3214
440.7 (d) amended 3214
441.7 (d) amended 3214
442.7 (d) amended 3214
443.7 (d) amended 3214
444.7 (d) amended 3214, 17547, 17548, 17549
445.7 (d) amended 3214, 17547, 17548, 17549
446.7 (d) amended 3214
(d) corrected 6775
447.7 (d) amended 3214, 17547, 17548
448 Sales closing date extended 7818
448.7 (d) amended 3214
(d) corrected 6775
448.8 Revised 24279
449.7 (d) amended 3214, 17547, 17548, 17549
450.7 (d) amended 3214
451.7 (d) amended 3214
452 Added 9288
453 Added 25349
454 Added 4593

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

701 Authority citation revised 19716
701.23 Revised 19716
702 Added; interim 16741
704 Revised 4269
704.7 (a)(3) and (c) revised; (a)(4) and (5) removed; (a)(6) redesignated as (a)(4); interim 27537
Correctly eff. 7-22-87 29836
704.21 (b)(3) revised; interim 27537
Correctly eff. 7-22-87 29836

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

TITLE 7 Chapter VII—Con. Page

704.22 (a)(2) revised; (a)(3) amended; interim 27537
Correctly eff. 7-22-87 29836
713 Authority citation revised 30886
713.2 (f) addition confirmed 10727
713.3 (d)(1) revision and (e)(3) addition confirmed; (d)(1)(v) and (e)(2)(vii) revised 10727
713.12 (a)(1) revision and (d) removal confirmed 10727
713.55 Revised 25354
713.58 Addition confirmed 10727
713.63 (a) and (c)(2) revision confirmed 10727
(a) revised; interim 30886
713.97 (e) (1) and (2) revised; (e)(3) added; interim 30886
713.100 (a) revised 10728
713.102 (f) revised; interim 30886
713.108 (b)(2)(i) revised; interim 30886
713.155 Revision confirmed 10727
717.21 (d) addition confirmed 10727
724.36 Removal confirmed 10727
724.57 (b)(1)(i) (*b*) and (*c*) revisions and (b)(1)(i)(*d*) and (2)(ii) additions confirmed 10727
724.62 Introductory text amendment, (c) (7) and (9) removal, and (c)(8) redesignation as (c)(7) confirmed 10727
724.69 (n) amendment confirmed 10727
724.70 (w) revision confirmed 10727
(m) revised; interim 22288
724.72 (b) amendment confirmed 10727
724.81 (d) and (e) revision and (f) removal confirmed 10727
725.51 (e-1)(2) (iv) and (v) revision, (e-1)(2)(vi) addition, and (k) amendment confirmed 10727
725.60 (b) (3) and (4) revision and (b)(5) addition confirmed 10727
725.72 (d)(3)(viii) and (e)(4)(i) amendment confirmed 10727
(d)(5)(i) revised; (d)(5)(vi) added; interim 22288
725.73 (a) revision confirmed 10727
725.87 (a)(2) and (f) (1), (2), and (4) amendment and (f)(3) revision confirmed 10727
725.91 (a) amendment confirmed 10727
725.95 (a), (b), (d), and (e) amendment and (f) revision confirmed 10727
725.99 (a)(4)(x), (b), and (c) (1), (2), and (3) amendment confirmed 10727
725.100 (a)(1)(viii), (b) (1) and (3), and (c)(7) amendment confirmed 10727
725.103 (a) and (h) amendment confirmed 10727
725.104 (a) amendment confirmed 10727
725.107 (b) amendment confirmed 10727
725.115 (a)(2)(iv) and (b)(4) amendment confirmed 10727
726.51 (aa) (3) and (4) and (ff)(1)(vi) revision, (aa)(5) addition, and (i) amendment confirmed 10727
726.68 (e)(4) revision confirmed 10727
(d)(5) (vi) and (vii) added; interim 22288
726.81 (a)(2) and (f) (1), (2), and (4) amendment and (f)(3) revision confirmed 10727
726.85 (a) amendment confirmed 10727
726.89 (a), (b), (d), (e), and (f) amendment confirmed 10727
726.93 (a)(4)(vii), (b)(1), and (c) (1), (2), and (3) amendment confirmed 10727
726.94 (b) (1) and (3) and (c) (5) and (7) amendment confirmed 10727
726.98 (b) amendment confirmed 10727
726.105—726.107 Undesignated center heading removal confirmed 10727
726.105 (h) amendment confirmed 10727
726.106 (a) amendment confirmed 10727
726.107 (a)(2)(iv) and (b)(4) amendment confirmed 10727
736.42 Revised 8057
760.2 (k) (1) and (2), (l) and (o) amended 17935
760.8 Amendment confirmed 17935

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

Page

760.23 (c) addition confirmed 17935
770.4 (f) revision confirmed 10727
795 Authority citation revised 26295
795.2 Undesignated center heading removed 26295
795.3—795.4 Undesignated center heading removed 26295
795.3 Revised 26295
795.4 Revised 26295
795.5—795.13 Undesignated center heading removed 26295
795.14—795.16 Undesignated center heading removed 26295
795.17 Undesignated center heading removed 26295
795.20—795.24 Undesignated center heading removed 26295

Chapter VIII—Federal Grain Inspection Service, Department of Agriculture

800.0 (b) (2) through (105) redesignated as (b) (3) through (106); new (b)(2) added 6495
800.60—600.61 Undesignated center heading revised 24437
800.61 Added 24437
800.88 Revised 6495
800.95 Revised 6495
800.96 Revised 6495
800.97 Revised 6496
800.98 Revised 6496
800.99 Revised 6497
800.100 Removed 6497
800.101 Removed 6497
800.102 Removed 6497
800.103 Removed 6497
800.162 (b) redesignated as (c) and revised; new (b) added 24437
810 Revised 24418
Table of contents corrected 28534
810.104 (b) corrected 28534
810.107 Revised; eff. 5-1-88 24441
810.202 (c)(2)(i) and (t) corrected 28534
810.204 Table footnote 1 corrected 28504
810.205 Table footnote 1 corrected 28534
810.206 Table corrected 28534
810.207 (d) removed; (e) redesignated as (d); eff. 5-1-88 24441

Page

810.402 (a) through (e) redesignated as (b), (c), (d), (f), and (g); new (a) and (e) added; (g) revised 24437
(a) corrected 28534
810.403 Corrected 28534
810.404 Table corrected 28534
810.405 (c) removed; (d) redesignated as (c); eff. 5-1-88 24441
(d) corrected 28534
810.805 (d) removed; (e) and (f) redesignated as (d) and (e); eff. 5-1-88 24441
810.1005 (g) removed; (h) and (i) redesignated as (g) and (h); eff. 5-1-88 24441
810.1205 (c) removed; (d) through (g) redesignated as (c) through (f); eff. 5-1-88 24441
810.1402 (a) through (l) redesignated as (b) through (e) and (g) through (k); new (a) and (f) added 24437
(d) and (i) corrected 28534
810.1405 (a) removed; (b) designation removed; eff. 5-1-88 24441
810.1604 Table corrected 28534
810.1605 (b) removed; (a) designation removed; eff. 5-1-88 24441
810.1805 Removed; eff. 5-1-88 24441
810.2002 (a) corrected 28534
810.2004 Table corrected 28534
810.2005 (c) removed; (d), (e), and (f) redesignated as (c), (d), and (e); eff. 5-1-88 24441
810.2203 Corrected 28534
810.2204 (a) table amended; eff. 5-1-88 24442
810.2205 (c) removed; (d), (e), and (f) redesignated as (c), (d), and (e); eff. 5-1-88 24442

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

900 Technical correction 20591
900.700—900.707 (Subpart) Added 13630
905 Limitation of handling 10028
Limitation of handling; interim 19718
906 Budget of expenses 1899

TITLE 7 Chapter IX—Con. Page

907 Limitation of handling..... 240, 757, 1901, 2509, 2981, 3787, 4763, 5273, 5938, 6952, 7820, 9111, 9797, 10728, 11615, 12511
Budget of expenses..... 3412
907.102 (a)(2) and (3) introductory text and (viii) revised..... 2984
907.104 Revised..... 2984
907.930 Added..... 3215
Removed..... 16370
908 Budget of expenses..... 3412
Limitation of handling..... 7821, 19278
908.104 Revised..... 2984
910 Limitation of handling..... 241, 758, 1901, 2510, 2985, 3788, 4764, 5274, 5939, 7115, 8058, 9111, 9798, 10729, 11616, 12512, 13632, 15937, 17388, 18339, 19276, 20381, 21241, 22438, 23265, 23936, 25201, 25965, 26944, 27782, 28536, 29371, 30657, 31601, 32530
910.180 (d)(3) amended..... 18902
911.20 (a) amended..... 7117
911.22 (b)(3) revised..... 7117
911.48 (a)(1) amended..... 7117
911.64 (c) revised; (d) redesignated as (e) and republished; new (d) added..... 7117
Budget of expenses..... 1899
911.111 Revised..... 759, 24134
911.311 (a)(5) Table 1 revised..... 4598
911.329 (a)(2)(ix) added..... 1314
(a)(2)(vii) amended..... 4598
912 Budget of expenses..... 1900
Removed..... 21242
913 Budget of expenses..... 1900
915 Limitation of handling..... 2101
915.20 (a) amended..... 7118
915.22 (b)(3) revised..... 7118
915.64 (c) revised; (d) redesignated as (e) and republished; new (d) added..... 7118
915.305 (a)(1) revised; (a)(2) amended; (a)(3), (5), (6), and (7) removed; (a)(4) and (8) through (16) redesignated as (3) through (12); new (a)(5) revised..... 4598
915.332 Added..... 19833
916 Budget of expenses..... 31375
916.356 (a)(2) introductory text, (3) introductory text and (ii), and (4) revised; (a)(5), (6), and (7) added..... 15487
(a)(4) corrected..... 17504

Page
917 Budget of expenses..... 5738, 31375
917.121 Revised..... 12513
917.454 (b)(4) removed; (b)(5) redesignated as (b)(4)..... 15488
917.459 (a)(2) introductory text, (4), and (5) revised..... 15488
917.460 (b) and (c) revised..... 15488
918 Budget of expenses..... 23015
918.325 Revised..... 21496
918.326 Removed..... 21495
921 Budget of expenses..... 31376
923 Budget of expenses..... 31376
923.322 (a) (2) and (3), (b)(2)(ii), and (c)(1) Table and (2) amended..... 20382
924 Budget of expenses..... 31376
925 Budget of expenses..... 11617
925.112 (Subpart) Added..... 27538
925.304 Introductory text revised..... 8870, 24444
(b)(1)(vi) redesignated as (b)(1)(vii); new (b)(1)(vi) added..... 20383
926.324 Revised..... 31978
927 Budget of expenses..... 1900, 11617
928.121 Added..... 15489
929 Budget of expenses..... 1899, 3412
929.153 (a) and (d) revised..... 5528
(a) revised..... 25202
931 Budget of expenses..... 1900, 31376
932 Budget of expenses..... 5737
932.121 Added..... 12135
932.125 Added..... 12135
932.145 Removed..... 7403
944.31 Added..... 19835
944.503 (a)(3) revised..... 8870
(a)(3) revised; (e) added..... 31979
944.605 Revised..... 31979
945 Limitation of handling..... 5530
Budget of expenses..... 31376
946 Budget of expenses..... 1900, 31376
Limitation of handling..... 15490
946.25 (c) amended..... 13070
946.104 (a)(5) revised..... 13070
947 Limitation of handling..... 7120
Budget of expenses..... 31376
948 Limitation of handling; interim published at 51 FR 25850 confirmed..... 7269
Budget of expenses..... 23015, 31376
948.103 Revised..... 12515
948.104 Revised..... 12515
948.150 Added..... 12515
953 Budget of expenses..... 23015

Page
959 Budget of expenses..... 5737, 24281
Limitation of handling..... 19281
Limitation of handling corrected..... 20192
966 Budget of expenses..... 1900
967 Budget of expenses..... 25203
971 Budget of expenses..... 5738
979 Budget of expenses..... 5738
979.304 (a) revised..... 17390
980.116 Removed..... 19281
980.117 (a)(1)(ii), (2), and (b)(1) revised..... 8872
(a)(2) and (b) (1) and (2) revised..... 19281
981.441 (d)(1)(iii) added..... 13428
982 Budget of expenses..... 1900
Marketing percentages..... 17392
985 Marketing percentages..... 9452
Budget of expenses..... 25203
984 Budget of expenses..... 1900
989 Budget of expenses..... 1900
Marketing percentages..... 16233
989.212 (a) and (c) and note revised..... 12516
989.213 Revised..... 32776
993 Budget of expenses..... 27985

Chapter X—Agricultural Marketing Service (Marketing Agreements and Order; Milk), Department of Agriculture

1006.52 (a) table revised..... 5071
1007.52 (a) and (b) revised..... 5071
1007.61 (a)(3) revised..... 5071
1007.73 (a)(2) introductory text revised..... 5071
1007.75 (a) revised..... 5071
1011.7 (a)(2) revised..... 26470
1011.52 (a) revised..... 5071
1012.52 (a) table revised..... 5072
1013.52 (a) table revised..... 5072
1030 Existing regulations unchanged..... 3413
1032.7 (d)(2) revised..... 3216
1032.52 (a)(1), (2) (i) and (ii), (3), and (4), and (b) revised; (a)(2)(iii) added..... 3413
1033.6 (a), (b), and (c) revised; (d) and (e) added..... 3414
1033.41 (b)(3) and (c)(1) revised..... 30887
1033.53 (a) (1), (2), and (3) revised; (a)(4) redesignated as (a)(5) and republished; new (a)(4) added..... 3414

Page
1036.2 (a), (b), and (c) revised; (d) removed..... 242
1036.15 Revised..... 30887
1036.40 (b)(3) and (c)(1) revised..... 30888
1036.50 (a) amended..... 242
1036.52 (a) and (b) revised..... 242
1040.7 (b)(1) introductory text temporarily suspended in part; (b)(1)(i) temporarily suspended..... 11456
(b)(2) introductory text temporarily suspended in part; (b)(2) (i) and (ii) temporarily suspended..... 18340
(b) introductory text, (1), (2), (3) and (4) revised; (b)(6) added..... 30888
1040.13 (d) (1) and (2) revised..... 30889
1040.40 (b)(3), (c)(1) (ii), (iv), (v) and (vii) revised..... 30888
1040.50 (b)(1) amended..... 30889
1046.9 (c) amended..... 17748
1046.52 (a) revised..... 5072
1049.52 (a) (1) and (2) revised..... 3414
1050.52 (a) and (b) revised..... 3415
1065.7 (c) temporarily suspended in part..... 25204
(b) temporarily amended..... 32532
1065.13 (d) (2) and (3) temporarily amended..... 1315, 28462, 32532
1065.52 (b)(3) amended..... 3217
1076.13 (d) (2) and (3) temporarily suspended..... 28463
1079.13 (d) (2) and (3) temporarily suspended in part..... 31752
1079.52 (b)(3) amended..... 3217
1093.52 (a)(1) table revised; (a)(2), (3), (4) and (6) amended..... 5072
1094.2 Amended..... 5072
1094.52 (a)(1) table revised; (a)(2)(i), (ii), and (iii), (3) and (5) amended..... 5073
1096.52 (a) revised..... 5073
1097.7 (b) temporarily suspended..... 10730
1098.52 (a) revised..... 5073
1099.52 (a) revised..... 5073
1102 Removed..... 6318
1106.2 Amended..... 6318
1106.7 (c) introductory text revised; (c) temporary amend-

TITLE 7 Chapter X—Con. Page
ments of 51 FR 6731 and 7247 terminated....6318
1106.12 (b)(5) temporarily suspended....20384
1106.13 (d)(1) suspended....19837
1106.52 (a)(1) table amended; (a)(3)(i) and (4) revised....6318
1137.12 (a)(1) temporarily suspended in part....10732

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

1200 Authority citation revised....12899
1200.2 (a) revised....12899
1205.1—1205.19 (Subpart) Removed....12899
1207.1—1207.19 (Subpart) Removed....12899
1240 Authority citation revised....3103
1240.100—1240.125 (Subpart) Added....3103
1250 Authority citation revised....31377
1250.1—1250.19 (Subpart) Removed....12899
1250.514 Revised; interim....31377

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

1403 Authority citation revised....2394
1403.21—1403.46 (Subpart B) Heading revised; interim....2394
1403.46 Added; interim....2394
1421.1 Amended....1434
1421.4 (b) amended....1434
1421.6 (c) revision confirmed....1433
1421.7 (a) revision confirmed....1433
1421.22 (c)(2) amended....1434
1421.400—1421.406 (Subpart) Heading amended; authority citation revised....1434
1421.400 Nomenclature change....1434
1421.420—1421.425 (Subpart) Removed....1434
1421.741 Revised....30658
1421.742 Revised....30658
1421.752 Heading revised....30658
1421.753 (a) amended....30658
1421.754 Amended....30658
1421.900—1421.917 (Subpart) Authority citation revised....1316
1421.902 Revised....1316
1427.1—1427.26 (Subpart) Authority citation revised....25355
1427.5 (l) revised....25355
1434.1—1434.36 (Subpart) Heading amendment confirmed....11619
1434.1 Amended; interim....11618
Amendment confirmed....11619
1434.2 (c) removed; (d) and (e) redesignated as (c) and (d); interim....11618
1434.3 (h) addition confirmed....11619
1434.4 (a) amended; interim....6776
(e) amendment confirmed....11619
1434.6 (b) amended; interim....6776
(b) amendment confirmed....11619
1434.7 (c) introductory text amended; interim....11619
1434.8 (b) revision confirmed....11619
1434.18 (c) addition confirmed....11619
1434.25 (a), (b), and (c) amendment and (d) addition confirmed....11619
1434.26 (a) amendment confirmed....11619
1434.27 Amendment confirmed....11619
1434.34 (f) removed; (g) and (h) redesignated as (f) and (g); interim....11619
1438 Removed....1434
1468.103 Amended; interim....4277
Comment time extended....10732
1468.107 (c) (1) and (2) revised; (c) (3) and (4) removed; interim....4277
Comment time extended....10732
1468.116 (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; interim....4277
Comment time extended....10732
1472.1503 Amended; interim....4277
Comment time extended....10732
1472.1507 (c)(1) and (2) revised; (c)(3) and (4) removed; interim....4277

Page
(c) (3) and (4) correctly removed; comment time extended....10732
1472.1545 (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; interim....4277
Comment time extended....10732
1475.52 (h), (l), (m), and (n) revision confirmed....10728
1475.53 Revision confirmed....10728
1475.54 (a) revision confirmed....10728
1475.55 (d)(3), and (e) (2) and (3) revision confirmed....10728
1475.56 Revision confirmed....10728
1475.58 (c) revision confirmed....10728
1475.69 Added....10728
1476 Removed....1434
1477 Authority citation revised....4129
1477.3 (e) (2), (3), and (4) added; interim....4130
Confirmed....18198
1480 Removed....1434
1493.1—1493.15 (Subpart A) Authority citation revised....17550
1493.2 (f) and (o) revised....17550
1496.1 (b) and (c) removed; (a) designation removed....5728
1496.2 (a) amended; (b) revised....5728
1496.3 (f) and (h) removed; (g) redesignated as (f) and revised; (e) revised....5728
1496.5 (a) revised; (f) added....5729

Chapter XVII—Rural Electrification Administration, Department of Agriculture

1736 Authority citation revised....22289
1736.97 (b) table revised....22289
1772 Authority citation revised....1182
1772.97 Table amended....1182
1786 Added....1436
1787 Added; interim....2395

Chapter XVIII—Farmers Home Administration, Department of Agriculture

1804 Removed....19283
1806.25 (a)(2) introductory text revised....8002
1807.1 (a) revised....26132
1822 Authority citation revised....19283
1822.21—1822.26 (Subpart B) Exhibit A amended....8002
1822.267 (l)(2) introductory text amended....8002
(e) revised....19283
1822.271 (b)(3)(v) revised....19283
1863.1 Revised....26132
1864.2 (a)(5) revised....26132
1866.3 (b)(1) introductory text and (2) introductory text revised....26132
1900.52 (d) revised....26133
1901 Authority citation revised....8002
1901.205 (b)(1), (2)(i), (3)(ii) and (iv), and (e)(2) amended....8002
1901.201—1901.205 (Subpart E) Exhibit C revised....8002
1910 Authority citation revised....15491
1910.3 (i) introductory text revised; (i)(4) added....15491
1910.60 (a) revised....25586
1910.61 (b) (1) through (3) and (d) (4) and (5) revised....25586
1910.101 (Subpart C) Added....6498
1922.104 (a)(12) amended....11982
Policy guidelines....23543
1924 Authority citation revised....8002
1924.1—1924.50 (Subpart A) Text revised....8002
1924.5 (d)(2) and (e) (2) and (4) amended....19283
Transition period....30658
1924.13 (e)(1)(v)(C) and (2)(viii)(B) correctly removed; (e)(1)(v)(D) and (2)(viii)(C) correctly redesignated as (e)(1)(v)(C) and (2)(viii)(B); (e)(1)(ii)(F), (v) introductory text and (B) and (e)(2)(viii) introductory text and (A) correctly revised....26139
1924.1—1924.50 (Subpart A) Exhibits A through I, K and L revised....8021
Exhibits I and J amended....19283

TITLE 7 Chapter XVIII—Con. Page
1924.51 Revised....26133
1924.57 (b)(2) and (d)(2) revised....32120
1924.60 (d)(7) added....26133
1924.101—1924.150 (Subpart C) Added....19284
1924.253 (a)(3) amended; (c) revised....8034
1930.110 (c) introductory text amended....20697
1930.119 (b) amended....20697
1930.124 (a)(3) (ii) and (v) amended....20697
1930.101—1930.150 (Subpart C) Exhibit B amended....8034, 20697
Exhibits C, C-2, and E amended....20698
Exhibits B and E amended....24287
1933 Authority citation revised....19301
1933.409 (f) revised....8034
1933.412 Revised....19301
1940 Authority citation revised....8035
1940.305 (j) added....8035
1941.16 (m) added....26133
1941.19 (a)(7) added....26133
1942.17 (p)(4) and (5) and (r)(3)(i) and (ii) amended....8035
1942.18 (n)(3), (o)(1), (3), (5) and (7)(ii) amended....8035
1943.1—1943.50 (Subpart A) Exhibit A amended....8035
1943.32 (a) amended....8035
1943.82 (a) amended....8035
1943.132 (a) amended....8035
1944.2 (f) and (j) revised....11982
Policy guidelines....23543
1944.11 Heading and (c) revised; (d) redesignated as (e); new (d) added....11982
(b) revised....19301
Policy guidelines....23543
1944.16 (a)(1)(i), (5), and (b) revised....8035
Revised....11983
Policy guidelines....23543
1944.17 (e) added....246
1944.22 (a) revised....246
(a) correctly revised....6132
(e)(3) amended....8035
1944.24 (b) amended....19301
1944.26 (a)(2) introductory text and (f)(2) introductory text revised....11984
Policy guidelines....23543
1944.30 (a) amended....8036
1944.33 (f) revised....246, 29175
1944.34 (e)(3)(ii) revised....246
(h)(2) revised....11984
Policy guidelines....23543
(b)(1) revised....29175
(h)(3) introductory text revised....31027
1944.45 (f)(5), (h), (i)(2), and (k) amended....8036
(f)(3)(ii) revised....19301
1944.46 (d), (f), and (g) amended....8036
1944.47 Addition confirmed....9649
1944.1—1944.50 (Subpart A) Exhibit A amended....8036
Exhibit D amended....9113
1944.163 (e) revised....8036
1944.164 (j)(2) (i) and (ii) amended....19301
(p) revised....24288
1944.175 (a)(4) amended....8036
1944.176 (c)(3) revised....24288
1944.200 Removed....24288
1944.151—1944.200 (Subpart D) Exhibit A-3 amended....8036, 19302
1944.212 (c)(2)(i) revised....8036
(p)(3) amended....19302
1944.215 (a)(1) introductory text, (iii), and (iv) and (3)(v) revised....8036
1944.222 (c)(1) and (d)(1) introductory text amended....19302
1944.235 (c)(1)(v) and (vii) amended....8036
1944.237 (e) added....24288
1944.201—1944.240 (Subpart E) Exhibit H amended....8037
1944.456 Introductory text amended....11985
(a) introductory text revised....19302
Policy guidelines....23543
1944.463 (a), (b), and (c)(4) amended....8037
1944.469 (f)(1)(i) and (ii) and (g)(1)(iii)(A)(*1*) amended....8037
1945.163 (b)(6) introductory text, (i)(B), and (ii) through (v), (7), and (8) revised....20385
1945.151—1945.200 (Subpart D) Exhibit A amended....8037
1950.103 (a) revised....26133
1950.104 Introductory text and (d) revised....26134
1950.105 Added....26134
1951 Authority citation revised....6319, 11457
1951.1 Revised....26134
1951.6 (c) (1), (2), and (3) (ii), (iv), (v), (vi) and (vii), (d) and (e) (1) and (4) revised....29175
1951.7 (h) added....11457
1951.9 (a)(4) added....26134
1951.44 (c)(9) added....26134
1951.46 Added....26135
1951.50 Added (OMB number)....26137
1951.105 (f) amended....18544
1951.111 Added....18544
1951.207 (l) added....11457
1951.252 (a) revised....26137
1951.261 (b)(1)(i)(A) revised....26137
1951.301—1951.318 (Subpart G) Revised....246
1951.304 Added; interim....6319
1951.308 (a) introductory text and (b) revised....29176
1951.309 (a)(1) revised....29176
1951.315 Corrected....6132
1951.407 (c) amended....9113
1951.408 Removed....9113
1951.551 Revised....26138
1951.604 (a)(1)(iv)(B) amended....11985
Policy guidelines....23543
1955.3 (d) revised....26138
1955.53 (o) revised....8037
(e) and (g) revised....26138
1955.105 (a) revised....26138
1956 Authority citation revised....28239
1956.54 (f) revised....26138
1956.58 (a) revised....28239
1962.17 (b) (1), (2) introductory text and (i)(A), (4) and (5) revised....32121
1965.7 (d) revised....26138
1965.12 Introductory text revised....26138
1965.13 Introductory text revised....26139
1965.31 Introductory text added....26139
1965.65 (a)(1)(i) revised; (a)(1)(iv) and (f)(6)(iv) removed; (a)(1)(v), (c) (1) through (14), and (f) (8) through (13) redesignated as (a)(1)(iv), (c) (2) through (15), and (f) (9) through (14); new (c)(1) and (f)(8) added; new (c)(10)(i) revised....24288
1965.70 (a) amended; (d)(8) revised....24288
1965.90 Revised....24288
1965.92 Amended....24291
1965.51—1965.100 (Subpart B) Exhibit A redesignated as Exhibit B and revised; new Exhibits A and C added....24291
1965.103 (b) introductory text amended....9113
1965.105 (b)(1) amended; (c) revised....9113
1965.106 (a) heading revised; (b) and (c) redesignated as (c) and (d); new (d) amended; new (b) added....9113
1965.110 (a)(1)(ii) amended; (a)(4) added....9113
1965.111 (a) and (b) amended; (c) removed....9113
1965.112 (b) revised....9114
1965.113 (a) amended; (c) revised....9114
1965.116 (b) revised....9114
1965.117 Introductory text, (b)(5), (d)(2) and (g) amended; (e) revised; (h) added....9114
1965.118 (c) revised; (d) added....9114
1965.125 (a)(1) introductory text amended; (a) (2) and (3) revised....9115
1965.126 Introductory text, (b) (2) and (5), (c) (1) and (2) introductory text, (i), and (ii) and (e)(4) revised; (b)(13) added; (b)(3), (4)(i), and (12) and (e)(5) amended....9115
1965.127 (a)(3) introductory text, (b)(1)(i) and (2) revised....9116
1965.137 Revised....9116
1980 Authority citation revised....19302
1980.11 Amended....6500
1980.12 (a) (1) and (3) revised....6500
1980.41 (b)(3)(iii)(A) revised....6500
1980.46 (a)(2) revised....6500
1980.61 (b)(4) and (h) revised....6500
1980.63 Revised....6501
1980.67 Revised....6501

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

TITLE 7 Chapter XVIII—Con. Page

1980.83 (b) table amended....6501, 22290
1980.85 Added....6501
1980.146 (c)(2) amended....22290
1980.307 (d)(1) and Administrative amended....19302
1980.327 (b)(1) revised....19302
1980.401—1980.500 (Subpart E) Sections revised....6501
1980.401—1980.500 (Subpart E) Appendix C revised; Appendix H added....6522
1980.602 (a)(1) introductory text revised; interim....25587
1980.611 (a) and (c) introductory text revised; interim....25588
1980.625 Revised; interim....25588
1980.630 Revised; interim....25588
1980.632 (c) and (d) revised; interim....25588
1980.642 (e), (k), and (l) revised; interim....25588
1980.644 Heading, (a), (b), and (d) introductory text revised; (f) added; interim....25588
1980.645 (a) and (b) revised; (d) removed; interim....25589
1980.646 Removed; interim....25589
1980.651 (f) revised; interim....25589
1980.655 Revised; interim....25589
1980 Appendix B amended; interim....25589
2054.1101—2054.1150 (Subpart W) Revised....30893

Chapter XXXIV—Cooperative State Research Service, Department of Agriculture

3402 Added....4713

Chapter XXXVI—National Agricultural Statistics Service

Chapter XXXVI Chapter established....2667
3600 Added....2667
3601 Added....2669

Chapter XXXIX—Economic Analysis Staff

Chapter XXXIX Chapter established....9798
3900 Added....9798
3901 Added....9798

Page

Title 7—*Proposed Rules:*

1....28149
1d....13246
28....16394, 19018
29....25235
46....23842
51....16399
53....6577
54....6577
55....6162, 8404
56....6162, 8404
59....6162, 8404, 17763, 27562
60....27685
70....6162, 8404
220....12419, 23041
226....19354, 22030
246....12527, 27005, 31784
250....22660
251....21545
272....3817, 7158, 19514
273....7158, 13450, 17580
275....7158
277....3817
278....19514
301....291, 1276
318....292
319....685, 2114, 27686
330....12917, 15802
353....27687
400....5773, 10764
401....22476
418....11078, 25381
419....2711, 11078, 25382
420....3013, 11078
421....11078
422....9301
424....3013, 11078
425....3013
427....11078, 25383
428....3013
429....25384
430....3013
431....3013
432....3013, 11078
433....3013
439....25015
444....3013
445....3013
447....3013
448....11078
449....3013
452....2713
453....15506
455....24299
656....20606
658....1465
713....13248, 18565
724....27203
725....18918
726....18918
736....10104

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

Page

795....9302
800....7880, 30167
801....30167
802....30167
810....4151, 7880, 8455
900....3119
907....17764, 21546, 30167
908....7884, 12535, 17764, 21546, 30167
910....12536
911....10108
912....6980
915....13688
916....2800, 9173
917....2800, 6165, 9173
918....16401
920....28724
923....13842
925....432, 13457, 20402, 21960, 24090
928....3433, 4462, 21065, 22888
929....15510, 18369, 19631
932....6166
933....17581, 27369
944....432, 13688
945....10893, 25016
946....5778, 6167
948....6168
959....7428, 9870, 21068
967....27204
979....12185
980....7428, 9870
981....1918, 28157, 28269, 32016
982....5307
987....26688
989....1919, 26689, 27369
994....10984, 12285, 29531, 32240
999....5307
1004....31408
1007....15951, 17678
1011....3251, 12186, 15951, 17678, 23453
1030....18894, 29196
1032....2537
1033....17586, 23306, 27205
1036....17586, 27205
1040....8074, 12537, 17586, 27205
1046....11475, 15951, 17678, 23306
1065....21560, 26016, 27216
1068....23843
1076....25020
1079....27216, 30922
1093....15951, 17678
1094....15951, 17678
1096....15951, 17678
1097....8075
1098....15951, 17678
1102....4775
1106....4775, 12538, 16402
1136....27372
1137....6579, 32308
1139....27372
1210....3588, 4783, 13086
1240....797
1421....30689
1493....8605

Page

1610....5779
1736....29531
1809....1706, 4913
1900....1706, 4913
1902....1706, 4913
1910....1706, 4913
1924....1706, 2717, 4913
1930....296, 8606
1941....1706, 2717, 4913
1942....3433, 12539
1943....1706, 4913
1944....7584, 8606, 21069
1945....1706, 4913
1951....1706, 2717, 4913, 19732, 27562
1955....1706, 4913, 10577
1962....1706, 4913
1965....1706, 2717, 4913, 8606, 10577
1980....1706, 4913
2201....6803, 8611
3016....21820, 23627

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

1 Authority citation revised; section authority citations removed....2936
1.1 (h) revised....2936
3 Authority citation revised; section authority citations removed....2936
Nomenclature change....2941
3.1 (b)(3) revised....2943
(d)(3) revised....24981
3.3 (a) amended; (b) revised....2936
3.4 Amended....2936
3.7 Revised....2936
Corrected....7369
3.11 Added....2942
3.12—3.38 (Subpart C) Added....2936
100 Authority citation revised....16191
100.2 (c)(3) (iv) and (v) amended; (c)(3)(vi) added....16191
100.4 (f) added....16191
(c)(4) revised....22629
103 Authority citation revised; section authority citations removed....2939
Authority citation revised....16192
103.1 (l)(1) amended....2985

TITLE 8 Chapter I—Con. Page

(f)(1) (iv) and (v) and (q) amended; (f)(1)(vi) and (2) (xxvii) through (xxxii), (n)(2) and (t) added; (n) redesignated as (n)(1)....16192
(o)(2) revised....22629
103.2 (c) added....16192
103.3 (a) redesignated as (a)(1); (a)(2) added....16192
103.4 Revised....661
Existing text designated as (a); (b) added....16192
103.5 Existing text designated as (a); (b) added....16193
103.7 (d) (1) and (4) revised....3
(c)(1) revised....2939
(b)(1) amended....16193, 19719
103.8 Introductory text republished; (c) revised....2942
103.10 (b)(1)(ii) removed; (b)(1)(iii) through (vi) redesignated as (b)(1) (ii) through (v)....2942
103.37 Added....16193
109 Removed....16220
204 Authority citation revised....30900
204.1 (d)(2) revised....30900
204.2 (c)(7) revised....16233
210 Added....16199
210.1 (k) amended....28662
210.2 (a)(3) and (c)(1) amended....28662
210.6 Added....28663
211 Authority citation revised....16193
211.1 (d) added....16193
211.5 (d) added....16193
212 Authority citation revised....16193, 16372
212.3 Revised....2943, 11621
212.5 (b) amended; (d)(2) redesignated as (d)(2)(i); (d)(2)(ii) added....16194
212.11 Added; interim....16372
214 Authority citation revised....13226, 20555
214.2 (h)(6)(i) and (9) and (l) revised; (h)(6)(ii), (10), (11), (12), (13), and (14) redesignated as (h)(6)(v), (11), (13), (10), (14), and (15); new (h)(10) and (11) revised; new (h)(6)(ii), (iii), and (iv) and (12) added....5750
(l) correctly designated; (l)(3)(i) corrected....7063
(f)(4)(ii), (5), (6) (ii) through (v), (7), (8), and (10) revised....13226
(h) (3) through (15) redesignated as (h) (4) through (16); new (h)(3) added; new (h)(4) heading revised; (h)(4)(ii)(B) amended; interim....20555
(b)(3) addition at 51 FR 44267 clarification....30329
214.3 (g)(1) (i) through (xii) revised; flush text following (g)(1)(xii) added....13229
234 Authority citation revised....16194
234.2 (b) amended....16194
236 Authority citation revised; section authority citations removed....2939
236.5 (a), (b), and (c) removed; (d) and (e) redesignated as (b) and (c); new (a) added....2939
236.6 Revised....2939
236.7 Revised....2939
238 Authority citation revised....26944, 26945
238.3 (b) amended....2670, 26945
238.4 Amended....26944
241 Heading and authority citation revised; interim....16372
241.2 Added; interim....16372
242 Authority citation revised; section authority citations removed....2939
Authority citation revised....16194, 16372
242.1 (a) and (b) revised....2939
(a) revised....3098
(a) introductory text corrected....5616
Effective date corrected....6133
242.2 (a) introductory text amended; (b) revised....2939
(a) revised....3098
(a)(1)(viii) corrected....5616
Effective date corrected....6133
(a) through (e) redesignated as (b) through (f); (a) and (g) added; interim....16372
242.5 (b) amended....2940
242.7 (a) and (b) revised....2940
(a) revised....3099

(a)(3) corrected....5616
Effective date corrected....6133
242.12 Revised....2940
242.13 Revised....2940
242.14 (e) revised....2940
242.16 (d) amended....2940
242.20 Revised....2941
242.21 Existing text designated as (a); (b) added....16194
242.22 Revised....26470
244.2 Revised....24982
245.1 (b)(5) through (8) and (c) through (f) redesignated as (b)(7) through (10) and (d) through (g); new (b)(5) and (6) and (c) added; interim....6321
245.6 Redesignated as 245.7; new 245.6 added; interim....6322
(c)(3) corrected....13827
245.7 Redesignated as 245.8; new 245.7 redesignated from 245.6; interim....6322
245.8 Redesignated as 245.9; new 245.8 redesignated from 245.7; interim....6322
245.9 Redesignated from 245.8; interim....6322
245a Added....16208
248 Authority citation revised....11621
248.1 (e) added; interim....11621
249.2 Revised; interim....6322
264 Authority citation revised....16194
264.1 (a), (b), and (c) amended....16194
274a Added....16221
287 Authority citation revised....16372
287.1 (g) through (i) added; interim....16372
287.7 Added; interim....16373
292 Authority citation revised; section authority citations removed....2941
292.3 (a) introductory text, (5) and (b) revised....24981
292.4 (a) revised....2941
299 Authority citation revised....16195
299.1 Amended....16195
299.3 Amended....16195
341.1 Revised....19719
341.7 Revised; interim....13229

Page

Title 8—*Proposed Rules:*

1—499 (Ch. I)....2115
1....19733
3....2948, 32552
100....8740
103....8740, 24475
109....8762, 10187
204....18236
207....4913, 23307
208....32552
210....8745
211....8740
212....8740
214....22661
234....8740
236....32552
242....2949, 7741, 8740, 32552
244....2950
245....11659
245a....8752, 31784
252....1634
253....32552
264....8740
271....1920
274a....8762, 10187
286....29863
292....2948, 2951
299....8740

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

50.1 (p) amendment and (r) addition confirmed....1317
50.16 Addition confirmed....1317
51.1 Amended....6524
Corrected....22290
71 Authority citation revised; section authority citations removed....2987
71.18 (a)(1)(i), (ii), and (iii) amended; (a)(5) added....2987
75.5 (d), (g) through (m), and footnotes 3a and 4 removed; designations removed; section amended; interim....7404
Confirmed....28240
75.7 Revised; interim....7404
Confirmed....28240
75.8 Removed; interim....7405
Confirmed....28240
75.9 Removed; interim....7405
Confirmed....28240

93-145 O - 87 - 2 (8)

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

TITLE 9 Chapter I—Con. Page

77.4 (b) revision confirmed...4599, 8224
(b) amended; interim.....23937
77.9 (b) introductory text amendment confirmed.....1317
78.20 (a) and (b) amendment confirmed.....5940
78.41 (c) and (d) amended; interim.....1625
(b) and (c) amended; interim.....4600
(c) and (d) amendment confirmed.....6524
(b) and (c) amended.....9453
(c) and (d) revised.....10555
(a) and (b) amended; interim.....22292
(b) and (c) amendment confirmed.....22292
(c) and (d) amendment confirmed.....23016
(b) corrected.....28240
(c) and (d) revision confirmed.....30901
78.43 Revised; interim.....18688
91.14 (a)(5) removal and (a)(6) through (16) redesignation as (a)(5) through (15) confirmed.....8225
92.1 (cc) added.....2990
Amended.....5941
(k), (l), and all paragraph designations removed; amended.....11023
92.2 (k) added.....2653
(i)(2)(iii)(C), (iv)(A) and (B), (v)(A)(*2*)(*i*), (B), (E), and (G) revised; (i)(2)(vi) redesignated as (i)(2)(vii); new (i)(2)(vi) added.....2990
(k) removed; interim.....8437
Footnote 2a removed; (c)(1), (2)(i) and (3) amended.....21497
(k) removal confirmed.....28241
(i)(1) amended; interim.....32533
92.4 (a)(6)(iii)(C)(*1*), (8)(i), (ii) introductory text, and (9) introductory text, (ii), and (iii) revised.....2992
92.11 (e) and (f)(3)(ii)(E) amended.....21497
92.17 Amended.....2992
92.20 (b) revised; footnote 10 removed.....11023
(c)(5) and (d) revised; OMB number.....18199

Page

92.27 Footnote 11 redesignated as footnote 10.....11023
92.31 Footnote 12 redesignated as footnote 11.....11023
92.35 (c)(2) and (3) redesignated as (c)(3) and (4); new (c)(2) added.....5941
92.41 Footnotes 13 and 13a redesignated as footnotes 12 and 13.....11023
93 Redesignated as Part 99; new Part 93 added.....29502
94.1 (a)(2) amended.....2653
(a)(2) amended; interim.....8437
(a)(2) amendment confirmed.....28241
94.6 (a)(2) amended.....27327
94.8 Introductory text amended.....30902
94.9 (a) amended.....27327
94.10 Amended.....27327
94.11 (a) amended.....2653
(a) amended; interim.....8437
(a) amendment confirmed.....28241
94.12 (a) amended.....27327
94.17 Added.....11625
97.1 (a) and (b) amended.....16823
97.2 Table amended.....16234, 31753
99 Redesignated from Part 93.....29502
99.10 Amended.....29502
101 Authority citation revised.....30131
101.2 (o) revised.....30131
102 Authority citation revised.....30131
102.2 Revised.....11026
102.4 (f) revised.....11026
(h) (1) and (2) revised.....30131
102.5 (b) and (e) revised.....11026
102.6 Added.....11026
103 Authority citation revised.....30131
103.3 Heading, introductory text, and (a) revised; (h) added.....30131
104 Authority citation revised.....30131
104.4 (a) and (b) revised.....30131
107 Added.....30131
113.101 (c)(2) removed; (c) (3) through (7) redesignated as (c)(2) through (6) and revised.....9117
113.102 (c)(2) removed; (c) (3) through (7) redesignated as

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

Page

(c) (2) through (6) and revised.....9118
113.103 (c)(2) removed; (c) (3) through (7) redesignated as (c) (2) through (6) and revised.....9118
114.1 Revised.....11026
114.2 (d) addition confirmed.....26141
(b) introductory text, (b)(1) and (c) revised; (b)(9) added.....30132
151 Authority citation revised; section authority citations removed.....1317, 13070
115.1 Revised.....30134
115.2 Revised.....30134
118 Added.....30135
151.9 (a) table amended.....1318, 13071
166.1 Amended.....4890
166.2 (b) and (c) amended.....4890
166.4 (b) amended.....4890
166.5 (b) amended.....4890
166.6 Amended.....4890
166.8 Amended.....4890
166.9 (d) amended.....4890
166.10 (a), (c) (1) and (2), and (d) amended.....4890
166.11 (b) and (d) amended.....4890
166.12 (c) and (d) amended.....4890
Redesignated as 166.13; new 166.12 added.....4891
166.13 Redesignated as 166.14 and (a), (b), (c), and (d) amended; new 166.13 redesignated from 166.12.....4891
166.14 Redesignated as 166.15 and (d) and (e) amended; new 166.14 redesignated from 166.13 and (a), (b), (c), and (d) amended.....4891
166.15 Redesignated from 166.14 and (d) and (e) amended.....4891
(c) revised; interim.....13231

Chapter III—Food Safety and Inspection Service, Meat and Poultry Inspection, Department of Agriculture

303 Authority citation added.....10032
303.1 (g) revised; authority citation removed; interim.....10032
303.2 Added; interim.....10032
307.5 (a) revised.....4
308 Policy statement.....3595

Page

309.16 (d)(3) revised; interim.....2104
310.21 (c) introductory text, footnote 1, and (d) revised; interim.....2104
318 Policy statement.....3595
Authority citation revised.....30137
318.7 (c)(4) table amended.....17284, 19303, 30137
318.10 Partial waiver extended.....5
(c)(3)(iv) Table 6 corrected.....12517
318.21 Added.....2185
320 Policy statement.....3595
327 Policy statement.....3595
335.40 (Subpart E) Added; interim.....13828
350 Authority citation revised.....4
350.7 (c) revised.....4
351.8 Revised.....5
351.9 (a) revised.....5
354.101 (b) and (c) revised.....5
355.12 Revised.....5
362.5 (c) revised.....5
381 Policy statement.....3595
381.3 (b) amended; (c), (d), and (e) added; interim.....10033
381.38 (a) revised.....5
381.153 Added.....2192
381.196 (b) amended.....23021

Title 9—*Proposed Rules:*

1.....10292, 19359, 29865
2.....10298, 19359, 29865
50.....24165
54.....12189
71.....1921
76.....1921
77.....24165
78.....1336
85.....1921
91.....17597, 21688, 28842
92.....2654, 2658, 9871, 10765, 25606, 30372, 32561
94.....7885, 12917, 13693, 15802, 25020, 30373
160.....5308, 19359
161.....5308, 19359
166.....27413
304.....32802
305.....32802
306.....32802
307.....12422
308.....12422, 32802
309.....21561, 32802
310.....21561, 32802
313.....32802
314.....21561

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

Title 9—*Proposed Rules—Con.* Page
317 ..... 10766, 11828, 24475, 30922, 32802
318 ..... 30925, 32802
319 ..... 2416, 5991, 9303, 10766, 11828
320 32802
325 32802
327 23041
329 32802
335 32802
350 32802
351 32802
352 32802
354 32802
355 32802
362 ..... 21563, 32802
381 ..... 11828, 15960, 23041, 24303, 24475, 30922, 32802

TITLE 10—ENERGY

Chapter I—Nuclear Regulatory Commission

Chapter I Policy statements revocation corrected 20592
0 Authority citation revised 11027
0.735–3 (e) introductory text and (1) and (f) revised 31608
0.735–21 (b)(1) revised; (e) added 11027
(a), (b) and (e) revised 30903
0.735–28 (a)(2) and (b) amended 31608
0.735–29 (b)(1)(v) revised 11028
0.735–49 (a) amended 31608
1 Revised 31602
2.101 (c)(3) and (e)(1) amended 31608
2.201 (a), (b) and (c) amended 31608
2.202 (a) introductory text and (f) amended 31608
2.205 (a), (c), (d), (g), (h) and (i) revised 31608
2.206 (a) and (b) revised 31608
2.785 (a) revised 2993
2.802 (b) and (g) revised 31609
4 Authority citation revised 25357
Table of contents corrected 28132
4.1 Revised 25357
4.1a Redesignated as 4.2 and revised 25358
4.2 Redesignated as 4.3 and revised; new 4.2 redesignated from 4.1a and revised 25358
4.3 Redesignated as 4.4 and (d) revised; new 4.3 redesignated from 4.2 and revised 25358
4.4 Redesignated as 4.5; new 4.4 redesignated from 4.3 and (d) revised 25358
4.5 Redesignated from 4.4 25358
4.301—4.341 (Subpart C) Added 25358
4 Appendix A amended 25361
7 Authority citation revised 31609
7.19 (b) amended 31609
9.14 (a)(1) revised 29505
9.53 (a) and (b) amended 31609
9.54 (b) amended 31609
9.65 (a) introductory text amended 31609
9.66 (a)(1) introductory text, (2), and (3) and (c)(2) amended 31609
9.69 (a) amended 31609
9.85 Revised 31609
9.95 Revised 760
10.5 (b) amended 31609
10.12 (a) amended 31609
10.21 Amended 31609
10.22 Introductory text, (c), (d) and (e) amended 31609
10.23 (a) and (b) amended 31609
10.24 (a) and (b) amended 31609
10.27 (c) amended 31609
10.28 (m) amended 31609
10.29 (d) amended 31609
10.30 Amended 31610
10.31 (a) amended 31610
10.32 (b) amended 31610
10.33 (c) and (d) amended 31610
10.34 (b) amended 31610
10.35 (b) amended 31610
10.37 Amended 31610
11.16 Amended 31610
15.3 Amended 31610
15.35 (c) introductory text revised 31610
19.2 Amended 8240
19.3 (d) amended 8240
19.5 Revised 31610
19.11 (c) Note revised 31610
19.16 (a) and (b) amended 31610
19.17 (a) and (b) amended 31610
20.2 Amended 8240
20 Authority citation revised 4605
20.3 (a)(20) added; eff. 2–12–88 4604
(a)(9) amended 8240

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

20.103 (a)(1) footnote 5 and (g) amended 31610
20.202 (c) added; eff. 2–12–88 4604
21.2 Amended 8241
21.5 Revised 31610
21.21 (b)(2) revised 31611
25.33 (c) amended 31611
30 Authority citation revised 1294, 27786
30.4 Introductory text, (b), and (i) amended; (x) removed 8241
30.5 Amended 8241
30.6 (a) and (b)(1) amended 8241
30.7 (e) Note amended 31611
30.11 (a) amended 8241
30.13 Amended 8241
30.14 (a) and (c) amended 8241
30.15 (a) amended 8241
30.16 Amended 8241
30.18 (a) amended 8241
30.19 (a) amended 8241
30.20 (a) amended 8241
30.31 Amended 8241
30.32 (g) added 27786
30.33 (a)(4) amended 8241
30.34 (h) added 1295
(a), (b), (c), (d), and (e) amended 8241
30.39 Amended 8241
30.51 (a), (b), (d)(1) and (2) amended 8241
30.53 Amended 8241
30.55 (c) amended 31611
30.56 Removed 8241
32 Authority citation revised 27786
32.1 (a) revised 27786
32.210 (Subpart D) Added 27786
35.59 (e)(2) amended 31611
35.205 Exemption 9292
39 Added 8234
40 Authority citation revised 1295, 9651
40.1 (a) revised 9651
40.4 (r) added 9651
40.5 (b)(1) amended 8241
40.7 (e) Note amended 31611
40.12 Revised 9651
40.23 Added 9651
40.25 (c) (1) and (2) and (d)(4) amended 31611
40.26 (c)(2) amended 31611
40.35 (e)(1) amended 31611
40.41 (f) added 1295
40.64 (a), (b) and (c) amended 31611
40.65 (a)(1) amended 31611
40.66 Added 9651
40.67 Added 9652
40 Appendix A amended 31611
50 Authority citation revised; section and Appendix authority citations removed 1295
Authority citation corrected 2352
Policy statement; interim 3788
Authority citation revised 28972
50.4 (c) and (f) amended 31611
50.7 (e) Note amended 31611
50.33 Authority citation correctly removed 2352
50.34 (b)(8) revised 9469
50.49 (b)(3) footnote 4 revised 31611
50.54 (cc) added 1295
(p)(1) correctly designated 1415
(i) and (i–1) revised 9469
(f) corrected 19303
(w) revised 28972
50.70 (b) (1) and (2) amended 31612
50.74 Added 9469
50 Appendix E amended 16829
51.4 Amended 31612
51.22 (c)(3), (10), and (14) amended 8241
51.60 (a) amended 8241
51.66 (a) amended 8241
51.68 Amended 8241
51.122 Amended 31612
51.123 (b) amended 31612
55 Revised 9460
60.9 (e) Note amended 31612
60.44 (b) amended 31612
60.75 (c) (1) and (2) amended 31612
61 Technical position statement availability 397
Authority citation revised 1295
61.9 (e) Note amended 31612
61.24 (k) added 1295
61.80 (i)(1) amended 31612
70 Authority citation revised 1296, 9652, 10037, 21657
70.4 (w) removed 8241
70.5 (b)(1) amended 8241
70.7 (e) Note amended 31612
70.8 (c)(6) added 19305
70.20a (b) amended 8241
70.20b Revised 9652
70.22 (b) revised 10038
70.32 (a) introductory text republished; (a)(9) added 1296
(c)(1) revised 10038
(c)(1)(i) corrected 22416

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

TITLE 10 Chapter I—Con. Page

70.51 (b) and (e) introductory text revised....10038
70.52 Revised....21657
70.53 (b) revised....19305
70.55 (c) (1) and (2) amended....31612
70.57 (b) introductory text revised....10038
70.58 (a) revised....10038
70.59 (a)(1) amended....31612
70.60 Removed....8241
71.0 (b) amended....8241
71.93 (c) amended....31612
71.97 (c)(1) and (3)(iii) and (f) amended....31612
72 Authority citation revised....1296, 21657
Authority citation corrected....23257
72.10 (e) Note amended....31612
72.11 (a) amended....31612
72.33 (b) introductory text republished; (b)(6) added....1296
72.52 Revised....21657
72.56 (c) (1), (2), and (3) and (e) amended....31612
73 Authority citation revised....6314, 9653, 21657
73.1 (b)(8) added....9653
73.37 (f)(1) amended....31613
73.55 (e)(1) revised....12365
73.57 Added....6314
(b)(1) and (5) and (f)(3)(ii) corrected....7821
73.67 (e)(3)(vii) and (g)(3)(iii) revised....21657
73.71 Revised....21658
(a) (1) and (5) corrected....23257
Meeting....32777
73.72 Revised....9653
73.73 Added....9653
73.74 Added....9654
73 Appendix E added; Appendix F revised....9654
Appendix G added....21658
Appendix A amended....31613
74 Authority citation revised....10038, 19305, 21659
74.4 Amended....10039
74.8 (b) revised....10040
(c)(4) added....19305
74.11 Revised....21659
(b) corrected....23257
74.13 (b) introductory text amended....31613
74.17 Added....19305
74.51—74.59 (Subpart E) Added....10040

Page
74.81 (c) (1) and (2) amended....31613
75.6 (a) table and (d) amended....31613
95.18 (a) introductory text amended....31613
95.45 (a) amended....31613
110 Authority citation revised....9654
110.50 (b)(4) revised....9655
150.16 (b) revised....31613
150.17 (a), (b) and (c) amended....31613
150.19 (c) amended....31613
150.20 (b) amended....8241
(b)(1) amended....31613
170.2 (a) amended....8242
170.12 (g) amended....31613
170.20 (b) revised....31613

Chapter II—Department of Energy

420 Class deviation....18548
456 Revised; interim....6715
465 Class deviation....18548
503.13 (b) introductory text amendment confirmed and republished....658
600 Class deviation....18548

Chapter III—Department of Energy

725 Authority citation revised....30139
725.3 (i) added....30139
725.15 (b)(3) revised....30139
725.22 (c) added....30140
725.23 (d)(9) revised....30140
763 Added....28538
862 Added....29838
962 Added....15940

Chapter X—Department of Energy (General Provisions)

1040.101—1040.170 (Subpart D) Addition published at 51 FR 4574 and 51 FR 4579 removed (regulations transferred to Part 1041)....1902
1041 Heading added; text transferred from 1940.101—1040.170 (Subpart D) published at 51 FR 4574 and 51 FR 4579....1902
1041.170 (c) revised....1902

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

Page
Title 10—*Proposed Rules:*

2....1415, 3442, 6286, 11475, 12192, 20089, 27821, 29024, 29196, 30512
9....29196, 30512
30....2540, 7432, 12921
32....2540
40....7432, 12921
50....543, 1200, 2416, 2951, 3121, 3822, 5780, 6334, 6650, 6980, 7432, 7887, 8075, 8460, 8917, 10771, 16275, 24015
55....7432, 7887
60....5992, 7432, 16403
61....7432
62....1634
70....7432, 12921
71....7432
72....7432
73....5781
110....7432
150....7432
430....7972, 12342
435....17052
456....6754
458....6754
600....21820, 23627, 31016
625....22960
703—961 (Ch. III)....2792
725....15324
763....4151
1004....23156
1010....17765, 18647
1013....20403

TITLE 11—FEDERAL ELECTIONS

Chapter I—Federal Election Commission

4 Authority citation revised....23637
4.1 (g) through (n) added; interim....23637
4.5 (a) introductory text and (7) revised; (b) through (d) redesignated as (c) through (e); new (b) added; interim....23638
4.7 (c) revised; interim....23638
4.9 Revised; interim....23638
5.6 (a)(1) amended; interim....23640
100.7 (c) revised (effective date pending)....773
Eff. 4-8-87....11187
100.8 (c) revised (effective date pending)....773
Eff. 4-8-87....11187
102.9 Introductory text and (e) revised; (f) added (effective date pending)....773

Page
Eff. 4-8-87....11187
103.3 Revised (effective date pending)....774
Eff. 4-8-87....11187
104 Authority citation revised....774
104.8 (d) revised (effective date pending)....774
Eff. 4-8-87....11187
106 Authority citation revised....20874
106.2 Revised (effective date pending)....20874
Eff. 8-18-87....30904
110 Authority citation revised....769
110.1 Revised (effective date pending)....769
Eff. 4-8-87....11187
110.2 Revised (effective date pending)....772
Eff. 4-8-87....11187
9001 Revised (effective date pending)....20876
Eff. 8-18-87....30904
9002 Revised (effective date pending)....20876
Eff. 8-18-87....30904
9003 Revised (effective date pending)....20877
Eff. 8-18-87....30904
9004 Revised (effective date pending)....20882
Eff. 8-18-87....30904
9005 Revised (effective date pending)....20886
Eff. 8-18-87....30904
9006 Revised (effective date pending)....20887
Eff. 8-18-87....30904
9007 Revised (effective date pending)....20887
Eff. 8-18-87....30904
9012 Revised (effective date pending)....20891
Eff. 8-18-87....30904
9031—9039 (Subchapter F) Revised (effective date pending)....20892
Eff. 8-18-87....30904

Title 11—*Proposed Rules:*

100....2416
110....6580
114....16275

TITLE 12—BANKS AND BANKING

Chapter I—Comptroller of the Currency, Department of the Treasury

Page

5.1 (a) revised....5942
5.3 Revised....5942
21 Heading and authority citation revised....2859
Heading revised....28682
21.5 Revised....28682
(a) corrected....31478
21.21 (Subpart C) Added....2859

Chapter II—Federal Reserve System

202 Appendix B and Supplement I amended....10733
203 Exemption terminated....10365
204 Authority citation revised....2215
204.2—204.4 Authority citations removed....2215
204.9 Authority citation removed....2215
205.14 (a)(2) and (b) revised....30911
205 Supplement II amended....10734
Appendix A amended....30912
207 OTC margin stock list....3218, 15941, 28538
208 Authority citation revised....2859
208.14 Added....2860
211 Authority citation revised....30914
211.5 (f) added....30914
220 OTC margin stock list....3218, 15941, 28538
220.2 (r)(2)(iii) amended; (r)(3) added; (r) introductory text republished....32292
221 OTC margin stock list....3218, 15941, 28538
224 OTC margin stock list....3218, 15941, 28538
225.43 (a) revised....23023
(c)(2) and (d) revised....23024
226 Supplement I amended....10878
227.14 Exemption granted in part....2400
261 Policy statement....15707
261.4 (g) removed....15300
261.8 Added....15300

Chapter III—Federal Deposit Insurance Corporation

Page

309.5 (a)(1), (b), and (c)(7) revised....23426
Technical correction....24090
326 Heading and authority citation revised....2860
326.0—326.7 (Subpart A) Heading added....2860
326.0 Heading revised....2860
326.8 (Subpart B) Added....2860
337.4 (h)(3) revised....23544
341.4 (a) revised....1182

Chapter V—Federal Home Loan Bank Board

500.10 Amended....7120
500.31 Revised....5942
(a) (1) and (2) amended....10557
500.32 (a), (b) (1), (3), (5), (6), (8), (9), (10), and (12), and (c) introductory text revised....7120
(c) introductory text corrected....8550
505 Authority citation revised....7121
505.3 (c) and (d) removed; (e) and (f) redesignated as (c) and (d); new (d) revised....7121
505.4 (d) amended; authority citation removed....7121
505a Authority citation revised....7121
505a.3 (c) revised....7121
505b Authority citation revised....7121
505b.7 Amended....7121
508 Authority citation revised; section authority citations removed....7121
508.13 Amended....7121
510a Added....17392
522.87 (a) designation removed....7122
523 Authority citation revised; section authority citations removed....7122
523.3–2 Heading and (b) revised; (c) through (g) added....30142
523.3–3 Amended....7122
523.10 (h)(5) amended....7122

Page

545.11 (a) heading added; (b) amended....7122
545.74 (d)(4) amended....7122
545.82 (e) amended....7122
545.102 (b) revised....24135
545.115 (b) revised....18350
545.138 (f) heading added....7122
546.2 (d)(3) and (h)(1)(i) revised....9800
552 Authority citation revised; section authority citations removed....7122
552.2–2 (d) amended....7122
552.8 (b) and (f)(2) amended; (f)(1) revised....7122
552.13 (h)(2) amended....7122
(i)(3) revised; (j)(3) amended....9800
552.14 (b) amended....7122, 9800
555 Authority citation revised; section authority citations removed....7122
555.10 Amended....7122
555.12 Amended....7122
555.17 (d)(2) amended....7122
556 Authority citation corrected....8550
556.5 (i) amended....7123
556.8 Amended....7123
561 Authority citation revised....7123
561.11a (f)(2) introductory text revised....8242
561.11f (a)(3)(ii) amended....8242
561.11g (a) amended....8242
561.13 (c) (1) and (2) amended....7123
Revised....18350
561.15 (b), (d)(2), and (j) (1) and (3) amended....7123
(j)(1) correctly designated....8550
561.17 (a) amended....7123
563.4 (d)(3) amended....7123
563.6 (d) revised....8242
563.7–4 (i)(2)(iv) amended....7123
563.8 (c) heading added....7123
563.8–1 (d)(1)(v)(c) amended....7123
563.9–7 (b) amended....7123
563.9–8 (h) amended; interim....7822
(b)(1)(i), (g)(6), and (h) amended; (f) text designated as (f)(1); (b)(11), (c)(3), (f)(2), and (g)(3)(iv) added; (c)(2) and (g)(2)(v) and (3)(ii) introductory text and (A) through (C) revised....8205

Page

Heading, (a), (c)(2) (i) and (ii), and (e)(2) revised; nomenclature change; (b)(1) introductory text and (6)(ii) and (e)(1) amended; (b)(6)(iii), (9), (10), and (11) redesignated as (b)(6)(iv), (10), (11), and (12); new (b)(6)(iii) and (9) and (f)(3) added....23802
563.13 (b)(4)(i)(E) revised....23641
Nomenclature change....23802
(b)(4)(ii)(D)(*2*)(*iii*) amended; (b)(4)(ii)(D)(*2*)(*iv*) redesignated as (b)(4)(ii)(D)(*2*)(*v*); new (b)(4)(ii)(D)(*2*)(*iv*) added; (b)(4)(ii)(E)(*2*) and (F)(*2*) revised....23803
563.13–1 (e) introductory text amended....7123
563.13–2 (a)(4) and (e)(1)(i) amended....23802
563.17–1 (c)(8) amended....7123
(c)(8) corrected....8550
563.17–4 (g) removed....18351
563.17–7 Added....2860
OMB number....3207
563.22 (b) amended; (d) and (e)(1)(i) revised....9800
563.23–1 (f)(3)(i) revised....7123
(a) and (b) revised; (f) removed; (g) redesignated as new (f)....18351
563.23–2 Removed....18351
563.23–3 (c) revised; (d) added....18352
563.27 (b) amended....7123
563.35 (b) and (d) introductory text amended....7123
563.37 (b) amended....23802
563.38 (a) amended....23802
563.39 (b) (2) and (3) revised....4892
563.43 (b)(5) amended....7123
563.45 (c) and (d) amended....7123
563b Authority citation revised....7123
563b.1 (a)(2) removed; (a)(1) designation removed....7123
Amendatory instruction corrected....8550
563b.2 (a)(19) revised....7123
563b.101 Form PS amended....7124
563c Authority citation revised....7124, 18352
563c.14 (f) added....18352
563c.102 Amended....7124

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

TITLE 12 Chapter V—Con. Page

Corrected ... 8550
564 Authority citation revised ... 7124
564.9 (b) amended ... 7124
(b) revised ... 10558
569 Authority citation revised ... 7124
569.3 (b)(2) amended; (c)(2) removed; (c)(1) designation removed ... 7124
570 Authority citation revised ... 18352
570.4 Heading and (a) revised ... 18352
571 Authority citation revised; section authority citations removed ... 7124
Authority citation revised ... 23941
571.5 (a) revised ... 23941
Effective date corrected ... 26295
571.8 Amended ... 7124
572 Authority citation revised ... 7124
572.1 (c)(2) and (e)(3) amended ... 7124
572a Authority citation revised ... 9801
572a.5 (c)(5) amended ... 9801
574 Authority citation revised ... 7124
574.2 (a)(2) revised; (k)(2) amended ... 9801
574.3 (c)(2)(iii) amended ... 7124
(c)(2)(iv)(A) revised ... 9801
574.4 (d)(5) revised ... 9801
574.5 (a)(1) revised ... 9801
574.6 (a)(3) revised; (e) and (f)(2) amended ... 9801
574.7 (e), (f), (g)(1)(ii) introductory text and (iii) revised ... 9801
574.8 (a)(3)(iv) revised ... 9802
584 Authority citation revised; section authority citations removed ... 7124
584.2-1 (a) and (b)(1)(v) amended ... 7124
584.4 (a) amended ... 7124
584.6 (c)(1) amended ... 7124

Chapter VI—Farm Credit Administration

602.250 (a) introductory text, (5) and (8) revision eff. 5-6-86 ... 2105
605 Authority citation revised ... 18200
605.502 (d), (f) and (j) revised ... 18200
611.1140 (b) introductory text, (1)(ii) and (2)(v), (vi) (B), (C), (F), and (H) and (4) (i), (ii) and (iii) revised; (b)(1)(iii) added (effective date pending) ... 12142
Eff. 5-20-87 ... 19129
611.1142 (i) introductory text, (3) and (l)(3) revised; (l)(10) added (effective date pending) ... 12143
Eff. 5-20-87 ... 19129
614.4366 (e) revised (effective date pending) ... 12147
Eff. 5-20-87 ... 19129
614.4367 (a) introductory text revised; (g) and (h) added (effective date pending) ... 12147
Eff. 5-20-87 ... 19129
614.4440 (c) revised (effective date pending) ... 12147
Eff. 5-20-87 ... 19129
614.4442 (b) revised (effective date pending) ... 12147
Eff. 5-20-87 ... 19129
614.4443 Existing text designated as (a); (b) added (effective date pending) ... 12147
Eff. 5-20-87 ... 19129
620 Addition eff. 5-6-86 ... 2105
Hearings ... 8581
620.3 Technical correction ... 1440
621 Addition eff. 5-6-86 ... 2105
621.2 Technical correction ... 1440
624 Hearings ... 2672
Heading and authority citation revised ... 13429
624.104 Introductory text revised ... 2671
Redesignated as 624.105; new 624.104 added ... 13429
624.105 Redesignated from 624.104 ... 13429
624.110 Revised ... 13429
624.111 Revised ... 2671
624.113 (b) introductory text and (1) revised ... 2671
(a) and (b) introductory text and (1) revised ... 13429

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

Chapter VII—National Credit Union Administration

Page

701.21 (c)(7) revised ... 8061
(a), (c) (5) and (8), and (d)(5) revised; (h) added ... 12368
708 Revised ... 12374
741 Authority citation revised ... 12370
741.3 Redesignated as 741.4; new 741.3 added ... 12370
741.4 Redesignated as 741.5; new 741.4 redesignated from 741.3 ... 12370
741.5 Redesignated as 741.6; new 741.5 redesignated from 741.4 ... 12370
741.6 Redesignated as 741.7; new 741.6 redesignated from 741.5 ... 12370
741.7 Redesignated as 741.8; new 741.7 redesignated from 741.6 ... 12370
741.8 Redesignated as 741.9; new 741.8 redesignated from 741.7 ... 12370
741.9 Redesignated as 741.10; new 741.9 redesignated from 741.8 ... 12370
741.10 Redesignated from 741.9 ... 12370
748 Heading and authority citation revised ... 2861
748.2 Added ... 2861
(b) revised ... 8062
790.4 (a)(7) revised ... 27987
790.7 Revised ... 27987
795.1 (b) table amended (OMB numbers) ... 28132

Title 12—*Proposed Rules:*

3 ... 23045
18 ... 23456
206 ... 30690
211 ... 21564, 26153
220 ... 13458, 32138
221 ... 29701
225 ... 543, 3447, 4629, 5119, 9304, 18703, 21564, 26153
227 ... 28271
261 ... 10233, 13458
262 ... 21564, 26153
309 ... 13843
325 ... 11476, 11660
332 ... 7442
337 ... 11492
338 ... 30928
350 ... 23554, 25021
404 ... 21569
501 ... 25870, 29387
522 ... 12425, 29030
523 ... 3450
543 ... 25870, 29387
544 ... 25870, 29387
545 ... 3665, 25870, 29387
546 ... 25870, 29387
551 ... 25870, 29387
561 ... 18369, 27218
563 ... 80, 3665, 3669, 8207, 17406, 18043, 18369, 18386, 23845, 27218, 27219
564 ... 3126, 8611, 26017
565 ... 17408
571 ... 5782, 7887, 18369, 18386, 23181, 27218, 27219
588 ... 23181
620 ... 30374
621 ... 30374
611 ... 13694
612 ... 11080
614 ... 21073
700—795 (Ch. VII) ... 27994
701 ... 28274
703 ... 28274
705 ... 12427
721 ... 28274
790 ... 19152
1101 ... 29865

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

101.3-2 Amended ... 18352
108.1 (b)(3) amended; interim ... 27675
108.2 Revised; interim ... 27675
108.4 (d)(2)(iii) amended; interim ... 27676
108.5 (d) amended; interim ... 27676
108.503-1 (b)(3) amended; (c)(1)(iii) added; interim ... 27676
108.503-3 (f) and (g) amended; interim ... 27677
108.503-4 (c)(3)(iii)(A) amended; (c)(4) added; interim ... 27677
108.503-6 (a) (1) and (2) amended; (d) redesignated as (e); new (d) added; interim ... 27677
108.503-7 (b)(2) amended; (c) revised; interim ... 27677
108.503-8 Revised; interim ... 27677

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

TITLE 13 Chapter I—Con. Page

108.503-9 (a)(6) removed; (a)(7) through (11) redesignated as (a) (6) through (10); interim....27678
108.503-10 Revised; interim....27678
108.503-12 Revised; interim....27678
108.503-13 (c) and (h) amended; interim....27678
108.504 (a) amended; (b), (c), (e), and (f) revised; (g), (h), and (i) redesignated as (j), (k), and (l); new (g), (h), and (i) added; new (j) revised; interim....27678
108.505 (a), (d), (e), and (h) amended; (f), (g), and (k) revised; interim....27679
114 Heading and authority citation revised....32534
114.100—114.111 (Subpart A) Heading added....32534
114.112—114.113 (Subpart B) Added....32534
121.2 Existing Table designated as Table 2; (d) and new Table 1 added; interim emergency....399
Table 1 corrected....2400, 6133
(c)(2) table corrected....21497
133.1 (c) table revised....27988
144 Added....31527

Chapter III—Economic Development Administration, Department of Commerce

309.3 (f) and (m) revised; interim....21932
309.7 (c) revised....27539
311 Authority citation revised....11627
311.1 (a)(5) added; (c) revised....11627
311.3 (d) revised....11627

Title 13—*Proposed Rules:*

102....18570
107....28842
120....19155
121....8261, 29532, 32870
125....32017
142....19156
143....21820, 23627
144....26019

TITLE 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

Page

15 Added....18171
21 Special FAA conditions corrected....656
Authority citation revised; section authority citations removed....1835
Special FAA conditions amended....3416, 11629, 23026, 27190, 32780, 32781
21.17 (b) through (d) redesignated as (c) through (e); new (b) added; new (d) introductory text and (2) amended....8042
21.19 (b) introductory text amended....1835
21.21 Heading and introductory text amended....1835
Heading and introductory text revised....8042
21.23 Removed....8042
21.27 (a) and (f) table amended....1835
(f) table corrected....7262
21.31 (c) revised....8042
21.37 Amended....1835
21.39 (a) amended....1835
21.50 (b) revised....8042
21.73 (c) amended....1836
21.93 (b)(3) amended....1836
21.175 (a) amended....1836
(a) revised....8043
21.183 Heading and (e)(2) amended....1836
Heading revised....8043
21.195 (b) amended....1836
21.213 (c) amended....1836
21.231 (a) (2) through (5) redesignated as (a) (3) through (6); new (a)(2) added....1836
21.327 (f)(2) amended....1836
23 Special FAA conditions corrected....656
Heading revised....1825

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

Page

Special FAA conditions amended....11629, 27190, 32780, 32781
23.1 (a) revised....1825
23.3 (a) introductory text, (b) introductory text, and (c) revised; (d) redesignated as (e) and revised; new (d) added....1825
23.25 (a) introductory text revised; (a)(2) amended....1825
23.45 (a) revised; (f) added....1826
23.51 (b) and (c) removed; (d) and (e) redesignated as (b) and (c); new (d) added....1826
23.53 Added....1826
23.55 Added....1826
23.57 Added....1827
23.59 Added....1827
23.61 Added....1827
23.65 (d) added....1827
23.67 (a), (b) and (c) amended; (e) added....1827
(e)(3) introductory text corrected....7261
23.75 (g) added....1828
23.77 (a) and (b) amended; (c) added....1828
23.161 (b) and (c) introductory text and (3) revised....1828
23.173 (b) revised....1828
23.175 (b)(2) introductory text revised....1828
23.333 (b)(3) amended; (c)(1)(iii) added; (d) diagram revised....1829
23.335 (a)(1)(i) and (b)(2)(i) revised; (d) added....1829
23.337 (a)(1) and (b)(1) amended....1829
23.349 (a)(2) revised....1829
23.397 (b) table footnote 1 amended....1829
23.443 (b) and (c) redesignated as (c) and (d); new (b) added....1830
(b) corrected....7262
23.572 Heading revised; (a) amended; (b) added....1830
23.677 (d) added....1830
23.721 Added....1830
23.783 (c) added....1830
23.785 (g) revised....1830
23.787 (g) added....1830
23.803 Added....1831
23.807 (d) added....1831

Page

23.815 Added....1831
23.831 Existing text designated as (a); (b) added....1831
23.851 Added....1831
23.853 (d) and (e) redesignated as (e) and (f); (d) added....1831
23.901 (b)(3) added....1832
23.903 (d) text redesignated as (d)(1); (d)(2) added; (e)(2) revised....1832
23.933 (d) added....1832
23.963 (f) added....1832
23.997 (e) added....1832
23.1163 (d) added....1832
23.1165 (f) added....1833
23.1193 (g) added....1833
23.1195 Added....1833
23.1197 Added....1833
23.1199 Added....1833
23.1201 Added....1833
(a) corrected....7262
23.1203 Amended....1833
23.1305 (f), (h) and (k) revised....1833
23.1309 (d) added....1833
23.1323 (c) and (d) added....1834
23.1325 (f) added....1834
23.1351 (a)(2), (b) (2), (3) and (4), and (d) revised; (b)(5) added....1834
23.1523 (a) revised....1834
23.1581 (e) added....1834
23.1583 (a)(3), (c) (3) and (4), and (e)(4) added....1834
23.1585 (h) added....1835
23.1587 (d) added....1835
23 Appendixes F and G amended....1835
25 Special FAA conditions amended....3416, 23026
25.853 Comment time extended....5422
25 Appendix F comment time extended....5422
36 Authority citation revised; section authority citations removed....1836
36.1 (a)(2) and (e) amended....1836
36.9 Heading and introductory text amended....1836
36.501 (Subpart F) Heading amended....1836
36.501 (a)(2) amended....1836
36.1581 (d) amended....1836
36 Appendix F amended....1836

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

TITLE 14 Chapter I—Con. Page

39.13 ..... 517, 519–524, 1319, 1320, 1441–1443, 2216–2218, 2511, 2512, 2673, 2674, 2676, 3108–3112, 3419–3422, 3424, 3426, 3596–3600, 3793, 3998–4000, 4278–4281, 4605–4607, 4764–4767, 4892, 5074, 5437, 5438, 5531, 5944–5947, 6134, 6135, 6777, 6778, 6953–6956, 7405, 7564–7567, 7823, 8063, 8582, 8583, 8873, 9121, 9294, 9470, 9471, 10044, 10218–10220, 10558, 10736, 10737, 11631–11639, 11985–11987, 12517–12519, 13232–13234, 13633, 13635, 13636, 15303, 15709, 16830, 16831, 17551, 17748–17750, 17936, 17937, 18549, 18551, 18902, 19131, 19306, 19481–19485, 20699–20702, 21243–21245, 21498, 21660, 22630, 23427, 23428, 23643–23645, 23942–23948, 24136–24142, 24984, 24985, 25204–25207, 25362, 25590, 25592, 25966, 26296, 26471, 26472, 26663–26666, 26946–26949, 27192–27195, 27787–27789, 28133–28136, 28242–28245, 28683, 28684, 28818, 28974–28976, 29372, 29373, 29505, 29506, 30143, 30330, 31378–31383, 31980, 31982, 32535, 32536

Corrected..... 3079, 6286, 7568, 27328

43 Authority citation revised..... 3390

43.13 (c) heading and text amended..... 20028

43 Appendix F revised..... 3390

Appendix F corrected..... 6651

Appendix A amended..... 17277

61.107 (d)(1) and (f)(1) revised..... 17277

61.113 (a), (b) and (c) amended; (d) and (e) added..... 4846

61.127 (f)(1) revised..... 17277

61.131 (a) and (b) amended; (c) and (d) added..... 4847

65 Authority citation revised; section authority citations removed..... 17518

65.31 (c) revised..... 17518

65.33 (d) revised..... 17519

65.49 (a) revised..... 17519

71.123 ..... 4130, 4893, 5948, 8243, 11033, 17552, 18903, 21248, 27329, 27789, 28685, 28687

Corrected..... 3079, 7262

71.125 21247

71.127 Corrected..... 3079

Page

71.151 ..... 5078, 11034, 21247, 21500, 28686

Technical correction..... 7370

71.171 ..... 525, 775, 2219, 5439, 9122, 10045, 11816, 15710, 15711, 19133, 21499, 23429, 28685, 28819, 31386, 31387, 31983, 31984, 32537

Corrected..... 19132

Eff. 1–14–88..... 29507, 31384, 31385

71.181 ..... 526, 1626, 3601, 4282, 5439, 5440, 6136, 6137, 6778, 7406, 7407, 8243, 8874, 10559, 11816, 15710–15713, 17553, 17938, 18551, 19132, 19837, 20703, 21246, 21499, 22631, 23429, 23430, 26141, 28685, 28819, 28820, 31387, 31388, 31614, 31985, 32537

Corrected...12900, 19132, 20194, 23138

71.203 21248

71.207 21248

71.401 ..... 4894, 11031, 30916

Corrected..... 7369

Technical correction..... 31846

71.501 ..... 1423, 1430, 4487, 7395, 9383, 11183, 15480

Corrected..... 4079, 4608, 17366

Technical correction..... 13173

73.21 21249

73.22 4131

73.23 ..... 4895, 10560, 11034, 17394

Corrected..... 7370

73.25 ..... 4895, 21500

73.29 ..... 21249, 28225

73.30 ..... 18552, 21250

Corrected..... 19962

73.32 21247

73.34 11034

73.41 10560

73.42 16833

73.44 ..... 21250, 28225

73.48 10560

73.52 27790

73.53 21250

73.55 5078

Technical correction..... 7370

73.64 28686

73.66 8874

73.71 21250

75.100 5079,

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

Page

18903, 21247, 21248, 21251, 21252, 27329, 28687, 28688

91 Authority citation revised..... 1836

Authority citation revised; section authority citations removed..... 9636

Special FAA Reg. 50 added..... 9775

Special FAA Reg. 50 corrected..... 18689

Special FAA Reg. 50 redesignated as FAA Reg. 50–1 and revised..... 22743

91.24 (a) and (b) revised..... 3391

91.35 Introductory text and (a) through (d) redesignated as (a) introductory text and (1) through (4); new (b) added..... 9636

91.90 (b)(2)(iii) revised..... 3391

91.161 (b) revised..... 20028

91.173 (a)(1) amended..... 17277

91.213 (a)(3) added..... 1836

93.101—93.105 (Subpart H) Removed..... 19254

95 ..... 4132, 10739, 19839, 27792

97.21—97.35 ..... 662, 2220, 3427, 4610, 5949, 8244, 10046, 12520, 13637, 17395, 19841, 21501, 23431, 24986, 26951, 28821, 30145, 32538

121 Authority citation revised..... 3391

Authority citation revised; section authority citations removed..... 9636, 20957

Special FAA Reg. 38–2 amended..... 28939

121.3 (i) added..... 20028

121.312 Comment time extended..... 5422

121.337 Revised..... 20957

121.343 Revised..... 9636

121.345 (c) revised..... 3391

121.417 (c) revised; (d) redesignated as (e); new (d) and (f) added..... 20958

121.589 Revised..... 21476

121 Appendix B amended..... 9637

125 Authority citation revised; section authority citations removed..... 9637

Special FAA Reg. 38–2 amended..... 28939

125.1 (e) amended..... 6957

(d) and (e) removed; (a) and (b) (1), (3), and (4) revised..... 20028

Page

125.11 (a) revised; (c) added..... 20028

125.202 Added..... 9637

127 Authority citation revised..... 3392

Special FAA Reg. 38–2 amended; authority citation revised..... 28939

127.123 (b) revised..... 3392

129 Heading revised..... 20029

Special FAA Reg. 38–2 amended; authority citation revised..... 28939

129.1 Revised..... 20029

129.11 (a) introductory text revised; (a)(4) and (c) added..... 20029

129.14 Added..... 20029

Effective date deferred to 2–25–88..... 32528

129 Appendix A amended..... 20029

135 Authority citation revised..... 3392

Authority citation revised; section authority citations removed..... 9637

Special FAA Reg. 50 added..... 9775

Special FAA Reg. 50 corrected..... 18689

Special FAA Reg. 50 redesignated as FAA Reg. 50–1 and revised..... 22743

Special FAA Reg. 38–2 amended..... 28939

135.11 (c) added..... 20029

135.143 (c) revised..... 3392

135.151 (a) introductory text revised; (b) redesignated as (c); new (b) added..... 9637

135.169 (a) and (b) introductory text revised; (b) (5) and (6) amended; (b)(7) added..... 1836

135.363 (j) added..... 1836

135.398 Added..... 1836

159 Authority citation revised..... 21504, 21910

159.79 Revised..... 21504

(a)(1)(i) corrected..... 23762

159.89 (a) revised; (c) added..... 21504

159.181 Revised..... 21910

Technical correction..... 23762

159.183 Revised..... 21911

Technical correction..... 23762

159.184 Added..... 21911

Technical correction..... 23762

159.185 Revised..... 21911

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

TITLE 14 Chapter I—Con. Page
Technical correction 23762
171 Policy statement 20703

Chapter II—Office of the Secretary, Department of Transportation (Aviation Proceedings)

211 Authority citation revised 5442
211.30—211.35 (Subpart D) Added 5442
241 Nomenclature change (OMB numbers) 9132
Sec. 7 amended 9129
Sec. 12 amended 9129
Sec. 19–7 revised 6529
Sec. 19–7 Appendix A added 6530
Sec. 21 (b), (d) and (l) revised 9130
Sec. 22 (a) tables revised 9130
Sec. 23 amended 9131
Sec. 24 amended 9131
Sec. 25—Sec. 26 undesignated center heading revised 9132
Sec. 25 Schedule T–7 removed 9132
Sec. 26 removed 9132
272 Added 5443
300.2 (e) revised 18904
Technical correction 21150
302.8 (g) added 5445
302.9 Revised 5445
302.1705 (c) revised 5445
385.21 Added 18905

Chapter V—National Aeronautics and Space Administration

1201.200 Revised 31986
1201.300 (a)(3) and (c)(3) revised 31986
1201.402 Revised 31986
1206 Authority citation revised 18905
1206.101 (g) through (o) added; interim 18905
1206.601 (c) revised; interim 18906
1206.603 (c) revised; interim 18906
1206.700—1206.706 (Subpart 7) Revised; interim 18906
1207 Revised 22755
1215 Appendix A revised 10881
1260.104 (b) revised 12378
1260.105 (a) and (b) revised 12378
1260.109 Added 12378
1260.406 Amended 12378
1260.420 (e) added 12378
(e) correctly designated 13375
1260.514 (d) amended 12379
1260.602 Revised 12379
1260.603 Amended 12379
1261.400—1261.417 (Subpart 1261.4) Revised 19487
1261.500—1261.508 (Subpart 1261.5) Added 19495
1261.600—1261.606 (Subpart 1261.6) Added 19497

Title 14—*Proposed Rules:*

1—199 (Ch. I) 1924, 5309, 8078, 8918, 22329, 25886, 26030, 27563
1 ..... 1635, 32268
21 ..... 9176, 10109, 10111, 17409, 17410, 18573, 19517, 19520, 27219–27223, 27821, 32804–32811
23 ..... 9176, 10109, 10111, 18573, 19517, 27219–27223, 27821, 32804–32811
25 ..... 5424, 17890, 19520
27 ..... 1635, 20938
29 ..... 1635, 11997, 20938
36 ..... 7618, 8050, 23144, 27304, 28416
39 ..... 435, 551–557, 1338, 1468, 3126, 4021, 4914, 4915, 5140, 5141, 5546, 6001, 6170, 6804, 6987, 7443, 7619, 8079–8082, 8263, 8264, 8612–8615, 8919, 9181, 10113, 10114, 10236–10238, 10581, 11081, 11663, 11664, 11997, 11998, 12544, 12545, 13249, 13251, 16851, 16852, 17598–17601, 17958, 17959, 18575, 19168, 20721, 20722, 21312, 21314, 21572–21575, 22329, 22331, 22786, 23461–23466, 23661–23663, 24304, 25022–25028, 25236–25239, 25606, 26021, 26022, 26348, 26349, 26484, 27414, 27822, 27823, 28276–28280, 28564–28566, 29032, 29353, 29387–29390, 29534, 30380, 31409, 31410
61 ..... 22918, 29205

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

Page
71 ..... 81, 297, 558–560, 1925, 2545, 2722, 4348, 4629, 4916, 6002, 6805, 6988, 6989, 7279, 7444, 7445, 8730, 8920, 8921, 9182–9184, 9312, 9313, 10115, 10582, 11082, 11828, 12286, 12935, 13713, 15326, 15511, 15512, 16853–16858, 18536, 18576, 18920, 19360, 19521, 20412, 20825, 21316, 22031, 22332, 22918, 23468–23470, 24017, 24305, 24306, 25029, 25240, 26023, 26153, 26350, 26351, 26485–26497, 27224, 27415, 27416, 27824, 27972, 27976, 28725, 28726, 29205, 29353, 29470, 29474, 29605, 29612, 30168, 30381, 30512, 31411, 31846, 32562
73 ..... 2545, 2546, 3079, 15326, 27825
75 ..... 4153, 6989, 8920–8923, 12000, 12286, 25241–25244, 25607–25610, 30381, 38382
91 ..... 2236, 2547, 7618, 22918, 23144, 29205, 32268
121 ..... 5424, 20560, 20982, 32268
125 32268
129 32268
135 ..... 2236, 20560, 32268
159 7446
215 5547
217 26498
234 22046
241 26498
255 22046
298 5547
382 ..... 5467, 19881
389 5547
1203 2548
1245 24477
1251 ..... 25124, 27902

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

4 Authority citation revised 26952
4.9 Revised 26952
22 Added 7

Chapter I—Bureau of the Census, Department of Commerce

30.55 (h) revised 32782

Chapter III—International Trade Administration, Department of Commerce

302 Removed 5757
303.14 (e) revised 3794
368 Authority citation revised 32122
368.2 (a)(4) removed 31754
369 Authority citation revised 32122
369 Supplement No. 14 added 17285
370 Authority citation revised 32122
370.4 Revised 28543
370.6 (d) removed 31754
370.11 (c) revised 11640
(a)(2) heading and (i) revised; (c) amended 31755
370.13 (a) introductory text revised 32122
370.14 Heading revised; (a) introductory text and (6), (b) introductory text, and (f)(1)(ii) and (2)(ii) amended; (a)(3) redesignated as (a)(3)(i); new (a)(3) heading and (ii) added 32122
(a) introductory text and (3)(ii) amended 32539
371 Authority citation revised 2106, 32122
Export controls continued 2500
371.1 Amended 6138
371.2 (c)(11) amended 2106
371.4 (b)(2) removed 31754
371.5 (d) revised 2106
371.7 (d) added 2106
371.8 Heading and (a) revised; (b) amended 26954
(c) revised 29374
(a) and (b) amended 32122, 32539
371.14 Added 5275
(c) corrected 6649, 10741
(b) amended 26954, 32539
371.16 Introductory text revised 2106
371.17 Introductory text, (a)(2) heading, (e), (f) heading, introductory text, (1) (i), (ii), and (iii), and (3)(v) revised; (a)(5) added; (a)(2)(i) introductory text, (f)(1) (iv) and (v), (2) heading, introductory text, (i) and (iii), and (3) (i) and (iii) amended 23028
(a)(2) heading and (i) and (f) introductory text, (2) heading and text, and (3)(i) amended 23168

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

TITLE 15 Chapter III—Con. Page

(a)(2)(i) revised 31754
371.18 (b) (2) and (3) revised 23027
(a)(1) footnote 12 redesignated as footnote 11 23029
371.20 Added 5275
(a) introductory text amended 26954, 32539
371.22 (d)(1) introductory text and (2) revised 6138
(b) introductory text footnote 13 and (4) footnote 14 redesignated as footnotes 12 and 13 23029
371 Supplement No. 1 added 5275
372 Authority citation revised 2106, 32122
372.2 (b) (1) and (4) revised; (b)(3) amended 6138
372.4 (c) revised 6138
372.9 (c) revised 664
372.11 (e)(2)(iii) amended; (e)(2)(iv) added 6138
(d)(3) amended 32122, 32539
373 Authority citation revised 2106, 32122
Export controls continued 2500
373.1 (a)(1)(iii) revised 2106
373.2 (b)(2) added 6138
(d)(3) and (e)(4)(ii) revised 22632
(b)(8) amended 23168
373.3 (d)(3)(ii)(E)(*3*)(*iii*) amended 2106
(f)(5) revised 22632
(a)(1)(ii) amended 23168
373.7 (b)(7), (d)(1), (2) (i) and (ii) and (3), and (h)(1)(ii) amended 6138
(f)(3) revised 22632
(c)(1) heading and text amended 23168
373.8 (a)(2) amended 23168
373 Supplement No. 6 amended 9149
374 Authority citation revised 32122
374.2 (j) revised 3601
(a)(1) amended 5275
(a)(4) revised 23029
(a)(4)(i) amended 23168
(j) amended 32540
374.3 (e) (3) and (4) amended 31756
374.6 Revised 6138
375 Authority citation revised 28544, 32122
375.6 (b)(1) amended 3601
(a) amended; (b)(1) revised; (c) added 28544
376 Export controls continued 2500
Authority citation revised 32122
376.8 (b)(1) (ii) and (iii) amended 23168
376.12 Revised 9149
376.14 (a) amended 5532, 11640
376.17 Added 776
376.18 Added 28545
377 Authority citation revised 28136
377.1 (b) and (c) (1), (2), (3), and (4) amended 28136
377.2 (d)(1) and (e) amended 28136
377.3 (a)(2), (b) introductory text and (c) introductory text amended 28136
377.4 (c) introductory text, (d)(1) introductory text and (vi), (e), (f) introductory text, and (1)(i), (h) introductory text, and (i) (1) and (2) amended 28136
377.6 (d)(2) amended 2106
(d) introductory text and (3)(ii) introductory text and (e)(2) amended; footnotes 1 and 2 redesignated as footnotes 2 and 3 28137
377.7 (a), (d), (e) introductory text, (1), (4), and (5), (f)(1), (g) introductory text, flush text following (h)(3), (j), and (m) amended 28136
(m) correctly designated 29353
377.8 (b), (f), (g), (h), (i), (j), and (l) amended; (d) revised 28136
377.9 (b) introductory text and (c) amended 28136
377.15 (d) amended 28136
378 Authority citation revised 32122
379 Authority citation revised 2106, 32122
Export controls continued 2500
379.4 (e) (1) and (2) amended 2106
(f)(1) introductory text revised; (f)(1)(i)(P) removed 2500
(f)(1) amended 6139
(b)(5) added; interim 21505

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

Page

(d)(18) amended; (d)(19) redesignated as (d)(20); new (d)(19) added 27498
(d)(19) amended; (d)(20) redesignated as (d)(21); new (d)(20) added 28545
379 Supplement No. 3 amended 2106, 27506
Supplement No. 4 amended 27499, 28545
Supplements No. 3 and No. 4 amended 29177
385 Authority citation revised 2106, 32122
Export controls continued 2500
385.1 (b)(2) amended 9151
385.2 (c) removed 2501
385.4 (c)(9) (i) and (iii) amended; (a)(13) added 2107
(f) amended 2501
(d)(2) amended; (d)(4) redesignated as (d)(5) and revised; new (d)(4) added 23168
(d)(2) amended 23545
(e) revised 28551
385 Supplement No. 2 amended 2107
Supplement No. 1 amended 27798
386 Authority citation revised 2106, 32122
386.1 (c)(2)(i) amended 6139
386.3 (r)(2) amended 6139
(l) removed 31754
386.6 (a)(1)(ii) amended 5275
386.7 Revised 664
386 Supplement No. 1 revised 6139
387 Authority citation revised 2106, 32122
388 Authority citation revised 32122
389 Authority citation revised 2106, 32122
389.2 (b)(1) amended 6139, 29177
391 Authority citation revised 32122
399 Interpretation 405
Authority citation revised 2106, 32122
Export controls continued 2500
399.1 (f)(1) (iii) and (iv) redesignated as (f)(1) (iv) and (v); new (f)(1)(iii) added 29177
Supplement No. 1, Group 0 amended 2501, 28546
Supplement No. 1, Group 1 amended 2501, 28546, 28547
Supplement No. 1, Group 2 amended 27501, 27502
Supplement No. 1, Group 2 corrected 28640
Supplement No. 1, Group 3 amended 666, 2501, 3602, 6139, 8445, 22632, 27502, 27503, 28546, 28547
Supplement No. 1, Group 4 amended 23168, 23545, 27503, 27504, 28546, 28549
Supplement No. 1, Group 4 corrected 28640
Supplement No. 1, Group 5 amended 666, 2107, 2501, 3602, 5532, 11458, 11641, 13829, 22632, 23169, 23545, 25208, 27509, 27513, 28246, 28546, 28548, 29177, 29374
Supplement No. 1, Group 5 corrected 28640
Supplement No. 1, Group 6 amended 6139, 11641, 22632, 23545, 27504
Supplement No. 1, Group 6 corrected 28640
Supplement No. 1, Group 7 amended 666, 2107, 2501, 11458, 22632, 27504, 27505, 28546, 28550, 28552, 29840, 31750
Supplement No. 1, Group 7 corrected 28640
Supplement No. 1, Group 8 amended 28546
Supplement No. 1, Group 9 amended 5533, 29178
399.2 Supplement No. 1 amended 2501, 8445, 28552
Supplement No. 1 corrected 23170

Chapter VIII—Bureau of Economic Analysis, Department of Commerce

801.9 (a) revised 19843
801.10 Added 19843
806.14 (f) (1) and (2) revised 8446
806.15 (h) (1) and (2) revised 8446

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

TITLE 15—Con.

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce

Page
904 Revised..... 10325
908.9 Revised..... 4896
908.11 (a) revised..... 4896
960 Added..... 25970

Chapter XXIII—National Telecommunications and Information Administration, Department of Commerce

2301 Revised..... 31499

Title 15—*Proposed Rules:*

4..... 15327
7..... 11498
24..... 21820, 23627
30..... 13714
280..... 11498
368..... 10771
371..... 8265
374..... 8265
399..... 8265, 9241
801..... 5785
942..... 32563

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

3.22 (a), (b), (c), and (e) revised..... 22293
3.24 (a)(2) revised..... 22293
3.45 (b) and (d) revised; (e) added..... 22293
3.46 (a) revised..... 22294
3.51 (c)(1) revised..... 22294
3.52 (f) through (j) redesignated as (g) through (k); new (f) added..... 22294
4.9 (b)(5) introductory text and (c) heading revised; (c)(2) redesignated as (c)(3); new (c)(2) added..... 22294
13 Amended..... 253, 254, 2513, 3221, 3602, 5079, 6540, 7407, 8446, 9294, 9655, 12379, 12900, 16234, 31987
Corrected..... 656
305.9 (a) Table 1 revised..... 22633

Page
429 Existing regulations unchanged..... 29507
436 Existing regulations unchanged..... 18353
455 Staff compliance guidelines..... 18553
Staff compliance guidelines corrected..... 19845
702.1 (c) revised; (g) removed..... 7574
702.3 (a) revised..... 7574
801.1 (b) introductory text, (1), and (2) revised; existing Example designated as 1; Examples 2, 3, and 4 added..... 20063
801.4 (b) *Example* 1 revised..... 7080
801.11 (a) revised; (e) added..... 7080
801.12 (b)(1) revised..... 7081
801.13 (a)(1) and (b)(2)(ii) revised; (a)(2) *Example* 4 and (3) added..... 7081
801.15 (a)(2) and (c) *Example* 4 revised..... 7081
801.30 (b) *Example* 3 revised..... 7082
801.40 *Example* revised..... 7082
802.35 Added..... 7082
802.41 *Example* 1 revised..... 7082
802.70 Revised..... 7082
803.5 (a)(1)(iii) revised; (a)(2) *Example* designated as (a)(2) *Example* 1; (a)(2) *Examples* 2 through 5 added..... 7082
803.10 (a)(2) redesignated as (a)(3) and revised; new (a)(2) added..... 7083
803 Appendix revised..... 7084

Chapter II—Consumer Product Safety Commission

1015.9 Revised..... 28979
1019 Existing regulations unchanged..... 5080
1034 Correctly designated..... 405
1109 Existing regulations unchanged..... 5080
1115 Existing regulations unchanged..... 5080
1201 Existing regulations unchanged..... 5080
1202 Existing regulations unchanged..... 5080
1205 Existing regulations unchanged..... 5080
1207 Existing regulations unchanged..... 5080

CHANGES JANUARY 2 THROUGH AUGUST 31, 1987

Page
1209 Existing regulations unchanged..... 5080
1212 Existing regulations unchanged..... 5080
1301 Existing regulations unchanged..... 5080
1302 Existing regulations unchanged..... 5080
1303 Existing regulations unchanged..... 5080
1304 Existing regulations unchanged..... 5080
1305 Existing regulations unchanged..... 5080
1401 Existing regulations unchanged..... 5080
1402 Existing regulations unchanged..... 5080
1404 Existing regulations unchanged..... 5080
1750.7 (b) correctly designated..... 406

Title 16—*Proposed Rules:*

13..... 1926, 3252, 6003, 6172, 6806, 8461, 12430, 12546, 17602, 17960, 20096, 20723, 22789, 26534, 29535, 29537, 31412
424..... 2115
429..... 29539
456..... 2723
703..... 9314, 13715
801..... 7095
802..... 7095
803..... 7095
1015..... 17767

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Futures Trading Commission

Page

1 Interpretation..... 27195
1.3 (rr) and (ss) added..... 28994
1.10 (d) (1) and (2) and (g)(2) revised..... 28994
1.12 (f)(3) added..... 28248
(b)(2) revised..... 28995
1.16 (a)(4) revised..... 28995
1.17 (c)(2)(i) revised..... 28250
(a)(1)(i)(B), (b)(2), (c)(5)(iii), (e)(1), (h)(2)(vi)(C), (vii) (A) and (B), (viii)(A), (3) (ii) and (v) revised..... 28995
1.19 Revised..... 28997
1.33 (a) and (b) introductory text revised..... 28997
1.42 (a) revised..... 18910
5 Appendix B amended..... 22635
9 Revised..... 25366
9.2 (k) corrected..... 27286
9.12 (b) corrected..... 27286
9.20 (b)(7) corrected..... 27286
9.24 (b) corrected..... 27286
11 Appendix A added..... 19501
15.03 (a) revised..... 18910
16.00 (a)(3) removed..... 18910
30 Revised..... 28998
31 Appendixes A and B amended..... 22635
32.1 (a) revised..... 29003
32.11 (b) revised..... 29003
33.11 Added..... 29508
140.735–4 (b) (1) and (2) revised..... 20592
(b)(1)(iii)(B) corrected..... 22415
145 Authority citation revised..... 19307
145.7 (e) through (i) redesignated as (f) through (j); new (e) added..... 19307
145 Appendix B revised; Appendix B authority citation removed..... 19308
166 Authority citation revised..... 29003
166.1 (b) (1) and (2) revised..... 29003
166.2 (b) revised..... 29003

Chapter II—Securities and Exchange Commission

Page

200.19b Revised..... 12148
200.30–3 (a)(6) revised..... 19856
200.30–4 (a)(7) revised..... 12148
200.30–5 (a)(8) revised..... 18690
200.80—200.83 (Subpart D) Authority citation revised; section authority citations removed..... 24146
200.80 (a)(1)(iv), (2) introductory text, and (3), (b) introductory text, (d)(5), (7)(i), and (8) introductory text, and (e)(5) amended; (b)(7)(i), (c)(1) introductory text, (d) (1), (2), (4), and (6)(ii), and (e) (1), (2), (4), and (7) introductory text revised; (e) (8) through (14) added; (f) removed; interim..... 24146
200.80b (a) removed; (b) amended and designation removed; interim..... 24148
200.80c Heading and (a) amended; (b) revised; interim..... 24148
200.80d Revised..... 24148
200.80e Revised..... 24148
201 Authority citation amended..... 25208
201.6 (b) revised..... 25208
203.7 (a) revised..... 12148
210.6–07 Amended..... 23172
211 Interpretative releases..... 17396, 18200, 21933, 31027
229.10 (c)(1)(iii) amended..... 21260
229.301 Instructions amended..... 30919
229.302 (b) removed; (c) redesignated as (b) and amended..... 30919
229.303 Instructions amended..... 30919
229.304 Instructions amended..... 21939
229.501 (c)(8) revised..... 21260
(c)(8) corrected..... 30145
229.502 (d)(2) revised..... 21260
(d)(2) corrected..... 30145
229.512 (j) added..... 21260
(h) heading and introductory text amended..... 21939

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

TITLE 17 Chapter II—Con. Page

(j) corrected 30145
229.601 Instruction 1 (Item 601) revised 21260
230.423 Amended 21260
230.424 (a), (b), (c), and (e) revised; (c) Note added 21260
230.430A Added 21261
230.481 (b)(2) and (d)(2) revised 21262
(b)(2) corrected 30146
230.482 (a)(4) added 21262
230.497 (h) added 21262
230.499 (c)(7) amended 21262
239.13 Form S-3 amended 21262
Form S-3 corrected 30146
239.16b Form S-8 amended 21262
239.25 Form S-4 amended 21262, 21938
Form S-4 corrected 30146
239.33 Form F-3 amended 21263
Form F-3 corrected 30146
239.34 Form F-4 amended 21263, 21939
Form F-4 corrected 30146
240 Authority citation amended 16838, 27969
240.3a43-1 Added 27969
240.3a44-1 Added 27970
240.10a-1 (a)(1)(ii) revised 24152
240.11Aa2-1 Revised 24153
240.11Aa3-1 (a) (4), (5), and (6) and (b)(1) revised; (b)(2) (i) through (vii) redesignated as (b)(2) (ii) through (viii); new (b)(2)(ii) revised; new (b)(2)(i) added 24153
240.11Ac1-1 (a)(16) revised; (a)(19) removed; (a) (20) and (21) redesignated as (a) (19) and (20) 24153
240.14a-1 (b) through (j) redesignated as (c) through (k); new (b) added 23648
240.14a-2 Heading, introductory text, (a) introductory text and (b) introductory text amended 21936
240.14a-6 (j) introductory text revised 21936
240.14a-8 (c)(1) amended 21936
240.14a-11 (b)(5) amended 21936
240.14a-13 (a)(1)(i)(B), (ii)(A), (2) and Note 1, and (b)(3) revised; (a)(1)(i)(D) and (d) added 23648
240.14a-14 Added 21936
240.14a-101 Amended 21263, 21937
Corrected 30146
240.14b-1 (a) introductory text revised 23649
240.14b-2 (a)(1), (b) introductory text, (e)(1), (h) introductory text and (i) Note 2 revised; (c)(1)(i)(b) correctly designated as (c)(1)(i)(B); (j) added 23649
240.14c-1 (b) through (i) redesignated as (c) through (j); new (b) added 23649
240.14c-7 (a)(1)(i)(A) and Note 1, (b)(3), and (c) revised; (a)(1)(i)(C) and (d) added 23649
240.15b1-3 (b) revised 16838
240.15b2-2 (a) and (b) revised 16838
240.15c3-1 (a)(9) and (c)(2)(iv)(H) added; (c)(2)(iv)(F) (*1*), (*2*), and (*3*) revised 22298
240.15c3-3 (b)(4) added 30333
240.15c3-3a Table amended 30334
240.15Ca1-1—240.15Cc1-1 Undesignated center heading added 16839
240.15Ca1-1 Added 16839
240.15Ca2-1 Added 16839
240.15Ca2-2 Added 16839
240.15Ca2-3 Added 16840
240.15Ca2-4 Added 16840
240.15Ca2-5 Added 16840
240.15Cc1-1 Added 16841
240.17a-3 (a)(4) (v) and (vi), (5) and (8) revised; (a)(4)(vii) added 22299
240.17a-13 (b) (1), (2), and (3) revised 22299
240.31-1 (f) revised 24153
241 Interpretative releases 11458
249.220f Form 20-F amended 30919
249.501 Form BD amended 16841
249.501a Form BDW revised 15492
Revised 16844
270.6e-3(T) Revised 11208

Chapter IV—Department of the Treasury

Chapter IV Chapter established 19682

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

Page

Revised 27926
400—449 (Subchapter A) Added 19682
Revised 27926
400 Added 19682
Revised 27926
401 Added 19685
Revised 27930
402 Added 19687
Revised 27931
402.2a Schedules B and C correctly revised 23141
403 Added 19702
Revised 27947
404 Added 19706
Revised 27952
405 Added 19708
Revised 27954
449 Added 19710
Revised 27956
450 (Subchapter B and Part) Added 19711
Revised 27957

Title 17—*Proposed Rules:*

1 ..... 28281, 28284, 32568
3 19522
4 19522
33 22333
140 19522
200 ..... 25124, 27902
210 11665
229 ..... 13715, 24018
230 ..... 29033, 29206
239 ..... 11665, 29033, 32018
240 ..... 11083, 11089, 11665, 18237, 19885, 22334, 22493, 23665, 23849, 23855, 24018, 25245
249 ..... 17301, 24018
250 23679
270 ..... 22334, 22496
274 ..... 24018, 32018
279 11665

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Energy Regulatory Commission, Department of Energy

2.66 Order on remand 30146
2.104 Added; interim 30351
2.105 Added; interim 30352
2.400 Undesignated center heading and section added 19310

Page

Undesignated center heading correctly added 21410
4.38 Rehearing denied 13234
4.41 Rehearing denied 13234
4.51 Rehearing denied 13234
4.61 Rehearing denied 13234
11 Rehearing granted 25208
11.1 (a) (2) and (4) and (b) (2), (3) and (4) revised; (b)(6) removed 18208
11.2 (b), (c), and (d) revised 18209
11.3 (c) revised 18209
11.4 (b) revised 18209
11 Schedule A added 18210
16 Authority citation revised 11039
16.1 Revised; interim 11039
16.14 Added; interim 11039
16.15 Added; interim 11039
16.16 Added; interim 11039
(c)(1) revised; (d)(1) suspended; interim 18228
35 Authority citation revised 23965, 24993
35.13 (a)(2)(ii) revised 24993
Rehearing granted 30659
35.26 Revised 23965
Rehearing granted 30659
35.27 Added 24993
37.9 (d) table revised 13638, 27680
154 Authority citation revised 21292, 21668
Rehearing denied 29659
154.38 (h)(3)(v) amended 15714
(d)(6) added 21292
Clarification 23650
Technical correction 24153
Petitions granted 28463
Order on remand 30146
154.42 Order on remand 30146
154.94 (k)(4) revised 21668
Rehearing granted 29008
154.111 Rehearing denied and clarification 31987
157 Rehearing denied 29659
Order on remand 30146
201 Authority citation revised; text amended 28467
Order on remand 30146
270 Authority citation revised 29005
Rehearing denied 29659
270.101 (c)(1) revised 29005
270.102 Order on remand 30146

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

TITLE 18 Chapter I—Con. Page

270.201 (a) (5) through (7) redesignated as (a) (6) through (8); new (a)(7) revised; new (a)(5) and (b)(5) added 21677
270.203 Order on remand 30146
271 Authority citation revised 21668, 23030, 29006
Rehearing denied 29659
271.101 (a) Tables I and II amended 15714, 28468
271.102 (c) Table III amended 15715, 28469
271.702 Order on remand 30146
271.703 (d)(111)(iii) added 10741
(b)(5) and (c) revised; (d) (199) and (200) added 29006
Order on remand 30146
271.704 Order on remand 30146
271.1104 (d)(1)(iv) revised; (h) added 21668
(h) correctly revised 23030
Rehearing granted 29008
272 Authority citation revised 26474
272.101 Revised 26474
272.103 (a)(3) redesignated as (a)(4); new (a)(3) added 26475
272.104 Revised 26475
273 Authority citation revised 26475, 29007
273.102 (a)(1) revised 29007
273.204 (a)(1)(v) added 26475
274 Authority citation revised 29007
274.104 (a)(5) revised 29007
274.501 (a)(1) (i) through (iv) revised; (a)(2) table amended 29007
282 Order 15715, 19856
Removed 28467
284 Authority citation revised 28467
Rehearing denied 29659
284.8 (f) added; interim 30352
284.9 (f) added; interim 30353
284.10 Suspended 27799
Suspension removed; heading and (a) revised; (c) and (d) removed; (e) and (f) redesignated as (c) and (d); new (c) heading, (2), and (3)(ii), and (d) (1) and (2) revised; interim (effective date pending) 30354
Rehearing granted 31029
284.224 (e)(3) removed; (e) (4), (5), and (6) redesignated as (e) (3), (4), and (5) 28467
284.225 Revised 21678
284.226 Revised 21679
292 Authority citation revised 28467
292.203 (b) revised 28467
292.205 (c) removed; (d) redesignated as (c) and revised 28467
292.501—292.503 (Subpart E) Removed 28467
300.1 (a) revised 20709
300.14 Added 20709
300.21 (c)(2) revised 20709
375 Authority citation revised 18562, 21292
375.306 (j) added 21292
Clarification 23650
Technical correction 24153
Petitons granted 28463
375.307 (a)(18) added 18562
(w) added 21292
Clarification 23650
Technical correction 24153
Petitons granted 28463
(l) removed; (m) through (w) redesignated as (l) through (v) 28467
375.308 (v) added 21292
Clarification 23650
Technical correction 24153
Petitons granted 28463
381 Authority citation revised 10367, 28467
381.201 Amended 10367
381.202 Amended 10367
381.204 Amended 10367
381.205 Amended 10367
381.207 (b) amended 10367
381.208 Amended 10367
381.209 (b) amended 10367
381.302 (a) amended 10367
381.303 (a) amended 10367
381.304 (a) amended 10367
381.401 Amended 10367
Revised 28467
381.402 Amended 10367
381.403 Amended 10367
381.405 Amended 10367
381.505 Amended 10367
381.506 Amended 10367

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

Page

381.507 Amended 10367
381.508 Amended 10367
381.509 Amended 10367
381.510 Amended 10367
382 Added 21292
Clarification 23650
Technical correction 24153
Petitions granted 28463
385 Authority citation revised 28467
385.401—385.411 (Subpart D) Petitions for rehearing granted 16844
385.1101 (a) revised 28467
389.101 (b) table amended (OMB numbers) 18228, 24994, 31990
Rehearing granted 30659

Chapter III—Delaware River Basin Commission

410 Water Code amended 16239
Water Code corrected 17888

Chapter XIII—Tennessee Valley Authority

1301.1—1301.4 (Subpart A) Authority citation revised 17939
1301.2 Revised 17939
1310 Authority citation revised 25592
1310.2 (c) added 25592
1310.3 (d) redesignated as (e); new (d) added 25592

Title 18—*Proposed Rules:*

2 ..... 20314, 23183
3 24027
4 ..... 10898, 19889, 21576, 23557, 25246
11 ..... 10898, 19889
12 ..... 23557, 25246
16 28159
141 28159
154 ..... 20828, 25530, 28159
157 ..... 18703, 20192, 25530, 28159
161 21578
250 21578
260 25530
271 ..... 15731, 18577, 18578
282 20828
284 ..... 18703, 20192, 25530
292 15732
375 ..... 10898, 19889, 20828
380 ..... 20314, 23183
381 ..... 20828, 24027
385 29216
388 24027
401 24307
410 32024
1301 ..... 10772, 32573
1310 19734

TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury

4.41 (a) amended 20066
4.98 (j) addition comment time extended 20593
6.3a (a) introductory text, (1), and (2) revised 24292
6.7 (b)(3)(ii) amended 20066
(b)(3)(ii) corrected 26142
6.12 (g) amended 20066
6.16 Amended 20066
10.6 Revised 20066
10.9 (g) and (h) removed; (i) through (l) redesignated as (g) through (j) 20066
10.10 Section and footnote 8 removed 20066
10.18 Revised 24445
10.19 Removed 24445
10.20 Removed 24445
10.35 (b) and (d) removed; (c) redesignated as (b) 20066
10.50 Section and footnote 45 removed 20066
10.53 (a) and (b) and footnotes 48 and 50 removed; (c) through (i) redesignated as (a) through (g); new (b), (c), and (e)(6) amended 20066
10.54 (b) and footnote 51 and (a) designation removed 20066
10.56 (f) amended 20066
10.58 (a) removed; footnote 55 removed 20066
10.64a Removed 20066
10.66 (a)(2) and footnotes 61 and 62 removed; (a) (3) and (4) redesignated as (a) (2) and (3); (b) amended 20066
10.70 (a) and footnotes 64 and 65 removed; (b) and (c) redesignated as (a) and (b); heading revised; new (a) amended 20066
10.71 (f) amended 20066
(f) corrected 26142

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

TITLE 19 Chapter I—Con. Page

10.72 Section and footnote 66 removed....20067
10.73 Section and footnote 67 removed....20067
10.74 Section revised; footnote 68 removed....20067
10.78 (a) revised....20067
10.79 Removed....20067
10.81 (b) amended....20067
10.82 Removed....20067
10.83 (a) revised....20067
10.90 (a), (b), and (d) and footnote 81 removed; (c), (e), (f), and (g) redesignated as (a), (b), (c), and (d); new (d) amended....20067
10.98 (e) amended....20067
10.101 (b) and (c) heading and text amended....20067
10.106 Section and note removed....20067
10.108 (b) and footnote 100 removed; (a) designation removed....20067
10.110 Section and footnote 103 removed....20067
18.2 (a)(2)(ii) and (c)(1) amended....20067
18.13 (b) revised....20067
19.16 Removed....20067
24 IRS interest rate....10561
24.24 (b)(1) table, (c)(6)(i), and (e)(3)(ii) corrected....10970
Addition comment time extended....20593
(b)(1) table revised; interim....26297
54.5 (a) amended....20067
54.6 (a) revised; (d) and footnote 1 amended....20067
101.3 (b) table amended....15496, 22300
101.5 Revised....16374
Effective date note corrected....18322
123.4 (b) amended....20068
(b) corrected....26142
123.52 (e) and (f) amended....20068
123.64 (b), (c), and (d)(2) amended....20068
123.65 (d)(2) amended....20068
127 Authority citation revised....15497
127.22 Revised....15497
133.42 (c) corrected....10668
141.11 (a)(4) amended; (a)(5) removed....20068

Page

141.61 (a)(2), (e)(1)(i)(A), and (f)(1)(iv) and (2)(i) amended....20068
141.63 (c) added....24155
141.68 (h) amended....20068
(h) corrected....26142
141.88 Revised....24445
141.111 (b)(1) and (c) removed....20068
143.23 Introductory text amended....20068
Introductory text corrected....26142
143.24 Heading and text amended....20068
Heading and text corrected....26142
143.25 Amended....20068
Corrected....26142
144.42 (b) (1), (2), and (3) amended....20068
145.4 (c) amended....20068
(c) corrected....26142
145.12 (b)(1), (c), and (e)(1) amended....20068
(b)(1), (c) and (e)(1) corrected....26142
146.22 (e) corrected....10970
(e) addition comment time extended....20593
148.13 (d) revised....24445
148.24 (a) amended....24445
148.101 Introductory text, *Example 1* text, and *Example 2* text corrected; *Example 1* table and *Example 2* table correctly revised....12149
Amended; Examples 1 and 2 footnotes amended....24446
152.1 (a) and (b) removed; (c) amended; (d) added....24446
152.20 Removed....24446
152.21 Removed....24446
152.22 Removed....24446
152.23 Amended....24446
152.24 Removed....24446
152.31—152.43 (Subpart D) Removed....24446
172.2 Revised....12151
172.12 (b) revised....12152
172.23 Amended....12152
172.33 (a)(1) and (c)(2)(ii) revised....12152
177 Interpretative rule....11216
177.9 (b)(3) amended....24446

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

Page

178.2 Table amendment (OMB numbers) comment time extended....20593

Chapter III—International Trade Administration, Department of Commerce

353.24 Added....30662
355.8 Added....30662

Title 19—*Proposed Rules:*

4....24169
7....26154
101....13473, 17770, 32025
111....10774
127....12000
175....15512
201....21317
353....25246
354....25246
355....25246

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Office of Workers' Compensation Programs, Department of Labor

10.1 Revised; eff. 6-1-87....10503
10.2 (b) revised; eff. 6-1-87....10503
10.3 (i) added; eff. 6-1-87....10503
10.4 Revised; eff. 6-1-87....10503
10.5 (a)(6), (11) (iv) through (xx), (12) and (14) through (20) and (b) revised; (a) (21) through (26) added; (c) and (d) removed; eff. 6-1-87....10503
10.10 Revised; eff. 6-1-87....10504
10.11 Revised; eff. 6-1-87....10505
10.12 Added; eff. 6-1-87....10505
10.20 (b) table amended; eff. 6-1-87....10505
10.23 Revised; eff. 6-1-87....10505
10.100 Revised; eff. 6-1-87....10505
10.101 Redesignated as 10.103 and revised; new 10.101 redesignated from 10.102 and revised; eff. 6-1-87....10506
10.102 Redesignated as 10.101 and revised; new 10.102 redesignated from 10.103 and revised; eff. 6-1-87....10506
10.103 Redesignated as 10.102 and revised; new 10.103 redesignated from 10.101 and revised; eff. 6-1-87....10506

Page

10.104 Added; eff. 6-1-87....10506
10.105 (a) revised; (e) added; eff. 6-1-87....10507
10.106 Revised; OMB number; eff. 6-1-87....10507
10.107 Revised; eff. 6-1-87....10507
10.109 Revised; eff. 6-1-87....10507
10.110 Redesignated as 10.125 and revised; new 10.110 added; eff. 6-1-87....10508
10.111 Revised; eff. 6-1-87....10508
10.120 Revised; eff. 6-1-87....10508
10.121 Revised; eff. 6-1-87....10509
10.122 Revised; OMB number; eff. 6-1-87....10509
10.123 Redesignated as 10.124 and revised; eff. 6-1-87....10509
Added; eff. 6-1-87....10510
10.124 Redesignated as 10.126 and revised; new 10.124 redesignated from 10.123 and revised; eff. 6-1-87....10509
10.125 Redesignated from 10.110 and revised; eff. 6-1-87....10508
10.126 Redesignated from 10.124 and revised; eff. 6-1-87....10509
10.127 Added; eff. 6-1-87....10510
10.128 Added; eff. 6-1-87....10511
10.130 Revised; eff. 6-1-87....10511
10.131 Revised; eff. 6-1-87....10511
10.132 Revised; eff. 6-1-87....10511
10.133 (a) revised; eff. 6-1-87....10512
10.134 Redesignated as 10.136 and revised; eff. 6-1-87....10512
Added; eff. 6-1-87....10513
10.135 Redesignated as 10.137 and revised; new 10.135 added; eff. 6-1-87....10512
10.136 Redesignated as 10.138 and revised; new 10.136 redesignated from 10.134 and revised; eff. 6-1-87....10512
10.137 Redesignated as 10.139; new 10.137 redesignated from 10.135 and revised; eff. 6-1-87....10512
10.138 Redesignated from 10.136 and revised; eff. 6-1-87....10512
10.139 Redesignated from 10.137; eff. 6-1-87....10512
10.140 Revised; eff. 6-1-87....10513
10.141 Revised; eff. 6-1-87....10513

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

TITLE 20 Chapter I—Con. Page

10.144 Revised; eff. 6-1-87.....10513
10.145 (c) introductory text, (d), (g), (h) and (i) revised; OMB number; eff. 6-1-87.....10513
10.160—10.166 Undesignated center heading added; eff. 6-1-87.....10514
10.160—10.164 Added; eff. 6-1-87.....10514
10.165 Added; eff. 6-1-87.....10515
10.166 Added; eff. 6-1-87.....10515
10.200 Revised; eff. 6-1-87.....10515
10.201 Revised; eff. 6-1-87.....10515
10.202 Redesignated as 10.203 and revised; eff. 6-1-87.....10515
Redesignated from 10.210 and revised; eff. 6-1-87.....10516
10.203 Removed; new 10.203 redesignated from 10.202 and revised; eff. 6-1-87.....10515
10.204 Revised; eff. 6-1-87.....10516
10.205 Revised; eff. 6-1-87.....10516
10.206 (a) revised; eff. 6-1-87.....10517
10.207 Revised; OMB number; eff. 6-1-87.....10517
10.208 Revised; eff. 6-1-87.....10517
10.209 Revised; eff. 6-1-87.....10518
10.210 Redesignated as 10.202 and revised; eff. 6-1-87.....10516
10.301 (a) revised; eff. 6-1-87.....10518
10.302 Revised; eff. 6-1-87.....10518
10.303 Revised; eff. 6-1-87.....10518
10.304 Revised; eff. 6-1-87.....10519
10.305 Redesignated as 10.306 and revised; new 10.305 added; eff. 6-1-87.....10519
10.306 Redesignated as 10.307; new 10.306 redesignated from 10.305 and revised; eff. 6-1-87.....10519
10.307 Redesignated from 10.306; eff. 6-1-87.....10519
10.310 Revised; eff. 6-1-87.....10519
10.311 (b) and (c) revised; eff. 6-1-87.....10520
10.313 (a) revised; (c) added; eff. 6-1-87.....10520
10.314 Revised; eff. 6-1-87.....10520
10.320—10.324 Undesignated center heading added; eff. 6-1-87.....10520
10.320 Added; eff. 6-1-87.....10520
10.321 Added; eff. 6-1-87.....10521
10.322 Added; eff. 6-1-87.....10521
10.323 Added; eff. 6-1-87.....10522
10.324 Added; eff. 6-1-87.....10522
10.400 (e) revised; eff. 6-1-87.....10522
10.413 Added; eff. 6-1-87.....10522
10.452 (a) revised; eff. 6-1-87.....10522
10.500 Revised; eff. 6-1-87.....10522
10.503 Introductory text, (b), (c) and (d) revised; eff. 6-1-87.....10522
10.506 Added; eff. 6-1-87.....10523
10.507 Added; eff. 6-1-87.....10523
10.600—10.624 (Subpart H) Added; eff. 6-1-87.....10523

Chapter II—Railroad Retirement Board

200 (Subchapter A) Heading revised.....11010
200 Heading and authority citation revised.....11010
200.1 Redesignated as 200.2; new 200.1 added.....11010
200.2 Redesignated as 200.3; new 200.2 redesignated from 200.1.....11010
200.3 Redesignated as 200.4; new 200.3 redesignated from 200.2.....11010
Revised.....11011
200.4 Redesignated as 200.5; new 200.4 redesignated from 200.3.....11010
(g) revised.....13820
200.5 Redesignated as 200.6; new 200.5 redesignated from 200.4.....11010
200.6 Redesignated as 200.7; new 200.6 redesignated from 200.5.....11010
200.7 Redesignated from 200.6.....11010
209.2 OMB number.....11016
210.7 OMB number.....11016
216.7 OMB number.....11016
216.9 OMB number.....11017
216.21 OMB number.....11017
216.31 OMB number.....11017
216.47 OMB number.....11017
216.71 OMB number.....11017
217.3 OMB number.....11017
217.5 OMB number.....11017
217.10 OMB number.....11017
230.3 OMB number.....11017
234.10 OMB number.....11017
234.30 OMB number.....11017

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

Page

260.5 OMB number.....11017
260.9 OMB number.....11017
266.12 OMB number.....11017
320.39 OMB number.....11017
322.4 OMB number.....11017
325.12 OMB number.....11017
325.13 OMB number.....11017
330.4 OMB number.....11017
335.102 OMB number.....11017
335.103 OMB number.....11018
335.104 OMB number.....11018
335.202 OMB number.....11018
341.4 OMB number.....11018
345.4 OMB number.....11018
345.5 OMB number.....11018
345.6 OMB number.....11018
345.8 OMB number.....11018
359 (Subchapter E and Part) Added; interim; effective in part to 8-12-87.....19133

Chapter III—Social Security Administration, Department of Health and Human Services

401 Authority citation removed.....27540
401.100—401.125 (Subpart A) Authority citation added.....27540
401.200—401.220 (Subpart B) Authority citation added.....27540
401.300—401.350 (Subpart C) Authority citation added.....27540
401.400—401.420 (Subpart D) Authority citation added.....27540
401.500.401.510 (Subpart E) Authority citation added.....27540
401.600—401.604 (Subpart F) Authority citation added.....27540
404.1—404.3 (Subpart A) Authority citation revised; section authority citations removed.....27540
404.101—404.146 (Subpart B) Authority citation revised.....27540
404.201—404.290 (Subpart C) Authority citation revised; section authority citations removed.....27540
404.301—404.395 (Subpart D) Authority citation revised; section authority citations removed.....19136, 27540
Authority citation revised.....26955
404.305 (b) revised.....19136
(b) corrected.....21410
404.366 Introductory text and (b) introductory text revised.....26955
404.401—404.468 (Subpart E) Authority citation revised; section authority citations removed.....26145, 27540
404.417 (b) revised.....26145
404.460 (d) added.....26145
404.501—404.515 (Subpart F) Authority citation revised; section authority citations removed.....27540
404.601—404.641 (Subpart G) Authority citation revised; section authority citations removed.....27540
404.701—404.780 (Subpart H) Authority citation revised; section authority citations removed.....27540
404.801—404.831 (Subpart I) Authority citation revised; section authority citations removed.....27540
404.900—404.999d (Subpart J) Authority citation revised; section authority citations removed.....27540
404.965 Removed.....17286
404.1001—404.1096 (Subpart K) Authority citation revised; section authority citations removed.....27541
Section authority citations removed.....29662
404.1043 Revised.....29662
404.1055 Revised.....29662
404.1059 (g) revised.....29662
404.1060 (a) and (e) revised.....29662
404.1201—404.1290 (Subpart M) Authority citation revised; section authority citations removed.....27541
404.1301—404.1371 (Subpart N) Authority citation revised.....27541
404.1341 (a) and (c) revised; (d) added.....29663
404.1401—404.1413 (Subpart O) Authority citation revised.....27541
404.1501—404.1599 (Subpart P) Authority citation revised; section authority citations removed.....27541

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

TITLE 20 Chapter III—Con. Page

404.1601—404.1694 (Subpart Q) Authority citation revised..... 27541
404.1700—404.1799 (Subpart R) Authority citation revised..... 27541
404.1800—404.1825 (Subpart S) Authority citation revised..... 27541
404.1901—404.1930 (Subpart T) Authority citation revised..... 27541
404.2001—404.2065 (Subpart U) Authority citation revised; section authority citations removed..... 27541
404.2101—404.2127 (Subpart V) Authority citation revised..... 27541
416.101—416.121 (Subpart A) Authority citation revised; section authority citations removed..... 27541
416.200—416.269 (Subpart B) Authority citation revised; section authority citations removed..... 27541
416.301—416.360 (Subpart C) Authority citation revised..... 27541
416.401—416.435 (Subpart D) Authority citation revised..... 27541
416.501—416.570 (Subpart E) Authority citation revised..... 27541
416.601—416.665 (Subpart F) Authority citation revised..... 27541
416.701—416.732 (Subpart G) Authority citation revised..... 27541
Authority citation corrected..... 31477
416.801—416.806 (Subpart H) Authority citation revised..... 27541
416.901—416.998 (Subpart I) Authority citation revised; section authority citations removed..... 27541
416.1001—416.1094 (Subpart J) Authority citation revised..... 27541
416.1100—416.1182 (Subpart K) Authority citation revised; section authority citations removed..... 27541
416.1201—416.1266 (Subpart L) Authority citation revised; section authority citations removed..... 27541, 29841
Authority citation revised..... 31762
416.1201 (c)(1) correctly revised..... 16845
416.1202 (a) and (b) revised..... 29841
(a) corrected..... 32240
416.1240 Revised..... 31762
416.1260 (a)(2) revised..... 29841
416.1321—416.1338 (Subpart M) Authority citation revised; section authority citations removed..... 27541
416.1400—416.1499 (Subpart N) Authority citation revised; section authority citations removed..... 27541
416.1465 Removed..... 17286
416.1500—416.1599 (Subpart O) Authority citation revised..... 27541
416.1600—416.1618 (Subpart P) Authority citation revised..... 21943, 27541
416.1615 (a) (2) and (3) revised; (a)(4) added..... 21943
416.1618 Revised..... 21943
416.1701—416.1725 (Subpart Q) Authority citation revised..... 27541
416.1801—416.1881 (Subpart R) Authority citation revised..... 27542
416.1901—416.1922 (Subpart S) Authority citation revised..... 27542
416.2001—416.2098 (Subpart T) Authority citation revised; section authority citations removed..... 27542
416.2101—416.2119 (Subpart U) Authority citation revised..... 27542
416.2201—416.2227 (Subpart V) Authority citation revised..... 27542

Chapter V—Employment and Training Administration, Department of Labor

654.400—654.417 (Subpart E) Authority citation revised..... 20506
654.403 Revised; interim..... 20506
655 Authority citation revised; subpart and section authority citations removed..... 20507
655.0 (a) amended; (b) and (c) removed; (d) and (e) redesignated as (b) and (c); interim..... 20507
655.00 Amended; interim..... 20507
655.000 (a) amended; interim..... 20507
655.1 (a) designation and (b) removed; interim..... 20507
655.90—655.113 (Subpart B) Revised; interim..... 20507
655.200—655.212 (Subpart C) Heading revised; interim..... 20524

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

Page

655.200 (a) and (b) redesignated as (b) and (c); new (a) added; interim..... 20524
655.202 (b)(9)(ii) revised..... 11466
655.207 (c) and (d) removed; (e) redesignated as (c)..... 11466
656 Authority citation revised; section authority citations removed..... 11218, 20596
656.10 Schedule A amended..... 20596
656.22 (c)(2) removed; (c)(3) redesignated as new (c)(2)..... 20596
656.26 (c) amended; (d) through (h) removed; heading and (a) introductory text revised..... 11218
656.27 Revised..... 11218
656.27a Removed..... 11219
656.50 Amended..... 11219, 20596
656.61 Removed..... 20596

Chapter VII—Benefits Review Board, Department of Labor

801 Revised..... 27290
801.2 (a)(2) corrected..... 28640
802 Revised..... 27292

Title 20—*Proposed Rules:*

61..... 20536, 27417
62..... 20536, 27417
200..... 10384, 27997
320..... 30383
340..... 30383
404..... 13014, 19169
410..... 19169
416..... 13014, 19169, 30169
615..... 10774
626..... 23681, 26121
627..... 23681, 26121
628..... 23681, 26121
629..... 23681, 26121
630..... 23681, 26121
631..... 23681, 26121
654..... 16770
655..... 16770
725..... 26352
802..... 27300

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health and Human Services

2.125 (e)(11) added..... 15717
5.86 Revised..... 29664
5.87 Revised..... 29664
5.93 Added..... 10881
73.1496 (a)(1), (b), and (c) revised..... 29665
Technical correction..... 32644
74.102 Eff. 7-31-87..... 28553
74.706 Addition effective date confirmed; (a)(1) revised..... 21508
(a)(1) revision effective date confirmed..... 31990
74.1102 Eff. 7-31-87..... 28553
74.1309 (a)(1) revised..... 21305
Technical correction..... 24583
Effective date confirmed..... 28552
74.1706 Addition effective date confirmed; (c)(2) revised..... 21508
74.2706 Addition effective date confirmed..... 21506
74.3045 (c)(1) introductory text and (i) revised..... 15945
Effective date confirmed..... 27542
74.3602 Added..... 19722
74.3710 Added..... 28690
81.1 (a) and (b) tables amended..... 10882
(b) table amended..... 15946, 21305, 25209
(a) table amendment effective date confirmed; (a) table amended..... 21509
Technical correction..... 24583
81.27 (d) introductory text table amended..... 10882, 15946, 21306, 25209
(d) introductory text table amendment effective date confirmed; (d) introductory text table amended..... 21509
Technical correction..... 24583
82.102 Eff. 7-31-87..... 28553
82.706 Revised..... 21509
101.9 (c)(3) amended..... 28691
131 Stay terminated..... 29509
Technical correction..... 31123
172.210 (b)(4) table amended..... 18911
172.859 (a) amended..... 10883
175.105 (c)(5) table amended..... 10884, 12380, 27800, 29180
(c)(5) table corrected..... 19857
176.170 (a)(5) table amended..... 17553, 29667
(b)(2) table amended..... 19724
177.1430 Revised..... 11641
177.1500 (a)(12) added; (b) table amended..... 26667
Technical correction..... 28067

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

TITLE 21 Chapter I—Con. Page

177.1520 (b) table amended.....23804
177.1660 (c)(1) amended.....20069
177.2550 (a) revised.....29668
178.1005 (d) revised.....26146
178.1010 (b)(34) and (c)(29) added.....29842
178.2010 (b) table amended.....20070, 22301
Technical correction.....24090
(b) table corrected.....26764
(b) table amended.....30150
178.3295 Table amended.....30920
182.8245 Removed.....25211
184.1245 Added.....25211
184.1287 Added.....25976
184.1639 Added.....10886
184.1768 Added.....10886
193.98 Added.....29009
(b) corrected.....31846
193.137 Existing text designated as (a); (b) added.....17941
193.142 Heading and text nomenclature change.....32293
193.253 Table amended.....10562
193.410 Revised.....27543
193.430 Heading and text nomenclature change.....32293
193.472 Added.....10563
193.473 Added.....17942
Technical correction.....23137, 23916
201.20 (a) revised; (c) added.....21509
201.21 Effective date deferred in part.....12152
310 Authority citation revised.....30055
310.201 (a)(6) removed; eff. 5–2–88.....15892
(a)(14) removed; eff. 8–12–88.....30055
312.7 Heading and (d) revised; OMB number.....19476
Technical correction.....23628
312.10 OMB number.....23031
312.23 OMB number.....23031
312.30 OMB number.....23031
312.31 OMB number.....23031
312.32 OMB number.....23031
312.33 OMB number.....23031
312.34 Text added.....19476
Technical correction.....23628
312.35 Added.....19477
Technical correction.....23628
312.36 OMB number.....23031
312.38 OMB number.....23031
312.41 OMB number.....23031
312.42 (b)(3) added.....19477
Technical correction.....23628
312.44 OMB number.....23031
312.45 OMB number.....23031
312.47 OMB number.....23031
312.53 OMB number.....23031
312.55 OMB number.....23031
312.56 OMB number.....23031
312.57 OMB number.....23031
312.59 OMB number.....23031
312.62 OMB number.....23031
312.64 OMB number.....23031
312.66 OMB number.....23031
312.70 OMB number.....23031
312.110 OMB number.....23031
312.120 OMB number.....23031
312.140 OMB number.....23031
312.160 OMB number.....23031
336 Added; eff. 5–2–88.....15892
341 Authority citation revised.....30055
341.3 (b) and (c) added; eff. 8–12–88.....30055
341.14 Added; eff. 8–12–88.....30055
341.74 Added; eff. 8–12–88.....30055
341.76 Technical correction.....12521
341.90 (b) and (c) added; eff. 8–12–88.....30057
369 Authority citation revised.....30057
369.20 Amended; eff. 5–2–88.....15893
Amended; eff. 8–12–88.....30057
369.21 Amended; eff. 5–2–88.....15893
Amended; eff. 8–12–88.....30057
442.127a (a)(1) amended.....20710
510 Authority citation revised.....25976
510.600 Technical correction...10668, 18495, 23397
(c) (1) and (2) tables amended.....11041, 11988, 12153, 18691, 19501, 20385, 20597, 25212, 25976, 27801, 32540
520 Technical correction...10668, 18495
Heading corrected.....28067
520.314 (a) revised.....11989
520.680 Removed.....25213
520.680a Removed.....25213
520.680b Removed.....25213
Correctly designated.....27108
520.1193 Added.....11042
520.1242a (f)(2)(i) amended.....20598
520.1448a (b) removed.....27197
(d)(4)(iii) amended.....30151
520.1540 Removed.....20597
520.2455 Revised.....15718
522 Technical correction...10668, 18495
522.56 Added.....11816
(a) corrected.....15412
522.540 (b)(2)(ii) and (c)(2) amended.....25212
522.1081 (a)(2)(i) amended.....25212
522.1183 (e)(1) revised.....18691
522.1258 (b) amended.....25212
522.1660 (c)(1) (i) and (ii) amended.....19502
522.1680 (b) revised.....18691
(b) amended.....25212
522.1704 (b)(2) amended.....25212
522.1720 (b)(2) amended.....25212
522.1881 Added.....23032
522.1884 (c) amended.....25212
522.2476 Added.....24995
524 Technical correction...10668, 18495
524.1240 Added.....10887
524.1580b (b) amended.....18691
524.1580d (b) revised.....18691
529.1044a Technical correction.....10668, 18495
529.1044b Technical correction.....10668, 18495
544.110 Removed.....22438
556.210 Removed.....25213
556.420 (b) revised.....15718
556.500 (d) revised.....24293
556.710 Revised.....27683
556.739 Added.....24995
558.4 (d) table amended...25213, 26956
558.240 Removed.....25213
558.274 (c)(1) table amended; (a)(7) revised.....29010
558.311 (d)(5) (i) and (ii) and (e) table amended.....16240
(b) revised; (e) introductory text and (1) through (11) redesignated as (e)(1) introductory text and (i) through (xi); (e)(2) added.....24996
(b)(5) added; (e) table amended.....26299
558.325 (a)(1)(iv) added.....28470
558.355 (f)(1)(xiii)(*b*) and (xxi)(*b*) revised.....13641
(b)(4) and (f)(2) added.....15718
(b)(13) and (f)(3)(v) added.....27197
558.360 (d)(3) amended.....11642
558.450 (d)(1) Table 3 amended.....24293
(d)(1) Table 3 corrected.....26401
558.525 (a)(1) removed.....12521
558.526 Removed.....12521
558.600 Added.....26956
558.625 (b) (37) and (64) removed.....11041
(b)(7) removed.....11988
(b)(70) removed.....12153
(b)(89) added.....27801
558.630 (b)(10) amended.....28470
561.96 Added.....29009
561.99 Revised.....27545
561.273 (a) table amended.....12154
561.360 Revised.....27543
561.400 Heading and text nomenclature change.....32293
561.415 Heading and text nomenclature change.....32293
561.425 Heading and text nomenclature change.....32293
561.430 Table amended.....27544
561.439 Added.....10563
561.440 Added.....17941
561.441 Added.....17942
Technical correction.....23137, 23916
573 Authority citation revised.....10888
573.920 Revised.....10888
(c)(1) corrected.....21001
805 Added.....27763
862 Added.....16122
862.1385 (a) corrected.....29468
864 Authority citation revised; section authority citations removed.....17732
864.1 Revised.....17732
864.3 Added.....17732
864.5220 (c) added.....17733
864.5680 (c) added.....17733
864.7250 (c) added.....17733
864.7300 (c) added.....17733
864.9205 (c) added.....17733
864.9245 (c) added.....17733
866 Authority citation revised; section authority citations removed.....17733
866.1 Revised.....17733
866.3 Added.....17733
(b) and (c) corrected.....22577
866.2420 (c) added.....17734
866.3290 (c) added.....17734
866.3305 (c) added.....17734
866.3510 (c) added.....17734
866.6010 (c) added.....17734

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

TITLE 21 Chapter I—Con. Page

868 Authority citation revised; section authority citations removed....17734
868.1 Revised....17734
868.3 Added....17734
868.1120 (c) added....17735
(c) corrected....22577
868.1150 (c) added....17735
868.1170 (c) added....17735
868.1200 (c) added....17735
868.2450 (c) added....17735
868.2500 (c) added....17735
868.5400 (c) added....17735
868.5610 (c) added....17735
870 Authority citation revised; section authority citations removed....17735
870.1 Revised....17735
870.3 Added....17735
870.1025 (c) added....17736
870.1350 (c) added....17736
870.1360 (c) added....17736
870.3300 (c) added....17736
870.3375 (c) added....17736
870.3450 (c) added....17736
870.3535 (c) added....17736
870.3545 (c) added....17736
870.3600 (c) added....17736
870.3610 (c) added....17736
870.3620 (c) added....17736
870.3680 (c) added....17736
870.3700 (c) added....17736
870.3710 (c) added....17736
870.3800 (c) added....17736
870.3850 (c) added....17736
870.3925 (c) added....17737
(c) revised; eff. 12-9-87....18163
(c) corrected....23137
870.4230 (c) added....17737
870.4260 (c) added....17737
870.4320 (c) added....17737
870.4350 (c) added....17737
870.4360 (c) added....17737
870.5200 (c) added....17737
870.5225 (c) added....17737
870.5300 (c) added....17737
870.5550 (c) added....17737
872 Added....30097
874.9 Added....32111
874.1100 Correctly designated....18495
(b) revised....32111
874.3540 (b) revised....32111
874.4420 (b) revised....32111
874.5800 (b) revised....32111

Page

876 Authority citation revised; section authority citations removed....17737
876.1 Revised....17737
(d) corrected....22577
876.3 Added....17737
876.3350 (c) added....17738
876.3630 (c) added....17738
876.3750 (c) added....17738
876.4480 (c) added....17738
876.5220 (c) added....17738
876.5270 (c) added....17738
876.5280 (c) added....17738
876.5540 (c) added....17738
876.5860 (c) added....17738
876.5870 (c) added....17738
876.5955 (c) added....17738
880 Authority citation revised; section authority citations removed....17738
880.1 Revised....17738
880.3 Added....17738
880.5130 (c) added....17739
880.5760 (c) added....17739
882 Authority citation revised; section authority citations removed....17739
882.1 Revised....17739
882.3 Added....17739
882.1790 (c) added....17739
882.1825 (c) added....17740
882.5150 (c) added....17740
882.5800 (c) added....17740
882.5840 (c) added....17740
882.5850 (c) added....17740
882.5860 (c) added....17740
882.5940 (c) added....17740
882.5950 (c) added....17740
884 Authority citation revised; section authority citations removed....17740
884.1 Revised....17740
884.3 Added....17740
884.1060 (c) added....17741
884.1100 (c) added....17741
884.1185 (c) added....17741
884.2050 (c) added....17741
884.2620 (c) added....17741
884.2685 (c) added....17741
884.4100 (c) added....17741
884.4150 (c) added....17741
884.4250 (c) added....17741
884.4270 (c) added....17741
884.5050 (c) added....17741
884.5225 (c) added....17741

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

Page

884.5380 (c) added....17741
884.5940 (c) added....17741
890 Authority citation revised; section authority citations removed....17741
890.1 Revised....17741
890.3 Added....17741
890.3610 (c) added....17742
890.3890 (c) added....17742
(c) corrected....22577
890.5275 (c) added....17742
890.5290 (c) added....17742
890.5300 (c) added....17742
890.5525 (c) added....17742
890.5860 (c) added....17742
1240 Authority citation revised....29514
1240.61 Added....29514

Chapter II—Drug Enforcement Administration, Department of Justice

1301.11 (c) and (d) revised....20598
1301.12 Revised....20599
1301.22 (a)(10) revised....17287
1301.31 (c) revised; (d) added....20599
1306.22 Technical correction....13430
1308.11 (b) introductory text revised; (b) (1) through (48) redesignated as (b) (2) through (7), (9) and (10), (12) through (33), (35) through (40), (42) through (51), (53) and (54); new (b) (1), (8), (11), (34), (41), and (52) added; (g) (1), (2), (4), (6), (8), and (9) removed; (g) (3), (5), and (7) redesignated as (g) (1), (2), and (3)....20072
Technical correction....27198
1308.12 (f)(2) added....11043
(f)(2) corrected....12285
1311.02 (d) revised....17288
1311.12 Revised....17288
1311.26 Revised....17288
1311.32 (d) revised; (e) and (f) redesignated as (f) and (g); new (e) added....17288
1311.42 (a), (b)(6) (i) and (iv) revised....17288
1311.44 (a) and (b) revised; (c) through (e) redesignated as (e) through (g); new (c) and (d) added; new (f) (1) and (2) and (g) (1) and (2) revised....17288
1311.47 Revised....17289

Page

1311.53 Revised....17289
1311.61 Revised....17289
1312 Authority citation revised....17289
1312.11 (a) and (b) revised....17289
1312.12 (a) introductory text revised....17289
1312.13 (a)(1) revised; (b) through (e) redesignated as (d) through (g); new (b) and (c) added....17289
1312.18 (a), (b), and (c)(2) revised....17290
1312.21 (a) and (b) revised....17290
1312.22 (a) revised....17290
1312.23 (b) through (d) redesignated as (d) through (f); new (b) and (c) added....17290
1312.27 (a), (b) (2) and (4) revised; (b)(5) added....17290
1312.28 (d) revised....17291
1312.30 Added....17291
1316.71—1316.81 (Subpart E) Authority citation revised....24446
1316.75 (b)(3) amended....24446

Title 21—*Proposed Rules:*

7....30171
101....28843
102....18921, 26690, 28067, 30387
103....18922, 26764
133....12556
146....19169
161....18921, 30387
165....18922, 26764
181....18923, 26764
182....13086, 18772
184....13086, 18772
186....13086, 18772
193....31632, 32138
201....31892
310....13107, 23184, 31892
312....12431
341....31892
357....12114, 15732
369....31892
436....25252
452....25252
561....12193, 31632, 32138
862....16139
872....30107, 30120
880....19735
1240....22340
1301....11091
1308....30174, 30175

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Page

2a Added 12155
22 Authority citation revised 29515
22.6 Revised 29515
41.25 (b) amended 29375
41.91 (a)(9)(iii) and (10)(i) revised; interim 17943
(a)(9)(iii) and (10)(i) revised; final 29843
42.91 (a)(9)(iv) and (10)(ii) revised; interim 17943
(a)(9)(iv) and (10)(ii) revised; final 29843
43 Addition confirmed 17948
43.3 (b) amended 17949
51 Authority citation revised 29515
51.64 (e) added 29515
171 Authority citation revised; section authority citations removed 32123
171.6 Revised 32123
171.10 (d) through (k) added 32124
171.11 (a)(7) revised 32124
171.12 Revised 32124
171.13 Revised 32125
171.14 Added 32125
171.15 Added 32126

Chapter II—Agency for International Development, International Development Cooperation Agency

212 Authority citation revised 11817
212.35 Revised; interim 11817
212.41 (g) revised; interim 11818
212.42 Added; interim 11819
224 Added; interim 13071
Removed; interim 20385

Chapter III—Peace Corps

307 Revised 30151
309 Added 15719

Title 22—*Proposed Rules:*

41 ..... 12001, 20725, 22628, 29542, 32026, 32095
42 ..... 29542, 32026, 32095
135 ..... 21820, 23627
171 ..... 12936, 15513
224 20413
502 ..... 25384, 26156
503 26024
512 25030
514 20097
526 22791
602 27998
603 27998
711 ..... 25124, 27902
1510 ..... 25124, 27902

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

630.302 (h) through (j) redesignated as (i) through (k); new (h) added 31390
630.305 Revised 31390
635.309 (d) amended; eff. 8–29–88 32669
640.107 (d) amended 32669
650.109 Removed; eff. 8–29–88 32669
650.801—650.809 (Subpart H) Added 28139
659 Authority citation revised 28693
659.11 Revised 28693
668.101—668.113 (Subpart A) Revised 21948
668.107 (b) corrected 32540
712.204 (c)(1) and (3) (ii) and (iii) amended 32669
(c)(3)(iii) amended; (c)(3)(iv) removed; eff. 8–29–88 32669
771 Revised 32660
790 Removed; eff. 8–29–88 32669

Chapter III—National Highway Traffic Safety Administration, Department of Transportation

1309.4 (a)(2) revised; (a)(3), (b) introductory text and (6) amended 27615

Title 23—*Proposed Rules:*

650 ..... 11092, 20726
655 11502
1309 27616

TITLE 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

Page

0 Revised 27113
14 Added 27126
15 Authority citation and heading revised 12160
15.1 (g), (h) and (i) added 12160
15.2 Revised 12160
15.72 Revised 12160
15.73 Revised 12160
15.74 Revised 12161
15.81 (Subpart I) Redesignated as 15.91 (Subpart J) 12161
15.81—15.86 (Subpart I) Added 12161
15.91 (Subpart J) Redesignated from 15.81 (Subpart I) 12161
20.10 Introductory text revised 27130
25.9 (e) revised 15304

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

115 List of jurisdictions 15304

Chapter II—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

200.163 (a)(2) revision eff. 8–1–87 28470
201 High-cost limits 11643, 17397, 28250, 32126
203 High-cost limits 11643, 17397, 28250, 32126
203.43c (a) revision eff. 8–1–87 28470
203.43i Addition eff. 8–1–87 28470
203.46 Removed 32756
203.439 Undesignated center heading and section addition eff. 8–1–87 28470
203.604 (b) revision eff. 8–1–87 28470
204.1 Amendment eff. 8–1–87 28470
207.32a (a)(4) revised 31992
213.751 (b) amendment eff. 8–1–87 28470
213.800 Revision eff. 8–1–87 28470
220.1 (a) amendment eff. 8–1–87 28470
220.251 (a) amendment eff. 8–1–87 28470
220.900 Revision eff. 8–1–87 28470
221.1 (a) amendment eff. 8–1–87 28470
221.251 (a) amendment eff. 8–1–87 28470
221.800 Revision eff. 8–1–87 28470
222.1 (a) amendment eff. 8–1–87 28470
222.251 (a) amendment eff. 8–1–87 28470
222.400 Revision eff. 8–1–87 28470
226.1 (a) amendment eff. 8–1–87 28470
226.251 (a) amendment eff. 8–1–87 28470
226.300 Revision eff. 8–1–87 28470
227.500 (b) amendment eff. 8–1–87 28470
227.751 (a) amendment eff. 8–1–87 28470
227.800 Revision eff. 8–1–87 28470
232.560 (a) revised 17751, 18228
234 High-cost limits 11643, 17397, 28250, 32126
234.63 Revision eff. 8–1–87 28470
234.76 Removed 32756
235.1 (a) amendment eff. 8–1–87 28470
235.9 (a) revised 17752, 18229
235.201 (a) amendment eff. 8–1–87 28470
235.540 (a) revised 17752, 18229
237.5 Revision eff. 8–1–87 28470
240.1 Amendment eff. 8–1–87 28470
240.400 Revision eff. 8–1–87 28470
243 Authority citation corrected 17949
243.1 (a) corrected 17949
255.107 (c) amended 16241
255.206 (a) revised 31992
255.405 Redesignated from 255.406 16241
255.406 Redesignated as 255.405 16241
255.706 (g) revised 16241
255.801 Amended 16241
255.820 Amended 16241
255.824 Amended 16241

TITLE 24—Con.

Chapter V—Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

Page

511.11 (f)(3)(iii)(B) corrected.....11598
511.32 Suspended.....11467
511.33 Heading and (b) revised.....25595

Chapter VIII—Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Section 8 Housing Assistance Programs and Section 202 Direct Loan Program)

842 Authority citation corrected.....17949
842.1 (a) corrected.....17949
882.408 (c)(1) revised.....19725
885.5 Amendment confirmed.....29011
885.210 Introductory text and (a) redesignation as (a) and (b) and new (a), (b) (9), (13) and (23)(i) revision confirmed.....29011
885.220 (d)(1) revision confirmed.....29011
885.412 Addition confirmed.....29011
885.416 (c) revision confirmed.....29011
888 Schedules B and D revised.....15632
Schedules B and D amended.....24387
Schedule A corrected.....24447

Chapter IX—Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development

905.311 (b) amended.....29361
942 Authority citation corrected.....17949
942.1 (a) corrected.....17949
990.104 (a) amended.....29361
990.105 (a)(2) amended.....29361
990.108 (a) revised.....29361
990.109 (e)(1) amended.....29361
990.114 Removed.....29361

Chapter XX—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

Page

3283.102 (c) and (d) revised.....11644

Title 24—*Proposed Rules:*

85.....21820, 23627
111.....21820, 23627
115.....29038
200.....11686, 21596, 21961
203.....21961
221.....21961
222.....21961
226.....21961
234.....21961
235.....21961
247.....16403, 23761
511.....21820, 23627, 30388
570.....21820, 23627
571.....21820, 23627
575.....21820, 23627
791.....30388
812.....30388
813.....30388
850.....21820, 23627
882.....30388
886.....16403, 23761
887.....30388
888.....24172, 32672
905.....10668, 21820, 23627
941.....21820, 23627
968.....10668, 21820, 23627
990.....21820, 23627
3280.....17896
3282.....17411

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

22 Removed.....30920
62 Revised.....30160
76 Revised.....31392
118 Removed.....15722
120 Removed.....11468
211 Revised.....31929
212 Removed.....31937
225 Added.....31937
244 Revised.....23806
250 Revised; interim.....27330

Chapter IV—Navajo and Hopi Indian Relocation Commission

Page

700 Authority citation revised.....21951
700.183 (a) revised; interim.....21951

Title 25—*Proposed Rules:*

22.....17988
40.....11503
76.....20727
151.....23560
179.....29701

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

1 Authority citation amended.....10744, 12162, 15308, 23433, 24999, 29674, 30358, 31994
Proclamation.....18562
1.23-1 Redesignated from 1.44C-1; (a), (b), (d)(2) (i) and (ii), and (e) amended; (c) revised; (d)(3) (i) through (x) redesignated as (d)(4)(ii) (A) through (J); new (d)(3) and (4)(i) added; new (d)(4)(ii) heading and introductory text amended.....26669
1.23-2 Redesignated from 1.44C-2; introductory text, (a)(1) (i) and (iii), (b)(1) and flush text following (2), (c)(4), (d)(3), (4) (iv) and (viii), (e)(1)(iii) and flush text following (iii) and (2), (f) (1) and (4), (g) and (h) amended; (i) added.....26670
1.23-3 Redesignated from 1.44C-3; (a)(1), (b), (d), (e), (h)(1) (i) and (ii), (2), (3) and (4) Example 2, (j)(2) Example and (k) introductory text amended; (c) and (j)(1) revised.....26672
1.23-4 Redesignated from 1.44C-4.....26672
1.23-5 Redesignated from 1.44C-5; (a) (1) through (5), (b)(1) and (c) amended.....26672

Page

1.23-6 Redesignated from 1.44C-6; (a)(1) and (e) amended.....26673
1.32-1T Added (temporary).....22302
Technical correction.....23398
1.42-1T Added (temporary).....23433
(d)(8)(i), (ii)(B) and (e)(2) corrected.....24583
1.44C-1 Redesignated as 1.23-1; (a), (b), (d)(2) (i) and (ii), and (e) amended; (c) revised; (d)(3) (i) through (x) redesignated as (d)(4)(ii) (A) through (J); new (d)(3) and (4)(i) added; new (d)(4)(ii) heading and introductory text amended.....26669
1.44C-2 Redesignated as 1.23-2; introductory text, (a)(1) (i) and (iii), (b)(1) and flush text following (2), (c)(4), (d)(3), (4) (iv) and (viii), (e)(1)(iii) and flush text following (iii) and (2), (f) (1) and (4), (g) and (h) amended; (i) added.....26670
1.44C-3 Redesignated as 1.23-3; (a)(1), (b), (d), (e), (h)(1) (i) and (ii), (2), (3), and (4) Example 2, (j)(2) Example and (k) introductory text amended; (c) and (j)(1) revised.....26672
1.44C-4 Redesignated as 1.23-4.....26672
1.44C-5 Redesignated as 1.23-5; (a) (1) through (5), (b)(1) and (c) amended.....26672
1.44C-6 Redesignated as 1.23-6; (a)(1) and (e) amended.....26673
1.48-9 (c)(10), (d) and (e) revised.....27337
1.56-1 Redesignated as 1.56A-1 and (b)(2)(ii) amended.....15309
1.56-2 Redesignated as 1.56A-2.....15309
1.56-3 Redesignated as 1-56A-3 and (b) and *Example* amended.....15309
1.56-4 Redesignated as 1.56A-4.....15309
1.56-5 Redesignated as 1.56A-5 and (b)(2) flush text, (e)(5), and (h) *Example* (*4*) amended.....15309

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

TITLE 26 Chapter I—Con. Page

1.56A-1 Redesignated from 1.56-1 and (b)(2)(ii) amended....15309
1.56-0T Added (temporary)....15309
1.56-1T Added (temporary)....15310
1.56A-2 Redesignated from 1.56-2....15309
1.56A-3 Redesignated from 1.56-3 and (b) and *Example* amended....15309
1.56A-4 Redesignated from 1.56-4....15309
1.56A-5 Redesignated from 1.56-5 and (b)(2) flush text, (e)(5), and (h) *Example* (*4*) amended....15309
1.57-4 (b) introductory text and (2)(ii) flush text and (e) *Example* (*5*) amended....15309
1.57-5 (b) amended....15309
1.58-7 (c)(1)(iii) *Example* (*4*), (2) *Example* (*3*), and (4) amended....15309
1.149(e)-1T (e)(3) (ii) and (iii) corrected....10368
1.163-8T Added (temporary)....24999
1.263A-1T (a)(5)(iii)(A), (b)(2)(iii)(I), (c)(4)(i)(C), (d)(3)(ii)(A)(*1*), (C) (*3*), and (*4*) and (5), (e)(1), (3)(iii), (7)(iii) and (11)(iii) revised; (b)(2)(vii), (5)(vii) and (6)(vi), (c)(5)(iii), (e)(7)(iv), (9)(ii) *Examples* (*4*) and (*5*) and (11)(v) added (temporary)....29378
1.382-1T Added (temporary)....29674
1.382-2T Added (temporary)....29675
1.448-1T Added (temporary)....22766
1.448-2T Added (temporary)....22774
1.904(f)-1 Added....31994
1.904(f)-2 Added....31997
1.904(f)-3 Added....32001
1.904(f)-4 Added....32002
1.904(f)-5 Added....32002
1.904(f)-6 Added....32003
1.924(c)-1T Removed....10742
1.924(d)-1T Removed....10742
1.924(e)-1T Removed....10742
1.1016-5 (t) revised....26673
1.1402(e)-5T Added (temporary)....12162
1.1502-9 Added....32005
1.6041-3 (i) amended; (j) removed; (k) through (q) redesignated as (j) through (p); new (m) revised....30358
1.6045-3T Added (temporary)....10744
1.6050D-1 (a) introductory text and (1) amended....26673
1.6655-7T Added (temporary)....15320
31 Authority citation amended....21511
31.6053-3 (f)(1)(iv) amended; (j)(19) added; (b)(5), (h), and (j)(9) revised....21511
31.6053-3T Removed....21511
31.6053-4 Added....21513
31.6053-4T Removed....21511
35a Authority citation amended....13432
35a.3406-1 Heading added....13432
35a.3406-2 Added....13432
48.4041-5 (a)(1) redesignated as (a)(1)(i) and amended; (a)(1)(ii) added....32008
48.4041-18 Revised....31616
48.4041-19 Added....31617
48.4041-20 Added....31617
48.4071-1 (a) and (b)(1) revised; (b)(2) redesignated as (b)(3); new (b)(2) added....31618
48.4071-2 (b) heading revised; (b) text amended....31618
48.4081-2 (a), (b), (c) heading, (e) (1) and (2) heading, (f)(1) and (g) revised; (c) (1) and (2), (e)(2), (f)(2) heading and text and (h) amended; (e)(3), (f)(3) and (h)(4) added; (i) removed....31618
48.6420-4 (l) amended....31621
48.6427-1 (a)(2)(iv) amended....31621
54.6011-1T Added (temporary)....10563
54.6071-1T Added (temporary)....10563
301.6011-2 (f) revised....19137
301.6404-2T Added....30163
301.6402-6T (b) revised (temporary)....17950
601.601 (c) amended....26673
602.101 Correctly designated....10368
(c) table amended (OMB numbers)....10564, 10748, 12163, 13437, 15320, 21513, 23440, 25007, 26673, 29697, 30163, 31621, 32008, 32009
602.106 (c) table amended (temporary)....22777

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

Page

Title 26—*Proposed Rules:*

1.0-1—1.60....15339, 22345, 23471, 28162
1.61—1.169....18579, 22716, 25036, 26122
1.170—1.300....29391
1.301—1.400....29704
1.401—1.500....22795, 28070, 32502
1.641—1.850....18578
1.851—1.1000....32242, 32308
1.1401—end....10774, 12194, 15339, 23308, 28070, 28162
54....10583, 28070
301....17989, 30177
601....28000, 30996
602....10583, 10774, 18579, 23308, 23471, 25036, 29704

TITLE 27—ALCOHOL, TOBACCO PRODUCTS AND FIREARMS

Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury

9.48 (c) revised....23652
9.61 (c)(12) revised; (c) (13) through (15) redesignated as (c) (17) through (19); new (c) (13) through (16) added....23651
9.109 Added....13082
9.114 Added....21515
9.115 Added....32785
9.116 Added....22304
19.44 Amended....19313
19.519 Amended....19313
19.524 (c)(1) amended....19313
19.525 (a) amended....19313
25.117 (a) and (b)(1) amended; (c) removed; nomenclature change....19313
25.118 Nomenclature change....19313
25.119 Heading and (c) amended; nomenclature change....19313
25.121 Amended; nomenclature change....19313
25.131 Revised....19313
25.122 Nomenclature change....19313
25.125 Nomenclature change....19313
25.126 Nomenclature change....19313
25.132 (b) amended....19313
25.134 Amended....19313
25.163 Revised....19314
25.164 (e)(1) revised....19314
25.165 (c)(1) amended....19314
25.166 (b) amended....19314
25.173 (b) amended....19314
25.175 (b) (1), (2), and (3) amended....19314
25.283 (d) amended....19314
25.285 (a) amended....19314
70 Authority citation revised....19314
70.1 Revised....19314
70.61—70.109 (Subpart E) Added....19314
70.111—70.152 (Subpart F) Added....19325
170.77 (a) amended....19334
170.91 Amended....19334
170.305 (a) amended....19334
170.305a (a), (b), and (c) amended....19334
170.306 (b) amended....19334
179.34 (a) designation and heading and (b) removed; amended; nomenclature change....19334
179.35 Nomenclature change....19334
179.36 Nomenclature change....19334
179.37 Amended....19334
179.38 Amended....19334
179.42 Amended; nomenclature change....19334
179.43 Amended....19334
179.46 Amended; nomenclature change....19334
179.47 Amended; nomenclature change....19334
179.50 Amended; nomenclature change....19334
179.171 Amended....19334
179.172 Amended....19334
194.27 Amended; nomenclature change....19335
194.94 Amended....19335
194.104 Amended....19335
194.104a Revised....19335
194.105 Amended....19335
194.106—194.110 Undesignated center heading amended....19335
194.106 Amended; nomenclature change....19335
194.106a Amended....19335
194.106b Amended....19335
194.106d Removed....19335
194.107 Heading and text nomenclature change....19335
194.109 Amended....19335
194.111 Amended....19335
194.121 Amended....19335
194.121a Amended....19335
194.123 Amended....19335

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

TITLE 27 Chapter I—Con. Page

194.124 Amended; nomenclature change..... 19335
194.126 Amended; nomenclature change..... 19335
194.127 Amended..... 19335
194.132 Amended..... 19335
194.133 Amended..... 19335
194.134 Amended; nomenclature change..... 19335
194.135 Amended..... 19335
194.136 Amended; nomenclature change..... 19335
194.137 Amended; nomenclature change..... 19335
194.139 Amended; nomenclature change..... 19335
194.151 Heading and (a) revised; (b) amended; nomenclature change..... 19336
194.152 Amended..... 19336
194.169 Undesignated text following (d) revised..... 19336
194.201 Revised..... 19336
197.28 (a) and (b) amended; nomenclature change..... 19336
197.29—197.31 Undesignated center heading amended..... 19336
197.29 Amended; nomenclature change..... 19336
197.29a Amended; nomenclature change..... 19336
197.29b Nomenclature change..... 19336
197.29d Removed..... 19336
197.30 Nomenclature change..... 19336
197.31 Nomenclature change..... 19337
197.40 Nomenclature change..... 19336
197.40a Nomenclature change..... 19336
197.41 Amended..... 19336
197.42 Amended; nomenclature change..... 19336
197.43 Amended; nomenclature change..... 19336
197.46 Amended..... 19337
197.48 Amended..... 19337
197.50 Amended..... 19337
197.55 Revised..... 19337
197.56 Amended..... 19337
197.58 Revised..... 19337
197.106 Amended..... 19337
197.111 Revised..... 19337
240.340 Amended..... 19337
240.343 Revised..... 19337
240.344 Revised..... 19337
240.345 Removed..... 19337
240.591 (a) amended..... 19337
240.591a (c)(1) amended..... 19337
240.594 (a) amended..... 19337
240.594c Amended..... 19337
240.595 Amended..... 19337
240.596 (a) amended..... 19337
240.807 Amended..... 19337
250.11 Amended..... 19338
250.37 Revised..... 19338
250.44 Amended..... 19338
250.52 (c) amended..... 19338
250.54 Amended..... 19338
250.61 Revised..... 19338
250.62a Amended..... 19338
250.65 Amended..... 19338
250.70 Amended..... 19338
250.70a Amended..... 19338
250.71 Nomenclature change..... 19338
250.72 Nomenclature change..... 19338
250.74 Nomenclature change..... 19338
250.75 Amended..... 19338
250.78 Amended..... 19338
250.79 Amended..... 19338
250.81 Amended..... 19338
250.93 Amended..... 19338
250.96 (b) amended; nomenclature change..... 19338
250.102 Amended..... 19338
250.105 (b) amended; nomenclature change..... 19338
250.110 Amended..... 19338
250.112 (e) and (h) revised..... 19339
250.112a (c)(1) amended..... 19339
250.113 (a) amended..... 19339
250.119 Amended..... 19339
250.126 Amended..... 19339
250.128 Revised..... 19339
250.210 Amended..... 19339
251 Authority citation revised..... 19339
251.11 Amended..... 19339
251.30 Amended; nomenclature change..... 19339
270.44 Amended..... 19339
270.162 Amended..... 19339
270.165 (b) amended..... 19339
270.165a (c) amended..... 19339
270.166 Amended..... 19340
270.167 (a) and (b) amended..... 19340
270.168 Amended..... 19340
270.281 Amended..... 19340
270.283 Amended..... 19340
270.286 Amended..... 19340
270.311 (b) amended..... 19340

CHANGES APRIL 1 THROUGH AUGUST 31, 1987

270.313 Amended..... 19340
275.11 Amended..... 19340
275.105 Amended..... 19340
275.108 Amended..... 19340
275.109 Amended..... 19340
275.110 Amended..... 19340
275.111 Introductory text amended; (a) removed; (b) through (e) redesignated as (a) through (d); new (d) amended..... 19340
275.112 Amended..... 19340
275.114 (c) revised..... 19340
275.114a (a) and (c) amended..... 19340
275.115 Amended..... 19340
275.115a (c) amended..... 19340
275.116 Amended..... 19340
275.118 Amended..... 19341
275.123 Amended..... 19341
275.125 Amended..... 19341
275.126 Amended..... 19341
275.127 Amended..... 19341
275.129 Amended..... 19341
275.137 Amended..... 19341
275.161 Amended..... 19341
275.163 Amended..... 19341
275.170 (b) amended..... 19341
275.172 (b) amended..... 19341
285.25 (b) amended..... 19341
285.26 Amended..... 19341
285.27 (c) amended..... 19341
285.34 Amended..... 19341
285.171 Amended..... 19341
285.173 Amended..... 19341
285.193 Amended..... 19341
290.67 (a) amended..... 19341
290.153 Amended..... 19341
290.154 Amended..... 19341
295.36 Amended..... 19341
296.7 Amended..... 19342
296.74 Amended..... 19342

Title 27—*Proposed Rules:*

4..... 23685, 30390
5..... 23685, 30390
9..... 11689, 13844, 19531, 19535, 29705
17..... 28286
19..... 28286
25..... 32814
170..... 28286
194..... 28286
197..... 28286

CHANGES JULY 1 THROUGH AUGUST 31, 1987

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

Page

0 Authority citation revised.....24447
0.63 Revised.....24448
0.100 (b) revised.....24447
8.1 Amended.....24448
8.8 (b) amended.....24448
9 Revised.....32786
11 Added; eff. 8-31-87.....24449
Technical correction.....27496
42.101—42.112 (Subpart C) Authority citation revised.....24449
42.101—42.112 (Subpart C) Appendix A revised.....24449
42.501—42.540 (Subpart G) Authority citation revised.....24450
42.501—42.540 (Subpart G) Appendix A revised.....24450

Title 28—*Proposed Rules:*

2.....30691
16.....24583
541.....32478

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

Chapter I—National Labor Relations Board

102 Authority citation revised.....27990
102.118 Heading and (a)(1) revised.....27990
103 Authority citation revised.....25215
103.20 (Subpart B) Added.....25215

Chapter V—Wage and Hour Division, Department of Labor

516 Revised; eff. 7-31-87.....24896
Table of contents corrected.....26121

Chapter XIV—Equal Employment Opportunity Commission

1601.6 Existing text designated as (a); (b) redesignated from 1601.18.....26957
1601.18 Redesignated as 1601.6 (b); new 1601.18 redesignated from 1601.19; (b) removed; (c) through (g) redesignated as (b) through (f); new (e) and (f) amended.....26957
1601.19 Redesignated as 1601.18; (b) removed; (c) through (g) redesignated as (b) through (f); new (e) and (f) amended.....26957
Added.....26958
1601.21 (a) revised; (d) introductory text amended.....26959
1601.24 (a) amended.....26959
1601.28 (b)(3) amended.....26959
1627 Authority citation revised.....32296
1627.16 (c) added.....32296

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

1910.1200 Revised.....31877
1915 Authority citation revised.....31876
1915.97 Revised.....31886
1915.99 Added.....31877
1917 Authority citation revised.....31876
1917.28 Added.....31877
1918 Authority citation revised.....31876
1918.90 Added.....31877
1926.50—1926.59 (Subpart D) Authority citation revised.....31877
1926.59 Added.....31877
1928 Authority citation revised.....31877
1928.21 (a)(5) added.....31886

Chapter XXVI—Pension Benefit Guaranty Corporation

2603.2 (c) amended.....30663
2603.8 (a) amended.....30663
2603.21 Heading, (a) and (c) revised; (d) amended.....30663
2603.32 (c) revised.....30664
2603.36 Revised.....30664
2603.51 Revised.....30664
2603.52 (a) introductory text and (1), (b) introductory text, and (c) revised.....30666
2603.53 (a) revised.....30666

TITLE 29 Chapter XXVI—Con. Page

2603.54 (a) amended; (b) and (c) revised..... 30666
2603.55 Revised..... 30666
2644 Appendix A amended..... 25008
2676.15 (c) table amended... 26475, 30359

Title 29—*Proposed Rules:*

1..... 31366
5..... 31366
100..... 25124, 27902
102..... 27012
103..... 25142, 29038
1910..... 26776, 28727, 29620, 32312
1915..... 28727, 32312
1917..... 28727, 32312
1918..... 28727, 32312
1926..... 26776
1953..... 27417
2580..... 31039

TITLE 30—MINERAL RESOURCES

Chapter I—Mine Safety and Health Administration, Department of Labor

57.22001—57.22608 (Subpart T) Revised; eff. 10-29-87..... 24941
57.22005 (f)(1) and (g) corrected..... 27903
57.22232 Corrected..... 27903
57.22233 Corrected..... 27903
57.22240 Corrected..... 27903

Chapter II—Minerals Management Service, Department of the Interior

216 Authority citation revised..... 27546
216.40 (a) and (b) revised; (g) added..... 27546
218 Authority citation revised..... 24451, 27546
218.40 (a) and (b) revised; (g) added..... 27546
218.57 Added; eff. 7-31-87..... 24451

Chapter VII—Office of Surface Mining Reclamation and Enforcement, Department of the Interior

750 Authority citation revised..... 31622
750.20 (a) suspended in part..... 31622
816 Authority citation revised..... 29181
816.68 (e) amended..... 29181

Page

917.21 Existing text designated as (a); new (b) added..... 26300
935.12 (c) added..... 26971
(a) removed..... 29516
935.15 (bb) added..... 26971
(cc) added..... 29516
935.16 (d) through (h) added..... 26972
(a) removed..... 29516
935.20 Revised..... 30668
935.25 Revised..... 30668
938.15 (n) added..... 26302
946.12 (b)(3) removed..... 26973
946.15 (s) added..... 26973
(t) added..... 30670

Title 30—*Proposed Rules:*

11..... 32313
48..... 30391
57..... 26352
75..... 30391
202..... 25887, 29868, 30776, 30826
203..... 25887, 29868, 30826
206..... 25887, 29868, 30776, 30826
207..... 30826
210..... 30826
212..... 25887, 29868
218..... 25887, 29868
241..... 30826
256..... 29222
780..... 32764
784..... 32764
816..... 28012
817..... 28012
840..... 32758
842..... 32758
870..... 27419
904..... 27419
913..... 28309
914..... 25887
915..... 25888
917..... 26158, 26159, 28310
925..... 29546
931..... 28162
935..... 25386, 25387, 28165
938..... 25037
943..... 30930
946..... 28166, 28849

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

1 Authority citation revised..... 26305
1.1—1.7 (Subpart A) Revised..... 26305
1.8—1.12 (Subpart B) Revised..... 26319
1.20 Revised..... 26320

Page

1.21—1.22 Revised..... 26321
1.23 Revised..... 26322
1.24 Revised..... 26323
1.25—1.26 Revised..... 26324
1.27 Revised..... 26326
1.28 Revised..... 26327
1.29—1.30 Revised..... 26328
1.31—1.32 Revised..... 26329
1.33 Removed..... 26302
1.34—1.35 Revised..... 26329
1.20—1.36 (Subpart C) Appendixes A through L revised..... 26329

Chapter V—Office of Foreign Assets Control, Department of the Treasury

545.427 Interpretation..... 25576

Title 29—*Proposed Rules:*

223..... 29039

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

40.3 Amended..... 29844
40.4 (b)(3)(iii) (B) and (C) and (iv) added..... 29844
40.6 (d)(2)(iii) (A), (B), and (C) amended..... 29844
40.7 (b)(4)(iv), (c), and (d) added..... 29844
40.14 (a) amended..... 29845
43.2 (a) amended..... 25008
43.6 (d)(14) revised..... 25008
63.3 (o) amended..... 25215
63.6 (b)(5) (i) through (vii) amended; (e)(2) introductory text revised; (e)(2)(vi) redesignated as (e)(2)(vii); new (e)(2)(vi) added..... 25215
174.1 (d) and (e) amended..... 29181
174.3 (b), (c) and (f) amended; (d) and (e) revised..... 29181
(f) corrected..... 30766
174.4 (c) revised..... 29182
174.5 (b) and (d) revised..... 29182
174.6 (a) revised..... 29182
199.3 (e)(3)(iv) revised..... 27991
286 Revised..... 25977
292a.13 Revised..... 29183
292a.15 Removed..... 25216
295 Heading revised..... 32296
295.6 (b) (1) through (6) revised; (b) (7) and (8) added..... 32296

Chapter V—Department of the Army

Page

552.105—552.111 (Subpart G) Added..... 25862

Chapter VI—Department of the Navy

732 Revised..... 32297
750 Authority citation revised; footnotes removed..... 25595
750.3 (d) redesignated as (e); new (d) added..... 25595
750.4 (c) heading revised..... 25596
750.7 (a) (5) through (16) and (b) revised; (a) (17) and (18) added..... 25596
750.8 (a) and (b) amended..... 25596
750.9 Revised..... 25597
750.12 (b) amended..... 25597
750.13 (b) and (c) redesignated as (c) and (d); new (b) added; (c)(2) amended..... 25597
750.16 (c)(2) amended; (e) revised..... 25597
750.21 (a) through (c) amended..... 25598
750.23 Revised..... 25598
750.24 (b) (2) and (3) revised..... 25598
750.32 (e)(2) amended..... 25598
750.52 (b) revised..... 25598
750.53 (c) amended..... 25598
751 Authority citation revised; footnotes removed..... 25598
751.2 Revised..... 25598
751.3 (i)(3)(iii) amended..... 25599
751.4 (u) added..... 25599
751.21 (f)(1)(ii) amended..... 25599
751.22 (b) and (d) amended..... 25599
751.23 Introductory text amended..... 25599
751.24 (a)(1) introductory text, (v), (vi), (2), (3)(i), (5) and (6), (b) and (d) revised; (e) amended..... 25599
751.25 (b) revised..... 25600
751.28 Revised..... 25600
751.30 (a) through (d) and (e)4. revised; (e) introductory text amended..... 25600
757 Authority citation revised..... 25600
Footnotes removed..... 25601
757.2 (b)(2) and (c) revised..... 25601

CHANGES JULY 1 THROUGH AUGUST 31, 1987

TITLE 32 Chapter VI—Con. Page

757.3 (a) amended; (b), (c), (d), and (f)(3) revised 25601
757.8 Amended 25601
757.13 Introductory text and (d) revised; (f) removed 25601
757.15 (a) (1) through (4) revised 25601
757.16 (c) amended; (d) added 25601

Chapter XVI—Selective Service System

1602.2 Revised 24454
1602.11 Revised 24454
1602.14 Revised 24454
1602.15 Revised 24454
1602.18 Revised 24454
1602.24 Revised 24454
1602.25 Revised 24454
1605.51 (b) removed 24454
1605.81 (b) revised 24454
1609.1 Revised 24454
1618.3 Removed 24454
1621.1 Revised 24454
1624.4 (b) and (c) revised 24455
1624.5 (a) revised 24455
1624.6 (a) and (e) removed; (b) and (j) revised 24455
1624.7 Revised 24455
1624.10 Revised 24455
1630.13 Revised 24455
1630.18 Revised 24456
1630.30 Revised 24456
1630.31 Revised 24456
1630.40 (a) introductory text revised; (a)(4) removed 24456
1630.44 Revised 24456
1630.45 Heading and (a) revised 24456
1630.48 Revised 24456
1633.1 (e) and (f) revised 24456
1633.2 Revised 24457
1633.6 Revised 24457
1633.7 (b) revised; (c) removed 24457
1633.10 Revised 24457
1633.11 Revised 24457
1636.3 (a) revised 24457
1636.6 Heading revised 24457
1636.8 (a)(3) revised 24457
1639.3 (a)(1) revised 24458
1639.6 Heading revised 24458
1639.7 (c) revised 24458
1642 Heading revised 24458
1642.3 Revised 24458
1642.4 (a)(4) revised; (b) removed 24458
1642.5 Added 24458
1642.7 (a) revised; (c) removed 24458
1648.1 Revised 24458
1648.2 Removed 24458
1648.3 (a) and (c) revised 24458
1648.4 (b) revised 24458
1648.5 (a) and (i) revised 24459
1648.6 (a) revised 24459
1651.1 (b) revised 24459
1651.4 (a), (j), (n)(3) and (r) revised 24459
1653.3 Heading, (a) and (k) revised 24459
1657 Revised 24459
1698 Added 24460

Chapter XX—Information Security Oversight Office

2001.43 (a)(1) revised 28418
2003.20 Revised 28802
(h)(1) revised 29793

Title 32—*Proposed Rules:*

198a 27421
199 ..... 28568, 29044, 30391
276 26692
277 26693
807 27825

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

3.01-1 (f) removed; (g) redesignated as (f) 25217
3.25-1 (b) revised 25217
25.103 Revised 25217
25.111 (b) revised 25217
25.405 (g) revised 25218
47 Removed 25218
72.01-10 (a)(2) revised 25218
80.155 Redesignated from 80.305 25218
80.160 Redesignated from 80.310 25218
80.165 Redesignated from 80.315 25218
80.170 Added 25218

CHANGES JULY 1 THROUGH AUGUST 31, 1987

Page

80.305—80.325 Undesignated center heading removed 25218
80.305 Redesignated as 80.155 25218
80.310 Redesignated as 80.160 25218
80.315 Redesignated as 80.165 25218
80.320 Removed 25218
80.325 Redesignated as 80.503 25218
80.501 Added 25218
80.503 Redesignated from 80.325 25218
80.1102 Redesignated from 80.1105 25218
80.1104 Redesignated from 80.1110 25218
80.1105 Redesignated as 80.1102 25218
80.1106 Redesignated from 80.1115 25218
80.1108 Redesignated from 80.1120 25218
80.1110 Redesignated as 80.1104; new 80.1110 redesignated from 80.1125 25218
80.1112 Redesignated from 80.1130 25218
80.1114 Redesignated from 80.1135 25218
80.1115 Redesignated as 80.1106 25218
80.1116 Redesignated from 80.1140 25218
80.1118 Redesignated from 80.1145 25218
80.1120 Redesignated as 80.1108; new 80.1120 redesignated from 80.1150 25218
80.1122 Redesignated from 80.1155 25218
80.1124 Redesignated from 80.1160 25218
80.1125 Redesignated from 80.1110 25218
80.1126 Redesignated from 80.1165 25218
80.1130 Redesignated as 80.1112; new 80.1130 redesignated from 80.1205 25218
80.1132 Redesignated from 80.1210 25218
80.1134 Redesignated from 80.1215 25218

Page

80.1135 Redesignated as 80.1114 25218
80.1136 Redesignated from 80.1220 25218
80.1138 Redesignated from 80.1225 25218
80.1140 Redesignated as 80.1116; new 80.1140 redesignated from 80.1230 25218
80.1142 Redesignated from 80.1250 25218
80.1144 Redesignated from 80.1255 25218
80.1145 Redesignated as 80.1118 25218
80.1146 Redesignated from 80.1260 25218
80.1148 Redesignated from 80.1265 25218
80.1150 Redesignated as 80.1120; new 80.1150 redesignated from 80.1270 25218
80.1152 Redesignated from 80.1275 25218
80.1155 Redesignated as 80.1122 25218
80.1160 Redesignated as 80.1124 25218
80.1165 Redesignated as 80.1126 25218
80.1205—80.1275 Undesignated center heading removed 25218
80.1205 Redesignated as 80.1130 25218
80.1210 Redesignated as 80.1132 25218
80.1215 Redesignated as 80.1134 25218
80.1220 Redesignated as 80.1136 25218
80.1225 Redesignated as 80.1138 25218
80.1230 Redesignated as 80.1140 25218
80.1250 Redesignated as 80.1142 25218
80.1255 Redesignated as 80.1144 25218
80.1260 Redesignated as 80.1146 25218
80.1265 Redesignated as 80.1148 25218
80.1270 Redesignated as 80.1150 25218

CHANGES JULY 1 THROUGH AUGUST 31, 1987

TITLE 33 Chapter I—Con. Page

80.1275 Redesignated as 80.1152....25218
100 Temporary regulations list....26675
100.35–109 Added (temporary)....30164
100.35–544 Added (temporary)....26674
100.35–05068 Added (temporary)....31622
100.35–0911 Added (temporary)....28554
100.35–0914 Added (temporary)....29517
100.35–0918 Added (temporary)....28251
100.35–0921 Added (temporary)....32790
100.35–0924 Added (temporary)....32791
100.35–0925 Added (temporary)....31395
100.101 Redesignated from 100.304 and (b) revised....25219
100.102 Redesignated from 100.305 and (b) revised....25219
100.103 Redesignated from 100.307 and (b) revised....25219
100.104 Redesignated from 100.308 and (b) revised....25219
100.301 Redesignated as 100.502 and (b) revised....25218
100.302 Redesignated as 100.503 and (b) revised....25219
100.303 Redesignated as 100.504 and (b) revised....25219
100.304 Redesignated as 100.101 and (b) revised....25219
100.305 Redesignated as 100.102 and (b) revised....25219
100.306 Redesignated as 100.505 and (b) revised....25219
100.307 Redesignated as 100.103 and (b) revised....25219
100.308 Redesignated as 100.104 and (b) revised....25219
100.502 Redesignated from 100.301 and (b) revised....25218
100.503 Redesignated from 100.302 and (b) revised....25219
100.504 Redesignated from 100.303 and (b) revised....25219
100.505 Redesignated from 100.306 and (b) revised....25219

Page

100.1103 Redesignated from 100.1201....25219
100.1104 Redesignated from 100.1202....25219
100.1201 Redesignated as 100.1103....25219
100.1202 Redesignated as 100.1104....25219
110.238 Added....25864
110.239 Added....26147
117.261 (m) removed....26677
Heading revised; (qq) added....27684
(c) added....28694
117.287 (d)(2) revised....30671
117.317 (k) revised....28693
117.561 (b) (1) through (4) and (c) revised; introductory text republished (temporary)....26341
117.733 (h) revised....25374
117.753 Revised....25373
117.1051 (d) introductory text revised; (e) added; eff. to 8-21-87....25374
132 Appendix corrected....28471
165 Temporary regulations list....26675
165.T226 Added (temporary)....25375
165.T05047 Added (temporary)....31396
165.T05–76 Added (temporary)....31763
165.T830 Added (temporary)....28252
165.T0906 Added (temporary)....28555
165.T1165 Revised (temporary)....26147
165.130 Redesignated from 165.301....25218
165.140 Redesignated from 165.302....25218
165.150 Redesignated from 165.304....25218
165.155 Redesignated from 165.305....25218
165.160 Redesignated from 165.310....25218
165.301—165.310 Undesignated center heading removed....25218
165.301 Redesignated as 165.130....25218
165.302 Redesignated as 165.140....25218
165.303 Redesignated as 165.510....25218

CHANGES JULY 1 THROUGH AUGUST 31, 1987

Page

165.304 Redesignated as 165.150....25218
165.305 Redesignated as 165.155....25218
165.310 Redesignated as 165.160....25218
165.510 Redesignated from 165.303....25218
165.703 (i) added....31763
165.1201 Undesignated center heading and section designation removed....25218
165.1703 Added....30671
174 Authority citation revised....25219
174.121 Revised....25219

Chapter II—Corps of Engineers, Department of the Army

334.78 Added....28556

Title 33—*Proposed Rules:*

1—183 (Ch. I)....31786
110....27688
117....25389, 25391, 27225, 28018
140....25392
143....25392
165....26703, 32314
166....25039, 28019

TITLE 34—EDUCATION

Subtitle A—Office of the Secretary, Department of Education

5 Authority citation revised....32524
5.6 Added....32525
5.60—5.64 (Subpart E) Revised....32525
11 Revised....25152
32 Added; eff. 7-31-87....24957
75 Authority citation revised....27803
75.1 (a) Note and tables removed; (a) revised (effective date pending)....27803
75.50 Revised (effective date pending)....27803
75.111 (d) and (e) removed (effective date pending)....27803
75.124 Undesignated center heading and section removed (effective date pending)....27803
75.125 (a) designation and (b) removed (effective date pending)....27803

Page

75.138—75.141 Undesignated center heading and sections removed (effective date pending)....27803
75.200 (b)(3) and (c)(2) revised (effective date pending)....27803
75.201 (b)(1) designation and (2) removed (effective date pending)....27803
75.202—75.206 Removed (effective date pending)....27803
75.210 Revised (effective date pending)....27803
75.217 Revised (effective date pending)....27804
75.219 (b) removed; (c) redesignated as (b) and revised (effective date pending)....27804
75.221 Removed (effective date pending)....27804
75.222 Heading and section amended (effective date pending)....27804
75.250 (a) designation and (b) removed (effective date pending)....27804
75.254 Removed (effective date pending)....27804
75.260 (a) revised (effective date pending)....27804
75.708 (a) revised (effective date pending)....27804
75.721 Removed (effective date pending)....27804
75.733 Removed (effective date pending)....27804
76 Authority citation revised....27804
76.1 (a) Note and tables removed; (a) revised (effective date pending)....27804
76.50 (a) introductory text revised (effective date pending)....27804
76.100 Revised (effective date pending)....27804
76.101 Revised (effective date pending)....27804
76.102 Cross-reference removed (effective date pending)....27804
76.301 Revised (effective date pending)....27804
76.401 (a) introductory text and (b) revised (effective date pending)....27805

CHANGES JULY 1 THROUGH AUGUST 31, 1987

TITLE 34 Subtitle A—Con. Page

76.563 Introductory text amended (effective date pending)..... 27805
76.772 Cross-reference removed (effective date pending)..... 27805

Chapter II—Office of Elementary and Secondary Education, Department of Education

206 Authority citation revised..... 24920
206.1 Authority citation revised..... 24920
206.2 (a), (b) and authority citation revised (effective date pending)..... 24920
206.3 Authority citation revised..... 24920
206.4 (a) and authority citation revised (effective date pending)..... 24920
206.5 (c)(1) and authority citation revised (effective date pending)..... 24920
206.10 (b)(1) (i) through (viii) and (2) (i) through (iii) and authority citation revised; (b)(2) (iv) through (vi) and (c) added (effective date pending)..... 24920
206.20 (a) amended; (b) redesignated as (d); new (b) and (c) added; authority citation revised; OMB number (effective date pending)..... 24920
206.30 Authority citation revised..... 24920
(b) revised (effective date pending)..... 24921
221.15 (b) introductory text and (3) revised (effective date pending)..... 28814
206.31 Authority citation revised..... 24920
(a)(2)(ii) revised; (i) added; OMB number (effective date pending)..... 24921
230 Added (effective date pending)..... 26919
235 Added (effective date pending)..... 26923
237 Added (effective date pending)..... 26466

Page

250 Authority citation revised..... 28232
250.4 (b) amended..... 28232
251 Authority citation revised..... 28232
251.31 Added..... 28232
251.32 Added..... 28233
270 Revised (effective date pending)..... 24963
271 Added..... 24964
272 Added..... 24965

Chapter III—Office of Special Education and Rehabilitative Services, Department of Education

309 Revised (effective date pending)..... 29817
315 Heading and authority citation revised (effective date pending)..... 31958
315.1 Heading revised; text amended (effective date pending)..... 31958
315.10 Nomenclature change (effective date pending)..... 31958
315.11 Nomenclature change (effective date pending)..... 31958
315.12 Nomenclature change; (a) introductory text and (4) and (b)(2) amended (effective date pending)..... 31958
315.13 Nomenclature change; (a) revised; (c) redesignated as (d); new (c) added (effective date pending)..... 31958
315.14 Amended (effective date pending)..... 31959
315.30 (a) amended (effective date pending)..... 31959
315.31 Redesignated as 315.32 and revised; new 315.31 added (effective date pending)..... 31959
315.32 Redesignated from 315.31 and revised (effective date pending)..... 31959
315.33 Added (effective date pending)..... 31959
315.34 Added (effective date pending)..... 31960
319 Added (effective date pending)..... 25831
320 Heading and authority citation revised..... 26657

CHANGES JULY 1 THROUGH AUGUST 31, 1987

Page

320.1 Heading, introductory text and (a) revised; (b) amended; (c) redesignated as (d); new (c) added (effective date pending)..... 26657
320.10 (a)(2) removed; (a)(3) and (c) redesignated as (a)(2) and (d); (a)(1)(iii) and (b) amended; new (c) added (effective date pending)..... 26657
320.30 (b)(2)(iii) amended (effective date pending)..... 26657
320.40 (b) revised (effective date pending)..... 26657
350 Heading and authority citation revised (effective date pending)..... 30060
350.1 Heading, (a) (1) and (3), and authority citation revised; (a) introductory text republished (effective date pending)..... 30060
350.2 (b), (c), and authority citation revised; (d) added (effective date pending)..... 30061
350.3 Introductory text and (a)(2) revised (effective date pending)..... 30061
350.4 (a) introductory text and (b) introductory text revised; (b) amended (effective date pending)..... 30061
350.30 Revised (effective date pending)..... 30061
350.32 (a) and authority citation revised (effective date pending)..... 30061
350.33 (a), (b), and (e) revised; (c) amended (effective date pending)..... 30062
350.34 Heading revised (effective date pending)..... 30062
350.35 Added (effective date pending)..... 30062
350.40 (b)(1) introductory text republished; (b)(1)(iii) revised (effective date pending)..... 30062
351 Heading and authority citation revised (effective date pending)..... 30062
351.1 Nomenclature changes (effective date pending)..... 30062
351.10 Introductory text and (b) introductory text republished; (a), (b) (6) and (7), and authority citation revised; (b) (8) and (9) added; nomenclature changes (effective date pending)..... 30062
352 Heading and authority citation revised (effective date pending)..... 30063
352.10 (b) and (d) revised (effective date pending)..... 30063
352.31 Revised (effective date pending)..... 30063
352.40 (Subpart E) Added (effective date pending)..... 30064
353 Heading and authority citation revised (effective date pending)..... 30064
353.1 (b) and (c) revised (effective date pending)..... 30064
353.10 (a) introductory text and (b) introductory text republished; (a) (iii) and (iv) amended; (a)(v) added; (b)(1) revised (effective date pending)..... 30064
353.31 Revised (effective date pending)..... 30064
354 Heading and authority citation revised (effective date pending)..... 30065
355 Heading and authority citation revised (effective date pending)..... 30065
356 Heading and authority citation revised (effective date pending)..... 30065
356.30 (b)(1) amended (effective date pending)..... 30065
356.32 (b) amended (effective date pending)..... 30065
357 Heading and authority citation revised (effective date pending)..... 30065
357.1 (b) and (c) amended (effective date pending)..... 30065
358 Heading and authority citation revised (effective date pending)..... 30065
359 Heading and authority citation revised (effective date pending)..... 30065
359.32 Added (effective date pending)..... 30066
363 Added (effective date pending)..... 30550

CHANGES JULY 1 THROUGH AUGUST 31, 1987

TITLE 34 Chapter III—Con. Page

371 Heading and authority citation revised (effective date pending)....30555
371.1 Revised (effective date pending)....30555
371.2 Amended (effective date pending)....30555
371.4 (b) (1) through (4) designations removed; (b) amended (effective date pending)....30555
371.10 Amended (effective date pending)....30555
371.20 Amended (effective date pending)....30555
371.21 (c), (d), (e), (f), (g), and (h) amended; (i) revised (effective date pending)....30555
371.30 (f)(2) (i) and (ii) amended (effective date pending)....30555
371.40 Revised (effective date pending)....30556
371.41 (a)(2) and (b) amended (effective date pending)....30555
371.42 Amended (effective date pending)....30555
Revised (effective date pending)....30556
371.43 (a) and (b) amended (effective date pending)....30555
386 Authority citation revised....30556
386.1 Revised (effective date pending)....30556
386.4 Revised (effective date pending)....30556
386.30 (c) and (h)(2)(iii) amended (effective date pending)....30556
386.42 Revised (effective date pending)....30556
386.43 Added (effective date pending)....30557
386.44 Added (effective date pending)....30557
386.45 Added (effective date pending)....30558
386.46 Added (effective date pending)....30558
386.47 Added (effective date pending)....30558

Chapter V—Office of Bilingual Education and Minority Languages Affairs, Department of Education

Page

500.15—500.20 Undesignated center heading added (effective date pending)....27805
500.15 Added (effective date pending)....27805
502 Removed (effective date pending)....30322
504 Removed (effective date pending)....30322
524 Added (effective date pending)....30322

Chapter VI—Office of Postsecondary Education, Department of Education

607 Added (effective date pending)....30529
608 Added (effective date pending)....30538
609 Added (effective date pending)....30541
614 Revised (effective date pending)....30561
629 Revised (effective date pending)....29824
630 Authority citation revised....27523
630.5 (b) amended (effective date pending)....27523
630.11 (c) added; authority citation revised (effective date pending)....27523
630.33 Amended (effective date pending)....27523
630.34 Redesignated as 630.35; new 630.34 added (effective date pending)....27523
630.35 Redesignated from 630.34 (effective date pending)....27523
631 Revised (effective date pending)....29140
632 Revised (effective date pending)....29142
633 Revised (effective date pending)....29144
634 Revised (effective date pending)....29145
635 Revised (effective date pending)....29146

CHANGES JULY 1 THROUGH AUGUST 31, 1987

Page

636 Authority citation revised....29147
Authority citation corrected....30280
636.2 (a) and (b) amended (effective date pending)....29147
636.4 (c) amended (effective date pending)....29147
636.10 Amended (effective date pending)....29147
636.30 Amended (effective date pending)....29147
636.40 Amended (effective date pending)....29147
636.41 Amended....29147
643 Authority citation revised....27774
643.4 (b) and (c)(1) revised (effective date pending)....27774
643.6 (b) amended (effective date pending)....27774
643.20 (b) and (c) amended; (d) added (effective date pending)....27774
644 Authority citation revised....28420
644.4 Removed....28420
644.6 (b) amended....28420
644.10 (b) amended....28420
644.20 (c) added....28420
644.42 Removed....28420
645 Authority citation revised....27776
645.3 (a)(3) revised (effective date pending)....27776
645.4 (d)(1) revised (effective date pending)....27776
645.6 (b) amended (effective date pending)....27776
646 Heading and authority citation revised (effective date pending)....27906
646.1 Amended (effective date pending)....27906
646.2 Amended (effective date pending)....27906
646.3 Introductory text amended; (c) revised (effective date pending)....27906
646.4 (a) and (b) amended; (d)(1) revised (effective date pending)....27906
646.5 Heading and introductory text amended (effective date pending)....27906
646.6 Heading amended (effective date pending)....27906

Page

646.10 Heading, (a) introductory text, and (b) amended (effective date pending)....27906
(a)(8) redesignated as (a)(9); new (a)(8) added; (a)(4) and new (9) revised (effective date pending)....27907
646.30 (b) amended (effective date pending)....27906
646.31 (f)(1) introductory text and (iii) and (h)(1) and (2)(iv) amended (effective date pending)....27906
646.32 (a)(1) amended (effective date pending)....27906
646.40 Introductory text amended (effective date pending)....27906
650 Authority citation revised; nomenclature change....29356
650.1 Existing text designated as (a); (b) added (effective date pending)....29356
650.2 (b)(4) revised (effective date pending)....29357
650.4 Amended (effective date pending)....29357
650.5 (b) revised (effective date pending)....29357
650.33 (a)(3) and (b) and (a) designation removed; (a) (1) and (2) redesignated as (a) and (b) and amended (effective date pending)....29357
650.42 Revised (effective date pending)....29357
658 Authority citation revised....28422
658.10 (a), (b) introductory text, and (c) introductory text amended (effective date pending)....28422
658.11 Introductory text amended; (g) revised (effective date pending)....28422
658.32 (b)(2)(i) and (c)(2)(ii) amended (effective date pending)....28422
660 Authority citation revised....28424
660.1 (b) amended; (c) redesignated as (d) and revised; new (c) added (effective date pending)....28424

TITLE 34 Chapter VI—Con. Page

660.10 (b) and (c) introductory text revised (effective date pending)....28424
661 Authority citation revised....28426
661.10 (h) and (i) amended; (j) added (effective date pending)....28426
668.90—668.102 (Subpart H) Added (effective date pending)....30015
668.93 (a) corrected....32868
668.95 (e)(1)(v) corrected....32868
673.1—673.2 (Subpart A) Added (effective date pending)....29122
673.21—673.33 (Subpart C) Added (effective date pending)....29122
673.41—673.45 (Subpart D) Added (effective date pending)....29129

Chapter VII—Office of Educational Research and Improvement, Department of Education

745 Authority citation revised....27805
745.12 Added (effective date pending)....27805
762 Added (effective date pending)....29608
764 Added (effective date pending)....28527
765 Added (effective date pending)....28528
766 Added (effective date pending)....28529
785 Redesignated from Part 796 and revised (effective date pending)....30612
786 Added (effective date pending)....30614
787 Added (effective date pending)....30617
788 Added (effective date pending)....30620
789 Added (effective date pending)....30622
796 Redesignated as Part 785 and revised (effective date pending)....30612

Title 34—*Proposed Rules:*

33....27650

TITLE 35—PANAMA CANAL

Chapter I—Panama Canal Regulations

Page

9 Authority citation revised....31397
9.2 Revised....31397
9.4 Amended....31397
9.5 (a) revised....31397
9.6 (a)(1) amended; (b) revised....31397
9.8 (b)(1) revised....31397
9.11 Revised....31397
9.12 Redesignated as 9.14....31397
Added....31398
9.13 Redesignated as 9.15....31397
Added....31398
9.14 Redesignated from 9.12....31397
9.15 Redesignated from 9.13....31397
257 Added....26007

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter I—National Park Service, Department of the Interior

7.23 Added; interim eff. to 4-4-89....31765

Chapter II—Forest Service, Department of Agriculture

211.18 (b)(12) added; interim....27547
222 Existing regulations unchanged....30359

Chapter VIII—Advisory Council on Historic Preservation

800.6 (a)(2) and (c)(2) corrected....25376
800.10 Introductory text designation (a) correctly removed....25376
800.12 (a) corrected....25376

Chapter IX—Pennsylvania Avenue Development Corporation

902 Authority citation revised....26677
902.80 (b) revised....26677
902.81 Revised....26677
902.82 Revised....26677
902.83 Revised....26679

Chapter XII—National Archives and Records Administration

Page

1250.12 Revised....29519
1250.30 Revised....29519
1250.38 Removed....29519
1250.40 Removed....29519
1250.42 Removed....29519
1250.44 Removed....29519
1250.46 Removed....29519
1250.37—1250.46 (Subpart D) Added....29519
1250.50—1250.60 (Subpart D) Redesignated as Subpart E....29519
1250.50—1250.60 (Subpart E) Redesignated from Subpart D....29519
1250.70 (Subpart E) Redesignated as Subpart F....29519
1250.70 (Subpart F) Redesignated from Subpart E....29519
1250.80 (Subpart F) Redesignated as Subpart G....29519
1250.80 (Subpart G) Redesignated from Subpart F....29519
1250.50 (a) amended....29521
1250.58 (c) revised....29521
1250.70 (a)(7) revised....29521
1258.2 (c)(7) added....29521
1258.12 (c)(3) amended....29521

Title 36—*Proposed Rules:*

7....31788
9....28850
79....32740
223....28167
1150....26534
1208....25124, 27902

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

201.11 Heading, (a) (1), (2), and (5), and (b) through (f) removed; (a) (3) and (4) redesignated as 201.17 (b) (2) and (4)....28253
201.17 (b) (2) and (4) redesignated from 201.11 (a) (3) and (4); (b)(7), (e)(2), (9)(vii), and (12), and (g) amended; (d)(2) (i) and (ii), (e)(14)(iii)(E), (h)(2) introductory text, and (3) introductory text revised; footnote 8, (h)(4)(iv), and (j)(5) removed....28253
202.23 Revised....28822

Title 37—*Proposed Rules:*

201....28731
202....28311

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

3.155 (c) text revised; (c) cross reference added....27340
3.157 (a) amended; (b)(1) revised....27340
3.700 (a)(2) revised; (a)(3) amended; (a)(5) added....27340
36.4324 (a) amended....26342

Title 38—*Proposed Rules:*

4....32318
8a....26356
15....25124, 27902
17....25254
21....25736, 26026, 30178, 31416

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

10 Redesignated as Part 20; new Part 10 added....29697
20 Redesignated from Part 10....29697
111.3 DMM amended; incorporation by reference; interim....27993
DMM amended; incorporation by reference....29012
965 Added....29012

Chapter III—Postal Rate Commission

3001.61—3001.68 (Subpart C) Appendix A amended....28140

Title 39—*Proposed Rules:*

111....27565, 28021
266....32816

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

Page
1.37 (a) introductory text and (e) revised 30359
1.45 (b) revised 30360
1.47 (d) added 30360
1.49 (g) added 30360
12 Added 30606
22 Authority citation revised 30673
22.01 (a)(5) revised; (a)(6) added; interim 30673
22.38 Added; interim 30673
50.6 Revised; eff. 7-31-87 24663
Technical correction 26401
50.7 Removed; eff. 7-31-87 24664
Technical correction 26401
50 Appendix G amended; Appendix J added; eff. 7-31-87 24664
Appendix K added; eff. 7-31-87 24667
Technical correction 26401
Appendix K corrected 29382, 31701
Appendix J corrected 29647
51 Authority citation revised 24712
State implementation plan attainment groups 29383
51.100 (oo) through (ss) added; eff. 7-31-87 24712
51.151 Amended; eff. 7-31-87 24713
51.165 (a)(1)(x) amended; (b) revised; eff. 7-31-87 24713
Correctly designated 29386
51.166 (a)(6)(i) and (i)(8)(i)(c), (*f*), (*h*), and (*l*) revised; (b)(23)(i), (c) table and (p)(4) table amended; (i)(10) added; eff. 7-31-87 24713
(i)(10) corrected 29386
51.322 (a)(1) and (b)(1) revised; eff. 7-31-87 24714
51.323 (a) (1) and (2) revised; (a)(3) added; eff. 7-31-87 24714
51 Appendixes L and S amended; eff. 7-31-87 24714
Appendix S corrected 29386
52 State implementation plan attainment groups 29383
52.21 (b)(23)(i) table, (c) table, (i)(8)(i), and (p)(5) table amended; (i)(4) (ix) and (x), (11), and (m)(1) (vii) and (viii) added; (w)(2) revised; eff. 7-31-87 24714
(m)(1)(vii) corrected 26401
52.24 (f)(10) amended; eff. 7-31-87 24715
52.50 (c)(46) added 28254
52.220 (c)(154)(v)(B), (159) (ii) through (vi) and (160) added; (c)(159) introductory text republished 26149
52.726 (c) added 26012
52.1120 (c)(73) added 32792
52.1167 Table amended 32792
52.1168 Revised 32792
52.1420 (c)(35) added 28695
52.1425 (a) table amended 28696
52.1431 Table amended 28696
52.1970 (c)(80) added 28255
(c)(81) added 32012
52.1985 (b) added 32012
52.2070 (c)(28) added 32794
52.2081 Table amended 32794
52.2370 (c)(19) added 26981
52.2381 Table amended 26982
53 Technical correction 27902
53.1 (j) revised; (m) and (n) added; eff. 7-31-87 24727
53.2 Revised; eff. 7-31-87 24727
53.3 Revised; eff. 7-31-87 24727
53.4 (a) and (b)(3) amended; footnote 1 removed; (b) (4) through (6) and (c) revised; eff. 7-31-87 24727
53.9 (c) revised; (d), (f), and (g) amended; eff. 7-31-87 24728
53.20—53.23 (Subpart B) Heading revised; eff. 7-31-87 24728
53.30—53.34 (Subpart C) Heading revised; eff. 7-31-87 24728
53.30 (a), (b)(2) heading, (c) and (d)(2) heading, (3) and (4) revised; (b)(4) added; eff. 7-31-87 24728
53.31 (b) heading revised; (b) text amended; eff. 7-31-87 24728
53.32 Heading revised; (c) (1), (2), (3) (i) and (ii) and (4) amended; eff. 7-31-87 24728
53.33 Heading and (h) (2) and (3) revised; (b), (e), (h) heading and (i) amended; eff. 7-31-87 24728
53.34 Added; eff. 7-31-87 24729

Page
53.40—53.43 (Subpart D) Added; eff. 7-31-87 24729
58.1 (t), (u), and (v) added; eff. 7-31-87 24739
58.13 (b) revised; (c) added; eff. 7-31-87 24739
58.20 (e) amended; eff. 7-31-87 24740
58.23 Introductory text revised; eff. 7-31-87 24740
58.30 (a) introductory text amended; eff. 7-31-87 24740
58.34 Introductory text amended; eff. 7-31-87 24740
58.35 (d) amended; eff. 7-31-87 24740
58 Appendex A, B and C amended; eff. 7-31-87 24741
Appendix D amended; eff. 7-31-87 24742
Appendix E amended; eff. 7-31-87 24744
Appendix F amended; eff. 7-31-87 24748
Appendix G amended; eff. 7-31-87 24749
Appendixes D and E corrected 27286
60 Authority delegation notices 28255
60.43 (a)(2) revised; (e) added 28954
60.46 (h) added 28955
60 Appendix F corrected 27612
Appendix G added 28955
Appendixes A and B amended 30675
61 Authority delegation notices 28255, 30920
61.123 OMB number 28141
61.124 OMB number 28141
61.125 OMB number 28141
61.126 OMB number 28141
141.2 Amended; eff. 1-9-89 25712
141.24 (g) added 25712
141.32 (a) amended; 1-9-89 25714
141.35 Added 25714
141.40 Revised 25715
141.50 (b) revised; eff. 1-9-89 25716
141.60 Revised; eff. 1-9-89 25716
141.61 Added; eff. 1-9-89 25716
141.100—141.101 (Subpart J) Added; eff. 1-9-89 25716
142.56 Added; eff. 1-9-89 25716
142.62 Added; eff. 1-9-89 25716
146 Test program approval extended to 7-14-88 26342
Page
180 Policy statement 32128
180.135 Technical correction 27548
180.137 Technical correction 27548
180.144 Heading and text nomenclature change 32306
180.153 Heading and text nomenclature change 32306
180.170 Heading and text nomenclature change 32306
180.205 (b) table amended 31030
180.246 Revised 27552
(b) table amended 28259
180.250 Heading and text nomenclature change 32306
180.255 Heading and text nomenclature change 32306
180.266 Heading and text nomenclature change 32306
180.295 Heading and text nomenclature change 32306
180.308 Heading and text nomenclature change 32306
180.327 Heading and text nomenclature change 32306
180.342 Existing text designated as (a); (b) added 27549
180.366 Heading and text nomenclature change 32306
180.406 Heading and text nomenclature change 32306
180.412 Table amended 27550
180.414 (a), (b), and (c) revised 27551
180.415 Existing text designated as (a); (b) added 25603
180.423 Heading and text nomenclature change 32306
180.434 Table corrected 25602
180.1084 Revised 32306
180.1086 Heading correctly revised 29014
228.12 (a)(1)(ii)(C) removed; (b) (32), (33), (34) and (35) added 25011
(a)(3) amended 29846
(a)(3) amended; (b)(31) added 30361
261 Petitions denied 28696
Authority citation revised 28698
261.32 Table amended 28698
261.33 (c) correctly revised 26012
261 Appendix IX amended 29848, 29851
262.51 Revised 25787

CHANGES JULY 1 THROUGH AUGUST 31, 1987

TITLE 40 Chapter I—Con. Page

264 Authority citation revised....25964
264.13 (b)(7)(iii) revised....25787
264.98 (h)(2), (3) introductory text and (4)(i) introductory text revised....25946
264.99 (f) revised....25946
264 Appendix IX added....25947
265.13 (b)(7)(iii) revised....25788
268.1 (c) (3) and (4) amended; (c)(5) added....25788
268.2 (a) amended; introductory text republished....25788
268.3 Revised....25788
268.4 (a)(2) revised; (b) added....25788
268.5 (a)(2), (h)(1) and (2)(iii) revised; (h)(2)(v) added....25788
268.6 (k) added....25789
268.7 (a) introductory text, (1) introductory text and (ii) and (2) introductory text, (i)(B) and (ii), (b) introductory text, (1)(ii), (2) introductory text and (i) and (c) revised....25789
268.30 (a)(4) added....25790
268.32 Added....25790
268.40 Revised....25790
268.42 (a) (1) and (2) added; (b) revised....25790
268.50 (a) introductory text and (e) revised; (f) added....25791
268 Appendix III added....25791
270 Authority citation revised....25953
270.14 (c)(4)(ii) revised....25953
270.42 (o) (1) and (2) revised; (p) added....25792
270.72 (e) revised....25792
271 State hazardous waste management programs; schedule of compliance....26013, 27198, 29522, 30681, 30682
State hazardous waste management programs approved....26476
271.1 (j) Tables 1 and 2 amended....25792
272 Comment period corrected....26013
State hazardous waste management programs approved....27199
300 Appendix B revised....27634

Page

418 Authority citation revised....28432
418.10 Revised....28432
421.21 (c) added....25556
421.23 (a) through (h), (j) through (o), and (q) and (r) tables amended....25556
421.24 (b), (d), (e), (h), (k) and (l) tables amended....25558
421.26 (b), (d), (e), (h), (k) and (l) tables amended....25559
421.33 (d) and (g) revised....25559
421.34 (d) and (g) revised....25559
421.35 (d) and (g) revised....25560
421.36 (d) and (g) revised....25560
795.120 Added; eff. 8-14-87....24462
796.1550 (b)(3)(ix) corrected....26150
796.1840 (b)(1)(vi)(A) corrected....26150
797.1600 Heading corrected....26150
797.1800 (c)(4)(v) and (d)(1)(iii)(D) corrected....26150
797.1930 (c)(6) (i) and (ii) corrected....26150
798.2450 (d)(11)(i)(A) corrected....26150
798.4350 (e)(6)(i)(A) corrected....26150
798.5395 (e)(1)(i) corrected....26150
799.1052 (c) removed; eff. 8-14-87....24465
799.1053 (c) removed; (d)(1) (ii) and (iii), (2) (ii) and (iii), (3) (ii) and (iii), (4) (ii) and (iii), (5) (ii) and (iii) and (g) added; eff. 8-14-87....24465
799.1054 (a)(2) revised....26477
799.1645 Added....28704
799.1650 (c)(3) corrected....32240
799.1700 Technical correction....26982
799.3175 Added....31969
799.4000 Added....25225

Title 40—*Proposed Rules:*

2....29045
13....32098
22....25255, 29222
24....29222
35....28112
50....24670, 24716, 29392
51....26404
52....24716, 25256, 26404, 26413-26439, 26534, 27016, 27569, 28570, 29392, 29394, 30189, 31789, 31791, 32321

CHANGES JULY 1 THROUGH AUGUST 31, 1987

Page

60....25399, 29548, 31633, 32026
65....28575
80....31162, 31274
81....26410
86....31162, 31274
122....30931
123....30931
124....28112, 32446
141....25720, 28112
142....28112
143....28112
144....28112, 32446
146....28112, 32446
148....32446
160....31635
180....26536, 28313, 28314, 29050, 31635, 32322
228....27689, 29550, 30189, 31636
260....25612, 26537, 28167, 29708
261....25612, 26537
264....25612, 26537, 28167, 31948
265....25612, 26537, 28167, 29708, 30570
266....25612, 26537
268....29992
270....25612, 26537, 28167, 29708, 30570
271....25612, 26537, 28167, 30192, 30570
300....27643
305....26160
306....26160
370....26357
372....25040, 27226
600....31162, 31274
761....25838, 31738
763....25041, 29228
795....29395, 29990
796....29395
799....28023, 29395, 31970

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

101-5 *See* Temp. Reg. A-29....26150
101-1—101-8 (Subchapter A Appendix) Temporary Reg. A-29, Supp. 1 added....26150
101-26.102-1 *See* Temp. Reg. E-88....29522

Page

101-26.501 (a) amended; (b), (c) and (d) introductory text revised....29523
101-26.501-1 (a) and (b) revised....29523
101-26.501-2 (a), (b) and (c) revised....29524
101-26.501-3 Introductory text and (b) revised....29524
101-26.501-4 (a) and (b)(2) revised; (b)(3) removed....29524
101-26.501-6 (c) revised....29524
101-26.501-8 (a) amended; (b) revised; (c) removed....29524
101-26.501-9 Revised....29525
101-25—101-34 (Subchapter E Appendix) Temporary Reg. E-88 added....29522
101-40.206 *See* Temp. Reg. G-49....26151
101-38—101-41 (Subchapter G Appendix) Temporary Reg. G-49 added....26151
101-43.4801 *See* Temp. Reg. H-25....26152
101-42—101-49 (Subchapter H Appendix) Temporary Reg. H-25 added....26152

Chapter 201—Federal Information Resources Management Regulation

201-8 Authority citation revised....28557
201-8.105-6 (b) revised....28557
201-8.105-37 (d) revised....28557
201-8.105-43 Added....28557
201-8.106-6 Added....28558
201-8.106-7 Added....28558
201-8.107-6 Added....28558
Corrected....30280
201-8.112-4 Revised....28558

Title 41—*Proposed Rules:*

105-55....31642

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health and Human Services

Page

2 Revised....21803
7 Added....11073
34 Authority citation revised....32543
34.2 (b) revised....21533, 32543
34.4 (a)(1) introductory text and (iii), (3), and (5) revised; (a)(2) amended; eff. 12-1-87....32544
36.41 (e) revised....27806
37.41 (a) and (h)(3) revised....7866
37.52 (b) revised....7866
53 Authority citation revised....39376
53.155 Authority citation removed....39376
53.156 Added....39376
57.201—57.218 (Subpart C) Authority citation revised....20987
57.202 Amended....20987
57.206 (a)(1) (iii) and (iv) revised; (a)(1)(v) added....20987
57.208 Heading revised; (c) added....20987
57.210 (b)(2) revised; (b)(5) added....20988
57.216a Introductory text, (a), (b), and (c)(3) amended....20988
57.301—57.318 (Subpart D) Authority citation revised....10194, 19143
57.302 Amended....10195
57.305 (a) revised....10195
57.306 (a)(1) (iii) and (iv) revised; (a)(1)(v) added....19144
57.310 (b)(2) revised; (b)(5) added....10195
57.316a Introductory text, (a), (b), and (c)(3) revised....10195
57.701—57.712 (Subpart H) Authority citation revised....24160
57.702 Amended....24160
57.704 OMB number....24160
57.705 (b) revised; OMB number....24160
57.706 (a) (6) and (7) and (b)(1) revised; (b)(2) redesignated as (b)(3); new (a)(8) and (b)(2) added; new (b)(3)(i) amended....24160
57.709 (a) and (c) revised....24160
57.710 Revised....24161
57.711 Removed; new 57.711 redesignated from 57.712 and OMB number....24161
57.712 Redesignated as 57.711 and OMB number; new 57.712 redesignated from 57.714....24161
57.713 Removed....24161
57.714 Redesignated as 57.712....24161
57.801—57.803 (Subpart I) Authority citation revised....24159
57.801 (a) revised....24159
57.802 Amended....24160
57.803 (a)(1) revised; (f), (g), and (h) redesignated as (g), (h), and (i); new (f) added; new (h) amended....24160
57.1101—57.1112 (Subpart L) Heading and authority citation revised....19145
Heading correctly revised....26122
57.1101 Revised....19145
57.1102 Amended....19145
57.1104 (c) revised; OMB number....19145
57.1105 (a), (b), (e) and (f) revised; (c) and (d) amended....19145
57.1106 (d) and (e) amended; (f) added....19146
57.1107 (b) revised....19146
57.1109 (a) and (b) revised....19146
57.1110 Revised....19146
57.1111 Removed; new 57.1111 redesignated from 57.1113 and OMB number....19146
57.1112 Removed; new 57.1112 redesignated from 57.1114....19146
57.1113 Redesignated as 57.1111 and OMB number....19146
57.1114 Redesignated as 57.1112....19146
57.2401—57.2410 (Subpart Y) Heading and authority citation revised....27342
57.2401 Revised....27342
57.2402 (e), (h), (i), (k), (l) and (o) revised; (q) redesignated as (r) and revised; new (q) added....27342
57.2403 (a)(1), (b) (1), (2) introductory text and (iii) and (3) revised....27343

NOTE: **Boldface** indicates 1987 page numbers.

93-145 O - 87 - 4 (8)

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 42 Chapter I—Con. Page

57.2404 (c)(8) removed; (c)(9) redesignated as (c)(8); (c)(1)(ii), (viii), (ix), and (xii) and (d) revised; OMB number.....27343
57.2405 (a), (b), and (c) introductory text revised; OMB number.....27343
57.2406 (a)(1)(ii), (2) (i) and (ii), and (3) and (b)(1) revised.....27343
57.2408 (b) removed; (c) redesignated as (b) and revised.....27343
57.2409 Revised.....27344
57.2410 Removed; new 57.2410 redesignated from 57.2414.....27344
57.2411 Removed.....27344
57.2412 Removed.....27344
57.2413 Removed.....27344
57.2414 Redesignated as 57.2410.....27344
57.2401—57.2410 (Subpart Y) Appendix heading revised; Appendix text amended.....27344
57.2501—57.2510 (Subpart Z) Heading and authority citation revised.....27346
Correctly designated.....28511
57.2501 Revised.....27346
57.2502 Amended.....27346
57.2503 (a)(1), (b) (1), (2) introductory text, (i), and (iii) and (3) revised.....27346
57.2504 (c) (1) and (11) and (d) revised; (c) (1) through (10) amended; (c) (12) and (13) revised; OMB number (effective date pending in part).....27346
(c) (12) and (13) effective date note corrected.....28511
57.2505 (b) revised.....27347
57.2506 (a) (1) through (5) and (8), (b) and (c)(1) revised; (a)(9) added.....27347
(a)(1) introductory text corrected.....28511
57.2508 (b) revised.....27347
57.2509 Revised.....27347
57.2510 Removed.....27347
Redesignated from 57.2514.....27348
57.2511 Removed.....27347
57.2512 Removed.....27347
57.2513 Removed.....27347
57.2514 Redesignated as 57.2510.....27348
57.2901—57.2915 (Subpart DD) Removed.....18675
57.2901—57.2910 (Subpart DD) Added.....18675
57.3501—57.3510 (Subpart JJ) Heading and authority citation revised.....45768
57.3501 Revised.....45768
57.3502 Amended.....45768
57.3503 Revised.....45769
57.3504 (a) revised; (c) added; OMB number.....45769
57.3505 Removed; new 57.3505 redesignated from 57.3513 and revised.....45769
57.3506 Removed; new 57.3506 redesignated from 57.3514 and (b) revised.....45769
57.3507 Removed; new 57.3507 redesignated from 57.3515.....45769
57.3513 Redesignated as 57.3505 and revised.....45769
57.3514 Redesignated as 57.3506 and (b) revised.....45769
57.3515 Redesignated as 57.3507.....45769
57.3516 Redesignated as 57.3508.....45769
57.3517 Redesignated as 57.3509 and revised.....45769
57.3518 Redesignated as 57.3510.....45769
57.3608 Removed; new 57.3508 redesignated from 57.3516.....45769
57.3609 Removed; new 57.3509 redesignated from 57.3517 and revised.....45769
57.3610 Removed; new 57.3510 redesignated from 57.3518.....45769
57.3611 Removed.....45769
57.3612 Removed.....45769
58.1—58.11 (Subpart A) Authority citation revised.....23180
58.2 Amended.....23180
58.4 (a) revised.....23180
58.10 OMB number.....23180
60.1 (c) revised; (d) added.....745
60.5 (g) revised; (h) redesignated as (i); new (h) added.....745
60.7 (a)(2) redesignated as (a)(3) and (iii) revised; (a)(3) and (c) (2), (3), and (4) redesignated as (a)(5) and (c)(3), (4), and (5); (a) (2) and (4) and (c) (2) and (6) added.....746
60.8 (a) (3), (5), and (11), and (b)(3) introductory text and (5) revised.....746
60.10 (a) introductory text revised.....746
60.11 (e) revised.....746
60.14 (a) (1) and (2) revised; (a) (3) and (4) redesignated as (a) (4) and (5); new (a)(3) added.....746
60.15 (a) revised.....747
60.19 Revised.....747
60.20 Introductory text revised.....747
60.31 (a) revised; (c) redesignated as (d); new (c) added.....747
60.32 (a)(2) revised; (c) redesignated as (c)(1); (c) (2) and (3) added.....747
60.33 Introductory text revised; (c), (d), and (e) redesignated as (d), (e), and (f); new (c) and (g) added; new (e)(1), (f)(1) (i) and (ii) and (2) revised.....748
60.34 Heading and (b)(1) revised; introductory text, (c), and (d) added.....748
60.35 (a) and (b) revised; (c) and (e) redesignated as (e) and (f); new (c) added; (d) revised.....749
60.37 (a) and (b) revised; (c)(4) added.....749
60.38 (a) revised.....749
60.40 (a) and (c) revised.....750
60.42 Heading and (a)(1) introductory text, (viii), and (ix) revised; (a)(1)(x) and (4), (d) and (e) added.....750
60.50 (a)(2)(ii)(F) revised.....751
60.51 Revised.....751
60.52 (a) removed; (b) and (c) redesignated as (a) and (b); new (a)(1) revised.....751
60.53 Revised.....751
60.56 (a) introductory text and (4) revised; (a) (9) and (10) redesignated as (a) (17) and (18); new (18) revised; new (a) (9) through (16), (c), and (d) added.....751
60.60 (c) revised.....752
60.61 Added.....752
64a.101 (b) and (c) revised; (d) added; OMB number.....18359
64a.105 (e)(1)(iii) added; (g) revised.....18359
110.101—110.110 (Subpart A) Authority citation revised.....22321
110.101 Amended.....22321
110.601—110.605 (Subpart F) Authority citation revised.....22321
110.604 Revised.....22321
121—124 (Subchapter K) Heading revised.....10094
121 Removed.....10094
122 Removed.....10094
123 Removed.....10094

Chapter IV—Health Care Financing Administration, Department of Health and Human Services

Chapter IV Nomenclature change.....41338
400.200 Amended.....43197
Amended.....27764
400.310 Table amended (OMB numbers).....44986, 44987, 44988
Revised (OMB numbers).....11649
Table amended (OMB numbers); eff. 10–26–87.....28147
Table amended (OMB numbers).....30367
405.100 Amended.....41351
405.152 Heading and (a)(5) revised; (c) through (e) added.....41336
(d) corrected.....44991
405.153 (c)(1)(ii) amended.....41351
405.160 (d) removed.....43197
405.162 (b) and (c) amended.....43197
405.201—405.262 (Subpart B) Authority citation revised.....41336
405.201 Revised.....41336
405.210 (b)(1) (iii) and (iv) amended.....41351
405.230—405.232c Removed (regulations transferred to Part 410).....41336
405.233 Removed.....41336

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 42 Chapter IV—Con. Page

405.234—405.238 Removed (regulations transferred to Part 410)..... 41336
405.239 Removed..... 41336
405.240—405.241 Removed (regulations transferred to Part 410)..... 41336
405.243—405.246 Removed (regulations transferred to Part 410)..... 41336
405.249—405.250 Removed (regulations transferred to Part 410)..... 41336
405.250-2 Removed (regulations transferred to Part 410)..... 41336
405.251—405.252 Removed (regulations transferred to Part 410)..... 41336
405.260—405.262 Removed (regulations transferred to Part 410)..... 41336
405.310 Introductory text, (l)(1) introductory text republished; (l)(2) revised..... 41336
405.310-1 Heading and text amended..... 43197
405.311a (a) amended..... 41351
405.330 (b) amended..... 41337
405.341 (a) (1) and (2) amended..... 41351
405.370 (a) amended..... 41351
405.501—405.580 (Subpart E) Authority citation revised..... 6152
405.501 (c) revised..... 34978
(c) corrected..... 37911
(a) amended..... 41351
405.504 (a)(2) introductory text, (2)(ii) and (3)(i) republished; (a)(1) added; (a)(2)(ii)(A), (B) Example and (a)(3)(ii)(A) and (B) revised..... 34978
405.509 Revised..... 34979
(a) corrected..... 37911
405.511 (c) republished; (c)(1) heading and (2) revised..... 34979
405.514 (k)(1) amended..... 41351
(a) and (k)(2) revised..... 6152
405.515 Introductory text amended..... 41351
405.522 (c) amended..... 41351
405.551 (e) revised..... 34979
(e) heading corrected..... 37911
(e) revised..... 6152
405.640—405.691 (Subpart F) Heading and authority citation revised..... 41337
405.640—405.685 (Subpart F) Removed; 405.640 regulations transferred to 498.20 (a)(2) and 405.685 regulations transferred to 405.1902 (b)..... 22446
405.658—405.659 Removed..... 41337
405.690—405.691 Removed..... 41337
405.701—405.750 (Subpart G) Authority citation revised..... 22644
405.702 Amended..... 22644
Technical correction..... 23628
405.704 (b)(11) amended..... 43197
(b) introductory text republished; (b)(10) revised..... 22645
Technical correction..... 23628
405.705 (b) amended..... 22454
405.803 (b) amended..... 41351
405.903 (b) amended..... 41351
(b) corrected..... 4499
405.1101—405.1137 (Subpart K) Authority citation revised..... 22645
405.1501—405.1595 (Subpart O) Removed; regulations transferred to new Part 498..... 22446
405.1625—405.1697 (Subpart P) Authority citation revised..... 41337
405.1625-1 Removed..... 43196
405.1660 (a) and (b) amended..... 41351
405.1663 (a), (b) and (c) amended..... 41351
405.1672 (b) amended..... 41351
405.1675 (a)(1)(i) amended..... 41351
405.1683 Revised..... 41337
405.1684 Revised..... 41338
405.1695 Revised..... 41338
405.1901 (e)(6) amended..... 22454
405.1902 (c) amended..... 43197
(b) and (c) redesignated as (c) and (d); new (c) heading revised; new (b) and (d) heading added; (b) regulations transferred from 405.685..... 22446
405.1905 (b) amended..... 22454
405.1913 (f)(9) amended..... 43197
405.2100 (a) amended..... 43197
405.2110 (b) amended..... 43197
405.2112 (a)(7) and (b)(6) and (8) amended..... 43197
405.2114 (b) amended..... 43197

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page

405.2401 (a)(7) (i) and (ii) amended..... 41351
405.2402 (f) amended..... 22454
405.2403 (a)(2) amended..... 41351
405.2404 (b)(3) amended..... 22454
405.2418 Amended..... 41351
405.2425 (b)(3) amended..... 41351
406 Redesignated from Part 408 and heading revised..... 41338
406.2 Amended..... 41338
408 Redesignated as Part 406 and heading revised..... 41338
409 Heading and authority citation revised..... 41338
Authority citation revised..... 22645, 27764
Heading correctly revised..... 28824
409.3 Amended..... 41338
409.19 Added..... 27764
409.30 (a) introductory text republished; (a)(2) revised..... 41338
409.40 (e) amended..... 41338
409.42 Revised..... 41339
(b) (2) and (3) corrected..... 4499
409.43 Revised..... 41339
409.44 Revised..... 41339
409.45 Removed..... 41339
409.46 Added..... 41339
409.60 Revised..... 22645
Technical correction..... 23628
(c)(1)(i) correctly designated; (c) (4) and (5) and (d) (1) and (2) corrected..... 28824
409.61 (d) revised..... 41339
410 Added..... 41339
Authority citation corrected..... 29353
410.10 (n) redesignated as (o); new (n) added..... 27765
410.32 (a)(1) and (b)(3) corrected..... 4499
410.40 (e)(1) corrected..... 4499
410.64 Added..... 27765
410.100 (k)(2) corrected..... 4499
410.152 (a)(2)(i) and (e)(1) corrected..... 4499
412.63 (c)(2) introductory text and (3) introductory text republished; (c)(1), (2)(iv), and (3) (i) and (iii) revised; (e), (f), (g), and (h) redesignated as (g), (h), (i), and (j); new (e) and (f) heading added; new (g)(1) and (j) revised; new (g)(4) removed..... 42233

NOTE: **Boldface** indicates 1987 page numbers.

Page

(c)(4) revised..... 23834
412.73 (c)(4) revised; (c)(5) redesignated as (c)(6) and heading revised; new (c)(5) heading added; new (c)(6) text removed..... 42234
412.92 (a)(2)(ii) amended..... 43198
(d) and (e)(1) revised; (f) added..... 30367
412.96 (h) corrected..... 34980
(c) heading, (1), and (2)(i) revised..... 42234
412.106 (b) and (c)(1) revised; (c) introductory text republished..... 23834
412.113 (d) corrected..... 34980
412.118 (c) and (d) introductory text revised..... 23834
413 Correctly designated..... 26152
413.5 (c)(4) corrected..... 37398
(c) introductory text and (e) revised..... 21225
(c) introductory text corrected..... 23398
413.13 (c) corrected..... 37398
413.30 (f)(7) removed..... 21225
413.40 (c)(1)(ii) corrected..... 37398
(c)(3)(i) introductory text republished; (c)(3)(i) (B) and (C) heading revised; (c)(3)(i)(C) text removed; (c)(3)(i)(D) added..... 42235
(c)(1)(ii) and (iii) corrected; CFR correction..... 6099
413.53 (a)(1)(i) amendment, (a)(1)(ii) removal, and (a)(1)(iii) redesignation as (a)(1)(ii) at (51 FR 11195) confirmed (paragraphs formerly in 405.452)..... 9863
413.56 (b)(6) corrected..... 37398
Addition at (51 FR 11195) confirmed (formerly in 405.457)..... 9863
413.64 (k)(1)(iii) revised; (k)(6) added..... 42235
413.74 (c) amended..... 41351
413.110 Removed; eff. 10-29-87..... 28657
413.130 (a) introductory text republished; (a)(8) revised..... 21225
413.157 (b) redesignated as (c); new (b) added; (a) and new (c)(1) revised..... 21225

TITLE 42 Chapter IV—Con. Page
(b) introductory text and (4) heading and (c)(1)(ii) corrected ... 23398
413.161 (a) amended ... 21226
413.170 (g)(2) corrected ... 37398
416.3 (a) amended ... 41351
416.25 (f) amended ... 22454
416.30 (b) amended ... 41351
416.35 (b)(3) amended ... 22454
416.110 (c) amended ... 41351
417 Authority citation revised ... 22322
417.221 (b) amended ... 41351
417.222 (b) amended ... 41351
(b) corrected ... 4499
417.406 Revised ... 22322
417.407 (b) revised ... 22322
417.428 (a) introductory text and (b) introductory text republished; (a)(3) and (b)(5) added ... 8901
417.440 (b)(1) revised; (d) and (e) added ... 8901
417.450 (a) introductory text revised ... 8901
417.460 (b) revised ... 8901
417.494 (b)(1)(iii) amended ... 22322
417.536 (b) correctly designated ... 37398
417.584 Introductory text revised ... 8901
418.3 Amended ... 4499
418.80 Revised ... 7416
418.83 Added ... 7416
418.202 (c), (f), (g) and (h) amended ... 41351
420.3 (a) amended ... 22454
421.100 (a)(3) amended ... 43198
421.200 (c) revised ... 41350
(c)(2)(ii) amended ... 41351
(a)(1)(iii) amended ... 43198
(c) introductory text corrected ... 4499
430.0 (b)(3) revised ... 36227
(b)(2)(ii) amended; eff. 10-29-87 ... 28657
431.56 Added ... 41350
(b)(2) corrected ... 4499
431.153 (d)(1) amended ... 22454
431.305 (b) introductory text republished; (b)(7) added ... 5975
431.306 (h) added ... 5975
433 Authority citation revised ... 5975
433.32—433.45 (Subpart B) Authority citation revised ... 36227
433 Authority citation revised ... 41350
433.10 (b) amended ... 41350
433.40 Added ... 36227
433.111 Revised ... 45330
433.112 Heading and (a) revised ... 45330
433.138 Revised ... 5975
434.2 Amended ... 22322
435 Heading revised ... 41350
435.2 Introductory text revised ... 41350
435.3 Amended ... 41350
435.945 (b) revised ... 5977
435.960 Revised ... 5977
441.11 Revised ... 32550
442.16 Introductory text revised ... 32551
442.40 Added ... 32551
442.42 Added ... 32551
442.336 (a) revised ... 22645
Technical correction ... 23628
447.253 (a) and (b) introductory text, (1)(ii)(B), and (2) revised; (b)(1)(ii) introductory text republished; eff. in part 10-26-87 ... 28147
447.256 (a)(1) amended; eff. 10-26-87 ... 28147
447.257 Undesignated center heading and section added; eff. 10-26-87 ... 28147
447.272 Added; eff. 10-26-87 ... 28147
447.280 Revised; eff. 10-26-87 ... 28148
447.301 Added; eff. 10-29-87 ... 28657
447.321 Revised; eff. 10-26-87 ... 28148
447.331 Revised; eff. 10-29-87 ... 28657
447.332 Revised; eff. 10-29-87 ... 28658
447.333 Revised; eff. 10-29-87 ... 28658
456.2 (b)(1) amended; (b)(2) removed; (b)(3) redesignated as (b)(2) ... 43198
456.144 (c)(1) amended ... 43198
456.244 (c)(1) amended ... 43198
456.344 (c)(1) amended ... 43198
456.650 (c)(1) amended; (c)(2) removed; (c)(3) redesignated as (c)(2) ... 43198
456.654 (a)(4) amended ... 43198
460 Removed ... 43196
461 Removed ... 43196
462 Authority citation revised ... 43197

NOTE: Boldface indicates 1987 page numbers.

Page
462.1 Amended ... 43197
462.2—462.16 (Subpart B) Removed ... 43197
463 Removed ... 43197
466 Authority citation revised ... 43197
466.1 Amended ... 43197
466.2—466.63 (Subpart B) Removed ... 43197
473 Authority citation revised ... 43197
473.1—473.6 (Subpart A) Removed ... 43197
476 Authority citation revised ... 43197
476.1—476.4 (Subpart A) Removed ... 43197
478 Removed ... 43197
485.70 Introductory text amended ... 41352
485.74 Amended ... 22454
489 Authority citation revised ... 27765
489.16 (c)(2) amended ... 22454
489.21 (g) added ... 27765
489.23 (d)(2) amended ... 41352
489.30 Heading and (b) heading, (1), and (2) revised; (a)(3) amended; (a)(4) and (b)(5) added ... 41350
489.53 (d) amended ... 22454
498 Added; regulations transferred from 405.640 and 405.1501—405.1595 (Subpart O) ... 22446
498.3 (b) introductory text republished; (b)(10) added ... 27765

Chapter V—Office of Inspector General—Health Care, Department of Health and Human Services

1001 Authority citation revised ... 11651
1001.3 Amended ... 22454
1001.100 Revised ... 11651
1001.104 Added ... 11651
1001.128 (b) and (c) amended ... 22454
1001.134 (d) revised ... 11651
(b)(2)(ii) amended ... 22454
1001.201 (c) amended ... 22454
1001.221 (b) corrected ... 37577
1003 Authority citation revised ... 11651
1003.100 (a) corrected ... 39528
(a) revised ... 11652
1003.102 (b) introductory text revised; (b)(3) added ... 11652
1003.106 (c) (1) and (2) corrected ... 39528
1003.115 (b)(5) corrected ... 39528
1003.116 (b)(2) correctly designated ... 37577
(b)(2)(ii) corrected ... 39528
1004.100 (g) amended ... 22454
1004.130 (a)(1) amended ... 22454

Title 42—*Proposed Rules:*

34 ... 21607
36 ... 36412, 40108
57 ... 35668, 36412, 39460, 39669, 43048, 44408, 45000
... 20909, 21486, 21490, 22415
58 ... 41988
60 ... 39464
84 ... 32402
110 ... 1343
405 ... 47266
... 2430, 11517, 17777, 22080, 23055, 23514, 24752, 28666, 29605
412 ... 18840, 22080, 23257, 23514, 25613
413 ... 20623, 21230, 22080, 23514, 28666, 29605
416 ... 2430
418 ... 2430
421 ... 2424
431 ... 2732
433 ... 6350
441 ... 28666, 29605
442 ... 2430, 24752
447 ... 6350
455 ... 44490
466 ... 22080, 23514
482 ... 2430, 28666, 29605
485 ... 28666, 29605

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

4.280 Removed ... 35219
4.251 Introductory text and (b) revised ... 35219
4.202 Revised ... 35220
Correctly revised ... 32130
4.208 Added ... 35220
4.231 (b) revised ... 26345
4.236 (a)(3) and (b) revised ... 26345

NOTE: Boldface indicates 1987 page numbers.

TITLE 43 Subtitle A—Con. Page
4.320 (c) revised....26345
4.323 Revised....26345
4.403 Added....21308
7 Heading and authority citation revised....9168
7.1—7.19 (Subpart A) Heading added....9168
7.31—7.37 (Subpart B) Added....9168
11 Existing regulations unchanged....22454
11.15 (a)(1)(iii) added....9095
11.18 (a)(4) added....9095
11.19 Added....9095
11.24 (c) added....9095
11.31 (d) added....9095
11.33 Text added....9095
11.40—11.41 (Subpart D) Added....9096
11.91 (a) revised....9100
11.93 (d) added....9100
17.501—17.570 (Subpart E) Added....6553
20 Appendix C availability....3011
36 Technical correction....36011
36.11 (g) correctly designated; (h)(4)(i) corrected....36011
36.13 (c)(3) corrected....36011

Chapter I—Bureau of Reclamation, Department of the Interior

426 Revised....11954

Chapter II—Bureau of Land Management, Department of the Interior

1784.0–3 (b) revised....39529
1784.3 (b) revised....39529
(b) (4) and (5) correctly revised....5284
1784.6–3 Removed....39530
1784.6–4 (b) amended; (d) and (e) redesignated as (e) and (f); new (e) added....39530
1784.6–5 (f) removed....39530
1821.2–1 (d) Note and footnote amended....34981
2090 Authority citation added....12175, 13085
2091.0–1—2091.9–3 (Subpart 2091) Revised....12175
2091.3–1 (b) corrected....13563
2096.0–3—2096.2–8 (Subpart 2096) Removed....13085

Page
2800.0–5 (o) through (t) added....25808
2802.1 (c) amended....25808
2802.4 (a) amended....25808
2802.5 (a)(1) amended....25808
2803.1–1 Removed....25808
2803.1–2 Revised....25818
2803.1–3 Redesignated as 2803.1–4; new 2803.1–3 added....25820
2803.1–4 Redesignated as 2803.1–5; new 2803.1–4 redesignated from 2803.1–3....25820
2803.1–5 Redesignated from 2803.1–4....25820
2803.6–3 Amended....25820
2803.6–4 Revised....25820
2803.6–5 (d) amended....25808
2808.1—2808.6 (Subpart 2808) Added....25808
2881.1–1 (g) amended....25821
2881.2 (a)(2) removed; (a) (3) through (5) redesignated as (a) (2) through (4)....25821
2883.1–2 Amended....25821
2910 Authority citation added....40809
2911.0–1—2911.2–4 (Subpart 2911) Revised....40809
2911.2–3 (b) corrected....45986
2911.2–4 Corrected....45986
3100 Clarification of Form 3104–8....22646
3102.5 Amended....43921
3160 Authority citation revised....5390
Note 1 amended....5390
3160.0–5 Nomenclature changes; amended....5390
3161.1 Revised....5391
3161.2 Nomenclature changes....5391
3161.3 (b) revised....5391
3162.3 (b) amended....5391
3162.3–1 (d) nomenclature change....5391
3162.3–2 (a) and (b) amended....5391
3162.3–3 Nomenclature change....5391
3162.4–1 (b) amended....5391
3162.4–3 Heading amended; nomenclature changes....5391
3162.6 Revised....5391
3162.7–2 Nomenclature change; amended....5392
3162.7–3 Amended....5392

NOTE: **Boldface** indicates 1987 page numbers.

Page
3162.7–4 (a) amended; (b) through (d) revised....5392
3163.1 Revised....5393
(a)(3) corrected....10225
3163.2 Removed; new 3163.2 redesignated from 3163.4–1 and revised....5393
(a) corrected....10225
3163.3 Removed....5393
Redesignated from 3163.4–2....5394
3163.4 Added....5394
Corrected....10225
3163.4–1 Redesignated as 3163.2 and revised....5393
3163.4–2 Redesignated as 3163.3....5394
3163.5 (b) and (c) amended....5394
(a) and (c) corrected....10225
3165.3 Revised....5394
Heading, (a), and (b) corrected....10225
3165.4 Revised....5395
(d)(1) corrected....10225
3190 Added....27182
3400.0–5 (rr) added....43921
(rr)(5) and (6)(i) corrected....416
3430.3–1 (a) amended....25798
3430.3–2 (c) added....25798
3430.4–1 (c) through (e) redesignated as (d) through (f); new (c) and (g) added; new (d)(2) amended....25799
3430.4–3 Added....25799
3430.4–4 Added....25799
3430.5–1 (a)(2) amended; (c) added....25800
3451.2 (e) amended....28824
3472.1–2 (e) revised....43922
(e)(4)(iv)(A) (*3*) and (*5*) corrected....416
3502.1 (d) added....43923
5441.1 (c) revised....26983

Public Land Orders

547 Revoked in part by PLO 6628....40421
567 Revoked in part by PLO 6643....16248
1094 Revoked in part by PLO 6641....10225
1231 Revoked in part by PLO 6651....24293
Revoked in part by PLO 6655....31623

Page
1491 Revoked in part by PLO 6647....19351
1641 Revoked in part by PLO 6647....19351
1847 Revoked in part by PLO 6628....40421
3776 Revoked in part by PLO 6646....19351
4825 Revoked in Part by PLO 6637....3802
5184 *See* PLO 6651....24293
5187 *See* PLO 6628....40421
Amended by PLO 6639....4907
See PLO 6647....19351
6525 Revoked in part by PLO 6653....29525
6554 Corrected by PLO 6633....43351
6566 Corrected by PLO 6648....21035
6624 Corrected by PLO 6644....19352
6625....36808
Corrected....43267
Corrected by PLO 6640....6557
6626....39530
6627....39530
6628....40421
6629....41104
Corrected....45229
Corrected by PLO 6638....4774
6630....41627
6631....43003
6632....43003
Corrected by PLO 6645....19352
6633....43351
6634....44478
6635....45330
6636....1185
6637....3802
6638....4774
6639....4907
6640....6557
6641....10225
6642....16248
6643....16248
6644....19352
6645....19352
6646....19351
6647....19351
6648....21035
Corrected by PLO 6654....29525
6649....23548
6650....23549
6651....24293
Corrected by PLO 6655....31623
6652....27552
6653....29525

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 43 Public Land Orders—Con. Page

6654 29525
6655 31623
6656 31623

Title 43—*Proposed Rules:*

2 ..... 17780, 20494
4 ..... 35248, 36414, 46846
..... 20755
7 10342
11 41131
..... 12886, 19896
12 ..... 21820, 23627
29 24181
35 24186
426 ..... 40742, 40774
..... 304, 24041
1600 35378
1820 22592
2920 28024
3000 22592
3040 22592
3100 37202
..... 22592
3110 22592
3120 22592
3130 22592
3150 22592
3160 ..... 22592, 30282, 30310, 30826
3180 22592
3190 36565
3200 22592
3210 22592
3220 22592
3240 22592
3250 22592
3260 22592
3400 37202
3420 18404
3430 5398
3460 18404
3470 37202
3480 ..... 1840, 25887, 29868
3500 37202
3560 31643
4100 ..... 19032, 27320
5400 28850
5440 28850
8340 27017
9260 28024

TITLE 44—EMERGENCY MANAGEMENT AND ASSISTANCE

Chapter I—Federal Emergency Management Agency

5 Authority citation revised 13677
5.42 Revised 13677
5.43 Revised 13678
5.44 Revised 13678
5.46 Revised 13678
5.71 (g) revised; (j) added 13679
6.82 Amended 13679
6.83 Revised 13679
6.85 Revised 13679
6.87 (a) and (b)(1) revised; (c) added 5114
9.5 (c) introductory text amended; (c)(14) added 39531
10.8 (c)(2)(ix) added 5285
59.1 Amended; eff. to 3-31-88 24372
60.3 (c)(6) suspended; (c)(12) added; eff. to 3-31-88 24372
61.9 Revised 5980
61 Appendixes A(3) and A(4) added 15500
64.6 Table amended 36693, 36699, 39860, 41506, 42575, 43198, 45116, 46859, 46861
Table corrected 46862
Table amended 2530, 2532, 3803, 6327, 10095, 10754, 12179, 13839, 17956, 19730, 20084, 22781, 23987, 24162, 26680, 28260, 28262, 29184, 31766
Table corrected 21794
65.4 Table amended 37276
Table amended; interim 37277
Table corrected 40331
Table amended 3239, 3241, 22325, 29015
Table amended; interim 22323, 29014
65.11 Table amended 8902
Table amended; interim 8903
67 Flood elevation determinations 37278, 37280
Flood elevation determinations 3241, 4005, 8251, 8905, 22326, 26984, 29017
Flood elevation determinations rescission 5981
80.4 (f) revised 30684
80.6 Revised 30684
81.1 (b) revised 44912
(b) revised 21036
(d) revised 30684
81.7a Revised 30684
82.5 (e) revised 30685
82.31 (f)(1) revised 30685
83.4 Revised 30686
83.5 (a) amended 30686
83.21 (a) and (b) revised 30686
83.24 (d) revised 30686
83.26 (b) amended 30687
222 Added 6800
302.5 (l) and (m) revised; (n) and (o) added 43924

Title 44—*Proposed Rules:*

5 10385
6 ..... 304, 10385
13 ..... 21820, 23627
16 ..... 25124, 27902
61 ..... 112, 24482
62 18929
65 22360
67 ..... 37311, 37438, 44928, 45003
..... 3289, 3828, 6008, 8084, 8933, 11702, 22800, 23310, 29215, 31417
80 17415
81 17415
82 17415
83 17415
205 41132
..... 15348
302 32140
361 25257

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health and Human Services

1.2 Amended; eff. 10-29-87 28658
5b.11 (b)(2)(iii)(F) added 41352
19 Removed; eff. 10-29-87 28658
30 Revised 264
31 Added; interim 45119
84.55 Note added (clarification of status) 3012
95.601 Revised 45326
95.605 Revised 45326
95.611 Revised 45328
95.612 Removed 45328
95.613 Revised 45329
95.615 Heading revised 45329
95.617 Revised 45329
95.619 Revised 45329
95.621 (d) and (e) added 45329
95.625 Added 45329
95.631—95.633 Undesignated center heading revised 45329
95.631 Revised 45329
95.641 Revised 45329
95.643 Removed 45329
96 State listing 40027
Authority citation revised 4625
State listing 31030
96.89 Added; interim 4625
96.89a Added; interim 4626
97.11 Revised 9495
97.12 Revised 9495

Chapter II—Office of Family Assistance (Assistance Programs), Family Support Administration, Department of Health and Human Services

Chapter II Heading revised 11074
Technical correction 25603
201.5 (a)(3) revised 36228
201.66 (b)(8) removed 273
205.35 Revised 45330
233.20 (a)(3)(xvi) revised 39533
233.53 Revised 39533
233.90 (a)(1) correctly revised; (a) introductory text republished 28824

Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Family Support Administration, Department of Health and Human Services

Chapter III Heading revised 11074
Technical correction 25603
301 Authority citation revised 37730
301.11 OMB numbers 37730
301.12 OMB numbers 37730
301.13 OMB numbers 37731
301.15 OMB numbers 37731
302.12 OMB numbers 37731
302.13 OMB numbers 37731
302.15 OMB numbers 37731
302.17 OMB numbers 37731
302.30 OMB numbers 37731
302.31 OMB numbers 37731
302.32 OMB numbers 37731
302.33 OMB numbers 37731
302.50 OMB numbers 37731
302.51 OMB numbers 37731
302.52 OMB numbers 37731
302.54 OMB numbers 37731
302.55 OMB numbers 37731
302.56 OMB numbers 37731
302.57 OMB numbers 37731
302.70 OMB numbers 37731
302.75 OMB numbers 37731

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 45 Chapter III—Con. Page

302.80 OMB numbers....37731
302.85 OMB numbers....37731
303.10 OMB numbers....37731
303.52 OMB numbers....37731
303.69 OMB numbers....37731
303.70 OMB numbers....37731
303.71 OMB numbers....37731
303.72 OMB numbers....37731
303.100 OMB numbers....37731
303.101 OMB numbers....37731
303.102 OMB numbers....37731
303.103 OMB numbers....37731
303.104 OMB numbers....37731
303.105 OMB numbers....37731
304 Authority citation revised....37732
304.23 Introductory text, (i), and (j) added....32132
304.27 Removed....32132
304.40 (b)(8) removed....273
304.95 OMB numbers....37732
305 Authority citation revised....37732
305.20 OMB numbers....37732
305.24 OMB numbers....37732
305.34 OMB numbers....37732
305.37 OMB numbers....37732
305.38 OMB numbers....37732
305.39 OMB numbers....37732
305.40 OMB numbers....37732
305.41 OMB numbers....37732
305.42 OMB numbers....37732
305.44 OMB numbers....37732
305.45 OMB numbers....37732
305.46 OMB numbers....37732
305.47 OMB numbers....37732
305.48 OMB numbers....37732
305.49 OMB numbers....37732
305.50 OMB numbers....37732
305.51 OMB numbers....37732
305.52 OMB numbers....37732
305.53 OMB numbers....37732
305.54 OMB numbers....37732
305.55 OMB numbers....37732
305.56 OMB numbers....37732
305.99 OMB numbers....37732
306.50 OMB numbers....37732
306.51 OMB numbers....37732
307 Authority citation revised....37732
307.1 Revised....45330
307.10 OMB numbers....37732
307.15 OMB numbers....37732

Chapter IV—Office of Refugee Resettlement, Family Support Administration, Department of Health and Human Services

Page

Chapter IV Heading revised....11074
Technical correction....25603

Chapter V—Foreign Claims Settlement Commission of the United States, Department of Justice

Chapter V Revised....17556
501.5 (a)(3) correctly revised....19731
503 Authority citation revised....13680
503.13 Redesignated from 503.14 and revised....13680
503.14 Redesignated as 503.13 and revised....13680
540—543 (Subchapter D) Subchapter and parts removed....17556
560 (Subchapter E) Subchapter and part removed....17556
580—581 (Subchapter F) Subchapter and parts removed....17556

Chapter VI—National Science Foundation

689 Added....24468

Chapter VIII—Office of Personnel Management

801 Authority citation revised....416
801.202 Appendix A amended....416

Chapter X—Office of Community Services, Family Support Administration, Department of Health and Human Services

Chapter X Heading revised....11074
Technical correction....25603

Chapter XI—National Foundation on the Arts and the Humanities

1179 Added....28472
1180 Authority citation revised....43353
1180.11 Amended (OMB number)....43354
1180.20 (e), (f), and (g) revised....43353
1180.70 Revised....43354
1180.73 (b) revised....5770

Chapter XII—ACTION

1204 Authority citation revised....20714
1204.1 Revised....20714
1204.2 Revised....20714
1207 Authority citation revised....32133
1207.3–7 Added; eff. 10–13–87....32133
1208 Authority citation revised....32134
1208.3–8 Added; eff. 10–13–87....32134

Chapter XIII—Office of Human Development Services, Department of Health and Human Services

1340 Authority citation revised....3994
1340.1 (c) revised....3994
1340.2 (d) revised....3994
1340.3 (b) revised....3995
1340.13 (a) revised; (c) added....3995
1340.15 OMB number....3995
1340.14 (i) (1) and (2) introductory text republished; (i)(2)(viii) amended; (i) (3) and (4) redesignated as (i) (4) and (5); new (i)(3) added....3995

Chapter XVI—Legal Services Corporation

1611 Appendix A revised....18914
1612 Request for comments....40422
Revised....28436
1612.5 (h)(1) corrected; first (h)(2) correctly removed....28777
1612.6 (b) corrected....28777

Chapter XX—Commission on the Bicentennial of the United States Constitution

2001 Revised....36786
Authority citation revised....2384
2001.20—2001.29 (Subpart B) Revised....2384
2001.38 Added; interim....22647
2001.39 Added; interim....22648

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page

2001 Appendix A revised....2386
Appendix D added....2387
Appendix E added....22650
2002 Authority citation revised....28705
2002.21 (a) introductory text, (1) and (2) amended....28705
2002.22 (b) amended....28705
2005 Added; interim....5543
2010 Added....47164
Revised....30582

Chapter XXII—Christopher Columbus Quincentenary Jubilee Commission

Chapter XXII Chapter established; interim....10870
2201 Added; interim (effective date pending in part)....10870

Title 45—*Proposed Rules:*

3....27422
13....23311
16....30194
73....25408
79....27423
92....21820, 23627
201....27827
205....3146
233....32323
301....43550
302....43550
303....43550
305....43550
306....19738
402....30194
503....11712, 12040
612....16279
689....4158
1100....18585
1157....21820, 23627
1174....21820, 23627
1179....20628
1180....691
1183....21820, 23627
1204....9901
1207....8479
1208....8480
1234....21820, 23627
1602....19176
1612....28441, 28777
2015....21820, 23627

NOTE: **Boldface** indicates 1987 page numbers.

93-145 O - 87 - 5 (8)

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

Page

30 Authority citation revised; section authority citations removed....7774
30.25-1 Revised....7774
32 Authority citation revised; section authority citations removed....18362
32.01-10 (d) added....18362
(d) corrected....22751
32.15-15 Revised....18362
(a) and (d) heading and text corrected....22751
32.15-20 Removed....18362
32.15-25 Removed....18362
32.40-1—32.40-90 (Subpart 32.40) Revised....18362
32.40-1 (a) and (c) corrected....22751
32.40-35 (d) corrected....22751
32.40-40 (c) and (l) corrected....22751
(l) correctly designated....23515
32.40-90 Corrected....22751
54.25-10 (a)(1) amended; eff. 11-1-87....31626
67 Tonnage measurement certificates....31767
69 Authority citation revised; section authority citations removed....15948
69.01-11 Revised....15948
69.01-15 (a) revised....15948
69.01-17 (b) revised....15948
69.01-19 Revised....15948
69.15-39 (a) revised....15948
77 Authority citation revised; section authority citations removed....18364
77.13 Removed....18364
77.15 Removed....18364
92 Authority citation revised; section authority citations removed....18364
92.07-10 (g) added....18364
(g) corrected....22751
96 Authority citation revised; section authority citations revised....18364
96.13 Removed....18364
96.15 Removed....18364

Page

98 Authority citation revised; section authority citations removed....7776
98.31-5—98.31-15 (Subpart 98.31) Added....7776
107 Authority citation revised....6978
107.305 (ii) revised....6978
109 Authority citation revised; other authority citations removed....6979
109.121 Revised....6979
(c) (2) and (13) corrected....9283
111 Authority citation revised....31626
111.105-32 (b)(1) amended; eff. 11-1-87....31626
150 Authority citation revised; section authority citations removed....21036, 31626
150.105 (b) table amended (OMB numbers); eff. 11-1-87....31626
150.140 Amended....21037
150 Figure 1 amended; Tables I and II and Appendix I revised....21037
151 Heading and authority citation revised; section authority citations removed....7776
151.01-1 Revised....7776
151.01-3 Removed....7776
151.01-5 Removed....7776
151.01-10 (f) removed....7776
(f) table removed....7777
151.01-15 (c) revised....7777
151.03-30 Added....7777
151.03-36 Added....7777
151.03-55 Removed....7777
151.12-5—151.12-10 (Subpart 151.12) Added....7777
153 Authority citation revised; section authority citations removed....7777
Heading revised; nomenclature change....7777
153.0 Added....7777
153.1 Revised....7777
153.2 Amended....7778
153.3 Added....7779
153.5 Removed....7779
153.7 Heading revised; (d) added....7779
153.8 Revised....7779
153.10 Revised....7780

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page

153.12 Revised....7780
153.15—153.19 Undesignated center heading removed....7780
153.15 Transferred to Subpart A and revised....7780
153.16 Transferred to Subpart A....7780
153.19 Redesignated as 153.190....7780
153.30 Added....7780
153.40 Added....7780
153.190—153.812 (Subpart B) Heading revised....7780
153.190 Redesignated from 153.19....7780
153.214 Introductory text revised....7781
153.215 Introductory text added....7781
153.216 Revised....7781
153.231 (b) introductory text revised....7781
153.234 Introductory text added....7781
153.440 Heading and (c) revised; (a)(3) added....7781
153.460 Introductory text added....7781
153.470—153.491 Undesignated center heading added....7781
153.470 Added....7781
153.480—153.481 Added....7781
153.482—153.483 Added....7782
153.486 Added....7782
153.488 Added....7783
153.490—153.491 Added....7783
153.900 Revised....7783
153.901 Revised....7783
153.902 Revised....7784
153.903 Revised....7784
153.908 Added....7784
153.909 Added....7784
153.1100—153.1132 Undesignated center heading added....7785
153.1100—153.1102 Added....7785
153.1104 Added....7785
153.1106 Added....7785
153.1108 Added....7786
153.1112 Added....7786
153.1114 Added....7786
153.1116 Added....7786
153.1118 Added....7786
153.1119 Added....7786

Page

153.1120 Added....7787
153.1122 Added....7787
153.1124 Added....7787
153.1126 Added....7787
153.1128 Added....7788
153.1130 Added....7788
153.1132 Added....7788
153.1600—153.1608 (Subpart D) Added....7788
153.1600 Added....7789
153.1602 Added....7789
153.1604 Added....7789
153.1608 Added....7789
153 Table 1 revised....7790
Appendix I removed; Table 2 added; Appendix III amended....7799
154 Authority citation revised....31626
154.1—154.36 (Subpart A) Revised; eff. 11-1-87....31626
154.151 (a) amended; eff. 11-1-87....31630
154.170 (a) amended; eff. 11-1-87....31630
154.172 Table 1 and Footnote 1 amended; eff. 11-1-87....31630
154.174 (a) amended; eff. 11-1-87....31630
154.176 (a) amended; eff. 11-1-87....31630
154.188 Amended; eff. 11-1-87....31630
154.195 (b) amended; eff. 11-1-87....31630
154.340 (b) introductory text revised; eff. 11-1-87....31630
154.420 (a) amended; eff. 11-1-87....31630
154.421 Amended; eff. 11-1-87....31630
154.439 Amended; eff. 11-1-87....31630
154.440 (c) amended; eff. 11-1-87....31630
154.530 (a) introductory text revised; eff. 11-1-87....31630
154.544 (a) revised; eff. 11-1-87....31630
154.1400 (a)(8), (b)(8), and (c)(7) amended; eff. 11-1-87....31630
154.1802 (a)(2) and (b)(2) revised; eff. 11-1-87....31631

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 46 Chapter I—Con. Page

159.001-9 (b) amended (OMB numbers)....35220
160.071-1—160.071-25 (Subpart 160.071) Removed....1188
Effective date suspended....13445
160.171-1—160.171-25 (Subpart 160.171) Added....1188
Effective date suspended....13445
160.174-17 (h) (2) and (3) amended....1197
Effective date suspended....13445
170 Authority citation revised....6979
170.055 (k) through (t) correctly redesignated as (l) through (u); new (k) added....35515
170.110 (a) revised....6979
170.130 Removed....6979
172 Authority citation revised....7799
172.130 (a) revised....7799
172.133 (b) introductory text and (d) revised....7799
172.220 (b)(2) corrected....35515
174 Authority citation revised; subpart authority citations removed....6979
174.045 (d) revised....6979
190 Authority citation revised; section authority citations revised....18364
190.07-10 (f) added....18364
(f) corrected....22751
195 Authority citation revised; section and subpart authority citations removed....18364
195.13 Removed....18364
195.15 Removed....18364

Chapter II—Maritime Administration, Department of Transportation

221 Authority citation revised; section authority citations removed....6330
221.14 (f) added....6330
252 Authority citation revised....40425
252.1 Revised....40425
252.3 (f) amended; (j) removed; (k) through (u) redesignated as (j) through (t)....40425
252.4 Added....40425
252.12 (b) revised....40425
252.20 (b)(3) amended....40426
252.22 (a) revised....40426
252.23 Redesignated from 252.24....40426
(d) introductory text amended; (d)(1) removed; (d) (2) and (3) redesignated as (d) (1) and (2) and revised....40426
252.24 Redesignated as 252.23 and amended....40426
252.30—252.34 (Subpart D) Revised....40426
252.40 Revised....40432
252.41 Revised....40432
252.42 Revised....40433
276.3 Revised....23536
281.11—281.17 Undesignated center heading and sections removed....43009
310.50—310.67 (Subpart C) Authority citation revised....21533
310.60 (c) revised....21534
386 Added....21534

Chapter III—Coast Guard (Great Lakes Pilotage), Department of Transportation

401.405 Revised....11470
401.410 Revised....11471
401.420 Revised....11471
401.428 Revised....11471

Chapter IV—Federal Maritime Commission

502 Authority citation revised....28264
502.2 Revised....27002
502.69 (a) revised....4143
502.72 (c)(3) amended....4143
502.74 (a) revised....28264
502.76 Added....4143
502.91—502.95 (Subpart F) Exhibit No. 1 amended....4144
502.92 (a) (1) and (2) revised....4143
502.241 (a) and (b) revised....4144
502.253 Heading amended; (b) removed; (a) designation removed; section amended....6331
502.254 Added....6331
502.318 Existing text designated as (a); (b) added....6332
502.991 (Subpart V) Redesignated as 502.991 (Subpart W)....28264
502.501—502.503 (Subpart V) Added....28264
502.991 (Subpart W) Redesignated from 502.991 (Subpart V)....28264
503.35 (a)(7) revised; (c) added....13682
503.41 Introductory text and (a) revised....13682
503.43 (a), (b), and (c) revised....13683
503.82 (e) added....27002
515 Authority citation revised....46670
515.7 Added....46670
Technical correction....1629
530 Authority citation revised....2704
530.7 (f) (1) and (2) and (g) amended....2704
550.5 (b)(8)(xiv) introductory text revised; (b)(8)(xiv)(A) amended....26479
559.7 Redesignated as 559.8; new 559.7 added (effective date pending)....18696
559.8 Redesignated from 559.7 (effective date pending)....18696
568 Removed....2705
572.307 Redesignated as 572.308; new 572.307 added....18697
572.308 Redesignated from 572.307....18697
580.7 Removed....24005
581 Added....24005
Authority citation corrected....27553
581.1 (i), (n), and (q) corrected....27612
581.3 (a) introductory text and (1)(i) corrected....27553

Title 46—*Proposed Rules:*

1—197 (Ch. I)....12439, 31786
2....25409
10....31429
27....25890, 29556
31....25409
34....25409
58....25409
71....25409
76....25409
91....25409
95....25409, 26121

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page

98....40951
107....25409
108....25409
109....25409
146....25409
147....25409
150....44182
151....40951
153....40951
154....10598
157....31429
160....45783
....6992, 13479
167....25409
172....40951
176....25409
181....25409
187....31429
189....25409
193....25409
202....36253, 44093
276....7462, 12199
310....6829
382....45135
....11518
386....4357
401—403 (Ch. III)....31786
500—587 (Ch. IV)....17787
502....36730, 37917
....10912, 12208, 12212, 16418
503....8628, 9756, 12212, 16418
550....4040
558....16282, 20430, 29708
559....16282, 20430, 29708
560....46694
....16282, 20430, 29708
561....16282
....20430, 29708
562....16282, 20430, 29708
564....16282, 20430, 29708
566....16282, 20430, 29708
568....36034
569....16282, 20430, 29708
572....46694
....18722
580....41132, 43267, 45912
....809, 1938
586....11832, 18408, 20430, 20627, 28578, 29396
588....20119, 24308, 26537, 28316

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

Chapter I Petition denied....44478
Motions granted and denied....2226
Policy statement....16386
Determination....27348

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 47 Chapter I—Con. Page

Adjudication ruling ... 31768
0.11 (b) revised ... 10227
0.231 (c) revised; (h) removed; (i) redesignated as (h) ... 5288
(k) added; authority citation amended ... 12383
0.241—0.247 Undesignated center heading revised ... 41106
0.241 Revised ... 41106
0.243 (a) revised ... 41106
0.284 (a)(3) removed; (a) (4) through (11) redesignated as (a) (3) through (10) ... 5288
0.332 (c) removed; (d) through (j) redesignated as (c) through (i) ... 5288
0.401 Revised ... 10227
0.403 Revised ... 10228
0.406 (b)(2) revised ... 5288
0.416 Revised ... 45889
0.445 (a), (b), (d), (e), and (f) revised ... 45889
0.455 (a)(3) revised ... 10228
(b)(1) revised ... 21685
0.465 (a) introductory text and (d)(3) amended; (c)(1), (2), (3), and (4) redesignated as (e), (c)(1), (2), and (3); (a) Note, (b), new (c)(1), and (d)(1) revised; new (c)(3) amended; (d)(4) added ... 34982
0.482 Revised ... 10229
1.4 (c) and (d) revised ... 10229
1.14 Revised ... 45890
1.80 (h) revised ... 5288
1.87 Revised ... 22654
1.221 (f), (g), and Note added ... 5288
1.227 (b)(4) revised ... 10229
1.420 (h) Note added ... 8260
Effective date corrected ... 11473
Heading, (a) and (b) revised ... 25866
1.742 Revised ... 5289
Revised ... 10229
1.762 Revised ... 5289
1.764 (a) revised ... 5289
1.766 (a) revised ... 5289
1.767 (a) revised ... 5289
1.772 Revised ... 5289
1.773 (a)(1)(iii) added; eff. 1-1-88 ... 26682
1.786 Revised ... 1630
1.795 Added ... 274
1.912 (b), (d), and (e) revised ... 10229
1.931 (a) revised ... 10229
1.959 Revised ... 10230
1.1101—1.1116 (Subpart G) Revised ... 5289
1.1109 Revised ... 10230
1.1200—1.1216 (Subpart H) Revised ... 21052
1.1307 (b) Note revised ... 13241
1.1402 (d) and (e) revised (effective date pending) ... 31770
1.1404 (a), (d) (1) and (2), (g) (2), (4), (5), (9) and (10), (h) and (i) revised (effective date pending) ... 31770
1.1409 (b) revised (effective date pending) ... 31770
1.1502 Revised ... 11653
1.1503 (a) revised ... 11653
1.1504 (b) (1), (2), and (5), (c) and (f) revised ... 11653
1.1505 (a) revised ... 11653
1.1511 (b) revised ... 11653
1.1526 (a) revised ... 11653
1.1801—1.1870 (Subpart N) Added ... 16258
1 Appendix B removed ... 5294
2 Authority citation revised ... 39534
Extension of time for oppositions and replies ... 1458
2.1 Amended ... 37399
Petition comment time extended ... 4016
(c) amended ... 7417
2.106 Table amended ... 37399
Table corrected; Footnote US308 correctly revised ... 39662
Table corrected ... 417
Table amended; Footnote G105 removed ... 1331
Petition comment time extended ... 4016
Table amended; Footnote NG149 added ... 6154
Table amended ... 7139
Table amended; Footnote NG148 added ... 7417
Footnotes US7 and US228 amended ... 8906
Footnote NG149 correctly designated ... 20087
Footnote US234 removed ... 21686
2.901—2.1065 (Subpart J) Authority citation revised ... 21687
2.909 (f) added ... 5294
2.925 (b)(4) added; authority citation removed ... 21687

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page

2.926 (e) revised; authority citation removed ... 21687
2.933 (a) revised ... 39535
2.936 (b) and (c) revised ... 39535
2.939 (a)(1) revised ... 39535
2.967 (c) revised ... 39535
2.977 (d) added ... 41628
Effective date corrected ... 44478
2.983 (j) revised ... 10570
(j) correctly revised ... 15725
2.1001 (d) revised; authority citation removed ... 39535
(l) added ... 41628
Effective date corrected ... 44478
2.1035 (a) and (c)(1) revised ... 39535
15 Authority citation revised ... 39535
Extension of time for oppositions and replies ... 1458
Authority citation revised ... 22460
15.4 (j)(2) revised ... 9297
(u) revised ... 22460
15.46 (a) and (b) revised; authority citation removed ... 39535
15.48 (a), (b), and (c) introductory text and (1) revised ... 39535
15.63 (a) introductory text revised ... 37400
Petition comment time extended ... 4016
15.69 (a) revised ... 37400
Petition comment time extended ... 4016
(b) table amended ... 21687
15.72 (b) introductory text revised ... 37400
Petition comment time extended ... 4016
15.79 Introductory text revised ... 37400
Petition comment time extended ... 4016
15.143 (a) revised ... 39535
15.305 (d) revised ... 9297
15.310 Revised ... 9297
15.312 (b) revised; (c) added ... 9298
15.324 (b) and (c) revised; (d) removed; (e) redesignated as (d); new (e) added ... 9298
(b) corrected ... 13241
15.602 (b) revised; (c) added ... 22460
15.606 (c) added ... 22460
15.616 (a) and (c) text revised; (d) added ... 22460
15.618 Heading and (c) revised ... 22460
15.623 Added ... 22460
18 Authority citation revised ... 43745
18.121 Added ... 43745
19 Authority citation revised ... 37022
19.735-202 (b)(2) revised; (b)(5) added ... 7578
19.735-204 (e)(3) revised ... 37022
20 Petition comment time extended ... 4016
21.0 (a) revised ... 27554
21.2 Amended ... 27554
21.6 (b) revised ... 10230
21.7 (a) and (b) revised ... 27554
21.11 (a), (d), and (f) revised ... 27554
21.20 (b)(2) removed; (b) (3) through (9) redesignated as (b) (2) through (8) ... 5294
21.31 (e)(6)(iv) added ... 27554
21.40 (a) introductory text revised ... 27554
21.44 (c) revised ... 27555
21.100 (d) (1), (4), (5), (8), (9), (10), and (11) revised ... 27555
21.106 (a)(3) revised; (a)(4) added ... 23550
21.107 (b) table revised ... 7140
21.108 (e) revised ... 7141
21.119 Revised ... 27555
21.301 Revised ... 27555
21.303 (b) and (c) revised ... 27555
21.801 (a) amended; (b) revised; (g) added ... 7141
21.804 (d) table amended ... 7141
21.807 (c) added ... 7141
21.900 Revised ... 27556
21.902 (b) introductory text revised ... 27556
21.903 (a) and (b) revised ... 27556
21.907 (a) through (e) revised ... 27556
21.909 (b)(2)(i) revised ... 27556
21.910 Added ... 27557
22 Extension of time for oppositions and replies ... 1458
22.2 Amended ... 10572
22.6 (b)(1) revised; (b)(2) removed ... 10230
(b)(3) added ... 16848
22.9 (c)(2) amended (OMB number pending) ... 39754
(b)(2) redesignated as (b)(3); new (b)(2) added; (e) and (f) removed; (b)(1) and (d) revised ... 10572

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 47 Chapter I—Con. Page

22.13 (f) added 20087
22.15 (i)(3) revised (OMB number pending) 39754
(b)(1) (i), (ii), (iii), and (2)(i) revised 10572
22.20 (b)(2) removed; (b) (3) through (9) redesignated as (b) (2) through (8) 5294
22.31 (a)(1) revised 16848
22.39 (b)(5)(ii) revised 10572
22.40 Revised 10573
22.43 (b)(1) (i) and (ii) added; (a)(3) and (c) revised 10573
(b)(2) added 20087
22.44 (a) (1) and (2) revised 10573
(c) added 20087
22.104 (a)(1) revised 10573
22.106 (b)(1)(ii) revised 10573
22.110 (a)(5) and (e) added 10573
22.117 (b) introductory text and (1) revised 10574
22.213 (b)(5) revised (OMB number pending) 39755
22.501 (a)(5) (ii), (iii) and (iv), (d) and (f)(1)(ii) revised 10574
22.502 Revised 10574
22.514 (a) introductory text revised 39755
22.516 (b)(2) revised 10575
22.901 (c)(3) revised 37023
22.902 (b) correctly revised 35649
(b) (1) and (2) and (e) revised 37400
Petition comment time extended 4016
22.903 (a) correctly revised 35649
(a) revised 22472
Petition comment time extended 29386
22.904 (c) correctly added 35650
(c) revised 22472
Petition comment time extended 29386
22.905 (b) revised 22472
Petition comment time extended 29386
22.913 (a)(10) removed; (a)(11) redesignated as (a)(10) and revised 10575
(a)(10) revised 22472
Petition comment time extended 29386
22.917 (b)(1)(ii) revised 10575
22.920 (a) revised 10575

22 Appendices D and E corrected 29186
23.50 (d) revised 5294
(b) revised 10230
25 Extension of time for oppositions and replies 1458
Petition comment time extended 4016
Policies and procedures 4017, 12911
25.391 (h) revised 44069
25.523 (c) removed 5294
31 Removed; eff. 1-1-88 43499
Petitions denied in part 44479
31.01-10 Added 6559
31.01-11 Added 6559
31.106 Revised 6559
31.235 Waiver 29019
31.317 Revised 6560
31.370 Introductory text revised; eff. 12-2-87 20601
31.607 Waiver 29019
32 Added; eff. 1-1-88 43499
32.14 (c), (d), (e), and (f) revised; eff. 1-1-88 6560
32.22 (a) revised; eff. 1-1-88 7580
32.23 Revised; eff. 1-1-88 6560
32.25 Revised; eff. 1-1-88 7580
32.27 Added; eff. 1-1-88 6561
32.102 Revised; eff. 1-1-88 6561
32.1220 (g) revised; eff. 1-1-88 6561
32.1406 Revised; eff. 1-1-88 6561
32.2000 (a)(2) and (f)(6) revised; eff. 1-1-88 7580
32.2311 (h) revised; eff. 1-1-88 6561
32.2321 (b) revised; eff. 1-1-88 6561
32.2341 (g) revised; eff. 1-1-88 6562
32.2351 (c) revised; eff. 1-1-88 29019
32.5999 (f)(5) revised; eff. 1-1-88 7580
32.6999 (b) table amended; eff. 1-1-88 6562
32.7620 Revised; eff. 1-1-88 20601
32.7990 Revised; eff. 1-1-88 6562
32.7991 Added; eff. 1-1-88 6562
33 Removed; eff. 1-1-88 43499
36 Added; eff. 1-1-88 17229
42.6 Correctly revised 39536
43 Annual Report Form M amended 37024
43.21 (a) revised 37024
43.31 (a) revised 1630

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page

43.51 Revised 45890
43.52 Removed 45891
43.53 Revised 45891
(a) amended 8453
43.54 Removed 45891
43.74 Removed 45891
61.12 (e) and (f) redesignated as (f) and (g); new (e) added; eff. 1-1-88 26682
61.32 Revised 10230
61.33 (c) and (d) redesignated as (d) and (e); (b) redesignated as (c) and revised; new (b) added; eff. 1-1-88 26682
61.38 (a) revised; eff. 1-1-88 26682
61.39 Added; eff. 1-1-88 26682
61.58 Waiver 2412, 16389
61.59 Waiver 2412, 16389
61.74 Waiver 2412, 16389
61.153 Revised 10230
62.22 Revised 5294
64 Report and order 20714
Petition denied 21954
64.201 Revised 17761
Effective date deferred in part; petition denied 23658
64.501 (b) added 3654
64.901 (Subpart I) Added 6560
64 Appendix A amended 34983
65.101 (a)(2) revised; eff. 1-1-88 17251
65.600 (Subpart E) Added 274
67 Petitions denied and granted 2534
Interpretation letter 13445, 13444
Removed; eff. 1-1-88 17251
67.701 (Subpart G) Removed; text redesignated as Part 67 Appendix 21538
67.701—67.741 (Subpart G) Added 21538
67 Appendix redesignated from 67.701 (Subpart G) 21538
68.200 Introductory text revised 10231
69.2 (hh) through (mm) added 21539
69.3 (e) (3) and (4) revised; (e)(8) added 42236
(e)(1) revised; (e)(9) added 21540
(a) revised; (f) added; eff. 1-1-88 26683
69.4 (c) removed 42236
(b) and (c) revised 21540
69.5 (d) added 21540
69.104 (c) and (d) revised; (e) through (m) added 21540
69.105 (a) and (b) revised 21541
69.115 (e)(6) revised 8259
69.116 Added; eff. 4-1-89 21541
69.117 Added; eff. 4-1-89 21541
69.202 Removed 21542
69.203 (a) through (c) revised 21542
69.207 Revised 21542
69.306 (b) and (e) revised 42236
69.307 (d) revised 42236
69.404 (a) and (b) revised 42236
69.405 (c)(1) (iii), (iv), and (viii) revised 42236
69.406 (c) revised 42237
69.410 Revised 21542
69.411 Added 21542
69.412 Added 21542
69.413 Added 21542
69.501 (a) revised 21542
69.502 Revised 21542
69.601 (b) revised 21542
69.603 (c) through (f) added 21542
(g) added; eff. 1-1-88 26683
69.604 (a) revised 21543
69.605 (a) revised 21543
69.607 (c) revised 42237
69.610 (a) revised 42237
69.612 Added 21543
73 Clarification 10757
Interim policy 12912
Technical correction 16490
Petition denied 23305
Table of Contents amended 25867
73.21 (a)(2)(iii)(B) revised 21311
73.24 (b) Note revised 11654
73.37 (e) and (f)(2) introductory text revised 10570
73.51 (c)(2)(ii) revised 10570
73.68 (b) Note added 40435
73.127—73.190 Undesignated center heading removed 25866
73.127 (f) revised 41629
Effective date corrected 44478
73.182 (a) introductory text revised 10570
(d), (m), and (s) table footnote 2 revised 11655
(a) introductory text correctly revised 15725
(a) (1), (3) Note 1 and (v) Note revised 25866
(v) Note corrected 28225

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 47 Chapter I—Con. Page

73.184 Effective date deferred....45891
73.186 (a) introductory text revised....10570
73.189 (b)(6) revised....10570
73.201 Introductory text revised....10570
73.202 (b) table amended....35516, 37024–37026, 37289, 37290, 37405, 40170, 40171, 40433, 40434, 40976, 40977, 43200, 44070, 44988–44990, 45891, 46862
Petitions granted in part....36401
(b) table amendment at 51 FR 45891 suspended....1630
(b) table amended....57, 58, 275–277, 2533, 2534, 3654–3661, 3804, 3805, 4018, 4499, 4500, 5115, 5981, 6154, 7149, 7150, 7276, 7277, 7581, 8453, 8454, 8907, 9298–9300, 10381, 11472, 11473, 11825, 12181, 13242, 13243, 13446, 13447, 15500, 16849, 18698, 18699, 18914, 18915, 21056, 21955–21958, 22473, 22782–22784, 23659, 24294, 24295, 24470–24472, 25226–25228, 25868, 25869, 27349–27351, 28705, 29851–29854, 31031, 31032, 31772, 31773, 32794–32796
(b) table corrected....16849
Technical correction....28267
(b) table amended; eff. 10–2–87....31771, 31772
(b) table amended; eff. 10–5–87....32135
73.206 Removed; (b) and (c) transferred to 73.211 (d) and (e)....8260
Effective date corrected....11473
73.211 (d) and (e) added; transferred from 73.206 (b) and (c)....8260
Effective date corrected....11473
73.311 (b)(2) revised....10570
73.313 (d)(1) revised....11655
73.315 (a) Note amended....10570
73.318 (b) revised....25866
73.504 (a) table amended....3660, 29853
(b) revised....25867
73.525 (c)(2) revised....25867
73.606—73.699 Undesignated center heading removed....25866
73.606 (b) table amended....35515, 37025, 43200, 45331
Heading, (a), and (b) table footnote 6 revised....44070
(b) table amended....3658–3660, 7148, 7149, 8907, 10382, 11473, 12180, 12181, 13446, 16849, 16850, 18915, 18916, 22473, 22784, 22785, 24296, 29851, 29855
73.607 Revised....44070
73.609 (a) introductory text revised....44070
73.610 (a) text, (b) introductory text, and (c) introductory text revised....44070
73.611 Revised....11655
73.612 (a) and (b) Note revised....44070
73.641 Revised....6154
73.642 (a)(1) and (b) revised....6154
73.682 (a)(23)(iv) revised....25867
73.699 Figure 6 Note 9 revised....11656
73.933 (b)(12) revised....25867
73.943 (a) revised....5294
73.1001 (c) revised....31399
73.1010 (a)(5) revised....5294
(e)(5) revised....31399
73.1020 (a) revised....25604
73.1030 (b)(2) revised....25867
73.1120 (b) and (c) removed....21685
73.1125 Revised....21685
Petition for stay granted....28826
73.1130 Removed....21685
73.1202 (a) introductory text revised....25867
73.1205 Petition denied....23551
73.1225 (c) and (d) revised....41629
Effective date corrected....44478
73.1660 (b) and (d) revised....41629
Effective date corrected....44478
73.1690 (e) revised; (b)(1) and (2) removed; (b)(3), (4) and (5) redesignated as (b)(1), (2) and (3)....41629
Effective date corrected....44478
(e)(6)(i) revised....10570
(e) correctly revised....15725
(b)(3) and (d)(1) revised....21685
73.2080 Revised....26684
73.3500 Table amended....26685, 31399
73.3512 Revised....10231
73.3516 (a) revised....44071
73.3517 (a) revised....5294
73.3521 Revised....31400
73.3522 (a)(1) revised....25867
(a) revised....31400

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page

73.3526 (d) revised....21685
(d) petition for stay granted....28826
73.3527 (d) revised....21685
(d) petition for stay granted....28826
73.3533 (a)(6) revised....31400
73.3536 (a)(5) revised....31400
73.3538 (a) (5), (6), and (7) revised....21685
73.3550 (a) revised....5295
73.3555 Note 2 amended....1632
73.3564 (a) and (d) revised....7421
(a) and (c) revised....31400
73.3571 (d)(4) revised....21311
73.3572 (a)(1) introductory text and (i) and (d) revised....44071
(a) revised....7421
Heading, (a), (c), (d), and (e) revised; (f)(5) added....31400
73.3580 (f)(9) revised....21686
(c), (d) (1) and (3) and (g) introductory text revised....31401
73.3584 (a), (b), and (c) revised....7422
(a), (b), and (c) introductory text revised....31401
73.3594 (d)(5) revised....21686
73.3598 (a) and (b) headings revised....11656
(b) revised....31402
73.3615 (a) introductory text revised....1632
73.4107 (d) added....11656
73.4108 Added....11656
73.4115 Petition denied....23551
73.4140 Heading and (c) revised; (d) added....11656
74 Table of Contents amended....25867
74.1 (b) revised....31402
74.5 (a)(4) revised....5295
74.15 (f) added....7142
(b) and (d) revised....25604
(c) revised....31402
74.165 Revised....3806
74.501 (a) and (b) revised....31402
74.531 (c) through (f) redesignated as (d) through (g); new (c) added....31402
74.532 (a) revised....31403
74.600 Added....7142
74.602 (a) introductory text amended; (e) revised; (j) added....7142
74.631 (e) amended; (j) added....7142
74.632 (a) amended....7142
74.633 (e) redesignated as (f); new (e) added....10570
74.636 (a) designation removed; table revised; (b) removed....7142
74.637 (b) amended; (g) added....7142
74.638 Heading and (b) revised....7142
74.641 (a) introductory text revised; (a)(1) table amended; (a)(4) removed....7143
74.643 Added....7143
74.644 Added....7143
74.661 Revised....7143
74.701—74.784 (Subpart G) Heading revised....31403
74.701 (h) revised....7422
(i) added....31403
74.702 (b) revised....7423
(c) added....31403
74.703 (a), (b), and (c) revised....31403
74.705 (c) and (d) introductory text and (1)(ii) revised....31403
74.707 (a)(1) introductory text, (b) (1) and (3), (c) introductory text and (2), and (d) introductory text and (1)(ii) revised....31403
74.731 (a) and (b) introductory text revised; (j) and (k) added....31404
74.732 (d) revised....7423
(b) revised....10571
(g) and (h) added....31404
74.735 (c)(4) removed; (c) (5) and (6) redesignated as (c) (4) and (5)....7423
(a) and (d) revised....31404
74.736 (a) revised....31404
74.737 (a) revised....31404
74.750 (a), (d) introductory text, (e) (1) and (2), and (g) revised....31404
74.751 (b)(1) revised....31405
74.761 Introductory text and (d) revised....31405
74.762 (a) and (b) revised....31405
74.763 (b) added....7423
(a) and (c) revised....31405
74.765 (b) revised....7423
74.780 Revised....7423
Heading revised; text amended....25867

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 47 Chapter I—Con. Page

Heading and introductory text revised....31405
74.781 (a) revised....31405
74.783 (a) introductory text and (c) revised....7424
(e) added....31405
74.784 (d) redesignated as (e); new (d) added....31405
74.802 Revised....2535
74.803 (b) revised....2535
74.832 (d) and (f) revised....2535
74.861 (d) introductory text and (e) revised....2535
74.913 (b)(3)(ii) removed; (b)(3)(i) redesignated as (b)(3); Note 3 added....39536
74.933 Revised....3806
74.934 Revised....3806
74.937 (c) removed; (d) through (f) redesignated as (c) through (e)....3806
74.939 (j), (m) and (n) removed; (k) and (l) redesignated as (j) and (k); (f) revised....3806
74.951 (d) removed; (e) through (h) redesignated as (d) through (g)....3806
74.952 Revised....3806
74.961 (a) revised....10571
74.962 Revised....3806
74.965 Revised....3807
74.1201 (f) revised....31405
74.1202 (b)(1) revised....8260
Effective date corrected....11473
74.1203 Revised....31405
74.1231 (h) revised....31406
74.1232 (b) and (f) revised....10571
(e) revised; (g) removed; (h) redesignated as (g)....31406
74.1235 (a) introductory text revised; (c) added....31406
74.1236 (a) revised....31406
74.1250 (c) revised; (d) through (f) redesignated as (e) through (g); new (d) added....31406
74.1261 Revised....31406
76 Table of Contents amended....25867
76.5 (d) and (j) revised; (jj), (kk), (ll), and (mm) added....44607
Effective date deferred....5770
(d)(1) introductory text and (ii) and (2) revised; (d)(3) added....17575
(x) Note added....22461
76.7 (g) removed; (h) redesignated as (g)....44608
Effective date deferred....5770
(c)(3) revised....10231
76.53 Amended....44608
Effective date deferred....5770
76.55 Revised....44608
Effective date deferred....5770
Introductory text revised....17575
76.56 Added....44608
Effective date deferred....5770
(c)(2) removed; (c)(3) and note redesignated as (c)(2) and note; new (c)(3) added; (d) revised....17576
76.57 Removed....44609
Effective date deferred....5770
76.58 Added....44609
Effective date deferred....5770
76.59 Removed....44609
Effective date deferred....5770
76.60 Added....44609
Effective date deferred....5770
(a) revised....17576
76.61 Removed....44609
Effective date deferred....5770
76.62 Added....44609
Effective date deferred....5770
(a)(2) revised; (b) redesignated as (d); new (b) and (c) added....17576
76.64 Revised....44609
Effective date deferred....5770
76.65 Removed....44609
Effective date deferred....5770
76.66 Added....44609
Effective date deferred....5770
Revised....17576
76.67 (a) revised....17577
76.70 Added....17577
76.501 (a) Note 2 amended....1632
76.605 Note added....22461
76.617 Revised....17577
(a) revised....22461
78 Table of Contents amended....25867
78.5 (i) added....7143
78.11 (d)(2) amended; (f) added....7144
78.13 Revised....7144
78.15 (a) revised....10231

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page

78.18 (a) (6) through (8) added....7144
(a) (1), (2) and (3) tables amended....10571
78.20 (a) revised....10231
78.36 (a) introductory text and (b) revised....7144
78.101 (a) revised; (c) and (d) removed....7144
78.103 (e) added....7145
78.106 Added....7145
78.108 Added....7145
78.111 Revised....7145
80.5 Amended....7417
80.23 (c) revised....10231
80.156 Added....34984
80.205 (a) table amended; (a) table Footnote 12 added....7418
80.207 (d) table footnote 5 corrected....34984
(d) table amended; (d) table Footnote 12 added....7418
80.209 (a) table amended; (a) table Footnote 4 and (c) added....7418
80.213 (c), (d), (f), and (g) redesignated as (d), (c), (g), and (k); new (f), (h), (i), and (j) added....7418
(h) and (i)(1) (i) and (vii) revised; (i)(1) introductory text republished....28825
80.215 (l) and (m) added....7419
80.313 Introductory text corrected....34984
80.355 Heading corrected; (c)(2) removed; (c)(3) and (4) redesignated as (c)(2) and (3)....34984
80.357 Heading corrected....34984
80.373 (d)(1) table corrected....34984
80.375 (c) and (d) revised....7419
80.559 (c) corrected....34984
80.605 Revised....7419
80.1185 Revised....27003
80.1187 Revised....27003
80.1189 Added....27003
87.237 Corrected amended....34984
87.513 (g) revised....37911
90.7 Amended....29855
90.17 (d)(5) added....6155
(b) table amended....29855
(d)(2) removed....29857
90.19 (f)(6) added....6155
(d) table amended....29855
(f)(2) removed....29857
90.21 (d)(5) added....6155
(d)(2) removed....29857
90.23 (d)(4) added....6155
(d)(1) removed....29857
90.25 (d)(5) added....6155
(c)(19) revised....29855
(d)(2) removed....29857
90.53 (c)(5) added....6155
(b)(29)(iii) amended....29855
(c)(2) removed....29857
90.63 (e)(5) added....6155
(d)(19) amended....29855
(e)(2) removed....29857
90.65 (d)(5) added....6155
(d)(2) removed....29857
90.67 (d)(4) added....6155
(d)(2) removed....29857
90.69 (d)(4) added....6156
(d)(2) removed....29857
90.71 (d)(3) added....6156
(d)(1) removed....29857
90.73 (e)(6) added....6156
(c) table amended; (d)(23) revised....29855
(e)(2) removed....29857
90.75 (d)(5) added....6156
Second (c)(24) redesignated as (c)(43) and revised; (b) table and (c)(25)(viii) table amended; (c)(15) revised....29855
(d)(1) removed....29857
90.79 (d)(4) revised....36014
(e)(4) added....6156
(c) table amended....29856
(e)(2) removed....29857
90.81 (e)(3) added....6156
(e)(1) removed....29857
90.89 (d)(4) added....6156
(d)(1) removed....29857
90.91 (d)(6) added....6156
(b) table amended....29856
(d)(1) removed....29857
90.93 (e) added....6156
(d)(1) removed....29857
90.95 (f) added....6156
(e)(1) removed....29857
90.103 (c)(9) amended....29856
90.127 (a) revised....10231
90.129 (o) introductory text amended....29856
90.135 (a)(8) added....36014
(f) added....10232
90.151 (d) revised....10232

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 47 Chapter I—Con. Page

90.175 (f)(3) revised; (f)(13) added....36014
90.179 (e) revised....36014
90.205 (b) table amended....37400
Petition comment time extended....4016
90.207 (k) amended....29856
90.209 Second (h) redesignated as (i)....37400
(b)(4) and (c) introductory text revised; (b) (5) through (8), (c) (1) through (3), and (h) and (i) redesignated as (b) (6) through (9), (c)(1) (i) through (iii), and (i) and (j); new (b)(5), (c)(2) (i) through (iii), and (h) added....37401
Petition comment time extended....4016
90.211 (d) introductory text and (2) revised; (d)(1)(iii) added....37401
Petition comment time extended....4016
90.213 (a) table amended; footnote 11 revised....37401
Petition comment time extended....4016
90.261 (b) amended....29856
90.266 (g) amended....29856
90.267 (a) (1) and (2) revised; (a)(6)(iii) added....4501
(b) table amended....29856
90.271 (d) removed....29857
90.273 Added....6156
90.275 Added....6157
90.277 Added....6157
90.279 Added....6157
90.281 Added....6158
90.303 (a) table amended....29856
90.354 Revised....10232
90.360 (b) and (c) revised....10232
90.376 (a) revised; (c) added....1332
90.477 (b) introductory text revised....37401
Petition comment time extended....4016
(f) added....15501
(d)(3) table amended....29856
90.490 (c) revised; (d) removed....15501
90.492 Revised....37402
Petition comment time extended....4016

Page
90.525 Removed....37406
Petition comment time extended....4016
90.527 Removed....37406
Petition comment time extended....4016
90.555 (Subpart R) Heading revised....37406
Petition comment time extended....4016
(b) table amended....29856
90.601—90.657 (Subpart S) Heading revised....37402
Petition comment time extended....4016
90.601 Revised....37402
Petition comment time extended....4016
90.603 Introductory text revised....37402
Petition comment time extended....4016
90.611—90.633 Undesignated center heading revised....37402
Petition comment time extended....4016
90.611 (b) revised....10232
90.613 Introductory text revised; table heading parenthetical text removed; new table added....37402
Petition comment time extended....4016
Introductory text amended; tables amended....29856
90.617 Heading revised; Tables 2, 3, and 4 redesignated as Tables 2A, 3A, and 4A and headings revised; new Tables 2B, 3B, and 4B added....37404
(a) introductory text, (b) introductory text, (c) introductory text, and (d) introductory text revised....3662
Petition comment time extended....4016
(a), (b), (c), and (d) amended....29856
90.619 (a)(1) introductory text, (2) introductory text, (3) introductory text, (4) introductory text, and (b) introductory text revised....3662
90.621 (a)(1) (i) and (iv), and (2)(i) and (g) revised....37404

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page
(g) revised; (h) added....3662
Petition comment time extended....4016
90.627 (a) and (b)(2) revised; (b)(3) added....37404
Petition comment time extended....4016
90.635—90.657 Undesignated center heading revised....37404
Petition comment time extended....4016
90.635 (d) Tables 2, 3, and 4 headings revised....37404
Petition comment time extended....4016
Table 1 amended....29857
90.637 (a) revised....37405
(a) revised; (c) added....1332
Petition comment time extended....4016
90.645 (f) and (g) revised; (h) redesignated as (i); new (h) added....37405
Petition comment time extended....4016
94.9 (b)(2)(iii) and (3) amended....7146
94.15 (b) revised....41630
(b)(3) revised....29857
94.25 (b) revised....10232
(k) removed....29857
94.27 (a) introductory text and (3) amended....29857
94.31 (a) revised....29857
94.45 (b) introductory text amended; (b) (1) and (2) removed....29857
94.61 (b) table amended; (b) table footnote 15 removed; (b) table footnotes 30 and 31 added....7146
(b) table footnote 22 amended....29857
94.63 (e)(3) revised....29857
94.65 (g)(1) and (2) redesignated as (g)(4) and (3); new (g)(1) and (2) and (m) added....7146
(g)(3) and (j)(5) introductory text amended....29857
94.67 Table amended....7146
Table amended; amendment at 52 FR 7146 correctly designated....29857

Page
94.71 (b) table amended....7146
(c)(3) revised; (c)(4) added....23551
94.73 (a)(1) and (2) removed; (a) table added....7146
94.77 Revised....7147
94.79 Added....7147
95.71 (a) revised....10232
95.207 (a) revised; (e) removed....16263
Technical correction....27993
97 Reimbursement fee....45891
Form 610 approved by OMB....7277
Petition for stay denied....13243
Authority citation revised....18916
97.3 (k) revised; (dd) added....37027
97.7 (g)(8) and (9) revised....37027
(a) table and (b) table amended; (g)(1) revised....5116
97.21 Revision eff. 12-31-86....41630
Examination questions maintained....277
Petition for stay denied....4501
(c) and (d) revised....5116
97.23 Revised....5116
97.25 (b) revised....42576
Clarification....278
(b) effective date changed....3663
Petition for stay denied....4501
(a) revised; (e) added....5116
(a) introductory text corrected....18647
97.27 Revision eff. 12-31-86....41630
Examination questions maintained....277
Petition for stay denied....4501
97.28 (e) revised....42577
(e) effective date changed....3663
(a) and (b) revised....5116
97.29 (a) revision eff. 12-31-86....41630
Examination questions maintained....277
Petition for stay denied....4501
97.61 (c) revised....37027
(a) table amended; (d)(3) added....5116, 5117
(c) revised....5461
97.67 (i) revised....37027
(i) correctly designated....39861
(d)(6) revised; (j) and (k) added....5117
97.80 (b) revised....39537
97.84 (a) temporary waiver granted....28826
97.85 (g) amended....37027

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 47 Chapter I—Con. Page

(i) added 5117
97.86 (e) added 5117
97.87 (f) added 5117
97.114 (b)(4) revised 39537
97.517 Revision eff. 12-31-86 41630
Examination questions maintained 277
Petition for stay denied 4501
97.521 Revision eff. 12-31-86 41630
Examination questions maintained 277
Petition for stay denied 4501
Revised 18916

Title 47—*Proposed Rules:*

0—100 (Ch. I) 36415
..... 3672, 8313, 13481, 13727, 28731
1 ..... 35536, 35537, 45912
..... 1939, 2562, 11519, 21333, 25261
2 ..... 43749, 44092
..... 6022, 6024, 13481, 21333, 24042, 25613, 31432
15 46882
..... 17612, 25613
21 39551
..... 11519, 11838, 21333
22 42597
..... 4360, 6022, 19741, 20630, 26704, 31042
25 40467
..... 6175, 8937, 12944, 26538, 28316
31 45915
..... 1344, 18932
32 45915
..... 1344, 18932
43 35537
..... 26704, 27435
61 45912
63 5318
65 3828
67 ..... 36731, 37045, 39552, 40232
..... 2238, 2563, 15354, 15355, 18408, 19896, 25263, 28316
68 43749
..... 5318
69 ..... 36731, 40990, 45912
..... 3672, 3829, 17252, 19896, 28317, 31793
73 ..... 36416, 36417, 36731, 37920, 37921, 39553, 39554, 39673–39676, 40467, 40468, 41357–41360, 41647, 42270, 43050–43054, 44094
..... 113–115, 305, 1345–1349, 2564–2566, 3674–3678, 3830, 3831, 5146–5148, 5472, 6025, 6026, 6176, 7182–7185, 7282, 7624–7627, 8084–8086, 8314–8316, 8481, 8937, 9316, 11519–11521, 11837, 11840, 11842, 12214–12216, 12285, 12945, 13253, 13849–13853, 15515, 15516, 15737, 15738, 16883, 16884, 17791, 17993, 18253, 18723, 18933–18935, 20430–20432, 21086, 21976, 22504–22507, 22816–22818, 23314, 23563–23569, 23704, 23873, 23875, 24309–24312, 24484, 25264, 25892, 25893, 26162, 26358–26360, 26539, 26540, 27019, 27436, 27437, 27570, 28319–28321, 28476, 28731, 28732, 29235, 29869–29872, 30692–30694, 31043, 31044, 31432, 31793–31795, 32141, 32142, 32817–32819
74 40990
..... 7627, 7895, 11519, 21333, 21710, 27571
76 ..... 15738, 26162
78 40990
80 ..... 37922, 43749
..... 5474, 18409, 21334, 22508
81 1349
87 ..... 21334, 26360
90 45025
..... 4041, 5149, 6024, 10389, 18935, 19544, 21335, 25265, 29651, 31796
94 ..... 39551, 44093
..... 4161, 6022, 11519, 11838, 15356, 21333
95 ..... 15516, 29396
97 39554
..... 2239, 6024, 29052

TITLE 48—FEDERAL ACQUISITION REGULATIONS SYSTEM

Chapter 1—Federal Acquisition Regulation

1.105 Table amended (OMB numbers) 36971
Table amended (OMB numbers) 18140, 19802, 30076
2.101 Amended 19802
3.502 Revised 6121
Correctly designated 7063, 9989
3.502-1 Added 6121
Correctly designated 7063, 9989
3.502-2 Added 6121
(a) introductory text, (d) (1) and (2), (e), and (h) corrected 9989
3.502-3 Added 6121
4.601 (a) amended 19802

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page

5.101 (a) revised; interim 21885
5.201 (a) amended; (b) (1) and (3) revised; interim 21886
5.205 (c) revised; interim 21886
5.206 (a)(2) amended 19802
5.301 Revised 19802
6.302-1 (a)(2) introductory text and (b)(1) revised; (a)(2)(iii) added 21886
5.303 (a) amended 30076
6.302-5 (c)(2) amended; (c)(2)(i) and (ii) added 36971
7.203 Revised 30076
7.305 (c) revised 9037
8.300 Amended 36971
8.800 Revised 9037
8.801 Amended 9037
8.802 (a) revised; (b) and (c) redesignated as (d) and (e); new (b) and (c) added; new (d) revised 9037
9.105-1 (d) added 9038
9.405 (a) amended 9038
9.406-1 (a) amended 6122
13.104 (g) amended; interim 21886
13.105 (d)(2) amended 36971
(a) amended; interim 21886
13.106 (b)(2) amended 19803
13.107 (d) added 30076
13.203-1 (b) and (c) revised 9038
13.402 Amended 19803
15.605 (b) revised 21886
(b) corrected 28225
15.704 Amended 9038
15.801 Amended 36971
15.805-5 (h) amended 36971
15.808 (a) (8) and (9) revised 19803
15.810 (a) and (e) revised; (c) redesignated as (f); new (c) added 36971
15.812-1 Revised 21886
15.812-2 (a) revised 21887
16.203-4 (b)(1)(i) amended 19803
19.102 Table revised 21888
Amended 30076
19.501 (f)(1) amended 21902
19.508 (a)(2) amended 21902
19.705-6 (c)(1) amended 19803
22.606-2 (b) revised 30076
22.807 (d)(2) amended 19803
22.810 (g) revised 19803
22.1303 (d) amended 19803
22.1403 (d) amended 19803
25.403 (d) revised 19803

NOTE: **Boldface** indicates 1987 page numbers.

Page

25.402 Correctly revised; interim 8567
27.204-1 (a)(2) amended 19803
27.400—27.409 (Subpart 27.4) Revised 18140
28.101-1 (b) revised 19803
(c) added 30076
28.101-3 (b) amended 19803
31.105 (d)(2)(i)(A) revised; (d)(2)(i)(B) amended 19804
31.107 Heading and (a) revised 30076
31.109 (h) (14) and (16) amended; (h)(17) added 9038
(h)(14) correctly designated 27806
31.201-3 Revised 19804
31.205-6 (i) revised 19804
31.205-22 (f) revised 19804
31.205-35 (a) revised; (f) added 9038
31.205-38 (f) revised 19805
31.205-44 Heading, (a), (b), (d), (e), (f), (h), and (j) revised; (c)(3) redesignated as (c)(4); new (c)(3) added; (c)(2) amended 9038
(h)(2) corrected 27806
(i) amended 30077
31.205-46 (a)(2)(ii) amended 36972
52.210-1 Corrected 27806
32.001 Added 30077
32.102 (e)(2) revised 30077
32.406 (a) amended 19805
32.501-1 (a) amended; (d) added 30077
32.502-4 (d) added 30077
32.503-6 (g)(4) amended 30077
32.503-8 Amended 30077
32.503-10 (b)(3) (i), (ii), and (iii) revised 30077
32.504 (d) amended 9039
32.805 (c) amended 9039
33.210 (b) revised 36972
36.102 Amended 36972
36.601 Existing text designated as (a); (b) added 36972
36.701 (a), (b), and (d) amended 19805
44.201-1 (d) amended 36972
44.303 (g) and (h) amended; (i) added 9039
45.509-2 (b) introductory text and (1) revised 30078
45.606-5 (e)(4) (i) and (ii) revised 30078

TITLE 48 Chapter 1—Con. Page
49.109–7 (g) amended....19805
52.103 (d)(1) amended....9039
52.203–7 Added....6122
52.207–3 Introductory text amended....9039
52.207–4 Amended....30078
52.210–1 (a) amended....9039
52.214–1 Amended....9039
52.214–2 Amended....9039
52.215–5 Amended....9039
52.215–6 Amended....9039
52.215–17 Amended....9039
52.215–26 Revised....21902
52.219–4 Introductory text amended....21902
52.219–9 Amended....19805
52.222–28 Introductory text amended....36972
52.223–3 Amended....30078
52.227–14 Added....18150
52.227–15 Added....18153
52.227–16 Added....18153
52.227–17 Added....18153
52.227–18 Added....18154
52.227–19 Added....18154
52.227–20 Added....18154
52.227–21 Added....18155
52.227–22 Added....18156
52.227–23 Added....18156
52.228–1 Amended....19805
52.232–5 Amended....30078
52.232–10 Amended....30078
52.232–16 Amended....30078
52.233–1 (c) amended....36972
52.243–1 Amended....30079
52.243–2 Amended....30079
52.243–3 Amended....30079
52.243–4 Amended....30079
52.244–1 Introductory text amended....36972
53.214 (d) through (g) redesignated as (e) through (h); (d) reserved....19805
53.236–2 (b) and (c) amended....36972
53.249 (a)(3) revised....30079

Chapter 2—Department of Defense

Chapter 2 Revised....46053
203.170 Added; interim....12385
203.170–1 Added; interim....12385
203.170–2 Added; interim....12385
Corrected....19870
203.170–3 Added; interim....12385
203.170–4 Added; interim....12386
203.170–5 Added; interim....12386
204.202 (c)(6) added; interim eff. to 9–30–87....42096
(c)(6) added; interim eff. to 1–31–88....4318
204.471 (Subpart 204.4) Added; interim eff. to 1–31–88....4318
204.671–5 (d)(9) and (e)(3)(iii) amended; (e)(3) (iv) and (v) added; (f) revised; interim....16264
204.673 Revised: interim....43201
Revised; final....28707
204.673–1 Revised. interim....43201
Revised; final....28707
204.673–2 Revised; interim....43202
Revised; final....28707
204.673–3 Revised; interim....43202
Revised; final....28707
204.673–4 Revised; interim....43202
Revised; final....28708
204.673–5 Removed; interim....43202
Removed; final....28708
204.761–5 (e)(3)(iii) corrected; (e)(3)(v) correctly removed....19871
204.7200—204.7204 (Subpart 204.72) Added; interim eff. to 1–31–88....4318
205.202 (a)(4)(S–70) added; interim....16264
Correctly removed....19871
205.207 (d) (S–72) and (S–73) added; interim....16264
205.470 Added; interim....12387
206.203—206.203–70 (Subpart 206.2) Added; interim....16264
208.404–2 (a) (S–70) revised....781
214.201 Revised....19871
214.201–2 Added....19871
215.406 Added....19871
215.406–2 Added....19871
215.872 Revised....26346
215.873 Added....1915
215.875 Added; interim....11277
Correctly designated....13447
215.900—215.973 (Subpart 215.9) Revised; interim....43202
Revised; final....28708
215.970–1 (b)(2)(v) correctly added....30688
216.603–3 Added; interim....12388
Effective date note corrected....19872
216.703 (c) amended; interim....12388
Effective date note corrected....19872
217.202 Added; interim....12388
Effective date corrected....19872
217.7204 (a) introductory text and (1) amended; (b) and (c) redesignated as (c) and (d); new (c) (2) and (3) amended; new (b) and (c)(4) added....11077
217.7402 (c) added; interim....12388
Effective date note corrected....19872
217.7500—217.7504 (Subpart 217.75) Added; interim....13288
Effective date note corrected....19872
217.7503 (b)(3)(ii) and (4) corrected....23835
219.000 Added; interim....16265
219.001 Added; interim....16265
219.201 (a) added; interim....16265
219.202–5 Existing text designated as (a); (b) added; interim....16265
219.301—219.304 (Subpart 219.3) Added; interim....16265
219.304 (b) corrected....19871
219.501 (b) added; (c), (d), and (g) amended; interim....16266
219.501–70 Added; interim....16266
219.502–3 Added; interim....16266
219.502–4 Added; interim....16266
219.502–70 (b) amended; interim....16266
219.502–72 Added; interim....16266
219.503 (S–70) added; interim....16267
219.504 (b) (1) through (4) redesignated as (b) (2) through (5); new (b)(1) added; interim....16267
219.506 (a) added; (b) amended; interim....16267
219.507 Added; interim....16267
219.508 (S–71) added....16267
219.801—219.803 (Subpart 219.8) Added; interim....16267
222.7200—222.7202 (Subpart 222.72) Revised....43355
223.7100—223.7105 (Subpart 223.71) Added; interim eff. to 9–30–87....42096
225.7000 Amended; interim....12390
225.7001 Amended; interim....12390
225.7008 Added; interim....12390
227.470—227.482 (Subpart 227.4) Revised....12391
230.7001—230.7007 (Subpart 230.70) Revised; interim....43208
Revised; final....28714
231.7001 (Subpart 231.70) Added; interim....5771
232.070 Added; interim....43211
232.102 Added; interim....43211
232.103 Added; interim....30369
232.111 (S–71) and (S–72) added; interim....43211
(S–71) and (S–72) added; interim....30369
232.501–1 Revised; interim....43211
232.502–1 (S–71)(1), (2), (4), (7), and (9) amended; interim....43211
232.502–4 (S–72) through (S–74) added; interim....43211
235.003 (a) and (b) revised....24473
(b)(S–71)(iv) correctly added....28148
240.470 Added; interim eff. to 9–30–87....42096
242.771 Added; interim....5772
243.102 Added; interim....12389
Effective date note corrected....19872
243.201 (a) redesignated as (S–70); (S–71) added; interim....12389
Effective date note corrected....19872
244.304 (b)(1) (xvi), (xx), and (xxi) amended; (b)(1)(xxii) added....8908
245.106 (Subpart 245.1) Added; interim....12390
248.201 Revised....28835
252.203–7002 Added; interim....12386
Corrected....19870
252.204–7006 Added; interim eff. to 1–31–88....4319
252.205–7000 Added; interim....12387
252.215–7001 Added; interim....11277
Introductory text corrected....13447
Redesignated as 252.215–7002; new 252.215–7001 added....26347
252.215–7002 Redesignated from 252.215–7001....26347
252.217–7270 Amended....11077
252.219–7005 Added; interim....16267
Correctly designated; heading and text corrected....19871
Correctly designated; text corrected....22415
252.219–7006 Added; interim....16267
Corrected....19871
252.222–7002 Revised....43355
252.223–7003 Added; interim eff. to 9–30–87....42097
252.227–7013 Revised....12405
252.227–7014—252.227–7015 Removed....12405

NOTE: Boldface indicates 1987 page numbers.

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 48 Chapter 2—Con. Page

252.227-7016 Revised 12407
252.227-7017 Revised 12407
252.227-7018 Revised 12407
252.227-7019 Revised 12408
252.227-7020 Revised 12408
252.227-7021 Revised 12408
252.227-7022 Revised 12408
252.227-7023 Revised 12408
252.227-7024 Revised 12409
252.227-7025 Revised 12409
252.227-7026 Revised 12411
252.227-7027 Revised 12411
252.227-7028 Revised 12411
252.227-7029 Revised 12411
252.227-7030 Revised 12411
252.227-7031 Revised 12411
252.227-7032 Revised 12411
252.227-7033 Revised 12412
252.227-7034 Revised 12412
252.227-7035 Added 12412
252.227-7036 Added 12412
252.227-7037 Added 12412
252.231-7001 Added 5772
Corrected 23836
252.231-7002 Added 5772
252.232-7004 Amended; interim 43211
252.232-7005 Added; interim 43211
Added; interim 30369
252.232-7006 Added; interim 43212
Added; interim 30369
252.232-7007 Added; interim 43212
252.245-7000 Added; interim 12390
253.270 Amended; interim 43210
Amended; final 28716

Chapter 3—Department of Health and Human Services

301.105 Amended 44293
301.670-2 (b) revised 27558
301.670-3 (a) amended 44293
302.100 Amended 44293
Corrected 47353
Amended 27558
303.704 (Subpart 303.7) Added 44293
304.601 Redesignated as 304.602 44293
304.602 Redesignated from 304.601 44293
304.7101 (c) amended 44293
(c) amended 27558
305.202 (Subpart 305.2) Added 44293
306.202 (a) revised; (b) amended 44293
306.302-1 Heading revised; (b)(2) and (6) redesignated as (a)(2)(ii) and (b)(4); new (a) heading revised; new (b) heading added 44293
306.501 Amended 27558
307.104 (c) revised 44293
313.404 Removed 44293
314.404 Added 44294
314.404-1 Added 44294
315.103 (Subpart 315.1) Added 44294
315.413-2 (e) and (f) amended 44294
315.608 (b) amended 44294
315.804 Added 44294
315.804-3 Added 44294
316.301-3 (c) introductory text amended 44294
316.306 Added 44294
316.403 (Subpart 316.4) Added 44294
316.603-3 Amended 44294
319.801—319.870 (Subpart 319.8) Revised 27558
319.870 (a)(1) and (6) amended 44294
322 Added 44294
322.604-2 Heading correctly added 47353
325.102 (b) revised 44294
(b) correctly designated 47353
330.304 (Subpart 330.3) Added 44294
332.402 Revised 44294
Revised 27560
332.406 (c)(2) amended 44294
332.407 (d) amended 44294
(d) amended 27560
332.409-1 Amended 44294
Amended 27560
332.501—332.501-2 (Subpart 332.5) Added 44294
332.501-2 (a)(3) amended 27560
352.227-1 Removed 27560
353.370-393 Added 44295

Chapter 3, Appendix A—Public Health Service

PHS 315 Added; interim 43357
Effective date corrected 45229
PHS 315.412 (c)(1) corrected 45229
PHS 352.215-10 Added; interim 43357
Text and effective date corrected 45229
PHS 352.280-1 (b) amended 9300
PHS 352.280-2 (b) amended 9300

Chapter 4—Department of Agriculture

433.003 Correctly redesignated as 433.203 and (a) amended 41790
433.003-70 Correctly redesignated as 433.203-70 41790
433.009 Correctly redesignated as 433.209 and amended 41790
433.011 Correctly redesignated as 433.211 and amended 41790
433.012 Correctly redesignated as 433.212 41790
433.203—433.212 Correctly redesignated as Subpart 433.2 41790
433.203 Correctly redesignated from 433.003 and (a) amended 41790
433.203-70 Correctly redesignated from 433.003-70 41790
433.209 Correctly redesignated from 433.009 and amended 41790
433.211 Correctly redesignated from 433.011 and amended 41790
433.212 Correctly redesignated from 433.012 41790

Chapter 5—General Services Administration

501.602-1 Revised 45892
501.603 (a), (b)(1) and (2)(i) and (ii), and (c)(2), (4), and (6) revised; (b)(2)(viii) removed; (b)(2)(ix) through (xiii) redesignated as (b)(2)(viii) through (xii) 45892
501.603-1 Revised 45893
501.603-2 (c) revised; (d) added 45893
502.101 Revised 39861
503.303 (Subpart 503.3) Heading revised 5982
503.700—503.705 (Subpart 503.7) Added 5982
505.101 Temporary Reg. AC-86-7 added 41507
Revised 22655
505.201 Temporary Reg. AC-86-7 added 41507
Revised 22655
505.202 (c) added 22655
505.203 Added 22655
505.207 (b) revised 22655
506.302-1 Revised 44990
506.302-5 Removed 44991
506.303-1 Revised 44991
506.303-2 Revised 44991
506.304 Revised 44991
507.305 Temporary Reg. AC-87-1 added 8590
Revised 28827
507.306 Temporary Reg. AC-87-1 added 8590
507.307 Revised 28827
508.802 Revised 28827
508.870 Removed 28827
509.105-1 (d) revised 39862
(a) and (c) revised 45896
509.106-70 Revised 39862
509.403 (a) revised 22656
509.404 Revised 22656
509.405 Revised 22656
509.406-3 (b)(3) revised 39862
513.105 Temporary Reg. AC-86-7 added 41507
513.203-1 Revised 45893
(b) revised 45896
513.403 Revised 45894
513.404 Added 45894
513.405 Added 45894
513.501 Revised 45894
513.505.2 Temporary Reg. AC-86-4, Supp. 1 added 36700
(a) and (b) revised 45894
513.505-3 (b) revised 45894
513.7001 Temporary Reg. AC-86-4, Supp. 1 added 36700
(a), (b)(1), and (g) revised; (d)(2) and (3) redesignated as (d)(3) and (4); new (d)(2) added 45894
514.201-6 (b) removed 6562
514.201-71 (b) revised 6562
514.270-1 Revised 45897
514.270-2 (b), (c)(1)(ii) and (2) introductory text, (iv), and (v) revised 45897
514.403 Revised 45896
515.407 (b) removed 6562

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 48 Chapter 5—Con. Page

515.411-70 Revised....6563
516.603-3 Revised....39862
519.001 Added....16390
519.201 Removed....16391
519.202 (a), (b), (c), and (e) revised....16391
519.202-5 Revised....16391
519.302 Revised....16391
519.304 Added....16391
519.501 Temporary Reg. AC-86-7 added....41507
Removed....16391
519.502-1 Temporary Reg. AC-86-7 added....41507
(a), (b), (c), (d), (f), (g), (h), (i) and (j) revised....16391
519.502-2 Removed....16392
519.502-3 Revised....16392
519.502-70 Added....16392
519.503 Revised....16392
519.505 Temporary Reg. AC-86-7 added....41508
Removed....16393
519.506 Removed....16393
519.508 Temporary Reg. AC-86-7 added....41508
519.602—519.602-1 Added....16393
519.602-3 Added....16393
522.1308 Temporary Reg. AC-87-2 added....12182
522.1370 Temporary Reg. AC-87-2 added....12182
525.105-70 Heading, (b), (c), and (d) revised....278
525.105-71 Revised....279
525.105-72 (b) and (c) revised....279
525.108-70 (a) introductory text, (b) introductory text, and (c) revised....279
525.402 Temporary Reg. AC-86-8 added....58
Temporary Reg. AC-86-8, Supp. 1 added....28828
528.102-1 (a) revised....6564
528.301 Revised....6564
533.102 (b) revised....6563
533.105 (a)(1)(ii), (3) and (4) and (b) introductory text and (3) revised....6563
537.201 Revised....6563
537.205 Revised....6563
542.1107 (a) revised....21057
542.7000—542.7002-3 (Subpart 542.70) Added....11826

546.400 Revised....35221
546.402 Revised....35221
546.403 Revised....35221
546.407 Removed....35221
546.470 Revised....35221
546.470-1 Revised....35221
546.470-2 (b) revised....35221
552.203-70 Amended....28827
552.207-70 Introductory text revised....28827
552.207-71 Temporary Reg. AC-87-1 added....8590
552.212-72 (a) and (b) amended....45895
552.214-16 Added....45898
552.214-71 Introductory text revised....6563
552.214-72 Removed....6563
552.214-73 Introductory text revised....6563
552.214-74 Introductory text revised....6563
552.214-75 Introductory text revised....6564
552.215-71 Introductory text revised....6564
552.215-72 Removed....6564
552.215-73 Introductory text revised....6564
552.215-74 Introductory text revised....6564
552.219-1 Added....16393
552.219-4 Temporary Reg. AC-86-7 added....41508
552.219-70 Revised....16393
552.222-87 Temporary Reg. AC-87-2 added....12182
552.225-70 Revised....280
552.225-71 Revised....280
552.225-72 Revised....280
552.225-73 Introductory text revised....280
552.225-74 Introductory text revised....280
552.242-70 Temporary Reg. AC-86-6, Supp. 1 added....1333
Revised....21057
553.173 (c) table amended....45896
553.270-1 Revised....28828
553.270-2 (a) and (b) revised....28828
553.270-3 (b) revised....45895
(e) revised....21057
553.272 Temporary Reg. AC-86-4 added....36700
(a), (b), and (d) revised....45895

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page

553.273 Temporary Reg. AC-86-4 added....36700
Revised....45895, 45896
553.275 (a) revised....45895
553.370-300-1 Temporary Reg. AC-86-4, Supp. 1 added....36700
553.370-3507 GSA Form 3507 amended....21057

Chapter 7—Agency for International Development

701.105 Revised....21058
702.170-10 (a) revised....41106
705 Authority citation revised....42844
705.002 Amended....21058
705.202 Revised....42845
706 Authority citation revised....42844
706.101-70 (Subpart 706.1) Removed....6158
706.201-70 (Subpart 706.2) Removed....42845
709.402 Revised....21058
715.504 (a) amended....21058
715.506 Amended....21058
715.613 Revised....6158
715.613-70 Revised....6158
715.613-71 Revised....6159
719.270 (d) amended....21058
719.271-2 (b) (4) and (8) amended....21058
719.271-6 (a) introductory text amended; (a)(3) revised....21058
725.703 Revised....34985
725.706 (a) amended....4144
728.305 (a)(2) list revised....4144
731.205-6 (b)(2) amended....21058
731.371 (a) amended....21058
732.406-70 Revised....4145
732.406-70-1 Revised....4145
732.406-70-2 Revised....4145
732.406-70-3 Revised....4145
732.406-70-4 Revised....4145
732.406-70-5 Revised....4145
733 Heading revised....4145
736.603 Amended....21059
737.200—737.272 (Subpart 737.2) Heading revised....34985
752.202 (d) and (h) amended....4145
752.219-8 Amended....21059
752.7002 Amended....34985
752.7016 Amended....34985

Page

Chapter 7 Appendix D amended....42844
Appendix J added....2254
Appendix D amended....4145
Appendix G amended....4146
Appendix F amended....6160
Appendixes D and J amended....11075

Chapter 8—Veterans Administration

801 Nomenclature change....28559
801.301 (c) added....28559
801.602 Revised....24010
801.602-70 (a)(4)(ii) removed; (a)(4) (iii) through (xi) redesignated as (a)(4) (ii) through (x); (b) and (d) revised; (i) added....28559
801.602-71 (b) (1), (2), and (3) amended; (a) and (b)(5) revised....28559
801.602-72 (a) amended; (d) revised....28559
801.603-1 Added....24010
801.603-3 Removed....24010
801.603-4 Removed....24010
801.603-70 (c) removed....24010
801.670-1 Removed; new 801.670-1 redesignated from 801.670-6....24010
801.670-2 Removed; new 801.670-2 redesignated from 801.670-7....24010
801.670-3 Removed; new 801.670-3 redesignated from 801.670-12....24010
801.670-4 Removed; new 801.670-4 redesignated from 801.670-13 and (a) removed and (b), (c), and (d) redesignated as (a), (b), and (c)....24010
801.670-5 Removed; new 801.670-5 redesignated from 801.670-14....24010
801.670-6 Redesignated as 801.670-1; new 801.670-6 redesignated from 801.670-15....24010
801.670-7 Redesignated as 801.670-2....24010
801.670-8 Removed....24010
801.670-9 Removed....24010
801.670-10 Removed....24010
801.670-11 Removed....24010

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 48 Chapter 8—Con. Page

801.670-12 Redesignated as 801.670-3 ... 24010
801.670-13 Redesignated as 801.670-4 and (a) removed and (b), (c), and (d) redesignated as (a), (b), and (c) ... 24010
801.670-14 Redesignated as 801.670-5 ... 24010
801.670-15 Redesignated as 801.670-6 ... 24010
801.690 Added ... 24010
801.690-1 Added ... 24010
801.690-2 Added ... 24011
801.690-3 Added ... 24011
801.690-4 Added ... 24011
801.690-5 Added ... 24012
801.690-6 Added ... 24012
801.690-7 Added ... 24012
801.690-8 Added ... 24012
801.690-9 Heading added ... 24012
802 Nomenclature change ... 28559
802.100 Revised ... 24013
806.302-5 (a) and (b) amended ... 28560
808.304-1 (b) introductory text amended ... 28560
808.307-2 Revised ... 28560
810.001 Added ... 281
810.004 Added ... 281
810.004-70—810.004-72 Added ... 282
810.005 Removed ... 282
813.103 (a) amended ... 28560
813.506-70 Revised ... 28560
814.404-1 (b) amended ... 28560
815 Nomenclature change ... 28559
825.108 Revised ... 32012
825.202-70 (c) amended ... 32012
825.203 Amended ... 32012
833 Nomenclature change ... 28559
833.103 (d) revised ... 28560
833.104 (c) amended ... 28560
833.106 Revised ... 28561
Corrected ... 32013
833.211 (c) introductory text and (d) introductory text amended ... 28561
833.212 (b)(2) through (5) correctly revised ... 44179
836.202 Added ... 282
(b) corrected ... 1276
836.302—836.371 (Subpart 836.3) Heading revised ... 282
836.606-72 Revised ... 282

Page

846.403 (b) amended ... 37027
846.408-70 (a) amended; (b) and (c) redesignated as (c) and (d); new (c) amended; new (b) added ... 37027
846.408-71 (a) amended ... 37028
852.233-2 Footnote ** revised ... 28561
852.233-70 Added ... 28561
852.236-88 Introductory text, (a) clause and (b) clause amended ... 28561
(a) and (b) corrected ... 32013
852.236-90 Added ... 282

Chapter 9—Department of Energy

904.601-71 Added ... 28717
952.212-72 Added ... 28717
970 Authority citation revised ... 43926
970.0406 Added ... 28717
970.3101-6 (a) (3) and (8) revised; (a) (10), (11), and (12) added ... 1607
970.3102-7 Revised ... 1607
970.3102-17 (c) added ... 43926
(a) revised ... 1608
970.3102-19 Added ... 1608
970.3102-20 Added ... 1609
970.3102-21 Added ... 1610
970.3103 Correctly designated ... 1610
970.5204-13 (e)(33), (34), and (35) added ... 43926
(e) (1), (8), (11), (12) and (27) revised; (e) (33) and (34) added ... 1610
970.5204-14 (e)(33) added ... 43926
(e) (1), (6), (9), (10), and (24) revised; (e) (31) and (32) added ... 1610

Chapter 10—Department of the Treasury

1033 Authority citation revised ... 17298

Chapter 13—Department of Commerce

1317.7001 (Subpart 1317.70) Added ... 3807
1352.217-90—1352.217-112 (Subpart 1352.2) Added ... 3808

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Chapter 14—Department of the Interior

Page

1401.301 (a) and (b) amended ... 41965
1401.303 Heading revised ... 41965
1405 Added ... 41965
1406 Added ... 41965
1414 Heading revised ... 41965
1414.404 Added ... 41965
1414.404-1 Added ... 41965
1415.608 Added ... 41965
1415.902 (d) revised ... 41965
1415.905 (b) amended ... 41965
1415.905-1 (a) introductory text, (3), and (5) amended; (a) (4) and (5) redesignated as (a) (5) and (4) ... 41965
1415.905-70 (b)(1) amended ... 41965
1419.705-6 Added ... 41966
1420.102 Amended ... 41966
1428.301 Amended ... 41966
1437.7001 Amended ... 41966
1437.7002 (a) amended ... 41966
1452.228-70 Heading revised; text amended ... 41966
1453.219-73 Added ... 41966
1453.303-DI-1920 Revised ... 41966
1453.303-70 Revised ... 41968
1453.303-71 Added ... 41969

Chapter 15—Environmental Protection Agency

1537.205 (b)(3) removed ... 8073

Chapter 16—Office of Personnel Management Federal Employees Health Benefits Acquisition Regulation

Chapter 16 Chapter established ... 16037
1601—1606 (Subchapter A) Heading added ... 16037
1601 Added ... 16037
1602 Added ... 16038
1603 Added ... 16039
1604 Added ... 16039
1605 Added ... 16039
1606 Added ... 16039
1614—1616 (Subchapter C) Heading added ... 16039
1614 Added ... 16039
1615 Added ... 16040
1616 Added ... 16041

Page

1622—1624 (Subchapter D) Heading added ... 16041
1622 Added ... 16041
1624 Added ... 16041
1631—1649 (Subchapter E) Heading added ... 16041
1631 Added ... 16041
1632 Added ... 16043
1633 Added ... 16043
1644 Added ... 16043
1646 Added ... 16044
1649 Added ... 16044
1652—1653 (Subchapter H) Heading added ... 16044
1652 Added ... 16044
1653 Added ... 16048

Chapter 17—Office of Personnel Management

Chapter 17 Chapter established ... 44296
1733 Added ... 44296

Chapter 18—National Aeronautics and Space Administration

1801.105-1 Revised (OMB numbers) ... 15414
1801.271 Added ... 45770
1801.603-2 (d)(2) amended ... 15414
1802.101 Revised ... 15414
1803.101-2 Amended ... 45770
1803.203 Amended ... 45770
1803.704—1803.705 (Subpart 1803.7) Added ... 45770
1804.202 Revised ... 45770
1804.7100 Amended ... 15415
1804.7102-2 (a) and (b) amended; (f) removed; (g) and (h) redesignated as (f) and (g) ... 15415
1804.7102-4 (a) revised ... 15415
1804.7102-5 (c) removed; (d) redesignated as (c) ... 15415
1804.7103-2 Revised ... 15415
1805.207 Revised ... 45770
1805.303-71 (b)(1) introductory text revised ... 45771
1806.302-270 Added ... 45771
1806.303-271 Added ... 45771
1807.102 Revised ... 45771
1807.103 (b)(1)(i)(A) and (B) and (ii)(A) and (B) amended ... 45771

NOTE: **Boldface** indicates 1987 page numbers.

93-145 O - 87 - 6 (8)

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 48 Chapter 18—Con. Page

1807.170–1 (a)(1)(iii) amended; (a)(1)(iv) removed; (a)(1)(v) redesignated as (a)(1)(iv)..... 45771
1807.7102 (c) revised..... 45771
1807.7105 (a) amended..... 45772
1808.303 Amended..... 15415
1808.304–2 (c) amended..... 15415
1808.304–4 (a) amended..... 15415
1808.304–571 Amended..... 15415
1808.802 Amended..... 45772
1809.206–71 Revised..... 15415
1810.007 Revised..... 15415
1810.011 Revised..... 15415
1812.302—1812.303–70 (Subpart 1812.3) Revised..... 45772
1815.407 Revised..... 15415
1815.407–70 Revised..... 15415
1815.412 Added..... 15415
1815.413–2 (c) amended..... 15416
1815.570 Amended..... 45772
1815.613–70 Amended..... 15416
1815.613–71 (a)(1) introductory text amended..... 45772
1815.704 Revised..... 45772
1815.1003 Amended..... 15416
1822.101–1 (c) revised..... 15416
1822.103–4 Revised..... 15416
1822.804–2 Revised..... 15416
1822.1103 (a) revised..... 45772
1825.402 Revised..... 15416
1827.474 (b)(2) revised..... 45772
1827.475–10 Removed..... 45773
1828.305 (b)(2)(ii) revised..... 15416
1828.309 (a) designation removed..... 15416
1831.303 (Subpart 1831.3) Added; interim..... 13685
1831.703 (Subpart 1831.7) Added; interim..... 13685
1832.111–70 (d) amended..... 15416
1835.070 (c) revised..... 15416
1836.602–71 (b) revised..... 45773
1837.204–70 (d) and (e) revised..... 45773
1839.7001 Revised..... 15416
1839.7005 (a) revised..... 45773
1842.202–70 (a)(1) amended; (b) revised..... 45773
1842.202–71 (b)(2) removed; (b)(3) and (4) redesignated as (b)(2) and (3)..... 45773
1842.302 Revised..... 45773
1845.7103 Amended..... 45774
1846.673 (a) revised..... 45774
1846.709–70 Amended..... 15417
1852.000 Revised..... 15417
1852.204–71 Revised..... 15417
1852.204–72 Revised..... 15417
1852.210–70 Revised..... 15417
1852.215–72 Introductory text revised..... 15417
1852.215–73 Added..... 15417
1852.227–82 Removed..... 45774
1852.232–78 Introductory text revised..... 15417
1852.233–1 Revised..... 15418
1852.235–70 Revised..... 45774
1852.235–71 Revised..... 15418
1852.243–70 Amended..... 15418
1852.245–71 Amended..... 15418
1852.249–72 Introductory text revised..... 15418
1852.250–70 Revised..... 15418
1852.250–72 Revised..... 15419
1853.107 Revised..... 45774
1853.212 Removed..... 45774
1853.223 Revised..... 45774
1853.227 Revised..... 45774
1853.251 Heading revised..... 45774
1870 Added..... 15419

Chapter 24—Department of Housing and Urban Development

2413 Authority citation revised..... 40333
2413.404 Added (effective date pending)..... 40333
Eff. 3–2–87..... 3663
2433.000 Revised (effective date pending)..... 40333
Eff. 3–2–87..... 3663
2433.104 (f) revised (effective date pending)..... 40333
Eff. 3–2–87..... 3663
2433.104–70 Added (effective date pending)..... 40333
Eff. 3–2–87..... 3663
2433.105 Revised (effective date pending)..... 40333
Eff. 3–2–87..... 3663

Chapter 28—Department of Justice

2801.601 (c)(1)(i) introductory text amended; (c)(1)(i)(A) revised..... 32796
2801.603 Added..... 32797

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page

2804.803–70 (b)(1) table, (2) table, (3) table and (4) table revised..... 4320
2807.7000—2807.7001 (Subpart 2807.70) Added..... 4320
2812.303 (Subpart 2812.3) Added..... 4320

Chapter 29—Department of Labor

2901 Heading revised; interim..... 40372
2901.603–1 (a)(3) and (d)(8)(i) amended; (d)(4)(iii) and (9), (f)(2), and (g)(2) and (3) revised; interim..... 40372
2901.603–74 Added; interim..... 40372
2902 Authority citation revised; section authority citations removed..... 40373
2902.101 Amended; interim..... 40373
2903.204 (a) amended; interim..... 40373
2905.202 (Subpart 2905.2) Added; interim..... 40374
2906 Added; interim..... 40374
2909.105–1 (b) revised; interim..... 40374
2913.403 Amended; interim..... 40374
2913.503–70 Amended; interim..... 40374
2914 Heading revised; interim..... 40374
2914.404 Added; interim..... 40374
2914.404–1 Added; interim..... 40374
2914.407–8 Revised; interim..... 40374
2915.105 (Subpart 2915.1) Removed; interim..... 40374
2915.213—2915.270 (Subpart 2915.2) Removed; interim..... 40374
2915.304—2915.307 (Subpart 2915.3) Removed; interim..... 40374
2915.608 Added; interim..... 40374
2916.306 (Subpart 2916.3) Added; interim..... 40374
2917.502 Revised; interim..... 40374
2919.202–1 (a), (b), and (c) amended; interim..... 40375
2933 Heading revised; interim..... 40375
2933.003 Redesignated as 2933.203 and (a) amended; interim..... 40375
2933.003–70 Redesignated as 2933.203–70; interim..... 40375
2933.009 Redesignated as 2933.209; interim..... 40375
2933.011 Redesignated as 2933.211 and amended; interim..... 40375
2933.012 Redesignated as 2933.212; interim..... 40375
2933.203—2933.212 (Subpart 2933.2) Heading added; interim..... 40375
2933.203 Redesignated as 2933.003 and (a) amended; interim..... 40375
2933.203–70 Redesignated from 2933.003–70; interim..... 40375
2933.209 Redesignated from 2933.009; interim..... 40375
2933.211 Redesignated from 2933.011; interim..... 40375
2933.212 Redesignated from 2933.012; interim..... 40375
2933.102—2933.105 (Subpart 2933.1) Added; interim..... 40375
2943 Authority citation revised..... 40376
2943.301 (Subpart 2943.3) Added; interim..... 40376
2949.106—2949.111–70 (Subpart 2949.1) Heading revised; interim..... 40376

Chapter 52—Department of the Navy Acquisition Regulations

5242 Revised..... 46671
5252 Revised..... 46672

Chapter 53—Department of the Air Force Federal Acquisition Regulation Supplement

Chapter 53 Chapter established..... 40978
5315 Added..... 12414
5316 Added..... 6332
5350 (Subchapter G) Added..... 40978
5350 Added..... 40978

Title 48—*Proposed Rules:*

1..... 39965
5..... 17280
6..... 17280
7..... 39456
9..... 4082, 28642
13..... 44410
14..... 41897

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Title 48—*Proposed Rules—Con.* Page
15 ... 36777
... 4084, 26446
22 ... 39965
31 ... 4084, 15884, 18158
32 ... 8576
35 ... 17280
44 ... 28642
45 ... 4086
47 ... 31722
48 ... 43219
51 ... 9436
52 ... 39965, 42805, 43219, 44410
... 226, 4082–4086, 8576, 9436, 26446, 28642, 31722
53 ... 39965
201 ... 37205
203 ... 42113, 43801
... 9187
204 ... 16289, 24485
205 ... 16289, 24485
206 ... 16289, 24485
208 ... 37207
209 ... 9187
215 ... 809, 5791, 26363, 27019, 27902
219 ... 16289, 24485
225 ... 37205
... 12440, 22663
227 ... 2082
232 ... 8481
242 ... 6177, 21711
245 ... 37205
... 25614
252 ... 42113, 43801
... 2082, 5791, 16289, 24485, 27019
253 ... 25614
PHS 352 ... 40108, 45140
503 ... 39404
504 ... 30694
509 ... 10918
514 ... 30694
515 ... 30694
522 ... 30694
525 ... 30694
532 ... 30694
534 ... 30694
536 ... 30694
537 ... 30694
552 ... 30694
553 ... 30694
601—653 (Ch. VI) ... 19990
819 ... 16290
825 ... 6993
951 ... 46884
952 ... 46884
970 ... 46884
... 30998
1804 ... 25417
1805 ... 26705
1812 ... 25417
1815 ... 26705
1832 ... 25417
1842 ... 25417
1845 ... 26541
1847 ... 25417
1852 ... 25417, 26541
1870 ... 26705
5242 ... 36828
5252 ... 36828
Chapter 53 ... 39676
5315 ... 37451
... 6590

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

1.44 (j) revised ... 3012
1.49 Introductory text republished; (bb) added ... 24164
1.56 (k) added ... 30688
1.57 (r) added ... 18917
1.59 (q) added ... 9864
1 Appendix A amended ... 1916
71 Authority citation revised ... 41631
71.1 (c) revised ... 41631
71.2 (a) revised ... 41631

Chapter I—Research and Special Programs Administration, Department of Transportation

106 Appendix A amended ... 34986
107 Authority citation revised ... 34986
107.105 (d) removed ... 34986
107.303 Amended ... 34986
107.309 (a) and (b)(1) amended ... 34986
107.101—107.123 (Subpart B) Appendix A amended ... 34986
Appendix A amended ... 13037
107.339 Amended ... 34987
171 Authority citation revised ... 42176, 44791
Authority citation revised ... 29527
171.7 (d)(21) revised ... 34987
(d)(27) revised ... 44791
(d) (1), (2), (3) (ii), (iii), (iv), and (ix) revised; (d)(3) (x), (xi), (xii), and (5)(xxxiv) added ... 13037
171.8 Amended ... 42176
Effective date deferred ... 46672
Amended ... 13037, 24474
Amended; eff. 2–1–88 ... 29527
171.11 (d)(1)(i) revised ... 42177

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page
(d)(9) added ... 44791
Effective date deferred ... 46672
(d)(1)(i) correctly revised ... 4825
171.12 (a) amended ... 13037
171.12a (a)(3)(i) revised ... 42177
Effective date deferred ... 46672
(a)(3) correctly revised ... 4825
171.15 (b) amended ... 34987
(c) Note added ... 8592
171.17 (a) amended ... 34987
Removed ... 8592
172 Authority citation revised ... 42177
172.101 Table amended ... 34987, 41633
(b) and (c)(9) revised ... 42177
Table amended; Appendix added ... 42177
Effective date deferred ... 46672
(c) corrected; Appendix correctly revised ... 4825
Table amended ... 13038
172.102 (e) revised ... 42195
Effective date deferred ... 46672
(e) correctly revised ... 4842
172.202 (a)(4) and (c)(1) revised ... 13038
172.203 (c) revised ... 42195
Effective date deferred ... 46672
(c) correctly revised ... 4842
172.324 Revised ... 42195
Effective date deferred ... 46672
Correctly revised ... 4843
172.326 (d)(1) added; eff. 2–1–88 ... 29527
172.328 (e) revised; eff. 2–1–88 ... 29527
172.331 Added; eff. 2–1–88 ... 29527
172.332 (a) and (c)(1) revised; eff. 2–1–88 ... 29527
172.334 (a) and (b) revised; (g) added; eff. 2–1–88 ... 29528
172.336 (c) (4) and (5) revised ... 13038
(b) introductory text revised; eff. 2–1–88 ... 29528
172.338 Revised; eff. 2–1–88 ... 29528
172.504 Table 2 footnote 8 revised ... 13038
172.510 (e) added; eff. 2–1–88 ... 29528
172.519 (b) (2) and (4) revised; eff. 5–18–88 ... 13038
172.525 (b) amended ... 34987
173 Authority citation revised ... 8592, 25341
173.4 (b) amended ... 15949

NOTE: **Boldface** indicates 1987 page numbers.

Page
173.11 (b)(4) revised ... 13038
173.12 (b)(2) revised ... 13038
173.25 (c) introductory text revised ... 13039
173.29 Heading revised; (e) added; eff. 2–1–88 ... 29528
173.31 (d)(6) Table 2 amended ... 13039
173.33 (d)(13) amended ... 13039
173.34 (e)(8) amended ... 13039
173.51 (g) revised ... 13039
173.57 (b) removed ... 13039
173.58 (b) removed ... 13039
173.81 Heading and (b) revised ... 13039
173.86 (a)(2) revised; (h) and (i) added ... 13039
173.87 Amended ... 13039
173.93 (a)(2) added ... 13039
173.104 Heading and (c) revised ... 13039
173.118a (b)(6) revised ... 8592
173.122 (a)(4) removed ... 13039
173.164 (a)(2) revised ... 13040
173.197a Revised ... 13040
173.220 (a) introductory text revised; (a)(3) added ... 13040
173.245a (a) table footnote 2 revised ... 13040
173.253 (a) (7) and (8) revised ... 13040
173.262 (b)(3) amended ... 34987
(b)(4) amended ... 13040
173.266 (f)(1) corrected ... 34987
(f)(2) amended ... 13040
173.271 (a)(7), (8)(iv) and (9) revised ... 13040
173.277 (d)(1) removed ... 13040
173.294 Heading, (a) (2) and (3) and (b) revised ... 13041
173.301 (k)(1) revised ... 13041
173.302 (a)(5)(iv) revised ... 13041
173.304 (a)(2) table amended ... 13041
173.314 (c) table Note 6 amended ... 13041
173.315 (c) introductory text revised ... 13041
173.316 (c)(2) table revised ... 13041
173.318 (b) and (f) (2) and (3) revised ... 13041
173.320 Revised ... 13043
173.415 (c) revised ... 34987
173.420 Added ... 41633
(a)(2) revised ... 46675
(a)(1) revised ... 7582
(a)(2) revised ... 25341

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 49 Chapter I—Con. Page

173.421-1 (b)(2) amended....15949
173.421-2 (d) amended....15949
173.965 Added....13043
174 Authority citation revised....8592
174.45 Revised....8592
174.750 (b) amended....34987
175 Authority citation revised....44791
Authority citation revised....8592
175.10 (a)(4) introductory text and (15) revised....44791
175.20 Revised....34987
175.30 (e)(1)(ii) amended; (e)(1)(iii) added....44791
175.45 (d) removed....8592
176 Authority citation revised....8592
176.48 (b) revised....8592
176.76 (g)(2) added....13043
177 Authority citation revised....8592
177.807 Revised....8592
177.814 (b) revised....13043
177.824 (f) introductory text revised; (f)(2) amended....13044
177.834 (k) removed....13044
177.835 Parenthetical phrase following heading revised....13044
177.837 Parenthetical phrase following heading revised....13044
177.838 Parenthetical phrase following heading and (g) revised....13044
177.839 Parenthetical phrase following heading revised....13044
177.840 Parenthetical phrase following heading revised....13044
177.841 Parenthetical phrase following heading revised; (e) amended....13044
177.848 (b) revised....13044
178.16-19 (c)(2) amended....34987
178.38-10 (b) amended....13044
178.42-14 (a) introductory text revised....13044
178.45-17 (e) amended....34987
178.46-4 (a) revised....13044
178.46-5 (d) (1) and (2) footnote 1 revised....13045
178.46-6 (c) revised....13045
178.46-8 (e) revised....13045
178.51-10 (d) revised....13045
178.53-9 (a) amended....13045
178.54 Removed....13045
178.61-10 (b) revised....13045
178.65-14 (d) amended....34987
178.245-1 (a) introductory text revised....13045
178.337-1 (d) amended....13046
178.337-13 (b) amended....13046
178.338-3 (b) amended....34987
179.100-13 (a) revised....13046
179.100-14 (a) (1) and (3) revised....13046
179.102-2 (a)(3) revised....13046
179.103-5 (b) (1) and (4) revised....13046
179.200-7 (b), (c), (d), (e) and (f) table column headings revised....13046
179.200-13 Revised....13047
179.200-17 (a) (1), (6), and (7) and (b) (1) and (3) revised....13047
179.202-8 Revised....13047
179.202-11 Revised....13047
179.202-16 Revised....13048
179.220-1 Revised....13048
179.220-7 (b), (c), (d) and (e) table column headings revised....13048
179.220-18 (a) (1) and (6) and (b) (1) and (3) revised....13048
179.220-19 (c) amended....13048
179.221-1 Table amended....13049
179.222 Added....13049
179.222-1 Added....13049
179.301 (a) table revised....13049
192 Authority citation revised....32800
192.611 (e)(2) revised....34988
192.614 (b)(4) revised....32800
192.719 (a) revised....41635
192.743 (b) revised....41634
193 Authority citation revised....675
193.2801 Revised; eff. 1-8-88....675
193.2901 Revised; eff. 1-8-88....675

Chapter II—Federal Railroad Administration, Department of Transportation

219.5 (b) removed....10575
219.205 (c) and (d) revised....10576
219.211 (a)(1) revised....10576
219 Appendix B added....10576
225 Authority citation revised....47019
225.5 (b)(2) revised....47019
225.7 (a) revised....47019
225.19 (b) and (c) amended....47019
225 Appendix A revised....47019

Chapter III—Federal Highway Administration, Department of Transportation

310 Removed....22474
383 Added....20587
391.11 (b)(7) revised....20589
391.21 (b)(10) amended; (b)(11) redesignated as (b)(12); new (b)(11) added....20589
391.27 (e) added....20589
392 Authority citation revised....27201
392.5 (c), (d) and (e) amended....27201
393 Authority citation revised....2803
393.42 Revised....2803
394.3 (a)(3) revised....7278
350—399 (Subchapter B) Appendix D heading revised; Appendix E added....20590

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

509.2 Revised (OMB numbers)....29858
531 Authority citation revised....35620
531.5 (a) revised....35620
533.5 (a) Table II revised....6575
(d) revised....6576
541 Appendix A revised; Appendixes A-I and A-II added....42578
544 Added....76
567.4 (g)(5)(ii) revised....28562
571.100 Added....7151
571.101 Amended; eff. in part 9-1-89....3247
Amended....7157, 19874
571.105 Amended....19874
571.108 Corrected....35222, 35357
Amended....40981
Corrected....4774
571.121 Amended....20605
571.207 Amended....7868
571.208 Amended....37033
Amended....10103
575 Authority citation revised....27810
575.6 (a) amended; authority citation removed....27810
575.7 Authority citation removed....27810
575.104 Authority citation removed....27810
585.4 Revised....37033
585.5 (b)(1) revised....37033

Chapter VI—Urban Mass Transportation Administration, Department of Transportation

604 Revised....11933
622.101 (Subpart A) Revised; eff. 11-27-87....32660
635.3 (c) revised....36403

Chapter VII—National Railroad Passenger Corporation

701 Authority citation revised....15321
701.2 (b) amended....15321
701.3 (a) amended; (b) revised....15321
701.4 (a)(4) and (d) revised; (c) amended; (e) added....15321
701.7 Revised....15321
(e)(1) amended....31407

Chapter VIII—National Transportation Safety Board

830.5 (a) (6) and (7) added....30371

Chapter IX—United States Railway Association

Chapter IX Chapter removed....12916
901 Removed....12916
903 Removed....12916
932 Removed....12916

Chapter X—Interstate Commerce Commission

1001.2 Amended....44297
1002 Authority citation revised....13686
1002.1 (f) revised; interim....13686
1002.2 (f) table amended....44297
(f) (60) and (74) revised....13245
(f)(78) revised; interim....31773

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 49 Chapter X—Con. Page

1003 Policy statement....11277
1003.2 Heading and text amended....44297
1008 Authority citation revised....34989
1008.1 Amended....44297
1008.2 (b) amended....34989
(a) amended....44297
1011.2 (a)(8) added....35223
(a)(4) and (b) revised....30165
1011.3 Revised....30165
1011.6 (h) removed....34989
(b)(4) revised....36403
(b)(4) and (k)(1) amended....44297
Heading revised; introductory text amended; (e) and (h) removed; (f), (g), (i), (j) and (k) redesignated as (e) through (i)....30165
1011.8 (c) added....35223
1014 Policies and practices self-evaluation....18564
1039 Heading and authority citation revised; interim....45899
1039.1—1039.6 Removed (regulations transferred to Part 1313); interim....45899
1039.13 Revised....23660
1039.16 Revised....17404
1039.19 Removed (regulations transferred to Part 1313); interim....45899
1039.20 Added....46675
1041.11 Amended....44297
1041.20 Amended....44297
1041.21 Amended....44297
1042 Heading revised; authority citation added....28474
1042.1—1042.2 (Subpart A) Removed....28474
1042.10—1042.13 (Subpart B) Heading and authority citation removed....28474
1043 Authority citation revised....3815
Policy statement....11277
1043.4 Revised....20088
Revised; interim....27351
Correctly revised....28474
1043.5 (a) revised....3815
1049.1 Heading and text amended....44297
1049.2 Heading and text amended....44297

1050 Removed....4626
1052 Authority citation revised....11991
1052.3 Revised....11991
1052.4 Removed....11991
1057 Authority citation revised....37034
1057.11 (b)(2) revised; (c)(1) amended....37406
1057.12 Authority citation removed....37034
(e) amended....37406
(f) amended....37407
(g) revised....2412
1057.41 Removed....37034
1058 Authority citation revised....41636
1058.5 Existing text designated as (a); (b) added....41636
1058.6 Removed....41636
1059 Removed....32135
1063 Authority citation revised....42097
1063.4 (c)(2) and (3) revised....42098
1080—1085 Undesignated center heading amended....44297
1080 Heading revised....44297
1080.1 Amended....44297
1080.2 (c) amended....44297
1083.1 Heading and text amended....44297
1084 Policy statement....11277
1084.2 (b) amended....44297
1090 Revised....23660
Authority citation revised....27811
1090.2 (a) amended....44297
Revised....27811
1090.3 Revised....27811
1105.6 (c)(4) amended....44297
1130.2 (e)(1) introductory text and flush text following (xi) and (2) introductory text and flush text following (vi) amended....26479
1130.3 Removed....34989
1132.1 (a) and (d) amended....44297
(b) corrected....32800
1132.2 (b) introductory text added; (b)(1) introductory text revised; (c) and (d) amended....30165
1135 Authority citation revised....37035
1135.1 (f) redesignated as (g); (b) revised; new (f) added....37035

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page

1138 Revised....13841
1152.25 (e)(1) revised....35223
1152.27 (e) revised....35223
1152.32 Introductory text, (g) introductory text and (3)(iii), and (k) amended; (g)(3)(ii) and (h) removed; (n)(4) revised; (n)(5) added....2706
(p) amended....2708
1152.33 (c)(1) (i) and (ii) revised....2709
1152.34 Revised....2709
1152.35 Removed....2710
1152.36 Table amended....2710
1152.50 (d)(5) added....42098
1160 Authority citation revised....18365
1160.1 (b) amended....44297
1160.5 (d)(1) amended; (e) added....18365
1160.6 Amended....44297
Revised....18365
1160.8 Amended....18366
1160.19 (e) amended....44297
(b) revised....18366
1160.22 Heading and text amended....44297
1160.23 (e) introductory text revised....18366
1160.24 Amended....44297
1160.64 (c) revised....18366
1160.66 (d) revised....18366
1160.71 (a)(5) revised....18366
1160.73 (b) revised....18366
1160.75 (g) and (j) revised; (k) amended....18366
1160.76 (a)(1)(iii) introductory text revised....18367
1160.78 (b) revised....18367
1160.80 Heading revised....18367
1160.87 (a) revised....18367
1160.101 Revised....43927
1160.105 Revised....43927
1160.106 (e)(2) revised....18367
1161.5 Amended....30166
1162.3 (b) amended....4627
1162.5 (b)(1) amended....4627
1162.6 (g)(2) amended....30166
1165.21 (b)(4) revised; (d) added....43927
1165.26 Revised....43928
1181.20—1181.27 (Subpart C) Heading amended....44297

1181.20 (a)(1) and (2) amended....44297
1181.21 (g) and (i) amended....44297
1181.24 (d) amended....44297
1181.25 (a), (b), and (c) amended....44297
1181.40—1181.41 (Subpart E) Heading amended....44297
1201 (Subpart A) Authority citation revised....4321
1201 Amended....4321
1206 Authority citation revised; definitions, instructions, and account explanations authority citations removed....20400
0-1 removed; existing text designated as 1206.2....20400
1206.1 Added....20400
1206.2 Heading added; text designated from existing Part 1206....20400
1207 Authority citation revised; definitions, instructions, and account explanations authority citations removed....10382
Existing text designated as 1207.2....10382
1207.1 Added....10383
1207.2 Designated from Part 1207 text....10382
1220.0 Amended....44297
1244 Authority citation revised....12416
1244.8 Added....12416
1249 Authority citation revised....10383
1249.1 Revised....10383
1249.2 Revised....10383
1249.3 Removed....10383
Added....20400
1249.4 Revised....20400
1249.5 Added....10383
1249.12 Removed....10383
1312 Authority citation revised....537, 4627, 15949
1312.1 (b)(6) and (15) amended....44297
1312.4 (b)(7)(i), (iii), (iv), and (v) and (e)(1)(ii)(B) amended....44297
(e)(1)(i)(E) added....537
1312.8 (c)(2) amended....44297
1312.11 Heading amended....44297

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 49 Chapter X—Con. Page
1312.12 (e)(1) amended....4627
1312.14 (j) amended....44297
(a)(1) amended....4627
1312.15 Heading amended....44297
1312.17 (k)(3) added....37035
(k)(3) correctly added....40171
(e) amended; interim....15726
1312.32 Introductory text amended....44297
1312.37 (a) amended....44297
1312.39 (h) amended....44297
(h) heading revised; (h)(2) amended....537
(h)(6) revised; interim....15726
(h)(4) revised....15949
1312.41 Removed (regulations transferred to Part 1313); interim....45899
Added....3664
1313 Added (regulations transferred from Part 1039 and Section 1312.41); interim....45899
Comment time extended....7278
Authority citation revised....25228
1313.2 (a) text designated as (a)(1); (a)(2) added....25228
1313.10 (b)(4)(i) suspended....3664
1313.11 (b)(3)(i) suspended....3664
1320 Heading amended....44297
1320.1 (a) amended....44297
1330.1 Amended....44297
1331.1 (c) amended....44297

Title 49—*Proposed Rules:*

18....21820, 23627
71....43644
....10119
171—179 (Subchap. C)....16482, 20631, 24195
171....6591, 9996, 19116
172....42114
....6591, 31486
173....6178, 6591, 19116, 25342, 26932
175....9996
176....6591
177....6591, 26928, 26932
178....6591, 26027
180....6591
192....4361, 9189, 21087
195....4361, 9189
219....2118, 7185
387....19116
390....36830
....26278
391....35538, 36830
....9192, 26278
392....36830
....26278
393....36830
....5892, 13853, 26278
394....36830
....26278
395....36830
....26278, 26289
396....36830
....5913, 13853, 26278
397....36830
....26278
398....36830
399....36830
501—590 (Ch. V)....39877
531....44492
533....40344
544....19898
571....42598, 43801, 44928
....1474, 3293, 5474, 5563, 8317, 8482, 9194, 9316, 10122, 10775, 17306, 17791, 19179, 20124, 21619, 22314, 29873, 30393
574....45916
580....27022, 29556
647....29709
701....13066
845....9678
1000—1332 (Ch. X)....11295, 19998, 23704, 28168, 30393, 32819
1002....45348
....32573
1007....32573
1039....5320, 29873
1041....15357, 20124
1042....8631
1048....15357, 20124
1049....15357, 20124
1059....9201
1071....13729
1072....13729
1084....44318
....32577
1103....32573
1135....4790, 13482
1145....13482
1150....20632, 32573
1152....7628
1160....43937
....17420, 32573
1162....36732
....32573
1165....43937
....17420, 30933
1169....32573
1171....32573
1177....32573
1180....32573
1182....32573
1201....5791, 17792, 23316
1206....28854
1241....23316

NOTE: Boldface indicates 1987 page numbers.

Page
1249....28854
1312....36732
....564, 10913
1320....11295
1330....9513, 17613

TITLE 50—WILDLIFE AND FISHERIES

Chapter I—United States Fish and Wildlife Service, Department of the Interior

17 Classification review....25522
Authority citation revised....29780
Record of decision....29784
17.11 (h) table amended....39478, 41796, 45910
(h) table amended....288, 5302, 10892, 11169, 11172, 11286, 20719, 20999, 21063, 22430, 22584, 22943, 23151, 25232, 25380, 28785, 28831, 29780
17.12 (h) table amended....45907
(h) table amended....679, 682, 784, 1462, 2234, 4910, 7426, 11175, 15505, 21480, 21484, 22589, 22933, 22936, 22939
(h) table corrected....6651
17.42 (a) revised....21063
(c) added....23151
17.44 (q) added....39478
(r) added....5302
(r) correctly designated....7369
(s) added....11286
17.84 (c) added....41797
(d) added....29780
17.95 (e) amended....5302, 11286
(b) amended....28786
(b) (10) and (11) maps correctly republished....29751
20 Frameworks....28717, 29187
20.21 Introductory text republished; (j) revised....27364
20.101 Seasonal hunting adjustments....31775
20.102 Seasonal hunting adjustments....31776
20.103 Seasonal hunting adjustments....31777
20.104 Seasonal hunting adjustments....31779
20.105 Seasonal hunting adjustments corrected....41508
Seasonal hunting adjustments....31780
20.106 Seasonal hunting adjustments corrected....41508
Seasonal hunting adjustments....31782
20.108 Revised....27364
Amended....32014
20.109 Seasonal hunting adjustments....31782
20.110 Seasonal hunting adjustments....32772
20.134 Revised....42100
20.140—20.143 (Subpart M) Added....42107
23.23 (f) table amended....44480
(f) table amended....1335, 6161
25 Authority citation revised....29860
25.51—25.57 (Subpart E) Revised....29860
26 Authority citation revised....44793
26.37 Removed....44793
32 Authority citation revised....27815
32.11 Amended....27815
Corrected....28511
32.21 Amended....27815
32.31 Amended....27815
33 Authority citation revised....5304
33.2 (e) amended; table revised (OMB number)....5304
33.3 (e) amended....5304
33.4 Amended....5304, 27815
33.5 (d) revised....5304
33.8 (a) (4) and (5) added....5304
33.9 (g) revised....5304
33.12 Added....5305
33.13 (f) and (h)(2) revised; (h)(4) and (5) added....5305
33.14 (a) through (h) redesignated as (b) through (i); new (a) added; new (g)(1) revised....5305
33.17 (b) (1) through (3) revised....5305
33.22 (b)(2), (e)(2) and (f) (1) through (5) revised; (b)(6) and (f) (6) through (9) added....5305
33.23 (b) added....5306
33.25 (c) redesignated as (d); new (c) added....5306
33.32 (a)(3) and (b)(2) revised....5306
33.34 (a)(3) revised....5306
33.37 (b)(4) revised....5306
33.39 Added....5306

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 50 Chapter I—Con. Page

33.41 (e)(2) revised....5306
33.44 (b)(2) revised....5306
33.46 (a)(6) added....5306
33.51 (a) (1) and (2) and (b) (1) and (2) revised....5306
33.55 Added....5306
36.2 (h) amended....44793
(h) corrected....45986
36.3 Amended....44793
36.15 (a) (1) and (2) revised; (a)(3) added....44793
36.21 (e) revised....44794
36.39 (b) added....41509
36.41 (a)(1) revised....44794
91 Revised....18700
96 Removed....44794

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

215 Harvest levels....26479
216 Temporary regulation....36560
216.24 (e)(9) revised; interim emergency....40172
(d)(5)(vii) revised....19880
217.1 Amended....24250
217.2 Amended....24250
217.3 Amended....24250
217.4 Introductory text and (a) amended....24250
217.12 Amended....24250
219 Removed....10340
222.41 (Subpart D) Added....24251
227.72 (e)(2) heading and (3) heading removed; new (e)(2) through (7) added....24251
228.12 Amended; eff. to 12-31-91....1199
258 Removed (regulations transferred to 22 CFR Part 33)....7533
261.104 (e)(3)(iii) revised....34990
261.105 Amended....34990
261.161 Table 1 amended....34990
262.161 Table 1 amended....34990
262.171 (a)(2)(v) amended....34990
262.211 Table I amended....34990
262.221 (g)(6)(iii) amended....34990
263.104 Table 1 amended....34990
263.166 Table IV amended....34990
263.261 (b) table amended....34990
263.301 (b) amended....34990
263.312 (a) amended....34990
263.314 (b) Table II amended....34990
264.111 Table 1 amended....34991
264.155 Table 1 amended....34991
264.221 Table 1 amended....34991
264.252 (a) corrected....34991
264.271 (f)(2)(vii) amended....34991
264.321 (a) Table 1, (f)(2)(ii), (vii) and (g)(2)(ii) amended....34991
264.371 (f)(2)(v) and (vii) amended....34991
264.421 (f)(2)(vii) and (g)(2)(ii) amended....34991
265.106 Appendix 3 amended....34991
265.171 (u)(2)(ii) and (v)(2)(ii) amended....34991
265.175 Table 1 and 2 amended....34991
266.121 (a) and (b) Table 1 amended....34991
266.161 (b) table amended....34991
266.171 (a)(2)(v) and (b)(1) amended....34991
285 Temporary regulations....9170, 10719
Inseason adjustments....28831
285.2 Amended....25011
285.6 (a) revised....25012
285.23 (f) revised....25012
285.25 (c) amended....25012
285.30 (c)(2) amended....25012
285.31 (a) (8) and (9) revised....25012

Chapter III—International Regulatory Agencies (Fishing and Whaling)

301 Revised....16268
301.19 Revised; interim emergency....10760
(d) table corrected....13788
301.21 Added; interim emergency....7583
371 Inseason orders....41509
372 Removed; interim emergency....43929

Chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce

603 Suspended; interim eff. to 12-31-87....26686
604.1 (b) table amended (OMB numbers)....37185, 46679

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page

(b) table amended (OMB numbers)....21544, 23838, 27816
605 Added; interim eff. to 12-31-87....26686
611 Temporary regulations....37407
Inseason adjustments....41797
Specifications....785, 3248
Specifications corrected....3916
Preliminary reassessment....29528
Temporary regulations and inseason adjustments....31032
Harvest quotas....31631
611.22 (a), (b)(1), (c) and (d) revised....422
Technical correction....1917
611.81 Revised....5984
611.92 (c)(1) (i) and (ii), (2)(ii)(A) and (g) suspended; (c)(1) introductory text revised; (c)(1) (iii) and (iv), (2)(ii)(D) and (i) added; interim emergency eff. to 3-31-87....426
(c)(1)(i) and (ii), (2)(i)(C) and (ii)(A), and (g) revised....7872
Interim emergency effectiveness extended....10761
611.93 (b)(3)(ii)(A) suspended; (b)(3)(ii)(D) added; interim emergency eff. to 1-20-87....37411
Technical correction....40810
(b)(3)(ii)(A) suspension and (b)(3)(ii)(D) addition interim emergency effectiveness extended....2235
(b)(1)(iii), (c)(2)(ii)(E)(*2*)(*iv*), (F), and (G) and Figure 1 added....8598
621.3 Removed; new 621.3 redesignated from 621.4....10340
621.4 Redesignated as 621.3....10340
640 Technical correction....23450
640.1 Amended....22659
640.2 Amended....22659
640.3 (a) amended; (c) revised....22659
640.6 (g) and (h) amended; (i) revised....22659
640.7 Introductory text, (a) through (r) and (s) redesignated as (a) introductory text, (1) through (18) and (b); new (a) introductory text, (4), (6), (7), (10) and (11) and new (b) revised; new (a) (5), (15) and (18) amended; (a) (19), (20) and (21) added....22659
640.20 (d) amended....22659
640.21 (a) and (c) revised....22659
640.22 (b) revised....22659
640.23 (b)(1) amended....22659
641 Nomenclature change....5118
641.2 Amended....5118
641.24 (b)(4) revised....5118
642 Temporary regulations....2113, 4019, 4627
642.2 Amended; interim emergency eff. to 3-31-87....289
Interim emergency effectiveness extended....10762
Amended....23838
642.3 (c) amended....23841
642.4 (c) removed; (d) through (k) redesignated as (c) through (j); (a), (b), new (c), (e), (f), and (g) revised; new (k) added....23838
642.5 (a) introductory text and (1) revised....23839
(a) introductory text, (b) introductory text, and (c) introductory text amended....23841
642.6 (a) introductory text revised....23839
642.7 (a)(20) suspended; (a)(31) and (32) added; interim emergency eff. to 3-31-87....289
(a)(20) interim emergency suspension effectiveness extended; (a) (31), (32), and (33) added; interim emergency eff. to 6-29-87....10762
(a) (5), (6), (17) through (22), and (27) through (30) revised; (a)(31) added....23839
(a) (3), (4), and (12) amended....23841
642.20 Revised....23840
642.21 (d) and (e) suspended; (g) and (h) added; interim emergency eff. to 3-31-87....289
(d) and (e) interim emergency suspension effectiveness extended....10762
(g) and (h) removed; interim emergency eff. to 6-29-87....10763
(a)(3) amended; (a)(1)(iii) and (e) removed; (a)(1) introductory text, (i), and (ii), (2), (c)

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 50 Chapter VI—Con. Page

and (d) revised; (f) redesignated as (e) and revised....23840
Revised....25013
642.22 Revised....23840
642.23 (a) and (b) amended....23841
642.24 Revised....23840
642.26 (a)(1) introductory text and (iii) and (2) amended....23841
642.27 (b), (c), (f)(1)(ii), (2), and (3) revised....23840
642.28 (g) through (j) added; interim emergency eff. to 3-31-87....290
(i) and (j) interim emergency addition effectiveness extended....10762
(g) and (h) revised; interim emergency eff. to 6-29-87....10763
Revised....23841
(a) revised....25014
642.29 Revised....23841
642 Appendix A amended....23841
646.1 Amended....9866
646.2 Amended....9865, 9866
646.3 (c) amended....9866
646.5 (a), (e), and (f) amended....9866
646.6 (a) (17) and (18) amended; (a) (19), (20), and (21) added....9865
(a) (4), (5), (6), (7), (9), (16), and (18) amended....9866
646.21 (a), (b), and (c) amended....9866
646.22 (b) (4) and (5) amended....9866
646.24 Added....9866
650.1 Amended....1463
650.2 Amended....1463
650.7 (a) revised....1463
650.20 Revised....1463
650.21 Revised....1463
650.22 Revised....1464
650.23 Added....1464
651 Temporary regulations....17298, 21327
651.4 OMB number; interim effectiveness confirmed to 9-30-87....37185
651.21 OMB number; interim effectiveness confirmed to 9-30-87....37185
(a)(2) table corrected....3250
651.22 Interim effectiveness confirmed to 9-30-87....37185
652 Temporary regulations...40173, 44297
Temporary regulations....4019, 4020, 10763, 16274, 25014
1987 final quotas....5461
Inseason adjustments....19352, 32306
652.1 Existing text designated as (a) and amended; (b) added....27816
652.2 Amended....27816, 27817
652.4 (c) introductory text and (h) introductory text revised; (h)(2) redesignated as (h)(3); new (h)(2) added....27816
(a)(1) (i) and (ii) amended....27817
652.7 (a) introductory text and (f)(1) revised; (m) and (n) redesignated as (n) and (o); new (m) added....27816
652.10 Amended....27817
652.21 (a)(3), (b)(3), and (c) (2) and (3) revised....27817
652.22 (a)(4) and (f)(1) revised; (f)(2) amended....27817
653 Revised....46679
653.2 Corrected....1917
653.5 (b)(1) introductory text corrected....1917
653.23 (a) and (b) corrected....1917
655 Specifications....39377, 39755
Purchase ratios....42237
Specifications....537, 30166
658.1 (c) amended; (d) added....19148
658.2 Amended....19148, 19149
658.5 (c) added; eff. from OMB approval to 8-14-87....19148
Eff. 5-20-87 to 8-14-87....21544
658.6 (a) and (b) amended....19148
658.7 Introductory text and (a) through (l) redesignated as (a) introductory text and (1) through (12); new (a) introductory text revised; (m) removed; new (b) added; new (a) (1), (3), (4), (6), and (8) amended....19148
658.9 Amended....19149
658.21 (b) amended....19148
658.22 Amended....19148
658.23 Introductory text designated as (a); (a) and (b)(1)(i) introductory text, (A), and (B), (ii), and (iii) amended....19148

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page

658.24 (a) and (b) amended....19148
658.25 (a) amended and suspended; (c) added; eff. to 8-14-87....19148
658.26 Amended....19148
661 Fishery management measures....17264
Temporary regulations....18702, 19149, 24297, 27817, 28562, 28721, 29700, 32015, 32800
Fishery management measures correction and clarification....19353
Inseason adjustments....24296, 25605, 26013, 27004, 27560, 28268, 29019, 29529, 31023, 32135
Inseason adjustment corrected....29020
Inseason adjustments and temporary regulations....29860
661.20 (a) introductory text revised....4148
661.21 (b) revised....4148
661 Appendix amended....4148-4149
662 Harvest quotas....31631
663 Restrictions....37912
Temporary regulations...37913, 43357
Specifications....682
Restrictions....790, 11473, 15726, 27818
Inseason adjustments....31034
663.21 (a)(2) removed; (a)(3) redesignated as (a)(2)....4911
663.23 (a) and (b) amended....4911
663.25 Added....4911
663.26 (c) revised; (g) redesignated as (h); new (g) added....4911
663.27 (b)(3) suspension and (b)(4) addition interim emergency effectiveness extended....41969
(b)(3) amended....4911
671 Suspended; interim emergency eff. to 1-29-87....40029
Suspension interim emergency effectiveness extended to 4-29-87....1632
Removed....17579
672 Temporary regulations....36404
Inseason adjustments....41797
Specifications....785
Specifications corrected....3916
Temporary regulations....9495, 11991, 12183, 12916, 17404, 20720, 22327, 23552, 27202, 32137
672.2 Amended; interim emergency eff. to 3-31-87....427
Amended....7872
Amended; interim emergency eff. to 6-16-87....9172
Interim emergency effectiveness extended....10761
672.5 (a)(3) suspended; (a)(4) added; interim emergency eff. to 3-31-87....427
(a) heading, (3) introductory text, (i), and (iv) revised....7873
(a)(5) added; interim emergency eff. to 6-16-87....9172
Interim emergency effectiveness extended....10761
672.7 (i) added; interim emergency eff. to 3-31-87....427
(h) redesignated as (i); new (h) added....7873
Interim emergency effectiveness extended....10761
672.20 Heading revised; (a), (b), (c), (d)(4) and (e) suspended; (d)(5), (f) through (j) added; interim emergency eff. to 3-31-87....427
(b) revised....2414
Technical correction....3916
(c), (d), and (e) redesignated as (d), (e), and (f); heading, (a), (b), new (e)(4), and (f)(1) revised; new (d)(4) redesignated as (d)(5) and revised; new (c) and (d)(4) added; new (d) and (f) republished....7873
Interim emergency effectiveness extended....10761
672.22 Heading, (a), and (b) revised....7875
672.24 (c) added; interim emergency eff. to 3-31-87....430
(b) (1) and (2) revised; (b)(3) added....2414
Technical correction....3916
(b) revised; (c) added; eff. in part to 12-31-89....7876
(c) addition interim emergency effectiveness extended....10761
(b)(2) corrected; (b)(3) heading correctly added....12183

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

TITLE 50 Chapter VI—Con. Page

674 Temporary regulations..... 26014, 26482, 29020
Technical correction..... 30766
674.21 (a)(2) revised..... 23452
675 Inseason adjustments..... 41797
Specifications..... 785
Specifications corrected..... 3916
Temporary regulations..... 15949, 25232, 28722
Inseason adjustments..... 18367, 21958, 24297, 29021
Inseason adjustments corrected..... 19962
Temporary regulations and inseason adjustments..... 31032
675.2 Amended; interim emergency eff. to 1-20-87..... 37412
Technical correction..... 40810
Amended; interim emergency eff. to 3-31-87..... 430
Amendment interim emergency effectiveness extended..... 2235
Amended; eff. in part to 12-31-88..... 8600
Amendment interim emergency effectiveness extended..... 10761
Amended..... 11993
675.5 (a)(3) suspended; (a)(4) added; interim emergency eff. to 3-31-87..... 430
(a)(3) introductory text, (i) and (iv) revised..... 8600
Interim emergency effectiveness extended..... 10761
675.7 Introductory text revised; (g) redesignated as (j); new (g), (h), and (i) added; eff. in part to 12-31-88..... 8600
675.20 (a)(7) revised; (a)(8) through (10) added; interim emergency eff. to 1-20-87..... 37412
Technical correction..... 40810
(a)(7) revision and (a)(8) through (11) addition interim emergency effectiveness extended..... 2235
(b)(1)(ii) redesignated as (b)(1)(iii); new (b)(1)(ii), (e), (f), and (g) added; (c)(1) revised..... 8600
(a)(7) revised; (a) (8) through (10) added..... 11993
(e)(3) introductory text corrected..... 13375
675.21 Added; eff. to 12-31-88..... 8601
675.22 Added; eff. to 12-31-88..... 8604
681.1 (b) amended..... 9497
681.2 Amended..... 9497
681.5 (d)(1) amended..... 9497
681.7 (b)(1) suspended; (b)(7) added; interim emergency eff. to 12-26-86..... 34993
(b)(1) suspended; (b)(7) added; interim emergency eff. to 3-26-87..... 46863
(b)(1) revised; (a)(12) amended..... 9497
681.20 Amended..... 9497
681.23 (a) and (b) suspended; (c) and (d) added; interim emergency eff. to 12-26-86..... 34993
(a) and (b) suspended; (c) and (d) added; interim emergency eff. to 3-26-87..... 46863
Revised..... 9497
685 Added..... 5987
685.2 Corrected..... 32015
685.6 (d) (1), (2), (3) and (4) corrected..... 12641

Title 50—*Proposed Rules:*

13..... 26030
16..... 2748
17..... 39758, 40044-40051, 42116, 44808, 45923, 47033
..... 306, 1494, 1497, 2239, 2242, 5068, 5150, 5155, 7462, 13254, 13729, 13790, 13792, 13794, 13797, 21088, 22944, 23152, 23317, 24312, 24485, 25265-25275, 25523, 26030-26040, 26164, 27229, 27437, 28026, 28680, 28787, 31045-31051, 32143, 32145
20..... 1636, 1942, 2648, 7900, 20757, 25170, 25419, 30395
21..... 26030
23..... 37923
..... 309, 19455, 20433, 26043, 26049
25..... 17613, 21976
26..... 5159, 5889
32..... 13484, 27828, 28932
33..... 39759
..... 13484
80..... 26660
97..... 44812
98..... 44812
99..... 44812
100..... 44812
101..... 44812
102..... 44812
103..... 44812
104..... 44812

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH AUGUST 31, 1987

Page

105..... 44812
106..... 44812
107..... 44812
204—296 (Ch. II)..... 19365
215..... 17307
216..... 36568, 39405, 41814, 43055, 47156
..... 2566, 4365, 7912
217..... 6179, 8087, 9318, 9902, 17615
222..... 42271, 43397
..... 6179, 8087, 9318, 9902, 12040, 17615
226..... 26541
227..... 6179, 8087, 9318, 9902, 12040, 17615
228..... 39762
285..... 15517
604..... 16419
611..... 36569, 37924, 41989, 43397, 44812, 45141, 45349
..... 198, 3079, 30212
640..... 5564, 8485, 10780, 13257
641..... 36574
642..... 35670
..... 4924, 6357, 7463, 11713, 15519, 17422, 21977
644..... 40233
646..... 43937
..... 9513
649..... 27031, 27564, 28732
650..... 36576, 40468
..... 21712, 25041
651..... 10781, 20124, 23570
652..... 43055
..... 4790, 12575, 16419, 25042
653..... 36035
..... 9902, 20125, 22822
655..... 43056
658..... 7283, 26051
661..... 37613, 42273, 44007
..... 6026, 10125, 19744, 28321
662..... 28027
663..... 39766, 43057, 43219
..... 18723, 29400
671..... 6199, 8319
672..... 42803, 43397, 44812
..... 198, 22829
675..... 43397, 43401, 45349
..... 198, 22829, 30212
680..... 17422, 18411
681..... 43940
..... 442, 17422, 18411, 24197, 28028
683..... 24197, 27838
684..... 46886
..... 17422, 18411
685..... 37924, 41989, 45141
..... 3079, 17422, 18411

NOTE: **Boldface** indicates 1987 page numbers.

Additions to Table I, January through August 1987

This table lists the sections of the U.S. Code, U.S. Statutes at Large, Public Laws, and Presidential documents which are being added to Table I as a result of authority citations carried in the **Federal Register** from January through August 1987. Recent legislation is carried by public law number.

Table I is in the CFR Index and Finding Aids revised as of January 1, 1987.

In order to determine the **Federal Register** page number of a parallel CFR citation, consult this List of CFR Sections Affected (LSA) and the appropriate Annual Issue of the LSA for that CFR title.

U.S. Code:	CFR
2 U.S.C.:	
432	11 Part 110
441i	14 Part 1207
3 U.S.C.:	
301	32 Part 40
5 U.S.C.:	
4a	17 Part 145
500	29 Part 103
504	24 Part 14
	46 Part 502
522	49 Part 1244
551—557	18 Parts 154, 375, 382
551—552	29 Part 101
551	46 Part 502
552	5 Part 1631
	7 Parts 3600, 3601, 3900, 3901
	8 Part 103
	18 Part 1301
	21 Part 5
	27 Part 70
	39 Part 20
	45 Parts 2002, 2005
	49 Parts 701, 1002
552a	5 Parts 841, 1630
	14 Part 1206
	45 Part 30
552b	34 Part 11
553	18 Part 375
	21 Parts 310, 336
	29 Parts 103, 1915, 1917-1918, 1926, 1928
	46 Part 581
	49 Parts 1052, 1138, 1244
1104	5 Parts 410, 842
1205	5 Part 1204
3304	5 Part 315
3328	5 Part 300
3503	5 Part 351
5511 et seq	29 Part 20
5514	15 Part 22
	31 Part 5
	34 Part 32
	45 Parts 30, 1179
6305	5 Part 630
6326	5 Part 630

5 U.S.C.—Con.	CFR
8351	5 Parts 1600, 1605, 1650
8416—8419	5 Part 842
8424	5 Part 843
8432	5 Part 1600
8434—8436	5 Part 1650
8439	5 Part 1640
8441—8442	5 Part 843
8461	5 Parts 843, 845, 846
8467	5 Part 1650
8469	5 Part 841
8474	5 Parts 1600, 1603, 1605, 1640, 1650
8522	5 Part 841
8913	48 Parts 1601-1606, 1614-1616, 1622, 1624, 1631-1633, 1644, 1646, 1649, 1652, 1653
9101	5 Part 911
App. 2	34 Part 11
7 U.S.C.:	
4	17 Part 30
6	17 Part 30
7a	17 Part 9
16a	17 Part 9
75a	7 Part 810
149	7 Part 352
150aa—150jj	7 Part 340
150ff	7 Part 318
151—167	7 Parts 318, 340
901—950b	7 Parts 1786, 1787
1421	7 Part 713
1501—1520	7 Part 400
1506	7 Parts 401, 452-454
1516	7 Parts 401, 452-454
1622n	7 Part 340
2243	8 Part 103
3316	7 Part 3402
4601—4612	7 Part 1200
4901—4916	7 Part 1200
5841	10 Part 7
8 U.S.C.:	
1101	8 Parts 1, 103, 274a
	29 Part 501
1101 note	8 Parts 210, 245
1103	8 Part 274a

8 U.S.C.—Con.	CFR
1104	22 Part 43
1153 note	22 Part 43
1160	7 Part 1d
1182	8 Part 287
1184	8 Part 248
	29 Part 501
1186	20 Parts 654, 655
	29 Part 501
1201	8 Part 103
1201a	8 Part 264
1251	8 Parts 241, 287
1252	8 Part 241
1301—1305	8 Part 103
1324A	8 Part 274a
1351	8 Part 103
1357	8 Part 241
1427	28 Part 0
1443	8 Part 103
1454—1455	8 Part 103
10 U.S.C.:	
2397	32 Part 40a
2733	32 Part 751
7420	15 Part 377
7430	15 Part 377
11 U.S.C.:	
901	17 Part 200
1109	17 Part 200
12 U.S.C.:	
221 et seq	12 Part 211
1141	46 Part 502
1425	12 Part 523
1425a	12 Part 571
1425b	12 Parts 523, 552, 555
1437	12 Part 510a
1691	12 Part 523
1701q	24 Part 278
1701r-1	24 Parts 243, 842, 942
1701s	24 Part 278
1710	24 Part 203
1715	24 Part 203
1715b	24 Parts 250, 278
1715u	24 Part 203
1715z-9	24 Part 250
1725	12 Part 510a
1728—1730a	12 Part 523
1757	12 Part 741
1781—1790	12 Part 741
1785—1786	12 Part 708
1786	12 Part 748
1818	12 Part 208
1819	12 Part 326
2001	12 Part 624
2014	12 Part 624
2073	12 Part 624
2093	12 Part 624
2122	12 Part 624
3401—3422	39 Part 233
3535	24 Part 278
3901 et seq	12 Part 211

15 U.S.C.:	CFR
77f	17 Part 200
77ggg	17 Part 200
77sss	17 Part 200
78a et seq	17 Part 200
78d-1—78d-2	17 Part 200
78m—78o	17 Part 200
78o-5	17 Parts 240, 400-405, 449, 450
78s	17 Part 200
79v	17 Part 200
80a-44	17 Part 200
80b-10	17 Part 200
634	13 Parts 114, 144
714b	7 Part 1493
717—717z	18 Part 3
717—717w	18 Parts 381, 382
2032	49 Part 544
2603	40 Part 766
2607	40 Part 766
2611	40 Part 795
2614	40 Part 761
2616	40 Part 761
2641	40 Part 763
2643	40 Part 763
2646—2647	40 Part 763
3301—3432	18 Parts 3, 382
4201 et seq	15 Part 904
4244	15 Part 960
16 U.S.C.:	
469 et seq	30 Part 773
470 et seq	30 Parts 731, 732, 772, 773, 779, 780, 783, 784
470aa et seq	30 Part 773
485	43 Part 2090
661 et seq	30 Part 773
668a	30 Part 773
703 et seq	30 Part 773
791—828c	18 Part 381
791a—828c	18 Parts 3, 382
791a—825r	18 Part 16
818	43 Part 2090
972—972h	15 Part 904
1151—1175	15 Part 904
1435—1439	15 Part 904
1456	49 Part 1160
1531 et seq	30 Part 773
1801 et seq	50 Part 685
1851 note	15 Part 904
1853	50 Part 605
2431—2444	15 Part 904
2601—2645	18 Parts 3, 382
3101 et seq	43 Part 2090
3371—3378	25 Part 244
3631—3644	15 Part 904
3801	7 Part 704
3831—3844	7 Part 704
3901 et seq	50 Part 25

17 U.S.C.:	CFR
101	19 Part 133
601—603	19 Part 133
18 U.S.C.:	
201—219	14 Part 1207
207	10 Part 0 39 Part 10 45 Part 500
210—212	24 Part 0
1114	28 Part 64
3013	28 Part 545
19 U.S.C.:	
1311	19 Part 151
1460	19 Part 151
1557	19 Part 151
1562	19 Part 151
1584	19 Part 151
1592	19 Part 151
1606—1608	21 Part 1316
1610	21 Part 1316
1613	21 Part 1316
1618	21 Part 1316
9701	19 Part 133
20 U.S.C.:	
238	34 Part 221
647	34 Part 221
887e	34 Parts 500, 745
1051	34 Part 607
1057—1059	34 Part 607
1060—1063c	34 Part 608
1060	34 Parts 607, 609
1062	34 Part 609
1063a—1063d	34 Part 609
1064	34 Part 607
1066—1069f	34 Part 607
1066	34 Parts 608, 609
1069c	34 Parts 608, 609
1070	34 Part 646
1087a—1087e	34 Part 673
1091a	34 Part 673
1109—1109d	34 Part 761
1111—1111h	34 Part 653
1113—1113e	34 Part 237
1132g—1132g-3	34 Part 614
1132i-1	34 Part 614
1134	34 Part 650
1134s—1134t	34 Part 639
1135	34 Part 630
1135e—1135e-1	34 Part 630
1211h	34 Part 250
1221e	34 Part 762
1221e-3	34 Part 607
1233 et seq	34 Part 11
1233a	34 Part 11
1234	34 Part 221
1234b	34 Part 221
1432	34 Part 319
1434	34 Part 319
3221—3236	34 Part 524

20 U.S.C.—Con.	CFR
3474	34 Part 221
3851	34 Parts 785-789
3862	34 Parts 786-788
4132	34 Part 230
4641	34 Parts 764, 765
4642	34 Parts 764, 766
4644	34 Part 230
4645	34 Part 235
4661	34 Parts 764-766
4664	34 Part 764
21 U.S.C.:	
102—105	9 Part 99
111—112	9 Part 99
114a	9 Part 99
117	9 Part 99
120	9 Part 99
122	9 Part 99
134a	9 Part 93
134b—134c	9 Part 99
134d	9 Part 93
134e—134f	9 Part 99
135—135a	9 Part 99
151—159	9 Parts 101-104, 107, 118
321	21 Part 336
331	21 Part 201
351	21 Parts 862, 864, 866, 868, 870, 872, 876, 880, 890
352	21 Part 336
353	21 Part 312
355	21 Parts 201, 336
360	21 Parts 862, 864, 866, 868, 870, 872, 876, 880, 882, 884, 890
360c	21 Parts 862, 872
360e	21 Parts 862, 864, 866, 868, 870, 872, 876, 880, 890
360j	21 Parts 862, 864, 868, 870, 872, 876, 880, 890
371	21 Parts 336, 862, 864, 870, 872
606 note	9 Part 335
957	21 Part 1312
22 U.S.C.:	
212—218	22 Part 51
1431—1442	22 Part 514
1977	22 Part 33
2381	22 Part 212
2451—2460	22 Part 514
2651	22 Part 51
2658	22 Part 2a
3611	35 Part 9
3811	35 Part 119
3921	22 Part 22
4219	22 Part 22
4301—4314	22 Part 2a

22 U.S.C.—Con.	CFR
5001 et seq	15 Parts 371-373, 379, 385-387, 389, 399
25 U.S.C.:	
334	43 Part 2090
336	43 Part 2090
396 et seq	30 Parts 206, 218
396—396q	43 Part 3190
396	25 Parts 211, 225
396a et seq	30 Parts 206, 218
396a—396g	25 Parts 211, 225
397—398	43 Part 3190
398a—398e	43 Part 3190
415	25 Parts 211, 225
450	34 Part 221
450e	34 Part 221
476—477	25 Part 225
640d	25 Part 700
880	25 Part 211
1401 et seq	25 Part 76
1452	34 Part 221
2101—2108	25 Parts 211, 225
2101 et seq	30 Part 206
2102	43 Part 3160
26 U.S.C.:	
42	26 Part 1
56	26 Part 1
145	26 Part 5h
149	26 Part 1
263A	26 Part 1
382	26 Part 1
422	26 Part 1
441	26 Part 1
469	26 Part 1
501	46 Part 502
807	26 Part 1
904	26 Part 1
1378	26 Part 1
1402	26 Part 1
5025	27 Part 194
5684	27 Part 70
5761	27 Part 70
6020	27 Part 70
6041	26 Part 1
6155	27 Part 70
6201	27 Part 70
6203—6204	27 Part 70
6223	26 Part 301
6227	26 Part 301
6233	26 Part 301
6241	26 Part 301
6245	26 Parts 51, 301
6311	27 Part 70
6313—6314	27 Part 70
6401—6402	27 Part 70
6404	27 Part 70
6407	27 Part 70
6423	27 Part 70
6501	27 Part 70
6511	27 Part 70

26 U.S.C.—Con.	CFR
6513—6514	27 Part 70
6532	27 Part 70
6601—6602	27 Part 70
6611	27 Part 70
6621—6622	27 Part 70
6651	27 Part 70
6653	27 Part 70
6656—6658	27 Part 70
6662	27 Part 70
6671—6672	27 Part 70
6676	27 Part 70
6701	27 Part 70
6801	27 Part 70
6862—6863	27 Part 70
7011	27 Part 70
7102	27 Part 250
7326	27 Part 72
7553	19 Part 127
9039	11 Parts 9031-9038
28 U.S.C.:	
301	28 Part 11
509—510	8 Part 3 21 Part 1316 28 Parts 11, 14, 600-602
509	28 Part 64
515	28 Parts 600-602
524	28 Part 9
1746	8 Parts 3, 103
2672	14 Part 15
2675	14 Part 15
29 U.S.C.:	
151	29 Part 103
156	29 Part 103
201 et seq	29 Part 516
211	29 Part 1627
628	29 Part 1627
706	34 Part 363
711—712	34 Part 363
717	34 Part 350
744	34 Part 386
750—759	34 Part 351
762a	34 Part 350
794	10 Part 1041 29 Part 33 35 Part 257 36 Part 1154 40 Part 12 47 Part 1
795j—795q	34 Part 363
1301	29 Part 2619
30 U.S.C.:	
181 et seq	43 Part 3190
185	15 Part 377
351 et seq	30 Parts 206, 218
351—359	43 Part 3190
957	30 Parts 5, 18
1001 et seq	30 Part 218
1201 et seq	30 Parts 750, 762

30 U.S.C.—Con.	CFR
1701 et seq.	30 Parts 206, 218; 43 Parts 3160, 3190
1701	25 Part 225
31 U.S.C.:	
321	31 Parts 1, 210
3121	17 Part 450
3701—3731	45 Part 30
3701—3721	32 Parts 750, 751, 757
3701—3719	22 Part 309
3701	31 Part 5
3716	15 Part 4; 31 Part 5; 34 Part 32
3718	28 Part 11
3720A	7 Parts 1403, 1951; 31 Part 5
3801—3812	39 Parts 273, 962
5311 et seq.	12 Parts 21, 208, 326
5311	12 Part 748
6304	34 Part 761
8701	18 Part 154
9110	17 Part 450
9301	27 Parts 72, 250, 252
9303—9304	27 Parts 72, 250, 252
9304	27 Parts 22, 170
9306	27 Parts 22, 72, 170, 250, 252
9701	7 Parts 330, 340, 352; 8 Part 103; 22 Part 22; 42 Parts 7, 110, 417
33 U.S.C.:	
401	23 Part 650
491 et seq.	23 Part 650
494	49 Part 310
511 et seq.	23 Part 650
526—526a	49 Part 310
535	49 Part 310
1251 et seq.	40 Part 418
1321	40 Part 110
1361	40 Part 110
1517	40 Part 110
1903	46 Parts 98, 151, 153
35 U.S.C.:	
156	37 Part 1
351—376	37 Part 1
37 U.S.C.:	
101	34 Part 221
38 U.S.C.:	
2012	41 Part 61-250
39 U.S.C.:	
204	39 Parts 963, 965
401	39 Parts 20, 273, 962, 963, 965
403	39 Part 111
404	39 Part 20
407—408	39 Part 20
3008	39 Part 963

39 U.S.C.—Con.	CFR
3220	12 Part 510a; 20 Part 364; 38 Part 1; 47 Part 0
40 U.S.C.:	
304	27 Part 72
318	46 Part 386
486	48 Parts 1601-1606, 1614-1616, 1622, 1624, 1631-1633, 1644, 1646, 1649, 1652, 1653
751	41 Parts 201-8, 201-30, 201-32, 201-34
42 U.S.C.:	
216	42 Part 7
263	42 Part 7
264	21 Part 1240
290dd-3	42 Part 2
290ee-3	42 Part 2
297i	42 Part 57
300g-6	40 Part 141
300h-6	40 Part 149
300w note	45 Part 96
405	42 Part 498
602	20 Part 401
1302	42 Part 498
1304 note	45 Part 96
1305	45 Part 96
1320b-7	42 Part 433
1382f	20 Part 416
1382j	20 Part 416
1383a	20 Part 416
1395y	21 Part 805; 42 Parts 409, 489
1395y note	21 Part 805
1395ff	42 Part 498
1395hh—1395ii	42 Part 498
1395zz	42 Part 405
1437f	24 Part 278
1760	7 Parts 225, 226
1857f-10	14 Part 21
1870	45 Part 689
1966	25 Part 225
1996	25 Part 211
2000c—2000c-2	34 Parts 271, 272
2000c-5	34 Parts 271, 272
2011 et seq.	10 Part 962
2073	10 Part 39
2077	10 Part 39
2092—2093	10 Part 39
2095	10 Part 39
2099	10 Part 39
2111—2112	10 Part 39
2131—2132	10 Part 50
2135	10 Part 50
2138	10 Part 50
2201	10 Parts 39, 763, 862
2232—2233	10 Part 39

42 U.S.C.—Con.	CFR
2232	10 Part 55
2235	10 Part 50
2236	10 Part 39
2237	10 Part 50
2239	10 Part 72
2273	10 Parts 39, 72
2278	10 Part 862
2282	10 Parts 39, 55
2473	48 Part 1870
3435	24 Part 14
3535	24 Part 203
4321 et seq.	49 Part 622
4332	10 Part 50; 25 Part 225
4821—4846	24 Part 200
5042	45 Part 1204
5801 et seq.	10 Part 962
5841—5842	10 Part 39
5841	10 Part 74
5844	10 Part 50
5846	10 Part 39
6101 et seq.	13 Part 311
6101	10 Part 4
6212	15 Part 377
6508	43 Part 3160
6901 et seq.	40 Part 147
6924	40 Part 270
7101—7352	18 Parts 16, 382
7101 et seq.	10 Part 962
8621 note	45 Part 96
9118—9119	46 Part 174
9153	46 Part 174
9505	40 Part 300
9601 et seq.	44 Part 222
9901 note	45 Part 96
10226	10 Part 55
11002—11004	40 Part 355
11025	40 Part 355
11028—11029	40 Part 355
43 U.S.C.:	
231	43 Part 2090
315f	43 Part 2090
321—323	43 Part 2090
327—329	43 Part 2090
641 et seq.	43 Part 2090
852 note	43 Part 2090
869 et seq.	43 Part 2090
1301 et seq.	30 Parts 206, 218
1333	46 Part 172
1354	15 Part 377
1592	7 Part 702
1601 et seq.	43 Part 2090
1701 et seq.	43 Part 2090
1801 et seq.	30 Parts 206, 218
1811—1824	33 Part 135
44 U.S.C.:	
3501 et seq.	9 Part 303
45 U.S.C.:	
362	20 Part 359

45 U.S.C.—Con.	CFR
797	20 Parts 200, 359
907	20 Part 359
1004	20 Part 359
46 U.S.C.:	
466	15 Part 377
3306	46 Parts 32, 77, 92, 96, 98, 150, 190, 195
3507	46 Part 30
3703	46 Parts 30, 32, 98, 151, 174
4302	33 Part 174
5115	46 Part 172
10104	46 Part 109
12302	33 Part 174
46 U.S.C. App.:	
808	46 Part 221
835	46 Part 221
839	46 Part 221
841a	46 Part 221
1702	46 Part 581
1706—1707	46 Part 581
1709	46 Part 581
1712	46 Part 581
1714—1716	46 Part 581
1718	46 Part 581
47 U.S.C.:	
151	47 Part 36
154	47 Part 36
205	47 Part 36
221	47 Part 36
390—394	15 Part 2301
397—399b	15 Part 2301
403	47 Part 36
410	47 Part 36
49 U.S.C.:	
1—27	18 Parts 3, 381, 382
106	14 Parts 15, 36, 43, 127
1302	14 Part 272
1324	14 Part 272
1344	14 Parts 21, 36
1346	14 Part 129
1354	14 Part 15
1355	14 Part 36
1422	14 Part 127
1425	14 Part 36
1426	14 Part 21
1428—1430	14 Part 36
1502	14 Parts 129, 211, 272
1511	14 Part 129
1651	14 Part 36
1802	49 Part 171
1804	46 Parts 30, 98, 153
1806—1807	49 Parts 173, 175
2121—2125	14 Part 36
2402	14 Part 159
2404	14 Part 159
2424	14 Part 159

49 U.S.C.—Con.	CFR
2428	14 Part 159
3102	49 Part 383
10101	49 Parts 1042, 1052
10303	49 Part 1244
10311	49 Part 1249
10321	49 Parts 1052, 1244
10505	49 Part 1313
10702	49 Part 1312
10705a	49 Part 1138
10761	49 Part 1312
10762	49 Part 1052
10813	49 Part 1313
10922	49 Part 1052
11101	49 Part 1052
11142	49 Part 1206
11144	49 Part 1249
11145	49 Part 1244
49 U.S.C. App.:	
1672	49 Part 192
1804	49 Part 192
2505	49 Parts 383, 392
2509	49 Part 393
50 U.S.C.:	
198	46 Part 190
1701 et seq.	15 Parts 372, 387, 389
50 U.S.C. App.:	
451 et seq.	32 Part 1698
2401 et seq.	15 Part 387
U.S. Statutes at Large:	
96 Stat:	
2201	10 Part 962
98 Stat.:	
183	29 Part 2204
1257	45 Part 2201
100 Stat.:	
20	5 Part 890
82	15 Part 2301
1810	29 Part 33
1874	31 Part 18
3063	45 Part 2002
3207	45 Part 2005
3500	50 Part 17
101 Stat.:	
132	23 Part 659
Public Laws:	
97-425	10 Part 962
98-375	45 Part 2201
98-473	14 Part 36
99-58	15 Part 377
99-64	15 Part 389
99-80	29 Part 2204
99-93	22 Part 2a
99-145	5 Part 300
99-150	29 Part 553
99-169	5 Part 911
99-178	34 Part 636
99-198	7 Parts 250, 400, 1200, 1427, 1493
99-239	14 Parts 211, 272

Public Laws—Con.	CFR
99-272	15 Part 2301 20 Part 359 29 Parts 2619, 2622 31 Part 51 34 Part 690
99-335	5 Parts 841, 846
99-339	40 Part 144
99-399	10 Part 73
99-401	42 Part 2
99-412	10 Part 456
99-440	15 Parts 371-373, 379, 385-387, 389, 399
99-495	18 Parts 4, 16, 292, 375
99-498	34 Parts 636, 690
99-499	40 Part 355 44 Part 222
99-500	5 Part 630 7 Parts 225, 226, 240, 246, 701, 795
99-506	29 Part 33
99-509	7 Part 1786 18 Parts 154, 375, 382 31 Part 18
99-549	45 Parts 2001, 2002
99-570	5 Parts 294, 1204, 1631 14 Part 1206 17 Part 145 22 Part 171 29 Parts 1610, 2603 32 Part 286 35 Part 9 44 Part 5 45 Parts 503, 2005 49 Parts 383, 392, 393, 701
99-571	17 Parts 400-405, 449, 450
99-578	28 Part 11
99-586	5 Part 315
99-590	25 Part 700
99-591	5 Part 630 7 Parts 225, 226, 246, 701, 795, 1787 14 Part 159 34 Part 636
99-603	8 Parts 210, 245, 248
99-616	37 Part 1
99-625	50 Part 17
99-641	9 Parts 303, 335
99-643	20 Part 416
99-658	14 Parts 211, 272
99-661	32 Part 286
99-662	19 Part 24
100-17	23 Parts 650, 659
100-34	30 Parts 700, 750, 816, 870
100-71	42 Part 34

Executive Orders:	CFR
10450	32 Part 154
10865	32 Part 154
11222	39 Part 10 46 Part 502
11490	34 Part 221
11590	39 Part 10
11623	32 Part 1698
11735	40 Part 110
11912	15 Part 377
12009	18 Parts 16, 382
12107	45 Part 1179
12234	46 Parts 154, 174
12333	32 Part 154

Executive Orders—Con.	CFR
12356	8 Part 103 22 Part 171 32 Part 154
12478	22 Part 2a
12525	15 Part 389
12532	15 Parts 372, 387, 389
12571	15 Parts 371-373, 379, 385-387, 389, 399
12580	44 Part 222
12585	5 Parts 315, 316
12589	5 Part 630
12596	5 Part 315
Reorganization Plans:	
1947 Plan No. 3	12 Part 510a
1978 Plan No. 3	44 Part 222

Removals from Table I, January through August 1987

This table lists the sections of the U.S. Code, U.S. Statutes at Large, Public Laws, and Presidential documents which are being removed from Table I as a result of documents published in the **Federal Register** from January through August 1987.

Table I is in the CFR Index and Finding Aids revised as of January 1, 1987.

In order to determine the **Federal Register** page number of a parallel CFR citation, consult this List of CFR Sections Affected (LSA) and the appropriate Annual Issue of the LSA for that CFR title.

U.S. Code:	CFR
2 U.S.C.:	
431 note	11 Part 104
5 U.S.C.:	
552	20 Part 200
	39 Part 10
552a	20 Part 200
	49 Part 932
552b	20 Part 200
	49 Part 903
553	46 Part 568
554	21 Part 312
559	49 Parts 1138, 1160
1103	5 Part 410
3112	5 Part 315
4118	5 Part 410
5101	45 Part 1204
7701 et seq	5 Part 315
App	20 Part 404
7 U.S.C.:	
71 et seq	7 Part 810
78	7 Part 810
87	7 Part 810
87e	7 Part 810
150bb	7 Parts 301, 318
150ee	7 Part 300
161	7 Part 300
164—166	7 Part 301
414	7 Part 57
601—674	7 Parts 912, 1102
1153	7 Part 4
1375	7 Part 4
1421	7 Part 1438
1447	7 Part 1438
1621—1627	7 Part 57
	15 Part 904
1812	7 Part 4
1838	7 Part 4
1989	7 Part 1804
2012 note	20 Part 416
2016	20 Part 416
2243	34 Part 5
	45 Part 503
2669	7 Part 1480
2901—2918	7 Part 1200
8 U.S.C.:	
1101	8 Part 242
1103	8 Parts 1, 109
1155	8 Part 204
1184	8 Part 242
1255	8 Parts 109, 242
1357	8 Part 242
10 U.S.C.:	
1037	33 Part 47
12 U.S.C.:	
211 et seq	12 Part 211
601 et seq	12 Part 204
1430	12 Part 555
1701n-1	24 Parts 243, 842, 942
1710	24 Part 203
1715	24 Part 203
1749—1749d	34 Part 614
2201	12 Part 624
14 U.S.C.:	
632	46 Parts 98, 151, 153
15 U.S.C.:	
714b—714c	7 Parts 1438, 1476
717 et seq	18 Part 282
717x—717z	18 Part 385
3301 et seq	18 Part 282
16 U.S.C.:	
17j-2	36 Part 4
590d	7 Part 4
685	50 Part 25
690d	50 Part 25
718d	50 Part 33
725	50 Part 25
742	50 Part 219
772—772j	50 Part 219
776—776f	15 Part 904
	50 Part 219
781—785	50 Part 219
791—828c	18 Part 375
825s-828c	18 Part 385
851—856	50 Part 219
916—916l	50 Part 219
951—961	50 Part 219
971—971g	50 Part 219
1021 et seq	15 Part 904
1021—1032	50 Part 219
1151—1187	50 Part 219
1158 et seq	15 Part 904
1361—1407	50 Part 219
1431—1434	50 Part 219

16 U.S.C.—Con.	CFR
1531—1543	50 Part 219
1704	36 Part 214
1801—1882	50 Part 219
1801 et seq	50 Part 671
2601 et seq	18 Part 375
17 U.S.C.:	
109	19 Part 133
18 U.S.C.:	
42—44	50 Part 219
3054	50 Part 219
3112	50 Part 219
19 U.S.C.:	
1201	19 Part 151
1461	19 Part 113
1467	19 Part 113
1623—1624	19 Part 113
20 U.S.C.:	
1011—1015	34 Part 605
1016	34 Part 606
1018—1019	34 Parts 605, 606
1070e	34 Part 629
1119d et seq	34 Part 653
1119d—1119d-8	34 Part 653
1133	34 Part 636
1134n—1134p	34 Part 639
1143	34 Part 605
1221-1	34 Part 726
1221e-3	34 Parts 206, 605, 606, 631-636, 639, 726, 796
3221—3261	34 Parts 502, 504
3474	34 Parts 605, 639, 796
3851	34 Part 796
3862	34 Part 796
3971	34 Part 755
21 U.S.C.:	
71 et seq	9 Part 318
151—158	9 Parts 101-104
457	9 Part 318
463	9 Part 318
605	9 Part 318
607	9 Part 318
608	9 Part 318
642	9 Part 318
677	9 Part 318
701	21 Parts 864, 870
1175	42 Part 2
22 U.S.C.:	
1258	22 Part 514
1474	22 Part 514
1977	50 Part 258
1980	50 Part 258
2381	22 Part 224
2402	22 Part 212
2658	22 Part 514
23 U.S.C.:	
101 et seq	23 Part 790
109	23 Part 790
128	23 Part 790
315	23 Part 790
25 U.S.C.:	
1—2	25 Part 120
9	25 Part 700
68	25 Parts 211, 212
179	25 Part 700
396	25 Part 212
396b—396q	30 Part 206
397	25 Part 700
	30 Part 206
345	25 Part 700
398a—398e	30 Part 206
399	30 Part 206
402	25 Part 700
476—477	25 Part 212
509	25 Part 212
572	25 Part 118
640d-10	25 Part 700
26 U.S.C.:	
5008	27 Part 251
27 U.S.C.:	
205	27 Part 270
28 U.S.C.:	
542	28 Part 0
29 U.S.C.:	
141—168	29 Part 103
152—155	29 Part 101
157—168	29 Part 101
201—219	29 Part 800
401 note	29 Part 101
577a	30 Parts 15, 18-29, 31-33, 35, 36, 74, 75
620	29 Part 860
794	10 Part 1040
801	36 Part 215
30 U.S.C.:	
3	30 Parts 15, 18-29, 31-33, 35, 36
5	30 Parts 15, 18-29, 31-33, 35, 36
7	30 Parts 15, 18-29, 31-33, 35, 36
301—306	30 Parts 206, 216, 218
352—359	30 Parts 206, 216
471	30 Parts 18, 25-27, 33, 35
479	30 Parts 18, 25-27, 33, 35
482	30 Parts 18-27, 31-33, 35
801	30 Parts 18, 28, 29
812	30 Part 75
951	30 Parts 15, 18-19, 31-33, 35, 36, 74, 75
1201 et seq	30 Part 761
1251	30 Parts 731, 732
1253—1254	30 Part 732
1253	30 Part 731

30 U.S.C.—Con.	CFR
1256—1269	30 Part 732
1271—1272	30 Part 732
31 U.S.C.:	
200	28 Part 0
240—243	32 Parts 750, 751
321	31 Part 16
483	14 Part 65
483a	7 Parts 330, 352
951—953	31 Part 5 45 Part 30
952	32 Part 757
3717	20 Part 200
3801—3812	22 Part 224
6701—6724	31 Part 51
9701	18 Part 154
33 U.S.C.:	
1251 et seq	40 Part 110
1254	9 Part 318
39 U.S.C.:	
401	39 Part 916
403—404	39 Part 10
406—408	39 Part 10
3008	39 Part 916
40 U.S.C.:	
471 et seq	30 Parts 206, 216, 218
472	15 Part 302
486	45 Part 19
512	15 Part 302
514	15 Part 302
42 U.S.C.:	
216	42 Parts 122, 123 45 Part 19
300–1	42 Part 122
300f et seq	42 Parts 122, 123
300f	40 Part 149
300k–1—300n–1	42 Parts 122, 123
300k–1	42 Part 121
300*l*–4—300*l*–5	42 Part 122
404—405	20 Part 416
421	20 Part 404
423	20 Part 416
428	20 Part 416
611	20 Part 401
1302	45 Part 19
1327	20 Part 404
1382a	20 Part 404
1382c	20 Part 404
1383	20 Part 404
1395f	45 Part 19
1395x	45 Part 19
1396	20 Part 416 45 Part 19
1396a	45 Part 19
1480	7 Part 1804
1973c	45 Part 801
2000d–1	13 Part 311
2273	10 Part 110
2403	10 Part 110

42 U.S.C.—Con.	CFR
3535	24 Part 0
4321 et seq	30 Parts 216, 218
5101 note	45 Part 1340
6927	40 Part 270
6939	40 Part 270
6974	40 Part 270
7101 et seq	18 Part 282
7101	18 Part 154
7107 et seq	18 Part 282
9205	40 Part 300
43 U.S.C.:	
283	43 Part 2090
315a	50 Part 25
617e	43 Part 2090
1347—1348	46 Part 107
1356	46 Part 107
1451 et seq	25 Part 249
1457	30 Parts 206, 216, 218
44 U.S.C.:	
3501 et seq	30 Parts 18, 23, 32, 33, 36, 75
3504	27 Part 194
3507	46 Part 150
45 U.S.C.:	
712	49 Part 903
46 U.S.C.:	
86	46 Part 92
88a	46 Part 92, 190
170	46 Parts 30, 32, 92, 98, 151, 153, 195
363	46 Parts 77, 92, 96, 190, 195
367	46 Parts 32, 77, 92, 96, 98, 190, 195
369	46 Parts 32, 92, 98, 151, 153
375	46 Parts 32, 77, 92, 96, 98, 151, 153, 190, 195
379a	46 Part 151
390b	46 Parts 32, 77, 92
391—392	46 Parts 77, 92, 96, 98, 195
391	46 Part 190
391a	46 Parts 30, 32, 153
392	46 Parts 32, 190
395	46 Parts, 77, 92, 96, 190, 195
404	46 Parts 77, 92, 96, 98
405	46 Parts 32, 92
407	46 Part 195
411	46 Part 195
416	46 Parts 32, 77, 92, 96, 98, 151, 153, 190, 195
435	46 Parts 30, 98
445	46 Parts 32, 92, 190, 195
481	46 Parts 32, 77, 92, 96, 98, 190, 195

46 U.S.C.—Con.	CFR
489	46 Parts 32, 77, 96, 190, 195
526p	46 Parts 32, 77, 92
808	46 Part 221
835	46 Part 221
838—839	46 Part 221
841a	46 Part 221
876	46 Part 221
941a	46 Part 221
961	46 Part 221
1114	46 Part 221
1195	46 Part 221
1271—1279	15 Part 904
1333	46 Part 77
1467	33 Part 174
1488	33 Part 174
2101	46 Part 174
2104	46 Parts 109, 111, 174
2106	46 Part 109
2113	46 Part 111
3301	46 Parts 109, 111, 174
3316	46 Parts 107, 174
3318	46 Parts 109, 111
3703	46 Part 172
11301	46 Part 109
46 U.S.C. App.:	
86	46 Part 172
88a	46 Part 172
812	46 Part 568
814—817	46 Part 568
820	46 Part 568
833a	46 Part 568
841a	46 Part 568
47 U.S.C.:	
151—155	47 Part 97
151	47 Part 67
154	47 Part 67
221	47 Part 67
410	47 Part 67
48 U.S.C.:	
358a	25 Part 211
362	25 Part 211
49 U.S.C.:	
5b	49 Parts 1206, 1207
12	49 Parts 1206, 1207, 1249
20	49 Parts 1206, 1207, 1249
106	14 Part 159
108	46 Parts 96, 195
204	49 Part 1207
304	49 Parts 392, 1042, 1050, 1052, 1059, 1206, 1207
307—308	49 Part 1042
307	49 Part 1050
311	49 Part 1052
315—316	49 Part 1052
319—320	49 Part 1052
320	49 Parts 1206, 1207
322	49 Parts 1206, 1207

49 U.S.C.—Con.	CFR
904	49 Parts 1206, 1207
913	49 Parts 1206, 1207
917	49 Parts 1206, 1207
1003	49 Parts 1206, 1207
1012	49 Parts 1206, 1207
1159	14 Part 65
1347—1348	14 Part 43
1355	14 Part 127
1357	14 Part 43
1372	14 Part 43
1423—1426	14 Part 65
1426—1429	14 Part 127
1428—1430	14 Part 65
1432	14 Part 43
1442—1443	14 Part 43
1472	14 Part 43
1510	14 Part 43
1522	14 Part 43
1651	23 Part 790
1652	14 Parts 43, 65
1655	14 Parts 21, 36, 65, 127 46 Parts 32, 77, 92, 96, 98, 151, 153, 190, 195 49 Parts 173, 310
1657	14 Part 65 23 Part 790
1671 et seq	49 Part 193
1672	49 Part 192
1674	49 Part 193
1801—1803	46 Part 153
1803	46 Parts 30, 151
1804	49 Part 192
1805—1811	46 Part 153
1805	49 Parts 174, 175
1809	49 Parts 173, 177
10321	49 Part 1312
10701a	49 Part 1138
10708	49 Part 1312
10713	49 Part 1313
10751	49 Part 1206
11142	49 Part 1249
50 U.S.C.:	
198	46 Parts 98, 170, 172, 174
1436	32 Part 166
50 U.S.C. App.:	
567	43 Part 2090
1751—1785 note	45 Parts 540–543
2001	45 Part 580
2017n	45 Part 580
U.S. Statutes at Large:	
60 Stat.:	
237	45 Part 503
76 Stat.:	
387	45 Part 560
80 Stat.:	
250	45 Part 503
83 Stat.:	
210	32 Part 166

	CFR
87 Stat.:	
985	49 Part 901
88 Stat.:	
1561	49 Part 901
92 Stat.:	
865	17 Part 30
876—877	17 Part 30
93 Stat.:	
492	35 Part 119
95 Stat.:	
1070	43 Part 3160
Public Laws:	
93-502	49 Part 901
94-542	45 Part 581
95-75	46 Part 32
96-70	35 Part 119
96-514	30 Parts 206, 218
97-78	30 Parts 206, 218
98-590	7 Part 1240
99-190	25 Part 700
Public Laws—Con.	CFR
99-349	31 Part 16
Executive Orders:	
9830	5 Part 315
10501	22 Part 212
10816	22 Part 212
11103	5 Part 315
11239	46 Parts 32, 77, 92, 96, 98, 190, 195
11521	5 Part 315
11964	46 Part 32
12009	18 Part 282
12065	22 Part 171
12173	35 Part 9
12234	46 Part 172
12364	5 Part 315
Reorganization Plans:	
1950 Plan No. 3	30 Parts 216, 218
1950 Plan No. 5	15 Part 4
1953 Plan No. 1	20 Part 404

1986	
34945-35200	Oct. 1
35201-35344	2
35345-35494	3
35495-35624	6
35625-35990	7
35991-36200	8
36201-36372	9
36373-36530	10
36531-36672	14
36673-36794	15
36795-36990	16
36991-37170	17
37171-37262	20
37263-37378	21
37379-37548	22
37549-37700	23
37701-37884	24
37885-39354	27
39355-39504	28
39505-39636	29
39637-39736	30
39737-39846	31
39847-39992	Nov. 3
39993-40120	4
40121-40300	5
40301-40398	6
40399-40780	7
40781-40956	10
40957-41066	12
41067-41292	13
41293-41470	14
41471-41594	17
41595-41754	18
41755-41928	19
41929-42078	20
42079-42196	21
42197-42542	24
42543-42814	25
42815-42986	26
42987-43166	28
43167-43336	Dec. 1
43337-43578	2
43579-43720	3
43721-43860	4
43861-44032	5
44033-44260	8
44261-44440	9
44441-44582	10
44583-44752	11
44753-44896	12
44897-44982	15
44983-45100	16
45101-45292	17
45293-45440	18
45441-45750	19
45751-45870	22
45871-46586	23
46587-46848	24
46849-46984	Dec. 29
46985-47184	30
47185-47418	31
1987	
1-228	Jan. 2
229-388	5
389-516	6
517-660	7
661-754	8
755-1178	9
1179-1312	12
1313-1430	13
1431-1618	14
1619-1896	15
1897-2098	16
2099-2212	20
2213-2388	21
2389-2502	22
2503-2662	23
2663-2800	26
2801-2862	27
2863-2920	28
2921-2974	29
2975-3100	30
3101-3208	Feb. 2
3209-3392	3
3393-3594	4
3595-3782	5
3783-3996	6
3997-4124	9
4125-4264	10
4265-4488	11
4489-4590	12
4591-4762	13
4763-4886	17
4887-5068	18
5069-5270	19
5271-5424	20
5425-5522	23
5523-5734	25
5735-5930	26
5931-6122	27
6123-6316	Mar. 2
6317-6492	3
6493-6768	4
6769-6950	5
6951-7102	6
7103-7262	9
7263-7396	10
7397-7558	11
7559-7816	12
7817-8052	13
8053-8222	16
8223-8438	17
8439-8580	18
8581-8858	19
8859-9106	20
9107-9280	23

9281-9450	Mar. 24
9451-9648	25
9649-9792	26
9793-10020	27
10021-10212	30
10213-10356	31
10357-10556	Apr. 1
10557-10724	2
10725-10874	3
10875-11018	6
11019-11184	7
11185-11452	8
11453-11610	9
11611-11806	10
11807-11980	13
11981-12128	14
12129-12362	15
12363-12510	16
12511-12896	17
12897-13068	20
13069-13214	21
13215-13424	22
13425-13624	23
13625-13822	24
13823-15294	27
15295-15484	28
15485-15698	29
15699-15934	30
15935-16228	May 1
16229-16366	4
16367-16804	5
16805-17282	6
17283-17386	7
17387-17536	8
17537-17746	11
17747-17914	12
17915-18186	13
18187-18334	14
18335-18542	15
18543-18686	18
18687-18900	19
18901-19128	20
19129-19258	21
19259-19478	22
19479-19714	26
19715-19830	27
19831-20052	28
20053-20370	29
20371-20590	June 1
20591-20694	2
20695-21000	3
21001-21238	4
21239-21492	5
21493-21650	8
21651-21930	9
21931-22286	10
22287-22430	June 11
22431-22628	12
22629-22752	15
22753-23006	16
23007-23164	17
23165-23264	18
23265-23420	19
23421-23536	22
23537-23628	23
23629-23778	24
23779-23930	25
23931-24126	26
24127-24274	29
24275-24442	30
24443-24970	July 1
24971-25192	2
25193-25344	6
25345-25578	7
25579-25860	8
25861-25962	9
25963-26126	10
26127-26292	13
26293-26468	14
26469-26662	15
26663-26934	16
26935-27184	17
27185-27322	20
27323-27524	21
27525-27660	22
27661-27776	23
27777-27984	24
27985-28122	27
28123-28238	28
28239-28442	29
28443-28532	30
28533-28680	31
28681-28814	Aug. 3
28815-28958	4
28959-29172	5
29173-29362	6
29363-29496	7
29497-29654	10
29655-29832	11
29833-30124	12
30125-30324	13
30325-30652	14
30653-30878	17
30879-31026	18
31027-31372	19
31373-31600	20
31601-31748	21
31749-31974	24
31975-32116	25
32117-32286	26
32287-32528	27
32529-32774	28
32775-32906	31

A G

1987

UMI

SE

1987

UMI

code of federal regulations

LSA

List of CFR Sections Affected

September 1987

Save this issue for titles 42–50 (Annual)

United States Government Printing Office
SUPERINTENDENT OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

**********5-DIGIT 48106

A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

S E

987

U M I

code of federal regulations

LSA

List of CFR Sections Affected

September 1987

Save this issue for titles 42–50 (Annual)

Titles 1–16
Changes January 2, 1987 through September 30, 1987

Titles 17–27
Changes April 1, 1987 through September 30, 1987

Titles 28–41
Changes July 1, 1987 through September 30, 1987

Titles 42–50 (Annual)
Changes October 1, 1986 through September 30, 1987

Parallel Table of Authorities and Rules

LSA—LIST OF CFR SECTIONS AFFECTED

The LIST OF CFR SECTIONS AFFECTED is a monthly publication designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles.

HOW TO USE THIS FINDING AID

The CFR is revised annually according to the following schedule:

Titles 1-16—as of Jan. 1
17-27—as of April 1
28-41—as of July 1
42-50—as of Oct. 1

To bring these regulations up to date, consult the most recent LIST OF CFR SECTIONS AFFECTED for any changes, additions, or removals published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing in the Reader Aids of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

Boldface page numbers under a particular title indicate that the page numbers span 2 years. **Boldface** is used to distinguish the current year from the previous year.

Cite a page reference from this publication as 51 FR for 1986 page numbers and 52 FR for 1987 page numbers. Example: 16052 cite as 51 FR 16052; **490** cite as 52 FR 490.

ISSUES TO BE SAVED

There is no single annual issue of the LIST OF CFR SECTIONS AFFECTED. Four ANNUAL ISSUES must be saved; the DECEMBER issue is the ANNUAL for Titles 1-16; the MARCH issue is the ANNUAL for Titles 17-27; the JUNE issue is the ANNUAL for Titles 28-41; the SEPTEMBER issue is the ANNUAL for Titles 42-50. ANNUAL ISSUES to be saved are clearly designated on the cover.

PARALLEL TABLE OF AUTHORITIES AND RULES

Following Title 50 is an update to Table I—Parallel Table of Authorities and Rules found in the CFR Index and Finding Aids. This table contains authority citations added to or removed from Table I as a result of documents published in the Federal Register since January 1, 1987.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the inclusive page numbers and corresponding Federal Register issue dates for the period covered.

INDEXES

An INDEX to the daily Federal Register is published monthly and is cumulated for 12 months. A separate volume, the CFR Index and Finding Aids to the entire Code of Federal Regulations, is revised as of January 1 each year.

INQUIRIES AND SUGGESTIONS

Loren S. Myers was Chief Editor of the LSA. The LSA was prepared under the direction of Martha B. Girard, assisted by Ruth C. Pontius. INQUIRIES, telephone 202-523-5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to John E. Byrne, Director, Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408.

(Comprising a complete CFR set)

Title	Price	Revision Date
1, 2 (2 Reserved)	$9.00	Jan. 1, 1987
3 (1986 Compilation and Parts 100 and 101)	11.00	Jan. 1, 1987
4	14.00	Jan. 1, 1987
5 (Parts 1-1199)	25.00	Jan. 1, 1987
(Parts 1200-End), 6 (6 Reserved)	9.50	Jan. 1, 1987
7 (Parts 0-45)	25.00	Jan. 1, 1987
(Parts 46-51)	16.00	Jan. 1, 1987
(Part 52)	23.00	Jan. 1, 1987
(Parts 53-209)	18.00	Jan. 1, 1987
(Parts 210-299)	22.00	Jan. 1, 1987
(Parts 300-399)	10.00	Jan. 1, 1987
(Parts 400-699)	15.00	Jan. 1, 1987
(Parts 700-899)	22.00	Jan. 1, 1987
(Parts 900-999)	26.00	Jan. 1, 1987
(Parts 1000-1059)	15.00	Jan. 1, 1987
(Parts 1060-1119)	13.00	Jan. 1, 1987
(Parts 1120-1199)	11.00	Jan. 1, 1987
(Parts 1200-1499)	18.00	Jan. 1, 1987
(Parts 1500-1899)	9.50	Jan. 1, 1987
(Parts 1900-1944)	25.00	Jan. 1, 1987
(Part 1945-End)	26.00	Jan. 1, 1987
8	9.50	Jan. 1, 1987
9 (Parts 1-199)	18.00	Jan. 1, 1987
(Part 200-End)	16.00	Jan. 1, 1987
10 (Parts 0-199)	29.00	Jan. 1, 1987
(Parts 200-399)	13.00	Jan. 1, 1987
(Parts 400-499)	14.00	Jan. 1, 1987
(Part 500-End)	24.00	Jan. 1, 1987
11	7.00	Jan. 1, 1986
12 (Parts 1-199)	11.00	Jan. 1, 1987
(Parts 200-299)	27.00	Jan. 1, 1987
(Parts 300-499)	13.00	Jan. 1, 1987
(Part 500-End)	27.00	Jan. 1, 1987
13	19.00	Jan. 1, 1987
14 (Parts 1-59)	21.00	Jan. 1, 1987
(Parts 60-139)	19.00	Jan. 1, 1987
(Parts 140-199)	9.50	Jan. 1, 1987
(Parts 200-1199)	19.00	Jan. 1, 1987
(Part 1200-End)	11.00	Jan. 1, 1987
15 (Parts 0-299)	10.00	Jan. 1, 1987
(Parts 300-399)	20.00	Jan. 1, 1987
(Part 400-End)	14.00	Jan. 1, 1987
16 (Parts 0-149)	12.00	Jan. 1, 1987
(Parts 150-999)	13.00	Jan. 1, 1987
(Part 1000-End)	19.00	Jan. 1, 1987
17 (Parts 1-199)	14.00	April 1, 1987
(Parts 200-239)	14.00	April 1, 1987
(Part 240-End)	19.00	April 1, 1987
18 (Parts 1-149)	15.00	April 1, 1987
(Parts 150-279)	14.00	April 1, 1987
(Parts 280-399)	13.00	April 1, 1987
(Part 400-End)	8.50	April 1, 1987
19 (Parts 1-199)	27.00	April 1, 1987
(Part 200-End)	5.50	April 1, 1987

(Comprising a complete CFR set)

Title	Price	Revision Date
20 (Parts 1–399)	$12.00	April 1, 1987
(Parts 400–499)	23.00	April 1, 1987
(Part 500–End)	24.00	April 1, 1987
21 (Parts 1–99)	12.00	April 1, 1987
(Parts 100–169)	14.00	April 1, 1987
(Parts 170–199)	16.00	April 1, 1987
(Parts 200–299)	5.50	April 1, 1987
(Parts 300–499)	26.00	April 1, 1987
(Parts 500–599)	21.00	April 1, 1987
(Parts 600–799)	7.00	April 1, 1987
(Parts 800–1299)	13.00	April 1, 1987
(Part 1300–End)	6.00	April 1, 1987
22 (Parts 1–299)	19.00	April 1, 1987
(Part 300–End)	13.00	April 1, 1987
23	16.00	April 1, 1987
24 (Parts 0–199)	14.00	April 1, 1987
(Parts 200–499)	26.00	April 1, 1987
(Parts 500–699)	9.00	April 1, 1987
(Parts 700–1699)	18.00	April 1, 1987
(Part 1700–End)	12.00	April 1, 1987
25	24.00	April 1, 1987
26 (Part 1 §§ 1.0–1—1.60)	12.00	April 1, 1987
(§§ 1.61—1.169)	22.00	April 1, 1987
(§§ 1.170—1.300)	17.00	April 1, 1987
(§§ 1.301—1.400)	14.00	April 1, 1987
(§§ 1.401—1.500)	21.00	April 1, 1987
(§§ 1.501—1.640)	15.00	April 1, 1987
(§§ 1.641—1.850)	17.00	April 1, 1987
(§§ 1.851—1.1000)	27.00	April 1, 1987
(§§ 1.1001—1.1400)	16.00	April 1, 1987
(§§ 1.1401—End)	20.00	April 1, 1987
(Parts 2–29)	20.00	April 1, 1987
(Parts 30–39)	13.00	April 1, 1987
(Parts 40–49)	12.00	April 1, 1987
(Parts 50–299)	14.00	April 1, 1987
(Parts 300–499)	15.00	April 1, 1987
(Parts 500–599)	7.50	*April 1, 1980
(Part 600–End)	6.00	April 1, 1987
27 (Parts 1–199)	21.00	April 1, 1987
(Part 200–End)	13.00	April 1, 1987
28	21.00	July 1, 1986
29 (Parts 0–99)	16.00	July 1, 1986
(Parts 100–499)	7.00	July 1, 1987
(Parts 500–899)	24.00	July 1, 1987
(Parts 900–1899)	10.00	July 1, 1987
(Parts 1900–1910)	27.00	July 1, 1986
(Parts 1911–1925)	6.50	July 1, 1987
(Part 1926)	10.00	July 1, 1987
(Part 1920–End)	29.00	July 1, 1986
30 (Parts 0–199)	16.00	**July 1, 1985
(Parts 200–699)	8.50	July 1, 1986
(Part 700–End)	18.00	July 1, 1987
31 (Parts 0–199)	12.00	July 1, 1987
(Part 200–End)	16.00	July 1, 1986
32 (Parts 1–189)	17.00	July 1, 1986

Footnotes at end of table.

(Comprising a complete CFR set)

Title	Price	Revision Date
(Parts 190–399)	$23.00	July 1, 1987
(Parts 400–629)	21.00	July 1, 1987
(Parts 630–699)	13.00	July 1, 1986
(Parts 700–799)	15.00	July 1, 1987
(Parts 800–End)	16.00	July 1, 1986
33 (Parts 1–199)	27.00	July 1, 1986
(Part 200–End)	19.00	July 1, 1987
34 (Parts 1–299)	20.00	July 1, 1986
(Parts 300–399)	11.00	July 1, 1986
(Part 400–End)	25.00	July 1, 1986
35	9.00	July 1, 1987
36 (Parts 1–199)	12.00	July 1, 1986
(Part 200–End)	19.00	July 1, 1986
37	13.00	July 1, 1987
38 (Parts 0–17)	21.00	July 1, 1986
(Part 18–End)	15.00	July 1, 1986
39	13.00	July 1, 1987
40 (Parts 1–51)	21.00	July 1, 1986
(Part 52)	27.00	July 1, 1986
(Parts 53–60)	23.00	July 1, 1986
(Parts 61–80)	12.00	July 1, 1987
(Parts 81–99)	25.00	July 1, 1987
(Parts 100–149)	23.00	July 1, 1986
(Parts 150–189)	21.00	July 1, 1986
(Parts 190–399)	27.00	July 1, 1986
(Parts 400–424)	22.00	July 1, 1986
(Parts 425–699)	24.00	July 1, 1986
(Part 700–End)	24.00	July 1, 1986
41 (Chapters 1—100)	9.50	July 1, 1986
(Chapter 101)	23.00	July 1, 1987
(Chapters 102–200)	11.00	July 1, 1987
(Chapter 201–End)	8.50	July 1, 1987
42 (Parts 1–60)	15.00	Oct. 1, 1986
(Parts 61–399)	10.00	Oct. 1, 1986
(Parts 400–429)	20.00	Oct. 1, 1986
(Part 430–End)	15.00	Oct. 1, 1986
43 (Parts 1–999)	14.00	Oct. 1, 1986
(Parts 1000–3999)	24.00	Oct. 1, 1986
(Part 4000–End)	11.00	Oct. 1, 1986
44	17.00	Oct. 1, 1986
45 (Parts 1–199)	13.00	Oct. 1, 1986
(Parts 200–499)	9.00	Oct. 1, 1986
(Parts 500–1199)	18.00	Oct. 1, 1986
(Part 1200–End)	13.00	Oct. 1, 1986
46 (Parts 1–40)	13.00	Oct. 1, 1986
(Parts 41–69)	13.00	Oct. 1, 1986
(Parts 70–89)	7.00	Oct. 1, 1986
(Parts 90–139)	11.00	Oct. 1, 1986
(Parts 140–155)	8.50	***Oct. 1, 1985
(Parts 156–165)	14.00	Oct. 1, 1986
(Parts 166–199)	13.00	Oct. 1, 1986
(Parts 200–499)	19.00	Oct. 1, 1986
(Part 500–End)	9.50	Oct. 1, 1986
47 (Parts 0–19)	17.00	Oct. 1, 1986
(Parts 20–39)	18.00	Oct. 1, 1986

Footnotes at end of table.

(Comprising a complete CFR set)

Title	Price	Revision Date
(Parts 40–69)	$11.00	Oct. 1, 1986
(Parts 70–79)	17.00	Oct. 1, 1986
(Part 80–End)	20.00	Oct. 1, 1986
48 (Chapter 1, Parts 1–51)	21.00	Oct. 1, 1986
(Chapter 1, Parts 52–99)	16.00	Oct. 1, 1986
(Chapter 2)	27.00	Dec. 31, 1986
(Chapters 3–6)	17.00	Oct. 1, 1986
(Chapters 7–14)	23.00	Oct. 1, 1986
(Chapter 15–End)	22.00	Oct. 1, 1986
49 (Parts 1–99)	10.00	Oct. 1, 1986
(Parts 100–177)	24.00	Oct. 1, 1986
(Parts 178–199)	19.00	Oct. 1, 1986
(Parts 200–399)	17.00	Oct. 1, 1986
(Parts 400–999)	21.00	Oct. 1, 1986
(Parts 1000–1199)	17.00	Oct. 1, 1986
(Parts 1200–End)	17.00	Oct. 1, 1986
50 (Parts 1–199)	15.00	Oct. 1, 1986
(Part 200–End)	25.00	Oct. 1, 1986
CFR Index and Findings Aids	27.00	Jan. 1, 1987
Complete 1987 CFR set	595.00	1987
Complete 1986 CFR set	595.00	1986
Microfiche CFR edition:		
Complete set (one-time mailing)	155.00	1983
Complete set (one-time mailing)	125.00	1984
Complete set (one-time mailing)	115.00	1985
Subscription (mailed as issued)	185.00	1986
Subscription (mailed as issued	185.00	1987
Individual copies	3.75	1987

*No amendments to this volume were promulgated during the period April 1, 1980 through March 31, 1987. The CFR volume issued as of April 1, 1980, should be retained.

**No amendments to this volume were promulgated during the period July 1, 1985 through June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

***No amendments to this volume were promulgated during the period October 1, 1985 through September 30, 1986. The CFR volume issued as of October 1, 1985 should be retained.

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Charge orders (VISA, CHOICE, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at (202) 783–3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday–Friday (except holidays).

Other Related Publications

Title	Price	Revision Date
Federal Register	$340.00	daily
Federal Register Document Drafting Handbook	4.75	April 1986
Guide to Record Retention Requirements in the Code of Federal Regulations	10.00	Jan. 1, 1986
1987 Supplement—February 27, 1987 Federal Register, Part II	1.50	Jan. 1, 1987
List of Sections Affected, 1949–1963	Out of print	1966
List of CFR Sections Affected, 1964–1972		
(Titles 1 through 27) Vol. I	Out of print	1980
(Titles 28 through 50) Vol. II	14.00	1980
LSA (List of CFR Sections Affected):		
Yearly subscription	24.00	
Individual copies	1.50	monthly
Federal Register Index:		
Yearly subscription	22.00	
Individual copies	1.50	monthly

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

TITLE 1—GENERAL PROVISIONS

Chapter III—Administrative Conference of the United States

Page

304.1—304.6 (Subpart A) Authority citation revised..... 22753
304.3 (a) revised; (b) and (c) amended; (d) removed; (e) redesignated as (d) and revised; interim..... 22753
(c) correctly designated..... 23627
(a) revision, (b) and (c) amendment, (d) removal, (e) redesignation as (d) confirmed; (d) revised..... 29498
304.6 Revised; interim..... 22753
Revision confirmed; (h) introductory text added; (i) (1) and (2) amended..... 29498
305.87-1 Added..... 23629
305.87-2 Added..... 23631
305.87-3 Added..... 23632
305.87-4 Added..... 23634
305.87-5 Added..... 23635
310.12 Added..... 23636

Chapter IV—Miscellaneous Agencies

456 Authority citation revised; nomenclature changes..... 34373
456.2 (a) through (f) revised; (g), (h), and (i) added..... 34373
456.3 Redesignated as 456.4; new 456.3 added..... 34373
456.4 Redesignated from 456.3..... 34373
(j)(1)(vii) and (k)(2) revised; (j)(1)(viii), (k)(1) and (l) amended; (j)(1)(ix) and (5) and (k)(4) added; (j) (2) and (3) redesignated as (j) (3) and (4); new (j)(2) added; new (j)(4) revised..... 34374

Title 1—*Proposed Rules:*

301—326 (Ch. III)..... 7814, 7879, 13448
456..... 15729

TITLE 3—THE PRESIDENT

Proclamations

5074 Amended by Proc. 5679..... 27308
5453 Modified by Proc. 5660..... 19259

Page

5595 229
5596 755
5597 1431
5598 1897
5599 2213
5600 2503
5601 2663
See U.S. Trade Representative Notice..... 3523
5602 2921
5603 2975
5604 2977
5605 3393
5606 3783
5607 4489
5608 4887
5609 5271
5610 5425
5611 5523
5612 6123
5613 6125
5614 6769
5615 6771
5616 7263
5617 7265
5618 8439
5619 8441
5620 8443
5621 9281
5622 9283
5623 9793
5624 11019
5625 11453
5626 11611
5627 11613
5628 11809
5629 12126
5630 12129
5631 13412
See U.S. Trade Representative Notice..... 22693
5632 13618
5633 13620
5634 13622
5635 13625
5636 13823
5637 13825
5638 15295
5639 15696
5640 15697
5641 15699
5642 15701
5643 15935
5644 16229
5645 16367

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

TITLE 3 Proclamations—Con. Page

5646 16805
Correction 17678
5647 16815
5648 16817
5649 16819
5650 17382
5651 17915
5652 17917
5653 18187
5654 18189
5655 18898
5656 18900
5657 19122
5658 19123
5659 19257
5660 19259
5661 19479
5662 19829
5663 20695
5664 21239
5665 23007
5666 23009
5667 23011
5668 23165
5669 23537
5670 23539
5671 23541
5672 24127
5673 24275
5674 25345
5675 25347
5676 25963
5677 26935
5678 27185
5679 27308
5680 27323
5681 27325
5682 27525
5683 27661
5684 27777
5685 28237
5686 28959
5687 28961
5688 29363
5689 29365
5690 29655
5691 29833
5692 30125
5693 30653
5694 30655
5695 31975
5696 32905
5697 34193
5698 34195
5699 34197
5700 34199
5701 34761
5702 35523
5703 35525
5704 35527
5705 35905
5706 36208
5707 36210
5708 36213

Executive Orders

6039 Partially revoked by PLO 6656 31623
6269 Amended by PLO 6642 16248
8248 Amended by EO 12608 34617
8512 Amended by EO 12608 34617
8744 Revoked by EO 12608 34617
9094 Amended by EO 12608 34617
9830 Amended by EO 12608 34617
9979 Amended by EO 12608 34617
10289 Amended by EO 12608 34617
10484 Amended by EO 12608 34617
10499 Amended by EO 12608 34617
10521 Amended by EO 12608 34617
10530 Amended by EO 12608 34617
10582 Amended by EO 12608 34617
10608 Amended by EO 12608 34617
10624 Amended by EO 12608 34617
10786 Amended by EO 12608 34617
10797 Amended by EO 12608 34617
10840 Amended by EO 12608 34617
10841 Amended by EO 12608 34617
10880 Revoked by EO 12608 34617
10903 Amended by EO 12608 34617
10909 Amended by EO 12608 34617
11012 Amended by EO 12608 34617
11023 Amended by EO 12608 34617
11030 Amended by EO 12608 34617
11034 Amended by EO 12608 34617
11044 Amended by EO 12608 34617
11047 Amended by EO 12608 34617
11060 Amended by EO 12608 34617
11077 Amended by EO 12608 34617
11079 Amended by EO 12608 34617
11140 Amended by EO 12608 34617
11157 Amended by EO 12608 34617
11377 Revoked by EO 12608 34617
11390 Amended by EO 12608 34617
11440 Amended by EO 12608 34617
11467 Amended by EO 12608 34617
11480 Amended by EO 12608 34617
11490 Amended by EO 12608 34617
11561 Amended by EO 12608 34617
11580 Amended by EO 12608 34617
11583 Amended by EO 12608 34617

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

Page

11609 Amended by EO 12608 34617
11623 Amended by EO 12608 34617
11644 Amended by EO 12608 34617
11687 Amended by EO 12608 34617
11747 Amended by EO 12608 34617
11755 Amended by EO 12608 34617
11758 Amended by EO 12608 34617
11776 Amended by EO 12608 34617
11800 Amended by EO 12608 34617
11845 Amended by EO 12608 34617
11880 Amended by EO 12608 34617
11899 Amended by EO 12608 34617
11911 Revoked by EO 12608 34617
11990 Amended by EO 12608 34617
12034 Revoked by EO 12608 34617
12048 Amended by EO 12608 34617
12049 Amended by EO 12608 34617
12086 Amended by EO 12608 34617
12088 Amended by EO 12580 2923
12101 Amended by EO 12608 34617
12138 Amended by EO 12608 34617
12146 Amended by EO 12608 34617
12154 Amended by EO 12608 34617
12163 Amended by EO 12608 34617
12196 Amended by EO 12608 34617
12208 Amended by EO 12608 34617
12295 Revoked by EO 12608 34617
12316 Revoked by EO 12580 2923
12322 Amended by EO 12608 34617
12328 Amended by EO 12608 34617
12367 Amended by EO 12593 13624
12368 Amended by EO 12590 10021
12426 Revoked by EO 12608 34617
12462 Amended by EO 12579 515
12493 Amended by EO 12602 27187
12496 Superseded by EO 12578 505
12513 *See* Notice of April 21, 1987 13425
12528 Amended by EO 12604 29495
12547 Revoked by EO 12597 18335
12575 Amended by EO 12581 2979
12576 Superseded by EO 12598 23421
12578 505
12579 515
12580 2923
12581 2979
12582 3395
12583 5427
12584 5429
12585 6773
12586 7103
12587 7397
12588 8859
12589 8861
12590 10021
12591 13414
12592 13417
Amended by EO 12609 36211
12593 13624
12594 15703
12595 17383
12596 17537
12597 18335
12598 23421
12599 23779
12600 23781
12601 24129
Amended by EO 12603 27315
12602 27187
12603 27315
12604 29495
12605 30325
12606 34188
12607 34190
12608 34617
12609 36211

Administrative Orders

Letters

January 5, 1987 4125

Memorandums

December 30, 1986 ..... 231, 233, 1619
January 2, 1987 389
April 17, 1987 13419
May 12, 1987 20053
May 14, 1987 18685
May 19, 1987 19271
June 30, 1987 24971
July 16, 1987 27316
August 5, 1987 29367
August 12, 1987 32117
August 27, 1987 33397

Notices

April 21, 1987 13425

Presidential Determinations

No. 87-6 of December 27, 1986 2389
No. 87-7 of January 5, 1987 2391
No. 87-10 of March 5, 1987 9107
No. 87-11 of March 12, 1987 9795
No. 87-12 of March 17, 1987 11807
No. 87-14 of June 2, 1987 22431
No. 87-15 of June 23, 1987 23785
No. 87-16 of June 24, 1987 23931
No. 87-18 of July 7, 1987 27779
No. 87-19 of August 5, 1987 31749

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

TITLE 3 Administrative Orders—Con.

Presidential Recommendation Page

January 20, 1987 2822
Corrections 3079, 3526

Title 3—*Proposed Rules:*

102 ..... 25124, 27902

TITLE 4—ACCOUNTS

Title 4—*Proposed Rules:*

21 9684

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Office of Personnel Management

110.201 (b) table amended (OMB numbers) 7400
(b) table amendment at 51 FR 36176 republished; interim (OMB number) 16175
213 Authority citation revised 11185
213.3102 (q) amended 36009
213.3202 (e) revised 11185
(l) amended; interim 25194
294 Authority citation revised 13216
294.101—294.111 (Subpart A) Revised 13216
294.401 (Subpart D) Revised 13219
300.701—300.307 (Subpart G) Added 7400
315 Authority citation revised; subpart and section authority citations removed 5431
Authority citation revised 15705, 25194
315.608 Revised; interim 15706
315.610 Added 5431
315.710 Added; interim 25194
316 Authority citation revised 15706
316.302 (c)(3) revised; interim 15706
316.402 (b)(2) revised; interim 15706
351 Authority citation revised 10024
351.301—351.303 (Subpart C) Revised 10024
410 Authority citation revised; section authority citations removed 7402
410.603 Revised 7402
534.401—534.404 (Subpart D) Heading revised 2
534.403 Revised 2
572 Authority citation added; section authority citations removed 28817
572.101—572.201 (Subpart A) Redesignated as 572.201—572.202 (Subpart B) and heading revised 28817
572.101—572.102 (Subpart A) Added 28817
572.201—572.202 (Subpart B) Redesignated from 572.101—572.201 (Subpart A) and heading revised 28817
572.301 (Subpart C) Added 28817
591.202 Amended; interim 12131
591.201—591.213 (Subpart B) Appendix B amended; interim 12131
630 Authority citation revised; section authority citations removed 10214
630.901—630.911 (Subpart I) Added; interim 10214
752 Authority citation revised; section authority citations removed 34624
752.501 Amended 34624
752.601—752.606 (Subpart F) Revised 34624
831.105 (i) added 32287
831.201 (g) added; interim 17388
831.301 (d) added; interim 10026
831.304 Added; interim 3786
831.305 Added; interim 3786
831.306 Added; interim 3786
831.307 Added; interim 5069
831.308 Added; interim 19125
831.606 (d) revised 10216
831.612 (a)(1) revised; interim 3209
831.703 Added; interim 1622
Revised 22434
831.1704 (d) and (e)(1) revised; interim 3210
841.101—841.110 (Subpart A) Added; interim; effective date pending in part 19242
841.201—841.203 (Subpart B) Added; interim 19244

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

841.301—841.309 (Subpart C) Added; interim 19244
841.403 Revised 25196
841.409 Revised 25196
841.413 (b)(1) amended 25196
841.401—841.413 (Subpart D) Appendix A revised 25196
841.501—841.507 (Subpart E) Added; interim 2057
841.503 (b) revised 25197
841.601—841.607 (Subpart F) Added; interim 12132
841.801—841.804 (Subpart H) Added; interim 2058
841.1001—841.1008 (Subpart J) Added; interim 5432
842.101—842.105 (Subpart A) Authority citation amended 25197
842.102 (h)(5) revised 25197
842.201—842.212 (Subpart B) Added; interim 4473
842.301—842.308 (Subpart C) Added; interim 18193
842.401—842.406 (Subpart D) Added; interim 4475
842.402 Heading revised; text amended; interim 22436
842.407 Added; interim 22436
842.501—842.505 (Subpart E) Added; interim 4479
842.601—842.615 (Subpart F) Added; interim 2061
842.701—842.706 (Subpart G) Added; interim 2067
842.801—842.809 (Subpart H) Added; interim 2069
843 Added; interim 2074
Addition confirmed; authority citation added; subpart authority citations removed 23013
843.102 Corrected 2352
843.211 Added 23014
843.303 (a) introductory text revised 23014
843.306 (a) introductory text amended 23014
843.307 (a), (b) (1) and (2) amended 23014
843.309 (a) introductory text revised 23014
(b)(2) revised 36389
843.310 Amended 23014
843.311 (a) introductory text and (b) amended 23014
843.301—843.312 (Subpart C) Appendix A amended 36389
845 Added; interim 5931
Addition confirmed; authority citation added; subpart authority citations removed 23014
846 Added; interim 19235
870.103 Amended 3398
870.202 (a)(8) added; interim 17388
870.205 (a), (b), and (c) revised 25198
870.401 (h) revised; (i) added 3398
870.501 (d) removed; (e) and (f) redesignated as (d) and (e); interim 12134
871.401 (g) revised; (h) added 3398
872.401 (g) revised; (h) added 3398
873.401 (e) revised; (f) added 3398
890 Authority citation revised 3211, 3398
890.101 (a) introductory text revised; (a)(1) removed; (a)(2) through (12) designations removed; (a) amended 3399
890.102 (c)(8) added; interim 17388
890.104 (a), (b) and (c) revised 25198
890.108 Added 3
890.201 (a)(4) amended 10217
890.203 (a)(2) revised; (a) (3) and (4) added 23934
890.301 (n) revised 2505
(d) republished 2665
(f)(3) added; (g)(4) revised 34626
890.303 (b) amended; interim 17388
890.306 (g) added 10217
890.401 (c) added 10217
890.502 (d) and (e) added 3399
890.503 (c) revised 3212
890.701 Amended 2666
890.702 (b) republished 2666
890.806 (b) amended 2506
890.808 (b)(1) revised; (d)(1) amended 2506
911 Added; interim 4491
930.201—930.216 (Subpart B) Revised 34203
950 Revised; interim 16176

Chapter II—Merit Systems Protection Board

1201 Appendix II revised 10875
Appendix III amended 17919

TITLE 5 Chapter II—Con. Page
1204 Revised; interim....28123

Chapter VI—Federal Retirement Thrift Investment Board

Chapter VI Chapter established....6127
1600 Added....6127
1600.2 (d) revised; interim....20591
1603 Added; interim....29835
1605 Added; interim....17920
1605.3 (b)(5) corrected....19018
1605.9 Added; interim....27527
1605.10 Added; interim....27528
1620 Added; interim....26293
1630 Added; interim....8053
1631 Added; interim....17923
1640 Added; interim....20371
1650 Added; interim....32281
Effective date note corrected....32868

Chapter XIV—Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority and Federal Service Impasses Panel

Chapter XIV Appendix A corrected....1313
2411.6 (b) (3) and (4) revised....26128
2411.10 Revised....26128

Title 5—*Proposed Rules:*

213....23040
297....21832
307....15730
316....15730
340....9867
353....11657
432....5463
531....29862
540....28840
550....17762
551....34657
572....7427
723....25124, 27902
735....3251
752....9867
831....19150
870....5466, 28841
874....28841
890....3816, 5466, 17300, 19151, 22475, 24014
930....8909
1207....25124, 27902
1260....35722
1261....35722
1262....25124, 27902
1303....31036
1320....27768
2411....11995
2416....25124, 27902

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

1d Added....20376
2.15 (b)(6) revised; (b)(7) added....21493
2.17 (a)(3)(xvi) and (4) removed....235
2.19 (d)(22), (f)(11) and (12) added....235
(d)(23) added....17539
(d) (5), (6), and (18) revised; (d) (24) through (26) added....24131
(d) (27) and (28) added....33571
2.21 (b), (d)(20) and (32) revised....236
2.25 (c)(8)(ix) removed; (c)(8) introductory text and (xiii) and (e)(15) revised; (c)(8)(xiv) through (xvi) and (h)(23) added; (k) and (l) redesignated as (l) and (m); new (k) added....2507
(c)(9) added....18687
(i) revised....21494
2.27 (a) (16) and (17) added....2666
2.29 (c)(11) added....2099
2.30 (a)(81) and (82) added....237
(a)(76) removed....2507
(a) (83) through (85) added....17540
(a) (86) and (87) added....21931
2.33 (c) removed....18687
2.50 (a)(3)(xvi) and (4) removed....237
2.60 (a)(24) added....238
(a)(25) added....17540
(a) (5) and (6) revised; (a) (26) through (28) added....24132
(a) (29) and (30) added....33571
2.62 (a)(14) and (15) added....238
2.65 (a) revised....238
2.68 (a)(25) and (35) revised....239
2.75 (a)(17) removed....2507
2.76 (a)(1)(ii), (10) introductory text and (xiii) revised; (a)(10)(ix) removed; (a)(10)(xiv) through (xvi) added....2507
(a)(11) added....18687
2.78 (a)(27) revised....2508
2.79 Removed....2508
2.80 Heading and (a) introductory text revised; (a) (19) through (21) added....2508
(a)(19) revised....21494
2.84 (a) (10) and (11) added....2666
2.85 (a) (5) and (6) added....2666
2.87 (a)(1)(i) revised....2666
2.92 (a)(6) revised; (a)(7) added....21493
2.106 (a)(33) added....240
(a)(34) added....17540
2.107 (a) (24) and (25) added....21931
(a) (26) through (34) added....31373
2.108 (a)(25) and (26) added....240
(a)(27) added....21931
2.110 (a)(7) removed....2508
Removed....31373
4 Removed....21651
6.20—6.33 (Subpart) Authority citation correctly revised....32529
6.21 (m) amended....19463
6.25 (b)(4) amended....26937
(b)(4) correctly revised....32529
6.26 (c)(2) introductory text and (3) introdutory text revised....19463
6.28 OMB number removed....19463
6.34 Added....19463
6.20—6.34 (Subpart) Appendixes 1 and 2 amended....19463
8.3 Amended....8432
8.9 Revised....8432
12 Revised....35200
12.5 (b)(2) revised; (b)(3) removed; interim....24133
17.2 (b) corrected....1623
17.7 (d) and (e) correctly designated....1623
17.21 Corrected....1623

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

27.80 (a), (b), and (d) through (h) revised; interim....35217
27.81 Revised; interim....35218
28.1—28.165 (Subpart A) Authority citation revised....30880
28.2 (j) through (u) redesignated as (k) through (v); new (j) added; (d), (f), (h), (i) and new (k) revised....30880
28.4 Revised....30881
28.5—28.6 Removed....30881
28.7 Revised....30881
28.8 Revised....30881
28.15 (a) and (c) revised....30881
28.16 Revised....30881
28.17 Revised....30881
28.18 Revised....30881
28.19 Revised....30881
28.25 Introductory text, (f), (g) and (h) revised....30881
28.26 Revised....30881
28.27 Revised....30881
28.28 Revised....30882
28.29 Revised....30882
28.32 (a) revised....30882
28.36 Revised....30882
28.37 Revised....30882
28.40 (b) revised....30882
28.45 Revised....30882
28.47 Revised....30882
28.55 Revised....30882
28.56 (a) and (b) revised....30882
28.59 Revised....30882
28.60 Revised....30882
28.66 Revised....30882
28.105 (a) and (b) (2) and (3) revised....30883
28.107 (d) revised....30883
28.115 Revised....30883
28.116 (a) revised; interim....35218
28.117 Revised....30883
Revised; interim....35218
28.120 Revised; interim....35218
28.122 Revised; interim....35218
28.123 Revised; interim....35218
28.137 Removed....30883
28.138 Introductory text revised....30883
28.139 Revised....30883
28.140 Introductory text revised....30883
28.142 Revised....30883
28.146 Revised....30883
28.148 Revised; interim....35218
28.149 Revised; interim....35218
28.151 Revised; interim....35219
28.165 Undesignated center heading and section revised (OMB numbers)....30884
28.177 Revised....30884

TITLE 7 Chapter I—Con. Page
28.178 Revised ... 30884
28.180 Introductory text and (e) revised ... 30884
28.181 Revised ... 30884
28.182 Revised ... 30884
28.184 Revised; interim ... 35219
28.901—28.917 (Subpart D) Authority citation revised ... 30880
28.909 (b) revised; interim ... 35219
28.910 (b) revised; interim ... 35219
28.911 Revised; interim ... 35219
28.956 Revised; interim ... 35219
Table corrected ... 36668
29.1026 Revised ... 28533
Technical correction ... 30280
29.1037 Revised ... 28534
Technical correction ... 30280
29.1161 Removed ... 28534
Technical correction ... 30280
29.1181 Table removed ... 28534
Technical correction ... 30280
29.1225 Amended ... 28534
Technical correction ... 30280
29.8001 (Subpart D) Authority citation added ... 25199
29.8001 Table amended ... 25199, 25200
46.6 Revised ... 30329
51.885 (b) Tables I and II amended; (b) footnote 2 removed ... 22437
51.887 (a) introductory text and (1) revised ... 22437
51.910 Revised ... 22437
51.2891—51.2896 (Subpart) Added ... 36011
51.3000—51.3006 (Subpart) Revised ... 3400
51.3006 (c) Table II corrected ... 4822
52.1761—52.1770 (Subpart) Revised ... 6130
52.1811—52.1821 (Subpart) Revised ... 27664
53.203 (a) and (b)(3) amended ... 35683
53.204 (c) heading, (1) and (2) amended ... 35683
53.205 (c) heading, (1) and (2) amended ... 35683
53.206 (a)(4), (b)(4), (c)(4) and (d)(4) amended ... 35683
54.11 (a)(1)(vii) amended ... 35683
54.17 (b) amended ... 35683
54.104 (b), (n), (o) and (q) amended ... 35683
54.106 (c) heading, (1) and (3) amended ... 35683
54.107 (c) heading and text amended ... 35683
55.510 (b), (c), and (d) revised ... 13628
55.550 Revised ... 13628
(a) table corrected ... 15802
55.560 (a)(3) revised ... 13628
56.9 (b) revised (OMB numbers) ... 23935
56.46 (b) and (c) revised ... 13628
56.47 Revised ... 13629
56.52 (a)(4) revised ... 13629
56.54 (a)(2) revised ... 13629
57 Removed; eff. 3-14-88 ... 7818
58.2570—58.2578 (Subpart N) Revised ... 28127
59.126 Revised ... 13629
59.370 (b) revised ... 13629
61.1—61.46 (Subpart A) Authority citation corrected ... 36668
61.43 Revised; interim ... 35221
61.44 Revised; interim ... 35221
61.45 Revised; interim ... 35221
61.46 Revised; interim ... 35221
68 Existing regulations unchanged ... 31751
68.42a Heading and Table 2 revised; eff. 3-14-88 ... 7818
70.71 (b) and (c) revised ... 13629
70.72 Revised ... 13629
70.76 (a)(2) revised ... 13629
70.77 (a)(4) and (5) revised ... 13629

Chapter II—Food and Nutrition Service, Department of Agriculture

210.2 Amended ... 7560, 30128
210.10 (c) table, (d)(1), and (i)(6) (i) and (ii) amended ... 9110
210.14 (a) amended ... 15298
210.16 (a) introductory text revised ... 11187
210.18 (f)(6) and (7) amended; (f)(8) and (m) added; (l) revised ... 5736
210.20 (a)(5) and (b)(7) and (8) amended; (a)(6) redesignated as (a)(7); new (a)(6) added ... 5737
215.1 Revised; interim ... 7562
215.2 (k-1) added; (v)(1) amened ... 7560
(x-1) added; interim ... 7562

Page
(k-1), (bb) and (cc) removed; (v)(1) amended ... 30128
215.7 (a) revised; interim ... 7562
(d)(1) amended ... 15298
220.2 (j-1) added; (u)(1) revised ... 7560
(j-1), (bb) and (cc) removed; (u)(1) amended ... 30128
220.7 (e)(1)(ii) amended; (e)(1)(iii) and (iv) redesignated as (e)(1) (iv) and (v); new (e)(1)(iii) added ... 15298
225 Authority citation revised ... 15298
225.19 (j) amended ... 15298
226 Authority citation revised ... 5526, 15298
226.6 (j) introductory text amended ... 5526
226.8 (g) added ... 5526
226.15 (j) added ... 15298
227.5 (a) revised ... 8223
240 Authority citation revised ... 7267
240.1 (b) amended ... 7267
240.3 (a) amended ... 7267
245.2 (a-1), (a-2), and (a-3) redesignated as (a-2), (a-3), and (a-4); (a-1) and (b-1) added; (a-4) (3) and (4) amended; (k) revised; interim ... 19274
Comment time extended ... 27669
245.5 (a)(1) (iii), (iv), and (vi) revised; interim ... 19275
Comment time extended ... 27669
245.6 (a) introductory text and (1) amended; interim ... 19275
Comment time extended ... 27669
245.6a (a)(1) and (b)(3) amended; (a) (2) and (3) revised; interim ... 19275
Comment time extended ... 27669
245.11 (a)(2) amended; interim ... 19276
Comment time extended ... 27669
246 Authority citation revised ... 21236
246.2 Amended ... 25189
246.3 (d) and (e) redesignated as (e) and (f); new (d) added; new (e)(3) amended ... 21236
246.4 (a)(8) and (b) revised; (a)(18) added ... 21236
246.7 (h)(8) revised; (i)(7) redesignated as (i)(8); (c)(2)(iv)(L) and new (i)(7) added ... 21236
246.9 (a), (c) and (k)(3) revised ... 21237
246.12 (f)(2)(xx) added; (k)(2) amended ... 21237
246.14 (b) revised; (c)(1) introductory text amended ... 21237
246.16 (b), (c)(2) and (d) revised; (c)(3) added ... 21237
(c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; (b)(2) introductory text and new (e) and (f) revised ... 25190
246.23 (a) heading and (b) heading revised; (c) redesignated as (d); new (c) added ... 21238
246.25 (b) revised ... 21238
250 Authority citation revised ... 17932
250.3 Amended; interim ... 24976
250.4 (a) revised ... 17932
250.6 (r)(4) amended; interim ... 24976
250.15 (f) introductory text and (1) through (3), (m)(2) and (n) (2), (3) and (4) and (o) introductory text and (1) through (6) redesignated as (f)(1) introductory text and (i) through (iii), (m)(3), (n)(3), (4) and (5) and (o)(1) introductory text and (i) through (vi); new (f)(1)(iii) revised; new (f) (2), (3), (4) and (5), (m)(2), (n)(2) and (o)(2) added; interim ... 24976
251.2 (c) revised ... 17933
251.4 (g) and (h) redesignated as (h) and (i); new (g) and (j) added ... 17933
251.6 (a) revised ... 17934
251.9 Redesignated as 251.10 and (d) removed and (e), (f), and (g) redesignated as (d), (e), and (f); new 251.9 added ... 17934
251.10 Redesignated from 251.9; (d) removed; (e), (f), and (g) redesignated as (d), (e), and (f) ... 17934
252.2 Amended; interim ... 24977
252.3 (c) revised; interim ... 24978
252.4 (b) revised; interim ... 16369

TITLE 7 Chapter II—Con. Page
(c) (6) and (7) amended; (c)(9)(ii) redesignated as (c)(9)(iii); new (c)(9)(ii) added; interim....24978
271 Authority citation revised....11814
271.2 Amended....3406, 7556, 13222
Amendment confirmed; amended....11814
Amended; interim....36397
272 Authority citation revised....11814
272.1 (g)(83) added; interim....1299
(d)(1) amended; (d)(2) revised; (g)(71) added....3406
(g)(77) and (g)(76)(iii) corrected....3411
(g)(84) added....5436
(g)(85) added....7557
(g)(86) added....11022
(g)(72) addition confirmed; (g)(87) added....11814
(g)(88) added; interim....20058
(g)(87) correctly designated; (g)(89) added; interim....20379
Technical correction....22888
(g)(90) added; interim....26941
(g)(91) added; interim....29658
(g)(92) added (effective date pending)....35225
(g)(93) added; interim....36397
(g)(83) addition confirmed; (g)(94) added....36564
272.2 (a)(2) amended....3407
(a)(2) amended; (d)(1)(vi) and (e)(8) added....35225
272.5 (a) and (b) introductory text amended; (c) added; interim....36398
272.9 Added....7557
272.10 Added....35226
273 Authority citation revised....11814
273.1 (e)(5) and (f)(4)(iv) added....7557
(e) amended; (f)(2)(i) amendment confirmed....11814
(a)(2)(i) (C) and (D) amended; interim....36398
273.2 (i)(3)(i) revised; (i)(3)(ii) amended; interim....1299
(b)(1)(vii) corrected....1300
(d)(2) revised; (f)(1)(ix) added; (f)(3)(ii) amended....3407
(j)(2)(i) and (k) introductory text corrected; (l) correctly designated....3411
(f)(1)(ii) (A) and (B) amended; (f)(1)(ii) (D), (E), and (F) redesignated as (f)(1)(ii) (E), (F), and (G); new (f)(1)(ii)(D) added; interim....20058
(f)(2) introductory text and (i), (3)(i) introductory text, (A) and (B) redesignated as (f)(2)(i) and (f)(1)(ix), (f)(3) introductory text, (i) and (ii); (f)(3)(ii) removed; new (f)(2)(i), (3) introductory text and (i) amended; interim....26941
(i)(1) revised; interim....36398
(i)(3)(i) revision confirmed; (i)(3)(ii) revised....36564
273.4 (a) (2), (3), (4), and (5) amended; (a) (8) through (11) added; interim....20058
(a)(9) corrected....22888
273.7 (b)(2)(i), (g)(2) introductory text, (i), (iii), and (iv) and (o)(6) heading amended; (g)(2)(ii) revised; (h)(5) added....11022
273.8 (e)(11)(xi) added; interim....20379
Technical correction....22888
(e)(15) and (h)(1)(vi) added; interim....26941
273.9 (d)(6)(i) and (v)(B) amended; (d)(6)(ii) revised....5436
(c) (3), (4) and (5)(ii)(B) amended; (c)(10)(xi) added....20379
Technical correction....22888
(b)(1)(v) and (c)(12) added; interim....26941
(a)(3) introductory text, (d)(7)(i) and (8)(i) revised; (b)(2)(i) amended; (c)(1) (ii), (iii), and (iv) redesignated as (c)(1) (iii), (iv), and (v); new (c)(1)(ii) added; new (c)(1)(iv)(B) revised; eff. in part 7-1-88 and 10-1-88; eff. in part to 10-30-89; interim....36399
273.10 (d)(1)(i) amended; (d)(6) revised....5436
(e)(2)(iii)(B)(*8*) and (*9*) removed....11022

Page
(e)(1)(i)(A) amendment confirmed....11814
(f) (2) through (7) redesignated as (f) (3) through (8); new (f)(2) added; interim....36399
273.11 (h), (i), and (j) redesignated as (i), (j), and (k); new (h) added....7557
(a)(2)(iii) and (e)(1) revised....11814
273.18 (c)(2)(ii) amended; interim....36400
274 Authority citation revised....11814
274.10 (e), (f), (g), and (h) redesignated as (f), (g), (h), and (i); new (e) added; new (i) amended....7557
(d)(1) amendment confirmed....11815
275.1 (a) amended; (b) revised....3407
275.2 (a)(2) revised....3407
275.3 (a), (b), (c) introductory text and (1) heading and introductory text revised; (c)(2) removed; (c) (3), (4), and (5) redesignated as (c) (2), (3), and (4); new (c)(2) revised; (c)(5) added....3407
275.5 (b) revised; (c) removed....3408
275.6 (a) amended....3408
275.7 (b) and (e) revised; (f) removed....3408
275.8 Revised....3408
275.9 (a), (b), and (c) revised; (d), (e), and (f) removed; (g) redesignated as (d) and amended....3409
275.11 (b)(1)(ii) table amended; (f)(2) (ii) and (iii) redesignated as (f)(2) (iii) and (iv); new (f)(2)(ii) added....3409
275.12 (d)(2)(v) and (f)(3) added; interim....29658
275.15 (a) (2), (3) and (d) removed; (a)(1), (e), (f), and (g) redesignated as (a), (d), (e), and (f)....3409
275.16 (a) amended; (b) and (d) revised....3409
275.17 (a) revised; (c) and (d) added....3409
275.20 Revised....3410
275.21 (c) and (d) amended....3410
275.22 Removed; new 275.22 redesignated from 275.23....3410
Page
275.23 Redesignated as 275.22; new 275.23 redesignated from 275.25 and (a)(1) and (d)(1)(i) and (2) amended....3410
(e)(7) added....29659
275.25 Redesignated as 275.23 and (a)(1) and (d)(1)(i) and (2) amended....3410
276.2 (a) and (d) amended; (e) added; interim....26941
276.4 (d) introductory text and (2) amended....3410
277.18 (a)(2) revised; (c) removed; (d) through (h) redesignated as (c) through (g)....35227
277 Appendix A amended; interim....36400
278 Authority citation revised....11814
278.1 (c)(4) amended; (c)(5) and (h) through (q) redesignated as (c)(6) and (i) through (r); new (c)(5) and (h) added....7557
(e) amended....11815
(b)(4)(ii) amended; (o), (p), (q), and (r) redesignated as (p), (q), (r), and (s); new (o) added; new (r) revised....13222
278.2 (a), (b), (c), (d), (g), and (h) amended; new (l) added....7557
278.3 (a) amended....7558
278.4 (c) amended....7558
278.5 (a)(1) amendment confirmed....11815
(a) (1) and (3) amendment confirmed....18198
278.6 (e)(2) (iii) and (iv) and (3) (iii) and (v) amended....7558
(f) text redesignated as (f)(1); (f) (2), (3), and (4) added....13222
278.9 (e) added....7558
(c) addition confirmed....11815
(f) added....13223
(d) addition confirmed....18198

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

300 Revised....1179
Authority citation revised....6952
300.1 Revised; interim....6952

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

TITLE 7 Chapter III—Con. Page

300.3 Removed; interim....6952
301 Authority citation revised; section and subpart authority citations removed....27532
301.52 (b) revised; footnote 1 added....26943
301.52-1 (q) amended; footnote 1 redesignated as footnote 2....26943
301.52-2 Heading amended; (b) removed....26943
301.52-2a Amended; interim....12634
301.52-2b Section and footnote 2 removed....26943
301.52-3 (b)(1) removed; (b) (2) through (5) redesignated as (b) (1) through (4); (c) amended....26943
301.75-6 (e) added....7563
301.75-7 (e) and (f) added....7563
301.75-15 Revision confirmed....1180
301.75-16 Revision confirmed....1180
301.78—301.78-10 (Subpart) Added; interim....10360, 33221
Removed; interim....27529
301.78-3 (c) amended; interim....35060
301.80-2a Revised; interim....25580
301.81 (a) amended; interim....32908
301.81-2a Revised; interim....32908
Corrected....35350
301.83 Revised....32291
301.87-1 Amended....31374
301.87-2 (c) amended; (d) redesignated as (e) and amended; new (d) added....31374
301.87-10 (e) added....31374
301.93—301.93-10 Removal confirmed....9285
301.93—301.93-10 (Subpart) Added....27532
301.93-3 (c) amended; interim....29174
318 Authority citation revised; section authority citations removed....8864
318.13-1 (i) and (l) revised....8864
318.13-2 (a) text redesignated as (a)(1); (a)(2) added....8864
318.13-3 (b) text redesignated as (b)(1); (b)(2) added....8864
318.13-4 (c) amended....8864
318.13-4g Added....8865
318.13-17 Revised....8865
319.28 (b) introductory text and (6) and (g) revised; (h) and (l) added....32291
319.56-1 Designations removed; section amended....29370
319.56-2 (e) revised; (f) redesignated as (g) and OMB number; new (f) added....29370
319.56-2h Addition reconfirmed....2099
319.56-2i Addition reconfirmed....2099
330 Authority citation revised....22907
330.100 (h) revised....22907
Meetings....25861
340 Added....22908
Meetings....25861
352 Authority citation revised....27671
352.29 Added....27671
354.1 (a)(1) revised....16822
354.2 Table amended....10365, 12898

Chapter IV—Federal Corp Insurance Corporation, Department of Agriculture

400.4 Revised....24979
400.5 Amended....24979
400.40—400.42 (Subpart E) Added....4592
400.45—400.49 (Subpart F) Revised....19128
400.50—400.56 (Subpart G) Removed....17543
400.75—400.81 (Subpart I) Removed....17543
400.92 (g) added....24278
400.141—400.157 (Subpart L) Added....17543
401 Added....28447
401.8 (d) amended; interim....36401
402.7 (d) revised....3214
403.7 (d) amended....3214
(d) corrected....6775
405.7 (d) amended....3214
409.7 (d) amended....3214
410.7 (d) amended....3214
411.7 (d) amended....3214
413.7 (d) amended....3214
(d) corrected....6775
(d) amended; interim....27782
414.7 (d) amended....3214
415.7 (d) amended....3214

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

Page

416.7 (d) amended....3214
417.7 (d) amended....3214
418 Sales closing date extended....7818
418.1—418.8 (Subpart) Heading revised....34627
418.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
418.8 Revised....24279
419 Sales closing date extended....7818
419.1—419.9 (Subpart) Heading revised....34628
419.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
419.8 (b) amended....9286
419.9 Revised....24279
420 Sales closing date extended....7818
420.7 (d) amended....3214
(d) amended....17547, 17548
420.8 Revised....24279
421 Sales closing date extended....7818
421.7 (d) amended....3214
(d) corrected....6775
421.8 Revised....24279
422.7 (d) amended....3214, 23425
423.7 (d) amended....3214
424 Sales closing date extended....7818
424.7 (d) amended...3214, 17547, 17548
424.8 Revised....24279
425.7 (d) amended...3214, 17547, 17548
(d) corrected....6775
427 Sales closing date extended....7818
427.1—427.8 (Subpart) Heading revised....34629
427.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
427.8 Revised....24279
428.7 (d) amended...3214, 17547, 17548
429.1—429.7 (Subpart) Heading revised....34630
429.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
430.7 (d) amended...3214, 17547, 17548
(d) corrected....6775
431.7 (d) amended...3214, 17547, 17548
432 Sales closing date extended....7818
432.7 (d) amended...3214, 17547, 17548
432.8 Revised....24279
433.7 (d) amended...3214, 17547, 17548
435.7 (d) amended....3214
(d) corrected....6775
436.7 (d) amended....3214
(d) corrected....6775
437.7 (d) amended....3214
438.7 (d) amended....3214
(d) corrected....6775
439.1—439.7 (Subpart) Heading revised....34630
439.7 (d) amended....3214
440.7 (d) amended....3214
441.7 (d) amended....3214
442.7 (d) amended....3214
443.7 (d) amended....3214
444.7 (d) amended....3214, 17547, 17548, 17549
445.7 (d) amended....3214, 17547, 17548, 17549
446.7 (d) amended....3214
(d) corrected....6775
447.7 (d) amended....3214, 17547, 17548
448 Sales closing date extended....7818
448.7 (d) amended....3214
(d) corrected....6775
448.8 Revised....24279
449.7 (d) amended....3214, 17547, 17548, 17549
450.7 (d) amended....3214
451.7 (d) amended....3214
452 Added....9288
453 Added....25349
454 Added....4593

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

701 Authority citation revised....19716
701.23 Revised....19716
702 Added; interim....16741
704 Revised....4269
704.7 (a)(3) and (c) revised; (a)(4) and (5) removed; (a)(6) redesignated as (a)(4); interim....27537
Correctly eff. 7-22-87....29836
704.21 (b)(3) revised; interim....27537
Correctly eff. 7-22-87....29836

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

TITLE 7 Chapter VII—Con. Page

704.22 (a)(2) revised; (a)(3) amended; interim 27537
Correctly eff. 7-22-87 29836
713 Authority citation revised 30886
713.2 (f) addition confirmed 10727
713.3 (d)(1) revision and (e)(3) addition confirmed; (d)(1)(v) and (e)(2)(vii) revised 10727
713.12 (a)(1) revision and (d) removal confirmed 10727
713.55 Revised 25354
713.58 Addition confirmed 10727
713.63 (a) and (c)(2) revision confirmed 10727
(a) revised; interim 30886
713.97 (e) (1) and (2) revised; (e)(3) added; interim 30886
713.100 (a) revised 10728
713.102 (f) revised; interim 30886
713.108 (b)(2)(i) revised; interim 30886
713.155 Revision confirmed 10727
717.21 (d) addition confirmed 10727
724.36 Removal confirmed 10727
724.57 (b)(1)(i) (*b*) and (c) revisions and (b)(1)(i)(*d*) and (2)(ii) additions confirmed 10727
724.62 Introductory text amendment, (c) (7) and (9) removal, and (c)(8) redesignation as (c)(7) confirmed 10727
724.69 (n) amendment confirmed 10727
724.70 (w) revision confirmed 10727
(m) revised; interim 22288
724.72 (b) amendment confirmed 10727
724.81 (d) and (e) revision and (f) removal confirmed 10727
725.51 (e-1)(2) (iv) and (v) revision, (e-1)(2)(vi) addition, and (k) amendment confirmed 10727
(s) revised; (oo-1) added 35228
725.60 (b) (3) and (4) revision and (b)(5) addition confirmed 10727
725.72 (d)(3)(viii) and (e)(4)(i) amendment confirmed 10727
(d)(5)(i) revised; (d)(5)(vi) added; interim 22288
725.73 (a) revision confirmed 10727

Page

725.87 (a)(2) and (f) (1), (2), and (4) amendment and (f)(3) revision confirmed 10727
725.91 (a) amendment confirmed 10727
725.94 (c) revised; (i) added 35229
725.95 (a), (b), (d), and (e) amendment and (f) revision confirmed 10727
725.99 (a)(4)(x), (b), and (c) (1), (2), and (3) amendment confirmed 10727
725.100 (a)(1)(viii), (b) (1) and (3), and (c)(7) amendment confirmed 10727
(g) removed 35229
725.101 (b) and (c) revised 35229
725.103 (a) and (h) amendment confirmed 10727
725.104 (a) amendment confirmed 10727
725.107 (b) amendment confirmed 10727
725.115 (a)(2)(iv) and (b)(4) amendment confirmed 10727
726.51 (aa) (3) and (4) and (ff)(1)(vi) revision, (aa)(5) addition, and (i) amendment confirmed 10727
(r) revised; (nn-1) added 35229
726.68 (e)(4) revision confirmed 10727
(d)(5) (vi) and (vii) added; interim 22288
726.81 (a)(2) and (f) (1), (2), and (4) amendment and (f)(3) revision confirmed 10727
726.85 (a) amendment confirmed 10727
726.88 (c) revised; (i) added 35229
726.89 (a), (b), (d), (e), and (f) amendment confirmed 10727
726.93 (a)(4)(vii), (b)(1), and (c) (1), (2), and (3) amendment confirmed 10727
726.94 (b) (1) and (3) and (c) (5) and (7) amendment confirmed 10727
(e) (2), (3), and (4) revised; (h) removed 35230
726.98 (b) amendment confirmed 10727
726.105—726.107 Undesignated center heading removal confirmed 10727

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

Page

726.105 (h) amendment confirmed 10727
726.106 (a) amendment confirmed 10727
726.107 (a)(2)(iv) and (b)(4) amendment confirmed 10727
736.42 Revised 8057
760.2 (k) (1) and (2), (l) and (o) amended 17935
760.8 Amendment confirmed 17935
760.23 (c) addition confirmed 17935
770.4 (f) revision confirmed 10727
795 Authority citation revised 26295
795.2 Undesignated center heading removed 26295
795.3—795.4 Undesignated center heading removed 26295
795.3 Revised 26295
795.4 Revised 26295
795.5—795.13 Undesignated center heading removed 26295
795.14—795.16 Undesignated center heading removed 26295
795.17 Undesignated center heading removed 26295
795.20—795.24 Undesignated center heading removed 26295

Chapter VIII—Federal Grain Inspection Service, Department of Agriculture

800.0 (b) (2) through (105) redesignated as (b) (3) through (106); new (b)(2) added 6495
800.60—600.61 Undesignated center heading revised 24437
800.61 Added 24437
800.88 Revised 6495
800.95 Revised 6495
800.96 Revised 6495
800.97 Revised 6496
800.98 Revised 6496
800.99 Revised 6497
800.100 Removed 6497
800.101 Removed 6497
800.102 Removed 6497
800.103 Removed 6497
800.162 (b) redesignated as (c) and revised; new (b) added 24437
810 Revised 24418
Table of contents corrected 28534
810.104 (b) corrected 28534
810.107 Revised; eff. 5-1-88 24441

Page

810.202 (c)(2)(i) and (t) corrected 28534
810.204 Table footnote 1 corrected 28534
810.205 Table footnote 1 corrected 28534
810.206 Table corrected 28534
810.207 (d) removed; (e) redesignated as (d); eff. 5-1-88 24441
810.402 (a) through (e) redesignated as (b), (c), (d), (f), and (g); new (a) and (e) added; (g) revised 24437
(a) corrected 28534
810.403 Corrected 28534
810.404 Table corrected 28534
810.405 (c) removed; (d) redesignated as (c); eff. 5-1-88 24441
(d) corrected 28534
810.805 (d) removed; (e) and (f) redesignated as (d) and (e); eff. 5-1-88 24441
810.1005 (g) removed; (h) and (i) redesignated as (g) and (h); eff. 5-1-88 24441
810.1205 (c) removed; (d) through (g) redesignated as (c) through (f); eff. 5-1-88 24441
810.1402 (a) through (i) redesignated as (b) through (e) and (g) through (k); new (a) and (f) added 24437
(d) and (i) corrected 28534
810.1405 (a) removed; (b) designation removed; eff. 5-1-88 24441
810.1604 Table corrected 28534
810.1605 (b) removed; (a) designation removed; eff. 5-1-88 24441
810.1805 Removed; eff. 5-1-88 24441
810.2002 (a) corrected 28534
810.2004 Table corrected 28534
810.2005 (c) removed; (d), (e), and (f) redesignated as (c), (d), and (e); eff. 5-1-88 24441
810.2203 Corrected 28534
810.2204 (a) table amended; eff. 5-1-88 24442
810.2205 (c) removed; (d), (e), and (f) redesignated as (c), (d), and (e); eff. 5-1-88 24442

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

TITLE 7—Con.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

Page

900 Technical correction..... 20591
900.700—900.707 (Subpart) Added..... 13630
905 Limitation of handling..... 10028
Limitation of handling; interim..... 19718
Limitation of handling confirmed..... 33218
906 Budget of expenses..... 1899
907 Limitation of handling..... 240, 757, 1901, 2509, 2981, 3787, 4763, 5273, 5938, 6952, 7820, 9111, 9797, 10728, 11615, 12511
Budget of expenses..... 3412
907.102 (a)(2) and (3) introductory text and (viii) revised..... 2984
907.104 Revised..... 2984
907.930 Added..... 3215
Removed..... 16370
908 Budget of expenses..... 3412
Limitation of handling..... 7821, 19278
908.104 Revised..... 2984
910 Limitation of handling..... 241, 758, 1901, 2510, 2985, 3788, 4764, 5274, 5939, 7115, 8058, 9111, 9798, 10729, 11616, 12512, 13632, 15937, 17388, 18339, 19276, 20381, 21241, 22438, 23265, 23936, 25201, 25965, 26944, 27782, 28536, 29371, 30657, 31601, 32530, 33572, 34631, 35395, 36215
Limitation of handling comment time extended..... 33224
910.180 (d)(3) amended..... 18902
911.20 (a) amended..... 7117
911.22 (b)(3) revised..... 7117
911.48 (a)(1) amended..... 7117
911.64 (c) revised; (d) redesignated as (e) and republished; new (d) added..... 7117
Budget of expenses..... 1899
911.111 Revised..... 759, 24134
911.311 (a)(5) Table 1 revised..... 4598
911.329 (a)(2)(ix) added..... 1314
(a)(2)(vii) amended..... 4598
912 Budget of expenses..... 1900
Removed..... 21242
913 Budget of expenses..... 1900
915 Limitation of handling..... 2101
915.20 (a) amended..... 7118
915.22 (b)(3) revised..... 7118
915.64 (c) revised; (d) redesignated as (e) and republished; new (d) added..... 7118
915.305 (a)(1) revised; (a)(2) amended; (a)(3), (5), (6), and (7) removed; (a)(4) and (8) through (16) redesignated as (3) through (12); new (a)(5) revised..... 4598
915.332 Added..... 19833
916 Budget of expenses..... 31375
916.356 (a)(2) introductory text, (3) introductory text and (ii), and (4) revised; (a)(5), (6), and (7) added..... 15487
(a)(4) corrected..... 17504
917 Budget of expenses..... 5738, 31375
917.121 Revised..... 12513
917.454 (b)(4) removed; (b)(5) redesignated as (b)(4)..... 15488
917.459 (a)(2) introductory text, (4), and (5) revised..... 15488
917.460 (b) and (c) revised..... 15488
918 Budget of expenses..... 23015
918.325 Revised..... 21496
918.326 Removed..... 21495
921 Budget of expenses..... 31376
923 Budget of expenses..... 31376
923.322 (a) (2) and (3), (b)(2)(ii), and (c)(1) Table and (2) amended..... 20382
924 Budget of expenses..... 31376
925 Budget of expenses..... 11617
925.112 (Subpart) Added..... 27538
925.304 Introductory text revised..... 8870, 34444
(b)(1)(vi) redesignated as (b)(1)(vii); new (b)(1)(vi) added..... 20383
926.324 Revised..... 31978
927 Budget of expenses..... 1900, 11617
928.121 Added..... 15489
929 Budget of expenses..... 1899, 3412
929.153 (a) and (d) revised..... 5528
(a) revised..... 25202
931 Budget of expenses..... 1900, 31376
932 Budget of expenses..... 5737
932.121 Added..... 12135
932.125 Added..... 12135
932.145 Removed..... 7403
944.31 Added..... 19835
944.503 (a)(3) revised..... 8870
(a)(3) revised; (e) added..... 31979

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

Page

944.605 Revised..... 31979
945 Limitation of handling..... 5530
Budget of expenses..... 31376
946 Budget of expenses..... 1900, 31376
Limitation of handling..... 15490
946.25 (c) amended..... 13070
946.104 (a)(5) revised..... 13070
947 Limitation of handling..... 7120
Budget of expenses..... 31376
948 Limitation of handling; interim published at 51 FR 25850 confirmed..... 7269
Budget of expenses..... 23015, 31376
948.103 Revised..... 12515
948.104 Revised..... 12515
948.150 Added..... 12515
953 Budget of expenses..... 23015
959 Budget of expenses..... 5737, 24281
Limitation of handling..... 19281
Limitation of handling corrected..... 20192
966 Budget of expenses..... 1900
967 Budget of expenses..... 25203
971 Budget of expenses..... 5738
979 Budget of expenses..... 5738
979.304 (a) revised..... 17390
980.116 Removed..... 19281
980.117 (a)(1)(ii), (2), and (b)(1) revised..... 8872
(a)(2) and (b) (1) and (2) revised..... 19281
981.441 (d)(1)(iii) added..... 13428
982 Budget of expenses..... 1900
Marketing percentages..... 17392
985 Marketing percentages..... 9452
Budget of expenses..... 25203
984 Budget of expenses..... 1900
987.112a (b)(3) (i) and (ii) amended..... 35530
989 Budget of expenses..... 1900
Marketing percentages..... 16233
989.212 (a) and (c) and note revised..... 12516
989.213 Revised..... 32776
993 Budget of expenses..... 27985

Chapter X—Agricultural Marketing Service (Marketing Agreements and Order; Milk), Department of Agriculture

1004.12 (d) temporarily suspended in part..... 34764
1006.52 (a) table revised..... 5071
1007.52 (a) and (b) revised..... 5071
1007.61 (a)(3) revised..... 5071
1007.73 (a)(2) introductory text revised..... 5071
1007.75 (a) revised..... 5071
1011.7 (a)(2) revised..... 26470
1011.52 (a) revised..... 5071
1012.52 (a) table revised..... 5072
1013.52 (a) table revised..... 5072
1030 Existing regulations unchanged..... 3413
1032.7 (d)(2) revised..... 3216
1032.52 (a)(1), (2) (i) and (ii), (3), and (4), and (b) revised; (a)(2)(iii) added..... 3413
1033.6 (a), (b), and (c) revised; (d) and (e) added..... 3414
1033.41 (b)(3) and (c)(1) revised..... 30887
1033.53 (a) (1), (2), and (3) revised; (a)(4) redesignated as (a)(5) and republished; new (a)(4) added..... 3414
1036.2 (a), (b), and (c) revised; (d) removed..... 242
1036.15 Revised..... 30887
1036.40 (b)(3) and (c)(1) revised..... 30888
1036.50 (a) amended..... 242
1036.52 (a) and (b) revised..... 242
1040.7 (b)(1) introductory text temporarily suspended in part; (b)(1)(i) temporarily suspended..... 11456
(b)(2) introductory text temporarily suspended in part; (b)(2) (i) and (ii) temporarily suspended..... 18340
(b) introductory text, (1), (2), (3) and (4) revised; (b)(6) added..... 30888
1040.13 (d) (1) and (2) revised..... 30889
1040.40 (b)(3), (c)(1) (ii), (iv), (v) and (vii) revised..... 30888
1040.50 (b)(1) amended..... 30889
1046.9 (c) amended..... 17748
1046.52 (a) revised..... 5072
1049.52 (a) (1) and (2) revised..... 3414
1050.52 (a) and (b) revised..... 3415
1065.7 (c) temporarily suspended in part..... 25204
(b) temporarily amended..... 32532
1065.13 (d) (2) and (3) temporarily amended..... 1315, 28462, 32532
1065.52 (b)(3) amended..... 3217

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

TITLE 7 Chapter X—Con. Page

1076.13 (d) (2) and (3) temporarily suspended....28463
1079.7 (b) temporarily amended....33916
1079.13 (d) (2) and (3) temporarily suspended in part....31752
1079.52 (b)(3) amended....3217
1093.52 (a)(1) table revised; (a)(2), (3), (4) and (6) amended....5072
1094.2 Amended....5072
1094.52 (a)(1) table revised; (a)(2)(i), (ii), and (iii), (3) and (5) amended....5073
1096.52 (a) revised....5073
1097.7 (b) temporarily suspended....10730
1098.52 (a) revised....5073
1099.52 (a) revised....5073
1102 Removed....6318
1106.2 Amended....6318
1106.7 (c) introductory text revised; (c) temporary amendments of 51 FR 6731 and 7247 terminated....6318
1106.12 (b)(5) temporarily suspended....20384
1106.13 (d)(1) suspended....19837
1106.52 (a)(1) table amended; (a)(3)(i) and (4) revised....6318
1137.7 (b) temporarily suspended in part....35396
1137.12 (a)(1) temporarily suspended in part....10732

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

1200 Authority citation revised....12899
1200.2 (a) revised....12899
1205.1—1205.19 (Subpart) Removed....12899
1207.1—1207.19 (Subpart) Removed....12899
1240 Authority citation revised....3103
1240.100—1240.125 (Subpart) Added....3103
1250 Authority citation revised....31377
1250.1—1250.19 (Subpart) Removed....12899
1250.514 Revised; interim....31377
Technical correction....33903

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

1403 Authority citation revised....2394
1403.21—1403.46 (Subpart B) Heading revised; interim....2394
1403.46 Added; interim....2394
1421.1 Amended....1434
1421.4 (b) amended....1434
1421.6 (c) revision confirmed....1433
1421.7 (a) revision confirmed....1433
1421.22 (c)(2) amended....1434
1421.400—1421.406 (Subpart) Heading amended; authority citation revised....1434
1421.400 Nomenclature change....1434
1421.420—1421.425 (Subpart) Removed....1434
1421.741 Revised....30658
1421.742 Revised....30658
1421.752 Heading revised....30658
1421.753 (a) amended....30658
1421.754 Amended....30658
1421.900—1421.917 (Subpart) Authority citation revised....1316
1421.902 Revised....1316
1427.1—1427.26 (Subpart) Authority citation revised....25355
1427.5 (l) revised....25355
1434.1—1434.36 (Subpart) Heading amendment confirmed....11619
1434.1 Amended; interim....11618
Amendment confirmed....11619
1434.2 (c) removed; (d) and (e) redesignated as (c) and (d); interim....11618
1434.3 (h) addition confirmed....11619
1434.4 (a) amended; interim....6776
(e) amendment confirmed....11619
1434.6 (b) amended; interim....6776
(b) amendment confirmed....11619
1434.7 (c) introductory text amended; interim....11619
1434.8 (b) revision confirmed....11619
1434.18 (c) addition confirmed....11619

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

Page

1434.25 (a), (b), and (c) amendment and (d) addition confirmed....11619
1434.26 (a) amendment confirmed....11619
1434.27 Amendment confirmed....11619
1434.34 (f) removed; (g) and (h) redesignated as (f) and (g); interim....11619
1438 Removed....1434
1468.103 Amended; interim....4277
Comment time extended....10732
1468.107 (c) (1) and (2) revised; (c) (3) and (4) removed; interim....4277
Comment time extended....10732
1468.116 (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; interim....4277
Comment time extended....10732
1472.1503 Amended; interim....4277
Comment time extended....10732
1472.1507 (c)(1) and (2) revised; (c)(3) and (4) removed; interim....4277
(c) (3) and (4) correctly removed; comment time extended....10732
1472.1545 (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; interim....4277
Comment time extended....10732
1475.52 (h), (l), (m), and (n) revision confirmed....10728
1475.53 Revision confirmed....10728
1475.54 (a) revision confirmed....10728
1475.55 (d)(3), and (e) (2) and (3) revision confirmed....10728
1475.56 Revision confirmed....10728
1475.58 (c) revision confirmed....10728
1475.69 Added....10728
1476 Removed....1434
1477 Authority citation revised....4129
1477.3 (e) (2), (3), and (4) added; interim....4130
Confirmed....18198
1480 Removed....1434
1493.1—1493.15 (Subpart A) Authority citation revised....17550
1493.2 (f) and (o) revised....17550
1496.1 (b) and (c) removed; (a) designation removed....5728
1496.2 (a) amended; (b) revised....5728
1496.3 (f) and (h) removed; (g) redesignated as (f) and revised; (e) revised....5728
1496.5 (a) revised; (f) added....5729

Chapter XVII—Rural Electrification Administration, Department of Agriculture

1736 Authority citation revised....22289
1736.97 (b) table revised....22289
1772 Authority citation revised....1182
1772.97 Table amended....1182
1786 Added....1436
1787 Added; interim....2395

Chapter XVIII—Farmers Home Administration, Department of Agriculture

1804 Removed....19283
1806.25 (a)(2) introductory text revised....8002
1807.1 (a) revised....26132
1822 Authority citation revised....19283
1822.21—1822.26 (Subpart B) Exhibit A amended....8002
1822.267 (l)(2) introductory text amended....8002
(e) revised....19283
1822.271 (b)(3)(v) revised....19283
1863.1 Revised....26132
1864.2 (a)(5) revised....26132
1866.3 (b)(1) introductory text and (2) introductory text revised....26132
1900.52 (d) revised....26133
1901 Authority citation revised....8002
1901.205 (b)(1), (2)(i), (3)(ii) and (iv), and (e)(2) amended....8002
1901.201—1901.205 (Subpart E) Exhibit C revised....8002
1910 Authority citation revised....15491
1910.3 (l) introductory text revised; (i)(4) added....15491
1910.60 (a) revised....25586

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

TITLE 7 Chapter XVIII—Con. Page

1910.61 (b) (1) through (3) and (d) (4) and (5) revised 25586
1910.101 (Subpart C) Added 6498
1922.104 (a)(12) amended 11982
Policy guidelines 23543
1924 Authority citation revised 8002
1924.1—1924.50 (Subpart A) Text revised 8002
1924.5 (d)(2) and (e) (2) and (4) amended 19283
Transition period 30658
1924.13 (e)(1)(v)(C) and (2)(viii)(B) correctly removed; (e)(1)(v)(D) and (2)(viii)(C) correctly redesignated as (e)(1)(v)(C) and (2)(viii)(B); (e)(1)(ii)(F), (v) introductory text and (B) and (e)(2)(viii) introductory text and (A) correctly revised 26139
1924.1—1924.50 (Subpart A) Exhibits A through I, K and L revised 8021
Exhibits I and J amended 19283
1924.51 Revised 26133
1924.57 (b)(2) and (d)(2) revised 32120
1924.60 (d)(7) added 26133
1924.101—1924.150 (Subpart C) Added 19284
1924.253 (a)(3) amended; (c) revised 8034
1930.110 (c) introductory text amended 20697
1930.119 (b) amended 20697
1930.124 (a)(3) (ii) and (v) amended 20697
1930.101—1930.150 (Subpart C) Exhibit B amended 8034, 20697
Exhibits C, C-2, and E amended 20698
Exhibits B and E amended 24287
1933 Authority citation revised 19301
1933.409 (f) revised 8034
1933.412 Revised 19301
1940 Authority citation revised 8035
1940.305 (j) added 8035
1941.16 (m) added 26133
1941.19 (a)(7) added 26133
1942.17 (p)(4) and (5) and (r)(3)(i) and (ii) amended 8035
1942.18 (n)(3), (o)(1), (3), (5) and (7)(ii) amended 8035
1943.1—1943.50 (Subpart A) Exhibit A amended 8035
1943.32 (a) amended 8035
1943.82 (a) amended 8035
1943.132 (a) amended 8035
1944.2 (f) and (j) revised 11982
Policy guidelines 23543
1944.11 Heading and (c) revised; (d) redesignated as (e); new (d) added 11982
(b) revised 19301
Policy guidelines 23543
1944.16 (a)(1)(i), (5), and (b) revised 8035
Revised 11983
Policy guidelines 23543
1944.17 (e) added 246
1944.22 (a) revised 246
(a) correctly revised 6132
(e)(3) amended 8035
1944.24 (b) amended 19301
1944.26 (a)(2) introductory text and (f)(2) introductory text revised 11984
Policy guidelines 23543
1944.30 (a) amended 8036
1944.33 (f) revised 246, 29175
1944.34 (e)(3)(ii) revised 246
(h)(2) revised 11984
Policy guidelines 23543
(b)(1) revised 29175
(h)(3) introductory text revised 31027
1944.45 (f)(5), (h), (i)(2), and (k) amended 8036
(f)(3)(ii) revised 19301
1944.46 (d), (f), and (g) amended 8036
1944.47 Addition confirmed 9649
1944.1—1944.50 (Subpart A) Exhibit A amended 8036
Exhibit D amended 9113
Exhibit F corrected 36565
1944.163 (e) revised 8036
1944.164 (j)(2) (i) and (ii) amended 19301
(p) revised 24288
1944.175 (a)(4) amended 8036
1944.176 (c)(3) revised 24288
1944.200 Removed 24288

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

Page

1944.151—1944.200 (Subpart D) Exhibit A-3 amended 8036, 19302
1944.212 (c)(2)(i) revised 8036
(p)(3) amended 19302
1944.215 (a)(1) introductory text, (iii), and (iv) and (3)(v) revised 8036
1944.222 (c)(1) and (d)(1) introductory text amended 19302
1944.235 (c)(1)(v) and (vii) amended 8036
1944.237 (e) added 24288
1944.201—1944.240 (Subpart E) Exhibit H amended 8037
1944.456 Introductory text amended 11985
(a) introductory text revised 19302
Policy guidelines 23543
1944.463 (a), (b), and (c)(4) amended 8037
1944.469 (f)(1)(i) and (ii) and (g)(1)(iii)(A)(*1*) amended 8037
1945.163 (b)(6) introductory text, (i)(B), and (ii) through (v), (7), and (8) revised 20385
1945.151—1945.200 (Subpart D) Exhibit A amended 8037
1950.103 (a) revised 26133
1950.104 Introductory text and (d) revised 26134
1950.105 Added 26134
1951 Authority citation revised 6319, 11457
1951.1 Revised 26134
1951.6 (c) (1), (2), and (3) (ii), (iv), (v), (vi) and (vii), (d) and (e) (1) and (4) revised 29175
1951.7 (h) added 11457
1951.9 (a)(4) added 26134
1951.44 (c)(9) added 26134
1951.46 Added 26135
1951.50 Added (OMB number) 26137
1951.105 (f) amended 18544
1951.111 Added 18544
1951.207 (l) added 11457
1951.252 (a) revised 26137
1951.261 (b)(1)(i)(A) revised 26137
1951.301—1951.318 (Subpart G) Revised 246
1951.304 Added; interim 6319
1951.308 (a) introductory text and (b) revised 29176
1951.309 (a)(1) revised 29176
1951.315 Corrected 6132
1951.407 (c) amended 9113
1951.408 Removed 9113
1951.551 Revised 26138
1951.604 (a)(1)(iv)(B) amended 11985
Policy guidelines 23543
1955.3 (d) revised 26138
1955.53 (o) revised 8037
(e) and (g) revised 26138
1955.105 (a) revised 26138
1956 Authority citation revised 28239
1956.54 (f) revised 26138
1956.58 (a) revised 28239
1957 Added 35520
1962.17 (b) (1), (2) introductory text and (i)(A), (4) and (5) revised 32121
1965.7 (d) revised 26138
1965.12 Introductory text revised 26138
1965.13 Introductory text revised 26139
1965.31 Introductory text added 26139
1965.65 (a)(1)(i) revised; (a)(1)(iv) and (f)(6)(iv) removed; (a)(1)(v), (c) (1) through (14), and (f) (8) through (13) redesignated as (a)(1)(iv), (c) (2) through (15), and (f) (9) through (14); new (c)(1) and (f)(8) added; new (c)(10)(i) revised 24288
1965.70 (a) amended; (d)(8) revised 24288
1965.90 Revised 24288
1965.92 Amended 24291
1965.51—1965.100 (Subpart B) Exhibit A redesignated as Exhibit B and revised; new Exhibits A and C added 24291
1965.103 (b) introductory text amended 9113
1965.105 (b)(1) amended; (c) revised 9113
1965.106 (a) heading revised; (b) and (c) redesignated as (c) and (d); new (d) amended; new (b) added 9113
1965.110 (a)(1)(ii) amended; (a)(4) added 9113
1965.111 (a) and (b) amended; (c) removed 9113
1965.112 (b) revised 9114

TITLE 7 Chapter XVIII—Con. Page

1965.113 (a) amended; (c) revised....9114
1965.116 (b) revised....9114
1965.117 Introductory text, (b)(5), (d)(2) and (g) amended; (e) revised; (h) added....9114
1965.118 (c) revised; (d) added....9114
1965.125 (a)(1) introductory text amended; (a) (2) and (3) revised....9115
1965.126 Introductory text, (b)(2) and (5), (c) (1) and (2) introductory text, (i), and (ii) and (e)(4) revised; (b)(13) added; (b)(3), (4)(i), and (12) and (e)(5) amended....9115
1965.127 (a)(3) introductory text, (b)(1)(i) and (2) revised....9116
1965.137 Revised....9116
1980 Authority citation revised....19302
1980.11 Amended....6500
1980.12 (a) (1) and (3) revised....6500
1980.41 (b)(3)(iii)(A) revised....6500
1980.46 (a)(2) revised....6500
1980.61 (b)(4) and (h) revised....6500
1980.63 Revised....6501
1980.67 Revised....6501
1980.83 (b) table amended....6501, 22290
1980.85 Added....6501
1980.146 (c)(2) amended....22290
1980.307 (d)(1) and Administrative amended....19302
1980.327 (b)(1) revised....19302
1980.401—1980.500 (Subpart E) Sections revised....6501
1980.401—1980.500 (Subpart E) Appendix C revised; Appendix H added....6522
1980.602 (a)(1) introductory text revised; interim....25587
1980.611 (a) and (c) introductory text revised; interim....25588
1980.625 Revised; interim....25588
1980.630 Revised; interim....25588
1980.632 (c) and (d) revised; interim....25588
1980.642 (e), (k), and (l) revised; interim....25588
1980.644 Heading, (a), (b), and (d) introductory text revised; (f) added; interim....25588

Page

1980.645 (a) and (b) revised; (d) removed; interim....25589
1980.646 Removed; interim....25589
1980.651 (f) revised; interim....25589
1980.655 Revised; interim....25589
1980 Appendix B amended; interim....25589
2054.1101—2054.1150 (Subpart W) Revised....30893

Chapter XXXIV—Cooperative State Research Service, Department of Agriculture

3402 Added....4713

Chapter XXXVI—National Agricultural Statistics Service

Chapter XXXVI Chapter established....2667
3600 Added....2667
3601 Added....2669

Chapter XXXIX—Economic Analysis Staff

Chapter XXXIX Chapter established....9798
3900 Added....9798
3901 Added....9798

Title 7—*Proposed Rules:*

1....28149, 36580
1d....13246
28....16394, 19018
29....25235
46....23842
51....16399
53....6577
54....6577
55....6162, 8404
56....6162, 8404
59....6162, 8404, 17763, 27562
60....27685
70....6162, 8404
210....32930
220....12419, 23041
226....19354, 22030, 35105
245....33834
246....12527, 27005, 31784, 35264
250....22660
251....21545
272....3817, 7158, 19514
273....7158, 13450, 17580, 36546
275....7158, 36581
277....3817
278....19514
301....291, 1276, 35105

Page

318....292
319....685, 2114, 27686
330....12917, 15802
340....35921
353....27687
400....5773, 10764
401....22476, 34658-34667, 34671, 34673, 34809, 35266, 36424, 36425
413....33941
418....11078, 25381
419....2711, 11078, 25382
420....3013, 11078, 34670
421....11078, 34674
422....9301
423....32931
424....3013, 11078, 35269
425....3013
427....11078, 25383
428....3013
429....25384
430....3013
431....3013, 32932
432....3013, 11078, 33942
433....3013
438....34675
439....25015
444....3013
445....3013
447....3013
448....11078, 35270
449....3013
452....2713, 36427
453....15506
455....24299
656....20606
658....1465
713....13248, 18565
724....27203, 33943
725....18918
726....18918
736....10104
795....9302
800....7880, 30167
801....30167
802....30167
810....4151, 7880, 8455
900....3119
907....17764, 21546, 30167
908....7884, 12535, 17764, 21546, 30167
910....12536
911....10108
912....6980
915....13688
916....2800, 9173
917....2800, 6165, 9173
918....16401
920....28724
923....13842
925....432, 13457, 20402, 21960, 24090
928....3433, 4462, 21065, 22888
929....15510, 18369, 19631
932....6166

Page

933....17581, 27369
944....432, 13688
945....10893, 25016, 33833
946....5778, 6167
948....6168
959....7428, 9870, 21068
967....27204
979....12185
980....7428, 9870
981....1918, 28157, 28269, 32016, 34676
982....5307
987....26688
989....1919, 26689, 27369
994....10984, 12285, 29531, 32240
999....5307
1004....31408
1007....15951, 17678
1011....3251, 12186, 15951, 17678, 23453
1030....18894, 29196
1032....2537
1033....17586, 23306, 27205
1036....17586, 27205
1040....8074, 12537, 17586, 27205
1046....11475, 15951, 17678, 23306
1065....21560, 26016, 27216
1068....23843, 33943
1076....25020
1079....27216, 30922
1093....15951, 17678
1094....15951, 17678
1096....15951, 17678
1097....8075
1098....15951, 17678
1102....4775
1106....4775, 12538, 16402
1136....27372, 32933
1137....6579, 32308
1139....27372, 32933
1210....3588, 4783, 13086
1240....797
1421....30689
1493....8605
1610....5779
1736....29531
1809....1706, 4913
1900....1706, 4913
1902....1706, 4913
1910....1706, 4913
1924....1706, 2717, 4913
1930....296, 8606
1941....1706, 2717, 4913
1942....3433, 12539, 32933
1943....1706, 4913
1944....7584, 8606, 21069
1945....1706, 4913
1951....1706, 2717, 4913, 19732, 27562, 32933, 32935
1955....1706, 4913, 10577, 32933
1962....1706, 4913
1965....1706, 2717, 4913, 8606, 10577, 32935

Title 7—*Proposed Rules—Con.* Page
1980 ..... 1706, 4913
2201 ..... 6803, 8611
3016 ..... 21820, 23627

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

1 Authority citation revised; section authority citations removed 2936
1.1 (h) revised 2936
3 Authority citation revised; section authority citations removed 2936
Nomenclature change 2941
3.1 (b)(3) revised 2943
(d)(3) revised 24981
3.3 (a) amended; (b) revised 2936
3.4 Amended 2936
3.7 Revised 2936
Corrected 7369
3.11 Added 2942
3.12—3.38 (Subpart C) Added 2936
100 Authority citation revised 16191
100.2 (c)(3) (iv) and (v) amended; (c)(3)(vi) added 16191
100.4 (f) added 16191
(c)(4) revised 22629
103 Authority citation revised; section authority citations removed 2939
Authority citation revised 16192
103.1 (l)(1) amended 2985
(f)(1) (iv) and (v) and (q) amended; (f)(1)(vi) and (2) (xxvii) through (xxxii), (n)(2) and (t) added; (n) redesignated as (n)(1) 16192
(o)(2) revised 22629
103.2 (c) added 16192
103.3 (a) redesignated as (a)(1); (a)(2) added 16192
103.4 Revised 661
Existing text designated as (a); (b) added 16192
103.5 Existing text designated as (a); (b) added 16193
103.7 (d) (1) and (4) revised 3
(c)(1) revised 2939
(b)(1) amended 16193, 19719
103.8 Introductory text republished; (c) revised 2942
103.10 (b)(1)(ii) removed; (b)(1)(iii) through (vi) redesignated as (b)(1) (ii) through (v) 2942
103.37 Added 16193
109 Removed 16220
204 Authority citation revised 30900, 33797
204.1 (d)(2) revised 30900
204.2 (c)(7) revised 16233
204.5 Revised 33797
210 Added 16199
210.1 (k) amended 28662
210.2 (a)(3) and (c)(1) amended 28662
210.6 Added 28663
211 Authority citation revised 16193
211.1 (d) added 16193
211.5 (d) added 16193
212 Authority citation revised 16193, 16372
212.3 Revised 2943, 11621
212.5 (b) amended; (d)(2) redesignated as (d)(2)(i); (d)(2)(ii) added 16194
212.11 Added; interim 16372
214 Authority citation revised 13226, 20555
214.2 (h)(6)(i) and (9) and (l) revised; (h)(6)(ii), (10), (11), (12), (13), and (14) redesignated as (h)(6)(v), (11), (13), (10), (14), and (15); new (h)(10) and (11) revised; new (h)(6)(ii), (iii), and (iv) and (12) added 5750
(l) correctly designated; (l)(3)(i) corrected 7063
(f)(4)(ii), (5), (6) (ii) through (v), (7), (8), and (10) revised 13226
(h) (3) through (15) redesignated as (h) (4) through (16); new (h)(3) added; new (h)(4) heading revised; (h)(4)(ii)(B) amended; interim 20555
(b)(3) addition at 51 FR 44267 clarification 30329
214.3 (g)(1) (i) through (xii) revised; flush text following (g)(1)(xii) added 13229

Page
234 Authority citation revised 16194
234.2 (b) amended 16194
236 Authority citation revised; section authority citations removed 2939
236.5 (a), (b), and (c) removed; (d) and (e) redesignated as (b) and (c); new (a) added 2939
236.6 Revised 2939
236.7 Revised 2939
238 Authority citation revised 26944, 26945
238.3 (b) amended 2670, 26945
238.4 Amended 26944
241 Heading and authority citation revised; interim 16372
241.2 Added; interim 16372
242 Authority citation revised; section authority citations removed 2939
Authority citation revised 16194, 16372
242.1 (a) and (b) revised 2939
(a) revised 3098
(a) introductory text corrected 5616
Effective date corrected 6133
242.2 (a) introductory text amended; (b) revised 2939
(a) revised 3098
(a)(1)(viii) corrected 5616
Effective date corrected 6133
(a) through (e) redesignated as (b) through (f); (a) and (g) added; interim 16372
242.5 (b) amended 2940
242.7 (a) and (b) revised 2940
(a) revised 3099
(a)(3) corrected 5616
Effective date corrected 6133
242.12 Revised 2940
242.13 Revised 2940
242.14 (e) revised 2940
242.16 (d) amended 2940
242.20 Revised 2941
242.21 Existing text designated as (a); (b) added 16194
242.22 Revised 26470
244.2 Revised 24982
245 Authority citation revised 34764
245.1 (b)(5) through (8) and (c) through (f) redesignated as (b)(7) through (10) and (d) through (g); new (b)(5) and (6) and (c) added; interim 6321
245.2 (a)(3)(iv) revised 34764
245.6 Redesignated as 245.7; new 245.6 added; interim 6322
(c)(3) corrected 13827
245.7 Redesignated as 245.8; new 245.7 redesignated from 245.6; interim 6322
245.8 Redesignated as 245.9; new 245.8 redesignated from 245.7; interim 6322
245.9 Redesignated from 245.8; interim 6322
245a Added 16208
248 Authority citation revised 11621
248.1 (e) added; interim 11621
249.2 Revised; interim 6322
264 Authority citation revised 16194
264.1 (a), (b), and (c) amended 16194
274a Added 16221
287 Authority citation revised 16372
287.1 (g) through (i) added; interim 16372
287.7 Added; interim 16373
292 Authority citation revised; section authority citations removed 2941
292.3 (a) introductory text, (5) and (b) revised 24981
292.4 (a) revised 2941
299 Authority citation revised 16195
299.1 Amended 16195
299.3 Amended 16195
341.1 Revised 19719
341.7 Revised; interim 13229

Title 8—*Proposed Rules:*

1—499 (Ch. I) 2115
1 ..... 19733, 35271
3 ..... 2948, 32552
100 8740
103 ..... 8740, 24475
109 ..... 8762, 10187
204 18236
207 ..... 4913, 23307
208 32552
210 8745
211 8740
212 8740
214 22661

Title 8—*Proposed Rules—Con.* Page
234 ... 8740
236 ... 32552
242 ... 2949, 7741, 8740, 32552
244 ... 2950
245 ... 11659
245a ... 8752, 31784, 36582
252 ... 1634
253 ... 32552
264 ... 8740
271 ... 1920
274a ... 8762, 10187
286 ... 29863
292 ... 2948, 2951
299 ... 8740

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

50.1 (p) amendment and (r) addition confirmed ... 1317
50.16 Addition confirmed ... 1317
51.1 Amended ... 6524
Corrected ... 22290
71 Authority citation revised; section authority citations removed ... 2987
71.18 (a)(1)(i), (ii), and (iii) amended; (a)(5) added ... 2987
75.5 (d), (g) through (m), and footnotes 3a and 4 removed; designations removed; section amended; interim ... 7404
Confirmed ... 28240
75.7 Revised; interim ... 7404
Confirmed ... 28240
75.8 Removed; interim ... 7405
Confirmed ... 28240
75.9 Removed; interim ... 7405
Confirmed ... 28240
77.4 (b) revision confirmed ... 4599, 8224
(b) amended; interim ... 23937
77.9 (b) introductory text amendment confirmed ... 1317
78.1 Amended ... 33799
78.20 (a) and (b) amendment confirmed ... 5940
78.33 Revised ... 33799
78.41 (c) and (d) amended; interim ... 1625
(b) and (c) amended; interim ... 4600
(c) and (d) amendment confirmed ... 6524
(b) and (c) amended ... 9453
(c) and (d) revised ... 10555
(a) and (b) amended; interim ... 22292
(b) and (c) amendment confirmed ... 22292
(c) and (d) amendment confirmed ... 23016
(b) corrected ... 28240
(c) and (d) revision confirmed ... 30901
78.43 Revised; interim ... 18688
Confirmed ... 34207
78.44 (a) amended; footnote 9 redesignated as footnote 6 ... 33800
91.14 (a)(5) removal and (a)(6) through (16) redesignation as (a)(5) through (15) confirmed ... 8225
(a)(8)(ii)(B) removed ... 33573
92.1 (cc) added ... 2990
Amended ... 5941
(k), (l), and all paragraph designations removed; amended ... 11023
92.2 (k) added ... 2653
(i)(2)(iii)(C), (iv)(A) and (B), (v)(A)(2)(i), (B), (E), and (G) revised; (i)(2)(vi) redesignated as (i)(2)(vii); new (i)(2)(vi) added ... 2990
(k) removed; interim ... 8437
Footnote 2a removed; (c)(1), (2)(i) and (3) amended ... 21497
(k) removal confirmed ... 28241
(i)(1) amended; interim ... 32533
92.4 (a)(6)(iii)(C)(*1*), (8)(i), (ii) introductory text, and (9) introductory text, (ii), and (iii) revised ... 2992
92.11 (e) and (f)(3)(ii)(E) amended ... 21497
92.17 Amended ... 2992
92.20 (b) revised; footnote 10 removed ... 11023
(c)(5) and (d) revised, OMB number ... 18199
92.27 Footnote 11 redesignated as footnote 10 ... 11023
92.31 Footnote 12 redesignated as footnote 11 ... 11023
92.35 (c)(2) and (3) redesignated as (c)(3) and (4); new (c)(2) added ... 5941

92.41 Footnotes 13 and 13a redesignated as footnotes 12 and 13 ... 11023
(b) removed; interim ... 35231
93 Redesignated as Part 99; new Part 93 added ... 29502
93.4 Corrected ... 35350
93.5 Introductory text corrected ... 35350
93.8 (a)(1)(ii) corrected ... 35350
94.0 Added ... 33801
94.1 (a)(2) amended ... 2653
(a)(2) amended; interim ... 8437
(a)(2) amendment confirmed ... 28241
Heading and (b) revised; footnote 1 added ... 33801
94.4 (b)(3) redesignated as (b)(4); heading and (b) introductory text through (2) revised; (b)(3) and footnotes 2 and 3 added ... 33801
94.6 (a)(2) amended ... 27327
94.8 Introductory text amended ... 30902
94.9 (a) amended ... 27327
94.10 Amended ... 27327
94.11 (a) amended ... 2653
(a) amended; interim ... 8437
(a) amendment confirmed ... 28241
94.12 (a) amended ... 27327
94.17 Added ... 11625
97.1 (a) and (b) amended ... 16823
97.2 Table amended ... 16234, 31753
99 Redesignated from Part 93 ... 29502
99.10 Amended ... 29502
101 Authority citation revised ... 30131
101.2 (o) revised ... 30131
102 Authority citation revised ... 30131
102.2 Revised ... 11026
102.4 (f) revised ... 11026
(h) (1) and (2) revised ... 30131
102.5 (b) and (e) revised ... 11026
102.6 Added ... 11026
103 Authority citation revised ... 30131
103.3 Heading, introductory text, and (a) revised; (h) added ... 30131
104 Authority citation revised ... 30131
104.4 (a) and (b) revised ... 30131
107 Added ... 30131
113.101 (c)(2) removed; (c) (3) through (7) redesignated as (c)(2) through (6) and revised ... 9117
113.102 (c)(2) removed; (c) (3) through (7) redesignated as (c) (2) through (6) and revised ... 9118
113.103 (c)(2) removed; (c) (3) through (7) redesignated as (c) (2) through (6) and revised ... 9118
114.1 Revised ... 11026
114.2 (d) addition confirmed ... 26141
(b) introductory text, (b)(1) and (c) revised; (b)(9) added ... 30132
151 Authority citation revised; section authority citations removed ... 1317, 13070
115.1 Revised ... 30134
115.2 Revised ... 30134
118 Added ... 30135
151.9 (a) table amended ... 1318, 13071
166.1 Amended ... 4890
166.2 (b) and (c) amended ... 4890
166.4 (b) amended ... 4890
166.5 (b) amended ... 4890
166.6 Amended ... 4890
166.8 Amended ... 4890
166.9 (d) amended ... 4890
166.10 (a), (c) (1) and (2), and (d) amended ... 4890
166.11 (b) and (d) amended ... 4890
166.12 (c) and (d) amended ... 4890
Redesignated as 166.13; new 166.12 added ... 4891
166.13 Redesignated as 166.14 and (a), (b), (c), and (d) amended; new 166.13 redesignated from 166.12 ... 4891
166.14 Redesignated as 166.15 and (d) and (e) amended; new 166.14 redesignated from 166.13 and (a), (b), (c), and (d) amended ... 4891
166.15 Redesignated from 166.14 and (d) and (e) amended ... 4891
(c) revised; interim ... 13231
(c) revision confirmed ... 34208

TITLE 9—Con.

Chapter III—Food Safety and Inspection Service, Meat and Poultry Inspection, Department of Agriculture

Page

303 Authority citation added.....10032
303.1 (g) revised; authority citation removed; interim.....10032
303.2 Added; interim.....10032
307.5 (a) revised.....4
308 Policy statement.....3595
309.16 (d)(3) revised; interim.....2104
310.21 (c) introductory text, footnote 1, and (d) revised; interim.....2104
318 Policy statement.....3595
Authority citation revised.....30137
318.7 (c)(4) table amended.....17284, 19303, 30137
318.10 Partial waiver extended.....5
(c)(3)(iv) Table 6 corrected.....12517
318.21 Added.....2185
320 Policy statement.....3595
327 Policy statement.....3595
335.40 (Subpart E) Added; interim.....13828
350 Authority citation revised.....4
350.7 (c) revised.....4
351.8 Revised.....5
351.9 (a) revised.....5
354.101 (b) and (c) revised.....5
355.12 Revised.....5
362.5 (c) revised.....5
381 Policy statement.....3595
381.3 (b) amended; (c), (d), and (e) added; interim.....10033
381.38 (a) revised.....5
381.153 Added.....2192
381.196 (b) amended.....23021

Title 9—*Proposed Rules:*

1.....10292, 19359, 29865
2.....10298, 19359, 29865
50.....24165
51.....36272
54.....12189
71.....1921
76.....1921
77.....24165
78.....1336
85.....1921, 34391
91.....17597, 21688, 28842
92.....2654, 2858, 9871, 10765, 25606, 30372, 32561, 34456, 35271
94.....7885, 12917, 13693, 15802, 25020, 30373, 34677
160.....5308, 19359
161.....5308, 19359
166.....27413
304.....32802
305.....32802
306.....32802
307.....12422
308.....12422, 32802
309.....21561, 32802
310.....21561, 32802
313.....32802
314.....21561
317.....10766, 11828, 24475, 30922, 32802
318.....30925, 32802
319.....2416, 5991, 9303, 10766, 11828
320.....32802
325.....32802
327.....23041
329.....32802
335.....32802
350.....32802
351.....32802
352.....32802
354.....32802
355.....32802
362.....21563, 32802
381.....11828, 15960, 23041, 24303, 24475, 30922, 32802

TITLE 10—ENERGY

Chapter I—Nuclear Regulatory Commission

Chapter I Policy statements revocation corrected.....20592
0 Authority citation revised.....11027
0.735–3 (e) introductory text and (1) and (f) revised.....31608
0.735–21 (b)(1) revised; (e) added.....11027
(a), (b) and (e) revised.....30903
0.735–28 (a)(2) and (b) amended.....31608
0.735–29 (b)(1)(v) revised.....11028
0.735–49 (a) amended.....31608
1 Revised.....31602
2 Authority citation revised.....36218
2.101 (c)(3) and (e)(1) amended.....31608
2.201 (a), (b) and (c) amended.....31608

Page

2.202 (a) introductory text and (f) amended.....31608
2.205 (a), (c), (d), (g), (h) and (i) revised.....31608
2.206 (a) and (b) revised.....31608
2.785 (a) revised.....2993
2.802 (b) and (g) revised.....31609
2 Appendix C revised.....36218
4 Authority citation revised.....25357
Table of contents corrected.....28132
4.1 Revised.....25357
4.1a Redesignated as 4.2 and revised.....25358
4.2 Redesignated as 4.3 and revised; new 4.2 redesignated from 4.1a and revised.....25358
4.3 Redesignated as 4.4 and (d) revised; new 4.3 redesignated from 4.2 and revised.....25358
4.4 Redesignated as 4.5; new 4.4 redesignated from 4.3 and (d) revised.....25358
4.5 Redesignated from 4.4.....25358
4.301—4.341 (Subpart C) Added.....25358
4 Appendix A amended.....25361
7 Authority citation revised.....31609
7.19 (b) amended.....31609
9.14 (a)(1) revised.....29505
9.53 (a) and (b) amended.....31609
9.54 (b) amended.....31609
9.65 (a) introductory text amended.....31609
9.66 (a)(1) introductory text, (2), and (3) and (c)(2) amended.....31609
9.69 (a) amended.....31609
9.85 Revised.....31609
9.95 Revised.....760
10.5 (b) amended.....31609
10.12 (a) amended.....31609
10.21 Amended.....31609
10.22 Introductory text, (c), (d) and (e) amended.....31609
10.23 (a) and (b) amended.....31609
10.24 (a) and (b) amended.....31609
10.27 (c) amended.....31609
10.28 (m) amended.....31609
10.29 (d) amended.....31609
10.30 Amended.....31610
10.31 (a) amended.....31610
10.32 (b) amended.....31610
10.33 (c) and (d) amended.....31610
10.34 (b) amended.....31610
10.35 (b) amended.....31610
10.37 Amended.....31610
11.16 Amended.....31610
15.3 Amended.....31610
15.35 (c) introductory text revised.....31610
19.2 Amended.....8240
19.3 (d) amended.....8240
19.5 Revised.....31610
19.11 (c) Note revised.....31610
19.16 (a) and (b) amended.....31610
19.17 (a) and (b) amended.....31610
20.2 Amended.....8240
20 Authority citation revised.....4605
20.3 (a)(20) added; eff. 2–12–88.....4604
(a)(9) amended.....8240
20.103 (a)(1) footnote 5 and (g) amended.....31610
20.202 (c) added; eff. 2–12–88.....4604
20.403 (d)(2) revised.....33917
21.2 Amended.....8241
21.5 Revised.....31610
21.21 (b)(2) revised.....31611
25.33 (c) amended.....31611
30 Authority citation revised...1294, 27786
30.4 Introductory text, (b), and (i) amended; (x) removed.....8241
30.5 Amended.....8241
30.6 (a) and (b)(1) amended.....8241
30.7 (e) Note amended.....31611
30.11 (a) amended.....8241
30.13 Amended.....8241
30.14 (a) and (c) amended.....8241
30.15 (a) amended.....8241
30.16 Amended.....8241
30.18 (a) amended.....8241
30.19 (a) amended.....8241
30.20 (a) amended.....8241
30.31 Amended.....8241
30.32 (g) added.....27786
30.33 (a)(4) amended.....8241
30.34 (h) added.....1295
(a), (b), (c), (d), and (e) amended.....8241
30.39 Amended.....8241
30.51 (a), (b), (d)(1) and (2) amended.....8241
30.53 Amended.....8241
30.55 (c) amended.....31611
30.56 Removed.....8241
32 Authority citation revised.....27786
32.1 (a) revised.....27786
32.210 (Subpart D) Added.....27786
35.59 (e)(2) amended.....31611
35.205 Exemption.....9292

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

TITLE 10 Chapter I—Con. Page

39 Added....8234
40 Authority citation revised...1295, 9651
40.1 (a) revised....9651
40.4 (r) added....9651
40.5 (b)(1) amended....8241
40.7 (e) Note amended....31611
40.12 Revised....9651
40.23 Added....9651
40.25 (c) (1) and (2) and (d)(4) amended....31611
40.26 (c)(2) amended....31611
40.35 (e)(1) amended....31611
40.41 (f) added....1295
40.64 (a), (b) and (c) amended....31611
40.65 (a)(1) amended....31611
40.66 Added....9651
40.67 Added....9652
40 Appendix A amended....31611
50 Authority citation revised; section and Appendix authority citations removed....1295
Authority citation corrected....2352
Policy statement; interim....3788
Authority citation revised....28972
Policy statement....34884
50.4 (c) and (f) amended....31611
50.7 (e) Note amended....31611
50.33 Authority citation correctly removed....2352
50.34 (b)(8) revised....9469
50.49 (b)(3) footnote 4 revised....31611
50.54 (cc) added....1295
(p)(1) correctly designated....1415
(i) and (i-1) revised....9469
(f) corrected....19303
(w) revised....28972
50.70 (b) (1) and (2) amended....31612
50.74 Added....9469
50 Appendix E amended....16829
51.4 Amended....31612
51.22 (c)(3), (10), and (14) amended....8241
51.60 (a) amended....8241
51.66 (a) amended....8241
51.68 Amended....8241
51.122 Amended....31612
51.123 (b) amended....31612
55 Revised....9460
60.9 (e) Note amended....31612
60.44 (b) amended....31612
60.75 (c) (1) and (2) amended....31612
61 Technical position statement availability....397
Authority citation revised....1295
61.9 (e) Note amended....31612
61.24 (k) added....1295
61.80 (i)(1) amended....31612
70 Authority citation revised....1296, 9652, 10037, 21657
70.4 (w) removed....8241
70.5 (b)(1) amended....8241
70.7 (e) Note amended....31612
70.8 (c)(6) added....19305
70.20a (b) amended....8241
70.20b Revised....9652
70.22 (b) revised....10038
70.32 (a) introductory text republished; (a)(9) added....1296
(c)(1) revised....10038
(c)(1)(i) corrected....22416
70.51 (b) and (e) introductory text revised....10038
70.52 Revised....21657
70.53 (b) revised....19305
70.55 (c) (1) and (2) amended....31612
70.57 (b) introductory text revised....10038
70.58 (a) revised....10038
70.59 (a)(1) amended....31612
70.60 Removed....8241
71.0 (b) amended....8241
71.93 (c) amended....31612
71.97 (c)(1) and (3)(iii) and (f) amended....31612
72 Authority citation revised....1296, 31657
Authority citation corrected....23257
72.10 (e) Note amended....31612
72.11 (a) amended....31612
72.33 (b) introductory text republished; (b)(6) added....1296
72.52 Revised....21657
72.56 (c) (1), (2), and (3) and (e) amended....31612
73 Authority citation revised....6314, 9653, 21657
73.1 (b)(8) added....9653
73.37 (f)(1) amended....31613
73.55 (e)(1) revised....12365
73.57 Added....6314
(b)(1) and (5) and (f)(3)(ii) corrected....7821
73.67 (e)(3)(vii) and (g)(3)(iii) revised....21657
73.71 Revised....21658
(a) (1) and (5) corrected....23257
Meeting....32777
73.72 Revised....9653

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

Page

73.73 Added....9653
73.74 Added....9654
73 Appendix E added; Appendix F revised....9654
Appendix G added....21658
Appendix A amended....31613
74 Authority citation revised....10038, 19305, 21659
74.4 Amended....10039
74.8 (b) revised....10040
(c)(4) added....19305
74.11 Revised....21659
(b) corrected....23257
74.13 (b) introductory text amended....31613
74.17 Added....19305
74.51—74.59 (Subpart E) Added....10040
74.81 (c) (1) and (2) amended....31613
75.6 (a) table and (d) amended....31613
95.18 (a) introductory text amended....31613
95.45 (a) amended....31613
110 Authority citation revised....9654
110.50 (b)(4) revised....9655
150.16 (b) revised....31613
150.17 (a), (b) and (c) amended....31613
150.19 (c) amended....31613
150.20 (b) amended....8241
(b)(1) amended....31613
170.2 (a) amended....8242
170.12 (g) amended....31613
170.20 (b) revised....31613

Chapter II—Department of Energy

420 Class deviation....18548
456 Revised; interim....6715
Revised....34143
458 Removed....34185
465 Class deviation....18548
503.13 (b) introductory text amendment confirmed and republished....658
600 Class deviation....18548

Chapter III—Department of Energy

725 Authority citation revised....30139
725.3 (i) added....30139
725.15 (b)(3) revised....30139
725.22 (c) added....30140
725.23 (d)(9) revised....30140
763 Added....28538
862 Added....29838
961.11 Amended....35359
962 Added....15940

Chapter X—Department of Energy (General Provisions)

1040.101—1040.170 (Subpart D) Addition published at 51 FR 4574 and 51 FR 4579 removed (regulations transferred to Part 1041)....1902
1041 Heading added; text transferred from 1940.101—1040.170 (Subpart D) published at 51 FR 4574 and 51 FR 4579....1902
1041.170 (c) revised....1902

Title 10—*Proposed Rules:*

2....1415, 3442, 6286, 11475, 12192, 30089, 27821, 29024, 29196, 30512, 36583
9....29196, 30512
30....2540, 7432, 12921
32....2540
40....7432, 12921
50....543, 1200, 2416, 2951, 3121, 3822, 5780, 6334, 6650, 6980, 7432, 7887, 8075, 8460, 8917, 10771, 16275, 34015, 34223
55....7432, 7887
60....5992, 7432, 16403
61....7432
62....1634
70....7432, 12921
71....7432
72....7432
73....5781, 33420
110....7432
150....7432
430....7972, 12342
435....17052
456....6754
458....6754
600....21820, 23627, 31016, 35111
625....22960
703—961 (Ch. III)....2792
725....15324
763....4151
1004....23156
1010....17765, 18647
1013....20403

TITLE 11—FEDERAL ELECTIONS

Chapter I—Federal Election Commission

Page

4 Authority citation revised....23637
4.1 (g) through (n) added; interim....23637
4.5 (a) introductory text and (7) revised; (b) through (d) redesignated as (c) through (e); new (b) added; interim....23638
4.7 (c) revised; interim....23638
4.9 Revised; interim....23638
5.6 (a)(1) amended; interim....23640
100.5 (e)(5) revised (effective date pending)....35534
100.7 (c) revised (effective date pending)....773
Eff. 4-8-87....11187
100.8 (c) revised (effective date pending)....773
Eff. 4-8-87....11187
102.9 Introductory text and (e) revised; (f) added (effective date pending)....773
Eff. 4-8-87....11187
103.3 Revised (effective date pending)....774
Eff. 4-8-87....11187
104 Authority citation revised....774
104.8 (d) revised (effective date pending)....774
Eff. 4-8-87....11187
106 Authority citation revised....20874
106.2 Revised (effective date pending)....20874
Eff. 8-18-87....30904
110 Authority citation revised....769
110.1 Revised (effective date pending)....769
Eff. 4-8-87....11187
(m) added (effective date pending)....35534
110.2 Revised (effective date pending)....772
Eff. 4-8-87....11187
(j) added (effective date pending)....35534
110.14 Revised (effective date pending)....35534
9001 Revised (effective date pending)....20876
Eff. 8-18-87....30904
9002 Revised (effective date pending)....20876
Eff. 8-18-87....30904
9003 Revised (effective date pending)....20877
Eff. 8-18-87....30904
9004 Revised (effective date pending)....20882
Eff. 8-18-87....30904
9005 Revised (effective date pending)....20886
Eff. 8-18-87....30904
9006 Revised (effective date pending)....20887
Eff. 8-18-87....30904
9007 Revised (effective date pending)....20887
Eff. 8-18-87....30904
9012 Revised (effective date pending)....20891
Eff. 8-18-87....30904
9031—9039 (Subchapter F) Revised (effective date pending)....20892
Eff. 8-18-87....30904

Title 11—*Proposed Rules:*

100....2416
110....6580
114....16275

TITLE 12—BANKS AND BANKING

Chapter I—Comptroller of the Currency, Department of the Treasury

5.1 (a) revised....5942
5.3 Revised....5942
21 Heading and authority citation revised....2859
Heading revised....28682
21.5 Revised....28682
(a) corrected....31478
21.21 (Subpart C) Added....2859

Chapter II—Federal Reserve System

202 Determination....35537
202 Appendix B and Supplement I amended....10733
203 Exemption terminated....10365
204 Authority citation revised....2215
204.2—204.4 Authority citations removed....2215

Page

204.9 Authority citation removed....2215
205.14 (a)(2) and (b) revised....30911
205 Supplement II amended....10734
Appendix A amended....30912
207 OTC margin stock list....3218, 15941, 28538
208 Authority citation revised....2859
208.14 Added....2860
211 Authority citation revised....30914
211.5 (f) added....30914
220 OTC margin stock list....3218, 15941, 28538
220.2 (r)(2)(iii) amended; (r)(3) added; (r) introductory text republished....32292
221 OTC margin stock list....3218, 15941, 28538
221.3 (b) revised; (c) (i) and (ii) redesignated as (c) (1) and (2); new (c)(1) revised....35683
224 OTC margin stock list....3218, 15941, 28538
225.43 (a) revised....23023
(c)(2) and (d) revised....23024
226 Supplement I amended....10878
227.14 Exemption granted in part....2400
261 Policy statement....15707
261.4 (g) removed....15300
261.8 Added....15300

Chapter III—Federal Deposit Insurance Corporation

303.0 Revised....35402
303.2 (c)(1) and (c)(2) heading removed; (c)(2) (i) and (ii) redesignated as (c) (1) and (2); new (c) (1) and (2) amended....35403
303.6 (l) removed; (m) and (n) redesignated as (l) and (m); (b) and (e) revised....35403
303.7 Revised....35404
303.8 Revised....35407
303.9 Revised....35408
303.10 Revised....35410
303.11 Revised....35410
303.12 Removed; new 303.12 redesignated from 303.13....35411
303.13 Redesignated as 303.12....35411
308.01 (b) amended....35411
308.03 (c) (1), (2) (i) and (ii) amended; (c)(2)(iii) and (3) added....35411
309.5 (a)(1), (b), and (c)(7) revised....23426
Technical correction....24090
310 Heading revised....34209
310.9 Revised....34209
310.13 (a) amended....34209
326 Heading and authority citation revised....2860
326.0—326.7 (Subpart A) Heading added....2860
326.0 Heading revised....2860
326.8 (Subpart B) Added....2860
337.4 (h)(3) revised....23544
341.4 (a) revised....1182
346.19 (d)(6) revised....34210

Chapter V—Federal Home Loan Bank Board

500.10 Amended....7120
500.31 Revised....5942
(a) (1) and (2) amended....10557
500.32 (a), (b) (1), (3), (5), (6), (8), (9), (10), and (12), and (c) introductory text revised....7120
(c) introductory text corrected....8550
505 Authority citation revised....7121
505.3 (c) and (d) removed; (e) and (f) redesignated as (c) and (d); new (d) revised....7121
505.4 (d) amended; authority citation removed....7121
505a Authority citation revised....7121
505a.3 (c) revised....7121
505b Authority citation revised....7121
505b.7 Amended....7121
508 Authority citation revised; section authority citations removed....7121
508.13 Amended....7121
510a Added....17392
522 Authority citation revised....33402
522.81 (a) (3) and (4) amended; (a)(5) added....33402
522.87 (a) designation removed....7122

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

TITLE 12 Chapter V—Con. Page

523 Authority citation revised; section authority citations removed....7122
523.3–2 Heading and (b) revised; (c) through (g) added....30142
523.3–3 Amended....7122
523.10 (h)(5) amended....7122
545.11 (a) heading added; (b) amended....7122
545.74 (d)(4) amended....7122
545.82 (e) amended....7122
545.102 (b) revised....24135
545.115 (b) revised....18350
545.138 (f) heading added....7122
546.2 (d)(3) and (h)(1)(i) revised....9800
552 Authority citation revised; section authority citations removed....7122
552.2–2 (d) amended....7122
552.8 (b) and (f)(2) amended; (f)(1) revised....7122
552.13 (h)(2) amended....7122
(i)(3) revised; (j)(3) amended....9800
552.14 (b) amended....7122, 9800
555 Authority citation revised; section authority citations removed....7122
555.10 Amended....7122
555.12 Amended....7122
555.17 (d)(2) amended....7122
556 Authority citation corrected....8550
556.5 (i) amended....7123
556.8 Amended....7123
561 Authority citation revised....7123
561.11a (f)(2) introductory text revised....8242
561.11f (a)(3)(ii) amended....8242
561.11g (a) amended....8242
561.13 (c) (1) and (2) amended....7123
Revised....18350
561.15 (b), (d)(2), and (j) (1) and (3) amended....7123
(j)(1) correctly designated....8550
561.17 (a) amended....7123
563.4 (d)(3) amended....7123
563.6 (d) revised....8242
563.7–4 (i)(2)(iv) amended....7123
563.8 (c) heading added....7123
563.8–1 (d)(1)(v)(c) amended....7123
563.9–7 (b) amended....7123

Page

563.9–8 (h) amended; interim....7822
(b)(1)(i), (g)(6), and (h) amended; (f) text designated as (f)(1); (b)(11), (c)(3), (f)(2), and (g)(3)(iv) added; (c)(2) and (g)(2)(v) and (3)(ii) introductory text and (A) through (C) revised....8205
Heading, (a), (c)(2) (i) and (ii), and (e)(2) revised; nomenclature change; (b)(1) introductory text and (6)(ii) and (e)(1) amended; (b)(6)(iii), (9), (10), and (11) redesignated as (b)(6)(iv), (10), (11), and (12); new (b)(6)(iii) and (9) and (f)(3) added....23802
563.13 (b)(4)(i)(E) revised....23641
Nomenclature change....23802
(b)(4)(ii)(D)(*2*)(*iii*) amended; (b)(4)(ii)(D)(*2*)(*iv*) redesignated as (b)(4)(ii)(D)(*2*)(*v*); new (b)(4)(ii)(D)(*2*)(*iv*) added; (b)(4)(ii)(E)(*2*) and (F)(*2*) revised....23803
563.13–1 (e) introductory text amended....7123
563.13–2 (a)(4) and (e)(1)(i) amended....23802
563.15 Heading and (b)(1) introductory text revised; (a) (3) and (4) added; (c) and (d) redesignated as (d) and (e); new (c) added....33402
563.16 Amended....33402
563.17–1 (c)(8) amended....7123
(c)(8) corrected....8550
563.17–4 (g) removed....18351
563.17–7 Added....2860
OMB number....3207
563.22 (b) amended; (d) and (e)(1)(i) revised....9800
563.23–1 (f)(3)(i) revised....7123
(a) and (b) revised; (f) removed; (g) redesignated as new (f)....18351
563.23–2 Removed....18351
563.23–3 (c) revised; (d) added....18352
563.27 (b) amended....7123
563.35 (b) and (d) introductory text amended....7123
563.37 (b) amended....23802
563.38 (a) amended....23802
563.39 (b) (2) and (3) revised....4892

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

Page

563.43 (b)(5) amended....7123
563.45 (c) and (d) amended....7123
563b Authority citation revised....7123
563b.1 (a)(2) removed; (a)(1) designation removed....7123
Amendatory instruction corrected....8550
563b.2 (a)(19) revised....7123
563b.101 Form PS amended....7124
563c Authority citation revised....7124, 18352
563c.14 (f) added....18352
563c.102 Amended....7124
Corrected....8550
564 Authority citation revised....7124
564.9 (b) amended....7124
(b) revised....10558
569 Authority citation revised....7124
569.3 (b)(2) amended; (c)(2) removed; (c)(1) designation removed....7124
570 Authority citation revised....18352
570.4 Heading and (a) revised....18352
571 Authority citation revised; section authority citations removed....7124
Authority citation revised....23941
571.5 (a) revised....23941
Effective date corrected....26295
571.8 Amended....7124
572 Authority citation revised....7124
572.1 (c)(2) and (e)(3) amended....7124
572a Authority citation revised....9801
572a.5 (c)(5) amended....9801
574 Authority citation revised....7124
574.2 (a)(2) revised; (k)(2) amended....9801
574.3 (c)(2)(iii) amended....7124
(c)(2)(iv)(A) revised....9801
574.4 (d)(5) revised....9801
574.5 (a)(1) revised....9801
574.6 (a)(3) revised; (e) and (f)(2) amended....9801
574.7 (e), (f), (g)(1)(ii) introductory text and (iii) revised....9801
574.8 (a)(3)(iv) revised....9802

Page

584 Authority citation revised; section authority citations removed....7124
584.2–1 (a) and (b)(1)(v) amended....7124
584.4 (a) amended....7124
584.6 (c)(1) amended....7124
592 (Subchapter H and Part) Added....33403

Chapter VI—Farm Credit Administration

602.250 (a) introductory text, (5) and (8) revision eff. 5–6–86....2105
605 Authority citation revised....18200
605.502 (d), (f) and (j) revised....18200
611.1020 Revised (effective date pending)....36013
611.1021 Removed (effective date pending)....36013
611.1022 Removed (effective date pending)....36013
611.1030 Removed (effective date pending)....36013
611.1031 Removed (effective date pending)....36013
611.1140 (b) introductory text, (1)(ii) and (2)(v), (vi) (B), (C), (F), and (H) and (4) (i), (ii) and (iii) revised; (b)(1)(iii) added (effective date pending)....12142
Eff. 5–20–87....19129
611.1142 (i) introductory text, (3) and (l)(3) revised; (l)(10) added (effective date pending)....12143
Eff. 5–20–87....19129
614.4366 (e) revised (effective date pending)....12147
Eff. 5–20–87....19129
614.4367 (a) introductory text revised; (g) and (h) added (effective date pending)....12147
Eff. 5–20–87....19129
614.4440 (c) revised (effective date pending)....12147
Eff. 5–20–87....19129
614.4442 (b) revised (effective date pending)....12147
Eff. 5–20–87....19129

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

TITLE 12 Chapter VI—Con. Page

614.4443 Existing text designated as (a); (b) added (effective date pending)....12147
Eff. 5-20-87....19129
620 Addition eff. 5-6-86....2105
Hearings....8581
620.3 Technical correction....1440
621 Addition eff. 5-6-86....2105
621.2 Technical correction....1440
624 Hearings....2672
Heading and authority citation revised....13429
624.104 Introductory text revised....2671
Redesignated as 624.105; new 624.104 added....13429
624.105 Redesignated from 624.104....13429
624.110 Revised....13429
624.111 Revised....2671
624.113 (b) introductory text and (1) revised....2671
(a) and (b) introductory text and (1) revised....13429

Chapter VII—National Credit Union Administration

Chapter VII Interpretation and policy statement....35231
700 Authority citation revised....34895
700.1 (h)(1) revised....34895
701.21 (c)(7) revised....8061
(a), (c) (5) and (8), and (d)(5) revised; (h) added....12368
705 Revised....34893
706 Added; interim....35061
708 Revised....12374
741 Authority citation revised....12370
741.3 Redesignated as 741.4; new 741.3 added....12370
741.4 Redesignated as 741.5; new 741.4 redesignated from 741.3....12370
741.5 Redesignated as 741.6; new 741.5 redesignated from 741.4....12370
741.6 Redesignated as 741.7; new 741.6 redesignated from 741.5....12370
741.7 Redesignated as 741.8; new 741.7 redesignated from 741.6....12370
741.8 Redesignated as 741.9; new 741.8 redesignated from 741.7....12370
741.9 Redesignated as 741.10; new 741.9 redesignated from 741.8....12370
741.10 Redesignated from 741.9....12370
748 Heading and authority citation revised....2861
748.2 Added....2861
(b) revised....8062
790.4 (a)(7) revised....27987
790.7 Revised....27987
795.1 (b) table amended (OMB numbers)....28132

Title 12—*Proposed Rules:*

3....23045
18....23456
206....30690
211....21564, 26153
220....13458, 32138
221....29701
225....543, 3447, 4629, 5119, 9304, 18703, 21564, 26153, 36041
226....33596, 34811
227....28271
261....10233, 13458
262....21564, 26153
309....13843
325....11476, 11660
332....7442, 35724
337....11492
338....30928
350....23554, 25021
404....21569
500—591 (Ch. V)....33595
501....25870, 29387
522....12425, 29030
523....3450
543....25870, 29387
544....25870, 29387
545....3665, 25870, 29387
546....25870, 29387
551....25870, 29387
561....18369, 27218
563....80, 3665, 3669, 8207, 17406, 18043, 18369, 18386, 23845, 27218, 27219
564....3126, 8611, 26017
565....17408
571....5782, 7887, 18369, 18386, 23181, 27218, 27219
588....23181
620....30374
621....30374
611....13694

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

Page

612....11080
614....21073
700—795 (Ch. VII)....27994
701....28274, 36428
703....28274
705....12427
721....28274
790....19152
1101....29865

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

101.3-2 Amended....18352, 35412
105.511 (g) revised....34896
108.1 (b)(3) amended; interim....27675
108.2 Revised; interim....27675
108.4 (d)(2)(iii) amended; interim....27676
108.5 (d) amended; interim....27676
108.503-1 (b)(3) amended; (c)(1)(iii) added; interim....27676
108.503-3 (f) and (g) amended; interim....27677
108.503-4 (c)(3)(iii)(A) amended; (c)(4) added; interim....27677
108.503-6 (a) (1) and (2) amended; (d) redesignated as (e); new (d) added; interim....27677
108.503-7 (b)(2) amended; (c) revised; interim....27677
108.503-8 Revised; interim....27677
108.503-9 (a)(6) removed; (a)(7) through (11) redesignated as (a) (6) through (10); interim....27678
108.503-10 Revised; interim....27678
108.503-12 Revised; interim....27678
108.503-13 (c) and (h) amended; interim....27678
108.504 (a) amended; (b), (c), (e), and (f) revised; (g), (h), and (i) redesignated as (j), (k), and (l); new (g), (h), and (i) added; new (j) revised; interim....27678
108.505 (a), (d), (e), and (h) amended; (f), (g), and (k) revised; interim....27679
114 Heading and authority citation revised....32534
114.100—114.111 (Subpart A) Heading added....32534
114.112—114.113 (Subpart B) Added....32534
121.2 Existing Table designated as Table 2; (d) and new Table 1 added; interim emergency....399
Table 1 corrected....2400, 6133
(c)(2) table corrected....21497
133.1 (c) table revised....27988
144 Added....31527

Chapter III—Economic Development Administration, Department of Commerce

309.3 (f) and (m) revised; interim....21932
309.7 (c) revised....27539
311 Authority citation revised....11627
311.1 (a)(5) added; (c) revised....11627
311.3 (d) revised....11627

Title 13—*Proposed Rules:*

102....18570
107....28842, 33598
120....19155
121....8261, 29532, 32870
125....32017
142....19156
143....21820, 23627
144....26019

TITLE 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

15 Added....18171
21 Special FAA conditions corrected....656
Authority citation revised; section authority citations removed....1835
Special FAA conditions amended....3416, 11629, 23026, 27190, 32780, 32781
21.17 (b) through (d) redesignated as (c) through (e); new (b) added; new (d) in-

TITLE 14 Chapter I—Con. Page
troductory text and (2) amended....8042
21.19 (b) introductory text amended....1835
21.21 Heading and introductory text amended....1835
Heading and introductory text revised....8042
21.23 Removed....8042
21.27 (a) and (f) table amended....1835
(f) table corrected....7262
21.31 (c) revised....8042
21.37 Amended....1835
21.39 (a) amended....1835
21.50 (b) revised....8042
21.73 (c) amended....1836
21.93 (b)(3) amended....1836
21.175 (a) amended....1836
(a) revised....8043
21.183 Heading and (e)(2) amended....1836
Heading revised....8043
21.195 (b) amended....1836
21.213 (c) amended....1836
21.231 (a) (2) through (5) redesignated as (a) (3) through (6); new (a)(2) added....1836
21.327 (f)(2) amended....1836
23 Special FAA conditions corrected....656
Heading revised....1825
Special FAA conditions amended....11629, 27190, 32780, 32781
23.1 (a) revised....1825
23.3 (a) introductory text, (b) introductory text, and (c) revised; (d) redesignated as (e) and revised; new (d) added....1825
(a) and (e) corrected....34745
23.25 (a) introductory text revised; (a)(2) amended....1825
23.45 (a) revised; (f) added....1826
23.51 (b) and (c) removed; (d) and (e) redesignated as (b) and (c); new (d) added....1826
23.53 Added....1826
(b)(2)(ii) and (c) (2) and (6) corrected....34745
23.55 Added....1826
23.57 Added....1827
23.59 Added....1827

Page
23.61 Added....1827
23.65 (d) added....1827
(d) corrected....34745
23.67 (a), (b) and (c) amended; (e) added....1827
(e)(3) introductory text corrected....7261
(e)(1) introductory text and (3) introductory text corrected....34745
23.75 (g) added....1828
23.77 (a) and (b) amended; (c) added....1828
(a) and (b) corrected....34745
23.161 (b) and (c) introductory text and (3) revised....1828
23.173 (b) revised....1828
23.175 (b)(2) introductory text revised....1828
23.333 (b)(3) amended; (c)(1)(iii) added; (d) diagram revised....1829
23.335 (a)(1)(i) and (b)(2)(i) revised; (d) added....1829
(d)(1) introductory text corrected....34745
23.337 (a)(1) and (b)(1) amended....1829
23.349 (a)(2) revised....1829
23.397 (b) table footnote 1 amended....1829
23.443 (b) and (c) redesignated as (c) and (d); new (b) added....1830
(b) corrected....7262, 34745
23.561 (b)(2) table corrected....34745
23.572 Heading revised; (a) amended; (b) added....1830
23.677 (d) added....1830
23.721 Added....1830
23.783 (c) added....1830
23.785 (g) revised....1830
23.787 (g) added....1830
(g)(2) corrected....34745
23.803 Added....1831
23.807 (d) added....1831
23.815 Added....1831
23.831 Existing text designated as (a); (b) added....1831
23.851 Added....1831
23.853 (d) and (e) redesignated as (e) and (f); (d) added....1831
23.901 (b)(3) added....1832
(b)(3) corrected....34745

Page
23.903 (d) text redesignated as (d)(1); (d)(2) added; (e)(2) revised....1832
23.933 (d) added....1832
23.963 (f) added....1832
23.997 (e) added....1832
23.1163 (d) added....1832
23.1165 (f) added....1833
23.1193 (g) added....1833
23.1195 Added....1833
23.1197 Added....1833
23.1199 Added....1833
(c) corrected....34745
23.1201 Added....1833
(a) corrected....7262
23.1203 Amended....1833
23.1305 (f), (h) and (k) revised....1833
(k)(2) corrected....34745
23.1309 (d) added....1833
23.1323 (c) and (d) added....1834
(c) corrected....34745
23.1325 (f) added....1834
23.1351 (a)(2), (b) (2), (3) and (4), and (d) revised; (b)(5) added....1834
(a)(2) introductory text and (b)(5)(v) corrected....34745
23.1523 (a) revised....1834
23.1581 (e) added....1834
23.1583 (a)(3), (c) (3) and (4), and (e)(4) added....1834
23.1585 (h) added....1835
23.1587 (d) added....1835
23 Appendixes F and G amended....1835
Appendixes F and G corrected....34745
25 Special FAA conditions amended....3416, 23026
25.853 Comment time extended....5422
25 Appendix F comment time extended....5422
36 Authority citation revised; section authority citations removed....1836
36.1 (a)(2) and (e) amended....1836
36.9 Heading and introductory text amended....1836
36.501 (Subpart F) Heading amended....1836
36.501 (a)(2) amended....1836
36.1581 (d) amended....1836
36 Appendix F amended....1836
39.13 517,

Page
519–524, 1319, 1320, 1441–1443, 2216–2218, 2511, 2512, 2673, 2674, 2676, 3108–3112, 3419–3422, 3424, 3426, 3596–3600, 3793, 3998–4000, 4278–4281, 4605–4607, 4764–4767, 4892, 5074, 5437, 5438, 5531, 5944–5947, 6134, 6135, 6777, 6778, 6953–6956, 7405, 7564–7567, 7823, 8063, 8582, 8583, 8873, 9121, 9294, 9470, 9471, 10044, 10218–10220, 10558, 10736, 10737, 11631–11639, 11985–11987, 12517–12519, 13232–13234, 13633, 13635, 13636, 15303, 15709, 16830, 16831, 17551, 17748–17750, 17936, 17937, 18549, 18551, 18902, 19131, 19306, 19481–19485, 20699–20702, 21243–21245, 21498, 21660, 22630, 23427, 23428, 23643–23645, 23942–23948, 24136–24142, 24984, 24985, 25204–25207, 25362, 25590, 25592, 25966, 26296, 26471, 26472, 26663–26666, 26946–26949, 27192–27195, 27787–27789, 28133–28136, 28242–28245, 28683, 28684, 28818, 28974–28976, 29372, 29373, 29505, 29506, 30143, 30330, 31378–31383, 31980, 31982, 32535, 32536, 32913, 32914, 33225–33229, 33918, 33919, 34632, 34633, 34898, 34900, 35233, 35234, 35687, 35690, 36228, 36229, 36565
Corrected....3079, 6286, 7568, 27328
Directive published at 52 FR 15303 and 52 FR 29505 suspended....35908
43 Authority citation revised....3390
43.13 (c) heading and text amended....20028
43 Appendix F revised....3390
Appendix F corrected....6651
Appendix A amended....17277
Appendix B amended....34101
Technical correction....35234
45.11 (a) revised; (d) added....34101
Technical correction....35234
(d) corrected....36566
45.21 (d)(3) revised....34102
Technical correction....35234
45.29 (b) introductory text revised; (h) added....34102
Technical correction....35234
(h) corrected....36566
61.107 (d)(1) and (f)(1) revised....17277

TITLE 14 Chapter I—Con. Page
61.113 (a), (b) and (c) amended; (d) and (e) added....4846
61.127 (f)(1) revised....17277
61.131 (a) and (b) amended; (c) and (d) added....4847
65 Authority citation revised; section authority citations removed....17518
65.31 (c) revised....17518
65.33 (d) revised....17519
65.49 (a) revised....17519
71.123 ....4130, 4893, 5948, 8243, 11033, 17552, 18903, 21248, 27329, 27789, 28685, 28687
Corrected....3079, 7262
71.125 21247
71.127 Corrected....3079
71.151 ....5078, 11034, 21247, 21500, 28686
Technical correction....7370
71.171 ....525, 775, 2219, 5439, 9122, 10045, 11816, 15710, 15711, 19133, 21499, 23429, 28685, 28819, 31386, 31387, 31983, 31984, 32537
Corrected....19132, 33680, 33919, 34457
Eff. 1-14-88....29507, 31384, 31385, 36230
71.181 ....526, 1626, 3601, 4282, 5439, 5440, 6136, 6137, 6778, 7406, 7407, 8243, 8874, 10559, 11816, 15710-15713, 17553, 17938, 18551, 19132, 19837, 20703, 21246, 21499, 22631, 23429, 23430, 26141, 28685, 28819, 28820, 31387, 31388, 31614, 31985, 32537, 32915, 32916, 34902, 36566
Corrected....12900, 19132, 20194, 23138, 34211, 34800
Eff. 1-14-88....34901, 36567
71.203 21248
71.207 21248
71.401 ....4894, 11031, 30916
Corrected....7369
Technical correction....31846
71.501 ....1423, 1430, 4487, 7395, 9383, 11183, 15480, 35393
Corrected....4079, 4608, 17366
Technical correction....13173
73.21 21249
73.22 4131
73.23 ....4895, 10560, 11034, 17394
Corrected....7370
73.25 ....4895, 21500, 35235
73.29 ....21249, 28225
73.30 ....18552, 21250
Corrected....19962
73.32 21247
73.34 11034
73.41 10560
73.42 16833
73.44 ....21250, 28225
73.48 10560
73.52 27790
73.53 21250
73.55 5078
Technical correction....7370
73.64 28686
73.66 8874
73.71 21250
75.100 ....5079, 18903, 21247, 21248, 21251, 21252, 27329, 28687, 28688, 35236, 35693-35695, 36231-36233
91 Authority citation revised....1836
Authority citation revised; section authority citations removed....9636
Special FAA Reg. 50 added....9775
Special FAA Reg. 50 corrected....18689
Special FAA Reg. 50 redesignated as FAA Reg. 50-1 and revised....22743
91.24 (a) and (b) revised....3391
91.27 (c) added....34102
Technical correction....35234
91.35 Introductory text and (a) through (d) redesignated as (a) introductory text and (1) through (4); new (b) added....9636
91.90 (b)(2)(iii) revised....3391
91.161 (b) revised....20028
91.173 (a)(1) amended....17277
(c) revised; (d) added....34102
Technical correction....35234
91.213 (a)(3) added....1836
93.101—93.105 (Subpart H) Removed....19254
95 ....4132, 10739, 19839, 27792, 34376
97.21—97.35 ....662, 2220, 3427, 4610, 5949, 8244, 10046, 12520, 13637, 17395, 19841, 21501,

Page
23431, 24986, 26951, 28821, 30145, 32538, 34903, 36234
121 Authority citation revised....3391
Authority citation revised; section authority citations removed....9636, 20957
Special FAA Reg. 38-2 amended....28939
121.3 (i) added....20028
121.312 Comment time extended....5422
121.337 Revised....20957
121.343 Revised....9636
121.345 (c) revised....3391
121.417 (c) revised; (d) redesignated as (e); new (d) and (f) added....20958
121.589 Revised....21476
121 Appendix B amended....9637
125 Authority citation revised; section authority citations removed....9637
Special FAA Reg. 38-2 amended....28939
125.1 (e) amended....6957
(d) and (e) removed; (a) and (b) (1), (3), and (4) revised....20028
125.11 (a) revised; (c) added....20028
125.202 Added....9637
127 Authority citation revised....3392
Special FAA Reg. 38-2 amended; authority citation revised....28939
127.123 (b) revised....3392
129 Heading revised....20029
Special FAA Reg. 38-2 amended; authority citation revised....28939
129.1 Revised....20029
129.11 (a) introductory text revised; (a)(4) and (c) added....20029
129.14 Added....20029
Effective date deferred to 2-25-88....32528
129 Appendix A amended....20029
135 Authority citation revised....3392
Authority citation revised; section authority citations removed....9637
Special FAA Reg. 50 added....9775
Special FAA Reg. 50 corrected....18689
Special FAA Reg. 50 redesignated as FAA Reg. 50-1 and revised....22743
Special FAA Reg. 38-2 amended....28939
135.11 (c) added....20029
135.143 (c) revised....3392
135.151 (a) introductory text revised; (b) redesignated as (c); new (b) added....9637
135.169 (a) and (b) introductory text revised; (b) (5) and (6) amended; (b)(7) added....1836
(b) introductory text corrected....34745
135.363 (j) added....1836
135.398 Added....1836
159 Authority citation revised....21504, 21910
159.79 Revised....21504
(a)(1)(i) corrected....23762
159.89 (a) revised; (c) added....21504
159.181 Revised....21910
Technical correction....23762
159.183 Revised....21911
Technical correction....23762
159.184 Added....21911
Technical correction....23762
159.185 Revised....21911
Technical correction....23762
171 Policy statement....20703

Chapter II—Office of the Secretary, Department of Transportation (Aviation Proceedings)

211 Authority citation revised....5442
211.30—211.35 (Subpart D) Added....5442
234 Added....34071
234.13 Removed....34077
241 Nomenclature change (OMB numbers)....9132
Sec. 7 amended....9129
Sec. 12 amended....9129
Sec. 19-7 revised....6529
Sec. 19-7 Appendix A added....6530
Sec. 21 (b), (d) and (l) revised....9130
Sec. 22 (a) tables revised....9130
Sec. 23 amended....9131
Sec. 24 amended....9131

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

TITLE 14 Chapter II—Con. Page

Sec. 25—Sec. 26 undesignated center heading revised....9132
Sec. 25 Schedule T-7 removed....9132
Sec. 26 removed....9132
255.3 Amended....34073
255.4 (e) added....34073
272 Added....5443
300.2 (e) revised....18904
Technical correction....21150
302.8 (g) added....5445
302.9 Revised....5445
302.1705 (c) revised....5445
385.21 Added....18905

Chapter V—National Aeronautics and Space Administration

1201.200 Revised....31986
1201.300 (a)(3) and (c)(3) revised....31986
1201.402 Revised....31986
1204.509 Added....35538
1206 Authority citation revised....18905
1206.101 (g) through (o) added; interim....18905
1206.601 (c) revised; interim....18906
1206.603 (c) revised; interim....18906
1206.700—1206.706 (Subpart 7) Revised; interim....18906
1207 Revised....22755
1207.405 (a)(4) correctly revised....36234
1215 Appendix A revised....10881
1260.104 (b) revised....12378
1260.105 (a) and (b) revised....12378
1260.109 Added....12378
1260.406 Amended....12378
1260.420 (e) added....12378
(e) correctly designated....13375
1260.514 (d) amended....12379
1260.602 Revised....12379
1260.603 Amended....12379
1261.400—1261.417 (Subpart 1261.4) Revised....19487
1261.500—1261.508 (Subpart 1261.5) Added....19495
1261.600—1261.606 (Subpart 1261.6) Added....19497

Title 14—*Proposed Rules:*

1—199 (Ch. I)....1924, 5309, 8078, 8918, 22329, 25886, 26020, 27563, 35272
1....1635, 32268
21....9176, 10109, 10111, 17409, 17410, 18573, 19517, 19520, 27219–27223, 27821, 32804–32811, 33246
23....9176, 10109, 10111, 18573, 19517, 27219–27223, 27821, 32804–32811, 33246
25....5424, 17890, 19520
27....1635, 20938
29....1635, 11997, 20938
36....7618, 8050, 23144, 27304, 28416
39....435, 551–557, 1338, 1468, 3126, 4021, 4914, 4915, 5140, 5141, 5546, 6001, 6170, 6804, 6987, 7443, 7619, 8079–8082, 8263, 8264, 8612–8615, 8919, 9181, 10113, 10114, 10236–10238, 10581, 11081, 11663, 11664, 11997, 11998, 12544, 12545, 13249, 13251, 16851, 16852, 17598–17601, 17958, 17959, 18575, 19168, 20721, 20722, 21312, 21314, 21572–21575, 22329, 22331, 22786, 23461–23466, 23661–23663, 24304, 25022–25028, 25236–25239, 25606, 26021, 26022, 26348, 26349, 26484, 27414, 27822, 27823, 28276–28280, 28564–28566, 29032, 29353, 29387–29390, 29534, 30380, 31409, 31410, 32937, 33947–33952, 34225–34228, 35273, 35725–35729, 36274–36276, 36563
61....22918, 29205
71....81, 297, 558–560, 1925, 2545, 2722, 4348, 4629, 4916, 6002, 6805, 6988, 6989, 7279, 7444, 7445, 8730, 8920, 8921, 9182–9184, 9312, 9313, 10115, 10582, 11082, 11828, 12286, 12935, 13713, 15326, 15511, 15512, 16853–16858, 18536, 18576, 18920, 19360, 19521, 20412, 20825, 21316, 22031, 22332, 22918, 23468–23470, 24017, 24305, 24306, 25029, 25240, 26023, 26153, 26350, 26351, 26485–26497, 27224, 27415, 27416, 27824, 27972, 27976, 28725, 28726, 29205, 29353, 29470, 29474, 29605, 29612, 30168, 30381, 30512, 31411, 31846, 32562, 34230, 34606, 34682, 34683, 36278, 36585–36587
73....2545, 2546, 3079, 15326, 27825
75....4153, 6989, 8920–8923, 12000, 12286, 25241–25244, 25607–25610, 30381, 38382
91....2236, 2547, 7618, 22918, 23144, 29205, 32268, 35052
121....5424, 20560, 20982, 32268
125....32268
129....32268
135....2236, 20560, 32268
159....7446

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

Page

215....5547
217....26498, 34889
234....22046
241....26498, 34889
255....22046
298....5547
382....5467, 19881
389....5547
1203....2548
1245....24477
1251....25124, 27902

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

4 Authority citation revised....26952
4.9 Revised....26952
22 Added....7

Chapter I—Bureau of the Census, Department of Commerce

30.55 (h) revised....32782

Chapter III—International Trade Administration, Department of Commerce

302 Removed....5757
303.14 (e) revised....3794
368 Authority citation revised....32122
368.2 (a)(4) removed....31754
369 Authority citation revised....32122
369 Supplement No. 14 added....17285
370 Authority citation revised....32122
370.4 Revised....28543
370.6 (d) removed....31754
370.11 (c) revised....11640
(a)(2) heading and (i) revised; (c) amended....31755
370.13 (a) introductory text revised....32122
370.14 Heading revised; (a) introductory text and (6), (b) introductory text, and (f)(1)(ii) and (2)(ii) amended; (a)(3) redesignated as (a)(3)(i); new (a)(3) heading and (ii) added....32122
(a) introductory text and (3)(ii) amended....32539
371 Authority citation revised....2106, 32122
Export controls continued....2500
371.1 Amended....6138
371.2 (c)(11) amended....2106
371.4 (b)(2) removed....31754
371.5 (d) revised....2106
371.7 (d) added....2106
371.8 Heading and (a) revised; (b) amended....26954
(c) revised....29374
(a) and (b) amended....32122, 32539
371.14 Added....5275
(c) corrected....6649, 10741
(b) amended....26954, 32539
371.16 Introductory text revised....2106
371.17 Introductory text, (a)(2) heading, (e), (f) heading, introductory text, (1) (i), (ii), and (iii), and (3)(v) revised; (a)(5) added; (a)(2)(i) introductory text, (f)(1) (iv) and (v), (2) heading, introductory text, (i) and (iii), and (3) (i) and (iii) amended....23028
(a)(2) heading and (i) and (f) introductory text, (2) heading and text, and (3)(i) amended....23168
(a)(2)(i) revised....31754
371.18 (b) (2) and (3) revised....23027
(a)(1) footnote 12 redesignated as footnote 11....23029
371.20 Added....5275
(a) introductory text amended....26954, 32539
371.22 (d)(1) introductory text and (2) revised....6138
(b) introductory text footnote 13 and (4) footnote 14 redesignated as footnotes 12 and 13....23029
371 Supplement No. 1 added....5275
372 Authority citation revised....2106, 32122
372.2 (b) (1) and (4) revised; (b)(3) amended....6138
372.4 (c) revised....6138
372.9 (c) revised....664
372.11 (e)(2)(iii) amended; (e)(2)(iv) added....6138
(d)(3) amended....32122, 32539
(g) and (i) heading revised; (h)(1) amended; (i)(1) head-

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

TITLE 15 Chapter III—Con. Page

ing and (2) removed; (i)(1) (i), (ii), and (iii) redesignated as new (i) (1), (2), and (3).....34212
373 Authority citation revised.....2106, 32122
Export controls continued.....2500
373.1 (a)(1)(iii) revised.....2106
373.2 (b)(2) added.....6138
(d)(3) and (e)(4)(ii) revised.....22632
(b)(8) amended.....23168
373.3 (d)(3)(ii)(E)(*3*)(*iii*) amended.....2106
(f)(5) revised.....22632
(a)(1)(ii) amended.....23168
373.7 (b)(7), (d)(1), (2) (i) and (ii) and (3), and (h)(1)(ii) amended.....6138
(f)(3) revised.....22632
(c)(1) heading and text amended.....23168
373.8 (a)(2) amended.....23168
373 Supplement No. 6 amended.....9149
Supplement No. 4 amended.....33920
374 Authority citation revised.....32122
374.2 (j) revised.....3601
(a)(1) amended.....5275
(a)(4) revised.....23029
(a)(4)(i) amended.....23168
(j) amended.....32540
(a)(1) revised.....36568
374.3 (e) (3) and (4) amended.....31756
(c)(1)(ii) amended.....34212
374.6 Revised.....6138
375 Authority citation revised.....28544, 32122
375.1 Table amended.....34212
375.3 (b) and (c)(1) amended.....34213
375.6 (b)(1) amended.....3601
(a) amended; (b)(1) revised; (c) added.....28544
375 Supplement No. 1 amended.....34213
376 Export controls continued.....2500
Authority citation revised.....32122
376.8 (b)(1) (ii) and (iii) amended.....23168
376.12 Revised.....9149
376.14 (a) amended.....5532, 11640
376.17 Added.....776
376.18 Added.....28545
377 Authority citation revised.....28136

Page

377.1 (b) and (c) (1), (2), (3), and (4) amended.....28136
377.2 (d)(1) and (e) amended.....28136
377.3 (a)(2), (b) introductory text and (c) introductory text amended.....28136
377.4 (c) introductory text, (d)(1) introductory text and (vi), (e), (f) introductory text, and (1)(i), (h) introductory text, and (i) (1) and (2) amended.....28136
377.6 (d)(2) amended.....2106
(d) introductory text and (3)(ii) introductory text and (e)(2) amended; footnotes 1 and 2 redesignated as footnotes 2 and 3.....28137
377.7 (a), (d), (e) introductory text, (1), (4), and (5), (f)(1), (g) introductory text, flush text following (h)(3), (j), and (m) amended.....28136
(m) correctly designated.....29353
377.8 (b), (f), (g), (h), (i), (j), and (l) amended; (d) revised.....28136
377.9 (b) introductory text and (c) amended.....28136
377.15 (d) amended.....28136
378 Authority citation revised.....32122
379 Authority citation revised.....2106, 32122
Export controls continued.....2500
379.4 (e) (1) and (2) amended.....2106
(f)(1) introductory text revised; (f)(1)(i)(P) removed.....2500
(f)(1) amended.....6139
(b)(5) added; interim.....21505
(d)(18) amended; (d)(19) redesignated as (d)(20); new (d)(19) added.....27498
(d)(19) amended; (d)(20) redesignated as (d)(21); new (d)(20) added.....28545
379 Supplement No. 3 amended.....2106, 27506
Supplement No. 4 amended...27499, 28545
Supplements No. 3 and No. 4 amended.....29177
385 Authority citation revised.....2106, 32122
Export controls continued.....2500

CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1987

Page

385.1 (b)(2) amended.....9151
385.2 (c) removed.....2501
385.4 (c)(9) (i) and (iii) amended; (a)(13) added.....2107
(f) amended.....2501
(d)(2) amended; (d)(4) redesignated as (d)(5) and revised; new (d)(4) added.....23168
(d)(2) amended.....23545
(e) revised.....28551
385 Supplement No. 2 amended.....2107
Supplement No. 1 amended.....27798
386 Authority citation revised.....2106, 32122
386.1 (c)(2)(i) amended.....6139
386.3 (r)(2) amended.....6139
(l) removed.....31754
386.6 (a)(1)(ii) amended.....5275
386.7 Revised.....664
386 Supplement No. 1 revised.....6139
387 Authority citation revised.....2106, 32122
388 Authority citation revised.....32122
389 Authority citation revised.....2106, 32122
389.2 (b)(1) amended.....6139, 29177
391 Authority citation revised.....32122
399 Interpretation.....405
Authority citation revised...2106, 32122
Export controls continued.....2500
399.1 (f)(1) (iii) and (iv) redesignated as (f)(1) (iv) and (v); new (f)(1)(iii) added.....29177
Supplement No. 1, Group 0 amended.....2501, 28548
Supplement No. 1, Group 1 amended.....2501, 28548, 28547
Supplement No. 1, Group 2 amended.....27501, 27502, 34213
Supplement No. 1, Group 2 corrected.....28640
Supplement No. 1, Group 3 amended.....666, 2501, 3602, 6139, 8445, 22632, 27502, 27503, 28546, 28547, 33920
Supplement No. 1, Group 4 amended.....23168, 23545, 27503, 27504, 28546, 28548, 33920, 35539

Page

Supplement No. 1, Group 4 corrected.....28640
Supplement No. 1, Group 5 amended.....666, 2107, 2501, 3602, 5532, 11458, 11641, 13829, 22632, 23169, 23545, 25208, 27509, 27513, 28246, 28546, 28548, 29177, 29374, 33920
Supplement No. 1, Group 5 corrected.....28640
Supplement No. 1, Group 6 amended.....6139, 11641, 22632, 23545, 27504, 33920
Supplement No. 1, Group 6 corrected.....28640
Supplement No. 1, Group 7 amended.....666, 2107, 2501, 11458, 22632, 27504, 27505, 28546, 28550, 28552, 29840, 31756, 33921
Supplement No. 1, Group 7 corrected.....28640
Supplement No. 1, Group 8 amended.....28546
Supplement No. 1, Group 9 amended.....5533, 29178
399.2 Supplement No. 1 amended.....2501, 8445, 28552
Supplement No. 1 corrected.....23170

Chapter VIII—Bureau of Economic Analysis, Department of Commerce

801.9 (a) revised.....19843
801.10 Added.....19843
806.14 (f) (1) and (2) revised.....8446
806.15 (h) (1) and (2) revised.....8446

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce

904 Revised.....10325
908.9 Revised.....4896
908.11 (a) revised.....4896
960 Added.....25970

Chapter XXIII—National Telecommunications and Information Administration, Department of Commerce

2301 Revised.....31499

Page

Title 15—*Proposed Rules:*

4 ... 15327
7 ... 11498
24 ... 21820, 23627
30 ... 13714
280 ... 11498
368 ... 10771
371 ... 8265
374 ... 8265
399 ... 8265, 9241
801 ... 5785, 36587
806 ... 34685
942 ... 32563
971 ... 34748

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

3.22 (a), (b), (c), and (e) revised ... 22293
3.24 (a)(2) revised ... 22293
3.45 (b) and (d) revised; (e) added ... 22293
3.46 (a) revised ... 22294
3.51 (c)(1) revised ... 22294
3.52 (f) through (j) redesignated as (g) through (k); new (f) added ... 22294
4.9 (b)(5) introductory text and (c) heading revised; (c)(2) redesignated as (c)(3); new (c)(2) added ... 22294
5.1 Revised ... 34765
5.9 Revised ... 34765
5.11 (b) introductory text and (1), (d) and (e) revised; (b)(5) added ... 34765
5.12 (c) revised; (f)(5) added ... 34765
5.17 Revised ... 34766
5.42 (a) revised ... 34766
13 Amended ... 253, 254, 2513, 3221, 3602, 5079, 6540, 7407, 8446, 9294, 9655, 12379, 12900, 16234, 31987, 33921, 34213, 34766, 35412, 35413, 36234, 36235
Corrected ... 656
305.9 (a) Table 1 revised ... 22633
429 Existing regulations unchanged ... 29507
436 Existing regulations unchanged ... 18353
455 Staff compliance guidelines ... 18553

Page

Staff compliance guidelines corrected ... 19845
Petitions denied ... 34769
702.1 (c) revised; (g) removed ... 7574
702.3 (a) revised ... 7574
801.1 (b) introductory text, (1), and (2) revised; existing Example designated as 1; Examples 2, 3, and 4 added ... 20063
801.4 (b) *Example* 1 revised ... 7080
801.11 (a) revised; (e) added ... 7080
801.12 (b)(1) revised ... 7081
801.13 (a)(1) and (b)(2)(ii) revised; (a)(2) *Example* 4 and (3) added ... 7081
801.15 (a)(2) and (c) *Example* 4 revised ... 7081
801.30 (b) *Example* 3 revised ... 7082
801.40 *Example* revised ... 7082
802.35 Added ... 7082
802.41 *Example* 1 revised ... 7082
802.70 Revised ... 7082
803.5 (a)(1)(iii) revised; (a)(2) *Example* designated as (a)(2) *Example* 1; (a)(2) *Examples* 2 through 5 added ... 7082
803.10 (a)(2) redesignated as (a)(3) and revised; new (a)(2) added ... 7083
803 Appendix revised ... 7084

Chapter II—Consumer Product Safety Commission

1015.9 Revised ... 28979
1019 Existing regulations unchanged ... 5080
1034 Correctly designated ... 405
1109 Existing regulations unchanged ... 5080
1115 Existing regulations unchanged ... 5080
1201 Existing regulations unchanged ... 5080
1202 Existing regulations unchanged ... 5080
1205 Existing regulations unchanged ... 5080
1207 Existing regulations unchanged ... 5080
1209 Existing regulations unchanged ... 5080
1212 Existing regulations unchanged ... 5080

Page

1301 Existing regulations unchanged ... 5080
1302 Existing regulations unchanged ... 5080
1303 Existing regulations unchanged ... 5080
1304 Existing regulations unchanged ... 5080
1305 Existing regulations unchanged ... 5080
1401 Existing regulations unchanged ... 5080
1402 Existing regulations unchanged ... 5080
1404 Existing regulations unchanged ... 5080

Page

1750.7 (b) correctly designated ... 406

Title 16—*Proposed Rules:*

13 ... 1926, 3252, 6003, 6172, 6806, 8461, 12430, 12546, 17602, 17960, 20096, 20723, 22789, 26534, 29535, 29537, 31412
424 ... 2115
429 ... 29519
456 ... 2723
703 ... 9314, 13715
801 ... 7095
802 ... 7095
803 ... 7095
1015 ... 17767

CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1987

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Futures Trading Commission

Page

1 Interpretation....27195, 34633
1.3 (rr) and (ss) added....28994
1.10 (d) (1) and (2) and (g)(2) revised....28994
1.12 (f)(3) added....28248
(b)(2) revised....28995
1.16 (a)(4) revised....28995
1.17 (c)(2)(i) revised....28250
(a)(1)(i)(B), (b)(2), (c)(5)(iii), (e)(1), (h)(2)(vi)(C), (vii) (A) and (B), (viii)(A), (3) (ii) and (v) revised....28995
1.19 Revised....28997
1.33 (a) and (b) introductory text revised....28997
1.42 (a) revised....18910
5 Appendix B amended....22635
9 Revised....25366
9.2 (k) corrected....27286
9.12 (b) corrected....27286
9.20 (b)(7) corrected....27286
9.24 (b) corrected....27286
11 Appendix A added....19501
15.03 (a) revised....18910
16.00 (a)(3) removed....18910
30 Revised....28998
31 Appendixes A and B amended....22635
32.1 (a) revised....29003
32.11 (b) revised....29003
33.11 Added....29508
140.735–4 (b) (1) and (2) revised....20592
(b)(1)(iii)(B) corrected....22415
145 Authority citation revised....19307
145.7 (e) through (i) redesignated as (f) through (j); new (e) added....19307
145 Appendix B revised; Appendix B authority citation removed....19308
166 Authority citation revised....29003
166.1 (b) (1) and (2) revised....29003
166.2 (b) revised....29003

Chapter II—Securities and Exchange Commission

Page

200.19b Revised....12148
200.30–3 (a)(6) revised....19856
200.30–4 (a)(7) revised....12148
200.30–5 (a)(8) revised....18690
200.80—200.83 (Subpart D) Authority citation revised; section authority citations removed....24146
200.80 (a)(1)(iv), (2) introductory text, and (3), (b) introductory text, (d)(5), (7)(i), and (8) introductory text, and (e)(5) amended; (b)(7)(i), (c)(1) introductory text, (d) (1), (2), (4), and (6)(ii), and (e) (1), (2), (4), and (7) introductory text revised; (e) (8) through (14) added; (f) removed; interim....24146
200.80b (a) removed; (b) amended and designation removed; interim....24148
200.80c Heading and (a) amended; (b) revised; interim....24148
200.80d Revised....24148
200.80e Revised....24148
201 Authority citation amended....25208
201.6 (b) revised....25208
202.3a Effectiveness extended to 9–1–88....33796
203.7 (a) revised....12148
210.6–07 Amended....23172
211 Interpretative releases....17396, 18200, 21933, 31027
229.10 (c)(1)(iii) amended....21260
229.301 Instructions amended....30919
229.302 (b) removed; (c) redesignated as (b) and amended....30919
229.303 Instructions amended....30919
229.304 Instructions amended....21939
229.501 (c)(8) revised....21260
(c)(8) corrected....30145
229.502 (d)(2) revised....21260
(d)(2) corrected....30145
229.512 (j) added....21260

TITLE 17 Chapter II—Con. Page
(h) heading and introductory text amended 21939
(j) corrected 30145
229.601 Instruction 1 (Item 601) revised 21260
230.423 Amended 21260
230.424 (a), (b), (c), and (e) revised; (c) Note added 21260
230.430A Added 21261
230.481 (b)(2) and (d)(2) revised 21262
(b)(2) corrected 30146
230.482 (a)(4) added 21262
230.497 (h) added 21262
230.499 (c)(7) amended 21262
239.13 Form S-3 amended 21262
Form S-3 corrected 30146
239.16b Form S-8 amended 21262
239.25 Form S-4 amended 21262, 21938
Form S-4 corrected 30146
239.33 Form F-3 amended 21263
Form F-3 corrected 30146
239.34 Form F-4 amended 21263, 21939
Form F-4 corrected 30146
240 Authority citation amended 16838, 27960
240.3a43-1 Added 27969
240.3a44-1 Added 27970
240.10a-1 (a)(1)(ii) revised 24152
240.11Aa2-1 Revised 24153
240.11Aa3-1 (a) (4), (5), and (6) and (b)(1) revised; (b)(2) (i) through (vii) redesignated as (b)(2) (ii) through (viii); new (b)(2)(ii) revised; new (b)(2)(i) added 24153
240.11Ac1-1 (a)(16) revised; (a)(19) removed; (a) (20) and (21) redesignated as (a) (19) and (20) 24153
240.14a-1 (b) through (j) redesignated as (c) through (k); new (b) added 23648
240.14a-2 Heading, introductory text, (a) introductory text and (b) introductory text amended 21936
240.14a-6 (j) introductory text revised 21936
240.14a-8 (c)(1) amended 21936
240.14a-11 (b)(5) amended 21936
240.14a-13 (a)(1)(i)(B), (ii)(A), (2) and Note 1, and (b)(3) revised; (a)(1)(i)(D) and (d) added 23648
240.14a-14 Added 21936
240.14a-101 Amended 21263, 21937
Corrected 30146
240.14b-1 (a) introductory text revised 23649
240.14b-2 (a)(1), (b) introductory text, (e)(1), (h) introductory text and (i) Note 2 revised; (c)(1)(i)(b) correctly designated as (c)(1)(i)(B); (j) added 23649
240.14c-1 (b) through (i) redesignated as (c) through (j); new (b) added 23649
240.14c-7 (a)(1)(i)(A) and Note 1, (b)(3), and (c) revised; (a)(1)(i)(C) and (d) added 23649
240.15b1-3 (b) revised 16838
240.15b2-2 (a) and (b) revised 16838
240.15c3-1 (a)(9) and (c)(2)(iv)(H) added; (c)(2)(iv)(F) (*1*), (*2*), and (*3*) revised 22298
240.15c3-3 (b)(4) added 30333
240.15c3-3a Table amended 30334
240.15Ca1-1—240.15Cc1-1 Undesignated center heading added 16839
240.15Ca1-1 Added 16839
240.15Ca2-1 Added 16839
240.15Ca2-2 Added 16839
240.15Ca2-3 Added 16840
240.15Ca2-4 Added 16840
240.15Ca2-5 Added 16840
240.15Cc1-1 Added 16841
240.17a-3 (a)(4) (v) and (vi), (5) and (8) revised; (a)(4)(vii) added 22299
240.17a-13 (b) (1), (2), and (3) revised 22299
240.31-1 (f) revised 24153
241 Interpretative releases 11458
249.220f Form 20-F amended 30919
249.501 Form BD amended 16841
249.501a Form BDW revised 15492
Revised 16844
270.6e-3(T) Revised 11208

Chapter IV—Department of the Treasury

Chapter IV Chapter established 19682

Page
Revised 27926
400—449 (Subchapter A) Added 19682
Revised 27926
400 Added 19682
Revised 27926
401 Added 19685
Revised 27930
402 Added 19687
Revised 27931
402.2a Schedules B and C correctly revised 23141
403 Added 19702
Revised 27947
404 Added 19706
Revised 27952
405 Added 19708
Revised 27954
449 Added 19710
Revised 27956
450 (Subchapter B and Part) Added 19711
Revised 27957

Title 17—*Proposed Rules:*

1 28281, 28284, 32568, 33680
3 19522
4 19522
33 22333
140 19522
200 25124, 27902, 35115
210 11665
229 13715, 24018
230 29033, 29206
239 11665, 29033, 32018
240 11083, 11089, 11665, 18237, 19885, 22334, 22493, 23665, 23849, 23855, 24018, 25245, 36045
249 17301, 24018
250 23679
270 22334, 22496
274 24018, 32018
279 11665

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Energy Regulatory Commission, Department of Energy

2.66 Order on remand 30146
2.104 Added; interim 30351
Addition eff. 9-15-87; (f) amended 35539
2.105 Added; interim 30352
Addition eff. 9-15-87 35539
2.400 Undesignated center heading and section added 19310
Undesignated center heading correctly added 21410
4.38 Rehearing denied 13234
4.41 Rehearing denied 13234
4.51 Rehearing denied 13234
4.61 Rehearing denied 13234
11 Rehearing granted 25208
11.1 (a) (2) and (4) and (b) (2), (3) and (4) revised; (b)(6) removed 18208
11.2 (b), (c), and (d) revised 18209
11.3 (c) revised 18209
(c) revision effective date confirmed 33802
11.4 (b) revised 18209
(b) revision effective date confirmed 33802
11 Schedule A added 18210
16 Authority citation revised 11039
16.1 Revised; interim 11039
16.14 Added; interim 11039
16.15 Added; interim 11039
16.16 Added; interim 11039
(c)(1) revised; (d)(1) suspended; interim 18228
35 Authority citation revised 23965, 24993
35.13 (a)(2)(ii) revised 24993
Rehearing granted 30659
35.26 Revised 23965
Rehearing granted 30659
(b)(1) and (g)(2) revised; (c)(4) amended; rehearing granted in part 35702
35.27 Added 24993
37.9 (d) table revised 13638, 27680
154 Authority citation revised 21292, 21668
Rehearing denied 29659
154.38 (h)(3)(v) amended 15714
(d)(6) added 21292
Clarification 23650
Technical correction 24153
Petitions granted 28463
Order on remand 30146
(d)(6)(ii) revised; rehearing granted in part 36021
154.42 Order on remand 30146
154.94 (k)(4) revised 21668
Rehearing granted 29008

CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1987

TITLE 18 Chapter I—Con. Page

154.111 Rehearing denied and clarification....31987
157 Rehearing denied....29659
Order on remand....30146
201 Authority citation revised; text amended....28467
Order on remand....30146
270 Authority citation revised....29005
Rehearing denied....29659
270.101 (c)(1) revised....29005
270.102 Order on remand....30146
270.201 (a) (5) through (7) redesignated as (a) (6) through (8); new (a)(7) revised; new (a)(5) and (b)(5) added....21677
270.203 Order on remand....30146
271 Authority citation revised....21668, 23030, 29006
Rehearing denied....29659
271.101 (a) Tables I and II amended....15714, 28468
271.102 (c) Table III amended....15715, 28469
271.702 Order on remand....30146
271.703 (d)(111)(iii) added....10741
(b)(5) and (c) revised; (d) (199) and (200) added....29006
Order on remand....30146
271.704 Order on remand....30146
271.1104 (d)(1)(iv) revised; (h) added....21668
(h) correctly revised....23030
Rehearing granted....29008
272 Authority citation revised....26474
272.101 Revised....26474
272.103 (a)(3) redesignated as (a)(4); new (a)(3) added....26475
272.104 Revised....26475
273 Authority citation revised....26475, 29007
273.102 (a)(1) revised....29007
273.204 (a)(1)(v) added....26475
274 Authority citation revised....29007
274.104 (a)(5) revised....29007
274.501 (a)(1) (i) through (iv) revised; (a)(2) table amended....29007
282 Order....15715, 19856
Removed....28467
284 Authority citation revised....28467
Rehearing denied....29659
284.8 (f) added; interim....30352
(f) addition eff. 9-15-87....35539
(f)(6) amended....35540
284.9 (f) added; interim....30353
(f) addition eff. 9-15-87....35539
(f)(6) amended....35540
284.10 Suspended....27799
Suspension removed; heading and (a) revised; (c) and (d) removed; (e) and (f) redesignated as (c) and (d); new (c) heading, (2), and (3)(ii), and (d) (1) and (2) revised; interim (effective date pending)....30354
Rehearing granted....31029
Suspension removal and amendments at 52 FR 30354 eff. 11-1-87....35540
284.224 (e)(3) removed; (e) (4), (5), and (6) redesignated as (e) (3), (4), and (5)....28467
284.225 Revised....21678
284.226 Revised....21679
292 Authority citation revised....28467
292.203 (b) revised....28467
292.205 (c) removed; (d) redesignated as (c) and revised....28467
292.501—292.503 (Subpart E) Removed....28467
300.1 (a) revised....20709
300.14 Added....20709
300.21 (c)(2) revised....20709
375 Authority citation revised....18562, 21292
375.306 (j) added....21292
Clarification....23650
Technical correction....24153
Petitions granted....28463
Rehearing granted in part....36013
375.307 (a)(18) added....18562
(w) added....21292
Clarification....23650
Technical correction....24153
Petitons granted....28463
(l) removed; (m) through (w) redesignated as (l) through (v)....28467
Rehearing granted in part....36013
375.308 (v) added....21292
Clarification....23650

CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1987

Page

Technical correction....24153
Petitons granted....28463
Rehearing granted in part....36013
381 Authority citation revised....10367, 28467
381.201 Amended....10367
381.202 Amended....10367
381.204 Amended....10367
381.205 Amended....10367
381.207 (b) amended....10367
381.208 Amended....10367
381.209 (b) amended....10367
381.302 (a) amended....10367
381.303 (a) amended....10367
381.304 (a) amended....10367
381.401 Amended....10367
Revised....28467
381.402 Amended....10367
381.403 Amended....10367
381.405 Amended....10367
381.505 Amended....10367
381.506 Amended....10367
381.507 Amended....10367
381.508 Amended....10367
381.509 Amended....10367
381.510 Amended....10367
382 Added....21292
Clarification....23650
Technical correction....24153
Petitions granted....28463
Rehearing granted in part....36013
382.102 (a) and (o) revised....36022
382.106 (a) revised....36022
382.202 Revised....36022
385 Authority citation revised....28467, 35909
385.401—385.411 (Subpart D) Petitions for rehearing granted....16844
385.402 (a) revised....35909
385.403 (b) revised....35909
385.408 (a) and (b)(3) revised....35909
385.410 (c)(6) revised....35910
385.1101 (a) revised....28467
389.101 (b) table amended (OMB numbers)....18228, 24994, 31990
Rehearing granted....30659

Chapter III—Delaware River Basin Commission

410 Water Code amended....16239
Water Code corrected....17888

Chapter XIII—Tennessee Valley Authority

1301.1—1301.4 (Subpart A) Authority citation revised....17939
1301.2 Revised....17939
1310 Authority citation revised....25592
1310.2 (c) added....25592
1310.3 (d) redesignated as (e); new (d) added....25592

Title 18—*Proposed Rules:*

2....20314, 23183, 33756, 33765
3....24027
4....10898, 19889, 21576, 23557, 25246
11....10898, 19889
12....23557, 25246
16....28159
141....28159
154....20828, 25530, 28159, 35117
157....18703, 20192, 25530, 28159, 35117
161....21578
250....21578
260....25530, 35117
271....15731, 18577, 18578
282....20828
284....18703, 20192, 25530, 33756, 33765, 35117
292....15732
375....10898, 19889, 20828
380....20314, 23183
381....20828, 24027
385....29216
388....24027
401....24307
410....32024
1301....10772, 32573, 34343
1310....19734

TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury

4.41 (a) amended....20066
4.98 (j) addition comment time extended....20593
6.3a (a) introductory text, (1), and (2) revised....24292
6.7 (b)(3)(ii) amended....20066
(b)(3)(ii) corrected....26142
6.12 (g) amended....20066
6.16 Amended....20066
10.6 Revised....20066

TITLE 19 Chapter I—Con. Page

10.9 (g) and (h) removed; (i) through (l) redesignated as (g) through (j)..... 20066
10.10 Section and footnote 8 removed..... 20066
10.18 Revised..... 24445
10.19 Removed..... 24445
10.20 Removed..... 24445
10.35 (b) and (d) removed; (c) redesignated as (b)..... 20066
10.50 Section and footnote 45 removed..... 20066
10.53 (a) and (b) and footnotes 48 and 50 removed; (c) through (i) redesignated as (a) through (g); new (b), (c), and (e)(6) amended..... 20066
10.54 (b) and footnote 51 and (a) designation removed..... 20066
10.56 (f) amended..... 20066
10.58 (a) removed; footnote 55 removed..... 20066
10.64a Removed..... 20066
10.66 (a)(2) and footnotes 61 and 62 removed; (a) (3) and (4) redesignated as (a) (2) and (3); (b) amended..... 20066
10.70 (a) and footnotes 64 and 65 removed; (b) and (c) redesignated as (a) and (b); heading revised; new (a) amended..... 20066
10.71 (f) amended..... 20066
(f) corrected..... 26142
10.72 Section and footnote 66 removed..... 20067
10.73 Section and footnote 67 removed..... 20067
10.74 Section revised; footnote 68 removed..... 20067
10.78 (a) revised..... 20067
10.79 Removed..... 20067
10.81 (b) amended..... 20067
10.82 Removed..... 20067
10.83 (a) revised..... 20067
10.90 (a), (b), and (d) and footnote 81 removed; (c), (e), (f), and (g) redesignated as (a), (b), (c), and (d); new (d) amended..... 20067
10.98 (e) amended..... 20067
10.101 (b) and (c) heading and text amended..... 20067
10.106 Section and note removed..... 20067
10.108 (b) and footnote 100 removed; (a) designation removed..... 20067
10.110 Section and footnote 103 removed..... 20067
12.104 Notice of import restrictions..... 34614
18.2 (a)(2)(ii) and (c)(1) amended..... 20067
18.13 (b) revised..... 20067
19.16 Removed..... 20067
24 IRS interest rate..... 10561
24.24 (b)(1) table, (c)(6)(i), and (e)(3)(ii) corrected..... 10970
Addition comment time extended..... 20593
(b)(1) table revised; interim..... 26297
54.5 (a) amended..... 20067
54.6 (a) revised; (d) and footnote 1 amended..... 20067
101.3 (b) table amended..... 15496, 22300, 35063
101.4 (c) table amended..... 35063
101.5 Revised..... 16374
Effective date note corrected..... 18322
123.4 (b) amended..... 20068
(b) corrected..... 26142
123.52 (e) and (f) amended..... 20068
123.64 (b), (c), and (d)(2) amended..... 20068
123.65 (d)(2) amended..... 20068
127 Authority citation revised..... 15497
127.22 Revised..... 15497
133.42 (c) corrected..... 10668
141.11 (a)(4) amended; (a)(5) removed..... 20068
141.61 (a)(2), (e)(1)(i)(A), and (f)(1)(iv) and (2)(i) amended..... 20068
141.63 (c) added..... 24155
141.68 (h) amended..... 20068
(h) corrected..... 26142
141.88 Revised..... 24445
141.111 (b)(1) and (c) removed..... 20068
143.23 Introductory text amended..... 20068
Introductory text corrected..... 26142
143.24 Heading and text amended..... 20068
Heading and text corrected..... 26142
143.25 Amended..... 20068
Corrected..... 26142

Page

144.42 (b) (1), (2), and (3) amended..... 20068
145.4 (c) amended..... 20068
(c) corrected..... 26142
145.12 (b)(1), (c), and (e)(1) amended..... 20068
(b)(1), (c) and (e)(1) corrected..... 26142
146.22 (e) corrected..... 10970
(e) addition comment time extended..... 20593
148.13 (d) revised..... 24445
148.24 (a) amended..... 24445
148.101 Introductory text, *Example 1* text, and *Example 2* text corrected; *Example 1* table and *Example 2* table correctly revised..... 12149
Amended; Examples 1 and 2 footnotes amended..... 24446
152.1 (a) and (b) removed; (c) amended; (d) added..... 24446
152.20 Removed..... 24446
152.21 Removed..... 24446
152.22 Removed..... 24446
152.23 Amended..... 24446
152.24 Removed..... 24446
152.31—152.43 (Subpart D) Removed..... 24446
172.2 Revised..... 12151
172.12 (b) revised..... 12152
172.23 Amended..... 12152
172.33 (a)(1) and (c)(2)(ii) revised..... 12152
177 Interpretative rule..... 11216
177.9 (b)(3) amended..... 24446
178.2 Table amendment (OMB numbers) comment time extended..... 20593

Chapter III—International Trade Administration, Department of Commerce

353.24 Added..... 30662
355.8 Added..... 30662

Title 19—*Proposed Rules:*

4..... 24169
7..... 26154
101..... 13473, 17770, 32025
111..... 10774
113..... 35274
127..... 12000
141..... 36279
175..... 15512
177..... 36279

Page

201..... 21317
353..... 25246
354..... 25246
355..... 25246

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Office of Workers' Compensation Programs, Department of Labor

10.1 Revised; eff. 6–1–87..... 10503
10.2 (b) revised; eff. 6–1–87..... 10503
10.3 (i) added; eff. 6–1–87..... 10503
10.4 Revised; eff. 6–1–87..... 10503
10.5 (a)(6), (11) (iv) through (xx), (12) and (14) through (20) and (b) revised; (a) (21) through (26) added; (c) and (d) removed; eff. 6–1–87..... 10503
10.10 Revised; eff. 6–1–87..... 10504
10.11 Revised; eff. 6–1–87..... 10505
10.12 Added; eff. 6–1–87..... 10505
10.20 (b) table amended; eff. 6–1–87..... 10505
10.23 Revised; eff. 6–1–87..... 10505
10.100 Revised; eff. 6–1–87..... 10505
10.101 Redesignated as 10.103 and revised; new 10.101 redesignated from 10.102 and revised; eff. 6–1–87..... 10506
10.102 Redesignated as 10.101 and revised; new 10.102 redesignated from 10.103 and revised; eff. 6–1–87..... 10506
10.103 Redesignated as 10.102 and revised; new 10.103 redesignated from 10.101 and revised; eff. 6–1–87..... 10506
10.104 Added; eff. 6–1–87..... 10506
10.105 (a) revised; (e) added; eff. 6–1–87..... 10507
10.106 Revised; OMB number; eff. 6–1–87..... 10507
10.107 Revised; eff. 6–1–87..... 10507
10.109 Revised; eff. 6–1–87..... 10507
10.110 Redesignated as 10.125 and revised; new 10.110 added; eff. 6–1–87..... 10508
10.111 Revised; eff. 6–1–87..... 10508
10.120 Revised; eff. 6–1–87..... 10508
10.121 Revised; eff. 6–1–87..... 10509
10.122 Revised; OMB number; eff. 6–1–87..... 10509

93–145 O - 87 - 3

CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1987

TITLE 20 Chapter I—Con. Page

10.123 Redesignated as 10.124 and revised; eff. 6-1-87.....10509
Added; eff. 6-1-87.....10510
10.124 Redesignated as 10.126 and revised; new 10.124 redesignated from 10.123 and revised; eff. 6-1-87.....10509
10.125 Redesignated from 10.110 and revised; eff. 6-1-87.....10508
10.126 Redesignated from 10.124 and revised; eff. 6-1-87.....10509
10.127 Added; eff. 6-1-87.....10510
10.128 Added; eff. 6-1-87.....10511
10.130 Revised; eff. 6-1-87.....10511
10.131 Revised; eff. 6-1-87.....10511
10.132 Revised; eff. 6-1-87.....10511
10.133 (a) revised; eff. 6-1-87.....10512
10.134 Redesignated as 10.136 and revised; eff. 6-1-87.....10512
Added; eff. 6-1-87.....10513
10.135 Redesignated as 10.137 and revised; new 10.135 added; eff. 6-1-87.....10512
10.136 Redesignated as 10.138 and revised; new 10.136 redesignated from 10.134 and revised; eff. 6-1-87.....10512
10.137 Redesignated as 10.139; new 10.137 redesignated from 10.135 and revised; eff. 6-1-87.....10512
10.138 Redesignated from 10.136 and revised; eff. 6-1-87.....10512
10.139 Redesignated from 10.137; eff. 6-1-87.....10512
10.140 Revised; eff. 6-1-87.....10513
10.141 Revised; eff. 6-1-87.....10513
10.144 Revised; eff. 6-1-87.....10513
10.145 (c) introductory text, (d), (g), (h) and (i) revised; OMB number; eff. 6-1-87.....10513
10.160—10.166 Undesignated center heading added; eff. 6-1-87.....10514
10.160—10.164 Added; eff. 6-1-87.....10514
10.165 Added; eff. 6-1-87.....10515
10.166 Added; eff. 6-1-87.....10515
10.200 Revised; eff. 6-1-87.....10515
10.201 Revised; eff. 6-1-87.....10515
10.202 Redesignated as 10.203 and revised; eff. 6-1-87.....10515

Page

Redesignated from 10.210 and revised; eff. 6-1-87.....10516
10.203 Removed; new 10.203 redesignated from 10.202 and revised; eff. 6-1-87.....10515
10.204 Revised; eff. 6-1-87.....10516
10.205 Revised; eff. 6-1-87.....10516
10.206 (a) revised; eff. 6-1-87.....10517
10.207 Revised; OMB number; eff. 6-1-87.....10517
10.208 Revised; eff. 6-1-87.....10517
10.209 Revised; eff. 6-1-87.....10518
10.210 Redesignated as 10.202 and revised; eff. 6-1-87.....10516
10.301 (a) revised; eff. 6-1-87.....10518
10.302 Revised; eff. 6-1-87.....10518
10.303 Revised; eff. 6-1-87.....10518
10.304 Revised; eff. 6-1-87.....10519
10.305 Redesignated as 10.306 and revised; new 10.305 added; eff. 6-1-87.....10519
10.306 Redesignated as 10.307; new 10.306 redesignated from 10.305 and revised; eff. 6-1-87.....10519
10.307 Redesignated from 10.306; eff. 6-1-87.....10519
10.310 Revised; eff. 6-1-87.....10519
10.311 (b) and (c) revised; eff. 6-1-87.....10520
10.313 (a) revised; (c) added; eff. 6-1-87.....10520
10.314 Revised; eff. 6-1-87.....10520
10.320—10.324 Undesignated center heading added; eff. 6-1-87.....10520
10.320 Added; eff. 6-1-87.....10520
10.321 Added; eff. 6-1-87.....10521
10.322 Added; eff. 6-1-87.....10521
10.323 Added; eff. 6-1-87.....10522
10.324 Added; eff. 6-1-87.....10522
10.400 (e) revised; eff. 6-1-87.....10522
10.413 Added; eff. 6-1-87.....10522
10.452 (a) revised; eff. 6-1-87.....10522
10.500 Revised; eff. 6-1-87.....10522
10.503 Introductory text, (b), (c) and (d) revised; eff. 6-1-87.....10522
10.506 Added; eff. 6-1-87.....10523
10.507 Added; eff. 6-1-87.....10523
10.600—10.624 (Subpart H) Added; eff. 6-1-87.....10523

CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1987

Chapter II—Railroad Retirement Board

200 (Subchapter A) Heading revised.....11010 (Page)
200 Heading and authority citation revised.....11010
200.1 Redesignated as 200.2; new 200.1 added.....11010
200.2 Redesignated as 200.3; new 200.2 redesignated from 200.1.....11010
200.3 Redesignated as 200.4; new 200.3 redesignated from 200.2.....11010
Revised.....11011
200.4 Redesignated as 200.5; new 200.4 redesignated from 200.3.....11010
(g) revised.....13820
200.5 Redesignated as 200.6; new 200.5 redesignated from 200.4.....11010
200.6 Redesignated as 200.7; new 200.6 redesignated from 200.5.....11010
200.7 Redesignated from 200.6.....11010
209.2 OMB number.....11016
210.7 OMB number.....11016
216.7 OMB number.....11016
216.9 OMB number.....11017
216.21 OMB number.....11017
216.31 OMB number.....11017
216.47 OMB number.....11017
216.71 OMB number.....11017
217.3 OMB number.....11017
217.5 OMB number.....11017
217.10 OMB number.....11017
230.3 OMB number.....11017
234.10 OMB number.....11017
234.30 OMB number.....11017
260.5 OMB number.....11017
260.9 OMB number.....11017
266.12 OMB number.....11017
320.39 OMB number.....11017
322.4 OMB number.....11017
325.12 OMB number.....11017
325.13 OMB number.....11017
330.4 OMB number.....11017
335.102 OMB number.....11017
335.103 OMB number.....11018
335.104 OMB number.....11018
335.202 OMB number.....11018
341.4 OMB number.....11018
345.4 OMB number.....11018

Page

345.5 OMB number.....11018
345.6 OMB number.....11018
345.8 OMB number.....11018
359 (Subchapter E and Part) Added; interim; effective in part to 8-12-87.....19133

Chapter III—Social Security Administration, Department of Health and Human Services

401 Authority citation removed.....27540
401.100—401.125 (Subpart A) Authority citation added.....27540
401.200—401.220 (Subpart B) Authority citation added.....27540
401.300—401.350 (Subpart C) Authority citation added.....27540
401.400—401.420 (Subpart D) Authority citation added.....27540
401.500.401.510 (Subpart E) Authority citation added.....27540
401.600—401.604 (Subpart F) Authority citation added.....27540
404.1—404.3 (Subpart A) Authority citation revised; section authority citations removed.....27540
404.101—404.146 (Subpart B) Authority citation revised.....27540
404.201—404.290 (Subpart C) Authority citation revised; section authority citations removed.....27540
404.301—404.395 (Subpart D) Authority citation revised; section authority citations removed.....19136, 27540
Authority citation revised.....26955
404.305 (b) revised.....19136
(b) corrected.....21410
404.366 Introductory text and (b) introductory text revised.....26955
404.401—404.468 (Subpart E) Authority citation revised; section authority citations removed.....26145, 27540
404.417 (b) revised.....26145
404.460 (d) added.....26145
404.501—404.515 (Subpart F) Authority citation revised; section authority citations removed.....27540

CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1987

TITLE 20 Chapter III—Con. Page

404.601—404.641 (Subpart G) Authority citation revised; section authority citations removed....27540
404.701—404.780 (Subpart H) Authority citation revised; section authority citations removed....27540
404.801—404.831 (Subpart I) Authority citation revised; section authority citations removed....27540
404.900—404.999d (Subpart J) Authority citation revised; section authority citations removed....27540
404.965 Removed....17286
404.1001—404.1096 (Subpart K) Authority citation revised; section authority citations removed....27541
Section authority citations removed....29662
404.1043 Revised....29662
404.1055 Revised....29662
404.1059 (g) revised....29662
404.1060 (a) and (e) revised....29662
404.1201—404.1290 (Subpart M) Authority citation revised; section authority citations removed....27541
404.1301—404.1371 (Subpart N) Authority citation revised....27541
Authority citation corrected....33316
404.1341 (a) and (c) revised; (d) added....29663
404.1401—404.1413 (Subpart O) Authority citation revised....27541
404.1501—404.1599 (Subpart P) Authority citation revised; section authority citations removed....27541
404.1503 (e) added....33926
404.1526 (b) amended; (c) revised....33926
404.1546 Amended....33926
404.1601—404.1694 (Subpart Q) Authority citation revised....27541
404.1615 Revised....33926
404.1616 Added....33927
404.1617 Added....33927
404.1700—404.1799 (Subpart R) Authority citation revised....27541
404.1800—404.1825 (Subpart S) Authority citation revised....27541
404.1901—404.1930 (Subpart T) Authority citation revised....27541
404.2001—404.2065 (Subpart U) Authority citation revised; section authority citations removed....27541
404.2101—404.2127 (Subpart V) Authority citation revised....27541
416.101—416.121 (Subpart A) Authority citation revised; section authority citations removed....27541
416.200—416.269 (Subpart B) Authority citation revised; section authority citations removed....27541
416.301—416.360 (Subpart C) Authority citation revised....27541
416.401—416.435 (Subpart D) Authority citation revised....27541
416.501—416.570 (Subpart E) Authority citation revised....27541
416.601—416.665 (Subpart F) Authority citation revised....27541
416.701—416.732 (Subpart G) Authority citation revised....27541
Authority citation corrected....31477
416.801—416.806 (Subpart H) Authority citation revised....27541
416.901—416.998 (Subpart I) Authority citation revised; section authority citations removed....27541
416.903 (e) added....33927
416.926 (b) amended; (c) revised....33928
416.946 Amended....33928
416.1001—416.1094 (Subpart J) Authority citation revised....27541
416.1015 Revised....33928
416.1016 Added....33928
416.1017 Added....33928
416.1100—416.1182 (Subpart K) Authority citation revised; section authority citations removed....27541
416.1201—416.1266 (Subpart L) Authority citation revised; section authority citations removed....27541, 29841
Authority citation revised....31762
416.1201 (c)(1) correctly revised....16845
416.1202 (a) and (b) revised....29841
(a) corrected....32240

CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1987

Page

416.1240 Revised....31762
Technical correction....35187
416.1260 (a)(2) revised....29841
416.1321—416.1338 (Subpart M) Authority citation revised; section authority citations removed....27541
416.1400—416.1499 (Subpart N) Authority citation revised; section authority citations removed....27541
416.1465 Removed....17286
416.1500—416.1599 (Subpart O) Authority citation revised....27541
416.1600—416.1618 (Subpart P) Authority citation revised....21943, 27541
416.1615 (a) (2) and (3) revised; (a)(4) added....21943
416.1618 Revised....21943
(b) introductory text correctly revised....34773
(b) introductory text corrected....35836
416.1701—416.1725 (Subpart Q) Authority citation revised....27541
416.1801—416.1881 (Subpart R) Authority citation revised....27542
416.1901—416.1922 (Subpart S) Authority citation revised....27542
416.2001—416.2098 (Subpart T) Authority citation revised; section authority citations removed....27542
416.2095 Revised....36241
416.2096 Revised....36241
416.2097 Redesignated as 416.2098; new 416.2097 added....36242
416.2098 Redesignated as 416.2099; new 416.2098 redesignated from 416.2097....36242
Revised....36243
416.2099 Redesignated from 416.2098....36242
Revised....36244
416.2101—416.2119 (Subpart U) Authority citation revised....27542
416.2201—416.2227 (Subpart V) Authority citation revised....27542

Chapter V—Employment and Training Administration, Department of Labor

602 Added....33528
602.41 Corrected....34343
654.400—654.417 (Subpart E) Authority citation revised....20506
654.403 Revised; interim....20506
655 Authority citation revised; subpart and section authority citations removed....20507
655.0 (a) amended; (b) and (c) removed; (d) and (e) redesignated as (b) and (c); interim....20507
655.00 Amended; interim....20507
655.000 (a) amended; interim....20507
655.1 (a) designation and (b) removed; interim....20507
655.90—655.113 (Subpart B) Revised; interim....20507
655.200—655.212 (Subpart C) Heading revised; interim....20524
655.200 (a) and (b) redesignated as (b) and (c); new (a) added; interim....20524
655.202 (b)(9)(ii) revised....11466
655.207 (c) and (d) removed; (e) redesignated as (c)....11466
656 Authority citation revised; section authority citations removed....11218, 20596
656.10 Schedule A amended....20596
656.22 (c)(2) removed; (c)(3) redesignated as new (c)(2)....20596
656.26 (c) amended; (d) through (h) removed; heading and (a) introductory text revised....11218
656.27 Revised....11218
656.27a Removed....11219
656.50 Amended....11219, 20596
656.61 Removed....20596

Chapter VII—Benefits Review Board, Department of Labor

801 Revised....27290
801.2 (a)(2) corrected....28640
802 Revised....27292

Title 20—*Proposed Rules:*

61....20536, 27417
62....20536, 27417
200....10384, 27997
320....30383
340....30383
404....13014, 19169
410....19169
416....13014, 19169, 30169, 34813

Title 20—*Proposed Rules—Con.* Page
615 ... 10774
626 ... 23681, 26121
627 ... 23681, 26121
628 ... 23681, 26121
629 ... 23681, 26121
630 ... 23681, 26121
631 ... 23681, 26121
654 ... 16770
655 ... 16770
725 ... 26352
802 ... 27300

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health and Human Services

2.125 (e)(11) added ... 15717
5.86 Revised ... 29664
5.87 Revised ... 29664
5.93 Added ... 10881
10.40 (h) revised ... 36401
10.95 (d)(8) revised ... 35064
58 Authority citation revised ... 33779
58.1 Existing text designated as (a); (b) added ... 33779
58.3 Nomenclature change; (c), (d), and (e)(8) revised; (e)(12) removed; (e) (17) and (18) amended; (o) and (p) added ... 33779
58.31 (b) revised ... 33780
58.35 (a) and (b) introductory text, (1), and (3) revised; (e) removed; OMB number ... 33780
58.41 Revised ... 33780
58.43 (c) amended; (e) removed ... 33780
58.45 Amended ... 33780
58.49 Revised ... 33780
58.53 Removed ... 33780
58.61 Revised ... 33780
58.63 (b) revised; OMB number ... 33780
58.81 (c) amended ... 33780
58.90 (b) and (c) revised; OMB number ... 33780
58.105 (a) amended; (b) revised; OMB number ... 33781
58.113 (a)(2) revised ... 33781
58.120 (a) revised; OMB number ... 33781
58.130 (d) and (e) revised; OMB number ... 33781
58.185 (b) revised ... 33781
58.190 (a) and (e) revised; OMB number ... 33781
58.195 (c) revised; (g) redesignated as (h); new (g) added ... 33781
58.204 (b) amended ... 33782
58.213 (b) amended ... 33782
58.219 Amended ... 33782
73.1496 (a)(1), (b), and (c) revised ... 29665
Technical correction ... 32644
74.102 Eff. 7-31-87 ... 28553
74.706 Addition effective date confirmed; (a)(1) revised ... 21508
(a)(1) revision effective date confirmed ... 31990
74.1102 Eff. 7-31-87 ... 28553
74.1309 (a)(1) revised ... 21305
Technical correction ... 24583
Effective date confirmed ... 28552
74.1706 Addition effective date confirmed; (c)(2) revised ... 21508
74.2706 Addition effective date confirmed ... 21506
74.3045 (c)(1) introductory text and (i) revised ... 15945
Effective date confirmed ... 27542
74.3602 Added ... 19722
74.3710 Added ... 28690
81.1 (a) and (b) tables amended ... 10882
(b) table amended ... 15946, 21305, 25209, 33574
(a) table amendment effective date confirmed; (a) table amended ... 21509
Technical correction ... 24583
81.27 (d) introductory text table amended ... 10882, 15946, 21306, 25209, 33574
(d) introductory text table amendment effective date confirmed; (d) introductory text table amended ... 21509
Technical correction ... 24583
82.102 Eff. 7-31-87 ... 28553
82.706 Revised ... 21509
101.9 (c)(3) amended ... 28691
131 Stay terminated ... 29509
Technical correction ... 31123
172.210 (b)(4) table amended ... 18911
172.859 (a) amended ... 10883
175.105 (c)(5) table amended ... 10884, 12380, 27800, 29180
(c)(5) table corrected ... 19857

Page
176.170 (a)(5) table amended ... 17553, 29667
(b)(2) table amended ... 19724
177 Authority citation revised ... 33803
177.1040 (c) table amended ... 33803
177.1390 Heading revised ... 33575
177.1395 Added ... 33575
177.1430 Revised ... 11641
177.1500 (a)(12) added; (b) table amended ... 26667
Technical correction ... 28067
(a)(4) revised; (b) table amended ... 33575
177.1520 (b) table amended ... 23804
177.1555 Added ... 35540
177.1630 (e)(4)(i) amended ... 32917
177.1660 (c)(1) amended ... 20069
177.2550 (a) revised ... 29668
177.2600 (c)(4)(iii) amended ... 35910
178.1005 (d) revised ... 26146
178.1010 (b)(34) and (c)(29) added ... 29842
(c)(29) corrected ... 34047
178.2010 (b) table amended ... 20070, 22301, 33930, 35541, 35911
Technical correction ... 24090
(b) table corrected ... 26764
(b) table amended ... 30150
178.3295 Table amended ... 30920
182.8245 Removed ... 25211
184.1245 Added ... 25211
184.1287 Added ... 25976
184.1639 Added ... 10886
184.1768 Added ... 10886
193.98 Added ... 29009
(b) corrected ... 31846
193.137 Existing text designated as (a); (b) added ... 17941
193.142 Heading and text nomenclature change ... 32293
193.253 Table amended ... 10562
193.410 Revised ... 27543
193.430 Heading and text nomenclature change ... 32293
193.472 Added ... 10563
193.473 Added ... 17942
Technical correction ... 23137, 23916, 34903
201.20 (a) revised; (c) added ... 21509
201.21 Effective date deferred in part ... 12152
310 Authority citation revised ... 30055
310.201 (a)(6) removed; eff. 5-2-88 ... 15892
(a)(14) removed; eff. 8-12-88 ... 30055
Technical correction ... 34047
312.7 Heading and (d) revised; OMB number ... 19476
Technical correction ... 23628
312.10 OMB number ... 23031
312.23 OMB number ... 23031
312.30 OMB number ... 23031
312.31 OMB number ... 23031
312.32 OMB number ... 23031
312.33 OMB number ... 23031
312.34 Text added ... 19476
Technical correction ... 23628
312.35 Added ... 19477
Technical correction ... 23628
312.36 OMB number ... 23031
312.38 OMB number ... 23031
312.41 OMB number ... 23031
312.42 (b)(3) added ... 19477
Technical correction ... 23628
312.44 OMB number ... 23031
312.45 OMB number ... 23031
312.47 OMB number ... 23031
312.53 OMB number ... 23031
312.55 OMB number ... 23031
312.56 OMB number ... 23031
312.57 OMB number ... 23031
312.59 OMB number ... 23031
312.62 OMB number ... 23031
312.64 OMB number ... 23031
312.66 OMB number ... 23031
312.70 OMB number ... 23031
312.110 OMB number ... 23031
312.120 OMB number ... 23031
312.140 OMB number ... 23031
312.160 OMB number ... 23031
331 Petition denied ... 33576
336 Added; eff. 5-2-88 ... 15892
341 Authority citation revised ... 30055
Technical correction ... 34047
341.3 (b) and (c) added; eff. 8-12-88 ... 30055
341.14 Added; eff. 8-12-88 ... 30055
341.74 Added; eff. 8-12-88 ... 30055
(c)(2) corrected ... 35610
341.76 Technical correction ... 12521
341.90 (b) and (c) added; eff. 8-12-88 ... 30057
369 Authority citation revised ... 30057
369.20 Amended; eff. 5-2-88 ... 15893
Amended; eff. 8-12-88 ... 30057
Technical correction ... 34047
369.21 Amended; eff. 5-2-88 ... 15893

CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1987

TITLE 21 Chapter I—Con. Page
Amended; eff. 8-12-88....30057
Technical correction....34047
436.542 (c) amended....35912
442.27 (a)(1) amended....35912
442.53a (b)(1)(iv)(a) revised....35912
442.127a (a)(1) amended....20710
444.542i Removed....35912
510 Authority citation revised....25976
510.600 Technical correction....10668, 18495, 23397
(c) (1) and (2) tables amended....11041, 11988, 12153, 18691, 19501, 20385, 20597, 25212, 25976, 27801, 32540, 32917, 36022, 36023
520 Technical correction....10668, 18495
Heading corrected....28067
520.314 (a) revised....11989
520.680 Removed....25213
520.680a Removed....25213
520.680b Removed....25213
Correctly designated....27108
520.1193 Added....11042
520.1195 Added....34637
520.1242a (f)(2)(i) amended....20598
520.1448a (b) removed....27197
(d)(4)(iii) amended....30151
520.1540 Removed....20597
520.1720a (b)(5) removed....36023
520.2455 Revised....15718
522 Technical correction....10668, 18495
522.56 Added....11816
(a) corrected....15412
522.540 (b)(2)(ii) and (c)(2) amended....25212
(e)(2) amended....36023
522.1081 (a)(2)(i) amended....25212
522.1183 (e)(1) revised....18691
(e)(1) amended....36023
522.1258 (b) amended....25212
522.1660 (c)(1) (i) and (ii) amended....19502
522.1662a (i)(2) amended....36023
522.1680 (b) revised....18691
(b) amended....25212, 36023
522.1704 (b)(2) amended....25212
522.1720 (b)(2) amended....25212, 36023
522.1881 Added....23032
522.1884 (c) amended....25212
522.2476 Added....24995
524 Technical correction....10668, 18495
524.1240 Added....10887
524.1580b (b) amended....18691
524.1580d (b) revised....18691
(b) amended....36023
529.1044a Technical correction....10668, 18495
529.1044b Technical correction....10668, 18495
540.274b (c)(3)(ii) amended; (c)(5) added....32917
540.874a (c)(3)(i) and (4)(i) amended....36023
544.110 Removed....22438
556.210 Removed....25213
556.420 (b) revised....15718
556.500 (d) revised....24293
556.710 Revised....27683
556.739 Added....24995
558.4 (d) table amended....25213, 26956
558.240 Removed....25213
558.274 (c)(1) table amended; (a)(7) revised....29010
558.311 (d)(5) (i) and (ii) and (e) table amended....16240
(b) revised; (e) introductory text and (1) through (11) redesignated as (e)(1) introductory text and (i) through (xi); (e)(2) added....24996
(b)(5) added; (e)(1) table amended....26299
(b)(3) amended; (e)(1) table amended....33804
(e)(2)(ii) correctly revised....33930
Technical correction....35518
558.325 (a)(1)(iv) added....28470
558.342 (c)(3) added....33804
Technical correction....35518
558.355 (f)(1)(xiii)(b) and (xxi)(b) revised....13641
(b)(4) and (f)(2) added....15718
(b)(13) and (f)(3)(v) added....27197
558.360 (d)(3) amended....11642
558.415 (a) revised....36402
558.450 (d)(1) Table 3 amended....24293
(d)(1) Table 3 corrected....26401
558.525 (a)(1) removed....12521
558.526 Removed....12521
558.600 Added....26956
558.625 (b) (37) and (64) removed....11041
(b)(7) removed....11988
(b)(70) removed....12153
(b)(89) added....27801

CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1987

Page
558.630 (b)(10) amended....28470
561.96 Added....29009
561.99 Revised....27545
561.273 (a) table amended....12154
561.360 Revised....27543
561.400 Heading and text nomenclature change....32293
561.415 Heading and text nomenclature change....32293
561.425 Heading and text nomenclature change....32293
561.430 Table amended....27544
561.439 Added....10563
561.440 Added....17941
561.441 Added....17942
Technical correction....23137, 23916, 34903
573 Authority citation revised....10888
573.920 Revised....10888
(c)(1) corrected....21001
805 Added....27763
862 Added....16122
862.1385 (a) corrected....29468
864 Authority citation revised; section authority citations removed....17732
864.1 Revised....17732
864.3 Added....17732
864.5220 (c) added....17733
864.5680 (c) added....17733
864.7250 (c) added....17733
864.7300 (c) added....17733
864.9205 (c) added....17733
864.9245 (c) added....17733
866 Authority citation revised; section authority citations removed....17733
866.1 Revised....17733
866.3 Added....17733
(b) and (c) corrected....22577
866.2420 (c) added....17734
866.3290 (c) added....17734
866.3305 (c) added....17734
866.3510 (c) added....17734
866.6010 (c) added....17734
868 Authority citation revised; section authority citations removed....17734
868.1 Revised....17734
868.3 Added....17734
868.1120 (c) added....17735
(c) corrected....22577
868.1150 (c) added....17735
868.1170 (c) added....17735
868.1200 (c) added....17735
868.2450 (c) added....17735
868.2500 (c) added....17735
868.5400 (c) added....17735
868.5610 (c) added....17735
870 Authority citation revised; section authority citations removed....17735
870.1 Revised....17735
870.3 Added....17735
870.1025 (c) added....17736
870.1350 (c) added....17736
870.1360 (c) added....17736
870.3300 (c) added....17736
870.3375 (c) added....17736
870.3450 (c) added....17736
870.3535 (c) added....17736
870.3545 (c) added....17736
870.3600 (c) added....17736
870.3610 (c) added....17736
870.3620 (c) added....17736
870.3680 (c) added....17736
870.3700 (c) added....17736
870.3710 (c) added....17736
870.3800 (c) added....17736
870.3850 (c) added....17736
870.3925 (c) added....17737
(c) revised; eff. 12-9-87....18163
(c) corrected....23137
870.4230 (c) added....17737
870.4260 (c) added....17737
870.4320 (c) added....17737
870.4350 (c) added....17737
870.4360 (c) added....17737
870.5200 (c) added....17737
870.5225 (c) added....17737
870.5300 (c) added....17737
870.5550 (c) added....17737
872 Added....30097
872.3680 (a) corrected....34456
874.9 Added....32111
874.1100 Correctly designated....18495
(b) revised....32111
874.3540 (b) revised....32111
874.4420 (b) revised....32111
874.5800 (b) revised....32111
876 Authority citation revised; section authority citations removed....17737
876.1 Revised....17737
(d) corrected....22577
876.3 Added....17737
876.3350 (c) added....17738
876.3630 (c) added....17738
876.3750 (c) added....17738

CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1987

TITLE 21 Chapter I—Con. Page

876.4480 (c) added....17738
876.5220 (c) added....17738
876.5270 (c) added....17738
876.5280 (c) added....17738
876.5540 (c) added....17738
876.5860 (c) added....17738
876.5870 (c) added....17738
876.5955 (c) added....17738
880 Authority citation revised; section authority citations removed....17738
880.1 Revised....17738
880.3 Added....17738
880.5130 (c) added....17739
880.5760 (c) added....17739
882 Authority citation revised; section authority citations removed....17739
882.1 Revised....17739
882.3 Added....17739
882.1790 (c) added....17739
882.1825 (c) added....17740
882.5150 (c) added....17740
882.5800 (c) added....17740
882.5840 (c) added....17740
882.5850 (c) added....17740
882.5860 (c) added....17740
882.5940 (c) added....17740
882.5950 (c) added....17740
884 Authority citation revised; section authority citations removed....17740
884.1 Revised....17740
884.3 Added....17740
884.1060 (c) added....17741
884.1100 (c) added....17741
884.1185 (c) added....17741
884.2050 (c) added....17741
884.2620 (c) added....17741
884.2685 (c) added....17741
884.4100 (c) added....17741
884.4150 (c) added....17741
884.4250 (c) added....17741
884.4270 (c) added....17741
884.5050 (c) added....17741
884.5225 (c) added....17741
884.5380 (c) added....17741
884.5940 (c) added....17741
886 Added....33355
888 Added....33702
890 Authority citation revised; section authority citations removed....17741
890.1 Revised....17741
890.3 Added....17741

Page

890.3610 (c) added....17742
890.3890 (c) added....17742
(c) corrected....22577
890.5275 (c) added....17742
890.5290 (c) added....17742
890.5300 (c) added....17742
890.5525 (c) added....17742
890.5860 (c) added....17742
1240 Authority citation revised....29514
1240.61 Added....29514

Chapter II—Drug Enforcement Administration, Department of Justice

1301.11 (c) and (d) revised....20598
1301.12 Revised....20599
1301.22 (a)(10) revised....17287
1301.31 (c) revised; (d) added....20599
1306.22 Technical correction....13430
1308.11 (b) introductory text revised; (b) (1) through (48) redesignated as (b) (2) through (7), (9) and (10), (12) through (33), (35) through (40), (42) through (51), (53) and (54); new (b) (1), (8), (11), (34), (41), and (52) added; (g) (1), (2), (4), (6), (8), and (9) removed; (g) (3), (5), and (7) redesignated as (g) (1), (2), and (3)....20072
Technical correction....27198
1308.12 (f)(2) added....11043
(f)(2) corrected....12285
1311.02 (d) revised....17288
1311.12 Revised....17288
1311.26 Revised....17288
1311.32 (d) revised; (e) and (f) redesignated as (f) and (g); new (e) added....17288
1311.42 (a), (b)(6) (i) and (iv) revised....17288
1311.44 (a) and (b) revised; (c) through (e) redesignated as (e) through (g); new (c) and (d) added; new (f) (1) and (2) and (g) (1) and (2) revised....17288
1311.47 Revised....17289
1311.53 Revised....17289
1311.61 Revised....17289
1312 Authority citation revised....17289
1312.11 (a) and (b) revised....17289

CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1987

Page

1312.12 (a) introductory text revised....17289
1312.13 (a)(1) revised; (b) through (e) redesignated as (d) through (g); new (b) and (c) added....17289
1312.18 (a), (b), and (c)(2) revised....17290
1312.21 (a) and (b) revised....17290
1312.22 (a) revised....17290
1312.23 (b) through (d) redesignated as (d) through (f); new (b) and (c) added....17290
1312.27 (a), (b) (2) and (4) revised; (b)(5) added....17290
1312.28 (d) revised....17291
1312.30 Added....17291
1316.71—1316.81 (Subpart E) Authority citation revised....24446
1316.75 (b)(3) amended....24446

Title 21—*Proposed Rules:*

7....30171
101....28843
102....18921, 20690, 28067, 30387, 36046
103....18922, 26764
133....12556, 35426, 35435
146....19169
161....18921, 30387
165....18922, 26764
181....18923, 26764
182....13086, 18772
184....13086, 18772
186....13086, 18772
189....33952
193....31632, 32138, 35730
201....31892, 35610
310....13107, 23184, 31892, 35610
312....12431
341....31892, 35610
352....33598
357....12114, 15732
369....31892, 35610
436....25252
452....25252
561....12193, 31632, 32138
862....16139
872....30107, 30120, 34047, 34343
880....19735
886....33366
888....33714
1240....22340
1301....11091
1308....30174, 30175

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Page

2a Added....12155
22 Authority citation revised....29515
22.6 Revised....29515
41.25 (b) amended....29375
41.91 (a)(9)(iii) and (10)(i) revised; interim....17943
(a)(9)(iii) and (10)(i) revised; final....29843
42.91 (a)(9)(iv) and (10)(ii) revised; interim....17943
(a)(9)(iv) and (10)(ii) revised; final....29843
43 Addition confirmed....17948
43.3 (b) amended....17949
51 Authority citation revised....29515
51.64 (e) added....29515
171 Authority citation revised; section authority citations removed....32123
171.6 Revised....32123
171.10 (d) through (k) added....32124
171.11 (a)(7) revised....32124
171.12 Revised....32124
171.13 Revised....32125
171.14 Added....32125
171.15 Added....32126

Chapter II—Agency for International Development, International Development Cooperation Agency

212 Authority citation revised....11817
212.35 Revised; interim....11817
212.41 (g) revised; interim....11818
212.42 Added; interim....11819
224 Added; interim....13071
Removed; interim....20385

Chapter III—Peace Corps

307 Revised....30151
309 Added....15719

Title 22—*Proposed Rules:*

41....12001, 20725, 22628, 29542, 32026, 32095
42....29542, 32026, 32095
135....21820, 23627
171....12936, 15513
224....20413
302....36046
502....25384, 26156

Title 22—*Proposed Rules—Con.* Page
503 26024
512 25030
514 20097
526 22791
602 27998
603 27998
711 ..... 25124, 27902
1510 ..... 25124, 27902

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

625.4 (b)(5) revised 36247
630.302 (h) through (j) redesignated as (i) through (k); new (h) added 31390
630.305 Revised 31390
635.309 (d) amended; eff. 8-29-88 32669
640.107 (d) amended 32669
650.*.....END OF BAD MAG TAPE BLOCK*109 Removed; eff. 8-29-88 32669
650.801—650.809 (Subpart H) Added 28139
658 Appendix A amended 35067
659 Authority citation revised 28693
659.11 Revised 28693
668.101—668.113 (Subpart A) Revised 21948
668.107 (b) corrected 32540
712.204 (c)(1) and (3) (ii) and (iii) amended 32669
(c)(3)(iii) amended; (c)(3)(iv) removed; eff. 8-29-88 32669
752.3 (e) added 34638
752.4 (a) and (b) revised; (e) added 34638
752.11 Revised 34638
771 Revised 32660
790 Removed; eff. 8-29-88 32669

Chapter III—National Highway Traffic Safety Administration, Department of Transportation

1309.4 (a)(2) revised; (a)(3), (b) introductory text and (6) amended 27615

Title 23—*Proposed Rules:*
650 ..... 11092, 20726
655 11502
1204 33422
1205 33422
1309 27616

TITLE 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

0 Revised 27113
14 Added 27126
15 Authority citation and heading revised 12160
15.1 (g), (h) and (i) added 12160
15.2 Revised 12160
15.72 Revised 12160
15.73 Revised 12160
15.74 Revised 12161
15.81 (Subpart I) Redesignated as 15.91 (Subpart J) 12161
15.81—15.86 (Subpart I) Added 12161
15.91 (Subpart J) Redesignated from 15.81 (Subpart I) 12161
17.60—17.161 (Subpart C) Authority citation revised 35414
17.65 (a) and (b) introductory text and (1) revised 35414
20.10 Introductory text revised 27130
25.9 (e) revised 15304

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

115 List of jurisdictions 15304

Chapter II—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

200.163 (a)(2) revision eff. 8-1-87 28470
201 High-cost limits 11643, 17397, 28250, 32126, 34903
201.10 (f) introductory text removed; (f)(2) revised 33406
201.11 (c) revised 33406
201.18 Revised 33406

Page
201.19 Added 33406
201.30 (a) revised 33407
201.32 (d)(3) added 33407
201.50 (a), (b) introductory text, (2), (3), and (4), and (c) revised 33407
201.54 (c) revised 33407
203 High-cost limits 11643, 17397, 28250, 32126, 34903
203.43c (a) revision eff. 8-1-87 28470
203.431 Addition eff. 8-1-87 28470
203.46 Removed 32756
Technical correction 33680
203.439 Undesignated center heading and section addition eff. 8-1-87 28470
203.604 (b) revision eff. 8-1-87 28470
204.1 Amendment eff. 8-1-87 28470
207.32a (a)(4) revised 31992
213.751 (b) amendment eff. 8-1-87 28470
213.800 Revision eff. 8-1-87 28470
215.1 Amended 34112
215.21 (a) and (c) revised; (b)(8) amended; (d) removed; (e) redesignated as (d) 34112
220.1 (a) amendment eff. 8-1-87 28470
220.251 (a) amendment eff. 8-1-87 28470
220.900 Revision eff. 8-1-87 28470
221.1 (a) amendment eff. 8-1-87 28470
221.251 (a) amendment eff. 8-1-87 28470
221.800 Revision eff. 8-1-87 28470
222.1 (a) amendment eff. 8-1-87 28470
222.251 (a) amendment eff. 8-1-87 28470
222.400 Revision eff. 8-1-87 28470
226.1 (a) amendment eff. 8-1-87 28470
226.251 (a) amendment eff. 8-1-87 28470
226.300 Revision eff. 8-1-87 28470
227.500 (b) amendment eff. 8-1-87 28470
227.751 (a) amendment eff. 8-1-87 28470
227.800 Revision eff. 8-1-87 28470
232.560 (a) revised 17751, 18228, 35068
234 High-cost limits 11643, 17397, 28250, 32126, 34903
234.1 (d) and (k) revised; (o), (p) and (q) added 33807
234.26 Revised 33807
234.59 Removed 33808
234.63 Revision eff. 8-1-87 28470
234.76 Removed 32756
Technical correction 33680
235.1 (a) amendment eff. 8-1-87 28470
235.9 (a) revised 17752, 18229, 35068
235.201 (a) amendment eff. 8-1-87 28470
235.540 (a) revised 17752, 18229, 35068
236.2 Amended 34112
236.3 (a) and (c) revised; (b)(8) amended; (d) removed; (e) redesignated as (d) 34113
237.5 Revision eff. 8-1-87 28470
240.1 Amendment eff. 8-1-87 28470
240.400 Revision eff. 8-1-87 28470
243 Authority citation corrected 17949
243.1 (a) corrected 17949
255.107 (c) amended 16241
255.206 (a) revised 31992
255.405 Redesignated from 255.406 16241
255.406 Redesignated as 255.405 16241
255.706 (g) revised 16241
255.801 Amended 16241
255.820 Amended 16241
255.824 Amended 16241

Chapter V—Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

511.11 (f)(3)(iii)(B) corrected 11598
511.32 Suspended 11467
511.33 Heading and (b) revised 25595

TITLE 24—Con.

Chapter VIII—Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Section 8 Housing Assistance Programs and Section 202 Direct Loan Program)

Page

813.102 Amended 34113
813.106 (a) and (c) revised; (b)(8) amended; (d) removed; (e) redesignated as (d) 34113
842 Authority citation corrected 17949
842.1 (a) corrected 17949
882.209 (m)(1) revised 34114
882.408 (c)(1) revised 19725
885.5 Amendment confirmed 29011
885.210 Introductory text and (a) redesignation as (a) and (b) and new (a). (b) (9), (13) and (23)(i) revision confirmed 29011
885.220 (d)(1) revision confirmed 29011
885.412 Addition confirmed 29011
885.416 (c) revision confirmed 29011
888 Schedules B and D revised 15632
Schedules B and D amended 24387
Schedule A corrected 24447
Schedule C revised 34120
Schedule A amended 34905

Chapter IX—Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development

905.311 (b) amended 29361
912 Authority citations revised 34114
912.2 Revised 34114
913.102 Amended 34114
913.106 (a) and (c) revised; (b)(8) amended; (d) removed; (e) redesignated as (d) 34114
942 Authority citation corrected 17949
942.1 (a) corrected 17949
990.104 (a) amended 29361
990.105 (a)(2) amended 29361
990.108 (a) revised 29361
990.109 (e)(1) amended 29361
990.114 Removed 29361

Chapter XX—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

3280.403 (e)(2) revised 35543
3280.405 (e)(2) revised 35543
3280.807 (g) added 35543
3283.102 (c) and (d) revised 11644

Title 24—*Proposed Rules:*

15 35923
85 ..... 21820, 23627
111 ..... 21820, 23627
115 29038
200 ..... 11686, 21596, 21961
203 21961
221 21961
222 21961
226 21961
234 21961
235 21961
247 ..... 16403, 23761
511 ..... 21820, 23627, 30388
570 ..... 21820, 23627
571 ..... 21820, 23627
575 ..... 21820, 23627
791 30388
812 30388
813 30388
850 ..... 21820, 23627
882 30388
886 ..... 16403, 23761
887 30388
888 ..... 24172, 32672
905 ..... 10668, 21820, 23627
941 ..... 21820, 23627
968 ..... 10668, 21820, 23627
990 ..... 21820, 23627
2002 35923
3280 17806
3282 17411

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

22 Removed 30920
62 Revised 30160
76 Revised 31392
118 Removed 15722
120 Removed 11468

Page

140.5 *See* EO 12608 34621
141.31 *See* EO 12608 34621
211 Revised 31929
Effective date deferred 35702
212 Removed 31937
Effective date deferred 35702
225 Added 31937
Effective date deferred 35702
244 Revised 23806
250 Revised; interim 27330

Chapter IV—Navajo and Hopi Indian Relocation Commission

700 Authority citation revised 21951
700.183 (a) revised; interim 21951

Title 25—*Proposed Rules:*

22 17988
38 33382
40 11503
76 20727
151 23560
179 29701

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

1 Authority citation amended 10744, 12162, 15308, 23433, 24999, 29674, 30358, 31994, 33809, 35415
Proclamation 18562
1.1(i)–1T Added (temporary) 33579
Corrected 36133
1.23–1 Redesignated from 1.44C–1; (a), (b), (d)(2) (i) and (ii), and (e) amended; (c) revised; (d)(3) (i) through (x) redesignated as (d)(4)(ii) (A) through (J); new (d)(3) and (4)(i) added; new (d)(4)(ii) heading and introductory text amended 26669
1.23–2 Redesignated from 1.44C–2; introductory text, (a)(1) (i) and (iii), (b)(1) and flush text following (2), (c)(4), (d)(3), (4) (iv) and (viii), (e)(1)(iii) and flush text following (iii) and (2), (f) (1) and (4), (g) and (h) amended; (i) added 26670
1.23–3 Redesignated from 1.44C–3; (a)(1), (b), (d), (e), (h)(1) (i) and (ii), (2), (3) and (4) Example 2, (j)(2) Example and (k) introductory text amended; (c) and (j)(1) revised 26672
1.23–4 Redesignated from 1.44C–4 26672
1.23–5 Redesignated from 1.44C–5; (a) (1) through (5), (b)(1) and (c) amended 26672
1.23–6 Redesignated from 1.44C–6; (a)(1) and (e) amended 26673
1.32–1T Added (temporary) 22302
Technical correction 23398
1.42–1T Added (temporary) 23433
(d)(8)(i), (ii)(B) and (e)(2) corrected 24583
1.44C–1 Redesignated as 1.23–1; (a), (b), (d)(2) (i) and (ii), and (e) amended; (c) revised; (d)(3) (i) through (x) redesignated as (d)(4)(ii) (A) through (J); new (d)(3) and (4)(i) added; new (d)(4)(ii) heading and introductory text amended 26669
1.44C–2 Redesignated as 1.23–2; introductory text, (a)(1) (i) and (iii), (b)(1) and flush text following (2), (c)(4), (d)(3), (4) (iv) and (viii), (e)(1)(iii) and flush text following (iii) and (2), (f) (1) and (4), (g) and (h) amended; (i) added 26670
1.44C–3 Redesignated as 1.23–3; (a)(1), (b), (d), (e), (h)(1) (i) and (ii), (2), (3), and (4) Example 2, (j)(2) Example and (k) introductory text amended; (c) and (j)(1) revised 26672
1.44C–4 Redesignated as 1.23–4 26672
1.44C–5 Redesignated as 1.23–5; (a) (1) through (5), (b)(1) and (c) amended 26672
1.44C–6 Redesignated as 1.23–6; (a)(1) and (e) amended 26673
1.48–9 (c)(10), (d) and (e) revised 27337

CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1987

TITLE 26 Chapter I—Con. Page

1.56–1 Redesignated as 1.56A–1 and (b)(2)(ii) amended....15309
1.56–2 Redesignated as 1.56A–2....15309
1.56–3 Redesignated as 1–56A–3 and (b) and *Example* amended....15309
1.56–4 Redesignated as 1.56A–4....15309
1.56–5 Redesignated as 1.56A–5 and (b)(2) flush text, (e)(5), and (h) *Example* (*4*) amended....15309
1.56A–1 Redesignated from 1.56–1 and (b)(2)(ii) amended....15309
1.56–0T Added (temporary)....15309
1.56–1T Added (temporary)....15310
1.56A–2 Redesignated from 1.56–2....15309
1.56A–3 Redesignated from 1.56–3 and (b) and *Example* amended....15309
1.56A–4 Redesignated from 1.56–4....15309
1.56A–5 Redesignated from 1.56–5 and (b)(2) flush text, (e)(5), and (h) *Example* (*4*) amended....15309
1.57–4 (b) introductory text and (2)(ii) flush text and (e) *Example* (*5*) amended....15309
1.57–5 (b) amended....15309
1.58–7 (c)(1)(iii) *Example* (*4*), (2) *Example* (*3*), and (4) amended....15309
1.101–7T Added (temporary)....35415
1.149(e)–1T (e)(3) (ii) and (iii) corrected....10368
1.163–8T Added (temporary)....24999
1.263A–1T (a)(5)(iii)(A), (b)(2)(iii)(I), (c)(4)(i)(C), (d)(3)(ii)(A)(*1*), (C) (*3*), and (*4*) and (5), (e)(1), (3)(iii), (7)(iii) and (11)(iii) revised; (b)(2)(vii), (5)(vii) and (6)(vi), (c)(5)(iii), (e)(7)(iv), (9)(ii) *Examples* (*4*) and (*5*) and (11)(v) added (temporary)....29378
1.382–1T Added (temporary)....29674
1.382–2T Added (temporary)....29675
1.448–1T Added (temporary)....22766
1.448–2T Added (temporary)....22774
1.901–1 (d) revised....33932
1.904(f)–1 Added....31994
1.904(f)–2 Added....31997
1.904(f)–3 Added....32001
1.904(f)–4 Added....32002
1.904(f)–5 Added....32002
1.904(f)–6 Added....32003
1.907(c)–1 (e) (3), (4), (5), (6) and (f) added....33932
1.924(c)–1T Removed....10742
1.924(d)–1T Removed....10742
1.924(e)–1T Removed....10742
1.1016–5 (t) revised....26673
1.1402(e)–5T Added (temporary)....12162
1.1441–5 (c) revised....33933
1.1502–9 Added....32005
1.6041–3 (i) amended; (j) removed; (k) through (q) redesignated as (j) through (p); new (m) revised....30358
1.6045–3T Added (temporary)....10744
1.6050D–1 (a) introductory text and (1) amended....26673
1.6302–1 Heading and (a) revised....33809
1.6302–1T Removed....33809
1.6655–7T Added (temporary)....15320
31 Authority citation amended....21511, 33582
31.6051–1 (h) amended (temporary)....34357
31.6051–2 (c) amended (temporary)....34357
31.6053–3 (f)(1)(iv) amended; (j)(19) added; (b)(5), (h), and (j)(9) revised....21511
31.6053–3T Removed....21511
31.6053–4 Added....21513
31.6053–4T Removed....21511
31.6205–2 Added....33582
35a Authority citation amended....13432
35a.3406–1 Heading added....13432
35a.3406–2 Added....13432
41 Authority citation amended....33584
41.4481–1 Nomenclature change; (a)(2) revised....33584
41.4481–3 (a) introductory text and (1) revised; (a)(2) amended....33584
41.4482(c)–1 (b) nomenclature change....33584
41.4483–5 Nomenclature change....33584

CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1987

Page

41.4483–7T Added (temporary)....33584
41.6001–3T Added (temporary)....33585
41.6091–1 (a) and (b) amended....33584
48.4041–5 (a)(1) redesignated as (a)(1)(i) and amended; (a)(1)(ii) added....32008
48.4041–18 Revised....31616
48.4041–19 Added....31617
48.4041–20 Added....31617
48.4071–1 (a) and (b)(1) revised; (b)(2) redesignated as (b)(3); new (b)(2) added....31618
48.4071–2 (b) heading revised; (b) text amended....31618
48.4081–2 (a), (b), (c) heading, (e) (1) and (2) heading, (f)(1) and (g) revised; (c) (1) and (2), (e)(2), (f)(2) heading and text and (h) amended; (e)(3), (f)(3) and (h)(4) added; (i) removed....31618
(a)(5)(i) correctly designated....34344
48.6420–4 (l) amended....31621
48.6427–1 (a)(2)(iv) amended....31621
54.6011–1T Added (temporary)....10563
54.6071–1T Added (temporary)....10563
301.6011–2 (f) revised....19137
301.6404–2T Added....30163
301.6402–6T (b) revised (temporary)....17950
301.6723–1T Added (temporary)....34355
601.601 (c) amended....26673
602.101 Correctly designated....10368
(c) table amended (OMB numbers)....10564, 10748, 12163, 13437, 15320, 21513, 23440, 25007, 26673, 29697, 30163, 31621, 32008, 32009, 33585, 34357
602.106 (c) table amended (temporary)....22777

Title 26—*Proposed Rules:*

1.0–1—1.60....15339, 22345, 23471, 28162, 35278, 35438
1.61—1.169....18579, 22716, 25036, 26122, 34392, 35438, 35447
1.170—1.300....29391, 35438
1.301—1.400....29704, 35438
1.401—1.500....22795, 28070, 32502
1.501—1.640....33836
1.641—1.850....18578, 35438
1.851—1.1000....32242, 32308, 34230, 34392, 34580
1.1001—1.1400....33427, 34230
1.1401—end....10774, 12194, 15339, 23308, 28070, 28162, 34230
5h....33953
31....34230, 34358
41....33602
54....10583, 28070
55....33953
301....17989, 30177, 34230, 34358
601....28000, 30996
602....10583, 10774, 18579, 23308, 23471, 25036, 29704, 34358, 35278

TITLE 27—ALCOHOL, TOBACCO PRODUCTS AND FIREARMS

Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury

9.48 (c) revised....23652
9.61 (c)(12) revised; (c) (13) through (15) redesignated as (c) (17) through (19); new (c) (13) through (16) added....23651
9.109 Added....13082
9.114 Added....21515
9.115 Added....32785
9.116 Added....22304
19.44 Amended....19313
19.519 Amended....19313
19.524 (c)(1) amended....19313
19.525 (a) amended....19313
25.117 (a) and (b)(1) amended; (c) removed; nomenclature change....19313
25.118 Nomenclature change....19313
25.119 Heading and (c) amended; nomenclature change....19313
25.121 Amended; nomenclature change....19313
25.131 Revised....19313
25.122 Nomenclature change....19313
25.125 Nomenclature change....19313
25.126 Nomenclature change....19313
25.132 (b) amended....19313
25.134 Amended....19313
25.163 Revised....19314
25.164 (e)(1) revised....19314
25.165 (c)(1) amended....19314

CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1987

TITLE 27 Chapter I—Con. Page

25.166 (b) amended....19314
25.173 (b) amended....19314
25.175 (b) (1), (2), and (3) amended....19314
25.283 (d) amended....19314
25.285 (a) amended....19314
47.57 Revised....34381
70 Authority citation revised....19314
70.1 Revised....19314
70.61—70.109 (Subpart E) Added....19314
70.111—70.152 (Subpart F) Added....19325
170.77 (a) amended....19334
170.91 Amended....19334
170.305 (a) amended....19334
170.305a (a), (b), and (c) amended....19334
170.306 (b) amended....19334
179.34 (a) designation and heading and (b) removed; amended; nomenclature change....19334
179.35 Nomenclature change....19334
179.36 Nomenclature change....19334
179.37 Amended....19334
179.38 Amended....19334
179.42 Amended; nomenclature change....19334
179.43 Amended....19334
179.46 Amended; nomenclature change....19334
179.47 Amended; nomenclature change....19334
179.50 Amended; nomenclature change....19334
179.171 Amended....19334
179.172 Amended....19334
194.27 Amended; nomenclature change....19335
194.94 Amended....19335
194.104 Amended....19335
194.104a Revised....19335
194.105 Amended....19335
194.106—194.110 Undesignated center heading amended....19335
194.106 Amended; nomenclature change....19335
194.106a Amended....19335
194.106b Amended....19335
194.106d Removed....19335
194.107 Heading and text nomenclature change....19335
194.109 Amended....19335
194.111 Amended....19335

Page

194.121 Amended....19335
194.121a Amended....19335
194.123 Amended....19335
194.124 Amended; nomenclature change....19335
194.126 Amended; nomenclature change....19335
194.127 Amended....19335
194.132 Amended....19335
194.133 Amended....19335
194.134 Amended; nomenclature change....19335
194.135 Amended....19335
194.136 Amended; nomenclature change....19335
194.137 Amended; nomenclature change....19335
194.139 Amended; nomenclature change....19335
194.151 Heading and (a) revised; (b) amended; nomenclature change....19336
194.152 Amended....19336
194.169 Undesignated text following (d) revised....19336
194.201 Revised....19336
197.28 (a) and (b) amended; nomenclature change....19336
197.29—197.31 Undesignated center heading amended....19336
197.29 Amended; nomenclature change....19336
197.29a Amended; nomenclature change....19336
197.29b Nomenclature change....19336
197.29d Removed....19336
197.30 Nomenclature change....19336
197.31 Nomenclature change....19337
197.40 Nomenclature change....19336
197.40a Nomenclature change....19336
197.41 Amended....19336
197.42 Amended; nomenclature change....19336
197.43 Amended; nomenclature change....19336
197.46 Amended....19337
197.48 Amended....19337
197.50 Amended....19337
197.55 Revised....19337
197.56 Amended....19337
197.58 Revised....19337
197.106 Amended....19337
197.111 Revised....19337

CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1987

Page

240.340 Amended....19337
240.343 Revised....19337
240.344 Revised....19337
240.345 Removed....19337
240.591 (a) amended....19337
240.591a (c)(1) amended....19337
240.594 (a) amended....19337
240.594c Amended....19337
240.595 Amended....19337
240.596 (a) amended....19337
240.807 Amended....19337
250.11 Amended....19338
250.37 Revised....19338
250.44 Amended....19338
250.52 (c) amended....19338
250.54 Amended....19338
250.61 Revised....19338
250.62a Amended....19338
250.65 Amended....19338
250.70 Amended....19338
250.70a Amended....19338
250.71 Nomenclature change....19338
250.72 Nomenclature change....19338
250.74 Nomenclature change....19338
250.75 Amended....19338
250.78 Amended....19338
250.79 Amended....19338
250.81 Amended....19338
250.93 Amended....19338
250.96 (b) amended; nomenclature change....19338
250.102 Amended....19338
250.105 (b) amended; nomenclature change....19338
250.110 Amended....19338
250.112 (e) and (h) revised....19339
250.112a (c)(1) amended....19339
250.113 (a) amended....19339
250.119 Amended....19339
250.126 Amended....19339
250.128 Revised....19339
250.210 Amended....19339
251 Authority citation revised....19339
251.11 Amended....19339
251.30 Amended; nomenclature change....19339
270.44 Amended....19339
270.162 Amended....19339
270.165 (b) amended....19339
270.165a (c) amended....19339
270.166 Amended....19340
270.167 (a) and (b) amended....19340
270.168 Amended....19340
270.281 Amended....19340
270.283 Amended....19340

Page

270.286 Amended....19340
270.311 (b) amended....19340
270.313 Amended....19340
275.11 Amended....19340
275.105 Amended....19340
275.108 Amended....19340
275.109 Amended....19340
275.110 Amended....19340
275.111 Introductory text amended; (a) removed; (b) through (e) redesignated as (a) through (d); new (d) amended....19340
275.112 Amended....19340
275.114 (c) revised....19340
275.114a (a) and (c) amended....19340
275.115 Amended....19340
275.115a (c) amended....19340
275.116 Amended....19340
275.118 Amended....19341
275.123 Amended....19341
275.125 Amended....19341
275.126 Amended....19341
275.127 Amended....19341
275.129 Amended....19341
275.137 Amended....19341
275.161 Amended....19341
275.163 Amended....19341
275.170 (b) amended....19341
275.172 (b) amended....19341
285.25 (b) amended....19341
285.26 Amended....19341
285.27 (c) amended....19341
285.34 Amended....19341
285.171 Amended....19341
285.173 Amended....19341
285.193 Amended....19341
290.67 (a) amended....19341
290.153 Amended....19341
290.154 Amended....19341
295.36 Amended....19341
296.7 Amended....19342
296.74 Amended....19342

Title 27—*Proposed Rules:*

4....23685, 30390, 33603
5....23685, 30390, 33603
6....36429
7....33603
9....11689, 13844, 19531, 19535, 29705, 34924, 34927, 36431, 36432
17....28286
19....28286
25....32814
170....28286

CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1987

Title 27—*Proposed Rules—Con.* Page
194 28286
197 28286

CHANGES JULY 1 THROUGH SEPTEMBER 30, 1987

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

Page
0 Authority citation revised 24447
0.63 Revised 24448
0.100 (b) revised 24447
2.20 Guidelines amended 33408
2.37 (b) revised 33408
2.50 (f) revised 33409
8.1 Amended 24448
8.8 (b) amended 24448
9 Revised 32786
11 Added; eff. 8-31-87 24449
Technical correction 27496
16 Authority citation revised 33231
16.10 Revised 33231
16 Appendix I amended 34214
42.101—42.112 (Subpart C) Authority citation revised 24449
42.101—42.112 (Subpart C) Appendix A revised 24449
42.501—42.540 (Subpart G) Authority citation revised 24450
42.501—42.540 (Subpart G) Appendix A revised 24450
51.19 Amended 33409
51.24 Revised 33409
51.25 (a) amended 33409
51.29 (b) amended 33409

Chapter VI—Offices of Independent Counsel

602.1 (c) removed; (d) redesignated as (e); new (c) and (d) added 35544

Title 28—*Proposed Rules:*

0 35926
2 ..... 30691, 33431, 33433, 34392
16 24583
20 34242
50 34242
541 ..... 32478, 34343

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

Chapter I—National Labor Relations Board

102 Authority citation revised 27990
102.118 Heading and (a)(1) revised 27990
103 Authority citation revised 25215
103.20 (Subpart B) Added 25215

Chapter V—Wage and Hour Division, Department of Labor

516 Revised; eff. 7-31-87 24896
Table of contents corrected 26121
697 Authority citation revised 35416
697.1 (b)(1), (e)(1), (f)(1), (g)(1), (h) (1) and (2), (i)(1), (j)(1), (k)(1), (m)(2) and (n)(2) revised 35416
697.3 Revised 35416

Chapter XIV—Equal Employment Opportunity Commission

1601 Authority citation revised 34215
1601.6 Existing text designated as (a); (b) redesignated from 1601.18 26957
1601.18 Redesignated as 1601.6 (b); new 1601.18 redesignated from 1601.19; (b) removed; (c) through (g) redesignated as (b) through (f); new (e) and (f) amended 26957
1601.19 Redesignated as 1601.18; (b) removed; (c) through (g) redesignated as (b) through (f); new (e) and (f) amended 26957
Added 26958
1601.21 (a) revised; (d) introductory text amended 26959
1601.24 (a) amended 26959
1601.28 (b)(3) amended 26959
1601.74 (a) amended 34215
1625.13 Existing regulations unchanged 33809
1627 Authority citation revised 32296
1627.16 (c) added 32296

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

1910.16 (b)(2)(ix) added 36026

CHANGES JULY 1 THROUGH SEPTEMBER 30, 1987

TITLE 29 Chapter XVII—Con. Page

1910.19 (i) added 34562
1910.177 (a)(2) revised 36026
1910.268 (c) revised 36387
1910.1000—1910.1500 (Subpart Z) Authority citation amended 34562
1910.1000 Table Z-2 amended 34562
1910.1028 Added 34562
1910.1200 Revised 31877
1910.1000—1910.1500 (Subpart Z) Appendixes A through E added 34568
1915 Authority citation revised 31876
1915.97 Revised 31886
1915.99 Added 31877
1917 Authority citation revised 31876
1917.1 (a)(2)(ix) added 36026
1917.28 Added 31877
1917.44 (o) revised 36026
1918 Authority citation revised 31876
1918.90 Added 31877
1926.50—1926.59 (Subpart D) Authority citation revised 31877
1926.59 Added 31877
1926.550 (b)(2) revised 36382
1926.552 (c)(15) revised 36382
1926.903 (e) revised 36382
1928 Authority citation revised 31877
1928.21 (a)(5) added 31886
1952.290 Heading revised 34383
1952.291 Redesignated as 1952.296 and revised; new 1952.291 redesignated from 1952.293 34383
1952.292 Redesignated as 1952.295; new 1952.292 redesignated from 1952.294 34383
1952.293 Redesignated as 1952.291; new 1952.293 added 34383
1952.294 Redesignated as 1952.292 34383
1952.295 Removed; new 1952.295 redesignated from 1952.292 34383
1952.296 Redesignated from 1952.291 and revised 34383
1952.377 Added 35070

Chapter XXV—Pension and Welfare Benefits Administration, Department of Labor

2582 (Subchapter J and Part) Added; interim ..... Page 35866

Chapter XXVI—Pension Benefit Guaranty Corporation

2603.2 (c) amended 30663
2603.8 (a) amended 30663
2603.21 Heading, (a) and (c) revised; (d) amended 30663
2603.32 (c) revised 30664
2603.36 Revised 30664
2603.51 Revised 30664
2603.52 (a) introductory text and (1), (b) introductory text, and (c) revised 30666
2603.53 (a) revised 30666
2603.54 (a) amended; (b) and (c) revised 30666
2603.55 Revised 30666
2619 Appendix B amended 34774
2644 Appendix A amended 25008
2676.15 (c) table amended 26475, 30359, 34774

Title 29—*Proposed Rules:*

1 31366
5 31366
100 ..... 25124, 27902
102 27012
103 ..... 25142, 29038, 36589
505 35447
1910 ..... 26776, 28727, 29620, 32312, 35731
1915 ..... 28727, 32312, 35731
1917 ..... 28727, 32312, 35731
1918 ..... 28727, 32312, 35731
1926 26776
1952 36048
1953 27417
2550 33508
2580 31039
2616 33318
2617 33318

TITLE 30—MINERAL RESOURCES

Chapter I—Mine Safety and Health Administration, Department of Labor

46 Removed 33235
47 Authority citation revised 33235
47.10 Amended 33235
47.50 Amended ..... Page 33236
57.22001—57.22608 (Subpart T) Revised; eff. 10-29-87 24941
57.22005 (f)(1) and (g) corrected 27903
57.22232 Corrected 27903
57.22233 Corrected 27903
57.22240 Corrected 27903

Chapter II—Minerals Management Service, Department of the Interior

216 Authority citation revised 27546
216.40 (a) and (b) revised; (g) added 27546
218 Authority citation revised 24451, 27546
218.40 (a) and (b) revised; (g) added 27546
218.57 Added; eff. 7-31-87 24451

Chapter VII—Office of Surface Mining Reclamation and Enforcement, Department of the Interior

750 Authority citation revised 31622
750.20 (a) suspended in part 31622
816 Authority citation revised 29181
816.68 (e) amended 29181
906.11 (p) and (oo) removed 36028
917.21 Existing text designated as (a); new (b) added 26300
935.12 (c) added 26971
(a) removed 29516
935.15 (bb) added 26971
(cc) added 29516
935.16 (d) through (h) added 26972
(a) removed 29516
935.20 Revised 30668
935.25 Revised 30668
938.15 (n) added 26302
946.12 (b)(3) removed 26973
946.15 (s) added 26973
(t) added 30670

Title 30—*Proposed Rules:*

11 32313
48 30391
57 ..... 26352, 33956
75 30391
202 ..... 25887, 29868, 30776, 30826, 33247, 35451
203 ..... 25887, 29868, 30826, 33247, 35451
206 ..... 25887, 29868, 30776, 30826, 33247, 35451
207 ..... 30826, 33247, 35451
210 ..... 30826, 33247, 35451
212 ..... 25887, 29868
218 ..... 25887, 29868
241 ..... 30826, 33247, 35451
250 35559
251 36435
256 29222
750 34394
780 32764
784 32764
816 28012
817 28012
840 32758
842 ..... 32758, 34050
843 34050
870 27419
901 34929
904 27419
913 28309
914 ..... 25887, 35733, 35734
915 25888
916 34930
917 ..... 26158, 26159, 28310, 34932
925 29546
931 ..... 28162, 33956
934 35735
935 ..... 25386, 25387, 28165
938 25037
943 30930
946 ..... 28166, 28849

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

1 Authority citation revised 26305
1.1—1.7 (Subpart A) Revised 26305
1.8—1.12 (Subpart B) Revised 26319
1.20 Revised 26320
1.21—1.22 Revised 26321
1.23 Revised 26322
1.24 Revised 26323
1.25—1.26 Revised 26324
1.27 Revised 26326
1.28 Revised 26327
1.29—1.30 Revised 26328
1.31—1.32 Revised 26329
1.33 Removed 26302
1.34—1.35 Revised 26329
1.20—1.36 (Subpart C) Appendixes A through L revised 26329
16 Added 35071

CHANGES JULY 1 THROUGH SEPTEMBER 30, 1987

TITLE 31—Con.

Chapter I—Monetary Offices, Department of the Treasury

Page
103 Authority citation revised 35545
103.43 (a), (b), and (c) redesignated as (b), (d), and (e); new (b) revised; new (a), (c), and (f) added 35545
103.70—103-77 (Subpart F) Added 35546

Chapter V—Office of Foreign Assets Control, Department of the Treasury

545.427 Interpretation 25576
550.630 Added 35548
550.635 Added 35549

Title 29—*Proposed Rules:*

103 35562
223 29039

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

40.3 Amended 29844
40.4 (b)(3)(iii) (B) and (C) and (iv) added 29844
40.6 (d)(2)(iii) (A), (B), and (C) amended 29844
40.7 (b)(4)(iv), (c), and (d) added 29844
40.14 (a) amended 29845
43.2 (a) amended 25008
43.6 (d)(14) revised 25008
59 Revised 34215
63.3 (o) amended 25215
63.6 (b)(5) (i) through (vii) amended; (e)(2) introductory text revised; (e)(2)(vi) redesignated as (e)(2)(vii); new (e)(2)(vi) added 25215
165 Removed 34639
174.1 (d) and (e) amended 29181
174.3 (b), (c) and (f) amended; (d) and (e) revised 29181
(f) corrected 30766
174.4 (c) revised 29182
174.5 (b) and (d) revised 29182
174.6 (a) revised 29182
199 Uncodified Table 2 revised 34775
199.2 (b) amended 33005
199.3 (e)(3)(iv) revised 27991
199.4 (d)(2), (f)(3)(ii), (4)(ii) and (5), (g) (10) and (11) revised; (f)(6) added 33005
199.6 (a)(8) and (b)(1)(ii) revised; (b)(3)(v) added; (e) removed; (f) redesignated as (e) 33006
199.7 (b)(2)(i), (c)(2), (e)(1) and (g) revised; (b)(2)(x)(C) added 33007
199.10 (a)(5)(iii) redesignated as (a)(5)(iv); new (a)(5)(iii) added 33007
199.14 Added 33007
220 Added 36028
251 Revised 36030
286 Revised 25977
292a.13 Revised 29183
292a.15 Removed 25216
295 Heading revised 32296
295.6 (b) (1) through (6) revised; (b) (7) and (8) added 32296
368 Revised 35417
372 Revised 36402
381 Added 36405

Chapter V—Department of the Army

552.105—552.111 (Subpart G) Added 25862

Chapter VI—Department of the Navy

706.2 Table Five amended 35237
706.3 Table One amended 35237
728 Revised 33718
732 Revised 32297
750 Authority citation revised; footnotes removed 25595
750.3 (d) redesignated as (e); new (d) added 25595
750.4 (c) heading revised 25596
750.7 (a) (5) through (16) and (b) revised; (a) (17) and (18) added 25596
750.8 (a) and (b) amended 25596
750.9 Revised 25597
750.12 (b) amended 25597
750.13 (b) and (c) redesignated as (c) and (d); new (b) added; (c)(2) amended 25597
750.16 (c)(2) amended; (e) revised 25597

Page
750.21 (a) through (c) amended 25598
750.23 Revised 25598
750.24 (b) (2) and (3) revised 25598
750.32 (e)(2) amended 25598
750.52 (b) revised 25598
750.53 (c) amended 25598
751 Authority citation revised; footnotes removed 25598
751.2 Revised 25598
751.3 (i)(3)(iii) amended 25599
751.4 (u) added 25599
751.21 (f)(1)(ii) amended 25599
751.22 (b) and (d) amended 25599
751.23 Introductory text amended 25599
751.24 (a)(1) introductory text, (v), (vi), (2), (3)(i), (5) and (6), (b) and (d) revised; (e) amended 25599
751.25 (b) revised 25600
751.28 Revised 25600
751.30 (a) through (d) and (e)4. revised; (e) introductory text amended 25600
757 Authority citation revised 25600
Footnotes removed 25601
757.2 (b)(2) and (c) revised 25601
757.3 (a) amended; (b), (c), (d), and (f)(3) revised 25601
757.8 Amended 25601
757.13 Introductory text and (d) revised; (f) removed 25601
757.15 (a) (1) through (4) revised 25601
757.16 (c) amended; (d) added 25601

Chapter VII—Department of the Air Force

807 Revised 36247

Chapter XVI—Selective Service System

1602.2 Revised 24454
1602.11 Revised 24454
1602.14 Revised 24454
1602.15 Revised 24454
1602.18 Revised 24454
1602.24 Revised 24454
1602.25 Revised 24454
1605.51 (b) removed 24454
1605.81 (b) revised 24454
1609.1 Revised 24454
1618.3 Removed 24454
1621.1 Revised 24454
1624.4 (b) and (c) revised 24455
1624.5 (a) revised 24455
1624.6 (a) and (e) removed; (b) and (j) revised 24455
1624.7 Revised 24455
1624.10 Revised 24455
1630.13 Revised 24455
1630.18 Revised 24456
1630.30 Revised 24456
1630.31 Revised 24456
1630.40 (a) introductory text revised; (a)(4) removed 24456
1630.44 Revised 24456
1630.45 Heading and (a) revised 24456
1630.48 Revised 24456
1633.1 (e) and (f) revised 24456
1633.2 Revised 24457
1633.6 Revised 24457
1633.7 (b) revised; (c) removed 24457
1633.10 Revised 24457
1633.11 Revised 24457
1636.3 (a) revised 24457
1636.6 Heading revised 24457
1636.8 (a)(3) revised 24457
1639.3 (a)(1) revised 24458
1639.6 Heading revised 24458
1639.7 (c) revised 24458
1642 Heading revised 24458
1642.3 Revised 24458
1642.4 (a)(4) revised; (b) removed 24458
1642.5 Added 24458
1642.7 (a) revised; (c) removed 24458
1648.1 Revised 24458
1648.2 Removed 24458
1648.3 (a) and (c) revised 24458
1648.4 (b) revised 24458
1648.5 (a) and (i) revised 24459
1648.6 (a) revised 24459
1651.1 (b) revised 24459
1651.4 (a), (j), (n)(3) and (r) revised 24459
1653.3 Heading, (a) and (k) revised 24459
1657 Revised 24459
1698 Added 24460

Chapter XX—Information Security Oversight Office

2001.43 (a)(1) revised 28418

TITLE 32 Chapter XX—Con. Page
2003.20 Revised 28802
(h)(1) revised 29793

Title 32—*Proposed Rules:*
198a 27421
199 ..... 28568, 29044, 30391
276 26692
277 26693
807 27825
887 35927

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

3.01-1 (f) removed; (g) redesignated as (f) 25217
(h) redesignated as (g) and revised 33810
3.25-1 (b) revised 25217
3.40-10 (b) revised 35913
3.40-15 (b) revised 35913
3.40-17 Added 35913
3.40-20 (b) revised 35913
25.103 Revised 25217
25.111 (b) revised 25217
25.405 (g) revised 25218
47 Removed 25218
67 Authority citation revised; section authority citations removed 33810
67.50-1 Revised 33810
72.01-10 (a)(2) revised 25218
80 Authority citation revised 33810
80.01 (c) added 33810
80.155 Redesignated from 80.305 25218
80.160 Redesignated from 80.310 25218
80.165 Redesignated from 80.315 25218
80.170 Added 25218
80.305—80.325 Undesignated center heading removed 25218
80.305 Redesignated as 80.155 25218
80.310 Redesignated as 80.160 25218
80.315 Redesignated as 80.165 25218
80.320 Removed 25218
80.325 Redesignated as 80.503 25218
80.501 Added 25218
80.503 Redesignated from 80.325 25218
80.1102 Redesignated from 80.1105 25218
80.1104 Redesignated from 80.1110 25218
80.1105 Redesignated as 80.1102 25218
80.1106 Redesignated from 80.1115 25218
80.1108 Redesignated from 80.1120 25218
80.1110 Redesignated as 80.1104; new 80.1110 redesignated from 80.1125 25218
80.1112 Redesignated from 80.1130 25218
80.1114 Redesignated from 80.1135 25218
80.1115 Redesignated as 80.1106 25218
80.1116 Redesignated from 80.1140 25218
80.1118 Redesignated from 80.1145 25218
80.1120 Redesignated as 80.1108; new 80.1120 redesignated from 80.1150 25218
80.1122 Redesignated from 80.1155 25218
80.1124 Redesignated from 80.1160 25218
80.1125 Redesignated from 80.1110 25218
80.1126 Redesignated from 80.1165 25218
80.1130 Redesignated as 80.1112; new 80.1130 redesignated from 80.1205 25218
80.1132 Redesignated from 80.1210 25218
80.1134 Redesignated from 80.1215 25218
80.1135 Redesignated as 80.1114 25218
80.1136 Redesignated from 80.1220 25218
80.1138 Redesignated from 80.1225 25218
80.1140 Redesignated as 80.1116; new 80.1140 redesignated from 80.1230 25218
80.1142 Redesignated from 80.1250 25218

80.1144 Redesignated from 80.1255 25218
80.1145 Redesignated as 80.1118 25218
80.1146 Redesignated from 80.1260 25218
80.1148 Redesignated from 80.1265 25218
80.1150 Redesignated as 80.1120; new 80.1150 redesignated from 80.1270 25218
80.1152 Redesignated from 80.1275 25218
80.1155 Redesignated as 80.1122 25218
80.1160 Redesignated as 80.1124 25218
80.1165 Redesignated as 80.1126 25218
80.1205—80.1275 Undesignated center heading removed 25218
80.1205 Redesignated as 80.1130 25218
80.1210 Redesignated as 80.1132 25218
80.1215 Redesignated as 80.1134 25218
80.1220 Redesignated as 80.1136 25218
80.1225 Redesignated as 80.1138 25218
80.1230 Redesignated as 80.1140 25218
80.1250 Redesignated as 80.1142 25218
80.1255 Redesignated as 80.1144 25218
80.1260 Redesignated as 80.1146 25218
80.1265 Redesignated as 80.1148 25218
80.1270 Redesignated as 80.1150 25218
80.1275 Redesignated as 80.1152 25218
100 Temporary regulations list 26675
100.01 (b) added 33811
100.35-109 Added (temporary) 30164
100.35-544 Added (temporary) 26674
100.35-05068 Added (temporary) 31622
100.35-0911 Added (temporary) 28554
100.35-0914 Added (temporary) 29517
100.35-0918 Added (temporary) 28251
100.35-0921 Added (temporary) 32790
100.35-0924 Added (temporary) 32791
100.35-0925 Added (temporary) 31395
100.101 Redesignated from 100.304 and (b) revised 25219
100.102 Redesignated from 100.305 and (b) revised 25219
100.103 Redesignated from 100.307 and (b) revised 25219
100.104 Redesignated from 100.308 and (b) revised 25219
100.301 Redesignated as 100.502 and (b) revised 25218
100.302 Redesignated as 100.503 and (b) revised 25219
100.303 Redesignated as 100.504 and (b) revised 25219
100.304 Redesignated as 100.101 and (b) revised 25219
100.305 Redesignated as 100.102 and (b) revised 25219
100.306 Redesignated as 100.505 and (b) revised 25219
100.307 Redesignated as 100.103 and (b) revised 25219
100.308 Redesignated as 100.104 and (b) revised 25219
100.502 Redesignated from 100.301 and (b) revised 25218
100.503 Redesignated from 100.302 and (b) revised 25219
100.504 Redesignated from 100.303 and (b) revised 25219
100.505 Redesignated from 100.306 and (b) revised 25219
100.1103 Redesignated from 100.1201 25219
100.1104 Redesignated from 100.1202 25219
100.1201 Redesignated as 100.1103 25219
100.1202 Redesignated as 100.1104 25219
110 Authority citation revised 33811
110.1 (d) added 33811
110.238 Revised 25864
Technical correction 35914

TITLE 33 Chapter I—Con. Page
110.239 Added....26147
117.237 (c) revised....33812
117.261 (m) removed....26677
Heading revised; (qq) added....27684
(c) added....28694
117.287 (d)(2) revised....30671
117.317 (k) revised....28693
117.561 (b) (1) through (4) and (c) revised; introductory text republished (temporary)....26341
117.733 (h) revised....25374
117.753 Revised....25373
117.1051 (d) introductory text revised; (e) added; eff. to 8-21-87....25374
132 Appendix corrected....28471
147 Authority citation revised....33811
147.10 (d) added....33811
150 Authority citation revised....33811
150 Appendix A amended....33811
161 Authority citation revised; section authority citations removed....33586
161.101 (d) added....33811
161.703 Amended....33587
161.761 Revised....33587
161.767 Revised....33587
161.768 Revised....33587
161.769 Removed....33587
161.770 Removed....33587
162 Authority citation revised....33811
162.1 Added....33811
165 Temporary regulations list....26675
Authority citation revised....33811
165.T0139 Added (temporary)....35081
165.T226 Added (temporary)....25375
165.T05047 Added (temporary)....31396
165.T05-76 Added (temporary)....31763
165.T830 Added (temporary)....28252
165.T0901 Added (temporary)....34906
165.T0906 Added (temporary)....28555
165.T1165 Revised (temporary)....26147
165.8 Added....33811
165.130 Redesignated from 165.301....25218
165.140 Redesignated from 165.302....25218
165.150 Redesignated from 165.304....25218
165.155 Redesignated from 165.305....25218
165.160 Redesignated from 165.310....25218
165.301—165.310 Undesignated center heading removed....25218
165.301 Redesignated as 165.130....25218
165.302 Redesignated as 165.140....25218
165.303 Redesignated as 165.510....25218
165.304 Redesignated as 165.150....25218
165.305 Redesignated as 165.155....25218
165.310 Redesignated as 165.160....25218
165.510 Redesignated from 165.303....25218
165.703 (i) added....31763
165.1201 Undesignated center heading and section designation removed....25218
165.1703 Added....30671
166 Authority citation revised....33811
166.103 Added....33811
166.500 Added....33589
(b) correctly revised....36248
167 Authority citation revised....33811
167.3 Added....33812
167.100 Redesignated as 167.350....33589
167.150—167.350 (Subpart B) Heading revised....33589
167.150—167.155 Undesignated center heading added....33589
167.150 Added....33589
167.151 Added....33589
167.152 Added....33589
167.153 Added....33589
167.154 Added....33590
167.155 Added....33590
167.350 Undesignated center heading added; section redesignated from 167.100....33589
174 Authority citation revised....25219
174.121 Revised....25219

Page
177 Authority citation revised....33812
177.08 Introductory text revised....33812

Chapter II—Corps of Engineers, Department of the Army

207.249 Heading revised; (b)(3)(iii) and (5)(iii) and (d) amended; (b)(1) redesignated as (b)(1)(i) and heading added; (b)(1)(ii), (3)(iv), and (5)(iv) added....34775
241 Added; interim....35875
334.78 Added....28556

Title 33—*Proposed Rules:*

1—183 (Ch. I)....31786
110....27688, 34815
117....25389, 25391, 27225, 28018, 33434, 33836, 34685
140....25392
143....25392
162....34933
165....26703, 32314, 33435, 33436, 34687, 34816
166....25039, 28019
241....34934
334....36439

TITLE 34—EDUCATION

Subtitle A—Office of the Secretary, Department of Education

5 Authority citation revised....32524
5.6 Added....32525
5.60—5.64 (Subpart E) Revised....32525
11 Revised....25152
32 Added; eff. 7-31-87....24957
75 Authority citation revised....27803
75.1 (a) Note and tables removed; (a) revised (effective date pending)....27803
75.50 Revised (effective date pending)....27803
75.111 (d) and (e) removed (effective date pending)....27803
75.124 Undesignated center heading and section removed (effective date pending)....27803
75.125 (a) designation and (b) removed (effective date pending)....27803
75.138—75.141 Undesignated center heading and sections removed (effective date pending)....27803
75.200 (b)(3) and (c)(2) revised (effective date pending)....27803
75.201 (b)(1) designation and (2) removed (effective date pending)....27803
75.202—75.206 Removed (effective date pending)....27803
75.210 Revised (effective date pending)....27803
75.217 Revised (effective date pending)....27804
75.219 (b) removed; (c) redesignated as (b) and revised (effective date pending)....27804
75.221 Removed (effective date pending)....27804
75.222 Heading and section amended (effective date pending)....27804
75.250 (a) designation and (b) removed (effective date pending)....27804
75.254 Removed (effective date pending)....27804
75.260 (a) revised (effective date pending)....27804
75.708 (a) revised (effective date pending)....27804
75.721 Removed (effective date pending)....27804
75.733 Removed (effective date pending)....27804
76 Authority citation revised....27804
76.1 (a) Note and tables removed; (a) revised (effective date pending)....27804
76.50 (a) introductory text revised (effective date pending)....27804
76.100 Revised (effective date pending)....27804
76.101 Revised (effective date pending)....27804
76.102 Cross-reference removed (effective date pending)....27804
76.301 Revised (effective date pending)....27804
76.401 (a) introductory text and (b) revised (effective date pending)....27805

TITLE 34 Subtitle A—Con. Page

76.563 Introductory text amended (effective date pending)..... 27805
76.772 Cross-reference removed (effective date pending)..... 27805

Chapter II—Office of Elementary and Secondary Education, Department of Education

206 Authority citation revised..... 24920
206.1 Authority citation revised..... 24920
206.2 (a), (b) and authority citation revised (effective date pending)..... 24920
206.3 Authority citation revised..... 24920
206.4 (a) and authority citation revised (effective date pending)..... 24920
206.5 (c)(1) and authority citation revised (effective date pending)..... 24920
206.10 (b)(1) (i) through (viii) and (2) (i) through (iii) and authority citation revised; (b)(2) (iv) through (vi) and (c) added (effective date pending)..... 24920
206.20 (a) amended; (b) redesignated as (d); new (b) and (c) added; authority citation revised; OMB number (effective date pending)..... 24920
206.30 Authority citation revised..... 24920
(b) revised (effective date pending)..... 24921
221.15 (b) introductory text and (3) revised (effective date pending)..... 28814
206.31 Authority citation revised..... 24920
(a)(2)(ii) revised; (i) added; OMB number (effective date pending)..... 24921
230 Added (effective date pending)..... 26919
235 Added (effective date pending)..... 26923
237 Added (effective date pending)..... 26466
250 Authority citation revised..... 28232
250.4 (b) amended..... 28232
251 Authority citation revised..... 28232
251.31 Added..... 28232
251.32 Added..... 28233
270 Revised (effective date pending)..... 24963
271 Added..... 24964
272 Added..... 24965

Chapter III—Office of Special Education and Rehabilitative Services, Department of Education

309 Revised (effective date pending)..... 29817
315 Heading and authority citation revised (effective date pending)..... 31958
315.1 Heading revised; text amended (effective date pending)..... 31958
315.10 Nomenclature change (effective date pending)..... 31958
315.11 Nomenclature change (effective date pending)..... 31958
315.12 Nomenclature change; (a) introductory text and (4) and (b)(2) amended (effective date pending)..... 31958
315.13 Nomenclature change; (a) revised; (c) redesignated as (d); new (c) added (effective date pending)..... 31958
315.14 Amended (effective date pending)..... 31959
315.30 (a) amended (effective date pending)..... 31959
315.31 Redesignated as 315.32 and revised; new 315.31 added (effective date pending)..... 31959
315.32 Redesignated from 315.31 and revised (effective date pending)..... 31959
315.33 Added (effective date pending)..... 31959
315.34 Added (effective date pending)..... 31960
319 Added (effective date pending)..... 25831
320 Heading and authority citation revised..... 26657

Page

320.1 Heading, introductory text and (a) revised; (b) amended; (c) redesignated as (d); new (c) added (effective date pending)..... 26657
320.10 (a)(2) removed; (a)(3) and (c) redesignated as (a)(2) and (d); (a)(1)(iii) and (b) amended; new (c) added (effective date pending)..... 26657
320.30 (b)(2)(iii) amended (effective date pending)..... 26657
320.40 (b) revised (effective date pending)..... 26657
326 Authority citation revised..... 34368
326.1 (a)(2) (i) and (ii) revised; (a)(2)(iii) added (effective date pending)..... 34368
326.4 (c)(1) (i) and (ii) revised; (c)(1)(iii) added (effective date pending)..... 34368
326.10 (a)(3) amended; (a)(4) revised (effective date pending)..... 34369
326.20 (b) revised (effective date pending)..... 34369
326.30 (b) and (e) amended; (i), (j), and (k) added (effective date pending..... 34369
326.34 Added (effective date pending)..... 34369
350 Heading and authority citation revised (effective date pending)..... 30060
350.1 Heading, (a) (1) and (3), and authority citation revised; (a) introductory text republished (effective date pending)..... 30060
350.2 (b), (c), and authority citation revised; (d) added (effective date pending)..... 30061
350.3 Introductory text and (a)(2) revised (effective date pending)..... 30061
350.4 (a) introductory text and (b) introductory text revised; (b) amended (effective date pending)..... 30061
350.30 Revised (effective date pending)..... 30061
350.32 (a) and authority citation revised (effective date pending)..... 30061

Page

350.33 (a), (b), and (e) revised; (c) amended (effective date pending)..... 30062
350.34 Heading revised (effective date pending)..... 30062
350.35 Added (effective date pending)..... 30062
350.40 (b)(1) introductory text republished; (b)(1)(iii) revised (effective date pending)..... 30062
351 Heading and authority citation revised (effective date pending)..... 30062
351.1 Nomenclature changes (effective date pending)..... 30062
351.10 Introductory text and (b) introductory text republished; (a), (b) (6) and (7), and authority citation revised; (b) (8) and (9) added; nomenclature changes (effective date pending)..... 30062
352 Heading and authority citation revised (effective date pending)..... 30063
352.10 (b) and (d) revised (effective date pending)..... 30063
352.31 Revised (effective date pending)..... 30063
352.40 (Subpart E) Added (effective date pending)..... 30064
353 Heading and authority citation revised (effective date pending)..... 30064
353.1 (b) and (c) revised (effective date pending)..... 30064
353.10 (a) introductory text and (b) introductory text republished; (a) (iii) and (iv) amended; (a)(v) added; (b)(1) revised (effective date pending)..... 30064
353.31 Revised (effective date pending)..... 30064
354 Heading and authority citation revised (effective date pending)..... 30065
355 Heading and authority citation revised (effective date pending)..... 30065
356 Heading and authority citation revised (effective date pending)..... 30065

TITLE 34 Chapter III—Con. Page
356.30 (b)(1) amended (effective date pending)..... 30065
356.32 (b) amended (effective date pending)..... 30065
357 Heading and authority citation revised (effective date pending)..... 30065
357.1 (b) and (c) amended (effective date pending)..... 30065
358 Heading and authority citation revised (effective date pending)..... 30065
359 Heading and authority citation revised (effective date pending)..... 30065
359.32 Added (effective date pending)..... 30066
363 Added (effective date pending)..... 30550
371 Heading and authority citation revised (effective date pending)..... 30555
371.1 Revised (effective date pending)..... 30555
371.2 Amended (effective date pending)..... 30555
371.4 (b) (1) through (4) designations removed; (b) amended (effective date pending)..... 30555
371.10 Amended (effective date pending)..... 30555
371.20 Amended (effective date pending)..... 30555
371.21 (c), (d), (e), (f), (g), and (h) amended; (i) revised (effective date pending)..... 30555
371.30 (f)(2) (i) and (ii) amended (effective date pending)..... 30555
371.40 Revised (effective date pending)..... 30556
371.41 (a)(2) and (b) amended (effective date pending)..... 30555
371.42 Amended (effective date pending)..... 30555
Revised (effective date pending)..... 30556
371.43 (a) and (b) amended (effective date pending)..... 30555
386 Authority citation revised..... 30556
386.1 Revised (effective date pending)..... 30556
386.4 Revised (effective date pending)..... 30556
386.30 (c) and (h)(2)(iii) amended (effective date pending)..... 30556
386.42 Revised (effective date pending)..... 30556
386.43 Added (effective date pending)..... 30557
386.44 Added (effective date pending)..... 30557
386.45 Added (effective date pending)..... 30558
386.46 Added (effective date pending)..... 30558
386.47 Added (effective date pending)..... 30558

Chapter V—Office of Bilingual Education and Minority Languages Affairs, Department of Education

500.15—500.20 Undesignated center heading added (effective date pending)..... 27805
500.15 Added (effective date pending)..... 27805
502 Removed (effective date pending)..... 30322
504 Removed (effective date pending)..... 30322
524 Added (effective date pending)..... 30322

Chapter VI—Office of Postsecondary Education, Department of Education

607 Added (effective date pending)..... 30529
608 Added (effective date pending)..... 30538
609 Added (effective date pending)..... 30541
614 Revised (effective date pending)..... 30561
628.2 Revised (effective date pending)..... 36374
628.4 (a) and (b) revised (effective date pending)..... 36375
628.5 (a) (2) and (3) removed; (a)(1) revised (effective date pending)..... 36375
628.6 Introductory text revised (effective date pending)..... 36375
628.48 (a)(2) removed; (a)(1) redesignated as (a)(2); new (a)(1) added (effective date pending)..... 36375
629 Revised (effective date pending)..... 29824
630 Authority citation revised..... 27523
630.5 (b) amended (effective date pending)..... 27523
630.11 (c) added; authority citation revised (effective date pending)..... 27523
630.33 Amended (effective date pending)..... 27523
630.34 Redesignated as 630.35; new 630.34 added (effective date pending)..... 27523
630.35 Redesignated from 630.34 (effective date pending)..... 27523
631 Revised (effective date pending)..... 29140
632 Revised (effective date pending)..... 29142
633 Revised (effective date pending)..... 29144
634 Revised (effective date pending)..... 29145
635 Revised (effective date pending)..... 29146
636 Authority citation revised..... 29147
Authority citation corrected..... 30280
636.2 (a) and (b) amended (effective date pending)..... 29147
636.4 (c) amended (effective date pending)..... 29147
636.10 Amended (effective date pending)..... 29147
636.30 Amended (effective date pending)..... 29147
636.40 Amended (effective date pending)..... 29147
636.41 Amended..... 29147
643 Authority citation revised..... 27774
643.4 (b) and (c)(1) revised (effective date pending)..... 27774
643.6 (b) amended (effective date pending)..... 27774
643.20 (b) and (c) amended; (d) added (effective date pending)..... 27774
644 Authority citation revised..... 28420
644.4 Removed..... 28420
644.6 (b) amended..... 28420
644.10 (b) amended..... 28420
644.20 (c) added..... 28420
644.42 Removed..... 28420
645 Authority citation revised..... 27776
645.3 (a)(3) revised (effective date pending)..... 27776
645.4 (d)(1) revised (effective date pending)..... 27776
645.6 (b) amended (effective date pending)..... 27776
646 Heading and authority citation revised (effective date pending)..... 27906
646.1 Amended (effective date pending)..... 27906
646.2 Amended (effective date pending)..... 27906
646.3 Introductory text amended; (c) revised (effective date pending)..... 27906
646.4 (a) and (b) amended; (d)(1) revised (effective date pending)..... 27906
646.5 Heading and introductory text amended (effective date pending)..... 27906
646.6 Heading amended (effective date pending)..... 27906
646.10 Heading, (a) introductory text, and (b) amended (effective date pending)..... 27906
(a)(8) redesignated as (a)(9); new (a)(8) added; (a)(4) and new (9) revised (effective date pending)..... 27907
646.30 (b) amended (effective date pending)..... 27906
646.31 (f)(1) introductory text and (iii) and (h)(1) and (2)(iv) amended (effective date pending)..... 27906
646.32 (a)(1) amended (effective date pending)..... 27906
646.40 Introductory text amended (effective date pending)..... 27906
650 Authority citation revised; nomenclature change..... 29356
650.1 Existing text designated as (a); (b) added (effective date pending)..... 29356
650.2 (b)(4) revised (effective date pending)..... 29357

93-145 O - 87 - 4

TITLE 34 Chapter VI—Con. Page

650.4 Amended (effective date pending)....29357
650.5 (b) revised (effective date pending)....29357
650.33 (a)(3) and (b) and (a) designation removed; (a) (1) and (2) redesignated as (a) and (b) and amended (effective date pending)....29357
650.42 Revised (effective date pending)....29357
658 Authority citation revised....28422
658.10 (a), (b) introductory text, and (c) introductory text amended (effective date pending)....28422
658.11 Introductory text amended; (g) revised (effective date pending)....28422
658.32 (b)(2)(i) and (c)(2)(ii) amended (effective date pending)....28422
660 Authority citation revised....28424
660.1 (b) amended; (c) redesignated as (d) and revised; new (c) added (effective date pending)....28424
660.10 (b) and (c) introductory text revised (effective date pending)....28424
661 Authority citation revised....28426
661.10 (h) and (i) amended; (j) added (effective date pending)....28426
668.90—668.102 (Subpart H) Added (effective date pending)....30015
668.93 (a) corrected....32868
668.95 (e)(1)(v) corrected....32868
673.1—673.2 (Subpart A) Added (effective date pending)....29122
673.21—673.33 (Subpart C) Added (effective date pending)....29122
673.41—673.45 (Subpart D) Added (effective date pending)....29129

Chapter VII—Office of Educational Research and Improvement, Department of Education

745 Authority citation revised....27805
745.12 Added (effective date pending)....27805
762 Added (effective date pending)....29608
764 Added (effective date pending)....28527
765 Added (effective date pending)....28528
766 Added (effective date pending)....28529
785 Redesignated from Part 796 and revised (effective date pending)....30612
786 Added (effective date pending)....30614
787 Added (effective date pending)....30617
788 Added (effective date pending)....30620
789 Added (effective date pending)....30622
796 Redesignated as Part 785 and revised (effective date pending)....30612

Title 34—*Proposed Rules:*

33....27650
602....33908
603....33908

TITLE 35—PANAMA CANAL

Chapter I—Panama Canal Regulations

9 Authority citation revised....31397
9.2 Revised....31397
9.4 Amended....31397
9.5 (a) revised....31397
9.6 (a)(1) amended; (b) revised....31397
9.8 (b)(1) revised....31397
9.11 Revised....31397
9.12 Redesignated as 9.14....31397
Added....31398
9.13 Redesignated as 9.15....31397
Added....31398
9.14 Redesignated from 9.12....31397
9.15 Redesignated from 9.13....31397

Page

257 Added....26007

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter I—National Park Service, Department of the Interior

1.2 (b) revised....35239
2.2 (g) revised....35240
2.3 (g) revised....35240
2.4 (g) revised....35240
2.13 (d) revised....35240
2.22 (d) revised....35240
2.30 (b) revised....35240
2.31 (b) revised....35240
2.32 (b) revised....35240
2.34 (b) revised....35240
2.36 (b) revised....35240
5 Authority citation revised....35240
5.8 (c) revised....35240
5.9 (c) revised....35240
7.23 Added; interim eff. to 4-4-89....31765
7.71 (g) added....34777
7.92 (c) added....34777

Chapter II—Forest Service, Department of Agriculture

211.18 (b)(12) added; interim....27547
222 Existing regulations unchanged....30359

Chapter VII—Library of Congress

701.34 Revised....34383

Chapter VIII—Advisory Council on Historic Preservation

800.6 (a)(2) and (c)(2) corrected....25376
800.10 Introductory text designation (a) correctly removed....25376
800.12 (a) corrected....25376

Chapter IX—Pennsylvania Avenue Development Corporation

902 Authority citation revised....26677
902.80 (b) revised....26677
902.81 Revised....26677
902.82 Revised....26677
902.83 Revised....26679

Page

903 Authority citation revised....34384
903.11 Redesignated as 903.12; new 903.11 added....34384
903.12 Redesignated as 903.13; new 903.12 redesignated from 903.11....34384
903.13 Redesignated from 903.12....34384

Chapter XII—National Archives and Records Administration

1220.14 Amended....34134
1228 Authority citation revised....34134
1228.32 Revised....34134
1228.34 Revised....34134
1228.36 Removed....34134
1228.190 Revised....34134
1228.192 Removed....34135
1250.12 Revised....29519
1250.30 Revised....29519
1250.38 Removed....29519
1250.40 Removed....29519
1250.42 Removed....29519
1250.44 Removed....29519
1250.46 Removed....29519
1250.37—1250.46 (Subpart D) Added....29519
1250.50—1250.60 (Subpart D) Redesignated as Subpart E....29519
1250.50—1250.60 (Subpart E) Redesignated from Subpart D....29519
1250.70 (Subpart E) Redesignated as Subpart F....29519
1250.70 (Subpart F) Redesignated from Subpart E....29519
1250.80 (Subpart F) Redesignated as Subpart G....29519
1250.80 (Subpart G) Redesignated from Subpart F....29519
1250.50 (a) amended....29521
1250.58 (c) revised....29521
1250.70 (a)(7) revised....29521
1258.2 (c)(7) added....29521
1258.12 (c)(3) amended....29521

Title 36—*Proposed Rules:*

7....31788
9....28850
79....32740
223....28167
251....33837, 33839
404....33957

Title 36—*Proposed Rules—Con.* Page
1150 ... 26534
1190 ... 34955
1208 ... 25124, 27902

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

201.11 Heading, (a) (1), (2), and (5), and (b) through (f) removed; (a) (3) and (4) redesignated as 201.17 (b) (2) and (4) ... 28253
201.17 (b) (2) and (4) redesignated from 201.11 (a) (3) and (4); (b)(7), (e)(2), (9)(vii), and (12), and (g) amended; (d)(2) (i) and (ii), (e)(14)(iii)(E), (h)(2) introductory text, and (3) introductory text revised; footnote 8, (h)(4)(iv), and (j)(5) removed ... 28253
202.23 Revised ... 28822

Title 37—*Proposed Rules:*
1 ... 34080, 36736
5 ... 36736
201 ... 28731
202 ... 28311

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

3.23 Heading, (a) and (c) revised ... 34907
3.24 Heading, (b) and (c) revised ... 34907
3.25 Revised ... 34907
3.26 Revised ... 34908
3.27 (a) and (b) revised ... 34908
3.28 Revised ... 34908
3.155 (c) text revised; (c) cross reference added ... 27340
3.157 (a) amended; (b)(1) revised ... 27340
3.262 (b)(2) revised ... 34908
3.700 (a)(2) revised, (a)(3) amended; (a)(5) added ... 27340
3.802 (b) amended ... 34909
3.1600 (a), (b) introductory text, (f) introductory text and (g) amended; (c) revised ... 34909
3.1601 (a)(1)(i) and (2)(i) revised; (a)(2)(iii) amended ... 34909
3.1604 (a) introductory text, (c), and (d)(3) revised; (b)(2) amended ... 34909
3.1612 (e)(2)(ii) revised; (e)(2)(iii) added ... 34910
21.5820 (b) introductory text, (1)(ii) (A) and (B), and (2)(ii) (A) and (B) revised ... 35241
21.5822 (b)(1) (i) and (ii) and (2) (i) and (ii) revised ... 35241
36.4212 (a) revised ... 34218
36.4311 (a), (b) and (c) revised ... 34218
(a) correctly revised ... 34910
36.4324 (a) amended ... 26342
36.4503 (a) revised ... 34218

Title 38—*Proposed Rules:*
4 ... 32318, 35610
8a ... 26356
13 ... 33248
15 ... 25124, 27902
17 ... 25254
21 ... 25736, 26026, 30178, 31416, 36280

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

10 Redesignated as Part 20; new Part 10 added ... 29697
Heading corrected ... 33410
20 Redesignated from Part 10 ... 29697
111.3 DMM amended; incorporation by reference; interim ... 27993
DMM amended; incorporation by reference ... 29012, 34779
965 Added ... 29012

Chapter III—Postal Rate Commission

3001.61—3001.68 (Subpart C) Appendix A amended ... 28140

Title 39—*Proposed Rules:*
20 ... 34816
111 ... 27565, 28021, 34243
266 ... 32816
601 ... 36590

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

1.37 (a) introductory text and (e) revised ... 30359
1.45 (b) revised ... 30360
1.47 (d) added ... 30360
1.49 (g) added ... 30360
12 Added ... 30606
22 Authority citation revised ... 30673
22.01 (a)(5) revised; (a)(6) added; interim ... 30673
22.38 Added; interim ... 30673
50.6 Revised; eff. 7-31-87 ... 24663
Technical correction ... 26401
50.7 Removed; eff. 7-31-87 ... 24664
Technical correction ... 26401
50 Appendix G amended; Appendix J added; eff. 7-31-87 ... 24664
Appendix K added; eff. 7-31-87 ... 24667
Technical correction ... 26401
Appendix K corrected ... 29382, 31701
Appendix J corrected ... 29647
51 Authority citation revised ... 24712
State implementation plan attainment groups ... 29383
51.100 (oo) through (ss) added; eff. 7-31-87 ... 24712
51.151 Amended; eff. 7-31-87 ... 24713
51.165 (a)(1)(x) amended; (b) revised; eff. 7-31-87 ... 24713
Correctly designated ... 29386
51.166 (a)(6)(i) and (i)(8)(i)(*c*), (*f*), (*h*), and (*l*) revised; (b)(23)(i), (c) table and (p)(4) table amended; (i)(10) added; eff. 7-31-87 ... 24713
(i)(10) corrected ... 29386
51.322 (a)(1) and (b)(1) revised; eff. 7-31-87 ... 24714
51.323 (a) (1) and (2) revised; (a)(3) added; eff. 7-31-87 ... 24714
51 Appendixes L and S amended; eff. 7-31-87 ... 24714
Appendix S corrected ... 29386
52 State implementation plan attainment groups ... 29383
State implementation plan deficiency notice ... 34384
52.21 (b)(23)(i) table, (c) table, (i)(8)(i), and (p)(5) table amended; (i)(4) (ix) and (x), (11), and (m)(1) (vii) and (viii) added; (w)(2) revised; eff. 7-31-87 ... 24714
(m)(1)(vii) corrected ... 26401
52.24 (f)(10) amended; eff. 7-31-87 ... 24715
52.50 (c)(46) added ... 28254
52.220 (c)(154)(v)(B), (159) (ii) through (vi) and (160) added; (c)(159) introductory text republished ... 26149
52.520 (c)(62) added ... 35704
52.581 (c) redesignated as (a); new (b) added ... 32918
52.726 (c) added ... 26012
52.770 (c)(63) added ... 33591
52.777 (c)(1)(i) removed ... 33591
52.920 (c)(47) added ... 33593
52.1120 (c)(73) added ... 32792
52.1167 Table amended ... 32792
52.1168 Revised ... 32792
52.1270 (c)(19) added ... 35705
52.1420 (c)(35) added ... 28695
52.1425 (a) table amended ... 28696
52.1431 Table amended ... 28696
52.1520 (c)(37) added ... 35082
52.1525 Table amended ... 35082
52.1770 (c)(51) added ... 33934
52.1970 (c)(80) added ... 28255
(c)(81) added ... 32012
52.1985 (b) added ... 32012
52.2070 (c)(28) added ... 32794
(c)(30) added ... 32919
(c)(26) added ... 36250
52.2081 Table amended ... 32794, 32920, 36250
52.2370 (c)(19) added ... 26981
52.2381 Table amended ... 26982
53 Technical correction ... 27902
53.1 (j) revised; (m) and (n) added; eff. 7-31-87 ... 24727
53.2 Revised; eff. 7-31-87 ... 24727
53.3 Revised; eff. 7-31-87 ... 24727
53.4 (a) and (b)(3) amended; footnote 1 removed; (b) (4) through (6) and (c) revised; eff. 7-31-87 ... 24727
53.9 (c) revised; (d), (f), and (g) amended; eff. 7-31-87 ... 24728
53.20—53.23 (Subpart B) Heading revised; eff. 7-31-87 ... 24728
53.30—53.34 (Subpart C) Heading revised; eff. 7-31-87 ... 24728

CHANGES JULY 1 THROUGH SEPTEMBER 30, 1987

TITLE 40 Chapter I—Con. Page

53.30 (a), (b)(2) heading, (c) and (d)(2) heading, (3) and (4) revised; (b)(4) added; eff. 7-31-87....24728
53.31 (b) heading revised; (b) text amended; eff. 7-31-87....24728
53.32 Heading revised; (c) (1), (2), (3) (i) and (ii) and (4) amended; eff. 7-31-87....24728
53.33 Heading and (h) (2) and (3) revised; (b), (e), (h) heading and (i) amended; eff. 7-31-87....24728
53.34 Added; eff. 7-31-87....24729
53.40—53.43 (Subpart D) Added; eff. 7-31-87....24729
58.1 (t), (u), and (v) added; eff. 7-31-87....24739
58.13 (b) revised; (c) added; eff. 7-31-87....24739
58.20 (e) amended; eff. 7-31-87....24740
58.23 Introductory text revised; eff. 7-31-87....24740
58.30 (a) introductory text amended; eff. 7-31-87....24740
58.34 Introductory text amended; eff. 7-31-87....24740
58.35 (d) amended; eff. 7-31-87....24740
58 Appendex A, B and C amended; eff. 7-31-87....24741
Appendix D amended; eff. 7-31-87....24742
Appendix E amended; eff. 7-31-87....24744
Appendix F amended; eff. 7-31-87....24748
Appendix G amended; eff. 7-31-87....24749
Appendixes D and E corrected....27286
60 Authority delegation notices....28255, 33934, 35083-35085, 35087, 35088, 35090, 35091, 36033, 36417, 36418
60.43 (a)(2) revised; (e) added....28954
60.46 (h) added....28955
60.285 (d) (1) and (3) revised....36409
60.540—60.548 (Subpart BBB) Added....34874
60 Appendix F corrected....27612
Appendix G added....28955
Appendixes A and B amended....30675
Appendix A corrected....33316
Appendix A amended....34639, 36410, 36415
Appendix B amended....34650
61 Authority delegation notices....28255, 30920, 35084, 35085, 35087, 35088, 35090-35092, 36417, 36418
61.123 OMB number....28141
61.124 OMB number....28141
61.125 OMB number....28141
61.126 OMB number....28141
81.330 Amended....35082
81.350 Amendment at 46 FR 61127 correctly designated....36419
85.1501—85.1515 (Subpart P) Revised....36156
136.3 (a) Table IB amended; interim....33543
141.2 Amended; eff. 1-9-89....25712
141.24 (g) added....25712
141.32 (a) amended; 1-9-89....25714
141.35 Added....25714
141.40 Revised....25715
141.50 (b) revised; eff. 1-9-89....25716
141.60 Revised; eff. 1-9-89....25716
141.61 Added; eff. 1-9-89....25716
141.100—141.101 (Subpart J) Added; eff. 1-9-89....25716
142.56 Added; eff. 1-9-89....25716
142.62 Added; eff. 1-9-89....25716
146 Test program approval extended to 7-14-88....26342
180 Policy statement....32128
180.1 (h) table amended....33239
180.108 Existing text designated as (a) and table amended; (b) added....33236
180.135 Technical correction....27548
180.137 Technical correction....27548
180.144 Heading and text nomenclature change....32306
180.153 Heading and text nomenclature change....32306
180.170 Heading and text nomenclature change....32306
180.172 Existing text designated as (a) and table amended; (b) added....33236
180.175 Existing text designated as (a) and table amended; (b) added....33236
180.183 Existing text designated as (a) and table amended; (b) added....33237

CHANGES JULY 1 THROUGH SEPTEMBER 30, 1987

Page

180.185 Existing text designated as (a) and table amended; (b) added....33237
180.199 Existing text designated as (a) and table amended; (b) added....33237
180.204 Existing text designated as (a) and table amended; (b) added....33237
180.205 (b) table amended....31030
180.246 Revised....27552
(b) table amended....28259
Technical correction....33903
180.250 Heading and text nomenclature change....32306
180.253 Existing text designated as (a) and table amended; (b) added....33237
180.255 Heading and text nomenclature change....32306
180.258 Existing text designated as (a) and table amended; (b) added....33237
180.259 Existing text designated as (a) and table amended; (b) added....33237
180.262 Existing text designated as (a) and table amended; (b) added....33237
180.266 Heading and text nomenclature change....32306
180.275 Existing text designated as (a) and table amended; (b) added....33237
180.294 Existing text designated as (a) and table amended; (b) added....33238
180.295 Heading and text nomenclature change....32306
180.308 Heading and text nomenclature change....32306
180.315 Existing text designated as (a) and table amended; (b) added....33238
180.324 (a) table amended....35706
180.327 Heading and text nomenclature change....32306
180.330 Existing text designated as (a) and table amended; (b) added....33238
180.342 Existing text designated as (a); (b) added....27549
(a) table amended; (b) added....33238
180.349 (a) table amended; (c) added....33238
180.350 Existing text designated as (a) and table amended; (b) added....33238
180.364 (a) table amended....34911
(b) introductory text revised....34913
180.366 Heading and text nomenclature change....32306
180.377 Existing text designated as (a) and table amended; (b) added....33238
180.381 (a) table amended....33936
180.399 (a) table amended....34914
180.406 Heading and text nomenclature change....32306
180.412 Table amended....27550
180.414 (a), (b), and (c) revised....27551
180.415 Existing text designated as (a); (b) added....25603
180.423 Heading and text nomenclature change....32306
180.434 Table corrected....25602
180.1084 Revised....32306
180.1086 Heading correctly revised....29014
228.12 (a)(1)(ii)(C) removed; (b) (32), (33), (34) and (35) added....25011
(a)(3) amended....29846
(a)(3) amended; (b)(31) added....30361
(a)(1)(ii) (D) and (N) removed; (b) (42) through (45) added....34222
(a)(1)(ii)(K) removed; (b)(47) added....35917
261 Petitions denied....28696
Authority citation revised....28698
261.32 Table amended....28698
261.33 (c) correctly revised....26012
261 Appendix IX amended....29848, 29851
262 Authority citation revised....35898
262.42 Revised....35898
262.44 Revised....35899
262.51 Revised....25787
264 Authority citation revised....25946
264.13 (b)(7)(iii) revised....25787
264.98 (h)(2), (3) introductory text and (4)(i) introductory text revised....25946
264.99 (f) revised....25946
264 Appendix IX added....25947

CHANGES JULY 1 THROUGH SEPTEMBER 30, 1987

TITLE 40 Chapter I—Con. Page

265.13 (b)(7)(iii) revised 25788
268.1 (c) (3) and (4) amended; (c)(5) added 25788
268.2 (a) amended; introductory text republished 25788
268.3 Revised 25788
268.4 (a)(2) revised; (b) added 25788
268.5 (a)(2), (h)(1) and (2)(iii) revised; (h)(2)(v) added 25788
268.6 (k) added 25789
268.7 (a) introductory text, (1) introductory text and (ii) and (2) introductory text, (i)(B) and (ii), (b) introductory text, (1)(ii), (2) introductory text and (i) and (c) revised 25789
268.30 (a)(4) added 25790
268.32 Added 25790
268.40 Revised 25790
268.42 (a) (1) and (2) added; (b) revised 25790
268.50 (a) introductory text and (e) revised; (f) added 25791
268 Appendix III added 25791
270 Authority citation revised 25953
State hazardous waste management programs; compliance date extended 34779
270.14 (c)(4)(ii) revised 25953
(c)(8)(v) correctly revised 33936
270.42 (o) (1) and (2) revised; (p) added 25792
270.72 (e) revised 25792
271 State hazardous waste management programs; schedule of compliance 26013, 27198, 29522, 30681, 30682
State hazardous waste management programs approved 26476, 35556
Authority citation revised 35899
271.1 (j) Tables 1 and 2 amended 25792
(j) Table 1 amended 35899
272 Comment period corrected 26013
State hazardous waste management programs approved 27199
300 Appendix B revised 27634
305 Removed 33814
306 Removed 33814
418 Authority citation revised 28432
418.10 Revised 28432
421.21 (c) added 25556
421.23 (a) through (h), (j) through (o), and (q) and (r) tables amended 25556
421.24 (b), (d), (e), (h), (k) and (l) tables amended 25558
421.26 (b), (d), (e), (h), (k) and (l) tables amended 25559
421.33 (d) and (g) revised 25559
421.34 (d) and (g) revised 25559
421.35 (d) and (g) revised 25560
421.36 (d) and (g) revised 25560
600.007–80 (b)(7) added; (f) revised 36164
790.50 (a)(2)(ii) removed; interim 36569
790.52 (c) revised; interim 36569
790.55 (b) revised; (c) added; interim 36571
790.68 (b) (2) and (3) revised; interim 36571
795.45 (b)(1)(ii) Table 1 corrected 32990
795.120 Added; eff. 8–14–87 24462
796.1550 (b)(3)(ix) corrected 26150
796.1840 (b)(1)(vi)(A) corrected 26150
797.1600 Heading corrected 26150
797.1800 (c)(4)(v) and (d)(1)(iii)(D) corrected 26150
797.1930 (c)(6) (i) and (ii) corrected 26150
798.2450 (d)(11)(i)(A) corrected 26150
798.4350 (e)(6)(i)(A) corrected 26150
798.5395 (e)(1)(i) corrected 26150
(e)(2) corrected 34654
799.500 (d)(2)(i)(B) correctly designated 32990
799.1052 (c) removed; eff. 8–14–87 24465
799.1053 (c) removed; (d)(1) (ii) and (iii), (2) (ii) and (iii), (3) (ii) and (iii), (4) (ii) and (iii), (5) (ii) and (iii) and (g) added; eff. 8–14–87 24465
799.1054 (a)(2) revised 26477
799.1645 Added 28704
799.1650 (c)(3) corrected 32240
799.1700 Technical correction 26982

CHANGES JULY 1 THROUGH SEPTEMBER 30, 1987

Page

799.3175 Added 31969
799.3450 (c)(1) (ii) and (iii) and (d) added 35709
799.4000 Added 25225
799.5000 Technical correction 32990

Title 40—*Proposed Rules:*

2 29045
13 32098
22 ..... 25255, 29222, 33960
24 ..... 29222, 33960
35 28112
50 ..... 24670, 24716, 29392, 34243
51 26404
52 ..... 24716, 25256, 26404, 26413–26439, 26534, 27016, 27569, 28570, 29392, 29394, 30189, 31789, 31791, 32321, 33250, 33252, 33437, 33840, 34243, 35279, 36054, 36282, 36593
60 ..... 25399, 29548, 31633, 32026, 36440, 36678
61 36594
62 33605
65 28575
80 ..... 31162, 31274, 33438
81 ..... 26410, 36055
86 ..... 31162, 31274, 33438, 33560
122 30931
123 30931
124 ..... 28112, 32446, 35838
133 35210
136 33547
141 ..... 25720, 28112
142 28112
143 28112
144 ..... 28112, 32446
146 ..... 28112, 32446
148 32446
152 36595
153 36595
158 36595
160 31635
162 36595
180 ..... 26536, 28313, 28314, 29050, 31635, 32322, 33903, 34943
192 36000
228 ..... 27689, 29550, 30189, 31635, 35938
260 ..... 25612, 26537, 28167, 29708
261 ..... 25612, 26537, 33439, 35279
264 ..... 25612, 26537, 28167, 31948, 35838
265 ..... 25612, 26537, 28167, 29704, 30570
266 ..... 25612, 26537
268 29992
270 ..... 25612, 26537, 28167, 29708, 30570, 35838
271 ..... 25612, 26537, 28167, 30192, 30570, 35452, 36444
300 ..... 27643, 33446
305 26160
306 26160
370 26357
372 ..... 25040, 27226
600 ..... 31162, 31274, 33438
721 33606
761 ..... 25838, 31738, 33680, 35350
763 ..... 25041, 29228
795 ..... 29395, 29990
796 ..... 29395, 36334
797 36334
799 ..... 28023, 29395, 31970

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

101–5 *See* Temp. Reg. A–29 26150
101–1—101–8 (Subchapter A Appendix) Temporary Reg. A–29, Supp. 1 added 26150
101–26.102–1 *See* Temp. Reg. E–88 29522
101–26.501 (a) amended; (b), (c) and (d) introductory text revised 29523
101–26.501–1 (a) and (b) revised 29523
101–26.501–2 (a), (b) and (c) revised 29524
101–26.501–3 Introductory text and (b) revised 29524
101–26.501–4 (a) and (b)(2) revised; (b)(3) removed 29524
101–26.501–6 (c) revised 29524
101–26.501–8 (a) amended; (b) revised; (c) removed 29524
101–26.501–9 Revised 29525
101–25—101–34 (Subchapter E Appendix) Temporary Reg. E–88 added 29522
101–40.206 *See* Temp. Reg. G–49 26151
101–41.203–2 *See* Temp. Reg. G–50 36572
101–38—101–41 (Subchapter G Appendix) Temporary Reg. G–49 added 26151
Temporary Reg. G–50 added 36572

CHANGES JULY 1 THROUGH SEPTEMBER 30, 1987

TITLE 41 Chapter 101—Con. Page

101-43.4801 *See* Temp. Reg. H-25.....26152
101-42—101-49 (Subchapter H Appendix) Temporary Reg. H-25 added.....26152

Chapter 201—Federal Information Resources Management Regulation

201-8 Authority citation revised.....28557
201-8.105-6 (b) revised.....28557
201-8.105-37 (d) revised.....28557
201-8.105-43 Added.....28557
201-8.106-6 Added.....28558
201-8.106-7 Added.....28558
201-8.107-6 Added.....28558
Corrected.....30280
201-8.112-4 Revised.....28558

Title 41—*Proposed Rules:*

105-55.....31642
201-21.....35736
201-23.....35736
201-38.....35736
201-39.....35736
201-41.....35736

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health and Human Services

Page

2 Revised.....21803
7 Added.....11073
34 Authority citation revised.....32543
34.2 (b) revised.....21533, 32543
34.4 (a)(1) introductory text and (iii), (3), and (5) revised; (a)(2) amended; eff. 12-1-87.....32544
36.1—36.2 (Subpart A) Heading revised; eff. 3-16-88.....35048
36.1 Removed; new 36.1 redesignated from 36.2; eff. 3-16-88.....35048
36.2 Redesignated as 36.1; new 36.2 redesignated from 36.3; eff. 3-16-88.....35048
36.3 Redesignated as 36.2; eff. 3-16-88.....35048
36.10 Redesignated from 36.21 and revised; eff. 3-16-88.....35048
36.11 (d) redesignated from 36.12 (c); eff. 3-16-88.....35048
36.12 (c) redesignated as 36.11 (d); section revised; OMB number; eff. 3-16-88.....35048
36.13 Redesignated from 36.24; eff. 3-16-88.....35048
36.14 Removed; new 36.14 redesignated from 36.25; eff. 3-16-88.....35048
(a) introductory text revised; OMB number; eff. 3-16-88.....35049
36.15 Added; OMB number; eff. 3-16-88.....35049
36.16 Added; OMB number; eff. 3-16-88.....35050
36.21 Redesignated as 36.10 and revised; eff. 3-16-88.....35048
36.22—36.23 (Subpart C) Removed; eff. 3-16-88.....35050
36.24 Redesignated as 36.13; eff. 3-16-88.....35048
36.25 Redesignated as 36.14; eff. 3-16-88.....35048
36.31—36.34 (Subpart D) Added; eff. to 9-18-89.....35050
36.41 (e) revised.....27806
37.41 (a) and (h)(3) revised.....7866
37.52 (b) revised.....7866
53 Authority citation revised.....39376
53.155 Authority citation removed.....39376
53.156 Added.....39376
57.201—57.218 (Subpart C) Authority citation revised.....20987
57.202 Amended.....20987
57.206 (a)(1) (iii) and (iv) revised; (a)(1)(v) added.....20987
57.208 Heading revised; (c) added.....20987
57.210 (b)(2) revised; (b)(5) added.....20988
57.216a Introductory text, (a), (b), and (c)(3) amended.....20988
57.301—57.318 (Subpart D) Authority citation revised...10194, 19143
57.302 Amended.....10195
57.305 (a) revised.....10195
57.306 (a)(1) (iii) and (iv) revised; (a)(1)(v) added.....19144
57.310 (b)(2) revised; (b)(5) added.....10195
57.316a Introductory text, (a), (b), and (c)(3) revised.....10195
57.701—57.712 (Subpart H) Authority citation revised.....24160
57.702 Amended.....24160
57.704 OMB number.....24160
57.705 (b) revised; OMB number.....24160
57.706 (a) (6) and (7) and (b)(1) revised; (b)(2) redesignated as (b)(3); new (a)(8) and (b)(2) added; new (b)(3)(i) amended.....24160
57.709 (a) and (c) revised.....24160
57.710 Revised.....24161
57.711 Removed; new 57.711 redesignated from 57.712 and OMB number.....24161
57.712 Redesignated as 57.711 and OMB number; new 57.712 redesignated from 57.714.....24161
57.713 Removed.....24161
57.714 Redesignated as 57.712.....24161
57.801—57.803 (Subpart I) Authority citation revised.....24159
57.801 (a) revised.....24159
57.802 Amended.....24160

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 42 Chapter I—Con. Page

57.803 (a)(1) revised; (f), (g), and (h) redesignated as (g), (h), and (i); new (f) added; new (h) amended 24160
57.1101—57.1112 (Subpart L) Heading and authority citation revised 19145
Heading correctly revised 26122
57.1101 Revised 19145
57.1102 Amended 19145
57.1104 (c) revised; OMB number 19145
57.1105 (a), (b), (e) and (f) revised; (c) and (d) amended 19145
57.1106 (d) and (e) amended; (f) added 19146
57.1107 (b) revised 19146
57.1109 (a) and (b) revised 19146
57.1110 Revised 19146
57.1111 Removed; new 57.1111 redesignated from 57.1113 and OMB number 19146
57.1112 Removed; new 57.1112 redesignated from 57.1114 19146
57.1113 Redesignated as 57.1111 and OMB number 19146
57.1114 Redesignated as 57.1112 19146
57.2401—57.2410 (Subpart Y) Heading and authority citation revised 27342
57.2401 Revised 27342
57.2402 (e), (h), (i), (k), (l) and (o) revised; (q) redesignated as (r) and revised; new (q) added 27342
57.2403 (a)(1), (b) (1), (2) introductory text and (iii) and (3) revised 27343
57.2404 (c)(8) removed; (c)(9) redesignated as (c)(8); (c)(1)(ii), (viii), (ix), and (xii) and (d) revised; OMB number 27343
57.2405 (a), (b), and (c) introductory text revised; OMB number 27343
57.2406 (a)(1)(ii), (2) (i) and (ii), and (3) and (b)(1) revised 27343
57.2408 (b) removed; (c) redesignated as (b) and revised 27343
57.2409 Revised 27344
57.2410 Removed; new 57.2410 redesignated from 57.2414 27344
57.2411 Removed 27344
57.2412 Removed 27344
57.2413 Removed 27344
57.2414 Redesignated as 57.2410 27344
57.2401—57.2410 (Subpart Y) Appendix heading revised; Appendix text amended 27344
57.2501—57.2510 (Subpart Z) Heading and authority citation revised 27346
Correctly designated 28511
57.2501 Revised 27346
57.2502 Amended 27346
57.2503 (a)(1), (b) (1), (2) introductory text, (i), and (iii) and (3) revised 27346
57.2504 (c) (1) and (11) and (d) revised; (c) (1) through (10) amended; (c) (12) and (13) revised; OMB number (effective date pending in part) 27346
(c) (12) and (13) effective date note corrected 28511
57.2505 (b) revised 27347
57.2506 (a) (1) through (5) and (8), (b) and (c)(1) revised; (a)(9) added 27347
(a)(1) introductory text corrected 28511
57.2508 (b) revised 27347
57.2509 Revised 27347
57.2510 Removed 27347
Redesignated from 57.2514 27348
57.2511 Removed 27347
57.2512 Removed 27347
57.2513 Removed 27347
57.2514 Redesignated as 57.2510 27348
57.2901—57.2915 (Subpart DD) Removed 18675
57.2901—57.2910 (Subpart DD) Added 18675
57.3501—57.3510 (Subpart JJ) Heading and authority citation revised 45768
57.3501 Revised 45768
57.3502 Amended 45768
57.3503 Revised 45769
57.3504 (a) revised; (c) added; OMB number 45769
57.3505 Removed; new 57.3505 redesignated from 57.3513 and revised 45769

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page

57.3506 Removed; new 57.3506 redesignated from 57.3514 and (b) revised 45769
57.3507 Removed; new 57.3507 redesignated from 57.3515 45769
57.3513 Redesignated as 57.3505 and revised 45769
57.3514 Redesignated as 57.3506 and (b) revised 45769
57.3515 Redesignated as 57.3507 45769
57.3516 Redesignated as 57.3508 45769
57.3517 Redesignated as 57.3509 and revised 45769
57.3518 Redesignated as 57.3510 45769
57.3608 Removed; new 57.3508 redesignated from 57.3516 45769
57.3609 Removed; new 57.3509 redesignated from 57.3517 and revised 45769
57.3610 Removed; new 57.3510 redesignated from 57.3518 45769
57.3611 Removed 45769
57.3612 Removed 45769
58.1—58.11 (Subpart A) Authority citation revised 23180
58.2 Amended 23180
58.4 (a) revised 23180
58.10 OMB number 23180
60.1 (c) revised; (d) added 745
60.5 (g) revised; (h) redesignated as (i); new (h) added 745
60.7 (a)(2) redesignated as (a)(3) and (iii) revised; (a)(3) and (c) (2), (3), and (4) redesignated as (a)(5) and (c)(3), (4), and (5); (a) (2) and (4) and (c) (2) and (6) added 746
60.8 (a) (3), (5), and (11), and (b)(3) introductory text and (5) revised 746
60.10 (a) introductory text revised 746
60.11 (e) revised 746
60.14 (a) (1) and (2) revised; (a) (3) and (4) redesignated as (a) (4) and (5); new (a)(3) added 746
60.15 (a) revised 747
60.19 Revised 747

Page

60.20 Introductory text revised 747
60.31 (a) revised; (c) redesignated as (d); new (c) added 747
60.32 (a)(2) revised; (c) redesignated as (c)(1); (c) (2) and (3) added 747
60.33 Introductory text revised; (c), (d), and (e) redesignated as (d), (e), and (f); new (c) and (g) added; new (e)(1), (f)(1) (i) and (ii) and (2) revised 748
60.34 Heading and (b)(1) revised; introductory text, (c), and (d) added 748
60.35 (a) and (b) revised; (c) and (e) redesignated as (e) and (f); new (c) added; (d) revised 749
60.37 (a) and (b) revised; (c)(4) added 749
60.38 (a) revised 749
60.40 (a) and (c) revised 750
60.42 Heading and (a)(1) introductory text, (viii), and (ix) revised; (a)(1)(x) and (4), (d) and (e) added 750
60.50 (a)(2)(ii)(F) revised 751
60.51 Revised 751
60.52 (a) removed; (b) and (c) redesignated as (a) and (b); new (a)(1) revised 751
60.53 Revised 751
60.56 (a) introductory text and (4) revised; (a) (9) and (10) redesignated as (a) (17) and (18); new (18) revised; new (a) (9) through (16), (c), and (d) added 751
60.60 (c) revised 752
60.61 Added 752
64a.104 (b) and (c) revised; (d) added; OMB number 18359
64a.105 (e)(1)(iii) added; (g) revised 18359
110 Redesignated as 417.100—417.180 (Subpart A); nomenclature changes; subpart designations removed 36746
110.101—110.110 (Subpart A) Authority citation revised 22321
110.101 Amended 22321

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 42 Chapter I—Con. Page

110.601—110.605 (Subpart F) Authority citation revised....22321
110.604 Revised....22321
121—124 (Subchapter K) Heading revised....10094
121 Removed....10094
122 Removed....10094
123 Removed....10094

Chapter IV—Health Care Financing Administration, Department of Health and Human Services

Chapter IV Nomenclature change....41338
400.200 Amended....43197
Amended....27764
400.310 Table amended (OMB numbers)....44986, 44987, 44988
Revised (OMB numbers)....11649
Table amended (OMB numbers); eff. 10-26-87....28147
Table amended (OMB numbers)....30367
405.100 Amended....41351
405.152 Heading and (a)(5) revised; (c) through (e) added....41336
(d) corrected....4499
405.153 (c)(1)(ii) amended....41351
405.160 (d) removed....43197
405.162 (b) and (c) amended....43197
405.201—405.262 (Subpart B) Authority citation revised....41336
405.201 Revised....41336
405.210 (b)(1) (iii) and (iv) amended....41351
405.230—405.232c Removed (regulations transferred to Part 410)....41336
405.233 Removed....41336
405.234—405.238 Removed (regulations transferred to Part 410)....41336
405.239 Removed....41336
405.240—405.241 Removed (regulations transferred to Part 410)....41336
405.243—405.246 Removed (regulations transferred to Part 410)....41336

Page

405.249—405.250 Removed (regulations transferred to Part 410)....41336
405.250-2 Removed (regulations transferred to Part 410)....41336
405.251—405.252 Removed (regulations transferred to Part 410)....41336
405.260—405.262 Removed (regulations transferred to Part 410)....41336
405.310 Introductory text, (l)(1) introductory text republished; (l)(2) revised....41336
405.310-1 Heading and text amended....43197
405.311a (a) amended....41351
405.330 (b) amended....41337
405.341 (a) (1) and (2) amended....41351
405.370 (a) amended....41351
405.501—405.580 (Subpart E) Authority citation revised....6152
405.501 (c) revised....34978
(c) corrected....37911
(a) amended....41351
405.504 (a)(2) introductory text, (2)(ii) and (3)(i) republished; (a)(1) added; (a)(2)(ii)(A), (B) Example and (a)(3)(ii)(A) and (B) revised....34978
405.509 Revised....34979
(a) corrected....37911
405.511 (c) republished; (c)(1) heading and (2) revised....34979
405.514 (k)(1) amended....41351
(a) and (k)(2) revised....6152
405.515 Introductory text amended....41351
405.522 (c) amended....41351
405.551 (e) revised....34979
(e) heading corrected....37911
(e) revised....6152
405.553 (b)(4) amended....33057
405.640—405.691 (Subpart F) Heading and authority citation revised....41337
405.640—405.685 (Subpart F) Removed; 405.640 regulations transferred to 498.20 (a)(2) and 405.685 regulations transferred to 405.1902 (b)....22446

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page

405.658—405.659 Removed....41337
405.690—405.691 Removed....41337
405.701—405.750 (Subpart G) Authority citation revised....22644
405.702 Amended....22644
Technical correction....23628
405.704 (b)(11) amended....43197
(b) introductory text republished; (b)(10) revised....22645
Technical correction....23628
405.705 (b) amended....22454
405.803 (b) amended....41351
405.903 (b) amended....41351
(b) corrected....4499
405.1101—405.1137 (Subpart K) Authority citation revised....22645
405.1501—405.1595 (Subpart O) Removed; regulations transferred to new Part 498....22446
405.1625—405.1697 (Subpart P) Authority citation revised....41337
405.1625-1 Removed....43196
405.1660 (a) and (b) amended....41351
405.1663 (a), (b) and (c) amended....41351
405.1672 (b) amended....41351
405.1675 (a)(1)(i) amended....41351
405.1683 Revised....41337
405.1684 Revised....41338
405.1695 Revised....41338
405.1901 (e)(6) amended....22454
405.1902 (c) amended....43197
(b) and (c) redesignated as (c) and (d); new (c) heading revised; new (b) and (d) heading added; (b) regulations transferred from 405.685....22446
405.1905 (b) amended....22454
405.1913 (f)(9) amended....43197
405.2100 (a) amended....43197
405.2110 (b) amended....43197
405.2112 (a)(7) and (b)(6) and (8) amended....43197
405.2114 (b) amended....43197
405.2401 (a)(7) (i) and (ii) amended....41351
405.2402 (f) amended....22454
405.2403 (a)(2) amended....41351
405.2404 (b)(3) amended....22454
405.2418 Amended....41351
405.2425 (b)(3) amended....41351
406 Redesignated from Part 408 and heading revised....41338
406.2 Amended....41338

Page

408 Redesignated as Part 406 and heading revised....41338
409 Heading and authority citation revised....41338
Authority citation revised....22645, 27764
Heading correctly revised....28824
409.3 Amended....41338
409.19 Added....27764
409.30 (a) introductory text republished; (a)(2) revised....41338
409.40 (e) amended....41338
409.42 Revised....41339
(b) (2) and (3) corrected....4499
409.43 Revised....41339
409.44 Revised....41339
409.45 Removed....41339
409.46 Added....41339
409.60 Revised....22645
Technical correction....23628
(c)(1)(i) correctly designated; (c) (4) and (5) and (d) (1) and (2) corrected....28824
409.61 (d) revised....41339
410 Added....41339
Authority citation corrected....29353
410.10 (n) redesignated as (o); new (n) added....27765
410.32 (a)(1) and (b)(3) corrected....4499
410.40 (e)(1) corrected....4499
410.64 Added....27765
410.100 (k)(2) corrected....4499
410.152 (a)(2)(i) and (e)(1) corrected....4499
412.1 (a) and (b) amended....33057
(a) revised....33186
412.2 (d)(5) amended....33057
(c) introductory text and (d) introductory text republished; (c)(5) added; (d)(1) revised....33186
412.23 (f) revised....33057
412.60 (d) redesignated as (e) and revised; new (d) added....33057
412.63 (c)(2) introductory text and (3) introductory text republished; (c)(1), (2)(iv), and (3) (i) and (iii) revised; (e), (f), (g), and (h) redesignated as (g), (h), (i), and (j); new (e) and (f) heading added; new (g)(1) and (j) revised; new (g)(4) removed....42233
(c)(4) revised....23834

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 42 Chapter IV—Con. Page

(f) text added....33057
(a)(1) revised....33186
412.65 Added....33187
(b) heading corrected....36575
412.66 Added....33187
412.67 Added....33187
412.68 Added....33188
412.71 (b)(8) amended....33057
412.73 (c)(4) revised; (c)(5) redesignated as (c)(6) and heading revised; new (c)(5) heading added; new (c)(6) text removed....42234
(c)(5) text added; (c)(6) heading removed....33057
412.82 (c) revised....33189
412.84 (g) and (i) revised....33189
412.92 (a)(2)(ii) amended....43198
(d) and (e)(1) revised; (f) added....30967
(e)(2) introductory text republished; (e)(2)(ii), (3) introductory text and (i) revised....33057
(d) revised....33189
(d) correctly revised....36575
412.96 (h) corrected....34980
(c) heading, (1), and (2)(i) revised....42234
(c)(1) introductory text revised....33058
(d) and (e) revised....33189
412.106 (b) and (c)(1) revised; (c) introductory text republished....23834
412.113 (d) corrected....34980
(c) amended....33058
(a) revised....33189
(c) corrected....35350
412.118 (c) and (d) introductory text revised....23834
412.125 Introductory text republished; (b) revised....33189
412.200—412.220 (Subpart K) Added....33058
412.208 (h)(2)(i) corrected....35350
412.214 Added....33190
413 Correctly designated....26152
413.5 (c)(4) corrected....37398
(c) introductory text and (e) revised....21225
(c) introductory text corrected....23398
413.13 (c) corrected....37398
413.30 (f)(7) removed....21225
413.40 (c)(1)(ii) corrected....37398
(c)(3)(i) introductory text republished; (c)(3)(i) (B) and (C) heading revised; (c)(3)(i)(C) text removed; (c)(3)(i)(D) added....42235
(c)(1)(ii) and (iii) corrected; CFR correction....6099
(c)(3)(i) introductory text republished; (c)(3)(i)(C) text added....33059
413.53 (a)(1)(i) amendment, (a)(1)(ii) removal, and (a)(1)(iii) redesignation as (a)(1)(ii) at (51 FR 11195) confirmed (paragraphs formerly in 405.452)....9863
413.56 (b)(6) corrected....37398
Addition at (51 FR 11195) confirmed (formerly in 405.457)....9863
413.64 (k)(1)(iii) revised; (k)(6) added....42235
413.74 (c) amended....41351
413.110 Removed; eff. 10–29–87....28657
413.130 (a) introductory text republished; (a)(8) revised....21225
413.157 (b) redesignated as (c); new (b) added; (a) and new (c)(1) revised....21225
(b) introductory text and (4) heading and (c)(1)(ii) corrected....23398
(b)(2) added; (b)(3) revised; (b)(4) redesignated as (b)(5); new (b)(4) added....32921
413.161 (a) amended....21226
413.170 (g)(2) corrected....37398
416.3 (a) amended....41351
416.25 (f) amended....22454
416.30 (b) amended....41351
416.35 (b)(3) amended....22454
416.110 (c) amended....41351
417 Authority citation revised....22322
417.100—417.180 (Subpart A) Redesignated from Part 110; nomenclature changes; subpart designations removed; authority citation added....36746
417.221 (b) amended....41351
417.222 (b) amended....41351
(b) corrected....4499

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page

417.406 Revised....22322
417.407 (b) revised....22322
417.428 (a) introductory text and (b) introductory text republished; (a)(3) and (b)(5) added....8901
417.440 (b)(1) revised; (d) and (e) added....8901
417.450 (a) introductory text revised....8901
417.460 (b) revised....8901
417.494 (b)(1)(iii) amended....22322
417.536 (b) correctly designated....37398
417.584 Introductory text revised....8901
418.3 Amended....4499
418.80 Revised....7416
418.83 Added....7416
418.202 (c), (f), (g) and (h) amended....41351
420.3 (a) amended....22454
421.100 (a)(3) amended....43198
421.200 (c) revised....41350
(c)(2)(ii) amended....41351
(a)(1)(iii) amended....43198
(c) introductory text corrected....4499
430.0 (b)(3) revised....36227
(b)(2)(ii) amended; eff. 10–29–87....28657
431.56 Added....41350
(b)(2) corrected....4499
431.153 (d)(1) amended....22454
431.305 (b) introductory text republished; (b)(7) added....5975
431.306 (h) added....5975
433 Authority citation revised....41350
Authority citation revised....5975
433.32—433.45 (Subpart B) Authority citation revised....36227
433.10 (b) amended....41350
433.40 Added....36227
433.111 Revised....45330
433.112 Heading and (a) revised....45330
433.138 Revised....5975
434.2 Amended....22322
435 Heading revised....41350
435.2 Introductory text revised....41350
435.3 Amended....41350
435.945 (b) revised....5977
435.960 Revised....5977
441.11 Revised....32550
442.16 Introductory text revised....32551
442.40 Added....32551
442.42 Added....32551
442.336 (a) revised....22645
Technical correction....23628
447.253 (a) and (b) introductory text, (1)(ii)(B), and (2) revised; (b)(1)(ii) introductory text republished; eff. in part 10–26–87....28147
447.256 (a)(1) amended; eff. 10–26–87....28147
447.257 Undesignated center heading and section added; eff. 10–26–87....28147
447.272 Added; eff. 10–26–87....28147
447.280 Revised; eff. 10–26–87....28148
447.301 Added; eff. 10–29–87....28657
447.321 Revised; eff. 10–26–87....28148
447.331 Revised; eff. 10–29–87....28657
447.332 Revised; eff. 10–29–87....28658
447.333 Revised; eff. 10–29–87....28658
456.2 (b)(1) amended; (b)(2) removed; (b)(3) redesignated as (b)(2)....43198
456.144 (c)(1) amended....43198
456.244 (c)(1) amended....43198
456.344 (c)(1) amended....43198
456.650 (c)(1) amended; (c)(2) removed; (c)(3) redesignated as (c)(2)....43198
456.654 (a)(4) amended....43198
460 Removed....43196
461 Removed....43196
462 Authority citation revised....43197
462.1 Amended....43197
462.2—462.16 (Subpart B) Removed....43197
463 Removed....43197
466 Authority citation revised....43197
466.1 Amended....43197
466.2—466.63 (Subpart B) Removed....43197
466.70 (e)(2) redesignated as (e)(3); new (e)(2) added....33059
473 Authority citation revised....43197
473.1—473.6 (Subpart A) Removed....43197

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 42 Chapter IV—Con. Page

476 Authority citation revised....43197
476.1—476.4 (Subpart A) Removed....43197
478 Removed....43197
485.70 Introductory text amended....41352
485.74 Amended....22454
489 Authority citation revised....27765
489.16 (c)(2) amended....22454
489.21 (g) added....27765
489.23 (d)(2) amended....41352
489.30 Heading and (b) heading, (1), and (2) revised; (a)(3) amended; (a)(4) and (b)(5) added....41350
489.53 (d) amended....22454
498 Added; regulations transferred from 405.640 and 405.1501—405.1595 (Subpart O)....22446
498.3 (b) introductory text republished; (b)(10) added....27765

Chapter V—Office of Inspector General—Health Care, Department of Health and Human Services

1001 Authority citation revised....11651
1001.3 Amended....22454
1001.100 Revised....11651
1001.104 Added....11651
1001.128 (b) and (c) amended....22454
1001.134 (d) revised....11651
(b)(2)(ii) amended....22454
1001.201 (c) amended....22454
1001.221 (b) corrected....37577
1003 Authority citation revised....11651
1003.100 (a) corrected....39528
(a) revised....11652
1003.102 (b) introductory text revised; (b)(3) added....11652
1003.106 (c) (1) and (2) corrected....39528
1003.115 (b)(5) corrected....39528
1003.116 (b)(2) correctly designated....37577
(b)(2)(ii) corrected....39528
1004.100 (g) amended....22454
1004.130 (a)(1) amended....22454

Page

Title 42—*Proposed Rules:*

34....21607
36....36412, 40108
57...35668, 36412, 39460, 39669, 43048, 44408, 45000
....20989, 21486, 21490, 22415
58....41988
59....38210
60....39464
84....32402
110....1343
405....47266
....2430, 11517, 17777, 22080, 23055, 23514, 24752, 28666, 29605, 34244
410....34244
412....18840, 22080, 22359, 23514, 25613
413....20623, 21230, 23080, 23514, 28666, 29605
416....2430
418....2430
421....2424
431....2733
433....6350
441....28666, 29605
442....2430, 24752
447....6350
455....44490
466....22080, 23514
482....2430, 28666, 29605
485....28666, 29605

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

4.202 Revised....35220
Correctly revised....32130
4.208 Added....35220
4.231 (b) revised....26345
4.236 (a)(3) and (b) revised....26345
(b) correctly revised....35557
4.251 Introductory text and (b) revised....35219
4.280 Removed....35219
4.320 (c) revised....26345
(c) correctly revised....35558
4.323 Revised....26345
Correctly revised....35558
4.403 Added....21308
7 Heading and authority citation revised....9168
7.1—7.19 (Subpart A) Heading added....9168

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page

7.31—7.37 (Subpart B) Added....9168
11 Existing regulations unchanged....22454
11.15 (a)(1)(iii) added....9095
11.18 (a)(4) added....9095
11.19 Added....9095
11.24 (c) added....9095
11.31 (d) added....9095
11.33 Text added....9095
11.40—11.41 (Subpart D) Added....9096
11.91 (a) revised....9100
11.93 (d) added....9100
17.501—17.570 (Subpart E) Added....6553
20 Appendix C availability....3011
36 Technical correction....36011
36.11 (g) correctly designated; (h)(4)(i) corrected....36011
36.13 (c)(3) corrected....36011

Chapter I—Bureau of Reclamation, Department of the Interior

426 Revised....11954

Chapter II—Bureau of Land Management, Department of the Interior

1784.0-3 (b) revised....39529
1784.3 (b) revised....39529
(b) (4) and (5) correctly revised....5284
1784.6-3 Removed....39530
1784.6-4 (b) amended; (d) and (e) redesignated as (e) and (f); new (e) added....39530
1784.6-5 (f) removed....39530
1821.2-1 (d) Note and footnote amended....34981
2090 Authority citation added....12175, 13085
2091.0-1—2091.9-3 (Subpart 2091) Revised....12175
2091.3-1 (b) corrected....13563
2091.7-1 (b)(1) (i) and (ii) corrected....36575
2096.0-3—2096.2-8 (Subpart 2096) Removed....13085
2800.0-5 (o) through (t) added....25808
2802.1 (c) amended....25808
2802.4 (a) amended....25808
2802.5 (a)(1) amended....25808
2803.1-1 Removed....25808

Page

2803.1-2 Revised....25818
(a), (c)(3)(i), and (d) corrected....36576
2803.1-3 Redesignated as 2803.1-4; new 2803.1-3 added....25820
2803.1-4 Redesignated as 2803.1-5; new 2803.1-4 redesignated from 2803.1-3....25820
2803.1-5 Redesignated from 2803.1-4....25820
2803.6-3 Amended....25820
2803.6-4 Revised....25820
2803.6-5 (d) amended....25808
2808.1—2808.6 (Subpart 2808) Added....25808
2808.1 (b) introductory text corrected....34456
2808.4 (a)(1) introductory text and table corrected....36576
2808.5 (c) corrected....34456
2808.6 (b) corrected....36576
2881.1-1 (g) amended....25821
2881.2 (a)(2) removed; (a) (3) through (5) redesignated as (a) (2) through (4)....25821
2883.1-2 Amended....25821
2910 Authority citation added....40809
2911.0-1—2911.2-4 (Subpart 2911) Revised....40809
2911.2-3 (b) corrected....45986
2911.2-4 Corrected....45986
3100 Clarification of Form 3104-8....22646
3102.5 Amended....43921
3160 Authority citation revised....5390
Note 1 amended....5390
Note 1 corrected....36577
3160.0-5 Nomenclature changes; amended....5390
3161.1 Revised....5391
3161.2 Nomenclature changes....5391
3161.3 (b) revised....5391
3162.3 (b) amended....5391
3162.3-1 (d) nomenclature change....5391
3162.3-2 (a) and (b) amended....5391
3162.3-3 Nomenclature change....5391
3162.4-1 (b) amended....5391
3162.4-3 Heading amended; nomenclature changes....5391
3162.6 Revised....5391

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 43 Chapter II—Con. Page

3162.7-2 Nomenclature change; amended 5392
3162.7-3 Amended 5392
3162.7-4 (a) amended; (b) through (d) revised 5392
3163.1 Revised 5393
(a)(3) corrected 10225
3163.2 Removed; new 3163.2 redesignated from 3163.4-1 and revised 5393
(a) corrected 10225
3163.3 Removed 5393
Redesignated from 3163.4-2 5394
3163.4 Added 5394
Corrected 10225
3163.4-1 Redesignated as 3163.2 and revised 5393
3163.4-2 Redesignated as 3163.3 5394
3163.5 (b) and (c) amended 5394
(a) and (c) corrected 10225
3165.3 Revised 5394
Heading, (a), and (b) corrected 10225
3165.4 Revised 5395
(d)(1) corrected 10225
3190 Added 27182
3400.0-5 (rr) added 43921
(rr)(5) and (6)(i) corrected 416
3430.3-1 (a) amended 25798
3430.3-2 (c) added 25798
3430.4-1 (c) through (e) redesignated as (d) through (f); new (c) and (g) added; new (d)(2) amended 25799
3430.4-3 Added 25799
3430.4-4 Added 25799
3430.5-1 (a)(2) amended; (c) added 25800
3451.2 (e) amended 28824
3472.1-2 (e) revised 43922
(e)(4)(iv)(A) (3) and (5) corrected 416
3502.1 (d) added 43923
5441.1 (c) revised 26983

Public Land Orders

547 Revoked in part by PLO 6628 40421
567 Revoked in part by PLO 6643 16248
1094 Revoked in part by PLO 6641 10225
1231 Revoked in part by PLO 6651 24293
Revoked in part by PLO 6655 31623
1491 Revoked in part by PLO 6647 19351
1641 Revoked in part by PLO 6647 19351
1847 Revoked in part by PLO 6628 40421
3776 Revoked in part by PLO 6646 19351
4825 Revoked in Part by PLO 6637 3802
5184 *See* PLO 6651 24293
5187 *See* PLO 6628 40421
Amended by PLO 6639 4907
See PLO 6647 19351
6525 Revoked in part by PLO 6653 29525
6554 Corrected by PLO 6633 43351
6566 Corrected by PLO 6648 21035
6624 Corrected by PLO 6644 19352
6625 36808
Corrected 43267
Corrected by PLO 6640 6557
6626 39530
6627 39530
6628 40421
6629 41104
Corrected 45229
Corrected by PLO 6638 4774
6630 41627
6631 43003
6632 43003
Corrected by PLO 6645 19352
6633 43351
6634 44478
6635 45330
6636 1185
6637 3802
6638 4774
6639 4907
6640 6557
6641 10225
6642 16248
6643 16248
6644 19352
6645 19352
6646 19351
6647 19351
6648 21035
Corrected by PLO 6654 29525
6649 23548
Corrected by PLO 6657 33239
6650 23549
6651 24293
Corrected by PLO 6655 31623
6652 27552
6653 29525
Corrected 32990
6654 29525
6655 31623
6656 31623
6657 33239
6658 36577
6659 36577

Title 43—*Proposed Rules:*

2 ..... 17780, 20494
4 ..... 35248, 36414, 46846
..... 20755
7 10342
11 41131
..... 12886, 19896
12 ..... 21820, 23627
29 24181
35 24186
426 ..... 40742, 40774
..... 304, 24041
1600 35378
1820 22592
2620 35119
2920 28024
3000 22592
3040 22592
3100 37202
..... 22592
3110 22592
3120 22591
3130 22591
3150 22592
3160 22592,
30282, 30310, 30826, 32347, 35451
3180 22592
3190 36565
3200 22592
3210 22592
3220 22592
3240 22592
3250 22592
3260 22592
3400 37202
3420 18404
3430 5398
3460 18404
3470 37202
3480 ..... 1840, 25887, 29868
3500 37202
3560 31643
4100 ..... 19022, 27270
5400 28850
5440 28850
8340 37017
9260 28024

Note: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 44—EMERGENCY MANAGEMENT AND ASSISTANCE

Chapter I—Federal Emergency Management Agency

5 Authority citation revised 13677
5.42 Revised 13677
5.43 Revised 13678
5.44 Revised 13678
5.46 Revised 13678
(a) revised 33410
5.71 (g) revised; (j) added 13679
6.82 Amended 13679
6.83 Revised 13679
6.85 Revised 13679
6.87 (a) and (b)(1) revised; (c) added 5114
9.5 (c) introductory text amended; (c)(14) added 39531
10.8 (c)(2)(ix) added 5285
59 Amendment effectiveness extended to 10-30-88 33411
59.1 Amended; eff. to 3-31-88 24372
60.3 (c)(6) suspended; (c)(12) added; eff. to 3-31-88 24372
(b)(4), (d)(1) and (e)(1) corrected; eff. to 10-30-88; (c)(6) suspension and (c)(12) addition effectiveness extended to 10-30-88 33411
61.9 Revised 5900
61 Appendixes A(3) and A(4) added 15500
64.6 Table amended 36693, 36699, 39860, 41506, 42575, 43198, 45116, 46859, 46861
Table corrected 46862
Table amended 2530, 2532, 3803, 6327, 10095, 10754, 12179, 13839, 17956, 19730, 20084, 22781, 23987, 24162, 26680, 28260, 28262, 29184, 31766, 35242, 36251
Table corrected 21794
65.4 Table amended 37276
Table amended; interim 37277
Table corrected 40331
Table amended 3239, 3241, 22325, 29015
Table amended; interim 22323, 29014
65.11 Table amended 8902
Table amended; interim 8903

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 44 Chapter I—Con. Page

67 Flood elevation determinations....37278, 37280
Flood elevation determinations....3241, 4005, 8251, 8905, 22326, 26984, 29017, 36253
Flood elevation determinations rescission....5981
80.4 (f) revised....30684
80.6 Revised....30684
81.1 (b) revised....44912
(b) revised....21036
(d) revised....30684
81.7a Revised....30684
82.5 (e) revised....30685
82.31 (f)(1) revised....30685
83.4 Revised....30686
83.5 (a) amended....30686
83.21 (a) and (b) revised....30686
83.24 (d) revised....30686
83.26 (b) amended....30687
222 Added....6800
302.5 (l) and (m) revised; (n) and (o) added....43924
361 Added....32818

Title 44—*Proposed Rules:*

5....10285, 32960
6....304, 10385
13....21830, 25627
15....25124, 37903
61....112, 24482
62....18929
65....22360
67....37311, 37438, 44938, 45003
....3289, 3838, 6006, 8084, 8933, 11702, 22800, 23210, 29228, 31417, 36595
80....17415
81....17415
82....17415
83....17415
205....41132
....15348
302....32140
361....29257

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health and Human Services

1.2 Amended; eff. 10–29–87....28658
5b.11 (b)(2)(iii)(F) added....41352
19 Removed; eff. 10–29–87....28658
30 Revised....264
31 Added; interim....45119
74.92 Existing text designated as (a); (b) added....33240
84.55 Note added (clarification of status)....3012
95.601 Revised....45326
95.605 Revised....45326
95.611 Revised....45328
95.612 Removed....45328
95.613 Revised....45329
95.615 Heading revised....45329
95.617 Revised....45329
95.619 Revised....45329
95.621 (d) and (e) added....45329
95.625 Added....45329
95.631—95.633 Undesignated center heading revised....45329
95.631 Revised....45329
95.641 Revised....45329
95.643 Removed....45329
96 State listing....40027
Authority citation revised....4625
State listing....31030
96.89 Added; interim....4625
96.89a Added; interim....4626
97.11 Revised....9495
97.12 Revised....9495

Chapter II—Office of Family Assistance (Assistance Programs), Family Support Administration, Department of Health and Human Services

Chapter II Heading revised....11074
Technical correction....25603
201.5 (a)(3) revised....36228
201.66 (b)(8) removed....273
205.35 Revised....45330
233.20 (a)(3)(xvi) revised....39533
233.53 Revised....39533
233.90 (a)(1) correctly revised; (a) introductory text republished....28824

Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Family Support Administration, Department of Health and Human Services

Chapter III Heading revised....11074
Technical correction....25603

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page

301 Authority citation revised....37730
301.11 OMB numbers....37730
301.12 OMB numbers....37730
301.13 OMB numbers....37731
301.15 OMB numbers....37731
302.12 OMB numbers....37731
302.13 OMB numbers....37731
302.15 OMB numbers....37731
302.17 OMB numbers....37731
302.30 OMB numbers....37731
302.31 OMB numbers....37731
302.32 OMB numbers....37731
302.33 OMB numbers....37731
302.50 OMB numbers....37731
302.51 OMB numbers....37731
302.52 OMB numbers....37731
302.54 OMB numbers....37731
302.55 OMB numbers....37731
302.56 OMB numbers....37731
302.57 OMB numbers....37731
302.70 OMB numbers....37731
302.75 OMB numbers....37731
302.80 OMB numbers....37731
302.85 OMB numbers....37731
303.10 OMB numbers....37731
303.52 OMB numbers....37731
303.69 OMB numbers....37731
303.70 OMB numbers....37731
303.71 OMB numbers....37731
303.72 OMB numbers....37731
303.100 OMB numbers....37731
303.101 OMB numbers....37731
303.102 OMB numbers....37731
303.103 OMB numbers....37731
303.104 OMB numbers....37731
303.105 OMB numbers....37731
304 Authority citation revised....37732
304.23 Introductory text, (i), and (j) added....32132
304.27 Removed....32132
304.40 (b)(8) removed....273
304.95 OMB numbers....37732
305 Authority citation revised....37732
305.20 OMB numbers....37732
305.24 OMB numbers....37732
305.34 OMB numbers....37732
305.37 OMB numbers....37732
305.38 OMB numbers....37732
305.39 OMB numbers....37732
305.40 OMB numbers....37732
305.41 OMB numbers....37732
305.42 OMB numbers....37732
305.44 OMB numbers....37732
305.45 OMB numbers....37732
305.46 OMB numbers....37732
305.47 OMB numbers....37732
305.48 OMB numbers....37732
305.49 OMB numbers....37732
305.50 OMB numbers....37732
305.51 OMB numbers....37732
305.52 OMB numbers....37732
305.53 OMB numbers....37732
305.54 OMB numbers....37732
305.55 OMB numbers....37732
305.56 OMB numbers....37732
305.99 OMB numbers....37732
306.50 OMB numbers....37732
306.51 OMB numbers....37732
307 Authority citation revised....37732
307.1 Revised....45330
307.10 OMB numbers....37732
307.15 OMB numbers....37732

Chapter IV—Office of Refugee Resettlement, Family Support Administration, Department of Health and Human Services

Chapter IV Heading revised....11074
Technical correction....25603

Chapter V—Foreign Claims Settlement Commission of the United States, Department of Justice

Chapter V Revised....17556
501.5 (a)(3) correctly revised....19731
503 Authority citation revised....13680
503.13 Redesignated from 503.14 and revised....13680
503.14 Redesignated as 503.13 and revised....13680
540—543 (Subchapter D) Subchapter and parts removed....17556
560 (Subchapter E) Subchapter and part removed....17556
580—581 (Subchapter F) Subchapter and parts removed....17556

Chapter VI—National Science Foundation

689 Added....24468

NOTE: Boldface indicates 1987 page numbers.

TITLE 45—Con.

Chapter VIII—Office of Personnel Management

801 Authority citation revised (Page 416)
801.202 Appendix A amended (416)

Chapter X—Office of Community Services, Family Support Administration, Department of Health and Human Services

Chapter X Heading revised (11074)
Technical correction (25603)

Chapter XI—National Foundation on the Arts and the Humanities

1179 Added (28472)
1180 Authority citation revised (43353)
1180.11 Amended (OMB number) (43354)
1180.20 (e), (f), and (g) revised (43353)
1180.70 Revised (43354)
1180.73 (b) revised (5770)

Chapter XII—ACTION

1204 Authority citation revised (20714)
1204.1 Revised (20714)
1204.2 Revised (20714)
1207 Authority citation revised (32133)
1207.3–7 Added; eff. 10–13–87 (32133)
1208 Authority citation revised (32134)
1208.3–8 Added; eff. 10–13–87 (32134)

Chapter XIII—Office of Human Development Services, Department of Health and Human Services

1340 Authority citation revised (3994)
1340.1 (c) revised (3994)
1340.2 (d) revised (3994)
1340.3 (b) revised (3995)
1340.13 (a) revised; (c) added (3995)
1340.15 OMB number (3995)
1340.14 (i) (1) and (2) introductory text republished; (i)(2)(viii) amended; (i) (3) and (4) redesignated as (i) (4) and (5); new (i)(3) added (3995)

Chapter XVI—Legal Services Corporation

1611 Appendix A revised (18914)
1612 Request for comments (40422)
Revised (28436)
1612.5 (h)(1) corrected; first (h)(2) correctly removed (28777)
1612.6 (b) corrected (28777)

Chapter XX—Commission on the Bicentennial of the United States Constitution

2001 Revised (36786)
Authority citation revised (2384)
2001.20—2001.29 (Subpart B) Revised (2384)
2001.38 Added; interim (22647)
2001.39 Added; interim (22648)
2001 Appendix A revised (2386)
Appendix D added (2387)
Appendix E added (22650)
2002 Authority citation revised (28705)
2002.21 (a) introductory text, (1) and (2) amended (28705)
2002.22 (b) amended (28705)
2005 Added; interim (5543)
2010 Added (47164)
Revised (30582)

Chapter XXII—Christopher Columbus Quincentenary Jubilee Commission

Chapter XXII Chapter established; interim (10870)
2201 Added; interim (effective date pending in part) (10870)

Title 45—*Proposed Rules:*

3 (27423)
13 (22311)
16 (30194)
73 (25408)
79 (27423)
92 (21820, 22627)
95 (35454)
201 (27827)
205 (3146, 35454, 36546)
233 (32222, 34343, 36546)
301 (43550)
302 (43550)

NOTE: Boldface indicates 1987 page numbers.

(34689)
303 (43550)
(34689)
305 (43550)
(34689)
306 (19738)
307 (35454)
402 (30194)
503 (11712, 12940)
612 (16279)
689 (4158)
1100 (18585)
1157 (21820, 22627)
1174 (21820, 22627)
1179 (20628)
1180 (691)
1183 (21820, 22627)
1204 (9901)
1207 (8479)
1208 (8480)
1234 (21820, 22627)
1602 (19176)
1612 (28441, 28777)
2015 (21820, 22627)

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

30 Authority citation revised; section authority citations removed (7774)
30.25–1 Revised (7774)
32 Authority citation revised; section authority citations removed (18362)
32.01–10 (d) added (18362)
(d) corrected (22751)
32.15–15 Revised (18362)
(a) and (d) heading and text corrected (22751)
32.15–20 Removed (18362)
32.15–25 Removed (18362)
32.40–1—32.40–90 (Subpart 32.40) Revised (18362)
32.40–1 (a) and (c) corrected (22751)
32.40–35 (d) corrected (22751)
32.40–40 (c) and (l) corrected (22751)
(l) correctly designated (23515)
32.40–90 Corrected (22751)
54.25–10 (a)(1) amended; eff. 11–1–87 (31626)
67 Tonnage measurement certificates (31767)
69 Authority citation revised; section authority citations removed (15948)
69.01–11 Revised (15948)
69.01–15 (a) revised (15948)
69.01–17 (b) revised (15948)
69.01–19 Revised (15948)
69.15–39 (a) revised (15948)
77 Authority citation revised; section authority citations removed (18364)
77.13 Removed (18364)
77.15 Removed (18364)
92 Authority citation revised; section authority citations removed (18364)
92.07–10 (g) added (18364)
(g) corrected (22751)
96 Authority citation revised; section authority citations revised (18364)
96.13 Removed (18364)
96.15 Removed (18364)
98 Authority citation revised; section authority citations removed (7776)
98.31–5—98.31–15 (Subpart 98.31) Added (7776)
107 Authority citation revised (6978)
107.305 (ii) revised (6978)
109 Authority citation revised; other authority citations removed (6979)
109.121 Revised (6979)
(c) (2) and (13) corrected (9383)
111 Authority citation revised (31626)
111.105–32 (b)(1) amended; eff. 11–1–87 (31626)
150 Authority citation revised; section authority citations removed (21036, 31626)
150.105 (b) table amended (OMB numbers); eff. 11–1–87 (31626)
150.140 Amended (21037)
150 Figure 1 amended; Tables I and II and Appendix I revised (21037)
151 Heading and authority citation revised; section authority citations removed (7776)
151.01–1 Revised (7776)
151.01–3 Removed (7776)

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 46 Chapter I—Con. Page
151.01-5 Removed....7776
151.01-10 (f) removed....7776
(f) table removed....7777
151.01-15 (c) revised....7777
151.03-30 Added....7777
151.03-36 Added....7777
151.03-55 Removed....7777
151.12-5—151.12-10 (Subpart 151.12) Added....7777
153 Authority citation revised; section authority citations removed....7777
Heading revised; nomenclature change....7777
153.0 Added....7777
153.1 Revised....7777
153.2 Amended....7778
153.3 Added....7779
153.5 Removed....7779
153.7 Heading revised; (d) added....7779
153.8 Revised....7779
153.10 Revised....7780
153.12 Revised....7780
153.15—153.19 Undesignated center heading removed....7780
153.15 Transferred to Subpart A and revised....7780
153.16 Transferred to Subpart A....7780
153.19 Redesignated as 153.190....7780
153.30 Added....7780
153.40 Added....7780
153.190—153.812 (Subpart B) Heading revised....7780
153.190 Redesignated from 153.19....7780
153.214 Introductory text revised....7781
153.215 Introductory text added....7781
153.216 Revised....7781
153.231 (b) introductory text revised....7781
153.234 Introductory text added....7781
153.440 Heading and (c) revised; (a)(3) added....7781
153.460 Introductory text added....7781
153.470—153.491 Undesignated center heading added....7781
153.470 Added....7781
153.480—153.481 Added....7781
153.482—153.483 Added....7782
153.486 Added....7782
153.488 Added....7783
153.490—153.491 Added....7783
153.900 Revised....7783
153.901 Revised....7783
153.902 Revised....7784
153.903 Revised....7784
153.908 Added....7784
153.909 Added....7784
153.1100—153.1132 Undesignated center heading added....7785
153.1100—153.1102 Added....7785
153.1104 Added....7785
153.1106 Added....7785
153.1108 Added....7786
153.1112 Added....7786
153.1114 Added....7786
153.1116 Added....7786
153.1118 Added....7786
153.1119 Added....7786
153.1120 Added....7787
153.1122 Added....7787
153.1124 Added....7787
153.1126 Added....7787
153.1128 Added....7788
153.1130 Added....7788
153.1132 Added....7788
153.1600—153.1608 (Subpart D) Added....7788
153.1600 Added....7789
153.1602 Added....7789
153.1604 Added....7789
153.1608 Added....7789
153 Table 1 revised....7790
Appendix I removed; Table 2 added; Appendix III amended....7799
154 Authority citation revised....31626
154.1—154.36 (Subpart A) Revised; eff. 11-1-87....31626
154.151 (a) amended; eff. 11-1-87....31630
154.170 (a) amended; eff. 11-1-87....31630
154.172 Table 1 and Footnote 1 amended; eff. 11-1-87....31630
154.174 (a) amended; eff. 11-1-87....31630
154.176 (a) amended; eff. 11-1-87....31630

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page
154.188 Amended; eff. 11-1-87....31630
154.195 (b) amended; eff. 11-1-87....31630
154.340 (b) introductory text revised; eff. 11-1-87....31630
154.420 (a) amended; eff. 11-1-87....31630
154.421 Amended; eff. 11-1-87....31630
154.439 Amended; eff. 11-1-87....31630
154.440 (c) amended; eff. 11-1-87....31630
154.530 (a) introductory text revised; eff. 11-1-87....31630
154.544 (a) revised; eff. 11-1-87....31630
154.1400 (a)(8), (b)(8), and (c)(7) amended; eff. 11-1-87....31630
154.1802 (a)(2) and (b)(2) revised; eff. 11-1-87....31631
159.001-9 (b) amended (OMB numbers)....35220
160.071-1—160.071-25 (Subpart 160.071) Removed....1188
Effective date suspended....13445
160.171-1—160.171-25 (Subpart 160.171) Added....1188
Effective date suspended....13445
160.174-17 (h) (2) and (3) amended....1197
Effective date suspended....13445
170 Authority citation revised....6979
170.055 (k) through (t) correctly redesignated as (l) through (u); new (k) added....35515
170.110 (a) revised....6979
170.130 Removed....6979
172 Authority citation revised....7799
172.130 (a) revised....7799
172.133 (b) introductory text and (d) revised....7799
172.220 (b)(2) corrected....35515
174 Authority citation revised; subpart authority citations removed....6979
174.045 (d) revised....6979
190 Authority citation revised; section authority citations revised....18364
190.07-10 (f) added....18364
(f) corrected....22751
195 Authority citation revised; section and subpart authority citations removed....18364
195.13 Removed....18364
195.15 Removed....18364

Chapter II—Maritime Administration, Department of Transportation

221 Authority citation revised; section authority citations removed....6330
221.14 (f) added....6330
252 Authority citation revised....40425
252.1 Revised....40425
252.3 (f) amended; (j) removed; (k) through (u) redesignated as (j) through (t)....40425
252.4 Added....40425
252.12 (b) revised....40425
252.20 (b)(3) amended....40426
252.22 (a) revised....40426
252.23 Redesignated from 252.24....40426
(d) introductory text amended; (d)(1) removed; (d) (2) and (3) redesignated as (d) (1) and (2) and revised....40426
252.24 Redesignated as 252.23 and amended....40426
252.30—252.34 (Subpart D) Revised....40426
252.40 Revised....40432
252.41 Revised....40432
252.42 Revised....40433
276.3 Revised....23536
281.11—281.17 Undesignated center heading and sections removed....43009
310.50—310.67 (Subpart C) Authority citation revised....21533
310.60 (c) revised....21534
386 Added....21534

Chapter III—Coast Guard (Great Lakes Pilotage), Department of Transportation

401.405 Revised....11470
401.410 Revised....11471
401.420 Revised....11471
401.428 Revised....11471

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 46—Con.

Chapter IV—Federal Maritime Commission

502 Authority citation revised — Page 28264
502.2 Revised — 27002
502.69 (a) revised — 4143
502.72 (c)(3) amended — 4143
502.74 (a) revised — 28264
502.76 Added — 4143
502.91—502.95 (Subpart F) Exhibit No. 1 amended — 4144
502.92 (a) (1) and (2) revised — 4143
502.241 (a) and (b) revised — 4144
502.253 Heading amended; (b) removed; (a) designation removed; section amended — 6331
502.254 Added — 6331
502.318 Existing text designated as (a); (b) added — 6332
502.991 (Subpart V) Redesignated as 502.991 (Subpart W) — 28264
502.501—502.503 (Subpart V) Added — 28264
502.991 (Subpart W) Redesignated from 502.991 (Subpart V) — 28264
503.35 (a)(7) revised; (c) added — 13682
503.41 Introductory text and (a) revised — 13682
503.43 (a), (b), and (c) revised — 13683
503.82 (e) added — 27002
515 Authority citation revised — 46670
515.7 Added — 46670
Technical correction — 1629
530 Authority citation revised — 2704
530.7 (f) (1) and (2) and (g) amended — 2704
550.5 (b)(8)(xiv) introductory text revised; (b)(8)(xiv)(A) amended — 26479
559.7 Redesignated as 559.8; new 559.7 added (effective date pending) — 18696
559.8 Redesignated from 559.7 (effective date pending) — 18696
568 Removed — 2705
572.307 Redesignated as 572.308; new 572.307 added — 18697
572.308 Redesignated from 572.307 — 18697
580.7 Removed — 24005
581 Added — 24005
Authority citation corrected — 27553
581.1 (i), (n), and (q) corrected — 27612
(o) through (t) redesignated as (p) through (u); new (o) added; eff. 11-9-87 — 33939
581.3 (a) introductory text and (1)(i) corrected — 27553
581.10 (a) and (b) revised; eff. 11-9-87 — 33940
(c) and (d) added (effective date deferred) — 33940

Title 46—*Proposed Rules:*

1—197 (Ch. I) — 12439, 31786
2 — 25409
10 — 31429
25 — 33448
27 — 25890, 29556
31 — 25409
33 — 36062
34 — 25409
35 — 36062
38 — 33841
54 — 33841
58 — 25409
71 — 25409
75 — 36062
76 — 25409
77 — 36062
91 — 25409
94 — 36062
95 — 25409, 26121
96 — 36062
98 — 40951
[illegible] — 33841
107 — 25409
108 — 25409, 36062
109 — 25409
146 — 25409
147 — 25409
150 — 44182
151 — 40951
[illegible] — 33841
153 — 40951
154 — 10598, 36062
157 — 31429
160 — 45783
[illegible] — 6992, 13479, 36062
161 — 36062
167 — 25409
172 — 40951
176 — 25409
181 — 25409
187 — 31429

NOTE: Boldface indicates 1987 page numbers.

189 — 25409
192 — 36062
193 — 25409
195 — 36062
202 — 36253, 44093
276 — 7462, 12199
310 — 6829
382 — 45135
[illegible] — 11518
386 — 4357
401—403 (Ch. III) — 31786
500—587 (Ch. IV) — 17787
502 — 36730, 37917
[illegible] — 10912, 12208, 12212, 16418
503 — 8628, 9756, 12212, 16418
550 — 4040
558 — 16282, 20430, 29708
559 — 16282, 20430, 29708
560 — 46694
[illegible] — 16282, 20430, 29708
561 — 16282
[illegible] — 20430, 29708
562 — 16282, 20430, 29708
564 — 16282, 20430, 29708
566 — 16282, 20430, 29708
568 — 36034
569 — 16282, 20430, 29708
572 — 46694
[illegible] — 18722
580 — 41132, 43267, 45912
[illegible] — 809, 1936
586 — 11832, 18408, 20430, 24027, 28578, 29996
588 — 20119, 24908, 26537, 28316

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

Chapter I Petition denied — 44478
Motions granted and denied — 2226
Policy statement — 16386
Determination — 27348
Adjudication ruling — 31768
0.11 (b) revised — 10227
0.231 (c) revised; (h) removed; (i) redesignated as (h) — 5288
(k) added; authority citation amended — 12383
0.241—0.247 Undesignated center heading revised — 41106
0.241 Revised — 41106
0.243 (a) revised — 41106
0.284 (a)(3) removed; (a) (4) through (11) redesignated as (a) (3) through (10) — 5288
0.291 (b) (2) and (3) amended; (b)(4) added; eff. 11-12-87 — 35918
0.332 (c) removed; (d) through (j) redesignated as (c) through (i) — 5288
0.401 Revised — 10227
0.403 Revised — 10228
0.406 (b)(2) revised — 5288
0.408 (b) table amended (OMB numbers) — 35918
0.416 Revised — 45889
0.445 (a), (b), (d), (e), and (f) revised — 45889
0.455 (a)(3) revised — 10228
(b)(1) revised — 21685
0.465 (a) introductory text and (d)(3) amended; (c)(1), (2), (3), and (4) redesignated as (e), (c)(1), (2), and (3); (a) Note, (b), new (c)(1), and (d)(1) revised; new (c)(3) amended; (d)(4) added — 34982
0.482 Revised — 10229
1.4 (c) and (d) revised — 10229
1.14 Revised — 45890
1.80 (h) revised — 5288
1.87 Revised — 22654
1.221 (f), (g), and Note added — 5288
1.227 (b)(4) revised — 10229
1.420 (h) Note added — 8260
Effective date corrected — 11473
Heading, (a) and (b) revised — 25866
1.742 Revised — 5289
Revised — 10229
1.762 Revised — 5289
1.764 (a) revised — 5289
1.766 (a) revised — 5289
1.767 (a) revised — 5289
1.772 Revised — 5289
1.773 (a)(1)(iii) added; eff. 1-1-88 — 26682
1.786 Revised — 1630
1.795 Added — 274
1.912 (b), (d), and (e) revised — 10229
1.931 (a) revised — 10229
1.959 Revised — 10230
1.1101—1.1116 (Subpart G) Revised — 5289
1.1109 Revised — 10230
1.1200—1.1216 (Subpart H) Revised — 21052
1.1307 (b) Note revised — 13241
1.1402 (d) and (e) revised (effective date pending) — 31770

NOTE: Boldface indicates 1987 page numbers.

TITLE 47 Chapter I—Con. Page
1.1404 (a), (d) (1) and (2), (g) (2), (4), (5), (9) and (10), (h) and (i) revised (effective date pending)....31770
1.1409 (b) revised (effective date pending)....31770
1.1502 Revised....11653
1.1503 (a) revised....11653
1.1504 (b) (1), (2), and (5), (c) and (f) revised....11653
1.1505 (a) revised....11653
1.1511 (b) revised....11653
1.1526 (a) revised....11653
1.1801—1.1870 (Subpart N) Added....16258
1 Appendix B removed....5294
2 Authority citation revised....39534
Extension of time for oppositions and replies....1458
2.1 Amended....37399
Petition comment time extended....4016
(c) amended....7417
2.106 Table amended....37399
Table corrected; Footnote US308 correctly revised....39662
Table corrected....417
Table amended; Footnote G105 removed....1231
Petition comment time extended....4016
Table amended; Footnote NG149 added....6154
Table amended....7139
Table amended; Footnote NG148 added....7417
Footnotes US7 and US228 amended....8906
Footnote NG149 correctly designated....20087
Footnote US234 removed....21686
2.901—2.1065 (Subpart J) Authority citation revised....21687
2.909 (f) added....5294
2.925 (b)(4) added; authority citation removed....21687
2.926 (e) revised; authority citation removed....21687
2.933 (a) revised....39535
2.936 (b) and (c) revised....39535
2.939 (a)(1) revised....39535
2.967 (c) revised....39535
2.977 (d) added....41628
Effective date corrected....44478
2.983 (j) revised....10570
(j) correctly revised....15725
2.1001 (d) revised; authority citation removed....39535
(l) added....41628
Effective date corrected....44478
2.1035 (a) and (c)(1) revised....39535
15 Authority citation revised....39535
Extension of time for oppositions and replies....1458
Authority citation revised....22460
15.4 (j)(2) revised....9297
(u) revised....22460
15.46 (a) and (b) revised; authority citation removed....39535
15.48 (a), (b), and (c) introductory text and (1) revised....39535
15.63 (a) introductory text revised....37400
Petition comment time extended....4016
15.69 (a) revised....37400
Petition comment time extended....4016
(b) table amended....21687
15.72 (b) introductory text revised....37400
Petition comment time extended....4016
15.79 Introductory text revised....37400
Petition comment time extended....4016
15.143 (a) revised....39535
15.305 (d) revised....9297
15.310 Revised....9297
15.312 (b) revised; (c) added....9298
15.324 (b) and (c) revised; (d) removed; (e) redesignated as (d); new (e) added....9298
(b) corrected....13241
15.602 (b) revised; (c) added....22460
15.606 (c) added....22460
15.616 (a) and (c) text revised; (d) added....22460
15.618 Heading and (c) revised....22460
15.623 Added....22460
18 Authority citation revised....43745
18.121 Added....43745
19 Authority citation revised....37022
19.735–202 (b)(2) revised; (b)(5) added....7578
19.735–204 (e)(3) revised....37022

Page
20 Petition comment time extended....4016
21.0 (a) revised....27554
21.2 Amended....27554
21.6 (b) revised....10220
21.7 (a) and (b) revised....27554
21.11 (a), (d), and (f) revised....27554
21.20 (b)(2) removed; (b) (3) through (9) redesignated as (b) (2) through (8)....5294
21.31 (e)(6)(iv) added....27554
21.40 (a) introductory text revised....27554
21.44 (c) revised....27555
21.100 (d) (1), (4), (5), (8), (9), (10), and (11) revised....27555
21.106 (a)(3) revised; (a)(4) added....23550
21.107 (b) table revised....7140
21.108 (e) revised....7141
21.119 Revised....27555
21.301 Revised....27555
21.303 (b) and (c) revised....27555
21.801 (a) amended; (b) revised; (g) added....7141
21.804 (d) table amended....7141
21.807 (c) added....7141
21.900 Revised....27556
21.902 (b) introductory text revised....27556
21.903 (a) and (b) revised....27556
21.907 Revised....27556
21.909 (b)(2)(i) revised....27556
21.910 Added....27557
22 Extension of time for oppositions and replies....1458
22.2 Amended....10572
22.6 (b)(1) revised; (b)(2) removed....10220
(b)(3) added....16848
22.9 (c)(2) amended (OMB number pending)....39754
(b)(2) redesignated as (b)(3); new (b)(2) added; (e) and (f) removed; (b)(1) and (d) revised....10572
22.13 (f) added....20087
22.15 (i)(3) revised (OMB number pending)....39754
(b)(1) (i) and (ii) and (2)(i) revised; (b)(1)(iii) added....10572
22.20 (b)(2) removed; (b) (3) through (9) redesignated as (b) (2) through (8)....5294
Page
22.31 (a)(1) revised....16848
22.39 (b)(5)(ii) revised....10572
22.40 Revised....10573
22.43 (b)(1) (i) and (ii) added; (a)(3) and (c) revised....10573
(b)(2) added....20087
22.44 (a) (1) and (2) revised....10573
(c) added....20087
22.104 (a)(1) revised....10573
22.106 (b)(1)(ii) revised....10573
22.110 (a)(5) and (e) added....10573
22.117 (b) introductory text and (1) revised....10574
22.213 (b)(5) revised (OMB number pending)....39755
22.501 (a)(5) (ii), (iii) and (iv), (d) and (f)(1)(ii) revised....10574
22.502 Revised....10574
22.514 (a) introductory text revised....39755
22.516 (b)(2) revised....10575
22.901 (c)(3) revised....37023
22.902 (b) correctly revised....35649
(b) (1) and (2) and (e) revised....37400
Petition comment time extended....4016
22.903 (a) correctly revised....35649
(a) revised....22472
Petition comment time extended....29386
22.904 (c) correctly added....35650
(c) revised....22472
Petition comment time extended....29386
22.905 (b) revised....22472
Petition comment time extended....29386
22.913 (a)(10) removed; (a)(11) redesignated as (a)(10) and revised....10575
(a)(10) revised....22472
Petition comment time extended....29386
22.917 (b)(1)(ii) revised....10575
22.920 (a) revised....10575
22 Appendices D and E corrected....29186
23.50 (d) revised....5294
(b) revised....10220
25 Extension of time for oppositions and replies....1458
Petition comment time extended....4016
Policies and procedures....4017, 12911

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 47 Chapter I—Con. Page

25.391 (h) revised....44069
25.523 (c) removed....5294
31 Removed; eff. 1-1-88....43499
Petitions denied in part....44479
31.01-10 Added....6559
31.01-11 Added....6559
31.106 Revised....6559
31.235 Waiver....29019
31.317 Revised....6560
31.370 Introductory text revised; eff. 12-2-87....20601
31.607 Waiver....29019
32 Added; eff. 1-1-88....43499
32.14 (c), (d), (e), and (f) revised; eff. 1-1-88....6560
32.22 (a) revised; eff. 1-1-88....7580
32.23 Revised; eff. 1-1-88....6560
32.25 Revised; eff. 1-1-88....7580
32.27 Added; eff. 1-1-88....6561
32.102 Revised; eff. 1-1-88....6561
32.1220 (g) revised; eff. 1-1-88....6561
32.1406 Revised; eff. 1-1-88....6561
32.2000 (a)(2) and (f)(6) revised; eff. 1-1-88....7580
32.2311 (h) revised; eff. 1-1-88....6561
32.2321 (b) revised; eff. 1-1-88....6561
32.2341 (g) revised; eff. 1-1-88....6562
32.2351 (c) revised; eff. 1-1-88....29019
32.5999 (f)(5) revised; eff. 1-1-88....7580
32.6999 (b) table amended; eff. 1-1-88....6562
32.7620 Revised; eff. 1-1-88....20601
32.7990 Revised; eff. 1-1-88....6562
32.7991 Added; eff. 1-1-88....6562
33 Removed; eff. 1-1-88....43499
36 Added; eff. 1-1-88....17229
36.372 (a) revised; eff. 1-1-88....32923
42.6 Correctly revised....39536
43 Annual Report Form M amended....37024
43.21 (a) revised....37024
(a) amended; (e) and (f) added; eff. 11-12-87....35918
43.22 Added; eff. 11-12-87....35919
43.31 (a) revised....1630
43.51 Revised....45890
43.52 Removed....45891
43.53 Revised....45891
(a) amended....8453
43.54 Removed....45891
43.74 Removed....45891
61.12 (e) and (f) redesignated as (f) and (g); new (e) added; eff. 1-1-88....26682
61.32 Revised....10230
61.33 (c) and (d) redesignated as (d) and (e); (b) redesignated as (c) and revised; new (b) added; eff. 1-1-88....26682
61.38 (a) revised; eff. 1-1-88....26682
61.39 Added; eff. 1-1-88....26682
61.58 Waiver....2412, 16389
61.59 Waiver....2412, 16389
61.74 Waiver....2412, 16389
61.153 Revised....10230
62.22 Revised....5294
64 Report and order....20714
Petition denied....21954
64.201 Revised....17761
Effective date deferred in part; petition denied....23658
64.501 (b) added....3654
64.901 (Subpart I) Added....6560
64 Appendix A amended....34983
65.101 (a)(2) revised; eff. 1-1-88....17251
65.600 (Subpart E) Added....274
67 Petitions denied and granted....2534
Interpretation letter....13445, 13644
Removed; eff. 1-1-88....17251
67.701 (Subpart G) Removed; text redesignated as Part 67 Appendix....21538
67.701—67.741 (Subpart G) Added....21538
67 Appendix redesignated from 67.701 (Subpart G)....21538
68.200 Introductory text revised....10231
69.2 (hh) through (mm) added....21539
69.3 (e) (3) and (4) revised; (e)(8) added....42236
(e)(1) revised; (e)(9) added....21540
(a) revised; (f) added; eff. 1-1-88....26683
69.4 (c) removed....42236
(b) introductory text revised; (c) added....21540
69.5 (d) added....21540
69.104 (c) and (d) revised; (e) through (m) added....21540

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page

69.105 (a) and (b) revised....21541
69.115 (e)(6) revised....8259
69.116 Added; eff. 4-1-89....21541
69.117 Added; eff. 4-1-89....21541
69.202 Removed....21542
69.203 (a) through (c) revised....21542
69.207 Revised....21542
69.306 (b) and (e) revised....42236
69.307 (d) revised....42236
69.404 (a) and (b) revised....42236
69.405 (c)(1) (iii), (iv), and (viii) revised....42236
69.406 (c) revised....42237
69.410 Revised....21542
69.411 Added....21542
69.412 Added....21542
69.413 Added....21542
69.501 (a) revised....21542
69.502 Revised....21542
69.601 (b) revised....21542
69.603 (c) through (f) added....21542
(g) added; eff. 1-1-88....26683
69.604 (a) revised....21543
69.605 (a) revised....21543
69.607 (c) revised....42237
69.610 (a) revised....42237
69.612 Added....21543
73 Clarification....10757
Interim policy....12912
Technical correction....16480
Petition denied....23305
Table of Contents amended....25867
73.21 (a)(2)(iii)(B) revised....21311
73.24 (b) Note revised....11654
73.37 (e) and (f)(2) introductory text revised....10570
73.51 (c)(2)(ii) revised....10570
73.68 (b) Note added....40435
73.127—73.190 Undesignated center heading removed....25866
73.127 (f) revised....41629
Effective date corrected....44478
73.182 (a) introductory text revised....10570
(d), (m), and (s) table footnote 2 revised....11655
(a) introductory text correctly revised....15725
(a) (1), (3) Note 1 and (v) Note revised....25866
(v) Note corrected....28225
73.184 Effective date deferred....45891
73.186 (a) introductory text revised....10570
73.189 (b)(6) revised....10570
73.201 Introductory text revised....10570
73.202 (b) table amended....35516, 37024-37026, 37289, 37290, 37405, 40170, 40171, 40433, 40434, 40976, 40977, 43200, 44070, 44988-44990, 45891, 46862
Petitions granted in part....36401
(b) table amendment at 51 FR 45891 suspended....1630
(b) table amended....57, 58, 275-277, 2533, 2534, 3654-3661, 3804, 3805, 4018, 4499, 4500, 5115, 5981, 6154, 7149, 7150, 7276, 7277, 7581, 8453, 8454, 8907, 9298-9300, 10381, 11472, 11473, 11825, 12181, 13242, 13243, 13446, 13447, 15500, 16849, 18698, 18699, 18914, 18915, 21056, 21955-21958, 22473, 22782-22784, 23659, 24294, 24295, 24470-24472, 25226-25228, 25868, 25869, 27349-27351, 28705, 29851-29854, 31031, 31032, 31772, 31773, 32794-32796, 34781
(b) table corrected....16849
Technical correction....28267
(b) table amended; eff. 10-2-87....31771, 31772
(b) table amended; eff. 10-5-87....32135
(b) table amended; eff. 10-8-87....33241, 33244
(b) table amended; eff. 10-13-87....33241-33243, 33593
(b) table amended; eff. 10-19-87....34914, 36034
(b) table amended; eff. 11-2-87....35919, 35920
(b) table amended; eff. 11-9-87....36034, 36578
73.206 Removed; (b) and (c) transferred to 73.211 (d) and (e)....8260
Effective date corrected....11473
73.211 (d) and (e) added; transferred from 73.206 (b) and (c)....8260
Effective date corrected....11473
73.311 (b)(2) revised....10570
73.313 (d)(1) revised....11655
73.315 (a) Note amended....10570
73.318 (b) revised....25866
73.504 (a) table amended....3660, 29853

NOTE: Boldface indicates 1987 page numbers.

93-145 O - 87 - 5

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 47 Chapter I—Con. Page

(b) revised 25867
73.525 (c)(2) revised 25867
73.606—73.699 Undesignated center heading removed 25866
73.606 (b) table amended 35515, 37025, 43200, 45331
Heading, (a), and (b) table footnote 6 revised 44070
(b) table amended 3658–3660, 7148, 7149, 8907, 10382, 11473, 12180, 12181, 13446, 16849, 16850, 18915, 18916, 22473, 22784, 22785, 24296, 29851, 29855
(b) table amended; eff. 10–13–87 33242
73.607 Revised 44070
73.609 (a) introductory text revised 44070
73.610 (a) text, (b) introductory text, and (c) introductory text revised 44070
73.611 Revised 11655
73.612 (a) and (b) Note revised 44070
73.641 Revised 6154
73.642 (a)(1) and (b) revised 6154
73.682 (a)(23)(iv) revised 25867
73.699 Figure 6 Note 9 revised 11656
73.933 (b)(12) revised 25867
73.943 (a) revised 5294
73.1001 (c) revised 31399
73.1010 (a)(5) revised 5294
(e)(5) revised 31399
73.1020 (a) revised 25604
73.1030 (b)(2) revised 25867
73.1120 (b) and (c) removed 21685
73.1125 Revised 21685
Petition for stay granted 28826
73.1130 Removed 21685
73.1202 (a) introductory text revised 25867
73.1205 Petition denied 23551
73.1225 (c) and (d) revised 41629
Effective date corrected 44478
73.1660 (b) and (d) revised 41629
Effective date corrected 44478
73.1690 (e) revised; (b)(1) and (2) removed; (b)(3), (4) and (5) redesignated as (b)(1), (2) and (3) 41629
Effective date corrected 44478
(e)(6)(i) revised 10570
(e) correctly revised 15725
(b)(3) and (d)(1) revised 21685
73.2080 Revised 26684
73.3500 Table amended 26685, 31399
73.3512 Revised 10231
73.3516 (a) revised 44071
73.3517 (a) revised 5294
73.3521 Revised 31400
73.3522 (a)(1) revised 25867
(a) revised 31400
73.3526 (d) revised 21685
(d) petition for stay granted 28826
73.3527 (d) revised 21685
(d) petition for stay granted 28826
73.3533 (a)(6) revised 31400
73.3536 (a)(5) revised 31400
73.3538 (a) (5), (6), and (7) revised 21685
73.3550 (a) revised 5295
73.3555 Note 2 amended 1632
73.3564 (a) and (d) revised 7421
(a) and (c) revised 31400
73.3571 (d)(4) revised 21311
73.3572 (a)(1) introductory text and (i) and (d) revised 44071
(a) revised 7421
Heading, (a), (c), (d), and (e) revised; (f)(5) added 31400
73.3580 (f)(9) revised 21686
(c), (d) (1) and (3) and (g) introductory text revised 31401
73.3584 (a), (b), and (c) revised 7422
(a), (b), and (c) introductory text revised 31401
73.3594 (d)(5) revised 21686
73.3598 (a) and (b) headings revised 11656
(b) revised 31402
73.3615 (a) introductory text revised 1632
73.4107 (d) added 11656
73.4108 Added 11656
73.4115 Petition denied 23551
73.4140 Heading and (c) revised; (d) added 11656
74 Table of Contents amended 25867
74.1 (b) revised 31402
74.5 (a)(4) revised 5295
74.15 (f) added 7142
(b) and (d) revised 25604
(c) revised 31402
74.165 Revised 3806
74.501 (a) and (b) revised 31402

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page

74.531 (c) through (f) redesignated as (d) through (g); new (c) added 31402
74.532 (a) revised 31403
74.600 Added 7142
74.602 (a) introductory text amended; (e) revised; (j) added 7142
74.631 (e) amended; (j) added 7142
74.632 (a) amended 7142
74.633 (e) redesignated as (f); new (e) added 10570
74.636 (a) designation removed; table revised; (b) removed 7142
74.637 (b) amended; (g) added 7142
74.638 Heading and (b) revised 7142
74.641 (a) introductory text revised; (a)(1) table amended; (a)(4) removed 7143
74.643 Added 7143
74.644 Added 7143
74.661 Revised 7143
74.701—74.784 (Subpart G) Heading revised 31403
74.701 (h) revised 7422
(i) added 31403
74.702 (b) revised 7423
(c) added 31403
74.703 (a), (b), and (c) revised 31403
74.705 (c) and (d) introductory text and (1)(ii) revised 31403
74.707 (a)(1) introductory text, (b) (1) and (3), (c) introductory text and (2), and (d) introductory text and (1)(ii) revised 31403
74.731 (a) and (b) introductory text revised; (j) and (k) added 31404
74.732 (d) revised 7423
(b) revised 10571
(g) and (h) added 31404
74.735 (c)(4) removed; (c) (5) and (6) redesignated as (c) (4) and (5) 7423
(a) and (d) revised 31404
74.736 (a) revised 31404
74.737 (a) revised 31404
74.750 (a), (d) introductory text, (e) (1) and (2), and (g) revised 31404
74.751 (b)(1) revised 31405
74.761 Introductory text and (d) revised 31405
74.762 (a) and (b) revised 31405
74.763 (b) added 7423
(a) and (c) revised 31405
74.765 (b) revised 7423
74.780 Revised 7423
Heading revised; text amended 25867
Heading and introductory text revised 31405
74.781 (a) revised 31405
74.783 (a) introductory text and (c) revised 7424
(e) added 31405
74.784 (d) redesignated as (e); new (d) added 31405
74.802 Revised 2535
74.803 (b) revised 2535
74.832 (d) and (f) revised 2535
74.861 (d) introductory text and (e) revised 2535
74.913 (b)(3)(ii) removed; (b)(3)(i) redesignated as (b)(3); Note 3 added 39536
74.933 Revised 3806
74.934 Revised 3806
74.937 (c) removed; (d) through (f) redesignated as (c) through (e) 3806
74.939 (j), (m) and (n) removed; (k) and (l) redesignated as (j) and (k); (f) revised 3806
74.951 (d) removed; (e) through (h) redesignated as (d) through (g) 3806
74.952 Revised 3806
74.961 (a) revised 10571
74.962 Revised 3806
74.965 Revised 3807
74.1201 (f) revised 31405
74.1202 (b)(1) revised 8260
Effective date corrected 11473
74.1203 Revised 31405
74.1231 (h) revised 31406
74.1232 (b) and (f) revised 10571
(e) revised; (g) removed; (h) redesignated as (g) 31406
74.1235 (a) introductory text revised; (c) added 31406
74.1236 (a) revised 31406

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 47 Chapter I—Con. Page

74.1250 (c) revised; (d) through (f) redesignated as (e) through (g); new (d) added.....31406
74.1261 Revised.....31406
76 Table of Contents amended.....25867
76.5 (d) and (j) revised; (jj), (kk), (ll), and (mm) added.....44607
Effective date deferred.....5770
(d)(1) introductory text and (ii) and (2) revised; (d)(3) added.....17575
(x) Note added.....22461
(d)(1) introductory text and (ii) correctly revised.....32923
76.7 (g) removed; (h) redesignated as (g).....44608
Effective date deferred.....5770
(c)(3) revised.....10231
76.53 Amended.....44608
Effective date deferred.....5770
76.55 Revised.....44608
Effective date deferred.....5770
Introductory text revised.....17575
76.56 Added.....44608
Effective date deferred.....5770
(c)(2) removed; (c)(3) and note redesignated as (c)(2) and note; new (c)(3) added; (d) revised.....17576
76.57 Removed.....44609
Effective date deferred.....5770
76.58 Added.....44609
Effective date deferred.....5770
76.59 Removed.....44609
Effective date deferred.....5770
76.60 Added.....44609
Effective date deferred.....5770
(a) revised.....17576
76.61 Removed.....44609
Effective date deferred.....5770
76.62 Added.....44609
Effective date deferred.....5770
(a)(2) revised; (b) redesignated as (d); new (b) and (c) added.....17576
76.64 Revised.....44609
Effective date deferred.....5770
76.65 Removed.....44609
Effective date deferred.....5770
76.66 Added.....44609
Effective date deferred.....5770
Revised.....17576
76.67 (a) revised.....17577
76.70 Added.....17577
76.501 (a) Note 2 amended.....1632
76.605 Note added.....22461
76.617 Revised.....17577
(a) revised.....22461
78 Table of Contents amended.....25867
78.5 (i) added.....7143
78.11 (d)(2) amended; (f) added.....7144
78.13 Revised.....7144
78.15 (a) revised.....10231
78.18 (a) (6) through (8) added.....7144
(a) (1), (2) and (3) tables amended.....10571
78.20 (a) revised.....10231
78.36 (a) introductory text and (b) revised.....7144
78.101 (a) revised; (c) and (d) removed.....7144
78.103 (e) added.....7145
78.106 Added.....7145
78.108 Added.....7145
78.111 Revised.....7145
80.5 Amended.....7417, 35244
80.19 Table corrected.....35244
80.23 (c) revised.....10231
80.80 (a)(4) footnote 1 revised.....35244
80.89 (g) added.....35244
80.95 (a)(3) revised.....35244
80.102 (a) amended; (e) added.....35244
80.111 (a)(6) added.....35244
80.143 (b)(4) added.....35244
80.156 Added.....34984
80.205 (a) table amended; (a) table Footnote 12 added.....7418
80.207 (d) table footnote 5 corrected.....34984
(d) table amended; (d) table Footnote 12 added.....7418
(a) introductory text revised; (a)(4) added.....35244
80.209 (a) table amended; (a) table Footnote 4 and (c) added.....7418
80.213 (c), (d), (f), and (g) redesignated as (d), (c), (g), and (k); new (f), (h), (i), and (j) added.....7418
(h) and (i)(1) (i) and (vii) revised; (i)(1) introductory text republished.....28825
80.215 (m) and (n) added.....7419

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page

(b)(1)(i) corrected; (c)(1) footnote 12 added; (e)(1), and (g)(3) and (4) revised; (m) and (n) correctly designated.....35244
80.219 (a)(3) correctly revised.....35244
80.225 Introductory text amended.....35245
80.303 (a) revised.....35245
80.313 Introductory text corrected.....34984
80.327 (c) revised.....35245
80.355 Heading corrected; (c)(2) removed; (c)(3) and (4) redesignated as (c)(2) and (3).....34984
Heading revised.....35245
80.357 Heading corrected.....34984
80.369 (c) revised.....35245
80.371 (a) table amended; (d) amended.....35245
80.373 (d)(1) table corrected.....34984
(c)(1) table, (2)(iii), (f) table and footnotes 2, 4 and 10 amended; (c)(1) table footnotes 3 and 4 added; (c)(2) introductry text, (f) table footnotes 5 and 9, and (i) heading revised; (c)(2) (iv) and (v) removed.....35245
80.375 (c) and (d) revised.....7419
80.383 (b)(2) correctly revised.....35245
80.387 (b) table amended; (b) table footnote 3 added.....35245
80.409 (a)(3) and (f)(1) revised.....35245
80.471 Heading correctly revised.....35245
80.475 (a) revised; (b) (1) and (2) corrected.....35245
80.477 (c) added.....35245
80.514 Added.....35246
80.559 (c) corrected.....34984
80.601—80.603 (Subpart M) Heading revised.....35246
80.605 Revised.....7419
80.655 (a)(1) revised; (a)(2) redesignated as (a)(3); new (a)(2) added.....35246
80.825 Revised; eff. 10-13-87.....35247
80.860 Correctly designated.....35246
80.871 (d) table corrected.....35246
80.879 Added.....35246
80.1019 Revised.....35246
80.1053 (a)(4) corrected.....35246
80.1055 (a)(3) correctly revised.....35246
80.1185 Revised.....27003
80.1187 Revised.....27003
80.1189 Added.....27003
87.237 Corrected amended.....34984
87.513 (g) revised.....37911
90.7 Amended.....29855
90.17 (d)(5) added.....6155
(b) table amended.....29855
(d)(2) removed.....29857
90.19 (f)(6) added.....6155
(d) table amended.....29855
(f)(2) removed.....29857
90.21 (d)(5) added.....6155
(d)(2) removed.....29857
90.23 (d)(4) added.....6155
(d)(1) removed.....29857
90.25 (d)(5) added.....6155
(c)(19) revised.....29855
(d)(2) removed.....29857
90.53 (c)(5) added.....6155
(b)(29)(iii) amended.....29855
(c)(2) removed.....29857
90.63 (e)(5) added.....6155
(d)(19) amended.....29855
(e)(2) removed.....29857
90.65 (d)(5) added.....6155
(d)(2) removed.....29857
90.67 (d)(4) added.....6155
(d)(2) removed.....29857
90.69 (d)(4) added.....6156
(d)(2) removed.....29857
90.71 (d)(3) added.....6156
(d)(1) removed.....29857
90.73 (e)(6) added.....6156
(c) table amended; (d)(23) revised.....29855
(e)(2) removed.....29857
90.75 (d)(5) added.....6156
Second (c)(24) redesignated as (c)(43) and revised; (b) table and (c)(25)(viii) table amended; (c)(15) revised.....29855
(d)(1) removed.....29857
90.79 (d)(4) revised.....36014
(e)(4) added.....6156
(c) table amended.....29856
(e)(2) removed.....29857
90.81 (e)(3) added.....6156
(e)(1) removed.....29857
90.89 (d)(4) added.....6156
(d)(1) removed.....29857
90.91 (d)(6) added.....6156
(b) table amended.....29856

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 47 Chapter I—Con. Page

(d)(1) removed....29857
90.93 (e) added....6156
(d)(1) removed....29857
90.95 (f) added....6156
(e)(1) removed....29857
90.103 (c)(9) amended....29856
90.127 (a) revised....10231
90.129 (o) introductory text amended....29856
90.135 (a)(8) added....36014
(f) added....10232
90.151 (d) revised....10232
90.175 (f)(3) revised; (f)(13) added....36014
90.179 (e) revised....36014
90.205 (b) table amended....37400
Petition comment time extended....4016
90.207 (k) amended....29856
90.209 Second (h) redesignated as (i)....37400
(b)(4) and (c) introductory text revised; (b) (5) through (8), (c) (1) through (3), and (h) and (i) redesignated as (b) (6) through (9), (c)(1) (i) through (iii), and (i) and (j); new (b)(5), (c)(2) (i) through (iii), and (h) added....37401
Petition comment time extended....4016
90.211 (d) introductory text and (2) revised; (d)(1)(iii) added....37401
Petition comment time extended....4016
90.213 (a) table amended; footnote 11 revised....37401
Petition comment time extended....4016
90.261 (b) amended....29856
90.266 (g) amended....29856
90.267 (a) (1) and (2) revised; (a)(6)(iii) added....4501
(b) table amended....29856
90.271 (d) removed....29857
90.273 Added....6156
90.275 Added....6157
90.277 Added....6157
90.279 Added....6157
90.281 Added....6158
90.303 (a) table amended....29856
90.354 Revised....10232
90.360 (b) and (c) revised....10232
90.376 (a) revised; (c) added....1332
90.477 (b) introductory text revised....37401
Petition comment time extended....4016
(f) added....15501
(d)(3) table amended....29856
90.490 (c) revised; (d) removed....15501
90.492 Revised....37402
Petition comment time extended....4016
90.525 Removed....37406
Petition comment time extended....4016
90.527 Removed....37406
Petition comment time extended....4016
90.555 (Subpart R) Heading revised....37406
Petition comment time extended....4016
(b) table amended....29856
90.601—90.657 (Subpart S) Heading revised....37402
Petition comment time extended....4016
90.601 Revised....37402
Petition comment time extended....4016
90.603 Introductory text revised....37402
Petition comment time extended....4016
90.611—90.633 Undesignated center heading revised....37402
Petition comment time extended....4016
90.611 (b) revised....10232
90.613 Introductory text revised; table heading parenthetical text removed; new table added....37402
Petition comment time extended....4016
Introductory text amended; tables amended....29856
90.617 Heading revised; Tables 2, 3, and 4 redesignated as Tables 2A, 3A, and 4A and headings revised; new Tables 2B, 3B, and 4B added....37404
(a) introductory text, (b) introductory text, (c) introductory text, and (d) introductory text revised....3662
Petition comment time extended....4016
(a), (b), (c), and (d) amended....29856
90.619 (a)(1) introductory text, (2) introductory text, (3) introductory text, and (b) introductory text revised....3662
90.621 (a)(1) (i) and (iv), and (2)(i) and (g) revised....37404
(g) revised; (h) added....3662
Petition comment time extended....4016
90.627 (a) and (b)(2) revised; (b)(3) added....37404
Petition comment time extended....4016
90.635—90.657 Undesignated center heading revised....37404
Petition comment time extended....4016
90.635 (d) Tables 2, 3, and 4 headings revised....37404
Petition comment time extended....4016
Table 1 amended....29857
90.637 (a) revised....37405
(a) revised; (c) added....1332
Petition comment time extended....4016
90.645 (f) and (g) revised; (h) redesignated as (i); new (h) added....37405
Petition comment time extended....4016
94.9 (b)(2)(iii) and (3) amended....7146
94.15 (b) revised....41630
(b)(3) revised....29857
94.25 (b) revised....10232
(k) removed....29857
94.27 (a) introductory text and (3) amended....29857
94.31 (a) revised....29857
94.45 (b) introductory text amended; (b) (1) and (2) removed....29857
94.61 (b) table amended; (b) table footnote 15 removed; (b) table footnotes 30 and 31 added....7146
(b) table footnote 22 amended....29857
94.63 (e)(3) revised....29857
94.65 (g)(1) and (2) redesignated as (g)(4) and (3); new (g)(1) and (2) and (m) added....7146
(g)(3) and (j)(5) introductory text amended....29857
94.67 Table amended....7146
Table amended; amendment at 52 FR 7146 correctly designated....29857
94.71 (b) table amended....7146
(c)(3) revised; (c)(4) added....23551
94.73 (a)(1) and (2) removed; (a) table added....7146
94.77 Revised....7147
94.79 Added....7147
95.71 (a) revised....10232
95.207 (a) revised; (e) removed....16263
Technical correction....27993
97 Reimbursement fee....45891
Form 610 approved by OMB....7277
Petition for stay denied....13243
Authority citation revised....18916
97.3 (k) revised; (dd) added....37027
97.7 (g)(8) and (9) revised....37027
(a) table and (b) table amended; (g)(1) revised....5116
97.21 Revision eff. 12-31-86....41630
Examination questions maintained....277
Petition for stay denied....4501
(c) and (d) revised....5116
97.23 Revised....5116
97.25 (b) revised....42576
Clarification....278
(b) effective date changed....3663
Petition for stay denied....4501
(a) revised; (e) added....5116
(a) introductory text corrected....18647
97.27 Revision eff. 12-31-86....41630
Examination questions maintained....277
Petition for stay denied....4501
97.28 (e) revised....42577
(e) effective date changed....3663
(a) and (b) revised....5116
97.29 (a) revision eff. 12-31-86....41630
Examination questions maintained....277

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

NOTE: Boldface indicates 1987 page numbers.

TITLE 47 Chapter I—Con. Page
Petition for stay denied....4501
97.61 (c) revised....37027
(a) table amended; (d)(3) added....5116, 5117
(c) revised....5461
97.67 (i) revised....37027
(i) correctly designated....39861
(d)(6) revised; (j) and (k) added....5117
97.80 (b) revised....39537
97.84 (a) temporary waiver granted....28826
97.85 (g) amended....37027
(i) added....5117
97.86 (e) added....5117
97.87 (f) added....5117
97.114 (b)(4) revised....39537
97.517 Revision eff. 12-31-86....41630
Examination questions maintained....277
Petition for stay denied....4501
97.521 Revision eff. 12-31-86....41630
Examination questions maintained....277
Petition for stay denied....4501
Revised....18916

Title 47—*Proposed Rules:*

0—100 (Ch. I)....36415
....3672, 8313, 13481, 13727, 28731, 33962
1....35536, 35537, 45912
....1939, 2562, 11519, 21333, 25261, 35737
2....43749, 44092
....6022, 6024, 13481, 21333, 24042, 25613, 31432
15....46882
....17612, 25613
21....39551
....11519, 11838, 21333
22....42597
....4360, 6022, 19741, 20630, 26704, 31042
25....40467
....6175, 8937, 12944, 26538, 28316
31....45915
....1344, 18932
32....45915
....1344, 18932
36....32937
43....35537
....26704, 27435
51....45912
63....5318, 34818
65....3628
67....36731, 37045, 39552, 40232
68....43749
....5318
69....36731, 40990, 45912
....3672, 3829, 17252, 19896, 28317, 31793
73....36416, 36417, 36731, 37920, 37921, 39553, 39554, 39673–39676, 40467, 40468, 41357–41360, 41647, 42270, 43050–43054, 44094
....113–115, 305, 1345–1349, 2564–2566, 3674–3678, 3830, 3831, 5146–5148, 5472, 6025, 6026, 6176, 7182–7185, 7282, 7624–7627, 8084–8086, 8314–8316, 8481, 8937, 9316, 11519–11521, 11837, 11840, 11842, 12214–12216, 12285, 12945, 13253, 13849–13853, 15515, 15516, 15737, 15738, 16883, 16884, 17791, 17993, 18253, 18723, 18933–18935, 20430–20432, 21086, 21976, 22504–22507, 22816–22818, 23314, 23563–23569, 23704, 23873, 23875, 24309–24312, 24484, 25264, 25892, 25893, 26162, 26358–26360, 26539, 26540, 27019, 27436, 27437, 27570, 28319–28321, 28476, 28731, 28732, 29235, 29869–29872, 30692–30694, 31043, 31044, 31432, 31793–31795, 32141, 32142, 32817–32819, 33253–33256, 33609, 33610, 34259, 34260, 34818, 35737, 35932–35934, 36065–36067, 36795–36970
74....40990
....7627, 7895, 11519, 21333, 21710, 27571
76....15738, 26162
78....40990
80....37922, 43749
....5474, 18409, 21334, 22508, 33610
81....1349
87....21334, 26360
90....45025
....4041, 5149, 6024, 10389, 18935, 19544, 21335, 25263, 29051, 31796, 35281
94....39551, 44093
....4161, 6022, 11519, 11838, 15356, 21333
95....15516, 29396
97....39554
....2229, 6024, 29052

TITLE 48—FEDERAL ACQUISITION REGULATIONS SYSTEM

Chapter 1—Federal Acquisition Regulation

1.105 Table amended (OMB numbers)....36971

Page
Table amended (OMB numbers)....18140, 19802, 30076, 35612
1.402 Amended....35612
2.101 Amended....19802
3.502 Revised....6121
Correctly designated....7063, 9989
3.502-1 Added....6121
Correctly designated....7063, 9989
3.502-2 Added....6121
(a) introductory text, (d) (1) and (2), (e), and (h) corrected....9989
3.502-3 Added....6121
4.601 (a) amended....19802
5.101 (a) revised; interim....21885
5.201 (a) amended; (b) (1) and (3) revised; interim....21886
5.205 (c) revised; interim....21886
5.206 (a)(2) amended....19802
5.301 Revised....19802
5.303 (a) amended....30076
6.302-1 (a)(2) introductory text and (b)(1) revised; (a)(2)(iii) added....21886
6.302-5 (c)(2) amended; (c)(2)(i) and (ii) added....36971
7.203 Revised....30076
7.305 (c) revised....9037
8.300 Amended....36971
8.800 Revised....9037
8.801 Amended....9037
8.802 (a) revised; (b) and (c) redesignated as (d) and (e); new (b) and (c) added; new (d) revised....9037
9.105-1 (d) added....9038
9.405 (a) amended....9038
9.406-1 (a) amended....6122
13.104 (g) amended; interim....21886
13.105 (d)(2) amended....36971
(a) amended; interim....21886
13.106 (b)(2) amended....19803
13.107 (d) added....30076
13.203-1 (b) and (c) revised....9038
13.402 Amended....19803
15.605 (b) revised....21886
(b) corrected....28225
15.704 Amended....9038
15.801 Amended....36971
15.805-5 (h) amended....36971
15.808 (a) (8) and (9) revised....19803
15.810 (a) and (e) revised; (c) redesignated as (f); new (c) added....36971
15.812-1 Revised....21886
15.812-2 (a) revised....21887
15.904 Revised....35613
16.203-4 (b)(1)(i) amended....19803
19.102 Table revised....21888
Amended....30076
19.501 (f)(1) amended....21902
19.508 (a)(2) amended....21902
19.705-6 (c)(1) amended....19803
22.606-2 (b) revised....30076
22.807 (d)(2) amended....19803
22.810 (g) revised....19803
22.1303 (d) amended....19803
22.1403 (d) amended....19803
25.402 Correctly revised; interim....8567
25.403 (d) revised....19803
27.204-1 (a)(2) amended....19803
27.400—27.409 (Subpart 27.4) Revised....18140
28.101-1 (b) revised....19803
(c) added....30076
28.101-3 (b) amended....19803
30 Revised....35613
30.401-61 Correctly designated....36675
30.402-61 Correctly designated....36675
30.403-61 Correctly designated....36675
30.414-61 Correctly designated....36675
30.418-61 Correctly designated....36675
30.420-61 Correctly designated....36675
31 Nomenclature change....35669
31.105 (d)(2)(i)(A) revised; (d)(2)(i)(B) amended....19804
31.107 Heading and (a) revised....30076
31.109 (h) (14) and (16) amended; (h)(17) added....9038
(h)(14) correctly designated....27806
31.201-3 Revised....19804
31.205-6 (i) revised....19804
31.205-10 (a)(2)(i) and (b)(2)(i)(A) amended....35669
31.205-22 (f) revised....19804
31.205-35 (a) revised; (f) added....9038
31.205-38 (f) revised....19805

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 48 Chapter 1—Con. Page

31.205–44 Heading, (a), (b), (d), (e), (f), (h), and (j) revised; (c)(3) redesignated as (c)(4); new (c)(3) added; (c)(2) amended 9038
(h)(2) corrected 27806
(i) amended 30077
31.205–46 (a)(2)(ii) amended 36972
32.001 Added 30077
32.102 (e)(2) revised 30077
32.406 (a) amended 19805
32.501–1 (a) amended; (d) added 30077
32.502–4 (d) added 30077
32.503–6 (g)(4) amended 30077
32.503–8 Amended 30077
32.503–10 (b)(3) (i), (ii), and (iii) revised 30077
32.504 (d) amended 9039
32.805 (c) amended 9039
33.210 (b) revised 36972
36.102 Amended 36972
36.601 Existing text designated as (a); (b) added 36972
36.701 (a), (b), and (d) amended 19805
44.201–1 (d) amended 36972
44.303 (g) and (h) amended; (i) added 9039
45.509–2 (b) introductory text and (1) revised 30078
45.606–5 (e)(4) (i) and (ii) revised 30078
49.109–7 (g) amended 19805
52.103 (d)(1) amended 9039
52.203–7 Added 6122
52.207–3 Introductory text amended 9039
52.207–4 Amended 30078
52.210–1 Amended 9039
Corrected 27806
52.214–1 Amended 9039
52.214–2 Amended 9039
52.215–5 Amended 9039
52.215–6 Amended 9039
52.215–17 Amended 9039
52.215–26 Revised 21902
52.215–30 Revised 35669
52.215–31 Revised 35669
52.219–4 Introductory text amended 21902
52.219–9 Amended 19805
52.222–28 Introductory text amended 36972

Page
52.223–3 Amended 30078
52.227–14 Added 18150
52.227–15 Added 18153
52.227–16 Added 18153
52.227–17 Added 18153
52.227–18 Added 18154
52.227–19 Added 18154
52.227–20 Added 18154
52.227–21 Added 18155
52.227–22 Added 18156
52.227–23 Added 18156
52.228–1 Amended 19805
52.230–1 Revised 35669
52.230–2 Revised 35670
52.230–3 Revised 35670
52.230–4 Revised 35671
52.230–5 Revised 35672
52.230–6 Revised 35672
52.232–5 Amended 30078
52.232–10 Amended 30078
52.232–16 Amended 30078
52.233–1 (c) amended 36972
52.243–1 Amended 30079
52.243–2 Amended 30079
52.243–3 Amended 30079
52.243–4 Amended 30079
52.244–1 Introductory text amended 36972
53.214 (d) through (g) redesignated as (e) through (h); (d) reserved 19805
53.236–2 (b) and (c) amended 36972
53.249 (a)(3) revised 30079

Chapter 2—Department of Defense

Chapter 2 Revised 46053
202.101 Amended 34784
203.170 Added; interim 12385
203.170–1 Added; interim 12385
203.170–2 Added; interim 12385
Corrected 19870
203.170–3 Added; interim 12385
203.170–4 Added; interim 12386
203.170–5 Added; interim 12386
203.571 Added 34784
203.571–1—203.571–2 Added 34784
203.571–3—203.571–5 Added 34785
203.7000—203.7002 (Subpart 203.70) Added 34386
204.202 (c)(6) added; interim eff. to 9–30–87 42096
(c)(6) added; interim eff. to 1–31–88 4318

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page
204.471 (Subpart 204.4) Added; interim eff. to 1–31–88 4318
204.601 Added 34785
204.670–2 Amended 36420
204.670–5 Added 36420
204.671–4 (a) amended 34785
204.671–5 (d)(9) and (e)(3)(iii) amended; (e)(3) (iv) and (v) added; (f) revised; interim 16264
(b)(13)(xi), (d) introductory text, (7), (8), (9) and (10), and (e)(1)(ii) and (9)(iv) amended; (d)(2) revised 34785
(b)(5)(iii) revised; (f) introductory text removed; (f)(2) added 36421
204.673 Revised; interim 43201
Revised; final 28707
204.673–1 Revised; interim 43201
Revised; final 28707
204.673–2 Revised; interim 43202
Revised; final 28707
204.673–3 Revised; interim 43202
Revised; final 28707
204.673–4 Revised; interim 43202
Revised; final 28708
204.673–5 Removed; interim 43202
Removed; final 28708
204.761–5 (e)(3)(iii) corrected; (e)(3)(v) correctly removed 19871
204.7200—204.7204 (Subpart 204.72) Added; interim eff. to 1–31–88 4318
205.201 (S–70) heading and text amended 34785
205.202 (a)(4)(S–70) added; interim 16264
Correctly removed 19871
205.203 Added 34785
205.205 Removed 34785
205.207 (d) (S–72) and (S–73) added; interim 16264
205.470 Added; interim 12387
206.203—206.203–70 (Subpart 206.2) Added; interim 16264
206.302–1 Heading and (c)(S–70) amended 34785
207.103 (i) amended 34785
207.105 (b) (5), (6) and (13) redesignated as (b) (2), (5) and (12); new (b)(6) added 34787
207.302 (d)(2) amended 34787
208.102 (Subpart 208.1) Added 34787

Page
208.404–2 (a) (S–70) revised 781
Revised 34787
208.404–70 Revised 33411
Table corrected 34866
208.7003–1 Amended 34787
208.7003–6 Amended 34787
208.7006–3 (a) revised; (b) redesignated as (d); new (b) and (c) added 34787
209.406–1 (d) revised; (e) added 34387
209.406–4 (a) revised; (b) added 34387
210.001 Amended 34787
210.002 Added 34787
213.203–1 Added 33414
213.203–2 Revised 33414
213.304 (b) amended 33414
213.402 (b)(2) amended 33414
213.404 (b)(1) amended 33414
213.503 (b) (2) and (3) amended 33414
213.505–2 Revised 33414
(S–73)(ii) and (iii) amended; (S–73)(iiii) added 34787
213.505–70 Heading amended; (c) redesignated as (e), text and table amended; new (c) and (d) added 33414
213.507 Added 33415
214.201 Revised 19871
214.201–2 Added 19871
214.202–1 (b) added 34788
215.170 (c) amended 34788
215.406 Added 19871
215.406–2 Added 19871
215.805–5 (c)(1)(S–70) (A) and (B) revised 34788
215.872 Revised 26346
215.873 Added 1915
215.874 Added 34788
215.875 Added; interim 11277
Correctly designated 13447
215.900—215.973 (Subpart 215.9) Revised; interim 43202
Revised; final 28708
215.902 (a)(1)(i) and (S–72) corrected 36419
215.970–1 (b)(2)(v) correctly added 30688
(b)(2)(i) table, (ii) table, and (iv) and (4)(ii) and (c)(3)(i) corrected 36420
215.971–2 Corrected 36420

NOTE: Boldface indicates 1987 page numbers.

TITLE 48 Chapter 2—Con. Page

215.972-1 (a) introductory text and (1) corrected....36420
215.973 Corrected....36420
215.1001 (b)(1) and (c) removed....34788
216.603-3 Added; interim....12388
Effective date note corrected....19872
216.703 (c) amended; interim....12388
Effective date note corrected....19872
217.202 Added; interim....12388
Effective date corrected....19872
217.7202-1 (c) amended....34788
217.7202-4 (b) amended....34788
217.7204 (a) introductory text and (1) amended; (b) and (c) redesignated as (c) and (d); new (c) (2) and (3) amended; new (b) and (c)(4) added....11077
(a) introductory text and (1) amended; (b) and (c) redesignated as (c) and (d); new (b) added....34788
217.7402 (c) added; interim....12388
Effective date note corrected....19872
217.7500—217.7504 (Subpart 217.75) Added; interim....12388
Effective date note corrected....19872
217.7503 (b)(3)(ii) and (4) corrected....23835
(b)(5) corrected....33415
219.000 Added; interim....16265
219.001 Added; interim....16265
219.201 (a) added; interim....16265
219.202-5 Existing text designated as (a); (b) added; interim....16265
219.301—219.304 (Subpart 219.3) Added; interim....16265
219.304 (b) corrected....19871
219.501 (b) added; (c), (d), and (g) amended; interim....16266
219.501-70 Added; interim....16266
219.502-3 Added; interim....16266
219.502-4 Added; interim....16266
219.502-70 (b) amended; interim....16266
219.502-72 Added; interim....16266
219.503 (S-70) added; interim....16267
219.504 (b) (1) through (4) redesignated as (b) (2) through (5); new (b)(1) added; interim....16267
219.506 (a) added; (b) amended; interim....16267
219.507 Added; interim....16267
219.508 (S-71) added....16267
219.801—219.803 (Subpart 219.8) Added; interim....16267
222.7200—222.7202 (Subpart 222.72) Revised....43355
Heading amended....34788
222.7200 (a), (b) and (c) amended....34788
222.7201 Amended....34788
223.7100—223.7105 (Subpart 223.71) Added; interim eff. to 9-30-87....42096
225.302 (S-72)(2)(i) amended....34788
225.7000 Amended; interim....12390
225.7001 Amended; interim....12390
225.7008 Added; interim....12390
225.7301 (b) revised....34788
225.7304 (c)(1)(i)(C) amended....34789
225.7305 (f) amended....34789
227.470—227.482 (Subpart 227.4) Revised....12391
227.471 Corrected....36422
227.472-1 Introductory text, (a), and (b) heading corrected....36422
227.472-2 Corrected....36422
227.472-4 Heading corrected....36422
227.472-5 Correctly designated....36422
227.473-1 (a) introductory text corrected....36422
227.473-3 (a) corrected....36422
227.473-4 (a)(2) and (c) introductory text corrected....36422
227.473-5 (a)(4)(i) heading and text and (ii)(A) corrected....36422
227.474-1 Corrected....36422
227.475-2 (b) corrected....36422
227.475-6 Corrected....36422
227.475-8 Corrected....36422
227.478-2 (a)(1)(ii) corrected....36422
227.478-3 Corrected....36422
227.479 (b) corrected....36422
227.480 (a) introductory text corrected....36422
227.481-1 (a)(3)(i), (d), and (f) corrected....36422
227.482 (a)(1)(iii), (2), and (3), (n), and (s) corrected; (l) correctly designated....36422
230.7001—230.7007 (Subpart 230.70) Revised; interim....43208
Revised; final....28714

Page

231.7001 (Subpart 231.70) Added; interim....5771
232.070 Added; interim....43211
232.102 Added; interim....43211
232.103 Added; interim....30369
232.111 (S-71) and (S-72) added; interim....43211
(S-71) and (S-72) added; interim....30369
232.501-1 Revised; interim....43211
232.502-1 (S-71)(1), (2), (4), (7), and (9) amended; interim....43211
232.502-4 (S-72) through (S-74) added; interim....43211
233.214 Amended....34789
235.003 (a) and (b) revised....24473
(b)(S-71)(iv) correctly added....28148
240.470 Added; interim eff. to 9-30-87....42096
242.771 Added; interim....5772
243.102 Added; interim....12389
Effective date note corrected....19872
243.201 (a) redesignated as (S-70); (S-71) added; interim....12389
Effective date note corrected....19872
244.304 (b)(1) (xvi), (xx), and (xxi) amended; (b)(1)(xxii) added....8908, 34789
245.106 (Subpart 245.1) Added; interim....12390
245.608-71 (g) revised....34789
245.7102-6 (b)(9) removed....34789
248.201 Revised....23835
252.203-7001 Added....34789
252.203-7002 Added; interim....12386
Corrected....19870
252.203-7003 Added....34387
252.204-7006 Added; interim eff. to 1-31-88....4319
252.204-7007 Added....36421
252.205-7000 Added; interim....12387
252.215-7001 Added; interim....11277
Introductory text corrected....13447
Redesignated as 252.215-7002; new 252.215-7001 added....26347
252.215-7002 Redesignated from 252.215-7001....26347
252.217-7220 Removed....34789
252.217-7270 Amended....11077, 34789
252.219-7005 Added; interim....16267
Correctly designated; heading and text corrected....19871
Correctly designated; text corrected....23415
252.219-7006 Added; interim....16267
Corrected....19871
252.222-7002 Revised....43355
252.223-7003 Added; interim eff. to 9-30-87....42097
252.227-7013 Revised....12405
Corrected....36423
252.227-7014—252.227-7015 Removed....12405
252.227-7016 Revised....12407
Corrected....36423
252.227-7017 Revised....12407
Corrected....36423
252.227-7018 Revised....12407
Corrected....36423
252.227-7019 Revised....12408
252.227-7020 Revised....12408
Corrected....36423
252.227-7021 Revised....12408
Corrected....36423
252.227-7022 Revised....12408
252.227-7023 Revised....12408
Corrected....36423
252.227-7024 Revised....12409
Corrected....36423
252.227-7025 Revised....12409
Corrected....36423
252.227-7026 Revised....12411
Corrected....36423
252.227-7027 Revised....12411
Corrected....36423
252.227-7028 Revised....12411
252.227-7029 Revised....12411
252.227-7030 Revised....12411
252.227-7031 Revised....12411
252.227-7032 Revised....12411
252.227-7033 Revised....12412
252.227-7034 Revised....12412
252.227-7035 Added....12412
252.227-7036 Added....12412
252.227-7037 Added....12412
252.231-7001 Added....5772
Corrected....23836
252.231-7002 Added....5772
252.232-7004 Amended; interim....43211
252.232-7005 Added; interim....43211
Added; interim....30369
252.232-7006 Added; interim....43212
Added; interim....30369
252.232-7007 Added; interim....43212
252.245-7000 Added; interim....12390
253.204-70 Added....36421
253.270 Amended; interim....43210
Amended; final....28716

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 48 Chapter 2—Con. Page
Amended....33415
Chapter 2 Unpublished DAR Supplement No. 6 amended....34789

Chapter 3—Department of Health and Human Services

301.105 Amended....44293
301.670–2 (b) revised....27558
301.670–3 (a) amended....44293
302.100 Amended....44293
Corrected....47353
Amended....27558
303.704 (Subpart 303.7) Added....44293
304.601 Redesignated as 304.602....44293
304.602 Redesignated from 304.601....44293
304.7101 (c) amended....44293
(c) amended....27558
305.202 (Subpart 305.2) Added....44293
306.202 (a) revised; (b) amended....44293
306.302–1 Heading revised; (b)(2) and (6) redesignated as (a)(2)(ii) and (b)(4); new (a) heading revised; new (b) heading added....44293
306.501 Amended....27558
307.104 (c) revised....44293
313.404 Removed....44293
314.404 Added....44294
314.404–1 Added....44294
315.103 (Subpart 315.1) Added....44294
315.413–2 (e) and (f) amended....44294
315.608 (b) amended....44294
315.804 Added....44294
315.804–3 Added....44294
316.301–3 (c) introductory text amended....44294
316.306 Added....44294
316.403 (Subpart 316.4) Added....44294
316.603–3 Amended....44294
319.801—319.870 (Subpart 319.8) Revised....27558
319.870 (a)(1) and (6) amended....44294
322 Added....44294
322.604–2 Heading correctly added....47353
325.102 (b) revised....44294
(b) correctly designated....47353
330.304 (Subpart 330.3) Added....44294
332.402 Revised....44294
Revised....27560
332.406 (c)(2) amended....44294
332.407 (d) amended....44294
(d) amended....27560
332.409–1 Amended....44294
Amended....27560
332.501—332.501–2 (Subpart 332.5) Added....44294
332.501–2 (a)(3) amended....27560
352.227–1 Removed....27560
353.370–393 Added....44295

Chapter 3, Appendix A—Public Health Service

PHS 315 Added; interim....43357
Effective date corrected....45229
PHS 315.412 (c)(1) corrected....45229
PHS 352.215–10 Added; interim....43357
Text and effective date corrected....45229
PHS 352.280–1 (b) amended....9300
PHS 352.280–2 (b) amended....9300

Chapter 4—Department of Agriculture

433.003 Correctly redesignated as 433.203 and (a) amended....41790
433.003–70 Correctly redesignated as 433.203–70....41790
433.009 Correctly redesignated as 433.209 and amended....41790
433.011 Correctly redesignated as 433.211 and amended....41790
433.012 Correctly redesignated as 433.212....41790
433.203—433.212 Correctly redesignated as Subpart 433.2....41790
433.203 Correctly redesignated from 433.003 and (a) amended....41790
433.203–70 Correctly redesignated from 433.003–70....41790
433.209 Correctly redesignated from 433.009 and amended....41790

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page
433.211 Correctly redesignated from 433.011 and amended....41790
433.212 Correctly redesignated from 433.012....41790

Chapter 5—General Services Administration

501.602–1 Revised....45892
501.603 (a), (b)(1) and (2)(i) and (ii), and (c)(2), (4), and (6) revised; (b)(2)(viii) removed; (b)(2)(ix) through (xiii) redesignated as (b)(2)(viii) through (xii)....45892
501.603–1 Revised....45893
501.603–2 (c) revised; (d) added....45893
502.101 Revised....39861
503.303 (Subpart 503.3) Heading revised....5982
503.700—503.705 (Subpart 503.7) Added....5982
505.101 Temporary Reg. AC–86–7 added....41507
Revised....22655
505.201 Temporary Reg. AC–86–7 added....41507
Revised....22655
505.202 (c) added....22655
505.203 Added....22655
505.207 (b) revised....22655
506.302–1 Revised....44990
506.302–5 Removed....44991
506.303–1 Revised....44991
506.303–2 Revised....44991
506.304 Revised....44991
507.305 Temporary Reg. AC–87–1 added....8590
Revised....28827
Temporary Reg. AC–87–1, Supp. 1 added....35093
507.306 Temporary Reg. AC–87–1 added....8590
Temporary Reg. AC–87–1, Supp. 1 added....35093
507.307 Revised....28827
508.802 Revised....28827
508.870 Removed....28827
509.105–1 (d) revised....39862
(a) and (c) revised....45896
509.106–70 Revised....39862
509.403 (a) revised....22656
509.404 Revised....22656
509.405 Revised....22656
509.406–3 (b)(3) revised....39862
513.105 Temporary Reg. AC–86–7 added....41507
513.203–1 Revised....45893
(b) revised....45896
513.403 Revised....45894
513.404 Added....45894
513.405 Added....45894
513.501 Revised....45894
513.505.2 Temporary Reg. AC–86–4, Supp. 1 added....36700
(a) and (b) revised....45894
513.505–3 (b) revised....45894
513.7001 Temporary Reg. AC–86–4, Supp. 1 added....36700
(a), (b)(1), and (g) revised; (d)(2) and (3) redesignated as (d)(3) and (4); new (d)(2) added....45894
514.201–6 (b) removed....6562
514.201–71 (b) revised....6562
514.270–1 Revised....45897
514.270–2 (b), (c)(1)(ii) and (2) introductory text, (iv), and (v) revised....45897
514.403 Revised....45896
515.407 (b) removed....6562
515.411–70 Revised....6563
516.603–3 Revised....39862
519.001 Added....16390
519.201 Removed....16391
519.202 (a), (b), (c), and (e) revised....16391
519.202–5 Revised....16391
519.302 Revised....16391
519.304 Added....16391
519.501 Temporary Reg. AC–86–7 added....41507
Removed....16391
519.502–1 Temporary Reg. AC–86–7 added....41507
(a), (b), (c), (d), (f), (g), (h), (i) and (j) revised....16391
519.502–2 Removed....16392
519.502–3 Revised....16392
519.502–70 Added....16392
519.503 Revised....16392
519.505 Temporary Reg. AC–86–7 added....41508
Removed....16393
519.506 Removed....16393
519.508 Temporary Reg. AC–86–7 added....41508
519.602—519.602–1 Added....16393
519.602–3 Added....16393

NOTE: Boldface indicates 1987 page numbers.

TITLE 48 Chapter 5—Con. Page
519.705 Added....34388
519.705-4 Added....34388
519.705-5 Added....34388
519.705-6 Revised....34388
519.770 Added....34389
519.770-1 Added....34389
519.770-2 Added....34389
522.1308 Temporary Reg. AC-87-2 added....12182
522.1370 Temporary Reg. AC-87-2 added....12182
525.105-70 Heading, (b), (c), and (d) revised....278
525.105-71 Revised....279
525.105-72 (b) and (c) revised....279
525.108-70 (a) introductory text, (b) introductory text, and (c) revised....279
525.402 Temporary Reg. AC-86-8 added....58
Temporary Reg. AC-86-8, Supp. 1 added....28828
528.102-1 (a) revised....6564
528.301 Revised....6564
533.102 (b) revised....6563
533.105 (a)(1)(ii), (3) and (4) and (b) introductory text and (3) revised....6563
537.201 Revised....6563
537.205 Revised....6563
542.1107 (a) revised....21057
542.7000—542.7002-3 (Subpart 542.70) Added....11826
546.400 Revised....35221
546.402 Revised....35221
546.403 Revised....35221
546.407 Removed....35221
546.470 Revised....35221
546.470-1 Revised....35221
546.470-2 (b) revised....35221
552.203-70 Amended....28827
552.207-70 Introductory text revised....28827
552.207-71 Temporary Reg. AC-87-1 added....8590
Temporary Reg. AC-87-1, Supp. 1 added....35093
552.212-72 (a) and (b) amended....45895
552.214-16 Added....45898
552.214-71 Introductory text revised....6563
552.214-72 Removed....6563
552.214-73 Introductory text revised....6563
552.214-74 Introductory text revised....6563
552.214-75 Introductory text revised....6564
552.215-71 Introductory text revised....6564
552.215-72 Removed....6564
552.215-73 Introductory text revised....6564
552.215-74 Introductory text revised....6564
552.219-1 Added....16393
552.219-4 Temporary Reg. AC-86-7 added....41508
552.219-70 Revised....16393
552.222-87 Temporary Reg. AC-87-2 added....12182
552.225-70 Revised....280
552.225-71 Revised....280
552.225-72 Revised....280
552.225-73 Introductory text revised....280
552.225-74 Introductory text revised....280
552.242-70 Temporary Reg. AC-86-6, Supp. 1 added....1333
Revised....21057
553.173 (c) table amended....45896
(c) table amended....34389
553.270-1 Revised....28828
553.270-2 (a) and (b) revised....28828
553.270-3 (b) revised....45895
(e) revised....21057
553.272 Temporary Reg. AC-86-4 added....36700
(a), (b), and (d) revised....45895
553.273 Temporary Reg. AC-86-4 added....36700
Revised....45895, 45896
553.275 (a) revised....45895
553.370-300-1 Temporary Reg. AC-86-4, Supp. 1 added....36700
553.370-3507 GSA Form 3507 amended....21057
553.370-3584 GSA Form No. 3584....34389

Chapter 7—Agency for International Development

701.105 Revised....21058
702.170-10 (a) revised....41106
705 Authority citation revised....42844
705.002 Amended....21058
705.202 Revised....42845
706 Authority citation revised....42844
706.101-70 (Subpart 706.1) Removed....6158
706.201-70 (Subpart 706.2) Removed....42845
709.402 Revised....21058
715.504 (a) amended....21058
715.506 Amended....21058
715.613 Revised....6158
715.613-70 Revised....6158
715.613-71 Revised....6159
719.270 (d) amended....21058
719.271-2 (b) (4) and (8) amended....21058
719.271-6 (a) introductory text amended; (a)(3) revised....21058
725.703 Revised....34985
725.706 (a) amended....4144
728.305 (a)(2) list revised....4144
731.205-6 (b)(2) amended....21058
731.371 (a) amended....21058
732.406-70 Revised....4145
732.406-70-1 Revised....4145
732.406-70-2 Revised....4145
732.406-70-3 Revised....4145
732.406-70-4 Revised....4145
732.406-70-5 Revised....4145
733 Heading revised....4145
736.603 Amended....21059
737.200—737.272 (Subpart 737.2) Heading revised....34985
752.202 (d) and (h) amended....4145
752.219-8 Amended....21059
752.7002 Amended....34985
752.7016 Amended....34985
Chapter 7 Appendix D amended....42844
Appendix J added....2354
Appendix D amended....4145
Appendix G amended....4146
Appendix F amended....6160
Appendixes D and J amended....11075

Chapter 8—Veterans Administration

801 Nomenclature change....28559
801.301 (c) added....28559
801.602 Revised....24010
801.602-70 (a)(4)(ii) removed; (a)(4) (iii) through (xi) redesignated as (a)(4) (ii) through (x); (b) and (d) revised; (i) added....28559
801.602-71 (b) (1), (2), and (3) amended; (a) and (b)(5) revised....28559
801.602-72 (a) amended; (d) revised....28559
801.603-1 Added....24010
801.603-3 Removed....24010
801.603-4 Removed....24010
801.603-70 (c) removed....24010
801.670-1 Removed; new 801.670-1 redesignated from 801.670-6....24010
801.670-2 Removed; new 801.670-2 redesignated from 801.670-7....24010
801.670-3 Removed; new 801.670-3 redesignated from 801.670-12....24010
801.670-4 Removed; new 801.670-4 redesignated from 801.670-13 and (a) removed and (b), (c), and (d) redesignated as (a), (b), and (c)....24010
801.670-5 Removed; new 801.670-5 redesignated from 801.670-14....24010
801.670-6 Redesignated as 801.670-1; new 801.670-6 redesignated from 801.670-15....24010
801.670-7 Redesignated as 801.670-2....24010
801.670-8 Removed....24010
801.670-9 Removed....24010
801.670-10 Removed....24010
801.670-11 Removed....24010
801.670-12 Redesignated as 801.670-3....24010
801.670-13 Redesignated as 801.670-4 and (a) removed and (b), (c), and (d) redesignated as (a), (b), and (c)....24010
801.670-14 Redesignated as 801.670-5....24010
801.670-15 Redesignated as 801.670-6....24010
801.690 Added....24010
801.690-1 Added....24010
801.690-2 Added....24011
801.690-3 Added....24011

NOTE: Boldface indicates 1987 page numbers.

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 48 Chapter 8—Con. Page

801.690–4 Added ... 24011
801.690–5 Added ... 24012
801.690–6 Added ... 24012
801.690–7 Added ... 24012
801.690–8 Added ... 24012
801.690–9 Heading added ... 24012
802 Nomenclature change ... 28559
802.100 Revised ... 24013
806.302–5 (a) and (b) amended ... 28560
808.304–1 (b) introductory text amended ... 28560
808.307–2 Revised ... 28560
810.001 Added ... 281
810.004 Added ... 281
810.004–70—810.004–72 Added ... 282
810.005 Removed ... 282
813.103 (a) amended ... 28560
813.506–70 Revised ... 28560
814.404–1 (b) amended ... 28560
815 Nomenclature change ... 28559
825.108 Revised ... 32012
825.202–70 (c) amended ... 32012
825.203 Amended ... 32012
833 Nomenclature change ... 28559
833.103 (d) revised ... 28560
833.104 (c) amended ... 28560
833.106 Revised ... 28561
Corrected ... 32013
833.211 (c) introductory text and (d) introductory text amended ... 28561
833.212 (b)(2) through (5) correctly revised ... 44179
836.202 Added ... 282
(b) corrected ... 1276
836.302—836.371 (Subpart 836.3) Heading revised ... 282
836.606–72 Revised ... 282
846.403 (b) amended ... 37027
846.408–70 (a) amended; (b) and (c) redesignated as (c) and (d); new (c) amended; new (b) added ... 37027
846.408–71 (a) amended ... 37028
852.233–2 Footnote ** revised ... 28561
852.233–70 Added ... 28561
852.236–88 Introductory text, (a) clause and (b) clause amended ... 28561
(a) and (b) corrected ... 32013
852.236–90 Added ... 282

Chapter 9—Department of Energy

Page

904.601–71 Added ... 28717
952.212–72 Added ... 28717
970 Authority citation revised ... 43926
970.0406 Added ... 28717
970.3101–6 (a) (3) and (8) revised; (a) (10), (11), and (12) added ... 1607
970.3102–7 Revised ... 1607
970.3102–17 (c) added ... 43926
(a) revised ... 1608
970.3102–19 Added ... 1608
970.3102–20 Added ... 1609
970.3102–21 Added ... 1610
970.3103 Correctly designated ... 1610
970.5204–13 (e)(33), (34), and (35) added ... 43926
(e) (1), (8), (11), (12) and (27) revised; (e) (33) and (34) added ... 1610
970.5204–14 (e)(33) added ... 43926
(e) (1), (6), (9), (10), and (24) revised; (e) (31) and (32) added ... 1610

Chapter 10—Department of the Treasury

1033 Authority citation revised ... 17298

Chapter 13—Department of Commerce

1317.7001 (Subpart 1317.70) Added ... 3807
1352.217–90—1352.217–112 (Subpart 1352.2) Added ... 3808

Chapter 14—Department of the Interior

1401.301 (a) and (b) amended ... 41965
1401.303 Heading revised ... 41965
1405 Added ... 41965
1406 Added ... 41965
1414 Heading revised ... 41965
1414.404 Added ... 41965
1414.404–1 Added ... 41965
1415.608 Added ... 41965
1415.902 (d) revised ... 41965
1415.905 (b) amended ... 41965

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page

1415.905–1 (a) introductory text, (3), and (5) amended; (a) (4) and (5) redesignated as (a) (5) and (4) ... 41965
1415.905–70 (b)(1) amended ... 41965
1419.705–6 Added ... 41966
1420.102 Amended ... 41966
1428.301 Amended ... 41966
1437.7001 Amended ... 41966
1437.7002 (a) amended ... 41966
1452.228–70 Heading revised; text amended ... 41966
1453.219–73 Added ... 41966
1453.303–DI–1920 Revised ... 41966
1453.303–70 Revised ... 41968
1453.303–71 Added ... 41969

Chapter 15—Environmental Protection Agency

1537.205 (b)(3) removed ... 8073

Chapter 16—Office of Personnel Management Federal Employees Health Benefits Acquisition Regulation

Chapter 16 Chapter established ... 16037
1601—1606 (Subchapter A) Heading added ... 16037
1601 Added ... 16037
1602 Added ... 16038
1603 Added ... 16039
1604 Added ... 16039
1605 Added ... 16039
1606 Added ... 16039
1614—1616 (Subchapter C) Heading added ... 16039
1614 Added ... 16039
1615 Added ... 16040
1616 Added ... 16041
1622—1624 (Subchapter D) Heading added ... 16041
1622 Added ... 16041
1624 Added ... 16041
1631—1649 (Subchapter E) Heading added ... 16041
1631 Added ... 16041
1632 Added ... 16043
1633 Added ... 16043
1644 Added ... 16043
1646 Added ... 16044
1649 Added ... 16044

Page

1652—1653 (Subchapter H) Heading added ... 16044
1652 Added ... 16044
1653 Added ... 16048

Chapter 17—Office of Personnel Management

Chapter 17 Chapter established ... 44296
1733 Added ... 44296

Chapter 18—National Aeronautics and Space Administration

1801 Revised ... 34790
1801.105–1 Revised (OMB numbers) ... 15414
1801.271 Added ... 45770
1801.603–2 (d)(2) amended ... 15414
1802.101 Revised ... 15414, 34795
1803.101–2 Amended ... 45770
1803.203 Amended ... 45770
1803.303 (a)(5) and (c) revised ... 34796
1803.704—1803.705 (Subpart 1803.7) Added ... 45770
1803.7001 Revised ... 34796
1804.202 Revised ... 45770
1804.7002 Revised ... 34796
1804.7100 Amended ... 15415
1804.7102–2 (a) and (b) amended; (f) removed; (g) and (h) redesignated as (f) and (g) ... 15415
1804.7102–4 (a) revised ... 15415
1804.7102–5 (c) removed; (d) redesignated as (c) ... 15415
1804.7103–2 Revised ... 15415
1804.7401 (Subpart 1804.74) Added ... 34796
1805.205 Revised ... 34796
1805.207 Revised ... 45770
Revised ... 34796
1805.302—1805.303–71 (Subpart 1805.3) Revised ... 34797
1805.303–71 (b)(1) introductory text revised ... 45771
1805.403–70 Revised ... 34798
1806.302–270 Added ... 45771
1806.303–271 Added ... 45771
1807.102 Revised ... 45771
1807.103 (b)(1)(i)(A) and (B) and (ii)(A) and (B) amended ... 45771

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 48 Chapter 18—Con. Page

1807.170–1 (a)(1)(iii) amended; (a)(1)(iv) removed; (a)(1)(v) redesignated as (a)(1)(iv)..... 45771
1807.7102 (c) revised..... 45771
1807.7105 (a) amended..... 45772
1808.303 Amended..... 15415
1808.304–2 (c) amended..... 15415
1808.304–4 (a) amended..... 15415
1808.304–571 Amended..... 15415
1808.802 Amended..... 45772
1809.206–71 Revised..... 15415
1810.002–70 Revised..... 34798
1810.004 (a) revised..... 34798
1810.004–71 (a) through (g) revised..... 34798
1810.007 Revised..... 15415
1810.008 Revised..... 34798
1810.008–70 Revised..... 34798
1810.011 Revised..... 15415
1812.104–70 (c) added..... 34798
1812.302—1812.303–70 (Subpart 1812.3) Revised..... 45772
1813.303 Revised..... 34799
1813.403–70 (c)(2) amended..... 34799
1815.407 Revised..... 15415
1815.407–70 Revised..... 15415
1815.412 Added..... 15415
1815.413–2 (c) amended..... 15416
1815.570 Amended..... 45772
1815.613–70 Amended..... 15416
1815.613–71 (a)(1) introductory text amended..... 45772
1815.704 Revised..... 45772
1815.805–5 (a) revised..... 34799
1815.870–1—1815.870–2 Revised..... 34799
1815.1003 Amended..... 15416
1816.203–4 Revised..... 34799
1816.303 Revised..... 34800
1816.603–71 Revised..... 34801
1816.702 Removed..... 34801
1822.101–1 (c) revised..... 15416
1822.103–4 Revised..... 15416
1822.608–5 Revised..... 34801
1822.804–2 Revised..... 15416
1822.1103 (a) revised..... 45772
1823.7002 (d)(1)(vii) revised..... 34801
1825.402 Revised..... 15416
1827.474 (b)(2) revised..... 45772
1827.475–10 Removed..... 45773
1828.305 (b)(2)(ii) revised..... 15416
1828.309 (a) designation removed..... 15416

1831.303 (Subpart 1831.3) Added; interim..... 13685
1831.703 (Subpart 1831.7) Added; interim..... 13685
1832.111–70 (d) amended..... 15416
(e) added..... 34802
1832.171 Removed..... 34802
1835.070 (c) revised..... 15416
1836.602–71 (b) revised..... 45773
1837.204–70 (d) and (e) revised..... 45773
1839.7001 Revised..... 15416
1839.7005 (a) revised..... 45773
1842.101 Revised..... 34802
1842.173 Revised..... 34802
1842.202–70 (a)(1) amended; (b) revised..... 45773
(d) revised..... 34802
1842.202–71 (b)(2) removed; (b)(3) and (4) redesignated as (b)(2) and (3)..... 45773
1842.302 Revised..... 45773
1842.7001 (Subpart 1842.70) Added..... 34802
1845.102–70 (a)(3) revised..... 34802
1845.106–70 (d) revised..... 34802
1845.106–71 Added..... 34802
1845.505–14 Revised..... 34802
1845.7101 Amended..... 34803
1845.7103 Amended..... 45774
1846.673 (a) revised..... 45774
1846.709–70 Amended..... 15417
1847.7001 (Subpart 1847.70) Added..... 34805
1852.000 Revised..... 15417
1852.204–71 Revised..... 15417
1852.204–72 Revised..... 15417
1852.204–73 Added..... 34805
1852.210–70 Revised..... 15417
1852.212–72 Added..... 34805
1852.215–72 Introductory text revised..... 15417
1852.215–73 Added..... 15417
1852.227–82 Removed..... 45774
1852.232–78 Introductory text revised..... 15417
1852.232–79 Added..... 34806
1852.233–1 Revised..... 15418
1852.235–70 Revised..... 45774
1852.235–71 Revised..... 15418
1852.242–70 Added..... 34806
1852.243–70 Amended..... 15418
1852.245–71 Amended..... 15418
1852.245–73 Revised..... 34806
1852.247–71 Added..... 34806

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page

1852.249–72 Introductory text revised..... 15418
1852.250–70 Revised..... 15418
1852.250–72 Revised..... 15419
1853.107 Revised..... 45774
1853.212 Removed..... 45774
1853.223 Revised..... 45774
1853.227 Revised..... 45774
1853.251 Heading revised..... 45774
1870 Added..... 15419
1870.103 Appendix I amended..... 34807

Chapter 24—Department of Housing and Urban Development

2413 Authority citation revised..... 40333
2413.404 Added (effective date pending)..... 40333
Eff. 3–2–87..... 3663
2433.000 Revised (effective date pending)..... 40333
Eff. 3–2–87..... 3663
2433.104 (f) revised (effective date pending)..... 40333
Eff. 3–2–87..... 3663
2433.104–70 Added (effective date pending)..... 40333
Eff. 3–2–87..... 3663
2433.105 Revised (effective date pending)..... 40333
Eff. 3–2–87..... 3663

Chapter 28—Department of Justice

2801.301 (c) amendment confirmed..... 34390
2801.304 (b) amendment confirmed..... 34390
2801.403 (a) amendment confirmed..... 34390
2801.601 (c)(1)(i) introductory text amended; (c)(1)(i)(A) revised..... 32796
(a) introductory text revision confirmed..... 34390
2801.602–70 Revision confirmed; (f) amended..... 34390
2801.603 Added..... 32797
2804.601 (a) and (b) amendment confirmed..... 34390
2804.803–70 (b)(1) table, (2) table, (3) table and (4) table revised..... 4320

Page

(b) (1) and (2) and (c) revision and (b)(3) addition confirmed..... 34390
2804.7001—2804.7002 (Subpart 2804.70) Revision confirmed..... 34390
2806—2812 (Subchapter B) Heading revision confirmed..... 34390
2806 Addition confirmed..... 34390
2806.502 (b)(1) amended..... 34390
2807.102 (b) amendment confirmed..... 34390
2807.7000—2807.7001 (Subpart 2807.70) Added..... 4320
2808.802–70 Amendment confirmed..... 34390
2808.1102–70 Amended..... 34390
2809.400 (b) amended..... 34390
2809.470 (a)(4) amended..... 34390
2810.007 Amendment confirmed..... 34390
2812.303 (Subpart 2812.3) Added..... 4320
2814 Heading revision confirmed..... 34390
2814.000 Amendment confirmed..... 34390
2815.104—2815.105–70 (Subpart 2815.1) Removal confirmed..... 34390
2815.307 (Subpart 2815.3) Removal confirmed..... 34390
2815.803–70 Amendment confirmed..... 34390
2827 Removed..... 34390
2830.201–270 Amendment confirmed..... 34390
2831.101–70 (b) amendment confirmed..... 34390
2834 Addition confirmed..... 34390
2834.002–70 (b)(1) and (e) amended; (f) added..... 34390
2835.003–70 (a) amendment confirmed..... 34390
2852.227–70—2852.227–74 (Subpart 2852.2) Removed..... 34390

Chapter 29—Department of Labor

2901 Heading revised; interim..... 40372
2901.603–1 (a)(3) and (d)(8)(i) amended; (d)(4)(iii) and (9),

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 48 Chapter 29—Con. Page

(f)(2), and (g)(2) and (3) revised; interim....40372
2901.603–74 Added; interim....40373
2902 Authority citation revised; section authority citations removed....40373
2902.101 Amended; interim....40373
2903.204 (a) amended; interim....40373
2905.202 (Subpart 2905.2) Added; interim....40374
2906 Added; interim....40374
2909.105–1 (b) revised; interim....40374
2913.403 Amended; interim....40374
2913.503–70 Amended; interim....40374
2914 Heading revised; interim....40374
2914.404 Added; interim....40374
2914.404–1 Added; interim....40374
2914.407–8 Revised; interim....40374
2915.105 (Subpart 2915.1) Removed; interim....40374
2915.213—2915.270 (Subpart 2915.2) Removed; interim....40374
2915.304—2915.307 (Subpart 2915.3) Removed; interim....40374
2915.608 Added; interim....40374
2916.306 (Subpart 2916.3) Added; interim....40374
2917.502 Revised; interim....40374
2919.202–1 (a), (b), and (c) amended; interim....40375
2933 Heading revised; interim....40375
2933.003 Redesignated as 2933.203 and (a) amended; interim....40375
2933.003–70 Redesignated as 2933.203–70; interim....40375
2933.009 Redesignated as 2933.209; interim....40375
2933.011 Redesignated as 2933.211 and amended; interim....40375
2933.012 Redesignated as 2933.212; interim....40375
2933.203—2933.212 (Subpart 2933.2) Heading added; interim....40375
2933.203 Redesignated as 2933.003 and (a) amended; interim....40375

Page

2933.203–70 Redesignated from 2933.003–70; interim....40375
2933.209 Redesignated from 2933.009; interim....40375
2933.211 Redesignated from 2933.011; interim....40375
2933.212 Redesignated from 2933.012; interim....40375
2933.102—2933.105 (Subpart 2933.1) Added; interim....40375
2943 Authority citation revised....40376
2943.301 (Subpart 2943.3) Added; interim....40376
2949.106—2949.111–70 (Subpart 2949.1) Heading revised; interim....40376

Chapter 52—Department of the Navy Acquisition Regulations

5242 Revised....46671
5252 Revised....46672

Chapter 53—Department of the Air Force Federal Acquisition Regulation Supplement

Chapter 53 Chapter established....40978
5315 Added....12414
5316 Added....6332
5350 (Subchapter G) Added....40978
5350 Added....40978

Title 48—*Proposed Rules:*

1....39965
5....17280
6....17280
7....39456
9....4082, 25642
13....44410
14....41897
15....36777
....4084, 26446
22....39965
29....35996
31....4084, 15884, 18158, 35191
32....8576
35....17280
44....28642
45....4086
47....31722
48....43219
51....9436
52....39965, 42805, 43219, 44410

NOTE: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page

....226, 4082–4086, 8576, 9436, 26446, 28642, 31722, 35996
53....39965
201....37205
203....42113, 43801
....9187
204....16289, 24485
205....16289, 24485
206....16289, 24485
208....37207
209....9187, 33450
215....809, 5791, 26363, 27019, 27922
219....16289, 24485
225....37205
....12440, 22665, 33430
227....2082
232....8481
242....6177, 21711
245....37205
....25614
252....42113, 43801
....2082, 5791, 16289, 24485, 27019, 33450
253....25614
PHS 352....40108, 45140
503....39404
504....30694
509....10913
514....30694
515....30694
522....30694
525....30694
532....30694
534....30694
536....30694
537....30694
552....30694
553....30694
601—653 (Ch. VI)....19990
819....16290
825....6993
951....46884
952....46884
970....46884
....30990
1804....25417
1805....26705
1812....25417
1815....26705
1832....25417
1842....25417
1845....24141
1847....25417
1852....25417, 26541
1870....26705
5242....36828
5252....36828
Chapter 53....39676
5315....37451
....6590

Page

AFSC 5315....34692
AFSC 5352....34692

NOTE: **Boldface** indicates 1987 page numbers.

TITLE 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

1.44 (j) revised....3012
1.49 Introductory text republished; (bb) added....24164
1.56 (k) added....30688
1.57 (r) added....18917
1.59 (q) added....9864
1 Appendix A amended....1916
71 Authority citation revised....41631
71.1 (c) revised....41631
71.2 (a) revised....41631

Chapter I—Research and Special Programs Administration, Department of Transportation

106 Appendix A amended....34986
107 Authority citation revised....34986
Authority citation revised....36671
107.105 (d) removed....34986
107.101—107.123 (Subpart B) Appendix A amended....34986
Appendix A amended....13037, 36671
107.303 Amended....34986
107.309 (a) and (b)(1) amended....34986
107.315 (c) revised....36671
107.339 Amended....34987
171 Authority citation revised....42176, 44791
Authority citation revised....29527, 36671
171.7 (d)(21) revised....34987
(d)(27) revised....44791
(d) (1), (2), (3) (ii), (iii), (iv), and (ix) revised; (d)(3) (x), (xi), (xii), and (5)(xxxiv) added....13037
(c) (21) and (31) amended....36671
171.8 Amended....42176
Effective date deferred....46672
Amended....13037, 24474, 36671
Amended; eff. 2–1–88....29527
171.11 (d)(1)(i) revised....42177
(d)(9) added....44791
Effective date deferred....46672
(d)(1)(i) correctly revised....4825

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 49 Chapter I—Con. Page

171.12 (a) amended 13037
171.12a (a)(3)(i) revised 42177
Effective date deferred 46672
(a)(3) correctly revised 4825
171.15 (b) amended 34987
(c) Note added 8592
171.17 (a) amended 34987
Removed 8592
172 Authority citation revised 42177
Authority citation revised 36671
172.101 Table amended 34987, 41633
(b) and (c)(9) revised 42177
Table amended; Appendix added 42177
Effective date deferred 46672
(c) corrected; Appendix correctly revised 4825
Table amended 13038, 36671
172.102 (e) revised 42195
Effective date deferred 46672
(e) correctly revised 4842
Table amended 36671
172.101—172.102 (Subpart B) Appendix A amended 36671
172.202 (a)(4) and (c)(1) revised 13038
172.203 (c) revised 42195
Effective date deferred 46672
(c) correctly revised 4842
172.324 Revised 42195
Effective date deferred 46672
Correctly revised 4843
172.326 (d)(1) added; eff. 2-1-88 29527
172.328 (e) revised; eff. 2-1-88 29527
172.331 Added; eff. 2-1-88 29527
172.332 (a) and (c)(1) revised; eff. 2-1-88 29527
172.334 (a) and (b) revised; (g) added; eff. 2-1-88 29528
172.336 (c) (4) and (5) revised 13038
(b) introductory text revised; eff. 2-1-88 29528
172.338 Revised; eff. 2-1-88 29528
172.400 (c) amended 36671
172.504 Table 2 footnote 8 revised 13038
172.510 (e) added; eff. 2-1-88 29528
(b) removed 36671
172.512 (a)(1) amended 36671
172.519 (b) (2) and (4) revised; eff. 5-18-88 13038
172.525 (b) amended 34987
173 Authority citation revised 8592, 25341, 36672
173.4 (b) amended 15949
173.11 (b)(4) revised 13038
173.12 (b)(2) revised 13038
173.25 (c) introductory text revised 13039
173.29 Heading revised; (e) added; eff. 2-1-88 29528
173.31 (d)(6) Table 2 amended 13039
173.33 (d)(13) amended 13039
173.34 (e)(8) amended 13039
(e)(9) note 1 corrected 36672
173.51 (g) revised 13039
173.57 (b) removed 13039
173.58 (b) removed 13039
173.81 Heading and (b) revised 13039
173.86 (a)(2) revised; (h) and (i) added 13039
173.87 Amended 13039
173.93 (a)(2) added 13039
173.104 Heading and (c) revised 13039
173.115 (b)(2)(ii) corrected 36672
173.118a (b)(6) revised 8592
173.122 (a)(4) removed 13039
173.164 (a)(2) revised 13040
173.197a Revised 13040
173.220 (a) introductory text revised; (a)(3) added 13040
173.245a (a) table footnote 2 revised 13040
173.253 (a) (7) and (8) revised 13040
(a)(2) corrected 36672
173.262 (b)(3) amended 34987
(b)(4) amended 13040
173.266 (f)(1) corrected 34987
(f)(2) amended 13040
173.271 (a)(7), (8)(iv) and (9) revised 13040
(a) (7) and (9) corrected 36672
173.272 (i)(2) corrected 36672
173.277 (d)(1) removed 13040
173.294 Heading, (a) (2) and (3) and (b) revised 13041
(a) heading and introductory text and (3) corrected 36672
173.301 (k)(1) revised 13041
173.302 (a)(5)(iv) revised 13041
173.304 (a)(2) table amended 13041

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page

(a)(4) introductory text corrected 36672
173.314 (c) table Note 6 amended 13041
173.315 (c) introductory text revised 13041
173.316 (c)(2) table revised 13041
173.318 (b) and (f) (2) and (3) revised 13041
173.320 Revised 13043
173.386 (d) corrected 36672
173.415 (c) revised 34987
173.420 Added 41633
(a)(2) revised 46675
(a)(1) revised 7582
(a)(2) revised 25341
173.421-1 (b)(2) amended 15949
(a) corrected 36672
173.421-2 (d) amended 15949
173.427 (a) corrected 36672
173.965 Added 13043
174 Authority citation revised 8592
174.45 Revised 8592
174.750 (b) amended 34987
175 Authority citation revised 44791
Authority citation revised 8592, 36672
175.10 (a)(4) introductory text and (15) revised 44791
175.20 Revised 34987
175.30 (e)(1)(ii) amended; (e)(1)(iii) added 44791
175.31 (a) amended 36672
175.45 (d) removed 8592
176 Authority citation revised 8592
176.48 (b) revised 8592
176.76 (g)(2) added 13043
177 Authority citation revised 8592, 36672
177.807 Revised 8592
177.814 (b) revised 13043
177.824 (f) introductory text revised; (f)(2) amended 13044
(f) introductory text revised 36672
177.825 (b)(1) introductory text revised; (c) corrected 36672
177.834 (k) removed 13044
177.835 Parenthetical phrase following heading revised 13044
177.837 Parenthetical phrase following heading revised 13044
177.838 Parenthetical phrase following heading and (g) revised 13044
177.839 Parenthetical phrase following heading revised 13044
177.840 Parenthetical phrase following heading revised 13044
177.841 Parenthetical phrase following heading revised; (e) amended 13044
177.848 (b) revised 13044
177.861 (a) corrected 36672
178 Authority citation revised 36672
178.16-19 (c)(2) amended 34987
178.38-10 (b) amended 13044
178.42-14 (a) introductory text revised 13044
178.45-17 (e) amended 34987
178.46-4 (a) revised 13044
178.46-5 (d) (1) and (2) footnote 1 revised 13045
178.46-6 (c) revised 13045
178.46-8 (e) revised 13045
178.51-10 (d) revised 13045
178.53-9 (a) amended 13045
178.54 Removed 13045
178.54—178.54-23 Removed 36672
178.61-10 (b) revised 13045
178.65-14 (d) amended 34987
178.135-8 (a)(1) revised 36672
178.245-1 (a) introductory text revised 13045
178.337-1 (d) amended 13046
178.337-13 (b) amended 13046
178.338-3 (b) amended 34987
179 Authority citation revised 36672
179.3 (c) amended 36672
179.4 (a) amended 36672
179.100-13 (a) revised 13046
179.100-14 (a) (1) and (3) revised 13046
179.102-2 (a)(3) revised 13046
179.103-5 (b) (1) and (4) revised 13046
(b)(1) corrected 36672
179.200-7 (b), (c), (d), (e) and (f) table column headings revised 13046
179.200-13 Revised 13047
179.200-17 (a) (1), (6), and (7) and (b) (1) and (3) revised 13047
179.202-8 Revised 13047
179.202-11 Revised 13047

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 49 Chapter I—Con. Page
179.202–16 Revised 13048
179.220–1 Revised 13048
179.220–7 (b), (c), (d) and (e) table column headings revised 13048
179.220–18 (a) (1) and (6) and (b) (1) and (3) revised 13048
179.220–19 (c) amended 13048
179.221–1 Table amended 13049
179.222 Added 13049
179.222–1 Added 13049
Correctly designated 36672
179.301 (a) table revised 13049
192 Authority citation revised 32900
192.5 (d)(2) revised 32925
192.611 (e)(2) revised 34988
192.614 (b)(4) revised 32900
192.719 (a) revised 41635
192.743 (b) revised 41634
193 Authority citation revised 675
193.2801 Revised; eff. 1–8–88 675
193.2901 Revised; eff. 1–8–88 675

Chapter II—Federal Railroad Administration, Department of Transportation

219.5 (b) removed 10575
219.205 (c) and (d) revised 10576
219.211 (a)(1) revised 10576
219 Appendix B added 10576
225 Authority citation revised 47019
225.5 (b)(2) revised 47019
225.7 (a) revised 47019
225.19 (b) and (c) amended 47019
225 Appendix A revised 47019

Chapter III—Federal Highway Administration, Department of Transportation

310 Removed 22474
383 Added 20587
383.37 Introductory text corrected 32926
391.11 (b)(7) revised 20589
391.21 (b)(10) amended; (b)(11) redesignated as (b)(12); new (b)(11) added 20589
391.27 (e) added 20589
392 Authority citation revised 27201
392.5 (c), (d) and (e) amended 27201
393 Authority citation revised 2803
393.42 Revised 2803
394.3 (a)(3) revised 7278
350—399 (Subchapter B) Appendix D heading revised; Appendix E added 20590

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

509.2 Revised (OMB numbers) 29858
531 Authority citation revised 35620
531.5 (a) revised 35620
533.5 (a) Table II revised 6575
(d) revised 6576
541 Appendix A revised; Appendixes A–I and A–II added 42578
543 Revised; eff. 10–8–87 33829
544 Added 76
567.4 (g)(5)(ii) revised 28562
571.100 Added 7151
571.101 Amended; eff. in part 9–1–89 3247
Amended 7157, 19874, 33417
571.105 Amended 19874
571.108 Corrected 35222, 35357
Amended 40981
Corrected 4774
Amended 34655
571.112 Amended 35710
571.121 Amended 20605
571.207 Amended 7868
571.208 Amended 37033
Amended 10103
Corrected 36423
575 Authority citation revised 27810
575.6 (a) amended; authority citation removed 27810
575.7 Authority citation removed 27810
575.104 Authority citation removed 27810
585.4 Revised 37033
585.5 (b)(1) revised 37033

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Chapter VI—Urban Mass Transportation Administration, Department of Transportation Page
604 Revised 11933
622.101 (Subpart A) Revised; eff. 11–27–87 32660
630 Revised; eff. 10–26–87 36186
635.3 (c) revised 36403

Chapter VII—National Railroad Passenger Corporation

701 Authority citation revised 15321
701.2 (b) amended 15321
701.3 (a) amended; (b) revised 15321
701.4 (a)(4) and (d) revised; (c) amended; (e) added 15321
701.7 Revised 15321
(e)(1) amended 31407

Chapter VIII—National Transportation Safety Board

830.5 (a) (6) and (7) added 30371

Chapter IX—United States Railway Association

Chapter IX Chapter removed 12916
901 Removed 12916
903 Removed 12916
932 Removed 12916

Chapter X—Interstate Commerce Commission

1001.2 Amended 44297
1002 Authority citation revised 13686
1002.1 (f) revised; interim 13686
1002.2 (f) table amended 44297
(f) (60) and (74) revised 13245
(f)(78) revised; interim 31773
1003 Policy statement 11277
1003.2 Heading and text amended 44297
1008 Authority citation revised 34989
1008.1 Amended 44297
1008.2 (b) amended 34989
(a) amended 44297
1011.2 (a)(8) added 35223
(a)(4) and (b) revised 30165
1011.3 Revised 30165
1011.6 (h) removed 34989
(b)(4) revised 36403
(b)(4) and (k)(1) amended 44297
Heading revised; introductory text amended; (e) and (h) removed; (f), (g), (i), (j) and (k) redesignated as (e) through (i) 30165
1011.8 (c) added 35223
1014 Policies and practices self-evaluation 18564
1039 Heading and authority citation revised; interim 45899
1039.1—1039.6 Removed (regulations transferred to Part 1313); interim 45899
1039.13 Revised 22660
1039.16 Revised 17404
1039.19 Removed (regulations transferred to Part 1313); interim 45899
1039.20 Added 46675
1041.11 Amended 44297
1041.20 Amended 44297
1041.21 Amended 44297
1042 Heading revised; authority citation added 28474
1042.1—1042.2 (Subpart A) Removed 28474
1042.10—1042.13 (Subpart B) Heading and authority citation removed 28474
1043 Authority citation revised 3815
Policy statement 11277
1043.4 Revised 30088
Revised; interim 27351
Correctly revised 28474
1043.5 (a) revised 3815
1049.1 Heading and text amended 44297
1049.2 Heading and text amended 44297
1050 Removed 4626
1052 Authority citation revised 11991
1052.3 Revised 11991
1052.4 Removed 11991
1057 Authority citation revised 37034
1057.11 (b)(2) revised; (c)(1) amended 37406

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 49 Chapter X—Con. Page

1057.12 Authority citation removed ... 37034
(e) amended ... 37406
(f) amended ... 37407
(g) revised ... 2412
1057.41 Removed ... 37034
1058 Authority citation revised ... 41636
1058.5 Existing text designated as (a); (b) added ... 41636
1058.6 Removed ... 41636
1059 Removed ... 32135
1063 Authority citation revised ... 42097
1063.4 (c)(2) and (3) revised ... 42098
1080—1085 Undesignated center heading amended ... 44297
1080 Heading revised ... 44297
1080.1 Amended ... 44297
1080.2 (c) amended ... 44297
1083.1 Heading and text amended ... 44297
1084 Policy statement ... 11277
1084.2 (b) amended ... 44297
1090 Revised ... 27660
Authority citation revised ... 27811
1090.2 (a) amended ... 44297
Revised ... 27811
1090.3 Revised ... 27811
1105.6 (c)(4) amended ... 44297
1130.2 (e)(1) introductory text and flush text following (xi) and (2) introductory text and flush text following (vi) amended ... 26479
1130.3 Removed ... 34989
1132.1 (a) and (d) amended ... 44297
(b) corrected ... 32800
1132.2 (b) introductory text added; (b)(1) introductory text revised; (c) and (d) amended ... 30165
1135 Authority citation revised ... 37035
1135.1 (f) redesignated as (g); (b) revised; new (f) added ... 37035
1138 Revised ... 13841
1152.25 (e)(1) revised ... 35223
1152.27 (e) revised ... 35223
1152.32 Introductory text, (g) introductory text and (3)(iii), and (k) amended; (g)(3)(ii) and (h) removed; (n)(4) revised; (n)(5) added ... 2706
(p) amended ... 2708
1152.33 (c)(1) (i) and (ii) revised ... 2709
1152.34 Revised ... 2709
1152.35 Removed ... 2710
1152.36 Table amended ... 2710
1152.50 (d)(5) added ... 42098
1160 Authority citation revised ... 18365
1160.1 (b) amended ... 44297
1160.5 (d)(1) amended; (e) added ... 18365
1160.6 Amended ... 44297
Revised ... 18365
1160.8 Amended ... 18366
1160.19 (e) amended ... 44297
(b) revised ... 18366
1160.22 Heading and text amended ... 44297
1160.23 (e) introductory text revised ... 18366
1160.24 Amended ... 44297
1160.64 (c) revised ... 18366
1160.66 (d) revised ... 18366
1160.71 (a)(5) revised ... 18366
1160.73 (b) revised ... 18366
1160.75 (g) and (j) revised; (k) amended ... 18366
1160.76 (a)(1)(iii) introductory text revised ... 18367
1160.78 (b) revised ... 18367
1160.80 Heading revised ... 18367
1160.87 (a) revised ... 18367
1160.101 Revised ... 43927
1160.105 Revised ... 43927
1160.106 (e)(2) revised ... 18367
1161.5 Amended ... 30166
1162.3 (b) amended ... 4627
1162.5 (b)(1) amended ... 4627
1162.6 (g)(2) amended ... 30166
1165.21 (b)(4) revised; (d) added ... 43927
1165.26 Revised ... 43928
1181.20—1181.27 (Subpart C) Heading amended ... 44297
1181.20 (a)(1) and (2) amended ... 44297
1181.21 (g) and (i) amended ... 44297
(l) corrected ... 33418
1181.24 (d) amended ... 44297
1181.25 (a), (b), and (c) amended ... 44297
1181.40—1181.41 (Subpart E) Heading amended ... 44297

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page

1201 (Subpart A) Authority citation revised ... 4321
1201 Amended ... 4321
1206 Authority citation revised; definitions, instructions, and account explanations authority citations removed ... 20400
0–1 removed; existing text designated as 1206.2 ... 20400
1206.1 Added ... 20400
1206.2 Heading added; text designated from existing Part 1206 ... 20400
1207 Authority citation revised; definitions, instructions, and account explanations authority citations removed ... 10382
Existing text designated as 1207.2 ... 10382
Authority citation corrected ... 33418
1207.1 Added ... 10383
1207.2 Designated from Part 1207 text ... 10382
1220.0 Amended ... 44297
1244 Authority citation revised ... 12416
Authority citation corrected ... 33418
1244.8 Added ... 12416
1249 Authority citation revised ... 10383
Technical correction ... 33419
1249.1 Revised ... 10383
1249.2 Revised ... 10383
1249.3 Removed ... 10383
Added ... 20400
1249.4 Revised ... 20400
1249.5 Added ... 10383
1249.12 Removed ... 10383
1312 Authority citation revised ... 537, 4627, 15949
1312.1 (b)(6) and (15) amended ... 44297
1312.4 (b)(7)(i), (iii), (iv), and (v) and (e)(1)(ii)(B) amended ... 44297
(e)(1)(i)(E) added ... 537
1312.8 (c)(2) amended ... 44297
1312.11 Heading amended ... 44297
1312.12 (e)(1) amended ... 4627
1312.14 (j) amended ... 44297
(a)(1) amended ... 4627
1312.15 Heading amended ... 44297
1312.17 (k)(3) added ... 37035
(k)(3) correctly added ... 40171
(e) amended; interim ... 15726
1312.32 Introductory text amended ... 44297
1312.37 (a) amended ... 44297
1312.39 (h) amended ... 44297
(h) heading revised; (h)(2) amended ... 537
(h)(6) revised; interim ... 15726
(h)(4) revised ... 15949
1312.41 Removed (regulations transferred to Part 1313); interim ... 45899
Added ... 3664
1313 Added (regulations transferred from Part 1039 and Section 1312.41); interim ... 45899
Comment time extended ... 7278
Authority citation revised ... 25228
Authority citation corrected ... 33419
1313.2 (a) text designated as (a)(1); (a)(2) added ... 25228
1313.10 (b)(4)(i) suspended ... 3664
1313.11 (b)(3)(i) suspended ... 3664
1320 Heading amended ... 44297
1320.1 (a) amended ... 44297
1330.1 Amended ... 44297
1331.1 (c) amended ... 44297

Title 49—*Proposed Rules:*

18 ... 21820, 23627
71 ... 43644
... 10119
171—179 (Subchap. C) ... 16482, 22631, 34195
171 ... 6591, 7996, 19116, 33906, 35464
172 ... 42114
... 6591, 21484, 25611, 33906, 35464
173 ... 6178, 6591, 19116, 25342, 26922, 33906, 35464
174 ... 33906, 35464
175 ... 7996, 33906, 35464
176 ... 6591, 33906, 35464
177 ... 6591, 26728, 26732, 33906, 35464
178 ... 6591, 26027, 33906, 35464
179 ... 33906, 35464
180 ... 6591
191 ... 36068
192 ... 4361, 9189, 21087, 36068
193 ... 36068
195 ... 4361, 9189, 36068
219 ... 2118, 7185
387 ... 19116
390 ... 36830

Title 49—*Proposed Rules—Con.* Page

26278
391 ..... 35538, 36830
9192, 26278
392 36830
26278
393 36830
5892, 13853, 26278
394 36830
26278
395 36830
26278, 26289
396 36830
5913, 13853, 26278
397 36830
26278
398 36830
399 36830
501—590 (Ch. V) 39877
531 44492
533 40344
544 19898
571 ..... 42598, 43801, 44928
1474, 2293, 5474, 5563, 8917, 8482, 9194, 9316, 10122, 10775, 17306, 17791, 19179, 20124, 22818, 23314, 29873, 30293, 35740, 25741
574 45916
580 ..... 27022, 29556, 36073
584 36285
647 29709
701 13066
845 9678
1000—1332 (Ch. X) 11295, 19898, 22704, 26168, 30293, 32519
1002 45348
32573, 34818
1007 32573
1039 ..... 5320, 29873, 32257
1041 ..... 15357, 20124
1042 8631
1048 ..... 15357, 20124
1049 ..... 15357, 20124
1059 9201
1071 13729
1072 13729
1084 44318
32577
1103 32573
1135 ..... 4790, 13482
1145 13482
1150 ..... 20632, 32573
1152 7628
1160 43937
17420, 32573
1162 36732
32573
1165 43937
17420, 30933
1169 32573
1171 32573
1177 32573
1180 32573
1182 32573
1201 ..... 5791, 17792, 23316
1206 28854
1241 23316
1249 28854
1312 36732
564, 10913
1320 11295
1330 ..... 9513, 17613

Note: **Boldface** indicates 1987 page numbers.

TITLE 50—WILDLIFE AND FISHERIES

Chapter I—United States Fish and Wildlife Service, Department of the Interior

17 Classification review 25522
Authority citation revised 29780
Record of decision 29784
17.11 (h) table amended 39478, 41796, 45910
(h) table amended 288, 5302, 10892, 11169, 11172, 11286, 20719, 20999, 21063, 22430, 22584, 22943, 23151, 25232, 25380, 28785, 28831, 29780
(h) table amended; eff. 10-16-87 35040
(h) table amended; eff. 10-19-87 35378
(h) table amended; eff. 10-26-87 ..... 36038, 36180
17.12 (h) table amended 45907
(h) table amended 679, 682, 784, 1462, 2234, 4910, 7426, 11175, 15505, 21480, 21484, 22589, 22933, 22936, 22939, 32929, 36270
(h) table corrected 6651
(h) table amended; eff. 10-16-87 34917
17.42 (a) revised 21063
(c) added 23151
17.44 (q) added 39478
(r) added 5302
(r) correctly designated 7369
(s) added 11286
(t) added; eff. 10-16-87 35040
17.84 (c) added 41797
(d) added 29780
17.95 (e) amended 5302, 11286
(b) amended 28786
(b) (10) and (11) maps correctly republished 29751

Page
(e) amended; eff. 10-16-87 35040
(e) amended; eff. 10-26-87 36039
20 Frameworks 28717, 29187, 35248
20.21 Introductory text republished; (j) revised 27364
20.101 Seasonal hunting adjustments 31775
20.102 Seasonal hunting adjustments 31776
20.103 Seasonal hunting adjustments 31777
20.104 Seasonal hunting adjustments 31779, 36498
20.105 Seasonal hunting adjustments corrected 41508
Seasonal hunting adjustments 31780, 36501
20.106 Seasonal hunting adjustments corrected 41508
Seasonal hunting adjustments 31782, 36531
20.107 Seasonal hunting adjustments 36533
20.108 Revised 27364
Amended 32014
20.109 Seasonal hunting adjustments 31782, 36533
20.110 Seasonal hunting adjustments 32772
20.134 Revised 42100
20.140—20.143 (Subpart M) Added 42107
23.23 (f) table amended 44480
(f) table amended 1335, 6161
25 Authority citation revised 29860
25.51—25.57 (Subpart E) Revised 29860
26 Authority citation revised 44793
Authority citation revised 35715
26.34 Amended 35715
26.37 Removed 44793
32 Authority citation revised 27815
32.11 Amended 27815
Corrected 28511
32.21 Amended 27815
32.31 Amended 27815
33 Authority citation revised 5304
33.2 (e) amended; table revised (OMB number) 5304
33.3 (e) amended 5304
33.4 Amended 5304, 27815
33.5 (d) revised 5304
33.8 (a) (4) and (5) added 5304
33.9 (g) revised 5304
33.12 Added 5305
33.13 (f) and (h)(2) revised; (h) (4) and (5) added 5305
33.14 (a) through (h) redesignated as (b) through (i); new (a) added; new (g)(1) revised 5305
33.17 (b) (1) through (3) revised 5305
33.22 (b)(2), (e)(2) and (f) (1) through (5) revised; (b)(6) and (f) (6) through (9) added 5305
33.23 (b) added 5306
33.25 (c) redesignated as (d); new (c) added 5306
33.32 (a)(3) and (b)(2) revised 5306
33.34 (a)(3) revised 5306
33.37 (b)(4) revised 5306
33.39 Added 5306
33.41 (e)(2) revised 5306
33.44 (b)(2) revised 5306
33.46 (a)(6) added 5306
33.51 (a) (1) and (2) and (b) (1) and (2) revised 5306
33.55 Added 5306
36.2 (h) amended 44793
(h) corrected 45986
36.3 Amended 44793
36.15 (a) (1) and (2) revised; (a)(3) added 44793
36.21 (e) revised 44794
36.39 (b) added 41509
36.41 (a)(1) revised 44794
91 Revised 18700
96 Removed 44794

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

215 Harvest levels 26479
216 Temporary regulation 36560
216.24 (e)(9) revised; interim emergency 40172
(d)(5)(vii) revised 19880
217.1 Amended 24250
217.2 Amended 24250
217.3 Amended 24250
217.4 Introductory text and (a) amended 24250
217.12 Amended 24250
219 Removed 10340
222.41 (Subpart D) Added 24251

Note: **Boldface** indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 50 Chapter II—Con. Page

227.72 (e)(2) heading and (3) heading removed; new (e)(2) through (7) added....24251
228.12 Amended; eff. to 12-31-91....1199
256 Removed....35920
257 Removed....35920
258 Removed (regulations transferred to 22 CFR Part 33)....7533
261.104 (e)(3)(iii) revised....34990
261.105 Amended....34990
261.161 Table 1 amended....34990
262.161 Table 1 amended....34990
262.171 (a)(2)(v) amended....34990
262.211 Table I amended....34990
262.221 (g)(6)(iii) amended....34990
263.104 Table 1 amended....34990
263.166 Table IV amended....34990
263.261 (b) table amended....34990
263.301 (b) amended....34990
263.312 (a) amended....34990
263.314 (b) Table II amended....34990
264.111 Table 1 amended....34991
264.155 Table 1 amended....34991
264.221 Table 1 amended....34991
264.252 (a) corrected....34991
264.271 (f)(2)(vii) amended....34991
264.321 (a) Table 1, (f)(2)(ii), (vii) and (g)(2)(ii) amended....34991
264.371 (f)(2)(v) and (vii) amended....34991
264.421 (f)(2)(vii) and (g)(2)(ii) amended....34991
265.106 Appendix 3 amended....34991
265.171 (u)(2)(ii) and (v)(2)(ii) amended....34991
265.175 Table 1 and 2 amended....34991
266.121 (a) and (b) Table 1 amended....34991
266.161 (b) table amended....34991
266.171 (a)(2)(v) and (b)(1) amended....34991
285 Temporary regulations....9170, 26719, 34655
Inseason adjustments....28831
285.2 Amended....25011
285.6 (a) revised....25012
285.23 (f) revised....25012
285.25 (c) amended....25012
285.30 (c)(2) amended....25012
285.31 (a) (8) and (9) revised....25012

Chapter III—International Regulatory Agencies (Fishing and Whaling)

Page

301 Revised....16268
301.5 (f) added....33832
301.8 (d) revised; (i) added....33832
301.9 Revised....33832
301.19 Revised; interim emergency....10760
(d) table corrected....13788
301.21 Added; interim emergency....7583
371 Inseason orders....41509
372 Removed; interim emergency....43929

Chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce

603 Suspended; interim eff. to 12-31-87....26686
604.1 (b) table amended (OMB numbers)....37185, 46679
(b) table amended (OMB numbers)....21544, 23838, 27816
(b) table amended (OMB numbers); eff. 10-23-87....35719
605 Added; interim eff. to 12-31-87....26686
611 Temporary regulations....37407
Inseason adjustments....41797
Specifications....785, 3248
Specifications corrected....3916
Preliminary reassessment....29528
Temporary regulations and inseason adjustments....31032
Harvest quotas....31631
Annual harvest and processing reassessment....33593
611.22 (a), (b)(1), (c) and (d) revised....422
Technical correction....1917
611.60 (a)(3) effectiveness extended....36578
611.61 (b)(3) effectiveness extended; (b)(4) removed....36578
611.81 Revised....5984
611.92 (c)(1) (i) and (ii), (2)(ii)(A) and (g) suspended; (c)(1) introductory text revised; (c)(1) (iii) and (iv), (2)(ii)(D) and (i) added; interim emergency eff. to 3-31-87....426
(c)(1)(i) and (ii), (2)(i)(C) and (ii)(A), and (g) revised....7872
Interim emergency effectiveness extended....10761
611.93 (b)(3)(ii)(A) suspended; (b)(3)(ii)(D) added; interim emergency eff. to 1-20-87....37411
Technical correction....40810
(b)(3)(ii)(A) suspension and (b)(3)(ii)(D) addition interim emergency effectiveness extended....2235
(b)(1)(iii), (c)(2)(ii)(E)(*2*)(*iv*), (F), and (G) and Figure 1 added....8598
621.3 Removed; new 621.3 redesignated from 621.4....10340
621.4 Redesignated as 621.3....10340
630 Effectiveness extended in part....36578
630.7 (a) (5), (7), and (8) removed....36578
630.21 Removed....36578
630.23 Removed....36578
640 Technical correction....23450
640.1 Amended....22659
640.2 Amended....22659
640.3 (a) amended; (c) revised....22659
640.6 (g) and (h) amended; (i) revised....22659
640.7 Introductory text, (a) through (r) and (s) redesignated as (a) introductory text, (1) through (18) and (b); new (a) introductory text, (4), (6), (7), (10) and (11) and new (b) revised; new (a) (5), (15) and (18) amended; (a) (19, (20) and (21) added....22659
640.20 (d) amended....22659
640.21 (a) and (c) revised....22659
640.22 (b) revised....22659
640.23 (b)(1) amended....22659
641 Nomenclature change....5118
641.2 Amended....5118
Amended; eff. 10-23-87....35719
641.5 Heading revised; text added; eff. in part 10-23-87....35719
641.7 Introductory text designated as (a) and revised; (a) through (q) and (r) redesignated as (a) (1) through (17) and (b); new (a)(14) amended; (a)(18) added....35720
641.22 Introductory text amended; Figure 2 redesignated as Figure 3....35720
641.24 (b)(4) revised....5118
(b)(4)(iv) amended; Figure 3 redesignated as Figure 4....35720
642 Temporary regulations....2113, 4019, 4627, 35720
642.2 Amended; interim emergency eff. to 3-31-87....289
Interim emergency effectiveness extended....10762
Amended....23838, 36579
642.3 (c) amended....23841
(b) revised....36579
642.4 (c) removed; (d) through (k) redesignated as (c) through (j); (a), (b), new (c), (e), (f), and (g) revised; new (k) added....23838
642.5 (a) introductory text and (1) revised....23839
(a) introductory text, (b) introductory text, and (c) introductory text amended....23841
642.6 (a) introductory text revised....23839
642.7 (a)(20) suspended; (a)(31) and (32) added; interim emergency eff. to 3-31-87....289
(a)(20) interim emergency suspension effectiveness extended; (a) (31), (32), and (33) added; interim emergency eff. to 6-29-87....10762
(a) (5), (6), (17) through (22), and (27) through (30) revised; (a)(31) added....23839
(a) (3), (4), and (12) amended....23841
(a)(9) amended....36579
642.20 Revised....23840
642.21 (d) and (e) suspended; (g) and (h) added; interim emergency eff. to 3-31-87....289
(d) and (e) interim emergency suspension effectiveness extended....10762
(g) and (h) removed; interim emergency eff. to 6-29-87....10763
(a)(3) amended; (a)(1)(iii) and (e) removed; (a)(1) introduc-

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 50 Chapter VI—Con. Page

tory text, (i), and (ii), (2), (c) and (d) revised; (f) redesignated as (e) and revised....23840
Revised....25013
(a)(1) (i) and (ii) corrected....33594
(a)(1) (i) and (ii) amended....36579
642.22 Revised....23840
642.23 (a) and (b) amended....23841
(a)(2) revised....36579
642.24 Revised....23840
642.26 (a)(1) introductory text and (iii) and (2) amended....23841
(a)(1) introductory text and (ii), (b) (1) and (2), (c)(3)(i) (B) and (E) and (4) and Table 1 amended....36579
642.27 (b), (c), (f)(1)(ii), (2), and (3) revised....23840
642.28 (g) through (j) added; interim emergency eff. to 3-31-87....290
(i) and (j) interim emergency addition effectiveness extended....10762
(g) and (h) revised; interim emergency eff. to 6-29-87....10763
Revised....23841
(a) revised....25014
642.29 Revised....23841
642 Appendix A amended....23841
646.1 Amended....9866
646.2 Amended....9865, 9866
646.3 (c) amended....9866
646.5 (a), (e), and (f) amended....9866
646.6 (a) (17) and (18) amended; (a) (19), (20), and (21) added....9865
(a) (4), (5), (6), (7), (9), (16), and (18) amended....9866
646.21 (a), (b), and (c) amended....9866
646.22 (b) (4) and (5) amended....9866
646.24 Added....9866
650.1 Amended....1463
650.2 Amended....1463
650.7 (a) revised....1463
650.20 Revised....1463
650.21 Revised....1463
650.22 Revised....1464
650.23 Added....1464
651 Temporary regulations....17298, 22227

Page

Revised (effective date pending in part)....35094
651.4 OMB number; interim effectiveness confirmed to 9-30-87....37185
651.21 OMB number; interim effectiveness confirmed to 9-30-87....37185
(a)(2) table corrected....3250
651.22 Interim effectiveness confirmed to 9-30-87....37185
652 Temporary regulations....40173, 44297
Temporary regulations....4019, 4020, 10763, 16274, 25014
1987 final quotas....5461
Inseason adjustments....19352, 32306
652.1 Existing text designated as (a) and amended; (b) added....27816
652.2 Amended....27816, 27817
652.4 (c) introductory text and (h) introductory text revised; (h)(2) redesignated as (h)(3); new (h)(2) added....27816
(a)(1) (i) and (ii) amended....27817
652.7 (a) introductory text and (f)(1) revised; (m) and (n) redesignated as (n) and (o); new (m) added....27816
652.10 Amended....27817
652.21 (a)(3), (b)(3), and (c) (2) and (3) revised....27817
652.22 (a)(4) and (f)(1) revised; (f)(2) amended....27817
653 Revised....46679
653.1 Revised; eff. 10-16-87....34921
653.2 Corrected....1917
Amended; eff. 10-16-87....34921
653.3 (b) revised; (d) added; eff. 10-16-87....34922
653.4 (a) revised; eff. 10-16-87....34922
653.5 (b)(1) introductory text corrected....1917
(b) introductory text revised; eff. 10-16-87....34922
653.7 (a) (1), (7), and (8) revised; (a) (15) and (16) amended; (a) (17) through (22) added; eff. 10-16-87....34922
653.21 Revised; eff. 10-16-87....34922
653.22 Revised; eff. 10-16-87....34922
653.23 (a) and (b) corrected....1917
Revised; eff. 10-16-87....34922

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Page

653.24 Revised; eff. 10-16-87....34922
655 Specifications....39377, 39755
Purchase ratios....42237
Specifications....537, 30166
658.1 (c) amended; (d) added....19148
658.2 Amended....19148, 19149
658.5 (c) added; eff. from OMB approval to 8-14-87....19148
Eff. 5-20-87 to 8-14-87....21544
658.6 (a) and (b) amended....19148
658.7 Introductory text and (a) through (l) redesignated as (a) introductory text and (1) through (12); new (a) introductory text revised; (m) removed; new (b) added; new (a) (1), (3), (4), (6), and (8) amended....19148
658.9 Amended....19149
658.21 (b) amended....19148
658.22 Amended....19148
658.23 Introductory text designated as (a); (a) and (b)(1)(i) introductory text, (A), and (B), (ii), and (iii) amended....19148
658.24 (a) and (b) amended....19148
658.25 (a) amended and suspended; (c) added; eff. to 8-14-87....19148
658.26 Amended....19148
661 Fishery management measures....17264
Temporary regulations....18702, 19149, 24297, 27817, 28562, 28721, 29700, 32015, 32300, 35363
Fishery management measures correction and clarification....19353
Inseason adjustments....24296, 25605, 26013, 27004, 27560, 28268, 29019, 29529, 31033, 32135, 32544
Inseason adjustment corrected....29020
Inseason adjustments and temporary regulations....29060
661.2 (e) added....34808
661.3 Amended....34808
661.5 (b)(10) revised; (b) (17) through (20) added....34808
661.20 (a) introductory text revised....4148
661.21 (b) revised....4148
661 Appendix amended....4148-4149
662 Harvest quotas....31631

Page

663 Restrictions....37912
Temporary regulations....37913, 43357
Specifications....682
Restrictions....790, 11473, 15726, 27818
Inseason adjustments....31034
Annual harvest and processing reassessment....33593
663.21 (a)(2) removed; (a)(3) redesignated as (a)(2)....4911
663.23 (a) and (b) amended....4911
663.25 Added....4911
663.26 (c) revised; (g) redesignated as (h); new (g) added....4911
663.27 (b)(3) suspension and (b)(4) addition interim emergency effectiveness extended....41969
(b)(3) amended....4911
671 Suspended; interim emergency eff. to 1-29-87....40029
Suspension interim emergency effectiveness extended to 4-29-87....1632
Removed....17579
672 Temporary regulations....36404
Inseason adjustments....41797
Specifications....785
Specifications corrected....3916
Temporary regulations....9495, 11991, 12183, 12916, 17404, 28720, 22327, 23552, 27202, 32137, 35424, 35721, 36039
672.2 Amended; interim emergency eff. to 3-31-87....427
Amended....7872
Amended; interim emergency eff. to 6-16-87....9172
Interim emergency effectiveness extended....10761
672.5 (a)(3) suspended; (a)(4) added; interim emergency eff. to 3-31-87....427
(a) heading, (3) introductory text, (i), and (iv) revised....7873
(a)(5) added; interim emergency eff. to 6-16-87....9172
Interim emergency effectiveness extended....10761
672.7 (i) added; interim emergency eff. to 3-31-87....427
(h) redesignated as (i); new (h) added....7873
Interim emergency effectiveness extended....10761

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

TITLE 50 Chapter VI—Con. Page

672.20 Heading revised; (a), (b), (c), (d)(4) and (e) suspended; (d)(5), (f) through (j) added; interim emergency eff. to 3-31-87 ... 427
(b) revised ... 2414
Technical correction ... 3916
(c), (d), and (e) redesignated as (d), (e), and (f); heading, (a), (b), new (e)(4), and (f)(1) revised; new (d)(4) redesignated as (d)(5) and revised; new (c) and (d)(4) added; new (d) and (f) republished ... 7873
Interim emergency effectiveness extended ... 10761
672.22 Heading, (a), and (b) revised ... 7875
672.24 (c) added; interim emergency eff. to 3-31-87 ... 430
(b) (1) and (2) revised; (b)(3) added ... 2414
Technical correction ... 3916
(b) revised; (c) added; eff. in part to 12-31-89 ... 7876
(c) addition interim emergency effectiveness extended ... 10761
(b)(2) corrected; (b)(3) heading correctly added ... 12183
674 Temporary regulations ... 26014, 26482, 29020
Technical correction ... 30766
674.21 (a)(2) revised ... 23452
675 Inseason adjustments ... 41797
Specifications ... 785
Specifications corrected ... 3916
Temporary regulations ... 15949, 25232, 28722, 34656
Inseason adjustments ... 18367, 21958, 34257, 39021
Inseason adjustments corrected ... 19962, 33245
Temporary regulations and inseason adjustments ... 31032, 36270
675.2 Amended; interim emergency eff. to 1-20-87 ... 37412
Technical correction ... 40810
Amended; interim emergency eff. to 3-31-87 ... 430
Amendment interim emergency effectiveness extended ... 2235
Amended; eff. in part to 12-31-88 ... 8600
675.5 (a)(3) suspended; (a)(4) added; interim emergency eff. to 3-31-87 ... 430
(a)(3) introductory text, (i) and (iv) revised ... 8600
Interim emergency effectiveness extended ... 10761
675.7 Introductory text revised; (g) redesignated as (j); new (g), (h), and (i) added; eff. in part to 12-31-88 ... 8600
675.20 (a)(7) revised; (a)(8) through (10) added; interim emergency eff. to 1-20-87 ... 37412
Technical correction ... 40810
(a)(7) revision and (a)(8) through (11) addition interim emergency effectiveness extended ... 2225
(b)(1)(ii) redesignated as (b)(1)(iii); new (b)(1)(ii), (e), (f), and (g) added; (c)(1) revised ... 8600
(a)(7) revised; (a) (8) through (10) added ... 11993
(e)(3) introductory text corrected ... 13375
675.21 Added; eff. to 12-31-88 ... 8601
675.22 Added; eff. to 12-31-88 ... 8604
681.1 (b) amended ... 9497
681.2 Amended ... 9497
681.5 (d)(1) amended ... 9497
681.7 (b)(1) suspended; (b)(7) added; interim emergency eff. to 12-26-86 ... 34993
(b)(1) suspended; (b)(7) added; interim emergency eff. to 3-26-87 ... 46863
(b)(1) revised; (a)(12) amended ... 9497
681.20 Amended ... 9497
681.23 (a) and (b) suspended; (c) and (d) added; interim emergency eff. to 12-26-86 ... 34993
(a) and (b) suspended; (c) and (d) added; interim emergency eff. to 3-26-87 ... 46863
Revised ... 9497
685 Added ... 5987
685.2 Corrected ... 32015
685.6 (d) (1), (2), (3) and (4) corrected ... 12641

NOTE: Boldface indicates 1987 page numbers.

CHANGES OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1987

Title 50—*Proposed Rules:* Page

13 ... 26030
16 ... 2748
17 ... 39758, 40044-40051, 42116, 44808, 45923, 47033
... 306, 1494, 1497, 2239, 2242, 5068, 5150, 5155, 7462, 13254, 13729, 13790, 13792, 13794, 13797, 21088, 22944, 23152, 23317, 24312, 24485, 25245-25275, 25525, 26030-26040, 26164, 27229, 27437, 28026, 28480, 28787, 31045-31051, 32143, 32145, 32939, 33849, 33850, 33980, 34296, 34966, 38282
20 ... 1636, 1942, 2648, 7900, 20757, 25170, 25419, 30295, 35563
21 ... 26030
23 ... 37923
... 309, 19455, 20433, 26043, 26049, 35741, 35743
25 ... 17613, 21976
26 ... 5159, 5889
32 ... 13484, 27828, 28932
33 ... 39759
... 13484
80 ... 26660
97 ... 44812
98 ... 44812
99 ... 44812
100 ... 44812
101 ... 44812
102 ... 44812
103 ... 44812
104 ... 44812
105 ... 44812
106 ... 44812
107 ... 44812
204—296 (Ch. II) ... 19365
215 ... 17307
216 ... 36568, 39405, 41814, 43055, 47156
... 2566, 4365, 7912
217 ... 6179, 8087, 9318, 9902, 17615
222 ... 42271, 43397
... 6179, 8087, 9318, 9902, 12040, 17615
226 ... 26541
227 ... 6179, 8087, 9318, 9902, 12040, 17615
228 ... 39762
285 ... 15517
604 ... 16419
611 ... 36569, 37924, 41989, 43397, 44812, 45141, 45349
... 198, 3079, 30212, 32942
640 ... 5564, 8485, 10780, 13257
641 ... 36574
642 ... 35670
... 4924, 6257, 7463, 11713, 15519, 17422, 21977
644 ... 40233
... 23119, 26073
646 ... 43937
... 9513
649 ... 27031, 27564, 28732
650 ... 36576, 40468
... 21712, 25041, 25464
651 ... 10781, 20124, 23570
652 ... 43055
... 4790, 12575, 16419, 25042
653 ... 36035
... 9902, 20125, 22822
655 ... 43056
658 ... 7283, 26051
661 ... 37613, 42273, 44007
... 6026, 10125, 19744, 28321
662 ... 26027
663 ... 39766, 43057, 43219
... 18723, 29400
671 ... 6199, 8319
672 ... 42603, 43397, 44812
... 198, 22829
675 ... 43397, 43401, 45349
... 198, 22829, 30212, 32942
680 ... 17422, 18411
681 ... 43940
... 442, 17422, 18411, 24197, 28028, 36598
683 ... 24197, 27838
684 ... 46886
... 17422, 18411
685 ... 37924, 41989, 45141
... 3079, 17422, 18411

NOTE: Boldface indicates 1987 page numbers.

Additions to Table I, January through September 1987

This table lists the sections of the U.S. Code, U.S. Statutes at Large, Public Laws, and Presidential documents which are being added to Table I as a result of authority citations carried in the **Federal Register** from January through September 1987. Recent legislation is carried by public law number.

Table I is in the CFR Index and Finding Aids revised as of January 1, 1987.

In order to determine the **Federal Register** page number of a parallel CFR citation, consult this List of CFR Sections Affected (LSA) and the appropriate Annual Issue of the LSA for that CFR title.

U.S. Code:	CFR
2 U.S.C.:	
432	11 Part 110
441l	14 Part 1207
3 U.S.C.:	
301	32 Part 40
5 U.S.C.:	
4a	17 Part 145
500	29 Part 103
504	24 Part 14
	46 Part 502
522	1 Part 456
551—557	18 Parts 154, 375, 382
551—552	29 Part 101
551	46 Part 502
552	5 Part 1631
	7 Parts 3600, 3601, 3900, 3901
	8 Part 103
	18 Part 1301
	21 Part 5
	27 Part 70
	29 Part 20
	45 Parts 2002, 2005
	49 Parts 701, 1002, 1244
552a	5 Parts 841, 1630
	14 Part 1206
	45 Part 30
552b	34 Part 11
553	14 Part 234
	18 Part 375
	21 Parts 310, 336
	29 Parts 103, 1915, 1917–1918, 1926, 1928
	46 Part 581
	49 Parts 1052, 1138, 1244
1104	5 Parts 410, 842
1205	5 Part 1204
3304	5 Part 315
3323	5 Part 930
3328	5 Part 300
3503	5 Part 351
4301	5 Part 930
5511 et seq	29 Part 20
5514	15 Part 22
	31 Part 5
	34 Part 32
	45 Parts 30, 1179
6305	5 Part 630
6326	5 Part 630
8101	32 Part 728
8351	5 Parts 1600, 1605, 1650
8416—8419	5 Part 842
8424	5 Part 843
8432	5 Part 1600
8434—8436	5 Part 1650
8439	5 Part 1640
8441—8442	5 Part 843
8461	5 Parts 843, 845, 846
8467	5 Part 1650
8469	5 Part 841
8474	5 Parts 1600, 1603, 1605, 1640, 1650
8478	29 Part 2582
8522	5 Part 841
8913	48 Parts 1601–1606, 1614–1616, 1622, 1624, 1631–1633, 1644, 1646, 1649, 1652, 1653
9101	5 Part 911
App. 2	34 Part 11
7 U.S.C.:	
4	17 Part 30
6	17 Part 30
7a	17 Part 9
16a	17 Part 9
75a	7 Part 810
149	7 Part 352
150aa—150jj	7 Part 340
150ff	7 Part 318
151—167	7 Parts 318, 340
901—950b	7 Parts 1786, 1787
1421	7 Part 713
1501—1520	7 Part 400
1506	7 Parts 401, 452–454
1516	7 Parts 401, 452–454
1622n	7 Part 340
2243	8 Part 103
3316	7 Part 3402

7 U.S.C.—Con.	CFR
4601—4612	7 Part 1200
4901—4916	7 Part 1200
5841	10 Part 7
8 U.S.C.:	
1101	8 Parts 1, 103, 274a
	29 Part 501
1101 note	8 Parts 210, 245
1103	8 Part 274a
1104	22 Part 43
1153 note	22 Part 43
1160	7 Part 1d
1182	8 Part 287
1184	8 Part 248
	29 Part 501
1186	20 Parts 654, 655
	29 Part 501
1192	8 Part 204
1201	8 Part 103
1201a	8 Part 264
1251	8 Parts 241, 287
1252	8 Part 241
1301—1305	8 Part 103
1324A	8 Part 274a
1351	8 Part 103
1357	8 Part 241
1427	28 Part 0
1443	8 Part 103
1454—1455	8 Part 103
10 U.S.C.:	
191	32 Parts 372, 381
1071 et seq	32 Part 220
1094—1095	32 Part 728
1201—1221	32 Part 728
2397	32 Part 40a
2733	32 Part 751
7420	15 Part 377
7430	15 Part 377
8013	32 Part 807
11 U.S.C.:	
901	17 Part 200
1109	17 Part 200
12 U.S.C.:	
221 et seq	12 Part 211
1141	46 Part 502
1421 et seq	12 Part 592
1425	12 Part 523
1425a	12 Part 571
1425b	12 Parts 523, 552, 555
1437	12 Part 510a
1691	12 Part 523
1701q	24 Part 278
1701r-1	24 Parts 243, 842, 942
1701s	24 Part 278
1710	24 Part 203
1715	24 Part 203
1715b	24 Parts 250, 278
1715u	24 Part 203
1715z-9	24 Part 250
1725	12 Part 510a
1728—1730a	12 Part 523
1757	12 Part 741
1781—1790	12 Part 741
1785—1786	12 Part 708
1786	12 Part 748
1818	12 Part 208
1819	12 Part 326
2001	12 Part 624
2014	12 Part 624
2073	12 Part 624
2093	12 Part 624
2122	12 Part 624
3401—3422	39 Part 233
3535	24 Part 278
3901 et seq	12 Part 211
14 U.S.C.:	
85	33 Part 147
633	33 Part 80
15 U.S.C.:	
57a	12 Part 706
77f	17 Part 200
77ggg	17 Part 200
77sss	17 Part 200
78a et seq	17 Part 200
78d-1—78d-2	17 Part 200
78m—78o	17 Part 200
78o-5	17 Parts 240, 400–405, 449, 450
78s	17 Part 200
79v	17 Part 200
80a-44	17 Part 200
80b-10	17 Part 200
634	13 Parts 114, 144
714b	7 Part 1493
717—717z	18 Part 3
717—717w	18 Parts 381, 382
2032	49 Part 544
2603	40 Part 766
2607	40 Part 766
2611	40 Part 795
2614	40 Part 761
2616	40 Part 761
2641	40 Part 763
2643	40 Part 763
2646—2647	40 Part 763
3301—3432	18 Parts 3, 382
4201 et seq	15 Part 904
4244	15 Part 960
16 U.S.C.:	
469 et seq	30 Part 773
470 et seq	30 Parts 731, 732, 772, 773, 779, 780, 783, 784
470aa et seq	30 Part 773
485	43 Part 2090
661 et seq	30 Part 773
668a	30 Part 773
703 et seq	30 Part 773
791—828c	18 Part 381

16 U.S.C.—Con.	CFR
791a—828c	18 Parts 3, 382
791a—825r	18 Part 16
818	43 Part 2090
972—972h	15 Part 904
1151—1175	15 Part 904
1435—1439	15 Part 904
1456	49 Part 1160
1531 et seq	30 Part 773
1801 et seq	50 Part 685
1851 note	15 Part 904
1853	50 Part 605
2431—2444	15 Part 904
2601—2645	18 Parts 3, 382
3101 et seq	43 Part 2090
3371—3378	25 Part 244
3631—3644	15 Part 904
3801	7 Part 704
3831—3844	7 Part 704
3901 et seq	50 Part 25
17 U.S.C.:	
101	19 Part 133
601—603	19 Part 133
18 U.S.C.:	
201—219	14 Part 1207
207	10 Part 0
	39 Part 10
	45 Part 500
210—212	24 Part 0
1114	28 Part 64
3013	28 Part 545
19 U.S.C.:	
1311	19 Part 151
1460	19 Part 151
1557	19 Part 151
1562	19 Part 151
1584	19 Part 151
1592	19 Part 151
1606—1608	21 Part 1316
1610	21 Part 1316
1613	21 Part 1316
1618	21 Part 1316
9701	19 Part 133
20 U.S.C.:	
238	34 Part 221
647	34 Part 221
887e	34 Parts 500, 745
1051	34 Part 607
1057—1059	34 Part 607
1060—1063c	34 Part 608
1060	34 Parts 607, 609
1062	34 Part 609
1063a—1063d	34 Part 609
1064	34 Part 607
1066—1069f	34 Part 607
1066	34 Parts 608, 609
1069c	34 Parts 608, 609
1070	34 Part 646
1087a—1087e	34 Part 673
1091a	34 Part 673

20 U.S.C.—Con.	CFR
1109—1109d	34 Part 761
1111—1111h	34 Part 653
1113—1113e	34 Part 237
1132g—1132g–3	34 Part 614
1132i–1	34 Part 614
1134	34 Part 650
1134s—1134t	34 Part 639
1135	34 Part 630
1135e—1135e–1	34 Part 630
1211h	34 Part 250
1221e	34 Part 762
1221e–3	34 Part 607
1233 et seq	34 Part 11
1233a	34 Part 11
1234	34 Part 221
1234b	34 Part 221
1432	34 Part 319
1434	34 Part 319
3221—3236	34 Part 524
3474	34 Part 221
3851	34 Parts 785–789
3862	34 Parts 786–788
4132	34 Part 230
4641	34 Parts 764, 765
4642	34 Parts 764, 766
4644	34 Part 230
4645	34 Part 235
4661	34 Parts 764–766
4664	34 Part 764
21 U.S.C.:	
102—105	9 Part 99
111—112	9 Part 99
114a	9 Part 99
117	9 Part 99
120	9 Part 99
122	9 Part 99
134a	9 Part 93
134b—134c	9 Part 99
134d	9 Part 93
134e—134f	9 Part 99
135—135a	9 Part 99
151—159	9 Parts 101–104, 107, 118
321	21 Part 336
331	21 Part 201
336	21 Part 58
342	21 Part 58
351	21 Parts 862, 864, 866, 868, 870, 872, 876, 880, 886, 888, 890
352	21 Part 336
353	21 Part 312
355	21 Parts 201, 336
360	21 Parts 862, 864, 866, 868, 870, 872, 876, 880, 882, 884, 886, 888, 890
360c	21 Parts 862, 872, 886, 888

21 U.S.C.—Con.	CFR
360e	21 Parts 862, 864, 866, 868, 870, 872, 876, 880, 886, 888, 890
360j	21 Parts 862, 864, 868, 870, 872, 876, 880, 886, 888, 890
371	21 Parts 336, 862, 864, 870, 872, 886, 888
606 note	9 Part 335
957	21 Part 1312
22 U.S.C.:	
212—218	22 Part 51
1431—1442	22 Part 514
1977	22 Part 33
2381	22 Part 212
2451—2460	22 Part 514
2651	22 Part 51
2658	22 Part 2a
3611	35 Part 9
3811	35 Part 119
3921	22 Part 22
4219	22 Part 22
4301—4314	22 Part 2a
5001 et seq	15 Parts 371–373, 379, 385–387, 389, 399
25 U.S.C.:	
334	43 Part 2090
336	43 Part 2090
396 et seq	30 Parts 206, 218
396—396q	43 Part 3190
396	25 Parts 211, 225
396a et seq	30 Parts 206, 218
396a—396g	25 Parts 211, 225
397—398	43 Part 3190
398a—398e	43 Part 3190
415	25 Parts 211, 225
450	34 Part 221
450e	34 Part 221
476—477	25 Part 225
640d	25 Part 700
880	25 Part 211
1401 et seq	25 Part 76
1452	34 Part 221
2101—2108	25 Parts 211, 225
2101 et seq	30 Part 206
2102	43 Part 3160
26 U.S.C.:	
42	26 Part 1
56	26 Part 1
101	26 Part 1
145	26 Part 5h
149	26 Part 1
263A	26 Part 1
382	26 Part 1
422	26 Part 1
441	26 Part 1
469	26 Part 1
501	46 Part 502
807	26 Part 1

26 U.S.C.—Con.	CFR
904	26 Part 1
1378	26 Part 1
1402	26 Part 1
5025	27 Part 194
5684	27 Part 70
5761	27 Part 70
6020	27 Part 70
6041	26 Part 1
6155	27 Part 70
6201	27 Part 70
6203—6204	27 Part 70
6205	26 Part 31
6223	26 Part 301
6227	26 Part 301
6233	26 Part 301
6241	26 Part 301
6245	26 Parts 51, 301
6311	27 Part 70
6313—6314	27 Part 70
6401—6402	27 Part 70
6404	27 Part 70
6407	27 Part 70
6423	27 Part 70
6501	27 Part 70
6511	27 Part 70
6513—6514	27 Part 70
6532	27 Part 70
6601—6602	27 Part 70
6611	27 Part 70
6621—6622	27 Part 70
6651	27 Part 70
6653	27 Part 70
6656—6658	27 Part 70
6662	27 Part 70
6671—6672	27 Part 70
6676	27 Part 70
6701	27 Part 70
6801	27 Part 70
6862—6863	27 Part 70
7011	27 Part 70
7102	27 Part 250
7326	27 Part 72
7553	19 Part 127
9039	11 Parts 9031–9038
28 U.S.C.:	
301	28 Part 11
509—510	8 Part 3
	21 Part 1316
	28 Parts 11, 14, 600–602
509	28 Part 64
515	28 Parts 600–602
524	28 Part 9
1746	8 Parts 3, 103
2672	14 Part 15
2675	14 Part 15
29 U.S.C.:	
151	29 Part 103
156	29 Part 103

16 U.S.C.—Con.	CFR
791a—828c	18 Parts 3, 382
791a—825r	18 Part 16
818	43 Part 2090
972—972h	15 Part 904
1151—1175	15 Part 904
1435—1439	15 Part 904
1456	49 Part 1160
1531 et seq	30 Part 773
1801 et seq	50 Part 685
1851 note	15 Part 904
1853	50 Part 605
2431—2444	15 Part 904
2601—2645	18 Parts 3, 382
3101 et seq	43 Part 2090
3371—3378	25 Part 244
3631—3644	15 Part 904
3801	7 Part 704
3831—3844	7 Part 704
3901 et seq	50 Part 25
17 U.S.C.:	
101	19 Part 133
601—603	19 Part 133
18 U.S.C.:	
201—219	14 Part 1207
207	10 Part 0 39 Part 10 45 Part 500
210—212	24 Part 0
1114	28 Part 64
3013	28 Part 545
19 U.S.C.:	
1311	19 Part 151
1460	19 Part 151
1557	19 Part 151
1562	19 Part 151
1584	19 Part 151
1592	19 Part 151
1606—1608	21 Part 1316
1610	21 Part 1316
1613	21 Part 1316
1618	21 Part 1316
9701	19 Part 133
20 U.S.C.:	
238	34 Part 221
647	34 Part 221
887e	34 Parts 500, 745
1051	34 Part 607
1057—1059	34 Part 607
1060—1063c	34 Part 608
1060	34 Parts 607, 609
1062	34 Part 609
1063a—1063d	34 Part 609
1064	34 Part 607
1066—1069f	34 Part 607
1066	34 Parts 608, 609
1069c	34 Parts 608, 609
1070	34 Part 646
1087a—1087e	34 Part 673
1091a	34 Part 673

20 U.S.C.—Con.	CFR
1109—1109d	34 Part 761
1111—1111h	34 Part 653
1113—1113e	34 Part 237
1132g—1132g-3	34 Part 614
1132i-1	34 Part 614
1134	34 Part 650
1134s—1134t	34 Part 639
1135	34 Part 630
1135e—1135e-1	34 Part 630
1211h	34 Part 250
1221e	34 Part 762
1221e-3	34 Part 607
1233 et seq	34 Part 11
1233a	34 Part 11
1234	34 Part 221
1234b	34 Part 221
1432	34 Part 319
1434	34 Part 319
3221—3236	34 Part 524
3474	34 Part 221
3851	34 Parts 785–789
3862	34 Parts 786–788
4132	34 Part 230
4641	34 Parts 764, 765
4642	34 Parts 764, 766
4644	34 Part 230
4645	34 Part 235
4661	34 Parts 764–766
4664	34 Part 764
21 U.S.C.:	
102—105	9 Part 99
111—112	9 Part 99
114a	9 Part 99
117	9 Part 99
120	9 Part 99
122	9 Part 99
134a	9 Part 93
134b—134c	9 Part 99
134d	9 Part 93
134e—134f	9 Part 99
135—135a	9 Part 99
151—159	9 Parts 101–104, 107, 118
321	21 Part 336
331	21 Part 201
336	21 Part 58
342	21 Part 58
351	21 Parts 862, 864, 866, 868, 870, 872, 876, 880, 886, 888, 890
352	21 Part 336
353	21 Part 312
355	21 Parts 201, 336
360	21 Parts 862, 864, 866, 868, 870, 872, 876, 880, 882, 884, 886, 888, 890
360c	21 Parts 862, 872, 886, 888

21 U.S.C.—Con.	CFR
360e	21 Parts 862, 864, 866, 868, 870, 872, 876, 880, 886, 888, 890
360j	21 Parts 862, 864, 868, 870, 872, 876, 880, 886, 888, 890
371	21 Parts 336, 862, 864, 870, 872, 886, 888
606 note	9 Part 335
957	21 Part 1312
22 U.S.C.:	
212—218	22 Part 51
1431—1442	22 Part 514
1977	22 Part 33
2381	22 Part 212
2451—2460	22 Part 514
2651	22 Part 51
2658	22 Part 2a
3611	35 Part 9
3811	35 Part 119
3921	22 Part 22
4219	22 Part 22
4301—4314	22 Part 2a
5001 et seq	15 Parts 371–373, 379, 385–387, 389, 399
25 U.S.C.:	
334	43 Part 2090
336	43 Part 2090
396 et seq	30 Parts 206, 218
396—396q	43 Part 3190
396	25 Parts 211, 225
396a et seq	30 Parts 206, 218
396a—396g	25 Parts 211, 225
397—398	43 Part 3190
398a—398e	43 Part 3190
415	25 Parts 211, 225
450	34 Part 221
450e	34 Part 221
476—477	25 Part 225
640d	25 Part 700
880	25 Part 211
1401 et seq	25 Part 76
1452	34 Part 221
2101—2108	25 Parts 211, 225
2101 et seq	30 Part 206
2102	43 Part 3160
26 U.S.C.:	
42	26 Part 1
56	26 Part 1
101	26 Part 1
145	26 Part 5h
149	26 Part 1
263A	26 Part 1
382	26 Part 1
422	26 Part 1
441	26 Part 1
469	26 Part 1
501	46 Part 502
807	26 Part 1

26 U.S.C.—Con.	CFR
904	26 Part 1
1378	26 Part 1
1402	26 Part 1
5025	27 Part 194
5684	27 Part 70
5761	27 Part 70
6020	27 Part 70
6041	26 Part 1
6155	27 Part 70
6201	27 Part 70
6203—6204	27 Part 70
6205	26 Part 31
6223	26 Part 301
6227	26 Part 301
6233	26 Part 301
6241	26 Part 301
6245	26 Parts 51, 301
6311	27 Part 70
6313—6314	27 Part 70
6401—6402	27 Part 70
6404	27 Part 70
6407	27 Part 70
6423	27 Part 70
6501	27 Part 70
6511	27 Part 70
6513—6514	27 Part 70
6532	27 Part 70
6601—6602	27 Part 70
6611	27 Part 70
6621—6622	27 Part 70
6651	27 Part 70
6653	27 Part 70
6656—6658	27 Part 70
6662	27 Part 70
6671—6672	27 Part 70
6676	27 Part 70
6701	27 Part 70
6801	27 Part 70
6862—6863	27 Part 70
7011	27 Part 70
7102	27 Part 250
7326	27 Part 72
7553	19 Part 127
9039	11 Parts 9031–9038
26 U.S.C.:	
301	28 Part 11
509—510	8 Part 3 21 Part 1310 28 Parts 11, 14, 600–602
509	28 Part 64
515	28 Parts 600–602
524	28 Part 9
1746	8 Parts 3, 103
2672	14 Part 15
2675	14 Part 15
29 U.S.C.:	
151	29 Part 103
156	29 Part 103

29 U.S.C.—Con.	CFR
201 et seq.	29 Part 516
211	29 Part 1627
628	29 Part 1627
706	34 Part 363
711—712	34 Part 363
717	34 Part 350
744	34 Part 386
750—759	34 Part 351
762a	34 Part 350
794	10 Part 1041
	29 Part 33
	35 Part 257
	36 Part 1154
	40 Part 12
	47 Part 1
795j—795q	34 Part 363
1301	29 Part 2619
30 U.S.C.:	
181 et seq.	43 Part 3190
185	15 Part 377
351 et seq.	30 Parts 206, 218
351—359	43 Part 3190
957	30 Parts 5, 18
1001 et seq.	30 Part 218
1201 et seq.	30 Parts 750, 762
1701 et seq.	30 Parts 206, 218
	43 Parts 3160, 3190
1701	25 Part 225
31 U.S.C.:	
321	31 Parts 1, 210
3121	17 Part 450
3701—3731	45 Part 30
3701—3721	32 Parts 750, 751, 757
3701—3719	22 Part 309
3701	31 Part 5
3716	15 Part 4
	31 Part 5
	34 Part 32
3717	24 Part 17
	28 Part 16
3718	28 Part 11
3720A	7 Parts 1403, 1951
	31 Part 5
3801—3812	31 Part 16
	39 Parts 273, 962
5311 et seq.	12 Parts 21, 208, 326
5311	12 Part 748
6304	34 Part 761
8701	18 Part 154
9110	17 Part 450
9301	27 Parts 72, 250, 252
9303—9304	27 Parts 72, 250, 252
9304	27 Parts 22, 170
9306	27 Parts 22, 72, 170, 250, 252

31 U.S.C.—Con.	CFR
9701	7 Parts 330, 340, 352
	8 Part 103
	22 Part 22
	42 Parts 7, 110, 417
33 U.S.C.:	
401	23 Part 650
491 et seq.	23 Part 650
494	49 Part 310
511 et seq.	23 Part 650
526—526a	49 Part 310
535	49 Part 310
1251 et seq.	40 Part 418
1321	40 Part 110
1361	40 Part 110
1517	40 Part 110
1903	46 Parts 98, 151, 153
2071	33 Part 147
2201 et seq.	33 Part 241
35 U.S.C.:	
156	37 Part 1
351—376	37 Part 1
37 U.S.C.:	
101	34 Part 221
38 U.S.C.:	
907	38 Part 3
2012	41 Part 61-250
3112	38 Part 3
39 U.S.C.:	
204	39 Parts 963, 965
401	39 Parts 20, 273, 962, 963, 965
403	39 Part 111
404	39 Part 20
407—408	39 Part 20
3008	39 Part 963
3220	12 Part 510a
	20 Part 384
	38 Part 1
	47 Part 0
40 U.S.C.:	
304	27 Part 72
318	46 Part 386
486	48 Parts 1601-1606, 1614-1616, 1622, 1624, 1631-1633, 1644, 1646, 1649, 1652, 1653
751	41 Parts 201-8, 201-30, 201-32, 201-34
42 U.S.C.:	
216	42 Parts 7, 417
263	42 Part 7
264	21 Part 1240
290dd-3	42 Part 2
290ee-3	42 Part 2
297i	42 Part 57
300e—300e-17	42 Part 417
300g-6	40 Part 141
300h-6	40 Part 149

42 U.S.C.—Con.	CFR
300w note	45 Part 96
405	42 Part 498
602	20 Part 401
1302	20 Part 602
	42 Part 498
1304 note	45 Part 96
1305	45 Part 96
1320b-7	42 Part 433
1382f	20 Part 416
1382j	20 Part 416
1383a	20 Part 416
1395y	21 Part 805
	42 Parts 409, 489
1395y note	21 Part 805
1395ff	42 Part 498
1395hh—1395ii	42 Part 498
1395zz	42 Part 405
1437f	24 Part 278
1760	7 Parts 225, 226
1857f-10	14 Part 21
1870	45 Part 689
1966	25 Part 225
1996	25 Part 211
2000c—2000c-2	34 Parts 271, 272
2000c-5	34 Parts 271, 272
2011 et seq.	10 Part 962
2073	10 Part 39
2077	10 Part 39
2092—2093	10 Part 39
2095	10 Part 39
2099	10 Part 39
2111—2112	10 Part 39
2131—2132	10 Part 50
2135	10 Part 50
2138	10 Part 50
2201	10 Parts 39, 763, 862
2232—2233	10 Part 39
2232	10 Part 55
2235	10 Part 50
2236	10 Part 39
2237	10 Part 50
2239	10 Part 72
2273	10 Parts 39, 72
2278	10 Part 862
2282	10 Parts 39, 55
2473	48 Parts 30, 1870
3435	24 Part 14
3535	24 Part 203
4321 et seq.	49 Part 622
4332	10 Part 50
	25 Part 225
4821—4846	24 Part 200
5042	45 Part 1204
5801 et seq.	10 Part 962
5841—5842	10 Part 39
5841	10 Part 74
5844	10 Part 50
5846	10 Part 39

42 U.S.C.—Con.	CFR
6101 et seq.	13 Part 311
6101	10 Part 4
6212	15 Part 377
6508	43 Part 3160
6901 et seq.	40 Part 147
6924	40 Part 270
7101—7352	18 Parts 16, 382
7101 et seq.	10 Part 962
7422	40 Part 85
7701 et seq.	44 Part 361
8621 note	45 Part 96
9118—9119	46 Part 174
9153	46 Part 174
9505	40 Part 300
9601 et seq.	44 Part 222
9822 note	12 Part 705
9901 note	45 Part 96
10226	10 Part 55
11002—11004	40 Part 355
11025	40 Part 355
11028—11029	40 Part 355
43 U.S.C.:	
231	43 Part 2090
315f	43 Part 2090
321—323	43 Part 2090
327—329	43 Part 2090
641 et seq.	43 Part 2090
852 note	43 Part 2090
869 et seq.	43 Part 2090
1301 et seq.	30 Parts 206, 218
1333	46 Part 172
1354	15 Part 377
1592	7 Part 702
1601 et seq.	43 Part 2090
1701 et seq.	43 Part 2090
1801 et seq.	30 Parts 206, 218
1811—1824	33 Part 135
44 U.S.C.:	
2101—2111	36 Part 1228
2901—2909	36 Part 1228
3101—3107	36 Part 1228
3301—3314	36 Part 1228
3501 et seq.	9 Part 303
45 U.S.C.:	
362	20 Part 359
797	20 Parts 200, 359
907	20 Part 359
1004	20 Part 359
46 U.S.C.:	
466	15 Part 377
3306	46 Parts 32, 77, 92, 96, 98, 150, 190, 195
3507	46 Part 30
3703	46 Parts 30, 32, 98, 151, 174
4302	33 Parts 174, 177
5115	46 Part 172
10104	46 Part 109

46 U.S.C.—Con.	CFR
12302	33 Part 174
46 U.S.C. App.:	
808	46 Part 221
835	46 Part 221
839	46 Part 221
841a	46 Part 221
1702	46 Part 581
1706—1707	46 Part 581
1709	46 Part 581
1712	46 Part 581
1714—1716	46 Part 581
1718	46 Part 581
47 U.S.C.:	
151	47 Part 36
154	47 Part 36
205	47 Part 36
221	47 Part 36
390—394	15 Part 2301
397—399b	15 Part 2301
403	47 Part 36
410	47 Part 36
49 U.S.C.:	
1—27	18 Parts 3, 381, 382
106	14 Parts 15, 36, 43, 127
1302	14 Parts 234, 272
1324	14 Parts 234, 272
1344	14 Parts 21, 36
1346	14 Part 129
1354	14 Part 15
1355	14 Part 36
1374	14 Part 234
1377	14 Part 234
1381	14 Part 234
1422	14 Part 127
1425	14 Part 36
1426	14 Part 21
1428—1430	14 Part 36
1502	14 Parts 129, 211, 272
1511	14 Part 129
1607	49 Part 630
1651	14 Part 36
1804	46 Parts 30, 98, 153
1806—1807	49 Parts 173, 175
2121—2125	14 Part 36
2402	14 Part 159
2404	14 Part 159
2424	14 Part 159
2428	14 Part 159
3102	49 Part 383
10101	49 Parts 1042, 1052
10303	49 Part 1244
10311	49 Part 1249
10321	49 Parts 1052, 1244
10505	49 Part 1313
10702	49 Part 1312
10705a	49 Part 1138
10761	49 Part 1312
10762	49 Part 1052

49 U.S.C.—Con.	CFR
10922	49 Part 1052
11101	49 Part 1052
11142	49 Part 1206
11144	49 Part 1249
11145	49 Part 1244
49 U.S.C. App.:	
1421	49 Part 107
1472	49 Part 175
1672	49 Part 192
1802	49 Parts 107, 171
1803—1808	49 Part 173
1803—1806	49 Parts 178, 179
1803—1805	49 Parts 172, 175, 177
1803—1804	49 Part 171
1804	49 Part 192
1806	49 Part 107
1807—1808	49 Part 175
1808—1811	49 Part 107
1808	49 Parts 171, 172, 178, 179
2505	49 Parts 383, 392
2509	49 Part 393
50 U.S.C.:	
198	46 Part 190
1701 et seq.	15 Parts 372, 387, 389
50 U.S.C. App.:	
451 et seq.	32 Part 1698
2401 et seq.	15 Part 387
U.S. Statutes at Large:	
96 Stat.:	
2201	10 Part 962
98 Stat.:	
183	29 Part 2204
1257	45 Part 2201
100 Stat.:	
20	5 Part 890
82	15 Part 2301
1810	29 Part 33
1874	31 Part 18
3063	45 Part 2002
3207	45 Part 2005
3500	50 Part 17
101 Stat.:	
132	23 Part 659
260	26 Part 41
Public Laws:	
95-588	38 Part 3
97-425	10 Part 962
98-375	45 Part 2201
98-473	14 Part 36
99-58	15 Part 377
99-64	15 Part 389
99-80	29 Part 2204
99-93	22 Part 2a
99-145	5 Part 300
99-150	29 Part 553
99-169	5 Part 911
99-178	34 Part 636

Public Laws—Con.	CFR
99-198	7 Parts 250, 400, 1200, 1427, 1493
99-239	14 Parts 211, 272
99-240	10 Part 2
99-272	15 Part 2301
	20 Part 359
	29 Parts 2619, 2622
	31 Part 51
	32 Part 220
	34 Part 690
99-335	5 Parts 841, 846
	30 Part 2582
99-339	40 Part 144
99-399	10 Part 73
99-401	42 Part 2
99-412	10 Part 456
99-440	15 Parts 371-373, 379, 385-387, 389, 399
99-495	18 Parts 4, 16, 292, 375
99-498	34 Parts 636, 690
99-499	40 Part 355
	44 Part 222
99-500	5 Part 630
	7 Parts 225, 226, 240, 246, 701, 795
99-506	29 Part 33
99-509	7 Parts 1786, 1957
	18 Parts 154, 375, 382
	31 Part 18
99-549	45 Parts 2001, 2002
99-556	29 Part 2582
99-570	5 Parts 294, 1204, 1631
	14 Part 1206
	17 Part 145
	22 Part 171
	29 Parts 1610, 2603
	32 Part 206
	35 Part 9
	44 Part 5
	45 Parts 503, 2005
	49 Parts 383, 392, 393, 701
99-571	17 Parts 400-405, 449, 450
99-578	28 Part 11
99-586	5 Part 315
99-590	25 Part 700

Public Laws—Con.	CFR
99-591	5 Part 630
	7 Parts 225, 226, 246, 701, 795, 1787
	14 Part 159
	34 Part 636
99-603	8 Parts 210, 245, 248
99-609	12 Part 705
99-616	37 Part 1
99-625	50 Part 17
99-641	9 Parts 303, 335
99-643	20 Part 416
99-658	14 Parts 211, 272
99-661	32 Part 286
99-662	19 Part 24
	33 Part 241
100-17	23 Parts 650, 659
100-34	30 Parts 700, 750, 816, 870
100-71	42 Part 34
Executive Orders:	
10450	32 Part 154
10865	32 Part 154
11222	39 Part 10
	46 Part 502
11490	34 Part 221
11590	39 Part 10
11623	32 Part 1698
11735	40 Part 110
11912	15 Part 377
12009	18 Parts 16, 382
12107	45 Part 1179
12148	44 Part 361
12234	46 Parts 154, 174
12333	32 Part 154
12356	8 Part 103
	22 Part 171
	32 Part 154
12478	22 Part 2a
12525	15 Part 389
12532	15 Parts 372, 387, 389
12571	15 Parts 371-373, 379, 385-387, 389, 399
12580	44 Part 222
12585	5 Parts 315, 316
12589	5 Part 630
12596	5 Part 315
Reorganization Plans:	
1947 Plan No. 3	12 Part 510a
1978 Plan No. 3	44 Parts 222, 361

Removals from Table I, January through September 1987

This table lists the sections of the U.S. Code, U.S. Statutes at Large, Public Laws, and Presidential documents which are being removed from Table I as a result of documents published in the **Federal Register** from January through September 1987.

Table I is in the CFR Index and Finding Aids revised as of January 1, 1987.

In order to determine the **Federal Register** page number of a parallel CFR citation, consult this List of CFR Sections Affected (LSA) and the appropriate Annual Issue of the LSA for that CFR title.

U.S. Code:	CFR
2 U.S.C.:	
431 note	11 Part 104
5 U.S.C.:	
552	1 Part 456
	20 Part 200
	33 Part 161
	39 Part 10
552a	20 Part 200
	49 Part 932
552b	20 Part 200
	49 Part 903
553	46 Part 568
554	21 Part 312
559	49 Parts 1138, 1160
1103	5 Part 410
3112	5 Part 315
4118	5 Part 410
5101	45 Part 1204
7513	5 Part 752
7701 et seq	5 Part 315
App	20 Part 404
7 U.S.C.:	
71 et seq	7 Part 810
78	7 Part 810
87	7 Part 810
87e	7 Part 810
150bb	7 Parts 301, 318
150ee	7 Part 300
161	7 Part 300
164—166	7 Part 301
414	7 Part 57
601—674	7 Parts 912, 1102
1153	7 Part 4
1375	7 Part 4
1421	7 Part 1438
1447	7 Part 1438
1621—1627	7 Part 57
	15 Part 904
1812	7 Part 4
1838	7 Part 4
1989	7 Part 1804
2012 note	20 Part 416
2016	20 Part 416
2243	34 Part 5
	45 Part 503
2669	7 Part 1480
2901—2918	7 Part 1200
8 U.S.C.:	
1101	8 Part 242
1103	8 Parts 1, 109
1155	8 Part 204
1182	8 Part 204
1184	8 Part 242
1255	8 Parts 109, 242
1357	8 Part 242
10 U.S.C.:	
133	32 Part 372
1037	33 Part 47
6148	32 Part 728
8012	32 Part 807
12 U.S.C.:	
211 et seq	12 Part 211
601 et seq	12 Part 204
1430	12 Part 555
1701n-1	24 Parts 243, 842, 942
1710	24 Part 203
1715	24 Part 203
1745	12 Part 705
1749—1749d	34 Part 614
1758—1759	12 Part 705
1766	12 Part 705
2201	12 Part 624
14 U.S.C.:	
2	33 Part 80
83	33 Part 67
92	33 Part 67
632—633	33 Part 161
632	46 Parts 98, 151, 153
15 U.S.C.:	
714b—714c	7 Parts 1438, 1476
717 et seq	18 Part 282
717x—717z	18 Part 385
3301 et seq	18 Part 282
16 U.S.C.:	
17j-2	36 Parts 4, 5
460k	50 Part 26
590d	7 Part 4
680d	50 Part 26
685	50 Parts 25, 26
690d	50 Parts 25, 26
715	50 Part 26

16 U.S.C.—Con.	CFR
718d	50 Part 33
725	50 Parts 25, 26
742	50 Part 219
772—772j	50 Part 219
776—776f	15 Part 904
	50 Part 219
781—785	50 Part 219
791—828c	18 Part 375
825s-828c	18 Part 385
851—856	50 Part 219
916—916l	50 Part 219
951—961	50 Part 219
971—971g	50 Part 219
1021 et seq	15 Part 904
1021—1032	50 Part 219
1151—1187	50 Part 219
1158 et seq	15 Part 904
1361—1407	50 Part 219
1431—1434	50 Part 219
1531—1543	50 Part 219
1704	36 Part 214
1801—1882	50 Part 219
1801 et seq	50 Part 671
2601 et seq	18 Part 375
17 U.S.C.:	
109	19 Part 133
18 U.S.C.:	
42—44	50 Part 219
3054	50 Part 219
3112	50 Part 219
19 U.S.C.:	
1201	19 Part 151
1461	19 Part 113
1467	19 Part 113
1623—1624	19 Part 113
20 U.S.C.:	
1011—1015	34 Part 605
1016	34 Part 606
1018—1019	34 Parts 605, 606
1070e	34 Part 629
1119d et seq	34 Part 653
1119d—1119d-8	34 Part 653
1133	34 Part 636
1134n—1134p	34 Part 639
1143	34 Part 605
1221-1	34 Part 726
1221e-3	34 Parts 206, 605, 606, 631-636, 639, 726, 796
3221—3261	34 Parts 502, 504
3474	34 Parts 605, 639, 796
3851	34 Part 796
3862	34 Part 796
3971	34 Part 755
21 U.S.C.:	
71 et seq	9 Part 318
151—158	9 Parts 101-104
457	9 Part 318
463	9 Part 318
605	9 Part 318
607	9 Part 318
608	9 Part 318
642	9 Part 318
677	9 Part 318
701	21 Parts 864, 870
1175	42 Part 2
22 U.S.C.:	
1258	22 Part 514
1474	22 Part 514
1977	50 Part 258
1980	50 Part 258
2381	22 Part 224
2402	22 Part 212
2658	22 Part 514
2751—2769	32 Part 251
2771—2796c	32 Part 251
23 U.S.C.:	
101 et seq	23 Part 790
109	23 Part 790
128	23 Part 790
315	23 Part 790
25 U.S.C.:	
1—2	25 Part 120
9	25 Part 700
68	25 Parts 211, 212
179	25 Part 700
396	25 Part 212
396b—396q	30 Part 206
397	25 Part 700
	30 Part 206
345	25 Part 700
398a—398e	30 Part 206
399	30 Part 206
402	25 Part 700
476—477	25 Part 212
509	25 Part 212
572	25 Part 118
640d-10	25 Part 700
26 U.S.C.:	
5008	27 Part 251
27 U.S.C.:	
205	27 Part 270
28 U.S.C.:	
510	48 Part 2827
542	28 Part 0
29 U.S.C.:	
141—168	29 Part 103
152—155	29 Part 101
157—168	29 Part 101
201—219	29 Part 800
401 note	29 Part 101
577a	30 Parts 15, 18-29, 31-33, 35, 36, 74, 75
620	29 Part 860
794	10 Part 1040
801	36 Part 215

30 U.S.C.:	CFR
3	30 Parts 15, 18–29, 31–33, 35, 36
5	30 Parts 15, 18–29, 31–33, 35, 36
7	30 Parts 15, 18–29, 31–33, 35, 36
301—306	30 Parts 206, 216, 218
352—359	30 Parts 206, 216
471	30 Parts 18, 25–27, 33, 35
479	30 Parts 18, 25–27, 33, 35
482	30 Parts 18–27, 31–33, 35
801	30 Parts 18, 28, 29
812	30 Part 75
951	30 Parts 15, 18–19, 31–33, 35, 36, 74, 75
953	30 Part 46
957	30 Part 46
1201 et seq	30 Part 761
1251	30 Parts 731, 732
1253—1254	30 Part 732
1253	30 Part 731
1256—1269	30 Part 732
1271—1272	30 Part 732
31 U.S.C.:	
200	28 Part 0
240—243	32 Parts 750, 751
321	31 Part 16
483	14 Part 65
483a	7 Parts 330, 352
951—953	31 Part 5 45 Part 30
952	32 Part 757
3717	20 Part 200
3801—3812	22 Part 224
6701—6724	31 Part 51
9701	18 Part 154
33 U.S.C.:	
151	33 Part 80
1223	33 Part 110
1225	33 Part 165
1251 et seq	40 Part 110
1254	9 Part 318
2030	33 Part 110
2035	33 Part 110
37 U.S.C.:	
251 et seq	32 Part 59
39 U.S.C.:	
401	39 Part 916
403—404	39 Part 10
406—408	39 Part 10
3008	39 Part 916
40 U.S.C.:	
471 et seq	30 Parts 206, 216, 218

40 U.S.C.—Con.	CFR
472	15 Part 302
486	45 Part 19 48 Part 2827
512	15 Part 302
514	15 Part 302
42 U.S.C.:	
216	42 Parts 110, 122, 123 45 Part 19
300–1	42 Part 122
300e—300e–17	42 Part 110
300f et seq	42 Parts 122, 123
300f	40 Part 149
300k–1—300n–1	42 Parts 122, 123
300k–1	42 Part 121
300*l*–4—300*l*–5	42 Part 122
404—405	20 Part 416
421	20 Part 404
423	20 Part 416
428	20 Part 416
611	20 Part 401
1302	45 Part 19
1327	20 Part 404
1382a	20 Part 404
1382c	20 Part 404
1383	20 Part 404
1395f	45 Part 19
1395x	45 Part 19
1396	20 Part 416 45 Part 19
1396a	45 Part 19
1436a	24 Part 912
1480	7 Part 1804
1973c	45 Part 801
2000d–1	13 Part 311
2273	10 Part 110
2403	10 Part 110
2453	48 Part 30
2981	12 Part 705
2985	12 Part 705
3535	24 Part 0
4321 et seq	30 Parts 216, 218
5101 note	45 Part 1340
6927	40 Part 270
6939	40 Part 270
6974	40 Part 270
7101—7352	10 Part 458
7101 et seq	18 Part 282
7101	18 Part 154
7107 et seq	18 Part 282
8281—8284	10 Part 458
9205	40 Part 300
9601 et seq	40 Parts 305, 306
43 U.S.C.:	
283	43 Part 2090
315a	50 Parts 25, 26
617e	43 Part 2090
1331	33 Part 147
1347—1348	46 Part 107

43 U.S.C.—Con.	CFR
1356	46 Part 107
1451 et seq	25 Part 249
1457	30 Parts 206, 216, 218
44 U.S.C.:	
3501 et seq	30 Parts 18, 23, 32, 33, 36, 75
3504	27 Part 194
3507	46 Part 150
45 U.S.C.:	
712	49 Part 903
46 U.S.C.:	
86	46 Part 92
88a	46 Part 92, 190
170	46 Parts 30, 32, 92, 98, 151, 153, 195
363	46 Parts 77, 92, 96, 190, 195
367	46 Parts 32, 77, 92, 96, 98, 190, 195
369	46 Parts 32, 92, 98, 151, 153
375	46 Parts 32, 77, 92, 96, 98, 151, 153, 190, 195
379a	46 Part 151
390b	46 Parts 32, 77, 92
391—392	46 Parts 77, 92, 96, 98, 195
391	46 Part 190
391a	46 Parts 30, 32, 153
392	46 Parts 32, 190
395	46 Parts, 77, 92, 96, 190, 195
404	46 Parts 77, 92, 96, 98
405	46 Parts 32, 92
407	46 Part 195
411	46 Part 195
416	46 Parts 32, 77, 92, 96, 98, 151, 153, 190, 195
435	46 Parts 30, 98
445	46 Parts 32, 92, 190, 195
481	46 Parts 32, 77, 92, 96, 98, 190, 195
489	46 Parts 32, 77, 96, 190, 195
526p	46 Parts 32, 77, 92
808	46 Part 221
835	46 Part 221
838—839	46 Part 221
841a	46 Part 221
876	46 Part 221
941a	46 Part 221
961	46 Part 221
1114	46 Part 221
1195	46 Part 221
1271—1279	15 Part 904
1333	46 Part 77
1410	50 Parts 256, 257
1454	33 Part 177
1467	33 Part 174

46 U.S.C.—Con.	CFR
1488	33 Parts 174, 177
2101	46 Part 174
2104	46 Parts 109, 111, 174
2106	46 Part 109
2113	46 Part 111
3301	46 Parts 109, 111, 174
3316	46 Parts 107, 174
3318	46 Parts 109, 111
3703	46 Part 172
11301	46 Part 109
46 U.S.C. App.:	
86	46 Part 172
88a	46 Part 172
812	46 Part 568
814—817	46 Part 568
820	46 Part 568
833a	46 Part 568
841a	46 Part 568
47 U.S.C.:	
151—155	47 Part 97
151	47 Part 67
154	47 Part 67
221	47 Part 67
410	47 Part 67
48 U.S.C.:	
358a	25 Part 211
362	25 Part 211
49 U.S.C.:	
5b	49 Parts 1206, 1207
12	49 Parts 1206, 1207, 1249
20	49 Parts 1206, 1207, 1249
106	14 Part 159
108	46 Parts 96, 195
204	49 Part 1207
304	49 Parts 392, 1042, 1050, 1052, 1059, 1206, 1207
307—308	49 Part 1042
307	49 Part 1050
311	49 Part 1052
315—316	49 Part 1052
319—320	49 Part 1052
320	49 Parts 1206, 1207
322	49 Parts 1206, 1207
904	49 Parts 1206, 1207
913	49 Parts 1206, 1207
917	49 Parts 1206, 1207
1003	49 Parts 1206, 1207
1012	49 Parts 1206, 1207
1159	14 Part 65
1347—1348	14 Part 43
1355	14 Part 127
1357	14 Part 43
1372	14 Part 43
1423—1426	14 Part 65
1426—1429	14 Part 127
1428—1430	14 Part 65
1432	14 Part 43

49 U.S.C.—Con.	CFR
1442—1443	14 Part 43
1472	14 Part 43
1510	14 Part 43
1522	14 Part 43
1601 et seq	49 Part 630
1604	49 Part 630
1651	23 Part 790
1652	14 Parts 43, 65
1655	14 Parts 21, 36, 65, 127
	33 Parts 67, 147, 161
	46 Parts 32,
	77, 92, 96, 98, 151, 153, 190, 195
	49 Parts 173, 310
1657	14 Part 65
	23 Part 790
	33 Part 67
	49 Part 107
1671 et seq	49 Part 193
1672	49 Part 192
1674	49 Part 193
1801—1803	46 Part 153
1802—1804	49 Part 107
1803—1808	49 Part 173
1803—1805	49 Parts 171, 172
1803—1804	49 Parts 175, 177-179
1803	46 Parts 30, 151
1804	49 Part 192
1805—1811	46 Part 153
1805	49 Parts 174, 175
1806—1808	49 Part 175
1806	49 Part 107
1808—1811	49 Part 107
1808	49 Parts 171, 172, 177-179
1809	49 Parts 173, 177
1904	49 Part 179
10321	49 Part 1312
10701a	49 Part 1138
10708	49 Part 1312
10751	49 Part 1206
11142	49 Part 1249
50 U.S.C.:	
198	46 Parts 98, 170, 172, 174
1436	32 Part 166
50 U.S.C. App.:	
567	43 Part 2090
1751—1785 note	45 Parts 540-543
2001	45 Part 580
2017n	45 Part 580

	CFR
U.S. Statutes at Large:	
60 Stat.:	
237	45 Part 503
76 Stat.:	
387	45 Part 560
80 Stat.:	
250	45 Part 503
83 Stat.:	
210	32 Part 166
87 Stat.:	
985	49 Part 901
88 Stat.:	
1561	49 Part 901
92 Stat.:	
865	17 Part 30
876—877	17 Part 30
93 Stat.:	
492	35 Part 119
95 Stat.:	
1070	43 Part 3160
Public Laws:	
93-502	49 Part 901
94-542	45 Part 581
95-75	46 Part 32
96-70	35 Part 119
96-514	30 Parts 206, 218
97-78	30 Parts 206, 218
98-590	7 Part 1240
99-190	25 Part 700
99-349	31 Part 16
Executive Orders:	
9830	5 Part 315
10501	22 Part 212
10816	22 Part 212
11103	5 Part 315
11239	46 Parts 32,
	77, 92, 96, 98, 190, 195
11521	5 Part 315
11964	46 Part 32
12009	18 Part 282
12065	22 Part 171
12173	35 Part 9
12234	46 Part 172
12316	40 Parts 305, 306
12364	5 Part 315
Reorganization Plans:	
1950 Plan No. 3	30 Parts 216, 218
1950 Plan No. 5	15 Part 4
1953 Plan No. 1	20 Part 404

1986	
34945-35200	Oct. 1
35201-35344	2
35345-35494	3
35495-35624	6
35625-35990	7
35991-36200	8
36201-36372	9
36373-36530	10
36531-36672	14
36673-36794	15
36795-36990	16
36991-37170	17
37171-37262	20
37263-37378	21
37379-37548	22
37549-37700	23
37701-37884	24
37885-39354	27
39355-39504	28
39505-39636	29
39637-39736	30
39737-39846	31
39847-39992	Nov. 3
39993-40120	4
40121-40300	5
40301-40398	6
40399-40780	7
40781-40956	10
40957-41066	12
41067-41292	13
41293-41470	14
41471-41594	17
41595-41754	18
41755-41928	19
41929-42078	20
42079-42196	21
42197-42542	24
42543-42814	25
42815-42986	26
42987-43166	28
43167-43336	Dec. 1
43337-43578	2
43579-43720	3
43721-43860	4
43861-44032	5
44033-44260	8
44261-44440	9
44441-44582	10
44583-44752	11
44753-44896	12
44897-44982	15
44983-45100	16
45101-45292	17
45293-45440	18
45441-45750	19
45751-45870	22
45871-46586	23
46587-46848	24
46849-46984	Dec. 29
46985-47184	30
47185-47418	31

1987	
1-228	Jan. 2
229-388	5
389-516	6
517-660	7
661-754	8
755-1178	9
1179-1312	12
1313-1430	13
1431-1618	14
1619-1896	15
1897-2098	16
2099-2212	20
2213-2388	21
2389-2502	22
2503-2662	23
2663-2800	26
2801-2862	27
2863-2920	28
2921-2974	29
2975-3100	30
3101-3208	Feb. 2
3209-3392	3
3393-3594	4
3595-3782	5
3783-3996	6
3997-4124	9
4125-4264	10
4265-4488	11
4489-4590	12
4591-4762	13
4763-4886	17
4887-5068	18
5069-5270	19
5271-5424	20
5425-5522	23
5523-5734	25
5735-5930	26
5931-6122	27
6123-6316	Mar. 2
6317-6492	3
6493-6768	4
6769-6950	5
6951-7102	6
7103-7262	9
7263-7396	10
7397-7558	11
7559-7816	12
7817-8052	13
8053-8222	16
8223-8438	17
8439-8580	18
8581-8858	19
8859-9106	20
9107-9280	23

9281-9450	Mar. 24
9451-9648	25
9649-9792	26
9793-10020	27
10021-10212	30
10213-10356	31
10357-10556	Apr. 1
10557-10724	2
10725-10874	3
10875-11018	6
11019-11184	7
11185-11452	8
11453-11610	9
11611-11806	10
11807-11980	13
11981-12128	14
12129-12362	15
12363-12510	16
12511-12896	17
12897-13068	20
13069-13214	21
13215-13424	22
13425-13624	23
13625-13822	24
13823-15294	27
15295-15484	28
15485-15698	29
15699-15934	30
15935-16228	May 1
16229-16366	4
16367-16804	5
16805-17282	6
17283-17386	7
17387-17536	8
17537-17746	11
17747-17914	12
17915-18186	13
18187-18334	14
18335-18542	15
18543-18686	18
18687-18900	19
18901-19128	20
19129-19258	21
19259-19478	22
19479-19714	26
19715-19830	27
19831-20052	28
20053-20370	29
20371-20590	June 1
20591-20694	2
20695-21000	3
21001-21238	4
21239-21492	5
21493-21650	8
21651-21930	9
21931-22286	10
22287-22430	11
22431-22628	12
22629-22752	15
22753-23006	June 16
23007-23164	17
23165-23264	18
23265-23420	19
23421-23536	22
23537-23628	23
23629-23778	24
23779-23930	25
23931-24126	26
24127-24274	29
24275-24442	30
24443-24970	July 1
24971-25192	2
25193-25344	6
25345-25578	7
25579-25860	8
25861-25962	9
25963-26126	10
26127-26292	13
26293-26468	14
26469-26662	15
26663-26934	16
26935-27184	17
27185-27322	20
27323-27524	21
27525-27660	22
27661-27776	23
27777-27984	24
27985-28122	27
28123-28238	28
28239-28442	29
28443-28532	30
28533-28680	31
28681-28814	Aug. 3
28815-28958	4
28959-29172	5
29173-29362	6
29363-29496	7
29497-29654	10
29655-29832	11
29833-30124	12
30125-30324	13
30325-30652	14
30653-30878	17
30879-31026	18
31027-31372	19
31373-31600	20
31601-31748	21
31749-31974	24
31975-32116	25
32117-32286	26
32287-32528	27
32529-32774	28
32775-32906	31
32907-33216	Sept. 1
33217-33398	2
33399-33570	3
33571-33796	4
33797-33914	8

33915-34192	Sept. 9
34193-34372	10
34373-34616	11
34617-34760	14
34761-34890	15
34891-35058	16
35059-35214	17
35215-35394	18
35395-35522	Sept. 21
35523-35678	22
35679-35904	23
35905-36008	24
36009-36212	25
36213-36388	28
36389-36562	29
36563-36748	30

○

S E

1987

U M I

S E

1987

UMI

OC

1987

code of federal regulations

LSA

List of CFR Sections Affected

October 1987

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
[ISSN 0097-8329]

**********5-DIGIT 48106

A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

UMI

OC
1987
UMI

code of federal regulations

LSA

List of CFR Sections Affected

October 1987

Titles 1–16
Changes January 2, 1987
through October 30, 1987

Titles 17–27
Changes April 1, 1987
through October 30, 1987

Titles 28–41
Changes July 1, 1987
through October 30, 1987

Titles 42–50
Changes October 1, 1987
through October 30, 1987

Parallel Table of
Authorities and Rules

OC

1987

UMI

LSA—LIST OF CFR SECTIONS AFFECTED

The LIST OF CFR SECTIONS AFFECTED is a monthly publication designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles.

HOW TO USE THIS FINDING AID

The CFR is revised annually according to the following schedule:

Titles 1–16—as of Jan. 1
17–27—as of April 1
28–41—as of July 1
42–50—as of Oct. 1

To bring these regulations up to date, consult the most recent LIST OF CFR SECTIONS AFFECTED for any changes, additions, or removals published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing in the Reader Aids of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

Boldface page numbers under a particular title indicate that the page numbers span 2 years. **Boldface** is used to distinguish the current year from the previous year.

Cite a page reference from this publication as 52 FR for 1987 page numbers. Example: 24727 cite as 52 FR 24727.

ISSUES TO BE SAVED

There is no single annual issue of the LIST OF CFR SECTIONS AFFECTED. Four ANNUAL ISSUES must be saved; the DECEMBER issue is the ANNUAL for Titles 1–16; the MARCH issue is the ANNUAL for Titles 17–27; the JUNE issue is the ANNUAL for Titles 28–41; the SEPTEMBER issue is the ANNUAL for Titles 42–50. ANNUAL ISSUES to be saved are clearly designated on the cover.

PARALLEL TABLE OF AUTHORITIES AND RULES

Following Title 50 is an update to Table I—Parallel Table of Authorities and Rules found in the CFR Index and Finding Aids. This table contains authority citations added to or removed from Table I as a result of documents published in the Federal Register since January 1, 1987.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the inclusive page numbers and corresponding Federal Register issue dates for the period covered.

INDEXES

An INDEX to the daily Federal Register is published monthly and is cumulated for 12 months. A separate volume, the CFR Index and Finding Aids to the entire Code of Federal Regulations, is revised as of January 1 each year.

INQUIRIES AND SUGGESTIONS

Loren S. Myers was Chief Editor of the LSA. The LSA was prepared under the direction of Martha B. Girard, assisted by Ruth C. Pontius. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to John E. Byrne, Director, Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408.

(Comprising a complete CFR set)

Title	Price	Revision Date
1, 2 (2 Reserved)	$9.00	Jan. 1, 1987
3 (1986 Compilation and Parts 100 and 101)	11.00	Jan. 1, 1987
4	14.00	Jan. 1, 1987
5 (Parts 1–1199)	25.00	Jan. 1, 1987
(Parts 1200–End), 6 (6 Reserved)	9.50	Jan. 1, 1987
7 (Parts 0–45)	25.00	Jan. 1, 1987
(Parts 46–51)	16.00	Jan. 1, 1987
(Part 52)	23.00	Jan. 1, 1987
(Parts 53–209)	18.00	Jan. 1, 1987
(Parts 210–299)	22.00	Jan. 1, 1987
(Parts 300–399)	10.00	Jan. 1, 1987
(Parts 400–699)	15.00	Jan. 1, 1987
(Parts 700–899)	22.00	Jan. 1, 1987
(Parts 900–999)	26.00	Jan. 1, 1987
(Parts 1000–1059)	15.00	Jan. 1, 1987
(Parts 1060–1119)	13.00	Jan. 1, 1987
(Parts 1120–1199)	11.00	Jan. 1, 1987
(Parts 1200–1499)	18.00	Jan. 1, 1987
(Parts 1500–1899)	9.50	Jan. 1, 1987
(Parts 1900–1944)	25.00	Jan. 1, 1987
(Part 1945–End)	26.00	Jan. 1, 1987
8	9.50	Jan. 1, 1987
9 (Parts 1–199)	18.00	Jan. 1, 1987
(Part 200–End)	16.00	Jan. 1, 1987
10 (Parts 0–199)	29.00	Jan. 1, 1987
(Parts 200–399)	13.00	Jan. 1, 1987
(Parts 400–499)	14.00	Jan. 1, 1987
(Part 500–End)	24.00	Jan. 1, 1987
11	11.00	Jul. 1, 1987
12 (Parts 1–199)	11.00	Jan. 1, 1987
(Parts 200–299)	27.00	Jan. 1, 1987
(Parts 300–499)	13.00	Jan. 1, 1987
(Part 500–End)	27.00	Jan. 1, 1987
13	19.00	Jan. 1, 1987
14 (Parts 1–59)	21.00	Jan. 1, 1987
(Parts 60–139)	19.00	Jan. 1, 1987
(Parts 140–199)	9.50	Jan. 1, 1987
(Parts 200–1199)	19.00	Jan. 1, 1987
(Part 1200–End)	11.00	Jan. 1, 1987
15 (Parts 0–299)	10.00	Jan. 1, 1987
(Parts 300–399)	20.00	Jan. 1, 1987
(Part 400–End)	14.00	Jan. 1, 1987
16 (Parts 0–149)	12.00	Jan. 1, 1987
(Parts 150–999)	13.00	Jan. 1, 1987
(Part 1000–End)	19.00	Jan. 1, 1987
17 (Parts 1–199)	14.00	April 1, 1987
(Parts 200–239)	14.00	April 1, 1987
(Part 240–End)	19.00	April 1, 1987
18 (Parts 1–149)	15.00	April 1, 1987
(Parts 150–279)	14.00	April 1, 1987
(Parts 280–399)	13.00	April 1, 1987
(Part 400–End)	8.50	April 1, 1987
19 (Parts 1–199)	27.00	April 1, 1987
(Part 200–End)	5.50	April 1, 1987

(Comprising a complete CFR set)

Title	Price	Revision Date
20 (Parts 1-399)	$12.00	April 1, 1987
(Parts 400-499)	23.00	April 1, 1987
(Part 500-End)	24.00	April 1, 1987
21 (Parts 1-99)	12.00	April 1, 1987
(Parts 100-169)	14.00	April 1, 1987
(Parts 170-199)	16.00	April 1, 1987
(Parts 200-299)	5.50	April 1, 1987
(Parts 300-499)	26.00	April 1, 1987
(Parts 500-599)	21.00	April 1, 1987
(Parts 600-799)	7.00	April 1, 1987
(Parts 800-1299)	13.00	April 1, 1987
(Part 1300-End)	6.00	April 1, 1987
22 (Parts 1-299)	19.00	April 1, 1987
(Part 300-End)	13.00	April 1, 1987
23	16.00	April 1, 1987
24 (Parts 0-199)	14.00	April 1, 1987
(Parts 200-499)	26.00	April 1, 1987
(Parts 500-699)	9.00	April 1, 1987
(Parts 700-1699)	18.00	April 1, 1987
(Part 1700-End)	12.00	April 1, 1987
25	24.00	April 1, 1987
26 (Part 1 §§ 1.0-1—1.60)	12.00	April 1, 1987
(§§ 1.61—1.169)	22.00	April 1, 1987
(§§ 1.170—1.300)	17.00	April 1, 1987
(§§ 1.301—1.400)	14.00	April 1, 1987
(§§ 1.401—1.500)	21.00	April 1, 1987
(§§ 1.501—1.640)	15.00	April 1, 1987
(§§ 1.641—1.850)	17.00	April 1, 1987
(§§ 1.851—1.1000)	27.00	April 1, 1987
(§§ 1.1001—1.1400)	16.00	April 1, 1987
(§§ 1.1401—End)	20.00	April 1, 1987
(Parts 2-29)	20.00	April 1, 1987
(Parts 30-39)	13.00	April 1, 1987
(Parts 40-49)	12.00	April 1, 1987
(Parts 50-299)	14.00	April 1, 1987
(Parts 300-499)	15.00	April 1, 1987
(Parts 500-599)	7.50	*April 1, 1980
(Part 600-End)	6.00	April 1, 1987
27 (Parts 1-199)	21.00	April 1, 1987
(Part 200-End)	13.00	April 1, 1987
28	21.00	July 1, 1986
29 (Parts 0-99)	16.00	July 1, 1987
(Parts 100-499)	7.00	July 1, 1987
(Parts 500-899)	24.00	July 1, 1987
(Parts 900-1899)	10.00	July 1, 1987
(Parts 1900-1910)	27.00	July 1, 1986
(Parts 1911-1925)	6.50	July 1, 1987
(Part 1926)	10.00	July 1, 1987
(Part 1927-End)	23.00	July 1, 1987
30 (Parts 0-199)	16.00	**July 1, 1985
(Parts 200-699)	8.50	July 1, 1986
(Part 700-End)	18.00	July 1, 1987
31 (Parts 0-199)	12.00	July 1, 1987
(Part 200-End)	16.00	July 1, 1987
32 (Parts 1-189)	17.00	July 1, 1986

Footnotes at end of table.

(Comprising a complete CFR set)

Title	Price	Revision Date
(Parts 190-399)	$23.00	July 1, 1987
(Parts 400-629)	21.00	July 1, 1987
(Parts 630-699)	13.00	July 1, 1986
(Parts 700-799)	15.00	July 1, 1987
(Parts 800-End)	16.00	July 1, 1986
33 (Parts 1-199)	27.00	July 1, 1986
(Part 200-End)	19.00	July 1, 1987
34 (Parts 1-299)	20.00	July 1, 1987
(Parts 300-399)	11.00	July 1, 1987
(Part 400-End)	23.00	July 1, 1987
35	9.00	July 1, 1987
36 (Parts 1-199)	12.00	July 1, 1987
(Part 200-End)	19.00	July 1, 1986
37	13.00	July 1, 1987
38 (Parts 0-17)	21.00	July 1, 1986
(Part 18-End)	15.00	July 1, 1986
39	13.00	July 1, 1987
40 (Parts 1-51)	21.00	July 1, 1986
(Part 52)	27.00	July 1, 1986
(Parts 53-60)	23.00	July 1, 1986
(Parts 61-80)	12.00	July 1, 1987
(Parts 81-99)	25.00	July 1, 1987
(Parts 100-149)	23.00	July 1, 1986
(Parts 150-189)	21.00	July 1, 1986
(Parts 190-399)	27.00	July 1, 1986
(Parts 400-424)	22.00	July 1, 1987
(Parts 425-699)	24.00	July 1, 1986
(Part 700-End)	24.00	July 1, 1986
41 (Chapters 1—100)	10.00	July 1, 1987
(Chapter 101)	23.00	July 1, 1987
(Chapters 102-200)	11.00	July 1, 1987
(Chapter 201-End)	8.50	July 1, 1987
42 (Parts 1-60)	15.00	Oct. 1, 1986
(Parts 61-399)	10.00	Oct. 1, 1986
(Parts 400-429)	20.00	Oct. 1, 1986
(Part 430-End)	15.00	Oct. 1, 1986
43 (Parts 1-999)	14.00	Oct. 1, 1986
(Parts 1000-3999)	24.00	Oct. 1, 1986
(Part 4000-End)	11.00	Oct. 1, 1986
44	17.00	Oct. 1, 1986
45 (Parts 1-199)	13.00	Oct. 1, 1986
(Parts 200-499)	9.00	Oct. 1, 1986
(Parts 500-1199)	18.00	Oct. 1, 1986
(Part 1200-End)	13.00	Oct. 1, 1986
46 (Parts 1-40)	13.00	Oct. 1, 1986
(Parts 41-69)	13.00	Oct. 1, 1986
(Parts 70-89)	7.00	Oct. 1, 1986
(Parts 90-139)	11.00	Oct. 1, 1986
(Parts 140-155)	8.50	***Oct. 1, 1985
(Parts 156-165)	14.00	Oct. 1, 1986
(Parts 166-199)	13.00	Oct. 1, 1986
(Parts 200-499)	19.00	Oct. 1, 1986
(Part 500-End)	9.50	Oct. 1, 1986
47 (Parts 0-19)	17.00	Oct. 1, 1986
(Parts 20-39)	18.00	Oct. 1, 1986

Footnotes at end of table.

(Comprising a complete CFR set)

Title	Price		Revision Date
(Parts 40–69)	$11.00		Oct. 1, 1986
(Parts 70–79)	17.00		Oct. 1, 1986
(Part 80–End)	20.00		Oct. 1, 1986
48 (Chapter 1, Parts 1–51)	21.00		Oct. 1, 1986
(Chapter 1, Parts 52–99)	16.00		Oct. 1, 1986
(Chapter 2)	27.00		Dec. 31, 1986
(Chapters 3–6)	17.00		Oct. 1, 1986
(Chapters 7–14)	23.00		Oct. 1, 1986
(Chapter 15–End)	22.00		Oct. 1, 1986
49 (Parts 1–99)	10.00		Oct. 1, 1986
(Parts 100–177)	24.00		Oct. 1, 1986
(Parts 178–199)	19.00		Oct. 1, 1986
(Parts 200–399)	17.00		Oct. 1, 1986
(Parts 400–999)	21.00		Oct. 1, 1986
(Parts 1000–1199)	17.00		Oct. 1, 1986
(Parts 1200–End)	17.00		Oct. 1, 1986
50 (Parts 1–199)	15.00		Oct. 1, 1986
(Part 200–End)	25.00		Oct. 1, 1986
CFR Index and Findings Aids	27.00		Jan. 1, 1987
Complete 1987 CFR set	595.00		1987
Complete 1986 CFR set	595.00		1986
Microfiche CFR edition:			
Complete set (one-time mailing)	155.00		1983
Complete set (one-time mailing)	125.00		1984
Complete set (one-time mailing)	115.00		1985
Subscription (mailed as issued)	185.00		1986
Subscription (mailed as issued	185.00		1987
Individual copies	3.75		1987

*No amendments to this volume were promulgated during the period April 1, 1980 through March 31, 1987. The CFR volume issued as of April 1, 1980, should be retained.

**No amendments to this volume were promulgated during the period July 1, 1985 through June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

***No amendments to this volume were promulgated during the period October 1, 1985 through September 30, 1986. The CFR volume issued as of October 1, 1985 should be retained.

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Charge orders (VISA, CHOICE, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday–Friday (except holidays).

Other Related Publications

Title	Price		Revision Date
Federal Register	$340.00		daily
Federal Register Document Drafting Handbook	4.75		April 1986
Guide to Record Retention Requirements in the Code of Federal Regulations	10.00		Jan. 1, 1986
1987 Supplement—February 27, 1987 Federal Register, Part II	1.50		Jan. 1, 1987
List of Sections Affected, 1949–1963	Out of print		1966
List of CFR Sections Affected, 1964–1972			
(Titles 1 through 27) Vol. I	Out of print		1980
(Titles 28 through 50) Vol. II	14.00		1980
LSA (List of CFR Sections Affected):			
Yearly subscription	24.00		
Individual copies	1.50		monthly
Federal Register Index:			
Yearly subscription	22.00		
Individual copies	1.50		monthly

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 1—GENERAL PROVISIONS

Chapter III—Administrative Conference of the United States

Page

304.1—304.6 (Subpart A) Authority citation revised..... 22753
304.3 (a) revised; (b) and (c) amended; (d) removed; (e) redesignated as (d) and revised; interim..... 22753
(c) correctly designated..... 23627
(a) revision, (b) and (c) amendment, (d) removal, (e) redesignation as (d) confirmed; (d) revised..... 29498
304.6 Revised; interim..... 22753
Revision confirmed; (h) introductory text added; (i) (1) and (2) amended..... 29498
305.87-1 Added..... 23629
305.87-2 Added..... 23631
305.87-3 Added..... 23632
305.87-4 Added..... 23634
305.87-5 Added..... 23635
310.12 Added..... 23636

Chapter IV—Miscellaneous Agencies

456 Authority citation revised; nomenclature changes..... 34373
456.2 (a) through (f) revised; (g), (h), and (i) added..... 34373
456.3 Redesignated as 456.4; new 456.3 added..... 34373
456.4 Redesignated from 456.3..... 34373
(j)(1)(vii) and (k)(2) revised; (j)(1)(viii), (k)(1) and (l) amended; (j)(1)(ix) and (5) and (k)(4) added; (j) (2) and (3) redesignated as (j) (3) and (4); new (j)(2) added; new (j)(4) revised..... 34374

Title 1—*Proposed Rules:*

301—326 (Ch. III)..... 7814, 7879, 13448, 38925, 41306
456..... 15729

TITLE 3—THE PRESIDENT

Proclamations

5050 *See* Proc. 5727..... 38075
5074 Amended by Proc. 5679..... 27308
5453 Modified by Proc. 5660..... 19259
5595 229
5596 755
5597 1431
5598 1897
5599 2213
5600 2503
5601 2663
See U.S. Trade Representative Notice..... 3523
5602 2921
5603 2975
5604 2977
5605 3393
5606 3783
5607 4489
5608 4887
5609 5271
5610 5425
5611 5523
5612 6123
5613 6125
5614 6769
5615 6771
5616 7263
5617 7265
5618 8439
5619 8441
5620 8443
5621 9281
5622 9283
5623 9793
5624 11019
5625 11453
5626 11611
5627 11613
5628 11809
5629 12126
5630 12129
5631 13412
See U.S. Trade Representative Notice..... 22693
5632 13618
5633 13620
5634 13622
5635 13625
5636 13823
5637 13825
5638 15295
5639 15696
5640 15697
5641 15699
5642 15701
5643 15935
5644 16229

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 3 Proclamations—Con. Page

5645 16367
5646 16805
Correction 17678
5647 16815
5648 16817
5649 16819
5650 17382
5651 17915
5652 17917
5653 18187
5654 18189
5655 18898
5656 18900
5657 19122
5658 19123
5659 19257
5660 19259
5661 19479
5662 19829
5663 20695
5664 21239
5665 23007
5666 23009
5667 23011
5668 23165
5669 23537
5670 23539
5671 23541
5672 24127
5673 24275
5674 25345
5675 25347
5676 25963
5677 26935
5678 27185
5679 27308
5680 27323
5681 27325
5682 27525
5683 27661
5684 27777
5685 28237
5686 28959
5687 28961
5688 29363
5689 29365
5690 29655
5691 29833
5692 30125
5693 30653
5694 30655
5695 31975
5696 32905
5697 34193
5698 34195
5699 34197
5700 34199
5701 34761
5702 35523
5703 35525
5704 35527
5705 35905
5706 36208
5707 36210
5708 36213
5709 36889
5710 36891
5711 36893
5712 36895
5713 37265
5714 37267
5715 37269
5716 37271
5717 37273
5718 37275
5719 37279
5720 37429
5721 37431
5722 37433
5723 37917
5724 37919
5725 37921
5726 37923
5727 38075
5728 38389
5729 38739
5730 38741
5731 38903
5732 38905
5733 41689

Executive Orders

6039 Partially revoked by PLO 6656 31623
6269 Amended by PLO 6642 16248
8248 Amended by EO 12608 34617
8512 Amended by EO 12608 34617
8744 Revoked by EO 12608 34617
9094 Amended by EO 12608 34617
9830 Amended by EO 12608 34617
9979 Amended by EO 12608 34617
10289 Amended by EO 12608 34617
10484 Amended by EO 12608 34617
10499 Amended by EO 12608 34617
10521 Amended by EO 12608 34617
10530 Amended by EO 12608 34617
10582 Amended by EO 12608 34617
10608 Amended by EO 12608 34617
10624 Amended by EO 12608 34617
10786 Amended by EO 12608 34617

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Page

10797 Amended by EO 12608 34617
10840 Amended by EO 12608 34617
10841 Amended by EO 12608 34617
10880 Revoked by EO 12608 34617
10903 Amended by EO 12608 34617
10909 Amended by EO 12608 34617
11012 Amended by EO 12608 34617
11023 Amended by EO 12608 34617
11030 Amended by EO 12608 34617
11034 Amended by EO 12608 34617
11044 Amended by EO 12608 34617
11047 Amended by EO 12608 34617
11060 Amended by EO 12608 34617
11077 Amended by EO 12608 34617
11079 Amended by EO 12608 34617
11140 Amended by EO 12608 34617
11145 Continued by EO 12610 36901
11157 Amended by EO 12608 34617
11183 Continued by EO 12610 36901
11287 Continued by EO 12610 36901
11377 Revoked by EO 12608 34617
11390 Amended by EO 12608 34617
11440 Amended by EO 12608 34617
11467 Amended by EO 12608 34617
11480 Amended by EO 12608 34617
11490 Amended by EO 12608 34617
11561 Amended by EO 12608 34617
11580 Amended by EO 12608 34617
11583 Amended by EO 12608 34617
11609 Amended by EO 12608 34617
11623 Amended by EO 12608 34617
11644 Amended by EO 12608 34617
11687 Amended by EO 12608 34617
11747 Amended by EO 12608 34617
11755 Amended by EO 12608 34617
11758 Amended by EO 12608 34617
11776 Amended by EO 12608 34617
Continued by EO 12610 36901
11800 Amended by EO 12608 34617
11845 Amended by EO 12608 34617
11880 Amended by EO 12608 34617
11899 Amended by EO 12608 34617
11911 Revoked by EO 12608 34617
11990 Amended by EO 12608 34617
12034 Revoked by EO 12608 34617
12048 Amended by EO 12608 34617
12049 Amended by EO 12608 34617
12086 Amended by EO 12608 34617
12088 Amended by EO 12580 2923
12101 Amended by EO 12608 34617
12131 Continued by EO 12610 36901
12138 Amended by EO 12608 34617
12146 Amended by EO 12608 34617
12154 Amended by EO 12608 34617
12163 Amended by EO 12608 34617
12190 Continued by EO 12610 36901
12196 Amended by EO 12608 34617
Continued by EO 12610 36901
12208 Amended by EO 12608 34617
12216 Continued by EO 12610 36901
12291 *See* EO 12612 41685
12295 Revoked by EO 12608 34617
12296 Continued by EO 12610 36901
12316 Revoked by EO 12580 2923
12322 Amended by EO 12608 34617
12328 Amended by EO 12608 34617
12345 Continued by EO 12610 36901
12367 Amended by EO 12593 13624
12368 Amended by EO 12590 10021
12372 *See* EO 12612 41685
12382 Continued by EO 12610 36901
12426 Revoked by EO 12608 34617
12427 Revoked by EO 12610 36901
12435 Revoked by EO 12610 36901
12462 Amended by EO 12579 515
12490 Revoked by EO 12610 36901
12493 Amended by EO 12602 27187
12496 Superseded by EO 12578 505
12498 *See* EO 12612 41685
12503 Revoked by EO 12610 36901
12511 Revoked by EO 12610 36901
12513 *See* Notice of April 21, 1987 13425
12526 Revoked by EO 12610 36901
12528 Amended by EO 12604 29495
12534 Superseded by EO 12610 36901
12546 Revoked by EO 12610 36901
12547 Revoked by EO 12597 18335
12570 Amended by EO 12611 38743
12575 Amended by EO 12581 2979
Revoked by EO 12610 36901
12576 Superseded by EO 12598 23421
12578 505
12579 515
12580 2923
12581 2979
12582 3395
12583 5427
12584 5429

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 3 Executive Orders—Con. Page

12585 6773
12586 7103
12587 7397
12588 8859
12589 8861
12590 10021
12591 13414
12592 13417
Amended by EO 12609 36211
12593 13624
12594 15703
12595 17383
12596 17537
12597 18335
12598 23421
12599 23779
12600 23781
12601 24129
Amended by EO 12603 27315
12602 27187
12603 27315
12604 29495
12605 30325
12606 34188
12607 34190
12608 34617
12609 36211
12610 36901
12611 38743
12612 41685
12613 41940

Administrative Orders

Letters

January 5, 1987 4125

Memorandums

December 30, 1986 ..... 231, 233, 1619
January 2, 1987 389
April 17, 1987 13419
May 12, 1987 20053
May 14, 1987 18685
May 19, 1987 19271
June 30, 1987 24971
July 16, 1987 27316
August 5, 1987 29367
August 12, 1987 32117
August 27, 1987 33397
September 30, 1987 36897
September 30, 1987 36899
October 10, 1987 38217

Notices

April 21, 1987 13425
October 6, 1987 37597

Page

Orders

October 20, 1987 39205

Presidential Determinations

No. 87-6 of December 27, 1986 2389
No. 87-7 of January 5, 1987 2391
No. 87-10 of March 5, 1987 9107
No. 87-11 of March 12, 1987 9795
No. 87-12 of March 17, 1987 11807
No. 87-14 of June 2, 1987 22431
No. 87-15 of June 23, 1987 23785
No. 87-16 of June 24, 1987 23931
No. 87-18 of July 7, 1987 27779
No. 87-19 of August 5, 1987 31749
No. 87-20 of September 23, 1987 36749

Presidential Recommendation

January 20, 1987 2822
Corrections 3079, 3526

Title 3—*Proposed Rules:*

102 ..... 25124, 27902

TITLE 4—ACCOUNTS

Title 4—*Proposed Rules:*

21 9464

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Office of Personnel Management

110.201 (b) table amended (OMB numbers) 7400
(b) table amendment at 51 FR 36176 republished; interim (OMB number) 16175
213 Authority citation revised 11185, 37762
213.3102 (q) amended 36009
(j) amended 37762
213.3202 (e) revised 11185
(l) amended; interim 25194
294 Authority citation revised 13216
294.101—294.111 (Subpart A) Revised 13216
294.401 (Subpart D) Revised 13219
300.701—300.307 (Subpart G) Added 7400

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Page

315 Authority citation revised; subpart and section authority citations removed 5431
Authority citation revised 15705, 25194
315.608 Revised; interim 15706
Revision confirmed; (b) amended 38219
315.610 Added 5431
315.710 Added; interim 25194
316 Authority citation revised 15706
316.302 (c)(3) revised; interim 15706
(c)(3) confirmed 38219
316.402 (b)(2) revised; interim 15706
(b)(2) confirmed 38219
330 Authority citation revised; subpart and section authority citations removed 37762
330.801—330.805 (Subpart H) Heading amended 37762
330.801 Revised 37762
330.803 (b) revised 37762
330.804 (b) removed; (c) redesignated as (b) and amended 37762
330.805 Nomenclature change; (a) (3) and (4) and (b) amended 37762
351 Authority citation revised 10024
351.301—351.303 (Subpart C) Revised 10024
410 Authority citation revised; section authority citations removed 7402
410.603 Revised 7402
534.401—534.404 (Subpart D) Heading revised 2
534.403 Revised 2
572 Authority citation added; section authority citations removed 28817
572.101—572.201 (Subpart A) Redesignated as 572.201—572.202 (Subpart B) and heading revised 28817
572.101—572.102 (Subpart A) Added 28817
572.201—572.202 (Subpart B) Redesignated from 572.101—572.201 (Subpart A) and heading revised 28817
572.301 (Subpart C) Added 28817
591.202 Amended; interim 12131

Page

591.201—591.213 (Subpart B) Appendix B amended; interim 12131
630 Authority citation revised; section authority citations removed 10214
630.901—630.911 (Subpart I) Added; interim 10214
752 Authority citation revised; section authority citations removed 34624
752.501 Amended 34624
752.601—752.606 (Subpart F) Revised 34624
831.105 (i) added 32287
831.201 (g) added; interim 17388
(g) revised 38220
831.301 (d) added; interim 10026
831.304 Added; interim 3786
831.305 Added; interim 3786
831.306 Added; interim 3786
831.307 Added; interim 5069
831.308 Added; interim 19125
831.606 (d) revised 10216
831.612 (a)(1) revised; interim 3209
831.703 Added; interim 1622
Revised 22434
831.1704 (d) and (e)(1) revised; interim 3210
841.101—841.110 (Subpart A) Added; interim; effective date pending in part 19242
841.201—841.203 (Subpart B) Added; interim 19244
841.301—841.309 (Subpart C) Added; interim 19244
841.403 Revised 25196
841.409 Revised 25196
841.413 (b)(1) amended 25196
841.401—841.413 (Subpart D) Appendix A revised 25196
841.501—841.507 (Subpart E) Added; interim 2057
841.503 (b) revised 25197
841.601—841.607 (Subpart F) Added; interim 12132
841.801—841.804 (Subpart H) Added; interim 2058
841.1001—841.1008 (Subpart J) Added; interim 5432
842.101—842.105 (Subpart A) Authority citation amended 25197
842.102 (h)(5) revised 25197

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 5 Chapter I—Con. Page

842.201—842.212 (Subpart B) Added; interim....4473
842.301—842.308 (Subpart C) Added; interim....18193
842.401—842.406 (Subpart D) Added; interim....4475
842.402 Heading revised; text amended; interim....22436
842.407 Added; interim....22436
842.501—842.505 (Subpart E) Added; interim....4479
842.601—842.615 (Subpart F) Added; interim....2061
842.701—842.706 (Subpart G) Added; interim....2067
842.801—842.809 (Subpart H) Added; interim....2069
843 Added; interim....2074
Addition confirmed; authority citation added; subpart authority citations removed....23013
843.102 Corrected....2352
843.211 Added....23014
843.303 (a) introductory text revised....23014
843.306 (a) introductory text amended....23014
843.307 (a), (b) (1) and (2) amended....23014
843.309 (a) introductory text revised....23014
(b)(2) revised....36389
843.310 Amended....23014
843.311 (a) introductory text and (b) amended....23014
843.301—843.312 (Subpart C) Appendix A amended....36389
845 Added; interim....5931
Addition confirmed; authority citation added; subpart authority citations removed....23014
846 Added; interim....19235
870.103 Amended....3398
870.202 (a)(8) added; interim....17388
(a)(8) revised....38220
870.205 (a), (b), and (c) revised....25198
870.401 (h) revised; (i) added....3398
(j) added; interim....39494
870.501 (d) removed; (e) and (f) redesignated as (d) and (e); interim....12134
871.401 (g) revised; (h) added....3398
(i) added; interim....39494
872.401 (g) revised; (h) added....3398
(i) added; interim....39495
873.401 (e) revised; (f) added....3398
(g) added; interim....39495
890 Authority citation revised....3211, 3398, 39495
890.101 (a) introductory text revised; (a)(1) removed; (a)(2) through (12) designations removed; (a) amended....3399
Amended; interim....39496
890.102 (c)(8) added; interim....17388
(c)(8) revised....38220
890.104 (a), (b) and (c) revised....25198
(a) revised; interim....39496
890.108 Added....3
890.201 (a)(4) amended....10217
890.203 (a)(2) revised; (a) (3) and (4) added....23934
890.301 (n) revised....2505
(d) republished....2665
(f)(3) added; (g)(4) revised....34626
(q) revised; (aa) added; interim....39496
890.303 (b) amended; interim....17388
(c) revised; interim....39496
390.304 (b)(1) revised; (b)(2)(iv) added; interim....39496
890.306 (g) added....10217
(b) revised; (g) redesignated as (h); new (g) added; interim....39496
890.401 (c) added....10217
890.502 (d) and (e) added....3399
(a) redesignated as (a)(1); new (a)(2) and (f) added; (b)(1) amended; interim....39497
890.503 (c) revised....3212
890.701 Amended....2666
890.702 (b) republished....2666
890.803 (a)(3)(i) revised; interim....39497
890.805 (b)(2) revised; interim....39497
890.806 (b) amended....2506
(b) revised; interim....39497
890.807 (a)(3) amended; interim....39497
890.808 (b)(1) revised; (d)(1) amended....2506
(b)(1) amended; (d) revised; interim....39497
911 Added; interim....4491

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Page

930.201—930.216 (Subpart B) Revised....34203
950 Revised; interim....16176

Chapter II—Merit Systems Protection Board

1201 Appendix II revised....10875
Appendix III amended....17919
1204 Revised; interim....28123

Chapter VI—Federal Retirement Thrift Investment Board

Chapter VI Chapter established....6127
1600 Added....6127
1600.2 (d) revised; interim....20591
1603 Added; interim....29835
1605 Added; interim....17920
1605.3 (b)(5) corrected....19018
1605.9 Added; interim....27527
1605.10 Added; interim....27528
1620 Added; interim....26293
1630 Added; interim....8053
1631 Added; interim....17923
1640 Added; interim....20371
1650 Added; interim....32281
Effective date note corrected....32868
1650.16 Correctly revised....38042
1660 Added; interim....38221

Chapter XIV—Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority and Federal Service Impasses Panel

Chapter XIV Appendix A corrected....1313
2411.6 (b) (3) and (4) revised....26128
2411.10 Revised....26128

Title 5—*Proposed Rules:*

213....23040
297....28833
307....15730
316....15730
340....9867
353....11657
432....5463
531....29862
540....28840
550....17762
551....34657
572....7427
723....25124, 27902
735....3251
752....9867
831....19150
870....5466, 28841
874....28841
890....3816, 5466, 17300, 19151, 22475, 24014
930....8909
1207....25124, 27902
1260....35722
1261....35722
1262....25124, 27902
1303....31036
1320....27768
2411....11995
2416....25124, 27902

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

1d Added....20376
2.15 (b)(6) revised; (b)(7) added....21493
2.17 (a)(3)(xvi) and (4) removed....235
2.19 (d)(22), (f)(11) and (12) added....235
(d)(23) added....17539
(d) (5), (6), and (18) revised; (d) (24) through (26) added....24131
(d) (27) and (28) added....33571
2.21 (b), (d)(20) and (32) revised....236
2.25 (c)(8)(ix) removed; (c)(8) introductory text and (xiii) and (e)(15) revised; (c)(8) (xiv) through (xvi) and (h)(23) added; (k) and (l) redesignated as (l) and (m); new (k) added....2507
(c)(9) added....18687
(i) revised....21494
2.27 (a) (16) and (17) added....2666
2.29 (c)(11) added....2099
(c) (4) and (5) revised....37435
2.30 (a)(81) and (82) added....237
(a)(76) removed....2507
(a) (83) through (85) added....17540
(a) (86) and (87) added....21931
2.33 (c) removed....18687
2.50 (a)(3)(xvi) and (4) removed....237
2.60 (a)(24) added....238

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 7 Subtitle A—Con.

Page
(a)(25) added 17540
(a) (5) and (6) revised; (a) (26) through (28) added 24132
(a) (29) and (30) added 33571
2.62 (a)(14) and (15) added 238
2.65 (a) revised 238
2.68 (a)(25) and (35) revised 239
2.75 (a)(17) removed 2507
2.76 (a)(1)(ii), (10) introductory text and (xiii) revised; (a)(10)(ix) removed; (a)(10)(xiv) through (xvi) added 2507
(a)(11) added 18687
2.78 (a)(27) revised 2508
2.79 Removed 2508
2.80 Heading and (a) introductory text revised; (a) (19) through (21) added 2508
(a)(19) revised 21494
2.84 (a) (10) and (11) added 2666
2.85 (a) (5) and (6) added 2666
2.87 (a)(1)(i) revised 2666
2.92 (a)(6) revised; (a)(7) added 21493
2.106 (a)(33) added 240
(a)(34) added 17540
2.107 (a) (24) and (25) added 21931
(a) (26) through (34) added 31373
2.108 (a)(25) and (26) added 240
(a)(27) added 21931
2.110 (a)(7) removed 2508
Removed 31373
4 Removed 21651
6.20—6.33 (Subpart) Authority citation correctly revised 32529
6.21 (m) amended 19463
6.25 (b)(4) amended 26937
(b)(4) correctly revised 32529
6.26 (c)(2) introductory text and (3) introdutory text revised 19463
6.28 OMB number removed 19463
6.34 Added 19463
6.20—6.34 (Subpart) Appendixes 1 and 2 amended 19463
8.3 Amended 8432
8.9 Revised 8432
12 Revised 35200
12.5 (b)(2) revised; (b)(3) removed; interim 24133
17.2 (b) corrected 1623
17.7 (d) and (e) correctly designated 1623
17.21 Corrected 1623

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Page
27.80 (a), (b), and (d) through (h) revised; interim 35217
27.81 Revised; interim 35218
28.1—28.165 (Subpart A) Authority citation revised 30880
28.2 (j) through (u) redesignated as (k) through (v); new (j) added; (d), (f), (h), (i) and new (k) revised 30880
28.4 Revised 30881
28.5—28.6 Removed 30881
28.7 Revised 30881
28.8 Revised 30881
28.15 (a) and (c) revised 30881
28.16 Revised 30881
28.17 Revised 30881
28.18 Revised 30881
28.19 Revised 30881
28.25 Introductory text, (f), (g) and (h) revised 30881
28.26 Revised 30881
28.27 Revised 30881
28.28 Revised 30882
28.29 Revised 30882
28.32 (a) revised 30882
28.36 Revised 30882
28.37 Revised 30882
28.40 (b) revised 30882
28.45 Revised 30882
28.47 Revised 30882
28.55 Revised 30882
28.56 (a) and (b) revised 30882
28.59 Revised 30882
28.60 Revised 30882
28.66 Revised 30882
28.105 (a) and (b) (2) and (3) revised 30883
28.107 (d) revised 30883
28.115 Revised 30883
28.116 (a) revised; interim 35218
28.117 Revised 30883
Revised; interim 35218
28.120 Revised; interim 35218
28.122 Revised; interim 35218
28.123 Revised; interim 35218
28.137 Removed 30883
28.138 Introductory text revised 30883
28.139 Revised 30883

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Page
28.140 Introductory text revised 30883
28.142 Revised 30883
28.146 Revised 30883
28.148 Revised; interim 35218
28.149 Revised; interim 35218
28.151 Revised; interim 35219
28.165 Undesignated center heading and section revised (OMB numbers) 30884
28.177 Revised 30884
28.178 Revised 30884
28.180 Introductory text and (e) revised 30884
28.181 Revised 30884
28.182 Revised 30884
28.184 Revised; interim 35219
28.901—28.917 (Subpart D) Authority citation revised 30880
28.909 (b) revised; interim 35219
28.910 (b) revised; interim 35219
28.911 Revised; interim 35219
28.956 Revised; interim 35219
Table corrected 36668
29.1026 Revised 28533
Technical correction 30280
29.1037 Revised 28534
Technical correction 30280
29.1161 Removed 28534
Technical correction 30280
29.1181 Table removed 28534
Technical correction 30280
29.1225 Amended 28534
Technical correction 30280
29.8001 (Subpart D) Authority citation added 25199
29.8001 Table amended 25199, 25200
46.6 Revised 30329
51.885 (b) Tables I and II amended; (b) footnote 2 removed 22437
51.887 (a) introductory text and (1) revised 22437
51.910 Revised 22437
51.2891—51.2896 (Subpart) Added 36011
51.3000—51.3006 (Subpart) Revised 3400
51.3006 (c) Table II corrected 4822
52.1761—52.1770 (Subpart) Revised 6130
52.1811—52.1821 (Subpart) Revised 27664
53.203 (a) and (b)(3) amended 35683
53.204 (c) heading, (1) and (2) amended 35683
53.205 (c) heading, (1) and (2) amended 35683
53.206 (a)(4), (b)(4), (c)(4) and (d)(4) amended 35683
54.11 (a)(1)(vii) amended 35683
54.17 (b) amended 35683
54.104 (b), (n), (o) and (q) amended 35683
54.106 (c) heading, (1) and (3) amended 35683
54.107 (c) heading and text amended 35683
55.510 (b), (c), and (d) revised 13628
55.550 Revised 13628
(a) table corrected 15802
55.560 (a)(3) revised 13628
56.9 (b) revised (OMB numbers) 23935
56.46 (b) and (c) revised 13628
56.47 Revised 13629
56.52 (a)(4) revised 13629
56.54 (a)(2) revised 13629
57 Removed; eff. 3-14-88 7818
58.2570—58.2578 (Subpart N) Revised 28127
59.126 Revised 13629
59.370 (b) revised 13629
60 Authority citation revised 36887
60.5 Heading and (a) revised 36887
61.1—61.46 (Subpart A) Authority citation corrected 36668
61.43 Revised; interim 35221
61.44 Revised; interim 35221
61.45 Revised; interim 35221
61.46 Revised; interim 35221
68 Existing regulations unchanged 31751
68.42a Heading and Table 2 revised; eff. 3-14-88 7818
70.71 (b) and (c) revised 13629
70.72 Revised 13629
70.76 (a)(2) revised 13629
70.77 (a)(4) and (5) revised 13629

Chapter II—Food and Nutrition Service, Department of Agriculture

210.2 Amended 7560, 30128
210.10 (c) table, (d)(1), and (i)(6) (i) and (ii) amended 9110
210.14 (a) amended 15298
210.16 (a) introductory text revised 11187

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 7 Chapter II—Con. Page

210.18 (f)(6) and (7) amended; (f)(8) and (m) added; (l) revised....5736
210.20 (a)(5) and (b)(7) and (8) amended; (a)(6) redesignated as (a)(7); new (a)(6) added....5737
215.1 Revised; interim....7562
215.2 (k-1) added; (v)(1) amened....7560
(x-1) added; interim....7562
(k-1), (bb) and (cc) removed; (v)(1) amended....30128
215.7 (a) revised; interim....7562
(d)(1) amended....15298
220.2 (j-1) added; (u)(1) revised....7560
(j-1), (bb) and (cc) removed; (u)(1) amended....30128
220.7 (e)(1)(ii) amended; (e)(1)(iii) and (iv) redesignated as (e)(1) (iv) and (v); new (e)(1)(iii) added....15298
225 Authority citation revised....15298
225.19 (j) amended....15298
226 Authority citation revised....5526, 15298, 36906
226.2 Amended; interim....36906
226.4 (b) (1) through (3) and (5) through (9) amended; interim....36906
226.6 (j) introductory text amended....5526
(b)(2) and (e)(7) amended; interim....36906
226.8 (g) added....5526
226.9 (b)(1) amended; interim....36907
226.11 (c)(1) amended; interim....36907
226.15 (j) added....15298
(e) (2) and (3) amended; interim....36907
226.17 (b)(7) amended; interim....36907
226.18 (e)(3) amended; interim....36907
226.19 (b)(9)(i) revised; interim....36907
226.23 (c)(2), (d), (e)(1) (i), (ii) introductory text and (F), (iii), and (h)(5) amended; (e)(1)(ii) (D) and (G), (iii), (2)(iii) and (vii) and (h)(2) revised; interim....36907
227.5 (a) revised....8223
240 Authority citation revised....7267
240.1 (b) amended....7267
240.3 (a) amended....7267
245.2 (a-1), (a-2), and (a-3) redesignated as (a-2), (a-3), and (a-4); (a-1) and (b-1) added; (a-4) (3) and (4) amended; (k) revised; interim....19274
Comment time extended....27669
245.5 (a)(1) (iii), (iv), and (vi) revised; interim....19275
Comment time extended....27669
245.6 (a) introductory text and (1) amended; interim....19275
Comment time extended....27669
245.6a (a)(1) and (b)(3) amended; (a) (2) and (3) revised; interim....19275
Comment time extended....27669
245.11 (a)(2) amended; interim....19276
Comment time extended....27669
246 Authority citation revised....21236
246.2 Amended....25189
246.3 (d) and (e) redesignated as (e) and (f); new (d) added; new (e)(3) amended....21236
246.4 (a)(8) and (b) revised; (a)(18) added....21236
246.7 (h)(8) revised; (i)(7) redesignated as (i)(8); (c)(2)(iv)(L) and new (i)(7) added....21236
246.9 (a), (c) and (k)(3) revised....21237
246.12 (f)(2)(xx) added; (k)(2) amended....21237
246.14 (b) revised; (c)(1) introductory text amended....21237
246.16 (b), (c)(2) and (d) revised; (c)(3) added....21237
(c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; (b)(2) introductory text and new (e) and (f) revised....25190
246.23 (a) heading and (b) heading revised; (c) redesignated as (d); new (c) added....21238

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Page

246.25 (b) revised....21238
250 Authority citation revised....17932
250.3 Amended; interim....24976
250.4 (a) revised....17932
250.6 (r)(4) amended; interim....24976
250.15 (f) introductory text and (1) through (3), (m)(2) and (n) (2), (3) and (4) and (o) introductory text and (1) through (6) redesignated as (f)(1) introductory text and (i) through (iii), (m)(3), (n) (3), (4) and (5) and (o)(1) introductory text and (i) through (vi); new (f)(1)(iii) revised; new (f) (2), (3), (4) and (5), (m)(2), (n)(2) and (o)(2) added; interim....24976
251.2 (c) revised....17933
251.4 (g) and (h) redesignated as (h) and (i); new (g) and (j) added....17933
251.6 (a) revised....17934
251.9 Redesignated as 251.10 and (d) removed and (e), (f), and (g) redesignated as (d), (e), and (f); new 251.9 added....17934
251.10 Redesignated from 251.9; (d) removed; (e), (f), and (g) redesignated as (d), (e), and (f)....17934
252.2 Amended; interim....24977
252.3 (c) revised; interim....24978
252.4 (b) revised; interim....16369
(c) (6) and (7) amended; (c)(9)(ii) redesignated as (c)(9)(iii); new (c)(9)(ii) added; interim....24978
271 Authority citation revised....11814
271.2 Amended....3406, 7556, 13222
Amendment confirmed; amended....11814
Amended; interim....36397
272 Authority citation revised....11814
272.1 (g)(83) added; interim....1299
(d)(1) amended; (d)(2) revised; (g)(71) added....3406
(g)(77) and (g)(76)(iii) corrected....3411
(g)(84) added....5436
(g)(85) added....7557
(g)(86) added....11022
(g)(72) addition confirmed; (g)(87) added....11814
(g)(88) added; interim....20058
(g)(87) correctly designated; (g)(89) added; interim....20379
Technical correction....22888
(g)(90) added; interim....26941
(g)(91) added; interim....29658
(g)(92) added (effective date pending)....35225
(g)(93) added; interim....36397
(g)(83) addition confirmed; (g)(94) added....36564
272.2 (a)(2) amended....3407
(a)(2) amended; (d)(1)(vi) and (e)(8) added....35225
272.5 (a) and (b) introductory text amended; (c) added; interim....36398
272.9 Added....7557
272.10 Added....35226
273 Authority citation revised....11814
273.1 (e)(5) and (f)(4)(iv) added....7557
(e) amended; (f)(2)(i) amendment confirmed....11814
(a)(2)(i) (C) and (D) amended; interim....36398
273.2 (i)(3)(i) revised; (i)(3)(ii) amended; interim....1299
(b)(1)(vii) corrected....1300
(d)(2) revised; (f)(1)(ix) added; (f)(3)(ii) amended....3407
(j)(2)(i) and (k) introductory text corrected; (l) correctly designated....3411
(f)(1)(ii) (A) and (B) amended; (f)(1)(ii) (D), (E), and (F) redesignated as (f)(1)(ii) (E), (F), and (G); new (f)(1)(ii)(D) added; interim....20058
(f)(2) introductory text and (i), (3)(i) introductory text, (A) and (B) redesignated as (f)(2)(i) and (f)(1)(ix), (f)(3) introductory text, (i) and (ii); (f)(3)(ii) removed; new (f)(2)(i), (3) introductory text and (i) amended; interim....26941
(i)(1) revised; interim....36398
(i)(3)(i) revision confirmed; (i)(3)(ii) revised....36564

TITLE 7 Chapter II—Con. Page

273.4 (a) (2), (3), (4), and (5) amended; (a) (8) through (11) added; interim....20058
(a)(9) corrected....22888
273.7 (b)(2)(i), (g)(2) introductory text, (i), (iii), and (iv) and (o)(6) heading amended; (g)(2)(ii) revised; (h)(5) added....11022
273.8 (e)(11)(xi) added; interim....20379
Technical correction....22888
(e)(15) and (h)(1)(vi) added; interim....26941
273.9 (d)(6)(i) and (v)(B) amended; (d)(6)(ii) revised....5436
(c) (3), (4) and (5)(ii)(B) amended; (c)(10)(xi) added....20379
Technical correction....22888
(b)(1)(v) and (c)(12) added; interim....26941
(a)(3) introductory text, (d)(7)(i) and (8)(i) revised; (b)(2)(i) amended; (c)(1) (ii), (iii), and (iv) redesignated as (c)(1) (iii), (iv), and (v); new (c)(1)(ii) added; new (c)(1)(iv)(B) revised; eff. in part 7-1-88 and 10-1-88; eff. in part to 10-30-89; interim....36399
273.10 (d)(1)(i) amended; (d)(6) revised....5436
(e)(2)(iii)(B)(*8*) and (*9*) removed....11022
(e)(1)(i)(A) amendment confirmed....11814
(f) (2) through (7) redesignated as (f) (3) through (8); new (f)(2) added; interim....36399
273.11 (h), (i), and (j) redesignated as (i), (j), and (k); new (h) added....7557
(a)(2)(iii) and (e)(1) revised....11814
273.18 (c)(2)(ii) amended; interim....36400
274 Authority citation revised....11814
274.10 (e), (f), (g), and (h) redesignated as (f), (g), (h), and (i); new (e) added; new (i) amended....7557
(d)(1) amendment confirmed....11815
275.1 (a) amended; (b) revised....3407

Page
275.2 (a)(2) revised....3407
275.3 (a), (b), (c) introductory text and (1) heading and introductory text revised; (c)(2) removed; (c) (3), (4), and (5) redesignated as (c) (2), (3), and (4); new (c)(2) revised; (c)(5) added....3407
275.5 (b) revised; (c) removed....3408
275.6 (a) amended....3408
275.7 (b) and (e) revised; (f) removed....3408
275.8 Revised....3408
275.9 (a), (b), and (c) revised; (d), (e), and (f) removed; (g) redesignated as (d) and amended....3409
275.11 (b)(1)(ii) table amended; (f)(2) (ii) and (iii) redesignated as (f)(2) (iii) and (iv); new (f)(2)(ii) added....3409
275.12 (d)(2)(v) and (f)(3) added; interim....29658
275.15 (a) (2), (3) and (d) removed; (a)(1), (e), (f), and (g) redesignated as (a), (d), (e), and (f)....3409
275.16 (a) amended; (b) and (d) revised....3409
275.17 (a) revised; (c) and (d) added....3409
275.20 Revised....3410
275.21 (c) and (d) amended....3410
275.22 Removed; new 275.22 redesignated from 275.23....3410
275.23 Redesignated as 275.22; new 275.23 redesignated from 275.25 and (a)(1) and (d)(1)(i) and (2) amended....3410
(e)(7) added....29659
275.25 Redesignated as 275.23 and (a)(1) and (d)(1)(i) and (2) amended....3410
276.2 (a) and (d) amended; (e) added; interim....26941
276.4 (d) introductory text and (2) amended....3410
277.18 (a)(2) revised; (c) removed; (d) through (h) redesignated as (c) through (g)....35227
277 Appendix A amended; interim....36400
278 Authority citation revised....11814

Page
278.1 (c)(4) amended; (c)(5) and (h) through (q) redesignated as (c)(6) and (i) through (r); new (c)(5) and (h) added....7557
(e) amended....11815
(b)(4)(ii) amended; (o), (p), (q), and (r) redesignated as (p), (q), (r), and (s); new (o) added; new (r) revised....13222
278.2 (a), (b), (c), (d), (g), and (h) amended; new (l) added....7557
278.3 (a) amended....7558
278.4 (c) amended....7558
278.5 (a)(1) amendment confirmed....11815
(a) (1) and (3) amendment confirmed....18198
278.6 (e)(2) (iii) and (iv) and (3) (iii) and (v) amended....7558
(f) text redesignated as (f)(1); (f) (2), (3), and (4) added....13222
278.9 (e) added....7558
(c) addition confirmed....11815
(f) added....13223
(d) addition confirmed....18198

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

300 Revised....1179
Authority citation revised....6952
300.1 Revised; interim....6952
300.3 Removed; interim....6952
301 Authority citation revised; section and subpart authority citations removed....27532
Authority citation revised....41288
301.52 (b) revised; footnote 1 added....26943
301.52-1 (q) amended; footnote 1 redesignated as footnote 2....26943
301.52-2 Heading amended; (b) removed....26943
301.52-2a Amended; interim....12634
301.52-2b Section and footnote 2 removed....26943
301.52-3 (b)(1) removed; (b) (2) through (5) redesignated as (b) (1) through (4); (c) amended....26943
301.75-6 (e) added....7563
301.75-7 (e) and (f) added....7563

Page
301.75-15 Revision confirmed....1180
301.75-16 Revision confirmed....1180
301.78—301.78-10 (Subpart) Added; interim....10360, 33221
Removed; interim....27529
301.78-1 Corrected....36863
301.78-3 (c) amended; interim....35060
301.78-6 (b) corrected....36863
301.78-8 (a) corrected....36863
301.80-2a Revised; interim....25580
301.81 (a) amended; interim....32908
301.81-2a Revised; interim....32908
Corrected....35350
301.83 Revised....32291
301.87-1 Amended....31374
301.87-2 (c) amended; (d) redesignated as (e) and amended; new (d) added....31374
301.87-10 (e) added....31374
301.93—301.93-10 Removal confirmed....9285
301.93—301.93-10 (Subpart) Added....27532
301.93-3 (c) amended; interim....29174, 39900, 41288
318 Authority citation revised; section authority citations removed....8864
318.13-1 (i) and (l) revised....8864
318.13-2 (a) text redesignated as (a)(1); (a)(2) added....8864
318.13-3 (b) text redesignated as (b)(1); (b)(2) added....8864
318.13-4 (c) amended....8864
318.13-4g Added....8865
318.13-17 Revised....8865
319.28 (b) introductory text and (6) and (g) revised; (h) and (i) added....32291
319.56-1 Designations removed; section amended....29370
319.56-2 (e) revised; (f) redesignated as (g) and OMB number; new (f) added....29370
319.56-2h Addition reconfirmed....2099
319.56-2i Addition reconfirmed....2099
330 Authority citation revised....22907
330.100 (h) revised....22907
Meetings....25861
340 Added....22908

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 7 Chapter III—Con. Page
Meetings....25861
352 Authority citation revised....27671
352.29 Added....27671
354.1 (a)(1) revised....16822
354.2 Table amended....10365, 12898

Chapter IV—Federal Corp Insurance Corporation, Department of Agriculture

400.4 Revised....24979
400.5 Amended....24979
400.40—400.42 (Subpart E) Added....4592
400.45—400.49 (Subpart F) Revised....19128
400.50—400.56 (Subpart G) Removed....17543
400.75—400.81 (Subpart I) Removed....17543
400.92 (g) added....24278
400.141—400.157 (Subpart L) Added....17543
401 Added....28447
401.8 (d) amended; interim....36401
402.7 (d) revised....3214
403.7 (d) amended....3214
(d) corrected....6775
405.7 (d) amended....3214
409.7 (d) amended....3214
410.7 (d) amended....3214
411.7 (d) amended....3214
413.7 (d) amended....3214
(d) corrected....6775
(d) amended; interim....27782
414.7 (d) amended....3214
415.7 (d) amended....3214
416.7 (d) amended....3214
417.7 (d) amended....3214
418 Sales closing date extended....7818
418.1—418.8 (Subpart) Heading revised....34627
418.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
418.8 Revised....24279
419 Sales closing date extended....7818
419.1—419.9 (Subpart) Heading revised....34628
419.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
419.8 (b) amended....9286
419.9 Revised....24279
420 Sales closing date extended....7818
420.7 (d) amended....3214
(d) amended....17547, 17548
420.8 Revised....24279
421 Sales closing date extended....7818
421.7 (d) amended....3214
(d) corrected....6775
421.8 Revised....24279
422.7 (d) amended....3214, 23425
423.7 (d) amended....3214
424 Sales closing date extended....7818
424.7 (d) amended....3214, 17547, 17548
424.8 Revised....24279
425.7 (d) amended....3214, 17547, 17548
(d) corrected....6775
427 Sales closing date extended....7818
427.1—427.8 (Subpart) Heading revised....34629
427.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
427.8 Revised....24279
428.7 (d) amended....3214, 17547, 17548
429.1—429.7 (Subpart) Heading revised....34630
429.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
430.7 (d) amended....3214, 17547, 17548
(d) corrected....6775
431.7 (d) amended....3214, 17547, 17548
432 Sales closing date extended....7818
432.7 (d) amended....3214, 17547, 17548
432.8 Revised....24279
433.7 (d) amended....3214, 17547, 17548
435.7 (d) amended....3214
(d) corrected....6775
436.7 (d) amended....3214
(d) corrected....6775
437.7 (d) amended....3214
438.7 (d) amended....3214
(d) corrected....6775
439.1—439.7 (Subpart) Heading revised....34630
439.7 (d) amended....3214
440.7 (d) amended....3214
441.7 (d) amended....3214
442.7 (d) amended....3214
443.7 (d) amended....3214

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Page
444.7 (d) amended....3214, 17547, 17548, 17549
445.7 (d) amended....3214, 17547, 17548, 17549
446.7 (d) amended....3214
(d) corrected....6775
447.7 (d) amended....3214, 17547, 17548
448 Sales closing date extended....7818
448.7 (d) amended....3214
(d) corrected....6775
448.8 Revised....24279
449.7 (d) amended....3214, 17547, 17548, 17549
450.7 (d) amended....3214
451.7 (d) amended....3214, 41692
452 Added....9288
453 Added....25349
454 Added....4593

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

701 Authority citation revised....19716
701.23 Revised....19716
702 Added; interim....16741
704 Revised....4269
704.7 (a)(3) and (c) revised; (a)(4) and (5) removed; (a)(6) redesignated as (a)(4); interim....27537
Correctly eff. 7-22-87....29836
704.21 (b)(3) revised; interim....27537
Correctly eff. 7-22-87....29836
704.22 (a)(2) revised; (a)(3) amended; interim....27537
Correctly eff. 7-22-87....29836
713 Authority citation revised....30886
713.2 (f) addition confirmed....10727
713.3 (d)(1) revision and (e)(3) addition confirmed; (d)(1)(v) and (e)(2)(vii) revised....10727
713.12 (a)(1) revision and (d) removal confirmed....10727
713.55 Revised....25354
713.58 Addition confirmed....10727
713.63 (a) and (c)(2) revision confirmed....10727
(a) revised; interim....30886
713.97 (e) (1) and (2) revised; (e)(3) added; interim....30886
713.100 (a) revised....10728
713.102 (f) revised; interim....30886
713.108 (b)(2)(i) revised; interim....30886
713.155 Revision confirmed....10727
717.21 (d) addition confirmed....10727
724.36 Removal confirmed....10727
724.57 (b)(1)(i) (*b*) and (*c*) revisions and (b)(1)(i)(*d*) and (2)(ii) additions confirmed....10727
724.62 Introductory text amendment, (c) (7) and (9) removal, and (c)(8) redesignation as (c)(7) confirmed....10727
724.69 (n) amendment confirmed....10727
724.70 (w) revision confirmed....10727
(m) revised; interim....22288
724.72 (b) amendment confirmed....10727
724.81 (d) and (e) revision and (f) removal confirmed....10727
725.51 (e-1)(2) (iv) and (v) revision, (e-1)(2)(vi) addition, and (k) amendment confirmed....10727
(s) revised; (oo-1) added....35228
725.60 (b) (3) and (4) revision and (b)(5) addition confirmed....10727
725.72 (d)(3)(viii) and (e)(4)(i) amendment confirmed....10727
(d)(5)(i) revised; (d)(5)(vi) added; interim....22288
725.73 (a) revision confirmed....10727
725.87 (a)(2) and (f) (1), (2), and (4) amendment and (f)(3) revision confirmed....10727
725.91 (a) amendment confirmed....10727
725.94 (c) revised; (i) added....35229
725.95 (a), (b), (d), and (e) amendment and (f) revision confirmed....10727
725.99 (a)(4)(x), (b), and (c) (1), (2), and (3) amendment confirmed....10727
725.100 (a)(1)(viii), (b) (1) and (3), and (c)(7) amendment confirmed....10727
(g) removed....35229
725.101 (b) and (c) revised....35229
725.103 (a) and (h) amendment confirmed....10727

TITLE 7 Chapter VII—Con. Page
725.104 (a) amendment confirmed....10727
725.107 (b) amendment confirmed....10727
725.115 (a)(2)(iv) and (b)(4) amendment confirmed....10727
726.51 (aa) (3) and (4) and (ff)(1)(vi) revision, (aa)(5) addition, and (i) amendment confirmed....10727
(r) revised; (nn-1) added....35229
726.68 (e)(4) revision confirmed....10727
(d)(5) (vi) and (vii) added; interim....22288
726.81 (a)(2) and (f) (1), (2), and (4) amendment and (f)(3) revision confirmed....10727
726.85 (a) amendment confirmed....10727
726.88 (c) revised; (i) added....35229
726.89 (a), (b), (d), (e), and (f) amendment confirmed....10727
726.93 (a)(4)(vii), (b)(1), and (c) (1), (2), and (3) amendment confirmed....10727
726 94 (b) (1) and (3) and (c) (5) and (7) amendment confirmed....10727
(e) (2), (3), and (4) revised; (h) removed....35230
726.98 (b) amendment confirmed....10727
726.105—726.107 Undesignated center heading removal confirmed....10727
726.105 (h) amendment confirmed....10727
726.106 (a) amendment confirmed....10727
726.107 (a)(2)(iv) and (b)(4) amendment confirmed....10727
736.2 (w), (x), (y) and (z) added....37126
736.6 (d) and (f) revised; (i) added....37126
736.7 Amended....37127
736.9 (a) amended....37127
736.13 Revised....37127
736.14 (c) revised....37127
736.16 Revised....37127
736.42 Revised....8057
760.2 (k) (1) and (2), (l) and (o) amended....17935
760.8 Amendment confirmed....17935
760.23 (c) addition confirmed....17935
770.4 (f) revision confirmed....10727
795 Authority citation revised....26295
795.2 Undesignated center heading removed....26295
795.3—795.4 Undesignated center heading removed....26295
795.3 Revised....26295
795.4 Revised....26295
795.5—795.13 Undesignated center heading removed....26295
795.14—795.16 Undesignated center heading removed....26295
795.17 Undesignated center heading removed....26295
795.20—795.24 Undesignated center heading removed....26295

Chapter VIII—Federal Grain Inspection Service, Department of Agriculture

800.0 (b) (2) through (105) redesignated as (b) (3) through (106); new (b)(2) added....6495
800.60—600.61 Undesignated center heading revised....24437
800.61 Added....24437
800.88 Revised....6495
800.95 Revised....6495
800.96 Revised....6495
800.97 Revised....6496
800.98 Revised....6496
800.99 Revised....6497
800.100 Removed....6497
800.101 Removed....6497
800.102 Removed....6497
800.103 Removed....6497
800.162 (b) redesignated as (c) and revised; new (b) added....24437
810 Revised....24418
Table of contents corrected....28534
810.104 (b) corrected....28534
810.107 Revised; eff. 5-1-88....24441
810.202 (c)(2)(i) and (t) corrected....28534
810.204 Table footnote 1 corrected....28534
810.205 Table footnote 1 corrected....28534
810.206 Table corrected....28534
810.207 (d) removed; (e) redesignated as (d); eff. 5-1-88....24441

Page
810.402 (a) through (e) redesignated as (b), (c), (d), (f), and (g); new (a) and (e) added; (g) revised....24437
(a) corrected....28534
810.403 Corrected....28534
810.404 Table corrected....28534
810.405 (c) removed; (d) redesignated as (c); eff. 5-1-88....24441
(d) corrected....28534
810.805 (d) removed; (e) and (f) redesignated as (d) and (e); eff. 5-1-88....24441
810.1005 (g) removed; (h) and (i) redesignated as (g) and (h); eff. 5-1-88....24441
810.1205 (c) removed; (d) through (g) redesignated as (c) through (f); eff. 5-1-88....24441
810.1402 (a) through (i) redesignated as (b) through (e) and (g) through (k); new (a) and (f) added....24437
(d) and (i) corrected....28534
810.1405 (a) removed; (b) designation removed; eff. 5-1-88....24441
810.1604 Table corrected....28534
810.1605 (b) removed; (a) designation removed; eff. 5-1-88....24441
810.1805 Removed; eff. 5-1-88....24441
810.2002 (a) corrected....28534
810.2004 Table corrected....28534
810.2005 (c) removed; (d), (e), and (f) redesignated as (c), (d), and (e); eff. 5-1-88....24441
810.2203 Corrected....28534
810.2204 (a) table amended; eff. 5-1-88....24442
810.2205 (c) removed; (d), (e), and (f) redesignated as (c), (d), and (e); eff. 5-1-88....24442

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

900 Technical correction....20591
900.700—900.707 (Subpart) Added....13630
905 Limitation of handling....10028
Limitation of handling; interim....19718, 41400
Limitation of handling confirmed....33218
Page
906 Budget of expenses....1899, 41696
907 Limitation of handling....240, 757, 1901, 2509, 2981, 3787, 4763, 5273, 5938, 6952, 7820, 9111, 9797, 10728, 11615, 12511, 41693
Budget of expenses....3412
907.102 (a)(2) and (3) introductory text and (viii) revised....2984
907.104 Revised....2984
907.930 Added....3215
Removed....16370
908 Budget of expenses....3412
Limitation of handling....7821, 19278
908.104 Revised....2984
910 Limitation of handling....241, 758, 1901, 2510, 2985, 3788, 4764, 5274, 5939, 7115, 8058, 9111, 9798, 10729, 11616, 12512, 13632, 15937, 17388, 18339, 19276, 20381, 21241, 22438, 23265, 23936, 25201, 25965, 26944, 27782, 28536, 29371, 30657, 31601, 32530, 33572, 34631, 35395, 36215, 37128, 38073, 38745, 39611, 41694
Limitation of handling comment time extended....33224
Budget of expenses....41696
910.180 (d)(3) amended....18902
911.20 (a) amended....7117
911.22 (b)(3) revised....7117
911.48 (a)(1) amended....7117
911.64 (c) revised; (d) redesignated as (e) and republished; new (d) added....7117
Budget of expenses....1899
911.111 Revised....759, 24134
911.311 (a)(5) Table 1 revised....4598
911.329 (a)(2)(ix) added....1314
(a)(2)(vii) amended....4598
912 Budget of expenses....1900
Removed....21242
913 Budget of expenses....1900
Removed....37763
915 Limitation of handling....2101
915.20 (a) amended....7118
915.22 (b)(3) revised....7118
915.64 (c) revised; (d) redesignated as (e) and republished; new (d) added....7118
915.305 (a)(1) revised; (a)(2) amended; (a)(3), (5), (6), and (7) removed; (a)(4) and (8) through (16) redesignated as (3) through (12); new (a)(5) revised....4598

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 7 Chapter IX—Con. Page

915.332 Added....19833
916 Budget of expenses....31375
916.356 (a)(2) introductory text, (3) introductory text and (ii), and (4) revised; (a)(5), (6), and (7) added....15487
(a)(4) corrected....17504
917 Budget of expenses....5738, 31375
917.121 Revised....12513
917.454 (b)(4) removed; (b)(5) redesignated as (b)(4)....15488
917.459 (a)(2) introductory text, (4), and (5) revised....15488
917.460 (b) and (c) revised....15488
918 Budget of expenses....23015
918.325 Revised....21496
918.326 Removed....21495
919 Budget of expenses....41696
920 Budget of expenses....41697
920.160 (c) added....37130
920.302 (a)(1) revised; (a) (3) and (4) redesignated as (a)(4) and (5); new (a)(3) added....37130
921 Budget of expenses....31376
922 Budget of expenses....41697
923 Budget of expenses....31376
923.322 (a) (2) and (3), (b)(2)(ii), and (c)(1) Table and (2) amended....20382
924 Budget of expenses....31376
925 Budget of expenses....11617
925.112 (Subpart) Added....27538
925.304 Introductory text revised....8870, 24444
(b)(1)(vi) redesignated as (b)(1)(vii); new (b)(1)(vi) added....20383
926 Budget of expenses....41697
926.324 Revised....31978
927 Budget of expenses....1900, 11617, 41697
928 Budget of expenses....41697
928.121 Added....15489
929 Budget of expenses....1899, 3412, 41697
929.153 (a) and (d) revised....5528
(a) revised....25202
931 Budget of expenses....1900, 31376
932 Budget of expenses....5737
932.121 Added....12135
932.125 Added....12135
932.145 Removed....7403
932.151 (g) added....38224
932.152 (f) and (g) revised....38224
932.153 Revised; interim....38223
944.31 Added....19835
944.401 (b) (3) and (12) introductory text revised; (b)(12) (i) through (x) amended....38225
944.503 (a)(3) revised....8870
(a)(3) revised; (e) added....31979
944.605 Revised....31979
945 Limitation of handling....5530, 41695
Budget of expenses....31376
946 Budget of expenses....1900, 31376
Limitation of handling....15490
946.25 (c) amended....13070
946.104 (a)(5) revised....13070
947 Limitation of handling....7120
Budget of expenses....31376
948 Limitation of handling; interim published at 51 FR 25850 confirmed....7269
Budget of expenses....23015, 31376
948.103 Revised....12515
948.104 Revised....12515
948.150 Added....12515
953 Budget of expenses....23015
958 Budget of expenses....41697
959 Budget of expenses....5737, 24281
Limitation of handling....19281
Limitation of handling corrected....20192
966 Budget of expenses....1900, 41697
967 Budget of expenses....25203
Marketing percentages....37131
971 Budget of expenses....5738
979 Budget of expenses....5738
979.304 (a) revised....17390
980.116 Removed....19281
980.117 (a)(1)(ii), (2), and (b)(1) revised....8872
(a)(2) and (b) (1) and (2) revised....19281
981 Marketing percentages....39903
981.441 (d)(1)(iii) added....13428
(c)(4) (i) and (ii) and (d)(1)(i)(F) revised....37926
982 Budget of expenses....1900, 41698
Marketing percentages....17392
984 Budget of expenses....1900, 41698
985 Marketing percentages....9452
Budget of expenses....25203
987.112a (b)(3) (i) and (ii) amended....35530
989 Budget of expenses....1900, 41698
Marketing percentages....16233

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Page

989.212 (a) and (c) and note revised....12516
989.213 Revised....32776
993 Budget of expenses....27985

Chapter X—Agricultural Marketing Service (Marketing Agreements and Order; Milk), Department of Agriculture

1004.12 (d) temporarily suspended in part....34764
1006.52 (a) table revised....5071
1007.52 (a) and (b) revised....5071
1007.61 (a)(3) revised....5071
1007.73 (a)(2) introductory text revised....5071
1007.75 (a) revised....5071
1011.7 (a)(2) revised....26470
1011.52 (a) revised....5071
1012.52 (a) table revised....5072
1013.52 (a) table revised....5072
1030 Existing regulations unchanged....3413
1030.52 (b) revised....39612
1030.55 Added....39612
1030.60 (c), (f), and (g) amended; (h) added....39613
1032.7 (d)(2) revised....3216
1032.52 (a)(1), (2) (i) and (ii), (3), and (4), and (b) revised; (a)(2)(iii) added....3413
1033.6 (a), (b), and (c) revised; (d) and (e) added....3414
1033.41 (b)(3) and (c)(1) revised....30887
1033.53 (a) (1), (2), and (3) revised; (a)(4) redesignated as (a)(5) and republished; new (a)(4) added....3414
1036.2 (a), (b), and (c) revised; (d) removed....242
1036.15 Revised....30887
1036.40 (b)(3) and (c)(1) revised....30888
1036.50 (a) amended....242
1036.52 (a) and (b) revised....242
1040.7 (b)(1) introductory text temporarily suspended in part; (b)(1)(i) temporarily suspended....11456
(b)(2) introductory text temporarily suspended in part; (b)(2) (i) and (ii) temporarily suspended....18340

Page

(b) introductory text, (1), (2), (3) and (4) revised; (b)(6) added....30888
1040.13 (d) (1) and (2) revised....30889
1040.40 (b)(3), (c)(1) (ii), (iv), (v) and (vii) revised....30888
1040.50 (b)(1) amended....30889
1046.9 (c) amended....17748
1046.52 (a) revised....5072
1049.52 (a) (1) and (2) revised....3414
1050.52 (a) and (b) revised....3415
1065.7 (c) temporarily suspended in part....25204
(b) temporarily amended....32532
1065.13 (d) (2) and (3) temporarily amended....1315, 28462, 32532
1065.52 (b)(3) amended....3217
1068.7 (a)(3) added....36910
1076.13 (d) (2) and (3) temporarily suspended....28463
1079.7 (b) temporarily amended....33916
1079.13 (d) (2) and (3) temporarily suspended in part....31752
1079.52 (b)(3) amended....3217
1093.52 (a)(1) table revised; (a)(2), (3), (4) and (6) amended....5072
1094.2 Amended....5072
1094.52 (a)(1) table revised; (a)(2)(i), (ii), and (iii), (3) and (5) amended....5073
1096.52 (a) revised....5073
1097.7 (b) temporarily suspended....10730
1098.52 (a) revised....5073
1099.52 (a) revised....5073
1102 Removed....6318
1106.2 Amended....6318
1106.7 (c) introductory text revised; (c) temporary amendments of 51 FR 6731 and 7247 terminated....6318
1106.12 (b)(5) temporarily suspended....20384
1106.13 (d)(1) suspended....19837
1106.52 (a)(1) table amended; (a)(3)(i) and (4) revised....6318
1137.7 (b) temporarily suspended in part....35396
1137.12 (a)(1) temporarily suspended in part....10732

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 7—Con.

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

1200 Authority citation revised (Page 12899)
1200.2 (a) revised (12899)
1205.1—1205.19 (Subpart) Removed (12899)
1207.1—1207.19 (Subpart) Removed (12899)
1240 Authority citation revised (3103)
1240.100—1240.125 (Subpart) Added (3103)
1250 Authority citation revised (31377)
1250.1—1250.19 (Subpart) Removed (12899)
1250.514 Revised; interim (31377)
Technical correction (33903)
Revision confirmed (38907)

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

1403 Authority citation revised (2394)
1403.21—1403.46 (Subpart B) Heading revised; interim (2394)
1403.46 Added; interim (2394)
1421.1 Amended (1434)
1421.4 (b) amended (1434)
1421.6 (c) revision confirmed (1433)
1421.7 (a) revision confirmed (1433)
1421.22 (c)(2) amended (1434)
1421.400—1421.406 (Subpart) Heading amended; authority citation revised (1434)
1421.400 Nomenclature change (1434)
1421.420—1421.425 (Subpart) Removed (1434)
1421.741 Revised (30658)
1421.742 Revised (30658)
1421.752 Heading revised (30658)
1421.753 (a) amended (30658)
1421.754 Amended (30658)
1421.900—1421.917 (Subpart) Authority citation revised (1316)
1421.902 Revised (1316)
1427.1—1427.26 (Subpart) Authority citation revised (25355)
1427.5 (l) revised (25355)
1434.1—1434.36 (Subpart) Heading amendment confirmed (11619)
1434.1 Amended; interim (11618)
Amendment confirmed (11619)
1434.2 (c) removed; (d) and (e) redesignated as (c) and (d); interim (11618)
1434.3 (h) addition confirmed (11619)
1434.4 (a) amended; interim (6776)
(e) amendment confirmed (11619)
1434.6 (b) amended; interim (6776)
(b) amendment confirmed (11619)
1434.7 (c) introductory text amended; interim (11619)
1434.8 (b) revision confirmed (11619)
1434.18 (c) addition confirmed (11619)
1434.25 (a), (b), and (c) amendment and (d) addition confirmed (11619)
1434.26 (a) amendment confirmed (11619)
1434.27 Amendment confirmed (11619)
1434.34 (f) removed; (g) and (h) redesignated as (f) and (g); interim (11619)
1438 Removed (1434)
1468.103 Amended; interim (4277)
Comment time extended (10732)
1468.107 (c) (1) and (2) revised; (c) (3) and (4) removed; interim (4277)
Comment time extended (10732)
1468.116 (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; interim (4277)
Comment time extended (10732)
1472.1503 Amended; interim (4277)
Comment time extended (10732)
1472.1507 (c)(1) and (2) revised; (c)(3) and (4) removed; interim (4277)
(c) (3) and (4) correctly removed; comment time extended (10732)
1472.1545 (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; interim (4277)
Comment time extended (10732)

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

1475.52 (h), (l), (m), and (n) revision confirmed (10728)
1475.53 Revision confirmed (10728)
1475.54 (a) revision confirmed (10728)
1475.55 (d)(3), and (e) (2) and (3) revision confirmed (10728)
1475.56 Revision confirmed (10728)
1475.58 (c) revision confirmed (10728)
1475.69 Added (10728)
1476 Removed (1434)
1477 Authority citation revised (4129)
1477.3 (e) (2), (3), and (4) added; interim (4130)
Confirmed (18198)
1480 Removed (1434)
1493.1—1493.15 (Subpart A) Authority citation revised (17550)
1493.2 (f) and (o) revised (17550)
1496.1 (b) and (c) removed; (a) designation removed (5728)
1496.2 (a) amended; (b) revised (5728)
1496.3 (f) and (h) removed; (g) redesignated as (f) and revised; (e) revised (5728)
1496.5 (a) revised; (f) added (5729)

Chapter XVII—Rural Electrification Administration, Department of Agriculture

1736 Authority citation revised (22289)
1736.97 (b) table revised (22289)
1772 Authority citation revised (1182)
1772.97 Table amended (1182)
1786 Added (1436)
1787 Added; interim (2395)

Chapter XVIII—Farmers Home Administration, Department of Agriculture

1804 Removed (19283)
1806.25 (a)(2) introductory text revised (8002)
1807.1 (a) revised (26132)
1822 Authority citation revised (19283)
1822.21—1822.26 (Subpart B) Exhibit A amended (8002)
1822.267 (l)(2) introductory text amended (8002)
(e) revised (19283)
1822.271 (b)(3)(v) revised (19283)
1863.1 Revised (26132)
1864.2 (a)(5) revised (26132)
1866.3 (b)(1) introductory text and (2) introductory text revised (26132)
1900.52 (d) revised (26133)
1901 Authority citation revised (8002)
1901.205 (b)(1), (2)(i), (3)(ii) and (iv), and (e)(2) amended (8002)
1901.201—1901.205 (Subpart E) Exhibit C revised (8002)
1910 Authority citation revised (15491)
1910.3 (i) introductory text revised; (i)(4) added (15491)
1910.52 (a) revised (41699)
1910.53 (d) revised (41699)
1910.54 (f) through (j) redesignated as (g) through (k); new (f) added (41699)
1910.55 (a) revised (41699)
1910.59 Revised (41699)
1910.60 (a) revised (25586)
(c) revised (41699)
1910.61 (b) (1) through (3) and (d) (4) and (5) revised (25586)
1910.101 (Subpart C) Added (6498)
1922.104 (a)(12) amended (11982)
Policy guidelines (23543)
1924 Authority citation revised (8002)
1924.1—1924.50 (Subpart A) Text revised (8002)
1924.5 (d)(2) and (e) (2) and (4) amended (19283)
Transition period (30658)
1924.13 (e)(1)(v)(C) and (2)(viii)(B) correctly removed; (e)(1)(v)(D) and (2)(viii)(C) correctly redesignated as (e)(1)(v)(C) and (2)(viii)(B); (e)(1)(ii)(F), (v) introductory text and (B) and (e)(2)(viii) introductory text and (A) correctly revised (26139)
1924.1—1924.50 (Subpart A) Exhibits A through I, K and L revised (8021)

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 7 Chapter XVIII—Con. Page

Exhibits I and J amended....19283
1924.51 Revised....26133
1924.57 (b)(2) and (d)(2) revised....32120
1924.60 (d)(7) added....26133
1924.101—1924.150 (Subpart C) Added....19284
1924.253 (a)(3) amended; (c) revised....8034
1930.110 (c) introductory text amended....20697
1930.119 (b) amended....20697
1930.124 (a)(3) (ii) and (v) amended....20697
1930.138 Added....36913
1930.101—1930.150 (Subpart C) Exhibit B amended....8034, 20697
Exhibits C, C-2, and E amended....20698
Exhibits B and E amended....24287
Exhibit C amended....36913
1933 Authority citation revised....19301
1933.409 (f) revised....8034
1933.412 Revised....19301
1940 Authority citation revised....8035
1940.305 (j) added....8035
1941.16 (m) added....26133
1941.19 (a)(7) added....26133
1942.1 (c) redesignated as (d); new (c) added....38908
1942.17 (p)(4) and (5) and (r)(3)(i) and (ii) amended....8035
1942.18 (n)(3), (o)(1), (3), (5) and (7)(ii) amended....8035
1943.1—1943.50 (Subpart A) Exhibit A amended....8035
1943.32 (a) amended....8035
1943.82 (a) amended....8035
1943.132 (a) amended....8035
1944.2 (f) and (j) revised....11982
Policy guidelines....23543
1944.11 Heading and (c) revised; (d) redesignated as (e); new (d) added....11982
(b) revised....19301
Policy guidelines....23543
1944.16 (a)(1)(i), (5), and (b) revised....8035
Revised....11983
Policy guidelines....23543
1944.17 (e) added....246
1944.22 (a) revised....246

Page

(a) correctly revised....6132
(e)(3) amended....8035
1944.24 (b) amended....19301
1944.26 (a)(2) introductory text and (f)(2) introductory text revised....11984
Policy guidelines....23543
1944.30 (a) amended....8036
1944.33 (f) revised....246, 29175
1944.34 (e)(3)(ii) revised....246
(h)(2) revised....11984
Policy guidelines....23543
(b)(1) revised....29175
(h)(3) introductory text revised....31027
1944.45 (f)(5), (h), (i)(2), and (k) amended....8036
(f)(3)(ii) revised....19301
1944.46 (d), (f), and (g) amended....8036
1944.47 Addition confirmed....9649
1944.1—1944.50 (Subpart A) Exhibit A amended....8036
Exhibit D amended....9113
Exhibit F corrected....36565
1944.163 (e) revised....8036
1944.164 (j)(2) (i) and (ii) amended....19301
(p) revised....24288
1944.175 (a)(4) amended....8036
1944.176 (c)(3) revised....24288
1944.200 Removed....24288
1944.151—1944.200 (Subpart D) Exhibit A-3 amended....8036, 19302
1944.212 (c)(2)(i) revised....8036
(p)(3) amended....19302
1944.215 (a)(1) introductory text, (iii), and (iv) and (3)(v) revised....8036
1944.222 (c)(1) and (d)(1) introductory text amended....19302
1944.235 (c)(1)(v) and (vii) amended....8036
1944.237 (e) added....24288
1944.201—1944.240 (Subpart E) Exhibit H amended....8037
1944.456 Introductory text amended....11985
(a) introductory text revised....19302
Policy guidelines....23543
1944.463 (a), (b), and (c)(4) amended....8037
1944.469 (f)(1)(i) and (ii) and (g)(1)(iii)(A)(*1*) amended....8037

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Page

1945.163 (b)(6) introductory text, (i)(B), and (ii) through (v), (7), and (8) revised....20385
1945.151—1945.200 (Subpart D) Exhibit A amended....8037
1950.103 (a) revised....26133
1950.104 Introductory text and (d) revised....26134
1950.105 Added....26134
1951 Authority citation revised....6319, 11457
1951.1 Revised....26134
1951.6 (c) (1), (2), and (3) (ii), (iv), (v), (vi) and (vii), (d) and (e) (1) and (4) revised....29175
1951.7 (h) added....11457
1951.9 (a)(4) added....26134
1951.44 (c)(9) added....26134
1951.46 Added....26135
1951.50 Added (OMB number)....26137
1951.105 (f) amended....18544
1951.111 Added....18544
1951.201 Revised....38908
1951.207 (l) added....11457
1951.252 (a) revised....26137
1951.261 (b)(1)(i)(A) revised....26137
1951.301—1951.318 (Subpart G) Revised....246
1951.304 Added; interim....6319
1951.308 (a) introductory text and (b) revised....29176
1951.309 (a)(1) revised....29176
1951.315 Corrected....6132
1951.407 (c) amended....9113
1951.408 Removed....9113
1951.551 Revised....26138
1951.604 (a)(1)(iv)(B) amended....11985
Policy guidelines....23543
1951.701 Revised....38908
1955.1 Revised....38909
1955.3 (d) revised....26138
1955.51 (d) added....38909
1955.53 (o) revised....8037
(e) and (g) revised....26138
1955.105 (a) revised....26138
1956 Authority citation revised....28239
1956.54 (f) revised....26138
1956.58 (a) revised....28239
1957 Added....35520
1962.17 (b) (1), (2) introductory text and (i)(A), (4) and (5) revised....32121

Page

1962.47 (b)(2)(i) correctly revised....39207
1965.7 (d) revised....26138
1965.12 Introductory text revised....26138
1965.13 Introductory text revised....26139
1965.31 Introductory text added....26139
1965.65 (a)(1)(i) revised; (a)(1)(iv) and (f)(6)(iv) removed; (a)(1)(v), (c) (1) through (14), and (f) (8) through (13) redesignated as (a)(1)(iv), (c) (2) through (15), and (f) (9) through (14); new (c)(1) and (f)(8) added; new (c)(10)(i) revised....24288
1965.70 (a) amended; (d)(8) revised....24288
1965.90 Revised....24288
1965.92 Amended....24291
1965.51—1965.100 (Subpart B) Exhibit A redesignated as Exhibit B and revised; new Exhibits A and C added....24291
1965.103 (b) introductory text amended....9113
1965.105 (b)(1) amended; (c) revised....9113
1965.106 (a) heading revised; (b) and (c) redesignated as (c) and (d); new (d) amended; new (b) added....9113
1965.110 (a)(1)(ii) amended; (a)(4) added....9113
1965.111 (a) and (b) amended; (c) removed....9113
1965.112 (b) revised....9114
1965.113 (a) amended; (c) revised....9114
1965.116 (b) revised....9114
1965.117 Introductory text, (b)(5), (d)(2) and (g) amended; (e) revised; (h) added....9114
1965.118 (c) revised; (d) added....9114
1965.125 (a)(1) introductory text amended; (a) (2) and (3) revised....9115
1965.126 Introductory text, (b) (2) and (5), (c) (1) and (2) introductory text, (i), and (ii) and (e)(4) revised; (b)(13)

93-145 O - 87 - 2

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 7 Chapter XVIII—Con. Page

added; (b)(3), (4)(i), and (12) and (e)(5) amended 9115
1965.127 (a)(3) introductory text, (b)(1)(i) and (2) revised 9116
1965.137 Revised 9116
1980 Authority citation revised 19302
1980.11 Amended 6500
1980.12 (a) (1) and (3) revised 6500
1980.41 (b)(3)(iii)(A) revised 6500
1980.46 (a)(2) revised 6500
1980.61 (b)(4) and (h) revised 6500
1980.63 Revised 6501
1980.67 Revised 6501
1980.83 (b) table amended 6501, 22290
1980.85 Added 6501
1980.146 (c)(2) amended 22290
1980.307 (d)(1) and Administrative amended 19302
1980.327 (b)(1) revised 19302
1980.401—1980.500 (Subpart E) Sections revised 6501
1980.401—1980.500 (Subpart E) Appendix C revised; Appendix H added 6522
1980.602 (a)(1) introductory text revised; interim 25587
1980.611 (a) and (c) introductory text revised; interim 25588
1980.625 Revised; interim 25588
1980.630 Revised; interim 25588
1980.632 (c) and (d) revised; interim 25588
1980.642 (e), (k), and (l) revised; interim 25588
1980.644 Heading, (a), (b), and (d) introductory text revised; (f) added; interim 25588
1980.645 (a) and (b) revised; (d) removed; interim 25589
1980.646 Removed; interim 25589
1980.651 (f) revised; interim 25589
1980.655 Revised; interim 25589
1980 Appendix B amended; interim 25589
2054.1101—2054.1150 (Subpart W) Revised 30893

Chapter XXXIV—Cooperative State Research Service, Department of Agriculture

3402 Added 4713

Chapter XXXVI—National Agricultural Statistics Service Page

Chapter XXXVI Chapter established 2667
3600 Added 2667
3601 Added 2669

Chapter XXXIX—Economic Analysis Staff

Chapter XXXIX Chapter established 9798
3900 Added 9798
3901 Added 9798

Title 7—*Proposed Rules:*

1 ..... 28149, 36580
1d 13246
17 37469
28 ..... 16394, 19018
29 25235
46 23842
51 16399
53 6577
54 6577
55 ..... 6162, 8404
56 ..... 6162, 8404
59 ..... 6162, 8404, 17763, 27562
60 27685
70 ..... 6162, 8404
210 32930
220 ..... 12419, 23041
226 ..... 19354, 22030, 35105
245 33834
246 ..... 12527, 27005, 31784, 35264
250 22660
251 21545
253 39158
272 ..... 3817, 7158, 19514
273 ..... 7158, 13450, 17580, 36546, 38104
275 ..... 7158, 36581
277 3817
278 19514
301 ..... 291, 1276, 35105
318 292
319 ..... 685, 2114, 27686, 38210
330 ..... 12917, 15802
340 35921
353 27687
400 ..... 5773, 10764, 41723
401 ..... 22476, 34658–34667, 34671, 34673, 34809, 35266, 36424, 36425, 41723, 41725
413 33941
418 ..... 11078, 25381
419 ..... 2711, 11078, 25382
420 ..... 3013, 11078, 34670
421 ..... 11078, 34674

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Page

422 9301
423 32931
424 ..... 3013, 11078, 35269
425 3013
426 41728
427 ..... 11078, 25383
428 3013
429 25384
430 3013
431 ..... 3013, 32932
432 ..... 3013, 11078, 33942
433 3013
438 34675
439 25015
444 3013
445 3013
447 3013
448 ..... 11078, 35270
449 3013
452 ..... 2713, 36427
453 15506
455 24299
656 20606
658 1465
713 ..... 13248, 18565
724 ..... 27203, 33943
725 18918
726 18918
736 10104
795 9302
800 ..... 7880, 30167
801 30167
802 30167
810 ..... 4151, 7880, 8455
900 3119
907 ..... 17764, 21546, 30167, 38431
908 ..... 7884, 12535, 17764, 21546, 30167
910 12536
911 ..... 10108, 38234
912 6980
915 ..... 13688, 38234
916 ..... 2800, 9173
917 ..... 2800, 6165, 9173
918 16401
920 28724
923 13842
925 ..... 432, 13457, 20402, 21960, 24090
928 ..... 3433, 4462, 21065, 22888
929 ..... 15510, 18369, 19631
932 6166
933 ..... 17581, 27369
944 ..... 432, 13688
945 ..... 10893, 25016, 33833
946 ..... 5778, 6167
947 41729
948 6168
959 ..... 7428, 9870, 21068
966 41565
967 27204
979 12185
980 ..... 7428, 9870
981 ..... 1918, 28157, 28269, 32016, 34676

Page

982 5307
987 26688
989 ..... 1919, 26689, 27369
994 ..... 10984, 12285, 29531, 32240
999 5307
1004 31408
1007 ..... 15951, 17678, 39232
1011 ..... 3251, 12186, 15951, 17678, 23453
1030 ..... 18894, 29196, 38235
1032 2537
1033 ..... 17586, 23306, 27205
1036 ..... 17586, 27205
1040 ..... 8074, 12537, 17586, 27205
1046 ..... 11475, 15951, 17678, 23306
1065 ..... 21560, 26016, 27216
1068 ..... 23843, 33943
1076 25020
1079 ..... 27216, 30922
1093 ..... 15951, 17678
1094 ..... 15951, 17678
1096 ..... 15951, 17678
1097 8075
1098 ..... 15951, 17678, 39232
1102 4775
1106 ..... 4775, 12538, 16402
1124 ..... 39658, 41566
1125 41566
1136 ..... 27372, 32933
1137 ..... 6579, 32308, 37800
1139 ..... 27372, 32933
1210 ..... 3588, 4783, 13086
1230 39538
1240 797
1405 37160
1421 ..... 30689, 37619
1493 8605
1610 5779
1736 29531
1809 ..... 1706, 4913
1900 ..... 1706, 4913
1902 ..... 1706, 4913
1910 ..... 1706, 4913
1924 ..... 1706, 2717, 4913
1930 ..... 296, 8606
1941 ..... 1706, 2717, 4913
1942 ..... 3433, 12539, 32933
1943 ..... 1706, 4913
1944 ..... 7584, 8606, 21069, 37972
1945 ..... 1706, 4913
1951 ..... 1706, 2717, 4913, 19732, 27562, 32933, 32935
1955 ..... 1706, 4913, 10577, 32933
1962 ..... 1706, 4913
1965 ..... 1706, 2717, 4913, 8606, 10577, 32935
1980 ..... 1706, 4913
2201 ..... 6803, 8611
3015 39035
3016 ..... 21820, 23627

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Page

1 Authority citation revised; section authority citations removed....2936
1.1 (h) revised....2936
3 Authority citation revised; section authority citations removed....2936
Nomenclature change....2941
3.1 (b)(3) revised....2943
(d)(3) revised....24981
3.3 (a) amended; (b) revised....2936
3.4 Amended....2936
3.7 Revised....2936
Corrected....7369
3.11 Added....2942
3.12—3.38 (Subpart C) Added....2936
100 Authority citation revised....16191
100.2 (c)(3) (iv) and (v) amended; (c)(3)(vi) added....16191
100.4 (f) added....16191
(c)(4) revised....22629
103 Authority citation revised; section authority citations removed....2939
Authority citation revised....16192
103.1 (l)(1) amended....2985
(f)(1) (iv) and (v) and (q) amended; (f)(1)(vi) and (2) (xxvii) through (xxxii), (n)(2) and (t) added; (n) redesignated as (n)(1)....16192
(o)(2) revised....22629
103.2 (c) added....16192
103.3 (a) redesignated as (a)(1); (a)(2) added....16192
103.4 Revised....661
Existing text designated as (a); (b) added....16192
103.5 Existing text designated as (a); (b) added....16193
103.7 (d) (1) and (4) revised....3
(c)(1) revised....2939
(b)(1) amended....16193, 19719
103.8 Introductory text republished; (c) revised....2942
103.10 (b)(1)(ii) removed; (b)(1) (iii) through (vi) redesignated as (b)(1) (ii) through (v)....2942
103.37 Added....16193
109 Removed....16220
204 Authority citation revised....30900, 33797
204.1 (d)(2) revised....30900
204.2 (c)(7) revised....16233
204.5 Revised....33797
210 Added....16199
210.1 (k) amended....28662
210.2 (a)(3) and (c)(1) amended....28662
210.6 Added....28663
211 Authority citation revised....16193
211.1 (d) added....16193
211.5 (d) added....16193
212 Authority citation revised....16193, 16372
212.3 Revised....2943, 11621
212.5 (b) amended; (d)(2) redesignated as (d)(2)(i); (d)(2)(ii) added....16194
212.11 Added; interim....16372
214 Authority citation revised....13226, 20555
214.2 (h)(6)(i) and (9) and (l) revised; (h)(6)(ii), (10), (11), (12), (13), and (14) redesignated as (h)(6)(v), (11), (13), (10), (14), and (15); new (h)(10) and (11) revised; new (h)(6)(ii), (iii), and (iv) and (12) added....5750
(l) correctly designated; (l)(3)(i) corrected....7063
(f)(4)(ii), (5), (6) (ii) through (v), (7), (8), and (10) revised....13226
(h) (3) through (15) redesignated as (h) (4) through (16); new (h)(3) added; new (h)(4) heading revised; (h)(4)(ii)(B) amended; interim....20555
(b)(3) addition at 51 FR 44267 clarification....30329
214.3 (g)(1) (i) through (xii) revised; flush text following (g)(1)(xii) added....13229
234 Authority citation revised....16194
234.2 (b) amended....16194

Page

236 Authority citation revised; section authority citations removed....2939
236.5 (a), (b), and (c) removed; (d) and (e) redesignated as (b) and (c); new (a) added....2939
236.6 Revised....2939
236.7 Revised....2939
238 Authority citation revised....26944, 26945
238.3 (b) amended....2670, 26945
238.4 Amended....26944
241 Heading and authority citation revised; interim....16372
241.2 Added; interim....16372
242 Authority citation revised; section authority citations removed....2939
Authority citation revised....16194, 16372
242.1 (a) and (b) revised....2939
(a) revised....3098
(a) introductory text corrected....5616
Effective date corrected....6133
242.2 (a) introductory text amended; (b) revised....2939
(a) revised....3098
(a)(1)(viii) corrected....5616
Effective date corrected....6133
(a) through (e) redesignated as (b) through (f); (a) and (g) added; interim....16372
242.5 (b) amended....2940
242.7 (a) and (b) revised....2940
(a) revised....3099
(a)(3) corrected....5616
Effective date corrected....6133
242.12 Revised....2940
242.13 Revised....2940
242.14 (e) revised....2940
242.16 (d) amended....2940
242.20 Revised....2941
242.21 Existing text designated as (a); (b) added....16194
242.22 Revised....26470
244.2 Revised....24982
245 Authority citation revised....34764
245.1 (b)(5) through (8) and (c) through (f) redesignated as (b)(7) through (10) and (d) through (g); new (b)(5) and (6) and (c) added; interim....6321
245.2 (a)(3)(iv) revised....34764
245.6 Redesignated as 245.7; new 245.6 added; interim....6322
(c)(3) corrected....13827
245.7 Redesignated as 245.8; new 245.7 redesignated from 245.6; interim....6322
245.8 Redesignated as 245.9; new 245.8 redesignated from 245.7; interim....6322
245.9 Redesignated from 245.8; interim....6322
245a Added....16208
248 Authority citation revised....11621
248.1 (e) added; interim....11621
249.2 Revised; interim....6322
264 Authority citation revised....16194
264.1 (a), (b), and (c) amended....16194
274a Added....16221
287 Authority citation revised....16372
287.1 (g) through (i) added; interim....16372
287.7 Added; interim....16373
292 Authority citation revised; section authority citations removed....2941
292.3 (a) introductory text, (5) and (b) revised....24981
292.4 (a) revised....2941
299 Authority citation revised....16195
299.1 Amended....16195
299.3 Amended....16195
341.1 Revised....19719
341.7 Revised; interim....13229

Title 8—*Proposed Rules:*

1—499 (Ch. I)....2115
1....19733, 35271
3....2948, 32552
100....8740
103....8740, 24475
109....8762, 10187
204....18236
207....4913, 23307
208....32552
210....8745
211....8740
212....8740, 38245
214....22661, 36783
234....8740
236....32552
242....2949, 7741, 8740, 32552, 38245

Title 8—*Proposed Rules—Con.* Page
244....2950
245....11659
245a....8752, 31784, 36582
252....1634
253....32552
264....8740
271....1920
274a....8762, 10187
286....29863
292....2948, 2951
299....8740

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

50 Heading revised....39614
50.1 (p) amendment and (r) addition confirmed....1317
(e), (g), (j), and (m) through (q) amended; paragraph designations removed....39614
50.2 Amended....39614
50.3 (a) heading, (b) heading, and (c) heading revised; (a) through (d) amended; (e) removed....39614
50.4 (a) and (b) amended....39614
50.5 Amended....39614
50.6 (a) heading and (b) heading revised; (a) and (b) amended....39614
50.7 OMB number....39614
50.8 Nomenclature change....39614
50.9 Amended....39614
50.10 Amended....39614
50.11 Nomenclature change....39614
50.12 Nomenclature change....39614
50.13 Amended....39614
50.14 Introductory text, (b), (d), and (e) amended....39614
50.15 Amended....39614
50.16 Addition confirmed....1317
51.1 Amended....6524
Corrected....22290
71 Authority citation revised; section authority citations removed....2987
71.18 (a)(1)(i), (ii), and (iii) amended; (a)(5) added....2987
75.5 (d), (g) through (m), and footnotes 3a and 4 removed; designations removed; section amended; interim....7404
Confirmed....28240
75.7 Revised; interim....7404
Confirmed....28240
75.8 Removed; interim....7405
Confirmed....28240
75.9 Removed; interim....7405
Confirmed....28240
77 Heading revised....39614
77.1—77.6 (Subpart A) Subpart designation and heading removed....39614
77.1 (b) removed; (c), (i), (j), (k) heading, (l) heading, (aa), and (bb) amended; (d) and footnote 1, (e) through (h), and (w) through (z) revised; paragraph designations removed; OMB number....39614
77.2 Revised....39615
77.3 Removed; new 77.3 redesignated from 77.7....39615
Heading and text amended....39616
77.4 (b) revision confirmed....4599, 8224
(b) amended; interim....23937
Removed; new 77.4 redesignated from 77.8....39615
Heading, introductory text, (a), (b), and (c) amended....39616
77.5 Removed; new 77.5 redesignated from 77.9....39615
Heading and (b) introductory text revised; (a) heading, introductory text, and (1) through (5), (b) (1) and (2), and (c) heading and text amended; OMB number....39616
77.6 Removed; new 77.6 redesignated from 77.10....39615
Amended....39616
77.7—77.8 (Subpart B) Subpart designation and heading removed....39614
77.7 Redesignated as 77.3....39615
77.8 Redesignated as 77.4....39615
77.9—77.10 (Subpart C) Subpart designation and heading removed....39614
77.9 (b) introductory text amendment confirmed....1317
Redesignated as 77.5....39615
77.10 Redesignated as 77.6....39615

78.1 Amended....33799
78.20 (a) and (b) amendment confirmed....5940
78.33 Revised....33799
78.41 (c) and (d) amended; interim....1625
(b) and (c) amended; interim....4600
(c) and (d) amendment confirmed....6524
(b) and (c) amended....9453
(c) and (d) revised....10555
(a) and (b) amended; interim....22292
(b) and (c) amendment confirmed....22292
(c) and (d) amendment confirmed....23016
(b) corrected....28240
(c) and (d) revision confirmed....30901
78.43 Revised; interim....18688
Confirmed....34207
78.44 (a) amended; footnote 9 redesignated as footnote 6....33800
91.14 (a)(5) removal and (a)(6) through (16) redesignation as (a)(5) through (15) confirmed....8225
(a)(8)(ii)(B) removed....33573
92.1 (cc) added....2990
Amended....5941
(k), (l), and all paragraph designations removed; amended....11023
92.2 (k) added....2653
(i)(2)(iii)(C), (iv)(A) and (B), (v)(A)(*2*)(*i*), (B), (E), and (G) revised; (i)(2)(vi) redesignated as (i)(2)(vii); new (i)(2)(vi) added....2990
(k) removed; interim....8437
Footnote 2a removed; (c)(1), (2)(i) and (3) amended....21497
(k) removal confirmed....28241
(i)(1) amended; interim....32533
(d)(1)(ii) amended....37282
92.4 (a)(6)(iii)(C)(*1*), (8)(i), (ii) introductory text, and (9) introductory text, (ii), and (iii) revised....2992
(a)(1) amended; (e) added....37281
92.11 (e) and (f)(3)(ii)(E) amended....21497
(d)(1)(ii) revised....39617
92.17 Amended....2992
92.20 (b) revised; footnote 10 removed....11023
(c)(5) and (d) revised; OMB number....18199
92.27 Footnote 11 redesignated as footnote 10....11023
92.31 Footnote 12 redesignated as footnote 11....11023
92.35 (c)(2) and (3) redesignated as (c)(3) and (4); new (c)(2) added....5941
92.41 Footnotes 13 and 13a redesignated as footnotes 12 and 13....11023
(b) removed; interim....35231
93 Redesignated as Part 99; new Part 93 added....29502
93.4 Corrected....35350
93.5 Introductory text corrected....35350
93.8 (a)(1)(ii) corrected....35350
94.0 Added....33801
94.1 (a)(2) amended....2653
(a)(2) amended; interim....8437
(a)(2) amendment confirmed....28241
Heading and (b) revised; footnote 1 added....33801
94.4 (b)(3) redesignated as (b)(4); heading and (b) introductory text through (2) revised; (b)(3) and footnotes 2 and 3 added....33801
94.6 (a)(2) amended....27327
94.8 Introductory text amended....30902
94.9 (a) amended....27327
94.10 Amended....27327
94.11 (a) amended....2653
(a) amended; interim....8437
(a) amendment confirmed....28241
94.12 (a) amended....27327
94.17 Added....11625
97.1 (a) and (b) amended....16823
97.2 Table amended....16234, 31753
99 Redesignated from Part 93....29502
99.10 Amended....29502
101 Authority citation revised....30131
101.2 (o) revised....30131
102 Authority citation revised....30131
102.2 Revised....11026
102.4 (f) revised....11026
(h) (1) and (2) revised....30131
102.5 (b) and (e) revised....11026
102.6 Added....11026

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 9 Chapter I—Con. Page

103 Authority citation revised....30131
103.3 Heading, introductory text, and (a) revised; (h) added....30131
104 Authority citation revised....30131
104.4 (a) and (b) revised....30131
107 Added....30131
113.101 (c)(2) removed; (c) (3) through (7) redesignated as (c)(2) through (6) and revised....9117
113.102 (c)(2) removed; (c) (3) through (7) redesignated as (c) (2) through (6) and revised....9118
113.103 (c)(2) removed; (c) (3) through (7) redesignated as (c) (2) through (6) and revised....9118
114.1 Revised....11026
114.2 (d) addition confirmed....26141
(b) introductory text, (b)(1) and (c) revised; (b)(9) added....30132
151 Authority citation revised; section authority citations removed....1317, 13070
115.1 Revised....30134
115.2 Revised....30134
118 Added....30135
151.9 (a) table amended....1318, 13071
166.1 Amended....4890
166.2 (b) and (c) amended....4890
166.4 (b) amended....4890
166.5 (b) amended....4890
166.6 Amended....4890
166.8 Amended....4890
166.9 (d) amended....4890
166.10 (a), (c) (1) and (2), and (d) amended....4890
166.11 (b) and (d) amended....4890
166.12 (c) and (d) amended....4890
Redesignated as 166.13; new 166.12 added....4891
166.13 Redesignated as 166.14 and (a), (b), (c), and (d) amended; new 166.13 redesignated from 166.12....4891
166.14 Redesignated as 166.15 and (d) and (e) amended; new 166.14 redesignated from 166.13 and (a), (b), (c), and (d) amended....4891

Page

166.15 Redesignated from 166.14 and (d) and (e) amended....4891
(c) revised; interim....13231
(c) revision confirmed....34208
(c) and (d) amended....37283

Chapter III—Food Safety and Inspection Service, Meat and Poultry Inspection, Department of Agriculture

303 Authority citation added....10032
303.1 (g) revised; authority citation removed; interim....10032
303.2 Added; interim....10032
307.5 (a) revised....4
308 Policy statement....3595
309.16 (d)(3) revised; interim....2104
310.21 (c) introductory text, footnote 1, and (d) revised; interim....2104
318 Policy statement....3595
Authority citation revised....30137
318.7 (c)(4) table amended....17284, 19303, 30137
318.10 Partial waiver extended....5
(c)(3)(iv) Table 6 corrected....12517
318.21 Added....2185
320 Policy statement....3595
327 Policy statement....3595
335.40 (Subpart E) Added; interim....13828
350 Authority citation revised....4
350.7 (c) revised....4
351.8 Revised....5
351.9 (a) revised....5
354.101 (b) and (c) revised....5
355.12 Revised....5
362.5 (c) revised....5
381 Policy statement....3595
381.3 (b) amended; (c), (d), and (e) added; interim....10033
381.36 (c) revised....39209
381.38 (a) revised....5
381.153 Added....2192
381.196 (b) amended....23021

Title 9—*Proposed Rules:*

1....10292, 19359, 29865
2....10298, 19359, 29865
50....24165
51....36272

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Page

54....12189
71....1921
76....1921
77....24165
78....1336
85....1921, 34391
91....17597, 21688, 28842
92....2654, 2658, 9871, 10765, 25606, 30372, 32561, 34456, 35271, 37320
94....7885, 12917, 13693, 15802, 25020, 30373, 34677
160....5308, 19359
161....5308, 19359
166....27413
304....32802
305....32802
306....32802
307....12422
308....12422, 32802
309....21561, 32802
310....21561, 32802
313....32802
314....21561
317....10766, 11828, 24475, 30922, 32802, 39658
318....30925, 32802, 39659
319....2416, 5991, 9303, 10766, 11828
320....32802
325....32802
327....23041
329....32802
335....32802
350....32802
351....32802
352....32802
354....32802
355....32802
362....21563, 32802
381....11828, 15960, 23041, 24303, 24475, 30922, 32802, 39658

TITLE 10—ENERGY

Chapter I—Nuclear Regulatory Commission

Chapter I Policy statements revocation corrected....20592
0 Authority citation revised....11027
0.735–3 (e) introductory text and (1) and (f) revised....31608
0.735–21 (b)(1) revised; (e) added....11027
(a), (b) and (e) revised....30903
0.735–28 (a)(2) and (b) amended....31608
0.735–29 (b)(1)(v) revised....11028

Page

0.735–49 (a) amended....31608
1 Revised....31602
2 Authority citation revised....36218
2.101 (c)(3) and (e)(1) amended....31608
2.201 (a), (b) and (c) amended....31608
2.202 (a) introductory text and (f) amended....31608
2.205 (a), (c), (d), (g), (h) and (i) revised....31608
2.206 (a) and (b) revised....31608
2.785 (a) revised....2993
2.802 (b) and (g) revised....31609
2 Appendix C revised....36218
4 Authority citation revised....25357
Table of contents corrected....28132
4.1 Revised....25357
4.1a Redesignated as 4.2 and revised....25358
4.2 Redesignated as 4.3 and revised; new 4.2 redesignated from 4.1a and revised....25358
4.3 Redesignated as 4.4 and (d) revised; new 4.3 redesignated from 4.2 and revised....25358
4.4 Redesignated as 4.5; new 4.4 redesignated from 4.3 and (d) revised....25358
4.5 Redesignated from 4.4....25358
4.301—4.341 (Subpart C) Added....25358
4 Appendix A amended....25361
7 Authority citation revised....31609
7.19 (b) amended....31609
9.14 (a)(1) revised....29505
9.53 (a) and (b) amended....31609
9.54 (b) amended....31609
9.65 (a) introductory text amended....31609
9.66 (a)(1) introductory text, (2), and (3) and (c)(2) amended....31609
9.69 (a) amended....31609
9.85 Revised....31609
9.95 Revised....760
10.5 (b) amended....31609
10.12 (a) amended....31609
10.21 Amended....31609
10.22 Introductory text, (c), (d) and (e) amended....31609
10.23 (a) and (b) amended....31609
10.24 (a) and (b) amended....31609
10.27 (c) amended....31609
10.28 (m) amended....31609

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 10 Chapter I—Con. Page

10.29 (d) amended....31609
10.30 Amended....31610
10.31 (a) amended....31610
10.32 (b) amended....31610
10.33 (c) and (d) amended....31610
10.34 (b) amended....31610
10.35 (b) amended....31610
10.37 Amended....31610
11.16 Amended....31610
15.3 Amended....31610
15.35 (c) introductory text revised....31610
19.2 Amended....8240
19.3 (d) amended....8240
19.5 Revised....31610
19.11 (c) Note revised....31610
19.16 (a) and (b) amended....31610
19.17 (a) and (b) amended....31610
20.2 Amended....8240
20 Authority citation revised....4605
20.3 (a)(20) added; eff. 2-12-88....4604
(a)(9) amended....8240
20.103 (a)(1) footnote 5 and (g) amended....31610
20.202 (c) added; eff. 2-12-88....4604
20.403 (d)(2) revised....33917
21.2 Amended....8241
21.5 Revised....31610
21.21 (b)(2) revised....31611
25.33 (c) amended....31611
30 Authority citation revised...1294, 27786
30.4 Introductory text, (b), and (i) amended; (x) removed....8241
30.5 Amended....8241
30.6 (a) and (b)(1) amended....8241
(b) introductory text and (1) revised; (b)(2) (i) through (v) amended....38392
30.7 (e) Note amended....31611
30.11 (a) amended....8241
30.13 Amended....8241
30.14 (a) and (c) amended....8241
30.15 (a) amended....8241
30.16 Amended....8241
30.18 (a) amended....8241
30.19 (a) amended....8241
30.20 (a) amended....8241
30.31 Amended....8241
30.32 (g) added....27786
30.33 (a)(4) amended....8241
30.34 (h) added....1295
(a), (b), (c), (d), and (e) amended....8241
30.39 Amended....8241
30.51 (a), (b), (d)(1) and (2) amended....8241
30.53 Amended....8241
30.55 (c) amended....31611
30.56 Removed....8241
32 Authority citation revised....27786
32.1 (a) revised....27786
32.210 (Subpart D) Added....27786
35.59 (e)(2) amended....31611
35.205 Exemption....9292
39 Added....8234
40 Authority citation revised...1295, 9651
40.1 (a) revised....9651
40.4 (r) added....9651
40.5 (b)(1) amended....8241
(b) introductory text and (1) revised; (b)(2) (i) through (v) amended....38392
40.7 (e) Note amended....31611
40.12 Revised....9651
40.23 Added....9651
40.25 (c) (1) and (2) and (d)(4) amended....31611
40.26 (c)(2) amended....31611
40.35 (e)(1) amended....31611
40.41 (f) added....1295
40.64 (a), (b) and (c) amended....31611
40.65 (a)(1) amended....31611
40.66 Added....9651
40.67 Added....9652
40 Appendix A amended....31611
50 Authority citation revised; section and Appendix authority citations removed....1295
Authority citation corrected....2352
Policy statement; interim....3788
Authority citation revised....28972
Policy statement....34884, 38077
50.4 (c) and (f) amended....31611
50.7 (e) Note amended....31611
50.33 Authority citation correctly removed....2352
50.34 (b)(8) revised....9469
50.49 (b)(3) footnote 4 revised....31611
50.54 (cc) added....1295
(p)(1) correctly designated....1415
(i) and (i-1) revised....9469
(f) corrected....19303
(w) revised....28972
50.70 (b) (1) and (2) amended....31612
50.74 Added....9469

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Page

50 Appendix E amended....16829
Appendix A amended....41294
51.4 Amended....31612
51.22 (c)(3), (10), and (14) amended....8241
51.60 (a) amended....8241
51.66 (a) amended....8241
51.68 Amended....8241
51.122 Amended....31612
51.123 (b) amended....31612
55 Revised....9460
60.9 (e) Note amended....31612
60.44 (b) amended....31612
60.75 (c) (1) and (2) amended....31612
61 Technical position statement availability....397
Authority citation revised....1295
61.9 (e) Note amended....31612
61.24 (k) added....1295
61.80 (i)(1) amended....31612
70 Authority citation revised....1296, 9652, 10037, 21657
70.4 (w) removed....8241
70.5 (b)(1) amended....8241
(b) introductory text and (1) revised; (b)(2) (i) through (v) amended....38392
70.7 (e) Note amended....31612
70.8 (c)(6) added....19305
70.20a (b) amended....8241
70.20b Revised....9652
70.22 (b) revised....10038
70.32 (a) introductory text republished; (a)(9) added....1296
(c)(1) revised....10038
(c)(1)(i) corrected....22416
70.51 (b) and (e) introductory text revised....10038
70.52 Revised....21657
70.53 (b) revised....19305
70.55 (c) (1) and (2) amended....31612
70.57 (b) introductory text revised....10038
70.58 (a) revised....10038
70.59 (a)(1) amended....31612
70.60 Removed....8241
71.0 (b) amended....8241
71.93 (c) amended....31612
71.97 (c)(1) and (3)(iii) and (f) amended....31612
72 Authority citation revised....1296, 21657
Authority citation corrected....23257
72.10 (e) Note amended....31612
72.11 (a) amended....31612
72.33 (b) introductory text republished; (b)(6) added....1296
72.52 Revised....21657
72.56 (c) (1), (2), and (3) and (e) amended....31612
73 Authority citation revised....6314, 9653, 21657
73.1 (b)(8) added....9653
73.37 (f)(1) amended....31613
73.55 (e)(1) revised....12365
73.57 Added....6314
(b)(1) and (5) and (f)(3)(ii) corrected....7821
73.67 (e)(3)(vii) and (g)(3)(iii) revised....21657
73.71 Revised....21658
(a) (1) and (5) corrected....23257
Meeting....32777
73.72 Revised....9653
73.73 Added....9653
73.74 Added....9654
73 Appendix E added; Appendix F revised....9654
Appendix G added....21658
Appendix A amended....31613
74 Authority citation revised....10038, 19305, 21659
74.4 Amended....10039
74.8 (b) revised....10040
(c)(4) added....19305
74.11 Revised....21659
(b) corrected....23257
74.13 (b) introductory text amended....31613
74.17 Added....19305
74.51—74.59 (Subpart E) Added....10040
74.81 (c) (1) and (2) amended....31613
75.6 (a) table and (d) amended....31613
95.18 (a) introductory text amended....31613
95.45 (a) amended....31613
110 Authority citation revised....9654
110.50 (b)(4) revised....9655
150.16 (b) revised....31613
150.17 (a), (b) and (c) amended....31613
150.19 (c) amended....31613
150.20 (b) introductory text amended....8241
(b)(1) amended....31613
(b)(1) revised....41700
170.2 (a) amended....8242

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 10 Chapter I—Con. Page
170.12 (g) amended....31613
170.20 (b) revised....31613

Chapter II—Department of Energy

420 Class deviation....18548
456 Revised; interim....6715
Revised....34143
458 Removed....34185
465 Class deviation....18548
503.13 (b) introductory text amendment confirmed and republished....658
600 Class deviation....18548

Chapter III—Department of Energy

725 Authority citation revised....30139
725.3 (i) added....30139
725.15 (b)(3) revised....30139
725.22 (c) added....30140
725.23 (d)(9) revised....30140
763 Added....28538
862 Added....29838
961.11 Amended....35359
962 Added....15940

Chapter X—Department of Energy (General Provisions)

1040.101—1040.170 (Subpart D) Addition published at 51 FR 4574 and 51 FR 4579 removed (regulations transferred to Part 1041)....1902
1041 Heading added; text transferred from 1940.101—1040.170 (Subpart D) published at 51 FR 4574 and 51 FR 4579....1902
1041.170 (c) revised....1902

Title 10—*Proposed Rules:*

2....1415, 3442, 6286, 11475, 12192, 20089, 27821, 29024, 29196, 30512, 36583, 41730
4....41442
9....29196, 30512
11....41442
25....41442
30....2540, 7432, 12921, 41442
31....41442
32....2540, 41442
34....41442
35....36942, 36949, 41442
40....7432, 12921, 41442
50....543, 1200, 2416, 2951, 3121, 3822, 5780, 6334, 6650, 6980, 7432, 7887, 8075, 8460, 8917, 10771, 16275, 24015, 34223, 37321, 41442
55....7432, 7887
60....5992, 7432, 16403, 41442
61....7432, 41442
62....1634
70....7432, 12921, 41442
71....7432, 41442
72....7432
73....5781, 33420, 41442
74....41442
75....41442
95....41442
110....7432, 41442
150....7432
420....39604
430....7972, 12342
435....17052
456....6754
458....6754
600....21820, 23627, 31016, 35111
625....22960
703—961 (Ch. III)....2792
725....15324
763....4151
1004....23156
1010....17765, 18647, 38770
1013....20403

TITLE 11—FEDERAL ELECTIONS

Chapter I—Federal Election Commission

4 Authority citation revised...23637, 39212
4.1 (g) through (n) added; interim....23637
(g) through (n) revised....39212
4.5 (a) introductory text and (7) revised; (b) through (d) redesignated as (c) through (e); new (b) added; interim....23638
(a) introductory text and (7) and (b) revised....39212
4.7 (c) revised; interim....23638
(c) revised....39213
4.9 Revised; interim....23638
Revised....39213
5.6 (a)(1) amended; interim....23640
(a)(1) amended....39214
100.5 (e)(5) revised (effective date pending)....35534

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Page
100.7 (c) revised (effective date pending)....773
Eff. 4-8-87....11187
100.8 (c) revised (effective date pending)....773
Eff. 4-8-87....11187
102.9 Introductory text and (e) revised; (f) added (effective date pending)....773
Eff. 4-8-87....11187
103.3 Revised (effective date pending)....774
Eff. 4-8-87....11187
104 Authority citation revised....774
104.8 (d) revised (effective date pending)....774
Eff. 4-8-87....11187
106 Authority citation revised....20874
106.2 Revised (effective date pending)....20874
Eff. 8-18-87....30904
110 Authority citation revised....769
110.1 Revised (effective date pending)....769
Eff. 4-8-87....11187
(m) added (effective date pending)....35534
110.2 Revised (effective date pending)....772
Eff. 4-8-87....11187
(j) added (effective date pending)....35534
110.14 Revised (effective date pending)....35534
9001 Revised (effective date pending)....20876
Eff. 8-18-87....30904
9002 Revised (effective date pending)....20876
Eff. 8-18-87....30904
9003 Revised (effective date pending)....20877
Eff. 8-18-87....30904
9004 Revised (effective date pending)....20882
Eff. 8-18-87....30904
9005 Revised (effective date pending)....20886
Eff. 8-18-87....30904
9006 Revised (effective date pending)....20887
Eff. 8-18-87....30904
9007 Revised (effective date pending)....20887
Eff. 8-18-87....30904
9012 Revised (effective date pending)....20891
Eff. 8-18-87....30904
9031—9039 (Subchapter F) Revised (effective date pending)....20892
Eff. 8-18-87....30904

Title 11—*Proposed Rules:*

100....2416
110....6580
114....16275

TITLE 12—BANKS AND BANKING

Chapter I—Comptroller of the Currency, Department of the Treasury

5.1 (a) revised....5942
5.3 Revised....5942
21 Heading and authority citation revised....2859
Heading revised....28682
21.5 Revised....28682
(a) corrected....31478
21.21 (Subpart C) Added....2859

Chapter II—Federal Reserve System

201.51 Revised....37436
201.52 Revised....37436
202 Determination....35537
202 Appendix B and Supplement I amended....10733
203 Exemption terminated....10365
204 Authority citation revised....2215
204.2—204.4 Authority citations removed....2215
204.9 Authority citation removed....2215
205.14 (a)(2) and (b) revised....30911
205 Supplement II amended....10734
Appendix A amended....30912
207 OTC margin stock list....3218, 15941, 28538
208 Authority citation revised....2859
208.14 Added....2860
211 Authority citation revised....30914
211.5 (f) added....30914

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 12 Chapter II—Con. Page

220 OTC margin stock list..... 3218, 15941, 28538
220.2 (r)(2)(iii) amended; (r)(3) added; (r) introductory text republished..... 32292
221 OTC margin stock list..... 3218, 15941, 28538
221.3 (b) revised; (c) (i) and (ii) redesignated as (c) (1) and (2); new (c)(1) revised..... 35683
224 OTC margin stock list..... 3218, 15941, 28538
225.43 (a) revised..... 23023
(c)(2) and (d) revised..... 23024
226 Supplement I amended..... 10878
227.14 Exemption granted in part..... 2400
261 Policy statement..... 15707
261.4 (g) removed..... 15300
261.8 Added..... 15300

Chapter III—Federal Deposit Insurance Corporation

303.0 Revised..... 35402
303.2 (c)(1) and (c)(2) heading removed; (c)(2) (i) and (ii) redesignated as (c) (1) and (2); new (c) (1) and (2) amended..... 35403
303.6 (l) removed; (m) and (n) redesignated as (l) and (m); (b) and (e) revised..... 35403
303.7 Revised..... 35404
303.8 Revised..... 35407
303.9 Revised..... 35408
303.10 Revised..... 35410
303.11 Revised..... 35410
303.12 Removed; new 303.12 redesignated from 303.13..... 35411
303.13 Redesignated as 303.12..... 35411
308.01 (b) amended..... 35411
308.03 (c) (1), (2) (i) and (ii) amended; (c)(2)(iii) and (3) added..... 35411
309.5 (a)(1), (b), and (c)(7) revised..... 23426
Technical correction..... 24090
310 Heading revised..... 34209
310.9 Revised..... 34209
310.13 (a) amended..... 34209
326 Heading and authority citation revised..... 2860
326.0—326.7 (Subpart A) Heading added..... 2860
326.0 Heading revised..... 2860
326.8 (Subpart B) Added..... 2860
337 Authority citation revised..... 39216
337.4 (h)(3) revised..... 23544, 39216
341.4 (a) revised..... 1182
346.19 (d)(6) revised..... 34210

Chapter IV—Export-Import Bank of the United States

404 Authority citation revised..... 37438
404.3 (d) amended..... 37438
404.4 (c) (1), (3), and (4) amended; (c) (6) and (7) and (d) removed; (c)(8) redesignated as (c)(6)..... 37438
404.6 Revised..... 37438

Chapter V—Federal Home Loan Bank Board

500.10 Amended..... 7120
500.31 Revised..... 5942
(a) (1) and (2) amended..... 10557
500.32 (a), (b) (1), (3), (5), (6), (8), (9), (10), and (12), and (c) introductory text revised..... 7120
(c) introductory text corrected..... 8550
505 Authority citation revised..... 7121
505.3 (c) and (d) removed; (e) and (f) redesignated as (c) and (d); new (d) revised..... 7121
505.4 (d) amended; authority citation removed..... 7121
505a Authority citation revised..... 7121
505a.3 (c) revised..... 7121
505b Authority citation revised..... 7121
505b.7 Amended..... 7121
508 Authority citation revised; section authority citations removed..... 7121
508.13 Amended..... 7121
510a Added..... 17392
514 Added..... 41701
522 Authority citation revised..... 33402
522.81 (a) (3) and (4) amended; (a)(5) added..... 33402

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Page

522.87 (a) designation removed..... 7122
522.90 (a)(2) and (c) revised; (b)(2) amended..... 37763
523 Authority citation revised; section authority citations removed..... 7122
523.3–2 Heading and (b) revised; (c) through (g) added..... 30142
523.3–3 Amended..... 7122
523.10 (h)(5) amended..... 7122
545.3 Removed..... 36751
545.11 (a) heading added; (b) amended..... 7122
545.74 (d)(4) amended..... 7122
(d)(4) amendment at 52 FR 7122 removed..... 36751
545.82 (e) amended..... 7122
545.102 (b) revised..... 24135
545.115 (b) revised..... 18350
Eff. date deferred to 1–1–89..... 39068
545.138 (f) heading added..... 7122
546.2 (d)(3) and (h)(1)(i) revised..... 9800
552 Authority citation revised; section authority citations removed..... 7122
552.2–2 (d) amended..... 7122
(d) amendment at 52 FR 7122 removed..... 36751
552.8 (b) and (f)(2) amended; (f)(1) revised..... 7122
552.13 (h)(2) amended..... 7122
(i)(3) revised; (j)(3) amended..... 9800
552.14 (b) amended..... 7122, 9800
555 Authority citation revised; section authority citations removed..... 7122
555.10 Amended..... 7122
555.12 Amended..... 7122
555.17 (d)(2) amended..... 7122
556 Authority citation corrected..... 8550
556.5 (i) amended..... 7123
556.8 Amended..... 7123
561 Authority citation revised..... 7123
561.8 (b) corrected..... 36751
561.11a (f)(2) introductory text revised..... 8242
561.11f (a)(3)(ii) amended..... 8242
561.11g (a) amended..... 8242
561.13 (c) (1) and (2) amended..... 7123
Revised..... 18350
Eff. date deferred to 1–1–89..... 39068
561.15 (b), (d)(2), and (j) (1) and (3) amended..... 7123
(j)(1) correctly designated..... 8550
(j)(1) corrected..... 36751
561.17 (a) amended..... 7123
563.4 (d)(3) amended..... 7123
563.6 (d) revised..... 8242
563.7–4 (i)(2)(iv) amended..... 7123
563.8 (c) heading added..... 7123
563.8–1 (d)(1)(v)(c) amended..... 7123
563.9–7 (b) amended..... 7123
563.9–8 (h) amended; interim..... 7822
(b)(1)(i), (g)(6), and (h) amended; (f) text designated as (f)(1); (b)(11), (c)(3), (f)(2), and (g)(3)(iv) added; (c)(2) and (g)(2)(v) and (3)(ii) introductory text and (A) through (C) revised..... 8205
Heading, (a), (c)(2) (i) and (ii), and (e)(2) revised; nomenclature change; (b)(1) introductory text and (6)(ii) and (e)(1) amended; (b)(6)(iii), (9), (10), and (11) redesignated as (b)(6)(iv), (10), (11), and (12); new (b)(6)(iii) and (9) and (f)(3) added..... 23802
563.13 (b)(4)(i)(E) revised..... 23641
Nomenclature change..... 23802
(b)(4)(ii)(D)(*2*)(*iii*) amended; (b)(4)(ii)(D)(*2*)(*iv*) redesignated as (b)(4)(ii)(D)(*2*)(*v*); new (b)(4)(ii)(D)(*2*)(*iv*) added; (b)(4)(ii)(E)(*2*) and (F)(*2*) revised..... 23803
563.13–1 (e) introductory text amended..... 7123
563.13–2 (a)(4) and (e)(1)(i) amended..... 23802
563.15 Heading and (b)(1) introductory text revised; (a) (3) and (4) added; (c) and (d) redesignated as (d) and (e); new (c) added..... 33402
563.16 Amended..... 33402
563.17–1 (c)(8) amended..... 7123
(c)(8) corrected..... 8550
563.17–4 (g) removed..... 18351
Eff. date deferred to 1–1–89..... 39068
563.17–7 Added..... 2860
OMB number..... 3207
563.22 (b) amended; (d) and (e)(1)(i) revised..... 9800

TITLE 12 Chapter V—Con. Page
563.23-1 (f)(3)(i) revised....7123
(a) and (b) revised; (f) removed; (g) redesignated as new (f)....18351
Eff. date deferred to 1-1-89....39068
563.23-2 Removed....18351
Eff. date deferred to 1-1-89....39068
563.23-3 (c) revised; (d) added....18352
Eff. date deferred to 1-1-89....39068
563.27 (b) amended....7123
563.31 (b)(1) amended....36751
563.35 (b) and (d) introductory text amended....7123
563.37 (b) amended....23802
563.38 (a) amended....23802
563.39 (b) (2) and (3) revised....4892
563.43 (b)(5) amended....7123
563.45 (c) and (d) amended....7123
563b Authority citation revised....7123, 36751
563b.1 (a)(2) removed; (a)(1) designation removed....7123
Amendatory instruction corrected....8550
563b.2 (a)(19) revised....7123
563b.101 Form PS amended....7124, 36752
563c Authority citation revised....7124, 18352
563c.14 (f) added....18352
Eff. date deferred to 1-1-89....39068
563c.102 Amended....7124
Corrected....8550
564 Authority citation revised....7124
564.9 (b) amended....7124
(b) revised....10558
569 Authority citation revised....7124
569.3 (b)(2) amended; (c)(2) removed; (c)(1) designation removed....7124
570 Authority citation revised....18352
570.4 Heading and (a) revised....18352
Eff. date deferred to 1-1-89....39068
571 Authority citation revised; section authority citations removed....7124
Authority citation revised....23941
571.5 (a) revised....23941
Effective date corrected....26295
571.8 Amended....7124
571.12 Added....39067
572 Authority citation revised....7124
572.1 (c)(2) and (e)(3) amended....7124
572a Authority citation revised....9801
572a.5 (c)(5) amended....9801
574 Authority citation revised....7124
574.2 (a)(2) revised; (k)(2) amended....9801
574.3 (c)(2)(iii) amended....7124
(c)(2)(iv)(A) revised....9801
574.4 (d)(5) revised....9801
574.5 (a)(1) revised....9801
574.6 (a)(3) revised; (e) and (f)(2) amended....9801
574.7 (e), (f), (g)(1)(ii) introductory text and (iii) revised....9801
574.8 (a)(3)(iv) revised....9802
584 Authority citation revised; section authority citations removed....7124
584.1 (a)(4) revised....36752
584.2-1 (a) and (b)(1)(v) amended....7124
584.4 (a) amended....7124
584.6 (c)(1) amended....7124
592 (Subchapter H and Part) Added....33403

Chapter VI—Farm Credit Administration

602.250 (a) introductory text, (5) and (8) revision eff. 5-6-86....2105
605 Authority citation revised....18200
605.502 (d), (f) and (j) revised....18200
611.1020 Revised (effective date pending)....36013
Eff. 10-28-87....41401
611.1021 Removed (effective date pending)....36013
Eff. 10-28-87....41401
611.1022 Removed (effective date pending)....36013
Eff. 10-28-87....41401
611.1030 Removed (effective date pending)....36013
Eff. 10-28-87....41401
611.1031 Removed (effective date pending)....36013

Page
Eff. 10-28-87....41401
611.1140 (b) introductory text, (1)(ii) and (2)(v), (vi) (B), (C), (F), and (H) and (4) (i), (ii) and (iii) revised; (b)(1)(iii) added (effective date pending)....12142
Eff. 5-20-87....19129
611.1142 (i) introductory text, (3) and (l)(3) revised; (l)(10) added (effective date pending)....12143
Eff. 5-20-87....19129
614.4366 (e) revised (effective date pending)....12147
Eff. 5-20-87....19129
614.4367 (a) introductory text revised; (g) and (h) added (effective date pending)....12147
Eff. 5-20-87....19129
614.4440 (c) revised (effective date pending)....12147
Eff. 5-20-87....19129
614.4442 (b) revised (effective date pending)....12147
Eff. 5-20-87....19129
614.4443 Existing text designated as (a); (b) added (effective date pending)....12147
Eff. 5-20-87....19129
620 Addition eff. 5-6-86....2105
Hearings....8581
620.3 Technical correction....1440
621 Addition eff. 5-6-86....2105
621.2 Technical correction....1440
624 Hearings....2672
Heading and authority citation revised....13429
624.104 Introductory text revised....2671
Redesignated as 624.105; new 624.104 added....13429
624.105 Redesignated from 624.104....13429
Amended....37132
624.110 Revised....13429
624.111 Revised....2671
624.113 (b) introductory text and (1) revised....2671
(a) and (b) introductory text and (1) revised....13429

Chapter VII—National Credit Union Administration

Page
Chapter VII Interpretation and policy statement....35231
700 Authority citation revised....34895
700.1 (h)(1) revised....34895
701.21 (c)(7) revised....8061
(a), (c) (5) and (8), and (d)(5) revised; (h) added....12368
705 Revised....34893
706 Added; interim....35061
708 Revised....12374
741 Authority citation revised....12370
741.3 Redesignated as 741.4; new 741.3 added....12370
741.4 Redesignated as 741.5; new 741.4 redesignated from 741.3....12370
741.5 Redesignated as 741.6; new 741.5 redesignated from 741.4....12370
741.6 Redesignated as 741.7; new 741.6 redesignated from 741.5....12370
741.7 Redesignated as 741.8; new 741.7 redesignated from 741.6....12370
741.8 Redesignated as 741.9; new 741.8 redesignated from 741.7....12370
741.9 Redesignated as 741.10; new 741.9 redesignated from 741.8....12370
741.10 Redesignated from 741.9....12370
748 Heading and authority citation revised....2861
748.2 Added....2861
(b) revised....8062
790.4 (a)(7) revised....27987
790.7 Revised....27987
795.1 (b) table amended (OMB numbers)....28132

Title 12—*Proposed Rules:*

3....23045
18....23456
29....36953
30....36953
34....36953
206....30690
211....21564, 26153
220....13458, 32138

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Title 12—*Proposed Rules—Con.* Page
221 29701
225 ..... 543, 3447, 4629, 5119, 9304, 18703, 21564, 26153, 36041
226 ..... 33596, 34811
227 28271
261 ..... 10233, 13458
262 ..... 21564, 26153
309 13843
325 ..... 11476, 11660
332 ..... 7442, 35724
337 11492
338 30928
350 ..... 23554, 25021
404 21569
500—591 (Ch. V) 33595, 39154
501 ..... 25870, 29387
522 ..... 12425, 29030
523 3450
525 39076
543 ..... 25870, 29387
544 ..... 25870, 29387
545 ..... 3665, 25870, 29387
546 ..... 25870, 29387
551 ..... 25870, 29387
561 ..... 18369, 27218, 39087, 39145
563 ..... 80, 3665, 3669, 8207, 17406, 18043, 18369, 18386, 23845, 27218, 27219, 39070, 39087, 39098, 39105, 39112, 39145
563c 39145
564 ..... 3126, 8611, 26017
565 17408
571 ..... 5782, 7887, 18369, 18386, 23181, 27218, 27219, 39070, 39087, 39112
583 39076
584 39076
588 23181
620 30374
621 30374
611 13694
612 11080
614 21073
700—795 (Ch. VII) 27994
701 ..... 28274, 36428
702 38771
703 28274
705 12427
721 28274
741 38771
790 19152
792 38926
1101 29865

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

101.3-2 Amended 18352, 35412
105.511 (g) revised 34896
108.1 (b)(3) amended; interim 27675
108.2 Revised; interim 27675
108.4 (d)(2)(iii) amended; interim 27676
108.5 (d) amended; interim 27676
108.503-1 (b)(3) amended; (c)(1)(iii) added; interim 27676
108.503-3 (f) and (g) amended; interim 27677
108.503-4 (c)(3)(iii)(A) amended; (c)(4) added; interim 27677
108.503-6 (a) (1) and (2) amended; (d) redesignated as (e); new (d) added; interim 27677
108.503-7 (b)(2) amended; (c) revised; interim 27677
108.503-8 Revised; interim 27677
108.503-9 (a)(6) removed; (a)(7) through (11) redesignated as (a) (6) through (10); interim 27678
108.503-10 Revised; interim 27678
108.503-12 Revised; interim 27678
108.503-13 (c) and (h) amended; interim 27678
108.504 (a) amended; (b), (c), (e), and (f) revised; (g), (h), and (i) redesignated as (j), (k), and (l); new (g), (h), and (i) added; new (j) revised; interim 27678
108.505 (a), (d), (e), and (h) amended; (f), (g), and (k) revised; interim 27679
114 Heading and authority citation revised 32534
114.100—114.111 (Subpart A) Heading added 32534
114.112—114.113 (Subpart B) Added 32534
121.2 Existing Table designated as Table 2; (d) and new Table 1 added; interim emergency 399
Table 1 corrected 2400, 6133
(c)(2) table corrected 21497
133.1 (c) table revised 27988
144 Added 31527

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Chapter III—Economic Development Administration, Department of Commerce

309.3 (f) and (m) revised; interim Page 21932
309.7 (c) revised 27539
311 Authority citation revised 11627
311.1 (a)(5) added; (c) revised 11627
311.3 (d) revised 11627

Title 13—*Proposed Rules:*
102 18570
107 ..... 28842, 33598
120 19155
121 ..... 8261, 29532, 32870
125 32017
129 38433
140 38452
142 19156
143 ..... 21820, 23627
144 26019
145 39015

TITLE 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

15 Added 18171
21 Special FAA conditions corrected 656
Authority citation revised; section authority citations removed 1835
Special FAA conditions amended 3416, 11629, 23026, 27190, 32780, 32781, 37600, 39618, 41402-41404
21.17 (b) through (d) redesignated as (c) through (e); new (b) added; new (d) introductory text and (2) amended 8042
21.19 (b) introductory text amended 1835
21.21 Heading and introductory text amended 1835
Heading and introductory text revised 8042
21.23 Removed 8042
21.27 (a) and (f) table amended 1835
(f) table corrected 7262
21.31 (c) revised 8042
21.37 Amended 1835
21.39 (a) amended 1835
21.50 (b) revised 8042
21.73 (c) amended 1836
21.93 (b)(3) amended 1836
21.175 (a) amended 1836
(a) revised 8043
21.183 Heading and (e)(2) amended 1836
Heading revised 8043
21.195 (b) amended 1836
21.213 (c) amended 1836
21.231 (a) (2) through (5) redesignated as (a) (3) through (6); new (a)(2) added 1836
21.327 (f)(2) amended 1836
23 Special FAA conditions corrected 656
Heading revised 1825
Special FAA conditions amended 11629, 27190, 32780, 32781, 37600, 39618
23.1 (a) revised 1825
23.3 (a) introductory text, (b) introductory text, and (c) revised; (d) redesignated as (e) and revised; new (d) added 1825
(a) and (e) corrected 34745
23.25 (a) introductory text revised; (a)(2) amended 1825
23.45 (a) revised; (f) added 1826
23.51 (b) and (c) removed; (d) and (e) redesignated as (b) and (c); new (d) added 1826
23.53 Added 1826
(b)(2)(ii) and (c) (2) and (6) corrected 34745
23.55 Added 1826
23.57 Added 1827
23.59 Added 1827
23.61 Added 1827
23.65 (d) added 1827
(d) corrected 34745
23.67 (a), (b) and (c) amended; (e) added 1827
(e)(3) introductory text corrected 7261
(e)(1) introductory text and (3) introductory text corrected 34745

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 14 Chapter I—Con. Page

23.75 (g) added ... 1828
23.77 (a) and (b) amended; (c) added ... 1828
(a) and (b) corrected ... 34745
23.161 (b) and (c) introductory text and (3) revised ... 1828
23.173 (b) revised ... 1828
23.175 (b)(2) introductory text revised ... 1828
23.333 (b)(3) amended; (c)(1)(iii) added; (d) diagram revised ... 1829
23.335 (a)(1)(i) and (b)(2)(i) revised; (d) added ... 1829
(d)(1) introductory text corrected ... 34745
23.337 (a)(1) and (b)(1) amended ... 1829
23.349 (a)(2) revised ... 1829
23.397 (b) table footnote 1 amended ... 1829
23.443 (b) and (c) redesignated as (c) and (d); new (b) added ... 1830
(b) corrected ... 7262, 34745
23.561 (b)(2) table corrected ... 34745
23.572 Heading revised; (a) amended; (b) added ... 1830
23.677 (d) added ... 1830
23.721 Added ... 1830
23.783 (c) added ... 1830
23.785 (g) revised ... 1830
23.787 (g) added ... 1830
(g)(2) corrected ... 34745
23.803 Added ... 1831
23.807 (d) added ... 1831
23.815 Added ... 1831
23.831 Existing text designated as (a); (b) added ... 1831
23.851 Added ... 1831
23.853 (d) and (e) redesignated as (e) and (f); (d) added ... 1831
23.901 (b)(3) added ... 1832
(b)(3) corrected ... 34745
23.903 (d) text redesignated as (d)(1); (d)(2) added; (e)(2) revised ... 1832
23.933 (d) added ... 1832
23.963 (f) added ... 1832
23.997 (e) added ... 1832
23.1163 (d) added ... 1832
23.1165 (f) added ... 1833
23.1193 (g) added ... 1833
23.1195 Added ... 1833
23.1197 Added ... 1833
23.1199 Added ... 1833
(c) corrected ... 34745
23.1201 Added ... 1833
(a) corrected ... 7262
23.1203 Amended ... 1833
23.1305 (f), (h) and (k) revised ... 1833
(k)(2) corrected ... 34745
23.1309 (d) added ... 1833
23.1323 (c) and (d) added ... 1834
(c) corrected ... 34745
23.1325 (f) added ... 1834
23.1351 (a)(2), (b) (2), (3) and (4), and (d) revised; (b)(5) added ... 1834
(a)(2) introductory text and (b)(5)(v) corrected ... 34745
23.1523 (a) revised ... 1834
23.1581 (e) added ... 1834
23.1583 (a)(3), (c) (3) and (4), and (e)(4) added ... 1834
23.1585 (h) added ... 1835
23.1587 (d) added ... 1835
23 Appendixes F and G amended ... 1835
Appendixes F and G corrected ... 34745
25 Special FAA conditions amended ... 3416, 23026, 41402–41404
25.853 Comment time extended ... 5422
25 Appendix F comment time extended ... 5422
36 Authority citation revised; section authority citations removed ... 1836
36.1 (a)(2) and (e) amended ... 1836
36.9 Heading and introductory text amended ... 1836
36.501 (Subpart F) Heading amended ... 1836
36.501 (a)(2) amended ... 1836
36.1581 (d) amended ... 1836
36 Appendix F amended ... 1836
39.13 ... 517, 519–524, 1319, 1320, 1441–1443, 2216–2218, 2511, 2512, 2673, 2674, 2676, 3108–3112, 3419–3422, 3424, 3426, 3596–3600, 3793, 3998–4000, 4278–4281, 4605–4607, 4764–4767, 4892, 5074, 5437, 5438, 5531, 5944–5947, 6134, 6135, 6777, 6778, 6953–6956, 7405, 7564–7567, 7823, 8063, 8582, 8583, 8873, 9121, 9294, 9470,

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Page

9471, 10044, 10218–10220, 10558, 10736, 10737, 11631–11639, 11985–11987, 12517–12519, 13232–13234, 13633, 13635, 13636, 15303, 15709, 16830, 16831, 17551, 17748–17750, 17936, 17937, 18549, 18551, 18902, 19131, 19306, 19481–19485, 20699–20702, 21243–21245, 21498, 21660, 22630, 23427, 23428, 23643–23645, 23942–23948, 24136–24142, 24984, 24985, 25204–25207, 25362, 25590, 25592, 25966, 26296, 26471, 26472, 26663–26666, 26946–26949, 27192–27195, 27787–27789, 28133–28136, 28242–28245, 28683, 28684, 28818, 28974–28976, 29372, 29373, 29505, 29506, 30143, 30330, 31378–31383, 31980, 31982, 32535, 32536, 32913, 32914, 33225–33229, 33918, 33919, 34632, 34633, 34898, 34900, 35233, 35234, 35687, 35690, 36228, 36229, 36565, 36753–36755, 36914, 37928, 38080–38083, 38394–38398, 38746–38748, 41405, 41552–41557, 41703, 41705, 41937
Corrected ... 3079, 6286, 7568, 27328, 39329, 40020
Directive published at 52 FR 15303 and 52 FR 29505 suspended ... 35908
Regulation at 52 FR 38748 effective date corrected ... 41704
43 Authority citation revised ... 3390
43.13 (c) heading and text amended ... 20028
43 Appendix F revised ... 3390
Appendix F corrected ... 6651
Appendix A amended ... 17277
Appendix B amended ... 34101
Technical correction ... 35234
45.11 (a) revised; (d) added ... 34101
Technical correction ... 35234
(d) corrected ... 36566
45.21 (d)(3) revised ... 34102
Technical correction ... 35234
45.29 (b) introductory text revised; (h) added ... 34102
Technical correction ... 35234
(h) corrected ... 36566
61.107 (d)(1) and (f)(1) revised ... 17277
61.113 (a), (b) and (c) amended; (d) and (e) added ... 4846
61.127 (f)(1) revised ... 17277
61.131 (a) and (b) amended; (c) and (d) added ... 4847

Page

65 Authority citation revised; section authority citations removed ... 17518
65.31 (c) revised ... 17518
65.33 (d) revised ... 17519
65.49 (a) revised ... 17519
67.20 Enforcement policy ... 41557
71.123 ... 4130, 4893, 5948, 8243, 11033, 17552, 18903, 21248, 27329, 27789, 28685, 28687, 38749–38750, 38910, 38912, 38913, 39619, 39621–39623, 39625, 39626
Corrected ... 3079, 7262, 38752
Eff. 1–14–88 ... 39905
71.125 ... 21247
71.127 Corrected ... 3079
71.151 ... 5078, 11034, 21247, 21500, 28686
Technical correction ... 7370
Eff. 1–14–88 ... 38752
71.171 ... 525, 775, 2219, 5439, 9122, 10045, 11816, 15710, 15711, 19133, 21499, 23429, 28685, 28819, 31386, 31387, 31983, 31984, 32537, 37440
Corrected ... 19132, 33680, 33919, 34457, 41532
Eff. 1–14–88 ... 29507, 31384, 31385, 36230, 37441, 38751
71.181 ... 526, 1626, 3601, 4282, 5439, 5440, 6136, 6137, 6778, 7406, 7407, 8243, 8874, 10559, 11816, 15710–15713, 17553, 17938, 18551, 19132, 19837, 20703, 21246, 21499, 22631, 23429, 23430, 26141, 28685, 28819, 28820, 31387, 31388, 31614, 31985, 32537, 32915, 32916, 34902, 36566, 38398
Corrected ... 12900, 19132, 20194, 23138, 34211, 34900
Eff. 1–14–88 ... 34901, 36567, 37442, 39903, 39904
71.203 ... 21248
71.207 ... 21248
71.401 ... 4894, 11031, 30916
Corrected ... 7369
Technical correction ... 31846
71.501 ... 1423, 1430, 4487, 7395, 9383, 11183, 15480, 35393, 37735
Corrected ... 4079, 4608, 17366

TITLE 14 Chapter I—Con. Page
Technical correction....13173
73.21 21249
73.22 4131
73.23 ....4895, 10560, 11034, 17394
Corrected....7370
Eff. 1-14-88....38752
73.25 ....4895, 21500, 35235
73.29 ....21249, 28225
73.30 ....18552, 21250
Corrected....19962
73.32 21247
73.34 11034
73.41 10560
73.42 16833
73.44 ....21250, 28225
73.48 10560
73.52 27790
73.53 21250
73.55 5078
Technical correction....7370
73.64 28686
73.66 8874
73.71 21250
75.100 ....5079, 18903, 21247, 21248, 21251, 21252, 27329, 28687, 28688, 35236, 35693-35695, 36231-36233, 38914
Corrected....37374
Eff. 1-14-88....39905
Regulation at 52 FR 35236 eff. date deferred to 1-14-88....41405
91 Authority citation revised....1836
Authority citation revised; section authority citations removed....9636
Special FAA Reg. 50 added....9775
Special FAA Reg. 50 corrected....18689
Special FAA Reg. 50 redesignated as FAA Reg. 50-1 and revised....22743
91.24 (a) and (b) revised....3391
91.27 (c) added....34102
Technical correction....35234
91.35 Introductory text and (a) through (d) redesignated as (a) introductory text and (1) through (4); new (b) added....9636
91.90 (b)(2)(iii) revised....3391
91.161 (b) revised....20028
91.173 (a)(1) amended....17277
(c) revised; (d) added....34102
Technical correction....35234
91.213 (a)(3) added....1836
93.101—93.105 (Subpart H) Removed....19254
95 ....4132, 10739, 19839, 27792, 34376, 38089
97.21—97.35 ....662, 2220, 3427, 4610, 5949, 8244, 10046, 12520, 13637, 17395, 19841, 21501, 23431, 24986, 26951, 28821, 30145, 32538, 34903, 36234, 38399, 39627
121 Authority citation revised....3391
Authority citation revised; section authority citations removed....9636, 20957
Special FAA Reg. 38-2 amended....28939
121.3 (i) added....20028
121.312 Comment time extended....5422
121.337 Revised....20957
121.343 Revised....9636
121.345 (c) revised....3391
121.417 (c) revised; (d) redesignated as (e); new (d) and (f) added....20958
121.589 Revised....21476
121 Appendix B amended....9637
125 Authority citation revised; section authority citations removed....9637
Special FAA Reg. 38-2 amended....28939
125.1 (e) amended....6957
(d) and (e) removed; (a) and (b) (1), (3), and (4) revised....20028
125.11 (a) revised; (c) added....20028
125.202 Added....9637
127 Authority citation revised....3392
Special FAA Reg. 38-2 amended; authority citation revised....28939
127.123 (b) revised....3392
129 Heading revised....20029
Special FAA Reg. 38-2 amended; authority citation revised....28939
129.1 Revised....20029
129.11 (a) introductory text revised; (a)(4) and (c) added....20029
129.14 Added....20029
Effective date deferred to 2-25-88....32528
129 Appendix A amended....20029

Page
135 Authority citation revised....3392
Authority citation revised; section authority citations removed....9637
Special FAA Reg. 50 added....9775
Special FAA Reg. 50 corrected....18689
Special FAA Reg. 50 redesignated as FAA Reg. 50-1 and revised....22743
Special FAA Reg. 38-2 amended....28939
135.11 (c) added....20029
135.143 (c) revised....3392
135.151 (a) introductory text revised; (b) redesignated as (c); new (b) added....9637
135.169 (a) and (b) introductory text revised; (b) (5) and (6) amended; (b)(7) added....1836
(b) introductory text corrected....34745
135.363 (j) added....1836
135.398 Added....1836
159 Authority citation revised....21504, 21910
159.79 Revised....21504
(a)(1)(i) corrected....23762
159.89 (a) revised; (c) added....21504
159.181 Revised....21910
Technical correction....23762
159.183 Revised....21911
Technical correction....23762
159.184 Added....21911
Technical correction....23762
159.185 Revised....21911
Technical correction....23762
171 Policy statement....20703

Chapter II—Office of the Secretary, Department of Transportation (Aviation Proceedings)

211 Authority citation revised....5442
211.30—211.35 (Subpart D) Added....5442
234 Added....34071
234.13 Removed....34077
241 Nomenclature change (OMB numbers)....9132
Sec. 7 amended....9129
Sec. 12 amended....9129
Sec. 19-7 revised....6529
Sec. 19-7 Appendix A added....6530
Sec. 21 (b), (d) and (l) revised....9130
Sec. 22 (a) tables revised....9130
Sec. 23 amended....9131
Sec. 24 amended....9131
Sec. 25—Sec. 26 undesignated center heading revised....9132
Sec. 25 Schedule T-7 removed....9132
Sec. 26 removed....9132
255.3 Amended....34073
255.4 (e) added....34073
272 Added....5443
300.2 (e) revised....18904
Technical correction....21150
302.8 (g) added....5445
302.9 Revised....5445
302.1705 (c) revised....5445
385.21 Added....18905

Chapter V—National Aeronautics and Space Administration

1201.200 Revised....31986
1201.300 (a)(3) and (c)(3) revised....31986
1201.402 Revised....31986
1204.509 Added....35538
1206 Authority citation revised....18905
Revised....41407
1206.101 (g) through (o) added; interim....18905
1206.601 (c) revised; interim....18906
1206.603 (c) revised; interim....18906
1206.700—1206.706 (Subpart 7) Revised; interim....18906
1207 Revised....22755
1207.405 (a)(4) correctly revised....36234
1215 Appendix A revised....10881
1260.104 (b) revised....12378
1260.105 (a) and (b) revised....12378
1260.109 Added....12378
1260.406 Amended....12378
1260.420 (e) added....12378
(e) correctly designated....13375
1260.514 (d) amended....12379
1260.602 Revised....12379
1260.603 Amended....12379
1261.400—1261.417 (Subpart 1261.4) Revised....19487
1261.500—1261.508 (Subpart 1261.5) Added....19495

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 14 Chapter V—Con. Page
1261.600—1261.606 (Subpart 1261.6) Added....19497
1264 Added; interim....39498

Title 14—*Proposed Rules:*

1—199 (Ch. I)....1924, 5309, 8078, 8918, 22329, 25886, 26020, 27563, 35272
1....1635, 32268
21....9176, 10109, 10111, 17409, 17410, 18573, 19517, 19520, 27219–27223, 27821, 32804–32811, 33246, 38454, 38772, 39190
23....9176, 10109, 10111, 18573, 19517, 27219–27223, 27821, 32804–32811, 33246
25....5424, 17890, 19520, 38454, 38772, 39190
27....1635, 20938
29....1635, 11997, 20938
36....7618, 8050, 23144, 27304, 28416
39....435, 551–557, 1338, 1468, 3126, 4021, 4914, 4915, 5140, 5141, 5546, 6001, 6170, 6804, 6987, 7443, 7619, 8079–8082, 8263, 8264, 8612–8615, 8919, 9181, 10113, 10114, 10236–10238, 10581, 11081, 11663, 11664, 11997, 11998, 12544, 12545, 13249, 13251, 16851, 16852, 17598–17601, 17958, 17959, 18575, 19168, 20721, 20722, 21312, 21314, 21572–21575, 22329, 22331, 22786, 23461–23466, 23661–23663, 24304, 25022–25028, 25236–25239, 25606, 26021, 26022, 26348, 26349, 26484, 27414, 27822, 27823, 28276–28280, 28564–28566, 29032, 29353, 29387–29390, 29534, 30380, 31409, 31410, 32937, 33947–33952, 34225–34228, 35273, 35725–35729, 36274–36276, 36583, 36785, 36787, 37620–37624, 38107, 38456–38458, 38934, 41583–41585, 41731
61....22918, 29205
71....81, 297, 558–560, 1925, 2545, 2722, 4348, 4629, 4916, 6002, 6805, 6988, 6989, 7279, 7444, 7445, 8730, 8920, 8921, 9182–9184, 9312, 9313, 10115, 10582, 11082, 11828, 12286, 12935, 13713, 15326, 15511, 15512, 16853–16858, 18536, 18576, 18920, 19360, 19521, 20412, 20825, 21316, 22031, 22332, 22918, 23468–23470, 24017, 24305, 24306, 25029, 25240, 26023, 26153, 26350, 26351, 26485–26497, 27224, 27415, 27416, 27824, 27972, 27976, 28725, 28726, 29205, 29353, 29470, 29474, 29605, 29612, 30168, 30381, 30512, 31411, 31846, 32562, 34230, 34606, 34682, 34683, 36278, 36585–36587, 36866, 37472, 37718, 38785, 38786, 39659, 39660, 41587, 41732
73....2545, 2546, 3079, 15326, 27825
75....4153, 6989, 8920–8923, 12000, 12286, 25241–25244, 25607–25610, 30381, 38382, 39661, 41587, 41588
91....2236, 2547, 7618, 22918, 23144, 29205, 32268, 35052
121....5424, 20560, 20982, 32268, 39190
125....32268
129....32268
135....2236, 20560, 32268
159....7446
215....5547
217....26498, 34889
234....22046
241....26498, 34889
255....22046
298....5547
382....5467, 19881
389....5547
1203....2548
1245....24477
1251....25124, 27902
1265....39015

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

4 Authority citation revised....26952
4.9 Revised....26952
22 Added....7

Chapter I—Bureau of the Census, Department of Commerce

30.55 (h) revised....32782

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Chapter III—International Trade Administration, Department of Commerce

Page
302 Removed....5757
303.14 (e) revised....3794
368 Authority citation revised....32122
368.2 (a)(4) removed....31754
369 Authority citation revised....32122
369 Supplement No. 14 added....17285
370 Authority citation revised....32122
370.4 Revised....28543
370.6 (d) removed....31754
370.11 (c) revised....11640
(a)(2) heading and (i) revised; (c) amended....31755
370.13 (a) introductory text revised....32122
370.14 Heading revised; (a) introductory text and (6), (b) introductory text, and (f)(1)(ii) and (2)(ii) amended; (a)(3) redesignated as (a)(3)(i); new (a)(3) heading and (ii) added....32122
(a) introductory text and (3)(ii) amended....32539
371 Authority citation revised....2106, 32122
Export controls continued....2500
371.1 Amended....6138
371.2 (c)(11) amended....2106
371.4 (b)(2) removed....31754
371.5 (d) revised....2106
371.7 (d) added....2106
371.8 Heading and (a) revised; (b) amended....26954
(c) revised....29374
(a) and (b) amended....32122, 32539, 39216
371.14 Added....5275
(c) corrected....6649, 10741
(b) amended....26954, 32539, 39216
371.16 Introductory text revised....2106
371.17 Introductory text, (a)(2) heading, (e), (f) heading, introductory text, (1) (i), (ii), and (iii), and (3)(v) revised; (a)(5) added; (a)(2)(i) introductory text, (f)(1) (iv) and (v), (2) heading, introductory text, (i) and (iii), and (3) (i) and (iii) amended....23028
(a)(2) heading and (i) and (f) introductory text, (2) heading and text, and (3)(i) amended....23168
(a)(2)(i) revised....31754
371.18 (b) (2) and (3) revised....23027
(a)(1) footnote 12 redesignated as footnote 11....23029
371.20 Added....5275
(a) introductory text amended....26954, 32539
371.22 (d)(1) introductory text and (2) revised....6138
(b) introductory text footnote 13 and (4) footnote 14 redesignated as footnotes 12 and 13....23029
371 Supplement No. 1 added....5275
372 Authority citation revised....2106, 32122
372.2 (b) (1) and (4) revised; (b)(3) amended....6138
372.4 (c) revised....6138
372.9 (c) revised....664
372.11 (e)(2)(iii) amended; (e)(2)(iv) added....6138
(d)(3) amended....32122, 32539
(g) and (i) heading revised; (h)(1) amended; (i)(1) heading and (2) removed; (i)(1) (i), (ii), and (iii) redesignated as new (i) (1), (2), and (3)....34212
373 Authority citation revised....2106, 32122
Export controls continued....2500
373.1 (a)(1)(iii) revised....2106
373.2 (b)(2) added....6138
(d)(3) and (e)(4)(ii) revised....22632
(b)(8) amended....23168
373.3 (d)(3)(ii)(E)(*3*)(*iii*) amended....2106
(f)(5) revised....22632
(a)(1)(ii) amended....23168
373.7 (b)(7), (d)(1), (2) (i) and (ii) and (3), and (h)(1)(ii) amended....6138
(f)(3) revised....22632
(c)(1) heading and text amended....23168
373.8 (a)(2) amended....23168
373 Supplement No. 6 amended....9149

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 15 Chapter III—Con. Page

Supplement No. 4 amended....33920
374 Authority citation revised....32122
374.2 (j) revised....3601
(a)(1) amended....5275
(a)(4) revised....23029
(a)(4)(i) amended....23168
(j) amended....32540
(a)(1) revised....36568
374.3 (e) (3) and (4) amended....31756
(c)(1)(ii) amended....34212
374.6 Revised....6138
375 Authority citation revised....28544, 32122
375.1 Table amended....34212
375.3 (b) and (c)(1) amended....34213
375.6 (b)(1) amended....3601
(a) amended; (b)(1) revised; (c) added....28544
375 Supplement No. 1 amended....34213
376 Export controls continued....2500
Authority citation revised....32122
376.8 (b)(1) (ii) and (iii) amended....23168
376.12 Revised....9149
376.14 (a) amended....5532, 11640
376.17 Added....776
376.18 Added....28545
377 Authority citation revised....28136
377.1 (b) and (c) (1), (2), (3), and (4) amended....28136
377.2 (d)(1) and (e) amended....28136
377.3 (a)(2), (b) introductory text and (c) introductory text amended....28136
377.4 (c) introductory text, (d)(1) introductory text and (vi), (e), (f) introductory text, and (1)(i), (h) introductory text, and (i) (1) and (2) amended....28136
377.6 (d)(2) amended....2106
(d) introductory text and (3)(ii) introductory text and (e)(2) amended; footnotes 1 and 2 redesignated as footnotes 2 and 3....28137
377.7 (a), (d), (e) introductory text, (1), (4), and (5), (f)(1), (g) introductory text, flush text following (h)(3), (j), and (m) amended....28136
(m) correctly designated....29353
377.8 (b), (f), (g), (h), (i), (j), and (l) amended; (d) revised....28136
377.9 (b) introductory text and (c) amended....28136
377.15 (d) amended....28136
378 Authority citation revised....32122
379 Authority citation revised....2106, 32122
Export controls continued....2500
379.4 (e) (1) and (2) amended....2106
(f)(1) introductory text revised; (f)(1)(i)(P) removed....2500
(f)(1) amended....6139
(b)(5) added; interim....21505
(d)(18) amended; (d)(19) redesignated as (d)(20); new (d)(19) added....27498
(d)(19) amended; (d)(20) redesignated as (d)(21); new (d)(20) added....28545
379 Supplement No. 3 amended....2106, 27506
Supplement No. 4 amended....27499, 28545
Supplements No. 3 and No. 4 amended....29177
385 Authority citation revised....2106, 32122
Export controls continued....2500
385.1 (b)(2) amended....9151
385.2 (c) removed....2501
385.4 (c)(9) (i) and (iii) amended; (a)(13) added....2107
(f) amended....2501
(d)(2) amended; (d)(4) redesignated as (d)(5) and revised; new (d)(4) added....23168
(d)(2) amended....23545
(e) revised....28551
(e) redesignated as (e)(1); new (e)(1) heading and (2) added....36756
385 Supplement No. 2 amended....2107
Supplement No. 1 amended....27798
386 Authority citation revised....2106, 32122
386.1 (c)(2)(i) amended....6139
386.3 (r)(2) amended....6139
(l) removed....31754
386.6 (a)(1)(ii) amended....5275
386.7 Revised....664

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Page

386 Supplement No. 1 revised....6139
387 Authority citation revised....2106, 32122
388 Authority citation revised....32122
389 Authority citation revised....2106, 32122
389.2 (b)(1) amended....6139, 29177
391 Authority citation revised....32122
399 Interpretation....405
Authority citation revised....2106, 32122
Export controls continued....2500
399.1 (f)(1) (iii) and (iv) redesignated as (f)(1) (iv) and (v); new (f)(1)(iii) added....29177
Supplement No. 1, Group 0 amended....2501, 28546
Supplement No. 1, Group 1 amended....2501, 28546, 28547
Supplement No. 1, Group 2 amended....27501, 27502, 34213
Supplement No. 1, Group 2 corrected....28640
Supplement No. 1, Group 3 amended....666, 2501, 3602, 6139, 8445, 22632, 27502, 27503, 28546, 28547, 33920, 36756
Supplement No. 1, Group 4 amended....23168, 23545, 27503, 27504, 28546, 28548, 33920, 35539
Supplement No. 1, Group 4 corrected....28640
Supplement No. 1, Group 5 amended....666, 2107, 2501, 3602, 5532, 11458, 11641, 13829, 22632, 23169, 23545, 25208, 27509, 27513, 28246, 28546, 28548, 29177, 29374, 33920
Supplement No. 1, Group 5 corrected....28640
Supplement No. 1, Group 6 amended....6139, 11641, 22632, 23545, 27504, 33920
Supplement No. 1, Group 6 corrected....28640
Supplement No. 1, Group 7 amended....666, 2107, 2501, 11458, 22632, 27504, 27505, 28546, 28550, 28552, 29840, 31756, 33921
Supplement No. 1, Group 7 corrected....28640
Supplement No. 1, Group 8 amended....28546
Supplement No. 1, Group 9 amended....5533, 29178
399.2 Supplement No. 1 amended....2501, 8445, 28552
Supplement No. 1 corrected....23170

Chapter VIII—Bureau of Economic Analysis, Department of Commerce

801.9 (a) revised....19843
801.10 Added....19843
806.14 (f) (1) and (2) revised....8446
806.15 (h) (1) and (2) revised....8446

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce

904 Revised....10325
908.9 Revised....4896
908.11 (a) revised....4896
960 Added....25970

Chapter XXIII—National Telecommunications and Information Administration, Department of Commerce

2301 Revised....31499

Title 15—*Proposed Rules:*

4....15327
7....11498
24....21820, 23627
26....39015
30....13714
280....11498
368....10771
371....8265
374....8265
399....8265, 9241
801....5785, 36587
806....34685
942....32563
971....34748, 37972

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Page

3.22 (a), (b), (c), and (e) revised 22293
3.24 (a)(2) revised 22293
3.45 (b) and (d) revised; (e) added 22293
3.46 (a) revised 22294
3.51 (c)(1) revised 22294
3.52 (f) through (j) redesignated as (g) through (k); new (f) added 22294
4.9 (b)(5) introductory text and (c) heading revised; (c)(2) redesignated as (c)(3); new (c)(2) added 22294
5.1 Revised 34765
5.9 Revised 34765
5.11 (b) introductory text and (1), (d) and (e) revised; (b)(5) added 34765
5.12 (c) revised; (f)(5) added 34765
5.17 Revised 34766
5.42 (a) revised 34766
13 Amended 253, 254, 2513, 3221, 3602, 5079, 6540, 7407, 8446, 9294, 9655, 12379, 12900, 16234, 31987, 33921, 34213, 34766, 35412, 35413, 36234, 36235, 37283, 37601, 41706
Corrected 656
305.9 (a) Table 1 revised 22633
429 Existing regulations unchanged 29507
436 Existing regulations unchanged 18353
453 Exemption granted in part 39376
455 Staff compliance guidelines 18553
Staff compliance guidelines corrected 19845
Petitions denied 34769
702.1 (c) revised; (g) removed 7574
702.3 (a) revised 7574
801.1 (b) introductory text, (1), and (2) revised; existing Example designated as 1; Examples 2, 3, and 4 added 20063
801.4 (b) *Example* 1 revised 7080
801.11 (a) revised; (e) added 7080
801.12 (b)(1) revised 7081
801.13 (a)(1) and (b)(2)(ii) revised; (a)(2) *Example* 4 and (3) added 7081
801.15 (a)(2) and (c) *Example* 4 revised 7081
801.30 (b) *Example* 3 revised 7082
801.40 *Example* revised 7082
802.35 Added 7082
802.41 *Example* 1 revised 7082
802.70 Revised 7082
803.5 (a)(1)(iii) revised; (a)(2) *Example* designated as (a)(2) *Example* 1; (a)(2) *Examples* 2 through 5 added 7082
803.10 (a)(2) redesignated as (a)(3) and revised; new (a)(2) added 7083
803 Appendix revised 7084

Chapter II—Consumer Product Safety Commission

1015.9 Revised 28979
1019 Existing regulations unchanged 5080
1034 Correctly designated 405
1109 Existing regulations unchanged 5080
1115 Existing regulations unchanged 5080
1201 Existing regulations unchanged 5080
1202 Existing regulations unchanged 5080
1205 Existing regulations unchanged 5080
1207 Existing regulations unchanged 5080
1209 Existing regulations unchanged 5080
1212 Existing regulations unchanged 5080
1301 Existing regulations unchanged 5080
1302 Existing regulations unchanged 5080
1303 Existing regulations unchanged 5080
1304 Existing regulations unchanged 5080
1305 Existing regulations unchanged 5080
1401 Existing regulations unchanged 5080

CHANGES JANUARY 2 THROUGH OCTOBER 30, 1987

Page

1402 Existing regulations unchanged 5080
1404 Existing regulations unchanged 5080
1750.7 (b) correctly designated 406

Title 16—*Proposed Rules:*

13 ..... 1926, 3252, 6003, 6172, 6806, 8461, 12430, 12546, 17602, 17960, 20096, 20723, 22789, 26534, 29535, 29537, 31412, 37326, 38108
424 2115
429 29539
456 ..... 2723, 41732
703 ..... 9314, 13715
801 7095
802 7095
803 7095
1000—1750 (Ch. II) 38935
1015 17767

CHANGES APRIL 1 THROUGH OCTOBER 30, 1987

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Futures Trading Commission

Page

1 Interpretation 27195, 34633
1.3 (rr) and (ss) added 28994
(z)(2)(iii) revised; (z)(2)(iv) added 38922
1.10 (d) (1) and (2) and (g)(2) revised 28994
1.12 (f)(3) added 28248
(b)(2) revised 28995
1.16 (a)(4) revised 28995
1.17 (c)(2)(i) revised 28250
(a)(1)(i)(B), (b)(2), (c)(5)(iii), (e)(1), (h)(2)(vi)(C), (vii) (A) and (B), (viii)(A), (3) (ii) and (v) revised 28995
1.19 Revised 28997
1.33 (a) and (b) introductory text revised 28997
1.42 (a) revised 18910
5 Appendix B amended 22635
9 Revised 25366
9.2 (k) corrected 27286
9.12 (b) corrected 27286
9.20 (b)(7) corrected 27286
9.24 (b) corrected 27286
11 Appendix A added 19501
15.00 (b)(1) (i) and (ii) revised 38922
15.02 Revised 38922
15.03 (a) revised 18910
(a) designation and (b) removed 38922
16.00 (a)(3) removed 18910
19 Authority citation revised 38922
19.00 (a) and (b) introductory text revised 38922
19.01 Heading and introductory text revised 38923
19.02 Introductory text revised 38923
19.03—19.04 Removed 38923
19.10 (a) and (b) revised 38923
30 Revised 28998
31 Appendixes A and B amended 22635
32.1 (a) revised 29003
32.11 (b) revised 29003
33.11 Added 29508
140.735–4 (b) (1) and (2) revised 20592
(b)(1)(iii)(B) corrected 22415
145 Authority citation revised 19307
145.7 (e) through (i) redesignated as (f) through (j); new (e) added 19307
145 Appendix B revised; Appendix B authority citation removed 19308
150 Revised 38923
166 Authority citation revised 29003
166.1 (b) (1) and (2) revised 29003
166.2 (b) revised 29003

Chapter II—Securities and Exchange Commission

200.19b Revised 12148
200.30–3 (a)(6) revised 19856
200.30–4 (a)(7) revised 12148
200.30–5 (a)(8) revised 18690
200.80—200.83 (Subpart D) Authority citation revised; section authority citations removed 24146
200.80 (a)(1)(iv), (2) introductory text, and (3), (b) introductory text, (d)(5), (7)(i), and (8) introductory text, and (e)(5) amended; (b)(7)(i), (c)(1) introductory text, (d) (1), (2), (4), and (6)(ii), and (e) (1), (2), (4), and (7) introductory text revised; (e) (8) through (14) added; (f) removed; interim 24146
200.80b (a) removed; (b) amended and designation removed; interim 24148
200.80c Heading and (a) amended; (b) revised; interim 24148
200.80d Revised 24148
200.80e Revised 24148
201 Authority citation amended 25208
201.6 (b) revised 25208
202.3a Effectiveness extended to 9–1–88 33796
203.7 (a) revised 12148
210.6–07 Amended 23172
211 Interpretative releases 17396, 18200, 21933, 31027

CHANGES APRIL 1 THROUGH OCTOBER 30, 1987

TITLE 17 Chapter II—Con. Page

229.10 (c)(1)(iii) amended....21260
229.301 Instructions amended....30919
229.302 (b) removed; (c) redesignated as (b) and amended....30919
229.303 Instructions amended....30919
229.304 Instructions amended....21939
229.501 (c)(8) revised....21260
(c)(8) corrected....30145
229.502 (d)(2) revised....21260
(d)(2) corrected....30145
229.512 (j) added....21260
(h) heading and introductory text amended....21939
(j) corrected....30145
229.601 Instruction 1 (Item 601) revised....21260
230.423 Amended....21260
230.424 (a), (b), (c), and (e) revised; (c) Note added....21260
230.430A Added....21261
230.481 (b)(2) and (d)(2) revised....21262
(b)(2) corrected....30146
230.482 (a)(4) added....21262
230.497 (h) added....21262
230.499 (c)(7) amended....21262
239.13 Form S-3 amended....21262
Form S-3 corrected....30146
239.16b Form S-8 amended....21262
239.25 Form S-4 amended....21262, 21938
Form S-4 corrected....30146
239.33 Form F-3 amended....21263
Form F-3 corrected....30146
239.34 Form F-4 amended....21263, 21939
Form F-4 corrected....30146
240 Authority citation amended....16838, 27969
240.3a43-1 Added....27969
240.3a44-1 Added....27970
240.10a-1 (a)(1)(ii) revised....24152
240.11Aa2-1 Revised....24153
240.11Aa3-1 (a) (4), (5), and (6) and (b)(1) revised; (b)(2) (i) through (vii) redesignated as (b)(2) (ii) through (viii); new (b)(2)(ii) revised; new (b)(2)(i) added....24153
240.11Ac1-1 (a)(16) revised; (a)(19) removed; (a) (20) and (21) redesignated as (a) (19) and (20)....24153
240.14a-1 (b) through (j) redesignated as (c) through (k); new (b) added....23648
240.14a-2 Heading, introductory text, (a) introductory text and (b) introductory text amended....21936
240.14a-6 (j) introductory text revised....21936
240.14a-8 (c)(1) amended....21936
240.14a-11 (b)(5) amended....21936
240.14a-13 (a)(1)(i)(B), (ii)(A), (2) and Note 1, and (b)(3) revised; (a)(1)(i)(D) and (d) added....23648
240.14a-14 Added....21936
240.14a-101 Amended....21263, 21937
Corrected....30146
240.14b-1 (a) introductory text revised....23649
240.14b-2 (a)(1), (b) introductory text, (e)(1), (h) introductory text and (i) Note 2 revised; (c)(1)(i)(b) correctly designated as (c)(1)(i)(B); (j) added....23649
240.14c-1 (b) through (i) redesignated as (c) through (j); new (b) added....23649
240.14c-7 (a)(1)(i)(A) and Note 1, (b)(3), and (c) revised; (a)(1)(i)(C) and (d) added....23649
240.15b1-3 (b) revised....16838
240.15b2-2 (a) and (b) revised....16838
240.15c2-2 Removed....39217
240.15c3-1 (a)(9) and (c)(2)(iv)(H) added; (c)(2)(iv)(F) (*1*), (*2*), and (*3*) revised....22298
240.15c3-3 (b)(4) added....30333
240.15c3-3a Table amended....30334
240.15Ca1-1—240.15Cc1-1 Undesignated center heading added....16839
240.15Ca1-1 Added....16839
240.15Ca2-1 Added....16839
240.15Ca2-2 Added....16839
240.15Ca2-3 Added....16840
240.15Ca2-4 Added....16840
240.15Ca2-5 Added....16840
240.15Cc1-1 Added....16841

CHANGES APRIL 1 THROUGH OCTOBER 30, 1987

Page

240.17a-3 (a)(4) (v) and (vi), (5) and (8) revised; (a)(4)(vii) added....22299
240.17a-13 (b) (1), (2), and (3) revised....22299
240.31-1 (f) revised....24153
241 Interpretative releases....11458
249.220f Form 20-F amended....30919
249.501 Form BD amended....16841
249.501a Form BDW revised....15492
Revised....16844
270.6e-3(T) Revised....11208
275.206(4)-4 Added....36918
276 Interpretative releases....38400
279.1 Form ADV amended....36918

Chapter IV—Department of the Treasury

Chapter IV Chapter established....19682
Revised....27926
400—449 (Subchapter A) Added....19682
Revised....27926
400 Added....19682
Revised....27926
401 Added....19685
Revised....27930
402 Added....19687
Revised....27931
402.2a Schedules B and C correctly revised....23141
403 Added....19702
Revised....27947
404 Added....19706
Revised....27952
405 Added....19708
Revised....27954
449 Added....19710
Revised....27956
450 (Subchapter B and Part) Added....19711
Revised....27957

Title 17—*Proposed Rules:*

1....28281, 28284, 32568, 33680
3....19522
4....19522
12....41733
33....22333
140....19522
200....25124, 27902, 35115
210....11665
229....13715, 24018
230....29033, 29206
239....11665, 29033, 32018
240....11083, 11089, 11665, 18237, 19885, 22334, 22493, 23665, 23849, 23855, 24018, 25245, 36045, 37472
249....17301, 24018
250....23679
270....22334, 22496
274....24018, 32018
279....11665

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Energy Regulatory Commission, Department of Energy

2.19 Added....39907
2.66 Order on remand....30146
Rehearing granted....37928
2.104 Added; interim....30351
Addition eff. 9-15-87; (f) amended....35539
Rehearing granted....36919
Seminars....37284
Response time extended....39507
2.105 Added; interim....30352
Addition eff. 9-15-87....35539
Rehearing granted....36919
Seminars....37284
Response time extended....39507
2.400 Undesignated center heading and section added....19310
Undesignated center heading correctly added....21410
4 Authority citation revised....37285, 39630
4.32 (a) (3) and (4) redesignated as (a) (4) and (5); (a)(2)(iv) revised; new (a)(3) added....37285
4.38 Rehearing denied....13234
4.41 Rehearing denied....13234
4.51 Rehearing denied....13234
4.61 Rehearing denied....13234
4.101 Amended....39630
4.106 (c) amended....39630
4.109—4.113 Removed....39630
11 Rehearing granted....25208
Rehearing denied....37929
11.1 (a) (2) and (4) and (b) (2), (3) and (4) revised; (b)(6) removed....18208
Rehearing denied....37929
11.2 (b), (c), and (d) revised....18209

93-145 O - 87 - 3

CHANGES APRIL 1 THROUGH OCTOBER 30, 1987

TITLE 18 Chapter I—Con. Page

Rehearing denied ... 37929
11.3 (c) revised ... 18209
(c) revision effective date confirmed ... 33802
Rehearing denied ... 37929
11.4 (b) revised ... 18209
(b) revision effective date confirmed ... 33802
Rehearing denied ... 37929
11 Schedule A added ... 18210
16 Authority citation revised ... 11039
16.1 Revised; interim ... 11039
16.14 Added; interim ... 11039
16.15 Added; interim ... 11039
16.16 Added; interim ... 11039
(c)(1) revised; (d)(1) suspended; interim ... 18228
35 Authority citation revised ... 23965, 24993
35.13 (a)(2)(ii) revised ... 24993
Rehearing granted ... 30659
Rehearing denied ... 39907
35.26 Revised ... 23965
Rehearing granted ... 30659
(b)(1) and (g)(2) revised; (c)(4) amended; rehearing granted in part ... 35702
35.27 Added ... 24993
Rehearing denied ... 39907
37.9 (d) table revised ... 13638, 27680, 39909
74.3602 Addition effective date confirmed ... 37286
154 Authority citation revised ... 21292, 21668
Rehearing denied ... 29659
154.38 (h)(3)(v) amended ... 15714
(d)(6) added ... 21292
Clarification ... 23650
Technical correction ... 24153
Petitions granted ... 28463
Order on remand ... 30146
(d)(6)(ii) revised; rehearing granted in part ... 36021
Rehearing granted ... 37928
154.42 Order on remand ... 30146
Rehearing granted ... 37928
154.94 (k)(4) revised ... 21668
Rehearing granted ... 29008
154.111 Rehearing denied and clarification ... 31987
157 Rehearing denied ... 29659
Order on remand ... 30146
Rehearing granted ... 37928

Page

201 Authority citation revised; text amended ... 28467
Order on remand ... 30146
Rehearing granted ... 37928
270 Authority citation revised ... 29005
Rehearing denied ... 29659
270.101 (c)(1) revised ... 29005
270.102 Order on remand ... 30146
Rehearing granted ... 37928
270.201 (a) (5) through (7) redesignated as (a) (6) through (8); new (a)(7) revised; new (a)(5) and (b)(5) added ... 21677
270.203 Order on remand ... 30146
Rehearing granted ... 37928
271 Authority citation revised ... 21668, 23030, 29006
Rehearing denied ... 29659
271.101 (a) Tables I and II amended ... 15714, 28468, 41416
271.102 (c) Table III amended ... 15715, 28469, 41417
271.702 Order on remand ... 30146
Rehearing granted ... 37928
271.703 (d)(111)(iii) added ... 10741
(b)(5) and (c) revised; (d) (199) and (200) added ... 29006
Order on remand ... 30146
Rehearing granted ... 37928
271.704 Order on remand ... 30146
Rehearing granted ... 37928
271.1104 (d)(1)(iv) revised; (h) added ... 21668
(h) correctly revised ... 23030
Rehearing granted ... 29008
272 Authority citation revised ... 26474
272.101 Revised ... 26474
272.103 (a)(3) redesignated as (a)(4); new (a)(3) added ... 26475
272.104 Revised ... 26475
273 Authority citation revised ... 26475, 29007
273.102 (a)(1) revised ... 29007
273.204 (a)(1)(v) added ... 26475
274 Authority citation revised ... 29007
274.104 (a)(5) revised ... 29007

CHANGES APRIL 1 THROUGH OCTOBER 30, 1987

Page

274.501 (a)(1) (i) through (iv) revised; (a)(2) table amended ... 29007
282 Order ... 15715, 19856
Removed ... 28467
284 Authority citation revised ... 28467
Rehearing denied ... 29659
Rehearing granted in part ... 39630
284.8 (f) added; interim ... 30352
(f) addition eff. 9–15–87 ... 35539
(f)(6) amended ... 35540
Rehearing granted ... 36919
Seminars ... 37284
Response time extended ... 39507
(f)(1)(ii), (2), (3), (4) introductory text, and (6) revised ... 39632
284.9 (f) added; interim ... 30353
(f) addition eff. 9–15–87 ... 35539
(f)(6) amended ... 35540
Rehearing granted ... 36919
Seminars ... 37284
Response time extended ... 39507
(f)(1)(ii), (2), (3), (4) introductory text, and (6) revised ... 39632
284.10 Suspended ... 27799
Suspension removed; heading and (a) revised; (c) and (d) removed; (e) and (f) redesignated as (c) and (d); new (c) heading, (2), and (3)(ii), and (d) (1) and (2) revised; interim (effective date pending) ... 30354
Rehearing granted ... 31029, 36919
Suspension removal and amendments at 52 FR 30354 eff. 11–1–87 ... 35540
Seminars ... 37284
Response time extended ... 39507
Suspension removal eff. 1–1–88 ... 39633
284.224 (e)(3) removed; (e) (4), (5), and (6) redesignated as (e) (3), (4), and (5) ... 28467
284.225 Revised ... 21678
284.226 Revised ... 21679
292 Authority citation revised ... 28467
292.203 (b) revised ... 28467
292.205 (c) removed; (d) redesignated as (c) and revised ... 28467
292.501—292.503 (Subpart E) Removed ... 28467
300.1 (a) revised ... 20709
300.14 Added ... 20709
300.21 (c)(2) revised ... 20709

Page

375 Authority citation revised ... 18562, 21292
375.306 (j) added ... 21292
Clarification ... 23650
Technical correction ... 24153
Petitions granted ... 28463
Rehearing granted in part ... 36013
375.307 (a)(18) added ... 18562
(w) added ... 21292
Clarification ... 23650
Technical correction ... 24153
Petitons granted ... 28463
(l) removed; (m) through (w) redesignated as (l) through (v) ... 28467
Rehearing granted in part ... 36013
375.308 (v) added ... 21292
Clarification ... 23650
Technical correction ... 24153
Petitons granted ... 28463
Rehearing granted in part ... 36013
381 Authority citation revised ... 10367, 28467
381.201 Amended ... 10367
381.202 Amended ... 10367
381.204 Amended ... 10367
381.205 Amended ... 10367
381.207 (b) amended ... 10367
381.208 Amended ... 10367
381.209 (b) amended ... 10367
381.302 (a) amended ... 10367
381.303 (a) amended ... 10367
381.304 (a) amended ... 10367
381.401 Amended ... 10367
Revised ... 28467
381.402 Amended ... 10367
381.403 Amended ... 10367
381.405 Amended ... 10367
381.505 Amended ... 10367
381.506 Amended ... 10367
381.507 Amended ... 10367
381.508 Amended ... 10367
381.509 Amended ... 10367
381.510 Amended ... 10367
382 Added ... 21292
Clarification ... 23650
Technical correction ... 24153
Petitions granted ... 28463
Rehearing granted in part ... 36013
382.102 (a) and (o) revised ... 36022
382.106 (a) revised ... 36022
382.202 Revised ... 36022
385 Authority citation revised ... 28467, 35909

TITLE 18 Chapter I—Con. Page

385.401—385.411 (Subpart D) Petitions for rehearing granted....16844
385.402 (a) revised....35909
385.403 (b) revised....35909
385.408 (a) and (b)(3) revised....35909
385.410 (c)(6) revised....35910
385.1101 (a) revised....28467
389.101 (b) table amended (OMB numbers)....18228, 24994, 31990, 37931
Rehearing granted....30659
Rehearing denied....39907

Chapter III—Delaware River Basin Commission

401 Authority citation revised....37602
401.91—401.109 (Subpart G) Redesignated as 401.101—401.119 (Subpart H)....37602
401.91—401.119 (Subpart G) Added....37602
401.111—401.114 (Subpart H) Redesignated as 401.121—401.124 (Subpart I)....37602
401.101—401.119 (Subpart H) Redesignated from 401.91—401.109 (Subpart G)....37602
401.121—401.124 (Subpart I) Redesignated from 401.111—401.114 (Subpart H)....37602
410 Water Code amended....16239
Water Code corrected....17888

Chapter XIII—Tennessee Valley Authority

1301.1—1301.4 (Subpart A) Authority citation revised....17939
1301.2 Revised....17939
1310 Authority citation revised....25592
1310.2 (c) added....25592
1310.3 (d) redesignated as (e); new (d) added....25592

Title 18—*Proposed Rules:*

2....20314, 23183, 33756, 33765
3....24027
4....10898, 19889, 21576, 23557, 25246, 38460
11....10898, 19889
12....23557, 25246
16....28159
37....37326
141....28159
154....20828, 25530, 28159, 35117
157....18703, 20192, 25530, 28159, 35117
161....21578, 37801
250....21578, 37801
260....25530, 35117
271....15731, 18577, 18578
282....20828
284....18703, 20192, 25530, 33756, 33765, 35117
292....15732, 38460
375....10898, 19889, 20828, 38460
380....20314, 23183
381....20828, 24027
385....29216
388....24027
401....24307
410....32024
1301....10772, 32573, 34343
1310....19734

TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury

4.41 (a) amended....20066
4.98 (j) addition comment time extended....20593
6.3a (a) introductory text, (1), and (2) revised....24292
6.7 (b)(3)(ii) amended....20066
(b)(3)(ii) corrected....26142
6.12 (g) amended....20066
6.16 Amended....20066
10.6 Revised....20066
10.9 (g) and (h) removed; (i) through (l) redesignated as (g) through (j)....20066
10.10 Section and footnote 8 removed....20066
10.18 Revised....24445
10.19 Removed....24445
10.20 Removed....24445
10.35 (b) and (d) removed; (c) redesignated as (b)....20066
10.50 Section and footnote 45 removed....20066
10.53 (a) and (b) and footnotes 48 and 50 removed; (c) through (i) redesignated as (a) through (g); new (b), (c), and (e)(6) amended....20066

Page

10.54 (b) and footnote 51 and (a) designation removed....20066
10.56 (f) amended....20066
10.58 (a) removed; footnote 55 removed....20066
10.64a Removed....20066
10.66 (a)(2) and footnotes 61 and 62 removed; (a) (3) and (4) redesignated as (a) (2) and (3); (b) amended....20066
10.70 (a) and footnotes 64 and 65 removed; (b) and (c) redesignated as (a) and (b); heading revised; new (a) amended....20066
10.71 (f) amended....20066
(f) corrected....26142
10.72 Section and footnote 66 removed....20067
10.73 Section and footnote 67 removed....20067
10.74 Section revised; footnote 68 removed....20067
10.78 (a) revised....20067
10.79 Removed....20067
10.81 (b) amended....20067
10.82 Removed....20067
10.83 (a) revised....20067
10.90 (a), (b), and (d) and footnote 81 removed; (c), (e), (f), and (g) redesignated as (a), (b), (c), and (d); new (d) amended....20067
10.98 (e) amended....20067
10.101 (b) and (c) heading and text amended....20067
10.106 Section and note removed....20067
10.108 (b) and footnote 100 removed; (a) designation removed....20067
10.110 Section and footnote 103 removed....20067
12.39 (d) added....39221
12.104 Notice of import restrictions....34614
18.2 (a)(2)(ii) and (c)(1) amended....20067
18.13 (b) revised....20067
19.16 Removed....20067
24 IRS interest rate....10561
24.24 (b)(1) table, (c)(6)(i), and (e)(3)(ii) corrected....10970
Addition comment time extended....20593
(b)(1) table revised; interim....26297
54.5 (a) amended....20067
54.6 (a) revised; (d) and footnote 1 amended....20067
101.3 (b) table amended....15496, 22300, 35063, 36758
101.4 (c) table amended....35063, 36758
101.5 Revised....16374
Effective date note corrected....18322
113.64 (e) added....37135
Technical correction....38042
123.4 (b) amended....20068
(b) corrected....26142
123.52 (e) and (f) amended....20068
123.64 (b), (c), and (d)(2) amended....20068
123.65 (d)(2) amended....20068
127 Authority citation revised....15497
127.22 Revised....15497
133.42 (c) corrected....10668
141.11 (a)(4) amended; (a)(5) removed....20068
141.61 (a)(2), (e)(1)(i)(A), and (f)(1)(iv) and (2)(i) amended....20068
141.63 (c) added....24155
141.68 (h) amended....20068
(h) corrected....26142
141.88 Revised....24445
141.111 (b)(1) and (c) removed....20068
143.23 Introductory text amended....20068
Introductory text corrected....26142
143.24 Heading and text amended....20068
Heading and text corrected....26142
143.25 Amended....20068
Corrected....26142
144.42 (b) (1), (2), and (3) amended....20068
145.4 (c) amended....20068
(c) corrected....26142
145.12 (b)(1), (c), and (e)(1) amended....20068
(b)(1), (c) and (e)(1) corrected....26142
146.22 (e) corrected....10970
(e) addition comment time extended....20593
148.13 (d) revised....24445
148.24 (a) amended....24445
148.101 Introductory text, *Example 1* text, and *Example 2* text corrected; *Example 1*

CHANGES APRIL 1 THROUGH OCTOBER 30, 1987

TITLE 19 Chapter I—Con. Page

table and *Example 2* table correctly revised....12149
Amended; Examples 1 and 2 footnotes amended....24446
152.1 (a) and (b) removed; (c) amended; (d) added....24446
152.20 Removed....24446
152.21 Removed....24446
152.22 Removed....24446
152.23 Amended....24446
152.24 Removed....24446
152.31—152.43 (Subpart D) Removed....24446
172.2 Revised....12151
172.12 (b) revised....12152
172.23 Amended....12152
172.33 (a)(1) and (c)(2)(ii) revised....12152
175 Petition denial contested....37442
Interpretative rule....37443
Petition denial contest and interpretative rule corrected....38835
177 Interpretative rule....11216
177.9 (b)(3) amended....24446
178.2 Table amendment (OMB numbers) comment time extended....20593

Chapter III—International Trade Administration, Department of Commerce

353.24 Added....30662
355.8 Added....30662

Title 19—*Proposed Rules:*

4....24169
6....36788
7....26154
19....41734
101....13473, 17770, 32025
111....10774
112....41734
113....35274, 37044
127....12000
141....36279
146....41734
175....15512
177....36279, 36789, 39662
201....21317
353....25246
354....25246
355....25246

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Office of Workers' Compensation Programs, Department of Labor

Page

10.1 Revised; eff. 6-1-87....10503
10.2 (b) revised; eff. 6-1-87....10503
10.3 (i) added; eff. 6-1-87....10503
10.4 Revised; eff. 6-1-87....10503
10.5 (a)(6), (11) (iv) through (xx), (12) and (14) through (20) and (b) revised; (a) (21) through (26) added; (c) and (d) removed; eff. 6-1-87....10503
10.10 Revised; eff. 6-1-87....10504
10.11 Revised; eff. 6-1-87....10505
10.12 Added; eff. 6-1-87....10505
10.20 (b) table amended; eff. 6-1-87....10505
10.23 Revised; eff. 6-1-87....10505
10.100 Revised; eff. 6-1-87....10505
10.101 Redesignated as 10.103 and revised; new 10.101 redesignated from 10.102 and revised; eff. 6-1-87....10506
10.102 Redesignated as 10.101 and revised; new 10.102 redesignated from 10.103 and revised; eff. 6-1-87....10506
10.103 Redesignated as 10.102 and revised; new 10.103 redesignated from 10.101 and revised; eff. 6-1-87....10506
10.104 Added; eff. 6-1-87....10506
10.105 (a) revised; (e) added; eff. 6-1-87....10507
10.106 Revised; OMB number; eff. 6-1-87....10507
10.107 Revised; eff. 6-1-87....10507
10.109 Revised; eff. 6-1-87....10507
10.110 Redesignated as 10.125 and revised; new 10.110 added; eff. 6-1-87....10508
10.111 Revised; eff. 6-1-87....10508
10.120 Revised; eff. 6-1-87....10508
10.121 Revised; eff. 6-1-87....10509
10.122 Revised; OMB number; eff. 6-1-87....10509
10.123 Redesignated as 10.124 and revised; eff. 6-1-87....10509
Added; eff. 6-1-87....10510
10.124 Redesignated as 10.126 and revised; new 10.124 redesignated from 10.123 and revised; eff. 6-1-87....10509
10.125 Redesignated from 10.110 and revised; eff. 6-1-87....10508
10.126 Redesignated from 10.124 and revised; eff. 6-1-87....10509
10.127 Added; eff. 6-1-87....10510
10.128 Added; eff. 6-1-87....10511
10.130 Revised; eff. 6-1-87....10511
10.131 Revised; eff. 6-1-87....10511
10.132 Revised; eff. 6-1-87....10511
10.133 (a) revised; eff. 6-1-87....10512
10.134 Redesignated as 10.136 and revised; eff. 6-1-87....10512
Added; eff. 6-1-87....10513
10.135 Redesignated as 10.137 and revised; new 10.135 added; eff. 6-1-87....10512
10.136 Redesignated as 10.138 and revised; new 10.136 redesignated from 10.134 and revised; eff. 6-1-87....10512
10.137 Redesignated as 10.139; new 10.137 redesignated from 10.135 and revised; eff. 6-1-87....10512
10.138 Redesignated from 10.136 and revised; eff. 6-1-87....10512
10.139 Redesignated from 10.137; eff. 6-1-87....10512
10.140 Revised; eff. 6-1-87....10513
10.141 Revised; eff. 6-1-87....10513
10.144 Revised; eff. 6-1-87....10513
10.145 (c) introductory text, (d), (g), (h) and (i) revised; OMB number; eff. 6-1-87....10513
10.160—10.166 Undesignated center heading added; eff. 6-1-87....10514
10.160—10.164 Added; eff. 6-1-87....10514
10.165 Added; eff. 6-1-87....10515
10.166 Added; eff. 6-1-87....10515
10.200 Revised; eff. 6-1-87....10515
10.201 Revised; eff. 6-1-87....10515
10.202 Redesignated as 10.203 and revised; eff. 6-1-87....10515
Redesignated from 10.210 and revised; eff. 6-1-87....10516
10.203 Removed; new 10.203 redesignated from 10.202 and revised; eff. 6-1-87....10515
10.204 Revised; eff. 6-1-87....10516
10.205 Revised; eff. 6-1-87....10516
10.206 (a) revised; eff. 6-1-87....10517
10.207 Revised; OMB number; eff. 6-1-87....10517
10.208 Revised; eff. 6-1-87....10517
10.209 Revised; eff. 6-1-87....10518
10.210 Redesignated as 10.202 and revised; eff. 6-1-87....10516
10.301 (a) revised; eff. 6-1-87....10518
10.302 Revised; eff. 6-1-87....10518
10.303 Revised; eff. 6-1-87....10518
10.304 Revised; eff. 6-1-87....10519
10.305 Redesignated as 10.306 and revised; new 10.305 added; eff. 6-1-87....10519
10.306 Redesignated as 10.307; new 10.306 redesignated from 10.305 and revised; eff. 6-1-87....10519
10.307 Redesignated from 10.306; eff. 6-1-87....10519
10.310 Revised; eff. 6-1-87....10519
10.311 (b) and (c) revised; eff. 6-1-87....10520
10.313 (a) revised; (c) added; eff. 6-1-87....10520
10.314 Revised; eff. 6-1-87....10520
10.320—10.324 Undesignated center heading added; eff. 6-1-87....10520
10.320 Added; eff. 6-1-87....10520
10.321 Added; eff. 6-1-87....10521
10.322 Added; eff. 6-1-87....10521
10.323 Added; eff. 6-1-87....10522
10.324 Added; eff. 6-1-87....10522
10.400 (e) revised; eff. 6-1-87....10522
10.413 Added; eff. 6-1-87....10522
10.452 (a) revised; eff. 6-1-87....10522
10.500 Revised; eff. 6-1-87....10522
10.503 Introductory text, (b), (c) and (d) revised; eff. 6-1-87....10522
10.506 Added; eff. 6-1-87....10523
10.507 Added; eff. 6-1-87....10523
10.600—10.624 (Subpart H) Added; eff. 6-1-87....10523

Chapter II—Railroad Retirement Board

200 (Subchapter A) Heading revised....11010
200 Heading and authority citation revised....11010

CHANGES APRIL 1 THROUGH OCTOBER 30, 1987

TITLE 20 Chapter II—Con. Page

Authority citation revised; section authority citations removed....41559
200.1 Redesignated as 200.2; new 200.1 added....11010
200.2 Redesignated as 200.3; new 200.2 redesignated from 200.1....11010
200.3 Redesignated as 200.4; new 200.3 redesignated from 200.2....11010
Revised....11011
200.4 Redesignated as 200.5; new 200.4 redesignated from 200.3....11010
(g) revised....13820
200.5 Redesignated as 200.6; new 200.5 redesignated from 200.4....11010
200.6 Redesignated as 200.7; new 200.6 redesignated from 200.5....11010
200.7 Redesignated from 200.6....11010
Revised....41559
209.2 OMB number....11016
210.7 OMB number....11016
216.7 OMB number....11016
216.9 OMB number....11017
216.21 OMB number....11017
216.31 OMB number....11017
216.47 OMB number....11017
216.71 OMB number....11017
217.3 OMB number....11017
217.5 OMB number....11017
217.10 OMB number....11017
230.3 OMB number....11017
234.10 OMB number....11017
234.30 OMB number....11017
260.5 OMB number....11017
260.9 OMB number....11017
266.12 OMB number....11017
320.39 OMB number....11017
322.4 OMB number....11017
325.12 OMB number....11017
325.13 OMB number....11017
330.4 OMB number....11017
335.102 OMB number....11017
335.103 OMB number....11018
335.104 OMB number....11018
335.202 OMB number....11018
341.4 OMB number....11018
345.4 OMB number....11018
345.5 OMB number....11018
345.6 OMB number....11018
345.8 OMB number....11018
359 (Subchapter E and Part) Added; interim; effective in part to 8-12-87....19133

Chapter III—Social Security Administration, Department of Health and Human Services

401 Authority citation removed....27540
401.100—401.125 (Subpart A) Authority citation added....27540
401.200—401.220 (Subpart B) Authority citation added....27540
401.300—401.350 (Subpart C) Authority citation added....27540
401.400—401.420 (Subpart D) Authority citation added....27540
401.500.401.510 (Subpart E) Authority citation added....27540
401.600—401.604 (Subpart F) Authority citation added....27540
404 Technical correction....38835
404.1—404.3 (Subpart A) Authority citation revised; section authority citations removed....27540
404.101—404.146 (Subpart B) Authority citation revised....27540
404.201—404.290 (Subpart C) Authority citation revised; section authority citations removed....27540
404.301—404.395 (Subpart D) Authority citation revised; section authority citations removed....19136, 27540
Authority citation revised....26955
404.305 (b) revised....19136
(b) corrected....21410
404.362 (b)(2) amended....37604
404.366 Introductory text and (b) introductory text revised....26955
404.401—404.468 (Subpart E) Authority citation revised; section authority citations removed....26145, 27540
404.417 (b) revised....26145
404.460 (d) added....26145
404.501—404.515 (Subpart F) Authority citation revised; section authority citations removed....27540

Page

404.601—404.641 (Subpart G) Authority citation revised; section authority citations removed....27540
404.701—404.780 (Subpart H) Authority citation revised; section authority citations removed....27540
404.801—404.831 (Subpart I) Authority citation revised; section authority citations removed....27540
404.900—404.999d (Subpart J) Authority citation revised; section authority citations removed....27540
404.965 Removed....17286
404.1001—404.1096 (Subpart K) Authority citation revised; section authority citations removed....27541
Section authority citations removed....29662
Authority citation correctly revised....39635
404.1043 Revised....29662
404.1055 Revised....29662
404.1059 (g) revised....29662
404.1060 (a) and (e) revised....29662
404.1201—404.1290 (Subpart M) Authority citation revised; section authority citations removed....27541
404.1301—404.1371 (Subpart N) Authority citation revised....27541
Authority citation corrected....33316
404.1341 (a) and (c) revised; (d) added....29663
404.1401—404.1413 (Subpart O) Authority citation revised....27541
404.1501—404.1599 (Subpart P) Authority citation revised; section authority citations removed....27541
404.1503 (e) added....33926
404.1526 (b) amended; (c) revised....33926
404.1546 Amended....33926
404.1599 (e) amended....37605
404.1601—404.1694 (Subpart Q) Authority citation revised....27541
404.1615 Revised....33926
404.1616 Added....33927
404.1617 Added....33927
404.1700—404.1799 (Subpart R) Authority citation revised....27541

Page

404.1800—404.1825 (Subpart S) Authority citation revised....27541
404.1901—404.1930 (Subpart T) Authority citation revised....27541
404.2001—404.2065 (Subpart U) Authority citation revised; section authority citations removed....27541
404.2101—404.2127 (Subpart V) Authority citation revised....27541
416.101—416.121 (Subpart A) Authority citation revised; section authority citations removed....27541
416.200—416.269 (Subpart B) Authority citation revised; section authority citations removed....27541
416.250 (e) amended....37605
416.301—416.360 (Subpart C) Authority citation revised....27541
416.401—416.435 (Subpart D) Authority citation revised....27541
416.501—416.570 (Subpart E) Authority citation revised....27541
416.601—416.665 (Subpart F) Authority citation revised....27541
416.701—416.732 (Subpart G) Authority citation revised....27541
Authority citation corrected....31477
416.801—416.806 (Subpart H) Authority citation revised....27541
416.901—416.998 (Subpart I) Authority citation revised; section authority citations removed....27541
416.903 (e) added....33927
416.926 (b) amended; (c) revised....33928
416.946 Amended....33928
416.1001—416.1094 (Subpart J) Authority citation revised....27541
416.1015 Revised....33928
416.1016 Added....33928
416.1017 Added....33928
416.1100—416.1182 (Subpart K) Authority citation revised; section authority citations removed....27541
416.1201—416.1266 (Subpart L) Authority citation revised; section authority citations removed....27541, 29841
Authority citation revised....31762

TITLE 20 Chapter III—Con. Page

416.1201 (c)(1) correctly revised....16845
416.1202 (a) and (b) revised....29841
(a) corrected....32240
416.1240 Revised....31762
Technical correction....35187
416.1260 (a)(2) revised....29841
416.1321—416.1338 (Subpart M) Authority citation revised; section authority citations removed....27541
416.1400—416.1499 (Subpart N) Authority citation revised; section authority citations removed....27541
416.1465 Removed....17286
416.1500—416.1599 (Subpart O) Authority citation revised....27541
416.1600—416.1618 (Subpart P) Authority citation revised....21943, 27541
416.1615 (a) (2) and (3) revised; (a)(4) added....21943
416.1618 Revised....21943
(b) introductory text correctly revised....34773
(b) introductory text corrected....35836
416.1701—416.1725 (Subpart Q) Authority citation revised....27541
416.1801—416.1881 (Subpart R) Authority citation revised....27542
416.1901—416.1922 (Subpart S) Authority citation revised....27542
416.2001—416.2098 (Subpart T) Authority citation revised; section authority citations removed....27542
416.2095 Revised....36241
416.2096 Revised....36241
416.2097 Redesignated as 416.2098; new 416.2097 added....36242
416.2098 Redesignated as 416.2099; new 416.2098 redesignated from 416.2097....36242
Revised....36243
416.2099 Redesignated from 416.2098....36242
Revised....36244
416.2101—416.2119 (Subpart U) Authority citation revised....27542
416.2201—416.2227 (Subpart V) Authority citation revised....27542

Chapter V—Employment and Training Administration, Department of Labor

Page

602 Added....33528
602.41 Corrected....34343
654.400—654.417 (Subpart E) Authority citation revised....20506
654.403 Revised; interim....20506
655 Authority citation revised; subpart and section authority citations removed....20507
655.0 (a) amended; (b) and (c) removed; (d) and (e) redesignated as (b) and (c); interim....20507
655.00 Amended; interim....20507
655.000 (a) amended; interim....20507
655.1 (a) designation and (b) removed; interim....20507
655.90—655.113 (Subpart B) Revised; interim....20507
655.200—655.212 (Subpart C) Heading revised; interim....20524
655.200 (a) and (b) redesignated as (b) and (c); new (a) added; interim....20524
655.202 (b)(9)(ii) revised....11466
655.207 (c) and (d) removed; (e) redesignated as (c)....11466
656 Authority citation revised; section authority citations removed....11218, 20596
656.10 Schedule A amended....20596
656.22 (c)(2) removed; (c)(3) redesignated as new (c)(2)....20596
656.26 (c) amended; (d) through (h) removed; heading and (a) introductory text revised....11218
656.27 Revised....11218
656.27a Removed....11219
656.50 Amended....11219, 20596
656.61 Removed....20596

Chapter VII—Benefits Review Board, Department of Labor

801 Revised....27290
801.2 (a)(2) corrected....28640
802 Revised....27292

Title 20—*Proposed Rules:*

61....20536, 27417
62....20536, 27417

Page

200....10384, 27997
320....30383
340....30383
355....36790
404....13014, 19169, 37161, 38466
410....19169
416....13014, 19169, 30169, 34813, 37625, 38466
606....41463
615....10774
617....39586
626....23681, 26121
627....23681, 26121
628....23681, 26121
629....23681, 26121
630....23681, 26121
631....23681, 26121
654....16770
655....16770
725....26352
802....27300

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health and Human Services

2.125 (e)(11) added....15717
5.80 (b)(1) and (c) introductory text revised; (d) added....37764
5.86 Revised....29664
5.87 Revised....29664
5.93 Added....10881
10.40 (h) revised....36401
10.95 (d)(8) revised....35064
58 Authority citation revised....33779
Technical correction....36863
58.1 Existing text designated as (a); (b) added....33779
58.3 Nomenclature change; (c), (d), and (e)(8) revised; (e)(12) removed; (e) (17) and (18) amended; (o) and (p) added....33779
58.31 (b) revised....33780
58.35 (a) and (b) introductory text, (1), and (3) revised; (e) removed; OMB number....33780
58.41 Revised....33780
58.43 (c) amended; (e) removed....33780
58.45 Amended....33780
58.49 Revised....33780
58.53 Removed....33780
58.61 Revised....33780
58.63 (b) revised; OMB number....33780

Page

58.81 (c) amended....33780
58.90 (b) and (c) revised; OMB number....33780
58.105 (a) amended; (b) revised; OMB number....33781
58.113 (a)(2) revised....33781
58.120 (a) revised; OMB number....33781
58.130 (d) and (e) revised; OMB number....33781
58.185 (b) revised....33781
58.190 (a) and (e) revised; OMB number....33781
58.195 (c) revised; (g) redesignated as (h); new (g) added....33781
58.204 (b) amended....33782
58.213 (b) amended....33782
58.219 Amended....33782
73.1496 (a)(1), (b), and (c) revised....29665
Technical correction....32644
74.102 Eff. 7-31-87....28553
74.706 Addition effective date confirmed; (a)(1) revised....21508
(a)(1) revision effective date confirmed....31990
74.1102 Eff. 7-31-87....28553
74.1309 (a)(1) revised....21305
Technical correction....24583
Effective date confirmed....28552
74.1706 Addition effective date confirmed; (c)(2) revised....21508
74.2706 Addition effective date confirmed....21506
74.3045 (c)(1) introductory text and (i) revised....15945
Effective date confirmed....27542
74.3602 Added....19722
74.3710 Added....28690
81.1 (a) and (b) tables amended....10882
(b) table amended....15946, 21305, 25209, 33574
(a) table amendment effective date confirmed; (a) table amended....21509
Technical correction....24583
81.27 (d) introductory text table amended....10882, 15946, 21306, 25209, 33574
(d) introductory text table amendment effective date confirmed; (d) introductory text table amended....21509
Technical correction....24583

CHANGES APRIL 1 THROUGH OCTOBER 30, 1987

TITLE 21 Chapter I—Con. Page

82.102 Eff. 7-31-87....28553
82.706 Revised....21509
101.9 (c)(3) amended....28691
131 Stay terminated....29509
Technical correction....31123
172.210 (b)(4) table amended....18911
172.859 (a) amended....10883
173.357 (a)(2) table amended....39512
175.105 (c)(5) table amended....10884, 12380, 27800, 29180
(c)(5) table corrected....19857
176.170 (a)(5) table amended...17553, 29667
(b)(2) table amended....19724
177 Authority citation revised....33803, 39635
177.1040 (c) table amended....33803
177.1390 Heading revised....33575
177.1395 Added....33575
Technical correction....36863
177.1430 Revised....11641
177.1500 (a)(12) added; (b) table amended....26667
Technical correction....28067
(a)(4) revised; (b) table amended....33575
(a)(13) and (c)(5) added; (b) table amended....39635
177.1520 (b) table amended....23804
177.1555 Added....35540
177.1630 (e)(4)(i) amended....32917
177.1660 (c)(1) amended....20069
177.2550 (a) revised....29668
177.2600 (c)(4)(iii) amended....35910
178.1005 (d) revised....26146
178.1010 (b)(34) and (c)(29) added....29842
(c)(29) corrected....34047
178.2010 (b) table amended....20070, 22301, 33930, 35541, 35911, 37446
Technical correction....24090
(b) table corrected....26764
(b) table amended....30150
178.3295 Table amended....30920
182.8245 Removed....25211
184.1245 Added....25211
184.1287 Added....25976
184.1639 Added....10886
184.1768 Added....10886
193.98 Added....29009
(b) corrected....31846
193.137 Existing text designated as (a); (b) added....17941
193.142 Heading and text nomenclature change....32293
193.253 Table amended....10562
193.277 (d) added....41418
193.410 Revised....27543
193.430 Heading and text nomenclature change....32293
193.472 Added....10563
193.473 Added....17942
Technical correction....23137, 23916, 34903
193.476 Added....39222
201.20 (a) revised; (c) added....21509
201.21 Effective date deferred in part....12152
310 Authority citation revised....30055, 37936
310.201 (a)(6) removed; eff. 5-2-88....15892
(a)(14) removed; eff. 8-12-88....30055
Technical correction....34047
310.305 (b)(4) revised; (c)(1) redesignated as (c)(1)(i); (c)(1)(ii) added....37936
312.7 Heading and (d) revised; OMB number....19476
Technical correction....23628
312.10 OMB number....23031
312.23 OMB number....23031
312.30 OMB number....23031
312.31 OMB number....23031
312.32 OMB number....23031
312.33 OMB number....23031
312.34 Text added....19476
Technical correction....23628
312.35 Added....19477
Technical correction....23628
312.36 OMB number....23031
312.38 OMB number....23031
312.41 OMB number....23031
312.42 (b)(3) added....19477
Technical correction....23628
312.44 OMB number....23031
312.45 OMB number....23031
312.47 OMB number....23031
312.53 OMB number....23031
312.55 OMB number....23031
312.56 OMB number....23031
312.57 OMB number....23031
312.59 OMB number....23031
312.62 OMB number....23031
312.64 OMB number....23031
312.66 OMB number....23031
312.70 OMB number....23031
312.110 OMB number....23031
312.120 OMB number....23031
312.140 OMB number....23031

CHANGES APRIL 1 THROUGH OCTOBER 30, 1987

Page

312.160 OMB number....23031
314.80 (a), (c) introductory text, (1), and (2)(ii)(b), (d)(2), and (f) (1), (3), and (4) amended; (c)(2)(iii) and (e) revised....37936
331 Petition denied....33576
336 Added; eff. 5-2-88....15892
341 Authority citation revised....30055
Technical correction....34047
341.3 (b) and (c) added; eff. 8-12-88....30055
341.14 Added; eff. 8-12-88....30055
341.74 Added; eff. 8-12-88....30055
(c)(2) corrected....35610
341.76 Technical correction....12521
341.90 (b) and (c) added; eff. 8-12-88....30057
369 Authority citation revised....30057
369.20 Amended; eff. 5-2-88....15893
Amended; eff. 8-12-88....30057
Technical correction....34047
369.21 Amended; eff. 5-2-88....15893
Amended; eff. 8-12-88....30057
Technical correction....34047
436.542 (c) amended....35912
442.27 (a)(1) amended....35912
442.53a (b)(1)(iv)(a) revised....35912
442.127a (a)(1) amended....20710
444.542i Removed....35912
510 Authority citation revised....25976
510.600 Technical correction...10668, 18495, 23397
(c) (1) and (2) tables amended....11041, 11988, 12153, 18691, 19501, 20385, 20597, 25212, 25976, 27801, 32540, 32917, 36022, 36023, 39912, 41295
520 Technical correction...10668, 18495
Heading corrected....28067
520.314 (a) revised....11989
520.580 (b)(1) revised....39512
520.680 Removed....25213
520.680a Removed....25213
520.680b Removed....25213
Correctly designated....27108
520.1193 Added....11042
520.1195 Added....34637
520.1242a (f)(2)(i) amended....20598
520.1448a (b) removed....27197
(d)(4)(iii) amended....30151
520.1540 Removed....20597
520.1720a (b)(5) removed....36023
520.2041 Added....37937
520.2455 Revised....15718
522 Technical correction...10668, 18495
522.56 Added....11816
(a) corrected....15412
522.540 (b)(2)(ii) and (c)(2) amended....25212
(e)(2) amended....36023
522.1081 (a)(2)(i) amended....25212
522.1183 (e)(1) revised....18691
(e)(1) amended....36023
522.1258 (b) amended....25212
522.1660 (c)(1) (i) and (ii) amended....19502
522.1662a (i)(2) amended....36023
522.1680 (b) revised....18691
(b) amended....25212, 36023
522.1704 (b)(2) amended....25212
522.1720 (b)(2) amended...25212, 36023
522.1881 Added....23032
522.1884 (c) amended....25212
522.2476 Added....24995
524 Technical correction...10668, 18495
524.1240 Added....10887
524.1580b (b) amended....18691
524.1580d (b) revised....18691
(b) amended....36023
529.1044a Technical correction....10668, 18495
529.1044b Technical correction....10668, 18495
540.274b (c)(3)(ii) amended; (c)(5) added....32917
540.874a (c)(3)(i) and (4)(i) amended....36023
544.110 Removed....22438
556.210 Removed....25213
556.420 (b) revised....15718
556.500 (d) revised....24293
556.710 Revised....27683
556.739 Added....24995
558.4 (d) table amended....25213, 26956, 39912
558.45 Removed....39912
558.195 (d) table amended....38924
558.240 Removed....25213
558.274 (c)(1) table amended; (a)(7) revised....29010
558.311 (d)(5) (i) and (ii) and (e) table amended....16240

CHANGES APRIL 1 THROUGH OCTOBER 30, 1987

TITLE 21 Chapter I—Con. Page

(b) revised; (e) introductory text and (1) through (11) redesignated as (e)(1) introductory text and (i) through (xi); (e)(2) added....24996
(b)(5) added; (e)(1) table amended....26299
(b)(3) amended; (e)(1) table amended....33804
(e)(2)(ii) correctly revised....33930
Technical correction....35518
558.325 (a)(1)(iv) added....28470
558.342 (c)(3) added....33804
Technical correction....35518
558.355 (f)(1)(xiii)(*b*) and (xxi)(*b*) revised....13641
(b)(4) and (f)(2) added....15718
(b)(13) and (f)(3)(v) added....27197
558.360 (d)(3) amended....11642
558.415 (a) revised....36402
558.450 (d)(1) Table 3 amended....24293
(d)(1) Table 3 corrected....26401
558.525 (a)(1) removed....12521
558.526 Removed....12521
558.600 Added....26956
558.625 (b) (37) and (64) removed....11041
(b)(7) removed....11988
(b)(70) removed....12153
(b)(89) added....27801
558.630 (b)(10) amended....28470
561.96 Added....29009
561.99 Revised....27545
561.273 (a) table amended....12154
(d) added....41418
561.360 Revised....27543
561.400 Heading and text nomenclature change....32293
561.415 Heading and text nomenclature change....32293
561.425 Heading and text nomenclature change....32293
561.430 Table amended....27544
561.439 Added....10563
561.440 Added....17941
561.441 Added....17942
Technical correction....23137, 23916, 34903
561.442 Added....39222
573 Authority citation revised....10888
573.920 Revised....10888
(c)(1) corrected....21001
610 Authority citation revised....37450

Page
610.53 (c) table amended....37450
660.30—660.36 (Subpart D) Revised; effective in part 10–7–88....37450
660.102 Introductory text amended....39637
660.103 (f)(1) revised....39637
660.105 (a)(1) revised....39637
680.3 (e) and (f) added; OMB number....37607
680.4 Removed....37607
805 Added....27763
862 Added....16122
862.1385 (a) corrected....29468
864 Authority citation revised; section authority citations removed....17732
864.1 Revised....17732
864.3 Added....17732
864.5220 (c) added....17733
864.5680 (c) added....17733
864.7250 (c) added....17733
864.7300 (c) added....17733
864.9205 (c) added....17733
864.9245 (c) added....17733
866 Authority citation revised; section authority citations removed....17733
866.1 Revised....17733
866.3 Added....17733
(b) and (c) corrected....22577
866.2420 (c) added....17734
866.3290 (c) added....17734
866.3305 (c) added....17734
866.3510 (c) added....17734
866.6010 (c) added....17734
868 Authority citation revised; section authority citations removed....17734
868.1 Revised....17734
868.3 Added....17734
868.1120 (c) added....17735
(c) corrected....22577
868.1150 (c) added....17735
868.1170 (c) added....17735
868.1200 (c) added....17735
868.2450 (c) added....17735
868.2500 (c) added....17735
868.5400 (c) added....17735
868.5610 (c) added....17735
870 Authority citation revised; section authority citations removed....17735
870.1 Revised....17735
870.3 Added....17735

CHANGES APRIL 1 THROUGH OCTOBER 30, 1987

Page
870.1025 (c) added....17736
870.1350 (c) added....17736
870.1360 (c) added....17736
870.3300 (c) added....17736
870.3375 (c) added....17736
870.3450 (c) added....17736
870.3535 (c) added....17736
870.3545 (c) added....17736
870.3600 (c) added....17736
870.3610 (c) added....17736
870.3620 (c) added....17736
870.3680 (c) added....17736
870.3700 (c) added....17736
870.3710 (c) added....17736
870.3800 (c) added....17736
870.3850 (c) added....17736
870.3925 (c) added....17737
(c) revised; eff. 12–9–87....18163
(c) corrected....23137
870.4230 (c) added....17737
870.4260 (c) added....17737
870.4320 (c) added....17737
870.4350 (c) added....17737
870.4360 (c) added....17737
870.5200 (c) added....17737
870.5225 (c) added....17737
870.5300 (c) added....17737
870.5550 (c) added....17737
872 Added....30097
872.3680 (a) corrected....34456
874.9 Added....32111
874.1100 Correctly designated....18495
(b) revised....32111
874.3540 (b) revised....32111
874.4420 (b) revised....32111
874.5800 (b) revised....32111
876 Authority citation revised; section authority citations removed....17737
876.1 Revised....17737
(d) corrected....22577
876.3 Added....17737
876.3350 (c) added....17738
876.3630 (c) added....17738
876.3750 (c) added....17738
876.4480 (c) added....17738
876.5220 (c) added....17738
876.5270 (c) added....17738
876.5280 (c) added....17738
876.5540 (c) added....17738
876.5860 (c) added....17738
876.5870 (c) added....17738
876.5955 (c) added....17738

Page
880 Authority citation revised; section authority citations removed....17738
880.1 Revised....17738
880.3 Added....17738
880.5130 (c) added....17739
880.5760 (c) added....17739
882 Authority citation revised; section authority citations removed....17739
882.1 Revised....17739
882.3 Added....17739
882.1790 (c) added....17739
882.1825 (c) added....17740
882.5150 (c) added....17740
882.5800 (c) added....17740
882.5840 (c) added....17740
882.5850 (c) added....17740
882.5860 (c) added....17740
882.5940 (c) added....17740
882.5950 (c) added....17740
884 Authority citation revised; section authority citations removed....17740
884.1 Revised....17740
884.3 Added....17740
884.1060 (c) added....17741
884.1100 (c) added....17741
884.1185 (c) added....17741
884.2050 (c) added....17741
884.2620 (c) added....17741
884.2685 (c) added....17741
884.4100 (c) added....17741
884.4150 (c) added....17741
884.4250 (c) added....17741
884.4270 (c) added....17741
884.5050 (c) added....17741
884.5225 (c) added....17741
884.5380 (c) added....17741
(c) revised....36883
Technical correction....38171
884.5940 (c) added....17741
886 Added....33355
888 Added....33702
Technical correction....36863
890 Authority citation revised; section authority citations removed....17741
890.1 Revised....17741
890.3 Added....17741
890.3610 (c) added....17742
890.3890 (c) added....17742
(c) corrected....22577
890.5275 (c) added....17742
890.5290 (c) added....17742

TITLE 21 Chapter I—Con.

Page

890.5300 (c) added....17742
890.5525 (c) added....17742
890.5860 (c) added....17742
1240 Authority citation revised....29514
1240.61 Added....29514

Chapter II—Drug Enforcement Administration, Department of Justice

1301.11 (c) and (d) revised....20598
1301.12 Revised....20599
1301.22 (a)(10) revised....17287
1301.31 (c) revised; (d) added....20599
1306.22 Technical correction....13430
1308.11 (b) introductory text revised; (b) (1) through (48) redesignated as (b) (2) through (7), (9) and (10), (12) through (33), (35) through (40), (42) through (51), (53) and (54); new (b) (1), (8), (11), (34), (41), and (52) added; (g) (1), (2), (4), (6), (8), and (9) removed; (g) (3), (5), and (7) redesignated as (g) (1), (2), and (3)....20072
Technical correction....27198
(g) (4) through (6) added....38226
1308.12 (f)(2) added....11043
(f)(2) corrected....12285
1311.02 (d) revised....17288
1311.12 Revised....17288
1311.26 Revised....17288
1311.32 (d) revised; (e) and (f) redesignated as (f) and (g); new (e) added....17288
1311.42 (a), (b)(6) (i) and (iv) revised....17288
1311.44 (a) and (b) revised; (c) through (e) redesignated as (e) through (g); new (c) and (d) added; new (f) (1) and (2) and (g) (1) and (2) revised....17288
1311.47 Revised....17289
1311.53 Revised....17289
1311.61 Revised....17289
1312 Authority citation revised....17289
1312.11 (a) and (b) revised....17289
1312.12 (a) introductory text revised....17289
1312.13 (a)(1) revised; (b) through (e) redesignated as (d) through (g); new (b) and (c) added....17289

Page

1312.18 (a), (b), and (c)(2) revised....17290
1312.21 (a) and (b) revised....17290
1312.22 (a) revised....17290
1312.23 (b) through (d) redesignated as (d) through (f); new (b) and (c) added....17290
1312.27 (a), (b) (2) and (4) revised; (b)(5) added....17290
1312.28 (d) revised....17291
1312.30 Added....17291
1316.71—1316.81 (Subpart E) Authority citation revised....24446
1316.74 Amended....41418
1316.75 (b)(3) amended....24446

Title 21—*Proposed Rules:*

7....30171
101....28843
102....18921, 26690, 28067, 30387, 36046, 37715
103....18922, 26764
133....12556, 35426, 35435, 37715
146....19169
161....18921, 30387
165....18922, 26764
181....18923, 26764
182....13086, 18772
184....13086, 18772
186....13086, 18772
189....33952
193....31632, 32138, 35730, 38199, 38200
201....31892, 35610
291....37046
310....13107, 23184, 31892, 35610, 37802
312....12431
341....31892, 35610
352....33598
357....12114, 15732
369....31892, 35610
436....25252
452....25252
561....12193, 31632, 32138
862....16139
872....30107, 30120, 34047, 34343
880....19735
886....33366
888....33714
1240....22340
1301....11091
1308....30174, 30175, 41736, 41737

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Page

2a Added....12155
7.5 (b)(3), (g), (j), and (k) amended....41560
7.8 (b) amended....41560
7.9 Amended....41560
22 Authority citation revised....29515
22.6 Revised....29515
41.25 (b) amended....29375
41.91 (a)(9)(iii) and (10)(i) revised; interim....17943
(a)(9)(iii) and (10)(i) revised; final....29843
42.91 (a)(9)(iv) and (10)(ii) revised; interim....17943
(a)(9)(iv) and (10)(ii) revised; final....29843
43 Addition confirmed....17948
43.3 (b) amended....17949
51 Authority citation revised....29515
51.64 (e) added....29515
171 Authority citation revised; section authority citations removed....32123
171.6 Revised....32123
171.10 (d) through (k) added....32124
171.11 (a)(7) revised....32124
171.12 Revised....32124
171.13 Revised....32125
171.14 Added....32125
171.15 Added....32126

Chapter II—Agency for International Development, International Development Cooperation Agency

201 Authority citation revised....38405
201.11 (b)(4) amended....38405
212 Authority citation revised....11817
212.35 Revised; interim....11817
212.41 (g) revised; interim....11818
212.42 Added; interim....11819
224 Added; interim....13071
Removed; interim....20385

Chapter III—Peace Corps

307 Revised....30151
309 Added....15719

Chapter V—United States Information Agency

Page

526 Authority citation revised....37766
526.5 (c) and (d) revised; (e) through (i) added....37766

Title 22—*Proposed Rules:*

41....12001, 20725, 22628, 29542, 32026, 32095
42....29542, 32026, 32095
135....21820, 23627
137....39015
171....12936, 15513
208....39015
224....20413
302....36046
502....25384, 26156
503....26024
512....25030
513....39015
514....20097
526....22791
602....27998
603....27998
711....25124, 27902
1001....37626
1510....25124, 27902

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

230.204 Footnote 1 revised....36922
625.4 (b)(5) revised....36247
630.302 (h) through (j) redesignated as (i) through (k); new (h) added....31390
630.305 Revised....31390
633.101—633.104 (Subpart A) Revised....36920
635 Authority citation revised....36921
635.113 Revised....36921
635.126 Revised....36921
635.129 Added....36921
635.130 Added....36922
635.309 (d) amended; eff. 8–29–88....32669
640.107 (d) amended....32669
650.109 Removed; eff. 8–29–88....32669
650.801—650.809 (Subpart H) Added....28139

CHANGES APRIL 1 THROUGH OCTOBER 30, 1987

TITLE 23 Chapter I—Con. Page

658 Appendix A amended....35067
659 Authority citation revised....28693
659.11 Revised....28693
668.101—668.113 (Subpart A) Revised....21948
668.107 (b) corrected....32540
712.204 (c)(1) and (3) (ii) and (iii) amended....32669
(c)(3)(iii) amended; (c)(3)(iv) removed; eff. 8-29-88....32669
752.3 (e) added....34638
752.4 (a) and (b) revised; (e) added....34638
752.11 Revised....34638
771 Revised....32660
790 Removed; eff. 8-29-88....32669

Chapter III—National Highway Traffic Safety Administration, Department of Transportation

1309.4 (a)(2) revised; (a)(3), (b) introductory text and (6) amended....27615

Title 23—*Proposed Rules:*

650....11092, 20726
655....11502
1204....33422
1205....33422
1309....27616

TITLE 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

0 Revised....27113
14 Added....27126
15 Authority citation and heading revised....12160
15.1 (g), (h) and (i) added....12160
15.2 Revised....12160
15.72 Revised....12160
15.73 Revised....12160
15.74 Revised....12161
15.81 (Subpart I) Redesignated as 15.91 (Subpart J)....12161
15.81—15.86 (Subpart I) Added....12161
15.91 (Subpart J) Redesignated from 15.81 (Subpart I)....12161

Page

17.60—17.161 (Subpart C) Authority citation revised....35414
17.65 (a) and (b) introductory text and (1) revised....35414
20.10 Introductory text revised....27130
24 Revised; interim (effective date pending)....37116
25.9 (e) revised....15304

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

115 List of jurisdictions....15304
Determination....41419

Chapter II—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

200.163 (a)(2) revision eff. 8-1-87....28470
201 High-cost limits....11643, 17397, 28250, 32126, 34903, 37607
201.10 (f) introductory text removed; (f)(2) revised....33406
201.11 (c) revised....33406
201.18 Revised....33406
201.19 Added....33406
201.30 (a) revised....33407
201.32 (d)(3) added....33407
201.50 (a), (b) introductory text, (2), (3), and (4), and (c) revised....33407
201.54 (c) revised....33407
203 High-cost limits....11643, 17397, 28250, 32126, 34903, 37607
203.43 Amendments at 52 FR 4139 confirmed; effective date deferred....37286
203.43c (a) revision eff. 8-1-87....28470
203.43i Addition eff. 8-1-87....28470
203.46 Removed....32756
Technical correction....33680
203.439 Undesignated center heading and section addition eff. 8-1-87....28470
203.604 (b) revision eff. 8-1-87....28470

CHANGES APRIL 1 THROUGH OCTOBER 30, 1987

Page

203.641 (c) amended....37938
203.643 (c)(3) amended....37938
204.1 Amendment eff. 8-1-87....28470
204.400 Amended....37938
207.32a (a)(4) revised....31992
213.751 (b) amendment eff. 8-1-87....28470
213.800 Revision eff. 8-1-87....28470
215.1 Amended....34112
215.21 (a) and (c) revised; (b)(8) amended; (d) removed; (e) redesignated as (d)....34112
220.1 (a) amendment eff. 8-1-87....28470
220.251 (a) amendment eff. 8-1-87....28470
220.900 Revision eff. 8-1-87....28470
221 Authority citation revised....37289
221.1 (a) amendment eff. 8-1-87....28470
221.251 (a) amendment eff. 8-1-87....28470
221.544 (a)(4) removed; (a)(3) revised (effective date deferred)....37289
221.800 Revision eff. 8-1-87....28470
222.1 (a) amendment eff. 8-1-87....28470
222.251 (a) amendment eff. 8-1-87....28470
222.400 Revision eff. 8-1-87....28470
226.1 (a) amendment eff. 8-1-87....28470
226.251 (a) amendment eff. 8-1-87....28470
226.300 Revision eff. 8-1-87....28470
227.500 (b) amendment eff. 8-1-87....28470
227.751 (a) amendment eff. 8-1-87....28470
227.800 Revision eff. 8-1-87....28470
232.560 (a) revised....17751, 18228, 35068
234 High-cost limits....11643, 17397, 28250, 32126, 34903, 37607
Authority citation revised....37289
234.1 (d) and (k) revised; (o), (p) and (q) added....33807
234.26 Revised....33807
234.52 Addition at 52 FR 4140 confirmed; effective date deferred....37286
234.59 Removed....33808

Page

234.63 Revision eff. 8-1-87....28470
234.76 Removed....32756
Technical correction....33680
234.520 (a)(2)(iii) removed; (a)(2)(ii) revised (effective date deferred)....37289
235.1 (a) amendment eff. 8-1-87....28470
235.9 (a) revised....17752, 18229, 35068
235.201 (a) amendment eff. 8-1-87....28470
235.540 (a) revised....17752, 18229, 35068
236.2 Amended....34112
236.3 (a) and (c) revised; (b)(8) amended; (d) removed; (e) redesignated as (d)....34113
237.5 Revision eff. 8-1-87....28470
240.1 Amendment eff. 8-1-87....28470
240.400 Revision eff. 8-1-87....28470
243 Authority citation corrected....17949
243.1 (a) corrected....17949
251 Authority citation revised....37289
251.501 (a)(4) removed; (a) (2) and (3) revised (effective date deferred)....37289
255.107 (c) amended....16241
255.206 (a) revised....31992
255.405 Redesignated from 255.406....16241
255.406 Redesignated as 255.405....16241
255.706 (g) revised....16241
255.801 Amended....16241
255.820 Amended....16241
255.824 Amended....16241

Chapter III—Government National Mortgage Association, Department of Housing and Urban Development

390.7 (b) revision eff. 11-1-87....37608
390.27 (b) revision eff. 11-1-87....37608
390.43 (c) revision eff. 11-1-87....37608

TITLE 24—Con.

Chapter V—Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

Page
511.11 (f)(3)(iii)(B) corrected.....11598
511.32 Suspended.....11467
511.33 Heading and (b) revised.....25595
575 Added.....38869

Chapter VIII—Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Section 8 Housing Assistance Programs and Section 202 Direct Loan Program)

813.102 Amended.....34113
813.106 (a) and (c) revised; (b)(8) amended; (d) removed; (e) redesignated as (d).....34113
842 Authority citation corrected.....17949
842.1 (a) corrected.....17949
882.209 (m)(1) revised.....34114
882.408 (c)(1) revised.....19725
885.5 Amendment confirmed.....29011
885.210 Introductory text and (a) redesignation as (a) and (b) and new (a), (b) (9), (13) and (23)(i) revision confirmed.....29011
885.220 (d)(1) revision confirmed.....29011
885.412 Addition confirmed.....29011
885.416 (c) revision confirmed.....29011
888 Schedules B and D revised.....15632
Schedules B and D amended.....24387
Schedule A corrected.....24447
Schedule C revised.....34120
Schedule A amended.....34905, 37290

Chapter IX—Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development

905.311 (b) amended.....29361

Page
912 Authority citations revised.....34114
912.2 Revised.....34114
913.102 Amended.....34114
913.106 (a) and (c) revised; (b)(8) amended; (d) removed; (e) redesignated as (d).....34114
942 Authority citation corrected.....17949
942.1 (a) corrected.....17949
990.104 (a) amended.....29361
990.105 (a)(2) amended.....29361
990.108 (a) revised.....29361
990.109 (e)(1) amended.....29361
990.114 Removed.....29361

Chapter XX—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

3280.403 (e)(2) revised.....35543
3280.405 (e)(2) revised.....35543
3280.807 (g) added.....35543
3283.102 (c) and (d) revised.....11644

Title 24—*Proposed Rules:*

15.....35923
28.....38939
85.....21820, 23627
111.....21820, 23627
115.....29038
200.....11686, 21596, 21961
203.....21961
221.....21961
222.....21961
226.....21961
234.....21961
235.....21961
247.....16403, 23761
511.....21820, 23627, 30388
570.....21820, 23627, 37162
571.....21820, 23627
575.....21820, 23627
791.....30388
812.....30388
813.....30388
840.....39946
841.....39946
850.....21820, 23627
882.....30388
886.....16403, 23761
887.....30388
888.....24172, 32672
905.....10668, 21820, 23627, 39233
941.....21820, 23627, 39233
965.....38470, 39233

Page
968.....10668, 21820, 23627, 39233
990.....21820, 23627
2002.....35923
3280.....17896
3282.....17411

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

22 Removed.....30920
62 Revised.....30160
76 Revised.....31392
118 Removed.....15722
120 Removed.....11468
140.5 *See* EO 12608.....34621
141.31 *See* EO 12608.....34621
211 Revised.....31929
Effective date deferred.....35702
Revision at 52 FR 31929 withdrawn.....39332
212 Removed.....31937
Effective date deferred.....35702
Removal at 52 FR 31937 withdrawn.....39332
225 Added.....31937
Effective date deferred.....35702
Addition at 52 FR 31937 withdrawn.....39332
244 Revised.....23806
250 Revised; interim.....27330

Chapter IV—Navajo and Hopi Indian Relocation Commission

700 Authority citation revised.....21951
700.183 (a) revised; interim.....21951

Title 25—*Proposed Rules:*

22.....17988
38.....33382
40.....11503
76.....20727
151.....23560
179.....29701
211.....39332
212.....39332
225.....39332
226.....38608

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Page
1 Authority citation amended.....10744, 12162, 15308, 23433, 24999, 29674, 30358, 31994, 33809, 35415
Proclamation.....18562
1.1(i)-1T Added (temporary).....33579
Corrected.....36133
1.23-1 Redesignated from 1.44C-1; (a), (b), (d)(2) (i) and (ii), and (e) amended; (c) revised; (d)(3) (i) through (x) redesignated as (d)(4)(ii) (A) through (J); new (d)(3) and (4)(i) added; new (d)(4)(ii) heading and introductory text amended.....26669
1.23-2 Redesignated from 1.44C-2; introductory text, (a)(1) (i) and (iii), (b)(1) and flush text following (2), (c)(4), (d)(3), (4) (iv) and (viii), (e)(1)(iii) and flush text following (iii) and (2), (f) (1) and (4), (g) and (h) amended; (i) added.....26670
1.23-3 Redesignated from 1.44C-3; (a)(1), (b), (d), (e), (h)(1) (i) and (ii), (2), (3) and (4) Example 2, (j)(2) Example and (k) introductory text amended; (c) and (j)(1) revised.....26672
1.23-4 Redesignated from 1.44C-4.....26672
1.23-5 Redesignated from 1.44C-5; (a) (1) through (5), (b)(1) and (c) amended.....26672
1.23-6 Redesignated from 1.44C-6; (a)(1) and (e) amended.....26673
1.32-1T Added (temporary).....22302
Technical correction.....23398
1.42-1T Added (temporary).....23433
(d)(8)(i), (ii)(B) and (e)(2) corrected.....24583
1.44C-1 Redesignated as 1.23-1; (a), (b), (d)(2) (i) and (ii), and (e) amended; (c) revised; (d)(3) (i) through (x) redesignated as (d)(4)(ii) (A)

CHANGES APRIL 1 THROUGH OCTOBER 30, 1987

TITLE 26 Chapter I—Con. Page

through (J); new (d)(3) and (4)(i) added; new (d)(4)(ii) heading and introductory text amended....26669
1.44C-2 Redesignated as 1.23-2; introductory text, (a)(1)(i) and (iii), (b)(1) and flush text following (2), (c)(4), (d)(3), (4) (iv) and (viii), (e)(1)(iii) and flush text following (iii) and (2), (f) (1) and (4), (g) and (h) amended; (i) added....26670
1.44C-3 Redesignated as 1.23-3; (a)(1), (b), (d), (e), (h)(1)(i) and (ii), (2), (3), and (4) Example 2, (j)(2) Example and (k) introductory text amended; (c) and (j)(1) revised....26672
1.44C-4 Redesignated as 1.23-4....26672
1.44C-5 Redesignated as 1.23-5; (a) (1) through (5), (b)(1) and (c) amended....26672
1.44C-6 Redesignated as 1.23-6; (a)(1) and (e) amended....26673
1.48-9 (c)(10), (d) and (e) revised....27337
1.56-1 Redesignated as 1.56A-1 and (b)(2)(ii) amended....15309
1.56-2 Redesignated as 1.56A-2....15309
1.56-3 Redesignated as 1-56A-3 and (b) and *Example* amended....15309
1.56-4 Redesignated as 1.56A-4....15309
1.56-5 Redesignated as 1.56A-5 and (b)(2) flush text, (e)(5), and (h) *Example* (*4*) amended....15309
1.56A-1 Redesignated from 1.56-1 and (b)(2)(ii) amended....15309
1.56-0T Added (temporary)....15309
1.56-1T Added (temporary)....15310
1.56A-2 Redesignated from 1.56-2....15309
1.56A-3 Redesignated from 1.56-3 and (b) and *Example* amended....15309
1.56A-4 Redesignated from 1.56-4....15309

Page

1.56A-5 Redesignated from 1.56-5 and (b)(2) flush text, (e)(5), and (h) *Example* (*4*) amended....15309
1.57-4 (b) introductory text and (2)(ii) flush text and (e) *Example* (*5*) amended....15309
1.57-5 (b) amended....15309
1.58-7 (c)(1)(iii) *Example* (*4*), (2) *Example* (*3*), and (4) amended....15309
1.101-7T Added (temporary)....35415
1.149(e)-1T (e)(3) (ii) and (iii) corrected....10368
1.163-8T Added (temporary)....24999
1.263A-1T (a)(5)(iii)(A), (b)(2)(iii)(I), (c)(4)(i)(C), (d)(3)(ii)(A)(*1*), (C) (*3*), and (*4*) and (5), (e)(1), (3)(iii), (7)(iii) and (11)(iii) revised; (b)(2)(vii), (5)(vii) and (6)(vi), (c)(5)(iii), (e)(7)(iv), (9)(ii) *Examples* (*4*) and (*5*) and (11)(v) added (temporary)....29378
1.382-1T Added (temporary)....29674
1.382-2T Added (temporary)....29675
1.448-1T Added (temporary)....22766
1.448-2T Added (temporary)....22774
1.901-1 (d) revised....33932
1.904(f)-1 Added....31994
1.904(f)-2 Added....31997
1.904(f)-3 Added....32001
1.904(f)-4 Added....32002
1.904(f)-5 Added....32002
1.904(f)-6 Added....32003
1.907(c)-1 (e) (3), (4), (5), (6) and (f) added....33932
1.924(c)-1T Removed....10742
1.924(d)-1T Removed....10742
1.924(e)-1T Removed....10742
1.1016-5 (t) revised....26673
1.1402(e)-5T Added (temporary)....12162
1.1441-5 (c) revised....33933
1.1502-9 Added....32005
1.6041-3 (i) amended; (j) removed; (k) through (q) redesignated as (j) through (p); new (m) revised....30358
1.6045-3T Added (temporary)....10744
1.6050D-1 (a) introductory text and (1) amended....26673
1.6302-1 Heading and (a) revised....33809

CHANGES APRIL 1 THROUGH OCTOBER 30, 1987

Page

1.6302-1T Removed....33809
1.6655-7T Added (temporary)....15320
31 Authority citation amended....21511, 33582
31.6051-1 (h) amended (temporary)....34357
Correctly designated....41388
31.6051-2 (c) amended (temporary)....34357
31.6053-3 (f)(1)(iv) amended; (j)(19) added; (b)(5), (h), and (j)(9) revised....21511
31.6053-3T Removed....21511
31.6053-4 Added....21513
31.6053-4T Removed....21511
31.6205-2 Added....33582
35a Authority citation amended....13432
35a.3406-1 Heading added....13432
35a.3406-2 Added....13432
41 Authority citation amended....33584
41.4481-1 Nomenclature change; (a)(2) revised....33584
41.4481-3 (a) introductory text and (1) revised; (a)(2) amended....33584
41.4482(c)-1 (b) nomenclature change....33584
41.4483-5 Nomenclature change....33584
41.4483-7T Added (temporary)....33584
41.6001-3T Added (temporary)....33585
41.6091-1 (a) and (b) amended....33584
48.4041-5 (a)(1) redesignated as (a)(1)(i) and amended; (a)(1)(ii) added....32008
48.4041-18 Revised....31616
48.4041-19 Added....31617
48.4041-20 Added....31617
48.4071-1 (a) and (b)(1) revised; (b)(2) redesignated as (b)(3); new (b)(2) added....31618
48.4071-2 (b) heading revised; (b) text amended....31618
48.4081-2 (a), (b), (c) heading, (e) (1) and (2) heading, (f)(1) and (g) revised; (c) (1) and (2), (e)(2), (f)(2) heading and text and (h) amended; (e)(3), (f)(3) and (h)(4) added; (i) removed....31618
(a)(5)(i) correctly designated....34344

Page

48.6420-4 (l) amended....31621
48.6427-1 (a)(2)(iv) amended....31621
54.6011-1T Added (temporary)....10563
54.6071-1T Added (temporary)....10563
301.6011-2 (f) revised....19137
301.6404-2T Added....30163
301.6402-6T (b) revised (temporary)....17950
301.6723-1T Added (temporary)....34355
(d)(2) corrected....41388
601.105 (c)(2)(iii) and (d)(2) revised; (c)(2)(iv) added....38406
601.106 (a)(1)(i) amended; flush text following (a)(1)(ii)(c) revised; (a)(1)(iii) and (iv) redesignated as (a)(1) (iv) and (v); new (a)(1)(iii) added....38406
601.601 (c) amended....26673
601.702 (a)(1) introductory text and flush text following (v), (b)(1) introductory text, (2), (3) (iii) and (iv), and (c)(1) and (2)(i) amended; (b)(3)(ii) and (c)(2)(ii) revised; (b)(2)(iii) added....37940
(c)(3) (v), (vii), and (viii), (4)(i)(A) and (B), (5) introductory text, (i), and flush text following (iii) and (6) amended; (c)(3)(ix) added; flush text at end of (c)(3) and (4)(iii) revised....37941
(c)(7) (i), (ii), and (iv), (8) introductory text and (v), (10), and (11) revised; flush text following (c)(8)(vi) and (9)(i)(B) and (C) amended....37942
(d)(5) removed; (c)(12) and (d)(8) redesignated as (c)(13) and (d)(5); new (c)(13) and (d) (1), (2), and new (5) amended; (d) (3), (4), and (7) revised; new (c)(12) added....37943
(f) revised....37944
(g) revised....37946
(h) added....37951
602.101 Correctly designated....10368
(c) table amended (OMB numbers)....10564,

TITLE 26 Chapter I—Con. Page

10748, 12163, 13437, 15320, 21513, 23440, 25007, 26673, 29697, 30163, 31621, 32008, 32009, 33585, 34357

602.106 (c) table amended (temporary)....22777

Title 26—*Proposed Rules:*

1.0-1—1.60....15339, 22345, 23471, 28162, 35278, 35438, 41800

1.61—1.169....18579, 22716, 25036, 26122, 34392, 35438, 35447

1.170—1.300....29391, 35438

1.301—1.400....29704, 35438

1.401—1.500....22795, 28070, 32502, 39922

1.501—1.640....33836

1.641—1.850....18578, 35438

1.851—1.1000....32242, 32308, 34230, 34392, 34580

1.1001—1.1400....33427, 34230

1.1401—end....10774, 12194, 15339, 23308, 28070, 28162, 34230, 39922

5h....33953

31....34230, 34358

41....33602

54....10583, 28070, 39922

55....33953

301....17989, 30177, 34230, 34358

601....28000, 30996, 39015

602....10583, 10774, 18579, 23308, 23471, 25036, 29704, 34358, 35278

TITLE 27—ALCOHOL, TOBACCO PRODUCTS AND FIREARMS

Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury

5.22 (b)(1)(iii) amended; (b) (4) and (5) revised....41422

5.27 (d) revised....41423

5.36 (a) (3) and (4) redesignated as (a) (4) and (5); new (a)(3) added....41423

9.48 (c) revised....23652

9.61 (c)(12) revised; (c) (13) through (15) redesignated as (c) (17) through (19); new (c) (13) through (16) added....23651

9.109 Added....13082

9.110 Added....37137

9.114 Added....21515

Page

9.115 Added....32785

9.116 Added....22304

19.44 Amended....19313

19.346 (b) (1) and (2) revised; (b)(3) added....41423

19.519 Amended....19313

19.524 (c)(1) amended....19313

19.525 (a) amended....19313

19.645 (b) and (c) redesignated as (c) and (d); new (b) added....41423

25.117 (a) and (b)(1) amended; (c) removed; nomenclature change....19313

25.118 Nomenclature change....19313

25.119 Heading and (c) amended; nomenclature change....19313

25.121 Amended; nomenclature change....19313

25.131 Revised....19313

25.122 Nomenclature change....19313

25.125 Nomenclature change....19313

25.126 Nomenclature change....19313

25.132 (b) amended....19313

25.134 Amended....19313

25.163 Revised....19314

25.164 (e)(1) revised....19314

25.165 (c)(1) amended....19314

25.166 (b) amended....19314

25.173 (b) amended....19314

25.175 (b) (1), (2), and (3) amended....19314

25.283 (d) amended....19314

25.285 (a) amended....19314

47.57 Revised....34381

70 Authority citation revised....19314

70.1 Revised....19314

70.61—70.109 (Subpart E) Added....19314

70.111—70.152 (Subpart F) Added....19325

170.77 (a) amended....19334

170.91 Amended....19334

170.305 (a) amended....19334

170.305a (a), (b), and (c) amended....19334

170.306 (b) amended....19334

179.34 (a) designation and heading and (b) removed; amended; nomenclature change....19334

179.35 Nomenclature change....19334

179.36 Nomenclature change....19334

179.37 Amended....19334

179.38 Amended....19334

Page

179.42 Amended; nomenclature change....19334

179.43 Amended....19334

179.46 Amended; nomenclature change....19334

179.47 Amended; nomenclature change....19334

179.50 Amended; nomenclature change....19334

179.171 Amended....19334

179.172 Amended....19334

194.27 Amended; nomenclature change....19335

194.94 Amended....19335

194.104 Amended....19335

194.104a Revised....19335

194.105 Amended....19335

194.106—194.110 Undesignated center heading amended....19335

194.106 Amended; nomenclature change....19335

194.106a Amended....19335

194.106b Amended....19335

194.106d Removed....19335

194.107 Heading and text nomenclature change....19335

194.109 Amended....19335

194.111 Amended....19335

194.121 Amended....19335

194.121a Amended....19335

194.123 Amended....19335

194.124 Amended; nomenclature change....19335

194.126 Amended; nomenclature change....19335

194.127 Amended....19335

194.132 Amended....19335

194.133 Amended....19335

194.134 Amended; nomenclature change....19335

194.135 Amended....19335

194.136 Amended; nomenclature change....19335

194.137 Amended; nomenclature change....19335

194.139 Amended; nomenclature change....19335

194.151 Heading and (a) revised; (b) amended; nomenclature change....19336

194.152 Amended....19336

194.169 Undesignated text following (d) revised....19336

194.201 Revised....19336

197.28 (a) and (b) amended; nomenclature change....19336

Page

197.29—197.31 Undesignated center heading amended....19336

197.29 Amended; nomenclature change....19336

197.29a Amended; nomenclature change....19336

197.29b Nomenclature change....19336

197.29d Removed....19336

197.30 Nomenclature change....19336

197.31 Nomenclature change....19337

197.40 Nomenclature change....19336

197.40a Nomenclature change....19336

197.41 Amended....19336

197.42 Amended; nomenclature change....19336

197.43 Amended; nomenclature change....19336

197.46 Amended....19337

197.48 Amended....19337

197.50 Amended....19337

197.55 Revised....19337

197.56 Amended....19337

197.58 Revised....19337

197.106 Amended....19337

197.111 Revised....19337

240.340 Amended....19337

240.343 Revised....19337

240.344 Revised....19337

240.345 Removed....19337

240.591 (a) amended....19337

240.591a (c)(1) amended....19337

240.594 (a) amended....19337

240.594c Amended....19337

240.595 Amended....19337

240.596 (a) amended....19337

240.807 Amended....19337

250.11 Amended....19338

250.37 Revised....19338

250.44 Amended....19338

250.52 (c) amended....19338

250.54 Amended....19338

250.61 Revised....19338

250.62a Amended....19338

250.65 Amended....19338

250.70 Amended....19338

250.70a Amended....19338

250.71 Nomenclature change....19338

250.72 Nomenclature change....19338

250.74 Nomenclature change....19338

250.75 Amended....19338

250.78 Amended....19338

250.79 Amended....19338

250.81 Amended....19338

CHANGES APRIL 1 THROUGH OCTOBER 30, 1987

TITLE 27 Chapter I—Con.

Page
250.93 Amended ... 19338
250.96 (b) amended; nomenclature change ... 19338
250.102 Amended ... 19338
250.105 (b) amended; nomenclature change ... 19338
250.110 Amended ... 19338
250.112 (e) and (h) revised ... 19339
250.112a (c)(1) amended ... 19339
250.113 (a) amended ... 19339
250.119 Amended ... 19339
250.126 Amended ... 19339
250.128 Revised ... 19339
250.210 Amended ... 19339
251 Authority citation revised ... 19339
251.11 Amended ... 19339
251.30 Amended; nomenclature change ... 19339
270.44 Amended ... 19339
270.162 Amended ... 19339
270.165 (b) amended ... 19339
270.165a (c) amended ... 19339
270.166 Amended ... 19340
270.167 (a) and (b) amended ... 19340
270.168 Amended ... 19340
270.281 Amended ... 19340
270.283 Amended ... 19340
270.286 Amended ... 19340
270.311 (b) amended ... 19340
270.313 Amended ... 19340
275.11 Amended ... 19340
275.105 Amended ... 19340
275.108 Amended ... 19340
275.109 Amended ... 19340
275.110 Amended ... 19340
275.111 Introductory text amended; (a) removed; (b) through (e) redesignated as (a) through (d); new (d) amended ... 19340
275.112 Amended ... 19340
275.114 (c) revised ... 19340
275.114a (a) and (c) amended ... 19340
275.115 Amended ... 19340
275.115a (c) amended ... 19340
275.116 Amended ... 19340
275.118 Amended ... 19341
275.123 Amended ... 19341
275.125 Amended ... 19341
275.126 Amended ... 19341
275.127 Amended ... 19341
275.129 Amended ... 19341
275.137 Amended ... 19341
275.161 Amended ... 19341
275.163 Amended ... 19341
275.170 (b) amended ... 19341
275.172 (b) amended ... 19341
285.25 (b) amended ... 19341
285.26 Amended ... 19341
285.27 (c) amended ... 19341
285.34 Amended ... 19341
285.171 Amended ... 19341
285.173 Amended ... 19341
285.193 Amended ... 19341
290.67 (a) amended ... 19341
290.153 Amended ... 19341
290.154 Amended ... 19341
295.36 Amended ... 19341
296.7 Amended ... 19342
296.74 Amended ... 19342

Title 27—*Proposed Rules:*

4 ... 23685, 30390, 33603
5 ... 23685, 30390, 33603
6 ... 36429
7 ... 33603
9 ... 11689, 13844, 19531, 19535, 29705, 34924, 34927, 36431, 36432
17 ... 28286
19 ... 28286
25 ... 32814
170 ... 28286
194 ... 28286
197 ... 28286

CHANGES JULY 1 THROUGH OCTOBER 30, 1987

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

Page
0 Authority citation revised ... 24447
0.63 Revised ... 24448
0.100 (b) revised ... 24447
2.20 Guidelines amended ... 33408
2.37 (b) revised ... 33408
2.50 (f) revised ... 33409
8.1 Amended ... 24448
8.8 (b) amended ... 24448
9 Revised ... 32786
11 Added; eff. 8-31-87 ... 24449
Technical correction ... 27496
16 Authority citation revised ... 33231
16.10 Revised ... 33231
16 Appendix I amended ... 34214
42.101—42.112 (Subpart C) Authority citation revised ... 24449
42.101—42.112 (Subpart C) Appendix A revised ... 24449
42.501—42.540 (Subpart G) Authority citation revised ... 24450
42.501—42.540 (Subpart G) Appendix A revised ... 24450
44 Added ... 37409
51.19 Amended ... 33409
51.24 Revised ... 33409
51.25 (a) amended ... 33409
51.29 (b) amended ... 33409

Chapter V—Bureau of Prisons, Department of Justice

541 Authority citation revised ... 37730
541.60—541.68 (Subpart E) Added; interim ... 37730

Chapter VI—Offices of Independent Counsel

602.1 (c) removed; (d) redesignated as (e); new (c) and (d) added ... 35544

Title 28—*Proposed Rules:*

0 ... 35926
2 ... 30691, 33431, 33433, 34392
16 ... 24583
20 ... 34242
50 ... 34242, 37630
67 ... 39015
541 ... 32478, 34343

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

Chapter I—National Labor Relations Board

Page
102 Authority citation revised ... 27990
102.118 Heading and (a)(1) revised ... 27990
103 Authority citation revised ... 25215
103.20 (Subpart B) Added ... 25215

Chapter V—Wage and Hour Division, Department of Labor

516 Revised; eff. 7-31-87 ... 24896
Table of contents corrected ... 26121
697 Authority citation revised ... 35416
697.1 (b)(1), (e)(1), (f)(1), (g)(1), (h) (1) and (2), (i)(1), (j)(1), (k)(1), (m)(2) and (n)(2) revised ... 35416
697.3 Revised ... 35416

Chapter XIV—Equal Employment Opportunity Commission

1601 Authority citation revised ... 34215
1601.6 Existing text designated as (a); (b) redesignated from 1601.18 ... 26957
1601.18 Redesignated as 1601.6 (b); new 1601.18 redesignated from 1601.19; (b) removed; (c) through (g) redesignated as (b) through (f); new (e) and (f) amended ... 26957
1601.19 Redesignated as 1601.18; (b) removed; (c) through (g) redesignated as (b) through (f); new (e) and (f) amended ... 26957
Added ... 26958
1601.21 (a) revised; (d) introductory text amended ... 26959
1601.24 (a) amended ... 26959
1601.28 (b)(3) amended ... 26959
1601.74 (a) amended ... 34215

TITLE 29 Chapter XIV—Con.

Page

1613 Letters and bulletins revoked 38226
Authority citation revised 41922
1613.211 Revised 41922
1613.212 (a) revised 41922
1613.213 (a) amended; (b) and (c) redesignated as (c) and (d); new (b) added 41922
1613.214 Revised 41922
1613.215 Revised 41923
1613.216 Revised 41923
1613.217 Revised 41924
1613.218 Revised 41925
1613.219 Revised 41926
1613.220 (c) amended; (b) and (d) revised 41926
1613.221 Revised 41926
1613.222 Revised 41927
1613.231 Revised 41927
1613.234 Revised 41927
1613.235 Revised 41927
1613.236 Removed 41927
1613.237 Added 41928
1613.238 Added 41928
1613.239 Added 41928
1613.240 Added 41928
1613.261 Revised 41928
1613.262 Revised 41928
1613.271 Revised 41929
1613.283 Revised 41930
1613.513 Revised 41930
1613.521 Revised 41930
1613.601 (a) revised 41930
1613.602 (a) revised 41930
1613.603 (b)(1) amended; (c) and (g) revised 41930
1613.604 Revised 41930
1613.606 Revised 41931
1613.607 (a) revised 41931
1613.608 (a) amended; (b)(2) revised 41931
1613.609 Revised 41932
1613.610 Revised 41932
1613.612 (a)(1) amended 41932
1613.614 (e) amended 41932
1613.631 Revised 41932
1613.643 Revised 41933
1613.632 Revised 41932
1613 Appendix A added 41933
1625.13 Existing regulations unchanged 33809
1627 Authority citation revised 32296
1627.16 (c) added 32296

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

Page

1910.16 (b)(2)(ix) added 36026
1910.19 (i) added 34562
1910.177 (a)(2) revised 36026
1910.268 (c) revised 36387
1910.1000—1910.1500 (Subpart Z) Authority citation amended 34562
1910.1000 Table Z-2 amended 34562
1910.1028 Added 34562
1910.1200 Revised 31877
1910.1000—1910.1500 (Subpart Z) Appendixes A through E added 34568
1915 Authority citation revised 31876
1915.97 Revised 31886
1915.99 Added 31877
1917 Authority citation revised 31876
1917.1 (a)(2)(ix) added 36026
1917.28 Added 31877
1917.44 (o) revised 36026
1918 Authority citation revised 31876
1918.90 Added 31877
1926.50—1926.59 (Subpart D) Authority citation revised 31877
1926.59 Added 31877
1926.550 (b)(2) revised 36382
1926.552 (c)(15) revised 36382
1926.903 (e) revised 36382
1928 Authority citation revised 31877
1928.21 (a)(5) added 31886
1952.290 Heading revised 34383
1952.291 Redesignated as 1952.296 and revised; new 1952.291 redesignated from 1952.293 34383
1952.292 Redesignated as 1952.295; new 1952.292 redesignated from 1952.294 34383
1952.293 Redesignated as 1952.291; new 1952.293 added 34383
1952.294 Redesignated as 1952.292 34383
1952.295 Removed; new 1952.295 redesignated from 1952.292 34383

Page

1952.296 Redesignated from 1952.291 and revised 34383
1952.377 Added 35070

Chapter XXV—Pension and Welfare Benefits Administration, Department of Labor

2582 (Subchapter J and Part) Added; interim 35866

Chapter XXVI—Pension Benefit Guaranty Corporation

2603.2 (c) amended 30663
2603.8 (a) amended 30663
2603.21 Heading, (a) and (c) revised; (d) amended 30663
2603.32 (c) revised 30664
2603.36 Revised 30664
2603.51 Revised 30664
2603.52 (a) introductory text and (1), (b) introductory text, and (c) revised 30666
2603.53 (a) revised 30666
2603.54 (a) amended; (b) and (c) revised 30666
2603.55 Revised 30666
2610 Authority citation revised 36759
2610 Appendix A amended 36759
2619 Appendix B amended 34774, 38228
2622 Appendix A amended 36759
2642 Revised 39914
2644 Authority citation revised 36759
2644 Appendix A amended 25008, 30759
2676.15 (c) table amended 26475, 30359, 34774, 38229

Title 29—*Proposed Rules:*

1 ..... 31366, 38473
5 ..... 31366, 38473
98 39015
100 ..... 25124, 27902
102 27012
103 ..... 25142, 29038, 36589, 37399
505 35447
1471 39015
1910 ..... 26776, 28727, 29620, 32312, 35731, 37973
1915 ..... 28727, 32312, 35731
1917 ..... 28727, 32312, 35731
1918 ..... 28727, 32312, 35731
1926 26776
1952 36048
1953 27417
2550 33508
2580 31039
2616 33318
2617 33318
2640 37329
2649 37329

TITLE 30—MINERAL RESOURCES

Chapter I—Mine Safety and Health Administration, Department of Labor

46 Removed 33235
47 Authority citation revised 33235
47.10 Amended 33235
47.50 Amended 33236
57.22001—57.22608 (Subpart T) Revised; eff. 10-29-87 24941
57.22004 OMB number; interim 41397
57.22005 (f)(1) and (g) corrected 27903
57.22202 (a)(2) revised; interim 41397
57.22204 OMB number; interim 41397
57.22228 (e) revised; interim 41397
57.22229 (b)(3) amended; interim 41397
57.22230 OMB number; interim 41397
57.22232 Corrected 27903
57.22233 Corrected 27903
57.22234 (a) amended; interim 41397
57.22239 OMB number; interim 41397
57.22240 Corrected 27903
57.22401 OMB number; interim 41397
57.22601 Effective date deferred 41397
57.22606 (g)(2) revised; interim 41397

Chapter II—Minerals Management Service, Department of the Interior

208 Revised 41913
209 Removed 41918
216 Authority citation revised 27546
216.40 (a) and (b) revised; (g) added 27546

CHANGES JULY 1 THROUGH OCTOBER 30, 1987

TITLE 30 Chapter II—Con. Page
218 Authority citation revised....24451, 27546
218.40 (a) and (b) revised; (e) added....27546
(e) correctly designated....37452
218.57 Added; eff. 7-31-87....24451

Chapter VII—Office of Surface Mining Reclamation and Enforcement, Department of the Interior

700 Authority citation revised....39407
700.5 Amended....39407
736 Authority citation revised....39407
736.12 Revised....39407
736.13 Removed....39408
736.14 (a) revised....39408
750 Authority citation revised....31622
750.20 (a) suspended in part....31622
785 Authority citation revised....39183
785.14 (c)(1) (iii) and (iv) redesignated as (c)(1) (iv) and (v); new (c)(1)(iii) added; new (c)(1)(iv) revised....39183
816 Authority citation revised....29181
816.68 (e) amended....29181
906.11 (p) and (oo) removed....36028
915.15 (g) added....37453
917.21 Existing text designated as (a); new (b) added....26300
935.12 (c) added....26971
(a) removed....29516
935.15 (bb) added....26971
(cc) added....29516
935.16 (d) through (h) added....26972
(a) removed....29516
935.20 Revised....30668
935.25 Revised....30668
936.17 Removed....36924
936.18 Removed....36924
936.19 Removed....36924
938.15 (n) added....26302
946.12 (b)(3) removed....26973
946.15 (s) added....26973
(t) added....30670

Title 30—*Proposed Rules:*

11....32313
48....30391
57....26352, 33956
75....30391
202....25887, 29868, 30776, 30826, 33247, 35451, 39792, 39846
203....25887, 29868, 30826, 33247, 35451, 39846
206....25887, 29868, 30776, 30826, 33247, 35451, 39792, 39846
207....30826, 33247, 35451, 39846
210....30826, 33247, 35451, 39846
212....25887, 29868
218....25887, 29868
241....30826, 33247, 35451, 39846
250....35559
251....36435
256....29222
750....34394
762....39186
773....37164
780....32764, 39364
784....32764, 39364
816....28012, 37334, 39364
817....28012, 37334, 39364
840....32758, 41471
842....32758, 34050, 41309, 41471
843....34050, 41309
845....41666
846....41666
870....27419
901....34929
904....27419
905....39594
913....28309, 41471
914....25887, 35733, 35734
915....25888
916....34930
917....26158, 26159, 28310, 34932, 39540
925....29546
931....28162, 33956
934....35735
935....25386, 25387, 28165
938....25037
943....30930
944....41738
946....28166, 28849, 36959, 41739
948....41741

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

1 Authority citation revised....26305
1.1—1.7 (Subpart A) Revised....26305
1.8—1.12 (Subpart B) Revised....26319

CHANGES JULY 1 THROUGH OCTOBER 30, 1987

Page
1.20 Revised....26320
1.21—1.22 Revised....26321
1.23 Revised....26322
1.24 Revised....26323
1.25—1.26 Revised....26324
1.27 Revised....26326
1.28 Revised....26327
1.29—1.30 Revised....26328
1.31—1.32 Revised....26329
1.33 Removed....26302
1.34—1.35 Revised....26329
1.20—1.36 (Subpart C) Appendixes A through L revised....26329
5.5—5.22 (Subpart B) Revised....39514
16 Added....35071

Chapter I—Monetary Offices, Department of the Treasury

51 Authority citation revised....36925
51.0 Revised; interim....36925
51.1 Revised; interim....36925
103 Authority citation revised....35545
103.43 (a), (b), and (c) redesignated as (b), (d), and (e); new (b) revised; new (a), (c), and (f) added....35545
103.70—103-77 (Subpart F) Added....35546

Chapter V—Office of Foreign Assets Control, Department of the Treasury

545.427 Interpretation....25576
550.630 Added....35548
550.635 Added....35549

Title 29—*Proposed Rules:*

103....35562, 39663, 39922
223....29039, 37334

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

40.3 Amended....29844
40.4 (b)(3)(iii) (B) and (C) and (iv) added....29844
40.6 (d)(2)(iii) (A), (B), and (C) amended....29844
40.7 (b)(4)(iv), (c), and (d) added....29844
40.14 (a) amended....29845
43.2 (a) amended....25008
43.6 (d)(14) revised....25008
45.3 (b)(2), (c)(2), and (e)(1)(v) revised; (d)(5) and (g) amended....41706
45.4 (d)(1) amended....41706
45.5 Amended....41706
59 Revised....34215
63.3 (o) amended....25215
63.6 (b)(5) (i) through (vii) amended; (e)(2) introductory text revised; (e)(2)(vi) redesignated as (e)(2)(vii); new (e)(2)(vi) added....25215
72 Added....41707
165 Removed....34639
174.1 (d) and (e) amended....29181
174.3 (b), (c) and (f) amended; (d) and (e) revised....29181
(f) corrected....30766
174.4 (c) revised....29182
174.5 (b) and (d) revised....29182
174.6 (a) revised....29182
199 Uncodified Table 2 revised....34775
199.1 (o) redesignated as (p); new (o) added....38754
199.2 (b) amended....33005
199.3 (e)(3)(iv) revised....27991
199.4 (d)(2), (f)(3)(ii), (4)(ii) and (5), (g) (10) and (11) revised; (f)(6) added....33005
199.6 (a)(8) and (b)(1)(ii) revised; (b)(3)(v) added; (e) removed; (f) redesignated as (e)....33006
199.7 (b)(2)(i), (c)(2), (e)(1) and (g) revised; (b)(2)(x)(C) added....33007
199.10 (a)(5)(iii) redesignated as (a)(5)(iv); new (a)(5)(iii) added....33007
199.14 Added....33007
220 Added....36028
249 Added....41708
251 Revised....36030
Technical correction....37609
252 Revised....39222
286 Revised....25977
292a.13 Revised....29183
292a.15 Removed....25216
295 Heading revised....32296
295.6 (b) (1) through (6) revised; (b) (7) and (8) added....32296
299a.10 (b)(10) amended....41711
351 Removed....37290
368 Revised....35417

CHANGES JULY 1 THROUGH OCTOBER 30, 1987

TITLE 32 Chapter I—Con. Page

372 Revised 36402
381 Added 36405
382 Added 37290
382 Appendix A amended 38407

Chapter V—Department of the Army

552.105—552.111 (Subpart G) Added 25862

Chapter VI—Department of the Navy

706.2 Table Five amended 35237, 38755
706.3 Table One amended 35237
728 Revised 33718
732 Revised 32297
750 Authority citation revised; footnotes removed 25595
750.3 (d) redesignated as (e); new (d) added 25595
750.4 (c) heading revised 25596
750.7 (a) (5) through (16) and (b) revised; (a) (17) and (18) added 25596
750.8 (a) and (b) amended 25596
750.9 Revised 25597
750.12 (b) amended 25597
750.13 (b) and (c) redesignated as (c) and (d); new (b) added; (c)(2) amended 25597
750.16 (c)(2) amended; (e) revised 25597
750.21 (a) through (c) amended 25598
750.23 Revised 25598
750.24 (b) (2) and (3) revised 25598
750.32 (e)(2) amended 25598
750.52 (b) revised 25598
750.53 (c) amended 25598
751 Authority citation revised; footnotes removed 25598
751.2 Revised 25598
751.3 (i)(3)(iii) amended 25599
751.4 (u) added 25599
751.21 (f)(1)(ii) amended 25599
751.22 (b) and (d) amended 25599
751.23 Introductory text amended 25599
751.24 (a)(1) introductory text, (v), (vi), (2), (3)(i), (5) and (6), (b) and (d) revised; (e) amended 25599
751.25 (b) revised 25600
751.28 Revised 25600

Page

751.30 (a) through (d) and (e)4. revised; (e) introductory text amended 25600
757 Authority citation revised 25600
Footnotes removed 25601
757.2 (b)(2) and (c) revised 25601
757.3 (a) amended; (b), (c), (d), and (f)(3) revised 25601
757.8 Amended 25601
757.13 Introductory text and (d) revised; (f) removed 25601
757.15 (a) (1) through (4) revised 25601
757.16 (c) amended; (d) added 25601

Chapter VII—Department of the Air Force

807 Revised 36247
861 Added 37609

Chapter XVI—Selective Service System

1602.2 Revised 24454
1602.11 Revised 24454
1602.14 Revised 24454
1602.15 Revised 24454
1602.18 Revised 24454
1602.24 Revised 24454
1602.25 Revised 24454
1605.51 (b) removed 24454
1605.81 (b) revised 24454
1609.1 Revised 24454
1618.3 Removed 24454
1621.1 Revised 24454
1624.4 (b) and (c) revised 24455
1624.5 (a) revised 24455
1624.6 (a) and (e) removed; (b) and (j) revised 24455
1624.7 Revised 24455
1624.10 Revised 24455
1630.13 Revised 24455
1630.18 Revised 24456
1630.30 Revised 24456
1630.31 Revised 24456
1630.40 (a) introductory text revised; (a)(4) removed 24456
1630.44 Revised 24456
1630.45 Heading and (a) revised 24456
1630.48 Revised 24456
1633.1 (e) and (f) revised 24456
1633.2 Revised 24457
1633.6 Revised 24457

CHANGES JULY 1 THROUGH OCTOBER 30, 1987

Page

1633.7 (b) revised; (c) removed 24457
1633.10 Revised 24457
1633.11 Revised 24457
1636.3 (a) revised 24457
1636.6 Heading revised 24457
1636.8 (a)(3) revised 24457
1639.3 (a)(1) revised 24458
1639.6 Heading revised 24458
1639.7 (c) revised 24458
1642 Heading revised 24458
1642.3 Revised 24458
1642.4 (a)(4) revised; (b) removed 24458
1642.5 Added 24458
1642.7 (a) revised; (c) removed 24458
1648.1 Revised 24458
1648.2 Removed 24458
1648.3 (a) and (c) revised 24458
1648.4 (b) revised 24458
1648.5 (a) and (i) revised 24459
1648.6 (a) revised 24459
1651.1 (b) revised 24459
1651.4 (a), (j), (n)(3) and (r) revised 24459
1653.3 Heading, (a) and (k) revised 24459
1657 Revised 24459
1698 Added 24460

Chapter XX—Information Security Oversight Office

2001.43 (a)(1) revised 28418
2003.20 Revised 28802
(h)(1) revised 29793

Title 32—*Proposed Rules:*

104 39663
198a 27421
199 ..... 28568, 29044, 30391
276 26692
277 26693
280 39015
807 27825
811 37631
811a 37636
887 35927

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

Page

3.01-1 (f) removed; (g) redesignated as (f) 25217
(h) redesignated as (g) and revised 33810
3.25-1 (b) revised 25217
3.40-10 (b) revised 35913
3.40-15 (b) revised 35913
3.40-17 Added 35913
3.40-20 (b) revised 35913
5 Authority citation revised 36760
5.47 Revised 36760
(b) corrected 37716
5.48 Added 36760
25.103 Revised 25217
25.111 (b) revised 25217
25.405 (g) revised 25218
47 Removed 25218
67 Authority citation revised; section authority citations removed 33810
67.50-1 Revised 33810
67.50-35 Revised 37613
72.01-10 (a)(2) revised 25218
80 Authority citation revised 33810
80.01 (c) added 33810
80.155 Redesignated from 80.305 25218
80.160 Redesignated from 80.310 25218
80.165 Redesignated from 80.315 25218
80.170 Added 25218
80.305—80.325 Undesignated center heading removed 25218
80.305 Redesignated as 80.155 25218
80.310 Redesignated as 80.160 25218
80.315 Redesignated as 80.165 25218
80.320 Removed 25218
80.325 Redesignated as 80.503 25218
80.501 Added 25218
80.503 Redesignated from 80.325 25218
80.1102 Redesignated from 80.1105 25218

CHANGES JULY 1 THROUGH OCTOBER 30, 1987

TITLE 33 Chapter I—Con. Page

80.1104 Redesignated from 80.1110 25218
80.1105 Redesignated as 80.1102 25218
80.1106 Redesignated from 80.1115 25218
80.1108 Redesignated from 80.1120 25218
80.1110 Redesignated as 80.1104; new 80.1110 redesignated from 80.1125 25218
80.1112 Redesignated from 80.1130 25218
80.1114 Redesignated from 80.1135 25218
80.1115 Redesignated as 80.1106 25218
80.1116 Redesignated from 80.1140 25218
80.1118 Redesignated from 80.1145 25218
80.1120 Redesignated as 80.1108; new 80.1120 redesignated from 80.1150 25218
80.1122 Redesignated from 80.1155 25218
80.1124 Redesignated from 80.1160 25218
80.1125 Redesignated from 80.1110 25218
80.1126 Redesignated from 80.1165 25218
80.1130 Redesignated as 80.1112; new 80.1130 redesignated from 80.1205 25218
80.1132 Redesignated from 80.1210 25218
80.1134 Redesignated from 80.1215 25218
80.1135 Redesignated as 80.1114 25218
80.1136 Redesignated from 80.1220 25218
80.1138 Redesignated from 80.1225 25218
80.1140 Redesignated as 80.1116; new 80.1140 redesignated from 80.1230 25218
80.1142 Redesignated from 80.1250 25218
80.1144 Redesignated from 80.1255 25218
80.1145 Redesignated as 80.1118 25218
80.1146 Redesignated from 80.1260 25218
80.1148 Redesignated from 80.1265 25218
80.1150 Redesignated as 80.1120; new 80.1150 redesignated from 80.1270 25218
80.1152 Redesignated from 80.1275 25218
80.1155 Redesignated as 80.1122 25218
80.1160 Redesignated as 80.1124 25218
80.1165 Redesignated as 80.1126 25218
80.1205—80.1275 Undesignated center heading removed 25218
80.1205 Redesignated as 80.1130 25218
80.1210 Redesignated as 80.1132 25218
80.1215 Redesignated as 80.1134 25218
80.1220 Redesignated as 80.1136 25218
80.1225 Redesignated as 80.1138 25218
80.1230 Redesignated as 80.1140 25218
80.1250 Redesignated as 80.1142 25218
80.1255 Redesignated as 80.1144 25218
80.1260 Redesignated as 80.1146 25218
80.1265 Redesignated as 80.1148 25218
80.1270 Redesignated as 80.1150 25218
80.1275 Redesignated as 80.1152 25218
100 Temporary regulations list 26675
100.01 (b) added 33811
100.35-109 Added (temporary) 30164
100.35-544 Added (temporary) 26674
100.35-05068 Added (temporary) 31622
100.35-05081 Added (temporary) 38756
100.35-0911 Added (temporary) 28554

CHANGES JULY 1 THROUGH OCTOBER 30, 1987

Page

100.35-0914 Added (temporary) 29517
100.35-0918 Added (temporary) 28251
100.35-0921 Added (temporary) 32790
100.35-0924 Added (temporary) 32791
100.35-0925 Added (temporary) 31395
100.101 Redesignated from 100.304 and (b) revised 25219
100.102 Redesignated from 100.305 and (b) revised 25219
100.103 Redesignated from 100.307 and (b) revised 25219
100.104 Redesignated from 100.308 and (b) revised 25219
100.301 Redesignated as 100.502 and (b) revised 25218
100.302 Redesignated as 100.503 and (b) revised 25219
100.303 Redesignated as 100.504 and (b) revised 25219
100.304 Redesignated as 100.101 and (b) revised 25219
100.305 Redesignated as 100.102 and (b) revised 25219
100.306 Redesignated as 100.505 and (b) revised 25219
100.307 Redesignated as 100.103 and (b) revised 25219
100.308 Redesignated as 100.104 and (b) revised 25219
100.502 Redesignated from 100.301 and (b) revised 25218
100.503 Redesignated from 100.302 and (b) revised 25219
100.504 Redesignated from 100.303 and (b) revised 25219
100.505 Redesignated from 100.306 and (b) revised 25219
100.1103 Redesignated from 100.1201 25219
100.1104 Redesignated from 100.1202 25219
100.1201 Redesignated as 100.1103 25219
100.1202 Redesignated as 100.1104 25219
110 Authority citation revised 33811
110.1 (d) added 33811
110.195 (a)(15) revised 37614
110.238 Revised 25864
Technical correction 35914

Page

110.239 Added 26147
117.237 (c) revised 33812
117.261 (m) removed 26677
Heading revised; (qq) added 27684
(c) added 28694
117.287 (d)(2) revised 30671
117.311 Added 38758
117.317 (k) revised 28693
117.561 (b) (1) through (4) and (c) revised; introductory text republished (temporary) 26341
117.631 Revised 39520
117.733 (h) revised 25374
117.753 Revised 25373
117.1051 (d) introductory text revised; (e) added; eff. to 8-21-87 25374
132 Appendix corrected 28471
147 Authority citation revised 33811
147.10 (d) added 33811
150 Authority citation revised 33811
150 Appendix A amended 33811
161 Authority citation revised; section authority citations removed 33586
161.101 (d) added 33811
161.703 Amended 33587
161.761 Revised 33587
161.767 Revised 33587
161.768 Revised 33587
161.769 Removed 33587
161.770 Removed 33587
162 Authority citation revised 33811
162.1 Added 33811
165 Temporary regulations list 26675
Authority citation revised 33811
165.T0139 Added (temporary) 35081
165.T226 Added (temporary) 25375
165.T05047 Added (temporary) 31396
165.T05-76 Added (temporary) 31763
165.T830 Added (temporary) 28252
165.T0901 Added (temporary) 34906
165.T0906 Added (temporary) 28555
165.T1165 Revised (temporary) 26147

TITLE 33 Chapter I—Con. Page

165.8 Added....33811
165.130 Redesignated from 165.301....25218
165.140 Redesignated from 165.302....25218
165.150 Redesignated from 165.304....25218
165.155 Redesignated from 165.305....25218
165.160 Redesignated from 165.310....25218
165.301—165.310 Undesignated center heading removed....25218
165.301 Redesignated as 165.130....25218
165.302 Redesignated as 165.140....25218
165.303 Redesignated as 165.510....25218
165.304 Redesignated as 165.150....25218
165.305 Redesignated as 165.155....25218
165.310 Redesignated as 165.160....25218
165.510 Redesignated from 165.303....25218
165.703 (i) added....31763
165.1201 Undesignated center heading and section designation removed....25218
165.1703 Added....30671
166 Authority citation revised....33811
166.103 Added....33811
166.500 Added....33589
(b) correctly revised....36248
167 Authority citation revised....33811
167.3 Added....33812
167.100 Redesignated as 167.350....33589
167.150—167.350 (Subpart B) Heading revised....33589
167.150—167.155 Undesignated center heading added....33589
167.150 Added....33589
167.151 Added....33589
167.152 Added....33589
167.153 Added....33589
167.154 Added....33590
167.155 Added....33590
167.350 Undesignated center heading added; section redesignated from 167.100....33589

Page

174 Authority citation revised....25219
174.121 Revised....25219
177 Authority citation revised....33812
177.08 Introductory text revised....33812

Chapter II—Corps of Engineers, Department of the Army

207.249 Heading revised; (b)(3)(iii) and (5)(iii) and (d) amended; (b)(1) redesignated as (b)(1)(i) and heading added; (b)(1)(ii), (3)(iv), and (5)(iv) added....34775
241 Added; interim....35875
334.78 Added....28556

Title 33—*Proposed Rules:*

1—183 (Ch. I)....31786
26....38787
84....39541
110....27688, 34815
117....25389, 25391, 27225, 28018, 33434, 33836, 34686, 36799, 36961
140....25392
143....25392
162....34933
165....26703, 32314, 33435, 33436, 34687, 34816, 37697
166....25039, 28019
241....34934
334....36439

TITLE 34—EDUCATION

Subtitle A—Office of the Secretary, Department of Education

5 Authority citation revised....32524
5.6 Added....32525
5.60—5.64 (Subpart E) Revised....32525
11 Revised....25152
32 Added; eff. 7-31-87....24957
75 Authority citation revised....27803
75.1 (a) Note and tables removed; (a) revised (effective date pending)....27803
75.50 Revised (effective date pending)....27803
75.111 (d) and (e) removed (effective date pending)....27803

Page

75.124 Undesignated center heading and section removed (effective date pending)....27803
75.125 (a) designation and (b) removed (effective date pending)....27803
75.138—75.141 Undesignated center heading and sections removed (effective date pending)....27803
75.200 (b)(3) and (c)(2) revised (effective date pending)....27803
75.201 (b)(1) designation and (2) removed (effective date pending)....27803
75.202—75.206 Removed (effective date pending)....27803
75.210 Revised (effective date pending)....27803
75.217 Revised (effective date pending)....27804
75.219 (b) removed; (c) redesignated as (b) and revised (effective date pending)....27804
75.221 Removed (effective date pending)....27804
75.222 Heading and section amended (effective date pending)....27804
75.250 (a) designation and (b) removed (effective date pending)....27804
75.254 Removed (effective date pending)....27804
75.260 (a) revised (effective date pending)....27804
75.708 (a) revised (effective date pending)....27804
75.721 Removed (effective date pending)....27804
75.733 Removed (effective date pending)....27804
76 Authority citation revised....27804
76.1 (a) Note and tables removed; (a) revised (effective date pending)....27804
76.50 (a) introductory text revised (effective date pending)....27804
76.100 Revised (effective date pending)....27804
76.101 Revised (effective date pending)....27804

Page

76.102 Cross-reference removed (effective date pending)....27804
76.301 Revised (effective date pending)....27804
76.401 (a) introductory text and (b) revised (effective date pending)....27805
76.563 Introductory text amended (effective date pending)....27805
76.772 Cross-reference removed (effective date pending)....27805

Chapter II—Office of Elementary and Secondary Education, Department of Education

206 Authority citation revised....24920
206.1 Authority citation revised....24920
206.2 (a), (b) and authority citation revised (effective date pending)....24920
206.3 Authority citation revised....24920
206.4 (a) and authority citation revised (effective date pending)....24920
206.5 (c)(1) and authority citation revised (effective date pending)....24920
206.10 (b)(1) (i) through (viii) and (2) (i) through (iii) and authority citation revised; (b)(2) (iv) through (vi) and (c) added (effective date pending)....24920
206.20 (a) amended; (b) redesignated as (d); new (b) and (c) added; authority citation revised; OMB number (effective date pending)....24920
206.30 Authority citation revised....24920
(b) revised (effective date pending)....24921
206.31 Authority citation revised....24920
(a)(2)(ii) revised; (i) added; OMB number (effective date pending)....24921

CHANGES JULY 1 THROUGH OCTOBER 30, 1987

TITLE 34 Chapter II—Con. Page

215 Revised (effective date pending)....38853
221.15 (b) introductory text and (3) revised (effective date pending)....28814
230 Added (effective date pending)....26919
235 Added (effective date pending)....26923
237 Added (effective date pending)....26466
250 Authority citation revised....28232
250.4 (b) amended....28232
251 Authority citation revised....28232
251.31 Added....28232
251.32 Added....28233
270 Revised (effective date pending)....24963
271 Added....24964
272 Added....24965

Chapter III—Office of Special Education and Rehabilitative Services, Department of Education

309 Revised (effective date pending)....29817
315 Heading and authority citation revised (effective date pending)....31958
315.1 Heading revised; text amended (effective date pending)....31958
315.10 Nomenclature change (effective date pending)....31958
315.11 Nomenclature change (effective date pending)....31958
315.12 Nomenclature change; (a) introductory text and (4) and (b)(2) amended (effective date pending)....31958
315.13 Nomenclature change; (a) revised; (c) redesignated as (d); new (c) added (effective date pending)....31958
315.14 Amended (effective date pending)....31959
315.30 (a) amended (effective date pending)....31959
315.31 Redesignated as 315.32 and revised; new 315.31 added (effective date pending)....31959
315.32 Redesignated from 315.31 and revised (effective date pending)....31959
315.33 Added (effective date pending)....31959
315.34 Added (effective date pending)....31960
319 Added (effective date pending)....25831
320 Heading and authority citation revised....26657
320.1 Heading, introductory text and (a) revised; (b) amended; (c) redesignated as (d); new (c) added (effective date pending)....26657
320.10 (a)(2) removed; (a)(3) and (c) redesignated as (a)(2) and (d); (a)(1)(iii) and (b) amended; new (c) added (effective date pending)....26657
320.30 (b)(2)(iii) amended (effective date pending)....26657
320.40 (b) revised (effective date pending)....26657
326 Authority citation revised....34368
326.1 (a)(2) (i) and (ii) revised; (a)(2)(iii) added (effective date pending)....34368
326.4 (c)(1) (i) and (ii) revised; (c)(1)(iii) added (effective date pending)....34368
326.10 (a)(3) amended; (a)(4) revised (effective date pending)....34369
326.20 (b) revised (effective date pending)....34369
326.30 (b) and (e) amended; (i), (j), and (k) added (effective date pending....34369
326.34 Added (effective date pending)....34369
350 Heading and authority citation revised (effective date pending)....30060
350.1 Heading, (a) (1) and (3), and authority citation revised; (a) introductory text republished (effective date pending)....30060
350.2 (b), (c), and authority citation revised; (d) added (effective date pending)....30061

CHANGES JULY 1 THROUGH OCTOBER 30, 1987

Page

350.3 Introductory text and (a)(2) revised (effective date pending)....30061
350.4 (a) introductory text and (b) introductory text revised; (b) amended (effective date pending)....30061
350.30 Revised (effective date pending)....30061
350.32 (a) and authority citation revised (effective date pending)....30061
350.33 (a), (b), and (e) revised; (c) amended (effective date pending)....30062
350.34 Heading revised (effective date pending)....30062
350.35 Added (effective date pending)....30062
350.40 (b)(1) introductory text republished; (b)(1)(iii) revised (effective date pending)....30062
351 Heading and authority citation revised (effective date pending)....30062
351.1 Nomenclature changes (effective date pending)....30062
351.10 Introductory text and (b) introductory text republished; (a), (b) (6) and (7), and authority citation revised; (b) (8) and (9) added; nomenclature changes (effective date pending)....30062
352 Heading and authority citation revised (effective date pending)....30063
352.10 (b) and (d) revised (effective date pending)....30063
352.31 Revised (effective date pending)....30063
352.40 (Subpart E) Added (effective date pending)....30064
353 Heading and authority citation revised (effective date pending)....30064
353.1 (b) and (c) revised (effective date pending)....30064
353.10 (a) introductory text and (b) introductory text republished; (a) (iii) and (iv) amended; (a)(v) added; (b)(1) revised (effective date pending)....30064

Page

353.31 Revised (effective date pending)....30064
354 Heading and authority citation revised (effective date pending)....30065
355 Heading and authority citation revised (effective date pending)....30065
356 Heading and authority citation revised (effective date pending)....30065
356.30 (b)(1) amended (effective date pending)....30065
356.32 (b) amended (effective date pending)....30065
357 Heading and authority citation revised (effective date pending)....30065
357.1 (b) and (c) amended (effective date pending)....30065
358 Heading and authority citation revised (effective date pending)....30065
359 Heading and authority citation revised (effective date pending)....30065
359.32 Added (effective date pending)....30066
363 Added (effective date pending)....30550
371 Heading and authority citation revised (effective date pending)....30555
371.1 Revised (effective date pending)....30555
371.2 Amended (effective date pending)....30555
371.4 (b) (1) through (4) designations removed; (b) amended (effective date pending)....30555
371.10 Amended (effective date pending)....30555
371.20 Amended (effective date pending)....30555
371.21 (c), (d), (e), (f), (g), and (h) amended; (i) revised (effective date pending)....30555
371.30 (f)(2) (i) and (ii) amended (effective date pending)....30555
371.40 Revised (effective date pending)....30556
371.41 (a)(2) and (b) amended (effective date pending)....30555
371.42 Amended (effective date pending)....30555

CHANGES JULY 1 THROUGH OCTOBER 30, 1987

TITLE 34 Chapter III—Con. Page

Revised (effective date pending)....30556
371.43 (a) and (b) amended (effective date pending)....30555
386 Authority citation revised....30556
386.1 Revised (effective date pending)....30556
386.4 Revised (effective date pending)....30556
386.30 (c) and (h)(2)(iii) amended (effective date pending)....30556
386.42 Revised (effective date pending)....30556
386.43 Added (effective date pending)....30557
386.44 Added (effective date pending)....30557
386.45 Added (effective date pending)....30558
386.46 Added (effective date pending)....30558
386.47 Added (effective date pending)....30558

Chapter V—Office of Bilingual Education and Minority Languages Affairs, Department of Education

500.15—500.20 Undesignated center heading added (effective date pending)....27805
500.15 Added (effective date pending)....27805
502 Removed (effective date pending)....30322
504 Removed (effective date pending)....30322
524 Added (effective date pending)....30322

Chapter VI—Office of Postsecondary Education, Department of Education

607 Added (effective date pending)....30529
608 Added (effective date pending)....30538
609 Added (effective date pending)....30541
614 Revised (effective date pending)....30561
628.2 Revised (effective date pending)....36374
628.4 (a) and (b) revised (effective date pending)....36375
628.5 (a) (2) and (3) removed; (a)(1) revised (effective date pending)....36375
628.6 Introductory text revised (effective date pending)....36375
628.48 (a)(2) removed; (a)(1) redesignated as (a)(2); new (a)(1) added (effective date pending)....36375
629 Revised (effective date pending)....29824
630 Authority citation revised....27523
630.5 (b) amended (effective date pending)....27523
630.11 (c) added; authority citation revised (effective date pending)....27523
630.33 Amended (effective date pending)....27523
630.34 Redesignated as 630.35; new 630.34 added (effective date pending)....27523
630.35 Redesignated from 630.34 (effective date pending)....27523
631 Revised (effective date pending)....29140
632 Revised (effective date pending)....29142
633 Revised (effective date pending)....29144
634 Revised (effective date pending)....29145
635 Revised (effective date pending)....29146
636 Authority citation revised....29147
Authority citation corrected....30280
636.2 (a) and (b) amended (effective date pending)....29147
636.4 (c) amended (effective date pending)....29147
636.10 Amended (effective date pending)....29147
636.30 Amended (effective date pending)....29147
636.40 Amended (effective date pending)....29147
636.41 Amended....29147
643 Authority citation revised....27774

CHANGES JULY 1 THROUGH OCTOBER 30, 1987

Page

643.4 (b) and (c)(1) revised (effective date pending)....27774
643.6 (b) amended (effective date pending)....27774
643.20 (b) and (c) amended; (d) added (effective date pending)....27774
644 Authority citation revised....28420
644.4 Removed....28420
644.6 (b) amended....28420
644.10 (b) amended....28420
644.20 (c) added....28420
644.42 Removed....28420
645 Authority citation revised....27776
645.3 (a)(3) revised (effective date pending)....27776
645.4 (d)(1) revised (effective date pending)....27776
645.6 (b) amended (effective date pending)....27776
646 Heading and authority citation revised (effective date pending)....27906
646.1 Amended (effective date pending)....27906
646.2 Amended (effective date pending)....27906
646.3 Introductory text amended; (c) revised (effective date pending)....27906
646.4 (a) and (b) amended; (d)(1) revised (effective date pending)....27906
646.5 Heading and introductory text amended (effective date pending)....27906
646.6 Heading amended (effective date pending)....27906
646.10 Heading, (a) introductory text, and (b) amended (effective date pending)....27906
(a)(8) redesignated as (a)(9); new (a)(8) added; (a)(4) and new (9) revised (effective date pending)....27907
646.30 (b) amended (effective date pending)....27906
646.31 (f)(1) introductory text and (iii) and (h)(1) and (2)(iv) amended (effective date pending)....27906
646.32 (a)(1) amended (effective date pending)....27906

Page

646.40 Introductory text amended (effective date pending)....27906
650 Authority citation revised; nomenclature change....29356
650.1 Existing text designated as (a); (b) added (effective date pending)....29356
650.2 (b)(4) revised (effective date pending)....29357
650.4 Amended (effective date pending)....29357
650.5 (b) revised (effective date pending)....29357
650.33 (a)(3) and (b) and (a) designation removed; (a) (1) and (2) redesignated as (a) and (b) and amended (effective date pending)....29357
650.42 Revised (effective date pending)....29357
658 Authority citation revised....28422
658.10 (a), (b) introductory text, and (c) introductory text amended (effective date pending)....28422
658.11 Introductory text amended; (g) revised (effective date pending)....28422
658.32 (b)(2)(i) and (c)(2)(ii) amended (effective date pending)....28422
660 Authority citation revised....28424
660.1 (b) amended; (c) redesignated as (d) and revised; new (c) added (effective date pending)....28424
660.10 (b) and (c) introductory text revised (effective date pending)....28424
661 Authority citation revised....28426
661.10 (h) and (i) amended; (j) added (effective date pending)....28426
668.51 (c)(1) amended (effective date pending)....39892
668.90—668.102 (Subpart H) Added (effective date pending)....30015
668.93 (a) corrected....32868
668.95 (e)(1)(v) corrected....32868

CHANGES JULY 1 THROUGH OCTOBER 30, 1987

TITLE 34 Chapter VI—Con. Page
673.1—673.2 (Subpart A) Added (effective date pending)....29122
673.21—673.33 (Subpart C) Added (effective date pending)....29122
673.41—673.45 (Subpart D) Added (effective date pending)....29129
690 Authority citation revised....38207
690.2 (b) amended....38207
690.6 Revised....38207
690.61 (a) revised....38207
690.77 Added....38208
690.78 (a) revised....38208

Chapter VII—Office of Educational Research and Improvement, Department of Education

745 Authority citation revised....27805
745.12 Added (effective date pending)....27805
762 Added (effective date pending)....29608
763 Added (effective date pending)....38067
764 Added (effective date pending)....28527
765 Added (effective date pending)....28528
766 Added (effective date pending)....28529
785 Redesignated from Part 796 and revised (effective date pending)....30612
786 Added (effective date pending)....30614
787 Added (effective date pending)....30617
788 Added (effective date pending)....30620
789 Added (effective date pending)....30622
796 Redesignated as Part 785 and revised (effective date pending)....30612

Title 34—*Proposed Rules:*

33....27650
251....37260
602....33908
603....33908
656....37064
657....37067
696....39896
778....38192

TITLE 35—PANAMA CANAL

Chapter I—Panama Canal Regulations

9 Authority citation revised....31397
9.2 Revised....31397
9.4 Amended....31397
9.5 (a) revised....31397
9.6 (a)(1) amended; (b) revised....31397
9.8 (b)(1) revised....31397
9.11 Revised....31397
9.12 Redesignated as 9.14....31397
Added....31398
9.13 Redesignated as 9.15....31397
Added....31398
9.14 Redesignated from 9.12....31397
9.15 Redesignated from 9.13....31397
103.8 (d) (2) and (3) and (g) revised; (d)(4) added; (f)(1) amended....37952
257 Added....26007

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter I—National Park Service, Department of the Interior

1.2 (b) revised....35239
2.2 (g) revised....35240
2.3 (g) revised....35240
2.4 (g) revised....35240
2.13 (d) revised....35240
2.22 (d) revised....35240
2.30 (b) revised....35240
2.31 (b) revised....35240
2.32 (b) revised....35240
2.34 (b) revised....35240
2.36 (b) revised....35240
5 Authority citation revised....35240
5.8 (c) revised....35240
5.9 (c) revised....35240
7.23 Added; interim eff. to 4-4-89....31765
7.71 (g) added....34777
7.92 (c) added....34777

CHANGES JULY 1 THROUGH OCTOBER 30, 1987

Chapter II—Forest Service, Department of Agriculture

Page
211.18 (b)(12) added; interim....27547
222 Existing regulations unchanged....30359

Chapter VII—Library of Congress

701.34 Revised....34383

Chapter VIII—Advisory Council on Historic Preservation

800.6 (a)(2) and (c)(2) corrected....25376
800.10 Introductory text designation (a) correctly removed....25376
800.12 (a) corrected....25376

Chapter IX—Pennsylvania Avenue Development Corporation

902 Authority citation revised....26677
902.80 (b) revised....26677
902.81 Revised....26677
902.82 Revised....26677
902.83 Revised....26679
903 Authority citation revised....34384
903.11 Redesignated as 903.12; new 903.11 added; interim....34384
Confirmed....39224
903.12 Redesignated as 903.13; new 903.12 redesignated from 903.11; interim....34384
Confirmed....39224
903.13 Redesignated from 903.12; interim....34384
Confirmed....39224

Chapter XII—National Archives and Records Administration

1220.14 Amended....34134
1228 Authority citation revised....34134
1228.32 Revised....34134
1228.34 Revised....34134
1228.36 Removed....34134
1228.190 Revised....34134
1228.192 Removed....34135
1250.12 Revised....29519
1250.30 Revised....29519
1250.38 Removed....29519
1250.40 Removed....29519
Page
1250.42 Removed....29519
1250.44 Removed....29519
1250.46 Removed....29519
1250.37—1250.46 (Subpart D) Added....29519
1250.50—1250.60 (Subpart D) Redesignated as Subpart E....29519
1250.50—1250.60 (Subpart E) Redesignated from Subpart D....29519
1250.70 (Subpart E) Redesignated as Subpart F....29519
1250.70 (Subpart F) Redesignated from Subpart E....29519
1250.80 (Subpart F) Redesignated as Subpart G....29519
1250.80 (Subpart G) Redesignated from Subpart F....29519
1250.50 (a) amended....29521
1250.58 (c) revised....29521
1250.70 (a)(7) revised....29521
1258.2 (c)(7) added....29521
1258.12 (c)(3) amended....29521

Title 36—*Proposed Rules:*

7....31788
9....28850
28....37586
79....32740
222....37483
223....28167
251....33837, 33839
404....33957
1150....26534
1190....34955
1208....25124, 27902
1209....39015
1256....39924

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

201.11 Heading, (a) (1), (2), and (5), and (b) through (f) removed; (a) (3) and (4) redesignated as 201.17 (b) (2) and (4)....28253
201.17 (b) (2) and (4) redesignated from 201.11 (a) (3) and (4); (b)(7), (e)(2), (9)(vii), and (12), and (g) amended; (d)(2) (i) and (ii), (e)(14)(iii)(E), (h)(2) intro-

TITLE 37 Chapter II—Con. Page

ductory text, and (3) introductory text revised; footnote 8, (h)(4)(iv), and (j)(5) removed....28253
202.23 Revised....28822

Chapter III—Copyright Royalty Tribunal

307.3 (d) and (e)(1) revised....41711

Title 37—*Proposed Rules:*

1....34080, 36736
5....36736
201....28731
202....28311, 37167

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

3.23 Heading, (a) and (c) revised....34907
3.24 Heading, (b) and (c) revised....34907
3.25 Revised....34907
3.26 Revised....34908
3.27 (a) and (b) revised....34908
3.28 Revised....34908
3.155 (c) text revised; (c) cross reference added....27340
3.157 (a) amended; (b)(1) revised....27340
3.262 (b)(2) revised....34908
3.700 (a)(2) revised; (a)(3) amended; (a)(5) added....27340
3.802 (b) amended....34909
3.1600 (a), (b) introductory text, (f) introductory text and (g) amended; (c) revised....34909
3.1601 (a)(1)(i) and (2)(i) revised; (a)(2)(iii) amended....34909
3.1604 (a) introductory text, (c), and (d)(3) revised; (b)(2) amended....34909
3.1612 (e)(2)(ii) revised; (e)(2)(iii) added....34910
8.28 Revised....36926
21.4135 (e)(1), (s), and (w) revised....37615
21.5820 (b) introductory text, (1)(ii) (A) and (B), and (2)(ii) (A) and (B) revised....35241

Page

21.5822 (b)(1) (i) and (ii) and (2) (i) and (ii) revised....35241
36.4212 (a) revised....34218, 37616
36.4311 (a), (b) and (c) revised....34218, 37616
(a) correctly revised....34910
36.4324 (a) amended....26342
36.4503 (a) revised....34218, 37616

Title 38—*Proposed Rules:*

1....38474
3....37170
4....32318, 35610
8a....26356
13....33248
15....25124, 27902
17....25254
21....25736, 26026, 30178, 31416, 36280
36....37973, 39329
44....39015

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

10 Redesignated as Part 20; new Part 10 added....29697
Heading corrected....33410
20 Redesignated from Part 10....29697
111.3 DMM amended; incorporation by reference; interim....27993, 38403
DMM amended; incorporation by reference....29012, 34779, 36762, 38229
266.8 Revised....38230
952 Authority citation revised; section authority citations removed....36762
952.2 Amended....36763
964 Added....36763
965 Added....29012

Chapter III—Postal Rate Commission

3001.61—3001.68 (Subpart C) Appendix A amended....28140

Title 39—*Proposed Rules:*

20....34816
111....27565, 28021, 34243, 38949
266....32816
601....36590

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

Page

1.37 (a) introductory text and (e) revised....30359
1.45 (b) revised....30360
1.47 (d) added....30360
1.49 (g) added....30360
12 Added....30606
22 Authority citation revised....30673
22.01 (a)(5) revised; (a)(6) added; interim....30673
22.38 Added; interim....30673
50.6 Revised; eff. 7-31-87....24663
Technical correction....26401
50.7 Removed; eff. 7-31-87....24664
Technical correction....26401
50 Appendix G amended; Appendix J added; eff. 7-31-87....24664
Appendix K added; eff. 7-31-87....24667
Technical correction....26401
Appendix K corrected....29382, 31701
Appendix J corrected....29647
51 Authority citation revised....24712
State implementation plan attainment groups....29383
51.100 (oo) through (ss) added; eff. 7-31-87....24712
51.151 Amended; eff. 7-31-87....24713
51.165 (a)(1)(x) amended; (b) revised; eff. 7-31-87....24713
Correctly designated....29386
51.166 (a)(6)(i) and (i)(8)(i)(c), (*f*), (*h*), and (*l*) revised; (b)(23)(i), (c) table and (p)(4) table amended; (i)(10) added; eff. 7-31-87....24713
(i)(10) corrected....29386
51.322 (a)(1) and (b)(1) revised; eff. 7-31-87....24714
51.323 (a) (1) and (2) revised; (a)(3) added; eff. 7-31-87....24714
51 Appendixes L and S amended; eff. 7-31-87....24714
Appendix S corrected....29386
52 State implementation plan attainment groups....29383
State implementation plan deficiency notice....34384
52.21 (b)(23)(i) table, (c) table, (i)(8)(i), and (p)(5) table

Page

amended; (i)(4) (ix) and (x), (11), and (m)(1) (vii) and (viii) added; (w)(2) revised; eff. 7-31-87....24714
(m)(1)(vii) corrected....26401
52.24 (f)(10) amended; eff. 7-31-87....24715
52.50 (c)(46) added....28254
52.220 (c)(154)(v)(B), (159) (ii) through (vi) and (160) added; (c)(159) introductory text republished....26149
52.520 (c)(62) added....35704
52.581 (c) redesignated as (a); new (b) added....32918
52.726 (c) added....26012
52.770 (c)(63) added....33591
52.777 (c)(1)(i) removed....33591
52.920 (c)(47) added....33593
52.1120 (c)(73) added....32792
52.1167 Table amended....32792
52.1168 Revised....32792
52.1270 (c)(19) added....35705
52.1420 (c)(35) added....28695
52.1425 (a) table amended....28696
52.1431 Table amended....28696
52.1520 (c)(37) added....35082
52.1525 Table amended....35082
52.1770 (c)(51) added....33934
52.1970 (c)(80) added....28255
(c)(81) added....32012
52.1985 (b) added....32012
52.2020 (c)(69) added....38759
52.2070 (c)(28) added....32794
(c)(30) added....32919
(c)(26) added....36250
52.2081 Table amended....32794, 32920, 36250
52.2084 (a)(1) added....38764
52.2370 (c)(19) added....26981
52.2381 Table amended....26982
52.2720 (c)(34) added....38419
53 Technical correction....27902
53.1 (j) revised; (m) and (n) added; eff. 7-31-87....24727
53.2 Revised; eff. 7-31-87....24727
53.3 Revised; eff. 7-31-87....24727
53.4 (a) and (b)(3) amended; footnote 1 removed; (b) (4) through (6) and (c) revised; eff. 7-31-87....24727
53.9 (c) revised; (d), (f), and (g) amended; eff. 7-31-87....24728
53.20—53.23 (Subpart B) Heading revised; eff. 7-31-87....24728

TITLE 40 Chapter I—Con. Page

53.30—53.34 (Subpart C) Heading revised; eff. 7-31-87.....24728
53.30 (a), (b)(2) heading, (c) and (d)(2) heading, (3) and (4) revised; (b)(4) added; eff. 7-31-87.....24728
53.31 (b) heading revised; (b) text amended; eff. 7-31-87.....24728
53.32 Heading revised; (c) (1), (2), (3) (i) and (ii) and (4) amended; eff. 7-31-87.....24728
53.33 Heading and (h) (2) and (3) revised; (b), (e), (h) heading and (i) amended; eff. 7-31-87.....24728
53.34 Added; eff. 7-31-87.....24729
53.40—53.43 (Subpart D) Added; eff. 7-31-87.....24729
58.1 (t), (u), and (v) added; eff. 7-31-87.....24739
58.13 (b) revised; (c) added; eff. 7-31-87.....24739
58.20 (e) amended; eff. 7-31-87.....24740
58.23 Introductory text revised; eff. 7-31-87.....24740
58.30 (a) introductory text amended; eff. 7-31-87.....24740
58.34 Introductory text amended; eff. 7-31-87.....24740
58.35 (d) amended; eff. 7-31-87.....24740
58 Appendex A, B and C amended; eff. 7-31-87.....24741
Appendix D amended; eff. 7-31-87.....24742
Appendix E amended; eff. 7-31-87.....24744
Appendix F amended; eff. 7-31-87.....24748
Appendix G amended; eff. 7-31-87.....24749
Appendixes D and E corrected.....27286
60 Authority delegation notices.....28255, 33934, 35083-35085, 35087, 35088, 35090, 35091, 36033, 36417, 36418
Authority citation corrected.....37874
60.43 (a)(2) revised; (e) added.....28954
60.46 (h) added.....28955
60.285 (d) (1) and (3) revised.....36409
60.540—60.548 (Subpart BBB) Added.....34874
60.543 (a) and (h) introductory text corrected.....37874
60.546 (c)(2) corrected.....37874
60 Appendix F corrected.....27612
Appendix G added.....28955
Appendixes A and B amended.....30675
Appendix A corrected.....33316
Appendix A amended.....34639, 36410, 36415, 41425
Appendix B amended.....34650
61 Authority delegation notices.....28255, 30920, 35084, 35085, 35087, 35088, 35090-35092, 36417, 36418
61.01 (b) amended.....37617
61.123 OMB number.....28141
61.124 OMB number.....28141
61.125 OMB number.....28141
61.126 OMB number.....28141
65 Administrative order.....41711
81.330 Amended.....35082
Corrected.....36863
81.350 Amendment at 46 FR 61127 correctly designated.....36419
85.1501—85.1515 (Subpart P) Revised.....36156
136.3 (a) Table IB amended; interim.....33543
141 Authority citation revised.....41546
141.2 Amended; eff. 1-9-89.....25712
141.24 (g) added.....25712
141.32 (a) amended; eff. 1-9-89.....25714
Redesignated as 141.36 and introductory text added; eff. to 4-28-89.....41546
Added; eff. 4-28-89.....41546
141.34 Added.....41549
141.35 Added.....25714
141.36 Redesignated from 141.32 and introductory text added; eff. to 4-28-89.....41546
141.40 Revised.....25715
141.50 (b) revised; eff. 1-9-89.....25716
141.60 Revised; eff. 1-9-89.....25716
141.61 Added; eff. 1-9-89.....25716
141.100—141.101 (Subpart J) Added; eff. 1-9-89.....25716
142 Authority citation revised.....41550
142.10 (b)(6)(v) revised.....41550
142.16 Revised.....41550
142.56 Added; eff. 1-9-89.....25716

Page

142.62 Added; eff. 1-9-89.....25716
143.5 (a) and (b) introductory text revised.....41550
146 Test program approval extended to 7-14-88.....26342
180 Policy statement.....32128
Policy statement; comment time extended.....39917
180.1 (h) table amended.....33239
180.108 Existing text designated as (a) and table amended; (b) added.....33236
180.135 Technical correction.....27548
180.137 Technical correction.....27548
180.144 Heading and text nomenclature change.....32306
180.153 Heading and text nomenclature change.....32306
180.170 Heading and text nomenclature change.....32306
180.172 Existing text designated as (a) and table amended; (b) added.....33236
180.175 Existing text designated as (a) and table amended; (b) added.....33236
180.183 Existing text designated as (a) and table amended; (b) added.....33237
180.185 Existing text designated as (a) and table amended; (b) added.....33237
180.199 Existing text designated as (a) and table amended; (b) added.....33237
180.204 Existing text designated as (a) and table amended; (b) added.....33237
180.205 (b) table amended...31030, 37454
180.246 Revised.....27552
(b) table amended.....28259
Technical correction.....33903
180.250 Heading and text nomenclature change.....32306
180.253 Existing text designated as (a) and table amended; (b) added.....33237
180.255 Heading and text nomenclature change.....32306
180.258 Existing text designated as (a) and table amended; (b) added.....33237
180.259 Existing text designated as (a) and table amended; (b) added.....33237
180.262 Existing text designated as (a) and table amended; (b) added.....33237
180.266 Heading and text nomenclature change.....32306
180.275 Existing text designated as (a) and table amended; (b) added.....33237
180.294 Existing text designated as (a) and table amended; (b) added.....33238
Existing text designated as (a); (b) added.....37454
180.295 Heading and text nomenclature change.....32306
180.308 Heading and text nomenclature change.....32306
180.315 Existing text designated as (a) and table amended; (b) added.....33238
180.324 (a) table amended.....35706
180.327 Heading and text nomenclature change.....32306
180.330 Existing text designated as (a) and table amended; (b) added.....33238
180.342 Existing text designated as (a); (b) added.....27549
(a) table amended; (b) added.....33238
180.349 (a) table amended; (c) added.....33238
180.350 Existing text designated as (a) and table amended; (b) added.....33238
180.364 (a) table amended.....34911
(b) introductory text revised.....34913
180.366 Heading and text nomenclature change.....32306
180.377 Existing text designated as (a) and table amended; (b) added.....33238
180.381 (a) table amended.....33936
180.399 (a) table amended.....34914
180.406 Heading and text nomenclature change.....32306
180.412 Table amended.....27550
180.414 (a), (b), and (c) revised.....27551
180.415 Existing text designated as (a); (b) added.....25603
180.423 Heading and text nomenclature change.....32306
180.434 Table corrected.....25602
180.1046 (a) amended.....39225
180.1084 Revised.....32306

CHANGES JULY 1 THROUGH OCTOBER 30, 1987

TITLE 40 Chapter I—Con. Page

Heading and text corrected....37246
180.1086 Heading correctly revised....29014
228.12 (a)(1)(ii)(C) removed; (b) (32), (33), (34) and (35) added....25011
(a)(3) amended....29846
(a)(3) amended; (b)(31) added....30361
(a)(1)(ii) (D) and (N) removed; (b) (42) through (45) added....34222
(a)(1)(ii)(K) removed; (b)(47) added....35917
250 Added....37304
260 Authority citation revised....41295
260.11 (a) introductory text revised....41295
261 Petitions denied....28696
Authority citation revised....28698
261.32 Table amended....28698
261.33 (c) correctly revised....26012
261 Appendix IX amended...29848, 29051
262 Authority citation revised....35898
262.42 Revised....35898
262.44 Revised....35899
262.51 Revised....25787
264 Authority citation revised....25946
264.13 (b)(7)(iii) revised....25787
264.98 (h)(2), (3) introductory text and (4)(i) introductory text revised....25946
264.99 (f) revised....25946
264 Appendix IX added....25947
265.13 (b)(7)(iii) revised....25788
268 Authority citation revised....41296
268.1 (c) (3) and (4) amended; (c)(5) added....25788
268.2 (a) amended; introductory text republished....25788
268.3 Revised....25788
268.4 (a)(2) revised; (b) added....25788
268.5 (a)(2), (h)(1) and (2)(iii) revised; (h)(2)(v) added....25788
268.6 (k) added....25789
268.7 (a) introductory text, (1) introductory text and (ii) and (2) introductory text, (i)(B) and (ii), (b) introductory text, (1)(ii), (2) introductory text and (i) and (c) revised....25789
268.30 (a)(4) added....25790
268.32 Added....25790
(i) amended....41296
268.40 Revised....25790
268.42 (a) (1) and (2) added; (b) revised....25790
268.50 (a) introductory text and (e) revised; (f) added....25791
268 Appendix III added....25791
270 Authority citation revised....25953
State hazardous waste management programs; compliance date extended....34779
270.14 (c)(4)(ii) revised....25953
(c)(8)(v) correctly revised....33936
270.42 (o) (1) and (2) revised; (p) added....25792
270.72 (e) revised....25792
271 State hazardous waste management programs; schedule of compliance....26013, 27198, 29522, 30681, 30682
State hazardous waste management programs approved....26476, 35556
Authority citation revised....35899
271.1 (j) Tables 1 and 2 amended....25792
(j) Table 1 amended....35899
272 Comment period corrected....26013
State hazardous waste management programs approved....27199
300 Appendix B revised....27634
305 Removed....33814
306 Removed....33814
310 Added; interim....39396
370 Added....38364
418 Authority citation revised....28432
418.10 Revised....28432
421.21 (c) added....25556
421.23 (a) through (h), (j) through (o), and (q) and (r) tables amended....25556
421.24 (b), (d), (e), (h), (k) and (l) tables amended....25558
421.26 (b), (d), (e), (h), (k) and (l) tables amended....25559
421.33 (d) and (g) revised....25559
421.34 (d) and (g) revised....25559

CHANGES JULY 1 THROUGH OCTOBER 30, 1987

Page

421.35 (d) and (g) revised....25560
421.36 (d) and (g) revised....25560
600.007-80 (b)(7) added; (f) revised....36164
704.104 Added....41299
721.320 Added....41300
721.324 Added....41300
721.347 Added....41300
763.80—763.99 (Subpart E) Text revised....41846
763.80—763.99 (Subpart E) Appendixes A, B, and D revised....41857
790.50 (a)(2)(ii) removed; interim....36569
790.52 (c) revised; interim....36569
790.55 (b) revised; (c) added; interim....36571
790.68 (b) (2) and (3) revised; interim....36571
795 Authority citation revised....37143
795.45 (b)(1)(ii) Table 1 corrected....32990
795.120 Added; eff. 8-14-87....24462
795.230 Added....37143
796.1550 (b)(3)(ix) corrected....26150
796.1840 (b)(1)(vi)(A) corrected....26150
797.1600 Heading corrected....26150
797.1800 (c)(4)(v) and (d)(1)(iii)(D) corrected....26150
797.1930 (c)(6) (i) and (ii) corrected....26150
798.2450 (d)(11)(i)(A) corrected....26150
798.4350 (e)(6)(i)(A) corrected....26150
798.5395 (e)(1)(i) corrected....26150
(e)(2) corrected....34654
799.500 (d)(2)(i)(B) correctly designated....32990
799.1052 (c) removed; eff. 8-14-87....24465
799.1053 (c) removed; (d)(1) (ii) and (iii), (2) (ii) and (iii), (3) (ii) and (iii), (4) (ii) and (iii), (5) (ii) and (iii) and (g) added; eff. 8-14-87....24465
799.1054 (a)(2) revised....26477
799.1550 (b)(1) revised; (b)(5), (c)(1) (ii) and (iii), (2) (ii) and (iii), (3) (ii) and (iii), (4) (ii) and (iii) and (5), (d)(1) (ii) and (iii), (2) (ii) and (iii), (3) (ii) and (iii), (4) (ii) and (iii) and (e) added....37144
799.1645 Added....28704
799.1650 (c)(3) corrected....32240
799.1700 Technical correction....26982
799.3175 Added....31969
Technical correction....37246
799.3450 (c)(1) (ii) and (iii) and (d) added....35709
799.4000 Added....25225
799.5000 Technical correction....32990

Title 40—*Proposed Rules:*

2....29045
13....32098
22....25255, 29222, 33960
24....29222, 33960
32....39198
35....28112
50....24670, 24716, 29392, 34243
51....26404
52....24716, 25256, 26404, 26413-26439, 26534, 27016, 27569, 28570, 29392, 29394, 30189, 31789, 31791, 32321, 33250, 33252, 33437, 33840, 34243, 35279, 36054, 36282, 36593, 36963, 36965, 37175, 37637, 38470, 38481, 38787, 41910
60....25399, 29548, 31633, 32026, 36440, 36678, 37335, 37874, 38566
61....36594
62....33605, 38787
65....28575
80....31162, 31274, 33438, 41473
81....26410, 36055, 39665, 41589
85....41743
86....31162, 31274, 33438, 33560, 41473, 41590
122....30931, 39240
123....30931
124....28112, 32446, 35838
133....35210
136....33547
141....25720, 28112
142....28112
143....28112
144....28112, 32446
146....28112, 32446, 41591
148....32446
152....36595
153....36595
158....36595
160....31635
162....36595

CHANGES JULY 1 THROUGH OCTOBER 30, 1987

Title 40—*Proposed Rules—Con.* Page

180.....26536, 28313, 28314, 29050, 31635, 32322, 33903, 34343, 37246, 38198, 38202
192.....36000
228.....27689, 29550, 30189, 31636, 35928
250.....37335
252.....38838
260.....25612, 26537, 28167, 29708
261.....25612, 26537, 33439, 35279, 38111
264.....25612, 26537, 28167, 31948, 35838
265.....25612, 26537, 28167, 29708, 30570
266.....25612, 26537
268.....29992, 39243
270.....25612, 26537, 28167, 29708, 30570, 35838
271.....25612, 26537, 28167, 30192, 30570, 35452, 36444
300.....27643, 33446
305.....26160
306.....26160
350.....38312, 39926
370.....26357
372.....25040, 27226, 39770
600.....31162, 31274, 33438, 41473
721.....33606
761.....25838, 31738, 33680, 35350
763.....25041, 29228
795.....29395, 29990
796.....29395, 36334
797.....36334
799.....28023, 29395, 31970, 41593

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

101-5 *See* Temp. Reg. A-29.....26150
101-1—101-8 (Subchapter A Appendix) Temporary Reg. A-29, Supp. 1 added.....26150
Temporary Reg. A-23, Supp. 4 added.....41431
101-25.103-1 *See* Temp. Reg. E-89.....41430
101-25.103-2 *See* Temp. Reg. E-89.....41430
101-26.102-1 *See* Temp. Reg. E-88.....29522
101-26.501 (a) amended; (b), (c) and (d) introductory text revised.....29523
101-26.501-1 (a) and (b) revised.....29523
101-26.501-2 (a), (b) and (c) revised.....29524
101-26.501-3 Introductory text and (b) revised.....29524
101-26.501-4 (a) and (b)(2) revised; (b)(3) removed.....29524
101-26.501-6 (c) revised.....29524
101-26.501-8 (a) amended; (b) revised; (c) removed.....29524
101-26.501-9 Revised.....29525
101-25—101-34 (Subchapter E Appendix) Temporary Reg. E-88 added.....29522
Temporary Reg. E-89 added.....41430
101-40.206 *See* Temp. Reg. G-49.....26151
101-41.203-2 *See* Temp. Reg. G-50.....36572
101-38—101-41 (Subchapter G Appendix) Temporary Reg. G-49 added.....26151
Temporary Reg. G-50 added.....36572
101-43.4801 *See* Temp. Reg. H-25.....26152
101-42—101-49 (Subchapter H Appendix) Temporary Reg. H-25 added.....26152

Chapter 201—Federal Information Resources Management Regulation

201-8 Authority citation revised.....28557
201-8.105-6 (b) revised.....28557
201-8.105-37 (d) revised.....28557
201-8.105-43 Added.....28557
201-8.106-6 Added.....28558
201-8.106-7 Added.....28558
201-8.107-6 Added.....28558
Corrected.....30280
201-8.112-4 Revised.....28558

Title 41—*Proposed Rules:*

101-50.....39015
105-55.....31642
201-21.....35736
201-23.....35736
201-38.....35736
201-39.....35736
201-41.....35736

CHANGES OCTOBER 1 THROUGH OCTOBER 30, 1987

TITLE 42—PUBLIC HEALTH

Chapter IV—Health Care Financing Administration, Department of Health and Human Services

Page

405.583 Technical correction.....37769
405.2100—405.2171 (Subpart U) Authority citation corrected.....41532
405.2136 (b) introductory text revised (effective date pending).....36934
405.2138 (a) introductory text republished; (a)(3) revised; (a) (4) and (5) added (effective date pending).....36934
405.2139 (a) revised (effective date pending).....36934
405.2140 (b) introductory text and (1) and (c) revised (effective date pending).....36934
405.2150 Added.....36935
412 Technical correction.....37769
412.1 Regulations at 52 FR 33186 invalidated.....39638
412.2 Regulations at 52 FR 33186 invalidated.....39638
412.63 Regulations at 52 FR 33186 invalidated.....39638
(c)(3) and (f) legislative changes.....39638
412.65 Regulations at 52 FR 33187 invalidated.....39638
412.66 Regulations at 52 FR 33187 invalidated.....39638
412.67 Regulations at 52 FR 33187 invalidated.....39638
412.68 Regulations at 52 FR 33188 invalidated.....39638
412.70 (b), (c) (4) and (5), and (d) (3) and (4) legislative changes.....39638
412.73 (c)(5) legislative changes.....39638
412.80 (a)(1)(ii)(B) legislative changes.....39638
412.82 Regulations at 52 FR 33189 invalidated.....39638
(c) legislative changes.....39638
412.84 Regulations at 52 FR 33189 invalidated.....39638
412.92 (a)(1)(iii) as published at 52 FR 36575 invalidated.....39638
412.96 Regulations at 52 FR 33189 invalidated.....39638
412.113 Regulations at 52 FR 33189 invalidated.....39638
412.125 Regulations at 52 FR 33189 invalidated.....39638
412.214 Regulations at 52 FR 33190 invalidated.....39638
413.13 (c) redesignated as (c)(1); (c)(2) added.....36772
413.40 Technical correction.....37769
(c)(3)(i)(C) legislative changes.....39638
413.64 (g)(6)(i) legislative changes.....39638
413.118 Added.....36773
(a) and (c)(2) corrected.....37715
413.157 Regulations at 52 FR 32921 invalidated.....39639
466.70 Revised (paragraphs (c), (d), and (e) transferred to new 466.71 and revised).....37457
Technical correction.....37769
466.71 Added (regulations transferred from 466.70 (c), (d), and (e) and revised).....37457
466.72 Redesignated as 466.73; new 466.72 added.....37457
466.73 Redesignated from 466.72.....37457
476.133 (a) introductory text republished; (a)(2)(ii) revised.....37458
476.137 Heading and text amended.....37458

Title 42—*Proposed Rules:*

5.....41594
84.....37639
405.....37176, 38582, 39927
413.....37176, 39927
442.....38582
447.....39927
483.....38582
1001.....38794

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

4.1105 (a)(2) revised.....39526
4.1109 (a) revised.....39526

TITLE 43 Subtitle A—Con. Page

4.1300 Redesignated as 4.1600....39525
4.1301 Redesignated as 4.1601....39525
4.1302 Redesignated as 4.1602....39525
4.1303 Redesignated as 4.1603....39525
4.1304 Redesignated as 4.1604....39525
4.1305 Redesignated as 4.1604....39525
4.1306 Redesignated as 4.1606....39525
4.1307 Redesignated as 4.1607....39525
4.1308 Redesignated as 4.1608....39525
4.1309 Redesignated as 4.1609....39525
4.1310 Redesignated as 4.1610....39525
4.1350—4.1356 Undesignated center heading added....39526
4.1350 Added....39526
4.1351 Added....39526
4.1352 Added....39526
4.1353 Added....39527
4.1354 Added....39527
4.1355 Added....39527
4.1356 Added....39527
4.1360—4.1369 Undesignated center heading added....39527
4.1360 Added....39527
4.1361 Added....39527
4.1362 Added....39527
4.1363 Added....39527
4.1364 Added....39527
4.1365 Added....39527
4.1366 Added....39527
4.1367 Added....39528
4.1368 Added....39528
4.1369 Added....39528
4.1370—4.1379 Undesignated center heading added....39528
4.1370 Added....39528
4.1371 Added....39528
4.1372 Added....39528
4.1373 Added....39528
4.1374 Added....39529
4.1375 Added....39529
4.1376 Added....39529
4.1377 Added....39529
4.1378 Added....39529
4.1379 Added....39529
4.1380—4.1388 Undesignated center heading added....39529
4.1380 Added....39529
4.1381 Added....39529
4.1382 Added....39529
4.1383 Added....39530
4.1384 Added....39530
4.1385 Added....39530
4.1386 Added....39530
4.1387 Added....39530
4.1388 Added....39530
4.1390—4.1394 Undesignated center heading added....39530
4.1390 Added....39530
4.1391 Added....39530
4.1392 Added....39531
4.1393 Added....39531
4.1394 Added....39531
4.1600—4.1610 (Subpart M) Nomenclature change....39525
4.1600 Redesignated from 4.1300....39525
4.1601 Redesignated from 4.1301....39525
4.1602 Redesignated from 4.1302....39525
4.1603 Redesignated from 4.1303....39525
4.1604 Redesignated from 4.1304....39525
4.1605 Redesignated from 4.1305....39525
4.1606 Redesignated from 4.1306....39525
4.1607 Redesignated from 4.1307....39525
4.1608 Redesignated from 4.1308....39525
4.1609 Redesignated from 4.1309....39525
4.1610 Redesignated from 4.1310....39525

Chapter I—Bureau of Reclamation, Department of the Interior

426.11 (h)(2) revised....39919
426.16 (a) amended....39919

Public Land Orders

6658 Corrected....39329
6659 Corrected....37715

Title 43—*Proposed Rules:*

4....38246, 38950

Page

12....39042
17....39243
20....37341
2400....39542
2410....39542
2420....39542
2430....39542
2440....39542
2450....39542
2460....39542
2470....39542
3160....39846
4100....37485

TITLE 44—EMERGENCY MANAGEMENT AND ASSISTANCE

Chapter I—Federal Emergency Management Agency

64.6 Table amended....36936, 38231, 39920, 41713
65.4 Table amended....37953
Table amended; interim....37955
67 Flood elevation determinations....37956

Title 44—*Proposed Rules:*

17....39015
65....37975
67....37979, 39545, 39546
205....37803, 39249

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health and Human Services

2 Added....37146
96 Authority citation revised....37965
96.2 (d) added....37965
96.14 (a) introductory text and (2) revised....37965
96.15 Revised....37965
96.16 Revised....37966
96.17 Added....37966
96.30 (b) removed; (a) designation removed....37966
96.31 Added....37966
96.32 Added....37966
96.33 Added....37966
96.42 (e) revised....37966
96.44 (e)(4) and (f) added....37967
96.46 (c) revised....37967
96.50 (b) revised....37967
96.51 (a) revised....37967
96.81 Revised....37967
96.82 Revised....37967
96.83 Removed....37967
96.86 Added....37967
96.87 Added....37967
96.88 Added....37967
96.92 Added....37968
96.110—96.111 (Subpart L) Added....37968
97.11 Revision confirmed....41431
97.12 Revision confirmed....41431

Title 45—*Proposed Rules:*

76....39049
233....37183, 38171
400....38795
620....39015
1154....39015
1169....39015
1185....39015
1229....39015
1607....38900

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

1.05 (b) Note amended; interim....38623
10 Revised; interim; eff. in part 12-1-88....38623
10.103 Amended; interim; eff. 4-1-89....38666
10.201 (f)(1) revised; interim; eff. 4-1-89....38666
10.205 (f)(1) revised; interim; eff. 4-1-89....38666
10.468 Text added; interim; eff. 4-1-89....38666
10.470 Added; interim; eff. 4-1-89....38668
10.540 Text added; interim; eff. 4-1-89....38668
10.701—10.713 (Subpart G) Added; interim....38659
10.920 Text added; interim; eff. 4-1-89....38669
10.950 Table amended; interim; eff. 4-1-89....38669
15 Redesignated as Part 157 and revised; interim....38652
15.301 (b) (8), (9), and (10) added; interim; eff. 10-1-89....38670
15.520 Text added; interim; eff. 10-1-89....38670

CHANGES OCTOBER 1 THROUGH OCTOBER 30, 1987

TITLE 46 Chapter I—Con. Page

26.25-1—26.25-5 (Subpart 26.25) Removed; interim....38652
31 Authority citation revised; section authority citations removed....39649
31.10-20 Revised....39649
31.10-21 Added....39649
31.10-22 Added....39651
31.10-24 Added....39651
35.05-5 Removed; interim....38652
35.05-10 Removed; interim....38652
61.20-17 Revised....39651
61.20-18 Revised....39652
61.20-21 Revised....39652
71 Authority citation revised; section authority citations removed....39652
71.50-1 Revised....39652
71.50-3 Added....39652
71.53-1 (Subpart 71.53) Added....39652
91 Authority citation revised; section authority citations removed....39653
91.40-1 Revised....39653
91.40-3 Added....39653
91.40-5 Revised....39654
91.43-1 (Subpart 91.43) Added....39654
157 Redesignated as Part 15 and revised; interim....38652
160.071-1—160.071-25 (Subpart 160.071) Removal eff. 1-20-88....39532
160.171-1—160.171-25 (Subpart 160.171) Addition eff. 1-20-88....39532
160.174-17 (h) (2) and (3) amendment eff. 1-20-88....39532
160.171-17 (f)(4) and (l)(2) revised....39532
167 Authority citation revised; section authority citations removed....39655
167.15-27 Added....39655
167.15-30 Revised....39655
167.15-35 Added....39655
167.15-40 Added....39655
167.15-50 Revised....39655
169.229 Revised....39656
169.231 Revised....39656
169.233 Revised....39656
169.234 Added....39656
175 Authority citation revised; section authority citations removed....38657

Page

175.01-1 (a) revised; interim....38657
175.10-13 Revised; interim....38657
175.10-15 Added; interim....38657
185 Authority citation revised; subpart and section authority citations removed....38657
185.10-1 Revised; interim....38657
185.17-1 Revised; interim....38657
185.19-1 Revised; interim....38657
185.20-1 Revised; interim....38657
185.20-10 Revised; interim....38657
185.20-15 Revised; interim....38657
185.20-20 Revised; interim....38657
185.20-30 (c) revised; interim....38657
185.22-1 Revised; interim....38657
185.25-1 (a) and (d) amended; interim....38657
185.25-10 Revised; interim....38658
185.25-15 Revised; interim....38658
185.25-20 Revised; interim....38658
186 Removed; interim....38658
187 Removed; interim....38658
189 Authority citation revised; section authority citations removed....39656
189.40-1 Revised....39656
189.40-3 Added....39656
189.40-5 Revised....39657
189.43-1 (Subpart 189.43) Added....39657

Chapter II—Maritime Administration, Department of Transportation

383 Added....37774

Title 46—*Proposed Rules:*

25....39546
249....38481
308....38486

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

0.453 (d) revised; (e) through (l) added....38764
0.455 Revised....38765
(b)(2) corrected....40020
0.465 (d)(3) revised....36774
1.415 (d) Note amended....37460
1.1108 (b)(1) introductory text, (i) through (iv), (2), and (3) correctly designated....38232

CHANGES OCTOBER 1 THROUGH OCTOBER 30, 1987

Page

1.1200—1.1216 (Subpart H) Table of Contents corrected....37459
1.1202 (c) Note added; (d) amended; (f) (i), (ii), and (iii) correctly designated as (f) (1), (2), and (3); new (f)(1) revised....37459
1.1203 (c) and Note following (c) added....37459
1.1204 (a)(3) Note and (6) and (b)(7) Note amended....37460
1.1206 (a)(3) Note and (5) and (b)(10) and Note following (b)(10) added....37460
1.1208 (c)(1) (i), (ii), and (iii) and (4) redesignated as (c)(1)(ii) (A), (B), and (C) and (5); (c)(1)(iv) introductory text, (A), (B), and (C) redesignated as (c)(1)(i) introductory text, (A), (B), and (C); new (c)(1)(i) introductory text revised; new (c)(1)(ii) introductory text and (D) and (4) added; new (c)(1)(ii)(A) amended....37460
(c)(1)(iv) introductory text correctly redesignated as (c)(1)(i) introductory text; (c)(1)(ii)(D) correctly designated....38042
1.1210 Undesignated center heading and section amended....37460
1.1212 (h) added....37460
15.45 (e) amended....37618
21 Authority citation revised....37776
21.0 Removed....37776
21.1 Added....37776
21.2 Amended....37776
21.3 Revised....37777
21.5 (a) revised....37777
21.6 (a) and (b) amended....37777
21.7 Revised....37777
21.11 (a), (b), (d), (e), and (f) revised....37777
21.13 (a) introductory text and (g) revised; (a)(6) amended; (f) (2) and (l) designation removed....37778
21.15 Introductory text, (a), (c), and (d) revised; (e) (1), (3), and (5), (f), (h), and (i) removed; (e) (2) and (4) and (g) redesignated as (e) (1) and (2) and (f); new (e)(1) amended; new (g) added....37778
21.17 Revised....37778
21.19 Added....37778
21.20 (b) revised....37779
21.21 Nomenclature change....37779
21.22 Nomenclature change....37779
21.23 (e) revised....37779
21.25 (a) and (b) amended....37779
21.26 Revised....37779
21.27 Revised....37779
21.30 (a)(2) and (b)(2) amended; (b)(3) revised....37779
21.31 (e)(2) revised....37780
21.33 Revised....37780
21.35 (b)(1) (i) and (iii) and (2) amended....37780
21.38 Undesignated center heading and section added....37780
21.39 Removed; new 21.39 redesignated from 21.40 and new (a) and (c) (1) and (2) amended....37780
21.40 Redesignated as 21.39 and new (a) and (c) (1) and (2) amended; new 21.40 added....37780
21.41 Added....37780
21.42 Added....37781
21.43 Revised....37782
21.44 Revised....37782
21.100 (d) (7) and (8) removed; (d) (1) through (6) and (9) through (11) redesignated as (d)(2) (i) through (vi) and (viii) through (x); (d) (1), (2) introductory text and (vii) added; (d) introductory text, new (2) (ii), (viii) and (x) revised....37782
21.102—21.104 Removed....37783
21.107 (b) table and (c) revised....37783
21.108 (c) amended....37783
21.109 (b) and (d) removed; (c) redesignated as (b)....37783
21.110 Revised....37783
21.111 Heading revised; text amended....37783
21.113 (b) table revised....37783
21.116 Amended....37783
21.118 (a), (b), (c) and (e)(1) amended....37783
21.121 Removed....37783
21.200 Amended....37783

CHANGES OCTOBER 1 THROUGH OCTOBER 30, 1987

TITLE 47 Chapter I—Con. Page

21.201 Revised....37784
21.204 Removed....37784
21.206—21.208 Removed....37784
21.210 Amended....37784
21.212—21.213 Removed....37784
21.214 Amended....37784
21.300 Removed....37784
21.303 (a), (b), and (c) amended; (d) added....37784
21.304 Revised....37784
21.306 Amended....37784
21.401 (a) amended; (b) revised....37784
21.402 Amended....37784
21.403 (b) amended....37784
21.405 (a) revised....37784
21.500 Revised....37784
21.501 Amended....37784
21.502 (e)(2) and (f) removed; (b) and (c) amended; (b) through (e), (g) and (h) redesignated as (d) through (i); (a) and new (g) revised; new (b) and (c) added....37784
21.504 (a) amended....37785
21.512 Removed....37785
21.700 Revised....37785
21.704 Revised....37785
21.704 (c) and (d) redesignated as (d) and (e); new (c) added....37785
21.707 (a)(2) and (b) amended....37785
21.708 (a) introductory text and (6) amended; (a)(7) and (c) revised....37786
21.709 (b) and (d) removed; (c) redesignated as (b); (a) revised....37786
21.711 (b) and (c) removed; (d), (e), and (f) redesignated as (b), (c), and (d); new (b) and (c) amended....37786
21.713 Removed....37786
21.806 (a) revised....37786
21.807 (a)(2) amended; (b) revised....37786
21.808 (a)(6) amended; (a)(8) introductory text and (b) revised....37786
21.809 Amended....37786
21.906 (a) amended....37786
21.909 (b) (2), (3) and (4); (b)(5) redesignated as (b)(2)....37786
22.15 Technical correction....39225
31 Decision of 48 FR 2324 vacated....37968
32.27 (b), (c), and (f) revised....39534
32.1220 Revised....39534
32.1406 (a) correctly revised....39535
32.3211 (g) and (h) revised....39535
32.2341 (g) revised....39535
32.7991 (b) revised; (c) added....39535
64.901 (b)(4) revised....39534
64.902 Added....39534
69.2 Revised....37309
69.3 (a) revised; (e)(10) added....37310
69.4 (b) revised....37310
69.103 Revised....37310
69.106 Revised....37310
69.107 Removed....37311
69.108 Removed....37311
69.201 Revised....37311
69.205 Revised....37311
69.206 Revised....37311
69.208 Removed....37311
69.301—69.310 (Subpart D) Revised....37311
69.401—69.414 (Subpart E) Revised....37313
69.501 (c) and (d) revised....37314
69.603 Revised....37314
73.150 (b)(1)(i) amended....36877
73.184 (d) revised; note unchanged....36878
73.190 (d) revised....36879
73.202 (b) table amended; eff. 11-12-87....36774
(b) table amended....37314, 37315, 37461, 37968-37970, 38233, 38760-38769
(b) table deferral lifted....37970
Application filing opening stayed....38419
(b) table corrected....39329
(b) revised....39774
(b) table amended....41431, 41432, 41434, 41717
73.208 (c) revised....37788
(c)(2) corrected....39920
73.210 Added....37788
(b)(2) introductory text correctly revised; (b)(4) correctly added....39920
73.211 (a) and (b) (1) and (2) revised; (d) and (e) removed....37788
(a)(1) corrected; (b)(1)(iii) correctly revised....39920

CHANGES OCTOBER 1 THROUGH OCTOBER 30, 1987

Page

73.213 Revised....37789
73.313 (c)(2) revised....37789
73.606 (b) table amended....38232, 38767, 41433
73.684 (c) introductory text and (1) revised....36879
73.1030 (b) introductory text and (c)(1) revised....36879
(b) introductory text amended....37789
73.1690 (c)(1) revised....37789
73 Index amended....37316
74 Index amended....37316
76.5 (ii) introductory text revised....37462
76.33 (a)(4) removed....37462
76 Index amended....37316
80.177 (d) added....41434
80.203 (b) amended....41434
97.61 (c) amended....37463
(a) table amended; (d)(3) revised....41717

Title 47—*Proposed Rules:*

0....37185, 38796
2....37988, 39250
15....37988
22....39250
31....37989
32....37989
63....37348
65....39251
67....36800
73....36800, 36801, 36968, 37349, 37805, 37806, 37990-37994, 38797-38803, 39252-39255, 39547-39549, 39941, 41473, 41474, 41596, 41743-41747
76....36802, 36968

TITLE 48—FEDERAL ACQUISITION REGULATIONS SYSTEM

Chapter 1—Federal Acquisition Regulation

14.205-5 (a) amended; interim....38189
19.001 Amended; interim....38189
19.202-6 Added; interim....38189
19.501 (j) and (k) added; interim....38189
19.502-1 (c) revised; interim....38189
19.508 (e) added; interim....38189
19.805 Existing text designated as (a); (b) added; interim....38189
19.806-1 (a) removed; (b) and (c) redesignated as (a) and (b); interim....38189
52.219-14 Added; interim....38190

Chapter 2—Department of Defense

204.202 (c)(6) added; interim; eff. to 9-30-88....36775
204.470 Added; interim; eff. to 9-30-88....36775
223.7100—223.7105 (Subpart 223.71) Added; interim; eff. to 9-30-88....36775
245.505-14 (a) revised; (b) added....39535
252.223-7003 Added; interim; eff. to 9-30-88....36776
253.270 Amended....39536
Chapter 2 Unpublished DAR Supplement No. 3 amended....39536

Chapter 5—General Services Administration

522.1308 Temporary Reg. AC-87-2, Supp. 1 added....37618
522.1370 Temporary Reg. AC-87-2, Supp. 1 added....37618
552.222-87 Temporary Reg. AC-87-2, Supp. 1 added....37618

Chapter 7—Agency for International Development

702.170-13 (d) amended....38097
732.402 Added....38097
750.7110-2 Amended....38097
752.202 Redesignated as 752.202-1 and (d) amended....38097
752.202-1 Redesignated from 752.202 and (d) amended....38097
752.7026 Revised....38098
Chapter 7 Appendix D amended....38098
Appendix J amended....38100

Chapter 8—Veterans Administration

819 Nomenclature change....37317
819.806-2 Revised....37317
819.806-3 Added....37317
819.806-4 Revised....37317
819.7004 Amended....37317

CHANGES OCTOBER 1 THROUGH OCTOBER 30, 1987

TITLE 48—Con.

Chapter 9—Department of Energy

Chapter 9 Authority citations revised..... Page 38422
901.102 Revised..... 38422
902.100 Redesignated as 902.101 and amended..... 38422
902.101 Redesignated from 902.100 and amended..... 38422
904.601-70 (b)(3)(ii) revised..... 38422
912.300—912.304 (Subpart 912.3) Revised..... 38422
913.505-1 (Subpart 913.5) Revised..... 38423
913.505-2 Removed..... 38423
915.612 (a) revised..... 38423
915.613 Revised..... 38423
915.807 Added..... 38423
915.808 (a) added..... 38424
917.504 Revised..... 38424
917.505-70 Heading and (a) revised..... 38424
917.505-71 (b) and (c) revised; (d) and (e) added..... 38424
919.501 Revised..... 38425
919.602-1 (Subpart 919.6) Added..... 38425
919.702-2 Added..... 38425
919.705-5 (a)(5) added..... 38425
952 Table of contents corrected..... 38425
952.204-2 Amended..... 38425
952.209-72 Amended..... 38425
952.212-70 Revised..... 38425
952.212-71 Revised..... 38426
952.219-9 Amended..... 38426
970.0404-4 (a)(1) revised; (a)(2) removed..... 38426
970.1901 (i) added..... 38426
970.5204-13 Amended..... 38426
970.5204-22 Note A revised..... 38426
970.5204-33 Revised..... 38426
971.103 (a) (3) and (4) added..... 38427

Title 48—*Proposed Rules:*

14..... 41390
15..... 41390
30..... 41474
31..... 41474
45..... 37595
52..... 41390
53..... 41390

TITLE 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

23 Authority citation revised..... Page 39229
23.45 (e) amended; (f)(3) added; (g)(4) revised..... 39230
23.47 (e) revised; (f) added..... 39230
23.61—23.69 (Subpart D) Authority citation removed..... 39229
23.61 (a) and (b) amended..... 39230
23.62 Amended..... 39230
23.63 Revised..... 39231
23.61—23.69 (Subpart D) Appendix A amended..... 39231
29 Revised; interim..... 39057

Chapter I—Research and Special Programs Administration, Department of Transportation

172.101 Table amended; appendix effective date suspended in part..... 41303

Chapter III—Federal Highway Administration, Department of Transportation

395 Authority citation revised..... 41721
395.1 Revised..... 41721
395.2 (a)(9) added..... 41721
395.3 (b), (c), and (e) revised..... 41721
395.8 (d) and (l)(1)(ii) revised; (l)(1) introductory text republished..... 41721

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

571.108 Amended..... 38428

Chapter X—Interstate Commerce Commission

1039.14 (c)(6) added..... 37971
1160 Authority citation revised..... 37317
1160.107—1160.114 (Subpart G) Added..... 37317
1165 Removed..... 37317
1312 Authority citation revised..... 39536

CHANGES OCTOBER 1 THROUGH OCTOBER 30, 1987

1312.30 (c)(5) revised..... Page 39536
(c)(5) introductory text corrected..... 41560

Title 49—*Proposed Rules:*

27..... 36803
31..... 36968
571..... 38488, 41475
1000—1332 (Ch. X)..... 38112
1003..... 39941
1011..... 39941
1090..... 41748
1150..... 37350
1181..... 39941
1186..... 39941
1312..... 39549
1314..... 39549

TITLE 50—WILDLIFE AND FISHERIES

Chapter I—United States Fish and Wildlife Service, Department of the Interior

17.11 (h) table corrected..... 36776
(h) table amended; eff. 11-2-87..... 36780
(h) table amended..... 37423
17.12 (h) table amended... 37420, 41440
17.95 (e) map correcity revised..... 36776
17.96 (a) amended..... 41440
20 Frameworks..... 37147
20.105 Seasonal hunting adjustments..... 37151
20.108 Amended..... 37152
32.12 (f)(11)(iii), (i)(2)(iv), (k)(3)(iii), (q)(4)(ii) and (hh)(5)(i) removed..... 37791
(d)(1)(vi), (f)(11) (iv), (v), and (vi) and (12) (ii) and (iii), (i)(2) (v) through (vii), (k)(3) (iv) and (v), (q) (1) through (7) and new (4) (iii) through (v), and (hh)(5) (ii) and (iii) redesignated as (d)(1)(vii), (f)(11) (iii), (iv), (v) and (12) (iii) and (ii), (i)(2) (iv) through (vi), (k)(3) (iii) and (iv), (q) (2) through (8) and new (4) (ii) through (iv), and (hh)(5) (i) and (ii)..... 37791
(b)(8), (d)(1)(vi), (e)(1)(ix) and (3)(ix), (f)(7)(v), (10) (iii) and (iv), and (13)(v), (i)(1) (v) and (vi), (l)(1)(iv), (q)(1), (2)(v), (3) (iv) and (v), new (4)(v), (8) (iv), (v) and (vi), (s)(2)(v), (u)(2)(v), (v)(1)(iv), (aa)(7), (bb)(3) (iii), (iv) and (v) and (ll)(1)(iv) added..... 37791
(d)(1) introductory text, (f)(1) introductory text and (ii), (2), (3), (4) introductory text, (5) introductory text, (iii) and (iv), (6) introductory text, (ii), (iii), and (vi), (7) introductory text, (8) introductory text and (iv), (9) introductory text and (v), (10) introductory text, (12) introductory text, new (iii) and (iv), (13)(ii), (14), (15) introductory text, (ii), (iv) and (vii), (g) (1) and (3), (h)(1)(viii) and (2)(vii), (i)(1)(ii), new (2)(vi), (3)(iv), (4) (ii) and (iii), (j)(3), (k)(2) and new (3)(iv), (l)(2) (i), (ii) and (iii), (m)(1) (ii) and (iii), (o)(2), new (q)(5)(v), (6)(iv), (7) (i), (ii) and (iii), and (8)(ii), (s)(1) and (2)(ii), (t)(1) and (2)(ii), (u)(1)(iii), (2) introductory text and (iv), (3) introductory text and (iii), (v)(5)(iii), (w)(1)(ii) and (2)(ii), (z)(1) introductory text and (2), (aa) introductory text and (1), (bb)(1) introductory text and (i), (2)(iii), (3)(ii) and (4)(ii), (cc)(1)(iv), (2)(iii), (dd)(1), (2)(i), (3)(v) and (5)(i), (ee), (ff) introductory text and (2), (gg)(2), (hh)(1)(iv), (3)(iii), new (5)(i), (8)(i) and (13)(iv), (ii)(2), (ll)(2)(iv), (3)(iv) and (4)(ii), (mm)(2)(i), (3)(i), (5)(iv), (6)(iii) and (7)(iii), (nn)(1)(ii), (2) and (3), (oo)(7), (qq)(5)(iii) and (6), (rr)(1)(iii), (2)(ii) and (3)(ii) and (ss) revised..... 37791
(h)(1)(viii), (bb)(3)(iii), (dd)(1), and (ll)(1)(iv) correctly designated; (t) heading and (v)(5)(iii) corrected..... 41388

CHANGES OCTOBER 1 THROUGH OCTOBER 30, 1987

TITLE 50 Chapter I—Con. Page

32.22 (l)(3), (q)(6) (iii) and (iv), and (cc)(2) removed; (q) (1) through (6) and (cc)(3) redesignated as (q) (2) through (7) and (cc)(2).....37795
(a)(4)(vi), (d)(1)(iii), (2)(vii), and (4)(vii), (h)(1)(iii), (2)(v), and (4), new (q)(1), (s)(3), (aa)(1)(iv), and (qq)(3) added.....37795
(a)(1) and (4)(iv), (b)(1), (d)(2)(iii) and (iv), (4)(iii), and (5)(ii) and (iii), (e)(4)(ii) and (10)(ii), (h)(2)(ii) and (3) (ii) and (iii), (l)(2), (n), new (q)(4) (i) through (iii), (6) (i) and (ii), and (7) (i) and (iii), (u)(1), (x)(6), (aa)(1) introductory text and (ii), (cc)(1), (dd)(1), (4) introductory text and (6) introductory text and (ii), (ff)(6), (jj)(2)(ii) and (3), and (ll)(1)(i) revised.....37795
(d)(2)(iii), (aa)(1)(ii), and (gg)(3) corrected.....41388
32.32 (c)(1)(ii), (h)(4), (i)(4)(iii) and (v), (l)(4), (aa)(2)(ii), and (ss)(4)(iv) removed.....37796
(c)(1)(iii), (h) (5) and (6), (i)(4)(iv), (vi), and (vii), (r) (1) through (7), (v) through (tt), new (z)(2), (aa)(2)(iii), and (ii) (1) through (3) redesignated as (c)(1)(ii), (h)(4) and (5), (i)(4) (iii), (iv), and (v), (r) (2) through (8), (w) through (uu), (z)(3), (aa)(2)(ii), and (ii) (2) through (4).....37796
(d)(2)(ix) and (4) (v) and (vi), (h)(2) (vi) and (vii) and (5)(x), (i)(6)(vii), (o)(4), new (r)(1), (3)(vii), (4)(iv), (7) (vi) and (vii), and (8)(iv), (t)(2)(iii), (u)(1)(iv) and (2)(v), new (v), new (z)(2), (dd) (3) and (4), (gg)(2)(iv), new (ii)(1), (kk)(3), (ll)(2)(viii) and (ix), and (rr)(2)(iv), (3)(v) and (4)(vii) added.....37797
(a)(3) (ii), (iii), and (iv), (b)(1), (d)(2) (ii), (vi) and (vii) and (4) (ii) and (iv), (h)(1), (2)(v), (3) (ii), (iv) and (v), (4) (ii), (v), and (viii), and (5) introductory text, (ii), (iv), (v), (vi), and (viii), (i)(1) (ii), (iii), (v), (3) (iv) and (vii), (4)(ii) and (6) (iv) and (v), (j) (4) and (5), (n) (1), (2), and (3), (q)(1), (r)(4) (ii) and (iii), (7) (i), (iii), and (iv), and (8)(iii), (t)(1), new (z)(1)(i) and (3)(ii), (bb)(2)(ii), (ff)(1), (gg) (1) and (4)(iii), (ll)(2)(vii), (3) (iv), (vi) and (vii), and (4)(vi), (oo)(1) (v) and (vi) and (3) (iv) and (v), (qq), and (rr)(1)(v) revised.....37797
(t)(1) correctly designated.....41388

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

204.1 (b) table amended (OMB numbers); entries transferred from 604.1 (b) table.....36780
(b) table amended (OMB numbers).....38233
217.12 Amended.....37153
227.72 (e)(4)(ii)(E) added.....37154
254 Removed.....36781
267 Added.....37155

Chapter III—International Regulatory Agencies (Fishing and Whaling)

301.9 (c) added.....36941

Chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce

604 Removed.....36780
604.1 (b) table entries transferred to 204.1 (b) table (OMB numbers).....36780
611 Inseason adjustments.....37463, 38428, 41303
Specifications.....37464, 41560
Inseason adjustment corrected.....39329
638.2 Amended.....36781
638.4 (a)(2) and (h) amended.....36781

CHANGES OCTOBER 1 THROUGH OCTOBER 30, 1987

Page

638.5 Introductory text amended.....36781
638.6 (b)(2) amended.....36781
638.22 (a)(2) and (c) amended.....36781
641.2 Amended.....36781
Corrected.....37799, 39537
641.5 (h) introductory text corrected.....37799
641.8 (d)(1) footnotes 1 and 2 amended.....36781
650.22 (b)(1) correctly designated.....39537
651.3 (c) corrected.....37159
651.4 (a)(1) corrected.....39537
651.6 (e) corrected.....39537
651.21 (a)(3) introductory text and (4) corrected; (b)(2)(ii) correctly designated.....39537
651.23 (a)(1) table corrected.....37159
651.25 (a) and (b) corrected.....37159
652 Temporary regulations.....39921
653.23 (a) corrected.....36863
654.2 Amended.....36781, 36941
654.3 (b) amended.....36781
654.4 (b)(2) amended.....36781
654.6 (b) amended.....36782
654.20 (c) amended.....36782
654.22 (a)(2) and (b) amended.....36782
654.23 (a) amended.....36782
663 Restrictions.....37466, 38429
Temporary regulations.....41304
672 Inseason adjustments.....37463, 38428, 41303
Inseason adjustment corrected.....39329
Specifications.....41560
675 Specifications.....37464
683.24 (a) introductory text revised; (d) (1) and (2) redesignated as (d) (2) and (3); new (d)(1) added.....38103

Title 50—*Proposed Rules:*

13.....38803
17.....37424, 37640, 39255
21.....38803
33.....37186
301.....41485
630.....38804
638.....38804
640.....38804
641.....38804
642.....38804
645.....38804
646.....38804
649.....38804
650.....37487, 38804, 39259
652.....38804
654.....38804
655.....38804
657.....41486
658.....38804
661.....39259
663.....38804, 39259
669.....38804
672.....38804
674.....38804
675.....38804
676.....38804
680.....38804
681.....38490, 38804
683.....38804

Additions to Table I, January through October 1987

This table lists the sections of the U.S. Code, U.S. Statutes at Large, Public Laws, and Presidential documents which are being added to Table I as a result of authority citations carried in the **Federal Register** from January through October 1987. Recent legislation is carried by public law number.

Table I is in the CFR Index and Finding Aids revised as of January 1, 1987.

In order to determine the **Federal Register** page number of a parallel CFR citation, consult this List of CFR Sections Affected (LSA) and the appropriate Annual Issue of the LSA for that CFR title.

U.S. Code:	CFR
2 U.S.C.:	
432	11 Part 110
441i	14 Part 1207
3 U.S.C.:	
301	32 Part 40
5 U.S.C.:	
4a	17 Part 145
500	29 Part 103
504	24 Part 14
	46 Part 502
522	1 Part 456
551—557	18 Parts 154, 375, 382
551—552	29 Part 101
551	46 Part 502
552	5 Part 1631
	7 Parts 3600, 3601, 3900, 3901
	8 Part 103
	18 Part 1301
	21 Part 5
	27 Part 70
	39 Part 20
	45 Parts 2, 2002, 2005
	49 Parts 701, 1002, 1244
552a	5 Parts 841, 1630
	14 Part 1206
	45 Part 30
552b	34 Part 11
553	14 Part 234
	18 Part 375
	21 Parts 310, 336, 610
	29 Parts 103, 1915, 1917-1918, 1926, 1928
	46 Part 581
	49 Parts 1052, 1138, 1244
702—704	21 Part 610
1104	5 Parts 410, 842
1205	5 Part 1204
3304	5 Part 315
3323	5 Part 930
3328	5 Part 300
3503	5 Part 351
4301	5 Part 930
5511 et seq	29 Part 20

5 U.S.C.—Con.	CFR
5514	15 Part 22
	31 Part 5
	34 Part 32
	45 Parts 30, 1179
6305	5 Part 630
6326	5 Part 630
8101	32 Part 728
8351	5 Parts 1600, 1605, 1650
8416—8419	5 Part 842
8424	5 Part 843
8432	5 Part 1600
8434—8436	5 Part 1650
8439	5 Part 1640
8441—8442	5 Part 843
8457	5 Parts 213, 330
8461	5 Parts 843, 845, 846
8467	5 Part 1650
8469	5 Part 841
8474	5 Parts 1600, 1603, 1605, 1640, 1650, 1660
8477	5 Part 1660
8478	29 Part 2582
8522	5 Part 841
8913	48 Parts 1601-1606, 1614-1616, 1622, 1624, 1631-1633, 1644, 1646, 1649, 1652, 1653
9101	5 Part 911
App. 2	34 Part 11
7 U.S.C.:	
4	17 Part 30
6	17 Part 30
7a	17 Part 9
16a	17 Part 9
75a	7 Part 810
149	7 Part 352
150aa—150jj	7 Part 340
150ff	7 Part 318
151—167	7 Parts 318, 340
901—950b	7 Parts 1786, 1787
1421	7 Part 713
1501—1520	7 Part 400
1506	7 Parts 401, 452-454
1516	7 Parts 401, 452-454
1622	50 Part 267

7 U.S.C.—Con.	CFR
1622n	7 Part 340
1624	50 Part 267
2243	8 Part 103
3316	7 Part 3402
4601—4612	7 Part 1200
4901—4916	7 Part 1200
5841	10 Part 7
8 U.S.C.:	
1101	8 Parts 1, 103, 274a
	29 Part 501
1101 note	8 Parts 210, 245
1103	8 Part 274a
1104	22 Part 43
1153 note	22 Part 43
1160	7 Part 1d
1182	8 Part 287
1184	8 Part 248
	29 Part 501
1186	20 Parts 654, 655
	29 Part 501
1192	8 Part 204
1201	8 Part 103
1201a	8 Part 264
1251	8 Parts 241, 287
1252	8 Part 241
1301—1305	8 Part 103
1324A	8 Part 274a
1324b	28 Part 44
1351	8 Part 103
1357	8 Part 241
1427	28 Part 0
1443	8 Part 103
1454—1455	8 Part 103
10 U.S.C.:	
130	32 Part 249
133	32 Part 382
191	32 Parts 372, 381
1071 et seq	32 Part 220
1094—1095	32 Part 728
1201—1221	32 Part 728
2397	32 Part 40a
2640	32 Part 861
2733	32 Part 751
7420	15 Part 377
7430	15 Part 377
8013	32 Parts 807, 861
11 U.S.C.:	
901	17 Part 200
1109	17 Part 200
12 U.S.C.:	
221 et seq	12 Part 211
1141	46 Part 502
1421 et seq	12 Part 592
1425	12 Part 523
1425a	12 Part 571
1425b	12 Parts 523, 552, 555
1437	12 Part 510a
1441	12 Part 514
1691	12 Part 523

12 U.S.C.—Con.	CFR
1701q	24 Part 278
1701r-1	24 Parts 243, 842, 942
1701s	24 Part 278
1707	24 Parts 234, 251
1710	24 Part 203
1715	24 Part 203
1715b	24 Parts 250, 278
1715u	24 Part 203
1715z-9	24 Part 250
1725	12 Part 510a
1728—1730a	12 Part 523
1757	12 Part 741
1781—1790	12 Part 741
1785—1786	12 Part 708
1786	12 Part 748
1818	12 Part 208
1819	12 Part 326
2001	12 Part 624
2014	12 Part 624
2073	12 Part 624
2093	12 Part 624
2122	12 Part 624
3401—3422	39 Part 233
3535	24 Part 278
3901 et seq	12 Part 211
14 U.S.C.:	
85	33 Part 147
633	33 Part 80
15 U.S.C.:	
57a	12 Part 706
77f	17 Part 200
77ggg	17 Part 200
77sss	17 Part 200
78a et seq	17 Part 200
78d-1—78d-2	17 Part 200
78m—78o	17 Part 200
78o-5	17 Parts 240, 400-405, 449, 450
78s	17 Part 200
79v	17 Part 200
80a-44	17 Part 200
80b-10	17 Part 200
634	13 Parts 114, 144
714b	7 Part 1493
717—717z	18 Part 3
717—717w	18 Parts 381, 382
2032	49 Part 544
2603	40 Part 766
2607	40 Part 766
2611	40 Part 795
2614	40 Part 761
2616	40 Part 761
2641	40 Part 763
2643	40 Part 763
2646—2647	40 Part 763
3301—3432	18 Parts 3, 382
4201 et seq	15 Part 904
4244	15 Part 960

16 U.S.C.:	CFR
469 et seq.	30 Part 773
470 et seq.	30 Parts 731, 732, 772, 773, 779, 780, 783, 784
470aa et seq.	30 Part 773
485	43 Part 2090
661 et seq.	30 Part 773
668a	30 Part 773
703 et seq.	30 Part 773
742e	50 Part 267
791—828c	18 Part 381
791a—828c	18 Parts 3, 382
791a—825r	18 Part 16
818	43 Part 2090
972—972h	15 Part 904
1151—1175	15 Part 904
1435—1439	15 Part 904
1456	49 Part 1160
1531 et seq.	30 Part 773
1801 et seq.	50 Part 685
1851 note	15 Part 904
1853	50 Part 605
2431—2444	15 Part 904
2601—2645	18 Parts 3, 382
3101 et seq.	43 Part 2090
3371—3378	25 Part 244
3631—3644	15 Part 904
3801	7 Part 704
3831—3844	7 Part 704
3901 et seq.	50 Part 25
17 U.S.C.:	
101	19 Part 133
601—603	19 Part 133
18 U.S.C.:	
201—219	14 Part 1207
207	10 Part 0 39 Part 10 45 Part 500
210—212	24 Part 0
1114	28 Part 64
3013	28 Part 545
19 U.S.C.:	
1311	19 Part 151
1460	19 Part 151
1557	19 Part 151
1562	19 Part 151
1584	19 Part 151
1592	19 Part 151
1606—1608	21 Part 1316
1610	21 Part 1316
1613	21 Part 1316
1618	21 Part 1316
20 U.S.C.:	
238	34 Part 221
647	34 Part 221
887e	34 Parts 500, 745
1051	34 Part 607
1057—1059	34 Part 607
1060—1063c	34 Part 608
1060	34 Parts 607, 609
1062	34 Part 609
1063a—1063d	34 Part 609
1064	34 Part 607
1066—1069f	34 Part 607
1066	34 Parts 608, 609
1069c	34 Parts 608, 609
1070	34 Part 646
1070a—1070a-6	34 Part 690
1087a—1087e	34 Part 673
1091a	34 Part 673
1109—1109d	34 Part 761
1111—1111h	34 Part 653
1113—1113e	34 Part 237
1132g—1132g-3	34 Part 614
1132i-1	34 Part 614
1134	34 Part 650
1134s—1134t	34 Part 639
1135	34 Part 630
1135e—1135e-1	34 Part 630
1211h	34 Part 250
1221e	34 Part 762
1221e-3	34 Part 607
1233 et seq.	34 Part 11
1233a	34 Part 11
1234	34 Part 221
1234b	34 Part 221
1432	34 Part 319
1434	34 Part 319
3221—3236	34 Part 524
3474	34 Part 221
3851	34 Parts 785-789
3862	34 Parts 786-788
4132	34 Part 230
4641	34 Parts 764, 765
4642	34 Parts 764, 766
4644	34 Part 230
4645	34 Part 235
4661	34 Parts 764-766
4664	34 Part 764
21 U.S.C.:	
102—105	9 Part 99
111—112	9 Part 99
114a	9 Part 99
117	9 Part 99
120	9 Part 99
122	9 Part 99
134a	9 Part 93
134b—134c	9 Part 99
134d	9 Part 93
134e—134f	9 Part 99
135—135a	9 Part 99
151—159	9 Parts 101-104, 107, 118
321	21 Parts 336, 610
331	21 Part 201
336	21 Part 58
342	21 Part 58

21 U.S.C.—Con.	CFR
351	21 Parts 310, 610, 862, 864, 866, 868, 870, 872, 876, 880, 886, 888, 890
352	21 Part 336
353	21 Part 312
355	21 Parts 201, 336
360—360 note	21 Part 610
360	21 Parts 862, 864, 866, 868, 870, 872, 876, 880, 882, 884, 886, 888, 890
360c	21 Parts 862, 872, 886, 888
360e	21 Parts 862, 864, 866, 868, 870, 872, 876, 880, 886, 888, 890
360j	21 Parts 862, 864, 868, 870, 872, 876, 880, 886, 888, 890
371	21 Parts 336, 862, 864, 870, 872, 886, 888
375	21 Part 310
606 note	9 Part 335
957	21 Part 1312
22 U.S.C.:	
212—218	22 Part 51
1431—1442	22 Part 514
1977	22 Part 33
2381	22 Part 212
2451—2460	22 Part 514
2651	22 Part 51
2658	22 Part 2a
3611	35 Part 9
3811	35 Part 119
3921	22 Part 22
4219	22 Part 22
4301—4314	22 Part 2a
5001 et seq.	15 Parts 371-373, 379, 385-387, 389, 399
23 U.S.C.:	
114	23 Part 633
135	23 Part 635
25 U.S.C.:	
334	43 Part 2090
336	43 Part 2090
396 et seq.	30 Parts 206, 218
396—396q	43 Part 3190
396	25 Parts 211, 225
396a et seq.	30 Parts 206, 218
396a—396g	25 Parts 211, 225
397—398	43 Part 3190
398a—398e	43 Part 3190
415	25 Parts 211, 225
450	34 Part 221
450e	34 Part 221
476—477	25 Part 225
640d	25 Part 700
880	25 Part 211
1401 et seq.	25 Part 76
1452	34 Part 221
2101—2108	25 Parts 211, 225
2101 et seq.	30 Part 206
2102	43 Part 3160
26 U.S.C.:	
42	26 Part 1
56	26 Part 1
101	26 Part 1
145	26 Part 5h
149	26 Part 1
263A	26 Part 1
382	26 Part 1
422	26 Part 1
441	26 Part 1
469	26 Part 1
501	46 Part 502
807	26 Part 1
904	26 Part 1
1378	26 Part 1
1402	26 Part 1
5025	27 Part 194
5684	27 Part 70
5761	27 Part 70
6020	27 Part 70
6041	26 Part 1
6155	27 Part 70
6201	27 Part 70
6203—6204	27 Part 70
6205	26 Part 31
6223	26 Part 301
6227	26 Part 301
6233	26 Part 301
6241	26 Part 301
6245	26 Parts 51, 301
6311	27 Part 70
6313—6314	27 Part 70
6401—6402	27 Part 70
6404	27 Part 70
6407	27 Part 70
6423	27 Part 70
6501	27 Part 70
6511	27 Part 70
6513—6514	27 Part 70
6532	27 Part 70
6601—6602	27 Part 70
6611	27 Part 70
6621—6622	27 Part 70
6651	27 Part 70
6653	27 Part 70
6656—6658	27 Part 70
6662	27 Part 70
6671—6672	27 Part 70
6676	27 Part 70
6701	27 Part 70
6801	27 Part 70
6862—6863	27 Part 70
7011	27 Part 70
7102	27 Part 250
7326	27 Part 72

26 U.S.C.—Con.	CFR
7553	19 Part 127
9039	11 Parts 9031-9038
28 U.S.C.:	
301	28 Part 11
509—510	8 Part 3
	21 Part 1316
	28 Parts 11, 14, 600-602
509	28 Part 64
515	28 Parts 600-602
524	28 Part 9
1746	8 Parts 3, 103
2672	14 Part 15
2675	14 Part 15
29 U.S.C.:	
151	29 Part 103
156	29 Part 103
201 et seq	29 Part 516
211	29 Part 1627
628	29 Part 1627
706	34 Part 363
711—712	34 Part 363
717	34 Part 350
744	34 Part 386
750—759	34 Part 351
762a	34 Part 350
794	10 Part 1041
	29 Part 33
	35 Part 257
	36 Part 1154
	40 Part 12
	47 Part 1
795j—795q	34 Part 363
1301	29 Part 2619
30 U.S.C.:	
181 et seq	30 Part 208
	43 Part 3190
185	15 Part 377
351 et seq	30 Parts 206, 208, 218
351—359	43 Part 3190
957	30 Parts 5, 18
1001 et seq	30 Part 218
1201 et seq	30 Parts 736, 750, 762
1701 et seq	30 Parts 206, 208, 218
	43 Parts 3160, 3190
1701	25 Part 225
31 U.S.C.:	
321	31 Parts 1, 210
3121	17 Part 450
3701—3731	45 Part 30
3701—3721	32 Parts 750, 751, 757
3701—3719	22 Part 309
3701	31 Part 5
3716	15 Part 4
	31 Part 5
	34 Part 32

31 U.S.C.—Con.	CFR
3717	24 Part 17
	28 Part 16
3718	28 Part 11
3720A	7 Parts 1403, 1951
	31 Part 5
3801—3812	31 Part 16
	39 Parts 273, 962
3809	14 Part 1264
5311 et seq	12 Parts 21, 208, 326
5311	12 Part 748
6304	34 Part 761
8701	18 Part 154
9110	17 Part 450
9301	27 Parts 72, 250, 252
9303—9304	27 Parts 72, 250, 252
9304	27 Parts 22, 170
9306	27 Parts 22, 72, 170, 250, 252
9701	7 Parts 330, 340, 352
	8 Part 103
	19 Part 133
	22 Part 22
	30 Part 208
	42 Parts 7, 110, 417
33 U.S.C.:	
401	23 Part 650
491 et seq	23 Part 650
494	49 Part 310
511 et seq	23 Part 650
526—526a	49 Part 310
535	49 Part 310
1251 et seq	40 Part 418
1321	40 Part 110
1361	40 Part 110
1517	40 Part 110
1903	46 Parts 98, 151, 153
2071	33 Part 147
2201 et seq	33 Part 241
35 U.S.C.:	
156	37 Part 1
351—376	37 Part 1
37 U.S.C.:	
101	34 Part 221
38 U.S.C.:	
907	38 Part 3
2012	41 Part 61-250
3112	38 Part 3
39 U.S.C.:	
204	39 Parts 963-965
401	39 Parts 20, 273, 962-965
403	39 Part 111
404	39 Part 20
407—408	39 Part 20
3003—3004	39 Part 964
3008	39 Part 963

39 U.S.C.—Con.	CFR
3220	12 Part 510a
	20 Part 364
	38 Part 1
	47 Part 0
40 U.S.C.:	
304	27 Part 72
318	46 Part 386
486	48 Parts 901-910, 912-917, 919, 920, 922-925, 927, 928, 931-933, 935-937, 942-945, 947, 949-952, 971, 1601-1606, 1614-1616, 1622, 1624, 1631-1633, 1644, 1646, 1649, 1652, 1653
751	41 Parts 201-8, 201-30, 201-32, 201-34
42 U.S.C.:	
216	42 Parts 7, 417
263	42 Part 7
264	21 Parts 610, 1240
290dd-3	42 Part 2
290ee-3	42 Part 2
297i	42 Part 57
300e—300e-17	42 Part 417
300g-6	40 Parts 141, 142
300h-6	40 Part 149
300w et seq	45 Part 96
300w note	45 Part 96
300x et seq	45 Part 96
300y et seq	45 Part 96
405	42 Part 498
602	20 Part 401
701 et seq	45 Part 96
1302	20 Part 602
	42 Part 498
1304 note	45 Part 96
1305	45 Part 96
1320b-7	42 Part 433
1382f	20 Part 416
1382j	20 Part 416
1383a	20 Part 416
1395y	21 Part 805
	42 Parts 409, 489
1395y note	21 Part 805
1395ff	42 Part 498
1395hh—1395ii	42 Part 498
1395zz	42 Part 405
1397 et seq	45 Part 96
1437f	24 Part 278
1760	7 Parts 225, 226
1857f-10	14 Part 21
1870	45 Part 689
1966	25 Part 225
1996	25 Part 211
2000c—2000c-2	34 Parts 271, 272
2000c-5	34 Parts 271, 272
2011 et seq	10 Part 962
2073	10 Part 39
2077	10 Part 39

42 U.S.C.—Con.	CFR
2092—2093	10 Part 39
2095	10 Part 39
2099	10 Part 39
2111—2112	10 Part 39
2131—2132	10 Part 50
2135	10 Part 50
2138	10 Part 50
2201	10 Parts 39, 763, 862
2232—2233	10 Part 39
2232	10 Part 55
2235	10 Part 50
2236	10 Part 39
2237	10 Part 50
2239	10 Part 72
2273	10 Parts 39, 72
2278	10 Part 862
2282	10 Parts 39, 55
2473	14 Part 1264
	48 Parts 30, 1870
3435	24 Part 14
3535	24 Parts 203, 575
4321 et seq	49 Part 622
4332	10 Part 50
	25 Part 225
4821—4846	24 Part 200
5042	45 Part 1204
5801 et seq	10 Part 962
5841—5842	10 Part 39
5841	10 Part 74
5844	10 Part 50
5846	10 Part 39
6101 et seq	13 Part 311
6101	10 Part 4
6212	15 Part 377
6508	43 Part 3160
6901 et seq	40 Part 147
6912	40 Part 250
6924	40 Part 270
6962	40 Part 250
7101—7352	18 Parts 16, 382
7101 et seq	10 Part 962
7422	40 Part 85
7701 et seq	44 Part 361
8621 et seq	45 Part 96
8621 note	45 Part 96
9118—9119	46 Part 174
9153	46 Part 174
9505	40 Part 300
9601 et seq	44 Part 222
9611	40 Part 310
9623	40 Part 310
9822 note	12 Part 705
9861—9868	34 Part 215
9901 et seq	45 Part 96
9901 note	45 Part 96
10226	10 Part 55
11002—11004	40 Part 355
11011—11012	40 Part 370

42 U.S.C.—Con.	CFR
11024—11025	40 Part 370
11025	40 Part 355
11028—11029	40 Parts 355, 370
43 U.S.C.:	
231	43 Part 2090
315f	43 Part 2090
321—323	43 Part 2090
327—329	43 Part 2090
641 et seq	43 Part 2090
852 note	43 Part 2090
869 et seq	43 Part 2090
1301 et seq	30 Parts 206, 208, 218
1331 et seq	30 Part 208
1333	46 Parts 10, 172
1354	15 Part 377
1592	7 Part 702
1601 et seq	43 Part 2090
1701 et seq	43 Part 2090
1801 et seq	30 Parts 206, 208, 218
1811—1824	33 Part 135
44 U.S.C.:	
2101—2111	36 Part 1228
2901—2909	36 Part 1228
3101—3107	36 Part 1228
3301—3314	36 Part 1228
3501 et seq	9 Part 303
45 U.S.C.:	
362	20 Part 359
797	20 Part 359
907	20 Part 359
1004	20 Part 359
46 U.S.C.:	
466	15 Part 377
2103	46 Parts 10, 15
2113	46 Parts 71, 189
3306	46 Parts 31, 32, 77, 92, 96, 98, 150, 175, 190, 195
3507	46 Part 30
3703	46 Parts 15, 30–32, 91, 98, 151, 174
4302	33 Parts 174, 177
5115	46 Part 172
6101	46 Parts 167, 185
8105	46 Parts 15, 167, 185
8901—8904	46 Part 15
9102	46 Part 15
10104	46 Part 109
12302	33 Part 174
46 U.S.C. App.:	
808	46 Part 221
835	46 Part 221
839	46 Part 221
841a	46 Part 221
1114	46 Part 383
1241	46 Part 383
1702	46 Part 581

46 U.S.C. App.—Con.	CFR
1706—1707	46 Part 581
1709	46 Part 581
1712	46 Part 581
1714—1716	46 Part 581
1718	46 Part 581
47 U.S.C.:	
151	47 Part 36
154	47 Part 36
205	47 Part 36
221	47 Part 36
390—394	15 Part 2301
397—399b	15 Part 2301
403	47 Part 36
410	47 Part 36
49 U.S.C.:	
1—27	18 Parts 3, 381, 382
106	14 Parts 15, 36, 43, 127
1302	14 Parts 234, 272
1324	14 Parts 234, 272
1344	14 Parts 21, 36
1346	14 Part 129
1354	14 Part 15
1355	14 Part 36
1374	14 Part 234
1377	14 Part 234
1381	14 Part 234
1422	14 Part 127
1425	14 Part 36
1426	14 Part 21
1428—1430	14 Part 36
1502	14 Parts 129, 211, 272
1511	14 Part 129
1607	49 Part 630
1651	14 Part 36
1804	46 Parts 30, 98, 153
1806—1807	49 Parts 173, 175
2121—2125	14 Part 36
2402	14 Part 159
2404	14 Part 159
2424	14 Part 159
2428	14 Part 159
3102	49 Part 383
10101	49 Parts 1042, 1052
10303	49 Part 1244
10311	49 Part 1249
10321	49 Parts 1052, 1244
10505	49 Part 1313
10702	49 Part 1312
10705a	49 Part 1138
10761	49 Part 1312
10762	49 Part 1052
10922	49 Part 1052
11101	49 Part 1052
11142	49 Part 1206
11144	49 Part 1249
11145	49 Part 1244

49 U.S.C. App.:	CFR
1421	49 Part 107
1472	49 Part 175
1672	49 Part 192
1802	49 Parts 107, 171
1803—1808	49 Part 173
1803—1806	49 Parts 178, 179
1803—1805	49 Parts 172, 175, 177
1803—1804	49 Part 171
1804	49 Part 192
1806	49 Part 107
1807—1808	49 Part 175
1808—1811	49 Part 107
1808	49 Parts 171, 172, 178, 179
2505	49 Parts 383, 392, 395
2509	49 Part 393
50 U.S.C.:	
198	46 Parts 15, 190
1701 et seq	15 Parts 372, 387, 389
50 U.S.C. App.:	
451 et seq	32 Part 1698
2401 et seq	15 Part 387
U.S. Statutes at Large:	
96 Stat:	
2201	10 Part 962
98 Stat.:	
183	29 Part 2204
1257	45 Part 2201
100 Stat.:	
20	5 Part 890
82	15 Part 2301
	29 Part 2610
240	29 Part 2610
1810	29 Part 33
1874	31 Part 18
3063	45 Part 2002
3207	45 Part 2005
3341—3360	34 Part 763
3500	50 Part 17
101 Stat.:	
132	23 Part 659
260	26 Part 41
Public Laws:	
95-588	38 Part 3
97-425	10 Part 962
98-375	45 Part 2201
98-473	14 Part 36
99-58	15 Part 377
99-64	15 Part 389
99-80	29 Part 2204
99-93	22 Part 2a
99-145	5 Part 300
	32 Part 72
99-150	29 Part 553
99-169	5 Part 911
99-178	34 Part 636
99-198	7 Parts 250, 400, 1200, 1427, 1493
99-239	14 Parts 211, 272

Public Laws—Con.	CFR
99-240	10 Part 2
99-272	15 Part 2301
	20 Part 359
	29 Parts 2610, 2619, 2622
	31 Part 51
	32 Part 220
	34 Part 690
99-335	5 Parts 841, 846
	29 Part 2582
99-339	40 Part 144
99-399	10 Part 73
99-401	42 Part 2
99-412	10 Part 456
99-440	15 Parts 371–373, 379, 385–387, 389, 399
99-495	18 Parts 4, 16, 292, 375
99-498	34 Parts 636, 690
99-499	40 Parts 355, 370
	44 Part 222
99-500	5 Part 630
	7 Parts 225, 226, 240, 246, 701, 795
	24 Part 575
99-506	29 Part 33
99-509	7 Parts 1786, 1957
	18 Parts 154, 375, 382
	31 Part 18
99-549	45 Parts 2001, 2002
99-556	5 Part 1660
	29 Part 2582
99-570	5 Parts 294, 1204, 1631
	12 Part 404
	14 Part 1206
	17 Part 145
	22 Part 171
	29 Parts 1610, 2603
	32 Part 286
	35 Part 9
	44 Part 5
	45 Parts 503, 2005
	49 Parts 383, 392, 393, 701
99-571	17 Parts 400–405, 449, 450
99-578	28 Part 11
99-586	5 Part 315
99-590	25 Part 700
99-591	5 Part 630
	7 Parts 225, 226, 246, 701, 795, 1787
	14 Part 159
	34 Parts 636, 763
99-603	8 Parts 210, 245, 248
99-609	12 Part 705
99-616	37 Part 1
99-625	50 Part 17
99-641	9 Parts 303, 335
99-643	20 Part 416

Public Laws—Con.	CFR
99–658	14 Parts 211, 272
99–661	32 Part 286
99–662	19 Part 24
	33 Part 241
100–17	23 Parts 650, 659
	49 Part 23
100–34	30 Parts 700, 736, 750, 785, 816, 870
100–71	42 Part 34
Executive Orders:	
10450	32 Part 154
10865	32 Part 154
11222	39 Part 10
	46 Part 502
11490	34 Part 221
11590	39 Part 10
11623	32 Part 1698
11735	40 Part 110
11912	15 Part 377
12009	18 Parts 16, 382

Executive Orders—Con.	CFR
12107	45 Part 1179
12148	44 Part 361
12234	46 Parts 154, 174
12333	32 Part 154
12356	8 Part 103
	22 Part 171
	32 Part 154
12478	22 Part 2a
12525	15 Part 389
12532	15 Parts 372, 387, 389
12549	49 Part 29
12571	15 Parts 371–373, 379, 385–387, 389, 399
12580	44 Part 222
12585	5 Parts 315, 316
12589	5 Part 630
12596	5 Part 315
Reorganization Plans:	
1947 Plan No. 3	12 Part 510a
1978 Plan No. 3	44 Parts 222, 361

Removals from Table I, January through October 1987

This table lists the sections of the U.S. Code, U.S. Statutes at Large, Public Laws, and Presidential documents which are being removed from Table I as a result of documents published in the **Federal Register** from January through October 1987.

Table I is in the CFR Index and Finding Aids revised as of January 1, 1987.

In order to determine the **Federal Register** page number of a parallel CFR citation, consult this List of CFR Sections Affected (LSA) and the appropriate Annual Issue of the LSA for that CFR title.

U.S. Code:	CFR
2 U.S.C.:	
431 note	11 Part 104
5 U.S.C.:	
552	1 Part 456
	33 Part 161
	39 Part 10
	46 Part 175
552a	49 Part 932
552b	49 Part 903
553	46 Part 568
	49 Part 1165
554	21 Part 312
559	49 Part 1138
1103	5 Part 410
3112	5 Part 315
4118	5 Part 410
5101	45 Part 1204
7513	5 Part 752
7701 et seq	5 Part 315
8901—8902	5 Part 890
8905	5 Part 890
App	20 Part 404
7 U.S.C.:	
71 et seq	7 Part 810
78	7 Part 810
87	7 Part 810
87e	7 Part 810
150bb	7 Parts 301, 318
150ee	7 Part 300
161	7 Part 300
414	7 Part 57
601—674	7 Parts 912, 913, 1102
1153	7 Part 4
1375	7 Part 4
1421	7 Part 1438
1447	7 Part 1438
1621—1627	7 Part 57
	15 Part 904
1812	7 Part 4
1838	7 Part 4
1989	7 Part 1804
2012 note	20 Part 416
2016	20 Part 416
2243	34 Part 5
	45 Part 503
2669	7 Part 1480
2901—2918	7 Part 1200

	CFR
8 U.S.C.:	
1101	8 Part 242
1103	8 Parts 1, 109
1155	8 Part 204
1182	8 Part 204
1184	8 Part 242
1255	8 Parts 109, 242
1357	8 Part 242
10 U.S.C.:	
131 et seq	32 Part 351
133	32 Part 372
1037	33 Part 47
6148	32 Part 728
8012	32 Part 807
12 U.S.C.:	
211 et seq	12 Part 211
601 et seq	12 Part 204
1430	12 Part 555
1701n-1	24 Parts 243, 842, 942
1710	24 Part 203
1715	24 Part 203
1715b	24 Part 251
1745	12 Part 705
1749—1749d	34 Part 614
1758—1759	12 Part 705
1766	12 Part 705
2201	12 Part 624
14 U.S.C.:	
2	33 Part 80
	46 Part 31
83	33 Part 67
92	33 Part 67
632—633	33 Part 161
	46 Part 31
632	46 Parts 98, 151, 153
821—832	33 Part 5
891—894	33 Part 5
15 U.S.C.:	
714b—714c	7 Parts 1438, 1476
717 et seq	18 Part 282
717x—717z	18 Part 385
2625	40 Part 795
3301 et seq	18 Part 282
16 U.S.C.:	
17j-2	36 Parts 4, 5
460k	50 Part 26

16 U.S.C.—Con.	CFR
590d	7 Part 4
680d	50 Part 26
685	50 Parts 25, 26
690d	50 Parts 25, 26
715	50 Part 26
718d	50 Part 33
725	50 Parts 25, 26
742	50 Part 219
772—772j	50 Part 219
776—776f	15 Part 904
	50 Part 219
781—785	50 Part 219
791—828c	18 Part 375
825s–828c	18 Part 385
851—856	50 Part 219
916—916*l*	50 Part 219
951—961	50 Part 219
971—971g	50 Part 219
1021 et seq	15 Part 904
1021—1032	50 Part 219
1151—1187	50 Part 219
1158 et seq	15 Part 904
1201—1205	50 Part 254
1361—1407	50 Part 219
1431—1434	50 Part 219
1531—1543	50 Part 219
1704	36 Part 214
1801—1882	50 Part 219
1801 et seq	50 Part 671
2601 et seq	18 Part 375
17 U.S.C.:	
109	19 Part 133
18 U.S.C.:	
42—44	50 Part 219
701	46 Part 31
3054	50 Part 219
3112	50 Part 219
19 U.S.C.:	
1201	19 Part 151
1461	19 Part 113
1467	19 Part 113
1623—1624	19 Part 113
20 U.S.C.:	
1011—1015	34 Part 605
1016	34 Part 606
1018—1019	34 Parts 605, 606
1070e	34 Part 629
1119d et seq	34 Part 653
1119d—1119d–8	34 Part 653
1133	34 Part 636
1134n—1134p	34 Part 639
1143	34 Part 605
1221–1	34 Part 726
1221e–3	34 Parts 206, 605, 606, 631–636, 639, 726, 796
3221—3261	34 Parts 502, 504
3474	34 Parts 605, 639, 796
3851	34 Part 796
3862	34 Part 796

20 U.S.C.—Con.	CFR
3971	34 Part 755
21 U.S.C.:	
71 et seq	9 Part 318
151—158	9 Parts 101–104
457	9 Part 318
463	9 Part 318
605	9 Part 318
607	9 Part 318
608	9 Part 318
642	9 Part 318
677	9 Part 318
701	21 Parts 864, 870
1175	42 Part 2
22 U.S.C.:	
1258	22 Part 514
1474	22 Part 514
1977	50 Part 258
1980	50 Part 258
2381	22 Part 224
2402	22 Part 212
2658	22 Part 514
2751—2769	32 Part 251
2771—2796c	32 Part 251
23 U.S.C.:	
101 et seq	23 Part 790
109	23 Part 790
128	23 Part 790
315	23 Parts 635, 790
25 U.S.C.:	
1—2	25 Part 120
9	25 Part 700
68	25 Parts 211, 212
179	25 Part 700
396	25 Part 212
396b—396q	30 Part 206
397	25 Part 700
	30 Part 206
345	25 Part 700
398a—398e	30 Part 206
399	30 Part 206
402	25 Part 700
476—477	25 Part 212
509	25 Part 212
572	25 Part 118
640d–10	25 Part 700
26 U.S.C.:	
5008	27 Part 251
27 U.S.C.:	
205	27 Part 270
28 U.S.C.:	
510	48 Part 2827
542	28 Part 0
29 U.S.C.:	
141—168	29 Part 103
152—155	29 Part 101
157—168	29 Part 101
201—219	29 Part 800
401 note	29 Part 101

29 U.S.C.—Con.	CFR
577a	30 Parts 15, 18–29, 31–33, 35, 36, 74, 75
620	29 Part 860
794	10 Part 1040
801	36 Part 215
30 U.S.C.:	
3	30 Parts 15, 18–29, 31–33, 35, 36
5	30 Parts 15, 18–29, 31–33, 35, 36
7	30 Parts 15, 18–29, 31–33, 35, 36
189	30 Part 208
192	30 Part 208
301—306	30 Parts 206, 216, 218
352—359	30 Parts 206, 216
359	30 Part 208
471	30 Parts 18, 25–27, 33, 35
479	30 Parts 18, 25–27, 33, 35
482	30 Parts 18–27, 31–33, 35
801	30 Parts 18, 28, 29
812	30 Part 75
951	30 Parts 15, 18–19, 31–33, 35, 36, 74, 75
953	30 Part 46
957	30 Part 46
1201 et seq	30 Part 761
1251	30 Parts 731, 732, 736
1253—1269	30 Part 736
1253—1254	30 Part 732
1253	30 Part 731
1256—1269	30 Part 732
1271—1272	30 Parts 732, 736
1275	30 Part 736
1295	30 Part 736
31 U.S.C.:	
200	28 Part 0
240—243	32 Parts 750, 751
321	31 Part 16
483	14 Part 65
483a	7 Parts 330, 352
951—953	31 Part 5
	45 Part 30
952	32 Part 757
3801—3812	22 Part 224
6701—6724	31 Part 51
9701	18 Part 154
33 U.S.C.:	
151	33 Part 80
361	46 Part 185
1161	46 Part 31
1223	33 Part 110
1225	33 Part 165
1251 et seq	40 Part 110
1254	9 Part 318

33 U.S.C.—Con.	CFR
1321	46 Parts 71, 91, 189
1607	46 Part 31
2030	33 Part 110
2035	33 Part 110
2071	46 Part 31
37 U.S.C.:	
251 et seq	32 Part 59
39 U.S.C.:	
401	39 Part 916
403—404	39 Part 10
406—408	39 Part 10
3008	39 Part 916
40 U.S.C.:	
471 et seq	30 Parts 206, 216, 218
472	15 Part 302
486	45 Part 19
	48 Part 2827
512	15 Part 302
514	15 Part 302
42 U.S.C.:	
216	21 Part 610
	42 Parts 110, 122, 123
	45 Part 19
300–1	42 Part 122
300e—300e–17	42 Part 110
300f et seq	42 Parts 122, 123
300f	40 Part 149
300k–1—300n–1	42 Parts 122, 123
300k–1	42 Part 121
300*l*–4—300*l*–5	42 Part 122
404—405	20 Part 416
421	20 Part 404
423	20 Part 416
428	20 Part 416
611	20 Part 401
1302	45 Part 19
1327	20 Part 404
1382a	20 Part 404
1382c	20 Part 404
1383	20 Part 404
1395f	45 Part 19
1395x	45 Part 19
1396	20 Part 416
	45 Part 19
1396a	45 Part 19
1436a	24 Part 912
1480	7 Part 1804
1973c	45 Part 801
2000d–1	13 Part 311
2168	48 Parts 901–910, 912–917, 919, 920, 922–925, 927, 928, 931–933, 935–937, 942–945, 947, 949–952, 971
2273	10 Part 110
2403	10 Part 110
2453	48 Part 30
2929 et seq	34 Part 215

42 U.S.C.—Con.	CFR
2929a	34 Part 215
2981	12 Part 705
2985	12 Part 705
3535	24 Parts 0, 221
4321 et seq	30 Parts 216, 218 46 Parts 10, 31, 187
5101 note	45 Part 1340
6912	40 Part 260
6921—6927	40 Part 260
6927	40 Part 270
6930	40 Part 260
6934	40 Part 260
6939	40 Part 270
6974	40 Parts 260, 270
7101—7352	10 Part 458
7101 et seq	18 Part 282
7101	18 Part 154
7107 et seq	18 Part 282
8281—8284	10 Part 458
9205	40 Part 300
9601 et seq	40 Parts 305, 306
43 U.S.C.:	
283	43 Part 2090
315a	50 Parts 25, 26
617e	43 Part 2090
1331	33 Part 147
1334	30 Part 209
1335	30 Part 209
1337	30 Part 209
1347—1348	46 Part 107
1356	46 Part 107
1451 et seq	25 Part 249
1457	30 Parts 206, 216, 218
44 U.S.C.:	
3501 et seq	30 Parts 18, 23, 32, 33, 36, 75
3501—3520	50 Part 604
3504	27 Part 194
3507	46 Parts 10, 150, 175
45 U.S.C.:	
712	49 Part 903
46 U.S.C.:	
2	46 Part 31
85a	46 Part 31
86	46 Parts 92, 175
88a	46 Parts 31, 92, 175, 190
170	46 Parts 30–32, 92, 98, 151, 153, 175, 195
214	46 Parts 10, 157
221	46 Part 187
222—224a	46 Parts 10, 157
222—223	46 Part 31
222	46 Parts 175, 185, 186
224	46 Parts 186, 187
225—226	46 Part 10
226	46 Part 157
228—229h	46 Part 10
228—229a	46 Part 157
229c	46 Part 157

46 U.S.C.—Con.	CFR
230—231	46 Part 10
233	46 Part 10
237	46 Parts 10, 157
239	46 Parts 10, 157, 185
239b	46 Parts 10, 187
242—243	46 Part 10
242	46 Part 157
247	46 Part 10
363	46 Parts 31, 77, 92, 96, 175, 190, 195
364	46 Part 157
367	46 Parts 10, 31, 32, 77, 92, 96, 98, 157, 190, 195
369	46 Parts 31, 32, 92, 98, 151, 153, 175
369b	46 Part 31
375	46 Parts 10, 31, 32, 77, 92, 96, 98, 151, 153, 157, 186, 187, 190, 195
379a	46 Part 151
390—390g	46 Parts 10, 157
390	46 Parts 175, 185, 187
390b	46 Parts 32, 77, 92, 185–187
391—392	46 Parts 77, 92, 96, 98, 195
391	46 Parts 185, 190
391a	46 Parts 10, 30–32, 153, 157, 175, 185
392	46 Parts 31, 32, 185, 190
395	46 Parts, 77, 92, 96, 157, 190, 195
399	46 Parts 157, 185
404—404–1	46 Parts 10, 157
404	46 Parts 10, 77, 92, 96, 98, 185–187
404–1	46 Part 175
405	46 Parts 10, 31, 32, 92, 157
407	46 Part 195
411	46 Parts 31, 195
416	46 Parts 10, 31, 32, 77, 92, 96, 98, 151, 153, 157, 186, 187, 190, 195
435	46 Parts 30, 98, 185
445	46 Parts 31, 32, 92, 190, 195
451	46 Part 185
458	46 Part 157
481	46 Parts 31, 32, 77, 92, 96, 98, 157, 175, 185, 190, 195
489	46 Parts 31, 32, 77, 96, 175, 185, 190, 195

46 U.S.C.—Con.	CFR
526f	46 Parts 10, 187
526p	46 Parts 10, 31, 32, 77, 92, 157, 185–187
660a	46 Part 31
672—672–1	46 Part 157
672—672a	46 Part 10
672a	46 Part 187
672b	46 Part 157
673	46 Parts 10, 157, 186
689	46 Parts 157, 187
808	46 Part 221
835	46 Part 221
838—839	46 Part 221
841a	46 Part 221
876	46 Part 221
881	46 Part 31
882	46 Part 185
941a	46 Part 221
961	46 Part 221
1114	46 Part 221
1132	46 Part 10
1195	46 Part 221
1271—1279	15 Part 904
1332	46 Part 187
1333	46 Parts 10, 77
1410	50 Parts 256, 257
1454	33 Part 177
1461	46 Parts 10, 187
1467	33 Part 174
1488	33 Parts 174, 177
2101	46 Part 174
2104	46 Parts 109, 111, 174
2106	46 Part 109
2113	46 Part 111
3301	46 Parts 109, 111, 174
3306	46 Part 185
3316	46 Parts 107, 174
3318	46 Parts 109, 111
3507	46 Part 157
3703	46 Parts 157, 172
7101	46 Part 10
8105	46 Part 157
9102	46 Part 157
11301	46 Part 109
46 U.S.C. App.:	
86	46 Part 172
88a	46 Part 172
812	46 Part 568
814—817	46 Part 568
820	46 Part 568
833a	46 Part 568
841a	46 Part 568
47 U.S.C.:	
151—155	47 Part 97
151	47 Part 67
154	47 Part 67
221	47 Part 67
410	47 Part 67

48 U.S.C.:	CFR
358a	25 Part 211
362	25 Part 211
49 U.S.C.:	
5b	49 Parts 1206, 1207
12	49 Parts 1206, 1207, 1249
20	49 Parts 1206, 1207, 1249
104	49 Part 395
106	14 Part 159
108	46 Parts 31, 96, 195
204	49 Part 1207
304	49 Parts 392, 1042, 1050, 1052, 1059, 1206, 1207
307—308	49 Part 1042
307	49 Part 1050
311	49 Part 1052
315—316	49 Part 1052
319—320	49 Part 1052
320	49 Parts 1206, 1207
322	49 Parts 1206, 1207
504	49 Part 395
904	49 Parts 1206, 1207
913	49 Parts 1206, 1207
917	49 Parts 1206, 1207
1003	49 Parts 1206, 1207
1012	49 Parts 1206, 1207
1159	14 Part 65
1347—1348	14 Part 43
1355	14 Part 127
1357	14 Part 43
1372	14 Part 43
1423—1426	14 Part 65
1426—1429	14 Part 127
1428—1430	14 Part 65
1432	14 Part 43
1442—1443	14 Part 43
1472	14 Part 43
1510	14 Part 43
1522	14 Part 43
1601 et seq	49 Part 630
1604	49 Part 630
1651	23 Part 790
1652	14 Parts 43, 65
1655	14 Parts 21, 36, 65, 127 33 Parts 67, 147, 161 46 Parts 10, 31, 32, 77, 92, 96, 98, 151, 153, 175, 185–187, 190, 195 49 Parts 173, 310
1657	14 Part 65 23 Part 790 33 Part 67 49 Part 107
1671 et seq	49 Part 193
1672	49 Part 192
1674	49 Part 193
1801—1803	46 Part 153

49 U.S.C.—Con.	CFR
1802—1804	49 Part 107
1803—1808	49 Part 173
1803—1805	49 Parts 171, 172
1803—1804	49 Parts 175, 177–179
1803	46 Parts 30, 151
1804	49 Part 192
1805—1811	46 Part 153
1805	49 Parts 174, 175
1806—1808	49 Part 175
1806	49 Part 107
1808—1811	49 Part 107
1808	49 Parts 171, 172, 177–179
1809	49 Parts 173, 177
1904	49 Part 179
10321	47 Part 1165
10701a	49 Part 1138
10708	49 Part 1312
10751	49 Part 1206
10922—10923	49 Part 1165
10926	49 Part 1165
11142	49 Part 1249
11301	49 Part 1165
11343—11344	49 Part 1165
11349	49 Part 1165
50 U.S.C.:	
198	46 Parts 10, 31, 98, 157, 170, 172, 174
1436	32 Part 166
50 U.S.C. App.:	
567	43 Part 2090
1751—1785 note	45 Parts 540–543
2001	45 Part 580
2017n	45 Part 580
U.S. Statutes at Large:	
60 Stat.:	
237	45 Part 503
76 Stat.:	
387	45 Part 560
80 Stat.:	
250	45 Part 503
83 Stat.:	
210	32 Part 166
87 Stat.:	
985	49 Part 901
88 Stat.:	
1561	49 Part 901
92 Stat.:	
865	17 Part 30
876—877	17 Part 30
93 Stat.:	
492	35 Part 119
95 Stat.:	
1070	43 Part 3160
Public Laws:	
93–502	49 Part 901
94–542	45 Part 581
95–75	46 Part 32
96–70	35 Part 119
96–514	30 Parts 206, 218
97–78	30 Parts 206, 218
97–424	49 Part 23
98–590	7 Part 1240
98–615	5 Part 890
99–190	25 Part 700
99–251	5 Part 890
99–349	31 Part 16
Executive Orders:	
9830	5 Part 315
10501	22 Part 212
10816	22 Part 212
11103	5 Part 315
11239	46 Parts 31, 32, 77, 92, 96, 98, 190, 195
11521	5 Part 315
11548	46 Part 31
11964	46 Part 32
12009	18 Part 282
12065	22 Part 171
12173	35 Part 9
12234	46 Part 172
12316	40 Parts 305, 306
12364	5 Part 315
Reorganization Plans:	
1950 Plan No. 3	30 Parts 216, 218
1950 Plan No. 5	15 Part 4
1953 Plan No. 1	20 Part 404
1970 Plan No. 4	50 Part 254

1987	
1–228	Jan. 2
229–388	5
389–516	6
517–660	7
661–754	8
755–1178	9
1179–1312	12
1313–1430	13
1431–1618	14
1619–1896	15
1897–2098	16
2099–2212	20
2213–2388	21
2389–2502	22
2503–2662	23
2663–2800	26
2801–2862	27
2863–2920	28
2921–2974	29
2975–3100	30
3101–3208	Feb. 2
3209–3392	3
3393–3594	4
3595–3782	5
3783–3996	6
3997–4124	9
4125–4264	10
4265–4488	11
4489–4590	12
4591–4762	13
4763–4886	17
4887–5068	18
5069–5270	19
5271–5424	20
5425–5522	23
5523–5734	25
5735–5930	26
5931–6122	27
6123–6316	Mar. 2
6317–6492	3
6493–6768	4
6769–6950	5
6951–7102	6
7103–7262	9
7263–7396	10
7397–7558	11
7559–7816	12
7817–8052	13
8053–8222	16
8223–8438	17
8439–8580	18
8581–8858	19
8859–9106	20
9107–9280	23
9281–9450	24
9451–9648	25
9649–9792	26
9793–10020	27
10021–10212	Mar. 30
10213–10356	31
10357–10556	Apr. 1
10557–10724	2
10725–10874	3
10875–11018	6
11019–11184	7
11185–11452	8
11453–11610	9
11611–11806	10
11807–11980	13
11981–12128	14
12129–12362	15
12363–12510	16
12511–12896	17
12897–13068	20
13069–13214	21
13215–13424	22
13425–13624	23
13625–13822	24
13823–15294	27
15295–15484	28
15485–15698	29
15699–15934	30
15935–16228	May 1
16229–16366	4
16367–16804	5
16805–17282	6
17283–17386	7
17387–17536	8
17537–17746	11
17747–17914	12
17915–18186	13
18187–18334	14
18335–18542	15
18543–18686	18
18687–18900	19
18901–19128	20
19129–19258	21
19259–19478	22
19479–19714	26
19715–19830	27
19831–20052	28
20053–20370	29
20371–20590	June 1
20591–20694	2
20695–21000	3
21001–21238	4
21239–21492	5
21493–21650	8
21651–21930	9
21931–22286	10
22287–22430	11
22431–22628	12
22629–22752	15
22753–23006	16
23007–23164	17
23165–23264	18
23265–23420	19

23421-23536	June 22
23537-23628	23
23629-23778	24
23779-23930	25
23931-24126	26
24127-24274	29
24275-24442	30
24443-24970	July 1
24971-25192	2
25193-25344	6
25345-25578	7
25579-25860	8
25861-25962	9
25963-26126	10
26127-26292	13
26293-26468	14
26469-26662	15
26663-26934	16
26935-27184	17
27185-27322	20
27323-27524	21
27525-27660	22
27661-27776	23
27777-27984	24
27985-28122	27
28123-28238	28
28239-28442	29
28443-28532	30
28533-28680	31
28681-28814	Aug. 3
28815-28958	4
28959-29172	5
29173-29362	6
29363-29496	7
29497-29654	10
29655-29832	11
29833-30124	12
30125-30324	13
30325-30652	14
30653-30878	17
30879-31026	18
31027-31372	19
31373-31600	20
31601-31748	21
31749-31974	24
31975-32116	25
32117-32286	Aug. 26
32287-32528	27
32529-32774	28
32775-32906	31
32907-33216	Sept. 1
33217-33398	2
33399-33570	3
33571-33796	4
33797-33914	8
33915-34192	9
34193-34372	10
34373-34616	11
34617-34760	14
34761-34890	15
34891-35058	16
35059-35214	17
35215-35394	18
35395-35522	21
35523-35678	22
35679-35904	23
35905-36008	24
36009-36212	25
36213-36388	28
36389-36562	29
36563-36748	30
36749-36888	Oct. 1
36889-37124	2
37125-37264	5
37265-37428	6
37429-37596	7
37597-37760	8
37761-37916	9
37917-38074	13
38075-38216	14
38217-38388	15
38389-38738	16
38739-38902	19
38903-39204	20
39205-39492	21
39493-39610	22
39611-39898	23
39899-41286	26
41287-41398	27
41399-41550	28
41551-41684	29
41685-41942	30

NO

1987

UMI

code of federal regulations

LSA

List of CFR Sections Affected

November 1987

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

**********5-DIGIT 48106

A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

NO

1987

UMI

code of federal regulations

LSA

List of CFR Sections Affected

November 1987

Titles 1–16
Changes January 2, 1987
through November 30, 1987

Titles 17–27
Changes April 1, 1987
through November 30, 1987

Title 28–41
Changes July 1, 1987
through November 30, 1987

Title 42–50
Changes October 1, 1987
through November 30, 1987

Parallel Table of Authorities and Rules

NO

1987

UMI

LSA—LIST OF CFR SECTIONS AFFECTED

The LIST OF CFR SECTIONS AFFECTED is a monthly publication designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles.

HOW TO USE THIS FINDING AID

The CFR is revised annually according to the following schedule:

Titles 1–16—as of Jan. 1
17–27—as of April 1
28–41—as of July 1
42–50—as of Oct. 1

To bring these regulations up to date, consult the most recent LIST OF CFR SECTIONS AFFECTED for any changes, additions, or removals published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing in the Reader Aids of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

Boldface page numbers under a particular title indicate that the page numbers span 2 years. **Boldface** is used to distinguish the current year from the previous year.

Cite a page reference from this publication as 52 FR for 1987 page numbers. Example: 24727 cite as 52 FR 24727.

ISSUES TO BE SAVED

There is no single annual issue of the LIST OF CFR SECTIONS AFFECTED. Four ANNUAL ISSUES must be saved; the DECEMBER issue is the ANNUAL for Titles 1–16; the MARCH issue is the ANNUAL for Titles 17–27; the JUNE issue is the ANNUAL for Titles 28–41; the SEPTEMBER issue is the ANNUAL for Titles 42–50. ANNUAL ISSUES to be saved are clearly designated on the cover.

PARALLEL TABLE OF AUTHORITIES AND RULES

Following Title 50 is an update to Table I—Parallel Table of Authorities and Rules found in the CFR Index and Finding Aids. This table contains authority citations added to or removed from Table I as a result of documents published in the Federal Register since January 1, 1987.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the inclusive page numbers and corresponding Federal Register issue dates for the period covered.

INDEXES

An INDEX to the daily Federal Register is published monthly and is cumulated for 12 months. A separate volume, the CFR Index and Finding Aids to the entire Code of Federal Regulations, is revised as of January 1 each year.

INQUIRIES AND SUGGESTIONS

Loren S. Myers was Chief Editor of the LSA. The LSA was prepared under the direction of Martha B. Girard, assisted by Ruth C. Pontius. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to John E. Byrne, Director, Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408.

(Comprising a complete CFR set)

Title	Price	Revision Date
1, 2 (2 Reserved)	$9.00	Jan. 1, 1987
3 (1986 Compilation and Parts 100 and 101)	11.00	Jan. 1, 1987
4	14.00	Jan. 1, 1987
5 (Parts 1–1199)	25.00	Jan. 1, 1987
(Parts 1200–End), 6 (6 Reserved)	9.50	Jan. 1, 1987
7 (Parts 0–45)	25.00	Jan. 1, 1987
(Parts 46–51)	16.00	Jan. 1, 1987
(Part 52)	23.00	Jan. 1, 1987
(Parts 53–209)	18.00	Jan. 1, 1987
(Parts 210–299)	22.00	Jan. 1, 1987
(Parts 300–399)	10.00	Jan. 1, 1987
(Parts 400–699)	15.00	Jan. 1, 1987
(Parts 700–899)	22.00	Jan. 1, 1987
(Parts 900–999)	26.00	Jan. 1, 1987
(Parts 1000–1059)	15.00	Jan. 1, 1987
(Parts 1060–1119)	13.00	Jan. 1, 1987
(Parts 1120–1199)	11.00	Jan. 1, 1987
(Parts 1200–1499)	18.00	Jan. 1, 1987
(Parts 1500–1899)	9.50	Jan. 1, 1987
(Parts 1900–1944)	25.00	Jan. 1, 1987
(Part 1945–End)	26.00	Jan. 1, 1987
8	9.50	Jan. 1, 1987
9 (Parts 1–199)	18.00	Jan. 1, 1987
(Part 200–End)	16.00	Jan. 1, 1987
10 (Parts 0–199)	29.00	Jan. 1, 1987
(Parts 200–399)	13.00	Jan. 1, 1987
(Parts 400–499)	14.00	Jan. 1, 1987
(Part 500–End)	24.00	Jan. 1, 1987
11	11.00	Jul. 1, 1987
12 (Parts 1–199)	11.00	Jan. 1, 1987
(Parts 200–299)	27.00	Jan. 1, 1987
(Parts 300–499)	13.00	Jan. 1, 1987
(Part 500–End)	27.00	Jan. 1, 1987
13	19.00	Jan. 1, 1987
14 (Parts 1–59)	21.00	Jan. 1, 1987
(Parts 60–139)	19.00	Jan. 1, 1987
(Parts 140–199)	9.50	Jan. 1, 1987
(Parts 200–1199)	19.00	Jan. 1, 1987
(Part 1200–End)	11.00	Jan. 1, 1987
15 (Parts 0–299)	10.00	Jan. 1, 1987
(Parts 300–399)	20.00	Jan. 1, 1987
(Part 400–End)	14.00	Jan. 1, 1987
16 (Parts 0–149)	12.00	Jan. 1, 1987
(Parts 150–999)	13.00	Jan. 1, 1987
(Part 1000–End)	19.00	Jan. 1, 1987
17 (Parts 1–199)	14.00	April 1, 1987
(Parts 200–239)	14.00	April 1, 1987
(Part 240–End)	19.00	April 1, 1987
18 (Parts 1–149)	15.00	April 1, 1987
(Parts 150–279)	14.00	April 1, 1987
(Parts 280–399)	13.00	April 1, 1987
(Part 400–End)	8.50	April 1, 1987
19 (Parts 1–199)	27.00	April 1, 1987
(Part 200–End)	5.50	April 1, 1987

(Comprising a complete CFR set)

Title	Price	Revision Date
20 (Parts 1-399)	$12.00	April 1, 1987
(Parts 400-499)	23.00	April 1, 1987
(Part 500-End)	24.00	April 1, 1987
21 (Parts 1-99)	12.00	April 1, 1987
(Parts 100-169)	14.00	April 1, 1987
(Parts 170-199)	16.00	April 1, 1987
(Parts 200-299)	5.50	April 1, 1987
(Parts 300-499)	26.00	April 1, 1987
(Parts 500-599)	21.00	April 1, 1987
(Parts 600-799)	7.00	April 1, 1987
(Parts 800-1299)	13.00	April 1, 1987
(Part 1300-End)	6.00	April 1, 1987
22 (Parts 1-299)	19.00	April 1, 1987
(Part 300-End)	13.00	April 1, 1987
23	16.00	April 1, 1987
24 (Parts 0-199)	14.00	April 1, 1987
(Parts 200-499)	26.00	April 1, 1987
(Parts 500-699)	9.00	April 1, 1987
(Parts 700-1699)	18.00	April 1, 1987
(Part 1700-End)	12.00	April 1, 1987
25	24.00	April 1, 1987
26 (Part 1 §§ 1.0-1—1.60)	12.00	April 1, 1987
(§§ 1.61—1.169)	22.00	April 1, 1987
(§§ 1.170—1.300)	17.00	April 1, 1987
(§§ 1.301—1.400)	14.00	April 1, 1987
(§§ 1.401—1.500)	21.00	April 1, 1987
(§§ 1.501—1.640)	15.00	April 1, 1987
(§§ 1.641—1.850)	17.00	April 1, 1987
(§§ 1.851—1.1000)	27.00	April 1, 1987
(§§ 1.1001—1.1400)	16.00	April 1, 1987
(§§ 1.1401—End)	20.00	April 1, 1987
(Parts 2-29)	20.00	April 1, 1987
(Parts 30-39)	13.00	April 1, 1987
(Parts 40-49)	12.00	April 1, 1987
(Parts 50-299)	14.00	April 1, 1987
(Parts 300-499)	15.00	April 1, 1987
(Parts 500-599)	7.50	*April 1, 1980
(Part 600-End)	6.00	April 1, 1987
27 (Parts 1-199)	21.00	April 1, 1987
(Part 200-End)	13.00	April 1, 1987
28	23.00	July 1, 1987
29 (Parts 0-99)	16.00	July 1, 1987
(Parts 100-499)	7.00	July 1, 1987
(Parts 500-899)	24.00	July 1, 1987
(Parts 900-1899)	10.00	July 1, 1987
(Parts 1900-1910)	27.00	July 1, 1986
(Parts 1911-1925)	6.50	July 1, 1987
(Part 1926)	10.00	July 1, 1987
(Part 1927-End)	23.00	July 1, 1987
30 (Parts 0-199)	16.00	**July 1, 1985
(Parts 200-699)	8.50	July 1, 1987
(Part 700-End)	18.00	July 1, 1987
31 (Parts 0-199)	12.00	July 1, 1987
(Part 200-End)	16.00	July 1, 1987
32 (Parts 1-189)	17.00	July 1, 1986

Footnotes at end of table.

(Comprising a complete CFR set)

Title	Price	Revision Date
(Parts 190-399)	$23.00	July 1, 1987
(Parts 400-629)	21.00	July 1, 1987
(Parts 630-699)	13.00	July 1, 1986
(Parts 700-799)	15.00	July 1, 1987
(Parts 800-End)	16.00	July 1, 1986
33 (Parts 1-199)	27.00	July 1, 1986
(Part 200-End)	19.00	July 1, 1987
34 (Parts 1-299)	20.00	July 1, 1987
(Parts 300-399)	11.00	July 1, 1987
(Part 400-End)	23.00	July 1, 1987
35	9.00	July 1, 1987
36 (Parts 1-199)	12.00	July 1, 1987
(Part 200-End)	19.00	July 1, 1987
37	13.00	July 1, 1987
38 (Parts 0-17)	21.00	July 1, 1986
(Part 18-End)	15.00	July 1, 1986
39	13.00	July 1, 1987
40 (Parts 1-51)	21.00	July 1, 1987
(Part 52)	26.00	July 1, 1987
(Parts 53-60)	24.00	July 1, 1987
(Parts 61-80)	12.00	July 1, 1987
(Parts 81-99)	25.00	July 1, 1987
(Parts 100-149)	23.00	July 1, 1986
(Parts 150-189)	18.00	July 1, 1987
(Parts 190-399)	27.00	July 1, 1986
(Parts 400-424)	22.00	July 1, 1987
(Parts 425-699)	21.00	July 1, 1987
(Part 700-End)	27.00	July 1, 1987
41 (Chapters 1—100)	10.00	July 1, 1987
(Chapter 101)	23.00	July 1, 1987
(Chapters 102-200)	11.00	July 1, 1987
(Chapter 201-End)	8.50	July 1, 1987
42 (Parts 1-60)	15.00	Oct. 1, 1986
(Parts 61-399)	10.00	Oct. 1, 1986
(Parts 400-429)	20.00	Oct. 1, 1986
(Part 430-End)	15.00	Oct. 1, 1986
43 (Parts 1-999)	14.00	Oct. 1, 1986
(Parts 1000-3999)	24.00	Oct. 1, 1986
(Part 4000-End)	11.00	Oct. 1, 1986
44	17.00	Oct. 1, 1986
45 (Parts 1-199)	13.00	Oct. 1, 1986
(Parts 200-499)	9.00	Oct. 1, 1986
(Parts 500-1199)	18.00	Oct. 1, 1986
(Part 1200-End)	13.00	Oct. 1, 1986
46 (Parts 1-40)	13.00	Oct. 1, 1986
(Parts 41-69)	13.00	Oct. 1, 1986
(Parts 70-89)	7.00	Oct. 1, 1986
(Parts 90-139)	11.00	Oct. 1, 1986
(Parts 140-155)	8.50	***Oct. 1, 1985
(Parts 156-165)	14.00	Oct. 1, 1986
(Parts 166-199)	13.00	Oct. 1, 1986
(Parts 200-499)	19.00	Oct. 1, 1986
(Part 500-End)	9.50	Oct. 1, 1986
47 (Parts 0-19)	17.00	Oct. 1, 1986
(Parts 20-39)	18.00	Oct. 1, 1986

Footnotes at end of table.

(Comprising a complete CFR set)

Title	Price	Revision Date
(Parts 40–69)	$11.00	Oct. 1, 1986
(Parts 70–79)	17.00	Oct. 1, 1986
(Part 80–End)	20.00	Oct. 1, 1986
48 (Chapter 1, Parts 1–51)	21.00	Oct. 1, 1986
(Chapter 1, Parts 52–99)	16.00	Oct. 1, 1986
(Chapter 2)	27.00	Dec. 31, 1986
(Chapters 3–6)	17.00	Oct. 1, 1986
(Chapters 7–14)	23.00	Oct. 1, 1986
(Chapter 15–End)	22.00	Oct. 1, 1986
49 (Parts 1–99)	10.00	Oct. 1, 1986
(Parts 100–177)	24.00	Oct. 1, 1986
(Parts 178–199)	19.00	Oct. 1, 1986
(Parts 200–399)	17.00	Oct. 1, 1986
(Parts 400–999)	21.00	Oct. 1, 1986
(Parts 1000–1199)	17.00	Oct. 1, 1986
(Parts 1200–End)	17.00	Oct. 1, 1986
50 (Parts 1–199)	15.00	Oct. 1, 1986
(Part 200–End)	25.00	Oct. 1, 1986
CFR Index and Findings Aids	27.00	Jan. 1, 1987
Complete 1987 CFR set	595.00	1987
Complete 1986 CFR set	595.00	1986
Microfiche CFR edition:		
Complete set (one-time mailing)	155.00	1983
Complete set (one-time mailing)	125.00	1984
Complete set (one-time mailing)	115.00	1985
Subscription (mailed as issued)	185.00	1986
Subscription (mailed as issued)	185.00	1987
Individual copies	3.75	1987

*No amendments to this volume were promulgated during the period April 1, 1980 through March 31, 1987. The CFR volume issued as of April 1, 1980, should be retained.

**No amendments to this volume were promulgated during the period July 1, 1985 through June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

***No amendments to this volume were promulgated during the period October 1, 1985 through September 30, 1986. The CFR volume issued as of October 1, 1985 should be retained.

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Charge orders (VISA, CHOICE, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays).

Other Related Publications

Title	Price	Revision Date
Federal Register	$340.00	daily
Federal Register Document Drafting Handbook	4.75	April 1986
Guide to Record Retention Requirements in the Code of Federal Regulations	10.00	Jan. 1, 1986
1987 Supplement—February 27, 1987 Federal Register, Part II	1.50	Jan. 1, 1987
List of Sections Affected, 1949–1963	Out of print	1966
List of CFR Sections Affected, 1964–1972		
(Titles 1 through 27) Vol. I	Out of print	1980
(Titles 28 through 50) Vol. II	14.00	1980
LSA (List of CFR Sections Affected):		
Yearly subscription	24.00	
Individual copies	1.50	monthly
Federal Register Index:		
Yearly subscription	22.00	
Individual copies	1.50	monthly

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 1—GENERAL PROVISIONS

Chapter III—Administrative Conference of the United States

Page

304.1—304.6 (Subpart A) Authority citation revised..... 22753
304.3 (a) revised; (b) and (c) amended; (d) removed; (e) redesignated as (d) and revised; interim..... 22753
(c) correctly designated..... 23627
(a) revision, (b) and (c) amendment, (d) removal, (e) redesignation as (d) confirmed; (d) revised..... 29498
304.6 Revised; interim..... 22753
Revision confirmed; (h) introductory text added; (i) (1) and (2) amended..... 29498
305.87-1 Added..... 23629
305.87-2 Added..... 23631
305.87-3 Added..... 23632
305.87-4 Added..... 23634
305.87-5 Added..... 23635
310.12 Added..... 23636

Chapter IV—Miscellaneous Agencies

456 Authority citation revised; nomenclature changes..... 34373
456.2 (a) through (f) revised; (g), (h), and (i) added..... 34373
456.3 Redesignated as 456.4; new 456.3 added..... 34373
456.4 Redesignated from 456.3..... 34373
(j)(1)(vii) and (k)(2) revised; (j)(1)(viii), (k)(1) and (l) amended; (j)(1)(ix) and (5) and (k)(4) added; (j) (2) and (3) redesignated as (j) (3) and (4); new (j)(2) added; new (j)(4) revised..... 34374

Title 1—*Proposed Rules:*

301—326 (Ch. III)..... 7814, 7879, 13448, 38925, 41306, 41998
456..... 15729

TITLE 3—THE PRESIDENT

Proclamations

5050 *See* Proc. 5727..... 38075
5074 Amended by Proc. 5679..... 27308
5453 Modified by Proc. 5660..... 19259
5595 229
5596 755
5597 1431
5598 1897
5599 2213
5600 2503
5601 2663
See U.S. Trade Representative Notice..... 3523
5602 2921
5603 2975
5604 2977
5605 3393
5606 3783
5607 4489
5608 4887
5609 5271
5610 5425
5611 5523
5612 6123
5613 6125
5614 6769
5615 6771
5616 7263
5617 7265
5618 8439
5619 8441
5620 8443
5621 9281
5622 9283
5623 9793
5624 11019
5625 11453
5626 11611
5627 11613
5628 11809
5629 12126
5630 12129
5631 13412
See U.S. Trade Representative Notice..... 22693, 43146
5632 13618
5633 13620
5634 13622
5635 13625
5636 13823
5637 13825
5638 15295
5639 15696
5640 15697
5641 15699
5642 15701
5643 15935
5644 16229

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 3 Proclamations—Con. Page

5645 16367
5646 16805
Correction 17678
5647 16815
5648 16817
5649 16819
5650 17382
5651 17915
5652 17917
5653 18187
5654 18189
5655 18898
5656 18900
5657 19122
5658 19123
5659 19257
5660 19259
5661 19479
5662 19829
5663 20695
5664 21239
5665 23007
5666 23009
5667 23011
5668 23165
5669 23537
5670 23539
5671 23541
5672 24127
5673 24275
5674 25345
5675 25347
5676 25963
5677 26935
5678 27185
5679 27308
See U.S. Trade Representative Notice of November 20, 1987 44666
5680 27323
5681 27325
5682 27525
5683 27661
5684 27777
5685 28237
5686 28959
5687 28961
5688 29363
5689 29365
5690 29655
5691 29833
5692 30125
5693 30653
5694 30655
5695 31975
5696 32905
5697 34193
5698 34195
5699 34197
5700 34199
5701 34761
5702 35523
5703 35525
5704 35527
5705 35905
5706 36208
5707 36210
5708 36213
5709 36889
5710 36891
5711 36893
5712 36895
5713 37265
5714 37267
5715 37269
5716 37271
5717 37273
5718 37275
5719 37279
5720 37429
5721 37431
5722 37433
5723 37917
5724 37919
5725 37921
5726 37923
5727 38075
5728 38389
5729 38739
5730 38741
5731 38903
5732 38905
5733 41689
5734 41943
5735 42629
5736 43041
5737 43043
5738 43185
5739 43187
5740 43547
5741 43719
5742 44091
5743 44588
5744 44589
5745 44855
5746 44857
5747 44967

Executive Orders

3305 Revoked by PLO 6660 44893

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

Page

6039 Partially revoked by PLO 6656 31623
6269 Amended by PLO 6642 16248
8248 Amended by EO 12608 34617
8512 Amended by EO 12608 34617
8744 Revoked by EO 12608 34617
9094 Amended by EO 12608 34617
9830 Amended by EO 12608 34617
9979 Amended by EO 12608 34617
10289 Amended by EO 12608 34617
10484 Amended by EO 12608 34617
10499 Amended by EO 12608 34617
10521 Amended by EO 12608 34617
10530 Amended by EO 12608 34617
10582 Amended by EO 12608 34617
10608 Amended by EO 12608 34617
10624 Amended by EO 12608 34617
10786 Amended by EO 12608 34617
10797 Amended by EO 12608 34617
10840 Amended by EO 12608 34617
10841 Amended by EO 12608 34617
10880 Revoked by EO 12608 34617
10903 Amended by EO 12608 34617
10909 Amended by EO 12608 34617
11012 Amended by EO 12608 34617
11023 Amended by EO 12608 34617
11030 Amended by EO 12608 34617
11034 Amended by EO 12608 34617
11044 Amended by EO 12608 34617
11047 Amended by EO 12608 34617
11060 Amended by EO 12608 34617
11077 Amended by EO 12608 34617
11079 Amended by EO 12608 34617
11140 Amended by EO 12608 34617
11145 Continued by EO 12610 36901
11157 Amended by EO 12608 34617
11183 Continued by EO 12610 36901
11287 Continued by EO 12610 36901
11377 Revoked by EO 12608 34617
11390 Amended by EO 12608 34617
11440 Amended by EO 12608 34617
11467 Amended by EO 12608 34617
11480 Amended by EO 12608 34617
11490 Amended by EO 12608 34617
11561 Amended by EO 12608 34617
11580 Amended by EO 12608 34617
11583 Amended by EO 12608 34617
11609 Amended by EO 12608 34617
11623 Amended by EO 12608 34617
11644 Amended by EO 12608 34617
11687 Amended by EO 12608 34617
11747 Amended by EO 12608 34617
11755 Amended by EO 12608 34617
11758 Amended by EO 12608 34617
11776 Amended by EO 12608 34617
Continued by EO 12610 36901
11800 Amended by EO 12608 34617
11845 Amended by EO 12608 34617
11880 Amended by EO 12608 34617
11899 Amended by EO 12608 34617
11911 Revoked by EO 12608 34617
11990 Amended by EO 12608 34617
12034 Revoked by EO 12608 34617
12048 Amended by EO 12608 34617
12049 Amended by EO 12608 34617
12086 Amended by EO 12608 34617
12088 Amended by EO 12580 2923
12101 Amended by EO 12608 34617
12131 Continued by EO 12610 36901
12138 Amended by EO 12608 34617
12146 Amended by EO 12608 34617
12154 Amended by EO 12608 34617
12163 Amended by EO 12608 34617
12170 *See* Notice of November 10, 1987 43549
12190 Continued by EO 12610 36901
12196 Amended by EO 12608 34617
Continued by EO 12610 36901
12208 Amended by EO 12608 34617
12216 Continued by EO 12610 36901
12291 *See* EO 12612 41685
12295 Revoked by EO 12608 34617
12296 Continued by EO 12610 36901
12316 Revoked by EO 12580 2923
12322 Amended by EO 12608 34617
12328 Amended by EO 12608 34617
12345 Continued by EO 12610 36901
12367 Amended by EO 12593 13624
12368 Amended by EO 12590 10021
12372 *See* EO 12612 41685
12382 Continued by EO 12610 36901
12426 Revoked by EO 12608 34617
12427 Revoked by EO 12610 36901
12435 Revoked by EO 12610 36901
12462 Amended by EO 12579 515
12490 Revoked by EO 12610 36901
12493 Amended by EO 12602 27187
12496 Superseded by EO 12578 505
12498 *See* EO 12612 41685
12503 Revoked by EO 12610 36901
12511 Revoked by EO 12610 36901

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 3 Executive Orders—Con. Page

12513 *See* Notice of April 21, 1987 13425
12526 Revoked by EO 12610 36901
12528 Amended by EO 12604 29495
12534 Superseded by EO 12610 36901
12546 Revoked by EO 12610 36901
12547 Revoked by EO 12597 18335
12570 Amended by EO 12611 38743
12575 Amended by EO 12581 2979
Revoked by EO 12610 36901
12576 Superseded by EO 12598 23421
12578 505
12579 515
12580 2923
12581 2979
12582 3395
12583 5427
12584 5429
12585 6773
12586 7103
12587 7397
12588 8859
12589 8861
12590 10021
12591 13414
12592 13417
Amended by EO 12609 36211
12593 13624
12594 15703
12595 17383
12596 17537
12597 18335
12598 23421
12599 23779
12600 23781
12601 24129
Amended by EO 12603 27315
12602 27187
12603 27315
12604 29495
12605 30325
12606 34188
12607 34190
12608 34617
12609 36211
12610 36901
12611 38743
12612 41685
12613 41940
See Treasury Department rule of November 17, 1987 44076
12614 43045
12615 44853

Administrative Orders

Letters Page

January 5, 1987 4125

Memorandums

December 30, 1986 ..... 231, 233, 1619
January 2, 1987 389
April 17, 1987 13419
May 12, 1987 20053
May 14, 1987 18685
May 19, 1987 19271
June 30, 1987 24971
July 16, 1987 27316
August 5, 1987 29367
August 12, 1987 32117
August 27, 1987 33397
September 30, 1987 36897
September 30, 1987 36899
October 10, 1987 38217
November 6, 1987 43183

Notices

April 21, 1987 13425
October 6, 1987 37597
November 10, 1987 43549

Orders

October 20, 1987 39205
Superseded by Order of November 20, 1987 44960
November 20, 1987 44960

Presidential Determinations

No. 87-6 of December 27, 1986 2389
No. 87-7 of January 5, 1987 2391
No. 87-10 of March 5, 1987 9107
No. 87-11 of March 12, 1987 9795
No. 87-12 of March 17, 1987 11807
No. 87-14 of June 2, 1987 22431
No. 87-15 of June 23, 1987 23785
No. 87-16 of June 24, 1987 23931
No. 87-18 of July 7, 1987 27779
No. 87-19 of August 5, 1987 31749
No. 87-20 of September 23, 1987 36749
No. 88-01 of October 5, 1987 42073
No. 88-3 of November 5, 1987 44851

Presidential Recommendation

January 20, 1987 2822
Corrections 3079, 3526

Title 3—*Proposed Rules:*

102 ..... 25124, 27902

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 4—ACCOUNTS

Title 4—*Proposed Rules:* Page

21 9664

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Office of Personnel Management

110.201 (b) table amended (OMB numbers) 7400
(b) table amendment at 51 FR 36176 republished; interim (OMB number) 16175
213 Authority citation revised 11185, 37762
213.3102 (q) amended 36009
(j) amended 37762
213.3202 (e) revised 11185
(l) amended; interim 25194
(l) confirmed 43722
294 Authority citation revised 13216
294.101—294.111 (Subpart A) Revised 13216
294.401 (Subpart D) Revised 13219
300.701—300.307 (Subpart G) Added 7400
315 Authority citation revised; subpart and section authority citations removed 5431
Authority citation revised 15705, 25194
315.608 Revised; interim 15706
Revision confirmed; (b) amended 38219
315.610 Added 5431
315.710 Added; interim 25194
Addition confirmed; (b) introductory text, (1) and (4) revised 43722
316 Authority citation revised 15706
316.302 (c)(3) revised; interim 15706
(c)(3) confirmed 38219
316.402 (b)(2) revised; interim 15706
(b)(2) confirmed 38219
330 Authority citation revised; subpart and section authority citations removed 37762
330.801—330.805 (Subpart H) Heading amended 37762
330.801 Revised 37762
330.803 (b) revised 37762
330.804 (b) removed; (c) redesignated as (b) and amended 37762
330.805 Nomenclature change; (a) (3) and (4) and (b) amended 37762
351 Authority citation revised 10024
351.301—351.303 (Subpart C) Revised 10024
410 Authority citation revised; section authority citations removed 7402
410.603 Revised 7402
534.401—534.404 (Subpart D) Heading revised 2
534.403 Revised 2
572 Authority citation added; section authority citations removed 28817
572.101—572.201 (Subpart A) Redesignated as 572.201—572.202 (Subpart B) and heading revised 28817
572.101—572.102 (Subpart A) Added 28817
572.201—572.202 (Subpart B) Redesignated from 572.101—572.201 (Subpart A) and heading revised 28817
572.301 (Subpart C) Added 28817
591.202 Amended; interim 12131
591.201—591.213 (Subpart B) Appendix B amended; interim 12131
630 Authority citation revised; section authority citations removed 10214
630.901—630.911 (Subpart I) Added; interim 10214
737.31 Revised 43443
737.32 Revised 43443
737.33 Revised 43443
752 Authority citation revised; section authority citations removed 34624
752.501 Amended 34624
752.601—752.606 (Subpart F) Revised 34624
831.105 (i) added 32287
831.201 (g) added; interim 17388
(g) revised 38220
831.301 (d) added; interim 10026

TITLE 5 Chapter I—Con. Page
831.304 Added; interim.... 3786
Revised.... 43047
831.305 Added; interim.... 3786
Revised.... 43048
831.306 Added; interim.... 3786
Revised.... 43048
831.307 Added; interim.... 5069
831.308 Added; interim.... 19125
831.606 (d) revised.... 10216
831.612 (a)(1) revised; interim.... 3209
831.703 Added; interim.... 1622
Revised.... 22434
831.1704 (d) and (e)(1) revised; interim.... 3210
841.101—841.110 (Subpart A) Added; interim; effective date pending in part.... 19242
841.201—841.203 (Subpart B) Added; interim.... 19244
841.301—841.309 (Subpart C) Added; interim.... 19244
841.403 Revised.... 25196
841.409 Revised.... 25196
841.413 (b)(1) amended.... 25196
841.401—841.413 (Subpart D) Appendix A revised.... 25196
841.501—841.507 (Subpart E) Added; interim.... 2057
841.503 (b) revised.... 25197
841.601—841.607 (Subpart F) Added; interim.... 12132
841.801—841.804 (Subpart H) Added; interim.... 2058
841.1001—841.1008 (Subpart J) Added; interim.... 5432
842.101—842.105 (Subpart A) Authority citation amended.... 25197
842.102 (h)(5) revised.... 25197
842.201—842.212 (Subpart B) Added; interim.... 4473
842.301—842.308 (Subpart C) Added; interim.... 18193
842.401—842.406 (Subpart D) Added; interim.... 4475
842.402 Heading revised; text amended; interim.... 22436
842.407 Added; interim.... 22436
842.501—842.505 (Subpart E) Added; interim.... 4479
842.601—842.615 (Subpart F) Added; interim.... 2061
842.701—842.706 (Subpart G) Added; interim.... 2067
842.801—842.809 (Subpart H) Added; interim.... 2069
843 Added; interim.... 2074
Addition confirmed; authority citation added; subpart authority citations removed.... 23013
843.102 Corrected.... 2352
843.211 Added.... 23014
843.303 (a) introductory text revised.... 23014
843.306 (a) introductory text amended.... 23014
843.307 (a), (b) (1) and (2) amended.... 23014
843.309 (a) introductory text revised.... 23014
(b)(2) revised.... 36389
843.310 Amended.... 23014
843.311 (a) introductory text and (b) amended.... 23014
843.301—843.312 (Subpart C) Appendix A amended.... 36389
845 Added; interim.... 5931
Addition confirmed; authority citation added; subpart authority citations removed.... 23014
846 Added; interim.... 19235
870.103 Amended.... 3398
870.202 (a)(8) added; interim.... 17388
(a)(8) revised.... 38220
870.205 (a), (b), and (c) revised.... 25198
870.401 (h) revised; (i) added.... 3398
(j) added; interim.... 39494
Effective date corrected.... 42761
870.501 (d) removed; (e) and (f) redesignated as (d) and (e); interim.... 12134
871.401 (g) revised; (h) added.... 3398
(i) added; interim.... 39494
Effective date corrected.... 42761
872.401 (g) revised; (h) added.... 3398
(i) added; interim.... 39495
Effective date corrected.... 42761
873.401 (e) revised; (f) added.... 3398
(g) added; interim.... 39495
Effective date corrected.... 42761
890 Authority citation revised.... 3211, 3398, 39495
890.101 (a) introductory text revised; (a)(1) removed; (a)(2) through (12) designations removed; (a) amended.... 3399
Amended; interim.... 39496
Effective date corrected.... 42761

Page
890.102 (c)(8) added; interim.... 17388
(c)(8) revised.... 38220
890.104 (a), (b) and (c) revised.... 25198
(a) revised; interim.... 39496
Effective date corrected.... 42761
890.108 Added.... 3
890.201 (a)(4) amended.... 10217
890.203 (a)(2) revised; (a) (3) and (4) added.... 23934
890.301 (n) revised.... 2505
(d) republished.... 2665
(f)(3) added; (g)(4) revised.... 34626
(q) revised; (aa) added; interim.... 39496
Effective date corrected.... 42761
890.303 (b) amended; interim.... 17388
(c) revised; interim.... 39496
Effective date corrected.... 42761
890.304 (b)(1) revised; (b)(2)(iv) added; interim.... 39496
Effective date corrected.... 42761
890.306 (g) added.... 10217
(b) revised; (g) redesignated as (h); new (g) added; interim.... 39496
Effective date corrected.... 42761
890.401 (c) added.... 10217
890.502 (d) and (e) added.... 3399
(a) redesignated as (a)(1); new (a)(2) and (f) added; (b)(1) amended; interim.... 39497
Effective date corrected.... 42761
890.503 (c) revised.... 3212
890.701 Amended.... 2666
890.702 (b) republished.... 2666
890.803 (a)(3)(i) revised; interim.... 39497
Effective date corrected.... 42761
890.805 (b)(2) revised; interim.... 39497
Effective date corrected.... 39497
890.806 (b) amended.... 2506
(b) revised; interim.... 39497
Effective date corrected.... 42761
890.807 (a)(3) amended; interim.... 39497
Effective date corrected.... 42761
890.808 (b)(1) revised; (d)(1) amended.... 2506
(b)(1) amended; (d) revised; interim.... 39497
Effective date corrected.... 42761
911 Added; interim.... 4491
930.201—930.216 (Subpart B) Revised.... 34203
950 Revised; interim.... 16176

Chapter II—Merit Systems Protection Board

Page
1201 Appendix II revised.... 10875
Appendix III amended.... 17919
1204 Revised; interim.... 28123
1260.1 Revised.... 42421
1260.4 Revised.... 42421
1260.5 Revised.... 42423
1261.2 (a) revised.... 42423

Chapter VI—Federal Retirement Thrift Investment Board

Chapter VI Chapter established.... 6127
1600 Added.... 6127
1600.2 (d) revised; interim.... 20591
1603 Added; interim.... 29835
1605 Added; interim.... 17920
1605.3 (b)(5) corrected.... 19018
1605.9 Added; interim.... 27527
1605.10 Added; interim.... 27528
1620 Added; interim.... 26293
1630 Added; interim.... 8053
1631 Added; interim.... 17923
1640 Added; interim.... 20371
1650 Added; interim.... 32281
Effective date note corrected.... 32868
1650.16 Correctly revised.... 38042
1660 Added; interim.... 38221
1690 Added; interim.... 43315

Chapter XIV—Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority and Federal Service Impasses Panel

2411.6 (b) (3) and (4) revised.... 26128
2411.10 Revised.... 26128
Chapter XIV Appendix A corrected.... 1313
Appendix A amended.... 45443

Title 5—*Proposed Rules:*

213.... 23040
297.... 28833
307.... 15730
316.... 15730
340.... 9867
353.... 11657
432.... 5463
531.... 29862
540.... 28840
550.... 17762

Title 5—*Proposed Rules—Con.* Page
551 ... 34657
572 ... 7427
723 ... 25124, 27902
735 ... 3251
752 ... 9867
831 ... 19150
870 ... 5466, 28841
874 ... 28841
890 ... 3816, 5466, 17300, 19151, 22475, 24014
930 ... 8909
1207 ... 25124, 27902
1260 ... 35722
1261 ... 35722
1262 ... 25124, 27902
1303 ... 31036
1320 ... 27768
2411 ... 11995
2416 ... 25124, 27902

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

1d Added ... 20376
2.15 (b)(6) revised; (b)(7) added ... 21493
2.17 (a)(3)(xvi) and (4) removed ... 235
2.19 (d)(22), (f)(11) and (12) added ... 235
(d)(23) added ... 17539
(d) (5), (6), and (18) revised; (d) (24) through (26) added ... 24131
(d) (27) and (28) added ... 33571
2.21 (b), (d)(20) and (32) revised ... 236
2.25 (c)(8)(ix) removed; (c)(8) introductory text and (xiii) and (e)(15) revised; (c)(8) (xiv) through (xvi) and (h)(23) added; (k) and (l) redesignated as (l) and (m); new (k) added ... 2507
(c)(9) added ... 18687
(i) revised ... 21494
2.27 (a) (16) and (17) added ... 2666
2.29 (c)(11) added ... 2099
(c) (4) and (5) revised ... 37435
2.30 (a)(81) and (82) added ... 237
(a)(76) removed ... 2507
(a) (83) through (85) added ... 17540
(a) (86) and (87) added ... 21931
2.33 (c) removed ... 18687
2.50 (a)(3)(xvi) and (4) removed ... 237
2.60 (a)(24) added ... 238
(a)(25) added ... 17540
(a) (5) and (6) revised; (a) (26) through (28) added ... 24132
(a) (29) and (30) added ... 33571
2.62 (a)(14) and (15) added ... 238
2.65 (a) revised ... 238
2.68 (a)(25) and (35) revised ... 239
2.75 (a)(17) removed ... 2507
2.76 (a)(1)(ii), (10) introductory text and (xiii) revised; (a)(10)(ix) removed; (a)(10) (xiv) through (xvi) added ... 2507
(a)(11) added ... 18687
2.78 (a)(27) revised ... 2508
2.79 Removed ... 2508
2.80 Heading and (a) introductory text revised; (a) (19) through (21) added ... 2508
(a)(19) revised ... 21494
2.84 (a) (10) and (11) added ... 2666
2.85 (a) (5) and (6) added ... 2666
2.87 (a)(1)(i) revised ... 2666
2.92 (a)(6) revised; (a)(7) added ... 21493
2.106 (a)(33) added ... 240
(a)(34) added ... 17540
2.107 (a) (24) and (25) added ... 21931
(a) (26) through (34) added ... 31373
2.108 (a)(25) and (26) added ... 240
(a)(27) added ... 21931
2.110 (a)(7) removed ... 2508
Removed ... 31373
4 Removed ... 21651
6.20—6.33 (Subpart) Authority citation correctly revised ... 32529
6.21 (m) amended ... 19463
6.25 (b)(4) amended ... 26937
(b)(4) correctly revised ... 32529
6.26 (c)(2) introductory text and (3) introdutory text revised ... 19463
6.28 OMB number removed ... 19463
6.34 Added ... 19463
6.20—6.34 (Subpart) Appendixes 1 and 2 amended ... 19463
8.3 Amended ... 8432
8.9 Revised ... 8432
12 Revised ... 35200
12.5 (b)(2) revised; (b)(3) removed; interim ... 24133
16.4 Revised ... 45141
16.5 Revised ... 45141

Page
17.2 (b) corrected ... 1623
17.7 (d) and (e) correctly designated ... 1623
17.21 Corrected ... 1623

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

27.80 (a), (b), and (d) through (h) revised; interim ... 35217
27.81 Revised; interim ... 35218
28.1—28.165 (Subpart A) Authority citation revised ... 30880
28.2 (j) through (u) redesignated as (k) through (v); new (j) added; (d), (f), (h), (i) and new (k) revised ... 30880
28.4 Revised ... 30881
28.5—28.6 Removed ... 30881
28.7 Revised ... 30881
28.8 Revised ... 30881
28.15 (a) and (c) revised ... 30881
28.16 Revised ... 30881
28.17 Revised ... 30881
28.18 Revised ... 30881
28.19 Revised ... 30881
28.25 Introductory text, (f), (g) and (h) revised ... 30881
28.26 Revised ... 30881
28.27 Revised ... 30881
28.28 Revised ... 30882
28.29 Revised ... 30882
28.32 (a) revised ... 30882
28.36 Revised ... 30882
28.37 Revised ... 30882
28.40 (b) revised ... 30882
28.45 Revised ... 30882
28.47 Revised ... 30882
28.55 Revised ... 30882
28.56 (a) and (b) revised ... 30882
28.59 Revised ... 30882
28.60 Revised ... 30882
28.66 Revised ... 30882
28.105 (a) and (b) (2) and (3) revised ... 30883
28.107 (d) revised ... 30883
28.115 Revised ... 30883
28.116 (a) revised; interim ... 35218
28.117 Revised ... 30883
Revised; interim ... 35218
28.120 Revised; interim ... 35218
28.122 Revised; interim ... 35218
28.123 Revised; interim ... 35218
28.137 Removed ... 30883
28.138 Introductory text revised ... 30883
28.139 Revised ... 30883
28.140 Introductory text revised ... 30883
28.142 Revised ... 30883
28.146 Revised ... 30883
28.148 Revised; interim ... 35218
28.149 Revised; interim ... 35218
28.151 Revised; interim ... 35219
28.165 Undesignated center heading and section revised (OMB numbers) ... 30884
28.177 Revised ... 30884
28.178 Revised ... 30884
28.180 Introductory text and (e) revised ... 30884
28.181 Revised ... 30884
28.182 Revised ... 30884
28.184 Revised; interim ... 35219
28.901—28.917 (Subpart D) Authority citation revised ... 30880
28.909 (b) revised; interim ... 35219
28.910 (b) revised; interim ... 35219
28.911 Revised; interim ... 35219
28.956 Revised; interim ... 35219
Table corrected ... 36668
29.1026 Revised ... 28533
Technical correction ... 30280
29.1037 Revised ... 28534
Technical correction ... 30280
29.1161 Removed ... 28534
Technical correction ... 30280
29.1181 Table removed ... 28534
Technical correction ... 30280
29.1225 Amended ... 28534
Technical correction ... 30280
29.8001 (Subpart D) Authority citation added ... 25199
29.8001 Table amended ... 25199, 25200
46.6 Revised ... 30329
51.885 (b) Tables I and II amended; (b) footnote 2 removed ... 22437
51.887 (a) introductory text and (1) revised ... 22437
51.910 Revised ... 22437
51.2891—51.2896 (Subpart) Added ... 36011
51.3000—51.3006 (Subpart) Revised ... 3400
51.3006 (c) Table II corrected ... 4822
52.1761—52.1770 (Subpart) Revised ... 6130

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 7 Chapter I—Con. Page

52.1811—52.1821 (Subpart) Revised....27664
53.203 (a) and (b)(3) amended....35683
53.204 (c) heading, (1) and (2) amended....35683
53.205 (c) heading, (1) and (2) amended....35683
53.206 (a)(4), (b)(4), (c)(4) and (d)(4) amended....35683
54.11 (a)(1)(vii) amended....35683
54.17 (b) amended....35683
54.104 (b), (n), (o) and (q) amended....35683
54.106 (c) heading, (1) and (3) amended....35683
54.107 (c) heading and text amended....35683
55.510 (b), (c), and (d) revised....13628
55.550 Revised....13628
(a) table corrected....15802
55.560 (a)(3) revised....13628
56.9 (b) revised (OMB numbers)....23935
56.46 (b) and (c) revised....13628
56.47 Revised....13629
56.52 (a)(4) revised....13629
56.54 (a)(2) revised....13629
57 Removed; eff. 3-14-88....7818
58.2570—58.2578 (Subpart N) Revised....28127
59.126 Revised....13629
59.370 (b) revised....13629
59.910 (b) amended....45426
60 Authority citation revised....36887
60.5 Heading and (a) revised....36887
61.1—61.46 (Subpart A) Authority citation corrected....36668
61.43 Revised; interim....35221
61.44 Revised; interim....35221
61.45 Revised; interim....35221
61.46 Revised; interim....35221
68 Existing regulations unchanged....31751
68.42a Heading and Table 2 revised; eff. 3-14-88....7818
70.71 (b) and (c) revised....13629
70.72 Revised....13629
70.76 (a)(2) revised....13629
70.77 (a)(4) and (5) revised....13629

Chapter II—Food and Nutrition Service, Department of Agriculture

210.2 Amended....7560, 30128
210.10 (c) table, (d)(1), and (i)(6) (i) and (ii) amended....9110
210.14 (a) amended....15298
210.16 (a) introductory text revised....11187
210.18 (f)(6) and (7) amended; (f)(8) and (m) added; (l) revised....5736
210.20 (a)(5) and (b)(7) and (8) amended; (a)(6) redesignated as (a)(7); new (a)(6) added....5737
215.1 Revised; interim....7562
215.2 (k-1) added; (v)(1) amened....7560
(x-1) added; interim....7562
(k-1), (bb) and (cc) removed; (v)(1) amended....30128
215.7 (a) revised; interim....7562
(d)(1) amended....15298
220.2 (j-1) added; (u)(1) revised....7560
(j-1), (bb) and (cc) removed; (u)(1) amended....30128
220.7 (e)(1)(ii) amended; (e)(1)(iii) and (iv) redesignated as (e)(1) (iv) and (v); new (e)(1)(iii) added....15298
225 Authority citation revised....15298
225.19 (j) amended....15298
226 Authority citation revised....5526, 15298, 36906
226.2 Amended; interim....36906
226.4 (b) (1) through (3) and (5) through (9) amended; interim....36906
226.6 (j) introductory text amended....5526
(b)(2) and (e)(7) amended; interim....36906
226.8 (g) added....5526
226.9 (b)(1) amended; interim....36907
226.11 (c)(1) amended; interim....36907
226.15 (j) added....15298
(e) (2) and (3) amended; interim....36907
226.17 (b)(7) amended; interim....36907
226.18 (e)(3) amended; interim....36907
226.19 (b)(9)(i) revised; interim....36907

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

Page

226.23 (c)(2), (d), (e)(1) (i), (ii) introductory text and (F), (iii), and (h)(5) amended; (e)(1)(ii) (D) and (G), (iii), (2)(iii) and (vii) and (h)(2) revised; interim....36907
227.5 (a) revised....8223
240 Authority citation revised....7267
240.1 (b) amended....7267
240.3 (a) amended....7267
245.2 (a-1), (a-2), and (a-3) redesignated as (a-2), (a-3), and (a-4); (a-1) and (b-1) added; (a-4) (3) and (4) amended; (k) revised; interim....19274
Comment time extended....27669
245.5 (a)(1) (iii), (iv), and (vi) revised; interim....19275
Comment time extended....27669
245.6 (a) introductory text and (1) amended; interim....19275
Comment time extended....27669
245.6a (a)(1) and (b)(3) amended; (a) (2) and (3) revised; interim....19275
Comment time extended....27669
245.11 (a)(2) amended; interim....19276
Comment time extended....27669
246 Authority citation revised....21236
246.2 Amended....25189
246.3 (d) and (e) redesignated as (e) and (f); new (d) added; new (e)(3) amended....21236
246.4 (a)(8) and (b) revised; (a)(18) added....21236
246.7 (h)(8) revised; (i)(7) redesignated as (i)(8); (c)(2)(iv)(L) and new (i)(7) added....21236
246.9 (a), (c) and (k)(3) revised....21237
246.12 (f)(2)(xx) added; (k)(2) amended....21237
246.14 (b) revised; (c)(1) introductory text amended....21237
246.16 (b), (c)(2) and (d) revised; (c)(3) added....21237
(c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; (b)(2) introductory text and new (e) and (f) revised....25190
246.23 (a) heading and (b) heading revised; (c) redesignated as (d); new (c) added....21238
246.25 (b) revised....21238
250 Authority citation revised....17932, 42633
250.3 Amended; interim....24976
250.4 (a) revised....17932
250.6 (r)(4) amended; interim....24976
(j)(2) amended....42633
250.15 (f) introductory text and (1) through (3), (m)(2) and (n) (2), (3) and (4) and (o) introductory text and (1) through (6) redesignated as (f)(1) introductory text and (i) through (iii), (m)(3), (n)(3), (4) and (5) and (o)(1) introductory text and (i) through (vi); new (f)(1)(iii) revised; new (f) (2), (3), (4) and (5), (m)(2), (n)(2) and (o)(2) added; interim....24976
251 Authority citation revised....42634
251.2 (c) revised....17933
251.4 (g) and (h) redesignated as (h) and (i); new (g) and (j) added....17933
(d) amended; OMB number....42634
251.6 (a) revised....17934
251.9 Redesignated as 251.10 and (d) removed and (e), (f), and (g) redesignated as (d), (e), and (f); new 251.9 added....17934
251.10 Redesignated from 251.9; (d) removed; (e), (f), and (g) redesignated as (d), (e), and (f)....17934
252.2 Amended; interim....24977
252.3 (c) revised; interim....24978
252.4 (b) revised; interim....16369
(c) (6) and (7) amended; (c)(9)(ii) redesignated as (c)(9)(iii); new (c)(9)(ii) added; interim....24978
271 Authority citation revised....11814
271.2 Amended....3406, 7556, 13222
Amendment confirmed; amended....11814
Amended; interim....36397

TITLE 7 Chapter II—Con. Page

272 Authority citation revised....11814
272.1 (g)(83) added; interim....1299
(d)(1) amended; (d)(2) revised; (g)(71) added....3406
(g)(77) and (g)(76)(iii) corrected....3411
(g)(84) added....5436
(g)(85) added....7557
(g)(86) added....11022
(g)(72) addition confirmed; (g)(87) added....11814
(g)(88) added; interim....20058
(g)(87) correctly designated; (g)(89) added; interim....20379
Technical correction....22888
(g)(90) added; interim....26941
(g)(91) added; interim....29658
(g)(92) added (effective date pending)....35225
(g)(93) added; interim....36397
(g)(83) addition confirmed; (g)(94) added....36564
272.2 (a)(2) amended....3407
(a)(2) amended; (d)(1)(vi) and (e)(8) added....35225
272.5 (a) and (b) introductory text amended; (c) added; interim....36398
272.9 Added....7557
272.10 Added....35226
273 Authority citation revised....11814
273.1 (e)(5) and (f)(4)(iv) added....7557
(e) amended; (f)(2)(i) amendment confirmed....11814
(a)(2)(i) (C) and (D) amended; interim....36398
273.2 (i)(3)(i) revised; (i)(3)(ii) amended; interim....1299
(b)(1)(vii) corrected....1300
(d)(2) revised; (f)(1)(ix) added; (f)(3)(ii) amended....3407
(j)(2)(i) and (k) introductory text corrected; (l) correctly designated....3411
(f)(1)(ii) (A) and (B) amended; (f)(1)(ii) (D), (E), and (F) redesignated as (f)(1)(ii) (E), (F), and (G); new (f)(1)(ii)(D) added; interim....20058
(f)(2) introductory text and (i), (3)(i) introductory text, (A) and (B) redesignated as (f)(2)(i) and (f)(1)(ix), (f)(3) introductory text, (i) and (ii); (f)(3)(ii) removed; new (f)(2)(i), (3) introductory text and (i) amended; interim....26941
(i)(1) revised; interim....36398
(i)(3)(i) revision confirmed; (i)(3)(ii) revised....36564
273.4 (a) (2), (3), (4), and (5) amended; (a) (8) through (11) added; interim....20058
(a)(9) corrected....22888
273.7 (b)(2)(i), (g)(2) introductory text, (i), (iii), and (iv) and (o)(6) heading amended; (g)(2)(ii) revised; (h)(5) added....11022
273.8 (e)(11)(xi) added; interim....20379
Technical correction....22888
(e)(15) and (h)(1)(vi) added; interim....26941
273.9 (d)(6)(i) and (v)(B) amended; (d)(6)(ii) revised....5436
(c) (3), (4) and (5)(ii)(B) amended; (c)(10)(xi) added....20379
Technical correction....22888
(b)(1)(v) and (c)(12) added; interim....26941
(a)(3) introductory text, (d)(7)(i) and (8)(i) revised; (b)(2)(i) amended; (c)(1) (ii), (iii), and (iv) redesignated as (c)(1) (iii), (iv), and (v); new (c)(1)(ii) added; new (c)(1)(iv)(B) revised; eff. in part 7-1-88 and 10-1-88; eff. in part to 10-30-89; interim....36399
273.10 (d)(1)(i) amended; (d)(6) revised....5436
(e)(2)(iii)(B)(*8*) and (*9*) removed....11022
(e)(1)(i)(A) amendment confirmed....11814
(f) (2) through (7) redesignated as (f) (3) through (8); new (f)(2) added; interim....36399
273.11 (h), (i), and (j) redesignated as (i), (j), and (k); new (h) added....7557
(a)(2)(iii) and (e)(1) revised....11814
273.18 (c)(2)(ii) amended; interim....36400

Page

274 Authority citation revised....11814
274.10 (e), (f), (g), and (h) redesignated as (f), (g), (h), and (i); new (e) added; new (i) amended....7557
(d)(1) amendment confirmed....11815
275.1 (a) amended; (b) revised....3407
275.2 (a)(2) revised....3407
275.3 (a), (b), (c) introductory text and (1) heading and introductory text revised; (c)(2) removed; (c) (3), (4), and (5) redesignated as (c)(2), (3), and (4); new (c)(2) revised; (c)(5) added....3407
275.5 (b) revised; (c) removed....3408
275.6 (a) amended....3408
275.7 (b) and (e) revised; (f) removed....3408
275.8 Revised....3408
275.9 (a), (b), and (c) revised; (d), (e), and (f) removed; (g) redesignated as (d) and amended....3409
275.11 (b)(1)(ii) table amended; (f)(2) (ii) and (iii) redesignated as (f)(2) (iii) and (iv); new (f)(2)(ii) added....3409
275.12 (d)(2)(v) and (f)(3) added; interim....29658
275.15 (a) (2), (3) and (d) removed; (a)(1), (e), (f), and (g) redesignated as (a), (d), (e), and (f)....3409
275.16 (a) amended; (b) and (d) revised....3409
275.17 (a) revised; (c) and (d) added....3409
275.20 Revised....3410
275.21 (c) and (d) amended....3410
275.22 Removed; new 275.22 redesignated from 275.23....3410
275.23 Redesignated as 275.22; new 275.23 redesignated from 275.25 and (a)(1) and (d)(1)(i) and (2) amended....3410
(e)(7) added....29659
275.25 Redesignated as 275.23 and (a)(1) and (d)(1)(i) and (2) amended....3410
276.2 (a) and (d) amended; (e) added; interim....26941
276.4 (d) introductory text and (2) amended....3410

Page

277.18 (a)(2) revised; (c) removed; (d) through (h) redesignated as (c) through (g)....35227
277 Appendix A amended; interim....36400
278 Authority citation revised....11814
278.1 (c)(4) amended; (c)(5) and (h) through (q) redesignated as (c)(6) and (i) through (r); new (c)(5) and (h) added....7557
(e) amended....11815
(b)(4)(ii) amended; (o), (p), (q), and (r) redesignated as (p), (q), (r), and (s); new (o) added; new (r) revised....13222
278.2 (a), (b), (c), (d), (g), and (h) amended; new (l) added....7557
278.3 (a) amended....7558
278.4 (c) amended....7558
278.5 (a)(1) amendment confirmed....11815
(a) (1) and (3) amendment confirmed....18198
278.6 (e)(2) (iii) and (iv) and (3) (iii) and (v) amended....7558
(f) text redesignated as (f)(1); (f) (2), (3), and (4) added....13222
278.9 (e) added....7558
(c) addition confirmed....11815
(f) added....13223
(d) addition confirmed....18198

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

300 Revised....1179
Authority citation revised....6952
300.1 Revised; interim....6952
(a) revised; interim....45596
300.3 Removed; interim....6952
301 Authority citation revised; section and subpart authority citations removed....27532
Authority citation revised....41288
301.52 (b) revised; footnote 1 added....26943
301.52-1 (q) amended; footnote 1 redesignated as footnote 2....26943

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 7 Chapter III—Con. Page

301.52-2 Heading amended; (b) removed....26943
301.52-2a Amended; interim....12634
301.52-2b Section and footnote 2 removed....26943
301.52-3 (b)(1) removed; (b) (2) through (5) redesignated as (b) (1) through (4); (c) amended....26943
301.75-6 (e) added....7563
301.75-7 (e) and (f) added....7563
301.75-15 Revision confirmed....1180
301.75-16 Revision confirmed....1180
301.78—301.78-10 (Subpart) Added; interim....10360, 33221
Removed; interim....27529
Removal confirmed....43049
301.78-1 Corrected....36863
301.78-3 (c) amended; interim....35060
301.78-6 (b) corrected....36863
301.78-8 (a) corrected....36863
301.80-2a Revised; interim....25580
301.81 (a) amended; interim....32908
301.81-2a Revised; interim....32908
Corrected....35350
301.83 Revised....32291
301.87-1 Amended....31374
301.87-2 (c) amended; (d) redesignated as (e) and amended; new (d) added....31374
301.87-10 (e) added....31374
301.93—301.93-10 Removal confirmed....9285
301.93—301.93-10 (Subpart) Added....27532
Addition confirmed....43050
301.93-3 (c) amended; interim....29174, 39900, 41288
318 Authority citation revised; section authority citations removed....8864
318.13-1 (i) and (l) revised....8864
318.13-2 (a) text redesignated as (a)(1); (a)(2) added....8864
318.13-3 (b) text redesignated as (b)(1); (b)(2) added....8864
318.13-4 (c) amended....8864
318.13-4g Added....8865
318.13-17 Revised....8865
319.28 (b) introductory text and (6) and (g) revised; (h) and (i) added....32291
319.56-1 Designations removed; section amended....29370

Page

319.56-2 (e) revised; (f) redesignated as (g) and OMB number; new (f) added....29370
319.56-2h Addition reconfirmed....2099
319.56-2i Addition reconfirmed....2099
330 Authority citation revised....22907
330.100 (h) revised....22907
Meetings....25861
340 Added....22908
Meetings....25861
352 Authority citation revised....27671
352.29 Added....27671
354.1 (a)(1) revised....16822
354.2 Table amended....10365, 12898, 41946

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

400.4 Revised....24979
400.5 Amended....24979
400.40—400.42 (Subpart E) Added....4592
400.45—400.49 (Subpart F) Revised....19128
400.50—400.56 (Subpart G) Removed....17543
400.75—400.81 (Subpart I) Removed....17543
400.92 (g) added....24278
400.141—400.157 (Subpart L) Added....17543
401 Added....28447
401.8 (d) amended; interim....36401
401.111 Added....45143
401.112 Added....45146
401.113 Added....45151
401.117 Added....45153
401.121 Added....45148
401.123 Added....45159
401.124 Added....45155
401.135 Added; interim....45158
402.7 (d) revised....3214
403.7 (d) amended....3214
(d) corrected....6775
405 Sales closing date extended....45443
405.7 (d) amended....3214
409.7 (d) amended....3214
410.7 (d) amended....3214

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

Page

411.7 (d) amended....3214
413.7 (d) amended....3214
(d) corrected....6775
(d) amended; interim....27782
414.7 (d) amended....3214
415.7 (d) amended....3214
416.7 (d) amended....3214
417.7 (d) amended....3214
418 Sales closing date extended....7818
418.1—418.8 (Subpart) Heading revised....34627
418.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
418.8 Revised....24279
419 Sales closing date extended....7818
419.1—419.9 (Subpart) Heading revised....34628
419.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
419.8 (b) amended....9286
419.9 Revised....24279
420 Sales closing date extended....7818
420.7 (d) amended....3214
(d) amended....17547, 17548
420.8 Revised....24279
421 Sales closing date extended....7818
421.7 (d) amended....3214
(d) corrected....6775
421.8 Revised....24279
422.7 (d) amended....3214, 23425
423.7 (d) amended....3214
424 Sales closing date extended....7818
424.7 (d) amended....3214, 17547, 17548
424.8 Revised....24279
425.7 (d) amended....3214, 17547, 17548
(d) corrected....6775
427 Sales closing date extended....7818
427.1—427.8 (Subpart) Heading revised....34629
427.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
427.8 Revised....24279
428.7 (d) amended....3214, 17547, 17548
429.1—429.7 (Subpart) Heading revised....34630
429.7 (d) amended....3214
(d) amended; interim....23424

Page

(d) corrected....25585
430.7 (d) amended....3214, 17547, 17548
(d) corrected....6775
431.7 (d) amended....3214, 17547, 17548
432 Sales closing date extended....7818
432.7 (d) amended....3214, 17547, 17548
432.8 Revised....24279
433.7 (d) amended....3214, 17547, 17548
435.7 (d) amended....3214
(d) corrected....6775
436.7 (d) amended....3214
(d) corrected....6775
437.7 (d) amended....3214
438.7 (d) amended....3214
(d) corrected....6775
439.1—439.7 (Subpart) Heading revised....34630
439.7 (d) amended....3214
440.7 (d) amended....3214
441.7 (d) amended....3214
442.7 (d) amended....3214
443.7 (d) amended....3214
444.7 (d) amended....3214, 17547, 17548, 17549
445.7 (d) amended....3214, 17547, 17548, 17549
446.7 (d) amended....3214
(d) corrected....6775
447.7 (d) amended....3214, 17547, 17548
448 Sales closing date extended....7818
448.7 (d) amended....3214
(d) corrected....6775
448.8 Revised....24279
449.7 (d) amended....3214, 17547, 17548, 17549
450.7 (d) amended....3214
451.7 (d) amended....3214, 41692
452 Added....9288
453 Added....25349
454 Added....4593

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

701 Authority citation revised....19716
701.23 Revised....19716
702 Added; interim....16741
704 Revised....4269

TITLE 7 Chapter VII—Con. Page

704.7 (a)(3) and (c) revised; (a)(4) and (5) removed; (a)(6) redesignated as (a)(4); interim 27537
Correctly eff. 7-22-87 29836
704.21 (b)(3) revised; interim 27537
Correctly eff. 7-22-87 29836
704.22 (a)(2) revised; (a)(3) amended; interim 27537
Correctly eff. 7-22-87 29836
713 Authority citation revised 30886
713.2 (f) addition confirmed 10727
713.3 (d)(1) revision and (e)(3) addition confirmed; (d)(1)(v) and (e)(2)(vii) revised 10727
713.12 (a)(1) revision and (d) removal confirmed 10727
713.55 Revised 25354
713.58 Addition confirmed 10727
713.63 (a) and (c)(2) revision confirmed 10727
(a) revised; interim 30886
713.97 (e) (1) and (2) revised; (e)(3) added; interim 30886
713.100 (a) revised 10728
713.102 (f) revised; interim 30886
713.108 (b)(2)(i) revised; interim 30886
713.155 Revision confirmed 10727
717.21 (d) addition confirmed 10727
724.36 Removal confirmed 10727
724.57 (b)(1)(i) (*b*) and (c) revisions and (b)(1)(i)(*d*) and (2)(ii) additions confirmed 10727
724.62 Introductory text amendment, (c) (7) and (9) removal, and (c)(8) redesignation as (c)(7) confirmed 10727
724.69 (n) amendment confirmed 10727
724.70 (w) revision confirmed 10727
(m) revised; interim 22288
724.72 (b) amendment confirmed 10727
724.81 (d) and (e) revision and (f) removal confirmed 10727
725.51 (e-1)(2) (iv) and (v) revision, (e-1)(2)(vi) addition, and (k) amendment confirmed 10727
(s) revised; (oo-1) added 35228
725.60 (b) (3) and (4) revision and (b)(5) addition confirmed 10727
725.72 (d)(3)(viii) and (e)(4)(i) amendment confirmed 10727
(d)(5)(i) revised; (d)(5)(vi) added; interim 22288
725.73 (a) revision confirmed 10727
725.87 (a)(2) and (f) (1), (2), and (4) amendment and (f)(3) revision confirmed 10727
725.91 (a) amendment confirmed 10727
725.94 (c) revised; (i) added 35229
725.95 (a), (b), (d), and (e) amendment and (f) revision confirmed 10727
725.99 (a)(4)(x), (b), and (c) (1), (2), and (3) amendment confirmed 10727
725.100 (a)(1)(viii), (b) (1) and (3), and (c)(7) amendment confirmed 10727
(g) removed 35229
725.101 (b) and (c) revised 35229
725.103 (a) and (h) amendment confirmed 10727
725.104 (a) amendment confirmed 10727
725.107 (b) amendment confirmed 10727
725.115 (a)(2)(iv) and (b)(4) amendment confirmed 10727
726.51 (aa) (3) and (4) and (ff)(1)(vi) revision, (aa)(5) addition, and (i) amendment confirmed 10727
(r) revised; (nn-1) added 35229
726.68 (e)(4) revision confirmed 10727
(d)(5) (vi) and (vii) added; interim 22288
726.81 (a)(2) and (f) (1), (2), and (4) amendment and (f)(3) revision confirmed 10727
726.85 (a) amendment confirmed 10727
726.88 (c) revised; (i) added 35229
726.89 (a), (b), (d), (e), and (f) amendment confirmed 10727
726.93 (a)(4)(vii), (b)(1), and (c) (1), (2), and (3) amendment confirmed 10727
726.94 (b) (1) and (3) and (c) (5) and (7) amendment confirmed 10727
(e) (2), (3), and (4) revised; (h) removed 35230

Page

726.98 (b) amendment confirmed 10727
726.105—726.107 Undesignated center heading removal confirmed 10727
726.105 (h) amendment confirmed 10727
726.106 (a) amendment confirmed 10727
726.107 (a)(2)(iv) and (b)(4) amendment confirmed 10727
736.2 (w), (x), (y) and (z) added 37126
736.6 (d) and (f) revised; (i) added 37126
736.7 Amended 37127
736.9 (a) amended 37127
736.13 Revised 37127
736.14 (c) revised 37127
736.16 Revised 37127
736.42 Revised 8057
760.2 (k) (1) and (2), (l) and (o) amended 17935
760.8 Amendment confirmed 17935
760.23 (c) addition confirmed 17935
770.4 (f) revision confirmed 10727
795 Authority citation revised 26295
795.2 Undesignated center heading removed 26295
795.3—795.4 Undesignated center heading removed 26295
795.3 Revised 26295
795.4 Revised 26295
795.5—795.13 Undesignated center heading removed 26295
795.14—795.16 Undesignated center heading removed 26295
795.17 Undesignated center heading removed 26295
795.20—795.24 Undesignated center heading removed 26295

Chapter VIII—Federal Grain Inspection Service, Department of Agriculture

800.0 (b) (2) through (105) redesignated as (b) (3) through (106); new (b)(2) added 6495
800.60—600.61 Undesignated center heading revised 24437
800.61 Added 24437
800.88 Revised 6495
800.95 Revised 6495
800.96 Revised 6495
800.97 Revised 6496
800.98 Revised 6496
800.99 Revised 6497
800.100 Removed 6497
800.101 Removed 6497
800.102 Removed 6497
800.103 Removed 6497
800.162 (b) redesignated as (c) and revised; new (b) added 24437
810 Revised 24418
Table of contents corrected 28534
810.104 (b) corrected 28534
810.107 Revised; eff. 5-1-88 24441
810.202 (c)(2)(i) and (t) corrected 28534
810.204 Table footnote 1 corrected 28534
810.205 Table footnote 1 corrected 28534
810.206 Table corrected 28534
810.207 (d) removed; (e) redesignated as (d); eff. 5-1-88 24441
810.402 (a) through (e) redesignated as (b), (c), (d), (f), and (g); new (a) and (e) added; (g) revised 24437
(a) corrected 28534
810.403 Corrected 28534
810.404 Table corrected 28534
810.405 (c) removed; (d) redesignated as (c); eff. 5-1-88 24441
(d) corrected 28534
810.805 (d) removed; (e) and (f) redesignated as (d) and (e); eff. 5-1-88 24441
810.1005 (g) removed; (h) and (i) redesignated as (g) and (h); eff. 5-1-88 24441
810.1205 (c) removed; (d) through (g) redesignated as (c) through (f); eff. 5-1-88 24441
810.1402 (a) through (i) redesignated as (b) through (e) and (g) through (k); new (a) and (f) added 24437
(d) and (i) corrected 28534
810.1405 (a) removed; (b) designation removed; eff. 5-1-88 24441
810.1604 Table corrected 28534
810.1605 (b) removed; (a) designation removed; eff. 5-1-88 24441
810.1805 Removed; eff. 5-1-88 24441
810.2002 (a) corrected 28534

TITLE 7 Chapter VIII—Con. Page
810.2004 Table corrected..... 28534
810.2005 (c) removed; (d), (e), and (f) redesignated as (c), (d), and (e); eff. 5-1-88..... 24441
810.2203 Corrected..... 28534
810.2204 (a) table amended; eff. 5-1-88..... 24442
810.2205 (c) removed; (d), (e), and (f) redesignated as (c), (d), and (e); eff. 5-1-88..... 24442

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

900 Technical correction..... 20591
900.700—900.707 (Subpart) Added..... 13630
Removed..... 44969
905 Limitation of handling..... 10028
Limitation of handling; interim..... 19718, 41400
Limitation of handling confirmed..... 33218
906 Budget of expenses..... 1899, 41696
907 Limitation of handling..... 240, 757, 1901, 2509, 2981, 3787, 4763, 5273, 5938, 6952, 7820, 9111, 9797, 10728, 11615, 12511, 41693, 42269, 42631, 43723, 44591, 45444
Budget of expenses..... 3412
907.102 (a)(2) and (3) introductory text and (viii) revised..... 2984
907.104 Revised..... 2984
907.930 Added..... 3215
Removed..... 16370
908 Budget of expenses..... 3412
Limitation of handling..... 7821, 19278
908.104 Revised..... 2984
910 Limitation of handling..... 241, 758, 1901, 2510, 2985, 3788, 4764, 5274, 5939, 7115, 8058, 9111, 9798, 10729, 11616, 12512, 13632, 15937, 17388, 18339, 19276, 20381, 21241, 22438, 23265, 23936, 25201, 25965, 26944, 27782, 28536, 29371, 30657, 31601, 32530, 33572, 34631, 35395, 36215, 37128, 38073, 38745, 39611, 41694, 42632, 43724, 44592, 45445
Limitation of handling comment time extended..... 33224
Budget of expenses..... 41696
910.180 (d)(3) amended..... 18902
911.20 (a) amended..... 7117
911.22 (b)(3) revised..... 7117
911.48 (a)(1) amended..... 7117
911.64 (c) revised; (d) redesignated as (e) and republished; new (d) added..... 7117
Budget of expenses..... 1899
911.111 Revised..... 759, 24134
911.311 (a)(5) Table 1 revised..... 4598
911.329 (a)(2)(ix) added..... 1314
(a)(2)(vii) amended..... 4598
912 Budget of expenses..... 1900
Removed..... 21242
913 Budget of expenses..... 1900
Removed..... 37763
915 Limitation of handling..... 2101
915.20 (a) amended..... 7118
915.22 (b)(3) revised..... 7118
915.64 (c) revised; (d) redesignated as (e) and republished; new (d) added..... 7118
915.305 (a)(1) amended; (a)(2) amended; (a)(3), (5), (6), and (7) removed; (a)(4) and (8) through (16) redesignated as (3) through (12); new (a)(5) revised..... 4598
915.332 Added..... 19833
916 Budget of expenses..... 31375
916.356 (a)(2) introductory text, (3) introductory text and (ii), and (4) revised; (a)(5), (6), and (7) added..... 15487
(a)(4) corrected..... 17504
917 Budget of expenses..... 5738, 31375
917.121 Revised..... 12513
917.454 (b)(4) removed; (b)(5) redesignated as (b)(4)..... 15488
917.459 (a)(2) introductory text, (4), and (5) revised..... 15488
917.460 (b) and (c) revised..... 15488
918 Budget of expenses..... 23015
918.325 Revised..... 21496
918.326 Removed..... 21495
919 Budget of expenses..... 41696
920 Budget of expenses..... 41697
920.160 (c) added..... 37130
920.302 (a)(1) revised; (a) (3) and (4) redesignated as (a)(4) and (5); new (a)(3) added..... 37130
921 Budget of expenses..... 31376
922 Budget of expenses..... 41697
923 Budget of expenses..... 31376

Page
923.322 (a) (2) and (3), (b)(2)(ii), and (c)(1) Table and (2) amended..... 20382
924 Budget of expenses..... 31376
925 Budget of expenses..... 11617
925.112 (Subpart) Added..... 27538
925.304 Introductory text revised..... 8870, 24444
(b)(1)(vi) redesignated as (b)(1)(vii); new (b)(1)(vi) added..... 20383
926 Budget of expenses..... 41697
926.324 Revised..... 31978
927 Budget of expenses...1900, 11617, 41697
928 Budget of expenses..... 41697
928.121 Added..... 15489
929 Budget of expenses...1899, 3412, 41697
929.153 (a) and (d) revised..... 5528
(a) revised..... 25202
931 Budget of expenses..... 1900, 31376
932 Budget of expenses..... 5737
932.121 Added..... 12135
932.125 Added..... 12135
932.145 Removed..... 7403
932.151 (g) added..... 38224
932.152 (f) and (g) revised..... 38224
932.153 Revised; interim..... 38223
944.31 Added..... 19835
944.401 (b) (3) and (12) introductory text revised; (b)(12)(i) through (x) amended..... 38225
944.503 (a)(3) revised..... 8870
(a)(3) revised; (e) added..... 31979
944.605 Revised..... 31979
945 Limitation of handling...5530, 41695
Budget of expenses..... 31376
946 Budget of expenses..... 1900, 31376
Limitation of handling..... 15490
Limitation of handling; interim..... 41947
946.25 (c) amended..... 13070
946.104 (a)(5) revised..... 13070
947 Limitation of handling..... 7120
Budget of expenses..... 31376
948 Limitation of handling; interim published at 51 FR 25850 confirmed..... 7269
Budget of expenses..... 23015, 31376
948.103 Revised..... 12515
948.104 Revised..... 12515
948.150 Added..... 12515
953 Budget of expenses..... 23015
958 Budget of expenses..... 41697
959 Budget of expenses..... 5737, 24281
Limitation of handling..... 19281
Limitation of handling corrected..... 20192
966 Budget of expenses..... 1900, 41697
967 Budget of expenses..... 25203
Marketing percentages..... 37131
971 Budget of expenses..... 5738
979 Budget of expenses..... 5738
979.304 (a) revised..... 17390
980.116 Removed..... 19281
980.117 (a)(1)(ii), (2), and (b)(1) revised..... 8872
(a)(2) and (b) (1) and (2) revised..... 19281
981 Marketing percentages..... 39903
981.441 (d)(1)(iii) added..... 13428
(c)(4) (i) and (ii) and (d)(1)(i)(F) revised..... 37926
982 Budget of expenses..... 1900, 41698
Marketing percentages..... 17392
984 Budget of expenses..... 1900, 41698
985 Marketing percentages..... 9452
Budget of expenses..... 25203
987.112a (b)(3) (i) and (ii) amended..... 35530
989 Budget of expenses..... 1900, 41698
Marketing percentages..... 16233
989.212 (a) and (c) and note revised..... 12516
989.213 Revised..... 32776
993 Budget of expenses..... 27985

Chapter X—Agricultural Marketing Service (Marketing Agreements and Order; Milk), Department of Agriculture

1004.12 (d) temporarily suspended in part..... 34764
1006.52 (a) table revised..... 5071
1007.52 (a) and (b) revised..... 5071
1007.61 (a)(3) revised..... 5071
1007.73 (a)(2) introductory text revised..... 5071
1007.75 (a) revised..... 5071
1011.7 (a)(2) revised..... 26470
1011.52 (a) revised..... 5071
1012.52 (a) table revised..... 5072
1013.52 (a) table revised..... 5072
1030 Existing regulations unchanged..... 3413
1030.52 (b) revised..... 39612
1030.55 Added..... 39612

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 7 Chapter X—Con. Page

(b) corrected 42760
1030.60 (c), (f), and (g) amended; (h) added 39613
1032.7 (d)(2) revised 3216
1032.52 (a)(1), (2) (i) and (ii), (3), and (4), and (b) revised; (a)(2)(iii) added 3413
1033.6 (a), (b), and (c) revised; (d) and (e) added 3414
1033.41 (b)(3) and (c)(1) revised 30887
1033.53 (a) (1), (2), and (3) revised; (a)(4) redesignated as (a)(5) and republished; new (a)(4) added 3414
1036.2 (a), (b), and (c) revised; (d) removed 242
1036.15 Revised 30887
1036.40 (b)(3) and (c)(1) revised 30888
1036.50 (a) amended 242
1036.52 (a) and (b) revised 242
1040.7 (b)(1) introductory text temporarily suspended in part; (b)(1)(i) temporarily suspended 11456
(b)(2) introductory text temporarily suspended in part; (b)(2) (i) and (ii) temporarily suspended 18340
(b) introductory text, (1), (2), (3) and (4) revised; (b)(6) added 30888
1040.13 (d) (1) and (2) revised 30889
1040.40 (b)(3), (c)(1) (ii), (iv), (v) and (vii) revised 30888
1040.50 (b)(1) amended 30889
1046.9 (c) amended 17748
1046.52 (a) revised 5072
1049.52 (a) (1) and (2) revised 3414
1050.52 (a) and (b) revised 3415
1065.7 (c) temporarily suspended in part 25204
(b) temporarily amended 32532
1065.13 (d) (2) and (3) temporarily amended 1315, 28462, 32532
1065.52 (b)(3) amended 3217
1068.7 (a)(3) added 36910
1076.13 (d) (2) and (3) temporarily suspended 28463
1079.7 (b) temporarily amended 33916
1079.13 (d) (2) and (3) temporarily suspended in part 31752
1079.52 (b)(3) amended 3217
1093.52 (a)(1) table revised; (a)(2), (3), (4) and (6) amended 5072
1094.2 Amended 5072
1094.52 (a)(1) table revised; (a)(2)(i), (ii), and (iii), (3) and (5) amended 5073
1096.52 (a) revised 5073
1097.7 (b) temporarily suspended 10730
1098.52 (a) revised 5073
1099.52 (a) revised 5073
1102 Removed 6318
1106.2 Amended 6318
1106.7 (c) introductory text revised; (c) temporary amendments of 51 FR 6731 and 7247 terminated 6318
1106.12 (b)(5) temporarily suspended 20384
1106.13 (d)(1) suspended 19837
1106.52 (a)(1) table amended; (a)(3)(i) and (4) revised 6318
1124.9 (b) temporarily suspended in part 43316
1137.7 (b) temporarily suspended in part 35396
1137.12 (a)(1) temporarily suspended in part 10732, 42271

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

1200 Authority citation revised 12899
1200.2 (a) revised 12899
1205.1—1205.19 (Subpart) Removed 12899
1207.1—1207.19 (Subpart) Removed 12899
1240 Authority citation revised 3103
1240.100—1240.125 (Subpart) Added 3103
1250 Authority citation revised 31377
1250.1—1250.19 (Subpart) Removed 12899
1250.514 Revised; interim 31377
Technical correction 33903

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

Page

Revision confirmed 38907

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

1403 Authority citation revised 2394
1403.21—1403.46 (Subpart B) Heading revised; interim 2394
1403.46 Added; interim 2394
1421.1 Amended 1434
1421.4 (b) amended 1434
1421.6 (c) revision confirmed 1433
1421.7 (a) revision confirmed 1433
1421.22 (c)(2) amended 1434
1421.400—1421.406 (Subpart) Heading amended; authority citation revised 1434
1421.400 Nomenclature change 1434
1421.420—1421.425 (Subpart) Removed 1434
1421.741 Revised 30658
1421.742 Revised 30658
1421.752 Heading revised 30658
1421.753 (a) amended 30658
1421.754 Amended 30658
1421.900—1421.917 (Subpart) Authority citation revised 1316
1421.902 Revised 1316
1427.1—1427.26 (Subpart) Authority citation revised 25355
1427.5 (l) revised 25355
1434.1—1434.36 (Subpart) Heading amendment confirmed 11619
1434.1 Amended; interim 11618
Amendment confirmed 11619
1434.2 (c) removed; (d) and (e) redesignated as (c) and (d); interim 11618
1434.3 (h) addition confirmed 11619
1434.4 (a) amended; interim 6776
(e) amendment confirmed 11619
1434.6 (b) amended; interim 6776
(b) amendment confirmed 11619
1434.7 (c) introductory text amended; interim 11619
1434.8 (b) revision confirmed 11619
1434.18 (c) addition confirmed 11619
1434.25 (a), (b), and (c) amendment and (d) addition confirmed 11619
1434.26 (a) amendment confirmed 11619
1434.27 Amendment confirmed 11619
1434.34 (f) removed; (g) and (h) redesignated as (f) and (g); interim 11619
1438 Removed 1434
1468.103 Amended; interim 4277
Comment time extended 10732
Amendment confirmed 42078
1468.107 (c) (1) and (2) revised; (c) (3) and (4) removed; interim 4277
Comment time extended 10732
(c) (1) and (2) revision and (c) (3) and (4) removal confirmed 42078
1468.116 (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; interim 4277
Comment time extended 10732
(c), (d) and (e) redesignation as (d), (e) and (f) and new (c) addition confirmed 42078
1472.1503 Amended; interim 4277
Comment time extended 10732
Amendment confirmed 42078
1472.1507 (c)(1) and (2) revised; (c)(3) and (4) removed; interim 4277
(c) (3) and (4) correctly removed; comment time extended 10732
(c) (1) and (2) revision and (c) (3) and (4) removal confirmed 42078
1472.1545 (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; interim 4277
Comment time extended 10732
(c), (d) and (e) redesignation as (d), (e) and (f) and new (c) addition confirmed 42078
1475.52 (h), (l), (m), and (n) revision confirmed 10728
1475.53 Revision confirmed 10728
1475.54 (a) revision confirmed 10728
1475.55 (d)(3), and (e) (2) and (3) revision confirmed 10728
1475.56 Revision confirmed 10728
1475.58 (c) revision confirmed 10728
1475.69 Added 10728

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 7 Chapter XIV—Con. Page

1476 Removed....1434
1477 Authority citation revised....4129
1477.3 (e) (2), (3), and (4) added; interim....4130
Confirmed....18198
1480 Removed....1434
1493.1—1493.15 (Subpart A) Authority citation revised....17550
1493.2 (f) and (o) revised....17550
1496.1 (b) and (c) removed; (a) designation removed....5728
1496.2 (a) amended; (b) revised....5728
1496.3 (f) and (h) removed; (g) redesignated as (f) and revised; (e) revised....5728
1496.5 (a) revised; (f) added....5729

Chapter XVI—Rural Telephone Bank, Department of Agriculture

1610.5 Existing text designated as (a); (b) added....43553

Chapter XVII—Rural Electrification Administration, Department of Agriculture

1736 Authority citation revised....22289
1736.97 (b) table revised....22289
1772 Authority citation revised....1182
1772.97 Table amended....1182
1786 Added....1436
1787 Added; interim....2395

Chapter XVIII—Farmers Home Administration, Department of Agriculture

1804 Removed....19283
1806.25 (a)(2) introductory text revised....8002
1807.1 (a) revised....26132
1822 Authority citation revised....19283
1822.21—1822.26 (Subpart B) Exhibit A amended....8002
1822.267 (l)(2) introductory text amended....8002
(e) revised....19283
1822.271 (b)(3)(v) revised....19283
1863.1 Revised....26132
1864.2 (a)(5) revised....26132

Page

1866.3 (b)(1) introductory text and (2) introductory text revised....26132
1900.2 (e) revised....44375
1900.52 (d) revised....26133
1901 Authority citation revised....8002
1901.204 (a) (19) through (21) and (d)(3)(iv) added; (b)(2), (d) (1) and (5), (e)(2)(ii) and (f) revised....41949
1901.205 (b)(1), (2)(i), (3)(ii) and (iv), and (e)(2) amended....8002
1901.201—1901.205 (Subpart E) Exhibit C revised....8002
1910 Authority citation revised....15491
1910.3 (i) introductory text revised; (i)(4) added....15491
1910.52 (a) revised....41699
1910.53 (d) revised....41699
1910.54 (f) through (j) redesignated as (g) through (k); new (f) added....41699
1910.55 (a) revised....41699
1910.59 Revised....41699
1910.60 (a) revised....25586
(c) revised....41699
1910.61 (b) (1) through (3) and (d) (4) and (5) revised....25586
1910.101 (Subpart C) Added....6498
1922.104 (a)(12) amended....11982
Policy guidelines....23543
1924 Authority citation revised....8002
1924.1—1924.50 (Subpart A) Text revised....8002
1924.5 (d)(2) and (e) (2) and (4) amended....19283
Transition period....30658
1924.13 (e)(1)(v)(C) and (2)(viii)(B) correctly removed; (e)(1)(v)(D) and (2)(viii)(C) correctly redesignated as (e)(1)(v)(C) and (2)(viii)(B); (e)(1)(ii)(F), (v) introductory text and (B) and (e)(2)(viii) introductory text and (A) correctly revised....26139
1924.1—1924.50 (Subpart A) Exhibits A through I, K and L revised....8021
Exhibits I and J amended....19283

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

Page

1924.51 Revised....26133
1924.57 (b)(2) and (d)(2) revised....32120
1924.60 (d)(7) added....26133
1924.101—1924.150 (Subpart C) Added....19284
1924.253 (a)(3) amended; (c) revised....8034
1930.110 (c) introductory text amended....20697
1930.119 (b) amended....20697
1930.124 (a)(3) (ii) and (v) amended....20697
1930.138 Added....36913
1930.101—1930.150 (Subpart C) Exhibit B amended....8034, 20697
Exhibits C, C-2, and E amended....20698
Exhibits B and E amended....24287
Exhibit C amended....36913
1933 Authority citation revised....19301
1933.409 (f) revised....8034
1933.412 Revised....19301
1940 Authority citation revised....8035
1940.305 (j) added....8035
1941.16 (m) added....26133
1941.19 (a)(7) added....26133
1942 Authority citation revised....43725
1942.1 (c) redesignated as (d); new (c) added....38908
(a) revised....43725
1942.17 (p)(4) and (5) and (r)(3)(i) and (ii) amended....8035
(f)(6) revised....41949
(d)(1)(i)(B)(*1*) removed; (d)(1)(i)(B) (*2*) through (*8*) redesignated as (d)(1)(i)(B) (*1*) through (*7*); (c)(2)(iii)(D)(*2*)(*i*) and (d)(1)(i)(C)(*1*) revised; (d)(2)(iv) amended....43726
1942.18 (n)(3), (o)(1), (3), (5) and (7)(ii) amended....8035
1942.101—1942.150 (Subpart C) Added....43726
1942.358 (e) revised....41949
1942.360 (a)(11) removed; (a) (12) through (14) redesignated as (a) (11) through (13); new (a)(13) and (b) revised....41949

Page

1942.363 (b)(3) added; (c) (1), (2) and (d) revised....41950
1942.381 Added....41950
1942.451—1942.500 (Subpart J) Added....41950
1943.1—1943.50 (Subpart A) Exhibit A amended....8035
1943.32 (a) amended....8035
1943.82 (a) amended....8035
1943.132 (a) amended....8035
1944.2 (f) and (j) revised....11982
Policy guidelines....23543
1944.11 Heading and (c) revised; (d) redesignated as (e); new (d) added....11982
(b) revised....19301
Policy guidelines....23543
1944.16 (a)(1)(i), (5), and (b) revised....8035
Revised....11983
Policy guidelines....23543
1944.17 (e) added....246
1944.22 (a) revised....246
(a) correctly revised....6132
(e)(3) amended....8035
1944.24 (b) amended....19301
1944.26 (a)(2) introductory text and (f)(2) introductory text revised....11984
Policy guidelines....23543
1944.30 (a) amended....8036
1944.33 (f) revised....246, 29175
1944.34 (e)(3)(ii) revised....246
(h)(2) revised....11984
Policy guidelines....23543
(b)(1) revised....29175
(h)(3) introductory text revised....31027
1944.45 (f)(5), (h), (i)(2), and (k) amended....8036
(f)(3)(ii) revised....19301
1944.46 (d), (f), and (g) amended....8036
1944.47 Addition confirmed....9649
1944.1—1944.50 (Subpart A) Exhibit A amended....8036
Exhibit D amended....9113
Exhibit F corrected....36565
1944.163 (e) revised....8036
1944.164 (j)(2) (i) and (ii) amended....19301
(p) revised....24288
1944.175 (a)(4) amended....8036
1944.176 (c)(3) revised....24288
1944.200 Removed....24288

93-145 O - 87 - 2

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 7 Chapter XVIII—Con. Page

1944.151—1944.200 (Subpart D) Exhibit A-3 amended.... 8036, 19302
1944.212 (c)(2)(i) revised.....8036
(p)(3) amended.....19302
1944.215 (a)(1) introductory text, (iii), and (iv) and (3)(v) revised.....8036
1944.222 (c)(1) and (d)(1) introductory text amended.....19302
1944.235 (c)(1)(v) and (vii) amended.....8036
1944.237 (e) added.....24288
1944.201—1944.240 (Subpart E) Exhibit H amended.....8037
1944.456 Introductory text amended.....11985
(a) introductory text revised.....19302
Policy guidelines.....23543
1944.463 (a), (b), and (c)(4) amended.....8037
1944.469 (f)(1)(i) and (ii) and (g)(1)(iii)(A)(*1*) amended.....8037
1945.163 (b)(6) introductory text, (i)(B), and (ii) through (v), (7), and (8) revised.....20385
1945.151—1945.200 (Subpart D) Exhibit A amended.....8037
1950.103 (a) revised.....26133
1950.104 Introductory text and (d) revised.....26134
1950.105 Added.....26134
1951 Authority citation revised.....6319, 11457
1951.1 Revised.....26134
1951.6 (c) (1), (2), and (3) (ii), (iv), (v), (vi) and (vii), (d) and (e) (1) and (4) revised.....29175
1951.7 (h) added.....11457
1951.9 (a)(4) added.....26134
1951.44 (c)(9) added.....26134
1951.46 Added.....26135
1951.50 Added (OMB number).....26137
1951.105 (f) amended.....18544
1951.111 Added.....18544
1951.201 Revised.....38908
1951.203 (f) added.....42272
1951.207 (l) added.....11457
1951.210 (c) (1) through (4), (d) introductory text and (1) through (6), (e), and (f) redesignated as (c) (2) through (5), (e) introductory text and (1) through (4), (6), and (7), (f), and (g); new (c)(1), (d), and (e)(5) added; new (f)(13) amended.....42272
1951.211 (c) introductory text amended.....42272
1951.252 (a) revised.....26137
1951.261 (b)(1)(i)(A) revised.....26137
1951.301—1951.318 (Subpart G) Revised.....246
1951.304 Added; interim.....6319
1951.308 (a) introductory text and (b) revised.....29176
1951.309 (a)(1) revised.....29176
1951.315 Corrected.....6132
1951.407 (c) amended.....9113
1951.408 Removed.....9113
1951.551 Revised.....26138
1951.604 (a)(1)(iv)(B) amended.....11985
Policy guidelines.....23543
1951.701 Revised.....38908
1955.1 Revised.....38909
1955.3 (d) revised.....26138
1955.18 (a) revised; (d) amended.....41957
1955.51 (d) added.....38909
1955.53 (o) revised.....8037
(e) and (g) revised.....26138
1955.63 (a) and (c) amended.....41957
1955.105 (a) revised.....26138
1955.114 Introductory text amended.....41957
1955.115 Introductory text amended.....41957
1956 Authority citation revised.....28239
1956.54 (f) revised.....26138
1956.58 (a) revised.....28239
1957 Added.....35520
1962.17 (b) (1), (2) introductory text and (i)(A), (4) and (5) revised.....32121
1962.47 (b)(2)(i) correctly revised.....39207
1965.7 (d) revised.....26138
1965.12 Introductory text revised.....26138
1965.13 Introductory text revised.....26139
1965.31 Introductory text added.....26139
1965.65 (a)(1)(i) revised; (a)(1)(iv) and (f)(6)(iv) removed; (a)(1)(v), (c) (1) through (14), and (f) (8) through (13) redesignated as

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

Page

(a)(1)(iv), (c) (2) through (15), and (f) (9) through (14); new (c)(1) and (f)(8) added; new (c)(10)(i) revised.....24288
1965.70 (a) amended; (d)(8) revised.....24288
1965.90 Revised.....24288
1965.92 Amended.....24291
1965.51—1965.100 (Subpart B) Exhibit A redesignated as Exhibit B and revised; new Exhibits A and C added.....24291
1965.103 (b) introductory text amended.....9113
1965.105 (b)(1) amended; (c) revised.....9113
1965.106 (a) heading revised; (b) and (c) redesignated as (c) and (d); new (d) amended; new (b) added.....9113
1965.110 (a)(1)(ii) amended; (a)(4) added.....9113
1965.111 (a) and (b) amended; (c) removed.....9113
1965.112 (b) revised.....9114
1965.113 (a) amended; (c) revised.....9114
1965.116 (b) revised.....9114
1965.117 Introductory text, (b)(5), (d)(2) and (g) amended; (e) revised; (h) added.....9114
1965.118 (c) revised; (d) added.....9114
1965.125 (a)(1) introductory text amended; (a) (2) and (3) revised.....9115
1965.126 Introductory text, (b) (2) and (5), (c) (1) and (2) introductory text, (i), and (ii) and (e)(4) revised; (b)(13) added; (b)(3), (4)(i), and (12) and (e)(5) amended.....9115
1965.127 (a)(3) introductory text, (b)(1)(i) and (2) revised.....9116
1965.137 Revised.....9116
1980 Authority citation revised.....19302
1980.11 Amended.....6500
1980.12 (a) (1) and (3) revised.....6500
1980.41 (b)(3)(iii)(A) revised.....6500
1980.46 (a)(2) revised.....6500
1980.61 (b)(4) and (h) revised.....6500
1980.63 Revised.....6501
1980.67 Revised.....6501

Page

1980.83 (b) table amended.....6501, 22290
1980.85 Added.....6501
1980.146 (c)(2) amended.....22290
1980.307 (d)(1) and Administrative amended.....19302
1980.327 (b)(1) revised.....19302
1980.401—1980.500 (Subpart E) Sections revised.....6501
1980.401—1980.500 (Subpart E) Appendix C revised; Appendix H added.....6522
1980.602 (a)(1) introductory text revised; interim.....25587
1980.611 (a) and (c) introductory text revised; interim.....25588
1980.625 Revised; interim.....25588
1980.630 Revised; interim.....25588
1980.632 (c) and (d) revised; interim.....25588
1980.642 (e), (k), and (l) revised; interim.....25588
1980.644 Heading, (a), (b), and (d) introductory text revised; (f) added; interim.....25588
1980.645 (a) and (b) revised; (d) removed; interim.....25589
1980.646 Removed; interim.....25589
1980.651 (f) revised; interim.....25589
1980.655 Revised; interim.....25589
1980 Appendix B amended; interim.....25589
2054.1101—2054.1150 (Subpart W) Revised.....30893

Chapter XXXIII—Office of Transportation, Department of Agriculture

3305 Added.....43189

Chapter XXXIV—Cooperative State Research Service, Department of Agriculture

3402 Added.....4713

Chapter XXXVI—National Agricultural Statistics Service

Chapter XXXVI Chapter established.....2667
3600 Added.....2667
3601 Added.....2669

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 7—Con.

Chapter XXXIX—Economic Analysis Staff

Chapter XXXIX Chapter established; Page 9798
3900 Added; 9798
3901 Added; 9798

Title 7—*Proposed Rules:*

1, 28149, 36580
1d, 13246
17, 37469
28, 16394, 19018
29, 25235
46, 23842
51, 16399, 44131
53, 6577
54, 6577
55, 6162, 8404
56, 6162, 8404
59, 6162, 8404, 17763, 27562, 42297
60, 27685
70, 6162, 8404
210, 32930
220, 12419, 23041
225, 43200
226, 19354, 22030, 35105
245, 33834
246, 12527, 27005, 31784, 35264, 45457
250, 22660
251, 21545
253, 39158
272, 3817, 7158, 19514
273, 7158, 13450, 17580, 36546, 38104
275, 7158, 36581
277, 3817
278, 19514
301, 291, 1276, 35105
318, 292
319, 685, 2114, 27686, 38210
330, 12917, 15802
340, 35921
353, 27687
400, 5773, 10764, 41723
401, 22476, 34658–34667, 34671, 34673, 34809, 35266, 36424, 36425, 41723, 41725, 43080, 44402–44404, 44989, 45459, 45461, 45463
413, 33941
418, 11078, 25381
419, 2711, 11078, 25382
420, 3013, 11078, 34670
421, 11078, 34674
422, 9301
423, 32931
424, 3013, 11078, 35269
425, 3013
426, 41728
427, 11078, 25383
428, 3013, 45199
429, 25384
430, 3013
431, 3013, 32932
432, 3013, 11078, 33942
433, 3013
438, 34675
439, 25015
444, 3013
445, 3013
447, 3013
448, 11078, 35270
449, 3013
452, 2713, 36427
453, 15506
455, 24299
656, 20606
658, 1465
713, 13248, 18565
724, 27203, 33943
725, 18918
726, 18918
736, 10104
795, 9302
800, 7880, 30167
801, 30167
802, 30167
810, 4151, 7880, 8455
900, 3119
907, 17764, 21546, 30167, 38431
908, 7884, 12535, 17764, 21546, 30167
910, 12536
911, 10108, 38234, 44916
912, 6980
915, 13688, 38234, 44916
916, 2800, 9173
917, 2800, 6165, 9173
918, 16401
920, 28724
923, 13842
925, 432, 13457, 20402, 21960, 24090
928, 3433, 4462, 21065, 22888
929, 15510, 18369, 19631
932, 6166
933, 17581, 27369
944, 432, 13688
945, 10893, 25016, 33833
946, 5778, 6167
947, 41729
948, 6168
959, 7428, 9870, 21068
966, 41565
967, 27204
979, 12185
980, 7428, 9870
981, 1918, 28157, 28269, 32016, 34676
982, 5307
984, 42298
987, 26688

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

989, 1919, 26689, 27369, 43338
994, 10984, 12285, 29531, 32240
999, 5307
1004, 31408
1007, 15951, 17678, 39232
1011, 3251, 12186, 15951, 17678, 23453
1030, 18894, 29196, 38235
1032, 2537, 43590
1033, 17586, 23306, 27205
1036, 17586, 27205
1040, 8074, 12537, 17586, 27205
1046, 11475, 15951, 17678, 23306
1065, 21560, 26016, 27216
1068, 23843, 33943
1076, 25020
1079, 27216, 30922
1093, 15951, 17678
1094, 15951, 17678
1096, 15951, 17678
1097, 8075
1098, 15951, 17678, 39232
1102, 4775
1106, 4775, 12538, 16402
1124, 39658, 41566
1125, 41566
1136, 27372, 32933
1137, 6579, 32308, 37800
1139, 27372, 32933
1210, 3588, 4783, 13086
1230, 39538
1240, 797, 42300
1405, 37160
1421, 30689, 37619, 43766, 44989
1493, 8605
1610, 5779
1736, 29531
1809, 1706, 4913
1864, 44600
1900, 1706, 4913, 44600
1902, 1706, 4913
1910, 1706, 4913
1924, 1706, 2717, 4913, 43766
1927, 44600
1930, 296, 8606
1941, 1706, 2717, 4913, 43766
1942, 3433, 12539, 32933
1943, 1706, 4913
1944, 7584, 8606, 21069, 37972
1945, 1706, 4913
1951, 1706, 2717, 4913, 19732, 27562, 32933, 32935, 44600, 44607
1955, 1706, 4913, 10577, 32933, 44600
1956, 44600
1962, 1706, 4913, 43766
1965, 1706, 2717, 4913, 8606, 10577, 32935, 43766
1980, 1706, 4913
2201, 6803, 8611
3015, 39035
3016, 21820, 23627

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

1 Authority citation revised; section authority citations removed; Page 2936
1.1 (h) revised; 2936
3 Authority citation revised; section authority citations removed; 2936
Nomenclature change; 2941
3.1 (b)(3) revised; 2943
(d)(3) revised; 24981
3.3 (a) amended; (b) revised; 2936
3.4 Amended; 2936
3.7 Revised; 2936
Corrected; 7369
3.11 Added; 2942
3.12—3.38 (Subpart C) Added; 2936
100 Authority citation revised; 16191
100.2 (c)(3) (iv) and (v) amended; (c)(3)(vi) added; 16191
100.4 (f) added; 16191
(c)(4) revised; 22629
103 Authority citation revised; section authority citations removed; 2939
Authority citation revised; 16192
103.1 (l)(1) amended; 2985
(f)(1) (iv) and (v) and (q) amended; (f)(1)(vi) and (2) (xxvii) through (xxxii), (n)(2) and (t) added; (n) redesignated as (n)(1); 16192
(o)(2) revised; 22629
103.2 (c) added; 16192
103.3 (a) redesignated as (a)(1); (a)(2) added; 16192
103.4 Revised; 661
Existing text designated as (a); (b) added; 16192
103.5 Existing text designated as (a); (b) added; 16193
103.7 (d) (1) and (4) revised; 3
(c)(1) revised; 2939
(b)(1) amended; 16193, 19719
103.8 Introductory text republished; (c) revised; 2942

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 8 Chapter I—Con. Page

103.10 (b)(1)(ii) removed; (b)(1)(iii) through (vi) redesignated as (b)(1) (ii) through (v)..... 2942
103.37 Added..... 16193
109 Removed..... 16220
204 Authority citation revised..... 30900, 33797
204.1 (d)(2) revised..... 30900
(a)(2)(iii) amended..... 44593
204.2 (c)(7) revised..... 16233
204.5 Revised..... 33797
210 Added..... 16199
210.1 (k) amended..... 28662
210.2 (a)(3) and (c)(1) amended..... 28662
210.6 Added..... 28663
211 Authority citation revised..... 16193
211.1 (d) added..... 16193
211.5 (d) added..... 16193
212 Authority citation revised..... 16193, 16372
212.3 Revised..... 2943, 11621
212.5 (b) amended; (d)(2) redesignated as (d)(2)(i); (d)(2)(ii) added..... 16194
212.11 Added; interim..... 16372
214 Authority citation revised..... 13226, 20555, 45446
214.1 (a) revised..... 45446
214.2 (h)(6)(i) and (9) and (l) revised; (h)(6)(ii), (10), (11), (12), (13), and (14) redesignated as (h)(6)(v), (11), (13), (10), (14), and (15); new (h)(10) and (11) revised; new (h)(6)(ii), (iii), and (iv) and (12) added..... 5750
(l) correctly designated; (l)(3)(i) corrected..... 7063
(f)(4)(ii), (5), (6) (ii) through (v), (7), (8), and (10) revised..... 13226
(h) (3) through (15) redesignated as (h) (4) through (16); new (h)(3) added; new (h)(4) heading revised; (h)(4)(ii)(B) amended; interim..... 20555
(b)(3) addition at 51 FR 44267 clarification..... 30329
214.3 (g)(1) (i) through (xii) revised; flush text following (g)(1)(xii) added..... 13229

Page

234 Authority citation revised..... 16194
234.2 (b) amended..... 16194
236 Authority citation revised; section authority citations removed..... 2939
236.5 (a), (b), and (c) removed; (d) and (e) redesignated as (b) and (c); new (a) added..... 2939
236.6 Revised..... 2939
236.7 Revised..... 2939
238 Authority citation revised..... 26944, 26945
238.3 (b) amended..... 2670, 26945
238.4 Amended..... 26944
241 Heading and authority citation revised; interim..... 16372
241.2 Added; interim..... 16372
242 Authority citation revised; section authority citations removed..... 2939
Authority citation revised... 16194, 16373
242.1 (a) and (b) revised..... 2939
(a) revised..... 3098
(a) introductory text corrected..... 5616
Effective date corrected..... 6133
242.2 (a) introductory text amended; (b) revised..... 2939
(a) revised..... 3098
(a)(1)(viii) corrected..... 5616
Effective date corrected..... 6133
(a) through (e) redesignated as (b) through (f); (a) and (g) added; interim..... 16372
242.5 (b) amended..... 2940
242.7 (a) and (b) revised..... 2940
(a) revised..... 3099
(a)(3) corrected..... 5616
Effective date corrected..... 6133
242.12 Revised..... 2940
242.13 Revised..... 2940
242.14 (e) revised..... 2940
242.16 (d) amended..... 2940
242.20 Revised..... 2941
242.21 Existing text designated as (a); (b) added..... 16194
242.22 Revised..... 26470
244.2 Revised..... 24982
245 Authority citation revised..... 34764
245.1 (b)(5) through (8) and (c) through (f) redesignated as (b)(7) through (10) and (d)

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

Page

through (g); new (b)(5) and (6) and (c) added; interim..... 6321
245.2 (a)(3)(iv) revised..... 34764
245.6 Redesignated as 245.7; new 245.6 added; interim..... 6322
(c)(3) corrected..... 13827
245.7 Redesignated as 245.8; new 245.7 redesignated from 245.6; interim..... 6322
245.8 Redesignated as 245.9; new 245.8 redesignated from 245.7; interim..... 6322
245.9 Redesignated from 245.8; interim..... 6322
245a Added..... 16208
245a.1 (c)(1), (d)(2), (e), and (l) amended; (d)(4) added; interim..... 43845
245a.2 (a)(2)(ii), (b)(8), (c)(8), (d)(4)(iii), (e) (1) and (2), (g), (k)(4), (m)(2)(i) and (3), (n) (1) and (2), (q), (t)(5), (u)(1) introductory text and (ii) and (w) amended; (b) introductory text and (s) heading revised; (b) (9) through (15) added; interim..... 43845
245a.3 (a) and (b)(4)(i) amended; (b)(4)(ii) revised; (b)(4)(iii) removed; interim..... 43846
248 Authority citation revised..... 11621
248.1 (e) added; interim..... 11621
249.2 Revised; interim..... 6322
264 Authority citation revised..... 16194
264.1 (a), (b), and (c) amended..... 16194
274a Added..... 16221
Authority citation revised..... 43052
274a.6 Revised; interim..... 43053
287 Authority citation revised..... 16372
287.1 (g) through (i) added; interim..... 16372
287.7 Added; interim..... 16373
292 Authority citation revised; section authority citations removed..... 2941
292.3 (a) introductory text, (5) and (b) revised..... 24981
292.4 (a) revised..... 2941
299 Authority citation revised..... 16195
299.1 Amended..... 16195
299.3 Amended..... 16195

Page

341.1 Revised..... 19719
341.7 Revised; interim..... 13229

Title 8—*Proposed Rules:*

1—499 (Ch. I)..... 2115
1..... 19733, 35271
3..... 2948, 32552
100..... 8740
103..... 8740, 24475
109..... 8762, 10187
204..... 18236
207..... 4913, 23307
208..... 32552
210..... 8745
211..... 8740
212..... 8740, 38245
214..... 22661, 36783
234..... 8740
236..... 32552
242..... 2949, 7741, 8740, 32552, 38245
244..... 2950
245..... 11659
245a..... 8752, 31784, 36582
252..... 1634
253..... 32552
264..... 8740
271..... 1920
274a..... 8762, 10187
286..... 29863
292..... 2948, 2951
299..... 8740

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

50 Heading revised..... 39614
50.1 (p) amendment and (r) addition confirmed..... 1317
(e), (g), (j), and (m) through (q) amended; paragraph designations removed..... 39614
50.2 Amended..... 39614
50.3 (a) heading, (b) heading, and (c) heading revised; (a) through (d) amended; (e) removed..... 39614
50.4 (a) and (b) amended..... 39614
50.5 Amended..... 39614
50.6 (a) heading and (b) heading revised; (a) and (b) amended..... 39614
50.7 OMB number..... 39614

TITLE 9 Chapter I—Con. Page

50.8 Nomenclature change....39614
50.9 Amended....39614
50.10 Amended....39614
50.11 Nomenclature change....39614
50.12 Nomenclature change....39614
50.13 Amended....39614
50.14 Introductory text, (b), (d), and (e) amended....39614
50.15 Amended....39614
50.16 Addition confirmed....1317
51.1 Amended....6524
Corrected....22290
71 Authority citation revised; section authority citations removed....2987
71.18 (a)(1)(i), (ii), and (iii) amended; (a)(5) added....2987
75.5 (d), (g) through (m), and footnotes 3a and 4 removed; designations removed; section amended; interim....7404
Confirmed....28240
75.7 Revised; interim....7404
Confirmed....28240
75.8 Removed; interim....7405
Confirmed....28240
75.9 Removed; interim....7405
Confirmed....28240
77 Heading revised....39614
77.1—77.6 (Subpart A) Subpart designation and heading removed....39614
77.1 (b) removed; (c), (i), (j), (k) heading, (l) heading, (aa), and (bb) amended; (d) and footnote 1, (e) through (h), and (w) through (z) revised; paragraph designations removed; OMB number....39614
77.2 Revised....39615
77.3 Removed; new 77.3 redesignated from 77.7....39615
Heading and text amended....39616
77.4 (b) revision confirmed...4599, 8224
(b) amended; interim....23937
Removed; new 77.4 redesignated from 77.8....39615
Heading, introductory text, (a), (b), and (c) amended....39616
77.5 Removed; new 77.5 redesignated from 77.9....39615
Heading and (b) introductory text revised; (a) heading, introductory text, and (1) through (5), (b) (1) and (2), and (c) heading and text amended; OMB number....39616
77.6 Removed; new 77.6 redesignated from 77.10....39615
Amended....39616
77.7—77.8 (Subpart B) Subpart designation and heading removed....39614
77.7 Redesignated as 77.3....39615
77.8 Redesignated as 77.4....39615
77.9—77.10 (Subpart C) Subpart designation and heading removed....39614
77.9 (b) introductory text amendment confirmed....1317
Redesignated as 77.5....39615
77.10 Redesignated as 77.6....39615
78.1 Amended....33799
78.20 (a) and (b) amendment confirmed....5940
78.33 Revised....33799
78.41 (c) and (d) amended; interim....1625
(b) and (c) amended; interim....4600
(c) and (d) amendment confirmed....6524
(b) and (c) amended....9453
(c) and (d) revised....10555
(a) and (b) amended; interim....22292
(b) and (c) amendment confirmed....22292
(c) and (d) amendment confirmed....23016
(b) corrected....28240
(c) and (d) revision confirmed....30901
78.43 Revised; interim....18688
Confirmed....34207
78.44 (a) amended; footnote 9 redesignated as footnote 6....33800
91.14 (a)(5) removal and (a)(6) through (16) redesignation as (a)(5) through (15) confirmed....8225
(a)(8)(ii)(B) removed....33573
92.1 (cc) added....2990
Amended....5941
(k), (l), and all paragraph designations removed; amended....11023
92.2 (k) added....2653
(i)(2)(iii)(C), (iv)(A) and (B), (v)(A)(2)(i), (B), (E), and (G) revised; (i)(2)(vi) redesignated as (i)(2)(vii); new (i)(2)(vi) added....2990
(k) removed; interim....8437
Footnote 2a removed; (c)(1), (2)(i) and (3) amended....21497
(k) removal confirmed....28241
(i)(1) amended; interim....32533
(d)(1)(ii) amended....37282
92.4 (a)(6)(iii)(C)(*1*), (8)(i), (ii) introductory text, and (9) introductory text, (ii), and (iii) revised....2992
(a)(1) amended; (e) added....37281
92.11 (e) and (f)(3)(ii)(E) amended....21497
(d)(1)(ii) revised....39617
92.17 Amended....2992
92.20 (b) revised; footnote 10 removed....11023
(c)(5) and (d) revised; OMB number....18199
92.27 Footnote 11 redesignated as footnote 10....11023
92.31 Footnote 12 redesignated as footnote 11....11023
92.35 (c)(2) and (3) redesignated as (c)(3) and (4); new (c)(2) added....5941
92.41 Footnotes 13 and 13a redesignated as footnotes 12 and 13....11023
(b) removed; interim....35231
93 Redesignated as Part 99; new Part 93 added....29502
93.4 Corrected....35350
93.5 Introductory text corrected....35350
93.8 (a)(1)(ii) corrected....35350
94.0 Added....33801
94.1 (a)(2) amended....2653
(a)(2) amended; interim....8437
(a)(2) amendment confirmed....28241
Heading and (b) revised; footnote 1 added....33801
94.4 (b)(3) redesignated as (b)(4); heading and (b) introductory text through (2) revised; (b)(3) and footnotes 2 and 3 added....33801
94.6 (a)(2) amended....27327
94.8 Introductory text amended....30902
94.9 (a) amended....27327
94.10 Amended....27327
94.11 (a) amended....2653
(a) amended; interim....8437
(a) amendment confirmed....28241
94.12 (a) amended....27327
94.17 Added....11625
97.1 (a) and (b) amended....16823
97.2 Table amended....16234, 31753
99 Redesignated from Part 93....29502
99.10 Amended....29502
101 Authority citation revised....30131
101.2 (o) revised....30131
102 Authority citation revised....30131
102.2 Revised....11026
102.4 (f) revised....11026
(h) (1) and (2) revised....30131
102.5 (b) and (e) revised....11026
102.6 Added....11026
103 Authority citation revised....30131
103.3 Heading, introductory text, and (a) revised; (h) added....30131
104 Authority citation revised....30131
104.4 (a) and (b) revised....30131
107 Added....30131
113.101 (c)(2) removed; (c) (3) through (7) redesignated as (c)(2) through (6) and revised....9117
113.102 (c)(2) removed; (c) (3) through (7) redesignated as (c) (2) through (6) and revised....9118
113.103 (c)(2) removed; (c) (3) through (7) redesignated as (c) (2) through (6) and revised....9118
114.1 Revised....11026
114.2 (d) addition confirmed....26141
(b) introductory text, (b)(1) and (c) revised; (b)(9) added....30132
151 Authority citation revised; section authority citations removed....1317, 13070
115.1 Revised....30134
115.2 Revised....30134
118 Added....30135
151.9 (a) table amended....1318, 13071
166.1 Amended....4890
166.2 (b) and (c) amended....4890
166.4 (b) amended....4890

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 9 Chapter I—Con. Page
166.5 (b) amended....4890
166.6 Amended....4890
166.8 Amended....4890
166.9 (d) amended....4890
166.10 (a), (c) (1) and (2), and (d) amended....4890
166.11 (b) and (d) amended....4890
166.12 (c) and (d) amended....4890
Redesignated as 166.13; new 166.12 added....4891
166.13 Redesignated as 166.14 and (a), (b), (c), and (d) amended; new 166.13 redesignated from 166.12....4891
166.14 Redesignated as 166.15 and (d) and (e) amended; new 166.14 redesignated from 166.13 and (a), (b), (c), and (d) amended....4891
166.15 Redesignated from 166.14 and (d) and (e) amended....4891
(c) revised; interim....13231
(c) revision confirmed....34208
(c) and (d) amended....37283

Chapter III—Food Safety and Inspection Service, Meat and Poultry Inspection, Department of Agriculture

303 Authority citation added....10032
303.1 (g) revised; authority citation removed; interim....10032
303.2 Added; interim....10032
307.5 (a) revised....4
308 Policy statement....3595
309.16 (d)(3) revised; interim....2104
310.21 (c) introductory text, footnote 1, and (d) revised; interim....2104
312.10 Added....41958
318 Policy statement....3595
Authority citation revised....30137
318.7 (c)(4) table amended....17284, 19303, 30137
(c)(3) amended....43317
318.10 Partial waiver extended....5
(c)(3)(iv) Table 6 corrected....12517
318.21 Added....2185
320 Policy statement....3595
327 Policy statement....3595
335.40 (Subpart E) Added; interim....13828
350 Authority citation revised....4
350.7 (c) revised....4
351.8 Revised....5
351.9 (a) revised....5
354.101 (b) and (c) revised....5
355.12 Revised....5
362.5 (c) revised....5
381 Policy statement....3595
381.3 (b) amended; (c), (d), and (e) added; interim....10033
381.36 (c) revised....39209
381.38 (a) revised....5
381.112 Added....41958
381.153 Added....2192
381.196 (b) amended....23021

Title 9—*Proposed Rules:*

1....10292, 19359, 29865
2....10298, 19359, 29865
50....24165
51....36272, 45200
54....12189
71....1921
76....1921
77....24165
78....1336
85....1921, 34391
91....17597, 21688, 28842
92....2654, 2658, 9871, 10765, 25806, 30372, 32561, 34456, 35271, 37320
94....7885, 12917, 13693, 15802, 25020, 30373, 34077
160....5308, 19359
161....5308, 19359
166....27413
304....32802
305....32802
306....32802
307....12422
308....12422, 32802
309....21561, 32802
310....21561, 32802
313....32802
314....21561
317....10766, 11828, 24475, 30922, 32802, 39658, 45344
318....30925, 32802, 39659
319....2416, 5991, 9303, 10766, 11828
320....32802
325....32802
327....23041
329....32802
335....32802
350....32802

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

Page
351....32802
352....32802
354....32802
355....32802
362....21563, 32802
381....11828, 15960, 23041, 24303, 24475, 30922, 32802, 39658, 45344

TITLE 10—ENERGY

Chapter I—Nuclear Regulatory Commission

Chapter I Policy statements revocation corrected....20592
0 Authority citation revised....11027
0.735–3 (e) introductory text and (1) and (f) revised....31608
0.735–21 (b)(1) revised; (e) added....11027
(a), (b) and (e) revised....30903
0.735–28 (a)(2) and (b) amended....31608
0.735–29 (b)(1)(v) revised....11028
0.735–49 (a) amended....31608
1 Revised....31602
2 Authority citation revised....36218
2.101 (c)(3) and (e)(1) amended....31608
2.201 (a), (b) and (c) amended....31608
2.202 (a) introductory text and (f) amended....31608
2.205 (a), (c), (d), (g), (h) and (i) revised....31608
2.206 (a) and (b) revised....31608
2.785 (a) revised....2993
2.802 (b) and (g) revised....31609
2 Appendix C revised....36218
4 Authority citation revised....25357
Table of contents corrected....28132
4.1 Revised....25357
4.1a Redesignated as 4.2 and revised....25358
4.2 Redesignated as 4.3 and revised; new 4.2 redesignated from 4.1a and revised....25358
4.3 Redesignated as 4.4 and (d) revised; new 4.3 redesignated from 4.2 and revised....25358
4.4 Redesignated as 4.5; new 4.4 redesignated from 4.3 and (d) revised....25358
4.5 Redesignated from 4.4....25358
4.301—4.341 (Subpart C) Added....25358
4 Appendix A amended....25361
7 Authority citation revised....31609
7.19 (b) amended....31609
9.14 (a)(1) revised....29505
9.53 (a) and (b) amended....31609
9.54 (b) amended....31609
9.65 (a) introductory text amended....31609
9.66 (a)(1) introductory text, (2), and (3) and (c)(2) amended....31609
9.69 (a) amended....31609
9.85 Revised....31609
9.95 Revised....760
10.5 (b) amended....31609
10.12 (a) amended....31609
10.21 Amended....31609
10.22 Introductory text, (c), (d) and (e) amended....31609
10.23 (a) and (b) amended....31609
10.24 (a) and (b) amended....31609
10.27 (c) amended....31609
10.28 (m) amended....31609
10.29 (d) amended....31609
10.30 Amended....31610
10.31 (a) amended....31610
10.32 (b) amended....31610
10.33 (c) and (d) amended....31610
10.34 (b) amended....31610
10.35 (b) amended....31610
10.37 Amended....31610
11.15 (e)(1) revised....44594
11.16 Amended....31610
Revised....44594
15.3 Amended....31610
15.35 (c) introductory text revised....31610
19.2 Amended....8240
19.3 (d) amended....8240
19.5 Revised....31610
19.11 (c) Note revised....31610
19.16 (a) and (b) amended....31610
19.17 (a) and (b) amended....31610
20.2 Amended....8240
20 Authority citation revised....4605
20.3 (a)(20) added; eff. 2–12–88....4604
(a)(9) amended....8240
20.103 (a)(1) footnote 5 and (g) amended....31610
20.202 (c) added; eff. 2–12–88....4604
20.403 (d)(2) revised....33917
21.2 Amended....8241
21.5 Revised....31610
21.21 (b)(2) revised....31611

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 10 Chapter I—Con. Page

25.33 (c) amended 31611
25 Appendix A revised 44594
30 Authority citation revised ... 1294, 27786
30.4 Introductory text, (b), and (i) amended; (x) removed 8241
30.5 Amended 8241
30.6 (a) and (b)(1) amended 8241
(b) introductory text and (1) revised; (b)(2) (i) through (v) amended 38392
30.7 (e) Note amended 31611
30.11 (a) amended 8241
30.13 Amended 8241
30.14 (a) and (c) amended 8241
30.15 (a) amended 8241
30.16 Amended 8241
30.18 (a) amended 8241
30.19 (a) amended 8241
30.20 (a) amended 8241
30.31 Amended 8241
30.32 (g) added 27786
30.33 (a)(4) amended 8241
30.34 (h) added 1295
(a), (b), (c), (d), and (e) amended 8241
30.39 Amended 8241
30.51 (a), (b), (d)(1) and (2) amended 8241
30.53 Amended 8241
30.55 (c) amended 31611
30.56 Removed 8241
32 Authority citation revised 27786
32.1 (a) revised 27786
32.210 (Subpart D) Added 27786
35.59 (e)(2) amended 31611
35.205 Exemption 9292
39 Added 8234
40 Authority citation revised ... 1295, 9651
40.1 (a) revised 9651
40.4 (r) added 9651
40.5 (b)(1) amended 8241
(b) introductory text and (1) revised; (b)(2) (i) through (v) amended 38392
40.7 (e) Note amended 31611
40.12 Revised 9651
40.23 Added 9651
40.25 (c) (1) and (2) and (d)(4) amended 31611
40.26 (c)(2) amended 31611
40.35 (e)(1) amended 31611
40.41 (f) added 1295
40.64 (a), (b) and (c) amended 31611
40.65 (a)(1) amended 31611
40.66 Added 9651
40.67 Added 9652
40 Appendix A amended 31611, 43562
50 Authority citation revised; section and Appendix authority citations removed 1295
Authority citation corrected 2352
Policy statement; interim 3788
Authority citation revised 28972
Policy statement 34884, 38077
50.4 (c) and (f) amended 31611
50.7 (e) Note amended 31611
50.33 Authority citation correctly removed 2352
50.34 (b)(8) revised 9469
50.47 (c)(1) revised 42085
50.49 (b)(3) footnote 4 revised 31611
50.54 (cc) added 1295
(p)(1) correctly designated 1415
(i) and (i-1) revised 9469
(f) corrected 19303
(w) revised 28972
50.70 (b) (1) and (2) amended 31612
50.74 Added 9469
50 Appendix E amended 16829, 42000
Appendix A amended 41294
51.4 Amended 31612
51.22 (c)(3), (10), and (14) amended 8241
51.60 (a) amended 8241
51.66 (a) amended 8241
51.68 Amended 8241
51.122 Amended 31612
51.123 (b) amended 31612
55 Revised 9460
60.9 (e) Note amended 31612
60.44 (b) amended 31612
60.75 (c) (1) and (2) amended 31612
61 Technical position statement availability 397
Authority citation revised 1295
61.9 (e) Note amended 31612
61.24 (k) added 1295
61.80 (i)(1) amended 31612
70 Authority citation revised 1296, 9652, 10037, 21657
70.4 (w) removed 8241
70.5 (b)(1) amended 8241
(b) introductory text and (1) revised; (b)(2) (i) through (v) amended 38392

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

Page

70.7 (e) Note amended 31612
70.8 (c)(6) added 19305
70.20a (b) amended 8241
70.20b Revised 9652
70.22 (b) revised 10038
70.32 (a) introductory text republished; (a)(9) added 1296
(c)(1) revised 10038
(c)(1)(i) corrected 22416
70.51 (b) and (e) introductory text revised 10038
70.52 Revised 21657
70.53 (b) revised 19305
70.55 (c) (1) and (2) amended 31612
70.57 (b) introductory text revised 10038
70.58 (a) revised 10038
70.59 (a)(1) amended 31612
70.60 Removed 8241
71.0 (b) amended 8241
71.93 (c) amended 31612
71.97 (c)(1) and (3)(iii) and (f) amended 31612
72 Authority citation revised 1296, 21657
Authority citation corrected 23257
72.10 (e) Note amended 31612
72.11 (a) amended 31612
72.33 (b) introductory text republished; (b)(6) added 1296
72.52 Revised 21657
72.56 (c) (1), (2), and (3) and (e) amended 31612
73 Authority citation revised 6314, 9653, 21657
73.1 (b)(8) added 9653
73.37 (f)(1) amended 31613
73.55 (e)(1) revised 12365
73.57 Added 6314
(b)(1) and (5) and (f)(3)(ii) corrected 7821
73.67 (e)(3)(vii) and (g)(3)(iii) revised 21657
73.71 Revised 21658
(a) (1) and (5) corrected 23257
Meeting 32777
73.72 Revised 9653
73.73 Added 9653
73.74 Added 9654
73 Appendix E added; Appendix F revised 9654
Appendix G added 21658
Appendix A amended 31613
74 Authority citation revised 10038, 19305, 21659
74.4 Amended 10039
74.8 (b) revised 10040
(c)(4) added 19305
74.11 Revised 21659
(b) corrected 23257
74.13 (b) introductory text amended 31613
74.17 Added 19305
74.51—74.59 (Subpart E) Added 10040
74.81 (c) (1) and (2) amended 31613
75.6 (a) table and (d) amended 31613
95.18 (a) introductory text amended 31613
95.45 (a) amended 31613
110 Authority citation revised 9654
110.50 (b)(4) revised 9655
150.16 (b) revised 31613
150.17 (a), (b) and (c) amended 31613
150.19 (c) amended 31613
150.20 (b) introductory text amended 8241
(b)(1) amended 31613
(b)(1) revised 41700
170.2 (a) amended 8242
170.12 (g) amended 31613
170.20 (b) revised 31613

Chapter II—Department of Energy

420 Class deviation 18548
456 Revised; interim 6715
Revised 34143
458 Removed 34185
465 Class deviation 18548
503.13 (b) introductory text amendment confirmed and republished 658
600 Class deviation 18548

Chapter III—Department of Energy

725 Authority citation revised 30139
725.3 (i) added 30139
725.15 (b)(3) revised 30139
725.22 (c) added 30140
725.23 (d)(9) revised 30140
763 Added 28538
862 Added 29838
961.11 Amended 35359
962 Added 15940

TITLE 10—Con.

Chapter X—Department of Energy (General Provisions)

1040.101—1040.170 (Subpart D) Addition published at 51 FR 4574 and 51 FR 4579 removed (regulations transferred to Part 1041) ... 1902
1041 Heading added; text transferred from 1940.101—1040.170 (Subpart D) published at 51 FR 4574 and 51 FR 4579 ... 1902
1041.170 (c) revised ... 1902

Title 10—*Proposed Rules:*

2 ... 1415, 3442, 6286, 11475, 12192, 20089, 27821, 29024, 29196, 30512, 36583, 41730, 45464
4 ... 41442
9 ... 29196, 30512
11 ... 41442
25 ... 41442
30 ... 2540, 7432, 12921, 41442
31 ... 41442
32 ... 2540, 41442
34 ... 41442
35 ... 36942, 36949, 41442
40 ... 7432, 12921, 41442
50 ... 543, 1200, 2416, 2951, 3121, 3822, 5780, 6334, 6650, 6980, 7432, 7887, 8075, 8460, 8917, 10771, 16275, 24015, 34223, 37321, 41442, 45344
55 ... 7432, 7887
60 ... 5992, 7432, 16403, 41442
61 ... 7432, 41442
62 ... 1634
70 ... 7432, 12921, 41442
71 ... 7432, 41442
72 ... 7432
73 ... 5781, 33420, 41442
74 ... 41442
75 ... 41442
95 ... 41442
110 ... 7432, 41442
150 ... 7432
420 ... 39604
430 ... 7972, 12342
435 ... 17052
456 ... 6754
458 ... 6754
600 ... 21820, 23627, 31016, 35111
625 ... 22960
703—961 (Ch. III) ... 2792
725 ... 15324
763 ... 4151
1004 ... 23156
1010 ... 17765, 18647, 38770
1013 ... 20403
1015 ... 43168

TITLE 11—FEDERAL ELECTIONS

Chapter I—Federal Election Commission

4 Authority citation revised ... 23637, 39212
4.1 (g) through (n) added; interim ... 23637
(g) through (n) revised ... 39212
4.5 (a) introductory text and (7) revised; (b) through (d) redesignated as (c) through (e); new (b) added; interim ... 23638
(a) introductory text and (7) and (b) revised ... 39212
4.7 (c) revised; interim ... 23638
(c) revised ... 39213
4.9 Revised; interim ... 23638
Revised ... 39213
5.6 (a)(1) amended; interim ... 23640
(a)(1) amended ... 39214
100.5 (e)(5) revised (effective date pending) ... 35534
Eff. 11-20-87 ... 44594
100.7 (c) revised (effective date pending) ... 773
Eff. 4-8-87 ... 11187
100.8 (c) revised (effective date pending) ... 773
Eff. 4-8-87 ... 11187
102.9 Introductory text and (e) revised; (f) added (effective date pending) ... 773
Eff. 4-8-87 ... 11187
103.3 Revised (effective date pending) ... 774
Eff. 4-8-87 ... 11187
104 Authority citation revised ... 774
104.8 (d) revised (effective date pending) ... 774
Eff. 4-8-87 ... 11187
106 Authority citation revised ... 20874
106.2 Revised (effective date pending) ... 20874
Eff. 8-18-87 ... 30904
110 Authority citation revised ... 769

110.1 Revised (effective date pending) ... 769
Eff. 4-8-87 ... 11187
(m) added (effective date pending) ... 35534
Eff. 11-20-87 ... 44594
110.2 Revised (effective date pending) ... 772
Eff. 4-8-87 ... 11187
(j) added (effective date pending) ... 35534
Eff. 11-20-87 ... 44594
110.14 Revised (effective date pending) ... 35534
Eff. 11-20-87 ... 44594
9001 Revised (effective date pending) ... 20876
Eff. 8-18-87 ... 30904
9002 Revised (effective date pending) ... 20876
Eff. 8-18-87 ... 30904
9003 Revised (effective date pending) ... 20877
Eff. 8-18-87 ... 30904
9004 Revised (effective date pending) ... 20882
Eff. 8-18-87 ... 30904
9005 Revised (effective date pending) ... 20886
Eff. 8-18-87 ... 30904
9006 Revised (effective date pending) ... 20887
Eff. 8-18-87 ... 30904
9007 Revised (effective date pending) ... 20887
Eff. 8-18-87 ... 30904
9012 Revised (effective date pending) ... 20891
Eff. 8-18-87 ... 30904
9031—9039 (Subchapter F) Revised (effective date pending) ... 20892
Eff. 8-18-87 ... 30904

Title 11—*Proposed Rules:*

100 ... 2416
110 ... 6580
114 ... 16275

TITLE 12—BANKS AND BANKING

Chapter I—Comptroller of the Currency, Department of the Treasury

5.1 (a) revised ... 5942
5.3 Revised ... 5942
21 Heading and authority citation revised ... 2859
Heading revised ... 28682
21.5 Revised ... 28682
(a) corrected ... 31478
21.21 (Subpart C) Added ... 2859
35 Added (temporary) ... 41961

Chapter II—Federal Reserve System

201.51 Revised ... 37436
201.52 Revised ... 37436
202 Determination ... 35537
202 Appendix B and Supplement I amended ... 10733
203 Exemption terminated ... 10365
204 Authority citation revised ... 2215
204.2—204.4 Authority citations removed ... 2215
204.9 Authority citation removed ... 2215
205.14 (a)(2) and (b) revised ... 30911
205 Supplement II amended ... 10734
Appendix A amended ... 30912
207 OTC margin stock list ... 3218, 15941, 28538, 41963
208 Authority citation revised ... 2859, 42090
208.14 Added ... 2860
208.15 Added ... 42090
211 Authority citation revised ... 30914
211.5 (f) added ... 30914
220 OTC margin stock list ... 3218, 15941, 28538, 41963
220.2 (r)(2)(iii) amended; (r)(3) added; (r) introductory text republished ... 32292
221 OTC margin stock list ... 3218, 15941, 28538, 41963
221.3 (b) revised; (c) (i) and (ii) redesignated as (c) (1) and (2); new (c)(1) revised ... 35683
224 OTC margin stock list ... 3218, 15941, 28538, 41963
225.43 (a) revised ... 23023
(c)(2) and (d) revised ... 23024
225.123 (e)(4) removed ... 45161
226 Authority citation revised ... 43181
226.1 (a), (d)(4), and (e) revised ... 43181
226.30 Added ... 43181
226 Supplement I amended ... 10878

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 12 Chapter II—Con. Page

227.14 Exemption granted in part....2400
261 Policy statement....15707
261.4 (g) removed....15300
261.8 Added....15300
265.1a (a)(2) amended....43318
265.2 (b) (10) and (11), (c) (26), (29) and (34), and (f) (26) and (48) amended; (c) introductory text and (g) revised....43318

Chapter III—Federal Deposit Insurance Corporation

303.0 Revised....35402
303.2 (c)(1) and (c)(2) heading removed; (c)(2) (i) and (ii) redesignated as (c) (1) and (2); new (c) (1) and (2) amended....35403
303.6 (l) removed; (m) and (n) redesignated as (l) and (m); (b) and (e) revised....35403
303.7 Revised....35404
303.8 Revised....35407
303.9 Revised....35408
303.10 Revised....35410
303.11 Revised....35410
303.12 Removed; new 303.12 redesignated from 303.13....35411
303.13 Redesignated as 303.12....35411
308.01 (b) amended....35411
308.03 (c) (1), (2) (i) and (ii) amended; (c)(2)(iii) and (3) added....35411
309.5 (a)(1), (b), and (c)(7) revised....23426
Technical correction....24090
310 Heading revised....34209
310.9 Revised....34209
310.13 (a) amended....34209
324 Added; interim; eff. to 6-30-88....41968
324.7 OMB number corrected....43190
325.2 (a), (j) and (k) revised....41972
325.3 (c)(4) revised....41973
325.5 (c) revised; (f) added....41973
325.101 Added....41973
325.102 Added....41973
326 Heading and authority citation revised....2860
326.0—326.7 (Subpart A) Heading added....2860
326.0 Heading revised....2860

Page

326.8 (Subpart B) Added....2860
337 Authority citation revised....39216
337.4 (h)(3) revised....23544, 39216
341.4 (a) revised....1182
346.19 (d)(6) revised....34210

Chapter IV—Export-Import Bank of the United States

404 Authority citation revised....37438
404.3 (d) amended....37438
404.4 (c) (1), (3), and (4) amended; (c) (6) and (7) and (d) removed; (c)(8) redesignated as (c)(6)....37438
404.6 Revised....37438

Chapter V—Federal Home Loan Bank Board

500.10 Amended....7120
500.31 Revised....5942
(a) (1) and (2) amended....10557
500.32 (a), (b) (1), (3), (5), (6), (8), (9), (10), and (12), and (c) introductory text revised....7120
(c) introductory text corrected....8550
505 Authority citation revised....7121
505.3 (c) and (d) removed; (e) and (f) redesignated as (c) and (d); new (d) revised....7121
505.4 (d) amended; authority citation removed....7121
505a Authority citation revised....7121
505a.3 (c) revised....7121
505b Authority citation revised....7121
505b.7 Amended....7121
508 Authority citation revised; section authority citations removed....7121
508.13 Amended....7121
510a Added....17392
514 Added....41701
522 Authority citation revised....33402
522.81 (a) (3) and (4) amended; (a)(5) added....33402
522.87 (a) designation removed....7122

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

Page

522.90 (a)(2) and (c) revised; (b)(2) amended....37763
523 Authority citation revised; section authority citations removed....7122
523.3-2 Heading and (b) revised; (c) through (g) added....30142
523.3-3 Amended....7122
523.10 (h)(5) amended....7122
545.3 Removed....36751
545.11 (a) heading added; (b) amended....7122
545.74 (d)(4) amended....7122
(d)(4) amendment at 52 FR 7122 removed....36751
545.82 (e) amended....7122
545.102 (b) revised....24135
545.115 (b) revised....18350
Eff. date deferred to 1-1-89....39068
545.138 (f) heading added....7122
546.2 (d)(3) and (h)(1)(i) revised....9800
552 Authority citation revised; section authority citations removed....7122
552.2-2 (d) amended....7122
(d) amendment at 52 FR 7122 removed....36751
552.8 (b) and (f)(2) amended; (f)(1) revised....7122
552.13 (h)(2) amended....7122
(i)(3) revised; (j)(3) amended....9800
552.14 (b) amended....7122, 9800
555 Authority citation revised; section authority citations removed....7122
555.10 Amended....7122
555.12 Amended....7122
555.17 (d)(2) amended....7122
556 Authority citation corrected....8550
556.5 (i) amended....7123
556.8 Amended....7123
561 Authority citation revised....7123
561.8 (b) corrected....36751
561.11a (f)(2) introductory text revised....8242
561.11f (a)(3)(ii) amended....8242
561.11g (a) amended....8242
561.13 (c) (1) and (2) amended....7123
Revised....18350
Eff. date deferred to 1-1-89....39068

Page

561.15 (b), (d)(2), and (j) (1) and (3) amended....7123
(j)(1) correctly designated....8550
(j)(1) corrected....36751
561.17 (a) amended....7123
563.4 (d)(3) amended....7123
563.6 (d) revised....8242
563.7-4 (i)(2)(iv) amended....7123
563.8 (c) heading added....7123
563.8-1 (d)(1)(v)(c) amended....7123
563.9-7 (b) amended....7123
563.9-8 (h) amended; interim....7822
(b)(1)(i), (g)(6), and (h) amended; (f) text designated as (f)(1); (b)(11), (c)(3), (f)(2), and (g)(3)(iv) added; (c)(2) and (g)(2)(v) and (3)(ii) introductory text and (A) through (C) revised....8205
Heading, (a), (c)(2) (i) and (ii), and (e)(2) revised; nomenclature change; (b)(1) introductory text and (6)(ii) and (e)(1) amended; (b)(6)(iii), (9), (10), and (11) redesignated as (b)(6)(iv), (10), (11), and (12); new (b)(6)(iii) and (9) and (f)(3) added....23802
563.13 (b)(4)(i)(E) revised....23641
Nomenclature change....23802
(b)(4)(ii)(D)(*2*)(*iii*) amended; (b)(4)(ii)(D)(*2*)(*iv*) redesignated as (b)(4)(ii)(D)(*2*)(*v*); new (b)(4)(ii)(D)(*2*)(*iv*) added; (b)(4)(ii)(E)(*2*) and (F)(*2*) revised....23803
563.13-1 (e) introductory text amended....7123
563.13-2 (a)(4) and (e)(1)(i) amended....23802
563.15 Heading and (b)(1) introductory text revised; (a) (3) and (4) added; (c) and (d) redesignated as (d) and (e); new (c) added....33402
563.16 Amended....33402
563.17-1 (c)(8) amended....7123
(c)(8) corrected....8550
563.17-4 (g) removed....18351
Eff. date deferred to 1-1-89....39068
563.17-7 Added....2860
OMB number....3207
563.22 (b) amended; (d) and (e)(1)(i) revised....9800
563.23-1 (f)(3)(i) revised....7123

TITLE 12 Chapter V—Con. Page
(a) and (b) revised; (f) removed; (g) redesignated as new (f)....18351
Eff. date deferred to 1-1-89....39068
563.23-2 Removed....18351
Eff. date deferred to 1-1-89....39068
563.23-3 (c) revised; (d) added....18352
Eff. date deferred to 1-1-89....39068
563.27 (b) amended....7123
563.31 (b)(1) amended....36751
563.35 (b) and (d) introductory text amended....7123
563.37 (b) amended....23802
563.38 (a) amended....23802
563.39 (b) (2) and (3) revised....4892
563.43 (b)(5) amended....7123
563.45 (c) and (d) amended....7123
563b Authority citation revised....7123, 36751
563b.1 (a)(2) removed; (a)(1) designation removed....7123
Amendatory instruction corrected....8550
563b.2 (a)(19) revised....7123
563b.3 (i)(3) revised....42092
563b.8 (w)(2) revised....42092
563b.101 Form PS amended...7124, 36752
563c Authority citation revised....7124, 18352
563c.14 (f) added....18352
Eff. date deferred to 1-1-89....39068
563c.102 Amended....7124
Corrected....8550
564 Authority citation revised....7124
564.9 (b) amended....7124
(b) revised....10558
569 Authority citation revised....7124
569.3 (b)(2) amended; (c)(2) removed; (c)(1) designation removed....7124
570 Authority citation revised....18352
570.4 Heading and (a) revised....18352
Eff. date deferred to 1-1-89....39068
571 Authority citation revised; section authority citations removed....7124
Authority citation revised....23941
571.5 (a) revised....23941
Effective date corrected....26295
571.8 Amended....7124
571.12 Added....39067
572 Authority citation revised....7124
572.1 (c)(2) and (e)(3) amended....7124
572a Authority citation revised....9801
572a.5 (c)(5) amended....9801
574 Authority citation revised....7124
574.2 (a)(2) revised; (k)(2) amended....9801
574.3 (c)(2)(iii) amended....7124
(c)(2)(iv)(A) revised....9801
574.4 (d)(5) revised....9801
574.5 (a)(1) revised....9801
574.6 (a)(3) revised; (e) and (f)(2) amended....9801
574.7 (e), (f), (g)(1)(ii) introductory text and (iii) revised....9801
574.8 (a)(3)(iv) revised....9802
584 Authority citation revised; section authority citations removed....7124
584.1 (a)(4) revised....36752
584.2-1 (a) and (b)(1)(v) amended....7124
584.4 (a) amended....7124
584.6 (c)(1) amended....7124
592 (Subchapter H and Part) Added....33403

Chapter VI—Farm Credit Administration

602.250 (a) introductory text, (5) and (8) revision eff. 5-6-86....2105
605 Authority citation revised....18200
605.502 (d), (f) and (j) revised....18200
611.1020 Revised (effective date pending)....36013
Eff. 10-28-87....41401
611.1021 Removed (effective date pending)....36013
Eff. 10-28-87....41401
611.1022 Removed (effective date pending)....36013
Eff. 10-28-87....41401
611.1030 Removed (effective date pending)....36013
Eff. 10-28-87....41401

Page
611.1031 Removed (effective date pending)....36013
Eff. 10-28-87....41401
611.1140 (b) introductory text, (1)(ii) and (2)(v), (vi) (B), (C), (F), and (H) and (4) (i), (ii) and (iii) revised; (b)(1)(iii) added (effective date pending)....12142
Eff. 5-20-87....19129
611.1142 (i) introductory text, (3) and (l)(3) revised; (l)(10) added (effective date pending)....12143
Eff. 5-20-87....19129
614 Authority citation revised....43740
Authority citation correctly revised....44970
614.4341 Added (effective date pending)....43740
614.4366 (e) revised (effective date pending)....12147
Eff. 5-20-87....19129
614.4367 (a) introductory text revised; (g) and (h) added (effective date pending)....12147
Eff. 5-20-87....19129
614.4440 (c) revised (effective date pending)....12147, 45162
Eff. 5-20-87....19129
614.4442 (b) revised (effective date pending)....12147
Eff. 5-20-87....19129
Revised (effective date pending)....45162
614.4443 Existing text designated as (a); (b) added (effective date pending)....12147
Eff. 5-20-87....19129
620 Addition eff. 5-6-86....2105
Hearings....8581
620.3 Technical correction....1440
621 Addition eff. 5-6-86....2105
621.2 Technical correction....1440
624 Hearings....2672
Heading and authority citation revised....13429
Authority citation revised....43740
624.100 Revised (effective date pending)....43741
624.103 (b) revised (effective date pending)....43741
624.104 Introductory text revised....2671
Redesignated as 624.105; new 624.104 added....13429
624.105 Redesignated from 624.104....13429
Amended....37132
(b) introductory text revised (effective date pending)....43741
624.110 Revised....13429
624.111 Revised....2671
(b) revised (effective date pending)....43741
624.113 (b) introductory text and (1) introductory text revised....2671
(a) and (b) introductory text and (1) introductory text revised....13429
(a), (b) introductory text, (1) introductory text and (ii) revised (effective date pending)....43741
(b) introductory text correctly revised....44970
624.114 Removed (effective date pending)....43741

Chapter VII—National Credit Union Administration

Chapter VII Interpretation and policy statement....35231
700 Authority citation revised....34895
700.1 (h)(1) revised....34895
701.13 Removed....43318
701.21 (c)(7) revised....8061
(a), (c) (5) and (8), and (d)(5) revised; (h) added....12368
701.27 (c)(3) revised; (d)(6) redesignated as (d)(6)(i) and amended; (c)(5) and (d)(6)(ii) and (iii) added....43570
701.36 (b)(6) revised; (e) (1) through (3) redesignated as (e)(1) (i) through (iii) and revised; (b)(8) and new (e)(2) and (3) added....43570
703.2 (i) revised; (p) through (t) redesignated as (q) through (u); new (p) added....43570
703.4 (e) amended; (f) and (g) added....43570
705 Revised....34893
706 Added; interim....35061
708 Revised....12374

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 12 Chapter VII—Con. Page

721 Authority citation revised....43571
721.2 (c) revised; (d) and (e) added....43571
741 Authority citation revised....12370
741.3 Redesignated as 741.4; new 741.3 added....12370
741.4 Redesignated as 741.5; new 741.4 redesignated from 741.3....12370
741.5 Redesignated as 741.6; new 741.5 redesignated from 741.4....12370
741.6 Redesignated as 741.7; new 741.6 redesignated from 741.5....12370
741.7 Redesignated as 741.8; new 741.7 redesignated from 741.6....12370
741.8 Redesignated as 741.9; new 741.8 redesignated from 741.7....12370
741.9 Redesignated as 741.10; new 741.9 redesignated from 741.8....12370
741.10 Redesignated from 741.9....12370
748 Heading and authority citation revised....2861
748.2 Added....2861
(b) revised....8062
790.4 (a)(7) revised....27987
790.7 Revised....27987
795.1 (b) table amended (OMB numbers)....28132

Title 12—*Proposed Rules:*

3....23045
18....23456
29....36953
30....36953
34....36953
206....30690
208....42301
211....21564, 26153
220....13458, 32138
221....29701
225....543, 3447, 4629, 5119, 9304, 18703, 21564, 26153, 36041, 42301
226....33596, 34811
227....28271
261....10233, 13458
262....21564, 26153
309....13843
325....11476, 11660
332....7442, 35724, 42304
337....11492
338....30928
350....23554, 25021
404....21569
500—591 (Ch. V)....33595, 39154
501....25870, 29387, 42116
505....45346
522....12425, 29030
523....3450
525....39076
543....25870, 29387, 42116
544....25870, 29387, 42116
545....3665, 25870, 29387, 42116
546....25870, 29387, 42116
551....25870, 29387, 42116
561....18369, 27218, 39087, 39145
563....80, 3665, 3669, 8207, 17406, 18043, 18369, 18386, 23845, 27218, 27219, 39070, 39087, 39098, 39105, 39112, 39145
563c....39145
564....3126, 8611, 26017
565....17408
571....5782, 7887, 18369, 18386, 23181, 27218, 27219, 39070, 39087, 39112
583....39076
584....39076
588....23181
611....13694, 43081
612....11080
614....21073
620....30374
621....30374
700—795 (Ch. VII)....27994
701....28274, 36428, 43340, 43342
702....38771
703....28274
705....12427
721....28274
741....38771
748....43342
790....19152
792....38926
1101....29865

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

101.3–2 Amended....18352, 35412
105.511 (g) revised....34896
108.1 (b)(3) amended; interim....27675
108.2 Revised; interim....27675
108.4 (d)(2)(iii) amended; interim....27676
108.5 (d) amended; interim....27676

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

Page

108.503–1 (b)(3) amended; (c)(1)(iii) added; interim....27676
108.503–3 (f) and (g) amended; interim....27677
108.503–4 (c)(3)(iii)(A) amended; (c)(4) added; interim....27677
108.503–6 (a) (1) and (2) amended; (d) redesignated as (e); new (d) added; interim....27677
108.503–7 (b)(2) amended; (c) revised; interim....27677
108.503–8 Revised; interim....27677
108.503–9 (a)(6) removed; (a)(7) through (11) redesignated as (a) (6) through (10); interim....27678
108.503–10 Revised; interim....27678
108.503–12 Revised; interim....27678
108.503–13 (c) and (h) amended; interim....27678
108.504 (a) amended; (b), (c), (e), and (f) revised; (g), (h), and (i) redesignated as (j), (k), and (l); new (g), (h), and (i) added; new (j) revised; interim....27678
108.505 (a), (d), (e), and (h) amended; (f), (g), and (k) revised; interim....27679
114 Heading and authority citation revised....32534
114.100—114.111 (Subpart A) Heading added....32534
114.112—114.113 (Subpart B) Added....32534
121.2 Existing Table designated as Table 2; (d) and new Table 1 added; interim emergency....399
Table 1 corrected....2400, 6133
(c)(2) table corrected....21497
121.5 (a) revised....42093
133.1 (c) table revised....27988
144 Added....31527

Chapter III—Economic Development Administration, Department of Commerce

309.3 (f) and (m) revised; interim....21932
309.7 (c) revised....27539
311 Authority citation revised....11627
311.1 (a)(5) added; (c) revised....11627
311.3 (d) revised....11627

Title 13—*Proposed Rules:*

102....18570
107....28842, 33598
120....19155, 42305
121....8261, 29532, 32870
125....32017
129....38433
140....38452
142....19156
143....21820, 23627
144....26019
145....39015

TITLE 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

15 Added....18171
21 Special FAA conditions corrected....656
Authority citation revised; section authority citations removed....1835
Special FAA conditions amended....3416, 11629, 23026, 27190, 32780, 32781, 37600, 39618, 41402–41404, 42095, 43849, 44094, 45447
21.17 (b) through (d) redesignated as (c) through (e); new (b) added; new (d) introductory text and (2) amended....8042
21.19 (b) introductory text amended....1835
21.21 Heading and introductory text amended....1835
Heading and introductory text revised....8042
21.23 Removed....8042
21.27 (a) and (f) table amended....1835
(f) table corrected....7262
21.31 (c) revised....8042
21.37 Amended....1835
21.39 (a) amended....1835
21.50 (b) revised....8042
21.73 (c) amended....1836
21.93 (b)(3) amended....1836
21.175 (a) amended....1836

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 14 Chapter I—Con. Page

(a) revised....8043
21.183 Heading and (e)(2) amended....1836
Heading revised....8043
21.195 (b) amended....1836
21.213 (c) amended....1836
21.231 (a) (2) through (5) redesignated as (a) (3) through (6); new (a)(2) added....1836
21.327 (f)(2) amended....1836
23 Special FAA conditions corrected....656
Heading revised....1825
Special FAA conditions amended....11629, 27190, 32780, 32781, 37600, 39618, 42095, 43849, 44094, 45447
23.1 (a) revised....1825
23.3 (a) introductory text, (b) introductory text, and (c) revised; (d) redesignated as (e) and revised; new (d) added....1825
(a) and (e) corrected....34745
23.25 (a) introductory text revised; (a)(2) amended....1825
23.45 (a) revised; (f) added....1826
23.51 (b) and (c) removed; (d) and (e) redesignated as (b) and (c); new (d) added....1826
23.53 Added....1826
(b)(2)(ii) and (c) (2) and (6) corrected....34745
23.55 Added....1826
23.57 Added....1827
23.59 Added....1827
23.61 Added....1827
23.65 (d) added....1827
(d) corrected....34745
23.67 (a), (b) and (c) amended; (e) added....1827
(e)(3) introductory text corrected....7261
(e)(1) introductory text and (3) introductory text corrected....34745
23.75 (g) added....1828
23.77 (a) and (b) amended; (c) added....1828
(a) and (b) corrected....34745
23.161 (b) and (c) introductory text and (3) revised....1828
23.173 (b) revised....1828

Page

23.175 (b)(2) introductory text revised....1828
23.333 (b)(3) amended; (c)(1)(iii) added; (d) diagram revised....1829
23.335 (a)(1)(i) and (b)(2)(i) revised; (d) added....1829
(d)(1) introductory text corrected....34745
23.337 (a)(1) and (b)(1) amended....1829
23.349 (a)(2) revised....1829
23.397 (b) table footnote 1 amended....1829
23.443 (b) and (c) redesignated as (c) and (d); new (b) added....1830
(b) corrected....7262, 34745
23.561 (b)(2) table corrected....34745
23.572 Heading revised; (a) amended; (b) added....1830
23.677 (d) added....1830
23.721 Added....1830
23.783 (c) added....1830
23.785 (g) revised....1830
23.787 (g) added....1830
(g)(2) corrected....34745
23.803 Added....1831
23.807 (d) added....1831
23.815 Added....1831
23.831 Existing text designated as (a); (b) added....1831
23.851 Added....1831
23.853 (d) and (e) redesignated as (e) and (f); (d) added....1831
23.901 (b)(3) added....1832
(b)(3) corrected....34745
23.903 (d) text redesignated as (d)(1); (d)(2) added; (e)(2) revised....1832
23.933 (d) added....1832
23.963 (f) added....1832
23.997 (e) added....1832
23.1163 (d) added....1832
23.1165 (f) added....1833
23.1193 (g) added....1833
23.1195 Added....1833
23.1197 Added....1833
23.1199 Added....1833
(c) corrected....34745
23.1201 Added....1833
(a) corrected....7262
23.1203 Amended....1833
23.1305 (f), (h) and (k) revised....1833

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

Page

(k)(2) corrected....34745
23.1309 (d) added....1833
23.1323 (c) and (d) added....1834
(c) corrected....34745
23.1325 (f) added....1834
23.1351 (a)(2), (b) (2), (3) and (4), and (d) revised; (b)(5) added....1834
(a)(2) introductory text and (b)(5)(v) corrected....34745
23.1523 (a) revised....1834
23.1581 (e) added....1834
23.1583 (a)(3), (c) (3) and (4), and (e)(4) added....1834
23.1585 (h) added....1835
23.1587 (d) added....1835
23 Appendixes F and G amended....1835
Appendixes F and G corrected....34745
25 Special FAA conditions amended....3416, 23026, 41402–41404
25.853 Comment time extended....5422
25.904 Added....43156
25 Appendix F comment time extended....5422
Appendix I added....43156
36 Authority citation revised; section authority citations removed....1836
36.1 (a)(2) and (e) amended....1836
36.9 Heading and introductory text amended....1836
36.501 (Subpart F) Heading amended....1836
36.501 (a)(2) amended....1836
36.1581 (d) amended....1836
36 Appendix F amended....1836
39.13 ....517, 519–524, 1319, 1320, 1441–1443, 2216–2218, 2511, 2512, 2673, 2674, 2676, 3108–3112, 3419–3422, 3424, 3426, 3596–3600, 3793, 3998–4000, 4278–4281, 4605–4607, 4764–4767, 4892, 5074, 5437, 5438, 5531, 5944–5947, 6134, 6135, 6777, 6778, 6953–6956, 7405, 7564–7567, 7823, 8063, 8582, 8583, 8873, 9121, 9294, 9470, 9471, 10044, 10218–10220, 10558, 10736, 10737, 11631–11639, 11985–11987, 12517–12519, 13232–13234, 13633, 13635, 13636, 15303, 15709, 16830, 16831, 17551, 17748–17750, 17936, 17937, 18549, 18551, 18902,

Page

19131, 19306, 19481–19485, 20699–20702, 21243–21245, 21498, 21660, 22630, 23427, 23428, 23643–23645, 23942–23948, 24136–24142, 24984, 24985, 25204–25207, 25362, 25590, 25592, 25966, 26296, 26471, 26472, 26663–26666, 26946–26949, 27192–27195, 27787–27789, 28133–28136, 28242–28245, 28683, 28684, 28818, 28974–28976, 29372, 29373, 29505, 29506, 30143, 30330, 31378–31383, 31980, 31982, 32535, 32536, 32913, 32914, 33225–33229, 33918, 33919, 34632, 34633, 34898, 34900, 35233, 35234, 35687, 35690, 36228, 36229, 36565, 36753–36755, 36914, 37928, 38080–38083, 38394–38398, 38746–38748, 41405, 41552–41557, 41703, 41705, 41937, 41974, 41975, 42627, 43055, 43320, 43742–43744, 43746, 43850, 44095–44098, 44376, 45451, 45453, 45454
Corrected....3079, 6286, 7568, 27328, 39329, 40020, 42397, 43191, 44377, 45449
Directive published at 52 FR 15303 and 52 FR 29505 suspended....35908
Regulation at 52 FR 38748 effective date corrected....41704
Eff. 1–13–88....45164, 45165, 45452
43 Authority citation revised....3390
43.13 (c) heading and text amended....20028
43 Appendix F revised....3390
Appendix F corrected....6651
Appendix A amended....17277
Appendix B amended....34101
Technical correction....35234
45.11 (a) revised; (d) added....34101
Technical correction....35234
(d) corrected....36566
45.21 (d)(3) revised....34102
Technical correction....35234
45.29 (b) introductory text revised; (h) added....34102
Technical correction....35234
(h) corrected....36566
61.107 (d)(1) and (f)(1) revised....17277
61.113 (a), (b) and (c) amended; (d) and (e) added....4846
61.127 (f)(1) revised....17277

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 14 Chapter I—Con. Page

61.131 (a) and (b) amended; (c) and (d) added....4847
65 Authority citation revised; section authority citations removed....17518
65.31 (c) revised....17518
65.33 (d) revised....17519
65.49 (a) revised....17519
67.20 Enforcement policy....41557
71.123 ....4130, 4893, 5948, 8243, 11033, 17552, 18903, 21248, 27329, 27789, 28685, 28687, 38749–38750, 38910, 38912, 38913, 39619, 39621–39623, 39625, 39626
Corrected....3079, 7262, 38752, 42273
Eff. 1–14–88....39905, 42273, 42274, 43056, 44380, 44382
71.125 21247
71.127 Corrected....3079
71.151 ....5078, 11034, 21247, 21500, 28686
Technical correction....7370
Eff. 1–14–88....38752
71.171 ....525, 775, 2219, 5439, 9122, 10045, 11816, 15710, 15711, 19133, 21499, 23429, 28685, 28819, 31386, 31387, 31983, 31984, 32537, 37440
Corrected....19132, 33680, 33919, 34457, 41532
Eff. 1–14–88....29507, 31384, 31385, 36230, 37441, 38751
Eff. 3–10–88....44595
71.181 ....526, 1626, 3601, 4282, 5439, 5440, 6136, 6137, 6778, 7406, 7407, 8243, 8874, 10559, 11816, 15710–15713, 17553, 17938, 18551, 19132, 19837, 20703, 21246, 21499, 22631, 23429, 23430, 26141, 28685, 28819, 28820, 31387, 31388, 31614, 31985, 32537, 32915, 32916, 34902, 36566, 38398
Corrected....12900, 19132, 20194, 23138, 34211, 34900, 44380
Eff. 1–14–88....34901, 36567, 37442, 39903, 39904, 44378, 44379, 44381
Eff. 3–10–88....44595
71.203 21248
Eff. 1–14–88....44380
71.207 21248
71.401 ....4894, 11031, 30916
Corrected....7369
Technical correction....31846
71.501 ....1423, 1430, 4487, 7395, 9383, 11183, 15480, 35393, 37735
Corrected....4079, 4608, 17366
Technical correction....13173
73.21 21249
73.22 4131
73.23 ....4895, 10560, 11034, 17394
Corrected....7370, 42397
Eff. 1–14–88....38752
73.25 ....4895, 21500, 35235
73.29 ....21249, 28225
73.30 ....18552, 21250
Corrected....19962
73.32 21247
73.34 11034
73.41 10560
73.42 16833
73.44 ....21250, 28225
73.48 10560
Eff. 1–14–88....44384
73.52 27790
73.53 21250
73.55 5078
Technical correction....7370
73.64 28686
73.66 8874
73.71 21250
75.100 ....5079, 18903, 21247, 21248, 21251, 21252, 27329, 28687, 28688, 35236, 35693–35695, 36231–36233, 38914
Corrected....37874, 42275
Eff. 1–14–88....39905, 42274, 43057
Regulations at 52 FR 35236 effective date deferred to 1–14–88....41405, 42275
91 Authority citation revised....1836
Authority citation revised; section authority citations removed....9636
Special FAA Reg. 50 added....9775
Special FAA Reg. 50 corrected....18689
Special FAA Reg. 50 redesignated as FAA Reg. 50–1 and revised....22743
91.24 (a) and (b) revised....3391

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

Page

91.27 (c) added....34102
Technical correction....35234
91.35 Introductory text and (a) through (d) redesignated as (a) introductory text and (1) through (4); new (b) added....9636
91.90 (b)(2)(iii) revised....3391
91.161 (b) revised....20028
91.173 (a)(1) amended....17277
(c) revised; (d) added....34102
Technical correction....35234
91.213 (a)(3) added....1836
93.101—93.105 (Subpart H) Removed....19254
95 ....4132, 10739, 19839, 27792, 34376, 38089
97.21—97.35 ....662, 2220, 3427, 4610, 5949, 8244, 10046, 12520, 13637, 17395, 19841, 21501, 23431, 24986, 26951, 28821, 30145, 32538, 34903, 36234, 38399, 39627, 43747
121 Authority citation revised....3391
Authority citation revised; section authority citations removed....9636, 20957
Special FAA Reg. 38–2 amended....28939
121.3 (i) added....20028
121.312 Comment time extended....5422
121.337 Revised....20957
121.343 Revised....9636
121.345 (c) revised....3391
121.417 (c) revised; (d) redesignated as (e); new (d) and (f) added....20958
121.589 Revised....21476
121 Appendix B amended....9637
125 Authority citation revised; section authority citations removed....9637
Special FAA Reg. 38–2 amended....28939
125.1 (e) amended....6957
(d) and (e) removed; (a) and (b) (1), (3), and (4) revised....20028
125.11 (a) revised; (c) added....20028
125.202 Added....9637
127 Authority citation revised....3392
Special FAA Reg. 38–2 amended; authority citation revised....28939
127.123 (b) revised....3392
129 Heading revised....20029
Special FAA Reg. 38–2 amended; authority citation revised....28939
129.1 Revised....20029
129.11 (a) introductory text revised; (a)(4) and (c) added....20029
129.14 Added....20029
Effective date deferred to 2–25–88....32528
129 Appendix A amended....20029
135 Authority citation revised....3392
Authority citation revised; section authority citations removed....9637
Special FAA Reg. 50 added....9775
Special FAA Reg. 50 corrected....18689
Special FAA Reg. 50 redesignated as FAA Reg. 50–1 and revised....22743
Special FAA Reg. 38–2 amended....28939
135.11 (c) added....20029
135.143 (c) revised....3392
135.151 (a) introductory text revised; (b) redesignated as (c); new (b) added....9637
135.169 (a) and (b) introductory text revised; (b) (5) and (6) amended; (b)(7) added....1836
(b) introductory text corrected....34745
135.363 (j) added....1836
135.398 Added....1836
139 Revised....44282
159 Authority citation revised....21504, 21910
159.79 Revised....21504
(a)(1)(i) corrected....23762
159.89 (a) revised; (c) added....21504
159.181 Revised....21910
Technical correction....23762
159.183 Revised....21911
Technical correction....23762
159.184 Added....21911
Technical correction....23762
159.185 Revised....21911
Technical correction....23762
171 Policy statement....20703

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 14—Con.

Chapter II—Office of the Secretary, Department of Transportation (Aviation Proceedings)

211 Authority citation revised ..... Page 5442
211.30—211.35 (Subpart D) Added 5442
234 Added 34071
234.13 Removed 34077
241 Nomenclature change (OMB numbers) 9132
Sec. 7 amended 9129
Sec. 12 amended 9129
Sec. 19-7 revised 6529
Sec. 19-7 Appendix A added 6530
Sec. 21 (b), (d) and (l) revised 9130
Sec. 22 (a) tables revised 9130
Sec. 23 amended 9131
Sec. 24 amended 9131
Sec. 25—Sec. 26 undesignated center heading revised 9132
Sec. 25 Schedule T-7 removed 9132
Sec. 26 removed 9132
255.3 Amended 34073
255.4 (e) added 34073
272 Added 5443
300.2 (e) revised 18904
Technical correction 21150
302.8 (g) added 5445
302.9 Revised 5445
302.1705 (c) revised 5445
385.21 Added 18905

Chapter V—National Aeronautics and Space Administration

1201.200 Revised 31986
1201.300 (a)(3) and (c)(3) revised 31986
1201.402 Revised 31986
1204.509 Added 35538
1206 Authority citation revised 18905
Revised 41407
1206.101 (g) through (o) added; interim 18905
1206.601 (c) revised; interim 18906
1206.603 (c) revised; interim 18906
1206.700—1206.706 (Subpart 7) Revised; interim 18906
1207 Revised 22755
1207.405 (a)(4) correctly revised 36234
1215 Appendix A revised 10881
1245.100—1245.118 (Subpart 1) Revised 43748
1260.104 (b) revised 12378
1260.105 (a) and (b) revised 12378
1260.109 Added 12378
1260.406 Amended 12378
1260.420 (e) added 12378
(e) correctly designated 13375
1260.514 (d) amended 12379
1260.602 Revised 12379
1260.603 Amended 12379
1261.400—1261.417 (Subpart 1261.4) Revised 19487
1261.500—1261.508 (Subpart 1261.5) Added 19495
1261.600—1261.606 (Subpart 1261.6) Added 19497
1264 Added; interim 39498

Title 14—*Proposed Rules:*

1—199 (Ch. I) 1924, 5309, 8078, 8918, 22329, 25886, 26020, 27563, 35272, 45200
1 ..... 1635, 32268
21 ..... 9176, 10109, 10111, 17409, 17410, 18573, 19517, 19520, 27219-27223, 27821, 32804-32811, 33246, 38454, 38772, 39190
23 ..... 9176, 10109, 10111, 18573, 19517, 27219-27223, 27821, 32804-32811, 33246
25 ..... 5424, 17890, 19520, 38454, 38772, 39190, 45578
27 ..... 1635, 20938
29 ..... 1635, 11997, 20938
36 ..... 7618, 8050, 23144, 27304, 28416
39 ..... 435, 551-557, 1338, 1468, 3126, 4021, 4914, 4915, 5140, 5141, 5546, 6001, 6170, 6804, 6987, 7443, 7619, 8079-8082, 8263, 8264, 8612-8615, 8919, 9181, 10113, 10114, 10236-10238, 10581,

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

Page
11081, 11663, 11664, 11997, 11998, 12544, 12545, 13249, 13251, 16851, 16852, 17598-17601, 17958, 17959, 18575, 19168, 20721, 20722, 21312, 21314, 21572-21575, 22329, 22331, 22786, 23461-23466, 23661-23663, 24304, 25022-25028, 25236-25239, 25606, 26021, 26022, 26348, 26349, 26484, 27414, 27822, 27823, 28276-28280, 28564-28566, 29032, 29353, 29387-29390, 29534, 30380, 31409, 31410, 32937, 33947-33952, 34225-34228, 35273, 35725-35729, 36274-36276, 36583, 36785, 36787, 37620-37624, 38107, 38456-38458, 38934, 41583-41585, 41731, 42001, 42002, 42308, 43342, 43769-43771, 44132-44134, 44406, 44608
61 ..... 22918, 29205
71 ..... 81, 297, 558-560, 1925, 2545, 2722, 4348, 4629, 4916, 6002, 6805, 6988, 6989, 7279, 7444, 7445, 8730, 8920, 8921, 9182-9184, 9312, 9313, 10115, 10582, 11082, 11828, 12286, 12935, 13713, 15326, 15511, 15512, 16853-16858, 18536, 18576, 18920, 19360, 19521, 20412, 20825, 21316, 22031, 22332, 22918, 23468-23470, 24017, 24305, 24306, 25029, 25240, 26023, 26153, 26350, 26351, 26485-26497, 27224, 27415, 27416, 27824, 27972, 27976, 28725, 28726, 29205, 29353, 29470, 29474, 29605, 29612, 30168, 30381, 30512, 31411, 31846, 32562, 34230, 34606, 34682, 34683, 36278, 36585-36587, 36866, 37472, 37718, 38785, 38786, 39659, 39660, 41587, 41732, 42176, 42309, 44136-44139, 45292, 45465
73 ..... 2545, 2546, 3079, 15326, 27825
75 ..... 4153, 6989, 8920-8923, 12000, 12286, 25241-25244, 25607-25610, 30381, 38382, 39661, 41587, 41588
91 ..... 2236, 2547, 7618, 22918, 23144, 29205, 32268, 35052
121 ..... 5424, 20560, 20982, 32268, 39190, 42512, 45578
125 32268
129 32268
135 ..... 2236, 20560, 32268, 42512, 45124, 45578
145 45124
159 7446
215 5547
217 ..... 26498, 34889
234 22046
241 ..... 26498, 34889
255 22046
298 5547
382 ..... 5467, 19881
389 5547
1203 2548
1245 24477
1251 ..... 25124, 27902
1265 39015

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

4 Authority citation revised 26952
4.9 Revised 26952
22 Added 7

Chapter I—Bureau of the Census, Department of Commerce

30.55 (h) revised 32782

Chapter III—International Trade Administration, Department of Commerce

302 Removed 5757
303.14 (e) revised 3794
368 Authority citation revised 32122
368.2 (a)(4) removed 31754
369 Authority citation revised 32122
369 Supplement No. 14 added 17285
370 Authority citation revised 32122
370.4 Revised 28543
370.6 (d) removed 31754
370.11 (c) revised 11640
(a)(2) heading and (i) revised; (c) amended 31755
370.13 (a) introductory text revised 32122
370.14 Heading revised; (a) introductory text and (6), (b) introductory text, and (f)(1)(ii) and (2)(ii) amended; (a)(3) redesignated as (a)(3)(i); new (a)(3) heading and (ii) added 32122
(a) introductory text and (3)(ii) amended 32539
371 Authority citation revised 2106, 32122
Export controls continued 2500
371.1 Amended 6138

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

TITLE 15 Chapter III—Con. Page

371.2 (c)(11) amended ... 2106
371.4 (b)(2) removed ... 31754
371.5 (d) revised ... 2106
371.7 (d) added ... 2106
371.8 Heading and (a) revised; (b) amended ... 26954
(c) revised ... 29374
(a) and (b) amended ... 32122, 32539, 39216
(a) and (c) revised ... 43852
371.14 Added ... 5275
(c) corrected ... 6649, 10741
(b) amended ... 26954, 32539, 39216
371.16 Introductory text revised ... 2106
371.17 Introductory text, (a)(2) heading, (e), (f) heading, introductory text, (1) (i), (ii), and (iii), and (3)(v) revised; (a)(5) added; (a)(2)(i) introductory text, (f)(1) (iv) and (v), (2) heading, introductory text, (i) and (iii), and (3) (i) and (iii) amended ... 23028
(a)(2) heading and (i) and (f) introductory text, (2) heading and text, and (3)(i) amended ... 23168
(a)(2)(i) revised ... 31754
(e)(4)(i) amended ... 44099
371.18 (b) (2) and (3) revised ... 23027
(a)(1) footnote 12 redesignated as footnote 11 ... 23029
371.20 Added ... 5275
(a) introductory text amended ... 26954, 32539
371.22 (d)(1) introductory text and (2) revised ... 6138
(b) introductory text footnote 13 and (4) footnote 14 redesignated as footnotes 12 and 13 ... 23029
371.23 Added ... 43852
371 Supplement No. 1 added ... 5275
372 Authority citation revised ... 2106, 32122
372.2 (b) (1) and (4) revised; (b)(3) amended ... 6138
372.4 (c) revised ... 6138
372.9 (c) revised ... 664
372.11 (e)(2)(iii) amended; (e)(2)(iv) added ... 6138
(d)(3) amended ... 32122, 32539
(g) and (i) heading revised; (h)(1) amended; (i)(1) heading and (2) removed; (i)(1) (i), (ii), and (iii) redesignated as new (i) (1), (2), and (3) ... 34212
373 Authority citation revised ... 2106, 32122
Export controls continued ... 2500
373.1 (a)(1)(iii) revised ... 2106
373.2 (b)(2) added ... 6138
(d)(3) and (e)(4)(ii) revised ... 22632
(b)(8) amended ... 23168
373.3 (d)(3)(ii)(E)(*3*)(*iii*) amended ... 2106
(f)(5) revised ... 22632
(a)(1)(ii) amended ... 23168
373.7 (b)(7), (d)(1), (2) (i) and (ii) and (3), and (h)(1)(ii) amended ... 6138
(f)(3) revised ... 22632
(c)(1) heading and text amended ... 23168
(i)(4) amended ... 44099
373.8 (a)(2) amended ... 23168
373 Supplement No. 6 amended ... 9149
Supplement No. 4 amended ... 33920
374 Authority citation revised ... 32122
374.2 (j) revised ... 3601
(a)(1) amended ... 5275
(a)(4) revised ... 23029
(a)(4)(i) amended ... 23168
(j) amended ... 32540
(a)(1) revised ... 36568
(a)(1) amended ... 43853
374.3 (e) (3) and (4) amended ... 31756
(c)(1)(ii) amended ... 34212, 44103
374.6 Revised ... 6138
375 Authority citation revised ... 28544, 32122
375.1 Table amended ... 34212, 44103
375.3 (b) and (c)(1) amended ... 34213
(b) and (c)(1) revised ... 44103
375.6 (b)(1) amended ... 3601
(a) amended; (b)(1) revised; (c) added ... 28544
(c)(3) amended ... 44099
375 Supplement No. 1 amended ... 34213, 44103
376 Export controls continued ... 2500
Authority citation revised ... 32122
376.8 (b)(1) (ii) and (iii) amended ... 23168

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

Page

376.12 Revised ... 9149
(a) (2) and (3) revised; (a)(4) and (h) added ... 44596
376.14 (a) amended ... 5532, 11640
376.17 Added ... 776
376.18 Added ... 28545
377 Authority citation revised ... 28136
377.1 (b) and (c) (1), (2), (3), and (4) amended ... 28136
377.2 (d)(1) and (e) amended ... 28136
377.3 (a)(2), (b) introductory text and (c) introductory text amended ... 28136
377.4 (c) introductory text, (d)(1) introductory text and (vi), (e), (f) introductory text, and (1)(i), (h) introductory text, and (i) (1) and (2) amended ... 28136
377.6 (d)(2) amended ... 2106
(d) introductory text and (3)(ii) introductory text and (e)(2) amended; footnotes 1 and 2 redesignated as footnotes 2 and 3 ... 28137
377.7 (a), (d), (e) introductory text, (1), (4), and (5), (f)(1), (g) introductory text, flush text following (h)(3), (j), and (m) amended ... 28136
(m) correctly designated ... 29353
377.8 (b), (f), (g), (h), (i), (j), and (l) amended; (d) revised ... 28136
377.9 (b) introductory text and (c) amended ... 28136
377.15 (d) amended ... 28136
378 Authority citation revised ... 32122
379 Authority citation revised ... 2106, 32122
Export controls continued ... 2500
379.4 (e) (1) and (2) amended ... 2106
(f)(1) introductory text revised; (f)(1)(i)(P) removed ... 2500
(f)(1) amended ... 6139
(b)(5) added; interim ... 21505
(d)(18) amended; (d)(19) redesignated as (d)(20); new (d)(19) added ... 27498
(d)(19) amended; (d)(20) redesignated as (d)(21); new (d)(20) added ... 28545
379 Supplement No. 3 amended ... 2106, 27506
Supplement No. 4 amended ... 27499, 28545
Supplements No. 3 and No. 4 amended ... 29177
385 Authority citation revised ... 2106, 32122
Export controls continued ... 2500
385.1 (b)(2) amended ... 9151
385.2 (c) removed ... 2501
385.4 (c)(9) (i) and (iii) amended; (a)(13) added ... 2107
(f) amended ... 2501
(d)(2) amended; (d)(4) redesignated as (d)(5) and revised; new (d)(4) added ... 23168
(d)(2) amended ... 23545
(e) revised ... 28551
(e) redesignated as (e)(1); new (e)(1) heading and (2) added ... 36756
(d)(3) revised ... 45309
385 Supplement No. 2 amended ... 2107
Supplement No. 1 amended ... 27798
386 Authority citation revised ... 2106, 32122
386.1 (c)(2)(i) amended ... 6139
386.3 (r)(2) amended ... 6139
(l) removed ... 31754
386.6 (a)(1)(ii) amended ... 5275
386.7 Revised ... 664
386 Supplement No. 1 revised ... 6139
387 Authority citation revised ... 2106, 32122
388 Authority citation revised ... 32122
389 Authority citation revised ... 2106, 32122
389.2 (b)(1) amended ... 6139, 29177
391 Authority citation revised ... 32122
399 Interpretation ... 405
Authority citation revised ... 2106, 32122
Export controls continued ... 2500
399.1 (f)(1) (iii) and (iv) redesignated as (f)(1) (iv) and (v); new (f)(1)(iii) added ... 29177
(f)(3)(i) revised ... 43853
Supplement No. 1, Group 0 amended ... 2501, 28546, 43853
Supplement No. 1, Group 1 amended ... 2501, 28546, 28547, 43853

TITLE 15 Chapter III—Con. Page
Supplement No. 1, Group 2 amended....27501, 27502, 34213, 43853, 45310
Supplement No. 1, Group 2 corrected....28640
Supplement No. 1, Group 3 amended....666, 2501, 3602, 6139, 8445, 22632, 27502, 27503, 28546, 28547, 33920, 36756, 43853, 44099, 45310
Supplement No. 1, Group 4 amended....23168, 23545, 27503, 27504, 28546, 28548, 33920, 35539, 43853, 45311
Supplement No. 1, Group 4 corrected....28640
Supplement No. 1, Group 5 amended....666, 2107, 2501, 3602, 5532, 11458, 11641, 13829, 22632, 23169, 23545, 25208, 27509, 27513, 28246, 28546, 28548, 29177, 29374, 33920, 43853, 44099, 45311
Supplement No. 1, Group 5 corrected....28640
Supplement No. 1, Group 6 amended....6139, 11641, 22632, 23545, 27504, 33920, 43853
Supplement No. 1, Group 6 corrected....28640
Supplement No. 1, Group 7 amended....666, 2107, 2501, 11458, 22632, 27504, 27505, 28546, 28550, 28552, 29840, 31756, 33921, 44102
Supplement No. 1, Group 7 corrected....28640
Supplement No. 1, Group 8 amended....28546
Supplement No. 1, Group 9 amended....5533, 29178, 45311
399.2 Supplement No. 1 amended....2501, 8445, 28552
Supplement No. 1 corrected....23170

Chapter VIII—Bureau of Economic Analysis, Department of Commerce

801.9 (a) revised....19843
801.10 Added....19843
806.14 (f) (1) and (2) revised....8446
(f)(3) (iii) and (iv)(B) revised; (f)(3)(iv) (C) and (D) redesignated as (f)(3)(iv) (D) and (E); new (f)(3)(iv)(C) and (v) added....42276
806.15 (h) (1) and (2) revised....8446

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce

904 Revised....10325
908.9 Revised....4896
908.11 (a) revised....4896
960 Added....25970

Chapter XXIII—National Telecommunications and Information Administration, Department of Commerce

2301 Revised....31499

Title 15—*Proposed Rules:*

4....15327
7....11498
24....21820, 23627
26....39015
30....13714
280....11498
301—399 (Ch. III)....42663
368....10771
371....8265
374....8265
399....8265, 9241
801....5785, 36587
806....34685, 42447
942....32563
971....34748, 37972

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

3.22 (a), (b), (c), and (e) revised....22293
3.24 (a)(2) revised....22293
3.45 (b) and (d) revised; (e) added....22293
3.46 (a) revised....22294
3.51 (c)(1) revised....22294
3.52 (f) through (j) redesignated as (g) through (k); new (f) added....22294
4.9 (b)(5) introductory text and (c) heading revised; (c)(2) redesignated as (c)(3); new (c)(2) added....22294
5.1 Revised....34765
5.9 Revised....34765
5.11 (b) introductory text and (1), (d) and (e) revised; (b)(5) added....34765
5.12 (c) revised; (f)(5) added....34765
5.17 Revised....34766
5.42 (a) revised....34766
13 Amended....253, 254, 2513, 3221, 3602, 5079, 6540, 7407, 8446, 9294, 9655, 12379, 12900, 16234, 31987, 33921, 34213, 34766, 35412, 35413, 36234, 36235, 37283, 37601, 41706, 44384, 45165, 45166
Corrected....656
305.9 (a) Table 1 revised....22633
429 Existing regulations unchanged....29507
436 Existing regulations unchanged....18353
453 Exemption granted in part....39376
455 Staff compliance guidelines....18553
Staff compliance guidelines corrected....19845
Petitions denied....34769
702.1 (c) revised; (g) removed....7574
702.3 (a) revised....7574
801.1 (b) introductory text, (1), and (2) revised; existing Example designated as 1; Examples 2, 3, and 4 added....20063
801.4 (b) *Example* 1 revised....7080
801.11 (a) revised; (e) added....7080
801.12 (b)(1) revised....7081
801.13 (a)(1) and (b)(2)(ii) revised; (a)(2) *Example* 4 and (3) added....7081
801.15 (a)(2) and (c) *Example* 4 revised....7081
801.30 (b) *Example* 3 revised....7082
801.40 *Example* revised....7082
802.35 Added....7082
802.41 *Example* 1 revised....7082
802.70 Revised....7082
803.5 (a)(1)(iii) revised; (a)(2) *Example* designated as (a)(2) *Example* 1; (a)(2) *Examples* 2 through 5 added....7082
803.10 (a)(2) redesignated as (a)(3) and revised; new (a)(2) added....7083
803 Appendix revised....7084

Chapter II—Consumer Product Safety Commission

1015.9 Revised....28979
1015.16 (g) revised....44597
1019 Existing regulations unchanged....5080
1034 Correctly designated....405
1109 Existing regulations unchanged....5080
1115 Existing regulations unchanged....5080
1201 Existing regulations unchanged....5080
1202 Existing regulations unchanged....5080
1205 Existing regulations unchanged....5080
1207 Existing regulations unchanged....5080
1209 Existing regulations unchanged....5080
1212 Existing regulations unchanged....5080
1301 Existing regulations unchanged....5080
1302 Existing regulations unchanged....5080
1303 Existing regulations unchanged....5080
1304 Existing regulations unchanged....5080
1305 Existing regulations unchanged....5080
1401 Existing regulations unchanged....5080
1402 Existing regulations unchanged....5080
1404 Existing regulations unchanged....5080
1750.7 (b) correctly designated....406

Title 16—*Proposed Rules:*

13....1926, 3252, 6003, 6172, 6806, 8461, 12430, 12546, 17602, 17960, 20096, 20723, 22789, 26534, 29535, 29537, 31412, 37326, 38108, 44408, 45201
424....2115
429....29539
456....2723, 41732
703....9314, 13715
801....7095

CHANGES JANUARY 2 THROUGH NOVEMBER 30, 1987

Title 16—*Proposed Rules—Con.* Page
802 7095
803 7095
1000—1750 (Ch. II) 38935
1015 17767

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Futures Trading Commission

Page
1 Interpretation 27195, 34633
1.3 (rr) and (ss) added 28994
(z)(2)(iii) revised; (z)(2)(iv) added 38922
1.10 (d) (1) and (2) and (g)(2) revised 28994
1.12 (f)(3) added 28248
(b)(2) revised 28995
1.16 (a)(4) revised 28995
1.17 (c)(2)(i) revised 28250
(a)(1)(i)(B), (b)(2), (c)(5)(iii), (e)(1), (h)(2)(vi)(C), (vii) (A) and (B), (viii)(A), (3) (ii) and (v) revised 28995
1.19 Revised 28997
1.33 (a) and (b) introductory text revised 28997
1.42 (a) revised 18910
3.16 (a)(3) revised 41984
4.6 Added 41984
4.12 Revised 41984
4.14 (a)(8) added 41985
(a)(8)(i)(B) and (iii)(B) corrected 43827
4.21 (a)(17)(i) introductory text and (g) revised 41985
4.22 (c) amended 41986
4.31 (f) revised 41986
5 Appendix B amended 22635
9 Revised 25366
9.2 (k) corrected 27286
9.12 (b) corrected 27286
9.20 (b)(7) corrected 27286
9.24 (b) corrected 27286
11 Appendix A added 19501
15.00 (b)(1) (i) and (ii) revised 38922
15.02 Revised 38922
15.03 (a) revised 18910
(a) designation and (b) removed 38922
16.00 (a)(3) removed 18910
19 Authority citation revised 38922
19.00 (a) and (b) introductory text revised 38922
19.01 Heading and introductory text revised 38923
19.02 Introductory text revised 38923
19.03—19.04 Removed 38923
19.10 (a) and (b) revised 38923
30 Revised 28998
31 Appendixes A and B amended 22635
32.1 (a) revised 29003
32.11 (b) revised 29003
33.11 Added 29508
140.93 (a)(1) revised; (a)(6) added 41986
140.735–4 (b) (1) and (2) revised 20592
(b)(1)(iii)(B) corrected 22415
145 Authority citation revised 19307
145.7 (e) through (i) redesignated as (f) through (j); new (e) added 19307
145 Appendix B revised; Appendix B authority citation removed 19308
150 Revised 38923
166 Authority citation revised 29003
166.1 (b) (1) and (2) revised 29003
166.2 (b) revised 29003

Chapter II—Securities and Exchange Commission

260.19b Revised 12148
200.30–3 (a)(6) revised 19856
200.30–4 (a)(7) revised 12148
200.30–5 (a)(8) revised 18690
200.80—200.83 (Subpart D) Authority citation revised; section authority citations removed 24146
200.80 (a)(1)(iv), (2) introductory text, and (3), (b) introductory text, (d)(5), (7)(i), and (8) introductory text, and (e)(5) amended; (b)(7)(i), (c)(1) introductory text, (d) (1), (2), (4), and (6)(ii), and (e) (1), (2), (4), and (7) introductory text revised; (e) (8) through (14) added; (f) removed; interim 24146
200.80b (a) removed; (b) amended and designation removed; interim 24148

93-145 O - 87 - 3

TITLE 17 Chapter II—Con. Page

200.80c Heading and (a) amended; (b) revised; interim....24148
200.80d Revised....24148
200.80e Revised....24148
201 Authority citation amended....25208
201.6 (b) revised....25208
202.3a Effectiveness extended to 9-1-88....33796
203.7 (a) revised....12148
210.6-07 Amended....23172
211 Interpretative releases....17396, 18200, 21933, 31027
229.10 (c)(1)(iii) amended....21260
229.301 Instructions amended....30919
229.302 (b) removed; (c) redesignated as (b) and amended....30919
229.303 Instructions amended....30919
229.304 Instructions amended....21939
229.501 (c)(8) revised....21260
(c)(8) corrected....30145
229.502 (d)(2) revised....21260
(d)(2) corrected....30145
229.512 (j) added....21260
(h) heading and introductory text amended....21939
(j) corrected....30145
229.601 Instruction 1 (Item 601) revised....21260
230.423 Amended....21260
230.424 (a), (b), (c), and (e) revised; (c) Note added....21260
230.430A Added....21261
230.481 (b)(2) and (d)(2) revised....21262
(b)(2) corrected....30146
230.482 (a)(4) added....21262
230.497 (h) added....21262
230.499 (c)(7) amended....21262
239.13 Form S-3 amended....21262
Form S-3 corrected....30146
239.16b Form S-8 amended....21262
239.25 Form S-4 amended....21262, 21938
Form S-4 corrected....30146
239.33 Form F-3 amended....21263
Form F-3 corrected....30146
239.34 Form F-4 amended....21263, 21939
Form F-4 corrected....30146

Page

240 Authority citation amended....16838, 27969, 42279
240.3a12-8 (a)(1) (ii) and (iii) amended; (a)(1) (iv), (v), and (vi) added....42279
240.3a43-1 Added....27969
240.3a44-1 Added....27970
240.10a-1 (a)(1)(ii) revised....24152
240.11Aa2-1 Revised....24153
240.11Aa3-1 (a) (4), (5), and (6) and (b)(1) revised; (b)(2) (i) through (vii) redesignated as (b)(2) (ii) through (viii); new (b)(2)(ii) revised; new (b)(2)(i) added....24153
240.11Ac1-1 (a)(16) revised; (a)(19) removed; (a) (20) and (21) redesignated as (a) (19) and (20)....24153
240.14a-1 (b) through (j) redesignated as (c) through (k); new (b) added....23648
240.14a-2 Heading, introductory text, (a) introductory text and (b) introductory text amended....21936
240.14a-6 (j) introductory text revised....21936
240.14a-8 (c)(1) amended....21936
240.14a-11 (b)(5) amended....21936
240.14a-13 (a)(1)(i)(B), (ii)(A), (2) and Note 1, and (b)(3) revised; (a)(1)(i)(D) and (d) added....23648
240.14a-14 Added....21936
240.14a-101 Amended....21263, 21937
Corrected....30146
240.14b-1 (a) introductory text revised....23649
240.14b-2 (a)(1), (b) introductory text, (e)(1), (h) introductory text and (i) Note 2 revised; (c)(1)(i)(b) correctly designated as (c)(1)(i)(B); (j) added....23649
240.14c-1 (b) through (l) redesignated as (c) through (j); new (b) added....23649
240.14c-7 (a)(1)(i)(A) and Note 1, (b)(3), and (c) revised; (a)(1)(i)(C) and (d) added....23649
240.15b1-3 (b) revised....16838
240.15b2-2 (a) and (b) revised....16838
240.15c2-2 Removed....39217

Page

240.15c3-1 (a)(9) and (c)(2)(iv)(H) added; (c)(2)(iv)(F) (*1*), (*2*), and (*3*) revised....22298
240.15c3-3 (b)(4) added....30333
240.15c3-3a Table amended....30334
240.15Ca1-1—240.15Cc1-1 Undesignated center heading added....16839
240.15Ca1-1 Added....16839
240.15Ca2-1 Added....16839
240.15Ca2-2 Added....16839
240.15Ca2-3 Added....16840
240.15Ca2-4 Added....16840
240.15Ca2-5 Added....16840
240.15Cc1-1 Added....16841
240.17a-3 (a)(4) (v) and (vi), (5) and (8) revised; (a)(4)(vii) added....22299
240.17a-13 (b) (1), (2), and (3) revised....22299
240.31-1 (f) revised....24153
241 Interpretative releases....11458
249.220f Form 20-F amended....30919
249.501 Form BD amended....16841
249.501a Form BDW revised....15492
Revised....16844
270 Authority citation amended....42284, 42428
270.6c-9 Added....42284
270.6e-3(T) Revised....11208
270.19b-1 (a) and (c)(1)(iii) revised; (f) added....42428
274 Authority citation amended....42284
274.305 Added....42284
275.206(4)-4 Added....36918
276 Interpretative releases....38400
279.1 Form ADV amended....36918

Chapter IV—Department of the Treasury

Chapter IV Chapter established....19682
Revised....27926
400—449 (Subchapter A) Added....19682
Revised....27926
400 Added....19682
Revised....27926
401 Added....19685
Revised....27930
402 Added....19687
Revised....27931

Page

402.2a Schedules B and C correctly revised....23141
403 Added....19702
Revised....27947
404 Added....19706
Revised....27952
405 Added....19708
Revised....27954
449 Added....19710
Revised....27956
450 (Subchapter B and Part) Added....19711
Revised....27957

Title 17—*Proposed Rules:*

1....28281, 28284, 32565, 33850, 44413
3....19522, 45350
4....19522
12....41733
33....22333
140....19522
145....44413
147....44413
200....25124, 27902, 35115
210....11665
229....13715, 24018
230....29033, 29206
239....11665, 29033, 32018
240....11083, 11089, 11665, 18237, 19885, 22334, 22493, 23665, 23849, 23855, 24018, 25245, 36045, 37472, 44447
249....17301, 24018
250....23679
270....22334, 22496
274....24018, 32018
275....43343
279....11665

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Energy Regulatory Commission, Department of Energy

2.19 Added....39907
2.66 Order on remand....30146
Rehearing granted....37928
2.104 Added; interim....30351
Addition eff. 9-15-87; (f) amended....35539
Rehearing granted....36919
Seminars....37284
Response time extended....39507
2.105 Added; interim....30352

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

TITLE 18 Chapter I—Con. Page

Addition eff. 9–15–87....35539
Rehearing granted....36919
Seminars....37284
Response time extended....39507
2.400 Undesignated center heading and section added....19310
Undesignated center heading correctly added....21410
4 Authority citation revised...37285, 39630
4.32 (a) (3) and (4) redesignated as (a) (4) and (5); (a)(2)(iv) revised; new (a)(3) added....37285
4.38 Rehearing denied....13234
4.41 Rehearing denied....13234
4.51 Rehearing denied....13234
4.61 Rehearing denied....13234
4.101 Amended....39630
4.106 (c) amended....39630
4.109—4.113 Removed....39630
11 Rehearing granted....25208
Rehearing denied....37929
11.1 (a) (2) and (4) and (b) (2), (3) and (4) revised; (b)(6) removed....18208
Rehearing denied....37929
11.2 (b), (c), and (d) revised....18209
Rehearing denied....37929
11.3 (c) revised....18209
(c) revision effective date confirmed....33802
Rehearing denied....37929
11.4 (b) revised....18209
(b) revision effective date confirmed....33802
Rehearing denied....37929
11 Schedule A added....18210
Schedule A revised....43321
16 Authority citation revised....11039
16.1 Revised; interim....11039
16.14 Added; interim....11039
16.15 Added; interim....11039
16.16 Added; interim....11039
(c)(1) revised; (d)(1) suspended; interim....18228
35 Authority citation revised...23965, 24993
35.13 (a)(2)(ii) revised....24993
Rehearing granted....30659
Rehearing denied....39907
35.26 Revised....23965
Rehearing granted....30659
(b)(1) and (g)(2) revised; (c)(4) amended; rehearing granted in part....35702
35.27 Added....24993
Rehearing denied....39907
37.9 (d) table revised....13638, 27680, 39909
74.3602 Addition effective date confirmed....37286
116 Authority citation revised; text amended....45169
154 Authority citation revised....21292, 21668
Rehearing denied....29659
154.28 Revised....43879
154.38 (h)(3)(v) amended....15714
(d)(6) added....21292
Clarification....23650
Technical correction....24153
Petitions granted....28463
Order on remand....30146
(d)(6)(ii) revised; rehearing granted in part....36021
Rehearing granted....37928, 44859
(d)(4) revised; (h) removed....43880
154.42 Order on remand....30146
Rehearing granted....37928
(e)(2) revised....43880
154.52 (c) revised....43880
154.63 (b) (3) and (4) and (f) amended....43880
154.94 (k)(4) revised....21668
Rehearing granted....29008
154.111 Rehearing denied and clarification....31987
154.206 (b)(1)(i) revised....43880
154.208 (b)(1) revised....43880
154.209 (a)(2) amended....43880
154.212 Amended....43880
154.301—154.310 Undesignated center heading added....43880
154.301 Added....43880
154.302 Added....43880
154.303 Added....43881
154.304 Added....43883
154.305 Added....43883
154.306 Added....43886
154.308 Added....43886
154.309 Added....43887
154.310 Added....43887
157 Rehearing denied....29659
Order on remand....30146
Rehearing granted....37928
201 Authority citation revised; text amended....28467
Order on remand....30146
Rehearing granted....37928

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

Page

270 Authority citation revised....29005, 43888
Rehearing denied....29659
270.101 (c)(1) revised....29005
(f) introductory text revised....43888
270.102 Order on remand....30146
Rehearing granted....37928
270.201 (a) (5) through (7) redesignated as (a) (6) through (8); new (a)(7) revised; new (a)(5) and (b)(5) added....21677
270.203 Order on remand....30146
Rehearing granted....37928
271 Authority citation revised....21668, 23030, 29006
Rehearing denied....29659
271.101 (a) Tables I and II amended....15714, 28468, 41416
271.102 (c) Table III amended....15715, 28469, 41417
271.702 Order on remand....30146
Rehearing granted....37928
271.703 (d)(111)(iii) added....10741
(b)(5) and (c) revised; (d) (199) and (200) added....29006
Order on remand....30146
Rehearing granted....37928
271.704 Order on remand....30146
Rehearing granted....37928
271.1104 (d)(1)(iv) revised; (h) added....21668
(h) correctly revised....23030
Rehearing granted....29008
272 Authority citation revised....26474
272.101 Revised....26474
272.103 (a)(3) redesignated as (a)(4); new (a)(3) added....26475
272.104 Revised....26475
273 Authority citation revised....26475, 29007, 43888
273.102 (a)(1) revised....29007
273.204 (a)(1)(v) added....26475
273.302 (f)(2)(i) introductory text revised....43889
274 Authority citation revised....29007
274.104 (a)(5) revised....29007
274.501 (a)(1) (i) through (iv) revised; (a)(2) table amended....29007
282 Order....15715, 19856
Removed....28467
284 Authority citation revised....28467
Rehearing denied....29659
Rehearing granted in part....39630
284.8 (f) added; interim....30352
(f) addition eff. 9–15–87....35539
(f)(6) amended....35540
Rehearing granted....36919
Seminars....37284
Response time extended....39507
(f)(1)(ii), (2), (3), (4) introductory text, and (6) revised....39632
284.9 (f) added; interim....30353
(f) addition eff. 9–15–87....35539
(f)(6) amended....35540
Rehearing granted....36919
Seminars....37284
Response time extended....39507
(f)(1)(ii), (2), (3), (4) introductory text, and (6) revised....39632
284.10 Suspended....27799
Suspension removed; heading and (a) revised; (c) and (d) removed; (e) and (f) redesignated as (c) and (d); new (c) heading, (2), and (3)(ii), and (d) (1) and (2) revised; interim (effective date pending)....30354
Rehearing granted....31029, 36919
Suspension removal and amendments at 52 FR 30354 eff. 11–1–87....35540
Seminars....37284
Response time extended....39507
Suspension removal eff. 1–1–88....39633
284.224 (e)(3) removed; (e) (4), (5), and (6) redesignated as (e) (3), (4), and (5)....28467
284.225 Revised....21678
284.226 Revised....21679
292 Authority citation revised....28467
292.203 (b) revised....28467
292.205 (c) removed; (d) redesignated as (c) and revised....28467
292.501—292.503 (Subpart E) Removed....28467
300.1 (a) revised....20709
300.14 Added....20709
300.21 (c)(2) revised....20709

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

TITLE 18 Chapter I—Con. Page

375 Authority citation revised....18562, 21292, 43889
375.306 (j) added....21292
Clarification....23650
Technical correction....24153
Petitions granted....28463
Rehearing granted in part....36013
Rehearing granted....44859
375.307 (a)(18) added....18562
(w) added....21292
Clarification....23650
Technical correction....24153
Petitions granted....28463
(l) removed; (m) through (w) redesignated as (l) through (v)....28467
Rehearing granted in part....36013
(b)(1) amended....43889
Rehearing granted....44859
375.308 (v) added....21292
Clarification....23650
Technical correction....24153
Petitions granted....28463
Rehearing granted in part....36013
Rehearing granted....44859
381 Authority citation revised....10367, 28467
381.201 Amended....10367
381.202 Amended....10367
381.204 Amended....10367
381.205 Amended....10367
Revised....43889
381.207 (b) amended....10367
381.208 Amended....10367
381.209 (b) amended....10367
381.302 (a) amended....10367
381.303 (a) amended....10367
381.304 (a) amended....10367
381.401 Amended....10367
Revised....28467
381.402 Amended....10367
381.403 Amended....10367
381.405 Amended....10367
381.505 Amended....10367
381.506 Amended....10367
381.507 Amended....10367
381.508 Amended....10367
381.509 Amended....10367
381.510 Amended....10367
382 Added....21292
Clarification....23650
Technical correction....24153
Petitions granted....28463
Rehearing granted in part....36013

Page
382.102 (a) and (o) revised....36022
Rehearing granted....44859
382.106 (a) revised....36022
Rehearing granted....44859
382.202 Revised....36022
Rehearing granted....44859
385 Authority citation revised....28467, 35909
385.401—385.411 (Subpart D) Petitions for rehearing granted....16844
385.402 (a) revised....35909
385.403 (b) revised....35909
385.408 (a) and (b)(3) revised....35909
385.410 (c)(6) revised....35910
385.1101 (a) revised....28467
389.101 (b) table amended (OMB numbers)....18228, 24994, 31990, 37931, 43191, 45171
Rehearing granted....30659
Rehearing denied....39907

Chapter III—Delaware River Basin Commission

401 Authority citation revised....37602
401.91—401.109 (Subpart G) Redesignated as 401.101—401.119 (Subpart H)....37602
401.91—401.119 (Subpart G) Added....37602
401.111—401.114 (Subpart H) Redesignated as 401.121—401.124 (Subpart I)....37602
401.101—401.119 (Subpart H) Redesignated from 401.91—401.109 (Subpart G)....37602
401.121—401.124 (Subpart I) Redesignated from 401.111—401.114 (Subpart H)....37602
410 Water Code amended....16239
Water Code corrected....17888

Chapter XIII—Tennessee Valley Authority

1301.1—1301.4 (Subpart A) Authority citation revised....17939
1301.2 Revised....17939
1310 Authority citation revised....25592

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

Page
1310.2 (c) added....25592
1310.3 (d) redesignated as (e); new (d) added....25592

Title 18—*Proposed Rules:*

2....20314, 23183, 33756, 33765
3....24027, 43612
4....10898, 19889, 21576, 23557, 25246, 38460, 43612
11....10898, 19889
12....23557, 25246
16....28159
37....37326, 42003, 44609
141....28159
154....20828, 25530, 28159, 35117
157....18703, 20192, 25530, 28159, 35117, 43612
161....21578, 37801
250....21578, 37801
260....25530, 35117
271....15731, 18577, 18578
282....20828
284....18703, 20192, 25530, 33756, 33765, 35117
292....15732, 38460, 43612
375....10898, 19889, 20828, 38460, 43612
380....20314, 23183
381....20828, 24027, 43612
385....29216
388....24027
401....24307
410....32024
1301....10772, 32573, 34343
1310....19734

TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury

4.41 (a) amended....20066
4.98 (j) addition comment time extended....20593
6.3a (a) introductory text, (1), and (2) revised....24292
6.7 (b)(3)(ii) amended....20066
(b)(3)(ii) corrected....26142
6.12 (g) amended....20066
6.16 Amended....20066
10.6 Revised....20066
10.9 (g) and (h) removed; (i) through (l) redesignated as (g) through (j)....20066
10.10 Section and footnote 8 removed....20066
10.18 Revised....24445
10.19 Removed....24445

Page
10.20 Removed....24445
10.35 (b) and (d) removed; (c) redesignated as (b)....20066
10.50 Section and footnote 45 removed....20066
10.53 (a) and (b) and footnotes 48 and 50 removed; (c) through (i) redesignated as (a) through (g); new (b), (c), and (e)(6) amended....20066
10.54 (b) and footnote 51 and (a) designation removed....20066
10.56 (f) amended....20066
10.58 (a) removed; footnote 55 removed....20066
10.64a Removed....20066
10.66 (a)(2) and footnotes 61 and 62 removed; (a) (3) and (4) redesignated as (a) (2) and (3); (b) amended....20066
10.70 (a) and footnotes 64 and 65 removed; (b) and (c) redesignated as (a) and (b); heading revised; new (a) amended....20066
10.71 (f) amended....20066
(f) corrected....26142
10.72 Section and footnote 66 removed....20067
10.73 Section and footnote 67 removed....20067
10.74 Section revised; footnote 68 removed....20067
10.78 (a) revised....20067
10.79 Removed....20067
10.81 (b) amended....20067
10.82 Removed....20067
10.83 (a) revised....20067
10.90 (a), (b), and (d) and footnote 81 removed; (c), (e), (f), and (g) redesignated as (a), (b), (c), and (d); new (d) amended....20067
10.98 (e) amended....20067
10.101 (b) and (c) heading and text amended....20067
10.106 Section and note removed....20067
10.108 (b) and footnote 100 removed; (a) designation removed....20067
10.110 Section and footnote 103 removed....20067
12.39 (d) added....39221

TITLE 19 Chapter I—Con. Page

12.104 Notice of import restrictions....34614
18.2 (a)(2)(ii) and (c)(1) amended....20067
18.13 (b) revised....20067
19.16 Removed....20067
24 IRS interest rate....10561
24.24 (b)(1) table, (c)(6)(i), and (e)(3)(ii) corrected....10970
Addition comment time extended....20593
(b)(1) table revised; interim....26297
54.5 (a) amended....20067
54.6 (a) revised; (d) and footnote 1 amended....20067
101.3 (b) table amended....15496, 22300, 35063, 36758
101.4 (c) table amended....35063, 36758
101.5 Revised....16374
Effective date note corrected....18322
103.12 (g) revised; (h) and (i) added; interim....43192
113.64 (e) added....37135
Technical correction....38042
123.4 (b) amended....20068
(b) corrected....26142
123.52 (e) and (f) amended....20068
123.64 (b), (c), and (d)(2) amended....20068
123.65 (d)(2) amended....20068
127 Authority citation revised....15497
127.22 Revised....15497
133.42 (c) corrected....10668
141.11 (a)(4) amended; (a)(5) removed....20068
141.61 (a)(2), (e)(1)(i)(A), and (f)(1)(iv) and (2)(i) amended....20068
141.63 (c) added....24155
141.68 (h) amended....20068
(h) corrected....26142
141.88 Revised....24445
141.111 (b)(1) and (c) removed....20068
143.23 Introductory text amended....20068
Introductory text corrected....26142
143.24 Heading and text amended....20068
Heading and text corrected....26142
143.25 Amended....20068
Corrected....26142
144.42 (b) (1), (2), and (3) amended....20068

Page

145.4 (c) amended....20068
(c) corrected....26142
145.12 (b)(1), (c), and (e)(1) amended....20068
(b)(1), (c) and (e)(1) corrected....26142
146.22 (e) corrected....10970
(e) addition comment time extended....20593
148.13 (d) revised....24445
148.24 (a) amended....24445
148.101 Introductory text, *Example 1* text, and *Example 2* text corrected; *Example 1* table and *Example 2* table correctly revised....12149
Amended; Examples 1 and 2 footnotes amended....24446
152.1 (a) and (b) removed; (c) amended; (d) added....24446
152.20 Removed....24446
152.21 Removed....24446
152.22 Removed....24446
152.23 Amended....24446
152.24 Removed....24446
152.31—152.43 (Subpart D) Removed....24446
172.2 Revised....12151
172.12 (b) revised....12152
172.23 Amended....12152
172.33 (a)(1) and (c)(2)(ii) revised....12152
175 Petition denial contested....37442
Interpretative rule....37443
Petition denial contest and interpretative rule corrected....38835
177 Interpretative rule....11216
177.9 (b)(3) amended....24446
178.2 Table amendment (OMB numbers) comment time extended....20593

Chapter III—International Trade Administration, Department of Commerce

353.24 Added....30662
355.8 Added....30662

Title 19—*Proposed Rules:*

4....24169
6....36788, 44917
7....26154
19....41734, 43434
101....13473, 17770, 32025
111....10774

Page

112....41734, 43434
113....35274, 37044
127....12000
141....36279, 42310, 43827
146....41734, 43434
175....15512
177....36279, 36789, 39662
178....42310, 43827
201....21317
353....25246
354....25246
355....25246

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Office of Workers' Compensation Programs, Department of Labor

10.1 Revised; eff. 6-1-87....10503
10.2 (b) revised; eff. 6-1-87....10503
10.3 (i) added; eff. 6-1-87....10503
10.4 Revised; eff. 6-1-87....10503
10.5 (a)(6), (11) (iv) through (xx), (12) and (14) through (20) and (b) revised; (a) (21) through (26) added; (c) and (d) removed; eff. 6-1-87....10503
10.10 Revised; eff. 6-1-87....10504
10.11 Revised; eff. 6-1-87....10505
10.12 Added; eff. 6-1-87....10505
10.20 (b) table amended; eff. 6-1-87....10505
10.23 Revised; eff. 6-1-87....10505
10.100 Revised; eff. 6-1-87....10505
10.101 Redesignated as 10.103 and revised; new 10.101 redesignated from 10.102 and revised; eff. 6-1-87....10506
10.102 Redesignated as 10.101 and revised; new 10.102 redesignated from 10.103 and revised; eff. 6-1-87....10506
10.103 Redesignated as 10.102 and revised; new 10.103 redesignated from 10.101 and revised; eff. 6-1-87....10506
10.104 Added; eff. 6-1-87....10506
10.105 (a) revised; (e) added; eff. 6-1-87....10507
10.106 Revised; OMB number; eff. 6-1-87....10507
10.107 Revised; eff. 6-1-87....10507
10.109 Revised; eff. 6-1-87....10507
10.110 Redesignated as 10.125 and revised; new 10.110 added; eff. 6-1-87....10508

Page

10.111 Revised; eff. 6-1-87....10508
10.120 Revised; eff. 6-1-87....10508
10.121 Revised; eff. 6-1-87....10509
10.122 Revised; OMB number; eff. 6-1-87....10509
10.123 Redesignated as 10.124 and revised; eff. 6-1-87....10509
Added; eff. 6-1-87....10510
10.124 Redesignated as 10.126 and revised; new 10.124 redesignated from 10.123 and revised; eff. 6-1-87....10509
10.125 Redesignated from 10.110 and revised; eff. 6-1-87....10508
10.126 Redesignated from 10.124 and revised; eff. 6-1-87....10509
10.127 Added; eff. 6-1-87....10510
10.128 Added; eff. 6-1-87....10511
10.130 Revised; eff. 6-1-87....10511
10.131 Revised; eff. 6-1-87....10511
10.132 Revised; eff. 6-1-87....10511
10.133 (a) revised; eff. 6-1-87....10512
10.134 Redesignated as 10.136 and revised; eff. 6-1-87....10512
Added; eff. 6-1-87....10513
10.135 Redesignated as 10.137 and revised; new 10.135 added; eff. 6-1-87....10512
10.136 Redesignated as 10.138 and revised; new 10.136 redesignated from 10.134 and revised; eff. 6-1-87....10512
10.137 Redesignated as 10.139; new 10.137 redesignated from 10.135 and revised; eff. 6-1-87....10512
10.138 Redesignated from 10.136 and revised; eff. 6-1-87....10512
10.139 Redesignated from 10.137; eff. 6-1-87....10512
10.140 Revised; eff. 6-1-87....10513
10.141 Revised; eff. 6-1-87....10513
10.144 Revised; eff. 6-1-87....10513
10.145 (c) introductory text, (d), (g), (h) and (i) revised; OMB number; eff. 6-1-87....10513
10.160—10.166 Undesignated center heading added; eff. 6-1-87....10514
10.160—10.164 Added; eff. 6-1-87....10514
10.165 Added; eff. 6-1-87....10515

TITLE 20 Chapter I—Con. Page
10.166 Added; eff. 6-1-87.....10515
10.200 Revised; eff. 6-1-87.....10515
10.201 Revised; eff. 6-1-87.....10515
10.202 Redesignated as 10.203 and revised; eff. 6-1-87.....10515
Redesignated from 10.210 and revised; eff. 6-1-87.....10516
10.203 Removed; new 10.203 redesignated from 10.202 and revised; eff. 6-1-87.....10515
10.204 Revised; eff. 6-1-87.....10516
10.205 Revised; eff. 6-1-87.....10516
10.206 (a) revised; eff. 6-1-87.....10517
10.207 Revised; OMB number; eff. 6-1-87.....10517
10.208 Revised; eff. 6-1-87.....10517
10.209 Revised; eff. 6-1-87.....10518
10.210 Redesignated as 10.202 and revised; eff. 6-1-87.....10516
10.301 (a) revised; eff. 6-1-87.....10518
10.302 Revised; eff. 6-1-87.....10518
10.303 Revised; eff. 6-1-87.....10518
10.304 Revised; eff. 6-1-87.....10519
10.305 Redesignated as 10.306 and revised; new 10.305 added; eff. 6-1-87.....10519
10.306 Redesignated as 10.307; new 10.306 redesignated from 10.305 and revised; eff. 6-1-87.....10519
10.307 Redesignated from 10.306; eff. 6-1-87.....10519
10.310 Revised; eff. 6-1-87.....10519
10.311 (b) and (c) revised; eff. 6-1-87.....10520
10.313 (a) revised; (c) added; eff. 6-1-87.....10520
10.314 Revised; eff. 6-1-87.....10520
10.320—10.324 Undesignated center heading added; eff. 6-1-87.....10520
10.320 Added; eff. 6-1-87.....10520
10.321 Added; eff. 6-1-87.....10521
10.322 Added; eff. 6-1-87.....10521
10.323 Added; eff. 6-1-87.....10522
10.324 Added; eff. 6-1-87.....10522
10.400 (e) revised; eff. 6-1-87.....10522
10.413 Added; eff. 6-1-87.....10522
10.452 (a) revised; eff. 6-1-87.....10522
10.500 Revised; eff. 6-1-87.....10522
10.503 Introductory text, (b), (c) and (d) revised; eff. 6-1-87.....10522
10.506 Added; eff. 6-1-87.....10523
10.507 Added; eff. 6-1-87.....10523
Page
10.600—10.624 (Subpart H) Added; eff. 6-1-87.....10523

Chapter II—Railroad Retirement Board

200 (Subchapter A) Heading revised.....11010
200 Heading and authority citation revised.....11010
Authority citation revised; section authority citations removed.....41559
200.1 Redesignated as 200.2; new 200.1 added.....11010
200.2 Redesignated as 200.3; new 200.2 redesignated from 200.1.....11010
200.3 Redesignated as 200.4; new 200.3 redesignated from 200.2.....11010
Revised.....11011
200.4 Redesignated as 200.5; new 200.4 redesignated from 200.3.....11010
(g) revised.....13820
200.5 Redesignated as 200.6; new 200.5 redesignated from 200.4.....11010
200.6 Redesignated as 200.7; new 200.6 redesignated from 200.5.....11010
200.7 Redesignated from 200.6.....11010
Revised.....41559
209.2 OMB number.....11016
210.7 OMB number.....11016
216.7 OMB number.....11016
216.9 OMB number.....11017
216.21 OMB number.....11017
216.31 OMB number.....11017
216.47 OMB number.....11017
216.71 OMB number.....11017
217.3 OMB number.....11017
217.5 OMB number.....11017
217.10 OMB number.....11017
230.3 OMB number.....11017
234.10 OMB number.....11017
234.30 OMB number.....11017
260.5 OMB number.....11017
260.9 OMB number.....11017
266.12 OMB number.....11017
320.39 OMB number.....11017
322.4 OMB number.....11017
325.12 OMB number.....11017

Page
325.13 OMB number.....11017
330.4 OMB number.....11017
335.102 OMB number.....11017
335.103 OMB number.....11018
335.104 OMB number.....11018
335.202 OMB number.....11018
341.4 OMB number.....11018
345.4 OMB number.....11018
345.5 OMB number.....11018
345.6 OMB number.....11018
345.8 OMB number.....11018
359 (Subchapter E and Part) Added; interim; effective in part to 8-12-87.....19133

Chapter III—Social Security Administration, Department of Health and Human Services

401 Authority citation removed.....27540
401.100—401.125 (Subpart A) Authority citation added.....27540
401.200—401.220 (Subpart B) Authority citation added.....27540
401.300—401.350 (Subpart C) Authority citation added.....27540
401.400—401.420 (Subpart D) Authority citation added.....27540
401.500.401.510 (Subpart E) Authority citation added.....27540
401.600—401.604 (Subpart F) Authority citation added.....27540
404 Technical correction.....38835
404.1—404.3 (Subpart A) Authority citation revised; section authority citations removed.....27540
404.101—404.146 (Subpart B) Authority citation revised.....27540
404.201—404.290 (Subpart C) Authority citation revised; section authority citations removed.....27540
404.301—404.395 (Subpart D) Authority citation revised; section authority citations removed.....19136, 27540
Authority citation revised.....26955
404.305 (b) revised.....19136
(b) corrected.....21410
404.362 (b)(2) amended.....37604
404.366 Introductory text and (b) introductory text revised.....26955
Page
404.401—404.468 (Subpart E) Authority citation revised; section authority citations removed.....26145, 27540
404.417 (b) revised.....26145
404.460 (d) added.....26145
404.501—404.515 (Subpart F) Authority citation revised; section authority citations removed.....27540
404.601—404.641 (Subpart G) Authority citation revised; section authority citations removed.....27540
404.701—404.780 (Subpart H) Authority citation revised; section authority citations removed.....27540
404.801—404.831 (Subpart I) Authority citation revised; section authority citations removed.....27540
404.900—404.999d (Subpart J) Authority citation revised; section authority citations removed.....27540
404.965 Removed.....17286
404.1001—404.1096 (Subpart K) Authority citation revised; section authority citations removed.....27541
Section authority citations removed.....29662
Authority citation correctly revised.....39635
404.1043 Revised.....29662
404.1055 Revised.....29662
404.1059 (g) revised.....29662
404.1060 (a) and (e) revised.....29662
404.1201—404.1290 (Subpart M) Authority citation revised; section authority citations removed.....27541
404.1301—404.1371 (Subpart N) Authority citation revised.....27541
Authority citation corrected.....33316
404.1341 (a) and (c) revised; (d) added.....29663
404.1401—404.1413 (Subpart O) Authority citation revised.....27541
404.1501—404.1599 (Subpart P) Authority citation revised; section authority citations removed.....27541
404.1503 (e) added.....33926

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

TITLE 20 Chapter III—Con. Page

404.1526 (b) amended; (c) revised....33926
404.1546 Amended....33926
404.1594 (f)(7) amended....44971
404.1599 (e) amended....37605
404.1601—404.1694 (Subpart Q) Authority citation revised....27541
404.1615 Revised....33926
404.1616 Added....33927
404.1617 Added....33927
404.1700—404.1799 (Subpart R) Authority citation revised....27541
404.1800—404.1825 (Subpart S) Authority citation revised....27541
404.1901—404.1930 (Subpart T) Authority citation revised....27541
404.2001—404.2065 (Subpart U) Authority citation revised; section authority citations removed....27541
404.2101—404.2127 (Subpart V) Authority citation revised....27541
416.101—416.121 (Subpart A) Authority citation revised; section authority citations removed....27541
416.200—416.269 (Subpart B) Authority citation revised; section authority citations removed....27541
416.250 (e) amended....37605
416.301—416.360 (Subpart C) Authority citation revised....27541
416.401—416.435 (Subpart D) Authority citation revised....27541
416.501—416.570 (Subpart E) Authority citation revised....27541
416.601—416.665 (Subpart F) Authority citation revised....27541
416.701—416.732 (Subpart G) Authority citation revised....27541
Authority citation corrected....31477
416.801—416.806 (Subpart H) Authority citation revised....27541
416.901—416.998 (Subpart I) Authority citation revised; section authority citations removed....27541
416.903 (e) added....33927
416.926 (b) amended; (c) revised....33928
416.946 Amended....33928
416.994 (b)(5)(vii) amended....44971
416.1001—416.1094 (Subpart J) Authority citation revised....27541

Page

416.1015 Revised....33928
416.1016 Added....33928
416.1017 Added....33928
416.1100—416.1182 (Subpart K) Authority citation revised; section authority citations removed....27541
416.1161 (b) amended....44971
416.1201—416.1266 (Subpart L) Authority citation revised; section authority citations removed....27541, 29841
Authority citation revised....31762
416.1201 (c)(1) correctly revised....16845
416.1202 (a) and (b) revised....29841
(a) corrected....32240
416.1240 Revised....31762
Technical correction....35187
416.1260 (a)(2) revised....29841
416.1321—416.1338 (Subpart M) Authority citation revised; section authority citations removed....27541
416.1400—416.1499 (Subpart N) Authority citation revised; section authority citations removed....27541
416.1465 Removed....17286
416.1500—416.1599 (Subpart O) Authority citation revised....27541
416.1600—416.1618 (Subpart P) Authority citation revised....21943, 27541
416.1615 (a) (2) and (3) revised; (a)(4) added....21943
416.1618 Revised....21943
(b) introductory text correctly revised....34773
(b) introductory text corrected....35836
416.1701—416.1725 (Subpart Q) Authority citation revised....27541
416.1801—416.1881 (Subpart R) Authority citation revised....27542
416.1901—416.1922 (Subpart S) Authority citation revised....27542
416.2001—416.2098 (Subpart T) Authority citation revised; section authority citations removed....27542
416.2095 Revised....36241
416.2096 Revised....36241

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

Page

416.2097 Redesignated as 416.2098; new 416.2097 added....36242
416.2098 Redesignated as 416.2099; new 416.2098 redesignated from 416.2097....36242
Revised....36243
416.2099 Redesignated from 416.2098....36242
Revised....36244
416.2101—416.2119 (Subpart U) Authority citation revised....27542
416.2201—416.2227 (Subpart V) Authority citation revised....27542

Chapter V—Employment and Training Administration, Department of Labor

602 Added....33528
602.41 Corrected....34343
654.400—654.417 (Subpart E) Authority citation revised....20506
654.403 Revised; interim....20506
655 Authority citation revised; subpart and section authority citations removed....20507
655.0 (a) amended; (b) and (c) removed; (d) and (e) redesignated as (b) and (c); interim....20507
655.00 Amended; interim....20507
655.000 (a) amended; interim....20507
655.1 (a) designation and (b) removed; interim....20507
655.90—655.113 (Subpart B) Revised; interim....20507
655.200—655.212 (Subpart C) Heading revised; interim....20524
655.200 (a) and (b) redesignated as (b) and (c); new (a) added; interim....20524
655.202 (b)(9)(ii) revised....11466
655.207 (c) and (d) removed; (e) redesignated as (c)....11466
656 Authority citation revised; section authority citations removed....11218, 20596
656.10 Schedule A amended....20596
656.22 (c)(2) removed; (c)(3) redesignated as new (c)(2)....20596
656.26 (c) amended; (d) through (h) removed; heading and (a) introductory text revised....11218
656.27 Revised....11218

Page

656.27a Removed....11219
656.50 Amended....11219, 20596
656.61 Removed....20596

Chapter VII—Benefits Review Board, Department of Labor

801 Revised....27290
801.2 (a)(2) corrected....28640
802 Revised....27292

Title 20—*Proposed Rules:*

61....20536, 27417
62....20536, 27417
200....10384, 27997, 43620
320....30383
340....30383
355....36790
404....13014, 19169, 37161, 38466
410....19169
416....13014, 19169, 30169, 34813, 37625, 38466
606....41463
615....10774
617....39586
626....23681, 26121
627....23681, 26121
628....23681, 26121
629....23681, 26121
630....23681, 26121
631....23681, 26121
654....16770
655....16770
725....26352
802....27300

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health and Human Services

2.125 (e)(11) added....15717
5.22 (a)(9) (v) and (vi) added....41986
5.80 (b)(1) and (c) introductory text revised; (d) added....37764
5.86 Revised....29664
5.87 Revised....29664
5.93 Added....10881
10.40 (h) revised....36401
10.95 (d)(8) revised....35064
58 Authority citation revised....33779
Technical correction....36863
58.1 Existing text designated as (a); (b) added....33779
58.3 Nomenclature change; (c), (d), and (e)(8) revised; (e)(12) removed; (e) (17) and

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

TITLE 21 Chapter I—Con. Page

(18) amended; (o) and (p) added....33779
58.31 (b) revised....33780
58.35 (a) and (b) introductory text, (1), and (3) revised; (e) removed; OMB number....33780
58.41 Revised....33780
58.43 (c) amended; (e) removed....33780
58.45 Amended....33780
58.49 Revised....33780
58.53 Removed....33780
58.61 Revised....33780
58.63 (b) revised; OMB number....33780
58.81 (c) amended....33780
58.90 (b) and (c) revised; OMB number....33780
58.105 (a) amended; (b) revised; OMB number....33781
58.113 (a)(2) revised....33781
58.120 (a) revised; OMB number....33781
58.130 (d) and (e) revised; OMB number....33781
58.185 (b) revised....33781
58.190 (a) and (e) revised; OMB number....33781
58.195 (c) revised; (g) redesignated as (h); new (g) added....33781
58.204 (b) amended....33782
58.213 (b) amended....33782
58.219 Amended....33782
73.1496 (a)(1), (b), and (c) revised....29665
Technical correction....32644
(a)(1), (b), and (c) revision effective date confirmed....42429
74.102 Eff. 7-31-87....28553
74.706 Addition effective date confirmed; (a)(1) revised....21508
(a)(1) revision effective date confirmed....31990
74.1102 Eff. 7-31-87....28553
74.1309 (a)(1) revised....21305
Technical correction....24583
Effective date confirmed....28552
74.1706 Addition effective date confirmed; (c)(2) revised....21508
74.2706 Addition effective date confirmed....21506
74.3045 (c)(1) introductory text and (i) revised....15945
Effective date confirmed....27542
74.3602 Added....19722
74.3710 Added....28690
81 Authority citation revised....42098
81.1 (a) and (b) tables amended....10882
(b) table amended....15946, 21305, 25209, 33574, 42098
(a) table amendment effective date confirmed; (a) table amended....21509
Technical correction....24583
(a) table amended....42097
81.27 (d) introductory text table amended....10882, 15946, 21306, 25207, 33574, 42097, 42098
(d) introductory text table amendment effective date confirmed; (d) introductory text table amended....21509
Technical correction....24583
82.102 Eff. 7-31-87....28553
82.706 Revised....21509
101.9 (c)(3) amended....28691
131 Stay terminated....29509
Technical correction....31123
172.210 (b)(4) table amended....18911
172.859 (a) amended....10883
173.357 (a)(2) table amended....39512
175.105 (c)(5) table amended....10884, 12380, 27800, 29180
(c)(5) table corrected....19857
175.300 (b)(3)(xxxii) amended....41987
176.170 (a)(5) table amended....17553, 29667, 43058
(b)(2) table amended....19724
177 Authority citation revised....33803, 39635
177.1040 (c) table amended....33803
177.1390 Heading revised....33575
177.1395 Added....33575
Technical correction....36863
177.1430 Revised....11641
177.1500 (a)(12) added; (b) table amended....26667
Technical correction....28067
(a)(4) revised; (b) table amended....33575
(a)(13) and (c)(5) added; (b) table amended....39635
(b) table corrected....42760
177.1520 (b) table amended....23804
177.1555 Added....35540
177.1630 (e)(4)(i) amended....32917
177.1660 (c)(1) amended....20069

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

Page

177.2550 (a) revised....29668
177.2600 (c)(4)(iii) amended....35910
178.1005 (d) revised....26146
178.1010 (b)(34) and (c)(29) added....29842
(c)(29) corrected....34047
178.2010 (b) table amended....20070, 22301, 30150, 33930, 35541, 35911, 37446, 43059, 43323
Technical correction....24090
(b) table corrected....26764
178.3295 Table amended....30920
182.8245 Removed....25211
184.1245 Added....25211
184.1287 Added....25976
184.1328 Added....42430
184.1639 Added....10886
184.1768 Added....10886
193.98 Added....29009
(b) corrected....31846
193.137 Existing text designated as (a); (b) added....17941
193.142 Heading and text nomenclature change....32293
193.253 Table amended....10562
193.277 (d) added....41418
(d) corrected....42760
193.410 Revised....27543
193.430 Heading and text nomenclature change....32293
193.472 Added....10563
193.473 Added....17942
Technical correction....23137, 23916, 34903
193.475 Added....43324
193.476 Added....39222
201.20 (a) revised; (c) added....21509
201.21 Effective date deferred in part....12152
310 Authority citation revised....30055, 37936
310.201 (a)(6) removed; eff. 5-2-88....15892
(a)(14) removed; eff. 8-12-88....30055
Technical correction....34047
310.305 (b)(4) revised; (c)(1) redesignated as (c)(1)(i); (c)(1)(ii) added....37936
312.7 Heading and (d) revised; OMB number....19476
Technical correction....23628
312.10 OMB number....23031
312.23 OMB number....23031
312.30 OMB number....23031
312.31 OMB number....23031
312.32 OMB number....23031
312.33 OMB number....23031
312.34 Text added....19476
Technical correction....23628
312.35 Added....19477
Technical correction....23628
312.36 OMB number....23031
312.38 OMB number....23031
312.41 OMB number....23031
312.42 (b)(3) added....19477
Technical correction....23628
312.44 OMB number....23031
312.45 OMB number....23031
312.47 OMB number....23031
312.53 OMB number....23031
312.55 OMB number....23031
312.56 OMB number....23031
312.57 OMB number....23031
312.59 OMB number....23031
312.62 OMB number....23031
312.64 OMB number....23031
312.66 OMB number....23031
312.70 OMB number....23031
312.110 OMB number....23031
312.120 OMB number....23031
312.140 OMB number....23031
312.160 OMB number....23031
314.80 (a), (c) introductory text, (1), and (2)(ii)(*b*), (d)(2), and (f) (1), (3), and (4) amended; (c)(2)(iii) and (e) revised....37936
331 Petition denied....33576
336 Added; eff. 5-2-88....15892
341 Authority citation revised....30055
Technical correction....34047
341.3 (b) and (c) added; eff. 8-12-88....30055
341.14 Added; eff. 8-12-88....30055
341.74 Added; eff. 8-12-88....30055
(c)(2) corrected....35610
341.76 Technical correction....12521
341.90 (b) and (c) added; eff. 8-12-88....30057
369 Authority citation revised....30057
369.20 Amended; eff. 5-2-88....15893
Amended; eff. 8-12-88....30057
Technical correction....34047
369.21 Amended; eff. 5-2-88....15893
Amended; eff. 8-12-88....30057
Technical correction....34047
430.4 (a)(57) added....42287
430.5 (a)(90) and (b)(92) added....42287

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

TITLE 21 Chapter I—Con. Page

(a)(91) and (b)(93) added....42431
430.6 (b)(92) added....42288
(b)(93) added....42431
436.215 (b) table amended; (c)(9) added....42432
Correctly designated....43966
(c)(9)(i) corrected....45528
436.217 Added....42432
436.542 (c) amended....35912
440.9a (b)(1)(i) revised; (b)(1)(ii)(*d*) added....42288
(b)(1)(ii)(*d*)(*4*) formula corrected....45281
440.209 Redesignated as 440.209a; new 440.209 added....42288
440.209a Redesignated from 440.209....42288
440.209b Added....42288
442.19 Added....42432
Heading corrected....43966
(b)(1)(i) (A) and (D) and (iv)(A) formula corrected....45528
442.27 (a)(1) amended....35912
442.53a (b)(1)(iv)(*a*) revised....35912
442.55 Added....44860
442.119 Added....42433
(b)(1)(iii) formula corrected....45528
442.127a (a)(1) amended....20710
442.255 Redesignated as 442.255a; new 442.255 added....44860
442.255a Redesignated from 442.255....44860
442.255b Added....44860
444.542i Removed....35912
455.82a Added....42290
(b)(1)(iii)(D) and (iv) corrected....45281
510 Authority citation revised....25976
510.600 Technical correction....10668, 18495, 23397
(c) (1) and (2) tables amended....11041, 11988, 12153, 18691, 19501, 20385, 20597, 25212, 25976, 27801, 32540, 32917, 36022, 36023, 39912, 41295, 41988
520 Technical correction....10668, 10495
Heading corrected....28067
520.314 (a) revised....11989
520.580 (b)(1) revised....39512
520.680 Removed....25213

Page

520.680a Removed....25213
520.680b Removed....25213
Correctly designated....27108
520.1193 Added....11042
520.1195 Added....34637
520.1242a (f)(2)(i) amended....20598
520.1448a (b) removed....27197
(d)(4)(iii) amended....30151
520.1540 Removed....20597
520.1720a (b)(5) removed....36023
520.2041 Added....37937
520.2455 Revised....15718
520.2473b Added....43059
522 Technical correction....10668, 18495
522.56 Added....11816
(a) corrected....15412
522.540 (b)(2)(ii) and (c)(2) amended....25212
(e)(2) amended....36023
522.1081 (a)(2)(i) amended....25212
522.1183 (e)(1) revised....18691
(e)(1) amended....36023
522.1258 (b) amended....25212
522.1660 (c)(1) (i) and (ii) amended....19502
522.1662a (i)(2) amended....36023
522.1680 (b) revised....18691
(b) amended....25212, 36023
522.1704 (b)(2) amended....25212
522.1720 (b)(2) amended....25212, 36023
522.1881 Added....23032
522.1884 (c) amended....25212
522.1940 (d)(2)(iii) amended; (e) added....45312
522.2476 Added....24995
524 Technical correction....10668, 18495
524.1240 Added....10887
524.1580b (b) amended....18691
524.1580d (b) revised....18691
(b) amended....36023
529.1044a Technical correction....10668, 18495
529.1044b Technical correction....10668, 18495
540.274b (c)(3)(ii) amended; (c)(5) added....32917
540.874a (c)(3)(i) and (4)(i) amended....36023
544.110 Removed....22438
546.180h (a)(1) and (c)(4)(i) amended....43060

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

Page

546.180i (a)(1) and (c)(4)(i) amended....43061
556.170 Revised....43061
556.210 Removed....25213
556.420 (b) revised....15718
556.500 (d) revised....24293
556.710 Revised....27683
556.739 Added....24995
558.4 (d) table amended....25213, 26956, 39912
558.45 Removed....39912
558.195 (d) table amended....38924, 43061, 43062
558.240 Removed....25213
558.274 (c)(1) table amended; (a)(7) revised....29010
558.311 (d)(5) (i) and (ii) and (e) table amended....16240
(b) revised; (e) introductory text and (1) through (11) redesignated as (e)(1) introductory text and (i) through (xi); (e)(2) added....24996
(b)(5) added; (e)(1) table amended....26299
(b)(3) amended; (e)(1) table amended....33804
(e)(2)(ii) correctly revised....33930
Technical correction....35518
(b)(3) and (e)(1) table amended....41988
558.325 (a)(1)(iv) added....28470
558.342 (c)(3) added....33804
Technical correction....35518
558.355 (f)(1)(xiii)(*b*) and (xxi)(*b*) revised....13641
(b)(4) and (f)(2) added....15718
(b)(13) and (f)(3)(v) added....27197
558.360 (d)(3) amended....11642
558.415 (a) revised....36402
558.450 (d)(1) Table 3 amended....24293
(d)(1) Table 3 corrected....26401
558.525 (a)(1) removed....12521
558.526 Removed....12521
558.600 Added....26956
558.625 (b) (37) and (64) removed....11041
(b)(7) removed....11988
(b)(70) removed....12153
(b)(89) added....27801
558.630 (b)(10) amended....28470
561.96 Added....29009
561.99 Revised....27545
561.273 (a) table amended....12154
(d) added....41418

Page

561.360 Revised....27543
561.400 Heading and text nomenclature change....32293
561.415 Heading and text nomenclature change....32293
561.425 Heading and text nomenclature change....32293
561.430 Table amended....27544
561.439 Added....10563
561.440 Added....17941
561.441 Added....17942
Technical correction....23137, 23916, 34903
561.442 Added....39222
573 Authority citation revised....10888
573.920 Revised....10888
(c)(1) corrected....21001
610 Authority citation revised....37450
610.53 (c) table amended....37450
660.30—660.36 (Subpart D) Revised; effective in part 10–7–88....37450
660.102 Introductory text amended....39637
660.103 (f)(1) revised....39637
660.105 (a)(1) revised....39637
680.3 (e) and (f) added; OMB number....37607
680.4 Removed....37607
805 Added....27763
862 Added....16122
862.1385 (a) corrected....29468
864 Authority citation revised; section authority citations removed....17732
864.1 Revised....17732
864.3 Added....17732
864.5220 (c) added....17733
864.5680 (c) added....17733
864.7250 (c) added....17733
864.7300 (c) added....17733
864.9205 (c) added....17733
864.9245 (c) added....17733
866 Authority citation revised; section authority citations removed....17733
866.1 Revised....17733
866.3 Added....17733
(b) and (c) corrected....22577
866.2420 (c) added....17734
866.3290 (c) added....17734
866.3305 (c) added....17734
866.3510 (c) added....17734

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

TITLE 21 Chapter I—Con. Page

866.6010 (c) added....17734
868 Authority citation revised; section authority citations removed....17734
868.1 Revised....17734
868.3 Added....17734
868.1120 (c) added....17735
(c) corrected....22577
868.1150 (c) added....17735
868.1170 (c) added....17735
868.1200 (c) added....17735
868.2450 (c) added....17735
868.2500 (c) added....17735
868.5400 (c) added....17735
868.5610 (c) added....17735
870 Authority citation revised; section authority citations removed....17735
870.1 Revised....17735
870.3 Added....17735
870.1025 (c) added....17736
870.1350 (c) added....17736
870.1360 (c) added....17736
870.3300 (c) added....17736
870.3375 (c) added....17736
870.3450 (c) added....17736
870.3535 (c) added....17736
870.3545 (c) added....17736
870.3600 (c) added....17736
870.3610 (c) added....17736
870.3620 (c) added....17736
870.3680 (c) added....17736
870.3700 (c) added....17736
870.3710 (c) added....17736
870.3800 (c) added....17736
870.3850 (c) added....17736
870.3925 (c) added....17737
(c) revised; eff. 12-9-87....18163
(c) corrected....23137
870.4230 (c) added....17737
870.4260 (c) added....17737
870.4320 (c) added....17737
870.4350 (c) added....17737
870.4360 (c) added....17737
870.5200 (c) added....17737
870.5225 (c) added....17737
870.5300 (c) added....17737
870.5550 (c) added....17737
872 Added....30097
872.3680 (a) corrected....34456
874.9 Added....32111
874.1100 Correctly designated....18495
(b) revised....32111
874.3540 (b) revised....32111

Page

874.4420 (b) revised....32111
874.5800 (b) revised....32111
876 Authority citation revised; section authority citations removed....17737
876.1 Revised....17737
(d) corrected....22577
876.3 Added....17737
876.3350 (c) added....17738
876.3630 (c) added....17738
876.3750 (c) added....17738
876.4480 (c) added....17738
876.5220 (c) added....17738
876.5270 (c) added....17738
876.5280 (c) added....17738
876.5540 (c) added....17738
876.5860 (c) added....17738
876.5870 (c) added....17738
876.5955 (c) added....17738
880 Authority citation revised; section authority citations removed....17738
880.1 Revised....17738
880.3 Added....17738
880.5130 (c) added....17739
880.5760 (c) added....17739
882 Authority citation revised; section authority citations removed....17739
882.1 Revised....17739
882.3 Added....17739
882.1790 (c) added....17739
882.1825 (c) added....17740
882.5150 (c) added....17740
882.5800 (c) added....17740
882.5840 (c) added....17740
882.5850 (c) added....17740
882.5860 (c) added....17740
882.5940 (c) added....17740
882.5950 (c) added....17740
884 Authority citation revised; section authority citations removed....17740
884.1 Revised....17740
884.3 Added....17740
884.1060 (c) added....17741
884.1100 (c) added....17741
884.1185 (c) added....17741
884.2050 (c) added....17741
884.2620 (c) added....17741
884.2685 (c) added....17741
884.4100 (c) added....17741
884.4150 (c) added....17741
884.4250 (c) added....17741
884.4270 (c) added....17741

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

Page

884.5050 (c) added....17741
884.5225 (c) added....17741
884.5380 (c) added....17741
(c) revised....36883
Technical correction....38171
884.5940 (c) added....17741
886 Added....33355
888 Added....33702
Technical correction....36863
890 Authority citation revised; section authority citations removed....17741
890.1 Revised....17741
890.3 Added....17741
890.3610 (c) added....17742
890.3890 (c) added....17742
(c) corrected....22577
890.5275 (c) added....17742
890.5290 (c) added....17742
890.5300 (c) added....17742
890.5525 (c) added....17742
890.5860 (c) added....17742
1240 Authority citation revised....29514
1240.61 Added....29514

Chapter II—Drug Enforcement Administration, Department of Justice

1301.11 (c) and (d) revised....20598
1301.12 Revised....20599
1301.22 (a)(10) revised....17287
1301.31 (c) revised; (d) added....20599
1306.22 Technical correction....13430
1308.11 (b) introductory text revised; (b) (1) through (48) redesignated as (b) (2) through (7), (9) and (10), (12) through (33), (35) through (40), (42) through (51), (53) and (54); new (b) (1), (8), (11), (34), (41), and (52) added; (g) (1), (2), (4), (6), (8), and (9) removed; (g) (3), (5), and (7) redesignated as (g) (1), (2), and (3)....20072
Technical correction....27198
(g) (4) through (6) added....38226
1308.12 (f)(2) added....11043
(f)(2) corrected....12285
1311.02 (d) revised....17288
1311.12 Revised....17288
1311.26 Revised....17288
1311.32 (d) revised; (e) and (f) redesignated as (f) and (g); new (e) added....17288

Page

1311.42 (a), (b)(6) (i) and (iv) revised....17288
1311.44 (a) and (b) revised; (c) through (e) redesignated as (e) through (g); new (c) and (d) added; new (f) (1) and (2) and (g) (1) and (2) revised....17288
1311.47 Revised....17289
1311.53 Revised....17289
1311.61 Revised....17289
1312 Authority citation revised....17289
1312.11 (a) and (b) revised....17289
1312.12 (a) introductory text revised....17289
1312.13 (a)(1) revised; (b) through (e) redesignated as (d) through (g); new (b) and (c) added....17289
1312.18 (a), (b), and (c)(2) revised....17290
1312.21 (a) and (b) revised....17290
1312.22 (a) revised....17290
1312.23 (b) through (d) redesignated as (d) through (f); new (b) and (c) added....17290
1312.27 (a), (b) (2) and (4) revised; (b)(5) added....17290
1312.28 (d) revised....17291
1312.30 Added....17291
1316.71—1316.81 (Subpart E) Authority citation revised....24446
1316.74 Amended....41418
1316.75 (b)(3) amended....24446

Title 21—*Proposed Rules:*

7....30171
101....28843, 42003, 43772
102....18921, 26690, 28067, 30387, 36046, 37715
103....18922, 26764
133....12556, 35426, 35435, 37715
146....19169
161....18921, 30387
165....18922, 26764
181....18923, 26764
182....13086, 18772
184....13086, 18772
186....13086, 18772
189....33952
193....31632, 32138, 35730, 38199, 38200
201....31892, 35610
291....37046
310....13107, 23184, 31892, 35610, 37802

Title 21—*Proposed Rules—Con.* Page
312 ... 12431
341 ... 31892, 35610
352 ... 33598
357 ... 12114, 15732
369 ... 31892, 35610
436 ... 25252
452 ... 25252
561 ... 12193, 31632, 32138
862 ... 16139
872 ... 30107, 30120, 34047, 34343
880 ... 19735
886 ... 33366
888 ... 33714
1240 ... 22340
1301 ... 11091
1308 ... 30174, 30175, 41736, 41737

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

2a Added ... 12155
7.5 (b)(3), (g), (j), and (k) amended ... 41560
7.8 (b) amended ... 41560
7.9 Amended ... 41560
22 Authority citation revised ... 29515
22.6 Revised ... 29515
31.2 Amended ... 43193
31.3 (j) added ... 43193
31.4 (c) amended ... 43193
31.6 (a) amended ... 43193
31.8 (a) introductory text, (b), (c) and (d) amended ... 43193
40 Added ... 42592
41 Revised ... 42597
41.12 Table amended ... 43894
41.25 (b) amended ... 29375
41.91 (a)(9)(iii) and (10)(i) revised; interim ... 17943
(a)(9)(iii) and (10)(i) revised; final ... 29843
(a)(19)(i) and (23) revised; (a)(19)(iii) and (24) removed ... 43895
41.116 (b) (1) and (2) removed; (b)(3) redesignated as (b) ... 43895
42 Revised ... 42613
42.12 (a) removed; (b) redesignated as (a) and table amended; (c) and (d) redesignated as (b) and (c) and revised; introductory text and (a) introductory text republished ... 43895
42.27 Removed ... 43896
42.51 Revised ... 43896
42.52 Revised ... 43896
42.91 (a)(9)(iv) and (10)(ii) revised; interim ... 17943
(a)(9)(iv) and (10)(ii) revised; final ... 29843
(a)(19)(i) and (23) revised; (a)(19)(iii) and (24) removed ... 43896
42.111 (b) revised ... 43896
42.116 (b) revised ... 43896
42.124 (c) amended ... 43896
42.125 Heading revised; (a) and (b) amended; (c) removed ... 43896
42.130 (a) amended ... 43896
43 Addition confirmed ... 17948
43.3 (b) amended ... 17949
51 Authority citation revised ... 29515
51.64 (e) added ... 29515
171 Authority citation revised; section authority citations removed ... 32123
171.6 Revised ... 32123
171.10 (d) through (k) added ... 32124
171.11 (a)(7) revised ... 32124
171.12 Revised ... 32124
171.13 Revised ... 32125
171.14 Added ... 32125
171.15 Added ... 32126

Chapter II—Agency for International Development, International Development Cooperation Agency

201 Authority citation revised ... 38405
201.11 (b)(4) amended ... 38405
212 Authority citation revised ... 11817
212.35 Revised; interim ... 11817
212.41 (g) revised; interim ... 11818
212.42 Added; interim ... 11819
224 Added; interim ... 13071
Removed; interim ... 20385
Added; final ... 45312

Chapter III—Peace Corps

307 Revised ... 30151
309 Added ... 15719

Chapter V—United States Information Agency

502.6 (b) (3) and (5) removed; (a)(3) revised; interim ... 43757
512 Added ... 43897

Page
526 Authority citation revised ... 37766
526.5 (c) and (d) revised; (e) through (i) added ... 37766

Title 22—*Proposed Rules:*
41 ... 12001, 20725, 22628, 29542, 32026, 32095
42 ... 29542, 32026, 32095
135 ... 21820, 23627
137 ... 39015
171 ... 12936, 15513
208 ... 39015
224 ... 20413
302 ... 36046
303 ... 43772
502 ... 25384, 26156
503 ... 26024
512 ... 25030
513 ... 39015
514 ... 20097
526 ... 22791
602 ... 27998
603 ... 27998
711 ... 25124, 27902
1001 ... 37626
1510 ... 25124, 27902

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

230.204 Footnote 1 revised ... 36922
625.4 (b)(5) revised ... 36247
630.302 (h) through (j) redesignated as (i) through (k); new (h) added ... 31390
630.305 Revised ... 31390
633.101—633.104 (Subpart A) Revised ... 36920
635 Authority citation revised ... 36921
635.103 Revised ... 45172
635.104 (a) and (b) amended ... 45172
635.113 Revised ... 36921
635.126 Revised ... 36921
635.129 Added ... 36921
635.130 Added ... 36922
635.203 (b) amended; (f) added ... 45172
635.204 Revised ... 45172
635.205 Revised ... 45173
635.309 (d) amended; eff. 8–29–88 ... 32669
Introductory text and (e) revised ... 45173
640.107 (d) amended ... 32669
650.109 Removed; eff. 8–29–88 ... 32669
650.801—650.809 (Subpart H) Added ... 28139
658 Appendix A amended ... 35067
659 Authority citation revised ... 28693
659.11 Revised ... 28693
668.101—668.113 (Subpart A) Revised ... 21948
668.107 (b) corrected ... 32540
712.204 (c)(1) and (3) (ii) and (iii) amended ... 32669
(c)(3)(iii) amended; (c)(3)(iv) removed; eff. 8–29–88 ... 32669
752.3 (e) added ... 34638
752.4 (a) and (b) revised; (e) added ... 34638
752.11 Revised ... 34638
771 Revised ... 32660
790 Removed; eff. 8–29–88 ... 32669

Chapter III—National Highway Traffic Safety Administration, Department of Transportation

1309.4 (a)(2) revised; (a)(3), (b) introductory text and (6) amended ... 27615

Title 23—*Proposed Rules:*
650 ... 11092, 20726
655 ... 11502
1204 ... 33422
1205 ... 33422
1309 ... 27616

TITLE 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

0 Revised ... 27113
14 Added ... 27126
15 Authority citation and heading revised ... 12160
15.1 (g), (h) and (i) added ... 12160
15.2 Revised ... 12160
15.72 Revised ... 12160
15.73 Revised ... 12160
15.74 Revised ... 12161

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

TITLE 24 Subtitle A—Con. Page
15.81 (Subpart I) Redesignated as 15.91 (Subpart J)....12161
15.81—15.86 (Subpart I) Added....12161
15.91 (Subpart J) Redesignated from 15.81 (Subpart I)....12161
17.60—17.161 (Subpart C) Authority citation revised....35414
17.65 (a) and (b) introductory text and (1) revised....35414
20.10 Introductory text revised....27130
24 Revised; interim (effective date pending)....37116
Eff. 11-16-87....42634
25.9 (e) revised....15304

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

115 List of jurisdictions....15304
Determination....41419

Chapter II—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

200.163 (a)(2) revision eff. 8-1-87....28470
201 High-cost limits....11643, 17397, 28250, 32126, 34903, 37607, 42634, 45322
201.10 (f) introductory text removed; (f)(2) revised....33406
201.11 (c) revised....33406
201.18 Revised....33406
201.19 Added....33406
201.30 (a) revised....33407
201.32 (d)(3) added....33407
201.50 (a), (b) introductory text, (2), (3), and (4), and (c) revised....33407
201.54 (c) revised....33407
203 High-cost limits....11643, 17397, 28250, 32126, 34903, 37607, 42634, 45322
203.43 Amendments at 52 FR 4139 confirmed; effective date deferred....37286
Amendments at 52 FR 4139 eff. 11-6-87....44861
203.43c (a) revision eff. 8-1-87....28470
203.43i Addition eff. 8-1-87....28470
203.46 Removed....32756
Technical correction....33680
203.439 Undesignated center heading and section addition eff. 8-1-87....28470
203.604 (b) revision eff. 8-1-87....28470
203.641 (c) amended....37938
203.643 (c)(3) amended....37938
204.1 Amendment eff. 8-1-87....28470
204.400 Amended....37938
207.32a (a)(4) revised....31992
213.751 (b) amendment eff. 8-1-87....28470
213.800 Revision eff. 8-1-87....28470
215.1 Amended....34112
215.21 (a) and (c) revised; (b)(8) amended; (d) removed; (e) redesignated as (d)....34112
220.1 (a) amendment eff. 8-1-87....28470
220.251 (a) amendment eff. 8-1-87....28470
220.900 Revision eff. 8-1-87....28470
221 Authority citation revised....37289
221.1 (a) amendment eff. 8-1-87....28470
221.251 (a) amendment eff. 8-1-87....28470
221.544 (a)(4) removed; (a)(3) revised (effective date deferred)....37289
Eff. 11-6-87....44861
221.800 Revision eff. 8-1-87....28470
222.1 (a) amendment eff. 8-1-87....28470
222.251 (a) amendment eff. 8-1-87....28470
222.400 Revision eff. 8-1-87....28470
226.1 (a) amendment eff. 8-1-87....28470
226.251 (a) amendment eff. 8-1-87....28470
226.300 Revision eff. 8-1-87....28470
227.500 (b) amendment eff. 8-1-87....28470
227.751 (a) amendment eff. 8-1-87....28470
227.800 Revision eff. 8-1-87....28470
232.560 (a) revised....17751, 18228, 35068, 41989, 44385
234 High-cost limits....11643,

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

Page
17397, 28250, 32126, 34903, 37607, 42634, 45322
Authority citation revised....37289
234.1 (d) and (k) revised; (o), (p) and (q) added....33807
234.26 Revised....33807
234.52 Addition at 52 FR 4140 confirmed; effective date deferred....37286
Addition at 52 FR 4140 eff. 11-6-87....44861
234.59 Removed....33808
234.63 Revision eff. 8-1-87....28470
234.76 Removed....32756
Technical correction....33680
234.520 (a)(2)(iii) removed; (a)(2)(ii) revised (effective date deferred)....37289
Eff. 11-6-87....44861
235.1 (a) amendment eff. 8-1-87....28470
235.9 (a) revised....17752, 18229, 35068, 41989, 44385
235.201 (a) amendment eff. 8-1-87....28470
235.540 (a) revised....17752, 18229, 35068, 41989, 44385
236.2 Amended....34112
236.3 (a) and (c) revised; (b)(8) amended; (d) removed; (e) redesignated as (d)....34113
237.5 Revision eff. 8-1-87....28470
240.1 Amendment eff. 8-1-87....28470
240.400 Revision eff. 8-1-87....28470
243 Authority citation corrected....17949
243.1 (a) corrected....17949
251 Authority citation revised....37289
251.501 (a)(4) removed; (a) (2) and (3) revised (effective date deferred)....37289
Eff. 11-6-87....44861
255.107 (c) amended....16241
255.206 (a) revised....31992
255.405 Redesignated from 255.406....16241
255.406 Redesignated as 255.405....16241
255.706 (g) revised....16241
255.801 Amended....16241
255.820 Amended....16241
255.824 Amended....16241

Chapter III—Government National Mortgage Association, Department of Housing and Urban Development

Page
390.7 (b) revision eff. 11-1-87....37608
390.27 (b) revision eff. 11-1-87....37608
390.43 (c) revision eff. 11-1-87....37608

Chapter V—Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

511.11 (f)(3)(iii)(B) corrected....11598
511.32 Suspended....11467
511.33 Heading and (b) revised....25595
575 Added (effective date pending)....38869
Eff. 12-2-87....44861

Chapter VIII—Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Section 8 Housing Assistance Programs and Section 202 Direct Loan Program)

813.102 Amended....34113
813.106 (a) and (c) revised; (b)(8) amended; (d) removed; (e) redesignated as (d)....34113
842 Authority citation corrected....17949
842.1 (a) corrected....17949
882.209 (m)(1) revised....34114
882.408 (c)(1) revised....19725
885 Interest rate....41989
885.5 Amendment confirmed....29011
885.210 Introductory text and (a) redesignation as (a) and (b) and new (a), (b) (9), (13) and (23)(i) revision confirmed....29011
885.220 (d)(1) revision confirmed....29011
885.412 Addition confirmed....29011
885.416 (c) revision confirmed....29011

TITLE 24 Chapter VIII—Con. Page
888 Schedules B and D revised....15632
Schedules B and D amended....24387
Schedule A corrected....24447
Schedule C revised....34120
Schedule A amended....34905, 37290

Chapter IX—Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development

905.311 (b) amended....29361
912 Authority citations revised....34114
912.2 Revised....34114
913.102 Amended....34114
913.106 (a) and (c) revised; (b)(8) amended; (d) removed; (e) redesignated as (d)....34114
942 Authority citation corrected....17949
942.1 (a) corrected....17949
990.104 (a) amended....29361
990.105 (a)(2) amended....29361
990.108 (a) revised....29361
990.109 (e)(1) amended....29361
990.114 Removed....29361

Chapter XX—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

3280.403 (e)(2) revised....35543
3280.405 (e)(2) revised....35543
3280.807 (g) added....35543
3283.102 (c) and (d) revised....11644

Title 24—*Proposed Rules:*

15....35923
24....42004
28....38939
85....21820, 23627
111....21820, 23627
115....29038
200....11686, 21596, 21961
203....21961
221....21961
222....21961
226....21961
234....21961
235....21961
247....16403, 23761
511....21820, 23627, 30388
570....21820, 23627, 37162
571....21820, 23627
575....21820, 23627, 42664
576....42664
791....30388
812....30388
813....30388
840....39946
841....39946
850....21820, 23627
882....30388
886....16403, 23761
887....30388
888....24172, 32672, 43486
905....10668, 21820, 23627, 39233
941....21820, 23627, 39233
965....38470, 39233
968....10668, 21820, 23627, 39233
990....21820, 23627
2002....35923
3280....17896
3282....17411

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

22 Removed....30920
62 Revised....30160
76 Revised....31392
118 Removed....15722
120 Removed....11468
140.5 *See* EO 12608....34621
141.31 *See* EO 12608....34621
211 Revised....31929
Effective date deferred....35702
Revision at 52 FR 31929 withdrawn....39332
212 Removed....31937
Effective date deferred....35702
Removal at 52 FR 31937 withdrawn....39332
225 Added....31937
Effective date deferred....35702
Addition at 52 FR 31937 withdrawn....39332
244 Revised....23806
250 Revised; interim....27330

Chapter IV—Navajo and Hopi Indian Relocation Commission

700 Authority citation revised....21951
700.183 (a) revised; interim....21951

Title 25—*Proposed Rules:*

2....43006

Page
22....17988
38....33382
40....11503
76....20727
151....23560
179....29701
211....39332
212....39332
225....39332
226....38608

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

1 Authority citation amended....10744, 12162, 15308, 23433, 24999, 29674, 30358, 31994, 33809, 35415, 42098
Proclamation....18562
1.1(i)-1T Added (temporary)....33579
Corrected....36133
1.23-1 Redesignated from 1.44C-1; (a), (b), (d)(2) (i) and (ii), and (e) amended; (c) revised; (d)(3) (i) through (x) redesignated as (d)(4)(ii) (A) through (J); new (d)(3) and (4)(i) added; new (d)(4)(ii) heading and introductory text amended....26669
1.23-2 Redesignated from 1.44C-2; introductory text, (a)(1) (i) and (iii), (b)(1) and flush text following (2), (c)(4), (d)(3), (4) (iv) and (viii), (e)(1)(iii) and flush text following (iii) and (2), (f) (1) and (4), (g) and (h) amended; (i) added....26670
1.23-3 Redesignated from 1.44C-3; (a)(1), (b), (d), (e), (h)(1) (i) and (ii), (2), (3) and (4) Example 2, (j)(2) Example and (k) introductory text amended; (c) and (j)(1) revised....26672
1.23-4 Redesignated from 1.44C-4....26672
1.23-5 Redesignated from 1.44C-5; (a) (1) through (5), (b)(1) and (c) amended....26672
1.23-6 Redesignated from 1.44C-6; (a)(1) and (e) amended....26673
1.32-1T Added (temporary)....22302
Technical correction....23398
1.42-1T Added (temporary)....23433
(d)(8)(i), (ii)(B) and (e)(2) corrected....24583
1.42-2T Added (temporary)....42099
(d)(2)(xii) corrected....44672
1.44C-1 Redesignated as 1.23-1; (a), (b), (d)(2) (i) and (ii), and (e) amended; (c) revised; (d)(3) (i) through (x) redesignated as (d)(4)(ii) (A) through (J); new (d)(3) and (4)(i) added; new (d)(4)(ii) heading and introductory text amended....26669
1.44C-2 Redesignated as 1.23-2; introductory text, (a)(1) (i) and (iii), (b)(1) and flush text following (2), (c)(4), (d)(3), (4) (iv) and (viii), (e)(1)(iii) and flush text following (iii) and (2), (f) (1) and (4), (g) and (h) amended; (i) added....26670
1.44C-3 Redesignated as 1.23-3; (a)(1), (b), (d), (e), (h)(1) (i) and (ii), (2), (3), and (4) Example 2, (j)(2) Example and (k) introductory text amended; (c) and (j)(1) revised....26672
1.44C-4 Redesignated as 1.23-4....26672
1.44C-5 Redesignated as 1.23-5; (a) (1) through (5), (b)(1) and (c) amended....26672
1.44C-6 Redesignated as 1.23-6; (a)(1) and (e) amended....26673
1.48-9 (c)(10), (d) and (e) revised....27337
1.56-1 Redesignated as 1.56A-1 and (b)(2)(ii) amended....15309
1.56-2 Redesignated as 1.56A-2....15309
1.56-3 Redesignated as 1-56A-3 and (b) and *Example* amended....15309
1.56-4 Redesignated as 1.56A-4....15309
1.56-5 Redesignated as 1.56A-5 and (b)(2) flush text, (e)(5), and (h) *Example* (*4*) amended....15309

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

TITLE 26 Chapter I—Con. Page

1.56A-1 Redesignated from 1.56-1 and (b)(2)(ii) amended....15309
1.56-0T Added (temporary)....15309
1.56-1T Added (temporary)....15310
1.56A-2 Redesignated from 1.56-2....15309
1.56A-3 Redesignated from 1.56-3 and (b) and *Example* amended....15309
1.56A-4 Redesignated from 1.56-4....15309
1.56A-5 Redesignated from 1.56-5 and (b)(2) flush text, (e)(5), and (h) *Example* (*4*) amended....15309
1.57-4 (b) introductory text and (2)(ii) flush text and (e) *Example* (5) amended....15309
1.57-5 (b) amended....15309
1.58-7 (c)(1)(iii) *Example* (*4*), (2) *Example* (*3*), and (4) amended....15309
1.101-7T Added (temporary)....35415
1.149(e)-1T (e)(3) (ii) and (iii) corrected....10368
1.163-8T Added (temporary)....24999
1.263A-1T (a)(5)(iii)(A), (b)(2)(iii)(I), (c)(4)(i)(C), (d)(3)(ii)(A)(*1*), (C) (*3*), and (*4*) and (5), (e)(1), (3)(iii), (7)(iii) and (11)(iii) revised; (b)(2)(vii), (5)(vii) and (6)(vi), (c)(5)(iii), (e)(7)(iv), (9)(ii) *Examples* (*4*) and (*5*) and (11)(v) added (temporary)....29378
1.382-1T Added (temporary)....29674
1.382-2T Added (temporary)....29675
1.448-1T Added (temporary)....22766
1.448-2T Added (temporary)....22774
1.901-1 (d) revised....33932
1.904(f)-1 Added....31994
(f) *Examples* (*2*) and (*3*) corrected....43434
1.904(f)-2 Added....31997
(c)(5) *Example* (*6*) and (d)(5)(i)(A) corrected....43434
1.904(f)-3 Added....32001
(b) and (d) *Example* (*4*) corrected....43434
1.904(f)-4 Added....32002
1.904(f)-5 Added....32002
(a) corrected....43434
1.904(f)-6 Added....32003
1.907(c)-1 (e) (3), (4), (5), (6) and (f) added....33932
1.924(c)-1T Removed....10742
1.924(d)-1T Removed....10742
1.924(e)-1T Removed....10742
1.1016-5 (t) revised....26673
1.1402(e)-5T Added (temporary)....12162
1.1441-5 (c) revised....33933
1.1502-9 Added....32005
(f) *Example* (5) corrected....43434
1.6041-3 (i) amended; (j) removed; (k) through (q) redesignated as (j) through (p); new (m) revised....30358
1.6045-3T Added (temporary)....10744
1.6050D-1 (a) introductory text and (1) amended....26673
1.6302-1 Heading and (a) revised....33809
1.6302-1T Removed....33809
1.6655-7T Added (temporary)....15320
31 Authority citation amended....21511, 33582
31.6051-1 (h) amended (temporary)....34357
Correctly designated....41388
31.6051-2 (c) amended (temporary)....34357
31.6053-3 (f)(1)(iv) amended; (j)(19) added; (b)(5), (h), and (j)(9) revised....21511
31.6053-3T Removed....21511
31.6053-4 Added....21513
31.6053-4T Removed....21511
31.6205-2 Added....33582
35a Authority citation amended....13432
35a.3406-1 Heading added....13432
Heading revised; text added....44866
35a.3406-2 Added....13432
35a.9999-1 Amended....44873
35a.9999-2 Amended....44874
35a.9999-3 Amended....44874
41 Authority citation amended....33584
41.4481-1 Nomenclature change; (a)(2) revised....33584
41.4481-3 (a) introductory text and (1) revised; (a)(2) amended....33584
41.4482(c)-1 (b) nomenclature change....33584
41.4483-5 Nomenclature change....33584

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

Page

41.4483-7T Added (temporary)....33584
41.6001-3T Added (temporary)....33585
41.6091-1 (a) and (b) amended....33584
48.4041-5 (a)(1) redesignated as (a)(1)(i) and amended; (a)(1)(ii) added....32008
48.4041-18 Revised....31616
48.4041-19 Added....31617
48.4041-20 Added....31617
48.4071-1 (a) and (b)(1) revised; (b)(2) redesignated as (b)(3); new (b)(2) added....31618
48.4071-2 (b) heading revised; (b) text amended....31618
48.4081-2 (a), (b), (c) heading, (e) (1) and (2) heading, (f)(1) and (g) revised; (c) (1) and (2), (e)(2), (f)(2) heading and text and (h) amended; (e)(3), (f)(3) and (h)(4) added; (i) removed....31618
(a)(5)(i) correctly designated....34344
48.6420-4 (l) amended....31621
48.6427-1 (a)(2)(iv) amended....31621
54.6011-1T Added (temporary)....10563
54.6071-1T Added (temporary)....10563
301.6011-2 (f) revised....19137
301.6404-2T Added....30163
301.6402-6T (b) revised (temporary)....17950
301.6723-1T Added (temporary)....34355
(d)(2) corrected....41388
601.105 (c)(2)(iii) and (d)(2) revised; (c)(2)(iv) added....38406
601.106 (a)(1)(i) amended; flush text following (a)(1)(ii)(*c*) revised; (a)(1)(iii) and (iv) redesignated as (a)(1) (iv) and (v); new (a)(1)(iii) added....38406
601.601 (c) amended....26673
601.702 (a)(1) introductory text and flush text following (v), (b)(1) introductory text, (2), (3) (iii) and (iv), and (c)(1) and (2)(i) amended; (b)(3)(ii) and (c)(2)(ii) revised; (b)(2)(iii) added....37940
(c)(3) (v), (vii), and (viii), (4)(i) (A) and (B), (5) introductory text, (i), and flush text following (iii) and (6) amended; (c)(3)(ix) added; flush text at end of (c)(3) and (4)(iii) revised....37941
(c)(7) (i), (ii), and (iv), (8) introductory text and (v), (10), and (11) revised; flush text following (c)(8)(vi) and (9)(i) (B) and (C) amended....37942
(d)(5) removed; (c)(12) and (d)(8) redesignated as (c)(13) and (d)(5); new (c)(13) and (d) (1), (2), and new (5) amended; (d) (3), (4), and (7) revised; new (c)(12) added....37943
(f) revised....37944
(g) revised....37946
(h) added....37951
602.101 Correctly designated....10368
(c) table amended (OMB numbers)....10564, 10748, 12163, 13437, 15320, 21513, 23440, 25007, 26673, 29697, 30163, 31621, 32008, 32009, 33585, 34357, 42100
602.106 (c) table amended (temporary)....22777

Title 26—*Proposed Rules:*

1.0-1—1.60....15339, 22345, 23471, 28162, 35278, 35438, 41800, 42116
1.61—1.169....18579, 22716, 25036, 26122, 34392, 35438, 35447
1.170—1.300....29391, 35438, 42681
1.301—1.400....29704, 35438
1.401—1.500....22795, 28070, 32502, 39922, 42681
1.501—1.640....33836
1.641—1.850....18578, 35438
1.851—1.1000....32242, 32308, 34230, 34392, 34580, 44609
1.1001—1.1400....33427, 34230
1.1401—end....10774, 12194, 15339, 23308, 28070, 28162, 34230, 39922, 42681, 44139
5h....33953
31....34230, 34358
41....33602
48....44141
54....10583, 28070, 39922
55....33953
301....17989, 30177, 34230, 34358, 44141
601....28000, 30996, 39015

Title 26—*Proposed Rules—Con.* Page
602 ..... 10583, 10774, 18579, 23308, 23471, 25036, 29704, 34358, 35278, 42116, 42681, 44139, 44609

TITLE 27—ALCOHOL, TOBACCO PRODUCTS AND FIREARMS

Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury

5.22 (b)(1)(iii) amended; (b) (4) and (5) revised 41422
5.27 (d) revised 41423
5.36 (a) (3) and (4) redesignated as (a) (4) and (5); new (a)(3) added 41423
(a)(6) added 42101
9.48 (c) revised 23652
9.61 (c)(12) revised; (c) (13) through (15) redesignated as (c) (17) through (19); new (c) (13) through (16) added 23651
9.109 Added 13082
9.110 Added 37137
9.114 Added 21515
9.115 Added 32785
9.116 Added 22304
9.120 Added 44105
19.44 Amended 19313
19.346 (b) (1) and (2) revised; (b)(3) added 41423
19.519 Amended 19313
19.524 (c)(1) amended 19313
19.525 (a) amended 19313
19.645 (b) and (c) redesignated as (c) and (d); new (b) added 41423
(c) and (d) amended; (e) added 42101
25.117 (a) and (b)(1) amended; (c) removed; nomenclature change 19313
25.118 Nomenclature change 19313
25.119 Heading and (c) amended; nomenclature change 19313
25.121 Amended; nomenclature change 19313
25.131 Revised 19313
25.122 Nomenclature change 19313
25.125 Nomenclature change 19313
25.126 Nomenclature change 19313
25.132 (b) amended 19313
25.134 Amended 19313
25.163 Revised 19314
25.164 (e)(1) revised 19314
25.165 (c)(1) amended 19314
25.166 (b) amended 19314
25.173 (b) amended 19314
25.175 (b) (1), (2), and (3) amended 19314
25.283 (d) amended 19314
25.285 (a) amended 19314
47.57 Revised 34381
70 Authority citation revised 19314
70.1 Revised 19314
70.61—70.109 (Subpart E) Added 19314
70.111—70.152 (Subpart F) Added 19325
170.77 (a) amended 19334
170.91 Amended 19334
170.305 (a) amended 19334
170.305a (a), (b), and (c) amended 19334
170.306 (b) amended 19334
179.34 (a) designation and heading and (b) removed; amended; nomenclature change 19334
179.35 Nomenclature change 19334
179.36 Nomenclature change 19334
179.37 Amended 19334
179.38 Amended 19334
179.42 Amended; nomenclature change 19334
179.43 Amended 19334
179.46 Amended; nomenclature change 19334
179.47 Amended; nomenclature change 19334
179.50 Amended; nomenclature change 19334
179.171 Amended 19334
179.172 Amended 19334
194.27 Amended; nomenclature change 19335
194.94 Amended 19335
194.104 Amended 19335
194.104a Revised 19335
194.105 Amended 19335
194.106—194.110 Undesignated center heading amended 19335
194.106 Amended; nomenclature change 19335
194.106a Amended 19335
194.106b Amended 19335
194.106d Removed 19335

194.107 Heading and text nomenclature change 19335
194.109 Amended 19335
194.111 Amended 19335
194.121 Amended 19335
194.121a Amended 19335
194.123 Amended 19335
194.124 Amended; nomenclature change 19335
194.126 Amended; nomenclature change 19335
194.127 Amended 19335
194.132 Amended 19335
194.133 Amended 19335
194.134 Amended; nomenclature change 19335
194.135 Amended 19335
194.136 Amended; nomenclature change 19335
194.137 Amended; nomenclature change 19335
194.139 Amended; nomenclature change 19335
194.151 Heading and (a) revised; (b) amended; nomenclature change 19336
194.152 Amended 19336
194.169 Undesignated text following (d) revised 19336
194.201 Revised 19336
197.28 (a) and (b) amended; nomenclature change 19336
197.29—197.31 Undesignated center heading amended 19336
197.29 Amended; nomenclature change 19336
197.29a Amended; nomenclature change 19336
197.29b Nomenclature change 19336
197.29d Removed 19336
197.30 Nomenclature change 19336
197.31 Nomenclature change 19337
197.40 Nomenclature change 19336
197.40a Nomenclature change 19336
197.41 Amended 19336
197.42 Amended; nomenclature change 19336
197.43 Amended; nomenclature change 19336
197.46 Amended 19337
197.48 Amended 19337
197.50 Amended 19337
197.55 Revised 19337
197.56 Amended 19337
197.58 Revised 19337
197.106 Amended 19337
197.111 Revised 19337
240.340 Amended 19337
240.343 Revised 19337
240.344 Revised 19337
240.345 Removed 19337
240.591 (a) amended 19337
240.591a (c)(1) amended 19337
240.594 (a) amended 19337
240.594c Amended 19337
240.595 Amended 19337
240.596 (a) amended 19337
240.807 Amended 19337
250.11 Amended 19338
250.37 Revised 19338
250.44 Amended 19338
250.52 (c) amended 19338
250.54 Amended 19338
250.61 Revised 19338
250.62a Amended 19338
250.65 Amended 19338
250.70 Amended 19338
250.70a Amended 19338
250.71 Nomenclature change 19338
250.72 Nomenclature change 19338
250.74 Nomenclature change 19338
250.75 Amended 19338
250.78 Amended 19338
250.79 Amended 19338
250.81 Amended 19338
250.93 Amended 19338
250.96 (b) amended; nomenclature change 19338
250.102 Amended 19338
250.105 (b) amended; nomenclature change 19338
250.110 Amended 19338
250.112 (e) and (h) revised 19339
250.112a (c)(1) amended 19339
250.113 (a) amended 19339
250.119 Amended 19339
250.126 Amended 19339
250.128 Revised 19339
250.210 Amended 19339
251 Authority citation revised 19339
251.11 Amended 19339
251.30 Amended; nomenclature change 19339
270.44 Amended 19339
270.162 Amended 19339
270.165 (b) amended 19339
270.165a (c) amended 19339
270.166 Amended 19340

CHANGES APRIL 1 THROUGH NOVEMBER 30, 1987

TITLE 27 Chapter I—Con. Page

270.167 (a) and (b) amended 19340
270.168 Amended 19340
270.281 Amended 19340
270.283 Amended 19340
270.286 Amended 19340
270.311 (b) amended 19340
270.313 Amended 19340
275.11 Amended 19340
275.105 Amended 19340
275.108 Amended 19340
275.109 Amended 19340
275.110 Amended 19340
275.111 Introductory text amended; (a) removed; (b) through (e) redesignated as (a) through (d); new (d) amended 19340
275.112 Amended 19340
275.114 (c) revised 19340
275.114a (a) and (c) amended 19340
275.115 Amended 19340
275.115a (c) amended 19340
275.116 Amended 19340
275.118 Amended 19341
275.123 Amended 19341
275.125 Amended 19341
275.126 Amended 19341
275.127 Amended 19341
275.129 Amended 19341
275.137 Amended 19341
275.161 Amended 19341
275.163 Amended 19341
275.170 (b) amended 19341
275.172 (b) amended 19341
285.25 (b) amended 19341
285.26 Amended 19341
285.27 (c) amended 19341
285.34 Amended 19341
285.171 Amended 19341
285.173 Amended 19341
285.193 Amended 19341
290.67 (a) amended 19341
290.153 Amended 19341
290.154 Amended 19341
295.36 Amended 19341
296.7 Amended 19342
296.74 Amended 19342

Title 27—*Proposed Rules:*

4 ..... 23685, 30390, 33603
5 ..... 23685, 30390, 33603
6 36429
7 33603
9 ..... 11689, 13844, 19531, 19535, 29705, 34924, 34927, 36431, 36432, 44917
17 28286
19 28286
25 32814
170 28286
194 28286
197 28286

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

Page

0 Authority citation revised 24447, 44971
0.63 Revised 24448
0.100 (b) revised 24447
0.105 (a) revised 44971
0.115—0.118 (Subpart U) Revised 44971
2.20 Guidelines amended 33408, 44387
2.37 (b) revised 33408
2.50 (f) revised 33409
2.63 Revised 44389
8.1 Amended 24448
8.8 (b) amended 24448
9 Revised 32786
11 Added; eff. 8-31-87 24449
Technical correction 27496
16 Authority citation revised 33231
16.10 Revised 33231
16 Appendix I amended 34214
19 Added 45174
42.101—42.112 (Subpart C) Authority citation revised 24449
42.101—42.112 (Subpart C) Appendix A revised 24449
42.501—42.540 (Subpart G) Authority citation revised 24450
42.501—42.540 (Subpart G) Appendix A revised 24450
44 Added 37409
51.19 Amended 33409
51.24 Revised 33409
51.25 (a) amended 33409
51.29 (b) amended 33409
68 Added 44973

Chapter V—Bureau of Prisons, Department of Justice

541 Authority citation revised 37730
541.60—541.68 (Subpart E) Added; interim 37730

Chapter VI—Offices of Independent Counsel

602.1 (c) removed; (d) redesignated as (e); new (c) and (d) added 35544

Title 28—*Proposed Rules:*

Page

0 35926
2 ..... 30691, 33431, 33433, 34392
16 24583
20 34242
50 ..... 34242, 37630
67 39015
541 ..... 32478, 34343
700 42314

TITLE 29—LABOR

Chapter I—National Labor Relations Board

102 Authority citation revised 27990
102.118 Heading and (a)(1) revised 27990
103 Authority citation revised 25215
103.20 (Subpart B) Added 25215

Chapter V—Wage and Hour Division, Department of Labor

516 Revised; eff. 7-31-87 24896
Table of contents corrected 26121
697 Authority citation revised 35416
697.1 (b)(1), (e)(1), (f)(1), (g)(1), (h) (1) and (2), (i)(1), (j)(1), (k)(1), (m)(2) and (n)(2) revised 35416
697.3 Revised 35416

Chapter XIV—Equal Employment Opportunity Commission

1601 Authority citation revised 34215
1601.6 Existing text designated as (a); (b) redesignated from 1601.18 26957
1601.18 Redesignated as 1601.6 (b); new 1601.18 redesignated from 1601.19; (b) removed; (c) through (g) redesignated as (b) through (f); new (e) and (f) amended 26957
1601.19 Redesignated as 1601.18; (b) removed; (c) through (g) redesignated as (b) through (f); new (e) and (f) amended 26957

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

TITLE 29 Chapter XIV—Con. Page

Added....26958
1601.21 (a) revised; (d) introductory text amended....26959
1601.24 (a) amended....26959
1601.28 (b)(3) amended....26959
1601.74 (a) amended....34215
1601.80 Amended....45454
1613 Letters and bulletins revoked....38226
Authority citation revised....41922
1613.211 Revised....41922
1613.212 (a) revised....41922
1613.213 (a) amended; (b) and (c) redesignated as (c) and (d); new (b) added....41922
1613.214 Revised....41922
1613.215 Revised....41923
1613.216 Revised....41923
1613.217 Revised....41924
1613.218 Revised....41925
1613.219 Revised....41926
1613.220 (c) amended; (b) and (d) revised....41926
1613.221 Revised....41926
1613.222 Revised....41927
1613.231 Revised....41927
1613.234 Revised....41927
1613.235 Revised....41927
1613.236 Removed....41927
1613.237 Added....41928
1613.238 Added....41928
1613.239 Added....41928
1613.240 Added....41928
1613.261 Revised....41928
1613.262 Revised....41928
1613.271 Revised....41929
1613.283 Revised....41930
1613.513 Revised....41930
1613.521 Revised....41930
1613.601 (a) revised....41930
1613.602 (a) revised....41930
1613.603 (b)(1) amended; (c) and (g) revised....41930
1613.604 Revised....41930
1613.606 Revised....41931
1613.607 (a) revised....41931
1613.608 (a) amended; (b)(2) revised....41931
1613.609 Revised....41932
1613.610 Revised....41932
1613.612 (a)(1) amended....41932
1613.614 (e) amended....41932
1613.631 Revised....41932
1613.643 Revised....41933
1613.632 Revised....41932
1613 Appendix A added....41933
1625.13 Existing regulations unchanged....33809
1627 Authority citation revised....32296
1627.16 (c) added....32296

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

1910.16 (b)(2)(ix) added....36026
1910.19 (i) added....34562
1910.177 (a)(2) revised....36026
1910.268 (c) revised....36387
1910.1000—1910.1500 (Subpart Z) Authority citation amended....34562
1910.1000 Table Z-2 amended....34562
1910.1028 Added....34562
1910.1200 Revised....31877
1910.1000—1910.1500 (Subpart Z) Appendixes A through E added....34568
1915 Authority citation revised....31876
1915.97 Revised....31886
1915.99 Added....31877
1917 Authority citation revised....31876
1917.1 (a)(2)(ix) added....36026
1917.28 Added....31877
1917.44 (o) revised....36026
1918 Authority citation revised....31876
1918.90 Added....31877
1926.50—1926.59 (Subpart D) Authority citation revised....31877
1926.59 Added....31877
1926.550 (b)(2) revised....36382
1926.552 (c)(15) revised....36382
1926.903 (e) revised....36382
1928 Authority citation revised....31877
1928.21 (a)(5) added....31886
1952.290 Heading revised....34383
1952.291 Redesignated as 1952.296 and revised; new 1952.291 redesignated from 1952.293....34383
1952.292 Redesignated as 1952.295; new 1952.292 redesignated from 1952.294....34383

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

Page

1952.293 Redesignated as 1952.291; new 1952.293 added....34383
1952.294 Redesignated as 1952.292....34383
1952.295 Removed; new 1952.295 redesignated from 1952.292....34383
1952.296 Redesignated from 1952.291 and revised....34383
1952.377 Added....35070

Chapter XXV—Pension and Welfare Benefits Administration, Department of Labor

2582 (Subchapter J and Part) Added; interim....35866

Chapter XXVI—Pension Benefit Guaranty Corporation

2603.2 (c) amended....30663
2603.8 (a) amended....30663
2603.21 Heading, (a) and (c) revised; (d) amended....30663
2603.32 (c) revised....30664
2603.36 Revised....30664
2603.51 Revised....30664
2603.52 (a) introductory text and (1), (b) introductory text, and (c) revised....30666
2603.53 (a) revised....30666
2603.54 (a) amended; (b) and (c) revised....30666
2603.55 Revised....30666
2610 Authority citation revised....36759
2610 Appendix A amended....36759
2619 Appendix B amended....34774, 38228
2622 Appendix A amended....36759
2642 Revised....39914
2644 Authority citation revised....36759
2644 Appendix A amended....25008, 36759
2676.15 (c) table amended....26475, 30359, 34774, 38229, 43571

Chapter XXVII—Federal Mine Safety and Health Review Commission

2700.40 (b) revised....44883

Title 29—*Proposed Rules:*

1....31366, 38473
5....31366, 38473
98....39015
100....25124, 27902
102....27012
103....25142, 29038, 36589, 37399, 43919
505....35447
1471....39015
1615....42450
1625....45360
1910....26776, 28727, 29620, 32312, 35731, 37973, 42321, 44996, 45438, 45530
1915....28727, 32312, 35731
1917....28727, 32312, 35731
1918....28727, 32312, 35731
1926....26776, 44996
1952....36048
1953....27417
2550....33508, 42322
2580....31039, 44610
2616....33318
2617....33318
2640....37329, 43082
2642....43082
2649....37329

TITLE 30—MINERAL RESOURCES

Chapter I—Mine Safety and Health Administration, Department of Labor

46 Removed....33235
47 Authority citation revised....33235
47.10 Amended....33235
47.50 Amended....33236
57.22001—57.22608 (Subpart T) Revised; eff. 10-29-87....24941
57.22004 OMB number; interim....41397
57.22005 (f)(1) and (g) corrected....27903
57.22202 (a)(2) revised; interim....41397
57.22204 OMB number; interim....41397
57.22228 (e) revised; interim....41397
57.22229 (b)(3) amended; interim....41397
57.22230 OMB number; interim....41397
57.22232 Corrected....27903
57.22233 Corrected....27903
57.22234 (a) amended; interim....41397
57.22239 OMB number; interim....41397
57.22240 Corrected....27903

TITLE 30 Chapter I—Con. Page
57.22401 OMB number; interim 41397
57.22601 Effective date deferred 41397
57.22606 (g)(2) revised; interim 41397

Chapter II—Minerals Management Service, Department of the Interior

208 Revised 41913
208.2 Corrected 45528
209 Removed 41918
216 Authority citation revised 27546
216.40 (a) and (b) revised; (g) added 27546
218 Authority citation revised 24451, 27546
218.40 (a) and (b) revised; (e) added 27546
(e) correctly designated 37452
218.57 Added; eff. 7-31-87 24451

Chapter VII—Office of Surface Mining Reclamation and Enforcement, Department of the Interior

700 Authority citation revised 39407
700.5 Amended 39407
736 Authority citation revised 39407
736.12 Revised 39407
736.13 Removed 39408
736.14 (a) revised 39408
750 Authority citation revised 31622
750.20 (a) suspended in part 31622
785 Authority citation revised 39183
785.14 (c)(1) (iii) and (iv) redesignated as (c)(1) (iv) and (v); new (c)(1)(iii) added; new (c)(1)(iv) revised 39183
816 Authority citation revised 29181
816.68 (e) amended 29181
906.11 (p) and (oo) removed 36028
913 Authority citation revised 45329
913.30 Added 45329
915.15 (g) added 37453
917.21 Existing text designated as (a); new (b) added 26300

Page
925 Authority citation added; section authority citations removed 43758
925.16 (i)(1) introductory text amended 43758
(j) and (k) amended 43759
934 Authority citation revised; section authority citations removed 43761
934.15 (i) added 43761
935.12 (c) added 26971
(a) removed 29516
935.15 (bb) added 26971
(cc) added 29516
935.16 (d) through (h) added 26972
(a) removed 29516
935.20 Revised 30668
935.25 Revised 30668
936.17 Removed 36924
936.18 Removed 36924
936.19 Removed 36924
938.15 (n) added 26302
946 Authority citation revised 43573
946.12 (b)(3) removed 26973
946.15 (s) added 26973
(t) added 30670
946.25 Revised 43573

Title 30—*Proposed Rules:*

11 32313
48 30391
57 ..... 26352, 33956, 43345
75 30391
202 ..... 25887, 29868, 30776, 30826, 33247, 35451, 39792, 39846, 43919
203 ..... 25887, 29868, 30826, 33247, 35451, 39846, 43919
206 ..... 25887, 29868, 30776, 30826, 33247, 35451, 39792, 39846, 43919
207 ..... 30826, 33247, 35451, 39846
210 ..... 30826, 33247, 35451, 39846
212 ..... 25887, 29868, 43919
218 ..... 25887, 29868, 43919
241 ..... 30826, 33247, 35451, 39846
250 35559
251 36435
256 29222
701 42258
750 34394
762 39186
773 ..... 37164, 43174

Page
780 ..... 32764, 39364, 42258
784 ..... 32764, 39364, 42258
815 42258
816 ..... 28012, 37334, 39364, 42258
817 ..... 28012, 37334, 39364, 42258
840 ..... 32758, 41471
842 ..... 32758, 34050, 41309, 41471
843 ..... 34050, 41309
845 41666
846 41666
870 27419
901 34929
904 27419
905 ..... 39594, 44918
913 ..... 28309, 41471
914 ..... 25887, 35733, 35734
915 25888
916 34930
917 ..... 26158, 26159, 28310, 34932, 39540
925 29546
931 ..... 28162, 33956
934 35735
935 ..... 25386, 25387, 28165
938 25037
943 30930
944 ..... 41738, 43622
946 ..... 28166, 28849, 36959, 41739
948 41741

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

1 Authority citation revised 26305
1.1—1.7 (Subpart A) Revised 26305
1.8—1.12 (Subpart B) Revised 26319
1.20 Revised 26320
1.21—1.22 Revised 26321
1.23 Revised 26322
1.24 Revised 26323
1.25—1.26 Revised 26324
1.27 Revised 26326
1.28 Revised 26327
1.29—1.30 Revised 26328
1.31—1.32 Revised 26329
1.33 Removed 26302
1.34—1.35 Revised 26329
1.20—1.36 (Subpart C) Appendixes A through L revised 26329
5.5—5.22 (Subpart B) Revised 39514
16 Added 35071

Chapter I—Monetary Offices, Department of the Treasury

51 Authority citation revised 36925

Page
51.0 Revised; interim 36925
51.1 Revised; interim 36925
103 Authority citation revised 35545
103.43 (a), (b), and (c) redesignated as (b), (d), and (e); new (b) revised; new (a), (c), and (f) added 35545
103.70—103-77 (Subpart F) Added 35546

Chapter II—Fiscal Service, Department of the Treasury

358 Added; interim 41991

Chapter V—Office of Foreign Assets Control, Department of the Treasury

545.427 Interpretation 25576
550.630 Added 35548
550.635 Added 35549
560 Added 44076

Title 29—*Proposed Rules:*

103 ..... 35562, 39663, 39922
223 ..... 29039, 37334

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

40.3 Amended 29844
40.4 (b)(3)(iii) (B) and (C) and (iv) added 29844
40.6 (d)(2)(iii) (A), (B), and (C) amended 29844
40.7 (b)(4)(iv), (c), and (d) added 29844
40.14 (a) amended 29845
43.2 (a) amended 25008
43.6 (d)(14) revised 25008
45.3 (b)(2), (c)(2), and (e)(1)(v) revised; (d)(5) and (g) amended 41706
45.4 (d)(1) amended 41706
45.5 Amended 41706
59 Revised 34215
63.3 (o) amended 25215
63.6 (b)(5) (i) through (vii) amended; (e)(2) introductory text revised; (e)(2)(vi) redesignated as (e)(2)(vii); new (e)(2)(vi) added 25215
68 Added 44389

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

TITLE 32 Chapter I—Con. Page

72 Added....41707
98 Added....44883
165 Removed....34639
174.1 (d) and (e) amended....29181
174.3 (b), (c) and (f) amended; (d) and (e) revised....29181
(f) corrected....30766
174.4 (c) revised....29182
174.5 (b) and (d) revised....29182
174.6 (a) revised....29182
199 Uncodified Table 2 revised....34775
199.1 (o) redesignated as (p); new (o) added....38754
199.2 (b) amended....33005
199.3 (e)(3)(iv) revised....27991
199.4 (d)(2), (f)(3)(ii), (4)(ii) and (5), (g) (10) and (11) revised; (f)(6) added....33005
199.6 (a)(8) and (b)(1)(ii) revised; (b)(3)(v) added; (e) removed; (f) redesignated as (e)....33006
199.7 (b)(2)(i), (c)(2), (e)(1) and (g) revised; (b)(2)(x)(C) added....33007
199.10 (a)(5)(iii) redesignated as (a)(5)(iv); new (a)(5)(iii) added....33007
199.14 Added....33007
220 Added....36028
226 Added....42638
249 Added....41708
251 Revised....36030
Technical correction....37609
252 Revised....39222
286 Revised....25977
292a.13 Revised....29183
292a.15 Removed....25216
295 Heading revised....32296
295.6 (b) (1) through (6) revised; (b) (7) and (8) added....32296
299a.10 (b)(10) amended....41711
351 Removed....37290
361 Revised....41993
368 Revised....35417
372 Revised....36402
381 Added....36405
382 Added....37290
382 Appendix A amended....38407

Chapter V—Department of the Army

537 Revised....45176
552.25 Revised....44393
552.105—552.111 (Subpart G) Added....25862

Chapter VI—Department of the Navy

706.2 Table One amended....42103
Table Three amended....42104
Table Five amended....35237, 38755, 42102, 42103
706.3 Table One amended....35237
728 Revised....33718
732 Revised....32297
750 Authority citation revised; footnotes removed....25595
750.3 (d) redesignated as (e); new (d) added....25595
750.4 (c) heading revised....25596
750.7 (a) (5) through (16) and (b) revised; (a) (17) and (18) added....25596
750.8 (a) and (b) amended....25596
750.9 Revised....25597
750.12 (b) amended....25597
750.13 (b) and (c) redesignated as (c) and (d); new (b) added; (c)(2) amended....25597
750.16 (c)(2) amended; (e) revised....25597
750.21 (a) through (c) amended....25598
750.23 Revised....25598
750.24 (b) (2) and (3) revised....25598
750.32 (e)(2) amended....25598
750.52 (b) revised....25598
750.53 (c) amended....25598
751 Authority citation revised; footnotes removed....25598
751.2 Revised....25598
751.3 (i)(3)(iii) amended....25599
751.4 (u) added....25599
751.21 (f)(1)(ii) amended....25599
751.22 (b) and (d) amended....25599
751.23 Introductory text amended....25599
751.24 (a)(1) introductory text, (v), (vi), (2), (3)(i), (5) and (6), (b) and (d) revised; (e) amended....25599
751.25 (b) revised....25600
751.28 Revised....25600
751.30 (a) through (d) and (e)4. revised; (e) introductory text amended....25600

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

Page

757 Authority citation revised....25600
Footnotes removed....25601
757.2 (b)(2) and (c) revised....25601
757.3 (a) amended; (b), (c), (d), and (f)(3) revised....25601
757.8 Amended....25601
757.13 Introductory text and (d) revised; (f) removed....25601
757.15 (a) (1) through (4) revised....25601
757.16 (c) amended; (d) added....25601
763.5 (d) added....45455

Chapter VII—Department of the Air Force

807 Revised....36247
861 Added....37609
891 Removed....44597

Chapter XVI—Selective Service System

1602.2 Revised....24454
1602.11 Revised....24454
1602.14 Revised....24454
1602.15 Revised....24454
1602.18 Revised....24454
1602.24 Revised....24454
1602.25 Revised....24454
1605.51 (b) removed....24454
1605.81 (b) revised....24454
1609.1 Revised....24454
1618.3 Removed....24454
1621.1 Revised....24454
1624.4 (b) and (c) revised....24455
1624.5 (a) revised....24455
1624.6 (a) and (e) removed; (b) and (j) revised....24455
1624.7 Revised....24455
1624.10 Revised....24455
1630.13 Revised....24455
1630.18 Revised....24456
1630.30 Revised....24456
1630.31 Revised....24456
1630.40 (a) introductory text revised; (a)(4) removed....24456
1630.44 Revised....24456
1630.45 Heading and (a) revised....24456
1630.48 Revised....24456
1633.1 (e) and (f) revised....24456
1633.2 Revised....24457
1633.6 Revised....24457
1633.7 (b) revised; (c) removed....24457
1633.10 Revised....24457
1633.11 Revised....24457
1636.3 (a) revised....24457
1636.6 Heading revised....24457
1636.8 (a)(3) revised....24457
1639.3 (a)(1) revised....24458
1639.6 Heading revised....24458
1639.7 (c) revised....24458
1642 Heading revised....24458
1642.3 Revised....24458
1642.4 (a)(4) revised; (b) removed....24458
1642.5 Added....24458
1642.7 (a) revised; (c) removed....24458
1648.1 Revised....24458
1648.2 Removed....24458
1648.3 (a) and (c) revised....24458
1648.4 (b) revised....24458
1648.5 (a) and (i) revised....24459
1648.6 (a) revised....24459
1651.1 (b) revised....24459
1651.4 (a), (j), (n)(3) and (r) revised....24459
1653.3 Heading, (a) and (k) revised....24459
1657 Revised....24459
1698 Added....24460

Chapter XX—Information Security Oversight Office

2001.43 (a)(1) revised....28418
2003.20 Revised....28802
(h)(1) revised....29793

Title 32—*Proposed Rules:*

104....39663
198a....27421
199....28568, 29044, 30391
276....26692
277....26693
280....39015
807....27825
811....37631
811a....37636
887....35927

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

3.01-1 (f) removed; (g) redesignated as (f)....25217

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

TITLE 33 Chapter I—Con. Page

(h) redesignated as (g) and revised....33810
3.25–1 (b) revised....25217
3.40–10 (b) revised....35913
3.40–15 (b) revised....35913
3.40–17 Added....35913
3.40–20 (b) revised....35913
5 Authority citation revised....36760
5.47 Revised....36760
(b) corrected....37716
5.48 Added....36760
25.103 Revised....25217
25.111 (b) revised....25217
25.405 (g) revised....25218
47 Removed....25218
60 Removed....42640
62 Revised....42640
66 Authority citation revised....42645
66.01–10 Revised....42645
66.05–1 Revised....42645
66.05–20 Revised....42645
66.10–1 Revised....42645
67 Authority citation revised; section authority citations removed....33810
67.50–1 Revised....33810
67.50–35 Revised....37613
72.01–10 (a)(2) revised....25218
80 Authority citation revised....33810
80.01 (c) added....33810
80.155 Redesignated from 80.305....25218
80.160 Redesignated from 80.310....25218
80.165 Redesignated from 80.315....25218
80.170 Added....25218
80.305—80.325 Undesignated center heading removed....25218
80.305 Redesignated as 80.155....25218
80.310 Redesignated as 80.160....25218
80.315 Redesignated as 80.165....25218
80.320 Removed....25218
80.325 Redesignated as 80.503....25218
80.501 Added....25218
80.503 Redesignated from 80.325....25218
80.1102 Redesignated from 80.1105....25218
80.1104 Redesignated from 80.1110....25218

Page

80.1105 Redesignated as 80.1102....25218
80.1106 Redesignated from 80.1115....25218
80.1108 Redesignated from 80.1120....25218
80.1110 Redesignated as 80.1104; new 80.1110 redesignated from 80.1125....25218
80.1112 Redesignated from 80.1130....25218
80.1114 Redesignated from 80.1135....25218
80.1115 Redesignated as 80.1106....25218
80.1116 Redesignated from 80.1140....25218
80.1118 Redesignated from 80.1145....25218
80.1120 Redesignated as 80.1108; new 80.1120 redesignated from 80.1150....25218
80.1122 Redesignated from 80.1155....25218
80.1124 Redesignated from 80.1160....25218
80.1125 Redesignated from 80.1110....25218
80.1126 Redesignated from 80.1165....25218
80.1130 Redesignated as 80.1112; new 80.1130 redesignated from 80.1205....25218
80.1132 Redesignated from 80.1210....25218
80.1134 Redesignated from 80.1215....25218
80.1135 Redesignated as 80.1114....25218
80.1136 Redesignated from 80.1220....25218
80.1138 Redesignated from 80.1225....25218
80.1140 Redesignated as 80.1116; new 80.1140 redesignated from 80.1230....25218
80.1142 Redesignated from 80.1250....25218
80.1144 Redesignated from 80.1255....25218
80.1145 Redesignated as 80.1118....25218
80.1146 Redesignated from 80.1260....25218

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

Page

80.1148 Redesignated from 80.1265....25218
80.1150 Redesignated as 80.1120; new 80.1150 redesignated from 80.1270....25218
80.1152 Redesignated from 80.1275....25218
80.1155 Redesignated as 80.1122....25218
80.1160 Redesignated as 80.1124....25218
80.1165 Redesignated as 80.1126....25218
80.1205—80.1275 Undesignated center heading removed....25218
80.1205 Redesignated as 80.1130....25218
80.1210 Redesignated as 80.1132....25218
80.1215 Redesignated as 80.1134....25218
80.1220 Redesignated as 80.1136....25218
80.1225 Redesignated as 80.1138....25218
80.1230 Redesignated as 80.1140....25218
80.1250 Redesignated as 80.1142....25218
80.1255 Redesignated as 80.1144....25218
80.1260 Redesignated as 80.1146....25218
80.1265 Redesignated as 80.1148....25218
80.1270 Redesignated as 80.1150....25218
80.1275 Redesignated as 80.1152....25218
100 Temporary regulations list....26675
100.01 (b) added....33811
100.35–109 Added (temporary)....30164
100.35–544 Added (temporary)....26674
100.35–05068 Added (temporary)....31622
100.35–05081 Added (temporary)....38756
100.35–T07–61 Added (temporary)....43573
100.35–0911 Added (temporary)....28554
100.35–0914 Added (temporary)....29517

Page

100.35–0918 Added (temporary)....28251
100.35–0921 Added (temporary)....32790
100.35–0924 Added (temporary)....32791
100.35–0925 Added (temporary)....31395
100.45 Revised....42645
100.101 Redesignated from 100.304 and (b) revised....25219
100.102 Redesignated from 100.305 and (b) revised....25219
100.103 Redesignated from 100.307 and (b) revised....25219
100.104 Redesignated from 100.308 and (b) revised....25219
100.301 Redesignated as 100.502 and (b) revised....25218
100.302 Redesignated as 100.503 and (b) revised....25219
100.303 Redesignated as 100.504 and (b) revised....25219
100.304 Redesignated as 100.101 and (b) revised....25219
100.305 Redesignated as 100.102 and (b) revised....25219
100.306 Redesignated as 100.505 and (b) revised....25219
100.307 Redesignated as 100.103 and (b) revised....25219
100.308 Redesignated as 100.104 and (b) revised....25219
100.502 Redesignated from 100.301 and (b) revised....25218
100.503 Redesignated from 100.302 and (b) revised....25219
100.504 Redesignated from 100.303 and (b) revised....25219
100.505 Redesignated from 100.306 and (b) revised....25219
100.1103 Redesignated from 100.1201....25219
100.1104 Redesignated from 100.1202....25219
100.1201 Redesignated as 100.1103....25219
100.1202 Redesignated as 100.1104....25219
110 Authority citation revised....33811
110.1 (d) added....33811
110.195 (a)(15) revised....37614
110.238 Revised....25864
Technical correction....35914

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

TITLE 33 Chapter I—Con. Page

110.239 Added....26147
117.237 (c) revised....33812
117.261 (m) removed....26677
Heading revised; (qq) added....27684
(c) added....28694
(bb) revised....42646
117.287 (d)(2) revised....30671
117.311 Added....38758
117.317 (k) revised....28693
117.319 (a) revised....42649
117.353 (b) revised....42647
117.561 (b) (1) through (4) and (c) revised; introductory text republished (temporary)....26341
117.572 Added (temporary)....42648
117.631 Revised....39520
117.733 (h) revised....25374
117.753 Revised....25373
117.911 (d) revised....42648
(f) revised....44107
117.1051 (d) introductory text revised; (e) added; eff. to 8-21-87....25374
122 Removed....42650
132 Appendix corrected....28471
147 Authority citation revised....33811
147.10 (d) added....33811
150 Authority citation revised....33811
150 Appendix A amended....33811
161 Authority citation revised; section authority citations removed....33586
161.101 (d) added....33811
161.703 Amended....33587
161.761 Revised....33587
161.767 Revised....33587
161.768 Revised....33587
161.769 Removed....33587
161.770 Removed....33587
162 Authority citation revised....33811
162.1 Added....33811
162.45 Removed....42651
165 Temporary regulations list....26675
Authority citation revised....33811
165.T0139 Added (temporary)....35081
165.T226 Added (temporary)....25375
165.T05047 Added (temporary)....31396
165.T05-76 Added (temporary)....31763
165.T830 Added (temporary)....28252
165.T843 Added (temporary)....44108
165.T0901 Added (temporary)....34906
165.T0906 Added (temporary)....28555
165.T1165 Revised (temporary)....26147
165.T1403 Added (temporary)....42651
165.8 Added....33811
165.130 Redesignated from 165.301....25218
165.140 Redesignated from 165.302....25218
165.150 Redesignated from 165.304....25218
165.155 Redesignated from 165.305....25218
165.160 Redesignated from 165.310....25218
165.301—165.310 Undesignated center heading removed....25218
165.301 Redesignated as 165.130....25218
165.302 Redesignated as 165.140....25218
(a)(1) corrected....44107
165.303 Redesignated as 165.510....25218
165.304 Redesignated as 165.150....25218
165.305 Redesignated as 165.155....25218
165.310 Redesignated as 165.160....25218
165.504 (c)(1)(vii) revised....41996
165.510 Redesignated from 165.303....25218
165.703 (i) added....31763
165.1201 Undesignated center heading and section designation removed....25218
165.1703 Added....30671
166 Authority citation revised....33811
166.103 Added....33811
166.500 Added....33589
(b) correctly revised....36248
167 Authority citation revised....33811
167.3 Added....33812
167.100 Redesignated as 167.350....33589

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

Page

167.150—167.350 (Subpart B) Heading revised....33589
167.150—167.155 Undesignated center heading added....33589
167.150 Added....33589
167.151 Added....33589
167.152 Added....33589
167.153 Added....33589
167.154 Added....33590
167.155 Added....33590
167.350 Undesignated center heading added; section redesignated from 167.100....33589
174 Authority citation revised....25219
174.121 Revised....25219
177 Authority citation revised....33812
177.08 Introductory text revised....33812

Chapter II—Corps of Engineers, Department of the Army

207.249 Heading revised; (b)(3)(iii) and (5)(iii) and (d) amended; (b)(1) redesignated as (b)(1)(i) and heading added; (b)(1)(ii), (3)(iv), and (5)(iv) added....34775
240 Added....44113
241 Added; interim....35875
334.78 Added....28556

Title 33—*Proposed Rules:*

1—183 (Ch. I)....31786
26....38787
84....39541
110....27688, 34815, 42682
117....25389, 25391, 27225, 28018, 33434, 33836, 34686, 36799, 36961, 43623, 43624, 44447, 44448, 45201-45203
140....25392
143....25392
162....34933
165....26703, 32314, 33435, 33436, 34687, 34816, 37637, 42683, 43205
166....25039, 28019
183....44918
241....34934
334....36439

TITLE 34—EDUCATION

Subtitle A—Office of the Secretary, Department of Education

Page

5 Authority citation revised....32524
5.6 Added....32525
5.60—5.64 (Subpart E) Revised....32525
11 Revised....25152
32 Added; eff. 7-31-87....24957
75 Authority citation revised....27803
75.1 (a) Note and tables removed; (a) revised (effective date pending)....27803
75.50 Revised (effective date pending)....27803
75.111 (d) and (e) removed (effective date pending)....27803
75.124 Undesignated center heading and section removed (effective date pending)....27803
75.125 (a) designation and (b) removed (effective date pending)....27803
75.138—75.141 Undesignated center heading and sections removed (effective date pending)....27803
75.200 (b)(3) and (c)(2) revised (effective date pending)....27803
75.201 (b)(1) designation and (2) removed (effective date pending)....27803
75.202—75.206 Removed (effective date pending)....27803
75.210 Revised (effective date pending)....27803
75.217 Revised (effective date pending)....27804
75.219 (b) removed; (c) redesignated as (b) and revised (effective date pending)....27804
75.221 Removed (effective date pending)....27804
75.222 Heading and section amended (effective date pending)....27804
75.250 (a) designation and (b) removed (effective date pending)....27804
75.254 Removed (effective date pending)....27804

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

TITLE 34 Subtitle A—Con. Page

75.260 (a) revised (effective date pending)..... 27804
75.708 (a) revised (effective date pending)..... 27804
75.721 Removed (effective date pending)..... 27804
75.733 Removed (effective date pending)..... 27804
76 Authority citation revised..... 27804
76.1 (a) Note and tables removed; (a) revised (effective date pending)..... 27804
76.50 (a) introductory text revised (effective date pending)..... 27804
76.100 Revised (effective date pending)..... 27804
76.101 Revised (effective date pending)..... 27804
76.102 Cross-reference removed (effective date pending)..... 27804
76.301 Revised (effective date pending)..... 27804
76.401 (a) introductory text and (b) revised (effective date pending)..... 27805
76.563 Introductory text amended (effective date pending)..... 27805
76.772 Cross-reference removed (effective date pending)..... 27805

Chapter II—Office of Elementary and Secondary Education, Department of Education

206 Authority citation revised..... 24920
206.1 Authority citation revised..... 24920
206.2 (a), (b) and authority citation revised (effective date pending)..... 24920
206.3 Authority citation revised..... 24920
206.4 (a) and authority citation revised (effective date pending)..... 24920
206.5 (c)(1) and authority citation revised (effective date pending)..... 24920
206.10 (b)(1) (i) through (viii) and (2) (i) through (iii) and authority citation revised; (b)(2) (iv) through (vi) and (c) added (effective date pending)..... 24920
206.20 (a) amended; (b) redesignated as (d); new (b) and (c) added; authority citation revised; OMB number (effective date pending)..... 24920
206.30 Authority citation revised..... 24920
(b) revised (effective date pending)..... 24921
206.31 Authority citation revised..... 24920
(a)(2)(ii) revised; (i) added; OMB number (effective date pending)..... 24921
215 Revised (effective date pending)..... 38853
221.15 (b) introductory text and (3) revised (effective date pending)..... 28814
230 Added (effective date pending)..... 26919
235 Added (effective date pending)..... 26923
237 Added (effective date pending)..... 26466
250 Authority citation revised..... 28232
250.4 (b) amended..... 28232
251 Authority citation revised..... 28232
251.31 Added..... 28232
251.32 Added..... 28233
270 Revised (effective date pending)..... 24963
271 Added..... 24964
272 Added..... 24965

Chapter III—Office of Special Education and Rehabilitative Services, Department of Education

309 Revised (effective date pending)..... 29817
315 Heading and authority citation revised (effective date pending)..... 31958
315.1 Heading revised; text amended (effective date pending)..... 31958
315.10 Nomenclature change (effective date pending)..... 31958

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

Page

315.11 Nomenclature change (effective date pending)..... 31958
315.12 Nomenclature change; (a) introductory text and (4) and (b)(2) amended (effective date pending)..... 31958
315.13 Nomenclature change; (a) revised; (c) redesignated as (d); new (c) added (effective date pending)..... 31958
315.14 Amended (effective date pending)..... 31959
315.30 (a) amended (effective date pending)..... 31959
315.31 Redesignated as 315.32 and revised; new 315.31 added (effective date pending)..... 31959
315.32 Redesignated from 315.31 and revised (effective date pending)..... 31959
315.33 Added (effective date pending)..... 31959
315.34 Added (effective date pending)..... 31960
319 Added (effective date pending)..... 25831
320 Heading and authority citation revised..... 26657
320.1 Heading, introductory text and (a) revised; (b) amended; (c) redesignated as (d); new (c) added (effective date pending)..... 26657
320.10 (a)(2) removed; (a)(3) and (c) redesignated as (a)(2) and (d); (a)(1)(iii) and (b) amended; new (c) added (effective date pending)..... 26657
320.30 (b)(2)(iii) amended (effective date pending)..... 26657
320.40 (b) revised (effective date pending)..... 26657
324 Authority citation revised..... 43482
324.1 (a) and (b) revised (effective date pending)..... 43483
324.10 Introductory text and (a) through (e) revised; (f) and (g) redesignated as (g) and (h); new (f) added (effective date pending)..... 43483
324.11 (a) and (b) amended (effective date pending)..... 43483

Page

324.31 (f), (g) and (h)(1) revised (effective date pending)..... 43483
324.32 (h)(1) revised (effective date pending)..... 43483
326 Authority citation revised..... 34368
326.1 (a)(2) (i) and (ii) revised; (a)(2)(iii) added (effective date pending)..... 34368
326.4 (c)(1) (i) and (ii) revised; (c)(1)(iii) added (effective date pending)..... 34368
326.10 (a)(3) amended; (a)(4) revised (effective date pending)..... 34369
326.20 (b) revised (effective date pending)..... 34369
326.30 (b) and (e) amended; (i), (j), and (k) added (effective date pending..... 34369
326.34 Added (effective date pending)..... 34369
350 Heading and authority citation revised (effective date pending)..... 30060
350.1 Heading, (a) (1) and (3), and authority citation revised; (a) introductory text republished (effective date pending)..... 30060
350.2 (b), (c), and authority citation revised; (d) added (effective date pending)..... 30061
350.3 Introductory text and (a)(2) revised (effective date pending)..... 30061
350.4 (a) introductory text and (b) introductory text revised; (b) amended (effective date pending)..... 30061
350.30 Revised (effective date pending)..... 30061
350.32 (a) and authority citation revised (effective date pending)..... 30061
350.33 (a), (b), and (e) revised; (c) amended (effective date pending)..... 30062
350.34 Heading revised (effective date pending)..... 30062
350.35 Added (effective date pending)..... 30062
350.40 (b)(1) introductory text republished; (b)(1)(iii) re-

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

TITLE 34 Chapter III—Con. Page

vised (effective date pending)....30062
351 Heading and authority citation revised (effective date pending)....30062
351.1 Nomenclature changes (effective date pending)....30062
351.10 Introductory text and (b) introductory text republished; (a), (b) (6) and (7), and authority citation revised; (b) (8) and (9) added; nomenclature changes (effective date pending)....30062
352 Heading and authority citation revised (effective date pending)....30063
352.10 (b) and (d) revised (effective date pending)....30063
352.31 Revised (effective date pending)....30063
352.40 (Subpart E) Added (effective date pending)....30064
353 Heading and authority citation revised (effective date pending)....30064
353.1 (b) and (c) revised (effective date pending)....30064
353.10 (a) introductory text and (b) introductory text republished; (a) (iii) and (iv) amended; (a)(v) added; (b)(1) revised (effective date pending)....30064
353.31 Revised (effective date pending)....30064
354 Heading and authority citation revised (effective date pending)....30065
355 Heading and authority citation revised (effective date pending)....30065
356 Heading and authority citation revised (effective date pending)....30065
356.30 (b)(1) amended (effective date pending)....30065
356.32 (b) amended (effective date pending)....30065
357 Heading and authority citation revised (effective date pending)....30065
357.1 (b) and (c) amended (effective date pending)....30065

Page

358 Heading and authority citation revised (effective date pending)....30065
359 Heading and authority citation revised (effective date pending)....30065
359.32 Added (effective date pending)....30066
363 Added (effective date pending)....30550
371 Heading and authority citation revised (effective date pending)....30555
371.1 Revised (effective date pending)....30555
371.2 Amended (effective date pending)....30555
371.4 (b) (1) through (4) designations removed; (b) amended (effective date pending)....30555
371.10 Amended (effective date pending)....30555
371.20 Amended (effective date pending)....30555
371.21 (c), (d), (e), (f), (g), and (h) amended; (i) revised (effective date pending)....30555
371.30 (f)(2) (i) and (ii) amended (effective date pending)....30555
371.40 Revised (effective date pending)....30556
371.41 (a)(2) and (b) amended (effective date pending)....30555
371.42 Amended (effective date pending)....30555
Revised (effective date pending)....30556
371.43 (a) and (b) amended (effective date pending)....30555
386 Authority citation revised....30556
386.1 Revised (effective date pending)....30556
386.4 Revised (effective date pending)....30556
386.30 (c) and (h)(2)(iii) amended (effective date pending)....30556
386.42 Revised (effective date pending)....30556
386.43 Added (effective date pending)....30557
386.44 Added (effective date pending)....30557

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

Page

386.45 Added (effective date pending)....30558
386.46 Added (effective date pending)....30558
386.47 Added (effective date pending)....30558

Chapter V—Office of Bilingual Education and Minority Languages Affairs, Department of Education

500.15—500.20 Undesignated center heading added (effective date pending)....27805
500.15 Added (effective date pending)....27805
502 Removed (effective date pending)....30322
504 Removed (effective date pending)....30322
524 Added (effective date pending)....30322

Chapter VI—Office of Postsecondary Education, Department of Education

607 Added (effective date pending)....30529
608 Added (effective date pending)....30538
609 Added (effective date pending)....30541
614 Revised (effective date pending)....30561
628.2 Revised (effective date pending)....36374
628.4 (a) and (b) revised (effective date pending)....36375
628.5 (a) (2) and (3) removed; (a)(1) revised (effective date pending)....36375
628.6 Introductory text revised (effective date pending)....36375
628.48 (a)(2) removed; (a)(1) redesignated as (a)(2); new (a)(1) added (effective date pending)....36375
629 Revised (effective date pending)....29824
630 Authority citation revised....27523
630.5 (b) amended (effective date pending)....27523
630.11 (c) added; authority citation revised (effective date pending)....27523

Page

630.33 Amended (effective date pending)....27523
630.34 Redesignated as 630.35; new 630.34 added (effective date pending)....27523
630.35 Redesignated from 630.34 (effective date pending)....27523
631 Revised (effective date pending)....29140
632 Revised (effective date pending)....29142
633 Revised (effective date pending)....29144
634 Revised (effective date pending)....29145
635 Revised (effective date pending)....29146
636 Authority citation revised....29147
Authority citation corrected....30280
636.2 (a) and (b) amended (effective date pending)....29147
636.4 (c) amended (effective date pending)....29147
636.10 Amended (effective date pending)....29147
636.30 Amended (effective date pending)....29147
636.40 Amended (effective date pending)....29147
636.41 Amended....29147
637 Heading and authority citation revised (effective date pending)....43544
637.1 Authority citation amended....43544
637.2 Authority citation amended....43544
637.3 (a) and authority citation revised (effective date pending)....43544
637.4 (a) authority citation removed; (b) amended; (b) authority citation revised (effective date pending)....43544
637.11—637.15 (Subpart B) Heading amended (effective date pending)....43544
637.11 Authority citation amended....43545
637.12 (b)(3) removed; authority citation amended (effective date pending)....43545

93-145 O - 87 - 5

TITLE 34 Chapter VI—Con. Page

637.13 (c) removed; authority citation amended (effective date pending)..... 43545
637.14 (d) correctly designated; (d) and authority citation revised (effective date pending)..... 43545
637.15 Authority citation amended..... 43545
637.31 (d) introductory text and authority citation amended (effective date pending)..... 43545
637.32 Authority citation amended..... 43545
637.41 Authority citation amended..... 43545
643 Authority citation revised..... 27774
643.4 (b) and (c)(1) revised (effective date pending)..... 27774
643.6 (b) amended (effective date pending)..... 27774
643.20 (b) and (c) amended; (d) added (effective date pending)..... 27774
644 Authority citation revised..... 28420
644.4 Removed..... 28420
644.6 (b) amended..... 28420
644.10 (b) amended..... 28420
644.20 (c) added..... 28420
644.42 Removed..... 28420
645 Authority citation revised..... 27776
645.3 (a)(3) revised (effective date pending)..... 27776
645.4 (d)(1) revised (effective date pending)..... 27776
645.6 (b) amended (effective date pending)..... 27776
646 Heading and authority citation revised (effective date pending)..... 27906
646.1 Amended (effective date pending)..... 27906
646.2 Amended (effective date pending)..... 27906
646.3 Introductory text amended; (c) revised (effective date pending)..... 27906
646.4 (a) and (b) amended; (d)(1) revised (effective date pending)..... 27906
646.5 Heading and introductory text amended (effective date pending)..... 27906
646.6 Heading amended (effective date pending)..... 27906
646.10 Heading, (a) introductory text, and (b) amended (effective date pending)..... 27906
(a)(8) redesignated as (a)(9); new (a)(8) added; (a)(4) and new (9) revised (effective date pending)..... 27907
646.30 (b) amended (effective date pending)..... 27906
646.31 (f)(1) introductory text and (iii) and (h)(1) and (2)(iv) amended (effective date pending)..... 27906
646.32 (a)(1) amended (effective date pending)..... 27906
646.40 Introductory text amended (effective date pending)..... 27906
650 Authority citation revised; nomenclature change..... 29356
650.1 Existing text designated as (a); (b) added (effective date pending)..... 29356
650.2 (b)(4) revised (effective date pending)..... 29357
650.4 Amended (effective date pending)..... 29357
650.5 (b) revised (effective date pending)..... 29357
650.33 (a)(3) and (b) and (a) designation removed; (a) (1) and (2) redesignated as (a) and (b) and amended (effective date pending)..... 29357
650.42 Revised (effective date pending)..... 29357
653 Revised (effective date pending)..... 45285
658 Authority citation revised..... 28422
658.10 (a), (b) introductory text, and (c) introductory text amended (effective date pending)..... 28422
658.11 Introductory text amended; (g) revised (effective date pending)..... 28422
658.32 (b)(2)(i) and (c)(2)(ii) amended (effective date pending)..... 28422

Page

660 Authority citation revised..... 28424
660.1 (b) amended; (c) redesignated as (d) and revised; new (c) added (effective date pending)..... 28424
660.10 (b) and (c) introductory text revised (effective date pending)..... 28424
661 Authority citation revised..... 28426
661.10 (h) and (i) amended; (j) added (effective date pending)..... 28426
668.51 (c)(1) amended (effective date pending)..... 39892
668.90—668.102 (Subpart H) Added (effective date pending)..... 30015
668.93 (a) corrected..... 32868
668.95 (e)(1)(v) corrected..... 32868
673.1—673.2 (Subpart A) Added (effective date pending)..... 29122
673.21—673.33 (Subpart C) Added (effective date pending)..... 29122
673.41—673.45 (Subpart D) Added (effective date pending)..... 29129
674 Authority citation revised..... 45555
674.41—674.50 (Subpart C) Revised..... 45555
690 Authority citation revised..... 38207
690.2 (b) amended..... 38207
690.6 Revised..... 38207
690.61 (a) revised..... 38207
690.77 Added..... 38208
690.78 (a) revised..... 38208
692 Revised (effective date pending)..... 45433

Chapter VII—Office of Educational Research and Improvement, Department of Education

745 Authority citation revised..... 27805
745.12 Added (effective date pending)..... 27805
762 Added (effective date pending)..... 29608
763 Added (effective date pending)..... 38067
764 Added (effective date pending)..... 28527
765 Added (effective date pending)..... 28528
766 Added (effective date pending)..... 28529
785 Redesignated from Part 796 and revised (effective date pending)..... 30612
786 Added (effective date pending)..... 30614
787 Added (effective date pending)..... 30617
788 Added (effective date pending)..... 30620
789 Added (effective date pending)..... 30622
796 Redesignated as Part 785 and revised (effective date pending)..... 30612

Title 34—*Proposed Rules:*

33..... 27650
251..... 37260
301..... 44346
303..... 44352
304..... 43312
361..... 44366
602..... 33908, 42684
603..... 33908, 42684
653..... 45290
656..... 37064
657..... 37067
673..... 45576
674..... 42460
675..... 42460
676..... 42460
682..... 42460
696..... 39896
778..... 38192

TITLE 35—PANAMA CANAL

Chapter I—Panama Canal Regulations

9 Authority citation revised..... 31397
9.2 Revised..... 31397
9.4 Amended..... 31397
9.5 (a) revised..... 31397
9.6 (a)(1) amended; (b) revised..... 31397
9.8 (b)(1) revised..... 31397
9.11 Revised..... 31397
9.12 Redesignated as 9.14..... 31397
Added..... 31398
9.13 Redesignated as 9.15..... 31397

TITLE 35 Chapter I—Con. Page

Added....31398
9.14 Redesignated from 9.12....31397
9.15 Redesignated from 9.13....31397
103.8 (d) (2) and (3) and (g) revised; (d)(4) added; (f)(1) amended....37952
257 Added....26007

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter I—National Park Service, Department of the Interior

1.2 (b) revised....35239
2.2 (g) revised....35240
2.3 (g) revised....35240
2.4 (g) revised....35240
2.13 (d) revised....35240
2.22 (d) revised....35240
2.30 (b) revised....35240
2.31 (b) revised....35240
2.32 (b) revised....35240
2.34 (b) revised....35240
2.36 (b) revised....35240
5 Authority citation revised....35240
5.8 (c) revised....35240
5.9 (c) revised....35240
7.23 Added; interim eff. to 4-4-89....31765
7.71 (g) added....34777
7.92 (c) added....34777

Chapter II—Forest Service, Department of Agriculture

211.18 (b)(12) added; interim....27547
222 Existing regulations unchanged....30359
223.130—223.145 (Subpart C) Revised....43329

Chapter VII—Library of Congress

701.34 Revised....34383

Chapter VIII—Advisory Council on Historic Preservation

800.6 (a)(2) and (c)(2) corrected....25376
800.10 Introductory text designation (a) correctly removed....25376
800.12 (a) corrected....25376

Chapter IX—Pennsylvania Avenue Development Corporation

Page

902 Authority citation revised....26677
902.80 (b) revised....26677
902.81 Revised....26677
902.82 Revised....26677
902.83 Revised....26679
903 Authority citation revised....34384
903.11 Redesignated as 903.12; new 903.11 added; interim....34384
Confirmed....39224
903.12 Redesignated as 903.13; new 903.12 redesignated from 903.11; interim....34384
Confirmed....39224
903.13 Redesignated from 903.12; interim....34384
Confirmed....39224

Chapter XI—Architectural and Transportation Barriers Compliance Board

1120.2 (h) through (o) added; interim....43195
1120.25 Amended; interim....43195
1120.51 (a) revised; (b) and (c) redesignated as (e) and (f); new (e) (1), (3) and (4) removed; new (e) (2) and (5) through (8) redesignated as (e) (3) through (7); new (b), (c), (d), (e) (1) and (2) and (g) added; new (f) amended; interim....43195
1120.53 (b) and (c) redesignated as (c) and (e); new (c) revised; new (e) amended; new (b) and (d) added; interim....43196

Chapter XII—National Archives and Records Administration

1220.14 Amended....34134
1228 Authority citation revised....34134
1228.32 Revised....34134
1228.34 Revised....34134
1228.36 Removed....34134
1228.190 Revised....34134
1228.192 Removed....34135
1250.12 Revised....29519

Page

1250.30 Revised....29519
1250.38 Removed....29519
1250.40 Removed....29519
1250.42 Removed....29519
1250.44 Removed....29519
1250.46 Removed....29519
1250.37—1250.46 (Subpart D) Added....29519
1250.50—1250.60 (Subpart D) Redesignated as Subpart E....29519
1250.50—1250.60 (Subpart E) Redesignated from Subpart D....29519
1250.70 (Subpart E) Redesignated as Subpart F....29519
1250.70 (Subpart F) Redesignated from Subpart E....29519
1250.80 (Subpart F) Redesignated as Subpart G....29519
1250.80 (Subpart G) Redesignated from Subpart F....29519
1250.50 (a) amended....29521
1250.58 (c) revised....29521
1250.70 (a)(7) revised....29521
1258.2 (c)(7) added....29521
1258.12 (c)(3) amended....29521

Title 36—*Proposed Rules:*

7....31788
9....28850
28....37586
79....32740
222....37483
223....28167, 43020
251....33837, 33839
404....33957
1150....26534
1190....34955
1208....25124, 27902
1209....39015
1256....39924

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

201.11 Heading, (a) (1), (2), and (5), and (b) through (f) removed; (a) (3) and (4) redesignated as 201.17 (b) (2) and (4)....28253
201.17 (b) (2) and (4) redesignated from 201.11 (a) (3) and (4); (b)(7), (e)(2), (9)(vii), and (12), and (g) amended; (d)(2) (i) and (ii), (e)(14)(iii)(E), (h)(2) introductory text, and (3) introductory text revised; footnote 8, (h)(4)(iv), and (j)(5) removed....28253
202.23 Revised....28822

Chapter III—Copyright Royalty Tribunal

307.3 (d) and (e)(1) revised....41711

Title 37—*Proposed Rules:*

1....34080, 36736, 42016, 44996
5....36736
201....28731
202....28311, 37167
304....44610

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

1.900 Amended....42104
1.901 Revised....42105
1.902 Revised....42105
1.903 Amended....42105
1.905 Revised....42105
1.907 Added....42105
1.911 Removed; new 1.911 redesignated from 1.911a and (a) amended....42105
1.911a Redesignated as 1.911 and (a) amended....42105
1.912 Revised....42105
1.912a Heading and (a) revised....42106
1.916 Revised....42106
1.917 Revised....42106
1.918 Revised....42107
1.919 (a), (c), (e) and (f) revised....42107
1.922 (a)(1), (c) and (d)(2)(i) revised....42107
1.923 Added....42107
1.924 Added....42108
1.925 Added....42108
1.926 Added....42108
1.927 Added....42109
1.928 Added....42109
1.930 Revised....42109
1.931 Revised....42109
1.932 Revised....42110

TITLE 38 Chapter I—Con. Page

1.934 Redesignated as 1.935; new 1.934 added....42110
1.935 Redesignated as 1.936; new 1.935 redesignated from 1.934 and revised....42110
1.936 Redesignated as 1.937 and revised; new 1.936 redesignated from 1.935....42110
1.937 Redesignated as 1.938 and revised; new 1.937 redesignated from 1.936 and revised....42110
1.938 Redesignated from 1.937 and revised....42110
1.940 Revised....42110
1.941 Revised....42110
1.942 (a), (c) and (f) revised....42111
1.943 Revised....42111
1.950—1.954 Undesignated center heading revised....42111
1.950 Revised....42111
1.951 Revised....42111
1.952 Revised....42112
1.953 Revised....42112
1.954 Revised....42112
1.955 (a)(1) amended....42112
1.957 (a)(2)(ii) amended; (a)(2)(ii)(B), (b) introductory text and (1) revised; (a)(2)(ii) (C) and (D) added....42112
1.962 (b) revised....42112
1.963a (a) and (b) amended....42113
3.23 Heading, (a) and (c) revised....34907
3.24 Heading, (b) and (c) revised....34907
3.25 Revised....34907
3.26 Revised....34908
3.27 (a) and (b) revised....34908
3.28 Revised....34908
3.155 (c) text revised; (c) cross reference added....27340
3.157 (a) amended; (b)(1) revised....27340
3.158 (a) amended; cross reference revised; authority citation added....43063
3.262 (b)(2) revised....34908
3.500 (v) revised....43063
3.652 Revised....43063
3.700 (a)(2) revised; (a)(3) amended; (a)(5) added....27340
3.802 (b) amended....34909
3.1600 (a), (b) introductory text, (f) introductory text and (g) amended; (c) revised....34909
3.1601 (a)(1)(i) and (2)(i) revised; (a)(2)(iii) amended....34909
3.1604 (a) introductory text, (c), and (d)(3) revised; (b)(2) amended....34909
3.1612 (e)(2)(ii) revised; (e)(2)(iii) added....34910
4.84b Redesignated as 4.87a....44119
4.85 Revised....44119
4.86a Revised....44119
4.87 Tables VI and VII revised; Table VIa added....44119
4.87a Removed; new 4.87a redesignated from 4.84b....44119
4 Appendixes A, B, and C amended....44122
8.28 Revised....36926
21.260 (d) added....42113
21.322 (c) revised; cross reference added....42113
21.4135 (e)(1), (s), and (w) revised....37615
21.5076 Revised....45181
21.5820 (b) introductory text, (1)(ii) (A) and (B), and (2)(ii) (A) and (B) revised....35241
21.5822 (b)(1) (i) and (ii) and (2) (i) and (ii) revised....35241
36.4212 (a) revised....34218, 37616, 43761
36.4311 (a), (b) and (c) revised....34218, 37616, 43762
(a) correctly revised....34910
36.4324 (a) amended....26342
36.4503 (a) revised....34218, 37616, 43762

Title 38—*Proposed Rules:*

1....38474, 43625
3....37170
4....32318, 35610
8a....26356
13....33248
15....25124, 27902
17....25254
21....25736, 26026, 30178, 31416, 36280, 44054
36....37973, 39329
44....39015

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

Page

10 Redesignated as Part 20; new Part 10 added....29697
Heading corrected....33410
20 Redesignated from Part 10....29697
International Mail Manual amended; incorporation by reference....43334
111.3 DMM amended; incorporation by reference; interim....27993, 38408
DMM amended; incorporation by reference....29012, 34779, 36762, 38229
266.8 Revised....38230
447 Authority citation revised; section authority citations removed....43335
447.24 (b) introductory text revised; (b)(7) added....43335
952 Authority citation revised; section authority citations removed....36762
952.2 Amended....36763
964 Added....36763
965 Added....29012

Chapter III—Postal Rate Commission

3001.61—3001.68 (Subpart C) Appendix A amended....28140

Title 39—*Proposed Rules:*

20....34816
111....27565, 28021, 34243, 38949, 43089
266....32816
601....36590

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

1.37 (a) introductory text and (e) revised....30359
1.45 (b) revised....30360
1.47 (d) added....30360
1.49 (g) added....30360
12 Added....30606
22 Authority citation revised....30673
22.01 (a)(5) revised; (a)(6) added; interim....30673
22.38 Added; interim....30673
50.6 Revised; eff. 7-31-87....24663
Technical correction....26401
50.7 Removed; eff. 7-31-87....24664
Technical correction....26401
50 Appendix G amended; Appendix J added; eff. 7-31-87....24664
Appendix K added; eff. 7-31-87....24667
Technical correction....26401
Appendix K corrected....29382, 31701
Appendix J corrected....29647
51 Authority citation revised....24712
State implementation plan attainment groups....29383
51.100 (oo) through (ss) added; eff. 7-31-87....24712
51.151 Amended; eff. 7-31-87....24713
51.165 (a)(1)(x) amended; (b) revised; eff. 7-31-87....24713
Correctly designated....29386
51.166 (a)(6)(i) and (i)(8)(i)(c), (f), (h), and (l) revised; (b)(23)(i), (c) table and (p)(4) table amended; (i)(10) added; eff. 7-31-87....24713
(i)(10) corrected....29386
51.322 (a)(1) and (b)(1) revised; eff. 7-31-87....24714
51.323 (a) (1) and (2) revised; (a)(3) added; eff. 7-31-87....24714
51 Appendixes L and S amended; eff. 7-31-87....24714
Appendix S corrected....29386
52 State implementation plan attainment groups....29383
State implementation plan deficiency notice....34384
52.21 (b)(23)(i) table, (c) table, (i)(8)(i), and (p)(5) table amended; (i)(4) (ix) and (x), (11), and (m)(1) (vii) and (viii) added; (w)(2) revised; eff. 7-31-87....24714
(m)(1)(vii) corrected....26401
52.24 (f)(10) amended; eff. 7-31-87....24715
52.27 (d)(2) revised; (d) (3), (4), and (5) added....45137
52.29 Added....45137
52.50 (c)(46) added....28254

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

TITLE 40 Chapter I—Con. Page

52.61 Added....45138
52.145 (c) added....45137
52.183 Added....45138
52.220 (c)(154)(v)(B), (159) (ii) through (vi) and (160) added; (c)(159) introductory text republished....26149
52.281 (e) added....45138
52.344 (c) added....45137
52.520 (c)(62) added....35704
52.581 (c) redesignated as (a); new (b) added....32918
52.633 (c) added....45137
52.690 (c) added....45137
52.720 (c)(69) added....45334
52.726 (c) added....26012
52.770 (c)(63) added....33591
52.777 (c)(1)(i) removed....33591
52.920 (c)(47) added....33593
52.989 Added....45138
52.1032 Redesignated as 52.1033 and revised....45138
52.1033 Redesignated from 52.1032 and revised....45138
52.1120 (c)(73) added....32792
(c)(74) added....44394
52.1167 Table amended....32792, 44395
52.1168 Revised....32792
52.1183 (c) added....45137
52.1236 (c) added....45137
52.1270 (c)(19) added....35705
52.1339 Added....45138
52.1387 Added....45138
52.1420 (c)(35) added....28695
52.1425 (a) table amended....28696
52.1431 Table amended....28696
52.1488 (c) added....45137
52.1520 (c)(37) added....35082
52.1525 Table amended....35082
52.1531 (c) added....45137
52.1606 (c) added....45137
52.1636 (c) added....45137
52.1770 (c)(51) added....33934
52.1782 Added....45138
52.1831 (c) added....45137
52.1933 (c) added....45137
52.1970 (c)(80) added....28255
(c)(81) added....32012
52.1985 (b) added....32012
52.2020 (c)(69) added....38759
52.2070 (c)(28) added....32794
(c)(30) added....32919
(c)(26) added....36250
52.2081 Table amended....32794, 32920, 36250
52.2084 (a)(1) added....38764
52.2132 (c) added....45137
52.2179 (c) added....45137
52.2234 (c) added....45137
52.2304 (c) added....45137
52.2347 Added....45138
52.2370 (c)(19) added....26981
52.2381 Table amended....26982
52.2452 (c) added....45137
52.2533 (c) added....45137
52.2632 (c) added....45137
52.2720 (c)(34) added....38419
52.2781 (c) added....45137
52.2920 Added....43574
53 Technical correction....27902
53.1 (j) revised; (m) and (n) added; eff. 7-31-87....24727
53.2 Revised; eff. 7-31-87....24727
53.3 Revised; eff. 7-31-87....24727
53.4 (a) and (b)(3) amended; footnote 1 removed; (b) (4) through (6) and (c) revised; eff. 7-31-87....24727
53.9 (c) revised; (d), (f), and (g) amended; eff. 7-31-87....24728
53.20—53.23 (Subpart B) Heading revised; eff. 7-31-87....24728
53.30—53.34 (Subpart C) Heading revised; eff. 7-31-87....24728
53.30 (a), (b)(2) heading, (c) and (d)(2) heading, (3) and (4) revised; (b)(4) added; eff. 7-31-87....24728
53.31 (b) heading revised; (b) text amended; eff. 7-31-87....24728
53.32 Heading revised; (c) (1), (2), (3) (i) and (ii) and (4) amended; eff. 7-31-87....24728
53.33 Heading and (h) (2) and (3) revised; (b), (e), (h) heading and (i) amended; eff. 7-31-87....24728
53.34 Added; eff. 7-31-87....24729
53.40—53.43 (Subpart D) Added; eff. 7-31-87....24729
58.1 (t), (u), and (v) added; eff. 7-31-87....24739
58.13 (b) revised; (c) added; eff. 7-31-87....24739
58.20 (e) amended; eff. 7-31-87....24740
58.23 Introductory text revised; eff. 7-31-87....24740
58.30 (a) introductory text amended; eff. 7-31-87....24740

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

Page

58.34 Introductory text amended; eff. 7-31-87....24740
58.35 (d) amended; eff. 7-31-87....24740
58 Appendex A, B and C amended; eff. 7-31-87....24741
Appendix D amended; eff. 7-31-87....24742
Appendix E amended; eff. 7-31-87....24744
Appendix F amended; eff. 7-31-87....24748
Appendix G amended; eff. 7-31-87....24749
Appendixes D and E corrected....27286
60 Authority delegation notices....28255, 33934, 35083-35085, 35087, 35088, 35090, 35091, 36033, 36417, 36418, 42114
Authority citation corrected....37874
60.43 (a)(2) revised; (e) added....28954
60.46 (h) added....28955
60.285 (d) (1) and (3) revised....36409
60.300 (b) correctly revised....42434
60.330 Correctly revised....42434
60.540—60.548 (Subpart BBB) Added....34874
60.543 (a) and (h) introductory text corrected....37874
60.546 (c)(2) corrected....37874
60 Appendix F corrected....27612
Appendix G added....28955
Appendixes A and B amended....30675
Appendix A corrected....33316, 42061
Appendix A amended....34639, 36410, 36415, 41425
Appendix B amended....34650
61 Authority delegation notices....28255, 30920, 35084, 35085, 35087, 35088, 35090-35092, 36417, 36418
61.01 (b) amended....37617
61.04 (WW)(viii) added....43197
61.123 OMB number....28141
61.124 OMB number....28141
61.125 OMB number....28141
61.126 OMB number....28141
65 Administrative order....41711
81.307 Amended....44123
81.330 Amended....35082
Corrected....36863
81.350 Amendment at 46 FR 61127 correctly designated....36419
81.437 Revised....45138
85.1501—85.1515 (Subpart P) Revised....36156
85.1511 (d) corrected....43827
136.3 (a) Table IB amended; interim....33543
141 Authority citation revised....41546
141.2 Amended; eff. 1-9-89....25712
141.24 (g) added....25712
141.32 (a) amended; eff. 1-9-89....25714
Redesignated as 141.36 and introductory text added; eff. to 4-28-89....41546
Added; eff. 4-28-89....41546
141.34 Added....41549
141.35 Added....25714
141.36 Redesignated from 141.32 and introductory text added; eff. to 4-28-89....41546
141.40 Revised....25715
141.50 (b) revised; eff. 1-9-89....25716
141.60 Revised; eff. 1-9-89....25716
141.61 Added; eff. 1-9-89....25716
141.100—141.101 (Subpart J) Added; eff. 1-9-89....25716
142 Authority citation revised....41550
142.10 (b)(6)(v) revised....41550
142.16 Revised....41550
142.56 Added; eff. 1-9-89....25716
142.62 Added; eff. 1-9-89....25716
143.5 (a) and (b) introductory text revised....41550
146 Test program approval extended to 7-14-88....26342
Test program interim approval and request for comments....41591, 44395
Date paragraph corrected....44520
180 Policy statement....32128
Policy statement; comment time extended....39917
180.1 (h) table amended....33239
Correctly designated....43336
180.108 Existing text designated as (a) and table amended; (b) added....33236
180.111 Table amended....45183
180.135 Technical correction....27548
180.137 Technical correction....27548
180.144 Heading and text nomenclature change....32306

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

TITLE 40 Chapter I—Con. Page

180.153 Heading and text nomenclature change....32306
180.170 Heading and text nomenclature change....32306
180.172 Existing text designated as (a) and table amended; (b) added....33236
180.175 Existing text designated as (a) and table amended; (b) added....33236
180.183 Existing text designated as (a) and table amended; (b) added....33237
180.185 Existing text designated as (a) and table amended; (b) added....33237
180.199 Existing text designated as (a) and table amended; (b) added....33237
180.204 Existing text designated as (a) and table amended; (b) added....33237
180.205 (b) table amended....31030, 37454
180.246 Revised....27552
(b) table amended....28259
Technical correction....33903
180.250 Heading and text nomenclature change....32306
180.253 Existing text designated as (a) and table amended; (b) added....33237
180.255 Heading and text nomenclature change....32306
180.258 Existing text designated as (a) and table amended; (b) added....33237
180.259 Existing text designated as (a) and table amended; (b) added....33237
180.262 Existing text designated as (a) and table amended; (b) added....33237
180.266 Heading and text nomenclature change....32306
180.275 Existing text designated as (a) and table amended; (b) added....33237
180.294 Existing text designated as (a) and table amended; (b) added....33238
Existing text designated as (a); (b) added....37454
180.295 Heading and text nomenclature change....32306
180.308 Heading and text nomenclature change....32306
180.315 Existing text designated as (a) and table amended; (b) added....33238
180.319 Amended....42291
180.324 (a) table amended....35706
180.327 Heading and text nomenclature change....32306
180.330 Existing text designated as (a) and table amended; (b) added....33238
180.342 Existing text designated as (a); (b) added....27549
(a) table amended; (b) added....33238
180.349 (a) table amended; (c) added....33238
180.350 Existing text designated as (a) and table amended; (b) added....33238
180.364 (a) table amended....34911
(b) introductory text revised....34913
180.366 Heading and text nomenclature change....32306
180.377 Existing text designated as (a) and table amended; (b) added....33238
180.381 (a) table amended....33936, 42292
180.399 (a) table amended....34914, 44124
180.406 Heading and text nomenclature change....32306
180.411 (c) table amended....42652
180.412 Table amended....27550
180.414 (a), (b), and (c) revised....27551
180.415 Existing text designated as (a); (b) added....25603
180.423 Heading and text nomenclature change....32306
180.434 Table corrected....25602
180.1046 (a) amended....39225
180.1084 Revised....32306
Heading and text corrected....37246
180.1086 Heading correctly revised....29014
228.12 (a)(1)(ii)(C) removed; (b) (32), (33), (34) and (35) added....25011
(a)(3) amended....29846
(a)(3) amended; (b)(31) added....30361

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

Page

(a)(1)(ii) (D) and (N) removed; (b) (42) through (45) added....34222
(a)(1)(ii)(K) removed; (b)(47) added....35917
250 Added....37304
260 Authority citation revised....41295
260.11 (a) introductory text revised....41295
261 Petitions denied....28696
Authority citation revised....28698
261.32 Table amended....28698
261.33 (c) correctly revised....26012
261 Appendix IX amended....29848, 29051
262 Authority citation revised....35898
262.42 Revised....35898
262.44 Revised....35899
262.51 Revised....25787
264 Authority citation revised....25946, 44320
264.13 (b)(7)(iii) revised....25787
264.98 (h)(2), (3) introductory text and (4)(i) introductory text revised....25946
264.99 (f) revised....25946
264.147 (g)(2) revised....44320
264.151 (h)(2) revised....44320
264 Appendix IX added....25947
265 Authority citation revised....44321
265.13 (b)(7)(iii) revised....25788
265.147 (g)(2) revised....44321
268 Authority citation revised....41296
268.1 (c) (3) and (4) amended; (c)(5) added....25788
268.2 (a) amended; introductory text republished....25788
268.3 Revised....25788
268.4 (a)(2) revised; (b) added....25788
268.5 (a)(2), (h)(1) and (2)(iii) revised; (h)(2)(v) added....25788
268.6 (k) added....25789
268.7 (a) introductory text, (1) introductory text and (ii) and (2) introductory text, (i)(B) and (ii), (b) introductory text, (1)(ii), (2) introductory text and (i) and (c) revised....25789
268.30 (a)(4) added....25790
268.32 Added....25790
(i) amended....41296

Page

268.40 Revised....25790
268.42 (a) (1) and (2) added; (b) revised....25790
268.50 (a) introductory text and (e) revised; (f) added....25791
268 Appendix III added....25791
270 Authority citation revised....25953
State hazardous waste management programs; compliance date extended....34779
270.14 (c)(4)(ii) revised....25953
(c)(8)(v) correctly revised....33936
270.42 (o) (1) and (2) revised; (p) added....25792
270.72 (e) revised....25792
271 State hazardous waste management programs; schedule of compliance....26013, 27198, 29522, 30681, 30682, 41996
State hazardous waste management programs approved....26476, 35556
Authority citation revised....35899
State hazardous waste management program approval proceedings....43903
271.1 (j) Tables 1 and 2 amended....25792
(j) Table 1 amended....35899
272 Comment period corrected....26013
State hazardous waste management programs approved....27199
300 Appendix B revised....27634
305 Removed....33814
306 Removed....33814
310 Added; interim....39396
370 Added....38364
403.7 (b) and (f)(4) revised; (h) added....42435
414 Revised....42568
416 Removed....42584
418 Authority citation revised....28432
418.10 Revised....28432
421.21 (c) added....25556
421.23 (a) through (h), (j) through (o), and (q) and (r) tables amended....25556
421.24 (b), (d), (e), (h), (k) and (l) tables amended....25558

TITLE 40 Chapter I—Con. Page
421.26 (b), (d), (e), (h), (k) and (l) tables amended....25559
421.33 (d) and (g) revised....25559
421.34 (d) and (g) revised....25559
421.35 (d) and (g) revised....25560
421.36 (d) and (g) revised....25560
600.007-80 (b)(7) added; (f) revised....36164
704.104 Added....41299
712.30 (v) added....44828
716.30 (b) revised....44828
716.35 (b) revised....44828
716.120 (a) (1) and (2) tables amended....44828
721.320 Added....41300
721.324 Added....41300
721.347 Added....41300
763.80—763.99 (Subpart E) Text revised....41846
763.80—763.99 (Subpart E) Appendixes A, B, and D revised....41857
790.50 (a)(2)(ii) removed; interim....36569
790.52 (c) revised; interim....36569
790.55 (b) revised; (c) added; interim....36571
790.68 (b) (2) and (3) revised; interim....36571
795 Authority citation revised....37143
795.45 (b)(1)(ii) Table 1 corrected....32990
795.120 Added; eff. 8-14-87....24462
795.230 Added....37143
796.1550 (b)(3)(ix) corrected....26150
796.1840 (b)(1)(vi)(A) corrected....26150
797.1600 Heading corrected....26150
797.1800 (c)(4)(v) and (d)(1)(iii)(D) corrected....26150
797.1930 (c)(6) (i) and (ii) corrected....26150
798.2450 (d)(11)(i)(A) corrected....26150
798.4350 (e)(6)(i)(A) corrected....26150
798.5395 (e)(1)(i) corrected....26150
(e)(2) corrected....34654
799.500 (d)(2)(i)(B) correctly designated....32990
799.1052 (c) removed; eff. 8-14-87....24465
799.1053 (c) removed; (d)(1) (ii) and (iii), (2) (ii) and (iii), (3) (ii) and (iii), (4) (ii) and (iii), (5) (ii) and (iii) and (g) added; eff. 8-14-87....24465
799.1054 (a)(2) revised....26477
799.1550 (b)(1) revised; (b)(5), (c)(1) (ii) and (iii), (2) (ii) and (iii), (3) (ii) and (iii), (4) (ii) and (iii) and (5), (d)(1) (ii) and (iii), (2) (ii) and (iii), (3) (ii) and (iii), (4) (ii) and (iii) and (e) added....37144
799.1645 Added....28704
799.1650 (c)(3) corrected....32240
799.1700 Technical correction....26982
(c)(2)(i)(B)(*1*) and (4)(i) amended; (c)(2)(i)(C)(*1*) revised....43762
799.3175 Added....31969
Technical correction....37246
799.3450 (c)(1) (ii) and (iii) and (d) added....35709
799.4000 Added....25225
799.5000 Technical correction....32990

Title 40—*Proposed Rules:*

2....29045
13....32098
22....25255, 29222, 33960
24....29222, 33960
27....43030
32....39198
35....28112
50....24670, 24716, 29392, 34243
51....26404
52....24716, 25256, 26404, 26413-26439, 26534, 27016, 27569, 28570, 29392, 29394, 30189, 31789, 31791, 32321, 33250, 33252, 33437, 33840, 34243, 35279, 36054, 36282, 36593, 36963, 36965, 37175, 37637, 38479, 38481, 38787, 41310, 42019, 42323, 42325, 44151, 44152, 44448, 44920, 45363, 45466
60....25399, 29548, 31633, 32026, 36440, 36678, 37335, 37874, 38566, 42326
61....36594
62....33605, 38787
65....28575
80....31162, 31274, 33438, 41473
81....26410, 36055, 39665, 41589
85....41743
86....31162, 31274, 33438, 33560, 41473, 41590

Page
122....30931, 39240
123....30931
124....28112, 32446, 35838, 44153
133....35210
136....33547
141....25720, 28112, 42178, 42224
142....28112, 42178, 42224
143....28112
144....28112, 32446
146....28112, 32446
148....32446
152....36595
153....36595
158....36595
160....31635
162....36595
180....26536, 28313, 28314, 29050, 31635, 32322, 33903, 34343, 37246, 38198, 38202, 42684, 42685, 45203
192....36000
228....27689, 29550, 30189, 31636, 35928
250....37335
252....38838
260....25612, 26537, 28167, 29708
261....25612, 26537, 33439, 35279, 38111
264....25612, 26537, 28167, 31948, 35838, 44153
265....25612, 26537, 28167, 29708, 30570
266....25612, 26537
268....29992, 39243
270....25612, 26537, 28167, 29708, 30570, 35838, 44153
271....25612, 26537, 28167, 30192, 30570, 35452, 38444
300....27643, 33446
305....26160
306....26160
350....38312, 39926
355....44921
370....26357
372....25040, 27226, 39770
600....31162, 31274, 33438, 41473, 44996
721....33606
761....25838, 31738, 33680, 35350
763....25041, 29228
795....29395, 29990, 43346
796....29395, 36334
797....36334
799....28023, 29395, 31970, 41593, 43346

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

Page
101-5 *See* Temp. Reg. A-29....26150
101-1—101-8 (Subchapter A Appendix) Temporary Reg. A-29, Supp. 1 added....26150
Temporary Reg. A-23, Supp. 4 added....41431
Temporary Reg. A-30, Supp. 1 added....43063
101-25.103-1 *See* Temp. Reg. E-89....41430
101-25.103-2 *See* Temp. Reg. E-89....41430
101-26.102-1 *See* Temp. Reg. E-88....29522
101-26.501 (a) amended; (b), (c) and (d) introductory text revised....29523
101-26.501-1 (a) and (b) revised....29523
101-26.501-2 (a), (b) and (c) revised....29524
101-26.501-3 Introductory text and (b) revised....29524
101-26.501-4 (a) and (b)(2) revised; (b)(3) removed....29524
101-26.501-6 (c) revised....29524
101-26.501-8 (a) amended; (b) revised; (c) removed....29524
101-26.501-9 Revised....29525
101-25—101-34 (Subchapter E Appendix) Temporary Reg. E-88 added....29522
Temporary Reg. E-89 added....41430
101-40.206 *See* Temp. Reg. G-49....26151
101-41.203-2 *See* Temp. Reg. G-50....36572
101-38—101-41 (Subchapter G Appendix) Temporary Reg. G-49 added....26151
Temporary Reg. G-50 added....36572
101-43.4801 *See* Temp. Reg. H-25....26152
101-42—101-49 (Subchapter H Appendix) Temporary Reg. H-25 added....26152

CHANGES JULY 1 THROUGH NOVEMBER 30, 1987

TITLE 41—Con.

Chapter 105—General Services Administration

Page

105-70 Added..... 45188

Chapter 201—Federal Information Resources Management Regulation

201-8 Authority citation revised..... 28557
201-8.105-6 (b) revised..... 28557
201-8.105-37 (d) revised..... 28557
201-8.105-43 Added..... 28557
201-8.106-6 Added..... 28558
201-8.106-7 Added..... 28558
201-8.107-6 Added..... 28558
Corrected..... 30280
201-8.112-4 Revised..... 28558
201-38 Authority citation revised..... 42294
201-38.007 Revised..... 42294
201-38.007-1—201-38.007-4 Added..... 42294
201-38.007-5 Added..... 42295
201-38.007-6 Added..... 42295
201-38.007-7 Added..... 42295

Title 41—*Proposed Rules:*

101-50..... 39015
105-55..... 31642
201-21..... 35736
201-23..... 35736
201-38..... 35736
201-39..... 35736
201-41..... 35736

CHANGES OCTOBER 1 THROUGH NOVEMBER 30, 1987

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health and Human Services

Page

2.12 (b)(3)(ii) corrected..... 42061
2.17 (a) corrected..... 42061
2.32 (a) designation correctly removed..... 41997
2.52 (a)(1) and (2)(ii) corrected; (a)(3) correctly added..... 41997
2.61 (b)(2) corrected..... 42061
2.65 (e)(3) corrected..... 42061

Chapter IV—Health Care Financing Administration, Department of Health and Human Services

405.502 (f) revised..... 44127
405.583 Technical correction..... 37769
405.2100—405.2171 (Subpart U) Authority citation corrected..... 41532
405.2136 (b) introductory text revised (effective date pending)..... 36934
405.2138 (a) introductory text republished; (a)(3) revised; (a) (4) and (5) added (effective date pending)..... 36934
405.2139 (a) revised (effective date pending)..... 36934
405.2140 (b) introductory text and (1) and (c) revised (effective date pending)..... 36934
405.2150 Added..... 36935
412 Technical correction..... 37769
412.1 Regulations at 52 FR 33186 invalidated..... 39638
412.2 Regulations at 52 FR 33186 invalidated..... 39638
412.63 Regulations at 52 FR 33186 invalidated..... 39638
(c)(3) and (f) legislative changes..... 39638
412.65 Regulations at 52 FR 33187 invalidated..... 39638
412.66 Regulations at 52 FR 33187 invalidated..... 39638
412.67 Regulations at 52 FR 33187 invalidated..... 39638
412.68 Regulations at 52 FR 33188 invalidated..... 39638
412.70 (b), (c) (4) and (5), and (d) (3) and (4) legislative changes..... 39638
412.73 (c)(5) legislative changes..... 39638
412.80 (a)(1)(ii)(B) legislative changes..... 39638
412.82 Regulations at 52 FR 33189 invalidated..... 39638
(c) legislative changes..... 39638
412.84 Regulations at 52 FR 33189 invalidated..... 39638
412.92 (d)(1)(iii) as published at 52 FR 36575 invalidated..... 39638
412.96 Regulations at 52 FR 33189 invalidated..... 39638
412.113 Regulations at 52 FR 33189 invalidated..... 39638
412.125 Regulations at 52 FR 33189 invalidated..... 39638
412.214 Regulations at 52 FR 33190 invalidated..... 39638
413.13 (c) redesignated as (c)(1); (c)(2) added..... 36772
413.40 Technical correction..... 37769
(c)(3)(i)(C) legislative changes..... 39638
413.64 (g)(6)(i) legislative changes..... 39638
413.118 Added..... 36773
(a) and (c)(2) corrected..... 37715
413.157 Regulations at 52 FR 32921 invalidated..... 39639
435.3 Revised..... 43071
435.115 (c) removed; (d) redesignated as (c); new (d) added..... 43071
435.116—435.117 Undesignated center heading added..... 43071
435.116 Added..... 43071
435.117 Added..... 43071
435.301 (b) introductory text republished; (b)(1) revised..... 43072
436.2 Revised..... 43072
436.114 (c) removed; (d) redesignated as (c); new (d) added..... 43072
436.120 Added..... 43072
436.124 Added..... 43073
436.301 (b) introductory text republished; (b)(1) revised..... 43073
466.70 Revised (paragraphs (c), (d), and (e) transferred to new 466.71 and revised)..... 37457
Technical correction..... 37769

TITLE 42 Chapter IV—Con. Page
466.71 Added (regulations transferred from 466.70 (c), (d), and (e) and revised)..... 37457
466.72 Redesignated as 466.73; new 466.72 added..... 37457
466.73 Redesignated from 466.72..... 37457
476.133 (a) introductory text republished; (a)(2)(ii) revised..... 37458
476.137 Heading and text amended..... 37458

Title 42—*Proposed Rules:*

5..... 41594
84..... 37639
405..... 37176, 38582, 39927, 44300
413..... 37176, 39927
442..... 38582, 44300
447..... 39927
483..... 38582
488..... 44300
489..... 44300
1001..... 38794

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

2 Heading revised..... 45586
2.11—2.22 (Subpart B) Revised..... 45586
2 Appendixes A and B revised..... 45592
4.1105 (a)(2) revised..... 39526
4.1109 (a) revised..... 39526
4.1300 Redesignated as 4.1600..... 39525
4.1301 Redesignated as 4.1601..... 39525
4.1302 Redesignated as 4.1602..... 39525
4.1303 Redesignated as 4.1603..... 39525
4.1304 Redesignated as 4.1604..... 39525
4.1305 Redesignated as 4.1604..... 39525
4.1306 Redesignated as 4.1606..... 39525
4.1307 Redesignated as 4.1607..... 39525
4.1308 Redesignated as 4.1608..... 39525
4.1309 Redesignated as 4.1609..... 39525
4.1310 Redesignated as 4.1610..... 39525
4.1350—4.1356 Undesignated center heading added..... 39526
4.1350 Added..... 39526
4.1351 Added..... 39526
4.1352 Added..... 39526
4.1353 Added..... 39527
4.1354 Added..... 39527
4.1355 Added..... 39527
4.1356 Added..... 39527
4.1360—4.1369 Undesignated center heading added..... 39527
4.1360 Added..... 39527
4.1361 Added..... 39527
4.1362 Added..... 39527
4.1363 Added..... 39527
4.1364 Added..... 39527
4.1365 Added..... 39527
4.1366 Added..... 39527
4.1367 Added..... 39528
4.1368 Added..... 39528
4.1369 Added..... 39528
4.1370—4.1379 Undesignated center heading added..... 39528
4.1370 Added..... 39528
4.1371 Added..... 39528
4.1372 Added..... 39528
4.1373 Added..... 39528
4.1374 Added..... 39529
4.1375 Added..... 39529
4.1376 Added..... 39529
4.1377 Added..... 39529
4.1378 Added..... 39529
4.1379 Added..... 39529
4.1380—4.1388 Undesignated center heading added..... 39529
4.1380 Added..... 39529
4.1381 Added..... 39529
4.1382 Added..... 39529
4.1383 Added..... 39530
4.1384 Added..... 39530
4.1385 Added..... 39530
4.1386 Added..... 39530
4.1387 Added..... 39530
4.1388 Added..... 39530
4.1390—4.1394 Undesignated center heading added..... 39530
4.1390 Added..... 39530
4.1391 Added..... 39530
4.1392 Added..... 39531
4.1393 Added..... 39531
4.1394 Added..... 39531

Page
4.1600—4.1610 (Subpart M) Nomenclature change..... 39525
4.1600 Redesignated from 4.1300..... 39525
4.1601 Redesignated from 4.1301..... 39525
4.1602 Redesignated from 4.1302..... 39525
4.1603 Redesignated from 4.1303..... 39525
4.1604 Redesignated from 4.1304..... 39525
4.1605 Redesignated from 4.1305..... 39525
4.1606 Redesignated from 4.1306..... 39525
4.1607 Redesignated from 4.1307..... 39525
4.1608 Redesignated from 4.1308..... 39525
4.1609 Redesignated from 4.1309..... 39525
4.1610 Redesignated from 4.1310..... 39525
11 Technical information documents available..... 43763

Chapter I—Bureau of Reclamation, Department of the Interior

426.11 (h)(2) revised..... 39919
426.16 (a) amended..... 39919

Chapter II—Bureau of Land Management, Department of the Interior

5463.2 Existing text designated as (a); (b) added; interim..... 42587
5473.1 Revised; interim..... 42587

Public Land Orders

1143 Revoked in part by PLO 6660..... 44893
2394 Revoked in part by PLO 6660..... 44893
3305 Revoked in part by PLO 6660..... 44893
6658 Corrected..... 39329
6659 Corrected..... 37715
6660 44893

Title 43—*Proposed Rules:*

4..... 38246, 38950, 43009
12..... 39042
17..... 39243
20..... 37341
2400..... 39542
2410..... 39542
2420..... 39542
2430..... 39542
2440..... 39542
2450..... 39542
2460..... 39542
2470..... 39542
3160..... 39846
4100..... 37485

TITLE 44—EMERGENCY MANAGEMENT AND ASSISTANCE

Chapter I—Federal Emergency Management Agency

64.6 Table amended..... 36936, 38231, 39920, 41713, 44128, 45335
65.4 Table amended..... 37953
Table amended; interim..... 37955
67 Flood elevation determinations..... 37956

Title 44—*Proposed Rules:*

17..... 39015
59..... 42117
60..... 42117
61..... 42117
62..... 42117
65..... 37975, 42117
67..... 37979, 39545, 39546, 42687
70..... 42117
72..... 42117
205..... 37803, 39249, 45365

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health and Human Services

2 Added..... 37146
3 Authority citation revised..... 43336
3.2 (b)(2) revised..... 43336
3.43 (g) added..... 43336
5 Revised..... 43579
96 Authority citation revised..... 37965
96.2 (d) added..... 37965
96.14 (a) introductory text and (2) revised..... 37965
96.15 Revised..... 37965
96.16 Revised..... 37966
96.17 Added..... 37966
96.30 (b) removed; (a) designation removed..... 37966
96.31 Added..... 37966
96.32 Added..... 37966

CHANGES OCTOBER 1 THROUGH NOVEMBER 30, 1987

TITLE 45 Subtitle A—Con. Page

96.33 Added....37966
96.42 (e) revised....37966
96.44 (e)(4) and (f) added....37967
96.46 (c) revised....37967
96.50 (b) revised....37967
96.51 (a) revised....37967
96.81 Revised....37967
96.82 Revised....37967
96.83 Removed....37967
96.86 Added....37967
96.87 Added....37967
96.88 Added....37967
96.92 Added....37968
96.110—96.111 (Subpart L) Added....37968
97.11 Revision confirmed....41431
97.12 Revision confirmed....41431

Chapter VI—National Science Foundation

612 Authority citation revised....43073
612.6 Removed....43073
612.8 (a)(7) revised....43073
612.9 Added....43074
612.10 Added....43074
612.11 Added....43075
612.12 Added....43076
612.13 Added....43076

Chapter XIII—Office of Human Development Services, Department of Health and Human Services

1385 Heading and authority citation revised....44845
1385.1 Revised....44845
1385.3 Introductory text republished; section amended....44845
1385.4 Revised....44845
1385.5 Added....44846
1385.6 Revised....44846
1385.7 Introductory text revised....44846
1385.9 (a) introductory text revised....44846
1386 Authority citation revised....44846
1386.20 (d) and (e) added....44846
1386.21 (a) revised....44846
1386.22 Removed....44846
1386.23 Revised....44846
1386.24 Revised....44847
1386.30 (a), (b), (e) (2) and (3) revised; OMB number....44847
1336.32 Revised; OMB number....44847
1386.33 (a) revised; OMB number....44847
1386.34 Removed....44847
1386.35 (b)(1) revised....44847
1386.81 (a) revised....44847
1386.111 (c) introductory text republished; (c)(1) revised....44847
1387 Heading revised....44847
1388 Revised....44847

Title 45—*Proposed Rules:*

76....39049
233....37183, 38171
400....38795
620....39015
1154....39015
1157....42687
1169....39015
1185....39015
1229....39015
1607....38900, 42460, 42760

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

1.05 (b) Note amended; interim....38623
10 Revised; interim; eff. in part 12-1-88....38623
10.103 Amended; interim; eff. 4-1-89....38666
10.201 (f)(1) revised; interim; eff. 4-1-89....38666
10.205 (f)(1) revised; interim; eff. 4-1-89....38666
10.468 Text added; interim; eff. 4-1-89....38666
10.470 Added; interim; eff. 4-1-89....38668
10.540 Text added; interim; eff. 4-1-89....38668
10.701—10.713 (Subpart G) Added; interim....38659
10.920 Text added; interim; eff. 4-1-89....38669
10.950 Table amended; interim; eff. 4-1-89....38669
15 Redesignated as Part 157 and revised; interim....38652

CHANGES OCTOBER 1 THROUGH NOVEMBER 30, 1987

Page

15.301 (b) (8), (9), and (10) added; interim; eff. 10-1-89....38670
15.520 Text added; interim; eff. 10-1-89....38670
26.25-1—26.25-5 (Subpart 26.25) Removed; interim....38652
31 Authority citation revised; section authority citations removed....39649
31.10-20 Revised....39649
31.10-21 Added....39649
31.10-22 Added....39651
31.10-24 Added....39651
35.05-5 Removed; interim....38652
35.05-10 Removed; interim....38652
61.20-17 Revised....39651
61.20-18 Revised....39652
61.20-21 Revised....39652
71 Authority citation revised; section authority citations removed....39652
71.50-1 Revised....39652
71.50-3 Added....39652
71.53-1 (Subpart 71.53) Added....39652
91 Authority citation revised; section authority citations removed....39653
91.40-1 Revised....39653
91.40-3 Added....39653
91.40-5 Revised....39654
91.43-1 (Subpart 91.43) Added....39654
157 Redesignated as Part 15 and revised; interim....38652
160.071-1—160.071-25 (Subpart 160.071) Removal eff. 1-20-88....39532
160.171-1—160.171-25 (Subpart 160.171) Addition eff. 1-20-88....39532
160.174-17 (h) (2) and (3) amendment eff. 1-20-88....39532
160.171-17 (f)(4) and (l)(2) revised....39532
167 Authority citation revised; section authority citations removed....39655
167.15-27 Added....39655
167.15-30 Revised....39655
167.15-35 Added....39655
167.15-40 Added....39655
167.15-50 Revised....39655
169.229 Revised....39656
169.231 Revised....39656
169.233 Revised....39656
169.234 Added....39656
175 Authority citation revised; section authority citations removed....38657
175.01-1 (a) revised; interim....38657
175.10-13 Revised; interim....38657
175.10-15 Added; interim....38657
185 Authority citation revised; subpart and section authority citations removed....38657
185.10-1 Revised; interim....38657
185.17-1 Revised; interim....38657
185.19-1 Revised; interim....38657
185.20-1 Revised; interim....38657
185.20-10 Revised; interim....38657
185.20-15 Revised; interim....38657
185.20-20 Revised; interim....38657
185.20-30 (c) revised; interim....38657
185.22-1 Revised; interim....38657
185.25-1 (a) and (d) amended; interim....38657
185.25-10 Revised; interim....38658
185.25-15 Revised; interim....38658
185.25-20 Revised; interim....38658
186 Removed; interim....38658
187 Removed; interim....38658
189 Authority citation revised; section authority citations removed....39656
189.40-1 Revised....39656
189.40-3 Added....39656
189.40-5 Revised....39657
189.43-1 (Subpart 189.43) Added....39657

Chapter II—Maritime Administration, Department of Transportation

383 Added....37774

Chapter IV—Federal Maritime Commission

558 Removed (effective date pending)....43909
559 Removed (effective date pending)....43909
560 Revised (effective date pending)....43909
561 Removed (effective date pending)....43909
562 Removed (effective date pending)....43909
564 Removed (effective date pending)....43909

CHANGES OCTOBER 1 THROUGH NOVEMBER 30, 1987

TITLE 46 Chapter IV—Con. Page

566 Removed (effective date pending)....43909
569 Removed (effective date pending)....43909

Title 46—*Proposed Rules:*

25....39546
249....38481
308....38486

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

0.5 (a)(13) and (b)(7) revised; (a)(14) and (b)(8) added....42438
0.15—0.16 Undesignated center heading revised....42438
0.15 Introductory text revised; (j) removed....42438
0.16 Revised....42438
0.17 Undesignated center heading and section added....42438
0.453 (d) revised; (e) through (l) added....38764
0.455 Revised....38765
(b)(2) corrected....40020
0.465 (d)(3) revised....36774
1.415 (d) Note amended....37460
1.1108 (b)(1) introductory text, (i) through (iv), (2), and (3) correctly designated....38232
1.1200—1.1216 (Subpart H) Table of Contents corrected....37459
1.1202 (c) Note added; (d) amended; (f) (i), (ii), and (iii) correctly designated as (f) (1), (2), and (3); new (f)(1) revised....37459
1.1203 (c) and Note following (c) added....37459
1.1204 (a)(3) Note and (6) and (b)(7) Note amended....37460
1.1206 (a)(3) Note and (5) and (b)(10) and Note following (b)(10) added....37460
1.1208 (c)(1) (i), (ii), and (iii) and (4) redesignated as (c)(1)(ii) (A), (B), and (C) and (5); (c)(1)(iv) introductory text, (A), (B), and (C) redesignated as (c)(1)(i) introductory text, (A), (B), and (C); new (c)(1)(i) introductory text revised; new (c)(1)(ii) introductory text and (D) and (4) added; new (c)(1)(ii)(A) amended....37460
(c)(1)(iv) introductory text correctly redesignated as (c)(1)(i) introductory text; (c)(1)(ii)(D) correctly designated....38042
1.1210 Undesignated center heading and section amended....37460
1.1212 (h) added....37460
2.106 Petitions denied....43588
Footnote US308 revised....44986
15.45 (e) amended....37618
18.305 (b) table amended....43198
18.307 Notes revised....43198
21 Authority citation revised....37776
21.0 Removed....37776
21.1 Added....37776
21.2 Amended....37776
21.3 Revised....37777
21.5 (a) revised....37777
21.6 (a) and (b) amended....37777
21.7 Revised....37777
21.11 (a), (b), (d), (e), and (f) revised....37777
21.13 (a) introductory text and (g) revised; (a)(6) amended; (f) (2) and (l) designation removed....37778
21.15 Introductory text, (a), (c), and (d) revised; (e) (1), (3), and (5), (f), (h), and (i) removed; (e) (2) and (4) and (g) redesignated as (e) (1) and (2) and (f); new (e)(1) amended; new (g) added....37778
21.17 Revised....37778
21.19 Added....37778
21.20 (b) revised....37779
21.21 Nomenclature change....37779
21.22 Nomenclature change....37779
21.23 (e) revised....37779
21.25 (a) and (b) amended....37779
21.26 Revised....37779
21.27 Revised....37779
21.30 (a)(2) and (b)(2) amended; (b)(3) revised....37779
21.31 (e)(2) revised....37780
21.33 Revised....37780
21.35 (b)(1) (i) and (iii) and (2) amended....37780
21.38 Undesignated center heading and section added....37780
21.39 Removed; new 21.39 redesignated from 21.40 and new (a) and (c) (1) and (2) amended....37780
21.40 Redesignated as 21.39 and new (a) and (c) (1) and (2) amended; new 21.40 added....37780
21.41 Added....37780
21.42 Added....37781
21.43 Revised....37782
21.44 Revised....37782
21.100 (d) (7) and (8) removed; (d) (1) through (6) and (9) through (11) redesignated as (d)(2) (i) through (vi) and (viii) through (x); (d) (1), (2) introductory text and (vii) added; (d) introductory text, new (2) (ii), (viii) and (x) revised....37782
21.102—21.104 Removed....37783
21.107 (b) table and (c) revised....37783
Petitions denied....43588
21.108 (c) amended....37783
Petitions denied....43588
21.109 (b) and (d) removed; (c) redesignated as (b)....37783
21.110 Revised....37783
21.111 Heading revised; text amended....37783
21.113 (b) table revised....37783
21.116 Amended....37783
21.118 (a), (b), (c) and (e)(1) amended....37783
21.121 Removed....37783
21.200 Amended....37783
21.201 Revised....37784
21.204 Removed....37784
21.206—21.208 Removed....37784
21.210 Amended....37784
21.212—21.213 Removed....37784
21.214 Amended....37784
21.300 Removed....37784
21.303 (a), (b), and (c) amended; (d) added....37784
21.304 Revised....37784
21.306 Amended....37784
21.401 (a) amended; (b) revised....37784
21.402 Amended....37784
21.403 (b) amended....37784
21.405 (a) revised....37784
21.500 Revised....37784
21.501 Amended....37784
21.502 (e)(2) and (f) removed; (b) and (c) amended; (b) through (e), (g) and (h) redesignated as (d) through (i); (a) and new (g) revised; new (b) and (c) added....37784
21.504 (a) amended....37785
21.512 Removed....37785
21.700 Revised....37785
21.704 Revised....37785
21.704 (c) and (d) redesignated as (d) and (e); new (c) added....37785
21.707 (a)(2) and (b) amended....37785
21.708 (a) introductory text and (6) amended; (a)(7) and (c) revised....37786
21.709 (b) and (d) removed; (c) redesignated as (b); (a) revised....37786
21.711 (b) and (c) removed; (d), (e), and (f) redesignated as (b), (c), and (d); new (b) and (c) amended....37786
21.713 Removed....37786
21.801 Petitions denied....43588
21.804 Petitions denied....43588
21.806 (a) revised....37786
21.807 (a)(2) amended; (b) revised....37786
Petitions denied....43588
21.808 (a)(6) amended; (a)(8) introductory text and (b) revised....37786
21.809 Amended....37786
21.906 (a) amended....37786
21.909 (b) (2), (3) and (4); (b)(5) redesignated as (b)(2)....37786
22.15 Technical correction....39225
31 Decision of 48 FR 2324 vacated....37968
32 Authority citation revised....43917
32.25 Revised....43917
32.27 (b), (c), and (f) revised....39534
32.1220 Revised....39534
32.1406 (a) correctly revised....39535
32.3211 (g) and (h) revised....39535
32.2341 (g) revised....39535
32.6540 Revised....43917
32.6623 Revised....43917
32.7991 (b) revised; (c) added....39535

CHANGES OCTOBER 1 THROUGH NOVEMBER 30, 1987

TITLE 47 Chapter I—Con. Page
63 Policies and guidelines....45336
64.901 (b)(4) revised....39534
64.902 Added....39534
67 Policies and guidelines....45336
68.318 (b) revised....43077
69 Policies and guidelines....45336
69.2 Revised....37309
69.3 (a) revised; (e)(10) added....37310
69.4 (b) revised....37310
69.103 Revised....37310
69.106 Revised....37310
69.107 Removed....37311
69.108 Removed....37311
69.201 Revised....37311
69.205 Revised....37311
69.206 Revised....37311
69.208 Removed....37311
69.301—69.310 (Subpart D) Revised....37311
69.401—69.414 (Subpart E) Revised....37313
69.501 (c) and (d) revised....37314
69.603 Revised....37314
73.150 (b)(1)(i) amended....36877
73.184 (d) revised; note unchanged....36878
73.190 (d) revised....36879
73.202 (b) table amended; eff. 11-12-87....36774
(b) table amended....37314, 37315, 37461, 37968-37970, 38233, 38766-38769
(b) table deferral lifted....37970
Application filing opening stayed....38419
(b) table corrected....39329
(b) revised....39774
(b) table amended....41431, 41432, 41434, 41717, 42439, 43198, 43199, 43337, 43589, 43764, 44395, 44396, 44986, 44987
(a)(1) revised....43765
73.208 (c) revised....37788
(c)(2) corrected....39920
73.210 Added....37788
(b)(2) introductory text correctly revised; (b)(4) correctly added....39920
73.211 (a) and (b) (1) and (2) revised; (d) and (e) removed....37788
(a)(1) corrected; (b)(1)(iii) correctly revised....39920
73.213 Revised....37789
73.313 (c)(2) revised....37789
73.501 (c) removed....43765
73.504 Heading and (a), (b), and (d) revised; (c) removed; (d) redesignated as (c)....43765
73.509 (a) introductory text revised....43765
73.606 (b) table amended....38232, 38767, 41433, 43589, 44396, 44397, 44988
73.684 (c) introductory text and (1) revised....36879
73.1030 (b) introductory text and (c)(1) revised....36879
(b) introductory text amended....37789
73.1690 (c)(1) revised....37789
73.3550 (d) and (i) revised; (h) Note and (n) added....43079
73 Index amended....37316
74.15 Petitions denied....43588
74.600 Petitions denied....43588
74.602 Petitions denied....43588
74.631 Petitions denied....43588
74.632 Petitions denied....43588
74.636 Petitions denied....43588
74.637 Petitions denied....43588
74.638 Petitions denied....43588
74.641 Petitions denied....43588
74.643 Petitions denied....43588
74.644 Petitions denied....43588
74.661 Petitions denied....43588
74 Index amended....37316
76.5 (ii) introductory text revised....37462
76.33 (a)(4) removed....37462
76 Index amended....37316
78.5 Petitions denied....43588
78.11 Petitions denied....43588
78.13 Petitions denied....43588
78.18 Petitions denied....43588
78.36 Petitions denied....43588
78.101 Petitions denied....43588
78.103 Petitions denied....43588
78.106 Petitions denied....43588
78.108 Petitions denied....43588
78.111 Petitions denied....43588
80.177 (d) added....41434
80.203 (b) amended....41434
94.9 Petitions denied....43588
94.61 Petitions denied....43588
94.65 Petitions denied....43588
94.67 Petitions denied....43588
94.71 Petitions denied....43588
94.73 Petitions denied....43588
94.77 Petitions denied....43588

Page
94.79 Petitions denied....43588
97.61 (c) amended....37463
(a) table amended; (d)(3) revised....41717

Title 47—*Proposed Rules:*
0....37185, 38796
1....44997
2....37988, 39250, 43205
15....37988
22....39250
31....37989
32....37989
36....43206
43....44998
63....37348, 44997
65....39251
67....36800
73....36800, 36801, 36968, 37349, 37805, 37806, 37990-37994, 38797-38803, 39252-39255, 39547-39549, 39941, 41473, 41474, 41596, 41743-41747, 42460-42465, 43091, 43208-43210, 43626, 43627, 43775-43777, 43920, 44616, 44995-45002
76....36802, 36968, 44997
80....42465

TITLE 48—FEDERAL ACQUISITION REGULATIONS SYSTEM

Chapter 1—Federal Acquisition Regulation
14.205-5 (a) amended; interim....38189
19.001 Amended; interim....38189
19.202-6 Added; interim....38189
19.501 (j) and (k) added; interim....38189
19.502-1 (c) revised; interim....38189
19.508 (e) added; interim....38189
19.805 Existing text designated as (a); (b) added; interim....38189
19.806-1 (a) removed; (b) and (c) redesignated as (a) and (b); interim....38189
52.219-14 Added; interim....38190

Chapter 2—Department of Defense
204.202 (c)(6) added; interim; eff. to 9-30-88....36775
204.470 Added; interim; eff. to 9-30-88....36775
223.7100—223.7105 (Subpart 223.71) Added; interim; eff. to 9-30-88....36775
245.505-14 (a) revised; (b) added....39535
252.223-7003 Added; interim; eff. to 9-30-88....36776
253.270 Amended....39536
Chapter 2 Unpublished DAR Supplement No. 3 amended....39536

Chapter 3, Appendix A—Public Health Service
PHS 315.412 (c)(1) amended....44397

Chapter 5—General Services Administration
522.1308 Temporary Reg. AC-87-2, Supp. 1 added....37618
522.1370 Temporary Reg. AC-87-2, Supp. 1 added....37618
552.222-87 Temporary Reg. AC-87-2, Supp. 1 added....37618

Chapter 7—Agency for International Development
702.170-13 (d) amended....38097
732.402 Added....38097
750.7110-2 Amended....38097
752.202 Redesignated as 752.202-1 and (d) amended....38097
752.202-1 Redesignated from 752.202 and (d) amended....38097
752.7026 Revised....38098
Chapter 7 Appendix D amended....38098
Appendix J amended....38100

Chapter 8—Veterans Administration
815 Nomenclature change....42439
815.805-5 (a) and (b) amended....42439
819 Nomenclature change....37317
819.806-2 Revised....37317
819.806-3 Added....37317
819.806-4 Revised....37317
819.7004 Amended....37317
849 Nomenclature change....42439
849.107 Amended....42440

Chapter 9—Department of Energy
Chapter 9 Authority citations revised....38422
901.102 Revised....38422

TITLE 48 Chapter 9—Con. Page
902.100 Redesignated as 902.101 and amended....38422
902.101 Redesignated from 902.100 and amended....38422
904.601-70 (b)(3)(ii) revised....38422
912.300—912.304 (Subpart 912.3) Revised....38422
913.505-1 (Subpart 913.5) Revised....38423
913.505-2 Removed....38423
915.612 (a) revised....38423
915.613 Revised....38423
915.807 Added....38423
915.808 (a) added....38424
917.504 Revised....38424
917.505-70 Heading and (a) revised....38424
917.505-71 (b) and (c) revised; (d) and (e) added....38424
919.501 Revised....38425
919.602-1 (Subpart 919.6) Added....38425
919.702-2 Added....38425
919.705-5 (a)(5) added....38425
952 Table of contents corrected....38425
952.204-2 Amended....38425
952.209-72 Amended....38425
952.212-70 Revised....38425
952.212-71 Revised....38426
952.219-9 Amended....38426
970.0404-4 (a)(1) revised; (a)(2) removed....38426
970.1901 (i) added....38426
970.5204-13 Amended....38426
970.5204-22 Note A revised....38426
970.5204-33 Revised....38426
971.103 (a) (3) and (4) added....38427

Chapter 12—Department of Transportation

Chapter 12 Revised; interim....44525

Chapter 28—Department of Justice

2806.501 (a) revised....42295

Title 48—*Proposed Rules:*

5....42519
14....41390
15....41390
30....41474
31....41474
45....37595
52....41390
53....41390
525....42125
552....42125

TITLE 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

23 Authority citation revised....39229
23.45 (e) amended; (f)(3) added; (g)(4) revised....39230
23.47 (e) revised; (f) added....39230
23.61—23.69 (Subpart D) Authority citation removed....39229
23.61 (a) and (b) amended....39230
23.62 Amended....39230
23.63 Revised....39231
23.61—23.69 (Subpart D) Appendix A amended....39231
29 Revised; interim....39057

Chapter I—Research and Special Programs Administration, Department of Transportation

172.101 Table amended; appendix effective date suspended in part....41303

Chapter III—Federal Highway Administration, Department of Transportation

395 Authority citation revised....41721
395.1 Revised....41721
(a) introductory text corrected....44520
395.2 (a)(9) added....41721
395.3 (b), (c), and (e) revised....41721
395.8 (d) and (l)(1)(ii) revised; (l)(1) introductory text republished....41721

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

571.108 Amended....38428
571.204 Revised....44897
571.208 Petition denied....42440
Amended....44908
571.209 Amended....44912

Chapter X—Interstate Commerce Commission

Page
1039.14 (c)(6) added....37971
1160 Authority citation revised....37317
1160.107—1160.114 (Subpart G) Added....37317
1165 Removed....37317
1312 Authority citation revised....39536
1312.30 (c)(5) revised....39536
(c)(5) introductory text corrected....41560

Title 49—*Proposed Rules:*

7....42688
27....36803
31....36968
171—179 (Subchap. C)....42772
391....45204
533....43366
571....38488, 41475, 43628
1000—1332 (Ch. X)....38112
1003....39941
1011....39941
1090....41748
1150....37350, 42466
1181....39941
1186....39941
1312....39549, 43091
1314....39549

TITLE 50—WILDLIFE AND FISHERIES

Chapter I—United States Fish and Wildlife Service, Department of the Interior

14 Authority citation revised...43278, 45341
14.81—14.82 (Subpart H) Revised....45341
14.83 Removed....45341
14.101—14.204 (Subpart J) Added....43278
17.11 (h) table corrected....36776
(h) table amended; eff. 11-2-87....36780
(h) table amended....37423, 42068, 42662
17.12 (h) table amended....37420, 41440, 42071, 42657, 44401
17.42 (d) added....42662
17.95 (e) map correclty revised....36776
17.96 (a) amended....41440, 42657
20 Frameworks....37147
20.105 Seasonal hunting adjustments....37151
20.108 Amended....37152
20.110 Seasonal hunting adjustments....43309
32.12 (f)(11)(iii), (i)(2)(iv), (k)(3)(iii), (q)(4)(ii) and (hh)(5)(i) removed....37791
(d)(1)(vi), (f)(11) (iv), (v), and (vi) and (12) (ii) and (iii), (i)(2) (v) through (vii), (k)(3) (iv) and (v), (q) (1) through (7) and new (4) (iii) through (v), and (hh)(5) (ii) and (iii) redesignated as (d)(1)(vii), (f)(11) (iii), (iv), (v) and (12) (iii) and (ii), (i)(2) (iv) through (vi), (k)(3) (iii) and (iv), (q) (2) through (8) and new (4) (ii) through (iv), and (hh)(5) (i) and (ii)....37791
(b)(8), (d)(1)(vi), (e)(1)(ix) and (3)(ix), (f)(7)(v), (10) (iii) and (iv), and (13)(v), (i)(1) (v) and (vi), (l)(1)(iv), (q)(1), (2)(v), (3) (iv) and (v), new (4)(v), (8) (iv), (v) and (vi), (s)(2)(v), (u)(2)(v), (v)(1)(iv), (aa)(7), (bb)(3) (iii), (iv) and (v) and (ll)(1)(iv) added....37791
(d)(1) introductory text, (f)(1) introductory text and (ii), (2), (3), (4) introductory text, (5) introductory text, (iii) and (iv), (6) introductory text, (ii), (iii), and (vi), (7) introductory text, (8) introductory text and (iv), (9) introductory text and (v), (10) introductory text, (12) introductory text, new (iii) and (iv), (13)(ii), (14), (15) introductory text, (ii), (iv) and (vii), (g) (1) and (3), (h)(1)(viii) and (2)(vii), (i)(1)(ii), new (2)(vi), (3)(iv), (4) (ii) and (iii), (j)(3), (k)(2) and new (3)(iv), (l)(2) (i), (ii) and (iii), (m)(1) (ii) and (iii), (o)(2), new (q)(5)(v), (6)(iv), (7) (i), (ii) and (iii), and (8)(ii), (s)(1) and (2)(ii), (t)(1) and (2)(ii), (u)(1)(iii),

TITLE 50 Chapter I—Con. Page

(2) introductory text and (iv), (3) introductory text and (iii), (v)(5)(iii), (w)(1)(ii) and (2)(ii), (z)(1) introductory text and (2), (aa) introductory text and (1), (bb)(1) introductory text and (i), (2)(iii), (3)(ii) and (4)(ii), (cc)(1)(iv), (2)(iii), (dd)(1), (2)(i), (3)(v) and (5)(i), (ee), (ff) introductory text and (2), (gg)(2), (hh)(1)(iv), (3)(iii), new (5)(i), (8)(i) and (13)(iv), (ii)(2), (ll)(2)(iv), (3)(iv) and (4)(ii), (mm)(2)(i), (3)(i), (5)(iv), (6)(iii) and (7)(iii), (nn)(1)(ii), (2) and (3), (oo)(7), (qq)(5)(iii) and (6), (rr)(1)(iii), (2)(ii) and (3)(ii) and (ss) revised....37791

(h)(1)(viii), (bb)(3)(iii), (dd)(1), and (ll)(1)(iv) correctly designated; (t) heading and (v)(5)(iii) corrected....41388

32.22 (l)(3), (q)(6) (iii) and (iv), and (cc)(2) removed; (q) (1) through (6) and (cc)(3) redesignated as (q) (2) through (7) and (cc)(2)....37795

(a)(4)(vi), (d)(1)(iii), (2)(vii), and (4)(vii), (h)(1)(iii), (2)(v), and (4), new (q)(1), (s)(3), (aa)(1)(iv), and (qq)(3) added....37795

(a)(1) and (4)(iv), (b)(1), (d)(2)(iii) and (iv), (4)(iii), and (5)(ii) and (iii), (e)(4)(ii) and (10)(ii), (h)(2)(ii) and (3) (ii) and (iii), (l)(2), (n), new (q)(4) (i) through (iii), (6) (i) and (ii), and (7) (i) and (iii), (u)(1), (x)(6), (aa)(1) introductory text and (ii), (cc)(1), (dd)(1), (4) introductory text and (6) introductory text and (ii), (ff)(6), (jj)(2)(ii) and (3), and (ll)(1)(i) revised....37795

(d)(2)(iii), (aa)(1)(ii), and (gg)(3) corrected....41388

32.32 (c)(1)(ii), (h)(4), (i)(4)(iii) and (v), (l)(4), (aa)(2)(ii), and (ss)(4)(iv) removed....37796

(c)(1)(iii), (h) (5) and (6), (i)(4)(iv), (vi), and (vii), (r) (1) through (7), (v) through (tt), new (z)(2), (aa)(2)(iii), and (ii) (1) through (3) redesignated as (c)(1)(ii), (h)(4) and (5), (i)(4) (iii), (iv), and (v), (r) (2) through (8), (w) through (uu), (z)(3), (aa)(2)(ii), and (ii) (2) through (4)....37796

(d)(2)(ix) and (4) (v) and (vi), (h)(2) (vi) and (vii) and (5)(x), (i)(6)(vii), (o)(4), new (r)(1), (3)(vii), (4)(iv), (7) (vi) and (vii), and (8)(iv), (t)(2)(iii), (u)(1)(iv) and (2)(v), new (v), new (z)(2), (dd) (3) and (4), (gg)(2)(iv), new (ii)(1), (kk)(3), (ll)(2)(viii) and (ix), and (rr)(2)(iv), (3)(v) and (4)(vii) added....37797

(a)(3) (ii), (iii), and (iv), (b)(1), (d)(2) (ii), (vi) and (vii) and (4) (ii) and (iv), (h)(1), (2)(v), (3) (ii), (iv) and (v), (4) (ii), (v), and (viii), and (5) introductory text, (ii), (iv), (v), (vi), and (viii), (i)(1) (ii), (iii), (v), (3) (iv) and (vii), (4)(ii) and (6) (iv) and (v), (j) (4) and (5), (n) (1), (2), and (3), (q)(1), (r)(4) (ii) and (iii), (7) (i), (iii), and (iv), and (8)(iii), (t)(1), new (z)(1)(i) and (3)(ii), (bb)(2)(ii), (ff)(1), (gg) (1) and (4)(iii), (ll)(2)(vii), (3) (iv), (vi) and (vii), and (4)(vi), (oo)(1) (v) and (vi) and (3) (iv) and (v), (qq), and (rr)(1)(v) revised....37797

(t)(1) correctly designated....41388

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

204.1 (b) table amended (OMB numbers); entries transferred from 604.1 (b) table....36780

(b) table amended (OMB numbers)....38233

217.12 Amended....37153

Page

222.31 (Subpart D) Added; interim....44915

222.41 (Subpart D) Redesignated as Subpart E; interim....44915

227.72 (e)(4)(ii)(E) added....37154

246 (Subchapter E) Heading revised....45341

246 Added....45341

254 Removed....36781

267 Added....37155

Chapter III—International Regulatory Agencies (Fishing and Whaling)

301.9 (c) added....36941

Chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce

604 Removed....36780

604.1 (b) table entries transferred to 204.1 (b) table (OMB numbers)....36780

611 Inseason adjustments....37463, 38428, 41303

Specifications....37464, 41560

Inseason adjustment corrected....39329

Temporary regulations....43199, 44597

630.5 (b) and (c) effectiveness extended to 10-31-88....42295

638.2 Amended....36781

638.4 (a)(2) and (h) amended....36781

638.5 Introductory text amended....36781

638.6 (b)(2) amended....36781

638.22 (a)(2) and (c) amended....36781

641.2 Amended....36781

Corrected....37799, 39537

641.5 (h) introductory text corrected....37799

641.8 (d)(1) footnotes 1 and 2 amended....36781

642 Temporary regulations....42296

650 Temporary regulations....44130

650.22 (b)(1) correctly designated....39537

651.3 (c) corrected....37159

651.4 (a)(1) corrected....39537

651.6 (e) corrected....39537

651.21 (a)(3) introductory text and (4) corrected; (b)(2)(ii) correctly designated....39537

Page

651.23 (a)(1) table corrected....37159

651.25 (a) and (b) corrected....37159

652 Temporary regulations....39921

653.23 (a) corrected....36863

654.2 Amended....36781, 36941

654.3 (b) amended....36781

654.4 (b)(2) amended....36781

654.6 (b) amended....36782

654.20 (c) amended....36782

654.22 (a)(2) and (b) amended....36782

654.23 (a) amended....36782

655 Specifications....45197

663 Restrictions....37466, 38429

Temporary regulations....41304, 42445, 45455

672 Inseason adjustments....37463, 38428, 41303, 42114

Inseason adjustment corrected....39329

Specifications....41560

Temporary regulations....43199, 43917, 45342

675 Specifications....37464

Temporary regulations....44597

683.24 (a) introductory text revised; (d) (1) and (2) redesignated as (d) (2) and (3); new (d)(1) added....38103

Title 50—*Proposed Rules:*

13....38803

17....37424, 37640, 39255, 43921, 44450, 44453, 44578, 44580, 44583, 44922

21....38803

23....43924, 45469

33....37186

253....44922

301....41485

611....42408, 44154, 44157

630....38804

638....38804

640....38804

641....38804

642....38804

645....38804

646....38804, 42125

649....38804

650....37487, 38804, 39259

652....38804

654....38804

655....38804

657....41486, 43925

658....38804

661....39259

663....38804, 39259

669....38804

CHANGES OCTOBER 1 THROUGH NOVEMBER 30, 1987

Title 50—*Proposed Rules—Con.* Page

672.....38804, 44154, 45215
674.....38804
675.....38804, 44157, 45215
676.....38804
680.....38804
681.....38490, 38804
683.....38804

Additions to Table I, January through November 1987

This table lists the sections of the U.S. Code, U.S. Statutes at Large, Public Laws, and Presidential documents which are being added to Table I as a result of authority citations carried in the **Federal Register** from January through November 1987. Recent legislation is carried by public law number.

Table I is in the CFR Index and Finding Aids revised as of January 1, 1987.

In order to determine the **Federal Register** page number of a parallel CFR citation, consult this List of CFR Sections Affected (LSA) and the appropriate Annual Issue of the LSA for that CFR title.

U.S. Code:	CFR
2 U.S.C.:	
432	11 Part 110
441i	14 Part 1207
3 U.S.C.:	
301	32 Part 40
5 U.S.C.:	
4a	17 Part 145
500	29 Part 103
504	24 Part 14
	46 Part 502
522	1 Part 456
551—557	18 Parts 154, 382
551—552	29 Part 101
551	46 Part 502
552	5 Part 1631
	7 Parts 3305, 3600, 3601, 3900, 3901
	8 Part 103
	18 Part 1301
	21 Part 5
	27 Part 70
	32 Part 98
	39 Part 20
	45 Parts 2, 2002, 2005
	49 Parts 701, 1002, 1244
552a	5 Parts 841, 1630
	14 Part 1206
	45 Part 30
552b	34 Part 11
553	14 Part 234
	18 Part 375
	21 Parts 310, 336, 610
	29 Parts 103, 1915, 1917–1918, 1926, 1928
	46 Part 581
	49 Parts 1052, 1138, 1244
554	28 Part 68
702—704	21 Part 610
1104	5 Parts 410, 842
1205	5 Part 1204
3304	5 Part 315
3323	5 Part 930
3328	5 Part 300
3503	5 Part 351
4301	5 Part 930
5511 et seq	29 Part 20

5 U.S.C.—Con.	CFR
5514	15 Part 22
	22 Part 512
	31 Part 5
	34 Part 32
	45 Parts 30, 1179
6305	5 Part 630
6326	5 Part 630
8101	32 Part 728
8351	5 Parts 1600, 1605, 1650
8416—8419	5 Part 842
8424	5 Part 843
8432	5 Part 1600
8434—8436	5 Part 1650
8439	5 Part 1640
8441—8442	5 Part 843
8457	5 Parts 213, 330
8461	5 Parts 843, 845, 846
	38 Part 1
8467	5 Part 1650
8469	5 Part 841
8474	5 Parts 1600, 1603, 1605, 1640, 1650, 1660, 1690
8477	5 Part 1660
8478	29 Part 2582
8522	5 Part 841
8913	48 Parts 1601–1606, 1614–1616, 1622, 1624, 1631–1633, 1644, 1646, 1649, 1652, 1653
9101	5 Part 911
App. 2	34 Part 11
7 U.S.C.:	
4	17 Part 30
6	17 Part 30
7a	17 Part 9
16a	17 Part 9
75a	7 Part 810
149	7 Part 352
150aa—150jj	7 Part 340
150ff	7 Part 318
151—167	7 Parts 318, 340
901—950b	7 Parts 1786, 1787
1421	7 Part 713
1501—1520	7 Part 400

7 U.S.C.—Con.	CFR
1506	7 Parts 401, 452–454
1516	7 Parts 401, 452–454
1622	50 Part 267
1622n	7 Part 340
1624	50 Part 267
2243	8 Part 103
3316	7 Part 3402
4601—4612	7 Part 1200
4901—4916	7 Part 1200
5841	10 Part 7
8 U.S.C.:	
1101	8 Parts 1, 103, 274a 29 Part 501
1101 note	8 Parts 210, 245
1103	8 Part 274a 28 Part 68
1104	22 Parts 40, 43
1153 note	22 Part 43
1160	7 Part 1d
1182	8 Part 287
1184	8 Part 248 29 Part 501
1186	20 Parts 654, 655 29 Part 501
1192	8 Part 204
1201	8 Part 103
1201a	8 Part 264
1251	8 Parts 241, 287
1252	8 Part 241
1301—1305	8 Part 103
1324a—1324b	28 Part 68
1324A	8 Part 274a 28 Part 0
1324b	28 Part 44
1351	8 Part 103
1357	8 Part 241
1427	28 Part 0
1443	8 Part 103
1454—1455	8 Part 103
10 U.S.C.:	
130	32 Part 249
133	32 Part 382
191	32 Parts 372, 381
1071 et seq	32 Part 220
1094—1095	32 Part 728
1201—1221	32 Part 728
2301 et seq	48 Part 1206
2397	32 Part 40a
2546	32 Part 226
2640	32 Part 861
2733	32 Part 751
7420	15 Part 377
7430	15 Part 377
8013	32 Parts 807, 861
11 U.S.C.:	
901	17 Part 200
1109	17 Part 200
12 U.S.C.:	
93a	12 Part 35

12 U.S.C.—Con.	CFR
221 et seq	12 Part 211
391	31 Part 358
1141	46 Part 502
1421 et seq	12 Part 592
1425	12 Part 523
1425a	12 Part 571
1425b	12 Parts 523, 552, 555
1437	12 Part 510a
1441	12 Part 514
1691	12 Part 523
1701q	24 Part 278
1701r-1	24 Parts 243, 842, 942
1701s	24 Part 278
1707	24 Parts 234, 251
1710	24 Part 203
1715	24 Part 203
1715b	24 Parts 250, 278
1715u	24 Part 203
1715z-9	24 Part 250
1725	12 Part 510a
1728—1730a	12 Part 523
1757	12 Part 741
1781—1790	12 Part 741
1785—1786	12 Part 708
1786	12 Part 748
1811—1831d	12 Part 324
1819	12 Parts 324, 326
1823	12 Parts 35, 208, 324
2001	12 Part 624
2012	12 Parts 614, 624
2053	12 Part 614
2072	12 Parts 614, 624
2093	12 Parts 614, 624
2122	12 Parts 614, 624
2216G	12 Part 614
3401—3422	39 Part 233
3535	24 Part 278
3901 et seq	12 Part 211
3906	12 Part 208
14 U.S.C.:	
83	33 Part 66
85	33 Parts 62, 147
633	33 Part 80
15 U.S.C.:	
57a	12 Part 706
77f	17 Part 200
77ggg	17 Part 200
77sss	17 Part 200
78a et seq	17 Part 200
78d-1—78d-2	17 Part 200
78m—78o	17 Part 200
78o-5	17 Parts 240, 400–405, 449, 450
78s	17 Part 200
79v	17 Part 200
80a-44	17 Part 200
80b-10	17 Part 200
634	13 Parts 114, 144

15 U.S.C.—Con.	CFR
714b	7 Part 1493
717—717z	18 Part 3
717—717w	18 Parts 375, 381, 382
2032	49 Part 544
2603	40 Part 766
2607	40 Part 766
2611	40 Part 795
2614	40 Part 761
2616	40 Part 761
2641	40 Part 763
2643	40 Part 763
2646—2647	40 Part 763
3301 et seq	18 Part 375
3301—3432	18 Parts 3, 382
4201 et seq	15 Part 904
4244	15 Part 960
16 U.S.C.:	
469 et seq	30 Part 773
470 et seq	30 Parts 731, 732, 772, 773, 779, 780, 783, 784
470aa et seq	30 Part 773
485	43 Part 2090
661 et seq	30 Part 773
668a	30 Part 773
703 et seq	30 Part 773
703	50 Part 14
712	50 Part 14
742e	50 Part 267
791—828c	18 Part 381
791a—828c	18 Parts 3, 382
791a—825r	18 Part 16
818	43 Part 2090
852	50 Part 14
972—972h	15 Part 904
1151—1175	15 Part 904
1435—1439	15 Part 904
1456	49 Part 1160
1531 et seq	30 Part 773
1540	50 Part 14
1801 et seq	50 Part 685
1851 note	15 Part 904
1853	50 Part 605
2431—2444	15 Part 904
2601—2645	18 Parts 3, 382
3101 et seq	43 Part 2090
3371—3378	25 Part 244 50 Part 246
3375—3376	50 Part 14
3631—3644	15 Part 904
3801	7 Part 704
3831—3844	7 Part 704
3901 et seq	50 Part 25
17 U.S.C.:	
101	19 Part 133
601—603	19 Part 133
18 U.S.C.:	
201—219	14 Part 1207

18 U.S.C.—Con.	CFR
207	10 Part 0 39 Parts 10, 447 45 Part 500
210—212	24 Part 0
1114	28 Part 64
3013	28 Part 545
19 U.S.C.:	
1311	19 Part 151
1460	19 Part 151
1557	19 Part 151
1562	19 Part 151
1584	19 Part 151
1592	19 Part 151
1606—1608	21 Part 1316
1610	21 Part 1316
1613	21 Part 1316
1618	21 Part 1316
20 U.S.C.:	
238	34 Part 221
241	32 Part 68
647	34 Part 221
887e	34 Parts 500, 745
1051	34 Part 607
1057—1059	34 Part 607
1060—1063c	34 Part 608
1060	34 Parts 607, 609
1062	34 Part 609
1063a—1063d	34 Part 609
1064	34 Part 607
1066—1069f	34 Part 607
1066	34 Parts 608, 609
1069c	34 Parts 608, 609
1070	34 Part 646
1070a—1070a-6	34 Part 690
1070c-4	34 Part 692
1087a—1087e	34 Part 673
1091a	34 Parts 673, 674
1109—1109d	34 Part 761
1111—1111h	34 Part 653
1113—1113e	34 Part 237
1132g—1132g-3	34 Part 614
1132i-1	34 Part 614
1134	34 Part 650
1134s—1134t	34 Part 639
1135	34 Part 630
1135b—1135b-3	34 Part 637
1135d—1135d-6	34 Part 637
1135e—1135e-1	34 Part 630
1211h	34 Part 250
1221e	34 Part 762
1221e-3	34 Part 607
1233 et seq	34 Part 11
1233a	34 Part 11
1234	34 Part 221
1234b	34 Part 221
1432	34 Part 319
1434	34 Part 319
3221—3236	34 Part 524

20 U.S.C.—Con.	CFR
3474	34 Part 221
3851	34 Parts 785–789
3862	34 Parts 786–788
4132	34 Part 230
4641	34 Parts 764, 765
4642	34 Parts 764, 766
4644	34 Part 230
4645	34 Part 235
4661	34 Parts 764–766
4664	34 Part 764
21 U.S.C.:	
102—105	9 Part 99
111—112	9 Part 99
114a	9 Part 99
117	9 Part 99
120	9 Part 99
122	9 Part 99
134a	9 Part 93
134b—134c	9 Part 99
134d	9 Part 93
134e—134f	9 Part 99
135—135a	9 Part 99
151—159	9 Parts 101–104, 107, 118
321	21 Parts 336, 610
331	21 Part 201
336	21 Part 58
342	21 Part 58
351	21 Parts 310, 610, 862, 864, 866, 868, 870, 872, 876, 880, 886, 888, 890
352	21 Part 336
353	21 Part 312
355	21 Parts 201, 336
360—360 note	21 Part 610
360	21 Parts 862, 864, 866, 868, 870, 872, 876, 880, 882, 884, 886, 888, 890
360c	21 Parts 862, 872, 886, 888
360e	21 Parts 862, 864, 866, 868, 870, 872, 876, 880, 886, 888, 890
360j	21 Parts 862, 864, 868, 870, 872, 876, 880, 886, 888, 890
371	21 Parts 336, 862, 864, 870, 872, 886, 888
375	21 Part 310
606 note	9 Part 335
957	21 Part 1312
22 U.S.C.:	
212—218	22 Part 51
1431—1442	22 Part 514
1977	22 Part 33
2349aa-9	31 Part 560
2381	22 Parts 212, 224
2451—2460	22 Part 514
2651	22 Part 51
2658	22 Part 2a

22 U.S.C.—Con.	CFR
3611	35 Part 9
3811	35 Part 119
3921	22 Part 22
4219	22 Part 22
4301—4314	22 Part 2a
5001 et seq	15 Parts 371–373, 379, 385–387, 389, 399
23 U.S.C.:	
114	23 Part 633
135	23 Part 635
25 U.S.C.:	
334	43 Part 2090
336	43 Part 2090
396 et seq	30 Parts 206, 218
396—396q	43 Part 3190
396	25 Parts 211, 225
396a et seq	30 Parts 206, 218
396a—396g	25 Parts 211, 225
397—398	43 Part 3190
398a—398e	43 Part 3190
415	25 Parts 211, 225
450	34 Part 221
450e	34 Part 221
476—477	25 Part 225
640d	25 Part 700
880	25 Part 211
1401 et seq	25 Part 76
1452	34 Part 221
2101 et seq	30 Part 206
2101—2108	25 Parts 211, 225
2102	43 Part 3160
26 U.S.C.:	
42	26 Part 1
56	26 Part 1
101	26 Part 1
145	26 Part 5h
149	26 Part 1
263A	26 Part 1
382	26 Part 1
422	26 Part 1
441	26 Part 1
469	26 Part 1
501	46 Part 502
807	26 Part 1
904	26 Part 1
1378	26 Part 1
1402	26 Part 1
5025	27 Part 194
5684	27 Part 70
5761	27 Part 70
6020	27 Part 70
6041	26 Part 1
6155	27 Part 70
6201	27 Part 70
6203—6204	27 Part 70
6205	26 Part 31
6223	26 Part 301
6227	26 Part 301

26 U.S.C.—Con.	CFR
6233	26 Part 301
6241	26 Part 301
6245	26 Parts 51, 301
6311	27 Part 70
6313—6314	27 Part 70
6401—6402	27 Part 70
6404	27 Part 70
6407	27 Part 70
6423	27 Part 70
6501	27 Part 70
6511	27 Part 70
6513—6514	27 Part 70
6532	27 Part 70
6601—6602	27 Part 70
6611	27 Part 70
6621—6622	27 Part 70
6651	27 Part 70
6653	27 Part 70
6656—6658	27 Part 70
6662	27 Part 70
6671—6672	27 Part 70
6676	27 Part 70
6701	27 Part 70
6801	27 Part 70
6862—6863	27 Part 70
7011	27 Part 70
7102	27 Part 250
7326	27 Part 72
7553	19 Part 127
9039	11 Parts 9031-9038
28 U.S.C.:	
301	28 Part 11
509—510	8 Part 3
	21 Part 1316
	28 Parts 11, 14, 600–602
509	28 Part 64
515	28 Parts 600–602
524	28 Part 9
1746	8 Parts 3, 103
2672	14 Part 15
2675	14 Part 15
29 U.S.C.:	
151	29 Part 103
156	29 Part 103
201 et seq	29 Part 516
211	29 Part 1627
628	29 Part 1627
706	34 Part 363
711—712	34 Part 363
717	34 Part 350
744	34 Part 386
750—759	34 Part 351
762a	34 Part 350
794	10 Part 1041
	29 Part 33
	35 Part 257
	36 Part 1154
	40 Part 12
	47 Part 1

29 U.S.C.—Con.	CFR
795j—795q	34 Part 363
1301	29 Part 2619
30 U.S.C.:	
181 et seq	30 Part 208
	43 Part 3190
185	15 Part 377
351 et seq	30 Parts 206, 208, 218
351—359	43 Part 3190
957	30 Parts 5, 18
1001 et seq	30 Part 218
1201 et seq	30 Parts 736, 750, 762
1701 et seq	30 Parts 206, 208, 218
	43 Parts 3160, 3190
1701	25 Part 225
31 U.S.C.:	
321	31 Parts 1, 210
483	50 Part 14
3101 et seq	31 Part 358
3121	17 Part 450
3701—3731	45 Part 30
3701—3721	32 Parts 750, 751, 757
3701—3719	22 Part 309
3701	22 Part 512
	31 Part 5
	38 Part 1
3711 et seq	22 Part 512
3711—3719	38 Part 1
3716	15 Part 4
	31 Part 5
	34 Part 32
3717	24 Part 17
	28 Part 16
3718	28 Part 11
3720A	7 Parts 1403, 1951
	31 Part 5
3801—3812	22 Part 224
	31 Part 16
	39 Parts 273, 962
3809	14 Part 1264
	41 Part 105–70
5311 et seq	12 Parts 21, 326
5311	12 Part 748
6304	34 Part 761
8701	18 Part 154
9110	17 Part 450
9301	27 Parts 72, 250, 252
9303—9304	27 Parts 72, 250, 252
9304	27 Parts 22, 170
9306	27 Parts 22, 72, 170, 250, 252

31 U.S.C.—Con.	CFR
9701	7 Parts 330, 340, 352-8 Part 103 19 Part 133 22 Part 22 30 Part 208 42 Parts 7, 110, 417 45 Part 5 50 Part 14
33 U.S.C.:	
401	23 Part 650
491 et seq	23 Part 650
494	49 Part 310
511 et seq	23 Part 650
526—526a	49 Part 310
535	49 Part 310
1233	33 Part 62
1251 et seq	40 Part 418
1321	40 Part 110
1361	40 Parts 110, 414
1517	40 Part 110
1903	46 Parts 98, 151, 153
2071	33 Part 147
2201 et seq	33 Part 241
2214	33 Part 240
35 U.S.C.:	
156	37 Part 1
200 et seq	14 Part 1245
351—376	37 Part 1
37 U.S.C.:	
101	34 Part 221
38 U.S.C.:	
907	38 Part 3
2012	41 Part 61-250
3112	38 Part 3
3115	38 Part 1
39 U.S.C.:	
204	39 Parts 963-965
401	39 Parts 20, 273, 962-965
403	39 Part 111
404	39 Part 20
407—408	39 Part 20
3003—3004	39 Part 964
3008	39 Part 963
3220	12 Part 510a 20 Part 364 28 Part 19 38 Part 1 47 Part 0
40 U.S.C.:	
304	27 Part 72
318	46 Part 386
486	41 Part 105-70 48 Parts 901-910, 912-917, 919, 920, 922-925, 927, 928, 931-933, 935-937, 942-945, 947, 949-952, 971, 1601-1606, 1614-1616, 1622, 1624, 1631-1633, 1644, 1646, 1649, 1652, 1653

40 U.S.C.—Con.	CFR
751	41 Parts 201-8, 201-30, 201-32, 201-34, 201-38
41 U.S.C.:	
253 et seq	48 Part 1206
403 et seq	48 Part 1206
42 U.S.C.:	
216	42 Parts 7, 417
263	42 Part 7
264	21 Parts 610, 1240
290dd-3	42 Part 2
290ee-3	42 Part 2
297i	42 Part 57
300e—300e-17	42 Part 417
300g-6	40 Parts 141, 142
300h-6	40 Part 149
300w et seq	45 Part 96
300w note	45 Part 96
300x et seq	45 Part 96
300y et seq	45 Part 96
405	42 Part 498
602	20 Part 401
701 et seq	45 Part 96
1302	20 Part 602 42 Part 498
1304 note	45 Part 96
1305	45 Part 96
1306	45 Part 5
1320b-7	42 Part 433
1382f	20 Part 416
1382j	20 Part 416
1383a	20 Part 416
1395y	21 Part 805 42 Parts 409, 489
1395y note	21 Part 805
1395ff	42 Part 498
1395hh—1395ii	42 Part 498
1395zz	42 Part 405
1397 et seq	45 Part 96
1437f	24 Part 278
1760	7 Parts 225, 226
1857f-10	14 Part 21
1870	45 Part 689
1966	25 Part 225
1996	25 Part 211
2000c—2000c-2	34 Parts 271, 272
2000c-5	34 Parts 271, 272
2011 et seq	10 Part 962
2073	10 Part 39
2077	10 Part 39
2092—2093	10 Part 39
2095	10 Part 39
2099	10 Part 39
2111—2112	10 Part 39
2131—2132	10 Part 50
2135	10 Part 50
2138	10 Part 50
2201	10 Parts 39, 763, 862
2232—2233	10 Part 39

42 U.S.C.—Con.	CFR
2232	10 Part 55
2235	10 Part 50
2236	10 Part 39
2237	10 Part 50
2239	10 Part 72
2273	10 Parts 39, 72
2278	10 Part 862
2282	10 Parts 39, 55
2473	14 Part 1264 48 Parts 30, 1870
3435	24 Part 14
3535	24 Parts 203, 575
4321 et seq	49 Part 622
4332	10 Part 50 25 Part 225
4821—4846	24 Part 200
5042	45 Part 1204
5801 et seq	10 Part 962
5841—5842	10 Part 39
5841	10 Part 74
5844	10 Part 50
5846	10 Part 39
6000 et seq	45 Part 1385
6063 et seq	45 Part 1388
6101 et seq	13 Part 311
6101	10 Part 4
6212	15 Part 377
6508	43 Part 3160
6901 et seq	40 Part 147
6912	40 Part 250
6924	40 Part 270
6962	40 Part 250
7101 et seq	10 Part 962
7101—7352	18 Parts 16, 382
7422	40 Part 85
7701 et seq	44 Part 361
8621 et seq	45 Part 96
8621 note	45 Part 96
9118—9119	46 Part 174
9153	46 Part 174
9505	40 Part 300
9601 et seq	44 Part 222
9611	40 Part 310
9623	40 Part 310
9822 note	12 Part 705
9861—9868	34 Part 215
9901 et seq	45 Part 96
9901 note	45 Part 96
10226	10 Part 55
11002—11004	40 Part 355
11011—11012	40 Part 370
11024—11025	40 Part 370
11025	40 Part 355
11028—11029	40 Parts 355, 370
43 U.S.C.:	
231	43 Part 2090
315f	43 Part 2090
321—323	43 Part 2090
327—329	43 Part 2090

43 U.S.C.—Con.	CFR
641 et seq	43 Part 2090
852 note	43 Part 2090
869 et seq	43 Part 2090
1301 et seq	30 Parts 206, 208, 218
1331 et seq	30 Part 208
1333	33 Part 62 46 Parts 10, 172
1354	15 Part 377
1592	7 Part 702
1601 et seq	43 Part 2090
1701 et seq	43 Part 2090
1801 et seq	30 Parts 206, 208, 218
1811—1824	33 Part 135
44 U.S.C.:	
2101—2111	36 Part 1228
2901—2909	36 Part 1228
3101—3107	36 Part 1228
3301—3314	36 Part 1228
3501 et seq	9 Part 303
45 U.S.C.:	
362	20 Part 359
797	20 Part 359
907	20 Part 359
1004	20 Part 359
46 U.S.C.:	
466	15 Part 377
2103	46 Parts 10, 15
2113	46 Parts 71, 189
3306	46 Parts 31, 32, 77, 92, 96, 98, 150, 175, 190, 195
3507	46 Part 30
3703	46 Parts 15, 30-32, 91, 98, 151, 174
4302	33 Parts 174, 177
5115	46 Part 172
6101	46 Parts 167, 185
8105	46 Parts 15, 167, 185
8901—8904	46 Part 15
9102	46 Part 15
10104	46 Part 109
12302	33 Part 174
46 U.S.C. App.:	
808	46 Part 221
817	46 Part 560
833a	46 Part 560
835	46 Part 221
839	46 Part 221
841a	46 Part 221
1114	46 Part 383
1241	46 Part 383
1702	46 Part 581
1706—1707	46 Part 581
1709	46 Part 581
1712	46 Part 581
1714—1716	46 Part 581

46 U.S.C. App.—Con.	CFR
1718	46 Part 581
47 U.S.C.:	
151	47 Part 36
154	47 Part 36
205	47 Part 36
221	47 Part 36
390—394	15 Part 2301
397—399b	15 Part 2301
403	47 Part 36
410	47 Part 36
49 U.S.C.:	
1—27	18 Parts 3, 381, 382
106	14 Parts 15, 36, 43, 127
1302	14 Parts 234, 272
1324	14 Parts 234, 272
1344	14 Parts 21, 36
1346	14 Part 129
1354	14 Part 15
1355	14 Part 36
1374	14 Part 234
1377	14 Part 234
1381	14 Part 234
1422	14 Part 127
1425	14 Part 36
1426	14 Part 21
1428—1430	14 Part 36
1502	14 Parts 129, 211, 272
1511	14 Part 129
1607	49 Part 630
1651	14 Part 36
1804	46 Parts 30, 98, 153
1806—1807	49 Parts 173, 175
2121—2125	14 Part 36
2402	14 Part 159
2404	14 Part 159
2424	14 Part 159
2428	14 Part 159
3102	49 Part 383
10101	49 Parts 1042, 1052
10303	49 Part 1244
10311	49 Part 1249
10321	49 Parts 1052, 1244
10505	49 Part 1313
10702	49 Part 1312
10705a	49 Part 1138
10761	49 Part 1312
10762	49 Part 1052
10922	49 Part 1052
11101	49 Part 1052
11142	49 Part 1206
11144	49 Part 1249
11145	49 Part 1244
49 U.S.C. App.:	
1421	49 Part 107
1472	49 Part 175
1672	49 Part 192
1802	49 Parts 107, 171
1803—1808	49 Part 173

49 U.S.C. App.—Con.	CFR
1803—1806	49 Parts 178, 179
1803—1805	49 Parts 172, 175, 177
1803—1804	49 Part 171
1804	49 Part 192
1806	49 Part 107
1807—1808	49 Part 175
1808—1811	49 Part 107
1808	49 Parts 171, 172, 178, 179
2505	49 Parts 383, 392, 395
2509	49 Part 393
50 U.S.C.:	
198	46 Parts 15, 190
1701 et seq.	15 Parts 372, 387, 389
50 U.S.C. App.:	
451 et seq.	32 Part 1698
2401 et seq.	15 Part 387
U.S. Statutes at Large:	
96 Stat:	
2201	10 Part 962
98 Stat.:	
183	29 Part 2204
1257	45 Part 2201
100 Stat.:	
20	5 Part 890
82	15 Part 2301
	29 Part 2610
240	29 Part 2610
1810	29 Part 33
1874	31 Part 18
3063	45 Part 2002
3207	45 Part 2005
3341—3360	34 Part 763
3500	50 Part 17
101 Stat.:	
132	23 Part 659
260	26 Part 41
Public Laws:	
95-588	38 Part 3
97-425	10 Part 962
98-375	45 Part 2201
98-473	14 Part 36
99-58	15 Part 377
99-64	15 Part 389
99-80	29 Part 2204
99-93	22 Part 2a
99-145	5 Part 300
	32 Part 72
99-150	29 Part 553
99-169	5 Part 911
99-178	34 Part 636
99-198	7 Parts 250, 400, 1200, 1427, 1493
99-239	14 Parts 211, 272
99-240	10 Part 2

Public Laws—Con.	CFR
99-272	15 Part 2301
	20 Part 359
	29 Parts 2610, 2619, 2622
	31 Part 51
	32 Part 220
	34 Part 690
99-335	5 Parts 841, 846
	29 Part 2582
99-339	40 Part 144
99-399	10 Part 73
99-401	42 Part 2
99-412	10 Part 456
99-440	15 Parts 371-373, 379, 385-387, 389, 399
99-495	18 Parts 4, 16, 292, 375
99-498	34 Parts 636, 690
99-499	40 Parts 355, 370
	44 Part 222
99-500	5 Part 630
	7 Parts 225, 226, 240, 246, 701, 795
	24 Part 575
99-506	29 Part 33
99-509	7 Parts 1786, 1957
	18 Parts 154, 375, 382
	31 Part 18
99-549	45 Parts 2001, 2002
99-556	5 Part 1660
	29 Part 2582
99-570	5 Parts 294, 1204, 1631
	12 Part 404
	14 Part 1206
	17 Part 145
	22 Part 171
	29 Parts 1610, 2603
	32 Part 386
	35 Part 9
	44 Part 5
	45 Parts 503, 2005
	49 Parts 383, 392, 393, 701
99-571	17 Parts 400-405, 449, 450
99-578	28 Part 11
99-586	5 Part 315
99-590	25 Part 700
99-591	5 Part 630
	7 Parts 225, 226, 246, 701, 795, 1787
	14 Part 159
	34 Parts 636, 763
99-603	8 Parts 210, 245, 248
99-609	12 Part 705

Public Laws—Con.	CFR
99-616	37 Part 1
99-625	50 Part 17
99-641	9 Parts 303, 335
99-643	20 Part 416
99-658	14 Parts 211, 272
99-661	32 Part 286
99-662	19 Part 24
	33 Parts 240, 241
100-4	40 Part 414
100-17	23 Parts 650, 659
	49 Part 23
100-34	30 Parts 700, 736, 750, 785, 816, 870, 913
100-71	42 Part 34
100-77	7 Part 250
100-86	12 Part 226
Executive Orders:	
10450	32 Part 154
10865	32 Part 154
11222	39 Part 10
	46 Part 502
11490	34 Part 221
11590	39 Part 10
11623	32 Part 1698
11735	40 Part 110
11912	15 Part 377
12009	18 Parts 16, 382
12107	45 Part 1179
12148	44 Part 361
12234	46 Parts 154, 174
12333	32 Part 154
12356	8 Part 103
	22 Part 171
	32 Part 154
12478	22 Part 2a
12525	15 Part 389
12532	15 Parts 372, 387, 389
12549	49 Part 29
12571	15 Parts 371-373, 379, 385-387, 389, 399
12580	44 Part 222
12585	5 Parts 315, 316
12589	5 Part 630
12596	5 Part 315
12600	45 Part 5
12613	31 Part 560
Reorganization Plans:	
1947 Plan No. 3	12 Part 510a
1978 Plan No. 3	44 Parts 222, 361

Removals from Table I, January through November 1987

This table lists the sections of the U.S. Code, U.S. Statutes at Large, Public Laws, and Presidential documents which are being removed from Table I as a result of documents published in the **Federal Register** from January through November 1987.

Table I is in the CFR Index and Finding Aids revised as of January 1, 1987.

In order to determine the **Federal Register** page number of a parallel CFR citation, consult this List of CFR Sections Affected (LSA) and the appropriate Annual Issue of the LSA for that CFR title.

U.S. Code:	CFR
2 U.S.C.:	
431 note	11 Part 104
5 U.S.C.:	
552	1 Part 456
	33 Part 161
	39 Part 10
	46 Part 175
552a	49 Part 932
552b	49 Part 903
553	46 Parts 558–559, 561–562, 564, 566, 568, 569
	49 Part 1165
554	21 Part 312
559	49 Part 1138
1103	5 Part 410
3112	5 Part 315
3571	32 Part 891
4118	5 Part 410
5101	45 Part 1204
7311—7312	32 Part 891
7513	5 Part 752
7531—7533	32 Part 891
7701 et seq	5 Part 315
8901—8902	5 Part 890
8905	5 Part 890
App	20 Part 404
7 U.S.C.:	
71 et seq	7 Part 810
78	7 Part 810
87	7 Part 810
87e	7 Part 810
150bb	7 Parts 301, 318
150ee	7 Part 300
161	7 Part 300
414	7 Part 57
601—674	7 Parts 912, 913, 1102
1153	7 Part 4
1375	7 Part 4
1421	7 Part 1438
1447	7 Part 1438
1621—1627	7 Part 57
	15 Part 904
1812	7 Part 4
1838	7 Part 4
1989	7 Part 1804
2012 note	20 Part 416

7 U.S.C.—Con.	CFR
2016	20 Part 416
2243	34 Part 5
	45 Parts 5, 503
2669	7 Part 1480
2901—2918	7 Part 1200
8 U.S.C.:	
1101	8 Part 242
1103	8 Parts 1, 109
1155	8 Part 204
1182	8 Part 204
1184	8 Part 242
1255	8 Parts 109, 242
1357	8 Part 242
10 U.S.C.:	
131 et seq	32 Part 351
133	32 Part 372
1037	33 Part 47
6148	32 Part 728
8012	32 Parts 807, 891
12 U.S.C.:	
211 et seq	12 Part 211
601 et seq	12 Part 204
1430	12 Part 555
1701n-1	24 Parts 243, 842, 942
1710	24 Part 203
1715	24 Part 203
1715b	24 Part 251
1745	12 Part 705
1749—1749d	34 Part 614
1758—1759	12 Part 705
1766	12 Part 705
2201	12 Part 624
3909	12 Part 208
14 U.S.C.:	
2	33 Part 80
	46 Part 31
81	33 Parts 60, 62
83	33 Part 67
86	33 Part 60
87	33 Part 62
92—93	33 Part 62
92	33 Parts 60, 67
632—633	33 Part 161
	46 Part 31
632	46 Parts 98, 151, 153

14 U.S.C.—Con.	CFR
633	33 Parts 60, 62
821—832	33 Part 5
891—894	33 Part 5
15 U.S.C.:	
714b—714c	7 Parts 1438, 1476
717 et seq	18 Part 282
717x—717z	18 Part 385
2625	40 Part 795
3301 et seq	18 Part 282
16 U.S.C.:	
17j-2	36 Parts 4, 5
460k	50 Part 26
590d	7 Part 4
680d	50 Part 26
685	50 Parts 25, 26
690d	50 Parts 25, 26
703 et seq	50 Part 14
715	50 Part 26
718d	50 Part 33
725	50 Parts 25, 26
742	50 Part 219
772—772j	50 Part 219
776—776f	15 Part 904
	50 Part 219
781—785	50 Part 219
825s-828c	18 Part 385
851—856	50 Part 219
916—916l	50 Part 219
951—961	50 Part 219
971—971g	50 Part 219
1021 et seq	15 Part 904
1021—1032	50 Part 219
1151—1187	50 Part 219
1158 et seq	15 Part 904
1201—1205	50 Part 254
1361—1407	50 Part 219
1431—1434	50 Part 219
1531—1543	50 Part 219
1532	50 Part 14
1541—1542	50 Part 14
1704	36 Part 214
1801 et seq	50 Part 671
1801—1882	50 Part 219
17 U.S.C.:	
109	19 Part 133
18 U.S.C.:	
42—44	50 Part 219
43—44	50 Part 14
701	46 Part 31
3054	50 Part 219
3112	50 Part 219
19 U.S.C.:	
1201	19 Part 151
1461	19 Part 113
1467	19 Part 113
1623—1624	19 Part 113
20 U.S.C.:	
1011—1015	34 Part 605
1016	34 Part 606

20 U.S.C.—Con.	CFR
1018—1019	34 Parts 605, 606
1070e	34 Part 629
1119d et seq	34 Part 653
1119d—1119d-8	34 Part 653
1133	34 Part 636
1134n—1134p	34 Part 639
1143	34 Part 605
1221-1	34 Part 726
1221e-1b	34 Part 637
1221e-3	34 Parts 206, 605, 606, 631–636, 639, 726, 796
3221—3261	34 Parts 502, 504
3474	34 Parts 605, 637, 639, 796
3851	34 Part 796
3862	34 Part 796
3971	34 Part 755
21 U.S.C.:	
71 et seq	9 Part 318
151—158	9 Parts 101–104
457	9 Part 318
463	9 Part 318
605	9 Part 318
607	9 Part 318
608	9 Part 318
642	9 Part 318
677	9 Part 318
701	21 Parts 864, 870
1175	42 Part 2
22 U.S.C.:	
1258	22 Part 514
1474	22 Part 514
1977	50 Part 258
1980	50 Part 258
2381	22 Part 224
2402	22 Part 212
2658	22 Part 514
2751—2769	32 Part 251
2771—2796c	32 Part 251
23 U.S.C.:	
101 et seq	23 Part 790
109	23 Part 790
128	23 Part 790
315	23 Parts 635, 790
25 U.S.C.:	
1—2	25 Part 120
9	25 Part 700
68	25 Parts 211, 212
179	25 Part 700
396	25 Part 212
396b—396q	30 Part 206
397	25 Part 700
	30 Part 206
345	25 Part 700
398a—398c	30 Part 206
399	30 Part 206
402	25 Part 700
476—477	25 Part 212

25 U.S.C.—Con.	CFR
509	25 Part 212
572	25 Part 118
640d–10	25 Part 700
26 U.S.C.:	
5008	27 Part 251
27 U.S.C.:	
205	27 Part 270
28 U.S.C.:	
510	48 Part 2827
542	28 Part 0
29 U.S.C.:	
141—168	29 Part 103
152—155	29 Part 101
157—168	29 Part 101
201—219	29 Part 800
401 note	29 Part 101
577a	30 Parts 15, 18–29, 31–33, 35, 36, 74, 75
620	29 Part 860
794	10 Part 1040
801	36 Part 215
30 U.S.C.:	
3	30 Parts 15, 18–29, 31–33, 35, 36
5	30 Parts 15, 18–29, 31–33, 35, 36
7	30 Parts 15, 18–29, 31–33, 35, 36
189	30 Part 208
192	30 Part 208
301—306	30 Parts 206, 216, 218
352—359	30 Parts 206, 216
359	30 Part 208
471	30 Parts 18, 25–27, 33, 35
479	30 Parts 18, 25–27, 33, 35
482	30 Parts 18–27, 31–33, 35
801	30 Parts 18, 28, 29
812	30 Part 75
951	30 Parts 15, 18–19, 31–33, 35, 36, 74, 75
953	30 Part 46
957	30 Part 46
1201 et seq	30 Part 761
1251	30 Parts 731, 732, 736
1253—1269	30 Part 736
1253—1254	30 Part 732
1253	30 Part 731
1256—1269	30 Part 732
1271—1272	30 Parts 732, 736
1275	30 Part 736
1295	30 Part 736
31 U.S.C.:	
200	28 Part 0
240—243	32 Parts 750, 751
321	31 Part 16

31 U.S.C.—Con.	CFR
483	14 Part 65
483a	7 Parts 330, 352
951—953	31 Part 5 45 Part 30
952	32 Part 757
3801—3812	22 Part 224
6701—6724	31 Part 51
9701	18 Part 154 50 Part 14
33 U.S.C.:	
151	33 Part 80
361	46 Part 185
472	33 Part 62
735	33 Part 62
1161	46 Part 31
1223	33 Part 110
1225	33 Part 165
1251 et seq	40 Part 110
1251	40 Parts 414, 416
1254	9 Part 318
1311	40 Part 416
1314	40 Part 416
1316—1317	40 Part 416
1320	40 Part 414
1321	46 Parts 71, 91, 189
1607	46 Part 31
2030	33 Part 110
2035	33 Part 110
2071	46 Part 31
37 U.S.C.:	
251 et seq	32 Part 59
39 U.S.C.:	
401	39 Part 916
403—404	39 Part 10
406—408	39 Part 10
3008	39 Part 916
40 U.S.C.:	
471 et seq	30 Parts 206, 216, 218
472	15 Part 302
486	45 Part 19 48 Part 2827
512	15 Part 302
514	15 Part 302
42 U.S.C.:	
216	21 Part 610 42 Parts 110, 122, 123 45 Part 19
300–1	42 Part 122
300e—300e–17	42 Part 110
300f et seq	42 Parts 122, 123
300f	40 Part 149
300k–1—300n–1	42 Parts 122, 123
300k–1	42 Part 121
300*l*–4—300*l*–5	42 Part 122
404—405	20 Part 416
421	20 Part 404
423	20 Part 416

42 U.S.C.—Con.	CFR
428	20 Part 416
611	20 Part 401
1302	45 Part 19
1327	20 Part 404
1382a	20 Part 404
1382c	20 Part 404
1383	20 Part 404
1395f	45 Part 19
1395x	45 Part 19
1396	20 Part 416 45 Part 19
1396a	45 Part 19
1436a	24 Part 912
1480	7 Part 1804
1973c	45 Part 801
2000d–1	13 Part 311
2168	48 Parts 901–910, 912–917, 919, 920, 922–925, 927, 928, 931–933, 935–937, 942–945, 947, 949–952, 971
2273	10 Part 110
2403	10 Part 110
2453	48 Part 30
2929 et seq	34 Part 215
2929a	34 Part 215
2981	12 Part 705
2985	12 Part 705
3535	24 Parts 0, 221
4321 et seq	30 Parts 216, 218 46 Parts 10, 31, 187
5101 note	45 Part 1340
6912	40 Part 260
6921—6927	40 Part 260
6927	40 Part 270
6930	40 Part 260
6934	40 Part 260
6935	40 Part 265
6939	40 Part 270
6974	40 Parts 260, 270
7101 et seq	18 Part 282
7101—7352	10 Part 458
7101	18 Parts 154, 273
7107 et seq	18 Part 282
8281—8284	10 Part 458
9205	40 Part 300
9601 et seq	40 Parts 305, 306
43 U.S.C.:	
283	43 Part 2090
315a	50 Parts 25, 26
617e	43 Part 2090
1331	33 Part 147
1333	33 Part 60
1334	30 Part 209
1335	30 Part 209
1337	30 Part 209
1347—1348	46 Part 107
1356	46 Part 107
1451 et seq	25 Part 249
1457	30 Parts 206, 216, 218

44 U.S.C.:	CFR
3501 et seq	30 Parts 18, 23, 32, 33, 36, 75
3501—3520	50 Part 604
3504	27 Part 194
3507	46 Parts 10, 150, 175
45 U.S.C.:	
712	49 Part 903
46 U.S.C.:	
2	46 Part 31
85a	46 Part 31
86	46 Parts 92, 175
88a	46 Parts 31, 92, 175, 190
170	46 Parts 30–32, 92, 98, 151, 153, 175, 195
214	46 Parts 10, 157
221	46 Part 187
222—224a	46 Parts 10, 157
222—223	46 Part 31
222	46 Parts 175, 185, 186
224	46 Parts 186, 187
225—226	46 Part 10
226	46 Part 157
228—229h	46 Part 10
228—229a	46 Part 157
229c	46 Part 157
230—231	46 Part 10
233	46 Part 10
237	46 Parts 10, 157
239	46 Parts 10, 157, 185
239b	46 Parts 10, 187
242—243	46 Part 10
242	46 Part 157
247	46 Part 10
363	46 Parts 31, 77, 92, 96, 175, 190, 195
364	46 Part 157
367	46 Parts 10, 31, 32, 77, 92, 96, 98, 157, 190, 195
369	46 Parts 31, 32, 92, 98, 151, 153, 175
369b	46 Part 31
375	46 Parts 10, 31, 32, 77, 92, 96, 98, 151, 153, 157, 186, 187, 190, 195
379a	46 Part 151
390—390g	46 Parts 10, 157
390	46 Parts 175, 185, 187
390b	46 Parts 32, 77, 92, 185–187
391—392	46 Parts 77, 92, 96, 98, 195
391	46 Parts 185, 190
391a	46 Parts 10, 30–32, 153, 157, 175, 185

46 U.S.C.—Con.	CFR
392	46 Parts 31, 32, 185, 190
395	46 Parts, 77, 92, 96, 157, 190, 195
399	46 Parts 157, 185
404—404-1	46 Parts 10, 157
404	46 Parts 10, 77, 92, 96, 98, 185–187
404-1	46 Part 175
405	46 Parts 10, 31, 32, 92, 157
407	46 Part 195
411	46 Parts 31, 195
416	46 Parts 10, 31, 32, 77, 92, 96, 98, 151, 153, 157, 186, 187, 190, 195
435	46 Parts 30, 98, 185
445	46 Parts 31, 32, 92, 190, 195
451	46 Part 185
454—457	33 Part 62
458	46 Part 157
481	46 Parts 31; 32, 77, 92, 96, 98, 157, 175, 185, 190, 195
489	46 Parts 31, 32, 77, 96, 175, 185, 190, 195
526f	46 Parts 10, 187
526p	46 Parts 10, 31, 32, 77, 92, 157, 185–187
660a	46 Part 31
672—672-1	46 Part 157
672—672a	46 Part 10
672a	46 Part 187
672b	46 Part 157
673	46 Parts 10, 157, 186
689	46 Parts 157, 187
808	46 Part 221
835	46 Part 221
838—839	46 Part 221
841a	46 Part 221
876	46 Part 221
881	46 Part 31
882	46 Part 185
941a	46 Part 221
961	46 Part 221
1114	46 Part 221
1132	46 Part 10
1195	46 Part 221
1271—1279	15 Part 904
1332	46 Part 187
1333	46 Parts 10, 77
1410	50 Parts 256, 257
1454	33 Part 177
1461	46 Parts 10, 187
1467	33 Part 174
1488	33 Parts 174, 177

46 U.S.C.—Con.	CFR
2101	46 Part 174
2104	46 Parts 109, 111, 174
2106	46 Part 109
2113	46 Part 111
3301	46 Parts 109, 111, 174
3306	46 Part 185
3316	46 Parts 107, 174
3318	46 Parts 109, 111
3507	46 Part 157
3703	46 Parts 157, 172
7101	46 Part 10
8105	46 Part 157
9102	46 Part 157
11301	46 Part 109
46 U.S.C. App.:	
86	46 Part 172
88a	46 Part 172
812	46 Part 568
814—817	46 Part 568
814	46 Parts 558–559, 561–562, 564, 566, 569
817	46 Part 566
820	46 Parts 561–562, 564, 566, 568
833a	46 Parts 558–559, 568
841a	46 Parts 558–559, 561–562, 564, 566, 568, 569
47 U.S.C.:	
151—155	47 Part 97
151	47 Part 67
154	47 Part 67
219	47 Part 32
221	47 Part 67
410	47 Part 67
48 U.S.C.:	
358a	25 Part 211
362	25 Part 211
49 U.S.C.:	
5b	49 Parts 1206, 1207
12	49 Parts 1206, 1207, 1249
20	49 Parts 1206, 1207, 1249
104	49 Part 395
106	14 Part 159
108	46 Parts 31, 96, 195
204	49 Part 1207
304	49 Parts 392, 1042, 1050, 1052, 1059, 1206, 1207
307—308	49 Part 1042
307	49 Part 1050
311	49 Part 1052
315—316	49 Part 1052
319—320	49 Part 1052
320	49 Parts 1206, 1207
322	49 Parts 1206, 1207
504	49 Part 395
904	49 Parts 1206, 1207
913	49 Parts 1206, 1207

49 U.S.C.—Con.	CFR
917	49 Parts 1206, 1207
1003	49 Parts 1206, 1207
1012	49 Parts 1206, 1207
1159	14 Part 65
1347—1348	14 Part 43
1355	14 Part 127
1357	14 Part 43
1372	14 Part 43
1423—1426	14 Part 65
1426—1429	14 Part 127
1428—1430	14 Part 65
1429	14 Part 139
1430	14 Part 139
1430 note	14 Part 139
1432	14 Part 43
1442—1443	14 Part 43
1472	14 Part 43
1510	14 Part 43
1522	14 Part 43
1601 et seq	49 Part 630
1604	49 Part 630
1651	23 Part 790
1652	14 Parts 43, 65
1655	14 Parts 21, 36, 65, 127, 139 33 Parts 62, 67, 147, 161 46 Parts 10, 31, 32, 77, 92, 96, 98, 151, 153, 175, 185–187, 190, 195 49 Parts 173, 310
1657	14 Part 65 [illegible] Part 790 33 Part 67 49 Part 107
1671 et seq	49 Part 193
1672	49 Part 192
1674	49 Part 193
1801—1803	46 Part 153
1802—1804	49 Part 107
1803—1808	49 Part 173
1803—1805	49 Parts 171, 172
1803—1804	49 Parts 175, 177–179
1803	46 Parts 30, 151
1804	49 Part 192
1805—1811	46 Part 153
1805	49 Parts 174, 175
1806—1808	49 Part 175
1806	49 Part 107
1808—1811	49 Part 107
1808	49 Parts 171, 172, 177–179
1809	49 Parts 173, 177
1904	49 Part 179
10321	47 Part 1165
10701a	49 Part 1138
10708	49 Part 1312
10751	49 Part 1206
10922—10923	49 Part 1165

49 U.S.C.—Con.	CFR
10926	49 Part 1165
11142	49 Part 1249
11301	49 Part 1165
11343—11344	49 Part 1165
11349	49 Part 1165
50 U.S.C.:	
191	33 Part 122
198	46 Parts 10, 31, 98, 157, 170, 172, 174
1436	32 Part 166
50 U.S.C. App.:	
567	43 Part 2090
1751—1785 note	45 Parts 540–543
2001	45 Part 580
2017n	45 Part 580
U.S. Statutes at Large:	
60 Stat.:	
237	45 Part 503
76 Stat.:	
387	45 Part 560
80 Stat.:	
250	45 Part 503
83 Stat.:	
210	32 Part 166
86 Stat.:	
816 et seq	40 Part 416
87 Stat.:	
985	49 Part 901
88 Stat.:	
1561	49 Part 901
92 Stat.:	
865	17 Part 30
876—877	17 Part 30
93 Stat.:	
492	35 Part 119
95 Stat.:	
1070	43 Part 3160
Public Laws:	
93–502	49 Part 901
94–542	45 Part 581
95–75	46 Part 32
96–70	35 Part 119
96–514	30 Parts 206, 218
97–78	30 Parts 206, 218
97–424	49 Part 23
98–590	7 Part 1240
98–615	5 Part 890
99–190	25 Part 700
99–251	5 Part 890
99–349	31 Part 16
Executive Orders:	
9830	5 Part 315
10173	33 Part 122
10277	33 Part 122
10352	33 Part 122
10450	32 Part 891
10501	22 Part 212
10816	22 Part 212

Executive Orders—Con.	CFR
11103	5 Part 315
11239	46 Parts 31, 32, 77, 92, 96, 98, 190, 195
11521	5 Part 315
11548	46 Part 31
11964	46 Part 32
12009	18 Part 282
12065	22 Part 171
12173	35 Part 9
12234	46 Part 172
12316	40 Parts 305, 306
12364	5 Part 315
Reorganization Plans:	
1950 Plan No. 3	30 Parts 216, 218
1950 Plan No. 5	15 Part 4
1953 Plan No. 1	20 Part 404
1970 Plan No. 4	50 Part 254

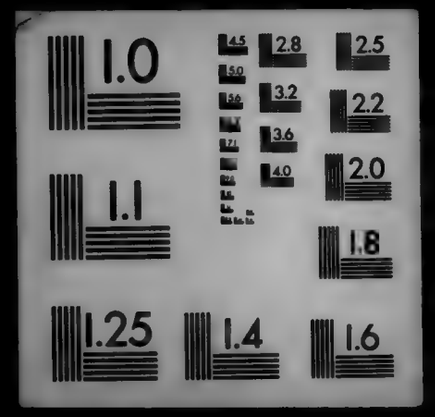
1987	
1-228	Jan. 2
229-388	5
389-516	6
517-660	7
661-754	8
755-1178	9
1179-1312	12
1313-1430	13
1431-1618	14
1619-1896	15
1897-2098	16
2099-2212	20
2213-2388	21
2389-2502	22
2503-2662	23
2663-2800	26
2801-2862	27
2863-2920	28
2921-2974	29
2975-3100	30
3101-3208	Feb. 2
3209-3392	3
3393-3594	4
3595-3782	5
3783-3996	6
3997-4124	9
4125-4264	10
4265-4488	11
4489-4590	12
4591-4762	13
4763-4886	17
4887-5068	18
5069-5270	19
5271-5424	20
5425-5522	23
5523-5734	25
5735-5930	26
5931-6122	27
6123-6316	Mar. 2
6317-6492	3
6493-6768	4
6769-6950	5
6951-7102	6
7103-7262	9
7263-7396	10
7397-7558	11
7559-7816	12
7817-8052	13
8053-8222	16
8223-8438	17
8439-8580	18
8581-8858	19
8859-9106	20
9107-9280	23
9281-9450	24
9451-9648	25
9649-9792	26
9793-10020	27
10021-10212	Mar. 30
10213-10356	31
10357-10556	Apr. 1
10557-10724	2
10725-10874	3
10875-11018	6
11019-11184	7
11185-11452	8
11453-11610	9
11611-11806	10
11807-11980	13
11981-12128	14
12129-12362	15
12363-12510	16
12511-12896	17
12897-13068	20
13069-13214	21
13215-13424	22
13425-13624	23
13625-13822	24
13823-15294	27
15295-15484	28
15485-15698	29
15699-15934	30
15935-16228	May 1
16229-16366	4
16367-16804	5
16805-17282	6
17283-17386	7
17387-17536	8
17537-17746	11
17747-17914	12
17915-18186	13
18187-18334	14
18335-18542	15
18543-18686	18
18687-18900	19
18901-19128	20
19129-19258	21
19259-19478	22
19479-19714	26
19715-19830	27
19831-20052	28
20053-20370	29
20371-20590	June 1
20591-20694	2
20695-21000	3
21001-21238	4
21239-21492	5
21493-21650	8
21651-21930	9
21931-22286	10
22287-22430	11
22431-22628	12
22629-22752	15
22753-23006	16
23007-23164	17
23165-23264	18
23265-23420	19

23421-23536	June 22
23537-23628	23
23629-23778	24
23779-23930	25
23931-24126	26
24127-24274	29
24275-24442	30
24443-24970	July 1
24971-25192	2
25193-25344	6
25345-25578	7
25579-25860	8
25861-25962	9
25963-26126	10
26127-26292	13
26293-26468	14
26469-26662	15
26663-26934	16
26935-27184	17
27185-27322	20
27323-27524	21
27525-27660	22
27661-27776	23
27777-27984	24
27985-28122	27
28123-28238	28
28239-28442	29
28443-28532	30
28533-28680	31
28681-28814	Aug. 3
28815-28958	4
28959-29172	5
29173-29362	6
29363-29496	7
29497-29654	10
29655-29832	11
29833-30124	12
30125-30324	13
30325-30652	14
30653-30878	17
30879-31026	18
31027-31372	19
31373-31600	20
31601-31748	21
31749-31974	24
31975-32116	25
32117-32286	26
32287-32528	27
32529-32774	28
32775-32906	31
32907-33216	Sept. 1
33217-33398	2
33399-33570	3
33571-33796	4
33797-33914	8
33915-34192	Sept. 9
34193-34372	10
34373-34616	11
34617-34760	14
34761-34890	15
34891-35058	16
35059-35214	17
35215-35394	18
35395-35522	21
35523-35678	22
35679-35904	23
35905-36008	24
36009-36212	25
36213-36388	28
36389-36562	29
36563-36748	30
36749-36888	Oct. 1
36889-37124	2
37125-37264	5
37265-37428	6
37429-37596	7
37597-37760	8
37761-37916	9
37917-38074	13
38075-38216	14
38217-38388	15
38389-38738	16
38739-38902	19
38903-39204	20
39205-39492	21
39493-39610	22
39611-39898	23
39899-41286	26
41287-41398	27
41399-41550	28
41551-41684	29
41685-41942	30
41943-42072	Nov. 2
42073-42268	3
42269-42420	4
42421-42528	5
42529-43040	6
43041-43182	9
43183-43314	10
43315-43546	12
43547-43718	13
43719-43842	16
43843-44090	17
44091-44374	18
44375-44590	19
44591-44850	20
44851-44966	23
44967-45140	24
45141-45308	25
45309-45442	27
45443-45596	30

NO

1987

UMI



D E

987

UMI

code of federal regulations

LSA

List of CFR Sections Affected

December 1987

Save this issue for Titles 1–16 (Annual)

United States Government Printing Office
SUPERINTENDENT OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(SSN 0097-8329)

xxxxxxxxxxxxxxxxxxxxS-DIGIT 48106

A FR SERIA300S NOV 88 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

D E

987

U M I

code of federal regulations

LSA

List of CFR Sections Affected

December 1987

Save this issue for Titles 1–16 (Annual)

Titles 1–16 (Annual)
Changes January 2, 1987 through December 31, 1987

Titles 17–27
Changes April 1, 1987 through December 31, 1987

Titles 28–41
Changes July 1, 1987 through December 31, 1987

Titles 42–50
Changes October 1, 1987 through December 31, 1987

Parallel Table of Authorities and Rules



D E

1987

LSA—LIST OF CFR SECTIONS AFFECTED

The LIST OF CFR SECTIONS AFFECTED is a monthly publication designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles.

HOW TO USE THIS FINDING AID

The CFR is revised annually according to the following schedule:

Titles 1-16—as of Jan. 1
17-27—as of April 1
28-41—as of July 1
42-50—as of Oct. 1

To bring these regulations up to date, consult the most recent LIST OF CFR SECTIONS AFFECTED for any changes, additions, or removals published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing in the Reader Aids of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

Cite a page reference from this publication as 52 FR for 1987 page numbers. Example: 24727 cite as 52 FR 24727.

ISSUES TO BE SAVED

There is no single annual issue of the LIST OF CFR SECTIONS AFFECTED. Four ANNUAL ISSUES must be saved; the DECEMBER issue is the ANNUAL for Titles 1-16; the MARCH issue is the ANNUAL for Titles 17-27; the JUNE issue is the ANNUAL for Titles 28-41; the SEPTEMBER issue is the ANNUAL for Titles 42-50. ANNUAL ISSUES to be saved are clearly designated on the cover.

PARALLEL TABLE OF AUTHORITIES AND RULES

Following Title 50 is an update to Table I—Parallel Table of Authorities and Rules found in the CFR Index and Finding Aids. This table contains authority citations added to or removed from Table I as a result of documents published in the Federal Register since January 1, 1987.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the inclusive page numbers and corresponding Federal Register issue dates for the period covered.

INDEXES

An INDEX to the daily Federal Register is published monthly and is cumulated for 12 months. A separate volume, the CFR Index and Finding Aids to the entire Code of Federal Regulations, is revised as of January 1 each year.

INQUIRIES AND SUGGESTIONS

Loren S. Myers was Chief Editor of the LSA. The LSA was prepared under the direction of Martha B. Girard, assisted by Ruth C. Pontius. INQUIRIES, telephone 202-523-5227.

UMI

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to John E. Byrne, Director, Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408.

(Comprising a complete CFR set)

Title	*Price*	*Revision Date*
1, 2 (2 Reserved)	$9.00	Jan. 1, 1987
3 (1986 Compilation and Parts 100 and 101)	11.00	Jan. 1, 1987
4	14.00	Jan. 1, 1987
5 (Parts 1-1199)	25.00	Jan. 1, 1987
(Parts 1200-End), 6 (6 Reserved)	9.50	Jan. 1, 1987
7 (Parts 0-45)	25.00	Jan. 1, 1987
(Parts 46-51)	16.00	Jan. 1, 1987
(Part 52)	23.00	Jan. 1, 1987
(Parts 53-209)	18.00	Jan. 1, 1987
(Parts 210-299)	22.00	Jan. 1, 1987
(Parts 300-399)	10.00	Jan. 1, 1987
(Parts 400-699)	15.00	Jan. 1, 1987
(Parts 700-899)	22.00	Jan. 1, 1987
(Parts 900-999)	26.00	Jan. 1, 1987
(Parts 1000-1059)	15.00	Jan. 1, 1987
(Parts 1060-1119)	13.00	Jan. 1, 1987
(Parts 1120-1199)	11.00	Jan. 1, 1987
(Parts 1200-1499)	18.00	Jan. 1, 1987
(Parts 1500-1899)	9.50	Jan. 1, 1987
(Parts 1900-1944)	25.00	Jan. 1, 1987
(Part 1945-End)	26.00	Jan. 1, 1987
8	9.50	Jan. 1, 1987
9 (Parts 1-199)	18.00	Jan. 1, 1987
(Part 200-End)	16.00	Jan. 1, 1987
10 (Parts 0-199)	29.00	Jan. 1, 1987
(Parts 200-399)	13.00	Jan. 1, 1987
(Parts 400-499)	14.00	Jan. 1, 1987
(Part 500-End)	24.00	Jan. 1, 1987
11	11.00	Jul. 1, 1987
12 (Parts 1-199)	11.00	Jan. 1, 1987
(Parts 200-299)	27.00	Jan. 1, 1987
(Parts 300-499)	13.00	Jan. 1, 1987
(Part 500-End)	27.00	Jan. 1, 1987
13	19.00	Jan. 1, 1987
14 (Parts 1-59)	21.00	Jan. 1, 1987
(Parts 60-139)	19.00	Jan. 1, 1987
(Parts 140-199)	9.50	Jan. 1, 1987
(Parts 200-1199)	19.00	Jan. 1, 1987
(Part 1200-End)	11.00	Jan. 1, 1987
15 (Parts 0-299)	10.00	Jan. 1, 1987
(Parts 300-399)	20.00	Jan. 1, 1987
(Part 400-End)	14.00	Jan. 1, 1987
16 (Parts 0-149)	12.00	Jan. 1, 1987
(Parts 150-999)	13.00	Jan. 1, 1987
(Part 1000-End)	19.00	Jan. 1, 1987
17 (Parts 1-199)	14.00	April 1, 1987
(Parts 200-239)	14.00	April 1, 1987
(Part 240-End)	19.00	April 1, 1987
18 (Parts 1-149)	15.00	April 1, 1987
(Parts 150-279)	14.00	April 1, 1987
(Parts 280-399)	13.00	April 1, 1987
(Part 400-End)	8.50	April 1, 1987
19 (Parts 1-199)	27.00	April 1, 1987
(Part 200-End)	5.50	April 1, 1987

(Comprising a complete CFR set)

Title	Price	Revision Date
20 (Parts 1-399)	$12.00	April 1, 1987
(Parts 400-499)	23.00	April 1, 1987
(Part 500-End)	24.00	April 1, 1987
21 (Parts 1-99)	12.00	April 1, 1987
(Parts 100-169)	14.00	April 1, 1987
(Parts 170-199)	16.00	April 1, 1987
(Parts 200-299)	5.50	April 1, 1987
(Parts 300-499)	26.00	April 1, 1987
(Parts 500-599)	21.00	April 1, 1987
(Parts 600-799)	7.00	April 1, 1987
(Parts 800-1299)	13.00	April 1, 1987
(Part 1300-End)	6.00	April 1, 1987
22 (Parts 1-299)	19.00	April 1, 1987
(Part 300-End)	13.00	April 1, 1987
23	16.00	April 1, 1987
24 (Parts 0-199)	14.00	April 1, 1987
(Parts 200-499)	26.00	April 1, 1987
(Parts 500-699)	9.00	April 1, 1987
(Parts 700-1699)	18.00	April 1, 1987
(Part 1700-End)	12.00	April 1, 1987
25	24.00	April 1, 1987
26 (Part 1 §§ 1.0-1—1.60)	12.00	April 1, 1987
(§§ 1.61—1.169)	22.00	April 1, 1987
(§§ 1.170—1.300)	17.00	April 1, 1987
(§§ 1.301—1.400)	14.00	April 1, 1987
(§§ 1.401—1.500)	21.00	April 1, 1987
(§§ 1.501—1.640)	15.00	April 1, 1987
(§§ 1.641—1.850)	17.00	April 1, 1987
(§§ 1.851—1.1000)	27.00	April 1, 1987
(§§ 1.1001—1.1400)	16.00	April 1, 1987
(§§ 1.1401—End)	20.00	April 1, 1987
(Parts 2-29)	20.00	April 1, 1987
(Parts 30-39)	13.00	April 1, 1987
(Parts 40-49)	12.00	April 1, 1987
(Parts 50-299)	14.00	April 1, 1987
(Parts 300-499)	15.00	April 1, 1987
(Parts 500-599)	7.50	*April 1, 1980
(Part 600-End)	6.00	April 1, 1987
27 (Parts 1-199)	21.00	April 1, 1987
(Part 200-End)	13.00	April 1, 1987
28	23.00	July 1, 1987
29 (Parts 0-99)	16.00	July 1, 1987
(Parts 100-499)	7.00	July 1, 1987
(Parts 500-899)	24.00	July 1, 1987
(Parts 900-1899)	10.00	July 1, 1987
(Parts 1900-1910)	28.00	July 1, 1987
(Parts 1911-1925)	6.50	July 1, 1987
(Part 1926)	10.00	July 1, 1987
(Part 1927-End)	23.00	July 1, 1987
30 (Parts 0-199)	20.00	July 1, 1987
(Parts 200-699)	8.50	July 1, 1987
(Part 700-End)	18.00	July 1, 1987
31 (Parts 0-199)	12.00	July 1, 1987
(Part 200-End)	16.00	July 1, 1987
32 (Parts 1-189)	20.00	July 1, 1987

Footnotes at end of table.

(Comprising a complete CFR set)

Title	Price	Revision Date
(Parts 190-399)	$23.00	July 1, 1987
(Parts 400-629)	21.00	July 1, 1987
(Parts 630-699)	13.00	July 1, 1986
(Parts 700-799)	15.00	July 1, 1987
(Parts 800-End)	16.00	July 1, 1987
33 (Parts 1-199)	27.00	July 1, 1987
(Part 200-End)	19.00	July 1, 1987
34 (Parts 1-299)	20.00	July 1, 1987
(Parts 300-399)	11.00	July 1, 1987
(Part 400-End)	23.00	July 1, 1987
35	9.00	July 1, 1987
36 (Parts 1-199)	12.00	July 1, 1987
(Part 200-End)	19.00	July 1, 1987
37	13.00	July 1, 1987
38 (Parts 0-17)	21.00	July 1, 1987
(Part 18-End)	16.00	July 1, 1987
39	13.00	July 1, 1987
40 (Parts 1-51)	21.00	July 1, 1987
(Part 52)	26.00	July 1, 1987
(Parts 53-60)	24.00	July 1, 1987
(Parts 61-80)	12.00	July 1, 1987
(Parts 81-99)	25.00	July 1, 1987
(Parts 100-149)	23.00	July 1, 1987
(Parts 150-189)	18.00	July 1, 1987
(Parts 190-399)	29.00	July 1, 1987
(Parts 400-424)	22.00	July 1, 1987
(Parts 425-699)	21.00	July 1, 1987
(Part 700-End)	27.00	July 1, 1987
41 (Chapters 1—100)	10.00	July 1, 1987
(Chapter 101)	23.00	July 1, 1987
(Chapters 102-200)	11.00	July 1, 1987
(Chapter 201-End)	8.50	July 1, 1987
42 (Parts 1-60)	15.00	Oct. 1, 1986
(Parts 61-399)	5.50	Oct. 1, 1987
(Parts 400-429)	20.00	Oct. 1, 1986
(Part 430-End)	15.00	Oct. 1, 1986
43 (Parts 1-999)	15.00	Oct. 1, 1987
(Parts 1000-3999)	24.00	Oct. 1, 1986
(Part 4000-End)	11.00	Oct. 1, 1986
44	17.00	Oct. 1, 1986
45 (Parts 1-199)	14.00	Oct. 1, 1987
(Parts 200-499)	9.00	Oct. 1, 1987
(Parts 500-1199)	18.00	Oct. 1, 1986
(Part 1200-End)	13.00	Oct. 1, 1986
46 (Parts 1-40)	13.00	Oct. 1, 1987
(Parts 41-69)	13.00	Oct. 1, 1986
(Parts 70-89)	7.00	Oct. 1, 1987
(Parts 90-139)	12.00	Oct. 1, 1987
(Parts 140-155)	8.50	**Oct. 1, 1985
(Parts 156-165)	14.00	Oct. 1, 1986
(Parts 166-199)	13.00	Oct. 1, 1986
(Parts 200-499)	19.00	Oct. 1, 1986
(Part 500-End)	10.00	Oct. 1, 1987
47 (Parts 0-19)	17.00	Oct. 1, 1986
(Parts 20-39)	18.00	Oct. 1, 1986

Footnotes at end of table.

(Comprising a complete CFR set)

Title	*Price*	*Revision Date*
(Parts 40-69)	$11.00	Oct. 1, 1986
(Parts 70-79)	17.00	Oct. 1, 1986
(Part 80-End)	20.00	Oct. 1, 1986
48 (Chapter 1, Parts 1-51)	21.00	Oct. 1, 1986
(Chapter 1, Parts 52-99)	16.00	Oct. 1, 1986
(Chapter 2)	27.00	Dec. 31, 1986
(Chapters 3-6)	17.00	Oct. 1, 1987
(Chapters 7-14)	23.00	Oct. 1, 1986
(Chapter 15-End)	22.00	Oct. 1, 1986
49 (Parts 1-99)	10.00	Oct. 1, 1987
(Parts 100-177)	24.00	Oct. 1, 1986
(Parts 178-199)	19.00	Oct. 1, 1987
(Parts 200-399)	17.00	Oct. 1, 1987
(Parts 400-999)	22.00	Oct. 1, 1987
(Parts 1000-1199)	17.00	Oct. 1, 1986
(Parts 1200-End)	17.00	Oct. 1, 1986
50 (Parts 1-199)	15.00	Oct. 1, 1986
(Part 200-End)	25.00	Oct. 1, 1986
CFR Index and Findings Aids	27.00	Jan. 1, 1987
Complete 1987 CFR set	595.00	1987
Complete 1986 CFR set	595.00	1986
Microfiche CFR edition:		
Complete set (one-time mailing)	155.00	1983
Complete set (one-time mailing)	125.00	1984
Complete set (one-time mailing)	115.00	1985
Complete set (one-time mailing)	pending	1986
Subscription (mailed as issued)	185.00	1987
Subscription (mailed as issued)	185.00	1988
Individual copies	3.75	1988

*No amendments to this volume were promulgated during the period April 1, 1980 through March 31, 1987. The CFR volume issued as of April 1, 1980, should be retained.

**No amendments to this volume were promulgated during the period October 1, 1985 through September 30, 1986. The CFR volume issued as of October 1, 1985 should be retained.

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Charge orders (VISA, CHOICE, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays).

Other Related Publications

Title	*Price*	*Revision Date*
Federal Register	$340.00	daily
Federal Register Document Drafting Handbook	4.75	April 1986
Guide to Record Retention Requirements in the Code of Federal Regulations	10.00	Jan. 1, 1986
1987 Supplement—February 27, 1987 Federal Register, Part II	1.50	Jan. 1, 1987
List of Sections Affected, 1949-1963	Out of print	1966
List of CFR Sections Affected, 1964-1972		
(Titles 1 through 27) Vol. I	Out of print	1980
(Titles 28 through 50) Vol. II	14.00	1980
LSA (List of CFR Sections Affected):		
Yearly subscription	24.00	
Individual copies	1.50	monthly
Federal Register Index:		
Yearly subscription	22.00	
Individual copies	1.50	monthly

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 1—GENERAL PROVISIONS

Chapter III—Administrative Conference of the United States

Page

304.1—304.6 (Subpart A) Authority citation revised..... 22753
304.3 (a) revised; (b) and (c) amended; (d) removed; (e) redesignated as (d) and revised; interim..... 22753
(c) correctly designated..... 23627
(a) revision, (b) and (c) amendment, (d) removal, (e) redesignation as (d) confirmed; (d) revised..... 29498
304.6 Revised; interim..... 22753
Revision confirmed; (h) introductory text added; (i) (1) and (2) amended..... 29498
305.87-1 Added..... 23629
305.87-2 Added..... 23631
305.87-3 Added..... 23632
305.87-4 Added..... 23634
305.87-5 Added..... 23635
305.87-6 Added..... 49142
305.87-7 Added..... 49143
305.87-8 Added..... 49144
305.87-9 Added..... 49146
305.87-10 Added..... 49147
305.87-11 Added..... 49148
305.87-12 Added..... 49151
310.12 Added..... 23636

Chapter IV—Miscellaneous Agencies

456 Authority citation revised; nomenclature changes..... 34373
456.2 (a) through (f) revised; (g), (h), and (i) added..... 34373
456.3 Redesignated as 456.4; new 456.3 added..... 34373
456.4 Redesignated from 456.3..... 34373
(j)(1)(vii) and (k)(2) revised; (j)(1)(viii), (k)(1) and (l) amended; (j)(1)(ix) and (5) and (k)(4) added; (j) (2) and (3) redesignated as (j) (3) and (4); new (j)(2) added; new (j)(4) revised..... 34374

Title 1—*Proposed Rules:*

301—326 (Ch. III)..... 7814, 7879, 13448, 38925, 41306, 41998
456..... 15729

TITLE 3—THE PRESIDENT

Proclamations Page

5050 *See* Proc. 5727..... 38075
5074 Amended by Proc. 5679..... 27308
5453 Modified by Proc. 5660..... 19259
5595 229
5596 755
5597 1431
5598 1897
5599 2213
5600 2503
5601 2663
See U.S. Trade Representative Notice..... 3523
5602 2921
5603 2975
5604 2977
5605 3393
5606 3783
5607 4489
5608 4887
5609 5271
5610 5425
5611 5523
5612 6123
5613 6125
5614 6769
5615 6771
5616 7263
5617 7265
5618 8439
5619 8441
5620 8443
5621 9281
5622 9283
5623 9793
5624 11019
5625 11453
5626 11611
5627 11613
5628 11809
5629 12126
5630 12129
5631 13412
See U.S. Trade Representative Notice..... 22693, 43146
5632 13618
5633 13620
5634 13622
5635 13625
5636 13823

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 3 Proclamations—Con.

5637 13825
5638 15295
5639 15696
5640 15697
5641 15699
5642 15701
5643 15935
5644 16229
5645 16367
5646 16805
Correction 17678
5647 16815
5648 16817
5649 16819
5650 17382
5651 17915
5652 17917
5653 18187
5654 18189
5655 18898
5656 18900
5657 19122
5658 19123
5659 19257
5660 19259
5661 19479
5662 19829
5663 20695
5664 21239
5665 23007
5666 23009
5667 23011
5668 23165
5669 23537
5670 23539
5671 23541
5672 24127
5673 24275
5674 25345
5675 25347
5676 25963
5677 26935
5678 27185
5679 27308
See U.S. Trade Representative Notice of November 20, 1987 44666
5680 27323
5681 27325
5682 27525
5683 27661
5684 27777
5685 28237
5686 28959
5687 28961
5688 29363
5689 29365
5690 29655
5691 29833
5692 30125
5693 30653
5694 30655
5695 31975
5696 32905
5697 34193
5698 34195
5699 34197
5700 34199
5701 34761
5702 35523
5703 35525
5704 35527
5705 35905
5706 36208
5707 36210
5708 36213
5709 36889
5710 36891
5711 36893
5712 36895
5713 37265
5714 37267
5715 37269
5716 37271
5717 37273
5718 37275
5719 37279
5720 37429
5721 37431
5722 37433
5723 37917
5724 37919
5725 37921
5726 37923
5727 38075
5728 38389
5729 38739
5730 38741
5731 38903
5732 38905
5733 41689
5734 41943
5735 42629
5736 43041
5737 43043
5738 43185
5739 43187
5740 43547
5741 43719
5742 44091
5743 44588
5744 44589
5745 44855
5746 44857
5747 44967
5748 46730
5749 46731
5750 46733
5751 46735
5752 47365
5753 47545
5754 48959
5755 48961
5756 48963
5757 48965
5758 49129
5759 49131

Executive Orders

3305 Revoked by PLO 6660 44893
6039 Partially revoked by PLO 6656 31623
6269 Amended by PLO 6642 16248
8248 Amended by EO 12608 34617
8512 Amended by EO 12608 34617
8744 Revoked by EO 12608 34617
9094 Amended by EO 12608 34617
9830 Amended by EO 12608 34617
9979 Amended by EO 12608 34617
10289 Amended by EO 12608 34617
10484 Amended by EO 12608 34617
10499 Amended by EO 12608 34617
10521 Amended by EO 12608 34617
10530 Amended by EO 12608 34617
10582 Amended by EO 12608 34617
10608 Amended by EO 12608 34617
10624 Amended by EO 12608 34617
10786 Amended by EO 12608 34617
10797 Amended by EO 12608 34617
10840 Amended by EO 12608 34617
10841 Amended by EO 12608 34617
10880 Revoked by EO 12608 34617
10903 Amended by EO 12608 34617
10909 Amended by EO 12608 34617
11012 Amended by EO 12608 34617
11023 Amended by EO 12608 34617
11030 Amended by EO 12608 34617
11034 Amended by EO 12608 34617
11044 Amended by EO 12608 34617
11047 Amended by EO 12608 34617
11060 Amended by EO 12608 34617
11077 Amended by EO 12608 34617
11079 Amended by EO 12608 34617
11140 Amended by EO 12608 34617
11145 Continued by EO 12610 36901
11157 Amended by EO 12608 34617
11183 Continued by EO 12610 36901
11287 Continued by EO 12610 36901
11377 Revoked by EO 12608 34617
11390 Amended by EO 12608 34617
11440 Amended by EO 12608 34617
11467 Amended by EO 12608 34617
11480 Amended by EO 12608 34617
11490 Amended by EO 12608 34617
11561 Amended by EO 12608 34617
11580 Amended by EO 12608 34617
11583 Amended by EO 12608 34617
11609 Amended by EO 12608 34617
11623 Amended by EO 12608 34617
11644 Amended by EO 12608 34617
11687 Amended by EO 12608 34617
11747 Amended by EO 12608 34617
11755 Amended by EO 12608 34617
11758 Amended by EO 12608 34617
11776 Amended by EO 12608 34617
Continued by EO 12610 36901
11800 Amended by EO 12608 34617
11845 Amended by EO 12608 34617
11880 Amended by EO 12608 34617
11899 Amended by EO 12608 34617
11911 Revoked by EO 12608 34617
11990 Amended by EO 12608 34617
12034 Revoked by EO 12608 34617
12048 Amended by EO 12608 34617
12049 Amended by EO 12608 34617
12086 Amended by EO 12608 34617
12088 Amended by EO 12580 2923
12101 Amended by EO 12608 34617
12131 Continued by EO 12610 36901
12138 Amended by EO 12608 34617
12146 Amended by EO 12608 34617
12154 Amended by EO 12608 34617
12163 Amended by EO 12608 34617
Amended by EO 12620 49135
12170 *See* Notice of November 10, 1987 43549
12190 Continued by EO 12610 36901
12196 Amended by EO 12608 34617
Continued by EO 12610 36901
12208 Amended by EO 12608 34617
12216 Continued by EO 12610 36901
12291 *See* EO 12612 41685
12295 Revoked by EO 12608 34617
12296 Continued by EO 12610 36901

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 3 Executive Orders—Con. Page

12316 Revoked by EO 12580.....2923
12322 Amended by EO 12608.....34617
12328 Amended by EO 12608.....34617
12345 Continued by EO 12610.....36901
12367 Amended by EO 12593.....13624
12368 Amended by EO 12590.....10021
12372 *See* EO 12612.....41685
12382 Continued by EO 12610.....36901
12426 Revoked by EO 12608.....34617
12427 Revoked by EO 12610.....36901
12435 Revoked by EO 12610.....36901
12462 Amended by EO 12579.....515
Amended by EO 12617.....48179
12490 Revoked by EO 12610.....36901
12493 Amended by EO 12602.....27187
12496 Superseded by EO 12578.....505
12498 *See* EO 12612.....41685
12503 Revoked by EO 12610.....36901
12511 Revoked by EO 12610.....36901
12513 *See* Notice of April 21, 1987.....13425
12526 Revoked by EO 12610.....36901
12528 Amended by EO 12604.....29495
12534 Superseded by EO 12610.....36901
12546 Revoked by EO 12610.....36901
12547 Revoked by EO 12597.....18335
12570 Amended by EO 12611.....38743
12575 Amended by EO 12581.....2979
Revoked by EO 12610.....36901
12576 Superseded by EO 12598.....23421
12578.....505
12579.....515
12580.....2923
12581.....2979
12582.....3395
12583.....5427
12584.....5429
12585.....6773
12586.....7103
12587.....7397
12588.....8859
12589.....8861
12590.....10021
12591.....13414
Amended by EO 12618.....48661
12592.....13417
Amended by EO 12609.....36211
12593.....13624
12594.....15703
12595.....17383
12596.....17537
12597.....18335
12598.....23421
12599.....23779
12600.....23781
12601.....24129
Amended by EO 12603.....27315
12602.....27187
12603.....27315
12604.....29495
12605.....30325
12606.....34188
12607.....34190
12608.....34617
12609.....36211
12610.....36901
12611.....38743
12612.....41685
12613.....41940
See Treasury Department rule of November 17, 1987.....44076
12614.....43045
Amended by EO 12621.....49341
12615.....44853
12616.....46729
12617.....48179
12618.....48661
12619.....48663
12620.....49135
12621.....49341

Administrative Orders

Letters

January 5, 1987.....4125

Memorandums

December 30, 1986.....231, 233, 1619
January 2, 1987.....389
April 17, 1987.....13419
May 12, 1987.....20053
May 14, 1987.....18685
May 19, 1987.....19271
June 30, 1987.....24971
July 16, 1987.....27316
August 5, 1987.....29367
August 12, 1987.....32117
August 27, 1987.....33397
September 30, 1987.....36897
September 30, 1987.....36899
October 10, 1987.....38217
November 6, 1987.....43183
December 23, 1987.....49118
December 24, 1987.....49137, 49139

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

Page

Notices

April 21, 1987.....13425
October 6, 1987.....37597
November 10, 1987.....43549
December 15, 1987.....47891

Orders

October 20, 1987.....39205
Superseded by Order of November 20, 1987.....44960
November 20, 1987.....44960

Presidential Determinations

No. 87-6 of December 27, 1986.....2389
No. 87-7 of January 5, 1987.....2391
No. 87-10 of March 5, 1987.....9107
No. 87-11 of March 12, 1987.....9795
No. 87-12 of March 17, 1987.....11807
No. 87-14 of June 2, 1987.....22431
No. 87-15 of June 23, 1987.....23785
No. 87-16 of June 24, 1987.....23931
No. 87-18 of July 7, 1987.....27779
No. 87-19 of August 5, 1987.....31749
No. 87-20 of September 23, 1987.....36749
No. 88-01 of October 5, 1987.....42073
No. 88-3 of November 5, 1987.....44851

Presidential Recommendation

January 20, 1987.....2822
Corrections.....3079, 3526

Statements

December 7, 1987.....46728

Title 3—*Proposed Rules:*

102.....25124, 27902

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

21.0 (a) amended; (b), (c), (d) and (e) redesignated as (c), (d), (e) and (f); (b) and (g) added.....46448
21.1 (b) amended; (e) and (f) revised.....46448
21.2 (b) removed; (c) redesignated as (b).....46448
21.3 (a) amended; (c), (d), (e), (f) and (g) redesignated as (i), (j), (k), (m) and (n); new (i), (k) and (m) introductory text, (6) and (8) amended; (c) through (h) and (l) added.....46448
21.4 Introductory text amended.....46449
21.5 Heading revised; (b), (c), (d) and (e) redesignated as (a) (1), (2), (3) and (4); new (a) (1), (2) and (4) amended; new (b) added.....46449
21.6 (e) removed; (f) redesignated as (e).....46449
21.8 (e) added.....46449
21.9 (b) amended.....46450
21.11 (a) and (b) amended.....46450
21.12 (c) amended.....46450

Title 4—*Proposed Rules:*

21.....9664

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Office of Personnel Management

110.201 (b) table amended (OMB numbers).....7400
(b) table amendment at 51 FR 36176 republished; interim (OMB number).....16175
213 Authority citation revised.....11185, 37762
213.3102 (q) amended.....36009
(j) amended.....37762
213.3202 (e) revised.....11185
(l) amended; interim.....25194
(l) confirmed.....43722
294 Authority citation revised.....13216
294.101—294.111 (Subpart A) Revised.....13216
294.401 (Subpart D) Revised.....13219
300.701—300.307 (Subpart G) Added.....7400
315 Authority citation revised; subpart and section authority citations removed.....5431
Authority citation revised.....15705, 25194
315.608 Revised; interim.....15706
Revision confirmed; (b) amended.....38219
315.610 Added.....5431
315.710 Added; interim.....25194

TITLE 5 Chapter I—Con. Page

Addition confirmed; (b) introductory text, (1) and (4) revised....43722
316 Authority citation revised; section authority citations removed....15706
316.302 (c)(3) revised; interim....15706
(c)(3) confirmed....38219
316.402 (b)(2) revised; interim....15706
(b)(2) confirmed....38219
330 Authority citation revised; subpart and section authority citations removed....37762
330.801—330.805 (Subpart H) Heading amended....37762
330.801 Revised....37762
330.803 (b) revised....37762
330.804 (b) removed; (c) redesignated as (b) and amended....37762
330.805 Nomenclature change; (a) (3) and (4) and (b) amended....37762
351 Authority citation revised....10024
351.301—351.303 (Subpart C) Revised....10024
351.901 Revised....46051
410 Authority citation revised; section authority citations removed....7402
410.603 Revised....7402
534.401—534.404 (Subpart D) Heading revised....2
534.403 Revised....2
540.109 (b)(1) (i) and (ii) revised....46052
551.401 (b) revised; (c) redesignated as (d); new (c) added; interim....47687
551.511 (b)(2) revised; (b) (3) through (7) redesignated as (b) (4) through (8); new (b)(3) added; (b) introductory text republished; interim....47688
572 Authority citation added; section authority citations removed....28817
572.101—572.201 (Subpart A) Redesignated as 572.201—572.202 (Subpart B) and heading revised....28817
572.101—572.102 (Subpart A) Added....28817
572.201—572.202 (Subpart B) Redesignated from 572.101—572.201 (Subpart A) and heading revised....28817
572.301 (Subpart C) Added....28817
591.202 Amended; interim....12131
591.201—591.213 (Subpart B) Appendix B amended; interim....12131
630 Authority citation revised; section authority citations removed....10214
630.901—630.911 (Subpart I) Added; interim....10214
737.31 Revised....43443
737.32 Revised....43443
737.33 Revised....43443
752 Authority citation revised; section authority citations removed....34624
752.501 Amended....34624
752.601—752.606 (Subpart F) Revised....34624
831.105 (i) added....32287
831.201 (g) added; interim....17388
(g) revised....38220
831.301 (d) added; interim....10026
831.304 Added; interim....3786
Revised....43047
831.305 Added; interim....3786
Revised....43048
831.306 Added; interim....3786
Revised....43048
831.307 Added; interim....5069
831.308 Added; interim....19125
831.606 (d) revised....10216
831.612 (a)(1) revised; interim....3209
831.703 Added; interim....1622
Revised....22434
831.901—831.914 (Subpart I) Revised; eff. 1-19-88....47894
831.1704 (d) and (e)(1) revised; interim....3210
841.101—841.110 (Subpart A) Added; interim; effective date pending in part....19242
841.201—841.203 (Subpart B) Added; interim....19244
841.301—841.309 (Subpart C) Added; interim....19244
841.401—841.413 (Subpart D) Addition confirmed....25196
841.403 Revised....25196

Page

841.409 Revised....25196
841.413 (b)(1) amended....25196
841.401—841.413 (Subpart D) Appendix A revised....25196
841.501—841.507 (Subpart E) Added; interim....2057
Addition confirmed....25196
841.503 (b) revised....25197
841.601—841.607 (Subpart F) Added; interim....12132
841.801—841.804 (Subpart H) Added; interim....2058
841.1001—841.1008 (Subpart J) Added; interim....5432
842.101—842.105 (Subpart A) Authority citation amended....25197
842.102 (h)(5) revised....25197
842.201—842.212 (Subpart B) Added; interim....4473
842.301—842.308 (Subpart C) Added; interim....18193
842.401—842.406 (Subpart D) Added; interim....4475
842.402 Heading revised; text amended; interim....22436
842.407 Added; interim....22436
842.501—842.505 (Subpart E) Added; interim....4479
842.601—842.615 (Subpart F) Added; interim....2061
842.701—842.706 (Subpart G) Added; interim....2067
842.801—842.809 (Subpart H) Added; interim....2069
843 Added; interim....2074
Addition confirmed; authority citation added; subpart authority citations removed....23013
843.102 Corrected....2352
843.211 Added....23014
843.303 (a) introductory text revised....23014
843.306 (a) introductory text amended....23014
843.307 (a), (b) (1) and (2) amended....23014
843.309 (a) introductory text revised....23014
(b)(2) revised....36389
843.310 Amended....23014
843.311 (a) introductory text and (b) amended....23014
843.301—843.312 (Subpart C) Appendix A revised....36389
845 Added; interim....5931

Page

Addition confirmed; authority citation added; subpart authority citations removed....23014
846 Added; interim....19235
870.103 Amended....3398
870.202 (a)(8) added; interim....17388
(a)(8) revised....38220
870.205 (a), (b), and (c) revised....25198
870.401 (h) revised; (i) added....3398
(j) added; interim....39494
Effective date corrected....42761
870.501 (d) removed; (e) and (f) redesignated as (d) and (e); interim....12134
870.901 Redesignated as 870.902 and (a) revised; new 870.901 added; eff. 1-6-88....46343
870.902 Redesignated from 870.901 and (a) revised; eff. 1-6-88....46343
871.401 (g) revised; (h) added....3398
(i) added; interim....39494
Effective date corrected....42761
872.401 (g) revised; (h) added....3398
(i) added; interim....39495
Effective date corrected....42761
873.401 (e) revised; (f) added....3398
(g) added; interim....39495
Effective date corrected....42761
874.701 (d) revised; eff. 1-6-88....46344
890 Authority citation revised....3211, 3395, 39495
890.101 (a) introductory text revised; (a)(1) removed; (a)(2) through (12) designations removed; (a) amended....3399
Amended; interim....39496
Effective date corrected....42761
890.102 (c)(8) added; interim....17388
(c)(8) revised....38220
890.104 (a), (b) and (c) revised....25198
(a) revised; interim....39496
Effective date corrected....42761
890.108 Added....3
890.201 (a)(4) amended....10217
890.203 (a)(2) revised; (a) (3) and (4) added....23934
890.301 (n) revised....2505
(d) republished....2665
(f)(3) added; (g)(4) revised....34626

TITLE 5 Chapter I—Con. Page

(q) revised; (aa) added; interim....39496
Effective date corrected....42761
890.303 (b) amended; interim....17388
(c) revised; interim....39496
Effective date corrected....42761
890.304 (b)(1) revised; (b)(2)(iv) added; interim....39496
Effective date corrected....42761
890.306 (g) added....10217
(b) revised; (g) redesignated as (h); new (g) added; interim....39496
Effective date corrected....42761
890.401 (c) added....10217
890.502 (d) and (e) added....3399
(a) redesignated as (a)(1); new (a)(2) and (f) added; (b)(1) amended; interim....39497
Effective date corrected....42761
890.503 (c) revised....3212
890.701 Amended....2666
890.702 (b) republished....2666
890.803 (a)(3)(i) revised; interim....39497
Effective date corrected....42761
890.805 (b)(2) revised; interim....39497
Effective date corrected....39497
890.806 (b) amended....2506
(b) revised; interim....39497
Effective date corrected....42761
890.807 (a)(3) amended; interim....39497
Effective date corrected....42761
890.808 (b)(1) revised; (d)(1) amended....2506
(b)(1) amended; (d) revised; interim....39497
Effective date corrected....42761
911 Added; interim....4491
930.201—930.216 (Subpart B) Revised....34203
950 Revised; interim....16176

Chapter II—Merit Systems Protection Board

1201.21 (c) and (d) revised; (e) removed....47547
1201.24 (a) (8) and (9), (c), and (d) revised; (a)(10) removed....47547
1201.25 (a)(5) removed; (a) (6) and (7) redesignated as (a) (5) and (6) and revised....47548
1201.200—1201.222 (Subpart H) Removed....47548
1201 Appendix II revised....10875
Appendix III amended....17919
1204 Revised; interim....28123
Revision confirmed....45597
1260.1 Revised....42421
1260.4 Revised....42421
1260.5 Revised....42423
1261.2 (a) revised....42423

Chapter III—Office of Management and Budget

1303 Authority citation revised....49152
1303.20 (c)(7) revised; eff. 1-29-88....49152
1303.30 Revised; eff. 1-29-88....49153
1303.40 Added; eff. 1-29-88....49153
1303.50 Added; eff. 1-29-88....49154
1303.60 Added; eff. 1-29-88....49154
1303.70 Added; eff. 1-29-88....49155

Chapter VI—Federal Retirement Thrift Investment Board

Chapter VI Chapter established....6127
1600 Added....6127
Revised; interim....45802
1600.2 (d) revised; interim....20591
1603 Added; interim....29835
1605 Added; interim....17920
Revised....46318
1605.3 (b)(5) corrected....19018
1605.9 Added; interim....27527
1605.10 Added; interim....27528
1620 Added; interim....26293
1630 Added; interim....8053
1631 Added; interim....17923
1640 Added; interim....20371
1650 Added; interim....32281
Effective date note corrected....32868
1650.16 Correctly revised....38042
1660 Added; interim....38221
1690 Added; interim....43315

Chapter XIV—Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority and Federal Service Impasses Panel

2411.6 (b) (3) and (4) revised....26128

Page

2411.10 Revised....26128
Chapter XIV Appendix A corrected....1313
Appendix A amended....45443

Title 5—*Proposed Rules:*

213....23040
297....28833
302....49023
307....15730
316....15730
330....48824
332....48824
333....49023
340....9867
353....11657
432....5463
531....29862
540....28840
550....17762
551....34657
572....7427
723....25124, 27902
735....3251
752....9867
831....19150
870....5466, 28841
874....28841
890....3816, 5466, 17300, 19151, 22475, 24014
930....8909
1207....25124, 27902
1260....35722
1261....35722
1262....25124, 27902
1303....31036
1320....27768
2411....11995
2416....25124, 27902

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

1.1—1.23 (Subpart A) Revised; eff. 2-1-88....49386
1d Added....20376
2.15 (b)(6) revised; (b)(7) added....21493
2.17 (a)(3)(xvi) and (4) removed....235
2.19 (d)(22), (f)(11) and (12) added....235
(d)(23) added....17539
(d) (5), (6), and (18) revised; (d) (24) through (26) added....24131
(d) (27) and (28) added....33571
2.21 (b), (d)(20) and (32) revised....236
2.25 (c)(8)(ix) removed; (c)(8) introductory text and (xiii) and (e)(15) revised; (c)(8) (xiv) through (xvi) and (h)(23) added; (k) and (l) redesignated as (l) and (m); new (k) added....2507
(c)(9) added....18687
(i) revised....21494
2.27 (a) (16) and (17) added....2666
2.29 (c)(11) added....2099
(c) (4) and (5) revised....37435
2.30 (a)(81) and (82) added....237
(a)(76) removed....2507
(a) (83) through (85) added....17540
(a) (86) and (87) added....21931
2.33 (c) removed....18687
2.50 (a)(3)(xvi) and (4) removed....237
2.60 (a)(24) added....238
(a)(25) added....17540
(a) (5) and (6) revised; (a) (26) through (28) added....24132
(a) (29) and (30) added....33571
2.62 (a)(14) and (15) added....238
2.65 (a) revised....238
2.68 (a)(25) and (35) revised....239
2.75 (a)(17) removed....2507
2.76 (a)(1)(ii), (10) introductory text and (xiii) revised; (a)(10)(ix) removed; (a)(10) (xiv) through (xvi) added....2507
(a)(11) added....18687
2.78 (a)(27) revised....2508
2.79 Removed....2508
2.80 Heading and (a) introductory text revised; (a) (19) through (21) added....2508
(a)(19) revised....21494
2.84 (a) (10) and (11) added....2666
2.85 (a) (5) and (6) added....2666
2.87 (a)(1)(i) revised....2666
2.92 (a)(6) revised; (a)(7) added....21493
2.106 (a)(33) added....240
(a)(34) added....17540
2.107 (a) (24) and (25) added....21931
(a) (26) through (34) added....31373
2.108 (a)(25) and (26) added....240
(a)(27) added....21931
2.110 (a)(7) removed....2508
Removed....31373

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 7 Subtitle A—Con. Page

4 Removed....21651
6.20—6.33 (Subpart) Authority citation correctly revised....32529
6.21 (m) amended....19463
6.25 (b)(4) amended....26937
(b)(4) correctly revised....32529
6.26 (c)(2) introductory text and (3) introdutory text revised....19463
6.28 OMB number removed....19463
6.34 Added....19463
6.20—6.34 (Subpart) Appendixes 1 and 2 amended....19463
6.91 (a)(2) revised....48079
7 Revised; interim....48512
8.3 Amended....8432
Corrected....47660
8.9 Revised....8432
12 Revised....35200
12.5 (b)(2) revised; (b)(3) removed; interim....24133
16.4 Revised....45141
16.5 Revised....45141
17.2 (b) corrected....1623
17.7 (d) and (e) correctly designated....1623
17.21 Corrected....1623
21 Authority citation revised....48016
Revised; interim; eff. 4-2-89....48017
21.1 Heading revised; (a) and (b) redesignated as (a) (1) and (2); introductory text designated as new (a) introductory text; new (a) heading and (b) added; interim; eff. 1-19-88....48016

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

27.80 (a), (b), and (d) through (h) revised; interim....35217
27.81 Revised; interim....35218
28.1—28.165 (Subpart A) Authority citation revised....30880
28.2 (j) through (u) redesignated as (k) through (v); new (j) added; (d), (f), (h), (i) and new (k) revised....30880
28.4 Revised....30881
28.5—28.6 Removed....30881
28.7 Revised....30881
28.8 Revised....30881

Page

28.15 (a) and (c) revised....30881
28.16 Revised....30881
28.17 Revised....30881
28.18 Revised....30881
28.19 Revised....30881
28.25 Introductory text, (f), (g) and (h) revised....30881
28.26 Revised....30881
28.27 Revised....30881
28.28 Revised....30882
28.29 Revised....30882
28.32 (a) revised....30882
28.36 Revised....30882
28.37 Revised....30882
28.40 (b) revised....30882
28.45 Revised....30882
28.47 Revised....30882
28.55 Revised....30882
28.56 (a) and (b) revised....30882
28.59 Revised....30882
28.60 Revised....30882
28.66 Revised....30882
28.105 (a) and (b) (2) and (3) revised....30883
28.107 (d) revised....30883
28.115 Revised....30883
28.116 (a) revised; interim....35218
28.117 Revised....30883
Revised; interim....35218
28.120 Revised; interim....35218
28.122 Revised; interim....35218
28.123 Revised; interim....35218
28.137 Removed....30883
28.138 Introductory text revised....30883
28.139 Revised....30883
28.140 Introductory text revised....30883
28.142 Revised....30883
28.146 Revised....30883
28.148 Revised; interim....35218
28.149 Revised; interim....35218
28.151 Revised; interim....35219
28.165 Undesignated center heading and section revised (OMB numbers)....30884
28.177 Revised....30884
28.178 Revised....30884
28.180 Introductory text and (e) revised....30884
28.181 Revised....30884
28.182 Revised....30884
28.184 Revised; interim....35219
28.901—28.917 (Subpart D) Authority citation revised....30880

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

Page

28.909 (b) revised; interim....35219
28.910 (b) revised; interim....35219
28.911 Revised; interim....35219
28.956 Revised; interim....35219
Table corrected....36668
29.1026 Revised....28533
Technical correction....30280
29.1037 Revised....28534
Technical correction....30280
29.1161 Removed....28534
Technical correction....30280
29.1181 Table removed....28534
Technical correction....30280
29.1225 Amended....28534
Technical correction....30280
29.8001 (Subpart D) Authority citation added....25199
29.8001 Table amended....25199, 35200
46.6 Revised....30329
51.885 (b) Tables I and II amended; (b) footnote 2 removed....22437
51.887 (a) introductory text and (1) revised....22437
51.910 Revised....22437
51.2891—51.2896 (Subpart) Added....36011
51.3000—51.3006 (Subpart) Revised....3400
51.3006 (c) Table II corrected....4822
52.1761—52.1770 (Subpart) Revised....6130
52.1811—52.1821 (Subpart) Revised....27664
53.203 (a) and (b)(3) amended....35683
53.204 (c) heading, (1) and (2) amended....35683
53.205 (c) heading, (1) and (2) amended....35683
53.206 (a)(4), (b)(4), (c)(4) and (d)(4) amended....35683
54.11 (a)(1)(vii) amended....35683
54.17 (b) amended....35683
54.104 (b), (n), (o) and (q) amended....35683
54.106 (c) heading, (1) and (3) amended....35683
54.107 (c) heading and text amended....35683
55.510 (b), (c), and (d) revised....13628
55.550 Revised....13628
(a) table corrected....15802
55.560 (a)(3) revised....13628

Page

56.9 (b) revised (OMB numbers)....23935
56.46 (b) and (c) revised....13628
56.47 Revised....13629
56.52 (a)(4) revised....13629
56.54 (a)(2) revised....13629
57 Removed; eff. 3-14-88....7818
58.2570—58.2578 (Subpart N) Revised....28127
59.126 Revised....13629
59.370 (b) revised....13629
59.910 (b) amended....42426
60 Authority citation revised....36887
60.5 Heading and (a) revised....36887
61.1—61.46 (Subpart A) Authority citation corrected....36668
61.43 Revised; interim....35221
61.44 Revised; interim....35221
61.45 Revised; interim....35221
61.46 Revised; interim....35221
68 Existing regulations unchanged....31751
68.42a Heading and Table 2 revised; eff. 3-14-88....7818
70.71 (b) and (c) revised....13629
70.72 Revised....13629
70.76 (a)(2) revised....13629
70.77 (a)(4) and (5) revised....13629

Chapter II—Food and Nutrition Service, Department of Agriculture

210.2 Amended....7560, 30128
210.10 (c) table, (d)(1), and (i)(6) (i) and (ii) amended....9110
210.14 (a) amended....15298
210.16 (a) introductory text revised....11187
210.18 (f)(6) and (7) amended; (f)(8) and (m) added; (l) revised....5736
210.20 (a)(5) and (b)(7) and (8) amended; (a)(6) redesignated as (a)(7); new (a)(6) added....5737
215.1 Revised; interim....7562
215.2 (k-1) added; (v)(1) amened....7560
(x-1) added; interim....7562
(k-1), (bb) and (cc) removed; (v)(1) amended....30128
215.7 (a) revised; interim....7562
(d)(1) amended....15298
220.2 (j-1) added; (u)(1) revised....7560

TITLE 7 Chapter II—Con. Page

(j-1), (bb) and (cc) removed; (u)(1) amended ... 30128
220.7 (e)(1)(ii) amended; (e)(1)(iii) and (iv) redesignated as (e)(1)(iv) and (v); new (e)(1)(iii) added ... 15298
225 Authority citation revised ... 15298
225.19 (j) amended ... 15298
226 Authority citation revised ... 5526, 15298, 36906, 48968
226.2 Amended; interim ... 36906
226.4 (b)(1) through (3) and (5) through (9) amended; interim ... 36906
226.6 (j) introductory text amended ... 5526
(b)(2) and (e)(7) amended; interim ... 36906
(o) amended ... 48968
226.8 (g) added ... 5526
226.9 (b)(1) amended; interim ... 36907
226.11 (c)(1) amended; interim ... 36907
226.15 (j) added ... 15298
(e)(2) and (3) amended; interim ... 36907
226.17 (b)(7) amended; interim ... 36907
226.18 (e)(3) amended; interim ... 36907
226.19 (b)(9)(i) revised; interim ... 36907
226.23 (c)(2), (d), (e)(1)(i), (ii) introductory text and (F), (iii), and (h)(5) amended; (e)(1)(ii)(D) and (G), (iii), (2)(iii) and (vii) and (h)(2) revised; interim ... 36907
227.5 (a) revised ... 8223
240 Authority citation revised ... 7267
240.1 (b) amended ... 7267
240.3 (a) amended ... 7267
245.2 (a-1), (a-2), and (a-3) redesignated as (a-2), (a-3), and (a-4); (a-1) and (b-1) added; (a-4)(3) and (4) amended; (k) revised; interim ... 19274
Comment time extended ... 27669
245.5 (a)(1)(iii), (iv), and (vi) revised; interim ... 19275
Comment time extended ... 27669
245.6 (a) introductory text and (1) amended; interim ... 19275
Comment time extended ... 27669
245.6a (a)(1) and (b)(3) amended; (a)(2) and (3) revised; interim ... 19275
Comment time extended ... 27669
245.11 (a)(2) amended; interim ... 19276
Comment time extended ... 27669
246 Authority citation revised ... 21236
246.2 Amended ... 25189
246.3 (d) and (e) redesignated as (e) and (f); new (d) added; new (e)(3) amended ... 21236
246.4 (a)(8) and (b) revised; (a)(18) added ... 21236
246.7 (h)(8) revised; (i)(7) redesignated as (i)(8); (c)(2)(iv)(L) and new (i)(7) added ... 21236
246.9 (a), (c) and (k)(3) revised ... 21237
246.12 (f)(2)(xx) added; (k)(2) amended ... 21237
246.14 (b) revised; (c)(1) introductory text amended ... 21237
246.16 (b), (c)(2) and (d) revised; (c)(3) added ... 21237
(c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; (b)(2) introductory text and new (e) and (f) revised ... 25190
246.23 (a) heading and (b) heading revised; (c) redesignated as (d); new (c) added ... 21238
246.25 (b) revised ... 21238
250 Authority citation revised ... 17932, 42633
250.3 Amended; interim ... 24976
250.4 (a) revised ... 17932
250.6 (r)(4) amended; interim ... 24976
(j)(2) amended ... 42633
250.15 (f) introductory text and (1) through (3), (m)(2) and (n)(2), (3) and (4) and (o) introductory text and (1) through (6) redesignated as (f)(1) introductory text and (i) through (iii), (m)(3), (n)(3), (4) and (5) and (o)(1) introductory text and (i) through (vi); new (f)(1)(iii) revised; new (f)(2), (3), (4) and (5), (m)(2), (n)(2) and (o)(2) added; interim ... 24976
251 Authority citation revised ... 42634
251.2 (c) revised ... 17933
251.4 (g) and (h) redesignated as (h) and (i); new (g) and (j) added ... 17933
(d) amended; OMB number ... 42634
251.6 (a) revised ... 17934
251.9 Redesignated as 251.10 and (d) removed and (e), (f), and (g) redesignated as (d), (e), and (f); new 251.9 added ... 17934
251.10 Redesignated from 251.9; (d) removed; (e), (f), and (g) redesignated as (d), (e), and (f) ... 17934
252.2 Amended; interim ... 24977
252.3 (c) revised; interim ... 24978
252.4 (b) revised; interim ... 16369
(c)(6) and (7) amended; (c)(9)(ii) redesignated as (c)(9)(iii); new (c)(9)(ii) added; interim ... 24978
271 Authority citation revised ... 11814
271.2 Amended ... 3406, 7556, 13222
Amendment confirmed; amended ... 11814
Amended; interim ... 36397
272 Authority citation revised ... 11814
272.1 (g)(83) added; interim ... 1299
(d)(1) amended; (d)(2) revised; (g)(71) added ... 3406
(g)(77) and (g)(76)(iii) corrected ... 3411
(g)(84) added ... 5436
(g)(85) added ... 7557
(g)(86) added ... 11022
(g)(72) addition confirmed; (g)(87) added ... 11814
(g)(88) added; interim ... 20058
(g)(87) correctly designated; (g)(89) added; interim ... 20379
Technical correction ... 22888
(g)(90) added; interim ... 26941
(g)(91) added; interim ... 29658
(g)(92) added (effective date pending) ... 35225
(g)(93) added; interim ... 36397

Page

(g)(83) addition confirmed; (g)(94) added ... 36564
272.2 (a)(2) amended ... 3407
(a)(2) amended; (d)(1)(vi) and (e)(8) added ... 35225
272.5 (a) and (b) introductory text amended; (c) added; interim ... 36398
272.9 Added ... 7557
272.10 Added ... 35226
273 Authority citation revised ... 11814
273.1 (e)(5) and (f)(4)(iv) added ... 7557
(e) amended; (f)(2)(i) amendment confirmed ... 11814
(a)(2)(i) (C) and (D) amended; interim ... 36398
273.2 (i)(3)(i) revised; (i)(3)(ii) amended; interim ... 1299
(b)(1)(vii) corrected ... 1300
(d)(2) revised; (f)(1)(ix) added; (f)(3)(ii) amended ... 3407
(j)(2)(i) and (k) introductory text corrected; (l) correctly designated ... 3411
(f)(1)(ii) (A) and (B) amended; (f)(1)(ii) (D), (E), and (F) redesignated as (f)(1)(ii) (E), (F), and (G); new (f)(1)(ii)(D) added; interim ... 20058
(f)(2) introductory text and (i), (3)(i) introductory text, (A) and (B) redesignated as (f)(2)(i) and (f)(1)(ix), (f)(3) introductory text, (i) and (ii); (f)(3)(ii) removed; new (f)(2)(i), (3) introductory text and (i) amended; interim ... 26941
(i)(1) revised; interim ... 36398
(i)(3)(i) revision confirmed; (i)(3)(ii) revised ... 36564
273.4 (a)(2), (3), (4), and (5) amended; (a)(8) through (11) added; interim ... 20058
(a)(9) corrected ... 22888
273.7 (b)(2)(i), (g)(2) introductory text, (i), (iii), and (iv) and (o)(6) heading amended; (g)(2)(ii) revised; (h)(5) added ... 11022
273.8 (e)(11)(xi) added; interim ... 20379
Technical correction ... 22888

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 7 Chapter II—Con. Page

(e)(15) and (h)(1)(vi) added; interim....26941
273.9 (d)(6)(i) and (v)(B) amended; (d)(6)(ii) revised....5436
(c) (3), (4) and (5)(ii)(B) amended; (c)(10)(xi) added....20379
Technical correction....22888
(b)(1)(v) and (c)(12) added; interim....26941
(a)(3) introductory text, (d)(7)(i) and (8)(i) revised; (b)(2)(i) amended; (c)(1) (ii), (iii), and (iv) redesignated as (c)(1) (iii), (iv), and (v); new (c)(1)(ii) added; new (c)(1)(iv)(B) revised; eff. in part 7-1-88 and 10-1-88; eff. in part to 10-30-89; interim....36399
273.10 (d)(1)(i) amended; (d)(6) revised....5436
(e)(2)(iii)(B)(*8*) and (*9*) removed....11022
(e)(1)(i)(A) amendment confirmed....11814
(f) (2) through (7) redesignated as (f) (3) through (8); new (f)(2) added; interim....36399
273.11 (h), (i), and (j) redesignated as (i), (j), and (k); new (h) added....7557
(a)(2)(iii) and (e)(1) revised....11814
273.18 (c)(2)(ii) amended; interim....36400
274 Authority citation revised....11814
274.10 (e), (f), (g), and (h) redesignated as (f), (g), (h), and (i); new (e) added; new (i) amended....7557
(d)(1) amendment confirmed....11815
275.1 (a) amended; (b) revised....3407
275.2 (a)(2) revised....3407
275.3 (a), (b), (c) introductory text and (1) heading and introductory text revised; (c)(2) removed; (c) (3), (4), and (5) redesignated as (c) (2), (3), and (4); new (c)(2) revised; (c)(5) added....3407
275.5 (b) revised; (c) removed....3408
275.6 (a) amended....3408
275.7 (b) and (e) revised; (f) removed....3408

Page

275.8 Revised....3408
275.9 (a), (b), and (c) revised; (d), (e), and (f) removed; (g) redesignated as (d) and amended....3409
275.11 (b)(1)(ii) table amended; (f)(2) (ii) and (iii) redesignated as (f)(2) (iii) and (iv); new (f)(2)(ii) added....3409
275.12 (d)(2)(v) and (f)(3) added; interim....29658
275.15 (a) (2), (3) and (d) removed; (a)(1), (e), (f), and (g) redesignated as (a), (d), (e), and (f)....3409
275.16 (a) amended; (b) and (d) revised....3409
275.17 (a) revised; (c) and (d) added....3409
275.20 Revised....3410
275.21 (c) and (d) amended....3410
275.22 Removed; new 275.22 redesignated from 275.23....3410
275.23 Redesignated as 275.22; new 275.23 redesignated from 275.25 and (a)(1) and (d)(1)(i) and (2) amended....3410
(e)(7) added....29659
275.25 Redesignated as 275.23 and (a)(1) and (d)(1)(i) and (2) amended....3410
276.2 (a) and (d) amended; (e) added; interim....26941
276.4 (d) introductory text and (2) amended....3410
277.18 (a)(2) revised; (c) removed; (d) through (h) redesignated as (c) through (g)....35227
277 Appendix A amended; interim....36400
278 Authority citation revised....11814
278.1 (c)(4) amended; (c)(5) and (h) through (q) redesignated as (c)(6) and (i) through (r); new (c)(5) and (h) added....7557
(e) amended....11815
(b)(4)(ii) amended; (o), (p), (q), and (r) redesignated as (p), (q), (r), and (s); new (o) added; new (r) revised....13222

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

Page

278.2 (a), (b), (c), (d), (g), and (h) amended; new (l) added....7557
278.3 (a) amended....7558
278.4 (c) amended....7558
278.5 (a)(1) amendment confirmed....11815
(a) (1) and (3) amendment confirmed....18198
278.6 (e)(2) (iii) and (iv) and (3) (iii) and (v) amended....7558
(f) text redesignated as (f)(1); (f) (2), (3), and (4) added....13222
278.9 (e) added....7558
(c) addition confirmed....11815
(f) added....13223
(d) addition confirmed....18198

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

300 Revised....1179
Authority citation revised....6952
300.1 Revised; interim....6952
(a) revised; interim....45596
300.3 Removed; interim....6952
301 Authority citation revised; section and subpart authority citations removed....27532
Authority citation revised....41288
301.52 (b) revised; footnote 1 added....26943
301.52-1 (q) amended; footnote 1 redesignated as footnote 2....26943
301.52-2 Heading amended; (b) removed....26943
301.52-2a Amended; interim....12634
301.52-2b Section and footnote 2 removed....26943
301.52-3 (b)(1) removed; (b) (2) through (5) redesignated as (b) (1) through (4); (c) amended....26943
301.75-6 (e) added....7563
301.75-7 (e) and (f) added....7563
301.75-15 Revision confirmed....1180
301.75-16 Revision confirmed....1180
301.78—301.78-10 (Subpart) Added; interim....10360, 33221
Removed; interim....27529
Removal confirmed....43049
Addition at 52 FR 33221 confirmed; eff. 1-20-88....48182
301.78-1 Corrected....36863

Page

301.78-3 (c) amended; interim....35060
301.78-6 (b) corrected....36863
301.78-8 (a) corrected....36863
301.80-2a Revised; interim....25580
Confirmed; eff. 1-15-88....47688
301.81 (a) amended; interim....32908
(a) amendment confirmed; eff. 1-20-88....48181
301.81-2a Revised; interim....32908
Corrected....35350
Revision confirmed; eff. 1-20-88....48181
301.83 Revised....32291
301.87-1 Amended....31374
301.87-2 (c) amended; (d) redesignated as (e) and amended; new (d) added....31374
301.87-10 (e) added....31374
301.93—301.93-10 Removal confirmed....9285
301.93—301.93-10 (Subpart) Added....27532
Addition confirmed....43050
301.93-3 (c) amended; interim....29174, 39900, 41288, 45598
301.96—301.96-10 (Subpart) Revised; interim....47370
318 Authority citation revised; section authority citations removed....8864
318.13-1 (i) and (l) revised....8864
318.13-2 (a) text redesignated as (a)(1); (a)(2) added....8864
318.13-3 (b) text redesignated as (b)(1); (b)(2) added....8864
318.13-4 (c) amended....8864
318.13-4g Added....8865
318.13-17 Revised....8865
319.28 (b) introductory text and (6) and (g) revised; (h) and (i) added....32291
319.56-1 Designations removed; section amended....29370
319.56-2 (e) revised; (f) redesignated as (g) and OMB number; new (f) added....29370
319.56-2h Addition reconfirmed....2099
Removed; interim....47373
319.56-2i Addition reconfirmed....2099
Removed; interim....47373
319.56-2r Added....46058

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 7 Chapter III—Con. Page

330 Authority citation revised....22907
Authority citation revised; section authority citations removed....49344
330.100 (h) revised....22907
Meetings....25861
Amended; eff. 2-1-88....49344
330.111 Added; eff. 2-1-88....49344
340 Added....22908
Meetings....25861
352 Authority citation revised....27671
352.29 Added; interim....27671
Confirmed; eff. 1-13-88....47375
Technical correction....48905
354.1 (a)(1) revised....16822
354.2 Table amended....10365, 12898, 41946

Chapter IV—Federal Corp Insurance Corporation, Department of Agriculture

400.4 Revised....24979
400.5 Amended....24979
400.40—400.42 (Subpart E) Added....4592
400.45—400.49 (Subpart F) Revised....19128
400.50—400.56 (Subpart G) Removed....17543
400.75—400.81 (Subpart I) Removed....17543
400.92 (g) added....24278
400.141—400.157 (Subpart L) Added....17543
401 Added....28447
401.8 (d) amended; interim....36401
401.111 Added....45143
401.112 Added....45146
401.113 Added....45151
401.114 Added....45599
401.117 Added....45153
401.119 Added....45603
401.120 Added....45605
401.121 Added....45148
401.123 Added....45159
401.124 Added....45155
401.135 Added; interim....45158
402.7 (d) revised....3214
403.7 (d) amended....3214
(d) corrected....6775
405 Sales closing date extended....45443
405.7 (d) amended....3214
409.7 (d) amended....3214
410.7 (d) amended....3214
411.7 (d) amended....3214
413.1—413.7 (Subpart) Heading revised....47375
413.7 (d) amended....3214
(d) corrected....6775
(d) amended; interim....27782
414.7 (d) amended....3214
415.7 (d) amended....3214
416.7 (d) amended....3214
417.7 (d) amended....3214
418 Sales closing date extended....7818
418.1—418.8 (Subpart) Heading revised....34627
418.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
418.8 Revised....24279
419 Sales closing date extended....7818
419.1—419.9 (Subpart) Heading revised....34628
419.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
419.8 (b) amended....9286
419.9 Revised....24279
420 Sales closing date extended....7818
420.7 (d) amended....3214
(d) amended....17547, 17548
420.8 Revised....24279
421 Sales closing date extended....7818
421.7 (d) amended....3214
(d) corrected....6775
421.8 Revised....24279
422 Sales closing date extended....48183
422.7 (d) amended....3214, 23425
423.1—423.7 (Subpart) Heading revised....45806, 47376
423.7 (d) amended....3214
424 Sales closing date extended....7818
424.7 (d) amended....3214, 17547, 17548
424.8 Revised....24279
425.7 (d) amended....3214, 17547, 17548
(d) corrected....6775
427 Sales closing date extended....7818
427.1—427.8 (Subpart) Heading revised....34629

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

Page

427.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
427.8 Revised....24279
428.7 (d) amended....3214, 17547, 17548
429.1—429.7 (Subpart) Heading revised....34630
429.7 (d) amended....3214
(d) amended; interim....23424
(d) corrected....25585
430.7 (d) amended....3214, 17547, 17548
(d) corrected....6775
431.1—431.7 (Subpart) Heading revised....47377
431.7 (d) amended....3214, 17547, 17548
432 Sales closing date extended....7818
432.1—432.8 (Subpart) Heading revised....47378
432.7 (d) amended....3214, 17547, 17548
432.8 Revised....24279
433.7 (d) amended....3214, 17547, 17548
435.7 (d) amended....3214
(d) corrected....6775
436.7 (d) amended....3214
(d) corrected....6775
437.7 (d) amended....3214
438.7 (d) amended....3214
(d) corrected....6775
439.1—439.7 (Subpart) Heading revised....34630
439.7 (d) amended....3214
440.7 (d) amended....3214
441.7 (d) amended....3214
442.7 (d) amended....3214
443.7 (d) amended....3214
444.7 (d) amended....3214, 17547, 17548, 17549
445.7 (d) amended....3214, 17547, 17548, 17549
446.7 (d) amended....3214
(d) corrected....6775
447.7 (d) amended....3214, 17547, 17548
448 Sales closing date extended....7818
448.7 (d) amended....3214
(d) corrected....6775
448.8 Revised....24279
449.7 (d) amended....3214, 17547, 17548, 17549
450.7 (d) amended....3214
451.7 (d) amended....3214, 41692
452 Added....9288
453 Added....25349
454 Added....4593

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

Page

701 Authority citation revised....19716
701.23 Revised....19716
702 Added; interim....16741
704 Revised....4269
704.7 (a)(3) and (c) revised; (a)(4) and (5) removed; (a)(6) redesignated as (a)(4); interim....27537
Correctly eff. 7-22-87....29836
704.21 (b)(3) revised; interim....27537
Correctly eff. 7-22-87....29836
704.22 (a)(2) revised; (a)(3) amended; interim....27537
Correctly eff. 7-22-87....29836
713 Authority citation revised....30886
713.2 (f) addition confirmed....10727
713.3 (d)(1) revision and (e)(3) addition confirmed; (d)(1)(v) and (e)(2)(vii) revised....10727
713.12 (a)(1) revision and (d) removal confirmed....10727
713.55 Revised....25354
713.58 Addition confirmed....10727
713.63 (a) and (c)(2) revision confirmed....10727
(a) revised; interim....30886
713.97 (e) (1) and (2) revised; (e)(3) added; interim....30886
713.100 (a) revised....10728
713.102 (f) revised; interim....30886
713.108 (b)(2)(i) revised; interim....30886
713.155 Revision confirmed....10727
717.21 (d) addition confirmed....10727
724.36 Removal confirmed....10727
724.57 (b)(1)(i) (*b*) and (*c*) revisions and (b)(1)(i)(*d*) and (2)(ii) additions confirmed....10727
724.62 Introductory text amendment, (c) (7) and (9) removal, and (c)(8) redesignation as (c)(7) confirmed....10727
724.69 (n) amendment confirmed....10727
724.70 (w) revision confirmed....10727
(m) revised; interim....22288

TITLE 7 Chapter VII—Con. Page

724.72 (b) amendment confirmed....10727
724.81 (d) and (e) revision and (f) removal confirmed....10727
725.51 (e-1)(2) (iv) and (v) revision, (e-1)(2)(vi) addition, and (k) amendment confirmed....10727
(s) revised; (oo-1) added....35228
725.60 (b) (3) and (4) revision and (b)(5) addition confirmed....10727
725.72 (d)(3)(viii) and (e)(4)(i) amendment confirmed....10727
(d)(5)(i) revised; (d)(5)(vi) added; interim....22288
725.73 (a) revision confirmed....10727
725.87 (a)(2) and (f) (1), (2), and (4) amendment and (f)(3) revision confirmed....10727
725.91 (a) amendment confirmed....10727
725.94 (c) revised; (i) added....35229
725.95 (a), (b), (d), and (e) amendment and (f) revision confirmed....10727
725.99 (a)(4)(x), (b), and (c) (1), (2), and (3) amendment confirmed....10727
725.100 (a)(1)(viii), (b) (1) and (3), and (c)(7) amendment confirmed....10727
(g) removed....35229
725.101 (b) and (c) revised....35229
725.103 (a) and (h) amendment confirmed....10727
725.104 (a) amendment confirmed....10727
725.107 (b) amendment confirmed....10727
725.115 (a)(2)(iv) and (b)(4) amendment confirmed....10727
726.51 (aa) (3) and (4) and (ff)(1)(vi) revision, (aa)(5) addition, and (i) amendment confirmed....10727
(r) revised; (nn-1) added....35229
726.68 (e)(4) revision confirmed....10727
(d)(5) (vi) and (vii) added; interim....22288
726.81 (a)(2) and (f) (1), (2), and (4) amendment and (f)(3) revision confirmed....10727
726.85 (a) amendment confirmed....10727
726.88 (c) revised; (i) added....35229
726.89 (a), (b), (d), (e), and (f) amendment confirmed....10727
726.93 (a)(4)(vii), (b)(1), and (c) (1), (2), and (3) amendment confirmed....10727
726.94 (b) (1) and (3) and (c) (5) and (7) amendment confirmed....10727
(e) (2), (3), and (4) revised; (h) removed....35230
726.98 (b) amendment confirmed....10727
726.105—726.107 Undesignated center heading removal confirmed....10727
726.105 (h) amendment confirmed....10727
726.106 (a) amendment confirmed....10727
726.107 (a)(2)(iv) and (b)(4) amendment confirmed....10727
736.2 (w), (x), (y) and (z) added....37126
736.6 (d) and (f) revised; (i) added....37126
736.7 Amended....37127
736.9 (a) amended....37127
736.13 Revised....37127
736.14 (c) revised....37127
736.16 Revised....37127
736.42 Revised....8057
760.2 (k) (1) and (2), (l) and (o) amended....17935
760.8 Amendment confirmed....17935
760.23 (c) addition confirmed....17935
770.4 (f) revision confirmed....10727
(c) and (g)(1) amended; (f) revised; interim....45607
795 Authority citation revised....26295
795.2 Undesignated center heading removed....26295
795.3—795.4 Undesignated center heading removed....26295
795.3 Revised....26295
795.4 Revised....26295
795.5—795.13 Undesignated center heading removed....26295
795.14—795.16 Undesignated center heading removed....26295
795.17 Undesignated center heading removed....26295

Page

795.20—795.24 Undesignated center heading removed....26295

Chapter VIII—Federal Grain Inspection Service, Department of Agriculture

800.0 (b) (2) through (105) redesignated as (b) (3) through (106); new (b)(2) added....6495
800.60—800.61 Undesignated center heading revised....24437
800.61 Added....24437
800.88 Revised....6495
800.95 Revised....6495
800.96 Revised....6495
800.97 Revised....6496
800.98 Revised....6496
800.99 Revised....6497
800.100 Removed....6497
800.101 Removed....6497
800.102 Removed....6497
800.103 Removed....6497
800.162 (b) redesignated as (c) and revised; new (b) added....24437
810 Revised....24418
Table of contents corrected....28534
810.104 (b) corrected....28534
810.107 Revised; eff. 5-1-88....24441
810.202 (c)(2)(i) and (t) corrected....28534
810.204 Table footnote 1 corrected....28534
810.205 Table footnote 1 corrected....28534
810.206 Table corrected....28534
810.207 (d) removed; (e) redesignated as (d); eff. 5-1-88....24441
810.402 (a) through (e) redesignated as (b), (c), (d), (f), and (g); new (a) and (e) added; (g) revised....24437
(a) corrected....28534
810.403 Corrected....28534
810.404 Table corrected....28534
810.405 (c) removed; (d) redesignated as (c); eff. 5-1-88....24441
(d) corrected....28534
810.805 (d) removed; (e) and (f) redesignated as (d) and (e); eff. 5-1-88....24441
810.1005 (g) removed; (h) and (i) redesignated as (g) and (h); eff. 5-1-88....24441
810.1205 (c) removed; (d) through (g) redesignated as (c) through (f); eff. 5-1-88....24441
810.1402 (a) through (i) redesignated as (b) through (e) and (g) through (k); new (a) and (f) added....24437
(d) and (i) corrected....28534
810.1405 (a) removed; (b) designation removed; eff. 5-1-88....24441
810.1604 Table corrected....28534
810.1605 (b) removed; (a) designation removed; eff. 5-1-88....24441
810.1805 Removed; eff. 5-1-88....24441
810.2002 (a) corrected....28534
810.2004 Table corrected....28534
810.2005 (c) removed; (d), (e), and (f) redesignated as (c), (d), and (e); eff. 5-1-88....24441
810.2203 Corrected....28534
810.2204 (a) table amended; eff. 5-1-88....24442
810.2205 (c) removed; (d), (e), and (f) redesignated as (c), (d), and (e); eff. 5-1-88....24442

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

900 Technical correction....20591
900.700—900.707 (Subpart) Added....13630
Removed....44969
905 Limitation of handling....10028
Limitation of handling; interim....19718, 41400
Limitation of handling confirmed....33218
906 Budget of expenses....1899, 41696
907 Limitation of handling....240, 757, 1901, 2509, 2981, 3787, 4763, 5273, 5938, 6952, 7820, 9111, 9797, 10728, 11615, 12511, 41693, 42269, 42631, 43723, 44591, 45444, 46061, 46983, 48080, 48793
Budget of expenses....3412
907.102 (a)(2) and (3) introductory text and (viii) revised....2984
907.104 Revised....2984
907.106 Revised; eff. 1-11-88....46738
907.930 Added....3215
Removed....16370

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 7 Chapter IX—Con. Page

908 Budget of expenses..... 3412
Limitation of handling..... 7821, 19278
908.104 Revised..... 2984
908.106 Revised; eff. 1-11-88..... 46738
910 Limitation of handling..... 241, 758, 1901, 2510, 2985, 3788, 4764, 5274, 5939, 7115, 8058, 9111, 9798, 10729, 11616, 12512, 13632, 15937, 17388, 18339, 19276, 20381, 21241, 22438, 23265, 23936, 25201, 25965, 26944, 27782, 28536, 29371, 30657, 31601, 32530, 33572, 34631, 35395, 36215, 37128, 38073, 38745, 39611, 41694, 42632, 43724, 44592, 45445, 46061, 46984, 48081, 48794
Limitation of handling comment time extended..... 33224
Budget of expenses..... 41696
910.180 (d)(3) amended..... 18902
911 Budget of expenses..... 46345
911.20 (a) amended..... 7117
911.22 (b)(3) revised..... 7117
911.48 (a)(1) amended..... 7117
911.64 (c) revised; (d) redesignated as (e) and republished; new (d) added..... 7117
Budget of expenses..... 1899
911.111 Revised..... 759, 24134
911.311 (a)(5) Table 1 revised..... 4598
911.329 (a)(2)(ix) added..... 1314
(a)(2)(vii) amended..... 4598
912 Budget of expenses..... 1900
Removed..... 21242
913 Budget of expenses..... 1900
Removed..... 37763
915 Limitation of handling..... 2101
Budget of expenses..... 46345
915.20 (a) amended..... 7118
915.22 (b)(3) revised..... 7118
915.64 (c) revised; (d) redesignated as (e) and republished; new (d) added..... 7118
915.305 (a)(1) amended; (a)(2) amended; (a)(3), (5), (6), and (7) removed; (a)(4) and (8) through (16) redesignated as (3) through (12); new (a)(5) revised..... 4598
915.332 Added..... 19833
916 Budget of expenses..... 31375
916.356 (a)(2) introductory text, (3) introductory text and (ii), and (4) revised; (a)(5), (6), and (7) added..... 15487
(a)(4) corrected..... 17504

917 Budget of expenses..... 5738, 31375
917.121 Revised..... 12513
917.454 (b)(4) removed; (b)(5) redesignated as (b)(4)..... 15488
917.459 (a)(2) introductory text, (4), and (5) revised..... 15488
917.460 (b) and (c) revised..... 15488
918 Budget of expenses..... 23015
918.325 Revised..... 21496
918.326 Removed..... 21495
919 Budget of expenses..... 41696
920 Budget of expenses..... 41697
920.160 (c) added..... 37130
920.302 (a)(1) revised; (a) (3) and (4) redesignated as (a)(4) and (5); new (a)(3) added..... 37130
921 Budget of expenses..... 31376
922 Budget of expenses..... 41697
923 Budget of expenses..... 31376
923.322 (a) (2) and (3), (b)(2)(ii), and (c)(1) Table and (2) amended..... 20382
924 Budget of expenses..... 31376
925 Budget of expenses..... 11617
925.112 (Subpart) Added..... 27538
925.304 Introductory text revised..... 8870, 24444
(b)(1)(vi) redesignated as (b)(1)(vii); new (b)(1)(vi) added..... 20383
926 Budget of expenses..... 41697
926.324 Revised..... 31978
927 Budget of expenses...1900, 11617, 41697
928 Budget of expenses..... 41697
928.121 Added..... 15489
929 Budget of expenses...1899, 3412, 41697
929.153 (a) and (d) revised..... 5528
(a) revised..... 25202
931 Budget of expenses..... 1900, 31376
932 Budget of expenses..... 5737
932.121 Added..... 12135
932.125 Added..... 12135
932.145 Removed..... 7403
932.151 (g) added; interim..... 38224
Confirmed..... 49346
932.152 (f) and (g) revised; interim..... 38224
Confirmed..... 49346
932.153 Revised; interim..... 38223
Confirmed; (b)(3) amended..... 49346
944.31 Added..... 19835

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

Page

944.401 (b) (3) and (12) introductory text revised; (b)(12) (i) through (x) amended; interim..... 38225
Confirmed..... 49346
944.503 (a)(3) revised..... 8870
(a)(3) revised; (e) added..... 31979
944.605 Revised..... 31979
945 Limitation of handling...5530, 41695
Budget of expenses..... 31376
946 Budget of expenses..... 1900, 31376
Limitation of handling..... 15490
Limitation of handling; interim..... 41947
946.25 (c) amended..... 13070
946.104 (a)(5) revised..... 13070
947 Limitation of handling..... 7120
Budget of expenses..... 31376
948 Limitation of handling; interim published at 51 FR 25850 confirmed..... 7269
Budget of expenses..... 23015, 31376
948.103 Revised..... 12515
948.104 Revised..... 12515
948.150 Added..... 12515
953 Budget of expenses..... 23015
958 Budget of expenses..... 41697
959 Budget of expenses..... 5737, 24281
Limitation of handling..... 19281
Limitation of handling corrected..... 20192
966 Budget of expenses..... 1900, 41697
966.323 Revised..... 46347
967 Budget of expenses..... 25203
Marketing percentages..... 37131
971 Budget of expenses..... 5738
979 Budget of expenses..... 5738
979.304 (a) revised..... 17390
980.116 Removed..... 19281
980.117 (a)(1)(ii), (2), and (b)(1) revised..... 8872
(a)(2) and (b) (1) and (2) revised..... 19281
981 Marketing percentages..... 39903
Budget of expenses..... 45611
981.441 (d)(1)(iii) added..... 13428
(c)(4) (i) and (ii) and (d)(1)(i)(F) revised..... 37926
(e) added..... 45611
981.442 (a)(4) amended..... 45608
982 Budget of expenses..... 1900, 41698
Marketing percentages..... 17392
984 Budget of expenses..... 1900, 41698
985 Marketing percentages..... 9452
Budget of expenses..... 25203

987.112a (b)(3) (i) and (ii) amended..... 35530
989 Budget of expenses..... 1900, 41698
Marketing percentages..... 16233
989.212 (a) and (c) and note revised..... 12516
989.213 Revised..... 32776
993 Budget of expenses..... 27985

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

1002.3 Revision at 50 FR 45596 removed..... 48795
1002.51 (c) revision at 50 FR 45596 removed..... 48795
1004.2 (d)(2)(ii) and (e) revisions at 50 FR 45596 removed..... 48795
1004.12 (d) temporarily suspended in part..... 34764
1004.52 (a) revision at 50 FR 45596 removed..... 48795
1004.75 Revision at 50 FR 45596 removed..... 48795
1006.52 (a) table revised..... 5071
1007.52 (a) and (b) revised..... 5071
1007.61 (a)(3) revised..... 5071
1007.73 (a)(2) introductory text revised..... 5071
1007.75 (a) revised..... 5071
1011.7 (a)(2) revised..... 26470
1011.52 (a) revised..... 5071
1012.52 (a) table revised..... 5072
1013.52 (a) table revised..... 5072
1030 Existing regulations unchanged..... 3413
1030.52 (b) revised..... 39612
1030.55 Added..... 39612
(b) corrected..... 42760
1030.60 (c), (f), and (g) amended; (h) added..... 39613
1032.7 (d)(2) revised..... 3216
1032.52 (a)(1), (2) (i) and (ii), (3), and (4), and (b) revised; (a)(2)(iii) added..... 3413
1033.6 (a), (b), and (c) revised; (d) and (e) added..... 3414
1033.41 (b)(3) and (c)(1) revised..... 30887
1033.53 (a) (1), (2), and (3) revised; (a)(4) redesignated as

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 7 Chapter X—Con. Page

(a)(5) and republished; new (a)(4) added....3414
1036.2 (a), (b), and (c) revised; (d) removed....242
1036.15 Revised....30887
1036.40 (b)(3) and (c)(1) revised....30888
1036.50 (a) amended....242
1036.52 (a) and (b) revised....242
1040.7 (b)(1) introductory text temporarily suspended in part; (b)(1)(i) temporarily suspended....11456
(b)(2) introductory text temporarily suspended in part; (b)(2) (i) and (ii) temporarily suspended....18340
(b) introductory text, (1), (2), (3) and (4) revised; (b)(6) added....30888
1040.13 (d) (1) and (2) revised....30889
1040.40 (b)(3), (c)(1) (ii), (iv), (v) and (vii) revised....30888
1040.50 (b)(1) amended....30889
1046.9 (c) amended....17748
1046.52 (a) revised....5072
1049.52 (a) (1) and (2) revised....3414
1050.52 (a) and (b) revised....3415
1065.7 (c) temporarily suspended in part....25204
(b) temporarily amended....32532
1065.13 (d) (2) and (3) temporarily amended....1315, 28462, 32532
1065.52 (b)(3) amended....3217
1068.7 (a)(3) added....36910
1076.13 (d) (2) and (3) temporarily suspended....28463
1079.7 (b) temporarily amended....33916
1079.13 (d) (2) and (3) temporarily suspended in part....31752
1079.52 (b)(3) amended....3217
1093.52 (a)(1) table revised; (a)(2), (3), (4) and (6) amended....5072
1094.2 Amended....5072
1094.52 (a)(1) table revised; (a)(2)(i), (ii), and (iii), (3) and (5) amended....5073
1096.52 (a) revised....5073
1097.7 (b) temporarily suspended....10730
1098.52 (a) revised....5073
1099.52 (a) revised....5073
1102 Removed....6318
1106.2 Amended....6318
1106.7 (c) introductory text revised; (c) temporary amendments of 51 FR 6731 and 7247 terminated....6318
1106.12 (b)(5) temporarily suspended....20384
1106.13 (d)(1) suspended....19837
1106.52 (a)(1) table amended; (a)(3)(i) and (4) revised....6318
1124.9 (b) temporarily suspended in part....43316
1137.7 (b) temporarily suspended in part....35396
1137.12 (a)(1) temporarily suspended in part....10732, 42271

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

1200 Authority citation revised....12899
1200.2 (a) revised....12899
1205.1—1205.19 (Subpart) Removed....12899
1207.1—1207.19 (Subpart) Removed....12899
1240 Authority citation revised....3103
1240.100—1240.125 (Subpart) Added....3103
1250 Authority citation revised....31377
1250.1—1250.19 (Subpart) Removed....12899
1250.514 Revised; interim....31377
Technical correction....33903
Revision confirmed....38907

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

1403 Authority citation revised....2394
1403.21—1403.46 (Subpart B) Heading revised; interim....2394
1403.46 Added; interim....2394
1421.1 Amended....1434
1421.4 (b) amended....1434

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

Page

1421.6 (c) revision confirmed....1433
1421.7 (a) revision confirmed....1433
1421.22 (c)(2) amended....1434
1421.400—1421.406 (Subpart) Heading amended; authority citation revised....1434
1421.400 Nomenclature change....1434
1421.420—1421.425 (Subpart) Removed....1434
1421.741 Revised....30658
1421.742 Revised....30658
1421.752 Heading revised....30658
1421.753 (a) amended....30658
1421.754 Amended....30658
1421.900—1421.917 (Subpart) Authority citation revised....1316
1421.902 Revised....1316
1427.1—1427.26 (Subpart) Authority citation revised....25355
1427.5 (l) revised....25355
1434.1—1434.36 (Subpart) Heading amendment confirmed....11619
1434.1 Amended; interim....11618
Amendment confirmed....11619, 48082
1434.2 (c) removed; (d) and (e) redesignated as (c) and (d); interim....11618
(c) removal and (d) and (e) redesignation as (c) and (d) confirmed....48082
1434.3 (h) addition confirmed....11619
1434.4 (a) amended; interim....6776
(e) amendment confirmed....11619
(a) amendment confirmed....48082
1434.6 (b) amended; interim....6776
(b) amendment confirmed....11619, 48087
1434.7 (c) introductory text amended; interim....11619
(c) introductory text amendment confirmed....48082
1434.8 (b) revision confirmed....11619
1434.18 (c) addition confirmed....11619
1434.25 (a), (b), and (c) amendment and (d) addition confirmed....11619
1434.26 (a) amendment confirmed....11619
1434.27 Amendment confirmed....11619
1434.34 (f) removed; (g) and (h) redesignated as (f) and (g); interim....11619
(f) removal and (g) and (h) redesignation as (f) and (g) confirmed....48082
1438 Removed....1434
1446.141 Added; interim....49349
1468.103 Amended; interim....4277
Comment time extended....10732
Amendment confirmed....42078
1468.107 (c) (1) and (2) revised; (c) (3) and (4) removed; interim....4277
Comment time extended....10732
(c) (1) and (2) revision and (c) (3) and (4) removal confirmed....42078
1468.116 (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; interim....4277
Comment time extended....10732
(c), (d) and (e) redesignation as (d), (e) and (f) and new (c) addition confirmed....42078
1472.1503 Amended; interim....4277
Comment time extended....10732
Amendment confirmed....42078
1472.1507 (c)(1) and (2) revised; (c)(3) and (4) removed; interim....4277
(c) (3) and (4) correctly removed; comment time extended....10732
(c) (1) and (2) revision and (c) (3) and (4) removal confirmed....42078
1472.1545 (c), (d) and (e) redesignated as (d), (e) and (f); new (c) added; interim....4277
Comment time extended....10732
(c), (d) and (e) redesignation as (d), (e) and (f) and new (c) addition confirmed....42078
1475.52 (h), (l), (m), and (n) revision confirmed....10728
1475.53 Revision confirmed....10728
1475.54 (a) revision confirmed....10728
1475.55 (d)(3), and (e) (2) and (3) revision confirmed....10728
1475.56 Revision confirmed....10728
1475.58 (c) revision confirmed....10728
1475.69 Added....10728
1476 Removed....1434
1477 Authority citation revised....4129

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 7 Chapter XIV—Con. Page

1477.3 (e) (2), (3), and (4) added; interim....4130
Confirmed....18198
1480 Removed....1434
1493.1—1493.15 (Subpart A) Authority citation revised....17550
1493.2 (f) and (o) revised....17550
1496.1 (b) and (c) removed; (a) designation removed....5728
1496.2 (a) amended; (b) revised....5728
1496.3 (f) and (h) removed; (g) redesignated as (f) and revised; (e) revised....5728
1496.5 (a) revised; (f) added....5729

Chapter XVI—Rural Telephone Bank, Department of Agriculture

1610.5 Existing text designated as (a); (b) added....43553

Chapter XVII—Rural Electrification Administration, Department of Agriculture

1736 Authority citation revised....22289
1736.97 (b) table revised....22289
(b) table amended....48799
1772 Authority citation revised....1182
1772.97 Table amended....1182
1786 Added....1436
1787 Added; interim....2395

Chapter XVIII—Farmers Home Administration, Department of Agriculture

1804 Removed....19283
1806.25 (a)(2) introductory text revised....8002
1807.1 (a) revised....26132
1822 Authority citation revised....19283
1822.21—1822.26 (Subpart B) Exhibit A amended....8002
1822.267 (l)(2) introductory text amended....8002
(e) revised....19283
1822.271 (b)(3)(v) revised....19283
1863.1 Revised....26132
1864.2 (a)(5) revised....26132
1866.3 (b)(1) introductory text and (2) introductory text revised....26132

Page
1900.2 (e) revised....44375
1900.51 (b) removed; (c) through (j) redesignated as (b) through (i)....46348
1900.52 (d) revised....26133
1900.57 (i) revised....45806
1900.51—1900.60 (Subpart B) Exhibit D revised....45807
1901 Authority citation revised....8002
1901.204 (a) (19) through (21) and (d)(3)(iv) added; (b)(2), (d) (1) and (5), (e)(2)(ii) and (f) revised....41949
1901.205 (b)(1), (2)(i), (3)(ii) and (iv), and (e)(2) amended....8002
1901.201—1901.205 (Subpart E) Exhibit C revised....8002
1910 Authority citation revised....15491
1910.3 (i) introductory text revised; (i)(4) added....15491
1910.52 (a) revised....41699
1910.53 (d) revised....41699
1910.54 (f) through (j) redesignated as (g) through (k); new (f) added....41699
1910.55 (a) revised....41699
1910.59 Revised....41699
1910.60 (a) revised....25586
(c) revised....41699
1910.61 (b) (1) through (3) and (d) (4) and (5) revised....25586
1910.101 (Subpart C) Added....6498
1922.104 (a)(12) amended....11982
Policy guidelines....23543
1924 Authority citation revised....8002
1924.1—1924.50 (Subpart A) Text revised....8002
1924.5 (d)(2) and (e) (2) and (4) amended....19283
Transition period....30658
(d)(2) corrected....48391
(d)(1) introductory text and (3) corrected....48799
Transition period extended to 9-30-88....49349
1924.13 (e)(1)(v)(C) and (2)(viii)(B) correctly removed; (e)(1)(v)(D) and (2)(viii)(C) correctly redesignated as (e)(1)(v)(C) and (2)(viii)(B); (e)(1)(ii)(F), (v)

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

Page
introductory text and (B) and (e)(2)(viii) introductory text and (A) correctly revised....26139
1924.1—1924.50 (Subpart A) Exhibits A through I, K and L revised....8021
Exhibits I and J amended....19283
1924.51 Revised....26133
1924.57 (b)(2) and (d)(2) revised....32120
1924.60 (d)(7) added....26133
1924.101—1924.150 (Subpart C) Added....19284
1924.253 (a)(3) amended; (c) revised....8034
1930.110 (c) introductory text amended....20697
1930.119 (b) amended....20697
1930.124 (a)(3) (ii) and (v) amended....20697
1930.138 Added....36913
1930.101—1930.150 (Subpart C) Exhibit B amended....8034, 20697
Exhibits C, C-2, and E amended....20698
Exhibits B and E amended....24287
Exhibit C amended....36913
1933 Authority citation revised....19301
1933.409 (f) revised....8034
1933.412 Revised....19301
1940 Authority citation revised....8035
1940.305 (j) added....8035
1941.16 (m) added....26133
1941.19 (a)(7) added....26133
1942 Authority citation revised....43725
1942.1 (c) redesignated as (d); new (c) added....38908
(a) revised....43725
(a) corrected....47097
1942.17 (p)(4) and (5) and (r)(3)(i) and (ii) amended....8035
(f)(6) revised....41949
(d)(1)(i)(B)(*1*) removed; (d)(1)(i)(B) (*2*) through (*8*) redesignated as (d)(1)(i)(B) (*1*) through (*7*); (c)(2)(iii)(D)(*2*)(*i*) and (d)(1)(i)(C)(*1*) revised; (d)(2)(iv) amended....43726
Correctly designated....47097

Page
1942.18 (n)(3), (o)(1), (3), (5) and (7)(ii) amended....8035
1942.101—1942.150 (Subpart C) Added....43726
1942.114 (c)(1) corrected....47097
1942.126 (l)(2)(iii) introductory text and (B) and (3) corrected....47097
1942.127 (e)(1) corrected....47097
1942.358 (e) revised....41949
1942.360 (a)(11) removed; (a) (12) through (14) redesignated as (a) (11) through (13); new (a)(13) and (b) revised....41949
1942.363 (b)(3) added; (c) (1), (2) and (d) revised....41950
1942.381 Added....41950
1942.451—1942.500 (Subpart J) Added....41950
1943.1—1943.50 (Subpart A) Exhibit A amended....8035
1943.32 (a) amended....8035
1943.82 (a) amended....8035
1943.132 (a) amended....8035
1944.2 (f) and (j) revised....11982
Policy guidelines....23543
1944.11 Heading and (c) revised; (d) redesignated as (e); new (d) added....11982
(b) revised....19301
Policy guidelines....23543
1944.16 (a)(1)(i), (5), and (b) revised....8035
Revised....11983
Policy guidelines....23543
(e)(1) removed; (e) (2) through (8) redesignated as (e) (1) through (7); interim....45808
1944.17 (e) added....246
1944.22 (a) revised....246
(a) correctly revised....6132
(e)(3) amended....8035
1944.24 (b) amended....19301
1944.26 (a)(2) introductory text and (f)(2) introductory text revised....11984
Policy guidelines....23543
1944.30 (a) amended....8036
1944.33 (f) revised....246, 29175
1944.34 (e)(3)(ii) revised....246
(h)(2) revised....11984
Policy guidelines....23543
(b)(1) revised....29175

TITLE 7 Chapter XVIII—Con. Page
(h)(3) introductory text revised....31027
1944.45 (f)(5), (h), (i)(2), and (k) amended....8036
(f)(3)(ii) revised....19301
1944.46 (d), (f), and (g) amended....8036
1944.47 Addition confirmed....9649
1944.1—1944.50 (Subpart A) Exhibit A amended....8036
Exhibit D amended....9113
Exhibit F corrected....36565
1944.163 (e) revised....8036
1944.164 (j)(2) (i) and (ii) amended....19301
(p) revised....24288
1944.175 (a)(4) amended....8036
1944.176 (c)(3) revised....24288
1944.200 Removed....24288
1944.151—1944.200 (Subpart D) Exhibit A-3 amended....8036, 19302
1944.212 (c)(2)(i) revised....8036
(p)(3) amended....19302
(p)(3) corrected....48391
1944.215 (a)(1) introductory text, (iii), and (iv) and (3)(v) revised....8036
1944.222 (c)(1) and (d)(1) introductory text amended....19302
(c)(1) and (d)(1) introductory text corrected....48391
1944.235 (c)(1)(v) and (vii) amended....8036
1944.237 (e) added....24288
1944.201—1944.240 (Subpart E) Exhibit H amended....8037
1944.456 Introductory text amended....11985
(a) introductory text revised....19302
Policy guidelines....23543
1944.463 (a), (b), and (c)(4) amended....8037
1944.469 (f)(1)(i) and (ii) and (g)(1)(iii)(A)(*1*) amended....8037
1945.163 (b)(6) introductory text, (i)(B), and (ii) through (v), (7), and (8) revised....20385
1945.151—1945.200 (Subpart D) Exhibit A amended....8037
1950.103 (a) revised....26133
1950.104 Introductory text and (d) revised....26134
1950.105 Added....26134
1951 Authority citation revised....6319, 11457
1951.1 Revised....26134
1951.6 (c) (1), (2), and (3) (ii), (iv), (v), (vi) and (vii), (d) and (e) (1) and (4) revised....29175
1951.7 (h) added....11457
1951.9 (a)(4) added....26134
1951.44 (c)(9) added....26134
1951.46 Added....26135
1951.50 Added (OMB number)....26137
1951.105 (f) amended....18544
1951.111 Added....18544
1951.201 Revised....38908
1951.203 (f) added....42272
1951.207 (l) added....11457
1951.210 (c) (1) through (4), (d) introductory text and (1) through (6), (e), and (f) redesignated as (c) (2) through (5), (e) introductory text and (1) through (4), (6), and (7), (f), and (g); new (c)(1), (d), and (e)(5) added; new (f)(13) amended....42272
1951.211 (c) introductory text amended....42272
1951.252 (a) revised....26137
1951.261 (b)(1)(i)(A) revised....26137
1951.301—1951.318 (Subpart G) Revised....246
1951.304 Added; interim....6319
1951.308 (a) introductory text and (b) revised....29176
1951.309 (a)(1) revised....29176
1951.315 Corrected....6132
1951.407 (c) amended....9113
1951.408 Removed....9113
1951.551 Revised....26138
1951.604 (a)(1)(iv)(B) amended....11985
Policy guidelines....23543
1951.701 Revised....38908
1955.1 Revised....38909
1955.3 (d) revised....26138
1955.10 (a)(1) correctly revised....48519
1955.18 (a) revised; (d) amended....41957
1955.51 (d) added....38909
1955.53 (o) revised....8037
(e) and (g) revised....26138
1955.63 (a) and (c) amended....41957
1955.105 (a) revised....26138
1955.114 Introductory text amended....41957

Page
1955.115 Introductory text amended....41957
1956 Authority citation revised....28239
1956.54 (f) revised....26138
1956.57 (j)(3) revised....47689
1956.58 (a) revised....28239
(e) revised....46348
(b)(1) amended; (d) (1), (2), and (3) revised....47689
1956.70 (b)(2) amended; (b)(3) revised....47689
1956.75 (b)(4)(i)(A) amended....46348
(a) introductory text revised; (b) introductory text amended....47689
1957 Added....35520
1962.17 (b) (1), (2) introductory text and (i)(A), (4) and (5) revised....32121
1962.47 (b)(2)(i) correctly revised....39207
1965.7 (d) revised....26138
1965.12 Introductory text revised....26138
1965.13 Introductory text revised....26139
1965.31 Introductory text added....26139
1965.65 (a)(1)(i) revised; (a)(1)(iv) and (f)(6)(iv) removed; (a)(1)(v), (c) (1) through (14), and (f) (8) through (13) redesignated as (a)(1)(iv), (c) (2) through (15), and (f) (9) through (14); new (c)(1) and (f)(8) added; new (c)(10)(i) revised....24288
1965.70 (a) amended; (d)(8) revised....24288
1965.90 Revised....24288
1965.92 Amended....24291
1965.51—1965.100 (Subpart B) Exhibit A redesignated as Exhibit B and revised; new Exhibits A and C added....24291
1965.103 (b) introductory text amended....9113
1965.105 (b)(1) amended; (c) revised....9113
1965.106 (a) heading revised; (b) and (c) redesignated as (c) and (d); new (d) amended; new (b) added....9113
Page
1965.110 (a)(1)(ii) amended; (a)(4) added....9113
1965.111 (a) and (b) amended; (c) removed....9113
1965.112 (b) revised....9114
1965.113 (a) amended; (c) revised....9114
1965.116 (b) revised....9114
1965.117 Introductory text, (b)(5), (d)(2) and (g) amended; (e) revised; (h) added....9114
1965.118 (c) revised; (d) added....9114
1965.125 (a)(1) introductory text amended; (a) (2) and (3) revised....9115
1965.126 Introductory text, (b) (2) and (5), (c) (1) and (2) introductory text, (i), and (ii) and (e)(4) revised; (b)(13) added; (b)(3), (4)(i), and (12) and (e)(5) amended....9115
1965.127 (a)(3) introductory text, (b)(1)(i) and (2) revised....9116
1965.137 Revised....9116
1980 Authority citation revised....19302
1980.11 Amended....6500
1980.12 (a) (1) and (3) revised....6500
1980.41 (b)(3)(iii)(A) revised....6500
1980.46 (a)(2) revised....6500
1980.61 (b)(4) and (h) revised....6500
1980.63 Revised....6501
1980.67 Revised....6501
1980.83 (b) table amended....6501, 22290
1980.85 Added....6501
1980.146 (c)(2) amended....22290
1980.307 (d)(1) and Administrative amended....19302
1980.327 (b)(1) revised....19302
1980.401—1980.500 (Subpart E) Sections revised....6501
1980.401—1980.500 (Subpart E) Appendix C revised; Appendix H added....6522
1980.602 (a)(1) introductory text revised; interim....25587
1980.611 (a) and (c) introductory text revised; interim....25588
1980.625 Revised; interim....25588
1980.630 Revised; interim....25588
1980.632 (c) and (d) revised; interim....25588

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 7 Chapter XVIII—Con. Page
1980.642 (e), (k), and (l) revised; interim....25588
1980.644 Heading, (a), (b), and (d) introductory text revised; (f) added; interim....25588
1980.645 (a) and (b) revised; (d) removed; interim....25589
1980.646 Removed; interim....25589
1980.651 (f) revised; interim....25589
1980.655 Revised; interim....25589
1980 Appendix B amended; interim....25589
2054.1101—2054.1150 (Subpart W) Revised....30893

Chapter XXXIII—Office of Transportation, Department of Agriculture

3305 Added....43189

Chapter XXXIV—Cooperative State Research Service, Department of Agriculture

3402 Added....4713

Chapter XXXVI—National Agricultural Statistics Service

Chapter XXXVI Chapter established....2667
3600 Added....2667
3601 Added....2669

Chapter XXXIX—Economic Analysis Staff

Chapter XXXIX Chapter established....9798
3900 Added....9798
3901 Added....9798

Title 7—*Proposed Rules:*

1....28149, 36580
1d....13246
17....37469
28....16394, 19018
29....25235
46....23842
51....16399, 44131
52....46486
53....6577
54....6577
55....6162, 8404
56....6162, 8404
59....6162, 8404, 17763, 27562, 42297
60....27685
70....6162, 8404
210....32930
220....12419, 23041
225....43200
226....19354, 22030, 35105
245....33834
246....12527, 27005, 31784, 35264, 45457
250....22660
251....21545
253....39158
272....3817, 7158, 19514
273....7158, 13450, 17580, 36546, 38104
275....7158, 36581
277....3817
278....19514
301....291, 1276, 35105
318....292, 48272
319....685, 2114, 27686, 38210, 49026
330....12917, 15802
340....35921
353....27687
400....5773, 10764, 41723
401....22476, 34658–34667, 34671, 34673, 34809, 35266, 36424, 36425, 41723, 41725, 43080, 44402–44404, 44989, 45459, 45461, 45463, 45830
413....33941
418....11078, 25381
419....2711, 11078, 25382
420....3013, 11078, 34670
421....11078, 34674
422....9301
423....32931
424....3013, 11078, 35269
425....3013
426....41728
427....11078, 25383
428....3013, 45199
429....25384
430....3013
431....3013, 32932
432....3013, 11078, 33942
433....3013
438....34675
439....25015
444....3013
445....3013
447....3013
448....11078, 35270
449....3013
452....2713, 36427
453....15506
455....24299
656....20606
658....1465
713....13248, 18565
724....27203, 33943
725....18918
726....18918

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

735....47009
736....10104
795....9302
800....7880, 30167
801....30167
802....30167
810....4151, 7880, 8455
900....3119
905....46366
907....17764, 21546, 30167, 38431
908....7884, 12535, 17764, 21546, 30167
910....12536
911....10108, 38234, 44916
912....6980
915....13688, 38234, 44916
916....2800, 9173
917....2800, 6165, 9173
918....16401
920....28724
923....13842
925....432, 13457, 20402, 21960, 24090
928....3433, 4462, 21065, 22888
929....15510, 18369, 19631
932....6166, 49416
933....17581, 27369
944....432, 13688
945....10893, 25016, 33833
946....5778, 6167
947....41729
948....6168
959....7428, 9870, 21068, 46366, 48826
966....41565, 47576
967....27204
971....46366
979....12185, 48827
980....7428, 9870
981....1918, 28157, 28269, 32016, 34676
982....5307
984....42298
985....46600
987....26688, 46366
989....1919, 26689, 27369, 43338
994....10984, 12285, 29531, 32240
999....5307
1004....31408
1007....15951, 17678, 39232
1011....3251, 12186, 15951, 17678, 23453
1030....18894, 29196, 38235
1032....2537, 43590
1033....17586, 23306, 27205
1036....17586, 27205
1040....8074, 12537, 17586, 27205
1046....11475, 15951, 17678, 23306
1065....21560, 26016, 27216
1068....23843, 33943
1076....25020
1079....27216, 30922
1093....15951, 17678
1094....15951, 17678
1096....15951, 17678
1097....8075
1098....15951, 17678, 39232
1102....4775
1106....4775, 12538, 16402
1124....39658, 41566
1125....41566
1136....27372, 32933
1137....6579, 32308, 37800
1139....27372, 32933
1210....3588, 4783, 13086
1230....39538
1240....797, 42300
1403....49028
1405....37160
1421....30689, 37619, 43766, 44989
1493....8605
1610....5779
1736....29531, 49417
1809....1706, 4913
1864....44600
1900....1706, 4913, 44600
1902....1706, 4913
1910....1706, 4913
1924....1706, 2717, 4913, 43766
1927....44600
1930....296, 8606
1941....1706, 2717, 4913, 43766
1942....3433, 12539, 32933
1943....1706, 4913
1944....7584, 8606, 21069, 37972
1945....1706, 4913
1951....1706, 2717, 4913, 19732, 27562, 32933, 32935, 44600, 44607, 45638
1955....1706, 4913, 10577, 32933, 44600
1956....44600
1962....1706, 4913, 43766
1965....1706, 2717, 4913, 8606, 10577, 32935, 43766
1980....1706, 4913
2201....6803, 8611
3015....39035
3016....21820, 23627

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

1 Authority citation revised; section authority citations removed....2936
1.1 (h) revised....2936
3 Authority citation revised; section authority citations removed....2936
Nomenclature change....2941
3.1 (b)(3) revised....2943

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 8 Chapter I—Con. Page

(d)(3) revised 24981
3.3 (a) amended; (b) revised 2936
3.4 Amended 2936
3.7 Revised 2936
Corrected 7369
3.11 Added 2942
3.12—3.38 (Subpart C) Added 2936
100 Authority citation revised 16191
100.2 (c)(3) (iv) and (v) amended; (c)(3)(vi) added 16191
100.4 (f) added 16191
(c)(4) revised 22629
103 Authority citation revised; section authority citations removed 2939
Authority citation revised 16192
103.1 (l)(1) amended 2985
(f)(1) (iv) and (v) and (q) amended; (f)(1)(vi) and (2) (xxvii) through (xxxii), (n)(2) and (t) added; (n) redesignated as (n)(1) 16192
(o)(2) revised 22629
103.2 (c) added 16192
103.3 (a) redesignated as (a)(1); (a)(2) added 16192
103.4 Revised 661
Existing text designated as (a); (b) added 16192
103.5 Existing text designated as (a); (b) added 16193
103.7 (d) (1) and (4) revised 3
(c)(1) revised 2939
(b)(1) amended 16193, 19719
103.8 Introductory text republished; (c) revised 2942
103.10 (b)(1)(ii) removed; (b)(1) (iii) through (vi) redesignated as (b)(1) (ii) through (v) 2942
103.37 Added 16193
109 Removed 16220
204 Authority citation revised 30900, 33797
204.1 (d)(2) revised 30900
(a)(2)(iii) amended 44593
204.2 (c)(7) revised 16233
204.5 Revised 33797
210 Added 16199
210.1 (k) amended 28662
210.2 (a)(3) and (c)(1) amended 28662
210.6 Added 28663
211 Authority citation revised 16193

Page

211.1 (d) added 16193
211.5 (d) added 16193
212 Authority citation revised 16193, 16372, 48083, 48802
212.1 (e) through (j) redesignated as (f) through (k); new (e) added 48083
212.3 Revised 2943, 11621
212.5 (b) amended; (d)(2) redesignated as (d)(2)(i); (d)(2)(ii) added 16194
(f) added 48802
212.11 Added; interim 16372
212.12 Added 48802
212.13 Added 48804
214 Authority citation revised 13226, 20555, 45446, 48084
214.1 (a) revised 45446
214.2 (h)(6)(i) and (9) and (l) revised; (h)(6)(ii), (10), (11), (12), (13), and (14) redesignated as (h)(6)(v), (11), (13), (10), (14), and (15); new (h)(10) and (11) revised; new (h)(6)(ii), (iii), and (iv) and (12) added 5750
(l) correctly designated; (l)(3)(i) corrected 7063
(f)(4)(ii), (5), (6) (ii) through (v), (7), (8), and (10) revised 13226
(h) (3) through (15) redesignated as (h) (4) through (16); new (h)(3) added; new (h)(4) heading revised; (h)(4)(ii)(B) amended; interim 20555
(b)(3) addition at 51 FR 44267 clarification 30329
(b)(1) amended 48084
214.3 (g)(1) (i) through (xii) revised; flush text following (g)(1)(xii) added 13229
234 Authority citation revised 16194
234.2 (b) amended 16194
236 Authority citation revised; section authority citations removed 2939
236.5 (a), (b), and (c) removed; (d) and (e) redesignated as (b) and (c); new (a) added 2939
236.6 Revised 2939

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

Page

236.7 Revised 2939
238 Authority citation revised 26944, 26945, 48084
238.3 (b) amended 2670, 26945
(a) revised 48084
238.4 Amended 26944
238.5 Added 48084
241 Heading and authority citation revised; interim 16372
241.2 Added; interim 16372
242 Authority citation revised; section authority citations removed 2939
Authority citation revised 16194, 16372
242.1 (a) and (b) revised 2939
(a) revised 3098
(a) introductory text corrected 5616
Effective date corrected 6133
242.2 (a) introductory text amended; (b) revised 2939
(a) revised 3098
(a)(1)(viii) corrected 5616
Effective date corrected 6133
(a) through (e) redesignated as (b) through (f); (a) and (g) added; interim 16372
242.5 (b) amended 2940
242.7 (a) and (b) revised 2940
(a) revised 3099
(a)(3) corrected 5616
Effective date corrected 6133
242.12 Revised 2940
242.13 Revised 2940
242.14 (e) revised 2940
242.16 (d) amended 2940
242.20 Revised 2941
242.21 Existing text designated as (a); (b) added 16194
242.22 Revised 26470
244.2 Revised 24982
245 Authority citation revised 34764, 48084
245.1 (b)(5) through (8) and (c) through (f) redesignated as (b)(7) through (10) and (d) through (g); new (b)(5) and (6) and (c) added; interim 6321
(b)(11) added 48084
245.2 (a)(3)(iv) revised 34764
245.6 Redesignated as 245.7; new 245.6 added; interim 6322
(c)(3) corrected 13827

Page

245.7 Redesignated as 245.8; new 245.7 redesignated from 245.6; interim 6322
245.8 Redesignated as 245.9; new 245.8 redesignated from 245.7; interim 6322
245.9 Redesignated from 245.8; interim 6322
245a Added 16208
245a.1 (c)(1), (d)(2), (e), and (l) amended; (d)(4) added; interim 43845
245a.2 (a)(2)(ii), (b)(8), (c)(8), (d)(4)(iii), (e) (1) and (2), (g), (k)(4), (m)(2)(i) and (3), (n) (1) and (2), (q), (t)(5), (u)(1) introductory text and (ii) and (w) amended; (b) introductory text and (s) heading revised; (b) (9) through (15) added; interim 43845
245a.3 (a) and (b)(4)(i) amended; (b)(4)(ii) revised; (b)(4)(iii) removed; interim 43846
248 Authority citation revised 11621, 48084
248.1 (e) added; interim 11621
248.2 (e) added 48084
249.2 Revised; interim 6322
264 Authority citation revised 16194
264.1 (a), (b), and (c) amended 16194
274a Added 16221
Authority citation revised 43052
274a.6 Revised; interim 43053
287 Authority citation revised 16372
287.1 (g) through (i) added; interim 16372
287.7 Added; interim 16373
292 Authority citation revised; section authority citations removed 2941
292.3 (a) introductory text, (5) and (b) revised 24981
292.4 (a) revised 2941
299 Authority citation revised 16195, 48084
299.1 Amended 16195, 48084
299.3 Amended 16195
316a Authority citation revised 46739
316a.2 Amended 46739
341.1 Revised 19719

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 8 Chapter I—Con. Page
341.7 Revised; interim....13229

Title 8—*Proposed Rules:*

1—499 (Ch. I)....2115
1....19733, 35271
3....2948, 32552, 46776
100....8740
103....8740, 24475
109....8762, 10187, 46092
204....18236
207....4913, 23307
208....32552, 46776
210....8745
211....8740
212....8740, 38245
214....22661, 36783
234....8740
236....32552, 46776
242....2949, 7741, 8740, 32552, 38245, 46776
244....2950
245....11659
245a....8752, 31784, 36582
252....1634
253....32552, 46776
264....8740
271....1920
274a....8762, 10187
286....29863
292....2948, 2951
299....8740

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

50 Heading revised....39614
50.1 (p) amendment and (r) addition confirmed....1317
(e), (g), (j), and (m) through (q) amended; paragraph designations removed....39614
50.2 Amended....39614
50.3 (a) heading, (b) heading, and (c) heading revised; (a) through (d) amended; (e) removed....39614
50.4 (a) and (b) amended....39614
50.5 Amended....39614
50.6 (a) heading and (b) heading revised; (a) and (b) amended....39614
50.7 OMB number....39614
50.8 Nomenclature change....39614
50.9 Amended....39614
50.10 Amended....39614
50.11 Nomenclature change....39614
50.12 Nomenclature change....39614
50.13 Amended....39614
50.14 Introductory text, (b), (d), and (e) amended....39614
50.15 Amended....39614
50.16 Addition confirmed....1317
51.1 Amended....6524
Corrected....22290
71 Authority citation revised; section authority citations removed....2987
71.18 (a)(1)(i), (ii), and (iii) amended; (a)(5) added....2987
75.5 (d), (g) through (m), and footnotes 3a and 4 removed; designations removed; section amended; interim....7404
Confirmed....28240
75.7 Revised; interim....7404
Confirmed....28240
75.8 Removed; interim....7405
Confirmed....28240
75.9 Removed; interim....7405
Confirmed....28240
77 Heading revised....39614
77.1—77.6 (Subpart A) Subpart designation and heading removed....39614
77.1 (b) removed; (c), (i), (j), (k) heading, (l) heading, (aa), and (bb) amended; (d) and footnote 1, (e) through (h), and (w) through (z) revised; paragraph designations removed; OMB number....39614
Amended; interim....49156
77.2 Revised....39615
77.3 Removed; new 77.3 redesignated from 77.7....39615
Heading and text amended....39616
77.4 (b) revision confirmed....4599, 8224
(b) amended; interim....23937
Removed; new 77.4 redesignated from 77.8....39615
Heading, introductory text, (a), (b), and (c) amended....39616
77.5 Removed; new 77.5 redesignated from 77.9....39615
Heading and (b) introductory text revised; (a) heading, introductory text, and (1) through (5), (b) (1) and (2), and (c) heading and text amended; OMB number....39616
77.6 Removed; new 77.6 redesignated from 77.10....39615
Amended....39616
77.7—77.8 (Subpart B) Subpart designation and heading removed....39614
77.7 Redesignated as 77.3....39615
77.8 Redesignated as 77.4....39615
77.9—77.10 (Subpart C) Subpart designation and heading removed....39614
77.9 (b) introductory text amendment confirmed....1317
Redesignated as 77.5....39615
77.10 Redesignated as 77.6....39615
78.1 Amended....33799
78.20 (a) and (b) amendment confirmed....5940
78.33 Revised....33799
78.41 (c) and (d) amended; interim....1625
(b) and (c) amended; interim....4600
(c) and (d) amendment confirmed....6524
(b) and (c) amended....9453
(c) and (d) revised....10555
(a) and (b) amended; interim....22292
(b) and (c) amendment confirmed....22292
(c) and (d) amendment confirmed....23016
(b) corrected....28240
(c) and (d) revision confirmed....30901
(a) and (b) amendment confirmed....47379
78.43 Revised; interim....18688
Confirmed....34207
78.44 (a) amended; footnote 9 redesignated as footnote 6....33800
85.1 Amended; eff. 1-4-88....45935
91.14 (a)(5) removal and (a)(6) through (16) redesignation as (a)(5) through (15) confirmed....8225
(a)(8)(ii)(B) removed....33573
92 Authority citation revised....48968
92.1 (cc) added....2990
Amended....5941
(k), (l), and all paragraph designations removed; amended....11023
92.2 (k) added....2653
(i)(2)(iii)(C), (iv)(A) and (B), (v)(A)(*2*)(*i*), (B), (E), and (G) revised; (i)(2)(vi) redesignated as (i)(2)(vii); new (i)(2)(vi) added....2990
(k) removed; interim....8437
Footnote 2a removed; (c)(1), (2)(i) and (3) amended....21497
(k) removal confirmed....28241
(i)(1) amended; interim....32533
(d)(1)(ii) amended....37282
(i)(1) amendment confirmed; eff. 1-14-88....47548
92.4 (a)(6)(iii)(C)(*1*), (8)(i), (ii) introductory text, and (9) introductory text, (ii), and (iii) revised....2992
(a)(1) amended; (e) added....37281
92.11 (e) and (f)(3)(ii)(E) amended....21497
(d)(1)(ii) revised....39617
Technical correction....45611
(f)(7)(iii) amended....48968
92.17 Amended....2992
92.20 (b) revised; footnote 10 removed....11023
(c)(5) and (d) revised; OMB number....18199
92.27 Footnote 11 redesignated as footnote 10....11023
92.31 Footnote 12 redesignated as footnote 11....11023
92.35 (c)(2) and (3) redesignated as (c)(3) and (4); new (c)(2) added....5941
92.41 Footnotes 13 and 13a redesignated as footnotes 12 and 13....11023
(b) removed; interim....35231
93 Redesignated as Part 99; new Part 93 added....29502
93.4 Corrected....35350
93.5 Introductory text corrected....35350
93.8 (a)(1)(ii) corrected....35350
94.0 Added....33801
94.1 (a)(2) amended....2653
(a)(2) amended; interim....8437
(a)(2) amendment confirmed....28241
Heading and (b) revised; footnote 1 added....33801
94.4 (b)(3) redesignated as (b)(4); heading and (b) introductory text through (2) re-

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 9 Chapter I—Con. Page

vised; (b)(3) and footnotes 2 and 3 added....33801
94.6 (a)(2) amended....27327
94.8 Introductory text amended....30902
94.9 (a) amended....27327
94.10 Amended....27327
94.11 (a) amended....2653
(a) amended; interim....8437
(a) amendment confirmed....28241
94.12 (a) amended....27327
94.17 Added....11625
97.1 (a) and (b) amended....16823
97.2 Table amended....16234, 31753
99 Redesignated from Part 93....29502
99.10 Amended....29502
101 Authority citation revised....30131
101.2 (o) revised....30131
102 Authority citation revised....30131
102.2 Revised....11026
102.4 (f) revised....11026
(h) (1) and (2) revised....30131
102.5 (b) and (e) revised....11026
102.6 Added....11026
103 Authority citation revised....30131
103.3 Heading, introductory text, and (a) revised; (h) added....30131
104 Authority citation revised....30131
104.4 (a) and (b) revised....30131
107 Added....30131
113.101 (c)(2) removed; (c) (3) through (7) redesignated as (c)(2) through (6) and revised....9117
113.102 (c)(2) removed; (c) (3) through (7) redesignated as (c) (2) through (6) and revised....9118
113.103 (c)(2) removed; (c) (3) through (7) redesignated as (c) (2) through (6) and revised....9118
114.1 Revised....11026
114.2 (d) addition confirmed....26141
(b) introductory text, (b)(1) and (c) revised; (b)(9) added....30132
115.1 Revised....30134
115.2 Revised....30134
118 Added....30135
151 Authority citation revised; section authority citations removed....1317, 13070
151.9 (a) table amended....1318, 13071
166.1 Amended....4890
166.2 (b) and (c) amended....4890
166.4 (b) amended....4890
166.5 (b) amended....4890
166.6 Amended....4890
166.8 Amended....4890
166.9 (d) amended....4890
166.10 (a), (c) (1) and (2), and (d) amended....4890
166.11 (b) and (d) amended....4890
166.12 (c) and (d) amended....4890
Redesignated as 166.13; new 166.12 added....4891
166.13 Redesignated as 166.14 and (a), (b), (c), and (d) amended; new 166.13 redesignated from 166.12....4891
166.14 Redesignated as 166.15 and (d) and (e) amended; new 166.14 redesignated from 166.13 and (a), (b), (c), and (d) amended....4891
166.15 Redesignated from 166.14 and (d) and (e) amended....4891
(c) revised; interim....13231
(c) revision confirmed....34208
(c) and (d) amended....37283

Chapter III—Food Safety and Inspection Service, Meat and Poultry Inspection, Department of Agriculture

303 Authority citation added....10032, 48091
303.1 (g) revised; authority citation removed; interim....10032
(g) revised; authority citation removed....48091
303.2 Added; interim....10032
Added....48091
307.5 (a) revised....4
308 Policy statement....3595
309.16 (d)(3) revised; interim....2104
310.21 (c) introductory text, footnote 1, and (d) revised; interim....2104
312.10 Added....41958
318 Policy statement....3595

Page

Authority citation revised....30137
318.7 (c)(4) table amended....17284, 19303, 30137
(c)(3) amended....43317
318.10 Partial waiver extended....5, 49350
(c)(3)(iv) Table 6 corrected....12517
318.21 Added....2185
320 Policy statement....3595
327 Policy statement....3595
335.40 (Subpart E) Added; interim....13828
350 Authority citation revised....4
350.7 (c) revised....4
351.8 Revised....5
351.9 (a) revised....5
354.101 (b) and (c) revised....5
355.12 Revised....5
362.5 (c) revised....5
381 Policy statement....3595
381.3 (b) amended; (c), (d), and (e) added; interim....10033
(b) amended; (c) through (e) added....48091
381.36 (c) revised....39209
381.38 (a) revised....5
381.112 Added....41958
381.153 Added....2192
381.196 (b) amended....23021

Title 9—*Proposed Rules:*

1....10292, 19359, 29865
2....10298, 19359, 29865
50....24165
51....36272, 45200, 49029
54....12189
71....1921
76....1921
77....24165
78....1336
85....1921, 34391
91....17597, 21688, 28842
92....2654, 2658, 9871, 10765, 25606, 30372, 32561, 34456, 35271, 37320
94....7885, 12917, 13693, 15802, 25020, 30373, 34077
145....47014
147....47014
160....5308, 19359
161....5308, 19359
166....27413
304....32802, 49418
305....32802, 49418
306....32802, 49418
307....12422
308....12422, 32802, 49418

Page

309....21561, 32802, 49418
310....21561, 32802, 49418
313....32802, 49418
314....21561
316....45630
317....10786, 11828, 24475, 30922, 32802, 39658, 45344, 49418
318....30925, 32802, 39659, 49418
319....2416, 5991, 9303, 10766, 11828
320....32802, 49418
325....32802, 49418
327....23041
329....32802, 49418
335....32802, 49418
350....32802, 45639, 49418
351....32802, 49418
352....32802, 49418
354....32802, 49418
355....32802, 49418
362....21563, 32802, 49418
381....11828, 15960, 23041, 24303, 24475, 30922, 32802, 39658, 45344, 49418

TITLE 10—ENERGY

Chapter I—Nuclear Regulatory Commission

Chapter I Policy statements revocation corrected....20592
0 Authority citation revised....11027
0.735–3 (e) introductory text and (1) and (f) revised....31608
0.735–21 (b)(1) revised; (e) added....11027
(a), (b) and (e) revised....30903
0.735–28 (a)(2) and (b) amended....31608
0.735–29 (b)(1)(v) revised....11028
0.735–49 (a) amended....31608
1 Revised....31602
2 Authority citation revised....36218, 49359
2.101 (c)(3) and (e)(1) amended....31608
2.201 (a), (b) and (c) amended....31608
2.202 (a) introductory text and (f) amended....31608
2.205 (a), (c), (d), (g), (h) and (i) revised....31608
2.206 (a) and (b) revised....31608
2.785 (a) revised....2993
2.790 (a)(7), (b)(1)(ii) and (d) revised; eff. 2–1–88....49355

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 10 Chapter I—Con. Page

2.802 (b) and (g) revised....31609
2 Appendix C revised....36218
Appendix C amended; eff. 2-1-88....49370
4 Authority citation revised....25357
Table of contents corrected....28132
4.1 Revised....25357
4.1a Redesignated as 4.2 and revised....25358
4.2 Redesignated as 4.3 and revised; new 4.2 redesignated from 4.1a and revised....25358
4.3 Redesignated as 4.4 and (d) revised; new 4.3 redesignated from 4.2 and revised....25358
4.4 Redesignated as 4.5; new 4.4 redesignated from 4.3 and (d) revised....25358
4.5 Redesignated from 4.4....25358
4.301—4.341 (Subpart C) Added....25358
4 Appendix A amended....25361
7 Authority citation revised....31609
7.19 (b) amended....31609
9 Authority citation revised....49355
9.1 Revised; eff. 2-1-88....49355
9.1a Removed; eff. 2-1-88....49355
9.2 Redesignated as 9.3 and revised; eff. 2-1-88....49355
9.2a Redesignated as 9.5 and revised; eff. 2-1-88....49356
9.2b Redesignated as 9.8 and revised; eff. 2-1-88....49356
9.3 Removed; new 9.3 redesignated from 9.2 and revised; eff. 2-1-88....49355
9.3a—9.16 (Subpart A) Redesignated as 9.11—9.45 (Subpart A) and revised; eff. 2-1-88....49356
9.5 Redesignated from 9.2a and revised; eff. 2-1-88....49356
9.6 Removed; eff. 2-1-88....49355
Redesignated from 9.2b and revised; eff. 2-1-88....49356
9.11—9.45 (Subpart A) Redesignated from 9.3a—9.16 (Subpart A) and revised; eff. 2-1-88....49356
9.14 (a)(1) revised....29505
9.53 (a) and (b) amended....31609
9.54 (b) amended....31609
9.65 (a) introductory text amended....31609
9.66 (a)(1) introductory text, (2), and (3) and (c)(2) amended....31609
9.69 (a) amended....31609
9.85 Revised....31609
Revised; eff. 2-1-88....49362
9.95 Revised....760
9.100 Revised; eff. 2-1-88....49362
9.200 (b) revised; eff. 2-1-88....49362
10.5 (b) amended....31609
10.12 (a) amended....31609
10.21 Amended....31609
10.22 Introductory text, (c), (d) and (e) amended....31609
10.23 (a) and (b) amended....31609
10.24 (a) and (b) amended....31609
10.27 (c) amended....31609
10.28 (m) amended....31609
10.29 (d) amended....31609
10.30 Amended....31610
10.31 (a) amended....31610
10.32 (b) amended....31610
10.33 (c) and (d) amended....31610
10.34 (b) amended....31610
10.35 (b) amended....31610
10.37 Amended....31610
11.15 (e)(1) revised....44594
11.16 Amended....31610
Revised....44594
15.3 Amended....31610
15.35 (c) introductory text revised....31610
19.2 Amended....8240
19.3 (d) amended....8240
19.5 Revised....31610
19.11 (c) Note revised....31610
19.16 (a) and (b) amended....31610
19.17 (a) and (b) amended....31610
20.2 Amended....8240
20 Authority citation revised....4605
20.3 (a)(20) added; eff. 2-12-88....4604
(a)(9) amended....8240
20.103 (a)(1) footnote 5 and (g) amended....31610
20.202 (c) added; eff. 2-12-88....4604
20.403 (d)(2) revised....33917
21.2 Amended....8241
21.5 Revised....31610
21.21 (b)(2) revised....31611
25.33 (c) amended....31611
25 Appendix A revised....44594
30 Authority citation revised....1294, 27786, 49371

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

Page

30.4 Introductory text, (b), and (i) amended; (x) removed....8241
30.5 Amended....8241
30.6 (a) and (b)(1) amended....8241
(b) introductory text and (i) revised; (b)(2) (i) through (v) amended....38392
(b)(2)(iii) revised....48093
30.7 (e) Note amended....31611
30.9 Added; eff. 2-1-88....49371
30.11 (a) amended....8241
30.13 Amended....8241
30.14 (a) and (c) amended....8241
30.15 (a) amended....8241
30.16 Amended....8241
30.18 (a) amended....8241
30.19 (a) amended....8241
30.20 (a) amended....8241
30.31 Amended....8241
30.32 (g) added....27786
30.33 (a)(4) amended....8241
30.34 (h) added....1295
(a), (b), (c), (d), and (e) amended....8241
30.39 Amended....8241
30.51 (a), (b), (d)(1) and (2) amended....8241
30.53 Amended....8241
30.55 (c) amended....31611
30.56 Removed....8241
32 Authority citation revised....27786
32.1 (a) revised....27786
32.210 (Subpart D) Added....27786
35.59 (e)(2) amended....31611
35.205 Exemption....9292
39 Added....8234
40 Authority citation revised....1295, 9651, 49371
40.1 (a) revised....9651
40.4 (r) added....9651
40.5 (b)(1) amended....8241
(b) introductory text and (1) revised; (b)(2) (i) through (v) amended....38392
(b)(2)(iii) revised....48093
40.7 (e) Note amended....31611
40.9 Added; eff. 2-1-88....49371
40.12 Revised....9651
40.23 Added....9651
40.25 (c) (1) and (2) and (d)(4) amended....31611
40.26 (c)(2) amended....31611
40.35 (e)(1) amended....31611
40.41 (f) added....1295
40.64 (a), (b) and (c) amended....31611
40.65 (a)(1) amended....31611
40.66 Added....9651
40.67 Added....9652
40 Appendix A amended....31611, 43562
50 Authority citation revised; section and Appendix authority citations removed....1295
Authority citation corrected....2352
Policy statement; interim....3788
Authority citation revised....28972, 49371
Policy statement....34884, 38077
50.4 (c) and (f) amended....31611
50.7 (e) Note amended....31611
50.9 Added; eff. 2-1-88....49372
50.33 Authority citation correctly removed....2352
50.34 (b)(8) revised....9469
50.47 (c)(1) revised....42085
50.49 (b)(3) footnote 4 revised....31611
50.54 (cc) added....1295
(p)(1) correctly designated....1415
(i) and (i-1) revised....9469
(f) corrected....19303
(w) revised....28972
50.70 (b) (1) and (2) amended....31612
50.74 Added....9469
50 Appendix E amended....16829, 42056
Appendix A amended....41294
51.4 Amended....31612
51.22 (c)(3), (10), and (14) amended....8241
51.60 (a) amended....8241
51.66 (a) amended....8241
51.68 Amended....8241
51.122 Amended....31612
51.123 (b) amended....31612
55 Revised....9460
Authority citation revised....49372
55.9 Added; eff. 2-1-88....49372
60 Authority citation revised....49372
60.9 (e) Note amended....31612
60.10 Added; eff. 2-1-88....49372
60.44 (b) amended....31612
60.75 (c) (1) and (2) amended....31612
61 Technical position statement availability....397
Authority citation revised....1295, 49372
61.9 (e) Note amended....31612
61.9a Added; eff. 2-1-88....49372
61.24 (k) added....1295

TITLE 10 Chapter I—Con. Page

61.80 (i)(1) amended....31612
70 Authority citation revised....1296, 9652, 10037, 21657, 49373
70.4 (w) removed....8241
70.5 (b)(1) amended....8241
(b) introductory text and (1) revised; (b)(2) (i) through (v) amended....38392
(b)(2)(iii) revised....48093
70.7 (e) Note amended....31612
70.8 (c)(6) added....19305
70.9 Added; eff. 2-1-88....49373
70.20a (b) amended....8241
70.20b Revised....9652
70.22 (b) revised....10038
70.32 (a) introductory text republished; (a)(9) added....1296
(c)(1) revised....10038
(c)(1)(i) corrected....22416
70.51 (b) and (e) introductory text revised....10038
70.52 Revised....21657
70.53 (b) revised....19305
70.55 (c) (1) and (2) amended....31612
70.57 (b) introductory text revised....10038
70.58 (a) revised....10038
70.59 (a)(1) amended....31612
70.60 Removed....8241
71 Authority citation revised....49373
71.0 (b) amended....8241
71.6a Added; eff. 2-1-88....49373
71.93 (c) amended....31612
71.97 (c)(1) and (3)(iii) and (f) amended....31612
72 Authority citation revised....1296, 21657, 49373
Authority citation corrected....23257
72.9a Added; eff. 2-1-88....49373
72.10 (e) Note amended....31612
72.11 (a) amended....31612
72.33 (b) introductory text republished; (b)(6) added....1296
72.52 Revised....21657
72.56 (c) (1), (2), and (3) and (e) amended....31612
73 Authority citation revised....6314, 9653, 21657
73.1 (b)(8) added....9653
73.37 (f)(1) amended....31613
73.55 (e)(1) revised....12365
73.57 Added....6314
(b)(1) and (5) and (f)(3)(ii) corrected....7821
73.67 (e)(3)(vii) and (g)(3)(iii) revised....21657
73.71 Revised....21658
(a) (1) and (5) corrected....23257
Meeting....32777
73.72 Revised....9653
73.73 Added....9653
73.74 Added....9654
73 Appendix E added; Appendix F revised....9654
Appendix G added....21658
Appendix A amended....31613
74 Authority citation revised....10038, 19305, 21659
74.4 Amended....10039
74.8 (b) revised....10040
(c)(4) added....19305
74.11 Revised....21659
(b) corrected....23257
74.13 (b) introductory text amended....31613
74.17 Added....19305
74.51—74.59 (Subpart E) Added....10040
74.81 (c) (1) and (2) amended....31613
75.6 (a) table and (d) amended....31613
95.18 (a) introductory text amended....31613
95.45 (a) amended....31613
110 Authority citation revised....9654, 49374
110.7a Added; eff. 2-1-88....49374
110.50 (b)(4) revised....9655
150.16 (b) revised....31613
150.17 (a), (b) and (c) amended....31613
150.19 (c) amended....31613
150.20 (b) introductory text amended....8241
(b)(1) amended....31613
(b)(1) revised....41700
(b) revised; eff. 2-1-88....49374
170.2 (a) amended....8242
170.12 (g) amended....31613
170.20 (b) revised....31613

Chapter II—Department of Energy

420 Class deviation....18548
430 Authority citation revised....47550
430.22 (c)(1)(iii) and (2)(iii) added; eff. 2-16-88....47550
430.21—430.27 (Subpart B) Appendix C amended; eff. 2-16-88....47551

Page

456 Revised; interim....6715
Revised....34143
458 Removed....34185
465 Class deviation....18548
503.13 (b) introductory text amendment confirmed and republished....658
600 Class deviation....18548

Chapter III—Department of Energy

725 Authority citation revised....30139
725.3 (i) added....30139
725.15 (b)(3) revised....30139
725.22 (c) added....30140
725.23 (d)(9) revised....30140
763 Added....28538
862 Added....29838
961.11 Amended....35359
962 Added....15940

Chapter X—Department of Energy (General Provisions)

1039 Authority citation revised....48017
Revised; interim; eff. 4-2-89....48017
1039.1 Heading revised; (a) and (b) redesignated as (a) (1) and (2); introductory text designated as new (a) introductory text; new (a) heading and (b) added; interim; eff. 1-19-88....48017
1040.101—1040.170 (Subpart D) Addition published at 51 FR 4574 and 51 FR 4579 removed (regulations transferred to Part 1041)....1902
1041 Heading added; text transferred from 1940.101—1040.170 (Subpart D) published at 51 FR 4574 and 51 FR 4579....1902
1041.170 (c) revised....1902

Title 10—*Proposed Rules:*

0—171 (Ch. I)....47398
2....1415, 3442, 6286, 11475, 12192, 20089, 27821, 29024, 29196, 30512, 36583, 41730, 45464, 48447
4....41442
9....29196, 30512
11....41442
25....41442
30....2540, 7432, 12921, 41442
31....41442
32....2540, 41442
34....41442
35....36942, 36949, 41442, 47726
40....7432, 12921, 41442
50....543, 1200, 2416, 2951, 3121, 3822, 5780, 6334, 6650, 6980, 7432, 7887, 8075, 8460, 8917, 10771, 16275, 24015, 34223, 37321, 41442, 45344
55....7432, 7887
60....5992, 7432, 16403, 41442
61....7432, 41442, 47398
62....1634, 47578
70....7432, 12921, 41442
71....7432, 41442
72....7432
73....5781, 33420, 41442, 49418
74....41442
75....41442
95....41442
110....7432, 41442
150....7432
420....39604
430....7972, 12342, 46367
435....17052
456....6754
458....6754
600....21820, 23627, 31016, 35111
625....22960
703—961 (Ch. III)....2792
725....15324
763....4151
1004....23156
1010....17765, 18647, 38770
1013....20403
1015....43168
1035....48693
1036....48693

TITLE 11—FEDERAL ELECTIONS

Chapter I—Federal Election Commission

4 Authority citation revised....23637, 39212
4.1 (g) through (n) added; interim....23637
(g) through (n) revised....39212
4.5 (a) introductory text and (7) revised; (b) through (d) redesignated as (c) through (e); new (b) added; interim....23638
(a) introductory text and (7) and (b) revised....39212

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 11 Chapter I—Con. Page

4.7 (c) revised; interim ... 23638
(c) revised ... 39213
4.9 Revised; interim ... 23638
Revised ... 39213
5.6 (a)(1) amended; interim ... 23640
(a)(1) amended ... 39214
100.5 (e)(5) revised (effective date pending) ... 35534
Eff. 11-20-87 ... 44594
100.7 (c) revised (effective date pending) ... 773
Eff. 4-8-87 ... 11187
100.8 (c) revised (effective date pending) ... 773
Eff. 4-8-87 ... 11187
102.9 Introductory text and (e) revised; (f) added (effective date pending) ... 773
Eff. 4-8-87 ... 11187
103.3 Revised (effective date pending) ... 774
Eff. 4-8-87 ... 11187
104 Authority citation revised ... 774
104.8 (d) revised (effective date pending) ... 774
Eff. 4-8-87 ... 11187
106 Authority citation revised ... 20874
106.2 Revised (effective date pending) ... 20874
Eff. 8-18-87 ... 30904
110 Authority citation revised ... 769
110.1 Revised (effective date pending) ... 769
Eff. 4-8-87 ... 11187
(m) added (effective date pending) ... 35534
Eff. 11-20-87 ... 44594
110.2 Revised (effective date pending) ... 772
Eff. 4-8-87 ... 11187
(j) added (effective date pending) ... 35534
Eff. 11-20-87 ... 44594
110.14 Revised (effective date pending) ... 35534
Eff. 11-20-87 ... 44594
9001 Revised (effective date pending) ... 20876
Eff. 8-18-87 ... 30904
9002 Revised (effective date pending) ... 20876
Eff. 8-18-87 ... 30904
9003 Revised (effective date pending) ... 20877
Eff. 8-18-87 ... 30904
9004 Revised (effective date pending) ... 20882
Eff. 8-18-87 ... 30904
9005 Revised (effective date pending) ... 20886
Eff. 8-18-87 ... 30904
9006 Revised (effective date pending) ... 20887
Eff. 8-18-87 ... 30904
9007 Revised (effective date pending) ... 20887
Eff. 8-18-87 ... 30904
9012 Revised (effective date pending) ... 20891
Eff. 8-18-87 ... 30904
9031—9039 (Subchapter F) Revised (effective date pending) ... 20892
Eff. 8-18-87 ... 30904

Title 11—*Proposed Rules:*
100 ... 2416
110 ... 6580
114 ... 16275

TITLE 12—BANKS AND BANKING

Chapter I—Comptroller of the Currency, Department of the Treasury

4.1a (a), (b) (1), (2), and (3) introductory text and (vii) revised ... 46062
5.1 (a) revised ... 5942
5.3 Revised ... 5942
21 Heading and authority citation revised ... 2859
Heading revised ... 28682
21.5 Revised ... 28682
(a) corrected ... 31478
21.21 (Subpart C) Added ... 2859
35 Added (temporary) ... 41961

Chapter II—Federal Reserve System

201.51 Revised ... 37436
201.52 Revised ... 37436
202 Determination ... 35537
202 Appendix B and Supplement I amended ... 10733
203 Exemption terminated ... 10365
204 Authority citation revised ... 2215, 46451

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

Page

204.2—204.4 Authority citations removed ... 2215
204.2 (a)(1)(v) and (vii)(C) amended ... 47694
(c)(1)(iv)(E) and footnote 4 amended ... 47695
204.9 Authority citation removed ... 2215
(a) (1) and (2) revised ... 46451
204.122 (b) revised ... 47694
204.123 Amended ... 47695
204.124 (a) amended ... 47695
204.125 Redesignated from 217.126 and revised ... 47695
204.126 Redesignated from 217.137 and revised ... 47695
204.127 Redesignated from 217.138 and revised ... 47695
204.128 Redesignated from 217.146 and revised ... 47696
204.129 Redesignated from 217.153 and revised ... 47696
204.130 Redesignated from 217.157 and revised ... 47696
204.131 Redesignated from 217.159 and revised ... 47697
205.14 (a)(2) and (b) revised ... 30911
205 Supplement II amended ... 10734
Appendix A amended ... 30912
206 Removed ... 49375
207 OTC margin stock list ... 3218, 15941, 28538, 41963
208 Authority citation revised ... 2859, 42090, 49375
208.14 Added ... 2860
208.15 Added ... 42090
Addition comment time extended ... 46984
208.16 Added ... 49376
211 Authority citation revised ... 30914
211.5 (f) added ... 30914
217.101 Removed ... 47698
217.103 Removed ... 47698
217.105—217.112 Removed ... 47698
217.113 Redesignated as 217.601 ... 47698
217.114—217.121 Removed ... 47698
217.124 Removed ... 47698
217.126 Redesignated as 204.125 and revised ... 47695
217.131—217.133 Removed ... 47698
217.134 Redesignated as 217.301 and revised ... 47698
217.135—217.136 Removed ... 47698
217.137 Redesignated as 204.126 and revised ... 47695
217.138 Redesignated as 204.127 and revised ... 47695
217.139—217.141 Removed ... 47698
217.144 Removed ... 47698
217.146 Redesignated as 204.128 and revised ... 47696
217.147 Redesignated as 217.302 and revised ... 47698
217.148 Redesignated as 217.602 ... 47698
217.150 Removed ... 47698
217.151 Redesignated as 217.603 ... 47698
217.152 Removed ... 47698
217.153 Redesignated as 204.129 and revised ... 47696
217.155—217.156 Removed ... 47698
217.157 Redesignated as 204.130 and revised ... 47696
217.158 Removed ... 47698
217.159 Redesignated as 204.131 and revised ... 47697
217.160 Removed ... 47698
217.161 Redesignated as 217.201 and revised ... 47699
217.201 Redesignated from 217.161 and revised ... 47699
217.301 Redesignated from 217.134 and revised ... 47698
217.302 Redesignated from 217.147 and revised ... 47698
217.601 Redesignated from 217.113 ... 47698
217.602 Redesignated from 217.148 ... 47698
217.603 Redesignated from 217.151 ... 47698
220 OTC margin stock list ... 3218, 15941, 28538, 41963
220.2 (r)(2)(iii) amended; (r)(3) added; (r) introductory text republished ... 32292
220.3 (e)(4) added; eff. 1-25-88 ... 48805
221 OTC margin stock list ... 3218, 15941, 28538, 41963
221.3 (b) revised; (c) (i) and (ii) redesignated as (c) (1) and (2); new (c)(1) revised ... 35683
224 OTC margin stock list ... 3218, 15941, 28538, 41963
225.43 (a) revised ... 23023
(c)(2) and (d) revised ... 23024

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 12 Chapter II—Con. Page

225.123 (e)(4) removed....45161
226 Authority citation revised....43181
226.1 (a), (d)(4), and (e) revised....43181
Technical correction....45611
226.17 (b) revised....48670
226.18 (f) and footnote 43 revised....48670
226.19 Revised....48670
226.20 (c) added....48671
226.22 Footnote 45a redesignated as 45d....48670
226.30 Added....43181
Technical correction....45611
226 Supplement I amended....10878
Appendix H amended....48671
227.14 Exemption granted in part....2400
261 Policy statement....15707
261.4 (g) removed....15300
261.8 Added....15300
265.1a (a)(2) amended....43318
265.2 (b) (10) and (11), (c) (26), (29) and (34), and (f) (26) and (48) amended; (c) introductory text and (g) revised....43318
(b)(7) revised....48806

Chapter III—Federal Deposit Insurance Corporation

303.0 Revised....35402
303.2 (c)(1) and (c)(2) heading removed; (c)(2) (i) and (ii) redesignated as (c) (1) and (2); new (c) (1) and (2) amended....35403
303.6 (l) removed; (m) and (n) redesignated as (l) and (m); (b) and (e) revised....35403
303.7 Revised....35404
303.8 Revised....35407
303.9 Revised....35408
303.10 Revised....35410
303.11 Revised....35410
303.12 Removed; new 303.12 redesignated from 303.13....35411
303.13 Redesignated as 303.12....35411
304.6 (a) revised; eff. 1-20-88....48184
308.01 (b) amended....35411
308.03 (c) (1), (2) (i) and (ii) amended; (c)(2)(iii) and (3) added....35411
309.5 (a)(1), (b), and (c)(7) revised....23426
Technical correction....24090
310 Heading revised....34209
310.9 Revised....34209
310.13 (a) amended....34209
324 Added; interim; eff. to 6-30-88....41968
324.7 OMB number corrected....43190
325.2 (a), (j) and (k) revised....41972
325.3 (c)(4) revised....41973
325.5 (c) revised; (f) added....41973
325.101 Added....41973
325.102 Added....41973
326 Heading and authority citation revised....2860
326.0—326.7 (Subpart A) Heading added....2860
326.0 Heading revised....2860
326.8 (Subpart B) Added....2860
337 Authority citation revised....39216
337.4 (h)(3) revised....23544, 39216
(a)(2)(iii) and footnote 5 and (c)(5) and footnote 8 removed; (a)(2) (iv) through (ix), (c)(6), and footnotes 6 and 7 and 9 through 12 redesignated as (a)(2) (iii) through (viii), (c)(5), and footnotes 5 through 10; footnotes 4 and new 6 and (h) revised....47386
341.4 (a) revised....1182
346.19 (d)(6) revised....34210
346.23 Amended....49156
350 Added; eff. 2-1-88....49379

Chapter IV—Export-Import Bank of the United States

404 Authority citation revised....37438
404.3 (d) amended....37438
404.4 (c) (1), (3), and (4) amended; (c) (6) and (7) and (d) removed; (c)(8) redesignated as (c)(6)....37438
404.6 Revised....37438

Chapter V—Federal Home Loan Bank Board

500.10 Amended....7120
500.31 Revised....5942
(a) (1) and (2) amended....10557

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

Page

500.32 (a), (b) (1), (3), (5), (6), (8), (9), (10), and (12), and (c) introductory text revised....7120
(c) introductory text corrected....8550
505 Authority citation revised....7121
505.3 (c) and (d) removed; (e) and (f) redesignated as (c) and (d); new (d) revised....7121
505.4 (d) amended; authority citation removed....7121
505a Authority citation revised....7121
505a.3 (c) revised....7121
505b Authority citation revised....7121
505b.7 Amended....7121
508 Authority citation revised; section authority citations removed....7121
508.13 Amended....7121
510a Added....17392
514 Added....41701
522 Authority citation revised....33402
522.81 (a) (3) and (4) amended; (a)(5) added....33402
522.87 (a) designation removed....7122
522.90 (a)(2) and (c) revised; (b)(2) amended....37763
523 Authority citation revised; section authority citations removed....7122
523.3-2 Heading and (b) revised; (c) through (g) added....30142
523.3-3 Amended....7122
523.10 (h)(5) amended....7122
524 Authority citation revised....49381
524.11 Revised....49381
545.3 Removed....36751
545.11 (a) heading added; (b) amended....7122
545.74 (d)(4) amended....7122
(d)(4) amendment at 52 FR 7122 removed....36751
545.82 (e) amended....7122
545.102 (b) revised....24135
545.115 (b) revised....18350
Eff. date deferred to 1-1-89....39068
545.138 (f) heading added....7122
546.2 (d)(3) and (h)(1)(i) revised....9800
552 Authority citation revised; section authority citations removed....7122
552.2-2 (d) amended....7122
(d) amendment at 52 FR 7122 removed....36751
552.8 (b) and (f)(2) amended; (f)(1) revised....7122
552.13 (h)(2) amended....7122
(i)(3) revised; (j)(3) amended....9800
552.14 (b) amended....7122, 9800
555 Authority citation revised; section authority citations removed....7122
555.10 Amended....7122
555.12 Amended....7122
555.17 (d)(2) amended....7122
556 Authority citation corrected....8550
556.5 (i) amended....7123
556.8 Amended....7123
561 Authority citation revised....7123
561.8 (b) corrected....36751
561.11a (f)(2) introductory text revised....8242
561.11f (a)(3)(ii) amended....8242
561.11g (a) amended....8242
561.13 (c) (1) and (2) amended....7123
Revised....18350
Eff. date deferred to 1-1-89....39068
561.15 (b), (d)(2), and (j) (1) and (3) amended....7123
(j)(1) correctly designated....8550
(j)(1) corrected....36751
561.17 (a) amended....7123
563.4 (d)(3) amended....7123
563.6 (d) revised....8242
563.7-4 (i)(2)(iv) amended....7123
563.8 (c) heading added....7123
563.8-1 (d)(1)(v)(c) amended....7123
563.9-7 (b) amended....7123
563.9-8 (h) amended; interim....7822
(b)(1)(i), (g)(6), and (h) amended; (f) text designated as (f)(1); (b)(11), (c)(3), (f)(2), and (g)(3)(iv) added; (c)(2) and (g)(2)(v) and (3)(ii) introductory text and (A) through (C) revised....8205
Heading, (a), (c)(2) (i) and (ii), and (e)(2) revised; nomen-

TITLE 12 Chapter V—Con. Page

clature change; (b)(1) introductory text and (6)(ii) and (e)(1) amended; (b)(6)(iii), (9), (10), and (11) redesignated as (b)(6)(iv), (10), (11), and (12); new (b)(6)(iii) and (9) and (f)(3) added....23802
563.13 (b)(4)(i)(E) revised....23641
Nomenclature change....23802
(b)(4)(ii)(D)(*2*)(*iii*) amended; (b)(4)(ii)(D)(*2*)(*iv*) redesignated as (b)(4)(ii)(D)(*2*)(*v*); new (b)(4)(ii)(D)(*2*)(*iv*) added; (b)(4)(ii)(E)(*2*) and (F)(*2*) revised....23803
563.13-1 (e) introductory text amended....7123
563.13-2 (a)(4) and (e)(1)(i) amended....23802
563.15 Heading and (b)(1) introductory text revised; (a)(3) and (4) added; (c) and (d) redesignated as (d) and (e); new (c) added....33402
563.16 Amended....33402
563.17-1 (c)(8) amended....7123
(c)(8) corrected....8550
563.17-4 (g) removed....18351
Eff. date deferred to 1-1-89....39068
563.17-7 Added....2860
OMB number....3207
563.22 (b) amended; (d) and (e)(1)(i) revised....9800
563.23-1 (f)(3)(i) revised....7123
(a) and (b) revised; (f) removed; (g) redesignated as new (f)....18351
Eff. date deferred to 1-1-89....39068
563.23-2 Removed....18351
Eff. date deferred to 1-1-89....39068
563.23-3 (c) revised; (d) added....18352
Eff. date deferred to 1-1-89....39068
563.27 (b) amended....7123
563.31 (b)(1) amended....36751
563.35 (b) and (d) introductory text amended....7123
563.37 (b) amended....23802
563.38 (a) amended....23802
563.39 (b) (2) and (3) revised....4892
563.43 (b)(5) amended....7123
563.45 (c) and (d) amended....7123
563b Authority citation revised....7123, 36751

Page

563b.1 (a)(2) removed; (a)(1) designation removed....7123
Amendatory instruction corrected....8550
563b.2 (a)(19) revised....7123
563b.3 (i)(3) revised....42092
563b.8 (w)(2) revised....42092
563b.101 Form PS amended....7124, 36752
563c Authority citation revised....7124, 18352
563c.14 (f) added....18352
Eff. date deferred to 1-1-89....39068
563c.102 Amended....7124
Corrected....8550
564 Authority citation revised....7124
564.9 (b) amended....7124
(b) revised....10558
569 Authority citation revised....7124
569.3 (b)(2) amended; (c)(2) removed; (c)(1) designation removed....7124
570 Authority citation revised....18352
570.4 Heading and (a) revised....18352
Eff. date deferred to 1-1-89....39068
571 Authority citation revised; section authority citations removed....7124
Authority citation revised....23941
571.5 (a) revised....23941
Effective date corrected....26295
571.8 Amended....7124
571.12 Added....39067
572 Authority citation revised....7124
572.1 (c)(2) and (e)(3) amended....7124
572a Authority citation revised....9801
572a.5 (c)(5) amended....9801
574 Authority citation revised....7124
574.2 (a)(2) revised; (k)(2) amended....9801
574.3 (c)(2)(iii) amended....7124
(c)(2)(iv)(A) revised....9801
574.4 (d)(5) revised....9801
574.5 (a)(1) revised....9801
574.6 (a)(3) revised; (e) and (f)(2) amended....9801
(b) (1) and (6), (c) (1) and (2), (d)(1), and (e) amended; (b)

Page

(2), (3), and (5) and (d)(2) revised....48520
574.7 (e), (f), (g)(1)(ii) introductory text and (iii) revised....9801
574.8 (a)(3)(iv) revised....9802
584 Authority citation revised; section authority citations removed....7124
584.1 (a)(4) revised....36752
584.2-1 (a) and (b)(1)(v) amended....7124
584.4 (a) amended....7124
584.6 (c)(1) amended....7124
(d) and (f) revised; (g) added....49383
592 (Subchapter H and Part) Added....33403

Chapter VI—Farm Credit Administration

602.250 (a) introductory text, (5) and (8) revision eff. 5-6-86....2105
605 Authority citation revised....18200
605.502 (d), (f) and (j) revised....18200
611 Authority citation corrected....48094
611.1020 Revised (effective date pending)....36013
Eff. 10-28-87....41401
611.1021 Removed (effective date pending)....36013
Eff. 10-28-87....41401
611.1022 Removed (effective date pending)....36013
Eff. 10-28-87....41401
611.1030 Removed (effective date pending)....36013
Eff. 10-28-87....41401
611.1031 Removed (effective date pending)....36013
Eff. 10-28-87....41401
611.1140 (b) introductory text, (1)(ii) and (2)(v), (vi) (B), (C), (F), and (H) and (4) (i), (ii) and (iii) revised; (b)(1)(iii) added (effective date pending)....12142
Eff. 5-20-87....19129
611.1142 (i) introductory text, (3) and (l)(3) revised; (l)(10) added (effective date pending)....12143
Eff. 5-20-87....19129

Page

614 Authority citation revised....43740
Authority citation correctly revised....44970
Authority citation corrected....46151
614.4341 Added (effective date pending)....43740
Eff. 12-21-87....48673
614.4366 (e) revised (effective date pending)....12147
Eff. 5-20-87....19129
614.4367 (a) introductory text revised; (g) and (h) added (effective date pending)....12147
Eff. 5-20-87....19129
614.4440 (c) revised (effective date pending)....12147, 45162
Eff. 5-20-87....19129
614.4442 (b) revised (effective date pending)....12147
Eff. 5-20-87....19129
Revised (effective date pending)....45162
614.4443 Existing text designated as (a); (b) added (effective date pending)....12147
Eff. 5-20-87....19129
620 Addition eff. 5-6-86....2105
Hearings....8581
620.3 Technical correction....1440
621 Addition eff. 5-6-86....2105
621.2 Technical correction....1440
624 Hearings....2672
Heading and authority citation revised....13429
Authority citation revised....43740
624.100 Revised (effective date pending)....43741
Eff. 12-21-87....48673
624.103 (b) revised (effective date pending)....43741
Eff. 12-21-87....48673
624.104 Introductory text revised....2671
Redesignated as 624.105; new 624.104 added....13429
624.105 Redesignated from 624.104....13429
Amended....37132
(b) introductory text revised (effective date pending)....43741
Eff. 12-21-87....48673
624.110 Revised....13429
624.111 Revised....2671

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 12 Chapter VI—Con. Page

(b) revised (effective date pending)....43741
Eff. 12-21-87....48673
624.113 (b) introductory text and (1) introductory text revised....2671
(a) and (b) introductory text and (1) introductory text revised....13429
(a), (b) introductory text, (1) introductory text and (ii) revised (effective date pending)....43741
(b) introductory text correctly revised....44970
Eff. 12-21-87....48673
624.114 Removed (effective date pending)....43741
Eff. 12-21-87....48673

Chapter VII—National Credit Union Administration

Chapter VII Interpretation and policy statement....35231
700 Authority citation revised....34895
700.1 (h)(1) revised....34895
701.13 Removed....43318
701.21 (c)(7) revised....8061
(a), (c) (5) and (8), and (d)(5) revised; (h) added....12368
701.27 (c)(3) revised; (d)(6) redesignated as (d)(6)(i) and amended; (c)(5) and (d)(6)(ii) and (iii) added....43570
701.36 (b)(6) revised; (e) (1) through (3) redesignated as (e)(1) (i) through (iii) and revised; (b)(8) and new (e)(2) and (3) added....43570
703.2 (i) revised; (p) through (t) redesignated as (q) through (u); new (p) added....43570
703.4 (e) amended; (f) and (g) added....43570
705 Revised....34893
706 Added; interim....35061
Revised....46586
708 Revised....12374
721 Authority citation revised....43571
721.2 (c) revised; (d) and (e) added....43571
741 Authority citation revised....12370

741.3 Redesignated as 741.4; new 741.3 added....12370
741.4 Redesignated as 741.5; new 741.4 redesignated from 741.3....12370
741.5 Redesignated as 741.6; new 741.5 redesignated from 741.4....12370
741.6 Redesignated as 741.7; new 741.6 redesignated from 741.5....12370
741.7 Redesignated as 741.8; new 741.7 redesignated from 741.6....12370
741.8 Redesignated as 741.9; new 741.8 redesignated from 741.7....12370
741.9 Redesignated as 741.10; new 741.9 redesignated from 741.8....12370
741.10 Redesignated from 741.9....12370
748 Heading and authority citation revised....2861
748.2 Added....2861
(b) revised....8062
790.4 (a)(7) revised....27987
790.7 Revised....27987
795.1 (b) table amended (OMB numbers)....28132

Title 12—*Proposed Rules:*

3....23045
18....23456
29....36953
30....36953
34....36953
202....47589
205....47591
206....30690
208....42301
210....47112
211....21564, 26153
220....13458, 32138
221....29701
225....543, 3447, 4629, 5119, 9304, 18703, 21564, 26153, 36041, 42301
226....33596, 34811, 47592, 48702, 48707
227....28271
229....47112
261....10233, 13458
262....21564, 26153
309....13843
325....11476, 11660
332....7442, 35724, 42304, 48447
337....11492
338....30928

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

Page

350....23554, 25021
404....21569
500—591 (Ch. V)....33595, 39154
501....25870, 29387, 42116
505....45346
522....12425, 29030
523....3450
525....39076
543....25870, 29387, 42116
544....25870, 29387, 42116
545....3665, 25870, 29387, 42116
546....25870, 29387, 42116
551....25870, 29387, 42116
561....18369, 27218, 39087, 39145
563....80, 3665, 3669, 8207, 17406, 18043, 18369, 18386, 23845, 27218, 27219, 39070, 39087, 39098, 39105, 39112, 39145
563c....39145
564....3126, 8611, 26017
565....17408
571....5782, 7887, 18369, 18386, 23181, 27218, 27219, 39070, 39087, 39112
583....39076
584....39076
588....23181
611....13694, 43081
612....11080
614....21073
620....30374
621....30374
700—795 (Ch. VII)....27994
701....28274, 36428, 43340, 43342, 46601, 47014
702....38771
703....28274
705....12427
721....28274
741....38771
748....43342
790....19152
792....38926
1101....29865

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

101.3-2 Amended....18352, 35412
102.1—102.7 (Subpart A) Authority citation revised....47699
102.6 Revised....47699
105.511 (g) revised....34896
108.1 (b)(3) amended; interim....27675
108.2 Revised; interim....27675
108.4 (d)(2)(iii) amended; interim....27676

Page

108.5 (d) amended; interim....27676
108.503-1 (b)(3) amended; (c)(1)(iii) added; interim....27676
108.503-3 (f) and (g) amended; interim....27677
108.503-4 (c)(3)(iii)(A) amended; (c)(4) added; interim....27677
108.503-6 (a) (1) and (2) amended; (d) redesignated as (e); new (d) added; interim....27677
108.503-7 (b)(2) amended; (c) revised; interim....27677
108.503-8 Revised; interim....27677
108.503-9 (a)(6) removed; (a)(7) through (11) redesignated as (a) (6) through (10); interim....27678
108.503-10 Revised; interim....27678
108.503-12 Revised; interim....27678
108.503-13 (c) and (h) amended; interim....27678
108.504 (a) amended; (b), (c), (e), and (f) revised; (g), (h), and (i) redesignated as (j), (k), and (l); new (g), (h), and (i) added; new (j) revised; interim....27678
108.505 (a), (d), (e), and (h) amended; (f), (g), and (k) revised; interim....27679
114 Heading and authority citation revised....32534
114.100—114.111 (Subpart A) Heading added....32534
114.112—114.113 (Subpart B) Added....32534
121.2 Existing Table designated as Table 2; (d) and new Table 1 added; interim emergency....399
Table 1 corrected....2400, 6133
(c)(2) table corrected....21497
121.5 (a) revised....42093
125 Authority citation revised....48392
125.9 (i) redesignated as 125.10 and existing text in part designated as (a) and (b) added....48392
125.10 Redesignated as 125.11; new 125.10 redesignated from 125.9 (i) and existing text in part designated as (a) and (b) added....48392

TITLE 13 Chapter I—Con. Page

125.11 Redesignated from 125.10 48392
133.1 (c) table revised 27988
144 Added 31527

Chapter III—Economic Development Administration, Department of Commerce

309.3 (f) and (m) revised; interim 21932
309.7 (c) revised 27539
311 Authority citation revised 11627
311.1 (a)(5) added; (c) revised 11627
311.3 (d) revised 11627

Title 13—*Proposed Rules:*

102 18570
107 ..... 28842, 33598
120 ..... 19155, 42305
121 ..... 8261, 29532, 32870, 47937
125 32017
129 38433
140 38452
142 19156
143 ..... 21820, 23627
144 26019
145 39015

TITLE 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

15 Added 18171
21 Special FAA conditions corrected 656
Authority citation revised; section authority citations removed 1835
Special FAA conditions amended 3416, 11629, 23026, 27190, 32780, 32781, 37600, 39618, 41402–41404, 42095, 43849, 44094, 45447, 46349
21.17 (b) through (d) redesignated as (c) through (e); new (b) added; new (d) introductory text and (2) amended 8042
21.19 (b) introductory text amended 1835
21.21 Heading and introductory text amended 1835
Heading and introductory text revised 8042
21.23 Removed 8042
21.27 (a) and (f) table amended 1835
(f) table corrected 7262
21.31 (c) revised 8042
21.37 Amended 1835
21.39 (a) amended 1835
21.50 (b) revised 8042
21.73 (c) amended 1836
21.93 (b)(3) amended 1836
21.175 (a) amended 1836
(a) revised 8043
21.183 Heading and (e)(2) amended 1836
Heading revised 8043
21.195 (b) amended 1836
21.213 (c) amended 1836
21.231 (a) (2) through (5) redesignated as (a) (3) through (6); new (a)(2) added 1836
21.327 (f)(2) amended 1836
23 Special FAA conditions corrected 656
Heading revised 1825
Special FAA conditions amended 11629, 27190, 32780, 32781, 37600, 39618, 42095, 43849, 44094, 45447
23.1 (a) revised 1825
23.3 (a) introductory text, (b) introductory text, and (c) revised; (d) redesignated as (e) and revised; new (d) added 1825
(a) and (e) corrected 34745
23.25 (a) introductory text revised; (a)(2) amended 1825
23.45 (a) revised; (f) added 1826
23.51 (b) and (c) removed; (d) and (e) redesignated as (b) and (c); new (d) added 1826
23.53 Added 1826
(b)(2)(ii) and (c) (2) and (6) corrected 34745
23.55 Added 1826
23.57 Added 1827
23.59 Added 1827
23.61 Added 1827
23.65 (d) added 1827
(d) corrected 34745
23.67 (a), (b) and (c) amended; (e) added 1827

Page

(e)(3) introductory text corrected 7261
(e)(1) introductory text and (3) introductory text corrected 34745
23.75 (g) added 1828
23.77 (a) and (b) amended; (c) added 1828
(a) and (b) corrected 34745
23.161 (b) and (c) introductory text and (3) revised 1828
23.173 (b) revised 1828
23.175 (b)(2) introductory text revised 1828
23.333 (b)(3) amended; (c)(1)(iii) added; (d) diagram revised 1829
23.335 (a)(1)(i) and (b)(2)(i) revised; (d) added 1829
(d)(1) introductory text corrected 34745
23.337 (a)(1) and (b)(1) amended 1829
23.349 (a)(2) revised 1829
23.397 (b) table footnote 1 amended 1829
23.443 (b) and (c) redesignated as (c) and (d); new (b) added 1830
(b) corrected 7262, 34745
23.561 (b)(2) table corrected 34745
23.572 Heading revised; (a) amended; (b) added 1830
23.677 (d) added 1830
23.721 Added 1830
23.783 (c) added 1830
23.785 (g) revised 1830
23.787 (g) added 1830
(g)(2) corrected 34745
23.803 Added 1831
23.807 (d) added 1831
23.815 Added 1831
23.831 Existing text designated as (a); (b) added 1831
23.851 Added 1831
23.853 (d) and (e) redesignated as (e) and (f); (d) added 1831
23.901 (b)(3) added 1832
(b)(3) corrected 34745
23.903 (d) text redesignated as (d)(1); (d)(2) added; (e)(2) revised 1832
23.933 (d) added 1832
23.963 (f) added 1832
23.997 (e) added 1832
23.1163 (d) added 1832
23.1165 (f) added 1833
23.1193 (g) added 1833
23.1195 Added 1833
23.1197 Added 1833
23.1199 Added 1833
(c) corrected 34745
23.1201 Added 1833
(a) corrected 7262
23.1203 Amended 1833
23.1305 (f), (h) and (k) revised 1833
(k)(2) corrected 34745
23.1309 (d) added 1833
23.1323 (c) and (d) added 1834
(c) corrected 34745
23.1325 (f) added 1834
23.1351 (a)(2), (b) (2), (3) and (4), and (d) revised; (b)(5) added 1834
(a)(2) introductory text and (b)(5)(v) corrected 34745
23.1523 (a) revised 1834
23.1581 (e) added 1834
23.1583 (a)(3), (c) (3) and (4), and (e)(4) added 1834
23.1585 (h) added 1835
23.1587 (d) added 1835
23 Appendixes F and G amended 1835
Appendixes F and G corrected 34745
25 Special FAA conditions amended 3416, 23026, 41402–41404, 46349
25.853 Comment time extended 5422
25.904 Added 43156
25 Appendix F comment time extended 5422
Appendix I added 43156
36 Authority citation revised; section authority citations removed 1836
36.1 (a)(2) and (e) amended 1836
36.9 Heading and introductory text amended 1836
36.501 (Subpart F) Heading amended 1836
36.501 (a)(2) amended 1836
36.1581 (d) amended 1836
36 Appendix F amended 1836
39.13 ..... 517, 519–524, 1319, 1320, 1441–1443, 2216–2218, 2511, 2512, 2673, 2674, 2676, 3108–3112, 3419–3422, 3424,

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 14 Chapter I—Con. Page

3426, 3596–3600, 3793, 3998–4000, 4278–4281, 4605–4607, 4764–4767, 4892, 5074, 5437, 5438, 5531, 5944–5947, 6134, 6135, 6777, 6778, 6953–6956, 7405, 7564–7567, 7823, 8063, 8582, 8583, 8873, 9121, 9294, 9470, 9471, 10044, 10218–10220, 10558, 10736, 10737, 11631–11639, 11985–11987, 12517–12519, 13232–13234, 13633, 13635, 13636, 15303, 15709, 16830, 16831, 17551, 17748–17750, 17936, 17937, 18549, 18551, 18902, 19131, 19306, 19481–19485, 20699–20702, 21243–21245, 21498, 21660, 22630, 23427, 23428, 23643–23645, 23942–23948, 24136–24142, 24984, 24985, 25204–25207, 25362, 25590, 25592, 25966, 26296, 26471, 26472, 26663–26666, 26946–26949, 27192–27195, 27787–27789, 28133–28136, 28242–28245, 28683, 28684, 28818, 28974–28976, 29372, 29373, 29505, 29506, 30143, 30330, 31378–31383, 31980, 31982, 32535, 32536, 32913, 32914, 33225–33229, 33918, 33919, 34632, 34633, 34898, 34900, 35233, 35234, 35687, 35690, 36228, 36229, 36565, 36753–36755, 36914, 37928, 38080–38083, 38394–38398, 38746–38748, 41405, 41552–41557, 41703, 41705, 41937, 41974, 41975, 42627, 43055, 43320, 43742–43744, 43746, 43850, 44095–44098, 44376, 45451, 45453, 45454, 45615, 46064, 46070, 46453, 46740, 46991, 47388, 48185, 48186, 48189

Corrected 3079, 6286, 7568, 27328, 39329, 40020, 42397, 43191, 44377, 45449, 47991

Directive published at 52 FR 15303 and 52 FR 29505 suspended 35908

Regulation at 52 FR 38748 effective date corrected 41704

Eff. 1–13–88 ..... 45164, 45165, 45452, 45612

Eff. 1–15–88 ..... 47705, 48807

Eff. 1–19–88 ..... 45613, 45614, 45808–45810, 48393

Eff. 1–20–88 48674

Eff. 1–25–88 46067–46069

Eff. 1–27–88 46986

Eff. 2–1–88 ..... 46987–46990, 46995

Eff. 2–2–88 47552

Eff. 2–16–88 ..... 47702, 47704

Page

43 Authority citation revised 3390

43.13 (c) heading and text amended 20028

43 Appendix F revised 3390

Appendix F corrected 6651

Appendix A amended 17277

Appendix B amended 34101

Technical correction 35234

45.11 (a) revised; (d) added 34101

Technical correction 35234

(d) corrected 36566

45.21 (d)(3) revised 34102

Technical correction 35234

45.29 (b) introductory text revised; (h) added 34102

Technical correction 35234

(h) corrected 36566

61.107 (d)(1) and (f)(1) revised 17277

61.113 (a), (b) and (c) amended; (d) and (e) added 4846

61.127 (f)(1) revised 17277

61.131 (a) and (b) amended; (c) and (d) added 4847

65 Authority citation revised; section authority citations removed 17518

65.31 (c) revised 17518

65.33 (d) revised 17519

65.49 (a) revised 17519

67.20 Enforcement policy 41557

71.123 ..... 4130, 4893, 5948, 8243, 11033, 17552, 18903, 21248, 27329, 27789, 28685, 28687, 38749–38750, 38910, 38912, 38913, 39619, 39621–39623, 39625, 39626, 46997

Corrected 3079, 7262, 38752, 42273

Eff. 1–14–88 ..... 39905, 42273, 42274, 43056, 44380, 44382, 47676

71.125 21247

71.127 Corrected 3079

71.151 ..... 5078, 11034, 21247, 21500, 28686

Technical correction 7370

Eff. 1–14–88 38752

71.171 ..... 525, 775, 2219, 5439, 9122, 10045, 11816, 15710, 15711, 19133, 21499, 23429, 28685, 28819, 31386, 31387, 31983, 31984, 32537, 37440

Corrected 19132, 33680, 33919, 34457, 41532

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

Page

Eff. 1–14–88 ..... 29507, 31384, 31385, 36230, 37441, 38751

Eff. 3–10–88 ..... 44595, 46740, 46742, 48191

71.181 ..... 526, 1626, 3601, 4282, 5439, 5440, 6136, 6137, 6778, 7406, 7407, 8243, 8874, 10559, 11816, 15710–15713, 17553, 17938, 18551, 19132, 19837, 20703, 21246, 21499, 22631, 23429, 23430, 26141, 28685, 28819, 28820, 31387, 31388, 31614, 31985, 32537, 32915, 32916, 34902, 36566, 38398, 48394

Corrected 12900, 19132, 20194, 23138, 34211, 34900, 44380, 48393

Eff. 1–14–88 ..... 34901, 36567, 37442, 39903, 39904, 44378, 44379, 44381, 45616, 45617, 46996

Eff. 1–25–88 48522

Eff. 3–10–88 ..... 44595, 46742, 46997

Eff. 5–5–88 ..... 46741, 48807

71.203 21248

Eff. 1–14–88 44380

71.207 21248

71.401 ..... 4894, 11031, 30916

Corrected 7369

Technical correction 31846

71.501 ..... 1423, 1430, 4487, 7395, 9383, 11183, 15480, 35393, 37735

Corrected 4079, 4608, 17366

Technical correction 13173

Eff. 1–14–88 46557

Eff. 2–11–88 ..... 47305, 47308

73.21 21249

73.22 4131

73.23 ..... 4895, 10560, 11034, 17394

Corrected 7370, 42397

Eff. 1–14–88 38752

73.25 ..... 4895, 21500, 35235

73.29 ..... 21249, 28225

73.30 ..... 18552, 21250

Corrected 19962

73.32 21247

73.34 11034

73.41 10560

73.42 16833

73.44 ..... 21250, 28225

73.48 10560

Eff. 1–14–88 44384

73.52 27790

73.53 21250

73.55 5078

Technical correction 7370

73.64 28686

73.66 8874

73.71 21250

75.100 ..... 5079, 18903, 21247, 21248, 21251, 21252, 27329, 28687, 28688, 35236, 35693–35695, 36231–36233, 38914

Corrected 37874, 42275

Eff. 1–14–88 ..... 39905, 42274, 43057, 47678

Regulations at 52 FR 35236 effective date deferred to 1–14–88 ..... 41405, 42275

Eff. 3–10–88 49395

91 Authority citation revised 1836

Authority citation revised; section authority citations removed 9636

Special FAA Reg. 50 added 9775

Special FAA Reg. 50 corrected 18689

Special FAA Reg. 50 redesignated as FAA Reg. 50–1 and revised 22743

Authority citation revised; Special FAA Reg. 47 authority citation removed 47672

Special FAA Reg. 47 amended 47673

91.24 (a) and (b) revised 3391

91.27 (c) added 34102

Technical correction 35234

91.35 Introductory text and (a) through (d) redesignated as (a) introductory text and (1) through (4); new (b) added 9636

91.90 (b)(2)(iii) revised 3391

91.161 (b) revised 20028

91.173 (a)(1) amended 17277

(c) revised; (d) added 34102

Technical correction 35234

91.213 (a)(3) added 1836

93.101—93.105 (Subpart H) Removed 19254

95 ..... 4132, 10739, 19839, 27792, 34376, 38089

97.21—97.35 ..... 662, 2220, 3427, 4610, 5949, 8244, 10046, 12520, 13637, 17395, 19841, 21501, 23431, 24986, 26951, 28821, 30145,

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 14 Chapter I—Con. Page

32538, 34903, 36234, 38399, 39627, 43747, 45618, 46744, 48395
108.9 (c) added....48509
121 Authority citation revised....3391
Authority citation revised; section authority citations removed....9636, 20957
Special FAA Reg. 38-2 amended....28939
Special FAA Reg. 52 Note added....45913
Technical correction....47991
121.3 (i) added....20028
121.312 Comment time extended....5422
121.337 Revised....20957
121.343 Revised....9636
121.345 (c) revised....3391
121.417 (c) revised; (d) redesignated as (e); new (d) and (f) added....20958
121.589 Revised....21476
121 Appendix B amended....9637
125 Authority citation revised; section authority citations removed....9637
Special FAA Reg. 38-2 amended....28939
125.1 (e) amended....6957
(d) and (e) removed; (a) and (b) (1), (3), and (4) revised....20028
125.11 (a) revised; (c) added....20028
125.202 Added....9637
127 Authority citation revised....3392
Special FAA Reg. 38-2 amended; authority citation revised....28939
127.123 (b) revised....3392
129 Heading revised....20029
Special FAA Reg. 38-2 amended; authority citation revised....28939
129.1 Revised....20029
129.11 (a) introductory text revised; (a)(4) and (c) added....20029
129.14 Added....20029
Effective date deferred to 2-25-88....32528
129.25 (j) added....48509
129 Appendix A amended....20029
135 Authority citation revised....3392

Page

Authority citation revised; section authority citations removed....9637
Special FAA Reg. 50 added....9775
Special FAA Reg. 50 corrected....18689
Special FAA Reg. 50 redesignated as FAA Reg. 50-1 and revised....22743
Special FAA Reg. 38-2 amended....28939
Special FAA Reg. 52 added....45913
Technical correction....47991
135.11 (c) added....20029
135.143 (c) revised....3392
135.151 (a) introductory text revised; (b) redesignated as (c); new (b) added....9637
135.169 (a) and (b) introductory text revised; (b) (5) and (6) amended; (b)(7) added....1836
(b) introductory text corrected....34745
135.363 (j) added....1836
135.398 Added....1836
139 Revised....44282
159 Authority citation revised....21504, 21910
159.79 Revised....21504
(a)(1)(i) corrected....23762
159.89 (a) revised; (c) added....21504
159.181 Revised....21910
Technical correction....23762
159.183 Revised....21911
Technical correction....23762
159.184 Added....21911
Technical correction....23762
159.185 Revised....21911
Technical correction....23762
171 Policy statement....20703

Chapter II—Office of the Secretary, Department of Transportation (Aviation Proceedings)

211 Authority citation revised....5442
211.30—211.35 (Subpart D) Added....5442
234 Added....34071
234.6 Revised....48969
234.8 (a) amended; (b)(4) revised; interim....48397
234.13 Removed....34077

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

Page

241 Nomenclature change (OMB numbers)....9132
Sec. 7 amended....9129
Sec. 12 amended....9129
Sec. 19-7 revised....6529
Sec. 19-7 Appendix A added....6530
Sec. 21 (b), (d) and (l) revised....9130
Sec. 22 (a) tables revised....9130
Sec. 23 amended....9131
Sec. 24 amended....9131
Sec. 25—Sec. 26 undesignated center heading revised....9132
Sec. 25 Schedule T-7 removed....9132
Sec. 26 removed....9132
255.3 Amended....34073
255.4 (e) added....34073
(e)(1) revised; interim....48397
272 Added....5443
300.2 (e) revised....18904
Technical correction....21150
302.8 (g) added....5445
302.9 Revised....5445
302.1705 (c) revised....5445
385.21 Added....18905

Chapter V—National Aeronautics and Space Administration

1201.200 Revised....31986
1201.300 (a)(3) and (c)(3) revised....31986
1201.402 Revised....31986
1204.509 Added....35538
1206 Authority citation revised....18905
Revised....41407
1206.101 (g) through (o) added; interim....18905
1206.601 (c) revised; interim....18906
1206.603 (c) revised; interim....18906
1206.700—1206.706 (Subpart 7) Revised; interim....18906
1207 Revised....22755
1207.405 (a)(4) correctly revised....36234
1208 Revised; interim; eff. 1-19-88....48017
1213 Revised....45936
1215 Appendix A revised....10881
1221.100—1221.118 (Subpart 1221.1) Revised....45811
1245.100—1245.118 (Subpart 1) Revised....43748
1260.104 (b) revised....12378

Page

1260.105 (a) and (b) revised....12378
1260.109 Added....12378
1260.406 Amended....12378
1260.420 (e) added....12378
(e) correctly designated....13375
1260.514 (d) amended....12379
1260.602 Revised....12379
1260.603 Amended....12379
1261.400—1261.417 (Subpart 1261.4) Revised....19487
1261.500—1261.508 (Subpart 1261.5) Added....19495
1261.600—1261.606 (Subpart 1261.6) Added....19497
1264 Added; interim....39498

Title 14—*Proposed Rules:*

1—199 (Ch. I)....1924, 5309, 8078, 8918, 22329, 25886, 26020, 27563, 35272, 45200, 45831, 49423
1....1635, 32268
21....9176, 10109, 10111, 17409, 17410, 18573, 19517, 19520, 27219-27223, 27821, 32804-32811, 33246, 38454, 38772, 39190
23....9176, 10109, 10111, 18573, 19517, 27219-27223, 27821, 32804-32811, 33246
25....5424, 17890, 19520, 38454, 38772, 39190, 45578
27....1635, 20938
29....1635, 11997, 20938
36....7618, 8050, 23144, 27304, 28416
39....435, 551-557, 1338, 1468, 3126, 4021, 4914, 4915, 5140, 5141, 5546, 6001, 6170, 6804, 6987, 7443, 7619, 8079-8082, 8263, 8264, 8612-8615, 8919, 9181, 10113, 10114, 10236-10238, 10581, 11081, 11663, 11664, 11997, 11998, 12544, 12545, 13249, 13251, 16851, 16852, 17598-17601, 17958, 17959, 18575, 19168, 20721, 20722, 21312,

Title 14—*Proposed Rules—Con.* Page
21314, 21572-21575, 22329, 22331, 22786, 23461-23466, 23661-23663, 24304, 25022-25028, 25236-25239, 25606, 26021, 26022, 26348, 26349, 26484, 27414, 27822, 27823, 28276-28280, 28564-28566, 29032, 29353, 29387-29390, 29534, 30380, 31409, 31410, 32937, 33947-33952, 34225-34228, 35273, 35725-35729, 36274-36276, 36583, 36785, 36787, 37620-37624, 38107, 38456-38458, 38934, 41583-41585, 41731, 42001, 42002, 42308, 43342, 43769-43771, 44132-44134, 44406, 44608, 45640-45642, 45831, 46094, 46776, 47015, 47016, 47399-47401, 47943-47946, 48274, 48542, 48829
43 47680
61 ..... 22918, 29205
71 ..... 81, 297, 558-560, 1925, 2545, 2722, 4348, 4629, 4916, 6002, 6805, 6988, 6989, 7279, 7444, 7445, 8730, 8920, 8921, 9182-9184, 9312, 9313, 10115, 10582, 11082, 11828, 12286, 12935, 13713, 15326, 15511, 15512, 16853-16858, 18536, 18576, 18920, 19360, 19521, 20412, 20825, 21316, 22031, 22332, 22918, 23468-23470, 24017, 24305, 24306, 25029, 25240, 26023, 26153, 26350, 26351, 26485-26497, 27224, 27415, 27416, 27824, 27972, 27976, 28725, 28726, 29205, 29353, 29470, 29474, 29605, 29612, 30168, 30381, 30512, 31411, 31846, 32562, 34230, 34606, 34682, 34683, 36278, 36585-36587, 36866, 37472, 37718, 38785, 38786, 39659, 39660, 41587, 41732, 42176, 42309, 44136-44139, 45292, 45465, 45644, 46778, 46779, 47017-47020, 47402, 47727, 48274, 48448, 48449, 48484, 48715, 49423
73 ..... 2545, 2546, 3079, 15326, 27825, 47021, 48274
75 ..... 4153, 6989, 8920-8923, 12000, 12286, 25241-25244, 25607-25610, 30381, 38382, 39661, 41587, 41588
91 ..... 2236, 2547, 7618, 22918, 23144, 29205, 32268, 35052, 47680
121 ..... 5424, 20560, 20982, 32268, 39190, 42512, 45578
125 32268
129 32268
135 ..... 2236, 20560, 32268, 42512, 45124, 45578
145 45124
159 7446
215 5547
217 ..... 26498, 34889
234 22046
241 ..... 26498, 34889
255 22046
298 5547
382 ..... 5467, 19881
389 5547
1203 2548
1245 24477
1251 ..... 25124, 27902
1265 39015

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

4 Authority citation revised 26952
4.9 Revised 26952
11 Authority citation revised 48018
Revised; interim; eff. 4-2-89 48018
11.1 Heading revised; (a) and (b) redesignated as (a) (1) and (2); introductory text designated as new (a) introductory text; new (a) heading and (b) added; interim; eff. 1-19-88 48018
22 Added 7

Chapter I—Bureau of the Census, Department of Commerce

30.55 (h) revised 32782

Chapter III—International Trade Administration, Department of Commerce

302 Removed 5757
303.14 (e) revised 3794
368 Authority citation revised 32122
368.2 (a)(4) removed 31754
369 Authority citation revised 32122
369 Supplement No. 14 added 17285
370 Authority citation revised 32122
370.4 Revised 28543
370.6 (d) removed 31754
370.11 (c) revised 11640
(a)(2) heading and (i) revised; (c) amended 31755
370.13 (a) introductory text revised 32122

Page
370.14 Heading revised; (a) introductory text and (6), (b) introductory text, and (f)(1)(ii) and (2)(ii) amended; (a)(3) redesignated as (a)(3)(i); new (a)(3) heading and (ii) added 32122
(a) introductory text and (3)(ii) amended 32539
371 Authority citation revised 2106, 32122
Export controls continued 2500
371.1 Amended 6138
371.2 (c)(11) amended 2106
371.4 (b)(2) removed 31754
371.5 (d) revised 2106
371.7 (d) added 2106
371.8 Heading and (a) revised; (b) amended 26954
(c) revised 29374
(a) and (b) amended 32122, 32539, 39216
(a) and (c) revised 43852
(a) revised; (b) amended 45619
371.14 Added 5275
(c) corrected 6649, 10741
(b) amended 26954, 32539, 39216, 45619
371.16 Introductory text revised 2106
371.17 Introductory text, (a)(2) heading, (e), (f) heading, introductory text, (1) (i), (ii), and (iii), and (3)(v) revised; (a)(5) added; (a)(2)(i) introductory text, (f)(1) (iv) and (v), (2) heading, introductory text, (i) and (iii), and (3) (i) and (iii) amended 23028
(a)(2) heading and (i) and (f) introductory text, (2) heading and text, and (3)(i) amended 23168
(a)(2)(i) revised 31754
(e)(4)(i) amended 44099
371.18 (b) (2) and (3) revised 23027
(a)(1) footnote 12 redesignated as footnote 11 23029
371.20 Added 5275
(a) introductory text amended 26954, 32539
371.22 (d)(1) introductory text and (2) revised 6138
(b) introductory text footnote 13 and (4) footnote 14 redesignated as footnotes 12 and 13 23029
371.23 Added 43852
(a) revised; (c) amended 48523
371 Supplement No. 1 added 5275
372 Authority citation revised 2106, 32122
372.1 (a) and (c) revised; (d) removed; (e) through (h) redesignated as (d) through (g); eff. 1-2-88 48808
372.2 (b) (1) and (4) revised; (b)(3) amended 6138
372.4 (c) revised 6138
(a) (1), (2), (3), and (4), (b) introductory text, (1), (2), and (3), and (c) through (h) redesignated as (a)(1)(i), (c), (a)(1) (ii) and (iii), (2) introductory text, (i), (ii), and (iii), and (d) through (i); new (a) heading and (1)(i) heading revised; new (b) added; eff. 1-2-88 48808
372.8 (c)(3) amended; eff. 1-2-88 48809
372.9 (c) revised 664
372.10 Introductory text amended; eff. 1-2-88 48809
372.11 (e)(2)(iii) amended; (e)(2)(iv) added 6138
(d)(3) amended 32122, 32539
(g) and (i) heading revised; (h)(1) amended; (i)(1) heading and (2) removed; (i)(1) (i), (ii), and (iii) redesignated as new (i) (1), (2), and (3) 34212
372.12 Introductory text amended; eff. 1-2-88 48809
372.13 (a) amended; eff. 1-2-88 48809
373 Authority citation revised 2106, 32122
Export controls continued 2500
373.1 (a)(1)(iii) revised 2106
373.2 (b)(2) added 6138
(d)(3) and (e)(4)(ii) revised 22632
(b)(8) amended 23168
373.3 (d)(3)(ii)(E)(*3*)(*iii*) amended 2106
(f)(5) revised 22632
(a)(1)(ii) amended 23168
373.7 (b)(7), (d)(1), (2) (i) and (ii) and (3), and (h)(1)(ii) amended 6138

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 15 Chapter III—Con. Page

(f)(3) revised 22632
(c)(1) heading and text amended 23168
(i)(4) amended 44099
373.8 (a)(2) amended 23168
373 Supplement No. 6 amended 9149
Supplement No. 4 amended 33920
374 Authority citation revised 32122
374.2 (j) revised 3601
(a)(1) amended 5275
(a)(4) revised 23029
(a)(4)(i) amended 23168
(j) amended 32540, 45619
(a)(1) revised 36568
(a)(1) amended 43853
374.3 (e) (3) and (4) amended 31756
(c)(1)(ii) amended 34212, 44103
374.6 Revised 6138
375 Authority citation revised 28544, 32122
375.1 Table amended 34212, 44103
375.3 (b) and (c)(1) amended 34213
(b) and (c)(1) revised 44103
375.6 (b)(1) amended 3601
(a) amended; (b)(1) revised; (c) added 28544
(c)(3) amended 44099
375 Supplement No. 1 amended 34213, 44103
376 Export controls continued 2500
Authority citation revised 32122
376.8 (b)(1) (ii) and (iii) amended 23168
376.12 Revised 9149
(a) (2) and (3) revised; (a)(4) and (h) added 44596
376.14 (a) amended 5532, 11640
376.17 Added 776
376.18 Added 28545
377 Authority citation revised 28136
377.1 (b) and (c) (1), (2), (3), and (4) amended 28136
377.2 (d)(1) and (e) amended 28136
377.3 (a)(2), (b) introductory text and (c) introductory text amended 28136
377.4 (c) introductory text, (d)(1) introductory text and (vi), (e), (f) introductory text, and (1)(i), (h) introductory text, and (i) (1) and (2) amended 28136

Page

377.6 (d)(2) amended 2106
(d) introductory text and (3)(ii) introductory text and (e)(2) amended; footnotes 1 and 2 redesignated as footnotes 2 and 3 28137
377.7 (a), (d), (e) introductory text, (1), (4), and (5), (f)(1), (g) introductory text, flush text following (h)(3), (j), and (m) amended 28136
(m) correctly designated 29353
377.8 (b), (f), (g), (h), (i), (j), and (l) amended; (d) revised 28136
377.9 (b) introductory text and (c) amended 28136
377.15 (d) amended 28136
378 Authority citation revised 32122
379 Authority citation revised 2106, 32122
Export controls continued 2500
379.4 (e) (1) and (2) amended 2106
(f)(1) introductory text revised; (f)(1)(i)(P) removed 2500
(f)(1) amended 6139
(b)(5) added; interim 21505
(d)(18) amended; (d)(19) redesignated as (d)(20); new (d)(19) added 27498
(d)(19) amended; (d)(20) redesignated as (d)(21); new (d)(20) added 28545
379 Supplement No. 3 amended 2106, 27506
Supplement No. 4 amended 27499, 28545
Supplements No. 3 and No. 4 amended 29177
385 Authority citation revised 2106, 32122
Export controls continued 2500
385.1 (b)(2) amended 9151
385.2 (c) removed 2501
385.4 (c)(9) (i) and (iii) amended; (a)(13) added 2107
(f) amended 2501
(d)(2) amended; (d)(4) redesignated as (d)(5) and revised; new (d)(4) added 23168
(d)(2) amended 23545
(e) revised 28551

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

Page

(e) redesignated as (e)(1); new (e)(1) heading and (2) added 36756
(d)(3) revised 45309
(d)(3)(i)(C) correctly designated 46886
385 Supplement No. 2 amended 2107
Supplement No. 1 amended 27798
386 Authority citation revised 2106, 32122
386.1 (c)(2)(i) amended 6139
386.3 (r)(2) amended 6139
(l) removed 31754
386.6 (a)(1)(ii) amended 5275
386.7 Revised 664
386 Supplement No. 1 revised 6139
387 Authority citation revised 2106, 32122
387.13 (c) amended; eff. 1-2-88 48809
388 Authority citation revised 32122
388.3 (a)(1) footnote 2 amended; eff. 1-2-88 48809
388.19 (a)(1) amended; eff. 1-2-88 48809
389 Authority citation revised 2106, 32122
389.2 (b)(1) amended 6139, 29177
391 Authority citation revised 32122
399 Interpretation 405
Authority citation revised 2106, 32122
Export controls continued 2500
399.1 (f)(1) (iii) and (iv) redesignated as (f)(1) (iv) and (v); new (f)(1)(iii) added 29177
(f)(3)(i) revised 43853
(h) amended 48810
Supplement No. 1, Group 0 amended 2501, 28546, 43853, 47389
Supplement No. 1, Group 1 amended 2501, 28546, 28547, 43853
Supplement No. 1, Group 2 amended 27501, 27502, 34213, 43853, 45310
Supplement No. 1, Group 2 corrected 28640
Supplement No. 1, Group 3 amended 666, 2501, 3602, 6139, 8445, 22632, 27502, 27503, 28546, 28547, 33920, 36756, 43853, 44099, 45310, 48524
Supplement No. 1, Group 4 amended 23168, 23545, 27503, 27504, 28546, 28548, 33920, 35539, 43853, 45311
Supplement No. 1, Group 4 corrected 28640, 46886
Supplement No. 1, Group 5 amended 666, 2107, 2501, 3602, 5532, 11458, 11641, 13829, 22632, 23169, 23545, 25208, 27509, 27513, 28246, 28546, 28548, 29177, 29374, 33920, 43853, 44099, 45311
Supplement No. 1, Group 5 corrected 28640
Supplement No. 1, Group 6 amended 6139, 11641, 22632, 23545, 27504, 33920, 43853
Supplement No. 1, Group 6 corrected 28640
Supplement No. 1, Group 7 amended 666, 2107, 2501, 11458, 22632, 27504, 27505, 28546, 28550, 28552, 29840, 31756, 33921, 44102, 48523
Supplement No. 1, Group 7 corrected 28640
Supplement No. 1, Group 8 amended 28546
Supplement No. 1, Group 9 amended 5533, 29178, 45311
399.2 Supplement No. 1 amended 2501, 8445, 28552
Supplement No. 1 corrected 23170

Chapter VIII—Bureau of Economic Analysis, Department of Commerce

801.9 (a) revised 19843
(b) (3), (4), and (5) revised; eff. 1-8-88 46589
801.10 Added 19843
806.14 (f) (1) and (2) revised 8446
(f)(3) (iii) and (iv)(B) revised; (f)(3)(iv) (C) and (D) redesignated as (f)(3)(iv) (D) and (E); new (f)(3)(iv)(C) and (v) added 42276
806.15 (h) (1) and (2) revised 8446

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

TITLE 15—Con.

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce

Page

904 Revised 10325
908.9 Revised 4896
908.11 (a) revised 4896
960 Added 25970

Chapter XXIII—National Telecommunications and Information Administration, Department of Commerce

2301 Revised 31499

Title 15—*Proposed Rules:*

4 15327
7 11498
18 47597
24 ..... 21820, 23627
26 39015
30 13714
280 11498
301—399 (Ch. III) 42663
368 10771
371 8265
374 8265
399 ..... 8265, 9241
801 ..... 5785, 36587
806 ..... 34685, 42447
942 32563
971 ..... 34748, 37972

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

3.22 (a), (b), (c), and (e) revised 22293
3.24 (a)(2) revised 22293
3.45 (b) and (d) revised; (e) added 22293
3.46 (a) revised 22294
3.51 (c)(1) revised 22294
3.52 (f) through (j) redesignated as (g) through (k); new (f) added 22294
4.9 (b)(5) introductory text and (c) heading revised; (c)(2) redesignated as (c)(3); new (c)(2) added 22294
5.1 Revised 34765
5.9 Revised 34765

Page

5.11 (b) introductory text and (1), (d) and (e) revised; (b)(5) added 34765
5.12 (c) revised; (f)(5) added 34765
5.17 Revised 34766
5.42 (a) revised 34766
6 Added; eff. 2-1-88 45628
13 Amended 253, 254, 2513, 3221, 3602, 5079, 6540, 7407, 8446, 9294, 9655, 12379, 12900, 16234, 31987, 33921, 34213, 34766, 35412, 35413, 36234, 36235, 37283, 37601, 41706, 44384, 45165, 45166, 45937
Corrected 656
305 Revised 46894
305.9 (a) Table 1 revised 22633
305 Appendixes A1 through J correctly revised 49634
429 Existing regulations unchanged 29507
436 Existing regulations unchanged 18353
453 Exemption granted in part 39376
455 Staff compliance guidelines 18553
Staff compliance guidelines corrected 19845
Petitions denied 34769
702.1 (c) revised; (g) removed 7574
702.3 (a) revised 7574
801.1 (b) introductory text, (1), and (2) revised; existing Example designated as 1; Examples 2, 3, and 4 added 20063
801.4 (b) *Example* 1 revised 7080
801.11 (a) revised; (e) added 7080
801.12 (b)(1) revised 7081
801.13 (a)(1) and (b)(2)(ii) revised; (a)(2) *Example* 4 and (3) added 7081
801.15 (a)(2) and (c) *Example* 4 revised 7081
801.30 (b) *Example* 3 revised 7082
801.40 *Example* revised 7082
802.35 Added 7082
802.41 *Example* 1 revised 7082
802.70 Revised 7082
803.5 (a)(1)(iii) revised; (a)(2) *Example* designated as (a)(2) *Example* 1; (a)(2) *Examples* 2 through 5 added 7082

CHANGES JANUARY 2 THROUGH DECEMBER 31, 1987

Page

803.10 (a)(2) redesignated as (a)(3) and revised; new (a)(2) added 7083
803 Appendix revised 7084

Chapter II—Consumer Product Safety Commission

1000 Revised 48969
1015.9 Revised 28979
1015.12 (a) revised; interim 45632
1015.16 (g) revised 44597
1019 Existing regulations unchanged 5080
1034 Correctly designated 405
1109 Existing regulations unchanged 5080
1115 Existing regulations unchanged 5080
1201 Existing regulations unchanged 5080
1202 Existing regulations unchanged 5080
1205 Existing regulations unchanged 5080
1207 Existing regulations unchanged 5080
1209 Existing regulations unchanged 5080
1212 Existing regulations unchanged 5080
1301 Existing regulations unchanged 5080
1302 Existing regulations unchanged 5080

Page

1303 Existing regulations unchanged 5080
1304 Existing regulations unchanged 5080
1305 Existing regulations unchanged 5080
1401 Existing regulations unchanged 5080
1402 Existing regulations unchanged 5080
1404 Existing regulations unchanged 5080
1608.3 (a) amended 48810
1750.7 (b) correctly designated 406

Title 16—*Proposed Rules:*

13 ..... 1926, 3252, 6003, 6172, 6806, 8461, 12430, 12546, 17602, 17960, 20096, 20723, 22789, 26534, 29535, 29537, 31412, 37326, 38108, 44408, 45201, 45645, 45970, 45972, 48276, 48543, 49164, 49167
424 2115
429 29539
453 46706
455 48906
456 ..... 2723, 41732
500 48716
703 ..... 9314, 13715
801 7095
802 7095
803 7095
1000—1750 (Ch. II) 38935
1015 17767
1016 47599
1700 48450

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Futures Trading Commission

Page

1 Interpretation....27195, 34633
Authority citation revised....46072
1.3 (rr) and (ss) added....28994
(z)(2)(iii) revised; (z)(2)(iv) added....38922
1.10 (d) (1) and (2) and (g)(2) revised....28994
1.12 (f)(3) added....28248
(b)(2) revised....28995
1.16 (a)(4) revised....28995
1.17 (c)(2)(i) revised....28250
(a)(1)(i)(B), (b)(2), (c)(5)(iii), (e)(1), (h)(2)(vi)(C), (vii) (A) and (B), (viii)(A), (3) (ii) and (v) revised....28995
1.19 Revised....28997
1.33 (a) and (b) introductory text revised....28997
1.42 (a) revised....18910
1.59 Heading revised; (c) added....48977
1 Appendix B amended....46072
Technical correction....47705
3.16 (a)(3) revised....41984
4.6 Added....41984
4.12 Revised....41984
4.14 (a)(8) added....41985
(a)(8)(i)(B) and (iii)(B) corrected....43827
4.21 (a)(17)(i) introductory text and (g) revised....41985
4.22 (c) amended....41986
4.31 (f) revised....41986
5 Appendix B amended....22635
9 Revised....25366
9.2 (k) corrected....27286
9.12 (b) corrected....27286
9.20 (b)(7) corrected....27286
9.24 (b) corrected....27286
11 Appendix A added....19501
15.00 (b)(1) (i) and (ii) revised....38922
15.02 Revised....38922
15.03 (a) revised....18910
(a) designation and (b) removed....38922
16.00 (a)(3) removed....18910
19 Authority citation revised....38922
19.00 (a) and (b) introductory text revised....38922
19.01 Heading and introductory text revised....38923
19.02 Introductory text revised....38923
19.03—19.04 Removed....38923
19.10 (a) and (b) revised....38923
30 Revised....28998
Effective date deferred....48811
31 Appendixes A and B amended....22635
32.1 (a) revised....29003
32.11 (b) revised....29003
33.11 Added....29508
140.93 (a)(1) revised; (a)(6) added....41986
140.735-4 (b) (1) and (2) revised....20592
(b)(1)(iii)(B) corrected....22415
145 Authority citation revised....19307
145.7 (e) through (i) redesignated as (f) through (j); new (e) added....19307
145 Appendix B revised; Appendix B authority citation removed....19308
150 Revised....38923
166 Authority citation revised....29003
166.1 (b) (1) and (2) revised....29003
166.2 (b) revised....29003

Chapter II—Securities and Exchange Commission

200.19b Revised....12148
200.30-3 (a)(6) revised....19856
200.30-4 (a)(7) revised....12148
200.30-5 (a)(8) revised....18690
200.80—200.83 (Subpart D) Authority citation revised; section authority citations removed....24146
200.80 (a)(1)(iv), (2) introductory text, and (3), (b) introductory text, (d)(5), (7)(i), and (8) introductory text, and (e)(5) amended; (b)(7)(i), (c)(1) introductory text, (d) (1), (2), (4), and (6)(ii), and (e) (1), (2), (4), and (7) introductory text revised; (e) (8) through (14)

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

TITLE 17 Chapter II—Con. Page

added; (f) removed; interim 24146
Confirmed 48193
200.80b (a) removed; (b) amended and designation removed; interim 24148
Confirmed 48193
200.80c Heading and (a) amended; (b) revised; interim 24148
Confirmed 48193
200.80d Revised 24148
Confirmed 48193
200.80e Revised 24148
Confirmed 48193
201 Authority citation amended 25208
201.6 (b) revised 25208
202.3a Effectiveness extended to 9–1–88 33796
203.7 (a) revised 12148
210.6–07 Amended 23172
211 Interpretative releases 17396, 18200, 21933, 31027, 46454, 48193
229.10 (c)(1)(iii) amended 21260
229.301 Instructions amended 30919
229.302 (b) removed; (c) redesignated as (b) and amended 30919
229.303 Instructions amended 30919
229.304 Instructions amended 21939
229.401 (f) amended 48982
229.501 (c)(8) revised 21260
(c)(8) corrected 30145
229.502 (d)(2) revised 21260
(d)(2) corrected 30145
229.512 (j) added 21260
(h) heading and introductory text amended 21939
(j) corrected 30145
229.601 Instruction 1 (Item 601) revised 21260
230.423 Amended 21260
230.424 (a), (b), (c), and (e) revised; (c) Note added 21260
230.430A Added 21261
230.481 (b)(2) and (d)(2) revised 21262
(b)(2) corrected 30146
230.482 (a)(4) added 21262
230.497 (h) added 21262

Page

230.499 (c)(7) amended 21262
239.13 Form S–3 amended 21262
Form S–3 corrected 30146
239.16b Form S–8 amended 21262
239.25 Form S–4 amended 21262, 21938
Form S–4 corrected 30146
239.33 Form F–3 amended 21263
Form F–3 corrected 30146
239.34 Form F–4 amended 21263, 21939
Form F–4 corrected 30146
240 Authority citation amended 16838, 27969, 42279
240.3a12–8 (a)(1) (ii) and (iii) amended; (a)(1) (iv), (v), and (vi) added 42279
240.3a43–1 Added 27969
240.3a44–1 Added 27970
240.10a–1 (a)(1)(ii) revised 24152
240.11Aa2–1 Revised 24153
240.11Aa3–1 (a) (4), (5), and (6) and (b)(1) revised; (b)(2) (i) through (vii) redesignated as (b)(2) (ii) through (viii); new (b)(2)(ii) revised; new (b)(2)(i) added 24153
240.11Ac1–1 (a)(16) revised; (a)(19) removed; (a) (20) and (21) redesignated as (a) (19) and (20) 24153
240.14a–1 (b) through (j) redesignated as (c) through (k); new (b) added 23648
240.14a–2 Heading, introductory text, (a) introductory text and (b) introductory text amended 21936
240.14a–3 (c) amended 48982
240.14a–6 (j) introductory text revised 21936
(a) designated as (a) introductory text and amended; (a) (1) through (5), flush text, and Notes 3 and 4 and (c) Note added; (a) Note 2 and (j) introductory text amended; (j) (1), (2), and (3) redesignated as (j) (2), (3), and (4) and revised; new (j)(1) added 48982
240.14a–8 (c)(1) amended 21936
(a)(1)(ii) removed; (a)(1)(i) redesignated as (a)(1) introductory text and amended; new (a)(1) (i) and (ii) added; (d) introductory text and (e) revised 48983
240.14a–11 (b)(5) amended 21936
240.14a–13 (a)(1)(i)(B), (ii)(A), (2) and Note 1, and (b)(3) revised; (a)(1)(i)(D) and (d) added 23648
240.14a–14 Added 21936
240.14a–101 Amended 21263, 21937, 48984
Corrected 30146
240.14b–1 (a) introductory text revised 23649
240.14b–2 (a)(1), (b) introductory text, (e)(1), (h) introductory text and (i) Note 2 revised; (c)(1)(i)(b) correctly designated as (c)(1)(i)(B); (j) added 23649
240.14c–1 (b) through (i) redesignated as (c) through (j); new (b) added 23649
240.14c–3 (b) amended 48984
240.14c–5 (a) designated as (a) introductory text and amended; (a) (1), (2), (3), and Notes 3 and 4 and (b) Note added; (g) revised 48984
240.14c–7 (a)(1)(i)(A) and Note 1, (b)(3), and (c) revised; (a)(1)(i)(C) and (d) added 23649
240.14c–101 Amended 48984
240.15b1–3 (b) revised 16838
240.15b2–2 (a) and (b) revised 16838
240.15c2–2 Removed 39217
240.15c3–1 (a)(9) and (c)(2)(iv)(H) added; (c)(2)(iv)(F) (*1*), (*2*), and (*3*) revised 22298
240.15c3–3 (b)(4) added 30333
240.15c3–3a Table amended 30334
240.15Ca1–1—240.15Cc1–1 Undesignated center heading added 16839
240.15Ca1–1 Added 16839
240.15Ca2–1 Added 16839
240.15Ca2–2 Added 16839
240.15Ca2–3 Added 16840
240.15Ca2–4 Added 16840
240.15Ca2–5 Added 16840
240.15Cc1–1 Added 16841
240.17a–3 (a)(4) (v) and (vi), (5) and (8) revised; (a)(4)(vii) added 22299

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

Page

240.17a–13 (b) (1), (2), and (3) revised 22299
240.31–1 (f) revised 24153
241 Interpretative releases 11458
249.220f Form 20–F amended 30919
249.501 Form BD amended 16841
249.501a Form BDW revised 15492
Revised 16844
250.45 (b)(6) added 48986
270 Authority citation amended 42284, 42428
270.20a–1 (c) revised 48985
270.6c–9 Added 42284
270.6e–3(T) Revised 11208
270.19b–1 (a) and (c)(1)(iii) revised; (f) added 42428
274 Authority citation amended 42284
274.101 Form N–SAR amended 46351
274.305 Added 42284
275.206(4)–4 Added 36918
276 Interpretative releases 38400
279.1 Form ADV amended 36918

Chapter IV—Department of the Treasury

Chapter IV Chapter established 19682
Revised 27926
400—449 (Subchapter A) Added 19682
Revised 27926
400 Added 19682
Revised 27926
401 Added 19685
Revised 27930
402 Added 19687
Revised 27931
402.2a Schedules B and C correctly revised 23141
403 Added 19702
Revised 27947
404 Added 19706
Revised 27952
405 Added 19708
Revised 27954
449 Added 19710
Revised 27956
450 (Subchapter B and Part) Added 19711
Revised 27957

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

Page

Title 17—*Proposed Rules:*

1 ..... 28281, 28284, 32568, 33680, 44413
3 ..... 19522, 45350
4 19522
12 41733
33 22333
34 47022
140 19522
145 44413
147 44413
200 ..... 25124, 27902, 35115
210 11665
229 ..... 13715, 24018
230 ..... 29033, 29206
239 ..... 11665, 29033, 32018
240 ..... 11083, 11089, 11665, 18237, 19885, 22334, 22493, 23665, 23849, 23855, 24018, 25245, 36045, 37472, 44447, 48125
249 ..... 17301, 24018
250 23679
270 ..... 22334, 22496
274 ..... 24018, 32018
275 43343
279 11665

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Energy Regulatory Commission, Department of Energy

2 Authority citation revised 47910
2.19 Added 39907
Rehearing granted 48398
2.66 Order on remand 30146
Rehearing granted 37928
2.80 Revised 47910
2.81 Removed 47910
2.82 Removed 47910
2.104 Added; interim 30351
Addition eff. 9-15-87; (f) amended 35539
Rehearing granted 36919, 47914
Seminars 37284
Response time extended 39507
2.105 Added; interim 30352
Addition eff. 9-15-87 35539
Rehearing granted 36919, 47914
Seminars 37284
Response time extended 39507
2.400 Undesignated center heading and section added 19310
Undesignated center heading correctly added 21410

Page

2 Appendix A removed; Appendix B redesignated as Part 380 Appendix A and heading revised 47910
4 Authority citation revised 37285, 39630, 48404
4.30 (b)(9) revised 48404
4.32 (a) (3) and (4) redesignated as (a) (4) and (5); (a)(2)(iv) revised; new (a)(3) added 37285
(c)(4) added 48404
4.38 Rehearing denied 13234
(a) amended 48404
4.41 Rehearing denied 13234
4.51 Rehearing denied 13234
4.61 Rehearing denied 13234
4.101 Amended 39630
4.106 (c) amended 39630
4.109—4.113 Removed 39630
4.300—4.305 (Subpart M) Added 48404
11 Rehearing granted 25208
Rehearing denied 37929
Authority citation revised 48406
11.1 (a) (2) and (4) and (b) (2), (3) and (4) revised; (b)(6) removed 18208
Rehearing denied 37929
(f) added 48406
11.2 (b), (c), and (d) revised 18209
Rehearing denied 37929
11.3 (c) revised 18209
(c) revision effective date confirmed 33802
Rehearing denied 37929
11.4 (b) revised 18209
(b) revision effective date confirmed 33802
Rehearing denied 37929
11 Schedule A added 18210
Schedule A revised 43321
16 Authority citation revised 11039
16.1 Revised; interim 11039
16.14 Added; interim 11039
16.15 Added; interim 11039
16.16 Added; interim 11039
(c)(1) revised; (d)(1) suspended; interim 18228
35 Authority citation revised 23965, 24993
35.13 (a)(2)(ii) revised 24993
Rehearing granted 30659
Rehearing denied 39907
35.26 Revised 23965

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

Page

Rehearing granted 30659
(b)(1) and (g)(2) revised; (c)(4) amended; rehearing granted in part 35702
35.27 Added 24993
Rehearing denied 39907
37.9 (d) table revised 13638, 27680, 39909
74.3602 Addition effective date confirmed 37286
116 Authority citation revised; text amended 45169
Effective date suspended 49157
154 Authority citation revised 21292, 21668
Rehearing denied 29659
154.28 Revised 43879
Effective date suspended 48407
154.38 (h)(3)(v) amended 15714
(d)(6) added 21292
Clarification 23650
Technical correction 24153
Petitions granted 28463
Order on remand 30146
(d)(6)(ii) revised; rehearing granted in part 36021
Rehearing granted 37928, 44859
(d)(4) revised; (h) removed 43880
Effective date suspended 48407
154.42 Order on remand 30146
Rehearing granted 37928
(e)(2) revised 43880
Effective date suspended 48407
154.52 (c) revised 43880
Effective date suspended 48407
154.63 (b) (3) and (4) and (f) amended 43880
Effective date suspended 48407
154.94 (k)(4) revised 21668
Rehearing granted 29008
154.111 Rehearing denied and clarification 31987
154.206 (b)(1)(i) revised 43880
Effective date suspended 48407
154.208 (b)(1) revised 43880
Effective date suspended 48407
154.209 (a)(2) amended 43880
Effective date suspended 48407
154.212 Amended 43880
Effective date suspended 48407
154.301—154.310 Undesignated center heading added 43880
Effective date suspended 48407
154.301 Added 43880
Effective date suspended 48407

Page

154.302 Added 43880
Effective date suspended 48407
154.303 Added 43881
Effective date suspended 48407
154.304 Added 43883
Effective date suspended 48407
154.305 Added 43883
Effective date suspended 48407
154.306 Added 43886
Effective date suspended 48407
154.308 Added 43886
Effective date suspended 48407
154.309 Added 43887
Effective date suspended 48407
154.310 Added 43887
Effective date suspended 48407
157 Rehearing denied 29659
Order on remand 30146
Rehearing granted 37928
Authority citation revised 47910
157.102 (b)(1)(v) revised 47910
157.208 (c)(11) revised 47910
201 Authority citation revised; text amended 28467
Order on remand 30146
Rehearing granted 37928
270 Authority citation revised 29005, 43888
Rehearing denied 29659
270.101 (c)(1) revised 29005
(f) introductory text revised 43888
Effective date suspended 48407
270.102 Order on remand 30146
Rehearing granted 37928
270.201 (a) (5) through (7) redesignated as (a) (6) through (8); new (a)(7) revised; new (a)(5) and (b)(5) added 21677
270.203 Order on remand 30146
Rehearing granted 37928
271 Authority citation revised 21668, 23030, 29006
Rehearing denied 29659
271.101 (a) Tables I and II amended 15714, 28468, 41416
271.102 (c) Table III amended 15715, 28469, 41417
271.702 Order on remand 30146
Rehearing granted 37928
271.703 (d)(111)(iii) added 10741

TITLE 18 Chapter I—Con. Page

(b)(5) and (c) revised; (d) (199) and (200) added....29006
Order on remand....30146
Rehearing granted....37928
(d) (201), (202) and (203) added....46074
271.704 Order on remand....30146
Rehearing granted....37928
271.1104 (d)(1)(iv) revised; (h) added....21668
(h) correctly revised....23030
Rehearing granted....29008
272 Authority citation revised....26474
272.101 Revised....26474
272.103 (a)(3) redesignated as (a)(4); new (a)(3) added....26475
272.104 Revised....26475
273 Authority citation revised....26475, 29007, 43888
273.102 (a)(1) revised....29007
273.204 (a)(1)(v) added....26475
273.302 (f)(2)(i) introductory text revised....43889
Effective date suspended....48407
274 Authority citation revised....29007
274.104 (a)(5) revised....29007
274.501 (a)(1) (i) through (iv) revised; (a)(2) table amended....29007
282 Order....15715, 19856
Removed....28467
284 Authority citation revised....28467
Rehearing denied....29659
Rehearing granted in part....39630
284.2 Rehearing granted....47914
284.8 (f) added; interim....30352
(f) addition eff. 9-15-87....35539
(f)(6) amended....35540
Rehearing granted....36919
Seminars....37284
Response time extended....39507
(f)(1)(ii), (2), (3), (4) introductory text, and (6) revised....39632
(f)(4)(ii) amended; (f) (8) through (11) added....48992
284.9 (f) added; interim....30353
(f) addition eff. 9-15-87....35539
(f)(6) amended....35540
Rehearing granted....36919, 47914
Seminars....37284
Response time extended....39507
(f)(1)(ii), (2), (3), (4) introductory text, and (6) revised....39632
(f)(4)(ii) amended; (f) (8) through (11) added....48993
284.10 Suspended....27799
Suspension removed; heading and (a) revised; (c) and (d) removed; (e) and (f) redesignated as (c) and (d); new (c) heading, (2), and (3)(ii), and (d) (1) and (2) revised; interim (effective date pending)....30354
Rehearing granted....31029, 36919, 47914
Suspension removal and amendments at 52 FR 30354 eff. 11-1-87....35540
Seminars....37284
Response time extended....39507
Suspension removal eff. 1-1-88....39633
284.224 (e)(3) removed; (e) (4), (5), and (6) redesignated as (e) (3), (4), and (5)....28467
284.225 Revised....21678
284.226 Revised....21679
292 Authority citation revised....28467
292.203 (b) revised....28467
292.205 (c) removed; (d) redesignated as (c) and revised....28467
292.501—292.503 (Subpart E) Removed....28467
300.1 (a) revised....20709
300.14 Added....20709
300.21 (c)(2) revised....20709
375 Authority citation revised....18562, 21292, 43889
375.306 (j) added....21292
Clarification....23650
Technical correction....24153
Petitions granted....28463
Rehearing granted in part....36013
Rehearing granted....44859
375.307 (a)(18) added....18562
(w) added....21292
Clarification....23650
Technical correction....24153
Petitions granted....28463
(l) removed; (m) through (w) redesignated as (l) through (v)....28467
Rehearing granted in part....36013
(b)(1) amended....43889

Page

Rehearing granted....44859
Effective date suspended....48407
375.308 (v) added....21292
Clarification....23650
Technical correction....24153
Petitions granted....28463
Rehearing granted in part....36013
Rehearing granted....44859
375.314 (ff) added....48406
380 Added (Appendix A redesignated from Part 2 Appendix B and heading revised)....47910
381 Authority citation revised....10367, 28467
381.201 Amended....10367
381.202 Amended....10367
381.204 Amended....10367
381.205 Amended....10367
Revised....43889
Effective date suspended....48407
381.207 (b) amended....10367
381.208 Amended....10367
381.209 (b) amended....10367
381.302 (a) amended....10367
381.303 (a) amended....10367
381.304 (a) amended....10367
381.401 Amended....10367
Revised....28467
381.402 Amended....10367
381.403 Amended....10367
381.405 Amended....10367
381.505 Amended....10367
381.506 Amended....10367
381.507 Amended....10367
381.508 Amended....10367
381.509 Amended....10367
381.510 Amended....10367
382 Added....21292
Clarification....23650
Technical correction....24153
Petitions granted....28463
Rehearing granted in part....36013
382.102 (a) and (o) revised....36022
Rehearing granted....44859
382.106 (a) revised....36022
Rehearing granted....44859
382.202 Revised....36022
Rehearing granted....44859
385 Authority citation revised....28467, 35909
385.401—385.411 (Subpart D) Petitions for rehearing granted....16844
385.402 (a) revised....35909
385.403 (b) revised....35909
385.408 (a) and (b)(3) revised....35909
385.410 (c)(6) revised....35910
385.1101 (a) revised....28467
389.101 (b) table amended (OMB numbers)....18228, 24994, 31990, 37931, 43191, 45171, 45823
Rehearing granted....30659
Rehearing denied....39907

Chapter III—Delaware River Basin Commission

401 Authority citation revised....37602
401.91—401.109 (Subpart G) Redesignated as 401.101—401.119 (Subpart H)....37602
401.91—401.119 (Subpart G) Added....37602
401.111—401.114 (Subpart H) Redesignated as 401.121—401.124 (Subpart I)....37602
401.101—401.119 (Subpart H) Redesignated from 401.91—401.109 (Subpart G)....37602
401.121—401.124 (Subpart I) Redesignated from 401.111—401.114 (Subpart H)....37602
410 Water Code amended....16239
Water Code corrected....17888

Chapter XIII—Tennessee Valley Authority

1301.1—1301.4 (Subpart A) Authority citation revised....17939
1301.2 Revised....17939
1306 Authority citation revised....48019
1306.1 Revised; interim....48019
(b) revised; interim; eff. 4-2-89....48019
1306.2 Removed; new 1306.2 redesignated from 1306.18; interim; eff. 4-2-89....48019
1306.3 Removed; new 1306.3 redesignated from 1306.19; interim; eff. 4-2-89....48019
1306.4 Removed; new 1306.4 redesignated from 1306.20; interim; eff. 4-2-89....48019

TITLE 18 Chapter XIII—Con. Page

1306.5 Removed; new 1306.5 redesignated from 1306.21; interim; eff. 4–2–89 48019
1306.6 Removed; new 1306.6 redesignated from 1306.22; interim; eff. 4–2–89 48019
1306.7 Removed; interim; eff. 4–2–89 48019
1306.8 Removed; interim; eff. 4–2–89 48019
1306.9 Removed; interim; eff. 4–2–89 48019
1306.10 Removed; interim; eff. 4–2–89 48019
1306.11 Removed; interim; eff. 4–2–89 48019
1306.12 Removed; interim; eff. 4–2–89 48019
1306.13 Removed; interim; eff. 4–2–89 48019
1306.14 Removed; interim; eff. 4–2–89 48019
1306.15 Removed; interim; eff. 4–2–89 48019
1306.16 Removed; interim; eff. 4–2–89 48019
1306.17 Removed; interim; eff. 4–2–89 48019
1306.18 Redesignated as 1306.2; interim; eff. 4–2–89 48019
1306.19 Redesignated as 1306.3; interim; eff. 4–2–89 48019
1306.20 Redesignated as 1306.4; interim; eff. 4–2–89 48019
1306.21 Redesignated as 1306.5; interim; eff. 4–2–89 48019
1306.22 Redesignated as 1306.6; interim; eff. 4–2–89 48019
1306.23 Removed; interim; eff. 4–2–89 48019
1310 Authority citation revised 25592
1310.2 (c) added 25592
1310.3 (d) redesignated as (e); new (d) added 25592
1312.16 (a) (1) and (2) revised 47721

Title 18—*Proposed Rules:*

2 ..... 20314, 23183, 33756, 33765
3 ..... 24027, 43612
4 ..... 10898, 19889, 21576, 23557, 25246, 38460, 43612
11 ..... 10898, 19889
12 ..... 23557, 25246
16 28159
37 ..... 37326, 42003, 44609
141 28159
154 ..... 20828, 25530, 28159, 35117
157 ..... 18703, 20192, 25530, 28159, 35117, 43612
161 ..... 21578, 37801
250 ..... 21578, 37801
260 ..... 25530, 35117
271 ..... 15731, 18577, 18578
282 20828
284 ..... 18703, 20192, 25530, 33756, 33765, 35117
292 ..... 15732, 38460, 43612
375 ..... 10898, 19889, 20828, 38460, 43612
380 ..... 20314, 23183
381 ..... 20828, 24027, 43612
385 29216
388 24027
401 24307
410 32024
1301 ..... 10772, 32573, 34343
1310 ..... 19734, 47728

TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury

4.2 (a) revised; footnote 3 removed 48196
4.2a Added 48196
4.41 (a) amended 20066
4.98 (j) addition comment time extended 20593
6.3a (a) introductory text, (1), and (2) revised 24292
6.7 (b)(3)(ii) amended 20066
(b)(3)(ii) corrected 26142
6.12 (g) amended 20066
6.16 Amended 20066
10.6 Revised 20066
10.9 (g) and (h) removed; (i) through (l) redesignated as (g) through (j) 20066
10.10 Section and footnote 8 removed 20066
10.18 Revised 24445
10.19 Removed 24445
10.20 Removed 24445
10.35 (b) and (d) removed; (c) redesignated as (b) 20066
10.50 Section and footnote 45 removed 20066
10.53 (a) and (b) and footnotes 48 and 50 removed; (c) through (i) redesignated as (a) through (g); new (b), (c), and (e)(6) amended 20066
10.54 (b) and footnote 51 and (a) designation removed 20066
10.56 (f) amended 20066
10.58 (a) removed; footnote 55 removed 20066
10.64a Removed 20066
10.66 (a)(2) and footnotes 61 and 62 removed; (a) (3) and (4) redesignated as (a) (2) and (3); (b) amended 20066
10.70 (a) and footnotes 64 and 65 removed; (b) and (c) redesignated as (a) and (b); heading revised; new (a) amended 20066
10.71 (f) amended 20066
(f) corrected 26142
10.72 Section and footnote 66 removed 20067
10.73 Section and footnote 67 removed 20067
10.74 Section revised; footnote 68 removed 20067
10.78 (a) revised 20067
10.79 Removed 20067
10.81 (b) amended 20067
10.82 Removed 20067
10.83 (a) revised 20067
10.90 (a), (b), and (d) and footnote 81 removed; (c), (e), (f), and (g) redesignated as (a), (b), (c), and (d); new (d) amended 20067
10.98 (e) amended 20067
10.101 (b) and (c) heading and text amended 20067
10.106 Section and note removed 20067
10.108 (b) and footnote 100 removed; (a) designation removed 20067
10.110 Section and footnote 103 removed 20067
12.39 (d) added 39221
12.104 Notice of import restrictions 34614
18.2 (a)(2)(ii) and (c)(1) amended 20067
18.13 (b) revised 20067
19.16 Removed 20067
24 IRS interest rate 10561
24.24 (b)(1) table, (c)(6)(i), and (e)(3)(ii) corrected 10970

Page

Addition comment time extended 20593
(b)(1) table revised; interim 26297
54.5 (a) amended 20067
54.6 (a) revised; (d) and footnote 1 amended 20067
101.3 (b) table amended 15496, 22300, 35063, 36758
101.4 (c) table amended 35063, 36758
101.5 Revised 16374
Effective date note corrected 18322
103.12 (g) revised; (h) and (i) added; interim 43192
113.64 (e) added 37135
Technical correction 38042
123.4 (b) amended 20068
(b) corrected 26142
123.52 (e) and (f) amended 20068
123.64 (b), (c), and (d)(2) amended 20068
123.65 (d)(2) amended 20068
127 Authority citation revised 15497
127.22 Revised 15497
133.42 (c) corrected 10668
141.11 (a)(4) amended; (a)(5) removed 20068
141.61 (a)(2), (e)(1)(i)(A), and (f)(1)(iv) and (2)(i) amended 20068
141.63 (c) added 24155
141.68 (h) amended 20068
(h) corrected 26142
141.88 Revised 24445
141.111 (b)(1) and (c) removed 20068
143.23 Introductory text amended 20068
Introductory text corrected 26142
143.24 Heading and text amended 20068
Heading and text corrected 26142
143.25 Amended 20068
Corrected 26142
144.42 (b) (1), (2), and (3) amended 20068
145.4 (c) amended 20068
(c) corrected 26142
145.12 (b)(1), (c), and (e)(1) amended 20068
(b)(1), (c) and (e)(1) corrected 26142
146.22 (e) corrected 10970
(e) addition comment time extended 20593

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

TITLE 19 Chapter I—Con. Page

148.13 (d) revised 24445
148.24 (a) amended 24445
148.101 Introductory text, *Example 1* text, and *Example 2* text corrected; *Example 1* table and *Example 2* table correctly revised 12149
Amended; Examples 1 and 2 footnotes amended 24446
152.1 (a) and (b) removed; (c) amended; (d) added 24446
152.20 Removed 24446
152.21 Removed 24446
152.22 Removed 24446
152.23 Amended 24446
152.24 Removed 24446
152.31—152.43 (Subpart D) Removed 24446
172.2 Revised 12151
172.12 (b) revised 12152
172.23 Amended 12152
172.33 (a)(1) and (c)(2)(ii) revised 12152
175 Petition denial contested 37442
Interpretative rule 37443
Petition denial contest and interpretative rule corrected 38835
177 Interpretative rule 11216
177.9 (b)(3) amended 24446
178.2 Table amendment (OMB numbers) comment time extended 20593

Chapter II—United States International Trade Commission

201 Nomenclature changes 48994
201.3 (a) and (b) amended 48994
201.6 (b), (e), and (f) amended 48994
201.17 (a) amended 48994
201.19 (a) amended 48994
201.23 (e) amended 48994
201.24 (a) amended 48994
201.25 (b) amended 48994
201.28 (a) amended 48994
201.29 (a) amended 48994
201.41 (b) amended 48994
201.170 (c) amended 48994
212 Nomenclature changes 48994
212.29 Amended 48994
213 Nomenclature changes 48994
213.4 (a) amended 48994
213.7 Amended 48994

Chapter III—International Trade Administration, Department of Commerce

Page

353.24 Added 30662
355.8 Added 30662

Title 19—*Proposed Rules:*

4 ..... 24169, 46602
6 ..... 36788, 44917, 48833
7 26154
19 ..... 41734, 43434
101 ..... 13473, 17770, 32025, 47948
111 10774
112 ..... 41734, 43434
113 ..... 35274, 37044, 48833
127 12000
128 47729
141 ..... 36279, 42310, 43827
143 47729
146 ..... 41734, 43434
175 15512
177 ..... 36279, 36789, 39662, 47601
178 ..... 42310, 43827
201 21317
353 25246
354 25246
355 25246

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Office of Workers' Compensation Programs, Department of Labor

10.1 Revised; eff. 6-1-87 10503
10.2 (b) revised; eff. 6-1-87 10503
10.3 (i) added; eff. 6-1-87 10503
10.4 Revised; eff. 6-1-87 10503
10.5 (a)(6), (11) (iv) through (xx), (12) and (14) through (20) and (b) revised; (a) (21) through (26) added; (c) and (d) removed; eff. 6-1-87 10503
10.10 Revised; eff. 6-1-87 10504
10.11 Revised; eff. 6-1-87 10505
10.12 Added; eff. 6-1-87 10505
10.20 (b) table amended; eff. 6-1-87 10505
10.23 Revised; eff. 6-1-87 10505
10.100 Revised; eff. 6-1-87 10505
10.101 Redesignated as 10.103 and revised; new 10.101 redesignated from 10.102 and revised; eff. 6-1-87 10506
10.102 Redesignated as 10.101 and revised; new 10.102 redesignated from 10.103 and revised; eff. 6-1-87 10506
10.103 Redesignated as 10.102 and revised; new 10.103 redesignated from 10.101 and revised; eff. 6-1-87 10506
10.104 Added; eff. 6-1-87 10506
10.105 (a) revised; (e) added; eff. 6-1-87 10507
10.106 Revised; OMB number; eff. 6-1-87 10507
10.107 Revised; eff. 6-1-87 10507
10.109 Revised; eff. 6-1-87 10507
10.110 Redesignated as 10.125 and revised; new 10.110 added; eff. 6-1-87 10508
10.111 Revised; eff. 6-1-87 10508
10.120 Revised; eff. 6-1-87 10508
10.121 Revised; eff. 6-1-87 10509
10.122 Revised; OMB number; eff. 6-1-87 10509
10.123 Redesignated as 10.124 and revised; eff. 6-1-87 10509
Added; eff. 6-1-87 10510
10.124 Redesignated as 10.126 and revised; new 10.124 redesignated from 10.123 and revised; eff. 6-1-87 10509
10.125 Redesignated from 10.110 and revised; eff. 6-1-87 10508
10.126 Redesignated from 10.124 and revised; eff. 6-1-87 10509
10.127 Added; eff. 6-1-87 10510
10.128 Added; eff. 6-1-87 10511
10.130 Revised; eff. 6-1-87 10511
10.131 Revised; eff. 6-1-87 10511
10.132 Revised; eff. 6-1-87 10511
10.133 (a) revised; eff. 6-1-87 10512
10.134 Redesignated as 10.136 and revised; eff. 6-1-87 10512
Added; eff. 6-1-87 10513
10.135 Redesignated as 10.137 and revised; new 10.135 added; eff. 6-1-87 10512
10.136 Redesignated as 10.138 and revised; new 10.136 redesignated from 10.134 and revised; eff. 6-1-87 10512
10.137 Redesignated as 10.139; new 10.137 redesignated from 10.135 and revised; eff. 6-1-87 10512

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

Page

10.138 Redesignated from 10.136 and revised; eff. 6-1-87 10512
10.139 Redesignated from 10.137; eff. 6-1-87 10512
10.140 Revised; eff. 6-1-87 10513
10.141 Revised; eff. 6-1-87 10513
10.144 Revised; eff. 6-1-87 10513
10.145 (c) introductory text, (d), (g), (h) and (i) revised; OMB number; eff. 6-1-87 10513
10.160—10.166 Undesignated center heading added; eff. 6-1-87 10514
10.160—10.164 Added; eff. 6-1-87 10514
10.165 Added; eff. 6-1-87 10515
10.166 Added; eff. 6-1-87 10515
10.200 Revised; eff. 6-1-87 10515
10.201 Revised; eff. 6-1-87 10515
10.202 Redesignated as 10.203 and revised; eff. 6-1-87 10515
Redesignated from 10.210 and revised; eff. 6-1-87 10516
10.203 Removed; new 10.203 redesignated from 10.202 and revised; eff. 6-1-87 10515
10.204 Revised; eff. 6-1-87 10516
10.205 Revised; eff. 6-1-87 10516
10.206 (a) revised; eff. 6-1-87 10517
10.207 Revised; OMB number; eff. 6-1-87 10517
10.208 Revised; eff. 6-1-87 10517
10.209 Revised; eff. 6-1-87 10518
10.210 Redesignated as 10.202 and revised; eff. 6-1-87 10516
10.301 (a) revised; eff. 6-1-87 10518
10.302 Revised; eff. 6-1-87 10518
10.303 Revised; eff. 6-1-87 10518
10.304 Revised; eff. 6-1-87 10519
10.305 Redesignated as 10.306 and revised; new 10.305 added; eff. 6-1-87 10519
10.306 Redesignated as 10.307; new 10.306 redesignated from 10.305 and revised; eff. 6-1-87 10519
10.307 Redesignated from 10.306; eff. 6-1-87 10519
10.310 Revised; eff. 6-1-87 10519
10.311 (b) and (c) revised; eff. 6-1-87 10520
10.313 (a) revised; (c) added; eff. 6-1-87 10520
10.314 Revised; eff. 6-1-87 10520

TITLE 20 Chapter I—Con. Page

10.320—10.324 Undesignated center heading added; eff. 6-1-87 ... 10520
10.320 Added; eff. 6-1-87 ... 10520
10.321 Added; eff. 6-1-87 ... 10521
10.322 Added; eff. 6-1-87 ... 10521
10.323 Added; eff. 6-1-87 ... 10522
10.324 Added; eff. 6-1-87 ... 10522
10.400 (e) revised; eff. 6-1-87 ... 10522
10.413 Added; eff. 6-1-87 ... 10522
10.452 (a) revised; eff. 6-1-87 ... 10522
10.500 Revised; eff. 6-1-87 ... 10522
10.503 Introductory text, (b), (c) and (d) revised; eff. 6-1-87 ... 10522
10.506 Added; eff. 6-1-87 ... 10523
10.507 Added; eff. 6-1-87 ... 10523
10.600—10.624 (Subpart H) Added; eff. 6-1-87 ... 10523

Chapter II—Railroad Retirement Board

200 (Subchapter A) Heading revised ... 11010
200 Heading and authority citation revised ... 11010
Authority citation revised; section authority citations removed ... 41559
200.1 Redesignated as 200.2; new 200.1 added ... 11010
200.2 Redesignated as 200.3; new 200.2 redesignated from 200.1 ... 11010
200.3 Redesignated as 200.4; new 200.3 redesignated from 200.2 ... 11010
Revised ... 11011
200.4 Redesignated as 200.5; new 200.4 redesignated from 200.3 ... 11010
(g) revised ... 13820
200.5 Redesignated as 200.6; new 200.5 redesignated from 200.4 ... 11010
200.6 Redesignated as 200.7; new 200.6 redesignated from 200.5 ... 11010
200.7 Redesignated from 200.6 ... 11010
Revised ... 41559
209.2 OMB number ... 11016
210.7 OMB number ... 11016
216.7 OMB number ... 11016
216.9 OMB number ... 11017
216.21 OMB number ... 11017
216.31 OMB number ... 11017
216.47 OMB number ... 11017
216.71 OMB number ... 11017
217.3 OMB number ... 11017
217.5 OMB number ... 11017
217.10 OMB number ... 11017
230.3 OMB number ... 11017
234.10 OMB number ... 11017
234.30 OMB number ... 11017
260.5 OMB number ... 11017
260.9 OMB number ... 11017
266.12 OMB number ... 11017
320.39 OMB number ... 11017
322.4 OMB number ... 11017
325.12 OMB number ... 11017
325.13 OMB number ... 11017
330.4 OMB number ... 11017
335.102 OMB number ... 11017
335.103 OMB number ... 11018
335.104 OMB number ... 11018
335.202 OMB number ... 11018
341.4 OMB number ... 11018
345.4 OMB number ... 11018
345.5 OMB number ... 11018
345.6 OMB number ... 11018
345.8 OMB number ... 11018
355 (Subchapter E and Part) Added ... 47706
359 (Subchapter E and Part) Added; interim; effective in part to 8-12-87 ... 19133

Chapter III—Social Security Administration, Department of Health and Human Services

401 Authority citation removed ... 27540
401.100—401.125 (Subpart A) Authority citation added ... 27540
401.200—401.220 (Subpart B) Authority citation added ... 27540
401.300—401.350 (Subpart C) Authority citation added ... 27540
401.400—401.420 (Subpart D) Authority citation added ... 27540
401.500.401.510 (Subpart E) Authority citation added ... 27540
401.600—401.604 (Subpart F) Authority citation added ... 27540
404 Technical correction ... 38835
404.1—404.3 (Subpart A) Authority citation revised; section authority citations removed ... 27540
404.101—404.146 (Subpart B) Authority citation revised ... 27540
404.201—404.290 (Subpart C) Authority citation revised; section authority citations removed ... 27540
404.212 (b)(4) added ... 47916
404.213 Added ... 47916
404.240 Amended ... 47917
404.243 Added ... 47918
404.251 (c) added ... 47918
404.280 Revised ... 47918
404.281 (f) added ... 47918
404.282 Amended ... 47918
404.284 (a) amended ... 47918
404.288 Added ... 47918
404.301—404.395 (Subpart D) Authority citation revised; section authority citations removed ... 19136, 27540
Authority citation revised ... 26955
404.305 (b) revised ... 19136
(b) corrected ... 21410
404.362 (b)(2) amended ... 37604
404.366 Introductory text and (b) introductory text revised ... 26955
404.401—404.468 (Subpart E) Authority citation revised; section authority citations removed ... 26145, 27540
404.417 (b) revised ... 26145
404.460 (d) added ... 26145
404.501—404.515 (Subpart F) Authority citation revised; section authority citations removed ... 27540
404.601—404.641 (Subpart G) Authority citation revised; section authority citations removed ... 27540
404.701—404.780 (Subpart H) Authority citation revised; section authority citations removed ... 27540
404.801—404.831 (Subpart I) Authority citation revised; section authority citations removed ... 27540
404.900—404.999d (Subpart J) Authority citation revised; section authority citations removed ... 27540
404.965 Removed ... 17286
404.1001—404.1096 (Subpart K) Authority citation revised; section authority citations removed ... 27541
Section authority citations removed ... 29662
Authority citation correctly revised ... 39635
404.1043 Revised ... 29662
404.1055 Revised ... 29662
404.1059 (g) revised ... 29662
404.1060 (a) and (e) revised ... 29662
404.1201—404.1290 (Subpart M) Authority citation revised; section authority citations removed ... 27541
404.1301—404.1371 (Subpart N) Authority citation revised ... 27541
Authority citation corrected ... 33316
404.1341 (a) and (c) revised; (d) added ... 29663
404.1401—404.1413 (Subpart O) Authority citation revised ... 27541
404.1501—404.1599 (Subpart P) Authority citation revised; section authority citations removed ... 27541
404.1503 (e) added ... 33926
404.1526 (b) amended; (c) revised ... 33926
404.1546 Amended ... 33926
404.1594 (f)(7) amended ... 44971
404.1599 (e) amended ... 37605
404.1601—404.1694 (Subpart Q) Authority citation revised ... 27541
404.1615 Revised ... 33926
404.1616 Added ... 33927
404.1617 Added ... 33927
404.1700—404.1799 (Subpart R) Authority citation revised ... 27541
404.1800—404.1825 (Subpart S) Authority citation revised ... 27541
404.1901—404.1930 (Subpart T) Authority citation revised ... 27541
404.2001—404.2065 (Subpart U) Authority citation revised; section authority citations removed ... 27541
404.2101—404.2127 (Subpart V) Authority citation revised ... 27541
416.101—416.121 (Subpart A) Authority citation revised; section authority citations removed ... 27541

TITLE 20 Chapter III—Con. Page

416.200—416.269 (Subpart B) Authority citation revised; section authority citations removed....27541
416.250 (e) amended....37605
416.301—416.360 (Subpart C) Authority citation revised....27541
416.401—416.435 (Subpart D) Authority citation revised....27541
416.501—416.570 (Subpart E) Authority citation revised....27541
416.601—416.665 (Subpart F) Authority citation revised....27541
416.701—416.732 (Subpart G) Authority citation revised....27541
Authority citation corrected....31477
416.801—416.806 (Subpart H) Authority citation revised....27541
416.901—416.998 (Subpart I) Authority citation revised; section authority citations removed....27541
416.903 (e) added....33927
416.926 (b) amended; (c) revised....33928
416.946 Amended....33928
416.994 (b)(5)(vii) amended....44971
416.1001—416.1094 (Subpart J) Authority citation revised....27541
416.1015 Revised....33928
416.1016 Added....33928
416.1017 Added....33928
416.1100—416.1182 (Subpart K) Authority citation revised; section authority citations removed....27541
416.1161 (b) amended....44971
416.1201—416.1266 (Subpart L) Authority citation revised; section authority citations removed....27541, 29841
Authority citation revised....31762
416.1201 (c)(1) correctly revised....16845
416.1202 (a) and (b) revised....29841
(a) corrected....32240
416.1240 Revised....31762
Technical correction....35187
416.1260 (a)(2) revised....29841
416.1321—416.1338 (Subpart M) Authority citation revised; section authority citations removed....27541
416.1400—416.1499 (Subpart N) Authority citation revised; section authority citations removed....27541
416.1465 Removed....17286
416.1500—416.1599 (Subpart O) Authority citation revised....27541
416.1600—416.1618 (Subpart P) Authority citation revised....21943, 27541
416.1615 (a) (2) and (3) revised; (a)(4) added....21943
416.1618 Revised....21943
(b) introductory text correctly revised....34773
(b) introductory text corrected....35836
416.1701—416.1725 (Subpart Q) Authority citation revised....27541
416.1801—416.1881 (Subpart R) Authority citation revised....27542
416.1901—416.1922 (Subpart S) Authority citation revised....27542
416.2001—416.2098 (Subpart T) Authority citation revised; section authority citations removed....27542
416.2095 Revised....36241
416.2096 Revised....36241
416.2097 Redesignated as 416.2098; new 416.2097 added....36242
416.2098 Redesignated as 416.2099; new 416.2098 redesignated from 416.2097....36242
Revised....36243
416.2099 Redesignated from 416.2098....36242
Revised....36244
416.2101—416.2119 (Subpart U) Authority citation revised....27542
416.2201—416.2227 (Subpart V) Authority citation revised....27542

Chapter V—Employment and Training Administration, Department of Labor

602 Added....33528
602.41 Corrected....34343
654.400—654.417 (Subpart E) Authority citation revised....20506
654.403 Revised; interim....20506
655 Authority citation revised; subpart and section authority citations removed....20507

Page

655.0 (a) amended; (b) and (c) removed; (d) and (e) redesignated as (b) and (c); interim....20507
655.00 Amended; interim....20507
655.000 (a) amended; interim....20507
655.1 (a) designation and (b) removed; interim....20507
655.90—655.113 (Subpart B) Revised; interim....20507
655.200—655.212 (Subpart C) Heading revised; interim....20524
655.200 (a) and (b) redesignated as (b) and (c); new (a) added; interim....20524
655.202 (b)(9)(ii) revised....11466
655.207 (c) and (d) removed; (e) redesignated as (c)....11466
656 Authority citation revised; section authority citations removed....11218, 20596
656.10 Schedule A amended....20596
656.22 (c)(2) removed; (c)(3) redesignated as new (c)(2)....20596
656.26 (c) amended; (d) through (h) removed; heading and (a) introductory text revised....11218
656.27 Revised....11218
656.27a Removed....11219
656.50 Amended....11219, 20596
656.61 Removed....20596

Chapter VII—Benefits Review Board, Department of Labor

801 Revised....27290
801.2 (a)(2) corrected....28640
802 Revised....27292

Title 20—*Proposed Rules:*

61....20536, 27417
62....20536, 27417
200....10384, 27997, 43620
320....30383
340....30383
355....36790
365....47601
404....13014, 19169, 37161, 38466
410....19169
416....13014, 19169, 30169, 34813, 37625, 38466
606....41463
614....46604
615....10774
617....39586
626....23681, 26121
627....23681, 26121
628....23681, 26121
629....23681, 26121
630....23681, 26121
631....23681, 26121
654....16770
655....16770
725....26352
802....27300

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health and Human Services

2.125 (e)(11) added....15717
5.22 (a)(9) (v) and (vi) added....41986
5.80 (b)(1) and (c) introductory text revised; (d) added....37764
5.86 Revised....29664
5.87 Revised....29664
5.93 Added....10881
10.40 (h) revised....36401
10.95 (d)(8) revised....35064
58 Authority citation revised....33779
Technical correction....36863
58.1 Existing text designated as (a); (b) added....33779
58.3 Nomenclature change; (c), (d), and (e)(8) revised; (e)(12) removed; (e) (17) and (18) amended; (o) and (p) added....33779
58.31 (b) revised....33780
58.35 (a) and (b) introductory text, (1), and (3) revised; (e) removed; OMB number....33780
58.41 Revised....33780
58.43 (c) amended; (e) removed....33780
58.45 Amended....33780
58.49 Revised....33780
58.53 Removed....33780
58.61 Revised....33780
58.63 (b) revised; OMB number....33780
58.81 (c) amended....33780
58.90 (b) and (c) revised; OMB number....33780
58.105 (a) amended; (b) revised; OMB number....33781
58.113 (a)(2) revised....33781
58.120 (a) revised; OMB number....33781

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

TITLE 21 Chapter I—Con. Page

58.130 (d) and (e) revised; OMB number ... 33781
58.185 (b) revised ... 33781
58.190 (a) and (e) revised; OMB number ... 33781
58.195 (c) revised; (g) redesignated as (h); new (g) added ... 33781
58.204 (b) amended ... 33782
58.213 (b) amended ... 33782
58.219 Amended ... 33782
70 Authority citation revised ... 49586
70.50 (c) added ... 49586
73.1496 (a)(1), (b), and (c) revised ... 29665
Technical correction ... 32644
(a)(1), (b), and (c) revision effective date confirmed ... 42429
74.102 Eff. 7-31-87 ... 28553
74.706 Addition effective date confirmed; (a)(1) revised ... 21508
(a)(1) revision effective date confirmed ... 31990
74.1102 Eff. 7-31-87 ... 28553
74.1309 (a)(1) revised ... 21305
Technical correction ... 24583
Effective date confirmed ... 28552
74.1706 Addition effective date confirmed; (c)(2) revised ... 21508
74.2706 Addition effective date confirmed ... 21506
74.3045 (c)(1) introductory text and (i) revised ... 15945
Effective date confirmed ... 27542
74.3602 Added ... 19722
74.3710 Added ... 28690
Addition effective date confirmed ... 45938
81 Authority citation revised ... 42098
81.1 (a) and (b) tables amended ... 10882
(b) table amended ... 15946, 21305, 25209, 33574, 42098
(a) table amendment effective date confirmed; (a) table amended ... 21509
Technical correction ... 24583
(a) table amended ... 42097
81.27 (d) introductory text table amended ... 10882, 15946, 21306, 25209, 33574, 42097, 42098
(d) introductory text table amendment effective date confirmed; (d) introductory text table amended ... 21509
Technical correction ... 24583
82.102 Eff. 7-31-87 ... 28553
82.706 Revised ... 21509
101.9 (c)(3) amended ... 28691
131 Stay terminated ... 29509
Technical correction ... 31123
172.210 (b)(4) table amended ... 18911
172.859 (a) amended ... 10883
173.357 (a)(2) table amended ... 39512
175.105 (c)(5) table amended ... 10884, 12380, 27800, 29180
(c)(5) table corrected ... 19857
175.300 (b)(3)(xxxii) amended ... 41987
176.170 (a)(5) table amended ... 17553, 29667, 43058, 46746
(b)(2) table amended ... 19724
177 Authority citation revised ... 33803, 39635
177.1040 (c) table amended ... 33803
177.1390 Heading revised ... 33575
177.1395 Added ... 33575
Technical correction ... 36863
177.1430 Revised ... 11641
177.1500 (a)(12) added; (b) table amended ... 26667
Technical correction ... 28067
(a)(4) revised; (b) table amended ... 33575
(a)(13) and (c)(5) added; (b) table amended ... 39635
(b) table corrected ... 42760
177.1520 (b) table amended ... 23804
177.1555 Added ... 35540
177.1630 (e)(4)(i) amended ... 32917
177.1660 (c)(1) amended ... 20069
177.2550 (a) revised ... 29668
177.2600 (c)(4)(iii) amended ... 35910
178.1005 (d) revised ... 26146
178.1010 (b)(34) and (c)(29) added ... 29842
(c)(29) corrected ... 34047
178.2010 (b) table amended ... 20070, 22301, 30150, 33930, 35541, 35911, 37446, 43059, 43323
Technical correction ... 24090
(b) table corrected ... 26764
178.3295 Table amended ... 30920
182.8245 Removed ... 25211
184.1245 Added ... 25211
184.1259 (a) revised; (b) (8) and (9) revised ... 47920
(a)(2) corrected ... 48905
184.1287 Added ... 25976
184.1328 Added ... 42430
184.1639 Added ... 10886
184.1768 Added ... 10886
193.98 Added ... 29009
(b) corrected ... 31846
193.137 Existing text designated as (a); (b) added ... 17941
193.142 Heading and text nomenclature change ... 32293
193.253 Table amended ... 10562
193.277 (d) added ... 41418
(d) corrected ... 42760
193.410 Revised ... 27543
193.430 Heading and text nomenclature change ... 32293
193.472 Added ... 10563
193.473 Added ... 17942
Technical correction ... 23137, 23916, 34903
193.475 Added ... 43324
193.476 Added ... 39222
201.20 (a) revised; (c) added ... 21509
201.21 Effective date deferred in part ... 12152
310 Authority citation revised ... 30055, 37936
310.201 (a)(6) removed; eff. 5-2-88 ... 15892
(a)(14) removed; eff. 8-12-88 ... 30055
Technical correction ... 34047
310.305 (b)(4) revised; (c)(1) redesignated as (c)(1)(i); (c)(1)(ii) added ... 37936
312.7 Heading and (d) revised; OMB number ... 19476
Technical correction ... 23628
312.10 OMB number ... 23031
312.23 OMB number ... 23031
312.30 OMB number ... 23031
312.31 OMB number ... 23031
312.32 OMB number ... 23031
312.33 OMB number ... 23031
312.34 Text added ... 19476
Technical correction ... 23628
312.35 Added ... 19477
Technical correction ... 23628
312.36 OMB number ... 23031
312.38 OMB number ... 23031
312.41 OMB number ... 23031
312.42 (b)(3) added ... 19477
Technical correction ... 23628
312.44 OMB number ... 23031
312.45 OMB number ... 23031
312.47 OMB number ... 23031
312.53 OMB number ... 23031
312.55 OMB number ... 23031
312.56 OMB number ... 23031
312.57 OMB number ... 23031
312.59 OMB number ... 23031
312.62 OMB number ... 23031
312.64 OMB number ... 23031
312.66 OMB number ... 23031
312.70 OMB number ... 23031
312.110 OMB number ... 23031
312.120 OMB number ... 23031
312.140 OMB number ... 23031
312.160 OMB number ... 23031
314.80 (a), (c) introductory text, (1), and (2)(ii)(b), (d)(2), and (f) (1), (3), and (4) amended; (c)(2)(iii) and (e) revised ... 37936
331 Petition denied ... 33576
333 Added; eff. 12-12-88 ... 47322
333.120 (a)(11) corrected ... 48792
336 Added; eff. 5-2-88 ... 15892
341 Authority citation revised ... 30055
Technical correction ... 34047
341.3 (b) and (c) added; eff. 8-12-88 ... 30055
341.14 Added; eff. 8-12-88 ... 30055
341.74 Added; eff. 8-12-88 ... 30055
(c)(2) corrected ... 35610
341.76 Technical correction ... 12521
341.90 (b) and (c) added; eff. 8-12-88 ... 30057
369 Authority citation revised ... 30057, 47324
369.6 Removed; eff. 12-12-88 ... 47324
369.20 Amended; eff. 5-2-88 ... 15893
Amended; eff. 8-12-88 ... 30057
Technical correction ... 34047
Amended; eff. 12-12-88 ... 47324
369.21 Amended; eff. 5-2-88 ... 15893
Amended; eff. 8-12-88 ... 30057
Technical correction ... 34047
Amended; eff. 12-12-88 ... 47324
430.4 (a)(57) added ... 42287
430.5 (a)(90) and (b)(92) added ... 42287
(a)(91) and (b)(93) added ... 42431
430.6 (b)(92) added ... 42288
(b)(93) added ... 42431
436.215 (b) table amended; (c)(9) added ... 42432
Correctly designated ... 43966
(c)(9)(i) corrected ... 45528
436.217 Added ... 42432
436.542 (c) amended ... 35912
440.9a (b)(1)(i) revised; (b)(1)(ii)(d) added ... 42288

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

TITLE 21 Chapter I—Con. Page

(b)(1)(ii)(*d*)(*4*) formula corrected....45281
440.209 Redesignated as 440.209a; new 440.209 added....42288
440.209a Redesignated from 440.209....42288
440.209b Added....42288
442.19 Added....42432
Heading corrected....43966
(b)(1)(i) (A) and (B) and (iv)(A) formula corrected....45528
442.27 (a)(1) amended....35912
442.53a (b)(1)(iv)(*a*) revised....35912
442.55 Added....44860
442.119 Added....42433
(b)(1)(iii) formula corrected....45528
442.127a (a)(1) amended....20710
442.255 Redesignated as 442.255a; new 442.255 added....44860
442.255a Redesignated from 442.255....44860
442.255b Added....44860
444.542i Removed....35912
455.82a Added....42290
(b)(1)(iii)(D) and (iv) corrected....45281
500.80—500.92 (Subpart E) Added....49586
510 Authority citation revised....25976
510.600 Technical correction....10668, 18495, 23397
(c) (1) and (2) tables amended....11041, 11988, 12153, 18691, 19501, 20385, 20597, 25212, 25976, 27801, 32540, 32917, 36022, 36023, 39912, 41295, 41988
514.1 (b)(7) introductory text and (ii) revised; OMB number....49588
514.111 (a)(10) added....49588
520 Technical correction....10668, 18495
Heading corrected....28067
520.314 (a) revised....11989
520.580 (b)(1) revised....39512
520.680 Removed....25213
520.680a Removed....25213
520.680b Removed....25213
Correctly designated....27108
520.1044c (a) revised....48675
520.1193 Added....11042
520.1195 Added....34637
520.1242a (f)(2)(i) amended....20598
520.1448a (b) removed....27197
(d)(4)(iii) amended....30151
520.1540 Removed....20597
520.1660d (e) revised....48094
520.1720a (b)(5) removed....36023
520.2041 Added....37937
520.2455 Revised....15718
520.2473b Added....43059
522 Technical correction....10668, 18495
522.56 Added....11816
(a) corrected....15412
522.540 (b)(2)(ii) and (c)(2) amended....25212
(e)(2) amended....36023
522.1081 (a)(2)(i) amended....25212
522.1183 (e)(1) revised....18691
(e)(1) amended....36023
522.1258 (b) amended....25212
522.1660 (c)(1) (i) and (ii) amended....19502
522.1662a (i)(2) amended....36023
522.1680 (b) revised....18691
(b) amended....25212, 36023
522.1704 (b)(2) amended....25212
522.1720 (b)(2) amended....25212, 36023
522.1881 Added....23032
522.1884 (c) amended....25212
522.1940 (d)(2)(iii) amended; (e) added....45312
522.2476 Added....24995
524 Technical correction....10668, 10495
524.1240 Added....10887
524.1580b (b) amended....18691
524.1580d (b) revised....18691
(b) amended....36023
529.1044a Technical correction....10668, 18495
529.1044b Technical correction....10668, 18495
540.274b (c)(3)(ii) amended; (c)(5) added....32917
540.874a (c)(3)(i) and (4)(i) amended....36023
544.110 Removed....22438
546.180h (a)(1) and (c)(4)(i) amended....43060
546.180i (a)(1) and (c)(4)(i) amended....43061
556.170 Revised....43061
556.210 Removed....25213

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

Page

556.420 (b) revised....15718
556.500 (d) revised....24293
556.710 Revised....27683
556.739 Added....24995
558.4 (d) table amended....25213, 26956, 39912
558.45 Removed....39912
558.195 (d) table amended....38924, 43061, 43062
558.240 Removed....25213
558.274 (c)(1) table amended; (a)(7) revised....29010
558.311 (d)(5) (i) and (ii) and (e) table amended....16240
(b) revised; (e) introductory text and (1) through (11) redesignated as (e)(1) introductory text and (i) through (xi); (e)(2) added....24996
(b)(5) added; (e)(1) table amended....26299
(b)(3) amended; (e)(1) table amended....33804
(e)(2)(ii) correctly revised....33930
Technical correction....35518
(b)(3) and (e)(1) table amended....41988
(e)(1) table amended....48095
558.325 (a)(1)(iv) added....28470
558.342 (c)(3) added....33804
Technical correction....35518
558.355 (f)(1)(xiii)(*b*) and (xxi)(*b*) revised....13641
(b)(4) and (f)(2) added....15718
(b)(13) and (f)(3)(v) added....27197
558.360 (d)(3) amended....11642
558.415 (a) revised....36402
558.450 (d)(1) Table 3 amended....24293
(d)(1) Table 3 corrected....26401
(d)(2)(ii) added....48096
558.525 (a)(1) removed....12521
558.526 Removed....12521
558.600 Added....26956
558.625 (b) (37) and (64) removed....11041
(b)(7) removed....11988
(b)(70) removed....12153
(b)(89) added....27801
558.630 (b)(10) amended....28470
561.96 Added....29009
561.99 Revised....27545
561.273 (a) table amended....12154
(d) added....41418
561.360 Revised....27543
561.400 Heading and text nomenclature change....32293
561.415 Heading and text nomenclature change....32293
561.425 Heading and text nomenclature change....32293
561.430 Table amended....27544
561.439 Added....10563
561.440 Added....17941
561.441 Added....17942
Technical correction....23137, 23916, 34903
561.442 Added....39222
571.115 Added....49588
573 Authority citation revised....10888
573.920 Revised....10888
(c)(1) corrected....21001
610 Authority citation revised....37450
610.53 (c) table amended....37450
660.30—660.36 (Subpart D) Revised; effective in part 10-7-88....37450
660.102 Introductory text amended....39637
660.103 (f)(1) revised....39637
660.105 (a)(1) revised....39637
680.3 (e) and (f) added; OMB number....37607
680.4 Removed....37607
805 Added....27763
862 Added....16122
862.1385 (a) corrected....29468
862.3750 (b) corrected....48623
864 Authority citation revised; section authority citations removed....17732
864.1 Revised....17732
864.3 Added....17732
864.5220 (c) added....17733
864.5680 (c) added....17733
864.7250 (c) added....17733
864.7300 (c) added....17733
864.9205 (c) added....17733
864.9245 (c) added....17733
866 Authority citation revised; section authority citations removed....17733
866.1 Revised....17733
866.3 Added....17733
(b) and (c) corrected....22577
866.2420 (c) added....17734
866.3290 (c) added....17734
866.3305 (c) added....17734

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

TITLE 21 Chapter I—Con. Page

866.3510 (c) added....17734
866.6010 (c) added....17734
868 Authority citation revised; section authority citations removed....17734
868.1 Revised....17734
868.3 Added....17734
868.1120 (c) added....17735
(c) corrected....22577
868.1150 (c) added....17735
868.1170 (c) added....17735
868.1200 (c) added....17735
868.2450 (c) added....17735
868.2500 (c) added....17735
868.5400 (c) added....17735
868.5610 (c) added....17735
870 Authority citation revised; section authority citations removed....17735
870.1 Revised....17735
870.3 Added....17735
870.1025 (c) added....17736
870.1350 (c) added....17736
870.1360 (c) added....17736
870.3300 (c) added....17736
870.3375 (c) added....17736
870.3450 (c) added....17736
870.3535 (c) added....17736
870.3545 (c) added....17736
870.3600 (c) added....17736
870.3610 (c) added....17736
870.3620 (c) added....17736
870.3680 (c) added....17736
870.3700 (c) added....17736
870.3710 (c) added....17736
870.3800 (c) added....17736
870.3850 (c) added....17736
870.3925 (c) added....17737
(c) revised; eff. 12-9-87....18163
(c) corrected....23137
870.4230 (c) added....17737
870.4260 (c) added....17737
870.4320 (c) added....17737
870.4350 (c) added....17737
870.4360 (c) added....17737
870.5200 (c) added....17737
870.5225 (c) added....17737
870.5300 (c) added....17737
870.5550 (c) added....17737
872 Added....30097
872.3680 (a) corrected....34456
872.6080 (a), (b), and (c) corrected....49250
874.9 Added....32111
874.1100 Correctly designated....18495

Page

(b) revised....32111
874.3540 (b) revised....32111
874.4420 (b) revised....32111
874.5800 (b) revised....32111
876 Authority citation revised; section authority citations removed....17737
876.1 Revised....17737
(d) corrected....22577
876.3 Added....17737
876.3350 (c) added....17738
876.3630 (c) added....17738
876.3750 (c) added....17738
876.4480 (c) added....17738
876.5220 (c) added....17738
876.5270 (c) added....17738
876.5280 (c) added....17738
876.5540 (c) added....17738
876.5860 (c) added....17738
876.5870 (c) added....17738
876.5955 (c) added....17738
880 Authority citation revised; section authority citations removed....17738
880.1 Revised....17738
880.3 Added....17738
880.5130 (c) added....17739
880.5760 (c) added....17739
882 Authority citation revised; section authority citations removed....17739
882.1 Revised....17739
882.3 Added....17739
882.1790 (c) added....17739
882.1825 (c) added....17740
882.5150 (c) added....17740
882.5800 (c) added....17740
882.5840 (c) added....17740
882.5850 (c) added....17740
882.5860 (c) added....17740
882.5940 (c) added....17740
882.5950 (c) added....17740
884 Authority citation revised; section authority citations removed....17740
884.1 Revised....17740
884.3 Added....17740
884.1060 (c) added....17741
884.1100 (c) added....17741
884.1185 (c) added....17741
884.2050 (c) added....17741
884.2620 (c) added....17741
884.2685 (c) added....17741
884.4100 (c) added....17741
884.4150 (c) added....17741

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

Page

884.4250 (c) added....17741
884.4270 (c) added....17741
884.5050 (c) added....17741
884.5225 (c) added....17741
884.5380 (c) added....17741
(c) revised....36883
Technical correction....38171
884.5940 (c) added....17741
886 Added....33355
888 Added....33702
Technical correction....36863
890 Authority citation revised; section authority citations removed....17741
890.1 Revised....17741
890.3 Added....17741
890.3610 (c) added....17742
890.3890 (c) added....17742
(c) corrected....22577
890.5275 (c) added....17742
890.5290 (c) added....17742
890.5300 (c) added....17742
890.5525 (c) added....17742
890.5860 (c) added....17742
1240 Authority citation revised....29514
1240.61 Added....29514

Chapter II—Drug Enforcement Administration, Department of Justice

1301.11 (c) and (d) revised....20598
1301.12 Revised....20599
1301.22 (a)(10) revised....17287
1301.31 (c) revised; (d) added....20599
1306.22 Technical correction....13430
1308.11 (b) introductory text revised; (b) (1) through (48) redesignated as (b) (2) through (7), (9) and (10), (12) through (33), (35) through (40), (42) through (51), (53) and (54); new (b) (1), (8), (11), (34), (41), and (52) added; (g) (1), (2), (4), (6), (8), and (9) removed; (g) (3), (5), and (7) redesignated as (g) (1), (2), and (3)....20072
Technical correction....27198
(g) (4) through (6) added....38226
1308.12 (f)(2) added....11043
(f)(2) corrected....12285
1311.02 (d) revised....17288
1311.21 Revised....17288
1311.26 Revised....17288

Page

1311.32 (d) revised; (e) and (f) redesignated as (f) and (g); new (e) added....17288
1311.42 (a), (b)(6) (i) and (iv) revised....17288
1311.44 (a) and (b) revised; (c) through (e) redesignated as (e) through (g); new (c) and (d) added; new (f) (1) and (2) and (g) (1) and (2) revised....17288
1311.47 Revised....17289
1311.53 Revised....17289
1311.61 Revised....17289
1312 Authority citation revised....17289
1312.11 (a) and (b) revised....17289
1312.12 (a) introductory text revised....17289
1312.13 (a)(1) revised; (b) through (e) redesignated as (d) through (g); new (b) and (c) added....17289
1312.18 (a), (b), and (c)(2) revised....17290
1312.21 (a) and (b) revised....17290
1312.22 (a) revised....17290
1312.23 (b) through (d) redesignated as (d) through (f); new (b) and (c) added....17290
1312.27 (a), (b) (2) and (4) revised; (b)(5) added....17290
1312.28 (d) revised....17291
1312.30 Added....17291
1316.71—1316.81 (Subpart E) Authority citation revised....24446
1316.74 Amended....41418
1316.75 (b)(3) amended....24446

Title 21—*Proposed Rules:*

7....30171
101....28843, 42003, 43772
102....18921, 26690, 28067, 30387, 36046, 37715
103....18922, 26764
133....12556, 35426, 35435, 37715
146....19169
161....18921, 30387
165....18922, 26764
181....18923, 26764
182....13086, 18772, 46968
184....13086, 18772
186....13086, 18772
189....33952
193....31632, 32138, 35730, 38199, 38200, 49171
201....31892, 35610

Title 21—*Proposed Rules—Con.* Page
291 ... 37046
310 ... 13107, 23184, 31892, 35610, 37802
312 ... 12431
341 ... 31892, 35610
352 ... 33598, 46095
357 ... 12114, 15732
369 ... 31892, 35610
436 ... 25252
452 ... 25252
561 ... 12193, 31632, 32138
862 ... 16139
872 ... 30107, 30120, 34047, 34343
880 ... 19735
886 ... 33366
888 ... 33714
1240 ... 22340
1301 ... 11091
1308 ... 30174, 30175, 41736, 41737

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

2a Added ... 12155
7.5 (b)(3), (g), (j), and (k) amended ... 41560
7.8 (b) amended ... 41560
7.9 Amended ... 41560
22 Authority citation revised ... 29515
22.6 Revised ... 29515
31.2 Amended ... 43193
31.3 (j) added ... 43193
31.4 (c) amended ... 43193
31.6 (a) amended ... 43193
31.8 (a) introductory text, (b), (c) and (d) amended ... 43193
40 Added ... 42592
41 Revised ... 42597
41.12 Table amended ... 43894
41.25 (b) amended ... 29375
41.91 (a)(9)(iii) and (10)(i) revised; interim ... 17943
(a)(9)(iii) and (10)(i) revised; final ... 29843
(a)(19)(i) and (23) revised; (a)(19)(iii) and (24) removed ... 43895
41.116 (b) (1) and (2) removed; (b)(3) redesignated as (b) ... 43895
42 Revised ... 42613
42.12 (a) removed; (b) redesignated as (a) and table amended; (c) and (d) redesignated as (b) and (c) and revised; introductory text and (a) introductory text republished ... 43895
42.27 Removed ... 43896
42.51 Revised ... 43896
42.52 Revised ... 43896
42.91 (a)(9)(iv) and (10)(ii) revised; interim ... 17943
(a)(9)(iv) and (10)(ii) revised; final ... 29843
(a)(19)(i) and (23) revised; (a)(19)(iii) and (24) removed ... 43896
42.111 (b) revised ... 43896
42.116 (b) revised ... 43896
42.124 (c) amended ... 43896
42.125 Heading revised; (a) and (b) amended; (c) removed ... 43896
42.130 (a) amended ... 43896
43 Addition confirmed ... 17948
43.3 (b) amended ... 17949
51 Authority citation revised ... 29515
51.64 (e) added ... 29515
171 Authority citation revised; section authority citations removed ... 32123
171.6 Revised ... 32123
171.10 (d) through (k) added ... 32124
171.11 (a)(7) revised ... 32124
171.12 Revised ... 32124
171.13 Revised ... 32125
171.14 Added ... 32125
171.15 Added ... 32126

Chapter II—Agency for International Development, International Development Cooperation Agency

201 Authority citation revised ... 38405
201.11 (b)(4) amended ... 38405
212 Authority citation revised ... 11817
212.35 Revised; interim ... 11817
212.41 (g) revised; interim ... 11818
212.42 Added; interim ... 11819
224 Added; interim ... 13071
Removed; interim ... 20385
Added; final ... 45312

Chapter III—Peace Corps

302 Revised ... 47715
307 Revised ... 30151
309 Added ... 15719

Chapter V—United States Information Agency

502.6 (b) (3) and (5) removed; (a)(3) revised; interim ... 43757
Technical correction ... 47029, 47991
512 Added ... 43897
526 Authority citation revised ... 37766
526.5 (c) and (d) revised; (e) through (i) added ... 37766

Title 22—*Proposed Rules:*

41 ... 12001, 20725, 22628, 29542, 32026, 32095
42 ... 29542, 32026, 32095
135 ... 21820, 23627
137 ... 39015
171 ... 12936, 15513
208 ... 39015
224 ... 20413
302 ... 36046
303 ... 43772
502 ... 25384, 26156
503 ... 26024
512 ... 25030
513 ... 39015
514 ... 20097
526 ... 22791
602 ... 27998
603 ... 27998
711 ... 25124, 27902
1001 ... 37626
1506 ... 46779
1510 ... 25124, 27902

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

230.204 Footnote 1 revised ... 36922
625.4 (b)(5) revised ... 36247
630.302 (h) through (j) redesignated as (i) through (k); new (h) added ... 31390
630.305 Revised ... 31390
633.101—633.104 (Subpart A) Revised ... 36920
635 Authority citation revised ... 36921
635.103 Revised ... 45172
635.104 (a) and (b) amended ... 45172
635.113 Revised ... 36921
635.126 Revised ... 36921
635.129 Added ... 36921
635.130 Added ... 36922
635.203 (b) amended; (f) added ... 45172
635.204 Revised ... 45172
635.205 Revised ... 45173
635.309 (d) amended; eff. 8-29-88 ... 32669
Introductory text and (e) revised ... 45173
640.107 (d) amended ... 32669
650.109 Removed; eff. 8-29-88 ... 32669
650.801—650.809 (Subpart H) Added ... 28139
658 Appendix A amended ... 35067
659 Authority citation revised ... 28693
659.11 Revised ... 28693
668.101—668.113 (Subpart A) Revised ... 21948
668.107 (b) corrected ... 32540
712.204 (c)(1) and (3) (ii) and (iii) amended ... 32669
(c)(3)(iii) amended; (c)(3)(iv) removed; eff. 8-29-88 ... 32669
752.3 (e) added ... 34638
752.4 (a) and (b) revised; (e) added ... 34638
752.11 Revised ... 34638
771 Revised ... 32660
790 Removed; eff. 8-29-88 ... 32669

Chapter III—National Highway Traffic Safety Administration, Department of Transportation

1309.4 (a)(2) revised; (a)(3), (b) introductory text and (6) amended ... 27615

Title 23—*Proposed Rules:*

625 ... 47403
635 ... 45645
650 ... 11092, 20726
655 ... 11502
1204 ... 33422
1205 ... 33422
1309 ... 27616

TITLE 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

Page
0 Revised....27113
14 Added....27126
15 Authority citation and heading revised....12160
15.1 (g), (h) and (i) added....12160
15.2 Revised....12160
15.72 Revised....12160
15.73 Revised....12160
15.74 Revised....12161
15.81 (Subpart I) Redesignated as 15.91 (Subpart J)....12161
15.81—15.86 (Subpart I) Added....12161
15.91 (Subpart J) Redesignated from 15.81 (Subpart I)....12161
17.60—17.161 (Subpart C) Authority citation revised....35414
17.65 (a) and (b) introductory text and (1) revised....35414
20.10 Introductory text revised....27130
24 Revised; interim (effective date pending)....37116
Eff. 11-16-87....42634
25.9 (e) revised....15304

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

115 List of jurisdictions....15304
Determination....41419

Chapter II—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

200.163 (a)(2) revision eff. 8-1-87....28470
(a)(2) revised (effective date deferred)....48201
201 High-cost limits....11643, 17397, 28250, 32126, 34903, 37607, 42634, 45322
201.10 (f) introductory text removed; (f)(2) revised....33406
201.11 (c) revised....33406
201.18 Revised....33406
201.19 Added....33406
201.30 (a) revised....33407
201.32 (d)(3) added....33407
201.50 (a), (b) introductory text, (2), (3), and (4), and (c) revised....33407
201.54 (c) revised....33407
203 High-cost limits....11643, 17397, 28250, 32126, 34903, 37607, 42634, 45322
203.43 Amendments at 52 FR 4139 confirmed; effective date deferred....37286
Amendments at 52 FR 4139 eff. 11-6-87....44861
203.43c (a) revision eff. 8-1-87....28470
(a) revised (effective date deferred)....48201
203.43i Addition eff. 8-1-87....28470
203.43j Added (effective date pending)....48201
203.45 (g) revised (effective date pending)....48201
203.46 Removed....32756
Technical correction....33680
203.50 (i) revised (effective date pending)....48201
203.350 (d) redesignated as (e); new (d) added (effective date pending)....48202
203.355 Introductory text revised (effective date pending)....48202
203.439 Undesignated center heading and section addition eff. 8-1-87....28470
203.439a Undesignated center heading and section added (effective date pending)....48202
203.604 (b) revision eff. 8-1-87....28470
(b) revised (effective date pending)....48202
203.640 (a) introductory text revised (effective date pending)....48202
203.641 (c) amended....37938
203.643 (c)(3) amended....37938
203.645 (a) revised (effective date pending)....48202
203.654 Revised (effective date pending)....48203

Page
203.666 Undesignated center heading and section added (effective date pending)....48203
204.1 Amendment eff. 8-1-87....28470
Amended (effective date pending)....48203
204.400 Amended....37938
207.32a (a)(4) revised....31992
213 Authority citation revised....48203
213.751 (b) amendment eff. 8-1-87....28470
(b) amended (effective date pending)....48203
213.800 Revision eff. 8-1-87....28470
Revised (effective date pending)....48203
215.1 Amended....34112
215.21 (a) and (c) revised; (b)(8) amended; (d) removed; (e) redesignated as (d)....34112
220.1 (a) amendment eff. 8-1-87....28470
(a) amended (effective date pending)....48203
220.251 (a) amendment eff. 8-1-87....28470
(a) amended (effective date pending)....48203
220.900 Revision eff. 8-1-87....28470
Revised (effective date pending)....48203
221 Authority citation revised....37289
221.1 (a) amendment eff. 8-1-87....28470
(a) amended (effective date pending)....48204
221.251 (a) amendment eff. 8-1-87....28470
(a) amended (effective date pending)....48204
221.544 (a)(4) removed; (a)(3) revised (effective date deferred)....37289
Eff. 11-6-87....44861
221.800 Revision eff. 8-1-87....28470
Revised (effective date pending)....48204
222.1 (a) amendment eff. 8-1-87....28470
(a) amended (effective date pending)....48204
222.251 (a) amendment eff. 8-1-87....28470
(a) amended (effective date pending)....48204
222.400 Revision eff. 8-1-87....28470
Revised (effective date pending)....48204
226.1 (a) amendment eff. 8-1-87....28470
(a) amended (effective date pending)....48204
226.251 (a) amendment eff. 8-1-87....28470
(a) amended (effective date pending)....48204
226.300 Revision eff. 8-1-87....28470
Revised (effective date pending)....48204
227.500 (b) amendment eff. 8-1-87....28470
227.501 (b) amended (effective date pending)....48204
227.751 (a) amendment eff. 8-1-87....28470
(a) amended (effective date pending)....48204
227.800 Revision eff. 8-1-87....28470
Revised (effective date pending)....48204
232.560 (a) revised....17751, 18228, 35068, 41989, 44385
234 High-cost limits....11643, 17397, 28250, 32126, 34903, 37607, 42634, 45322
Authority citation revised....37289
234.1 (d) and (k) revised; (o), (p) and (q) added....33807
234.26 Revised....33807
234.52 Addition at 52 FR 4140 confirmed; effective date deferred....37286
Addition at 52 FR 4140 eff. 11-6-87....44861
234.59 Removed....33808
234.63 Revision eff. 8-1-87....28470
234.76 Removed....32756
Technical correction....33680
234.520 (a)(2)(iii) removed; (a)(2)(ii) revised (effective date deferred)....37289
Eff. 11-6-87....44861
235.1 (a) amendment eff. 8-1-87....28470
(a) amended (effective date pending)....48204
235.9 (a) revised....17752, 18229, 35068, 41989, 44385

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

TITLE 24 Chapter II—Con. Page

235.201 (a) amendment eff. 8-1-87.....28470
(a) amended (effective date pending).....48205
235.540 (a) revised.....17752, 18229, 35068, 41989, 44385
236.2 Amended.....34112
236.3 (a) and (c) revised; (b)(8) amended; (d) removed; (e) redesignated as (d).....34113
237.5 Revision eff. 8-1-87.....28470
Revised (effective date pending).....48205
240.1 Amendment eff. 8-1-87.....28470
Amended (effective date pending).....48205
240.400 Revision eff. 8-1-87.....28470
Revised (effective date pending).....48205
243 Authority citation corrected.....17949
243.1 (a) corrected.....17949
251 Authority citation revised.....37289
251.501 (a)(4) removed; (a) (2) and (3) revised (effective date deferred).....37289
Eff. 11-6-87.....44861
255.107 (c) amended.....16241
255.206 (a) revised.....31992
255.405 Redesignated from 255.406.....16241
255.406 Redesignated as 255.405.....16241
255.706 (g) revised.....16241
255.801 Amended.....16241
255.820 Amended.....16241
255.824 Amended.....16241

Chapter III—Government National Mortgage Association, Department of Housing and Urban Development

390.7 (b) revision eff. 11-1-87.....37608
390.27 (b) revision eff. 11-1-87.....37608
390.43 (c) revision eff. 11-1-87.....37608

Chapter V—Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

511.11 (f)(3)(iii)(B) corrected.....11598
511.32 Suspended.....11467
511.33 Heading and (b) revised.....25595
575 Added (effective date pending).....38869
Eff. 12-2-87.....44861

Chapter VIII—Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Section 8 Housing Assistance Programs and Section 202 Direct Loan Program)

813.102 Amended.....34113
813.106 (a) and (c) revised; (b)(8) amended; (d) removed; (e) redesignated as (d).....34113
842 Authority citation corrected.....17949
842.1 (a) corrected.....17949
882.209 (m)(1) revised.....34114
882.408 (c)(1) revised.....19725
885 Interest rate.....41989
885.5 Amendment confirmed.....29011
885.210 Introductory text and (a) redesignation as (a) and (b) and new (a), (b) (9), (13) and (23)(i) revision confirmed.....29011
885.220 (d)(1) revision confirmed.....29011
885.412 Addition confirmed.....29011
885.416 (c) revision confirmed.....29011
888 Schedules B and D revised.....15632, 48206
Schedules B and D amended.....24387
Schedule A corrected.....24447
Schedule C revised.....34120
Schedule A amended.....34905, 37290

Chapter IX—Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development

905.311 (b) amended.....29361
912 Authority citations revised.....34114
912.2 Revised.....34114
913.102 Amended.....34114

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

Page

913.106 (a) and (c) revised; (b)(8) amended; (d) removed; (e) redesignated as (d).....34114
942 Authority citation corrected.....17949
942.1 (a) corrected.....17949
990.104 (a) amended.....29361
990.105 (a)(2) amended.....29361
990.108 (a) revised.....29361
990.109 (e)(1) amended.....29361
990.114 Removed.....29361

Chapter XX—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

3280.4 Amended (effective date pending).....47553
3280.8 (c) amended (effective date pending).....47553
3280.203 (a) paranthetical phrase, (1), and (2) added (effective date pending).....47553
3280.403 (e)(2) revised.....35543
3280.405 (e)(2) revised.....35543
3280.511 (a)(1) amended (effective date pending).....47553
3280.602 (a)(49) amended (effective date pending).....47553
3280.611 (d)(5) amended (effective date pending).....47553
3280.705 (l)(1) amended (effective date pending).....47553
3280.706 (b)(4) amended (effective date pending).....47553
3280.707 (d)(2) table added (effective date pending).....47553
3280.803 (k)(3) (ii) and (iii) amended (effective date pending).....47553
3280.806 (a)(2) amended (effective date pending).....47553
3280.807 (g) added.....35543
3283.102 (c) and (d) revised.....11644

Title 24—*Proposed Rules:*

15.....35923
24.....42004
26.....38939
42.....48030
43.....48030
85.....21820, 23627
111.....21820, 23627
115.....29038
200.....11686, 21596, 21961
203.....21961
221.....21961
222.....21961
226.....21961
232.....49424
234.....21961
235.....21961
236.....48276
247.....16403, 23761
252.....49424
511.....21820, 23627, 30388
570.....21820, 23627, 37162
571.....21820, 23627
575.....21820, 23627, 42664
576.....42664
791.....30388
812.....30388
813.....30388, 46614
840.....39946, 48792
841.....39946, 48792
850.....21820, 23627
882.....30388
885.....46614
886.....16403, 23761
887.....30388
888.....24172, 32672, 43486, 48278
905.....10668, 21820, 23627, 39233
941.....21820, 23627, 39233
965.....38470, 39233
968.....10668, 21820, 23627, 39233
990.....21820, 23627
2002.....35923
3280.....17896
3282.....17411

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

22 Removed.....30920
62 Revised.....30160
76 Revised.....31392
118 Removed.....15722
120 Removed.....11468
140.5 *See* EO 12608.....34621
141.31 *See* EO 12608.....34621
211 Revised.....31929
Effective date deferred.....35702
Revision at 52 FR 31929 withdrawn.....39332
212 Removed.....31937
Effective date deferred.....35702
Removal at 52 FR 31937 withdrawn.....39332
225 Added.....31937
Effective date deferred.....35702
Addition at 52 FR 31937 withdrawn.....39332

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

TITLE 25 Chapter I—Con. Page
244 Revised ... 23806
250 Revised; interim ... 27330

Chapter IV—Navajo and Hopi Indian Relocation Commission

700 Authority citation revised ... 21951
700.183 (a) revised; interim ... 21951

Title 25—*Proposed Rules:*

2 ... 43006
22 ... 17988
38 ... 33382
40 ... 11503
46 ... 49172
76 ... 20727
151 ... 23560
177 ... 46781
179 ... 29701
211 ... 39332
212 ... 39332
225 ... 39332
226 ... 38608

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

1 Authority citation amended ... 10744, 12162, 15308, 23433, 24999, 29674, 30358, 31994, 33809, 35415, 42098, 48409, 48526, 48995
Proclamation ... 18562
1.1(i)-1T Added (temporary) ... 33579
Corrected ... 36133
1.23-1 Redesignated from 1.44C-1; (a), (b), (d)(2) (i) and (ii), and (e) amended; (c) revised; (d)(3) (i) through (x) redesignated as (d)(4)(ii) (A) through (J); new (d)(3) and (4)(i) added; new (d)(4)(ii) heading and introductory text amended ... 26669
1.23-2 Redesignated from 1.44C-2; introductory text, (a)(1) (i) and (iii), (b)(1) and flush text following (2), (c)(4), (d)(3), (4) (iv) and (viii), (e)(1)(iii) and flush text following (iii) and (2), (f) (1) and (4), (g) and (h) amended; (i) added ... 26670
1.23-3 Redesignated from 1.44C-3; (a)(1), (b), (d), (e), (h)(1) (i) and (ii), (2), (3) and (4) Example 2, (j)(2) Example and (k) introductory text amended; (c) and (j)(1) revised ... 26672
1.23-4 Redesignated from 1.44C-4 ... 26672
1.23-5 Redesignated from 1.44C-5; (a) (1) through (5), (b)(1) and (c) amended ... 26672
1.23-6 Redesignated from 1.44C-6; (a)(1) and (e) amended ... 26673
1.32-1T Added (temporary) ... 22302
Technical correction ... 23398
1.42-1T Added (temporary) ... 23433
(d)(8)(i), (ii)(B) and (e)(2) corrected ... 24583
1.42-2T Added (temporary) ... 42099
(d)(2)(xii) corrected ... 44672
1.44C-1 Redesignated as 1.23-1; (a), (b), (d)(2) (i) and (ii), and (e) amended; (c) revised; (d)(3) (i) through (x) redesignated as (d)(4)(ii) (A) through (J); new (d)(3) and (4)(i) added; new (d)(4)(ii) heading and introductory text amended ... 26669
1.44C-2 Redesignated as 1.23-2; introductory text, (a)(1) (i) and (iii), (b)(1) and flush text following (2), (c)(4), (d)(3), (4) (iv) and (viii), (e)(1)(iii) and flush text following (iii) and (2), (f) (1) and (4), (g) and (h) amended; (i) added ... 26670
1.44C-3 Redesignated as 1.23-3; (a)(1), (b), (d), (e), (h)(1) (i) and (ii), (2), (3), and (4) Example 2, (j)(2) Example and (k) introductory text amended; (c) and (j)(1) revised ... 26672
1.44C-4 Redesignated as 1.23-4 ... 26672
1.44C-5 Redesignated as 1.23-5; (a) (1) through (5), (b)(1) and (c) amended ... 26672
1.44C-6 Redesignated as 1.23-6; (a)(1) and (e) amended ... 26673
1.48-9 (c)(10), (d) and (e) revised ... 27337
1.56-1 Redesignated as 1.56A-1 and (b)(2)(ii) amended ... 15309
1.56-2 Redesignated as 1.56A-2 ... 15309
1.56-3 Redesignated as 1-56A-3 and (b) and *Example* amended ... 15309
1.56-4 Redesignated as 1.56A-4 ... 15309
1.56-5 Redesignated as 1.56A-5 and (b)(2) flush text, (e)(5), and (h) *Example* (*4*) amended ... 15309
1.56A-1 Redesignated from 1.56-1 and (b)(2)(ii) amended ... 15309
1.56-0T Added (temporary) ... 15309
1.56-1T Added (temporary) ... 15310
1.56A-2 Redesignated from 1.56-2 ... 15309
1.56A-3 Redesignated from 1.56-3 and (b) and *Example* amended ... 15309
1.56A-4 Redesignated from 1.56-4 ... 15309
1.56A-5 Redesignated from 1.56-5 and (b)(2) flush text, (e)(5), and (h) *Example* (*4*) amended ... 15309
1.57-4 (b) introductory text and (2)(ii) flush text and (e) *Example* (*5*) amended ... 15309
1.57-5 (b) amended ... 15309
1.58-7 (c)(1)(iii) *Example* (*4*), (2) *Example* (*3*), and (4) amended ... 15309
1.101-7T Added (temporary) ... 35415
1.149(e)-1T (e)(3) (ii) and (iii) corrected ... 10368
1.163-8T Added (temporary) ... 24999
1.163-9T Added (temporary) ... 48409
1.163-10T Added (temporary) ... 48410
1.263A-1T (a)(5)(iii)(A), (b)(2)(iii)(I), (c)(4)(i)(C), (d)(3)(ii)(A)(*1*), (C) (*3*), and (*4*) and (5), (e)(1), (3)(iii), (7)(iii) and (11)(iii) revised; (b)(2)(vii), (5)(vii) and (6)(vi), (c)(5)(iii), (e)(7)(iv), (9)(ii) *Examples* (*4*) and (*5*) and (11)(v) added (temporary) ... 29378
1.382-1T Added (temporary) ... 29674
1.382-2T Added (temporary) ... 29675
1.441-1 Redesignated as 1.441-1T and heading, (b), (f), and (g) revised and (h) added ... 48526
1.441-1T Redesignated from 1.441-1 and heading, (b), (f), and (g) revised and (h) added (temporary) ... 48526
1.441-2 Redesignated as 1.441-2T and heading and (e) revised ... 48527
1.441-2T Redesignated from 1.441-2 and heading and (e) revised (temporary) ... 48527
Heading and (f) revised (temporary) ... 48528
1.441-4T Added (temporary) ... 48528
1.448-1T Added (temporary) ... 22766
1.448-2T Added (temporary) ... 22774
1.565-1 Removed ... 47555
1.565-1T Added (temporary) ... 47555
1.565-2 Removed ... 47556
1.565-2T Added (temporary) ... 47556
1.565-3 Removed ... 47556
1.565-3T Added (temporary) ... 47556
1.565-5 Removed ... 47557
1.565-5T Added (temporary) ... 47557
1.565-6 Removed ... 47557
1.565-6T Added (temporary) ... 47557
1.702-3T Added (temporary) ... 48530
1.706-1T Added (temporary) ... 48995
1.901-1 (d) revised ... 33932
1.904(f)-1 Added ... 31994
(f) *Examples* (*2*) and (*3*) corrected ... 43434
1.904(f)-2 Added ... 31997
(c)(5) *Example* (*6*) and (d)(5)(i)(A) corrected ... 43434
1.904(f)-3 Added ... 32001
(b) and (d) *Example* (*4*) corrected ... 43434
1.904(f)-4 Added ... 32002
1.904(f)-5 Added ... 32002
(a) corrected ... 43434
1.904(f)-6 Added ... 32003
1.907(c)-1 (e) (3), (4), (5), (6) and (f) added ... 33932
1.924(c)-1T Removed ... 10742
1.924(d)-1T Removed ... 10742
1.924(e)-1T Removed ... 10742
1.1016-5 (t) revised ... 26673
1.1402(e)-5T Added (temporary) ... 12162
1.1441-5 (c) revised ... 33933
1.1502-9 Added ... 32005
(f) *Example* (*5*) corrected ... 43434

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

TITLE 26 Chapter I—Con. Page

1.6041-3 (i) amended; (j) removed; (k) through (q) redesignated as (j) through (p); new (m) revised 30358
1.6045-3T Added (temporary) 10744
1.6050D-1 (a) introductory text and (1) amended 26673
1.6302-1 Heading and (a) revised 33809
1.6302-1T Removed 33809
1.6655-7T Added (temporary) 15320
18.1366-5 Added 48532
31 Authority citation amended 21511, 33582, 45633
31.3402(f)(1)-1 (e) revised 45633
31.3402(f)(2)-1 (g)(1) revised 45633
31.3402(f)(1)-1T Removed 45633
31.3402(f)(2)-1T Removed 45633
31.6051-1 (h) amended (temporary) 34357
Correctly designated 41388
31.6051-2 (c) amended (temporary) 34357
31.6053-3 (f)(1)(iv) amended; (j)(19) added; (b)(5), (h), and (j)(9) revised 21511
31.6053-3T Removed 21511
31.6053-4 Added 21513
31.6053-4T Removed 21511
31.6205-2 Added 33582
35a Authority citation amended 13432
35a.3406-1 Heading added 13432
Heading revised; text added 44866
35a.3406-2 Added 13432
35a.9999-1 Amended 44873
35a.9999-2 Amended 44874
35a.9999-3 Amended 44874
41 Authority citation amended 33584
41.4481-1 Nomenclature change; (a)(2) revised 33584
41.4481-3 (a) introductory text and (1) revised; (a)(2) amended 33584
41.4482(c)-1 (b) nomenclature change 33584
41.4483-5 Nomenclature change 33584
41.4483-7T Added (temporary) 33584
41.6001-3T Added (temporary) 33585
41.6091-1 (a) and (b) amended 33584

Page

48.4041-5 (a)(1) redesignated as (a)(1)(i) and amended; (a)(1)(ii) added 32008
48.4041-18 Revised 31616
48.4041-19 Added 31617
48.4041-20 Added 31617
48.4071-1 (a) and (b)(1) revised; (b)(2) redesignated as (b)(3); new (b)(2) added 31618
48.4071-2 (b) heading revised; (b) text amended 31618
48.4081-2 (a), (b), (c) heading, (e) (1) and (2) heading, (f)(1) and (g) revised; (c) (1) and (2), (e)(2), (f)(2) heading and text and (h) amended; (e)(3), (f)(3) and (h)(4) added; (i) removed 31618
(a)(5)(i) correctly designated 34344
48.6420-4 (l) amended 31621
48.6427-1 (a)(2)(iv) amended 31621
54 Authority citation amended 46750
54.4978-1T Added (temporary) 46750
54.6011-1T Added (temporary) 10563
54.6071-1T Added (temporary) 10563
301.6011-2 (f) revised 19137
301.6404-2T Added 30163
301.6402-6T (b) revised (temporary) 17950
301.6723-1T Added (temporary) 34355
(d)(2) corrected 41388
601.105 (c)(2)(iii) and (d)(2) revised; (c)(2)(iv) added 38406
601.106 (a)(1)(i) amended; flush text following (a)(1)(ii)(c) revised; (a)(1)(iii) and (iv) redesignated as (a)(1) (iv) and (v); new (a)(1)(iii) added 38406
601.601 (c) amended 26673
601.702 (a)(1) introductory text and flush text following (v), (b)(1) introductory text, (2), (3) (iii) and (iv), and (c)(1) and (2)(i) amended; (b)(3)(ii) and (c)(2)(ii) revised; (b)(2)(iii) added 37940
(c)(3) (v), (vii), and (viii), (4)(i) (A) and (B), (5) introductory text, (i), and flush text following (iii) and (6) amended; (c)(3)(ix) added; flush text at end of (c)(3) and (4)(iii) revised 37941
(c)(7) (i), (ii), and (iv), (8) introductory text and (v), (10), and (11) revised; flush text following (c)(8)(vi) and (9)(i)(B) and (C) amended 37942
(d)(5) removed; (c)(12) and (d)(8) redesignated as (c)(13) and (d)(5); new (c)(13) and (d) (1), (2), and new (5) amended; (d) (3), (4), and (7) revised; new (c)(12) added 37943
(f) revised 37944
(g) revised 37946
(h) added 37951
602.101 Correctly designated 10368
(c) table amended (OMB numbers) 10564, 10748, 12163, 13437, 15320, 21513, 23440, 25007, 26673, 29697, 30163, 31621, 32008, 32009, 33585, 34357, 42100, 46760, 47557, 48419, 48997
602.106 (c) table amended (temporary) 22777, 40075

Title 26—*Proposed Rules:*

1.0-1—1.60 ..... 15339, 22345, 23471, 28162, 35278, 35438, 41800, 42116
1.61—1.169 ..... 18579, 22716, 25036, 26122, 34392, 35438, 35447, 48452, 49448
1.170—1.300 ..... 29391, 35438, 42681
1.301—1.400 ..... 29704, 35438
1.401—1.500 ..... 22795, 28070, 32502, 39922, 42681, 45835, 48546, 49448
1.501—1.640 ..... 33836, 47609
1.641—1.850 ..... 18578, 35438, 48546, 49030
1.851—1.1000 ..... 32242, 32308, 34230, 34392, 34580, 44609
1.1001—1.1400 ..... 33427, 34230
1.1401—end 10774, 12194, 15339, 23308, 28070, 28162, 34230, 39922, 42681, 44139
5h 33953
18 48546
31 ..... 34230, 34358
41 33602
48 ..... 44141, 45901
54 ..... 10583, 28070, 39922, 46782
55 33953
301 ..... 17989, 30177, 34230, 34358, 44141

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

Page

601 ..... 28000, 30996, 39015
602 ..... 10583, 10774, 18579, 23308, 23471, 25036, 29704, 34358, 35278, 42116, 42681, 44139, 44609, 46782, 47609

TITLE 27—ALCOHOL, TOBACCO PRODUCTS AND FIREARMS

Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury

5.22 (b)(1)(iii) amended; (b) (4) and (5) revised 41422
5.27 (d) revised 41423
5.36 (a) (3) and (4) redesignated as (a) (4) and (5); new (a)(3) added 41423
(a)(6) added 42101
9.48 (c) revised 23652
9.61 (c)(12) revised; (c) (13) through (15) redesignated as (c) (17) through (19); new (c) (13) through (16) added 23651
9.109 Added 13082
9.110 Added 37137
9.114 Added 21515
9.115 Added 32785
9.116 Added 22304
9.118 Added 46591
9.120 Added 44105
19.44 Amended 19313
19.346 (b) (1) and (2) revised; (b)(3) added 41423
19.519 Amended 19313
19.524 (c)(1) amended 19313
(c)(2) and (d) heading revised 47559
19.525 (a) amended 19313
19.645 (b) and (c) redesignated as (c) and (d); new (b) added 41423
(c) and (d) amended; (e) added 42101
25.117 (a) and (b)(1) amended; (c) removed; nomenclature change 19313
25.118 Nomenclature change 19313
25.119 Heading and (c) amended; nomenclature change 19313
25.121 Amended; nomenclature change 19313
25.131 Revised 19313
25.122 Nomenclature change 19313

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

TITLE 27 Chapter I—Con. Page

25.125 Nomenclature change..... 19313
25.126 Nomenclature change..... 19313
25.132 (b) amended..... 19313
25.134 Amended..... 19313
25.163 Revised..... 19314
25.164 (e)(1) revised..... 19314
25.165 (c)(1) amended..... 19314
(c)(2) and (d) heading revised..... 47560
25.166 (b) amended..... 19314
25.173 (b) amended..... 19314
25.175 (b) (1), (2), and (3) amended..... 19314
25.283 (d) amended..... 19314
25.285 (a) amended..... 19314
47.57 Revised..... 34381
(d) added; OMB number..... 48096
70 Authority citation revised..... 19314
70.1 Revised..... 19314
70.61—70.109 (Subpart E) Added..... 19314
70.111—70.152 (Subpart F) Added..... 19325
170.77 (a) amended..... 19334
170.91 Amended..... 19334
170.305 (a) amended..... 19334
170.305a (a), (b), and (c) amended..... 19334
170.306 (b) amended..... 19334
179.34 (a) designation and heading and (b) removed; amended; nomenclature change..... 19334
179.35 Nomenclature change..... 19334
179.36 Nomenclature change..... 19334
179.37 Amended..... 19334
179.38 Amended..... 19334
179.42 Amended; nomenclature change..... 19334
179.43 Amended..... 19334
179.46 Amended; nomenclature change..... 19334
179.47 Amended; nomenclature change..... 19334
179.50 Amended; nomenclature change..... 19334
179.171 Amended..... 19334
179.172 Amended..... 19334
194.27 Amended; nomenclature change..... 19335
194.94 Amended..... 19335
194.104 Amended..... 19335
194.104a Revised..... 19335
194.105 Amended..... 19335
194.106—194.110 Undesignated center heading amended..... 19335

Page

194.106 Amended; nomenclature change..... 19335
194.106a Amended..... 19335
194.106b Amended..... 19335
194.106d Removed..... 19335
194.107 Heading and text nomenclature change..... 19335
194.109 Amended..... 19335
194.111 Amended..... 19335
194.121 Amended..... 19335
194.121a Amended..... 19335
194.123 Amended..... 19335
194.124 Amended; nomenclature change..... 19335
194.126 Amended; nomenclature change..... 19335
194.127 Amended..... 19335
194.132 Amended..... 19335
194.133 Amended..... 19335
194.134 Amended; nomenclature change..... 19335
194.135 Amended..... 19335
194.136 Amended; nomenclature change..... 19335
194.137 Amended; nomenclature change..... 19335
194.139 Amended; nomenclature change..... 19335
194.151 Heading and (a) revised; (b) amended; nomenclature change..... 19336
194.152 Amended..... 19336
194.169 Undesignated text following (d) revised..... 19336
194.201 Revised..... 19336
197.28 (a) and (b) amended; nomenclature change..... 19336
197.29—197.31 Undesignated center heading amended..... 19336
197.29 Amended; nomenclature change..... 19336
197.29a Amended; nomenclature change..... 19336
197.29b Nomenclature change..... 19336
197.29d Removed..... 19336
197.30 Nomenclature change..... 19336
197.31 Nomenclature change..... 19337
197.40 Nomenclature change..... 19336
197.40a Nomenclature change..... 19336
197.41 Amended..... 19336
197.42 Amended; nomenclature change..... 19336

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

Page

197.43 Amended; nomenclature change..... 19336
197.46 Amended..... 19337
197.48 Amended..... 19337
197.50 Amended..... 19337
197.55 Revised..... 19337
197.56 Amended..... 19337
197.58 Revised..... 19337
197.106 Amended..... 19337
197.111 Revised..... 19337
240.340 Amended..... 19337
240.343 Revised..... 19337
240.344 Revised..... 19337
240.345 Removed..... 19337
240.591 (a) amended..... 19337
240.591a (c)(1) amended..... 19337
(c)(2) and (d) heading revised..... 47560
240.594 (a) amended..... 19337
240.594c Amended..... 19337
240.595 Amended..... 19337
240.596 (a) amended..... 19337
240.807 Amended..... 19337
250 Authority citation revised..... 46593, 47560
250.11 Amended..... 19338
Amended (temporary)..... 46593
250.35 (b) amended (temporary)..... 46593
250.37 Revised..... 19338
250.44 Amended..... 19338
250.51 Heading, (a) and (c) revised (temporary)..... 46593
250.52 (c) amended..... 19338
250.54 Amended..... 19338
250.61 Revised..... 19338
250.62a Amended..... 19338
250.65 Amended..... 19338
250.70 Amended..... 19338
250.70a Amended..... 19338
250.71 Nomenclature change..... 19338
250.72 Nomenclature change..... 19338
250.74 Nomenclature change..... 19338
250.75 Amended..... 19338
250.78 Amended..... 19338
250.79 Amended..... 19338
250.81 Amended..... 19338
250.93 Amended..... 19338
250.96 (b) amended; nomenclature change..... 19338
250.102 Amended..... 19338
250.105 (b) amended; nomenclature change..... 19338
250.110 Amended..... 19338
250.112 (e) and (h) revised..... 19339
250.112a (c)(1) amended..... 19339

Page

(c)(2) and (d) heading revised..... 47560
250.113 (a) amended..... 19339
250.119 Amended..... 19339
250.126 Amended..... 19339
250.128 Revised..... 19339
250.170—250.174 (Subpart I) Added (temporary)..... 46594
250.210 Amended..... 19339
250.221 Heading, (a), and (c) revised (temporary)..... 46595
250.306—250.310 (Subpart Ob) Added (temporary)..... 46595
251 Authority citation revised..... 19339
251.11 Amended..... 19339
251.30 Amended; nomenclature change..... 19339
270 Authority citation revised..... 47560
270.44 Amended..... 19339
270.162 Amended..... 19339
270.165 (b) amended..... 19339
270.165a (c) amended..... 19339
(c)(2) and (d) heading revised..... 47560
270.166 Amended..... 19340
270.167 (a) and (b) amended..... 19340
270.168 Amended..... 19340
270.281 Amended..... 19340
270.283 Amended..... 19340
270.286 Amended..... 19340
270.311 (b) amended..... 19340
270.313 Amended..... 19340
275 Authority citation revised..... 47560
275.11 Amended..... 19340
275.105 Amended..... 19340
275.108 Amended..... 19340
275.109 Amended..... 19340
275.110 Amended..... 19340
275.111 Introductory text amended; (a) removed; (b) through (e) redesignated as (a) through (d); new (d) amended..... 19340
275.112 Amended..... 19340
275.114 (c) revised..... 19340
275.114a (a) and (c) amended..... 19340
275.115 Amended..... 19340
275.115a (c)(1) amended..... 19340
(c)(2) and (d) heading revised..... 47560
275.116 Amended..... 19340
275.118 Amended..... 19341

CHANGES APRIL 1 THROUGH DECEMBER 31, 1987

TITLE 27 Chapter I—Con. Page

275.123 Amended ... 19341
275.125 Amended ... 19341
275.126 Amended ... 19341
275.127 Amended ... 19341
275.129 Amended ... 19341
275.137 Amended ... 19341
275.161 Amended ... 19341
275.163 Amended ... 19341
275.170 (b) amended ... 19341
275.172 (b) amended ... 19341
285.25 (b) amended ... 19341
285.26 Amended ... 19341
285.27 (c) amended ... 19341
(c)(2) and (d) heading revised ... 47560
285.34 Amended ... 19341
285.171 Amended ... 19341
285.173 Amended ... 19341
285.193 Amended ... 19341
290.67 (a) amended ... 19341
290.153 Amended ... 19341
290.154 Amended ... 19341
295.36 Amended ... 19341
296.7 Amended ... 19342
296.74 Amended ... 19342

Title 27—*Proposed Rules:*

4 ... 23685, 30390, 33603
5 ... 23685, 30390, 33603
6 ... 36429
7 ... 33603
9 ... 11689, 13844, 19531, 19535, 29705, 34924, 34927, 36431, 36432, 44917, 48279
17 ... 28286
19 ... 28286
25 ... 32814
170 ... 28286
194 ... 28286
197 ... 28286
250 ... 46628

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

Page

0 Authority citation revised ... 24447, 44971
0.63 Revised ... 24448
0.100 (b) revised ... 24447
0.105 (a) revised ... 44971
Nomenclature change ... 48998
0.115—0.118 (Subpart U) Revised ... 44971
0.115 Nomenclature change ... 48998
0.116 Nomenclature change ... 48998
0.117 Nomenclature change ... 48998
2.20 Guidelines amended ... 33408, 44387, 47921
Table Note revised ... 46596
2.37 (b) revised ... 33408
2.50 (f) revised ... 33409
2.56 (f) revised ... 47921
2.63 Revised ... 44389
8.1 Amended ... 24448
8.8 (b) amended ... 24448
9 Revised ... 32786
11 Added; eff. 8-31-87 ... 24449
Technical correction ... 27496
16 Authority citation revised ... 33231
16.10 Revised ... 33231
16 Appendix I amended ... 34214
19 Added ... 45174
42.101—42.112 (Subpart C) Authority citation revised ... 24449
42.101—42.112 (Subpart C) Appendix A revised ... 24449
42.501—42.540 (Subpart G) Authority citation revised ... 24450
42.501—42.540 (Subpart G) Appendix A revised ... 24450
44 Added ... 37409
51.19 Amended ... 33409
51.24 Revised ... 33409
51.25 (a) amended ... 33409
51.29 (b) amended ... 33409
68 Added ... 44973
68.1 Amended ... 48998
68.2 (d) amended ... 48998
68.34 (a) amended ... 48998

Chapter V—Bureau of Prisons, Department of Justice

541 Authority citation revised ... 37730
541.60—541.68 (Subpart E) Added; interim ... 37730
549 Authority citation revised ... 48068
549.80 (Subpart G) Added ... 48068

Chapter VI—Offices of Independent Counsel

602.1 (c) removed; (d) redesignated as (e); new (c) and (d) added ... 35544

Chapter VII—Office of Independent Counsel

Chapter VII Chapter established ... 48097
700 Added ... 48097

Title 28—*Proposed Rules:*

0 ... 35926
2 ... 30691, 33431, 33433, 34392
16 ... 24583, 48279
20 ... 34242
50 ... 34242, 37630
67 ... 39015
541 ... 32478, 34343
700 ... 42314
701 ... 47406

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

12 Authority citation revised ... 48019
Revised; interim; eff. 4-2-89 ... 48020
12.1 Heading revised; (a) and (b) redesignated as (a) (1) and (2); introductory text designated as new (a) introductory text; new (a) heading and (b) added; interim ... 48019
19 Added ... 48420
22 Added ... 48492

Chapter I—National Labor Relations Board

102 Authority citation revised ... 27990
102.118 Heading and (a)(1) revised ... 27990
103 Authority citation revised ... 25215
103.20 (Subpart B) Added ... 25215

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

TITLE 29 Chapter I—Con. Page
Clarification 48534

Chapter V—Wage and Hour Division, Department of Labor

516 Revised; eff. 7-31-87 24896
Table of contents corrected 26121
697 Authority citation revised 35416
697.1 (b)(1), (e)(1), (f)(1), (g)(1), (h) (1) and (2), (i)(1), (j)(1), (k)(1), (m)(2) and (n)(2) revised 35416
697.3 Revised 35416

Chapter XIV—Equal Employment Opportunity Commission

1601 Authority citation revised 34215
1601.6 Existing text designated as (a); (b) redesignated from 1601.18 26957
1601.18 Redesignated as 1601.6 (b); new 1601.18 redesignated from 1601.19; (b) removed; (c) through (g) redesignated as (b) through (f); new (e) and (f) amended 26957
1601.19 Redesignated as 1601.18; (b) removed; (c) through (g) redesignated as (b) through (f); new (e) and (f) amended 26957
Added 26958
1601.21 (a) revised; (d) introductory text amended 26959
1601.24 (a) amended 26959
1601.28 (b)(3) amended 26959
1601.74 (a) amended 34215
1601.80 Amended 45454, 48998
1613 Letters and bulletins revoked 38226
Authority citation revised 41922
1613.211 Revised 41922
1613.212 (a) revised 41922
1613.213 (a) amended; (b) and (c) redesignated as (c) and (d); new (b) added 41922
1613.214 Revised 41922
1613.215 Revised 41923
1613.216 Revised 41923
1613.217 Revised 41924
1613.218 Revised 41925
1613.219 Revised 41926
1613.220 (c) amended; (b) and (d) revised 41926
1613.221 Revised 41926
1613.222 Revised 41927
1613.231 Revised 41927
1613.234 Revised 41927
1613.235 Revised 41927
1613.236 Removed 41927
1613.237 Added 41928
1613.238 Added 41928
1613.239 Added 41928
1613.240 Added 41928
1613.261 Revised 41928
1613.262 Revised 41928
1613.271 Revised 41929
1613.283 Revised 41930
1613.513 Revised 41930
1613.521 Revised 41930
1613.601 (a) revised 41930
1613.602 (a) revised 41930
1613.603 (b)(1) amended; (c) and (g) revised 41930
1613.604 Revised 41930
1613.606 Revised 41931
1613.607 (a) revised 41931
1613.608 (a) amended; (b)(2) revised 41931
1613.609 Revised 41932
1613.610 Revised 41932
1613.612 (a)(1) amended 41932
1613.614 (e) amended 41932
1613.631 Revised 41932
1613.643 Revised 41933
1613.632 Revised 41932
1613 Appendix A added 41933
Appendix A corrected 48263
1625.13 Existing regulations unchanged 33809
1627 Authority citation revised 32296
1627.16 (c) added 32296

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

1910.16 (b)(2)(ix) added 36026
1910.19 (i) added 34562
(j) added 46291
1910.177 (a)(2) revised 36026
1910.261—1910.275 (Subpart R) Authority citation revised 49625
1910.268 (c) revised 36387

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

Page
1910.272 Text and Appendixes A, B, and C added (effective date pending in part) 49625
1910.1000—1910.1500 (Subpart Z) Authority citation amended 34562, 46291
1910.1000 Table Z-2 amended 34562, 46291
1910.1028 Added 34562
1910.1048 Added (effective date pending in part) 46291
1910.1200 Revised 31877
OMB number 46080
1910.1000—1910.1500 (Subpart Z) Appendixes A through E added 34568
1915 Authority citation revised 31876
1915.97 Revised 31886
1915.99 Added 31877
OMB number 46080
1917 Authority citation revised 31876
1917.1 (a)(2)(ix) added 36026
(a)(2)(x) added 49624
1917.28 Added 31877
OMB number 46080
1917.44 (o) revised 36026
1917.72 Removed 49624
1918 Authority citation revised 31876
1918.90 Added 31877
OMB number 46080
1926.50—1926.59 (Subpart D) Authority citation revised 31877
1926.55 (d) added 46312
1926.59 Added 31877
OMB number 46080
1926.550 (b)(2) revised 36382
1926.552 (c)(15) revised 36382
1926.903 (e) revised 36382
1928 Authority citation revised 31877
1928.21 (a)(5) added 31886
1952.94 Added 48111
1952.95 Revised 48111
1952.290 Heading revised 34383
1952.291 Redesignated as 1952.296 and revised; new 1952.291 redesignated from 1952.293 34383
1952.292 Redesignated as 1952.295; new 1952.292 redesignated from 1952.294 34383
1952.293 Redesignated as 1952.291; new 1952.293 added 34383
1952.294 Redesignated as 1952.292 34383
1952.295 Removed; new 1952.295 redesignated from 1952.292 34383
1952.296 Redesignated from 1952.291 and revised 34383
1952.377 Added 35070

Chapter XXV—Pension and Welfare Benefits Administration, Department of Labor

2582 (Subchapter J and Part) Added; interim 35866

Chapter XXVI—Pension Benefit Guaranty Corporation

2603.2 (c) amended 30663
2603.8 (a) amended 30663
2603.21 Heading, (a) and (c) revised; (d) amended 30663
2603.32 (c) revised 30664
2603.36 Revised 30664
2603.51 Revised 30664
2603.52 (a) introductory text and (1), (b) introductory text, and (c) revised 30666
2603.53 (a) revised 30666
2603.54 (a) amended; (b) and (c) revised 30666
2603.55 Revised 30666
2610 Authority citation revised 36759
2610 Appendix A amended 36759, 49395
2613 Authority citation revised 47561
2613.2 Amended 47561
2613.8 (b)(1) and (2)(i) amended 47561
2617 Authority citation revised 47562
2617.4 (b) introductory text and (2) revised 47562
2619.26 (a) removed; (b) and (c) redesignated as new (a) and (b); new (a)(1) and new (b)(1) amended 47562
2619 Appendix B amended 34774, 38228

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

TITLE 29 Chapter XXVI—Con. Page

Appendix D amended 47563
Appendix D corrected 48905
2621 Authority citation revised 47564
2621 Appendix A amended 47564
2622 Appendix A amended 36759, 49398
2642 Revised 39914
2644 Authority citation revised 36759, 49396
2644 Appendix A amended 25008, 36759, 49396
2676.15 (c) table amended 26475, 30359, 34774, 38229, 43571, 47565

Chapter XXVII—Federal Mine Safety and Health Review Commission

2700.40 (b) revised 44883

Title 29—*Proposed Rules:*

1 ..... 31366, 38473
5 ..... 31366, 38473
98 39015
100 ..... 25124, 27902
102 27012
103 ..... 25142, 29038, 36589, 37399, 43919, 47029
505 35447
1471 39015
1615 42450
1625 45360
1910 ..... 28776, 28727, 29620, 32312, 35731, 37973, 42321, 44996, 45438, 45530, 47097
1915 ..... 28727, 32312, 35731
1917 ..... 28727, 32312, 35731
1918 ..... 28727, 32312, 35731
1926 ..... 26776, 44996
1952 36048
1953 27417
2550 ..... 33508, 42322
2580 ..... 31039, 44610
2616 33318
2617 33318
2640 ..... 37329, 43082
2642 43082
2649 37329

TITLE 30—MINERAL RESOURCES

Chapter I—Mine Safety and Health Administration, Department of Labor

46 Removed 33235
47 Authority citation revised 33235
47.10 Amended 33235
47.50 Amended 33236
57.22001—57.22608 (Subpart T) Revised; eff. 10-29-87 24941
57.22004 OMB number; interim 41397
57.22005 (f)(1) and (g) corrected 27903
57.22202 (a)(2) revised; interim 41397
57.22204 OMB number; interim 41397
57.22228 (e) revised; interim 41397
57.22229 (b)(3) amended; interim 41397
57.22230 OMB number; interim 41397
57.22232 Corrected 27903
57.22233 Corrected 27903
57.22234 (a) amended; interim 41397
57.22239 OMB number; interim 41397
57.22240 Corrected 27903
57.22401 OMB number; interim 41397
57.22601 Effective date deferred 41397
57.22606 (g)(2) revised; interim 41397

Chapter II—Minerals Management Service, Department of the Interior

208 Revised 41913
208.2 Corrected 45528
209 Removed 41918
216 Authority citation revised 27546
216.40 (a) and (b) revised; (g) added 27546
218 Authority citation revised 24451, 27546
218.40 (a) and (b) revised; (e) added 27546
(e) correctly designated 37452
218.57 Added; eff. 7-31-87 24451

Chapter VII—Office of Surface Mining Reclamation and Enforcement, Department of the Interior

700 Authority citation revised 39407
700.5 Amended 39407
736 Authority citation revised 39407

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

Page

736.12 Revised 39407
736.13 Removed 39408
736.14 (a) revised 39408
764 Authority citation revised 49323
764.15 (a)(1) revised 49323
(a) (3) and (8) and (b)(2) removed; (a) (4) through (7) and (b)(3) redesignated as (a) (3) through (6) and (b)(2) 49324
750 Authority citation revised 31622
750.20 (a) suspended in part 31622
769 Authority citation revised 49324
769.14 (a)(3), (b)(2), and (h) removed; (a)(4) and (b)(1) redesignated as (a)(3) and (b); (a)(1) and new (3) and (c) revised 49324
779.10 Amended 47359
779.19 (b) amended 47359
779.20 Removed 47359
780.16 Revised 47359
783.10 Amended 47359
783.19 (b) amended 47359
783.20 Removed 47359
784 Authority citation revised 45923
784.14 (g) revised 45923
784.21 Revised 47359
785 Authority citation revised 39183
785.14 (c)(1) (iii) and (iv) redesignated as (c)(1) (iv) and (v); new (c)(1)(iii) added; new (c)(1)(iv) revised 39183
816 Authority citation revised 29181, 47360
816.68 (e) amended 29181
816.97 (b), (e) (2) and (3) revised; (e)(4) added 47360
817 Authority citation revised 45924, 47360
817.41 (b)(2) removed 45924
817.97 (b), (e) (2) and (3) revised; (e)(4) added 47360
906.11 (p) and (oo) removed 36028
913 Authority citation revised 45329
913.11 (c) removed 48422
913.30 Added 45329
915.15 (g) added 37453
916.15 (g) added 49398
917.15 (y) added 49401
917.16 (d) removed 49401
917.21 Existing text designated as (a); new (b) added 26300
925 Authority citation added; section authority citations removed 43758
925.16 (i)(1) introductory text amended 43758
(j) and (k) amended 43759
926 Authority citation revised 49403
926.15 (g) added 49403
934 Authority citation revised; section authority citations removed 43761
934.15 (l) added 43761
935.12 (c) added 26971
(a) removed 29516
935.15 (bb) added 26971
(cc) added 29516
(dd) added 46598
935.16 (d) through (h) added 26972
(a) removed 29516
935.20 Revised 30668
935.25 Revised 30668
936.17 Removed 36924
936.18 Removed 36924
936.19 Removed 36924
938.15 (n) added 26302
942.816 (f) revised 47717
942.817 (e) revised 47717
946 Authority citation revised 43573
946.12 (b)(3) removed 26973
946.15 (s) added 26973
(t) added 30670
(u) added 49404
(v) added 49405
946.25 Revised 43573

Title 30—*Proposed Rules:*

11 32313
48 30391
57 ..... 26352, 33956, 43345
75 30391
202 ..... 25887, 29868, 30776, 30826, 33247, 35451, 39792, 39846, 43919
203 ..... 25887, 29868, 30826, 33247, 35451, 39846, 43919
206 ..... 25887, 29868, 30776, 30826, 33247, 35451, 39792, 39846, 43919
207 ..... 30826, 33247, 35451, 39846

Title 30—*Proposed Rules—Con.* Page
210 ... 30826, 33247, 35451, 39846
212 ... 25887, 29868, 43919
218 ... 25887, 29868, 43919
241 ... 30826, 33247, 35451, 39846
250 ... 35559
251 ... 36435
256 ... 29222
701 ... 42258
750 ... 34394
762 ... 39186
773 ... 37164, 43174
780 ... 32764, 39364, 42258
784 ... 32764, 39364, 42258
815 ... 42258
816 ... 28012, 37334, 39364, 42258
817 ... 28012, 37334, 39364, 42258
840 ... 32758, 41471
842 ... 32758, 34050, 41309, 41471
843 ... 34050, 41309
845 ... 41666
846 ... 41666
870 ... 27419
901 ... 34929
904 ... 27419, 47411
905 ... 39594, 44918
913 ... 28309, 41471
914 ... 25887, 35733, 35734
915 ... 25888
916 ... 34930
917 ... 26158, 26159, 28310, 34932, 39540
925 ... 29546
931 ... 28162, 33956
934 ... 35735, 48835, 49031
935 ... 25386, 25387, 28165, 46377, 46379, 46783, 48125
938 ... 25037
943 ... 30930
944 ... 41738, 43622
946 ... 28166, 28849, 36959, 41739
948 ... 41741
952 ... 46095
953 ... 46097

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

1 Authority citation revised ... 26305
1.1—1.7 (Subpart A) Revised ... 26305
1.8—1.12 (Subpart B) Revised ... 26319
1.20 Revised ... 26320
1.21—1.22 Revised ... 26321
1.23 Revised ... 26322
1.24 Revised ... 26323
1.25—1.26 Revised ... 26324
1.27 Revised ... 26326
1.28 Revised ... 26327
1.29—1.30 Revised ... 26328
1.31—1.32 Revised ... 26329
1.33 Removed ... 26302
1.34—1.35 Revised ... 26329
1.20—1.36 (Subpart C) Appendixes A through L revised ... 26329
5.5—5.22 (Subpart B) Revised ... 39514
16 Added ... 35071

Chapter I—Monetary Offices, Department of the Treasury

51 Authority citation revised ... 36925
51.0 Revised; interim ... 36925
51.1 Revised; interim ... 36925
103 Authority citation revised ... 35545
103.43 (a), (b), and (c) redesignated as (b), (d), and (e); new (b) revised; new (a), (c), and (f) added ... 35545
103.70—103-77 (Subpart F) Added ... 35546

Chapter II—Fiscal Service, Department of the Treasury

316 Updated tables ... 48422
342 Updated tables ... 48422
351 Authority citation revised ... 46455
Updated tables ... 48422
351.5 (a) revised ... 46456
358 Added; interim ... 41991

Chapter V—Office of Foreign Assets Control, Department of the Treasury

545.427 Interpretation ... 25576
550.630 Added ... 35548
550.635 Added ... 35549
560 Added ... 44076

Title 31—*Proposed Rules:*
0 ... 45648
103 ... 35562, 39663, 39922
223 ... 29039, 37334

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Page
40.3 Amended ... 29844
40.4 (b)(3)(iii) (B) and (C) and (iv) added ... 29844
40.6 (d)(2)(iii) (A), (B), and (C) amended ... 29844
40.7 (b)(4)(iv), (c), and (d) added ... 29844
40.14 (a) amended ... 29845
40a Revised ... 48431
41 Appendix A amended ... 46997
43.2 (a) amended ... 25008
43.6 (d)(14) revised ... 25008
45.3 (b)(2), (c)(2), and (e)(1)(v) revised; (d)(5) and (g) amended ... 41706
45.4 (d)(1) amended ... 41706
45.5 Amended ... 41706
59 Revised ... 34215
63.3 (o) amended ... 25215
63.6 (b)(5) (i) through (vii) amended; (e)(2) introductory text revised; (e)(2)(vi) redesignated as (e)(2)(vii); new (e)(2)(vi) added ... 25215
68 Added ... 44389
72 Added ... 41707
98 Added ... 44883
102 Revised ... 48999
165 Removed ... 34639
174.1 (d) and (e) amended ... 29181
174.3 (b), (c) and (f) amended; (d) and (e) revised ... 29181
(f) corrected ... 30766
174.4 (c) revised ... 29182
174.5 (b) and (d) revised ... 29182
174.6 (a) revised ... 29182
199 Uncodified Table 2 revised ... 34775
199.1 (o) redesignated as (p); new (o) added ... 38754
199.2 (b) amended ... 33005
199.3 (e)(3)(iv) revised ... 27991
199.4 (d)(2), (f)(3)(ii), (4)(ii) and (5), (g) (10) and (11) revised; (f)(6) added ... 33005
199.6 (a)(8) and (b)(1)(ii) revised; (b)(3)(v) added; (e) removed; (f) redesignated as (e) ... 33006
199.7 (b)(2)(i), (c)(2), (e)(1) and (g) revised; (b)(2)(x)(C) added ... 33007
199.10 (a)(5)(iii) redesignated as (a)(5)(iv); new (a)(5)(iii) added ... 33007
199.14 Added ... 33007
209 Revised ... 47390
220 Added ... 36028
226 Added ... 42638
229.16 (a) (1) and (2) revised ... 47721
249 Added ... 41708
251 Revised ... 36030
Technical correction ... 37609
252 Revised ... 39222
259 Authority citation revised ... 48020
Revised; eff. 4-2-89 ... 48020
259.1 Heading revised; (a) and (b) redesignated as (a) (1) and (2); introductory text designated as new (a) introductory text; new (a) heading and (b) added ... 48020
286 Revised ... 25977
292a.13 Revised ... 29183
292a.15 Removed ... 25216
295 Heading revised ... 32296
295.6 (b) (1) through (6) revised; (b) (7) and (8) added ... 32293
299a.10 (b)(10) amended ... 41711
351 Removed ... 37290
361 Revised ... 41993
368 Revised ... 35417
372 Revised ... 36402
381 Added ... 36405
382 Added ... 37290
382 Appendix A amended ... 38407

Chapter V—Department of the Army

536 Revised ... 45939
537 Revised ... 45176
552.25 Revised ... 44393
552.105—552.111 (Subpart G) Added ... 25862

Chapter VI—Department of the Navy

706.2 Table One amended ... 42103, 47923
Table Three amended ... 42104, 47923
Table Five amended ... 35237, 38755, 42102, 42103, 46080, 47922

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

TITLE 32 Chapter VI—Con. Page

706.3 Table One amended 35237
728 Revised 33718
732 Revised 32297
750 Authority citation revised; footnotes removed 25595
750.3 (d) redesignated as (e); new (d) added 25595
750.4 (c) heading revised 25596
750.7 (a) (5) through (16) and (b) revised; (a) (17) and (18) added 25596
750.8 (a) and (b) amended 25596
750.9 Revised 25597
750.12 (b) amended 25597
750.13 (b) and (c) redesignated as (c) and (d); new (b) added; (c)(2) amended 25597
750.16 (c)(2) amended; (e) revised 25597
750.21 (a) through (c) amended 25598
750.23 Revised 25598
750.24 (b) (2) and (3) revised 25598
750.32 (e)(2) amended 25598
750.52 (b) revised 25598
750.53 (c) amended 25598
751 Authority citation revised; footnotes removed 25598
751.2 Revised 25598
751.3 (i)(3)(iii) amended 25599
751.4 (u) added 25599
751.21 (f)(1)(ii) amended 25599
751.22 (b) and (d) amended 25599
751.23 Introductory text amended 25599
751.24 (a)(1) introductory text, (v), (vi), (2), (3)(i), (5) and (6), (b) and (d) revised; (e) amended 25599
751.25 (b) revised 25600
751.28 Revised 25600
751.30 (a) through (d) and (e)4. revised; (c) introductory text amended 25600
757 Authority citation revised 25600
Footnotes removed 25601
757.2 (b)(2) and (c) revised 25601
757.3 (a) amended; (b), (c), (d), and (f)(3) revised 25601
757.8 Amended 25601
757.13 Introductory text and (d) revised; (f) removed 25601
757.15 (a) (1) through (4) revised 25601
757.16 (c) amended; (d) added 25601
763.5 (d) added 45455

Chapter VII—Department of the Air Force

807 Revised 36247
811 Revised 48675
811a Revised 48681
861 Added 37609
891 Removed 44597

Chapter XVI—Selective Service System

1602.2 Revised 24454
1602.11 Revised 24454
1602.14 Revised 24454
1602.15 Revised 24454
1602.18 Revised 24454
1602.24 Revised 24454
1602.25 Revised 24454
1605.51 (b) removed 24454
1605.81 (b) revised 24454
1609.1 Revised 24454
1618.3 Removed 24454
1621.1 Revised 24454
1624.4 (b) and (c) revised 24455
1624.5 (a) revised 24455
1624.6 (a) and (e) removed; (b) and (j) revised 24455
1624.7 Revised 24455
1624.10 Revised 24455
1630.13 Revised 24455
1630.18 Revised 24456
1630.30 Revised 24456
1630.31 Revised 24456
1630.40 (a) introductory text revised; (a)(4) removed 24456
1630.44 Revised 24456
1630.45 Heading and (a) revised 24456
1630.48 Revised 24456
1633.1 (e) and (f) revised 24456
1633.2 Revised 24457
1633.6 Revised 24457
1633.7 (b) revised; (c) removed 24457
1633.10 Revised 24457
1633.11 Revised 24457
1636.3 (a) revised 24457
1636.6 Heading revised 24457
1636.8 (a)(3) revised 24457
1639.3 (a)(1) revised 24458
1639.6 Heading revised 24458
1639.7 (c) revised 24458

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

Page

1642 Heading revised 24458
1642.3 Revised 24458
1642.4 (a)(4) revised; (b) removed 24458
1642.5 Added 24458
1642.7 (a) revised; (c) removed 24458
1648.1 Revised 24458
1648.2 Removed 24458
1648.3 (a) and (c) revised 24458
1648.4 (b) revised 24458
1648.5 (a) and (l) revised 24459
1648.6 (a) revised 24459
1651.1 (b) revised 24459
1651.4 (a), (j), (n)(3) and (r) revised 24459
1653.3 Heading, (a) and (k) revised 24459
1657 Revised 24459
1698 Added 24460

Chapter XIX—Central Intelligence Agency

1900 Revised 46456

Chapter XX—Information Security Oversight Office

2001.43 (a)(1) revised 28418
2003.20 Revised 28802
(h)(1) revised 29793, 48367
(h)(1)(i) corrected 49250

Title 32—*Proposed Rules:*

104 39663
198a 27421
199 ..... 28568, 29044, 30391, 46098, 47029
276 26692
277 26693
280 39015
285 48452
807 27825
811 37631
811a 37636
887 35927
1636 47949
1656 47949

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

3.01-1 (f) removed; (g) redesignated as (f) 25217
(h) redesignated as (g) and revised 33810
3.25-1 (b) revised 25217
3.40-10 (b) revised 35913
3.40-15 (b) revised 35913
3.40-17 Added 35913
3.40-20 (b) revised 35913
5 Authority citation revised 36760
5.47 Revised 36760
(b) corrected 37716
5.48 Added 36760
25.103 Revised 25217
25.111 (b) revised 25217
25.405 (g) revised 25218
47 Removed 25218
60 Removed 42640
62 Revised 42640
62.21 (g) corrected 46351
62.23 (c)(3) corrected 46351
62.41 Corrected 46351
62.49 (b) corrected 46351
66 Authority citation revised 42645
66.01-10 Revised 42645
66.05-1 Revised 42645
66.05-20 Revised 42645
66.10-1 Revised 42645
67 Authority citation revised; section authority citations removed 33810
67.50-1 Revised 33810
67.50-35 Revised 37613
72.01-10 (a)(2) revised 25218
80 Authority citation revised 33810
80.01 (c) added 33810
80.155 Redesignated from 80.305 25218
80.160 Redesignated from 80.310 25218
80.165 Redesignated from 80.315 25218
80.170 Added 25218
80.305—80.325 Undesignated center heading removed 25218
80.305 Redesignated as 80.155 25218
80.310 Redesignated as 80.160 25218
80.315 Redesignated as 80.165 25218
80.320 Removed 25218
80.325 Redesignated as 80.503 25218
80.501 Added 25218
80.503 Redesignated from 80.325 25218

TITLE 33 Chapter I—Con. Page

80.1102 Redesignated from 80.1105.....25218
80.1104 Redesignated from 80.1110.....25218
80.1105 Redesignated as 80.1102.....25218
80.1106 Redesignated from 80.1115.....25218
80.1108 Redesignated from 80.1120.....25218
80.1110 Redesignated as 80.1104; new 80.1110 redesignated from 80.1125.....25218
80.1112 Redesignated from 80.1130.....25218
80.1114 Redesignated from 80.1135.....25218
80.1115 Redesignated as 80.1106.....25218
80.1116 Redesignated from 80.1140.....25218
80.1118 Redesignated from 80.1145.....25218
80.1120 Redesignated as 80.1108; new 80.1120 redesignated from 80.1150.....25218
80.1122 Redesignated from 80.1155.....25218
80.1124 Redesignated from 80.1160.....25218
80.1125 Redesignated from 80.1110.....25218
80.1126 Redesignated from 80.1165.....25218
80.1130 Redesignated as 80.1112; new 80.1130 redesignated from 80.1205.....25218
80.1132 Redesignated from 80.1210.....25218
80.1134 Redesignated from 80.1215.....25218
80.1135 Redesignated as 80.1114.....25218
80.1136 Redesignated from 80.1220.....25218
80.1138 Redesignated from 80.1225.....25218
80.1140 Redesignated as 80.1116; new 80.1140 redesignated from 80.1230.....25218
80.1142 Redesignated from 80.1250.....25218
80.1144 Redesignated from 80.1255.....25218
80.1145 Redesignated as 80.1118.....25218
80.1146 Redesignated from 80.1260.....25218
80.1148 Redesignated from 80.1265.....25218
80.1150 Redesignated as 80.1120; new 80.1150 redesignated from 80.1270.....25218
80.1152 Redesignated from 80.1275.....25218
80.1155 Redesignated as 80.1122.....25218
80.1160 Redesignated as 80.1124.....25218
80.1165 Redesignated as 80.1126.....25218
80.1205—80.1275 Undesignated center heading removed.....25218
80.1205 Redesignated as 80.1130.....25218
80.1210 Redesignated as 80.1132.....25218
80.1215 Redesignated as 80.1134.....25218
80.1220 Redesignated as 80.1136.....25218
80.1225 Redesignated as 80.1138.....25218
80.1230 Redesignated as 80.1140.....25218
80.1250 Redesignated as 80.1142.....25218
80.1255 Redesignated as 80.1144.....25218
80.1260 Redesignated as 80.1146.....25218
80.1265 Redesignated as 80.1148.....25218
80.1270 Redesignated as 80.1150.....25218
80.1275 Redesignated as 80.1152.....25218
95 (Subchapter F and Part) Added.....47532
100 Temporary regulations list.....26675, 46351
100.01 (b) added.....33811
100.35-109 Added (temporary).....30164
100.35-544 Added (temporary).....26674
100.35-05068 Added (temporary).....31622

Page

100.35-05081 Added (temporary).....38756
100.35-T07-61 Added (temporary).....43573
100.35-0911 Added (temporary).....28554
100.35-0914 Added (temporary).....29517
100.35-0918 Added (temporary).....28251
100.35-0921 Added (temporary).....32790
100.35-0924 Added (temporary).....32791
100.35-0925 Added (temporary).....31395
100.45 Revised.....42645
100.101 Redesignated from 100.304 and (b) revised.....25219
100.102 Redesignated from 100.305 and (b) revised.....25219
100.103 Redesignated from 100.307 and (b) revised.....25219
100.104 Redesignated from 100.308 and (b) revised.....25219
100.301 Redesignated as 100.502 and (b) revised.....25218
100.302 Redesignated as 100.503 and (b) revised.....25219
100.303 Redesignated as 100.504 and (b) revised.....25219
100.304 Redesignated as 100.101 and (b) revised.....25219
100.305 Redesignated as 100.102 and (b) revised.....25219
100.306 Redesignated as 100.505 and (b) revised.....25219
100.307 Redesignated as 100.103 and (b) revised.....25219
100.308 Redesignated as 100.104 and (b) revised.....25219
100.502 Redesignated from 100.301 and (b) revised.....25218
100.503 Redesignated from 100.302 and (b) revised.....25219
100.504 Redesignated from 100.303 and (b) revised.....25219
100.505 Redesignated from 100.306 and (b) revised.....25219
100.1103 Redesignated from 100.1201.....25219
100.1104 Redesignated from 100.1202.....25219
100.1201 Redesignated as 100.1103.....25219
100.1202 Redesignated as 100.1104.....25219
110 Authority citation revised.....33811
110.1 (d) added.....33811
110.195 (a)(15) revised.....37614
110.228 Revised.....46761
110.238 Revised.....25864
Technical correction.....35914
110.239 Added.....26147
117.237 (c) revised.....33812
117.261 (m) removed.....26677
Heading revised; (qq) added.....27684
(c) added.....28694
(bb) revised.....42646
(h) and (l) revised.....47392
(o) and (p) added.....49406
117.287 (d)(2) revised.....30671
117.311 Added.....38758
117.317 (k) revised.....28693
117.319 (a) revised.....42649
117.353 (b) revised.....42647
117.561 (b) (1) through (4) and (c) revised; introductory text republished (temporary).....26341
117.572 Added (temporary).....42648
117.631 Revised.....39520
117.733 (h) revised.....25374
117.753 Revised.....25373
117.821 (c) revised.....48263
(b) removed; (c) and (d) redesignated as (b) and (c).....49010
117.822 Revised.....46081
117.911 (d) revised.....42648
(f) revised.....44107
117.1039 Revised (temporary).....47924
117.1051 (d) introductory text revised; (e) added; eff. to 8-21-87.....25374
122 Removed.....42650
132 Appendix corrected.....28471
146.35 (a)(7) added.....47533
147 Authority citation revised.....33811
147.10 (d) added.....33811
150 Authority citation revised.....33811
150.711 (b)(9) added.....47533
150 Appendix A amended.....33811
160 Authority citation revised.....48264
160.209 Removed.....48264

TITLE 33 Chapter I—Con. Page
161 Authority citation revised; section authority citations removed....33586
161.101 (d) added....33811
161.703 Amended....33587
161.761 Revised....33587
161.767 Revised....33587
161.768 Revised....33587
161.769 Removed....33587
161.770 Removed....33587
162 Authority citation revised....33811
162.1 Added....33811
162.45 Removed....42651
165 Temporary regulations list....26675, 46351
Authority citation revised....33811
165.T0139 Added (temporary)....35081
165.T226 Added (temporary)....25375
165.T05047 Added (temporary)....31396
165.T05-76 Added (temporary)....31763
165.T830 Added (temporary)....28252
165.T843 Added (temporary)....44108
165.T0901 Added (temporary)....34906
165.T0906 Added (temporary)....28555
165.T1165 Revised (temporary)....26147
165.T1403 Added (temporary)....42651
165.8 Added....33811
165.130 Redesignated from 165.301....25218
165.140 Redesignated from 165.302....25218
165.150 Redesignated from 165.304....25218
165.155 Redesignated from 165.305....25218
165.160 Redesignated from 165.310....25218
165.301—165.310 Undesignated center heading removed....25218
165.301 Redesignated as 165.130....25218
165.302 Redesignated as 165.140....25218
(a)(1) corrected....44107
165.303 Redesignated as 165.510....25218
165.304 Redesignated as 165.150....25218
165.305 Redesignated as 165.155....25218
165.310 Redesignated as 165.160....25218
165.504 (c)(1)(vii) revised....41996
165.510 Redesignated from 165.303....25218
165.703 (i) added....31763
165.735 Added....48811
165.1201 Undesignated center heading and section designation removed....25218
165.1302 Added....47924
165.1703 Added....30671
166 Authority citation revised....33811
166.103 Added....33811
166.500 Added....33589
(b) correctly revised....36248
167 Authority citation revised....33811
167.3 Added....33812
167.100 Redesignated as 167.350....33589
167.150—167.350 (Subpart B) Heading revised....33589
167.150—167.155 Undesignated center heading added....33589
167.150 Added....33589
167.151 Added....33589
167.152 Added....33589
167.153 Added....33589
167.154 Added....33590
167.155 Added....33590
167.350 Undesignated center heading added; section redesignated from 167.100....33589
173 Authority citation revised; section authority citations removed....47533
173.51 (b) revised....47533
173.57 (v) revised....47534
174 Authority citation revised....25219
174.121 Revised....25219
177 Authority citation revised....33812, 47534
177.01 Introductory text revised....47534
177.03 (a) removed....47534
177.05 Introductory text revised....47534
177.07 Introductory text, (b) and (c) revised....47534
177.08 Introductory text revised....33812

Chapter II—Corps of Engineers, Department of the Army

207.249 Heading revised; (b)(3)(iii) and (5)(iii) and (d) amended; (b)(1) redesignated as (b)(1)(i) and heading added; (b)(1)(ii), (3)(iv), and (5)(iv) added....34775
240 Added....44113
241 Added; interim....35875
334.78 Added....28556

Title 33—*Proposed Rules:*

1—183 (Ch. I)....31786
26....38787
84....39541
110....27688, 34815, 42682
117....25389, 25391, 27225, 28018, 33434, 33836, 34686, 36799, 36961, 43623, 43624, 44447, 44448, 45201-45203, 48717, 49031
140....25392, 48717
143....25392, 48717
146....48717
162....34933
165....26703, 32314, 33435, 33436, 34687, 34816, 37637, 42683, 43205, 45973, 47413
166....25039, 28019
179....47950
183....44918
241....34934
334....36439

TITLE 34—EDUCATION

Subtitle A—Office of the Secretary, Department of Education

5 Authority citation revised....32524
5.6 Added....32525
5.60—5.64 (Subpart E) Revised....32525
11 Revised....25152
15 Authority citation revised....48021
Revised; eff. 4-2-89....48021
15.1 Heading revised; (a) and (b) redesignated as (a) (1) and (2); introductory text designated as new (a) introductory text; new (a) heading and (b) added....48021

Page
32 Added; eff. 7-31-87....24957
75 Authority citation revised....27803
75.1 (a) Note and tables removed; (a) revised (effective date pending)....27803
75.50 Revised (effective date pending)....27803
75.111 (d) and (e) removed (effective date pending)....27803
75.124 Undesignated center heading and section removed (effective date pending)....27803
75.125 (a) designation and (b) removed (effective date pending)....27803
75.138—75.141 Undesignated center heading and sections removed (effective date pending)....27803
75.200 (b)(3) and (c)(2) revised (effective date pending)....27803
75.201 (b)(1) designation and (2) removed (effective date pending)....27803
75.202—75.206 Removed (effective date pending)....27803
75.210 Revised (effective date pending)....27803
75.217 Revised (effective date pending)....27804
75.219 (b) removed; (c) redesignated as (b) and revised (effective date pending)....27804
75.221 Removed (effective date pending)....27804
75.222 Heading and section amended (effective date pending)....27804
75.250 (a) designation and (b) removed (effective date pending)....27804
75.254 Removed (effective date pending)....27804
75.260 (a) revised (effective date pending)....27804
75.708 (a) revised (effective date pending)....27804
75.721 Removed (effective date pending)....27804
75.733 Removed (effective date pending)....27804
76 Authority citation revised....27804

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

TITLE 34 Subtitle A—Con. Page

76.1 (a) Note and tables removed; (a) revised (effective date pending)..... 27804
76.50 (a) introductory text revised (effective date pending)..... 27804
76.100 Revised (effective date pending)..... 27804
76.101 Revised (effective date pending)..... 27804
76.102 Cross-reference removed (effective date pending)..... 27804
76.301 Revised (effective date pending)..... 27804
76.401 (a) introductory text and (b) revised (effective date pending)..... 27805
76.563 Introductory text amended (effective date pending)..... 27805
76.772 Cross-reference removed (effective date pending)..... 27805

Chapter II—Office of Elementary and Secondary Education, Department of Education

206 Authority citation revised..... 24920
206.1 Authority citation revised..... 24920
206.2 (a), (b) and authority citation revised (effective date pending)..... 24920
206.3 Authority citation revised..... 24920
206.4 (a) and authority citation revised (effective date pending)..... 24920
206.5 (c)(1) and authority citation revised (effective date pending)..... 24920
206.10 (b)(1) (i) through (viii) and (2) (i) through (iii) and authority citation revised; (b)(2) (iv) through (vi) and (c) added (effective date pending)..... 24920
206.20 (a) amended; (b) redesignated as (d); new (b) and (c) added; authority citation revised; OMB number (effective date pending)..... 24920
206.30 Authority citation revised..... 24920
(b) revised (effective date pending)..... 24921
206.31 Authority citation revised..... 24920
(a)(2)(ii) revised; (i) added; OMB number (effective date pending)..... 24921
215 Revised (effective date pending)..... 38853
221.15 (b) introductory text and (3) revised (effective date pending)..... 28814
230 Added (effective date pending)..... 26919
235 Added (effective date pending)..... 26923
237 Added (effective date pending)..... 26466
250 Authority citation revised..... 28232
250.4 (b) amended..... 28232
251 Authority citation revised..... 28232
251.31 Added..... 28232
251.32 Added..... 28233
270 Revised (effective date pending)..... 24963
271 Added..... 24964
272 Added..... 24965

Chapter III—Office of Special Education and Rehabilitative Services, Department of Education

309 Revised (effective date pending)..... 29817
315 Heading and authority citation revised (effective date pending)..... 31958
315.1 Heading revised; text amended (effective date pending)..... 31958
315.10 Nomenclature change (effective date pending)..... 31958
315.11 Nomenclature change (effective date pending)..... 31958
315.12 Nomenclature change; (a) introductory text and (4) and (b)(2) amended (effective date pending)..... 31958
315.13 Nomenclature change; (a) revised; (c) redesignated as (d); new (c) added (effective date pending)..... 31958
315.14 Amended (effective date pending)..... 31959
315.30 (a) amended (effective date pending)..... 31959
315.31 Redesignated as 315.32 and revised; new 315.31 added (effective date pending)..... 31959
315.32 Redesignated from 315.31 and revised (effective date pending)..... 31959
315.33 Added (effective date pending)..... 31959
315.34 Added (effective date pending)..... 31960
319 Added (effective date pending)..... 25831
320 Heading and authority citation revised..... 26657
320.1 Heading, introductory text and (a) revised; (b) amended; (c) redesignated as (d); new (c) added (effective date pending)..... 26657
320.10 (a)(2) removed; (a)(3) and (c) redesignated as (a)(2) and (d); (a)(1)(iii) and (b) amended; new (c) added (effective date pending)..... 26657
320.30 (b)(2)(iii) amended (effective date pending)..... 26657
320.40 (b) revised (effective date pending)..... 26657
324 Authority citation revised..... 43482
324.1 (a) and (b) revised (effective date pending)..... 43483
324.10 Introductory text and (a) through (e) revised; (f) and (g) redesignated as (g) and (h); new (f) added (effective date pending)..... 43483
324.11 (a) and (b) amended (effective date pending)..... 43483
324.31 (f), (g) and (h)(1) revised (effective date pending)..... 43483
324.32 (h)(1) revised (effective date pending)..... 43483
326 Authority citation revised..... 34368
326.1 (a)(2) (i) and (ii) revised; (a)(2)(iii) added (effective date pending)..... 34368
326.4 (c)(1) (i) and (ii) revised; (c)(1)(iii) added (effective date pending)..... 34368
326.10 (a)(3) amended; (a)(4) revised (effective date pending)..... 34369
326.20 (b) revised (effective date pending)..... 34369
326.30 (b) and (e) amended; (i), (j), and (k) added (effective date pending)..... 34369
326.34 Added (effective date pending)..... 34369
350 Heading and authority citation revised (effective date pending)..... 30060
350.1 Heading, (a) (1) and (3), and authority citation revised; (a) introductory text republished (effective date pending)..... 30060
350.2 (b), (c), and authority citation revised; (d) added (effective date pending)..... 30061
350.3 Introductory text and (a)(2) revised (effective date pending)..... 30061
350.4 (a) introductory text and (b) introductory text revised; (b) amended (effective date pending)..... 30061
350.30 Revised (effective date pending)..... 30061
350.32 (a) and authority citation revised (effective date pending)..... 30061
350.33 (a), (b), and (e) revised; (c) amended (effective date pending)..... 30062
350.34 Heading revised (effective date pending)..... 30062
350.35 Added (effective date pending)..... 30062
350.40 (b)(1) introductory text republished; (b)(1)(iii) revised (effective date pending)..... 30062
351 Heading and authority citation revised (effective date pending)..... 30062
351.1 Nomenclature changes (effective date pending)..... 30062
351.10 Introductory text and (b) introductory text republished; (a), (b) (6) and (7),

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

TITLE 34 Chapter III—Con. Page

and authority citation revised; (b) (8) and (9) added; nomenclature changes (effective date pending)..... 30062
352 Heading and authority citation revised (effective date pending)..... 30063
352.10 (b) and (d) revised (effective date pending)..... 30063
352.31 Revised (effective date pending)..... 30063
352.40 (Subpart E) Added (effective date pending)..... 30064
353 Heading and authority citation revised (effective date pending)..... 30064
353.1 (b) and (c) revised (effective date pending)..... 30064
353.10 (a) introductory text and (b) introductory text republished; (a) (iii) and (iv) amended; (a)(v) added; (b)(1) revised (effective date pending)..... 30064
353.31 Revised (effective date pending)..... 30064
354 Heading and authority citation revised (effective date pending)..... 30065
355 Heading and authority citation revised (effective date pending)..... 30065
356 Heading and authority citation revised (effective date pending)..... 30065
356.30 (b)(1) amended (effective date pending)..... 30065
356.32 (b) amended (effective date pending)..... 30065
357 Heading and authority citation revised (effective date pending)..... 30065
357.1 (b) and (c) amended (effective date pending)..... 30065
358 Heading and authority citation revised (effective date pending)..... 30065
359 Heading and authority citation revised (effective date pending)..... 30065
359.32 Added (effective date pending)..... 30066
363 Added (effective date pending)..... 30550

Page

371 Heading and authority citation revised (effective date pending)..... 30555
371.1 Revised (effective date pending)..... 30555
371.2 Amended (effective date pending)..... 30555
371.4 (b) (1) through (4) designations removed; (b) amended (effective date pending)..... 30555
371.10 Amended (effective date pending)..... 30555
371.20 Amended (effective date pending)..... 30555
371.21 (c), (d), (e), (f), (g), and (h) amended; (i) revised (effective date pending)..... 30555
371.30 (f)(2) (i) and (ii) amended (effective date pending)..... 30555
371.40 Revised (effective date pending)..... 30556
371.41 (a)(2) and (b) amended (effective date pending)..... 30555
371.42 Amended (effective date pending)..... 30555
Revised (effective date pending)..... 30556
371.43 (a) and (b) amended (effective date pending)..... 30555
386 Authority citation revised..... 30556
386.1 Revised (effective date pending)..... 30556
386.4 Revised (effective date pending)..... 30556
386.30 (c) and (h)(2)(iii) amended (effective date pending)..... 30556
386.42 Revised (effective date pending)..... 30556
386.43 Added (effective date pending)..... 30557
386.44 Added (effective date pending)..... 30557
386.45 Added (effective date pending)..... 30558
386.46 Added (effective date pending)..... 30558
386.47 Added (effective date pending)..... 30558

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

Chapter V—Office of Bilingual Education and Minority Languages Affairs, Department of Education

500.15—500.20 Undesignated center heading added (effective date pending)..... Page 27805
500.15 Added (effective date pending)..... 27805
502 Removed (effective date pending)..... 30322
504 Removed (effective date pending)..... 30322
524 Added (effective date pending)..... 30322

Chapter VI—Office of Postsecondary Education, Department of Education

607 Added (effective date pending)..... 30529
608 Added (effective date pending)..... 30538
609 Added (effective date pending)..... 30541
614 Revised (effective date pending)..... 30561
628.2 Revised (effective date pending)..... 36374
628.4 (a) and (b) revised (effective date pending)..... 36375
628.5 (a) (2) and (3) removed; (a)(1) revised (effective date pending)..... 36375
628.6 Introductory text revised (effective date pending)..... 36375
628.48 (a)(2) removed; (a)(1) redesignated as (a)(2); new (a)(1) added (effective date pending)..... 36375
629 Revised (effective date pending)..... 29824
630 Authority citation revised..... 27523
630.5 (b) amended (effective date pending)..... 27523
630.11 (c) added; authority citation revised (effective date pending)..... 27523
630.33 Amended (effective date pending)..... 27523
630.34 Redesignated as 630.35; new 630.34 added (effective date pending)..... 27523

Page

630.35 Redesignated from 630.34 (effective date pending)..... 27523
631 Revised (effective date pending)..... 29140
632 Revised (effective date pending)..... 29142
633 Revised (effective date pending)..... 29144
634 Revised (effective date pending)..... 29145
635 Revised (effective date pending)..... 29146
636 Authority citation revised..... 29147
Authority citation corrected..... 30280
636.2 (a) and (b) amended (effective date pending)..... 29147
636.4 (c) amended (effective date pending)..... 29147
636.10 Amended (effective date pending)..... 29147
636.30 Amended (effective date pending)..... 29147
636.40 Amended (effective date pending)..... 29147
636.41 Amended..... 29147
637 Heading and authority citation revised (effective date pending)..... 43544
637.1 Authority citation amended..... 43544
637.2 Authority citation amended..... 43544
637.3 (a) and authority citation revised (effective date pending)..... 43544
637.4 (a) authority citation removed; (b) amended; (b) authority citation revised (effective date pending)..... 43544
637.11—637.15 (Subpart B) Heading amended (effective date pending)..... 43544
637.11 Authority citation amended..... 43545
637.12 (b)(3) removed; authority citation amended (effective date pending)..... 43545
637.13 (c) removed; authority citation amended (effective date pending)..... 43545
637.14 (d) correctly designated; (d) and authority citation

93-145 O - 87 - 5

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

TITLE 34 Chapter VI—Con. Page

revised (effective date pending)....43545
637.15 Authority citation amended....43545
637.31 (d) introductory text and authority citation amended (effective date pending)....43545
637.32 Authority citation amended....43545
637.41 Authority citation amended....43545
643 Authority citation revised....27774
643.4 (b) and (c)(1) revised (effective date pending)....27774
643.6 (b) amended (effective date pending)....27774
643.20 (b) and (c) amended; (d) added (effective date pending)....27774
644 Authority citation revised....28420
644.4 Removed....28420
644.6 (b) amended....28420
644.10 (b) amended....28420
644.20 (c) added....28420
644.42 Removed....28420
645 Authority citation revised....27776
645.3 (a)(3) revised (effective date pending)....27776
645.4 (d)(1) revised (effective date pending)....27776
645.6 (b) amended (effective date pending)....27776
646 Heading and authority citation revised (effective date pending)....27906
646.1 Amended (effective date pending)....27906
646.2 Amended (effective date pending)....27906
646.3 Introductory text amended; (c) revised (effective date pending)....27906
646.4 (a) and (b) amended; (d)(1) revised (effective date pending)....27906
646.5 Heading and introductory text amended (effective date pending)....27906
646.6 Heading amended (effective date pending)....27906

Page

646.10 Heading, (a) introductory text, and (b) amended (effective date pending)....27906
(a)(8) redesignated as (a)(9); new (a)(8) added; (a)(4) and new (9) revised (effective date pending)....27907
646.30 (b) amended (effective date pending)....27906
646.31 (f)(1) introductory text and (iii) and (h)(1) and (2)(iv) amended (effective date pending)....27906
646.32 (a)(1) amended (effective date pending)....27906
646.40 Introductory text amended (effective date pending)....27906
650 Authority citation revised; nomenclature change....29356
650.1 Existing text designated as (a); (b) added (effective date pending)....29356
650.2 (b)(4) revised (effective date pending)....29357
650.4 Amended (effective date pending)....29357
650.5 (b) revised (effective date pending)....29357
650.33 (a)(3) and (b) and (a) designation removed; (a) (1) and (2) redesignated as (a) and (b) and amended (effective date pending)....29357
650.42 Revised (effective date pending)....29357
653 Revised (effective date pending)....45285
658 Authority citation revised....28422
658.10 (a), (b) introductory text, and (c) introductory text amended (effective date pending)....28422
658.11 Introductory text amended; (g) revised (effective date pending)....28422
658.32 (b)(2)(i) and (c)(2)(ii) amended (effective date pending)....28422
660 Authority citation revised....28424
660.1 (b) amended; (c) redesignated as (d) and revised;

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

Page

new (c) added (effective date pending)....28424
660.10 (b) and (c) introductory text revised (effective date pending)....28424
661 Authority citation revised....28426
661.10 (h) and (i) amended; (j) added (effective date pending)....28426
668.1 Revised (effective date pending)....45724
668.2 Amended (effective date pending)....45725
668.7 Revised (effective date pending)....45725
668.8 Added (effective date pending)....45727
668.11—668.25 (Subpart B) Revised (effective date pending)....45727
668.32 (a) and (d) revised (effective date pending)....45734
668.34 Revised (effective date pending)....45734
668.51 (c)(1) amended (effective date pending)....39892
668.82 (d) revised (effective date pending)....45734
668.96 Revised (effective date pending)....45735
668.90 (a)(3)(ii) amended (effective date pending)....45735
668.111—668.123 (Subpart H) Added (effective date pending)....30015
Correctly designated....46354
668.113 (b) corrected....46354
668.114 (a) corrected....32868
(c) corrected....46354
668.116 (e)(1)(v) corrected....32868
(e)(1) (ii) and (iv) corrected....46354
668.121 (b) corrected....46354
673.1—673.2 (Subpart A) Added (effective date pending)....29122
673.21—673.33 (Subpart C) Added (effective date pending)....29122
673.41—673.45 (Subpart D) Added (effective date pending)....29129
674 Authority citation revised....45555

Page

Heading, Note and authority citation revised (effective date pending)....45747
674.1—674.20 (Subpart A) Revised (effective date pending)....45748
674.31—674.39 (Subpart B) Revised (effective date pending)....45754
674.41—674.50 (Subpart C) Revised....45555
674.51—674.60 (Subpart D) Revised (effective date pending)....45758
674 Appendixes A, B, and C revised; Appendixes D and E added (effective date pending)....45761
675 Revised (effective date pending)....45770
676 Revised (effective date pending)....45778
690 Authority citation revised....38207
690.2 (b) amended....38207
(a) and (b) amended (effective date pending)....45735
690.4—690.5 Removed (effective date pending)....45735
690.6 Revised....38207
690.8 Revised (effective date pending)....45735
690.10 (b) amended (effective date pending)....45736
690.31—690.39 (Subpart C) Removed (effective date pending)....45736
690.41—690.48 (Subpart D) Removed (effective date pending)....45736
690.51—690.57 (Subpart E) Removed (effective date pending)....45736
690.61 (a) revised....38207
(a)(3) amended (effective date pending)....45736
690.65 (a) amended (effective date pending)....45736
690.75 Revised (effective date pending)....45736
690.77 Added....38208
690.78 (a) revised....38208
690.82 (a) introductory text amended (effective date pending)....45736

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

TITLE 34 Chapter VI—Con. Page

692 Revised (effective date pending)..... 45433

Chapter VII—Office of Educational Research and Improvement, Department of Education

745 Authority citation revised..... 27805
745.12 Added (effective date pending)..... 27805
762 Added (effective date pending)..... 29608
763 Added (effective date pending)..... 38067
764 Added (effective date pending)..... 28527
765 Added (effective date pending)..... 28528
766 Added (effective date pending)..... 28529
785 Redesignated from Part 796 and revised (effective date pending)..... 30612
786 Added (effective date pending)..... 30614
787 Added (effective date pending)..... 30617
788 Added (effective date pending)..... 30620
789 Added (effective date pending)..... 30622
796 Redesignated as Part 785 and revised (effective date pending)..... 30612

Title 34—*Proposed Rules:*

33..... 27650
251..... 37260, 47951
301..... 44346
303..... 44352
304..... 43312
333..... 46720
361..... 44366
602..... 33908, 42684
603..... 33908, 42684
653..... 45290
656..... 37064
657..... 37067
671..... 49122
673..... 45576
674..... 42460
675..... 42460
676..... 42460
682..... 42460
696..... 39896
776..... 47538
778..... 38192, 46784
790..... 46785

TITLE 35—PANAMA CANAL

Chapter I—Panama Canal Regulations

9 Authority citation revised..... 31397
9.2 Revised..... 31397
9.4 Amended..... 31397
9.5 (a) revised..... 31397
9.6 (a)(1) amended; (b) revised..... 31397
9.8 (b)(1) revised..... 31397
9.11 Revised..... 31397
9.12 Redesignated as 9.14..... 31397
Added..... 31398
9.13 Redesignated as 9.15..... 31397
Added..... 31398
9.14 Redesignated from 9.12..... 31397
9.15 Redesignated from 9.13..... 31397
103.8 (d) (2) and (3) and (g) revised; (d)(4) added; (f)(1) amended..... 37952
257 Added..... 26007

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter I—National Park Service, Department of the Interior

1.2 (b) revised..... 35239
2.2 (g) revised..... 35240
2.3 (g) revised..... 35240
2.4 (g) revised..... 35240
2.13 (d) revised..... 35240
2.22 (d) revised..... 35240
2.30 (b) revised..... 35240
2.31 (b) revised..... 35240
2.32 (b) revised..... 35240
2.34 (b) revised..... 35240
2.36 (b) revised..... 35240
5 Authority citation revised..... 35240
5.8 (c) revised..... 35240
5.9 (c) revised..... 35240
7.23 Added; interim eff. to 4-4-89..... 31765
7.71 (g) added..... 34777
7.92 (c) added..... 34777

Chapter II—Forest Service, Department of Agriculture

211.18 (b)(12) added; interim..... 27547

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

Page

222 Existing regulations unchanged..... 30359
223.130—223.145 (Subpart C) Revised..... 43329
296.16 (a) (1) and (2) revised..... 47721

Chapter VII—Library of Congress

701.34 Revised..... 34383

Chapter VIII—Advisory Council on Historic Preservation

800.6 (a)(2) and (c)(2) corrected..... 25376
800.10 Introductory text designation (a) correctly removed..... 25376
800.12 (a) corrected..... 25376

Chapter IX—Pennsylvania Avenue Development Corporation

902 Authority citation revised..... 26677
902.80 (b) revised..... 26677
902.81 Revised..... 26677
902.82 Revised..... 26677
902.83 Revised..... 26679
903 Authority citation revised..... 34384
903.11 Redesignated as 903.12; new 903.11 added; interim..... 34384
Confirmed..... 39224
903.12 Redesignated as 903.13; new 903.12 redesignated from 903.11; interim..... 34384
Confirmed..... 39224
903.13 Redesignated from 903.12; interim..... 34384
Confirmed..... 39224
904 Authority citation revised..... 48021
Revised; eff. 4-2-89..... 48022
904.1 Heading revised; (a) and (b) redesignated as (a) (1) and (2); introductory text designated as new (a) introductory text; new (a) heading and (b) added..... 48021

Chapter XI—Architectural and Transportation Barriers Compliance Board

1120.2 (h) through (o) added; interim..... 43195
1120.25 Amended; interim..... 43195
1120.51 (a) revised; (b) and (c) redesignated as (e) and (f); new (e) (1), (3) and (4) removed; new (e) (2) and (5) through (8) redesignated as (e) (3) through (7); new (b), (c), (d), (e) (1) and (2) and (g) added; new (f) amended; interim..... 43195
1120.53 (b) and (c) redesignated as (c) and (e); new (c) revised; new (e) amended; new (b) and (d) added; interim..... 43196
1155 Revised..... 47718

Chapter XII—National Archives and Records Administration

1220.14 Amended..... 34134
1228 Authority citation revised..... 34134
1228.32 Revised..... 34134
1228.34 Revised..... 34134
1228.36 Removed..... 34134
1228.190 Revised..... 34134
1228.192 Removed..... 34135
1250.12 Revised..... 29519
1250.30 Revised..... 29519
1250.38 Removed..... 29519
1250.40 Removed..... 29519
1250.42 Removed..... 29519
1250.44 Removed..... 29519
1250.46 Removed..... 29519
1250.37—1250.46 (Subpart D) Added..... 29519
1250.50—1250.60 (Subpart D) Redesignated as Subpart E..... 29519
1250.50—1250.60 (Subpart E) Redesignated from Subpart D..... 29519
1250.70 (Subpart E) Redesignated as Subpart F..... 29519
1250.70 (Subpart F) Redesignated from Subpart E..... 29519
1250.80 (Subpart F) Redesignated as Subpart G..... 29519
1250.80 (Subpart G) Redesignated from Subpart F..... 29519
1250.50 (a) amended..... 29521
1250.58 (c) revised..... 29521
1250.70 (a)(7) revised..... 29521
1258.2 (c)(7) added..... 29521
1258.12 (c)(3) amended..... 29521

Title 36—*Proposed Rules:* Page
7 ... 31788
9 ... 28850
28 ... 37586
79 ... 32740
222 ... 37483
223 ... 28167, 43020
251 ... 33837, 33839
404 ... 33957
1150 ... 26534, 48546
1190 ... 34955
1202 ... 48280
1208 ... 25124, 27902
1209 ... 39015
1256 ... 39924
1258 ... 48280

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

201.11 Heading, (a) (1), (2), and (5), and (b) through (f) removed; (a) (3) and (4) redesignated as 201.17 (b) (2) and (4) ... 28253
201.17 (b) (2) and (4) redesignated from 201.11 (a) (3) and (4); (b)(7), (e)(2), (9)(vii), and (12), and (g) amended; (d)(2) (i) and (ii), (e)(14)(iii)(E), (h)(2) introductory text, and (3) introductory text revised; footnote 8, (h)(4)(iv), and (j)(5) removed ... 28253
202.23 Revised ... 28822

Chapter III—Copyright Royalty Tribunal

304 Revised ... 49011
307.3 (d) and (e)(1) revised ... 41711

Title 37—*Proposed Rules:*
1 ... 34080, 36736, 42016, 44996
5 ... 36736
201 ... 28731
202 ... 28311, 37167
304 ... 44610, 45664

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

Page
1.900 Amended ... 42104
1.901 Revised ... 42105
1.902 Revised ... 42105
1.903 Amended ... 42105
1.905 Revised ... 42105
1.907 Added ... 42105
1.911 Removed; new 1.911 redesignated from 1.911a and (a) amended ... 42105
1.911a Redesignated as 1.911 and (a) amended ... 42105
1.912 Revised ... 42105
1.912a Heading and (a) revised ... 42106
1.916 Revised ... 42106
1.917 Revised ... 42106
1.918 Revised ... 42107
1.919 (a), (c), (e) and (f) revised ... 42107
1.922 (a)(1), (c) and (d)(2)(i) revised ... 42107
1.923 Added ... 42107
1.924 Added ... 42108
1.925 Added ... 42108
1.926 Added ... 42108
1.927 Added ... 42109
1.928 Added ... 42109
1.930 Revised ... 42109
1.931 Revised ... 42109
1.932 Revised ... 42110
1.934 Redesignated as 1.935; new 1.934 added ... 42110
1.935 Redesignated as 1.936; new 1.935 redesignated from 1.934 and revised ... 42110
1.936 Redesignated as 1.937 and revised; new 1.936 redesignated from 1.935 ... 42110
1.937 Redesignated as 1.938 and revised; new 1.937 redesignated from 1.936 and revised ... 42110
1.938 Redesignated from 1.937 and revised ... 42110
1.940 Revised ... 42110
1.941 Revised ... 42110
1.942 (a), (c) and (f) revised ... 42111
1.943 Revised ... 42111
1.950—1.954 Undesignated center heading revised ... 42111

Page
1.950 Revised ... 42111
1.951 Revised ... 42111
1.952 Revised ... 42112
1.953 Revised ... 42112
1.954 Revised ... 42112
1.955 (a)(1) amended ... 42112
1.957 (a)(2)(ii) amended; (a)(2)(ii)(B), (b) introductory text and (1) revised; (a)(2)(ii) (C) and (D) added ... 42112
1.962 (b) revised ... 42112
1.963a (a) and (b) amended ... 42113
3.23 Heading, (a) and (c) revised ... 34907
3.24 Heading, (b) and (c) revised ... 34907
3.25 Revised ... 34907
3.26 Revised ... 34908
3.27 (a) and (b) revised ... 34908
3.28 Revised ... 34908
3.155 (c) text revised; (c) cross reference added ... 27340
3.157 (a) amended; (b)(1) revised ... 27340
3.158 (a) amended; cross reference revised; authority citation added ... 43063
3.262 (b)(2) revised ... 34908
3.500 (v) revised ... 43063
3.652 Revised ... 43063
3.700 (a)(2) revised; (a)(3) amended; (a)(5) added ... 27340
3.802 (b) amended ... 34909
3.1600 (a), (b) introductory text, (f) introductory text and (g) amended; (c) revised ... 34909
3.1601 (a)(1)(i) and (2)(i) revised; (a)(2)(iii) amended ... 34909
3.1604 (a) introductory text, (c), and (d)(3) revised; (b)(2) amended ... 34909
3.1612 (e)(2)(ii) revised; (e)(2)(iii) added ... 34910
4.84b Redesignated as 4.87a ... 44119
4.85 Revised ... 44119
4.86a Revised ... 44119
Corrected ... 46439
4.87 Tables VI and VII revised; Table VIa added ... 44119
4.87a Removed; new 4.87a redesignated from 4.84b ... 44119
4 Appendixes A, B, and C amended ... 44122
Appendix A corrected ... 46439
8.28 Revised ... 36926
8a.2 Revised ... 48682
8a.4 (b) amended; (d) revised; authority citation added ... 48682
21.260 (d) added ... 42113
21.322 (c) revised; cross reference added ... 42113
21.4135 (e)(1), (s), and (w) revised ... 37615
21.4201 (g)(2) introductory text revised ... 45634
21.5076 Revised ... 45181
21.5820 (b) introductory text, (1)(ii) (A) and (B), and (2)(ii) (A) and (B) revised ... 35241
21.5822 (b)(1) (i) and (ii) and (2) (i) and (ii) revised ... 35241
25 Authority citation revised ... 48022
Revised; eff. 4-2-89 ... 48022
25.1 Heading revised; (a) and (b) redesignated as (a) (1) and (2); introductory text designated as new (a) introductory text; new (a) heading and (b) added ... 48022
36.4212 (a) revised ... 34218, 37616, 43761
36.4311 (a), (b) and (c) revised ... 34218, 37616, 43762
(a) correctly revised ... 34910
36.4324 (a) amended ... 26342
36.4503 (a) revised ... 34218, 37616, 43762

Title 38—*Proposed Rules:*
1 ... 38474, 43625
3 ... 37170
4 ... 32318, 35610
8a ... 26356
13 ... 33248
15 ... 25124, 27902
17 ... 25254
21 ... 25736, 26026, 30178, 31416, 36280, 44054, 46494
36 ... 37973, 39329
44 ... 39015

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

10 Redesignated as Part 20; new Part 10 added ... 29697
Heading corrected ... 33410

TITLE 39 Chapter I—Con.

Page
20 Redesignated from Part 10 ... 29697
International Mail Manual amended; incorporation by reference ... 43334
111.3 DMM amended; incorporation by reference; interim ... 27993, 38408
DMM amended; incorporation by reference ... 29012, 34779, 36762, 38229, 48438, 48683
224 Revised ... 46998
224.2 (c)(4) corrected ... 49015
225 Revised ... 46999
226 Revised ... 46999
227 Added ... 47000
228 Added ... 47001
229 Added ... 47002
266.8 Revised ... 38230
447 Authority citation revised; section authority citations removed ... 43335
447.24 (b) introductory text revised; (b)(7) added ... 43335
777.23 (e) introductory text and (g) introductory text amended ... 48029
Effective date clarification ... 48812
777.24 (b)(2), (e)(2), (f) introductory text, (1) and (4) amended; (g) revised ... 48029
Effective date clarification ... 48812
777.26 (b) (3) and (4) amended ... 48029
Effective date clarification ... 48812
777.27 (c)(4) amended ... 48029
Effective date clarification ... 48812
952 Authority citation revised; section authority citations removed ... 36762
952.2 Amended ... 36763
964 Added ... 36763
965 Added ... 29012

Chapter III—Postal Rate Commission

3001.61—3001.68 (Subpart C) Appendix A amended ... 28140

Title 39—*Proposed Rules:*

20 ... 34816
111 ... 27565, 28021, 34243, 38949, 43089, 48281
266 ... 32816
601 ... 36590

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

Page
1.37 (a) introductory text and (e) revised ... 30359
1.45 (b) revised ... 30360
1.47 (d) added ... 30360
1.49 (g) added ... 30360
4 Revised; eff. 4-2-89 ... 48023
12 Added ... 30606
22 Authority citation revised ... 30673
22.01 (a)(5) revised; (a)(6) added; interim ... 30673
22.38 Added; interim ... 30673
50.6 Revised; eff. 7-31-87 ... 24663
Technical correction ... 26401
50.7 Removed; eff. 7-31-87 ... 24664
Technical correction ... 26401
50 Appendix G amended; Appendix J added; eff. 7-31-87 ... 24664
Appendix K added; eff. 7-31-87 ... 24667
Technical correction ... 26401
Appendix K corrected ... 29382, 31701
Appendix J corrected ... 29647
51 Authority citation revised ... 24712
State implementation plan attainment groups ... 29383
51.100 (oo) through (ss) added; eff. 7-31-87 ... 24712
51.151 Amended; eff. 7-31-87 ... 24713
51.165 (a)(1)(x) amended; (b) revised; eff. 7-31-87 ... 24713
Correctly designated ... 29386
51.166 (a)(6)(i) and (i)(8)(i)(*c*), (*f*), (*h*), and (*l*) revised; (b)(23)(i), (c) table and (p)(4) table amended; (i)(10) added; eff. 7-31-87 ... 24713
(i)(10) corrected ... 29386
51.322 (a)(1) and (b)(1) revised; eff. 7-31-87 ... 24714
51.323 (a) (1) and (2) revised; (a)(3) added; eff. 7-31-87 ... 24714
51 Appendixes L and S amended; eff. 7-31-87 ... 24714
Appendix S corrected ... 29386
52 State implementation plan attainment groups ... 29383
State implementation plan deficiency notices ... 34384, 47565

Page
State implementation plan approval ... 45634
52.21 (b)(23)(i) table, (c) table, (i)(8)(i), and (p)(5) table amended; (i)(4) (ix) and (x), (11), and (m)(1) (vii) and (viii) added; (w)(2) revised; eff. 7-31-87 ... 24714
(m)(1)(vii) corrected ... 26401
52.24 (f)(10) amended; eff. 7-31-87 ... 24715
52.27 (d)(2) revised; (d) (3), (4), and (5) added ... 45137
52.29 Added ... 45137
52.50 (c)(46) added ... 28254
52.60 (c) redesignated as (a); (b) added ... 48812
52.61 Added ... 45138
52.145 (c) added ... 45137
52.183 Added ... 45138
52.220 (c)(154)(v)(B), (159) (ii) through (vi) and (160) added; (c)(159) introductory text republished ... 26149
52.281 (e) added ... 45138
52.344 (c) added ... 45137
52.370 (c)(39) added ... 47925
52.383 Added ... 49407
52.420 (c)(37) added ... 48813
52.520 (c)(62) added ... 35704
52.581 (c) redesignated as (a); new (b) added ... 32918
52.633 (c) added ... 45137
52.690 (c) added ... 45137
52.720 (c)(69) added ... 45334
52.726 (c) added ... 26012
52.770 (c)(63) added ... 33591
(c)(64) added ... 46763
52.777 (c)(1)(i) removed ... 33591
52.870 (c)(19) added ... 48265
52.920 (c)(47) added ... 33593
(c)(51) added ... 45959
52.989 Added ... 45138
52.1032 Redesignated as 52.1033 and revised ... 45138
52.1033 Redesignated from 52.1032 and revised ... 45138
52.1120 (c)(73) added ... 32792
(c)(74) added ... 44394
52.1167 Table amended ... 32792, 44305
52.1168 Revised ... 32792
52.1169 Added ... 49407
52.1183 (c) added ... 45137
52.1236 (c) added ... 45137
52.1270 (c)(19) added ... 35705

Page
52.1339 Added ... 45138
52.1387 Added ... 45138
52.1420 (c)(35) added ... 28695
52.1425 (a) table amended ... 28696
52.1431 Table amended ... 28696
52.1488 (c) added ... 45137
52.1520 (c)(37) added ... 35082
(c)(38) added ... 47393
52.1525 Table amended ... 35082, 47393
52.1531 (c) added ... 45137
52.1532 Added ... 49407
52.1570 (c)(41) added ... 48536
52.1606 (c) added ... 45137
52.1636 (c) added ... 45137
52.1770 (c)(51) added ... 33934
(c)(54) added ... 47567
52.1782 Added ... 45138
52.1820 (c)(77) added ... 46464
52.1831 (c) added ... 45137
52.1870 (c)(80) added ... 49158
52.1933 (c) added ... 45137
52.1970 (c)(80) added ... 28255
(c)(81) added ... 32012
52.1985 (b) added ... 32012
52.2020 (c)(69) added ... 38759
52.2070 (c)(28) added ... 32794
(c)(30) added ... 32919
(c)(26) added ... 36250
52.2081 Table amended ... 32794, 32920, 36250
52.2084 (a)(1) added ... 38764
52.2085 Added ... 49407
52.2132 (c) added ... 45137
52.2179 (c) added ... 45137
52.2220 (c)(77) added ... 45960
(c)(78) added ... 46764
52.2234 (c) added ... 45137
52.2304 (c) added ... 45137
52.2347 Added ... 45138
52.2370 (c)(19) added ... 26981
52.2381 Table amended ... 26982
52.2384 Added ... 49407
52.2452 (c) added ... 45137
52.2533 (c) added ... 45137
52.2632 (c) added ... 45137
52.2720 (c)(34) added ... 38419
52.2781 (c) added ... 45137
52.2920 Added ... 43574
53 Technical correction ... 27902
53.1 (j) revised; (m) and (n) added; eff. 7-31-87 ... 24727
53.2 Revised; eff. 7-31-87 ... 24727
53.3 Revised; eff. 7-31-87 ... 24727
53.4 (a) and (b)(3) amended; footnote 1 removed; (b) (4)

TITLE 40 Chapter I—Con. Page
through (6) and (c) revised; eff. 7-31-87.....24727
53.9 (c) revised; (d), (f), and (g) amended; eff. 7-31-87.....24728
53.20—53.23 (Subpart B) Heading revised; eff. 7-31-87.....24728
53.30—53.34 (Subpart C) Heading revised; eff. 7-31-87.....24728
53.30 (a), (b)(2) heading, (c) and (d)(2) heading, (3) and (4) revised; (b)(4) added; eff. 7-31-87.....24728
53.31 (b) heading revised; (b) text amended; eff. 7-31-87.....24728
53.32 Heading revised; (c) (1), (2), (3) (i) and (ii) and (4) amended; eff. 7-31-87.....24728
53.33 Heading and (h) (2) and (3) revised; (b), (e), (h) heading and (i) amended; eff. 7-31-87.....24728
53.34 Added; eff. 7-31-87.....24729
53.40—53.43 (Subpart D) Added; eff. 7-31-87.....24729
58.1 (t), (u), and (v) added; eff. 7-31-87.....24739
58.13 (b) revised; (c) added; eff. 7-31-87.....24739
58.20 (e) amended; eff. 7-31-87.....24740
58.23 Introductory text revised; eff. 7-31-87.....24740
58.30 (a) introductory text amended; eff. 7-31-87.....24740
58.34 Introductory text amended; eff. 7-31-87.....24740
58.35 (d) amended; eff. 7-31-87.....24740
58 Appendex A, B and C amended; eff. 7-31-87.....24741
Appendix D amended; eff. 7-31-87.....24742
Appendix E amended; eff. 7-31-87.....24744
Appendix F amended; eff. 7-31-87.....24748
Appendix G amended; eff. 7-31-87.....24749
Appendixes D and E corrected.....27286
60 Authority delegation notices.....28255, 33934, 35083-35085, 35087, 35088, 35090, 35091, 36033, 36417, 36418, 42114

Page
Authority citation corrected.....37874
60.17 (a) (1), (3), (7) through (10), (24) through (28), and (47) revised; (a) (48) through (53) added.....47842
60.40b—60.49b (Subpart Db) Revised.....47842
60.43 (a)(2) revised; (e) added.....28954
60.46 (h) added.....28955
60.285 (d) (1) and (3) revised.....36409
60.300 (b) correctly revised.....42434
60.330 Correctly revised.....42434
60.540—60.548 (Subpart BBB) Added.....34874
60.543 (a) and (h) introductory text corrected.....37874
60.546 (c)(2) corrected.....37874
60 Appendix F corrected.....27612
Appendix G added.....28955
Appendixes A and B amended.....30675
Appendix A corrected.....33316, 42061
Appendix A amended.....34639, 36410, 36415, 41425, 47853
Appendix B amended.....34650
61 Authority delegation notices.....28255, 30920, 35084, 35085, 35087, 35088, 35090-35092, 36417, 36418
61.01 (b) amended.....37617
61.04 (WW)(viii) added.....43197
61.123 OMB number.....28141
61.124 OMB number.....28141
61.125 OMB number.....28141
61.126 OMB number.....28141
65 Administrative order.....41711
81.307 Amended.....44123
81.330 Amended.....35082
Corrected.....36863
81.331 Amended.....49411
81.333 Amended.....46466
81.339 Amended.....46082
81.350 Amendment at 46 FR 61127 correctly designated.....36419
81.437 Revised.....45138
82 Added.....47488
85 Quality control determination.....46354
85.1501—85.1515 (Subpart P) Revised.....36156
85.1511 (d) corrected.....43827
86.084-14 (c)(7)(i)(A)(*3*) and (11)(ii)(B)(*13*) revised.....47863
86.084-26 (a)(4)(iii) removed; (a)(4) (i) and (ii) revised.....47863

Page
86.085-2 Amended.....47863
86.085-21 (b) (7) and (8) added.....47863
86.087-8 (a)(1) (i), (ii), (iii), and (iv) revised.....47863
86.087-9 (a)(1)(iv) and (d)(1)(iii) revised.....47864
86.087-21 (b) (7) and (8) added.....47864
86.088-9 (a)(1)(iii) and (d)(1)(iii) revised.....47864
86.088-10 Heading and (a)(1)(i)(C) and (ii)(C) revised.....47864
86.088-11 (a)(1)(iii) revised.....47864
86.088-21 (b) (7) and (8) revised.....47864
86.088-35 (a)(2) heading and (iii)(E) and (d) revised.....47864
86.090-9 Added.....47865
80.090-10 Added.....47867
86.090-11 Added.....47867
86.091-21 (b)(1)(ii) (A) introductory text and (B), (5) (i) and (ii) and (6) revised; (b)(5) (iii) and (iv) and (7) added; (b)(4)(iii) removed.....47867
86.110-82 (c)(3) revised.....47868
86.112-82 (a)(3) revised; (a) (4), (5), and (6) added.....47868
86.118-78 (c) revised.....47868
86.123-78 (a)(11) revised.....47869
86.132-82 (a)(3) revised; (a)(4) added.....47869
86.139-82 (d) revised.....47869
86.332-79 (b)(11) revised.....47869
86.513-87 (a) revised.....47869
86.523-78 (a)(11) revised.....47870
86.884-7 (a)(1), (2)(v), and (3) (i) and (ii) revised.....47870
86.884-12 (a) and (c)(9)(iv) and (11) revised.....47870
86.1105-87 (b) introductory text, (1) introductory text, and (2) introductory text revised.....47870
86.1308-84 (e)(2)(iii) revised.....47870
86.1310-88 (b)(1)(iv)(A), (3)(v)(D), and (6)(ii)(C) revised.....47870
86.1312-88 (a)(3) revised; (a)(4) through (8) added.....47871
86.1313-87 (a)(1) revised.....47871
86.1319-84 (c)(7)(iv) and (e)(2) revised.....47871

Page
86.1320-88 (a) (1), (3), (5), and (6) revised; (a)(7) added.....47872
86.1321-84 (a)(3) (i) and (ii) revised.....47872
86.1327-84 (f)(2)(iii) revised.....47872
86.1327-88 (f)(2)(i)(E) revised.....47872
86.1330-84 (b)(1) and (f) revised.....47872
86.1332-84 (c) (1) and (2) and (e)(1)(i) revised.....47872
86.1333-84 (a) introductory text, (b), (d), and (e) revised; (a)(3) added.....47873
86.1334-84 (a)(2) revised.....47874
86.1335-84 (e)(1) revised.....47874
86.1336-84 Heading revised; (d) redesignated as (e) and revised; new (d) added.....47874
86.1337-84 (a) (10) and (11) revised.....47874
86.1337-88 (a)(10) revised.....47874
86.1338-84 (a)(1) revised.....47874
86.1339-88 (a), (g), and (h)(2) revised.....47874
86.1341-84 Revised.....47874
86.1342-84 (c)(3) and (d)(3) revised.....47876
86.1343-88 (b)(8) revised.....47876
86.1301-84—86.1344-88 (Subpart N) Appendix I amended.....47876
123 State program approved.....45823
136.3 (a) Table IB amended; interim.....33543
141 Authority citation revised.....41546
141.2 Amended; eff. 1-9-89.....25712
141.24 (g) added.....25712
141.32 (a) amended; eff. 1-9-89.....25714
Redesignated as 141.36 and introductory text added; eff. to 4-28-89.....41546
Added; eff. 4-28-89.....41546
141.34 Added.....41549
141.35 Added.....25714
141.36 Redesignated from 141.32 and introductory text added; eff. to 4-28-89.....41546
141.40 Revised.....25715
141.50 (b) revised; eff. 1-9-89.....25716
141.60 Revised; eff. 1-9-89.....25716
141.61 Added; eff. 1-9-89.....25716
141.100—141.101 (Subpart J) Added; eff. 1-9-89.....25716

TITLE 40 Chapter I—Con. Page
142 Authority citation revised....41550
142.10 (b)(6)(v) revised....41550
142.16 Revised....41550
142.56 Added; eff. 1-9-89....25716
142.62 Added; eff. 1-9-89....25716
143.5 (a) and (b) introductory text revised....41550
144 Authority citation revised....45797
144.1 (h) added....45797
144.31 (g) revised....45797
(a) amended....46963
146 Test program approval extended to 7-14-88....26342
Test program interim approval and request for comments....41591, 44395
Date paragraph corrected....44520
180 Policy statement....32128
Policy statement; comment time extended....39917
Policy statement extended....49411
180.1 (h) table amended....33239
Correctly designated....43336
180.108 Existing text designated as (a) and table amended; (b) added....33236
180.111 Table amended....45183
180.135 Technical correction....27548
180.137 Technical correction....27548
180.144 Heading and text nomenclature change....32306
180.153 Heading and text nomenclature change....32306
180.170 Heading and text nomenclature change....32306
180.172 Existing text designated as (a) and table amended; (b) added....33236
180.175 Existing text designated as (a) and table amended; (b) added....33236
180.183 Existing text designated as (a) and table amended; (b) added....33237
180.185 Existing text designated as (a) and table amended; (b) added....33237
180.199 Existing text designated as (a) and table amended; (b) added....33237
180.204 Existing text designated as (a) and table amended; (b) added....33237
180.205 (b) table amended...31030, 37454
180.246 Revised....27552
(b) table amended....28259
Technical correction....33903
180.250 Heading and text nomenclature change....32306
180.253 Existing text designated as (a) and table amended; (b) added....33237
180.255 Heading and text nomenclature change....32306
180.258 Existing text designated as (a) and table amended; (b) added....33237
180.259 Existing text designated as (a) and table amended; (b) added....33237
180.261 Existing text designated as (a) and introductory text revised; (b) added....48539
180.262 Existing text designated as (a) and table amended; (b) added....33237
180.266 Heading and text nomenclature change....32306
180.275 Existing text designated as (a) and table amended; (b) added....33237
180.294 Existing text designated as (a) and table amended; (b) added....33238
Existing text designated as (a); (b) added....37454
Correctly revised....48536
(b) table amended....48538
180.295 Heading and text nomenclature change....32306
180.308 Heading and text nomenclature change....32306
180.315 Existing text designated as (a) and table amended; (b) added....33238
180.319 Amended....42291
180.324 (a) table amended....35706
180.327 Heading and text nomenclature change....32306
180.330 Existing text designated as (a) and table amended; (b) added....33238
180.342 Existing text designated as (a); (b) added....27549

Page
(a) table amended; (b) added....33238
Revised....45825
(a) table amended....46598
(a) table corrected....47990
180.349 (a) table amended; (c) added....33238
180.350 Existing text designated as (a) and table amended; (b) added....33238
180.364 (a) table amended....34911
(b) introductory text revised....34913
180.366 Heading and text nomenclature change....32306
180.377 Existing text designated as (a) and table amended; (b) added....33238
180.378 (d) added....48540
180.381 (a) table amended...33936, 42292
180.399 (a) table amended...34914, 44134
180.406 Heading and text nomenclature change....32306
180.411 (c) table amended...42652, 48538
Technical correction....46019
180.412 Table amended....27550
180.414 (a), (b), and (c) revised....27551
180.415 Existing text designated as (a); (b) added....25603
180.423 Heading and text nomenclature change....32306
180.434 Table corrected....25602
180.1046 (a) amended....39225
180.1084 Revised....32306
Heading and text corrected....37246
180.1086 Heading correctly revised....29014
228.12 (a)(1)(ii)(C) removed; (b) (32), (33), (34) and (35) added....25011
(a)(3) amended....29846
(a)(3) amended; (b)(31) added....30361
(a)(1)(ii) (D) and (N) removed; (b) (42) through (45) added....34222
(a)(1)(ii)(K) removed; (b)(47) added....35917
250 Added....37304
260 Authority citation revised....41295, 46963
260.10 Amended....46963
260.11 (a) introductory text revised....41295
261 Petitions denied....28696
Authority citation revised....28698
261.32 Table amended....28698
261.33 (c) correctly revised....26012
261 Appendix IX amended...29848, 29851
262 Authority citation revised....35898
262.42 Revised....35898
262.44 Revised....35899
262.51 Revised....25787
264 Authority citation revised....25946, 44320, 45798, 46963
264.10 (b) revised....46963
264.13 (b)(7)(iii) revised....25787
264.15 (b)(4) amended....46963
264.18 (b)(1)(ii) introductory text revised....46963
264.73 (b)(6) revised....46963
264.90 (d) added....46963
264.98 (h)(2), (3) introductory text and (4)(i) introductory text revised....25946
264.99 (f) revised....25946
264.100 (e) introductory text revised; (e) (1) and (2) redesignated as (e) (3) and (4); new (e) (1) and (2) added....45798
264.101 (c) added....45798
264.111 (c) revised....46963
264.112 (a)(2) revised....46963
264.114 Amended....46963
264.117 (a)(1) (i) and (ii) revised....46963
264.118 (b) (1) and (2) (i) and (ii) revised....46964
64.142 (a) introductory text revised....46964
264.144 (a) introductory text revised....46964
264.147 (g)(2) revised....44320
(b) introductory text amended....46964
264.151 (h)(2) revised....44320
264.600—264.604 (Subpart X) Added....46964
264 Appendix IX added....25947
265 Authority citation revised....44321, 45798
265.1 (c)(2) removed....45798
265.13 (b)(7)(iii) revised....25788
265.147 (g)(2) revised....44321
268 Authority citation revised....41296

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

TITLE 40 Chapter I—Con. Page

268.1 (c) (3) and (4) amended; (c)(5) added..... 25788
268.2 (a) amended; introductory text republished..... 25788
268.3 Revised..... 25788
268.4 (a)(2) revised; (b) added..... 25788
268.5 (a)(2), (h)(1) and (2)(iii) revised; (h)(2)(v) added..... 25788
268.6 (k) added..... 25789
268.7 (a) introductory text, (1) introductory text and (ii) and (2) introductory text, (i)(B) and (ii), (b) introductory text, (1)(ii), (2) introductory text and (i) and (c) revised..... 25789
268.30 (a)(4) added..... 25790
268.32 Added..... 25790
(i) amended..... 41296
268.40 Revised..... 25790
268.42 (a) (1) and (2) added; (b) revised..... 25790
268.50 (a) introductory text and (e) revised; (f) added..... 25791
268 Appendix III added..... 25791
270 Authority citation revised..... 25953, 45798, 46965
State hazardous waste management programs; compliance date extended..... 34779
270.1 (c) introductory text revised; (c) (5) and (6) added..... 45798
270.4 (a) revised..... 45799
270.10 (k) added; OMB number..... 45799
270.14 (c)(4)(ii) revised..... 25953
(c)(8)(v) correctly revised..... 33936
(c) introductory text revised; (d) added; OMB number..... 45799
(b) (5) and (13) revised..... 46965
270.23 Added..... 46965
270.41 (a)(3) revised..... 45799
270.42 (o) (1) and (2) revised; (p) added..... 25792
270.60 (b)(3) revised; OMB number..... 45799
270.72 (e) revised..... 25792
271 State hazardous waste management programs; schedule of compliance..... 26013, 27198, 29522, 30681, 30682, 41996
State hazardous waste management program authorizations..... 26476, 35556, 45634, 46466
Authority citation revised..... 35899, 45799
State hazardous waste management program approval proceedings..... 43903
271.1 (j) Tables 1 and 2 amended..... 25792
(j) Table 1 amended..... 35899, 45799
272 Comment period corrected..... 26013
State hazardous waste management program authorizations..... 27199
300 Appendix B revised..... 27634
305 Removed..... 33814
306 Removed..... 33814
310 Added; interim..... 39396
355 Authority citation revised..... 48072
355 Appendixes A and B amended..... 48073, 48074
370 Added..... 38364
403.7 (b) and (f)(4) revised; (h) added..... 42435
414 Revised..... 42568
416 Removed..... 42584
418 Authority citation revised..... 28432
418.10 Revised..... 28432
421.21 (c) added..... 25556
421.23 (a) through (h), (j) through (o), and (q) and (r) tables amended..... 25556
421.24 (b), (d), (e), (h), (k) and (l) tables amended..... 25558
421.26 (b), (d), (e), (h), (k) and (l) tables amended..... 25559
421.33 (d) and (g) revised..... 25559
421.34 (d) and (g) revised..... 25559
421.35 (d) and (g) revised..... 25560
421.36 (d) and (g) revised..... 25560
600.007–80 (b)(7) added; (f) revised..... 36164
600.306–86 (c)(2) revised..... 47877
704.104 Added..... 41299
712.30 (v) added..... 44828
716.30 (b) revised..... 44828
716.35 (b) revised..... 44828
716.120 (a) (1) and (2) tables amended..... 44828
(a)(1) table corrected..... 47990

CHANGES JULY 1 THROUGH DECEMBER 31, 1987

Page

721.320 Added..... 41300
721.324 Added..... 41300
721.347 Added..... 41300
763.80—763.99 (Subpart E) Text revised..... 41846
763.80—763.99 (Subpart E) Appendixes A, B, and D revised..... 41857
790.50 (a)(2)(ii) removed; interim..... 36569
790.52 (c) revised; interim..... 36569
790.55 (b) revised; (c) added; interim..... 36571
790.68 (b) (2) and (3) revised; interim..... 36571
795 Authority citation revised..... 37143
795.45 (b)(1)(ii) Table 1 corrected..... 32990
795.120 Added; eff. 8–14–87..... 24462
795.230 Added..... 37143
796.1550 (b)(3)(ix) corrected..... 26150
796.1840 (b)(1)(vi)(A) corrected..... 26150
797.1600 Heading corrected..... 26150
797.1800 (c)(4)(v) and (d)(1)(iii)(D) corrected..... 26150
797.1930 (c)(6) (i) and (ii) corrected..... 26150
798.2450 (d)(11)(i)(A) corrected..... 26150
798.4350 (e)(6)(i)(A) corrected..... 26150
798.5395 (e)(1)(i) corrected..... 26150
(e)(2) corrected..... 34654
799.500 (d)(2)(i)(B) correctly designated..... 32990
799.1052 (c) removed; eff. 8–14–87..... 24465
799.1053 (c) removed; (d)(1) (ii) and (iii), (2) (ii) and (iii), (3) (ii) and (iii), (4) (ii) and (iii), (5) (ii) and (iii) and (g) added; eff. 8–14–87..... 24465
799.1054 (a)(2) revised..... 26477
799.1550 (b)(1) revised; (b)(5), (c)(1) (ii) and (iii), (2) (ii) and (iii), (3) (ii) and (iii), (4) (ii) and (iii) and (5), (d)(1) (ii) and (iii), (2) (ii) and (iii), (3) (ii) and (iii), (4) (ii) and (iii) and (e) added..... 37144
799.1645 Added..... 28704
799.1650 (c)(3) corrected..... 32240
799.1700 Technical correction..... 26982
(c)(2)(i)(B)(*1*) and (4)(i) amended; (c)(2)(i)(C)(*1*) revised..... 43762
799.3175 Added..... 31969
Technical correction..... 37246
799.3450 (c)(1) (ii) and (iii) and (d) added..... 35709
799.4000 Added..... 25225
799.5000 Technical correction..... 32990

Title 40—*Proposed Rules:*

2..... 29045
13..... 32098
22..... 25255, 29222, 33960
24..... 29222, 33960
27..... 43030
32..... 39198
35..... 28112, 46712
50..... 24670, 24716, 29392, 34243
51..... 26404
52..... 24716, 25256, 26404, 26413–26439, 26534, 27016, 27569, 28570, 29392, 29394, 30189, 31789, 31791, 32321, 33250, 33252, 33437, 33840, 34243, 35279, 36054, 36282, 36593, 36963, 36965, 37175, 37637, 38479, 38481, 38787, 41310, 42019, 42323, 42325, 44151, 44152, 44448, 44920, 45363, 45466, 46495, 46786, 47610, 48285, 48837
60..... 25399, 29548, 31633, 32026, 36440, 36678, 37335, 37874, 38566, 42326, 47032
61..... 36594
62..... 33605, 38787, 46380
65..... 28575
80..... 31162, 31274, 33438, 41473, 47032
81..... 26410, 36055, 39665, 41589
82..... 47489
85..... 41743
86..... 31162, 31274, 33438, 33560, 41473, 41590, 47037
122..... 30931, 39240
123..... 30931
124..... 28112, 32446, 35838, 44153
133..... 35210
136..... 33547
141..... 25720, 28112, 42178, 42224
142..... 28112, 42178, 42224
143..... 28112
144..... 28112, 32446
146..... 28112, 32446
148..... 32446
152..... 36595
153..... 36595

Title 40—*Proposed Rules—Con.* Page
158.....36595
160.....31635, 48920
162.....36595
180.....26536, 28313, 28314, 29050, 31635, 32322, 33903, 34343, 37246, 38198, 38202, 42684, 42685, 45203, 47733, 47734, 49174–49177, 49249
192.....36000
228.....27689, 29550, 30189, 31636, 35928, 48838, 48841
250.....37335
252.....38838
260.....25612, 26537, 28167, 29708
261.....25612, 26537, 33439, 35279, 38111
264.....25612, 26537, 28167, 31948, 35838, 44153
265.....25612, 26537, 28167, 29708, 30570
266.....25612, 26537
268.....29992, 39243
270.....25612, 26537, 28167, 29708, 30570, 35838, 44153
271.....25612, 26537, 28167, 30192, 30570, 35452, 38444
280.....48638
281.....48638
300.....27643, 33446
305.....26160
306.....26160
350.....38312, 39926
355.....44921
370.....26357
372.....25040, 27226, 39770
600.....31162, 31274, 33438, 41473, 44996, 47032
721.....33606, 46496
761.....25838, 31738, 33680, 35350
763.....25041, 29228, 48286, 49249
792.....48933
795.....29395, 29990, 43346
796.....29395, 36334
797.....36334
799.....28023, 29395, 31970, 41593, 43346

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 12—Department of Transportation

12-60 Transferred to 48 Parts 6301 and 6302.....48630

Chapter 101—Federal Property Management Regulations

Page
101-5 *See* Temp. Reg. A-29.....26150
101-6.1001—101-6.1035 (Subpart 101-6.10) Revised.....45929
101-1—101-8 (Subchapter A Appendix) Temporary Reg. A-29, Supp. 1 added.....26150
Temporary Reg. A-23, Supp. 4 added.....41431
Temporary Reg. A-30, Supp. 1 added.....43063
Temporary Reg. A-24, Rev. 1 added.....45825
Temporary Reg. A-25, Supp. 3 added.....48685
101-25.103-1 *See* Temp. Reg. E-89.....41430
101-25.103-2 *See* Temp. Reg. E-89.....41430
101-26.102-1 *See* Temp. Reg. E-88.....29522
101-26.501 (a) amended; (b), (c) and (d) introductory text revised.....29523
101-26.501-1 (a) and (b) revised.....29523
101-26.501-2 (a), (b) and (c) revised.....29524
101-26.501-3 Introductory text and (b) revised.....29524
101-26.501-4 (a) and (b)(2) revised; (b)(3) removed.....29524
101-26.501-6 (c) revised.....29524
101-26.501-8 (a) amended; (b) revised; (c) removed.....29524
101-26.501-9 Revised.....29525
101-25—101-34 (Subchapter E Appendix) Temporary Reg. E-88 added.....29522
Temporary Reg. E-89 added.....41430
101-40.206 *See* Temp. Reg. G-49.....26151
101-41.203-2 *See* Temp. Reg. G-50.....36572
101-38—101-41 (Subchapter G Appendix) Temporary Reg. G-49 added.....26151
Temporary Reg. G-50 added.....36572
Temporary Reg. G-48, Supp. 1 added.....48540
101-43.4801 *See* Temp. Reg. H-25.....26152

Page
101-44.202 *See* Temp. Reg. H-26.....47394
101-44.207 *See* Temp. Reg. H-26.....47394
101-44.208 *See* Temp. Reg. H-26.....47394
101-44.4701 *See* Temp. Reg. H-26.....47395
101-44.4902-3040-1 *See* Temp. Reg. H-26.....47395
101-47.202-2 (c) (1) and (2) revised; (c)(3) added.....46467
101-42—101-49 (Subchapter H Appendix) Temporary Reg. H-25 added.....26152
Temporary Reg. H-26 added.....47393

Chapter 105—General Services Administration

105-51 Authority citation revised.....48023
Revised; eff. 4-2-89.....48024
105-51.001 Heading revised; (a) and (b) redesignated as (a) (1) and (2); introductory text designated as new (a) introductory text; new (a) heading and (b) added.....48023
105-55.003 (a) revised.....46468
105-55.007 (a) and (d) revised.....46468
105-70 Added.....45188

Chapter 114—Department of the Interior

114-50 Authority citation revised.....48024
Revised; eff. 4-2-89.....48025
114-50.301 Heading revised; (a) and (b) redesignated as (a) (1) and (2); introductory text designated as new (a) introductory text; new (a) heading and (b) added.....48024

Chapter 128—Department of Justice

Page
128-18.5001—128-18.5007-2 (Subpart 128-18.50) Authority citation revised.....48025
128-18.5001-1 (Subpart 128-18.50) Revised; eff. 4-2-89.....48025
128.18-5001-1 Heading revised; (a) and (b) redesignated as (a) (1) and (2); introductory text designated as new (a) introductory text; new (a) heading and (b) added.....48025

Chapter 201—Federal Information Resources Management Regulation

201-8 Authority citation revised.....28557
201-8.105-6 (b) revised.....28557
201-8.105-37 (d) revised.....28557
201-8.105-43 Added.....28557
201-8.106-6 Added.....28558
201-8.106-7 Added.....28558
201-8.107-6 Added.....28558
Corrected.....30280
201-8.112-4 Revised.....28558
201-38 Authority citation revised.....42294
201-38.007 Revised.....42294
201-38.007-1—201-38.007-4 Added.....42294
201-38.007-5 Added.....42295
201-38.007-6 Added.....42295
201-38.007-7 Added.....42295
Chapter 201 (Appendix A) Temporary Reg. 13, Supp. 1 added.....46469

Title 41—*Proposed Rules:*

101-41.....48547
101-50.....39015
105-55.....31642
201-21.....35736
201-23.....35736
201-38.....35736
201-39.....35736
201-41.....35736

CHANGES OCTOBER 1 THROUGH DECEMBER 31, 1987

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health and Human Services

Page

2.12 (b)(3)(ii) corrected....42061
2.17 (a) corrected....42061
2.32 (a) designation correctly removed....41997
2.52 (a)(1) and (2)(ii) corrected; (a)(3) correctly added....41997
2.61 (b)(2) corrected....42061
2.65 (e)(3) corrected....42061
57.2615 (c)(3) corrected....49250
110 Redesignation table heading corrected....47003
124.501—124.516 (Subpart F) Revised (effective date pending in part)....46031
124.502 (m)(2) corrected....48362
124.503 (b)(3)(ii) corrected....48362
124.507 (b)(2)(i)(B) and (iii) and (c)(2) corrected....48362
124.509 (d) corrected....48362
124.510 OMB number corrected....48362
124.511 (a) introductory text, (1)(iv), and (3) and (b)(1)(iii) introductory text corrected....48362
124.513 (d)(2)(i)(B) corrected....48362
124.514 (d) corrected....48362
124.515 (a) corrected....48362

Chapter IV—Health Care Financing Administration, Department of Health and Human Services

401.601 (d)(2)(iv) amended....48123
405.212 (e) amended....48123
405.216 Added....48114
405.223 (b) amended....48123
405.226 Amended....48123
405.502 (f) revised....44127
405.583 Technical correction....37769
405.705 (d) amended....48123
405.901—405.964 (Subpart I) Redesignated as Part 408 and revised....48115
405.2100—405.2171 (Subpart U) Authority citation corrected....41532
405.2136 (b) introductory text revised (effective date pending)....36934
405.2138 (a) introductory text republished; (a)(3) revised; (a) (4) and (5) added (effective date pending)....36934
405.2139 (a) revised (effective date pending)....36934
405.2140 (b) introductory text and (1) and (c) revised (effective date pending)....36934
405.2150 Added....36935
408 Redesignated from 405.901—405.964 (Subpart I) and revised....48115
412 Technical correction....37769
412.1 Regulations at 52 FR 33186 invalidated....39638
412.2 Regulations at 52 FR 33186 invalidated....39638
412.63 Regulations at 52 FR 33186 invalidated....39638
(c)(3) and (f) legislative changes....39638
412.65 Regulations at 52 FR 33187 invalidated....39638
412.66 Regulations at 52 FR 33187 invalidated....39638
412.67 Regulations at 52 FR 33187 invalidated....39638
412.68 Regulations at 52 FR 33188 invalidated....39638
412.70 (b), (c) (4) and (5), and (d) (3) and (4) legislative changes....39638
412.73 (c)(5) legislative changes....39638
412.80 (a)(1)(ii)(B) legislative changes....39638
412.82 Regulations at 52 FR 33189 invalidated....39638
(c) legislative changes....39638
412.84 Regulations at 52 FR 33189 invalidated....39638
412.92 (d)(1)(iii) as published at 52 FR 36575 invalidated....39638
412.96 Regulations at 52 FR 33189 invalidated....39638
412.113 Regulations at 52 FR 33189 invalidated....39638
412.125 Regulations at 52 FR 33189 invalidated....39638
412.214 Regulations at 52 FR 33190 invalidated....39638
413.13 (c) redesignated as (c)(1); (c)(2) added....36772
413.40 Technical correction....37769

TITLE 42 Chapter IV—Con. Page
(c)(3)(i)(C) legislative changes ... 39638
413.64 (g)(6)(i) legislative changes ... 39638
413.118 Added ... 36773
(a) and (c)(2) corrected ... 37715
413.157 Regulations at 52 FR 32921 invalidated ... 39639
417 Authority citation correctly revised; other authority citations correctly removed; redesignation table heading corrected ... 47003
431.625 (a) revised; (c) redesignated as (d) and revised; (c) added ... 47933
431.800 (b) amended; (a), (d)(4) and (i)(1) revised ... 47933
435.3 Revised ... 43071
(a) corrected ... 48438
435.115 (c) removed; (d) redesignated as (c); new (d) added ... 43071
435.116—435.117 Undesignated center heading added ... 43071
435.116 Added ... 43071
435.117 Added ... 43071
435.301 (b) introductory text republished; (b)(1) revised ... 43072
(b)(1)(iii) corrected ... 48438
435.1009 Amended ... 47934
436.2 Revised ... 43072
Corrected ... 48438
436.114 (c) removed; (d) redesignated as (c); new (d) added ... 43072
(d) corrected ... 48438
436.120 Added ... 43072
436.124 Added ... 43073
(a) corrected ... 48438
436.301 (b) introductory text republished; (b)(1) revised ... 43073
440.2 (a) amended ... 47934
440.10 (a)(3)(iii) revised; (a) introductory text and (3) introductory text republished ... 47934
440.20 (a)(3)(ii) revised; (a)(4) added; (a) introductory text and (3) introductory text republished ... 47934
440.30 Introductory text republished; (c) revised ... 47934
440.80 Revised ... 47934
441.200 Revised ... 47935
441.201 Revised ... 47935
441.202 Revised ... 47935
441.205 Removed ... 47935
441.206 Revised ... 47935
441.208 Revised ... 47935
455.12 Revised ... 48817
455.23 Added ... 48817
466.70 Revised (paragraphs (c), (d), and (e) transferred to new 466.71 and revised) ... 37457
Technical correction ... 37769
(f) correctly transferred to 466.71 and redesignated as (d) ... 47003
466.71 Added (regulations transferred from 466.70 (c), (d), and (e) and revised) ... 37457
(b) and (c)(2) corrected; (d) correctly added ((f) correctly transferred from 466.70 and redesignated as (d)) ... 47003
466.72 Redesignated as 466.73; new 466.72 added ... 37457
466.73 Redesignated from 466.72 ... 37457
476.133 (a) introductory text republished; (a)(2)(ii) revised ... 37458
(a)(2)(ii)(A) correctly revised ... 47004
476.137 Heading and text amended ... 37458

Chapter V—Office of Inspector General-Health Care, Department of Health and Human Services

1003.132 Revised ... 49413

Title 42—*Proposed Rules:*

5 ... 41594
84 ... 37639
405 ... 37176, 38582, 39927, 44300, 47990
409 ... 48127
410 ... 48127
413 ... 37176, 39927
416 ... 48127
421 ... 48127
433 ... 48290
435 ... 47414
436 ... 47414
441 ... 48127
442 ... 38582, 44300, 47990
447 ... 39927
483 ... 38582
488 ... 44300, 47990
489 ... 44300, 47990, 48127

Page
1001 ... 38794

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

2 Heading revised ... 45586
2.11—2.22 (Subpart B) Revised ... 45586
2 Appendixes A and B revised ... 45592
4.5 (a) (1) and (2) and (b) revised ... 46355
(a)(1) corrected ... 47097
4.1105 (a)(2) revised ... 39526
4.1109 (a) revised ... 39526
4.1300 Redesignated as 4.1600 ... 39525
4.1301 Redesignated as 4.1601 ... 39525
4.1302 Redesignated as 4.1602 ... 39525
4.1303 Redesignated as 4.1603 ... 39525
4.1304 Redesignated as 4.1604 ... 39525
4.1305 Redesignated as 4.1604 ... 39525
4.1306 Redesignated as 4.1606 ... 39525
4.1307 Redesignated as 4.1607 ... 39525
4.1308 Redesignated as 4.1608 ... 39525
4.1309 Redesignated as 4.1609 ... 39525
4.1310 Redesignated as 4.1610 ... 39525
4.1350—4.1356 Undesignated center heading added ... 39526
4.1350 Added ... 39526
4.1351 Added ... 39526
4.1352 Added ... 39526
4.1353 Added ... 39527
4.1354 Added ... 39527
4.1355 Added ... 39527
4.1356 Added ... 39527
4.1360—4.1369 Undesignated center heading added ... 39527
4.1360 Added ... 39527
4.1361 Added ... 39527
4.1362 Added ... 39527
4.1363 Added ... 39527
4.1364 Added ... 39527
4.1365 Added ... 39527
4.1366 Added ... 39527
4.1367 Added ... 39528
4.1368 Added ... 39528
4.1369 Added ... 39528
4.1370—4.1379 Undesignated center heading added ... 39528
4.1370 Added ... 39528
4.1371 Added ... 39528
4.1372 Added ... 39528
4.1373 Added ... 39528
4.1374 Added ... 39529
4.1375 Added ... 39529
4.1376 Added ... 39529
4.1377 Added ... 39529
4.1378 Added ... 39529
4.1379 Added ... 39529
4.1380—4.1388 Undesignated center heading added ... 39529
4.1380 Added ... 39529
4.1381 Added ... 39529
4.1382 Added ... 39529
4.1383 Added ... 39530
4.1384 Added ... 39530
4.1385 Added ... 39530
4.1386 Added ... 39530
4.1387 Added ... 39530
4.1388 Added ... 39530
4.1390—4.1394 Undesignated center heading added ... 39530
4.1390 Added ... 39530
4.1391 Added ... 39530
4.1392 Added ... 39531
4.1393 Added ... 39531
4.1394 Added ... 39531
4.1600—4.1610 (Subpart M) Nomenclature change ... 39525
4.1600 Redesignated from 4.1300 ... 39525
4.1601 Redesignated from 4.1301 ... 39525
4.1602 Redesignated from 4.1302 ... 39525
4.1603 Redesignated from 4.1303 ... 39525
4.1604 Redesignated from 4.1304 ... 39525
4.1605 Redesignated from 4.1305 ... 39525
4.1606 Redesignated from 4.1306 ... 39525
4.1607 Redesignated from 4.1307 ... 39525

TITLE 43 Subtitle A—Con. Page
4.1608 Redesignated from 4.1308....39525
4.1609 Redesignated from 4.1309....39525
4.1610 Redesignated from 4.1310....39525
7.16 (a) (1) and (2) revised....47721
11 Technical information documents available....43763

Chapter I—Bureau of Reclamation, Department of the Interior

426.11 (h)(2) revised....39919
426.16 (a) amended....39919

Chapter II—Bureau of Land Management, Department of the Interior

2920 Authority citation revised....49115
2920.0-3 Revised....49115
2920.0-5 (m) added....49115
2920.1 Revised....49115
2920.1-1 Added....49115
2920.1-2 Added....49115
3420.1-4 (e)(3) revised....46472
3420.1-6 Revised....46473
3461.1 Redesignated as 3461.5; new 3461.1 redesignated from 3461.2....46473
3461.2 Redesignated as 3461.1; new 3461.2 redesignated from 3461.3....46473
3461.2-1 Redesignated from 3461.3-1 and (b)(1) revised....46473
3461.2-2 Redesignated from 3461.3-2....46473
3461.3 Redesignated as 3461.2; new 3461.3 redesignated from 3461.4....46473
3461.3-1 Redesignated as 3461.2-1 and (b)(1) revised; new 3461.3-1 redesignated from 3461.4-1....46473
3461.3-2 Redesignated as 3461.2-2; new 3461.3-2 redesignated from 3461.4-2....46473
3461.4 Redesignated as 3461.3; new 3461.4 redesignated from 3461.5....46473
3461.4-1 Redesignated as 3461.3-1....46473
3461.4-2 Redesignated as 3461.3-2....46473
3461.5 Redesignated as 3461.4; new 3461.5 redesignated from 3461.1 and amended....46473
(a)(3), (c)(1), (g)(1), (i)(1) and (t)(2)(ii) amended; (e), (o)(1) and (t)(1)(i) revised; (h)(2)(i) removed; (h)(2) (ii) and (iii) redesignated as (h)(2) (i) and (ii)....46473
3560 Lease renewals; latent ambiguity corrected....48124
5463.2 Existing text designated as (a); (b) added; interim....42587
5473.1 Revised; interim....42587
9262.0-3—9262.1 (Subpart 9262) Added....49116

Public Land Orders

1143 Revoked in part by PLO 6660....44893
2394 Revoked in part by PLO 6660....44893
3305 Revoked in part by PLO 6660....44893
6658 Corrected....39329
6659 Corrected....37715
6660....44893

Title 43—*Proposed Rules:*

4....38246, 38950, 43009
12....39042
17....39243
20....37341
2400....39542
2410....39542
2420....39542
2430....39542
2440....39542
2450....39542
2460....39542
2470....39542
3160....39846
3450....46499
4100....37485

TITLE 44—EMERGENCY MANAGEMENT AND ASSISTANCE

Chapter I—Federal Emergency Management Agency

25 Authority citation revised....48026
Revised; eff. 4-2-89....48026
25.1 Heading revised; (a) and (b) redesignated as (a) (1) and (2); introductory text designated as new (a) introductory text; new (a) heading and (b) added....48026
64.6 Table amended....36936, 38231, 39920, 41713, 44128, 45335, 48686, 48818
65.4 Table amended....37953, 46474
Table amended; interim....37955, 46475
67 Flood elevation determinations....37956, 46476

Title 44—*Proposed Rules:*

17....39015
59....42117
60....42117
61....42117
62....42117
65....37975, 42117
67....37979, 39545, 39546, 42687, 46787, 47611
70....42117
72....42117
205....37803, 39249, 45365

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health and Human Services

2 Added....37146
3 Authority citation revised....43336
3.2 (b)(2) revised....43336
3.43 (g) added....43336
5 Revised....43579
15 Authority citation revised....48026
Revised; eff. 4-2-89....48026
15.1 Heading revised; (a) and (b) redesignated as (a) (1) and (2); introductory text designated as new (a) introductory text; new (a) heading and (b) added....48026
96 Authority citation revised....37965
96.2 (d) added....37965
96.14 (a) introductory text and (2) revised....37965
96.15 Revised....37965
96.16 Revised....37966
96.17 Added....37966
96.30 (b) removed; (a) designation removed....37966
96.31 Added....37966
96.32 Added....37966
96.33 Added....37966
96.42 (e) revised....37966
96.44 (e)(4) and (f) added....37967

Page
96.46 (c) revised....37967
96.50 (b) revised....37967
96.51 (a) revised....37967
96.81 Revised....37967
96.82 Revised....37967
96.83 Removed....37967
96.86 Added....37967
96.87 Added....37967
96.88 Added....37967
96.92 Added....37968
96.110—96.111 (Subpart L) Added....37968
97.11 Revision confirmed....41431
97.12 Revision confirmed....41431

Chapter II—Office of Family Assistance (Assistance Programs), Department of Health and Human Services

206 Authority citation revised; section authority citations removed....48689
206.10 (a)(1)(vii)(B) revised; interim....48689
233 Authority citation revised; section authority citations removed....48689
233.20 (a)(3)(vi) redesignated as (a)(3)(vi)(A); (a)(3)(vi)(B) added; interim....48689
233.50 (c) added; interim....48689

Chapter VI—National Science Foundation

612 Authority citation revised....43073
612.6 Removed....43073
612.8 (a)(7) revised....43073
612.9 Added....43074
612.10 Added....43074
612.11 Added....43075
612.12 Added....43076
612.13 Added....43076

Chapter XI—National Foundation on the Arts and the Humanities

1100 Revised....48266

TITLE 45—Con.

Chapter XIII—Office of Human Development Services, Department of Health and Human Services

1385 Heading and authority citation revised..... 44845
1385.1 Revised..... 44845
1385.3 Introductory text republished; section amended..... 44845
1385.4 Revised..... 44845
1385.5 Added..... 44846
1385.6 Revised..... 44846
1385.7 Introductory text revised..... 44846
1385.9 (a) introductory text revised..... 44846
1386 Authority citation revised..... 44846
1386.20 (d) and (e) added..... 44846
1386.21 (a) revised..... 44846
1386.22 Removed..... 44846
1386.23 Revised..... 44846
1386.24 Revised..... 44847
1386.30 (a), (b), (e) (2) and (3) revised; OMB number..... 44847
1336.32 Revised; OMB number..... 44847
1386.33 (a) revised; OMB number..... 44847
1386.34 Removed..... 44847
1386.35 (b)(1) revised..... 44847
1386.81 (a) revised..... 44847
1386.111 (c) introductory text republished; (c)(1) revised..... 44847
1387 Heading revised..... 44847
1388 Revised..... 44847

Title 45—*Proposed Rules:*

76..... 39049
233..... 37183, 38171, 47420
400..... 38795
620..... 39015
1154..... 39015
1157..... 42687
1169..... 39015
1185..... 39015
1229..... 39015
1607..... 38900, 42460, 42760
1803..... 48297

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

1.05 (b) Note amended; interim..... 38623
4.03-35 Added..... 47534
4.03-45 Added..... 47534
4.03-50 Added..... 47534
4.03-55 Added..... 47534
4.05-10 Revised..... 47534
4.05-12 Added..... 47534
4.05-35 Added..... 47534
5.201 Revised..... 47535
5.205 Added..... 47535
5.901 (d), (e) and (f) added..... 47535
10 Revised; interim; eff. in part 12-1-88..... 38623
10.103 Amended; interim; eff. 4-1-89..... 38666
10.201 (f)(1) revised; interim; eff. 4-1-89..... 38666
10.205 (f)(1) revised; interim; eff. 4-1-89..... 38666
10.468 Text added; interim; eff. 4-1-89..... 38666
10.470 Added; interim; eff. 4-1-89..... 38668
10.540 Text added; interim; eff. 4-1-89..... 38668
10.701—10.713 (Subpart G) Added; interim..... 38659
10.920 Text added; interim; eff. 4-1-89..... 38669
10.950 Table amended; interim; eff. 4-1-89..... 38669
15 Redesignated as Part 157 and revised; interim..... 38652
15.301 (b) (8), (9), and (10) added; interim; eff. 10-1-89.... 38670
15.520 Text added; interim; eff. 10-1-89..... 38670
26.08-1 (Subpart 26.08) Text and authority citation revised..... 47535
26.25-1—26.25-5 (Subpart 26.25) Removed; interim..... 38652
31 Authority citation revised; section authority citations removed..... 39649
31.10-20 Revised..... 39649
31.10-21 Added..... 39649
31.10-22 Added..... 39651
31.10-24 Added..... 39651

35.05-5 Removed; interim..... 38652
35.05-10 Removed; interim..... 38652
35.15-1 (Subpart 35.15) Revised..... 47535
61.20-17 Revised..... 39651
61.20-18 Revised..... 39652
61.20-21 Revised..... 39652
71 Authority citation revised; section authority citations removed..... 39652
71.50-1 Revised..... 39652
71.50-3 Added..... 39652
71.53-1 (Subpart 71.53) Added..... 39652
78.07-1 (Subpart 78.07) Text and authority citation revised..... 47535
91 Authority citation revised; section authority citations removed..... 39653
91.40-1 Revised..... 39653
91.40-3 Added..... 39653
91.40-5 Revised..... 39654
91.43-1 (Subpart 91.43) Added..... 39654
97.07-1 (Subpart 97.07) Revised..... 47536
109 Authority citation revised..... 47536
109.411 Revised..... 47536
109.413 Removed..... 47536
109.417 Removed..... 47536
157 Redesignated as Part 15 and revised; interim..... 38652
160.071-1—160.071-25 (Subpart 160.071) Removal eff. 1-20-88..... 39532
160.171-1—160.171-25 (Subpart 160.171) Addition eff. 1-20-88..... 39532
160.174-17 (h) (2) and (3) amendment eff. 1-20-88..... 39532
160.171-17 (f)(4) and (l)(2) revised..... 39532
167 Authority citation revised; section authority citations removed..... 39655
167.15-27 Added..... 39655
167.15-30 Revised..... 39655
167.15-35 Added..... 39655
167.15-40 Added..... 39655
167.15-50 Revised..... 39655
167.65-65 Revised..... 47536
169.229 Revised..... 39656
169.231 Revised..... 39656
169.233 Revised..... 39656
169.234 Added..... 39656
175 Authority citation revised; section authority citations removed..... 38657
175.01-1 (a) revised; interim..... 38657
175.10-13 Revised; interim..... 38657
175.10-15 Added; interim..... 38657
185 Authority citation revised; subpart and section authority citations removed..... 38657
Authority citation revised; section authority citations removed..... 47536
185.10-1 Revised; interim..... 38657
185.15-1 (Subpart 185.15) Revised..... 47536
185.17-1 Revised; interim..... 38657
185.19-1 Revised; interim..... 38657
185.20-1 Revised; interim..... 38657
185.20-10 Revised; interim..... 38657
185.20-15 Revised; interim..... 38657
185.20-20 Revised; interim..... 38657
185.20-30 (c) revised; interim..... 38657
185.22-1 Revised; interim..... 38657
185.25-1 (a) and (d) amended; interim..... 38657
185.25-10 Revised; interim..... 38658
185.25-15 Revised; interim..... 38658
185.25-20 Revised; interim..... 38658
186 Removed; interim..... 38658
187 Removed; interim..... 38658
189 Authority citation revised; section authority citations removed..... 39656
189.40-1 Revised..... 39656
189.40-3 Added..... 39656
189.40-5 Revised..... 39657
189.43-1 (Subpart 189.43) Added..... 39657
196.07-1 (Subpart 196.07) Revised..... 47536
197 Authority citation revised..... 47536
197.386 (d) added..... 47536

Chapter II—Maritime Administration, Department of Transportation

383 Added..... 37774

Chapter IV—Federal Maritime Commission

558 Removed (effective date pending)..... 43909

TITLE 46 Chapter IV—Con. Page

559 Removed (effective date pending)..... 43909
560 Revised (effective date pending)..... 43909
560.991 Table added (OMB numbers)..... 45961
561 Removed (effective date pending)..... 43909
562 Removed (effective date pending)..... 43909
564 Removed (effective date pending)..... 43909
566 Removed (effective date pending)..... 43909
569 Removed (effective date pending)..... 43909
586 Added..... 46362

Title 46—*Proposed Rules:*

25..... 39546
38..... 45665
42..... 47422
44..... 47422
45..... 47422
54..... 45665
69..... 46103
98..... 45665
151..... 45665
170..... 47422
174..... 47422
249..... 38481, 48077
308..... 38486
503..... 45835
572..... 46501
588..... 46505

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

0.5 (a)(13) and (b)(7) revised; (a)(14) and (b)(8) added..... 42438
0.15—0.16 Undesignated center heading revised..... 42438
0.15 Introductory text revised; (j) removed..... 42438
0.16 Revised..... 42438
0.17 Undesignated center heading and section added..... 42438
0.453 (d) revised; (e) through (l) added..... 38764
0.455 Revised..... 38765
(b)(2) corrected..... 40020
0.465 (d)(3) revised..... 36774
1.4 Revised..... 49159
1.415 (d) Note amended..... 37460
1.429 (e) and (f) revised..... 49161
1.1108 (b)(1) introductory text, (i) through (iv), (2), and (3) correctly designated..... 38232
1.1200—1.1216 (Subpart H) Table of Contents corrected..... 37459
1.1202 (c) Note added; (d) amended; (f) (i), (ii), and (iii) correctly designated as (f) (1), (2), and (3); new (f)(1) revised..... 37459
1.1203 (c) and Note following (c) added..... 37459
1.1204 (a)(3) Note and (6) and (b)(7) Note amended..... 37460
1.1206 (a)(3) Note and (5) and (b)(10) and Note following (b)(10) added..... 37460
1.1208 (c)(1) (i), (ii), and (iii) and (4) redesignated as (c)(1)(ii) (A), (B), and (C) and (5); (c)(1)(iv) introductory text, (A), (B), and (C) redesignated as (c)(1)(i) introductory text, (A), (B), and (C); new (c)(1)(i) introductory text revised; new (c)(1)(ii) introductory text and (D) and (4) added; new (c)(1)(ii)(A) amended..... 37460
(c)(1)(iv) introductory text correctly redesignated as (c)(1)(i) introductory text; (c)(1)(ii)(D) correctly designated..... 38042
1.1210 Undesignated center heading and section amended..... 37460
1.1212 (h) added..... 37460
2.106 Petitions denied..... 43588
Footnote US308 revised..... 44986
15.45 (e) amended..... 37618
15.64 Added..... 45962
15.606 Heading revised; (d) added..... 45962
15.616 Heading revised; (e) added..... 45963
15.622 Existing text designated as (a); (b) added..... 45963
18.305 (b) table amended..... 43198
18.307 Notes revised..... 43198
21 Authority citation revised..... 37776
21.0 Removed..... 37776
21.1 Added..... 37776

Page

21.2 Amended..... 37776
21.3 Revised..... 37777
21.5 (a) revised..... 37777
21.6 (a) and (b) amended..... 37777
21.7 Revised..... 37777
21.11 (a), (b), (d), (e), and (f) revised..... 37777
21.13 (a) introductory text and (g) revised; (a)(6) amended; (f) (2) and (l) designation removed..... 37778
21.15 Introductory text, (a), (c), and (d) revised; (e) (1), (3), and (5), (f), (h), and (i) removed; (e) (2) and (4) and (g) redesignated as (e) (1) and (2) and (f); new (e)(1) amended; new (g) added..... 37778
21.17 Revised..... 37778
21.19 Added..... 37778
21.20 (b) revised..... 37779
21.21 Nomenclature change..... 37779
21.22 Nomenclature change..... 37779
21.23 (e) revised..... 37779
21.25 (a) and (b) amended..... 37779
21.26 Revised..... 37779
21.27 Revised..... 37779
21.30 (a)(2) and (b)(2) amended; (b)(3) revised..... 37779
21.31 (e)(2) revised..... 37780
21.33 Revised..... 37780
21.35 (b)(1) (i) and (iii) and (2) amended..... 37780
21.38 Undesignated center heading and section added..... 37780
21.39 Removed; new 21.39 redesignated from 21.40 and new (a) and (c) (1) and (2) amended..... 37780
21.40 Redesignated as 21.39 and new (a) and (c) (1) and (2) amended; new 21.40 added..... 37780
21.41 Added..... 37780
21.42 Added..... 37781
21.43 Revised..... 37782
21.44 Revised..... 37782
21.100 (d) (7) and (8) removed; (d) (1) through (6) and (9) through (11) redesignated as (d)(2) (i) through (vi) and (viii) through (x); (d) (1), (2) introductory text and (vii) added; (d) introductory text, new (2) (ii), (viii) and (x) revised..... 37782
21.102—21.104 Removed..... 37783
21.107 (b) table and (c) revised..... 37783
Petitions denied..... 43588
21.108 (c) amended..... 37783
Petitions denied..... 43588
21.109 (b) and (d) removed; (c) redesignated as (b)..... 37783
21.110 Revised..... 37783
21.111 Heading revised; text amended..... 37783
21.113 (b) table revised..... 37783
21.116 Amended..... 37783
21.118 (a), (b), (c) and (e)(1) amended..... 37783
21.121 Removed..... 37783
21.200 Amended..... 37783
21.201 Revised..... 37784
21.204 Removed..... 37784
21.206—21.208 Removed..... 37784
21.210 Amended..... 37784
21.212—21.213 Removed..... 37784
21.214 Amended..... 37784
21.300 Removed..... 37784
21.303 (a), (b), and (c) amended; (d) added..... 37784
21.304 Revised..... 37784
21.306 Amended..... 37784
21.401 (a) amended; (b) revised..... 37784
21.402 Amended..... 37784
21.403 (b) amended..... 37784
21.405 (a) revised..... 37784
21.500 Revised..... 37784
21.501 Amended..... 37784
21.502 (e)(2) and (f) removed; (b) and (c) amended; (b) through (e), (g) and (h) redesignated as (d) through (i); (a) and new (g) revised; new (b) and (c) added..... 37784
21.504 (a) amended..... 37785
21.512 Removed..... 37785
21.700 Revised..... 37785
21.704 Revised..... 37785
21.704 (c) and (d) redesignated as (d) and (e); new (c) added..... 37785
21.707 (a)(2) and (b) amended..... 37785
21.708 (a) introductory text and (6) amended; (a)(7) and (c) revised..... 37786

CHANGES OCTOBER 1 THROUGH DECEMBER 31, 1987

TITLE 47 Chapter I—Con. Page

21.709 (b) and (d) removed; (c) redesignated as (b); (a) revised....37786
21.711 (b) and (c) removed; (d), (e), and (f) redesignated as (b), (c), and (d); new (b) and (c) amended....37786
21.713 Removed....37786
21.801 Petitions denied....43588
21.804 Petitions denied....43588
21.806 (a) revised....37786
21.807 (a)(2) amended; (b) revised....37786
Petitions denied....43588
21.808 (a)(6) amended; (a)(8) introductory text and (b) revised....37786
21.809 Amended....37786
21.906 (a) amended....37786
21.909 (b) (2), (3) and (4); (b)(5) redesignated as (b)(2)....37786
22.15 Technical correction....39225
25.208 (c) correctly revised....45636
31 Decision of 48 FR 2324 vacated....37968
32 Authority citation revised....43917
32.25 Revised....43917
32.27 (b), (c), and (f) revised....39534
32.1220 Revised....39534
32.1406 (a) correctly revised....39535
32.3211 (g) and (h) revised....39535
32.2341 (g) revised....39535
32.6540 Revised....43917
32.6623 Revised....43917
32.7991 (b) revised; (c) added....39535
63 Policies and guidelines....45336
64.901 (b)(4) revised....39534
64.902 Added....39534
67 Policies and guidelines....45336
68.318 (b) revised....43077
(b)(1) introductory text corrected....49413
69 Policies and guidelines....45336
69.2 Revised....37309
69.3 (a) revised; (e)(10) added....37310
69.4 (b) revised....37310
69.103 Revised....37310
69.106 Revised....37310
69.107 Removed....37311
69.108 Removed....37311
69.201 Revised....37311
69.205 Revised....37311
69.206 Revised....37311
69.208 Removed....37311
69.301—69.310 (Subpart D) Revised....37311
69.401—69.414 (Subpart E) Revised....37313
69.501 (c) and (d) revised....37314
69.603 Revised....37314
73.21 (a)(2)(ii) introductory text and (iv) and (b) introductory text amended; (a)(2)(v), (b)(1), and Note 4 revised; (b)(3) added....48269
73.24 (j) amended....48270
73.25 (a) revised....47568
(c) amended....48270
73.26 (a) amended; (c) added....48270
73.29 Revised....48270
73.31 (a) table revised....48270
73.99 (l) added....48270
(c) through (k) redesignated as (d) through (l); new (c) added; new (f)(1) and (j) revised....49162
73.150 (b)(1)(i) amended....36877
73.182 (a)(3) and (s) table amended....48270
73.184 (d) revised; note unchanged....36878
73.190 (d) revised....36879
73.202 (b) table amended; eff. 11-12-87....36774
(b) table amended....37314, 37315, 37461, 37968-37970, 38233, 38766-38769
(b) table deferral lifted....37970
Application filing opening stayed....38419
(b) table corrected....39329
(b) revised....39774
(b) table amended....41431, 41432, 41434, 41717, 42439, 43198, 43199, 43337, 43589, 43764, 44395, 44396, 44986, 44987, 45636, 45964, 45965, 46599, 47004, 47722-47724, 47935, 48439, 48690, 48820
(a)(1) revised....43765
73.208 (c) revised....37788
(c)(2) corrected....39920
73.210 Added....37788
(b)(2) introductory text correctly revised; (b)(4) correctly added....39920
73.211 (a) and (b) (1) and (2) revised; (d) and (e) removed....37788

CHANGES OCTOBER 1 THROUGH DECEMBER 31, 1987

Page

(a)(1) corrected; (b)(1)(iii) correctly revised....39920
Heading revised; (a) through (c) redesignated as (b) through (d); new (a) (1) and (2) added....47568
73.213 Revised....37789
73.313 (c)(2) revised....37789
73.501 (c) removed....43765
73.504 Heading and (a), (b), and (d) revised; (c) removed; (d) redesignated as (c)....43765
73.506 (a)(3) revised; note removed....47569
73.509 (a) introductory text revised....43765
73.606 (b) table amended....38232, 38767, 41433, 43589, 44396, 44397, 44988, 45965, 47005
73.684 (c) introductory text and (1) revised....36879
73.933 (b)(12) revised....47569
73.1030 (b) introductory text and (c)(1) revised....36879
(b) introductory text amended....37789
73.1690 (c)(1) revised....37789
73.1740 (a)(1)(i) revised....48271
73.3500 Amended....47569
73.3550 (d) and (i) revised; (h) Note and (n) added....43079
73.3571 (d)(5) added....48271
73 Index amended....37316, 47569
74.15 Petitions denied....43588
74.482 (d) revised....47569
74.600 Petitions denied....43588
74.602 Petitions denied....43588
74.631 Petitions denied....43588
74.632 Petitions denied....43588
74.636 Petitions denied....43588
74.637 Petitions denied....43588
74.638 Petitions denied....43588
74.641 Petitions denied....43588
74.643 Petitions denied....43588
74.644 Petitions denied....43588
74.661 Petitions denied....43588
74 Index amended....37316, 47569
76.5 (ii) introductory text revised....37462
76.33 (a)(4) removed....37462
76.64 Correctly revised....46363
76.66 (a)(2) introductory text revised; (a)(2)(i) and (5)(iv) added....45963
Compliance date deferred....46363
76.617 (b) revised....45963
76 Index amended....37316
78.5 Petitions denied....43588
78.11 Petitions denied....43588
78.13 Petitions denied....43588
78.18 Petitions denied....43588
78.36 Petitions denied....43588
78.101 Petitions denied....43588
78.103 Petitions denied....43588
78.106 Petitions denied....43588
78.108 Petitions denied....43588
78.111 Petitions denied....43588
80.177 (d) added....41434
80.203 (b) amended....41434
80.371 (c) revised....48439
90.203 (e) through (h) added....47570
90.427 Existing text designated as (a); new (b) added....47570
94.9 Petitions denied....43588
94.61 Petitions denied....43588
94.65 Petitions denied....43588
94.67 Petitions denied....43588
94.71 Petitions denied....43588
94.73 Petitions denied....43588
94.77 Petitions denied....43588
94.79 Petitions denied....43588
97.61 (c) amended....37463
(a) table amended; (d)(3) revised....41717

Chapter III—National Telecommunications and Information Administration, Department of Commerce

Chapter III Chapter established....49016
300 Added....49017

Title 47—*Proposed Rules:*

0....37185, 38796
1....44997, 46628, 48725, 48843, 49032
2....37988, 39250, 43205, 48844
15....37988, 47615
22....39250, 48844
31....37989
32....37989
36....43206
43....44998, 46628, 48843
63....37348, 44997
64....47951
65....39251, 48727
67....36800
69....49178

93-145 (12) 0 - 88 - 7

Title 47—*Proposed Rules—Con.* Page
73.....36800, 36801, 36968, 37349, 37805, 37806, 37990–37994, 38797–38803, 39252–39255, 39547–39549, 39941, 41473, 41474, 41596, 41743–41747, 42460–42465, 43091, 43208–43210, 43626, 43627, 43775–43777, 43920, 44616, 44999–45002, 45974, 45975, 46629–46631, 47032, 47033, 47735, 47736, 48130–48133, 48728, 48844, 48845, 49181
76.....36802, 36968, 44997
80.....42465, 45665

TITLE 48—FEDERAL ACQUISITION REGULATIONS SYSTEM

Chapter 1—Federal Acquisition Regulation

14.205–5 (a) amended; interim.....38189
19.001 Amended; interim.....38189
19.202–6 Added; interim.....38189
19.501 (j) and (k) added; interim.....38189
19.502–1 (c) revised; interim.....38189
19.506 (e) added; interim.....38189
19.805 Existing text designated as (a); (b) added; interim.....38189
19.806–1 (a) removed; (b) and (c) redesignated as (a) and (b); interim.....38189
52.219–14 Added; interim.....38190

Chapter 2—Department of Defense

204.202 (c)(6) added; interim; eff. to 9–30–88.....36775
204.470 Added; interim; eff. to 9–30–88.....36775
223.7100—223.7105 (Subpart 223.71) Added; interim; eff. to 9–30–88.....36775
225.109 (a)(S–70) and (d)(S–70) amended.....49414
225.407 (a) (1) and (2) amended.....49414
225.7008 (b), (c), and (d) revised; (e) removed.....49414
232.102 (S–70) added.....47005
245.106 (Subpart 245.1) Removed.....49415
245.505–14 (a) revised; (b) added.....39535
252.223–7003 Added; interim; eff. to 9–30–88.....36776
252.225–7023 Added.....49415
252.245–7000 Removed.....49415
253.270 Amended.....39536
Chapter 2 Unpublished DAR Supplement No. 3 amended.....39536

Chapter 3, Appendix A—Public Health Service

PHS 315.412 (c)(1) amended.....44397

Chapter 5—General Services Administration

519.706–70 Temporary Reg. AC–87–3 added.....47396
519.770–3 Temporary Reg. AC–87–3 added.....47397
522.1308 Temporary Reg. AC–87–2, Supp. 1 added.....37618
522.1370 Temporary Reg. AC–87–2, Supp. 1 added.....37618
532.111 (a)(1) revised.....47006
552.222–87 Temporary Reg. AC–87–2, Supp. 1 added.....37618
552.232–8 Amended.....47006
553.272 (a) revised.....47006
553.273 (a) revised.....47007

Chapter 7—Agency for International Development

702.170–13 (d) amended.....38097
732.402 Added.....38097
750.7110–2 Amended.....38097
752.202 Redesignated as 752.202–1 and (d) amended.....38097
752.202–1 Redesignated from 752.202 and (d) amended.....38097
752.7026 Revised.....38098
Chapter 7 Appendix D amended.....38098
Appendix J amended.....38100

Chapter 8—Veterans Administration

801.404 Amended.....49016
801.602–70 (a)(6) revised; (a)(7) and (g) amended.....49016
801.602–71 (b) (2) and (4) amended.....49017
801.602–72 (b) amended.....49017
814.201 (d)(1) table and (2) table revised.....49017
814.202–4 Amended.....49017
815 Nomenclature change.....42439

Page
815.805–5 (a) and (b) amended.....42439
815.7001 (c) introductory text amended; (c)(5) revised.....49017
819 Nomenclature change.....37317
819.602–3 (Subpart 819.6) Added.....46083
819.806–2 Revised.....37317
819.806–3 Added.....37317
819.806–4 Revised.....37317
819.807–70 Heading revised; text amended.....46083
819.7004 Amended.....37317
Heading revised; text amended.....46083
833.103 (b)(1) revised; (f)(2) amended.....49017
836 Nomenclature change.....49017
842.705 (b) nomenclature change.....49017
849 Nomenclature change.....42439
849.107 Amended.....42440
852.233–70 Amended.....49017
852.236–88 (b) amended.....49017

Chapter 9—Department of Energy

Chapter 9 Authority citations revised.....38422
901.102 Revised.....38422
902.100 Redesignated as 902.101 and amended.....38422
902.101 Redesignated from 902.100 and amended.....38422
904.601–70 (b)(3)(ii) revised.....38422
912.300—912.304 (Subpart 912.3) Revised.....38422
913.505–1 (Subpart 913.5) Revised.....38423
913.505–2 Removed.....38423
915.612 (a) revised.....38423
915.613 Revised.....38423
915.807 Added.....38423
915.808 (a) added.....38424
917.504 Revised.....38424
917.505–70 Heading and (a) revised.....38424
917.505–71 (b) and (c) revised; (d) and (e) added.....38424
919.501 Revised.....38425
919.602–1 (Subpart 919.6) Added.....38425
919.702–2 Added.....38425
919.705–5 (a)(5) added.....38425
952 Table of contents corrected.....38425

Page
952.204–2 Amended.....38425
952.209–72 Amended.....38425
952.212–70 Revised.....38425
952.212–71 Revised.....38426
952.219–9 Amended.....38426
970.0404–4 (a)(1) revised; (a)(2) removed.....38426
970.1901 (i) added.....38426
970.5204–13 Amended.....38426
970.5204–22 Note A revised.....38426
970.5204–33 Revised.....38426
971.103 (a) (3) and (4) added.....38427

Chapter 12—Department of Transportation

Chapter 12 Revised; interim.....44525

Chapter 18—National Aeronautics and Space Administration

1801.105–1 Revised.....46765
1801.670 Revised.....46765
1805.202 Revised.....46766
1807.103 (b)(2) revised.....46766
1807.7102 (a) introductory text amended; (d)(1) removed; (d) (2) and (3) redesignated as (d) (1) and (2).....46766
1808.302 Removed.....46766
1809.106–7204 (a)(2)(ii) amended.....46766
1812.104–70 (b) amended.....46766
1813.204—1813.205 Added.....46766
1815.413–2 (e) amended.....46766
1815.970 (f) introductory text revised.....46766
1827.404—1827.409 (Subpart 1827.4) Revised.....46767
1830.101 Revised.....46769
1830.201–5 (Subpart 1830.2) Added.....46769
1830.304 (Subpart 1830.3) Removed.....46769
1831 Revised.....46769
1832.111–70 (d) revised.....46769
1832.501–170 Removed.....46770
1832.705–270 Revised.....46770
1836.370 Revised.....46770
1836.770 Removed.....46770
1837.106 Removed.....46770
1852.208–7000—1852.208–7001 Removed.....46770
1852.208–7002 Revised.....46770
1852.208–7007 Revised.....46770
1852.208–7008 Revised.....46770

TITLE 48 Chapter 18—Con. Page

1852.208-7009 Revised....46770
1852.208-7010 Revised....46771
1852.223-3 Removed....46771
1852.223-370 Removed....46771
1852.227-14 Added....46771
1852.227-19 Added....46771
1852.227-74—1852.227-81 Correctly removed....47936
1852.227-83 Correctly removed....47936
1852.227-86 Added....46771
1852.231-70—1852.231-71 Removed....46772
1852.232-16-70 Added....46772
1852.232-71 Revised....46772
1852.232-78 Revised....46772
1852.232-80 Added....46772
1852.236-70 Revised....46772
1852.236-71 Revised....46772
1852.236-72 Added....46773
1852.243-70 Revised....46773
1853.201 Removed....46773
1853.246 (a) amended....46773

Chapter 24—Department of Housing and Urban Development

2401.601-70 Redesignated as 2401.601-71; new 2401.601-70 added....47396
2401.601-71 Redesignated as 2401.601-72; new 2401.601-71 redesignated from 2401.601-70....47396
2401.601-72 Redesignated as 2401.601-73; new 2401.601-72 redesignated from 2401.601-71....47396
2401.601-73 Redesignated as 2401.601-74; new 2401.601-73 redesignated from 2401.601-72....47396
2401.601-74 Redesignated from 2401.601-73....47396
2402.101 Amended....47396

Chapter 28—Department of Justice

2806.501 (a) revised....42295

Chapter 63—Department of Transportation Board of Contract Appeals

Chapter 63 Chapter established....48630
6301 Added (regulations transferred from 41 Part 12-60)....48630
6302 Added (regulations transferred from 41 Part 12-60)....48631

Title 48—*Proposed Rules:*

5....42519
14....41390
15....41390
30....41474
31....41474, 46043
45....37595
52....41390
53....41390
228....48549
245....47427
252....48549
508....48729
525....42125
552....42125
553....48729
1033....48729
1409....48301
1415....48301
1452....48301
2409....46560
2412....46560
2413....46560
2415....46560
2416....46560
2417....46560
2424....46560
2427....46560
2432....46560
2434....46560
2437....46560
2442....46560
2446....46560
2451....46560
2452....46560
2453....46560
2470....46560
5215....48550
5252....48550
5706....47033

TITLE 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

1.45 (a)(4) revised....46365
1.46 (ff) and (gg) revised....47007
1.48 (gg) added....46365
(ff) added....46479
Technical correction....47097
23 Authority citation revised....39229
23.45 (e) amended; (f)(3) added; (g)(4) revised....39230

Page

23.47 (e) revised; (f) added....39230
23.61—23.69 (Subpart D) Authority citation removed....39229
23.61 (a) and (b) amended....39230
23.62 Amended....39230
23.63 Revised....39231
23.61—23.69 (Subpart D) Appendix A amended....39231
24 Added; interim....47997
25 Authority citation revised....48027
Removed; eff. 4-2-89....48028
25.1 Heading revised; (a) and (b) redesignated as (a) (1) and (2); introductory text designated as new (a) introductory text; new (a) heading and (b) added....48027
29 Revised; interim....39057

Chapter I—Research and Special Programs Administration, Department of Transportation

172.101 Table amended; appendix effective date suspended in part....41303

Chapter III—Federal Highway Administration, Department of Transportation

395 Authority citation revised....41721
395.1 Revised....41721
(a) introductory text corrected....44520
395.2 (a)(9) added....41721
395.3 (b), (c), and (e) revised....41721
395.8 (d) and (l)(1)(ii) revised; (l)(1) introductory text republished....41721

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

571.106 Petition denied....46479
571.108 Amended....38428
Petition denied....46480
Heading and text corrected....48691
571.204 Revised....44897
571.208 Petition denied....42440
Amended....44908
571.209 Amended....44912

Chapter X—Interstate Commerce Commission

Page

1002.1 (a) and (c) amended; (f)(6) table revised....46481
1002.2 (f) revised....46481
1002.3 (d) (2) through (4) revised....46483
1007 Authority citation revised....46483
1007.5 (f) amended....46483
1011.2 (a)(8) revised....45637, 46774, 48440
1011.8 (c)(3) added....45637
(c) (4) and (5) added....46774
(c)(2) revised....48440
1039.14 (c)(6) added....37971
1052.3 Revised....45966
1103.3 (d), (k), (l) and (m) revised....46483
1150 Authority citation revised....46483
1150.10 (b) amended....46483
1152 Authority citation revised....46774
1152.25 (e)(1) revised....45637, 46774, 48440
1152.27 (a) through (g), (h)(7), (j), and (l) (1) and (2) revised....48440
1152.29 (b)(1) (i), (ii) and (iii), (6) and (7), (e), (f) and (g) added; (b) (1) introductory text, (2) and (4) amended; (c)(2) and (d)(2) revised....46774
1152.50 (d)(4)(iii) amended....46775
(a) redesignated as (a)(1); (a)(2) added; (d)(3) revised....48443
1160 Authority citation revised....37317
1160.64 (b) revised....46483
1160.71 (b)(1) removed; (b) (2) and (3) redesignated as (b) (1) and (2); heading and (a) (1) and (2) revised; interim....45828
1160.71a Added; interim....45828
1160.75 (d) removed; (e) through (m) redesignated as (d) through (l); interim....45828
1160.76 (a)(1)(i) introductory text, (ii) introductory text and (iii) introductory text, and (iv) revised; interim....45828
1160.88 Heading revised; interim....45829

CHANGES OCTOBER 1 THROUGH DECEMBER 31, 1987

TITLE 49 Chapter X—Con. Page
1160.92 (d) revised; interim....45829
1160.95 Introductory text and (a)(3) revised; (a) introductory text and (4) amended; (a) (5) and (6) added; interim....45829
1160.96 Redesignated as 1160.97; new 1160.96 added; interim....45829
1160.97 Redesignated as 1160.98; new 1160.97 redesignated from 1160.96; interim....45829
1160.98 Redesignated as 1160.99; new 1160.98 redesignated from 1160.97; interim....45829
1160.99 Redesignated as 1160.99a; new 1160.99 redesignated from 1160.98; interim....45829
1160.99a Redesignated from 1160.99; interim....45829
1160.107—1160.114 (Subpart G) Added....37317
1162.2 (c) revised; (e)(4)(ii) amended....46483
1165 Removed....37317
1169.3 Amended....46484
1171.5 (a) revised....46484
1177.3 (c) revised....46484
1180.4 (c)(1) revised....46484
1180.41 (d) revised....46484
1182.1 (b) amended....46484
1182.5 (c)(1) revised....46484
1312 Authority citation revised....39536
1312.30 (c)(5) revised....39536
(c)(5) introductory text corrected....41560

Title 49—*Proposed Rules:*

7....42688
24....45667
27....36803
31....36968
171—179 (Subchap. C)....42772
173....46510, 46511
383....47326
391....45204
533....43366
571....38488, 41475, 43628, 49033, 49038
575....49038
701....46381
1000—1332 (Ch. X)....38112
1003....39941
1011....39941
1090....41748
1150....37350, 42466
1181....39941
1186....39941
1312....39549, 43091
1314....39549

TITLE 50—WILDLIFE AND FISHERIES

Chapter I—United States Fish and Wildlife Service, Department of the Interior

14 Authority citation revised....43278, 45341
14.81—14.82 (Subpart H) Revised....45341
14.83 Removed....45341
14.101—14.204 (Subpart J) Added....43278
14.103 Corrected....46019
14.105 (a) corrected....46019
17.11 (h) table corrected....36776
(h) table amended; eff. 11-2-87....36780
(h) table amended....37423, 42068, 42662, 46085
17.12 (h) table amended....37420, 41440, 42071, 42657, 44401, 45087
17.42 (d) added....42662
17.95 (e) map correcity revised....36776
17.96 (a) amended....41440, 42657
20 Frameworks....37147
20.105 Seasonal hunting adjustments....37151, 46088
20.108 Amended....37152
20.110 Seasonal hunting adjustments....43309
23 Authority citation revised....48821
23.23 (f) table amended....48821
32.12 (f)(11)(iii), (i)(2)(iv), (k)(3)(iii), (q)(4)(ii) and (hh)(5)(i) removed....37791
(d)(1)(vi), (f)(11) (iv), (v), and (vi) and (12) (ii) and (iii), (i)(2) (v) through (vii), (k)(3) (iv) and (v), (q) (1) through (7) and new (4) (iii) through (v), and (hh)(5) (ii) and (iii) redesignated as (d)(1)(vii), (f)(11) (iii), (iv), (v) and (12)

CHANGES OCTOBER 1 THROUGH DECEMBER 31, 1987

Page
(iii) and (ii), (i)(2) (iv) through (vi), (k)(3) (iii) and (iv), (q) (2) through (8) and new (4) (ii) through (iv), and (hh)(5) (i) and (ii)....37791
(b)(8), (d)(1)(vi), (e)(1)(ix) and (3)(ix), (f)(7)(v), (10) (iii) and (iv), and (13)(v), (i)(1) (v) and (vi), (l)(1)(iv), (q)(1), (2)(v), (3) (iv) and (v), new (4)(v), (8) (iv), (v) and (vi), (s)(2)(v), (u)(2)(v), (v)(1)(iv), (aa)(7), (bb)(3) (iii), (iv) and (v) and (ll)(1)(iv) added....37791
(d)(1) introductory text, (f)(1) introductory text and (ii), (2), (3), (4) introductory text, (5) introductory text, (iii) and (iv), (6) introductory text, (ii), (iii), and (vi), (7) introductory text, (8) introductory text and (iv), (9) introductory text and (v), (10) introductory text, (12) introductory text, new (iii) and (iv), (13)(ii), (14), (15) introductory text, (ii), (iv) and (vii), (g) (1) and (3), (h)(1)(viii) and (2)(vii), (i)(1)(ii), new (2)(vi), (3)(iv), (4) (ii) and (iii), (j)(3), (k)(2) and new (3)(iv), (l)(2) (i), (ii) and (iii), (m)(1) (ii) and (iii), (o)(2), new (q)(5)(v), (6)(iv), (7) (i), (ii) and (iii), and (8)(ii), (s)(1) and (2)(ii), (t)(1) and (2)(ii), (u)(1)(iii), (2) introductory text and (iv), (3) introductory text and (iii), (v)(5)(iii), (w)(1)(ii) and (2)(ii), (z)(1) introductory text and (2), (aa) introductory text and (1), (bb)(1) introductory text and (i), (2)(iii), (3)(ii) and (4)(ii), (cc)(1)(iv), (2)(iii), (dd)(1), (2)(i), (3)(v) and (5)(i), (ee), (ff) introductory text and (2), (gg)(2), (hh)(1)(iv), (3)(iii), new (5)(i), (8)(i) and (13)(iv), (ii)(2), (ll)(2)(iv), (3)(iv) and (4)(ii), (mm)(2)(i), (3)(i), (5)(iv), (6)(iii) and (7)(iii), (nn)(1)(ii), (2) and (3), (oo)(7), (qq)(5)(iii) and (6), (rr)(1)(iii), (2)(ii) and (3)(ii) and (ss) revised....37791
(h)(1)(viii), (bb)(3)(iii), (dd)(1), and (ll)(1)(iv) correctly designated; (t) heading and (v)(5)(iii) corrected....41388
32.22 (l)(3), (q)(6) (iii) and (iv), and (cc)(2) removed; (q) (1) through (6) and (cc)(3) redesignated as (q) (2) through (7) and (cc)(2)....37795
(a)(4)(vi), (d)(1)(iii), (2)(vii), and (4)(vii), (h)(1)(iii), (2)(v), and (4), new (q)(1), (s)(3), (aa)(1)(iv), and (qq)(3) added....37795
(a)(1) and (4)(iv), (b)(1), (d)(2)(iii) and (iv), (4)(iii), and (5)(ii) and (iii), (e)(4)(ii) and (10)(ii), (h)(2)(ii) and (3) (ii) and (iii), (l)(2), (n), new (q)(4) (i) through (iii), (6) (i) and (ii), and (7) (i) and (iii), (u)(1), (x)(6), (aa)(1) introductory text and (ii), (cc)(1), (dd)(1), (4) introductory text and (6) introductory text and (ii), (ff)(6), (jj)(2)(ii) and (3), and (ll)(1)(i) revised....37795
(d)(2)(iii), (aa)(1)(ii), and (gg)(3) corrected....41388
32.32 (c)(1)(ii), (h)(4), (i)(4)(iii) and (v), (l)(4), (aa)(2)(ii), and (ss)(4)(iv) removed....37796
(c)(1)(iii), (h) (5) and (6), (i)(4)(iv), (vi), and (vii), (r) (1) through (7), (v) through (tt), new (z)(2), (aa)(2)(iii), and (ii) (1) through (3) redesignated as (c)(1)(ii), (h)(4) and (5), (i)(4)(iii), (iv), and (v), (r) (2) through (8), (w) through (uu), (z)(3), (aa)(2)(ii), and (ii) (2) through (4)....37796
(d)(2)(ix) and (4) (v) and (vi), (h)(2) (vi) and (vii) and (5)(x), (i)(6)(vii), (o)(4), new (r)(1), (3)(vii), (4)(iv), (7) (vi) and (vii), and (8)(iv), (t)(2)(iii), (u)(1)(iv) and (2)(v), new (v), new (z)(2),

CHANGES OCTOBER 1 THROUGH DECEMBER 31, 1987

TITLE 50 Chapter I—Con. Page

(dd) (3) and (4), (gg)(2)(iv), new (ii)(1), (kk)(3), (ll)(2)(viii) and (ix), and (rr)(2)(iv), (3)(v) and (4)(vii) added 37797
(a)(3) (ii), (iii), and (iv), (b)(1), (d)(2) (ii), (vi) and (vii) and (4) (ii) and (iv), (h)(1), (2)(v), (3) (ii), (iv) and (v), (4) (ii), (v), and (viii), and (5) introductory text, (ii), (iv), (v), (vi), and (viii), (i)(1) (ii), (iii), (v), (3) (iv) and (vii), (4)(ii) and (6) (iv) and (v), (j) (4) and (5), (n) (1), (2), and (3), (q)(1), (r)(4) (ii) and (iii), (7) (i), (iii), and (iv), and (8)(iii), (t)(1), new (z)(1)(i) and (3)(ii), (bb)(2)(ii), (ff)(1), (gg) (1) and (4)(iii), (ll)(2)(vii), (3) (iv), (vi) and (vii), and (4)(vi), (oo)(1) (v) and (vi) and (3) (iv) and (v), (qq), and (rr)(1)(v) revised 37797
(t)(1) correctly designated 41388
80 Authority citation revised 47571
80.26 Added 47571

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

204.1 (b) table amended (OMB numbers); entries transferred from 604.1 (b) table 36780
(b) table amended (OMB numbers) 38233
217.12 Amended 37153
222.31 (Subpart D) Added; interim 44915
222.41 (Subpart D) Redesignated as Subpart E; interim 44915
227.72 (e)(4)(ii)(E) added 37154
246 (Subchapter E) Heading revised 45341
246 Added 45341
254 Removed 36781
267 Added 37155

Chapter III—International Regulatory Agencies (Fishing and Whaling)

301.9 (c) added 36941
371 Inseason orders 49017

Chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce

Page

604 Removed 36780
604.1 (b) table entries transferred to 204.1 (b) table (OMB numbers) 36780
611 Inseason adjustments 37463, 38428, 41303
Specifications 37464, 41560
Inseason adjustment corrected 39329
Temporary regulations 43199, 44597
Temporary regulations corrected 46484
611.93 (b)(1)(ii)(E) removed and Table 1 amended; (b)(1)(ii) introductory text and (A) and (iii) revised 45969
Effective date corrected 48362
630.5 (b) and (c) effectiveness extended to 10–31–88 42295
638.2 Amended 36781
638.4 (a)(2) and (h) amended 36781
638.5 Introductory text amended 36781
638.6 (b)(2) amended 36781
638.22 (a)(2) and (c) amended 36781
641.2 Amended 36781
Corrected 37799, 39537
641.5 (h) introductory text corrected 37799
641.8 (d)(1) footnotes 1 and 2 amended 36781
642 Temporary regulations 42296, 47724, 49162, 49415
649.2 Amended 46091
649.4 (a) (1), (2) and (3) amended; (d) revised 46091
649.7 (a) introductory text and (b)(2) amended; (a)(5) revised; (c) added 46091
649.20 (a) amended; (b) and (c) revised; (f) removed 46091
649.21 (a)(1) revised; (a) introductory text, (b) introductory text and (4) (i), (ii), (iii), and (iv), and (c)(1) amended; (c) introductory text, (1), (2) and (3) and (d) redesignated as (c)(1) introductory text, (i), (ii), and (iii) and (d)(1); new (c)(1) introductory text amended; new (c)(2) and (d)(2) added 46091
649.22 (b)(1) amended 46091
650 Temporary regulations 44130
650.4 (d) revised 46485
650.22 (b)(1) correctly designated 39537
651.3 (c) corrected 37159
651.4 (a)(1) corrected 39537
651.6 (e) corrected 39537
651.21 (a)(3) introductory text and (4) corrected; (b)(2)(ii) correctly designated 39537
651.23 (a)(1) table corrected 37159
651.25 (a) and (b) corrected 37159
652 Temporary regulations 39921, 47000
Inseason adjustments 49019
653.23 (a) corrected 36863
654.2 Amended 36781, 36941
654.3 (b) amended 36781
654.4 (b)(2) amended 36781
654.6 (b) amended 36782
654.20 (c) amended 36782
654.22 (a)(2) and (b) amended 36782
654.23 (a) amended 36782
655 Specifications 45197
661.1 Revised 49020
661.2 (a) revised 49020
661.3 Amended 49020
661.21 (a) amended 49021
661 Appendix II amended 49021
663 Restrictions 37466, 38429
Temporary regulations 41304, 42445, 45455
672 Inseason adjustments 37463, 38428, 41303, 42114
Inseason adjustment corrected 39329
Specifications 41560
Temporary regulations 43199, 43917, 45342, 48691
672.5 (a) (1) and (2) revised 49022
675 Specifications 37464
Temporary regulations 44597
Temporary regulations corrected 46484
675.5 (a) (1) and (2) revised 49022
675.20 (b) heading and (c)(1) revised; (b)(3) added; eff. in part to 12–31–89 45969
Effective date corrected 48362
681 Heading revised 47574
681.1 Revised 47574

CHANGES OCTOBER 1 THROUGH DECEMBER 31, 1987

Page

681.2 Amended 47575
681.4 (a) (1) and (k) amended; (b)(2) (ix) through (xiv) revised; (b)(2) (xv) through (xxi) added 47575
681.5 (a) introductory text, (1), (2), and (4), (b) introductory text, and (c) introductory text amended; (b)(1) (iv), (v), and (d) removed; (b)(1) introductory text, (i), (ii), and (iii), and (2) revised 47575
681.7 (a) (1), (7), and (12), (b)(1) introductory text, (2), (3), and (4), and (c)(1) introductory text, (2), (3) and (4) amended 47575
681.10 (b) amended 47575
681.20 Nomenclature changes 47575
681.21 Revised 47575
681.22 Nomenclature change 47575
681.23 (b) amended 47575
681.24 (a) and (b) amended; (c) and (d) added 47575
681.25 Nomenclature changes 47575
681.26 (a) amended 47575
681.27 (a), (b), and (d) introductory text amended 47575
681.28 (a) introductory text amended 47575
681.30 Nomenclature changes 47575
681.32 Nomenclature change 47575
681.34 Nomenclature change 47575
681.35 Nomenclature change 47575
683.24 (a) introductory text revised; (d) (1) and (2) redesignated as (d) (2) and (3); new (d)(1) added 38103

Title 50—*Proposed Rules:*

13 ..... 38803, 48948
17 ..... 37424, 37640, 39255, 43921, 44450, 44453, 44578, 44580, 44583, 44922, 45976, 46106, 46334, 46336, 48552
20 ..... 47428, 49449
21 ..... 38803, 47428, 48948
23 ..... 43924, 45469
33 37186
216 49450
253 ..... 44922, 47990
301 41485
611 ..... 42408, 44154, 44157, 48303
630 38804
638 38804
640 38804
641 38804

CHANGES OCTOBER 1 THROUGH DECEMBER 31, 1987

Title 50—*Proposed Rules—Con.* Page

642.....38804
645.....38804
646.....38804, 42125
649.....38804
650.....37487, 38804, 39259
652.....38804
654.....38804
655.....38804, 47034
657.....41486, 43925
658.....38804, 47615
661.....39259
663.....38804, 39259, 45668
669.....38804
672.....38804, 44154, 45215, 48303
674.....38804
675.....38804, 44157, 45215, 48303
676.....38804
680.....38804
681.....38490, 38804
683.....38804

Additions to Table I, January through December 1987

This table lists the sections of the U.S. Code, U.S. Statutes at Large, Public Laws, and Presidential documents which are being added to Table I as a result of authority citations carried in the **Federal Register** from January through December 1987. Recent legislation is carried by public law number.

Table I is in the CFR Index and Finding Aids revised as of January 1, 1987.

In order to determine the **Federal Register** page number of a parallel CFR citation, consult this List of CFR Sections Affected (LSA) and the appropriate Annual Issue of the LSA for that CFR title.

U.S. Code:	CFR
2 U.S.C.:	
432	11 Part 110
441i	14 Part 1207
3 U.S.C.:	
301	32 Part 40
5 U.S.C.:	
4a	17 Part 145
500	29 Part 103
504	24 Part 14
	46 Part 502
522	1 Part 456
551—557	18 Parts 154, 382
551—552	29 Part 101
551	46 Part 502
552	5 Part 1631
	7 Parts 3305, 3600, 3601, 3900, 3901
	8 Part 103
	13 Part 102
	18 Part 1301
	21 Part 5
	27 Parts 70, 250
	32 Part 98
	39 Part 20
	45 Parts 2, 2002, 2005
	49 Parts 701, 1002, 1007, 1244
552a	5 Parts 841, 1630
	14 Part 1206
	29 Part 700
	45 Part 30
552b	34 Part 11
553	14 Part 234
	18 Part 375
	21 Parts 310, 333, 336, 610
	29 Parts 103, 1915, 1917–1918, 1926, 1928
	46 Part 581
	49 Parts 1052, 1138, 1244
554	28 Part 68
559	49 Part 1150
702—704	21 Part 610
1104	5 Parts 410, 842
1205	5 Part 1204
3304	5 Part 315
3323	5 Part 930

5 U.S.C.—Con.	CFR
3328	5 Part 300
3503	5 Part 351
4301	5 Part 930
5511 et seq	29 Part 20
5514	15 Part 22
	22 Part 512
	31 Part 5
	34 Part 32
	45 Parts 30, 1179
6305	5 Part 630
6326	5 Part 630
8101	32 Part 728
8351	5 Parts 1600, 1605, 1650
8416—8419	5 Part 842
8424	5 Part 843
8432	5 Part 1600
8434—8436	5 Part 1650
8439	5 Part 1640
8441—8442	5 Part 843
8457	5 Parts 213, 330
8461	5 Parts 843, 845, 846
	38 Part 1
8467	5 Part 1650
8469	5 Part 841
8474	5 Parts 1600, 1603, 1605, 1640, 1650, 1660, 1690
8477	5 Part 1660
8478	29 Part 2582
8522	5 Part 841
8913	48 Parts 1601–1606, 1614–1616, 1622, 1624, 1631–1633, 1644, 1646, 1649, 1652, 1653
9101	5 Part 911
App. 2	34 Part 11
7 U.S.C.:	
4	17 Part 30
6	17 Part 30
7a	17 Part 9
7b	17 Part 1
16a	17 Parts 1, 9
75a	7 Part 810
149	7 Part 352
150aa—150jj	7 Part 340

7 U.S.C.—Con.	CFR
150ff	7 Part 318
151—167	7 Parts 318, 340
164a	7 Part 330
901—950b	7 Parts 1786, 1787
1421	7 Part 713
1501—1520	7 Part 400
1506	7 Parts 401, 452–454
1516	7 Parts 401, 452–454
1622	50 Part 267
1622n	7 Part 340
1624	50 Part 267
2243	8 Part 103
2244	7 Part 1
3316	7 Part 3402
4601—4612	7 Part 1200
4901—4916	7 Part 1200
5841	10 Part 7
8 U.S.C.:	
1101	8 Parts 1, 103, 274a, 299 29 Part 501
1101 note	8 Parts 210, 245
1103	8 Part 274a 28 Part 68
1104	22 Parts 40, 43
1153 note	22 Part 43
1159	8 Part 245
1160	7 Part 1d
1182	8 Part 287
1184	8 Part 248 29 Part 501
1186	20 Parts 654, 655 29 Part 501
1192	8 Part 204
1201	8 Part 103
1201a	8 Part 264
1251	8 Parts 241, 287
1252	8 Part 241
1301—1305	8 Part 103
1324a—1324b	28 Part 68
1324A	8 Part 274a 28 Part 0
1324b	28 Part 44
1351	8 Part 103
1357	8 Part 241
1427	28 Part 0
1443	8 Part 103
1454—1455	8 Part 103
10 U.S.C.:	
130	32 Part 249
133	32 Part 382
191	32 Parts 372, 381
1071 et seq	32 Part 220
1094—1095	32 Part 728
1201—1221	32 Part 728
2136	38 Part 21
2301 et seq	48 Part 1206
2397	32 Part 40a
2546	32 Part 226
2640	32 Part 861
2733	32 Part 751
7420	15 Part 377
7430	15 Part 377
8013	32 Parts 807, 811, 811a, 861
11 U.S.C.:	
901	17 Part 200
1109	17 Part 200
1170	49 Part 1152
12 U.S.C.:	
93a	12 Part 35
221 et seq	12 Part 211
391	31 Part 358
1141	46 Part 502
1421 et seq	12 Part 592
1425	12 Part 523
1425a	12 Part 571
1425b	12 Parts 523, 552, 555
1432	12 Part 524
1437	12 Part 510a
1441	12 Part 514
1691	12 Part 523
1701q	24 Part 278
1701r–1	24 Parts 243, 842, 942
1701s	24 Part 278
1707	24 Parts 234, 251
1710	24 Part 203
1715	24 Part 203
1715b	24 Parts 250, 278
1715u	24 Part 203
1715z–9	24 Part 250
1725	12 Part 510a
1728—1730a	12 Part 523
1757	12 Part 741
1781—1790	12 Part 741
1785—1786	12 Part 708
1786	12 Part 748
1811—1831d	12 Part 324
1817	12 Part 350
1819	12 Parts 324, 326, 350
1823	12 Parts 35, 324
2001	12 Part 624
2012	12 Parts 614, 624
2053	12 Part 614
2072	12 Parts 614, 624
2093	12 Parts 614, 624
2122	12 Parts 614, 624
2216G	12 Part 614
3401 et seq	29 Part 19
3401—3422	39 Part 233
3535	24 Part 278
3901 et seq	12 Part 211
14 U.S.C.:	
83	33 Part 66
85	33 Parts 62, 147
633	33 Part 80
15 U.S.C.:	
57a	12 Part 706

15 U.S.C.—Con.	CFR
77f	17 Part 200
77ggg	17 Part 200
77sss	17 Part 200
78a et seq	17 Part 200
78d–1—78d–2	17 Part 200
78l	12 Part 208
78m—78o	17 Part 200
78o–5	17 Parts 240, 400–405, 449, 450
78s	17 Part 200
79v	17 Part 200
80a–44	17 Part 200
80b–10	17 Part 200
631 et seq	13 Part 125
634	13 Parts 114, 144
714b	7 Part 1493
717—717z	18 Part 3
717—717w	18 Parts 375, 381, 382
2032	49 Part 544
2603	40 Part 766
2607	40 Part 766
2611	40 Part 795
2614	40 Part 761
2616	40 Part 761
2641	40 Part 763
2643	40 Part 763
2646—2647	40 Part 763
3301 et seq	18 Part 375
3301—3432	18 Parts 3, 382
4201 et seq	15 Part 904
4244	15 Part 960
16 U.S.C.:	
469 et seq	30 Part 773
470 et seq	30 Parts 731, 732, 772, 773, 779, 780, 783, 784
470aa et seq	30 Part 773
485	43 Part 2090
661 et seq	30 Part 773
668a	30 Part 773
703 et seq	30 Part 773
703	50 Part 14
712	50 Part 14
742e	50 Part 267
791—828c	18 Part 381
791a—828c	18 Parts 3, 382
791a—825r	18 Part 16
818	43 Part 2090
852	50 Part 14
972—972h	15 Part 904
1151—1175	15 Part 904
1435—1439	15 Part 904
1456	49 Part 1160
1531 et seq	30 Part 773 50 Part 21
1540	50 Part 14
1801 et seq	50 Part 685
1851 note	15 Part 904
1853	50 Part 605
2431—2444	15 Part 904
2601—2645	18 Parts 3, 382
3101 et seq	43 Part 2090
3371—3378	25 Part 244 50 Part 240
3375—3376	50 Part 14
3631—3644	15 Part 904
3801	7 Part 704
3831—3844	7 Part 704
3901 et seq	50 Part 25
17 U.S.C.:	
101	19 Part 133
601—603	19 Part 133
804	37 Part 304
18 U.S.C.:	
201—219	14 Part 1207
207	10 Part 0 39 Parts 10, 447 45 Part 500
210—212	24 Part 0
701	50 Part 80
1114	28 Part 64
3013	28 Part 545
3621	28 Part 549
4045	28 Part 549
19 U.S.C.:	
81c	27 Part 250
1311	19 Part 151
1460	19 Part 151
1557	19 Part 151
1562	19 Part 151
1584	19 Part 151
1592	19 Part 151
1606—1608	21 Part 1316
1610	21 Part 1316
1613	21 Part 1316
1618	21 Part 1316
20 U.S.C.:	
238	34 Part 221
241	32 Part 68
647	34 Part 221
887e	34 Parts 500, 745
1051	34 Part 607
1057—1059	34 Part 607
1060—1063c	34 Part 608
1060	34 Parts 607, 609
1062	34 Part 609
1063a—1063d	34 Part 609
1064	34 Part 607
1066—1069f	34 Part 607
1066	34 Parts 608, 609
1067ee	34 Part 674
1069a	34 Part 676
1069c	34 Parts 608, 609
1070	34 Part 646
1070–31 et seq	34 Part 668
1070a—1070c–2	34 Part 668
1070a—1070a–6	34 Part 690
1070c–4	34 Part 692

20 U.S.C.—Con.	CFR
1070d–32	34 Part 668
1077	34 Part 668
1078–1	34 Part 668
1078–3	34 Part 668
1082	34 Part 668
1087a—1087e	34 Part 673
1087a	34 Part 668
1087vv	34 Part 668
1091a	34 Parts 673, 674
1092	34 Part 668
1109—1109d	34 Part 761
1111—1111h	34 Part 653
1113—1113e	34 Part 237
1132g—1132g–3	34 Part 614
1132i–1	34 Part 614
1134	34 Part 650
1134s—1134t	34 Part 639
1135	34 Part 630
1135b—1135b–3	34 Part 637
1135d—1135d–6	34 Part 637
1135e—1135e–1	34 Part 630
1141	34 Part 675
1211h	34 Part 250
1221e	34 Part 762
1221e–3	34 Part 607
1232f	34 Part 674
1233 et seq	34 Part 11
1233a	34 Part 11
1234	34 Part 221
1234b	34 Part 221
1432	34 Part 319
1434	34 Part 319
1987cc	34 Part 674
3221—3236	34 Part 524
3474	34 Part 221
3851	34 Parts 785–789
3862	34 Parts 786–788
4132	34 Part 230
4641	34 Parts 764, 765
4642	34 Parts 764, 766
4644	34 Part 230
4645	34 Part 235
4661	34 Parts 764–766
4664	34 Part 764
21 U.S.C.:	
102—105	9 Part 99
111—112	9 Part 99
114a	9 Part 99
117	9 Part 99
120	9 Part 99
122	9 Part 99
134a	9 Part 93
134b—134c	9 Part 99
134d	9 Part 93
134e—134f	9 Part 99
135—135a	9 Part 99
151—159	9 Parts 101–104, 107, 118
321	21 Parts 333, 336, 610
331	21 Part 201

21 U.S.C.—Con.	CFR
336	21 Part 58
342	21 Part 58
351	21 Parts 310, 610, 862, 864, 866, 868, 870, 872, 876, 880, 886, 888, 890
352	21 Parts 333, 336
353	21 Part 312
355	21 Parts 201, 333, 336
360—360 note	21 Part 610
360	21 Parts 862, 864, 866, 868, 870, 872, 876, 880, 882, 884, 886, 888, 890
360c	21 Parts 862, 872, 886, 888
360e	21 Parts 862, 864, 866, 868, 870, 872, 876, 880, 886, 888, 890
360j	21 Parts 862, 864, 868, 870, 872, 876, 880, 886, 888, 890
371	21 Parts 333, 336, 862, 864, 870, 872, 886, 888
375	21 Part 310
606 note	9 Part 335
957	21 Part 1312
22 U.S.C.:	
212—218	22 Part 51
1431—1442	22 Part 514
1977	22 Part 33
2349aa–9	31 Part 560
2381	22 Parts 212, 224
2403	10 Part 110
2451—2460	22 Part 514
2651	22 Part 51
2658	22 Part 2a
3611	35 Part 9
3811	35 Part 119
3921	22 Part 22
4219	22 Part 22
4301—4314	22 Part 2a
5001 et seq	15 Parts 371–373, 379, 385–387, 389, 399
23 U.S.C.:	
114	23 Part 633
135	23 Part 635
25 U.S.C.:	
334	43 Part 2090
336	43 Part 2090
396 et seq	30 Parts 206, 218
396—396q	43 Part 3190
396	25 Parts 211, 225
396a et seq	30 Parts 206, 218
396a—396g	25 Parts 211, 225
397—398	43 Part 3190
398a—398e	43 Part 3190
415	25 Parts 211, 225
450	34 Part 221
450e	34 Part 221

25 U.S.C.—Con.	CFR
476—477	25 Part 225
640d	25 Part 700
880	25 Part 211
1401 et seq	25 Part 76
1452	34 Part 221
2101 et seq	30 Part 206
2101—2108	25 Parts 211, 225
2102	43 Part 3160
26 U.S.C.:	
42	26 Part 1
56	26 Part 1
101	26 Part 1
145	26 Part 5h
149	26 Part 1
163	26 Part 1
263A	26 Part 1
382	26 Part 1
422	26 Part 1
441	26 Part 1
469	26 Part 1
501	46 Part 502
807	26 Part 1
904	26 Part 1
1378	26 Part 1
1402	26 Part 1
4981A	26 Part 54
5025	27 Part 194
5131—5134	27 Part 250
5141	27 Part 250
5684	27 Part 70
5761—5763	27 Part 270
5761	27 Part 70
6020	27 Part 70
6041	26 Part 1
6155	27 Part 70
6201	27 Part 70
6203—6204	27 Part 70
6205	26 Part 31
6223	26 Part 301
6227	26 Part 301
6233	26 Part 301
6241	26 Part 301
6245	26 Parts 51, 301
6311	27 Part 70
6313—6314	27 Part 70
6401—6402	27 Part 70
6404	27 Part 70
6407	27 Part 70
6423	27 Part 70
6501	27 Part 70
6511	27 Part 70
6513—6514	27 Part 70
6532	27 Part 70
6601—6602	27 Part 70
6611	27 Part 70
6621—6622	27 Part 70
6651	27 Part 70
6653	27 Part 70
6656—6658	27 Part 70

26 U.S.C.—Con.	CFR
6662	27 Part 70
6671—6672	27 Part 70
6676	27 Part 70
6701	27 Part 70
6801	27 Part 70
6862—6863	27 Part 70
7011	27 Part 70
7102	27 Part 250
7326	27 Part 72
7553	19 Part 127
9039	11 Parts 9031–9038
27 U.S.C.:	
203	27 Part 250
205	27 Part 250
28 U.S.C.:	
301	28 Part 11
509—510	8 Part 3 21 Part 1316 28 Parts 11, 14, 600–602
509	28 Part 64
515	28 Parts 600–602
524	28 Part 9
1746	8 Parts 3, 103
2672	14 Part 15
2675	14 Part 15
29 U.S.C.:	
151	29 Part 103
156	29 Part 103
201 et seq	29 Part 516
211	29 Part 1627
628	29 Part 1627
706	34 Part 363
711—712	34 Part 363
717	34 Part 350
744	34 Part 386
750—759	34 Part 351
762a	34 Part 350
794	10 Part 1041 16 Part 6 29 Part 33 35 Part 257 36 Part 1154 40 Part 12 47 Part 1
795j—795q	34 Part 363
1301	29 Part 2619
30 U.S.C.:	
181 et seq	30 Part 208 43 Part 3190
185	15 Part 377
351 et seq	30 Parts 206, 208, 218
351—359	43 Part 3190
957	30 Parts 5, 18
1001 et seq	30 Part 218
1201 et seq	30 Parts 736, 750, 762

30 U.S.C.—Con.	CFR
1701 et seq.	30 Parts 206, 208, 218
	43 Parts 3160, 3190
1701	25 Part 225
31 U.S.C.:	
1 et seq.	13 Part 102
67 et seq.	13 Part 102
321	31 Parts 1, 210
483	50 Part 14
3101 et seq.	31 Part 358
3105	31 Part 351
3121	17 Part 450
3701—3731	45 Part 30
3701—3721	32 Parts 750, 751, 757
3701—3719	22 Part 309
3701	22 Part 512
	31 Part 5
	38 Part 1
3711 et seq.	22 Part 512
3711—3719	38 Part 1
3711	42 Part 408
3716	15 Part 4
	31 Part 5
	34 Part 32
3717	24 Part 17
	28 Part 16
3718	28 Part 11
3720A	7 Parts 1403, 1951
	31 Part 5
3801—3812	22 Part 224
	29 Part 22
	31 Part 16
	39 Parts 273, 962
3809	14 Part 1264
	20 Part 355
	41 Part 105-70
5311 et seq.	12 Parts 21, 326
5311	12 Part 748
6304	34 Part 761
8701	18 Part 154
9110	17 Part 450
9301	27 Parts 72, 250, 252
9303—9304	27 Parts 72, 250, 252
9304	27 Parts 22, 170
9306	27 Parts 22, 72, 170, 250, 252
9701—9702	13 Part 125
9701	7 Parts 330, 340, 352
	8 Part 103
	9 Part 92
	19 Part 133
	22 Part 22
	30 Part 208
	42 Parts 7, 110, 417
	45 Part 5
	50 Part 14
33 U.S.C.:	
401	23 Part 650

33 U.S.C.—Con.	CFR
491 et seq.	23 Part 650
494	49 Part 310
511 et seq.	23 Part 650
526—526a	49 Part 310
535	49 Part 310
1233	33 Part 62
1251 et seq.	40 Part 418
1321	40 Part 110
1361	40 Parts 110, 414
1517	40 Part 110
1903	46 Parts 98, 151, 153
2071	33 Part 147
2201 et seq.	33 Part 241
2214	33 Part 240
35 U.S.C.:	
156	37 Part 1
200 et seq.	14 Part 1245
351—376	37 Part 1
37 U.S.C.:	
101	34 Part 221
38 U.S.C.:	
907	38 Part 3
1434	38 Part 21
2012	41 Part 61-250
3112	38 Part 3
3115	38 Part 1
39 U.S.C.:	
203—204	39 Parts 225, 226
204	39 Parts 963-965
401—404	39 Parts 226-229
401	39 Parts 20, 273, 962-965
403	39 Part 111
404	39 Part 20
407—408	39 Part 20
409	39 Parts 225, 226
3003—3004	39 Part 964
3008	39 Part 963
3220	12 Part 510a
	20 Part 364
	28 Part 19
	38 Part 1
	47 Part 0
40 U.S.C.:	
304	27 Part 72
318	46 Part 386
486	41 Part 105-70
	48 Parts 901-910, 912-917, 919, 920, 922-925, 927, 928, 931-933, 935-937, 942-945, 947, 949-952, 971, 1601-1606, 1614-1616, 1622, 1624, 1631-1633, 1644, 1646, 1649, 1652, 1653
751	41 Parts 201-8, 201-30, 201-32, 201-34, 201-38
41 U.S.C.:	
253 et seq.	48 Part 1206
403 et seq.	48 Part 1206

41 U.S.C.—Con.	CFR
600 et seq.	48 Parts 6301, 6302
42 U.S.C.:	
216	42 Parts 7, 417
263	42 Part 7
264	21 Parts 610, 1240
290dd-3	42 Part 2
290ee-3	42 Part 2
297i	42 Part 57
300e—300e-17	42 Part 417
300g-6	40 Parts 141, 142
300h-6	40 Part 149
300w et seq.	45 Part 96
300w note	45 Part 96
300x et seq.	45 Part 96
300y et seq.	45 Part 96
405	42 Part 498
602	20 Part 401
701 et seq.	45 Part 96
1202	45 Part 233
1302	20 Part 602
	42 Parts 408, 498
1304 note	45 Part 96
1305	45 Part 96
1306	45 Part 5
1320b-7	42 Part 433
1382 note	45 Part 233
1382f	20 Part 416
1382j	20 Part 416
1383a	20 Part 416
1395i-2	42 Part 408
1395p—1395s	42 Part 408
1395v	42 Part 408
1395y	21 Part 805
	42 Parts 409, 489
1395y note	21 Part 805
1395ff	42 Part 498
1395hh—1395ii	42 Part 498
1395hh	42 Part 408
1395rr	42 Part 408
1395zz	42 Part 405
1397 et seq.	45 Part 96
1437f	24 Part 278
1760	7 Parts 225, 226
1857f-10	14 Part 21
1870	45 Part 689
1966	25 Part 225
1996	25 Part 211
2000c—2000c-2	34 Parts 271, 272
2000c-5	34 Parts 271, 272
2011 et seq.	10 Part 962
2073	10 Part 39
2077	10 Part 39
2092—2093	10 Part 39
2095	10 Part 39
2099	10 Part 39
2111—2112	10 Part 39
2131—2132	10 Part 50
2135	10 Part 50
2138	10 Part 50

42 U.S.C.—Con.	CFR
2201	10 Parts 39, 763, 862
2232—2233	10 Part 39
2232	10 Part 55
2235	10 Part 50
2236	10 Part 39
2237	10 Part 50
2238	10 Part 72
2239	10 Part 72
2273	10 Parts 39, 72
2278	10 Part 862
2282	10 Parts 39, 55
2473	14 Part 1264
	48 Parts 30, 1870
2571—2756z	34 Part 675
3435	24 Part 14
3535	24 Parts 203, 213, 575
4321 et seq.	49 Part 622
4321—4370a	18 Parts 2, 380
4332	10 Part 50
	25 Part 225
4601	18 Part 1306
	49 Part 24
4601 note	7 Part 21
	10 Part 1039
	14 Part 1208
	15 Part 11
	18 Part 1306
	29 Part 12
	32 Part 259
	34 Part 15
	36 Part 904
	38 Part 25
	40 Part 4
	41 Parts 105-51, 114-50, 128-18
	44 Part 25
	45 Part 15
	49 Parts 24, 25
4633	45 Part 15
4821—4846	24 Part 200
5042	45 Part 1204
5446	10 Part 61
5801 et seq.	10 Part 962
5841—5842	10 Part 39
5841	10 Part 74
5844	10 Part 50
5846	10 Part 39
6000 et seq.	45 Part 1385
6063 et seq.	45 Part 1388
6101 et seq.	13 Part 311
6101	10 Part 4
6212	15 Part 377
6508	43 Part 3160
6901 et seq.	40 Part 147
6912	40 Part 250
6962	40 Part 250
7101 et seq.	10 Part 962
7101—7352	18 Parts 16, 380, 382

42 U.S.C.—Con.	CFR
7422	40 Part 85
7457	40 Part 82
7701 et seq.	44 Part 361
8621 et seq.	45 Part 96
8621 note	45 Part 96
9118—9119	46 Part 174
9153	46 Part 174
9505	40 Part 300
9601 et seq.	44 Part 222
9611	40 Part 310
9623	40 Part 310
9822 note	12 Part 705
9861—9868	34 Part 215
9901 et seq.	45 Part 96
9901 note	45 Part 96
10226	10 Part 55
11002—11004	40 Part 355
11011—11012	40 Part 370
11024—11025	40 Part 370
11025	40 Part 355
11028—11029	40 Parts 355, 370
43 U.S.C.:	
231	43 Part 2090
315f	43 Part 2090
321—323	43 Part 2090
327—329	43 Part 2090
641 et seq.	43 Part 2090
852 note	43 Part 2090
869 et seq.	43 Part 2090
1301 et seq.	30 Parts 206, 208, 218
1331 et seq.	30 Part 208
1333	33 Part 62 46 Parts 10, 172
1354	15 Part 377
1592	7 Part 702
1601 et seq.	43 Part 2090
1701 et seq.	43 Part 2090
1733	43 Part 2920
1740	43 Part 2920
1801 et seq.	30 Parts 206, 208, 218
1811—1824	33 Part 135
44 U.S.C.:	
35	13 Part 102
2101—2111	36 Part 1228
2901—2909	36 Part 1228
3101—3107	36 Part 1228
3301—3314	36 Part 1228
3501 et seq.	9 Part 303
3507	7 Part 330
45 U.S.C.:	
362	20 Part 359
797	20 Part 359
907	20 Part 359
1004	20 Part 359
46 U.S.C.:	
466	15 Part 377
2103	46 Parts 10, 15

46 U.S.C.—Con.	CFR
2113	46 Parts 71, 189
2302	33 Part 95
3306	33 Part 95 46 Parts 31, 32, 77, 92, 96, 98, 150, 175, 190, 195, 197
3507	46 Part 30
3703	46 Parts 15, 30–32, 91, 98, 151, 174
4302	33 Parts 174, 177
5115	46 Part 172
6101	33 Part 173 46 Parts 167, 197
7701	33 Part 95
8105	46 Parts 15, 167
8901—8904	46 Part 15
9102	46 Part 15
12121	33 Part 173
12302	33 Part 174
46 U.S.C. App.:	
808	46 Part 221
817	46 Part 560
833a	46 Part 560
835	46 Part 221
839	46 Part 221
841a	46 Part 221
876	46 Part 586
1114	46 Part 383
1241	46 Part 383
1702	46 Part 581
1706—1707	46 Part 581
1709	46 Part 581
1712	46 Part 581
1714—1716	46 Part 581
1718	46 Part 581
47 U.S.C.:	
151	47 Part 36
154	47 Part 36
205	47 Part 36
221	47 Part 36
390—394	15 Part 2301
397—399b	15 Part 2301
403	47 Part 36
410	47 Part 36
49 U.S.C.:	
1—27	18 Parts 3, 381, 382
106	14 Parts 15, 36, 43, 127
1302	14 Parts 234, 272
1324	14 Parts 234, 272
1344	14 Parts 21, 36
1346	14 Part 129
1354	14 Part 15
1355	14 Part 36
1374	14 Part 234
1377	14 Part 234
1381	14 Part 234
1422	14 Part 127
1425	14 Part 36

49 U.S.C.—Con.	CFR
1426	14 Part 21
1428—1430	14 Part 36
1502	14 Parts 129, 211, 272
1511	14 Part 129
1607	49 Part 630
1651	14 Part 36
1804	46 Parts 30, 98, 153
1806—1807	49 Parts 173, 175
2121—2125	14 Part 36
2402	14 Part 159
2404	14 Part 159
2424	14 Part 159
2428	14 Part 159
3102	49 Part 383
10101	49 Parts 1042, 1052
10303	49 Part 1244
10311	49 Part 1249
10321	49 Parts 1052, 1244
10326	49 Part 1150
10505	49 Part 1313
10702	49 Part 1312
10705a	49 Part 1138
10761	49 Part 1312
10762	49 Part 1052
10903	49 Part 1150
10922	49 Part 1052
11101	49 Part 1052
11142	49 Part 1206
11144	49 Part 1249
11145	49 Part 1244
49 U.S.C. App.:	
1421	49 Part 107
1472	49 Part 175
1672	49 Part 192
1802	49 Parts 107, 171
1803—1808	49 Part 173
1803—1806	49 Parts 178, 179
1803—1805	49 Parts 172, 175, 177
1803—1804	49 Part 171
1804	49 Part 192
1806	49 Part 107
1807—1808	49 Part 175
1808—1811	49 Part 107
1808	49 Parts 171, 172, 178, 179
2505	49 Parts 383, 392, 395
2509	49 Part 393
50 U.S.C.:	
198	46 Parts 15, 190
1701 et seq.	15 Parts 372, 387, 389
50 U.S.C. App.:	
451 et seq.	32 Part 1698
2401 et seq.	15 Part 387
U.S. Statutes at Large:	
96 Stat.:	
2201	10 Part 962
98 Stat.:	
183	29 Part 2204
1257	45 Part 2201

	CFR
100 Stat.:	
20	5 Part 890
82	15 Part 2301 29 Part 2610
240	29 Part 2610
1810	29 Part 33
1874	31 Part 18
3063	45 Part 2002
3207	45 Parts 1100, 2005
3341—3360	34 Part 763
3500	50 Part 17
101 Stat.:	
132	23 Part 659
260	26 Part 41
Public Laws:	
95-588	38 Part 3
97-425	10 Part 962
98-375	45 Part 2201
98-473	14 Part 36
99-58	15 Part 377
99-64	15 Part 389
99-80	29 Part 2204
99-93	22 Part 2a
99-145	5 Part 300 32 Part 72
99-150	29 Part 553
99-169	5 Part 911
99-178	34 Part 636
99-198	7 Parts 250, 400, 1200, 1427, 1493
99-239	14 Parts 211, 272
99-240	10 Part 2
99-272	15 Part 2301 20 Part 359 29 Parts 2610, 2613, 2617, 2619, 2622 31 Part 51 32 Part 220 34 Part 690
99-335	5 Parts 841, 846 29 Part 2562
99-339	40 Part 144
99-399	10 Part 73
99-401	42 Part 2
99-412	10 Part 456
99-440	15 Parts 371–373, 379, 385–387, 389, 399
99-495	18 Parts 4, 16, 292, 375
99-498	34 Parts 636, 690
99-499	40 Parts 355, 370 44 Part 222
99-500	5 Part 630 7 Parts 225, 226, 240, 246, 701, 795 24 Part 575
99-506	29 Part 33

Public Laws—Con.	CFR
99–509	7 Parts 1786, 1957
	18 Parts 154, 375, 382
	29 Part 22
	31 Part 18
99–549	45 Parts 2001, 2002
99–556	5 Part 1660
	29 Part 2582
99–570	5 Parts 294, 1204, 1303, 1631
	12 Part 404
	14 Part 1206
	17 Part 145
	22 Part 171
	29 Parts 1610, 2603
	32 Part 286
	35 Part 9
	44 Part 5
	45 Parts 503, 1100, 2005
	49 Parts 383, 392, 393, 701
99–571	17 Parts 400–405, 449, 450
99–578	28 Part 11
99–586	5 Part 315
99–590	25 Part 700
99–591	5 Part 630
	7 Parts 225, 226, 246, 701, 795, 1787
	14 Part 159
	34 Parts 636, 763
99–603	8 Parts 210, 245, 248
	45 Parts 206, 233
99–609	12 Part 705
99–616	37 Part 1
99–625	50 Part 17
99–641	9 Parts 303, 335
99–643	20 Part 416
99–658	14 Parts 211, 272
99–661	32 Part 286
99–662	19 Part 24
	33 Parts 240, 241
100–4	40 Part 414
100–17	7 Part 21
	10 Part 1039
	14 Part 1208
	15 Part 11
	18 Part 1306
	23 Parts 650, 659
	29 Part 12

Public Laws—Con.	CFR
	32 Part 259
	34 Part 15
	36 Part 904
	38 Part 25
	40 Part 4
	41 Parts 105–51, 114–50, 128–18
	44 Part 25
	45 Part 15
	49 Parts 23–25
100–34	30 Parts 700, 736, 750, 764, 769, 784, 785, 816, 817, 870, 913
100–71	42 Part 34
100–77	7 Part 250
100–86	12 Part 226
Executive Orders:	
10450	32 Part 154
10865	32 Part 154
11222	39 Part 10
	46 Part 502
11490	34 Part 221
11590	39 Part 10
11623	32 Part 1698
11735	40 Part 110
11912	15 Part 377
12009	18 Parts 16, 380, 382
12046	47 Part 300
12107	45 Part 1179
12137	22 Part 302
12148	44 Part 361
12234	46 Parts 154, 174
12333	32 Part 154
12356	8 Part 103
	22 Part 171
	32 Part 154
12478	22 Part 2a
12525	15 Part 389
12532	15 Parts 372, 387, 389
12549	49 Part 29
12571	15 Parts 371–373, 379, 385–387, 389, 399
12580	44 Part 222
12585	5 Parts 315, 316
12589	5 Part 630
12596	5 Part 315
12600	45 Part 5
12613	31 Part 560
Reorganization Plans:	
1947 Plan No. 3	12 Part 510a
1950 Plan No. 6	29 Part 19
1961 Plan No. 7	46 Part 586
1978 Plan No. 3	44 Parts 222, 361

Removals from Table I, January through December 1987

This table lists the sections of the U.S. Code, U.S. Statutes at Large, Public Laws, and Presidential documents which are being removed from Table I as a result of documents published in the **Federal Register** from January through December 1987.

Table I is in the CFR Index and Finding Aids revised as of January 1, 1987.

In order to determine the **Federal Register** page number of a parallel CFR citation, consult this List of CFR Sections Affected (LSA) and the appropriate Annual Issue of the LSA for that CFR title.

U.S. Code:	CFR
2 U.S.C.:	
431 note	11 Part 104
5 U.S.C.:	
552	1 Part 456
	32 Part 1900
	33 Part 161
	39 Part 10
	46 Part 175
552a	49 Part 932
552b	49 Part 903
553	46 Parts 558–559, 561–562, 564, 566, 568, 569
	49 Part 1165
554	21 Part 312
559	49 Part 1138
1103	5 Part 410
3112	5 Part 315
3571	32 Part 891
4118	5 Part 410
5101	45 Part 1204
7311—7312	32 Part 891
7513	5 Part 752
7531—7533	32 Part 891
7701 et seq	5 Part 315
8901—8902	5 Part 890
8905	5 Part 890
App	20 Part 404
7 U.S.C.:	
23	17 Part 1
71 et seq	7 Part 810
78	7 Part 810
87	7 Part 810
87e	7 Part 810
150bb	7 Parts 301, 318
150ee	7 Part 300
161	7 Part 300
414	7 Part 57
601—674	7 Parts 912, 913, 1102
1153	7 Part 4
1375	7 Part 4
1421	7 Part 1438
1447	7 Part 1438
1621—1627	7 Part 57
	15 Part 904
1812	7 Part 4
1838	7 Part 4

7 U.S.C.—Con.	CFR
1989	7 Part 1804
2012 note	20 Part 416
2016	20 Part 416
2243	34 Part 5
	45 Parts 5, 503
2669	7 Part 1480
2901—2918	7 Part 1200
8 U.S.C.:	
1101	8 Part 242
1103	8 Parts 1, 109
1151	8 Part 245
1153	8 Part 245
1155	8 Part 204
1182b—1182c	8 Part 212
1182	8 Part 204
1184	8 Part 242
1255	8 Parts 109, 242
1257	8 Parts 245, 248
1357	8 Part 242
10 U.S.C.:	
131 et seq	32 Part 351
133	32 Part 372
1035 note	32 Part 536
1037	33 Part 47
2575	32 Part 536
2735	32 Part 536
6148	32 Part 728
8012	32 Parts 807, 811, 811a, 891
12 U.S.C.:	
211 et seq	12 Part 211
601 et seq	12 Part 204
1430	12 Part 555
1701n–1	24 Parts 243, 842, 942
1710	24 Part 203
1715	24 Part 203
1715b	24 Part 251
1745	12 Part 705
1749—1749d	34 Part 614
1758—1759	12 Part 705
1766	12 Part 705
2201	12 Part 624
14 U.S.C.:	
2	33 Part 80
	46 Part 31

14 U.S.C.—Con.	CFR
81	33 Parts 60, 62
83	33 Part 67
86	33 Part 60
87	33 Part 62
92—93	33 Part 62
92	33 Parts 60, 67
632—633	33 Part 161
	46 Part 31
632	46 Parts 98, 151, 153
633	33 Parts 60, 62
821—832	33 Part 5
891—894	33 Part 5
15 U.S.C.:	
78l	12 Part 206
714b—714c	7 Parts 1438, 1476
717 et seq	18 Part 282
717x—717z	18 Part 385
2625	40 Part 795
3301 et seq	18 Part 282
16 U.S.C.:	
17j–2	36 Parts 4, 5
460k	50 Part 26
590d	7 Part 4
680d	50 Part 26
685	50 Parts 25, 26
690d	50 Parts 25, 26
703 et seq	50 Part 14
715	50 Part 26
718d	50 Part 33
725	50 Parts 25, 26
742	50 Part 219
772—772j	50 Part 219
776—776f	15 Part 904
	50 Part 219
781—785	50 Part 219
825s–828c	18 Part 385
851—856	50 Part 219
916—916l	50 Part 219
951—961	50 Part 219
971—971g	50 Part 219
1021 et seq	15 Part 904
1021—1032	50 Part 219
1151—1187	50 Part 219
1158 et seq	15 Part 904
1201—1205	50 Part 254
1361—1407	50 Part 219
1431—1434	50 Part 219
1531—1543	50 Part 219
1532	50 Part 14
1541—1542	50 Part 14
1704	36 Part 214
1801 et seq	50 Part 671
1801—1882	50 Part 219
17 U.S.C.:	
109	19 Part 133
18 U.S.C.:	
42—44	50 Part 219
43—44	50 Part 14
701	46 Part 31

18 U.S.C.—Con.	CFR
3054	50 Part 219
3112	50 Part 219
19 U.S.C.:	
1201	19 Part 151
1461	19 Part 113
1467	19 Part 113
1623—1624	19 Part 113
20 U.S.C.:	
1011—1015	34 Part 605
1016	34 Part 606
1018—1019	34 Parts 605, 606
1070e	34 Part 629
1119d et seq	34 Part 653
1119d—1119d–8	34 Part 653
1133	34 Part 636
1134n—1134p	34 Part 639
1143	34 Part 605
1221–1	34 Part 726
1221e–1b	34 Part 637
1221e–3	34 Parts 206, 605, 606, 631–636, 639, 726, 796
3221—3261	34 Parts 502, 504
3474	34 Parts 605, 637, 639, 796
3851	34 Part 796
3862	34 Part 796
3971	34 Part 755
21 U.S.C.:	
71 et seq	9 Part 318
151—158	9 Parts 101–104
457	9 Part 318
463	9 Part 318
605	9 Part 318
607	9 Part 318
608	9 Part 318
642	9 Part 318
677	9 Part 318
701	21 Parts 864, 870
1175	42 Part 2
22 U.S.C.:	
1258	22 Part 514
1474	22 Part 514
1977	50 Part 258
1980	50 Part 258
2381	22 Part 224
2402	22 Part 212
2658	22 Part 514
2751—2769	32 Part 251
2771—2796c	32 Part 251
23 U.S.C.:	
101 et seq	23 Part 790
109	23 Part 790
128	23 Part 790
315	23 Parts 635, 790
25 U.S.C.:	
1—2	25 Part 120
9	25 Part 700
68	25 Parts 211, 212

25 U.S.C.—Con.	CFR
179	25 Part 700
396	25 Part 212
396b—396q	30 Part 206
397	25 Part 700
	30 Part 206
345	25 Part 700
398a—398e	30 Part 206
399	30 Part 206
402	25 Part 700
476—477	25 Part 212
509	25 Part 212
572	25 Part 118
640d–10	25 Part 700
26 U.S.C.:	
5008	27 Part 251
5146	27 Part 250
5707	27 Part 270
7805	27 Part 275
27 U.S.C.:	
205	27 Part 270
28 U.S.C.:	
510	48 Part 2827
542	28 Part 0
29 U.S.C.:	
141—168	29 Part 103
152—155	29 Part 101
157—168	29 Part 101
201—219	29 Part 800
401 note	29 Part 101
577a	30 Parts 15, 18–29, 31–33, 35, 36, 74, 75
620	29 Part 860
794	10 Part 1040
801	36 Part 215
30 U.S.C.:	
3	30 Parts 15, 18–29, 31–33, 35, 36
5	30 Parts 15, 18–29, 31–33, 35, 36
7	30 Parts 15, 18–29, 31–33, 35, 36
189	30 Part 208
192	30 Part 208
301—306	30 Parts 206, 216, 218
352—359	30 Parts 206, 216
359	30 Part 208
471	30 Parts 18, 25–27, 33, 35
479	30 Parts 18, 25–27, 33, 35
482	30 Parts 18–27, 31–33, 35
801	30 Parts 18, 28, 29
812	30 Part 75
951	30 Parts 15, 18–19, 31–33, 35, 36, 74, 75
953	30 Part 46
957	30 Part 46

30 U.S.C.—Con.	CFR
1201 et seq	30 Part 761
1251	30 Parts 731, 732, 736
1253—1269	30 Part 736
1253—1254	30 Part 732
1253	30 Part 731
1256—1269	30 Part 732
1271—1272	30 Parts 732, 736
1275	30 Part 736
1295	30 Part 736
31 U.S.C.:	
200	28 Part 0
240—243	32 Parts 750, 751
321	31 Part 16
483	14 Part 65
483a	7 Parts 330, 352
	32 Part 811
757c	31 Part 351
951—953	31 Part 5
	45 Part 30
952	32 Part 757
3801—3812	22 Part 224
6701—6724	31 Part 51
9701	18 Part 154
	49 Part 1152
	50 Part 14
33 U.S.C.:	
151	33 Part 80
361	46 Part 185
472	33 Part 62
735	33 Part 62
1161	46 Part 31
1223	33 Part 110
1225	33 Part 165
1251 et seq	40 Part 110
1251	40 Parts 414, 416
1254	9 Part 318
1311	40 Part 416
1314	40 Part 416
1316—1317	40 Part 416
1320	40 Part 414
1321	46 Parts 71, 91, 189
1607	46 Part 31
2030	33 Part 110
2035	33 Part 110
2071	46 Part 31
37 U.S.C.:	
251 et seq	32 Part 59
39 U.S.C.:	
201	39 Part 225
401	39 Part 916
403—404	39 Part 10
406—408	39 Part 10
3008	39 Part 916
40 U.S.C.:	
471 et seq	30 Parts 206, 216, 218
472	15 Part 302

40 U.S.C.—Con.	CFR
486	45 Part 19 48 Part 2827
512	15 Part 302
514	15 Part 302
42 U.S.C.:	
216	21 Part 610 42 Parts 110, 122, 123 45 Part 19
300–1	42 Part 122
300e—300e–17	42 Part 110
300f et seq.	42 Parts 122, 123
300f	40 Part 149
300k–1—300n–1	42 Parts 122, 123
300k–1	42 Part 121
300*l*–4—300*l*–5	42 Part 122
404—405	20 Part 416
421	20 Part 404
423	20 Part 416
428	20 Part 416
611	20 Part 401
1302	45 Part 19
1327	20 Part 404
1382a	20 Part 404
1382c	20 Part 404
1383	20 Part 404
1395f	45 Part 19
1395x	45 Part 19
1396	20 Part 416 45 Part 19
1396a	45 Part 19
1436a	24 Part 912
1480	7 Part 1804
1973c	45 Part 801
2000d–1	13 Part 311
2168	48 Parts 901–910, 912–917, 919, 920, 922–925, 927, 928, 931–933, 935–937, 942–945, 947, 949–952, 971
2239	10 Part 72
2273	10 Part 110
2403	10 Part 110
2453	48 Part 30
2929 et seq.	34 Part 215
2929a	34 Part 215
2981	12 Part 705
2985	12 Part 705
3535	24 Parts 0, 221
4321 et seq.	30 Parts 216, 218 46 Parts 10, 31, 187
5101 note	45 Part 1340
5846	10 Part 61
6930	40 Part 260
6935	40 Part 265
7101 et seq.	18 Part 282
7101—7352	10 Part 458
7101	18 Parts 154, 273
7107 et seq.	18 Part 282
8281—8284	10 Part 458
9205	40 Part 300

42 U.S.C.—Con.	CFR
9601 et seq.	40 Parts 305, 306
43 U.S.C.:	
283	43 Part 2090
315a	50 Parts 25, 26
617e	43 Part 2090
1331 et seq.	46 Part 197
1331	33 Part 147
1333	33 Part 60
1334	30 Part 209
1335	30 Part 209
1337	30 Part 209
1347—1348	46 Part 107
1348	46 Part 185
1356	46 Part 107
1451 et seq.	25 Part 249
1457	30 Parts 206, 216, 218
44 U.S.C.:	
3501 et seq.	30 Parts 18, 23, 32, 33, 36, 75
3501—3520	50 Part 604
3504	27 Parts 194, 275
3507	46 Parts 10, 150, 175
45 U.S.C.:	
712	49 Part 903
904	49 Part 1152
915	49 Part 1152
46 U.S.C.:	
2	46 Part 31
85a	46 Part 31
86	46 Parts 92, 175
88a	46 Parts 31, 92, 175, 190
170	46 Parts 30–32, 92, 98, 151, 153, 175, 195
214	46 Parts 10, 157
221	46 Part 187
222—224a	46 Parts 10, 157
222—223	46 Part 31
222	46 Parts 175, 185, 186
224	46 Parts 186, 187
225—226	46 Part 10
226	46 Part 157
228—229h	46 Part 10
228—229a	46 Part 157
229c	46 Part 157
230—231	46 Part 10
233	46 Part 10
237	46 Parts 10, 157
239	46 Parts 10, 157, 185, 197
239b	46 Parts 10, 187
242—243	46 Part 10
242	46 Part 157
247	46 Part 10
363	46 Parts 31, 77, 92, 96, 175, 190, 195
364	46 Part 157

46 U.S.C.—Con.	CFR
367	46 Parts 10, 31, 32, 77, 92, 96, 98, 157, 190, 195
369	46 Parts 31, 32, 92, 98, 151, 153, 175
369b	46 Part 31
375	46 Parts 10, 31, 32, 77, 92, 96, 98, 151, 153, 157, 186, 187, 190, 195, 197
379a	46 Part 151
390—390g	46 Parts 10, 157
390	46 Parts 175, 185, 187
390b	46 Parts 32, 77, 92, 185–187, 197
391—391a	46 Part 197
391—392	46 Parts 77, 92, 96, 98, 195
391	46 Parts 185, 190
391a	46 Parts 10, 30–32, 153, 157, 175, 185
392	46 Parts 31, 32, 185, 190, 197
395	46 Parts, 77, 92, 96, 157, 190, 195, 197
399	46 Parts 157, 185
404—404–1	46 Parts 10, 157
404	46 Parts 10, 77, 92, 96, 98, 185–187
404–1	46 Part 175
405	46 Parts 10, 31, 32, 92, 157
407	46 Part 195
411	46 Parts 31, 195
416	46 Parts 10, 31, 32, 77, 92, 96, 98, 151, 153, 157, 186, 187, 190, 195, 197
435	46 Parts 30, 98, 185
445	46 Parts 31, 32, 92, 190, 195
451	46 Part 185
454—457	33 Part 62
458	46 Part 157
481	46 Parts 31, 32, 77, 92, 96, 98, 157, 175, 185, 190, 195
489	46 Parts 31, 32, 77, 96, 175, 185, 190, 195
526f	46 Parts 10, 187
526p	46 Parts 10, 31, 32, 77, 92, 157, 185–187
660a	46 Part 31
672—672–1	46 Part 157
672—672a	46 Part 10
672a	46 Part 187
672b	46 Part 157
673	46 Parts 10, 157, 186

46 U.S.C.—Con.	CFR
689	46 Parts 157, 187
808	46 Part 221
835	46 Part 221
838—839	46 Part 221
841a	46 Part 221
876	46 Part 221
881	46 Part 31
882	46 Part 185
941a	46 Part 221
961	46 Part 221
1114	46 Part 221
1132	46 Part 10
1195	46 Part 221
1271—1279	15 Part 904
1332	46 Part 187
1333	46 Parts 10, 77
1410	50 Parts 256, 257
1451	33 Part 173
1454	33 Part 177
1461	46 Parts 10, 187
1467	33 Parts 173, 174
1469	33 Part 173
1486	33 Part 173
1488	33 Parts 173, 174, 177
2101	46 Part 174
2104	46 Parts 109, 111, 174
2106	46 Part 109
2113	46 Part 111
3301	46 Parts 109, 111, 174
3306	46 Part 185
3316	46 Parts 107, 174
3318	46 Parts 109, 111
3507	46 Part 157
3703	46 Parts 157, 172
7101	46 Part 10
8105	46 Part 157
9102	46 Part 157
11301	46 Part 109
46 U.S.C. App.:	
86	46 Part 172
88a	46 Part 172
812	46 Part 568
814—817	46 Part 568
814	46 Parts 558–559, 561–562, 564, 566, 569
817	46 Part 566
820	46 Parts 561–562, 564, 566, 568
833a	46 Parts 558–559, 568
841a	46 Parts 558–559, 561–562, 564, 566, 568, 569
47 U.S.C.:	
151—155	47 Part 97
151	47 Part 67
154	47 Part 67
219	47 Part 32
221	47 Part 67
410	47 Part 67

	CFR
48 U.S.C.:	
358a	25 Part 211
362	25 Part 211
49 U.S.C.:	
5b	49 Parts 1206, 1207
12	49 Parts 1206, 1207, 1249
20	49 Parts 1206, 1207, 1249
104	49 Part 395
106	14 Part 159
108	46 Parts 31, 96, 195
204	49 Part 1207
304	49 Parts 392, 1042, 1050, 1052, 1059, 1206, 1207
307—308	49 Part 1042
307	49 Part 1050
311	49 Part 1052
315—316	49 Part 1052
319—320	49 Part 1052
320	49 Parts 1206, 1207
322	49 Parts 1206, 1207
504	49 Part 395
904	49 Parts 1206, 1207
913	49 Parts 1206, 1207
917	49 Parts 1206, 1207
1003	49 Parts 1206, 1207
1012	49 Parts 1206, 1207
1159	14 Part 65
1347—1348	14 Part 43
1355	14 Part 127
1357	14 Part 43
1372	14 Part 43
1423—1426	14 Part 65
1426—1429	14 Part 127
1428—1430	14 Part 65
1429	14 Part 139
1430	14 Part 139
1430 note	14 Part 139
1432	14 Part 43
1442—1443	14 Part 43
1472	14 Part 43
1510	14 Part 43
1522	14 Part 43
1601 et seq	49 Part 630
1604	49 Part 630
1651	23 Part 790
1652	14 Parts 43, 65
1655	14 Parts 21, 36, 65, 127, 139 33 Parts 62, 67, 147, 161 46 Parts 10, 31, 32, 77, 92, 96, 98, 151, 153, 175, 185-187, 190, 195, 197 49 Parts 173, 310
1657	14 Part 65 23 Part 790 33 Part 67 49 Part 107

49 U.S.C.—Con.	CFR
1671 et seq	49 Part 193
1672	49 Part 192
1674	49 Part 193
1801—1803	46 Part 153
1802—1804	49 Part 107
1803—1808	49 Part 173
1803—1805	49 Parts 171, 172
1803—1804	49 Parts 175, 177-179
1803	46 Parts 30, 151
1804	49 Part 192
1805—1811	46 Part 153
1805	49 Parts 174, 175
1806—1808	49 Part 175
1806	49 Part 107
1808—1811	49 Part 107
1808	49 Parts 171, 172, 177-179
1809	49 Parts 173, 177
1904	49 Part 179
10321	47 Part 1165
10701a	49 Part 1138
10708	49 Part 1312
10751	49 Part 1206
10922—10923	49 Part 1165
10926	49 Part 1165
11142	49 Part 1249
11301	49 Part 1165
11343—11344	49 Part 1165
11349	49 Part 1165
50 U.S.C.:	
191	33 Part 122
198	46 Parts 10, 31, 98, 157, 170, 172, 174
1436	32 Part 166
50 U.S.C. App.:	
567	43 Part 2090
1751—1785 note	45 Parts 540-543
2001	45 Part 580
2017n	45 Part 580
U.S. Statutes at Large:	
60 Stat.:	
237	45 Part 503
76 Stat.:	
387	45 Part 560
80 Stat.:	
250	45 Part 503
83 Stat.:	
210	32 Part 166
86 Stat.:	
816 et seq	40 Part 416
87 Stat.:	
985	49 Part 901
88 Stat.:	
1561	49 Part 901
92 Stat.:	
865	17 Part 30
876—877	17 Part 30
93 Stat.:	
492	35 Part 119

	CFR
95 Stat.:	
1070	43 Part 3160
Public Laws:	
93-502	49 Part 901
94-542	45 Part 581
95-75	46 Part 32
96-70	35 Part 119
96-514	30 Parts 206, 218
97-78	30 Parts 206, 218
97-424	49 Part 23
98-590	7 Part 1240
98-615	5 Part 890
99-190	25 Part 700
99-251	5 Part 890
99-349	31 Part 16
Executive Orders:	
9830	5 Part 315
10173	33 Part 122
10277	33 Part 122
10352	33 Part 122
10450	32 Part 891

Executive Orders—Con.	CFR
10501	22 Parts 212, 302
10816	22 Part 212
11041	22 Part 302
11103	5 Part 315
11239	46 Parts 31, 32, 77, 92, 96, 98, 190, 195
11521	5 Part 315
11548	46 Part 31
11964	46 Part 32
12009	18 Part 282
12065	22 Part 171
12173	35 Part 9
12234	46 Part 172
12316	40 Parts 305, 306
12364	5 Part 315
Reorganization Plans:	
1950 Plan No. 3	30 Parts 216, 218
1950 Plan No. 5	15 Part 4
1953 Plan No. 1	20 Part 404
1970 Plan No. 4	50 Part 254

1987

1-228	Jan. 2
229-388	5
389-516	6
517-660	7
661-754	8
755-1178	9
1179-1312	12
1313-1430	13
1431-1618	14
1619-1896	15
1897-2098	16
2099-2212	20
2213-2388	21
2389-2502	22
2503-2662	23
2663-2800	26
2801-2862	27
2863-2920	28
2921-2974	29
2975-3100	30
3101-3208	Feb. 2
3209-3392	3
3393-3594	4
3595-3782	5
3783-3996	6
3997-4124	9
4125-4264	10
4265-4488	11
4489-4590	12
4591-4762	13
4763-4886	17
4887-5068	18
5069-5270	19
5271-5424	20
5425-5522	23
5523-5734	25
5735-5930	26
5931-6122	27
6123-6316	Mar. 2
6317-6492	3
6493-6768	4
6769-6950	5
6951-7102	6
7103-7262	9
7263-7396	10
7397-7558	11
7559-7816	12
7817-8052	13
8053-8222	16
8223-8438	17
8439-8580	18
8581-8858	19
8859-9106	20
9107-9280	23
9281-9450	24
9451-9648	25
9649-9792	26
9793-10020	27
10021-10212	Mar. 30
10213-10356	31
10357-10556	Apr. 1
10557-10724	2
10725-10874	3
10875-11018	6
11019-11184	7
11185-11452	8
11453-11610	9
11611-11806	10
11807-11980	13
11981-12128	14
12129-12362	15
12363-12510	16
12511-12896	17
12897-13068	20
13069-13214	21
13215-13424	22
13425-13624	23
13625-13822	24
13823-15294	27
15295-15484	28
15485-15698	29
15699-15934	30
15935-16228	May 1
16229-16366	4
16367-16804	5
16805-17282	6
17283-17386	7
17387-17536	8
17537-17746	11
17747-17914	12
17915-18186	13
18187-18334	14
18335-18542	15
18543-18686	18
18687-18900	19
18901-19128	20
19129-19258	21
19259-19478	22
19479-19714	26
19715-19830	27
19831-20052	28
20053-20370	29
20371-20590	June 1
20591-20694	2
20695-21000	3
21001-21238	4
21239-21492	5
21493-21650	8
21651-21930	9
21931-22286	10
22287-22430	11
22431-22628	12
22629-22752	15
22753-23006	16
23007-23164	17
23165-23264	18
23265-23420	19

23421-23536	June 22
23537-23628	23
23629-23778	24
23779-23930	25
23931-24126	26
24127-24274	29
24275-24442	30
24443-24970	July 1
24971-25192	2
25193-25344	6
25345-25578	7
25579-25860	8
25861-25962	9
25963-26126	10
26127-26292	13
26293-26468	14
26469-26662	15
26663-26934	16
26935-27184	17
27185-27322	20
27323-27524	21
27525-27660	22
27661-27776	23
27777-27984	24
27985-28122	27
28123-28238	28
28239-28442	29
28443-28532	30
28533-28680	31
28681-28814	Aug. 3
28815-28958	4
28959-29172	5
29173-29362	6
29363-29496	7
29497-29654	10
29655-29832	11
29833-30124	12
30125-30324	13
30325-30652	14
30653-30878	17
30879-31026	18
31027-31372	19
31373-31600	20
31601-31748	21
31749-31974	24
31975-32116	25
32117-32286	26
32287-32528	27
32529-32774	28
32775-32906	31
32907-33216	Sept. 1
33217-33398	2
33399-33570	3
33571-33796	4
33797-33914	8
33915-34192	9
34193-34372	10
34373-34616	11
34617-34760	14
34761-34890	Sept. 15
34891-35058	16
35059-35214	17
35215-35394	18
35395-35522	21
35523-35678	22
35679-35904	23
35905-36008	24
36009-36212	25
36213-36388	28
36389-36562	29
36563-36748	30
36749-36888	Oct. 1
36889-37124	2
37125-37264	5
37265-37428	6
37429-37596	7
37597-37760	8
37761-37916	9
37917-38074	13
38075-38216	14
38217-38388	15
38389-38738	16
38739-38902	19
38903-39204	20
39205-39492	21
39493-39610	22
39611-39898	23
39899-41286	26
41287-41398	27
41399-41550	28
41551-41684	29
41685-41942	30
41943-42072	Nov. 2
42073-42268	3
42269-42420	4
42421-42528	5
42529-43040	6
43041-43182	9
43183-43314	10
43315-43546	12
43547-43718	13
43719-43842	16
43843-44090	17
44091-44374	18
44375-44590	19
44591-44850	20
44851-44966	23
44967-45140	24
45141-45308	25
45309-45442	27
45443-45596	30
45597-45800	Dec. 1
45801-45934	2
45935-46050	3
46051-46342	4
46343-46444	7
46445-46584	8
46585-46730	9

46731–46982	Dec. 10	48179–48390	Dec. 21
46983–47364	11	48391–48510	22
47365–47544	14	48511–48660	23
47545–47686	15	48661–48792	24
47687–47890	16	48793–48958	28
47891–48078	17	48959–49128	29
48079–48178	18	49129–49340	30
		49340–49654	31

D E
987
U M I

D E

1987

UMI